

*Prepared by and return to:
Michael O'Haire
Attorney at Law
O'Haire, Quinn, Casalino, Chartered
3111 Cardinal Drive
Vero Beach FL 32963
(772) 231-6900*

AGREEMENT

This AGREEMENT made by and between Fellsmere Water Control District, a water control district existing under Chapter 298 of the Florida Statutes ("WCD") and the City of Fellsmere, a municipal corporation created pursuant to the laws of the State of Florida ("City") for issuance of Permit No. 154-16 (copy of which is attached hereto as Exhibit "B") and grant of a variance to City from WCD from the rule and regulation of the WCD that no more than 2" of stormwater may be discharged into the WCD system from a developed site over a 24 hour period by construction of a North Regional Lake ("Lake") on WCD canal or ditch right of way together with additional structures to be permitted for connection to Lake prior to construction, all for the purpose of receiving, storing and treating of stormwater.

WCD hereby permits construction of Lake which will impact streets, rights of way and property located within City, as shown on attached sketch of location marked as Exhibit "A", all on the Conditions, and subject to construction or realization of assumptions, set forth in the Permit attached hereto as Exhibit "B" and the Maintenance Plan attached hereto as Exhibit "C". Future maintenance according to WCD's standards and conditions of any structures constructed by City in, or connected to, WCD's drainage system by City or third parties shall be at City's sole expense or the expense of such third parties as the case may be.

Any failure on the part of City or any third party connecting to the WCD system for stormwater drainage to meet permit requirements or conditions or to maintain structures allowed to connect to the WCD system within 15 days' notice from WCD of required compliance or maintenance shall automatically terminate the permit attached hereto and the resulting restoration of such WCD system caused by or related to failure to comply or maintain shall be done by WCD and charged to City.

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IN WITNESS WHEREOF, the WCD and City have executed this Agreement on this 10TH day of NOVEMBER, 2016.

Signed, sealed and delivered
in the presence of:

Rodney T. Fullmer
Rodney T. Fullmer
Print Name: Rodney Fullmer

Joyce Hertel
Print Name: Joyce Hertel

Fellsmere Water Control District, a
water control district existing under
Chapter 298 of Florida Statutes

By: Richard Carnell
Richard Carnell, President
Board of Supervisors

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 10th day of November, 2016 by Richard Carnell, as President of the Board of Supervisors of Fellsmere Water Control District, a water control district existing under Chapter 298 of the Florida Statutes, who is personally known to me or who has produced _____ as identification.

SEAL



Joyce Hertel
Notary Public, State of Florida
Print Name: Joyce Hertel
My Commission Expires: _____
My Commission Number is: _____

Marko Matthes
Print Name: Marko Matthes

Doris Lee
Print Name: Doris Lee

City of Fellsmere, Florida, a municipal
corporation created pursuant to the laws
of the State of Florida

By: Joel Tyson
Joel Tyson, Mayor

ATTEST:

Lisa Corte
Deborah C. Krages, City Clerk
Lisa Corte, Acting City Clerk

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 15th day of September, 2016 by
Joel Tyson, as Mayor of the City of Fellsmere, a municipal corporation created pursuant to the laws of
the State of Florida, who is personally known to me or who has produced
as identification.

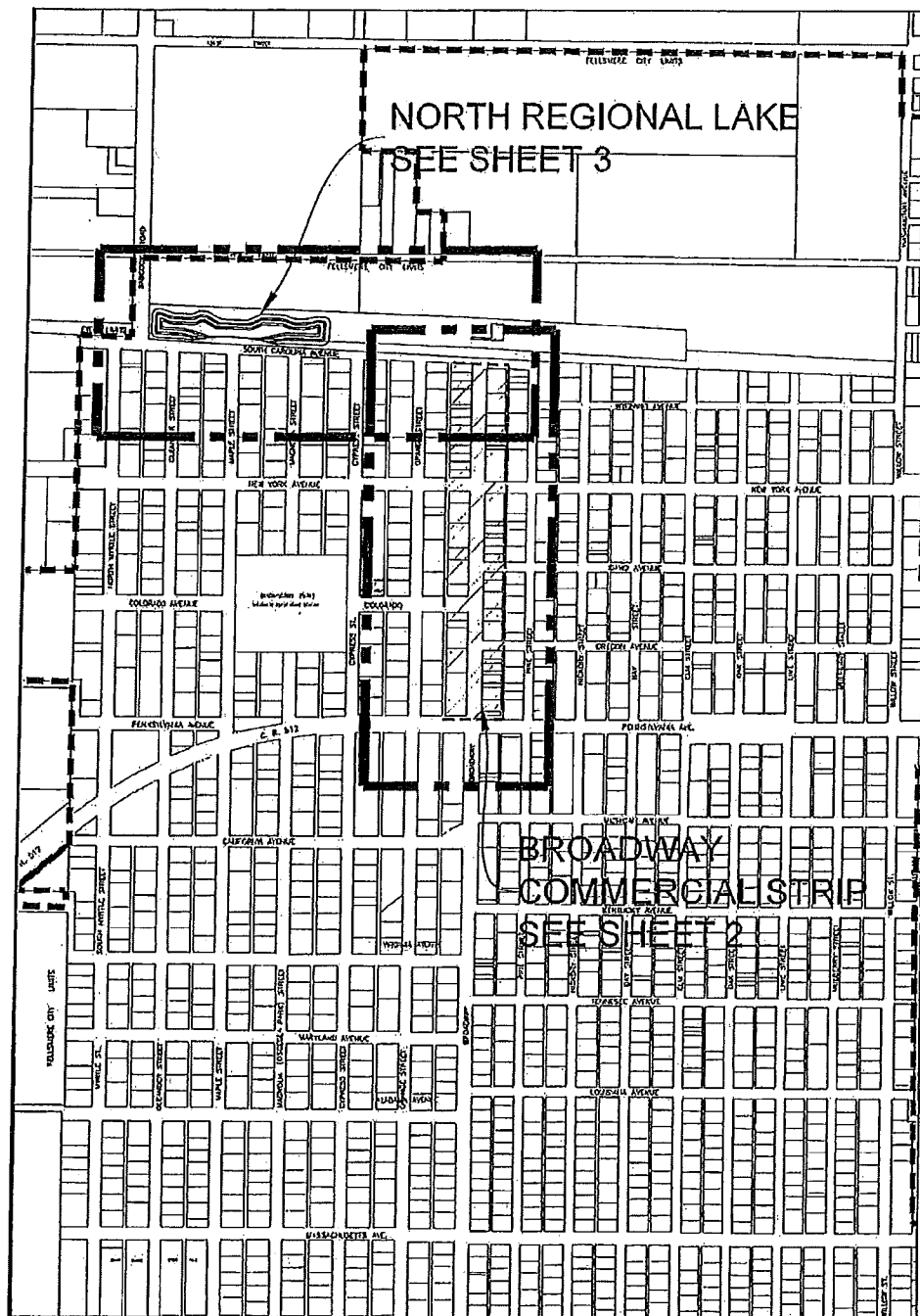
SEAL



Lisa Corte
Notary Public, State of Florida
Print Name: Lisa Corte
My Commission Expires: July 5, 2017
My Commission Number is: EE 880736

EXHIBIT "A"

DATE
6/27/16



0 400 800
SCALE: (1 Inch = 800 Feet)

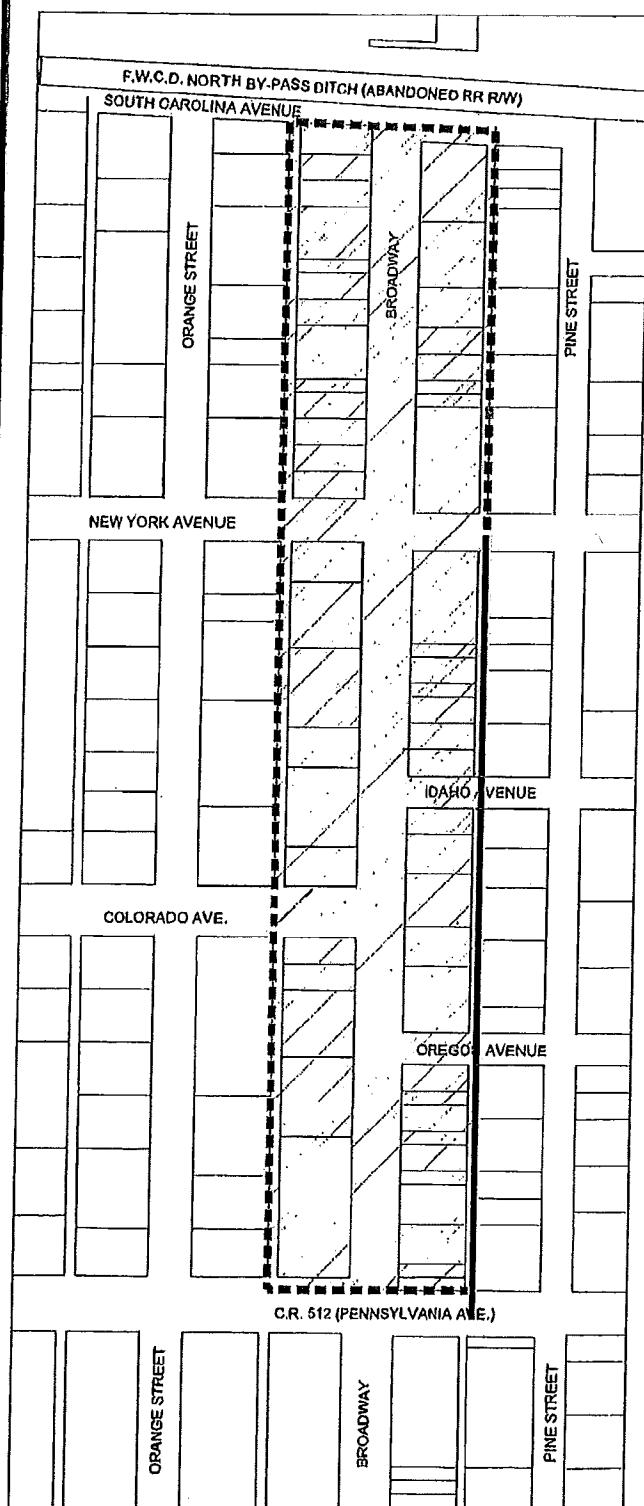
LEGEND

— CITY OF FELLSMERE CORPORATE BOUNDARY

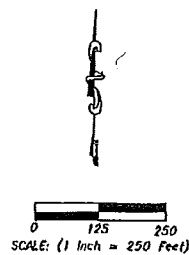
CARTER ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1708 21ST STREET
VERO BEACH, FLORIDA 32960-3472
772-562-4191 (TEL)
772-562-7186 (FAX)

CITY OF FELLSMERE
FWCD NORTH REGIONAL LAKE PERMIT
LOCATION MAP
SHEET 1 of 3

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EXHIBIT "A"DATE
6/27/16**LEGEND**

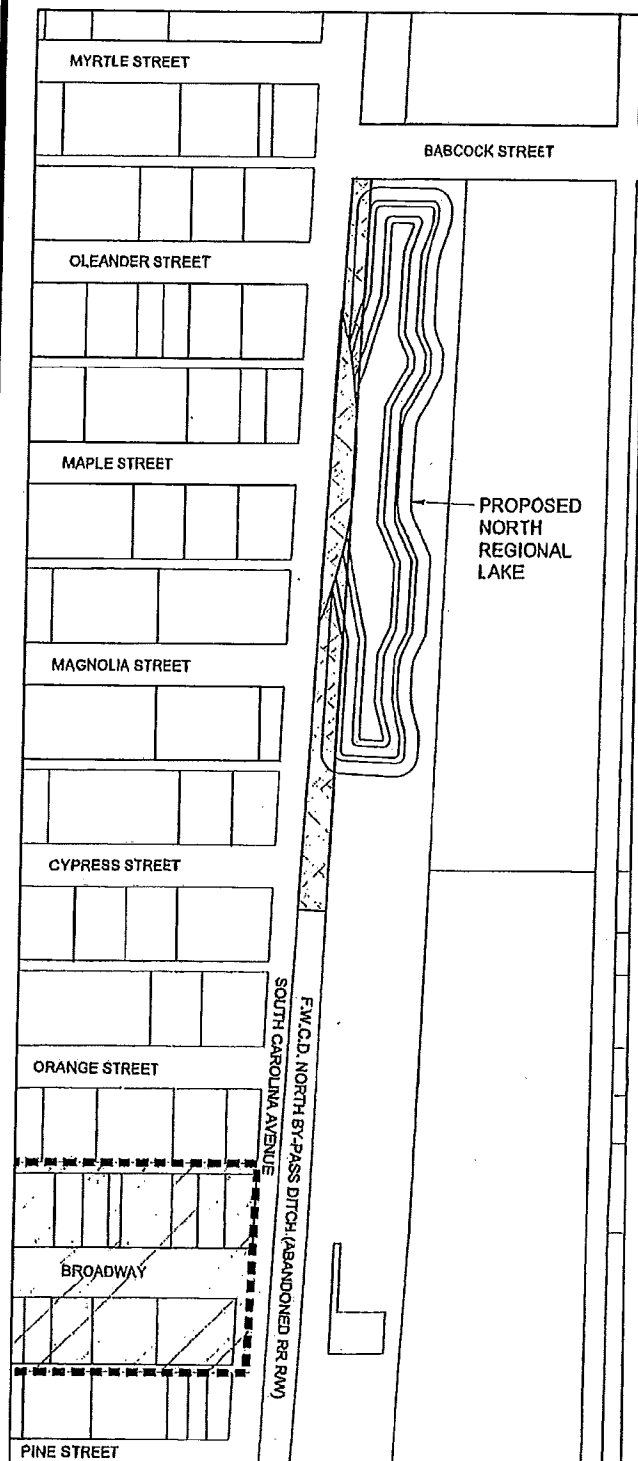
- DRAINAGE BASIN WHERE 80% IMPERVIOUS WILL BE ALLOWED PER CONDITIONS SET FORTH IN F.W.C.D. PERMIT AND SPECIAL CONDITIONS.
TOTAL BASIN AREA = 19.91 ACRES
- LOT LINES PER INDIAN RIVER COUNTY G.I.S. DATABASE



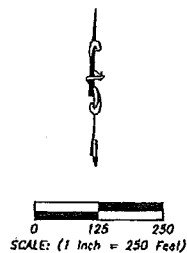
CARTER ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1700 21ST STREET
VERO BEACH, FLORIDA 32960-3472
772-502-4101 (TEL)
772-682-7180 (FAX)

CITY OF FELLSMERE
FWCD NORTH REGIONAL LAKE PERMIT
80% IMPERVIOUS ALLOWANCE AREA
SHEET 2 of 3

RC

EXHIBIT "A"DATE
6/27/16**LEGEND**

- DRAINAGE BASIN WHERE 80% IMPERVIOUS WILL BE ALLOWED PER CONDITIONS SET FORTH IN F.W.C.D. PERMIT AND SPECIAL CONDITIONS.
TOTAL BASIN AREA = 19.91 ACRES
- LOT LINES PER INDIAN RIVER COUNTY G.I.S. DATABASE
- FWCD R.O.W AREA AFFECTED BY THE CONSTRUCTION OF THE NORTH REGIONAL LAKE.
TOTAL R.O.W AREA = 1.60 ACRES



CARTER ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1700 21ST STREET
VERO BEACH, FLORIDA 32909-3472
772-502-4101 (TEL)
772-502-7160 (FAX)

CITY OF FELLSMERE
FWCD NORTH REGIONAL LAKE PERMIT
NORTH REGIONAL LAKE
SHEET 3 of 3

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EXHIBIT "B"

**SPECIAL CONDITIONS
FOR
FELLSMERE WATER CONTROL DISTRICT
PERMIT NO. 154-16
PROJECT: CITY OF FELLSMERE – NORTH REGIONAL LAKE
June 14, 2016**

- (1) This permit is issued generally based on the plans dated 7/30/2015 and calculations dated July 2015, both signed and sealed by Melissa Corbett, P.E. on 2/17/16, and specifically on the revised plans dated July 11, 2016, sheet 6, which depicts a ditch connection on the upstream side of the lake complete with rip rap slope stabilization and the deletion of the retaining wall along the south side of the lake, sealed by Melissa Corbett on August 24, 2016. . However, a significant reduction in the size of the development area to receive stormwater management credits from the North Regional Lake was required for the project to meet the FWCD permit criteria, (see the attached Exhibit A).
- (2) This permit has been approved by the granting a variance to the 2" /day volume limitation by the Board of Supervisors. The 2"/ day volume discharge limitation is not met for the existing conditions of the project area. Therefore, in lieu of the 2"/day volume limitation, this approval is based on the requirement to restrict the post development peak daily discharge volume to the same or less of the existing peak daily discharge volume.
- (3) This FWCD permit approval is for the construction of the North Regional Lake and outfall structure only. The proposed work to re-direct the Broadway Commercial strip drainage to the North Regional Lake will require a separate FWCD permit. Also, all new projects developed using the North Regional Lake as an offsite stormwater management component to meet FWCD permit requirements will require a separate permit. All such future permitting requirements shall be at the sole expense of the permit applicant for same and for engineering review.
- (4) FWCD is aware of the City of Fellsmere's SJRWMD Permit Application (permit no. 145324-1) for The North Regional Lake project. The SJRWMD permit may provide stormwater credits (in excess of the FWCD credits) to allow the construction of impervious areas in the North Regional Lake watershed and the Broadway Commercial strip as depicted on the plans noted in condition #1 above.
- (5) As a part of this approval the development sites shall provide ¼" of storage volume over the drainage basin area with a top of storage no higher than elevation 22.0 feet NAVD and be designed to recover the storage through the positive drainage through the lake as the lake returns to the control elevation

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of 17.25. Percolation recovery of the ¼" storage has not been considered in the FWCD drainage analysis due to the high water table.

FWCD will track the amount of impervious areas constructed and the amount of fill that is placed in any flood zones to assure that the flood plain storage credits created by the lake are not exceeded. FWCD will also review to ensure that the minimum storage is provided and the 80% impervious allowance is not exceeded.

- (6) The City of Fellsmere will be required to maintain the lake slopes, retaining walls, maintenance access areas, and all pipe structures associated with the lake. FWCD reserves the right to maintain the lake system if the City does not complete the work or in case of emergency. A maintenance agreement for this project prepared by City is attached hereto as Exhibit "C".
- (7) The applicant's engineer shall schedule a pre-construction meeting with the Contractor and the FWCD representatives prior to starting work.
- (8) The FWCD Engineers were tasked with using the District's ICPR computer model to include the lake and the additional proposed impervious areas and verify that FWCD permitting policies were met. The FWCD permit parameters and policies reviewed for compliance include; no significant increase in peak stages, cut and fill flood plain storage is maintained, and the pre/post volume discharge limitation is met. Assumptions on conveyance improvements and reductions were made regarding the land areas to benefit from the construction of the proposed lake and stormwater collection system. The list of assumptions is noted below.
- (9) The construction plans for the North Regional Lake shall be revised to address the weir changes and applicable assumptions noted below.
- (10) The construction plans for the Broadway Commercial strip drainage improvements must include the overflows and conveyance pipes as noted below, (or equal to) as reviewed and approved by the FWCD.

ASSUMPTIONS that must be satisfied and in place before any additional permit applications may be processed, as well as the plan modifications and supplements referenced above:

1. The overflow structure shall include a 24" wide weir notch at elevation 17.25 and a 105" wide weir (the full width of the structure) at elevation 18.75 with 57" of unobstructed vertical clearance within the structure above the crest of the higher weir. The overflow structure shall include a 72" round inflow pipe from the lake and will be connected to the existing 60" pipe under Babcock Street.

2. A new pipe system shall be constructed to drain the Broadway commercial strip. The system will include a main collector pipe in the Broadway r-o-w to convey the water to the north by-pass ditch and connect upstream of the lake. The alleyways east and west of Broadway will include swales, catch basins, and pipes to collect and convey the water to the Broadway main pipe. Overflow weirs and pipe connections from the alley way catch basins to Ditch 14, and 15 are included.
 - a. From north to south, the Broadway main collection system includes a smooth round pipe as follows,
 - 36" diameter connection to the North Bypass Ditch
 - 535 feet of 36" pipe north of Ditch 14
 - 1000 feet of 30" pipe south of Ditch 14
 - b. The alley way pipe system is connected to the main Broadway collection system via two 15" pipes north of Ditch 14 and two 24" pipes south of Ditch 14.
 - c. The overflow weirs from the alley drainage system to Ditch 14 and CR 512 (Ditch 15) are 4 feet wide at the connection points to the ditches. The weirs will allow runoff from larger storms to overflow and provide some flood level relief. Connections to the north side of Ditch 14 will be controlled at Elev. 22.75 NAVD, on the south side of Ditch 14 the weirs will be set at Elev. 22.25 NAVD and connections to the north side of 512 will be set at Elev. 22.5 NAVD. All overflows shall have 12" of vertical clearance above the weirs within the structure.
3. The basin area south of South Carolina Street will be connected to the North Regional Lake by (5) 12 inch pipes, (1 / block x 5 blocks).
4. The Broadway corridor area extends from the alley west of Broadway, to the alley east of Broadway, between South Carolina on the north to CR 512 on the south. Within this corridor, as depicted in Exhibit "A" there are several requirements for future projects.
 - a. When a lot is developed, a minimum of $\frac{1}{4}$ " of storage must be provided for the entire basin area of the site to be developed including any portion of the adjacent alley and half of the adjacent portion of Broadway right-of-way. This storage volume must be created on site and provide the required volume below elevation 22.0 (NAVD 88).
 - b. All drainage must first be directed to the storage area before the connection to the main Broadway collection system.

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- c. Sites within this basin may be allowed to be developed at a rate of 80% impervious area without additional on-site storage beyond the storage specified in part "a" of this condition.

EXHIBIT "C"**MAINTENANCE PLAN FOR THE NORTH REGIONAL LAKE**

The City of Fellsmere shall be responsible for the maintenance of all parts of the North Regional Lake as more fully set forth below. The Fellsmere Water Control District (FWCD) reserves the right maintain the lake system if the City does not conduct such maintenance or in the case of an emergency. The City of Fellsmere shall be obligated to reimburse the FWCD for all costs to maintain the lake should the FWCD have to perform such maintenance.

Lake Banks

- Maintain grass at a height of less than 12".
- Regrade slopes due to sloughing.

Lake Dredging

- Annually inspect outfall of inlet pipe at lake for sediment build-up.
- Dredge lake as needed to maintain free flow from inlet pipe into the lake.

Lake Inlet Pipe and Headwall

- Monthly inspect inlet pipe for trash or debris build-up and remove as needed.
- Annually inspect inlet pipe for sediment build-up.
- Clean pipe as needed to maintain free from sediment build-up.
- Replace pipe or headwall as needed due to structural failure or deterioration.

Lake Outlet Control Structure

- Monthly inspect outlet control structure for trash or debris build-up and remove as needed.
- Annually inspect outlet control structure for sediment build-up.
- Clean outlet control structure as needed to maintain free from sediment build-up.
- Replace outlet control structure as needed due to structural failure.

Lake Headwall

- Annually inspect headwall for structural stability and base erosion.
- Regrade lake bottom if erosion is present.
- Repair headwall as needed.

Lake Landscaping

- Maintain City installed landscaping in an aesthetic, weed free manner.
- Replace dead or diseased landscaping.

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