



Legislation Details (With Text)

File #: 19-0606

Type: Consent **Status:** Agenda Ready

In control: Board of County Commissioners

On agenda: 7/30/2019 **Final action:**

Title: ADOPTION OF A RESOLUTION ACCEPTING AND APPROVING A 60' RIGHT OF WAY (ROW) EASEMENT ON SE SMITH AVENUE, WARRANTY DEED FOR 25' CORNER CLIP AND 30' ROW ON SE DARLING STREET AND UTILITY EASEMENT FROM ABUNDANT LIFE MINISTRIES

Sponsors:

Indexes:

Code sections:

Attachments: 1. Abundant Life Location Maps.pdf, 2. Abundant Life Ministries Resolution 6-7-19.pdf, 3. Abundant Life ROW Easement signed.pdf, 4. Abundant Life Warranty Deed signed.pdf, 5. Abundant Life Partial Release signed.pdf, 6. Abundant Life Utility Easement signed.pdf

Date	Ver.	Action By	Action	Result
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PLACEMENT: Consent

TITLE:

ADOPTION OF A RESOLUTION ACCEPTING AND APPROVING A 60' RIGHT OF WAY (ROW) EASEMENT ON SE SMITH AVENUE, WARRANTY DEED FOR 25' CORNER CLIP AND 30' ROW ON SE DARLING STREET AND UTILITY EASEMENT FROM ABUNDANT LIFE MINISTRIES

EXECUTIVE SUMMARY:

This is a request for the adoption of a resolution accepting and approving a 60' ROW Easement on SE Smith Avenue, a Warranty Deed for a 25' corner clip and 30' ROW, along with a Partial Release of Mortgage for the dedication, on SE Darling Street and a Utility Easement from Abundant Life Ministries, Assembly of God, Stuart, Florida, a Florida not for profit corporation (Abundant Life Ministries) as part of the conditions of approval of the Minor Final Site Plan for Abundant Life Ministries.

DEPARTMENT: Public Works

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

REQUESTED BY: Terry Rauth, P.E., Public Works Director

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

- | | | |
|----|---|---|
| 1. | Documents Prepared by: | Real Property Division
Applicant's Attorney |
| 2. | Parties to ROW Easement,
Warranty Deed and Utility Easement: | Abundant Life Ministries, Assembly of
God, Stuart, Florida, Inc., a Florida
not for profit corporation, Grantor
Martin County, Grantee |
| 3. | Purpose: | Acquisition of required ROW and
easement for Utilities pursuant to
Minor Final Site Plan approval |
| 4. | New/Renewal/Modified: | New |
| 5. | Duration: | Perpetual |
| 6. | Benefits to Martin County: | Ownership and easement for required
ROW and Utilities |

As a condition of approval of a Minor Final Site Plan for Abundant Life Ministries, the Applicant is required to convey a 60' ROW Easement along SE Smith Avenue, a Warranty Deed for a 25' corner clip, along with a Partial Release of Mortgage for the dedication, at the corner of SE Willoughby Boulevard and SE Darling Street and 30' ROW on SE Darling Street, along with a Utility Easement for utility related equipment to Martin County.

The Applicant has provided the required due diligence materials and the Real Property Division has confirmed ownership of the properties to be conveyed and Consent of Mortgagee has been executed by Herring Bank for the Utility Easement and ROW Easement as well as a Partial Release of Mortgage for the dedication along SE Darling Street.

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.

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 accepting and approving a 60' Right-of-Way Easement on SE Smith Avenue, a Warranty Deed for a 25' corner clip at the corner of SE Willoughby Boulevard and SE Darling Street with a 30' deeded right of way on SE Darling Street,

along with a Utility Easement for utility related equipment from Abundant Life Ministries, Assembly of God, Stuart, Florida, Inc., a Florida not for profit corporation to Martin County.

- Move that the Board authorize the Chairman to execute any and all documents necessary to complete the transactions.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and direct staff.

FISCAL IMPACT:

RECOMMENDATION

None. The Applicant has paid for all due diligence materials and will pay all recording costs.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☒ Resolution
☐ Other:

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