



Legislation Details (With Text)

File #: 19-0073
Type: Departmental Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 11/20/2018 **Final action:** 11/20/2018
Title: PLAT OF STUART 95 PLAZA, P.U.D. (C), PLAT 1
Sponsors:
Indexes:
Code sections:
Attachments: 1. Jack James Location.pdf, 2. Stuart 95 P.U.D.(c), Plat 1.pdf, 3. Dedication Resolution.pdf

Date	Ver.	Action By	Action	Result
11/20/2018	1	Board of County Commissioners	approved	Pass

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, privately-maintained, 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 1. 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 ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☒ Resolution
☐ Other: