

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

TO: Board of County Commissioners

THROUGH: John A. Titkanich Jr., County Administrator

PREPARED BY: Patrick J. Murphy; Senior Planner, Current Development

DATE: February 21, 2024

SUBJECT: J. Richard Graves Marital Trust A & B's Request for Affidavit of Exemption (AOE) Approval with Dedications to the County for the J.R. Graves AOE [AOE-22-07-02 / 2022020085-92307]

It is requested that the data presented herein be given formal consideration by the Board of County Commissioners at its regular meeting of March 5, 2024.

DESCRIPTION, CONDITIONS, & ANALYSIS:

Carter Associates, Inc., on behalf of J. Richard Graves Marital Trust A & B, applied for an Affidavit of Exemption (AOE). The project consists of eleven (11) lots on 55.83 acres of land situated on the north side of 53rd Street, approximately 2,000 feet west of 66th Avenue (see Attachment 1). The property is zoned A-1, Agricultural-1 (up to 1 unit/5 acres), and has an AG-1, Agricultural-1 (up to 1 unit/5 acres) future land use designation.

During the AOE development review process, Public Works staff indicated that limited access easements will be required along the project's 53rd Street frontage, except where the three (3) shared driveways provide access to the eleven (11) lots. The new driveways are located within proposed access and utility easements. The west driveway provides vehicular access to Lots 1-4, the center driveway provides vehicular access to Lots 5-8, and the east driveway provides vehicular access to Lots 9-11. In addition, 60' of right-of-way (ROW) will be dedicated to the County for 53rd Street to complete the 90' Collector Road ROW minimum. This additional 60' of ROW was dedicated via a separate ROW deed and recorded in Indian River County Official Records Book 3679, Page 1784.

The purpose of the limited access easements is to control the number of driveway connections to the publicly owned and maintained right-of-way (53rd Street). Dedication of the limited access easements to the Board will allow the County to enforce the use of the common entrance connections to 53rd Street for all lots within the J.R. Graves AOE.

Normally an AOE may be approved at the staff level; however, the dedication of the 5' limited access easements to the Board requires Board acceptance of these easements. Once accepted by

the Board, staff may concurrently approve the AOE, and the appropriate documents may be recorded in the public records.

The recordable J.R. Graves AOE plan accurately depicts the required ROW dedication and limited access easements. The ROW was dedicated to the County via Indian River County Official Records Book 3679, Page 1784, and the access easements will be dedicated via recording of the AOE Mylars. The proposed layout of the AOE has been reviewed by staff, including Public Works, and is acceptable. Also, the dedication language has been reviewed and approved by the County Attorney's office. The Board may now consider acceptance of the dedication of the limited access easements from the property owner as part of the AOE approval.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners accept the dedication of the limited access easements and authorize the chairman to execute the J.R. Graves Affidavit of Exemption.

ATTACHMENTS:

1. Location Map
2. Affidavit of Exemption Layout