



Office of

Attorney's Matters 04/04/2023

**INDIAN RIVER COUNTY
ATTORNEY**

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MEMORANDUM

TO: The Board of County Commissioners

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

FROM: William K. DeBraal, Deputy County Attorney

DATE: March 29, 2023

SUBJECT: Donation of County Property to the Florida Department of Transportation to be Used as Right-of-Way for the County Road 510 Improvement Project

The Florida Department of Transportation (FDOT) is in the process of acquiring the property needed for the County Road 510 Improvement Project (Project). The Project will be constructed in several phases, expanding CR 510 from two to four lanes with a divided median. The first phase will begin at the intersection of CR 512 and CR 510 and run south past Sebastian River High School to 87th Street, at the entrance of Vero Lake Estates. Additional phases will continue with the same four lane improvements along the length of CR 510 to the beginning of the Wabasso Causeway. Construction is scheduled to begin in Summer, 2024 and earlier this year, FDOT filed a few eminent domain lawsuits against affected property owners along the first phase of the Project. Those suits are still in their preliminary stages. The estimated cost of the first phase of the Project is \$10,000,000 which is funded entirely by FDOT.

The County has been assisting FDOT whenever possible by attending informational meetings and providing input with the redesign of intersections. As a result of the construction of the first phase of the Project, a County owned parcel on the west side of CR 510, south of the High School will be impacted. This site contains a lake that assists with the drainage of the eastern portion of the Vero Lake Estates development. Back in 1998, Edwin Ansin dedicated the property to the County and the County agreed to construct a series of ditches that would take water from the eastern part of the development and carry the water to the lake along CR 510. The proposed construction plans for the first phase will impact this lake.

Additional County owned property will be impacted as well. The property purchased from the now idle Blue Water Bay subdivision that lies along east and north side of the 90-degree

curve in CR 510 will also be impacted, including right-of-way donated at the north side of the intersection of 87th Street and CR 510. The County purchased this right-of-way specifically for the expansion of CR 510. The lake property and the property along the 90-degree bend all make up what the FDOT calls Parcel 100.

As you may recall with the Oslo Road Interchange Project, the FDOT requires County owned right-of-way to be dedicated to the FDOT prior to the beginning of construction so the right-of-way acquisition may be certified as being complete by FDOT. The County has been asked to convey this impacted property to FDOT without consideration. The six impacted properties are as follows:

- Parcel 100 is a 3.587-acre strip of property that is located on the west side of CR 510 north of 87th Street and also running along the 90-degree bend in CR 510 to the north of the existing road and further to the west at the intersection of CR 510 and 86th Avenue.

An aerial photo and a map depicting Parcel 100 in highlight are attached to this memo.

In order for the parcel to be conveyed, the County has been asked to execute the following documents:

- ✓ A County Quit Claim Deed, at FDOT's request, the County will convey Parcel 100 by County Quit Claim deed, even if an easement interest is being conveyed.
- ✓ A Resolution declaring Parcel 100 is not needed for County purposes and is being conveyed to FDOT for transportation purposes.

In light of the amount of FDOT funds being expended on the Project, staff feels that forgoing compensation for conveyance of Parcel 100 will show continued County support for the project. Upon approval and execution of the above referenced documents, they will be sent to FDOT for recording.

FUNDING: There is no expenditure of County funds associated with this matter.

STAFF RECOMMENDATION: Staff recommends the Board approve the Resolution for the parcel and approve the County Quit Claim Deed for Parcel 100 and authorize the Chairman to execute the documents on behalf of the Board.

Attachments: Aerial Photo and Color Map Depicting Parcel
County Quit Claim Deed
Resolution

Copies to: Richard B. Szpyrka, P.E., Public Works Director
Robin D. Brisebois, Right of Way Project Manager, FDOT
Mark Besoner, Right of Way Specialist, FDOT