



Office of

Public Notice 06/18/2024

# INDIAN RIVER COUNTY ATTORNEY

William K. DeBraal, County Attorney  
Susan J. Prado, Deputy County Attorney

## MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBraal, County Attorney

DATE: June 7, 2024

SUBJECT: Permission to Advertise for 74<sup>th</sup> Avenue Property Exchange on July 2, 2024

It is common throughout the County to use canal rights-of-way for County roads. Most of the canal rights-of-way are 100 feet in width, so there is room for a canal and a road within that 100 feet. Historically, the roads along side the canals were used to maintain the canal, but as the County grew in population, those roads were improved to accommodate the increase in traffic. An example of this would be 74<sup>th</sup> Avenue. The canal is on the east side of 74<sup>th</sup> Avenue and the road itself is adjacent to the canal to the west, within the canal right-of-way. But along 74<sup>th</sup> Avenue between 1<sup>st</sup> Street SW and 5<sup>th</sup> Street SW, private property lies to the west of the canal, then there is a 20 foot gap, and then there is a 30 foot wide strip of right-of-way. There is no roadway in the 30 foot right-of-way strip, as the roadway lies next to the canal in the seemingly privately owned property. Please see the attached sketch as a sample of the situation along this stretch of 74<sup>th</sup> Avenue.

While this situation has existed since 1956, it now needs to be resolved. Florida Public Utilities, formerly known as Florida City Gas, needs to install a gas line along 74<sup>th</sup> Avenue to supply natural gas to the improvements being constructed at the County Landfill. As it stands now, there is insufficient room to install the line without correcting the right-of-way configuration. In order to rectify this error, the County proposes an even exchange of land without consideration with the affected property owners along 74<sup>th</sup> Avenue. The County will prepare a Property Exchange Agreement and deeds for the parcels to be exchanged and record the deeds with the corrected legal descriptions.

Florida Statutes §125.37 directs that the proposed exchange must be published in the local newspaper once a week for at least two weeks before adoption of a resolution authorizing the exchange. We are requesting permission to advertise this proposed exchange to be heard by the Board of County Commissioners on July 2, 2024.

**Funding.** The only impact to County funds brought about by this exchange are advertising costs of approximately \$285 and recording fees in the amount of \$228.90 which is currently budgeted and available from SWDD/Landfill/Legal Ads, Acct#41121734-034910 and SWDD/Landfill/Recording Fees. Acct# 41121734-034830.

**Recommendation.** Staff recommends the Board of County Commissioners authorize staff to proceed with the required advertisements for the property exchange.

Attachments: Sketch of 74<sup>th</sup> Avenue  
Copies to: RJ Sicre, Florida Public Utilities at rsicre@fpuc.com