



Legislation Details (With Text)

File #: 20-0701

Type: Consent **Status:** Agenda Ready

In control: Board of County Commissioners

On agenda: 5/19/2020 **Final action:**

Title: REQUEST FOR FORMAL APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF THE DISSOLUTION OF THE STUART 95 PLAZA PROPERTY OWNERS' ASSOCIATION

Sponsors:

Indexes:

Code sections:

Attachments: 1. Creighton Development - Letter to K. Storey re request to dissolve POA.pdf, 2. resolution.DissolutionStuart95POA.pdf

Date	Ver.	Action By	Action	Result
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PLACEMENT: Consent

TITLE:

REQUEST FOR FORMAL APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF THE DISSOLUTION OF THE STUART 95 PLAZA PROPERTY OWNERS' ASSOCIATION

EXECUTIVE SUMMARY:

On behalf of 41164 Jack James, LLC, Robert Raynes, Jr. has requested that the Board of County Commissioners (BCC) approve the dissolution of the Stuart 95 Plaza Property Owners' Association (Association). The Stuart 95 Plaza Planned Unit Development Zoning Agreement has expired, however formal approval of the dissolution of the Association by the BCC is required by the Declaration of Covenants, Conditions, Easements and Restrictions of Stuart 95 Plaza, PUD.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** Krista A. Storey
Title: Senior Assistant County Attorney

REQUESTED BY: Robert Raynes, Jr., Esquire on behalf of 41164 Jack James, LLC

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

On behalf of 41164 Jack James, LLC, Robert Raynes, Jr. has requested that the Board of County Commissioners (BCC) formally approve dissolution of the Stuart 95 Plaza Property Owners' Association (Association). The Stuart 95 Plaza Planned Unit Development Zoning Agreement (PUD

Agreement) has expired, however approval of the dissolution of the Association by BCC is required by the Declaration of Covenants, Conditions, Easements and Restrictions of Stuart 95 Plaza, PUD (Covenants).

The PUD Agreement was approved in 1992. Section IV.2 of the PUD Agreement prohibited dissolution of the Association without the approval of the County. The PUD Agreement did not require approval of the dissolution to be granted by the BCC. Accordingly, because the PUD Agreement had expired, on August 12, 2019, approval of the dissolution was appropriately granted by the Growth Management Director. See the attached April 28, 2020 letter from Mr. Raynes which includes the Growth Management Director's August 12, 2019 letter as an attachment. During its due diligence regarding purchase of a portion of the property previously encumbered by the PUD Agreement, 41164 Jack James, LLC became aware of a provision in Article. IV, Section 7 of the Covenants which specifically required the approval of the BCC prior to the dissolution of the Association. Although this portion of the Covenants is not consistent with the PUD Agreement, in an abundance of caution 41164 Jack James, LLC through Mr. Raynes has requested that the BCC formally consent to the dissolution. Staff has no objection to the request understanding that the lack of the BCC's consent could create a cloud on the title to the property. Accordingly, a resolution approving dissolution of the Association has been prepared for the BCC's consideration. Staff recommends approval of the attached resolution.

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 approve the draft resolution formally consenting to the dissolution of the Stuart 95 Plaza Property Owners' Association.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and direct staff accordingly.

FISCAL IMPACT:

RECOMMENDATION

None

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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