



Office of

Consent 12/20/2022

INDIAN RIVER COUNTY ATTORNEY

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Brian Freeman, MPO Staff Director
And Jim Mann, Infrastructure Project Manager

FROM: William K. DeBaal, Deputy County Attorney

DATE: December 14, 2022

SUBJECT: Agreement for Purchase and Sell Real Estate with St. John's River Water Management District for an Easement for Expansion of the Trans-Florida Railroad Trail

BACKGROUND: The St. John's River Water Management District (District) and the State of Florida are joint owners of the St. Sebastian River Buffer Preserve located on the north side of County Road 512, west of I-95. The Preserve is managed by the Florida Department of Environmental Protection (FDEP). The Trans-Florida Railroad Trail (Trail) runs through portions of the Preserve. With the assistance of various grants, the County has agreed to expand the trail an additional 1.4 miles to the west to the city limits of the City of Fellsmere. The trail will be built within abandoned Trans-Florida Central Railroad Right-of-Way as part of the Rails to Trails Program awarded by the Florida Department of Transportation to Indian River County. An aerial photo of the proposed expansion is attached to this memorandum as Exhibit "A".

On October 18, 2022, the Board of County Commissioners (Board) approved an easement for construction of the proposed trail expansion with the State through the Board of Trustees of the Internal Improvement Trust. The District and County staff now asks the Board to approve the Agreement to Purchase and Sell Real Estate for the easement needed to expand the existing trail. The Agreement is attached to this memorandum. In order for the District to convey an interest in real property, some type of consideration must be received by the District. Usually the consideration comes in the form of a cash payment to the District, but in this case, the District is willing to accept "in kind" consideration in the form of the County's cost to build the trail extension. The Engineer's Opinion of Probable Cost for construction of the trail extension is also attached to this memorandum.

FUNDING: Indian River County will enter into a Local Agency Program (LAP) agreement for construction funding of this project. Estimated funding of \$174,979 is programmed into the 2022 Capital Improvement Plan in account #31521441-066510-21035, Optional Sales Tax/Trans-Florida Rail Trail Greenway Phase II and FDOT funding of \$920,210.

RECOMMENDATION: Staff recommends the Board approve the Agreement to Purchase and Sell Real Estate with St. John's River Water Management District for an Easement for expansion of the Trans-Florida Railroad Trail and authorize the Chairman to execute the same.

Attachments: Aerial Photo

Proposed Easement

Agreement for Purchase and Sell Real Estate with the below exhibits included

Aerial Photo Exhibit "A"

Easement Location Exhibit "B"

Engineer's Opinion of Probable Cost Exhibit "C"