

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

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**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:** February 26, 2018

**SUBJECT:** The Moorings Club, Inc.'s Request for Abandonment of a Portion of 57<sup>th</sup> Street (a.k.a. Storm Grove Road) [ROWA-16-08-01 / 92020089-76980]

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of March 6, 2018.

**DESCRIPTION AND CONDITIONS:**

Knight, McGuire & Associates, Inc., on behalf of The Moorings Club, Inc., is requesting abandonment of the portion of 57<sup>th</sup> Street (a.k.a. Storm Grove Road) generally located between the Florida East Coast Railway (FEC) and the Indian River Farms Water Control District (IRFWCD) Lateral 'G' Canal (see attachment 2). The subject portion of right-of-way is 90 feet wide and is essentially a "paper street." The right-of-way was platted in 1976, has never been formally improved for vehicular use, and runs through the middle of the Hawk's Nest private golf course owned by the applicant (see attachment 3). There are County and other private utilities improvements located within the right-of-way, and those items will be protected by several easements as further described in the analysis section of this report.

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 all adjacent property owners by regular US mail. Staff has not received any objections to the abandonment request.

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

**ANALYSIS:**

Consistent with guidelines established by the Board of County Commissioners (BCC), 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 Department of Utilities Services advised that there are County-owned utilities improvements (i.e. water main and sewer main) located within the right-of-way, and those improvements must be protected by County utility easements. Therefore,

the Department of Utilities Services recommends that utility-specific easements be retained over the centerline of those improvements, and those easements are included as “Exhibit B” in the proposed abandonment resolution (see attachment 3). FPL and AT&T also advised that there are private utilities improvements (i.e. underground cables and overhead electric lines) located within the right-of-way, and those improvements must be protected by corresponding private utility easements. The applicant is coordinating those private utility easements with the respective utility providers, and those easements are not being retained or established via the proposed abandonment resolution. The utility providers (FPL and AT&T) have approved the abandonment with the condition of a private easement(s) being granted. Consequently, prior to or simultaneously with the recording of the abandonment resolution, an executed private easement agreement acceptable to the utility providers needs to be recorded or placed into escrow for recording. All other County divisions, utility providers, and jurisdictional agencies have reviewed and approved the proposed abandonment without conditions.

The subject right-of-way was established via the recording of a Florida Department of Transportation (FDOT) right-of-way plat map (Plat Book 11, Page 29B), and the recording of that plat map conveyed the right-of-way to Indian River County. During the early steps of the abandonment review process, it was unclear if the FDOT still owned any rights or interest in the subject right-of-way. However, County staff coordinated with FDOT staff, and FDOT staff indicated that they do not have any rights or interest in the subject right-of-way. FDOT has reviewed and approved the abandonment request.

The segment of 57<sup>th</sup> Street between the FEC Railway and 58<sup>th</sup> Avenue was removed from the County Thoroughfare Plan approximately 20 years ago, 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 area. Additionally, the FEC Railway is a physical impediment to any future extension of 57<sup>th</sup> Street in the surrounding area. It should be noted that there is a ± 90’ by ± 300’ County-owned parcel located immediately west of the subject portion of right-of-way (see attachment 2). The County parcel is not included in the abandonment request, and will remain under County ownership. 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 portion of right-of-way and authorize the chairman to execute the attached abandonment resolution, with the following conditions:

1. County utility easements shall be retained over the areas described in Exhibit B in the attached abandonment resolution.
2. Prior to or simultaneously with the recording of the abandonment resolution, an executed private easement agreement acceptable to the private utility providers shall be recorded or placed into escrow for recording.

**ATTACHMENTS:**

1. Application
2. Location Map
3. Aerial
4. Abandonment Resolution