





Office of *Attorney's Matters 12/19/2017*
INDIAN RIVER COUNTY
ATTORNEY

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director 

FROM: William K. DeBaal, Deputy County Attorney 

DATE: December 8, 2017

SUBJECT: Conveyance of Right-of-Way parcels to the Florida Department of Transportation, for the SR 60/43rd Avenue Project

In June 2015, the County and the Florida Department of Transportation (FDOT) entered into a County Incentive Grant Program Locally Funded Agreement (Incentive Agreement) whereby FDOT would acquire the needed right-of-way for the SR 60/43rd Avenue intersection improvements (Project) with the cost of acquisition to be split equally between the parties. The right-of-way acquisition process is proceeding with necessary suits in eminent domain being filed by FDOT and court hearings being scheduled for the next two months.

Over the past several years, the County purchased numerous parcels near the SR 60/43rd Avenue intersection to be used as right-of-way. Six of those parcels must now be conveyed to FDOT so they may proceed with right-of-way certification in advance of construction. The parcels to be conveyed are shaded in pink on the right-of-way maps attached to this memorandum. Of the six parcels, three will be conveyed in full to FDOT: Harbora, Lazy J and Historic Dodgertown. The remaining three parcels: the former Mark's Mobil, Lennie's Lounge and Mermaid Carwash will be conveyed in part to FDOT as FDOT can only accept the property that is needed for construction of the roadway project. The remainder of the Lennie's Lounge and Mermaid Carwash will be used for cure plans for Paradise Central, Szechuan Palace and Cumberland Farms on the west side of 43rd Avenue. The remainder parcels will be conveyed when negotiations over the proposed cure plans have been completed.

FUNDING. There is no impact to County funds as a result of the conveyances.

RECOMMENDATION. Staff recommends the Board of County Commissioners approve the conveyance of the six parcels to the Florida Department of Transportation for the SR 60/43rd Avenue Project and approve the accompanying Resolution authorizing the Chairman to execute the County Deed on behalf of the Board.

Attachments: Right-of-way maps
County Deed
Resolution Authorizing the Chairman to sign the County Deed

Right-of-Way Conveyance to FDOT for SR 60/43rd Avenue
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Copies to: Richard B. Szyrka, P.E., Public Works Director
William Johnson, P.E., Roadway Production Engineer

Robin Brisebois, FDOT
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309