

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Jason E. Brown, County Administrator

THROUGH: Roland M. DeBlois, AICP; Interim Community Development Director

FROM: John W. McCoy, AICP; Chief, Current Development

DATE: August 19, 2019

SUBJECT: Edison E. Vasquez's Request for Abandonment of a 5' Wide Portion of a 70' Right-of-Way for 24th Street, Adjacent to Lot 1, Block 5 of the Heathland Subdivision [ROWA-18-12-05 / 2018070145-82708]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of September 17, 2019.

DESCRIPTION AND CONDITIONS:

Edison E. Vasquez is requesting abandonment of a 5' wide portion of a 70' right-of-way for 24th Street, adjacent to Lot 1, Block 5 of the Heathland Subdivision. The 70' wide portion of 24th Street is developed as a paved street with utilities (drainage, utility poles, and above and below ground lines) within the right-of-way. Those improvements will remain "as-is", and will be protected by retaining drainage and utility easements over appropriate areas of the right-of-way.

Currently, the applicant owns the abutting lot (lot 1 of block 5 of the Heathland Subdivision), and the subject abandonment request includes only that portion of the existing right-of-way that immediately abuts the applicant's lot. The applicant's request is limited to a 5' wide strip immediately adjacent to the north line of lot 1, block 5 of the Heathland Subdivision. This portion of 24th Street right-of-way is 70' wide, which exceeds the County's local road standard of 60'. The abandonment of 5' will reduce the overall width to 65', which continues to exceed the local road standard, and allows the applicant to build a 5' wider home.

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 with one agency requesting that a public drainage and utility easement be retained over the area requested to be abandoned.

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

ANALYSIS:

Consistent with guidelines established by the Board of County Commissioners, this petition was reviewed by all County divisions and utility providers having jurisdiction or potential interests within the subject 5' wide segment of right-of-way. Upon review, all reviewing departments recommended approval, with one reviewing agency indicating that they would support the request for abandonment, conditioned on retaining a public drainage and utility easement over the entire 5' wide segment of existing right-of-way. Therefore, the proposed abandonment resolution has been structured to retain the requested easement, and all departments support the request for abandonment subject to the easement. If approved, the abandonment request will increase the buildable area for the applicant's abutting lot, since the easement area will fulfill a portion of the setback required.

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. In this case, the subject right-of-way does not provide primary access to any property. 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:

Based on the analysis, staff recommends that the Board of County Commissioners abandon its rights to the subject portion of the 24th Street right-of-way and authorize the Chairman to execute the attached abandonment resolution, with the following condition:

1. The County shall retain a public drainage and utility easement over the entire area of abandoned right-of-way.

ATTACHMENTS:

1. Location Map
2. Abandonment Resolution