



Office of

Attorney's Matters 02/15/2022

**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
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MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director

FROM: William K. DeBaal, Deputy County Attorney

DATE: February 8, 2022

SUBJECT: Unconditional Offer for a Parcel of Right-Of-Way Located at
8055 66th Avenue, Vero Beach, FL 32967 Parcel 130
Owned by Robert and Marygrace Sexton

Robert and Marygrace Sexton (the Sextons) own an 18.85 acre parcel of property that lies on the west side of 66th Avenue between 77th and 81st Streets. This site is rectangular in shape. The property is located outside the urban service boundary and is zoned A-1, Agricultural, up to one unit per five acres and is improved with an active citrus grove. The County needs a 0.40-acre triangle shaped parcel to be used as right-of-way for the 66th Avenue project. The right-of-way parcel has 590 feet of frontage along 66th Avenue and is 72 feet wide at its deepest point. Improvements within the 0.40 acres are approximately 10 citrus trees with accompanying irrigation. An aerial photo of the parent parcel and sketch and legal description of the part to be taken are attached to this memorandum.

A recent appraisal establishes the value of the partial taking to be \$20,500.00 which equates to a value of \$51,250 per acre. A copy of the appraisal is available for review at the Board of County Commissioners' office.

While staff has been negotiating with the Sextons, the Board is required to make an unconditional offer to the Sextons and provide them with a copy of the appraisal on which it is based. In the past, the Board has extended an offer of the appraised value plus 15% in order to defray possible attorney's fees. In this case the appraised value of \$20,500 plus 15% would equal \$23,575.

Recent offers to properties along 66th Avenue include the following:

Ken Chestnut property acquisition at 6900 65th Street, Parcel 303:

- appraisal report established fair market value at \$29,500
- 0.38 acre take from a 10-acre parcel
- Board offered incentive amount of \$47,000 and permitted second driveway (59.3% above appraised value) or \$123,684/acre

Johnny and Jackie Dent acquisition at 6855 69th Street, Parcel 313:

- appraisal report found fair market value to be \$20,700
- 0.53 acre take from a 10 -acre parcel
- Board offered \$40,000 for the right-of-way (93.2% above appraised value) or \$75,472/acre

After review of the file and discussion with staff, it is recommended that the Board approve an unconditional offer to the Sextons in the amount of \$25,000. Currently, the Sextons are not represented by an attorney and we are unaware of any costs.

Funding: Funding in the amount of \$25,000 for the acquisition is budgeted and available from Traffic Impact Fees/District I/ROW/66th Ave/69th Street – 85th Street, Account # 10215141-066120-16009.

Recommendation: Staff recommends the Board approve an unconditional offer to purchase the necessary right-of-way from the Sextons at a price of \$25,000.

Attachments: Aerial photo
Sketch and Legal Description