

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, FORMALLY ACCEPTING AN EASEMENT FOR UTILITY PURPOSES ONLY, OVER, ACROSS AND UNDER THE PRIVATE ROAD RIGHT-OF-WAY OF 34th STREET, 58TH COURT AND 34TH LANE, LOCATED IN SHADOW BROOK SUBDIVISION IN UNINCORPORATED INDIAN RIVER COUNTY, FLORIDA.

WHEREAS, by Confirming Resolution No. 2020-_____, the Board of County Commissioners approved a special assessment project for a water main extension to be constructed from 58th Avenue to 34th Street, including 58th Court and 34th Lane within Shadow Brook Subdivision; and

WHEREAS, the water main extension is to be constructed within the private roadway labeled as Shadow Brook Lane on the plat of Shadow Brook Subdivision, now known as 34th Street, 58th Court and 34th Lane; and

WHEREAS, in order for Indian River County to construct and maintain the water main extension within the private roadway, it is necessary for Indian River County to have an easement within the private roadway; and

WHEREAS, the plat of Shadow Brook Subdivision, recorded in Plat Book 9, Page 17, has specific dedication language that all streets and easements are for the use of the property owners in the subdivision, with the full knowledge that the same are not dedicated to the public until there is a formal acceptance of these streets and/or easements, or any part thereof, by the County; and

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WHEREAS, it is the desire of the Board of County Commissioners to only formally accept an easement for utility purposes over, across and under 34th Street, 58th Court and 34th Lane within Shadow Brook Subdivision and it is not the intention of the Board of County Commissioners to accept the roadway as public, nor the maintenance of said roadway,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA that:

1. The Board of County Commissioners of Indian River County, Florida expressly and formally accepts an easement for utility purposes only, over, across and under the private roadway labeled as Shadow Brook Lane on the plat of Shadow Brook Subdivision, as recorded in Plat Book 9, Page 17 of the Public Records of Indian River County, Florida, said roadway now known as 34th Street, 58th Court and 34th Lane.

2. The Board of County Commissioners of Indian River County, Florida does not accept the roadway as a public road nor the maintenance for the road.

This resolution was moved for adoption by Commissioner _____, and the motion was seconded by Commissioner _____, and, upon being put to a vote, the vote was as follows:

- Chairman Joseph E. Flescher _____
- Vice Chairman Peter D. O'Bryan _____
- Commissioner Susan Adams _____
- Commissioner Laura Moss _____
- Commissioner Joe Earman _____

The Chairman thereupon declared the resolution duly passed and adopted this 8th day of December, 2020.

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

By _____
Joseph E. Flescher, Chairman

ATTEST: Jeffrey R. Smith, Clerk
of Court and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Dylan Reingold
County Attorney