



Office of

Consent Agenda 04/04/2023

**INDIAN RIVER COUNTY  
ATTORNEY**

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

**MEMORANDUM**

**TO:** The Board of County Commissioners

**THROUGH:** Richard B. Szpyrka, P.E., Public Works Director

**FROM:** William K. DeBraal, Deputy County Attorney

**DATE:** March 29, 2023

**SUBJECT:** Release of Easement for Drainage and Satisfaction of Developer's Agreement for Grace Baptist Church of Vero Beach

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In January 2004, the County and Grace Baptist Church of Vero Beach, Inc., (Grace Baptist) entered into a Developer's Agreement concerning stormwater treatment for proposed improvements to 43<sup>rd</sup> Avenue between 12 and 16<sup>th</sup> Streets. The Developer's Agreement is recorded in the Public Records of Indian River County. At the time, Grace Baptist was planning an expansion of their facility which would have necessitated reconfiguration of their stormwater treatment system. The Agreement called for Grace Baptist to grant to the County an Easement for drainage for the church to take in and treat stormwater runoff from 43<sup>rd</sup> Avenue in its expanded condition. The County agreed to pay Grace Baptist \$35,000: \$5,000 to cover engineering costs to modify their existing permits and \$30,000 for the drainage easement. Grace Baptist conveyed the drainage easement to the County and the County paid Grace Baptist \$35,000.

In March 2019, the County and Grace Baptist entered into a First Addendum to Developer's Agreement (not recorded) that stated the County was no longer in need of the Easement for drainage and that Grace Baptist would return \$30,000 to the County that had been paid to Grace Baptist for the easement. Payments were to be paid in 5 installments of \$6,000 each. The County agreed to release the easement when the \$30,000 was paid in full. Grace Baptist has repaid the \$30,000 in full and the County is now obligated to release the Easement for drainage and declare the Developer's Agreement, the Addendum and the Drainage Easement Agreement satisfied.

**FUNDING:** There is no expenditure of County funds associated with this matter.

Release of Grace Baptist Easement

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**STAFF RECOMMENDATION:** Staff recommends the Board approve the Release of Easement for Drainage and Satisfaction of Developer's Agreement in favor of Grace Baptist Church of Vero Beach, Inc., and authorize the Chairman to execute the Release on behalf of the Board.

Attachments: Release of Easement for Drainage and Satisfaction of Developer's Agreement

Copies to: Richard B. Szpyrka, P.E., Public Works Director

Chris Drinnon, Pastor  
Grace Baptist Church of Vero Beach  
1285 43<sup>rd</sup> Avenue  
Vero Beach, FL 32960