



Legislation Details (With Text)

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Status: Passed

In control: Board of County Commissioners

On agenda: 9/29/2020

Final action: 9/29/2020

Title: ADOPTION OF THREE RESOLUTIONS ONE APPROVING A UTILITY EASEMENT, ONE APPROVING DONATION OF PROPERTY FOR RIGHT-OF-WAY AND ONE EXCHANGE OF REAL PROPERTY BETWEEN COUNTY AND JENSEN CAP INVESTMENTS, LLC FOR THE RESERVE AT JENSEN BEACH

Sponsors:

Indexes:

Code sections:

Attachments: 1. Location_Map-The_Reserve.pdf, 2. Reso. Utility-Drainage-Esmt..pdf, 3. Utility-Drainage-Easement_JenCap Executed.pdf, 4. County Deed.pdf, 5. Reso. ROW Stripp.pdf, 6. Warranty Deed_JenCap Executed.pdf, 7. Reso. Utility Esmt.pdf, 8. Utility Easement_JenCap.pdf, 9. OrderConf.pdf

Date	Ver.	Action By	Action	Result
9/29/2020	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings

TITLE:

ADOPTION OF THREE RESOLUTIONS ONE APPROVING A UTILITY EASEMENT, ONE APPROVING DONATION OF PROPERTY FOR RIGHT-OF-WAY AND ONE EXCHANGE OF REAL PROPERTY BETWEEN COUNTY AND JENSEN CAP INVESTMENTS, LLC FOR THE RESERVE AT JENSEN BEACH

EXECUTIVE SUMMARY:

This is a request for adoption of three Resolutions, one approving a Utility Easement for a Water Main, one approving donation of property for right-of-way, and one for exchange of real property pursuant to Section 125.37, Florida Statutes, between Jensen CAP Investments, LLC and Martin County. The County will convey a 45-foot strip of land and receive a Utility, Drainage, Access and Maintenance Easement to provide access to maintain Warner Creek.

DEPARTMENT: Public Works

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

REQUESTED BY: Jensen CAP Investments, LLC - owner of The Reserve at Jensen Beach

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

1. Documents Drafted by: Real Property
2. Parties: Jensen CAP Investments, LLC
Martin County
3. Purpose: Utility Easement for a Watermain, donation of property for right-of-way, and Exchange County ownership of a 45' strip of land for easements for drainage and access to maintain Warner Creek
4. New/Renewal/Modified: New
5. Duration: Perpetual
6. Benefits to Martin County: Improved access for maintenance of Warner Creek, provide additional right-of-way, and provide a water main for the development
7. Costs to Martin County: None

During the Development Review Process for the property known as The Reserve at Jensen Beach (fka Savannah Apartments) it was discovered that in 1980 a previous owner of the property had conveyed a 45-foot strip of land to Martin County by Deed for the maintenance of Warner Creek. This conveyance was not picked up by the title search when another previous owner purchased the property and was not discovered during the Development Review process when Savannah Apartments was approved in 2012. This access strip was not accounted for in the Final Site Plan for Savannah Apartments. The new owners, Jensen CAP Investments, LLC, have been approved for a Revised Major Master and Final Site Plan.

The current owners of the property have requested that the County convey any ownership it has in the 45-foot strip of land in exchange for a Utility, Drainage, Access and Maintenance Easement from N.E. Savannah Road to the East side of Warner Creek, which includes Warner Creek, to allow the County to have full access to maintain Warner Creek in this area.

The proposed easement gives the County better access to Warner Creek.

The Notice of Exchange has been duly advertised pursuant to Section 125.37, Florida Statutes.

The Owner also wishes to provide the County with a Utility Easement for a water main along the property to be used by the Development and a Warranty Deed conveying property for additional right-of-way.

The Real Property Division has confirmed ownership of the premises and the property is not encumbered by a mortgage.

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 if it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

1. Move that the Board adopt the Resolution authorizing the exchange of a 45' strip of County owned land and a Utility, Drainage, Access and Maintenance Easement, between Martin County and Jensen Cap Investments, LLC;
2. Move that the Board adopt the Resolution accepting and approving the Utility Easement for a water main;
3. Move that the Board adopt the Resolution accepting and approving the Warranty Deed and designating the property as right-of-way; and
4. Move that the Board authorize the Chairman to execute any and all documents necessary to complete the transaction.

ALTERNATIVE RECOMMENDATIONS

Provide staff with alternative direction.

FISCAL IMPACT:

RECOMMENDATION

All costs and fees to be paid by applicant

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:** 3 Resolutions and 1 Deed

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