

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

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr., ICMA-CM, AICP; County Administrator

FROM: Ryan Sweeney; Assistant Planning & Development Services Director

DATE: November 21, 2023

SUBJECT: Windsor Properties, Inc.'s Request for Vacation of the Ocean Way Subdivision Plat [PVSD-90-05-08 / 2023060014-95088]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of December 5, 2023.

DESCRIPTION AND CONDITIONS:

MBV Engineering, Inc., on behalf of Windsor Properties, Inc., is requesting that the Ocean Way Subdivision plat be vacated per F.S. 177.101. The Ocean Way Subdivision plat is located on the west side of State Road (SR) A1A, immediately north of the Windsor North PD project (see attachment 1). Approved in 1992, the Ocean Way Subdivision plat established 12 single-family lots, a single private road right-of-way (Ocean Run Lane), County Utilities easements, several private easements, and 10 feet of additional right-of-way along SR A1A.

The subdivision site is zoned RS-3, Residential Single-Family (up to 3 units/acre), and is currently vacant. The property owner, Windsor Properties, Inc., owns all of the property within the boundary of the plat. If the plat is vacated the property owner intends to redevelop the area contained within the subdivision area as part of the larger Windsor North Village PD project.

At this time, the applicant requests that the Ocean Way Subdivision plat be vacated.

ANALYSIS:

The Ocean Way Subdivision plat was approved by the Board of County Commissioners on November 17, 1992. That subdivision plat established 12 single-family lots, a single private road right-of-way (Ocean Run Lane), County Utilities easements, several private easements, and 10 feet of additional right-of-way along SR A1A. The required subdivision infrastructure improvements were constructed, inspected, and accepted by the County. However, no homes have been built on any of the subject lots.

On April 18, 2001, the current property owner purchased all 12 lots within the Ocean Way Subdivision. Therefore, the current property owner owns and controls the entire subdivision including all lots and the common area improvements. Vacating the plat will have the effect of

abandoning all streets and easements created by the plat, providing a single parcel that is proposed to be redeveloped in the future as part of the larger Windsor North Village PD project. It should be noted that the subdivision plat included a 10-foot-wide right-of-way dedication to Indian River County for SR A1A, and that portion of right-of-way was subsequently transferred to the Florida Department of Transportation (FDOT). The subject 10-foot-wide right-of-way dedication for SR A1A will not be abandoned or vacated via the plat vacation resolution, and is expressly listed as a “less-and-except” clause (see attachment 2).

Through the plat vacation review process, the County Department of Utility Services determined that a County Utilities easement will be required over the existing County Utilities improvements (water and sewer) within the platted subdivision area. Therefore, County staff has prepared a County Utilities easement that will be recorded immediately following the plat vacation resolution. In the future, the project’s utilities improvements will be reconfigured, and then those reconfigured improvements will be covered by appropriate tracts and/or easements via a future final plat (or platted phases).

There is also an existing private road right-of-way (Ocean Run Lane) that provides access to the platted subdivision area, as well as, to the existing Windsor PD project to the south, and the undeveloped parcels to the west. In the interim, the existing private roadway will remain in its current configuration and will continue to provide access to the Windsor PD project and the undeveloped parcels to the west. During the future development of the Windsor North Village PD project, the private road will be reconfigured/reconstructed, and then a new private road right-of-way alignment will be established via a future final plat (or platted phases).

Consistent with guidelines established by the Board of County Commissioners, the subject plat vacation request was reviewed by all County divisions and utility providers having jurisdiction or potential interests within the platted area. All departments have reviewed and recommended approval of the requested plat vacation subject to certain conditions listed in staff’s recommendation. Also, the County Attorney’s Office has reviewed and approved the attached plat vacation resolution for legal form and sufficiency, and staff has no objection to the requested plat vacation.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners vacate the Ocean Way Subdivision plat and authorize the chairman to execute the attached plat vacation resolution, with the following conditions:

1. The requested plat vacation will not release or vacate the 10-foot-wide right-of-way dedication for State Road A1A.
2. The applicant will dedicate a County Utilities easement over the existing County Utilities improvements within the platted subdivision area.

ATTACHMENTS:

1. Location Map
2. Plat Vacation Resolution