

**INDIAN RIVER COUNTY, FLORIDA
M E M O R A N D U M**

TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP; Community Development Director

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

FROM: Ryan Sweeney; Senior Planner, Current Development

DATE: November 21, 2017

SUBJECT: Dee Brown's Request for Abandonment of the Portion of 21st Place Between 97th Road and East 98th Avenue Lying South of Lots 1-3, Block I-I and North of Lots 7-9, Block H-H of Vero Tropical Gardens, Unit 2 [ROWA-17-07-04 / 2003090183-79125]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of December 5, 2017.

DESCRIPTION AND CONDITIONS:

Dee Brown has submitted a petition to abandon the portion of 21st Place between 97th Road and East 98th Avenue lying south of Lots 1-3, Block I-I and north of Lots 7-9, Block H-H of Vero Tropical Gardens, Unit 2. The subject segment of right-of-way is a "paper street" that has never been formally improved and is not used for primary or secondary access to any of the adjacent lots.

The 21st Place right-of-way was created by the 1960 Vero Tropical Gardens, Unit 2 Subdivision plat recorded in Indian River County plat book 6, page 64. Currently, the applicant owns all of the lots on the north side of the subject segment of 21st Place right-of-way and Lots 7-9 on the south side of the subject 21st Place right-of-way segment. If abandoned, the right-of-way will be divided evenly and attached to the adjacent private lots that lie within Blocks I-I (north) and H-H (south) of the Vero Tropical Gardens, Unit 2 subdivision. If the abandonment is approved, the applicant intends to combine the two resulting parcels into one contiguous parcel via a unity of title.

Prior to the Technical Review Committee (TRC) meeting at which the subject request was reviewed, Planning staff notified the one affected adjacent property owner on the south side of the subject right-of-way by mail. That adjacent property owner spoke with staff on the phone a few days after receiving the mailed notice, and indicated that they had no objection to the request. To date, staff has not received any inquiries from any other nearby property owner.

At this time, the applicant requests that the subject right-of-way be abandoned.

ANALYSIS:

Consistent with guidelines established by the BCC, this petition was reviewed by all County divisions and utility providers having jurisdiction or potential interests within the subject right-of-way. Upon review, the County Public Works Department advised that currently there are no drainage improvements in the area, and they would consider the requested abandonment with the retainage of a minimum 20 foot wide drainage easement centered along the centerline of the existing right-of-way to accommodate possible future drainage improvements. Therefore, the Public Works Department recommends that a 20 foot wide drainage easement be retained along the centerline of the 21st Place right-of-way, and that recommendation is included the proposed abandonment resolution (see attachment 3). All other County divisions and jurisdictional agencies have reviewed and approved the proposed abandonment without conditions.

The subject right-of-way is not part of the roadway system as noted on the County Thoroughfare Plan, and is not needed for the thoroughfare system. Furthermore, 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 right-of-way and authorize the chairman to execute the attached abandonment resolution, with the following condition:

1. A 20' wide drainage easement shall be retained along the centerline of the subject portion of 21st Place right-of-way.

ATTACHMENTS:

1. Application
2. Location Maps
3. Abandonment Resolution