

**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: June 11, 2018

SUBJECT: Henry Collier and William Anderson's Request for Abandonment of a Portion of 4th Street SW within the Waldo's Way Subdivision [ROWA-18-01-01 / 93090035-80435]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of June 19, 2018.

DESCRIPTION AND CONDITIONS:

Henry Collier and William Anderson are requesting abandonment of the portion of 4th Street SW lying west of 39th Court SW, south of Lot 15, Block A, and north of Lot 1, Block B of the Waldo's Way Subdivision. The single-family subdivision is located on the north side of 5th Street SW, approximately 1,200 feet east of 43rd Avenue (see attachment 2). The subject right-of-way was dedicated as a future potential subdivision roadway interconnection to the adjacent property to the west which was vacant at the time Waldo's Way Subdivision was platted in 1989. However, when the adjacent property to the west was developed and platted as the Moss Pointe Subdivision in 1998, that subdivision design did not include a corresponding roadway interconnection. Therefore, the subject right-of-way is a short, dead end road that no longer provides for a future interconnection.

The applicants own the abutting lots (Lot 15, Block A and Lot 1, Block B), and have requested that the subject portion of right-of-way be abandoned. If the right-of-way is abandoned, the right-of-way will be divided evenly between the two adjacent lot owners, and each lot owner will gain 30 feet of additional property (60 feet total). No other property owners will be affected by the proposed abandonment.

As required by the County land development regulations (LDRs), prior to the Technical Review Committee (TRC) meeting at which the subject application was reviewed, staff notified each property owner adjacent to the subject right-of-way by regular mail. Staff has received no objections regarding the request.

At this time, the applicants request 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 there are existing 25 foot wide drainage and utility easements that run along the rear of all lots within the subdivision, and those easements were dedicated to the County. Therefore, the Public Works Department recommends that a 25 foot wide drainage and utility easement be retained along the west 25 feet of the subject right-of-way (to align with the existing rear lot easements), and a 25 foot wide drainage and utility easement be retained along the north 25 feet of the subject right-of-way in order to provide access from the subdivision road (39th Court SW) to the rear lot easements. Also upon review, the County Department of Utility Services advised that there is an existing water main located along the north end of the subject right-of-way, and that the proposed 25 foot wide drainage and utility easement requested by Public Works will also provide sufficient easement protection over the existing water main. Therefore, the County Department of Utility Services concurs with retaining a 25 foot wide drainage and utility easement along the north 25 feet of the subject right-of-way.

Lastly, Florida Power & Light (FPL) and Comcast advised that they have utility improvements located along the front 10 feet of all lots within the subdivision, and recommend that a 10 foot wide drainage and utility easement be retained along the east 10 feet of the subject right-of-way. All recommended easements have been included in the proposed abandonment resolution (see attachment 4). 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. It should be noted that the subject right-of-way has been improved with asphalt pavement and the above-referenced water main (see attachment 3), and the applicants do not intend to remove any of the existing improvements or close access to the existing improvements.

The County Attorney's Office has reviewed and approved the attached abandonment resolution for legal form and sufficiency.

RECOMMENDATION:

Based on the analysis provided in staff's report, staff recommends that the Board abandon its rights to the subject right-of-way and authorize the chairman to execute the proposed abandonment resolution, with the following conditions, as addressed in the proposed abandonment resolution:

1. A 25 foot wide drainage and utility easement shall be retained along the west end of the subject right-of-way.
2. A 25 foot wide drainage and utility easement shall be retained along the north end of the subject right-of-way.

3. A 10 foot wide drainage and utility easement shall be retained along the east end of the subject right-of-way.

ATTACHMENTS:

1. Application
2. Location Map
3. Aerial
4. Abandonment Resolution