



Office of Consent 10/19/21  
**INDIAN RIVER COUNTY**  
**ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** William K. DeBaal, Deputy County Attorney

**DATE:** October 13, 2021

**SUBJECT:** Acceptance of Right-of-Way donation from the Indian River Farms Water Control District

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**BACKGROUND.**

In 1921, the Indian River Farms Company deeded strips of right-of-way to the Indian River Farms Drainage District to be used as future drainage ditches. These strips are located along what are now 8<sup>th</sup>, 12<sup>th</sup> and 16<sup>th</sup> Streets west of I-95. A survey depicting the strips is attached to this memorandum.

The Indian River Farms Drainage District, now known as the Indian River Farms Water Control District, (the Farms) never constructed the drainage ditches and has no future plans to do so. The 12<sup>th</sup> Street strip is 60 feet wide and runs between 94<sup>th</sup> and 98<sup>th</sup> Avenues but also has a 100' Murphy Reservation on either side of the centerline of 12<sup>th</sup> Street between 94<sup>th</sup> Avenue and what would be 96<sup>th</sup> Avenue, however, at this time, 96<sup>th</sup> Avenue does not exist. The 16<sup>th</sup> Avenue strip is also 60 feet wide and runs between 94<sup>th</sup> Avenue and what would be 96<sup>th</sup> Avenue and is also accompanied by a 200' Murphy Reservation. The 8<sup>th</sup> Street strip is 60 feet wide and runs between 94<sup>th</sup> and 98<sup>th</sup> Avenues but has no Murphy Reservation.

The area between these strips is in a residential zoning category and is near the Verona Trace development. The proposed Venetian Grove residential development is within the area encompassed by the strips and will rely on parts of the strips to construct streets for their proposed development.

As stated earlier in this memorandum, the Farms has no use for these strips and has declared them to be surplus. The Farms has offered to convey these strips to the County at no cost to the County via quit claim deed. The County Attorney's Office has reviewed the title work on these strips and found the title report acceptable. The strips would be used for road rights-of-way for 8<sup>th</sup>, 12<sup>th</sup> and 16<sup>th</sup> Streets when the area adjacent to the strips is developed. Currently, the strips are not maintained by the Farms or the County and the County has no intention of developing or maintain these strips of land once the County obtains ownership via quit claim deed. The cost to construct the streets would be born by the developer of the projects adjacent to the strips and the streets would be public roadways.

**FUNDING.**

There is no impact to County funds by accepting the conveyance of these strips from the Farms.

**RECOMMENDATION.**

Staff recommends that the Indian River County Board of County Commissioners accept the conveyance of the strips from the Farms for the purpose of future construction of 8<sup>th</sup>, 12<sup>th</sup> and 16<sup>th</sup> Streets west of I-95 and authorize the Chairman to execute the deed or deeds necessary to accept the conveyances.

Attachment: Survey of 8<sup>th</sup>, 12<sup>th</sup> and 16<sup>th</sup> Streets west of I-95

Copies to:

Richard B. Szyrka, P.E., Public Works Director  
Michael O'Haire, attorney for the Farms  
Jodah Bittle, Engineer for Venetian Groves