

**INDIAN RIVER COUNTY
MEMORANDUM**

TO: Jason E. Brown
County Administrator

THROUGH: Stan Boling, AICP
Community Development Director

Roland M. DeBlois, AICP
Chief, Environmental Planning
& Code Enforcement

FROM: Kelly Buck
Code Enforcement Officer

DATE: 3/5/2019

RE: Adrienne Dissis' Request for Release of a Portion of an Easement Reserved Over
Abandoned Short Street Right-of-Way at 7775 134th Street (Town of Wauregan
Subdivision)

It is requested that the Board of County Commissioners formally consider the following information at its regular meeting of March 12, 2019.

DESCRIPTION AND CONDITIONS

The County has been petitioned by Ms. Adrienne Dissis, owner of a lot at 7775 134th Street, for release of a 5-foot wide portion of a drainage and utility easement that was reserved by the County over abandoned Short Street right-of-way, per County Resolution 2003-148 (see Attachment 2). The purpose of the easement release request is to allow for construction of a detached accessory garage (see maps, Attachment 1).

On December 4, 2018, the Board granted a similar request from Ms. Dissis for release of a 20-foot wide portion of the same easement reserved over abandoned Short Street right-of-way. Since that time, however, Ms. Dissis obtained a revised survey determining that the Short Street right-of-way abandoned by the County in 2003 is in fact 70-foot wide, and not 50-foot wide, as previously concluded and described in the County's 2003 abandonment resolution. Consequently, half of the abandoned right-of-way which Ms. Dissis owns has now been determined (and verified by the County Surveyor) to be 35 feet wide and not 25 feet wide as previously assumed. Since Ms. Dissis wants to build her garage 10 feet from her side property line (i.e., the centerline of the abandoned right-of-way), as allowed consistent with the RS-6 zoning of her property, she is requesting that an additional 5 feet of the overlying easement now be released to allow for the 10 foot building setback.

ANALYSIS

The request has been reviewed by AT&T; Florida Power & Light Corporation; Comcast Cable Services; the Indian River County Utilities Department; the County Road & Bridge and Engineering Divisions; and the County Surveyor. None of the utility providers or reviewing agencies expressed an objection to the requested release of easement. Therefore, it is staff's position that the requested easement release would have no adverse impact to drainage or to utilities being supplied to the subject property or to other properties.

In addition to staff's finding of no adverse impact pertaining to the requested easement release, staff finds it appropriate and advisable for the Board to record a corrective resolution in conjunction with the requested release to correct the legal description of the 2003 right-of-way abandonment, reflecting the actual 70-foot width of the abandoned right-of-way.

RECOMMENDATION

Staff recommends that the Board, through adoption of the attached resolution, approve release of the 5-foot wide portion of the drainage and utility easement described in the attached resolution, and also approve the attached resolution as a correction to the legal description of the right-of-way abandoned per Resolution 2003-148, reflecting the actual 70-foot width of the abandoned right-of-way.

ATTACHMENTS

1. Map depicting easement proposed for release.
2. County Resolution 2003-148.
3. Proposed County Resolution Releasing Easement and Correcting Description of Abandoned Right-of-Way.