



PORT ST. LUCIE
UTILITY SYSTEMS DEPARTMENT
1001 SE Prineville Street
Port St. Lucie, FL 34983
(772) 873-6400
utility.cityofpsl.com

Kevin R. Matyjaszek, Director

July 19, 2023

SENT VIA CERTIFIED MAIL #7009 2250 0004 2856 6628

Marburger Ranch LLC
Michael E. Marburger
988 NW Demedici Road
Port St. Lucie, FL 34986

RE: DEMAND TO STOP OVER-USE OF EASEMENT

Dear Mr. Marburger,

The City of Port St. Lucie owns the McCarty Ranch properties (12525 Range Line Road, known as "McCarty Ranch Preserve" and 15199 Range Line Road, known as "McCarty Ranch Extension") collectively ("Water Preserve"). The Water Preserve is actively operated by the City's Utility Systems Department as a water quality restoration area for the project known as the St. Lucie River/C-23 Water Quality Project. The City intends to build a surface water treatment plant to treat the water being pumped from the C-23 Canal to drinking water standards. A certain amount of this treated water will be sent out for public consumption and the rest will be stored in deep aquifer storage and recovery wells (ASRs). The stored water will then be recovered and distributed for consumption ensuring that Port St. Lucie is able to meet the water needs of this growing city for generations to come. Since 2012, the City has invested more than \$20,000,000 in acquiring the McCarty Ranch Properties and approximately \$10,417,500 developing this water source and the water quality restoration area and anticipates expenditures in the millions to continue with the project.

The City understands that Marburger Ranch LLC ("Property Owner") acquired a parcel of real property ("Marburger Property") immediately west of the Water Preserve¹ and has been utilizing the Marburger Property to operate a vegetative debris recycling operation engaged in soil cultivation. The City further understands that such use is not in compliance with the County's Land Development Code.

It is the City's position that your current use of the access easement over portions of City-owned property (the "Easement") is an excessive overuse of the intent of the Easement. The Easement was originally granted for egress and ingress related to the agricultural uses existing on the dominant properties at the time. The Easement was *not* granted for ingress and egress of heavy commercial vehicles and daily traffic with multiple trips per day as an actual roadway. The Easement is not a paved roadway but is a 50' wide dirt path which is easily disturbed and damaged. In fact, your current use of the Marburger Property has caused the Easement area to be damaged. The heavy commercial equipment and vehicles create a "washboard" effect on the dirt, which increases the City's maintenance requirements. The traffic stirs up dust during dry weather. A potential exists for the hundreds of heavy commercial vehicles and equipment using the path to leak gas, hydraulic fluids, and oil, which would seep right into the City's future groundwater source.

¹ Parcel ID #4233-133-0001-000-4



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Large culverts belonging to the Range Line Property Owner's Association ("POA") cross under the easement at two locations that are an essential part of the POA's drainage system. The culverts are at great risk of damage by the heavy commercial equipment entering and leaving the Marburger Property hundreds of times per day. The POA, of which the City is the majority member, will have to bear a large portion of the expense to replace the culvert pipes. The design engineer's estimate at just one of the locations is \$1.2 million. The culvert replacement project has been submitted to South Florida Water Management District for the required permitting. It should be noted that it is projected that the culvert replacement cost for the second location will be similar.

The City respectfully requests that you consider an alternative access to your property and demands the overuse of the Easement stops as it is the City's position that the current use of the Marburger Property greatly exceeds the intended Easement grant and is causing damage to City facilities and the Water Preserve. The City is offering you 30 days to find alternative access to the Marburger Property. If necessary, the City is prepared to take all legal actions necessary to prevent irreparable harm or injury to the community's future drinking water supply and the City's infrastructure.

Please do not hesitate to reach out to me should you have questions or need clarification about the City's position regarding this matter.

Sincerely,

Kevin R. Matyjaszek
Director
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(772) 344-4250 *direct*
(772) 233-3040 *cell*

C: George Landry, St. Lucie County Administrator
Jesus Merejo, City Manager
Elizabeth Hertz, Senior Deputy City Attorney
Sebastian Poprawski, Deputy City Attorney
Range Line POA Board Members