



STAFF REPORT

City Commission Regular Meeting

March 27, 2025



To: Elected Officials

From: Dale L. Martin, City Manager

Date: March 21, 2025

Item Name: Resolution 2025-33. A Resolution by the City Commission of the City of Flagler Beach, Florida, approving a Lift Station License Agreement between Type E Corporation, and the City of Flagler Beach, creating a license for the use of the Corporation's property, determining a lump sum payment, an annual use fee, and a termination clause; providing for conflict and an effective date.

Background: The City has long operated and maintained a sanitary sewer lift station in the southern portion of the City, located on the parcel commonly referred to as "High Tides at Snack Jacks." The operation of the lift station was without incident until damage related to recent hurricanes (Ian and Nicole; 2022) threatened the restaurant and the lift station due to significant erosion. The restaurant owner and operators installed protective measures to stabilize the shoreline. Additionally, the lift station was moved to a different location (but on the same parcel).

Following the property/restaurant owner efforts, conversations with City staff occurred, with an apparent understanding that the City would reimburse the property owner for the protective measures. Negotiations as to the amount of reimbursement began in earnest in late 2023. During that time, it became known that the City did not have (nor did ever have) an easement or agreement to operate the lift station on the subject parcel.

The City Attorney negotiated the Lift Station License Agreement attached as Exhibit A to proposed Resolution 2025-33. Since the lift should be moved from its vulnerable location on the oceanfront, rather than commission a survey and prepare a formal easement, the Lift Station License Agreement will enable the City to continue to operate the lift station prepare for the re-location of the lift station to a less vulnerable (and less impactful to the restaurant) location.

Fiscal Impact: Funds for the Lift Station License Agreement will be drawn from the Utilities Fund,

Staff Recommendation: Staff recommends approval of Resolution 2025-33.

Attachment:

Resolution 2025-33