



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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

MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney

DATE: May 2, 2023

SUBJECT: Acceptance of School Board Property

BACKGROUND.

As a condition of the preliminary planned development approval for Millstone Landing, on August 23, 2006, Shelby Homes at Millstone, Inc. conveyed an 18-acre parcel on the south side of 17th Street, S.W. to Indian River County for a school site. On March 2, 2010, the Indian River County Board of County Commissioners ("Board") voted to transfer title to the property to the School Board, which was consistent with the terms of development condition. The property was deeded to the School Board with a reverter clause stating that should a school not be constructed on the property in the next 20 years, the property would revert to Indian River County for use as a public open space or public park area.

Nick Westenberger, Director of Facilities Planning and Construction for the School Board recently approached the County Attorney's Office inquiring as to whether the County was interested in the property. He noted the School Board never approved the acceptance of the property and that the School Board has no use for it. County staff has looked at the property and is interested in the property. Thus, the County Attorney's Office recommends that the Board authorize the County Attorney's Office and County staff take the necessary actions to accept the property and authorize the chairman to execute any and all documents necessary to accept the property.

FUNDING.

At this time there are no planned improvements for the property, and thus the recording costs will be the only costs associated with this transfer.

RECOMMENDATION.

The County Attorney's Office recommends that the Board authorize the County Attorney's Office and County staff take the necessary actions to accept the property and authorize the chairman to execute any and all documents necessary to accept the property.

ATTACHMENT.

Map of Property