



Agenda Item Summary

File ID: 19-0637

CNST-18

Meeting Date: 7/30/2019

PLACEMENT: Consent

TITLE:

ACCEPTANCE OF A UTILITY EASEMENT FROM TC 789 LLC FOR CONSTRUCTION OF WATER AND FIRE SERVICES AND UTILITY RELATED EQUIPMENT WITHIN THE TREASURE COAST COMMERCE CENTER

EXECUTIVE SUMMARY:

This is a request for the adoption of a Resolution accepting and approving a Utility Easement from TC 789 LLC, a Florida limited liability company, for the construction of water and fire services and utility related equipment on Lots 2 and 3, to service property within the Treasure Coast Commerce Center, south of SW McKay Way and east of SW Jack James Drive.

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:

1. Utility Easement Prepared By: Martin County
2. Parties to the Easement: TC 789 LLC, Grantor;
Martin County, Grantee.
3. Purpose of the Easement: To allow for the construction of water and fire services and related utility equipment to service property located in the Treasure Coast Commerce Center
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 TC 789 LLC, a Florida limited liability company. The easement premises are encumbered by a mortgage held by Triad Bank, a Missouri banking corporation, the owner and holder of a certain Construction Mortgage dated May 18, 2018, and recorded May 30, 2018 in Official Records Book 2995, Page 1282 in the Public Records of Martin County, Florida. The mortgage is subordinated by a Consent of Mortgagee instrument attached to the Easement granted by TC 789 LLC.

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 Resolution accepting and approving the Utility Easement from TC 789 LLC, a Florida limited liability company and authorize the Chairman or designee to execute any and all documents associated with this transaction.

ALTERNATIVE RECOMMENDATIONS

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
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Subtotal

Project Total

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

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

☐ Other:

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