

**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:** June 9, 2017

**SUBJECT:** Indian River County's Request for Abandonment of a Portion of 12<sup>th</sup> Avenue SW from 5<sup>th</sup> Street SW to a Point 165 Feet North of 7<sup>th</sup> Street SW as shown on the Last General Plat of The Indian River Farms Company Subdivision [ROWA-17-03-02 / 2005060500-78340]

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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 June 20, 2017.

**DESCRIPTION AND CONDITIONS:**

The Indian River County Public Works Department has submitted a petition to abandon a portion of 12<sup>th</sup> Avenue SW from 5<sup>th</sup> Street SW to a point 165 Feet north of 7<sup>th</sup> Street SW as shown on the Last General Plat of The Indian River Farms Company Subdivision. The subject right-of-way was created in 1913, has never been improved for vehicular use, and is essentially a "paper street." The subject right-of-way abandonment request is directly related to and in support of the County's Osprey Acres Floway and Nature Preserve project.

In 1913, the Last General Plat of The Indian River Farms Company Subdivision platted a total of 60 feet for canal and road right-of-way for 12<sup>th</sup> Avenue SW. Currently, it appears that the Indian River Farms Water Control District (IRFWCD) owns the western 30 feet of right-of-way, and the County owns the eastern 30 feet. It should be noted that Public Works Department staff is also in the process of requesting formal abandonment of the IRFWCD right-of-way. It is County staff's intent to have both of the 30 foot wide segments abandoned, and the entire 60 foot wide strip added to the adjacent Osprey Acres project site to the east.

Prior to the Technical Review Committee (TRC) meeting at which the subject request was reviewed, Planning staff notified each property owner adjacent to both sides of the subject right-of-way by mail. To date, staff has not received any objections from any of the adjacent property owners.

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 portion of right-of-way. Upon review, all reviewing departments and agencies indicated that they reviewed and approved the request for abandonment without the need to retain a drainage or utility easement over the area to be abandoned. Therefore, the proposed abandonment resolution does not include a request to retain a drainage or utility easement over the area to be abandoned.

As noted on the County Thoroughfare Plan, the subject portion of right-of-way is not part of the County's major roadway system and is not needed for the thoroughfare system. It should be noted that Planning staff has previously supported the idea of improving/constructing the segment of 12<sup>th</sup> Avenue SW between 5<sup>th</sup> Street SW and Oslo Road (9<sup>th</sup> Street SW). However, now that the County has purchased the 83.7 acre Osprey Acres site to the east, and has effectively removed the possibility of constructing ±300 additional homes in the area, Planning staff has determined that the subject portion of 12<sup>th</sup> Avenue SW is no longer essential for traffic circulation in the surrounding neighborhoods. Also, the subject right-of-way abandonment has been requested in order to support the proposed design for the County's Osprey Acres Flowway and Nature Preserve project. That project will ensure that the Osprey Acres site will remain as a permanent open space, eliminating the need for a 12<sup>th</sup> Avenue SW connection between 5<sup>th</sup> Street SW and Oslo Road.

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 portions of rights-of-way and authorize the chairman to execute the attached abandonment resolution.

### **ATTACHMENTS:**

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