

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Jason E. Brown, County Administrator

THROUGH: Phillip J. Matson, AICP; Community Development Director

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

DATE: March 16, 2020

SUBJECT: Michael & Jill Bentley's Request for Abandonment of a 30' Wide Portion of an 80' Right-of-Way for 4th Avenue SE, Adjacent to Lot 1, Unit 3 of the River Shores Estates Subdivision [ROWA-19-02-01 / 2001100164-83290]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of April 7, 2020.

DESCRIPTION AND CONDITIONS:

Michael & Jill Bentley are requesting abandonment of a 30' wide portion of a 80' right-of-way for 4th Avenue SE, adjacent to Lot 1, Unit 3 of River Shores Estates Subdivision. The 80' wide portion of 4th Avenue SE stubs out to an FDOT drainage canal right-of-way which runs between the River Shores Estates Subdivision and Grove Isles to the south of the FDOT drainage canal. While the 80' wide by 125' long segment of right-of-way will not be improved to provide a vehicular connection between the two developments, there are existing utility improvements (aerial pole line) and drainage improvements 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, Unit 3 of the River Shores Estates), 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 30' wide strip immediately adjacent to the west line of Lot 1, Unit 3 of the River Shores Estates Subdivision. This portion of 4th Avenue SE is 80' wide. If the 30' width is abandoned, the width of the remaining right-of-way will be 50' with the abandoned 30' covered by a drainage and utility easement.

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 the condition 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 30' wide segment of right-of-way. Upon review, all reviewing departments recommended approval or conditional approval, to support the request for abandonment, conditioned on retaining a public drainage and utility easement over the entire 30' 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 the setback required. In addition, minor structures such as fences and sheds can be constructed in the easement area subject to approval through the declaration of covenant process.

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 subject right-of-way but retain a public drainage and utility easement over the area of abandonment, and authorize the chairman to execute the attached abandonment resolution, with the following condition:

1. A public drainage and utility easement shall be retained over the entire area being abandoned.

ATTACHMENTS:

1. Location Map
2. Abandonment Resolution