



## Legislation Details (With Text)

**File #:** 23-0892

**Type:** Consent

**Status:** Agenda Ready

**In control:** Board of County Commissioners

**On agenda:** 6/6/2023

**Final action:**

**Title:** REQUEST APPROVAL OF AN IMPACT FEE CREDIT AGREEMENT, RIGHT-OF-WAY DEDICATION, AND VARIOUS EASEMENTS TO SUPPORT THE CONSTRUCTION OF THE EXTENSION OF SW CARGO WAY TO SW CITRUS BOULEVARD

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Sands - Cargo Way Impact Fee Agreement combined.pdf, 2. Resolution Real Property.pdf, 3. Warranty Deed.pdf, 4. Utility Easement.pdf, 5. Sidewalk Easement.pdf, 6. Drainage Easement.pdf

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

### TITLE:

**REQUEST APPROVAL OF AN IMPACT FEE CREDIT AGREEMENT, RIGHT-OF-WAY DEDICATION, AND VARIOUS EASEMENTS TO SUPPORT THE CONSTRUCTION OF THE EXTENSION OF SW CARGO WAY TO SW CITRUS BOULEVARD**

### EXECUTIVE SUMMARY:

Sands CC, LLC will design, obtain permits for, dedicate right-of-way and easements for, and construct SW Cargo Way from its western terminus to SW Citrus Boulevard and will be credited up to \$675,000 in transportation impact fees from future development of Parcel "A" and Parcel "B" along SW Citrus Boulevard.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Lisa A. Wichser, P.E., CFM  
**Title:** County Engineer

**REQUESTED BY:** Robert H. Sands, Managing Member, Sands CC, LLC

**PRESET:**

**PROCEDURES:** None

### BACKGROUND/RELATED STRATEGIC GOAL:

Several years ago, Martin County staff identified a need to extend SW Cargo Way from its western terminus to SW Citrus Boulevard to provide the public an alternate to SR-714 (SW Martin Highway)

and to provide a secondary access to Sands Commerce Center in case of emergencies. The Board of County Commissioners adopted this project in its Capital Improvement Plan.

Robert H. Sands, as Managing Member of Sands CC, LCC, a Florida limited liability company, submitted a Road Opening Permit application to construct and open this portion of SW Cargo Way. The construction plans and the Engineer's Opinion of Probable Cost have been accepted by the County Engineer. Mr. Sands has agreed to design, obtain permits for, construct, and to dedicate and convey: ten feet (10') of right-of-way along the north side of SW Cargo Way; twenty feet (20') of right-of-way along the south side of SW Cargo Way; a ten-foot (10') wide Utility Easement; a ten-foot (10') wide Sidewalk Easement, and Drainage Easements at six (6) locations of varying widths along SW Cargo Way. The Real Property staff has confirmed ownership and there are no mortgages encumbering the dedication or easement premises.

Section 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 and pursuant to Section 336.08, Florida Statutes, the Board may designate the right-of-way property as a public County road.

Pursuant to Section 6.11. - Exemptions, credits, and deferrals (of Impact Fees), Mr. Sands has asked for the Board of County Commissioners to approve an Impact Fee Credit Agreement that provides up to \$675,000 in credit for transportation impact fees associated with vacant real property in Martin County that he plans to develop in the future.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

None

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board authorize the Chairman to execute the Impact Fee Credit Agreement and to adopt a Resolution accepting and approving a Warranty Deed for ten feet (10') of Right of Way on the north side of SW Cargo Way; twenty feet (20') of Right of Way on the south side of SW Cargo Way; a ten-foot (10') Utility Easement; a ten-foot (10') Sidewalk Easement, and a Drainage Easement at six locations of varying widths, all as a condition of approval of the SW Cargo Way Road Opening Application (ENG2021090020) from Sands CC, LLC, a Florida limited liability company, to Martin County and authorize the Chairman to sign any and all documents necessary to complete the transaction.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and provide staff direction.

**FISCAL IMPACT:**

## RECOMMENDATION

None

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input checked="" type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance                       |
|  |                                       | <input checked="" type="checkbox"/> Resolution           |
| <input type="checkbox"/> Other:                      |                                       |  |

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