



Legislation Details (With Text)

File #: 19-1048
Type: Consent
Status: Agenda Ready
In control: Board of County Commissioners
On agenda: 10/22/2019
Final action:
Title: ADOPTION OF A RESOLUTION APPROVING AND ACCEPTING A 15' NON-EXCLUSIVE PERPETUAL ACCESS AND MAINTENANCE EASEMENT (EASEMENT) FOR ACCESS TO A PROPOSED PARKING AREA ON THE HOBE SOUND SCRUB PRESERVE
Sponsors:
Indexes:
Code sections:
Attachments: 1. Hamm Easement3.pdf, 2. Hamm Drawing.pdf, 3. Resolution.pdf, 4. Executed Non-Exclusive Easement.pdf, 5. Funding Concurrence Memo.pdf, 6. 18-029 Hobe Sound Scrub 20190410_revised.pdf, 7. Road Right of Way Requirements.pdf

Date	Ver.	Action By	Action	Result
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PLACEMENT: Consent

TITLE:

ADOPTION OF A RESOLUTION APPROVING AND ACCEPTING A 15' NON-EXCLUSIVE PERPETUAL ACCESS AND MAINTENANCE EASEMENT (EASEMENT) FOR ACCESS TO A PROPOSED PARKING AREA ON THE HOBE SOUND SCRUB PRESERVE

EXECUTIVE SUMMARY:

Martin County requires a 15' Access and Maintenance Easement from Edward H. Hamm, as Trustee, under the Amendment and Restatement of Trust of Edward H. Hamm, dated February 26, 1999 (HAMM), for access to a proposed parking area which will be located on the Hobe Sound Scrub Preserve property off Dixie Highway.

DEPARTMENT: Public Works

PREPARED BY: **Name:** Carla Segura
Title: Real Property Manager

REQUESTED BY: John Maehl, Ecosystem Restoration and Management Manager

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

1. Document drafted by: Martin County

- | | | |
|----|----------------------------|--|
| 2. | Parties to the document: | Edward H. Hamm, as Trustee - Grantor
Martin County - Grantee |
| 3. | Purpose of document: | Provide access to a proposed parking area |
| 4. | New/Renewal/Modified: | New |
| 5. | Duration: | Perpetual |
| 6. | Benefits to Martin County: | Provide access for public parking on the Hobe Sound Scrub Preserve |
| 7. | Cost to Martin County: | \$12,500 - District 3 Funding |

In December 2017, after attempts of over a decade, the County, with the assistance of a DEP Appropriations Grant, acquired 27.27 ± acres for the Hobe Sound Scrub Preserve from HAMM for conservation.

In September 2018, the County successfully acquired .06 acres, from a separate property owner, which fronts Dixie Highway in Hobe Sound. The acquisition of this parcel, along with the adjacent platted 15' wide public alley assists in providing sufficient access for public parking to the Hobe Sound Scrub Preserve.

The Hobe Sound Scrub Preserve project proposes a public access parking area with five regular parking spaces and one handicap space.

The 15' platted alley does not meet the requirements for public access. Sec. 4.843.B, Land Development Regulations, Martin County Code require minimum width for a roadway alley of 30'. Due to the limited access space available, it was determined an additional 15' would be needed for public access leading to the proposed public parking area.

Staff approached HAMM requesting the additional 15' of required public access area. HAMM agreed to provide a 15' Non-Exclusive Perpetual Access and Maintenance Easement with funding being provided by District 3 in the amount of \$12,500.

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 purpose shall be accepted and approved by Resolution from the Board of County Commissioners of Martin County.

ISSUES:

None.

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine if 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 a Resolution accepting and approving a Non-Exclusive Perpetual Access and Maintenance Easement from Edward H. Hamm, as Trustee, under the Amendment and Restatement of Trust of Edward H. Hamm, dated February 26, 1999 and authorize the Chairman to execute any and all documents necessary to complete this transaction.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and provide staff with alternative recommendation.

FISCAL IMPACT:

RECOMMENDATION

None

Funding Source	County Funds	Non-County Funds
District 3 Funds	\$12,500.00	
Subtotal		
Project Total	\$12,500.00	

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

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

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