



Legislation Details (With Text)

File #: 22-1021

Type: Consent

Status: Agenda Ready

In control: Board of County Commissioners

On agenda: 8/16/2022

Final action:

Title: REQUEST TO RELEASE UNITIES OF TITLE AND RESCIND A DEVELOPMENT ORDER AND COVENANT RUNNING WITH THE LAND ON PROPERTY OWNED BY AUTO ART GALLERY, LLC

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft_Resolution.pdf, 2. Exhibit A - First Unity.pdf, 3. Exhibit B - Second Unity.pdf, 4. Exhibit C - Development Order.pdf, 5. Exhibit D - Covenant Running with the Land.pdf, 6. Exhibit E - New Unity.pdf, 7. Request for Release of UOT - GMD2022060146.pdf

Date	Ver.	Action By	Action	Result
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PLACEMENT: Consent

TITLE:

REQUEST TO RELEASE UNITIES OF TITLE AND RESCIND A DEVELOPMENT ORDER AND COVENANT RUNNING WITH THE LAND ON PROPERTY OWNED BY AUTO ART GALLERY, LLC

EXECUTIVE SUMMARY:

Auto Art Gallery, LLC is requesting the release of two Unities of Title in reference to property located at 11700 SE Shell Avenue in Hobe Sound. In addition, the rescission of a development order and covenant running with the land is requested.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Carolyn Grunwald
Title: Zoning Compliance Reviewer

REQUESTED BY: Mac Ross, Esquire

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Auto Art Gallery, LLC, the current owner of the property located at 11700 SE Shell Avenue, Hobe Sound has requested the release of two Unities of Title and a development order encumbering the property. See the attached request from Mac Ross, Esquire.

In 2001, a Unity of Title was entered into by MJD Ventures, Inc. for a project known as MJD Ventures and recorded in Official Records Book 1615, Page 2703, Public Records of Martin County, Florida. A Development Order was approved on August 27, 2001, and recorded in Official Records Book 1615, Page 2672, Public Records of Martin County, Florida. The project was never constructed. In addition, a zoning Covenant Running with the Land was recorded in Official Records Book 1615, page 2699, Public Records of Martin County, Florida.

In 2019, a Unity of Title was entered into by Nautilus Associates, LLC for a project known as StudioWorks and recorded in Official Records Book 3047, Page 165, Public Records of Martin County, Florida. The project known as StudioWorks is currently under construction.

Auto Art Gallery, LLC, has indicated that it wishes to convey condominium units and is requesting that the previously recorded Unities of Title be released to provide a Unity of Title that authorizes the conveyance of condominium units. In addition, the rescission of the 2001 Development Order and Covenant Running with the Land will alleviate potential confusion in the future resulting from numerous documents encumbering a piece of property.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether is it consistent with the applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board approve the resolution releasing the Unities of Title for Auto Art Gallery, LLC and rescinding the 2001 Development Order and Covenant Running with the Land.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and direct staff.

FISCAL IMPACT:

RECOMMENDATION

None

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

☐ Budget Transfer / Amendment ☐ Chair Letter

☐ Contract / Agreement

☐ Grant / Application

☐ Notice

☐ Ordinance

☒ Resolution

☐ Other:

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