



Office of

Attorney's Matters 5/4/2021

**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

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

FROM: William K. DeBaal, Deputy County Attorney

DATE: April 28, 2021

SUBJECT: Unconditional Offer for parcels of right-of-way located at 6730 69th Street, Vero Beach, FL 32967 owned by Leonardo and Maria Mandina; 6900 65th Street, Vero Beach, FL 32967 owned by Kenneth Chestnut; and 6890 69th Street, Vero Beach, FL 32967 owned by Johnny and Jackie Dent

In order to accommodate the planned improvements to 66th Avenue, the County needs to acquire the three parcels listed below. These three parcels are the last remaining side street parcels in Phase I of the 66th Avenue project. While staff has been negotiating with the parties listed below and their attorneys, the Board is required to make an unconditional offer to the property owners and provide them with a copy of the appraisal on which it is based. Listed below is a description of each parcel that needs to be acquired as well as the unconditional offer amount suggested by staff.

Mandina Property (Parcel 316): The property is located on the north side of 69th Street, lying west of 66th Avenue. This property is rectangular in shape with 330 feet of frontage along 69th Street and is 1,300 feet deep. The property is a 9.85 acre improved ranchette homesite located outside the urban service boundary and is zoned A-1, Agricultural, up to one unit per five acres. The County needs to acquire approximately 0.53 acres from the Mandinas consisting of the south 70 feet of the parent tract. There are improvements located within the area of take consisting of 261 feet of 3 panel wood fence, bordering plants and palms adjacent to the fence, 3 live oak trees, irrigation, mulch, and drainage improvements, east fence gate, and concrete driveway connections to the street. Severance damages apply. A copy of the appraisal is available for review at the Board of County Commissioners office. A recent appraisal establishes the value of the partial

take at \$137,100. In the past, the Board has extended an offer of the appraised value plus an additional amount in order to defray possible attorney's fees. In this case staff is recommending an offer of \$145,000.

Chestnut Property (Parcel 303): The property is located on the north side of 65th Street, west of 66th Avenue. This property is rectangular in shape with 330 feet of frontage along 65th street and is 1,300 feet deep. The property is a 9.84 acre vacant agriculture parcel outside the urban service boundary and is zoned A-1, Agricultural, up to one unit per five acres. The County needs to acquire approximately 0.37 acres from Mr. Chestnut consisting of the south 50 feet of the parent tract. The property is improved with wood fencing, two gravel driveways connecting to the street closed off by metal gates, irrigation, landscaping including some plants and oak trees. A recent appraisal establishes the value of the partial take at \$29,500. In this case staff is recommending the appraised value of \$29,500 plus the ability to maintain the second driveway access that is currently unpermitted.

Dent Property (Parcel 313): The property is located on the north side of 69th Street, lying 1/3 of a mile west of 66th Avenue. This property is rectangular in shape with 330 feet of frontage along 69th Street and is 1,305 feet deep. The property is a 9.89 acre vacant agriculture parcel outside the urban service boundary and is zoned A-1, Agricultural, up to one unit per five acres. The County needs to acquire approximately 0.53 acres from the Dents consisting of the south 70 feet of the parent tract. The property is improved with 3 strand barbed wire fencing and a gravel driveway connecting to the street closed off by a metal gate. A recent appraisal establishes the value of the partial take at \$20,700. In the past, the Board has extended an offer of the appraised value plus an additional amount in order to defray possible attorney's fees. In this case staff is recommending an offer of \$24,000.

Funding: Funding of \$198,500 is budgeted and available from Traffic Impact Fees/District II/ROW/66th Ave, 49th Street- 69th Street, Account # 10215241-066120-07806.

Recommendation: Staff recommends the Board approve the unconditional offers to purchase the necessary right-of-way from the Mandinas at a price of \$145,000; Mr. Chestnut at a price of \$29,500, and the Dents at a price of \$24,000.

Attachments: Sketch and Legal Descriptions for parcels 316, 303, and 313