BEFORE THE CITY COMMISSION CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2425-2020

A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ST. LUCIE ESTATES, SECTION 2, AS RECORDED IN PLAT BOOK 11, PAGE 22, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SE 5TH STREET, AND ABUTTING THE WESTERN BOUNDARY OF LOTS 10, 11 AND 14, BLOCK 4 DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE: PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * * * *

WHEREAS, Lester and Anne Scherer (APPLICANTS) have filed a petition for abandonment relating to the public right-of-way described below that conforms to the requirements of Section 36 of the Code of Ordinances of the City of Stuart, Florida; and

WHEREAS, at the public hearing to consider the requested abandonment the City Commission has determined that it is the best public interest that the said right-of-way be abandoned as said right-of-way is needed for continuity of existing parcels; and

WHERAS, Daniel D. Fuller, MAI, DRA of Fuller, Armfield, Wagner Appraisal and Research, Inc., conducted a fair market appraisal of said property on October 21, 2019, and determined that the market value of the real property is NINE THOUSAND DOLLARS ($9,000).

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ordains, as follows:

SECTION 1: That any interest vested with the City of Stuart in that certain 30-foot right-of-way, as set forth as the eastern 30 feet of SE Coconut Avenue, running south of the Southerly Right-Of-Way line of SE 5th Street, abutting the Western Boundary of Lots 10,11 and 14, Block 4, according the Plat of ST LUCIE ESTATES, SECTION 2, as recorded in Plat Book 11, Page 22, Palm Beach (Now Martin) County, Florida Public Records running North to South through the Property described in **Exhibit "A"** attached hereto and depicted in **Exhibit "B"** attached hereto is hereby abandoned.

SECTION 2: A location map depicting the subject area is hereby attached as **Exhibit "C."**

SECTION 3: The Applicants agree to pay the privilege fee in the amount of **NINE THOUSAND DOLLARS ($9,000)** to be received and deposited into the city's property management fund within 90 days of approval, otherwise this Ordinance shall become null and void.

SECTION 4: Conflicts. All ordinances or parts of ordinances in conflict herewith shall be repealed.

SECTION 5: Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective immediately upon adoption.

Passed on first reading the ____ day of _____, 2020.

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
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL
CITY ATTORNEY

Anne M Scherer Revocable Trust

WITNESSES:

Lester E. Scherer, Trustee

_____

By: _____

Print Name: _____

_____

Print Name: _____

WITNESSES:

Anne M Scherer Revocable Trust

Anne M. Scherer, Trustee

_____

By: _____

Print Name: _____

_____

Print Name: _____

PETITIONER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by Lester E. and Anne M. Scherer.

_____

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____day of _____, 2020, by Michael J. Meier, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

_____

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

EXHIBIT "A"

LEGAL DESCRIPTION

The east 30 feet of Coconut Avenue running south of the southerly right-of-way line of East 5th Street and abutting the western boundary of Lot 1O and the western boundary pf Lot 11, and the western boundary of Lot 10, 11 and 14, Block 4, according to the plat of St. Lucie Estates, Section 2, recorded in the public records of Martin County, Florida at Plat Book 11; page 22.

EXHIBIT "B"

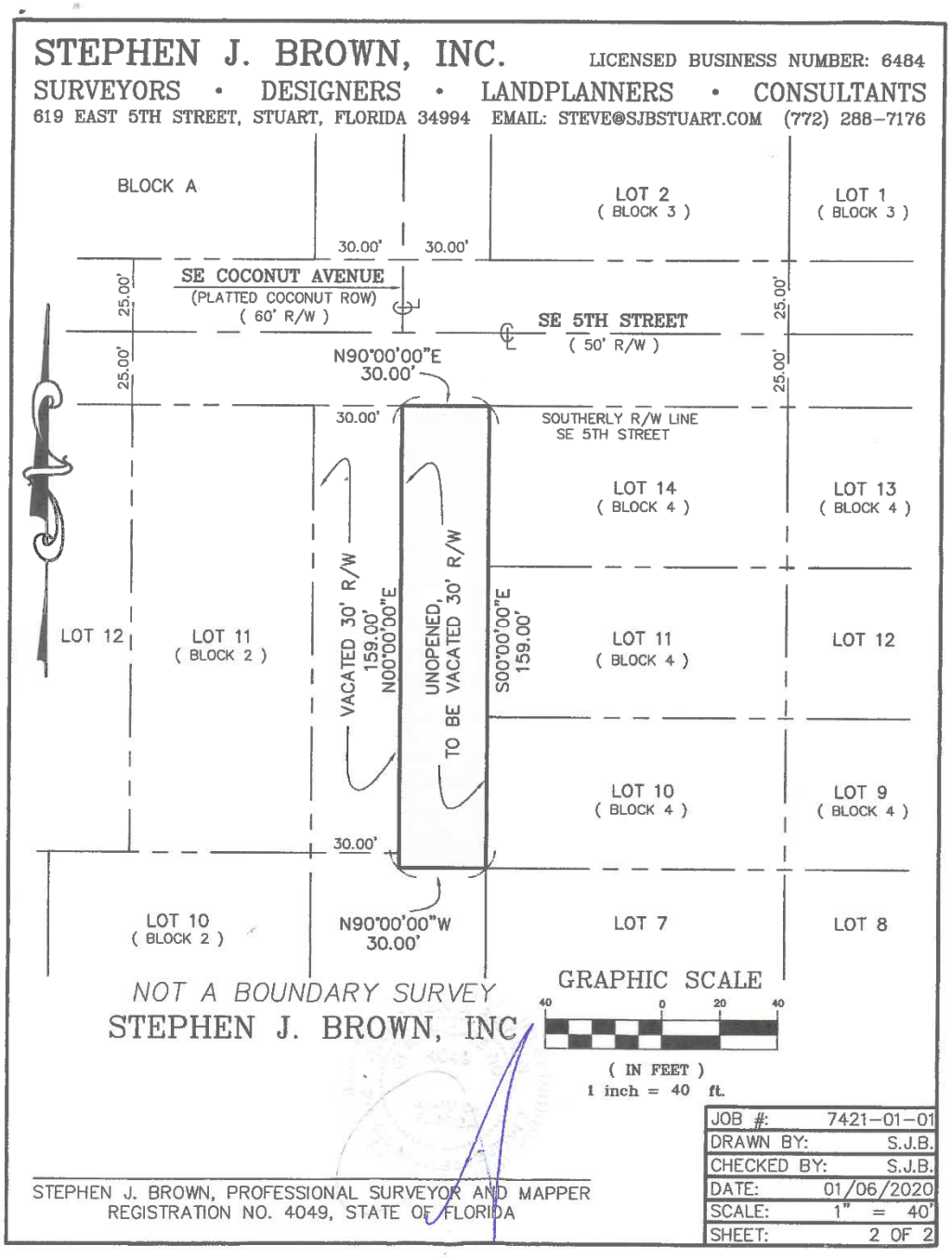

STEPHEN J. BROWN, INC.
LICENSED BUSINESS NUMBER: 6484
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: STEVE@SJBSTUART.COM (772) 288-7176
BLOCK A
LOT 2 (BLOCK 3)
LOT 1 (BLOCK 3)
30.00'
30.00'
SE COCONUT AVENUE
(PLATTED COCONUT ROW)
(60' R/W)
25.00'
25.00'
SE 5TH STREET
(50' R/W)
25.00'
25.00'
N90°00'00"E
30.00'
30.00'
SOUTHERLY R/W LINE
SE 5TH STREET
LOT 14 (BLOCK 4)
LOT 13 (BLOCK 4)
LOT 12
LOT 11 (BLOCK 2)
VACATED 30' R/W
159.00'
N00°00'00"E
UNOPENED, TO BE VACATED 30' R/W
S00°00'00"E
159.00'
LOT 11 (BLOCK 4)
LOT 12
LOT 10 (BLOCK 4)
LOT 9 (BLOCK 4)
30.00'
LOT 10 (BLOCK 2)
N90°00'00"W
30.00'
LOT 7
LOT 8
NOT A BOUNDARY SURVEY
STEPHEN J. BROWN, INC
GRAPHIC SCALE
40 0 20 40
(IN FEET)
1 inch = 40 ft.
JOB #: 7421-01-01
DRAWN BY: S.J.B.
CHECKED BY: S.J.B.
DATE: 01/06/2020
SCALE: 1" = 40'
SHEET: 2 OF 2
STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

EXHIBIT "C"


Martin County, FL
SE Coconut
SE 5 TH
SE Hibiscus Ave
1
2
10
11
12
13
14
9
8
7
6
5
4
3
2
1