



## Agenda Item Summary

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**File ID:** 21-0020

**CNST-11**

**Meeting Date:** 10/27/2020

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**PLACEMENT:** Consent

**TITLE:**

**ADOPTION OF A RESOLUTION APPROVING AND ACCEPTING TWO EASEMENTS FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (STATE) FOR A WEIR DRAINAGE PROJECT FOR WARNER CREEK**

**EXECUTIVE SUMMARY:**

This is a request for the adoption of a resolution approving and accepting two Easements from the State for access, construction, and maintenance of a weir project at Warner Creek, which will be within the Savannas Preserve State Park located off of NE Jensen Beach Boulevard north of Pinecrest Lakes Boulevard in Jensen Beach.

**DEPARTMENT:** Public Works

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

**REQUESTED BY:** Jim Gorton, Public Works Department Director

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

**Agreement/Contract drafted by:** State

**Parties to the TCE and Easement:** Martin County, Grantee  
Board of Trustees of the Internal Improvement Trust  
Fund of the State of Florida (State), Grantor

**Purpose of the TCE and Easement:** Access for the construction and maintenance of a weir project to benefit Warner Creek drainage

**New/Renewal/Modification:** New

**Duration:** 5-Years - Construction

Perpetual - Maintenance

**Benefits to Martin County:**

Regulate the downstream flow of water in Warner Creek

**Cost to Martin County:** There is no cost for acquiring these easements

CIP #124902 approved for Warner Creek Project

Savannas Preserve State Park stretches from Fort Pierce to Jensen Beach, Florida and is the largest and most intact remnant of Florida's East Coast Savannas. The Park preserves and protects environmentally unique and irreplaceable lands associated with the North Fork of the St. Lucie River, including Warner Creek.

In the early 1990's FP&L provided mitigation for wetland impacts for the construction of the Levee-Midway Transmission Line. This mitigation included restoring wetlands within the Savannas Preserve State Park, filling in portions of Warner Creek north of NE Jensen Beach Boulevard, and raising the control elevation of the wetland to the north by placing a berm along its southern edge.

Subsequent years of above average rainfall events caused the berm to completely wash out and it was eventually replaced with a concrete bag weir, which also failed and to date has not been replaced.

Martin County is at the southern terminus of all flows from Savannas Preserve State Park. Peak flows into Warner Creek are not managed and the County has experienced community flooding south of the State Park within the Warner Creek watershed.

The proposed weir project will restore wetland habitat within Savannas Preserve State Park and will reduce flooding for downstream in Warner Creek.

The Board approved CIP #124902 for the project in 2019.

Staff is working in conjunction with the State to coordinate the construction of the weir project, which consists of access to the site from NE Jensen Beach Boulevard along with an Easement for five years to construct the weir and an Easement for the continued maintenance of the project by the County.

Section 139.31 and 139.21, 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.

**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 a Resolution accepting and approving two Easements from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the access, construction and maintenance of the weir project and authorize the Chairman to execute any and all documents necessary to complete this transaction.

#### **ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and provide staff direction.

#### **FISCAL IMPACT:**

#### **RECOMMENDATION**

<b>Funding Source</b>	<b>County Funds</b>	<b>Non-County Funds</b>
3102-1322-06300-538-124902		
1601-1322-06300-538-124902		
<b>Subtotal</b>		
<b>Project Total</b>	\$900,000	

#### **ALTERNATIVE RECOMMENDATIONS**

None

#### **DOCUMENT(S) REQUIRING ACTION:**

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

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