

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

TO: Jason E. Brown; County Administrator

THROUGH: Roland M. DeBlois, AICP; Interim Community Development Director

FROM: John W. McCoy, AICP; Chief, Current Development

DATE: September 23, 2019

SUBJECT: Mark W. Plate's Request for Abandonment of a 130' Long Segment of the 70' Wide 57th Avenue Right-of-Way South of 97th Place in the Tropicana Homesites Subdivision [ROWA-18-07-03 / 2017030059-81633]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of October 1, 2019.

DESCRIPTION AND CONDITIONS:

Mark W. Plate is requesting abandonment of the portion of 57th Avenue right-of-way south of 97th Place in the Tropicana Homesites Subdivision. Tropicana Homesites is a residential subdivision located on the east side of US 1 just north of Barber Street and is adjacent to the Pelican Pointe condominium development (see attachment 2). The subdivision was platted in the mid 1950's. The 70' wide by 130' long subject segment of right-of-way is at the edge of the subdivision and appears to have been platted to facilitate development of the adjacent property which is now developed as Pelican Pointe. While the subject segment of right-of-way was never formally improved, it has been cleared and leveled for a significant period of time.

The applicant owns the lot adjacent to the west of the subject right-of-way segment and has requested that the subject segment of right-of-way be abandoned. If abandoned, the total right-of-way will revert to the adjacent property to the west since the plat that created the right-of-way did not extend to the east.

As required by the County land development regulations (LDRs), prior to the Technical Review Committee (TRC) meeting at which the subject application was reviewed, staff notified each property owner adjacent to the subject right-of-way by regular mail. Based on the notification, the adjacent property owner (Pelican Pointe) expressed a concern regarding the proposed abandonment, since Pelican Pointe uses the subject right-of-way to access the project's maintenance building which is near the subject right-of-way segment. If the entire right-of-way reverts to the adjacent lot owner, Pelican Pointe will lose the ability to use the subject segment of right-of-way for access. The applicant and adjacent property owners have reached an agreement (side deal) where the applicant will deed the east half of the right-of-way to Pelican Pointe, if the right-of-way is abandoned. Such an agreement will allow Pelican Pointe continued functional access to the maintenance area. The attorney for Pelican Pointe is presently holding a signed agreement from Plate to provide a deed to Pelican Pointe pending the approval of the right-of-way abandonment.

At this time, the applicant requests that the subject right-of-way be abandoned.

ANALYSIS:

Consistent with guidelines established by the BCC, this petition was reviewed by all County divisions and utility providers having jurisdiction or potential interests within the subject right-of-way. Upon review, County staff advised that there is an existing 10' foot wide drainage and utility easement that runs along the rear of all lots within the subdivision, and those easements were dedicated to the County. Therefore, County staff recommends that a 10' foot wide drainage and utility easement be retained along the south 10' feet of the subject right-of-way (to align with the existing rear lot easements), in order to provide a continuous easement.

The subject right-of-way is not part of the roadway system as noted on the County Thoroughfare Plan, and is not needed for the thoroughfare system. Furthermore, the abandonment will not affect the right of convenient access to any surrounding properties.

The County Attorney's Office has reviewed and approved the attached abandonment resolution for legal form and sufficiency.

RECOMMENDATION:

Based on the analysis provided in staff's report, staff recommends that the Board abandon its rights to the subject right-of-way and authorize the chairman to execute the proposed abandonment resolution, with the following condition, as addressed in the proposed abandonment resolution:

A 10' foot wide drainage and utility easement shall be retained along the south side of the subject right-of-way.

ATTACHMENTS:

1. Location Map
2. Abandonment Resolution