

RESOLUTION 2022-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR THE CLOSING, ABANDONMENT, VACATION AND DISCONTINUANCE OF A PORTION OF A 30' WIDE UNIMPROVED, UNNAMED RIGHT-OF-WAY, WEST OF LOTS 40 THROUGH 43 IN THE ESPY'S SUBDIVISION LOCATED IN INDIAN RIVER COUNTY, FLORIDA.

WHEREAS, Indian River County originally received a duly executed and documented petition from Jan Jelmy on September 27, 2021, 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 portion of a 30' wide unimproved, unnamed right-of-way, west of Lots 40-43 in the Espy's Subdivision located in 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 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:

ALL OF THE ROAD RIGHT OF WAY LYING BETWEEN LOTS 40-43 AND LOT 54 AS SHOWN ON THE PLAT OF ESPY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 36 OF THE PUBLIC RECORDS OF ST. LUCIE CO., FLORIDA. SAID LANDS LYING IN INDIAN RIVER CO., FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT AN ANGLE POINT IN THE CENTERLINE OF OLD DIXIE HIGHWAY AT STATION 29+84.73 AS SHOWN ON THE PLAT OF INDIAN RIVER COUNTY, BOARD OF COUNTY COMMISSIONERS, RIGHT-OF-WAY MAP, OLD DIXIE HIGHWAY, US1 TO 69TH STREET, AS RECORDED IN PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, FILED IN PLAT BOOK 24, PAGE 81 THENCE; ALONG SAID CENTERLINE SOUTH 21°19'32" EAST FOR 20.67 FEET THENCE; NORTH 68°40'28" EAST TO THE EAST RIGHT OF WAY OF SAID OLD DIXIE HIGHWAY FOR 33.00 FEET ALSO BEING THE SOUTHERN MOST POINT OF LOT 54 OF SAID ESPY'S SUBDIVISION TO THE POINT OF BEGINNING THENCE; ALONG THE EAST LINE OF SAID LOT 54 NORTH 00°16'49" WEST TO THE NORTHEAST CORNER OF SAID LOT 54 FOR 81.89 FEET THENCE; TO THE NORTHWEST CORNER OF SAID LOT 40 SOUTH 89°56'04" EAST FOR 30.00 FEET THENCE; ALONG THE WEST LINE OF SAID LOTS 40 TO 43 SOUTH 00°16'49" EAST TO THE EAST RIGHT OF WAY LINE OF SAID OLD DIXIE HIGHWAY FOR

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159.86 FEET THENCE; ALONG SAID HIGHWAY NORTH 21°19'32" WEST FOR 83.54 FEET TO THE PLACE AND POINT OF BEGINNING.

CONTAINING 0.08 ACRES MORE OR LESS (3,623.5 S.F.)

- 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 portion of right-of-way that is located immediately west of Lots 40 and 41 (combined) shall revert entirely to and be absorbed into Lots 40 and 41 (combined) in the Espy's Subdivision in Indian River County, Florida.
- 6. The subject portion of right-of-way that is located immediately west of Lots 42 shall revert entirely to and be absorbed into Lot 42 in the Espy's Subdivision in Indian River County, Florida.
- 7. The subject portion of right-of-way that is located immediately west of Lots 43 shall revert entirely to and be absorbed into Lot 43 in the Espy's Subdivision in Indian River County, Florida.

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 Peter D. O'Bryan _____

Vice Chairman Joseph Earman _____

Commissioner Susan Adams _____

Commissioner Joseph E. Flescher _____

Commissioner Laura Moss _____

The Chairman thereupon declared the resolution duly passed and adopted this _____ day of _____, 2022.

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BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

BY: _____
Peter D. O'Bryan, Chairman

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 _____, 2022.

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