



A G E N D A

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD October 12, 2020
AT 4:00 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
Commissioner Becky Bruner
Commissioner Merritt Matheson
Commissioner Troy McDonald**

ADMINISTRATIVE

**City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306 . Fax: (772) 288-5305 . E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

WHAT IS CIVILITY? *Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.*

ROLL CALL

THIS MEETING WILL BE A HYBRID IN PERSON/REMOTE MEETING.

In Person: City Hall can accommodate a small number of citizen participants.

Teleconference: Citizens can attend from the comfort of their home via telephone, computer, laptop, tablet or smartphone. Click the below link or call the below phone number to attend.

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JOIN MEETING: By Device - <https://us02web.zoom.us/j/87247452966>

If you wish to speak during public comment, click raise hand at bottom of window. Your microphone will be unmuted when you are called to speak. Your microphone will be deactivated once you have completed your comment.

By Telephone - Meeting ID: 872 4745 2966

Dial In numbers:

- +1 312 626 6799 US
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PLEDGE OF ALLEGIANCE

1. ARTS MOMENT

PROCLAMATIONS

2. IMAGINE A DAY WITHOUT WATER - OCTOBER 21, 2020
3. FLORIDA CITY GOVERNMENT WEEK - OCTOBER 19-25, 2020
4. HOSPICE AND PALLIATIVE CARE MONTH - NOVEMBER 2020

PRESENTATIONS

5. SERVICE AWARDS - OCTOBER 2020
6. EMPLOYEE OF THE MONTH - OCTOBER 2020

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 Minutes Max.)

PUBLIC COMMENT: *If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.*

CONSENT CALENDAR

CONSENT CALENDAR: *Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.*

7. APPROVAL OF 09/14/2020 CCM, 09/21/2020 SCM, 09/28/2020 SCM, AND 09/28/2020 CCM MINUTES (RC)

8. INTER-LOCAL AGREEMENT WITH TREASURE COAST PLANNING COUNCIL (RC):

RESOLUTION No. 120-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF STUART AND TREASURE COAST REGIONAL PLANNING COUNCIL FOR THE PROVISION OF CONDUCTING AN ANALYSIS OF THE FEDERAL HIGHWAY CORRIDOR IN CONNECTION WITH A DEPARTMENT OF ECONOMIC ACTIVITY GRANT AWARD. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

9. AUTHORIZE COMMUNITY SERVICES DEPT. TO APPLY FOR A FRDAP GRANT FOR KIWANIS PARK PLAYGROUND EQUIPMENT (RC):

RESOLUTION No. 121-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO APPLY FOR A GRANT THROUGH THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) AND IF APPROVED, AUTHORIZE THE ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS FOR THE PURPOSE OF MAKING IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. UPDATING CIP TO INCLUDE KIWANIS PARK PLAYGROUND PLAYGROUND (RC):

RESOLUTION No. 122-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE ADOPTED 2021 5-YEAR CAPITAL IMPROVEMENT PLAN (CIP) TO INCLUDE IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. ACQUIRE FDOT POND (RC):

RESOLUTION No. 123-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ACQUIRE THE FDOT POND LOCATED ON STATE ROAD NO 5 (US 1) TO ENHANCE THE PROPERTY LOCATED WITHIN THE STUART COMMUNITY REDEVELOPMENT AREA AND AUTHORIZING THE MAYOR TO

EXECUTE A RESOLUTION PROVIDING AN EASMENT OVER THE PROPERTY TO FDOT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. PLAT OF "OCEAN COVE" (RC):

RESOLUTION No. 124-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "OCEAN COVE", (F.K.A. STUART OCEAN) WITH LANDS SITUATED IN SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CONTAINING 11.045 ACRES, PREPARED BY RONNIE L. FURNISS OF CAULFIELD AND WHEELER, INC., A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6272, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

ORDINANCE FIRST READING

13. AMENDMENT TO CITY CHARTER CORPORATE BOUNDARY (RC):

ORDINANCE No. 2455-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMEND THE CORPORATE BOUNDARY OF THE CITY AND REDEFINE THE BOUNDARY OF THE CITY AS SET FORTH IN APPENDIX "A" OF THE CITY CHARTER AS ADOPTED BY ORDINANCE NO. 2028-05 ON APRIL 11, 2005, AS AMENDED; REDEFINING THE CORPORATE BOUNDARY TO INCLUDE ALL LANDS ANNEXED TO THE CITY THROUGH THE EFFECTIVE DATE HEREOF; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

14. ESTABLISHMENT OF REGULATIONS FOR MOORE'S CEMETERY (RC):

(Continued from August 10, 2020 CCM)

ORDINANCE No. 2433-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, CREATING CHAPTER 13, CEMETERIES, IN THE CITY'S CODE OF ORDINANCES TO ESTABLISH A UNIFORM SET OF REGULATIONS FOR THE PURCHASE, SALE, USE, AND MAINTENANCE OF CEMETERY SPACES IN THE CITY'S MOORE'S CEMETERY, AND TO PRESCRIBE PROCEDURES FOR THE ADMINISTRATION OF THE CEMETERY, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

QUASI-JUDICIAL HEARINGS: *Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.*

DISCUSSION AND DELIBERATION

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 10/12/2020

Prepared by: David Dyess, City Manager

Title of Item:

THIS MEETING WILL BE A HYBRID IN PERSON/REMOTE MEETING.

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Summary Explanation/Background Information on Agenda Request:

Funding Source:

Recommended Action:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 10/12/2020

Prepared by: Mary Kindel, City Clerk

Title of Item:

ARTS MOMENT

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Enjoy!

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: Ryanne Cavo

Title of Item:

IMAGINE A DAY WITHOUT WATER - OCTOBER 21, 2020

Summary Explanation/Background Information on Agenda Request:

A day without water would be a public safety crisis which would limit the abilities of safety personnel such as firefighters and hospitals staff to do their jobs, as well as businesses and homes to function.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation.

ATTACHMENTS:

	Description	Upload Date	Type
▯	Proclamation - Imagine a Day Without Water - October 21, 2020	9/22/2020	Proclamation

PROCLAMATION



WHEREAS, reliable access to clean water in our lives is critically important; and

WHEREAS, water infrastructure is critical in protecting public health during the coronavirus pandemic;

WHEREAS, the infrastructure that brings water to and from homes and businesses is essential to the quality of life and economic vitality of the City of Stuart; and

WHEREAS, residents on average utilize 170 gallons of water per person, per day; and

WHEREAS, a day without water would be a public safety crisis which would limit the abilities of safety personnel such as firefighters and hospitals staff to do their jobs, as well as businesses and homes to function;

WHEREAS, investing in our drinking water and wastewater systems will secure a bright and prosperous future for generations to come;

NOW, THEREFORE, I, Michael J. Meier, Mayor of the City of Stuart, Florida recognize that water is essential to the quality of life and acknowledge the importance of educating the public about the value of water and thus, proclaim October 21, 2020 as:

“IMAGINE A DAY WITHOUT WATER”

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Stuart, Florida to be affixed this 12th day of October 2020.

MICHAEL J. MEIER
MAYOR

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: Ryanne Cavo

Title of Item:

FLORIDA CITY GOVERNMENT WEEK - OCTOBER 19-25, 2020

Summary Explanation/Background Information on Agenda Request:

Florida City Government Week offers an important opportunity for elected officials and city staff to spread the word to all citizens of Florida that they can shape and influence this branch of government.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation

ATTACHMENTS:

	Description	Upload Date	Type
▯	Proclamation - Florida City Government Week (10/19-10/25/20)	9/29/2020	Proclamation

**PROCLAMATION
FLORIDA CITY GOVERNMENT WEEK
OCTOBER 19-25, 2020**

- WHEREAS,** city government is the government closest to most citizens and the one with the most direct daily impact upon its residents. Municipal government provides services and programs that enhance the quality of life for residents, making their city their home; and
- WHEREAS,** city government is administered for and by its citizens and is dependent upon public commitment to and understanding of its many responsibilities; and
- WHEREAS,** city government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and
- WHEREAS,** Florida City Government Week offers an important opportunity for elected officials and city staff to spread the word to all citizens of Florida that they can shape and influence this branch of government; and
- WHEREAS,** the Florida League of Cities and its member cities, of which Stuart is a member, have joined together to teach citizens about municipal government through a variety of activities.

NOW THEREFORE, I, MICHAEL J. MEIER, Mayor of the City of Stuart, Florida, do hereby proclaim October 19th through October 25th, 2020 as

FLORIDA CITY GOVERNMENT WEEK

in the City of Stuart, Florida and encourages all citizens, city government officials and employees to participate in events that recognize and celebrate Florida City Government Week, as well as encourage educational partnerships between city government and schools, civic groups and other organizations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 12th day of October, 2020.

ATTEST:

MICHAEL J. MEIER
MAYOR

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: Ryanne Cavo

Title of Item:

HOSPICE AND PALLIATIVE CARE MONTH - NOVEMBER 2020

Summary Explanation/Background Information on Agenda Request:

As Medicare's first proven coordinated care model, hospice is a program that works offering person-centered, compassionate care, ensuring people dignity, choice, and quality of life.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation.

ATTACHMENTS:

	Description	Upload Date	Type
▯	Proclamation - Hospice and Palliative Care Month - November 2020	9/21/2020	Proclamation

**PROCLAMATION
HOSPICE AND PALLIATIVE CARE MONTH
NOVEMBER 2020**

WHEREAS, as Medicare's first proven coordinated care model, hospice is a program that works offering person-centered, compassionate care, ensuring people dignity, choice, and quality of life; and

WHEREAS, the hospice model involves an interdisciplinary, team-oriented approach to treatment, including expert medical care, quality symptom control, and comprehensive pain management as a foundation of care; and

WHEREAS, beyond providing physical treatment, hospice attends to the patient's emotional, spiritual and family needs, and provides family services like respite care and grief counseling; and

WHEREAS, hospice and palliative care organizations are advocates and educators about advance care planning that help individuals make decisions about the care they want; and

WHEREAS, Treasure Coast Hospice has cared for our communities since 1982, delivering compassionate, caring, expert and professional Hospice and Grief Support services to patients and families at the end of life.

NOW, THEREFORE, I, MIKE MEIER, Mayor of the City of Stuart, Florida do hereby proclaim November 2020, as **Hospice and Palliative Care Month** in the City of Stuart, Florida, and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 26th day of October, 2020.

MICHAEL J. MEIER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 10/12/2020

Prepared by: R. Johnson

Title of Item:

SERVICE AWARDS - OCTOBER 2020

Summary Explanation/Background Information on Agenda Request:

Bradley Howard	Public Works	10 years
Rosamond Johnson	Human Resources	10 years
Edith Rodriguez	Finance	5 years
Anne Ellig	Public Works	5 years

Funding Source:

General Fund

Recommended Action:

Present Awards

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: David D. Peters

Title of Item:

EMPLOYEE OF THE MONTH - OCTOBER 2020

Summary Explanation/Background Information on Agenda Request:

As noted in the attached Memorandum, recognize Anne Ellig for her role in the City's Sustainability Plan.

Funding Source:

N/A

Recommended Action:

Ask Anne to come forward and be recognized as the City's Employee of the Month for October 2020.

ATTACHMENTS:

Description	Upload Date	Type
□ Memorandum dated 10/5/2020	10/6/2020	Attachment



David D. Peters | Utilities & Engineering Director
121 SW Flagler Ave. Stuart Fl. 34994
Phone: 772.288.1292 Ext. 1

Date: October 5, 2020
To: Roz Johnson, Human Resources Director
Subject: Employee of the Month

It is once again my pleasure to nominate Anne Ellig for the Employee of the Month of October 2020.

As you may know, Anne led a team of ten staff members in a year-long mission to develop the City's Sustainability Plan.

Through research, brainstorming, and perseverance through the COVID-19 Pandemic, the sustainability committee stayed focused on the task at hand and delivered a "draft" Sustainability Action Plan to the City Commission in a Workshop held on September 21st of this year.

Anne's steadfast focus on what makes sense for Stuart clearly was demonstrated during the September 21st Workshop and with comments and suggestions by our elected officials, will be presenting a final document for review and consideration on October 26th.

Anne's normal day to day responsibilities as the Water Conservation and Recycling Coordinator did not suffer from this new assignment and I think she would say the committee is responsible for the content of the Sustainability Plan, but it needed a Coach, and Anne filled that position with the passion and drive needed to get us to the finish line.

Always willing to accept new challenges, Anne exemplifies the City's values by treating others with honesty, dignity, consideration, and respect.

For the reasons mentioned above, I respectfully request that you ask Anne to come forward and be recognized as the City's Employee of the Month for October 2020.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: Mary Kindel, City Clerk

Title of Item:

APPROVAL OF 09/14/2020 CCM, 09/21/2020 SCM, 09/28/2020 SCM, AND 09/28/2020 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

Description	Upload Date	Type
☐ 9/14/2020 CCM Minutes	10/7/2020	Attachment
☐ 09/21/2020 SCM Minutes	10/7/2020	Attachment
☐ 09/28/2020 SCM Minutes	10/7/2020	Attachment
☐ 9/28/2020 CCM Minutes	10/6/2020	Attachment

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD September 14, 2020
AT 5:30 PM Commission Chambers & ZOOM
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
Commissioner Becky Bruner
Commissioner Merritt Matheson
Commissioner Troy McDonald

ADMINISTRATIVE

City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

 **5:41 PM ROLL CALL**

Present: Mayor Meier, Vice Mayor Clarke, Commissioner Bruner, Commissioner Matheson, Commissioner McDonald.

THIS MEETING IS A HYBRID IN PERSON/REMOTE MEETING.

PLEDGE OF ALLEGIANCE

1. **ARTS MOMENT - ACCORDION PLAYER, DALE BOZONE WITH WIFE AND ASSISTANT BETSY BOZONE.**

Dale Bazon played "How Great Thou Art" and "America the Beautiful" on his accordion.

PROCLAMATIONS

2. **HUNGER ACTION MONTH - SEPTEMBER 2020**

Ruby Aguirre, Client Services Manager and Alexandra Lord, Community Outreach Coordinator accepted the Proclamation on behalf of Treasure Coast Food Bank.

3. **SUICIDE AWARENESS MONTH - SEPTEMBER 2020**

Pat Austin, Acting CEO of New Horizons accepted the Proclamation on behalf of New Horizons. She thanked the Commissioners for partnering with them on Suicide prevention. She provided a brief overview of the resources available in the community.

4. GRANDPARENTS DAY - SEPTEMBER 13, 2020

Helen McBride accepted the Proclamation on behalf of City of Stuart Grandparents.

PRESENTATIONS

5. IN HONOR OF CONSTITUTION DAY, THE EAST STUART YOUTH INITIATIVE AFTER SCHOOL PROGRAM WILL PRESENT TO THE CITY COMMISSION AN ARTISTIC RENDERING OF THE U.S. CONSTITUTION THEY CREATED AS A PART OF THEIR CURRICULUM.

The Children shared an artistic rendering of the Constitution presentation to the City Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- **Commented that the Mayor was on the front of Stuart Magazine.**
- **Mentioned the Children from the East Stuart Youth Initiative read so well.**

Commissioner Matheson

- **Historic Downtown Stuart was nominated as a finalist for Florida's Great Places Award presented by American Planning Association, requested all vote online.**
- **Announced Beach Clean-up at Dolan Beach, Saturday from 9 a.m. to 12 noon.**
- **Provided lawsuit summary judgment forwarded by City Manager to Commissioners per the Army Corps of Engineers pertaining to endangered species. Requested a brief thank you to be sent acknowledging them for their efforts to support our waterways.**



6:09 PM MOTION: For staff to draft a letter thanking the Plaintiffs in the lawsuit Center for Biological Diversity, Calusa Waterkeepers, Waterkeepers Alliance thanking them for their work to protect South Florida Waterways.

MOTION BY: Commissioner Matheson

SECONDED BY: Commissioner McDonald

Motion passed unanimously.

Commissioner McDonald

Announced that he will schedule a ride along with Police and is scheduling a meeting with the Fire Chief.

Vice Mayor Clarke

- Thanked Dale Bozone for performing at the Arts Moment.
- Thanked Veteran Mr. Cooper and residents Helen McBride and Charlotte Merritt.
- Requested to pull Item 7 and 10 for Budget Director to give a summary on fees and assessments.
- Code Enforcement issue at 1701 Palm City Road – (Mortell addressed)

Mayor Meier

- Mentioned the emails sent to Commissioners regarding the legal River Advocate Position and shared his comments.

COMMENTS BY CITY MANAGER

Concerns of holding the Christmas Parade event, asking Commissioners to think about the parade participation for a future discussion.

APPROVAL OF AGENDA

 **6:20 PM MOTION:** Move approval with removal of Items 7 and 10.

MOVED BY: Vice Mayor Clarke

SECONDED BY: Commissioner McDonald

Motion passed unanimously.

 **6:23 PM COMMENTS FROM THE PUBLIC (5 Minutes Max.)**

- 1) Linda K. Richards, Cabana Pt Cir; Commented on City building on property annexed from the County.
- 2) Helen McBride, Flamingo Ave; Commented that even if the City chooses not to do the Christmas Parade, perhaps we should do something with the parks.
- 3) Nancy Bates – via Zoom; Commented that she agrees with Linda K. Richards to preserve our small towns.

CONSENT CALENDAR

6. APPROVAL OF 08/24/2020 CCM MINUTES

7. (PULLED) APPENDIX A FEES, RATES, AND CHARGES:

RESOLUTION No. 92-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX “A” BY ADOPTING NEW FEES FOR MOORE’S CEMETERY, AMENDING CHAPTER 2, CHAPTER 20, CHAPTER 22, CHAPTER, 34, CHAPTER 36, AND CHAPTER 42 OF THE CITY’S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

8. AWARD OF WORK ORDER# 5 FOR STYPMANN BLVD AND GUY DAVIS FORCE MAIN REPAIRS:

RESOLUTION No. 108-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF WORK ORDER NO. 2019-300-W05, STYPMANN BOULEVARD FORCE MAIN IN-SITU REPLACEMENT/GUY DAVIS FORCE MAIN REPAIRS TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER, JOHNSONDAVIS, IN THE AMOUNT OF \$404,800.00 PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. AMENDMENT OF RESOLUTION No. 34-2020 CHILDREN'S SERVICES COUNCIL GRANT:

RESOLUTION No. 109-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING RESOLUTION NUMBER 34-2020 AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO APPLY AS THE LEAD AGENCY WITH THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; IF APPROVED, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CHILDREN SERVICES COUNCIL GRANT, AND EMERGENCY FUNDING; AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF STUART AND CHILDREN SERVICES COUNCIL OF MARTIN COUNTY FOR GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. (PULLED) AWARD OF RFP# 2020-105: PER-ENGINEERED DESIGN AND INSTALATION OF 10TH STREET BASKETBALL SHADE STRUCTURE:

RESOLUTION No. 110-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF RFP #2020-105, PRE-ENGINEERED DESIGN AND INSTALLATION OF 10TH STREET REC CENTER BASKETBALL SHADE STRUCTURE TO THE TOP RANKED FIRM, MJD CONSTRUCTION, INC., PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

 **6:29 PM MOTION: To approve with removal of Items 7 and 10.**
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

7. APPENDIX A FEES, RATES, AND CHARGES:

RESOLUTION No. 92-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY ADOPTING NEW FEES FOR MOORE'S CEMETERY, AMENDING CHAPTER 2, CHAPTER 20, CHAPTER 22, CHAPTER, 34, CHAPTER 36, AND CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

City Manager Dyess reviewed the primary changes, rates, and adjustments.

 **6:31 PM MOTION: Move approval as published.**

MOVED BY: Vice Mayor Clarke
SECONDED BY: Commissioner Matheson
Motion passed unanimously.

10. AWARD OF RFP# 2020-105: PER-ENGINEERED DESIGN AND INSTALATION OF 10TH STREET BASKETBALL SHADE STRUCTURE:

RESOLUTION No. 110-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF RFP #2020-105, PRE-ENGINEERED DESIGN AND INSTALLATION OF 10TH STREET REC CENTER BASKETBALL SHADE STRUCTURE TO THE TOP RANKED FIRM, MJD CONSTRUCTION, INC., PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess provided a brief summary of the project with a completion date of the end of January.

 **6:34 PM MOTION: Move to approval.**
MOVED BY: Vice Mayor Clarke
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

COMMISSION ACTION

 **6:35 PM 11. ROAD CLOSURE FOR STUART BOAT SHOW:**

RESOLUTION No. 68-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A ROAD CLOSURE FOR THE 47TH ANNUAL STUART BOAT SHOW FROM TUESDAY, JANUARY 12TH THOUGH MONDAY, JANUARY 18TH 2021, ALONG NW DIXIE HIGHWAY (FORMERLY SR 707) FROM ALBANY AVENUE SOUTH OF THE OLD ROOSEVELT BRIDGE TO FERN STREET AT THE FEC RR CROSSING, NORTH OF THE ST. LUCIE RIVER DRAW BRIDGE, SUBJECT TO FLORIDA DEPARTMENT OF TRANSPORTATION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Susan O'Roake, Maritime Industries; provided a presentation on the Boat Show road closures to include additional police officers and signage.

John Yudin, Guy, Yudin & Foster, LLC answered questions from Commissioners about the boat show to include COVID-19 recommendations.

A brief discussion took place on the support and challenges of bringing the Boat Show to the residents of Stuart.

 **6:49 PM MOTION: Motion to approve with staff recommendations and to include Tuesday.**
MOVED BY: Vice Mayor Clarke

SECONDED BY: Commissioner McDonald

Motion passed unanimously. 7:02 PM

7:03 PM 12. 313-315 OSCEOLA STREET - WATERVIEW CONDOMINIUMS - MAJOR URBAN CODE CONDITIONAL USE:

RESOLUTION No. 96-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO THE PROPERTIES LOCATED AT 313-315 S.W. OSCEOLA STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTIONS; GRANTING APPROVAL FOR A MULTIFAMILY DEVELOPMENT CONSISTING OF FOURTEEN (14) RESIDENTIAL UNITS ON A 0.58 ACRE SITE; TO ALLOW A DENSITY OF TWENTY-FOUR (24) UNITS PER ACRE; FOR PARKING WITHIN THE BUILDING ENVELOPE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Four (4) people sworn; Kevin Freeman and Stephen Mayer of City of Stuart, Joe Capra of Captec Engineering, and Tyler Adams OF Greenlight Real Estate.

Stephen Mayer, Senior Planner, presented the Conditional Use location, future land use, waiver's requested for density. The Code allows 15 units per acre, the applicant is requesting 14 units on a .58-acre site which equates to 24 units per acre. The Commission may review development up to 30 units per acre as a Conditional Use approval. Mayer explained the quality expectations of the City, parking, site plan, elevations, and that public art will be decided in the future. Staff recommendations of the Community Redevelopment Board (CRB) have been included and this project is recommended for approval by staff.

David Peters, Public Works Director came forward to answer questions about exfiltration issues. He agreed that the applicant should include the maintenance plan and allow the City the authority to review and manage the exfiltration.

Tyler Adams, Greenlight Real Estate Development and Design provided a video presentation on the Osceola Street project.

Joe Capra, Captec Engineering, provided an overview of the exfiltration system, maintenance plan, permits and reporting.

Mayor Meier encouraged the applicants to plant mangroves, native plants, or living shoreline material in or around the seawall for the long-term viability of the project.

7:30 PM MOTION: Move for approval conditioned upon the construction of the car chargers and for the management plan for the exfiltration system to be submitted to Development and approved by Development prior to CO.

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Clarke

Motion passed unanimously.

 **7:36 PM 13. MAJOR URBAN CODE CONDITIONAL USE APPROVAL - WALTON BUILDING RELOCATION:**

RESOLUTION No. 97-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO 111 REAL ESTATE HOLDINGS, LLC OWNER OF THE PROPERTY LOCATED IN THE CITY OF STUART, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR THE RELOCATION OF THE HISTORIC WALTON BUILDING (33 DEGREES) FROM CITY RIGHT-OF-WAY AT DECKER AVENUE TO THE NORTH SIDE OF PARKING LOT LOCATED AT 209 S ALBANY AVENUE; ALLOWING THE FRONT BUILDING FAÇADE TO BE SETBACK FROM THE FRONT PROPERTY LINE, FOR THE FAÇADE WIDTH OF THE RELOCATED BUILDING TO BE LESS THAN 80% OF THE LOT WIDTH AND FOREGO THE REQUIREMENT FOR THE MINIMUM BUILDING HEIGHT OF TWO STORIES, FOR ARCADES OR GLAZED OPENINGS AND BALCONIES ALONG THE STREET FACADE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF RELOCATION; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Tom Reetz, Senior Planner, provided a brief overview with updates.

Mark Breckbill introduced Alice Luckhardt (attending via Zoom) and her presentation of the History of the Walton Building via YouTube. He provided additional information on the future plans for the building.

Discussion took place on the moving timeline, site, parking, historic reuse, and moving plans.

 **8:00 PM MOTION: Move for approval with the condition that you have a permit to move it within 90 days and Manager Dyess's requirement that it be moved by September 2021 or when necessary.**

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Clarke

Motion passed 3/2.  8:18 PM

**Commissioner Matheson – NO
Commissioner McDonald – YES
Commissioner Bruner – YES
Vice Mayor Clarke - YES
Mayor Meier - NO**

ORDINANCE FIRST READING

14. CHARTER AMENDMENTS:

ORDINANCE No. 2451-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA

AMENDING THE STUART CITY CHARTER, PART 1, ARTICLE VII, TO AMEND SECTION 7.03, QUALIFICATION FOR OFFICE; SECTION 7.05, SCHEDULE; AND CHAPTER 14, ELECTIONS, ARTICLE II, CANDIDATES, AMENDING SECTION 14-25, COMMENCEMENT OF TERMS OF OFFICE OF ELECTED CANDIDATES OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

 **8:22 PM MOTION: Move to approval.**
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

15. AMENDMENTS TO CITY CODE CHAPTER 2, ADMINISTRATION:

ORDINANCE No. 2450-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE I, IN GENERAL, TO CREATE SECTION 2-2, ADMINISTRATIVE LIEN SEARCH AND REPORT FEE, AMENDING ARTICLE II THROUGH ARTICLE IV; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Dyess, City Manager provided an overview of the changes and recommendations.

Discussion took place on advisory boards, board appointments, perception, elected officials and terms.

Mayor Meier addressed the reduction of time for public comment from five (5) minutes to three (3) minutes and the new time for Commission meeting.

Public Comment:

- 1.) Caryn Hall Yost Rudge – Zoom; Disappointed that the City may be changing the public comment from five (5) minutes to three (3) minutes.**

 **8:43 MOTION: Move to approval as written with a proactive the term limit modification for at large positions with the three-minute public comment.**

MOVED BY: Commissioner Matheson
SECONDED BY: Vice Mayor Clarke

Motion passed unanimously.  8:56 PM

ORDINANCE SECOND READING

16. BRIDGEVIEW RESIDENTIAL PLANNED UNIT DEVELOPMENT:

ORDINANCE No. 2437-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE

CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL OFFICE RESIDENTIAL" TO "MULTI-FAMILY DENSITY RESIDENTIAL" FOR A 15.88 ACRE PARCEL ANNEXED BY ORDINANCE NO. 2415-2019, OWNED BY ATLANTIC REALTY PARTNERS, INC., AND LOCATED ON THE NORTHWEST CORNER OF STATE ROAD 76 (SW KANNER HIGHWAY) AND SW MARTIN HIGHWAY, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY ESTABLISH THE BRIDGEVIEW RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF TWO HUNDRED TW ELVE (212) MULTI-FAMILY UNITS WITHIN TWO FOUR-STORY APARTMENT BUILDINGS; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Five (5) people sworn; Kevin Freeman, Stephen Mayer, City of Stuart, Troy Holloway, Gentile, Glas, Holloway, O'Mahoney & Associates, Alan Stevens, Atlantic Residential Partners, Marcela Cambler, Marcela Cambler & Associates.

Stephen Mayer, Senior Planner provided the highlights of the presentation. He commented a letter was received from the DEO with no objection. Staff recommended approval on the ordinance with no changes on second reading.

Discussion took place amending the PUD to add the boardwalk, educational environmental signage, indoor bike racks, non-toxic pesticides & herbicides.

 **9:10 PM MOTION: Move to approval allowing the boardwalk with a maximum six-foot width up to the fishing gazebo with all required governmental approvals and providing interpretive education materials along the boardwalk.**

 **9:14 PM Amended motion to include a provision for approval in the language to be the same as the City's regulations regarding pesticides.**

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Bruner

Motion passed unanimously.

Public Comment:

- 1) Don Barber, Kanner Hwy; Riverland Atlantic Organization has no objections to the approval process for the Bridgeview project continuing forward.**
- 2) Linda Kay Richards – ZOOM; Commented that this project does not fit with what the quaint seaside City of Stuart should be.**

17. LONE PALM RESIDENTIAL - INFILL HOUSING:

ORDINANCE No. 2439-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY OF STUART'S COMPREHENSIVE PLAN VIA A SMALL-SCALE COMPREHENSIVE MAP AMENDMENT FROM RESIDENTIAL LOW TO EAST STUART; REZONING FROM RESIDENTIAL, SINGLE-

FAMILY (R-1) TO SINGLE-FAMILY AND DUPLEX SUBDISTRICT (SFD) ON THE CITY'S OFFICIAL ZONING MAP; AND APPROVING A MAJOR URBAN CODE CONDITIONAL USE FOR PROPERTY TOTALING 0.72 ACRES, OWNED BY LONE PALM PROPERTY INVESTMENTS, LLC, LOCATED BETWEEN MARTIN LUTHER KING JR. BOULEVARD AND SE 6th STREET, WEST OF PALM BEACH ROAD; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED TO ALLOW THE DEVELOPMENT OF TWO DUPLEX LOTS AND THREE SINGLE FAMILY LOTS; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

Five (5) people sworn; Kevin Freeman and Stephen Mayer, City of Stuart, Don Cuozzo of Cuozzo Design Group, Reed Hartman & Rick Hartman of Lone Palm Residential, LLC.

Don Cuozzo spoke on behalf of the applicant with changes made from duplex lots to six (6) single family lots.

 **9:25 PM MOTION: Move to approval with six (6) single family lots.**
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

18. SAILFISH COVE UPUD:

ORDINANCE No. 2449-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A REZONING FROM URBAN WATERFRONT TO URBAN PLANNED UNIT DEVELOPMENT FOR A 0.925 ACRE PROPERTY LOCATED AT 37 & 41 S.W. SEMINOLE STREET, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE SAILFISH COVE UPUD CONSISTING OF THIRTY (30) MULTI-FAMILY RESIDENTIAL UNITS AND 5,768 SQUARE FEET OF OFFICE/COMMERCIAL USE IN ACCORDANCE WITH THE SECTION 2.07.00 STUART LAND DEVELOPMENT CODE; ALLOWING A DENSITY OF 26.75 DWELLING UNITS PER ACRE ON A .925 ACRE SITE; APPROVING A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTANT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Five (5) people sworn; Kevin Freeman and Tom Reetz, City of Stuart, Marcela Cambor of Marcela Cambor and Associates, Inc, Don Cuozo, and Joe Capra of Captec Engineering.

Tom Reetz, Senior Planner provided an overview of the revised and new conditions of streetscape plans, cost difference, and EV charging stations.

 **9:33 PM MOTION: Move to approval.**
MOVED BY: Commissioner Brunner
SECONDED BY: Vice Mayor Clarke
Motion Withdrawn.

 **9:52 Motion: Move for approval with ability to have four (4) temporary parking spaces, if the City does not obtain the grant moving forward no later than December 31, 2021 with administrative approval, they can go back to original curbed site plan.**
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

Marcela Cambor spoke on the cost difference. She mentioned she understood the additional cost but questioned the after donating the land to the City the applicant was being charged for additional costs. She questioned when the City would be prepared to begin and have grant funding complete.

Discussion took place on the design, twelve (12) month building deadline, and parking.

Joe Capra provided clarification on the difference with the curb and curb less plans.

19.AMENDMENT TO THE LAND DEVELOPMENT CODE - PUD AMENITY CRITERIA:

REQUEST TO CONTINUE TO DATE CERTAIN OF 09/28/2020

ORDINANCE No. 2446-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.07.00.J. ENTITLED "PLANNED UNIT DEVELOPMENT (PUD) AMENITY CRITERIA" TO CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" TO ADD A METHODOLOGY FOR ATTRIBUTING QUALIFYING AMENITY CRITERIA IN RESPECT OF CONSIDERATION OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

 **9:59 PM MOTION: To continue.**
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

Public Comment:

- 1) Helen McBride, Flamingo Ave; Requested lighting around the handicapped ramp in the parking lot.**

DISCUSSION AND DELIBERATION



10:01 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Michael J. Meier, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 12th day of October, 2020.**

KJL

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MINUTES
SPECIAL MEETING OF THE STUART CITY COMMISSION
HELD September 21, 2020
AT 3:00 PM Commission Chambers & ZOOM
Main Street & Sustainability Plan Workshop
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Michael J. Meier
Vice Mayor Eula R. Clarke (Late)
Commissioner Becky Bruner
Commissioner Merritt Matheson
Commissioner Troy McDonald

ADMINISTRATIVE

City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel



3:03 PM ROLL CALL

Present: Mayor Meier, Vice Mayor Clarke, Commissioner Bruner, Commissioner Matheson, Commissioner McDonald

Late: Vice Mayor Clarke (6:08 PM)

THIS MEETING IS A HYBRID IN PERSON/REMOTE MEETING.

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

No Comments.

COMMENTS BY CITY MANAGER

City Manager Dyess informed Commission that Vice Mayor Clarke would be late and thanked Helen McBride who accepted The City's nomination for the MPO Citizens Advisory Committee.

APPROVAL OF AGENDA



**3:04 PM MOTION: Move for Approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Matheson
Motion passed unanimously.**

COMMENTS FROM THE PUBLIC

City Attorney Mortell read a Public Comment emailed by Robert Steinberg.

1.) Robert Steinberg- his letter provided an overview of his objections of the Flagler Waterfront Event Center and commented on the way it was handled. He felt the City could manage the facility and maintain the vision of the center.

DISCUSSION AND DELIBERATION

1. STUART MAIN STREET

Candace Callahan, Executive Director of Stuart Main Street, presented an overview of Stuart Main Street and provided a PowerPoint presentation on the accomplishments and future.

Nik Schroth, Stuart Main Street President, provided information on the infrastructure plan to connect Flagler Park and Flagler Place to the Downtown, Community Outreach, Board Development, Historical Survey, and Promotions.

Discussion took place on Osceola Expansion, Board Seats, Incentives, and Stuart Mainstreet's next Chapter.

Bill Moore, Downtown Business Association President, provided an overview of the history of the DBA and Stuart Main Street and the efforts that went into making Downtown what it is today.

Further discussion took place on the circumstances of the City and the Florida Sunshine Law regarding Stuart Main Street. Conversation continued on the authority of board members and choices.

Rachel Snyder, Main Street Events Coordinator mentioned the promotion committee spends \$30,000 (\$15,000 from Stuart Mainstreet and \$15,000 from DBA) a year and brings 100,000 people to Stuart Downtown Events.

COMMENTS FROM THE PUBLIC

1.) Helen McBride, Flamingo Ave.; mentioned she attended the first Stuart Main Street meeting (33) years ago and she spoke in support of Stuart Main Street and felt the meeting helped to keep the public informed.

 **4:35 PM Mayor Meier called for a brief recess.**

 **4:44 PM Mayor Meier reconvened the meeting.**

2. SUSTAINABILITY ACTION PLAN

City Manager Dyess thanked the Sustainability Committee for their time and dedication.

Anne Ellig, Program Manager, provided a presentation on the City's Sustainability Action Plan with target areas including Climate Resiliency, Natural Resources, Renewable Energy, Pollution & Waste, Built Environment, Transportation, and Local Government.

Discussion took place with questions and suggestions on each topic to include incentives, budgeting, grants, lighting, and green industry promotion.

Mayor Meier suggested a public marketing promotion around the City's incentives to help educate our citizens.

Dave Peters, Public Works Director provided information on water reuse and water reuse study, recycling, mandates and timelines.

Michele Jett, GIS Analyst, provided an overview of the certification requirements to become a Silver level Sole Smart City Designation.

 **6:08 PM Vice Mayor Clarke arrived to meeting.**

Discussion took place on the on recycling, composting, green buildings, charging stations, light pollution, City transportation, and a (4) four-day work week.

Vice Mayor Clarke explained why she was late to the meeting, mentioning a previous litigation commitment.

Anne Ellig continued the presentation with the implementation plan including periodic assessments with a Green Task Force.

 **6:55 PM ADJOURNMENT**

Mary R. Kindel, City Clerk

Michael J. Meier, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 12th day of October, 2020.**

KJL

MINUTES
SPECIAL MEETING OF THE STUART CITY COMMISSION
HELD September 28, 2020
AT 5:15 PM Commission Chambers & ZOOM
FINAL MILLAGE & FINAL BUDGET
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
Commissioner Becky Bruner
Commissioner Merritt Matheson
Commissioner Troy McDonald

ADMINISTRATIVE

City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel



5:15 PM ROLL CALL

Present: Mayor Meier, Vice Mayor Clarke, Commissioner Bruner, Commissioner Matheson, Commissioner McDonald.

THIS MEETING IS A HYBRID IN PERSON/REMOTE MEETING.

Attorney Paul Nicoletti stood in for City Attorney Mike Mortell who was absent from the meeting.

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

No Comments.

COMMENTS BY CITY MANAGER

No Comments.

APPROVAL OF AGENDA

 **5:16 PM MOTION: Motion to Approve.**
MOVED BY: Commissioner Matheson
SECONDED BY: Vice Mayor Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC

- 1.) Caryn Hall Yost-Rudge, Palm City Road, requested for the Commission to consider not holding important meetings on Yom Kippur.

COMMISSION ACTION

1. ADOPTING FINAL MILLAGE FOR FISCAL YEAR 2021:

RESOLUTION No. 117-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OF MARTIN COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR MARTIN COUNTY FOR FISCAL YEAR 2021; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess provided an overview of the millage rate for Fiscal Year 2021.

Attorney Nicoletti made a correction in the title of Resolution 117-2020 noting a scribes error, reading it into the record as taxes for "City of Stuart" not "Martin County."

 **5:20 PM MOTION: Motion to adopt Resolution No.117-2020.**
MOVED BY: Vice Mayor Clarke
SECONDED BY: Commissioner Matheson
Motion passed unanimously.

2. ADOPT FINAL BUDGET FOR FISCAL YEAR 2021:

RESOLUTION No. 118-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OF MARTIN COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Vice Mayor Clarke requested staff to state the final projected budget total for 2021.

Joly Boglioli, Finance Director provided the total projected budget total and the total of all general ledger funds.

 **5:24 PM MOTION: Motion to approve Resolution No. 118-2020.**
MOVED BY: Commissioner Matheson
SECONDED BY: Commissioner Bruner
Motion passed unanimously.



5:25 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Michael J. Meier, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 12th day of October, 2020.**

KJL

09282020 SCM

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**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD September 28, 2020
AT 5:30 PM Commission Chambers & ZOOM
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Michael J. Meier
Vice Mayor Eula R. Clarke
Commissioner Becky Bruner
Commissioner Merritt Matheson
Commissioner Troy McDonald**

ADMINISTRATIVE

**City Manager, David Dyess
City Attorney, Michael J. Mortell (Paul Nicoletti)
City Clerk, Mary R. Kindel**



5:33 PM ROLL CALL

Present: Mayor Meier, Vice Mayor Clarke, Commissioner Bruner, Commissioner Matheson, Commissioner McDonald

Attorney Paul Nicoletti represented the Commission in Attorney Mike Mortell's absence for this meeting.

THIS MEETING IS A HYBRID IN PERSON/REMOTE MEETING.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. 4-H WEEK - OCTOBER 4-10, 2020

Natalie Parkell, UF IFAS Martin County Extension 4-H Agent accepted via Zoom and briefly explained the services and community benefits offered through 4-H.

PRESENTATIONS

2. SERVICE AWARDS - SEPTEMBER 2020

Bruce Beland, Public Works - 15 years

Joseph Margo, Public Works - 10 years

Kenneth Miller, Public Works - 10 years

3. EMPLOYEE OF THE MONTH - SEPTEMBER 2020

Jim Chrulski, Community Services Director presented Julie McHenry, Community Services Division Manager with Employee of the Month award. Julie came forward for a photo and thanked the City and her fellow staff.

4. CHARTER ADVISORY BOARD PRESENTATION

City Manager Dyess briefly presented on the Charter Advisory Board, explaining the board members are appointed and the Charter is reviewed every 10 years. Mayor Meier introduced and invited the board members forward to accept a certificate of appreciation and honorary Stuart pin in gratitude for their service.

Tom Campenni, Chair

Joseph Capra, Vice Chair (unable to attend)

Amelia Fry

Jim Gallegos

Thomas Harmer

Dr. Larry Howell

Helen McBride

Jessica Seymour

Allen Solomon

Donald Cuzzo (unable to attend)

Dr. James Vopal (unable to attend)

5. REVIEW OF CITY INVESTMENT POLICY

Joly Boglioli, Finance Director, presented per Chapter 2 requirements that the City review the Investment Policy every three years, reported there are no substantial changes. Noted the minor edits and included an update pertaining to the City's investments.



5:56 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- **Commented that this will be the third year with no discharges and feels we have come together better with the County.**

Commissioner Matheson

- **Participated in the Indian River Keeper Beach Cleanup and was glad to say it was difficult to find trash.**

- Commented that Lake Okeechobee is steadily getting higher and Port Mayaca has recently tested positive for blue green algae.
- Commented on a good presentation at a Rivers Coalition Meeting last week, feels we are already doing a good job.

Commissioner McDonald

- Commented on the Governor's Stage 3, feels it will make it more likely that he will not go to restaurants. Commented that because the Governor changed the rules, reminds all that the virus has not gone away.
- Last week, the City held a Workshop but felt the last one was one of the most collaborative and productive one he has ever been involved in.

Vice Mayor Clarke

- Commented on the bar openings and COVID-19 testing, coordinating with the County and Health Department. Cost and validity of testing, would like the City Manager to report back.
- Pleased with the City Manager and commented on the upcoming evaluation each year.

Mayor Meier

- Echoed Commissioner McDonald's comments on the collaboration during the Workshop and feels the Board works well together. The City continues to lead and noted that Martin County will be presenting their sustainability presentation tomorrow and is looking forward to their meeting.
- Commented on historic buildings in Stuart for a more formalized approach for a Historic District in the City.
- Noted that he has received several comments on the Cube Smart storage facility and would like staff to provide a future presentation on our Code, demonstrating what is and is not allowed in our downtown.

COMMENTS BY CITY MANAGER

City Manager Dyess

- Commented on Sole Smart and the progress being made to achieve the highest level possible.
- Informed the Commission that the City received the FIND Grant so the Shepard Park project will move forward.
- Notified the Commissioners about being approached by an electric scooter company out of Fort Pierce and he would like feedback from the Commissioners before moving forward with a plan and License Agreement.



6:15 PM MOTION: Move to add it as a D & D as the last item on the Agenda.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Matheson

Motion passed unanimously.

APPROVAL OF AGENDA



6:15 PM MOTION: Move for approval with the initial item.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Matheson

Motion passed unanimously.

COMMENTS FROM THE PUBLIC

- 1) Helen McBride – Flamingo Ave.; Congratulated Julie McHenry on Employee of the Month. Commented on how she and others in her neighborhood are upset to see that the trees on Monterey that have been cut down near the Walgreens.**

Mayor Meier asked Ms. McBride some questions to get further information.

- 2) Gwendolyn Hall Brinkley – Zoom; Commented that she wanted to review the Minutes from the last meeting but does not see them online, asked when they are available.**

City Clerk responded that the Minutes of the 9/14 Commission Meeting are not yet available, but the recording is available online for the public.

CONSENT CALENDAR:

6. APPROVAL OF 09/14/2020 SCM-TENTATIVE MILLAGE AND TENTATIVE BUDGET MINUTES

7. GRANT AGREEMENT AMENDMENT 1 - ALTERNATIVE WATER SUPPLY STATE APPROPRIATION:

RESOLUTION No. 115-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING AMENDMENT 1 TO THE STATE OF FLORIDA APPROPRIATION OF \$250,000.00 FOR THE DESIGN OF THE ALTERNATIVE WATER SUPPLY PROJECT; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 1; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

8. FDEP RESILIENCE PLANNING GRANT APPLICATION:

RESOLUTION No. 116-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR A RESILIENCE PLANNING GRANT THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO PROVIDE FUNDING FOR A CITYWIDE RESILIENCE STUDY; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR



6:28 PM MOTION: Motion to approve the Consent Calendar.
MOVED BY: Commissioner Matheson
SECONDED BY: Commissioner McDonald
Motion passed unanimously.

COMMISSION ACTION

9. EXTENSION OF THE DECLARATION OF THE STATE OF LOCAL EMERGENCY PERTAINING TO COVID-19:

RESOLUTION No. 111-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, EXTENDING THE DECLARATION OF A STATE OF LOCAL EMERGENCY PERTAINING TO COVID-19; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess reviewed the Resolution, identifying the changes and his recommendations to discontinue Zoom for Advisory Boards and recall all Board members to attend in person, the continuation of Zoom for Commission Meetings, and whether to move forward with the annual Christmas Parade as the VNA has announced that they will not be hosting it this year.

Commission discussed the options of keeping Zoom, its financial cost, and the availability/safety to the board members and public.

Ben Hogarth, Communications Liaison, came forward and briefly explain the Executive Order.

Kevin Freeman, Development Director, reported that it is difficult when the board members are not present, and they do not seem to be as active on the board.

Commissioners reviewed the Zoom option for the Advisory Boards and the decision of board members returning in person and will no longer be able to vote via Zoom will depend on whether Governor DeSantis extends or sunsets Phase 3 of his Executive Order on October 1st. Commissioner consensus on continuing with Zoom for public meetings.

Jim Chrulski, Community Services Director, requested clarification of large event clearance.

Ms. Candace Callahan, Stuart Main Street Executive Director, came forward stating they are prepared to move forward with their events at the direction of the Commission.

Commissioners agreed to revisit this topic at a later date and on a per event basis as the effects of the recent Governors Order surfaces.

 **7:10 PM MOTION:** To approve Resolution 111-2020 extending the State of Emergency to October 28th.

MOVED BY: Commissioner Matheson

SECONDED BY: Commissioner McDonald

Motion passed unanimously.

ORDINANCE FIRST READING

ORDINANCE SECOND READING

10. CHARTER AMENDMENTS:

ORDINANCE No. 2451-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CHARTER, PART 1, ARTICLE VII, TO AMEND SECTION 7.03, QUALIFICATION FOR OFFICE; SECTION 7.05, SCHEDULE; AND CHAPTER 14, ELECTIONS, ARTICLE II, CANDIDATES, AMENDING SECTION 14-25, COMMENCEMENT OF TERMS OF OFFICE OF ELECTED CANDIDATES OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

 **7:12 PM MOTION:** Move approval.

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Clarke

Motion passed unanimously.

 **7:14 PM 11. AMENDMENTS TO CITY CODE CHAPTER 2, ADMINISTRATION:**

ORDINANCE No. 2450-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE I, IN GENERAL, TO CREATE SECTION 2-2, ADMINISTRATIVE LIEN SEARCH AND REPORT FEE, AMENDING ARTICLE II THROUGH ARTICLE IV; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Dyess noted a change to Section 2-87(d) to reflect term limits are for At Large Board members and not the board as a whole.

Commissioner McDonald commented on Section 2.84(b), which reviews that no elected official may serve on the board; he requested that LPA Board Member Christi Li Roberts remain on the board until the reorganization/year end, allowing him time to find a replacement and respectfully allowing her the time to finish out the year.

 **7:15 PM MOTION:** Move for approval.

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Clarke

Motion passed unanimously.

12. AMENDMENT TO THE LAND DEVELOPMENT CODE - PUD AMENITY CRITERIA:

ORDINANCE No. 2446-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.07.00.J ENTITLED "PLANNED UNIT DEVELOPMENT (PUD) AMENITY CRITERIA" TO CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" TO PROVIDE GUIDANCE FOR APPROPRIATE DEVELOPMENT AMENITIES IN RESPECT OF CONSIDERATION OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Kevin Freeman, Development Director, presented the PUD Amenity Criteria as requested by Commissioner McDonald as he was not in office for First Reading, reviewing the application process.

Commissioner McDonald expressed his thoughts on the PUD process vs. straight zoning.

Commission and Attorney Nicoletti discussed the City's criteria and language for Public Open Space, amending the Code to "additional 10%" or "10% increase" and Renewable Energy is 50% of the "total".

 **7:40 PM MOTION: To approve Ordinance as recommended by staff with the following changes, one is make sure we use the word encourage if it's not already there, second, to change the open space to 50% greater than the amount open space required by code, and add the word total.**

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Matheson

Motion passed 4/1.

Bruner – YES

Clarke – YES

McDonald – YES

Matheson – YES

Meier - NO

DISCUSSION AND DELIBERATION

Discussion on electric scooters added per a motion made during City Manager comments.

City Manager Dyess reviewed that a scooter organization out of Fort Pierce approached the City and offered a demonstration. This program offers no revenue to the City. Stuart Main Street has been asked to do a survey but before staff spends time on a License Agreement, would like to know the Commissioners thoughts.

Commissioners reviewed the area the scooters would be used in, discussed the liability, cost to the City, benefits to the City, etc.

City will work with Stuart Main Street on a survey for the public and local businesses and return with the results to the Commission for review.

Public Comment:

- 1) Helen McBride – Encouraged the Commissioners to think about the safety of the citizens.



8:00 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Michael J. Meier, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 12th day of October, 2020.**

MRK

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: Kev Freeman

Title of Item:

INTER-LOCAL AGREEMENT WITH TREASURE COAST PLANNING COUNCIL (RC):

RESOLUTION No. 120-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF STUART AND TREASURE COAST REGIONAL PLANNING COUNCIL FOR THE PROVISION OF CONDUCTING AN ANALYSIS OF THE FEDERAL HIGHWAY CORRIDOR IN CONNECTION WITH A DEPARTMENT OF ECONOMIC ACTIVITY GRANT AWARD. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

History

The Florida Department of Economic Opportunity (FDEO) have awarded a \$38,000 Community Planning Technical Assistance (CPTA) grant to the City for the purpose of creating an economic baseline and master-plan for the US-1 corridor south of the Roosevelt Bridge.

Summary

This item proposes that the City enter into an Inter-local agreement with the Treasure Coast Regional Planning Agency to provide services towards the completion of the work.

The proposed agreement, scope and timetable are attached to the item.

Funding Source:

Reimbursable Grant expenses of \$38,000 from Development Department Funding and budgeted in 2020-2021.

Recommended Action:

Motion to Approve Resolution 120-2020

ATTACHMENTS:

Description	Upload Date	Type
□ A1. RES 120-2020 ILA TCRPC	10/2/2020	Resolution add to Y drive
□ A2. ILA Scope	10/2/2020	Exhibit
□ D1. Federal Highway Corridor Boundary	10/2/2020	Attachment



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 120-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF STUART AND TREASURE COAST REGIONAL PLANNING COUNCIL FOR THE PROVISION OF CONDUCTING AN ANALYSIS OF THE FEDERAL HIGHWAY CORRIDOR IN CONNECTION WITH A DEPARTMENT OF ECONOMIC ACTIVITY GRANT AWARD. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act of 1969”, authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with other public agencies on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the need and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into Interlocal Agreements with each other to exercise jointly any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, the City Commission of the City of Stuart, Florida has determined analysis of the Federal Highway Commercial Corridor to be in the best interest of the residents and businesses of Stuart and the City has obtained a Florida Department of Economic Opportunity grant for this purpose; and

WHEREAS, the goal of the analysis is to understand existing conditions, constraints, and opportunities for revitalization of the Federal Highway Corridor local and devise strategies based on the analysis and public input; and

WHEREAS, the City and the Council desire to enter into an agreement to conduct this analysis and develop a plan for revitalization of the Federal Highway Commercial Corridor.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The City Commission of the City of Stuart hereby authorizes the Mayor and City Clerk to execute an Interlocal Agreement between the City of Stuart and Treasure Coast Regional Planning Council in respect of services to be provided for the Community Planning Technical Assistance grant analysis of the Federal Highway Corridor.

SECTION 2: This resolution shall take effect on adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

MICHAEL J. MEIER, MAYOR
EULA R. CLARKE, VICE MAYOR
BECKY BRUNER, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED 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

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF STUART
AND THE TREASURE COAST REGIONAL PLANNING COUNCIL**

This Interlocal Agreement is entered into this ____ day of _____, 2020 by and between the City of Stuart, Florida (herein referred to as “the City”), and Treasure Coast Regional Planning Council (herein referred to as “Council”), each constituting a public agency as defined in Part I of Chapter 163, Florida Statutes.

WITNESSETH:

WHEREAS, Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act of 1969”, authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with other public agencies on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the need and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into Interlocal Agreements with each other to exercise jointly any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, the City Commission of the City of Stuart, Florida has determined analysis of the Federal Highway Commercial Corridor to be in the best interest of the residents and businesses of Stuart and the City has obtained a Florida Department of Economic Opportunity grant for this purpose; and

WHEREAS, the goal of the analysis is to understand existing conditions, constraints, and opportunities for revitalization of the Federal Highway Corridor local and devise strategies based on the analysis and public input; and

WHEREAS, the City and the Council desire to enter into an agreement to conduct this analysis and develop a plan for revitalization of the Federal Highway Commercial Corridor.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties hereto agree as follows:

SECTION 1. PURPOSE

- A. The purpose of this Agreement is for the City to contract with the Council to assist the City in conducting an analysis and developing a plan for the revitalization of the Federal Highway Commercial Corridor.

- B. The City and Council agree to act in a spirit of mutual cooperation and good faith in the implementation of the Agreement and its purpose.

SECTION 2. GENERAL TERMS AND CONDITIONS

- A. This Agreement shall begin upon execution by both parties and shall end when the deliverables are complete as identified in the schedule contained in Attachment A unless terminated earlier in accordance with Section 4 of this Agreement.
- B. The Council shall fully perform the obligations identified in Scope of Work as identified in Attachment “A” of this Agreement to the satisfaction of the City.
- C. The City and Council agree to be governed by applicable State and Federal laws, rules and regulations.
- D. Modifications of this Agreement may be requested by any party. Changes, which are mutually agreed upon, shall be valid only when reduced to writing, duly signed by each party and attached to the original Agreement.
- E. The City agrees to:
 - 1. Perform those tasks assigned to it in the Scope of Work as shown in Attachment “A”; and
 - 2. Process all requests for payment in a timely manner

SECTION 3. RECORD KEEPING

- A. All records submitted by the Council shall be kept for three years after the termination of this Agreement and shall be sufficient and complete to verify compliance with the requirements of this Agreement.
- B. The Council shall allow access to its records during normal business hours and upon reasonable advance requests of the City, its employees and agents.

SECTION 4. TERMINATION

This Agreement may be terminated for convenience by either party on thirty (30) days written notice, or for cause if either party fails substantially to perform through no fault of the other and does not commence correction of such nonperformance within five (5) days of written notice and diligently complete the correction thereafter. The City shall be obligated to pay Council for only its work completed up to the date of termination pursuant to this paragraph.

SECTION 5. REMEDIES

This Agreement shall be governed by the laws of the State of Florida. Any legal action necessary to enforce this Agreement will be held in Martin County, State of Florida. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

SECTION 6. INDEMNIFICATION

Each party to this Agreement agrees, to the extent permitted by law, to save, defend, reimburse, indemnify, and hold harmless the other parties, and the other parties respective officers, employees, servants or agents from each party's own negligence or willful misconduct and from any and all claims, demands, damages, liabilities, causes of actions, legal or administrative proceeds, judgments, interest, attorney's fees, costs and expenses arising in any manner directly or indirectly in connection with or incidental to the performance of this Agreement. Nothing in this provision shall be construed as consent by the parties to be sued, nor as a waiver of sovereign immunity beyond the limits provided for in Section 768.28, Florida Statutes.

SECTION 7. SEVERABILITY

Should any provision of this Agreement be declared invalid or unenforceable by a court of competent jurisdiction, the same shall be deemed stricken here from and all other terms and conditions of this Interlocal Agreement shall continue in full force and effect as if such invalid provision had never been made a part of the Interlocal Agreement.

SECTION 8. ENTIRETY OF AGREEMENT

This Agreement represents the entire understanding between the parties. This Agreement may be modified and amended only by written instrument executed by parties hereto.

SECTION 9. NOTICE AND CONTACT

All notices provided under or pursuant to the Agreement shall be in writing, delivered either by hand, overnight express mail, or by first class, certified mail, return receipt requested, to the representatives identified below at the address set forth below:

For the City:

City Manager – David Dyess
City Hall, 121 SW Flagler Avenue, Stuart, Florida 34994

City Attorney – Michael J. Mortell
City Hall, 121 SW Flagler Avenue, Stuart, Florida 34994

For The Council:

Thomas J. Lanahan – Executive Director
421 SW Camden Avenue, Stuart, Florida 34994

SECTION 10. FUNDING/CONSIDERATION

- A. This is a fixed fee Agreement. As consideration for performance of work rendered under this Agreement, the City agrees to pay the Council a fixed fee of Thirty Eight Thousand Dollars and 00/100 dollars (\$38,000), including travel, out-of-pocket expenses (printing and reproduction costs), mail, couriers and other costs related to the services provided, and excluding advertising and meeting venue expenses.
- B. The satisfactory completion of deliverables by the Council, as accepted by the City, and submission of an invoice to the City shall be considered the Council's request for payment according to the schedule contained in Attachment "A". The City shall pay the Council within thirty (30) days of receipt of an invoice.
- C. Any invoice to the City for payment to the Council in respect to this Agreement shall be in a form that is broken down such as to be able to identify the hourly rate charged and hours worked per task performed.

SECTION 11. INVALIDITY OF CLAUSES

The validity of any portion, article, section, paragraph, provision, clause, or any portion thereof of the Agreement shall have no effect upon the validity of any other part or portion hereof.

SECTION 12. VENUE

To the extent allowed by law, the venue for any action arising from this Agreement shall be in Martin County, Florida.

SECTION 13. ATTORNEY'S FEES

Any costs or expense (including reasonable attorney's fees) associated with the enforcement of the terms and for conditions of this Agreement shall be borne by the respective parties, however, this clause pertains only to the parties to this Agreement.

SECTION 14. DELEGATION OF DUTY

Nothing contained herein shall deem to authorize the delegation of the constitutional or statutory duties of the officers of the City or the Council.

SECTION 15. FILING

This Agreement and any subsequent amendments thereto shall be filed with the Clerk of the Circuit Court of Martin County pursuant to Section 163.01(11), Florida Statutes.

SECTION 16. EQUAL OPPORTUNITY PROVISION

The City and the Council agree that no person shall, on the grounds of race, color, sex, national origin, disability, religion, ancestry, marital status, creed, political affiliation, age, family status,

pregnancy, gender identity, or sexual orientation be excluded from the benefits of, or be subject to any form of discrimination under any activity carried out in the performance of the Agreement.

SECTION 17. EMPLOYMENT ELIGIBILITY VERIFICATION – E-VERIFY

The Council shall utilize the E-Verify system to verify the employment eligibility of employees hired during the term of this Agreement. The Department of Homeland Security's E-Verify system can be found at: <https://www.e-verify.gov>

SECTION 18. EFFECTIVE DATE

This Agreement shall become effective upon its approval by the City Commission, and the Executive Director of the Treasure Coast Regional Planning Council, the due execution thereof by the proper officer of the Treasure Coast Regional Planning Council and the City, and the filing of a certified copy hereof with the Clerk of the Circuit Court of Martin County, Florida.

SECTION 19. PUBLIC RECORDS.

Council shall comply with the applicable provisions of Chapter 119, Florida Statutes. Specifically, Council shall:

- A. Keep and maintain public records required by the City to perform the service.
- B. Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- C. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Council does not transfer the records to the City.
- D. Upon completion of the contract, transfer, at no cost, to the City all public records in possession of the Council or keep and maintain public records required by the City to perform the service. If the Council transfers all public records to the City upon completion of the contract, the Council shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Council keeps and maintains public records upon completion of the contract, the Council shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

**IF THE COUNCIL HAS QUESTIONS REGARDING THE
APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO**

**THE COUNCIL'S DUTY TO PROVIDE PUBLIC RECORDS
RELATING TO THIS CONTRACT, CONTACT THE
CUSTODIAN OF PUBLIC RECORDS AT**

**MARY KINDEL, CITY CLERK
772-288-5306
MKINDEL@CI.STUART.FL.US
121 SW FLAGLER AVENUE
STUART, FLORIDA 34994**

The failure of Council to comply with the provisions set forth in this Article shall constitute a Default and Breach of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

ATTEST:

City of Stuart

By: _____
David Dyess
City Manager

By: _____
Honorable Mike Meier
Mayor, City of Stuart

Approved as to form:

By: _____
Michael J. Mortell
City Attorney

ATTEST:

Treasure Coast Regional Planning Council

By: _____
Phyllis Castro
Accounting Manager

By: _____
Thomas J. Lanahan
As its Executive Director

ATTACHMENT A
SCOPE OF WORK
FOR PLANNING ASSISTANCE REGARDING
THE STUART FEDERAL HIGHWAY COMMERCIAL CORRIDOR PLAN

OCTOBER 1, 2020

PROJECT DESCRIPTION

The City of Stuart seeks to secure the services of the Treasure Coast Regional Planning Council (TCRPC) to assist in the development of a Federal Highway Commercial Corridor Plan. It is understood the plan will be funded through a Department of Economic Opportunity (DEO) grant that was awarded to the City in 2020 and has a required completion date of June 2021. The study area, as identified in the City's DEO grant scope, includes those commercial properties that front Federal Highway (US-1) as it passes through the City of Stuart Community Redevelopment Area, south of the Roosevelt Bridge. The plan is intended to include a survey and analysis of existing conditions, assessment of stakeholder perspectives, identification of perceived development constraints, and strategies for commercial revitalization of the Federal Highway Corridor. Accordingly, the Scope of Work includes the following: (1) due diligence and review of background conditions; (2) community surveys, stakeholder group interviews, and a visioning workshop to gather public input and help inform the plan; (3) development of an Economic Baseline Analysis Report and Federal Highway Commercial Corridor Plan report as described in the City's DEO grant application; (4) presentations to the Community Redevelopment Board and City Commission; and (4) coordination meetings and joint research and analysis efforts with City staff. Work will be completed by TCRPC with in-kind support provided by the City of Stuart staff.

The key elements of TCRPC planning services shall include:

- Review background and regulatory conditions and a corridor property inventory as provided by City staff.
- Assist in the development and review of a business and property owner survey to be conducted by City staff.
- Development of an "economic baseline analysis report" that summarizes background conditions, perceived development constraints as determined through the survey, and potential commercial needs.
- Facilitation of two (2) stakeholder group interviews and one (1) visioning workshop to gain public input.
- Development of a "Federal Highway Commercial Corridor Plan Report" that includes economic baseline conditions; identifications of strengths, challenges, opportunities, and threats; and a vision for the corridor that includes strategies and a phased implementation approach to advance public/private development opportunities, address economic and employment needs, and key redevelopment opportunities.

- Presentations to the Community Redevelopment Board and City Commission.

SCOPE OF WORK

Task 1: Project Kickoff

TCRPC will participate in a project kickoff meeting with City staff to initiate due diligence, clarify project goals, gather relevant information, identify background needs, review details regarding a community survey of business and property owners, and refine the project schedule as needed. City staff will assemble a summary of the project kickoff meeting and transmit to DEO as DEO Task One as described in the City's DEO agreement.

Task 2: Economic Baseline Conditions Report

As described in the City's DEO agreement, an evaluation of economic background conditions is needed to understand the economic development challenges of the Federal Highway Corridor. Accordingly, TCRPC will work with City staff to assemble and analyze economic baseline conditions. Towards this end, City staff will provide background data for evaluation and inclusion in this report, including:

- Overview of land development regulatory documents
- GIS maps identifying the subject properties on the corridor and data tables that include:
 - Future land use and zoning designations
 - Parcel size and lot coverage
 - Building use, condition, and footprint
 - Age of structures and improvements
 - Assessed and taxable value of land and improvements
 - Infrastructure availability
 - Employment characteristics

TCRPC will participate in a field assessment to confirm existing conditions and review findings with City staff.

Subsequently, working with City staff, TCRPC will participate in two community engagement activities to help inform the report. These will include:

- Electronic survey of business and property owners, wherein the City will be responsible for survey logistics (e.g., distribution and collection of survey, summary of survey responses) and TCRPC will assist in the development of questions and analysis of responses. The purpose of the survey will be to solicit input and discern the perception of business and property owners regarding development constraints on the Federal Highway Corridor.

- Stakeholder Group Interview One, wherein the City will be responsible for identifying stakeholder participants and interview logistics and TCRPC will be responsible for developing interview questions, facilitation, and analysis of responses. The purpose of the interview will be to solicit input from stakeholders regarding perceived strengths, challenges, constraints, and opportunities regarding development on the Federal Highway Corridor.

Based on the review of background conditions, input obtained through the survey and stakeholder group interview, and additional analysis, TCRPC will produce an Economic Baseline Analysis Report. This report will include the following:

- Summary of background conditions
- Summary of perceived and observed development constraints
- Summary of land development regulations
- Overview of comparable local commercial corridors (e.g., other segments of Federal Highway, Monterey Boulevard, Dixie Highway)
- Observations and findings regarding post-pandemic commercial conditions of the Federal Highway Corridor

TCRPC will provide the report in draft format for City staff review, and following the resolution of City comments, the report will be provided in a final format. TCRPC will design this report to satisfy the requirements of DEO Task Two as described in the City's DEO Scope of Work.

Task 3: Federal Highway Commercial Corridor Plan Report

Following the analysis of economic baseline conditions, TCRPC will lead a community-based process to identify a new vision for the Federal Highway Corridor. TCRPC will analyze City land development regulations; corridor strengths, challenges, opportunities, and threats; and perceived development constraints to identify strategies and public/private opportunities to improve the economic sustainability and resilience of the corridor. Four key public engagement activities will be conducted to help inform the report, including:

- Stakeholder Group Interview Two, wherein the City will be responsible for identifying stakeholder participants and interview logistics and TCRPC will be responsible for developing interview questions, facilitation, and analysis of responses. The purpose of the interview will be to solicit input from stakeholders regarding perceived strengths, challenges, constraints, and opportunities for development on the Federal Highway Corridor.
- Community Visioning Workshop, wherein the City will be responsible for workshop logistics and public notice and TCRPC will be responsible for the workshop presentation, facilitation, and analysis of public input. The purpose of the workshop will be to share the project findings and observations and gain additional public input regarding

potential strategies to improve economic sustainability and resilience of the Federal Highway Corridor.

- Two public presentations, one each to the Community Redevelopment Board and the City Commission, wherein the City will be responsible for presentation logistics and public notice and TCRPC will be responsible for the public presentation, facilitation, and analysis of input. The purpose of the presentations will be to share the project findings and observations and gain input regarding potential strategies to improve economic sustainability and resilience of the Federal Highway Corridor.

Based on the due diligence, public input, analysis of economic baseline conditions, and findings, TCRPC will provide a Federal Highway Commercial Corridor Master Plan Report. This report will include the following:

- Economic Baseline Analysis (as described in Task 2)
- Assessment of strengths, challenges, opportunities, and threats
- Summary of public input
- Identification of key strategies to improve economic sustainability and resilience
- Land development assessment of key redevelopment opportunities and master plan concepts, including diagrams and renderings as appropriate
- Identification of potential public/private opportunities and phased implementation strategy to advance economic sustainability and resilience

The report will be provided in draft format for City staff review, and following the resolution of City comments, the report will be provided in a final format. TCRPC will design this report to satisfy the requirements of DEO Task Three as described in the City's DEO Scope of Work.

Anticipated Project Schedule

The anticipated project schedule, included as Attachment 2, assumes approval of an Interlocal Agreement between the City and TCRPC in October, with project initiation in October 2020 and completion in May 2021. The schedule identifies tasks, lead entity (e.g., TCRPC, City staff), and anticipated timeframe for completion of work.

Project Deliverables

TCRPC will provide the following deliverables through the course of the project:

DELIVERABLE	FORMAT	ANTICIPATED TIMEFRAME
Economic Baseline Analysis Report (Draft and Final)	Two electronic copies, InDesign & PDF formats	4th Qtr 2020 – 1 st Qtr 2021
Stakeholder Group Interview Questions (1 and 2)	Two electronic copies, MS Word & PDF formats	4 th Qtr 2020 – 1 st Qtr 2021
Visioning Workshop, Community Redevelopment Board & City Commission Presentations	Two electronic copies of each, PowerPoint & PDF formats	2 nd Qtr 2021
Federal Highway Commercial Corridor Plan Report	Two electronic copies, InDesign & PDF formats	2 nd Qtr 2021

Fees and Reimbursable Expenses

Professional services paid for by the City of Stuart as described in this scope of services will be performed for a fixed fee in the amount of \$38,000. Estimated costs per task are included as Attachment 3. This includes travel, out of pocket expenses (printing and reproduction costs), mail, couriers, and other costs related to the professional services. Council will provide all work and products, outlined in the scope above, payable per the following schedule. It does not include advertisement costs for any public hearings/workshops, meeting venue costs, or meeting refreshments. Additional presentations, meetings, or work beyond what is stipulated in the Scope of Work section of this Agreement will be billed at a rate of \$200.00 per hour.

KEY ACTION	% OF TOTAL	FEE
Notice to Proceed by City Staff	10%	\$3,800
Completion of Stakeholder Group Interview 1	20%	\$7,600
Transmittal of DRAFT Economic Baseline Analysis Report	20%	\$7,600
Completion of Visioning Workshop	20%	\$7,600
Transmittal of DRAFT Federal Highway Commercial Corridor Plan Report	20%	\$7,600
Transmittal of FINAL Federal Highway Commercial Corridor Master Plan Report	10%	\$3,800
<i>Total Cost for Task</i>	100%	\$38,000

ATTACHMENT 1 ANTICIPATED PROJECT SCHEDULE

TASK 1 PROJECT KICKOFF			LEAD ENTITY (DELIVERABLE)		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
1-1	Staff Meeting 1 (Kickoff) (DEO Task 1, Final Submittal)	City: Background data & GIS (DEO Task 1) TCRPC: Review of materials		DEO TASK 1								
TASK 2 ECONOMIC BASELINE ANALYSIS REPORT												
2-1	Summary of Background Conditions	City: Summary matrix with existing use details										
2-2	Corridor Property Inventory	City: GIS maps & data tables.										
2-3	Community Survey	City: logistics, design, distribution & collection TCRPC: design assistance; review of results										
2-4	Staff Meeting 2 (Review of Background Conditions)	Joint City/TCRPC										
2-5	Stakeholder Group Interview 1	City: logistics, stakeholder ID, summary notes TCRPC: interview questions, facilitation										
2-6	Summary of Development Constraints	TCRPC: narrative										
2-7	Summary of Commercial Needs & Potential Uses	TCRPC: narrative										
2-8	Economic Baseline Analysis Report - DRAFT	TCRPC: Draft Report										
2-9	Staff Meeting 3 (Review of DRAFT Report)	Joint City/TCRPC										
2-10	Economic Baseline Analysis Report - FINAL DRAFT (DEO Task 2, Draft Submittal)	TCRPC: Final Draft Report (for DEO)						DEO TASK 2				
2-11	Economic Baseline Analysis Report - FINAL (DEO Task 2, Final Submittal)	TCRPC: Final Report (for DEO)							DEO TASK 2			
TASK 3 WORKSHOP & CORRIDOR PLAN REPORT												
3-1	Stakeholder Group Interview 2	City: logistics, stakeholder ID, summary notes TCRPC: interview questions, facilitation										
3-2	Visioning Workshop	City: workshop logistics, public notice, summary TCRPC: presentation, facilitation, review input										
3-3	Federal Hwy Corridor Master Plan - DRAFT	TCRPC: Draft Master Plan & Narrative										
3-4	Staff Meeting 4 (Review of DRAFT Plan)	Joint City/TCRPC										
3-5	Federal Hwy Corridor Master Plan - FINAL DRAFT	TCRPC: Final Draft Master Plan & Narrative										
3-6	Presentation: Community Redevelopment Board	TCRPC: PPT & Presentation										
3-7	Presentation: City Commission	TCRPC: PPT & Presentation										
3-8	Master Plan Report - DRAFT (DEO Task 3, Draft Submittal)	TCRPC: Master Plan Report - DRAFT (for DEO)									DEO TASK 3	
3-9	Master Plan Report - FINAL (DEO Task 3, Final Submittal)	TCRPC: Master Plan Report - FINAL (for DEO)										DEO TASK 3

**ATTACHMENT 2
PROJECT FEE SCHEDULE**

STUART FEDERAL HIGHWAY COMMERCIAL CORRIDOR PLAN PROJECT FEE SCHEDULE REV. 9/28/2020		
TASK #	DETAIL	FEE
1	Project Kickoff DEO Deliverable: Grant Task One	\$3,000
2	Background Due Diligence Community Survey Stakeholder Group Interview 1 Summary of Development Constraints Economic Baseline Analysis Report DEO Deliverable: Grant Task Two	\$15,000
3	Stakeholder Group Interview 2 Visioning Workshop Presentation to Community Redevelopment Board Presentation to City Commission Federal Highway Commercial Corridor Plan Report DEO Deliverable: Grant Task 3	\$20,000
TOTAL		\$38,000
NOTE: Fee schedule assumes City staff participation in tasks as identified in this scope of work, including GIS maps, provision of background data, and logistics and public notice for public engagement activities.		

1



10/12/2020 CCM

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: jchrulski

Title of Item:

AUTHORIZE COMMUNITY SERVICES DEPT. TO APPLY FOR A FRDAP GRANT FOR KIWANIS PARK PLAYGROUND EQUIPMENT (RC):

RESOLUTION No. 121-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO APPLY FOR A GRANT THROUGH THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) AND IF APPROVED, AUTHORIZE THE ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS FOR THE PURPOSE OF MAKING IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Over the past decade, the City of Stuart has partnered with the Kiwanis Club of Stuart to redevelop Kiwanis Park. Improvements have included a 'Barrier-Free' playground, shade structure. and restrooms. The FRDAP grant will be used for the 'Tot Lot' phase 2 of the park.

The City Manager authorized two uncompleted projects from the (FY20 budget) to be rolled to (FY21), to assist with the FRDAP grant match, and Kiwanis Club fundraising efforts.

NOTE: The CIP is updated in R122-2020 in anticipation for successful FRDAP grant funding.

Funding Source:

- FRDAP Grant
- City of Stuart (rolled budget item from FY20)
- Kiwanis Club of Stuart

Recommended Action:

Approve Resolution No. 121-2020.

ATTACHMENTS:

Description	Upload Date	Type
□ R121-2020 Authorizing a grant application with FRDAP for Kiwanis Park improvements	10/6/2020	Resolution add to Y drive
□ Playground Project Slides	10/6/2020	Attachment



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 121-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO APPLY FOR A GRANT THROUGH THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) AND IF APPROVED, AUTHORIZE THE EXCEPTANCE AND EXPENDITURE OF GRANT FUNDS FOR THE PURPOSE OF MAKING IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The City Commission of the City of Stuart, Florida authorizes a formal grant application with the Florida Recreation Development Assistance Program (FRDAP) for the Kiwanis Park Phase II, ‘Tot Lot’ playground improvement. If awarded, the City of Stuart may be responsible for funding a match of project costs.

SECTION 2: This Resolution shall become effective upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

AUTHORIZE FRDAP GRANT APPLICATION FOR KIWANIS PARK IMPROVEMENTS

MICHAEL J. MEIER, MAYOR
EULA R. CLARKE, VICE MAYOR
BECKY BRUNER, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2020.

ATTEST:

MARY R. KINDEL
CITY CLERK

MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

Kiwanis of Stuart Playground



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RSI Mission Statement

We exist to serve by helping create great places for people in a fun, sustainable and honorable way.



Commitment to *enhancing children's lives through play*



PLAY WILL
ALWAYS SHAPE US

PAUL BRAVO

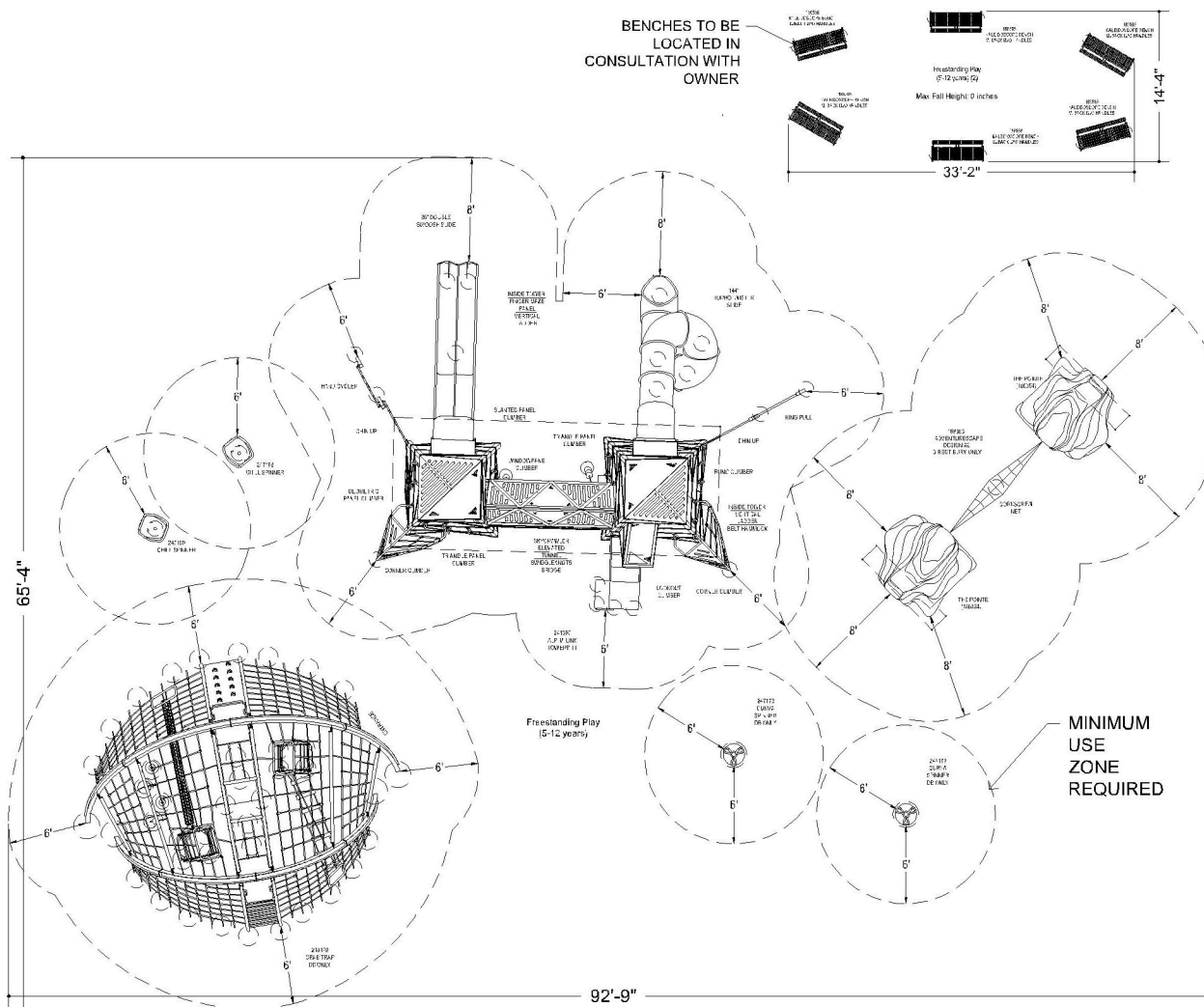
561.448.0369

paul@repservices.com

150

5-12 AREA





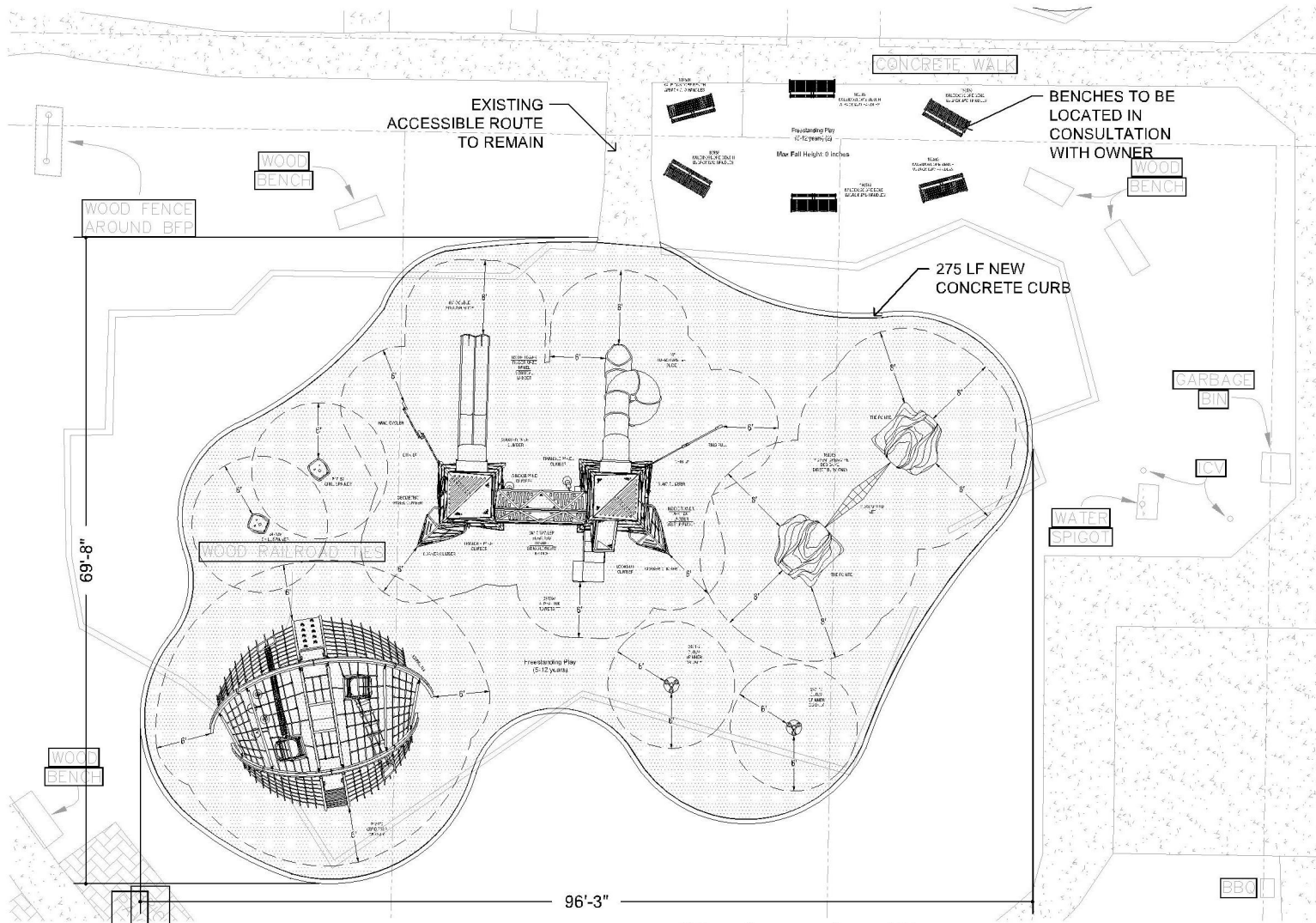
NOT FOR CONSTRUCTION

10/22/2020 CCW
SCALE: 1/8" = 1'

Play Equipment Plan 5-12 Area

Kiwanis Club of Stuart

Stuart, FL



***SITE PLAN/SURVEY INFORMATION SHOWN FOR REFERENCE ONLY. NOT PART OF THIS SCOPE.**

GENERAL NOTES:

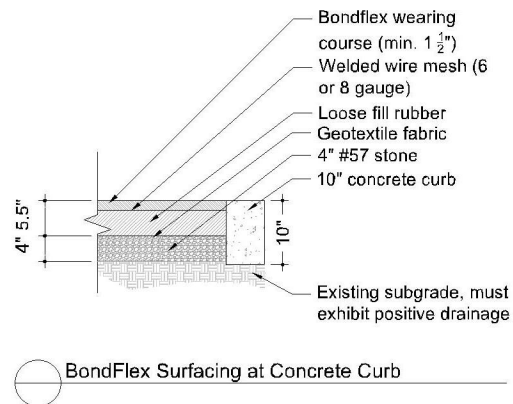
1. EQUIPMENT LOCATION TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION
2. ACCESSIBLE ROUTE OF TRAVEL TO THE PLAYGROUND TO BE PROVIDED BY OTHERS
3. BASE MUST EXHIBIT POSITIVE DRAINAGE IN ALL AREAS

Revisions:		
#	Revision	Date

Date: 6/25/2020
 Project: 17094
 Drawing: 1142401-05-05-RSI 5-12
 Sheet: **P-2**
 Site Location Map

NOT FOR CONSTRUCTION
 10122626.COM
 SCALE: 1" = 10'
 0 5 10 20

Site Location Map
Kiwanis Club of Stuart
 Stuart, FL



SURFACING

- 4475 SF
- BOND FLEX
- 12' MAXIMUM FALL HEIGHT
- #57 STONE SUB-BASE
- 275 LF NEW CONCRETE CURB

Δ WARNING
INSTALLATION OVER A HARD SURFACE SUCH AS CONCRETE, ASPHALT, OR PACKED EARTH MAY RESULT IN SERIOUS INJURY OR DEATH FROM FALLS.

Δ WARNING
SURFACING AND PLAYSURFACES MAY BECOME **HOT** AND CAUSE BURNS. CHECK FOR HOT SURFACES PRIOR TO PLAYING ON THE PLAYGROUND.

GENERAL NOTES:
1. EQUIPMENT LOCATION TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION
2. ACCESSIBLE ROUTE OF TRAVEL TO THE PLAYGROUND TO BE PROVIDED BY OTHERS, UNLESS OTHERWISE NOTED
3. BASE MUST EXHIBIT POSITIVE DRAINAGE IN ALL AREAS

Revisions:		
#	Revision	Date
Date: 6/25/2020		
Project: 17094		
Drawing: 1142401-05-05-RS 5-12		
Sheet: P-3		
Details		

NOT FOR CONSTRUCTION
NOT TO SCALE

Details
Kiwanis Club of Stuart
Stuart, FL



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Kiwanis Park of Stuart

1142401-05-05-02 • 06.04.2020



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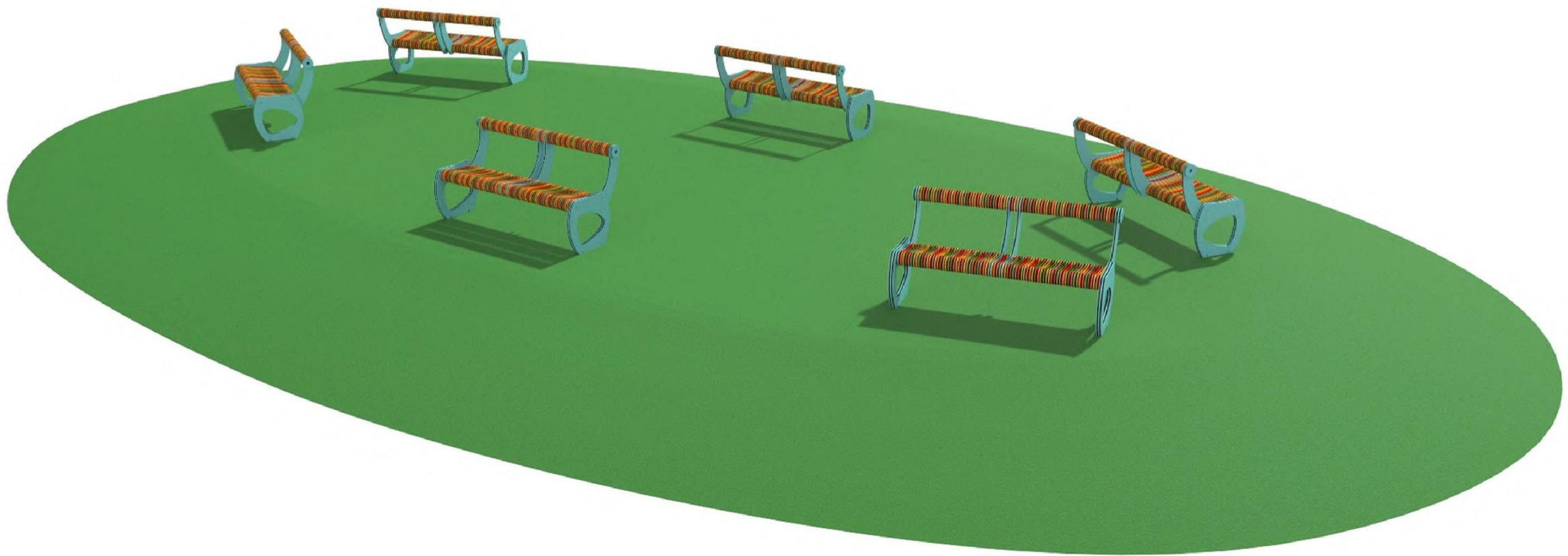
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Kiwanis Park of Stuart

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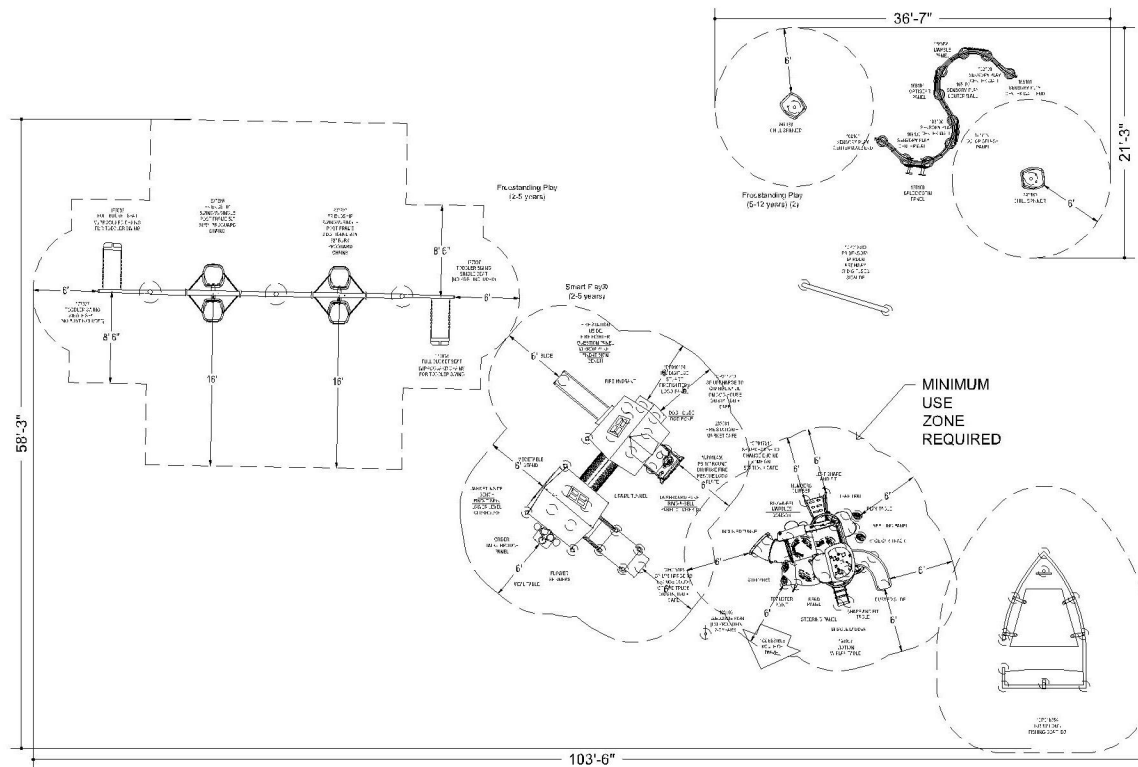


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2-5 AREA





WELCOME SIGN
TO BE LOCATED IN
CONSULTATION
WITH OWNER

NOT FOR CONSTRUCTION

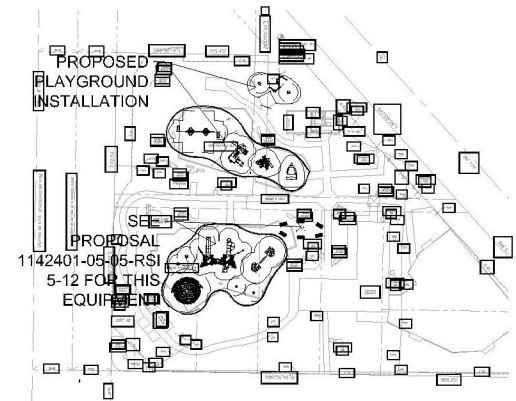
10/22/2020 COR



Play Equipment Plan 2-5 Area and 5-12 Sensory Area

Kiwanis Club of Stuart

Stuart, FL



SITE LOCATION MAP

NOT TO SCALE

*SEE SHEET P-2 FOR SITE
LOCATION MAP ENLARGEMENT
*SEE SHEET P-3 FOR SURFACING
DETAILS AND INFORMATION

TOTAL PLAY COMPONENTS: 2-5 AGE AREA - 37, DOES NOT MEET ADA
5-12 AGE AREA - 6

NUMBER AND TYPES OF GROUND LEVEL PLAY COMPONENTS REQUIRED	2-5 AGE AREA			
	TOTAL ELEVATED PLAY COMPONENTS	0	REQUIRED	10
	TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	REQUIRED	0
	TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	15	REQUIRED	7
	TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	11	REQUIRED	11
	TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	11	REQUIRED	11
NUMBER AND TYPES OF GROUND LEVEL PLAY COMPONENTS REQUIRED	5-12 AGE AREA			
	TOTAL ELEVATED PLAY COMPONENTS	0	REQUIRED	0
	TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	REQUIRED	0
	TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	0	REQUIRED	0
	TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	5	REQUIRED	5
	TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	5	REQUIRED	5

Playground equipment meets the requirements of FBC Accessibility Code, Table 240.2.1.2

WARNING

INSTALLATION OVER A HARD SURFACE SUCH AS CONCRETE, ASPHALT, OR PACKED EARTH MAY RESULT IN SERIOUS INJURY OR DEATH FROM FALLS.

WARNING

SURFACING AND PLAYSURFACES MAY BECOME HOT AND CAUSE BURNS. CHECK FOR HOT SURFACES PRIOR TO PLAYING ON THE PLAYGROUND.

GENERAL NOTES:

1. EQUIPMENT LOCATION TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION
2. ACCESSIBLE ROUTE OF TRAVEL TO THE PLAYGROUND TO BE PROVIDED BY OTHERS, UNLESS OTHERWISE NOTED
3. BASE MUST EXHIBIT POSITIVE DRAINAGE IN ALL AREAS

Revisions:

#	Revision	Date

Date: 6/26/2020

Project: 17094

Drawing: 1142401-05-05-RSI 2-5

Sheet:

P-1

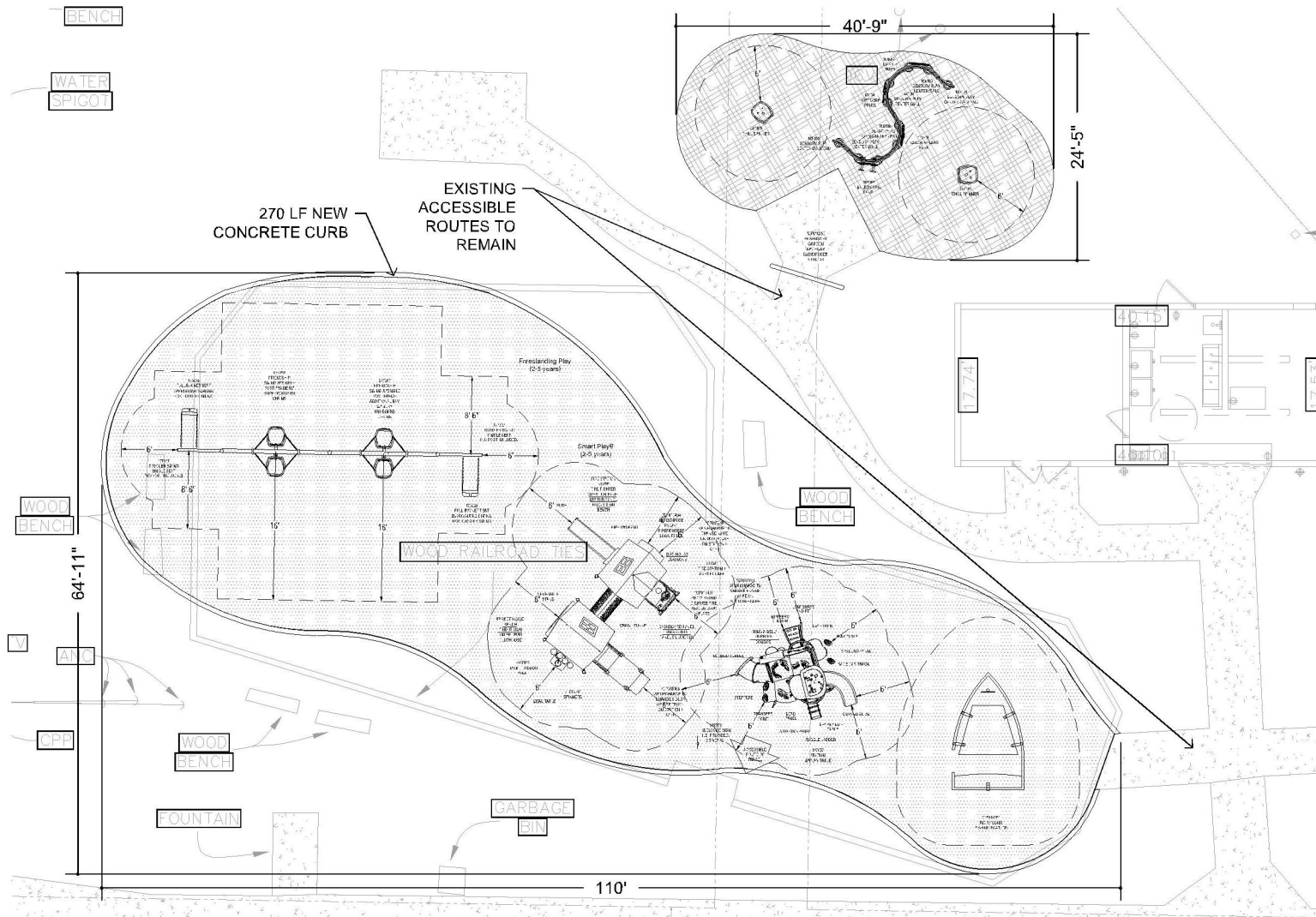
Play Equipment Plan



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Page 7 of 10
10/22/2020 COR



***SITE PLAN/SURVEY INFORMATION SHOWN FOR REFERENCE ONLY. NOT PART OF THIS SCOPE.**

GENERAL NOTES:

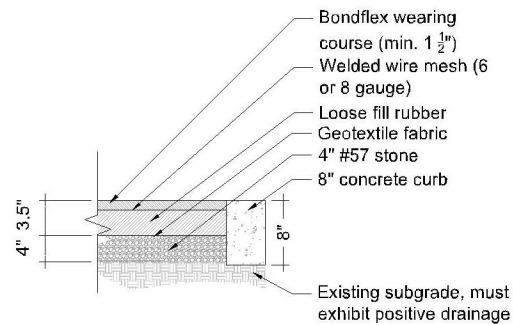
1. EQUIPMENT LOCATION TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION
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Revisions:		
#	Revision	Date

Date:	6/26/2020
Project:	17094
Drawing:	1142401-05-05-RSI 2-5
Sheet:	P-2 Site Location Map

NOT FOR CONSTRUCTION
16122626.COM
SCALE: 1" = 10'
0 5 10 20

Site Location Map
Kiwanis Club of Stuart
Stuart, FL



 BondFlex Surfacing at Concrete Curb

SURFACING - SENSORY AREA

- 690 SF
- 12" ENGINEERED WOOD FIBER
- 2' MAXIMUM FALL HEIGHT
- NO BORDERS AT EWF

SURFACING - 2-5 AREA

- 3445 SF
- BOND FLEX
- 8' MAXIMUM FALL HEIGHT
- #57 STONE SUB-BASE
- 270 LF NEW CONCRETE CURB

Δ WARNING

INSTALLATION OVER A HARD SURFACE SUCH AS CONCRETE, ASPHALT, OR PACKED EARTH MAY RESULT IN SERIOUS INJURY OR DEATH FROM FALLS.

Δ WARNING

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Revisions:

#	Revision	Date

Date: 6/26/2020

Project: 17094

Drawing: 1142401-05-05-RSI 2-5

Sheet:

P-3

Details

NOT FOR CONSTRUCTION
NOT TO SCALE

Details

Kiwanis Club of Stuart

Stuart, FL



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Kiwanis Park of Stuart

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SENSORY





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Development Skills for Product Elements

Playgrounds play an important role in the development of kids of all abilities. They provide multisensory experiences that help to build the brain more quickly.

SENSORY

- Visual: Element that engages/enhances visual skills
- Auditory: Element that engages/enhances auditory skills
- Proprioception: Element that engages/enhances muscle skills--this is further defined by the motor skill category
- Tactile: Element that engages touch
- Vestibular: Element that engages body movement
- Vestibular+: Element that includes additional movement in unexpected ways

MOTOR SKILLS

- Fine Motor: Element that engages the hands and fingers
- Agility: Element design challenges the user to change body position in space to succeed
- Balance: Element challenges the user to stay upright and/or keep from falling off equipment to succeed
- Cardiovascular: Element causes an obvious increase of heart rate during play
- Coordination: Element challenges the user to use a combination of muscles to succeed
- Eye-hand coordination: Element specifically encourages the user to look at hand placement to succeed
- Endurance: Element involves distance and/or long duration of muscle work for a longer than typical time period to succeed
- Motor Planning: Element challenges the user to move through a series of motor skills to succeed

COGNITIVE SKILLS

- Literacy and Language: Element encourages early childhood language and brain development
- Problem Solving: Element encourages user to find solutions to successfully engage in play
- Strategic Planning: Element encourages users to develop plans to successfully engage in play

STRENGTH

- Upper Body Strength: Element challenges the user to increase arm and shoulder muscle abilities while playing
- Lower Body Strength: Element challenges the user to increase leg and hip muscle abilities while playing
- Core Body Strength: Element challenges the user to increase trunk muscle abilities while playing

SOCIAL/EMOTIONAL SKILLS

- Social Skill Development: Element encourages users to use verbal and non-verbal methods of sharing thoughts and ideas during play
- Imaginative Play: Element encourages users to invent scenarios from their imagination that enable them to build life skills
- Cooperation: Element encourages users to work together to succeed in a play activity

Thank You

PAUL BRAVO

561.448.0369

paul@repervices.com



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CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: jchrulski

Title of Item:

UPDATING CIP TO INCLUDE KIWANIS PARK PLAYGROUND PLAYGROUND (RC):

RESOLUTION No. 122-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE ADOPTED 2021 5-YEAR CAPITAL IMPROVEMENT PLAN (CIP) TO INCLUDE IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Updating the Capital Improvement Plan to include the Kiwanis Park Playground.

Funding Source:

N/A

Recommended Action:

Approve Resolution No. 122-2020.

ATTACHMENTS:

Description	Upload Date	Type
☐ R122-2020 Amending CIP to include Kiwanis Park improvements	10/6/2020	Resolution add to Y drive



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 122-2020

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
STUART, FLORIDA, AMENDING THE ADOPTED 2021 5-YEAR
CAPITAL IMPROVEMENT PLAN (CIP) TO INCLUDE
IMPROVEMENTS TO KIWANIS PARK; PROVIDING FOR AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

* * * * *

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART,
FLORIDA, THAT:**

SECTION 1: The City Commission authorizes an amendment to the adopted 2021 CIP to include the construction and installation of improvements to Kiwanis Park.

SECTION 2: This Resolution shall become effective upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

MICHAEL J. MEIER, MAYOR
EULA R. CLARKE, VICE MAYOR
BECKY BRUNER, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

Resolution No. 122-2020
AMEND CIP TO INCLUDE KIWANIS PARK IMPROVEMENTS

ADOPTED this ____ day of _____, 2020.

ATTEST:

MARY R. KINDEL
CITY CLERK

MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: Michael Mortell

Title of Item:

ACQUIRE FDOT POND (RC):

RESOLUTION No. 123-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ACQUIRE THE FDOT POND LOCATED ON STATE ROAD NO 5 (US 1) TO ENHANCE THE PROPERTY LOCATED WITHIN THE STUART COMMUNITY REDEVELOPMENT AREA AND AUTHORIZING THE MAYOR TO EXECUTE A RESOLUTION PROVIDING AN EASMENT OVER THE PROPERTY TO FDOT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City Commission approved a PUD for the development of an Assisted Living Facility on the north side of the Roosevelt Bridge. A condition of the PUD required the applicant to maintain the FDOT pond in the manner depicted in the site plan (copy attached hereto). The pond is not well maintained and is located in the heart of the CRA on the north side of the bridge. The agreement will provide a significant enhancement to the adjacent properties at no cost to the City.

In order to effectuate this agreement, it is necessary for the City to be the owner of the Pond. As a result, the City has negotiated a purchase of the Pond from FDOT. The Assisted Living Facility is responsible to pay the purchase price and will be responsible for all maintenance and improvement costs. As a minor complication, FDOT needs to maintain an easement and storm water capacity in the Pond. As a result, the Resolution authorizes the City Manager to accept the funds from the Assisted Living Facility and execute the documents necessary to close on the property and place Title with the City of Stuart. It also authorizes the manager to enter into a 99 year lease and maintenance agreement with the Assisted Living Facility for the maintenance of the Pond. In addition, the Resolution authorizes the Mayor to execute a Resolution prepared by FDOT which provides the easement that it is requesting for the property.

Funding Source:

N/A - will be paid by Assisted Living Facility pursuant to terms of the PUD.

Recommended Action:

Motion to Approve Resolution 123-2020.

ATTACHMENTS:

Description	Upload Date	Type
▣ R123-2020 FDOT POND	10/6/2020	Resolution add to Y drive



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 123-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO ACQUIRE THE FDOT POND LOCATED ON STATE ROAD NO 5 (US 1) TO ENHANCE THE PROPERTY LOCATED WITHIN THE STUART COMMUNITY REDEVELOPMENT AREA AND AUTHORIZING THE MAYOR TO EXECUTE A RESOLUTION PROVIDING AN EASMENT OVER THE PROPERTY TO FDOT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the FDOT Pond located at the northwest corner of the Roosevelt Bridge is located in a highly visible corridor within the Stuart city Limits and the City Commission desires to aesthetically improve the pond and land surrounding same.

WHEREAS, the City has the opportunity to acquire the Pond from the Florida Department of Transportation which will provide the City with the ability to make certain improvements to the Pond and surrounding area; and

WHEREAS, it is necessary to provide an easement across certain lands which will be owned by the City of Stuart, Florida, to the State of Florida Department of Transportation for the purpose of providing access and storm water management to the pond; and

WHEREAS, the City will enter into a long-term maintenance agreement with an adjacent property owner who has offered to pay all expenses related to the acquisition of the Pond and further be solely responsible for all maintenance expenses for 99 years.

WHEREAS, in order to acquire the property, it is necessary for the City Manager to accept a Quit Claim Deed from FDOT; accept the funds from CD-HRA (STUART) LLC, a Colorado limited liability company, to close on the property and enter into a long term lease and maintenance agreement for the property.

WHEREAS, the Department of Transportation has requested that the Mayor execute the “Resolution”. A draft of the proposed Resolution is attached hereto as Exhibit “A” which will be recorded and made a part of the easement documents related to the storm water management of the property.

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

SECTION 1: The City Commission authorizes the City Manager to execute all documents and accept the funds necessary to close on the property; execute the Closing documents and enter into a lease and maintenance agreement for the property.

SECTION 2: The City Commission authorizes the Mayor to execute the Resolution attached hereto as Exhibit “A” which will be provided to the Florida Department of Transportation to effectuate the easement which will be maintained on the property.

This resolution shall take effect upon adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

MICHAEL J. MEIER, MAYOR
EULA R. CLARKE, VICE MAYOR
BECKY BRUNER, COMMISSIONER
TROY McDONALD, COMMISSIONER
MERRITT MATHESON, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this 12th day of October, 2020.

ATTEST:

MARY R. KINDEL
CITY CLERK

MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

EXHIBIT A

07-PE.14-07/18

This instrument prepared under the direction of:

Elizabeth S. Quintana, Esq. _____

District Four Assistant General Counsel

Legal Description prepared by:

Jeffrey D. Smith, P.S.M. (04/03/2020)

Document prepared by:

Grace K. Abel (09/28/2020)

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

Parcel No.	803.2
Item/Segment No.	2288081
Section:	89010-2554
Managing District:	04
S.R. No.	5 (U.S. 1)
County:	Martin

RESOLUTION

WHEREAS, the State of Florida Department of Transportation (hereinafter referred to as "Department") proposes to maintain State Road No. 5 (U.S. 1), Item/Segment No. 2288081, Section 89010-2554, in Martin County, Florida: and

WHEREAS, it is necessary that an easement across certain lands now owned by the **City of Stuart, Florida**, (hereinafter referred to as "City")_be acquired by the State of Florida Department of Transportation: and

WHEREAS, said use is in the best interest of the City: and

WHEREAS, the Department has made application to said City to execute and deliver to the Department an Exclusive Perpetual Easement pursuant to that certain Quit Claim Deed granting the below property to the City, wherein the Department reserves an Exclusive Perpetual Easement for the purpose of maintaining storm water conveyance pipes, outfall pipes, drainage structures and storm water management pond. This easement includes the right to access, ingress and egress over the surface of the easement area, and to use and occupy the surface of the easement area, in order to do the necessary maintenance, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the **City of Stuart, Florida**, that the application of the State of Florida Department of Transportation for a perpetual easement, or easements, is for transportation purposes which are in the public or community interest and for public welfare; that a perpetual easement, or easements, in favor of the State of Florida Department of Transportation in Martin County, Florida, should be drawn and executed by this Board of City Commissioners. Consideration shall be \$_____.

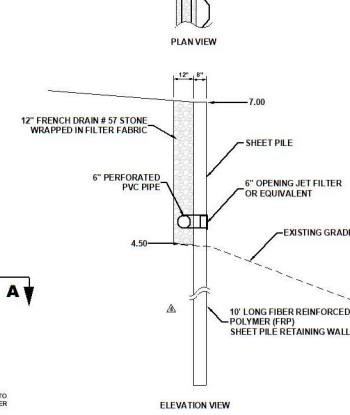
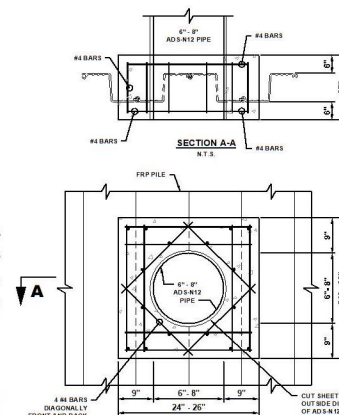
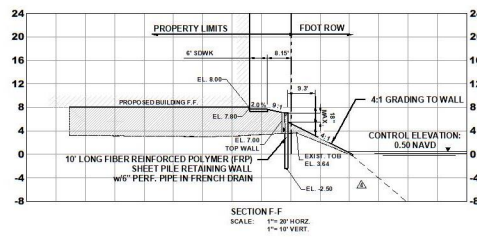
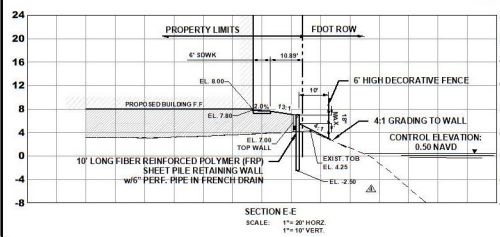
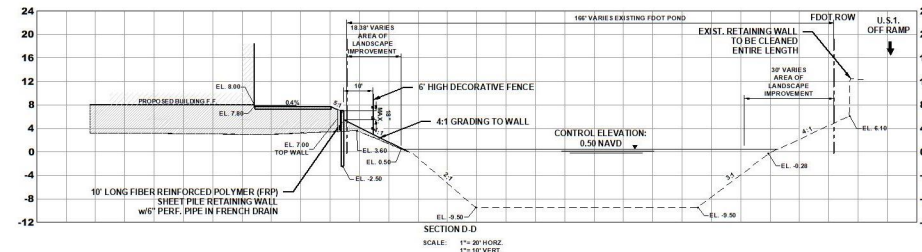
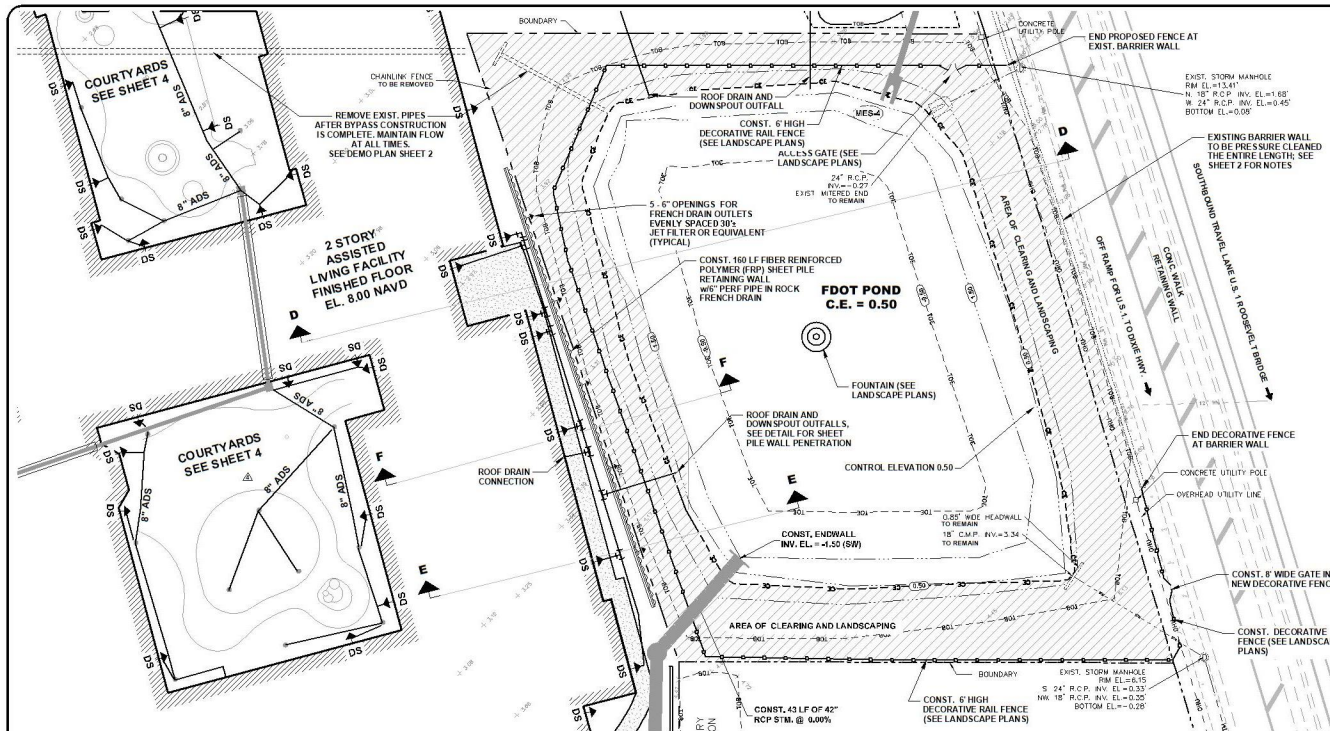
BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 3400 W. Commercial Boulevard, Fort Lauderdale, Florida 33309.

ATTEST:

MARY R. KINDEL
CITY CLERK

MICHAEL J. MEIER
MAYOR
City of Stuart, Florida

DRAFT



LEGEND:

DECORATIVE FENCE

CONTROL ELEVATION

PROPOSED SHEET PILE WALL

DOWNSPOUT LOCATION

AREA OF CLEARING AND LANDSCAPE

SHEET PILE WALL INSTALLATION NOTES:

1. RECOMMENDED WALL SHALL BE FIBER REINFORCED POLYMER (FRP) COMPOSITE SHEET PILE (CM UC-30, EVERCOMB 25.1 OR EQUIVALENT).
2. IT IS RECOMMENDED TO INSTALL THE WALL PRIOR TO PLACING FILL ON SITE. FILL PLACED WITHIN A DISTANCE EQUAL TO THE UNSUPPORTED HEIGHT OF THE RETAINING WALL (8.5') SHOULD BE COMPACTED WITH HAND GUIDED, SMALL IMPACT OR VIBRATORY COMPACTORS. THE USE OF HEAVY EQUIPMENT WITHIN THIS DISTANCE MAY INDUCE LATERAL STRESSES THAT ARE NOT ACCOUNTED FOR IN THE WALL DESIGN.
3. REPRESENTATIVES FROM ANDERSEN ANDRE CONSULTING ENGINEERS SHOULD BE PRESENT TO OBSERVE ALL EARTHWORK OPERATIONS AND SHEETPILE INSTALLATION.
4. REFER TO "GEOTECHNICAL ENGINEERING EVALUATION, HARBOR CHASE ASSISTED LIVING AND MEMORY CARE FACILITY" BY ANDERSEN ANDRE CONSULTING ENGINEERS, INC. (AUGUST 15, 2018) FOR COMPACTION REQUIREMENTS AND SITE GEOTECHNICAL DATA.



DATE	BY	REVISIONS
01/15/18	JWC	1. INITIAL DESIGN
02/25/18	JWC	2. REVISED DESIGN
03/27/18	JWC	3. REVISED DESIGN
04/17/18	JWC	4. REVISED DESIGN
05/17/18	JWC	5. REVISED DESIGN
06/17/18	JWC	6. REVISED DESIGN
07/17/18	JWC	7. REVISED DESIGN
08/17/18	JWC	8. REVISED DESIGN
09/17/18	JWC	9. REVISED DESIGN
10/17/18	JWC	10. REVISED DESIGN
11/17/18	JWC	11. REVISED DESIGN
12/17/18	JWC	12. REVISED DESIGN

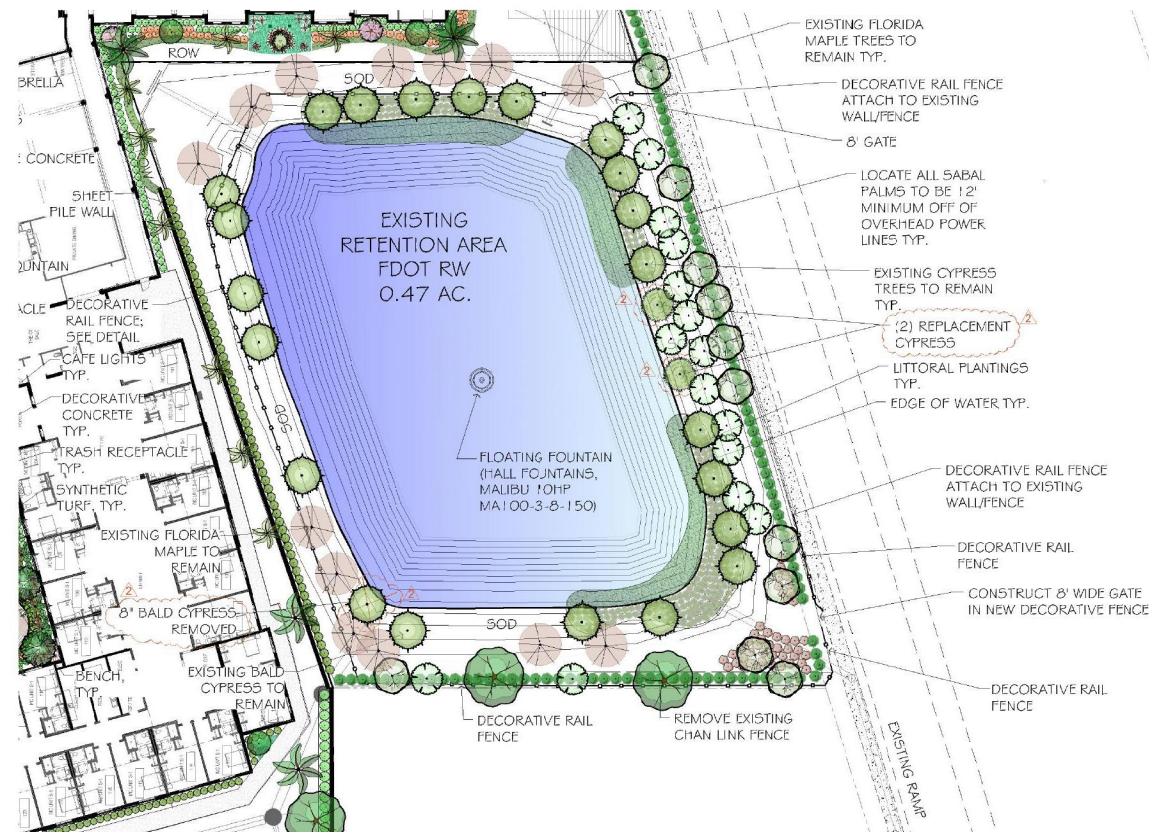
NO.	DATE	BY	REVISIONS
1	01/15/18	JWC	INITIAL DESIGN
2	02/25/18	JWC	REVISED DESIGN
3	03/27/18	JWC	REVISED DESIGN
4	04/17/18	JWC	REVISED DESIGN
5	05/17/18	JWC	REVISED DESIGN
6	06/17/18	JWC	REVISED DESIGN
7	07/17/18	JWC	REVISED DESIGN
8	08/17/18	JWC	REVISED DESIGN
9	09/17/18	JWC	REVISED DESIGN
10	10/17/18	JWC	REVISED DESIGN
11	11/17/18	JWC	REVISED DESIGN
12	12/17/18	JWC	REVISED DESIGN

HARBOR CHASE ASSISTED LIVING FACILITY POND IMPROVEMENT PLAN AND SECTIONS

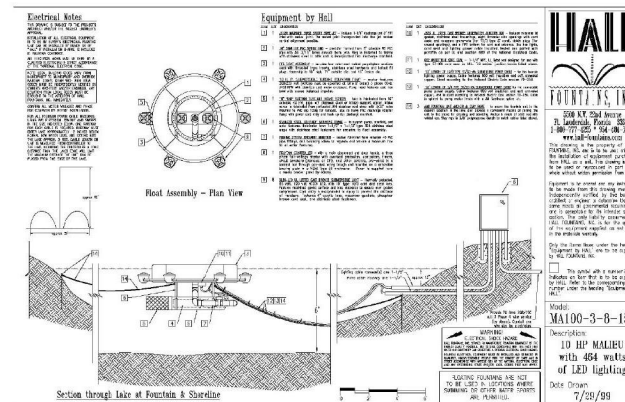
Joseph W. Capra
301 N.W. Flagler Ave., Ste. 201
Stuart, Florida 34994
P.E. No. 37638

Printed Date:

JOB No.: 1623.1
SHEET
6 OF 14



RAIL FENCE EXAMPLE
BLACK ALUMINUM 6' HT
*OR APPROVED EQUAL

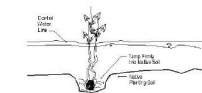


FOUNTAIN DETAIL
-MALIBU 10 HP WITH LED LIGHTING BY HALL FOUNTAINS
*OR APPROVED EQUAL

LAKE LITTORAL PLANTINGS

Total

150	ARROWHEAD	<i>Sagittaria latifolia</i>	24"ht., BR, Clean, Free of Weeds, 6"-2" Depth, 18" O.C.
150	PICKERELWEED	<i>Pontederia cordata</i>	24" ht., BR, Clean, Free of Weeds, 6"-2" Depth, 18" O.C.
150	JOINTED SPIKERUSH	<i>Eleocharis intersticta</i>	24" ht., BR, Clean, Free of Weeds, 6"-2" Depth, 18" O.C.
150	FIREFLAG	<i>Thalia geniculata</i>	24" ht., BR, Clean, Free of Weeds, 6"-2" Depth, 18" O.C.

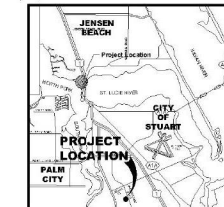


TYPICAL LITTORAL DETAIL



1011 Ocean Blvd., Suite 100, Fort Lauderdale, FL 33304
(954) 561-1000
1011 Ocean Blvd., Suite 100, Fort Lauderdale, FL 33304
(954) 561-1000

Key / Location:



Project Team:

Scale: N.T.S.

Client & Property Owner: Quantum American - Broward, LLC
Land Planner: Lucido & Associates
Engineer: Lucido & Associates
Architect: Lucido & Associates

Harbor Chase FDOT Pond Area

Landscape Plan

City of Stuart, FL

October 02, 2018

Date	By	Description
9.20.18	PG	1st Submittal
10.31.18	PG	Rev per FDOT Comments
12.04.18	PG	Rev per FDOT Comments
12.18.18	PG	Rev per FDOT Comments
1.22.19	PG	REV PER COMMENTS
6.17.19	PG	REV PER TREE REMOVAL



SCALE: 1"=30'

REG. 8-1018 Thomas P. Lucido

Designer: PG Sheet: LA-1
Manager: DF
Project Number: 18-506
Municipal Number: —
Computer File: 18-506 HARBOR CHASE - CURRENT TRANSIT

* Trees in poor health at time of construction will be removed. (Only with written approval from District 4 Landscape Architect)
* Clusia planted along the east perimeter will be maintained to not grow higher than the top of the existing guard rail along the existing wall.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: Tom Reetz

Title of Item:

PLAT OF "OCEAN COVE" (RC):

RESOLUTION No. 124-2020; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "OCEAN COVE", (F.K.A. STUART OCEAN) WITH LANDS SITUATED IN SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CONTAINING 11.045 ACRES, PREPARED BY RONNIE L. FURNISS OF CAULFIELD AND WHEELER, INC., A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6272, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On June 8, 2020 the City Commission adopted Ordinance 2435-2019, allowing for development of 80 attached homes (Townhomes) located on the south side of SE Ocean Blvd between the Point Assisted Living Facility and Kingswood Condo Association.

Exhibit C, Development Conditions, condition #28 of the approving ordinance requires plat approval prior to issuance of the first building permit. The owner now seeks approval of a plat for the "Ocean Cove" (F.K.A. Stuart Ocean) project.

The City's Consultant, Northstar Geometrics has reviewed the plat for consistency with Chapter 177, Florida Statutes and the City's Land Development Code and provided comments which the applicant has addressed. See Review Comments attached.

Funding Source:

N/A

Recommended Action:

Move to approve Resolution No. 124-2020.

ATTACHMENTS:

Description	Upload Date	Type
▣ A1. Resolution No. 124-2020	10/2/2020	Resolution add to Y drive
▣ B1. Review Comments	10/2/2020	Backup Material
▣ C1. Plat Application	10/2/2020	Backup Material
▣ D1. Ocean Cove Plat	10/2/2020	Backup Material
▣ E1. Land Title Survey	10/2/2020	Backup Material



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION No. 124-2020

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA TO APPROVE A
PLAT TITLED "OCEAN COVE", WITH LANDS
SITUATED IN SECTION 2, TOWNSHIP 38 SOUTH,
RANGE 41 EAST, CONTAINING 11.04 ACRES,
PREPARED BY RONNIE L. FURNISS OF
CAULFIELD AND WHEELER, INC., A FLORIDA
REGISTERED LAND SURVEYOR AND MAPPER NO.
6272, PROVIDING FOR AN EFFECTIVE DATE; AND
FOR OTHER PURPOSES.**

* * * * *

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

SECTION 1: That certain plat titled "Ocean Cove" prepared by Ronnie L. Furniss, A Florida Professional Surveyor, a copy of which was initially filed with the City Development Department on July 22, 2020, is hereby approved by the City Commission as being in compliance with the requirements for platting in Chapter 177, Florida Statutes and with local laws relative thereto.

SECTION 2: This resolution shall take effect upon adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

MICHAEL J. MEIER, MAYOR
EULA R. CLARKE, VICE MAYOR
BECKY BRUNER, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this _____ day of October.

ATTEST:

MARY R. KINDEL
CITY CLERK

MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. 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 RESOLUTION 124-2020, 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 RESIDENTIAL 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:

Print Name: _____

**Stuart Ocean Residential Community
Association, Inc**

Print Name: _____

Name:

Title: Owner

OWNERS ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2020, by _____

Personally Known OR Produced Identification

Type of ID Produced _____

Signature of Notary Public: _____

Commission Expires: _____

Notary Seal:



NORTHSTAR GEOMATICS

SURVEYING/MAPPING • GIS • ASSET INVENTORY

August 13, 2020

Mr. Thomas Reetz
Senior Planner
City of Stuart Development Department
Via email

RE: STUART OCEAN - Plat Review # 1

Dear Mr. Reetz:

As you requested, I have reviewed the above referenced plat for conformance with Florida Statutes Chapter 177, Part 1. My review of this plat does not include verifying accuracy of legal descriptions, plat geometry, mathematical calculations or acreages shown on this plat.

My first review comments are as follows:

1. PRM's must be field verified by reviewing surveyor prior to final approval. Platting surveyor to notify reviewer when PRM's are ready for inspection and must accompany reviewer on inspection.
2. "City of Stuart" is required in the plat heading.
3. Preservation Tract 3 should be added to dedication #7.
4. Landscape Buffer per dedication #6 was not found on map sheets.
5. A written response to each item above is required prior to next review.

Reviewed By:

Gregory S. Fleming
For NorthStar Geomatics, Inc.



NORTHSTAR GEOMATICS

SURVEYING/MAPPING • GIS • ASSET INVENTORY

September 2, 2020

Mr. Thomas Reetz
Senior Planner
City of Stuart Development Department
Via email

RE: STUART OCEAN - Plat Review # 2 - Final review

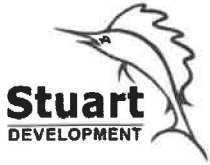
Dear Mr. Reetz:

As you requested, I have reviewed the above referenced plat for conformance with Florida Statutes Chapter 177, Part 1. My review of this plat does not include verifying accuracy of legal descriptions, plat geometry, mathematical calculations or acreages shown on this plat.

My previous plat comments and the field PRM inspection have been successfully addressed. I have no further comments related to this plat.

Reviewed By:

Gregory S. Fleming
For NorthStar Geomatics, Inc.



CITY OF STUART, FLORIDA
DEVELOPMENT DEPARTMENT
PLAT APPLICATION

Reviewed By: _____

Application must be legible with all relevant fields completed.

Project ID# _____

(Staff Entry)

Pre-App Conference Date:	Application Date: 7/22/20
Project Name: Ocean Cove fka Stuart Ocean	
Parcel ID# 023841000000000206	Project Address: 1800 SE Ocean Boulevard
Zoning/CRA Sub-district: RPUD	
Subdivision: Ocean Cove	Lot(s):
Fee: \$819.00 (this does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)	
Submittal Requirements: A completed application form, the payment of fees, and a plat conforming to the requirements of F.S. Chapter 177, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed and by any other information required by the City Development Director.	
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application, including a recommendation from the Public Works Director. The City Commission is also required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.	
Justification: Written justification supporting how the application is in compliance with the requirements of F.S. Chapter 177, the City's comprehensive plan, and the City's Land Development Regulations (include additional pages if needed).	
Platting for approved Stuart Ocean project	
(over)	

General Information
(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name: Aimee Carlson	City/State/Zip Code: Palm Beach Gardens, FL 33410
Title: Director - Land Development (SE Florida)	Telephone Number: 561-268-5821
Company: Pulte Home Company, LLC	Facsimile Number:
Company Address: 4400 PGA Boulevard, Suite 700	Email Address (optional): aimee.carlson@pulte.com

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name: Ronnie Furniss, PSM	City/State/Zip Code: Port St. Lucie, FL 34984
Title: Survey Director	Telephone Number: 772-408-1920
Company: Caulfield & Wheeler, Inc.	Facsimile Number: 772-408-1925
Company Address: 410 SE Port St. Lucie Boulevard	Email Address (optional): ronnie@cwiasoc.com

3. The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will be made prior to the receipt of the consultant comments.

Name: Aimee Carlson	City/State/Zip Code: Palm Beach Gardens, FL 33410
Title: Director - Land Development (SE Florida)	Telephone Number: 561-268-5871
Company: Pulte Home Company, LLC	Facsimile Number:
Company Address: 4400 PGA Boulevard, Suite 700	Email Address (optional): aimee.carlson@pulte.com

I hereby certify that all information contained herein is true and correct.

4. Signed this 22nd day of July, 2020

Aimee Carlson

Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 22nd day of

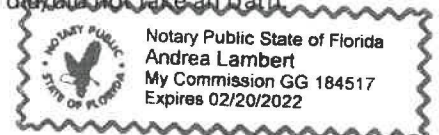
July 2020 by Aimee Carlson who is personally known to me, or who has produced

as identification and who did/did not take an oath

[Signature]

Notary Signature

Commission expires:



City of Stuart Development Department, 121 SW Flagler Ave. Stuart, FL 34994 Phone: (772) 288-5326 Fax: (772) 288-5388

OCEAN COVE

BEING A PARCEL OF LAND LYING IN SECTION 2,
TOWNSHIP 38 SOUTH, RANGE 41 EAST, CITY OF
STUART, MARTIN COUNTY, FLORIDA.

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY FOR STATE ROAD A-1-A, LESS AND EXCEPT THE WESTERLY 250.00 FEET THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2, BEAR SOUTH 89°52'53" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 250.00 FEET; THENCE NORTH 00°15'31" WEST A DISTANCE OF 238.48 FEET TO THE POINT OF BEGINNING; THENCE CONTRAINE NORTH 02°15'31" WEST A DISTANCE OF 610.86 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD A-1-A, SAID POINT BEING A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 3,324.14 FEET, WHOSE CENTER BEARS NORTH 08°28'19" WEST, HAVING A CHORD BEARING AND DISTANCE OF NORTH 77°58'07" EAST, A DISTANCE OF 412.75 FEET; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°07'08", A DISTANCE OF 413.02 FEET TO THE NORTHWEST CORNER OF BUILDING 54, KINGSWOOD CONDOMINIUM, AS RECORDED IN OFFICIAL RECORDS BOOK 411, PAGE 2331, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE THE FOLLOWING COURSES ALONG SAID KINGSWOOD CONDOMINIUM, SOUTH 15°25'50" EAST A DISTANCE OF 120.00 FEET; THENCE SOUTH 00°26'10" EAST A DISTANCE OF 93.35 FEET; THENCE SOUTH 89°33'50" WEST A DISTANCE OF 20.00 FEET; THENCE SOUTH 00°26'10" EAST A DISTANCE OF 20.00 FEET; THENCE NORTH 89°33'50" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 00°26'10" EAST A DISTANCE OF 216.06 FEET; THENCE SOUTH 32°36'37" WEST A DISTANCE OF 51.55 FEET; THENCE SOUTH 00°26'10" EAST A DISTANCE OF 448.12 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 2; THENCE SOUTH 89°52'53" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 517.30 FEET; THENCE SOUTH 00°19'44" WEST A DISTANCE OF 177.98 FEET; THENCE NORTH 89°29'05" WEST A DISTANCE OF 5.00 FEET TO THE NORTHEAST CORNER OF THE 44 FOOT PARCEL ADDED TO KINGSWOOD CONDOMINIUM BUILDING NO. 109 PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 1117, PAGE 281, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE THE FOLLOWING COURSES ALONG SAID PARCEL, NORTH 89°29'05" WEST A DISTANCE OF 43.98 FEET; THENCE SOUTH 00°26'10" WEST A DISTANCE OF 50.10 FEET TO A POINT ON THE NORTH LINE OF THE DRAINAGE AREA CONVEYED TO KINGSWOOD ASSOCIATION NO. 3, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AS RECORDED IN OFFICIAL RECORDS BOOK 476, PAGE 2524, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE THE FOLLOWING COURSES ALONG SAID DRAINAGE AREA, NORTH 84°56'25" WEST A DISTANCE OF 108.08 FEET; THENCE SOUTH 75°01'04" WEST A DISTANCE OF 184.25 FEET; THENCE NORTH 79°51'19" WEST A DISTANCE OF 178.95 FEET TO A POINT ON THE EAST LINE OF RECREATION AREA NO. 4 PARCEL, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1501, PAGE 1594, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE THE FOLLOWING COURSES ALONG SAID RECREATION AREA NO. 4 PARCEL, NORTH 00°16'32" WEST A DISTANCE OF 16.00 FEET; THENCE NORTH 100°06'26" EAST A DISTANCE OF 77.51 FEET; THENCE NORTH 74°54'57" WEST A DISTANCE OF 19.38 FEET; THENCE LEAVING SAID RECREATION AREA NO. 4 PARCEL, NORTH 09°50'57" WEST A DISTANCE OF 121.16 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 2; THENCE NORTH 89°52'53" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 167.61 FEET; THENCE NORTH 00°26'00" WEST A DISTANCE OF 97.04 FEET; THENCE NORTH 46°20'50" WEST A DISTANCE OF 205.77 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN MARTIN COUNTY, FLORIDA,
CONTAINING 481.103 SQUARE FEET OR 11.045 ACRES, MORE OR LESS.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

PULTE HOME COMPANY, LLC, A MICHIGAN LIMITED LIABILITY COMPANY, BY AND THROUGH ITS UNDERSIGNED DIVISION PRESIDENT, HEREBY CERTIFIES THAT IT IS THE OWNER OF THE PROPERTY DESCRIBED ON THE PLAT OF OCEAN COVE AND HEREBY DEDICATES AS FOLLOWS:

- TRACT "R" SHOWN ON THIS PLAT OF OCEAN COVE AND DESIGNATED AS PRIVATE IS HEREBY DECLARED TO BE THE PROPERTY OF OCEAN COVE PROPERTY OWNERS ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION. (HEREINAFTER "ASSOCIATION"), AND THE PRIVATE ROAD EASEMENT CONVEYED BY THIS PLAT TO THE ASSOCIATION, FOR ACCESS AND UTILITY PURPOSES (INCLUDING CATV), AND SHALL BE MAINTAINED, REPAIRED AND REPLACED BY THE ASSOCIATION. THE CITY OF STUART SHALL HAVE ACCESS TO SAID TRACT "R" FOR EMERGENCY VEHICLES AND PERSONNEL, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR THE STREET AND RIGHT-OF-WAY TRACT R DESIGNATED AS SUCH ON THIS PLAT.
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS OBTAINED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. THE CITY OF STUART HAS REGULATORY AUTHORITY OVER BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR, ANY UTILITY EASEMENT DESIGNATED AS SUCH ON THIS PLAT.
- TRACTS "O-1", "O-2", AND "O-3" AS SHOWN ON THIS PLAT OF OCEAN COVE ARE HEREBY DECLARED TO BE THE PROPERTY OF THE ASSOCIATION, AND ARE FURTHER DECLARED TO BE OPEN SPACE AREAS, WHICH SHALL BE CONVEYED BY THIS PLAT TO THE ASSOCIATION FOR OPEN SPACE, DRAINAGE, UTILITY AND LANDSCAPING PURPOSES, INCLUDING CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT OF A BUFFER WALL AND RELATED IMPROVEMENTS AND SHALL BE MAINTAINED BY THE ASSOCIATION. THE CITY OF STUART HAS AUTHORITY OVER, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR TRACTS "O-1", "O-2", AND "O-3" DESIGNATED AS SUCH ON THIS PLAT.
- TRACT "W" AS SHOWN ON THIS PLAT OF OCEAN COVE IS HEREBY DECLARED TO BE THE PROPERTY OF THE ASSOCIATION, WHICH SHALL BE CONVEYED BY DEED TO THE ASSOCIATION FOR DRAINAGE AND RETENTION PURPOSES, AND SHALL BE MAINTAINED BY THE ASSOCIATION. THE CITY OF STUART HAS AUTHORITY OVER, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR TRACT "W" DESIGNATED AS SUCH ON THIS PLAT.
- WET RETENTION MAINTENANCE EASEMENT (WRME) AS SHOWN ON THIS PLAT OF OCEAN COVE IS HEREBY DEDICATED TO THE ASSOCIATION, FOR ACCESS AND WET RETENTION MAINTENANCE PURPOSES AND SHALL BE MAINTAINED BY THE ASSOCIATION. THE CITY OF STUART HAS REGULATORY AUTHORITY OVER, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR THE WET RETENTION MAINTENANCE EASEMENT DESIGNATED AS SUCH ON THIS PLAT.
- THE LANDSCAPE BUFFER (LBS), AS SHOWN HEREON, IS HEREBY DEDICATED TO THE ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, FOR MAINTENANCE, REPAIR AND REPLACEMENT OF LANDSCAPING AND RELATED IMPROVEMENTS AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF STUART.
- PRESERVATION TRACT 1, 2 AND 3, INCLUSIVE, AS SHOWN HEREON, ARE HEREBY RESERVED FOR THE OWNERS THEREOF, THEIR SUCCESSORS AND ASSIGNS, AS CONSERVATION AREAS FOR PRESERVATION, WATER MANAGEMENT, AND NATURE TRAILS, SAID TRACTS SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID OWNERS, THEIR SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF STUART. SAID TRACTS MAY NOT BE ALTERED FROM THEIR NATURAL STATE WITH THE EXCEPTION OF THE REMOVAL OF EXOTIC INVASIVE VEGETATION, ACTIVITIES PROHIBITED IN SAID TRACTS NOT LIMITED TO, CONSTRUCTION OR PLACEMENT OF BUILDINGS ON OR ABOVE GROUND, DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH, THE REMOVAL OR DESTRUCTION OF TREES, SHRUBS OR OTHER VEGETATION OR ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR HABITAT CONSERVATION OR PRESERVATION.

SIGNED THIS _____ DAY OF _____, 2020, ON BEHALF OF SAID COMPANY BY ITS VICE PRESIDENT, PULTE HOME COMPANY, LLC, A MICHIGAN LIMITED LIABILITY COMPANY.

WITNESS BY: _____ BY: _____
PRINT NAME: _____ VICE PRESIDENT - LAND DEVELOPMENT

WITNESS BY: _____
PRINT NAME: _____

THIS INSTRUMENT PREPARED BY
RONNIE L. FURNISS

CAULFIELD and WHEELER, INC.
SURVEYORS-ENGINEERS-PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434
(561) 392-1991

SUBDIVISION PARCEL CONTROL NUMBER

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF _____ PHYSICAL PRESENCE OR _____ ONLINE NOTARIZATION, THIS _____ DAY OF _____, 2020, BY PATRICK GONZALEZ, VICE PRESIDENT LAND - DEVELOPMENT, ON BEHALF OF PULTE HOME COMPANY, LLC, A MICHIGAN LIMITED LIABILITY COMPANY, ON BEHALF OF THE LIMITED LIABILITY COMPANY, WHO IS _____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2020.

COMMISSION NO. & _____ NOTARY PUBLIC, STATE OF FLORIDA
EXPIRATION DATE _____

PRINT NAME: _____

ACCEPTANCE OF DEDICATION:

OCEAN COVE PROPERTY OWNERS ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, HEREBY ACCEPTS THE DEDICATIONS OR RESERVATIONS TO SAID ASSOCIATION AS STATED AND SHOWN HEREON, AND HEREBY ACCEPTS ITS MAINTENANCE OBLIGATIONS FOR SAME.
DATED THIS _____ DAY OF _____, 2020.

WITNESS: _____

PRINT NAME: _____

WITNESS: _____

PRINT NAME: _____

OCEAN COVE PROPERTY OWNERS ASSOCIATION, INC.,
A FLORIDA NOT-FOR-PROFIT CORPORATION.

BY: _____

PRINT NAME: DAVID KANAREK
TITLE: PRESIDENT

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF _____ PHYSICAL PRESENCE OR _____ ONLINE NOTARIZATION, THIS _____ DAY OF _____, 2020, BY DAVID KANAREK, PRESIDENT, ON BEHALF OF OCEAN COVE PROPERTY OWNERS ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, ON BEHALF OF THE NOT-FOR-PROFIT CORPORATION, WHO IS _____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2020.

COMMISSION NO. & _____ NOTARY PUBLIC, STATE OF FLORIDA
EXPIRATION DATE _____

PRINT NAME: _____

APPROVAL BY CITY OF STUART:

THIS PLAT IS HEREBY APPROVED BY THE UNDERSIGNED ON THE DATES INDICATED

DATE _____ GREGORY S. FLEMING CITY SURVEYOR AND MAPPER REVIEWER

DATE _____ KEVIN M. ROBERSON, CITY ENGINEER - KIMLEY-HORN AND ASSOCIATES INC.

DATE _____ MICHAEL J. MORTELL CITY ATTORNEY

DATE _____ MICHAEL J. MEIER MAYOR

DATE _____ MARY KINDEL CITY CLERK

PULTE HOME COMPANY, LLC,
A MICHIGAN LIMITED LIABILITY
COMPANY

STUART OCEAN RESIDENTIAL
COMMUNITY ASSOCIATION, INC.

TITLE CERTIFICATION:

I, DAVID BARKER A MEMBER OF THE FLORIDA BAR, HEREBY CERTIFY THAT AS OF _____, 2020,

1. RECORD TITLE TO THE LANDS DESCRIBED AND SHOWN ON THIS PLAT IS IN THE NAME OF PULTE HOME COMPANY, LLC, A MICHIGAN LIMITED LIABILITY COMPANY EXECUTING THE CERTIFICATE OF OWNERSHIP AND DEDICATION HEREON.

2. ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD, ENCUMBERING THE LAND DESCRIBED HEREON ARE AS FOLLOWS:
A) NONE

3. ALL TAXES THAT ARE DUE AND PAYABLE PURSUANT TO SECTION 197.192, F.S., HAVE BEEN PAID.

DATED: THIS _____ DAY OF _____, 2020.

DAVID BARKER, ATTORNEY

FLORIDA BAR NO.: _____

_____, FLORIDA

SURVEY NOTES:

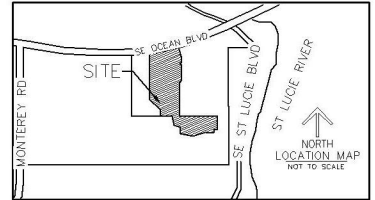
- NO BUILDINGS OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE COUNTY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS.
- APPROVAL OF LANDSCAPING ON UTILITY EASEMENT, (EXCLUDING WATER AND SEWER) SHALL ONLY BE WITH APPROVAL OF ALL UTILITIES OCCUPYING SAID EASEMENT.
- BEARINGS SHOWN HEREON ARE RELATIVE TO THE SOUTH LINE OF NORTHEAST 1/4 OF SECTION 2 TOWNSHIP 38 SOUTH, RANGE 41 EAST, BEARING N89°52'53"W.
- LINE INTERSECTING CURVES ARE NON-RADIAL UNLESS SHOWN OTHERWISE.
- THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE CONCOIDE, DRAINAGE EASEMENTS SHALL HAVE THE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITY BEING DETERMINED BY USE RIGHTS GRANTED.

CERTIFICATE OF SURVEYOR AND MAPPER:

I, RONNIE L. FURNISS, HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND THAT THE PLAT COMPLES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND APPLICABLE ORDINANCES OF THE CITY OF STUART, FLORIDA.

DATED: _____ BY: _____
RONNIE L. FURNISS
PROFESSIONAL SURVEYOR AND MAPPER #5272
STATE OF FLORIDA
CAULFIELD and WHEELER, INC.
SURVEYORS - ENGINEERS - PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA, 33434
(561)-392-1991
CERTIFICATION OF AUTHORIZATION NO. LB 3591

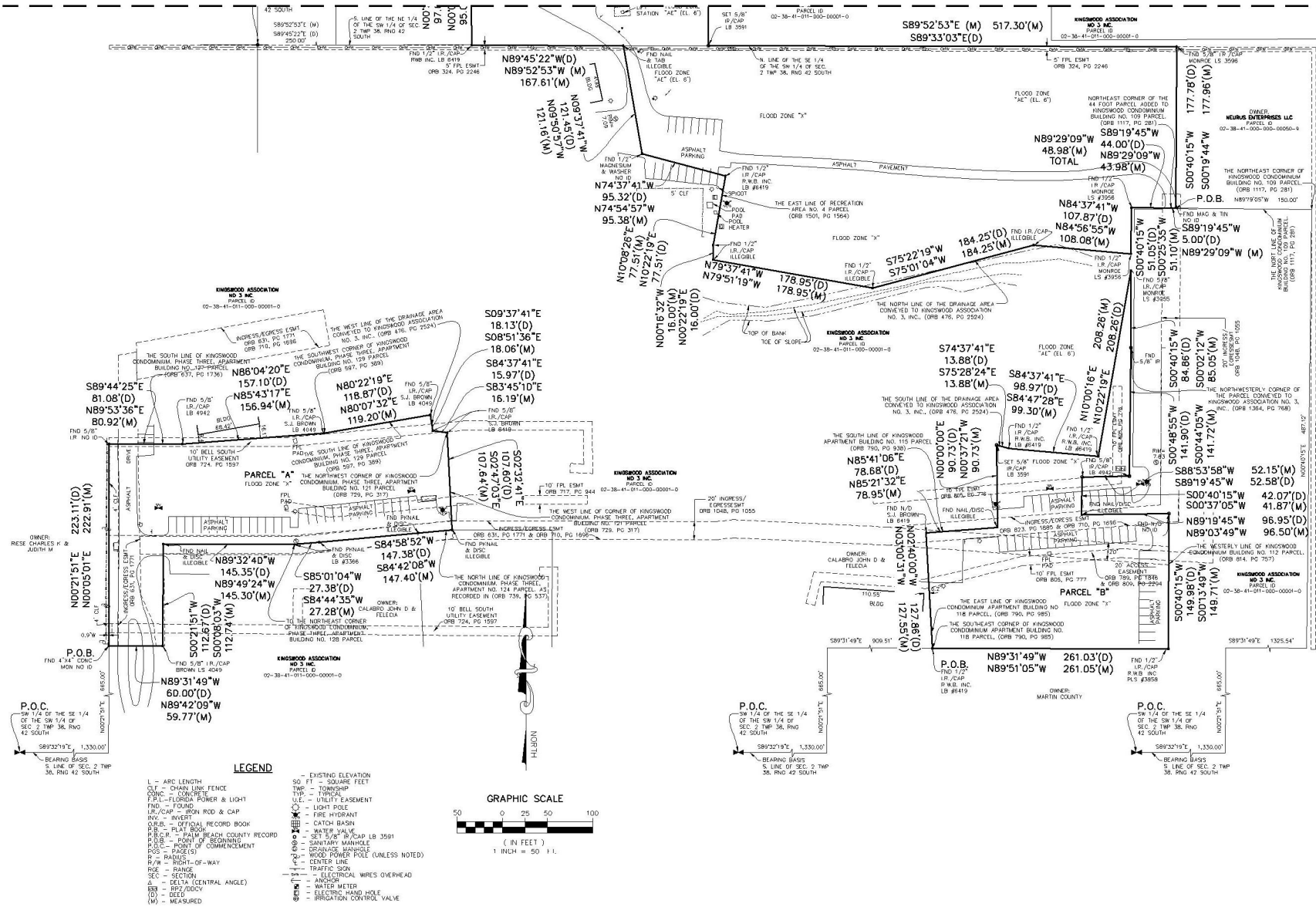
SHEET 1 OF 5



Page 112 of 150

ALTA/NSPS LAND TITLE SURVEY

SEE SHEET 1

[illegible]

CAUI FIELD & WHIFFER, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-362-1991 / FAX (561)-750-1414

A PORTION OF SW 1/4
SEC. 2, TWP 38, RNG 41
ALTA/NSPS LAND TITLE SURVEY

DATE	5/01/2019
DRAWN BY	RF
C.B. / PG.	N/A
SCALE	1"=50'

JDB # 8164-1
SHEET NO.
2
OF 2 SHEETS

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: David Dyess, City Manager

Title of Item:

AMENDMENT TO CITY CHARTER CORPORATE BOUNDARY (RC):

ORDINANCE No. 2455-2020; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMEND THE CORPORATE BOUNDARY OF THE CITY AND REDEFINE THE BOUNDARY OF THE CITY AS SET FORTH IN APPENDIX "A" OF THE CITY CHARTER AS ADOPTED BY ORDINANCE NO. 2028-05 ON APRIL 11, 2005, AS AMENDED; REDEFINING THE CORPORATE BOUNDARY TO INCLUDE ALL LANDS ANNEXED TO THE CITY THROUGH THE EFFECTIVE DATE HEREOF; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City Charter Appendix "A" requires amendment to redefine the accurate legal boundary of the City of Stuart to be a matter of record with the Florida Department of State.

Funding Source:

N/A

Recommended Action:

Approve Ordinance 2455-2020

ATTACHMENTS:

Description	Upload Date	Type
□ Ordinance 2455-2020 - Amendment to the Corporate Boundary	9/30/2020	Ordinance add to Y drive
□ Appendix A	9/30/2020	Attachment
□ Florida Statute 171.091	9/30/2020	Backup Material



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2455-2020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMEND THE CORPORATE BOUNDARY OF THE CITY AND REDEFINE THE BOUNDARY OF THE CITY AS SET FORTH IN APPENDIX "A" OF THE CITY CHARTER AS ADOPTED BY ORDINANCE NO. 2028-05 ON APRIL 11, 2005, AS AMENDED; REDEFINING THE CORPORATE BOUNDARY TO INCLUDE ALL LANDS ANNEXED TO THE CITY THROUGH THE EFFECTIVE DATE HEREOF; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the Florida "Municipal Home Rule Powers Act" provides that a Florida municipality may redefine its boundaries to include those lands previously annexed by ordinance without the necessity of a referendum and may file the amending ordinance with the Florida Department of State; and

WHEREAS, the boundary of the City of Stuart is set forth in Appendix "A" of the City Charter as adopted by Ordinance No. 2028-05 on April 11, 2005; and

WHEREAS, the City Commission desires that the boundary of the City be properly and correctly set forth in the City Charter and that the legal boundary of the City be a matter of record with the Florida Department of State.

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

SECTION 1: The City Charter of the City of Stuart, Florida is hereby amended at Appendix "A" to set forth the proper and correct legal boundary of the City of Stuart, Florida. The legal description of the boundary is attached hereto as "Exhibit A" attached hereto and made a part hereof by reference.

SECTION 2: 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 of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3: All ordinances or parts thereof in conflict with this ordinance be and the same are hereby repealed to the extent of such conflict.

SECTION 4: The provisions of this ordinance shall be codified in the Stuart City Code of Ordinances and a copy shall be filed with the Florida Department of State pursuant to §171.091, Florida Statutes.

SECTION 5: This ordinance shall take effect immediately upon adoption.

Passed on First Reading the ____ day of October, 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:

MICHAEL J. MEIER, MAYOR
EULA R. CLARKE, VICE MAYOR
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on Second and Final Reading this ____ day of October, 2020.

ATTEST:

MARY R. KINDEL
CITY CLERK

MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

City of Stuart Charter
Appendix A

City of Stuart Legal Description 2020

That a municipality to be called the "City of Stuart" is hereby established in Martin County, the territorial boundaries of which shall be as follows:

Begin at the SE corner of Lot 31 of SUNSET ESTATES, according to the Plat thereof as recorded in Plat Book 2 at Page 43 of the Public Records of Martin County Florida, said corner being on the West line of Government Lot 3, Section 32, T37S, R41E;; thence run North along the West line of Government Lot 3 to the point of intersection with the South line of the N 1/2 of said Government Lot 3, being on the South line of NORTH RIVER SHORES, Section 6, as in Plat Book 3, Page 88, Martin County Public Records; thence run East along said South line to the SW corner of Block "C", of said NORTH RIVER SHORES, Section 6; thence run Northwesterly along the West line of said Block "C" to the NW corner of same; thence run Northerly across NW River Shores Boulevard (which includes that portion of NW River Shores Boulevard lying between Blocks "A" and "C", Section 6, NORTH RIVER SHORES SUBDIVISION) to the SW corner of Block "A"; thence run Westerly along Northerly right-of-way line of NW River Shores Boulevard and along the South line of Lots 29 and 28 to the SW corner of Lot 28 of said Block 24; thence run Northerly along the West line of Lot 28 to the NW corner of same; thence run West along the South line of Lot to the SW corner of Lot 20 of said Block 24; thence run Northerly along the West line of Lot 20 to the NW corner of Lot 20; thence run Easterly and Northerly along the North line of Lot 20 and the West line of Lots 19 and 18 to the NW corner of Lot 18 of said Block 24; thence run Northeasterly to the NE corner of said Lot 18; thence run Northwesterly along the Northeastern line of Lot 17, a distance of 25.00 feet to the point of intersection with the North line of the aforementioned Government Lot 3; thence run Westerly along said North line a distance of 48.90 feet to a point at the SW corner of the E 1/2 of the SW 1/4 of the SE 1/4 of the SW 1/4 of Section 29, T37S, R41E, Martin County, Florida; thence run N 00°40'58" E along the West line of said E 1/2, a distance of 153.91 feet; thence run S 89°34'44" E, a distance of 373.99 feet to an intersection with the Westerly right-of-way line of NW Federal Highway; thence run S 18°41'32" E along said Westerly right-of-way line, a distance of 161.87 feet to an intersection with the South line of said Section 29; thence run Easterly across US Highway #1, a portion of which is included, (see Ord. #904) to a point on the East right-of-way line of same; thence N 18°41'32" W along said Easterly right-of-way line of US Highway #1 (SR #5), as shown on the Plat of "PALM LAKE PARK", as recorded in Plat Book 3, Page 41 of the Public Records of Martin County, Florida a distance of 300 feet; thence N 18°41'32" W along said Easterly right-of-way line a distance of 451.16 feet; thence S 89°38'22" E, parallel with and 710 feet North of, as measured at right angles to the South line of the SW 1/4 of said Section 29, a distance of 273.05 feet; thence N 00°30'17" E, parallel to and 400 feet West of, as measured at right angles to, the East line of the SW 1/4 of said Section 29, a distance of 205.45 feet to the South right-of-way line of NW Baker Road, a 60.00 foot right-of-way as now laid out and in use; thence continue Northerly along said East line 60.00 feet to the North right-of-way line of Baker Road; thence N 89°11'13" W, along the North right-of-way line of NW Baker Road to the Easterly right-of-way line of US Highway #1 (SR #5); thence run Northwesterly along the Easterly right-of-way line of US Highway #1

(SR #5), to a point on the South line of the NW 1/4 of Section 29, T37S, R41E; Thence Westerly along the South Line of the NW 1/4 of Section 29, T37S, R41E to the westerly right of way line of US Highway #1 SR #5); Thence continuing along the South Line of the NW 1/4 of Section 29, T37S, R41E a distance of 357.73 feet to a point; thence S 18°38'23"E a distance of 96.77 feet to a point; thence N 89°26'32" W a distance of 50.00 feet to a point; thence S 18°38'23" a distance of 115.00 feet to a point on the North line of Palm Lake Park, as recorded in Plat Book 3, Page 41 of the Public Records of Martin County, Florida; thence N 89°26'32"W along the North line of said plat a distance of 763.51 feet to the Northwest corner of said plat also being the West line of Section 29, T37S, R41E; thence N00°38'02"E along the west line of said Section 29 a distance of 565.55 feet; thence departing the West line of said Section 29 S 89°26'32"E a distance of 968.57 feet to the Westerly right of way line of US Highway #1 (SR #5); thence continuing S 89°26'32"E to the Easterly right of way line of US Highway #1 (SR #5); thence N 18°41'27" W along the East right-of-way line of said US Highway #1, a distance of 810.00 feet to a point on the Northerly right-of-way line of NW Windemere Drive; thence along the North right-of-way line of NW Windemere Drive for the following courses: thence N 71°18'28" E, a distance of 44.00 feet to a point of curvature on a curve concave to the South and having a radius of 338.25 feet; thence Easterly along the arc of said curve, through a central angle of 37°39'32" and having a chord bearing of S 89°51'46" E and a chord length of 218.34 feet, a distance of 222.32 feet to a point of tangency; thence S 71°02'00" E, a distance of 341.00 feet to a point on a curve concave to the NE and having a radius of 965.20 feet; thence Southeasterly, along the arc of said curve, through a central angle of 09°05'00", having a chord bearing of S 75°34'30" E and a chord length of 152.86 feet, a distance of 153.02 feet to a point of tangency; thence S 80°07'00" E, a distance of 131.20 feet to a point on a curve concave to the North and having a radius of 398.96 feet; thence Easterly, along the arc of said curve, through a central angle of 13°02'42", having a chord bearing of S 86°38'21" E and a chord length of 90.64 feet, a distance of 90.83 feet to a point of compound curvature with the arc of a circular curve concave to the NW; thence Easterly along the arc of said curve having a radius of 980.20 feet and a central angle of 5°40'18" for 97.03 feet to a point of tangency; thence N 81°10'00" E for 464.99 feet to the SE corner of Lot 78 of Pineapple Plantation Plat One, according to the Plat thereof, as recorded in Plat Book 14 at Page 4 of the Public Records of Martin County, Florida and the termination of courses along the North right-of-way line of NW Windemere Drive; thence along the Easterly and Northerly limits of Pineapple Plantation for the following courses: thence N 08°50'00" W for 200.00 feet; thence S 81°10'00" W for a distance of 125.00 feet; thence N 08°50'00" W for 106.92 feet to a point of curvature with a circular curve concave to the SW; thence Northwesterly along the arc of said curve having a radius of 525.00 feet and a central angle of 4°09'32" for 38.11 feet to a point; thence S 81°10'00" W for 175.69 feet to a point of nontangential intersection with the arc of a circular curve concave to the SW, said point bearing N 74°55'16" E from the center of said curve; thence Northwesterly along the arc of said curve, having a radius of 350.00 feet and a central angle of 34°21'35" for 209.89 feet to a point of tangency; thence N 49°26'19" W for 260.29 feet to a point of curvature with the arc of a circular curve concave to the NE; thence Northwesterly along the arc of said curve, having a radius of 350.00 feet and a central angle of 50°31'59" for 308.59 feet to a point of tangency;

Begin change:

thence N 00°07'55" E for 22.79 feet to a point of curvature with the arc of a circular curve concave to the SE; thence Northeasterly along the arc of said curve having a radius of 265.52 feet and a central angle of 34°42'31" for 160.85 feet to a point of nontangency; thence S01°09'59"W for 176.14 feet; thence S01°01'02"E for 63.10 feet to a point of curvature with the arc of a circular curve concave to the SE; thence Northeasterly along the arc of said curve having a radius of 120.00 feet and a central angle of 53°49'03" for 112.72 feet to a point of cusp and the point is on the southeasterly curve of Lot 105 of the plat of Pineapple Plantation Plat Three, a P.U.D. as recorded in Plat Book 3, Page 14 of the Public Records of Martin County, Florida; thence Westerly along the arc of said lot on a curve having a radius of 170.00 feet and a central angle of 08°40'55" for 25.76 feet to the Southeast corner of Lot 106 of said plat; thence S28°31'02"E for 125.00 feet to the Northeast corner of Lot 106 of said subdivision, said point also being a point of nontangential intersection with the arc of a circular curve concave to the North; thence Westerly along the arc of said curve having a radius of 45.00 feet and a central angle of 92°57'57" for 73.02 feet to a point of reverse curve; said curve having a radius 25 feet and a central angle of 64°37'23" for 28.20 feet to a point of tangency; thence S89°49'31"W for 52.00 feet to the Northwest corner of Lot 108 of said subdivision; thence S00°10'29"E for 125.00 feet to the Southwest corner of Lot 108 of said subdivision; thence S89°49'31"W for 66.86 feet to a point of tangency of a arc of a circular curve concave to the SE; thence Southwesterly along said curve having a radius of 125.00 feet and central angle of 41°24'10" for 90.33 feet to a point of compound curvature of a circular curve concave to the SE; thence Southwesterly along said curve having a radius of 175.00 feet and a central angle of 12°36'04" for 38.49 feet to a point of compound curvature of a circular curve concave to the SE; thence Southwesterly along said curve having a radius of 720.87 feet and a central angle of 25°19'17" for 318.58 feet to a point of compound curvature of a circular curve concave to the SE; thence Southwesterly along said curve having a radius of 325.00 feet and a central angle of 12°46'18" for 72.44 feet to a point of reverse curve of a circular curve concave to the West; thence Southerly along said curve having a radius of 326.60 feet and a central angle of 8°47'48" for 50.14 feet to a point; thence S6°31'30" for 2.30 feet to the Southwest corner of Lot 121 of said subdivision; thence N 89°36'37" W for 126.29 feet; thence N 70°06'39" W for 50.86' feet; thence N 89°16'43" W for 127.92 feet to a point of nontangential intersection with the arc of a circular curve concave to the SE, said point bearing N 81°26'28" W from the center of said curve; thence Northeasterly along the arc of said curve having a radius of 175.00 feet and a central angle of 4°26'27" for 13.56 feet to a point of nontangential intersection; thence N 89°36'25" W for 29.00 feet; thence S 00°43'17" W, along the West line of said Pineapple Plantation Plat One, a distance of 336.01 feet to a point at the SE corner of Lot 6, Block 2, St. Lucie Gardens Subdivision, according to the Plat thereof as recorded in Plat Book 1, Page 35 of the Public Records of St. Lucie (now Martin) County, Florida; thence N 89°33'47" W, along the South line of said Lot 6, Block 2, a distance of 157.13 feet to a point on the Easterly right-of-way line of US Highway #1; thence N 18°41'27" W along said right-of-way line for 704.64 feet to an intersection with South line of Lot 7 of Block 2, Section 29, T37S, R41E of ST. LUCIE GARDENS SUBDIVISION, according to the Plat thereof, as recorded In Plat Book 1, Page 35, of the Public Records of St. Lucie County, (now Martin County), Florida; thence S 89°36'25" E along said South line for 60.16 feet to the East line of said Lot 7; thence N 00°45'42" E along said East line

for 665.74 feet to the South line of Section 20, T37S, R41E also being the south line of block 3, Section 20, T37S, R41E of ST. LUCIE GARDENS SUBDIVISION; thence run Westerly along said South line, a distance of 300 feet, more or less to the Easterly Right-of-Way line of US Highway #1; thence N 18°41'32" West, along said Easterly Right-of-Way line, a distance of 1693.41 to a point on the North line of Pineapple Commons Commercial Tract; thence departing said Easterly Right-of-Way line and along the North line of Pineapple Commons Commercial Tract for the following three courses: S 89°19'54" E, a distance of 188.47 feet; thence N 71°17'52" E, a distance of 428.36 feet; thence N 81°16'00" E, a distance of 91.47 feet to the NW corner of the Pineapple Commons Residential Tract; Thence North along the Easterly right of way of a Goldenrod Road with a curve concave to the southeast having a radial line bearing of North 74°53'18" East having a radius of 5999.00 Feet to a point of reverse curve; Thence run Northwesterly along the arc of this curve through a central angle of 00°12'58" for 22.58 Feet to a point of reverse curve on a curve through a central angle of 33°16'45" for 231.61 feet to a point; Thence run North 48°10'31" for 75.01 feet to a point of curvature on a curve concave to the Northeast having a radius of 301.25 feet, then run Northwesterly along the arc of this curve through a central angle of 48°10'31" for 253.30 feet to a point of tangency; Thence run North 00°00'00" West for 58.56 feet to a point of tangency of a curve concave to the Southwest having a radius of 398.75 feet, then run Northwesterly along the arc of this curve through a central angle of 31°12'29" for 217.19 feet to a point of reverse curve having a radius of 301.25 feet, then run Northwesterly along the arc of this curve through a central angle of 31°39'44" for 166.47 feet to a point of tangency; Thence run North 00°27'16" East for 710.20' to a point of curvature on a curve concave to the Southeast having a radius of 301.25 feet, then run Northeasterly along the arc of this curve through a central angle of 52°41'36" for 277.05 to a point of tangency; Thence North 53°08'51" West for 48.90 feet to a point of curvature concave to the Northwest having a radius of 398.75 feet, thence run Northeasterly along the arc of this curve through a central angle of 52°18'24" for 364.03 feet to the Southeast right of way corner of Goldenrod Road and Jensen Beach Boulevard. Thence run South 89°09'33" East along the South right of way line of Jensen Beach Boulevard for 1626.94 feet to a point; Thence departing from the South right of way line of Jensen Beach Boulevard South 00°50'27" West for 43.14' feet; Thence South 04°57'36" West 72.53 feet; Thence South 51°22'53" East for 33.09 feet; Thence South 43°06'34" East for 33.70 feet; Thence South 43°06'34" East for 33.97 feet thence; South 30°08'57" West for 80.86 feet; Thence South 51°57'02" West for 64.91 feet; North 86°45'15" West for 32.17 feet; South 44°13'38" West 68.02 feet of non-tangency; Thence along a circular curve concave to the Northwest having a radius of 245.13 feet and a radial bearing of North 59°59'38" West, then run Southwesterly along the arc of this curve through a central angle of 42°02'09" for 179.84' to a point of non-tangency; Thence run South 00°50'27" West for 193.59 feet; Thence run North 89°20'23" West 32.03 feet; Thence run South 50°00'50" East 10.19 feet; Thence run South 13°57'20" East 92.73 feet; Thence run South 22°49'31" East 116.28 feet; Thence run South 46°12'07" East 55.44 feet; Thence run South 55°18'12" East 143.5 feet; Thence run South 23°34'17" West 197.77 feet; Thence run South 35°40'01" West 45.93 feet; Thence run South 03°43'35" East 50.65 feet; Thence run South 15°18'52" East 166.36 feet; Thence run South 07°43'00" East 56.20 feet; Thence run South 89°20'23" East 31.12 feet; Thence run South 36°11'21" East 75.02 feet; Thence run South 26°15'10"

East 153.97 feet; Thence run South 10°13'09" West 177.36 feet; Thence run South 35°38'09" West 50.14 feet; Thence run South 06°51'08" East 91.80 feet; Thence run South 27°53'54" East 83.06 feet; Thence run North 81°16'00" East 331.86 feet; thence S 89°26'00" E, a distance of 661.65 feet to the NE corner of said Pineapple Commons Residential Tract, said intersection also lying on the West line of the SE 1/4 of Section 20; thence N 00°28'26" E along the West line of the SE 1/4 of said Section 20, also being the West line of Block 4 of said Section 20 and along the West line of the NE 1/4 of said Section 20, also being the West line of Block 1 of said Section 20 for 1951.07 feet to an intersection with the Southerly right-of-way line of NW Jensen Beach Boulevard (a 100.00 foot right-of-way); thence S 89°09'01" E along said southerly right-of-way line for 2642.72 feet to an intersection with the East line of said Section 20, ST. LUCIE GARDENS SUBDIVISION; thence S 00°39'00" W along the East line of said Section 20 for 3940 feet, more or less to the SE corner of said Section 20, also being the NE corner of Section 29, T37S, R41E; thence S 00°05'08" W along the East line of said Section 29 for 2663.75 feet to the East 1/4 corner of said Section 29; Thence North 89°24'01" West along the South line of the NE 1/4 of said Section 29 for 1813.04 feet; Thence South 00°40'03" West for 1334.92 feet to a point on the South line of the North one-half of the Southeast one-quarter of said Section 29; Thence continue South 00°40'03" West for 350.21 feet to the North right of way line of Baker Road; Thence North 89°07'00" West along the Northern right of way line of Baker Road for 75 feet; Thence departing the North right of way line of Baker Road North 00°40'03" East for 350.65 feet to the South line of the North one-half of the Southeast one-quarter of said Section 29; Thence N 88°46'47" West along the South line of the North one-half of the Southeast one-quarter of said Section 29 for 775.89 feet to the Southwest corner of the North one-half of the Southeast one-quarter of Section 29; Thence South 00°15'19" West along the West line of the Southeast 1/4 of Section 29 to the South right of way line of NW Baker Road (60 foot right-of-way, said right-of-way is excluded); Thence run Easterly on said Southern right-of-way line for a distance of 666.03 feet to a point; thence S 00°32'08" E a distance of 915.77 feet to the South line of the SE 1/4 of said Section 29; thence proceed Easterly on the South line of Section 29 for a distance of 1514.73 feet, more or less to an intersection with a line lying 500 feet West of and parallel with the East line of Section 29; thence run N 00°14'59" E along said parallel line for a distance of 650.00 feet; thence run N 88°58'54" W for a distance of 57.00 feet; thence run Northerly 217.00 feet to a point on the South right-of-way line of NW Baker Road; thence run S 89°07'27" E along said South right-of-way line for a distance of 282.26 feet to a point to the Southwesterly extension of the Southeasterly right-of-way line of NE Baseline Avenue; thence run Northeasterly along the Southwesterly extension of the Southeasterly right-of-way line of NE Baseline Avenue and the Southeasterly right-of-way line of NE Baseline Avenue to a point which intersects with the South line of NE 15th Street (said right-of-way is excluded); thence run East on the South right-of-way line of NE 15th Street to the East line of Northwood Subdivision according the plat thereof as recorded in Plat book 1, Page 55 of the Public Records of Martin County, Florida; thence Northerly along said East line of Northwood Subdivision a distance of 660 feet, more or less to the NW corner of the SW 1/4 of the NE 1/4 of the SW 1/4 of Section 28, Township 37 South, Range 41 East; Thence Easterly along said North line a distance of 660 feet, more or less to the NE corner of the SW 1/4 of the NE 1/4 of the SW 1/4 of Section 28 Township 37 South, Range 41 East; Thence Easterly along said North line a distance of 660 feet, more or less to the NE corner of the SE 1/4

of the NE ¼ of the SW ¼ of Section 28 Township 37 South, Range 41 East; Thence Southerly along the East line of NE ¼ of the SE ¼ of the SW ¼ of Section 28 Township 37 South, Range 41 East to the Northerly right-of-way of NE Baker Road Extension. Thence Southwesterly along the North right-of-way line of NE Baker Road Extension to the East line of the SW ¼ of the SE ¼ of the SW ¼ of Section 28; thence South along the East line of the SW ¼ of the NE ¼ of the SW ¼ of Section 28 to a point on the South right-of-way line of NE Baker Road Extension; thence run East along said South right-of-way line for a distance of 71.61 feet to the right-of-way line created by the corner clip at Baker Road and Savannah Road; thence continue Easterly along said South right-of-way line of NE Baker Road Extension and the Easterly prolongation thereof, a distance of 384 feet, more or less to an intersection with the Southeasterly right-of-way line of NE Savannah Road; thence run Northeasterly along said right-of-way line a distance of 443 feet, more or less to the West line of the East 330 feet of lot 11 Glutsch's Subdivision as recorded in Plat Book 1, Page 213, public records of St. Lucie County, now Martin County, Florida; thence S 00°56'16"W along the West line of the East 330 feet of said lot 11 a distance of 535.43 feet to a point on the Northerly right of way line of the Florida East Coast Railway, thence S 69°59'04"W along said Northerly right-of-way line a distance of 748.43 feet to a point on the Northerly right-of-way line of State Road 707, said point being on curve concave to the Southwest having a radius of 406.87 feet (through which a radial line bears N 57°28'02" W); thence Northwesterly 158.99 feet along the arc of said curve, through a central angle of 22°23' 20" to a point of tangency; thence N 72°58'32" W continuing along the Northerly right-of-way line of State Road 707, a distance of 133.36 feet; thence departing said Northerly right-of-way line of State Road 707, S 78°25'16" W, a distance of 270 feet, more or less to a point of intersection with the Westerly right-of-way line of NE Cardinal Drive and the Northwesterly right-of-way line of NE Savannah Road; thence run Southwesterly along said Northwesterly right-of-way line to a point of intersection with the South line of said Section 28; thence run Westerly along the South line of Section 28 to an intersection with a line being 831.01 feet Easterly of and parallel to the West line of Section 33, T37S, R41E, Martin County, Florida; thence run South parallel to the West line of Section 33, T37S, R41E o the Northerly right-of-way line of the FEC Railroad; thence run Southwesterly along said Northerly right-of-way line to the West bank of a creek that traverses Government Lot 1, Section 32, T37S, R41E; thence meander Southeasterly along the West bank of said creek to the waters of the St. Lucie River; thence meander the shoreline of the St. Lucie River Westerly to the point of intersection with the West line of Government Lot 1, Section 32, T37S, R41E; thence run South along said line to the SE corner of the SW ¼ of the NE ¼ of said Section 32; thence run East along the North line of the South ½ of Sections 32, 33 and 34, T37S, R41E to the point of intersection with a line that is 746.00 feet East of and parallel to the West line of the SE ¼ of said Section 34; thence run South along said line 746.00 feet East of and parallel to the West line of the SE ¼ of said Section 34 and the West line of the NE ¼ of Section 3, T38S, R41E to a point 800.00 feet North of the centerline of SE Ocean Boulevard (SR A1A); thence run in a Northeasterly direction along the Northernmost boundary of the right-of-way of SE St. Lucie Boulevard to a point of intersection with the East line of Government Lot 2; thence run North for a distance of 820.00 feet more or less to a point that is 2095.29 feet North of the SE corner of said Government Lot 2; thence run West 150.00 feet to a point; thence run North, parallel to the East line of said Government Lot 2, a distance of 537.20 feet to the South shore of the St. Lucie

River; thence meander said shoreline Northeasterly to the point of intersection with a line that is 214.30 feet West of and parallel to the East line of Section 34, T37S, R41E, and the East line of Section 3, T38S, R41E; thence run South along the West line of the East 214.30 feet of said Section 34 and Section 3 a distance of 875.00 feet more or less to the North right-of-way line of SE Osceola Street (said right-of-way is included, see Ord. #904); thence run East along the Northern right-of-way of SE Osceola Street for a distance of 214.30 feet to a point; thence run South along the East line of said Section 3 to a point of intersection with the Northernmost boundary line of SE St. Lucie Boulevard; thence run East on a line parallel to the centerline of said right-of-way for a distance of 50.00 feet to a point; thence run South to a point on the South right-of-way of SE St. Lucie Boulevard; thence continue to run South on a line parallel to and 50.00 feet East of the West line of said Section 2, T38S, R41E, for a distance of 220.00 feet; thence run S 89°25'40" E for a distance of 957.23 feet to a point of a curve concave to the right; thence run on an arc a distance of 358.07 feet through a central angle of 60°45'07" of said curve having a radius of 337.70 feet to the point of tangent of said curve; thence run S 28°40'33" E for a distance of 106.25 feet to a point; thence run S 61°10'27" W a distance of 656.82 feet to a point; thence run N 28°41'33" W for a distance of 25.00 feet to a point; thence run S 83°48'07" W a distance of 390.60 feet to a point; thence run N 88°29'30" W a distance of 380.00 feet to the West line of Section 2, T38S, R41E; thence run South along said West line a distance of 505.00 feet to a point 40.00 feet South of the NW corner of the NW 1/4, of the SW 1/4, of said Section 2; thence run East parallel to and 40.00 feet South of the North line of the NW 1/4 of the SW 1/4 a distance of 1320.00 feet more or less to a point on the East line of the NW 1/4 of the SW 1/4, thence run South along said East line to a point on the South right-of-way line of SE Ocean Boulevard (SR A1A); thence run Northeasterly along said South right-of-way line to a point which intersects with the East line of the NE 1/4 of the SW 1/4, of Section 2, T38S, R41E, said point also being located on the Southerly right-of-way line of SE Ocean Boulevard (SR A1A); thence continue South on the East line of said SW 1/4 to a point 17.50 feet North of the South line of Block 6, Plat of ST. LUCIE POINT BUILDING LOTS, as in Plat Book 6, Page 36, Palm Beach (now Martin) County Public Records; thence run East on a line parallel to the South line of said Block 6 to the East line of Block 6; thence run South along the East line of Block 6, ST. LUCIE POINT BUILDING LOTS and the East line of Block 9, Plat of BAY ST. LUCIE as in Plat Book 6, Page 57, Palm Beach (now Martin) County Public Records, to a point 30.00 feet South of the North line of Lot 27, Block 9, Plat of BAY ST. LUCIE; thence run West parallel to the North line of said Lot 27 to the West line of the Plat of BAY ST. LUCIE, which line is also the East line of the SW 1/4 of Section 2, T38S, R41E; thence run South along said line to the SE corner of the N 1/2 of the SE 1/4 of the SW 1/4 of Section 2; thence run West along the South line of the N 1/2 of the SE 1/4 of the SW 1/4, a distance of 1320.00 feet more or less to the SE corner of VISTA PINES CONDOMINIUM "K" as in declaration in Official Record Book 332, Page 203, Martin County Public Records; thence continue to run West a distance of 1332.44 feet to the SW corner of VISTA PINES CONDOMINIUM "T" as in declaration in Official Record Book 340, Page 31, Martin County Public Records; said corner also being a point on the West line of Section 2, T38S, R41E; thence run North along said line a distance of 664.91 feet to the NW corner of VISTA PINES CONDOMINIUM "V" as in declaration in Official Record Book 341, Page 2757, Martin County Public Records, said corner also being the SW corner of the NW 1/4 of the SW 1/4 of Section 2, T38S, R41E; thence run

West along the South line of the NE 1/4, of the SE 1/4, of Section 3, T38S, R41E, a distance of 351.54 feet to a point of intersection with the Easterly limits of the Plat of MONTEREY COMMONS; thence run South along the Easterly limits of MONTEREY COMMONS for the following three (3) courses: (1) S 0°27'54" W for 180 feet; (2) S 89°32'06" E for 7.33 feet; (3) S 0°27'54" W for 623.90 feet to the Northernmost right-of-way line of SE Kingswood Terrace; thence run Northwesterly along said right-of-way line to the intersection with the East right-of-way line of SE Monterey Road; thence continue diagonally across said right-of-way to a point on the Easternmost boundary line of Government Lot 1, Section 3, T38S, R41E, said point being also the SE corner of Lot 1, Block 47 of the BROADWAY SECTION OF ST LUCIE ESTATES; thence run South on the West line of Government Lot 1 to a point which intersects with the centerline of SE 10th Street and the South line of Section 3 (also the North line of Section 10), T38E, R41E; thence continue to run South across SE 10th Street to the Southernmost right-of-way line of said street and the NE corner of Lot A (also known as Lot 94), Block 61, Plat of SARITA ADDITION TO BROADWAY SECTION OF ST. LUCIE ESTATES, as in Plat Book 1, Page 12, Martin County Public Records; thence run South along the East line of Lots A and 37, of said Block 61 (also known as Lots 94 and 77, SARITA HEIGHTS unrecorded Plat) to the SE corner of said Lot 37; thence continue South across East 11th Street to the NE corner of Lot 13, Block 62 of said SARITA ADDITION (also known as Lots 76, Block 62, SARITA HEIGHTS unrecorded Plat); thence run South along the East line of Lots 13 and 35 of said Block 62 to the SE corner of Lot 35 (also known as Lot 70, Block 62, SARITA HEIGHTS unrecorded Plat); thence run Southerly across SE Dolphin Drive to the NE corner of Lot 13, Block 63 of said SARITA ADDITION (also known as Lot 69, Block 63, SARITA HEIGHTS unrecorded Plat); thence run Southwesterly along the East line of Lot 13, Block 63 of said SARITA ADDITION to the intersection with the Northwestern boundary of Lot 35 (also known as Lot 61); thence run Southeasterly and South along the easternmost lines of said Lot 35 (also known as Lot 61) to the Southeast corner of Lot 35 (also known as Lot 61, Block 63, SARITA HEIGHTS unrecorded Plat); thence run South across SE 13th Street to the NE corner of Lot 29, Block 64 of said SARITA ADDITION (also known as Lot 55, Block 64, Sarita Heights unrecorded Plat); thence run South along the East line of Lots 29 and 45, Block 64 of said SARITA ADDITION to the Southeast corner of Lot 45 (also known as Lot 54, Block 64, SARITA HEIGHTS unrecorded Plat); thence run West along the South line of the N 1/4 of Section 10, T38S, R41E, to the point of intersection with a line parallel to and 746.00 feet East of the West line of the NE 1/4 of said Section 10; thence run South along said line to the point of intersection with the South line of the N 1/2 of said Section 10; thence run West along the South line of the N 1/2 of Section 10 and Section 9, T38S, R41E, to the West right-of-way line of SE Palm Beach Road (said road is included, see Ord. #904), said point also being a point on the East line of Block 1, Plat of LAWLER HEIGHTS as in Plat Book 3, Page 110, Martin County Public Records; thence run South along the West right-of-way line of SE Palm Beach Road to the point of intersection with the NE right-of-way line of SE Old Dixie Highway (SR A1A); thence continue to run in a Southerly direction across SR A1A and the FEC RR right-of-way to a point on the Westernmost right-of-way line of SE Monterey Road, said point also being 1400.00 feet North of the South line of Section 9, T38S, R41E; thence run East across SE Monterey Road on a line parallel with and 1400.00 feet North of the South line of Section 10, to a point on the East line of said right-of-way; thence N 00°58'26" E along the Easterly right-

of-way of said SE Monterey Road for 75.15 feet to a tangent curve concave; thence Northerly along the Easterly right-of-way of SE Monterey Road along the arc of a circular curve concave to the East with a central angle of $01^{\circ}04'06''$ with a radius of 5769.58 feet and an arc length of 107.58 feet; thence $N 00^{\circ}58'33'' E$ for 85.40 feet along the Easterly right-of-way of said road to a point of tangency of a circular curve concave to the Southeast with an central angle of $17^{\circ}56'27''$, a radial bearing $S 89^{\circ}54'19'' W$ from the center, a radius of 797.00 feet, along the arc of the Easterly right-of-way of said SE Monterey Road a distance of 249.56 feet to the Southwesterly right-of-way line of the FEC RR right-of-way; thence run in a Southeasterly direction on the Southernmost boundary line of the FEC RR right-of-way to a point on the Southeasterly boundary line of Section 15, (also known as the HANSON GRANT SUBDIVISION) T38S, R41E; thence run $S 43^{\circ}28'13'' E$ along the FEC right-of-way to the South line of Tract 21 of said Sewall's Point Land Company subdivision for 851.88 feet; thence departing the FEC RR, run Southwest along the Southerly along the South line of Tract 21 and the North line of SE Luckhardt Street to the Southwest corner of Tract 20 of said Sewall's Point Land Company subdivision; thence Southwesterly along said Northerly right-of-way line to an intersection with the East right-of-way line of SE Federal Highway (US Highway #1); thence run in a Southerly direction across SE Luckhardt Street and along the Easternmost right-of-way line of SE Federal Highway a distance of 50.00 feet, more or less, to a point, said point being also the NW corner of Parcel "A" of ZALESKI MINOR PLAT, according to the Plat thereof recorded in Plat Book 6, Page 71, Public Records of Martin County, Florida; thence run South along the Westerly boundary line of said Parcel "A" for a distance of 273.88 feet to a point which is also the NW corner of the FONTAINE PLAT, said Plat being a re-Plat of a portion of Parcel "B" of said ZALESKI MINOR PLAT; thence run Northeast for a distance of 421.41 feet to a point; thence run Southeast for a distance of 283.25 feet to a point; thence run West for a distance of 392.57 feet to a point which intersects the East boundary line of SE Federal Highway (US Hwy. #1); thence run South on the East boundary line of SE Federal Highway for a distance of 209.91 feet to a point which intersects the Northern boundary line of WASHINGTON PARK SUBDIVISION; thence run East for a distance of 122.00 feet to a point on said Northern boundary line; thence run South on a line perpendicular to said Northern subdivision boundary line for a distance of 515.05 feet to a point, said point being also a point on the easternmost right-of-way line of SE Federal Highway; thence continue to run Southeasterly along said right-of-way line for a distance of 91.47 feet to a point; thence run $N 66^{\circ}47'58'' E$ along a line parallel to the Northerly right-of-way line of SE Indian Street for a distance of 211.05 feet; thence run $S 23^{\circ}12'02'' E$ along a line perpendicular to the Northerly right-of-way line of SE Indian Street for a distance of 185.04 feet to a point on the Northerly right-of-way line of said SE Indian Street; thence run diagonally across said right-of-way in a Southeasterly direction to the point of intersection of the South right-of-way of SE Indian Street and the East line of Tract 69, a revised Plat of SEWALL'S POINT LAND COMPANY, according to the Plat thereof as recorded in Plat Book 3, Page 7 of the Public Records of Palm Beach (now Martin) County, Florida; thence run Easterly along the South right-of-way line of SE Indian Street for a distance of 753.49 feet to a point; thence run South from said point for a distance of 190.00 feet; thence run East for a distance of 352.85 feet to a point on the West right-of-way line of Florida East Coast Railway; thence run Southeasterly along said West right-of-way line to the intersection with the SE corner of Tract 107; thence run West along the South line of Tracts 107 and 108 to the intersection of said

South line with the Westernmost right-of-way line of SE Commerce Avenue, (said right-of-way is excluded); thence proceed South along said Western right-of-way line to the intersection of said line with the North right-of-way line of SE Market Place; thence run West along said North right-of-way line to an intersection with the Northerly extension of a line being 75.58 Easterly of, as measured at right angles and parallel to the West line of Tract 210; thence S 23°12'20" E along said parallel line, across the right-of-way of SE Market Place (said right-of-way is excluded), to a point on the South right-of-way line of SE Market Place; thence North 66°48'40" East along said Southerly right-of-way line of SE Market Place for 235.00 feet to the westerly right-of-way line of Commerce Avenue; thence run South 47°45'24" East along the Westerly right-of-way line of said Commerce Avenue a distance of 452.96 feet to the point of curvature of a curve concave Northeasterly, and having a radius of 540.00 feet; thence Southeasterly along the arc of said curve and said West right-of-way line, through a central angle of 10°32'31", a distance of 99.35 feet to the point of tangency; thence S 58°17'55" E, along said West right-of-way line, a distance of 97.31 feet to the point of curvature of a curve concave Southwesterly, and having a radius of 460.00 feet; thence Southeasterly along the arc of said curve and said West right-of-way line, through a central angle of 15°25'52", a distance of 123.89 feet to the point of tangency; thence S 42°52'03" E, along the said West right-of-way line of SE Commerce Avenue, a distance of 48.60 feet to the South line of said Tracts 208 through 214; thence S 66°38'38" W, along said South line, a distance of 1735.79 to the Northeast corner of tract A of SPS Commercial Center as recorded in Plat Book 5, Page 33, Public Records of Martin County, Florida; thence South 23°27'22" East for 420.89 feet along the Easterly line of said Tract A to the Southeast corner of said Tract A and the northern right-of-way of SE Monroe Street; thence West along the South line of said Tract A and also being the north right-of-way line of SE Monroe Street for 385.63 feet to the Southwest corner of said Tract A also being the Easterly right of way line of US Highway #1; thence North 29°37'46" West along said the Easterly right of way line of US Highway #1 for 443.08 feet to the Northwest corner of said Tract A; Thence N 29°01'21" W along the Easterly Right-of-Way line of US Highway #1, a distance of 300.00 feet; thence Southwesterly, parallel with the South line of Tract 214 through 216, to the West right-of-way line of said US Highway #1; thence S 29°01'32" E along said West right-of-way line to an intersection with a line being 50.00 feet Northerly of, as measured at right angles and parallel to the South line of the Plat of "SEWALL'S POINT LAND COMPANY SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 3 at Page 7, Public Records of Palm Beach (now Martin) County Florida; thence S 66°38'28" W along said parallel line to the West right of way line of US Highway #1; thence continue S 66°38'28" W along said parallel line for 402.18 feet; thence N 23°12'59" W for 699.57 feet to an intersection with a line being 5.00 feet Southerly of, as measured at right angles and parallel to the North line of Tracts 217 and 218, also being the Southerly right-of-way line of SE Market Place (Right-of-way excluded); thence continue N 23°12'59" W to an intersection with the North right-of-way line of SE Market Place; thence S 66°47'01" W along said North right-of-way line to a point that is 968.06 Westerly of the West right-of-way line of US Highway #1, as measured along the Northerly right-of-way line of SE Market Place; thence N 29°01'32" W along a line parallel to the West right-of-way line of US Highway #1 for 1572.26 feet to the North right-of-way line of SE Miami Avenue; thence continue N 29°01'32" W along a line parallel to the West right-of-way line of US Highway #1 for 1143.40 feet; thence run N 23°12'59" W for 257.47 to the South line of the 50 foot wide

right-of-way of SE Fischer Street; thence N 66°47'01" W along said South right-of-way line for 936.99 feet to an intersection with the Westerly right-of-way line of SE Federal Highway (US Hwy #1); thence Easterly across the right-of-way of SE Federal Highway (US Hwy #1) to an intersection with the Northern right-of-way line of SE Fischer Street (an 80.00 foot right-of-way, which is excluded), and the Eastern right-of-way line of SE Federal Highway (US Hwy. #1); thence run N 29°01'08" W along said Eastern right-of-way line for a distance of 207.44 feet; thence run N 66°47'40" E for distance of 394.09 feet; thence run N 23°12'20" W for a distance of 185.35 feet to a point; thence run S 66°47'40" W to a point on the West line of Tract 103, a distance of 257.35 feet; thence run N 23°12'20" W along the West line of Tract 103 to a point on the West line of Tract 68, said point being 233.00 feet South of the Southern right-of-way line of SE Indian Street; thence S 66°47'40" W for a distance of 233.02 feet to a point on the East right-of-way of US Highway #1; thence N 29°01'08" W along the East right-of-way line of US Highway #1 for a distance of 238.02 feet to a point on the South right-of-way line of SE Indian Street, said point also being the SE corner of the intersection of SE Indian Street and SE Federal Highway (US Hwy. #1); thence run Northerly across the SE Indian Street right-of-way to the NE corner of said intersection; thence run Westerly along the Northerly right-of-way line of said SE Indian Street to an intersection with the Northerly extension of a line being 1402.06 feet Easterly of, as measured along, the Southerly right-of-way line of SE Indian Street (said right-of-way is excluded); thence S 23°41'17" E along said line to the South right-of-way line of SE Indian Street; thence continue S 23°15'33" E for 613.00 feet; thence S 66°40'45" W a distance of 1434.60 feet, to the Easterly right-of-way line of said SR 76 (South Kanner Highway); thence N 20°13'50" W along said Easterly right-of-way line to the North line of Lot 4 of Stuart Farms Subdivision; thence N 20°39'20" W along said Easterly right-of-way line of South Kanner Highway for a distance of 330.00 feet; thence N 20°23'20" W along said Easterly right-of-way line of South Kanner Highway for a distance of 350 feet; thence departing said Easterly right-of-way line of South Kanner Highway, N 66°18'30" E for a distance of 984.42 to a point; thence N 20°23'20" W for a distance of 301.78 feet to the South line of a Martin County access strip recorded in Official Records Book 882 Page 783 and 785, Martin County, Florida; thence S 89°28'43" E for a distance of 859.34 feet to the Westerly right-of-way line of SE Willoughby Boulevard, point also being on the arc of a curve concave to the East, radial line bears N 82°49'31" E; Thence Southerly along said curve and said Westerly right-of-way line, having a radius of 1420.00 feet, a central angel of 02°01'03", and an arc length of 50.00 feet; thence continuing on the same curve along said Westerly right-of-way line, having a radius of 1420.00 feet, a central angel of 14°55'37", a chord bearing of S 16°11'46" E and a chord length of 368.9 feet and an arc length of 369.95 feet; thence S23°40'21" along said Westerly right-of-way line for a distance of 208.04 feet; thence S 24°00'20" E along said Westerly right-of-way line and along the easterly line of Lot 2 of Stuart Farms Subdivision to the NE corner of Tract 7; thence S 24°00'20" E along the East line of Tract 7 to an intersection with a line being 167.40 feet South of the North line of Tract 8 of STUART FARMS SUBDIVISION; thence N 66°00'49" E along a line being 167.40 feet Southerly of, as measured at right angles and parallel to, the North line of said Tract 8 to the Easterly limit of said STUART FARMS SUBDIVISON; thence Southeasterly to a point on the Southernmost right-of-way line of SE Ruhnke Street (a portion of which is included, see Ord. #904); thence run Easterly along said South right-of-way line to the NE corner of Tract 38, PORT SEWALL, according to the official map of SEWALL'S POINT LAND COMPANY as

recorded in Plat Book 3, Page 7 of the Public Records of Palm Beach (now Martin) County, Florida; thence run diagonally across SE Ruhnke Street to a point on the Northern right-of-way line of SE Ruhnke Street which is also the SW corner of Tract 7; thence run Northerly on the Western boundary line of Tract 7 to the NW corner of the same, said corner also being a point on the North line of the HANSON GRANT SUBDIVISION, (all lots referred to above being lots in the SEWALL'S POINT LAND COMPANY SUBDIVISION of Lots 3 and 4 of the HANSON GRANT as in Plat Book 3, Page 7, Palm Beach, now Martin, County Public Records); thence run Northeasterly on the Northernmost boundary line of Tract 7 to a point of intersection with the South line of Section 16, T38S, R41E; thence run Westerly on the South line of Section 16 to a point which is the SW corner of Government Lot 1; thence run North along said West line a distance of 1650.00 feet more or less to a point; thence run East a distance of 30.00 feet to a point; thence run North a distance of 360.00 feet to a point; thence run West a distance of 310.53 to a point; thence run North on a line parallel with the West line of Government Lot 1 a distance of 597.00 feet to a point on the Southernmost right-of-way line of SE Monterey Road; thence run Northerly across said right-of-way to a point on the Northernmost right-of-way line of SE Monterey Road (said right-of-way not included in the City of Stuart); thence run West along said Northern right-of-way line for a distance of 100.00 feet to a point; thence run Southerly across SE Monterey Road to a point on the Southernmost right-of-way line of said road; thence run South for a distance of 627.00 feet to a point; thence run Westerly for a distance of 280.00 feet to a point; thence run in a Southerly direction for a distance of 660.00 feet to a point, said point also being on the North line of the S 1/2 of Government Lot 2; thence run Westerly on said North line to the western right of way line of SE Willoughby Boulevard; thence southerly along the Westerly right of way line of said SE Willoughby Boulevard to the South line of Government Lot 3, Section 16, Township 38 South, Range 41 East; thence Westerly along the South line of said Government Lot 3 and the South line of Lot 3 of Gleason's Subdivision in Plat Book 1, Page 20, public records of Martin County, Florida to the intersection of the East right of way line of South Kanner Highway and the South line of Lot 3 of said Gleason's Subdivision; thence North along the easterly right of way of South Kanner Highway to the North Line of Lot 1 of said Gleason's Subdivision; thence S89°35'12"E along the North line of Lot 1 of said Gleason's Subdivision to the West line of the South 1/2 half of said Government Lot 3; thence run in a Northerly direction on said West line a distance of 990.00 feet to a point; thence run in an Easterly direction for a distance of 620.00 feet to an intersection with the Southwesterly limit of Parcel 2 as described in OR Book 936, Page 1923, Public Records of Martin County, Florida; thence Northeasterly along said Southwesterly limit for 170.80 feet, more or less, to the SW corner of Parcel 1 of said OR Book 936, Page 1923; thence Northerly along the Western limit of said Parcel 1 to the Southerly right-of-way line of SE Monterey Road; thence Easterly along the right-of-way line of SE Monterey Road to the Westerly right-of-way line of SE Willoughby Boulevard (said Boulevard is excluded); thence run in a Southerly direction along said right-of-way to a point on a curve being an intersection with a line being 660.00 feet North of the North line of the S 1/2 of Government Lot 3 thence run in an Easterly direction, on a line parallel with the North line of the S 1/2 of Government Lot 2 and 3, to a point which is 330.00 feet East of the Westernmost boundary line of Government Lot 2; thence run Northerly for a distance of 427.00 feet to a point; thence run in an Easterly direction for a distance of 275.17 feet to a point; thence run N 00°39'08" E for 193.00 feet to the South right-of-way line of SE

Monterey Road; thence run N 89°30'52" for 75.00 feet along the Southern right-of-way line of SE Monterey Road; thence run a Northerly direction to a point on the Northernmost boundary line of said right-of-way; thence run in a Westerly direction on said Northern right-of-way line to a point of intersection with the East right-of-way line of SE San Miguel Avenue as shown on the MONTEREY SUBDIVISION according to the Plat thereof as recorded in Plat Book 1, Page 11 of the Public Records of Martin County, Florida, said point of intersection being also the SW corner of the SE 1/4 of said Section 9; thence run North along the West line of the SW 1/4 of Section 9 and the East right-of-way line of SE San Miguel Avenue to a point on the Northern right-of-way line of SE San Jose Street, said line also being the North line of the S 1/2 of the SW 1/4 of Section 9, T38S, R41E; thence run Westerly along said North line for a distance of 1321.41 feet to a point which is also the NE corner of the SW 1/4 of the SW 1/4 of Section 9; thence run South on the East line of the SW 1/4 of the SW 1/4 of said Section 9 for a distance of 815.67 feet; thence run West for a distance of 335.60 feet to a point; thence run South for a distance of 200.00 feet to a point, said point being also on the Northernmost right-of-way line of SE Seville Street; thence run West on said right-of-way line for a distance of 166.40 feet to a point; thence run South across the right-of-way of SE Seville Street to a point on the Northernmost right-of-way line of SE Monterey Road, a distance of 270.00 feet; thence run West on said North right-of-way line for a distance of 42.00 feet to a point; thence run North on a line perpendicular to said Northern right-of-way line for a distance of 143.90 feet to a point; thence run West for a distance of 60.00 feet to a point; thence run South for a distance of 183.90 feet to a point, said point being also the centerline of the right-of-way of SE Monterey Road; thence continue Westerly on said centerline to an intersection with Northerly extension of the Westerly line of LEISURE VILLAGE MOBILE HOME COMMUNITY as set forth in Warranty deed Recorded in Official Records Book 419, at Page 2576, Martin County, Florida, Public Records; thence S 08°44'41" E along said Westerly line to the North line of the Southern portion of said LEISURE VILLAGE MOBILE HOME COMMUNITY; thence run N 89°28'52" W along said North line for 303.84 feet to an intersection with the East right-of-way line of SR 76 (South Kanner Highway); thence Northwesterly along said East right-of-way line to an intersection with a line being 260.00 feet Southerly of, as measured at right angles and parallel to, the North line of Section 17, T38S, R41E; thence S 89°41'37" W along said parallel line to an intersection with a line being 287.76 feet Westerly of, as measured at right angles and parallel with, the East line of said Section 17; thence N 00°18'57" E along said parallel line for 210.00 feet to the South right-of-way line of SE Monterey Road; thence N 89°41'37" E along said right-of-way line for 287.16 feet to an intersection with the East line of said Section 17; thence N 00°18'57" E along said East line to the SW corner of Section 9, T38S, R41E, (excluding all recorded road rights-of-way); thence run Northerly along a line being also the Westernmost boundary line of Section 9, for a distance of 310.00 feet to a point; said point also lying on the Westerly prolongation of the North right-of-way line of SE Seville Street; thence run S 89°19'35" E along said Westerly prolongation of the North right-of-way line of SE Seville Street and along the North right-of-way line of SE Seville Street, for a distance of 118.19 feet to a point; thence North 00° 08' 18" East, a distance of 98.00 feet; Thence South 89° 19' 35" East, a distance of 50.00 feet; Thence North 00° 03' 43" West, a distance of 76.55 feet; Thence South 86° 50' 15" West, a distance of 138.20 feet, more or less, to a point on the East right-of-way line of South Kanner Highway (SR 76); thence run Northerly along said East right-of-way a distance

of 184.88 feet more or less, to the North line of the South 660 feet of said Section 8; Thence Westerly along the said North line of the South 660 feet of said Section 8 to the Westerly right-of-way line of South Kanner Highway, thence run Northerly on said West right-of-way (a portion of which is included, see Ord. #904) to a point which is 683.70 feet South of the Northernmost boundary line of Government Lot 6, Section 8, T38S, R41E, Martin County, Florida; thence continue to run West on a line parallel to and 683.70 feet South of the North line of the S 1/2 of said Section 8 a distance of 1233.38 feet to a point on the East right-of-way line of SW Palm City Avenue (SR 714), said point beginning also 30.00 feet East of the NE corner of the Plat of the PROPERTY OF JOHN TAYLOR, as in Plat Book 3, Page 29, Palm Beach (now Martin) County Public Records, the same being the NE corner of THE WINDJAMMER CONDOMINIUM as in declaration in Official Record Book 363, Page 1017, Martin County Public Records; thence run South along the East right-of-way line of SW Palm City Avenue (SR 714), a portion of which is included, (See Ord. #904) for a distance of 460.04 feet to a point 30.00 feet East of the SE corner of Lot 3, Block 1 of the PROPERTY OF JOHN TAYLOR; thence run West for a distance of 30.00 feet across said right-of-way to a point on the West right-of-way line of SE Palm City Avenue, said point being also the SE corner of THE WINDJAMMER CONDOMINIUM; thence run South along said West right-of-way line to a point of intersection with the South line of the North 70.00 feet of Lot 2, Block 2, of said Plat of the PROPERTY OF JOHN TAYLOR, said point being also the SE corner of CIRCLE BAY CONDOMINIUM, as in declaration in Official Record Book 381, Page 916, Martin County Public Records; thence run West a distance of 768.03 feet to the East shore of the South fork of the St. Lucie River; thence run West along the Westerly extension of said line to the center of the channel of the South fork of the St. Lucie River; thence meander Northerly along the center of said channel and also the channel of the North fork of the St. Lucie River to the point of intersection with the Southerly extension of the West line of Government Lot 3, Section 32, T37S, R41E; thence run North along the Southerly extension of said Government Lot line to the point of intersection with the North shore of the North fork of the St. Lucie River, thence continue North along said line to the SE corner of Lot 31 of SUNSET ESTATES the same being the POINT OF BEGINNING of this description.

Together with the following described parcel of land:

All of Lots 1 and 2 of Block 1 of Palm Lake Park subdivision as recorded in Plat Book 3, Page 41, Public Records of Martin County, Florida and being more particularly described as follows:

Beginning at the intersection of the West right of way of U.S. Highway No. 1, and the South line of said Lot 1, thence N88°47'07"W, along the South line a distance of 384.50 feet to a point, thence N22°16'44"E, along the West line of said Lot 2 a distance of 106.83 feet to a point of the North line of Lot 2, thence S88°47'04"E, along said North line of Lot 2 and Lot 1 a distance of 310.00 feet to the intersection of the North line of Lot 1 and the West right of way of U.S. Highway No. 1, thence S18°41'32"E, along the West line a distance of 106.03 feet to the Point and Place of Beginning.

Together with the following described parcel of land:

Lots 1 and 2, Block 3, of the Plat of Palm Lake Park, according to the Plat thereof, recorded in Plat Book 3, Page 41, of the Public Records of Martin County Florida, together with the North one-half (N ½) of abandoned North 21st Street, lying adjacent to said Lots 1 and 2, Block 3, and Lots 1, 2 and 3, Block 2, Palm Lake Park, according to the Plat thereof, recorded in Plat Book 3, Page 41, Martin County, Florida Public Records, and the South one-half (1/2) of that portion of North 21st Street that lies between U.S. Highway No. 1 and North Cuthbert Road, as shown on the Plat of Palm Lake Park, according to the Plat thereof recorded in Plat Book 3, Page 41, Martin County, Florida Public Records.

Together with the following described parcel of land:

A portion of Lots 10, 11, and 12, Block 2, Plat No. 1 Saint Lucie Gardens, According to the Plat thereof, recorded in Plat Book 1, Page 35 of the Public Records of St. Lucie(Now Martin) County, Florida, more particularly described as follows:

The Southerly 365.24 feet (more or less of the NW ¼ of Section 29, Township 37 South, Range 41 East, Lying Westerly of the existing right of way of State Road 5 (U.S. 1). Less the Southerly 315.24 feet (more or less) of the Easterly 335 feet as measured at right angles from said Westerly right of way of state road 5 (U.S. 1).

Together with the following described parcel of land:

Known as a portion of the North 200 feet of the N.W. ¼ of the S.W. ¼ of Section 29, Township 37 South, Range 41 East, lying West of the Westerly right of way line of State Road 5 (U.S. 1), Martin County, Florida.

Beginning at the West Quarter Corner of said Section 29, thence South 89°26'32" East along the North Line of the S.W. ¼ of said Section 29 a distance of 742.86 feet to a point 335.00 feet westerly of as measured at a right angle to the Westerly right of way line of State Road No. 5; thence South 18°38'23" East parallel with said right of way a distance 96.77 feet to a point, thence North 89°26'32" West a distance of 50.00 feet to a point, thence South 18°38'23" East a distance of 115.00 feet to a point on the South line of said North 200 feet; thence North 89°26'32" West along said line a distance of 763.51 feet to a point on the west line of said Section 29, thence North 00°50'53" East along said West line a distance of 200.00 feet to the Point and Place of Beginning.

Together with the following described parcel of land:

A portion of lots 10, 11, and 12, block 2, plat no. 1 Saint Lucie Gardens, according to the plat thereof, recorded in plat book 11, page 35 of the public records of St. Lucie (Now Martin) County, Florida, more particularly described as follows:

The Southerly 365.24 feet more or less of the Northwest one-quarter of section 29, township 37 South, range 41 East, lying Westerly of the existing right of way of state road 5 (U.S. 1), being 335' feet wide as measured at right angles from said Westerly right-of-way line; less and except the Northerly 50.00 feet thereof, subject to any applicable easements, right-of-way, or other restrictions of record.

Together with the following described parcel of land:

A portion of the "not included" parcel shown on the plat of "S.P.S. Commercial Center" as recorded in Plat Book 5, page 33, Martin County, Florida, Public Records; said portion being more particularly described as follows: Begin at the intersection of the Easterly right of way line of U.S. #1 and the Southerly right of way line of commerce boulevard (now S.E. Monroe Street) as shown on the said Plat; said Point Being the point of curvature of a curve concave to the South having a central angle of 05°40'10" and a radius of 4179.05 feet; thence Easterly along the arc of said curve a distance of 413.52 feet to the end of said curve; thence North 66°38'38" East along the Southerly right of way line of Commerce Boulevard a distance of 202.71 feet, thence run South 23°21'22" East a distance of 134.79 feet; thence run South 78°47'37" East a distance of 49.78 feet; thence run South 23°21'22" East a distance of 109.64 feet; thence run South 66°45'48" West a distance of 131.64 feet; thence run South 29°01'32" East a distance of 25.13 feet; Thence S29°39'51"E a distance of 149.64 feet; thence S29°39'31"E a distance of 225.00 feet to the North right of way line of SE Dominica Terrace; thence West along the said North right of way line of SE Dominica Terrace to the West right of way line of US Highway 1; thence North along the East right of way line 651.91 feet to the Point of Beginning.

Together with the following described parcel of land:

Together with the following described parcel of land also lying within the territorial boundaries of the City of Stuart and being more particularly described as follows:

Lot 1 and Tract "A", Manatee Business Park, a subdivision, according to the plat thereof, as recorded in Plat Book 6, Page 17, and as clarified by that surveyor's affidavit recorded in Official Records Book 374, Page 1075, Both of the Public Records of Martin County, Florida. Together with that portion of abandoned right of way as abandoned and described in resolution No. 00-73 recorded in Official Records Book 1500, Page 943, public records of Martin County, Florida.

Containing 5.330 Acres More or Less.

Together with the following described parcel of land:

Lot 2, MANATEE BUSINESS PARK, according to the Plat thereof as recorded in Plat Book 6, Page 17, of the Public Records of Martin County, Florida.

Together with the following described parcel of land:

That portion of the South 1/3 of the North 9/15 of Lots 18, 19, and 20 of the Commissioner's Subdivision of the Miles or Hansen Grant as recorded in Plat Book 1, Page 11, Palm Beach (now Martin) County, Florida, public records lying Easterly of the right of way of U.S. Highway No. 1 and Westerly of S.P.S. Commercial Center South Subdivision according to the Plat thereof recorded in Plat Book 8, Page 41, Martin

County, Florida, public records and right of way for Slater Street extension described in Official Records Book 832, Page 266, Martin County, Florida, public records.

Together with the following described parcel of land:

Parcel A

Lots 51, 52, 53, 54, and 55, Coral Gardens Plat No. 1, according to the Plat thereof as recorded in Plat Book 3, Page 21, public records of Martin County, Florida.

Parcel B

The Northerly 344.44 feet, (Measuring 345.77 feet along the westerly right-of-way line of U.S. Highway No. 1) of the following described parcel:

All that part of the following described lands lying West of the Westerly right-of-way line of U.S. Highway No. 1 that lie within the South 3/15 of the North 9/15 of the Subdivision of Lots 18, 19, and 20 of the Hansen Grant according to the plat thereof filed in Dade County, Florida, December 30, 1901 in Book "B", Page 59, in the Public Records of Dade County, Florida, and refiled in Palm Beach County, on March 25, 1910, in Book 1, Page 11, of the public records of Palm Beach, Florida, said lands being now, however, in Martin County, Florida, by redivision of counties. Contains 40.53 Acres, more or less.

Less therefrom the following parcel:

Commence at the intersection of the Westerly right-of-way line of said U.S. Highway No. 1, and the South line of said North 9/15ths of the subdivision of lots 18, 19, and 20; thence South 66°17'10" West 727.96 feet measured (727.78 description) along South line of said North 9/15ths of the subdivision of lots 18, 19, and 20 to the point of beginning; thence continue South 66°17'10" West 1575.25 feet along said South line of North 9/15ths of subdivision of lots 18, 19, and 20; then North 23°24'05" West 781.02 feet to the North line of said South 3/15ths of the North 9/15ths of the subdivision of lots 18, 19, and 20; thence North 66°21'10" East 1498.84 feet along said lots 18, 19, and 20; thence South 29°23'47" East 783.19 feet measured (782.47 description) to the point of beginning. Contains 27.53 Acres, more or less.

Parcel C

All that certain portion of the South 3/15ths of the North 9/15ths of the subdivision of lots 18, 19, and 20 of the Hanson Grant, according to the plat thereof filled in Dade County, Florida, December 30, 1901, in Book "B", page 59, in the public records of Dade County, Florida, and refiled in Palm Beach County, Florida on March 25, 1910, in Book 1, Page 11, of the public records of Palm Beach County, Florida, said lands being now, however, in Martin County, Florida, by redivision of countries, being more particularly described as follows:

Beginning at the intersection of the Westerly right-of-way of U.S. Highway No. 1, said right-of-way being 200 feet in width, and the South line of the North 9/15ths of said 18, 19 and 20; thence Northerly turning 84°17'09", from South to West, from the Westerly

right-of-way of U.S. Highway No. 1, along said North line of the South 3/15ths of the South 9/15ths off said lots 18, 19, and 29, a distance of 727.88 feet; thence Southerly and parallel with said Westerly right-of-way line of U.S. No. 1 a distance 782.47 feet, to said South line of the North 9/15ths of said Lots 18, 19, and 20 a distance of 727.78 feet to the point of beginning.

Less therefrom lands described in parcel B

Together with the following described parcel of land:

A parcel of land lying within the Official Map of Sewall's Point Land Company Division of lots 3 and 4 of Miles or Hanson Grant, filed November 18, 1913, and recorded in Plat Book 3, Page 7, Public Records of Palm Beach, (now Martin) County, Florida; said parcel being more particularly described as follows: Commencing at the intersection of the original South right-of-way line of Indian Street (a 100.00 foot right-of-way) with the Westerly right-of-way line of U.S. Highway No.1, (said right-of-way line lying 100.00 feet Westerly of and as measured at right angles to the centerline of said U.S. Highway No.1); thence South 66 degrees 47'58" West along the said original South right-of-way line of Indian Street, a distance of 161.69 feet; thence South 23 degrees 11'36" East, a distance of 13.50 feet to the new South right-of-way line of Indian Street as recorded in Official Records Book 847, Page 2779, of the public records of Martin County, Florida and the Point of Beginning of the herein described parcel of land; thence South 23 degrees 12'29" East, a distance of 510.53 feet; thence South 66 degrees 47'58" West, a distance of 458.01 feet; thence North 23 degrees 12'24" West, a distance of 83.99 feet; thence South 66 degrees 47'36" West, a distance of 459.15 feet; thence North 23 degrees 12'24" West, a distance of 315.09 feet; thence North 66 degrees 47'58" East, a distance of 52.15 feet; thence North 23 degrees 12'28" West, a distance of 125.00 feet to a point on the said original South right-of-way line of Indian Street; thence North 66 degrees 47'58" East along said original Southerly right-of-way line, a distance of 217.03 feet; thence South 23 degrees 12'02" East along said Southerly right-of-way line, a distance of 5.00 feet to the new South right-of-way line of Indian Street as recorded in said Official Records Book 847, Page 2779; thence North 66 degrees 47'58" East along said new Southerly right-of-way line, a distance of 380.00 feet; thence North 69 degrees 31'05" East along said new Southerly right-of-way line, a distance of 179.20 feet; thence North 66 degrees 47'58" East along said new Southerly right-of-way line, a distance of 88.97 feet; to the Point of Beginning of the herein described parcel of land.

Together with the following described parcel of land:

Commencing at the intersection of the North line of the Miles or Hanson Grant and the Westerly right of way line of State Road No. 76; thence South 20°42'45" East, a distance of 1500.00 feet to the point of Beginning; thence continuing along said Westerly right-of-way line, South 20°42'45" East, a distance of 439.03 feet; thence South 06°32'38" East, a distance of 49.16 feet; thence South 20°42'48" East, a distance of 318.71 feet to a point on the Northerly Right-of-Way line of S.W. Martin Highway; thence along said line South 22°47'40" West, a distance of 55.18 feet; thence South 68°30'26" West, a distance of 152.45 feet to the beginning of a tangent curve concave to the North having a radius 881.25 feet; thence Northwesterly along the arc of said

curve through a central angle of $41^{\circ}32'17''$ a distance 638.89 feet to a tangent line; thence North $69^{\circ}12'10''$ West, a distance of 380.47 feet to a point on the Mean High Water Line; thence along said line North $03^{\circ}47'25''$ East a distance of 50.12 feet; thence North $16^{\circ}40'46''$ East, a distance of 48.08 feet; thence North $05^{\circ}17'18''$ West, a distance of 65.43 feet; thence North $34^{\circ}10'01''$ East, a distance of 139.17 feet; thence North $31^{\circ}06'00''$ East, a distance of 167.15 feet to a point on the South River Land Mobile Home Park (unrecorded); thence North $65^{\circ}59'26''$ East, a distance of 760.50 feet to the Point of Beginning.

Containing 15.88 Acres, more or less

Select Year:

The 2019 Florida Statutes

[Title XII](#)
MUNICIPALITIES

[Chapter 171](#)
LOCAL GOVERNMENT BOUNDARIES

[View Entire Chapter](#)

171.091 Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

History.—s. 1, ch. 74-190; s. 10, ch. 2009-96; s. 9, ch. 2011-14.

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CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 10/12/2020

Prepared by: D.Peters/M. Leggett

Title of Item:

ESTABLISHMENT OF REGULATIONS FOR MOORE'S CEMETERY (RC):

(Continued from August 10, 2020 CCM)

ORDINANCE No. 2433-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, CREATING CHAPTER 13, CEMETERIES, IN THE CITY'S CODE OF ORDINANCES TO ESTABLISH A UNIFORM SET OF REGULATIONS FOR THE PURCHASE, SALE, USE, AND MAINTENANCE OF CEMETERY SPACES IN THE CITY'S MOORE'S CEMETERY, AND TO PRESCRIBE PROCEDURES FOR THE ADMINISTRATION OF THE CEMETERY, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Background: For years the City has struggled with the how to preserve and protect Moore's Cemetery with no real policies and procedures in place for those residents wishing to have their family members laid to rest in this cemetery.

Although the City receives very few requests for new burials, these policies and procedures will set forth the process by which staff will administer Moore's Cemetery.

This new Chapter in City's Code of Ordinances establishes guidance and applicable rules and regulations associated with the approximately 300 new burial plots and the perpetual care of the entire cemetery.

These rules and regulations were established based cemetery practices in place at numerous municipally owned cemeteries throughout Florida.

Since First Reading, staff has met with several local funeral establishments and incorporated their recommendations and suggestions in this Second Reading.

The City Clerk will be responsible for maintaining all records pertaining to the occupied grave sites and the Public Works Director will administer the activities at the cemetery.

The recently adopted Appendix A of the City's code includes the cost of \$800.00 per plot with an additional fee of \$400.00 for up to two (2) cremated remains to be placed on the same plot.

Future plans, as funds become available, include additional tree trimming, a paved entrance driveway, and ten (10) parking spaces along Seville Street.

Funding Source:

Proceeds from the sale of cemetery space will offset perpetual operation and maintenance expenses.

Recommended Action:

Adopt Ordinance 2433-2020 on Second Reading.

ATTACHMENTS:

Description	Upload Date	Type
▣ Ordinance 2433-2020 Moore's Cemetery	10/7/2020	Ordinance add to Y drive
▣ Moore's Cemetery Contract	10/6/2020	Attachment
▣ Moore's Cemetery Plot Deed	10/6/2020	Attachment
▣ New Plots Moore's Cemetery	5/30/2020	Attachment
▣ Moore's Cemetery Perimeter Fence	5/30/2020	Attachment



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2433-2020

**AN ORDINANCE OF THE CITY OF STUART, FLORIDA,
CREATING CHAPTER 13, CEMETERIES, IN THE CITY'S
CODE OF ORDINANCES TO ESTABLISH A UNIFORM SET
OF REGULATIONS FOR THE PURCHASE, SALE, USE, AND
MAINTENANCE OF CEMETERY PLOTS IN THE CITY'S
MOORE'S CEMETERY, AND TO PRESCRIBE PROCEDURES
FOR THE ADMINISTRATION OF THE CEMETERY,
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CODIFICATION; AND PROVIDING FOR AN EFFECTIVE
DATE, AND FOR OTHER PURPOSES.**

* * * * *

WHEREAS, the creation of this new Chapter in the City's Code of Ordinances is to establish a uniform set of regulations and prescribe procedures for the administration of the City's Moore's Cemetery;

WHEREAS, it has been determined that the adoption of rules, regulations, and restrictions is in the best interest of all users of Moore's Cemetery and the citizens of Stuart;

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

SECTION 1: The City of Stuart Code of Ordinances is hereby amended to include Chapter 13, Cemeteries, as follows:

Chapter 13 - CEMETERIES

Sec. 13-1. - Purpose and intent.

The purpose of this chapter is to establish a uniform set of regulations for the purchase, sale, use and maintenance of cemetery plots in the City's Moore's Cemetery, and to prescribe procedures for the administration of this cemetery.

Sec. 13.2 Eligibility.

The following persons are eligible to purchase burial plots and be buried in Moore's Cemetery: (a) persons domiciled in the City of Stuart; (b) the immediate family or legal representatives of persons domiciled in City of Stuart; or (c) the immediate family or persons who are buried in or own a lot in the same cemetery. "Immediate Family" means grandparent, parent or legal guardian; son and/or daughter and/or legal ward; stepson and/or stepdaughter; grandchild; brother and/or sister; and spouses or domestic partners of the above. "Domicile" shall mean the established, fixed permanent or ordinary dwelling place or place of residence of a person as distinguished from his temporary and transient, though actual, place of residence. "Persons" as used herein shall include legal representatives on behalf of such persons.

Sec. 13-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Block~~ **Plot** means a plot of land identified on the Moore's Cemetery plats filed with the City Clerk's office.

Cemetery means the municipal cemetery identified as the Moore's Cemetery, owned and administered by the City.

Cemetery supervisor means The Public Works Director or designee who has responsibility for the day-to-day operation and supervision of the cemetery.

Conveyance. All provisions herein referring to "conveyance," "sale," "transfer," "deeds," etc., mean the conveyance of a right to burial only in a plot and shall not be deemed to convey fee simple title to the spaceplot.

Cremated or *cremation* means any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments. The term "cremation" also includes any other mechanical or thermal process whereby human remains are pulverized, burned, re-cremated, or otherwise further reduced in size or quantity.

Cremated remains means the residue of a dead human body that has been cremated.

Direct disposal establishment means a place, licensed under F.S. ch. 497, where a direct disposer practices direct disposition.

Direct disposer means any person who is licensed in the state to practice direct disposition.

Direct disposition practice means the final disposition of a dead human body without preparation of the body of embalming and without any attendant services or rights such as funeral or graveside services.

Final disposition means the final disposal of a dead human body whether it be by, but not limited to, earth interment, or cremation. The term "final disposition" does not include the disposal or distribution of cremated remains and residue of cremated remains.

Funeral or funeral services means the observance, services, or ceremonies held to commemorate the life of a specific deceased human being and at which the human remains are present.

Funeral directing means the making of arrangements for, or directing the arrangements for, the preparation and transportation of dead human bodies for final disposition; or using, in connection with one's name, the term "funeral director," "licensed funeral director," "undertaker," or "mortician"; or offering or holding one's self out as offering such services.

Funeral director means any person licensed in the state to practice funeral directing.

Funeral establishment means a place, licensed under F.S. ch. 497, where a funeral director or embalmer practices his funeral directing or embalming.

Grantee means the person purchasing the plot whose name shall appear on the cemetery deed of burial right.

Grave means the excavation ~~on~~^{of} a plot for the final disposition of a dead human body.

~~Lot~~ **Plot** means a numbered plot of land consisting of one space identified on the Moore's Cemetery plats filed with the City Clerk's office.

Perpetual care means that the City agrees to perform all landscaping and ground maintenance at no additional cost, including, but not limited to, mowing, trimming, fertilization, pesticide applications, tree and shrub trimming and removal, debris and trash removal, renovations, and approved beautification projects.

Space means a lettered plot of land identified on the Moore's Cemetery plat filed with the City Clerk upon which the final disposition of deceased human beings is made.

Vault means an underground ~~or aboveground~~ chamber for the final disposition of a dead human body.

Sec. 13-4. - Responsibility for cemetery operation and maintenance.

The general administration and maintenance of the cemetery shall be the responsibility of a cemetery supervisor, who shall be an employee of the Public Works Department.

Sec. 13-5. - Cemetery plat adopted.

- (a) The plat of the Moore's Cemetery to be used in conveying rights to burial is hereby adopted and ratified. Said plat is on file in the office of the City Clerk. The plat of the Moore's Cemetery shall consist of a map entitled Record of Burials, Moore's Cemetery.

Sec. 13-6. - Regulation for use of plots.

The following regulations shall apply to the use of plots:

- (1) No enclosure of any nature such as copings, fences, hedges or ditches shall be allowed around any **plots**. Grave mounds shall also not be allowed.
- (2) No trees, plants or shrubs shall be planted, pruned or removed unless authorized by the cemetery supervisor.
- (3) Artificial flowers may be used on spaces. Ceramic vases may be used for cut flowers. The use of fruit jars, glass vases, glass blocks, tin cans, milk cartons, paper cups or other such containers is not permitted.
- (4) Small live plants in clay pots may be placed on spaces.
- (5) All cemetery plots will be allowed one marker. Grave markers shall be of bronze, granite or marble.

- (7)** Urns placed ~~in vaults and in plots on spaces~~ will be of bronze, granite, marble or smooth-finish concrete and such urns will be kept planted at all times.

- (8) The cemetery supervisor may remove, without notice, dead or dormant plants, faded or out-of-season artificial flowers or improper containers, as necessary.

- (a) The City Clerk shall be responsible for sales and shall keep a comprehensive records book reflecting the grantee, plot number and monetary consideration paid for same.

Sec. 13-8. - Transfer of right to burial prohibited.

- (a) Only the remains of the grantee or other person designated in the deed may be buried in a space. The grantee may not transfer the deed; however, the grantee may change the designation of a space by filing a written request with the City Clerk.
- (b) If a grantee determines that he no longer wishes to use the plot, he may offer the plot for sale back to the City. The City will repurchase a space in accordance with Appendix A of the City's Code.
- (c) If a grantee has died and elected to not use his plot, a representative of the estate of the deceased grantee may offer the plot for sale back to the City or designate the plot for someone else. A representative of a deceased grantee making such a request will be required to provide the following:
 - (1) Legal document showing the person is the court ordered representative of the deceased;
 - (2) Copy of a will that has been admitted to probate showing that the person making the request is the legal representative; or
 - (3) Notarized affidavit from the person making the request stating that he is the personal representative of the deceased and, as such, has the authority to sell the space to the City or designate the space.

Sec. 13-9. - Cost of plots.

- (a) *Full adult plot.* The purchase price of one full adult plot is in accordance with Appendix A of the City's Code.
- (b) *Second rite of interment.* The grantee or legal representative of a grantee of one full adult plot may consent to have two (2) cremated remains buried in the same plot in accordance with Appendix A of the City's Code.

Sec. 13-10. - Use of proceeds from sale of plots.

Revenues designated from the sale of plots shall be deposited in the City's General Fund.

Sec. 13-11. - Graves and vaults.

No burials above ground in vaults shall be permitted. Grave locations must be approved by the Public Works Director or designee. The grave must be dug to a depth that leaves 18 inches of soil over the top of the vault.

Sec. 13-12. - Burials and removals.

- (a) No final disposition shall be made in the cemeteries without the purchase of a plot, and a securing of a burial permit issued by the City Clerk. Funeral establishments shall be responsible for arranging the opening and closing of graves at their expense. No graves may be dug or opened, and no bodies may be removed without written authorization of the City's designated representative.
- (b) Funeral establishments must have on file with the City Clerk a copy of their most recent license on file with the State of Florida in accordance with FS ch 497.
- (c) Funeral establishments must have on a file with the City Clerk a copy of their most recent insurance certificate. Minimum insurance requirements are as follows:

The Funeral establishments shall not commence any work until it has obtained all of the following types of insurance and the City has approved such insurance. Nor shall the Funeral establishment allow any

subcontractor to commence work on its subcontract until all similar insurance required of the subcontractor has been so obtained and approved. All insurance policies shall be with insurers licensed and authorized to do business in the State of Florida. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida and rated no less than "B" as to management and no less than Class "VIII" as to strength in accordance with the A.M. Best Company Insurance Guide, or its equivalent as determined by the City in its sole discretion.

Loss Deductible Clause: The City shall be exempt from, and in no way liable for, any sums of money which may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the Funeral establishment and/or subcontractor providing such insurance.

Worker's Compensation Insurance: The Funeral establishment shall provide Worker's Compensation Insurance for all of its employees connected with the any work performed at the City's Moore's Cemetery that complies fully with the State of Florida Worker's Compensation Law, F.S. 440.

General Liability: The Funeral establishment shall maintain broad form Commercial General Liability including but not limited to bodily injury, property damage, contractual liability, products and completed operations, and personal injury with limits of not less than \$1,000,000 per occurrence, \$1,000,000 aggregate covering all work performed at the City's Moore's Cemetery. Include broad form property damage (provide insurance for damage to property under the care custody and control of the Funeral establishment)

Business Automobile: The Funeral establishment shall maintain Business Automobile Liability form with coverage for symbol I (any auto) with limits of not less than \$1,000,000.00 combined single limit or \$500,000.00 per person/ \$1,000,000.00 per accident bodily injury and \$250,000.00 per accident property damage.

Certificates of Insurance: The Funeral establishment will furnish Certificate of Insurance Forms. These shall be completed by the authorized Resident Agent and returned to the City Clerk. This certificate shall be dated and show:

- a) The name of the insured, the name of insurer, the number of the policy, its effective date, and its termination date.
- b) Statement that the Insurer will mail notice to the City at least thirty (30) days prior to any material changes in provisions or cancellation of the policy.
- c) The City of Stuart is to be specifically included as an ADDITIONAL INSURED on General Liability Insurance and Business Automobile Liability Insurance.
- d) The City of Stuart shall be named as Certificate Holder. Please Note that the Certificate Holder should read as follows:

**City of Stuart
121 S.W. Flagler Avenue
Stuart, FL 34994**

- e) (No City Division, Department, or individual name should appear on the certificate. NO OTHER FORMAT WILL BE ACCEPTABLE.
- f) The "Acord" certification of insurance form should be used.

- (d) Removal of excess soil after burial or the filling of the gravesite with additional soil after settling shall be the responsibility of the funeral establishment. Any excess soil must be removed the same day as the burial; and any filling needed as a result of settling must be accomplished within five days after burial. Upon failure to remove excess soil or to fill as required above, the City's designated representative may cause same to be accomplished with the costs thereof charged to the funeral establishment, , which cost shall be immediately due and payable to the City.
- (e) Any additional City services required due to failure by the applicable funeral establishment to abide by this chapter, and any reasonable rules and regulations promulgated to effectuate this chapter, shall be charged to the funeral establishment and be immediately due and payable to the City.

Sec. 13-13. - Easements.

An easement is reserved along all lot lines for installation of water lines as needed.

Sec. 13-14. - Rules and regulations.

The cemetery supervisor is hereby authorized to establish rules and regulations as may be necessary to provide for the effective and efficient operation of the cemeteries and to protect the health, safety and welfare of the public. Such rules and regulations shall be subject to the approval of the City Manager and shall not be inconsistent with any provisions of this chapter.

Sec. 13-15. - Deeds.

The form for the cemetery deed of burial right is available from the City Clerk. All deeds to plots in the cemeteries are hereby declared to incorporate and shall be subject to all rules, regulations and conditions contained in this chapter.

Sec. 13-16. - Penalties and enforcement.

Any person, firm, corporation, business entity or any other entity violating any of the provisions of this chapter shall be referred to City code enforcement for disposition. Upon the finding of a violation by code enforcement, any funeral establishment shall automatically be denied further access to the cemetery until compliance has been established.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: 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 4: The provision of Chapter 13, Cemeteries, shall be codified.

SECTION 5: This ordinance shall take effect upon adoption.

Passed on first reading the 13th day of July, 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:

MICHAEL J. MEIER, MAYOR
EULA R. CLARKE, VICE MAYOR
BECKY BRUNER, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

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, ESQ.
CITY ATTORNEY

CITY OF STUART
121 SW Flagler Ave.
Stuart, Florida 34994
Interment Rights in Burial Plot Sales Contract

This Contract, made and entered into this ____ day of _____, 20__ by and between the
City of Stuart, Seller, and _____ as Purchaser, residing
at _____

Phone: () _____ Address: _____

Funeral Home: _____ Deceased: _____

Contact: _____ Date of Birth: _____

Phone Number: _____ Date of Death: _____

Funeral License: _____ Veteran: Y ____ N ____

Insurance Certificate: _____

Burial Transit Permit: _____

Plot Number: _____ Plot (s) _____ at \$800.00 each \$ _____

Companion Space for up to two (2) cremated remains _____ at \$400.00 each \$ _____

Location Fee at \$50.00 \$ _____

Total \$ _____

Seller agrees, after all payments required hereunder are paid in full, to convey to the Purchaser the rights of interment as described below:

My signature below affirms that I understand and agree that all right, title and interest to be conveyed in the burial plot(s) above described is, and at all times shall be limited to a right of interment only for burial of human remains and is subject at all times to the rules, regulations and ordinances of the City of Stuart, on file in City Clerk's Office, now existing and which may be by it hereafter adopted and/or amended; all of which are conditions, reservations and restrictions, and are binding upon the Purchaser; his/her heirs, devisees, administrators and assigns. I understand and agree that the Purchaser shall not permit interment for remuneration in the above described burial plot(s), and no interment rights in the burial plots) shall be sold, transferred, assigned or conveyed in any manner by the purchaser; his/her heirs, devisees, administrators and assigns without the written authorization of the City of Stuart, and the payment of a fifty dollar (\$50.00) transfer fee.

X _____
PURCHASER SIGNATURE

PRINT NAME

Notice to Purchaser-This contract shall be subject to all terms, rules and regulations stated on this page and on the reverse of this page and shall also be subject to such other rules and regulations, amendments or alterations as shall be adopted by the City from time to time. A copy of the City ordinance governing cemetery administration, rules and regulations may be obtained in the Office of the City Clerk upon request.

NO INTERMENT SHALL OCCUR UNLESS THE COST OF THE BURIAL PLOT HAS BEEN PAID IN FULL BY 12:00 NOON ON THE BUSINESS DAY PRECEDING THE INTERMENT.

Purchaser hereby acknowledges receipt of an executed copy of this Contract. It is the responsibility of the Purchaser to notify the City of any change of address. Initials of purchaser thereby indicate receipt of "Cemetery Rules and Regulations" brochure.

X _____
PURCHASER

X _____
CITY OF STUART, CITY CLERK

DATE: _____

GENERAL TERMS, RULES & REGULATIONS

Rights reserved by the City. The City reserves and shall have the right (a) to refuse admission to the cemetery and to refuse the use of any of the cemetery's facilities at any time to any person or persons whom the City may deem to be in violation of the provisions of the Cemetery Rules and Regulations; (b) to enlarge, reduce, replat or change the boundaries or grading of any or all sections of the cemeteries including the right to modify and change the locations of or remove or regrade roads, drives, walks, or any part thereof; (c) to lay, maintain and operate, or alter or change water lines for irrigation systems, gutters for drainage, etc. and reserves an easement along all lot lines for utility purposes as needed; (d) to use cemetery property not sold to individual lot owners for cemetery purposes, including the interment of human remains, or for anything necessary, incidental or convenient thereto; (e) to reserve to itself, and to those lawfully using the privileges and facilities of the cemeteries, a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots; (f) to correct any error that may be made by it in the description transferor conveyance of any interment rights, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible by the city manager or his designee, or, in the sole discretion of the city manager, by refunding the amount of money paid on account of said purchase; (g) to correct any error that may be made by it in making interments, disinterment's or removals, and, in the event such error shall involve the interment of the remains of any person, the City reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituting and conveyed in lieu thereof; (h) to prohibit, modify or remove any structure, object, improvement or adornment from any plot which may have been placed therein in violation of the rules, or which may be considered objectionable, or injurious to the lot, adjoining lots or to the cemetery in general; (i) to adopt additional rules and regulations or to amend, alter or repeal any cemetery rule or regulations established by it, at any time, and subject only to the public notice requirements provided by Florida Statutes for ordinance adoption.

Limitation of liability. The City shall take all reasonable precautions to protect cemetery plot owners and the property rights of cemetery plot owners from loss or damage, but the City shall not be liable, and disclaims all responsibility, for loss or damage to property or rights of plot owners arising from causes beyond its reasonable control including, but not limited to, damage caused by the elements, an act of God, thieves, vandals, malicious mischief-makers, or unavoidable accidents, etc. whether the damage be direct or collateral. The perpetual care of the cemetery is assumed by the City and includes the cutting and irrigation of the grass at reasonable intervals, the raking and cleaning of the grounds, the pruning of shrubs and trees, and the maintenance of roadways. Perpetual care by the City shall in no case mean the maintenance, repair or replacement of any memorial, tomb or mausoleum placed or erected upon plots by persons, firms or corporations; nor the doing of any special or unusual work in the cemetery, including work caused by impoverishment of the soil; nor does it mean the reconstruction of any marble or granite work in any section or portion of the cemetery damaged by the elements, an act of God, thieves, vandals, malicious mischief-maker, or unavoidable accidents, etc., whether the damage be direct or collateral. Members of the public honoring their loved ones must realize that anything that prohibits the City from fulfilling its commitment to care for the municipal cemeteries or adds undue cost for the taxpayers shall not be allowed. It shall be the responsibility of those honoring their loved ones to observe the cemetery rules and regulations, to place items permitted well within the plots allowed, and to remove perishable items when they are no longer performing their role in beautifying the grave site; i.e., dead flowers, faded and weathered artifacts, and similar items.

Markers. All burial spaces shall have no more than one grave marker with the exception that family burial plots may have a family marker and a marker for each family member interred therein. For interments, a permanent monument or grave marker shall be required on all burial plots. All markers shall be of bronze, granite, marble or other equally durable stone material, metal or metal alloy and shall be placed on a foundation which is no closer than three (3) inches to the boundary lines of the grave plot. All markers shall be placed on a foundation which complies with City specifications. All foundations shall be built by the marker company at the cost of the owner. Markers which are flush with the ground shall be required. Any marker which has been set in violation of the cemetery rules and regulations shall be removed from the grave site by the marker company and reset in accordance with the cemetery rules and regulations without charge to the owner or the City. It shall not be the responsibility of the City to replace or repair temporary metal grave markers, and all temporary grave markers shall be removed when the permanent marker is set. Any temporary grave marker remaining on the grave six (6) months after the interment shall be removed at no risk to the City. The family of the deceased may install a memorial brick in lieu of the marker required herein. While the City will exercise all possible care to protect raised lettering, carving or ornaments on any marker, it disclaims responsibility and shall not be liable for any damage or injury thereto.

Plants, shrubs, flowers, etc. Permanent planting, maintenance and removal of grasses, shrubs, trees, flowers, etc., shall be done only by the City. The cemetery manager shall remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as soon as, in the judgment of the cemetery manager, they become unsightly, dangerous, detrimental or diseased or when they interfere with the normal maintenance of the cemetery. The City shall not be liable for frozen plants or herbage of any kind or for plantings damaged by the elements, thieves, vandals or by other causes beyond its control. Live flowers from burial services shall be removed by the cemetery manager within five (5) days after an interment. Upon the written request of the owner or legal representative of the owner within forty-eight (48) hours after an interment, flowers, baskets, designs or frames may be held for such owner or legal representative for a period not exceeding thirty (30) days. If not called for and removed by the end of the thirty (30) day period, such flowers, baskets, designs or frames shall become the property of the City and may be sold, destroyed or otherwise disposed of without incurring any liability whatsoever to donors, grave owners or their legal representatives. All vases and receptacles must be approved by the City. Approved vases may be of the invertible type. Fixed vases shall not exceed six (6) inches in diameter and ten (10) inches in height. No other receptacle may be used as a permanent vase. Glass, ceramic or plastic containers shall not be permitted under any circumstances. Potted plants are allowed provided that the pot is buried so that the top edge of the pot is flush with the ground, the pot does not exceed 1 gallon in size, the plant does not exceed 24 inches in height and does not bear thorns or stickers.

Enclosures. Fences, hedges, pipe, chains or raised enclosures of any kind are prohibited on grave sites.

Grave decorations. Grave decorations of any kind will be removed when they violate cemetery rules and regulations. Special decorations placed on a grave site on birthdays, anniversaries, Mother's Day, Father's Day, Memorial Day, Veteran's Day, Christmas, Easter, etc., may be placed no more than 7 calendar days before the holiday or special date and shall be removed within 7 calendar days after the holiday. Decorations not removed within the specified time shall be removed by cemetery personnel without the need for notice. Except as provided in city code section 13-5, the following shall not be allowed: (1) toys, dolls, stuffed animals or similar articles; (2) shells, rocks, stones or pebbles; (3) glass, ceramic or plastic objects; (4) metal designs, frames or hangers; (5) chairs, seats, benches or tables; (6) wood or metal boxes or cases; (7) lights; (8) inflatable items; (9) figurines or statuettes; (10) ornaments of any type that interfere with the maintenance of the cemetery, present a potential safety hazard, offend or insult any segment of the community. Flags may be placed on the grave site of a veteran subject to the following rules: (11) Up to one American flag no larger than 13" x 8" may be placed on a grave site on Veteran's Day, Memorial Day, or Independence Day and removed within 7 days of the holiday. Small American flags no larger than 6" x 4" may be incorporated into floral arrangements at all times during the year. The City shall not be responsible for the loss of any decorations by any cause whatsoever.



CEMETERY PLOT DEED

City of Stuart, Florida

THIS DEED is made on this ____ day of _____, 202____, by and between The City of Stuart, Martin County, Florida, a Florida municipality, party of the first part (hereinafter known as the "Seller"), whose post office address is 121 S.W. Flagler Avenue, Stuart, Florida 34994 and _____, the party of the second part (hereinafter known as the "Buyer"), whose post office address is _____.

The Seller hereby acknowledges in exchange for good and valuable consideration in the amount of \$_____, the receipt of which is hereby acknowledged, do sell, convey and transfer to the Buyer, the following described premises with burial rights only:

Plot Number: _____ located at Moore's Cemetery in Stuart, Martin County, Florida. A true and accurate depiction of the purchased plot is shown in the Moore's Cemetery Plan attached hereto and incorporated herein as Exhibit "A" (hereinafter known as the "Plot") subject to conditions and limitations set forth hereinafter:

- ❖ The Plot shall be considered and used as one (1) burial space for casketed remains, and up to two (2) additional companion spaces for cremated remains; and
- ❖ The Plot shall not be enclosed in any manner nor shall the Plot be subdivided in any manner; and
- ❖ The Plot is only allowed one (1) burial marker memorializing the decedent; and
- ❖ No tree, shrub, plant, or flower of any nature shall be planted on the Plot without the written permission of the Seller; and
- ❖ The Plot is subject to the By-laws, Rules and Regulations of Moore's Cemetery, and any amendments hereto. Any breach of the By-laws, Rules and Regulations, the Seller will have the right to remove any item(s) from the Plot that may be in violation; and
- ❖ It is further agreed that no transfer, or sale, of the above-described Plot may be made without the written consent of the City of Stuart, Florida.

Executed in the City of Stuart, Martin County, Florida on this ____ day of _____, 202____.

By: _____

Deed Number: 01-2020

Printed Name: _____

Title: _____

Check if Replacement Deed: _____

Attest: _____

Mary R. Kindel, City Clerk



