

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

TO: Board of County Commissioners

THROUGH: John Titkanich, Jr., ICMA-CM, AICP; County Administrator

FROM: Brandon C. Creagan, LEED Green Associate; Chief, Current Development

DATE: November 20, 2023

SUBJECT: DR Horton, Inc.'s Request for Vacation of the Orchid Reserve Subdivision Plat [PVSD-06-03-05 / 2004050460-95295]

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, 2023.

DESCRIPTION AND CONDITIONS:

Masteller & Moler, Inc., on behalf of DR Horton, Inc., is requesting that the Orchid Reserve Subdivision plat be vacated per F.S. 177.101. The Orchid Reserve Subdivision plat is located east of US Highway 1 and approximately ½ mile north of County Road 510 (see attachment 1). Approved in 2007, the Orchid Reserve Subdivision plat established 100 townhome lots (plat-over site plan), two private road rights-of-way (Orchid Reserve Lane and Orchid Reserve Circle), County Utilities easements, County limited access easements, and several private easements.

The subdivision site is zoned RM-6, Residential Multi-Family (up to 6 units/acre), OCR, Office, Commercial, Residential, and CON-2, Conservation-2, and is currently vacant. The property owner, DR Horton, Inc., owns all of the property within the boundary of the plat. If the plat is vacated the property owner intends to redevelop the area contained within the subdivision area as part of a revised Orchid Reserve plat-over site plan townhome subdivision that will contain the same number of lots but in a slightly different configuration.

At this time, the applicant requests that the Orchid Reserve Subdivision plat be vacated.

ANALYSIS:

The Orchid Reserve Subdivision plat was approved by the Board of County Commissioners on December 18, 2007. That subdivision plat established 100 townhome lots (plat-over site plan), two private road rights-of-way (Orchid Reserve Lane and Orchid Reserve Circle), County Utilities easements, County limited access easements, and several private easements. Land clearing, lake excavation, and mass grading was previously conducted on the site. However, no homes or other infrastructure have been built on any of the subject lots.

On May 9, 2023, the current property owner purchased all 100 lots within the Orchid Reserve Subdivision. Therefore, the current property owner owns and controls the entire subdivision including all lots and the common areas. As no County Utilities improvements were ever turned over to the County via the previous project construction, there is no need to retain a County Utilities easement within the platted subdivision area. Vacating the plat will have the effect of abandoning all streets and easements created by the plat, providing a single parcel of land proposed to be redeveloped and replatted based on a revised project layout. It should be noted that the limited access easements that were dedicated to the County via the current plat will be vacated, and then new limited access easements will be dedicated to the County via a new final plat in the future.

Consistent with guidelines established by the Board of County Commissioners, the subject plat vacation request was reviewed by all County divisions and utility providers having jurisdiction or potential interests within the platted area. All reviewing departments determined that there is no need for the private right-of-way or the easement within the platted area, and have recommended approval of the requested plat vacation with no conditions. Also, the County Attorney's Office has reviewed and approved the attached plat vacation resolution for legal form and sufficiency, and staff has no objection to the requested plat vacation.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners vacate the Orchid Reserve Subdivision plat and authorize the chairman to execute the attached plat vacation resolution.

ATTACHMENTS:

1. Location Map
2. Plat Vacation Resolution