



Agenda Item Summary

File ID: 20-0416

CNST-17

Meeting Date: 2/18/2020

PLACEMENT: Consent

TITLE:

REQUEST VARIANCE TO RIGHT-OF-WAY WIDTH FOR SW 54TH AVENUE

EXECUTIVE SUMMARY:

Request to grant a variance for a portion of the right-of-way width of SW 54th Avenue, which the Board of County Commissioners agreed to open pursuant to Resolution 18-8.7 on August 14, 2018.

DEPARTMENT: Public Works

PREPARED BY: **Name:** Michelle Cullum, P.E.

Title: Development Review Administrator

REQUESTED BY: Oodles Land, LLC

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

On August 14, 2018, the Board of County Commissioners authorized staff to issue a Road Opening Permit to Oodles Land, LLC upon the County Engineer's determination that the final design is in compliance with the appropriate Martin County Land Development Regulations and to include the road in the County's Road Inventory. The Board of County Commissioners adopted Resolution 18-8.7 pursuant to that request. For the design to be compliant with the Land Development Regulations, Oodles Land, LLC was required to dedicate right-of-way to meet a minimum width of 60-feet. Oodles Land, LLC has since sold the abutting property, parcel number 343840000044000000, prior to dedicating the required right-of-way to meet the minimum right-of-way width of 60-feet for a portion of SW 54th Avenue; therefore, Oodles Land, LLC no longer has ability to provide the additional right-of-way for a compliant final design.

Section 4.843.B.2 of the Martin County Land Development Regulations provides, "Variances may be granted by the Board of County Commissioners for rights-of-way within plats that were recorded prior to 1972 where the previously acquired right-of-way is less than the required minimum right-of-way." Oodles Land, LLC is requesting the Board of County Commissioners grant a variance for the 650 linear feet of right-of-way for SW 54th Avenue north of SW 66th Street. The right-of-way width for this section of SW 54th Avenue will be 45-feet in width instead of the required 60-feet.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether 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 to grant a variance for the right-of-way width for the 650 linear feet of SW 54th Avenue north of SW 66th Street.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and direct staff.

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:

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