



## Legislation Details (With Text)

**File #:** 20-0711

**Type:** Consent      **Status:** Agenda Ready

**In control:** Board of County Commissioners

**On agenda:** 6/16/2020      **Final action:**

**Title:** ACCEPTANCE OF A UTILITY EASEMENT FROM FORESTAR (USA) REAL ESTATE GROUP INC., FOR WATER AND SEWER SERVICES AND UTILITY RELATED EQUIPMENT FOR THE OCEAN BREEZE WEST PROJECT IN THE TOWN OF OCEAN BREEZE

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map.pdf, 2. Resolution.pdf, 3. Executed UE pkg.pdf

Date	Ver.	Action By	Action	Result
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**PLACEMENT:** Consent

**TITLE:**

**ACCEPTANCE OF A UTILITY EASEMENT FROM FORESTAR (USA) REAL ESTATE GROUP INC., FOR WATER AND SEWER SERVICES AND UTILITY RELATED EQUIPMENT FOR THE OCEAN BREEZE WEST PROJECT IN THE TOWN OF OCEAN BREEZE**

**EXECUTIVE SUMMARY:**

This is a request for the adoption of a Resolution accepting and approving a Utility Easement from Forestar (USA) Real Estate Group Inc., a Delaware corporation, for water and sewer services and utility related equipment including a lift station to service property within Landscape Tract-2 of the Ocean Breeze West project in the Town of Ocean Breeze, south of NE Skyline Drive, east of NE Hickory Ridge Avenue and west of FEC Railway.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Carla T. Segura, FRP  
**Title:** Real Property Manager

**REQUESTED BY:** Samuel Amerson, Director, Utilities and Solid Waste Department

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

1. Utility Easement Prepared By: Martin County

2. Parties to the Easement:	Forestar (USA) Real Estate Group Inc., Grantor Martin County, Grantee
3. Purpose of the Easement:	To allow for water and sewer services and related utility equipment, including a lift station, to service property located within the Ocean Breeze West project.
4. New/Renewal/Modified:	New
5. Duration:	Perpetual
6. Benefits to Martin County:	Addition of a new easement to the County utility network.
7. Cost to Martin County:	None.

The Real Property Division has confirmed ownership of the easement premises in Forestar (USA) Real Estate Group Inc., a Delaware corporation. The Easement Premises is encumbered by a Mortgage and Security Agreement held by D.R. Horton, dated March 16, 2018 and recorded March 19, 2018, in Official Records Book 2981, page 1096 Martin County, Florida, to which a Consent of Mortgagee instrument has been executed.

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 from 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 the Utility Easement from Forestar (USA) Real Estate Group Inc., a Delaware corporation and authorize the Chairman or designee to execute any and all documents associated with this transaction.

#### **ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and direct staff with an alternate recommendation.

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

None. Title and recording fees to be paid by USD.

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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