

Board of County Commissioners

Agenda Item Summary

File ID: 19-0073

PLACEMENT: Departmental - Quasi-Judicial

TITLE:

PLAT OF STUART 95 PLAZA, P.U.D. (C), PLAT 1

EXECUTIVE SUMMARY:

The Board of County Commissioners is asked to approve the Plat of Stuart 95 Plaza, P.U.D.(C), Plat 1, which dedicates the right-of-way for SW Jack James Drive from SW Old Kansas Avenue to SR-76 (SW Kanner Highway) to Martin County for the public's use.

DEPARTMENT: Public Works

PREPARED BY: Name: Lisa A. Wichser, P.E., CFM Title: County Engineer

REQUESTED BY: Lisa A. Wichser, P.E., CFM

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

The Martin County Board of County Commissioners entered into a Planned Unit Development Zoning Agreement for the development of a project known as "STUART 95 PLAZA" on June 23, 1992, which is recorded in Official Records Book 985 on Page 732, of the public records of Martin County, Florida.

Phase 1 of Stuart 95 Plaza P.U.D. received Final Site Plan approval on June 30, 1998 and was conveyed to M&M Petroleum Too, Inc. by virtue of instrument recorded in Official Records Book 1323, Page 1814 of the public records of Martin County, Florida. SW Jack James Drive was constructed as part of Phase 1 and connected SW Old Kansas Avenue to SR-76 (SW Kanner Highway). This portion of the right-of-way for SW Jack James Drive was to be dedicated to Martin County within sixty (60) days of final site plan approval for Phase 2. A Final Site Plan application for Phase 2 has not yet been submitted to or approved by Martin County. The timetable of development for STUART 95 PLAZA has expired.

SW Jack James Drive is listed in the County's road inventory as an open, privately-owned, privatelymaintained, major collector but has been used by the public for nearly twenty years. It provides the only reasonable access to SW Old Kansas Avenue from SR-76 (SW Kanner Highway).

At the County Engineer's request, the current owner of the property, Bruner Parks LLC, has agreed to dedicate the right-of-way to Martin County through the Plat of Stuart 95 Plaza, P.U.D. (C), Plat 1245





2401 SE Monterey Road Stuart, Florida 34996



CIRCUIT COURT

D.C.

CLERK OF

Meeting Date: 11/20/2018

COUNTY

DPQJ-5

Bruner Parks LLC has reconstructed the twenty year old road to meet County standards. These improvements were accepted by the County Public Works staff. An environmental site assessment was obtained that indicated there is little to no risk associated with the property.

Pursuant to Sec. 139.31 and 139.32, General Ordinances, Martin County Code requires that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution of the Board of County Commissioners of Martin County.

ISSUES:

There is an underlying Access, Ingress, Egress, and Utility Easement on the property. The easement was dedicated to M&M Petroleum Too, Inc. by the previous property owner in July of 1998. Pursuant to the Easement document, there was no "dedication of any portion of the Easement Parcel to the general public or for any public purpose whatsoever." The Easement document also provides that the "Easement shall automatically terminate upon the recording of the Plat of Stuart 95 Plaza, P.U.D. (C), Plat 1 (the "Plat") in the Public Records of Martin County, Florida; provided said Plat dedicates the Easement Parcel described herein to Martin County for the use and benefit of the public as a public street." Bruner Parks LLC, has agreed to deed the right-of-way to Martin County upon termination of the Easement.

LEGAL SUFFICIENCY REVIEW:

Because this request involves the application of a policy to a specific site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision that is based on a correct application of the law and a competent substantial evidence in the record.

RECOMMENDED ACTION:

RECOMMENDATION

- 1. Move that the Board receive and file the Agenda Item Summary and all of its attachments for the record as Exhibit 1.
- 2. Move that the Board approve the Plat of Stuart 95 Plaza, P.U.D. (C), Plat 1.
- 3. Move that the Board adopt a resolution accepting and approving the right-of-way for SW Jack James Drive and authorize the Chairman to execute any and all documents necessary to complete this transaction.

ALTERNATIVE RECOMMENDATIONS

- 1. Move that the Board receive and file the Agenda Item Summary and all of its attachments for the record as Exhibit 1.
- 2. Move that the Board deny the Plat of Stuart 95 Plaza, P.U.D. (C), Plat 1 and provide staff direction.

FISCAL IMPACT:

RECOMMENDATION

Annual maintenance cost of the road.

Funding Source	County Funds	Non-County Funds
1150 Countywide Road MSTU	\$1,000	
Subtotal	\$1,000	
Project Total	\$1,000	

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

Budget	Transfer /	Amendment		Chair Letter
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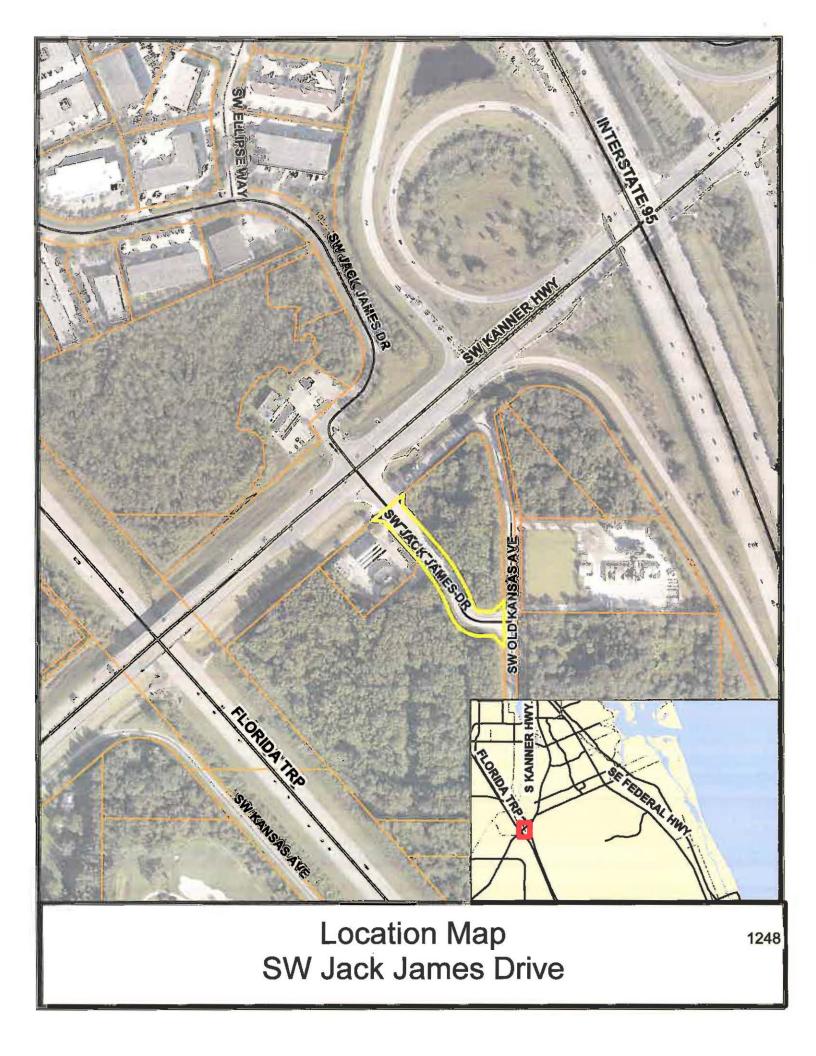
Notice

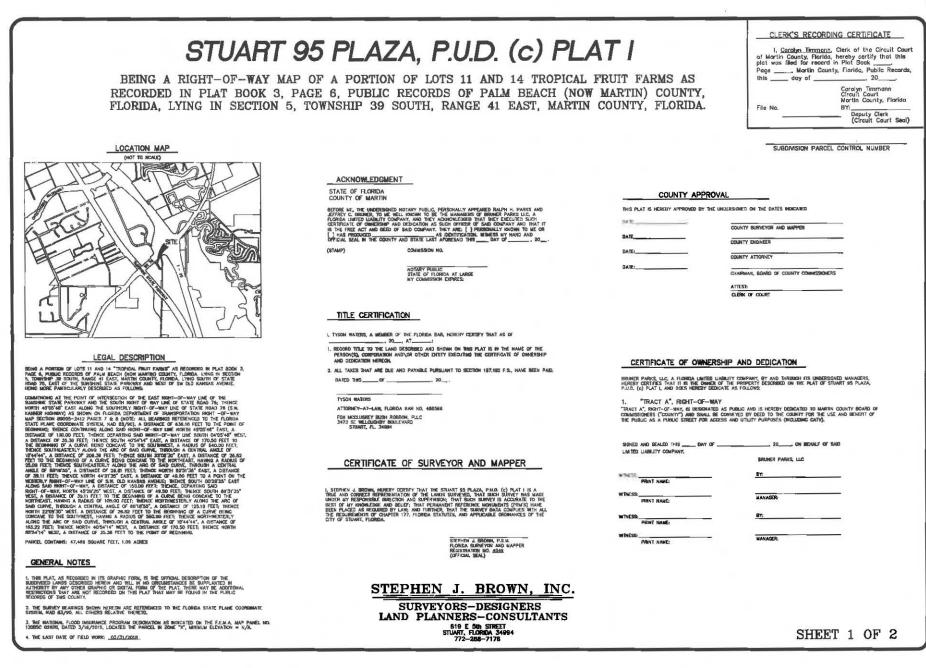
Grant / Application

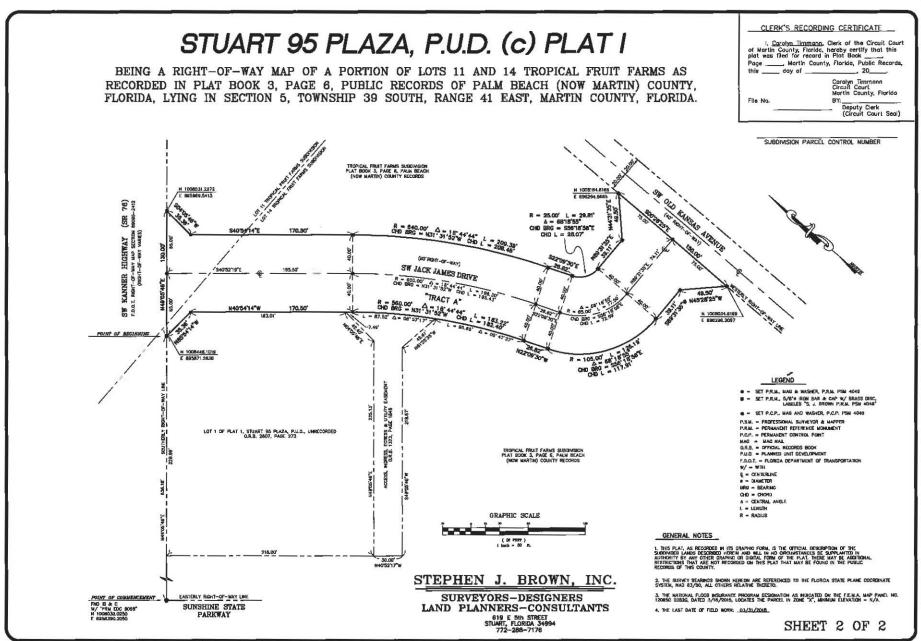
Ordinance

Contract / Agreement

Other:







BEFORE THE BOARD OF COUNTY COMMISSIONERS MARTIN COUNTY, FLORIDA

RESOLUTION NO.

WHEREAS, Bruner Parks LLC, a Florida Limited Liability Company ("Bruner"), has offered to convey SW Jack James Drive as right-of-way to Martin County; and

WHEREAS, Sec. 139.31 and 139.32, General Ordinances, Martin County Code require that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution of the Board of County Commissioners of Martin County.

NOW, THEREFORE, BE IT RESOLVED BY THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

Martin County hereby accepts and approves the conveyance of the right-of-way for SE Jack James Drive from Bruner Parks LLC, a Florid Limited Liability Company.

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2018.

CAROLYN TIMMANN, CLERK OF THE CIRCUIT COURT AND COMPTROLLER , CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

LISA A. WICHSER, P.E. CFM

PROFESSIONAL REGISTRATIONS

April 2017 March 1 992	Certified Floodplain Manager Professional Engineer	National Florida	
EDUCATION			
December 1985	The Pennsylvania State University B.S. Civil Engineering	State College, PA	

Martin County Engineering Department

May 2017 - Present

County Engineer

- Responsible for managing activities of the Traffic Division consisting of 18 employees that oversee the maintenance of all traffic signals, streetlights, and traffic signs (a \$2.2 million budget).
- Responsible for managing the activities of the Development Review Division consisting 8 employees.
 Responsible for ensuring all development applications and permits are reviewed for compliance with the Land Development Regulations and Comprehensive Growth Management Plan Policies associated with: Excavation, Fill, and Mining; Stormwater Management; Flood Protection; Parking and Loading, and Roadway Design.
 Also responsible for ensuring construction of approved development applications and permits is performed in accordance with Development Orders and Permit conditions.
- Responsible for the oversight of the Surveying Division consisting of 8.25 employees.

July 2005 – J 2017 Traffic Engineering / Development Review Administrator

- Responsible for managing activities of the Traffic Division consisting of 18 employees that oversee the maintenance of all traffic signals, streetlights, and traffic signs (a \$2.2 million budget).
- Responsible for managing the activities of the Development Review Division consisting 6 employees. Responsible for ensuring all development applications and permits are reviewed for compliance with the Land Development Regulations and Comprehensive Growth Management Plan Policies associated with: Excavation, Fill, and Mining; Stormwater Management; Flood Protection; Parking and Loading, and Roadway Design. Also responsible for ensuring construction of approved development applications and permits is performed in accordance with Development Orders and Permit conditions.
- Responsible for deciding when and where new traffic signals, streetlights, traffic signs, and intersection improvements are considered. Notable improvements were made at SR-76 (S Kanner Highway) at Interstate 95, SR-714 (SW Monterey Road at SR-76 (SW Kanner Highway), SE Cove Road at SR-5 (US-1 / SE Federal Highway), SR-5 (US-1 / SE Ocean Boulevard) at SR-76 (S Kanner Highway), SR-5 (US-1 / NW Federal Highway) at NW Britt Road, and SR-732 (NE Causeway Boulevard) at SR-A1A (NE Ocean Boulevard).
- Developed a Proportionate Fair Share program and obtained significant state funding for the construction of improvements at SR-76 (S Kanner Highway) at Interstate 95.
- Work closely with the County Attorney's office to the Proportionate Fair Share Agreements, contracts for required improvements, and Right-of-way Maintenance Agreements.
- Negotiated a PUD Agreement with Jensen Beach Land Company that resulted in over \$0.5 million of impact fees for Martin County.
- Negotiated a contract with the Florida Department of Transportation to receive significant increased revenues for the maintenance of traffic signals on the State Highway System. Negotiations included the receipt of several million dollars towards the development of an Advanced Traffic Management System, including a hardened Traffic Management Center.
- Responsible for monitoring traffic volumes and roadway capacity along the highway network and ensuring
 that traffic impact analysis are properly submitted and reviews to identify areas where capacity may be
 required or exceeded.
- Responsible for overseeing the review of both County and State Capital Projects as they relate to traffic control and the County's Land Development Regulations.

CAROLYN TIMMANN CLERK OF CIRCUIT COURT

D.C.

- Responsible for overseeing the Floodplain Protection standards and participation in FEMA's Community Rating System.
- Authored amendments to certain portions of the Land Development Regulations and the Comprehensive Growth Management Plan.
 COMMISSION RECORDS MARTIN COUNTY, FL Date 11/20/18 e

Stuart, FL



November 2003 – July 2005 Transportation Planning Administrator

- Responsible for managing activities of the Traffic Division consisting of 12 employees that oversee the maintenance of traffic signals, streetlights, and traffic signs.
- Responsible for deciding when and where new traffic signals, streetlights, traffic signs, and intersection improvements are constructed.
- Responsible for monitoring traffic volumes and roadway capacity along the highway network and ensuring that traffic impact analysis are properly submitted and reviews to identify areas where capacity may be required or exceeded.
- Responsible for overseeing the review of Capital Projects, as they related to traffic control and the County's Land Development Regulations.
- Responsible for overseeing the Metropolitan Planning Organization staff of 5 employees and developing the Unified Planning Work Program, the Transportation Improvement Plan, the Public Involvement Plan, etc.
- Responsible for preparing and presenting monthly agendas to the Bicycle Pedestrian Advisory Committee, the Citizen's Involvement Roundtable, the Technical Advisory Committee, and the Metropolitan Planning Organization Policy Board.

LBFH, Inc.

August 1994 – October 2003 Sr. Project Manager & Client Service Manager

- Responsible for managing design, permitting, and cost estimating of capital projects for the Martin County Engineering Department, the Martin County Parks and Recreation Department, the Martin County Airport, and the City of Stuart Public Works Department.
- Responsible for marketing corporate services to the applicable departments within the City of Stuart and Martin County.
- Recognized as first female associate shareholder in firm's thirty-year history (1999)
- Ensured that the municipality's needs were established and completed on schedule and within budget.
- Developed technical expertise in development standards for Martin County Utilities & Engineering Departments, the South Florida Water Management District, the Florida Department of Environmental Protection, and the City of Stuart.
- Assisted in development of corporate CAD production and development standards.

PBS&J, Inc.

January 1993 – August 1994 Project Engineer

- Responsible for design, permitting, and cost estimating of roadway widening and reconstruction projects in Martin County and Palm Beach County with continued development of expertise in horizontal and vertical coordinate geometry, typical sections, placement of roadside drainage structures, and construction plan preparation in accordance with the Martin County and Palm Beach County requirements.
- Coordinated with the Florida Department of Transportation and the Federal Highway Association to obtain approval on construction of interchanges along Interstate 95.

Keith & Schnars, P.A.

January 1986 – January 1993 Project Engineer

- Developed technical expertise in horizontal and vertical coordinate geometry, typical sections, placement of roadside drainage structures, and construction plan preparation in accordance with the Florida Department of Transportation requirements for SR-714 (SW Martin Downs Boulevard) over the South Fork of the ST. Lucie River and SR-716 (Port St. Lucie Boulevard) over the north Fork of the St. Lucie River.
- Responsible for construction plan production of corporate roadway projects by overseeing staff of eight on double shifts. Participated in national research and development team for refinement of digital terrain modeling software as it applied to three dimensional survey and design.
- Calculated horizontal geometry for platted subdivisions and right-of-way maps, prepared sketches of legal descriptions, and prepared construction as-builts for single and multi-family subdivisions.

PROFESSIONAL MEMBERSHIPS

- Institute of Transportation Engineers
- Florida Floodplain Managers Association / Association of State Floodplain Managers
- National Association of County Engineers

Fort Lauderdale /Stuart, FL

West Palm Beach, FL

Stuart / Palm City, FL