

**INDIAN RIVER COUNTY
MEMORANDUM**

TO: Jason E. Brown
County Administrator

DEPARTMENT HEAD CONCURRENCE:

Phillip J. Matson, AICP
Community Development Director

THROUGH: Andrew Sobczak
Chief, Environmental Planning
& Code Enforcement

FROM: Kelly Buck
Code Enforcement Officer

DATE: 8/7/2020

RE: Request by Britton Reality of Vero Beach, LLC, for Release
of an Easement Located at 5420 41st Street

It is requested that the Board of County Commissioners formally consider the following information at its regular meeting of August 18, 2020.

DESCRIPTION AND CONDITIONS

The County has been petitioned by Britton Reality of Vero Beach, LLC, owner of a property located at 5420 41st Street, for release of a ±.42 acre conservation easement. The purpose of the easement release is to accommodate site improvements made as part of an approved site plan modification.

ANALYSIS

In 1995, a ± .42 acre conservation easement located at the SW corner of the subject property was recorded as part of the original site development. Shortly after, the property owner submitted a series of site plan modification applications to the County. One of the applications included the incorporation of the conservation easement into the developed area of the site. This request was accompanied by a letter from the property owner indicating that he would have included this area into the development had he known at the time that it was critical to the site's function.

Following a review of the site plan modification proposal, and acceptance of a fee-in-lieu mitigation payment to the County in the amount of \$6,774.19 to account for the conservation area, county staff approved the site plan modification (in 2008). As such, it is staff's position that the easement release may proceed as a conclusion to the steps previous taken to modify the site plan.

RECOMMENDATION

Staff recommends that the Board, through adoption of the proposed resolution, approve release of the conservation easement described in the proposed resolution.

BRITTON REALTY OF VERO BEACH LLC

Release of Easement

Page 2

Attachments:

1. Aerial Map of Site and Easement
2. Recorded Conservation Easement
3. 2008 Approved Site Plan (Modification)
4. Proposed Resolution Releasing Easement

ease.bccmemo
proj./appl. no. 95090092/87599