



Office of *Consent Agenda 08/15/17*
INDIAN RIVER COUNTY
ATTORNEY

Dylan Reingold., County Attorney
William K. DeBraal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

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

FROM: William K. DeBraal, Deputy County Attorney *WKB*

DATE: August 9, 2017

SUBJECT: Purchase of Right-of-Way from Lockwood Lane Development Group, LLC for 27th Avenue/17th Street SW Intersection Improvements

The County and the developers of the Millstone Landing subdivisions entered into a series of agreements and amendments for the construction of site related improvements required by the project, including construction of 17th Street SW along Millstone's northern border. Most of the needed right-of-way for 17th Street SW was dedicated to the County by the owners of the Millstone Landing project, but in order to provide the necessary turn lanes for the 17th Street SW/27th Avenue intersection, additional property was needed from Lockwood Lane Development Group, LLC, (Lockwood) Millstone's neighboring property owner to the north. Lockwood owns the 17.9 acre parcel located at the northwest corner of the 17th Street SW/27th Avenue intersection. (See Exhibit A accompanying this memorandum.) The property is zoned PD Residential and unimproved with no existing structures. Staff contacted Lockwood about obtaining the needed 0.61 acres of property along 27th Avenue and 17th Street SW as depicted by the sketch and legal description attached as Exhibit B.

Construction of the 17th Street SW/27th Avenue intersection will be a direct benefit to Lockwood when its property is developed. If the County would not be able to obtain all of the right-of-way needed for the complete intersection, Millstone would still be required to build the intersection, but without the turn lanes. In that case, Lockwood would be required to construct the turn lanes to complete the intersection as a site related improvement with its project. Lockwood recognized that the complete 17th Street SW/27th Avenue intersection would be a benefit to its future project and recognized the benefit of having the turn lanes built in advance of its project by another developer. Thus, Lockwood has agreed to dedicate to the County the 0.61 acres of right-of-way needed in exchange for the construction of the complete 17th Street SW/27th Avenue intersection.

Funding: There is no impact to County funds with this Agreement, as the County will not expend funds to purchase the right-of-way or expend funds to construct the intersection improvements.

Recommendation: Staff recommends the Board approve the Agreement to Purchase and Sell Real Estate between Indian River County and Lockwood Lane Acquisition Group, LLC for the right-of-way for the 17th Street SW/27th Avenue intersection and authorize the Chairman to execute any documents necessary to close the purchase of the property.

Attachments: Attachments A and B
Agreement to Purchase and Sell Real Estate between Indian River County and Lockwood Lane Acquisition Group, LLC

Copies to: Bruce Barkett, Esq. Attorney for Lockwood
Richard B. Szyrka, P.E., Public Works Director
Monique Filipiak, Land Acquisition Agent