



Legislation Details (With Text)

File #: 23-0820

Type: Public Hearing Quasi Judicial **Status:** Passed

In control: Board of County Commissioners

On agenda: 6/6/2023 **Final action:** 6/6/2023

Title: REQUEST ABANDONMENT OF PORTIONS OF UNOPENED PLATTED RIGHTS-OF-WAY, LYING WITHIN PORT SALERNO

Sponsors:

Indexes:

Code sections:

Attachments: 1. Location Map.pdf, 2. Petition to Abandon - Peter and Susette Grien (FULLY EXECUTED 9.7.22).pdf, 3. Exhibit A.pdf, 4. Exhibits B-1, B-2, B-3, B-4, B-5, and B-6.pdf, 5. Letters of No Objection.pdf, 6. Resolution - DRAFT.pdf

Date	Ver.	Action By	Action	Result
6/6/2023	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

REQUEST ABANDONMENT OF PORTIONS OF UNOPENED PLATTED RIGHTS-OF-WAY, LYING WITHIN PORT SALERNO

EXECUTIVE SUMMARY:

This is a request for the Board of County Commissioners (Board) to consider an application for the abandonment of portions of platted rights-of-way and a waiver of the required privilege fee in conjunction with the abandonment. The request includes that the Board consider accepting donated parcels in lieu of a privilege fee.

DEPARTMENT: Public Works

PREPARED BY: **Name:** Tom Walker
Title: County Surveyor

REQUESTED BY: Peter H. Grien and Susette Grien

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

The petition from Peter H. and Susette Grien (Petitioner) for the abandonment of rights-of-way, as submitted, is attached to this agenda item. The Petitioner requests that the Board of County Commissioners (Board) consider the abandonment of 42,750 square feet of unopened platted rights

-of-way lying within and between Blocks 46, 52, and 53, Port Salerno (Exhibit "A"). The unopened platted rights-of-way are not, nor were they ever, open roads.

The Petitioner is the owner of the abutting lands within Blocks 46, 52, and 53, Port Salerno, as recorded in Plat Book 1, Page 132, Palm Beach (now Martin) County and upon successful abandonment would be entitled to the full portion of abandoned rights-of-way described in Exhibit "A".

Section 139.2 of the Martin County Code of Ordinances requires a privilege fee for abandonment and vacation of County property and roads; however, the Board may waive the privilege fee required upon a showing of good cause. The Petitioner has agreed to donate six parcels described in the attached Exhibits "B-1", "B-2", "B-3", "B-4", "B-5", and "B-6" totaling 81,752 square feet to be used for the purpose of developing a proposed water quality project for the Manatee Pocket. The Petitioner is requesting the Board consider this donation a showing of good cause as provided in Section 139.2.D. of the Martin County Code of Ordinances and to waive the required privilege fee.

ISSUES:

There are utilities within the unopen rights-of-way described in Exhibit "A". The Petitioner has agreed to provide easements for the continued use of those utilities upon completion of the right-of-way abandonment. The utility purveyors have submitted the attached letters of no objection to the abandonment, provided the easements are recorded in the public records of Martin County, Florida.

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

1. Move that the Board receive and file the Agenda Item Summary and all of its attachments for the record as Exhibit 1;
2. Move that the Board adopt the Resolution abandoning portions of unopened platted rights-of-way, lying within Port Salerno, as described in Exhibit "A", subject to the following conditions precedent:
 - a. conveyance of land described in Exhibits "B-1", "B-2", "B-3", "B-4", "B-5", and "B-6" to Martin County; and
 - b. proper publication of a Notice of Adoption of this Resolution;
3. Move that the Board agree to waive the privilege fee, finding good cause shown by the Petitioner, through the conveyance of the parcels to Martin County; and
4. Move that the Board authorize the Chairman to execute all documents necessary to complete the transactions.

ALTERNATIVE RECOMMENDATIONS

None

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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