Inst. # 2685382
Bk: 2982 Pg: 1278 Pages: 1 of 11
Recorded on:3/23/2018 2:59 PM Doc: GOV
Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: $95.00

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2363-2018

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT(CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1533-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY 3.64 ACRES OF ON-SITE UPLAND PRESERVE ON PARCEL 6, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; PROVIDING THE BOUNDARY AND LEGAL DESCRIPTION OF THE REQUIRED UPLAND PRESERVE FOR A TOTAL OF APPROXIMATELY 8.29 ACRES ON PARCEL 6A, AS DEPICTED BY EXHIBIT "C" ATTACHED; THEREBY SATISFYING THE OBLIGATION TO PROVIDE THE REQUIRED UPLAND PRESERVE OF APPROXIMATELY 3.64 ACRES OF PARCEL 6 AND NEARBY UNDEVELOPED PARCELS, GOVERNED BY CPUD ORDINANCE NOs. 2361-2018 AND 2362-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

* * * * *

WHEREAS, the City Commission approved Ordinance No. 1533-97 which granted Commercial Planned Unit Development (CPUD) zoning for the subject property for that certain 55.83 acre of land located on the East side of SE Federal Highway between SE Miami Street and SE Market Place; and

WHEREAS, the City Commission approved major amendment to the CPUD by Ordinance No. 1915-2003 for development of Walmart Supercenter on a portion of a parcel; and

WHEREAS, the City Commission approved major amendment to the CPUD by Ordinance No. 2313-2015 for development of Aldi Food Store on a portion of a parcel; and

WHEREAS, an application for a major amendment to Ordinance No. 1533-97 was properly filed on behalf of the petitioner, Ted Glasrud (Owner) of Ted Glasrud Associates FL, LLC.

WHEREAS, the applicant, Ted Glasrud, recently purchased several large, scattered parcels including Parcels 6 and 6A, located on the East side of SE Federal Highway between SE Miami Street and SE Market Place and are legally described as set forth in **Exhibit "A"**; and

WHEREAS, the City's consultant, EW Consultants, Inc., has prepared an Environmental Inventory and Evaluation dated August 4, 2017 for the 10 parcels to provide the existing habitat characteristics and calculations of preservation requirements on each parcel and the basis to aggregate conservation areas in higher quality existing habitat and concurrently free up areas of lower ecological quality; and

WHEREAS, the consultant finds it advantageous to consolidate the required native upland preservation areas in order to increase ecological functions; and

WHEREAS, the applicant is seeking to terminate an obligation to provide a total of approximately 3.64 acres of on-site upland preserve on Parcel 6 and transfer of said obligation to adjacent undeveloped Parcel 6A,

WHEREAS, the applicant is seeking to provide aggregation of upland preservation for a total of approximately 8.29 acres on Parcel 6A consisting of superior quality habitat and satisfying the obligation to provide the required upland preserve of approximately 3.64 acres of Parcel 6 and nearby undeveloped parcels governed by Ordinance No. 2361-2018 and Ordinance No. 2362-2018 and as depicted on a Parcel Map in **Exhibit "B"** of this ordinance; and

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the CPUD amendment; and

WHEREAS, City's Local Planning Agency held a properly noticed public hearing at a regularly scheduled meeting on January 18, 2018, to consider a major amendment to Ordinance 2363-2018, and recommended approval to the City Commission; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application is consistent with the Comprehensive Plan, and Land Development Code of the City, and with the procedural requirements of law; and

WHEREAS, the City Commission has determined the application is consistent with the overall planning and development goals and objectives of the City; and

WHEREAS, the CPUD is consistent with the Stuart Comprehensive Plan and the development will be in harmony with surrounding properties and their anticipated development.

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 laws.

SECTION 2: The legal description of the Parcels 6 and 6A is set forth in **Exhibit "A"** attached hereto and made a part hereof by reference. A Parcel Map is attached hereto as **Exhibit "B"** and made a part hereof by reference. The conditions of development for the property are attached hereto as **Exhibit "C"** and made a part hereof by reference, and each shall constitute one of the development documents.

SECTION 3: The Owners' written acceptance of this Ordinance shall constitute an agreement with the City for the purposes expressed herein, but the same shall not be construed as a "Development Agreement," as provided in Section 163.3221, Florida Statutes.

SECTION 4: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code. The failure of the owner to comply with the Development with any term or condition of development set forth in this ordinance, shall be deemed a zoning violation and no further permits, or other development approvals or orders shall be issued by the City to the owner until the violation has been resolved, and the matter may become the subject of a code enforcement action brought by the City. This section shall not impair the due process or other legal rights of the Owner to seek administrative or judicial redress.

SECTION 5: Following the adoption and acceptance of this ordinance by the Owner, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing

before the City Commission the developer may appear, and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
b. Direct the City Development Director to initiate the process to rezone the CPUD property or any portion of the CPUD property.
c. Impose an administrative penalty of up to $1,000.00 for each violation, and up to $5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this CPUD ordinance by the developer shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 6: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is 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 7: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 8: This ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 9: The complete execution and recording of this ordinance by the City Clerk shall occur no later than 45 days from the date of this approval, failing which this ordinance shall be void.

SECTION 10: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owners', the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

PASSED on First Reading this 12th day of FEBRUARY, 2018.

Commissioner CAMPENNI offered the following ordinance and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
KELLI GLASS-LEIGHTON, MAYOR	X		
BECKY BRUNER, VICE MAYOR	X		
EULA R. CLARK, COMMISSIONER	X		
THOMAS CAMPENNI, COMMISSIONER	X		
TROY A. MCDONALD, COMMISSIONER	X		

ADOPTED on second reading this 26th day of February, 2018.

ATTEST:

CHERYL WHITE
CITY CLERK

KELLI GLASS-LEIGHTON
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:

Alicia Fischer

Print Name: Alicia Fischer

Print Name:

Ted Glasrud Associates FL, LLC.

By: _____

Ted Glasrud, Property Owner

OWNERS ACKNOWLEDGMENT

2363-2018 KB

The above Acceptance and Agreement of Ordinance No. ~~1583-17~~ was acknowledged before me this 13th day of March, 2018, by Ted Glasrud, Property Owner of Ted Glasrud Associates FL, LLC.

KRISTEN R BROWN
Notary Public - State of Florida
Commission # GG 138758
My Comm. Expires Sep 29, 2021
Bonded through National Notary Assn.

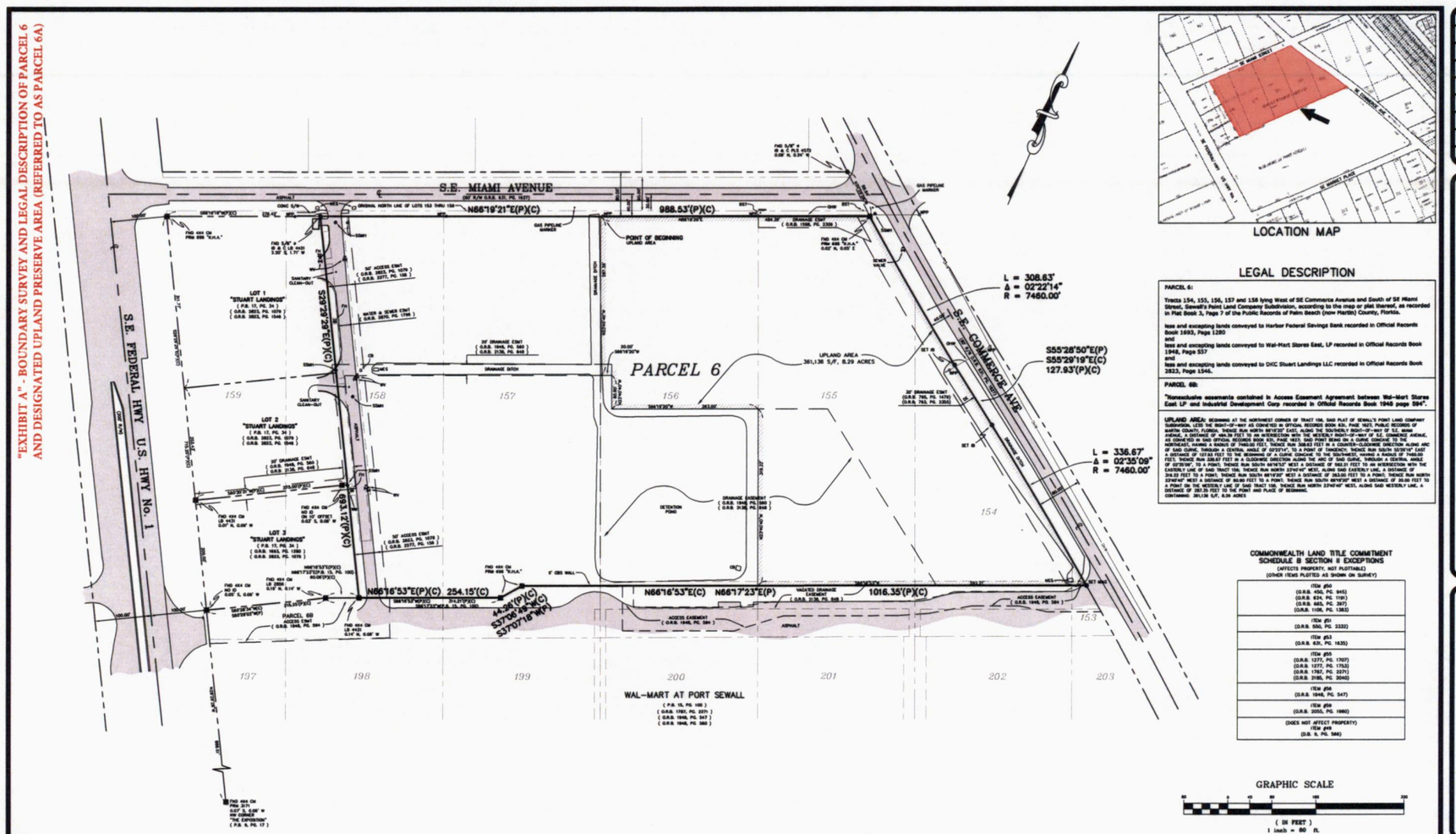
Kristen R Brown

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

Personally Known ✓ OR Produced Identification _____

Type of Identification Produced ____

"EXHIBIT A" - BOUNDARY SURVEY AND LEGAL DESCRIPTION OF PARCEL 6
AND DESIGNATED UPLAND PRESERVE AREA (REFERRED TO AS PARCEL 6A)



LOCATION MAP

LEGAL DESCRIPTION

PARCEL 6:

Tracts 154, 155, 156, 157 and 158 lying West of SE Commerce Avenue and South of SE Miami Street, Sewell's Point Land Company Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 7 of the Public Records of Palm Beach (now Martin) County, Florida.

less and excepting lands conveyed to Harbor Federal Savings Bank recorded in Official Records Book 1693, Page 1280
and
less and excepting lands conveyed to Wal-Mart Stores East, LP recorded in Official Records Book 1948, Page 557
and
less and excepting lands conveyed to DKC Stuart Landings LLC recorded in Official Records Book 2823, Page 1546.

PARCEL 6B:

"Nonexclusive easements contained in Access Easement Agreement between Wal-Mart Stores East LP and Industrial Development Corp recorded in Official Records Book 1948 page 554".

UPLAND AREA: BEGINNING AT THE NORTHWEST CORNER OF TRACT 158, SAID PLAT OF SEWALL'S POINT LAND COMPANY SUBDIVISION, LESS THE RIGHT-OF-WAY AS CONVEYED IN OFFICIAL RECORDS BOOK 631, PAGE 1627, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE RUN NORTH 66°19'21" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY OF S.E. MIAMI AVENUE, A DISTANCE OF 484.39 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF S.E. COMMERCE AVENUE, AS CONVEYED IN SAID OFFICIAL RECORDS BOOK 631, PAGE 1627, SAID POINT BEING ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 7460.00 FEET; THENCE RUN 308.63 FEET IN A COUNTER-CLOCKWISE DIRECTION ALONG ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°22'14", TO A POINT OF TANGENCY; THENCE RUN SOUTH 55°29'19" EAST (CHORD BEARING AND DISTANCE OF SOUTH 55°28'50" EAST, 127.93 FEET) ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 127.93 FEET; THENCE RUN 336.67 FEET IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°35'09", TO A POINT; THENCE RUN SOUTH 66°16'53" WEST A DISTANCE OF 960.31 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT 156; THENCE RUN NORTH 23°43'40" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 344.22 FEET TO A POINT; THENCE RUN SOUTH 66°16'20" WEST A DISTANCE OF 263.00 FEET TO A POINT; THENCE RUN NORTH 23°43'40" WEST A DISTANCE OF 50.00 FEET TO A POINT; THENCE RUN SOUTH 66°16'20" WEST A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT 158; THENCE RUN NORTH 23°43'40" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 281.25 FEET TO THE POINT AND PLACE OF BEGINNING.
CONTAINING 361,136 S/F, 8.29 ACRES

COMMONWEALTH LAND TITLE COMMITMENT SCHEDULE B SECTION II EXCEPTIONS

(AFFECTS PROPERTY, NOT PLOTTABLE)
(OTHER ITEMS PLOTTED AS SHOWN ON SURVEY)

ITEM #50 (O.R.B. 434, PG. 995) (O.R.B. 824, PG. 1181) (O.R.B. 683, PG. 397) (O.R.B. 1106, PG. 1353)
ITEM #51 (O.R.B. 506, PG. 2332)
ITEM #53 (O.R.B. 631, PG. 1635)
ITEM #55 (O.R.B. 1277, PG. 1707) (O.R.B. 1277, PG. 1753) (O.R.B. 1787, PG. 2271) (O.R.B. 2185, PG. 2040)
ITEM #56 (O.R.B. 1948, PG. 547)
ITEM #58 (O.R.B. 2055, PG. 1980)
(DOES NOT AFFECT PROPERTY) ITEM #49 (O.R. 9, PG. 566)

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

AC	ASPH.	EOP	EDGE OF PAVEMENT	R & TT	RAIL & TIE TAB
AIR	AIR CONDITIONER	EOW	EDGE OF WATER	R & W	RAIL & WASHER
ANC	ANCHOR	ES	ELECTRIC SERVICE	RAD	RADIAL
ANCH	ANCHOR	ESE	ELECTRIC SERVICE	RBS	RAILROAD SPIKE
APPROX	APPROXIMATE	ELEV	ELEVATION	RGE	RANGE
AVE	AVENUE	ENCL	ENCLOSURE	RLS	REGISTERED LAND SURVEYOR
BFE	13.00 BASE FLOOD ELEVATION	FF	FINISH FLOOR ELEVATION	RPC	REINFORCED CONCRETE PIPE
BK	BLOCK	FT	FEET	POB	POINT OF BEGINNING
BLVD	BOULEVARD	FM	FIELD MEASURED	POC	POINT OF COMMENCEMENT
BM	BENCHMARK	FIR	FIRE HYDRANT	POL	POINT OF LINE
BLDG	BUILDING	FFE	FINISHED FLOOR ELEVATION	POT	POINT OF TANGENCY
CATV	CABLE TELEVISION BOX	FH	FIRE HYDRANT	PRC	POINT OF REVERSE CURVATURE
CB	CALCULATED	FPL	FLORIDA POWER & LIGHT	PT	POINT OF TANGENCY
CP	CATCH BASIN	FND	FOUND	PVI	POINT OF VERTICAL INTERSECTION
CH	CHORD DISTANCE	FOM	FOUND MONUMENT	PCC	POINT OF COMPOUND CURVATURE
CL	CHAINLINK FENCE	FRM	FERNANDEZ REFERENCE MONUMENT	PRM	PERMANENT REFERENCE MONUMENT
CHD	CHORD	E & E	INGRESS & EGRESS EASEMENT	P	PLAT
CONC	CONCRETE	IP	IRON PIPE	PB	PLAT BOOK
CBS	CONCRETE BLOCK STRUCTURE	IR	IRON ROD	PG	PAGE
CM	CONCRETE MONUMENT	IRC	IRON ROD & CAP	PC	POINT OF CURVATURE
COQ	COQUINA HOT HOLE	IPC	IRON PIPE & CAP	PI	POINT OF INTERSECTION
CPP	CONCRETE POWER POLE	IRC	IRON ROD & CAP	POB	POINT OF BEGINNING
CR	CURB RETURN	LE	LANDSCAPE EASEMENT	POC	POINT OF COMMENCEMENT
CMES	CHISELED	LB	LICENSED BUSINESS NUMBER	POE	POINT OF ENDORSEMENT
CMP	CORRUGATED METAL PIPE	LS	LICENSED SURVEYOR	PRC	POINT OF REVERSE CURVATURE
CVP	CONCRETE VALLEY GUTTER	MES	MITERED END SECTION	PT	POINT OF TANGENCY
D	DEED	M	MEASURED	PP	POWER POLE
DF	DRAINFIELD	M & W	NAIL & WASHER	PUE	PRIVATE UTILITY EASEMENT
DE	DRAINAGE EASEMENT	NE	NON-ACCESS EASEMENT	PLS	PROFESSIONAL LAND SURVEYOR
DRNG	DRAINAGE FLOW	NM	NAIL/DISK		PROPERTY LINE
DW	DRIVEWAY	NWL	NORMAL WATER LINE	RWP	RAIN WATER PIPE
EOC	EDGE OF CONCRETE	NF	METAL FENCE	x 17.00	PROPOSED ELEVATION

1. PROPERTY ADDRESS: S.E. MIAMI STREET
2. CERTIFIED TO:
- TED GLASRUD ASSOCIATES FL, LLC, A FLORIDA LIMITED LIABILITY COMPANY
- INDUSTRIAL DEVELOPEMENT CORP., A FLORIDA CORPORATION, ITS ASSOCIATES &/OR ASSIGNS
- COMMONWEALTH LAND TITLE INSURANCE COMPANY
- RICHARD G. COKER, Jr., P.A.

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. 4049, STATE OF FLORIDA

Date of field survey: 01/23/2017

NOTES:
1. Survey of description as furnished by Client.
2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
3. All bearings are referenced to the Florida State Plane Coordinate System NAD1983/1990 adjusted, Florida East zone.
4. Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on bench mark N/A.
5. There are no above ground encroachments, unless otherwise shown.
6. The National Flood Insurance Program designation as indicated on the F.E.M.A. Map No. 12085C0161C & 12085C0162C, dated 03/16/2015, locates the parcel in Zone X, base flood elevation N/A feet; subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided as a courtesy. The flood zone(s) should be verified by a determination agency.
7. Underground foundations & utilities not located unless shown.

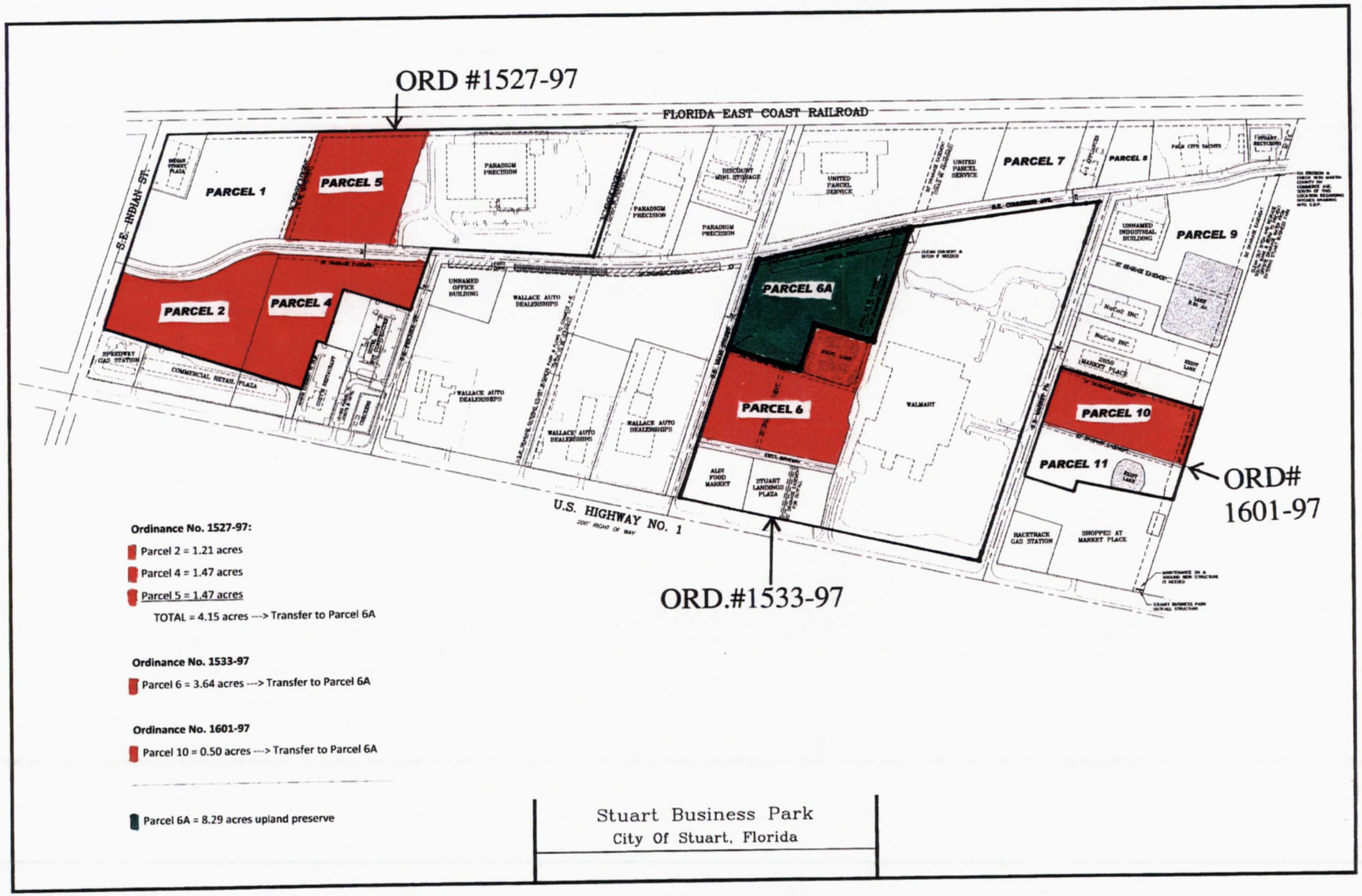
REVISIONS	BY
UPLAND AREA 10/25/2017	R.F.C.

PREPARED FOR: TED GLASRUD ASSOCIATES FL, LLC

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

BOUNDARY SURVEY

DRAWN	R.F.C.
CHECKED	S.J.B.
DATE	02/17/2017
SCALE	1" = 80'
JOB NO.	6986-06-01
SHEET	ONE
OF	ONE SHEETS



Ordinance No. 1527-97:

- Parcel 2 = 1.21 acres
- Parcel 4 = 1.47 acres
- Parcel 5 = 1.47 acres

TOTAL = 4.15 acres ---> Transfer to Parcel 6A

Ordinance No. 1533-97

- Parcel 6 = 3.64 acres ---> Transfer to Parcel 6A

Ordinance No. 1601-97

- Parcel 10 = 0.50 acres ---> Transfer to Parcel 6A

- Parcel 6A = 8.29 acres upland preserve

Stuart Business Park
City Of Stuart, Florida

"EXHIBIT B" - PARCEL MAP

"EXHIBIT C"
DEVELOPMENT CONDITIONS
(Amendment to Ordinance No. 1527-97)

Amendment to the Ordinance Section:

SECTION 7: DEVELOPMENT STANDARDS. Review of the final development plan prior to adoption of the Rezoning Ordinance shall be governed by the following standards:

a. CPUD standards regarding circulation, parking, utilities, drainage, open space and all other applicable standards shall apply as described in the LDR except as may be modified as provided in the Rezoning Ordinance.

b. Not less than 25% of the CPUD shall be open space as defined in the LDR. Required open space may include native vegetation areas and required landscape buffers between the CPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement. In the event less than 25% of the CPUD is comprised of native vegetation area, then all existing native vegetation area shall be maintained as part of the required open space.

Amendment to the Master Commercial Planned Unit Development Agreement Development Conditions:

8. Excluding wetlands defined by the South Florida Water Management District, the required total of approximately 3.64 acres of on-site upland preserve on Parcel 6 shall be transferred to adjacent undeveloped Parcel 6A, consisting on 8.29 acres of superior quality habitat.

9. Prior to the development of other sites (Parcel 2, 4, 5, 6 and 10), the applicant shall prepare a Preservation Area Management Plan (PAMP) for the upland preserve area of approximately 8.29 acres on Parcel 6A that is acceptable to the City and shall be submitted no later than 12 months of this approval. The upland preserve area shall be the maintained by the property owner, including removal of any exotic vegetation. The upland preserve area shall be deeded to the City. The City reserves the right to assign a future land use designation of "Conservation" for the off-site upland preservation as described in the deed.

City of Stuart

121 SW Flagler Avenue • Stuart • Florida 34994
Telephone (772) 288-3599
Fax (772) 288-5305

City Clerk Department
Mary R. Kindel
Deputy City Clerk

mkindel@ci.stuart.fl.us

March 22, 2018

Clerk of the Circuit Court
Attn: Recording
P.O. Box 9016
Stuart, FL 34995

RE: PLEASE RECORD:
Ordinance No. 2363-2018 Amending Ordinance No. 1533-97; Upland Preserve/Ted Glasrud Associates FL, LLC

Please record the above named documents into the public records of Martin County. Upon completion, please return the original document back to my attention via inter-office mail.

Should you have any questions or comments, please do not hesitate to contact me at 772-288-3599 or mkindel@ci.stuart.fl.us.

Thank you,

Mary R. Kindel
Deputy City Clerk

Enc.

$ 10350

The Palm Beach Post

Palm Beach Daily News | ideabar

ADVERTISING INVOICE

BILLED ACCOUNT NUMBER	BILLING DATE	TOTAL AMOUNT DUE	STATEMENT #
47003	02/19/2018	$450.64	
BILLING PERIOD	**TERMS OF PAYMENT**		**PAGE #**
2/16/2018	Upon Receipt		1 of 1
ADVERTISER CLIENT #	**ADVERTISER/CLIENT NAME**		
47003	Stuart City Clerk, City of		

Stuart City Clerk, City of
Cherie White
121 SW Flagler Ave
Stuart, FL 34994

For questions concerning this bill call 855-333-2676
If paid, please disregard. Thank You

Start/Stop	Newspaper Reference	Product	Description - Other Comments/Charges	Ad Size Billed Units	Times Run	Gross Amount	Net Amount
02/16/2018 02/26/2018	I00309614-02162018	The Palm Beach Post	NOTICE OF PROPOSED ORDINANCES AND SECOND PUBLIC ADOPTION HEARING NOTICE is hereby given as required by Chapter 166.041 Florida Statutes that the following Ord Legals Page B|9	1 x 131 L 131	1	$450.64	$450.64

2/19/2018 **Total Amount Due** **$450.64**

ORD.
2361-18
2362-18
2363-18

PURCHASE ORDER
VENDOR NO 1173.
DEPARTMENT 001 ACCT 208100
PROJECT NAME
PROJECT ACCT
APPROVED BY

PLEASE DETACH AND RETURN LOWER PORTION WITH YOUR REMITTANCE

PAYMENT COUPON

STATEMENT #	BILLING DATE	TERMS OF PAYMENT	ADVERTISER CLIENT #	ADVERTISER/CLIENT NAME
	02/19/2018	Upon Receipt	47003	Stuart City Clerk, City of

Please send your payment to:

CMG - PBN Remittance Address
PO BOX 645098
CINCINNATI, OH 45264-5098

47003
Stuart City Clerk, City of
121 SW Flagler Ave
Stuart, FL 34994

TOTAL AMOUNT	AMOUNT ENCLOSED
$450.64	

00500000047003000004700300000000000000450644

The Palm Beach Post

Palm Beach Daily News | ideabar

PROOF OF PUBLICATION

STATE OF FLORIDA

PUBLIC NOTICE

Before the undersigned authority, personally appeared Tiffani Everett, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a Legal - Public Hearing was published in said newspaper on: first date of Publication 02/16/2018 and last date of Publication 02/16/2018. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

STUART CITY CLERK, CITY OF
121 SW FLAGLER AVE
STUART, FL 34994

Invoice/Order Number:	0000309614
Ad Cost:	$450.64
Paid:	$0.00
Balance Due:	$450.64

Signed _____
(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 19th day of February, 2018 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed _____

NOTARY PUBLIC (Notary) STATE OF OHIO

JUSTIN PETERSON, Notary Public
In and for the State of Ohio
My Commission Expires July 31, 2019

Please see Ad on following page(s).

STUART CITY CLERK, CITY OF
121 SW FLAGLER AVE
STUART, FL 34994

Invoice/Order Number:	0000309614
Ad Cost:	$450.64
Paid:	$0.00
Balance Due:	$450.64

NOTICE OF PROPOSED ORDINANCES AND SECOND PUBLIC ADOPTION HEARING

NOTICE is hereby given as required by Chapter 166.041 Florida Statutes that the following Ordinances will be produced in writing and adopted at a meeting of the City Commission of the City of Stuart, at City Hall, 121 SW Flagler Avenue on February 26, 2018 at 5:30 p.m. A full copy of said Ordinance, entitled hereafter, may be inspected at the Office of the City Clerk during regular business hours from this date forward. All interested parties may attend said meeting and be heard or send comments to the office mentioned above.

ORDINANCE No. 2361-2018; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1527-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY 4.15 ACRES OF ON-SITE UPLAND PRESERVE ON PARCELS 2, 4 AND 5, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

ORDINANCE No. 2362-2018; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT(CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1601-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY .50 ACRES OF ON-SITE UPLAND PRESERVE ON PARCEL 10, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

ORDINANCE No. 2363-2018; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT(CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1533-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY 3.64 ACRES OF ON-SITE UPLAND PRESERVE ON PARCEL 6, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; PROVIDING THE BOUNDARY AND LEGAL DESCRIPTION OF THE REQUIRED UPLAND PRESERVE FOR A TOTAL OF APPROXIMATELY 8.29 ACRES ON PARCEL 6A, AS DEPICTED BY EXHIBIT "C" ATTACHED; THEREBY SATISFYING THE OBLIGATION TO PROVIDE THE REQUIRED UPLAND PRESERVE OF APPROXIMATELY 3.64 ACRES OF PARCEL 6 AND NEARBY UNDEVELOPED PARCELS, GOVERNED BY CPUD ORDI-

NANCE NUMBERS 2361-2018 AND 2362-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

Any person deciding to appeal any decision made by the Commission at the public hearing will need to ensure that a verbatim record of the proceedings is made. In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at 288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

STUART CITY COMMISSION
2-16/ 2018

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