BEFORE THE CITY COMMISSION CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2405-2019

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, AS RECORDED IN PLAT BOOK 10, PAGE 70, 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; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE: PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * * * *

WHEREAS, Jeff Dougherty and Joan Kinley (APPLICANTS) have filed a joint 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 several 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 February 27, 2019, and determined that the market value of the real property is TEN THOUSAND TWO HUNDRED FIFTY DOLLARS ($10,250).

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 LOT 7 of the Plat of ST LUCIE ESTATES, as recorded in Plat Book 10, Page 70, 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 of the amount of **TEN THOUSAND TWO HUNDRED FIFTY DOLLARS ($10,250)** prior to the abandonment of the City's interest in the property.

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 All ordinances or parts of ordinances in conflict herewith shall be repealed.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 _____, 2019.

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
REBECCA S. BRUNER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2019.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
REBECCA S. BRUNER
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 A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IN 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 ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS RESIDENTIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Jeff Dougherty, Co-Owner

_____

By: _____

Print Name: _____

_____

Print Name: _____

WITNESSES:

Joan Kinsley, Co-Owner

_____

By: _____

Print Name: _____

_____

Print Name: _____

PETITIONER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by Jeff Dougherty, Co-Owner

_____

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

OWNER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by Joan Kinsley, Co-Owner.

_____

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 _____, 2019, by Rebecca S. Bruner, 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

LOT 7, BLOCK 2, ST. LUCIE ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 70, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA

EXHIBIT "B"

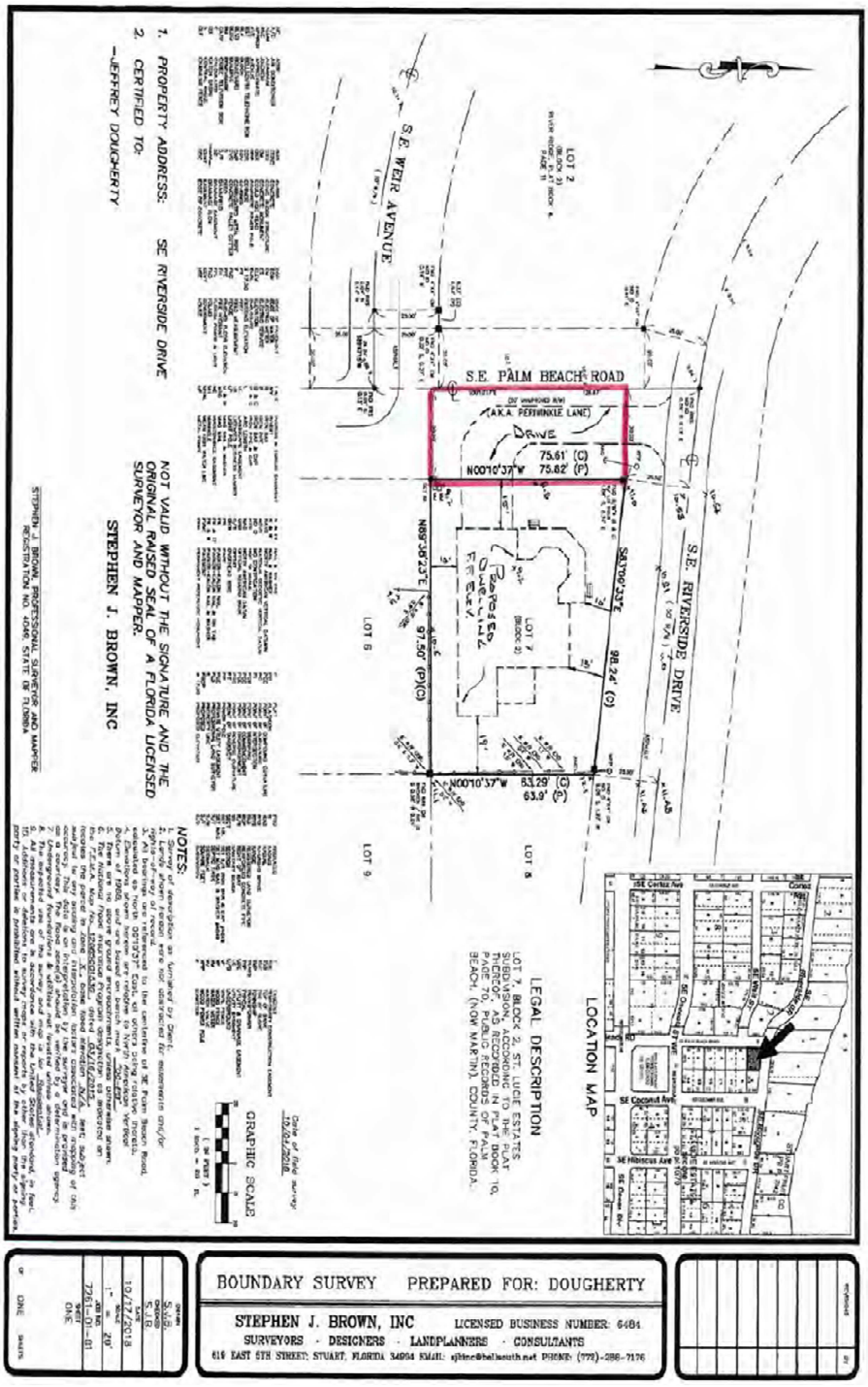

SURVEY EXHIBIT
S.E. WEIR AVENUE
S.E. PALM BEACH ROAD
(AKA PERIWINKLE LANE)
S.E. RIVERSIDE DRIVE
75.61' (C)
75.62' (P)
N00°10'37"W
N89°36'23"E
S89°49'37"E
97.50' (P)(C)
98.24' (C)
83.29' (C)
83.9' (P)
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 2
PROPOSED R/W
LOCATION MAP
LEGAL DESCRIPTION
LOT 7, BLOCK 2, ST. LUCIE ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE(S) 11, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.
NOTES:
1. PROPERTY ADDRESS: SE RIVERSIDE DRIVE
2. CERTIFIED TO:
—JEFFREY DOUGHERTY
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
STEPHEN J. BROWN, INC
STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER REGISTRATION NO. 4346, STATE OF FLORIDA
GRAPHIC SCALE
BOUNDARY SURVEY PREPARED FOR: DOUGHERTY
STEPHEN J. BROWN, INC LICENSED BUSINESS NUMBER: 6484
SURVEYORS · DESIGNERS · LANDPLANNERS · CONSULTANTS
616 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: sjbinc@bellsouth.net PHONE: (772)-286-7176
10/17/2018
7761-01-01

EXHIBIT "C"



AERIAL SITE MAP (approx. subject area in red)