

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

DATE: June 4, 2018

SUBJECT: Request by David J. Haeseler, Eve D. Haeseler, Nancy Ellen Casey, Trustee, Florida Academy of Impairment Ratings, Inc., and Kashi Church Foundation, Inc. for the Abandonment of Two Twenty Foot Wide Roadway Easements Over Lots 1, 2, 3, and 4, POD G Village of Kashi PD [ROW-18-02-02 / 2008110007-80637]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of June 19, 2018.

DESCRIPTION AND CONDITIONS:

The firm of McKinnon & Hamilton, PLLC as agent representing Mr. and Mrs. Haeseler is requesting abandonment of a 40' wide roadway easement on behalf of the owners of lots 1 – 4 of Village of Kashi POD G. The roadway easements were established by deed in the early 1930's to provide access from Roseland Road to parcels that did not front Roseland Road at that time. The roadway easements are depicted on the plat of the Village of Kashi, Phase IA and run across lots 1-4 of POD G (see attachment #2). The applicants are seeking abandonment of the portion that runs through lots 1-4 of POD G. The lot owners requesting abandonment of the roadway easement want to "clear title" and are requesting the County abandon any rights the public might have to easements.

While the roadway easements were created by deed in the 1930s, the easements were not improved for access. The language in the deed did reserve a 40' wide strip for a public and private roadway. Although the County's interest in the roadway easements is not clear, the applicant seeks to ensure that any possible interest of the public or county is abandoned in order to "clear title". The County has approved similar request in the past for historic and unclear dedications. The applicant is now requesting that the county abandon any interest the public may have in the subject right-of-way.

ANALYSIS:

While the Kashi subdivision plat of 2008 did not create the roadway easements, the easements are illustrated on the plat for informational purposes. As illustrated on the plat, a roadway easement runs across several lots and easements created by the Village of Kashi PD plat. During review of the requested abandonment, County staff and several utility providers gave approvals with the condition that the abandonment be done in a manner that does not affect the underlying plat, and if abandoned, the underlying property will revert to the purpose intended on the plat of the Village of

Kashi PD. To that end, the abandonment resolution specifically states that the area subject to the roadway easement will revert to the use and ownership as shown and dedicated on the Village of Kashi Phase IA plat.

Per guidelines established by the Board of County Commissioners, the petition was reviewed by all County division and utility providers having jurisdiction or potential interests within the right-of-way. All reviewing agencies and departments have recommended approval of the abandonment with the condition that the underlying Village of Kashi Phase IA plat is not affected. These rights-of-way are not part of the roadway system as noted on the County Thoroughfare Plan, and are not needed for the thoroughfare system. Furthermore, the abandonment would not affect the right of convenient access, since the plat of Village of Kashi PD Phase IA makes provisions for access for the property between Roseland Road and the St. Sebastian River via private subdivision streets. 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 as described in the attached resolution and authorize the chairman to execute the attached abandonment resolution.

ATTACHMENTS:

1. Application with Cover Letter
2. Location Map
3. Page 3 & 6 of the Village of Kashi Phase 1A Plat
4. Abandonment Resolution