

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

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**TO:** Board of County Commissioners

**THROUGH:** John A. Titkanich Jr., County Administrator

**PREPARED BY:** Michael Hill; Planner, Current Development

**DATE:** March 12, 2025

**SUBJECT:** Banack Family Limited Partnership's Request for Affidavit of Exemption (AOE) Approval with Dedications to the County for the Indian Summer Estates AOE [AOE-23-11-03 / 2023050099-95504]

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It is requested that the data presented herein be given formal consideration by the Board of County Commissioners at its regular meeting of March 25, 2025.

**DESCRIPTION, CONDITIONS, & ANALYSIS:**

Carter & Associates, Inc., on behalf of Banack Family Limited Family Partnership, applied for an Affidavit of Exemption (AOE). The project consists of six (6) lots on 28.08 acres of land located east of 138<sup>th</sup> Avenue (CR-507), south of 109<sup>th</sup> Street, and north of 107<sup>th</sup> Street (see Attachment 1). The property is zoned A-1, Agricultural-1 (up to 1 unit/5 acres), and has an AG-1, Agriculture-1 (up to 1 unit/5 acres) future land use designation.

During the AOE development review process, Public Works staff indicated that limited access easements will be required along the project's 107<sup>th</sup> Street and 109<sup>th</sup> Street frontages, except where the project's three (3) driveways provide access to the six (6) lots. The new driveways are located within proposed access easements. The two northern driveways will provide shared access to Lots 1-4, and the one southern driveway will provide shared access to Lots 5 and 6 (see Attachment 2).

The purpose of the limited access easements is to control the number of driveway connections to the publicly owned and maintained rights-of-way (107<sup>th</sup> Street and 109<sup>th</sup> Street). Dedication of the limited access easements to the Board will allow the County to enforce the use of the common driveway connections to 107<sup>th</sup> Street and 109<sup>th</sup> Street for all lots within the Indian Summer Estates AOE.

Normally an AOE may be approved at the staff level; however, the dedication of the 5' limited access easements to the Board requires Board acceptance of these easements. Once accepted by the Board, staff may concurrently approve the AOE, and the appropriate documents may be recorded in the public records.

The recordable Indian Summer Estates AOE plan accurately depicts the required limited access easements. The proposed layout of the AOE has been reviewed by staff, including Public Works, and is acceptable. Also, the dedication language has been reviewed and approved by the County Attorney's office. The Board may now consider acceptance of the dedication of the limited access easements from the property owner as part of the AOE approval.

**RECOMMENDATION:**

Staff recommends that the Board of County Commissioners accept the dedication of the limited access easements and authorize the chairman to execute the Indian Summer Estates Affidavit of Exemption.

**ATTACHMENTS:**

1. Location Map
2. Affidavit of Exemption Layout