BEFORE THE CITY COMMISSION CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2414-2019

AN 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 12-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STYPMANN'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, 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; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE: PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * * * *

WHEREAS, William West, Chief Executive Officer of Molly's House, Inc/ (Applicant) has 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 an existing parcel; and

WHERAS, Daniel K. Deighan, MAI and Robert W. Kunkle, of Deighan Consultants, conducted a fair market appraisal of said right of way property on March 25, 2019, and determined that the market value of the real property is **ONE THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS ($1,175).**

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 12-foot right-of-way, as set forth as LOT 5 of the Plat of STYPMANN SUBDIVISION, as recorded in Plat Book 5, Page 82, 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 of the amount of **ONE THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS ($1,175).** 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 All ordinances or parts of ordinances in conflict herewith shall be repealed.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:

_____

Print Name: _____

_____

Print Name: _____

William West, CEO (Owner/Applicant)

By: _____

Molly's House, Inc.

OWNER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by William West, CEO, Molly's House, Inc.

_____

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 5, BLOCK 1, STYPMANN'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, MARTIN COUNTY, FLORIDA PUBLIC RECORDS

STEPHEN J. BROWN, INC. LICENSED BUSINESS NUMBER: 6484
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176

LEGAL DESCRIPTION
REVOCABLE LICENSE

A PORTION OF AN EXISTING ALLEY ABUTTING AND ADJACENT TO A PORTION OF THE SOUTH LINE OF LOT 22, BLOCK 1 AND THE NORTH LINE OF LOT 5, BLOCK 1, STYPMANN'S SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 82, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 6, BLOCK 1, STYPMANN'S SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 82, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE SOUTH 89°57'27" WEST, ALONG THE NORTH LINE OF SAID LOT 5, BLOCK 1, FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE SOUTH 89°57'27" WEST, ALONG THE NORTH LINE OF SAID LOT 5, FOR A DISTANCE OF 25.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE, DEPARTING SAID NORTH LINE, NORTH 00°30'27" EAST, FOR A DISTANCE OF 12.00 FEET, TO THE SW CORNER OF SAID LOT 22, BLOCK 1; THENCE NORTH 89°57'27" EAST, ALONG THE SOUTH LINE OF SAID LOT 22, FOR A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°30'27" WEST, FOR A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 300.0 SQUARE FEET, +/-.

NOTE: THIS LAND DESCRIPTION SHALL NOT BE VALID UNLESS:

A. PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS, WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION.

B. REPRODUCTIONS OF THIS DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

JOB #:	2304-01-02
DRAWN BY:	S.J.B.
CHECKED BY:	S.J.B.
DATE:	03/05/2019
SCALE:	N/A
SHEET:	1 OF 2

EXHIBIT "B"

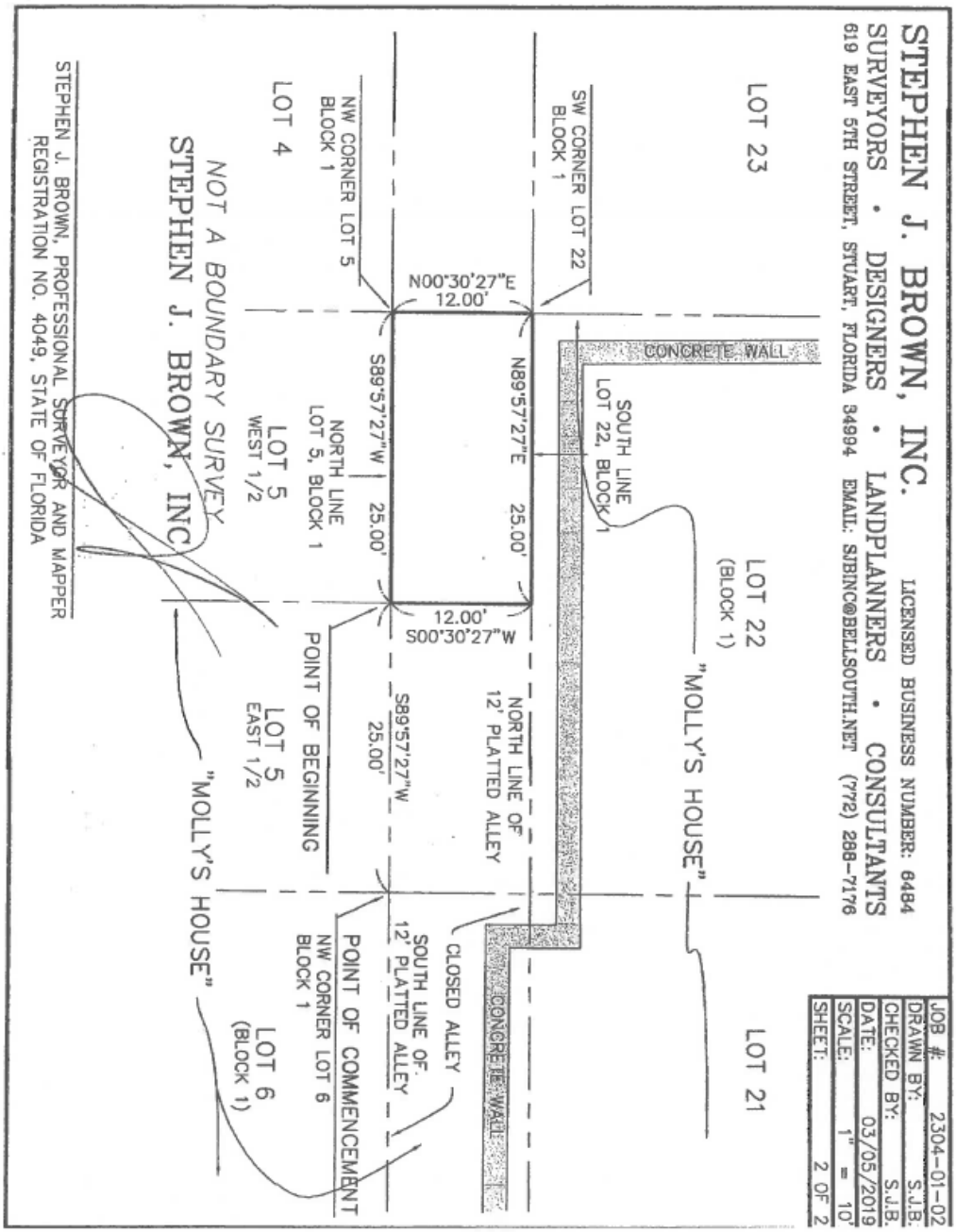
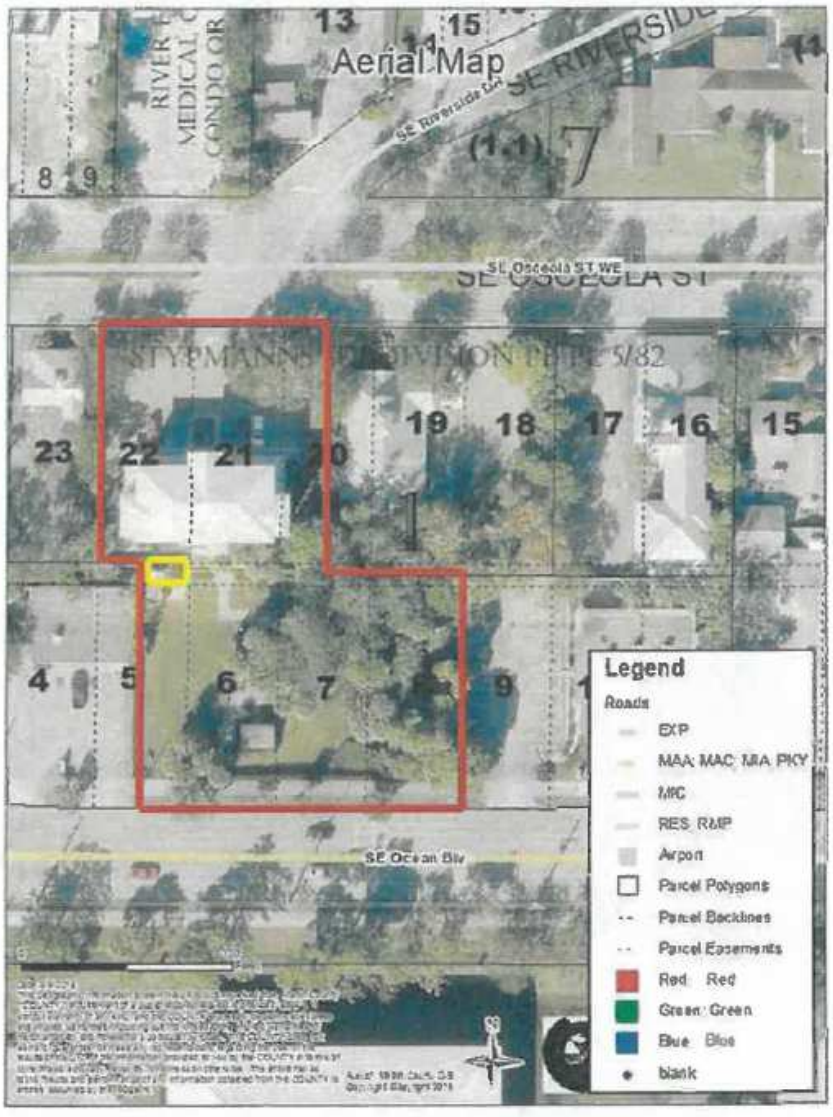

STEPHEN J. BROWN, INC.
LICENSED BUSINESS NUMBER: 6484
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176
JOB #: 2304-01-02
DRAWN BY: S.J.B.
CHECKED BY: S.J.B.
DATE: 03/05/2019
SCALE: 1" = 10'
SHEET: 2 OF 2
LOT 23
LOT 22
(BLOCK 1)
LOT 21
"MOLLY'S HOUSE"
CONCRETE WALL
SW CORNER LOT 22
BLOCK 1
SOUTH LINE
LOT 22, BLOCK 1
N00°30'27"E
12.00'
N89°57'27"E
25.00'
NW CORNER LOT 5
BLOCK 1
S89°57'27"W
25.00'
NORTH LINE
LOT 5, BLOCK 1
12.00'
S00°30'27"W
NORTH LINE OF
12' PLATTED ALLEY
CLOSED ALLEY
SOUTH LINE OF
12' PLATTED ALLEY
S89°57'27"W
25.00'
POINT OF BEGINNING
POINT OF COMMENCEMENT
NW CORNER LOT 6
BLOCK 1
LOT 4
LOT 5
WEST 1/2
LOT 5
EAST 1/2
LOT 6
(BLOCK 1)
NOT A BOUNDARY SURVEY
STEPHEN J. BROWN, INC
"MOLLY'S HOUSE"
STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

EXHIBIT "C"

SUBJECT AERIAL MAP



Red outline is Molly's House, for reference purposes only.
Yellow outline is proposed abandonment area, for reference purposes only.