

**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: May 10, 2017

SUBJECT: Robert Pritchett's Request for Abandonment of a Right-of-Way for a 16 Foot Wide Alley Running from 129th Court to 129th Street and Lying Immediately Adjacent and Contiguous to Lots 1-10, Block 18 of the Townsite Plat of Roseland Subdivision [ROWA-17-06-03 / 2017030030-78850] **(Legislative)**

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of May 23, 2017.

DESCRIPTION AND CONDITIONS:

Robert Pritchett has submitted a petition to abandon a 16 foot wide alley right-of-way that runs behind Lots 1-10, Block 18 of the Townsite Plat of Roseland subdivision. Block 18 is bound by 129th Court, 81st Avenue, 129th Street, and 81st Court (see attachment 2). The alley has never been formally improved and is not used for primary or secondary access to any of the adjacent lots.

Currently, the applicant owns Lots 1 and 2 of Block 18 of the Townsite Plat of Roseland subdivision, and those lots abut a portion of the alley right-of-way proposed for abandonment. Since the entire alley segment functions as a whole, the request involves abandoning the entire portion of the alley from 129th Court to 129th Street (adjacent to Lots 1-10). If abandoned, the right-of-way will be joined to the adjacent private lots that lie within Block 18 of the Townsite Plat of Roseland subdivision, since the right-of-way was created by that plat and the right-of-way is entirely within the limits of the plat. If abandoned, the right-of-way will be evenly divided between the abutting lots, extending the side or rear property line (depending on lot orientation) of each of those lots by 8 feet.

Prior to the Technical Review Committee (TRC) meeting at which the subject request was reviewed, Planning staff notified each property owner adjacent to both sides of the subject right-of-way by mail. One of the adjacent property owners attended the TRC meeting and indicated that they support the request. Additionally, the applicant has indicated that he has coordinated with the other adjacent property owners. To date, staff has not received any objections from any of the adjacent property owners.

The subject 16 foot wide alley right-of-way was created by the 1911 Townsite Plat of Roseland subdivision plat recorded in Saint Lucie County plat book 1, page 43. That occurred prior to creation of Indian River County. The alley right-of-way is now within the jurisdiction of Indian River County, and BCC Resolution No. 2000-150 (see attachment 3) formally accepted dedication of all streets, alleys, and easements shown on the townsite plat.

At this time, the applicant requests that the subject alley 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 16 foot wide alley right-of-way. Upon review, the County Utilities Department advised that a utility easement over the entire right-of-way will be required in order to allow for possible future expansion of County water and/or sewer utilities. Therefore, the Utilities Department recommends that the entire 16 foot wide right-of-way be retained as a utility easement to accommodate possible future utility uses. All other jurisdictional agencies have reviewed and approved the proposed abandonment without conditions.

While the recommended easement will preclude the location of buildings within the abandoned right-of-way area, owners of affected lots will get greater use of their lots, since the easement may be used to satisfy setback and open space requirements. Thus, the abandonment will increase the potential building envelope for all abutting lots. Subject to a condition that a utility easement be retained over the entire subject segment of right-of-way, all County divisions recommend approval of the abandonment.

As noted on the County Thoroughfare Plan, the subject alley 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 alley does not provide primary or secondary access to any property. Since each lot adjacent to the alley has adequate frontage on a local street, 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:

Based on the analysis, staff recommends that the Board of County Commissioners abandon its rights to the subject alley right-of-way and authorize the chairman to execute the attached abandonment resolution, with the following condition:

1. That a public utility easement be retained over the entire area of alley right-of-way being abandoned.

ATTACHMENTS:

1. Application
2. Location Map and Aerial
3. Resolution No. 2000-150
4. Abandonment Resolution