



City of Stuart

A G E N D A

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD May 20, 2019
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Rebecca S. Bruner
Vice Mayor Eula R. Clarke
Commissioner Kelli Glass Leighton
Commissioner Merritt Matheson
Commissioner Mike Meier**

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. GARDEN WEEK - JUNE 2-8, 2019
2. PTSD AWARENESS MONTH (JUNE 2019)
3. FLORIDA WATER REUSE WEEK - MAY 19-25, 2019

PRESENTATIONS

4. MAY SERVICE AWARDS
5. EMPLOYEE OF THE MONTH - MAY, 2019
6. LEGISLATIVE UPDATE REGARDING IMPACTS ON CITIES.

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 min. 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. SUPPORTING U.S. HOUSE RESOLUTION 763 RELATING TO THE ENERGY INNOVATION AND CARBON DIVIDEND ACT OF 2019 (RC):

RESOLUTION No. 51-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING UNITED STATES HOUSE RESOLUTION 763, WHICH WILL IMPOSE A FEE ON THE CARBON CONTENTS OF FUEL, INCLUDING CRUDE OIL, NATURAL GAS, COAL, OR ANY OTHER PRODUCT DERIVED FROM THOSE FUELS THAT WILL BE USED SO AS TO EMIT GREENHOUSE GASES INTO THE ATMOSPHERE; AND PROVIDING FOR AN EFFECTIVE DATE.

8. OPPOSING PLANS BY THE U.S. BUREAU OF OCEAN ENERGY MANAGEMENT TO OPEN THE ATLANTIC OUTER CONTINENTAL SHELF TO THE EXPLORATION OF OIL AND GAS PRODUCTION (RC):

RESOLUTION No. 52-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OPPOSING PLANS BY THE U.S. BUREAU OF OCEAN ENERGY MANAGEMENT TO OPEN THE MID AND SOUTH ATLANTIC OCEAN TO OFFSHORE OIL DRILLING AND ASSOCIATED EXPLORATION ACTIVITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

END OF CONSENT CALENDAR

COMMISSION ACTION

ORDINANCE FIRST READING

9. STUART NEWS MAJOR PUD AMENDMENT (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2408-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MAJOR AMENDMENT TO THE STUART NEWS COMMERCIAL PLANNED UNIT DEVELOPMENT ZONING AGREEMENT; CHANGING THE NAME OF THE CPUD TO MARTIN COUNTY SCHOOL BOARD CPUD; DECLARING THE CPUD DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

10. RIVER RIDGE (PALM BEACH ROAD) ROW ABANDONMENT (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2407-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 20-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF RIVER RIDGE, AS RECORDED IN PLAT BOOK 4, PAGE 11, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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: 5/20/2019

Prepared by: Ryanne Cavo

Title of Item:

GARDEN WEEK - JUNE 2-8, 2019

Summary Explanation/Background Information on Agenda Request:

Gardeners have a passion for nurturing the beauty and resources of the earth through the planting of seeds, the care of all plants and the riches of their efforts.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation

ATTACHMENTS:

	Description	Upload Date	Type
▢	Proclamation - Garden Week 2019	5/6/2019	Proclamation

PROCLAMATION GARDEN WEEK JUNE 2 – 8, 2019

WHEREAS, gardeners have a passion for nurturing the beauty and resources of the earth through the planting of seeds, the care of all plants and the riches of their efforts; and

WHEREAS, gardeners work to preserve our country's traditional spirit of independence and initiative through innovation and hard work; and

WHEREAS, gardening enables members of garden clubs across the nation and the world to make a world of difference in the communities where they reside and work.

NOW, THEREFORE, in an effort to acknowledge the importance of gardening and the numerous contributions of gardeners and garden clubs, I, Rebecca S. Bruner, Mayor of the City of Stuart hereby proclaim June 2 – 8th, 2019 as:

GARDEN WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 20th day of May, 2019

ATTEST:

REBECCA S. BRUNER
Mayor

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 5/20/2019

Prepared by: Ryanne Cavo

Title of Item:

PTSD AWARENESS MONTH (JUNE 2019)

Summary Explanation/Background Information on Agenda Request:

PTSD affects approximately 7.7 million American adults in a given year and without intervention, PTSD can lead to substance use and abuse, heart attacks, stroke, depression, anxiety, and suicide.

Funding Source:

N/A

Recommended Action:

Issue the proclamation.

ATTACHMENTS:

	Description	Upload Date	Type
▢	Proclamation - PTSD Awareness Month (June 2019)	5/10/2019	Proclamation

**PROCLAMATION
PTSD AWARENESS MONTH
JUNE 2019**

WHEREAS, posttraumatic stress disorder, known as PTSD, is a mental health condition that is triggered by one or more traumatic events that “shock the conscience” and is persistently re-experienced in one’s life through flashbacks, dreams, and intense psychological distress; and

WHEREAS, in 1980, PTSD was recognized as a disorder with specific symptoms that could be reliably diagnosed and was added to the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders; and

WHEREAS, PTSD is recognized as a psycho-biological disorder that can affect first responders and survivors of combat experience, terrorist attacks, natural disasters, assault or abuse, or sudden and major emotional losses; and

WHEREAS, PTSD affects approximately 7.7 million American adults in a given year and without intervention, PTSD can lead to substance use and abuse, heart attacks, stroke, depression, anxiety, and suicide; and

WHEREAS, upwards of 20% of military Veterans are diagnosed with PTSD, and approximately 6,000 Veterans die from suicide every year, a study of 4,000 First Responders found that 86% had experienced critical stress, with a vast percentage being diagnosed with PTSD and Firefighter and Police Officer suicides now outnumber line-of-duty deaths; and

NOW THEREFORE, it is the City of Stuart’s priority to provide Crisis/Transcrisis/PTSD/and Suicide Awareness training, including ongoing support for our First Responders and by also raising public awareness of this condition we can facilitate compassion, training, and treatment options, I, REBECCA S. BRUNER, Mayor of the City of Stuart, hereby proclaim June 2019 as:

PTSD AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 20th day of May, 2019.

ATTEST:

REBECCA S. BRUNER
MAYOR

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 5/20/2019

Prepared by: Ryanne Cavo

Title of Item:

FLORIDA WATER REUSE WEEK - MAY 19-25, 2019

Summary Explanation/Background Information on Agenda Request:

The City of Stuart has joined with WaterReuse Florida, the Florida Department of Environmental Protection, and the South Florida Water Management District in encouraging and promoting water reuse and conservation.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation

ATTACHMENTS:

	Description	Upload Date	Type
▯	Proclamation - Florida Water Reuse Week May 19-25, 2019	3/21/2019	Proclamation

**PROCLAMATION
FLORIDA WATER REUSE WEEK
MAY 19-25, 2019**

WHEREAS, safe, clean and sustainable water resources are essential to Florida's environment, economy, citizens, and visitors; and

WHEREAS, the City of Stuart has joined with WaterReuse Florida, the Florida Department of Environmental Protection, and the South Florida Water Management District in encouraging and promoting water reuse and conservation; and

WHEREAS, water reuse provides a means for conserving and augmenting Florida's precious water resources and is key to the state's sustainable water future; and

WHEREAS, Florida has risen to be the national leader in water reuse -- reusing 813 million gallons of reclaimed water per day to conserve freshwater supplies and replenish our rivers, streams, lakes, and aquifers; and

NOW, THEREFORE, I, Rebecca S. Bruner, Mayor of the City of Stuart, Florida do hereby proclaim the week of May 19-25, 2019 as

FLORIDA WATER REUSE WEEK

in the City of Stuart, Florida and encourages citizens to make a difference and help by efficiently using water, thus promoting a healthy economy and community.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Stuart, Florida to be affixed this 20th day of May, 2019.

REBECCA S. BRUNER
MAYOR

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

Meeting Date: 5/20/2019

Prepared by: R. Johnson

Title of Item:

MAY SERVICE AWARDS

Summary Explanation/Background Information on Agenda Request:

Tyler Bovee	Police	5 years
Eileen Finley	Police	5 years

Funding Source:

General Fund

Recommended Action:

Present Awards

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

Meeting Date: 5/20/2019

Prepared by: David D. Peters

Title of Item:

EMPLOYEE OF THE MONTH - MAY, 2019

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Ask Willie Hatcher to come forward and be recognized as the City's Employee of the month for May, 2019.

ATTACHMENTS:

Description	Upload Date	Type
☐ Memorandum	5/12/2019	Attachment



David D. Peters | Public Works Director
121 SW Flagler Ave. Stuart FL 34994
Phone: 772.288.1292 Ext. 1

Date: May 10, 2019

To: Roz Johnson, Human Resources Director

Subject: Employee of the Month

The Public Works Department is once again proud to nominate a candidate for Employee of the Month who has demonstrated an outstanding work effort in meeting the needs of the City and satisfying property owners who have elected to participate in the City's Septic to Sewer Conversion Project.

As you may recall, Willie Hatcher accepted the challenge of supervising the installation of commercial and residential grinder systems when the City had to modify the method in which this work was done.

Since his employment date on November 14, 2011, Willie has always met difficult challenges with a positive, get it done attitude. This new challenge was no different.

Faced with a new direction in grinder tank installations, Willie had to coordinate outside resources while maintaining the outstanding customer satisfaction that the City's Septic to Sewer Conversion Project was built on.

Not only was that a challenge, but he also was faced with the challenges that any new supervisor faces.

Like all of those who have experienced that transition he had his moments when he questioned "why".

His dedication, work ethic, and sheer determination got him through those rough times and with a little guidance, Willie has demonstrated once again that he can overcome obstacles with a smile on his face.

The challenges aren't over, but we like what we see and know his work ethic and determination will continue to meet the challenges that a City-Wide Septic to Sewer Conversion Project will present.

For these reasons mentioned above, we ask that Willie be recognized as the City of Stuart's Employee of the Month for May, 2019.

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

Meeting Date: 5/20/2019

Prepared by: David Dyess

Title of Item:

LEGISLATIVE UPDATE REGARDING IMPACTS ON CITIES.

Summary Explanation/Background Information on Agenda Request:

Patricia Christensen with the Treasure Coast Regional League of Cities, Inc. will give an update on the recent legislative session regarding items that impact cities.

Funding Source:

N/A

Recommended Action:

N/A

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 5/20/2019

Prepared by: bhogarth

Title of Item:

SUPPORTING U.S. HOUSE RESOLUTION 763 RELATING TO THE ENERGY INNOVATION AND CARBON DIVIDEND ACT OF 2019 (RC):

RESOLUTION No. 51-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING UNITED STATES HOUSE RESOLUTION 763, WHICH WILL IMPOSE A FEE ON THE CARBON CONTENTS OF FUEL, INCLUDING CRUDE OIL, NATURAL GAS, COAL, OR ANY OTHER PRODUCT DERIVED FROM THOSE FUELS THAT WILL BE USED SO AS TO EMIT GREENHOUSE GASES INTO THE ATMOSPHERE; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:

United States House Resolution 763 (Carbon Dividend Act of 2019) was introduced into Congress on January 24, 2019. The legislation has strong bipartisan sponsorship and support, and is considered a serious "first step" measure by Congress to impose a new fee on carbon emissions. It follows a similar Senate measure that was introduced last year and has gained a significant amount of interest of businesses and industries across the nation.

This Resolution was drafted by staff at the request of City Commissioner Mike Meier.

Funding Source:

N/A

Recommended Action:

Recommend approval of Resolution

ATTACHMENTS:

Description	Upload Date	Type
☐ R51-2019 Supporting HR 763 Relating to the Energy Innovation and Carbon Dividend Act of 2019	5/9/2019	Resolution add to Y drive
☐ R51-2019 H.R. 763 Relating to the Energy Innovation and Carbon Dividend Act of 2019	5/9/2019	Attachment



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 51-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING UNITED STATES HOUSE RESOLUTION 763, WHICH WILL IMPOSE A FEE ON THE CARBON CONTENTS OF FUEL, INCLUDING CRUDE OIL, NATURAL GAS, COAL, OR ANY OTHER PRODUCT DERIVED FROM THOSE FUELS THAT WILL BE USED SO AS TO EMIT GREENHOUSE GASES INTO THE ATMOSPHERE; AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, U.S. House Resolution 763, an Act cited as the “Energy Innovation and Carbon Dividend Act of 2019,” will create a Carbon Dividend Trust Fund for the American people in order to encourage market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations; and

WHEREAS, H.R. 763 is a bipartisan measure that will reduce U.S. carbon emissions by at least 40 percent in the first 12 years and 90 percent by 2050; and

WHEREAS, this bill would introduce a gradually rising carbon fee that would reflect the externalities of pollution costs, thereby creating a market-driven demand for cleaner energy technologies; and

WHEREAS, the net revenues from the carbon fee introduced by this bill would yield a dividend for the American people in the form of a rebate; and

WHEREAS, a U.S. Department of the Treasury study concluded that 53 percent of households would receive a net financial benefit from the bill; and

WHEREAS, this bill would also generate more than 2 million jobs over a 10 year period in local communities across the country; and

WHEREAS, a 2018 joint Yale University and George Mason University study found that seven in ten Americans think global warming is happening, and nearly half of Americans say they have personally experienced the effects of global warming; and

WHEREAS, global climate change poses a significant threat to the health and wellbeing of all Floridians, including those in the City of Stuart; and

WHEREAS, the City Commission of the City of Stuart believes that this measure is both necessary and expedient in reducing greenhouse gas emissions nationwide, while providing a net financial benefit to most Americans.

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

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The City Commission of the City of Stuart, Florida authorizes this resolution in support of U.S. House Resolution 763 cited as the “Energy Innovation and Carbon Dividend Act of 2019,” and urges its federal delegation to support the bill.

SECTION 3: This Resolution shall become effective upon its adoption and a copy shall be sent to the Members of Congress who comprise the local federal delegation.

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:

Resolution No. 51-2019

Supporting H.R. 763 Relating to the Energy Innovation and Carbon Dividend Act of 2019

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

116TH CONGRESS
1ST SESSION

H. R. 763

To create a Carbon Dividend Trust Fund for the American people in order to encourage market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2019

Mr. DEUTCH (for himself, Mr. LIPINSKI, Mr. CRIST, Mr. PETERS, Ms. ESHOO, Ms. JUDY CHU of California, and Mr. ROONEY of Florida) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To create a Carbon Dividend Trust Fund for the American people in order to encourage market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Energy Innovation and
3 Carbon Dividend Act of 2019”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) efficient markets strengthen our economy
7 and benefit our Nation by encouraging competition,
8 innovation, and technological progress;

9 (2) efficient markets should reflect all costs of
10 goods to ensure that they advance America’s pros-
11 perity and national interests;

12 (3) emissions of carbon pollution and other
13 harmful pollutants into our Nation’s air impose sub-
14 stantial costs on all Americans and on future gen-
15 erations; and

16 (4) creation of a Carbon Dividend Trust Fund,
17 to be distributed to the American people, will make
18 markets more efficient, create jobs, and stimulate
19 competition, innovation, and technological progress
20 that benefit all Americans and future generations.

21 **SEC. 3. CARBON DIVIDENDS AND CARBON FEE.**

22 (a) IN GENERAL.—The Internal Revenue Code of
23 1986 is amended by adding at the end the following new
24 subtitle:

1 **“Subtitle L—CARBON DIVIDENDS**
 2 **AND CARBON FEE**

“CHAPTER 101. CARBON FEES.

“CHAPTER 102. CARBON BORDER FEE ADJUSTMENT.

3 **“CHAPTER 101—CARBON FEES**

“Sec. 9901. Definitions.

“Sec. 9902. Carbon fee.

“Sec. 9903. Emissions reduction schedule.

“Sec. 9904. Fee on fluorinated greenhouse gases.

“Sec. 9905. Decommissioning of Carbon Administration.

“Sec. 9906. Carbon Capture and Sequestration.

“Sec. 9907. Administrative authority.

4 **“SEC. 9901. DEFINITIONS.**

5 “For purposes of this subtitle:

6 “(a) ADMINISTRATOR.—The term ‘Administrator’
 7 means the Administrator of the Environmental Protection
 8 Agency.

9 “(b) CARBON DIOXIDE EQUIVALENT OR CO₂-E.—
 10 The term ‘carbon dioxide equivalent’ or ‘CO₂-e’ means the
 11 number of metric tons of carbon dioxide emissions with
 12 the same global warming potential as one metric ton of
 13 another greenhouse gas.

14 “(c) CARBON-INTENSIVE PRODUCT.—The term ‘car-
 15 bon-intensive product’ means, as identified by the Sec-
 16 retary by rule—

17 “(1) any manufactured or agricultural product
 18 which the Secretary in consultation with the Admin-
 19 istrator determines is emissions-intensive and trade-

1 exposed, except that no covered fuel is a carbon-in-
2 tensive product, and

3 “(2) until such time that the Secretary promul-
4 gates rules identifying carbon-intensive products, the
5 following shall be considered carbon-intensive prod-
6 ucts: iron, steel, steel mill products (including pipe
7 and tube), aluminum, cement, glass (including flat,
8 container, and specialty glass and fiberglass), pulp,
9 paper, chemicals, or industrial ceramics.

10 “(d) CARBON LEAKAGE.—The term ‘carbon leakage’
11 means an increase of global greenhouse gas emissions
12 which are substantially due to the relocation of greenhouse
13 gas sources from the United States to jurisdictions which
14 lack comparable controls upon greenhouse gas emissions.

15 “(e) COST OF CARBON OR CARBON COSTS.—The
16 term ‘cost of carbon’ or ‘carbon costs’ means a national
17 or sub-national government policy which explicitly places
18 a price on greenhouse gas pollution and shall be limited
19 to either a tax on greenhouse gases or a system of cap-
20 and-trade. The cost of carbon is expressed as the price
21 per metric ton of CO₂-e.

22 “(f) COVERED ENTITY.—The term ‘covered entity’
23 means—

24 “(1) in the case of crude oil—

1 “(A) a refinery operating in the United
2 States, and

3 “(B) any importer of any petroleum or pe-
4 troleum product into the United States,

5 “(2) in the case of coal—

6 “(A) any coal mining operation in the
7 United States, and

8 “(B) any importer of coal into the United
9 States,

10 “(3) in the case of natural gas—

11 “(A) any entity entering pipeline quality
12 natural gas into the natural gas transmission
13 system, and

14 “(B) any importer of natural gas into the
15 United States,

16 “(4) in the case of fluorinated gases any entity
17 required to report the emission of a fluorinated gas
18 under part 98 of title 40, Code of Federal Regula-
19 tions, and

20 “(5) any entity or class of entities which, as de-
21 termined by the Secretary, is transporting, selling,
22 or otherwise using a covered fuel in a manner which
23 emits a greenhouse gas to the atmosphere and which
24 has not been covered by the carbon fee, the

1 fluorinated greenhouse gas fee, or the carbon border
2 fee adjustment.

3 “(g) COVERED FUEL.—The term ‘covered fuel’
4 means crude oil, natural gas, coal, or any other product
5 derived from crude oil, natural gas, or coal which shall
6 be used so as to emit greenhouse gases to the atmosphere.

7 “(h) CRUDE OIL.—The term ‘crude oil’ means
8 unrefined petroleum.

9 “(i) EXPORT.—The term ‘export’ means to transport
10 a product from within the jurisdiction of the United States
11 to persons outside the United States.

12 “(j) FLUORINATED GREENHOUSE GAS.—The term
13 ‘fluorinated greenhouse gas’ means sulfur hexafluoride
14 (SF₆), nitrogen trifluoride (NF₃), and any fluorocarbon
15 except for controlled substances as defined in subpart A
16 of part 82 of title 40, Code of Federal Regulation, and
17 substances with vapor pressures of less than 1 mm of Hg
18 absolute at 25 degrees. With these exceptions, ‘fluorinated
19 greenhouse gas’ includes but is not limited to any
20 hydrofluorocarbon, any perfluorocarbon, any fully
21 fluorinated linear, branched or cyclic alkane, ether, ter-
22 tiary amine or aminoether, any perfluoropolyether, and
23 any hydrofluoropolyether.

1 “(k) FOSSIL FUEL.—The term ‘fossil fuel’ means
2 coal, coal products, petroleum, petroleum products, or nat-
3 ural gas.

4 “(l) FULL FUEL CYCLE GREENHOUSE GAS EMIS-
5 SIONS.—The term ‘full fuel cycle greenhouse gas emis-
6 sions’ means the greenhouse gas content of a covered fuel
7 plus that covered fuel’s upstream greenhouse gas emis-
8 sions.

9 “(m) GLOBAL WARMING POTENTIAL.—The term
10 ‘global warming potential’ means the ratio of the time-
11 integrated radiative forcing from the instantaneous release
12 of one kilogram of a trace substance relative to that of
13 one kilogram of carbon dioxide.

14 “(n) GREENHOUSE GAS.—The term ‘greenhouse gas’
15 means carbon dioxide (CO₂), methane (CH₄), nitrous
16 oxide (N₂O), sulfur hexafluoride (SF₆),
17 hydrofluorocarbons (HFCs), perfluorocarbon (PFCs), and
18 other gases as defined by rule of the Administrator.

19 “(o) GREENHOUSE GAS CONTENT.—The term
20 ‘greenhouse gas content’ means the amount of greenhouse
21 gases, expressed in metric tons of CO₂-e, which would be
22 emitted to the atmosphere by the use of a covered fuel
23 and shall include, nonexclusively, emissions of carbon diox-
24 ide (CO₂), nitrous oxide (N₂O), methane (CH₄), and other

1 greenhouse gases as identified by rule of the Adminis-
2 trator.

3 “(p) GREENHOUSE GAS EFFECT.—The term ‘green-
4 house gas effect’ means the adverse effects of greenhouse
5 gases on health or welfare caused by the greenhouse gas’s
6 heat-trapping potential or its effect on ocean acidification.

7 “(q) IMPORT.—Irrespective of any other definition in
8 law or treaty, the term ‘import’ means to land on, bring
9 into, or introduce into any place subject to the jurisdiction
10 of the United States.

11 “(r) PETROLEUM.—The term ‘petroleum’ means oil
12 removed from the earth or the oil derived from tar sands
13 or shale.

14 “(s) PRODUCTION GREENHOUSE GAS EMISSIONS.—
15 The term ‘production greenhouse gas emissions’ means
16 the quantity of greenhouse gases, expressed in metric tons
17 of CO₂-e, emitted to the atmosphere resulting from, non-
18 exclusively, the production, manufacture, assembly, trans-
19 portation, or financing of a product.

20 “(t) UPSTREAM GREENHOUSE GAS EMISSIONS.—
21 The term ‘upstream greenhouse gas emissions’ means the
22 quantity of greenhouse gases, expressed in metric tons of
23 CO₂-e, emitted to the atmosphere resulting from, non-
24 exclusively, the extraction, processing, transportation, fi-
25 nancing, or other preparation of a covered fuel for use.

1 **“SEC. 9902. CARBON FEE.**

2 “(a) CARBON FEE.—There is hereby imposed a car-
3 bon fee on any covered entity’s emitting use, or sale or
4 transfer for an emitting use, of any covered fuel.

5 “(b) AMOUNT OF THE CARBON FEE.—The carbon
6 fee imposed by this section is an amount equal to—

7 “(1) the greenhouse gas content of the covered
8 fuel, multiplied by

9 “(2) the carbon fee rate.

10 “(c) CARBON FEE RATE.—For purposes of this sec-
11 tion—

12 “(1) IN GENERAL.—The carbon fee rate, with
13 respect to any use, sale, or transfer during a cal-
14 endar year, shall be—

15 “(A) in the case of calendar year 2019,
16 \$15, and

17 “(B) except as provided in paragraph (2),
18 in the case of any calendar year thereafter—

19 “(i) the carbon fee rate in effect
20 under this subsection for the preceding cal-
21 endar year, plus

22 “(ii) \$10.

23 “(2) EXCEPTIONS.—

24 “(A) INCREASED CARBON FEE RATE
25 AFTER MISSED ANNUAL EMISSIONS REDUCTION
26 TARGET.—In the case of any year immediately

1 following a year for which the Secretary deter-
2 mines under 9903(b) that the actual emissions
3 of greenhouse gases from covered fuels exceeded
4 the emissions reduction target for the previous
5 year, paragraph (1)(B)(ii) shall be applied by
6 substituting ‘\$15’ for the dollar amount other-
7 wise in effect for the calendar year under such
8 paragraph.

9 “(B) CESSATION OF CARBON FEE RATE IN-
10 CREASE AFTER CERTAIN EMISSION REDUCTIONS
11 ACHIEVED.—In the case of any year imme-
12 diately following a year for which the Secretary
13 determines under 9903(b) that actual emissions
14 of greenhouse gases from covered fuels is not
15 more than 10 percent of the greenhouse gas
16 emissions from covered fuels during the year
17 2016, paragraph (1)(B)(ii) shall be applied by
18 substituting ‘\$0’ for the dollar amount other-
19 wise in effect for the calendar year under such
20 paragraph.

21 “(3) INFLATION ADJUSTMENT.—In the case of
22 any calendar year after 2019, each of the dollar
23 amounts in paragraphs (1)(A), (1)(B)(ii), and
24 (2)(A) shall be increased by an amount equal to—

25 “(A) such dollar amount, multiplied by

1 “(B) the cost-of-living adjustment deter-
2 mined under section 1(f)(3) for the calendar
3 year, determined by substituting ‘calendar year
4 2018’ for ‘calendar year 2016’ in subparagraph
5 (A)(ii) thereof.

6 “(d) EXEMPTION AND REFUND.—The Secretary
7 shall prescribe such rules as are necessary to ensure the
8 fee imposed by this section is not imposed with respect
9 to any nonemitting use, or any sale or transfer for a non-
10 emitting use, including rules providing for the refund of
11 any carbon fee paid under this section with respect to any
12 such use, sale, or transfer.

13 “(e) EXEMPTIONS.—

14 “(1) AGRICULTURE.—

15 “(A) FUEL.—If any covered fuel or its de-
16 rivative is used on a farm for a farming pur-
17 pose, the Secretary shall pay (without interest)
18 to the ultimate purchaser of such covered fuel
19 or its derivative, the total amount of carbon
20 fees previously paid upon that covered fuel or
21 its derivative, as specified by rule of the Sec-
22 retary.

23 “(B) FARM, FARMING USE, AND FARMING
24 PURPOSE.—The terms ‘farm’, ‘farming use’,
25 and ‘farming purpose’ shall have the respective

1 meanings given such terms under section
2 6420(c).

3 “(C) OTHER GREENHOUSE GASES EMIS-
4 SIONS FROM AGRICULTURE.—The carbon fee
5 shall not be levied upon non-fossil fuel green-
6 house gas emissions which occur on a farm.

7 “(2) ARMED FORCES OF THE UNITED
8 STATES.—If any covered fuel or its derivative is
9 used by the Armed Forces of the United States as
10 supplies for vessels of war, vehicles, or electrical
11 power generation equipment, the Secretary shall pay
12 (without interest) to the ultimate purchaser of such
13 covered fuel or its derivative, the total amount of
14 carbon fees previously paid upon that covered fuel or
15 its derivative, as specified by rule of the Secretary.

16 **“SEC. 9903. EMISSIONS REDUCTION SCHEDULE.**

17 “(a) IN GENERAL.—An emissions reduction schedule
18 for greenhouse gas emissions from covered fuels is hereby
19 established, as follows:

20 “(1) REFERENCE YEAR.—The greenhouse gas
21 emissions from covered fuels during the year 2016
22 shall be the reference amount of emissions and shall
23 be determined from the ‘Inventory of U.S. Green-
24 house Gas Emissions and Sinks: 1990–2016’ pub-

1 lished by the Environmental Protection Agency in
2 April of 2018.

3 “(2) EMISSIONS REDUCTION TARGET.—The
4 first emission reduction target shall be for the year
5 2022. The emission target for each year thereafter
6 shall be the previous year’s target emissions minus
7 a percentage of emissions during the reference year
8 determined in accordance with the following table:

“Year	Emissions Reduction Target
2016	Reference year
2020 to 2024	No emissions reduction target
2025 to 2034	5 percent of 2016 emissions per year
2035 to 2050	2.5 percent of 2016 emissions per year

9 “(b) ADMINISTRATIVE DETERMINATION.—Not later
10 than 60 days after the beginning of each calendar year
11 beginning after the enactment of this section, the Sec-
12 retary, in consultation with the Administrator, shall deter-
13 mine whether actual emissions of greenhouse gases from
14 covered fuels exceeded the emissions reduction target for
15 the preceding calendar year. The Secretary shall make
16 such determination using the same greenhouse gas ac-
17 counting method as was used to determine the greenhouse
18 gas emissions in the ‘Inventory of U.S. Greenhouse Gas
19 Emissions and Sinks: 1990–2016’ published by the Envi-
20 ronmental Protection Agency in April of 2018.

1 **“SEC. 9904. FEE ON FLUORINATED GREENHOUSE GASES.**

2 “(a) **FLUORINATED GAS FEE.**—A fee is hereby im-
3 posed upon any fluorinated greenhouse gas which is re-
4 quired to be reported under part 98 of title 40, Code of
5 Federal Regulations.

6 “(b) **AMOUNT.**—The fee to be paid by the covered
7 entity required to so report shall be an amount equal to—

8 “(1) the total amount, in metric tons of CO₂-
9 e, of emitted fluorinated greenhouse gases (or, in the
10 case of a supplier, emissions that would result deter-
11 mined under the rules of such part), multiplied by

12 “(2) an amount equal to 10 percent of the car-
13 bon fee rate in effect under section 9902(d)(1) for
14 the calendar year of such emission.

15 **“SEC. 9905. DECOMMISSIONING OF CARBON FEE.**

16 “(a) **IN GENERAL.**—At such time that—

17 “(1) the Secretary determines under 9903(b)
18 that actual emissions of greenhouse gases from cov-
19 ered fuels is not more than 10 percent of the green-
20 house gas emissions from covered fuels during the
21 year 2016, and

22 “(2) the monthly carbon dividend payable to an
23 adult eligible individual has been less than \$20 for
24 3 consecutive years,

25 the Secretary shall decommission in an orderly manner all
26 bureaus and programs associated with administering the

1 carbon fee, the carbon border fee adjustment, and the Car-
 2 bon Dividend Trust Fund.

3 “(b) INFLATION ADJUSTMENT.—In the case of any
 4 calendar year after 2020, the \$20 amount under sub-
 5 section (a)(2) shall be increased by an amount equal to—

6 “(1) such dollar amount, multiplied by

7 “(2) cost-of-living adjustment determined under
 8 section 1(f)(3) for the calendar year, determined by
 9 substituting ‘calendar year 2017’ for ‘calendar year
 10 2016’ in subparagraph (A)(ii) thereof.

11 **“SEC. 9906. CARBON CAPTURE AND SEQUESTRATION.**

12 “(a) IN GENERAL.—The Secretary, in consultation
 13 with the Administrator and the Secretary of Energy, shall
 14 prescribe regulations for making payments as provided in
 15 subsection (b) to qualified facilities which capture and se-
 16 quester qualified carbon dioxide.

17 “(b) PAYMENT AMOUNTS.—

18 “(1) IN GENERAL.—The Secretary shall make
 19 payments to a qualified facility in the same manner
 20 as if such payment was a refund of an overpayment
 21 of the carbon fee imposed by section 9902, in cases
 22 in which such qualified facility—

23 “(A) uses any covered fuel—

24 “(i) with respect to which the carbon
 25 fee has been paid, and

1 “(ii) which results in the emission of
2 qualified carbon dioxide,

3 “(B) captures such emitted qualified car-
4 bon dioxide, and

5 “(C)(i) sequesters such qualified carbon di-
6 oxide in a manner which is safe, permanent,
7 and in compliance with any applicable local,
8 State, and Federal laws, or

9 “(ii) utilizes such qualified carbon dioxide
10 in a manner provided in paragraph (3)(C).

11 “(2) AMOUNT OF REFUND.—The payment de-
12 termined under this section shall be an amount
13 equal to the lesser of—

14 “(A)(i) the adjusted metric tons of quali-
15 fied carbon dioxide captured and sequestered or
16 utilized, multiplied by

17 “(ii) the carbon fee rate during the year in
18 which the carbon fee was imposed by section
19 9902 upon the covered fuel to which such car-
20 bon dioxide relates, or

21 “(B) the amount of the carbon fee imposed
22 by section 9902 with respect to such covered
23 fuel.

24 “(3) DEFINITIONS AND SPECIAL RULES.—For
25 purposes of this section—

1 “(A) QUALIFIED CARBON DIOXIDE; QUALI-
2 FIED FACILITY.—

3 “(i) QUALIFIED CARBON DIOXIDE.—
4 The term ‘qualified carbon dioxide’ has the
5 same meaning given such term under sec-
6 tion 45Q(b).

7 “(ii) QUALIFIED FACILITY.—The term
8 ‘qualified facility’ means any industrial fa-
9 cility at which carbon capture equipment is
10 placed in service.

11 “(B) ADJUSTED TOTAL METRIC TONS.—
12 The adjusted total metric tons of qualified car-
13 bon dioxide captured and sequestered or utilized
14 shall be the total metric tons of qualified carbon
15 dioxide captured and sequestered or utilized, re-
16 duced by the amount of any carbon dioxide like-
17 ly to escape and be emitted into the atmosphere
18 due to imperfect storage technology or other-
19 wise, as determined by the Secretary in con-
20 sultation with the Administrator.

21 “(C) UTILIZATION.—The Secretary, in
22 consultation with the Administrator, shall es-
23 tablish regulations providing for the methods
24 and processes by which qualified carbon dioxide
25 may be utilized so as to remove that qualified

dioxide safely and permanently from the atmosphere. Utilization may include the production of substances such as but not limited to plastics and chemicals. Such regulations shall minimize the escape or further emission of the qualified carbon dioxide into the atmosphere.

“(D) SEQUESTRATION.—Not later 540 days after the date of the enactment of this section, the Secretary, in consultation with the Administrator, shall prescribe regulations identifying the conditions under which carbon dioxide may be safely and permanently sequestered.

“(4) COORDINATION WITH CREDIT FOR CARBON DIOXIDE SEQUESTRATION.—At such time that the Secretary prescribes regulations implementing this section, no payment under this section shall be allowed to a taxpayer to whom a credit has been allowed for any taxable year under section 45Q.

“SEC. 9907. ADMINISTRATIVE AUTHORITY.

“(a) IN GENERAL.—The Secretary in consultation with the Administrator shall prescribe such regulations, and other guidance, as may be necessary to carry out the purposes of this subtitle and assess and collect the carbon fee imposed by section 9902 and the fluorinated greenhouse gas fee imposed by section 9904.

1 “(b) SPECIFICALLY.—Such regulations and guidance
2 shall include—

3 “(1) the identification of an effective point in
4 the production, distribution, or use of a covered fuel
5 or fluorinated greenhouse gas for collecting such car-
6 bon fee or fluorinated greenhouse gas fee, in such a
7 manner so as to minimize administrative burden and
8 maximize the extent to which full fuel cycle green-
9 house gas emissions from covered fuels or
10 fluorinated greenhouse gases have the carbon fee or
11 fluorinated greenhouse gas fee levied upon them,

12 “(2) the identification of covered entities which
13 shall be liable for the payment of the carbon fee or
14 the fluorinated greenhouse gas fee,

15 “(3) requirements for the monthly payment of
16 such fees,

17 “(4) as may be necessary or convenient, rules
18 for distinguishing between different types of covered
19 fuels,

20 “(5) as may be necessary or convenient, rules
21 for distinguishing between a covered fuel’s green-
22 house gas content and its upstream greenhouse gas
23 emissions,

24 “(6) rules to ensure that no covered fuel or
25 fluorinated greenhouse gas has the carbon fee,

1 fluorinated greenhouse gas fee, or carbon border fee
 2 adjustment imposed upon it more than once, and
 3 “(7) rules to ensure that the domestic imple-
 4 mentation of the carbon fee and the fluorinated
 5 greenhouse gas fee coordinate with the implementa-
 6 tion of the carbon border fee adjustment of chapter
 7 102.

8 **“CHAPTER 102—CARBON BORDER FEE**
 9 **ADJUSTMENT**

“Sec. 9908. Carbon border fee adjustment.

“Sec. 9909. Administration of the carbon border fee adjustment.

“Sec. 9910. Allocation of carbon border fee adjustment revenues.

10 **“SEC. 9908. CARBON BORDER FEE ADJUSTMENT.**

11 “(a) IN GENERAL.—The fees imposed by, and re-
 12 funds allowed under, this section shall be referred to as
 13 ‘the carbon border fee adjustment’.

14 “(b) PURPOSE.—The purpose of the carbon border
 15 fee adjustment is to protect animal, plant, and human life
 16 and health, to conserve exhaustible natural resources by
 17 preventing carbon leakage, and to facilitate the creation
 18 of international agreements.

19 “(c) IMPORTED COVERED FUELS FEE.—In the case
 20 of any person that imports into the United States any cov-
 21 ered fuel, there shall be imposed a fee equal to the excess
 22 (if any) of—

23 “(1) an amount equal to—

1 “(A) the amount of full fuel cycle green-
2 house gas emissions of such fuel, multiplied by

3 “(B) the carbon fee rate in effect for the
4 year in which such fuel is imported, over

5 “(2) the total foreign cost of carbon carried by
6 such fuel.

7 “(d) IMPORTED CARBON-INTENSIVE PRODUCTS
8 FEE.—In the case of any person that imports into the
9 United States any carbon-intensive products, there shall
10 be imposed a fee equal to the excess (if any) of—

11 “(1) an amount equal to—

12 “(A) production greenhouse gas emissions
13 of such product, multiplied by

14 “(B) the carbon fee rate in effect for the
15 year in which the production greenhouse gas
16 emissions of such product were emitted into the
17 atmosphere, over

18 “(2) the total foreign cost of carbon carried by
19 such product.

20 “(e) REFUND ON EXPORTS FROM UNITED
21 STATES.—

22 “(1) CARBON-INTENSIVE PRODUCTS.—Under
23 regulations prescribed by the Secretary, there shall
24 be allowed a credit or refund (without interest) to
25 exporters of carbon-intensive products manufactured

1 or produced in the United States an amount equal
2 to the excess (if any) of—

3 “(A) an amount equal to—

4 “(i) the production greenhouse gas
5 emissions of the exported carbon-intensive
6 product, multiplied by

7 “(ii) the carbon fee rate during the
8 year in which the carbon fee or fluorinated
9 greenhouse gas fee was paid upon the pro-
10 duction greenhouse gas emissions of the
11 exported carbon-intensive product, over

12 “(B) any total cost of carbon to be levied
13 upon the carbon-intensive product by any juris-
14 diction to which the carbon-intensive product is
15 to be imported.

16 Any such credit or refund shall be allowed in the
17 same manner as if it were an overpayment of the fee
18 imposed by section 9902 or 9904. The Secretary
19 shall establish fair, timely, impartial, and as nec-
20 essary confidential procedures by which any exporter
21 of any product from the United States may petition
22 the Secretary to include that exported product on
23 the list of carbon-intensive products.

24 “(2) COVERED FUELS.—Under regulations pre-
25 scribed by the Secretary, in the case of a covered

1 fuel produced in the United States with respect to
 2 which the fee under section 9902 was paid, there
 3 shall be allowed as a credit or refund (without inter-
 4 est) to any exporter of such covered fuels an amount
 5 equal to the excess (if any) of—

6 “(A) an amount equal to—

7 “(i) the full fuel cycle greenhouse gas
 8 emissions of the covered fuel, multiplied by

9 “(ii) the carbon fee rate at the time
 10 the carbon fee was paid upon the full fuel
 11 cycle greenhouse gas emissions of the ex-
 12 ported covered fuel, over

13 “(B) any total cost of carbon to be levied
 14 upon the covered fuel by a jurisdiction to which
 15 the carbon-intensive product is to be imported.

16 Any such credit or refund shall be allowed in the
 17 same manner as if it were an overpayment of tax
 18 imposed by section 9902.

19 “(f) DEFINITIONS.—For purposes of this section—

20 “(1) FOREIGN COST OF CARBON; FOREIGN CAR-
 21 BON COSTS.—The term ‘foreign cost of carbon’ or
 22 ‘foreign carbon cost’ means the cost of any laws of
 23 a foreign jurisdiction which impose a system of cap-
 24 and-trade with respect to, or a tax or fee on, green-

1 house gas. Such cost shall be determined and ex-
2 pressed as a price per metric ton of CO₂-e.

3 “(2) TOTAL COST OF CARBON CARRIED.—The
4 term ‘total cost of carbon carried’ means an amount
5 equal to—

6 “(A) the production greenhouse gas emis-
7 sions of a carbon-intensive product or the full
8 fuel cycle greenhouse gas emissions of a covered
9 fuel, multiplied by

10 “(B) the cost of carbon with respect to
11 such product or fuel, reduced by any amount
12 refunded with respect to such product or fuel
13 by a foreign jurisdiction.

14 The total cost of carbon carried shall be expressed
15 as price in United States dollars.

16 “(3) TOTAL FOREIGN COST OF CARBON CAR-
17 RIED.—The term ‘total foreign cost of carbon car-
18 ried’ means an amount equal to—

19 “(A) the production greenhouse gas emis-
20 sions of a carbon-intensive product, or the full
21 fuel cycle greenhouse gas emissions of a covered
22 fuel, multiplied by

23 “(B) the foreign cost of carbon with re-
24 spect to such product or fuel, reduced by the

1 amount refunded with respect to such product
2 or fuel by a foreign jurisdiction.

3 The total foreign cost of carbon carried shall be ex-
4 pressed as price in United States dollars.

5 **“SEC. 9909. ADMINISTRATION OF THE CARBON BORDER**
6 **FEE ADJUSTMENT.**

7 “(a) GENERALLY.—The Secretary in consultation
8 with the Administrator shall prescribe regulations and
9 guidance which implement the carbon border fee adjust-
10 ment under section 9908.

11 “(b) COLLABORATION.—In determining the produc-
12 tion greenhouse gas emissions of an imported carbon-in-
13 tensive product, the upstream greenhouse gas emissions
14 of an imported covered fuel, the full fuel cycle greenhouse
15 gas emissions of an imported covered fuel, or the foreign
16 cost of carbon, or otherwise administering the carbon bor-
17 der fee adjustment, it is the sense of Congress that the
18 Secretary should collaborate with authorized officers of
19 any jurisdiction, including sub-national governments, af-
20 fected by the carbon border fee adjustment.

21 “(c) METHODOLOGY.—In determining the production
22 greenhouse gas emissions of an imported carbon-intensive
23 product, the upstream greenhouse gas emissions of an im-
24 ported covered fuel, the full fuel cycle greenhouse gas
25 emissions of an imported covered fuel, or the foreign cost

1 of carbon, the Secretary shall use reliable methodologies,
2 which—

3 “(1) as may be necessary or convenient—

4 “(A) distinguish between different types of
5 covered fuels,

6 “(B) distinguish between a covered fuel’s
7 greenhouse gas content and that covered fuel’s
8 upstream greenhouse gas emissions,

9 “(C) distinguish between the different
10 types of greenhouse gas emissions which com-
11 pose a covered fuel’s upstream greenhouse gas
12 emissions or greenhouse gas content, as well as
13 the various processes which produced those
14 emissions, and

15 “(D) distinguish between the different
16 types of greenhouse gas emissions which com-
17 pose a carbon-intensive product’s production
18 greenhouse gas emissions, as well as the various
19 processes which produced those emissions,

20 “(2) ensure that no covered fuel, covered
21 fluorinated greenhouse gas, or carbon-intensive prod-
22 uct has the carbon fee, the fluorinated greenhouse
23 gas fee, or the border fee adjustment imposed upon
24 it more than once,

1 “(3) ensure that the implementation of the bor-
2 der carbon adjustment aligns with the carbon fee
3 and the fluorinated gas fee,

4 “(4) in the case of incomplete data, rely upon
5 the best available methodologies for interpolating
6 data gaps, and

7 “(5) are consistent with international treaties
8 and agreements.

9 “(d) SCHEDULE.—The Secretary shall determine—

10 “(1) not later than 3 years after the date of the
11 enactment of this section, the production greenhouse
12 gas emissions of imported carbon-intensive products,

13 “(2) not later than 180 days after the date of
14 the enactment of this section, the full fuel cycle
15 greenhouse gas emissions and the upstream green-
16 house gas emissions of every imported covered fuel,
17 and

18 “(3) not later than 3 years after the date of the
19 enactment of this section, the foreign cost of carbon
20 in all jurisdictions.

21 “(e) PROCEDURE.—The Secretary shall establish
22 fair, timely, impartial, and as necessary confidential proce-
23 dures by which the importer of any carbon-intensive prod-
24 uct or any covered fuel may petition the Secretary to re-
25 vise the Secretary’s determination of the production green-

1 house gas emissions, full fuel cycle greenhouse gas emis-
 2 sions, or upstream greenhouse gas emissions of that im-
 3 porter’s imported covered fuel or imported carbon-inten-
 4 sive product, or the foreign cost of carbon carried by that
 5 importer’s imported carbon-intensive product.

6 “(f) SHIPMENTS FROM THE UNITED STATES TO THE
 7 TERRITORIES OF THE UNITED STATES.—Notwith-
 8 standing any other treaty, law, or policy, shipments of cov-
 9 ered fuels or carbon-intensive products from the United
 10 States to Guam, the United States Virgin Islands, Samoa,
 11 Puerto Rico, and the Northern Mariana Islands shall be
 12 eligible for a refund of the carbon fee under section
 13 9908(e).

14 “(g) IMPORTS TO THE TERRITORIES OF THE UNITED
 15 STATES.—Notwithstanding any other treaty, law, or pol-
 16 icy, imports of covered fuels or carbon-intensive products
 17 to Guam, the United States Virgin Islands, Samoa, Puerto
 18 Rico, and the Northern Mariana Islands shall not be sub-
 19 ject to Section 9908(c) or 9908(d).”

20 **“SEC. 9910. ALLOCATION OF CARBON BORDER FEE ADJUST-**
 21 **MENT REVENUES.**

22 “The revenues collected under this chapter may be
 23 used to supplement appropriations made available in fiscal
 24 years 2020 and thereafter—

1 “(1) to U.S. Customs and Border Protection, in
 2 such amounts as are necessary to administer the
 3 carbon border fee adjustment, then

4 “(2) to the Department of Treasury, in such
 5 amounts as are necessary to allow refunds under
 6 section 9908(e) to exporters of carbon-intensive
 7 products and exporters of covered fuels.”.

8 (b) COORDINATION WITH CARBON OXIDE SEQUES-
 9 TRATION CREDIT.—Section 45Q(f) is amended by adding
 10 at the end the following new paragraph:

11 “(8) COORDINATION WITH CARBON CAPTURE
 12 AND SEQUESTRATION PAYMENTS.—No credit shall
 13 be allowed under this section to a taxpayer which
 14 has received any payment under section 9906.”.

15 (c) TREATIES AND INTERNATIONAL NEGOTIA-
 16 TIONS.—

17 (1) CONFORMANCE WITH INTERNATIONAL
 18 TREATIES.—In the case that the Appellate Body of
 19 the World Trade Organization, or any other authori-
 20 tative international treaty interpreter, shall find any
 21 portion of the carbon border fee adjustment under
 22 chapter 102 of the Internal Revenue Code of 1986
 23 to violate any treaty to which the United States is
 24 a party, the Secretary of the Treasury is authorized
 25 to alter any aspect of such carbon border fee adjust-

1 ment so as to bring the carbon border fee adjust-
2 ment into conformance with international law.

3 (2) INTERNATIONAL NEGOTIATIONS.—The Con-
4 gress finds the international mitigation of green-
5 house gas emissions to be of national importance.
6 Therefore, the Congress encourages the Secretary of
7 State, or the Secretary’s designee, to commence and
8 complete negotiations with other nations with the
9 goal of forming treaties, environmental agreements,
10 accords, partnerships or any other instrument that
11 effectively reduces global greenhouse gas emissions
12 to 10 percent of 2016 levels by 2050 and which re-
13 spect the principle of common but differentiated re-
14 sponsibilities and respective capabilities.

15 (3) SUSPENSION OF THE CARBON BORDER FEE
16 ADJUSTMENT.—Any part of the carbon border fee
17 adjustment shall be suspended, in whole or in
18 part,—

19 (A) by treaty or other international agree-
20 ment which includes provisions for the suspen-
21 sion of the carbon border fee adjustment, in
22 whole or in part, with any party signatory to
23 the treaty or other international agreement, or

24 (B) by a finding of the Secretary that a ju-
25 risdiction of importation has implemented poli-

1 cies which, in the case of high emitting coun-
 2 tries, reduce greenhouse gas emissions at a rate
 3 at least equivalent to United States greenhouse
 4 gas emission reductions, or, in the case of low
 5 emitting countries, prevent the increase in
 6 greenhouse gas emissions.

7 Any such finding shall be reviewed at least every 3
 8 years and amended or revoked as required.

9 **SEC. 4. ESTABLISHMENT OF THE CARBON DIVIDEND TRUST**
 10 **FUND.**

11 (a) IN GENERAL.—Subchapter A of chapter 98 of the
 12 Internal Revenue Code of 1986 is amended by adding at
 13 the end the following:

14 **“SEC. 9512. CARBON DIVIDEND TRUST FUND.**

15 “(a) ESTABLISHMENT AND FUNDING.—There is
 16 hereby established in the Treasury of the United States
 17 a trust fund to be known as the ‘Carbon Dividend Trust
 18 Fund’, consisting of such amounts as may be appropriated
 19 to such trust fund as provided for in this section.

20 “(b) TRANSFERS TO THE CARBON DIVIDEND TRUST
 21 FUND.—There is hereby appropriated to the Carbon Divi-
 22 dend Trust Fund amounts equal to the fees received into
 23 the Treasury less any amounts refunded or paid under
 24 section 9902(d) or 9906 of chapter 101 for each month.

1 “(c) EXPENDITURES.—Amounts in the trust fund
2 shall be available for the following purposes:

3 “(1) ADMINISTRATIVE EXPENSES.—So much of
4 the expenses necessary to administer the Carbon
5 Dividend Trust Fund for each year, as does not ex-
6 ceed—

7 “(A) in the case of the first 5 calendar
8 years ending after the date of the enactment of
9 this section, the administrative expenses for any
10 year may not exceed 8 percent of amounts ap-
11 propriated to the Carbon Dividend Trust Fund
12 during such year, and

13 “(B) in the case of any calendar year
14 thereafter, 2 percent of the 5-year rolling aver-
15 age of the amounts appropriated to the Carbon
16 Dividend Trust Fund, and

17 “(2) OTHER ADMINISTRATIVE EXPENSES.—So
18 much of the expenses as are necessary to administer
19 chapter 101 for any year as does not to exceed 0.60
20 percent of the amounts appropriated to the Carbon
21 Dividend Trust Fund for the previous year, and fur-
22 ther limited as follows:

23 “(A) The Department of the Treasury.

24 “(B) The Social Security Administration.

1 “(C) The Environmental Protection Agen-
2 cy.

3 “(D) Department of State.

4 “(3) CARBON DIVIDEND PAYMENTS.—

5 “(A) IN GENERAL.—From the amounts in
6 the Carbon Dividend Trust Fund made avail-
7 able under paragraphs (1) and (2) of this sub-
8 section for any year, the Secretary shall for
9 each month beginning more than 270 days after
10 the date of the enactment of the Energy Inno-
11 vation and Carbon Dividend Act of 2019, make
12 carbon dividend payments to each eligible indi-
13 vidual.

14 “(B) PRO-RATA SHARE.—A carbon divi-
15 dend payment is one pro-rata share for each
16 adult, and half a pro-rata share for each child
17 under 19 years old, of amounts available for the
18 month in the Carbon Dividend Trust Fund.

19 “(C) ELIGIBLE INDIVIDUAL.—The term
20 ‘eligible individual’ means, with respect to any
21 month, any natural living person who has a
22 valid Social Security number or taxpayer identi-
23 fication number and is a citizen or lawful resi-
24 dent of the United States (other than any indi-
25 vidual who is a citizen of any possession of the

1 United States and whose bona fide residence is
2 outside of the United States). The Secretary is
3 authorized to verify an individual's eligibility to
4 receive a carbon dividend payment.

5 “(D) FEE TREATMENT OF PAYMENTS.—
6 Amounts paid under this subsection shall be in-
7 cludible in gross income.

8 “(E) FEDERAL PROGRAMS AND FEDERAL
9 ASSISTED PROGRAMS.—The carbon dividend
10 amount received by any individual shall not be
11 taken into account as income and shall not be
12 taken into account as resources for purposes of
13 determining the eligibility of such individual or
14 any other individual for benefits or assistance,
15 or the amount or extent of benefits or assist-
16 ance, under any Federal program or under any
17 State or local program financed in whole or in
18 part with Federal funds.

19 “(F) ADVANCE PAYMENT.—The Secretary
20 shall transfer to the Carbon Dividend Trust
21 Fund such amounts as are necessary for the
22 disbursement of an advanced carbon dividend to
23 all eligible individuals as follows:

24 “(i) An advanced carbon dividend
25 shall be the same as the anticipated first

1 carbon dividend required to be distributed
 2 under subparagraph (A) and shall be dis-
 3 tributed the month prior to the first collec-
 4 tion of the carbon fee.

5 “(ii) Total amounts disbursed as ad-
 6 vanced carbon dividends shall be deducted
 7 from the carbon dividends on a pro-rata
 8 basis over the first 3 years after the dis-
 9 bursement of the first carbon dividends.

10 “(d) ADMINISTRATIVE AUTHORITY.—The Secretary
 11 shall promulgate rules, guidance, and regulations useful
 12 and necessary to implement the Carbon Dividend Trust
 13 Fund.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 for subchapter A of chapter 98 of such Code is amended
 16 by adding at the end the following new item:

“Sec. 9512. Carbon Dividend Trust Fund.”.

17 **SEC. 5. LIMITED DISCLOSURE OF INFORMATION.**

18 Section 6103(l) of the Internal Revenue Code of 1986
 19 is amended by adding at the end the following new para-
 20 graphs:

21 “(23) LIMITED DISCLOSURE OF IDENTITY IN-
 22 FORMATION RELATING TO CARBON DIVIDEND PAY-
 23 MENTS.—

24 “(A) DEPARTMENT OF TREASURY.—Indi-
 25 vidual identity information shall, without writ-

ten request, be open to inspection by or disclosure to officers and employees of the Department of the Treasury whose official duties require such inspection or disclosure for purposes of administering section 9512 (relating the Carbon Dividend Trust Fund).

“(B) COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall, on written request, disclose to officers and employees of the Department of the Treasury individual identity information which has been disclosed to the Social Security Administration as is necessary to administer section 9512.

“(C) RESTRICTION ON DISCLOSURE.—Information disclosed under this paragraph shall be disclosed only for purposes of, and to the extent necessary in, carrying out section 9512.”.

SEC. 6. NATIONAL ACADEMY OF SCIENCES REVIEW OF CARBON FEE AND EMISSIONS REDUCTION SCHEDULE.

(a) IN GENERAL.—Not later than 10 years after the date of the enactment of this Act, the Secretary of Energy shall enter into an agreement with the National Academy of Sciences to prepare a report relating to the carbon fee

1 imposed by section 9902 of the Internal Revenue Code of
2 1986 and the emissions reductions schedule established
3 under section 9903 of such Code.

4 (b) REPORT REQUIREMENTS.—Such report shall—

5 (1) assess the efficiency and effectiveness of the
6 carbon fee in achieving the emissions reduction tar-
7 gets set forth in section 9903 of such Code;

8 (2) describe and make recommendations on
9 whether the carbon fee rate and annual increases
10 prescribed by section 9902(c) of such Code should
11 be adjusted in order to optimize the efficiency and
12 effectiveness of this Act in achieving the emissions
13 reduction targets set forth in section 9903 of such
14 Code;

15 (3) describe the potential of the carbon fee to
16 achieve future emissions targets set forth in section
17 9903(a) of such Code through the year 2050;

18 (4) describe and evaluate the effectiveness of
19 the carbon fee in reducing emissions from key sec-
20 tors of the economy, including sectors of the econ-
21 omy that have decreased their carbon emissions, sec-
22 tors of the economy that have increased their carbon
23 emissions, and sectors of the economy in which car-
24 bon emissions have not changed;

1 (5) make findings and recommendations to
 2 Federal departments and agencies and to Congress
 3 on actions that could be taken to reduce carbon
 4 emissions in the sectors of the economy in which
 5 carbon emissions have not decreased;

6 (6) make findings and recommendations on ad-
 7 justing regulations enacted under the Clean Air Act
 8 and other Federal laws that affect economic sectors
 9 achieving the emissions reduction targets set forth in
 10 section 9903 of such Code; and

11 (7) provide an assessment of any other factors
 12 determined to be material to the program's effi-
 13 ciency and effectiveness in achieving the goals set
 14 forth in this act.

15 (c) REPORT MADE PUBLICLY AVAILABLE.—Not later
 16 than 10 years after the date of the enactment of this Act,
 17 the Secretary of Energy shall submit to Congress the re-
 18 port required under subsection (a). Such report shall be
 19 made electronically available to the public and open to
 20 public comment for at least 60 days before the final sub-
 21 mission to Congress.

22 **SEC. 7. IMPACT OF CARBON FEE ON BIOMASS USE AND**
 23 **CARBON SINKS.**

24 (a) STUDY OF BIOMASS.—The Secretary of Energy
 25 shall enter into an agreement with the National Academy

1 of Sciences and the Administrator of the Environmental
2 Protection Agency to conduct a study, make recommenda-
3 tions, and submit a report regarding the impact of the
4 carbon fee on the use of biomass as an energy source and
5 the resulting impacts on carbon sinks and biodiversity.

6 (b) STUDY REQUIREMENTS.—The study conducted
7 under subsection (a) by the National Academy of Sciences
8 shall include analysis, documentation, and determinations
9 on—

10 (1) the carbon fee and its impact on the use of
11 biomass as an energy source and greenhouse gas
12 emissions from the use of biomass as an energy
13 source;

14 (2) the impacts of the use of biomass as an en-
15 ergy source on carbon sinks and biodiversity; and

16 (3) the various types of biomass that are being
17 used as an energy source.

18 (c) RECOMMENDATIONS.—Based on the findings and
19 conclusions of the study, the National Academy of
20 Sciences shall make recommendations to Federal depart-
21 ments and agencies and to Congress. The recommenda-
22 tions shall include any actions that should be taken to
23 mitigate impacts of the carbon fee on—

24 (1) increasing greenhouse gas emissions from
25 the use of biomass as an energy source; and

1 (2) degradation of carbon sinks and biodiversity
2 relating to the use of biomass as an energy source.

3 (d) REPORT.—The National Academy of Sciences
4 shall prepare a report that includes any findings and rec-
5 ommendations made pursuant to this section and, not
6 later than 18 months after the date of the enactment of
7 this Act, make such report electronically available to the
8 public.

9 **SEC. 8. AMENDMENTS TO THE CLEAN AIR ACT.**

10 (a) IN GENERAL.—Title III of the Clean Air Act (42
11 U.S.C. 7601) is amended by adding at the end the fol-
12 lowing:

13 **“SEC. 330. SUSPENSION OF REGULATION OF FUELS AND**
14 **EMISSIONS BASED ON GREENHOUSE GAS EF-**
15 **FECTS.**

16 “(a) FUELS.—Unless specifically authorized in sec-
17 tion 202, 211, 213, or 231 or this section, if a carbon
18 fee is imposed by section 9902 or 9908 of the Internal
19 Revenue Code of 1986 with respect to a covered fuel, the
20 Administrator shall not enforce any rule limiting the emis-
21 sion of greenhouse gases from the combustion of that fuel
22 under this Act (or impose any requirement on any State
23 to limit such emission) on the basis of the emission’s
24 greenhouse gas effects.

1 “(b) EMISSIONS.—Unless specifically authorized in
2 section 202, 211, 213, or 231 or this section, if a fee is
3 imposed by section 9904 of the Internal Revenue Code of
4 1986 with respect to a fluorinated greenhouse gas, the Ad-
5 ministrator shall not enforce any rule limiting such gas
6 under this Act (or impose any requirement on any State
7 to limit such gas) on the basis of the greenhouse gas ef-
8 fects of such gas.

9 “(c) AUTHORIZED REGULATION.—Notwithstanding
10 subsections (a) and (b), nothing in this section limits the
11 Administrator’s authority pursuant to any other provision
12 of this Act—

13 “(1) to limit the emission of any greenhouse
14 gas because of any adverse impact on health or wel-
15 fare other than its greenhouse gas effects;

16 “(2) in limiting emissions as described in para-
17 graph (1), to consider the collateral benefits of lim-
18 iting the emissions because of greenhouse gas ef-
19 fects;

20 “(3) to limit the emission of black carbon or
21 any other pollutant that is not a greenhouse gas
22 that the Administrator determines by rule has heat-
23 trapping properties; or

1 “(4) to take any action with respect to any
2 greenhouse gas other than limiting its emission, in-
3 cluding—

4 “(A) monitoring, reporting, and record-
5 keeping requirements;

6 “(B) conducting or supporting investiga-
7 tions; and

8 “(C) information collection.

9 “(d) EXCEPTION FOR CERTAIN GREENHOUSE GAS
10 EMISSIONS.—Notwithstanding subsections (a) and (b),
11 nothing in this section limits the Administrator’s authority
12 to regulate greenhouse gas emissions from—

13 “(1) sources that—

14 “(A) are subject to subpart OOOO or
15 OOOOa of part 60 of title 40, Code of Federal
16 Regulations, as in effect on January 1, 2020; or

17 “(B) would be subject to such subpart
18 OOOO or subpart OOOOa if such subpart ap-
19 plied regardless of the date on which construc-
20 tion, modification, or reconstruction of the
21 source involved commenced; or

22 “(2) POTW Treatment Plants (as defined in
23 section 403.3(r) of title 40, Code of Federal Regula-
24 tions).

25 “(e) SUSPENSION EXPIRATION.—

1 “(1) DETERMINATION.—The Administrator
2 shall make a determination by March 30, 2030, and
3 no less than once every five years thereafter, based
4 on the determination required by section 9903(b) of
5 the Internal Revenue Code of 1986, as to whether
6 cumulative greenhouse gas emissions from covered
7 fuels subject to taxation under section 9902 of such
8 Code during the period from calendar year 2022
9 through the calendar year preceding the determina-
10 tion exceed the cumulative emissions for that period
11 that would have occurred if the emission reduction
12 targets in section 9903(a)(2) of such Code were met.

13 “(2) CONSEQUENCE OF CUMULATIVE EMIS-
14 SIONS EXCEEDANCE.—If the Administrator deter-
15 mines under paragraph (1) that cumulative green-
16 house gas emissions from covered fuels subject to
17 tax under section 9902 of the Internal Revenue
18 Code of 1986 exceed the cumulative emissions for
19 the period covered by the determination that would
20 have occurred if the emission reduction targets in
21 section 9903(a)(2) of such Code were met, then the
22 prohibitions in subsection (a) of this section, and in
23 section 211(c)(5) of this Act, shall cease to apply.

24 “(f) ASSURING ENVIRONMENTAL INTEGRITY.—

1 “(1) AUTHORITY.—If the Administrator deter-
2 mines pursuant to subsection (e)(1) of this section
3 that the emission reduction targets in section 9903
4 (a)(2) of the Internal Revenue Code of 1986 are not
5 met—

6 “(A) subsections (a) and (b) shall cease to
7 apply; and

8 “(B) the Administrator shall—

9 “(i) issue such regulations as the Ad-
10 ministrator deems necessary to bring
11 greenhouse gas emissions from covered
12 fuels subject to taxation under section
13 9902 of the Internal Revenue Code of
14 1986 to levels that are at or below the
15 emission reductions targets in section
16 9903(a)(2) of such Code; and

17 “(ii) require in such regulations that
18 additional reductions in greenhouse gas
19 emissions are achieved to fully compensate
20 for any amount by which greenhouse gas
21 emissions from covered fuels subject to
22 taxation under section 9902 of such Code
23 have exceeded the targets in section
24 9903(a)(2) of such Code.

1 “(2) DEADLINE FOR FINALIZING REGULA-
 2 TIONS.—The Administrator shall finalize any regula-
 3 tions required by paragraph (1) not later than two
 4 years after the Administrator makes the relevant de-
 5 termination pursuant to such paragraph.

6 “(3) ACHIEVEMENT OF ADDITIONAL REDUC-
 7 TIONS.—Regulations issued pursuant to paragraph
 8 (1) shall ensure that any additional reductions re-
 9 quired by paragraph (1)(B)(ii) are fully achieved by
 10 no later than eight years after the Administrator
 11 makes the determination pursuant to subsection
 12 (e)(1) described in paragraph (1).

13 “(g) DEFINITIONS.—In this section, the terms
 14 ‘greenhouse gas’ and ‘greenhouse gas effects’ have the
 15 meanings given to those terms in section 9901 of the In-
 16 ternal Revenue Code of 1986.”.

17 (b) NEW MOTOR VEHICLES AND NEW MOTOR VEHI-
 18 CLE ENGINES.—Section 202(b) of the Clean Air Act (42
 19 U.S.C. 7521(b)) is amended—

20 (1) by redesignating the second paragraph (3)
 21 (as redesignated by section 230(4)(C) of Public Law
 22 101–549 (104 Stat. 2529)) as paragraph (4); and

23 (2) by adding at the end the following:

24 “(5) Notwithstanding subsections (a) and (b) of
 25 section 330, the Administrator may—

1 “(A) limit the emission of any greenhouse
2 gas (as defined in section 9901 of the Internal
3 Revenue Code of 1986) on the basis of the
4 emission’s greenhouse gas effects (as defined in
5 section 9901 of the Internal Revenue Code of
6 1986) from any class or classes of new motor
7 vehicles or new motor vehicle engines subject to
8 regulation under subsection (a)(1); and

9 “(B) grant a waiver under section
10 209(b)(1) for standards for the control of
11 greenhouse gas emissions.”.

12 (c) FUELS.—Section 211(c) of the Clean Air Act (42
13 U.S.C. 7545(c)) is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(5) The Administrator shall not, pursuant to this
16 subsection, impose on any manufacturer or processor of
17 fuel any requirement for the purpose of reducing the emis-
18 sion of any greenhouse gas (as defined in section 9901
19 of the Internal Revenue Code of 1986) produced by com-
20 bustion of the fuel on the basis of the emission’s green-
21 house gas effects (as defined in section 9901 of the Inter-
22 nal Revenue Code of 1986).”.

23 (d) NONROAD ENGINES AND VEHICLES EMISSIONS
24 STANDARDS.—Section 213 of the Clean Air Act (42

1 U.S.C. 7547) is amended by adding at the end the fol-
 2 lowing:

3 “(e) GREENHOUSE GAS EMISSIONS.—Notwith-
 4 standing section 330(a), the Administrator may limit the
 5 emission of any greenhouse gas (as defined in section
 6 9901 of the Internal Revenue Code of 1986) on the basis
 7 of the emission’s greenhouse gas effects (as defined in sec-
 8 tion 9901 of the Internal Revenue Code of 1986) from
 9 any nonroad engines and nonroad vehicles subject to regu-
 10 lation under this section.”.

11 (e) AIRCRAFT EMISSION STANDARDS.—Section 231
 12 of the Clean Air Act (42 U.S.C. 7571) is amended by add-
 13 ing at the end the following new subsection:

14 “(d) Notwithstanding subsections (a) and (b) of sec-
 15 tion 330, the Administrator may limit the emission of any
 16 greenhouse gas (as defined in section 9901 of the Internal
 17 Revenue Code of 1986) on the basis of the emission’s
 18 greenhouse gas effects (as defined in section 9901 of the
 19 Internal Revenue Code of 1986) from any class or classes
 20 of aircraft engines, so long as any such limitation is not
 21 more stringent than the standards adopted by the Inter-
 22 national Civil Aviation Organization.”.

23 **SEC. 9. EFFECTIVE DATE.**

24 The amendments made by this Act shall take effect
 25 on the date of the enactment of this Act, except the carbon

1 fee under section 9902 of the Internal Revenue Code of
2 1986 shall apply to uses, sales, or transfers more than
3 270 days after the date of the enactment of this Act.

4 **SEC. 10. PRINCIPLE OF INTERPRETATION.**

5 In the case of ambiguity, the texts of this statute and
6 its amending texts shall be interpreted so as to allow for
7 the most effective abatement of greenhouse gas emissions.

8 **SEC. 11. NO PREEMPTION OF STATE LAW.**

9 Nothing in this legislation shall preempt or super-
10 sede, or be interpreted to preempt or supersede, any State
11 law or regulation.



CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 5/20/2019

Prepared by: bhogarth

Title of Item:

OPPOSING PLANS BY THE U.S. BUREAU OF OCEAN ENERGY MANAGEMENT TO OPEN THE ATLANTIC OUTER CONTINENTAL SHELF TO THE EXPLORATION OF OIL AND GAS PRODUCTION (RC):

RESOLUTION No. 52-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OPPOSING PLANS BY THE U.S. BUREAU OF OCEAN ENERGY MANAGEMENT TO OPEN THE MID AND SOUTH ATLANTIC OCEAN TO OFFSHORE OIL DRILLING AND ASSOCIATED EXPLORATION ACTIVITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:

The U.S. Bureau of Ocean Energy Management (BOEM) was tasked by Congress to provide a Programmatic Environmental Impact Statement (PEIS) evaluating potential significant environmental effects of multiple geological and geophysical (G&G) activities on the Atlantic Outer Continental Shelf (OCS), pursuant to the National Environmental Policy Act (NEPA). BOEM issued this PEIS in 2014 to describe potential future environmental impacts of G&G activities relating to oil and gas exploration and extraction within federal waters in the Mid and South Atlantic Ocean. This analysis followed a proposed action by BOEM to support oil and gas exploration and development in the Atlantic OCS. Since this announcement, many environmental organizations have launched opposition efforts, citing limited science and historical, catastrophic (and fatal) industrial accidents like the 2010 BP "Deepwater Horizon" oil spill in the Gulf of Mexico.

This Resolution was drafted by staff at the request of City Commissioner Mike Meier.

Funding Source:

N/A

Recommended Action:

Move approval of Resolution No. 52-2019.

ATTACHMENTS:

	Description	Upload Date	Type
□	R52-2019 Opposing Offshore Oil Drilling and Other Associated Explorative Activities	5/9/2019	Resolution add to Y drive



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 52-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OPPOSING PLANS BY THE U.S. BUREAU OF OCEAN ENERGY MANAGEMENT TO OPEN THE MID AND SOUTH ATLANTIC OCEAN TO OFFSHORE OIL DRILLING AND ASSOCIATED EXPLORATION ACTIVITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, the U.S. Bureau of Ocean Energy Management (BOEM) is in the process of opening the mid and South Atlantic Ocean to the exploration and development of offshore oil and gas resources through the use of dangerous technologies such as seismic blasting; and

WHEREAS, seismic blasting is a method of seafloor surveying that utilizes intense blasts of compressed air through high-powered air-guns in order to map offshore oil and gas reserves, thereby creating a loud disturbance of manmade sound registering between 200 and 230 decibels, at a duration and frequency of occurrence that may be harmful to marine and aquatic life; and

WHEREAS, offshore drilling may require the construction of significant onshore and offshore infrastructure, such as pipelines, platforms, and refineries, which may, in many instances, radically alter the natural beauty and character of our coast; and

WHEREAS, more than 6,500 oil spills occurred in U.S. waters between 2007 and 2017, and many spills have been found to be far larger than what was initially reported; and

WHEREAS, oil spills cannot be effectively cleaned up to prevent catastrophic harm as methods for doing so have remained largely unchanged for decades; and

WHEREAS, following the BP “Deepwater Horizon” oil spill in 2010; clean-up costs alone amounted to more than \$14 billion, which had irreparable, disastrous consequences for impacted coastal areas and their environment; and

WHEREAS, taxpayers may be burdened when financially at-risk companies fail to decommission their infrastructural facilities after production ends, despite federal requirements; and

WHEREAS, the City of Stuart endeavors to be a good steward of the natural environment and its resources including environmental advocacy at state and federal levels; and

WHEREAS, the City Commission of the City of Stuart believes that the expansion of offshore drilling and associated exploration activities to the mid and South Atlantic Ocean would unreasonably alter the natural beauty of the unmarred coastline, while threatening both the natural environment and economy of communities like Stuart.

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

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The City Commission of the City of Stuart, Florida authorizes this resolution in opposition to plans by the U.S. Bureau of Ocean Energy Management (BOEM) to open the mid and South Atlantic Ocean to the exploration and development of offshore oil and gas production, as this would endanger the lives and livelihoods of both city residents and natural marine life.

SECTION 3: This Resolution shall become effective upon its adoption and a copy shall be sent to the Members of Congress who comprise the local federal delegation.

Resolution No. 52-2019
Opposing Offshore Oil Drilling and Other Associated Explorative Activities

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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 5/20/2019

Prepared by: Tom Reetz

Title of Item:

STUART NEWS MAJOR PUD AMENDMENT (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2408-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MAJOR AMENDMENT TO THE STUART NEWS COMMERCIAL PLANNED UNIT DEVELOPMENT ZONING AGREEMENT; CHANGING THE NAME OF THE CPUD TO MARTIN COUNTY SCHOOL BOARD CPUD; DECLARING THE CPUD DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

At the time of preparation of this agenda item, the Local Planning Agency had not yet met to consider the application. A copy of the minutes from the LPA's May 16th meeting as well as thier recommendation will be made available at tonight's City Commission meeting.

The Martin County School Board, as applicant, is requesting to amend the Stuart News Commercial Planned Unit Development agreement, Ordinance No. 941-1982 in order to allow government buildings as a permitted use. Government buildings are permitted in the Commercial land use category, and are an allowable use within the CPUD zoning district with approval of the City Commission. This amendment will allow the School Board to relocate and consolidate the Martin County School District staff, and associated services, to this centralized location while remaining inside the City borders.

In addition to government use, Professional office (including non-intensive medical), Restaurant (limited to 30 seats), Banks, and Retail, Non-intensive sales and service are included for possible future uses for the CPUD. Although these uses will be contemplated and permitted, it will still require an amendment to the PUD to address additional parking, site plan amendment and storm water considerations. However, the applicant will not need a deviation from the Code for the actual use.

The proposed amendment to allow government buildings within the Stuart New CPUD is consistent with the City of Stuart Comprehensive Plan, including concurrency with the adopted level-of-service for utilities and is compatible with existing uses in the surrounding areas.

The CPUD was originally approved to develop a campus of buildings consisting of a 30,529 square foot Production Building housing printing presses, warehouse, mailroom, a Production services Building, a 40,610 square foot two-story Office Building, a 3,200 square foot Vehicle Maintenance/Groundkeeper building, a railroad siding, and appurtenant facilities and improvements, including parking areas landscaping entrances exits, perimeter road and a perimeter buffer area, all complying with relevant development standards of the City's Land Development Code.

Funding Source:

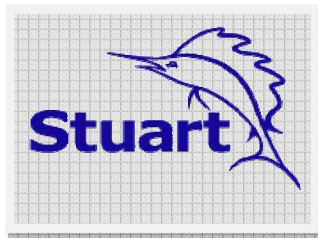
N/A

Recommended Action:

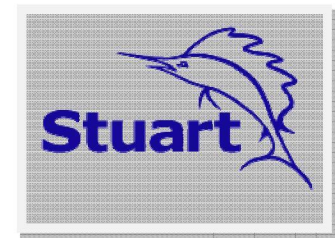
Motion to approve Ordinance No. 2408-2019 at First Reading.

ATTACHMENTS:

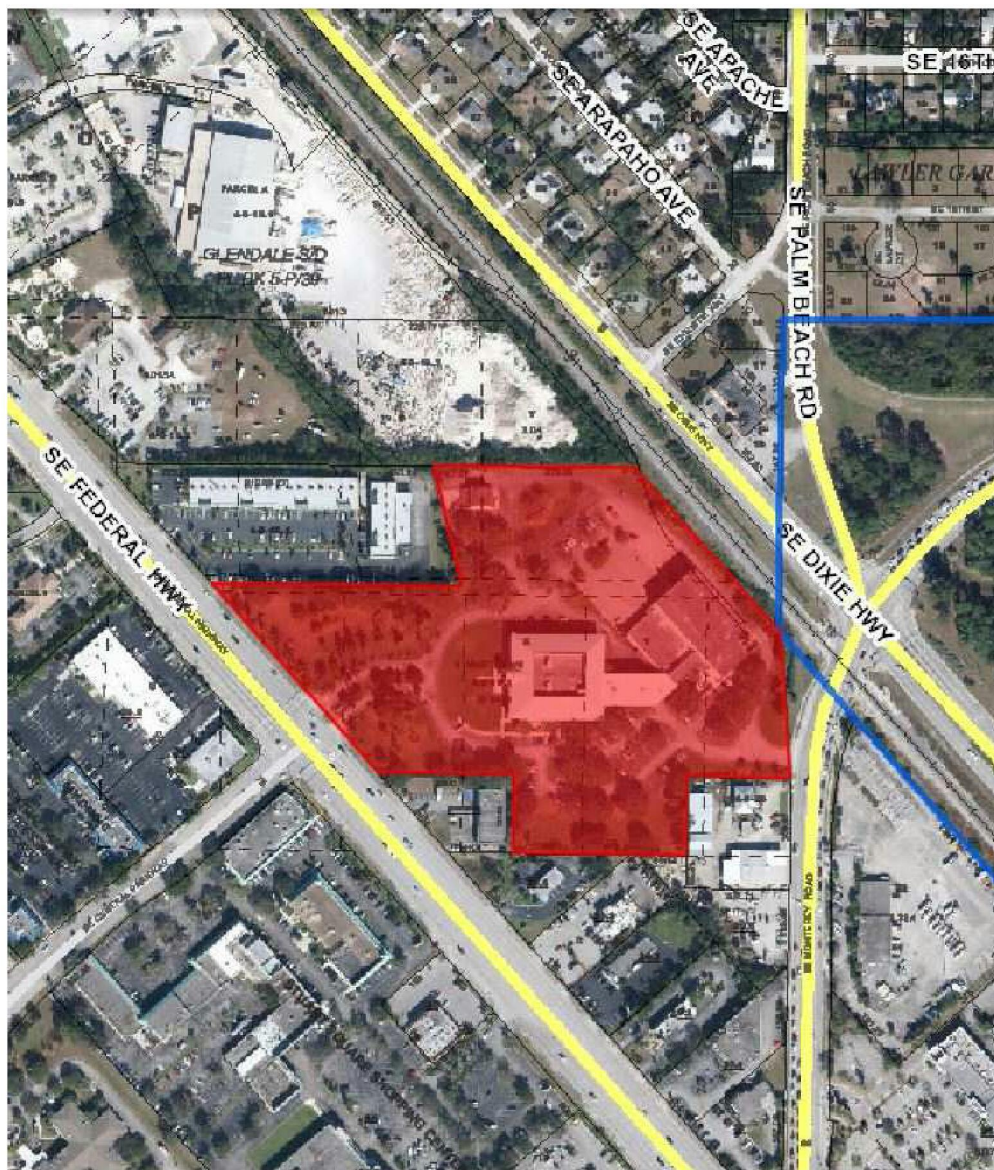
Description	Upload Date	Type
▣ Staff Report - By Tom Reetz	5/10/2019	Staff Report
▣ Ordinance No. 2408-2019	5/8/2019	Ordinance add to Y drive
▣ Location Map	5/8/2019	Backup Material
▣ Boundary Survey	5/8/2019	Backup Material
▣ Application	5/8/2019	Backup Material
▣ Ordinance No.941-1982	5/8/2019	Backup Material



CITY OF STUART
City Commission Meeting
May 20th, 2019



Project Name: Stuart News CPUD Amendment	Property Owner: Stuart News
Project No.: Z190400004	Applicant/Petitioner: Martin County School Board
Ordinance No: 2408-2019	Agent/Representative: Tyson Waters
	Case Planner: Tom Reetz
Location: 1939 SE Federal Highway, Stuart, FL	



PROJECT SUMMARY		
<i>Property Size (area)</i>		10.841 acres
<i>Present Use</i>		CPUD
<i>Subject Property Land Use</i>		Commercial
<i>Adjacent FLU</i>	<i>North</i>	Industrial & Commercial
	<i>South</i>	Commercial
	<i>East</i>	County
	<i>West</i>	Commercial
<i>Subject Property Zoning</i>		CPUD (Commercial Planned Unit Development)
<i>Adjacent Zoning</i>	<i>North</i>	B-2 & Industrial
	<i>South</i>	B-2
	<i>East</i>	Martin County
	<i>West</i>	B-2
<i>Proposed Use</i>		Government Building
<i>Brief Explanation</i>		The Martin County School Board, as applicant, is requesting to amend the Stuart New Commercial Planned Unit Development agreement, Ordinance No. 941-1982 in order to allow government buildings as a permitted use. Government buildings are permitted in the Commercial land use category, and are an allowable use within the CPUD zoning district with approval of the City Commission. This amendment will allow the School Board to relocate and consolidate the Martin County School District staff, and associated services, to this centralized location.
<i>Staff Recommendation:</i> Motion to approve a Major Amendment to the Stuart News CPUD to allow government buildings as a permitted use.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS

- A. Requirements for Application** – The applications for the major amendment to the CPUD have been noticed in accordance with the requirements set forth in Sections 11.01.02, 11.01.09, and 11.02.00 of the Land Development Regulations.
- B. Site Posting Date:** 5-1-2019
- C. Mail Notice Postmark:** 5-1-2019 to property owners within 300 feet
- D. Publication Date:** N/A

II. HISTORY OF THE SITE

The CPUD was originally approved to develop a campus of buildings consisting of a 30,529 square foot Production Building housing printing presses, warehouse, mailroom, a Production services Building, a 40,610 square foot two-story Office Building, a 3,200 square foot Vehicle Maintenance/Groundkeeper building, a railroad siding, and appurtenant facilities and improvements, including parking areas landscaping entrances exits, perimeter road and a perimeter buffer area, all complying with relevant development standards of the City's Land Development Code.

III. STAFF ANALYSIS

A. Site and Conditions for Development

The subject property consists 10.81 acres in size, located at 1939 SE Federal Highway, Stuart, Fl east of US1 and west of Monterey and Dixie Hwy.

Direction	Current Use	Zoning	Future Land Use
North	Commercial Retail	B-2	Commercial
South	Good Year, Auto purchase, Restaurant	B-2	Commercial
East	Construction Company(Mosley and Son)	Industrial	Industrial
West	Strip plaza (Auto Zone)	B-2	Commercial

B. Project Description

This new, centralized location will allow the School district and the community, a more convenient location for the School District administration operations. the Martin County School Board chambers will also be relocated to the Stuart News property.

In addition to government use, Professional office (including non-intensive medical), Restaurant (limited to 30 seats), Banks, and Retail, Non-intensive sales and service are included for possible future uses for the CPUD without amendment to the Ordinance.

The proposed amendment to allow government buildings within the Stuart New CPUD is consistent with the City of Stuart Comprehensive Plan, including concurrency with the adopted level-of-service for utilities and is compatible with existing uses in the surrounding areas.

C. Future Land Use Amendment and Comprehensive Plan Consistency Review

A review of the Comprehensive Plan finds that the proposed list of uses that are consistent with the Commercial Future Land Designation:

This land-use category commercial is predominately connected with the sale, rental and distribution of products or performance of professional and non-professional and nonprofessional services, including retail sales, service establishments, business, and professional and other offices shopping centers financial institutions restaurants. Also, public facilities and electric distribution substations are allowed.

IV. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

Motion to approve Ordinance No. 2408-2019 - Major Amendment to the Stuart News CPUD to allow government buildings as a permitted use.



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

ORDINANCE NUMBER 2408-2019

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

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

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

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

ADOPTED on Second Reading this 10th day of June, 2019.

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

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

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING ORDINANCE, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS ORDINANCE, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

Scripps NP Operating, LLC

By: _____

Print Name: _____

For and on behalf of
Scripps NP Operating, LLC

Print Name: _____

OWNERS ACKNOWLEDGMENT

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

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

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

'EXHIBIT A' Legal Description of Property

1939 Southeast Federal Highway, City of Stuart, Martin County, Florida
BEING A PARCEL OF LAND IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST,
IN THE PLAT OF GLENDALE SUBDIVISION O.R. BOOK 5 PAGE 39 PALM BEACH
COUNTY, FLORIDA, NOW MARTIN COUNTY, WITHIN THE CITY OF STUART,
FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 38
SOUTH, RANGE 41 EAST; THENCE RUN NORTH 00°49'10" EAST FOR 893.81 FEET;
THENCE SOUTH 41°27'42" EAST FOR 38.49 FEET TO THE BEGINNING OF A PORTION
OF THE CENTERLINE OF CONSTRUCTION FOR PALM BEACH ROAD, THENCE NORTH
01°01'37" EAST FOR 623.41 FEET; TO THE BEGINNING OF A CONCAVE CURVE
WESTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 88°58'23" EAST; THENCE
CONTINUE NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF
5729.58 FEET THROUGH A CENTRAL ANGLE OF 03°51'37" ARC DISTANCE OF
386.04 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTH 87°10'00" WEST
RADIAL TO THE AFOREMENTIONED CURVE FOR 40.00 FEET TO THE BEGINNING OF
A CURVE AND THE POINT OF BEGINNING, THENCE SOUTHERLY ALONG THE ARC
OF A CURVE CONCAVE WESTERLY FROM WHICH A RADIAL LINE BEARS SOUTH
87°10'00" WEST HAVING A RADIUS OF 5689.58 FEET THROUGH A CENTRAL ANGLE
OF 00°37'35" WEST AND AN ARC DISTANCE OF 62.20 FEET; THENCE NORTH
89°11'17" WEST FOR 179.20 FEET, THENCE SOUTH 01°24'53" WEST FOR 142.34 FEET;
THENCE NORTH 89°20'02" WEST FOR 161.44 FEET; THENCE NORTH 89°25'17" WEST
FOR 175.61 FEET; THENCE NORTH 00°24'41" WEST FOR 137.23 FEET; THENCE NORTH
89°25'32" WEST FOR 232.93 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF
U.S. HIGHWAY 81; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE
NORTH 41°27'42" WEST FOR 484.21 FEET; THENCE DEPARTING FROM SAID RIGHT-
OF-WAY LINE SOUTH 89°29'00" EAST FOR 466.50 FEET ALONG THE CENTERLINE OF
THE ABANDONED ETHEL AVENUE. THENCE NORTH 00°31'00" EAST FOR 15 FEET TO
THE NORTHERLY RIGHT-OF-WAY LINE OF ETHEL AVENUE; THENCE NORTH
12°41'18" WEST FOR 215.70 FEET; THENCE SOUTH 89°29'00" EAST FOR 378.05 FEET;
THENCE SOUTH 41°30'32" EAST FOR 403.71 FEET TO A POINT OF CURVATURE;
THENCE CONTINUE ALONG THE ARC OF A CURVE CONCAVE EASTERLY FROM
WHICH A RADIAL LINE BEARS SOUTH 89°20'58" WEST HAVING A RADIUS OF 5769.58
FEET THROUGH A CENTRAL ANGLE OF 02°10'58" AND AN ARC LENGTH OF 219.80
FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 10.841 ACRES MORE OR LESS.

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

EXHIBIT "B"

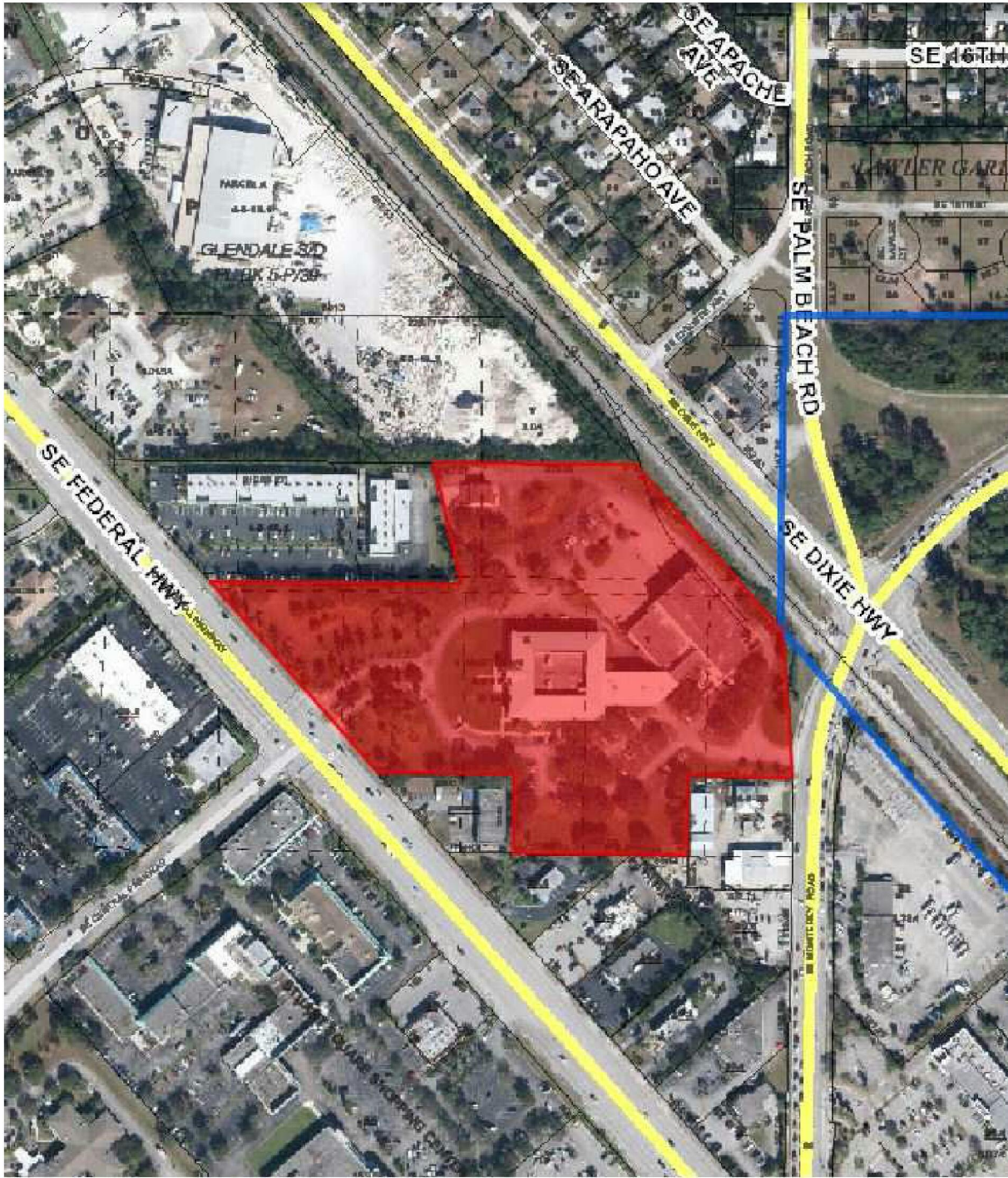


EXHIBIT "C"

DEVELOPMENT CONDITIONS

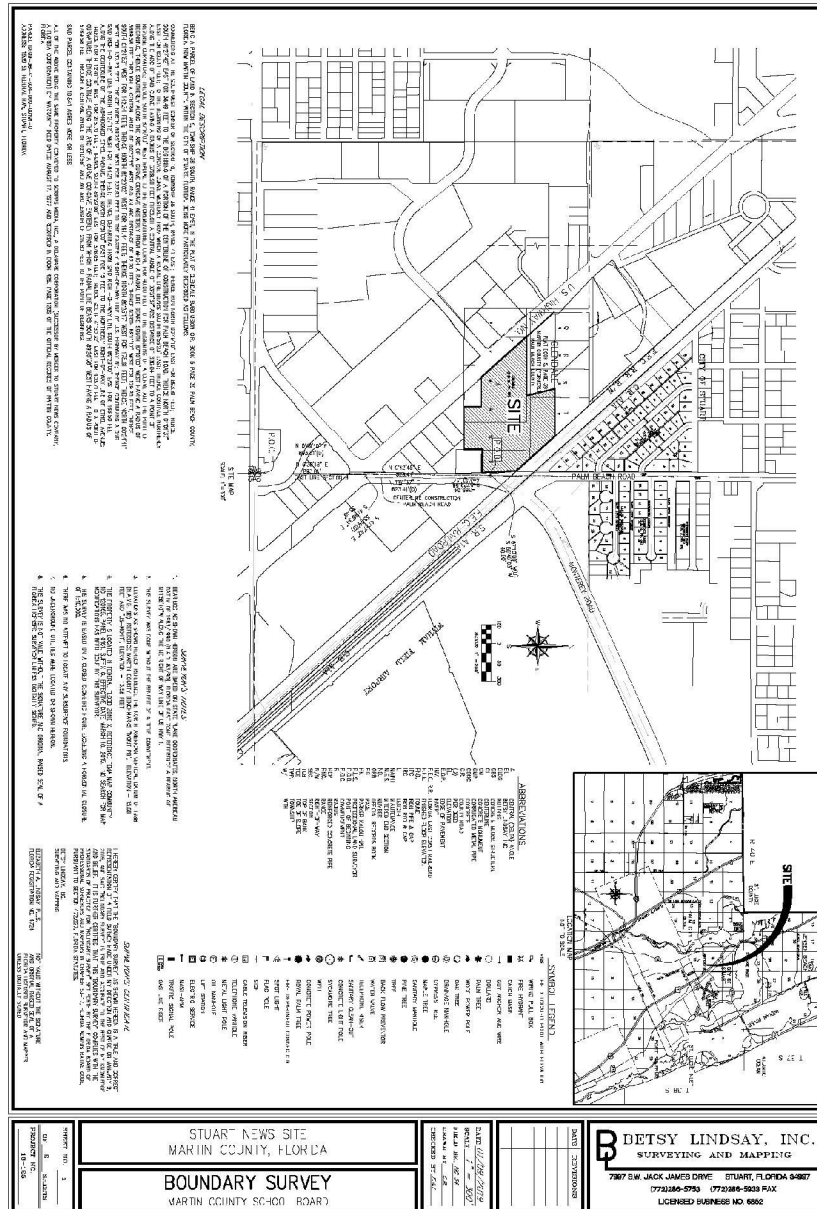
1. The following uses are permitted:

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

Prior to Issuance of Building Permits

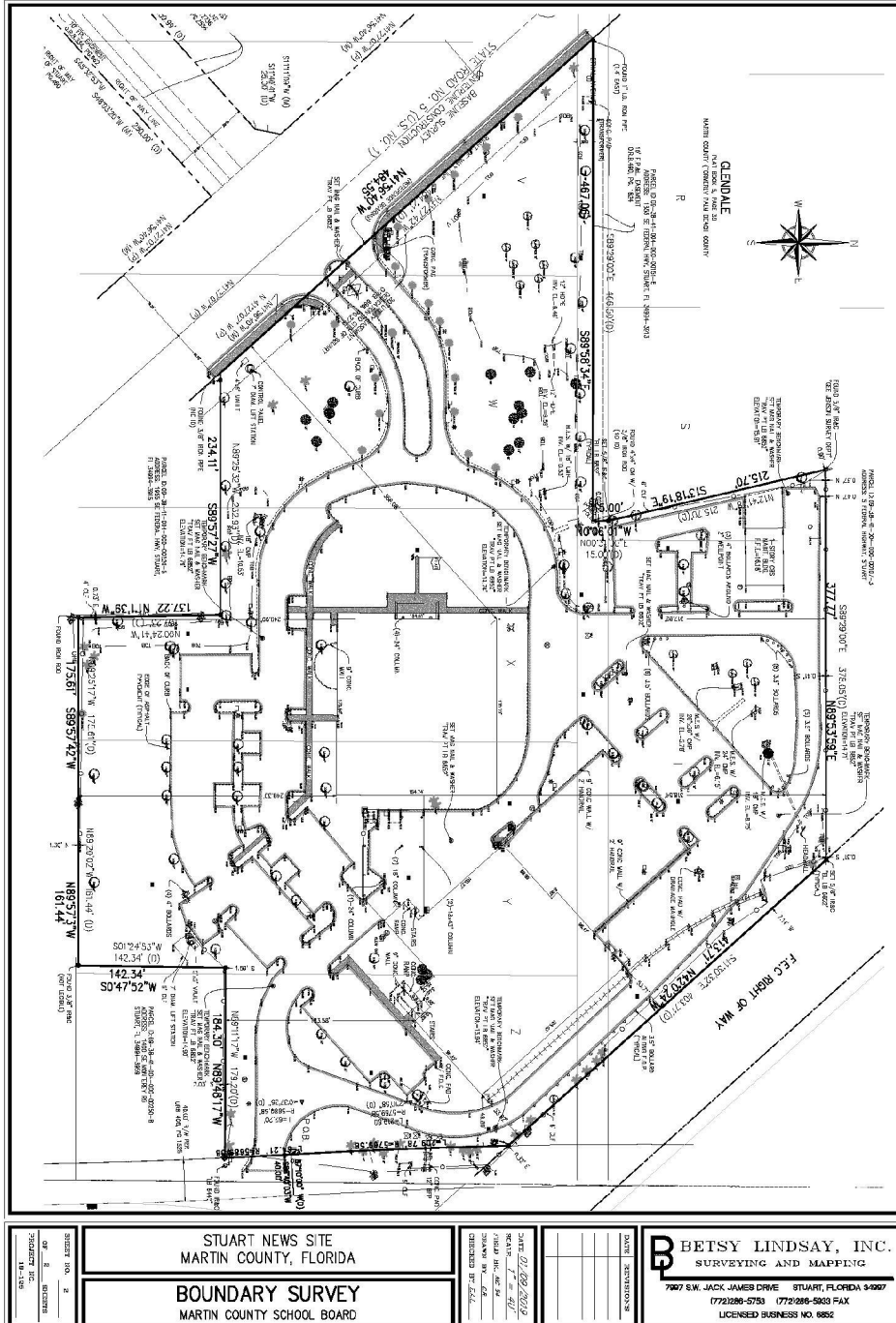
2. The applicant shall present to the city a unified signage plan per Section 6.11.09 of the City of Stuart Land Development Code before any new signs are installed on the building or on the property.

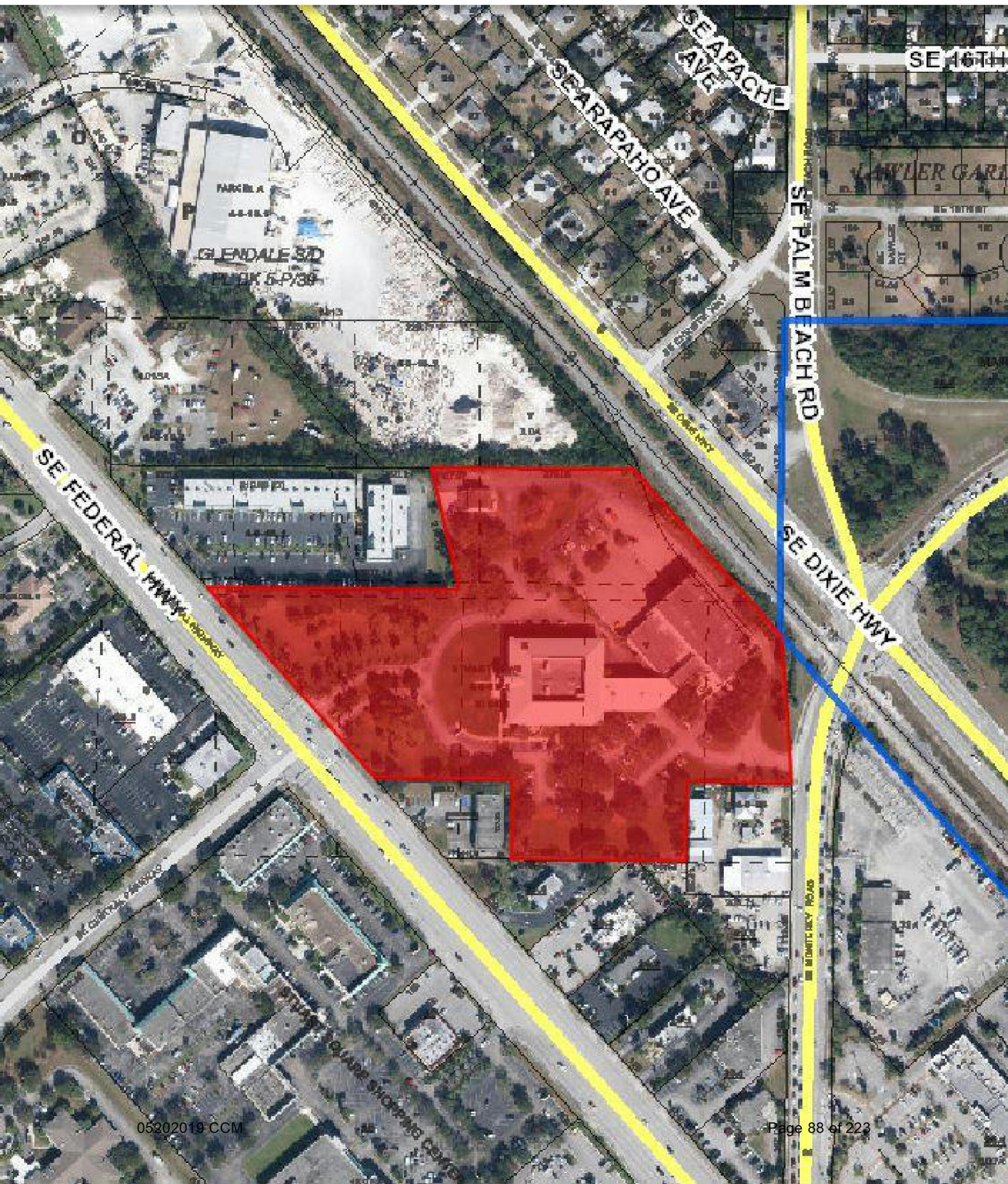
EXHIBIT "D"



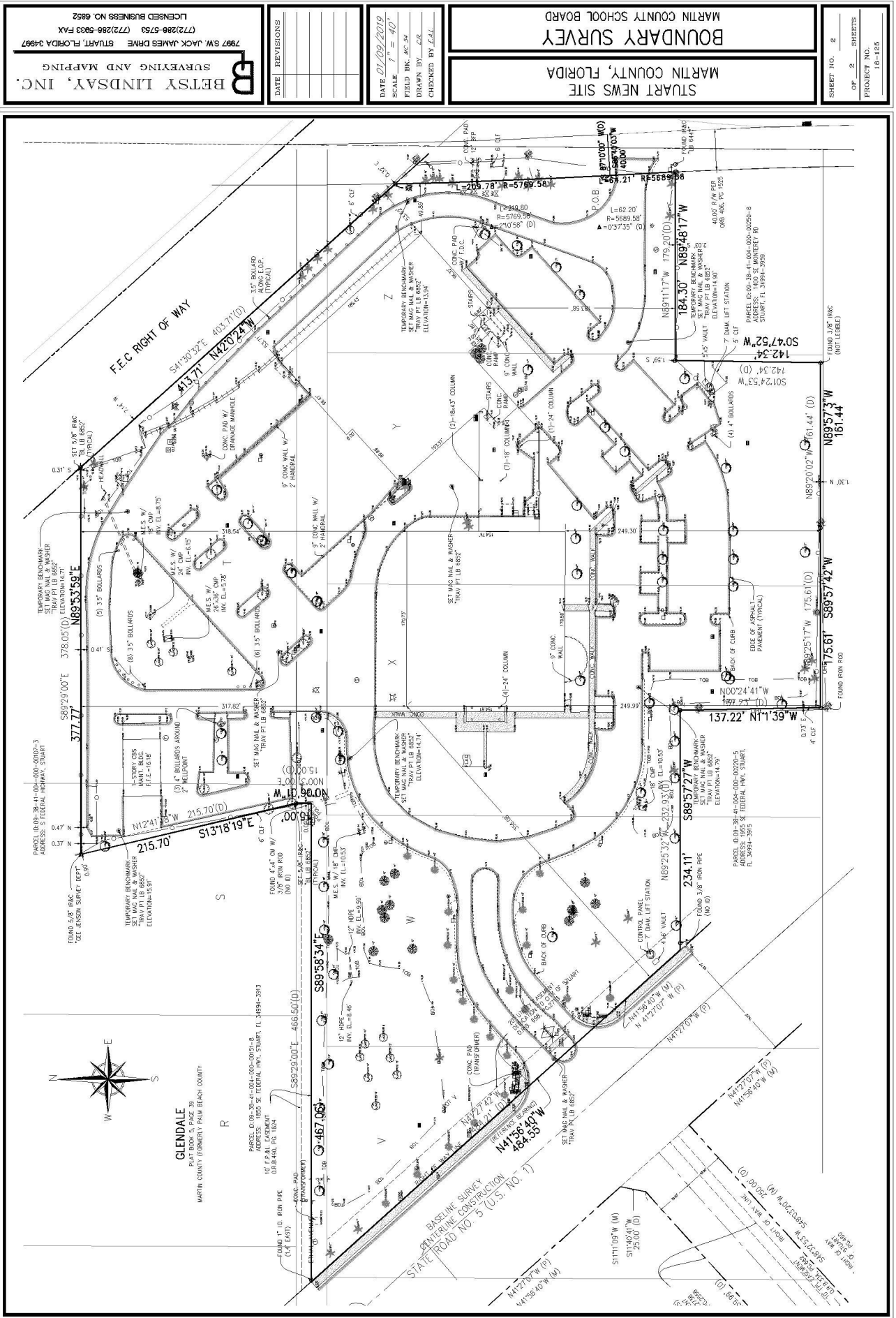
Ordinance 2408-2019
Stuart News CPUD Amendment

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[illegible]



FOX McCLUSKEY BUSH ROBISON, PLLC

M. LANNING FOX
Board Certified Real Estate Lawyer
MICHAEL J. McCLUSKEY
Board Certified Business Litigation Lawyer
RAYMOND G. ROBISON
LL.M. - Master of Laws in Taxation
J. HENRY CARTWRIGHT
TYSON J. WATERS
Board Certified Real Estate Lawyer
FREDERIK W. van VONNO (1951-2017)
Board Certified City, County &
Local Government Lawyer

The Tower Building at Willoughby Commons
3473 SE Willoughby Boulevard
P.O. Drawer 6
Stuart, Florida 34995-0006
Jupiter Location (Limited Services Available)
Telephone:
(772) 287-4444 * (561) 744-6499
Fax:
(772) 283-4637
www.foxmcccluskey.com

ANTHONY D. GEORGE, JR.

VALERIE A. CHESNUT
PHILIP W. GROSIDIER
LL.M. - Master of Laws in Taxation

Of Counsel:
GEORGE W. BUSH, JR. (1964 – 2019)
Board Certified Business Litigation Lawyer
Board Certified Condominium
& Planned Development Lawyer
ROBERT A. GOLDMAN
ADAM G. SCHWARTZ

April 17, 2019

Thomas Reetz
Senior Planner
Development Department
121 SW Flagler Avenue
Stuart, Florida 34994

Dear Tom:

Please find enclosed the School Board of Martin County's, as contract purchaser, application to amend the Stuart News Commercial Planned Unit Development ("Stuart News CPUD"). The filing fee of \$3,072.00 for a major Planned Unit Development amendment is enclosed. In addition, the following materials are included with this application and enclosed herewith:

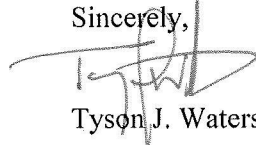
1. Justification Statement;
2. Survey of subject property; and
3. Letter of Authorization from NP Scripps Operating, LP, as property owner.

The sole purpose of the request, and basis for the proposed amendment, is to amend the Stuart News CPUD to add and allow as a permitted use governmental buildings. Governmental buildings are an allowable use with the subject property's land use designation (Commercial) and zoning designation (CPUD) upon approval of the City Commission. No other change or revision to the Stuart News CPUD is being requested.

We would ask that City staff review the enclosed materials and process the Stuart News CPUD amendment application in an expeditious manner.

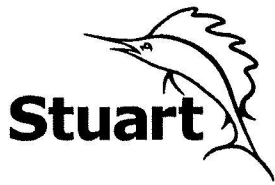
Should there be questions or anything further required please contact me.

Sincerely,



Tyson J. Waters

TJW
Enclosures



City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994
development@ci.stuart.fl.us
(772) 288-5326

Received by: _____
Reviewed by: _____
Approved by: _____

Planned Unit Development (PUD) Amendment Application

Project ID# _____
(Staff Entry)

Pre-App Conference Date:	Application Date:
Project Name: Stuart News Commercial Planned Unit Development Amendment	
Parcel ID# 09-38-41-004-000-00191-0	Project Address: 1939 SE Federal Highway, Stuart, FL
Zoning/CRA Sub-district: CPUD	
Subdivision: N/A	Lot(s): N/A
Fees: Major PUD Amendment - \$3,072.00; Minor PUD Amendment: \$2,048.00; PUD Agreement Amendment (text change only): \$1,024.00 <i>(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)</i>	
A Major Planned Unit Development Amendment is one which shall include any one of the following; 1. A change of two (2) percent or more in the area of any land use designations shown on the site plan; 2. Any change in the list of proposed uses; 3. An increase in residential density of five (5) percent or more; 4. An increase in nonresidential Building square footage of ten (10) percent or more; 5. A change in the boundary of the PUD district; 6. A change in the site plan or approval regarding any area(s) set aside and designated for future development; 7. Any other change determined by the City Development Director to have a potentially significant impact on City services or the surrounding neighborhood; 8. An amendment of greater than twelve (12) months to an originally approved timetable of development. Such an amendment may only be approved upon good cause shown to the City Commission. Any contributions conditioned as part of the original PUD agreement shall be revisited upon application for timetable extension. A timetable extension greater than twelve (12) months will require a full concurrency review. <i>(A Minor Planned Unit Development Amendment is any amendment that is not a major amendment.)</i>	
Submittal Requirements: A completed application form, the payment of fees, a site plan, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and any other information as may be required by the City Development Director in order to do a thorough review of the request. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan if a site plan has not previously been approved. However, in doing so the applicant acknowledges that a site plan will need to be submitted for City Commission approval prior to making application for a development permit.) <i>(The data requirements for a site plan and a concept plan are available at the Development Department)</i>	
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. For a Major PUD amendment, the Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. For both types of applications, the City Commission is required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.	
Justification: Written justification supporting the application and demonstrating how the application remains: (a) consistent with the relevant components of the City of Stuart Comprehensive Plan including concurrency with adopted levels-of-service for utilities/facilities and compatibility with existing/planned uses and (b) complies with the relevant development standards of the City of Stuart Land Development Code.	

General Information

(Please Print or Type)

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

Name: Laurie Gaylord
Title: Superintendent of Schools
Company: Martin County School Board (as Contract Purchaser)
Company Address: 500 E. Ocean Boulevard

City/State/Zip Code: Stuart, Florida 34994
Telephone Number: 772-219-1200
Facsimile Number:
Email Address (optional): gaylorl@martin.k12.fl.us

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: Tyson J. Waters, Esq.
Title: Attorney
Company: Fox McCluskey Bush Robison, PLLC
Company Address: 3473 SE Willoughby Blvd.

City/State/Zip Code: Stuart, Florida 34994
Telephone Number: 772-287-4444
Facsimile Number:
Email Address (optional): twaters@foxmccluskey.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: Laurie Gaylord
Title: Superintendent of Schools
Company: Martin County School Board (as Contract Purchaser)
Company Address: 500 E. Ocean Boulevard

City/State/Zip Code: Stuart, Florida 34994
Telephone Number: 772-219-1200
Facsimile Number:
Email Address (optional): gaylorl@martin.k12.fl.us

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

4. Signed this 15 day of April, 2019.

Laurie J. Gaylord

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 15 day of April 2019 by Laurie J. Gaylord who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

Dianne M. Falls
Notary Signature

05202019 CCM

Commission Expires



DIANNE M. FALLS
Commission # FF 224222
Expires June 2, 2019
Bonded Thru Troy Fain Insurance

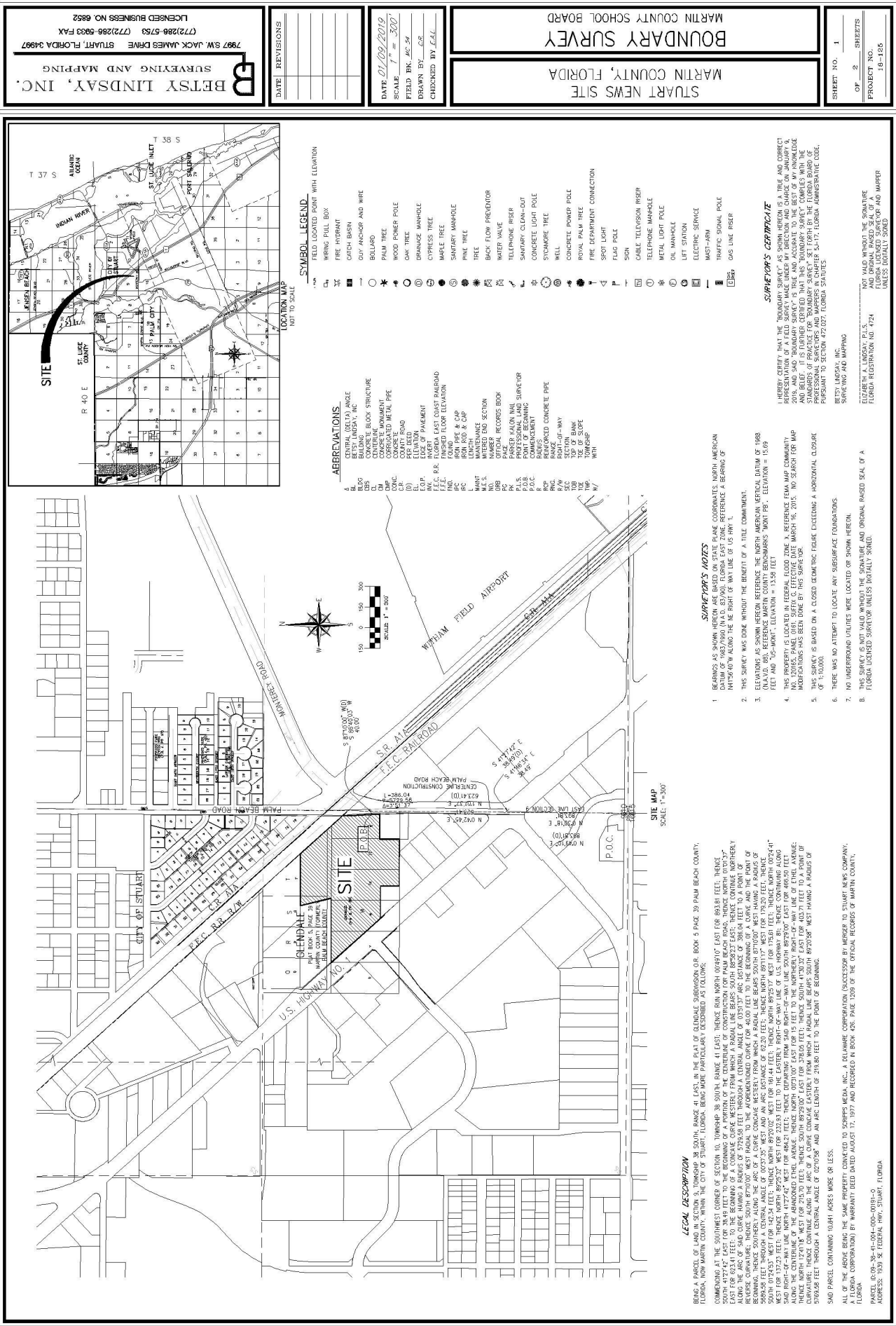
JUSTIFICATION STATEMENT

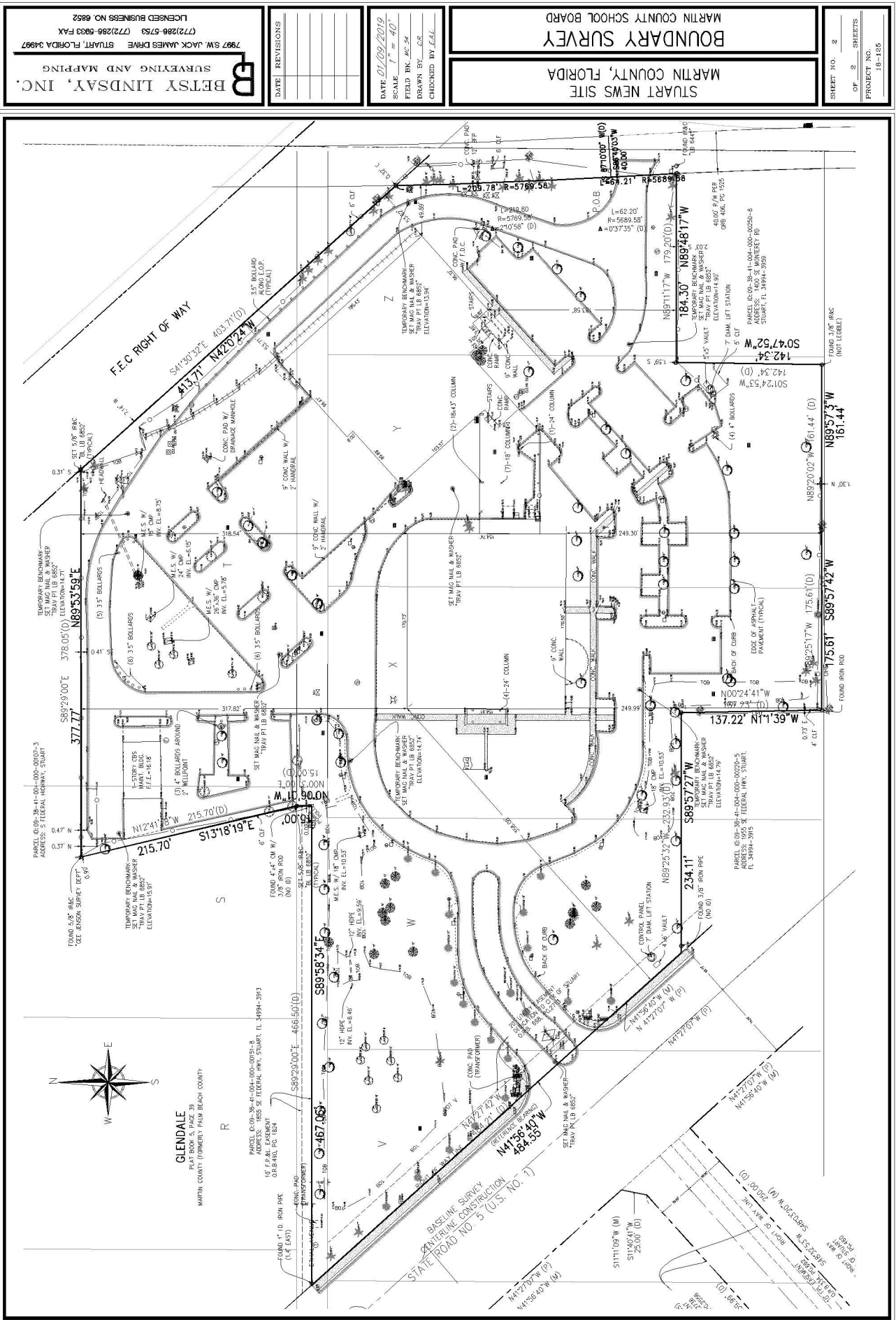
The Martin County School Board, as contract purchaser, is requesting to amend the Stuart News Commercial Planned Unit Development agreement (“Stuart News CPUD”) in order to allow governmental buildings as a permitted use therein. Governmental buildings are permitted in the Commercial land use category and are an allowable use within the CPUD zoning designation, upon approval of the City Commission. Approving the proposed amendment to the Stuart News CPUD will allow the Martin County School Board to close on the proposed acquisition of the subject property and facilitate the relocation and consolidation of Martin County School District staff, and associated services, to this location.

The Stuart News property is centralized within the City of Stuart municipal boundaries and offers the School District, and community, a more centralized and convenient location for the School District administrative operations. The Martin County School Board chambers will also be relocated to the Stuart News property.

No other changes or revisions are being requested to the Stuart News CPUD as part of this application.

The proposed amendment to allow governmental buildings within the Stuart News CPUD is consistent with the relevant components of the City of Stuart Comprehensive Plan, including concurrency with adopted levels-of-service for utilities and is compatible with existing uses in the surrounding areas. The proposed amendment complies with all relevant development standards of the City of Stuart Land Development Code.





April 15, 2019

City of Stuart
c/o Planning and Zoning Department
Attn: Kev Freeman
121 S. Flagler Avenue
Stuart, Florida 34994

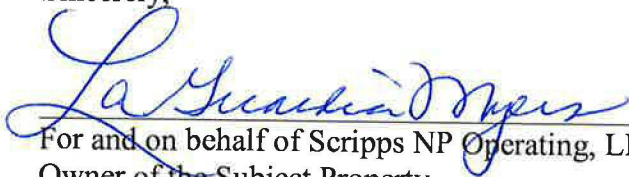
Re: Legal Representative Authorization
Planned Unit Development Amendment Application
Parcel # 09-38-41-004-000-00191-0; 1939 SE Federal Highway, Stuart, Florida

Dear Mr. Freeman:

As owner of the property referenced above, please consider this letter as formal authorization for the Martin County School Board, as the contract purchaser of the above referenced property, and the law firm of Fox McCluskey Bush Robison, PLLC, including but not limited to Tyson J. Waters, Esq., on its behalf, to execute and file an application for an amendment to the Stuart News Commercial Planned Unit Development to allow for governmental buildings (e.g. the Martin County School Board offices and other facilities) to be a permitted use on the subject property and to file such other documents as they deem necessary and to represent the contract purchaser at all meetings, hearings and in relation to all other governmental actions in furtherance of such application.

Thank you for your attention to this matter.

Sincerely,



For and on behalf of Scripps NP Operating, LLC
Owner of the Subject Property

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NO. 941

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, EXTENDING THE CITY LIMITS OF THE CITY BY ANNEXATION OF CONTIGUOUS PARCEL(S) UPON PETITION OF ALL OWNERS THEREOF AND REDEFINING THE BOUNDARIES OF SAID CITY OF STUART TO INCLUDE SAID PARCEL(S) PURSUANT TO SECTION 177.044, FLORIDA STATUTES; AMENDING CHAPTER 18 OF THE STUART CODE OF ORDINANCES BY DESIGNATING THE FOLLOWING DESCRIBED PARCEL(S) OF LAND TO CPUD CITY ZONING CLASSIFICATION; AND AMENDING THE CITY'S COMPREHENSIVE PLAN ACCORDINGLY;

THE LAND TO BE REZONED IS OWNED BY THE STUART NEWS COMPANY AND IS DESCRIBED AS FOLLOWS:

BE IT ENACTED BY THE PEOPLE OF THE CITY OF STUART, FLORIDA:

PART ONE: ANNEXATION

All acts having been performed under FLORIDA STATUTES upon which to predicate the annexation prayed for, the above-described real property be and hereby is annexed into the City of Stuart with the city zoning designation of CPUD.

PART TWO: AMENDING CITY ZONING CODE, ZONING MAP AND COMPREHENSIVE PLAN ACCORDINGLY

The City Zoning Code (as set out in Chapter 18, Stuart Code of Ordinances), the City Zoning Map, and the City Comprehensive Plan be and hereby are amended accordingly.

PART THREE: REPEAL

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

PART FOUR: EFFECTIVE DATE

This ordinance shall become effective thirty days after the date of final passage.

~~UNITED STATES~~
All of the following described real property lying and being situate in Martin County, Florida:

Commence at a point where the South line of Ethel Avenue, Glendale Subdivision, intersects the Easterly right of way line of U. S. #1 Highway, said point of commencement being 33 feet Easterly of the centerline of U. S. #1 Highway (as measured on the perpendicular); thence run S 89°36'E along said South line of said Ethel Avenue a distance of 538.74 feet for the Point of Beginning; thence continue S. 89°36' E along the South line of Ethel Avenue a distance of 460.52 feet to a point where the South line of Ethel Avenue intersects the Westerly right of way line of the F.E.C. Railroad; thence run S 41°39' E along the said Westerly right of way line of the F.E.C. Railroad a distance of 143.66 feet to a point where the said Westerly right of way line intersects the East line of Lot 2; thence run S 0°35'30" W a distance of 234.88 feet; thence run N 89°19'45" W a distance of 208.76 feet; thence run S 1°16'25" W a distance of 142.34 feet; thence run S 89°28'30" E a distance of 161.44 feet; thence run S 89°33'45" E a distance of 287.90 feet to a point on the Easterly right of way line of U. S. #1 Highway; thence run N 41°33' W along said Easterly right of way line of U. S. #1 Highway a distance of 16.13 feet; thence run S 89°33'45" E a distance of 122.97 feet to a concrete monument; thence run N 0°34' W a distance of 220.44 feet; thence run N 00°32'30" W a distance of 250.05 feet to the Point of Beginning, being a part of Lots W, X, Y and Z, Glendale Subdivision, as in Plat Book 5, Page 39, Public Records of Palm Beach County, Florida, now Martin County, subject to existing road rights of way and easements of record.

All of the South 210.00 feet of Lot T, Glendale Subdivision, as recorded in Plat Book 5, Page 39, Palm Beach County, Florida, public records, together with the following described portion of Lot S of the above referred to Glendale Subdivision, to-wit:

Begin at the Southeast corner of said Lot S; thence Westerly along the South line of Lot S for a distance of 16.80 feet; thence run N 12°41'16" W a distance of 216.54 feet to a point on the North line of the South 210.00 feet of said Lot S; thence run S 89°29'30" E a distance of 67.42 feet to a concrete monument on the East line of said Lot S; thence run N 00°49'52" E to a concrete marker at the Point of Beginning.

LESS AND EXCEPTING THAT part of Lot 2, Glendale Subdivision, according to the Plat thereof as recorded in Plat Book 5, Page 39, public records of Palm Beach County, (now Martin County) Florida in Sec. 9, Twp. 38 South, Rge. 41 East, said part which lies within 40 feet Westerly of the centerline of construction for Palm Beach Road, a portion of said centerline being more particularly described as follows:

Commence at the Southwest corner of Section 10, Township 38 South, Range 41 East; thence Northerly along the West line of said Section a distance of 895.00 feet; thence S 41°27'42" E a distance of 38.49 feet to the beginning of a portion of the centerline of Construction; thence N 01°01'37" E a distance of 223.41 feet to the beginning of a curve concave Westerly; thence Northerly along said curve having a radius of 5729.58 feet, through a central angle of 03°51'37.37" an arc distance of 386.04 feet to a point of Reverse Curvature; thence Northerly along said reverse curve having a radius of 5729.58 feet, through a central angle of 03°51'37.37" an arc distance of 386.04 feet to the end of said curve; thence N 01°01'37" E a distance of 401.00 feet to the beginning of a curve concave Westerly; thence Northerly along said curve having a radius of 11459.16 feet, through a central angle of 01°34'00.39" an arc distance of 312.26 feet to the Point of Beginning.

THE STUART NEWS
COMMERCIAL
PLANNED UNIT DEVELOPMENT ZONING AGREEMENT

461894

THIS AGREEMENT, made and entered into this 20th day of December, 1982, by and between STUART NEWS COMPANY, a Florida corporation, hereinafter referred to as the "DEVELOPER"; and the CITY OF STUART, Florida, a Florida municipal corporation, hereinafter referred to as the "CITY".

W I T N E S S E T H:

WHEREAS, it is the desire of the DEVELOPER as owner of the property described in Exhibit "A" attached hereto, to develop a Planned Unit Development consisting of: a 30,529 square foot Production Building housing printing presses, warehouse, mailroom, and appurtenant facilities; a 2,268 square foot two-story Production Services Building; a 40,610 square foot two-story Office Building; a 3,200 square foot Vehicle Maintenance/Groundskeeper Building; a railroad siding; and appurtenant facilities and improvements, including, but not limited to, parking areas, landscaping, entrances, exits, perimeter road and a perimeter buffer area, to be constructed in two phases as set forth in Exhibit "E" attached hereto, said development to be known as "THE STUART NEWS", situated and being in the City of Stuart, Martin County, Florida, and legally described in Exhibit "A", which is attached hereto and made a part hereof; and,

WHEREAS, the Zoning Regulations of the CITY permit this

I. UNITY OF TITLE.

The DEVELOPER hereby warrants that it has unified ownership of all real property included in this PUD (C). A document certifying title is attached hereto and incorporated herein as Exhibit "B" and a Unity of Title by the DEVELOPER is attached hereto and incorporated herein as Exhibit "C".

II. DEVELOPMENT.

The DEVELOPER agrees that this PUD (C) will be undertaken and carried out in accordance with the following:

1. It is agreed and understood that the development of the PUD (C) will be undertaken and carried out in accordance with the Preliminary and Final Development Plans as officially adopted by the CITY. Construction may take place within the "building envelope" set forth in Exhibit "D" attached hereto, said Exhibit "D" being Site Plans, Floor Plans and Drainage Plan, pages 1 through 6, prepared by H.J. Ross Associates, Inc., dated June 2, 1982 and amended August 6, 1982.

(a) It is agreed and understood that the development of this PUD (C) at preliminary development approval stage shall be accomplished in accordance with the approved Preliminary Development Plans, a copy of which is attached hereto as Exhibit "D" and by reference made a part hereof.

(b) It is agreed and understood that the remaining development of this PUD (C) must be accomplished in accordance with the Final Development Plans to be approved by the CITY, and upon acceptance and approval thereof by the CITY, shall, by reference, become incorporated herein.

2. The Timetable of Development as officially adopted by the CITY and agreed to by the DEVELOPER, as shown in

forth in the Final Development Plan. Notwithstanding the foregoing, DEVELOPER agrees to comply with all construction and fire codes in effect at the time of issuance of each building permit and to pay all required rates, fees and charges, levied or collectable which are in effect from time to time in the future at such time as building permits are issued on the project. With respect to Phase II of the project, the CITY may require an updated traffic report and may determine water and sewer availability prior to the issuance of building permits for the same.

4. DEVELOPER hereby agrees to the Conditions adopted by the CITY in the process of the approval of the zoning change to PUD (C) for the property, which requirements are set forth in Exhibit "F", attached hereto and incorporated herein. The sewer collection lines and force main shall be constructed by the DEVELOPER and maintained by the CITY up to the DEVELOPER'S property. The water distribution system shall be installed by the DEVELOPER and maintained by the CITY up to and including the water meters, and shall be dedicated to the CITY upon completion. A five (5) foot wide sidewalk/bikepath shall be installed by the DEVELOPER adjacent to Monterey Road and, upon completion, shall be dedicated to Martin County.

III. PROPERTY MAINTENANCE

1. In the event that DEVELOPER, or any successor, fails at any time to maintain the non-structural elements (all areas other than buildings) of the PUD (C) in a safe, neat, orderly, litter-free condition in accordance with the approved Final Development Plans, then the CITY may, at its option, proceed as set forth hereinbelow on giving the required notice. The CITY,

at DEVELOPER'S expense, shall serve written notice, by certified

and shall demand that such failure be remedied within thirty (30) days of the sending of such notice or, in the alternative, that the DEVELOPER, or any successor, appear before the CITY at a specified time [at least ten (10) days, but not more than thirty (30) days after the sending of such notice] either to contest the alleged failure to maintain the PUD (C) as required herein or to show cause why it cannot remedy such failure within the thirty (30) day period or such longer period as the CITY may have allowed, then the CITY, in order to preserve the taxable values of the real property within the PUD (C) and to prevent the PUD (C) from becoming a public nuisance, shall hold a public hearing to consider the advisability of the CITY entering upon the PUD (C) and maintaining it for a period of one (1) year. Notice of such hearing shall be sent by certified mail, return receipt requested, to the DEVELOPER, or any successor, and shall be published, one time, in a newspaper of general circulation published in Martin County, Florida. Such notice shall be sent and published at least fifteen (15) days in advance of the hearing. At such hearing the CITY may determine that it is or is not advisable for the CITY to enter upon the PUD (C), take non-exclusive possession of the non-structural elements and maintain them for one (1) year. Such entry, possession and maintenance when followed in accordance with the above procedures shall not be deemed a trespass.

2. The CITY may upon public hearing, with notice given and published in the same manner as above, return possession and maintenance of such areas to the DEVELOPER, or any successor, abandon such possession and maintenance, or continue such possession and maintenance for additional one (1) year periods.

3. The cost of such maintenance by the CITY,

IV. DESTRUCTION.

In the event that all or a portion of the PUD (C) should be destroyed by storm, fire or other common disaster, DEVELOPER, its grantees, successors or assigns, shall have the right to rebuild and/or repair so long as there is strict compliance with the Final Development Plans, and CITY laws and ordinances in force and effect at that time.

V. CHANGE OR AMENDMENT.

There shall at all times be strict adherence to this Agreement and the approved Final Development Plans. Any change or amendment to this Agreement or such plans can only be made after review and recommendations by the CITY Planning and Advisory Board to the CITY Commission and approved by the CITY Commission at a public meeting set for such purposes.

VI. BREACH OF AGREEMENT.

1. In the event that the DEVELOPER, or any successor, has not sought building permits for Phase I within twelve (12) months from the date this Agreement is signed by all parties, or the date of Final Development Plan approval, whichever is later, or has fallen behind the agreed development construction schedule as set forth in Exhibit "E" by six (6) months or more due to causes within its control, the CITY shall serve notice to the DEVELOPER, or any successor, in writing, of the date and place of a public hearing on the PUD (C), at which time the DEVELOPER, or any successor, will be given an opportunity to explain the reasons for the scheduling delays and to propose a method of fulfilling its obligations under this Agreement. The CITY may, at its discretion, allow the DEVELOPER, or any successor, time to demonstrate its willingness to meet the CITY'S conditions.

the PUD (C), the purpose of which shall be to cause the property to revert to an appropriate zoning classification (other than PUD) as the CITY may determine to be consistent with any comprehensive land use plan then in effect.

3. In the event of breach of this Agreement, and the reversion of the property to its prior zoning classification or such other classification(s) as the CITY may determine, no further building permits shall be issued to the DEVELOPER, or any successor, based upon the Final Development Plans. Those portions of the property which may have buildings or structures constructed upon them in conformity with the Final Development Plans shall thenceforth be regarded as nonconforming uses with respect to the revised zoning classification, if, in fact, they are.

VII. JURISDICTION.

The parties hereto further agree that any and all suits or actions at law shall be brought in Martin County, Florida, and no other jurisdiction.

VIII. SUCCESSORS AND ASSIGNS.

This Agreement shall be binding upon the parties hereto, their successors in interest, grantees, heirs, assigns, and representatives.

IX. NOTICE.

All notices given pursuant to the terms of this Agreement or which any party may desire to give hereunder shall be in writing and delivered personally, telegraphed or sent registered or certified mail and shall be conclusively presumed to have been given by such delivery. All notices shall be given to each of the following:

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Dennis D. Harmon
Debra K. Freeman

STUART NEWS COMPANY, a Florida Corporation

By: H. Gardner Pate
H. GARDNER PATE, President

(Corporate Seal)

STATE OF FLORIDA)

COUNTY OF MARTIN)

BEFORE ME, the undersigned officer duly authorized to take acknowledgments and administer oaths, personally appeared H. GARDNER PATE, President of STUART NEWS COMPANY, a Florida Corporation, who after being by me duly sworn acknowledged to me that he executed the foregoing Planned Unit Development Zoning Agreement as such officer on behalf of said corporation by the authority vested in him by the corporation for the purposes stated therein.

WITNESS my hand and seal this 10 day of December, 1982.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 3, 1983
BONDED THRU GENERAL INS. UNDERWRITERS

(Notary Seal)

Sharon Russell
Notary Public
My Commission Expires:

CITY OF STUART, FLORIDA

ATTEST:

Betty H. Kenny
Betty H. Kenny, City Clerk

By: Joan Jefferson, Mayor
Joan Jefferson

THE STUART NEWS

EXHIBIT "A"

LEGAL DESCRIPTION

All of the following described real property lying and being situate in Martin County, Florida:

Commence at a point where the South line of Ethel Avenue, Glendale Subdivision, intersects the Easterly right of way line of U. S. #1 Highway, said point of commencement being 33 feet Easterly of the centerline of U. S. #1 Highway (as measured on the perpendicular); thence run S 89°36'E along said South line of said Ethel Avenue a distance of 538.74 feet for the Point of Beginning; thence continue S. 89°36' E along the South line of Ethel Avenue a distance of 460.52 feet to a point where the South line of Ethel Avenue intersects the Westerly right of way line of the F.E.C. Railroad; thence run S 41°39' E along the said Westerly right of way line of the F.E.C. Railroad a distance of 143.66 feet to a point where the said Westerly right of way line intersects the East line of Lot 2; thence run S 0°35'30" W a distance of 234.88 feet; thence run N 89°19'45" W a distance of 208.76 feet; thence run S 1°16'25" W a distance of 142.34 feet; thence run S 89°28'30" E a distance of 161.44 feet; thence run S 89°33'45" E a distance of 287.90 feet to a point on the Easterly right of way line of U. S. #1 Highway; thence run N 41°33' W along said Easterly right of way line of U. S. #1 Highway a distance of 16.13 feet; thence run S 89°33'45" E a distance of 122.97 feet to a concrete monument; thence run N 0°34' W a distance of 220.44 feet; thence run N 00°32'30" W a distance of 250.05 feet to the Point of Beginning, being a part of Lots W, X, Y and Z, Glendale Subdivision, as in Plat Book 5, Page 39, Public Records of Palm Beach County, Florida, now Martin County, subject to existing road rights of way and easements of record, and including adjacent abandoned road rights of way.

All of the South 210.00 feet of Lot T, Glendale Subdivision, as recorded in Plat Book 5, Page 39, Palm Beach County, Florida, public records, together with the following described portion of Lot S of the above referred to Glendale Subdivision, to-wit:

Begin at the Southeast corner of said Lot S; thence Westerly along the South line of Lot S for a distance of 16.80 feet; thence run N 12°41'16" W a distance of 216.54 feet to a point on the North line of the South 210.00 feet of said Lot S; thence run S 89°29'30" E a distance of 67.42 feet to a concrete monument on the East line of said Lot S; thence run N 00°49'52" E to a concrete marker at the Point of Beginning.

LESS AND EXCEPTING THAT part of Lot 2, Glendale Subdivision, according to the Plat thereof as recorded in Plat Book 5, Page 39, public records of Palm Beach County, (now Martin County) Florida in Sec. 9, Twp. 38 South, Rge. 41 East, said part which lies within 40 feet Westerly of the centerline of construction for Palm Beach Road, a portion of said centerline being more particularly described as follows:

OR
BOOK 560 PAGE 1556

Commence at the Southwest corner of Section 10, Township 38 South, Range 41 East; thence Northerly along the West line of said Section a distance of 895.3 feet; thence S 41°27'42" E a distance of 38.49 feet to the beginning of a portion of the centerline of Construction; thence N 01°01'37" E a distance of 623.41 feet to the beginning of a curve concave Westerly; thence Northerly along said curve having a radius of 5729.58 feet, through a central angle of 03°51' 37.37" an arc distance of 386.04 feet to a point of Reverse Curvature; thence Northerly along said reverse curve having a radius of 5729.58 feet

THE STUART NEWS

EXHIBIT "B"

TITLE CERTIFICATION

I, LAWRENCE E. CRARY III, a member of the Florida Bar, hereby certify that apparent record title to the land described in Exhibit "A" of this Commercial Planned Unit Development Zoning Agreement, known as THE STUART NEWS is vested in the name of STUART NEWS COMPANY, a Florida corporation.

Dated this 9TH day of December, 1982.


LAWRENCE E. CRARY III

THE STUART NEWS

Exhibit "C"

UNITY OF TITLE

In consideration of the issuance to STUART NEWS COMPANY, a Florida corporation, of the building permits necessary for the construction of a Commercial Planned Unit Development under Commercial Planned Unit Development (PUD C) zoning in the City of Stuart, Martin County, Florida, and for other good and valuable consideration, the undersigned hereby agrees to restrict the use of the lands described in Exhibit "A" attached to this PUD (C) Agreement in the following manner:

1. That the property shall be considered as one plot and parcel of land and that no portion of said parcel of land shall be sold, transferred, devised or assigned separately except in its entirety as one plot or parcel of land.

2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, its successors and assigns until such time as the same may be released in writing by the City Commission of the City of Stuart, Florida.

3. The undersigned further agrees that this instrument may be recorded in the Public Records of Martin County, Florida.

Signed, sealed, executed and acknowledged this 10TH

day of December, 1982.

DR
BOOK

560 PAGE 1558

05202019 CCM

Signed, sealed and delivered
in the presence of

STUART NEWS COMPANY

a Florida Corporation

Page 110 of 223

STATE OF FLORIDA

)

COUNTY OF MARTIN

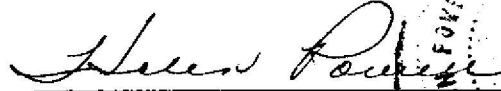
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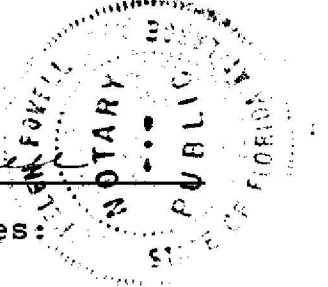
BEFORE ME, the undersigned officer duly authorized to take acknowledgments and administer oaths, personally appeared H. GARDNER PATE, President of STUART NEWS COMPANY, a Florida Corporation, who after being by me duly sworn acknowledged to me that he executed the foregoing Unity of Title as such officer on behalf of said corporation by the authority vested in him by the corporation for the purposes stated therein.

WITNESS my hand and seal this 10 day of December, 1982.

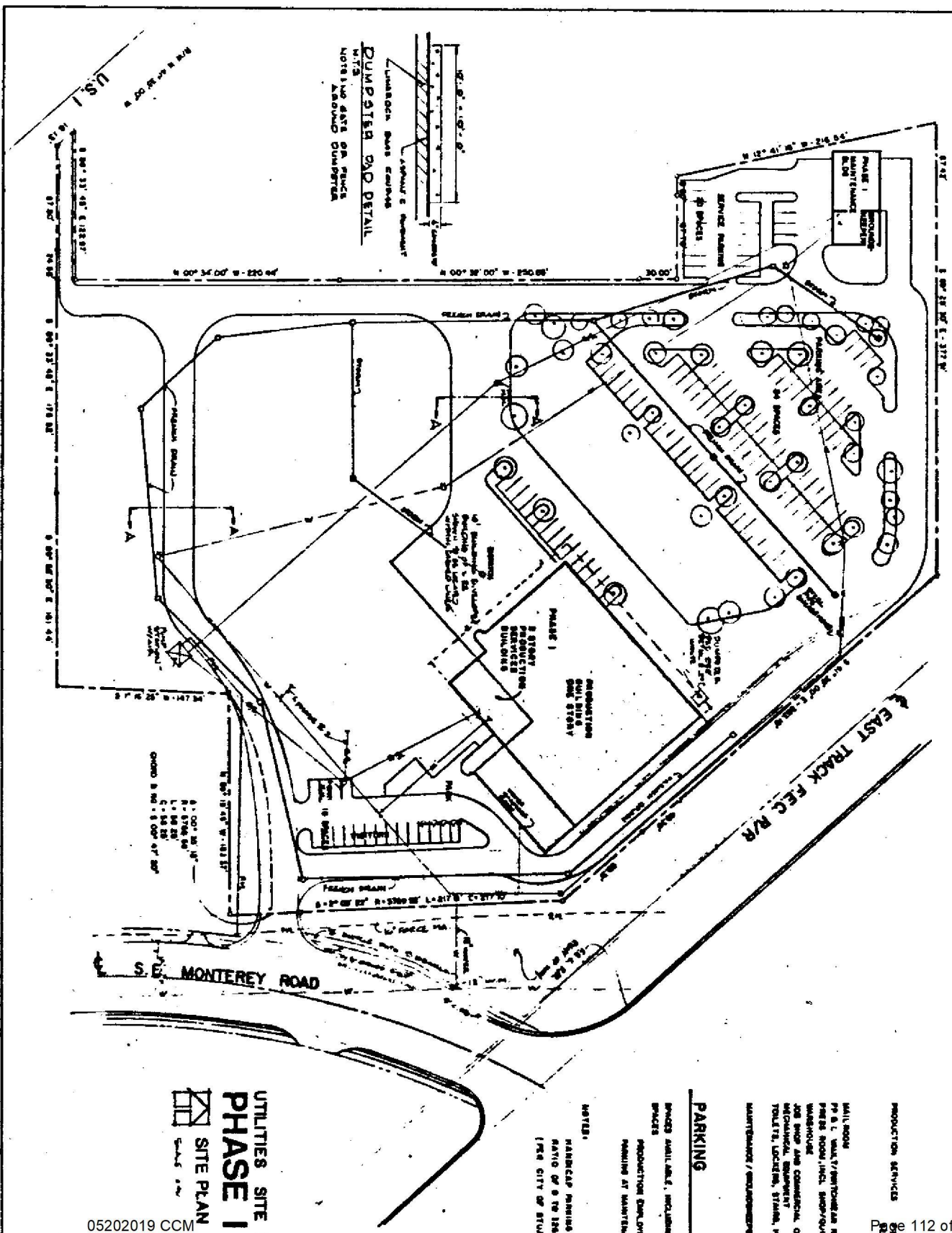
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 6 1983
BONDED THRU GENERAL INS. UNDERWRITERS

(Notary Seal)

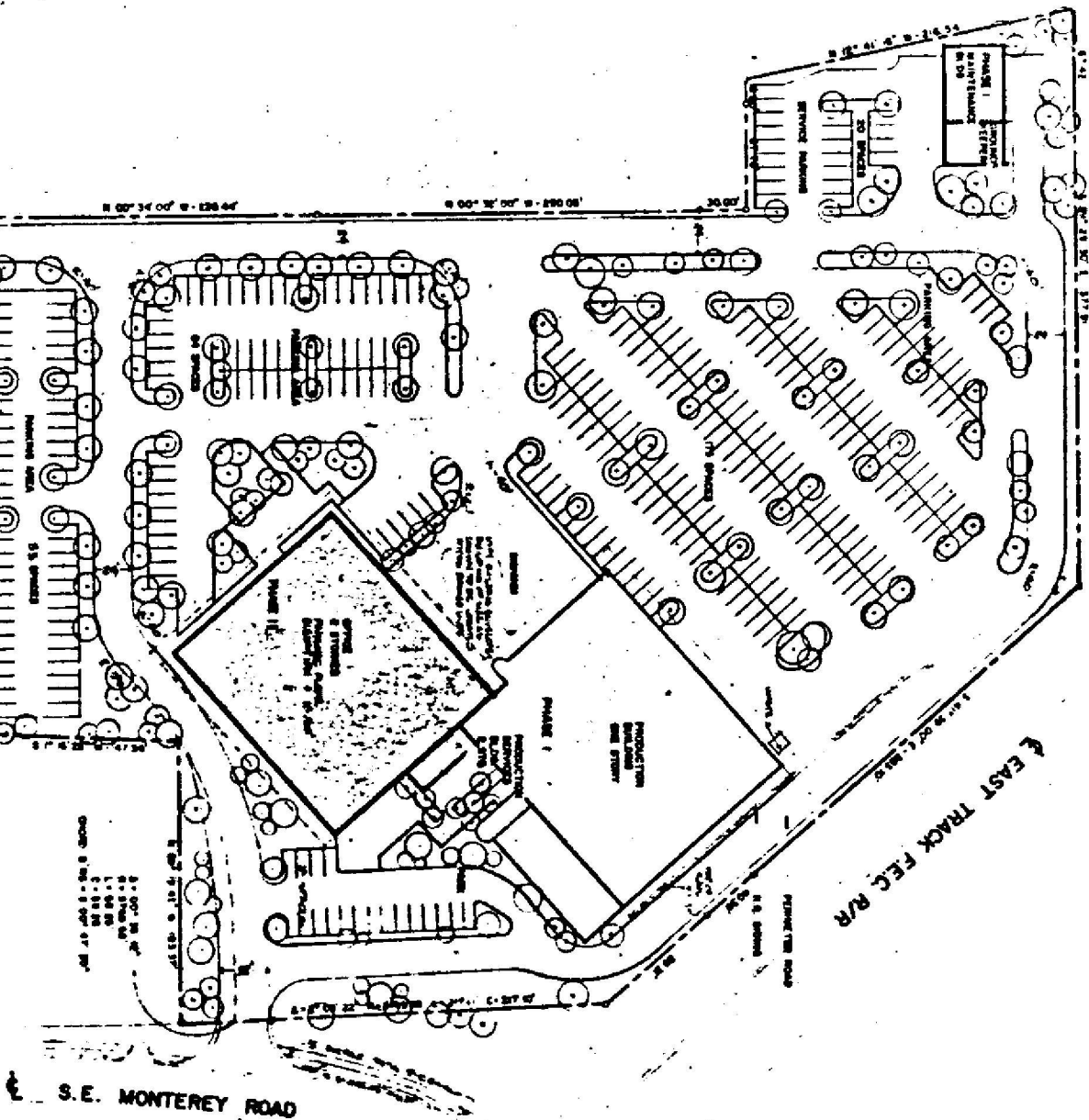

Notary Public
My Commission Expires:



UTILITIES SITE PLAN
PHASE I
SITE PLAN
Scale: 1" = 20'
05202019 CCM



6-55 JOURNAL ENTRY	6-56 CONTINUATION				
SITE PLAN PAGE 1	A	B	C	D	H
UNRECORDED PAGE 2, LINES	A	B	C	D	H



PROPOSED PHASE I

ANIEA

Page 1 of 1

BALL ROOM
 200 S. WALTON/ST. CATHARINE ROOM
 PATRONS, MEN, SHOP/QUIET ROOM
 BATHHOUSE
 JOB SHOP AND CONFERENCE, OFFICE
 MECHANICAL EQUIPMENT
 TOILETS, LOCKERS, STAIRS, MALLS, &
 WAITING ROOMS / BUS/BOARDING

PROPOSED PHASE II

OFFICE
FIRST FLOOR
SECOND FLOOR

PARKING

SPECIES AVAILABLE (AFTER PHASE 1 PRODUCTION)
PHASE I PRODUCTION
PHASE II PRODUCTION

PHASE II

SITE PLAN

CCM

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THE STUART NEWS

Exhibit "E"

TIMETABLE OF DEVELOPMENT

The Commercial Planned Unit Development shall be constructed in two (2) phases:

Phase I: Production Building, Production Services Building, Vehicle Maintenance/Groundskeeper Building, Railroad Siding, appurtenant facilities and landscaping, all as shown on Phase I Site Plan. Construction shall begin by June 1, 1983 and be substantially completed by December 31, 1985, for inclusion on the 1986 tax rolls;

PHASE II: Office Building, appurtenant facilities and landscaping, all as shown on Phase II Site Plan. Construction shall begin by June 1, 1994 and be substantially completed within three (3) years thereafter.

DEVELOPER and the CITY agree that "substantially completed" shall be defined as that point in time at which the phase is completed according to the Martin County property Appraiser for inclusion on the tax rolls as improved property.

Prior to the issuance of a certificate of occupancy for Phase I, the DEVELOPER shall complete all improvements to Monterey Road and U.S. 1 (as shown on Exhibit "D"), all entrances, all perimeter and service roads, all improved parking areas to comply

Florida Department of Transportation and Martin County standards, and upon the issuance of a Certificate of Occupancy for Phase I, the pedestrian sidewalk and bike path will be dedicated, with all appropriate documents, to Martin County.

4. Such traffic signals and signs as may be necessary and required by the Florida Department of Transportation and Martin County shall be purchased and installed by DEVELOPER at the intersection of the main entrance and Monterey Road and at the U.S. #1 exit intersection.

5. All surface water drainage on the property shall be in accordance with criteria established by both the South Florida Water Management District and the City of Stuart. Permits from both agencies will be obtained. Prior to obtaining any building permit, copies of all applications for permits shall be submitted to the CITY.

6. The existing uses, including storage tanks, on the property described in Exhibit "A" shall be discontinued and removed on or before the date of the issuance of a Certificate of Occupancy for any building within the PUD (C). All existing septic tanks and wells shall be abandoned in accordance with Department of Environmental Regulation and Health Department regulations.

7. A master water meter shall be purchased by DEVELOPER, and installed above ground as required by the CITY. A single master meter shall be used for the entire PUD (C). The DEVELOPER shall pay the water and the sewer tap-in fees as required by ordinance.

OR
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8. No Australian Pines shall be used in any landscaping. An opaque landscape buffer (hedge) shall be created along

10. The Landscape Plan has been prepared by Maddux and Sugg, Inc., and dated May 17, 1982, as revised June 4, 1982, and as revised August 14, 1982. The Landscape Plan shall comply with the CITY landscape ordinance in force and effect at the date of the P.U.D. Agreement and the DEVELOPER shall provide a detailed list of all trees, plants and ground cover depicted in said Landscape Plan at the time the DEVELOPER requests the initial building permit. The DEVELOPER shall install an automatic irrigation sprinkler system for landscape watering. Any perimeter hedges must be maintained as a solid hedge and shall be at least three (3') feet in height at planting, with the exception of the Peppertree buffer along the northeast border of the property, which shall exist as an opaque buffer with a minimum base width of five (5') feet.

11. Lighting of the PUD (C) shall be directed in such a manner as to minimize light pollution of adjacent properties.

12. All traffic exiting THE STUART NEWS at U.S. #1 shall make a right turn only onto U.S. #1.

13. No entrance for the PUD (C) shall be permitted from U.S. #1.

14. DEVELOPER shall provide easily assessable handicapped parking with necessary ramps.

15. DEVELOPER agrees that all signs in the project will comply with the City Code by separate permit, and Monterey Road is determined to be the front of the PUD (C).

16. DEVELOPER and CITY agree that a construction trailer may be located within the PUD (C) with appropriate One Thousand Dollar (\$1,000.00) bond and landscape plan to be removed at or prior to the issuance of a certificate of occupancy for each

said amendments will be done by DEVELOPER'S attorney at DEVELOPER'S sole cost and expense.

18. Each Phase of the PUD (C) shall contain the requisite parking spaces as depicted in Exhibit "D" of the PUD Zoning Agreement.

19. The unimproved, non-paved areas of the land described in Exhibit "A" shall be sodded and maintained in a safe, neat, orderly and litter-free condition.

20. The DEVELOPER shall be responsible for all applicable impact fees in force and effect at the time of Final Development Plan approval for the respective Phases of the PUD(C).

21. All elevators shall be constructed to accomodate stretchers and shall therefore be at least seven (7') feet in depth.

22. The DEVELOPER shall conform with the State Energy Codes.

23. Traffic improvements to be installed by the DEVELOPER include Monterey Road decleration lane (Northwest side), curb cuts for Monterey Road and U.S. 1 accesses, stop signs at exits, and "No Left Turn" sign at U.S. 1 exit.

24. No structure shall be higher than forty (40') feet above grade level.

25. Notwithstanding the provisions of the P.U.D. Agreement the DEVELOPER agrees that the permit plans shall comply with all building ordinances and building codes and all other applicable laws, codes and ordinances (except to the extent that the same are specifically varied or granted special exception in this P.U.D. Agreement) in effect at the time of submission of the respective permit plans.

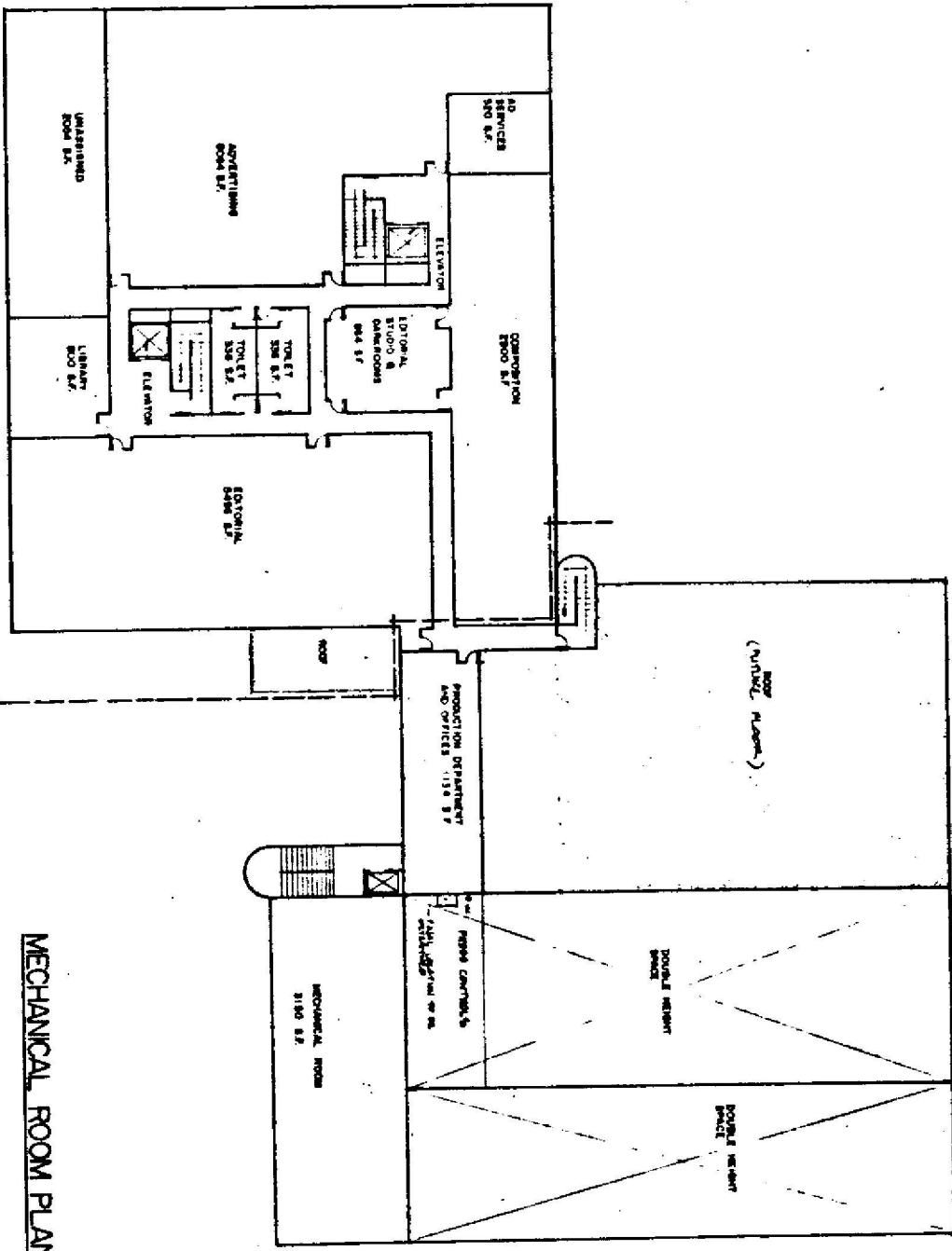
DESCRIPTION	DATE	BY	APP'D
SECOND FLOOR PLAN			
MECHANICAL ROOM PLAN			

2160



SECOND FLOOR PLAN

PHASE II | PHASE I



MECHANICAL ROOM PLAN

Back up material
and/or
Agenda material

CITY OF STUART
PETITION FOR ANNEXATION

AND

APPLICATION FOR PROPOSED ZONING

1. PETITIONER/APPLICANT: STUART NEWS COMPANY
2. OWNER (if other than Petitioner/Applicant): SAME
3. ADDRESS: P.O. Box 396, Stuart, Florida 33495
4. TELEPHONE NO.: 287-1550
5. PROOF OF PARCEL OWNERSHIP: DEED DATED 8/17/77, RECORDED
IN O.R. BOOK 426, PAGE 1209, Martin County, Florida public
records, attached hereto.
6. PARCEL LEGAL DESCRIPTION: See Exhibit "A" attached hereto
and made a part hereof

7. ZONING DATA: Annexation and Proposed Zoning - complete (a.),
(c.) and (d.). City Parcel with Proposed Zoning Only - complete
(b.), (c.) and (d.).

(a.) Present County Zoning: M-1, pursuant to County Zoning Re-
gulations, Article 37, Page 2052.60
(b.) Current City Zoning: N/A, pursuant to Zoning Code of the
City of Stuart, Section 37-_____, Paragraph _____.
(c.) Requested City Zoning: PUD (I), pursuant to Zoning Code of the
City of Stuart, Section ~~37~~ ¹⁸⁻ 71, Paragraph _____.
05202019 CCM Page 123 of 223

EXHIBIT "A"

All of the following described real property lying and being situate in Martin County, Florida:

Commence at a point where the South line of Ethel Avenue, Glendale Subdivision, intersects the Easterly right of way line of U. S. #1 Highway, said point of commencement being 33 feet Easterly of the centerline of U. S. #1 Highway (as measured on the perpendicular); thence run S 89°36'E along said South line of said Ethel Avenue a distance of 538.74 feet for the Point of Beginning; thence continue S. 89°36' E along the South line of Ethel Avenue a distance of 460.52 feet to a point where the South line of Ethel Avenue intersects the Westerly right of way line of the F.E.C. Railroad; thence run S 41°39' E along the said Westerly right of way line of the F.E.C. Railroad a distance of 143.66 feet to a point where the said Westerly right of way line intersects the East line of Lot Z; thence run S 0°35'30" W a distance of 234.88 feet; thence run N 89°19'45" W a distance of 208.76 feet; thence run S 1°16'25" W a distance of 142.34 feet; thence run S 89°28'30" E a distance of 161.44 feet; thence run S 89°33'45" E a distance of 287.90 feet to a point on the Easterly right of way line of U. S. #1 Highway; thence run N 41°33' W along said Easterly right of way line of U. S. #1 Highway a distance of 16.13 feet; thence run S 89°33'45" E a distance of 122.97 feet to a concrete monument; thence run N 0°34' W a distance of 220.44 feet; thence run N 00°32'30" W a distance of 250.05 feet to the Point of Beginning, being a part of Lots W, X, Y and Z, Glendale Subdivision, as in Plat Book 5, Page 39, Public Records of Palm Beach County, Florida, now Martin County, subject to existing road rights of way and easements of record.

All of the South 210.00 feet of Lot T, Glendale Subdivision, as recorded in Plat Book 5, Page 39, Palm Beach County, Florida, public records, together with the following described portion of Lot S of the above referred to Glendale Subdivision, to-wit:

Begin at the Southeast corner of said Lot S; thence Westerly along the South line of Lot S for a distance of 16.80 feet; thence run N 12°41'16" W a distance of 216.54 feet to a point on the North line of the South 210.00 feet of said Lot S; thence run S 89°29'30" E a distance of 67.42 feet to a concrete monument on the East line of said Lot S; thence run N 00°49'52" E to a concrete marker at the Point of Beginning.

LESS AND EXCEPTING THAT part of Lot Z, Glendale Subdivision, according to the Plat thereof as recorded in Plat Book 5, Page 39, public records of Palm Beach County, (now Martin County) Florida in Sec. 9, Twp. 38 South, Rge. 41 East, said part which lies within 40 feet Westerly of the centerline of construction for Palm Beach Road, a portion of said centerline being more particularly described as follows:

Commence at the Southwest corner of Section 10, Township 38 South, Range 41 East; thence Northerly along the West line of said Section a distance of 895.3 feet; thence S 41°27'42" E a distance of 38.49 feet to the beginning of a portion of the centerline of Construction; thence N 01°01'37" E a distance of 623.41 feet to the beginning of a curve concave Westerly; thence Northerly along said curve having a radius of 5729.58 feet, through a central angle of 03°51' 37.37" an arc distance of 386.04 feet to a point of Reverse Curvature; thence Northerly along said reverse curve having a radius of 5729.58 feet, through a central angle of 03°51'37.37" an arc distance of 386.04 feet to the end of said curve; thence N 01°01'37" E a distance of 40 feet to the beginning of a curve concave Westerly; thence Northerly along said curve having a radius of 11459.16 feet, through a central angle of 01°34'00.39" an arc distance of 313.26 feet to the Point of Beginning.

PETITIONER CERTIFICATION
FOR ANNEXATION CONSIDERATION

I/We, the undersigned Petitioner(s) and Owner(s) of the above-described parcel of land in the unincorporated area of Martin County, Florida, said parcel being contiguous to the existing City Limits of the City of Stuart, hereby petition for annexation to the Municipality of Stuart by Ordinance of the City Commission.

I/We certify that the Petitioner's obligations as outlined in Ordinance No. 764 will be complied with at the appropriate stages of Petition consideration.

Submitted with this Petition for Annexation is a Petition fee of \$ 150.00, and appropriate Petition attachments.

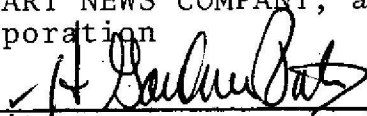
Petition for Annexation Attachments:

1. Survey Map
2. Certified List of Property Owners within 300 feet of Parcel.
3. Proof of Parcel Ownership (Deed)
4. Petition fee of \$ 150.00

FOR PROJECT DEVELOPERS ONLY:

5. Project Developer Supplemental Petition for Annexation

STUART NEWS COMPANY, a Florida corporation

By: 

Petitioner & Owner

Its: General Manager

~~OWNER~~

APPLICANT CERTIFICATION
FOR PROPOSED ZONING CONSIDERATION

I/We, the undersigned Applicant(s) and Owner(s) of the above described parcel of land hereby submit this Application for Proposed Zoning.

I/We certify that the following requirements for Application of Proposed Zoning have been or will be complied with:

1. In the case of this application being submitted for proposed zoning of a city parcel, the owner obligations outlined in Ordinance No. 660 will be complied with at appropriate stages of Application consideration.

2. Submitted with this Application for Proposed Zoning is an Application Fee of \$ 150.00 and appropriate Application attachments.

I/We have read the City of Stuart regulations for PUD (I) zoning and am/are aware of the use requirements.

I/We further certify that existing deed restrictions or covenants on this property are attached and that if this Application is approved, all necessary permits will be obtained and that all orders, codes, conditions, rules and regulations pertaining to the approved use of the above described property will be complied with.

I/We understand that if the City Commission approves this Application for Proposed Zoning, the new zoning classification shall be effective for a period of six (6) months and revert to its previous classification, unless the property is improved or utilized under its new zoning classification within this time period.

FOR PROJECT DEVELOPERS ONLY:

5. Existing Deed Restrictions or Covenants
6. Project Developer Supplemental Application For Proposed
Zoning

STUART NEWS COMPANY, a Florida
corporation

BY: H. Gaudin
APPLICANT & OWNER
Its: General Manager

OWNER

EXHIBIT "B"

MERITS OF REZONING (ANNEXATION) STATEMENT

The Stuart News has been an institution in Stuart for over fifty years. Its ties to the City of Stuart are well established and the Stuart News Company would very much like to continue its long-standing association and operation within the City of Stuart.

In August of 1977 the Stuart News Company acquired the Luce Flower farm on the corner of Palm Beach Road and A-1-A immediately south of the City of Stuart. The Stuart News Company intends to relocate all of the facilities pertaining to The Stuart News onto this property in the future. The property is bordered both on the north and south by the city limits of the City of Stuart, therefore, it would be entirely appropriate for the property in question to be incorporated within the city limits of the City of Stuart. Furthermore, it is the fervent desire of the Stuart News Company to retain the distinction and advantages of having all of its operations located in the City of Stuart.

The property in question is currently zoned M-1 within the jurisdiction of Martin County. The nearest comparable zoning classification in the City of Stuart is Industrial (I). Consequently, if annexation is permitted by the City of Stuart, it is requested that the property be brought in under an Industrial zoning classification. The immediately adjacent property to the north is currently zoned Industrial within the City of Stuart, as is the property located along the southeast border. The property located along the southwest border of the property is currently zoned B-2. As a result of these factors, a zoning classification of I is the most appropriate classification for the property.

CITY OF STUART
PROJECT DEVELOPER
SUPPLEMENTAL PETITION FOR ANNEXATION
AND
SUPPLEMENTAL APPLICATION
FOR PROPOSED ZONING

1. PETITIONER/APPLICANT: STUART NEWS COMPANY, a Florida corporation
2. TITLE TO PROJECT: THE STUART NEWS
3. NAME OF DEVELOPER: STUART NEWS COMPANY
4. ADDRESS: P. O. Box 396, Stuart, Florida 33495
5. TELEPHONE NO.: 287-1550

6. DESCRIPTION OF AVAILABLE UTILITIES, WATER AND SEWER:

Electricity - Florida Power & Light Company
Water - City of Stuart
Sewer - City of Stuart

7. DESCRIPTION OF DRAINAGE PATTERNS:

All drainage requirements of the City of Stuart and the South Florida Water Management District will be met. Discussions are currently going on regarding these requirements between the Developer and the staff of the City of Stuart.

9. Attached and made a part of this Supplemental Petition for Annexation and Supplemental Application for Proposed Zoning are the following items as required by the Planning Advisory Board of the City of Stuart:

(a.) Location Map including property boundaries (Exhibit A)

(b.) Plat Plan showing building location, parking and traffic patterns, open (green) space, architectural drawing of elevation (appearance) of building(s) (Exhibit B)

(c.) Reports from Building and Engineering Departments (Exhibit C) OR

(d.) Statement of Compliance with P.U.D. Ordinance No. 652 (Exhibit C)

Same
Owner

STUART NEWS COMPANY,
a Florida corporation

BY: H. G. Galt
Petitioner/Applicant
Its: General Manager

Same
Developer

CHICAGO TITLE INSURANCE COMPANY

CERTIFICATE NO. 41513

Chicago Title Insurance Company hereby certifies, according to records in this office and the tax roll in the Tax Collector's office that the following is a true and correct list of property owners within a 300 foot radius of the described in Exhibit "A" attached hereto:

LAWLER HEIGHTS

Lots 15,16 & 17 in Blk 1

Jack S. Mintzer, P.O. Box 538
Stuart, FL 33494

Lot 18 & S 20' of
Lot 19 in Block 1

General Textiles Co. Inc.
1850 Palm Beach Road
Stuart, Florida 33494

Lots 20 & 21 of
Block 1

General Textiles Co. Inc.
18 50 Palm Beach Road
Stuart, Florida 33494

Lot 22, Block 1

Donald J. Page & Sandra L. Page, his wife ✓
1645 State Road A-1-A
Stuart, Florida 33494

N 70' of Lot 19 in
Block 1

General Textiles Co. Inc. ✓
1850 Palm Beach Road
Stuart, Florida 33494

GLENDAL SUBDIVISION

N 272.34' of Tracts
Q, R, & S

S & M Unlimited Inc. ✓
P.O. Drawer 24
Stuart, Florida 33494

Part of Tracts Y & Z &
Strip Adjoining S/IN, Beg.
SE corner of Sec. 9, N along
Section line 1602.76' & WLY
15' for POB, continue WLY
193.71', N208.71', E 208.71',
S 208.71', W 208.71' to POB

Mosley & Son Const. Inc.
P.O. Box 1736
Stuart, Florida

Tracts V, W, & X NELY of E
R/W of US 1 (Less S 12' &
E 128.07')

Kiplinger Washington Editors Inc. ✓
1729 H Street NW
Washington, DC 20006

S 210' of Lots Q, R, S, &
T (Less Tracts to Armellini
& Luce)

Big J Corp. ✓
Central Bank & Trust Co. of Miami
Tract # 78-IT-38-1
1313 NW 36th Street
Miami, Florida 33142

05202049 EGM
Part of Lots R & S, Beg.
.94' E of SW corner Lot S,
NWLY at an angle of 103°

Big J Corp.
& Central Bank & Trust Co. of Miami
Tract # 78-IT-38-1267

GLENDAL SUBDIVISION (cont'd)

Part of Lots W, X, Y, & Z,
Beg. 33' E of C/LN Fed. Hwy
ELY along S/LN Ethel Ave.
538.74' for Beg. CO NT ELY
460.54' to Ry, SELY along
Ry 143.66', S along E/LN
Lot Z 235.33'

Stuart News Co.
P.O. Box 396
Stuart, FL 33494

Section 9 Township 38 S Range 41 E

Beg. E 200' R/W US 1 & E/LN of
Section 9, NWLY along R/W 360'+
for POB cont NWLY 125', N 47°
34' 23" E 267', S 42° 25' 37" E
125' & S 47° 34' 23", 267' to POB

Larry Catron Invest. Inc. (1/2)
Dan A. Gallo (1/2) ✓
3606 Peay
Memphis, TN 38128

Beg. ELY 200' R/W US 1 & E/LN of
Sec. 9, NWLY along R/W 485' -/-
for POB, cont. NWLY 115', N 48° 32'
18" E 275', SELY 21', SWLY 4', SELY
Parallel to Hwy 115', SWLY 267' to
POB,

Charles A. Von Stein ✓
Charles H. Von Stein
Lee T. Von Stein
4875 N. Federal Hwy
Ft. Lauderdale, FL 33308

Beg. ELY 200' R/W US 1 & E L/N
Sec. 9 NWLY along R/W 600' +/-
for POB, cont NWLY 115', N 48°
32' 18" E 187.08', ELY 17.40'
along GLENDALE S/D S/LN,
SELY Parallel to R/W 103.35',
SWLY 267' to POB

James M. Hunley ✓
P.O. Box 6388
Vero Beach, FL 32960

Beg. ELY 200' R/W US 1 & E/LN of
Sec. 9 NWLY along R/W 115' +/- for
POB, cont NWLY 170' +/- to S/LN of
GLENDAL S/D, ELY along S/D 254.03',
S 48° 32' 18" W 187.08' to POB

First National Bank & Trust Co. of Stuart ✓
P.O. Box 2316
Stuart, FL 33494

Beg. ELY 200' R/W US 1 & E/LN of
Sec. 9, NWLY along R/W 360' +/-
N 48 32' 08" E 200' for POB, N 41°
27' 42" W 328.05', NELY 4', NWLY
21', SWLY 4', NWLY Parallel to
Hwy 103.33', to S/LN of GLENDALE
S/D, ELY 90.13', SLY 65.41', ELY
208.71', SLY 72.01' to POB
(Less 15 x 127 Tract to County in
NE corner)

Section 9 Township 38 S Range 41 E (cont'd)

Beg: E Sec. LN & SW R/W US 1
NELY along R/W 837.25' for Beg.,
cont NELY 150', S 48°32' 18" W
150' SELY Parallel to Hwy 150' &
NELY 150' to Beg.

Jane R. Moe ✓
Lloyd E. Dutcher
Ann M. Dutcher
585 N.E. Ocean Blvd
Stuart, FL 33494

Start E/LN Sec. 9 & SWLY R/W
US 1, NWLY along R/W 1137.25'
for POB, S 48°32' 18" W 300',
NWLY Parallel R/W 125', N 48°
32' 18" 300' to R/W & SELY
125' to POB

Frank R. Pasqualino ✓
2024 S. Federal Hwy
Ft. Pierce, FL 33450

Start SW R/W US 1 & NW R/W of
New County Rd, NWLY along Hwy
850' for POB, cont NW along
463', SWLY 600', SELY 463' &
NELY 600' to POB, Being part
of Lots U, V, & W of GLENDALE
S/D

Sherden Realty Assoc. ✓
P.O. Box 106
Stuart, FL 33494

Start at SE corner of Sec. 9,
run N 00°48' 38" E along E/LN
of Sec. 9 747.39' to point of
intersec of E/LN & WLY R/W of
S.R. 5, run N 41°27' 42" W along
WLY R/W LN of S.R. 5 for 1262.25'
for POB, S 48°32' 18" W 600', N
41°27' 42" W 188', N 48°32' 18" E
600' to WLY R/W of S.R. 5, S 41°27'
42" E along WLY 188' to POB

Federal Square Inc. ✓
909 Krueger Parkway
Stuart, FL 33494

Start at SE corner of Sec. 9, N
00 48' 38" E along E/LN of Sec.
747.39' to point of intersec of
E/LN with WLY R/W W of S.R. 5,
N 41°27' 42" W along WLY R/W Ln
of S.R. 5 1262.25', S 48°32' 18",
300' for POB, S 41°27' 42" E 50',
S 48°32' 18" W 300',
N 41°27' 42" W 50', N 48°32' 18" E
300' to POB

+ R/W Easement

Section 9 &
Section 10 Township 38 S Range 41 E

Florida East Coast R. R. ✓
St. Augustine, Florida

Dated July 22, 1981 at 8 o'clock a.m.

CHICAGO TITLE INSURANCE COMPANY

Grace McCollum

BY: Grace McCollum

Authorized Signature

NOTICE OF
PUBLIC HEARING

The City of Stuart, City Commission will hold a public hearing at its' regular meeting June 14, 1982, at 7:00 p.m. at the City Hall to discuss the following:

Property owned by the Stuart News Company. The property owners are requesting annexation and are requesting City zoning, C-PUD.

LEGAL DESCRIPTION ATTACHED
EXHIBIT "A"

The public is invited to attend and be heard or to send written comments to the City Manager, P. O. Dr. 599, Stuart, Fl 33495.

BY ORDER OF CITY COMMISSION
CITY OF STUART

Betty H. Kenny
Betty H. Kenny
City Clerk

Pub: 5-26-82

EXHIBIT "A"

All of the following described real property lying and being situate in Martin County, Florida:

Commence at a point where the South line of Ethel Avenue, Glendale Subdivision, intersects the Easterly right of way line of U. S. #1 Highway, said point of commencement being 33 feet Easterly of the centerline of U. S. #1 Highway (as measured on the perpendicular); thence run S 89°36'E along said South line of said Ethel Avenue a distance of 538.74 feet for the Point of Beginning; thence continue S. 89°36' E along the South line of Ethel Avenue a distance of 460.52 feet to a point where the South line of Ethel Avenue intersects the Westerly right of way line of the F.E.C. Railroad; thence run S 41°39' E along the said Westerly right of way line of the F.E.C. Railroad a distance of 143.66 feet to a point where the said Westerly right of way line intersects the East line of Lot 2; thence run S 0°35'30" W a distance of 234.88 feet; thence run N 89°19'45" W a distance of 208.76 feet; thence run S 1°16'25" W a distance of 142.34 feet; thence run S 89°28'30" E a distance of 161.44 feet; thence run S 89°33'45" E a distance of 287.90 feet to a point on the Easterly right of way line of U. S. #1 Highway; thence run N 41°33' W along said Easterly right of way line of U. S. #1 Highway a distance of 16.13 feet; thence run S 89°33'45" E a distance of 122.97 feet to a concrete monument; thence run N 0°34' W a distance of 220.44 feet; thence run N 00°32'30" W a distance of 250.05 feet to the Point of Beginning, being a part of Lots W, X, Y and Z, Glendale Subdivision, as in Plat Book 5, Page 39, Public Records of Palm Beach County, Florida, now Martin County, subject to existing road rights of way and easements of record.

All of the South 210.00 feet of Lot T, Glendale Subdivision, as recorded in Plat Book 5, Page 39, Palm Beach County, Florida, public records, together with the following described portion of Lot S of the above referred to Glendale Subdivision, to-wit:

Begin at the Southeast corner of said Lot S; thence Westerly along the South line of Lot S for a distance of 16.80 feet; thence run N 12°41'16" W a distance of 216.54 feet to a point on the North line of the South 210.00 feet of said Lot S; thence run S 89°29'30" E a distance of 67.42 feet to a concrete monument on the East line of said Lot S; thence run N 00°49'52" E to a concrete marker at the Point of Beginning.

LESS AND EXCEPTING THAT part of Lot 2, Glendale Subdivision, according to the Plat thereof as recorded in Plat Book 5, Page 39, public records of Palm Beach County, (now Martin County) Florida in Sec. 9, Twp. 38 South, Rge. 41 East, said part which lies within 40 feet Westerly of the centerline of construction for Palm Beach Road, a portion of said centerline being more particularly described as follows:

Commence at the Southwest corner of Section 10, Township 38 South, Range 41 East; thence Northerly along the West line of said Section a distance of 895. feet; thence S 41°27'42" E a distance of 38.49 feet to the beginning of a portion of the centerline of Construction; thence N 01°01'37" E a distance of 623.41 feet to the beginning of a curve concave Westerly; thence Northerly along said curve having a radius of 5729.58 feet, through a central angle of 03°51' 37.37" an arc distance of 386.04 feet to a point of Reverse Curvature; thence Northerly along said reverse curve having a radius of 5729.58 feet, through a central angle of 03°51'37.37" an arc distance of 386.04 feet to the end of said curve; thence N 01°01'37" E a distance of 401.00 feet to the beginning of a curve concave Westerly; thence Northerly along said curve having a radius of 11459.16 feet, through a central angle of 01°34'00.39" an arc distance of 313.36 feet to a Point of Reverse Curvature; thence Northerly

STAFF CONFERENCE

Meeting held Tuesday, June 1, 1982 with the Stuart News.

10:15 A.M. - 11:30 A.M.

Present from City Hall:

Mr. Edwin L. Glasscock, City Manager
Mr. Robert McGrath, Assistant City Manager
Mr. Sandy Mitchell, Public Works
Mr. Steve Calvert, City Attorney
Chief Louis Papitto, Fire Chief
Mr. Timothy Collins, Planner
Mr. Paul Myers, Superintendent of Sanitation and Streets
Mr. Andy Vascellaro, Building Dept.

Present from Stuart News:

Mr. Gardner Pate, General Manager
Mr. Lou Durant, Engineer
Mr. Larry Crary, Attorney

Mr. Crary said they had contacted property owners on either side of the connector road leading to U.S. 1 to see about purchasing a strip of the land. The owners are willing to sell all of the land but not just a strip.

Joe McMann did not do another traffic study but will include a supplemental statement.

Sandy Mitchell said they would have a problem with the placement of the dumpsters as shown on the drawing as our sanitation trucks will not back up. They will need to move the dumpsters. Sandy told them that paving on the truck route will have to have an 8" base.

Landscaping will be watered by their own pump and well. The master water meter must be above ground.

Dumpster pads will be 10' x 10' and 4" high. There will be no gate or fence around the dumpsters.

Gas storage tanks and buildings to be removed from property before construction begins.

Access road onto U.S. 1 will be right turn only. There will be a sign saying "NO LEFT TURN".

Chief Papitto said all fire hydrants are squared away.

They were told when they go before the Commission on June 14th to designate building envelopes so they can be shifted around without having to appear before the Commission if changes were made. This should be shown on the drawings and also put into the CPUD agreement. Normally you can vary 10' or so on a building envelope.

Elevators need to be at least 7' in one direction for stretchers.

Signage needs to be part of the drawings but on a separate sheet. Wording on signage needs to be in CPUD agreement.

Mr. Mitchell suggested they check with Barbara Sumner at D.E.R. to see if there are any existing wells.

The City will want in the CPUD agreement that all septic and wells be abandoned per ~~D.E.R.~~ requirements.

The City told them there will be no wood frame construction and they must comply with the State Energy Codes.

The County said a deceleration lane is not required on Monterey Road. The City will need something in writing from the County.

The pumping station is okay.

The City still wants a Fiscal Impact Study. The Stuart News said it will be done.

Phase II verbage needs to be in CPUD agreement.

Bikepaths on Monterey Road need to be marked on site plan.

The City needs an amendment to make this annexation part of the Comprehensive Plan. Will put in annexation ordinance that Comprehensive Plan is amended accordingly.

Regarding the time frame on Phase I. The clock starts running when contract is signed by all parties. The Stuart News should be prepared to negotiate the 12-year time frame in CPUD.

The City will require a paragraph in CPUD that road rights-of-way, dumpsters, bikepaths, etc. to be dedicated to the City.

Traffic signals were discussed. Verbage in draft CPUD to say that signals to be purchased and installed by Developer. Nothing has been decided as yet. The County has not mentioned it.

The City will need ten (10) copies of everything for the Public Hearing on June 14th including the supplement letter on the traffic study and the Fiscal Impact Study.

Stuart News will need a drawing showing elevations.

Need in the CPUD that a D.E.R. permit is required for the well.

A depth of 5' is required between landscaping and right-of-ways and 2½' on other abutting property.

Stuart News to be prepared to discuss the sign on AlA with the Commission.

All paperwork to be back in City Hall on Wednesday, June 9th.

MINUTES
PLANNING ADVISORY BOARD
APRIL 21, 1982

At Stuart City Hall, Wednesday, April 21, 1982 the following was discussed:

ROLL CALL

Present

Richard McHardy
Hubert VanDyke
Bob Chapman
Bill Mathers

Absent

Suzanne Hutcheson
James Schmoyer
Steve Swann

Also in attendance: Stephen Calvert, City Attorney; Tim Collins, City Planning Technician, Building Official, H. C. Hoffner and Secretary, Anne Craig.

Corrections or Additions and Approval of Minutes.

Mr. VanDyke made a motion that the minutes from March 17, 1982 be approved as read. Seconded by Mr. McHardy.

FIRST ORDER OF BUSINESS

A. Public Hearing on an Annexation/P.U.D. for Stuart News

Mr. Collins informed the Board members that all notices have appeared in the paper, signs posted on property and notices have been sent to property owners within 300'. No letters of objection were received on this project.

Mr. Larry Crary of Crary, Buchanan, Bowdish and Bovie, representing the Stuart News, came forward. He said also present to answer any questions are Gardner Pate, General Manager of the Stuart News and representatives from the engineering and architectural firm.

Last August there was a petition for a zoning change on this particular piece of property which is located at the intersection of the airport by-pass road and Ala. We are on the west side of that intersection. The property is contiguous to parcels that are already in the City of Stuart. We have been before this board and it was requested, during the proceedings last fall, that this would be an appropriate project for a Planned Unit Development as opposed to a straight zoning change. What we have done over these past months is to develop a PUD concept for the property. The Stuart News has been a part of this community for over 50 years. There is

a very strong desire on the part of the Stuart News to continue to be closely associated with the City of Stuart including being within the city limits. We, therefore, are requesting the annexation. This is intended to be initially in two phases. Phase I, the initial phase of the site plan, shows the proposed Phase I construction with a grand total of approximately 37,000 square feet and entails production services. It is intended to be a one story production building to house the press, which the Stuart News is currently in the process of acquiring, to meet the demands of the growth in the area. It is an essential part of the ongoing program of the Stuart News Company to be able to serve the area as the principal daily newspaper for the area. As you can see, the initial phase calls for the production building and associated parking and landscaping. Phase II of the proposed project begins to bring in a two story office building to complement the production building. If you are familiar with the Stuart News production facilities now with the scattering of the different buildings, the idea is to bring together the Stuart News production services, and the office buildings onto a unified site at this location.

At the access off of Palm Beach Road or Airport By-Pass Road there will be a connector road with the railroad which is one of the crucial reasons for the location. It is a great site because it is located adjacent to the railroad. The main entrance off of the airport by-pass road with a connector road leading to U.S. 1 is intended as a one-way exit road as opposed to a main entrance and exit. We have been talking to property owners north and south of that corridor to see if we could perhaps work out something with them to make it a regular corridor road. We are still in the process of talking to them about that. We have worked very closely with the Staff on this and have had various staff meetings to provide something that is in accord with the codes of the City. Basically, what we are seeking tonight is your recommendation for approval for this particular project.

Mr. McHardy inquired as to when they planned to start Phase II.

Mr. Crary said Phase I would begin immediately. Phase II involves moving a considerable amount of the facilities out to the site and are looking at 10-12 years for the completion of Phase II.

Mr. Mathers requested Mr. Collins to give a brief outline on the feelings of the Staff in regards to this project.

Mr. Collins referred to the width of the access onto U.S. 1. It is only 16' wide.

Mr. Crary said it would be one way only. Originally we were talking about a two way right turn into the property and right turn only out of the property. But a 16' width would not be sufficient to accommodate two way traffic. One way traffic flow, right turn only, with 16' is adequate.

Mr. Mathers asked if it was necessary to have an access onto U.S. 1 at all for this project.

Mr. Collins said that in the staff meetings this point was raised and they would like access onto U.S. 1 to eliminate traffic flow on Palm Beach Road. He referred to Ethel Street which does run into the property and as far as he knew it had not been abandoned. He suggested that Ethel Street could be used as access to U.S. 1 as it has a 30' width and since it has not been abandoned, does the Stuart News have a right to utilize it as part of their property.

There was going to be a revised traffic report submitted. The traffic report that the Board has now is the one that was originally submitted. In the traffic report we were under the assumption that Palm Beach Road would extend behind the Lil General Store to Ala. Subsequently, the County has gone ahead and decided, contrary to what the City would like to see, to have Palm Beach Road extend directly into the by-pass road. He doesn't know whether this affected the traffic analysis findings and recommended improvements. In other words, does the Palm Beach Road extension change the findings in the traffic report.

Mr. Collins referred to the Landscape Plan that was given to him this morning. They have provided shrubbery or a hedge almost around the entire perimeter of the project. He was concerned about the portion along the railroad track because behind it is a residential area. Visually, from the residential area, the hedge will provide some screening in that area.

Mr. Chapman wanted to know which way the railroad tracks came in onto the property. He was told north.

Mr. Collins did an existing land use to show what is around the adjacent parcels.

Mr. VanDyke wanted to know, if in the staff meetings, did we review the retention requirements.

Mr. Collins said it is all business or industrial zoning in that area. The portion in the County is slated in their Comprehensive Plan as industrial. He mentioned that the only other item not on the site plan was bikepaths or sidewalks along Palm Beach Road. It was shown on the plan but not marked as such.

Mr. VanDyke asked Tim if the County had been solicited for comments on this project. Tim said he would drop off a copy of the traffic report and the plans before it gets to the Commission.

Mr. Mathers said they had to vote on two separate items tonight: (1) the annexation and (2) the PUD site plan.

Mr. Calvert said in an annexation you have to rezone the property as it is contingent upon the annexation.

Mr. Crary came forward to address some of the questions brought up during the discussion.

With regard to the Ethel Street question on abandonment, we will have to investigate it but I believe that was abandoned while still in the County. Gardner Pate informed him that the road adjacent is no longer called Palm Beach Road. It is now called Monterey Road. The County informed them yesterday that they are changing the name to Monterey Road.

An attempt has been made in the landscape plan to really screen the project from adjacent properties. To reiterate, the property is zoned industrial in the County right now and the surrounding properties are zoned industrial, so we are asking for something that is directly in character with the area. On the site plan it does show a sidewalk along Monterey Road (Palm Beach Road); it just has not been labeled.

The elements of the traffic plan were done taking into consideration the County shift-over into the by-pass road. The only thing that has changed from the traffic plans is the fact that they had originally planned that Palm Beach Road would come in and go behind the Lil General store to a stop street, and now it is going to loop around toward the airport.

Mr. Joe McMann came forward to discuss his traffic report. There were two alternatives being considered when he got involved in this analysis: (1) to go behind the Lil General store and connect to Dixie Highway and (2) to connect directly to the by-pass road. That was examined and it was concluded that the worst case situation would be if you were to come behind the Lil General store, because then you would have people making left turns right in front of the property. So his analysis said it would be better to connect directly to the by-pass.

Mr. Lou Durant, Stuart News engineer, said they were advised by City Staff that they would have to retain 100% of a ten-year storm on site. There is another drawing that shows utilities, drains and other provisions that will be incorporated in the final design.

Mr. Collins asked why the parking area for Phase I was chosen to be placed where it was in lieu of another area.

Mr. Durant said they put the parking where it was because they will have about 20 distribution vans and the maintenance building will be used to maintain those vehicles.

Mr. Mathers asked about fencing the property. Our City Ordinance requires the property be fenced.

Mr. Dan Sutter from Maddox and Sons came forward. The areas that are not developed (Phase II) will be sodded or grassed and maintained as lawn until the Phase II is installed. The interior planting in the parking area will not be installed until the Phase II is implemented. All of the perimeter planting will be accomplished in the initial phase.

Mr. Mathers asked Mr. Crary if they were seeking approval of Phase I or both Phase I and Phase II.

Mr. Crary said, that for purposes of approval tonight, we would like to request of the Board as to annexation and the rezoning to PUD and approval of the site plans so that it can be included within a proposed PUD agreement to go before the City Commission. So we are requesting the annexation and rezoning to PUD and the approval of the site plan so that we can begin to develop the PUD zoning agreement for the City Commission.

Mr. Crary said it is the desire of the Stuart News to remain in the City of Stuart and the change that we are asking for is really one that does not involve a zoning change but merely to be included within the City. He thought this would be of benefit to the City as it will create an increase in a tax base without a tremendous amount of impact upon City services.

Mr. Mathers opened the discussion to Board members and closed it to the public.

Mr. VanDyke said he has not seen any recommendations from the Staff on the three issues; the annexation, the PUD, and the recommendation on the preliminary site plan.

Mr. Collins said, to his knowledge, the Staff are satisfied with what has been presented so far.

Mr. Hoffner came forward and said there were no objections from the Staff. Any problems had been overcome to their satisfaction. It was the suggestion of the City Manager that they come before the Planning Advisory Board.

Mr. VanDyke asked if the City Commission, at the present time, have formal or informal policies on annexation.

Mr. Hoffner replied yes; that on PUD's, our ordinance says that the applicant must meet with Staff until the City Manager is satisfied that all objections are overcome. It then goes to the Planning Advisory Board.

Mr. VanDyke wanted to know if the City would receive a significant tax revenue from this project being in the City.

Mr. Hoffner said we have not asked for an impact analysis study but we do have the right to do so.

Mr. Chapman questioned the impact fees of 17¢ per square foot of office space excluding warehouses. He wanted to know how this affected the production building.

Mr. Calvert said it includes all commercial property.

Mr. Chapman made a motion that the City of Stuart annex property discussed tonight which would have to meet a CPUD zoning situation. Seconded by Mr. McHardy.

Mr. VanDyke asked if we needed to resolve the question of the status of Ethel Street?

Mr. Mathers said that should come under voting on the site plan.

Votes on the motion were as follows:

Mr. VanDyke	Yes
Mr. McHardy	Yes
Mr. Chapman	Yes
Mr. Mathers	Yes

Motion carried 4/0.

Mr. Mathers said that voting on the site plan, any recommendations for changes be included.

Mr. VanDyke said, that at this point, it would be appropriate that this board recommend that the Ethel Street question and the coordination with the County be completed prior to the time it goes before the City Commission. He thinks they would want both of these questions resolved before they took final action.

Mr. Mathers asked Steve Calvert if, in their motion, prior to being before the City Commission that comments from the County be received?

Mr. Calvert would not recommend it. To be frank, the County has not been too concerned about the City's feelings on the by-pass road so I would not expect to get any swift answer from them. It is unfair to the applicant to put an external requirement on approval of the site plan.

Mr. VanDyke said they couldn't mandate that the County has to reply but thinks it is a matter of courtesy.

Mr. Mathers feels the County should have a chance to see the plans.

Mr. Calvert suggested a time limit be set on when they should reply.

Mr. VanDyke asked Mr. Hoffner if he knew when this would come before the City Commission.

Mr. Hoffner. The recommendation of this Board will come before the Commission the first meeting next month and then the Commission will set a public hearing date. The County was notified of this annexation by certified mail.

Mr. Mathers feels the motion should include that the sidewalk be noted in the specifications and also the 16' wide access road be noted. He would like to see this Board make a recommendation that the above be part of the site plan.

Mr. Crary said they would do everything they could to get a wider access route through and are currently talking to the property owners and if something can be worked out on Ethel Street it will be, because they wish to have a wider access also.

Mr. Hoffner said that Ethel Street is about 50' wide but you only need 24' for a two lane road.

Mr. Chapman made a motion that the site plan, as presented, be approved with considerations for sidewalk, 16' access road and possible use of Ethel Street, be approved by Staff as they see fit. Seconded by Mr. McHardy.

Mr. VanDyke recommended to the City Commission that there be a fencing requirement included as part of the PUD contract.

Mr. Hoffner said the Board has the right to make them fence it.

Mr. Crary said, at this time, the Stuart News did not plan to fence the project. He feels this will be accomplished by the hedge around the border of the property.

Votes on the motion were as follows:

Mr. VanDyke	Yes
Mr. McHardy	Yes
Mr. Chapman	Yes
Mr. Mathers	Yes

Motion carried 4/0.

Mr. Mathers. Tonight we have approved the annexation into the City with a PUD zoning classification; also approved the site plan as presented to us with the recommendations that have been passed along to the City Commission.

Meeting held March 4, 1982 with Stuart News.

Meeting began at 11 AM with the following present:

Larry Crary - Stuart News Attorney
Gardner Pate - Stuart News, General Manager
Lou Durant - Stuart News Engineer
Lou Papitto
Sandy Mitchell
Fred Walton
Charles White
Bob McGrath
Mr. Glasscock
Tim Collins
H. C. Hoffner (arrived late)

Mr. Durant began the meeting by mentioning that they had met with their production people and press manufacturer on the 17th of February. He said they are holding the site plan to what was being shown here today for Phase I and Phase II through the year 2000 and possibly beyond year 2000. Have indicated on drawings where the parking will be. Phase II will be office buildings but not to be built at this time.

Mr. Mitchell said that Mosley was putting up an office and that the Stuart News might want to work a combined situation with them.

Mr. Durant said they are about 18" above crown of Palm Beach Road where curve cut is; a floor elevation of 1850.

Landscape. Where they will enter on the side, it should be a joint decision between the County and City.

Chief White pointed out that they do not have a stacking lane or deceleration lane. Mr. Glasscock suggested they put a deceleration lane on the land they are abandoning. Sandy Mitchell said with a 60' pavement they will have room for left hand storage lane but still need a deceleration lane.

Mr. McGrath said the Stuart News needs to be aware of our sign codes. The County is already doing work on the triangle so they had better get with them fast.

Sanitation. Paul Myers said they will have to widen the roads as he needs 35'.

Lou Papitto said we require a 90' turnaround. The Fire Hydrants are okay. Concerned with getting in and out of parking area where they have tight turns. Chief White suggested they consider widening the entrance for rigs.

The Stuart News will be supplying their own storage tanks for gas. They were reminded they must meet National Fire Codes.

Lou Papitto said they did the fire flow requirements and that would determine the size of water main. We will require that information when the Stuart News gets more involved to the point where they must submit prints to the fire department, building department, engineering department, etc. Were told to submit everything to the building department and they will distribute them.

Sandy Mitchell said they still have to size their international lines. They need a pumping station into the sewer. We require that you put in an air compressor. They have to go to SFWMD for approval on the water plan.

Lou Papitto said they should have a generator for emergency fire pump. That is up to the Stuart News whether or not they have one.

Mr. McGrath asked the Stuart News to keep us informed as to their progress.

They were asked to show on up to date drawings only Phase I and to use an overlay for Phase II.

Meeting adjourned at 12:15 PM.

Stuart News will appear before the Planning Advisory Board on 21 April 1982.

Proposed Annexation and P.U.D. between the CITY OF STUART and STUART NEWS. Minutes from a meeting held 02/15/82 in the conference room at City Hall - meeting began at 2:30 and adjourned at 4:15.

Present representing The Stuart News: Larry Crary, Attorney; Lou Durant, Engineer; and Gardner Pate, General Manager.

Present representing the City of Stuart: Edwin L. Glasscock, City Manager; Sandy Mitchell, Public Works Director; Charles White, Police Chief; Louis Papitto, Fire Chief; Bob McGrath, Assistant City Manager; Stephen Calvert, City Attorney; Timothy Collins, City Planner; and H. C. Hoffner, Building Official.

Mr. Durant opened the meeting by stating that these are only preliminary prints and not working prints and they are anxious to work with the City and get their input and recommendations prior to the printing of the working prints.

WATER and WASTEWATER:

It was stated that the City's water main is located across the street and was recommended that possibly a 12" line be run to the project and done now, as Dickerson's is currently working in the area and it would be cheaper to do it now than after the road work is completed.

Stuart News stated that they will not be putting any types of chemicals into the sewer lines and that all chemicals will be filtered out and no Ph's will be in the line. The line will be used basically for domestic use. They will not have a cafeteria - vending machines only.

FEES:

They were reminded of the water and sewer availability fees and also the impact fees (17¢ per square foot of office space - excluding warehouse)

STREETS/SANITATION:

It was stated that the roads in the complex need to be wide enough to accommodate both the sanitation trucks and emergency vehicles. Dumpsters need to be located in an open area, allowing the trucks to move the dumpsters back and then dump them. They are not to be enclosed by gates. They were asked if they would use compactors and their reply was yes. Most of their waste would be located behind the production building and would not include any chemicals. Emergency vehicles need to be able to reach all areas and landscaping should be kept in mind - comply with codes, but don't overdo and hinder these vehicles.

A lengthy discussion was had regarding the location of the entrance into the project. It was recommended that they get with the County as to just where the by-pass road will go in relation to their project and then get with us to work out the best location. It was recommended to put the entrance as far away as possible from the intersection - meaning south.

It was questioned if there was enough room near the railroads for trucks to maneuver. They said "Yes". Most of their paper comes in by rail and they do not anticipate their cars backing up onto Palm Beach Road and blocking it.

FIRE:

A hydrant will be placed on the complex. They need to get with the Fire Department on various stairwells in the buildings, sprinkling system and necessity for a auxiliary power system. They did not plan on having a generator, but it maybe necessary - again, depending on their sprinkling system. They were reminded that no PVC pipe is allowed, unless enclosed behind a one hour fire rated section.

CODES:

They were told they must comply with all City of Stuart codes/ordinances, South Florida Water Management and the Department of Environmental Regulations.

Landscaping:

They will have to comply with our code and work around the areas where emergency vehicles need access. All property not developed must be maintained and kept clean. A landscaping plan must be included.

Water retention:

Tests need to be run and must comply with S.F.W.M.D.. No perc tests yet.

Parking:

The working prints must meet our requirements and show parking for the entire project when completed. For every 326 spaces there are to be 8 spaces marked for handicapped

A copy of our codification was sold to Larry Crary.

GENERAL:

They will not have a daycare facility as previously indicated. They questioned their employees and there was not a need for this.

They were told that they cannot use City water for irrigation, but must have a well.

PROCEDURES:

They need to get back with the City as soon as they have made the various changes and recommendations, met with the County regarding the by-pass road. Come before the P & Z Board, get their approval and then come before

the City Commission. It will take approximately 8 months from this date to have the annexation and PUD - if there are no problems along the way. The City will need 2 sets of construction prints and 4 sets of engineering prints.

The P & Z Board members will need 10 sets of the site plan and traffic analysis. An additional 10 sets will be needed when you appear before the City Commission.

Any correspondence the City sends out is to be sent to Lou D'urant, the Engineer, and Gardner Pate, General Manager for Stuart News.

PUD AGREEMENT:

The PUD Agreement should spell out the three phases and time frames anticipated for the build-out. It was stated that the production area will be built first. It was suggested that Larry Crary go to the City Clerk's office and review the various PUD agreements we have and use them as a guide.

The meeting adjourned with the City expressing their willingness to meet with the Stuart News on an individual basis and cover all areas of the project before working prints are submitted for approval. The Stuart News is anxious to get the project going.



BUILDING DEPARTMENT

City of Stuart

P. O. DRAWER 599 • STUART, FLORIDA 33494

TELEPHONE 305/287-3444

April 22, 1982

TO: Honorable City Commission Via
Edwin L. Glasscock, City Manager

Gentlemen and Honorable Mayor:

At the Planning Advisory Board meeting, held Wednesday, April 21, 1982, at City Hall, the following was discussed:

A. Public Hearing on an Annexation/P.U.D. for Stuart News.

Upon hearing testimony from interested parties regarding this matter and upon full discussion by the Board a motion was made and second to approve this annexation with a C.P.U.D. zoning category. Furthermore, a motion was made and second to approve the site plan providing a sidewalk is provided along Palm Beach Road and access to U.S.#1 be provided Via Ethel Street or the 16' wide access strip.

B. Appearance Board.

Commissioner Miller expressed his views to the Board regarding this item and after a brief discussion the Board requested that a copy of the standards utilized by Boca Raton be obtained and other model ordinances from various municipalities be provided to the Board.

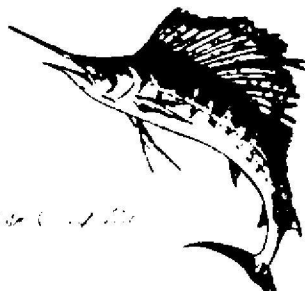
C. Fence Ordinance - Tabled

D. Taxi Cab Ordinance

This matter was briefly discussed regarding inspection of vehicles. City Attorney is to provide the Board with a Draft Ordinance.

E. Revision to Sign Ordinance.

The Board discussed the section of the sign ordinance pertaining to the number of American and State flags permitted to be displayed. It was the consensus of the Board that this section be amended to limit



the number of flags to one each, unless otherwise permitted by the City Manager or Building Official, subject to Federal and State Statutes.

F. Mixed use's in B-1 and B-2 zoning districts.

The Board briefly discussed this item, however no final decision was made.

G. Code Enforcement Board.

The Board discussed the possibility of attending the City of Port St. Lucie's Code Enforcement Board meeting to be held on May 11, 1982, at 7:30 p.m., at the Port St. Lucie City Hall Chambers. It was decided those who could attend, should do so, and an alternative date in June will be provided to the remaining members.

H. Solar Energy Licensing - Tabled until the June meeting.

There being no further business before the Board, the meeting was adjourned. The nexted regularly scheduled meeting will be held on May 19, 1982, with the possibility of having a special meeting on May 20, 1982 if deemed necessary.

Respectfully submitted



Timothy Collins
Planning Technician

H.E.

THE STUART NEWS
CHANGES MADE TO CPUD AGREEMENT
JUNE 14, 1982

Kenny

SITE PLAN - SHEET 1

IDENTIFY THE TWO STORY PRODUCTION SERVICES BUILDING.

IDENTIFY THE BICYCLE PATH/ GIVE DIMENSIONS
IDENTIFY GRASSED AREA BETWEEN BIKE PATH AND ROAD/ GIVE DIMENSIONS

DESIGNATE HANDICAPPED SPACES

LANDSCAPE PLAN

EXPLORE POSSIBILITY OF MAINTAINING INDIGENOUS MATERIAL ALONG RAILROAD TRACKS.

INDICATE THAT HEDGES WILL BE THREE FEET AT TIME OF PLANTING.

UTILITIES SITE PLAN

GIVE COMMISSION COPIES OF BORING TESTS - GIVE EVIDENCE THAT SOIL WILL FUNCTION PROPERLY WITH FRENCH DRAINS TO MEET OUR STORM RETENTION ORDINANCE.

INDICATE SPRINKLER SYSTEM LOCATION

TRAFFIC REPORT

PROCURE LETTER FROM FEC STATING THAT THEY WILL HONOR OUR FIVE MINUTE RAILROAD TRAIN BLOCKING ORDINANCE, AND THAT DELIVERY TO THE STUART NEWS WILL NOT CAUSE THE BLOCKING OF ANY INTERSECTION FOR LONGER THAN FIVE MINUTES.

THE STUART NEWS WILL CONSIDER THE FEASIBILITY OF AN ACCELERATION LANE ON US 1 AND DISCUSS THE POSSIBILITY WITH DOT.

ZONING AGREEMENT

PAGE 1.

DELETE THE WORDS (IN ACCORDANCE WITH DEVELOPMENT PLANS, AS THE SAME MAY BE REVISED FROM TIME TO TIME AFTER APPROVAL OF THE CITY COMMISSION)

PAGE TWO.

11. DEVELOPMENT - PAR. 1.

IDENTIFY THE PAGE NUMBERS OF THE PLANS SUBMITTED FOR PRELIMINARY AND FINAL DEVELOPMENT, AND SHOW WHO PREPARED THE PLANS, AND THE DATE THE PLANS WERE PREPARED.

THE STUART NEWS
CHANGES MADE TO CPUD AGREEMENT
JUNE 14, 1982
PAGE TWO.

ZONING AGREEMENT CONTINUED:

PAGE THREE. PARAGRAPH 3.

ADD VERBAGE TO ALLOW CURRANT COMMISSION FOR PHASE 11 THE OPPORTUNITY TO REQUEST A NEW TRAFFIC REPORT, A NEW WATER AVAILABILITY REPORT, AND A NEW SERVICE AVAILABILITY REPORT.

PAGE THREE. PARAGRAPH 5.

ADD LANGUAGE SHOWING WHEN RIGHT-OF-WAYS, BIKEPATHS, WATER SYSTEM, ETC. WILL BE DEDICATED TO CITY/COUNTY.

PAGE FIVE. - BREACH OF AGREEMENT. PARAGRAPH 1.

CHANGE ALL 12 MONTH TIME FRAMES TO 6 MONTHS.

PAGE FIVE. - PARAGRAPH 2.

ATTORNEYS WILL MAKE SUGGESTIONS AS TO REVERTER CLAUSE.

TIMETABLE OF DEVELOPMENT

DELETE THE TWO BOTTOM PARAGRAPHS AND INSERT:

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR PHASE 1, THE DEVELOPER SHALL COMPLETE ALL IMPROVEMENTS TO MONTEREY ROAD AND US 1 (AS SHOWN ON EXHIBIT "D"), ALL ENTRANCES, ALL PERIMETER AND SERVICE ROADS, ALL IMPROVED PARKING AREAS TO COMPLY WITH THE PARKING RATIOS SET FORTH IN THE CPUD AGREEMENT, ALL PERIMETER HEDGING, ALL BICYCLE PATHS (AS SHOWN ON EXHIBIT "D") AND ALL LANDSCAPING EXCEPT THOSE LAND AREAS WHICH ARE SODDED AND MAINTAINED PENDING FUTURE DEVELOPMENT.

SPECIAL CONDITIONS

PAGE ONE. - PARAGRAPH 1.

DELETE AND INSERT:

THE PRODUCTION BUILDING, PRODUCTION SERVICES BUILDING AND OFFICE BUILDING TO BE CONSTRUCTED BY DEVELOPER SHALL INCLUDE A FIRE SPRINKLER SYSTEM AND THE FINAL DEVELOPMENT PLANS AS APPROVED BY THE CITY SHALL INCLUDE THE NECESSARY FIRE PREVENTION AND FIGHTING DEVICES AT LOCATIONS CONSISTENT AND IN COMPLIANCE WITH APPLICABLE FIRE AND BUILDING CODES. FIRE HYDRANTS AS APPROVED BY THE CITY SHALL BE PLACED AT LOCATIONS CONSISTENT WITH THE APPLICABLE FIRE AND BUILDING CODES. THE FIRE CHIEF OF THE CITY SHALL REVIEW AND APPROVE THE FINAL DEVELOPMENT PLANS. IN ADDITION, DEVELOPER WILL COMPLY WITH ISO (INSURANCE SERVICES OFFICES) "FIRE-FLOW" REQUIREMENTS. STORAGE TANKS WILL MEET NATIONAL FIRE CODE.

THE STUART NEWS
CHANGES MADE TO CPUD AGREEMENT
JUNE 14, 1982
PAGE THREE.

SPECIAL CONDITIONS CONTINUED

PAGE TWO. PARAGRAPH 9.

A COPY OF THE PLAN GIVEN BY THE ENGINEER TO THE DEVELOPER SHOWING DUMPSTER LOCATION, PAD SIZE, ROAD BASE AND DIMENSIONS TO BE INCLUDED AS AN EXHIBIT.

PAGE TWO. PARAGRAPH 10.

DELETE AND INSERT:

THE LANDSCAPE PLAN SHALL COMPLY WITH THE CITY LANDSCAPE ORDINANCE IN FORCE AND EFFECT AT THE DATE OF THIS AGREEMENT, AND THE DEVELOPER SHALL PROVIDE A DETAILED LIST OF ALL TREES, PLANTS AND GROUND COVER DEPICTED IN THE SAID LANDSCAPE PLAN AT THE TIME THE STUART NEWS REQUESTS THE INITIAL BUILDING PERMIT.

PAGE THREE. PARAGRAPH 16.

ADD LANGUAGE THAT SHOW THE TRAILER REMOVED AFTER THE C/O HAS BEEN ISSUED.

PAGE THREE. PARAGRAPH 19.

ADD LANGUAGE THAT WOULD INDICATE THAT THE UNIMPROVED, NON-PAVED AREAS OF LAND WOULD BE SODDED AND MAINTAINED.

PAGE THREE. PARAGRAPH 21.

ADD: ELEVATORS MUST BE 7' FOR STRETCHERS.

PAGE THREE. PARAGRAPH 22.

ADD: THE DEVELOPER AGREES TO CONFORM TO STATE ENERGY CODES.

PAGE THREE. PARAGRAPH 23.

ADD: SPECIFY EACH OF THE TRAFFIC IMPROVEMENTS.

PAGE THREE. PARAGRAPH 24.

ADD: NO STRUCTURE SHALL BE HIGHER THAN 40'

PAGE THREE. PARAGRAPH 25.

ADD: LANGUAGE DESCRIBING AUTOMATED SPRINKLER SYSTEM.

THE STUART NEWS
CHANGES MADE TO CPUD AGREEMENT
JUNE 14, 1982
PAGE FOUR.

SPECIAL CONDITIONS CONTINUED

PAGE THREE. PARAGRAPH 26.

ADD: NOTWITHSTANDING THE PROVISIONS OF THE AGREEMENT THE STUART NEWS AGREES THAT THE PERMIT PLANS SHALL COMPLY WITH ALL BUILDING ORDINANCES AND BUILDING CODES AND ALL OTHER LAWS, CODES AND ORDINANCES (EXCEPT TO THE EXTENT SAID LAWS, CODES AND ORDINANCES ARE IN CONFLICT WITH THIS AGREEMENT) IN EFFECT AT THE TIME OF SUBMISSION OF THE RESPECTIVE PERMIT PLANS.

MISC.

ADDRESS COMMISSIONER MILLER'S CONCERN REGARDING BUILDING MATERIALS TO BE USED IN CONSTRUCTION.

PREPARED BY JOAN JEFFERSON
6-15-82

STUART NEWS
IMPACT ANALYSIS
JUNE 9, 1982

STUART NEWS IMPACT ANALYSIS
CONCLUSIONS

1. The proposed Stuart News development has a positive overall fiscal impact. The second year of the first phase is the single annual negative impact, in each other year the positive fiscal impact is significant.
2. The impact fee is important in providing a positive fiscal impact for the first two years of the project.
3. The findings are consistent with the general understanding that places of employment are of fiscal benefit to the communities in which they operate. This in addition to the general economic value of the jobs they create.

STUART NEWS IMPACT ANALYSIS
ASSUMPTIONS

1. The construction will take place in two phases with the first phase consisting of 37,434 square feet to be completed and occupied in 1984 and the second phase with 40,610 to be completed and occupied in 1997.
2. The first phase will house the production facilities and will have a taxable value of \$2,400,000 for the building, \$332,952 for land, and \$2,400,000 for the equipment.
3. The present facilities of the Stuart News will continue to be used as office space, with the existing production facilities being converted for that use when the new facility is complete. There will be no change in the taxable values in the existing property.
4. Phase 2 will have a taxable, assessed value of \$2,100,000. The personal property will have the same value and be the same property that is in the present building.
5. The city milage rate will remain constant.
6. 1982 dollars are assumed for both income and expense.
7. The department expenses are based on the 1981 City of Stuart budget with the following portions of commercial and residential services applying:

Fire: 60% commercial, 40% residential
Police: 60% commercial, 40% residential
Parks: 60% commercial, 40% residential

Recreation: 20% commercial, 80% residential
General Budget: 50% commercial, 50% residential
Sanitation: 50% commercial, 50% residential

8. The City of Stuart has 9,000,000 square feet of commercial (non-residential, non-institutional) space.
9. No building or other permit fees are included as income, the expenses associated with these services are included expenses. The effect of this is to understate the income and overstate the expense.
10. Water, wastewater and traffic are not considered. The water and wastewater are assumed to be self supporting. The roads affected are county and/or state.
11. The expenses associated with capital outlays are included in the budget and these amounts are not excluded for the purposes of this study. It must be emphasized that the impact fees are to pay for capital expenditures required by any construction "up front". This will overstate the expenses for the initial years. It is understood that capital expenditures for replacement will be necessary in future years, hence the long range (over 10 years) the expense figures will be accurate.
12. The sanitation department is excluded in that the requirements for service and equipment will not change, just the location of that service.
13. All assumptions are designed for accuracy with any errors in the conservative direction, that is to say, lower fees and taxes to the city, greater expenses to the city.

14. The fees, license, and tax income is allocated on a 50% residential and 50% commercial basis. It is the assumption that persons working in an area as well as the companies doing business in an area are likely to purchase taxable items in that area as well as incur certain fines and fees.

Table 1
STUART NEWS
Annual Income (Expense) to the City of Stuart
1984-1999

Income (Expense)	1984	1985	1986	---	1997	1998	1999
Income	\$10,730	\$5,606	\$29,960	...	\$39,348	\$34,870	\$45,567
(Expense)	(4,854)	(9,709)	(9,709)	...	(20,268)	(20,286)	(20,286)
Net Income (Expense)	\$5,876	(4,103)	\$20,251	...	\$19,080	\$14,594	\$25,281

Table 2
STUART NEWS
INCOME GENERATED BY YEAR AND TYPE
1984-1999

TYPE	1984	1985	1986	---	1997	1998	1999
Impact Fee	\$6,348	--	--	...	\$6,903	--	--
Personal Prop. Tax	--	--	\$12,177	...	\$12,177	\$12,177	\$12,177
Advalorem/ Building	--	--	\$12,177	...	\$12,177	\$12,177	\$22,814
Advalorem/ Land	\$1,689	\$1,689	\$1,689	...	\$1,689	\$1,689	\$1,689
Utility/ Tax-Fees	\$1,223	\$2,447	\$2,447	...	\$4,252	\$6,057	\$6,057
Other Income	\$625	\$1,250	\$1,250	...	\$1,930	\$2,610	\$2,610
License Fees	\$220	\$220	\$220	...	\$220	\$220	\$220
TOTAL	\$10,730	\$5,606	\$29,960	...	\$39,348	\$34,930	\$45,567

Table 3
STUART NEWS
INCOME GENERATED BY YEAR
Fees, Licenses, Non-Advalorem Taxes

<u>TYPE</u>	<u>PHASE 1</u>	<u>PHASE 1 & 2</u>
FPL Franchise Fee & Tax	\$1,457	\$4,077
So. Bell Fee & Tax	\$990	\$1,980
Fines	\$205	\$428
Gasoline Tax	\$168	\$351
Cigarette Tax	\$373	\$779
Cig. 2¢	\$280	\$585
Fed. Rev. Share	\$224	\$467
Occupational Lisc.	\$220	\$220

Table 4
STUART NEWS
EXPENSES TO THE CITY OF STUART
By Department and Total in General Fund

<u>PHASE</u>	<u>POLICE</u>	<u>RECREATION</u>	<u>PARKS</u>	<u>FIRE</u>	<u>---</u>	<u>GENERAL FUND</u>
Phase 1	\$2,614	\$224	\$299	\$1,120	...	<u>\$9,709</u>
Phase 1 & 2	\$5,457	\$468	\$624	\$2,339	...	<u>\$20,268</u>

REPORT OF SUBSOIL INVESTIGATION

FOR

STUART NEWS BUILDING SITE

AT

STUART, FLORIDA

By

FLORIDA TESTING & ENGINEERING CO.

Fort Lauderdale, Florida

March, 1982

INTRODUCTION:

The intent of this report is to present the results of a subsoil investigation for the proposed Stuart News Plant at Palm Beach Road, Stuart, Florida. The purpose of the investigation was to provide sufficient data to allow developement of recommendations for site preparation necessary for adequate foundation support.

PROJECT DESCRIPTION:

The project is intended to be developed in two phases. Phase One will consist of a 2-story office building, a 2-story production services building, a 1-story production building and a 1-story maintenance/groundskeeper building. The total floor area of Phase One is 72,260 square feet. Phase Two will be a production building consisting of 35,400 square feet of floor area.

SITE DESCRIPTION:

The project site is situated in Stuart, Florida, and is bounded on the East by Palm Beach Road and on the Northeast by the Florida East Coast Railroad. No elevation datum was provided, however there appears to be a maximum differential from grade of two (2) feet between borings. Several drainage ditches were noted about the property. Weed growth covers the majority of the property, with larger brush or trees noted along the Northeasterly portion and the westerly portion. Three (3) single-story frame structures are currently on the property.

FIELD EXPLORATION:

The field exploration consisted of thirteen (13) standard penetration borings varying in depth from 20' to 40'. All borings were conducted in accordance with A.S.T.M. D-1586 standards. Where hammer blows on sampler are indicated, they reflect the energy created by a 140-lb. hammer, falling 30 inches. Hammer blows on sampler were recorded for each six inches of penetration. Hollow auger was used to case the borings. Representative samples were secured from each strata recorded on the boring logs, placed in plastic sample cups and returned to the laboratory for classification.

FIELD & LABORATORY TESTS:

Field testing consisted of three (3) D.O.T. Percolation (Exfiltration) tests for design of on-site drainage. Copies of these tests are included in this report. No laboratory tests were performed.

GROUND WATER CONDITIONS:

The ground water level at the time of testing varied from 14' to 15.5' below the existing surface. This level may be expected to rise as much as 2' during the rainy season.

BORING RESULTS:

The material at the site consisted primarily of a medium to fine grained silica sand from the surface to terminal depth of the borings. Some traces of clay were noted in two boring locations. The soil varied in density from very loose (Boring #10) to

medium dense. Below a depth of ten (10) feet, the soil appears to be quite uniform in density.

CONCLUSIONS & RECOMMENDATIONS:

On the basis of this study, we wish to offer the following relative to support of the planned construction:

Loading criteria have been based upon a net settlement of one inch for maximum anticipated column loads of 300 Kips. A factor of safety of two against failure in shear has been considered and a uniformity of profile between borings has been assumed. All recommended loadings should be interpreted to apply only to the types of foundation elements hereafter discussed.

We recommend the use of continuous rectangular footings and square column pads. The column pads may be isolated or incorporated in the continuous footing matrix as required by structural design considerations. The bottom of footings should be placed at a depth of one to four feet below the existing ground surface and designed for a maximum allowable soil bearing pressure of 3000 p.s.f. To achieve this bearing value, however, consolidation of the looser soils encountered at the site will have to be undertaken. The following procedure for attaining and verifying this bearing value is recommended:

Remove the top five (5) feet of existing soil from the building areas and a five (5) foot perimeter beyond the limits of foundation construction.

Flood the excavated areas sufficiently to bring the remaining soils

to optimum moisture for an additional five (5) feet in depth. Once this has been accomplished, compact the building sites, including the 5' perimeter, with twenty (20) overlapping passes of a CA-25 vibratory roller. After completing 20 passes with the roller, conduct additional shallow (6' deep) SPT's to assess the results of the compactive effort applied. This process should be repeated as often as necessary to produce a minimum N value of ten (10) for the 6' depth. After the compaction process has been satisfactorily completed, bring the site to construction grade by replacing the excavated material in lifts not to exceed 12" in thickness and compacted to a minimum density of 98% of A.A.S.H.O. T-180-70.

Respectfully Submitted,
FLORIDA TESTING & ENGINEERING CO.



J.W. Winterholler, Jr., P.E.
Registered Engineer No. 6893
State of Florida

Florida Testing & Engineering Co.

Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS ORDER No. 8564
 PROJECT Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla. REPORT No. 1
 LOCATION as shown on sketch. HOLE No. 1
 DRILLER Haire DATE STARTED 3/18/82
 DRILL No. 2 DATE COMPLETED 3/18/82

GROUND ELEVATION	Not Given.	DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
1.5'	1.5'	Dark gray medium fine silica sand	1	2/2	1	HOLLOW
				2/3	2	AUGER
				4/5	3	
4.0'	2.5'	Gray medium fine silica sand	2	5/7	4	
5.0'	1.0'	Dark brown medium fine silica sand	3	3/4	5	
				5/5	6	
				5/3	7	
				2/2	8	
9.0'	4.0'	Brown medium fine silica sand	4	2/3	9	
				3/4	10	
				2/4	11	
				4/4	12	
13.0'	4.0'	Brown-tan medium fine silica sand	5		13	
					14	
15.0'	2.0'	Tan medium fine silica sand	6		15	
				3/5	16	
				7/9	17	
					18	
					19	
20.0'	5.0'	Tan-brown fine medium silica sand	7		20	✓

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
 As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

boring contd. on Page 2...

Water level: 14.0' below surface @ 9:20

Date: See above.

Florida Testing & Engineering Co.
 By J. V. Winterholler
 J. V. Winterholler, Page 170 of 223

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Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS

PROJECT see page 1.

LOCATION see page 1.

DRILLER see page 1.

DRILL No. see pg. 1

ORDER No. 8564

REPORT No. 1

HOLE No. 1 (Pg. 2)

DATE STARTED see page 1.

DATE COMPLETED see page 1.

GROUND ELEVATION Not Given.		DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
				3/3	21	HOLLOW
				8/9	22	AUGER
					23	↓
				2/3	24	
25.0	5.0'	Tan fine medium silica sand	8	5/6	25	

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Water level: see page 1.

Florida Testing & Engineering Co.
By J. V. Winter J. V. Winter, Page 171 of 223

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Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

THE STUART NEWS

ORDER No. 8564

CLIENT: THE STUART NEWS

ORDER No. 8564

PROJECT: Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.

REPORT No. 1

LOCATION: as shown on sketch.

HOLE No. 2

DRILLER: Halre

DATE STARTED: 3/17/82

DRILL No. 2

DATE COMPLETED: 3/17/82

GROUND ELEVATION		DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
1.0'	1.0'	Brown medium fine silica sand w/some shell fragments	1	2/5	1	HOLLOW
				6/7	2	AUGER
				3/5	3	
3.5'	2.5'	Gray medium fine silica sand	2	6/8	4	
5.0'	1.5'	Dark brown medium fine silica sand	3	8/8	5	
				3/5	6	
				3/3	7	
				2/3	8	
				2/2	9	
10.0'	5.0	Brown medium fine silica sand	4	3/5	10	
				5/4	11	
					12	
					13	
					14	
15.0'	5.0	Tan medium fine silica sand	5		15	
				4/4	16	
				5/7	17	
					18	
					19	
20.0'	5.0	Tan-brown medium fine silica sand	6		20	

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.

boring contd.

As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

on Page 2..

Water level: 14.0' below surface @ 3:20

Date: 3/17/82

Florida Testing & Engineering Co.
by J. V. Winterholler

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J. V. Winterholler Page 1 of 223

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Engineer's Laboratory
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Fort Lauderdale, Florida 33309
TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS

PROJECT see page 1.

LOCATION see page 1.

DRILLER see page 1.

DRILL No see pg.1

ORDER No. 8564

REPORT No. 1

HOLE No. 2 (Pg.2)

DATE STARTED see page 1.

DATE COMPLETED see page 1.

GROUND ELEVATION	Not Given.	DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
				3/3	21	HOLLOW
				4/5	22	AUGER
					23	↓
				4/6	24	
25.0'	5.0'	Brown fine medium silica sand	7	5/7	25	

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Water level: see page 1.

Florida Testing & Engineering Co.
By J. V. Winterholler
J. V. Winterholler, page 173 of 223

Florida Testing & Engineering Co.

Engineers Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS

ORDER No. 8564

PROJECT Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.

REPORT No. 1

LOCATION as shown on sketch.

HOLE No. 3

DATE STARTED 3/16/82

DRILLER Haire

DRILL No. 2

DATE COMPLETED 3/16/82

GROUND ELEVATION Not Given.		DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
1.0'	1.0'	Dark brown-brown medium fine silica sand	1	2/3	1	HOLLOW
				4/7	2	AUGER
				7/8	3	
4.0'	3.0'	Gray medium fine silica sand	2	12/11	4	
5.0'	1.0'	Dark brown medium fine silica sand	3	4/5	5	
				5/5	6	
7.0'	2.0'	Brown medium fine silica sand	4	3/5	7	
				6/7	8	
8.5'	1.5'	Dark brown medium fine silica sand	5	6/6	9	
				8/9	10	
				4/5	11	
				6/6	12	
13.0'	4.5'	Tan-brown medium fine silica sand w/trace of clay	6		13	
					14	
15.0'	2.0'	Tan-brown medium fine silica sand w/trace of clay	7		15	
				5/5	16	
				6/9	17	
					18	
					19	
20.0'	5.0'	Dark brown medium fine silica sand	8		20	

Water level: 14.0' Below surface @ 9:10

The above test boring was conducted in accordance with A.S.T.M. designation D-1586. boring contd.
As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures. on Page 2..

Florida Testing & Engineering Co.
J. V. Winterholler
J. V. Winterholler Page 1 of 223

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TEST BORING REPORT

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CLIENT THE STUART NEWS
PROJECT see page 1.
LOCATION see page 1.
DRILLER see page 1. DRILL No. see pg. 1

ORDER No. 8564
REPORT No. 1
HOLE No. 3 (Pg. 2)
DATE STARTED see page 1.
DATE COMPLETED see page 1.

GROUND ELEVATION Not Given.

DESCRIPTION OF MATERIALS

GROUND ELEVATION	DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE- TRATION (FOOT)	HAMMER BLOWS ON CASING
			2/2	21	HOLLOW
			3/6	22	AUGER
				23	✓
			3/4	24	
25.0' 5.0'	Brown fine medium silica sand	9	5/7	25	

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Water level: see page 1.

Florida Testing & Engineering Co.
by J. V. Winterholler

J. V. Winterholler Page 175 of 223

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Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

THE STUART NEWS

8564

CLIENT: THE STUART NEWS

ORDER No. 8564

PROJECT: Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.

REPORT No. 1

LOCATION: as shown on sketch.

HOLE No. 4

Haire

2

DRILLER: Haire

DRILL No. 2

DATE STARTED: 3/17/82

DATE COMPLETED: 3/17/82

GROUND ELEVATION Not Given.

DESCRIPTION OF MATERIALS

GROUND ELEVATION	DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
1.0'	Dark gray medium fine silica sand	1	2/3	1	HOLLOW
			4/4	2	AUGER
			5/8	3	
4.0'	Gray medium fine silica sand	2	6/9	4	
			4/7	5	
6.0'	Dark brown medium fine silica sand	3	3/4	6	
			3/6	7	
			2/4	8	
8.5'	Brown medium fine silica sand	4	2/3	9	
			4/5	10	
			3/3	11	
			4/7	12	
13.0'	Tan-gray medium fine silica sand	5		13	
				14	
15.0'	Tan-gray medium fine silica sand	6		15	
			4/5	16	
			5/9	17	
				18	
			4/6	19	
20.0'	Brown fine medium silica sand	7	7/8	20	

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Water level: 14.0' below surface @ 11:45

Date: see above.

Florida Testing & Engineering Co.
J. V. Winterholler

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J. V. Winterholler Page 176 of 223

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Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

THE STUART NEWS

ORDER No. 8564

CLIENT: THE STUART NEWS
PROJECT: Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.

REPORT No. 1

LOCATION: as shown on sketch.

HOLE No. 5

Haire

DATE STARTED: 3/18/82

DRILLER: Haire

DRILL No. 2

DATE COMPLETED: 3/18/82

GROUND ELEVATION		DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
1.0'	1.0'	Brown medium fine silica sand	1	2/3	1	HOLLOW
				3/4	2	AUGER
				3/5	3	
4.0'	3.0'	Gray medium fine silica sand	2	2/4	4	
				5/6	5	
6.0'	2.0'	Dark brown medium fine silica sand	3	8/9	6	
				3/4	7	
				3/3	8	
				2/3	9	
				4/5	10	
11.0'	5.0'	Tan-brown medium fine silica sand	4	3/4	11	
				6/7	12	
					13	
					14	
15.0'	4.0'	Tan medium fine silica sand	5		15	
				4/5	16	
				5/7	17	
					18	
				3/3	19	
20.0'	5.0'	Brown fine medium silica sand	6	7/9	20	

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Water level: 14.0' 'below surface @ 11:00
Date: see above .

Florida Testing & Engineering Co.
By: J. V. Winterholler, P.E.

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Page 177 of 223

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Engineer's Laboratory

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Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS

ORDER No. 8564

PROJECT Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.

REPORT No. 1

LOCATION as shown on sketch.

HOLE No. 6

DRILLER Haire

DRILL No. 2

DATE STARTED 3/18/82

DATE COMPLETED 3/18/82

GROUND ELEVATION		DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
1.0'	1.0'	Tan medium fine silica sand and shell	1	2/6	1	HOLLOW
2.0'	1.0'	Dark gray medium fine silica sand	2	4/5	2	AUGER
				5/7	3	
				6/6	4	
5.0'	3.0'	Gray medium fine silica sand	3	5/5	5	
				7/9	6	
7.0'	2.0'	Dark brown medium fine silica sand	4	8/8	7	
				9/11	8	
9.0'	2.0'	Brown-dark brown medium fine silica sand	5	3/5	9	
				4/4	10	
				3/6	11	
				7/5	12	
13.0'	4.0'	Brown medium fine silica sand	6		13	
					14	
15.0'	2.0'	Tan-brown medium fine silica sand	7		15	
				2/3	16	
				6/6	17	
					18	
				4/4	19	
20.0'	5.0'	Brown fine medium silica sand	8	5/7	20	

Water level: 15.5' below surface @ 3:20
Date: see above.

Florida Testing & Engineering Co.
J. V. Winterholler, P.E.

Florida Testing & Engineering Co.

Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS

ORDER No. 8564

PROJECT Proposed Stuart News @ Palm Beach Rd. & P.E.C. R.R., Stuart, Fla.

REPORT No. 1

LOCATION as shown on sketch.

HOLE No. 7

DATE STARTED 3/16/82

DRILLER Haire

DRILL No. 2

DATE COMPLETED 3/16/82

GROUND ELEVATION Not Given.

DESCRIPTION OF MATERIALS

			SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE- TRATION (FOOT)	HAMMER BLOWS ON CASING
1.0'	1.0'	Dark brown medium fine silica sand	1	2/3	1	HOLLOW
				5/6	2	AUGER
				4/7	3	
4.0'	3.0'	Gray medium fine silica sand	2	8/8	4	
5.0'	1.0'	Dark brown medium fine silica sand	3	5/5	5	
				6/9	6	
				5/6	7	
				7/7	8	
				3/5	9	
10.0'	5.0'	Brown-tan medium fine silica sand	4	6/7	10	
				5/5	11	
				5/7	12	
					13	
					14	
15.0'	5.0'	Tan medium fine silica sand	5		15	
				3/4	16	
				5/5	17	
					18	
					19	
20.0'	5.0'	Brown fine medium silica sand	6		20	✓

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.

As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

boring contd.

on Page 2.

Water level: 14.0' below surface @ 10:55

Date: see above.

Florida Testing & Engineering Co.
By J. V. Winterholler

Florida Testing & Engineering Co.
Engineer's Laboratory
6784 N.W. 17th Avenue
Fort Lauderdale, Florida 33309
TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS

PROJECT see page 1.

LOCATION see page 1.

DRILLER see page 1.

DRILL No. see pg. 1

ORDER No. 8564

REPORT No. 1

HOLE No. 7 (Pg. 2)

DATE STARTED see page 1.

DATE COMPLETED see page 1.

GROUND ELEVATION Not Given.

DESCRIPTION OF MATERIALS

SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE- TRATION (FOOT)	HAMMER BLOWS ON CASING
	2/4	21	HOLLOW
	4/5	22	AUGER
		23	✓
	3/5	24	
25.0' 5.0'	4/8	25	
Brown-dark brown fine medium silica sand			

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Water level: see page 1.

Florida Testing & Engineering Co.
By J. V. Winterholler

J. V. Winterholler, P.E.

Florida Testing & Engineering Co.

Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS ORDER No. 8564
 PROJECT Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla. REPORT No. 1
 LOCATION as shown on sketch. HOLE No. 8
 DRILLER Haire DRILL No. 2 DATE STARTED 3/18/82
 DATE COMPLETED 3/18/82

GROUND ELEVATION	Not Given.	DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
1.5'	1.5'	Brown medium fine silica sand	1	2/2	1	HOLLOW
				3/5	2	AUGER
4.0'	2.5'	Gray medium fine silica sand	2	2/2	3	
				3/4	4	
7.0'	3.0'	Dark brown medium fine silica sand	3	4/5	5	
				6/7	6	
				5/5	7	
				4/5	8	
				3/3	9	
				2/4	10	
12.0'	5.0'	Brown-tan medium fine silica sand	4	5/5	11	
				4/7	12	
					13	
					14	
15.0'	3.0'	Brown-tan medium fine silica sand	5		15	
				2/4	16	
				5/5	17	
					18	
20.0'	5.0'	Brown medium fine silica sand	6		19	
					20	

Water level: 14.0' 'below surface @ 1:45
 Date: see above

05202019 CCM

Florida Testing & Engineering Co.
 By J. V. Winterholler

J. V. Winterholler P.E.
 Page 181 of 223

In accordance with clients, the public and ourselves, all reports are submitted as the confidential property of clients, and authorization

boring contd.
 on Page 2.

TEST BORING REPORT

DRILL No. see pg. 1

DATE COMPLETED see page 1.

J. V. Winterholler, P.E.

Florida Testing & Engineering Co.

Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

CLIENT: THE STUART NEWS
 PROJECT: Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.
 LOCATION: as shown on sketch.
 DRILLER: Haire
 ORDER No. 8564
 REPORT No. 1
 HOLE No. 9
 DATE STARTED: 3/16 /82
 DATE COMPLETED: 3/16 /82
 DRILL No. 2

GROUND ELEVATION		DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE- TRATION (FOOT)	HAMMER BLOWS ON CASING
1.0'	1.0'	Brown medium fine silica sand	1	2/4	1	HOLLOW
				3/6	2	AUGER
				4/4	3	
4.0'	3.0'	Gray medium fine silica sand	2	5/6	4	
				6/7	5	
6.0'	2.0'	Dark brown medium fine silica sand	3	8/9	6	
				5/5	7	
				3/7	8	
				5/7	9	
10.0'	4.0'	Brown-tan medium fine silica sand	4	4/4	10	
				3/5	11	
				6/7	12	
					13	
					14	
15.0'	5.0'	Tan-gray fine medium silica sand	5		15	
				6/6	16	
				7/9	17	
					18	
					19	
20.0'	5.0'	Tan fine medium silica sand	6		20	

Water level: 15.0' 'below surface @ 3:45
 Date: see above.

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
 As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Florida Testing & Engineering Co.
 J. V. Winterholler, P.E.

Florida Testing & Engineering Co.

Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS

PROJECT see page 1.

LOCATION see page 1.

DRILLER see page 1.

DRILL No. see pg. 1

ORDER No. 8564

REPORT No. 1

HOLE No. 9 (Pg. 2)

DATE STARTED see page 1.

DATE COMPLETED see page 1.

GROUND ELEVATION <u>Not Given.</u>		DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
				5/8	21	H O I L L O W
				7/8	22	A U G E R
					23	✓
				3/3	24	
25.0	5.0	Tan-brown fine medium silica sand	7	5/8	25	

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Water level: see page 1.

Florida Testing & Engineering Co.
By J. V. Winterholler

J. V. Winterholler, P.E.
Page 184 of 223

05202019 CCM

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Florida Testing & Engineering Co.

Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

CLIENT THE STUART NEWS

PROJECT Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.

LOCATION as shown on sketch.

DRILLER Haire

DRILL No. 2

ORDER No. 8564

REPORT No. 1

HOLE No. 10

DATE STARTED 3/15/82

DATE COMPLETED 3/15/82

GROUND ELEVATION Not Given.

DESCRIPTION OF MATERIALS

1.0' 1.0' Brown medium fine silica sand

1

1/2

1

HOLLOW

4.0' 3.0' Tan-brown medium fine silica sand

2

1/1

4

AUGER

7.0' 3.0' Brown-tan fine medium silica sand w/some clay

3

2/2

7

12.0' 5.0' Tan-gray fine medium silica sand

4

4/6

12

15.0' 3.0' Tan-gray fine medium silica sand

5

15

20.0' 5.0' Brown medium fine silica sand

6

20

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Water level: 14.0' 'below surface @ 3:45

Date: see above.

Florida Testing & Engineering Co.
J. V. Winterholler, P.E.

05202019 CCM

Page 185 of 223

As a further protection to clients, the public and ourselves, all reports are submitted as the confidential property of clients, and authorization

boring contd. on Page 2.

Florida Testing & Engineering Co.

Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

CLIENT THE STUART NEWS
 PROJECT see page 1.
 LOCATION see page 1.
 DRILLER see page 1. DRILL No. see pg. 1

ORDER No. 8564
 REPORT No. 1
 HOLE No. 10 (Pg. 2)
 DATE STARTED see page 1.
 DATE COMPLETED see page 1.

GROUND ELEVATION Not Given.		DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
				4/4	21	HOLLOW
				5/7	22	AUGER
					23	
				2/3	24	
25.0	5.0'	Brown-tan fine medium silica sand	7	7/8	25	
				3/3	26	
				5/6	27	
					28	
					29	
30.0	5.0'	Brown-tan fine medium silica sand	8		30	
				4/6	31	
				8/7	32	
					33	
					34	
35.0	5.0'	Brown-tan fine medium silica sand	9		35	
				3/4	36	
				8/8	37	
					38	
				4/4	39	
40.0	5.0'	Dark gray fine medium silica sand	10	5/8	40	

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
 As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Water level: see page 1.

Florida Testing & Engineering Co.
 By J. V. Winterholler
 J. V. Winterholler, P.E.
 Page 186 of 223

05202019 CCM

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TEST BORING REPORT

none (305) 971-4400

8564

ORDER No.

1

REPORT No.

11 (Pg. 2)

HOLE No.

see page 1.

DATE STARTED.

see page 1.

DATE COMPLETED

GROUND ELEVATION Not Given.

DESCRIPTION OF MATERIALS

SAMPLE
NUMBER

HAMMER BLOWS ON SAMPLER

PENE-
TRATION
(FOOT)

HAMMER BLOWS ON CABIN

25.0	5.0'	Tan fine medium silica sand
------	------	-----------------------------

5

3/6

24

25

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.
As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Water level: see page 1.

Florida Testing & Engineering Co.
W. W. Winterholler.

J. V. Winterholler Page 187 of 223

05202019 CCM

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Florida Testing & Engineering Co.

Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

CLIENT THE STUART NEWS

ORDER No. 8564

PROJECT Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.

REPORT No. 1

LOCATION as shown on sketch.

HOLE No. 11

DRILLER Haire

DRILL No. 2

DATE STARTED 3/17/82

DATE COMPLETED 3/17/82

GROUND ELEVATION Not Given.

DESCRIPTION OF MATERIALS

SAMPLE NUMBER HAMMER BLOWS ON SAMPLER PENETRATION (FOOT) HAMMER BLOWS ON CASING

1.0'	1.0'	Tan medium fine silica sand and shell w/some clay	1	2/2	1	HOLLOW
				3/4	2	AUGER
				3/5	3	
4.0'	3.0'	Gray medium fine silica sand	2	5/5	4	
				4/6	5	
6.0'	2.0'	Dark brown medium fine silica sand	3	8/9	6	
				2/4	7	
				5/5	8	
				2/3	9	
				4/5	10	
11.0'	5.0'	Brown-tan medium fine silica sand	4	6/7	11	
				4/6	12	
					13	
					14	
15.0'	4.0'	Dark brown-brown medium fine silica sand	5		15	
				3/4	16	
				5/8	17	
					18	
					19	
20.0'	5.0'	Tan fine medium silica sand	6		20	✓

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.

As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

Water level: 14.0' 'below surface @ 9:30

Date: see above

Florida Testing & Engineering Co.
By: J. V. Winterholler

J. V. Winterholler, P.E.

05202019 CCM

As a further protection to clients, the public and ourselves, all reports are submitted as the confidential property of clients, and authorized for use only by the client.

boring contd.
on Page 2.

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Florida Testing & Engineering Co.

Engineers Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

CLIENT THE STUART NEWS

ORDER No. 8564

PROJECT Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.

REPORT No. 1

LOCATION as shown on sketch.

HOLE No. 12

DATE STARTED 3/17/82

DRILLER Haire

DRILL No. 2

DATE COMPLETED 3/17/82

GROUND ELEVATION Not Given.

DESCRIPTION OF MATERIALS

SAMPLE NUMBER

HAMMER BLOWS ON SAMPLER

PENE- TRATION (FOOT)

HAMMER BLOWS ON CASING

1.0' 1.0' Dark brown-brown medium fine silica sand

1

2/4

1

HOLLOW

4.5' 3.5' Gray medium fine silica sand

2

5/7

2

AUGER

3/4

3

5/5

4

4/5

5

6.0' 1.5' Dark brown medium fine silica sand

3

6/9

6

3/5

7

3/4

8

2/3

9

10.0' 4.0' Brown medium fine silica sand

4

2/2

10

2/4

11

3/3

12

13

14

15.0' 5.0' Tan-brown medium fine silica sand

5

15

5/6

16

8/9

17

18

19

20.0' 5.0' Tan-brown medium fine silica sand

6

20

The above test boring was conducted in accordance with A.S.T.M. designation D-1586.

As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures.

boring contd.

on Page 2.

Water level: 14.0' below surface @ 11:10

Date: see above.

Florida Testing & Engineering Co.
J. V. Winterholler, P.E.

By

J. V. Winterholler, P.E.

05202019 CCM

Page 189 of 223

As a further protection to clients, the engineer and ourselves, all reports are submitted as the confidential property of clients, and authorization

room (305) 971-4400

DATE COMPLETED see page 1.

J. Y. Winterholler, P.E.

Florida Testing & Engineering Co.

Engineer's Laboratory

6784 N.W. 17th Avenue

Fort Lauderdale, Florida 33309

TEST BORING REPORT

Phone (305) 971-4400

THE STUART NEWS

CLIENT Proposed Stuart News @ Palm Beach Rd. & F.E.C. R.R., Stuart, Fla.

PROJECT as shown on sketch.

LOCATION as shown on sketch.

DRILLER Halre

DRILL No. 2

ORDER No. 8564

REPORT No. 1

HOLE No. 13

DATE STARTED 3/16/82

DATE COMPLETED 3/16/82

GROUND ELEVATION		DESCRIPTION OF MATERIALS	SAMPLE NUMBER	HAMMER BLOWS ON SAMPLER	PENE-TRATION (FOOT)	HAMMER BLOWS ON CASING
1.0'	1.0'	Dark gray medium fine silica sand	1	1/2	1	HOLLOW
				2/2	2	AUGER
				2/4	3	
3.5'	2.5'	Tan-gray medium fine silica sand	2	5/4	4	
5.0'	1.5'	Dark brown medium fine silica sand	3	5/8	5	
				9/9	6	
7.0'	2.0'	Brown-tan medium fine silica sand	4	5/7	7	
				8/8	8	
				4/6	9	
				7/8	10	
				4/4	11	
12.0'	5.0'	Tan fine medium silica sand	5	3/5	12	
					13	
					14	
15.0'	3.0'	Gray-tan fine medium silica sand	6		15	
				2/4	16	
				5/6	17	
					18	
					19	
20.0'	5.0'	Tan fine medium silica sand	7		20	✓

The above test boring was conducted in accordance with A.S.T.M. designation D-1586. boring contd.
As a mutual protection to the owners and ourselves, the engineer in the owner's behalf shall check this report with the samples submitted prior to the purchase of property, or designing of structures. on Page 2.

Water level: 14.0' below surface @ 1:55
Date: see above.

Florida Testing & Engineering Co.
By J. V. Winterholler, P.E.

Page 192 of 223 - authentication



Florida Testing & Engineering Co.

Engineering Laboratory

TEST NO. 1

REPORT OF: D.O.T. Percolation (Exfiltration) Test

CLIENT: Stuart News

PROJECT: Proposed Stuart News @ Palm Beach Road & F.E.C. R.R., Stuart

LOCATION: As shown on plans

TESTED BY: Haire

DATE: _____

RESULTS OF TEST:

TIME, MINUTES	WATER, INPUT, GAL./MIN.
------------------	----------------------------

1	2.0
---	-----

2	2.0
---	-----

3	1.5
---	-----

4	1.5
---	-----

5	1.5
---	-----

6	1.0
---	-----

7	1.0
---	-----

8	1.0
---	-----

9	0.5
---	-----

10	0.5
----	-----

SOIL LOG

0'-1.0': Brown medium fine silica sand

1.0'-3.0': Gray medium fine silica sand

3.0'-4.5': Dark brown medium fine silica sand

4.5'-7.0': Brown-dark brown medium fine silica sand

7.0'-10.0: Brown medium fine silica sand

Ground Water Elevation at time of test:
14.0'

Respectfully Submitted,
FLORIDA TESTING & ENGINEERING CO.



J. V. Winterholler, Jr., P.E.





DATE:

10 0.5

05202019 CCM



Florida Testing & Engineering Co.

Engineering Laboratory

TEST NO. 3

REPORT OF: D.O.T. Percolation (Exfiltration) Test

CLIENT: Stuart News

PROJECT: Proposed Stuart News @ Palm Beach Road & F.E.C. R.R., Stuart

LOCATION: As shown on plans

TESTED BY: Haire

DATE: _____

RESULTS OF TEST:

TIME, MINUTES	WATER, INPUT, GAL./MIN.
------------------	----------------------------

1	1.5
---	-----

2	1.0
---	-----

3	1.0
---	-----

4	1.0
---	-----

5	0.5
---	-----

6	0.5
---	-----

7	0.5
---	-----

8	0.5
---	-----

9	0.5
---	-----

10	0.5
----	-----

SOIL LOG

0-1.0': Brown medium fine silica sand and shell fragments

1.0'-3.0': Gray medium fine silica sand

3.0'-5.0': Dark brown medium fine silica sand

5.0'-7.0': Brown medium fine silica sand

7.0'-10.0': Tan-brown medium fine silica sand

Ground Water Elevation at time of test:
14.0'

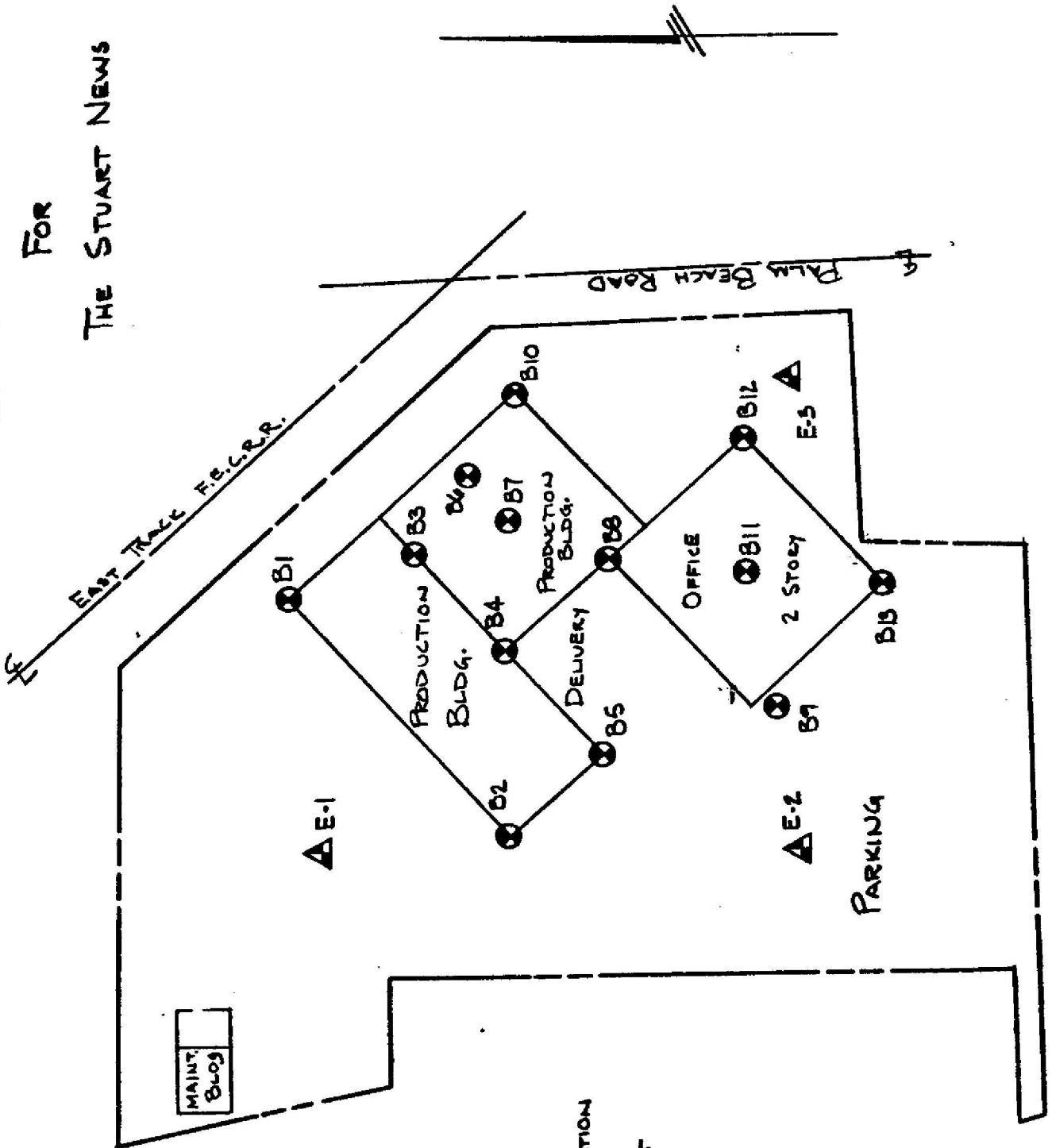
Respectfully Submitted,
FLORIDA TESTING & ENGINEERING CO.



J. V. Winterholler, Jr., P.E.



BORING LOCATION SKETCH FOR THE STUART NEWS



NOTE:

⊕ STANDARD PENETRATION

△ EXFILTRATION TEST

SCALE: 1"=10'

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 5/20/2019

Prepared by: Stephen Mayer

Title of Item:

RIVER RIDGE (PALM BEACH ROAD) ROW ABANDONMENT (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2407-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 20-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF RIVER RIDGE, AS RECORDED IN PLAT BOOK 4, PAGE 11, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This is the Second Reading of Ord 2407-2019. The applicant, owner of real property on Lot 2, Block 2 of the River Ridge plat, on SE Riverside Drive, have requested the abandonment of the easternmost 20 feet of unutilized public Right of Way. The 50' right of way is located between SE Riverside Drive and SE Weir Street and would be the continuation of Palm Beach Road, should Palm Beach Road be improved north of SE Osceola Street. However, the City's Public Works Department has determined that the use of the Right of Way is no longer in the public's best interest and does not object to the abandonment of the City's interest.

A fair market appraisal of the real property has determined that the market value of the property is \$6,665. As provided in Section 36-2 of the City's Code of Ordinances, staff recommends payment of a privilege fee in the amount of 100% of the market value, or \$6,665, prior to the abandonment of the City's interest.

Funding Source:

N/A

Recommended Action:

Move approval of Ordinance 2407-2019 on Second Reading.

ATTACHMENTS:

Description	Upload Date	Type
❑ Ordinance 2407-2019	5/3/2019	Ordinance add to Y drive
❑ Staff Report	5/10/2019	Staff Report

- ▣ Appraisal
- ▣ Survey

4/3/2019

5/3/2019

Attachment

Attachment



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

ORDINANCE NUMBER 2407-2019

A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 20-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF RIVER RIDGE, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 11, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, Devin Teal (Applicant) has filed a joint petition for abandonment relating to the public right-of-way described below that conforms to the requirements of Section 36 of the Code of Ordinances of the City of Stuart, Florida; and

WHEREAS, at the public hearing to consider the requested abandonment the City Commission has determined that it is the best public interest that the said right-of-way be abandoned as said right-of-way is needed for continuity of several existing parcels; and

WHEREAS, Daniel D. Fuller, MAI, DRA of Fuller, Armfield, Wagner Appraisal and Research, Inc., conducted a fair market appraisal of said right of way property on February 27, 2019, and determined that the market value of the real property is **SIX THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS (\$6,665)**.

NOW THEREFORE, THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ordains, as follows:

SECTION 1: That any interest vested with the City of Stuart in that certain 20-foot right-of-way, as set forth as LOT 7 of the Plat of ST LUCIE ESTATES, as recorded in Plat Book 10, Page 70, Palm Beach (Now Martin) County, Florida Public Records running North to South through the Property described in **Exhibit “A”** attached hereto and depicted in **Exhibit “B”** attached hereto is hereby abandoned.

SECTION 2: A location map depicting the subject area is hereby attached as **Exhibit “C.”**

SECTION 3: The Applicants agree to pay the privilege fee of the amount of **SIX THOUSAND SIX HUNDRED SIXTY-FIFTY DOLLARS (\$6,665)** prior to the abandonment of the City’s interest in the property.

SECTION 4: Conflicts. All ordinances or parts of ordinances in conflict herewith shall be repealed.

SECTION 5: Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective immediately upon

Ordinance No. 2407-2019 – Teal R.O.W. Abandonment

adoption.

Passed on first reading the ____ day of _____, 2019.

Commissioner _____ offered the foregoing Ordinance and moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS RESIDENTIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

Ordinance No. 2407-2019 – Teal R.O.W. Abandonment

WITNESSES:

Devin Teal, Owner/Applicant

Print Name: _____

By: _____

Print Name: _____

OWNER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day
of _____, 2019, by Devin Teal, Owner

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day of _____, 2019, by Rebecca S. Bruner, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

Ordinance No. 2407-2019 – Teal R.O.W. Abandonment

EXHIBIT “A”

LEGAL DESCRIPTION

**LOT 2, BLOCK 2, RIVER RIDGE, AS PER PLAT THEREOF RECORDED IN PLAT
BOOK 4, PAGE 11, MARTIN COUNTY, FLORIDA PUBLIC RECORDS**

EXHIBIT “B”

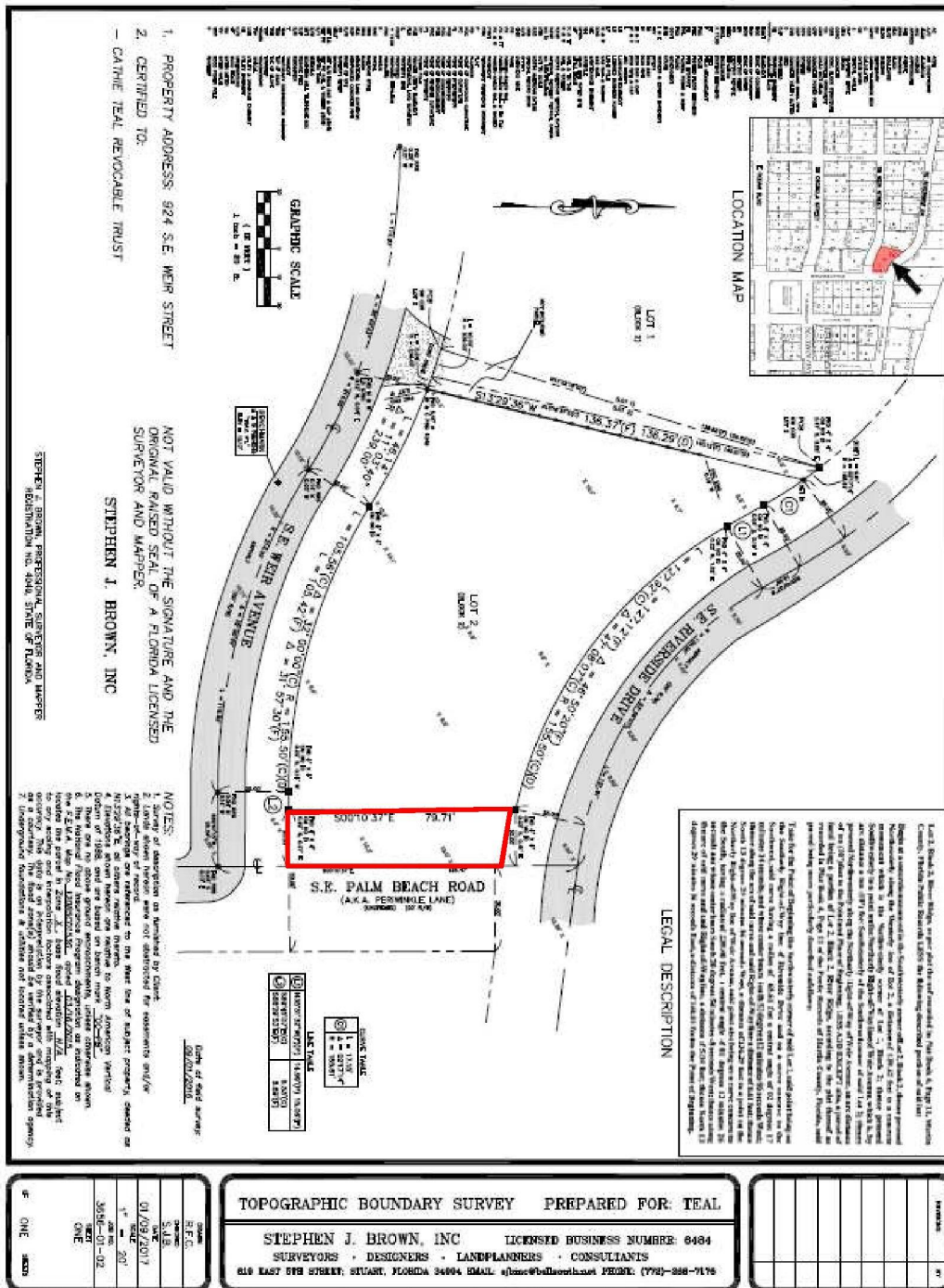


EXHIBIT “C”



AERIAL SITE MAP (approx. subject area in red)

Meeting Date: 5/13/2019

Prepared by: Stephen Mayer

Title of Item: SECOND READING: RIVER RIDGE ROW ABANDONMENT (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2407-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 20-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF RIVER RIDGE, AS RECORDED IN PLAT BOOK 4, PAGE 11, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE: PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This is the Second Reading of Ord 2407-2019. The applicant, owner of real property on Lot 2, Block 2 of the River Ridge plat, on SE Riverside Drive, have requested the abandonment of the easternmost 20 feet of unutilized public Right of Way. The 50' right of way is located between SE Riverside Drive and SE Weir Street and would be the continuation of Palm Beach Road, should Palm Beach Road be improved north of SE Osceola Street. However, the City's Public Works Department has determined that the use of the Right of Way is no longer in the public's best interest and does not object to the abandonment of the City's interest.

A fair market appraisal of the real property has determined that the market value of the property is \$6,665. As provided in Section 36-2 of the City's Code of Ordinances, staff recommends payment of a privilege fee in the amount of 100% of the market value, or \$6,665, prior to the abandonment of the City's interest.

Funding Source:

N/A

Recommended Action:

Move approval of Ordinance 2407-2019 on Second Reading.

APPRAISAL OF REAL PROPERTY

LOCATED AT

xxx Riverside Drive
Stuart, FL 34996

FOR

Jeffrey Dougherty / Joan Kinsley
1010 SE Riverside Drive
Stuart FL 34996

AS OF

February 27, 2019

BY

Daniel D. Fuller, MAI, SRA
State Certified Real Estate Appraiser RZ567
Fuller-Armfield-Wagner Appraisal & Research Inc.
200 South Indian River Drive, Suite 309
Fort Pierce FL 34950

LAND APPRAISAL REPORT

File No.: 20077 - Riverside Dr Lots

Property Address: xxx Riverside Drive		City: Stuart		State: FL Zip Code: 34996																																																																																					
County: Martin		Legal Description: Unopened 30 ft. wide street R/W laying west of Lot 2 Block 2 St Lucie Estates per PB 10 PG 20.																																																																																							
SUBJECT	Assessor's Parcel #: None - public R/W		Tax Year: n/a		R.E. Taxes: \$ n/a																																																																																				
	Market Area Name: Riverside Drive east of Stuart downtown		Map Reference: 38940		Special Assessments: \$ n/a																																																																																				
	Current Owner of Record: City of Stuart		Borrower (if applicable): n/a		Census Tract: 0009.02																																																																																				
	Project Type (if applicable): ☐ PUD ☐ De Minimis PUD ☒ Other (describe) Platted S/D's		HOA: \$ 0		☐ per year ☐ per month																																																																																				
Are there any existing improvements to the property? ☒ No ☐ Yes If Yes, indicate current occupancy: ☐ Owner ☐ Tenant ☒ Vacant ☐ Not habitable																																																																																									
If Yes, give a brief description:																																																																																									
ASSIGNMENT	The purpose of this appraisal is to develop an opinion of: ☒ Market Value (as defined), or ☐ other type of value (describe)																																																																																								
	This report reflects the following value (if not Current, see comments): ☒ Current (the Inspection Date is the Effective Date) ☐ Retrospective ☐ Prospective																																																																																								
	Property Rights Appraised: ☒ Fee Simple ☐ Leasehold ☐ Leased Fee ☐ Other (describe)																																																																																								
	Intended Use: Negotiate purchase.																																																																																								
Intended User(s) (by name or type): Client: Jeffrey Dougherty/Joan Kinsley and Stuart City Commission and/or the City representatives.																																																																																									
Client: Jeffrey Dougherty / Joan Kinsley Address: 1010 SE Riverside Drive, Stuart FL 34996																																																																																									
Appraiser: Daniel D. Fuller, MAI, SRA Address: Fuller-Armfield-Wagner Appr & Rsch, 200 S Indian River Dr, Ste 309, FP																																																																																									
MARKET AREA DESCRIPTION	Location: ☐ Urban ☒ Suburban ☐ Rural Built up: ☒ Over 75% ☐ 25-75% ☐ Under 25% Growth rate: ☐ Rapid ☒ Stable ☐ Slow Property values: ☐ Increasing ☒ Stable ☐ Declining Demand/supply: ☐ Shortage ☒ In Balance ☐ Over Supply Marketing time: ☐ Under 3 Mos. ☒ 3-6 Mos. ☐ Over 6 Mos.		Predominant Occupancy ☒ Owner 95 ☐ Tenant 5 ☐ Vacant (0-5%) ☐ Vacant (>5%)		One-Unit Housing PRICE AGE \$(000) (yrs) 200 Low 75 2.0M High new 400 Pred 30																																																																																				
	Present Land Use One-Unit 80 % 2-4 Unit 5 % Multi-Unit 5 % Comm'l 10 %		Change in Land Use ☒ Not Likely ☐ Likely * ☐ In Process * * To:																																																																																						
	Factors Affecting Marketability <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Item</th> <th>Good</th> <th>Average</th> <th>Fair</th> <th>Poor</th> <th>N/A</th> <th>Item</th> <th>Good</th> <th>Average</th> <th>Fair</th> <th>Poor</th> <th>N/A</th> </tr> </thead> <tbody> <tr> <td>Employment Stability</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Adequacy of Utilities</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Convenience to Employment</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Property Compatibility</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Convenience to Shopping</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Protection from Detrimental Conditions</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Convenience to Schools</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Police and Fire Protection</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Adequacy of Public Transportation</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>General Appearance of Properties</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Recreational Facilities</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Appeal to Market</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> </tbody> </table>					Item	Good	Average	Fair	Poor	N/A	Item	Good	Average	Fair	Poor	N/A	Employment Stability	☒	☐	☐	☐	☐	Adequacy of Utilities	☒	☐	☐	☐	☐	Convenience to Employment	☒	☐	☐	☐	☐	Property Compatibility	☒	☐	☐	☐	☐	Convenience to Shopping	☒	☐	☐	☐	☐	Protection from Detrimental Conditions	☒	☐	☐	☐	☐	Convenience to Schools	☒	☐	☐	☐	☐	Police and Fire Protection	☒	☐	☐	☐	☐	Adequacy of Public Transportation	☒	☐	☐	☐	☐	General Appearance of Properties	☒	☐	☐	☐	☐	Recreational Facilities	☒	☐	☐	☐	☐	Appeal to Market	☒	☐	☐	☐	☐
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Market Area Comments: Development of established single family residential properties bordered by the St Lucie River to the north, mixed residential to the east, East Ocean Blvd to south and the Stuart central business district to the west. Commercial uses are concentrated along East Ocean Blvd. and in the CBD. Single family residential units range in age from new to 75+ years - larger homes and condominiums front the St. Lucie River, with interior homes smaller. Some refurbishment of the older homes has occurred with some also converted to commercial uses i.e. offices. Little vacant land remains, thus limited new residential development has occurred. Single family value levels range from modest to high, with the highest values observed along the waterfront lots. Multi-family uses include miscellaneous apartment buildings, but mostly consist of condominium projects developed primarily in the 1980's, and concentrated in the eastern end of the neighborhood. The overall neighborhood has considerable appeal due to its close location to the CBD and close proximity to the SL River, Indian River, and the barrier island with Atlantic Ocean beaches. With the positive neighborhood characteristics and overall popularity of Martin County, long term, values should be supported in the neighborhood, barring any drastic economic declines.																																																																																									
Dimensions: 30 ft x 75.82 ft Site Area: 2,275 sf																																																																																									
Zoning Classification: R-1/Single Family-General / Low Density Residential Description: Low density residential																																																																																									
Do present improvements comply with existing zoning requirements? ☐ Yes ☐ No ☒ No Improvements																																																																																									
Uses allowed under current zoning: Low density residential																																																																																									
Are CC&Rs applicable? ☐ Yes ☐ No ☒ Unknown Have the documents been reviewed? ☐ Yes ☐ No Ground Rent (if applicable) \$ _____ /																																																																																									
Comments:																																																																																									
Highest & Best Use as improved: ☐ Present use, or ☒ Other use (explain) Assemble with adjacent private ownerships.																																																																																									
Actual Use as of Effective Date: Vacant - unopened street R/W Use as appraised in this report: Vacant																																																																																									
Summary of Highest & Best Use: Subject consists of unopened street R/W - Highest and Best Use is assemblage with adjacent buildable site.																																																																																									
SITE DESCRIPTION	Utilities Public Other Provider/Description Electricity ☐ ☒ FPL Gas ☐ ☐ Water ☒ ☐ City of Stuart Sanitary Sewer ☒ ☐ City of Stuart Storm Sewer ☐ ☐ Telephone ☐ ☐ Multimedia ☐ ☐		Off-site Improvements Type Public Private Street Paved ☒ ☐ Width Surface Asphalt Curb/Gutter n/a Sidewalk n/a Street Lights n/a Alley n/a		Frontage 50 Topography Size Small Shape Rectangle Drainage Percolation View Residential																																																																																				
	Other site elements: ☒ Inside Lot ☐ Corner Lot ☐ Cul de Sac ☐ Underground Utilities ☐ Other (describe)																																																																																								
	FEMA Spec'l Flood Hazard Area ☐ Yes ☒ No FEMA Flood Zone X FEMA Map # 12085C0153G FEMA Map Date 03/16/2015																																																																																								
	Site Comments: Subject consists of unopened 30 foot wide street R/W created by plats. The subject 30 feet is within the plat of St Lucie Estates. Client's property is within St Lucie Estates S/D thus adjacent to the east 30 feet of street R/W within said S/D.																																																																																								

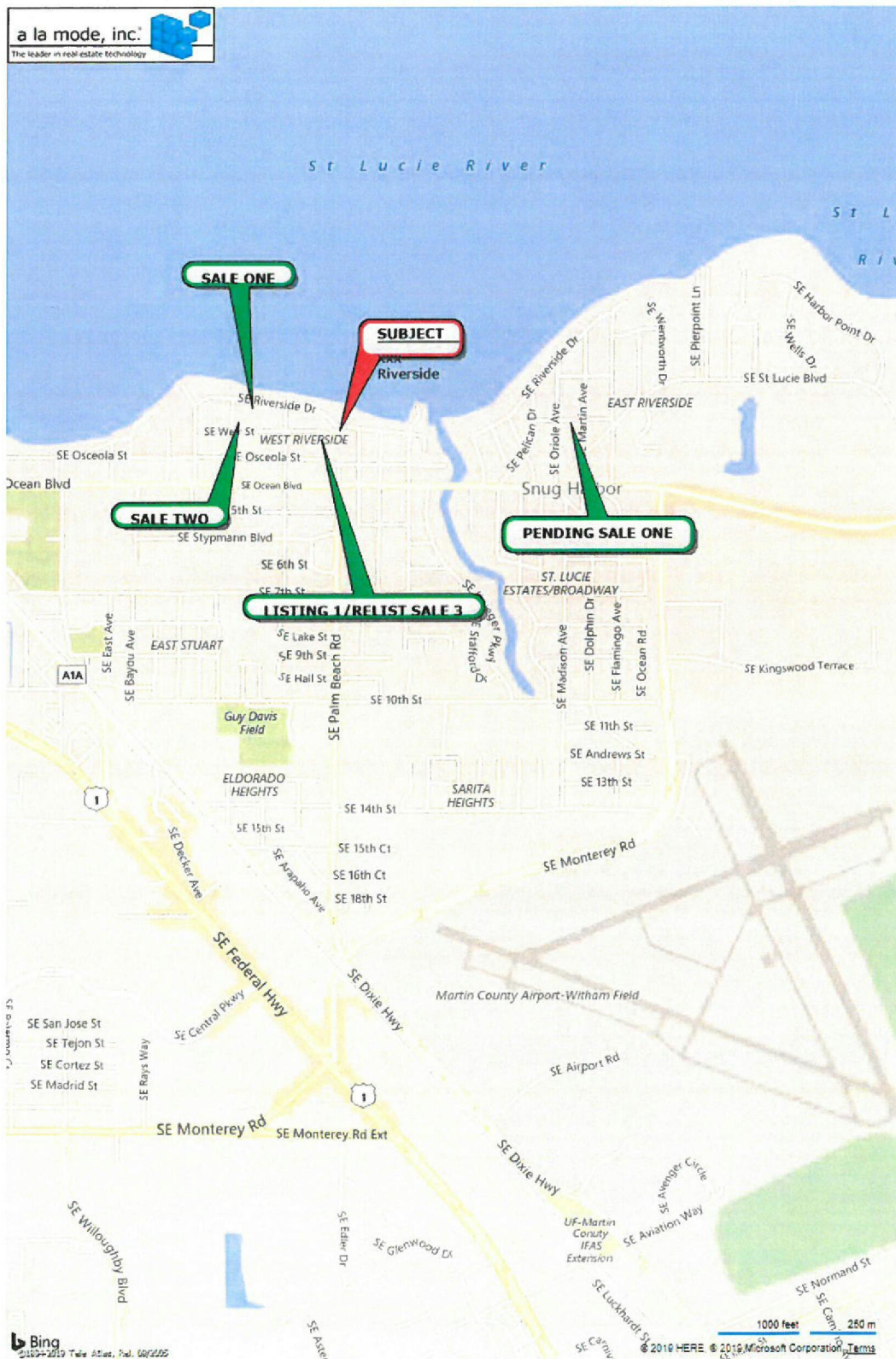
LAND APPRAISAL REPORT

File No.: 20077 - Riverside Dr Lots

TRANSFER HISTORY	My research ☐ did ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.											
	Data Source(s): Public Records											
	1st Prior Subject Sale/Transfer		Analysis of sale/transfer history and/or any current agreement of sale/listing:									
	Date:											
SALES COMPARISON APPROACH	2nd Prior Subject Sale/Transfer											
	Date:											
	Price:											
	Source(s):											
	2nd Prior Subject Sale/Transfer											
	Date:											
	Price:											
	Source(s):											
PUD	FEATURE		SUBJECT PROPERTY		COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3			
	Address xxx Riverside Drive Stuart, FL 34996		SEE ATTACHED ADDENDUM		SEE ATTACHED ADDENDUM		SEE ATTACHED ADDENDUM		SEE ATTACHED ADDENDUM			
	Proximity to Subject											
	Sale Price		\$		\$		\$		\$			
	Price/		\$		\$		\$		\$			
	Data Source(s)											
	Verification Source(s)											
	VALUE ADJUSTMENT		DESCRIPTION		DESCRIPTION		+(-) \$ Adjust		DESCRIPTION		+(-) \$ Adjust	
	Sales or Financing											
	Concessions											
	Date of Sale/Time											
	Rights Appraised		Fee Simple									
	Location											
	Site Area		2,275									
	RECONCILIATION	Net Adjustment (Total, in \$)		☐ + ☐ - \$		☐ + ☐ - \$		☐ + ☐ - \$				
Adjusted Sale Price (in \$)		Net % Gross %		Net % Gross %		Net % Gross %						
Summary of Sales Comparison Approach		SEE ATTACHED ADDENDUM FOR VALUATION ANALYSIS.										
ATTACH.	PROJECT INFORMATION FOR PUDs (if applicable) ☐ The Subject is part of a Planned Unit Development.											
	Legal Name of Project: N/A											
	Describe common elements and recreational facilities:											
SIGNATURES	Indicated Value by: Sales Comparison Approach \$											
	Final Reconciliation SEE ATTACHED ADDENDUM.											
	This appraisal is made ☒ "as is", or ☐ subject to the following conditions:											
	☐ This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.											
	Based upon an inspection of the subject property, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 10,250, as of: February 27, 2019, which is the effective date of this appraisal.											
	If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.											
	A true and complete copy of this report contains 14 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report, which contains the following attached exhibits: ☒ Scope of Work											
	☒ Limiting cond./Certifications ☒ Narrative Addendum ☒ Location Map(s) ☐ Flood Addendum ☐ Additional Sales ☒ Photo Addenda ☒ Parcel Map ☐ Hypothetical Conditions ☐ Extraordinary Assumptions ☐											
Client Contact: Jeffrey Dougherty Client Name: Jeffrey Dougherty / Joan Kinsley E-Mail: Address: 1010 SE Riverside Drive, Stuart FL 34996												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> APPRAISER Appraiser Name: Daniel D. Fuller, MAI, SRA Company: Fuller-Armfield-Wagner Appraisal & Research Inc Phone: 772-468-0787 Fax: 772-468-1103 E-Mail: dan_faw@bellsouth.net Date of Report (Signature): 03/11/2019 License or Certification #: RZ567 State: FL Designation: MAI, SRA Estate Appraiser RZ567 Expiration Date of License or Certification: 11/30/2020 Inspection of Subject: ☒ Did Inspect ☐ Did Not Inspect (Desktop) Date of Inspection: February 27, 2019 </td> <td style="width:50%; vertical-align: top;"> SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable) Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date of Report (Signature): _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: ☐ Did Inspect ☐ Did Not Inspect Date of Inspection: _____ </td> </tr> </table>											APPRAISER Appraiser Name: Daniel D. Fuller, MAI, SRA Company: Fuller-Armfield-Wagner Appraisal & Research Inc Phone: 772-468-0787 Fax: 772-468-1103 E-Mail: dan_faw@bellsouth.net Date of Report (Signature): 03/11/2019 License or Certification #: RZ567 State: FL Designation: MAI, SRA Estate Appraiser RZ567 Expiration Date of License or Certification: 11/30/2020 Inspection of Subject: ☒ Did Inspect ☐ Did Not Inspect (Desktop) Date of Inspection: February 27, 2019	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable) Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date of Report (Signature): _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: ☐ Did Inspect ☐ Did Not Inspect Date of Inspection: _____
APPRAISER Appraiser Name: Daniel D. Fuller, MAI, SRA Company: Fuller-Armfield-Wagner Appraisal & Research Inc Phone: 772-468-0787 Fax: 772-468-1103 E-Mail: dan_faw@bellsouth.net Date of Report (Signature): 03/11/2019 License or Certification #: RZ567 State: FL Designation: MAI, SRA Estate Appraiser RZ567 Expiration Date of License or Certification: 11/30/2020 Inspection of Subject: ☒ Did Inspect ☐ Did Not Inspect (Desktop) Date of Inspection: February 27, 2019	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable) Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date of Report (Signature): _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: ☐ Did Inspect ☐ Did Not Inspect Date of Inspection: _____											

Location Map

Borrower	n/a				
Property Address	xxx Riverside Drive				
City	Stuart	County	Martin	State	FL
				Zip Code	34996
Lender/Client	Jeffrey Dougherty / Joan Kinsley				



SCOPE OF WORK

Mr. Jeff Dougherty engaged my services to provide an opinion of the Market Value of the Fee Simple Interest in the real estate that is the subject of this appraisal, with the appraisal date of February 27, 2019, my date of inspection. To form an opinion the following Scope of Work is required.

MARKET VALUE DEFINED

Market Value, as defined in Chapter 12, Code of Federal Regulation, Part 34.42, is:

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated.
2. Both parties are well informed or well advised, and each acting in what he considers his own best interest.
3. A reasonable time is allowed for exposure in the open market.
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents a normal consideration for the property sold unaffected by special or created financing or sales concessions granted by anyone associated with the sale.

FEE SIMPLE ESTATE — *Source, Appraisal Institute, Dictionary of Real Estate Appraisal, 6th ed.*

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

The subject consists of the east 30 feet x 75.82 feet deep, 2,275 square feet, section of the unopened northerly end of Palm Beach Road within the city of Stuart, Martin County, Florida.

The property types required valuation via the Sales Comparison Approach, however the property does meet zoning criteria for an independently developable site, thus research did not locate arm's length sales of similar unopened right of ways. Therefore, analysis requires valuation via Across the Fence Method.

ACROSS THE FENCE METHOD — *Source, Appraisal Institute, Dictionary of Real Estate Appraisal, 5th ed.* A land valuation method often used in the appraisal of corridors. The across the fence method is used to develop a value opinion based on comparison to abutting land.

As defined, the Across the Fence Method requires valuation of adjacent developable properties with analysis determining an applicable unit of comparison, i.e. sales price per front feet or per square feet, and then the value indication is utilized to form an opinion of the subject's value.

Employment of the Across the Fence valuation method required research using public records, commercial data services, multiple listing services (MLS), and interviews with buyers, sellers, brokers, investors, developers, et cetera for properties like adjacent buildable residential lots. Research was restricted to the subject's neighborhood as adequate data was available within the neighborhood to form an opinion of value.

Data gathered was ideally verified with a knowledgeable participant of a transaction, followed by analysis of the data to interpret market trends. The analyzed data was then applied to the subject for an indication value.

EXPOSURE

Exposure time: — *Source, Appraisal Institute, Dictionary of Real Estate Appraisal, 5th ed.*

1. The time a property remains on the market.
2. The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based on an analysis of past events assuming a competitive and open market.

The closed sales analyzed experienced exposure periods from less than 30 days to approximately 4 months with the listed property analyzed offered on the market for approximately 9 months. Other than the listed property analyzed, the closed sales indicate exposure period of less than four months. The listed property experiences a longer listing period because of above initial above market listing price. Therefore, in my opinion, with listing price within a reasonably close range of my opinion of market value, a market exposure period for an adjacent developable site prior to the date of appraisal would have been no greater than four months.

History of Subject's Ownership

The subject has no sales history.

Properties adjacent to the subject have not experienced arm's length sales transactions within the past three years.

The subject is not formally listed for sale or under a sale/purchase contract.

Valuation -

Adjacent Properties

East of the subject there is a 0.17 acres site with some 97.9 feet of width and an average 69 feet of depth. This is a platted site and developable "as is".

West of the subject there is the west 20 feet of the unopened street right of way, platted within River Ridge S/D.

Data & Analysis of the Data

Research located three closed sales, and a listing of one of the closed sales, all located within the subject's immediate neighborhood, plus a site under a sales/purchase contract located in that part of the neighborhood east of Krueger Creek is analyzed. The closed sales and the listed property are located within the blocks immediately west and south of the subject with the property under contract located approximately ½ miles east.

Analysis indicates, because the properties analyzed vary in street frontage and depth the most reliable unit of comparison is sales price per square feet of site area.

Closed sales 1, 2, 3 and listing 1 have superior size, shape, and superior depth, thus functionally sales 1, 2, 3 and listing 1 are superior to properties adjacent to the subject. Also, in the case of sale 1, the property was filled ready for vertical development, and in the case of sale 2 the seller would not reduce the price, pushing the price to top end for the neighborhood price levels for non-waterfront or water view vacant properties. Sale 3 is physically a superior property, larger and with superior depth, but indicates a much lower value, caused in part by location one street south of Riverside Drive. Listing 1 is a re-list of sale 3, but it appears from discussions with the listing Realtor the asking price is above market, and with the sales 3 seller/former owner of listing 1, a very knowledgeable market participant, indicating the final sales price is likely more mid \$200K range, or say between \$15 and \$18 per square feet. Thus, per the listing the market may not continue to further support high-end price levels as indicated by sales 1 and 2.

Therefore, for the reasons mentioned the value indications of \$27.44 and \$27.18 per square feet extracted from sales 1 and 2, in my opinion, are higher than applicable to buildable sites adjacent to the subject. Sale 3, however, at \$11.23 per square feet is likely below the current market levels but listing 1, the re-list of sale 3 at \$18.26 per square feet likely above market price levels for its location, thus a final value level for listing 1 is expected say within the range of \$15 to \$18 per square feet.

Pending sale 1 property is located approximately ½ miles east of the subject and while overall the neighborhood is similar to subject's neighborhood, the site is located three blocks south of Riverside Drive, and this portion of the neighborhood is separated by Krueger Creek from direct access to the CBD as enjoyed from the subject's location. Thus, the listed property's location is somewhat inferior to the location of the subject, and properties adjacent to the subject but otherwise the property is most similar to the east property adjacent to the subject, except an asking price is analyzed and via sales negotiations, as indicated by the listing Realtor, the final sale price is expected to provide a value indication below the asking price of \$20.77 per square feet.

In summary, sales 1, 2, 3 and listing 1 are functionally superior to properties adjacent to the subject. These three properties are similar to each other but there is a significant price difference from the \$27+ per square feet price range for sales 1 and 2 compared to sale 3 price of \$11.23 per square feet, and an expected under \$18 per square feet value indication for listing 1. Reconciliation of these properties indicate the value levels for the inferior properties adjacent to the subject with modest functional utility are mostly likely at the low end of the range of say \$18 per square feet.

Pending sale 1 has an inferior location and after expected sales negotiations the value indication is expected to fall below the \$20+ per square feet asking price.

In summary, in my opinion, the most probable value level for the property immediately adjacent to the east of the subject, some 7,405 square feet in area, a modest size site with reduced functional utility, although fronting Riverside Drive, is within the range of say \$18 per square feet.

The subject right of way with 30 feet of width does not meet zoning regulations for development as an independent property, thus highest and best use of the right of way is assemblage with the adjacent property. However, the adjacent property is independently developable, thus while assembling the subject with the adjacent property adds some level of functional utility to the adjacent property but because the adjacent property can be independently developed "as is", it is my opinion the subject does not add full value to the adjacent property. Plus, the subject has very limited market demand, other than the adjacent property owner, also a negative to value.

Thus, for the reasons previously discussed, it is my opinion the full \$18 per square feet as previously estimated is not applicable to the subject, rather a discount to full value is required to account for the estimated contribution in functional utility to the adjacent property.

There is little market data to support an estimate of contributory value except in instances where properties functional utility are negatively affected by conditions such as inferior access, then significant adjustments to value have been recognized for reduced functional utility.

Therefore, because of limited functional utility as an independent property, plus limited increase in functional utility to the adjacent property, and because other than the adjacent owner there is limited to no market demand for the subject, it is my opinion a discount to the full value could be as high as say 75%. A 75% reduction in value for limited functional utility, limited contribution to adjacent properties, and limited market demand, calculates to value indication of \$4.50 per square feet ($\$18/\text{sf} \times 25\%$). Applying \$4.50 per square feet to the subject's area of 2,275 square feet calculates to \$10,238, rounded to \$10,250.

Therefore, my opinion of the Market Value of the Fee Simple Interest in the subject of this appraisal as of February 27, 2019, is: **-\$10,250-**

ORDINARY LIMITING CONDITIONS AND UNDERLYING ASSUMPTIONS

1. The value given in this appraisal report represents the opinion of the signer as to the Value AS OF THE DATE SPECIFIED. Values of real estate are affected by an enormous variety of forces and conditions will vary with future conditions, sometimes sharply within a short time. Responsible ownership and competent management are assumed.
2. This appraisal report covers the premises herein described only. Neither the figures herein nor any analysis thereof, nor any unit values derived therefrom are to be construed as applicable to any other property, however, similar the same may be.
3. It is assumed that the title to said premises is good; that the legal description of the premises is correct; that the improvements are entirely and correctly located on the property; but no investigation or survey has been made, unless so stated.
4. The value given in this appraisal report is gross, without consideration given to any encumbrance, restriction or question of title, unless so stated.
5. Easements may or may not be recorded or may exist by customary use or by other legal means. The appraiser has not nor is he qualified to search legal records as to other easements. Because rights of others can have influence on real estate values, the values reported herein are predicated on a qualified legal opinion that assumptions regarding easements and the rights of others is representative of actual conditions.
6. Information as to the description of the premises, restrictions, improvements and income features of the property involved in this report is as has been submitted by the applicant for this appraisal or has been obtained by the signer hereto. All such information is considered correct; however, no responsibility is assumed as to the correctness thereof unless so stated in the report.
7. The physical condition of the improvements described herein was based on visual inspection. No liability is assumed for the soundness of structural members since no engineering tests were made of the same. The property is assumed to be free of termites and other destructive pests.
8. Possession of any copy of this report does not carry with it the right of publication, nor may it be used for any purpose by any but the applicant without the previous written consent of the appraiser or the applicant, and in any event, only in its entirety.
9. Neither all nor part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales or other media, without the written consent of the author; particularly as to the valuation conclusions, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute, or to the SRA or MAI designations.
10. The appraiser herein, by reason of this report is not required to give testimony in court or attend hearings, with reference to the property herein appraised, unless arrangements have been previously made.
11. The Contract for the appraisal of said premises is fulfilled by the signer hereto upon the delivery of this report duly executed.
12. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and zoning laws unless non-compliance is stated, defined and considered in the appraisal report.
13. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in the field, if desired.

CERTIFICATE OF APPRAISAL

I certify that, to the best of my knowledge and belief:

- a) The statements of fact contained in this report are true and correct.
- b) The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- c) I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
- d) My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- e) My compensation is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- f) The reported analyses, opinion, and conclusions were developed, and this report has been prepared, in conformity with the requirement of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- g) I have made a personal inspection of the property that is the subject of this report.
- h) No one provided professional assistance to the signor of this report.
- i) The appraiser has performed within the context of the competency provision of the Uniform Standards of Professional Appraisal Practice.
- j) The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- k) "As of the date of this report, I, Daniel D. Fuller, MAI, SRA, have completed the requirements under the continuing education program of the Appraisal Institute."
- l) This appraisal assignment was not made, nor was the appraisal rendered on the basis of a requested minimum valuation, specific valuation, or an amount which would result in approval of the loan.
- m) I have not appraised the subject, or provided any other services in any capacity relating to this property within the three years prior to my engagement for this assignment.



Daniel D. Fuller, MAI
State-Certified General Real Estate Appraiser RZ567

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SALES SUMMARY

DESCRIPTION LOCATION	SUBJECT	Client - adjacent ownership	SALE 1	SALE 2	SALE 3	LISTING 1 - RELIST SALE 3	PENDING SALE 1
East 30th Turnpike street P/W West Lot 2, Blk 2, St. Lucie Est. St. Lucie Estates SD Stuart	Owner - city of Stuart	Kinsley, Joan and Dougherty, Jamey	910 Riverside Drive Hidabrad Park SD Stuart	111 SE Cortez Avenue Hidabrad Park SD Stuart	924 SE Weir Street River Ridge SD Stuart	924 SE Weir Street River Ridge SD Stuart	xxx SE Lark Blvd. St. Lucie Est #4 SD Stuart
GRANTOR	Owner - city of Stuart	N/A	John Lighthouse III Living Trust	Gerald & Ladonia Geisse Rev Trust	Team Parks, Inc.	Mary H & Todd A Resnick	Donald J Deremo/ James V Kunstel
GRANTEE	N/A	N/A	Kimberly Dettori	Edwin & Nancy Mills	Mary H & Todd A Resnick	n/a	n/a
DATE OF SALE RECORDED OR BK/P.G.	Appraised 2/27/19	Appraised 2/27/19	1/19 3035617	2/18 29772852	4/18 29872676	Pending n/a	Current Listing n/a
FINANCING	Expected Cash Equivalent	Expected Cash Equivalent	Cash	Cash	PMM - cash equivalent	Expected Cash Equivalent	Expected Cash Equivalent
ZONING / LAND USE	Low density residential	Low density residential	Low density residential	Low density residential	Low density residential	Low density residential	Low density residential
SITE AREA - SF	2,275	7,405	10,750	11,773	16,379	16,379	9,623
ACRES	0.05	0.17	0.25	0.27	0.38	0.38	0.22
WIDTH	30.0	97.9	100.0	115.0	130.0	130.0	77.0
DEPTH (avg)	75.02	69.0	107.5	103.5	Irreg. avg. 139	Irreg. avg. 139	125.0
Comments:	Very limited functional utility. Highest & Best Use is assemblage with adjacent planned buildable site.	Lot east of subject modest size & limited depth. Adequate very modest buildable site.	Interior lot, partially cleared. Filled to bid height. More depth & superior shape compared to site adjacent to subject. Overall, functional utility superior to lot adjacent to subject.	Corner lot. Mostly cleared. More depth & superior shape compared to site east of subject. Overall, functional utility superior to lot adjacent to subject. Purchaser offered \$300K or \$25,406/ft, but seller would not move off of full ask price, thus full ask price paid.	Interior lot. One block south of subject. Property includes paid impact fees, near \$16K. Sales price adjusted for paid fees. Mostly cleared. Large w/ superior depth. Functional utility superior to lot adjacent to subject. See listing 1 for re- list of property.	Interior lot. One block south of subject. Property includes paid impact fees, near \$16K. Ask price adjusted for paid fees. Mostly cleared. Large w/ superior depth. Functional utility superior to lot adjacent to subject. Asking price analyzed w/ final sales price expected to equate to lower value indication. Prev. owner experienced in market thinks will sell mid \$200's.	Somewhat interior area of neighborhood east of Kruiger Creek & three blocks south of Riverside Dr. Cleared. Narrow width. Functional utility most similar to lot adjacent to subject. Asking price analyzed w/ sale price expected to be low with sales negotiations.
SALE ANALYSIS	RECORDED SALE PRICE:		\$295,000	\$320,000	\$200,000	\$315,000	\$199,900
FINANCING ADJUSTMENT			0	0	0	0	0
ADJUSTED SALE PRICE			\$295,000	\$320,000	\$200,000	\$315,000	\$199,900
CONDITION OF SALE ADJ.			0	0	-16000	-16000	0
ADJUSTED SALE PRICE			\$295,000	\$320,000	\$184,000	\$299,000	\$199,900
MARKET CONDITION ADJ / MO.			0.02%	0.02%	0.02%	0.02%	0.02%
GROSS SALE PRICE			\$295,000	\$320,000	\$184,000	\$299,000	\$199,900
SALE PRICE PER FRONT FOOT			\$2,950	\$2,793	\$1,415	\$2,300	\$2,596
SALE PRICE PER SQ. FT			\$27.44	\$27.18	\$11.23	\$18.26	\$26.77

FULLER-ARMFIELD-WAGNER

Subject Photographed 2/27/2019



Subject – unopened street right of way



Developable site east of subject



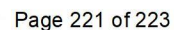
Developable site west of subject

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AERIAL SITE MAP (approx. subject area in red)

FULLER-ARMFIELD-WAGNER



QUALIFICATIONS OF THE APPRAISER
DANIEL D. FULLER, MAI

Education

Indian River Community College, Graduated 1967, A/S Degree

Professional Memberships

Member Appraisal Institute (MAI)#7876 - Appraisal Institute
Senior Real Property Appraiser (SRPA) - Appraisal Institute
Senior Residential Appraiser (SRA) - Appraisal Institute
Florida - State Certified General Real Estate Appraiser RZ567
Registered Florida Real Estate Broker

Work Experience

1992 - Pres. President, Fuller-Armfield-Wagner Appraisal & Research, Inc., Fort Pierce, FL
1987 - 1992 Vice President & Partner, Armfield-Wagner Appraisal & Research, Inc., Fort Pierce, FL
1983 - 1987 Staff Appraiser, Armfield-Wagner Appraisal & Research, Inc., Vero Beach, FL
1981 - 1983 Salesman/Appraiser, Florida Licensed Realtor-Associate, Procino Realty, Ft Pierce, FL
1979 - 1983 Staff Appraiser, Harbor Federal Savings and Loan Association, Fort Pierce, FL
1974 - 1979 Staff Appraiser, St. Lucie County Property Appraiser's Office, Fort Pierce, FL

Real Estate Appraisals made for the following:

Accountants	PNC Bank
Attorneys	Port St. Lucie, City of
Dept. of Natural Resources	Regions Bank
Federal Deposit Ins. Corp.	Resolution Trust Corporation
Federal Home Loan Bank Board	Seacoast Bank
Federal National Mortgage Corp.	St. Lucie County
Florida Community Bank	South Florida Water Management District
Fort Pierce, City of	SunTrust Banks
Centerstate Bank	TD Bank
Iberia Bank	TITF
Indian River County	Vero Beach, City of
Martin County	Wells Fargo

Types of Appraisals Completed

Airplane Hangars	Offices
Automobile Dealerships	Packing Houses
Car Washes	Ranches
Commercial	Recreational Vehicle Parks
Groves	Residential
Industrial	Restaurants
Insurable Value	Retail Shopping Centers
Land Locked Parcels	Service Stations
Mini-Warehouses	Subdivision
Motels	Warehouses
Multi-Family	Wetlands
	Vacant Lands

Qualified as Expert Witness

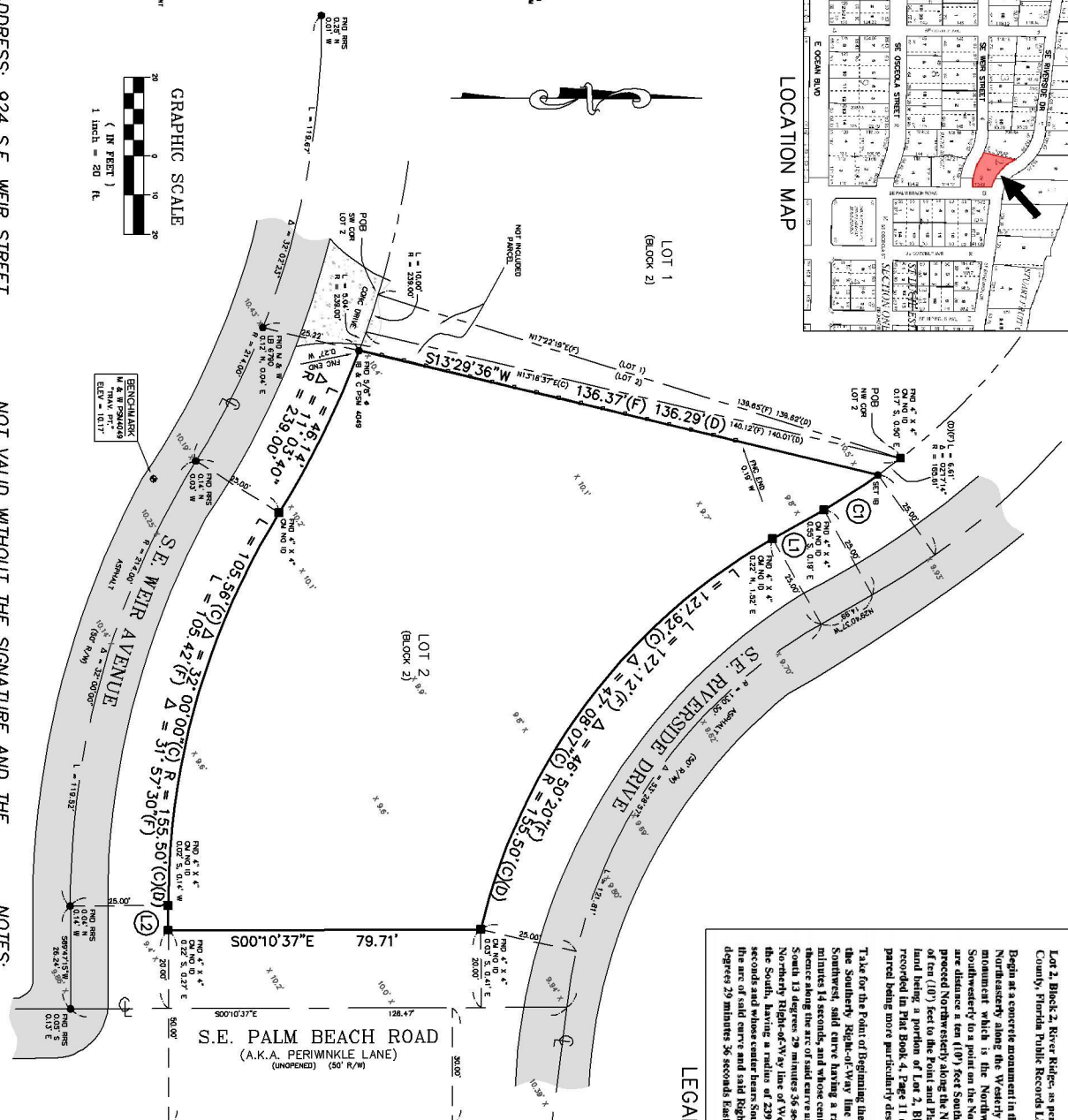
Circuit Court -
St. Lucie County
Martin County
Indian River County
Okeechobee County
Palm Beach County
U.S. Bankruptcy Court -
West Palm Beach District

Accomplishments

Past President - Society of Real Estate Appraisers - Indian River Chapter 211 (1989 - 1990)
Past Instructor - Indian River Community College - Appraising Income Producing Real Estate
Past Board Member - East Florida Chapter of Appraisal Institute



1. PROPERTY ADDRESS: 924 S.E. WEIR STREET
2. CERTIFIED TO: CATHIE TEAL REVOCABLE TRUST



LEGAL DESCRIPTION

Lot 2, Block 2, River Ridge, as per plat thereof recorded in Plat Book 4, Page 11, Martin County, Florida Public Records LESS the following described portion of said lot:

Begin at a concrete monument in the Southeast corner of Lot 2, Block 2, thence proceed Northwesterly along the West line of Lot 2, a distance of 139.62 feet to a concrete monument which is the Northwest corner of Lot 2, Block 2, thence proceed Southwesterly along the West line of Lot 2, Block 2, a distance of 139.62 feet to a concrete monument which is the Southwest corner of Lot 2, Block 2, thence proceed Northwesterly along the West line of Lot 2, Block 2, a distance of 139.62 feet to the Point and Place of Beginning LESS AND EXCEPT a parcel of land being a portion of Lot 2, Block 2, River Ridge, according to the plat thereof as recorded in Plat Book 4, Page 11 of the Public Records of Martin County, Florida, said parcel being more particularly described as follows:

Take for the Point of Beginning the Northwest corner of said Lot 2, said point being on the Southwesterly Right-of-Way line of Riverside Drive and on a curve concave to the Southwest, said curve having a radius of 166.61 feet a central angle of 02 degrees 17 minutes 14 seconds, and whose center bears South 53 degrees 12 minutes 06 seconds West 13 degrees 14 seconds and said Right-of-Way line, a distance of 6.61 feet; thence South 13 degrees 29 minutes 36 seconds West, a distance of 136.29 feet to a point on the Northwesterly Right-of-Way line of Weir Avenue, said point also being on a curve concave to the South, having a radius of 239.08 feet, a central angle of 01 degrees 12 minutes 26 seconds and whose center bears South 28 degrees 54 minutes 48 seconds West; thence along the arc of said curve and said Right-of-Way line, a distance of 5.04 feet; thence North 13 degrees 29 minutes 36 seconds East, a distance of 140.01 feet to the Point of Beginning.

CURVE TABLE	
①	L = 17.15'
②	Δ = 02°17'14"
③	R = 166.61'

LINE TABLE	
①	N35°31'32"W (X) 14.89 (P) 15.06 (T)
②	S89°45'07"E (C) 6.53 (C)
③	S88°28'53"E (T) 6.59 (T)

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

NOTES:

1. Survey of description as furnished by Client.
2. Lands shown hereon were not obstructed for easements and/or rights-of-way of record.
3. All bearings are referenced to the West line of subject property, deeded as N13°29'36"E, all others relative thereto.
4. Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on bench mark "DC-PB".
5. There are no above ground encroachments, unless otherwise shown.
6. The National Flood Insurance Program designation as indicated on the F.E.M.A. Map No. 12085C0153C, dated 03/16/2015, locates the parcel in Zone "X", base flood elevation N/A, feet; subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided for informational purposes only. No warranty is made by the surveying agency.
7. Underground foundations & utilities not located unless shown.

Date of field survey:
09/01/2016

TOPOGRAPHIC BOUNDARY SURVEY PREPARED FOR: TEAL

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

DRAWN	R.F.C.
CHECKED	S.A.B.
DATE	01/09/2017
SCALE	1" = 20'
SHEET	3656-01-02
ONE	ONE

REVISIONS	BY