



## Agenda Item Summary

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**File ID:** 19-0748

**CNST-8**

**Meeting Date:** 8/13/2019

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**PLACEMENT:** Consent

**TITLE:**

**ACCEPTANCE OF A UTILITY EASEMENT FROM SENIOR CARE LIVING OF STUART, LLC, FOR WATER SERVICES AND THE MAINTENANCE OF CERTAIN UTILITY FACILITIES ON THE NORTHERN SIDE OF SE COVE ROAD, EAST OF SE WILLOUGHBY BOULEVARD**

**EXECUTIVE SUMMARY:**

This is a request for the adoption of a Resolution accepting and approving a Utility Easement from Senior Care Living of Stuart, LLC, a Florida limited liability company, for water services and the maintenance of certain utility facilities located on the northern side of SE Cove Road, east of SE Willoughby Boulevard.

**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: Senior Care Living of Stuart, LLC, Grantor;  
Martin County, Grantee.
3. Purpose of the Easement: To allow for water services and the maintenance of certain related utility facilities to service property located on the northern side of SE Cove Road, east of SE Willoughby Boulevard.
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 Senior Care Living of Stuart, LLC, a Florida limited liability company. A Consent of Mortgagee has been obtained for the easement premises under that Mortgage and Security Agreement in favor of Branch Banking and Trust Company whose address is 400 North Tampa Street, 25<sup>th</sup> Floor, Tampa, FL, 33602, (Mortgagee), dated December 21, 2016 and recorded in Official Records Book 2898, Page 2444; and Partial Release of Mortgage, Assignment of Rents and UCC Financing Statement in favor of Branch Banking and Trust Company whose address is 400 North Tampa Street, 25<sup>th</sup> Floor, Tampa, FL, 33602, dated April 7, 2017 and recorded in Official Records Book 2917, Page 2389 all in Martin County, Florida, public records.

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 Senior Care Living of Stuart, LLC, a Florida limited liability company, and authorize the Chairman or designee to execute any and all documents associated with this transaction.

**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		

<b>Project Total</b>		
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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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