



INDIAN RIVER COUNTY, FLORIDA
AGENDA ITEM
Parks, Recreation & Conservation Department

Date: November 19, 2024
To: The Honorable Board of County Commissioners
Thru: John A. Titkanich, Jr., County Administrator
Michael C. Zito, Deputy County Administrator
Christopher A. Hicks, Assistant County Attorney
From: Beth Powell, Parks, Recreation & Conservation Director
Subject: Assignment and Amendment of License Agreement for Surfsedge at Tracking Station Beach Park

BACKGROUND:

On November 20, 2018, the Board of County Commissioners approved a License Agreement (the "Agreement") with Lutgert Vero, LLC to formalize access from the Surfsedge development through the Tracking Station Beach Park, which is owned and managed by Indian River County.

In January 2024, County staff met with Lutgert representatives in response to their request to trim dune vegetation within the park boundaries. Over the following months, the developer transferred property management responsibilities to a newly formed Master and Condo Homeowners Association. County staff met with the newly elected Board to address several matters, including the request for dune vegetation trimming, safety and security concerns, dune crossover repairs, park openings and closures, and maintenance obligations related to the public access pathway.

To provide context on the history of the Agreement and property, the following details are summarized:

- April 4, 2017: The Board of County Commissioners reviewed a request from the Town of Indian River Shores to allow the purchaser of the Surfsedge property (Lutgert Vero, LLC) non-exclusive access to the beach through Tracking Station Beach Park. This included approval to construct a dune crossover. The Board approved the request, contingent upon Lutgert Vero, LLC entering into a non-exclusive License Agreement with the County.
 - As part of the approval, the Board specified that no sea grape/native vegetation trimming would be allowed, except as necessary to maintain and protect the public pathway associated with the crossover.
 - The developer offered to design, permit, construct, and maintain a path and dune crossover in the northernmost section of the park, as detailed in the License Agreement.

- June 2017: Lutgert Vero, LLC, acquired the two parcels in the Town of Indian River Shores (subsequently named Surfsedge”). Tracking Station Beach Park is situated directly east and south of the Lutgert property.
- November 20, 2018, the Board approved the License Agreement between Indian River County and Lutgert Vero, LLC for the purpose of non-exclusive beach access, construction of a public dune crossover, and to formalize maintenance and access responsibilities.
- After purchase and during development, Lutgert Vero, LLC installed a fence at the property boundary which included an electronically controlled access point with private, unrestricted access for the residents of Surfsedge. This access point was not approved by the County or contemplated in the original Agreement.

The minutes from the Board meetings held on April 4, 2017, and November 20, 2018, are attached for reference.

DESCRIPTION AND CONDITIONS:

Parks, Recreation and Conservation staff worked with the newly elected Board of Directors for the Surfsedge Master and Condominium Homeowner’s Association to address safety and security issues occurring within the park boundary and to evaluate the conditions outlined in the License Agreement. The following amendments are proposed in the Assignment and Amendment to the License Agreement:

- Addresses future repairs and/or replacements of the dune crossover.
- The term “County environmental manager” shall be replaced with “County Parks, Recreation & Conservation Director, or designee”.
- Addresses the Surfsedge fence and gate that was installed after the original Agreement was approved. The gate shall be locked at all times when the park is closed which will be controlled through an electronic lock with a timer function programmed to lock consistent with park hours and provides a notice to cure.
- Updates contact information.
- References the Indian River County Code Section 205 relating to rules and regulations of Indian River County Parks.

FUNDING:

No funding is required for the subject task.

RECOMMENDATION:

Staff respectfully requests that the Board of County Commissioners approve the Assignment and Amendment of License Agreement between Surfsedge at Indian River Shores Master Association, Inc. and Indian River County, and authorize the Chairman to execute the Assignment of License Agreement after review and approval by the County Attorney.

ATTACHMENTS:

Minutes from April 4, 2017 BCC meeting

Minutes from November 20, 2018 BCC Meeting

License Agreement between Indian River County and Lutgert Vero, LLC - November 20, 2018

Assignment of License Agreement between Indian River County and Surfsedge at Indian River Shores Master Association, Inc. – December 3, 2024

DISTRIBUTION:

Lutgert Vero, LLC

Surfsedge at Indian River Shores Master Association, Inc.

APPROVED AGENDA ITEM FOR DECEMBER 3, 2024