BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2408-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MAJOR AMENDMENT TO THE STUART NEWS COMMERCIAL PLANNED UNIT DEVELOPMENT ZONING AGREEMENT WITH A INCLUDING CHANGING THE NAME TO MARTIN COUNTY SCHOOL BOARD CPUD; DECLARING THE CPUD DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, All prior documents relating to the Stuart News CPUD are rescinded; It is the parties intention that this document shall supercede all prior renditions; and

WHEREAS, The prior PUD amendments are deemed completed and no further entitlements exist moving forward; and

WHEREAS, No further entitlements exist moving forward and are hereby resolved and complete and this document is binding; and

WHEREAS, this document shall be the controlling document now herein known as the Martin County School Board Commercial Planned Unit Development (CPUD); and

WHEREAS, the applicant has applied for an amendment to Ordinance 941-1982 to amend the previous list of uses to include government offices; and

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission meeting to consider the planned unit development amendment application to approve a modification to the list of permitted uses; and

WHEREAS, the City Commission has determined the application is consistent with the overall planning and development goals and objectives of the City and well as the Stuart Comprehensive Plan. The development of the subject property will be in harmony with surrounding properties and their existing or anticipated development.

WHEREAS, the property is legally described in **"Exhibit A"** of this ordinance. A map depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference; and development conditions including a list of uses attached hereto as **Exhibit "C";** and the Boundary Survey By Betsy Lindsay, Inc., Sheets 1 & 2, dated 01/09/2019 attached hereto as **Exhibit "D".**

WHEREAS, the foregoing recitals are true and adopted as findings of fact and conclusions of law.

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

SECTION 1: The foregoing recitals are true and adopted as findings of fact and conclusions of law.

SECTION 2: The 'Stuart News CPUD', as established by Ordinance No. 941-1982, is hereby amended as described above in this Ordinance. The 10.841 acre property shall be known as the "Martin County School Board Commercial Planned Unit Development (CPUD)" and shall adhere to the conditions of development attached hereto as "Exhibit C".

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance, or any part thereof, are hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 4: 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 5: This ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution by the Owner.

SECTION 6: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than 90 days from the date of this approval, failing which this ordinance shall be void.

PASSED on First Reading this 20th day of May, 2019.

ADOPTED on Second Reading this 10th day of June, 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 THE FOREGOING ORDINANCE, 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 ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS ORDINANCE, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

Scripps NP Operating, LLC

_____

By:_____

Print Name:_____

For and on behalf of
Scripps NP Operating, LLC

_____

Print Name:_____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Ordinance No. _____ was acknowledged before me this _____ day of _____, 2019, by _____, For and behalf of Scripps NP Operating, LLC.

_____
Notary Public, State of Florida
My Commission Expires:
Notary Seal

Personally Known _____ OR Produced Identification _____
Type of Identification Produced ____

'EXHIBIT A' Legal Description of Property

1939 Southeast Federal Highway, City of Stuart, Martin County, Florida

BEING A PARCEL OF LAND IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, IN THE PLAT OF GLENDALE SUBDIVISION O.R. BOOK 5 PAGE 39 PALM BEACH COUNTY, FLORIDA, NOW MARTIN COUNTY, WITHIN THE CITY OF STUART, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 38 SOUTH, RANGE 41 EAST; THENCE RUN NORTH 00°49'10" EAST FOR 893.81 FEET; THENCE SOUTH 41°27'42" EAST FOR 38.49 FEET TO THE BEGINNING OF A PORTION OF THE CENTERLINE OF CONSTRUCTION FOR PALM BEACH ROAD, THENCE NORTH 01°01'37" EAST FOR 623.41 FEET; TO THE BEGINNING OF A CONCAVE CURVE WESTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 88°58'23" EAST; THENCE CONTINUE NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 5729.58 FEET THROUGH A CENTRAL ANGLE OF 03°51'37" ARC DISTANCE OF 386.04 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTH 87°10'00" WEST RADIAL TO THE AFOREMENTIONED CURVE FOR40.00 FEET TO THE BEGINNING OF A CURVE AND THE POINT OF BEGINNING, THENCE SOUTHERLY ALONG THE ARC OF A CURVE CONCA VE WESTERLY FROM WHICH A RADIAL LINE BEARS SOUTH *8T* I 0'00" WEST HAYING A RADIUS OF 5689.58 FEET THROUGH A CENTRAL ANGLE OF 00°37'35" WEST AND AN ARC DISTANCE OF 62.20 FEET; THENCE NORTH 89°11'17" WEST FOR 179.20 FEET, THENCE SOUTH 01°24'53" WEST FOR 142.34 FEET; THENCE NORTH 89°20'02" WEST FOR 161.44 FEET; THENCE NORTH 89°25'17" WEST FOR 175.61 FEET; THENCE NORTH 00°24'41" WEST FOR 137.23 FEET; THENCE NORTH 89°25'32" WEST FOR 232.93 FEET TO THE EASTERLY RIGHT-OF- WAY. LINE OF U.S. HIGHWAY 81; THENCE CONTINUING ALONG SAID RIGHT-OF- WAY- LINE NORTH 41°27'42" WEST FOR 484.21 FEET; THENCE DEPARTING FROM SAID RIGHT-OF-WAY LINE SOUTH 89°29'00" EAST FOR 466.50 FEET ALONG THE CENTERLINE OF THE ABANDONED ETHEL AVENUE. THENCE NORTH 00°31'00" EAST FOR 15 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF ETHEL AVENUE; THENCE NORTH 12°41'18" WEST FOR 215.70 FEET; THENCE SOUTH 89°29'00" EAST FOR 378.05 FEET; THENCE SOUTH 41°30'32" EAST FOR 403.71 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE ARC OF A CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 89°20'58" WEST HAVINO A RADIUS OF 5769.58 FEET THROUGH A CENTRAL ANGLE OF 02°10'58" AND AN ARC LENGTH OF 219.80 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 10.841 ACRES MORE OR LESS.

ALL OF THE ABOVE BEING THE SAME PROPERTY CONVEYED TO SCRIPPS MEDIA, INC., A DELAWARE CORPORATION (SUCCESSOR BY MERGER TO STUART NEWS COMPANY, A FLORIDA CORPORATION) BY WARRANTY DEED DATED AUGUST 17, 1977 AND RECORDED IN BOOK 426, PAGE 1209 OF THE OFFICIAL RECORDS OF MARTIN COUNTY, FLORIDA

EXHIBIT "B"

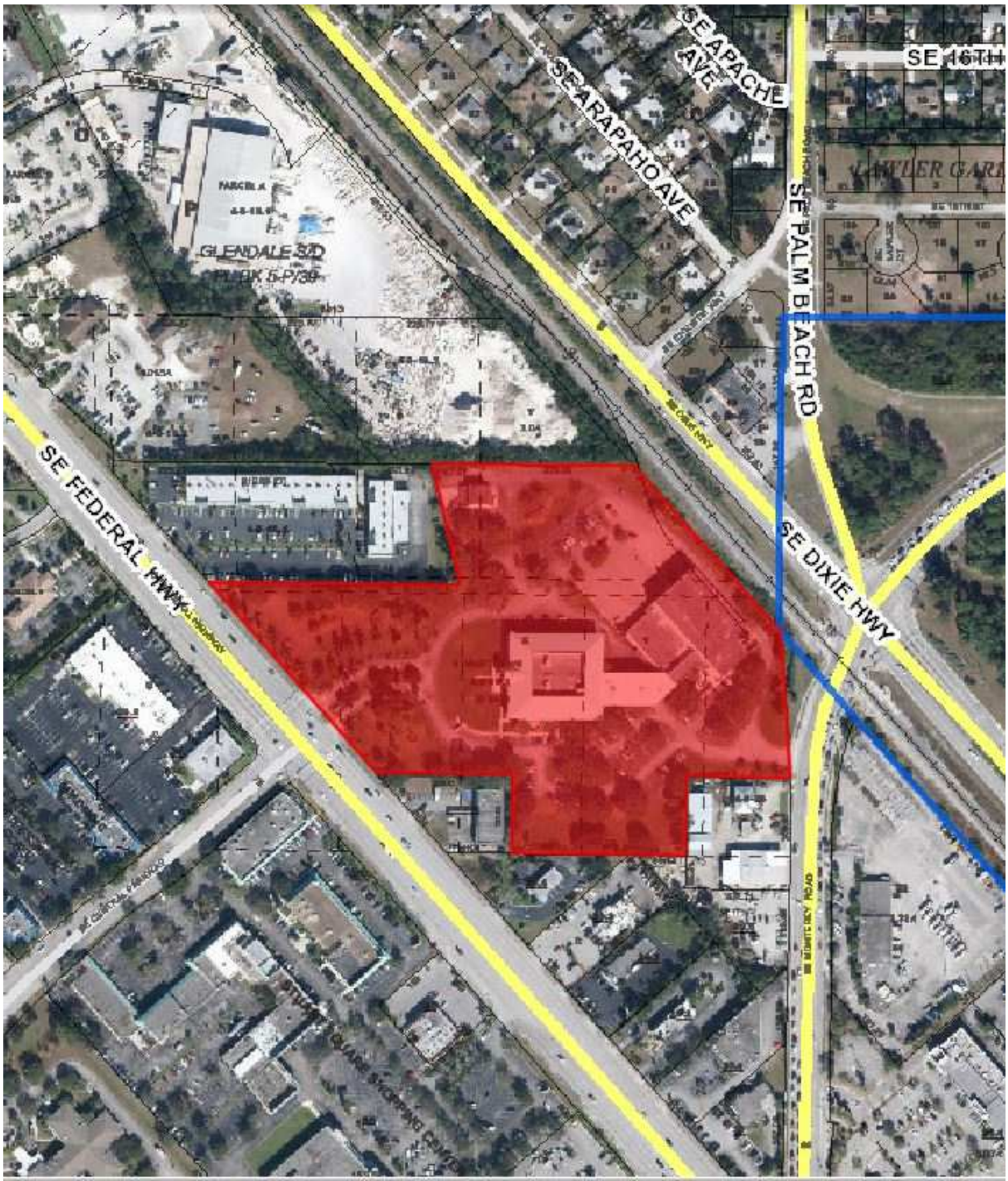

SE APACHE AVE
SE ARAPAHO AVE
SE 16TH
SE PALM BEACH RD
SE DIXIE HWY
SE FEDERAL HWY
GLENDALE SD

EXHIBIT "C"

DEVELOPMENT CONDITIONS

1. The following uses are permitted:

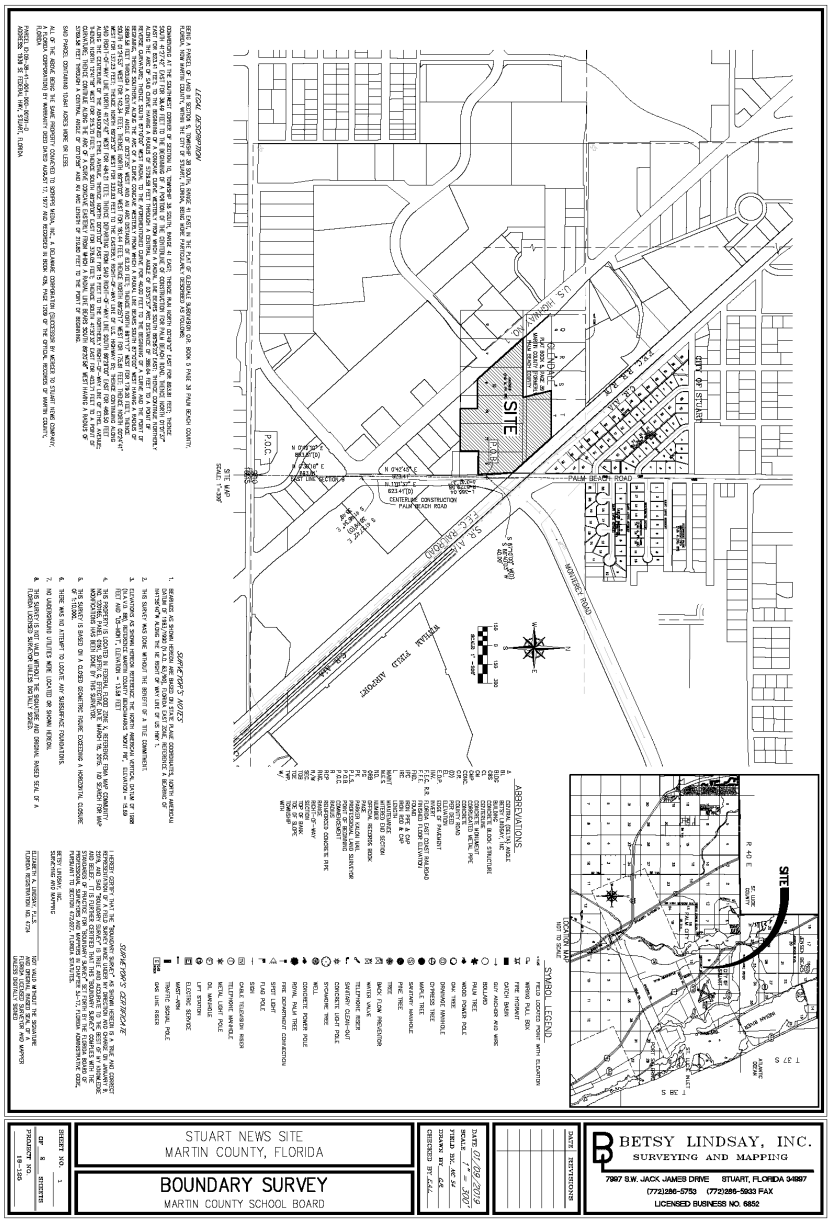
- **Government offices**
- Professional office (including non-intensive medical)
- Restaurant, limited
- Banks
- Retail, Non-intensive sales and service

Prior to Issuance of Building Permits

2. The applicant shall present to the city a unified signage plan per Section 6.11.09 of the City of Stuart Land Development Code before any new signs are installed on the building or on the property.

Ordinance 2408-2019
Stuart News CPUD Amendment

EXHIBIT "D"



Ordinance 2408-2019
Stuart News CPUD Amendment

