

RESOLUTION 2020-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR THE CLOSING, ABANDONMENT, VACATION AND DISCONTINUANCE OF A 30' WIDE PORTION OF A 80' RIGHT-OF-WAY FOR 4TH AVENUE SE LYING SOUTH OF 12TH PLACE SE RIVER SHORES ESTATES PER INDIAN RIVER COUNTY PLAT BOOK 7, PAGE 32, AND ADJACENT TO THE WEST PROPERTY LINE OF LOT 1, UNIT 3 OF THE RIVER SHORES ESTATES SUBDIVISION, PER INDIAN RIVER COUNTY PLAT BOOK 7, PAGE 55, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, WITH RETAINAGE OF A PUBLIC DRAINAGE AND UTILITY EASEMENT OVER THE ENTIRE AREA.

WHEREAS, Indian River County originally received a duly executed and documented petition from Michael & Jill Bentley on November 27, 2018, requesting that the County close, vacate, abandon, discontinue, renounce and disclaim any right, title and interest of the County and the public in and to a 30' wide portion of a 80' right-of-way for 4th Avenue SE lying south of 12th Place SE River Shores Estates Indian River County Plat Book 7, Page 32, and adjacent to the west property line of lot 1, unit 3 of the River Shores Estates subdivision, Indian River County Plat Book 7, Page 55, of the Public Records of Indian River County, Florida; and

WHEREAS, in accordance with Florida Statutes 336.10, notice of a public hearing to consider said petition was duly published; and

WHEREAS, after consideration of the petition, supporting documents, staff investigation and report, and testimony of all those interested and present, the Board finds that the subject right-of-way is not located within any municipality, not necessary for continuity of the County's street and thoroughfare network, and does not provide exclusive access to any private property.

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

1. All right, title and interest of the County and the public in and to that certain right-of-way segment more particularly described as follows:

THE EAST 30.00 FEET OF 4TH AVENUE S.E. (UNIMPROVED ROAD RIGHT OF WAY) LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 12TH PLACE S.E., RIVER SHORES ESTATES UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 07, PAGE 32 OF THE PUBLIC RECORDS OF INDIAN RIVER CO., FLORIDA. AND THAT PORTION OF 4TH AVENUE S.E. (UNIMPROVED ROAD RIGHT OF WAY) LYING SOUTH OF 12TH PLACE S.E. RIVER SHORES ESTATES UNIT 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 07, PAGE 55 OF THE PUBLIC RECORDS OF INDIAN RIVER CO., FLORIDA. SAID LANDS LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

CONTAINING 0.37 ACRES MORE OR LESS

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Lying and being in Indian River County, Florida, is hereby forever closed, abandoned, renounced, disclaimed, and vacated **except that a public drainage and utility easement shall be retained over the entire area** (see attached Exhibit A).

- 2. The closing, vacation, and abandonment of this segment of public right-of-way is in the best interests of the public.
- 3. Notice of the adoption of this resolution shall be forthwith published once within thirty (30) days from the date of adoption hereof.
- 4. The Clerk is hereby directed to record this resolution together with the proofs of publication required by Florida Statutes 336.10 in the Official Record Books of Indian River County without undue delay.
- 5. The subject right-of-way shall revert entirely to and be combined with Lot 1 Unit 3 of the River Shores Estates Subdivision Plat Book 7, Page 55, subject to a public drainage and utility easement over the entire area.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Chairman Susan Adams _____

Vice Chairman Joseph E. Flescher _____

Commissioner Tim Zorc _____

Commissioner Peter D. O’Bryan _____

Commissioner Bob Solari _____

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

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

BY: _____
Susan Adams, Chairman

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

BY: _____
Deputy Clerk
State of Florida
County of Indian River

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in this State and County to take acknowledgments, personally appeared _____, and _____ as Chairman of the Board of County Commissioners and Deputy Clerk, respectively, to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2020.

Notary Public

APPROVED AS TO LEGAL SUFFICIENCY

BY: _____
Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

BY: _____
Phillip J. Matson, AICP,
Community Development Department