



Office of

Consent 8/20/2024

**INDIAN RIVER COUNTY
ATTORNEY**

William K. DeBaal, County Attorney
Susan J. Prado, Deputy County Attorney
Christopher A. Hicks, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr. County Administrator.

FROM: Erik Ferguson, P.E. and
Susan J. Prado, Deputy County Attorney

DATE: August 1, 2024

SUBJECT: Partial Release of Conservation Easement - Town of Orchid

Background:

Orchid Island Golf & Beach Community Association, Inc. (Orchid) desires to install a traffic signal at the intersection of Highway A1A and Orchid Island Drive. The Florida Department of Transportation (FDOT) has authorized the installation of the traffic signal, and Orchid has agreed to pay for the construction costs. The County has an executed agreement with FDOT for maintenance of all traffic signals on the state highway system in Indian River County. After the traffic signal is installed, it will be maintained by Indian River County (the County), and FDOT will compensate the County with an annual lump sum amount for the maintenance of the traffic signal.

During the design of the traffic signal, it was determined that it was infeasible to locate the proposed traffic signal mast arm pole (pole) in the FDOT right of way due to overhead power line conflicts, underground utility conflicts, and FDOT's offset requirement of the pole from the roadway. Locating the pole in the existing conservation easement was found to be the only feasible alternative. FDOT has requested the County release 142 square feet of the conservation area to allow for the construction of the pole (sketch attached hereto demonstrating area in question).

County staff has met with Town of Orchid staff to discuss this request and determined that this can be achieved via a partial release of the conservation easement area required for the pole. Town of Orchid staff will recommend partial release of the conservation

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easement for the 142 square area upon the County's approval of the partial release as the original conservation easement was to both the Town of Orchid and the County (original recorded easement attached hereto).

Funding: The recording fees will be paid by the requestor of the Partial Release. The fee-in-leu will be submitted to Environmental Planning.

Recommendation: Staff request the Board grant the partial release of conservation easement allowing the chair to sign said release upon payment of fee-in-leu to the County for area to be released.

Attachments: Partial Release with Sketch and Legal
 Copy of Recorded Conservation Easement
 Sketch of Area to be Released

Copies to: Cherry Stowe, Orchid Town Manager at townmanager@townoforchid.com