



Agenda Item Summary

File ID: 19-0505

CNST-8

Meeting Date: 6/4/2019

PLACEMENT: Consent

TITLE:

ADOPTION OF A RESOLUTION AND ACCEPTANCE OF A UTILITY EASEMENT FROM HINCK LANDLORD (DE) LIMITED PARTNERSHIP FOR CONSTRUCTION OF WATER AND FIRE SERVICE, A FIRE HYDRANT AND UTILITY RELATED EQUIPMENT

EXECUTIVE SUMMARY:

This is a request for the adoption of a Resolution accepting and approving a Utility Easement from Hinck Landlord (DE) Limited Partnership for the construction of water and fire service, fire hydrant and utility related equipment to be constructed with the current Hinckley Marine project north of SE Robertson Road in Hobe Sound.

DEPARTMENT: Public Works

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

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

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

BACKGROUND:

1. Utility Easement Prepared By: Martin County
2. Parties to the Easement: Hinck Landlord (DE) Limited Partnership, Grantor;
Martin County, Grantee.
3. Purpose of the Easement: To allow for the construction of water and fire service, fire hydrant and related utility equipment to service the property.
4. New/Renewal/Modified: New
5. Duration: Perpetual

6. Benefits to Martin County: Addition of a new easement to the County utility network.

7. Cost to Martin County: None

The Real Property Division has confirmed ownership of the easement premises in Hinck Landlord (DE) Limited Partnership, a Delaware limited partnership. The easement premises are encumbered by a mortgage held by Mortgage Electronic Registration Systems, Inc., a Delaware corporation ("MERS" or "Mortgagee"), as nominee of U.S. Bank National Association, as Trustee, successor-in-interest to Bank of America, N.A., as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee, for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2005-TOP19 and U.S. Bank International Association, as Trustee, Successor-in-Interest to Bank of America, N.A., as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee, for Bear Sterns Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2005 -TOP20 (collectively, together with their respective successors and assigns, "Lender"), dated October 31, 2013, which is subordinated by a Consent of Mortgagee instrument attached to the Easement.

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 from 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 the attached Resolution accepting and approving the Utility Easement from Hinck Landlord (DE) Limited Partnership, a Delaware limited partnership.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and direct staff with an alternate recommendation.

FISCAL IMPACT:

RECOMMENDATION

None. Title and recording fees to be paid by USD.

Funding Source	County Funds	Non-County Funds
Subtotal		

Project Total		
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ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment
 ☐ Chair Letter
 ☒ Contract / Agreement
☐ Grant / Application
 ☐ Notice
 ☐ Ordinance
 ☒ Resolution
☐ Other:

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