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

TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP; Community Development Director

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

FROM: Ryan Sweeney; Senior Planner, Current Development

DATE: July 31, 2018

SUBJECT: John Chamberlain's Request for Abandonment of the West 20 Feet of Seminole Trail (a.k.a. 10th Avenue) Adjacent to Lot 21 of the Riverside Estates Subdivision [ROWA-17-12-06 / 96120005-80165]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of August 14, 2018.

DESCRIPTION AND CONDITIONS:

Collins, Brown, Barkett, Garavaglia & Lawn, Chartered, on behalf of John Chamberlain, is requesting abandonment of the west 20 feet of Seminole Trail (a.k.a. 10th Avenue) adjacent to Lot 21 of the Riverside Estates Subdivision. The subject right-of-way width is 70 feet, and is located at the east end of Morningside Drive (a.k.a. 77th Place), approximately 800 feet east of Jungle Trail (see attachment 2).

The applicant owns the abutting lot (Lot 21) within the Riverside Estates Subdivision, and is requesting that the west 20 feet (of the 70 total feet) be abandoned. The County owns the "Jones Pier" conservation property to the north, and will retain the east 50 feet of right-of-way as maintenance access to the Jones Pier property. No other property owners will be affected by the proposed abandonment.

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. Staff has received no objections regarding the request.

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

ANALYSIS:

Consistent with guidelines established by the Board, this petition was reviewed by all County divisions and utility providers having jurisdiction or potential interests within the subject right-of-way. Upon review, the County Public Works Director advised that the subject right-of-way is

partially improved with an existing stabilized access connection from Morningside Drive to the County-owned Jones Pier property to the north. The stabilized access is located in the eastern half of the subject right-of-way. Therefore, the Public Works Director does not object to the abandonment of the west 20 feet with the County retaining the east 50 feet of right-of-way. Also, there is a 10 foot wide platted drainage and utility easement located along the rear lot lines of all lots within the subdivision. That easement is needed to accommodate rear lot drainage and may be needed for future utility purposes. Therefore, the Public Works Director recommends that a 10 foot wide drainage and utility easement be retained along the north 10 feet of the subject abandonment area. That recommended easement has been included in the proposed abandonment resolution (see attachment 3).

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, and the County will retain the east 50 feet of the subject right-of-way for any future access improvements to the Jones Pier property. Also, the County Attorney's Office has reviewed and approved the attached abandonment resolution for legal form and sufficiency.

RECOMMENDATION:

Based on the analysis provided, staff recommends that the Board of County Commissioners:

1. Abandon its rights to the subject 20' right-of-way area and retain a drainage and utility easement across the northern 10' of the area to be abandoned, and

2. Authorize the chairman to execute the attached abandonment resolution.

ATTACHMENTS:

1.   Application
2.   Location Map
3.   Abandonment Resolution