



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: June 30, 2020
SUBJECT: Property Sale - Strip of Land off of Roseland Road

BACKGROUND.

On December 15, 2004, Indian River County obtained through an escheatment tax deed a strip of property located off of Roseland Road that is adjacent to several properties and appears to be used as access to those properties. Recently, Anthony Bruce, the owner of the property located at 12497 Roseland Road, which is at the western terminus of the strip of land, expressed an interest in obtaining the property from Indian River County.

There does not appear to be a good reason for the County to maintain ownership of this property. In fact, in 2010, the County Attorney's Office reached out to the adjacent property owners to gauge their interest in obtaining the property. At that time there was no interest.

Mr. Bruce has offered \$100 and is willing to pay all future taxes on the strip of land along with agreeing to grant an easement for ingress and egress to all adjacent properties including an easement for the private utilities located within the strip of land. The owner has also agreed to incorporate the strip of land into his other property located at 12455 Roseland Road, so that the strip of land does not escheat back to the County in the future.

Pursuant to section 125.35, Florida Statutes, when a board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when a board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners, the board may effect a private sale of the parcel. The statute requires that notice of the action be sent by certified mail to owners of adjacent property. This strip of land is not a buildable lot. The County Attorney's Office has sent notice by certified mail to the adjacent property owners indicating that the Indian River County Board of County Commissioners will be considering a sale of the strip of land. Per statute, if two or more owners of adjacent property notify the board of their desire to purchase the parcel, the board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

If the sale to Mr. Bruce is approved, Mr. Bruce's representative stated that he would order survey work to complete an accurate survey of the property.

FUNDING.

The \$100 received from the proposed property sale will be deposited into the General Fund/Miscellaneous Revenue/Land Sale account 001038-364020.

RECOMMENDATION.

The County Attorney's Office recommends the Indian River County Board of County Commissioners authorize the sale of the property to Anthony Bruce, and authorize the Chairman to execute any and all documents necessary to effectuate the sale, if no adjacent property owner submits an interest in the property.

ATTACHMENTS

Letter from William K. DeBraal, dated August 20, 2010