

**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

FROM: Ryan Sweeney; Senior Planner, Current Development

DATE: March 26, 2018

SUBJECT: Ocean Trail, LLC's Request for Abandonment of the West 20 Feet as shown as Additional Right-of-Way Dedication on the Plat of Hideaway Cove Subdivision [ROWA-17-11-05 / 2000120037-80055]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of April 3, 2018.

DESCRIPTION AND CONDITIONS:

Collins, Brown, Barkett, Garavaglia & Lawn, Chartered, on behalf of Ocean Trail, LLC, is requesting abandonment of the west 20 feet as shown as additional right-of-way dedication, on the plat of Hideaway Cove Subdivision. The site is located on the east side of Highway A-1-A, approximately 800 feet north of the south County line (see attachment 2). The subject right-of-way appears to have been dedicated as 20 additional feet of right-of-way for Highway A-1-A when the Hideaway Cove Subdivision was platted in 1980.

The applicant owns the abutting lot (Lot 1) and the other two lots (Lots 2 and 3) within the Hideaway Cove Subdivision, and has requested that the of the Hideaway Cove Subdivision plat be vacated through a separate request. If the right-of-way is abandoned, the applicant will combine the right-of-way area with the plat vacation area, creating a single ± 1.77 acre parcel. No other property owners will be affected by the proposed abandonment, as the applicant currently owns all property abutting the subject right-of-way.

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. Recently, all of the subdivision utility improvements (i.e. water, sewer, and electric) have been removed and/or abandoned. Therefore, all reviewing departments and agencies indicated that they reviewed and approved the request for abandonment without the need to retain a drainage or utility easement because there are no utility improvements to protect. The proposed abandonment resolution does not include a request to retain a drainage or utility easement over the area to be abandoned.

The subject right-of-way was created via the Hideaway Cove Subdivision plat, and is labelled as “20’ additional R/W” on the plat (see attachment 4). However, the dedication language shown on the plat does not clearly indicate if the right-of-way was intended to be dedicated to the County, or as additional right-of-way for Highway A-1-A. Highway A-1-A is a Florida Department of Transportation (FDOT) road. Therefore, the abandonment request was also reviewed by FDOT staff, and FDOT staff have approved the request. In an abundance of caution, the applicant is requesting that the County also formally abandon any potential rights or interests in the subject right-of-way, and to execute the attached County deed to convey the property to the applicant (see attachment 6).

The right-of-way width for Highway A-1-A varies; however, it is generally 100 feet wide from the south county line to the south city limit for the City of Vero Beach. There are two short segments of Highway A-1-A where the right-of-way is 120 feet wide. Those segments include the subject right-of-way segment and a segment located ± 315 feet to the north, adjacent to the White Surf Subdivision plat. The White Surf Subdivision was platted in 1978, and the Hideaway Cove Subdivision was platted in 1980. Since 1980, there have been very few subdivision projects along Highway A-1-A south of the City of Vero Beach, and it appears that no additional right-of-way has been dedicated or acquired for Highway A-1-A. It should also be noted, that widening Highway A-1-A beyond the existing 100 foot right-of-way width is not projected in the County’s 2040 Long Range Transportation Plan (LRTP). Therefore, the 20 feet of right-of-way is not needed and County staff has no objection to the subject abandonment request.

The County Attorney’s Office has reviewed and approved the attached abandonment resolution and County deed for legal form and sufficiency.

RECOMMENDATION:

Based on the analysis, staff recommends that the Board abandon its rights to the subject right-of-way and authorize the chairman to execute the attached abandonment resolution and County deed.

ATTACHMENTS:

1. Application
2. Location Map
3. Aerial
4. Hideaway Cove Subdivision Plat

5. Abandonment Resolution
6. County Deed