

RESOLUTION 25-R-____

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
MARION COUNTY, FLORIDA, AUTHORIZING THE
INTERDEPARTMENTAL ACQUISITION OF RIGHT OF WAY AND
RELOCATION OR ADJUSTMENT OF EFFLUENT SPRAY FIELD
FACILITIES IN CONJUNCTION WITH MARION COUNTY ROAD
CONSTRUCTION PROJECT FOR EMERALD ROAD EXTENSION
FROM SE 92ND LOOP TO FLORIDA NORTHERN RAILROAD;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS,

A. Marion County Utilities Department (“MCU”) and Marion County Office of the County Engineer (“OCE”) wish to make the most efficient use of their powers by cooperating with each other on a basis of mutual advantage and to thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of their respective communities.

B. The design of the Marion County Emerald Road Extension project (“Project”) encompasses portions of property owned by MCU. These portions will need to be included as part of the right of way and drainage retention areas of the Project. Along with the portions for right of way and drainage retention areas, easements will be needed for the construction or maintenance of the Project.

C. The construction of the Project will produce conflicts with MCU’s effluent spray field facilities located within the new right of way and drainage retention areas of the Project. These facilities will need to be mitigated by being relocated or adjusted on remaining portions of MCU property.

D. The spray field facilities relocations or adjustments will require engineered construction plans, and subsequent construction efforts.

E. As a result of the public benefits to be derived from the Project, it is deemed to be in the best interest of Marion County for OCE to perform the Project.

F. OCE and MCU have previously agreed to use an appraisal report for a similar Interlocal Agreement between Marion County and the City of Ocala (City) as a basis for determining land costs. The appraisal report, from a City of Ocala-preferred appraisal firm, Rhodes & Rickolt, PA, assessed an all-inclusive cost for the City property needed for right of way, and damages to the remaining City property resulting from the mitigation of the spray field facilities.

- 1) City has provided a “City of Ocala-Spray Field Appraisal”, dated July 22, 2024, which is attached hereto and made a part hereof as Exhibit A.
- 2) OCE has provided land costs calculations to MCU based on Exhibit A. Calculations are entitled "Emerald Road Extension – Land Costs Calculations for Marion County Utilities (MCU)", dated November 1, 2024, and are attached hereto and made a part hereof as Exhibit B.
- 3) OCE and MCU have negotiated and agreed to costs as calculated in Exhibit B.

G. MCU will utilize a design consultant for designing the construction plans of the spray field facilities relocations or adjustments. Construction efforts will be contracted by OCE as part of the Project. MCU will provide input, approval, and oversight responsibilities. Responsibilities shall include providing plans and cost estimates, responding to requests for information, providing construction engineering inspection (CEI) services, approving change orders and pay applications, and other tasks relating specifically to the spray field facilities.

- 1) MCU has contracted with a design consultant, with the contract being approved by the Board of County Commissioners on November 19, 2024. “Marion County Utilities Department SSS Water Reclamation Facility Spray Field Cure Plan Design”, dated September 9, 2024, prepared by Tillman and Associates, Inc for Marion County Utilities is included in the contract, and is attached hereto and made part hereof as Exhibit C.

H. MCU acquired the subject property (Parcel ID# 37508-000-00, consisting of approximately 500 acres) with proceeds of a Utilities System Revenue Bond issued pursuant Resolution 93-R-292, as amended and supplemented from time to time (the "Bond Resolution"), a copy of which is attached hereto and made a part hereof as Exhibit D. While the referenced Utilities System Revenue Bond is no longer outstanding under the Bond Resolution, the property

is still considered part of the Utility System under the Bond Resolution and subject to certain continuing covenants therein, including compliance with Section 5.07 of the Bond Resolution which requires certain findings to be made prior to sale or transfer of such property to another department of the County. Such findings are set forth in the Certificate attached hereto and made a part hereof as Exhibit E; and

WHEREAS, the Board has determined that it is in the best interest of Marion County for OCE to acquire right of way and relocate or adjust MCU's effluent spray field facilities in order to perform the Project, and for MCU to perform, or contract, the work required to mitigate MCU's spray field facilities as described herein; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. RECITALS. The above recitals are hereby incorporated herein by this reference and are deemed a material part of this Resolution.

SECTION 2. AUTHORIZATION OF INTERDEPARTMENTAL ACQUISITION.

1. The Board has determined that it is in the best interest of Marion County to authorize the interdepartmental acquisition of right of way and relocation or adjustment of effluent spray field facilities in conjunction with Marion County Construction Project for the Emerald Road Extension from SE 92nd Loop to Florida Northern Railroad, as follows:

- 1.1. OCE agrees to compensate MCU for the total market value of seven hundred ninety thousand four hundred eighty-two dollars (\$790,482.00) as shown in Exhibit B. MCU agrees to transfer ownership of required right of way and drainage retention areas, and to provide necessary easements for the Project to OCE.
- 1.2. Upon adoption of this Resolution, MCU will issue an invoice to OCE for the amounts listed above and within referenced exhibits. Invoice will indicate appropriate funding account number(s) for payment. OCE will prepare and submit a journal entry to transfer funding to the appropriate MCU account(s).
- 1.3. Upon transference of funds and completion of the Project, OCE will coordinate with other County departments to record the Project's right of way, drainage

retention areas and easement documents, and to update any other associated records and maps.

2. Effluent Spray Field Facilities. MCU will prepare construction plans for the mitigation (i.e.: relocations and adjustments) of the MCU spray field facilities utilizing a design consultant. OCE agrees to reimburse MCU for preparing construction plans associated with the spray field modifications based on actual costs incurred. OCE agrees to reimburse MCU for construction efforts associated with the spray field modifications based on actual costs incurred, as supported by contractor pay applications, geotechnical testing invoices, and other applicable documentation relating to the spray field construction effort. Payment of MCU construction inspector staff shall be borne by MCU.

2.1. Construction.

2.1.1. OCE will advertise, bid, and award the Project, including MCU's spray field modifications project.

2.1.2. It is anticipated that some, or all, of the spray field modifications construction will occur simultaneously with the Project construction.

2.2. Payment. MCU will receive, review, and approve contractors pay applications. MCU will forward copies of approved contractors pay applications. Within 30 of receipt of pay application documents, OCE will review, process and reimburse MCU.

SECTION 3. ACCEPTANCE OF CERTIFICATION REQUIRED BY BOND RESOLUTION. The Certificate of the Marion County Utilities Director attached hereto as Exhibit E is hereby accepted and incorporated herein in compliance with Section 5.07 of the Bond Resolution.

SECTION 4. SEVERABILITY. The provisions of this Resolution are severable. If any word, sentence, clause, phrase or provision of this Resolution for any reason is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This resolution shall take effect on this ____ day of _____, 2026.

DULY ADOPTED in regular session this _____ day of _____, 2026.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**

GREGORY C. HARRELL, CLERK

CARL ZALAK, III, CHAIRMAN