



Office of

Attorney's Matters 12/07/2021

**INDIAN RIVER COUNTY
ATTORNEY**

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

TO: Board of County Commissioners

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

FROM: William K. DeBaal, Deputy County Attorney

DATE: November 23, 2021

SUBJECT: Unconditional Offer for a Parcel of Right-Of-Way Located at
7950 66th Avenue, Vero Beach, FL 32967 Parcel 128
Owned by Leonard Ganbin III and Kelly L. Jackson

Leonard Ganbin III and Kelly L. Jackson own a 2-acre parcel of property located at 7950 66th Avenue. The property is located on the east side of 66th Avenue between 77th and 81st Street. This site is rectangular in shape with 378 feet of frontage along 66th Avenue and is 230 feet deep. The property is located outside the urban service boundary and is zoned A-1, Agricultural, up to one unit per five acres. The property is improved with a 2-bedroom, 2-bath, single family home built in 1964. The house has an attached carport and two metal sheds but these structures are not within the area needed for right-of-way. The front yard has chain link fencing, trees and landscaping that are within the area of take. The owners recently purchased this property back in October 2021 for \$260,000 and were aware that the County needed to acquire right-of-way from the parcel.

In order to accommodate the planned improvements to 66th Avenue, the County needs to acquire approximately 0.08 acres from Ganbin/Jackson to be used for right-of-way. A copy of the sketch of the parent parcel, the part to be taken, and remainder are attached to this memorandum.

A recent appraisal establishes the value of the partial taking to be \$6,800.00 which equates to a value of \$85,000/acre. A copy of the appraisal is available for review at the Board of County Commissioners' office.

While staff has been negotiating with Ganbin/Jackson and their attorney, Mickey Barkett,

the Board is required to make an unconditional offer to Ganbin/Jackson and provide them with a copy of the appraisal on which it is based. In the past, the Board has extended an offer of the appraised value plus 15% in order to defray possible attorney's fees. In this case the appraised value of \$6,800.00 plus 15% would equal \$7,820.00.

Recent offers to properties along 66th Avenue include the following:

Ken Chestnut property acquisition at 6900 65th Street, Parcel 303:

- appraisal report established fair market value at \$29,500
- 0.38 acre take from a 10-acre parcel
- Board offered incentive amount of \$47,000 and permitted second driveway (59.3% above appraised value) or \$123,684/acre

Johnny and Jackie Dent acquisition at 6855 69th Street, Parcel 313:

- appraisal report found fair market value to be \$20,700
- 0.53 acre take from a 10 -acre parcel
- Board offered \$40,000 for the right-of-way (93.2% above appraised value) or \$75,472/acre

Recent settlements on 66th Avenue include the following:

Marvin and Marsha Kinchen, 7615 66th Avenue, Parcel 124A, October, 2020:

- appraisal report established fair market value at \$12,000
- 0.16 acre take from a 0.84-acre parcel
- Board approved settlement amount of \$27,000 and (125% above appraised value) or \$168,750/acre

Jeta Ranch, LLC, 66th Avenue, between 77th and 81st Streets, Parcel 129 April, 2021

- appraisal report established fair market value at \$2,500
- 0.053 acre take from a 11.27-acre parcel
- Board approved settlement amount of \$15,000 inclusive of all expert costs and attorney's fees (500% above appraised value) or \$283,018/acre

After review of the file and discussion with staff, it is recommended that the Board approve an unconditional offer to Ganbin/Jackson in the amount of \$12,000, exclusive of attorney's fees and costs.

Funding: Funding in the amount of \$12,000 for the acquisition is budgeted and available from Traffic Impact Fees/District I/ROW/66th Ave/69th Street – 85th Street, Account # 10215141-066120-16009.

Ganbin/Jackson 66th Avenue Offer

December 2, 2021

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Recommendation: Staff recommends the Board approve an unconditional offer to purchase the necessary right-of-way from Ganbin/Jackson at a price of \$12,000.

Attachments: Sketch and Legal Description & Aerial Photo