

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: John Titkanich, Jr., County Administrator
Nancy A. Bunt, Assistant County Administrator

PREPARED BY: Brandon C. Creagan, LEED Green Associate; Chief, Current Development

DATE: August 8, 2024

SUBJECT: Jonathan D. Barkett's Request for Abandonment of a 25' Wide Platted Right-of-Way [ROW-24-05-02 / 99070136-96169]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of August 20, 2023.

DESCRIPTION AND CONDITIONS:

Jonathan D. Barkett of Collins, Brown, Barkett, who represents the property owners Schwerin Realty Corp. and Warren L. Schwerin, is requesting abandonment of a 25' wide platted right-of-way, east of the Jackson Brothers Subdivision as recorded in the Jackson Brothers Subdivision Plat Book 2, Page 71 of Indian River County Records, Florida (see attachment 1). Although the right-of-way is not named on the subject plat, the County's Road addressing system would generally designate the subject right-of-way as "19th Court." As required by the County land development regulations (LDRs), staff notified by mail each property owner adjacent to the subject right-of-way. No questions or responses were received from any adjacent property owners. Additionally, all County departments and utility providers having jurisdiction or potential interests have reviewed the abandonment request and support the request.

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

ANALYSIS:

Consistent with guidelines established by the Board of County Commissioners, this petition was reviewed by all County departments and utility providers having jurisdiction or potential interests within the subject 25-foot-wide strip of land reserved for a public road that is located east of the Jackson Brothers Subdivision and south of 41st Street. Upon review, all reviewing departments recommended approval, to support the request for abandonment. Therefore, all departments support the request for abandonment, and no easements are being retained within any portion of the area being abandoned. If approved, the abandonment request will slightly increase the buildable area for the applicant's property and will ensure that any possible claim of right-of-way is abandoned adjacent to or within the bounds of the property. Additionally, there is a 25-foot-wide strip of land that will be retained by a property owner that is not subject to this abandonment application. The property in question is located at 1925 41st Street (Lot 1).

As noted on the County Thoroughfare Plan, the subject right-of-way is not part of the County's major roadway system and is not needed for the thoroughfare system or for traffic circulation in the surrounding neighborhood. In this case, the subject right-of-way does not provide primary access to any property. The abandonment will not affect the right of convenient access to any surrounding properties. Also, the County Attorney's Office has reviewed and approved the attached abandonment resolution for legal form and sufficiency.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners abandon its rights to the subject portion of right-of-way and authorize the chairman to execute the attached abandonment resolution.

ATTACHMENTS:

1. Location Map
2. Abandonment Resolution