



Office of

Attorney's Matters 08/17/2021

**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraal, Deputy County Attorney
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MEMORANDUM

TO: The Board of County Commissioners

THROUGH: Richard B. Szyrka, P.E., Public Works Director

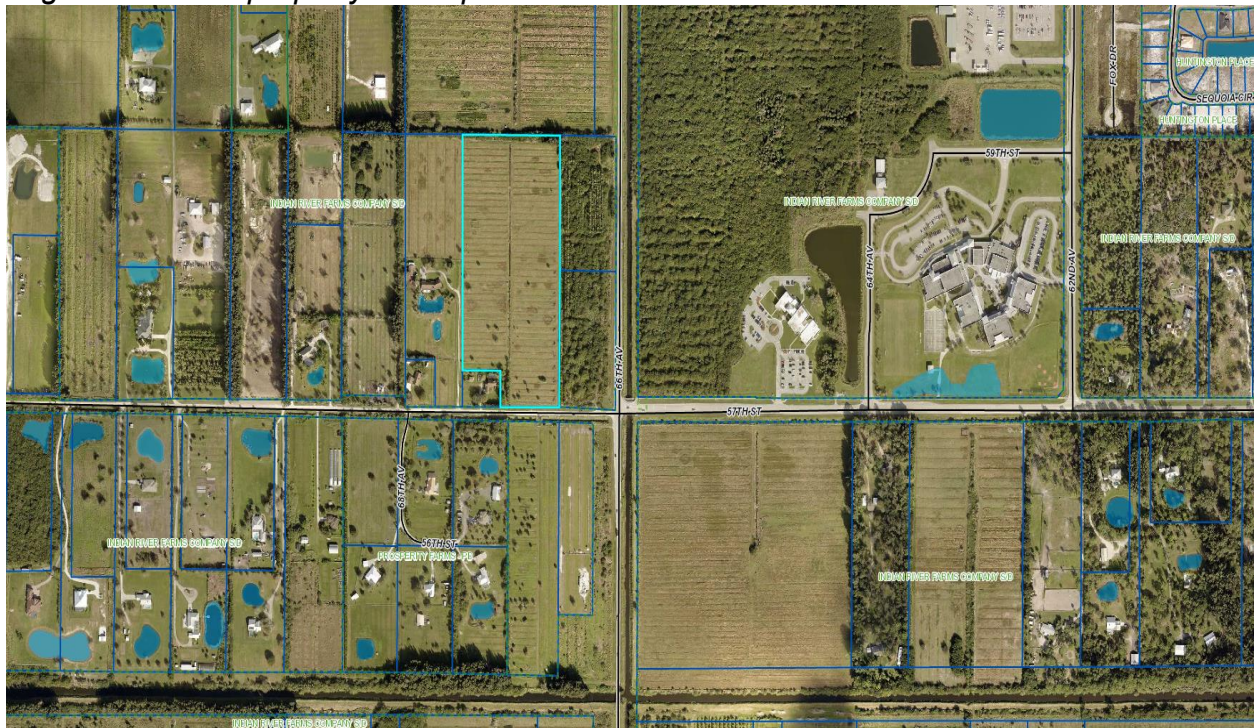
FROM: William K. DeBraal, Deputy County Attorney

DATE: August 13, 2021

SUBJECT: Acquisition of Right-Of-Way from Pamela Ryall Morris for Phase I of 66th Avenue Improvements – 6760 57th Avenue, Parcel 320

Pamela Ryall Morris (Ms. Morris) is the owner of a 9.77 acre parcel of property on the north side of 57th Street, west of 66th Avenue as shown below as *Figure 1*.

Figure 1. Morris property aerial photo



The County needs to acquire a 0.38-acre strip of right-of-way along the southern border of the property. The rectangular strip extends 328' along 57th Street and is 50' wide. Please see the sketch and legal description attached to this memorandum. The property is currently used for grazing cattle and is improved with three wells and fencing but contains no structures. The property is zoned A-1, Agricultural, up to one unit per five acres.

The County's appraisal for Parcel 320 was performed by Armfield & Wagner. They assigned a value of \$10,700 for the land (\$28,500/acre) and \$2,500 for the improvements for a total of \$13,200. The appraisal did not find any severance damages.

Ms. Morris counter offered with \$43,500 per acre for the land. This was based on a recent sale (June 2021) of unimproved land located at 6900 61st Street, Vero Beach, in close proximity to the Morris parcel. Staff confirmed this sale and the parties have agreed to use the \$43,500/acre price as the basis for the purchase. The County has also agreed to either relocate or replace the existing fence at the new right-of-way line at the County's expense.

Total acquisition cost for Parcel 320: 0.38 acres X \$43,500/acre = \$16,530. There are no expert witness fees or attorney's fees in this acquisition.

By comparison, in February 2017, the County purchased the 18.72-acre Greene property located at the northeast corner of 66th Avenue and 53rd Street for a future stormwater park for \$558,900 (\$29,855 per acre) which was an arm's length transaction without the threat of eminent domain. The County previously purchased the Miami Block from Central Groves at the southwest corner of 66th Avenue and 69th Street for \$35,250/acre for the entire 18.59 parcel (\$655,298.00) and \$42,500/acre for 13.78 acres from Central Groves on the west side of 66th Avenue at 61st Street.

As this acquisition did not involve any fees or costs, staff has followed the Board's direction of maximizing the return to the landowner.

STAFF RECOMMENDATION: Staff recommends the Board approve the above stated terms of the Purchase and Sale for the Morris property and authorize the County Administrator execute the completed Agreement for Purchase and Sale on behalf of the Board.

FUNDING: Funding in the amount of \$16,530 for the acquisition is budgeted and available from Traffic Impact Fees/District I/ROW/66th Ave/69th Street – 85th Street, Account # 10215141-066120-16009

ATTACHMENT: Aerial photo, sketch and legal description of right-of-way Parcel 320.
Copies to: Pamela Ryall Morris