BEFORE THE CITY COMMISSION CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2431-2020

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 50-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF KRUEGER PARK, AS RECORDED IN PLAT BOOK 1, PAGE 25, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING EAST TO WEST, 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, Richard Baron (The "Applicant") 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

WHEREAS, Cooper Osteen (License #: RI22707) conducted a fair market appraisal of

said property on November 16, 2013, and determined that the market value of the real property is TWENTY-SIX THOUSAND DOLLARS ($26,000).

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 50-foot right-of-way, as set forth as a portion of Osceola Street, running east to west, abutting Lot 1 of Block 6, according the Plat of KREUGER PARK, as recorded in Plat Book 1, Page 25, Palm Beach (Now Martin) County, Florida Public Records running east to west 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 **TWENTY-SIX THOUSAND DOLLARS ($26,000)** 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 All ordinances or parts of ordinances in conflict herewith shall be repealed.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

WITNESSES:

_____

Print Name: _____

Richard Baron, Owner

By: _____

_____

Print Name: _____

PETITIONER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2020, by Richard Baron.

_____

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

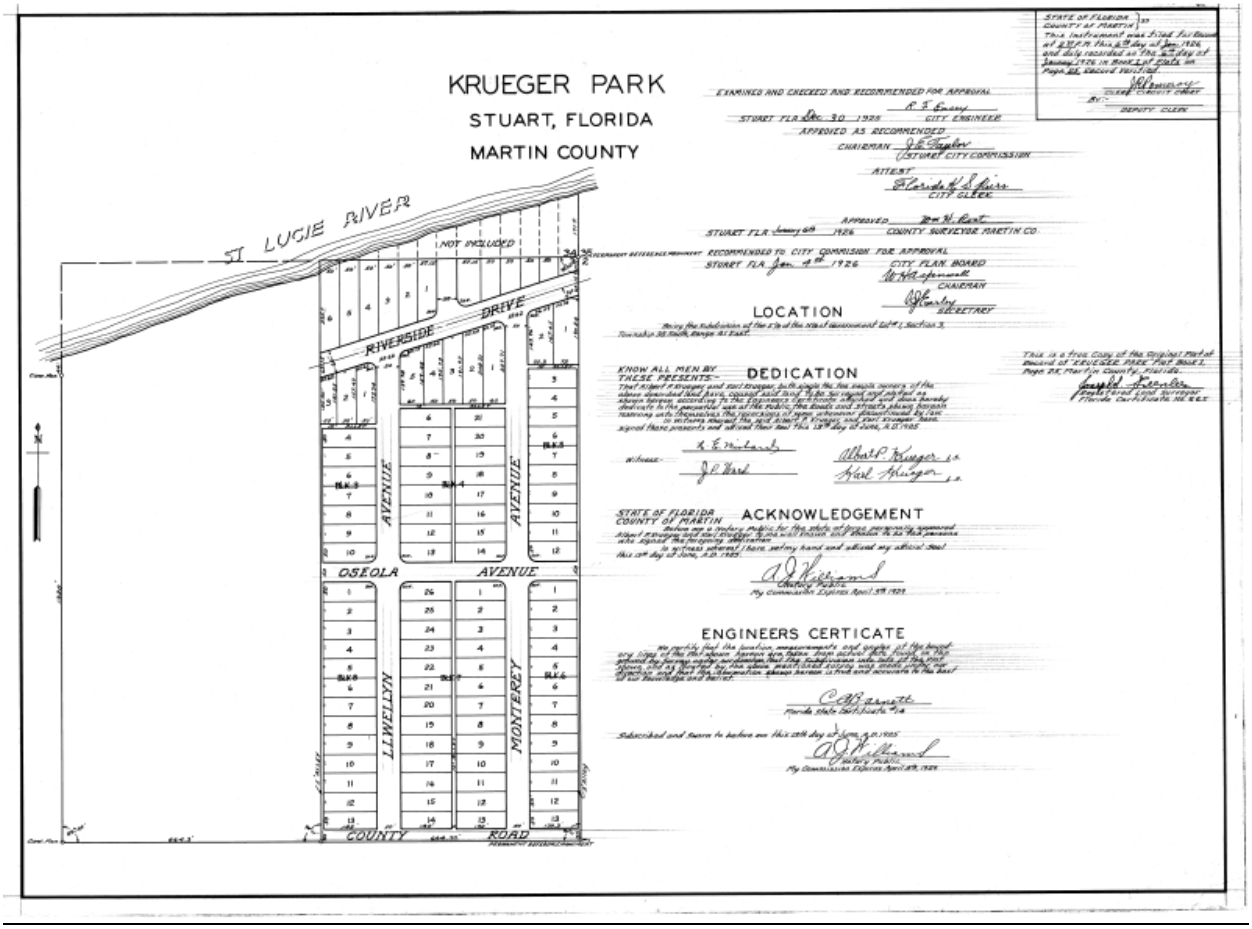


EXHIBIT "B"

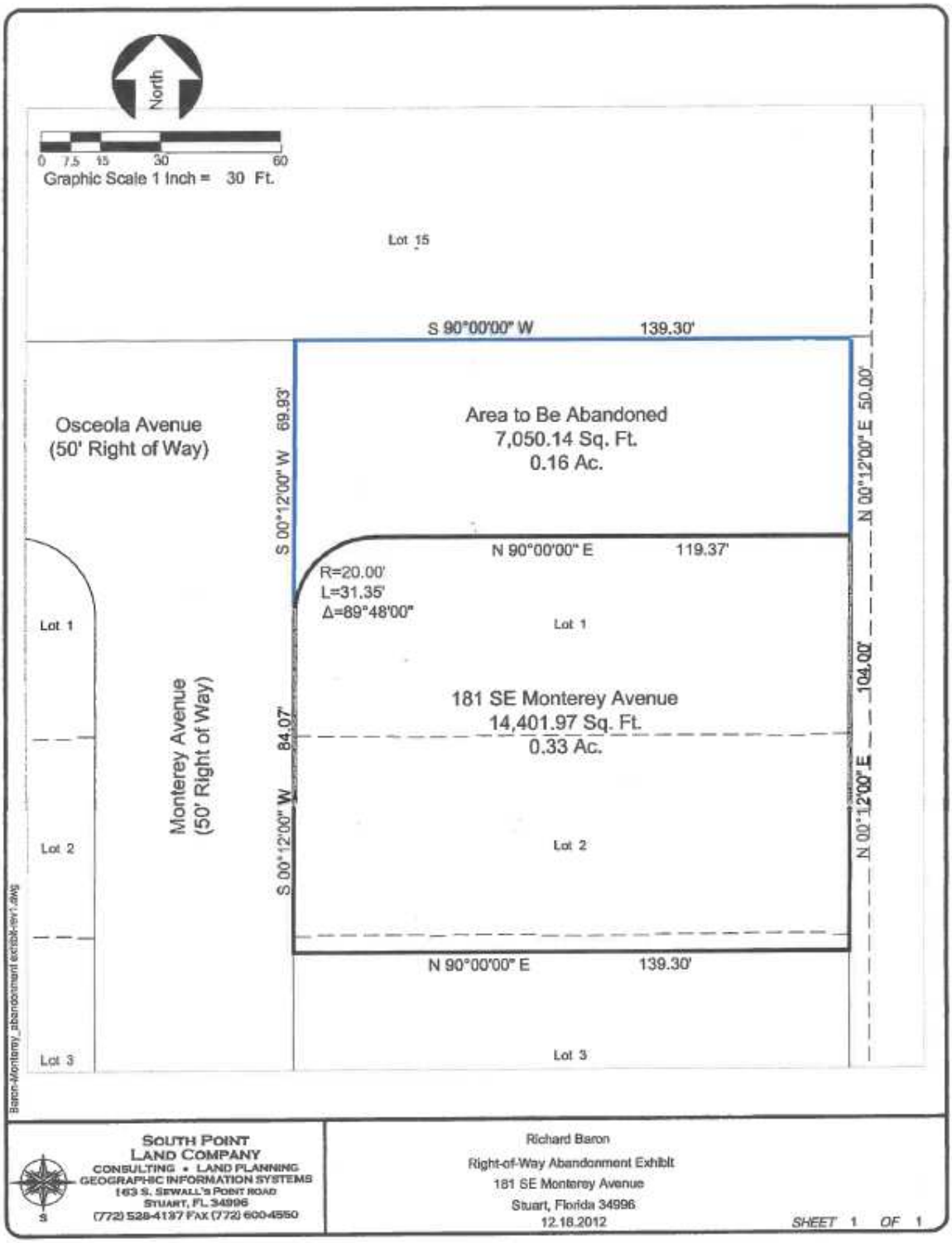

North
0 7.5 15 30 60
Graphic Scale 1 Inch = 30 Ft.
Lot 15
S 90°00'00" W 139.30'
Osceola Avenue
(50' Right of Way)
S 00°12'00" W 69.93'
Area to Be Abandoned
7,050.14 Sq. Ft.
0.16 Ac.
N 00°12'00" E 50.00'
N 90°00'00" E 119.37'
R=20.00'
L=31.35'
Δ=89°48'00"
Lot 1
Lot 1
181 SE Monterey Avenue
14,401.97 Sq. Ft.
0.33 Ac.
Monterey Avenue
(50' Right of Way)
S 00°12'00" W 84.07'
N 00°12'00" E 104.00'
Lot 2
Lot 2
N 90°00'00" E 139.30'
Lot 3
Lot 3
Baron-Monterey_abandonment exhibit-rev1.dwg
SOUTH POINT
LAND COMPANY
CONSULTING • LAND PLANNING
GEOGRAPHIC INFORMATION SYSTEMS
163 S. SEWALL'S POINT ROAD
STUART, FL 34996
(772) 528-4137 FAX (772) 600-4550
Richard Baron
Right-of-Way Abandonment Exhibit
181 SE Monterey Avenue
Stuart, Florida 34996
12.18.2012
SHEET 1 OF 1

EXHIBIT "C"


Area of abandonment
SE Sailfish Dr
SE Osceola St
SE Monterey Ave
SE St Lucie Blvd
SE Wells Dr
Baron / Osceola Street Abandonment
City of Stuart, Florida
Conceptual Design Group, Inc.