

Scrivener's Mapping Error Staff Report

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TRACKING NUMBER

SCR 25-1

PROPERTY OWNER

456 South Ocean, LLC

PLANNER-IN-CHARGE

Amy Offenbach, Planner

REPRESENTED BY

Robert Raynes & Christen Spake,

PCN NUMBERS

Gunster Attorney at Law

02-39-40-000-046-00000-3; 02-39-40-000-047-00000-1; 02-39-40-000-050-00000-5;
11-39-40-000-002-00000-7; 11-39-40-000-016-00000-7; 11-39-40-000-016-00010-5;
12-39-40-000-000-00040-1; 12-39-40-000-011-00000-6; 46-38-41-000-000-00011-4;
55-38-41-000-001-00010-4; 55-38-41-000-002-00010-2; 55-38-41-000-003-00010-0;
55-38-41-000-004-00010-8; 55-38-41-000-005-00010-5; 55-38-41-000-005-00040-9;
55-38-41-000-006-00010-3; 55-38-41-000-007-00010-1; 55-38-41-000-008-00010-9;
55-38-41-000-009-00010-7; 55-38-41-000-010-00010-5; 55-38-41-000-011-00010-3;
55-38-41-000-012-00010-1; 55-38-41-000-013-00010-9; 55-38-41-000-014-00010-7;
55-38-41-000-014-00030-3; 55-38-41-000-016-00030-8; 55-38-41-000-017-00030-6;
55-38-41-000-017-00050-1; 55-38-41-000-022-00010-0; 55-38-41-000-022-00020-8;
55-38-41-000-023-00010-8; 55-38-41-000-023-00030-4; 55-38-41-000-024-00010-6;
55-38-41-000-025-00030-9; 55-38-41-000-026-00030-7; 55-38-41-000-026-00040-5;
55-38-41-000-027-00030-5; 55-38-41-000-027-00050-0

APPLICATION REQUEST

The applicant has provided documentation of a scrivener's error on the Future Land Use Map (FLUM) for previously abandoned roads (known as Right-of-Way) within a property owned by 456 South Ocean LLC that includes thirty-eight parcels. The application materials included a formal letter requesting a scrivener's error correction for multiple abandoned Right-of-Ways (ROW), which are the subject of this application. The letter included the following exhibits.

- A. A location map, legal description, and 38 parcel ID numbers identifying the subject property owned by 456 South Ocean LLC.
- B. Official record meeting minutes of the Board of County Commissioners (BOCC) that contained evidence of a Resolution, approved on September 22, 1970, abandoning ROW in

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and around the property owned by 456 South Ocean LLC along with a printed survey identifying the abandoned ROW listed in the official minutes.

- C. A printed map of the Real Property layer from the Graphical Interface System (GIS) map identifying the abandoned ROW highlighted in blue.

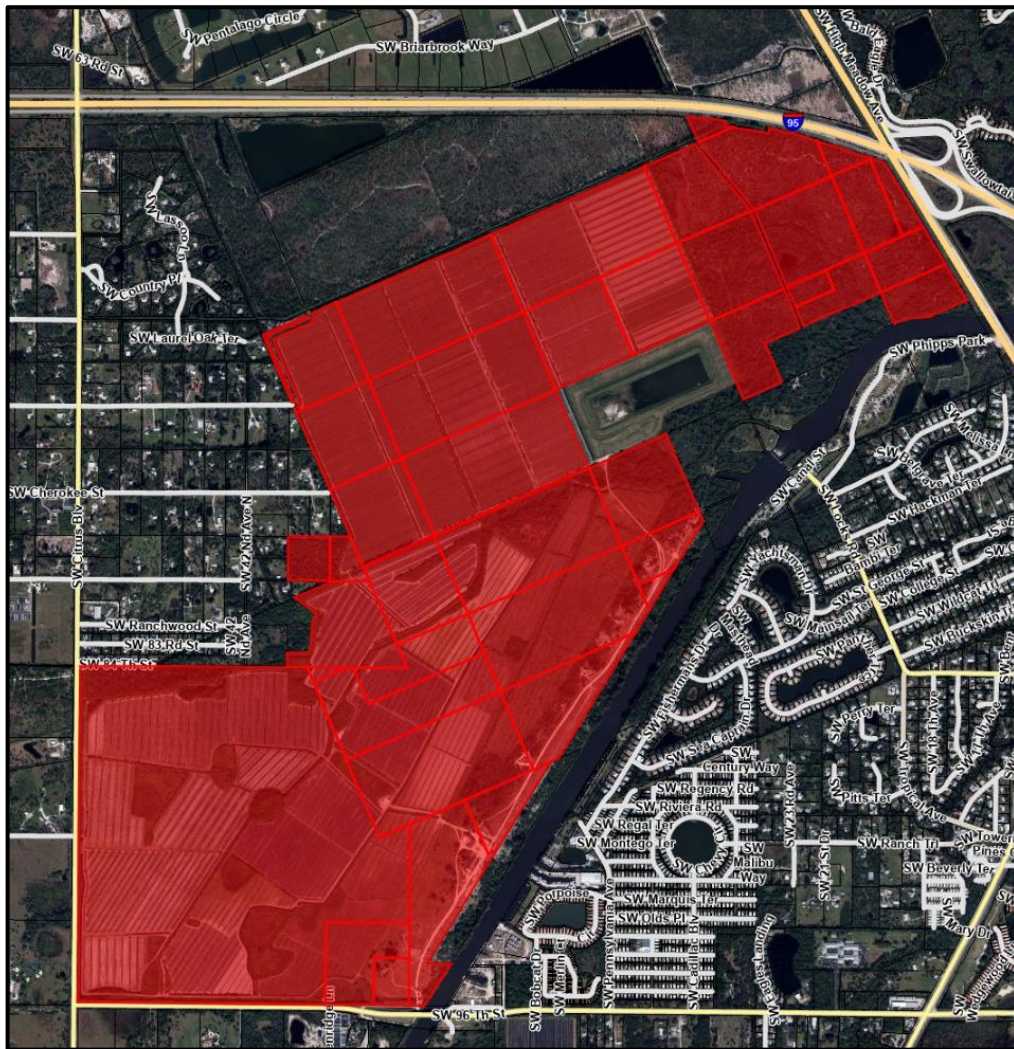
STAFF RECOMMENDATION

Approve a correction on the Future Land Use Map by including the Agricultural Ranchette future land use designation on the previously abandoned Right-of-Way.

SITE LOCATION

Property owned by 456 south Ocean LLC, shown on Figure 1, below is located north of SW 96th Street, east of SW Citrus Boulevard, south of Interstate 95, and west of the Florida Turnpike. It includes portions of the Saint Lucie Inlet Farms plat recorded in 1911 and the Palm City Farms plat recorded in 1916.

Figure 1, Location map, showing the total land area of the applicant's parcels indicated in red.



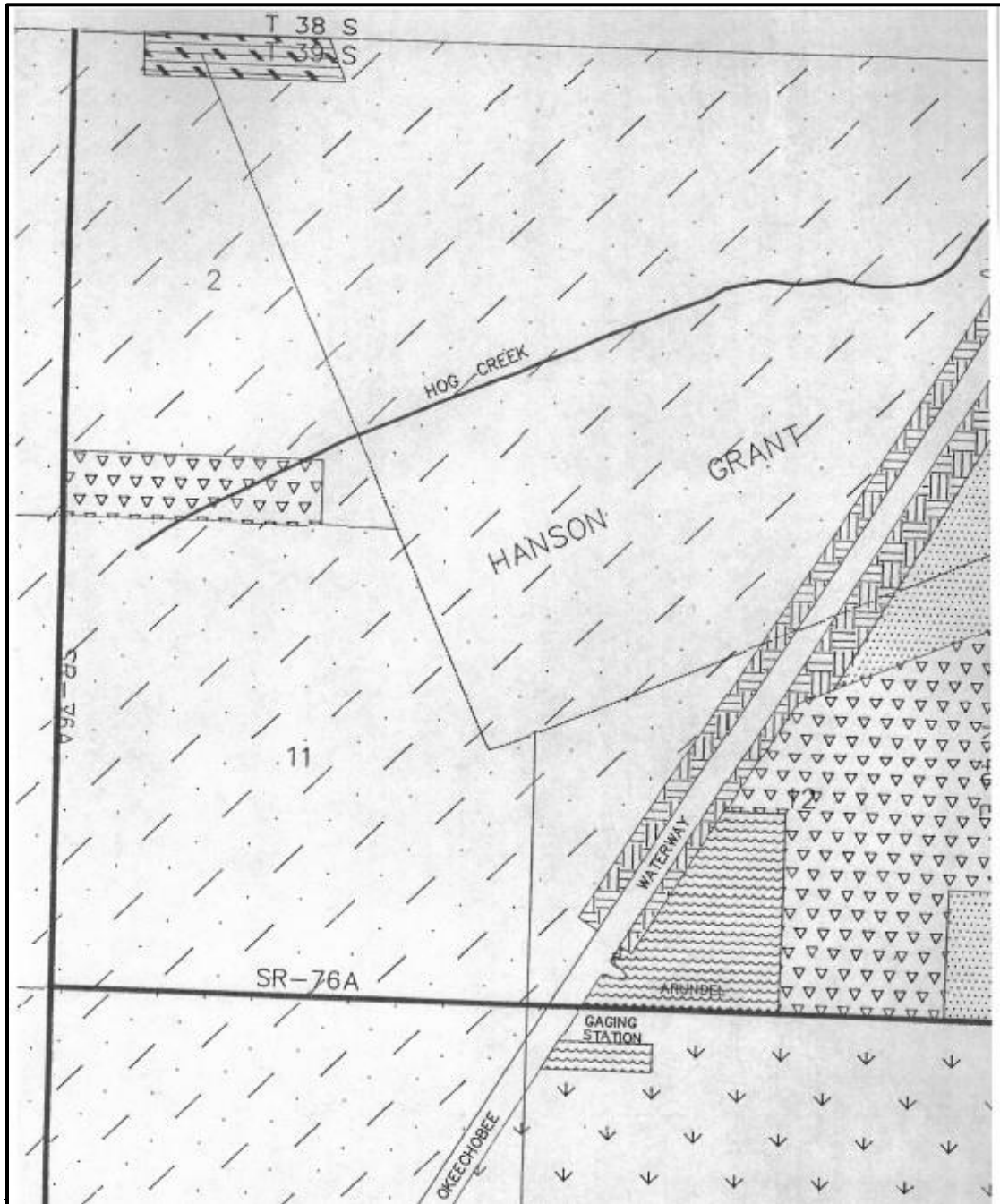
BACKGROUND

A scrivener's error is a mistake in an ordinance or other document adopted by the Board of County Commissioners (BOCC) that is the result of simple human error and is not a reflection of actual intent of the BOCC. The Future Land Use Map (FLUM), originally adopted in 1982, was compiled by County staff at the direction of the BOCC. While numerous other policy directives were given, the primary direction in the creation of the FLUM was to assign future land use designations to all public and private real property in Martin County.

However, Right-of-Way (ROW) is unlike publicly owned real property which includes other rights. Right-of-Way is defined as, "a strip of land in which the State, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation use", Martin County, FLA., LDR Section 4.841 (10-23-2018). Most ROW does not have a future land use designation and is not shown with a color or symbol on the FLUM in the same way real property is identified as having a future land use designation.

The 1982 FLUM was recorded on multiple mylar sheets at a scale of (1 inch = 1,000 feet). These maps did not show individual parcel boundaries and only major roads were identified on FLUM throughout the 1980s and 1990s. Please see Figure 2 an excerpt from the early 1980s Future Land Use Map. It depicts the same area being shown on Figures 1, 3 and 4. The black and white document identifies different future land use designations with dots, dashes and a variety of hatching patterns. It does not show property lines and no ROW is shown except SR 76A which is simply shown with a heavy black line. In Figures 3 and 4, one segment of SR 76A is identified as SW Citrus Blvd. and another segment of SR 76A is identified as SW 96th St.

Figure 2, Excerpt from the early 1980s Future Land Use Map



The FLUM was later transferred from mylar into the GIS digital mapping format. During conversion of the hard copy maps to the GIS maps, numerous adjustments were made. All road ROW was recognized, both open and unopen. Neither open nor unopen ROW was given a future land use designation because it is not real property.

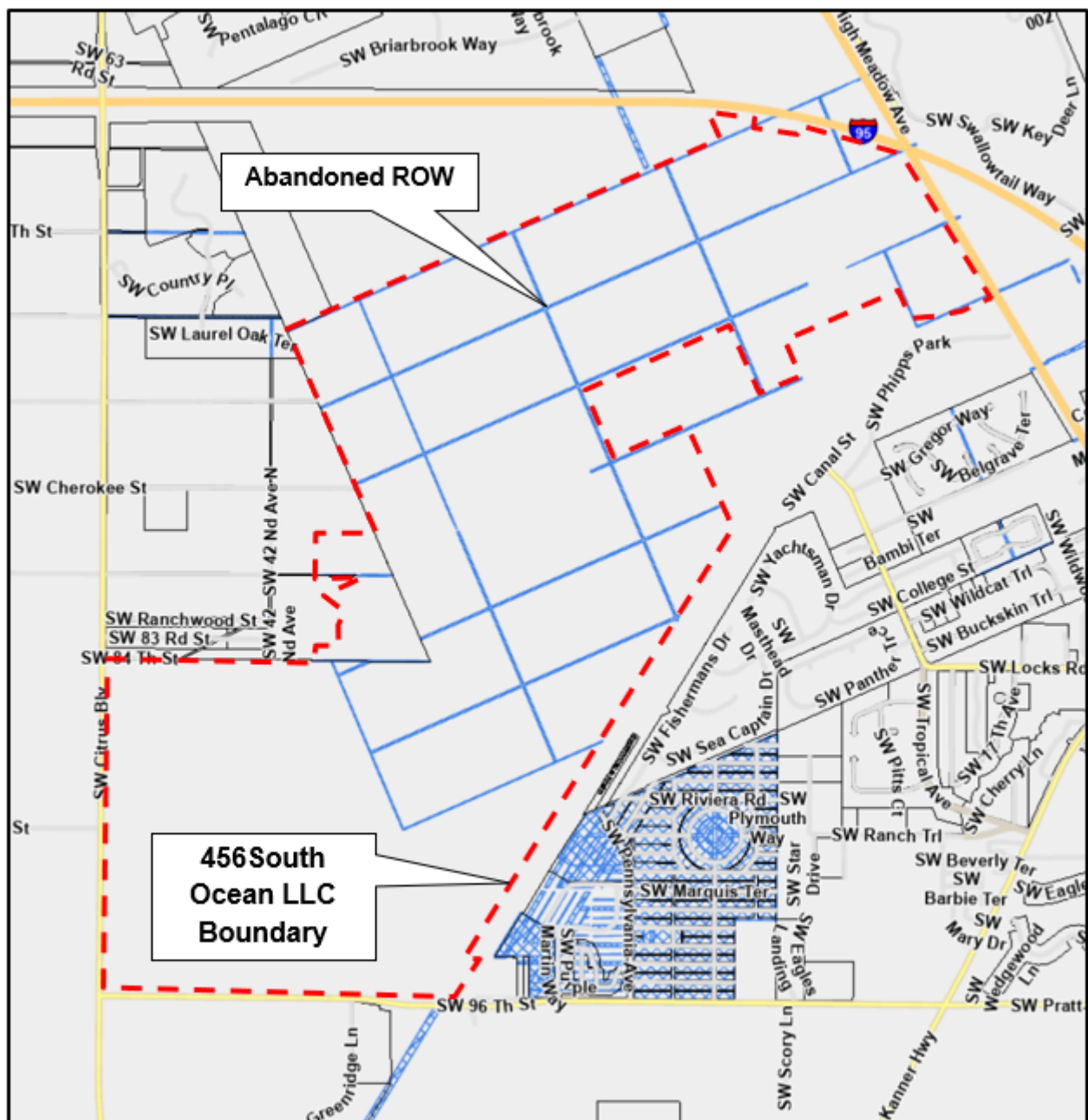
DESCRIPTION OF ERROR

A Resolution, recorded in 1970, approved the abandoning of road ROW within the applicant's property and some areas outside the property boundaries. The abandoned ROW became the real

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property of the surrounding property owners. A future land use designation was assigned to all real property in 1982. However, both the 1980s and 1990s FLUM identified very little ROW. In contrast to the older Future Land Use Maps, the GIS mapping shows almost all ROW and distinguishes it from the real property with a future land use designation. It appears that when the conversion from the older maps to the GIS occurred the abandoned ROW in this area was not assigned the same future land use designation as the surrounding real property.

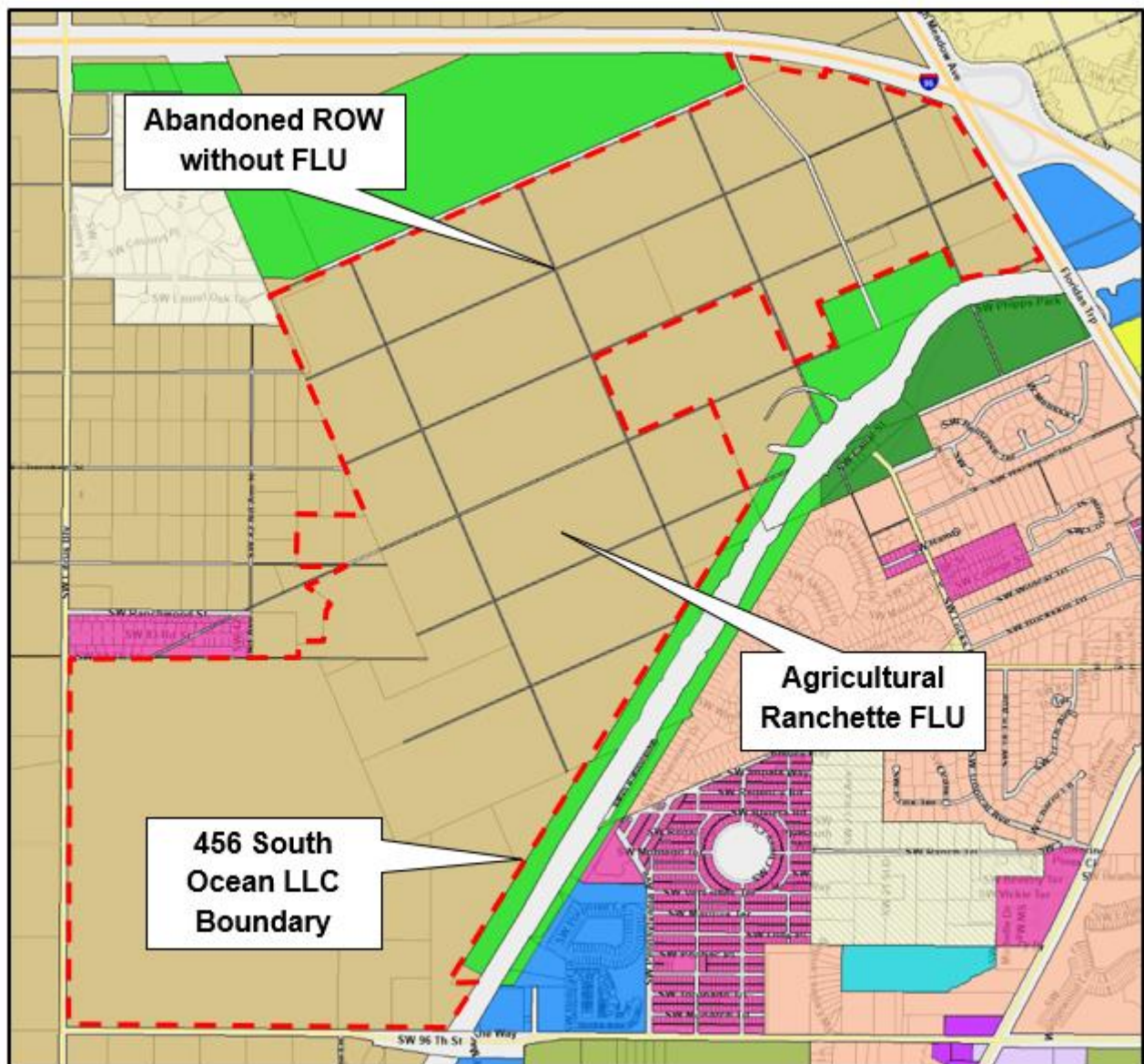
Figure 3 identifies the abandoned ROW with blue lines and shows the 456 South Ocean LLC property boundaries outlined in red dashes. Most of the ROW shown in blue was created with the St. Lucie Inlet Farms Plat and the Palm City Farms Plat. The Plats dedicated the ROW to what was Palm Beach County before Martin County was created in 1925.



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The adopted FLUM shown in the GIS does not show a future land use designation on the previously abandoned ROW. Figure 4, below, shows the 456 South Ocean property designated with the Agricultural Ranchette future land use designation and the abandoned ROW without a future land use designation. The proposed correction would add the Agricultural Ranchette future land use color to the abandoned Right of Way. No other changes to the Future Land Use Map are proposed.

Figure 4, below is an excerpt from the GIS Future Land Use Map showing abandoned ROW without a future land use designation. Please note how the colors identifying future land use designations are separate and distinct from the ROW identified as Interstate 95, the Florida Turnpike, and SW 96th St.



CONCLUSION

Staff recommends adopting the attached resolution and showing the Agricultural Ranchette future land use designation on the abandoned Right of Way described in the September 22, 1970, resolution adopted by the Board of County Commissioners.

FIGURES/ATTACHMENTS

Figure 1, Location map, showing the total land area of the applicant's parcels indicated in red.

Figure 2, Excerpt from the early 1980s Future Land Use Map.

Figure 3, Real Property map, showing abandoned Right-of-Way indicated by blue lines.

Figure 4, Future Land Use map, showing abandoned ROW without a Future Land Use (FLU) designation.

Application materials (as submitted)

Resolution, original document dated 9/22/1970 (excerpt)

Resolution, correcting the Scrivener's Mapping Error