



April 28, 2020

VIA EMAIL (kstorey@martin.fl.us)

Krista Storey, Esq.
Senior Assistant County Attorney
Martin County
2401 SE Monterey Road
Stuart, FL 34996

Re: Dissolution of Stuart 95 Plaza Property Owners' Association

Dear Krista:

Please consider this letter as our request for an item to be placed on the agenda for the Martin County Board of County Commission to approve the dissolution of the Stuart 95 Plaza Property Owners' Association (the "Association").

The Stuart 95 Plaza Commercial Planned Unit Development, PUD-C, was established on June 23, 1992, by approval of a Zoning Agreement by the Board of County Commissioners, which is recorded in Official Records Book 985, at Page 732, of the Public Records of Martin County, Florida. Section IV.1., of the Zoning Agreement, required the creation of a Declaration of Covenants, Conditions & Restrictions for the Stuart 95 Plaza (hereinafter the "Covenants & Restrictions"), and for an association to be established for the maintenance, operation and management of the common areas. I have attached copies of both the Zoning Agreement and the Covenants and Restrictions for your convenience.

In a letter from Nicki van Vonno, to Tyson J. Waters, Esq., dated August 12, 2019, attached as Exhibit "A" hereto, Ms. van Vonno stated the following:

In recognition of the fact that the PUD Zoning Agreement has expired and the required right-of-way dedication connecting Kanner Highway and Old Kansas Avenue was concluded last year, approval is hereby granted for the dissolution of the Association.

We agree that the expiration of the Zoning Agreement and the dedication of the right-of-way were critical in requiring the approval by Martin County of the dissolution of the Association. Furthermore, Section IV.2., of the Zoning Agreement states, that "[t]he association shall not be dissolved nor shall it dispose of any common areas, by sale or otherwise, except to

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an organization conceived and organized to own and maintain the common areas, without first receiving the approval of the County.” The Zoning Agreement does not specifically state that the consent for dissolution must be approved by the Board of County Commissioners. Therefore, we believe that Ms. van Vonno’s letter was sufficient for approval by the County to dissolve the Association with respect to the Zoning Agreement. However, it appears that the Covenants & Restrictions specifically requires the consent of the Board of County Commissioners to dissolve the Association.

Section 7. of the Covenants & Restrictions reads in part:

Dissolution of Association. The Association shall not be dissolved nor shall it dispose of any real property contained within the Common Area, by sale of otherwise (except to an entity organized for the purpose of owning and maintaining such Common Areas), **without the prior approval of the Board of County Commissioners of the County.** (emphasis added)

Accordingly, in order to comply with the requirements of Section 7., of the Covenants & Restrictions, we believe that it is prudent to bring forth a request to the Board of County Commissioners to formally consent to the dissolution of the Stuart 95 Plaza Property Owners’ Association. The County has acknowledged that the Zoning Agreement has expired and that the required right-of-way dedications have occurred. Furthermore, there are no Common Areas that require maintenance or management by the Association.

Time is of the essence regarding this matter. Therefore, we would respectfully request that this matter be placed on the May 19, 2020, County Commission meeting, if possible. Please let me know if you have any questions or require any additional information. Your assistance and cooperation regarding this matter is greatly appreciated.

Sincerely,

Robert Raynes, Jr.

Robert S. Raynes, Jr.

cc: Paul Schilling, Growth Management Director (via email)

Enclosures

**MARTIN COUNTY****BOARD OF COUNTY COMMISSIONERS****2401 S.E. MONTEREY ROAD • STUART, FL 34996**

DOUG SMITH
STACEY HETHERINGTON
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Commissioner, District 3
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August 12, 2019

Tyson J. Waters, Esq.
Fox McCluskey Bush Robison, PLLC
3461 SE Willoughby Boulevard
Stuart, FL 34994

Re: Stuart 95 Plaza PUD Zoning Agreement

Dear Mr. Waters:

This letter responds to your July 10, 2019 request regarding the Association created pursuant to the Stuart 95 Plaza PUD Zoning Agreement. Section IV.2. of the PUD Zoning Agreement prohibits the Association from being dissolved without first receiving the approval of the County. As a condition precedent to the dissolution or disposal of common areas, the County may require dedication of common open areas, utilities or road rights-of-way to the public, as deemed necessary.

In recognition of the fact that the PUD Zoning Agreement has expired and the required right-of-way dedication connecting Kanner Highway and Old Kansas Avenue was concluded last year, approval is hereby granted for the dissolution of the Association.

Sincerely,

A handwritten signature in blue ink that reads "Nicki van Vonno".

Nicki van Vonno, AICP
Growth Management Department Director

NvV/mh