



*Office of*

Attorney's Matters 9/15/2020

**INDIAN RIVER COUNTY  
ATTORNEY**

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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:** September 8, 2020

**SUBJECT:** Unconditional Offer for a Temporary Construction Easement Located at 6600 65<sup>th</sup> Street, Vero Beach, FL 32967 Owned by Harish and Deepti Sadhwani

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Harish and Deepti Sadhwani own a 19.54 acre parcel of property located at 6600 65<sup>th</sup> Street. The property is located at the northwest corner of 66<sup>th</sup> Avenue and 65<sup>th</sup> Street. This site is rectangular in shape with 1,309 feet of frontage along 66<sup>th</sup> Avenue and is 652 feet deep. The property is located outside the urban service boundary and is zoned A-1, Agricultural, up to one unit per five acres. The property is improved with 3-strand barbed wire fencing. There are no structures on the property. The Sadhwanis purchased this property back in 2004 for \$760,000, or approximately \$37,000 per acre.

In order to accommodate the planned improvements to 66<sup>th</sup> Avenue, the County needs to acquire approximately 7.86 acres from the Sadhwanis, 5.28 acres will be used for right-of-way and 2.58 acres will be used for a stormwater retention pond. The Board authorized the Resolution of Necessity and Unconditional Offer at its July 14, 2020 meeting and those documents have been sent to the Sadhwanis. The County also needs to acquire a 15-foot wide temporary construction easement (TCE) on the Sadhwani property that will run parallel to 65<sup>th</sup> Street. The TCE is needed to facilitate construction during the course of the project and upon completion of construction, the TCE will expire and the property will revert back to the Sadwani's unencumbered, in fee simple interest. A copy of the sketch and legal description of the 0.16-acre TCE is attached to this memorandum.

A recent appraisal establishes the value of the TCE at \$500.00. The TCE will last for two years and at the end of construction will be graded and sodded. A copy of the appraisal

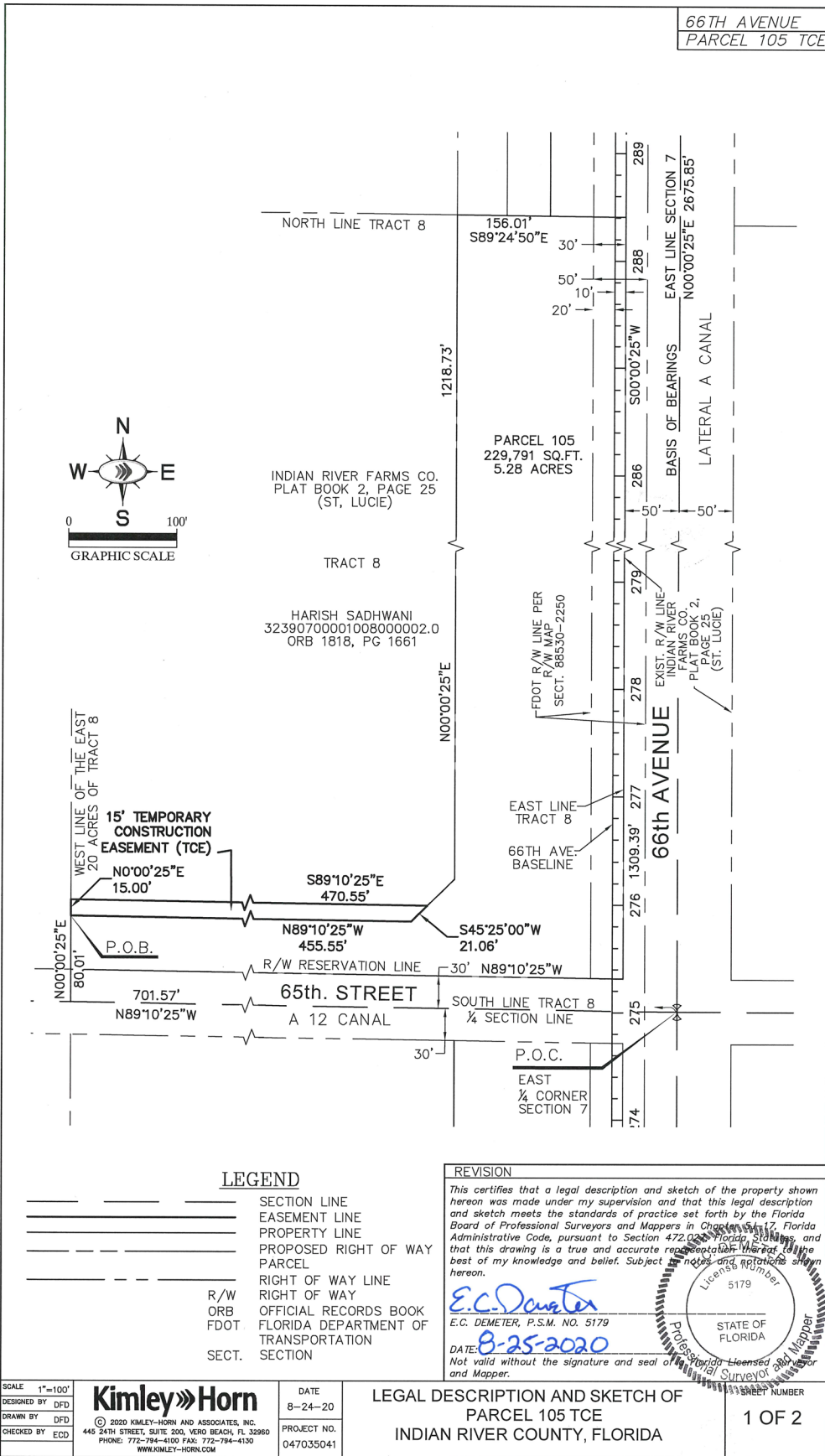
is available for review at the Board of County Commissioners' office.

The Board is required to make an unconditional offer to the Sadhvanis for the TCE and provide them with a copy of the appraisal on which it is based. In the past, the Board has extended an offer of the appraised value plus 15% in order to defray possible attorney's fees, but in the case of this small TCE, no incentive is recommended. Since the TCE will encumber agriculturally zoned property that is not often used, as opposed to a busy commercial location, staff recommends offering the appraised value of the TCE of \$500.00. The Sadhvanis are represented by attorney David Holloway.

**Funding:** Funding in the amount of \$500.00 is budgeted and available from Optional Sales Tax/ROW/66<sup>th</sup> Ave, 49<sup>th</sup> Street- 69<sup>th</sup> Street, Account # 31521441-066120-07806.

**Recommendation:** Staff recommends the Board approve an unconditional offer to purchase the necessary temporary construction easement from the Sadhvanis at a price of \$500.00.

Attachments: Sketch and Legal Description



Drawing name: K:\VRL\_Survey\INDIAN RIVER CO\66TH AVENUE\2017-0112 - Revised Per IRC\PARCEL 105 TCE.dwg 105 Aug 25, 2020 1:55pm by: Ryan.Schulz

66TH AVENUE  
PARCEL 105 TCE

LEGAL DESCRIPTION: TEMPORARY CONSTRUCTION EASEMENT (TCE)

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PORTION OF TRACT 8, SECTION 7, TOWNSHIP 32 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY AS RECORDED IN PLAT BOOK 2, PAGE 25 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA; SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT;

COMMENCING FOR REFERENCE AT THE EAST 1/4 CORNER OF SAID SECTION 7;

THENCE, BEARING NORTH 89°10'25" WEST, ALONG THE SOUTH LINE OF SAID TRACT 8, A DISTANCE OF 701.57 FEET TO A POINT ON THE WEST LINE OF THE EAST 20 ACRES OF SAID TRACT 8;

THENCE, LEAVING SAID SOUTH LINE, BEARING NORTH 00°00'25" EAST, ALONG SAID WEST LINE OF THE EAST 20 ACRES OF TRACT 8, A DISTANCE OF 80.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUING ALONG SAID WEST LINE, BEARING NORTH 00°00'25" EAST, A DISTANCE OF 15.00 FEET TO A POINT;

THENCE LEAVING SAID WEST LINE, BEARING SOUTH 89°10'25" EAST, A DISTANCE OF 470.55 FEET TO A POINT;

THENCE, BEARING SOUTH 45°25'00" WEST, A DISTANCE OF 21.06 FEET TO A POINT;

THENCE, BEARING NORTH 89°10'25" WEST, A DISTANCE OF 455.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,946 SQUARE FEET OR 0.16 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

SURVEYORS NOTES

- 1) THIS IS A SKETCH OF LEGAL DESCRIPTION ONLY, NOT A BOUNDARY RETRACEMENT SURVEY.
- 2) THE BEARING BASE FOR THIS SURVEY, IS THE EAST LINE OF SECTION 7. SAID LINE BEARS NORTH 00°00'25" EAST.
- 3) THE SCALE OF THIS DRAWING MAY HAVE BEEN DISTORTED DURING REPRODUCTION PROCESSES.
- 4) THIS LEGAL DESCRIPTION AND SKETCH IS BASED ON THE PRELIMINARY RIGHT OF WAY MAP FOR 66TH AVENUE PREPARED BY BURDETTE AND ASSOCIATES, DATED 10-10-06, AS DIRECTED BY INDIAN RIVER COUNTY, FLORIDA.

Drawing name: K:\VRB\_Survey\INDIAN RIVER CO\66TH AVENUE\2017-0112 - Revised Per IRC\PARCEL\_105 TCE.dwg Aug 25, 2020 10:41am by: Ryan.Schulz

SCALE DESIGNED BY DRAWN BY CHECKED BY	N/A DFD DFD ECD	<b>Kimley»Horn</b> © 2020 KIMLEY-HORN AND ASSOCIATES, INC. 445 24TH STREET, SUITE 200, VERO BEACH, FL 32960 PHONE: 772-794-4100 FAX: 772-794-4130 WWW.KIMLEY-HORN.COM	DATE 8-24-20 PROJECT NO. 047035041	LEGAL DESCRIPTION AND SKETCH OF PARCEL 105 TCE INDIAN RIVER COUNTY, FLORIDA	SHEET NUMBER 2 OF 2
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