

**INDIAN RIVER COUNTY
MEMORANDUM**

TO: Board of County Commissioners

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

PREPARED BY: Rebeca A. Guerra, AICP, LEED-AP, CPD
Chief, Code Enforcement Division

DATE: March 6, 2024

RE: Request for Release of a Ten-Foot Conservation Easement at 5180 95th Street

It is requested that the Board of County Commissioners formally consider the following information at its regular meeting of March 19, 2024.

DESCRIPTION AND CONDITIONS

The County has been petitioned by Sommers Properties LLC, owner of a lot at 5180 95th Street, for release of a ten-foot conservation easement. The purpose of the easement release is for the construction of a pool and pool deck accessory to a single-family residence (see attached map).

ANALYSIS

In 1990, when the Preliminary Plat for the River Boat Club was approved, Policy 5.3 of the Comprehensive Plan required that a ten-foot vegetation buffer be maintained along a canal and any development on the adjacent individual lots. Since the River Boat Club subdivision included a man-made canal with a natural vegetated shoreline, the County's Environmental Planning Staff required that at the time of the final plat, a ten-foot conservation easement be created on those lots adjacent to the canal indicating the required buffer. That easement was dedicated to Indian River County.

In 2006, the County's regulations concerning conservation easements changed, and the new minimum width for conservation easements was increased from ten feet to fifty feet.

The ten-foot conservation easement at the River Boat Club subdivision specifically allows for the construction of water access structures to occur within its bounds (see attached Final Plat). Today, the natural vegetated shoreline along the man-made canal has been almost entirely impacted by sea wall construction, docks, platforms, boardwalks, and decks. Moreover, the subject property is the only remaining undeveloped lot of the original nineteen lots approved as part of the subdivision.

This request has been reviewed by the Public Works Department, Natural Resources Department, and the County Surveyor. None of the reviewing entities have expressed an objection to the request. Therefore, it is Staff's position that the requested easement release would have no adverse impact on the natural environment, the subject property, or to other neighboring properties.

RECOMMENDATION

Staff recommends that the Board, through adoption of the attached Resolution, approve the release of a ten-foot conservation easement at 5180 95th Street.

ATTACHMENTS:

1. Aerial of Subject Property & River Boat Club Subdivision
2. The River Boat Club Final Plat
3. Map Depicting Easement for Release
4. Proposed Resolution Releasing Easement