

**INDIAN RIVER COUNTY, FLORIDA  
MEMORANDUM**

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**TO:** Jason E. Brown; County Administrator

**THROUGH:** Phillip J. Matson, AICP; Community Development Director

**THROUGH:** Ryan Sweeney; Chief, Current Development

**FROM:** Brandon C. Creagan, LEED Green Associate; Senior Planner, Current Development

**DATE:** August 5, 2022

**SUBJECT:** Jan Jelmy's Request for Abandonment of a 30' Wide Unimproved, Unnamed Right-of-Way, West of Lots 40-43 in the Espy's Subdivision [ROWA-21-12-02 / 2016030081 - 90928]

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of August 16, 2022.

**DESCRIPTION AND CONDITIONS:**

Jan Jelmy is requesting abandonment of a 30' wide unimproved, unnamed right-of-way, west of Lots 40-43 in the Espy's Subdivision. This segment of right-of-way is a stub-out from Old Dixie Highway that dead-ends, and was supposed to provide access to the parcel directly to the east of it. The applicant is requesting the abandonment to increase their overall project site area (3990 Old Dixie Highway). The applicant has also coordinated with the County Attorney's Office to acquire a small triangle shaped parcel (Parcel 54.0) that is currently owned by the County. On March 8, 2022, the Board of County Commissioners (BCC) approved an agreement to sell the triangle parcel to the applicant, subject to the BCC's approval of the subject right-of-way abandonment request. The intent is to combine the newly acquired property (i.e. the triangle parcel and abandoned right-of-way area) with the project site to the east, thus creating a larger project site that will have convenient and direct driveway access to Old Dixie Highway.

As required by the County land development regulations (LDRs), prior to the Technical Review Committee (TRC) meeting at which the subject petition was reviewed, staff notified by mail each property owner adjacent to the subject right-of-way. No questions or responses were received from any adjacent property owners. Additionally, all County divisions and utility providers having jurisdiction or potential interests have reviewed the abandonment request and support the request.

At this time, the applicant requests that the subject portion of right-of-way be abandoned.

**ANALYSIS:**

Consistent with guidelines established by the BCC, this petition was reviewed by all County divisions and utility providers having jurisdiction or potential interests within the subject 30' wide

unimproved, unnamed right-of-way, west of Lots 40-43 in the Espy's Subdivision. Upon review, all reviewing departments recommended approval, to support the request for abandonment. Therefore, all departments support the request for abandonment, and no easements are being retained within any portion of the area being abandoned. If approved, the abandonment request will increase the buildable area of the applicant's project site, and will provide the project site with convenient and direct access to Old Dixie Highway.

As noted on the County Thoroughfare Plan, the subject right-of-way is not part of the County's major roadway system and is not needed for the thoroughfare system or for traffic circulation in the surrounding neighborhood. The abandonment will not affect the right of convenient access to any surrounding properties. Also, the County Attorney's Office has reviewed and approved the attached abandonment resolution for legal form and sufficiency.

**RECOMMENDATION:**

Staff recommends that the Board of County Commissioners abandon its rights to the subject portion of the subject right-of-way, and authorize the chairman to execute the attached abandonment resolution.

**ATTACHMENTS:**

1. Location Map
2. Abandonment Resolution