A G E N D A

REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD January 23, 2017
AT 5:30 PM
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Eula R. Clarke
Vice Mayor Tom Campenni
Commissioner Kelli Glass Leighton
Commissioner Jeffrey A. Krauskopf
Commissioner Troy A. McDonald

ADMINISTRATIVE

City Manager, Paul J. Nicoletti
City Attorney, Michael J. Mortell
City Clerk, Cheryl White

Agenda items are available on our website at http://www.cityofstuart.us
Phone: (772) 288-5306 .Fax: (772) 288-5305 .E-mail: cwhite@ci.stuart.fl.us

Special Needs: Participants with special needs can be accommodated by calling the City Clerk at least 5 working days prior to the Meeting excluding Saturday and Sunday. We can be reached by phone at (772)288-5306, by fax at (772)288-5305, or by email at cwhite@ci.stuart.fl.us. If you are hearing impaired, please contact us using the Florida Relay Service, Customer Service: Dial 711 or English: (V) 800-682-8706, (TTY) 800-682-8786 Spanish: (V, TTY) 1-800-855-2886 If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. Firefighter Appreciation Month
   Recipient: Jeaneece Washington

PRESENTATIONS

2. Presentation of Certificate of Recognition to the Garden Club of Stuart Celebrating its 80th Anniversary
3. Service Awards January
4. Employee of the Year 2016 and Runner-Up
5. Presentation of Government Finance Officers Association Certificate of Achievement for the City of Stuart 2015 Comprehensive Annual Financial Report
6. CITY OF STUART TOURISM UPDATE BY MARTIN COUNTY OFFICE OF TOURISM AND MARKETING.

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

7. Award of ITB #2017-313: Courtesy Dock Hurricane Repairs Project to Wilco Construction Inc., of Fort Pierce, Florida for the Base Bid Total of $79,350.00.

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 min. max)

WHAT IS CIVILITY?: ***Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.*** **PUBLIC COMMENT:** ***If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.***

QUASI-JUDICIAL HEARINGS: ***Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.***

CONSENT CALENDAR: ***Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.***

CONSENT CALENDAR

8. Minutes for approval 12/12/2016 AND 1/9/2017 CCM. (RC)

9. RESOLUTION No. 12-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO RIVERSIDE VILLAGE STUART LLC, OWNER OF THE PROPERTY LOCATED AT 43 & 55 S.E. SEMINOLE STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF 4,235 SQUARE FEET OF RETAIL AND 20 RESIDENTIAL UNITS ON A 1.21 ACRE SITE; TO ALLOW A DENSITY OF 16.5 UNITS PER ACRE; FOR PARKING WITHIN THE BUILDING ENVELOPE AND FOR A CONTINUOUS BUILDING FACADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.(RC)

10. RESOLUTION No. 15-2017. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF NON-EXCLUSIVE WATER AND SEWER MAIN EASEMENTS UE-3, UE-4, UE-6, AND UE-7 AT THE ROYAL PALM FINANCIAL CENTER WITH TED GLASRUD ASSOCIATES FLORIDA, LLC., PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (RC)

11. RESOLUTION No. 16-2017. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF NON-EXCLUSIVE WATER AND SEWER MAINS AND LIFT STATION EASEMENTS UE-1, UE-2, AND UE-5 AT THE ROYAL PALM FINANCIAL CENTER WITH ROYAL PALM 1, INC., PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.(RC)

END OF CONSENT CALENDAR

COMMISSION ACTION

ORDINANCE FIRST READING

12. ORDINANCE NO. 2341-2017; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING SECTIONS 38-64 AND 38-97 IN THE CITY OF STUART, FLORIDA CODE OF ORDINANCES TO CONFORM PROVISIONS OF THE LOCAL BUSINESS TAX WITH STATE STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE . (RC)

ORDINANCE SECOND READING

DISCUSSION AND DELIBERATION

ADJOURNMENT

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** Ryanne Cavo

Title of Item:
Firefighter Appreciation Month
Recipient: Jeaneece Washington

Summary Explanation/Background Information on Agenda Request:
In addition to their daily service to the communities and their dedication, Firefighters have joined Muscular Dystrophy Association for the past 60 years in the fight against neuromuscular disease;

Funding Source:
N/A

Recommended Action:
Issue the Proclamation

ATTACHMENTS:

	Description	Upload Date	Type
	Proclamation	1/12/2017	Proclamation

PROCLAMATION
FIREFIGHTER APPRECIATION MONTH
FEBRUARY 2017

WHEREAS, in addition to their daily service to the communities and their dedication, Firefighters have joined Muscular Dystrophy Association for the past 60 years in the fight against neuromuscular disease; and

WHEREAS, firefighters in the State of Florida have collected over $1.4 million with their 2017 "Fill the Boot" campaign for the Muscular Dystrophy Association; and

WHEREAS the Muscular Dystrophy Association is extremely grateful to the Stuart firefighters for the support and dedication.

NOW, THEREFORE, I, Eula R. Clarke, as Mayor of the City of Stuart, Florida do hereby proclaim the month of February, 2017, as

FIREFIGHTER APPRECIATION MONTH

in the City of Stuart, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 23rd day of January, 2016.

_____
EULA R. CLARKE
MAYOR

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** Ryanne Cavo

Title of Item:
Presentation of Certificate of Recognition to the Garden Club of Stuart Celebrating its 80th Anniversary

Summary Explanation/Background Information on Agenda Request:
This request for recognition falls outside of the criteria for a Proclamation, but in an effort to recognize the history of the Garden Club of Stuart as it celebrates its 80th anniversary in the community, we have prepared the attached Certificate.

Funding Source:
N/A

Recommended Action:
Present the Certificate of Recognition.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Certificate	12/20/2016	Presentation

CERTIFICATE OF Recognition

presented to the

GARDEN CLUB OF STUART

The City of Stuart hereby salutes the Garden Club of Stuart on its 80th Anniversary.

Anna Bates Leach started the Club in 1936 and joined the Federation of Garden Clubs in 1937. The first meetings were held at "Tuckahoe" mansion, which is Native American for, "Welcome."

The first flower show was held in 1938 and the tour of gardens in 1949. These events still exist today. The club has given many scholarships to our youth, participated in many plantings within the City of Stuart, as well as educating the public.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 23rd day of January, 2017.

_____

EULA R. CLARKE
MAYOR

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** R. Johnson

Title of Item:
Service Awards January

Summary Explanation/Background Information on Agenda Request:

Elise Farrell	20 years
Michael Pope	10 years
Robin LeMay	10 years
Charles Eckhardt	5 years
Donald Long	5 years

Funding Source:
General Fund

Recommended Action:
Present Awards

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** R. Johnson

Title of Item:
Employee of the Year 2016 and Runner-Up
Summary Explanation/Background Information on Agenda Request:
Every month the City selects an employee who epitomizes great customer service and a commitment to excellence in the workplace. At the end of the calendar year an Employee of the Year and a Runner-Up are selected from among the group. The Employee of the Year 2016 and Runner-Up TBA

Funding Source:
General Fund
Recommended Action:
Present Awards

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** Holly Vath

Title of Item:

Presentation of Government Finance Officers Association Certificate of Achievement for the City of Stuart 2015 Comprehensive Annual Financial Report

Summary Explanation/Background Information on Agenda Request:

Shannon Ramsey-Chessman, Chief Operating Officer of Finance for the Palm Beach County Clerk & Comptroller's office will present the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting to the City of Stuart Financial Services Department.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment for the City of Stuart.

Annual Financial Reports are reviewed by selected members of the GFOA professional staff and the GFOA Special Review Committee (SRC), which comprises individuals with expertise in public sector financial reporting and includes financial statement preparers, independent auditors, academics, and other finance professionals.

Funding Source:

n/a

Recommended Action:

Accept Certificate of Achievement.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** Teresa Lamar-Sarno, AICP

Title of Item:

CITY OF STUART TOURISM UPDATE BY MARTIN COUNTY OFFICE OF TOURISM AND MARKETING.

Summary Explanation/Background Information on Agenda Request:

Nerissa Okiye, Tourism and Marketing Manager with the MC Office of Tourism and Marketing will be making a brief presentation on recent tourism activities in the City of Stuart.

Funding Source:

Not Applicable

Recommended Action:

Accept Presentation

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** Lenora Darden

Title of Item:

Award of ITB #2017-313: Courtesy Dock Hurricane Repairs Project to Wilco Construction Inc., of Fort Pierce, Florida for the Base Bid Total of $79,350.00.

Summary Explanation/Background Information on Agenda Request:

In accordance with the City of Stuart Code of Ordinances, you have award authority, upon declaration of a state of local emergency, as defined and provided in Chapter 26 of the Stuart Code of Ordinances, without prior or further approval of the City Commission, the City Manager shall have authority to contract up to a total of $350,000.00 for emergency goods and services. This declaration was adopted by Resolution 109-2016 Dated October 5, 2016. Furthermore, The City Manager shall publicly report the facts giving rise to any emergency valued in excess of $50,000.00 and the necessity for the emergency purchase at the next regular City Commission meeting following the date of the purchase (within fifteen days of the emergency purchase).

The Contractor was selected in accordance with the City Procurement Ordinance; Uniform Administrative Requirements, Cost Principles, and Audit Requirements For Federal Awards; and The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

This solicitation was legally advertised in the Stuart News on December 14, 2016 and was disseminated by DemandStar on-line, to eight (8) supplemental suppliers, and broadcasted to (165) suggested vendors. Out of ten (10) planholders, one (1) bid was received by 2:30 pm on the ITB opening date, January 4, 2017. Staff has reviewed the bid and recommends award to the lowest, most responsive and responsible bidder: Wilco Construction Inc., of Fort Pierce, Florida for the Base Bid **Total of $79,350.00.**

Funding Source:

FEMA reimbursement

Recommended Action:

City Manager approved the award of ITB #2017-313: Courtesy Dock Hurricane Repairs Project to Wilco Construction Inc., of Fort Pierce, Florida for the Base Bid Total of $79,350.00 on January 6, 2017.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	CM Approval	1/12/2017	Attachment
🗋	Bid Tabulation	1/12/2017	Backup Material
🗋	Department Recommendation	1/12/2017	Backup Material

City of Stuart

121 SW Flagler Avenue • Stuart • Florida 34994
Department of Financial Services
Procurement & Contracting Services Division

Lenora Darden, CPPB
Procurement Manager
ldarden@ci.stuart.fl.us

Telephone (772) 288-5308
Fax: (772) 600-0134
www.cityofstuart.us

MEMORANDUM

To: Paul Nicoletti, City Manager

From: Lenora Darden, Procurement Manager

Date: January 6, 2017

Subject: Award of ITB #2017-313: Courtesy Dock Hurricane Repairs Project

---

Attached are: the tabulation sheet, the department's recommendation for the above referenced project. The engineer's cost estimate was $71,500.00 for this project.

In accordance with the City of Stuart Code of Ordinances, you have award authority, upon declaration of a state of local emergency, as defined and provided in Chapter 26 of the Stuart Code of Ordinances, without prior or further approval of the City Commission, the City Manager shall have authority to contract up to a total of $350,000.00 for emergency goods and services. This declaration was adopted by Resolution 109-2016 Dated October 5, 2016. Furthermore, The City Manager shall publicly report the facts giving rise to any emergency valued in excess of $50,000.00 and the necessity for the emergency purchase at the next regular City Commission meeting following the date of the purchase (within fifteen days of the emergency purchase).

The Contractor was selected in accordance with the City Procurement Ordinance; Uniform Administrative Requirements, Cost Principles, and Audit Requirements For Federal Awards; and The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

This solicitation was legally advertised in the Stuart News on December 14, 2016 and was disseminated by DemandStar on-line, to eight (8) supplemental suppliers, and broadcasted to (165) suggested vendors. Out of ten (10) planholders, one (1) bid was received by 2:30 pm on the ITB opening date, January 4, 2017. Staff has reviewed the bid and recommends award to the lowest, most responsive and responsible bidder: Wilco Construction Inc., of Fort Pierce, Florida for the Base Bid Total of $79,350.00.

Please review the attached documentation and signify by signature below your determination of award, request for further information or recommended rejection of all bids.

Should you have any questions or if I might be of further assistance please call me at ext. 5308 or contact me by email at ldarden@ci.stuart.fl.us.

☒ Award of ITB #2017-313: Courtesy Dock Hurricane Repairs Project to Wilco Construction Inc., of Fort Pierce, Florida for the Base Bid Total of $79,350.00.

☐ Further information is required

☐ Recommend all bids be rejected

Paul Nicoletti, City Manager

1-6-17
Date

City of Stuart

ITB TABULATION

121 SW Flagler Avenue, Stuart, FL 34994
Department of Financial Services
Procurement & Contracting Services Division

Lenora Darden, CPPB
Procurement Manager
Email: ldarden@ci.stuart.fl.us
Telephone (772) 288-5308
Fax: (772) 600-0134
www.cityofstuart.us

ITB # 2017-313
Project: Courtesy Dock Hurricane Repairs Project
Addendum: N/A
Date Opened: 1/4/2017
Project Budget: $ 71,500.00
Apparent Low Bidder
Planholders for this bid: 10
Broadcast List 165 suppliers have been notified
Supplemental Suppliers 8 Supplemental Suppliers

	Firms Submitting Bids:	Base Bid	10% Bond	Completion
		Total	Yes or No	Days
1	Wilco Construction Inc.	$79,350.00	Yes	$75.00

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION No. 109-2016

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY TO EXIST IN STUART FLORIDA AS A RESULT OF THE WEATHER CONDITIONS CREATED BY HURRICANE MATTHEW; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

A DECLARATION OF LOCAL EMERGENCY

WHEREAS, HURRICANE MATTHEW is approaching the Coast of Florida; and the National Hurricane Center has issued a HURRICANE OR TROPICAL STORM WARNING and has predicted a strong likelihood that such hurricane/tropical storm may directly strike the coastal area of Florida in which the City of Stuart is located; and

WHEREAS, HURRICANE MATTHEW is a direct threat to Martin County, and the City of Stuart, and may result in substantial injury or harm to the public in the City of Stuart, as well as substantial damage or loss of property; and

WHEREAS, pursuant to Ordinance 16-8 of the City of Stuart, and Section 252.38(2), Florida Statutes, the City of Stuart will coordinate its emergency management activities with the Martin County Director of Emergency Management, who may also invoke a state of local emergency; and

WHEREAS, the City Commission recognizes the potential adverse impacts of this storm on the City of Stuart and its residents, and have therefore determined that a state of local emergency exists.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

Resolution No. 109-2016
Declaration of State of Emergency for Hurricane Matthew

SECTION 1: Pursuant to the authority granted by §16-8, Code of Ordinances of the City of Stuart, Florida, and §252.38(2), Florida Statutes the laws of the State of Florida, we do hereby DECLARE A STATE OF LOCAL EMERGENCY to exist in the City of Stuart, Florida.

SECTION 2: This declaration shall remain in effect for a period of seven (7) days, unless sooner rescinded or extended by the City Manager in accordance with §16-8 Code of Ordinances of the City of Stuart, Florida.

SECTION 3: This Resolution shall become effective immediately upon its adoption.

Commissioner McDonald offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner Clarke and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
JEFFREY A. KRAUSKOPF, MAYOR	X		
EULA R. CLARKE, VICE MAYOR	X		
KELLI GLASS LEIGHTON, COMMISSIONER	X		
TOM CAMPENNI, COMMISSIONER	X		
TROY A. MCDONALD, COMMISSIONER	X		

ADOPTED this 5th day of October, 2016.

ATTEST:

CHERYL WHITE
CITY CLERK

JEFFREY A. KRAUSKOPF
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

CITY OF STUART · FLORIDA · INCORPORATED 1914 · SAILFISH CAPITAL OF THE WORLD

Darden, Lenora

From: Voelker, Timothy
Sent: Thursday, January 05, 2017 3:11 PM
To: Darden, Lenora
Cc: Amerson, Sam; Jones, LeeAnn; Rogolino, Marc
Subject: RE: Recommendation for ITB 2017-313 CD Hurricane Repairs

Lenora-

After reviewing the bid form and based on the bid amount of $79,350.00, Public Works recommends that the contract for ITB# 2017-313 Courtesy Dock Hurricane Repairs Project be awarded to Wilco Construction Inc.

Let me know if you have any questions or need any additional information.

Tim

Stuart

Tim Voelker, P.E.
City Engineer
121 SW Flagler Avenue
Stuart, Florida 34994
Office: (772) 288-5332
Cell: (772) 215-9602
Fax: (772) 288-5381
www.cityofstuart.us

From: Darden, Lenora
Sent: Thursday, January 05, 2017 1:08 PM
To: Voelker, Timothy
Cc: Amerson, Sam; Jones, LeeAnn
Subject: Recommendation for ITB 2017-313 CD Hurricane Repairs

Good afternoon,

Please find the attached recommendation for your review and approval.

Thank you

Lenora S. Darden, ***CPPB***
Procurement Manager
City of Stuart
Procurement &Contracting Services Division
121 SW Flagler Avenue, Stuart, FL 34994-2172
Email: ldarden@ci.stuart.fl.us
Phone: (772) 288-5308 Fax: (772) 600-0134

CPPB
CERTIFIED PROFESSIONAL PUBLIC BUYER

City of Stuart

ITB TABULATION

121 SW Flagler Avenue, Stuart, FL 34994
Department of Financial Services
Procurement & Contracting Services Division

Lenora Darden, CPPB
Procurement Manager
Email: ldarden@ci.stuart.fl.us
Telephone (772) 288-5308
Fax: (772) 600-0134
www.cityofstuart.us

ITB # 2017-313
Project: Courtesy Dock Hurricane Repairs Project
Addendum: N/A
Date Opened: 1/4/2017
Project Budget: $ 71,500.00
Apparent Low Bidder
Planholders for this bid: 10
Broadcast List 165 suppliers have been notified
Supplemental Suppliers 8 Supplemental Suppliers

	Firms Submitting Bids:	Base Bid	10% Bond	Completion
		Total	Yes or No	Days
1	Wilco Construction Inc.	$79,350.00	Yes	$75.00

Darden, Lenora

From: Voelker, Timothy
Sent: Thursday, January 05, 2017 3:11 PM
To: Darden, Lenora
Cc: Amerson, Sam; Jones, LeeAnn; Rogolino, Marc
Subject: RE: Recommendation for ITB 2017-313 CD Hurricane Repairs

Lenora-

After reviewing the bid form and based on the bid amount of $79,350.00, Public Works recommends that the contract for ITB# 2017-313 Courtesy Dock Hurricane Repairs Project be awarded to Wilco Construction Inc.

Let me know if you have any questions or need any additional information.

Tim

Tim Voelker, P.E.
City Engineer
121 SW Flagler Avenue
Stuart, Florida 34994
Office: (772) 288-5332
Cell: (772) 215-9602
Fax: (772) 288-5381
www.cityofstuart.us

From: Darden, Lenora
Sent: Thursday, January 05, 2017 1:08 PM
To: Voelker, Timothy
Cc: Amerson, Sam; Jones, LeeAnn
Subject: Recommendation for ITB 2017-313 CD Hurricane Repairs

Good afternoon,

Please find the attached recommendation for your review and approval.

Thank you

Lenora S. Darden, ***CPPB***
Procurement Manager
City of Stuart
Procurement &Contracting Services Division
121 SW Flagler Avenue, Stuart, FL 34994-2172
Email: ldarden@ci.stuart.fl.us
Phone: (772) 288-5308 Fax: (772) 600-0134

Please Note: Florida has a broad public records law. Most written communications to or from City officials regarding City business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** Cherie White, City Clerk

Title of Item:
Minutes for approval 12/12/2016 AND 1/9/2017 CCM. (RC)
Summary Explanation/Background Information on Agenda Request:

Funding Source:
NA
Recommended Action:
Approve Minutes

ATTACHMENTS:

	Description	Upload Date	Type
🗋	12/12/2016 CCM	1/13/2017	Attachment
🗋	1/9/2017 CCM	1/20/2017	Backup Material

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD December 12, 2016
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Jeffrey A. Krauskopf
Vice Mayor Eula Clarke
Commissioner Kelli Glass Leighton
Commissioner Tom Campenni
Commissioner Troy McDonald

ADMINISTRATIVE
City Manager, Paul J. Nicoletti
City Attorney, Michael J. Mortell
City Clerk, Cheryl White

(Clerk's Note)
Due to technical difficulties the audio and video files begin at (6:01P.M., Commissioner Comments)

5:29 PM ROLL CALL
Present: Vice Mayor Clarke, Commissioner McDonald, Commissioner Campenni, Mayor Krauskopf, Commissioner Glass Leighton.

5:33 PM PLEDGE OF ALLEGIANCE

5:33 PM Arts Moment

Shavon DeLeon, singing Christmas Carols

5:38 PM 1. SELECTION OF MAYOR AND VICE MAYOR
Commissioner Glass Leighton made a motion to nominate Mayor Krauskopf for a second term as Mayor. Mayor Krauskopf graciously declined and passed the gavel to Vice Mayor Clarke and made the following motion;

5:40 PM Motion: Vice Mayor Clarke become Mayor, Action: Approve, Moved by Commissioner Krauskopf, Seconded by Commissioner Glass Leighton.

5:42 PM Motion: Vice Mayor Campenni, Action: Approve, Moved by Commissioner McDonald, Seconded by Commissioner Krauskopf.

5:45 PM 2. Approve Appointments of City Commissioners to Community Boards

5:45 PM PROCLAMATIONS

5:45 PM 3. Supporting Indian River State College as Nominee for the Annual Aspen Prize for Community College Excellence

5:47 PM 4. Wreaths Across America Day - Dec. 17, 2016
Recipients: Karen Zook, Volunteer Coordinator for Wreaths Across America, Forest Hills Memorial Park and Committee Members: Lynne Jensen, Robert Dadiomoff, Pamela Dadiomoff, Marty Zientz, Helen Posey, and Mark Zook.

5:53 PM PRESENTATIONS

5:53 PM 5. December Service Awards

Victor Gonzalez-Vargas came forward and graciously accepted his 5 years of service award.

5:54 PM 6. Present the 2017 Calendar Photo Contest Winners
David Peters gave a brief presentation of the Stormwater Calendar and LeeAnn Jones, Division Assistant and Anne Ellig, Recycling and Conservation Coordinator announced the Photography Award Winners

Cover: Elaine M. Schmitt - "Little Blue Heron Watching Sunset"
January: Jim Ferro - "Sunrise Stage"
February: Marcia Heffelfinger - "Reflections"
March: Elaine M. Schmitt - "Great Blue Heron checking out the new Mangrove Park"
April: Jill Butterworth - "Sundown you better take care."
May: Barbara Hilton – "Blue Heron Sunrise"
June: Marcia Heffelfinger – "Serenity"
July: Barbara Hilton – "Shepard's Seagull"
August: Barbara Hilton – "Shepard's Jewel"
September: William (Billy) Dixon – "Sunset from Shepard Park"
October: Jill Butterworth – "Sun 'ducking' down"
November: Jill Butterworth – "Reflections"
December: William (Billy) Dixon – "Moods of the Roosevelt"

6:01 PM COMMENTS BY CITY COMMISSIONERS

Commissioner McDonald was pleased at the Florida league of Cities and their agenda. He also congratulated Commissioner Krauskopf on the presentation on the Algae crisis. He also said the City has had some issues regarding the approval processes with building approvals and the coordination with fire inspections.

City Manager Nicoletti said the City staff have been diligently been working on the matter.

Vice Mayor Campenni said he would like to see a written procedure in place.

City Attorney Mortell said that a procedure would be complicated.

Commissioner McDonald asked that the City provide Legislative priorities list at the first meeting in January.

Commissioner Krauskopf noted that the deadline for those are before our next meeting, and inquired into what we have prepared.

Jim Chrulski stated that they have prepared one submittal asking for a Grant for the appropriations budget so the City can begin planning and moving forward on the Guy Davis Ball Fields.

City Manager Nicoletti said the City needs to support the League and their Infrastructure Sales Tax rather than push it but support the League for the special appropriations.

Vice Mayor Campenni noted that Representative Harrell is enthused about this and is working very hard, and Karen Sweeney is also working with Jim.

The Commission had no objection to moving forward on the request by staff.

Commissioner Krauskopf said that at the recent League of Cities meeting and in conclusion one of the successes that came out of that was the Lake Okeechobee Learning Collaborative and Initiative. He stated the Lake Okeechobee compact was signed on November 30th, 2016. He said he also attended the Holiday Boat Parade.

Vice Mayor Campenni was pleased that the infrastructure sales tax item, and thanked the hard work and achievement of the staff and thanked Jeff Krauskopf. He also announced that he was recently elected Chair of the Treasure Coast Council of Local Governments and thanked Teresa Lamar-Sarno, Paul Nicoletti, and Cherie White for attending the meeting. He inquired on the status of the impact fee issue with the County.

Attorney Mortell said he spoke with the County and they are moving forward on presenting it to their Board.

Commissioner McDonald also spoke with the County and anticipates some forward movement on the Willoughby Road extension.

Mayor Clarke commented that the League of Cities Meeting was very informative. She recently rode along with a Police officer and encourages citizens to participate in a citizen's ride-along to get to know our officers.

6:19 PM COMMENTS BY CITY MANAGER

City Manager Nicoletti pointed out there is an Addendum tonight adding three additional items.

Added to Consent Calendar as 10A, 10B, and 10C.

He pointed out that in Item 14 there was a typo in the agenda request form. The millage amount stated was incorrect, the amount should be 4.552.

6:22 PM APPROVAL OF AGENDA

6:22 PM Motion: Action: Approve of the agenda with addendum, Moved by Commissioner Krauskopf, Seconded by Vice Mayor Campenni. Motion passed unanimously.

6:23 PM COMMENTS FROM THE PUBLIC

6:23 PM CONSENT CALENDAR

7. Approve 2017 Meeting Calendar

8. Receive the 2017 Succession List City Manager, Attorney, and Department Directors.

9. RESOLUTION No. 127-2016: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO RENEW RFP NO. 2015-151 FOR TEMPORARY EMPLOYEE SERVICES WITH EMERALD LABOR LLC, MANPOWER, AND GENERAL LABOR STAFFING SERVICES INC., ALL OF STUART FLORIDA, FOR THE SECOND OF TWO POSSIBLE RENEWAL PERIODS THROUGH DECEMBER 31, 2017, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. RESOLUTION No. 129-2016 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE EXECUTION OF LEASE AGREEMENT BETWEEN THE CITY OF STUART AND CONGRESSMAN BRIAN MAST FOR THE CRARY HOUSE LOCATED AT 171 SW FLAGLER AVENUE, STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ADDENDUM

10A. Minutes of 11/28/2016 CCM for approval

10B. RESOLUTION No.130-2016 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING A BUDGET AMENDMENT TO THE 2016-2017 ANNUAL GENERAL FUND, OPERATING BUDGET; AUTHORIZING APPLICATION AND APPROPRIATION OF CHILDREN SERVICES COUNCIL GRANT; AUTHORIZING THE APPROPRIATION OF PERSONNEL FUNDS; AUTHORIZING THE EXPENDITURE

OF FUNDS FOR POLICE OFFICER B.A.D.G.E. PROGRAM; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER MATTERS.

10C. RESOLUTION No. 131-2016 A RESOLUTION OF THE CITY OF STUART URGING THE APPOINTMENT OF MUNICIPAL OFFICIALS TO THE 2017-18 CONSTITUTION REVISION COMMISSION AND URGING THE COMMISSION TO PROTECT MUNICIPAL HOME RULE AUTHORITY AND RESTRICT UNFUNDED STATE MANDATES.

6:24 PM Motion: Consent Calendar as Amended, Action: Approve, Moved by Vice Mayor Campenni, Seconded by Commissioner McDonald.
Motion passed unanimously.

6:23 PM END OF CONSENT CALENDAR

6:25 PM COMMISSION ACTION

6:25 PM 11. (QJ) RESOLUTION No.121-2016: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE TO CASCO TOOLS, INC. ON PROPERTY WITHIN THE BUSINESS GENERAL (B-2) ZONING DISTRICT AND LOCATED AT 3204 SE FEDERAL HIGHWAY, STUART; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES. (Quasi-Judicial)

Sworn were: Terry O'Neil, Pinal Gandhi-Savadas, Gerald Cass, Tim Dougher.

City Planner Pinal Gandhi-Savadas of the Development Department gave a brief presentation.

City Staff discussed a weight of equipment stipulation of 20,000 lbs.

John Leighton came forward and expressed concern over the storage of large, heavy equipment for outside storage in a B2 Zoning district.

6:56 PM Motion: Motion to approve Resolution 121-2016 with an 18,000 lbs. max. Weight stipulation for equipment stored on site and below the fence line., Action: Approve, Moved by Commissioner McDonald, Seconded by Commissioner Glass Leighton. Motion passed unanimously.

6:57 PM 12. (QJ) RESOLUTION No. 128-2016: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING AND GRANTING A MAJOR URBAN CODE CONDITIONAL USE TO THE CITY OF STUART (OWNER) AND MULLIGAN'S STUART ACQUISITION, LLC (TENANT) AT 131 SW FLAGLER AVENUE, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; ALLOWING A FORMULA BUSINESS IN THE NAME OF MULLIGAN'S TO BE RELOCATED WITHIN THE FORMULA BUSINESS AREA FROM ITS CURRENT LOCATION AT 61 SW OSCEOLA STREET TO 131 SW FLAGLER AVENUE; FURTHER REPLACING THE PROVISIONS RESOLUTION NO. 05-2010, GOVERNING THE OPERATION OF MULLIGAN'S

RESTAURANT AT ITS CURRENT LOCATION, AND ESTABLISHING NEW CONDITIONS FOR THE LOCATION OF ANY FUTURE RESTAURANT/BAR AT 61 SW OSCEOLA STREET: PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (Quasi Judicial)

Sworn were: Development Director Terry O'Neil, Planner Stephen Mayer, George Hart, Mulligans applicant, Marcella Camblor, Marcella Camblor & Associates, Attorney Terry McCarthy.

Stephen Mayer gave a brief presentation for the proposed Major Urban Code Exception. Attorney Terry McCarthy requested approval to move forward. George Hart announces that Mulligans plans to open next Monday December 19, 2016.

7:08 PM Motion: Action: Approve Resolution 128-2016, Moved by Commissioner McDonald, Seconded by Commissioner Glass Leighton.
Motion passed unanimously.

7:09 PM 13. Commission Liaison and At-Large Re-Appointments and Appointments to Standing/Advisory Boards of the City.

7:09 PM Motion: , Action: Approve Appointments of Chris Lewis to the CRB, Mike Herbach to the LPA, and Polly Campenni to the SIRB , all others will remain Moved by Commissioner Krauskopf, seconded Commissioner McDonald.
4/1 Campenni Abstained

7:10 PM ORDINANCE FIRST READING

14. ORDINANCE No. 2337-2016 -- AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING THREE ADJOINING PARCELS OF LAND BETWEEN STATE ROAD 76 (KANNER HIGHWAY) AND SE WILLOUGHBY BOULEVARD CONSISTING OF 4.07, 7.74 AND 17.53 ACRES RESPECTIVELY, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7:12 PM Motion: Action Approve Ordinance 2337-2016: Approve, Moved by Commissioner Campenni, Seconded by Commissioner Glass Leighton.
Motion passed unanimously.

7:12 PM 15. (QJ) ORDINANCE No. 2340-2016 (QUASI-JUDICIAL); AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE RPUD KNOWN AS "VILLAGIO STUART",CONSISTING OF 11.27 ACRES, OWNED BY TREASURE COAST PROPERTIES, LLC, LOCATED ON THE SOUTH SIDE OF SE INDIAN STREET APPROXIMATELY 580 FEET EAST OF THE INTERSECTION OF SE KANNER HIGHWAY AND SE INDIAN STREET, SAID PROPERTY BEING MORE FULLY

DESCRIBED IN EXHIBIT “A” ATTACHED; FURTHER REVOKING ORDINANCE NUMBER 2042-05, AND ESTABLISHING THE CLARITY POINTE RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF AN 84 BED ASSISTED LIVING FACILITY WITH MEMORY CARE; AMENDING THE FUTURE LAND USE MAP OF THE CITY’S COMPREHENSIVE PLAN, THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM “MULTI-FAMILY RESIDENTIAL” TO “COMMERCIAL” FOR A 1.92 ACRE PORTION OF SAID PROPERTY; PROVIDING THAT SAID PROPERTY SHALL CONCURRENTLY REZONED FROM “RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)” TO “COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)” ON THE CITY’S OFFICIAL ZONING MAP; APPROVING A MASTER DEVELOPMENT PLAN FOR THE OVERALL CLARITY POINTE PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR DEVELOPMENT CONDITIONS; A TIME TABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTANT WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Sworn were: Development Director Terry O’Neil, Planner Stephan Mayer, Daniel Sorrow, Cotler & Hearing, Robert Thomas, LEO A Daly, David Baggett, EDC Inc., Jonathan Keith, TDON Development, Attorney Terry McCarthy.

Daniel Sorrow came forward and presented a power point presentation to the Commission and public for the proposed project.

There was concern expressed over the removal of mature trees and replanting of smaller ones.

Commissioner Krauskopf asked that the City proceed with the abandonment, and was also concerned over the clearing of the out parcel.

Mayor Clarke also inquired about sidewalks and that they are 6 foot.

Planner Stephan Mayer said that is County right-of-way.

Public Comment:
Sheila Kurtz came forward and asked what the threshold is for ALF beds in the City. She also said the size of sidewalks is not important for this project largely by the residents who will be living here.

Helen McBride commented on keeping as many established trees as possible.

8:03 PM Motion: Action: Approve Ordinance 2340-2016, Moved by Commissioner Campenni, Seconded by Commissioner McDonald. Motion passed unanimously. Motion passed unanimously.

ORDINANCE SECOND READING

DISCUSSION AND DELIBERATION

8:05 PM ADJOURNMENT

_____ _____

Cheryl White, City Clerk Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission Meeting This 23rd day of January 2017.

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD January 9, 2017
AT 5:30 PM
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION
Mayor Eula R. Clarke
Vice Mayor Tom Campenni
Commissioner Kelli Glass Leighton
Commissioner Jeffrey A. Krauskopf
Commissioner Troy A. McDonald

ADMINISTRATIVE
City Manager, Paul J. Nicoletti
City Attorney, Michael J. Mortell
City Clerk, Cheryl White

5:28 PM Roll Call.

Present: Mayor Clarke, Commissioner McDonald, Vice Mayor Campenni, Commissioner Krauskopf, Commissioner Glass Leighton.

ROLL CALL

5:30 PM PLEDGE OF ALLEGIANCE

5:31 PM ARTS MOMENT

Arianna Ross 6th grader Stuart Middle School came forward and sang a song Scared to be Happy for the January Arts Moment.

PROCLAMATIONS

5:37 PM COMMENTS BY CITY COMMISSIONERS

Commissioner McDonald noted there was a shooting in Orlando today where two officers died in the line of duty.

The Commissioners called for a moment of silence.

Vice Mayor Campenni noted the recent passing of former Attorney, and Police Officer Terry Nolan.

Mayor Clarke also stated the show of support for Terry Nolan was a moving experience. She also mentioned the upcoming Special meeting with each of the Commissioners on Friday beginning at 1:00 p.m. She also asked to add some program ideas to the 10th Street Center and would like to include them in a future discussion. She also noted that on January 12th at 6:00 p.m. she will be holding a Town Hall meeting at the 10th Street Center. The topics of discussion will be Pride in Property providing citizens information.

She also noted that an email was received by Ms. Sayer regarding density concerns. Her comments will be added to the minutes for the record. She also asked that any item that goes before the LPA should first be heard at a public workshop.

City Manager Nicoletti and Attorney Mortell indicated that the LPA is a public workshop, that the item is heard before the Commission. said the

5:45 PM COMMENTS BY CITY MANAGER

Pull Item #2 ,#9 and #10 from the Consent .

He noted that Commissioner Campenni gave him an article regarding State Wildlife Official recommending evening boar anchoring regulations with the State. He said that what he is reading in the proposal is that if there is any regulations it should be counties only, and mothing below the county level should be allowed.

Commissioner Campenni suggested adding it to the legislative priorities discussion item 2.

He also noted that he has been invited to attend the County Commission meeting tomorrow regarding Impact Fees. He suggested that the two impact fee experts come together and discuss the impact fees jointly to harmonize the program that does not penalize Development within the City. He said for the County to recognize of scheme of Transportation, really has to do more with mobility and how people move about the City instead of concentrating on lane miles, which is the counties approach to transportation, and impact fees.

City Attorney Mortell noted that the City is still holding its impact fees until the County redoes their study or changes their methods.

APPROVAL OF AGENDA

5:50 PM 5:50 PM Motion Approve the Agenda: , Action: Adjourn, Moved by Commissioner Krauskopf, Seconded by Commissioner McDonald.
Motion passed unanimously.

5:50 PM COMMENTS FROM THE PUBLIC (5 min. max)

None

CONSENT CALENDAR

1. RESOLUTION No. 01-2017: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE USE OF FACSIMILE SIGNATURES ON CHECKS ISSUED BY THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5:52 PM
2. RESOLUTION No. 2-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2017 LEGISLATIVE SESSION.

Commissioner McDonald asked for the priorities be amended to include funding of the St Lucie Issues Team. He also asked why the Ballfield project was brought before the legislative delegation before the Commission. He asked for consensus of the Commission that any request of the Legislative Delegation be brought before the Commission first. It was agreed that any matter brought before the Legislative Delegation be brought to the Commission first.

The Commission concurred.

Commissioner McDonald also requested that the two United State Senators be added to the list. He also asked that the list be sent to not only the local delegation but to all of the members of the House of Representatives, Florida Senate, Governor and all cabinet members.

Vice Mayor Campenni asked that we speak with Representative Harrell before we do that so we don't do something that will hurt her in Tallahassee.

Vice Mayor also asked if we could add to the list the Anchorage legislation or regulations since we have a mooring field.

City Manager Nicoletti said he doesn't know if the City would have an objection if regulation was permitted at the County level. He said the article indicates that would be acceptable. He said the Boat US also seems to accept this.

Vice Mayor Campenni expressed concern over the preemption.

Commissioner Krauskopf urged caution when it comes to regulating the mooring fields and anchoring of boats because there are many issues to deal with. He recommended allowing the county to regulate them but said they also have to deal with sewer pump out and inoperable vessels.

Commissioner Krauskopf also asked about Page 19 of 159, Fracking. He said we should not fully support an item although this preempts local government. We can't have it both ways. He suggest removing fracking all together.

Commissioner Krauskopf supports a statewide ban on Fracking.

6:07 PM Motion: Motion is to remove the language of fracking all together. , Action: Approve, Moved by Commissioner Krauskopf, Seconded by Vice Mayor Campenni. 3 no /2 yes motion failed.

Mayor Clarke asked what was being included as a priority. She indicated that there was only one number one. The rest do not have numbers.

6:10 PM Motion: Resolution 02-2017 Add the home rule regulation to allow for local government to regulate mooring fields. , Action: Approve, Moved by Vice Mayor Campenni, Seconded by Commissioner Glass Leighton.
Motion passed unanimously.

3. RESOLUTION No. 03-2016 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE APPLICATION, AS THE LEAD AGENCY, WITH THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE; IF APPROVED, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THIS GRANT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. RESOLUTION No. 04-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING A BUDGET AMENDMENT TO THE 2016-2017 ANNUAL GENERAL FUND, OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION OF 2017 JUSTICE ASSISTANCE GRANT; AUTHORIZING THE APPROPRIATION OF GENERAL FUNDS; AUTHORIZING THE EXPENDITURE OF FUNDS FOR STOP STICK UNITS; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER MATTERS.

5. RESOLUTION No. 05-2017:A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE RENEWAL OF THE SAINT LUCIE COUNTY LAW ENFORCEMENT ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. RESOLUTION No.06-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 05-2017 TO FUND THE PURCHASE OF AN INTAKE VALVE APPROPRIATING FUNDS AND AUTHORIZING EXPENDITURES FOR IN AN AMOUNT NOT TO EXCEED $1,522.38; PROVIDING FOR CONFLICTS; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7. RESOLUTION No. 07-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED “OSPREY PRESERVE”, PREPARED BY MICHAEL T. OWEN, FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 5556 PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. RESOLUTION No. 09-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN COUNTY FOR THE SE KINDRED STREET / SE JOHNSON AVENUE IMPROVEMENTS PROJECT. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

6:11 PM 9. RESOLUTION No. 10-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF THE LAKE OKEECHOBEE REGIONAL COMPACT AND DIRECTING STAFF TO COLLABORATE WITH ALL PARTIES IN DEVELOPING A LONG TERM REGIONAL ACTION PLAN DEDICATED TO SOLVING COMPLEX WATER MANAGEMENT ISSUES AND AS OTHERWISE AGREED UPON BY ALL PARTIES TO THE COMPACT.

6:12 PM Motion: Res 10-2017, Action: Approve, Moved by Vice Mayor Campenni, Seconded by Commissioner Krauskopf.
Motion passed unanimously.

6:12 PM 10. RESOLUTION No. 11-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO APPLY FOR A FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TRANSPORTATION ALTERNATIVES PROGRAM (TAP) APPLICATION FOR SIDEWALK EXTENSIONS ALONG DIXIE HIGHWAY AND SE FLORIDA STREET. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Commissioner McDonald asked the City to look at grant funding for Georgia Avenue, and Stypmann for safety purposes.

6:13 PM Motion: Res 11-2017, Action: Approve, Moved by Commissioner Glass Leighton, Seconded by Vice Mayor Campenni.
Motion passed unanimously.

END OF CONSENT CALENDAR

5:50 PM Motion: Consent Calendar excluding 2,9 and 10, Action: Approve, Moved by Vice Mayor Campenni, Seconded by Commissioner Glass Leighton. Motion passed unanimously.

COMMISSION ACTION

ORDINANCE FIRST READING

ORDINANCE SECOND READING

6:19 PM 11. (QJ) ORDINANCE NO. 2330-2017: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "LOW DENSITY RESIDENTIAL" FOR A 15.2 ACRE PORTION OF A 19.3 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1560-97, OWNED BY E. CLARK GIBSON, LOCATED ON THE SOUTH WEST CORNER OF NW JENSEN BEACH BLVD AND NW GREEN RIVER PARKWAY, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM "CPUD" TO "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE OSPREY PRESERVE RESIDENTIAL PLANNED UNIT DEVELOPMENT CONSISTING OF 42 SINGLE FAMILY HOMES; APPROVING A MASTER DEVELOPMENT PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTANT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QJ)

Tom Reetz gave a brief overview of the 2nd Reading Ordinance 2330-2017 .

6:23 PM Motion: Ord 2330-2017, Action: Approve, Moved by Commissioner Glass Leighton, Seconded by Commissioner McDonald.
Motion passed unanimously.

6:24 PM 12. ORDINANCE No. 2337-2017 -- AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING THREE ADJOINING PARCELS OF LAND BETWEEN STATE ROAD 76 (KANNER HIGHWAY) AND SE WILLOUGHBY BOULEVARD CONSISTING OF 4.07, 7.74 AND 17.53 ACRES RESPECTIVELY, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

6:25 PM Motion: Ord 2337-2017, Action: Approve, Moved by Commissioner McDonald, Seconded by Commissioner Glass Leighton.
Motion passed unanimously.

6:26 PM 13. (QJ) ORDINANCE No. 2340-2017; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE RPUD KNOWN AS "VILLAGIO STUART", CONSISTING OF 11.27 ACRES, OWNED BY TREASURE COAST PROPERTIES, LLC, LOCATED ON THE SOUTH SIDE OF SE INDIAN STREET APPROXIMATELY 580 FEET EAST OF THE INTERSECTION OF SE KANNER HIGHWAY AND SE INDIAN STREET, SAID PROPERTY BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; FURTHER REPEALING ORDINANCE NUMBER 2042-05, AND ESTABLISHING THE CLARITY POINTE RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF AN 84 BED ASSISTED LIVING FACILITY WITH MEMORY CARE; AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN, THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MULTI-FAMILY RESIDENTIAL" TO "COMMERCIAL" FOR A 1.92 ACRE PORTION OF SAID PROPERTY; PROVIDING THAT SAID PROPERTY SHALL CONCURRENTLY REZONED FROM "RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)" TO "COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)" ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A MASTER DEVELOPMENT PLAN FOR THE OVERALL CLARITY POINTE PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR DEVELOPMENT CONDITIONS; A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QUASIJUDICIAL)

Daniel Sorrow, Cotleur and Hearing Landscape Architect was an agreement with staff but asked for a waiver for the right of way to allow for storage of the fill from the lake and remove trees, and for the posting of a bond for any mitigation of the project.

6:48 PM Motion: Ordinance 2340-2017 move approval with the conditions set by staff and to also include prior to land clearing of the out parcel a $50,000 surety bond must be paid to cover the replacement of all removed trees or other vegetation Action: Approve, Moved by Commissioner McDonald, Seconded by Commissioner Glass Leighton. Motion passed unanimously.

6:52 PM DISCUSSION AND DELIBERATION

6:53 PM ADJOURNMENT

Cheryl White, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission Meeting This 23rd day of January 2017.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** Tom Reetz

Title of Item:
RESOLUTION No. 12-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO RIVERSIDE VILLAGE STUART LLC, OWNER OF THE PROPERTY LOCATED AT 43 & 55 S.E. SEMINOLE STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF 4,235 SQUARE FEET OF RETAIL AND 20 RESIDENTIAL UNITS ON A 1.21 ACRE SITE; TO ALLOW A DENSITY OF 16.5 UNITS PER ACRE; FOR PARKING WITHIN THE BUILDING ENVELOPE AND FOR A CONTINUOUS BUILDING FACADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.(RC)

Summary Explanation/Background Information on Agenda Request:
The applicant, Hollub Investments, is requesting a Major Urban Code Conditional Use approval as per Section 3.01.06 of the City of Stuart Land Development Code. If granted, the conditional use would allow for the development of a mixed use project consisting of 5 residential units over 4,235 square feet of retail space fronting Seminole Street and 3 stories of 15 luxury condominium units over parking in the rear of the site for a total of 20 residential units on a 1.21 acre site in the City's urban waterfront zoning district.

The applicant has requested the following variances from the City's code: 1. A density increase from 15 to 16.5 dwelling units per acre, 2. To allow parking within the building envelope, and 3. For a continuous building facade of more than 100 feet in width without having to provide an additional vista to the river. In lieu of not providing an additional vista, the developer has increased the side setbacks, thus increasing the view from the street, and decreasing the impact of the building on the views of adjoining property owners.

The level of parking below the condominium units provides a unique opportunity to have sufficient parking, without the parking being visible from the street. The contour of the property dipping sharply to the water allows the parking to be hidden under the building.

The Community Redevelopment Board recommended approval for the project by a majority 4-2 vote at a special meeting on January 11, 2017 with the condition that 4,235 square feet of commercial space along Seminole Street be limited to retail and low intensity medical office uses as defined in the City's Land Development Code. Staff has also added a condition limiting the waterfront building's rooftop occupancy and prohibiting rooftop occupancy for the two buildings fronting Seminole Street. **See Exhibit 'B' Conditions of Approval**

Funding Source:
N/A

Recommended Action:

Approve Resolution No. 12-2017.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Resolution 12-2017	1/17/2017	Resolution add to Y drive
🗋	Staff Report	1/17/2017	Staff Report
🗋	January 11, 2017 CRB Minutes	1/13/2017	Backup Material

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 12- 2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO RIVERSIDE VILLAGE STUART LLC, OWNER OF THE PROPERTY LOCATED AT 43 & 55 S.E. SEMINOLE STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF 4,235 SQUARE FEET OF RETAIL AND 20 RESIDENTIAL UNITS ON A 1.21 ACRE SITE; TO ALLOW A DENSITY OF 16.5 UNITS PER ACRE; FOR PARKING WITHIN THE BUILDING ENVELOPE AND FOR A CONTINUOUS BUILDING FACADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission of Stuart, Florida, has adopted and administers Section 3.01.06 of the Land Development Code; and

WHEREAS, the Applicant, Riverside Village Stuart LLC, is requesting a Major Urban Code Conditional Use approval to allow for development of a mixed use of 4,235 square feet of retail space and 20 Residential Units on 1.21 acres of land, and

WHEREAS, the applicant has requested a density of 16.5 units per acre where the maximum density of 15 dwelling units per acre is allowed, for a continuous building facade of more than 100 feet in width without providing an additional vista and for parking within the building envelope; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application does not create any detrimental effects on adjacent land uses within three hundred (300) feet of the proposed location; and

WHEREAS, the Community Redevelopment Board held a properly noticed hearing at a regularly scheduled meeting to consider the application of the Petitioner and recommended approval of the Major Urban Code Conditional Use on January 11, 2017; and

WHEREAS, City Commission held a properly noticed hearing at a regularly scheduled City Commission meeting to consider the application of the Petitioner to approve the Major Urban Code Conditional Use on January 23, 2017.

WHEREAS, the conditional use approval shall run with the land; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: Subject to the conditions attached hereto, the City Commission hereby approves a Major Urban Code Conditional Use approval to Hollub Investment Partnership, LLLP, as owner of certain real property located at 43 & 55 Seminole Street, Stuart Florida, as detailed within the attached legal description.

SECTION 2: A legal description of the property is set forth in **"Exhibit A"** attached hereto and made a part hereof by reference.

SECTION 3: The applicants business shall operate in accordance with all conditions set forth in **"Exhibit B"**, as attached.

SECTION 4: The purpose of this Urban Waterfront Sub-district Conditional Use approval is to allow for the development of 4,235 square feet of retail and 20 residential units, varying from code requirements by allowing a density of 16.5 units per acre where a maximum of 15 dwelling units per acre is allowed, for a continuous building facade of more than 100 feet in width without providing an additional vista and for parking within the building envelope as per the details included on the site plan, landscape plan and architectural elevations included as **"Exhibit C"**.

SECTION 5: This resolution shall take effect immediately upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
EULA R. CLARKE, MAYOR			
VICE MAYOR, THOMAS F. CAMPENNI			
TROY A. MCDONALD, COMMISSIONER			
JEFFREY A. KRAUSKOPF, COMMISSIONER			
KELI GLASS LEIGHTON, COMMISSIONER			

ADOPTED this 23rd day of January, 2017.

ATTEST:

_____
CHERYL WHITE
CITY CLERK

_____
EULA R. CLARKE,
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING DEVELOPMENT ORDER, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Riverside Village Stuart, LLC

Witness #1:

Owner: William Bethea

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

(see owner's acknowledgement next page)

Witness #2:

Print Name: _____

Signature: _____

WITNESSES:

Hollub Investment Partnership,LLLP
Hollub Holdings LLC

Witness #1:

Applicant: Harry Hollub

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement was acknowledged before me this _____ day of

_____, 2017, by _____.

_____

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____Type of ID_____

Exhibit "A" Legal Description:

PARCEL 1:

LOTS 1 & 2, BLOCK 1, AMENDED PLAT OF CHAS. A. PORTER ADDITION, ACCORDING TO THE PLAT THEREOF, FILED FEBRUARY 8, 1913, AND RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA. SAID PARCEL LYING NORTH OF AND ADJACENT TO THE NORTH LINE OF CHAS. PORTER ADDITION AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, SAID PARCEL DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 2, BLOCK 1, OF THE AFOREMENTIONED CHAS. A. PORTER ADDITION; THENCE NORTH 89°58'25" EAST, A DISTANCE OF 0.25 FEET; THENCE NORTH 12°05'27" EAST, A DISTANCE OF 9.92 FEET; THENCE NORTH 06°39'07" EAST, A DISTANCE OF 4.08 FEET; THENCE NORTH 17°34'10" EAST, A DISTANCE OF 76.10 FEET; THENCE NORTH 82°37'22" EAST, A DISTANCE OF 42.46 FEET; THENCE SOUTH 14°54'29" WEST, A DISTANCE OF 6.04 FEET; THENCE SOUTH 77°13'31" EAST, A DISTANCE OF 47.24 FEET; THENCE SOUTH 14°27'12" WEST, A DISTANCE OF 26.53 FEET; THENCE SOUTH 72°48'24" EAST, A DISTANCE OF 24.83 FEET; THENCE SOUTH 11°43'20" WEST, A DISTANCE OF 68.24 FEET; THENCE SOUTH 15°44'49" EAST, A DISTANCE OF 2.16 FEET; THENCE NORTH 77°10'09" WEST, A DISTANCE OF 119.19 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

TOGETHER WITH ANY PROPERTY LYING LANDWARD OF THE MEAN HIGH WATER LINE AS ESTABLISHED BY C. CALVERT MONTGOMERY & ASSOCIATES, INC ON JANUARY 15, 2014 AND LYING NORTHERLY OF THE MEAN HIGH WATER LINE ESTABLISHED BY LINDAHL, BROWNING, FERRARI & HELLSTROM ON OCTOBER 14, 1987.

PARCEL 2:

LOTS 8 AND 9, HIGH SCHOOL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2 PAGE 85 , PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA. SAID PARCEL LYING NORTH OF AND ADJACENT TO THE NORTH LINE OF SAID HIGH SCHOOL SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, HIGH SCHOOL SUBDIVISION, ACCORDING TO THE PLATB THEREOF, RECORDED IN PLAT BOOK 2, PAGE 85, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA: THENCE NORTH 80°58'09" WEST, ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 50.63 FEET; THENCE NORTH 82°41'13" WEST, ALONG THE NORTH LINE OF LOT 9 OF SAID HIGH SCHOOL SUBDIVISION, A DISTANCE OF 50.41 FEET; THENCE NORTH 15°44'49" WEST, A DISTANCE OF 2.16 FEET; THENCE NORTH 11°43'20" EAST, A DISTANCE OF 68.24 FEET; THENCE NORTH 18°44'01" EAST, A DISTANCE OF 6.62 FEET TO THE MEAN HIGH WATER LINE, ELEVATION –0.42 FEET NAVD 1988, RECORDED ON 11–02–12; THENCE SOUTH 59°02'51" EAST, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 32.29 FEET; THENCE SOUTH 67°54'43" EAST, A DISTANCE OF 41.51 FEET; THENCE SOUTH 61°09'30" EAST, A DISTANCE OF 30.97 FEET; THENCE SOUTH 11°35'03" WEST, DEPARTING SAID MEAN HIGH WATER LINE, A DISTANCE OF 43.26 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

Exhibit "B" Conditions of Approval

1. The project shall adhere to the site plan prepared by C. Calvert Montgomery and Associates, Inc., dated January 9, 2017.

2. The project shall adhere to the architectural plans and elevations, prepared by Braden & Braden, AIA, PA dated October 19, 2016, December 15, 2016 (Sheet A1) and January 5, 2017 (Sheet A-2). The buildings shall be constructed of concrete masonry units.

3. The project shall adhere to the landscape plan by Michael Flaugh, Landscape Architect dated 12.21.16 and last revised on 1.12.17.

4. Except as provided herein, all development shall comply with City Code.

5. Any sidewalks damaged during construction shall be repaired and/or replaced by the applicant as per the City's specification.

6. Notwithstanding the illustration shown on the site plan, all signage shall be in accordance with the City's Land Development Regulations with regards to size, dimensions, color, etc.

7. Site lighting shall not negatively impact adjacent properties and shall not create a visual nuisance. Decorative exterior light fixtures shall be approved prior to the issuance of any development permits.

8. The applicant shall comply with all applicable Handicap Accessibility standards.

9. Final Development Plans and Construction Drawings shall be reviewed and approved by all necessary City departments prior to the issuance of any building permits.

10. Any and all regulatory agency permits, including but not limited to Martin County, the South Florida Water Management District, and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the issuance of a site permit.

11. Prior to, building permits being issued, the applicant shall accomplish abandonment of 292 square feet of R.O.W. along Seminole Street with the privilege fee being waived contingent upon the city's acquisition of 292 sq. feet of R.O.W. per Sec. 36-2(d) of the City's Code of Ordinances.

12. The city as the grantee shall accept the 292 sq. feet of R.O.W. upon the grantor Riverside Village Stuart, LLC executing a deed which grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee all that certain land situated in Martin County, Florida, to wit: That portion of Right of Way shown on the Site Plan by C. Calvert Montgomery & Associates, Sheet 1, dated 1-9-17 attached hereto as Exhibit "C" TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

13. Prior to the issuance of any building permits for any portion of the Property, the Owner shall clearly define, to the satisfaction of the City Attorney, the number of condominium associations that will be created with respect to the Property. There shall be a Master Association created for all condominium units to be constructed on the property. The Master Association shall be the entity responsible for accepting notices from the City and correcting any violations of this Resolution, or the ordinances of the City and for any matters involving the City with respect to the Property, including, without limitation, fines and penalties. There shall be no conveyance of any units to third parties prior to the formation of the Master Association. There will be no future subdivision of the property without a plat approved by the City Commission.

14. Prior to issuance of a building permit, the applicant shall either contribute the required art fee of one and one-half percent of the vertical construction cost or provide work of art on the development pursuant to Section 3.01.08

15. Dock Facilities are for the expressed use of the owners, and or tenants. Leasing of dock slips to entities other than tenants of the project is prohibited. Commercial use of the dockage facilities is prohibited. The number of slips shall be limited to 20 slips (one per residential unit). Dock & slips are illustrative in nature and not final documents.

16. All dock facilities and marine related bulkheads, hardened shorelines, etc. shall be maintained by the Master Association, any new marine related improvements , modification, repairs and permitting associated with such facilities shall be accomplished by, and the responsibility of, the association. There shall be no sheds or outbuildings constructed on the property. There shall be no liveaboards permitted by definition of the Department of Environmental Protection. The term "liveaboard" is defined as a vessel

docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period.

17. Sloping revetments and interlocking blocks shall be used in high energy areas to more effectively dissipate wave forces, boat wakes and reduce the effects of bottom scouring. Bulkheads and seawalls shall only be used to protect existing development and shall be located landward of riverine wetlands and their ecotones. Permits for replacement of deteriorating seawalls shall be granted only when alternative revetments and interlocking blocks are not feasible.

18. There shall be no improvements, fencing, installation of additional landscape material, etc. placed within the common acres that would be in nonconformance with approved vistas at the ends of the buildings.

19. The applicant shall obtain a Certificate of Occuapncy for both mixed use buildings and the 15 unit condominum building prior to January 23, 2020.

20. The following uses shall be permitted:
    a. Retail
    b. Office, low-intensity medical: as defined in the City's Land Development Code
    c. Any occupancy of the waterfront building's rooftop shall be ancillary to the building's residential use and shall be enclosed by a code-compliant safety railing as shown on the building elevation approved herein. No permanently affixed structures, including, gazebos, trellises, or other similar structures shall be allowed on the roof of the waterfront building. No rooftop occupancy of the two buildings fronting Seminole Street shall be permitted.

21. The 4,235 square feet of retail space can not be combined to make a larger unit(s).

Exhibit "C" Boundary Survey

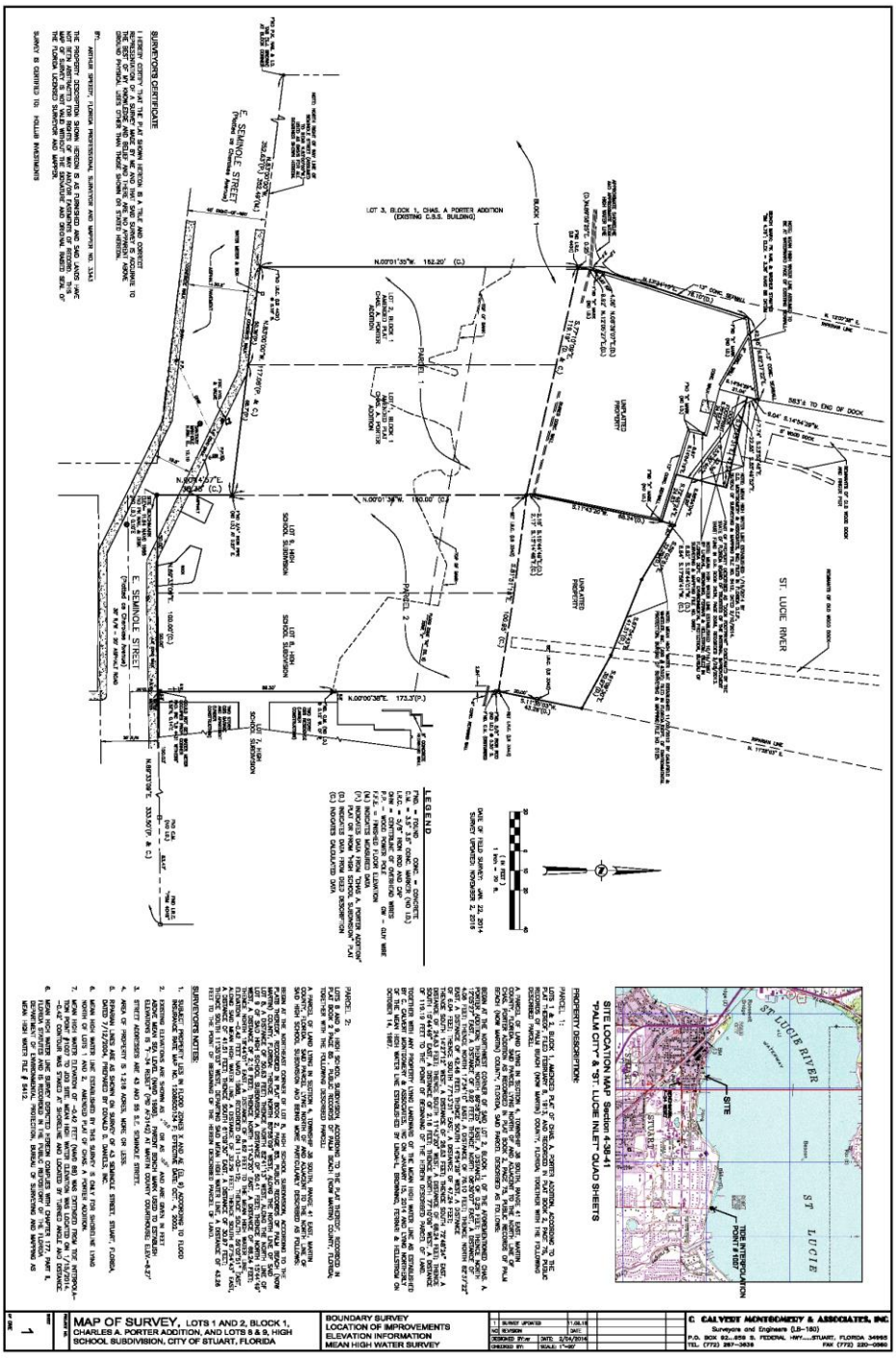


Exhibit "C" Site Plan

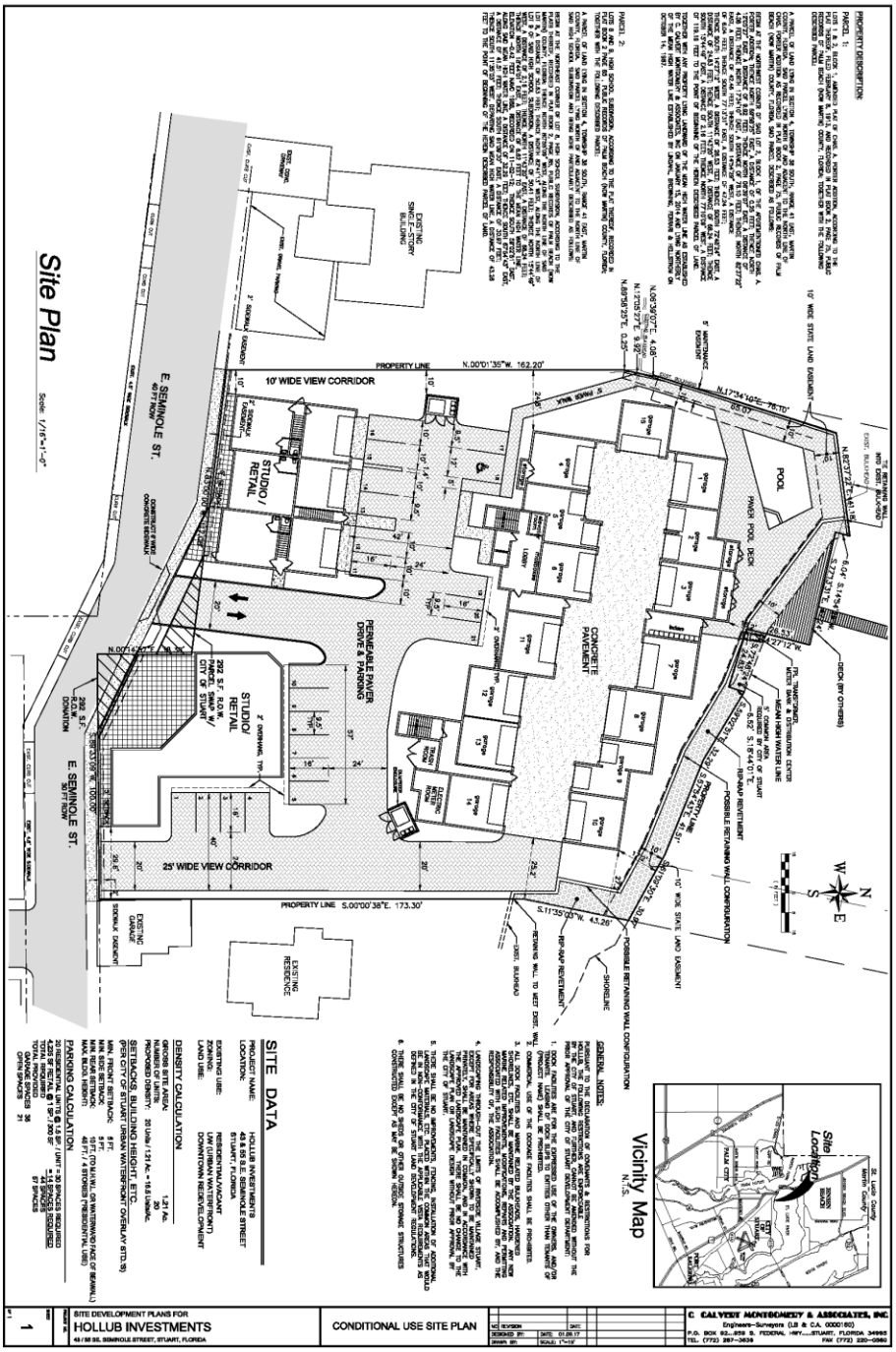


Exhibit "C" Dock Plan (illustrative only)

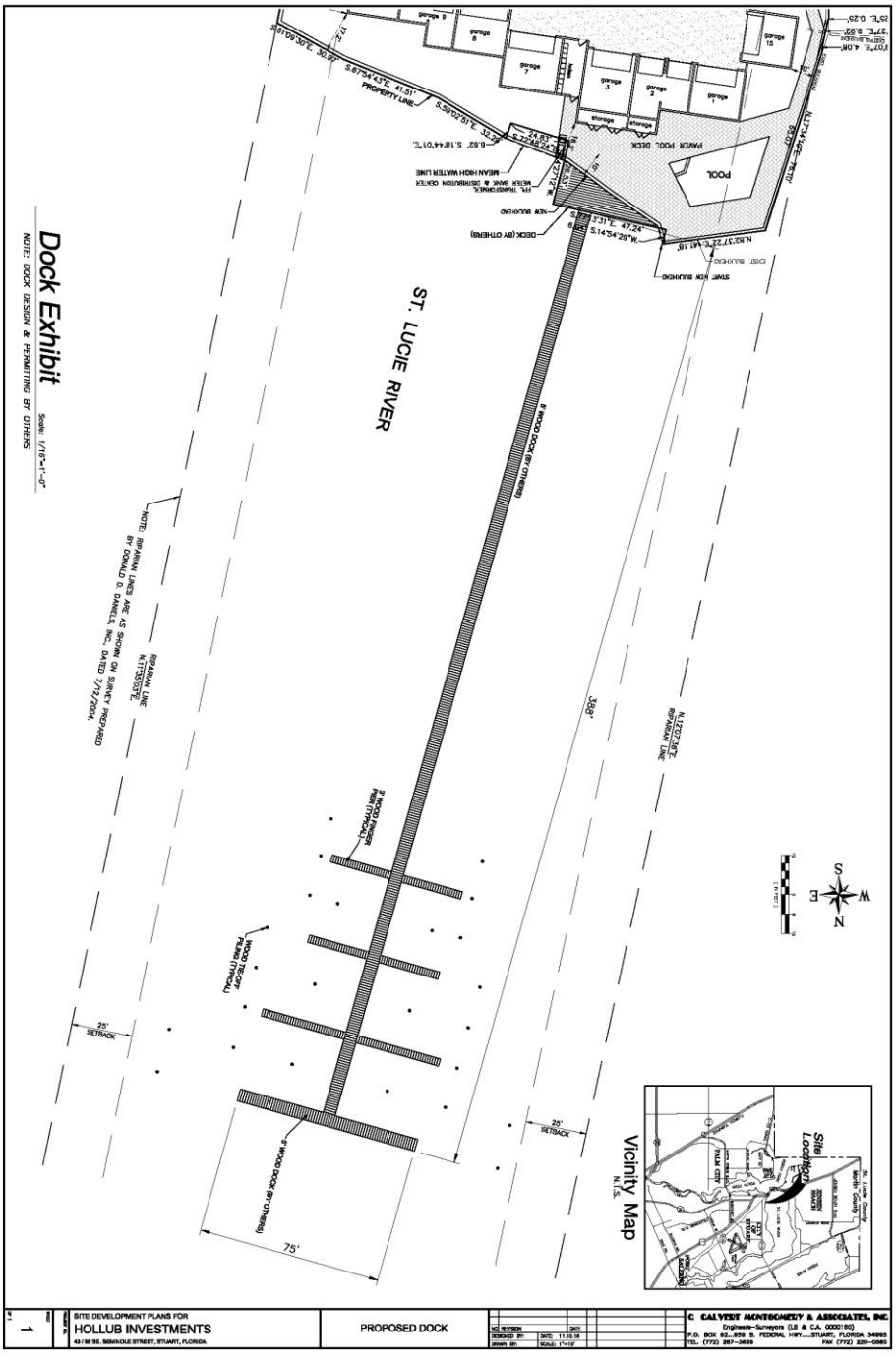
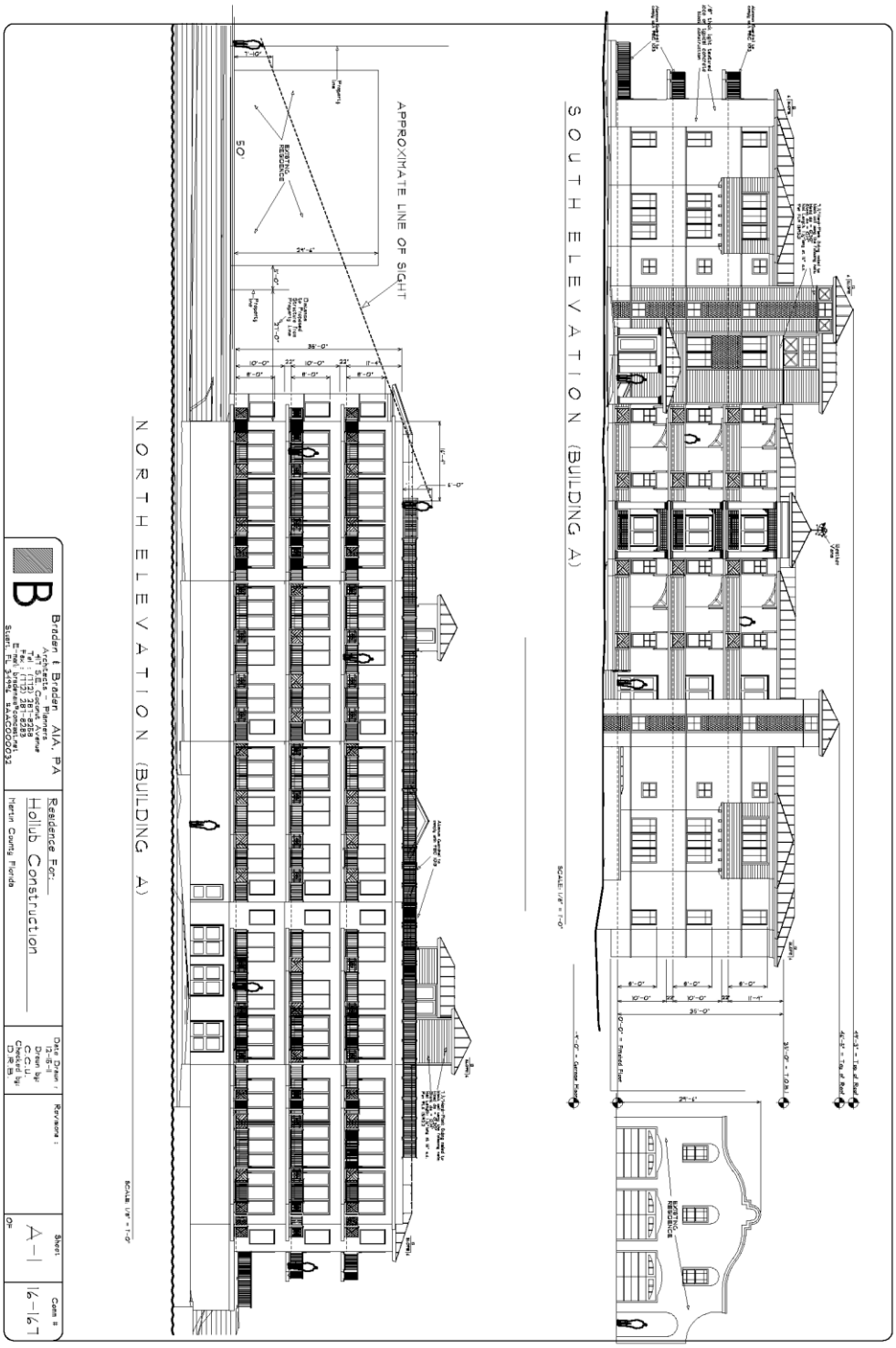


Exhibit "C" landscape Plan

Exhibit "C" Elevations



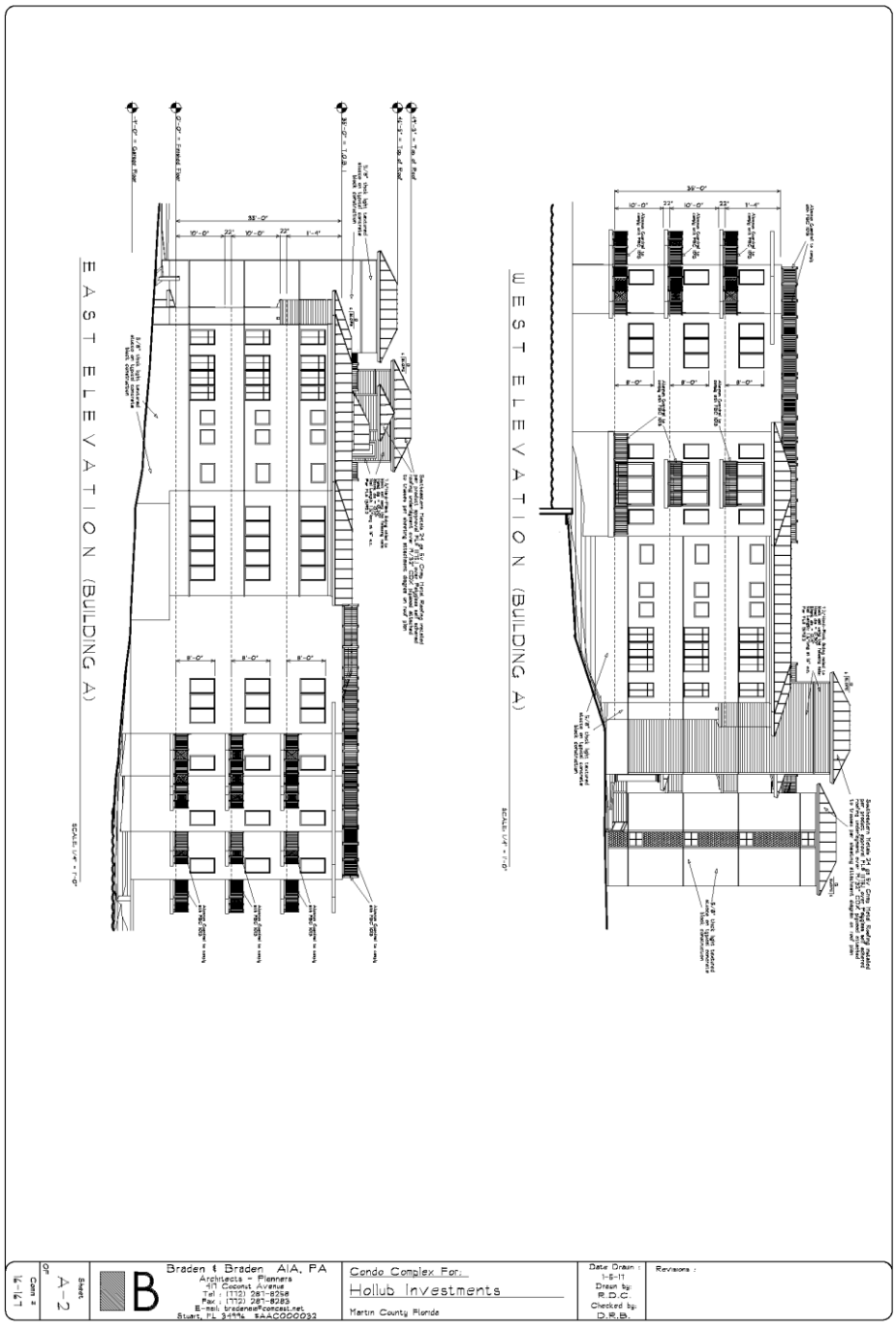
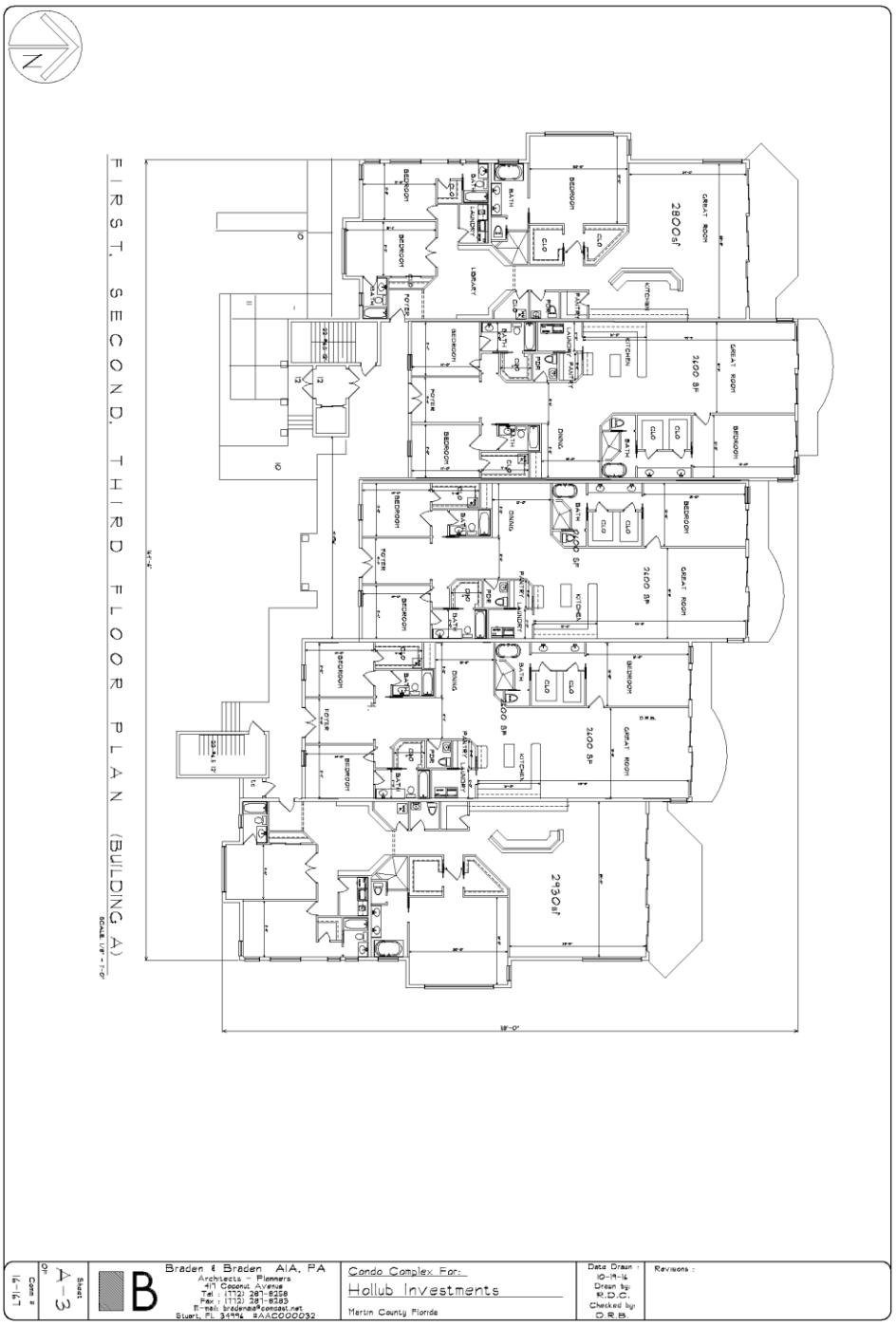

EAST ELEVATION (BUILDING A)
WEST ELEVATION (BUILDING A)
Braden & Braden AIA, PA
Architects - Planners
411 Cocoa Avenue
Tel : (772) 287-8258
Fax : (772) 287-8283
E-mail bradenae@comcast.net
Stuart, FL 34994 #AA0000932
Condo Complex For:
Hollub Investments
Martin County Florida
Date Drawn :
1-5-11
Drawn by:
R.D.C.
Checked by:
D.R.B.
Revisions :
Sheet
A-2
Of
Sheets

Exhibit "C" Floor Plans



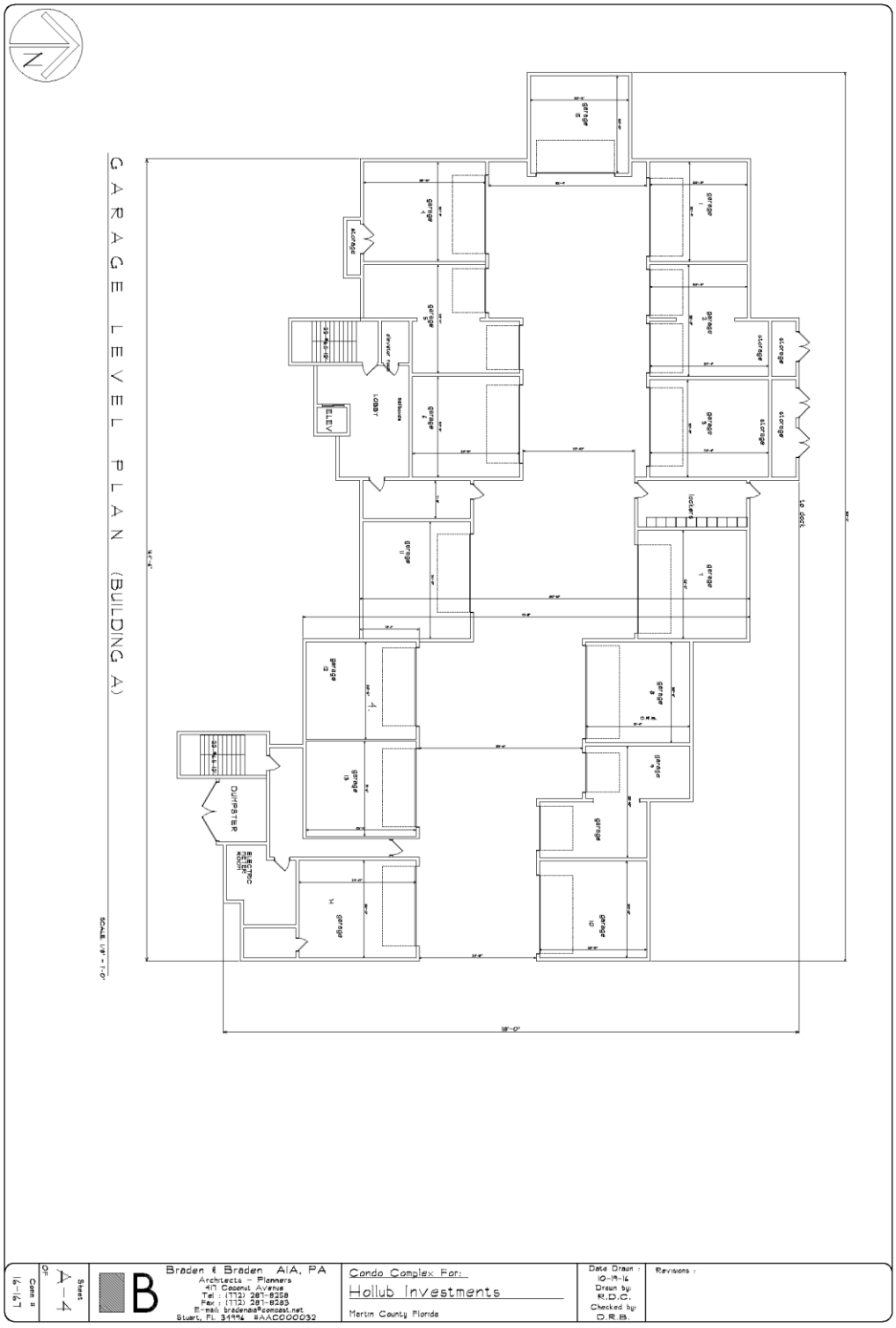
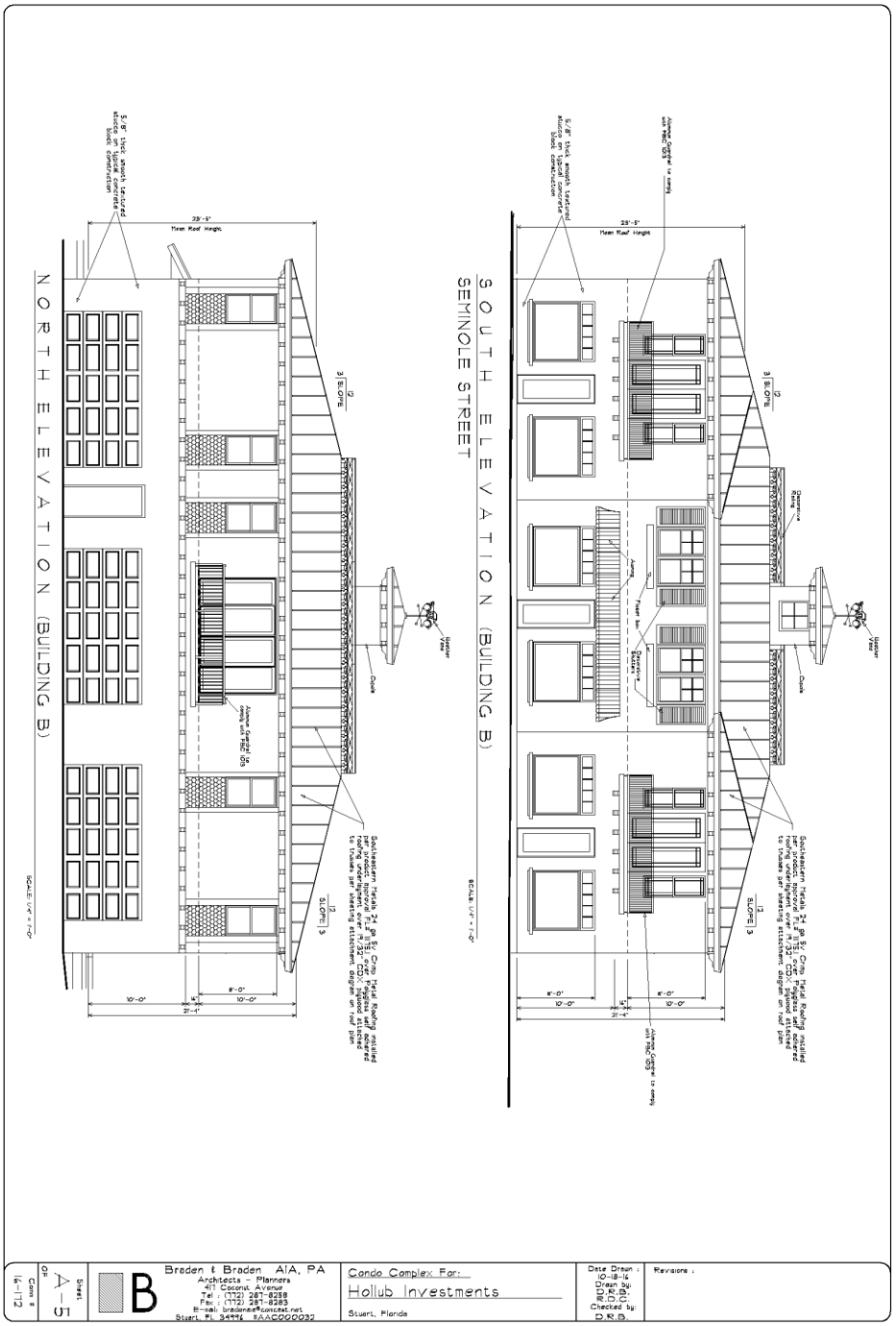

N
GARAGE LEVEL PLAN (BUILDING A)
SCALE: 1/8" = 1'-0"
ELEV.
DUMPSTER
ELECTRIC ROOM
38'-0"
Braden & Braden AIA, PA
Architects - Planners
411 Ocean Avenue
Tel : (772) 287-8258
Fax : (772) 287-8283
E-mail: bradendia@comcast.net
Stuart, FL 34994 #AAC000032
Condo Complex For:
Hollub Investments
Martin County Florida
Date Drawn : 10-19-16
Drawn by: R.D.C.
Checked by: D.R.B.
Revisions :
Sheet A-4
Of
Case # 16-71

Exhibit "C" Elevations



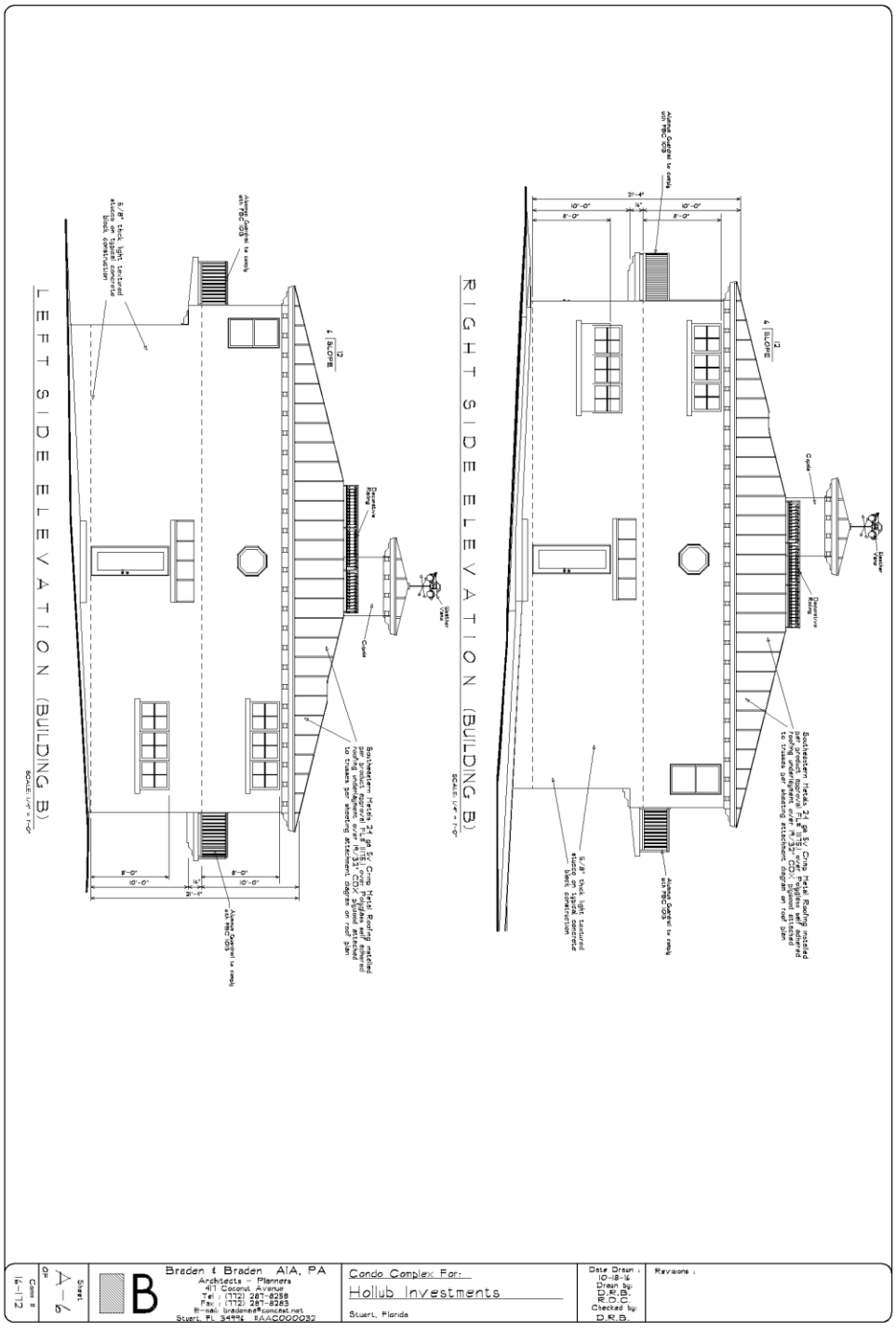
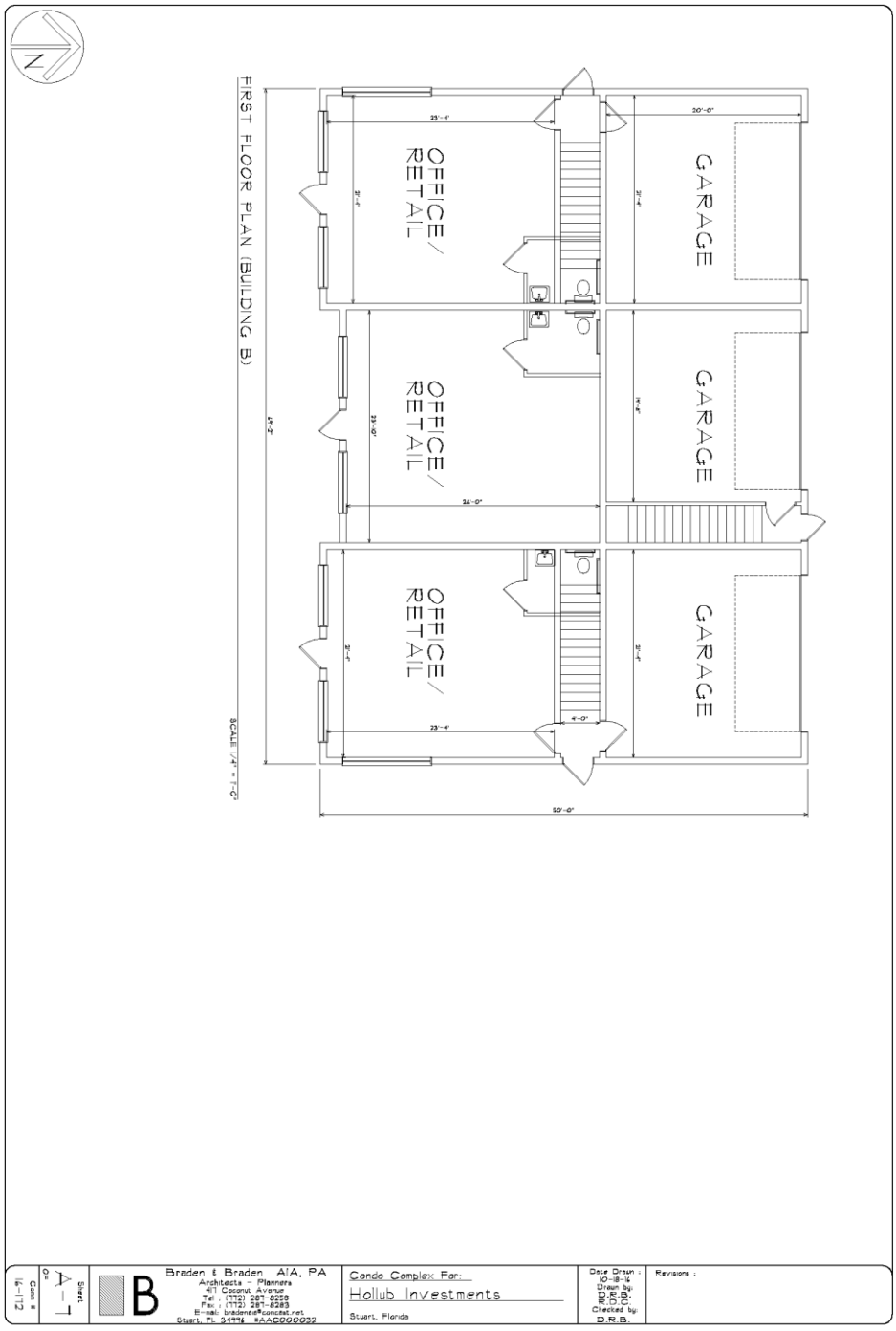

LEFT SIDE ELEVATION (BUILDING B)
SCALE: 1/4" = 1'-0"
RIGHT SIDE ELEVATION (BUILDING B)
SCALE: 1/4" = 1'-0"
4 SLOPE 12
Braden & Braden AIA, PA
Architects - Planners
411 Coconut Avenue
Tel : (772) 287-8258
Fax : (772) 287-8283
E-mail: bradenaia@comcast.net
Stuart, FL 34994 #AAC000032
Condo Complex For:
Hollub Investments
Stuart, Florida
Date Drawn : 10-18-16
Drawn by: D.R.B.
Checked by: D.R.B.
Revisions :
Sheet
A-6
Of
Scale
1/4"=1'-0"

Exhibit "C" Floor Plans



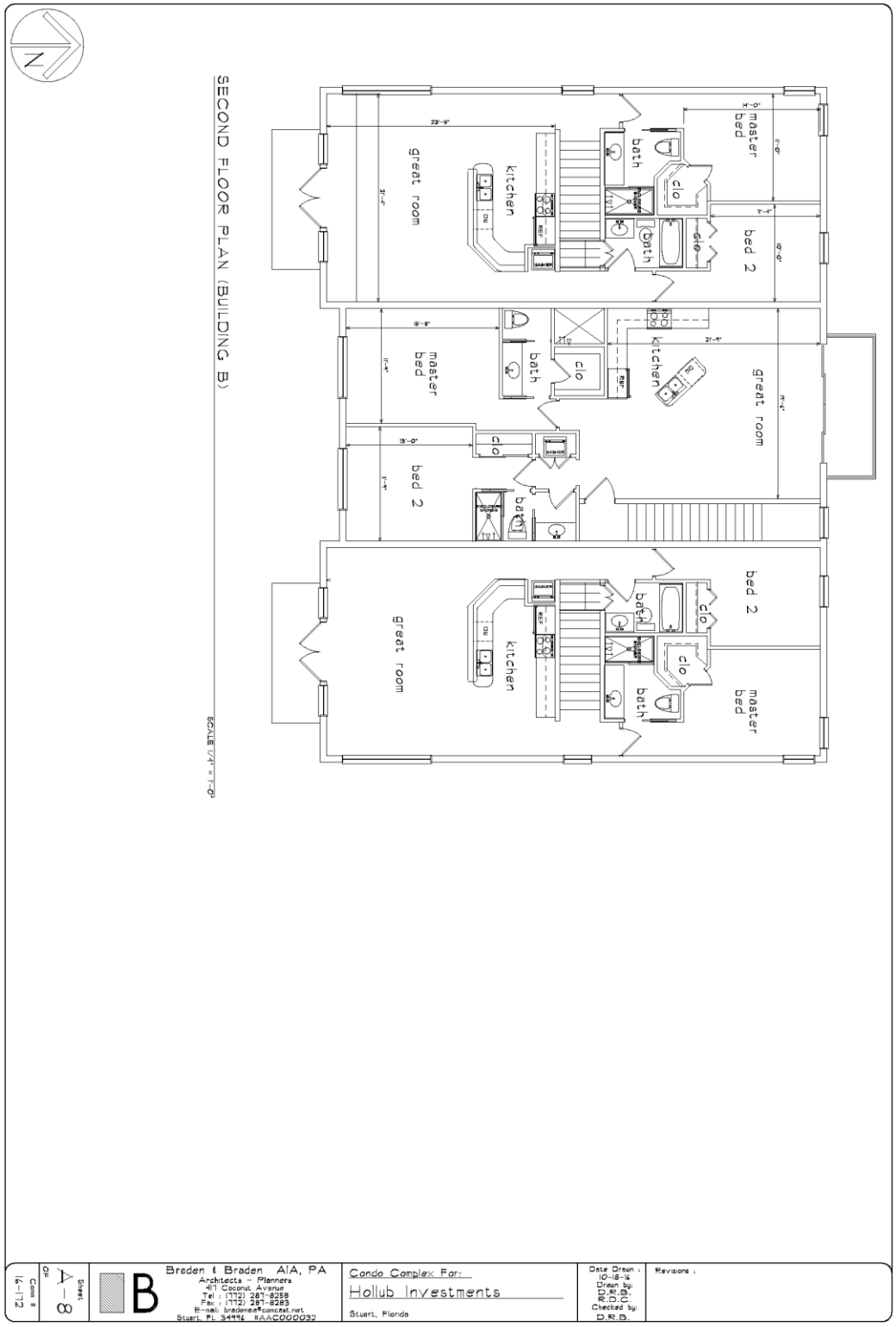
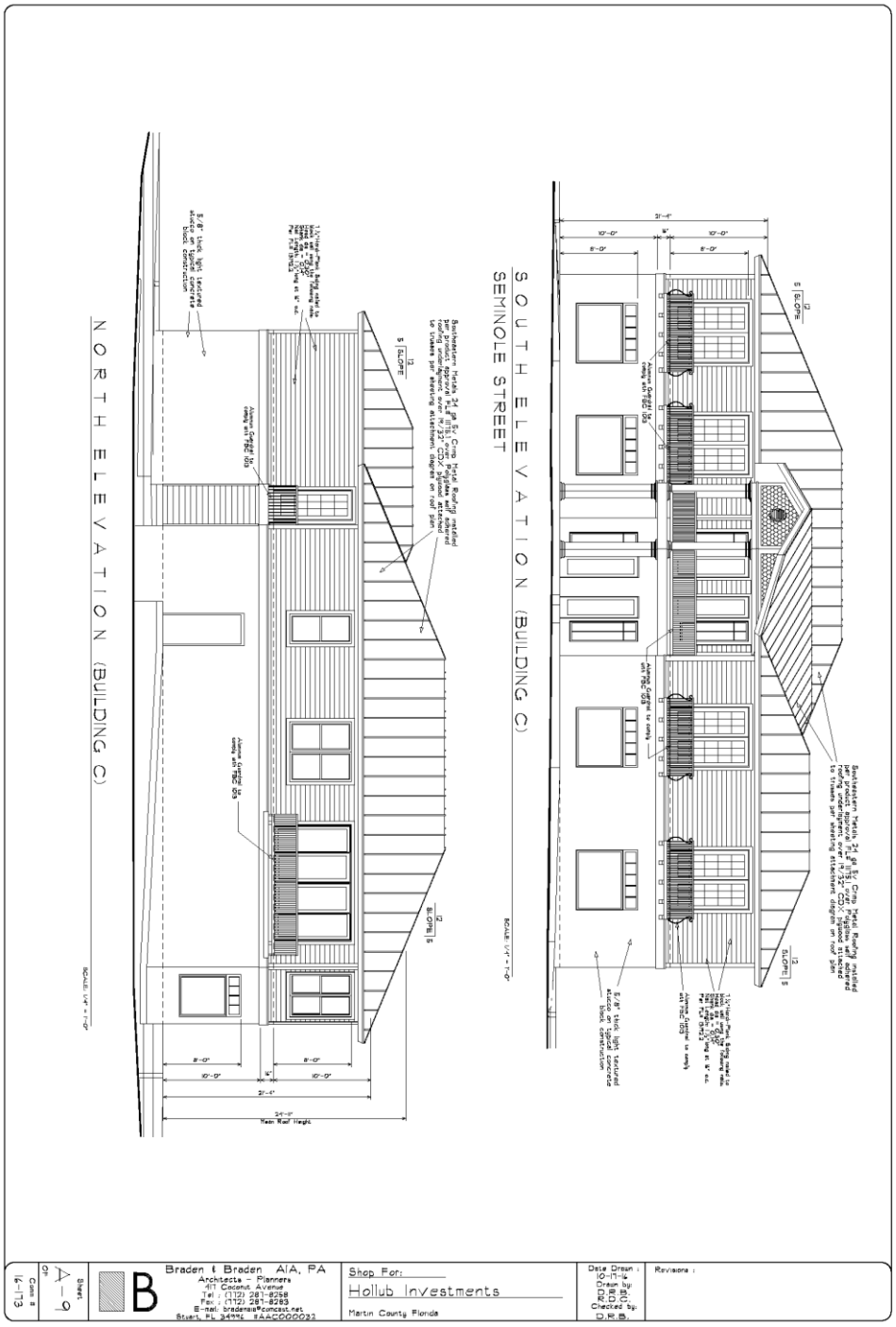
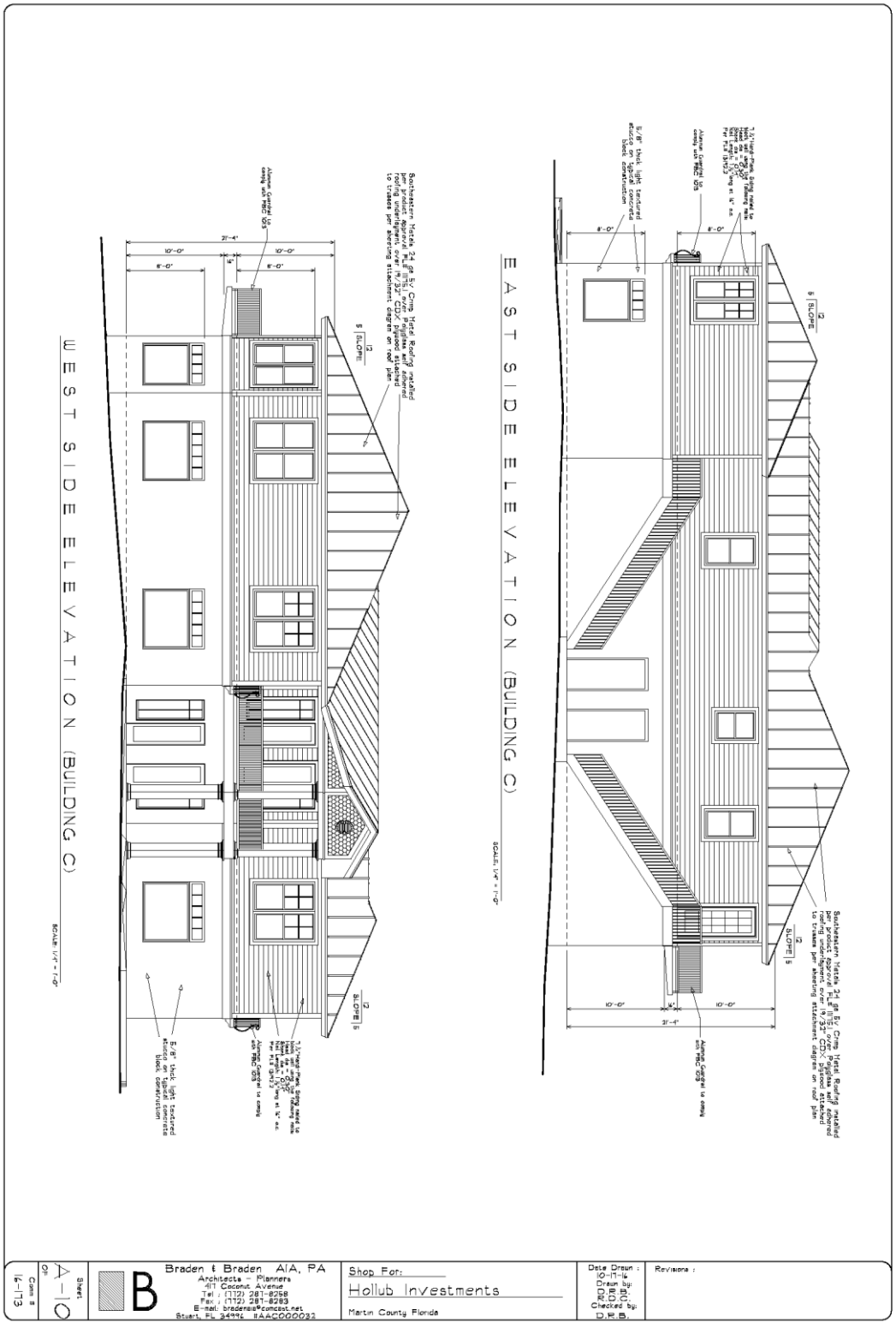

N
SECOND FLOOR PLAN (BUILDING B)
SCALE 1/4" = 1'-0"
great room
kitchen
bath
clo
master bed
bed 2
Breden & Braden AIA, PA
Architects - Planners
411 Coconut Avenue
Tel : (772) 287-8288
Fax : (772) 287-8283
E-mail: bradenaia@comcast.net
Stuart, FL 34996 AA#C000032
Condo Complex For:
Hollub Investments
Stuart, Florida
Date Drawn : 10-18-16
Drawn by: D.R.B.
Checked by: D.R.B.
Revisions :
Sheet A-8
Comm # 16-112

Exhibit "C" Elevations




WEST SIDE ELEVATION (BUILDING C)
SCALE: 1/4" = 1'-0"
EAST SIDE ELEVATION (BUILDING C)
SCALE: 1/4" = 1'-0"
Braden & Braden AIA, PA
Architects - Planners
411 Cocanut Avenue
Tel : (772) 287-8258
Fax : (772) 287-8283
E-mail: bradensa@comcast.net
Stuart, FL 34994 #AA0000023
Shop For:
Hollub Investments
Martin County Florida
Date Drawn : 10-17-16
Drawn by: DJB
Checked by: D.W.B.
Revisions :
Sheet: A-10
Of: Cons # 16-173

CITY OF STUART, FLORIDA
CITY COMMISSION
STAFF REPORT

MEETING DATE: January 23, 2017

PREPARED BY: Tom Reetz
Senior Planner

PROJECT NAME: Seminole Avenue – Hollub Investments

TITLE OF ITEM: Request to consider a Major Urban Code Conditional Use approval to allow a mixed use development of 4,235 square feet of retail space and 20 residential units. The Applicant has requested a density of 16.5 units per acre where the maximum density is 15 dwelling units per acre is allowed, for a continuous building facade of more than 100 feet in width without providing an additional vista and for parking within the building envelope within the City of Stuart Community Redevelopment Area.

I. APPLICATION SUMMARY

The applicant, Hollub Investments, is requesting a major urban code conditional use approval as per Section 3.01.06 of the City of Stuart Land Development Code. The applicant has recently purchased the property, and if granted, the conditional use would allow for the development of a mixed use project consisting of 5 affordable residential units over retail space fronting Seminole Street and 15 luxury condominiums over parking in the rear of the site on the water in the City's urban waterfront zoning district.

The applicant is required to request a Major Urban Code Conditional use due to the per parcel density of 16.5 units per acre, to allow for the 20 total units to occupy a 1.2 acre site. Also, the applicant is requesting two variances to the urban code: a relief from a prohibition to parking within the building envelope and allowing a continuous building façade of more than 100 feet in width without providing an additional vista to the river.

In lieu of not providing an additional vista, the developer has increased the side setbacks, thus increasing the view from the street, and decreasing the impact of the structure on the views of adjoining property owners.

The acceptance of parking under the building footprint is due to the street level providing the unique opportunity to have sufficient parking, without the parking being visible from the street. The unusual contour of the property dipping sharply to the water allows the parking to be hidden under the buildings.

The applicant is permitted to construct property at a maximum height of three stories or 35 feet in height. If 50% or more of the building is residential or hotel, a fourth story is permitted. The maximum building height of a four story building is 45 feet. The proposal includes 3 a story building over a level of parking for a total height of 35 feet from the finished floor to eave of the of the third floor roof. There is also and roof access that projects above the third floor and within the overall hieght allowance. The total height of the Condominium building including roof access is 49'-3"

II. HISTORY

The property is currently undeveloped after the existing buildings were demolished several years ago in the interest of redevelopment.

III. ZONING AND LAND USE

Site Location	43 & 55 SE Seminole Street	
Parcel Size (area)	1.24 Acres	
	043841015001000200000 043841015001000105000 043841006000000900000 043841006000000803000	
Subject Property Land Use	Downtown Redevelopment	
Adjacent FLU (Future Land Use)	*North*	Downtown Redevelopment

	South	Downtown Redevelopment
	East	Downtown Redevelopment
	West	Downtown Redevelopment
Subject Property Overlay Zoning	Urban Waterfront	
	North	St. Lucie River
	South	Urban Center
	East	Urban Waterfront
	West	Urban Waterfront
Proposed Use	2 Mixed Use Buildings with a total of 5 dwelling units over 4,235 square feet of retail space fronting S.E. Seminole Street and one 3 story building with 15 luxury condominium dwelling units over parking fronting the St. Lucie River.	
Present Use	Undeveloped	
Land Use Plan	Downtown Redevelopment	
ROADWAY AND UTILITIES		
Street Functional Classifications	Seminole street is a one way street with eastbound traffic maintained by the City of Stuart	
Utilities	Sewer and Water are provided by the City of Stuart.	

IV. CITY DEPARTMENTAL REVIEWS	
Public Works (Marc Rogolino)	Subject to revisions to the sites dumpster size and location
Fire/Building (Frank Lasaga)	Approved subject to more detailed review at the Building and Site Permit stage
Police (Brian Bossio)	Approved subject to more detailed review at the Building and Site Permit stage
Captec Engineering	See attached comments.

V. EXISITING CONDITIONS:

The property's previously were developed with single and multifamily housing which was demolished in the interest of redevelopment.

VI. PUBLIC NOTIFICATION:

The legal notification requirements have been met for this request of a **Major Urban Code Conditional Use** approval. In accordance with the requirements set forth in Section 11 of the City of Stuart's Land Development Code. Documentation of the public notice is part of the record as well as on file within the City Development Department.

VII. STANDARDS FOR URBAN CODE CONDITIONAL USE REVIEW: LAND DEVELOPMENT CODE – SECTION 3.01.06

1. **The proposed use is not contrary to the established land uses in the immediate area.**

   The Future Land Use of all of the properties within proximity to the site is Downtown and the property is situated within the City of Stuart Community Redevelopment Area (CRA). The list of permitted uses included in the Urban Code are applicble to all property situatued within the CRA, and include commercial and residential uses. The proposed mix use of retail and multifamily units will comply with the list of uses list in the Urban Code and is therefore consistent with the established land uses.

2. **The proposed use would not significanly depart from the densities or intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure.**

   Approval of the urban code conditional use would allow for the increase of densities or intensities of use of 16.5 units per acre (16.5 units/acre) which is currently not consistent with the surrounding area, but due to the small nature of the site (1.2 acres), would not increase or overtax the load on public utilities and facilities. The applicant is requesting an increase of 1.5 units, which represents a density that is allowed by an urban code conditional use in Chapter 2 (Densities and Intensities) of the Land Develoment Code.

3. **The proposed use will not be contrary to the proposed land use plan and will not have an adverse effect on the goals, policies and objectives of the comprehensive plan.**

   Approval of the urban code conditional use would not be contrary to the adopted land use plan or other relevant goals, objectives, and policies concerning retail use. The Downtown Future Land Use references individual projects and sites consisting of single uses. A mixed use building is consistent with this language and would not detract from the mixture of commercial uses that exist downtown, but would increase the commercial opportunities for such uses.

4. **The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

   There are no proposed changes to the existing district boundary.

5. **The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety.**

   The proposed mixed use development will rely on on existing infrastructure to

accommodate the vehicular traffic flow utilizing the site..

6. **The proposed use will not create drainage or a storm water quality problem.**

   The development of the entire site will be performed in accordance with approved building permits, which will ensure that the required drainage and stormwater quality is obtained.

7. **The proposed use will not significantly reduce light or air to adjacent areas.**

   The proposed 3 story luxury condominium building over a level of parking will not reduce light of air to adjacent areas because of the increased side setbacks that will provide wider vistas to the river than required by code.

8. **The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district.**

   The uses are permitted throughout the CRA district.

9. **The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood.**

   The proposed mixed use building is in scale with the uses permitted by right in the Community Redevelopment Area district. The proposal is a development project to vacant site and its appearance, as demonstrated by the illustrative elevations, are consistent with the intent and quality of construction the City desires of the Community Redevelopment Area.

10. **There are no other adequate sites for the proposed use in districts in which the proposed use is permitted by right within the city.**

    A major urban code conditinal use would be required for the proposed uses in all of the Community Redevelopment Area and is a permitted use within Section 3 of the Urban Code.

IX. CONDITIONAL USE REVIEW FACTORS TO BE CONSIDERED BY THE DECISION MAKER: SEC. 11.01.10(G)(6)

In applying the above standards, the decision-maker will consider each of the following factors:

1. **Ingress and egress to the property and the proposed structures to be located thereon, if any, including considerations of automotive and pedestrian safety and convenience, of traffic flow and control, and of access in case of fire or catastrophe.**

   The proposal has been reviewed by the Fire and Public Works Departments who

have no objections to the proposed use.

2. **Off-street parking and loading areas including consideration of the economic impact thereof on adjacent properties and of any noise and glare cerated by the location of offstreet parking and loading areas on adjacent and nearby properties.**

   The proposal does not have off-street parking. The parking is on site.

3. **Refuse and service areas including consideration of the economic impact thereof on adjacent properties and of any noise and odor created by the location of refuse and service areas on adjacent and nearby properties.**

   The applicant will use the refuse and service areas associated with the proposed site plan and acceptable to the City's Public Works Department.

4. **Utlitites including condideration of hook-up locations and availability and compatbility of utilites for the proposed uses.**

   Public Works has reviewed the proposal and have no objections in regard proposed connections to utilities.

5. **Screening and buffering including consideration of the type, dimensions, and character thereof to preserve and improve compatibility and harmony amoung the proposed uses and structures specially permitted and the uses and structures of adjacent and nearby properties.**

   The applicant proposes adequeate landscaping within the site as per the lanscaping shown on the site plan. The applicant will maintain an unobstructed view from public right-of-way to the St. Lucie River on both ends of the site.

6. **Signage and exterior lighting including consideration of glare, traffic safety, and economic effects thereof on adjacent and nearby properties.**

1. *All signage shall be in accordance with the City's Land Development Regulations with regards to size, dimensions, color, etc. The exterior lighting will be minimal considering its a single family residence and will not have a negative effects on adjacent and nearby properties.*

7. **Required yards and open spaces.**

   The proposal includes wider than required corridors (vistas) a courtyard on Seminole Street and common pool/paver deck space at the rear of the site.

8. **Height of proposed structures including consideration of the effects thereof on adjacent and nearby properties.**

   The applicant is permitted to construct property at a maximum height of three stories or 35 feet in height. If 50% or more of the building is residential or hotel, a fourth story is permitted. The maximum building height of a four story building is

45 feet. The proposal includes 3 a story building over a level of parking for a total height of 35 feet from the finished floor to eave of the of the third floor roof. There is also and roof access that projects above the third floor and within the overall hieght allowance. The total height of the Condominium building including roof access is 49'-3"

VIII. STAFF RECOMMENDATION

The Community Redevelopment Board approved the project by a majority 4-2 vote at its special meeting on January 11, 2016 with the condition that the commercial use be limited to retail and light medical office use.

Staff recommends ***APPROVAL*** of the applicant's request to consider a ***MAJOR URBAN CODE CONDITIONAL USE*** to allow the redevelopment of mixed use buildings and luxury condominiums in accordance with the conditions attached the Resolution 12-2017.

MINUTES

COMMUNITY REDEVELOPMENT BOARD
JANUARY 11, 2017 AT 4:00PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

COMMUNITY REDEVELOPMENT BOARD MEMBERS
Chair – John Gonzalez
Vice Chair – Pete Walson
Board Member – Frank Wacha
Board Member – Chris Lewis
Board Member – Drew Pittman
Board Member – Becky Bruner
Board Member – Matt Stout

ADMINISTRATIVE
Development Director, Terry O'Neil
Teresa Lamar-Sarno, Special Assistant to the City Manager
Board Secretary, Michelle Vicat

CALL TO ORDER **4:02 PM**

New board member Chris Lewis was sworn in by the City Attorney Mike Mortell.

ROLL CALL **4:05 PM Roll Call.**

Present: Drew Pittman, Becky Bruner, Frank Wacha, John Gonzalez, Pete Walson, Chris Lewis. Absent: Mac Stout

ANNUAL BOARD REORGANIZATION

John Gonzalez said he would continue on as Chair if the board agreed.

Frank Wacha nominated John Gonzalez as Chair. Becky Bruner seconded the motion. Motion passed unanimously.

Frank Wacha nominated Drew Pittman as Vice Chair. Pete Walson seconded the motion. Motion passed unanimously

APPROVAL OF MINUTES

4:05 PM **Motion: Action:** Approve, **Moved by** Pete Walson **Seconded by** Frank Wacha. Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

Pete Walson commented on the lights being installed on US1 and said there were a lot of traffic issues.

Frank Wacha said the boat show didn't help.

John Gonzalez asked if when the commission passed the golf cart ordinance if there was an intent to create parking for them. He said he has one and didn't like taking up a whole parking spot.

OTHER MATTERS BEFORE THE BOARD

1. Resolution No. 12-2017: A resolution of the City Commission of the City of Stuart, Florida, granting a Conditional Use Approval to Riverside Village Stuart LLC, owner of the property located at 43 & 55 S.E. Seminole Street, as described within the attached legal description; granting approval for mixed use development of 4,235 square feet of retail and 20 residential units on a 1.21 acre site; to allow a density of 16.5 units per acre; for parking within the building envelope and for a continuous building facade of more than 100 feet in width without providing an additional vista; providing an effective date; providing for a timetable of development; providing for conditions of approval; and for other purposes.

PRESENTATION: Tom Reetz, Senior Planner 4:10 PM
Terry McCarthy, Attorney for Riverside Village Stuart, LLC
Dan Braden, Braden & Braden Architects

COMMENTS FROM THE PUBLIC (5 min. max):

John Maiucci who owns the property at the corner of Denver and Osceola said he supports the project and conceptually it's beautiful for the neighborhood.

Steven Voller who lives in Marathon, FL said they have his presentation in writing.

Armond Pasquale, a 38 year resident of Seminole Street thought this building destroys the neighborhood and thought there might be a bar added and said that bars are a constant problem, there is no parking on Seminole, they would prefer a building that didn't look like Miami Beach, there wasn't enough green, it's too dense and with a rooftop plus parking garage it is a 5 story building. He said his building is 33 feet to the roof and they will be able to see their patio and thought the building needed to be redesigned.

Bruce Laraway who lives next to the building said he doesn't like it at all. He said there is no parking on Seminole Street and this will make it worse and thought the whole thing is crazy. He said the stairwell comes down onto his beach. He said he didn't receive anything in the mail, he didn't think they should have more than 15 units; it was too close and didn't want it in his yard. He said he particularly didn't like the 5th floor looking down onto his living room.

Brandon Bulicky who lives on Seminole said it has been a tough season with traffic and thanked the Police Department but said he liked the project and thought it could all be worked out. He thought it could be more scaled down.

Mike Gorman who has a house on Seminole Street has no particular objections but said there is no parking on this street and asked the board to pay strict attention to the parking requirements and didn't think retail should be allowed on that street.

COMMENTS FROM THE BOARD MEMBERS

Chris Lewis asked if there was sufficient parking.

Dan Braden said they had more than was required.

Frank Wacha asked if Garage 15 was a freestanding garage.

Dan Braden said it was attached.

John Gonzalez asked if each unit had a garage door.

Dan Braden said some did, but not all.

John Gonzalez asked if the dumpster issue had been addressed.

Dan Braden said it had.

Becky Bruner asked when the last development like this was built and asked who was responsible for the dilapidated dock.

Terry McCarthy said a new dock would replace the dilapidated one.

Chris Lewis asked if there would be boat slips.

Terry McCarthy said there would be slips.

Pete Walson said it was a beautiful project but said he was not fond of all the colors. He thought Seminole was a much more muted neighborhood.

Frank Wacha asked if there were any restrictions on the commercial use.

Terry McCarthy said he agreed that there should be.

Terry O'Neil said they could look at it before it goes to the commission.

Frank Wacha asked if they could control the scale on the edges.

Dan Braden said if you start getting smaller, it doesn't work on the garages.

Drew Pittman agreed with Pete Walson on the colors and thought it seemed chopped up but he liked the concept.

Pete Walson asked staff to take a look at the retail and thought the building was in scale with the neighborhood.

Scott Montgomery, C. Calvert Montgomery said they would modify the parking spaces. He said they are 25% over by code but they could look at that. He didn't think they should rule out retail altogether but they will look at modifying the calculation.

John Gonzalez asked that the dumpster location be worked on so it is as unobtrusive as possible.

Frank Wacha thought it was great that new projects were coming through and liked the colors and oscillation, but thought they should limit some of the uses.

Chris Lewis said he was on the fence. He liked the idea of condos but parking is tight in that area. He said building it would affect all the residents and loved the intention of it.

Becky Bruner said times are changing and so is our city and she is proud of the city and how they grow and is all for this project.

Drew Pittman said his grandfather was on the board when they came up with the four story rule and he loves the four story limit and didn't think because of these small projects it would never become Miami and did not think there would be retail there and would probably be offices.

MOTION: 5:14 PM Motion: Action: Approve, Moved by Pete Walson, Seconded by Becky Bruner including all comments made by board members. Motion passes 4/2 with Frank Wacha and Chris Lewis dissenting

STAFF UPDATE

ADJOURNMENT 5:17 PM Motion: Action: Adjourn, Moved by Frank Wacha, Seconded by Drew Pittman. Motion passed unanimously.

APPROVED **RESPECTFULLY SUBMITTED**

_____ _____

John Gonzalez, Chair Michelle Vicat, Board Secretary

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** David D. Peters, Assistant Public Works Director

Title of Item:
RESOLUTION No. 15-2017. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF NON-EXCLUSIVE WATER AND SEWER MAIN EASEMENTS UE-3, UE-4, UE-6, AND UE-7 AT THE ROYAL PALM FINANCIAL CENTER WITH TED GLASRUD ASSOCIATES FLORIDA, LLC., PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (RC)

Summary Explanation/Background Information on Agenda Request:
These non-exclusive water and sewer main easements will allow the City to provide commercial fire flows and low pressure sewer service to the Channel Avenue Redevelopment Area.

Funding Source:
N/A

Recommended Action:
Adopt Resolution No. 15-2017

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Resolution 15-2017	1/17/2017	Resolution add to Y drive
🗋	Royal Palm Financial Center Easement Overview	1/17/2017	Exhibit
🗋	UE-3 Water Main Easement	1/17/2017	Attachment
🗋	UE-4 Water Main Easement	1/17/2017	Attachment
🗋	UE-6 Sewer Main Easement	1/17/2017	Attachment
🗋	UE-7 Sewer Main Easement	1/17/2017	Attachment

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 15-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF NON-EXCLUSIVE WATER AND SEWER MAIN EASEMENTS UE-3, UE-4, UE-6, AND UE-7 AT THE ROYAL PALM FINANCIAL CENTER WITH TED GLASRUD ASSOCIATES FLORIDA, LLC., PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The City Commission of the City of Stuart hereby authorizes the execution of non-exclusive water and sewer main easements with Ted Glasrud Associates Florida, LLC., for ingress and egress as noted on the attached legal descriptions and sketchs.

SECTION 2: This resolution shall take effect upon adoption.

Resolution No. 15 -2017
Ted Glasrud Associates Florida, LLC. Water and Sewer Easement

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
EULA R. CLARKE, MAYOR			
TOM CAMPENNI, VICE MAYOR			
KELL GLASS LEIGHTON, COMMISSIONER			
JEFFREY A. KRAUSKOPF, COMMISSIONER			
TROY A. MCDONALD, COMMISSIONER			

ADOPTED this 23rd day of February, 2017.

ATTEST:

_____
CHERYL WHITE
CITY CLERK

_____
EULA CLARKE
MAYOR

APPROVED AS TO FORM AND
CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY

GRAPHIC SCALE

100 0 50 100

(IN FEET)
1 inch = 100 ft.

North

UE 4

PHASE IV

ROYAL PALM
1 INC.
05-38-41-000-000-00192-1

UE 2

UE 3

UE 1

LESS & EXCEPT

TED GLASRUD ASSOCIATES
FL LLC
05-38-41-000-000-00191-2

PHASE II

PHASE III

UNIT 1

UE 8

UNIT 2

UE 7

UE 6

UE 5

ROYAL PALM 1 INC.
05-38-41-000-000-00192-1

ROYAL PALM 1 INC.
05-38-41-000-000-00192-1

US. HIGHWAY NO. 1
100' RIGHT-OF-WAY

Exhibit of Proposed Utility Easements for the City of Stuart

File: Exhibit.dwg
Date: 11-15-16
16-120
SCALE 1"=100'
Drawn by: GLM

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET
FORT PIERCE, FLORIDA 34981
PHONE 772-464-3537 FAX 772-464-9497
www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

NON-EXCLUSIVE WATER MAIN EASEMENT

THIS NON-EXCLUSIVE WATER MAIN EASEMENT executed and delivered this 21st day of December, 2016, by and between TED GLASRUD ASSOCIATES FLORIDA, LLC, a for profit corporation, its successors and assigns, whose post office address is 759 South Federal Highway, Suite 217, Stuart, Florida 34994 (hereinafter the "Grantor"), and the CITY OF STUART, FLORIDA, a municipal corporation of the State of Florida (hereinafter the "Grantee").

WITNESSETH

WHEREAS, Grantor wishes to grant a non-exclusive water main easement (the "Easement") to Grantee on that certain land described on Exhibit "A" attached hereto and made a part hereof (the "Easement Premises"), which Easement is for the purposes of providing Grantee with access to and use of the Easement Premises for construction, maintenance and operation of a water main and appurtenances located within the Easement Premises, subject to certain terms and conditions set forth herein.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS ($10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants to Grantee a non-exclusive, perpetual easement (the "Easement") over, upon, across and under the Easement Premises, subject to the following:

1. **Purposes and Permitted Uses.** The Easement shall exist for the sole purpose of providing Grantee, its agents and employee's access to and use of the Easement Premises for operation and maintenance of a water main and appurtenances by the City of Stuart and for ownership and perpetual maintenance within the Easement Premises.

2. **Grantor's Rights.** The Grantor shall retain all rights over and upon the Easement Premises for use which does not conflict with Grantor's use. If Grantee's normal operation, maintenance and repairs of the water main result in disturbance of the improvements will be repaired or replaced at the Grantor's expense. In no event shall the Grantor construct any structures or plant any trees in or on the Easement Premises. Notwithstanding anything in this Easement instrument to the contrary, Grantor may use the Easement Premises for other utility purposes, provided however, that the written consent of the Grantee is obtained prior to any such use of Grantor.

And the Grantor hereby covenants with the Grantee that Grantor is lawfully seized of the Easement Premises in fee simple: that Grantor has good and lawful authority to grant and convey this Easement; the Grantor fully warrants the title to the Easement Premises and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

CITY OF STUART, FLORIDA

_____
Eula R. Clarke
Mayor

ATTEST:

_____
Cheryl White
City Clerk

APPROVED AS TO FORM
AND CORRECTNESS:

_____
Michael J. Mortell
City Attorney

TED GLASRUD ASSOCIATES
FLORIDA, LLC.

_____

_____
Witness

_____
Witness

STATE OF FLORIDA, COUNTY OF OSEOLA

The foregoing instrument was acknowledged before me this 21st day of December ,20 16 by Theodore G. Glasrud ,
who is personally known to me or has produced_____ as identification.

KRISTEN R BROWN
Notary Public - State of Florida
My Comm. Expires Sep 29, 2017
Commission # FF 026243
Bonded Through National Notary Assn.

Notary Public _____

EXHIBIT A

LEGAL DESCRIPTION

UE–3

Being a 15.00 foot wide easement lying in the property described in Official Records Book 1261, Page 184, Public Records of Martin County, Florida, being a parcel of land lying in Government Lot 7, Section 5, Township 38 South, Range 41 East, Martin County, Florida and being more particularly described as follows;

Begin at the Southwesterly corner of those lands as described in Official Records Book 1261, Page 184; thence along a curve to the right, of which the radius point lies North 51°18'26" East, a radial distance of 922.37 feet; thence Northwesterly along the arc, and along the Easterly right–of–way of U.S. Highway No. 1 (A 100.00 foot wide right–of–way), through a central angle of 05°35'34", a distance of 90.04 feet; thence North 56°54'00" East, a distance of 15.00 feet to the intersection with a non tangent curve concave to the Northeast, having a radius of 907.37 feet, the chord of which bears South 35°53'47" East, 88.54 feet; thence Southeasterly along the arc of said curve, a distance of 88.57 feet through a central angle of 05°35'34"; thence South 51°18'26" West, a distance of 15.00 feet to the Easterly right–of–way of U.S. Highway No. 1 and the POINT OF BEGINNING.

Containing 1,339 square feet, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT–OF–WAY AND/OR EASEMENTS OF RECORD.

6/27/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

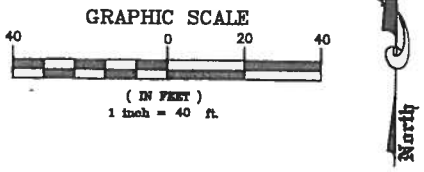
UTILITY EASEMENT
DESCRIPTION

JOB NO: 16–120 s&d ue–3.dwg	SCALE: N/A
DRAWN BY: GLM	DATE: 9–16–2016

EXHIBIT A

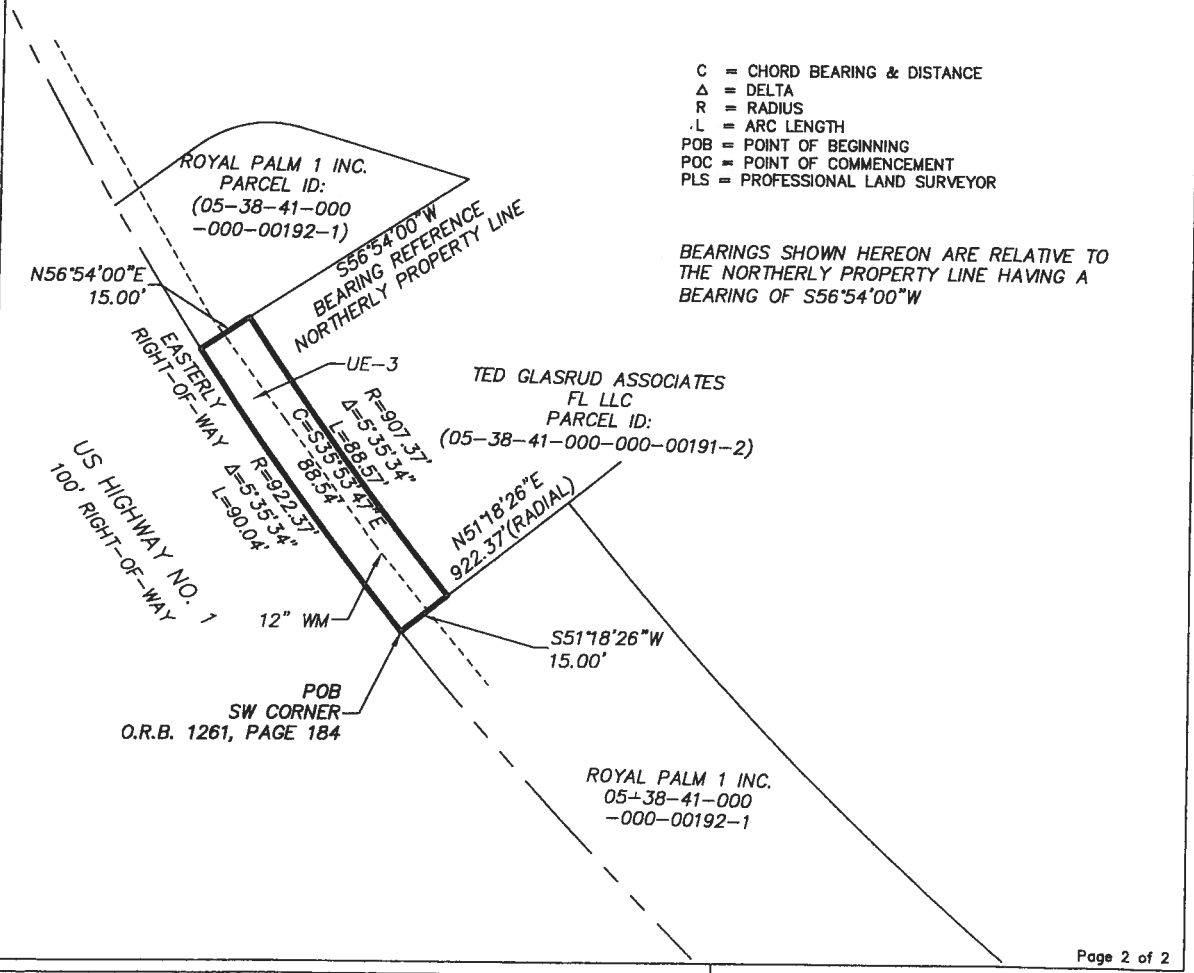
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

THIS IS NOT A SURVEY



C = CHORD BEARING & DISTANCE
Δ = DELTA
R = RADIUS
L = ARC LENGTH
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PLS = PROFESSIONAL LAND SURVEYOR

BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTHERLY PROPERTY LINE HAVING A BEARING OF S56°54'00"W



Page 2 of 2

CULPEPPER & TERPENING, INC

CONSULTING ENGINEERS | LAND SURVEYORS

2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT

SKETCH

JOB NO: 16-120 s&d ue-3.dwg	SCALE: 1"=40'
DRAWN BY: GLM	DATE: 9-16-2016

NON-EXCLUSIVE WATER MAIN EASEMENT

THIS NON-EXCLUSIVE WATER MAIN EASEMENT executed and delivered this 21st day of December, 2016, by and between TED GLASRUD ASSOCIATES FLORIDA, LLC, a for profit corporation, its successors and assigns, whose post office address is 759 South Federal Highway, Suite 217, Stuart, Florida 34994 (hereinafter the "Grantor"), and the CITY OF STUART, FLORIDA, a municipal corporation of the State of Florida (hereinafter the "Grantee").

WITNESSETH

WHEREAS, Grantor wishes to grant a non-exclusive water main easement (the "Easement") to Grantee on that certain land described on Exhibit "A" attached hereto and made a part hereof (the "Easement Premises"), which Easement is for the purposes of providing Grantee with access to and use of the Easement Premises for construction, maintenance and operation of a water main and appurtenances located within the Easement Premises, subject to certain terms and conditions set forth herein.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS ($10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants to Grantee a non-exclusive, perpetual easement (the "Easement") over, upon, across and under the Easement Premises, subject to the following:

1. **Purposes and Permitted Uses.** The Easement shall exist for the sole purpose of providing Grantee, its agents and employee's access to and use of the Easement Premises for operation and maintenance of a water main and appurtenances by the City of Stuart and for ownership and perpetual maintenance within the Easement Premises.

2. **Grantor's Rights.** The Grantor shall retain all rights over and upon the Easement Premises for use which does not conflict with Grantor's use. If Grantee's normal operation, maintenance and repairs of the water main result in disturbance of the improvements will be repaired or replaced at the Grantor's expense. In no event shall the Grantor construct any structures or plant any trees in or on the Easement Premises. Notwithstanding anything in this Easement instrument to the contrary, Grantor may use the Easement Premises for other utility purposes, provided however, that the written consent of the Grantee is obtained prior to any such use of Grantor.

And the Grantor hereby covenants with the Grantee that Grantor is lawfully seized of the Easement Premises in fee simple: that Grantor has good and lawful authority to grant and convey this Easement; the Grantor fully warrants the title to the Easement Premises and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

CITY OF STUART, FLORIDA

Eula R. Clarke
Mayor

ATTEST:

Cheryl White
City Clerk

APPROVED AS TO FORM
AND CORRECTNESS:

Michael J. Mortell
City Attorney

TED GLASRUD ASSOCIATES FLORIDA, LLC.

Witness

Witness

STATE OF FLORIDA, COUNTY OF ~~OSEOLA~~ Martin

The foregoing instrument was acknowledged before me this 21st day of December, 2016 by Theodore G. Glasrud, who is personally known to me or has produced _____ as identification.

KRISTEN R BROWN
Notary Public - State of Florida
My Comm. Expires Sep 29, 2017
Commission # FF 026243
Bonded Through National Notary Assn.

Notary Public:

EXHIBIT A

LEGAL DESCRIPTION

UE–4

Being a 15.00 foot wide easement lying in the property described in Official Records Book 1261, Page 184, Public Records of Martin County, Florida, being a parcel of land lying in Government Lot 7, Section 5, Township 38 South, Range 41 East, Martin County, Florida and being more particularly described as follows;

Begin at the Southwesterly corner of those lands as described in Official Records Book 1261, Page 184 and the beginning of a curve to the right, of which the radius point lies North 59°36'36" East, a radial distance of 922.37 feet; thence Northwesterly along the arc, and along the Easterly right–of–way of U.S. Highway No. 1 (A 100.00 foot wide right–of–way), through a central angle of 12°24'05", a distance of 199.64 feet to a point of compound curve to the right having a radius of 15.00 feet and a central angle of 90°28'25"; thence Northeasterly along the arc, a distance of 23.69 feet to the intersection with a non tangent curve concave to the Northeast, having a radius of 907.37 feet, the chord of which bears South 23°40'01" East, 209.38 feet; thence Southeasterly along the arc of said curve, a distance of 209.85 feet through a central angle of 13°15'04"; thence South 53°44'00" West, a distance of 15.08 feet to the Easterly right–of–way of U.S. Highway No. 1 and the POINT OF BEGINNING.

Containing 3,136 square feet, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT–OF–WAY AND/OR EASEMENTS OF RECORD.

10/27/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT

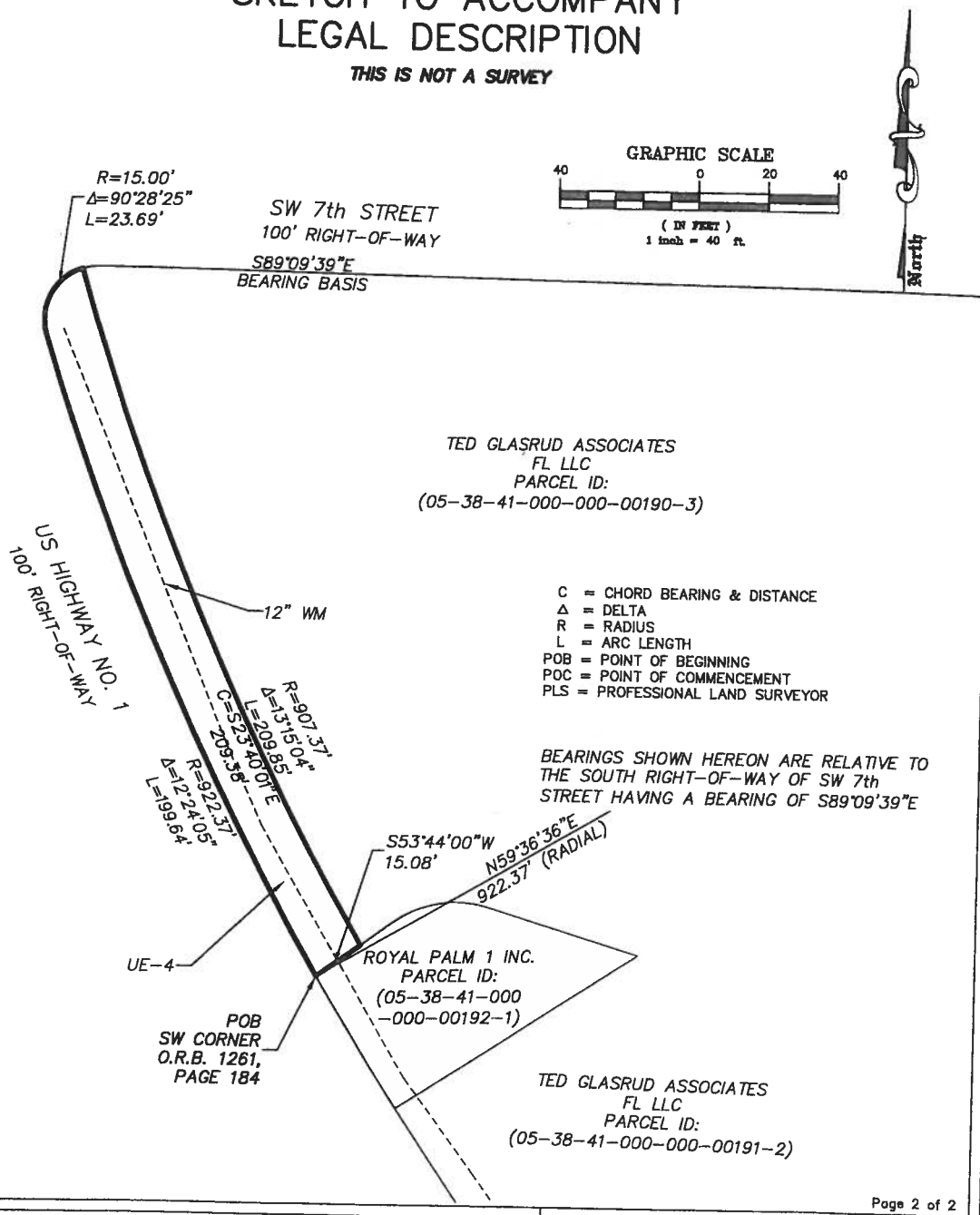
DESCRIPTION

JOB NO: 16–120 s&d ue–4.dwg	SCALE: N/A
DRAWN BY: GLM	DATE: 9–16–2016

EXHIBIT A

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

THIS IS NOT A SURVEY



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT

SKETCH

JOB NO: 16-120 s&d ue-4.dwg	SCALE: 1"=40'
DRAWN BY: GLM	DATE: 9-16-2016

NON-EXCLUSIVE SEWAGE FORCE MAIN EASEMENT

THIS NON-EXCLUSIVE SEWAGE FORCE MAIN EASEMENT executed and delivered this 21st day of December, 2016, by and between TED GLASRUD ASSOCIATES FLORIDA, LLC, a for profit corporation, its successors and assigns, whose post office address is 759 South Federal Highway, Suite 217, Stuart, Florida 34994 (hereinafter the "Grantor"), and the CITY OF STUART, FLORIDA, a municipal corporation of the State of Florida (hereinafter the "Grantee").

WITNESSETH

WHEREAS, Grantor wishes to grant a non-exclusive sewage force main easement (the "Easement") to Grantee on that certain land described on Exhibit "A" attached hereto and made a part hereof (the "Easement Premises"), which Easement is for the purposes of providing Grantee with access to and use of the Easement Premises for construction, maintenance and operation of a sewage force main and appurtenances located within the Easement Premises, subject to certain terms and conditions set forth herein.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS ($10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants to Grantee a non-exclusive, perpetual easement (the "Easement") over, upon, across and under the Easement Premises, subject to the following:

1. **Purposes and Permitted Uses.** The Easement shall exist for the sole purpose of providing Grantee, its agents and employee's access to and use of the Easement Premises for operation and maintenance of a sewage force main and appurtenances by the City of Stuart and for ownership and perpetual maintenance within the Easement Premises.

2. **Grantor's Rights.** The Grantor shall retain all rights over and upon the Easement Premises for use which does not conflict with Grantor's use. If Grantee's normal operation, maintenance and repairs of the sewage force main result in disturbance of the improvements will be repaired or replaced at the Grantor's expense. In no event shall the Grantor construct any structures or plant any trees in or on the Easement Premises. Notwithstanding anything in this Easement instrument to the contrary, Grantor may use the Easement Premises for other utility purposes, provided however, that the written consent of the Grantee is obtained prior to any such use of Grantor.

And the Grantor hereby covenants with the Grantee that Grantor is lawfully seized of the Easement Premises in fee simple: that Grantor has good and lawful authority to grant and convey this Easement; the Grantor fully warrants the title to the Easement Premises and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

CITY OF STUART, FLORIDA

Eula R. Clarke
Mayor

ATTEST:

Cheryl White
City Clerk

APPROVED AS TO FORM
AND CORRECTNESS:

Michael J. Mortell
City Attorney

TED GLASRUD ~~ASSOCIATES~~
FLORIDA, LLC.

Witness

Witness

STATE OF FLORIDA, COUNTY OF ~~OSEOL~~A Martin

The foregoing instrument was acknowledged before me this 21st day of December, 20 16 by Theodore G. Glasrud, who is personally ~~known to me or~~ has produced _____ as identification.

KRISTEN R BROWN
Notary Public - State of Florida
My Comm. Expires Sep 29, 2017
Commission # FF 026243
Bonded Through National Notary Assn.

Notary Public:

EXHIBIT A

LEGAL DESCRIPTION

UE–6

Being a easement lying in the property described in Official Records Book 2499, Page 1296, Public Records of Martin County, Florida, being a parcel of land lying in Government Lot 7, Section 5, Township 38 South, Range 41 East, Martin County, Florida and being more particularly described as follows;

Commence at the Southeast corner of said property described in Official Records Book 2499, Page 1296; thence North 89°12'21" West, a distance of 200.00 feet to the POINT OF BEGINNING of the following described easement;

Thence North 82°57'31" West, a distance of 15.08 feet; thence North 00°57'28" East, a distance of 35.27 feet; thence South 88°58'51" East, a distance of 176.56 feet; thence North 00°50'34" East, a distance of 29.44 feet; thence North 84°59'02" East, a distance of 7.42 feet; thence North 44°05'36" East, a distance of 8.69 feet; thence South 89°02'32" East, a distance of 25.18 feet; thence South 00°57'28" West, a distance of 15.00 feet; thence North 89°02'32" West, a distance of 18.68 feet; thence South 44°05'36" West, a distance of 7.01 feet; thence South 00°50'34" West, a distance of 31.45 feet; thence North 88°58'51" West, a distance of 176.59 feet; thence South 00°57'28" West, a distance of 21.85 feet to the POINT OF BEGINNING.

Containing 4,034 square feet, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT–OF–WAY AND/OR EASEMENTS OF RECORD.

10/27/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT

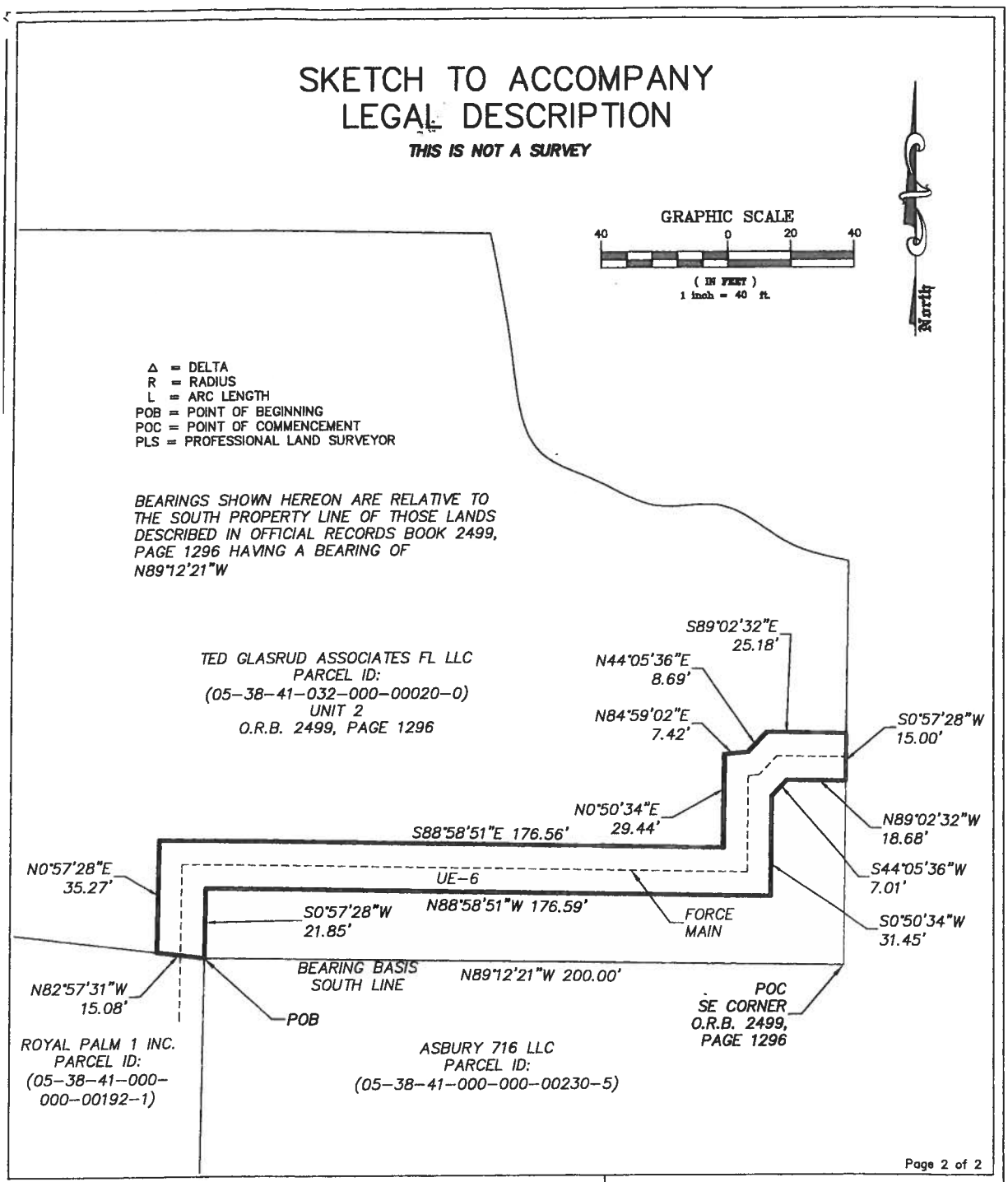
DESCRIPTION

JOB NO: 16–120 s&d ue6.dwg	SCALE: N/A
DRAWN BY: GLM	DATE: 9–16–2016

EXHIBIT A

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

THIS IS NOT A SURVEY



Page 2 of 2

CULPEPPER & TERPENING, INC

CONSULTING ENGINEERS | LAND SURVEYORS

2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT

SKETCH

JOB NO: 16-120 s&d ue6.dwg	SCALE: 1"=40'
DRAWN BY: GLM	DATE: 9-16-2016

NON-EXCLUSIVE SEWAGE FORCE MAIN EASEMENT

THIS NON-EXCLUSIVE SEWAGE FORCE MAIN EASEMENT executed and delivered this 21st day of December 2016, by and between TED GLASRUD ASSOCIATES FLORIDA, LLC, a for profit corporation, its successors and assigns, whose post office address is 759 South Federal Highway, Suite 217, Stuart, Florida 34994 (hereinafter the "Grantor"), and the CITY OF STUART, FLORIDA, a municipal corporation of the State of Florida (hereinafter the "Grantee").

WITNESSETH

WHEREAS, Grantor wishes to grant a non-exclusive sewage force main easement (the "Easement") to Grantee on that certain land described on Exhibit "A" attached hereto and made a part hereof (the "Easement Premises"), which Easement is for the purposes of providing Grantee with access to and use of the Easement Premises for construction, maintenance and operation of a sewage force main and appurtenances located within the Easement Premises, subject to certain terms and conditions set forth herein.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS ($10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants to Grantee a non-exclusive, perpetual easement (the "Easement") over, upon, across and under the Easement Premises, subject to the following:

1. **Purposes and Permitted Uses.** The Easement shall exist for the sole purpose of providing Grantee, its agents and employee's access to and use of the Easement Premises for operation and maintenance of a sewage force main and appurtenances by the City of Stuart and for ownership and perpetual maintenance within the Easement Premises.

2. **Grantor's Rights.** The Grantor shall retain all rights over and upon the Easement Premises for use which does not conflict with Grantor's use. If Grantee's normal operation, maintenance and repairs of the sewage force main result in disturbance of the improvements will be repaired or replaced at the Grantor's expense. In no event shall the Grantor construct any structures or plant any trees in or on the Easement Premises. Notwithstanding anything in this Easement instrument to the contrary, Grantor may use the Easement Premises for other utility purposes, provided however, that the written consent of the Grantee is obtained prior to any such use of Grantor.

And the Grantor hereby covenants with the Grantee that Grantor is lawfully seized of the Easement Premises in fee simple: that Grantor has good and lawful authority to grant and convey this Easement; the Grantor fully warrants the title to the Easement Premises and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

CITY OF STUART, FLORIDA

Eula R. Clarke
Mayor

ATTEST:

Cheryl White
City Clerk

APPROVED AS TO FORM
AND CORRECTNESS:

Michael J. Mortell
City Attorney

TED GLASRUD ~~ASSOCIATES~~
FLORIDA, LLC.

Witness

Witness

STATE OF FLORIDA, COUNTY OF OSEOLA

The foregoing instrument was acknowledged before me this 21st day of December, 20 16 by Theodore G. Glasrud, who is personally known to me or has produced _____ as identification.

KRISTEN R BROWN
Notary Public - State of Florida
My Comm. Expires Sep 29, 2017
Commission # FF 026243
Bonded Through National Notary Assn.

Notary Public: Kristen R Brown

EXHIBIT A

LEGAL DESCRIPTION

UE–7

Being an easement lying in the property described in Official Records Book 2499, Page 1296, Public Records of Martin County, Florida, being a parcel of land lying in Government Lot 7, Section 5, Township 38 South, Range 41 East, Martin County, Florida and being more particularly described as follows;

Commence at the Southeast corner of said property described in Official Records Book 2499, Page 1296; thence North 89°12'21" West, a distance of 200.00 feet; thence North 82°57'31" West, a distance of 158.64 feet; thence North 00°50'21" East, a distance of 35.32 feet to the POINT OF BEGINNING of the following described easement;

Thence continue North 00°50'21" East, a distance of 176.48 feet to the South right–of–way of SW 7th Street (a 100.00 foot wide right–of–way); thence South 89°09'39" East, along said South right–of–way, a distance of 10.54 feet; thence South 00°37'48" West, a distance of 103.61 feet; thence South 02°19'22" West, a distance of 55.16 feet to a point of curve to the left having a radius of 15.00 feet and a central angle of 85°29'23"; thence Southeasterly along the arc a distance of 22.38 feet; thence South 83°10'00" East, a distance of 92.77 feet; thence South 89°14'22" East, a distance of 43.01 feet; thence South 01°01'09" West, a distance of 8.40 feet; thence North 88°58'51" West, a distance of 15.38 feet; thence South 00°57'28" West, a distance of 6.67 feet; thence North 89°14'22" West, a distance of 28.37 feet; thence North 83°10'00" West, a distance of 93.57 feet to a point of curve to the right having a radius of 30.00 feet and a central angle of 48°41'32"; thence Northwesterly along the arc a distance of 25.50 feet to the POINT OF BEGINNING.

Containing 4,053.20 square feet, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT–OF–WAY AND/OR EASEMENTS OF RECORD.

10/27/16

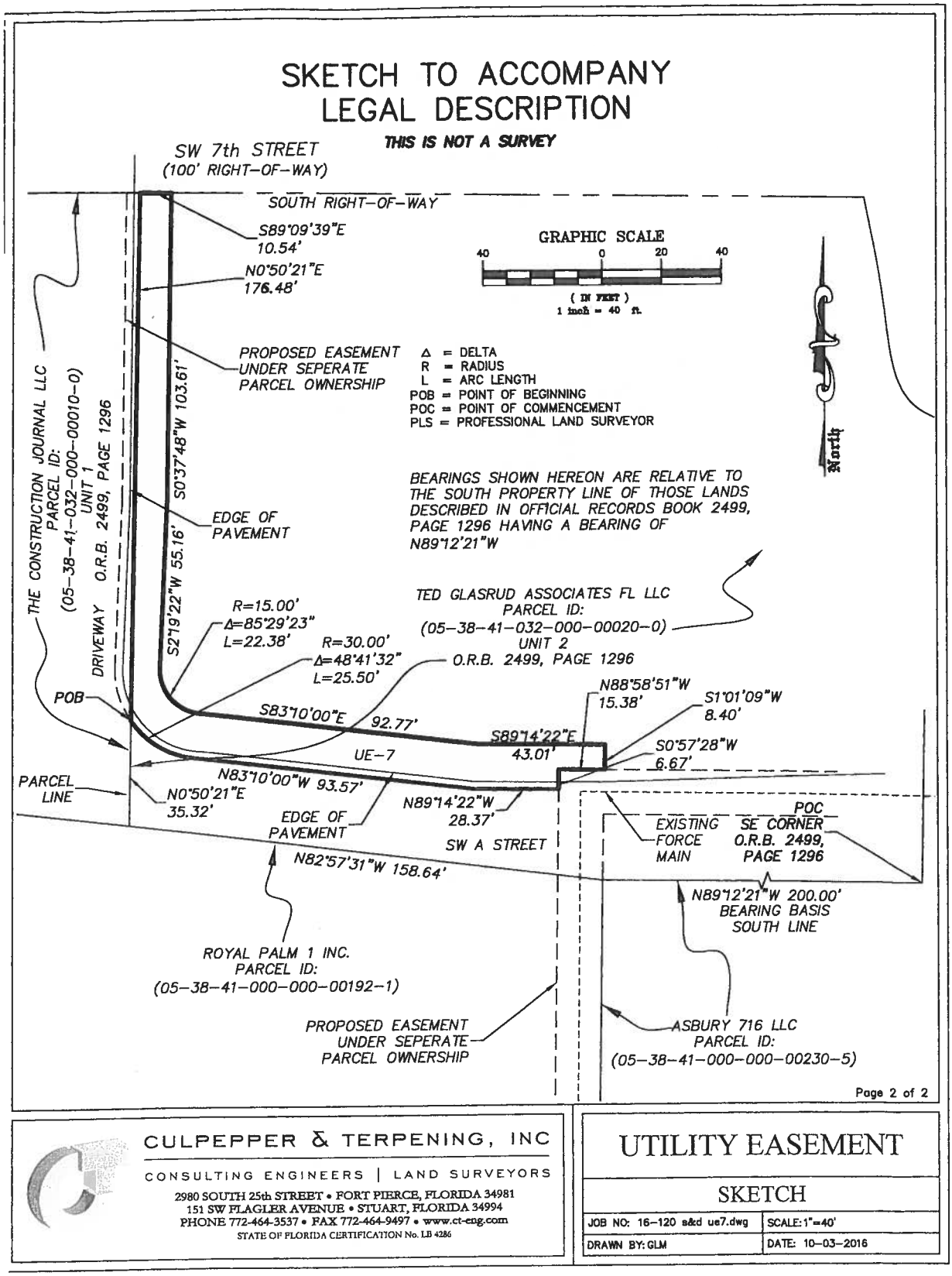
THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT
DESCRIPTION

JOB NO: 16–120 s&d ue7.dwg	SCALE: N/A
DRAWN BY: GLM	DATE: 10–03–2016

EXHIBIT A



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT

SKETCH

JOB NO: 16-120 s&d ue7.dwg	SCALE: 1"=40'
DRAWN BY: GLM	DATE: 10-03-2016

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** David D. Peters, Assistant Public Works Director

Title of Item:
RESOLUTION No. 16-2017. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF NON-EXCLUSIVE WATER AND SEWER MAINS AND LIFT STATION EASEMENTS UE-1, UE-2, AND UE-5 AT THE ROYAL PALM FINANCIAL CENTER WITH ROYAL PALM 1, INC., PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.(RC)

Summary Explanation/Background Information on Agenda Request:
These non-exclusive water and sewer main and sewage lift station easements will allow the city to provide commercial fire flows and low pressure sewer service to the Channel Avenue Redevelopment Area.

In addition, the City will assume ownership of the private lift station at the Royal Palm Financial Center, eliminating the construction of a new lift station. This will reduce the overall cost of providing a low pressure sewer system to the Channel Avenue Redevelopment Area by approximately $50,000.00.

Funding Source:
N/A

Recommended Action:
Adopt Resolution No. 16-2017

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Resolution No. 16-2017	1/17/2017	Resolution add to Y drive
🗋	Royal Palm Financial Center Easement Overview	1/17/2017	Exhibit
🗋	UE-1 and UE-2 Water Main Easement	1/17/2017	Attachment
🗋	UE-5 Lift Station Easement	1/17/2017	Attachment

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 16-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF NON-EXCLUSIVE WATER AND SEWER MAINS AND LIFT STATION EASEMENTS UE-1, UE-2, AND UE-5 AT THE ROYAL PALM FINANCIAL CENTER WITH ROYAL PALM 1, INC., PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The City Commission of the City of Stuart hereby authorizes the execution of non-exclusive water and sewer main and lift station easements with Royal Palm 1 Inc., for ingress and egress as noted on the attached legal descriptions and sketches.

SECTION 2: This resolution shall take effect upon adoption.

Resolution No. 16 - 2017
Royal Palm 1, Inc. Water and Sewer Easement

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
EULA R. CLARKE, MAYOR			
TOM CAMPENNI, VICE MAYOR			
KELL GLASS LEIGHTON, COMMISSIONER			
JEFFREY A. KRAUSKOPF, COMMISSIONER			
TROY A. MCDONALD, COMMISSIONER			

ADOPTED this 23rd day of February, 2017.

ATTEST:

_____
CHERYL WHITE
CITY CLERK

_____
EULA CLARKE
MAYOR

APPROVED AS TO FORM AND
CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY

GRAPHIC SCALE

100 0 50 100

(IN FEET)
1 inch = 100 ft.

North

UE 4

PHASE IV

ROYAL PALM
1 INC.
05-38-41-000-000-00192-1

UNIT 1

UE 8

UNIT 2

UE 7

UE 6

PHASE III

UE 3

UE 2

LESS & EXCEPT

UE 5

TED GLASRUD ASSOCIATES
FL LLC
05-38-41-000-000-00191-2

UE 1

PHASE II

ROYAL PALM 1 INC.
05-38-41-000-000-00192-1

ROYAL PALM 1 INC.
05-38-41-000-000-00192-1

US. HIGHWAY NO. 1
100' RIGHT-OF-WAY

Exhibit of Proposed Utility Easements for the City of Stuart

File: Exhibit.dwg
Date: 11-15-16
16-120
SCALE 1"=100'
Drawn by: GLM

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET
FORT PIERCE, FLORIDA 34981
PHONE 772-464-3537 FAX 772-464-9497
www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

NON-EXCLUSIVE WATER MAIN EASEMENT

THIS NON-EXCLUSIVE WATER MAIN EASEMENT executed and delivered this _____ day of _____, 2016, by and between ROYAL PALM 1, Inc. a for profit corporation, its successors and assigns, whose post office address is 5094 SE Federal Highway, Stuart, Florida 34994 (hereinafter the "Grantor"), and the CITY OF STUART, FLORIDA, a municipal corporation of the State of Florida (hereinafter the "Grantee").

WITNESSETH

WHEREAS, Grantor wishes to grant a non-exclusive water main easement (the "Easement") to Grantee on that certain land described on Exhibit "A" attached hereto and made a part hereof (the "Easement Premises"), which Easement is for the purposes of providing Grantee with access to and use of the Easement Premises for construction, maintenance and operation of a water main and appurtenances located within the Easement Premises, subject to certain terms and conditions set forth herein.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS ($10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants to Grantee a non-exclusive, perpetual easement (the "Easement") over, upon, across and under the Easement Premises, subject to the following:

1. **Purposes and Permitted Uses.** The Easement shall exist for the sole purpose of providing Grantee, its agents and employee's access to and use of the Easement Premises for operation and maintenance of a water main and appurtenances by the City of Stuart and for ownership and perpetual maintenance within the Easement Premises.

2. **Grantor's Rights.** The Grantor shall retain all rights over and upon the Easement Premises for use which does not conflict with Grantor's use. If Grantee's normal operation, maintenance and repairs of the water main result in disturbance of the improvements will be repaired or replaced at the Grantor's expense. In no event shall the Grantor construct any structures or plant any trees in or on the Easement Premises. Notwithstanding anything in this Easement instrument to the contrary, Grantor may use the Easement Premises for other utility purposes, provided however, that the written consent of the Grantee is obtained prior to any such use of Grantor.

And the Grantor hereby covenants with the Grantee that Grantor is lawfully seized of the Easement Premises in fee simple: that Grantor has good and lawful authority to grant and convey this Easement; the Grantor fully warrants the title to the Easement Premises and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

CITY OF STUART, FLORIDA

Eula R. Clarke
Mayor

ATTEST:

Cheryl White
City Clerk

APPROVED AS TO FORM
AND CORRECTNESS:

Michael J. Mortell
City Attorney

ROYAL PALM 1, INC.

VP
Angela Poag, VP

Witness Laurie A Brew

Witness

STATE OF FLORIDA, COUNTY OF OSEOLA

The foregoing instrument was acknowledged before me this 5th day of January, 20 17 by Angela Poag, who is personally known to me or has produced _____ as identification.

Notary Public:

YVONNE DA SILVA
MY COMMISSION #FF123112
EXPIRES May 14, 2018
(407) 398-0153 FloridaNotaryService.com

Yvonne DaSilva

EXHIBIT A

UE–1

LEGAL DESCRIPTION

Being a 15.00 foot wide easement lying in the property described in Official Records Book 1654, Page 276, Public Records of Martin County, Florida, being a parcel of land lying in Government Lot 7, Section 5, Township 38 South, Range 41 East, Martin County, Florida and being more particularly described as follows;

Commence at the Southeast corner of said property described in Official Records Book 1654, Page 276; thence North 61°58'42" West, along the Northerly right–of–way of U.S. Highway No. 1 (A 100.00 foot wide right–of–way), a distance of 234.07 feet to the POINT OF BEGINNING of the following described easement;

Thence continue North 61°58'42" West, along the Northerly right–of–way of U.S. Highway No. 1, a distance of 15.06 feet; thence North 22°56'46" East, a distance of 19.94 feet; thence North 59°56'59" West, a distance of 94.73 feet; thence South 71°20'08" West, a distance of 31.90 feet to the Northerly right–of–way of U.S. Highway No. 1; thence North 61°58'42" West, along the Northerly right–of–way of U.S. Highway No. 1, a distance of 51.05 feet to a point of curve to the right having a radius of 922.37 feet and a central angle of 23°17'08"; thence Northwesterly along the arc, and along the Northerly right–of–way of U.S. Highway No. 1, a distance of 374.86 feet to a point hereinafter known as Point A; thence North 51°18'26" East, a distance of 15.00 feet to the intersection with a non tangent curve concave to the Northeast, having a radius of 907.37 feet, the chord of which bears South 50°20'08" East, 366.23 feet; thence Southeasterly along the arc of said curve, a distance of 368.76 feet through a central angle of 23°17'08"; thence South 61°58'42" East, a distance of 44.57 feet; thence North 71°20'08" East, a distance of 32.22 feet; thence South 59°56'59" East, a distance of 114.77 feet; thence South 22°56'46" West, a distance of 34.51 feet to the POINT OF BEGINNING.

Containing 8,755 square feet, more or less.

UE–2

Being a 15.00 foot wide easement lying in the property described in Official Records Book 1654, Page 276, Public Records of Martin County, Florida, being a parcel of land lying in Government Lot 7, Section 5, Township 38 South, Range 41 East, Martin County, Florida and being more particularly described as follows;

Commence at aforementioned Point A; thence along a curve to the right, of which the radius point lies North 51°18'26" East, a radial distance of 922.37 feet; thence Northwesterly along the arc, and along the Easterly right–of–way of U.S. Highway No. 1 (A 100.00 foot wide right–of–way), through a central angle of 05°35'34", a distance of 90.04 feet to the POINT OF BEGINNING of the following described easement;

Thence continue Northwesterly along said curve through a central angle of 02°42'36", a distance of 43.63 feet; thence North 53°44'00" East, a distance of 15.08 feet to the intersection with a non tangent curve concave to the Northeast, having a radius of 907.37 feet, the chord of which bears South 31°41'47" East, 44.46 feet; thence Southeasterly along the arc of said curve, a distance of 44.46 feet through a central angle of 02°48'27"; thence South 56°54'00" West, a distance of 15.00 feet to the Easterly right–of–way of U.S. Highway No. 1 and the POINT OF BEGINNING.

Containing 661 square feet, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT–OF–WAY AND/OR EASEMENTS OF RECORD.

10/27/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-engr.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

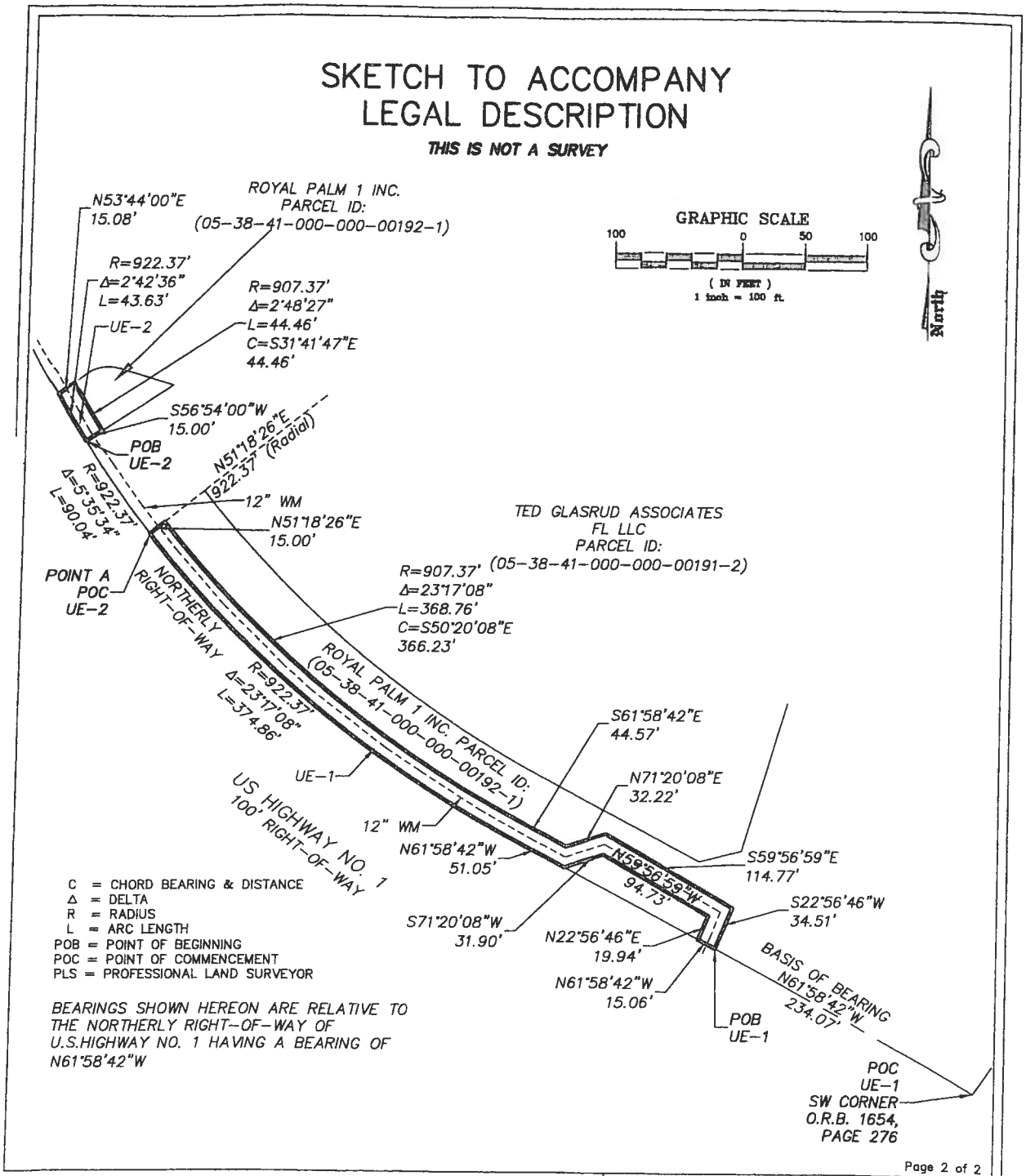
UTILITY EASEMENT

DESCRIPTION

JOB NO: 16–120 s&d ue1&2.dwg	SCALE: N/A
DRAWN BY: CLM	DATE: 9–16–2016

Federal Highway Water Main Utility Easement –UE-1 Royal Palm 1 LLC,

EXHIBIT A



Page 2 of 2

CULPEPPER & TERPENING, INC

CONSULTING ENGINEERS | LAND SURVEYORS

2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT

SKETCH

JOB NO: 16-120 s&d ue1&2.dwg	SCALE: 1"=100'
DRAWN BY: GLM	DATE: 9-16-2016

Federal Highway Water Main Utility Easement –UE-1 Royal Palm 1 LLC,

NON-EXCLUSIVE SEWAGE LIFT STATION AND FORCE MAIN EASEMENT

THIS NON-EXCLUSIVE SEWAGE LIFT STATION AND FORCE MAIN EASEMENT executed and delivered this _____ day of _____, 2016, by and between ROYAL PALM 1, INC, a for profit corporation, its successors and assigns, whose post office address is 5094 SE Federal Highway, Stuart, Florida 34994 (hereinafter the "Grantor"), and the CITY OF STUART, FLORIDA, a municipal corporation of the State of Florida (hereinafter the "Grantee").

WITNESSETH

WHEREAS, Grantor wishes to grant a non-exclusive sewage lift station and force main easement (the "Easement") to Grantee on that certain land described on Exhibit "A" attached hereto and made a part hereof (the "Easement Premises"), which Easement is for the purposes of providing Grantee with access to and use of the Easement Premises for construction, maintenance and operation of a sewage lift station and force main and appurtenances located within the Easement Premises, subject to certain terms and conditions set forth herein.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS ($10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants to Grantee a non-exclusive, perpetual easement (the "Easement") over, upon, across and under the Easement Premises, subject to the following:

1. **Purposes and Permitted Uses.** The Easement shall exist for the sole purpose of providing Grantee, its agents and employee's access to and use of the Easement Premises for operation and maintenance of a sewage lift station and force main and appurtenances by the City of Stuart and for ownership and perpetual maintenance within the Easement Premises.

2. **Grantor's Rights.** The Grantor shall retain all rights over and upon the Easement Premises for use which does not conflict with Grantor's use. If Grantee's normal operation, maintenance and repairs of the sewage lift station and force main result in disturbance of the improvements will be repaired or replaced at the Grantor's expense. In no event shall the Grantor construct any structures or plant any trees in or on the Easement Premises. Notwithstanding anything in this Easement instrument to the contrary, Grantor may use the Easement Premises for other utility purposes, provided however, that the written consent of the Grantee is obtained prior to any such use of Grantor.

And the Grantor hereby covenants with the Grantee that Grantor is lawfully seized of the Easement Premises in fee simple: that Grantor has good and lawful authority to grant and convey this Easement; the Grantor fully warrants the title to the Easement Premises and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

CITY OF STUART, FLORIDA

Eula R. Clarke
Mayor

ATTEST:

Cheryl White
City Clerk

APPROVED AS TO FORM
AND CORRECTNESS:

Michael J. Mortell
City Attorney

ROYAL PALM 1, [redacted]. Inc.

VP

Angela Poag

Witness Laurie A Greco

Witness

STATE OF FLORIDA, COUNTY OF OSEOLA

The foregoing instrument was acknowledged before me this 5th day of January ,20 17 by Angela Poag ,
who is personally known to me or has produced _____ as identification.

Notary Public: _____

YVONNE DA SILVA
MY COMMISSION #FF123112
EXPIRES May 14, 2018
(407) 398-0153 FloridaNotaryService.com

Yvonne Da Silva

EXHIBIT A

LEGAL DESCRIPTION

UE–5

Being an easement lying in the property described in Official Records Book 1654, Page 276, Public Records of Martin County, Florida, being a parcel of land lying in Government Lot 7, Section 5, Township 38 South, Range 41 East, Martin County, Florida and being more particularly described as follows;

Begin at the Northeast corner of said property described in Official Records Book 1654, Page 276; thence South 00°57'28" West, a distance of 197.29 feet; thence South 87°49'47" West, a distance of 66.83 feet; thence North 89°13'11" West, a distance of 41.82 feet; thence North 00°46'49" East, a distance of 25.00 feet; thence South 89°13'11" East, a distance of 25.00 feet; thence South 00°46'49" West, a distance of 10.85 feet; thence North 87°49'47" East, a distance of 68.69 feet; thence North 00°57'28" East, a distance of 184.69 feet; thence South 82°57'31" East, a distance of 15.08 feet to the POINT OF BEGINNING.

Containing 4,625 square feet, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT–OF–WAY AND/OR EASEMENTS OF RECORD.

10/27/16

THOMAS P. KIERNAN
Professional Surveyor & Mapper
Florida Certificate No. 6199

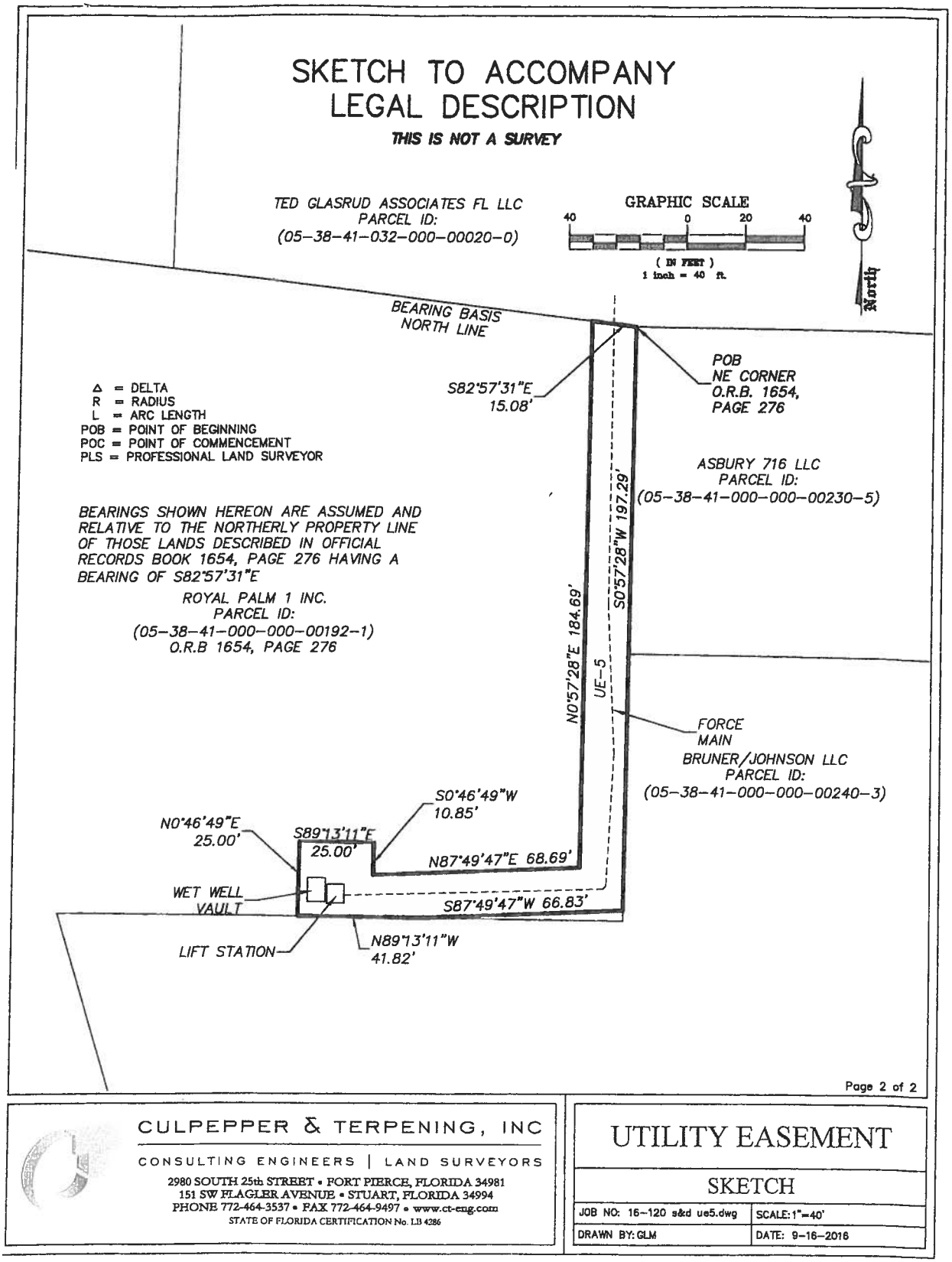
DATE

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT
DESCRIPTION

JOB NO: 16–120 sktd ue5.dwg	SCALE: N/A
DRAWN BY: GLM	DATE: 9–16–2016

EXHIBIT A



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

UTILITY EASEMENT	
SKETCH	
JOB NO: 16-120 s&d ue5.dwg	SCALE: 1"=40'
DRAWN BY: GLM	DATE: 9-16-2016

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION

Meeting Date: 1/23/2017 **Prepared by:** R. Cavo

Title of Item:

ORDINANCE NO. 2341-2017; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING SECTIONS 38-64 AND 38-97 IN THE CITY OF STUART, FLORIDA CODE OF ORDINANCES TO CONFORM PROVISIONS OF THE LOCAL BUSINESS TAX WITH STATE STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE . (RC)

Summary Explanation/Background Information on Agenda Request:

The City Commission desires to amend the City Code to remove real estate salesmen from section 38-64 and the City Commission desires to amend the City Code 38-97 to amend the month from August to July pursuant to Florida Statutes.

Funding Source:

n/a

Recommended Action:

Adopt Ordinance No. 2341-2017 on First Reading

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Ord. No 2341-2017 Local Business Tax	1/18/2017	Ordinance add to Y drive

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NO. 2341-2017

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING SECTIONS 38-64 AND 38-97 IN THE CITY OF STUART, FLORIDA CODE OF ORDINANCES TO CONFORM PROVISIONS OF THE LOCAL BUSINESS TAX WITH STATE STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

****

WHEREAS, the City Code of Ordinances, Section 38-64 currently requires certain individual professionals and includes real estate salesmen to pay a fee for local business tax; and

WHEREAS, the City Commission desires to amend the City Code to remove real estate salesmen; and

WHEREAS, real estate sales associates and broker associates are exempt from paying local business tax pursuant to Florida Statute §205.067; and

WHEREAS, the City Code of Ordinances, Section 38-97 currently reads, "receipts shall be sold beginning August 1 of each year"; and

WHEREAS, Florida statute §205.053 states, "business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year…"; and

WHEREAS, the City Commission desires to amend the City Code to amend the month from August to July pursuant to Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: AMENDMENTS TO SECTION 38-64 OF THE STUART CODE OF ORDINANCES. Section 38-64 of the Stuart Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 38-64 - Same—Individual professionals to pay fee.

Whenever in this article a local business tax is provided for architects, auctioneers, auditors, accountants, dentists, draftsmen, civil engineers, lawyers, osteopaths, chiropractors, chiropodists, physicians or surgeons, or other similar professions, such provision shall be construed to require that each individual shall pay the tax herein provided, whether practicing by himself or in partnership or employed by another.

SECTION 2: AMENDMENTS TO SECTION 38-97 OF THE STUART CODE OF ORDINANCES. Section 38-97 of the Stuart Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 38-97 – Same - When receipts expire.

Except as otherwise specifically provided, every local business tax receipt issued under the provisions of this article shall expire on September 30 of each year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Receipts shall be sold beginning July 1 of each year.

PASSED on First Reading this ___ day of January, 2017.

Commissioner _____ offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
EULA R. CLARKE, MAYOR				
THOMAS CAMPENNI, VICE MAYOR				
JEFFREY KRAUSKOPF, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
KELLI GLASS-LEIGHTON, COMMISSIONER				

ADOPTED on Second Reading this _____day of January, 2017.

ATTEST:

_____
CHERYL WHITE
CITY CLERK

_____
EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL
CITY ATTORNEY