

KL Waterside, LLC

(FKA Neill Parcels)

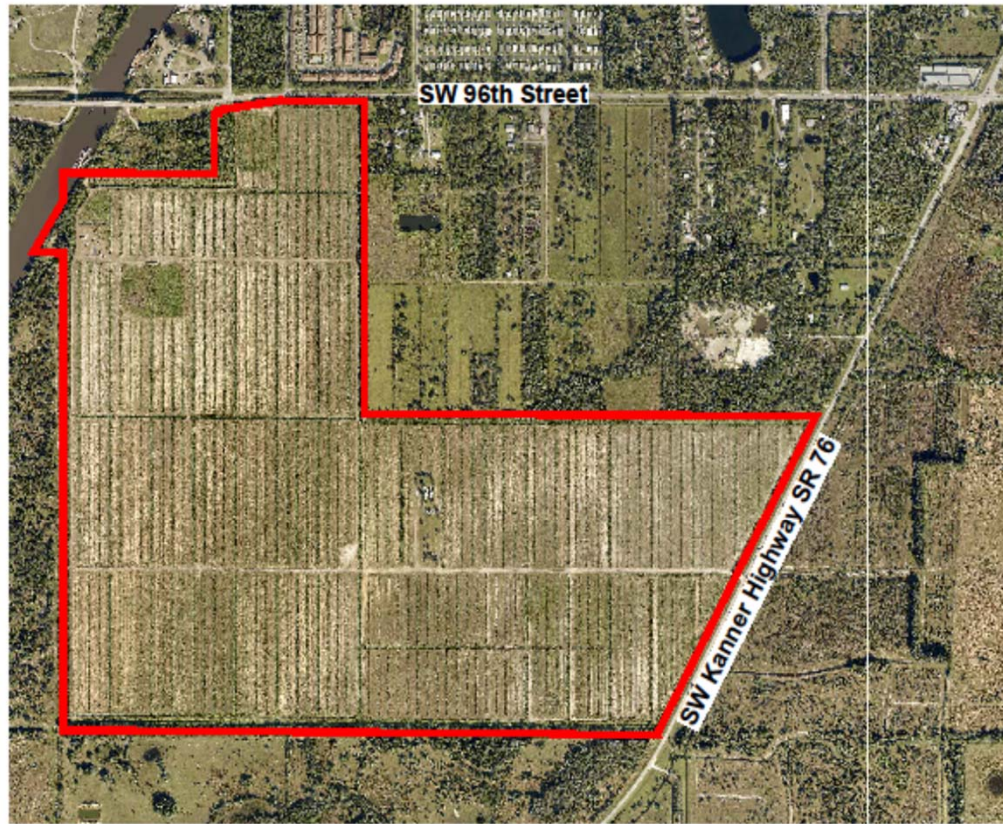
Martin County, Florida

CPA 19-5, 19-6



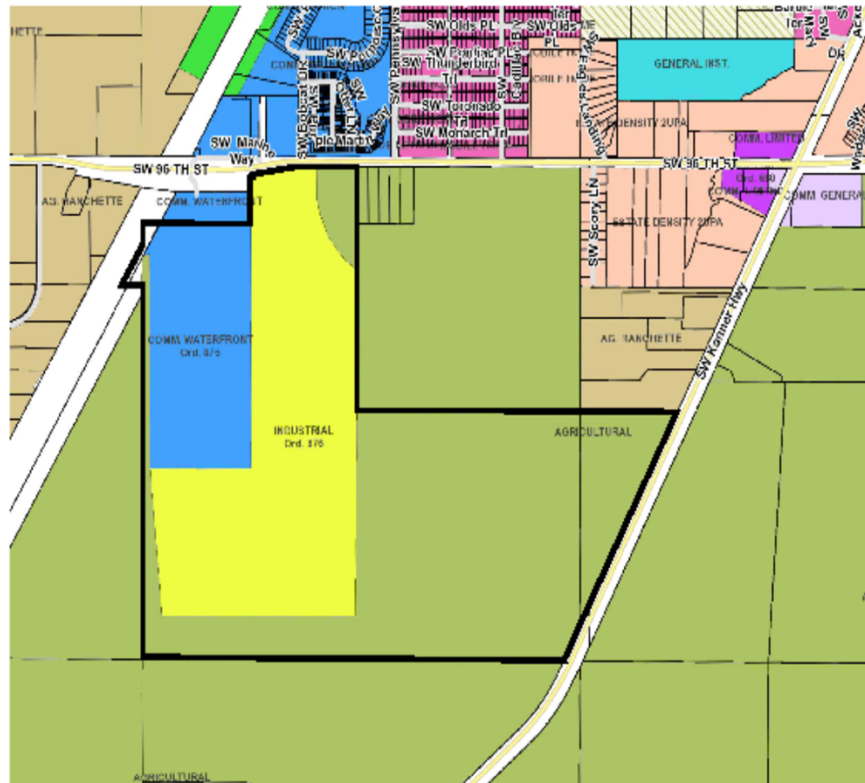
lucido & associates

Aerial Map



KL Waterside, LLC (fka Neill Parcels)
CPA19-5 & 19-6
Martin County, Florida

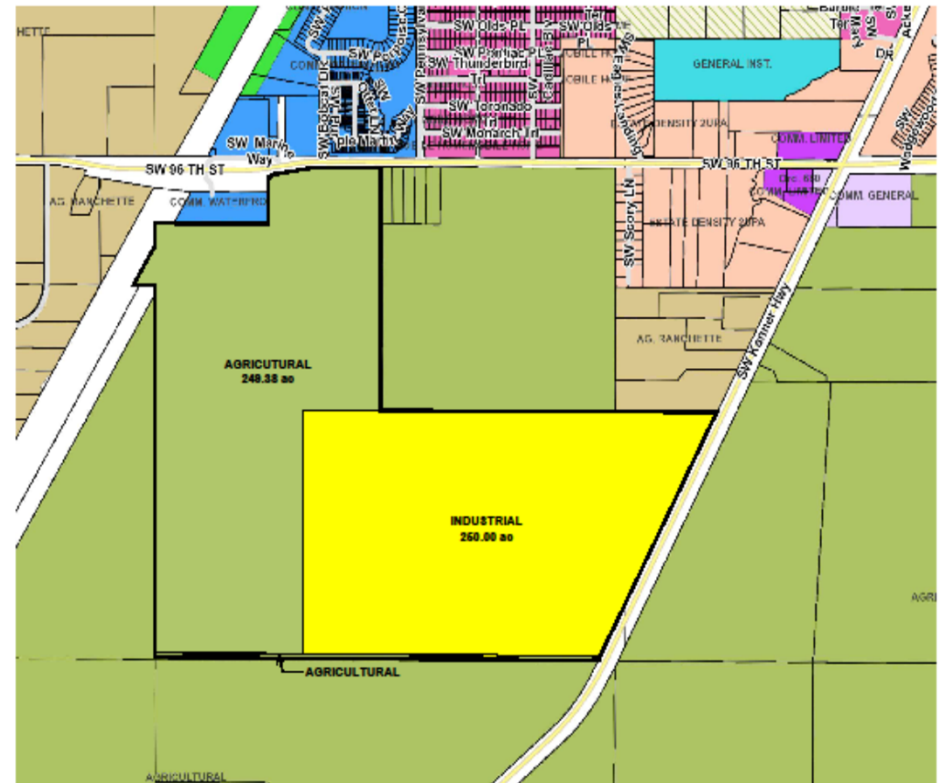
Current Future Land Use Map



Future Land Use Legend

- Rural Density - up to 0.5 UPA
- Ag/TEC
- Rural Heritage - up to 0.5 UPA
- Estate Density - up to 1 UPA
- Estate Density - up to 2 UPA
- Low Density - up to 5 UPA
- Medium Density - up to 8 UPA
- High Density - up to 10 UPA
- Mobile Home Density - up to 5 UPA
- Mixed-Use Village
- Commercial General
- Commercial Limited
- Commercial / Office / Residential
- Commercial Waterfront
- Recreational
- Public Conservation Area
- General Institutional
- Industrial
- Agricultural
- Agricultural Ranchette
- Major Power Generation Facility
- No Data (May Include Incorporated Area)

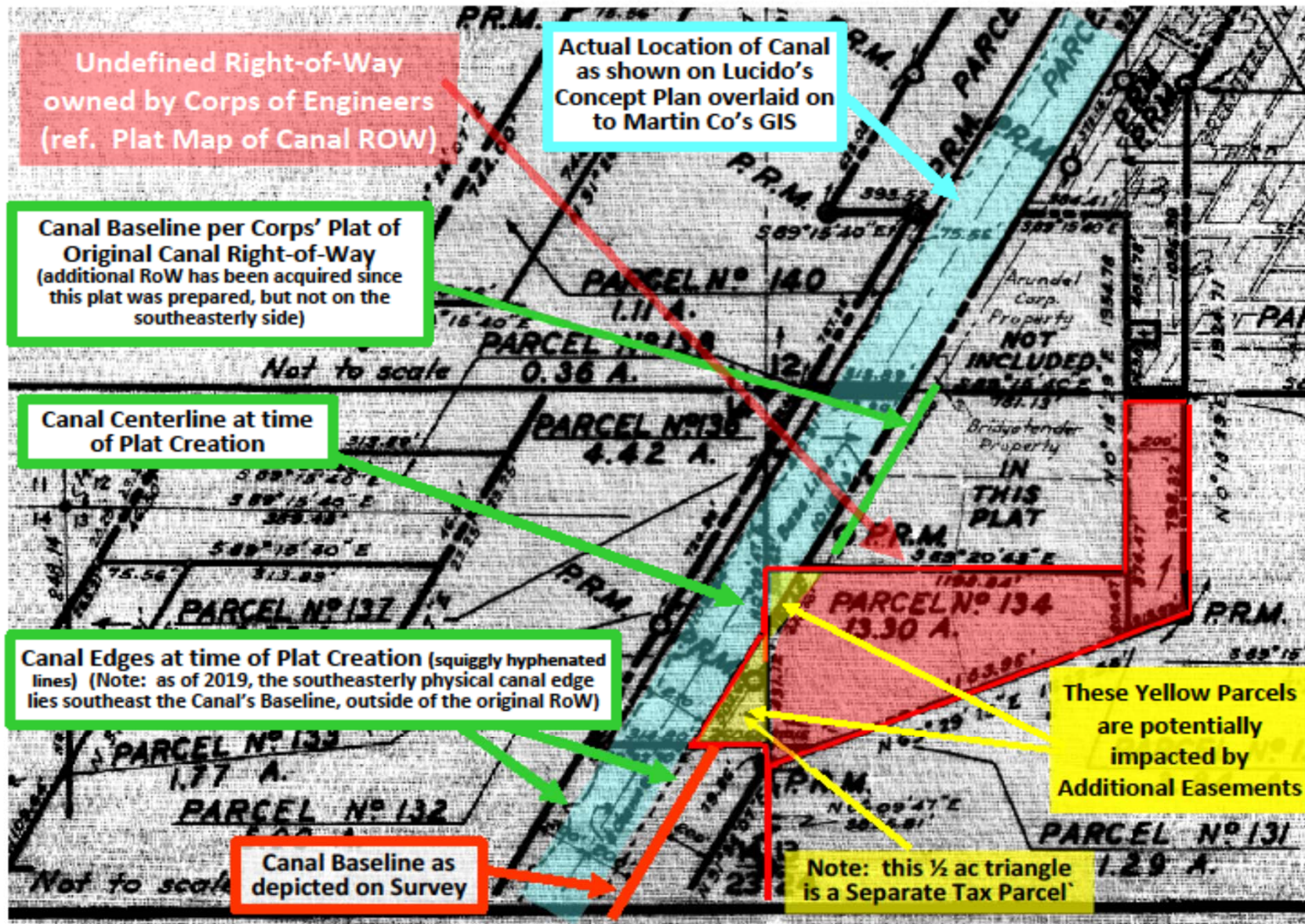
Proposed Future Land Use Map



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1/22/19 Analysis of Excerpt from Corp of Engineers PLAT MAP of ORIGINAL CANAL RIGHT-OF-WAY - prepared in 1930s



king verdict:

"WE, THE JURY, FIND THAT:

I.

"An accurate description of the property taken herein is as follows:

The perpetual right, power and privilege to enter upon, excavate, cut away, and remove any or all of the land hereinafter described as may be required for the improvement and maintenance of the St. Lucie Canal, or any enlargement thereof, and to maintain the channel and the portion so excavated as a part of the navigable waters of the United States; and the further right to enter upon, occupy and use any portion of said land not so cut away and converted into public navigable waters, for the deposit of dredged material, for the construction and maintenance of levees, and for such other purposes as may be needful in the preservation and maintenance of the St. Lucie Canal, Reserving, However, to the owner or owners all such rights and privileges in the following tracts of land as may be used and enjoyed without interfering with or abridging said easement, to-wit:

Parcels No. 120, 121, 123, 127, 128, 130, 131, 132, 133, 134, 135, 136, 137, 140, 141, 142, 143, 144, 145, 152, and 154, of the Right of Way for St. Lucie Canal Improvement as shown by plat thereof recorded in Plat Book 2, page 35, Public Records of Martin County, Florida.

II.

"The compensation to be made for the easement taken in said tracts and parcels of land is in the sum of \$849.50.

III.

"The amount of such total compensation, to which the owner or owners of each tract or parcel are entitled, is as follows:

Parcels No. 120, 121, 123, 127 and 128	None
Parcel No. 130	\$ 2.85
Parcel No. 131	19.35
Parcel No. 132	None
Parcel No. 133	None
Parcel No. 134	199.50

ACOE “...the perpetual right, power and privilege to enter upon, excavate, cut away, and remove any or all of the land..., as may be required for the improvement and maintenance of the St. Lucie Canal, or any enlargement thereof...; and the further right to enter upon, occupy and use any portion of said land..., for the deposit of dredged material, for the construction and maintenance of levees, and for other purposes as may be needful in the preservation and maintenance of the St. Lucie Canal...”.

Morris Crady

Subject:

FW: ACOE ROW - St Lucia Canal ROW Easement, Martin County FLA

-----Original Message-----

From: MILLER, Bertha A CIV USARMY CESA (USA) <Bertha.A.Miller@usace.army.mil>

Sent: Wednesday, August 21, 2019 2:49 PM

To: Nancy Neill <nancyneill@strategicmfo.com>

Cc: Holmes, Joshua R CIV USARMY CESA (USA) <Joshua.R.Holmes@usace.army.mil>; FREEMAN, Emmanuel J CIV USARMY CESA (US) <Emmanuel.J.Freeman@usace.army.mil>; Colon, Nelson R CIV USARMY CESA (USA) <Nelson.R.Colon@usace.army.mil>; Trulock, Shelley Faye CIV USARMY CESA (US) <Shelley.F.Trulock@usace.army.mil>
Subject: RE: Referred by Josh Holmes - St Lucia Canal ROW Easement, Martin County FLA

Ms. Neill,

This is to confirm receipt of your email. I apologize for not responding any earlier. It must have been buried in all my other emails I get each day and was probably an oversight on my part.

Just want to inform you that the Corps does not release or terminate perpetual right-of-way easements or interests required for the operation and maintenance of our projects. The easements you are referring to are still in effect and required for the operation and maintenance of the Okeechobee Waterway Project. The Federal Government acquired these easements for project purposes and these easements grant the Government the perpetual right to enter upon, excavate, cut away, and remove any or all of the tract of land required at any time for the construction and maintenance of the Waterway. Any development on the easement area would interfere with the Government's rights granted in the easement.

I hope this answers your question and any concerns you may have.

v/r,

Bertha A. Miller
Realty Specialist
U.S. Army Corps of Engineers
Jacksonville District
Real Estate Division
P.O. Box 4970
Jacksonville, FL 32232-0019
tel. 904 232-3727
email bertha.a.miller@usace.army.mil

From: Nancy Neill

Sent: Wednesday, July 10, 2019 2:33 PM

To: Bertha Miller (Bertha.A.Miller@usace.army.mil <<mailto:Bertha.A.Miller@usace.army.mil>>)

<Bertha.A.Miller@usace.army.mil> <<mailto:Bertha.A.Miller@usace.army.mil>> >

Subject: Referred by Josh Holmes - St Lucia Canal ROW Easement, Martin County FLA

Hi Bertha,

Good afternoon. Josh Holmes indicates I should be dealing with you on the below issue. Can you confirm you are the correct person?

We are trying to move forward with our development, and I am wondering if you have a sense as to when you might be able to respond. I would appreciate any feedback you have.

August 21, 2019

Ms. Neill,

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Just want to inform you that the Corps does not release or terminate perpetual right-of-way easements or interests required for the operation and maintenance of our projects. The easements you are referring to are still in effect and required for the operation and maintenance of the Okeechobee Waterway Project. The Federal Government acquired these easements for project purposes and these easements grant the Government the perpetual right to enter upon, excavate, cut away, and remove any or all of the tract of land required at any time for the construction and maintenance of the Waterway. Any development on the easement area would interfere with the Government's rights granted in the easement.

I hope this answers your question and any concerns you may have.

v/r,

Bertha A. Miller
Realty Specialist
U.S. Army Corps of Engineers
Jacksonville District

CGMP Policy 4.13A.8(e) Marine Service Areas

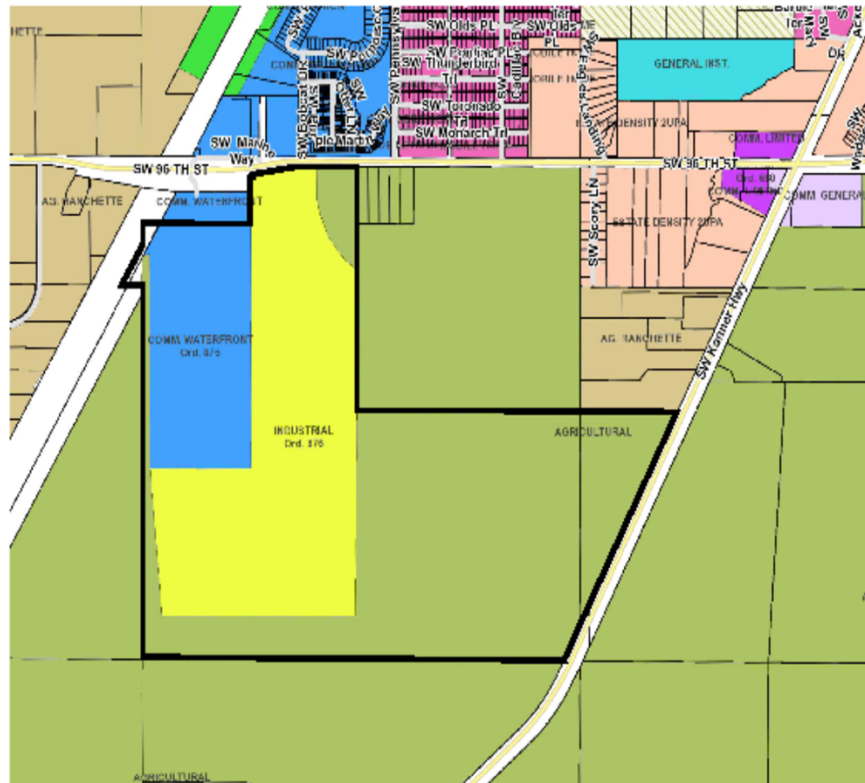
**Allows a reduction in the Marine Waterfront
Commercial land use when...**

(e) A particular parcel of land in a Marine Service Area cannot reasonably be developed or redeveloped for marine service uses due to changes in the surrounding area or government regulations related to marine service uses.

Section 1.11.C(2) of the Comprehensive Growth Management Plan (CGMP)

“(c) The proposed change would correct what would otherwise appear to be an inappropriately assigned land use designation;

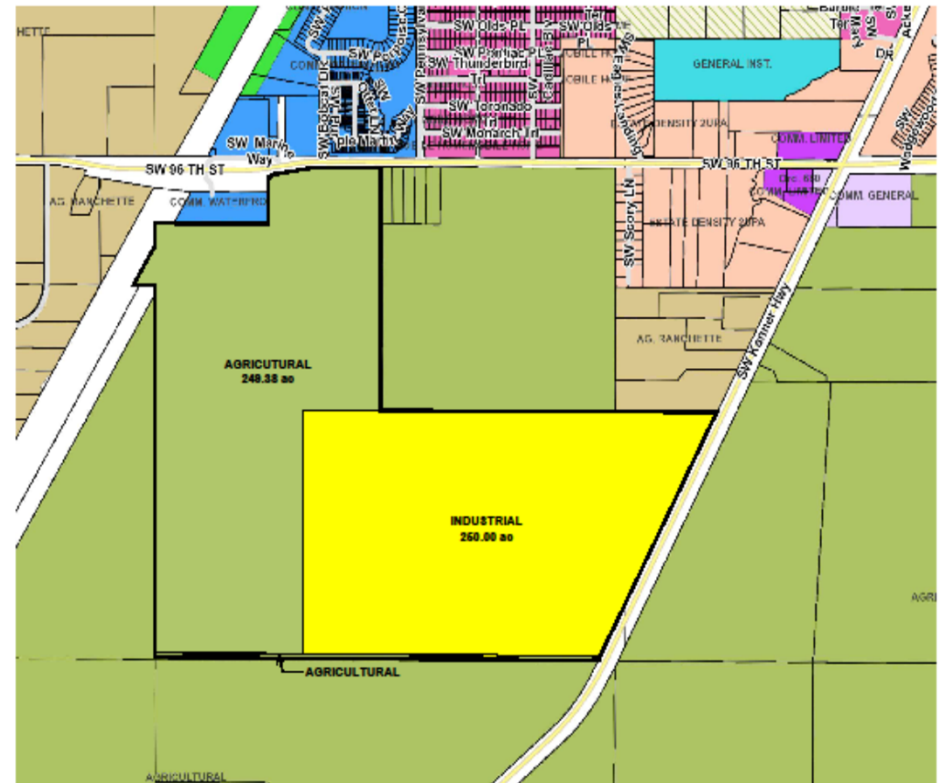
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Proposed CGMP Policy 4.1B.2(2)

- a) Uses on the subject property shall be limited to nonresidential uses. Residential uses shall not be permitted.
- (b) Uses on the property shall be consistent with the future land use designations for the property and the applicable land use policies of the Martin County Comprehensive Growth Management Plan (CGMP).
- (c) The net inbound AM peak hour trips generated by all uses shall be limited to 950 trips, as demonstrated during the review of final site plans consistent with Article 5, Adequate Public Facilities, Division 3, Traffic Impact Analysis , Land Development Regulations.
- (d) All future applications for development approval shall be processed as a Planned Unit Development (PUD).
- (e) A warehouse or distribution facility shall not exceed a building footprint of 1,050,000 square feet.

(f) No final site plan shall be approved, which provides access to SW 96th Street from that portion of the property designated as Industrial on the Future Land Use Map, unless it is restricted to provide access for emergency purposes only.

**Agree with
Staff Recommendation**