



## Agenda Item Summary

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**File ID:** 18-0550

**CNST-15**

**Meeting Date:** 9/11/2018

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**PLACEMENT:** Consent

**TITLE:**

**ACCEPTANCE OF A DRAINAGE EASEMENT FROM DAN ROTHELL IRA, LLC., AS TO A 50% INTEREST AND BAXTER ROTHELL IRA, LLC., AS TO A 50% INTEREST (ROTHELL) AND APPROVAL OF A RELEASE OF EASEMENT FOR THE PROPERTY LOCATED ON SW INDIAN MOUND DRIVE, INDIANTOWN**

**EXECUTIVE SUMMARY:**

This is a request for the adoption of a resolution accepting and approving a one hundred (100') foot Drainage Easement from Rothell, and the Release of Easement issued in 1963 and recorded in the Official Records of Martin County, Florida, at OR BK 125, PG 551, which was located improperly on the SW Indian Mound Drive property.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Carla Segura  
**Title:** Real Property Manager

**REQUESTED BY:** James Gorton, Deputy Public Works Director

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

1. Agreement/Contract drafted by: Martin County
2. Parties to the Agreement/Contract: Martin County, Grantee  
Dan Rothell IRA, LLC, as to a 50% interest and  
Baxter Rothell IRA, LLC, as to a 50% interest,  
Grantor
3. Purpose of the Agreement/Contract: Correct the Easement location of an existing  
Drainage system
4. New/Renewal/Modification: New/Modification
5. Duration: Perpetual

- |    |                            |   |
|----|----------------------------|---|
| 6. | Benefits to Martin County: | Correct the location of the<br>Drainage Easement for future maintenance |
| 7. | Cost to Martin County:     | Minimal recording costs   |

In August, 1963 a one hundred (100') foot Drainage Easement was accepted by Martin County from Circle T. Ranch, Inc. for perpetual use, construction, operation, and maintenance of a drainage ditch, with culvert and pipe.

The property was recently purchased by Dan Rothell IRA, LLC and Baxter Rothell IRA LLC.

In February 2018, it was discovered that the existing easement and legal description did not encompass the culvert and pipe installed in 1963, and over half of the "drainage canal" going through the subject property did not fall within the legal description of the 1963 Easement. Field Operations requested release of the current Drainage Easement and issuance of a new Drainage Easement with corrected legal description, to include all of the area needed for maintenance and drainage purposes.

Real Property has confirmed ownership and there are no mortgages encumbering the easement premises.

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 by 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 a Resolution accepting and approving the Drainage Easement from Dan Rothell IRA, LLC, a limited liability company, as to a 50% interest and Baxter Rothell IRA, LLC, a limited liability company, as to a 50% interest and approval of Release of the 1963 Drainage Easement.

#### **ALTERNATIVE RECOMMENDATIONS**

None

#### **FISCAL IMPACT:**

#### **RECOMMENDATION**

None

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: