



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Brandon Creagan, LEED Green Associate, Planner

SUBJECT: **Abandonment of Unopened Right-of-Way
 Crownman Florida LLC & Susnar Realty
 Easterly Extension of Delaware Avenue Right of Way, East of South Indian River Drive,
 Fronting the West Bank of the Indian River**

DATE: March 6, 2019

STAFF REPORT

Property Owner: City of Fort Pierce

Applicant 1: Crownman Florida, LLC
 10380 SW Village Center Drive # 310
 Port St. Lucie, FL 34987

Applicant 2: Susnar Realty
 420-426 S. Indian River Drive
 Fort Pierce, FL 34950

Requested Action: Denial of Abandonment for the Easterly Extension of Delaware Avenue Right of Way, East of South Indian River Drive, Fronting the West Bank of the Indian River

Location: Easterly Extension of Delaware Avenue Right of Way, East of South Indian River Drive, Fronting the West Bank of the Indian River

Abutting Parcel ID(s): 2410-810-0001-000-9 & 2410-808-0020-010-4

Land Area: .123 acres

Surrounding Zoning:

North	East	South	West
C-1	Indian River	C-1	C-1

Request:

In accordance with City Code Section 17-1: Abandonment, the applicant, is requesting the City of Fort Pierce abandon an unopened section of the easterly extension of the Delaware Avenue Right of Way (ROW) located east of South Indian River Drive, fronting the west bank of the Indian River.

Staff Analysis:

This segment of Delaware Avenue has been unimproved, and has some utility infrastructure present. Because there is utility infrastructure the applicants will need to record an easement with the Fort Pierce Utilities Authority (FPUA). The underlying objective of both property owners is to increase the size of their properties.

Both the property owner to the north and south have agreed to this proposed abandonment. Both property owners will work with FPUA and the City Engineering Department to obtain the necessary easements that they will require for any utility or drainage infrastructure that may be present within the right of way. Pursuant to Florida State Statute Chapter 336 any abandoned right-of-way must be split evenly between any adjacent property owner. The applicants have provided the appraisal value of the entire Delaware Avenue right-of-way. The entire right-of-way appraisal is \$15,000. Each applicant will pay fifty (50) percent of the appraisal value, which equals \$7,500. Therefore, both applicants are required to pay the City of Fort Pierce a total of \$7,500 each.

As noted above this segment of Delaware Avenue has been unimproved and has been utilized for utility infrastructure. The right-of-way segment sought for abandonment does however offer the City of Fort Pierce pedestrian and utility design advantage for future purposes. In the future, the City may opt to add recreational amenities similar to Melody Lane Pier or Citrus Avenue Kayak Launch. At their present state, the unopened right of ways provide additional view-points to the waterfront for anyone traveling along Indian River Drive, a Nationally Designated Scenic Highway. Abandonment of the subject ROW is not consistent with several sections of the City of Fort Pierce's Comprehensive Plan. Listed below are a few examples:

Section 7.4.3 Policy: The City of Fort Pierce shall actively pursue the development of linear parks and integrated open space systems along waterfront properties. This shall be accomplished by collocating pathways, pedestrian accommodations and plantings alongside waterways and water bodies such as, but not limited to, canals, creeks, streams, rivers, lakes, channels and other water features. Public access to waterfront areas shall be secured through the recordation of access easements or land dedication as outlined in the Land Development Regulations.

Section 7.4.5 Policy: The City of Fort Pierce, in conjunction with St. Lucie County, shall actively pursue the development of open space corridors that establish continuous linkages between park and recreation facilities, conservation areas, environmentally sensitive lands, non-vehicular pathways, natural water bodies, and other open space areas located throughout the City and extending beyond the City's municipal boundary.

Section 1.8.2 Policy: (3) The City will coordinate with the Community Redevelopment Agency to encourage redevelopment and reinvestment within the Community Redevelopment Area by enhancing public open spaces, small community centers, amphitheaters, and address public access to the waterfront.

At the Planning Board on October 9, 2018, Planning Staff recommended approval of the abandonment. With that said, there was opposition from members of the public citing a concern over the loss of potential access to the Indian River for the citizens and visitors to the City of Fort Pierce. Due to the discussion that night, the strong opposition to the abandonment, and it is not in conformance with the Comprehensive Plan, Planning Staff has reevaluated its recommendation. Staff is tasked with protecting and promoting the health, safety, convenience, and general welfare of the community. The Delaware Avenue right-of-way along Indian River Drive is an opportunity for public accesses to the Indian River. Staff recommends that the applicant work with the Engineering Department to grant access onto the right-of-way (if needed in the future) similar to Citrus and Easter Avenue.

Technical Review Committee:

All affected departments have reviewed the proposed Abandonment with regards to the requirements of the City Code. All departments have recommended approval of the request. Any comments generated by the Technical Review Committee are provided for review.

Planning Board

The Planning Board at their October 9, 2018 meeting voted 5-2 to recommend approval of the request as presented.

Staff Recommendation:

Staff recommends that the City Commission **deny** the requested abandonment of the Delaware Avenue right-of-way as it is not in conformance with the City's Comprehensive Plan.