



**OFFICE OF  
INDIAN RIVER COUNTY  
ATTORNEY**

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

**MEMORANDUM**

**TO: The Board of County Commissioners**

**FROM: Dylan Reingold, County Attorney**

**DATE: October 24, 2022**

**SUBJECT: Acceptance of Utility Easement – Brook’s 512 Commercial  
Development Subdivision (Located Within the Municipal Boundaries  
of the City of Sebastian)**

Property located on the south side of C.R. 512, west of Roseland Road within the municipal boundaries of the City of Sebastian is being platted as Brook’s 512 Commercial Development Subdivision and consists of two commercial lots with a proposed 15’ utility easement dedicated along the north and south portions of the property.

Staff has reviewed the proposed plat of Brook’s 512 Commercial Development Subdivision only as it pertains to the utility easement. At this time, the Indian River County Department of Utility Services is unable to determine whether the proposed utility easement will be sufficient in size or location. However, the City of Sebastian has requested that the County move forward with accepting the proposed utility easement. The City Attorney has agreed that if any additional easements are required by Indian River County when the future site development is proposed, that City staff will mandate that building permits cannot be issued until the additional utility easements are formally established, and coordinated through the Indian River County Department of Utility Services and County Attorney’s Office.

The City of Sebastian City Council has already approved the preliminary plat on November 10, 2021. The final plat of Brook’s 512 Commercial Development Subdivision is scheduled to go before the Sebastian City Council for approval on November 21, 2022. Although, the Indian River County Department of Utility Services is unable to determine whether the proposed utility easements on the plat will suffice if the City of Sebastian will require the necessary easements be provided at the time of future site development, the County Attorney’s Office has no objection to the City’s request, so long as the City honors its future commitment.

**FUNDING:**

There is no cost to the Board of County Commissioners with regard to this item.

**RECOMMENDED ACTION:**

Staff recommends that the Board of County Commissioners accept the dedication of the utility easement depicted on the proposed plat of Brook's 512 Commercial Development Subdivision, so long as the City of Sebastian agrees that if any additional easements are required by Indian River County when the future site development is proposed, that City staff will mandate that building permits cannot be issued until the additional utility easements are formally established, and coordinated through the Indian River County Department of Utility Services and County Attorney's Office. The County Attorney's Office also recommends that the Board authorize the Chairman of the Board of County Commissioners to execute the County's acceptance of the dedication of the utility easement on said plat.

**ATTACHMENT:**

Plat