



Office of

Attorney's Matters 7/14/2020

**INDIAN RIVER COUNTY
ATTORNEY**

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MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director

FROM: William K. DeBraal, Deputy County Attorney

DATE: July 8, 2020

SUBJECT: Unconditional Offer for a Parcel of Right-Of-Way Located at
6600 65th Street, Vero Beach, FL 32967 Owned by Harish and Deepti
Sadhvani

Harish and Deepti Sadhwani own a 19.54 acre parcel of property located at 6600 65th Street. The property is located at the northwest corner of 66th Avenue and 65th Street. This site is rectangular in shape with 1,309 feet of frontage along 66th Avenue and is 652 feet deep. The property is located outside the urban service boundary and is zoned A-1, Agricultural, up to one unit per five acres. The property is improved with 3 or 4-strand barbed wire fencing. There are no structures on the property. The Sadhwanis purchased this property back in 2004 for \$760,000, or approximately \$37,000 per acre.

In order to accommodate the planned improvements to 66th Avenue, the County needs to acquire approximately 7.86 acres from the Sadhwanis, 5.28 acres will be used for right-of-way and 2.58 acres will be used for a stormwater retention pond. The only site improvements lying within the area of take is the fencing. A copy of the sketch of the parent parcel, the part to be taken, and remainder are attached to this memorandum.

A recent appraisal establishes the value of the entire parcel at \$450,570. The partial taking was valued at \$184,000. Severance damages may apply as the take will result in a 40% reduction to the size of the property. A copy of the appraisal is available for review at the Board of County Commissioners' office.

While staff has been negotiating with the Sadhwanis and their attorney, David Holloway, the Board is required to make an unconditional offer to the Sadhwanis and provide them

with a copy of the appraisal on which it is based. In the past, the Board has extended an offer of the appraised value plus 15% in order to defray possible attorney's fees. In this case the appraised value of \$184,000 plus 15% would equal \$211,600. Staff is recommending an offer based on a whole take also as the severance damages added to the price of the part taken may approach the value of the entire 19.54 acre property. The appraisal valued the whole parcel at \$450,570 plus a 15% incentive would equal \$518,156. Staff could then sell the 11.68 acre remainder parcel after the completion of the 66th Avenue improvement project.

Recent purchases or similar sized parcels include the following:

- February 2017, the County purchased the 18.72 acre Greene property located at the northeast corner of 66th Avenue and 53rd Street for a future stormwater park for \$558,900 (\$29,855 per acre) which was an arm's length transaction without the threat of eminent domain.
- The County previously purchased the entire 18.59 acre Miami Block parcel at the southwest corner of 66th Avenue and 69th Street for \$655,298.00 (\$35,250 per acre).
- April 2019 the County purchased 13.78 acres from a parent tract of 56.23 acres (24.5% taken) of unimproved property on the west side of 66th Avenue between 61st and 65th Streets at a price of \$42,500 per acre for \$585,650 together with 12.5% severance damages of \$225,515 for a total cost to acquire of \$811,165.
- February 2020 the County bought 2.05 acres and an access easement on the northeast corner of 66th Avenue and 61st Street for \$110,000 that contained large pecan trees.

Funding: Funding in the amount of \$518,156 is budgeted and available from Optional Sales Tax/ROW/66th Ave, 49th Street- 69th Street, Account # 31521441-066120-07806.

Recommendation: Staff recommends the Board approve an unconditional offer to purchase the necessary right-of-way from the Sadhwanis at a price of \$211,600 and the entire parcel at a price of \$518,156.

Attachments: Sketch and Legal Descriptions