



Agenda Item Summary

File ID: 19-0956

PH-1

Meeting Date: 10/8/2019

PLACEMENT: Public Hearings

TITLE:

REQUEST ADOPTION OF A RESOLUTION TO REALIGN SE 138TH STREET IN HOBE SOUND, APPROVING AN EXCHANGE OF PROPERTY WITH A.C.H. ASSOCIATES AND ACCEPTING AND APPROVING A WARRANTY DEED FROM ADRIAN AND MICHELLE REED

EXECUTIVE SUMMARY:

The Board of County Commissioners is asked to consider adoption of a Resolution to realign SE 138th Street in Hobe Sound. The Resolution includes the exchange of property with A.C.H. Associates, a Florida general partnership (ACH) and acceptance of a Warranty Deed from Adrian and Michelle Reed to effectuate the realignment.

DEPARTMENT: Public Works

PREPARED BY: **Name:** Colleen J. Holmes, CLA
Title: Real Property Coordinator

REQUESTED BY: George Dzama, Capital Projects Manager

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

- | | |
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| 1. Documents Prepared by: | Real Property Division |
| 2. Parties to Warranty Deeds: | Adrian & Michelle Reed, Grantors
A.C.H. Associates, a Florida general partnership, Grantor
Martin County, Grantee |
| Parties to County Deed: | Martin County, Grantor
A.C.H. Associates, a Florida general partnership, Grantee |
| 3. Purpose: | Realignment and paving of SE 138 th Street, Hobe Sound |
| 4. New/Renewal/Modified: | New |
| 5. Duration: | Perpetual |

- | | |
|-------------------------------|---|
| 6. Benefits to Martin County: | Replacing dangerous reverse curve; lowering lifecycle costs, and improving water and air quality by paving a dirt road. |
| 7. Cost to the County: | TBD |

In 1940, the Board of County Commissioners (BOCC) established and declared as a public County road what is now SE 138th Street. Over time, SE 138th Street was improved as an unpaved County road. As the road was improved, it deviated in course from the adopted legally described path. The BOCC has been asked to realign SE 138th Street from the adopted path to the current path. This project will improve safety by replacing a dangerous reverse roadway curve with a single roadway curve, designate the appropriate right of way, lower lifecycle costs and improve water and air quality by paving the dirt road. Section 336.08, Florida Statutes, allows the BOCC to “establish, locate, change, or discontinue public county roads by resolution”.

ACH owns a 106-acre parcel that fronts SE Bridge Road and contains approximately 1,042 feet along SE 138th Street. In this area, SE 138th Street was constructed outside of the declared right of way and is currently located within the property owned by ACH.

ACH has agreed to an exchange of property in which it will convey to Martin County that portion of the improved SE 138th Street located on ACH property and Martin County will convey to ACH that portion of the declared right of way located on ACH property that is no longer needed by the County. Real Property Division has confirmed ownership of the parcel and verified there are no mortgages on the property.

Section 125.37, Florida Statutes requires the County to advertise and hold a public hearing before authorizing the exchange of property for realignment.

Adrian and Michelle Reed own property adjacent to SE 138th Street. The Reeds have executed a Warranty Deed donating the necessary additional right of way for SE 138th Street adjacent to their property. Real Property Division has confirmed ownership of the parcel and verified there are no mortgages on the property.

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

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt the Resolution:

1. Relocating SE 138th Street as constructed in accordance with Section 336.08, Florida Statutes;
2. Authorizing exchange of property between A.C.H. Associates, a Florida general partnership and Martin County to obtain necessary right of way for realignment of SE 138th Street;
3. Accepting and approving the Warranty Deed from A.C.H. Associates, a Florida general partnership to Martin County for right of way for SE 138th Street;
4. Authorizing the Chairman to execute a County Deed to A.C.H. Associates, a Florida general partnership, conveying a portion of the unopened declared right of way, which is no longer needed by the County;
5. Accepting and approving the Warranty Deed from Adrian and Michelle Reed, a married couple, to Martin County for additional right-of-way along SE 138th Street; and
6. Authorizing the Chairman to execute any and all documents necessary to complete the transaction.

ALTERNATIVE RECOMMENDATIONS

Move that the Board provide alternative direction to staff.

FISCAL IMPACT:

RECOMMENDATION

The costs and funding sources for the project are included in the approved CIP Sheet for 138th Street Improvements which is an attachment to this Board Item.

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- | | | |
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| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Other: County Deed | <input checked="" type="checkbox"/> Resolution | |

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