



Agenda Item Summary

File ID: 19-0066

CNST-4

Meeting Date: 11/20/2018

PLACEMENT: Consent

TITLE:

ADOPT A RESOLUTION APPROVING AND ACCEPING A UTILITY EASEMENT FROM FORESTAR USA REAL ESTATE GROUP, INC. AND APPROVING A RELEASE OF EASEMENT AGREEMENT AND UTILITY EASEMENT FOR UTILITY RELATED EQUIPMENT IN JENSEN BEACH

EXECUTIVE SUMMARY:

This is a request for the adoption of a resolution accepting and approving a new Utility Easement from Forestar USA Real Estate Group Inc. (Forestar) to reflect the actual location of utility-related equipment that serves water and wastewater customers inclusive of Indian River Plantation, Sewall's Point and Ocean Breeze Park located in Jensen Beach and approving a Release of the Easement Agreement and Utility Easement accepted in 2011.

DEPARTMENT: Public Works

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

REQUESTED BY: Sam Amerson, Director, Utilities and Solid Waste Department

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

In 2011, the Board entered into a Utility Easement Agreement with OBP West, LLC dated September 27, 2011 recorded in Official Records Book 2543, Page 597; and pursuant to Section 2 thereof, adopted Resolution No. 11-9.58 accepting a Utility Easement from OBP West, LLC dated August 12, 2011 recorded in Official Records Book 2543, Page 586; and the Utility Easement from OBP West, LLC, is separately recorded in Official Records Book 2554, Page 312 all of the Public Records of Martin County, Florida.

Forestar purchased the undeveloped property, commonly known as Ocean Breeze West Parcel (PCN 22-37-41-000-000-00405-1) from OBP West, LLC, in March 2018, Forestar wants to relocate the easement to better reflect the actual field conditions, as contemplated in Section 2 of the Utility Easement Agreement. The original Utility Easement is seventy (70) feet wide and covers areas not

needed for current usage. Forestar has requested this Utility Easement be released and a new, more accurate Utility Easement approved to reduce the width to twenty (20) feet and eliminate the areas that are not needed. This amendment of the Utility Easement will satisfy all the remaining obligations between the parties under the Utility Easement Agreement.

The Real Property Division has confirmed ownership of the Easement Premises. The Easement Premises is encumbered by a Mortgage and Security Agreement held by D.R. Horton to which a Consent of Mortgagee instrument has been executed.

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.

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| 1. Utility Easement Prepared By: | Real Property |
| 2. Parties to the Easement: | Forestar USA Real Estate Group Inc., Grantor
Martin County, Grantee |
| 3. Purpose of the Easement: | New Utility Easement will reflect the actual constructed area for the force main. |
| 4. New/Renewal/Modified: | New/Modification |
| 5. Duration: | Perpetual |
| 6. Benefits to Martin County: | Relocation of an easement within the County utility network. |
| 7. Cost to Martin County: | None |

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 the attached Resolution accepting and approving the Utility Easement from Forestar USA Real Estate Group Inc., approving the Release of Agreement and Utility Easement, and rescinding Resolution No. 11-9.58.

ALTERNATIVE RECOMMENDATIONS

Direct staff with an alternate recommendation.

FISCAL IMPACT:

RECOMMENDATION

Title and recording fees to be paid by USD.

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: