

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: September 15, 2023

SUBJECT: Tanner Joseph Willing and Briana J. Simmons's Request for Affidavit of Exemption (AOE) Approval with Dedications to the County for the Fadden AOE [AOE-21-02-01 / 2001020049-88470]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of September 26, 2023.

DESCRIPTION, CONDITIONS, & ANALYSIS:

Masteller, Moler & Taylor, Inc., on behalf of Tanner Joseph Willing & Briana J. Simmons, applied for an Affidavit of Exemption (AOE). The project consists of two (2) lots on 9.72 acres of land situated on the north side of 49th Street, approximately one-half mile 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 49th Street frontage, except for one (1) shared driveway that will provide access to both lots. The existing dirt driveway, which serves both lots, is located within a proposed 40' wide access easement. In addition, 30' of right-of-way (ROW) will be dedicated for 49th Street to complete the 60' wide local road ROW minimum. This additional 30' is being dedicated to the County as Tract A.

The purpose of the limited access easements is to control the number of driveway connections to the publicly owned and maintained right-of-way (49th Street). Dedication of the limited access easements to the Board will allow the County to enforce the use of the common entrance connection to 49th Street for both lots within the Fadden AOE.

Normally an AOE may be approved at the staff level; however, dedication of 5' limited access easements and dedication of 30' of land for 49th Street ROW to the Board, requires Board acceptance of the easements and ROW. Once accepted by the Board, staff may concurrently approve the AOE, and the appropriate documents may be recorded in the public records.

The recordable Fadden AOE plan accurately depicts the required ROW dedication and limited access easements, and also includes the appropriate dedication language. 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 and ROW 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 ROW, and authorize the chairman to execute the Fadden Affidavit of Exemption.

ATTACHMENTS:

1. Location Map
2. Affidavit of Exemption Layout