



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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

MEMORANDUM

TO: The Board of County Commissioners

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

FROM: Susan J. Prado, Assistant County Attorney

DATE: April 7, 2021

SUBJECT: Acquisition of Right-Of-Way for Phase II of 66th Avenue Improvements – Jeta Ranch, LLC - 66th Avenue, Parcel 129

Jeta Ranch, LLC is the owner of the property identified as Parcel ID Number 31393200000500000008.0 and located at 66th Avenue, Vero Beach, Florida 32967 between 77th Street and 81st Street, depicted on the legal sketch and description attached to this memorandum as Exhibit "A". The parcel is 70.27 feet along the east side of 66th Avenue, 39.71 feet along the north property line and 25.59 feet on the south approximating 0.053 acres directly abutting the east side of 66th Avenue. The parcel is zoned A-1, Agricultural, up to one residential unit per five acres and lies outside of the Urban Services Boundary. This is an irregularly shaped property. The site is a former citrus grove, and currently is used for grazing animals and has a pole barn in the back of the property. The pole barn is not within the area of take, however improvements in the area of take consist of 3-board fencing with 6-inch posts and barbed wire and driveway gravel.

Construction plans call for the County to acquire the following from Jeta Ranch, LLC.:

- Parcel 129 which is made up of 0.053 acres of right-of-way consisting of 70.27' along the east side of 66th Avenue, 39.71' along the north property line and 25.59' along the northern border of the 11.2718 acre parcel;

The County's appraisal for Parcel 129 was performed by Armfield & Wagner. The appraisal assigned Parcel 129 a value of \$2,500. The appraisal did not find any severance

damages.

Jeta Ranch, LLC and its attorney negotiated with Bill DeBraal and Susan Prado on the sale of the piece of right-of-way. Staff and Jeta Ranch, LLC agreed on the terms of the Agreement that is attached to this memorandum as Exhibit "2". The Agreement terms are:

- The County will pay Jeta Ranch, LLC \$15,000 as a global settlement which includes the right-of-way Parcel 129, temporary construction easement, statutory attorney's fees, and expert fees.
- The County previously paid \$1,000 for Appraisal fees.
- The County's cost to construct the driveway is approximately \$4,000.

The total settlement cost to the County is \$16,000. A legal sketch and description of Parcel 129 is attached to this memo (See Exhibit "A").

By purchasing the Property in advance of filing a lawsuit, staff is attempting to save on expert witness fees incurred by both the County and Jeta Ranch, LLC. As noted in the past, expert witness fees for both parties often exceed \$75,000 by the time the suit is filed and mediation is held. Pursuant to state statutes, the County is responsible for reasonable expert witness fees for Jeta Ranch, LLC. The County has incurred significant savings by not having to hire our trial witnesses (appraiser, engineer and land planner) and outside counsel.

Jeta Ranch, LLC is represented by Mickey Barkett, of Barkett Law, in Orlando.

FUNDING: Funding is budgeted and available for this expenditure in Traffic Impact Fees/District I/ROW/66th Ave/69th Street-85th Street, Account # 10215141-066120-16009.

STAFF RECOMMENDATION: Staff recommends the Board approve the Agreement to purchase and sell real estate for the Jeta Ranch, LLC property and authorize the Chairman to execute all documents on behalf of the Board to effectuate the purchase.

Attachments: Exhibit "A" Parcel 129 sketch/description
Exhibit "2" Agreement to purchase
Exhibit "B" TCE & driveway agreement