

**DIVISION OF ENGINEERING
MEMORANDUM**

12-60

TO: Board of County Commissioners

THROUGH: Faye Outlaw, County Administrator, MPA, ICMA-CM 

FROM: Michael Powley, County Engineer MVP 

DATE: June 8, 2012

SUBJECT: Joint Meeting – Midway Road

Midway Road Widening

The design of the widening of Midway Road from Selvitz Road to 25th Street is currently underway with the acquisition of needed right-of-way and easements a critical task. To date, the County has already acquired or has under contract 15 (83%) of the 18 total properties required. Construction is anticipated to begin in early 2013.

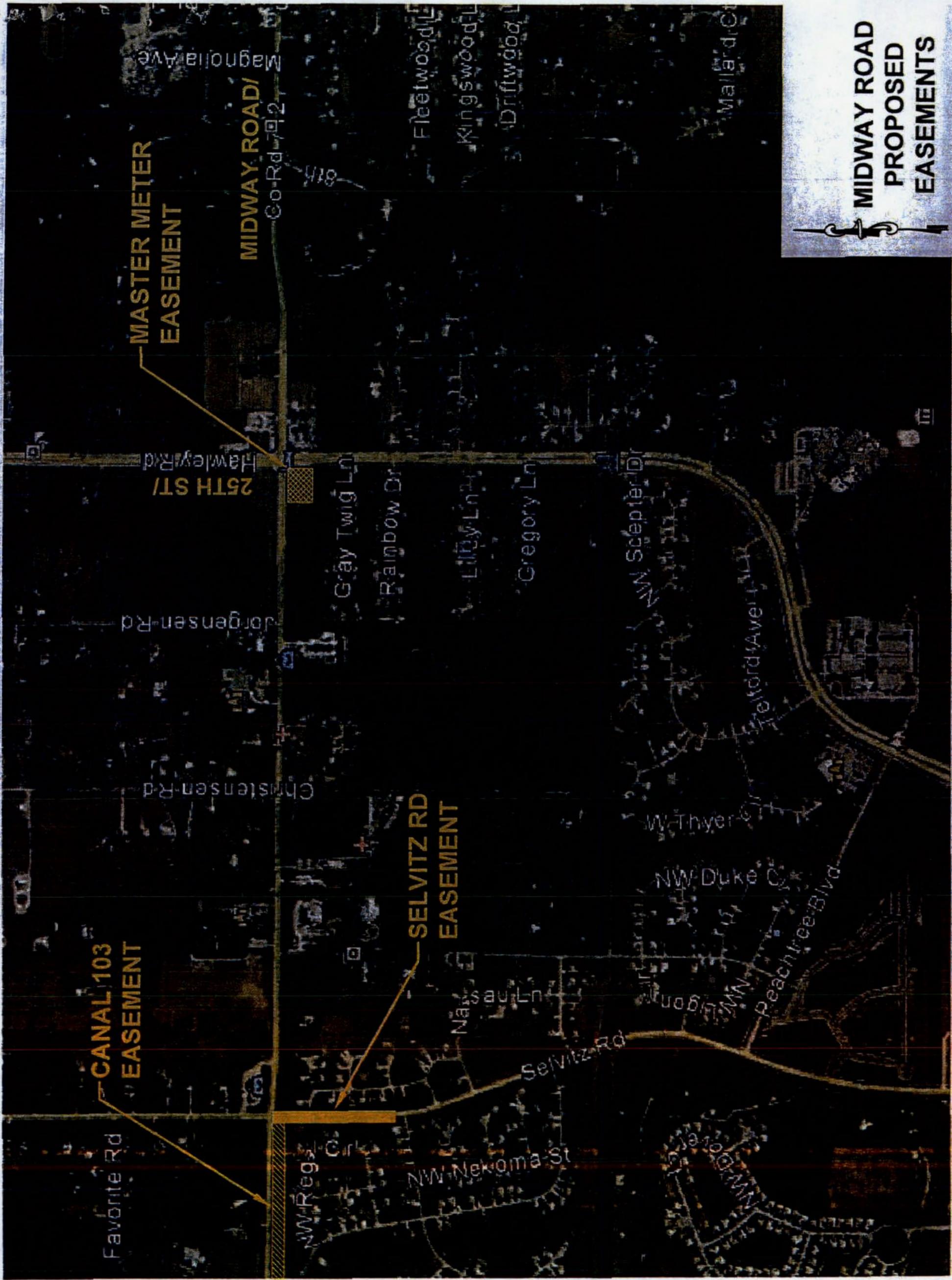
There are currently three activities associated with the acquisition of easements from the City of Port St. Lucie, although no agreements have yet been finalized. West of Selvitz Road, ownership of Canal 103 is shared by St. Lucie County and Port St. Lucie; they own the south half and we own the north half. Our current plans for the widening will pipe a portion of the canal. In the future, we hope to extend our widening to Glades Cut-off Road. The piping of Canal 103 will also be necessary in that future project. In order to accomplish this construction, we are requesting an easement over Port St. Lucie's portion of Canal 103.

A second easement is associated with the City's potable water master meter at the southwest corner of Midway Road and 25th Street. The master meter lies within an existing easement. We have purchased the parent tract for one of our stormwater ponds. The City has requested to increase the size of the easement to include a portion of the parent tract. To date, no definitive dimensions have been provided. We support this request and have shared this information with them on more than one occasion.

Finally, the County's widening project will improve the intersection of Selvitz Road. South of Midway Road, Selvitz Road is owned by the City. We have coordinated our improvements with them. In our last visit, they requested ten-foot shared-use paths on both sides of Selvitz Road. (The County is constructing a similar shared-use path on the south side of Midway Road.) The request for the shared-use paths on both sides of Selvitz Road will require additional land. However, the needed land is in an open tract of land owned by the City. We are requesting an easement to construct the requested amenities and avoid acquisition. The attached Midway Road Proposed Easements presents this information graphically.

Attachment

cc: Lee Ann Lowery, Assistant County Administrator
Don West, Public Works Director



**CANAL 103
EASEMENT**

**MASTER METER
EASEMENT**

**SELVITZ RD
EASEMENT**

**MIDWAY ROAD/
Co-Rd 702**

Favorite Rd

25TH ST/
Hawley Rd

Jorgensen Rd

Christensen Rd

NW Reg Cir

NW Nekoma St

Nassau Ln

Selvitz Rd

Gay Twig Ln

Rainbow Dr

Lilly Ln

Gregory Ln

Fleetwood Ln

Kingswood Ln

Driftwood Ln

W Thyer

NW Duke C

Wagon

Peachtree Blvd

NW Scepter Dr

Welford Ave

Mallard Ct

**MIDWAY ROAD
PROPOSED
EASEMENTS**





PROPERTY ACQUISITION DIVISION
MEMORANDUM

3C

SUPPLEMENT

TO: Board of County Commissioners
FROM: JoAnn Riley, Property Acquisition Manager JMR
DATE: June 11, 2012
SUBJECT: Midway Road – Easement Acquisition

St. Lucie County is in the process of acquiring right-of-way needed to widen Midway Road from Selvitz Road East to South 25th Street. The proposed design is a four (4) lane divided urban section with a 6' sidewalk on the north side and a 12' multi-use path on the south side. The footprint for Midway Road will need to accommodate in the future two additional lanes in accordance with the St. Lucie County's Long Range Transportation Plan.

The County needs to acquire a Right-of-Way Easement from the City of Port St. Lucie over the south portion of Canal 103. The project design provides for the installation of a box culvert within the existing Canal 103. The area to be piped is approximately 1470-feet in length. The additional Right of Way Easement will accommodate the proposed travel lanes and multi-use path.

The County had an appraisal prepared on the 48.5 feet Right-of-Way Easement by Daniel Fuller, MAI of Fuller-Armfield-Wagner Appraisal and Research, Inc. The appraised value of the Right-of-Way Easement according to Mr. Fuller is \$15,000.00. We have attached a copy of the Easement Valuation determined by Mr. Fuller and a location map.

If you have any questions, I will be happy to discuss the same.

Attachments

EASEMENT VALUATION

LEGAL DESCRIPTION - Easement to be Acquired

The proposed easement encumbers the total 1.635 acre subject, thus the legal description is found in the previous Legal Description section.

DESCRIPTION of the AREA of the EASEMENT AREA

The easement will encumber the total 1.635 acres of the subject previously appraised, thus the description of the area of the easement is not repeated.

Existing Easements

As previously discussed, the subject is encumbered with an easement to the NSLRWCD, encumbering the total subject, but physically the canal appears to encumber approximately 50% of the subject's depth of 48.5 feet.

I am unaware of any other easements within the area of the proposed easement, but your attention is directed to Ordinary Limiting Conditions #5.

Proposed Easement

Features of the proposed easement are summarized as follows – with a copy of a draft of the easement found in the following Exhibit.

- Easement will be Permanent and Perpetual.
- Easement is to be used "for roadway, sidewalk, pedestrian, storm water management and drainage purposes, including piping of the storm water drainage conveyance system, including but not necessarily limited to installation and maintenance of improvements for said purposes".
- Grantee shall maintain the easement area, "including any and all improvements made or constructed over, under, across or upon the easement area, and shall bear the full cost, expense and responsibility for any and all maintenance, repair and replacement of the improvements in the easement area".

EFFECTS OF THE EASEMENT

- The easement permanently encumbers the subject and appears to add an additional encumbrance to the property.
- Apparently the NSLRWCD retains the existing easement for drainage but the proposed easement appears increase the use of the area allowing the County to use the area for road right of way, pedestrian access and utilities.
- It appears via the proposed easement the County takes responsibility of maintaining drainage, including installing a culvert in the area of the open ditch.
- The proposed easement further encumbers the underlying fee owner's use of the property to almost zero.
- The grantee will maintain the easement area and all of the improvements within the easement.

HIGHEST AND BEST USE - with Easement in place

The subject physically remains the same size, etc. after the easement is in place as before the easement. The physical use remains similar to before the easement as does the legal use of the property. Finally, the financially feasible and maximally productive use remains the same, utilized in conjunction with the Midway Road right of way and its ancillary uses.

Conclusion of Highest and Best Use - with Easement in place

In my opinion, the highest and best use of the subject with the easement in place is for Midway Road right of way and its ancillary uses.

VALUATION

The easement covers the total 1.635 acres of the subject, sharing the area with another easement to the NSLRWCD.

The average value of the fee simple interest in the subject "as is" with the NSLRWCD easement in place was previously established at (rounded) \$30,000.

Research did not produce sales for a direct comparison of similar properties, 100% encumbered with permanent and perpetual easements as previously outlined, thus analysis of the rights acquired are first required to assess the rights acquired.

VALUATION (continued)

- While the easement acquires a partial interest, the additional diminution of the use to the remaining underlying fee owner is relatively significant, equating to the transfer of a majority of the rights of use to the two easement holders.
- While the proposed easement holder can install improvements associated with public use requirements such as roads, utilities, and drainage etc., improvements as presently exist in the neighborhood, the easement holder is required to install improvements to maintain the existing drainage, and thus the easement holder does not obtain physical as well as legal use of all of subject.
- Also, the easement holder is required to permanently maintain all of the easement area and improvements within the easement area which long term could be a negative to the easement holder.
- In summary, while it appears the easement transfers a majority of the rights of use, the easement also limits use by requiring the holder to maintain the existing drainage, and maintain the total property. Therefore, it is my opinion the rights transferred via the easement document are less than 100%, and while another easement encumbers the subject, previously estimated to equate to 50% of the fee interest, the proposed easement, in my opinion, equates to encumbering say 50% of the remaining encumbered interest.

Acquiring 50% interest calculates to a value "as is" of: $\$30,000 \times 50\% = \$15,000$.

Conclusion of Value

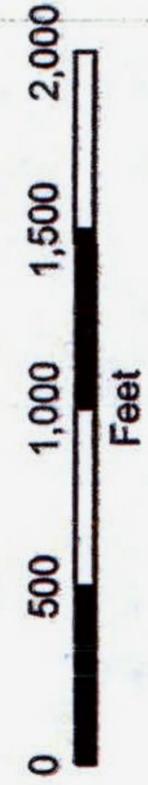
In summary, in my opinion, the market value of the easement as proposed, as of April 27, 2012, is:

FIFTEEN THOUSAND DOLLARS (\$15,000)

Canal 103



Map prepared June 8, 2012



Legend

- County owned
- Easement area
- Port St Lucie owned

