



AGENDA

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD MARCH 14, 2022
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

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

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: 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.

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.

ROLL CALL

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - LAYLA FORS, SONG PERFORMANCE

PROCLAMATIONS

2. IRISH AMERICAN HERITAGE MONTH - MARCH 2022
3. COMMEMORATION OF THE 50TH ANNIVERSARY OF THE VIETNAM WAR & VIETNAM WAR VETERANS DAY ON MARCH 29, 2022
4. 50TH ANNIVERSARY OF THE FLORIDA ASSOCIATION OF CITY CLERKS

PRESENTATIONS

5. SERVICE AWARDS - MARCH 2022
6. EMPLOYEE SPOTLIGHT - MARCH 2022
7. OFFSITE IMPROVEMENTS AND INFRASTRUCTURE CONNECTED TO THE AVONLEA MASTER PUD (PLANNED UNIT DEVELOPMENT)

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

CONSENT CALENDAR

8. APPROVAL OF 02/28/2022 CCM MINUTES (RC)
9. DOWNTOWN COURTESY DOCK WAVE ATTENUATION PHASE I FIND GRANT APPLICATION AUTHORIZATION (RC):

RESOLUTION No. 30-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE UTILITIES AND ENGINEERING DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL, DESIGNATE THE UTILITIES AND ENGINEERING DIRECTOR AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE THE GRANT, AND SUBSEQUENTLY APPROVE THE EXPENDITURE OF THE GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, TO FUND THE IMPROVEMENTS ASSOCIATED WITH THE DOWNTOWN COURTESY DOCKS AND WAVE ATTENUATION PROJECT: PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

10. PLAT OF "AVONLEA PARCEL 16" (RC):

RESOLUTION No. 33-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "AVONLEA PARCEL 16", A REPLAT OF LOT 16, NEW AVONLEA P.U.D. RECORDED IN PLAT BOOK 17, PAGE 35, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 37 SOUTH, RANGE 41 EAST CITY OF STUART, MARTIN COUNTY, FLORIDA, CONTAINING 4.14 ACRES, MORE OR LESS PREPARED BY RICHARD H. SMITH, PROFESSIONAL SURVEYOR AND MAPPER NO. 5239, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

11. LAND USE CHANGE FOR PREVIOUS ANNEXED PROPERTIES (RC):

RESOLUTION No. 31-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA INITIATING THE PROCESS TO AMEND THE FUTURE LAND USE MAP AND ASSIGN CITY FUTURE LAND USE(S) AND CITY ZONING CATEGORY(S) FOR PROPERTIES PREVIOUSLY VOLUNTARILY ANNEXED INTO THE CITY LIMITS, FLORIDA, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

12. BA #10 ARPA FUNDING - NW DIXIE HIGHWAY DITCH IMPROVEMENTS & SE MANGO PLACE DRAINAGE IMPROVEMENTS PROJECTS (RC):

RESOLUTION No. 32-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT No. 10 TO THE 2021-2022 ENTERPRISE FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE NW DIXIE HIGHWAY DITCH IMPROVEMENTS PROJECT & SE MANGO PLACE DRAINAGE IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

13. NOTICE TO ABANDON RIGHT-OF-WAY FOR PALMETTO COVE RPUD (RC):

RESOLUTION No. 35-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON MARCH 28, 2022, AT 5:30 P.M. AND APRIL 11, 2022, AT 4:00 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THAT PORTION OF A PLATTED 11 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF DYER ESTATES, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING FOR THE REPEAL OF RESOLUTION 106-2021, AND FOR OTHER PURPOSES.

14. LICENSE AGREEMENT DOWNTOWN VALET PARKING:

RESOLUTION 36-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE CITY OF STUART AND HUDSON'S ON THE RIVER, LLC TO UTILIZE PARKING LOCATED AT NORTH END OF FLAGLER AVENUE FOR THE PURPOSE OF OPERATING A DOWNTOWN VALET PARKING SERVICES PILOT PROGRAM.

ORDINANCE SECOND READING

15. AMENDMENT TO THE LAND DEVELOPMENT CODE TO INCORPORATE TREE REMOVAL PENALTIES (RC):

ORDINANCE No. 2478-2022; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER V RESOURCE PROTECTION STANDARDS OF THE CITY'S LAND DEVELOPMENT CODE, ESTABLISHING "PENALTIES FOR VIOLATIONS" FOR THE REMOVAL OF TREES IN VIOLATION OF THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by:

Title of Item:

ARTS MOMENT - LAYLA FORS, SONG PERFORMANCE

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Enjoy!

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by: RYANNE CAVO

Title of Item:

IRISH AMERICAN HERITAGE MONTH - MARCH 2022

Summary Explanation/Background Information on Agenda Request:

Irish Americans, since America's inception, have provided and continue to provide leadership and service to Florida and our Nation, it is fitting and proper to celebrate their cultural heritage and many valuable contributions.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation.

ATTACHMENTS:

1. Irish-American Heritage Month - March 2022

**PROCLAMATION
IRISH AMERICAN HERITAGE MONTH
MARCH 2022**

WHEREAS, by 1776 nearly 300,000 Irish nationals had emigrated to the American colonies and played a crucial role in America's War for Independence; and

WHEREAS, Irish born Commodore John Barry was recognized by the United States Congress in September of 2002 as the "First Flag Officer of the United States Navy"; and fought the last sea battle of the American Revolution off the coast of Florida; and

WHEREAS, the Irish first came to Spanish "*La Florida*" in the 1500s - first as missionaries and mercenary soldiers and then as planters, traders, businessmen, doctors and administrators; with three of the Spanish Governors of "*La Florida*" were actually Irish military officers; and

WHEREAS, Fr. Richard Arthur, an Irish-born priest from Limerick who was appointed parish priest for St. Augustine in 1597 and ecclesiastical judge of "*La Florida*," established the first public school in America and opened it to both boys and girls of all races; and

WHEREAS, Andrew Jackson, whose family came from County Antrim, served as Florida's military governor following its acquisition by the United States; and

WHEREAS, Irish Americans, since America's inception, have provided and continue to provide leadership and service to Florida and our Nation, it is fitting and proper to celebrate their cultural heritage and many valuable contributions.

NOW, THEREFORE, I, Merritt Matheson, Mayor of the City of Stuart, Florida, do hereby proclaim the month of March 2022 in the City of Stuart, Florida as:

IRISH AMERICAN HERITAGE MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 14th day of March, 2022.

MERRITT MATHESON
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by: Ryanne Cavo

Title of Item:

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE VIETNAM WAR & VIETNAM WAR
VETERANS DAY ON MARCH 29, 2022

Summary Explanation/Background Information on Agenda Request:

President Donald J. Trump in 2017, and President Barack Obama in 2012, signed official proclamations to honor Vietnam Veterans with a Commemoration of the 50th Anniversary of the Vietnam War – a 13-year commemoration beginning May 28, 2012 and ending November 11, 2025. We pay tribute to servicemen and women who left their families to serve bravely.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation.

ATTACHMENTS:

1. Vietnam Veterans Day 3.29.22

**PROCLAMATION
RECOGNIZING THE NATION’S 13-YEAR COMMEMORATION OF THE 50TH
ANNIVERSARY OF THE VIETNAM WAR AND HONORING OUR VIETNAM WAR
VETERANS**

WHEREAS, President Donald J. Trump in 2017, and President Barack Obama in 2012, signed official proclamations to honor Vietnam Veterans with a Commemoration of the 50th Anniversary of the Vietnam War – a 13-year commemoration beginning May 28, 2012 and ending November 11, 2025. We pay tribute to servicemen and women who left their families to serve bravely; and

WHEREAS, as a grateful nation we honor more than 58,000 patriots and their sacrifices – their names etched in black granite. We draw inspiration from those who were prisoners of war. As a nation we pledge to keep faith with those who still carry the scars of war and we pledge to bring the 1,600 missing service members back home; and

WHEREAS, in recognition of a chapter in our Nation’s history that must never be forgotten, let us renew our sacred commitment to those who answered our country’s call in Vietnam; and

WHEREAS, throughout this Commemoration, let us remember that it is never too late to pay tribute to the men and women who answered the call of duty with courage and valor, who have served a grateful Nation; and

WHEREAS, we will continue what began Memorial Day 2012, until Veterans Day 2025, to honor our Vietnam Veterans.

NOW, THEREFORE, I, MERRITT MATHESON, Mayor of the City of Stuart, Florida do hereby recognize the Nation’s continued Commemoration of the 50th Anniversary of the Vietnam War, as well as Vietnam War Veterans Day on March 29, 2022, to honor the heroism of those who sacrificed their lives to procure the blessings of liberty and freedom.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Stuart, Florida to be affixed this 14th day of March, 2022.

MERRITT MATHESON
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by: Ryanne Cavo

Title of Item:

50TH ANNIVERSARY OF THE FLORIDA ASSOCIATION OF CITY CLERKS

Summary Explanation/Background Information on Agenda Request:

FACC celebrates its 50th anniversary in 2022, and a golden anniversary is a momentous occasion worthy of commendation and Florida's cities, towns and villages will all join in observation of this celebratory event.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation.

ATTACHMENTS:

1. FACC 50th Anniversary

PROCLAMATION
50th ANNIVERSARY OF THE FLORIDA ASSOCIATION OF CITY CLERKS

- WHEREAS,** the Office of the Municipal Clerk is a time-honored and vital part of local government and is one of the oldest among public servants; and
- WHEREAS,** the Office of the Municipal Clerk provides a professional and essential link between the citizens, the local governing bodies and intergovernmental agencies at the local, state and federal levels along with other essential services; and
- WHEREAS,** the Florida Association of City Clerks (FACC) is the professional membership organization for Florida's municipal clerks and others who work within the clerk's office; and
- WHEREAS,** FACC began in 1972 when its founder, the late Robert N. Clark, CMC, City Clerk of Sunrise, saw the need for an organization to bring together like-minded people to unite the voice of all municipal clerks, to share ideas and to assist one another in the work of municipal government; and
- WHEREAS,** FACC celebrates its 50th anniversary in 2022, and a golden anniversary is a momentous occasion worthy of commendation and Florida's cities, towns and villages will all join in observation of this celebratory event; and
- WHEREAS,** municipal clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in educational programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and
- WHEREAS,** FACC is a primary source for the educational programs, seminars, workshops and webinars for educating Florida's municipal clerks and those who serve in the clerk's office, and municipal clerks look to FACC to provide the training needed to obtain their Certified Municipal Clerk (CMC) and Master Municipal Clerk (MMC) certifications.

NOW, THEREFORE, I, Merritt Matheson, Mayor of the City of Stuart, Florida, do hereby proclaim 2022 as the:

50TH ANNIVERSARY OF THE FLORIDA ASSOCIATION OF CITY CLERKS

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 14th day of March, 2022.

MERRITT MATHESON
Mayor

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by: Karen Chambers Cuffy

Title of Item:

SERVICE AWARDS - MARCH 2022

Summary Explanation/Background Information on Agenda Request:

Joseph Tumminelli	Police	25 years
John Reddick	Police	25 years
Derek Wallace	Fire Rescue	15 years
James Minor	Fire Rescue	15 years
Jessica Tharp	10th Street Center	5 years

Funding Source:

General Fund

Recommended Action:

Present Awards

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by: Jan Foselli

Title of Item:

EMPLOYEE SPOTLIGHT - MARCH 2022

Summary Explanation/Background Information on Agenda Request:

Recognize Deborah Carrasco for the Employee Spotlight for March, 2022

Funding Source:

N/A

Recommended Action:

Recognize Deborah Carrasco for the Employee Spotlight for March, 2022

ATTACHMENTS:

1. Deborah_Carrasco_Mar2022_EE_Spotlight_FINAL



Employee Spotlight

Deborah Carrasco

Neighborhood Services/Development Department

March, 2022

“I was born on the south side of Chicago, but I grew up in the town of Princeville, a small community of fewer than 2,000 people near Peoria, Illinois. Our home was situated on 3 acres and surrounded by cornfields, and I returned to Chicago in the summer months to spend time with family members.” Speaking of family, Deborah is the 5th of 11 children. She has 6 brothers and 5 sisters, 20 nieces and nephews and at last count, over 10 great-nieces and great-nephews.

Deborah worked for Homeland Security as a TSA Officer at the Peoria International Airport, and the schedule was not conducive to raising children. Her shift began at 2:45 a.m. and she worked until noon, and the TSA did not provide much time off for her to be with her children. Deborah always loved Florida, and when she had the opportunity to relocate, she jumped on it, knowing she could pursue better opportunities and quality of life for herself and her children. Working for the City allowed her to be “more present” for her children who were teenagers when they moved to the sunshine state. Her son, Josiah, had the opportunity to join the Stuart Police Department’s Explorer program, which furthered his interest in the military. Deborah is a proud U.S. Air Force mom as Josiah is in their Security Forces and currently stationed in Turkey. He will return home in June and then he is off to Italy, and Deborah plans on definitely visiting him there! Her daughter, Yesenia, is attending University of North Carolina at Charlotte as a biology major. The greatest compliment she could receive is in regards to her children, and she is proud of everything they have accomplished.

If Deborah was not in Florida, she would still work for the Homeland Security/TSA. She loved her responsibilities in security, and she was able to obtain several certifications which progressed her up the career ladder to a supervisor. The most challenging aspect of the job—anything to do with bombs, whether a direct or indirect threat. She recalled a time when the entire airport was shut down due to a suspected bomb in a piece of luggage. All TSA agents are trained to find bombs in luggage, and one day, a piece of luggage was headed towards the cargo compartment of the plane when the scanners identified what appeared to be the components of a bomb in a bag: a fuse, a detonator, a timer, etc. Their bomb protocol was initiated, and they had to shut the entire airport down—no planes were allowed to leave or land, everyone had to be evacuated, the local sheriff office was contacted for their bomb squad to come in, and the passenger had to be found. Luckily it was a false alarm! It turned out the passenger was en-route to a training program, where she was teaching the staff of a medical clinic what a bomb looks like. It was all fake and part of a demonstration!

When asked what she likes best about working for the City, Deborah stated that she enjoys the freedom to create her day. She can spend time both in the office and out in the City, and she is thankful for her fellow employees who trust her to do her job.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by: Kevin Freeman, Erin Wohlitka

Title of Item:

OFFSITE IMPROVEMENTS AND INFRASTRUCTURE CONNECTED TO THE AVONLEA MASTER PUD (PLANNED UNIT DEVELOPMENT)

Summary Explanation/Background Information on Agenda Request:

Staff will present an update of the status of offsite improvements and infrastructure required as part of the Avonlea master planned unit development agreement.

Funding Source:

N/A

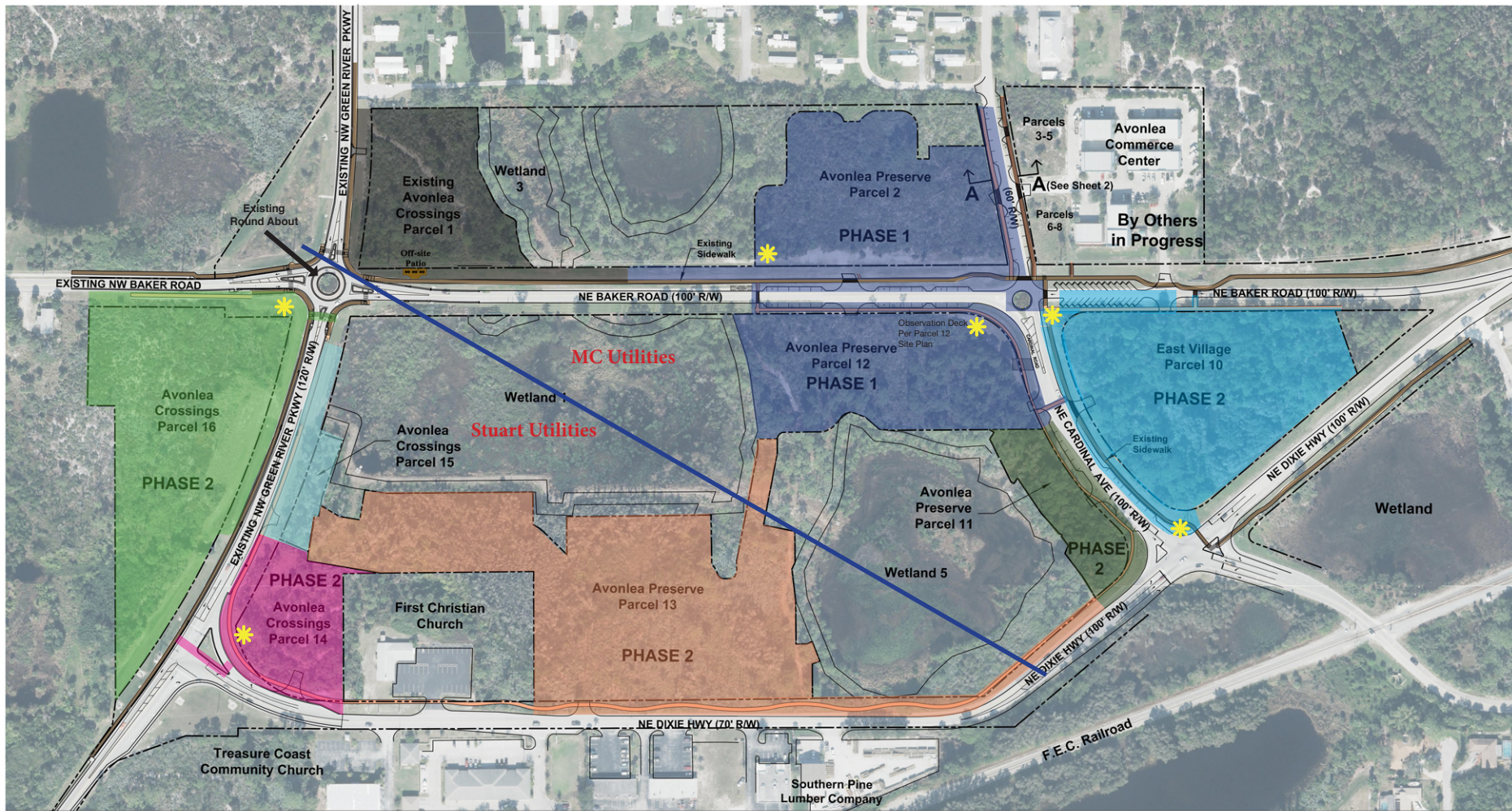
Recommended Action:

Receive the presentation/update.

ATTACHMENTS:

1. B1. Backup - Avonlea Offsite Improvement Plan

NEW AVONLEA PUD OFFSITE IMPROVEMENT PLAN



**Existing Public Art and Existing Gateway/Identity Features
To be shown as development occurs**



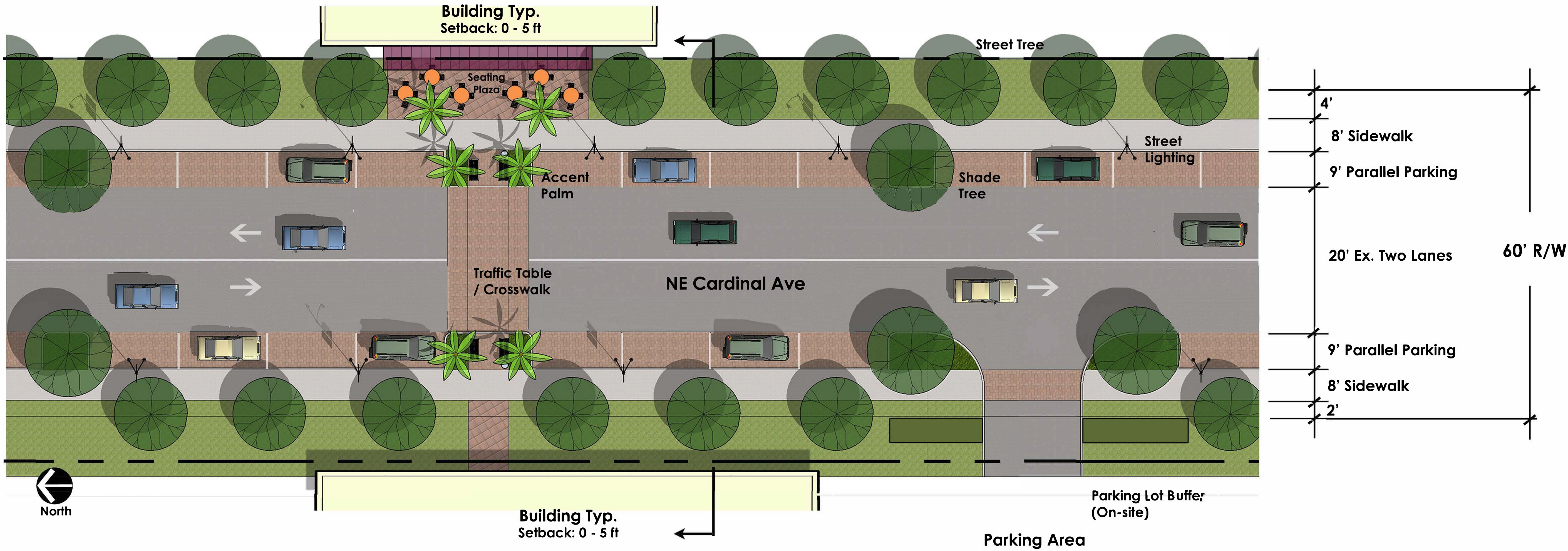
Location of feature to be detailed on site plan.

Legend

- Gateway/Project Identity Feature
- Existing Sidewalks
- Parcel 2 & 12 Improvements
- Parcel 10 Improvements
- Parcel 11 Improvements
- Parcel 13 Improvements
- Parcel 14 Improvements
- Parcel 15 Improvements
- Parcel 16 Improvements

Scale: 1" = 100'

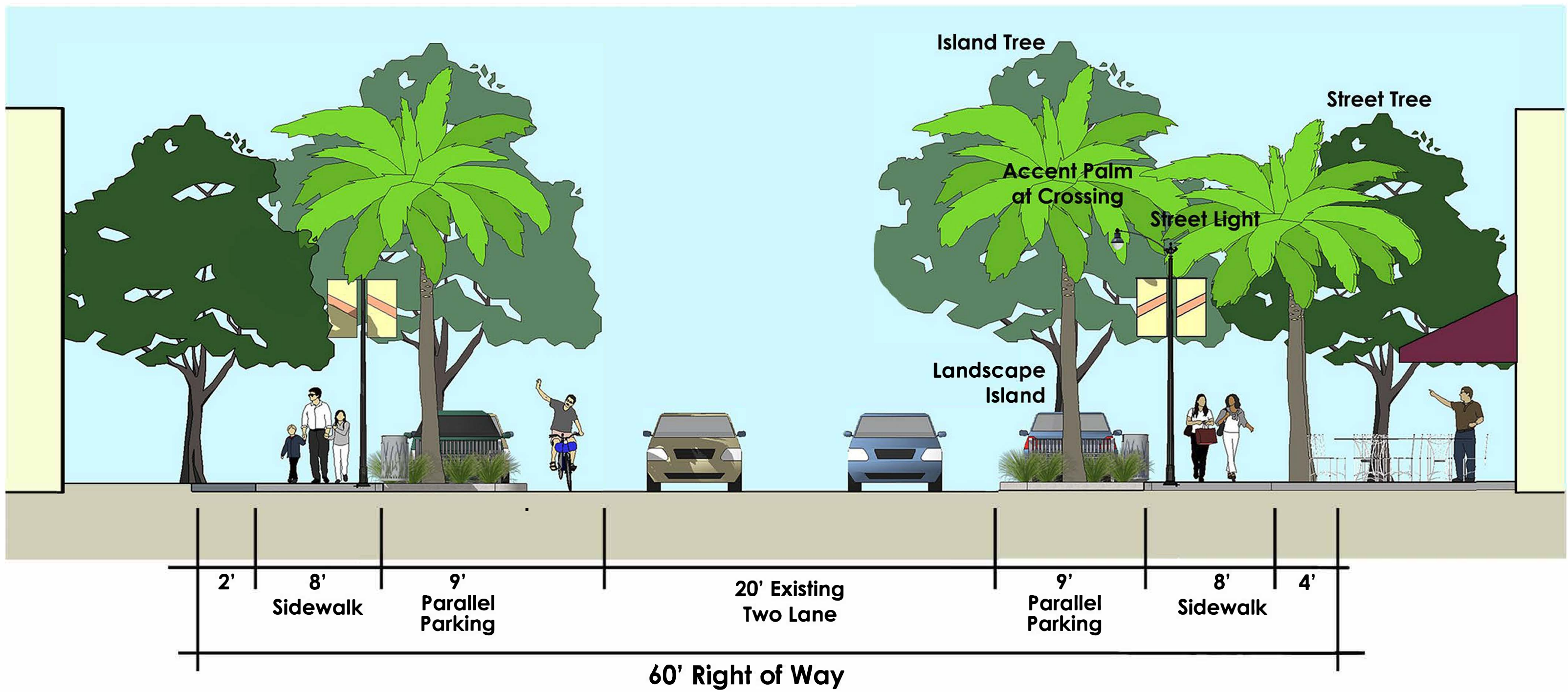
Sheet **1** of 4



Pedestrian Crossing Typical
Showing Accent Palms, Benches, & Trash Can



NE Cardinal Ave. - Cross Section A - Looking North



Concepts shown here are for illustrative purposes and are intended to be finalized with staff durring the PUD Amendment process for site plan approval.



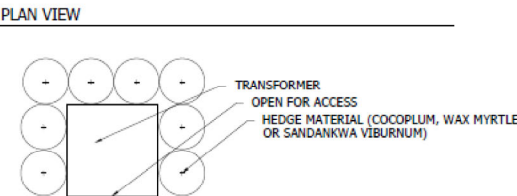
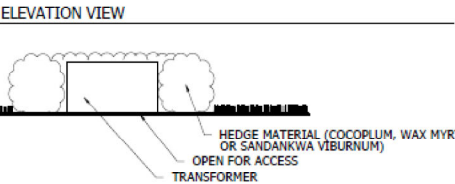
Project Identity Monuments / Column Features



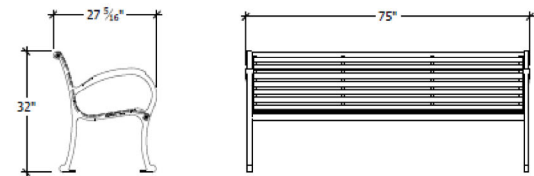
Large & Small Scale Water Features

All items conceptual. Approved site plan details shall control.

TRANSFORMER DETAIL



BENCH DETAIL



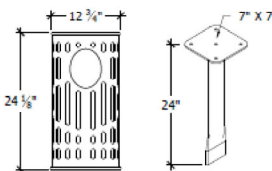
TYPE: DUMOR 160 SERIES BENCH
COLOR: GREEN
FINISH: ZINC RICH AND POLYESTER POWDER COAT

BIKE RACK DETAIL



DERO BIKE RACK CO.
STUART HR-IG WELDMENT
HOOP IG WELDMENT 2000070-B
STUART HR PLATE 1004466-A

TRASH CAN DETAIL



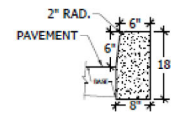
TYPE: WABASH VALLEY ASH URN
COLOR: GREEN / RIB PATTERN
FINISH: POWDER COAT

LIGHT POLE DETAIL

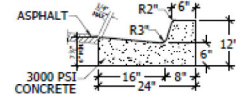


CREE EDGE SERIES
LED
CAST ALUMINUM HOUSING
CONCRETE POLE
OR EQUAL

D CURB DETAIL

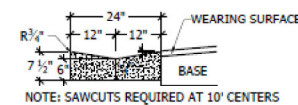


F CURB DETAIL



NOTE: WHEN USED ON HIGH SIDE OF ROADWAYS,
THE CROSS SLOPE OF THE GUTTER SHALL MATCH
THE SLOPE OF ADJACENT PAVEMENT AND
THICKNESS OF THE LIP SHALL BE 6 INCHES.

VALLEY CURB DETAIL



NOTE: SAWCUTS REQUIRED AT 10' CENTERS

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 02/28/2022 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 02/28/2022 CCM MINUTES (RC)

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 02282022 CCM

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD February 28, 2022
AT 5:30 PM COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

Mayor Merritt Matheson

Vice Mayor Troy McDonald

Commissioner Becky Bruner

Commissioner Eula R. Clarke

Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess

City Attorney, Michael J. Mortell

City Clerk, Mary R. Kindel

Sergeant at Arms: Lieutenant Michael Gerwan



5:31 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE



5:33 PM

COMMENTS BY CITY COMMISSIONERS

Commissioner Meier

- Thanked the Mayor for thinking of Ukraine and commented that he was proud to be an American.

Commissioner Bruner

- Spoke on the loss of Maggy Hurchalla.
- Commented about the number of families in her neighborhood and what a great community it is.
- Commented about what a great job the City Trams do.

- Talked about the Pancakes in the Park event on March 5, 2022 and asked the community to go out and support the Kiwanis.

Commissioner Clarke

- Echoed the sentiments of Commissioner Meier.
- Thanked Mayor Matheson, Chief Tumminelli, and Ms. Althea Whiley for the Pep Rally that was done in East Stuart.

Vice Mayor McDonald

- Complimented Michelle Vicat, Executive Assistant to City Manager on the job well-done on the 2021 Annual Report.
- Announced that he was a guest speaker at Circle Bay Yacht Club, answered questions from City residents and noted traffic concerns he was informed of. Looking to put a 4-way stop on Manor & Palm City Rd. and stated that overall, Circle Bay is very satisfied with City.
- Commented that in the MPO meeting, they reappointed Mayor Matheson as Chair in the Transportation Disadvantage Committee and the Alternate in Treasure Coast Transportation Committee. Stated that he was elected chair for the MPO.

Mayor Matheson

- Spoke on the passing of Maggy Hurchalla and what she has done for the community, announced a “paddle out” in her memory on March 12, 2022 at 10:00AM at Cove Road Park.
- Thanked his Commission on the support about Senate Bill 2508. Stated that the bill was amended and will be open for discussion in the Senate Budget Conferences.
- Reported that he attended two ground breakings, C23 & C24 STA's.
- Hosted several members from the Army Corp on a boat ride through the rivers.
- Stated that he met with Army Corp staff from Washington DC at the C44 basin.
- Honored to be at the Little League opening at Sailfish Fields.
- Commented on the Sailfish Sprint on March 5, 2022.

COMMENTS BY CITY MANAGER

City Manager Dyess

- Commented on the eventful weekend that will be coming up. Reiterated different events that the Commissioners commented on.
- Spoke on the new location of the Boys and Girls Club on MLK Blvd.

APPROVAL OF AGENDA

 **5:56 PM MOTION: Move approval of the agenda as published.**
MOVED BY: Commissioner Clarke
SECONDED BY: Commissioner Meier.
Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

None.

CONSENT CALENDAR

1. APPROVAL OF 02/14/2022 CCM MINUTES

2. BUDGET AMENDMENT #8 - CDBG PROGRAM:

RESOLUTION No. 22-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 8 TO THE FY 2021-2022 GENERAL FUND; APPROPRIATING PROGRAM INCOME FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM IN THE AMOUNT OF \$750,000; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. TRESSLER DRIVE WATER QUALITY IMPROVEMENT PROJECT - IRL COUNCIL COSTSHARE AGREEMENT CHANGE ORDER:

RESOLUTION No. 27-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER TO THE COST-SHARE AGREEMENT FOR THE TRESSLER DRIVE WATER QUALITY IMPROVEMENT PROJECT WITH THE INDIAN RIVER LAGOON (IRL) COUNCIL; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

4. STATE REVOLVING FUND AMENDMENT 3 TO LOAN AGREEMENT DW430440:

RESOLUTION No. 29-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING AMENDMENT 3 TO THE STATE OF FLORIDA DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT DW430440; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 3; DESIGNATING AUTHORIZED REPRESENTATIVE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

 **5:57 PM MOTION: Move approval of Consent.**
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner Clarke
Motion approved unanimously.

COMMISSION ACTION

ORDINANCE SECOND READING

 **5:57 PM**

ORDINANCE FIRST READING

5. SILVERTHORN RESIDENTIAL PUD - FIRST READING (QUASI-JUDICIAL):

ORDINANCE No. 2472-2022: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUDD ASSOCIATES FL LLC, LOCATED ON THE SOUTH EAST CORNER OF SE INDIAN STREET AND SE COMMERCE AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE SILVERTHORN RPUD CONSISTING OF EIGHTY SIX (86) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Mike Mortell, City Attorney swore in 3 people; Kev Freeman, Tom Reetz, and Michael Dinilio.

Kev Freeman, Development Director gave a brief discussion on the Ordinance.

Michael Dinilio, Meritage Home requested that the hearing be moved to March 28, 2022 due to the changes that are being done in the project and working with City's staff.

Commissioner Meier stated that this was the first time in his tenure that staff has recommended denial of a project. Stated that he was not in favor to accept the motion due to how far apart staff and applicant seem to be. Commissioner Meier continued to share his reasoning for not being in favor of the project.

Vice Mayor McDonald reported that he is not in favor to continue this project.

Commissioner Clarke and Attorney Mortell discussed on whether the project would have to go back to LPA.

Developer shared some of the things that have changed within the project just to make the elements that the Commissioners would like. He stated that a 30-day continuance would be acceptable for them.

Commissioners discussed the project and all the factors surrounding this project.

Public Comment:

- 1) Helen McBride – SE Flamingo Ave; Commented about there being no lights on Commercial and Indian St. and stated that she hopes the Commission listens to the LPA Board as they are a great board and do their homework.
- 2) Linda Kay Richards – SW Cabana Pointe; Commented on this land being commercial land and needs to stay commercial, stated her opposition on this project.



6:03 PM MOTION: Move approval to request to continue on March 28, 2022 at 5:00 PM.

MOVED BY: Commissioner Clarke

SECONDED BY: Commissioner Brunner

Motion approved unanimously.  6:16 PM

Commissioner Meier made a comment about a County meeting speaking of Rural Lifestyle land use switch.

Commissioners and Attorney discussed the legal side of not accepting the motion to a date certain.



6:21 PM

6. AMENDMENT TO THE LAND DEVELOPMENT CODE TO INCORPORATE TREE REMOVAL PENALTIES:

ORDINANCE No. 2478-2022; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER V RESOURCE PROTECTION STANDARDS OF THE CITY'S LAND DEVELOPMENT CODE, ESTABLISHING "PENALTIES FOR VIOLATIONS" FOR THE REMOVAL OF TREES IN VIOLATION OF THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Tom Reetz, Senior Planner gave a brief history and presented the amendment text for this Ordinance.

Commissioner Meier stated how and why he was in favor of this Ordinance.



6:26 PM MOTION: Move Approval.

MOVED BY: Commissioner Meier

SECONDED BY: Vice Mayor McDonald

Motion approved unanimously.

Commissioner Meier commented on preserve areas, stated that there was a Legislature that is poised to pass into a glitch bill that fixes the tree protection law passed in 2019. He stated if all goes according to plan the legislature will finally allow the local government to protect their special trees and would recommend after it passes, we look into a dedicated tree protection program in the City.

Mayor Matheson shared his support to Commissioner Meier.

Mr. Freeman shared something similar that the City does have already.

Commissioner Clarke announced 2 events that are happening in March:

- Housing Rehabilitation Workshop on March 9, 2022 at 5:30PM in Commission Chambers.
- Share your East Stuart story event on March 7, 2022 at 5:30PM at 10th Street Recreation Center.

DISCUSSION AND DELIBERATION



6:32 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Merritt Matheson, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 14th day of March, 2022.**

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 3/14/2022

Prepared by: Janine Wilde, Tim Voelker

Title of Item:

DOWNTOWN COURTESY DOCK WAVE ATTENUATION PHASE I FIND GRANT APPLICATION AUTHORIZATION (RC):

RESOLUTION No. 30-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE UTILITIES AND ENGINEERING DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL, DESIGNATE THE UTILITIES AND ENGINEERING DIRECTOR AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE THE GRANT, AND SUBSEQUENTLY APPROVE THE EXPENDITURE OF THE GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, TO FUND THE IMPROVEMENTS ASSOCIATED WITH THE DOWNTOWN COURTESY DOCKS AND WAVE ATTENUATION PROJECT: PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The Florida Inland Navigation District (FIND) has provided financial support for numerous city projects that provide access to the Okeechobee and Intracoastal Waterways (ICW). In the downtown area, this partnership has provided for construction of a riverwalk extending from Colorado Avenue Park to the Sunset Bay Marina, a fixed city dock and floating courtesy docks.

This proposed application is for the installation of a new courtesy dock and wave attenuation system, which will protect and extend the useful life of the new docks from stress and damage caused by repeated wave action. This application is for Phase I of the project consisting of design and permitting services estimated to be \$250,000.00.

Applications for Phase I are due in the Florida Inland Navigation District office by 4:30pm, March 28, 2022.

Funding Source:

If successful, funds for design and permitting will be budgeted in the Fiscal Year 2023 budget, Transportation Maintenance, Capital Outlay.

Recommended Action:

Move approval of Resolution No. 30-2022.

ATTACHMENTS:

1. R30-2022 Downtown Courtesy Dock Wave Attenuation Phase I FIND Grant Application Authorization



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

RESOLUTION NUMBER 30-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE UTILITIES AND ENGINEERING DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL, DESIGNATE THE UTILITIES AND ENGINEERING DIRECTOR AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE THE GRANT, AND SUBSEQUENTLY APPROVE THE EXPENDITURE OF THE GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, TO FUND THE IMPROVEMENTS ASSOCIATED WITH THE DOWNTOWN COURTESY DOCKS AND WAVE ATTENUATION PROJECT: PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

* * * * *

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

WHEREAS, recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S.; and

WHEREAS this law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District; and

WHEREAS, this program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program; and

WHEREAS, the City of Stuart, Florida is interested in carrying out the following described project for the enjoyment of the citizenry of the City of Stuart and the State of Florida: and

Project Title:	Downtown Courtesy Docks and Wave Attenuation		
Phase 1:	Design and Permitting	\$250,000.00	

WHEREAS, the Florida Inland Navigation District (FIND) financial assistance is required for the program mentioned above.

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

SECTION 1: The project described above is hereby authorized.

SECTION 2: The City of Stuart shall make application to FIND in the amount of 50% of the actual cost of the project on behalf of said City of Stuart.

SECTION 3: The City of Stuart certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.
3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said City of Stuart for public use.
4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P.L. 88-352(1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

SECTION 4: This resolution shall take effect upon adoption.

Resolution No. 30-2022
Downtown Courtesy Dock Wave Attenuation Phase I FIND Grant Application Authorization

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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this 14th day of March 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by: Tom Reetz

Title of Item:

PLAT OF "AVONLEA PARCEL 16" (RC):

RESOLUTION No. 33-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "AVONLEA PARCEL 16", A REPLAT OF LOT 16, NEW AVONLEA P.U.D. RECORDED IN PLAT BOOK 17, PAGE 35, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, LYING IN SECTIN 29, TOWNSHIP 37 SOUTH, RANGE 41 EAST CITY OF STUART, MARTIN COUNTY, FLORID, CONTAINING 4.14 ACRES, MORE OR LESS PREPARED BY RICHARD H. SMITH, PROFESSIONAL SURVEYOR AND MAPPER NO. 5239, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On April 13th, 2020 the City Commission adopted Ordinance 2434-2020, which approved Master Parcel Plans for Avonlea Crossings Parcel B (Parcel 16).

Exhibit C, Development Conditions, condition #63 of the New Avonlea PUD ordinance requires plat approval prior development permits being issued. Pursuant to the terms of the PUD, the City must approve the plat if it is in compliance with the development order.

The City's Consultants, Northstar Geometrics and Captec Engineering have reviewed the plat for consistency with Chapter 177, Florida Statutes and the City's Land Development Code and provided comments which the applicant has addressed.

Funding Source:

N/A

Recommended Action:

Move to approve Resolution No. 33-2022 adopting the Plat.

ATTACHMENTS:

1. R33-2022 Avonlea Parcel 16 Plat
2. A.1 Avonlea Parcel 16 plat
3. A.2 Avonlea review comments and response



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

RESOLUTION No. 33-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED “AVONLEA PARCEL 16”, A REPLAT OF LOT 16, NEW AVONLEA P.U.D. RECORDED IN PLAT BOOK 17, PAGE 35, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, LYING IN SECTIN 29,TOWNSHIP 37 SOUTH, RANGE 41 EAST CITY OF STUART, MARTIN COUNTY, FLORID, CONTAINING 4.14 ACRES, MORE OR LESS PREPARED BY RICHARD H. SMITH, PROFESSIONAL SURVEYOR AND MAPPER NO. 5239, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*** * * * ***

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

SECTION 1: That certain plat titled “AVONLEA PARCEL 16” prepared by Richard H. Smith, A Florida Professional Surveyor, a copy of which was initially filed with the City Development Department on November 1, 2021, is hereby approved by the City Commission as being in compliance with the requirements for platting in Chapter 177, Florida Statutes and with local laws relative thereto.

SECTION 2: This resolution shall take effect upon adoption.

Commissioner _____ offered the foregoing 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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION 33-2022, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS RESIDENTIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Print Name: _____ New Urban Avonlea, LLC

Print Name: _____ Name: Timothy L. Hernandez
Title: Agent

PETITIONER'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2022, by Timothy Hernandez who ☐ is personally known to me or ☐ has produced _____ as identification.

(Notary Seal)

Signature of Notary Public

Printed Name: _____

CLERK’S RECORDING CERTIFICATE

I, CAROLYN TIMMANN, CLERK OF THE CIRCUIT COURT OF MARTIN COUNTY, FLORIDA, HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN PLAT BOOK _____ PAGE _____ MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, THIS _____ DAY OF _____, 2021.

CAROLYN TIMMANN, CLERK OF THE CIRCUIT COURT, MARTIN COUNTY, FLORIDA.

FILE NUMBER: _____ BY: _____ DEPUTY CLERK

SUBDIVISION PARCEL CONTROL NUMBER

AVONLEA PARCEL 16

BEING A REPLAT OF LOT 16, NEW AVONLEA P. U. D.,
RECORDED IN PLAT BOOK 17, PAGE 35, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA
LYING IN SECTION 29, TOWNSHIP 37 SOUTH, RANGE 41 EAST
CITY OF STUART, MARTIN COUNTY, FLORIDA.

LOCATION MAP

NOT TO SCALE

LEGAL DESCRIPTION

LOT 16, NEW AVONLEA P. U. D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 35, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

LYING IN THE CITY OF STUART, MARTIN COUNTY, FLORIDA,
CONTAINING 180,322 SQUARE FEET, 4.1396 ACRES, MORE OR LESS.

CERTIFICATE OF OWNERSHIP & DEDICATION

NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, HEREBY CERTIFIES THAT IT IS THE OWNER OF THE PROPERTY DESCRIBED ON THE PLAT OF AVONLEA PARCEL 16 AND HEREBY DEDICATES AS FOLLOWS:

TRACT A AS SHOWN ON THIS PLAT OF AVONLEA PARCEL 16 IS HEREBY RESERVED ON A NON-EXCLUSIVE BASIS TO NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS AS A PRIVATE ROADWAY AND FOR THE PURPOSE OF PROVIDING ACCESS, DUMPSTERS, PARKING, ROAD, SIDEWALK, DRAINAGE AND UTILITY CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION, INCLUDING CABLE TELEVISION SERVICES. PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY - AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID COMPANY. ADDITIONALLY THE PRIVATE ROADWAY DESIGNATED HEREON IS HEREBY SPECIFICALLY SET ASIDE FOR THE USE OF THE LOTS PLATTED AND SHOWN HEREON. AN EASEMENT OVER AND UNDER SUCH ROADWAY AS SHOWN HEREON IS ALSO RESERVED IN FAVOR OF THE CITY OF STUART, ITS SUCCESSORS AND/OR ASSIGNS FOR ACCESS OF EMERGENCY AND GARBAGE COLLECTION VEHICLES.

PARCEL D AS SHOWN ON THIS PLAT OF AVONLEA PARCEL 16 IS HEREBY RESERVED TO NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS FOR OPEN SPACE, DRAINAGE AND LIFT STATION PURPOSES AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID COMPANY.

PARCEL B AS SHOWN ON THIS PLAT OF AVONLEA PARCEL 16 IS HEREBY RESERVED TO NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS FOR RECREATION PURPOSES AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID COMPANY.

THE DRAINAGE EASEMENTS AS SHOWN ON THIS PLAT OF AVONLEA PARCEL 16 ARE HEREBY RESERVED TO NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS FOR DRAINAGE PURPOSES AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID COMPANY.

THE SIDEWALK EASEMENTS AS SHOWN ON THIS PLAT OF AVONLEA PARCEL 16 ARE HEREBY RESERVED TO NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS FOR THE CONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID COMPANY.

THE SIGNAGE EASEMENTS AS SHOWN ON THIS PLAT OF AVONLEA PARCEL 16 ARE HEREBY RESERVED TO NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS FOR DEVELOPMENT SIGNAGE AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID COMPANY.

THE LIFT STATION EASEMENT AS SHOWN ON THIS PLAT OF AVONLEA PARCEL 16 IS HEREBY RESERVED TO NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS FOR CONSTRUCTION AND MAINTENANCE OF A LIFT STATION AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID COMPANY.

THE WATER MAIN AND FORCE MAIN EASEMENT AS SHOWN ON THIS PLAT OF AVONLEA PARCEL 16 IS HEREBY RESERVED TO NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS FOR CONSTRUCTION AND MAINTENANCE OF WATER MAIN AND FORCE MAIN FACILITIES AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID COMPANY.

THE CITY OF STUART HAS NO RESPONSIBILITY FOR CONSTRUCTION OR MAINTENANCE OF ANY IMPROVEMENTS CONSTRUCTED WITHIN THIS PLAT.

IN WITNESS WHEREOF, NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER,
THIS _____ DAY OF _____, 2022.

NEW URBAN AVONLEA, LLC
A FLORIDA LIMITED LIABILITY COMPANY
BY:
NEW URBAN AVONLEA MANAGER, LLC
A FLORIDA LIMITED LIABILITY COMPANY
ITS MANAGER

BY: KEVIN E. RICKARD, AS MANAGER

WITNESS: _____
PRINT NAME: _____
WITNESS: _____
PRINT NAME: _____

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED KEVIN E. RICKARD, WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED A DRIVER LICENSE AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS MANAGER OF NEW URBAN AVONLEA MANAGER, LLC, A FLORIDA LIMITED LIABILITY COMPANY, MANAGER OF NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID COMPANY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC: _____

PRINT NAME: _____

COMMISSION NUMBER: _____ EXPIRES: _____

ACCEPTANCE OF RESERVATIONS

STATE OF FLORIDA
COUNTY OF PALM BEACH

NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, HEREBY ACCEPTS THE RESERVATIONS TO SAID COMPANY AS STATED AND SHOWN HEREON, AND HEREBY ACCEPTS ITS MAINTENANCE OBLIGATIONS FOR THE SAME AS STATED HEREON,
DATED THIS _____ DAY OF _____, 2022.

IN WITNESS WHEREOF, NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER,
THIS _____ DAY OF _____, 2022.

NEW URBAN AVONLEA, LLC
A FLORIDA LIMITED LIABILITY COMPANY
BY:
NEW URBAN AVONLEA MANAGER, LLC
A FLORIDA LIMITED LIABILITY COMPANY
ITS MANAGER

BY: KEVIN E. RICKARD, AS MANAGER

WITNESS: _____
PRINT NAME: _____
WITNESS: _____
PRINT NAME: _____

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED KEVIN E. RICKARD, WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED A DRIVER LICENSE AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS MANAGER OF NEW URBAN AVONLEA MANAGER, LLC, A FLORIDA LIMITED LIABILITY COMPANY, MANAGER OF NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID COMPANY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC: _____

PRINT NAME: _____

COMMISSION NUMBER: _____ EXPIRES: _____

MORTGAGEE’S CONSENT

STATE OF
COUNTY OF

REDWOOD BPL HOLDINGS 2, INC., A DELAWARE CORPORATION, HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE, WHICH IS RECORDED IN OFFICIAL RECORD BOOK 3242, PAGE 203 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, AND ASSIGNED BY THAT ASSIGNMENT OF SECURITY INSTRUMENT RECORDED IN OFFICIAL RECORD BOOK 3254, PAGE 2558 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, REDWOOD BPL HOLDINGS 2, INC., A DELAWARE CORPORATION, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS VICE PRESIDENT,
THIS _____ DAY OF _____, 2022.

REDWOOD BPL HOLDINGS 2, INC.
A DELAWARE CORPORATION

WITNESS: _____ BY: _____

PRINT NAME: _____ VICE PRESIDENT

WITNESS: _____

PRINT NAME: _____

ACKNOWLEDGMENT

STATE OF
COUNTY OF

BEFORE ME PERSONALLY APPEARED _____ WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED A DRIVER LICENSE AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS VICE PRESIDENT OF REDWOOD BPL HOLDINGS 2, INC., A DELAWARE CORPORATION, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID COMPANY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC: _____

PRINT NAME: _____

COMMISSION NUMBER: _____ EXPIRES: _____

TITLE CERTIFICATION

I, JOHN C. PRIMEAU, ATTORNEY AT LAW, DULY LICENSED IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND TITLE TO THE PROPERTY IS VESTED IN NEW URBAN AVONLEA, LLC, A FLORIDA LIMITED LIABILITY COMPANY; THAT CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON, AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATED: _____ BY: JOHN C. PRIMEAU
ATTORNEY AT LAW
FLORIDA BAR NO. 0062390

CITY OF STUART APPROVAL

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

DATE: _____ MAYOR, CITY OF STUART: MERRITT MATHESON

DATE: _____ CLERK: MARY R. KINDEL

DATE: _____ CITY ATTORNEY: MICHAEL J. MORTELL

DATE: _____ CITY ENGINEER: JOSEPH CAPRA
CAPTEC ENGINEERING, INC.

DATE: _____ PLAT REVIEWER: FRANK C. VELDHUIS, P.S.M.

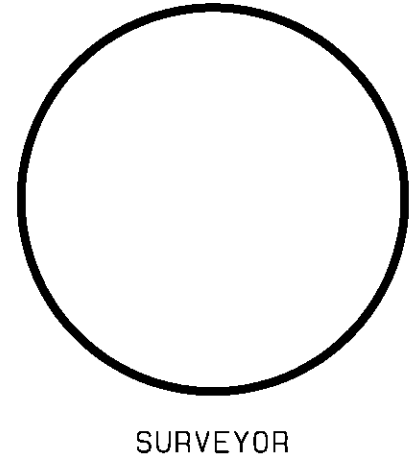
SURVEYOR’S CERTIFICATE

I, RICHARD H. SMITH, HEREBY CERTIFY THAT THIS PLAT OF AVONLEA PARCEL 16 IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, THAT SUCH SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, THAT SUCH SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AS REQUIRED BY LAW, THAT PERMANENT CONTROL POINTS (P.C.P.'S) AND LOT CORNERS WILL BE SET FOR THE REQUIRED IMPROVEMENTS WITHIN THE PLATTED LANDS; THAT THE PLAT WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND APPLICABLE ORDINANCES OF THE CITY OF STUART, FLORIDA.

DATE: _____ BY: RICHARD H. SMITH
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NUMBER 5239

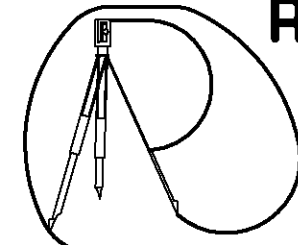
NOTES

- NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF SOUTH 89°29'15" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF N. W. BAKER ROAD.



AVONLEA PARCEL 16

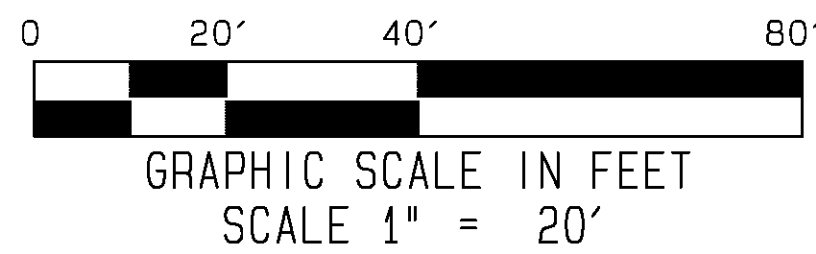
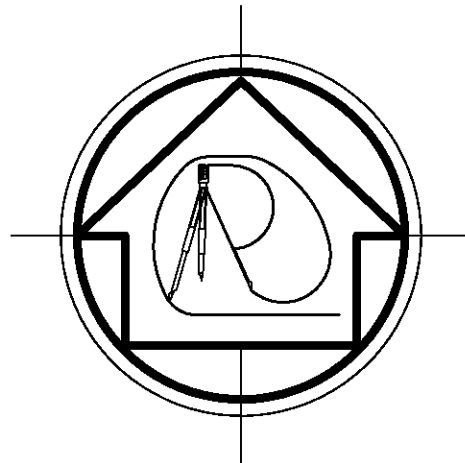
THIS INSTRUMENT WAS PREPARED BY RICHARD H. SMITH
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NUMBER LS 5239
IN AND FOR THE OFFICE OF:



RICHARD H. SMITH, INC.
SURVEYING AND MAPPING
FLORIDA LICENSE NUMBER LB 7667
rsmithsurvey1@gmail.com
4902 FOREST DALE DRIVE
LAKE WORTH, FL 33449
(561) 536-8191

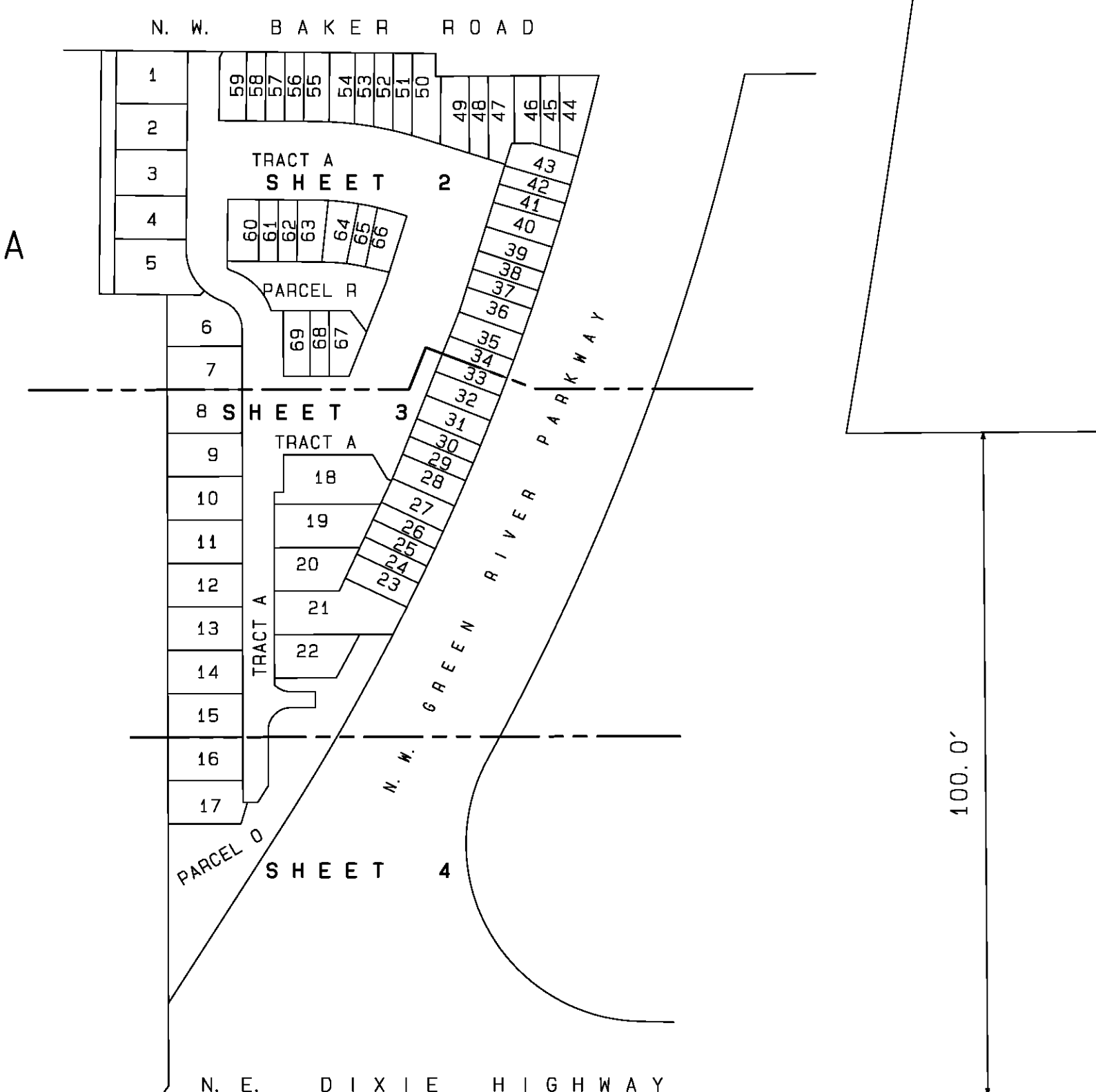
5800P1
PROJECT NUMBER
5800

SHEET
1 OF 4



AVONLEA PARCEL 16

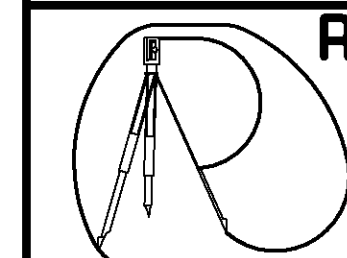
BEING A REPLAT OF LOT 16, NEW AVONLEA P. U. D.,
RECORDED IN PLAT BOOK 17, PAGE 35, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA
LYING IN SECTION 29, TOWNSHIP 37 SOUTH, RANGE 41 EAST
CITY OF STUART, MARTIN COUNTY, FLORIDA.



- LEGEND**
- A - CURVE ARC LENGTH
 - Δ - CURVE CENTRAL ANGLE
 - R - CURVE RADIUS
 - - SET PERMANENT REFERENCE MONUMENT (PRM)
 - 1/2" IRON ROD AND CAP STAMPED
 - *RHS LB 7667 PRM*

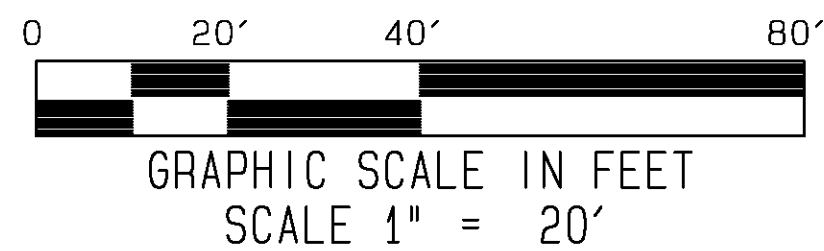
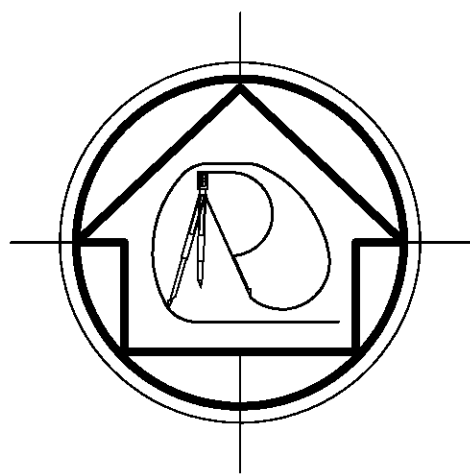
AVONLEA PARCEL 16

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FLORIDA LICENSE NUMBER LS 5239
IN AND FOR THE OFFICE OF:



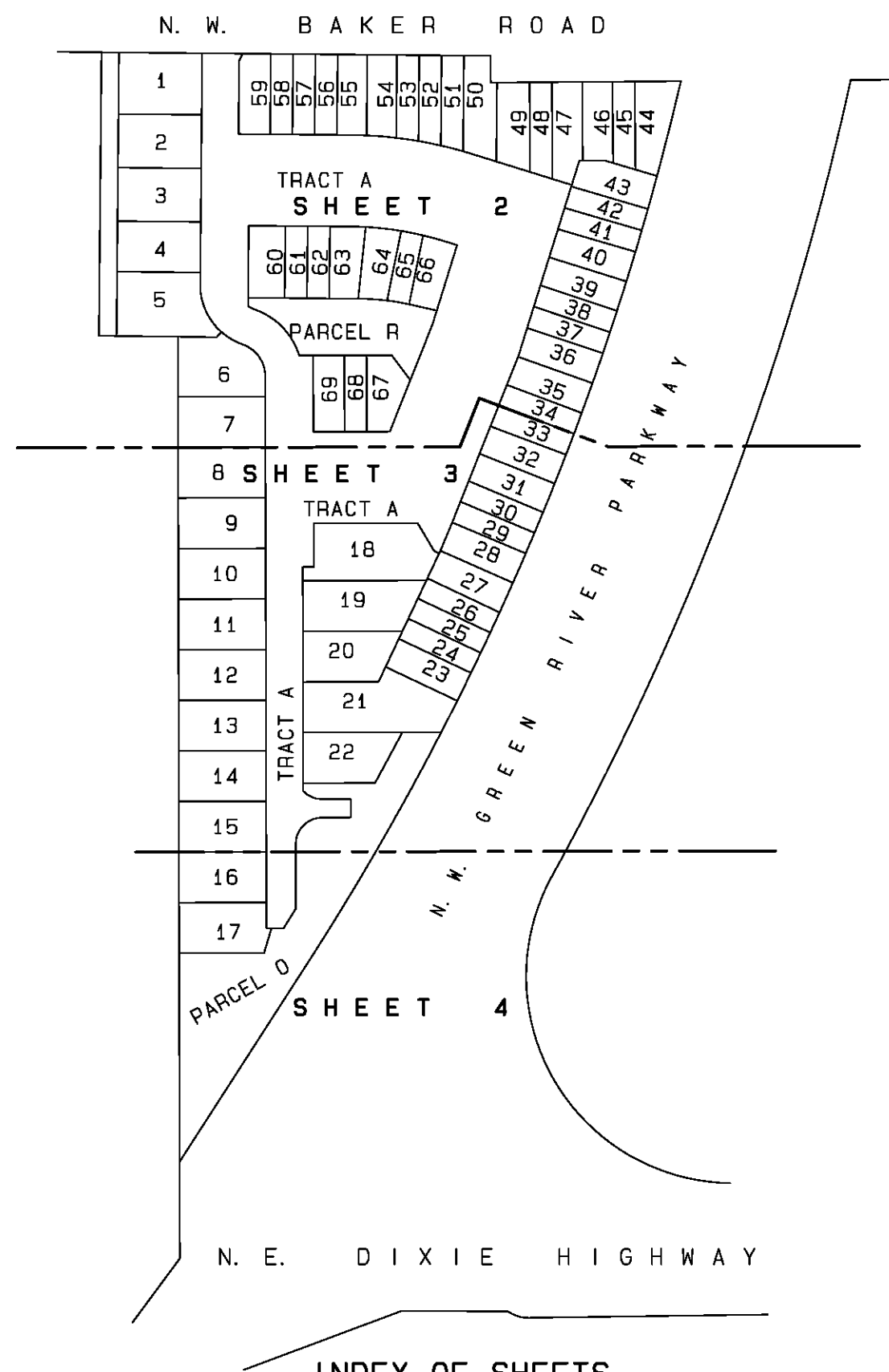
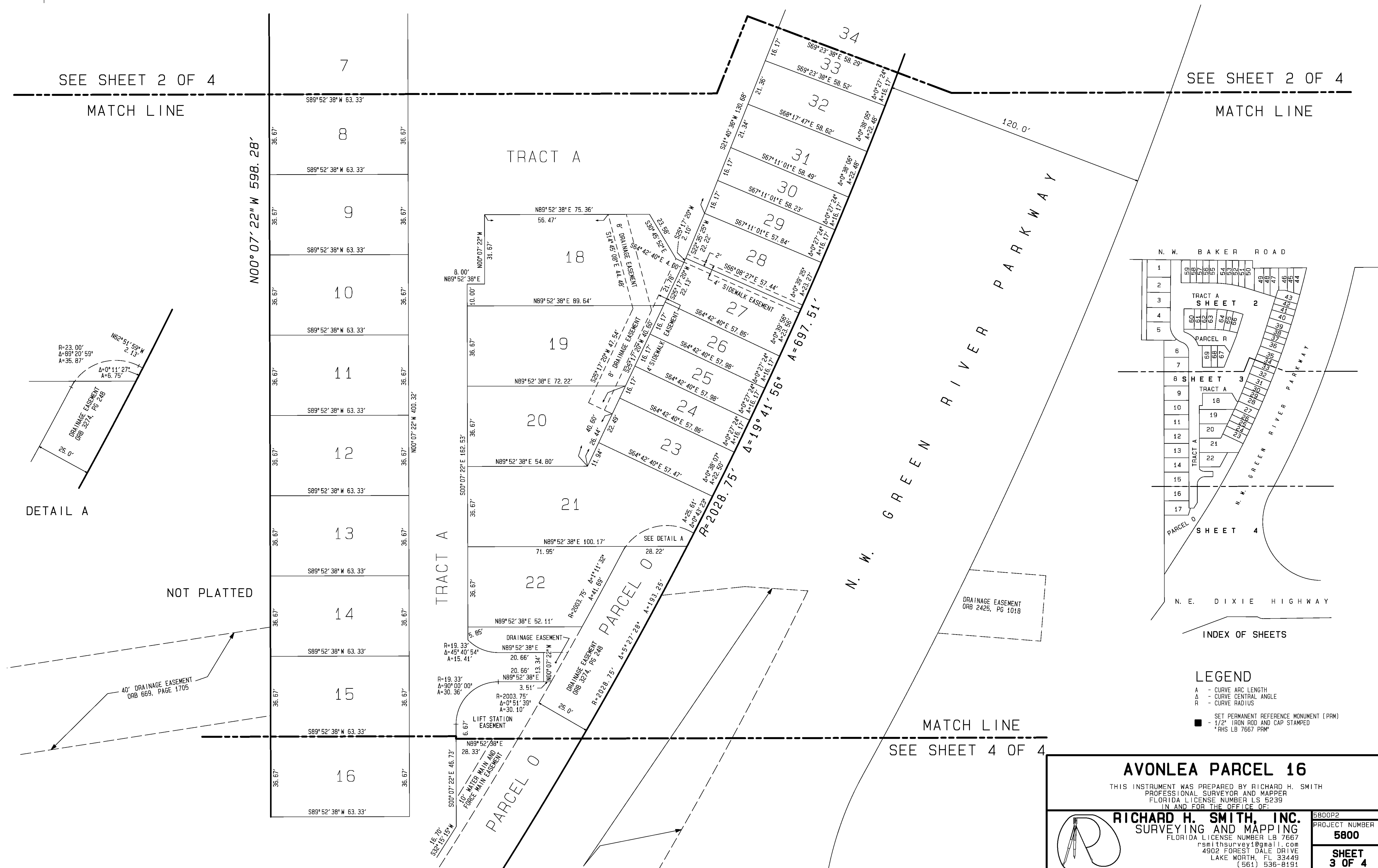
RICHARD H. SMITH, INC.
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rsmithsurvey1@gmail.com
4902 FOREST DALE DRIVE
LAKE WORTH, FL 33449
(561) 536-8191

5800P2
PROJECT NUMBER
5800
SHEET 2 OF 4



AVONLEA PARCEL 16

BEING A REPLAT OF LOT 16, NEW AVONLEA P. U. D.,
RECORDED IN PLAT BOOK 17, PAGE 35, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA
LYING IN SECTION 29, TOWNSHIP 37 SOUTH, RANGE 41 EAST
CITY OF STUART, MARTIN COUNTY, FLORIDA.



- LEGEND**
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 - RHS LB 7667 PRM

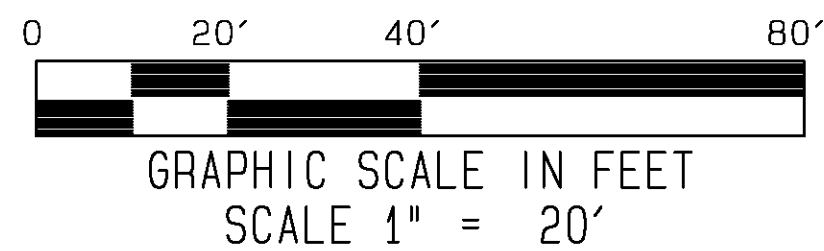
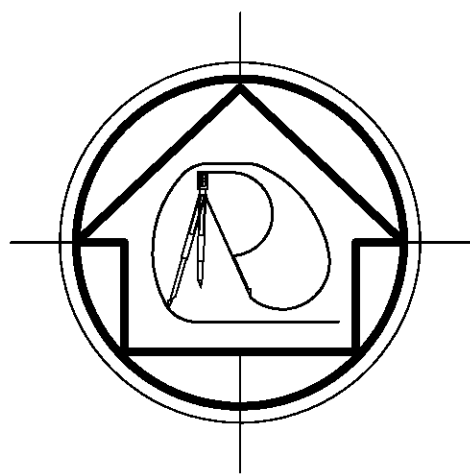
AVONLEA PARCEL 16

THIS INSTRUMENT WAS PREPARED BY RICHARD H. SMITH
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NUMBER LS 5239
IN AND FOR THE OFFICE OF:

RICHARD H. SMITH, INC.
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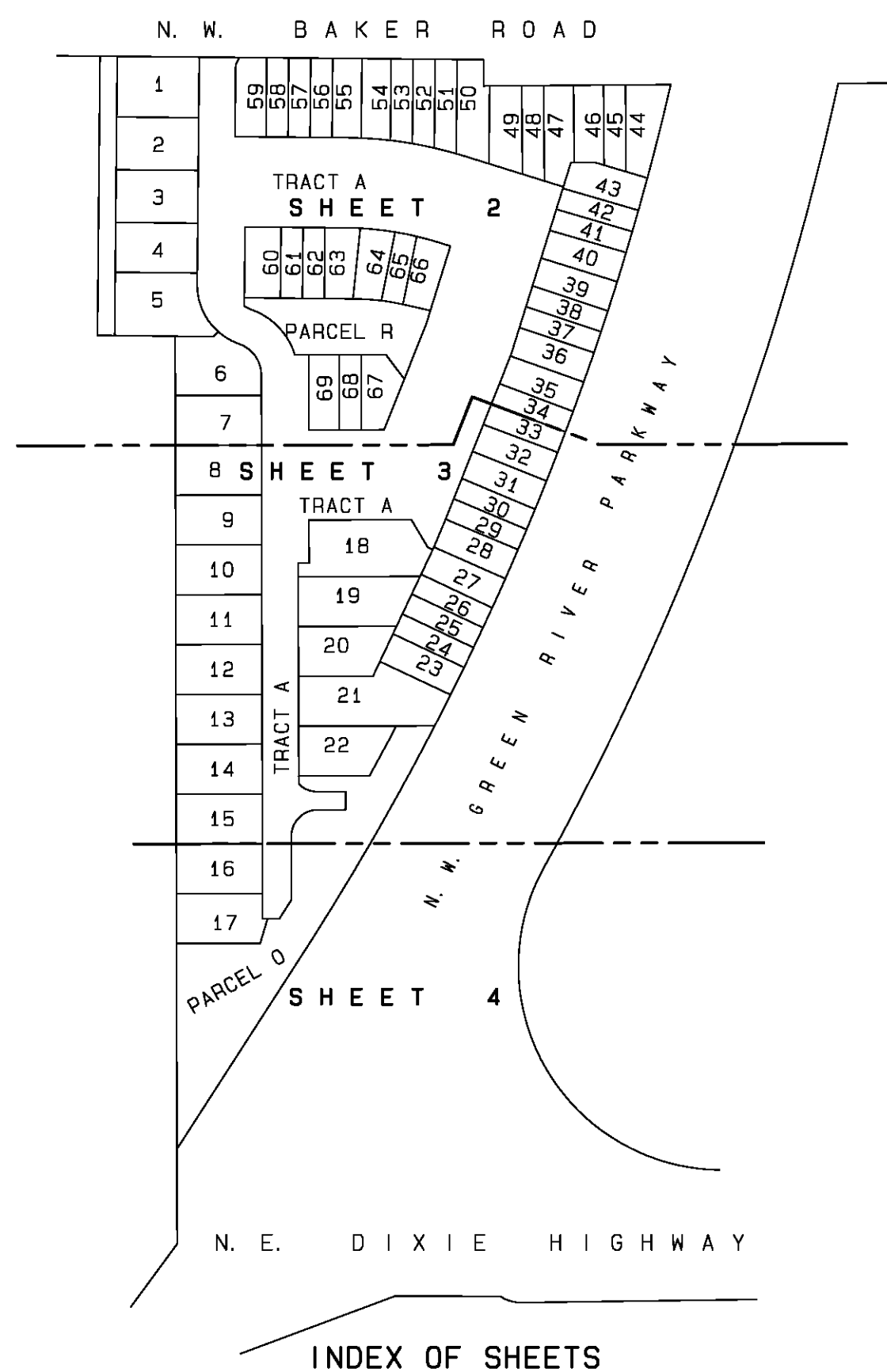
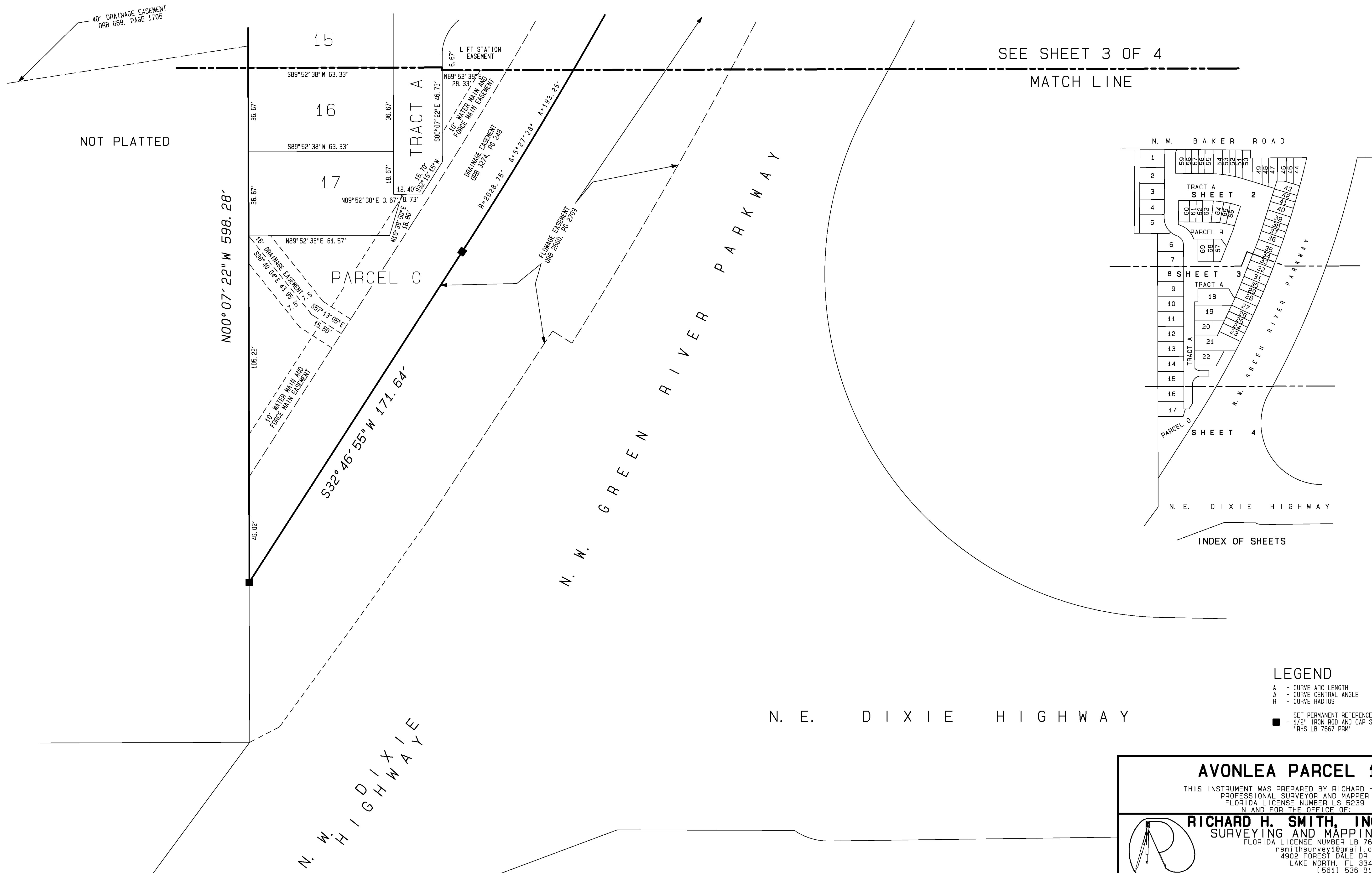
5800P2
PROJECT NUMBER
5800

SHEET 3 OF 4



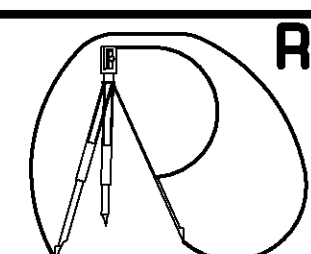
AVONLEA PARCEL 16

BEING A REPLAT OF LOT 16, NEW AVONLEA P.U.D.,
RECORDED IN PLAT BOOK 17, PAGE 35, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA
LYING IN SECTION 29, TOWNSHIP 37 SOUTH, RANGE 41 EAST
CITY OF STUART, MARTIN COUNTY, FLORIDA.



- LEGEND
- A - CURVE ARC LENGTH
 - Δ - CURVE CENTRAL ANGLE
 - R - CURVE RADIUS
 - - SET PERMANENT REFERENCE MONUMENT (PRM)
 - 1/2" IRON ROD AND CAP STAMPED
 - *RHS LB 7667 PRM*

AVONLEA PARCEL 16
THIS INSTRUMENT WAS PREPARED BY RICHARD H. SMITH
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NUMBER LS 5239
IN AND FOR THE OFFICE OF:

**RICHARD H. SMITH, INC.**
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rsmithsurvey1@gmail.com
4902 FOREST DALE DRIVE
LAKE WORTH, FL 33449
(561) 536-8191

5800P2
PROJECT NUMBER
5800

SHEET
4 OF 4

February 3, 2022

Tom Reetz, Senior Planner
Development Department
City of Stuart
121 SW Flagler Avenue
Stuart, Florida 34994

Re: Avonlea Parcel 16 (Haney Creek Crossing) Plat

Dear Tom.

Following is a response to the Plat Application Review Comments for Avonlea Parcel 16 received from you on January 24.

Captec Comments:

1. The dedication language should be expanded to include reference to all the tracts/parcels/easements:
 - Parcel A - 3 preserve
 - Tract A - note the uses roads, dumpsters, parking, drainage, utilities and sidewalks
 - Parcel R - recreation
 - Parcel O - drainage/lift station

Preserve A3 is an adjacent Parcel created by the parent plat New Avonlea P.U.D. and is not a part of this plat and not dedicated by this plat.

The dedication language for Tract A has been revised to include the items listed above.

Dedication language has been added for Parcels O and R.

Dedication language has been added for Drainage Easements, Sidewalk Easements, Signage Easements, Lift Station Easement and Water Main and Force Main Easement.

2. Easements:
 - 5-ft sign easement for who and what? There is a Signage Easement on Lot 1 and Lot 44 for the construction of monument signs for the development.

- Lift station in Parcel O. [A Lift Station Easement for the Lift Station in Parcel O has been added.](#)
 - 40-ft wide drainage easement across lots 14,15, 22, 21 and Parcel O. [That easement, ORB 835 Page 1570 \(25' wide\), had no legal description and was relocated to a specific location in Parcel O in ORB 3274, Page 248. Notwithstanding the foregoing, Martin County is scheduled to vacate that portion of ORB 835 Page 1570 that lies within this plat on March 8, 2022.](#)
 - Drainage easement within Parcel O. [A Drainage Easement for the drainage improvements to be constructed in Parcel O has been added.](#)
 - Drainage pipes across lots 18,19, 20 will need easements. [A Drainage Easement for the drainage improvements \(yard drains and associating piping\) to be constructed in these lots has been added.](#)
 - Sidewalk Easements across lots: 18, 19, 20, 23, 24, 25, 26, 27, 36, 43, 44, 45, 46, 47 and 50. [Sidewalk easements for all proposed sidewalks lying within lots have been added.](#)
 - Utility Easements: are there any for water, sewer, dry utilities? This may be dedicated by separate instruments. [Easements have been added for the Lift Station and Water Main and Force Main. All other water and sewer facilities lie within Tract A which is designated – among other uses – for utilities. Easements for dry utilities will be granted by separate instruments once we are provided with final layouts by FPL, Comcast and/or ATT.](#)
3. Title Report: on pages 4 & 5 of Schedule B-11 it lists several easements, please make sure they are depicted on the plat or describe if abandoned.

[There are three easements \(two exceptions, exception 6 and exception 8\) shown on Schedule B-II:](#)

- [Drainage Easements ORB 2425, Page 1018 and ORB 2425, Page 1028 do not lie within the plat. These easements are nevertheless shown on the East side of NW Green River Parkway.](#)
- [FPL Easement ORB 898, Page 833 does not lie within the plat and is not shown on the plat.](#)

Northstar Geometric Comments:

1. PRM's must be field verified by reviewing surveyor prior to final approval. Platting surveyor or agent to notify reviewer when PRM's are ready for inspection and must accompany reviewer on inspection. [This exact comment was on the first set of comments. Here was our response:](#)

["Because site development is ongoing, we have delayed setting the PRMs, so they don't](#)

Tom Reetz
January 17, 2022

get buried. However, we can install them any time, provided the reviewing surveyor can commit to a time to inspect them. Please process the plat approval but wait for the reviewing surveyor to sign until he has verified the PRMs”.

If the above response is unacceptable, please advise why. To just repeat the same comment is not helpful. Can we either a) schedule a time to show you the PRMs or b) please process the plat approval and wait for you to sign until you have verified the PRMs have been set?

2. A written response to each item above is required prior to next review. *Acknowledged. This is the response.*
3. Parcel R and Parcel O are shown on the plat but purpose of each is not shown or dedicated. *Dedication language has been added for Parcels O and R.*
4. Parcel A dedication language should provide for construction, installation, maintenance, and operation of cable television services per Chap 177.091(28). *The requested dedication language has been added.*
5. A drainage easement running through the property is shown on the boundary survey but not addressed on the plat. (ORB 835 PG 1570) This easement needs to be shown on the plat or provide proof abandonment prior to signing. *That easement, ORB 835 Page 1570 (25' wide), had no legal description and was relocated to a specific location in Parcel O in ORB 3274, Page 248. Notwithstanding the foregoing, Martin County is scheduled to vacate that portion of ORB 835 Page 1570 that lies within this plat on March 8, 2022.*

The revised plat is attached. Assuming the plat and the responses contained herein are satisfactory, please advise when we can be scheduled for Commission approval.

Sincerely,

New Urban Avonlea, LLC

TIMOTHY
HERNANDEZ

Digitally signed by
TIMOTHY HERNANDEZ
Date: 2022.02.03
09:50:18 -05'00'

Timothy L. Hernandez, AICP
Principal

c: Kevin Rickard
Oscar Sugranes
David Elliott
Richard Smith

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 3/14/2022

Prepared by: Kevin Freeman

Title of Item:

LAND USE CHANGE FOR PREVIOUS ANNEXED PROPERTIES (RC):

RESOLUTION No. 31-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA INITIATING THE PROCESS TO AMEND THE FUTURE LAND USE MAP AND ASSIGN CITY FUTURE LAND USE(S) AND CITY ZONING CATEGORY(S) FOR PROPERTIES PREVIOUSLY VOLUNTARILY ANNEXED INTO THE CITY LIMITS, FLORIDA, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This Resolution initiates the process to amend the Future Land Use Map and assign future land uses to four (4) previously annexed properties. Policy A7.5 in Element 1 of the City of Stuart Comprehensive Plan states properties that are annexed into the City shall be given a City land use designation as soon as possible after the annexation is finalized. The subject properties remain under the Martin County Zoning and Martin County Future Land Use categories as allocated by Martin County. The properties comprise:

1. A portion of the "Nehme-Rice" property (annexed under Ordinance 2327-2016).
2. Martin County High School property (annexed under Ordinance 2376-2018).
3. Jensen Beach High School property (annexed under Ordinance 2377-2018).
4. Felix A. Williams Elementary School property (annexed under Ordinance 2378-2018).

(Please see Exhibit to Resolution 31-2022)

The process will involve site notices, a hearing before the Land Planning Agency (LPA) and two hearings before the City Commission. Due to the acreage of the Martin County High School and also the Jensen Beach High School being over 50 acres each, the future land use change will necessitate approval by the Department of Economic Opportunity.

Funding Source:

Staff time, Development Department budget to cover the cost of notice mailings and site notices.
(Material costs estimated at +/- \$3,000)

Recommended Action:

Motion to approve Resolution 31-2022 initiating the Future Land Use Map amendment process and further assigning City of Stuart Zoning where appropriate.

ATTACHMENTS:

1. A1. Resolution 31-2022 Authorization to Initiate FLU-Zoning



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

RESOLUTION NUMBER 31-2022

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA INITIATING
THE PROCESS TO AMEND THE CITY OF
STUART FUTURE LAND USE MAP AND ASSIGN
FUTURE LAND USE(S) AND CITY ZONING
CATEGORY(S) FOR PROPERTIES PREVIOUSLY
VOLUNTARILY ANNEXED INTO THE CITY
LIMITS, FLORIDA, PROVIDING AN EFFECTIVE
DATE, AND FOR OTHER PURPOSES**

* * * * *

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

WHEREAS, the City approved a voluntary annexation of Martin County High School property into the City limits under Ordinance 2376-2018, maintaining the existing Martin County Zoning and Martin County Future Land Use designations at the time of approval, and

WHEREAS, the City approved a voluntary annexation of the Jensen Beach High School property into the City limits under Ordinance 2377-2018, maintaining the existing Martin County Zoning and Martin County Future Land Use designations at the time of approval, and

WHEREAS, the City approved a voluntary annexation of the Felix A. Williams Elementary School property into the City limits under Ordinance 2378-2018, maintaining the existing Martin County Zoning and Martin County Future Land Use designations at the time of approval, and

Authorization to Commence a city-initiated process to designate FLU and Zoning categories.

WHEREAS, the City approved the voluntary annexation of the “Nehme-Rice” property into the City limits under Ordinance 2327-2016, maintaining the existing Martin County Zoning and Martin County Future Land Use designations at the time of approval, and

WHEREAS, the City of Stuart Comprehensive Plan directs at Policy 1.A7.5. Properties that are annexed into the City shall be given a City Future Land use designation as soon as possible after the annexation is finalized.

SECTION 1: The City Commission of the City of Stuart hereby approves the authorization for staff to commence a city-initiated process to designate appropriate city FLU and city Zoning categories to previously annexed properties attached hereto as Exhibit(s) A.1, A.2, A.3 and A.4.

SECTION 2: This resolution shall take effect upon adoption.

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

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

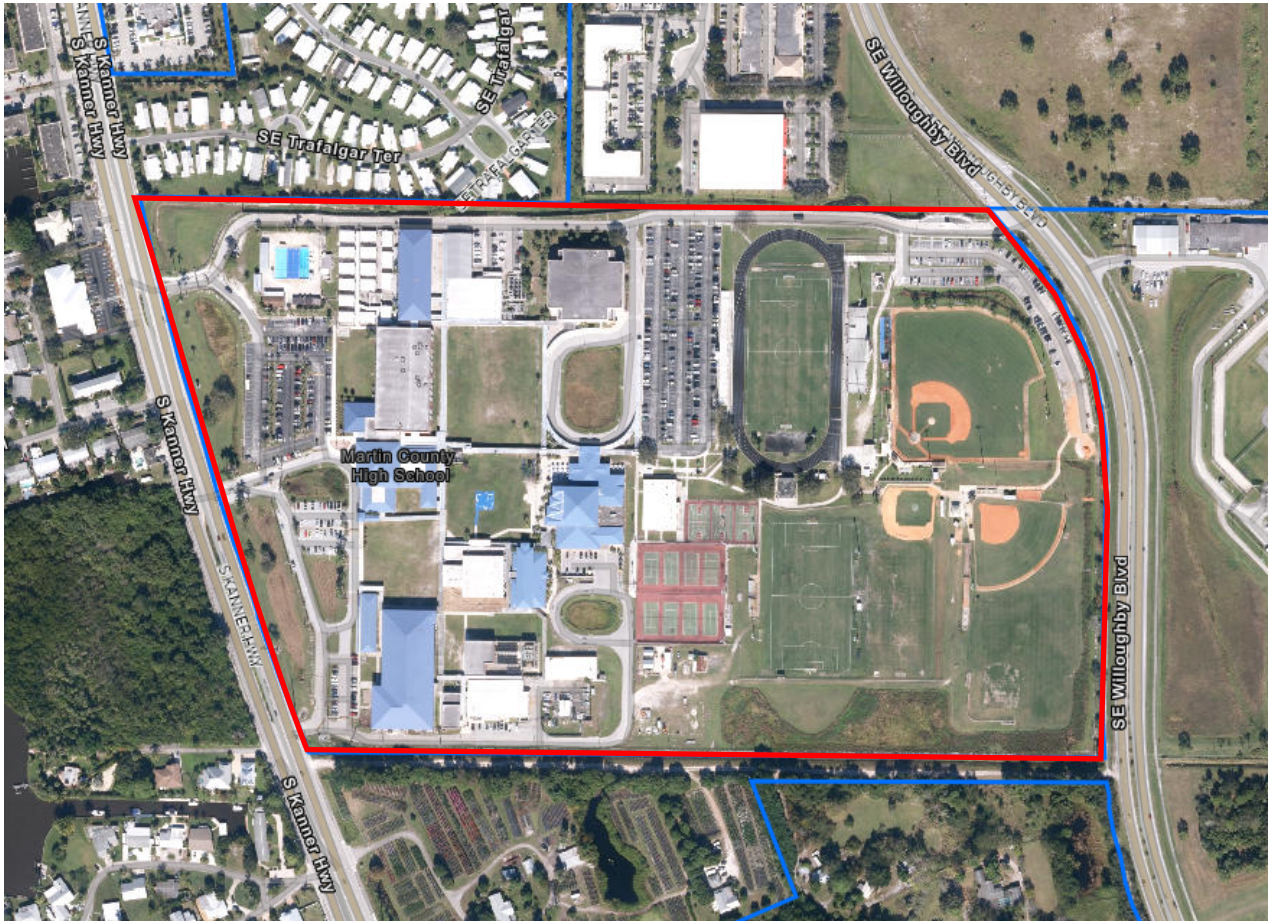
Resolution No. 31-2022

Authorization to Commence a city-initiated process to designate FLU and Zoning categories.

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

EXHIBIT A. 1



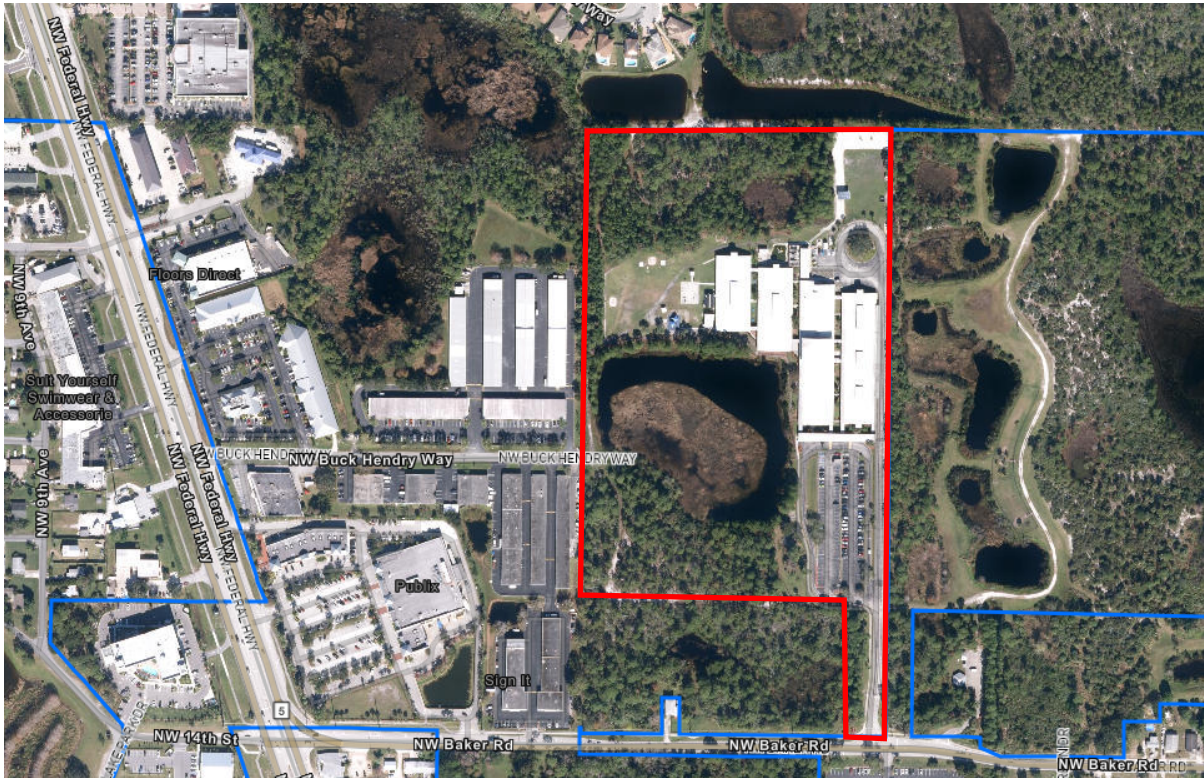
MARTIN COUNTY HIGH SCHOOL

EXHIBIT A.2



JENSEN BEACH HIGH SCHOOL

EXHIBIT A.3



FELIX A. WILLIAMS ELEMENTARY SCHOOL

Authorization to Commence a city-initiated process to designate FLU and Zoning categories.

EXHIBIT A.4



PORTION OF NEHME-RICE PROPERTY

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 3/14/2022

Prepared by: Milton Leggett

Title of Item:

BA #10 ARPA FUNDING - NW DIXIE HIGHWAY DITCH IMPROVEMENTS & SE MANGO PLACE DRAINAGE IMPROVEMENTS PROJECTS (RC):

RESOLUTION No. 32-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT No. 10 TO THE 2021-2022 ENTERPRISE FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE NW DIXIE HIGHWAY DITCH IMPROVEMENTS PROJECT & SE MANGO PLACE DRAINAGE IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The NW Dixie Highway Ditch Improvements Project and the SE Mango Place Drainage Improvements Project. Both projects were identified in the Stormwater Master Plan update presented to the City Commission at the October 11, 2021 commission meeting, to reduce and/or eliminate reoccurring drainage issues within the two locations.

The City received a Scope of Work from Captec Engineering, Inc. to provide final design, permitting and bidding engineering services for the NW Dixie Highway Ditch Improvements Project. The project will include regrading the NW Dixie Highway ditch to restore permitted drainage elevations, replacing an existing 24" culvert from north to south under NW Fern Street to restore permitted drainage elevations, removal of FDOT weir, modification to NW Australian Street outfall structure, and modification of outflow structures on the south end of Dixie Highway. Further, a new drainage connection will be made from the Dixie Highway ditch, west to the existing baffle box at the intersection of NW Fern Street and NW North River Drive, to provide an additional outfall for the ditch drainage, helping to alleviate upstream flooding issues in the Riverside Park neighborhood.

The City also received a Scope of Work from Captec Engineering, Inc. to provide final design, permitting and bidding engineering services for the SE Mango Place Drainage Improvements Project. The project will include installation of drainage inlets, installation of exfiltration trenches for water quality treatment, and a new discharge to the St. Lucie River. A tidal check valve will be included at the outfall location to prevent tidal back flow during high tide events. The purpose of the project is to alleviate recurring flooding on SE Mango Place.

Costs for Professional Engineering Services associated with these two projects are anticipated to be \$95,200.00 with a breakdown provided below.

DESCRIPTION – Professional Engineering Services	COST
NW Dixie Highway Ditch Improvements Project	\$49,000.00
SE Mango Place Drainage Improvements Project	\$46,200.00

Total	\$95,200.00
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Funding Source:

From: ARPA (Rescue Plan) Funds	\$95,200.00
To: Stormwater Maintenance, Capital Outlay:	\$95,200.00

Recommended Action:

Move approval of Resolution No. 32-2022.

ATTACHMENTS:

1. R32-2022 BA #10 ARPA Funding



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

RESOLUTION NUMBER 32-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET ADMENDMENT No. 10 TO THE 2021-2022 ENTERPRISE FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE NW DIXIE HIGHWAY DITCH IMPROVEMENTS PROJECT & SE MANGO PLACE DRAINAGE IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, Section 9901 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2, §9901) added section 603(a) to the Social Security Act ("ARPA"), which created the Coronavirus Local Fiscal Recovery Fund for the purpose of providing funds to local governments in order to facilitate the ongoing recovery from the COVID-19 pandemic; and

WHEREAS, the State of Florida, Division of Emergency Management has received funds to disburse from the U.S. Department of Treasury that have been earmarked for non-entitlement units of local government, which includes the City of Stuart, Florida; and

WHEREAS, the City has engaged Captec Engineering, Inc. for Professional Engineering Services under REI #2017-172 to provide final design, permitting and bidding services related to two Stormwater Drainage Improvement Projects, NW Dixie Highway Ditch Improvements and SE Mango Place Drainage Improvements.

BA #10 ARPA Funding – NW Dixie Highway Ditch Improvements & SE Mango Place Drainage Improvements Projects

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

SECTION 1: The 2021-2022 Year Budget of the Enterprise Fund of the City of Stuart, Florida, being Resolution No. 32-2022 of the City Commission of the City of Stuart, Florida, as amended, hereinafter the "Budget," is hereby further amended, as follows:

From: ARPA (Rescue Plan) Funds	\$95,200.00
--------------------------------	-------------

To: Stormwater Maintenance, Capital Outlay: \$95,200.00

SECTION 2: This resolution shall take effect on adoption.

Resolution No. 32-2022
BA #10 ARPA Funding – NW Dixie Highway Ditch Improvements & SE Mango Place
Drainage Improvements Projects

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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this 14th day of March, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 3/14/2022

Prepared by: Tom Reetz

Title of Item:

NOTICE TO ABANDON RIGHT-OF-WAY FOR PALMETTO COVE RPUD (RC):

RESOLUTION No. 35-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON MARCH 28, 2022, AT 5:30 P.M. AND APRIL 11, 2022, AT 4:00 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THAT PORTION OF A PLATTED 11 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF DYER ESTATES, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING FOR THE REPEAL OF RESOLUTION 106-2021, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On October 11, 2021, the City Commission approved Resolution 106-2021 declaring its intention to abandon a portion of the 11 foot wide alley as shown on the plat of Dyer Estates. The abandonment of unimproved right of way was a condition of approval for the Palmetto Cove RPUD, a 13 unit multifamily town home project.

Since then, the applicant has submitted a revised sketch and legal description of the portion of alley-way to be abandoned, along with an access and maintenance agreement for the balance of alley-way being improved for the project. As such, Resolution 106-2021 is hereby repealed.

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 \$14,500. 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 \$14,500**, prior to the abandonment of the City's interest.

The procedure for abandonment of city-owned Right-Of-Way is set out in **Section 36-3 of The City's Code of Ordinances** which requires the city commission to first pass a resolution declaring intent to abandon right-of-way.

The vacation or change of any street, alley, road or public way shall be accomplished by Ordinance. The city commission, in vacating any street or part of a street or changing the name of any street, may include in one ordinance the changes of name or vacation or narrowing of more than one street, avenue or alley, but before vacating any street or part thereof, or narrowing any street, avenue or alley, the city commission shall first pass a resolution declaring its intention to do so.

Funding Source:

N/A

Recommended Action:

Move to approve Resolution No. 35-2022, declaration of intent to abandon certain Right-of-Way within the City's limits.

ATTACHMENTS:

1. A.1 Res 35-2022 Notice Palmetto Cove ROW abandonment
2. B.1 PLAT BOOK 8_PAGE 25 - HALPATIOKEE PARK
3. B.2 Ordinance 2463-2021
4. D.1 Updated Appraisal



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

RESOLUTION NUMBER 35-2022

RESOLUTION NO. 35-2022 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON MARCH 28, 2022, AT 5:30 P.M. AND APRIL 11, 2022, AT 4:00 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THAT PORTION OF A PLATTED 11 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF DYER ESTATES, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING FOR THE REPEAL OF RESOLUTION 106-2021, AND FOR OTHER PURPOSES..

* * * * *

WHEREAS, the City has received a petition for abandonment relating to the public right-of-way described below that conforms to the requirements of Chapter 36 of the Code of Ordinances of the City of Stuart, Florida.

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

SECTION 1: The purpose of this resolution is to state the intention of the City Commission to abandon a portion of public right-of-way and to set public hearings before the City Commission at its regular meeting on March 28, 2022 at 5:30 and April 11, 202 at 4.00 p.m. in the City Commission Chambers to consider the abandonment of the subject property within Martin County, Florida:

SECTION 2: A legal description and sketch depicting the subject right-of-way are attached hereto as Exhibit “A”.

SECTION 3: This resolution shall take effect upon adoption.

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:

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

ADOPTED on second and final reading this _____ day of _____, 2022.

ATTEST:

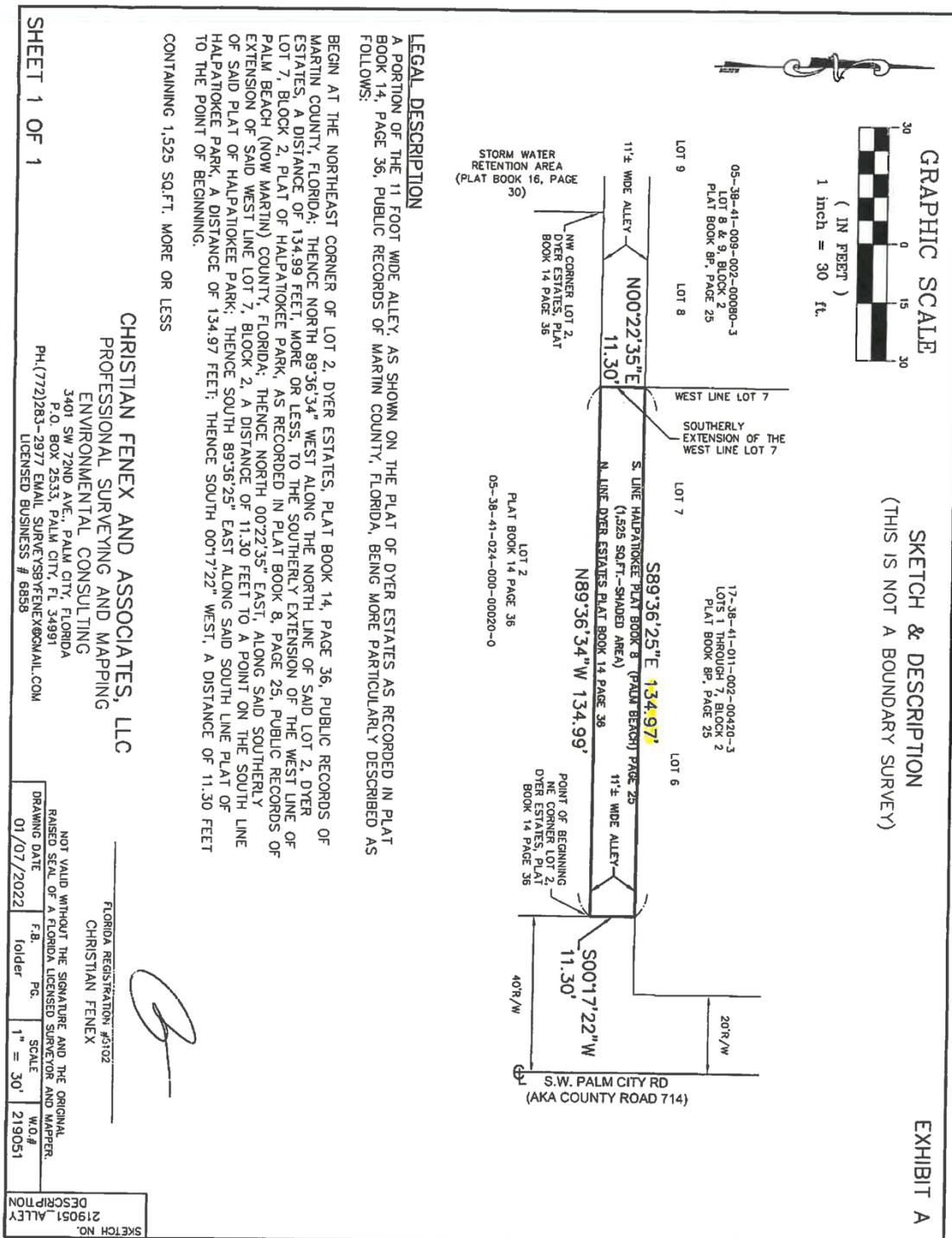
MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

Legal Description and Sketch - Exhibit A



I, J.C. Wagon, a Civil Engineer, do hereby certify that this plat was made and laid out conforming to and with established corners as found by me on the ground, that the dimensions of blocks, lots and streets as shown on this plat are true and correct.

J.C. Wagon

Subscribed and sworn to before me this 18 day of Feb, 1917, A.D.

J. H. McCallan

Notary Public, State of Fla.
My Commission expires Feb. 19, 1917

State of Florida
County of Palm Beach
We, Neil McQuarrie and J.R. Pomeroy, owners of the land herein platted, do hereby dedicate to the use of the public, the streets as shown on this plat.

Neil McQuarrie
J.R. Pomeroy

State of Florida
County of Palm Beach

Personally appeared before me Neil McQuarrie and J.R. Pomeroy, to me well known as the persons described in and who executed the foregoing instrument and they acknowledged that they executed the same for the purposes set forth.

Witness my hand and official seal this February 17, 1917, A.D.

Paul J. Reed

Notary Public, State of Fla.
My Commission expires Feb. 19, 1917

This is a True Copy of the Original Plat of Record of "HALPATIOKEE PARK" Part Book D, Page 45, Palm Beach County, Florida, New Martin County.

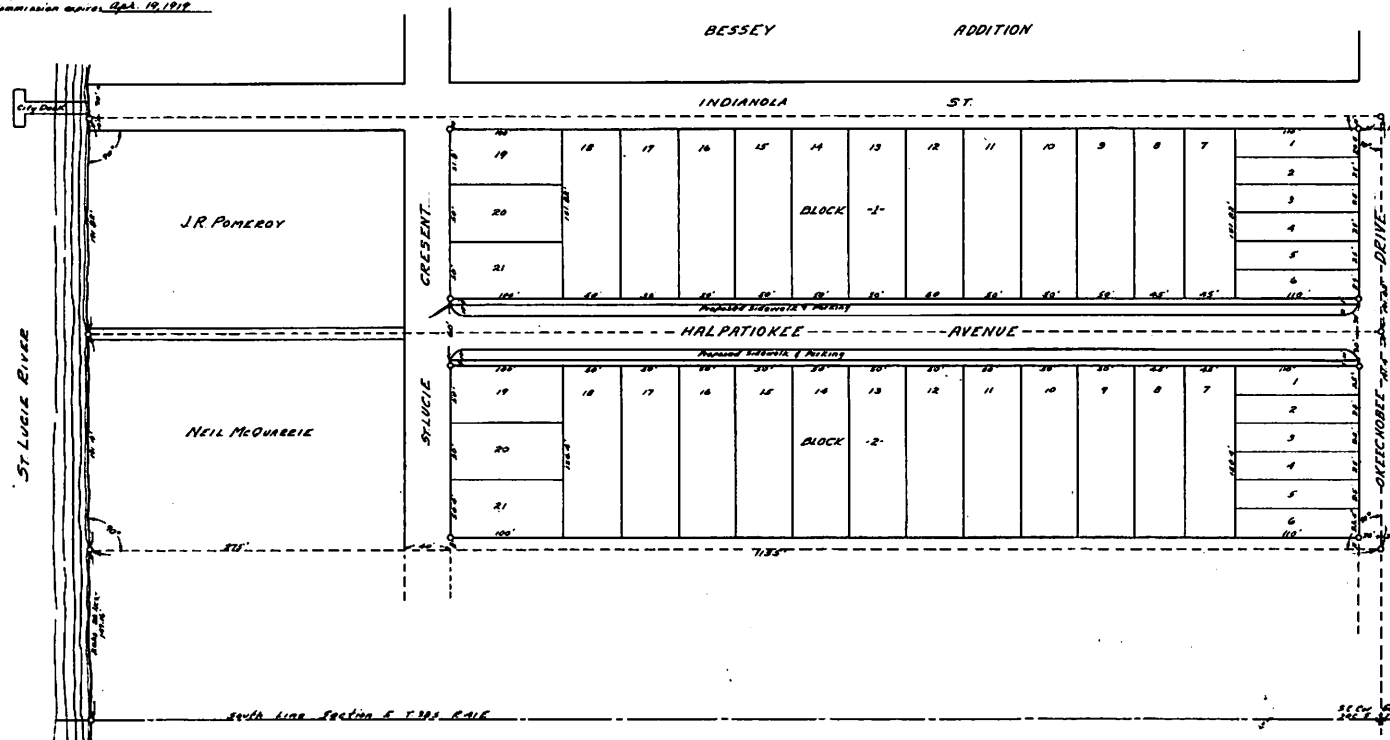
Paul J. Reed
Notary Public, State of Fla.
Florida Certificate No. 443

State of Florida
County of Palm Beach
This instrument was filed for Record of 225 this day of April 1917 and duly recorded on the 13 day of April 1917, in Book of Plats on Page 45, Record Verified.

Paul J. Reed
CLERK CIRCUIT COURT
BY: DEPUTY CLERK

PLAT
OF
HALPATIOKEE PARK
STUART, FLORIDA
PALM BEACH COUNTY

IN SECTION 5 T38S R41E
SCALE 1 INCH = 50 FEET J.C. WAGON, C.E.
16 PAGES, FLA.





**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA
ORDINANCE NUMBER 2463-2021**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING TWO PARCELS ON EITHER SIDE OF A 11' PUBLIC RIGHT OF WAY (ALLEY) ALONG SW PALM CITY ROAD, ON THE SOUTHWEST INTERSECTION OF SW HALPATIOKEE STREET, TOTALING 0.97 ACRES FROM RESIDENTIAL MULTI-FAMILY/OFFICE (R-3) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD); ESTABLISHING THE "PALMETTO COVE" RPUD CONSISTING OF THIRTEEN (13) MULTI-FAMILY UNITS WITHIN TWO (2) INDIVIDUAL TWO-STORY TOWNHOME BUILDINGS; WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City Commission, has considered the Petitioner's request to rezone the property to Residential Planned Unit Development (RPUD), establishing the Palmetto Cove RPUD, and has also considered the recommendation of the City staff; and

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

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

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

WHEREAS, the RPUD development will be in harmony with surrounding properties and their anticipated development.

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 legal description of the property is set forth in **Exhibit 'A'** attached hereto and made a part hereof by reference. A Map depicting the Property is attached hereto as **Exhibit 'B'** and made a part hereof by reference. The conditions of development attached hereto as **Exhibit 'C'** and made a part hereof by reference, and each shall constitute one of the development documents.

SECTION 3: The following documents are on file as public records of the City, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit 'D'**, hereinafter the 'Development Documents', shall be deemed a part of the development conditions, and shall supplement any earlier approvals:

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

- a. The Site Plan, Sheet 1 of 1, prepared by C Calvert Montgomery and Associates, Inc., dated 05.21.2020 and last revised on 04.29.21**
- b. Boundary and Topographic Survey, Sheet 1 of 1, prepared by Christian Fenex and Associates, LLC, (Professional Surveyor and Mapper), dated 12.23.19**
- c. The Landscape Plan, Sheets 1 and 2 and Color Graphic Sheet 1 of 1, prepared Conceptual Design Group, dated 08.26.20 last revised 4.28.21**
- d. Garbage Truck Exhibit and Fire Truck Exhibit, Sheets 1 thru 3, prepared by C Calvert Montgomery and Associates, Inc., dated 02.15.21**
- e. Conceptual Engineering Plan, Sheet 1, prepared by C Calvert Montgomery and Associates, Inc., dated 02.16.21 and last revised on 4.16.21**
- f. Architectural Floor Plans and Elevations, by Braden and Braden A1A PA, dated 08.12.20**
- g. Architectural Rendering, by Braden and Braden A1A, PA, dated 08.21.20**

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

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

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

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

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

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

SECTION 6: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 7: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

this ordinance are declared severable.

SECTION 8: 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 become void.

SECTION 9: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

Passed on first reading the 26th day of April, 2021.

Commissioner MATHESON offered the foregoing Ordinance and moved its adoption.

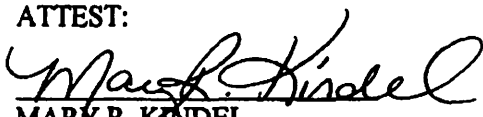
The motion was seconded by Commissioner MCDONALD and upon being put to a roll call vote, the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
Y			

ADOPTED on second and final reading this 10th day of May, 2021.

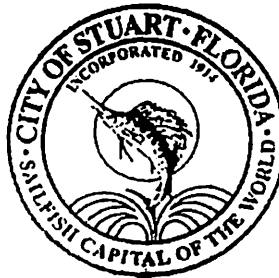
ATTEST:


MARC R. KINDEL
CITY CLERK


EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL J. MORRELL, ESQ.
CITY ATTORNEY



Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

CITY'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF Martin

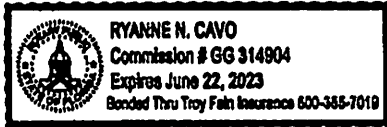
The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☒ physical presence or _____ online notarization, this 23rd day of June, 2021, by EULA R. CLARKE, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Personally Known OR Produced Identification

Type of ID Produced _____

Signature of Notary Public: Ryanne N. Cavo

Commission Expires: _____



Notary Seal:

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

ACCEPTANCE AND AGREEMENT

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

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

WITNESSES:

Valentina Rivera

Print Name: Valentina Rivera

David Loyde

Print Name: David Loyde

Owner: 924 SW Palm City Road, LLC,
a Florida limited liability company

By: Nicolas Calle
Nicolas Calle, Manager

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

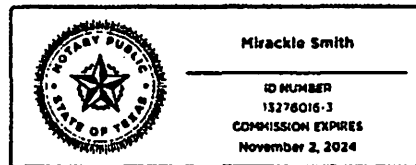
OWNERS ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Bell

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of _____ physical presence or ✓ online notarization, this 13th day of May, 2021, by Nicolas Calle, Manager of 924 SW Palm City Road, LLC, a Florida limited liability company, on behalf of the Company.

Signature of Notary Public: Miracle Smith
Commission Expires: 11/02/2024

Notary Seal:



Personally, Known OR Produced Identification

Type of ID Produced DRIVER LICENSE

Notarized online using audio-video communication

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

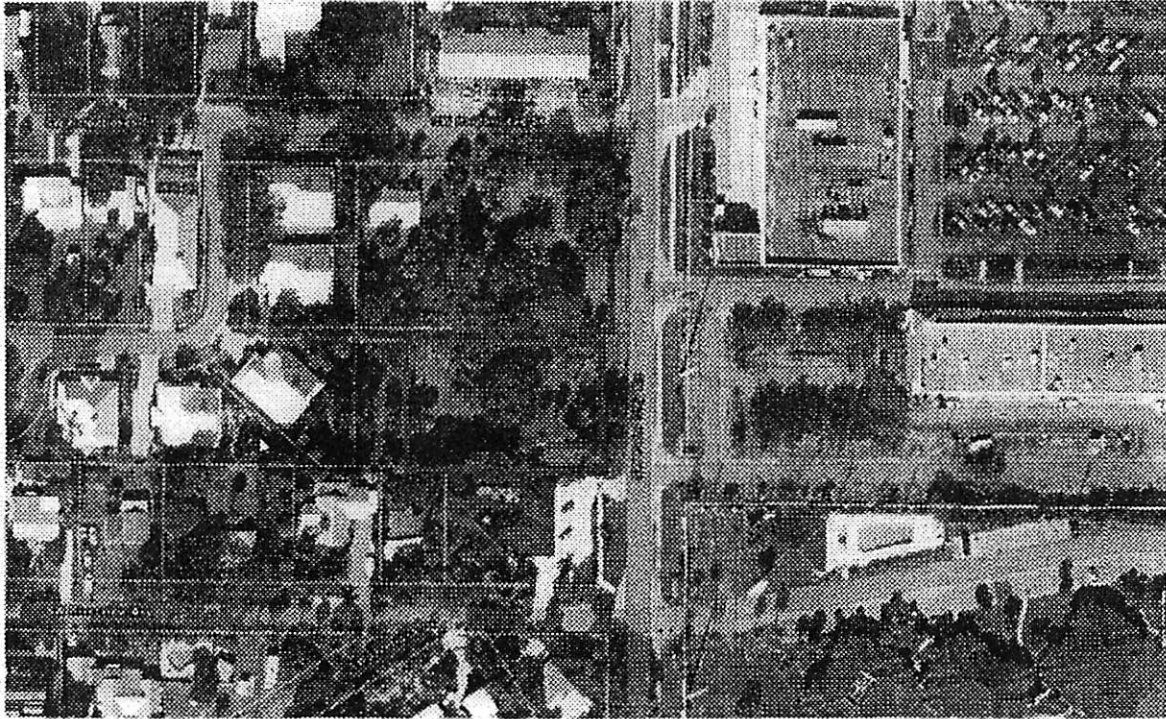
EXHIBIT A – LEGAL DESCRIPTION

LEGAL DESCRIPTION:

LOTS 1, 2, 3, 4, 5, 6, AND 7 BLOCK 2 OF HALPATIOKEE PARK AS RECORDED IN PLAT BOOK 8, PAGE 25 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA PART OF S.W. 1/4 OF THE SE 1/4 OF SECTION 5, TOWNSHIP 38 SOUTH, RANGE 41 EAST
AND
LOT 2, DYER ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 36, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

Ordinance No. 2463-2021 Palmetto Cove -- rezoning to the RPUD

EXHIBIT B -- LOCATION MAP



Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

EXHIBIT C – DEVELOPMENT CONDITIONS

Approved Plans and Documents

1. The RPUD project and use thereof shall comply with the following drawings:
 - h. **The Site Plan, Sheet 1 of 1, prepared by C Calvert Montgomery and Associates, Inc., dated 05.21.2020 and last revised on 04.29.21**
 - i. **Boundary and Topographic Survey, Sheet 1 of 1, prepared by Christian Fenex and Associates, LLC, (Professional Surveyor and Mapper), dated 12.23.19**
 - j. **The Landscape Plan, Sheets 1 and 2 and Color Graphic Sheet 1 of 1, prepared Conceptual Design Group, dated 08.26.20 last revised 4.28.21**
 - k. **Garbage Truck Exhibit and Fire Truck Exhibit, Sheets 1 thru 3, prepared by C Calvert Montgomery and Associates, Inc., dated 02.15.21**
 - l. **Conceptual Engineering Plan, Sheet 1, prepared by C Calvert Montgomery and Associates, Inc., dated 02.16.21 and last revised on 4.16.21**
 - m. **Architectural Floor Plans and Elevations, by Braden and Braden A1A PA, dated 08.12.20**
 - n. **Architectural Rendering, by Braden and Braden A1A, PA, dated 08.21.20**
1. Any modifications to the RPUD Site Plan that is less than 10% of the approved building footprint, building setbacks, gross square footage, building location, parking size, location and number of parking spaces, drainage areas, impervious areas and location of landscaping may be approved by the City's Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via a public hearing.
2. Prior to certificate of occupancy of the last building, the applicant shall provide an engineer's written confirmation attesting that the RPUD's storm water system is in place and functioning in compliance with all approved plans and specifications.

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

Landscaping

3. The common areas including the projects pool and cabana area shall be provided with landscaping with an irrigation system of enough capacity to maintain the landscaping in a healthy growing condition.
4. A Landscape plan, executed in accordance with the Land Development Regulations, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy.

Required Open Space and Native Preserve Area

5. Open Space. Not less .38 acres or 39.5% of the RPUD shall be Open Space as depicted on the Site Plan as described in Exhibit C. Required open space may include contiguous buffer and retention areas, however, other required interior landscaping shall not count towards the open space requirement.

Tree Mitigation

6. The project shall comply with Section 5.05.02 of the "Tree replacement and protection requirements" of the City's Land Development Code. All required tree mitigation will be met on site.

Prior to Issuance of Site Permits

7. Applicant shall provide a digital boundary survey and civil plan prior to the issuance of a site permit.
8. Civil Plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.
9. All regulatory agency permits, including but not limited to the South Florida Water Management District and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the commencement of any development activities.

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

10. All development activities shall comply with the City's Concurrency Management System prior to the issuance of building permits.
11. The developer shall provide a Final Site plan showing one (1) bike rack for multiple bikes at the cabana pool area common space.
12. The developer shall provide a designated EV charging outlet at each of the unit's garages.
13. The developer shall provide a centralized mailbox with a dedicated parking space.
14. The developer shall construct on-street parking on Halpatiokee Street as shown on the site plan and shall apply for a Revocable Permit to use City Right for said parking spaces prior to issuance of a site permit.
15. The developer shall apply to the City for the abandonment of the unimproved alley way or agree with the City's Public Works Department to improve and maintain the alley way in perpetuity prior to obtaining a site permit.
16. The developer shall dedicate (15) fifteen feet along Palm City Road to Martin County as shown on the Site Plan to Martin County prior to obtaining a site permit.

Development and Construction

17. In the event of any conflict in the provisions of Exhibit 'C' Development Conditions and attached exhibits, Exhibit 'C' shall prevail.
18. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.
19. All utility improvements constructed by the developer within City's right-of-way, shall be constructed in a manner and form acceptable to City of Stuart Public Works. The

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

developer shall grant any such utility easements necessary for this site as may be required by the City of Stuart.

20. Any existing sidewalks damaged along Halpatiokee Street or Palm City Road during construction, or requiring full replacement given that the on-site grade is significantly altered, the developer shall be required to repair or replace the entire sidewalk prior to the issuance of a Certificate of Occupancy.
21. Temporary or freestanding storage units are prohibited on the property once construction is complete.
22. Site work including but not limited to land preparation, retention area excavation, clearing and grading, drainage and water, sewer and irrigation lines shall be reviewed and approved by the city's public works department and the city's engineering consultant prior to permitting.
23. Any proposed landscaping in the city's right of way shall be preserved and maintained by the developer and/or home-owner's association in perpetuity. Subject to mutually agreed upon maintenance easement agreement and indemnification between the developer and the City relative to ROW liability issues.

Signage

24. All signs throughout the PUD must have a consistent treatment, as to number, location, size, height, lighting, and materials with a unified theme throughout the Planned Unit Development. The development's monument sign shall adhere to sign criteria found in Chapter 6 of the City's Land Development Code.

Ordinance No. 2463-2021 Palmetto Cove – rezoning to the RPUD

Timetable for Development

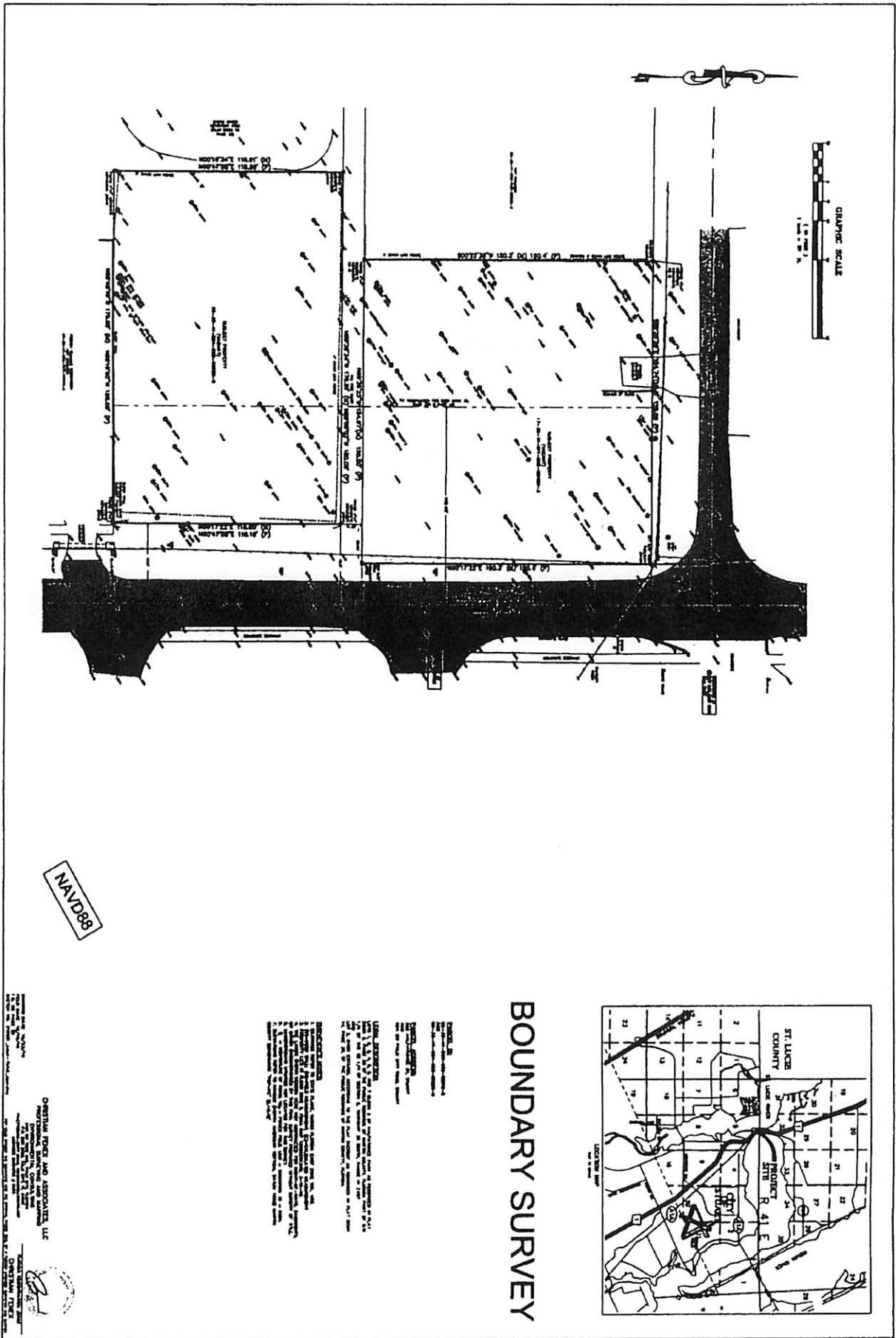
25. Timetable for development shall be as follows:

Site and building permit application deemed sufficient for permit review under city codes and standards.	April 1, 2024
Final Certificate of Occupancy for all site and building improvements.	April 1, 2025

Allowable Uses

26. The following uses shall be permitted:

- a. Multi-Family Residential
- b. Home Occupations in accordance with the City's Land Development Code.



Case No.	Patient Name	Age	Sex	Date of Birth	Date of Admission	Date of Discharge	Duration of Illness	Clinical Course	Pathological Findings	Microscopic Findings	Immunohistochemical Findings	Molecular Findings	Genetic Findings	Prognosis	Treatment	Outcome	Follow-up	Comments	
1001	John Doe	45	M	1955-03-15	2010-01-10	2010-03-10	2 months	Acute onset of fever, cough, and chest pain. Progressive weight loss and night sweats.	Consolidation in the right lower lung field.	High magnification view of the consolidation.	Positive for CD45, CD20, and CD79a.	Positive for BCL2 and CD10.	Positive for BCL6 and CD22.	Positive for BCL11 and CD20.	Good	Chemotherapy	Complete remission	1 year	Initial diagnosis of B-cell lymphoma.
1002	Jane Smith	60	F	1945-08-20	2010-02-15	2010-04-15	3 months	Chronic cough and fatigue. Progressive weakness and weight loss.	Consolidation in the left upper lung field.	High magnification view of the consolidation.	Positive for CD45, CD20, and CD79a.	Positive for BCL2 and CD10.	Positive for BCL6 and CD22.	Positive for BCL11 and CD20.	Good	Chemotherapy	Complete remission	1 year	Initial diagnosis of B-cell lymphoma.
1003	Robert Johnson	55	M	1950-11-05	2010-03-20	2010-05-20	4 months	Intermittent fever and cough. Progressive weight loss and night sweats.	Consolidation in the right upper lung field.	High magnification view of the consolidation.	Positive for CD45, CD20, and CD79a.	Positive for BCL2 and CD10.	Positive for BCL6 and CD22.	Positive for BCL11 and CD20.	Good	Chemotherapy	Complete remission	1 year	Initial diagnosis of B-cell lymphoma.
1004	Mary White	70	F	1940-06-10	2010-04-10	2010-06-10	5 months	Chronic cough and fatigue. Progressive weakness and weight loss.	Consolidation in the left lower lung field.	High magnification view of the consolidation.	Positive for CD45, CD20, and CD79a.	Positive for BCL2 and CD10.	Positive for BCL6 and CD22.	Positive for BCL11 and CD20.	Good	Chemotherapy	Complete remission	1 year	Initial diagnosis of B-cell lymphoma.
1005	David Brown	40	M	1970-09-25	2010-05-15	2010-07-15	6 months	Intermittent fever and cough. Progressive weight loss and night sweats.	Consolidation in the right lower lung field.	High magnification view of the consolidation.	Positive for CD45, CD20, and CD79a.	Positive for BCL2 and CD10.	Positive for BCL6 and CD22.	Positive for BCL11 and CD20.	Good	Chemotherapy	Complete remission	1 year	Initial diagnosis of B-cell lymphoma.

	42.297 $\pm$ 4	57.44	100%
Real Time Assay			
Real Time Assay (6.04 D2)			28
Repetured $\pm$ Time / 1,200 μ l = 42.297 $\pm$ 1,200 = 28			28
Prevalence			14
Real Time Assay (6.04 D2) 50% of total required time = 28 $\pm$ 50% = 14			14
Real Time Assay Prevalence			14
Real Time Assay (6.04 D2) 1 / 50% of total required time = 28 $\pm$ 50% = 14			14
Adverse Time Prevalence			28 (100%)
Real Time Assay (6.04 D2) 14			8,659.4
Repetured 20% of total required time = 42.297 $\pm$ 20% = 8,659.4			17,231

[illegible]

Architectural floor plan of a building complex. The plan shows a large central hall labeled "HALLWAY" and a "RESTROOM" area. The building is situated on "SW Palm City Road" (County Road 744). The plan includes various rooms, corridors, and outdoor areas, with dimensions and annotations throughout. A note at the bottom left indicates "SW Palm City Road" and "County Road 744".

City of Stuart, Florida

**Conceptual
Design, Inc.**
Architects

[illegible]

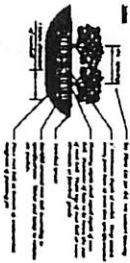
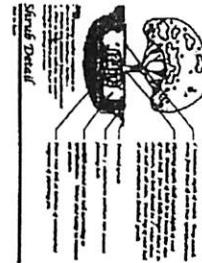
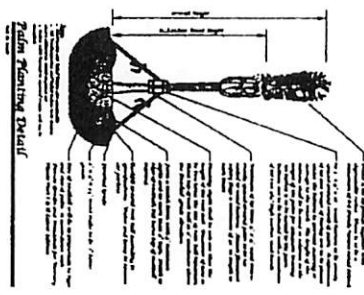
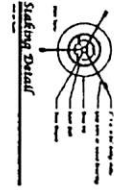
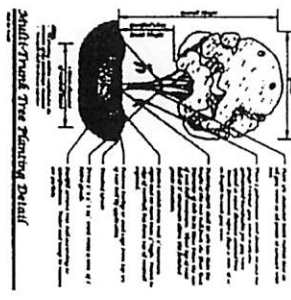
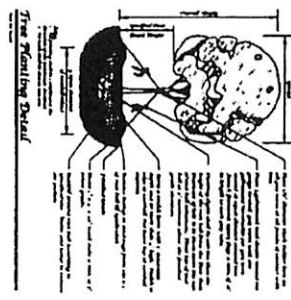
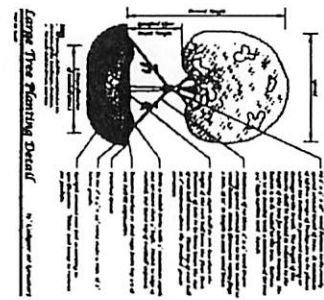
Landscape Specifications

[illegible]

General Notes

the authors are not aware of any other studies that have examined the effects of the use of a single, non-validated, self-report measure of perceived effort on the relationship between perceived effort and the other variables in the model. The authors are also not aware of any other studies that have examined the effects of the use of a single, non-validated, self-report measure of perceived effort on the relationship between perceived effort and the other variables in the model. The authors are also not aware of any other studies that have examined the effects of the use of a single, non-validated, self-report measure of perceived effort on the relationship between perceived effort and the other variables in the model.

Landscape Details



Landscape Plan

[illegible]

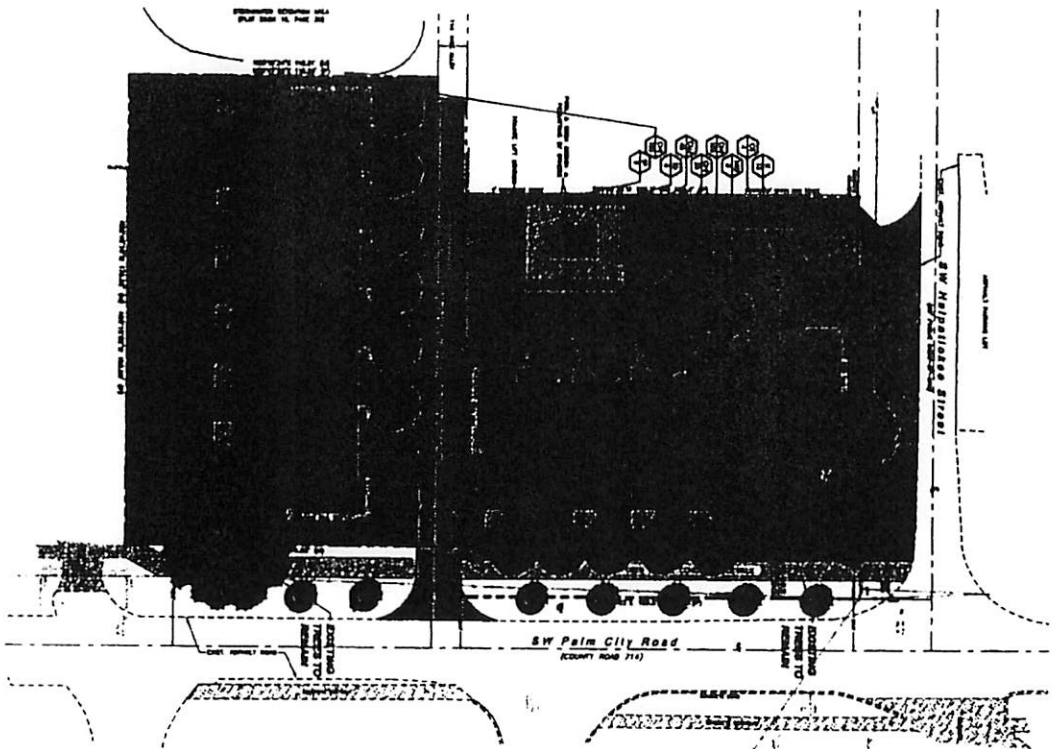
Plant List

[illegible]

Landscape Data

	42.97% $\downarrow$	97.4% $\downarrow$	100%
Total 2nd Arms			
Total Thms Inspected (6 04 03)			
Inspected: 1 Thm/1,500 $\downarrow$ = 42.97/1,500 = .28			28
Provided:			28
Total 2nd Thms Inspected (6 04 02)			
Inspected: 2 Thms/2,100 $\downarrow$ = 20/2,100 = .95%			14
Provided:			14
Total 2nd Thms Provided:			14
Total 2nd Thms Inspected (6 04 02 4.1) 50% of total required arms = 28 $\times$ 50% = 14			14
Arms Thms Provided:			14
Arms Thms Provided:			28 (100%)
Landmark Arms (6 04 02 3.11)			
Inspected: 20% of designated arms = 42.97 $\pm$ 20% = 8.45/4			8.45/4
Provided:			17.371

Xeriscape Points

[illegible]

Landscape Plan

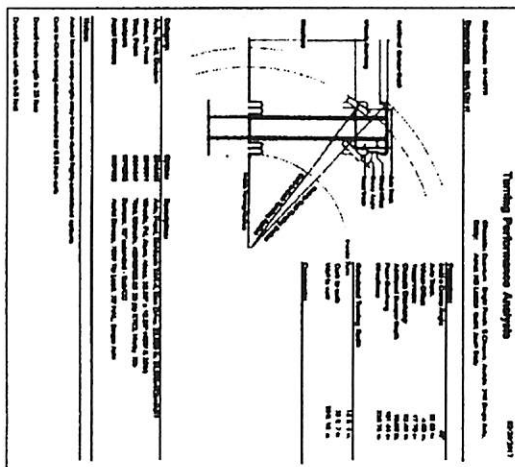
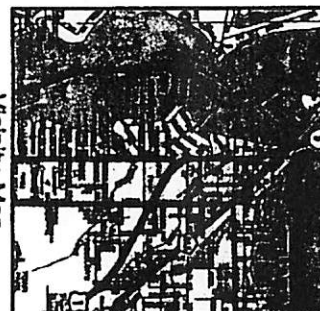
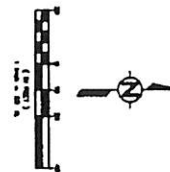
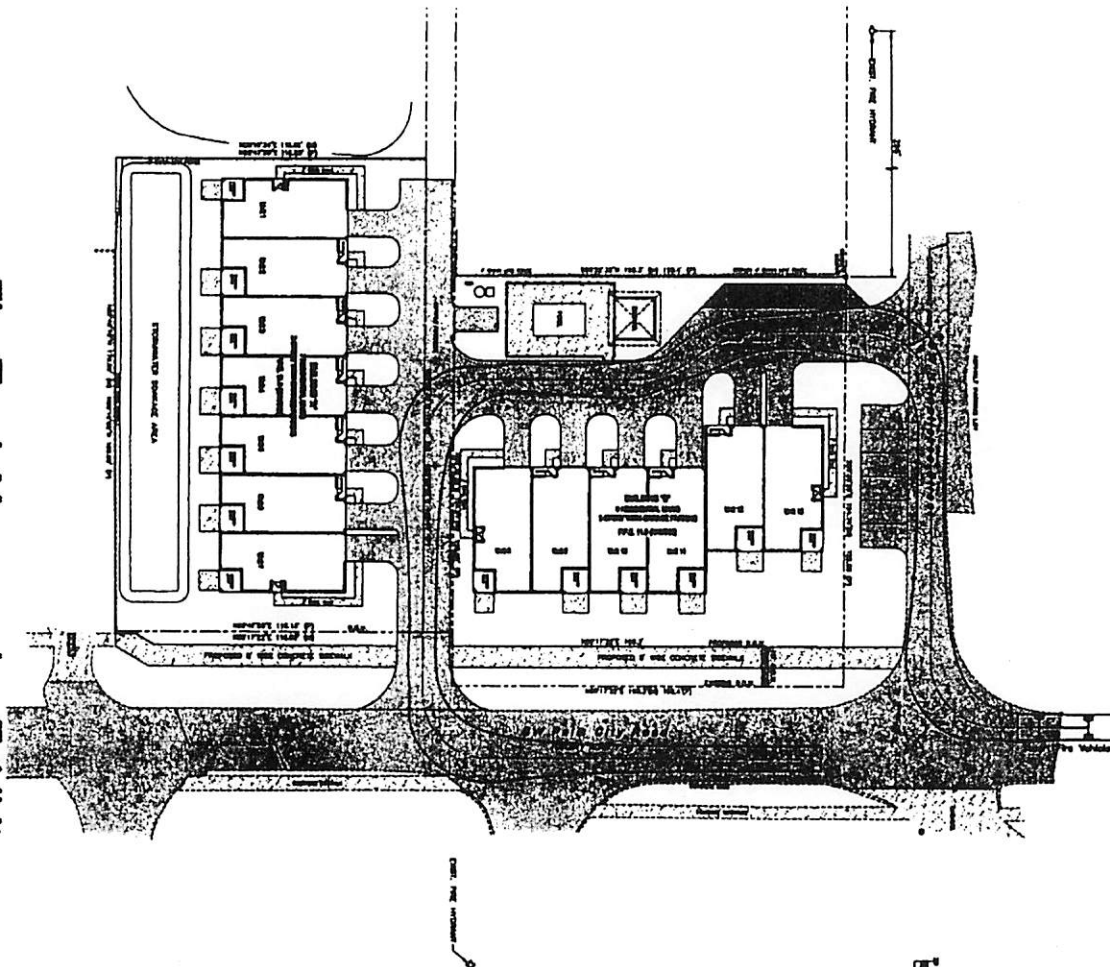
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Palmetto Cove

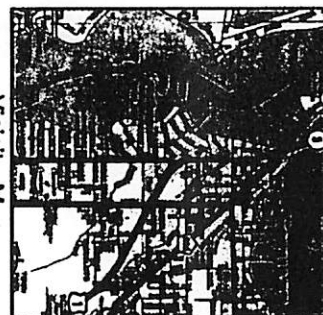
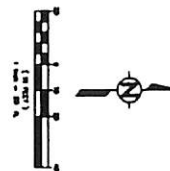
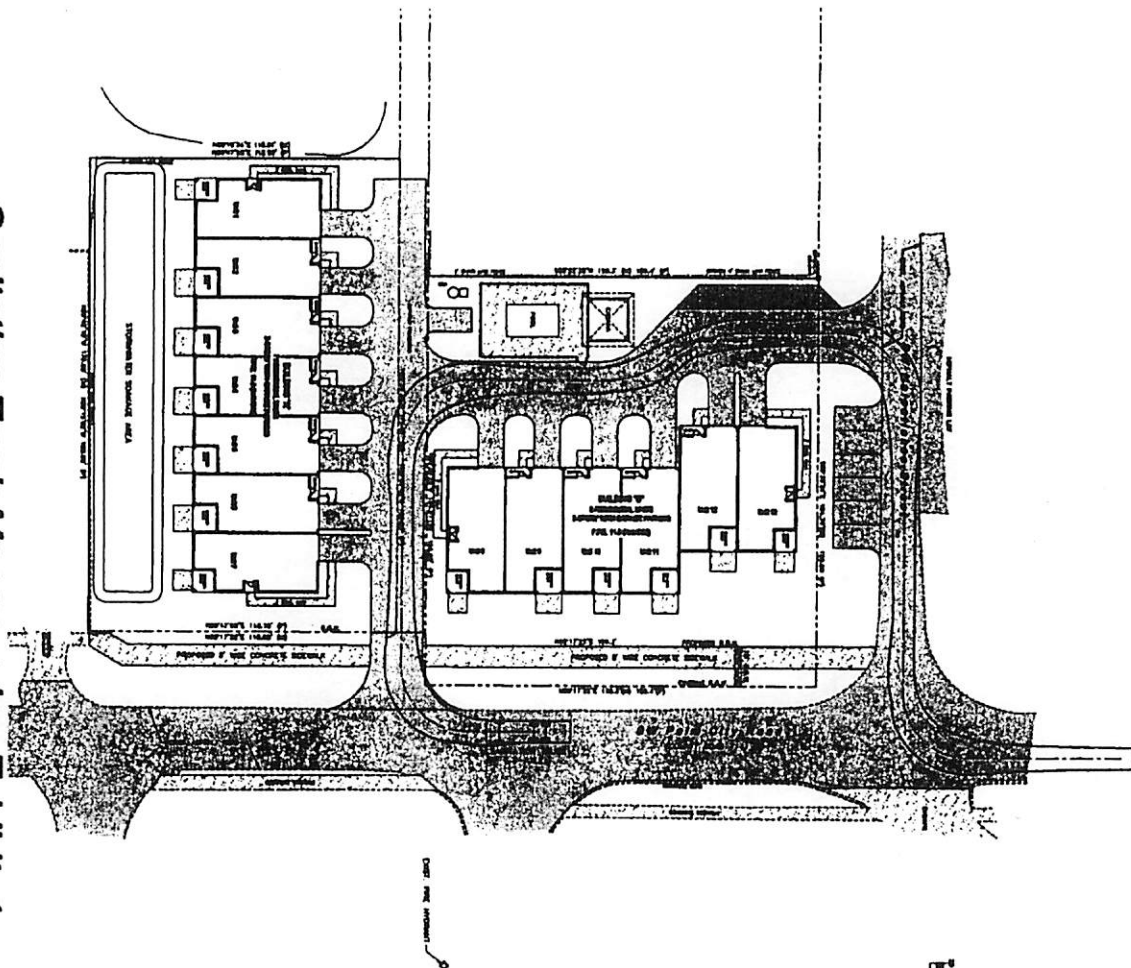
City of Stuart, Florida

**Conceptual
Design
Corp. Inc.**
Marketing International • 200 Broadway
New York, NY 10038
212/691-1000
212/691-1001

Fire Truck Maneuvering Exhibit



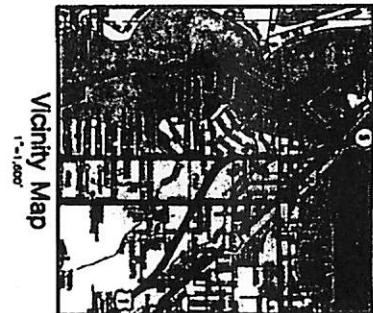
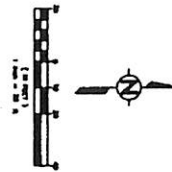
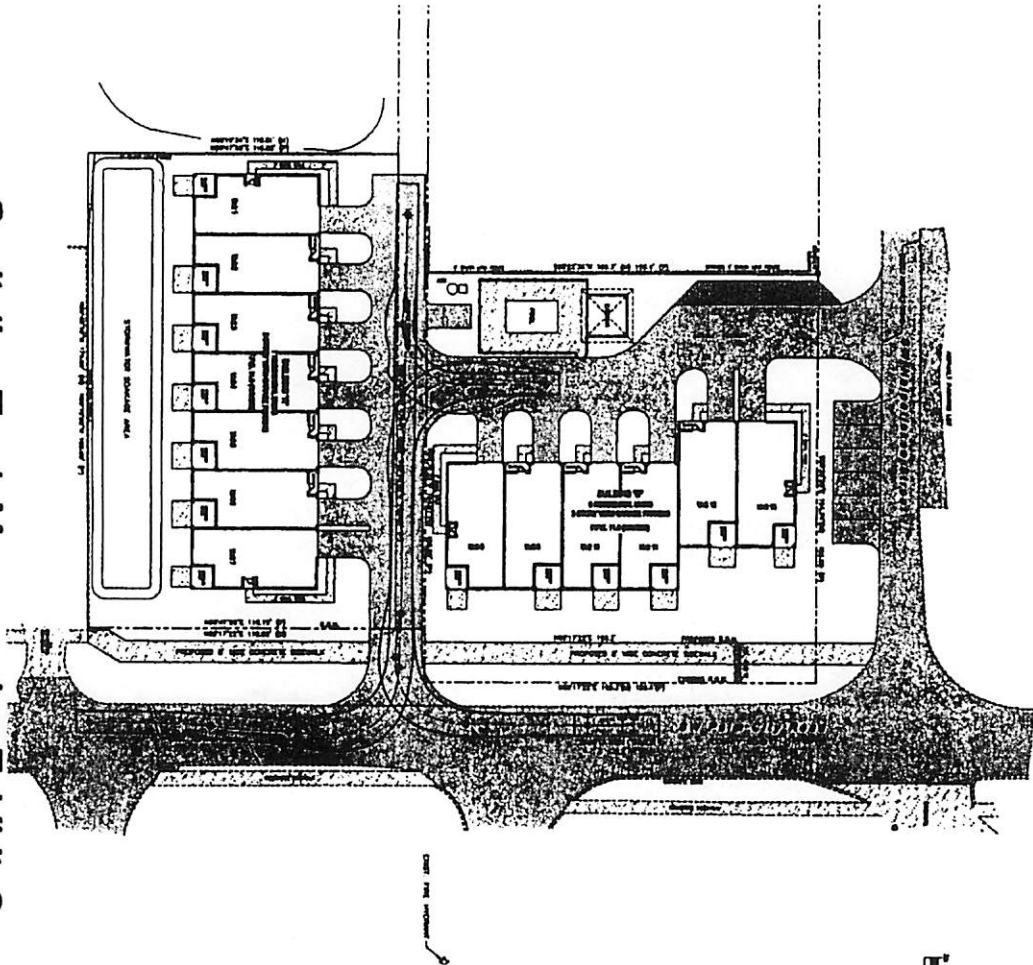
Sanitation Truck Maneuvering Exhibit 1



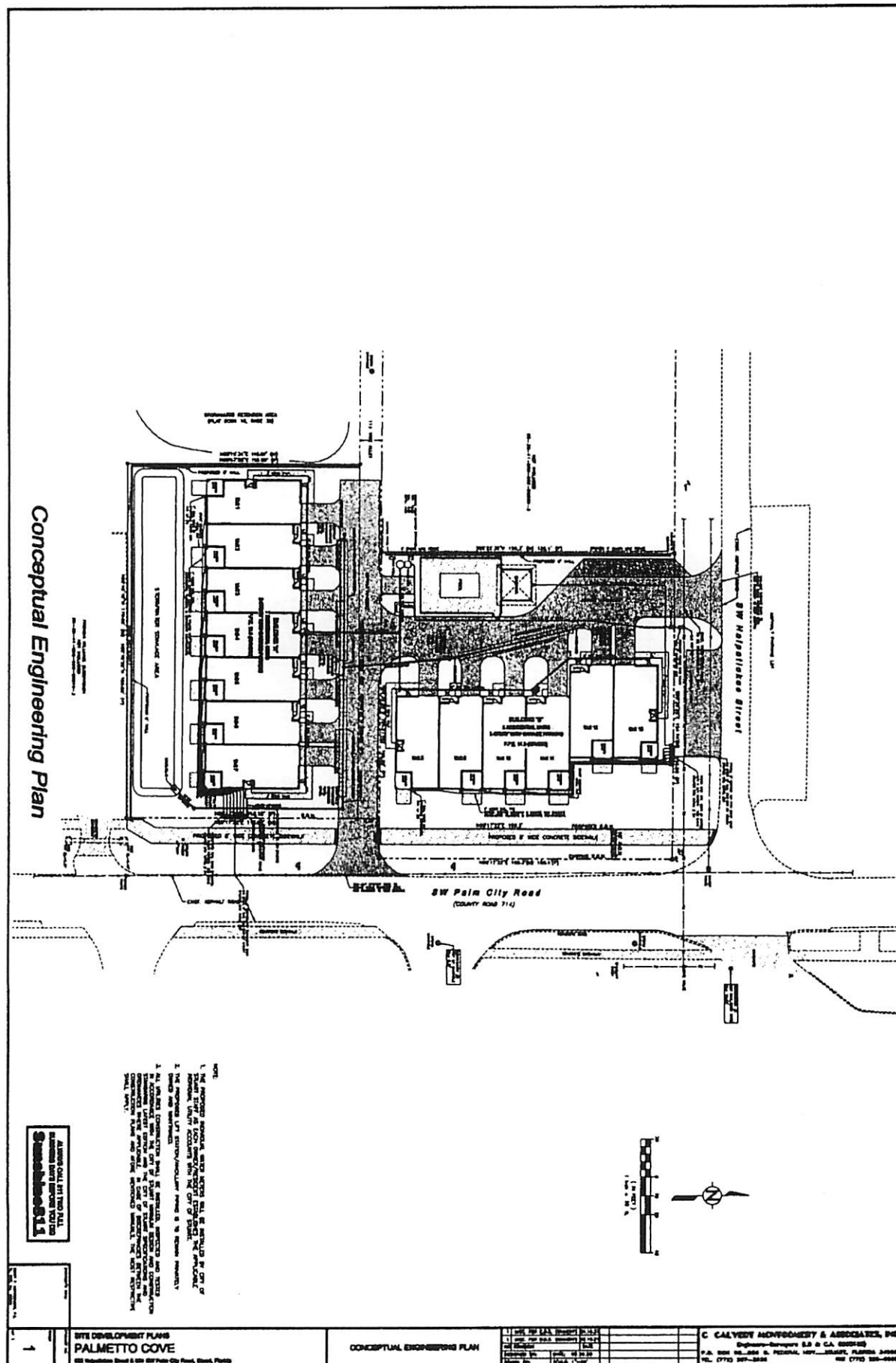
Vicinity Map
1"=1,000'

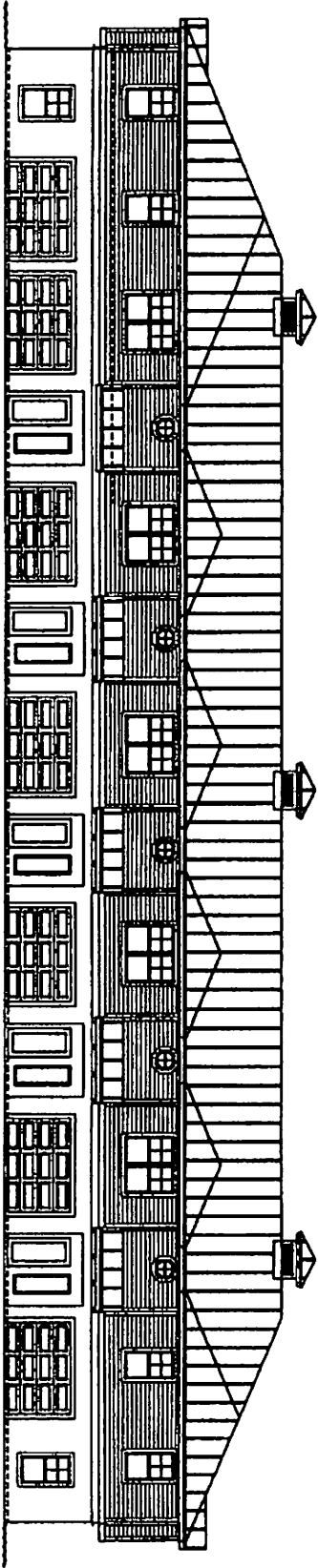
												
SITE DEVELOPMENT PLANS PALMETTO COVE 871 Highway 204, PALMETTO COVE, Santa Clara County		SANITATION TRUCK MANEUVERING EXHIBIT										
		<table><tr><td>10</td><td>10</td><td>10</td></tr><tr><td>10</td><td>10</td><td>10</td></tr><tr><td>10</td><td>10</td><td>10</td></tr></table>		10	10	10	10	10	10	10	10	10
10	10	10										
10	10	10										
10	10	10										
		C CALVESE ARCHITECTURE & ASSOCIATES, INC. Engineers-Designers P.E. & C.A. 0001403 P.O. BOX 92, 2ND & PIERCE, HOUSTON, TEXAS 77202 TEL. 713/555-1000 FAX. 713/555-1000										

Sanitation Truck Maneuvering Exhibit 2



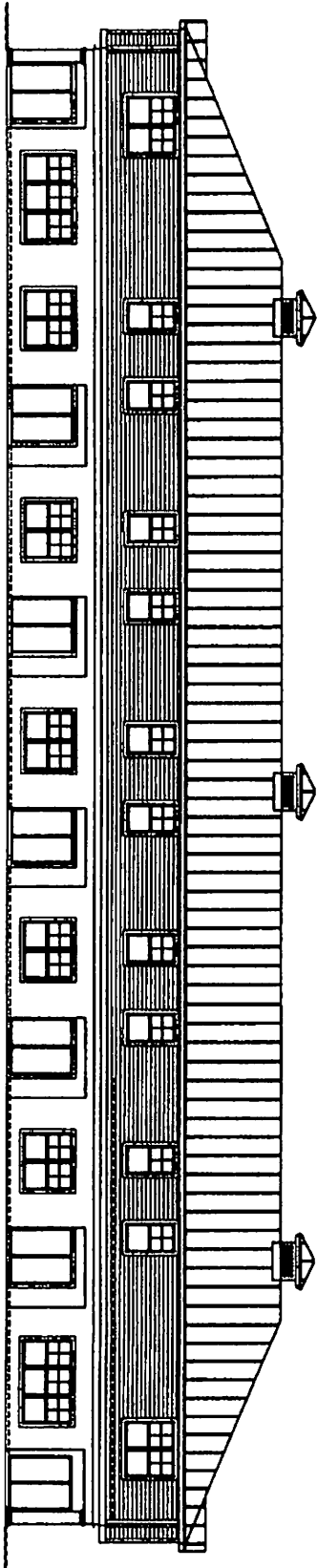
2	SITE DEVELOPMENT PLANS PALMETTO COVE 2000 Palmetto Cove & 2000 Palmetto Cove, Miami, Florida	SANITATION TRUCK MANEUVERING EXHIBIT 2	DATE: 10/1/00 DRAWN BY: JMC CHECKED BY: JMC SCALE: 1"=100'	C. CALVERT MONTGOMERY & ASSOCIATES, INC. Engineers-Architects P.C. & S.A. 00001000 P.O. BOX 1000000, MIAMI, FLORIDA 33101 TEL. (772) 555-1000 FAX (772) 555-1000
---	---	--	--	---





BLDG. A NORTH ELEVATION (PARKING)

Scale: 1/8" = 1'-0"



BLDG. A SOUTH ELEVATION

Scale: 1/8" = 1'-0"



Braden & Braden, AIA, PA
ARCHITECTS - PLANNERS
47 E. COCKBURN AVENUE
PA : 17131-571-1115
Mobile: 717-255-0000
Email: info@bradenbraden.com
PA License: SAAC000003

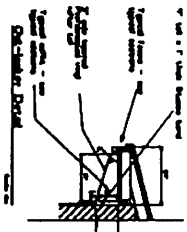
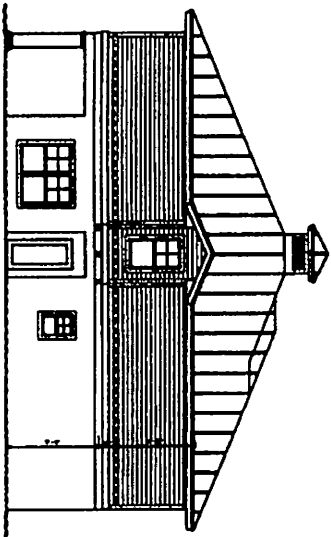
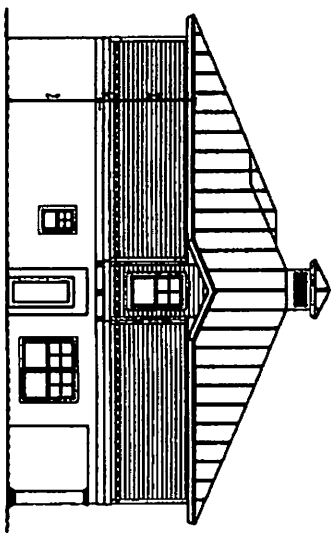
BUILDING A FOR:
PALMETTO CALLE
Address: 1001 100th St
Tampa, FL 33613

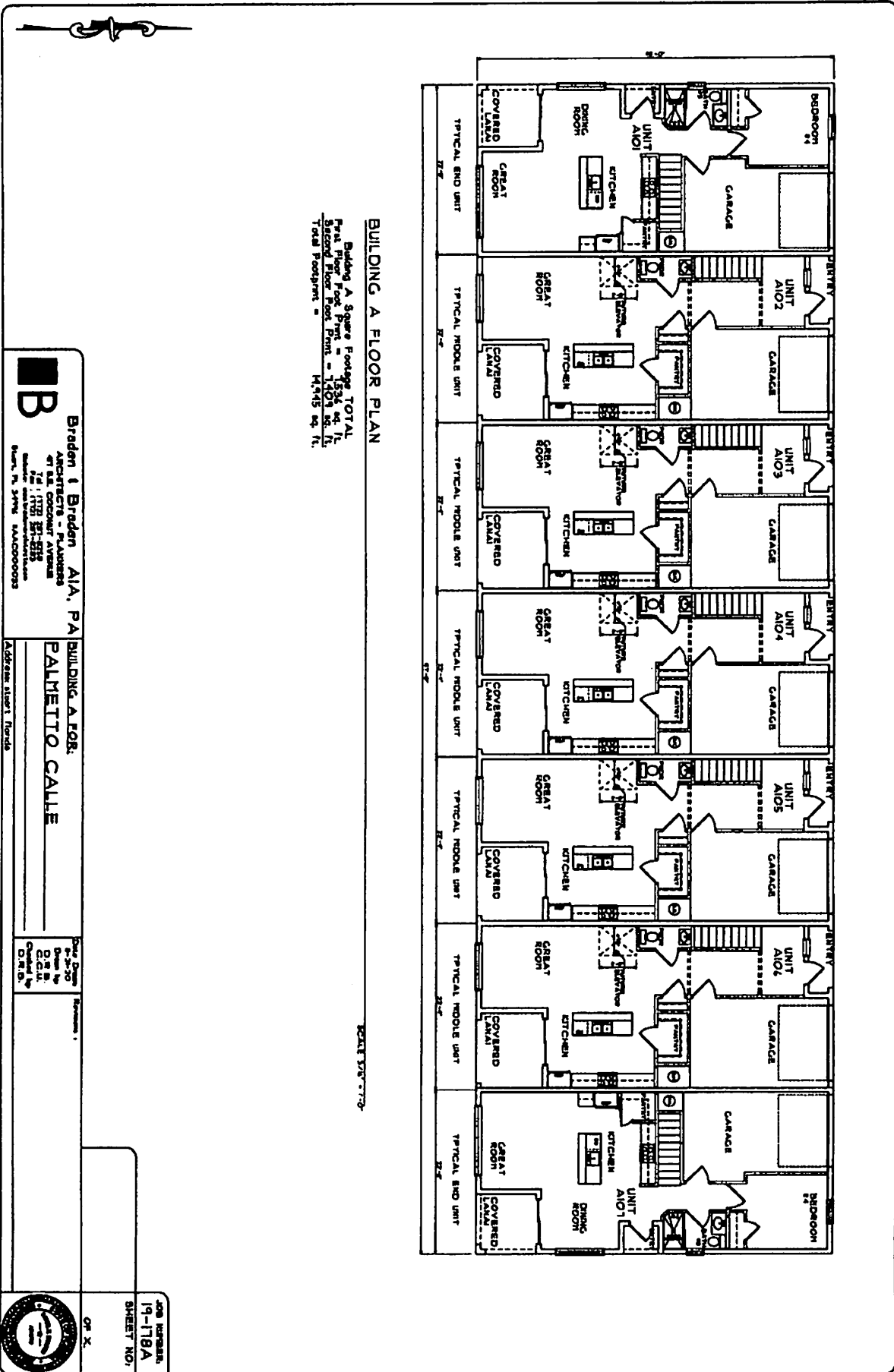
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Checked by: [Blank]
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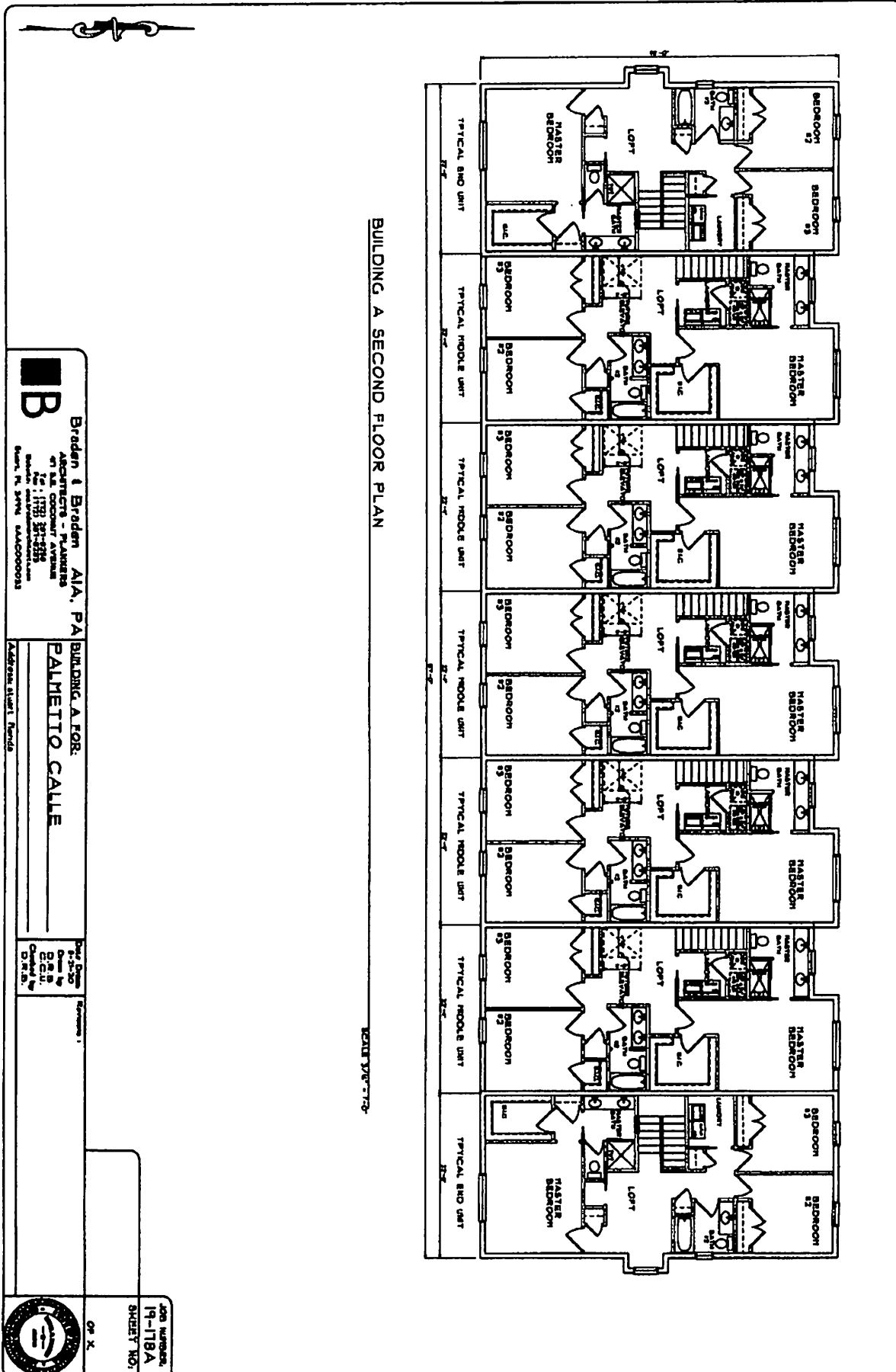


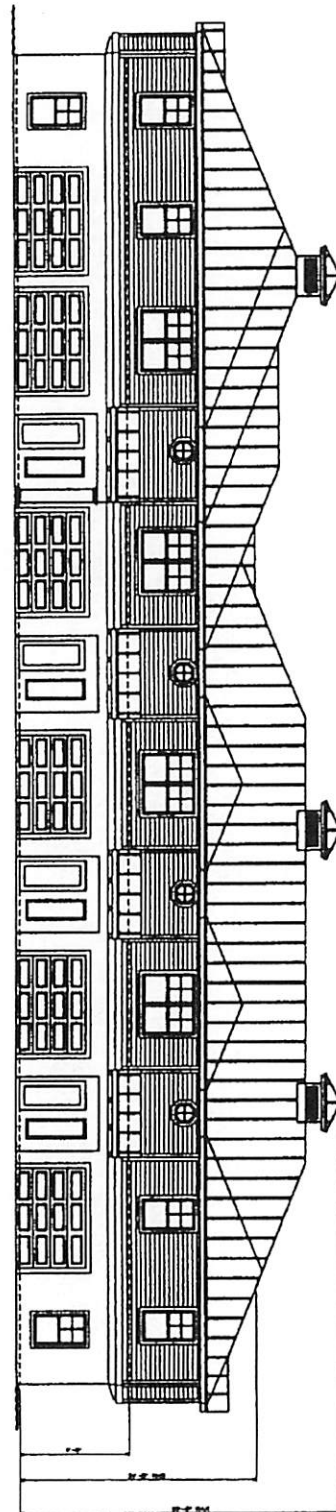
OF 10

JOB NUMBER:
19-178A
SHEET NO:

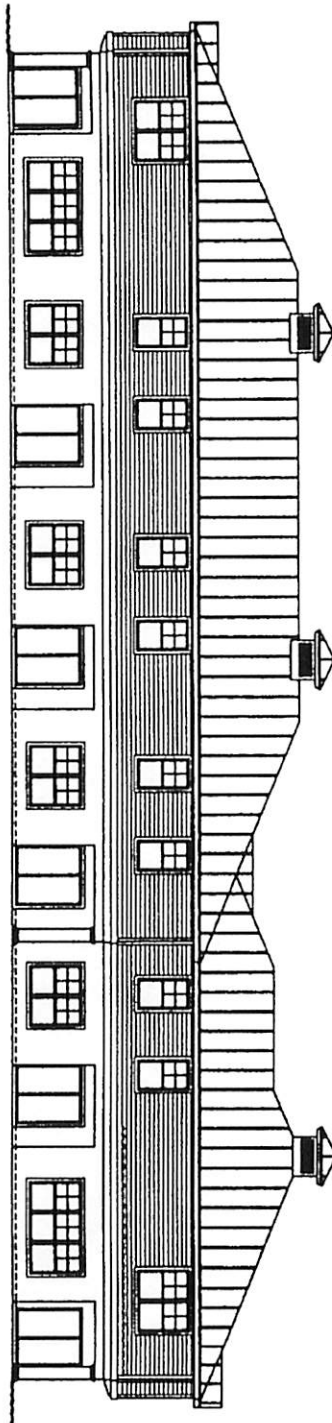
		Bredon & Braden, AIA, PA ARCHITECTS - PLANNERS 41 S. COCONUT AVENUE SUITE 200 FORT LAUDERDALE, FL 33301 TEL: 772-571-1212 FAX: 772-571-1213 WWW.BREDBRADEN.COM	
BUILDING A FOR: PALMETTO CALLE		Project Name: Bredon & Braden Drawn by: D.B.H. Date: 08/18	
Address: Street Name		Scale:	
Job Number: 19-118A		Sheet No.:	
OR X			
			
BLDG. A EAST ELEVATION (STREET)		BLDG. A WEST ELEVATION	
			







BLDG. B WEST ELEVATION (PARKING)



BLDG. B EAST ELEVATION (STREET)

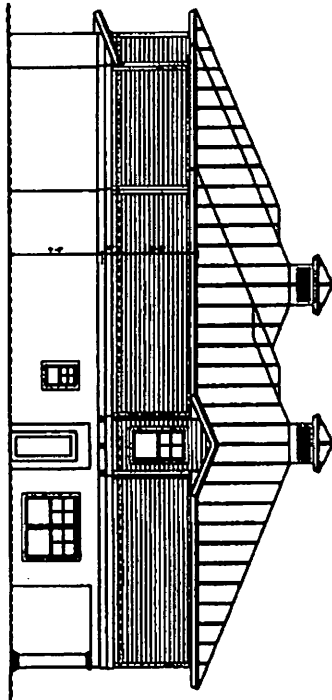
B
 Braden & Braden AIA, P.A.
 ARCHITECTS
 4714 COCONUT AVENUE
 TALLAHASSEE, FL 32309
 TEL: (904) 281-4324
 FAX: (904) 281-4325
 WWW.BRADEN-AND-BRADEN.COM
 STATE OF FLORIDA #AAC000003

BUILDING B FOR
 PALMETTO CALLE
 Address: Stuart, Florida

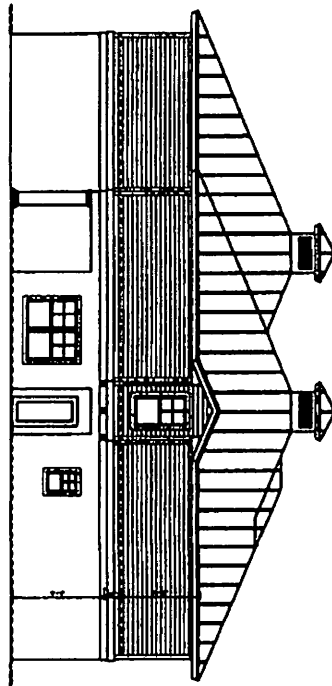
Date: 10-20-20
 Drawn by: C.C.U.
 Checked by: C.C.U.
 Date: 10-20-20



JOB NUMBER:
 19-118B
 SHEET NO.
 OF X.



BLDG. B NORTH ELEVATION



BLDG. B SOUTH ELEVATION

B

Bradley & Bradley, P.A.

Architects

4715A Coconut Avenue

Fort Lauderdale, Florida 33309

Phone: (754) 331-4333

Fax: (754) 331-4333

Mobile: (754) 331-4333

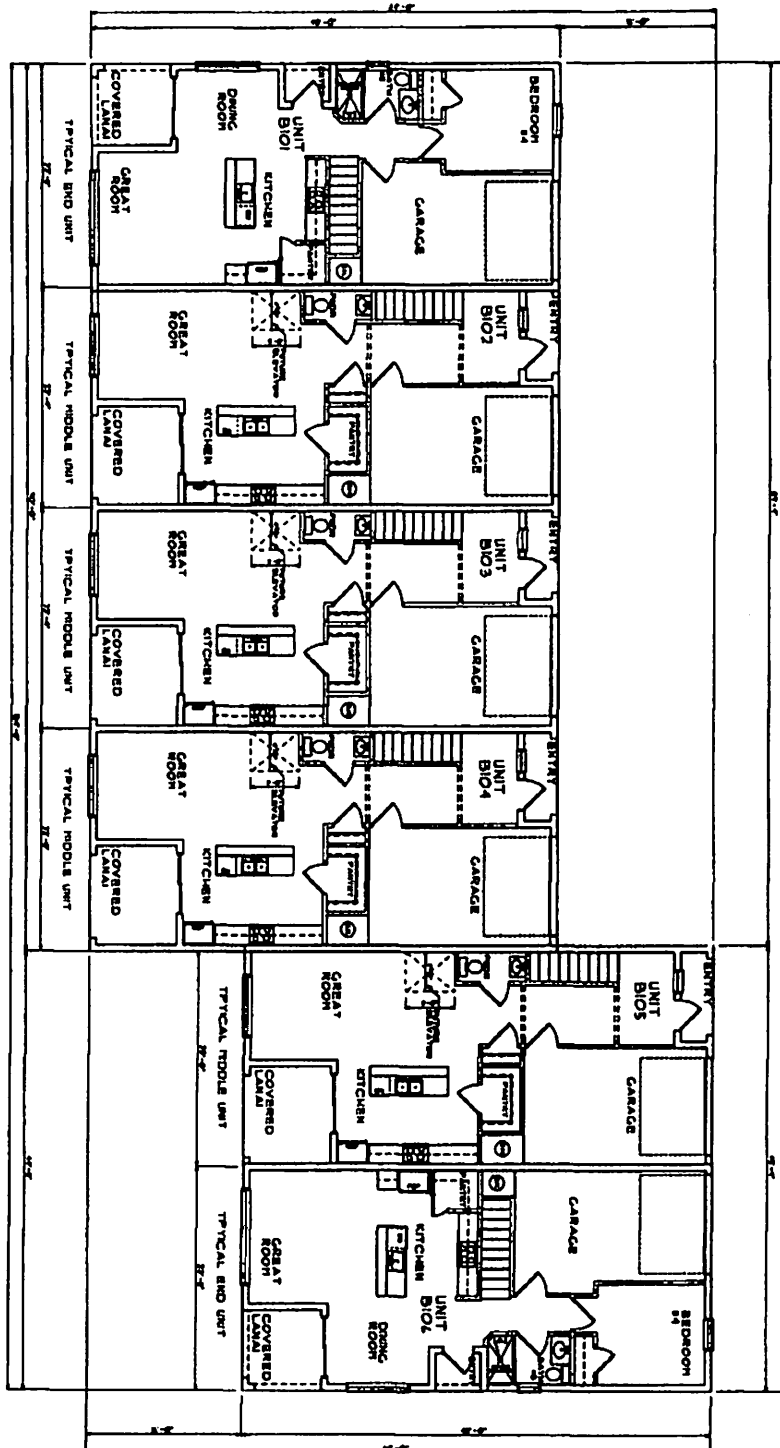
Internet: www.bradleyandbradley.com

BUILDING B, FOR:	
PALMETTO CIRCLE	
ADDRESS: STREET, Florida	
Plot Dimensions: 1/4" = 20'-0" Overall W: Overall L: Overall H:	Sheet No.:



OF X
JOB NUMBER:
19-1188
SHEET NO.

BUILDING B FLOOR PLAN



21-3411-7-2



OP X.
JOE WRIGHT
19-178B

SHEET NO.

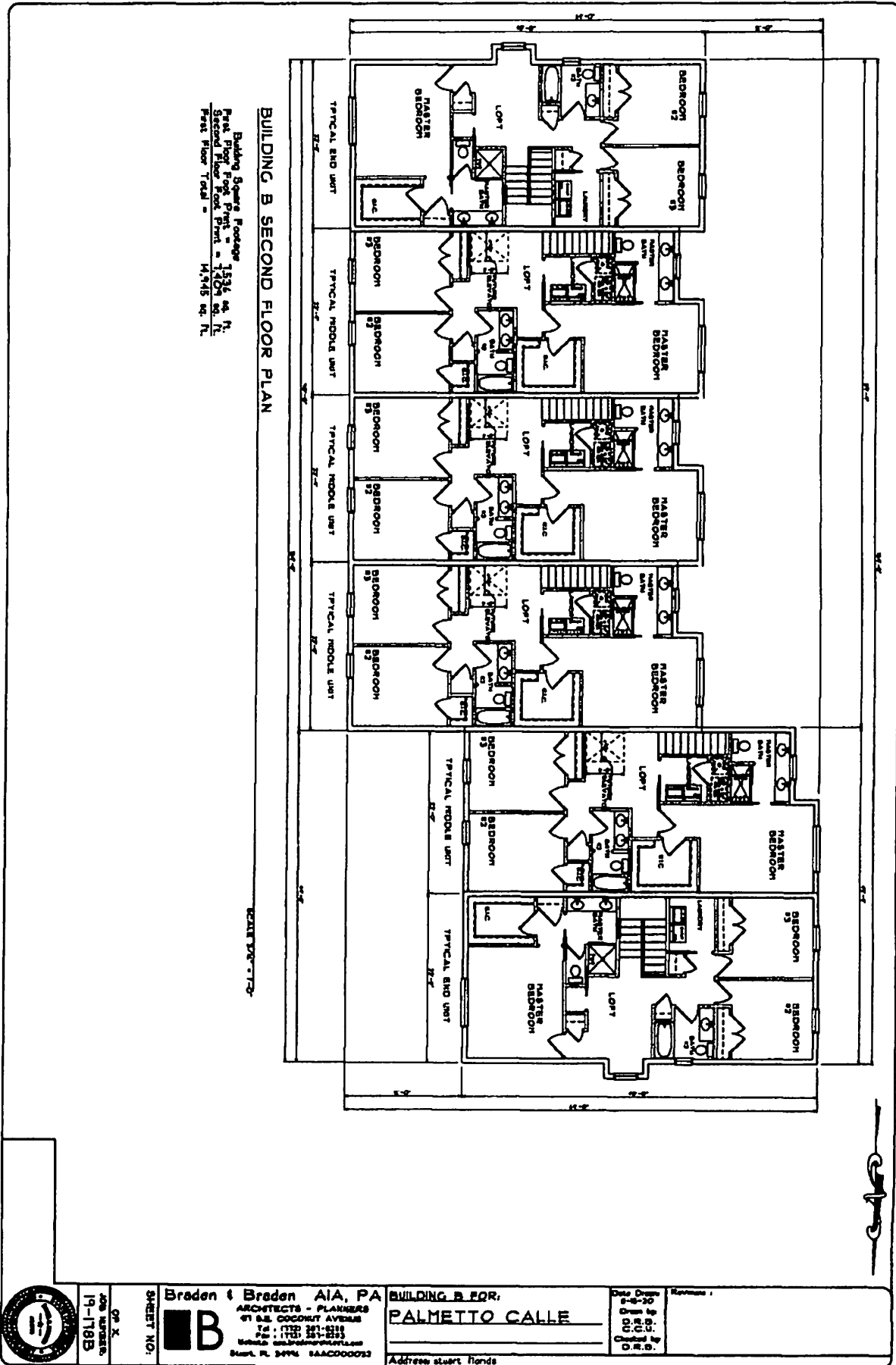
Braden & Braden AIA, PA
ARCHITECTS - PLANNERS
 91 S.E. COCONUT AVENUE
 Tel.: (312) 281-8268
 Fax: (312) 281-8262
 Website: www.bradenbraden.com
 Stuart, FL 34996 FAAC000032

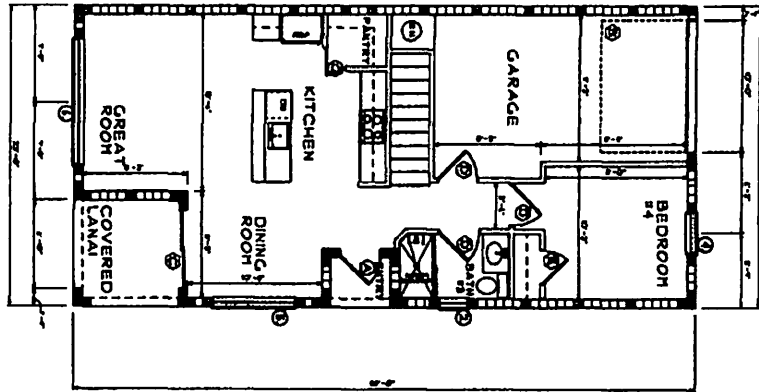
BUILDING B FOR:
PALMETTO CALLE

Address: Stuart, Florida

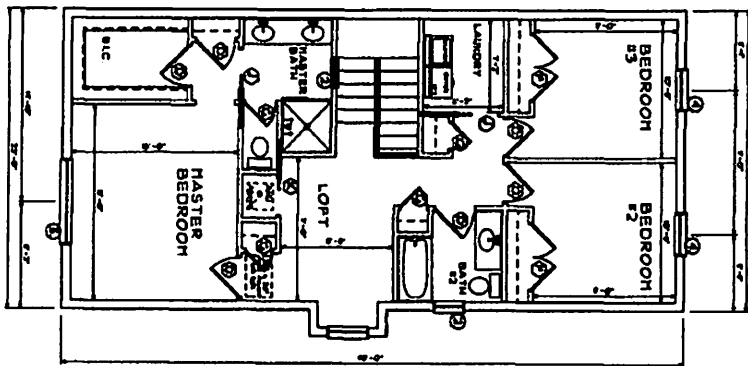
Date Drawn
8-4-20
Drawn by
O.R.D.
C.C.U.
Checked by
O.R.D.

11/20/2010





Typical End Unit 1st Floor Plan
SCALE: 1/8" = 1'-0"



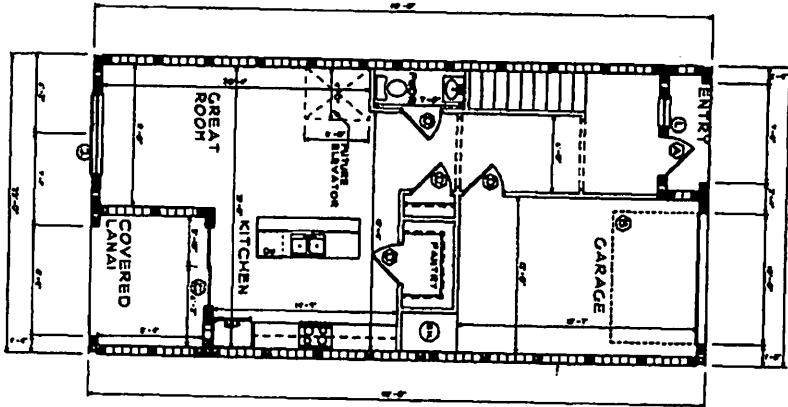
Typical End Unit 2nd Floor Plan
SCALE: 1/8" = 1'-0"

TYPICAL END UNIT PLANS

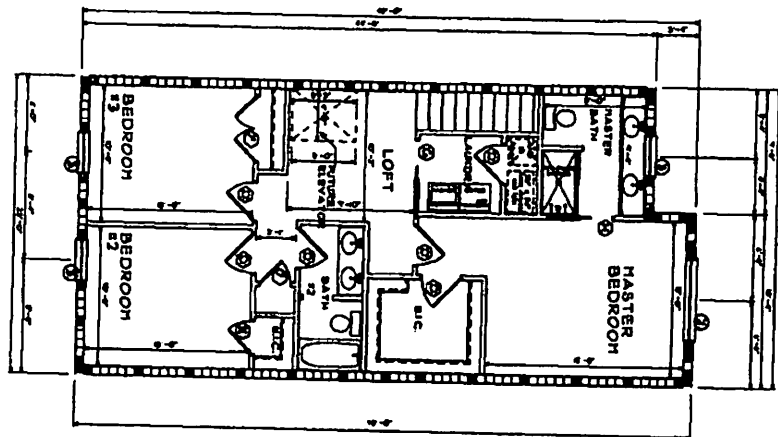
First Floor Square Footage
Bed Room A/C = 110 sq. ft.
Dining Room A/C = 110 sq. ft.
Kitchen A/C = 110 sq. ft.
Total Floor Area = 330 sq. ft.
Total Floor Area = 330 sq. ft.

A/C Space Breakdown
Bed Room A/C = 110 sq. ft.
Dining Room A/C = 110 sq. ft.
Kitchen A/C = 110 sq. ft.
Total A/C Area = 330 sq. ft.

	Braden & Braden, AIA, PA ARCHITECTS - PLANNERS 471 S.E. COCONUT AVENUE SUITE 100 MIAMI, FL 33133 Phone: 305.371.1111 Fax: 305.371.1112 Email: info@bradenbraden.com	Residence For:	Date Drawn:	Revised:
		Southern Landmark	1-25-11	
SHEET NO. 19-1118		Address: 1001 N. Florida	Drawn by:	Checked by:
			G.R.B.	



Typical Middle Unit 1st Floor Plan
SCALE 1/8" = 1'-0"



Typical Middle Unit 2nd Floor Plan
SCALE 1/8" = 1'-0"

TYPICAL MIDDLE UNIT PLANS

First Floor Square Footage
First Floor A/C - 1,451 sq. ft.
Covered Porch Total - 345 sq. ft.
First Floor Total - 1,796 sq. ft.
Second Floor Square Footage
Second Floor A/C - 1,451 sq. ft.

A/C Space Breakdown
First Floor A/C - 1,451 sq. ft.
Second Floor A/C - 1,451 sq. ft.
Total A/C Space - 2,902 sq. ft.



SHEET NO.
18 -

Braden & Braden, AIA, FA
ARCHITECTS - PLANNERS
401 S.E. COCONUT AVENUE
SUITE 100
FORT LAUDERDALE, FL 33301
Phone: (954) 341-1111
Fax: (954) 341-1112
Email: info@bradenbraden.com
Miami, FL 33144 SAAC000003

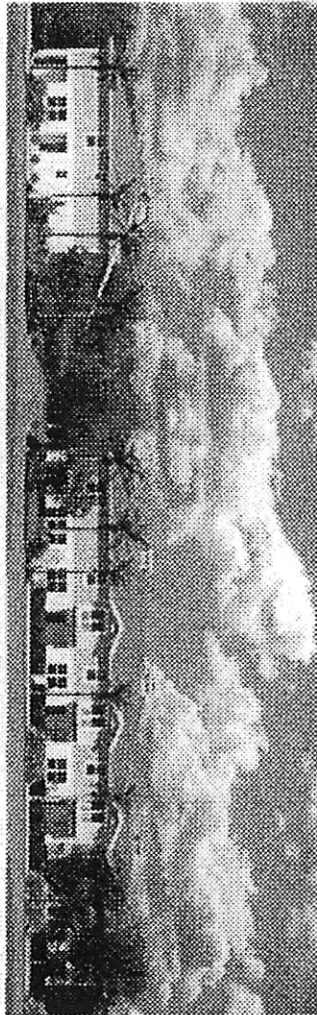
Residence For:
Southern Landmark

Address: 10001 Florida

Date: 08-15-10
Drawn by:
D.R.B.
Checked by:
D.R.B.

Revisions:

PALMETTO CALLE - STUART, FL



PALM CITY ROAD WEST FACING



PALM CITY ROAD SOUTHWEST FACING

	Bradley & Braden, AIA, PA BRADEN & BRADEN, AIA, PA		JOB NUMBER: 19-178A
	ADDRESS: PALMETTO CALLE		
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121178A-03		DATE: 10/1/19	
121178A-04		DATE: 10/1/19	
121178A-05		DATE: 10/1/19	
121178A-06		DATE: 10/1/19	
121178A-07		DATE: 10/1/19	
121178A-08		DATE: 10/1/19	
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121178A-98		DATE: 10/1/19	
121178A-99		DATE: 10/1/19	
121178A-100		DATE: 10/1/19	

AN APPRAISAL OF

**A 1,525 SF RIGHT OF WAY ABANDONMENT
FOR THE PALMETTO CALLE TOWNHOME
PROJECT**

**LOCATED BETWEEN
924 SW PALM CITY ROAD & 501
HALPATIOKEE STREET
STUART, FL 34994**

**PREPARED FOR
MR. NICOLAS CALLE
ASSET MANAGER
SEAHORSE CAPITAL
12917 MIZNER WAY
WELLINGTON, FL 33414**



Date of Valuation: July 23, 2021
Date of Report: February 8, 2022

By:

**CRE VALUATION SERVICES
100 SW ALBANY AVENUE
SUITE 200
STUART, FL 34994**

CRE Job#3745772180

February 8, 2022

Mr. Nicolas Calle
Seahorse Capital

**Re: A 1,525 SF Right of Way Abandonment for the Palmetto Calle Townhome Project
Located between
924 SW Palm City Road & 501 Halpatiokee Street
Stuart, FL 34994**

We have performed an appraisal on the above referenced property, the conclusions of which are set forth in the attached Summary Report. The type of value sought in our appraisal of the subject was a market value opinion of the property using the "across the fence method" as of July 23, 2021 subject to the general assumptions and limiting conditions cited herein.

The subject property is a 1,525 square foot right of way abandonment situated between two parcels located at 924 SW Palm City Road and 501 Halpatiokee Street in Stuart, Florida. Situated along the west side of SW Palm City Road between SW Halpatiokee Street and SW Riverview Street, the right of way abandonment bifurcates the proposed Palmetto Calle Townhome project containing (13) proposed townhomes. We previously appraised the subject right of way abandonment in August of 2021 utilizing a survey which stated the right of way abandonment contained 2,032 square feet. The client has provided us with an updated survey which states that the right of way abandonment contains 1,525 square feet which is utilized in the report herein.

Currently, the subject is not known to be under contract and is not listed for sale.

The subject property is an owner/user property and is not encumbered by any arms-length lease but as a right of way is encumbered. We have assumed the subject is available for assemblage and have appraised the subject as unencumbered within the report herein. Therefore, the right of ownership appraised herein are that of the Fee Simple Estate

This report is intended for use only by Seahorse Capital and use by others is not intended by CRE Valuation Services. This report's intended use is to provide an opinion of Market Value of a right of way that bifurcates the site using the "across the fence" methodology only and is not intended for any other use. The intent of this report is conformance with the Ethical Standards of the Appraisal Institute as well as meeting with the standards of USPAP.

In view of the following facts and data in conjunction with this appraisal, it is the opinion of CRE Valuation Services that the market value "as is" of the Fee Simple interest in the property using the "across the fence" methodology as of July 23, 2021, and subject to the general assumptions and limiting conditions, was:

\$14,500

Hypothetical Conditions and Extraordinary Assumptions –

We were provided with the Palmetto Cove Site Development Plans, Abandonment Application Package, and a Boundary Survey for the Palmetto Cove project as well as the right of way. We have relied on this information within the report within. We have assumed the subject is available for assemblage and have appraised the subject as unencumbered within the report herein utilizing the across the fence methodology. If we are provided with any data to the contrary, we retain the right to amend this appraisal and the value found herein.

The estimated reasonable marketing period for the subject at the indicated value is six (6) months.

COVID-19 Statement: The analysis in this appraisal has specifically considered the market conditions pre and post COVID-19 pandemic. Although there have nationally and globally been significant economic impacts, the impacts locally to Martin, St. Lucie and Indian River County have been contained to specific industries and businesses and have not indicated a large scale slow-down in economic activity. Home builders report robust sales activity, higher than pre-Covid. Property managers across Industrial, Office and Retail properties report less than 10% tenant default rates and report most of the default activity is contained to tenants who were struggling prior to the pandemic. Land brokers report that home builders have ramped up land acquisition and this has fueled speculation in land and development. Overall, the Treasure Coast real estate market has not had a significant negative impact from Covid, with the impact largely balancing a market that had been in a state of demand outweighing supply.

After conducting broker interviews and market analysis within the Stuart neighborhood, we have determined that there has been no negative impact on the subject's immediate neighborhood.

Our firm appreciates the opportunity to have performed this appraisal assignment on your behalf. If we may be of further service, please contact us.

Respectfully submitted,



CRE Valuation Services
Nikolaus M. Schroth, CCIM
State Certified General Real Estate Appraiser RZ3704
Managing Partner



CRE Valuation Services
Thomas J. Johnson MAI, SRA
State Certified General Real Estate Appraiser RZ798
Senior Appraiser



Erik Odegard
Registered Trainee Appraiser RI24196

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SUBJECT PROPERTY AT A GLANCE



View of Subject



View of Subject



View of Subject



View of Subject

SUMMARY OF SALIENT FACTS

Property Data

Property	1,525 SF (GLA) Vacant Land 1,525 SF Right of Way Abandonment for the Palmetto Calle Townhome Project 924 SW Palm City Road & 501 Halpatiokee Street Stuart, FL 34994
Date of Valuation	July 23, 2021
Date of Report	February 8, 2022
Interest Appraised/Type of Value	Fee Simple As Is
Owner of Record	924 SW Palm City Road LLC

Physical Data

Land Area	0.035 Acres (1,525 SF)
Zoning/Land Use Classification	R-3/RPUD Stuart
Highest and Best Use As Part of the Whole	
“As if Vacant”	Residential development to maximum density
“As Improved”	N/A

Market Value Indications

"As Is" As Part Of The Whole

Sales Comparison Approach	\$14,500
Cost Approach	N/A
Income Capitalization Approach	N/A

Market Value "As Is"	\$14,500
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Value/(Square Foot)	\$9.50
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Exposure Time	months
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Market Time	6 months
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ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal report has been made with the following general assumptions:

1. Any legal description or plats reported herein are assumed to be accurate. Any sketches, surveys, plats, photographs, drawings, or other exhibits are included only to assist the intended user to better understand and visualize the subject property, the environs, and the competitive data. We have made no survey of the property and assume no responsibility in connection with such matters.
2. The appraiser has not conducted any engineering or architectural surveys in connection with this appraisal assignment. Information reported pertaining to dimensions, sizes, and areas is either based on measurements taken by the appraiser or the appraiser's staff or was obtained or taken from referenced sources and is considered reliable. No responsibility is assumed for the costs of preparation or for arranging geotechnical engineering, architectural, or other types of studies, surveys, or inspections that require the expertise of a qualified professional.
3. No responsibility is assumed for matters legal in nature. Title is assumed to be good and marketable and in leased fee unless otherwise stated in the report. The property is considered to be free and clear of existing liens, easements, restrictions, and encumbrances, except as stated.
4. Unless otherwise stated herein, it is assumed there are no encroachments or violations of any zoning or other regulations affecting the subject property and the utilization of the land and improvements is within the boundaries or property lines of the property described and that there are no trespasses or encroachments.
5. CRE Valuation Services assumes there are no private deed restrictions affecting the property which would limit the use of the subject property in any way.
6. It is assumed the subject property is not adversely affected by the potential of floods, unless otherwise stated herein.
7. It is assumed all water and sewer facilities (existing and proposed) are or will be in good working order and are or will be of sufficient size to adequately serve any proposed buildings.
8. Unless otherwise stated within the report, the depiction of the physical condition of the improvements described herein is based on visual inspection. No liability is assumed for the soundness of structural members since no engineering tests were conducted. No liability is assumed for the condition of mechanical equipment, plumbing, or electrical components, as complete tests were not made. No responsibility is assumed for hidden, unapparent, or masked property conditions or characteristics that were not clearly apparent during our inspection.
9. If building improvements are present on the site, no significant evidence of termite damage or infestation was observed during our physical inspection, unless so stated in the report. No termite inspection report was available, unless so stated in the report. No responsibility is assumed for hidden damages or infestation.
10. Any proposed or incomplete improvements included in this report are assumed to be satisfactorily completed in a workmanlike manner or will be thus completed within a reasonable length of time according to plans and specifications submitted.
11. No responsibility is assumed for hidden defects or for conformity to specific governmental requirements, such as fire, building, safety, earthquake, or occupancy codes, except where specific professional or governmental inspections have been completed and reported in the appraisal report.

ASSUMPTIONS AND LIMITING CONDITIONS

12. Responsible ownership and competent property management are assumed.
13. The appraisers assume no responsibility for any changes in economic or physical conditions which occur following the effective date of value within this report that would influence or potentially affect the analyses, opinions, or conclusions in the report. Any subsequent changes are beyond the scope of the report.
14. The value estimates reported herein apply to the entire property. Any proration or division of the total into fractional interests will invalidate the value estimates, unless such proration or division of interests is set forth in the report.
15. Any division of the land and improvement values estimated herein is applicable only under the program of utilization shown. These separate valuations are invalidated by any other application.
16. Unless otherwise stated in the report, only the real property is considered, so no consideration is given to the value of personal property or equipment located on the premises or the costs of moving or relocating such personal property or equipment.
17. Unless otherwise stated, it is assumed that there are no subsurface oil, gas or other mineral deposits or subsurface rights of value involved in this appraisal, whether they are gas, liquid, or solid. Nor are the rights associated with extraction or exploration of such elements considered, unless otherwise stated. Unless otherwise stated it is also assumed that there are no air or development rights of value that may be transferred.
18. Any projections of income and expenses, including the reversion at time of resale, are not predictions of the future. Rather, they are our best estimate of current market thinking of what future trends will be. No warranty or representation is made that these projections will materialize. The real estate market is constantly fluctuating and changing. It is not the task of an appraiser to estimate the conditions of a future real estate market, but rather to reflect what the investment community envisions for the future in terms of expectations of growth in rental rates, expenses, and supply and demand. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.
19. Unless subsoil opinions based upon engineering core borings were furnished, it is assumed there are no subsoil defects present, which would impair development of the land to its maximum permitted use or would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover them.
20. CRE Valuation Services representatives are not experts in determining the presence or absence of hazardous substances, defined as all hazardous or toxic materials, wastes, pollutants or contaminants (including, but not limited to, asbestos, PCB, UFFI, or other raw materials or chemicals) used in construction or otherwise present on the property. We assume no responsibility for the studies or analyses which would be required to determine the presence or absence of such substances or for loss as a result of the presence of such substances. Appraisers are not qualified to detect such substances. The client is urged to retain an expert in this field.
21. We are not experts in determining the habitat for protected or endangered species, including, but not limited to, animal or plant life that may be present on the property. We assume no responsibility for the studies or analyses which would be required to determine the presence or absence of such species or for loss as a result of the presence of such species. The appraiser hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent endangered species impact studies, research, and investigation that may be provided.

ASSUMPTIONS AND LIMITING CONDITIONS

22. No environmental impact studies were either requested or made in conjunction with this analysis. The appraiser hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research, and investigation that may be provided.
23. The appraisal is based on the premise that there is full compliance with all applicable environmental regulations and laws unless otherwise stated in the report; further, that all applicable zoning, building, and use regulations and restrictions of all types have been complied with unless otherwise stated in the report; further, it is assumed that all required licenses, consents, permits, or other legislative or administrative authority, local, state, federal and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.
24. Neither all nor any part of the contents of this report or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media, without the prior written consent and approval of the appraisers. This limitation pertains to any valuation conclusions, the identity of the analyst or the firm and any reference to the professional organization of which the appraiser is affiliated or to the designations thereof.
25. Although the appraiser has made, insofar as is practical, every effort to verify as factual and true all information and data set forth in this report, no responsibility is assumed for the accuracy of any information furnished the appraiser either by the client or others. If for any reason, future investigations should prove any data to be in substantial variance with that presented in this report, the appraiser reserves the right to alter or change any or all analyses, opinions, or conclusions and/or estimates of value.
26. Often real estate sales prices and other data, such as rents, prices, and financing, are not a matter of public record. If this is such, although extensive effort has been expended to verify pertinent data with buyers, sellers, brokers, lenders, lessors, lessees, and other sources considered reliable, it has not always been possible to independently verify all significant facts. In these instances, the appraiser may have relied on verification obtained and reported by appraisers outside of our office. Also, as necessary, assumptions and adjustments have been made based on comparisons and analyses using data in the report and on interviews with market participants. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
27. The appraiser has not made a specific compliance survey or analysis of the property to determine whether or not it is in conformity with various disability requirements. Since the appraiser has no direct evidence relating to this issue, possible noncompliance with the requirements was not considered in estimating the value of the property.
28. This appraisal report has been prepared for the exclusive benefit of the client. It may not be used or relied upon by any other party. Any other party who is not the identified client within this report who uses or relies upon any information in this report does so at their own risk and may be subject to legal action. Written consent must be obtained prior to any third-party use.
29. The dollar amount of any value opinion herein rendered is based upon the purchasing power and price of the US Dollar as of the effective date of value. This appraisal is based on market conditions existing as of the date of this appraisal.
30. The right is reserved by the appraiser to make adjustments to the analyses, opinions, and conclusions set forth in this report as may be required by consideration of additional or more reliable data that may become available. No change of this report shall be made by anyone other than the appraiser or appraisers. The appraiser(s) shall have no responsibility for any unauthorized change(s) to the report.

ASSUMPTIONS AND LIMITING CONDITIONS

31. If the client instructions to the appraiser were to inspect only the exterior of the improvements in the appraisal process, the physical attributes of the property were observed from the street(s) as of the inspection date of the appraisal. Physical characteristics of the property were obtained from tax assessment records, available plans, if any, descriptive information, and interviewing the client and other knowledgeable persons. It is assumed the interior of the subject property is consistent with the exterior conditions as observed and that other information relied upon is accurate.
32. The submission of this report constitutes completion of the services authorized. It is submitted on the condition the client will provide reasonable notice and customary compensation, including expert witness fees, relating to any subsequent required attendance at conferences, depositions, and judicial or administrative proceedings. In the event the appraiser is subpoenaed for either an appearance or a request to produce documents, a best effort will be made to notify the client immediately. The client has the sole responsibility for obtaining a protective order, providing legal instruction not to appear with the appraisal report and related work files and will answer all questions pertaining to the assignment, the preparation of the report, and the reasoning used to formulate the estimate of value. Unless paid in whole or in part by the party issuing the subpoena or by another party of interest in the matter, the client is responsible for all unpaid fees resulting from the appearance or production of documents regardless of who orders the work.
33. Use of this appraisal report constitutes acknowledgement and acceptance of the general assumptions and limiting conditions, special assumptions (if any), on which this estimate of market value is based.

Hypothetical Conditions and Extraordinary Assumptions – We were provided with the Palmetto Cove Site Development Plans, Abandonment Application Package, and a Boundary Survey for the Palmetto Cove project as well as the right of way. We have relied on this information within the report within. We have assumed the subject is available for assemblage and have appraised the subject as unencumbered within the report herein utilizing the across the fence methodology. If we are provided with any data to the contrary, we retain the right to amend this appraisal and the value found herein.

CERTIFICATION

We certify that, to the best of our knowledge and belief:

A viewing of the subject site, the improvements and the market area was conducted on July 23, 2021 by Nikolaus Schroth and Erik Odegard.

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment 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 opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this evaluation.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Appraisal Institute and USPAP.
- Erik Odegard provided real property appraisal assistance to the persons signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report the undersigned has completed the requirements of the continuing education program of the Appraisal Institute for members.
- Erik Odegard currently holds the appropriate Trainee License allowing the performance of real estate appraisals in connection with federally related transactions in the state in which the subject property is located, under the supervision of Thomas J. Johnson.
- It is acknowledged that Erik Odegard, Registered Trainee Appraiser RI24196, under the direct supervision of Thomas J. Johnson, MAI, SRA, State Certified General Real Estate Appraiser RZ798, made a significant professional contribution to this evaluation, consisting of participating in the property inspection, conducting research on the subject, competitive markets and comparable data, performing appraisal analyses, and assisting in the report writing, all under the appropriate supervision.
- I, Thomas J. Johnson, MAI, SRA, the supervisory appraiser of a registered trainee who contributed to the development or communication of this appraisal, hereby accepts full and complete responsibility

for any work performed by the registered appraiser trainee named in this report as if it were my own work.

- We previously appraised the subject property in August of 2021.



CRE Valuation Services
Nikolaus M. Schroth, CCIM
State Certified General Real Estate Appraiser RZ3704
Managing Partner



CRE Valuation Services
Thomas J. Johnson MAI, SRA
State Certified General Real Estate Appraiser RZ798
Senior Appraiser



Erik Odegard
Registered Trainee Appraiser RI24196

INTRODUCTION

Property Appraised

1,525 SF Right of Way Abandonment for the Palmetto Calle Townhome Project
Situating between
924 SW Palm City Road & 501 Halpatiokee Street
Stuart, FL 34994

Property Identification

The subject property is a 1,525 square foot right of way abandonment situated between two parcels located at 924 SW Palm City Road and 501 Halpatiokee Street in Stuart, Florida. Situated along the west side of SW Palm City Road between SW Halpatiokee Street and SW Riverview Street, the right of way abandonment bifurcates the proposed Palmetto Calle Townhome project containing (13) proposed townhomes. The location of the subject is ranked as average compared to other properties in the area. Overall, the subject is considered a desirable site within the city of Stuart with close proximity to Downtown Stuart.

Advantages:

- Located within the city of Stuart
- Land use/zoning allow for a variety of residential projects
- Good density at 13 UPA

Challenges:

- Site faces a large Publix shopping center

Type of Value, Intended Use & User of Appraisal

The type of value sought in our appraisal of the subject was a market value opinion "as is" for the fee simple interest in the property of July 23, 2021 utilizing the "across the fence" methodology, subject to the extraordinary assumptions and limiting conditions cited herein.

It is our understanding that this appraisal will be used by our client, Seahorse Capital, for to provide an opinion of Market Value of a right of way that bifurcates the site using the "across the fence" methodology and is not intended for any other use.

Property Rights Appraised

The subject property is an owner/user property and is not encumbered by any arms-length lease but as a right of way is encumbered. We have assumed the subject is available for assemblage and have appraised the subject as unencumbered within the report herein. Therefore, the right of ownership appraised herein are that of the Fee Simple Estate

Scope of Appraisal/Extent of the Data Collection Process

This appraisal considered all three approaches to value, (1) Sales Comparison Approach, (2) Income Capitalization Approach and the (3) Cost Approach. The procedures and methodologies employed in these approaches are outlined in the Appraisal Process section of this report. Following is a summary of steps completed by the appraisers in this assignment.

1. The subject was viewed on July 23, 2021. The surrounding area and influences were also viewed at this time. Specific information relative to the subject property was provided by representatives of the owners which included Palmetto Cove Site Development Plans, Abandonment Application Package, and a Boundary Survey for the Palmetto Cove project.
2. Gathered information from various secondary data sources regarding regional and local economic and demographic data specifically relating to the regional, city and neighborhood analyses.
3. Analyzed trends in the market through confirmation of comparable sales. Market participants active in this market were also interviewed.
4. Reviewed a plat involving the subject property.
5. Analyzed the highest and best use of the site “as if vacant” and “as improved”. Supply, demand, and absorption potential, as well as construction costs and required yields, were analyzed relative to the subject market and specifically the subject property. Alternative uses were also analyzed relative to their financial feasibility.
6. Confirmed recent sales of comparable land sales throughout the region, if applicable.
7. Analyzed comparable rentals, if applicable. This data was utilized to form a market rent opinion in the Income Capitalization Approach.
8. A Reconstructed Operating Statement was prepared with projected rent and projected expenses, if applicable.
9. Analyzed the data to arrive at conclusions of value via all applicable approaches to value.
10. Reconciled the results of these analyses into a probable range of value, and finally, a market value conclusion as of July 23, 2021 on an “Fee Simple” basis.
11. Opined to the exposure time and marketing period inherent in the value opinions.
12. Prepared a Summary Report.

History of the Subject Property

The parcel to the north and south of the subject property was purchased by the current owner, 924 SW Palm City Road LLC, from Lynn K Fessler for the sum of \$350,000 according to public records. The requested abandonment will provide private access to the Palmetto Cove residents and will protect existing private residences to the west from unexpected and unnecessary intrusion of vehicles from Palm City Road.

Currently, the subject is not known to be under contract and is not listed for sale.

CRE has requested from the property contact copies of all pertinent information related to the property. A copy of the information request is contained in the addendum of this report. CRE reserves the right to amend this report, the scope of work and the engagement letter terms should additional information be provided after the date of Report Date herein.

Competency

The appraisers involved in this assignment have, collectively, considerable experience in appraising commercial properties within the region. The appraisers have historically been engaged in appraisal work in the geographical area of the subject property. The company maintains a database on this area for similar properties. Further, we are versed in the analytical methods typically employed in appraising this property type. In summary, we believe we have adequate knowledge of the property type, geographical location, and analytical methods necessary to comply with the competency requirements of USPAP.

Introduction

The subject site is a mostly rectangular shaped right of way located along the west side of SW Palm City Road between SW Halpatiokee Street and SW Riverview Street in Stuart, Florida. Zoned R-3 with a future land use of RPUD by Stuart, the right of way contains 0.035 acres or 1,525 square feet and does contains minimal frontage along SW Palm City Road, which is an arterial roadway within the neighborhood. The parcels bordering the subject are as follows:

North – Multi-Family Residential
South – Single-Family Residential
East – Publix Shopping Center
West – Single-Family Residential

Martin County Neighborhood Analysis

Martin County, Florida is located on Florida's Treasure Coast and contains a total area of 753 square miles (1,950 km²) of which 543 square miles (1,410 km²) is land and (27.8%) is water. It is the fifty-third largest county by total area. Martin County contains five incorporated cities including Stuart, Jupiter Island, Sewall's Point, Ocean Breeze and, as of December 2017, Indiantown. Of the five incorporated cities, Stuart is the largest. Unincorporated areas in Martin County include Hobe Sound, Hutchinson Island, Port Salerno, Jensen Beach and Rio.

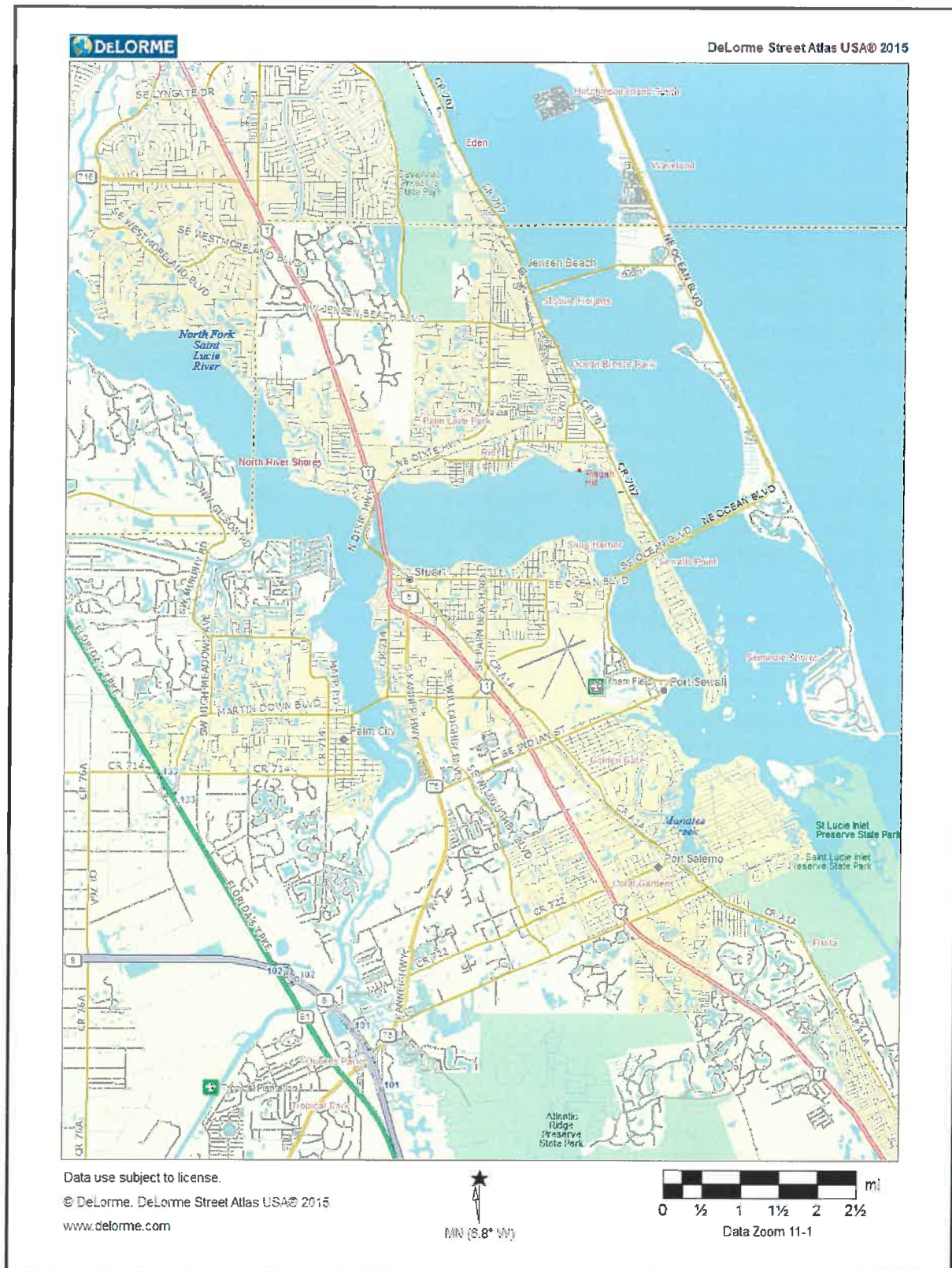
Neighborhood Access

There are nine (9) airports located in Martin County, two (2) are public, seven (7) are private. The two closest major airports are West Palm Beach International Airport, approximately 30 miles to the south and Melbourne International Airport, approximately 60 miles to the north. Witham Field Airport, one of the two public airports is located in Stuart. In June 2018, the construction of 3,210 square foot U.S. Customs Facility at Witham Field was completed. The project planning began in September 2010 during the Airport Master Planning Process with the Martin County Board of County Commissioners. The facility processes international travelers arriving in Martin County via aircraft and marine vessels and allows Martin County boaters, pilots, residents, and visitors to clear U.S. Customs without having to travel to Fort Pierce or West Palm Beach.

A significant north/south road in the area is U.S. Highway 1 (aka Federal Highway) which is the main north/south road running through Stuart. Another main road, Kanner Highway (State Road 76), is the principal Interstate 95 gateway to the Stuart area. There are two bridges connecting south Martin County to North Martin County; the old Roosevelt Bridge, a draw bridge and the new Roosevelt Bridge. Both are still operable.

The primary east/west arteries are Salerno Road and Cove Road in the southern part of Stuart, Monterey Road and Indian Street in the central area and East Ocean Boulevard in the north. Indian Street is a four-lane divided highway, which is a collector street for subdivisions like Willoughby and Fisherman's Cove. It runs between Kanner Highway and Saint Lucie Boulevard, east of Stuart. Monterey Road, a four-lane divided artery between U.S. Highway 1 and Mapp Road, provides access to Martin Downs Boulevard and Florida's Turnpike. East Ocean Boulevard (A1A) connects Dixie Highway and U.S. Highway 1 with Hutchinson Island and communities along the Atlantic Ocean in northern Martin County. Monterey Road and Indian Street are the only two roads that offer a connection between Stuart and Palm City.

These arteries have traffic characteristics that are similar to one another, but all have lower traffic flows than the U.S. Highway 1 corridor. Each of these arteries are developed with a variety of commercial uses including neighborhood shopping centers, smaller strip type and self-standing retail centers, restaurants, professional office buildings, gasoline service stations, and convenience stores. There are also some uses exclusive to the neighborhood like motels, boat yards, churches, and cemeteries.



Growth Management

The City of Stuart is the primary location of most employment in Martin County. It also has the greatest concentration of residential, commercial and industrial development in the area. Employment consists of a variety of small-to-medium sized commercial ventures with no large-scale employers aside from the school district, hospitals and other institutions. Industries making up Stuart and Martin Counties employment base consist of Aviation tied to Witham Airfield, Boat Manufacturing located primarily in the SPS and Gran Park Industrial areas with ties to the Manatee Pocket and trades and construction which flows with the residential housing market in the area. Banking has made a rebound with the recent economic expansion and Seacoast Bank is the local bank, founded in Martin County in 1926 with a Market Cap of \$2.17 billion and growing through acquisitions of other banks. The professional and medical sectors also contribute significantly to employment within the county, as the age and income demographics lend the county to wealth management and medical needs.

Cleveland Clinic, formerly Martin Health Systems, has several hospitals in various locations throughout Martin and Saint Lucie Counties. Its primary campus is located just north of East Ocean Boulevard along the south shore of the St. Lucie River within Downtown Stuart. At the end of 2017, city commissioners approved a development agreement allowing the hospital to raise some of its buildings above the city of Stuart's four-story height limit. Another outpatient facility is located at Salerno Road and Willoughby Boulevard adjacent to the Indian River State College Campus. Tradition in Port St. Lucie is home to Cleveland Clinic's Tradition Medical Center which opened in 2013. Expansions that were completed in 2018 and include expansion of the maternity and neonatal ICU, a 12-bed progressive care unit and a second medical office building that will contain an outpatient surgery center and pharmacy. In the beginning of 2018, a new pediatric unit was added as well. The complete campus contains a total of nine stories and 180 patient rooms and was recently expanded to include the former VGTI building to the south of the campus. An outpatient facility was completed at the corner of Kanner Highway and Indian Street in 2019 and contains 85,872 square feet with 90 exam rooms, 6 procedure rooms and more than 50 offices.

Martin County School District, also referred to officially as the School Board of Martin County, is a public-school district that covers Martin County, Florida. This School District is a top-rated school district in Florida with excellent testing scores and graduation rates. There is a total of 20 schools administered by the Martin County School District which include three public high schools, five middle schools and twelve elementary schools. In 2019 the school district purchased the former TC Palm Building after the paper was sold again and staffing was significant cut in the region.

Martin County historically has embraced a controlled to low growth attitude. Land use and zoning changes are difficult to obtain and preserve requirements are strictly enforced, with no provision for mitigation of wetlands, which encumber much of the remaining vacant land within the urban service boundary. The overall climate is negative for new development but represents a positive for existing properties because of the time and cost involved in planning new construction in Martin County. In the City of Stuart, land

use and zoning changes are more easily obtained. Most of the development occurring today in Martin County has been achieved through annexation into the City of Stuart.

Development Activity

Since 2017 there has been a significant uptick in development activity in Martin County, mostly within the city of Stuart. The following are some of the more impactful developments that can be seen in the market today:

- Axis Stuart is a 284 unit Luxury apartment complex on Federal Highway near the Treasure Coast Mall developed by Thompson Thrift development, the project has been completed and is in lease up. d
- Farrell Development is nearing completion on a new storage facility on Jensen Beach Boulevard, just west of the intersection with Savannah Road.
- Seawalk is a single family home community developed on a portion of the former Ocean Breeze property west of the railroad tracks. DR Horton is the builder and the community is being developed under their DR Horton brand.
- The West Jensen PUD is in its final phase of single family build out. DR Horton is also the sole builder here, building under their Freedom Homes Brand. The corner of Federal Highway and Goldenrod Road is the last section of the PUD and is proposed for a commercial power center. Space is being advertised but there has been no development to date.
- Carmax completed a new facility in Jensen Beach along Jensen Beach Boulevard in 2018.
- Rooms-to-Go Patio completed a new store just south of the mall on one of the last remaining vacant parcels on the Federal Highway corridor near the mall.
- Savonna at Stuart is a 182 unit 55+ rental community being developed behind Rooms to Go Patio. The project was approved in 2018 and is now under construction with a 2022 completion anticipated.
- A Home 2 hotel and medical office building was developed at the corner of Baker Road and Federal Highway in 2019.
- The New Avonlea PUD has two projects approved, a 69 unit cottage rental community being developed by New Urban Communities and a 62 lot community to be built by KHovnanian Homes. Two apartment communities and three commercial parcels remain undeveloped but in the planning stages at this site.
- Savannah Trace apartments was approved by the City of Stuart and the land closing has occurred. Ground breaking is scheduled for spring 2021. The site is at the intersection of Savannah Road and Baker Road and will be home to 285 market rate apartment units.
- To the north, also along Savannah Road is an 197 unit apartment community currently under construction.
- Langford Landing is a community of single family homes being developed on the former Langford Estate. The community suffered a slow start but Meritage Homes seems to be realizing a better pace of sales and should be built out by 2022.

- The Harbor Chase ALF was completed in 2020 and is in lease-up. The 134 unit facility is located just north of the Roosevelt Bridge.
- In Downtown Stuart, New Urban Communities developed the 49-unit Azul project, completing the development in 2019 and selling the project in 2020 for \$15.5 million or \$316,326 per unit. The site is on a land lease with the City of Stuart.
- Pulte Homes has broken ground on the Ocean Cove townhome community on East Ocean Boulevard just before the St. Lucie River and ten cent bridge. The community will feature 80 townhomes for sale as 55+ age restricted community.
- The former Sundance Marine sales center at 700 SW Federal Highway was redeveloped as a 115,000 square foot storage facility after plans for a Racetrac gas station were rejected by the city.
- WaWa has constructed two locations in the City, both by demolishing bank buildings, with another under construction further south on US 1 at Cove Road.
- Smaller commercial developments within the city include a Culvers, Waters Edge dermatology, Barron Shoppes a small retail center, a car wash at the corner of Monterey Road and two more proposed car washes, Racetrac, Autozone, Taco Bell, Mid Florida Credit Union, Circle K.
- The Dubner Estate sold their land holdings in the industrial area along Commerce Avenue and east of Federal to Ted Glasrud. Since the sale, Glasrud has sold several parcels. Hogg technologies expanded their facility to a 110,000 square foot footprint, Market Place Business Centre was constructed consisting of three warehouses 57,000 square feet of area and two residential projects, a 324 unit apartment complex by AHS and a townhome community by Meritage Homes, are all now being constructed on land formerly owned by Dubner. Glasrud is also under construction on a self storage facility.
- A Comfort Suites was constructed behind Checkers at Federal Highway and Fisher Street.
- Konover South has developed Stuart Landings, located at the southeast corner of Miami Street and Federal in front of the Super Walmart. The site, constructed in 2016, is home to an Aldi, Mattress Firm, Aspen Dental and T-Mobile. An additional outparcel is approved for a drive thru out restaurant and additional retail space.
- The Audi/Infinity Campus was expanded to include a Maserati/Alfa Romeo Dealership.
- To the west, between I-95 and Florida's Turnpike in the Treasure Coast Commerce Center, there has been several new industrial buildings constructed. A mix of owner/user and lease space has been developed. In total this amounts to about 100,000 square feet plus in warehouse/flex space. Proposed by FLF Properties is a 96,231 square foot industrial flex project south of Kanner Highway.
- ALF development in south Stuart consists of three facilities between 2017 and 2020. Two proposed projects were put on hold in 2020 due to Covid, but are more recently being brought back to life by the property owners.
- Publix has broken ground on a site long owned by Publix at the corner of Osprey and Federal Highway.
- Micheal Jordan Developed the Grove 23 private Golf Club on Bridge Road west of town.

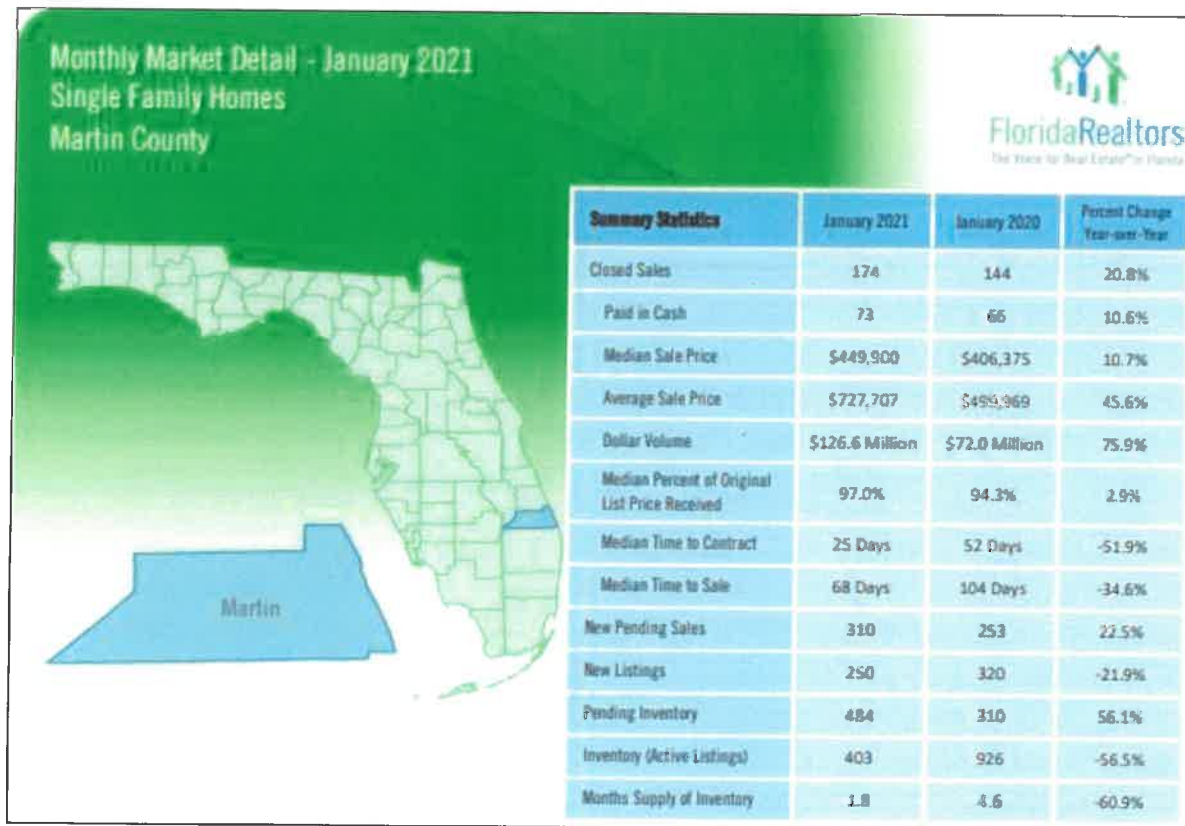
Many projects throughout Martin County have been proposed and are still in the beginning stages, many have not even broken ground yet. Amongst those projects includes a 5.3-square-mile, mixed-use development in western Palm City known as Pineland Prairie. The proposed project will consist of 4,200 new residence, 150,000 square feet of retail space, an industrial district and approximately 70% of the property will be left as open space. In April 2020, city commissioners voted 4-1 in favor of the project, and efforts are currently being made to change the zoning. Also proposed in Stuart is the addition of a Costco which initially submitted an application to construct the store in Palm City but subsequently withdrew the application. The new Costco, should the plans be approved, will be located on Kanner Highway, north of Indian Street.

The retail market to the south of the Roosevelt Bridge contains a number of large retail centers that have developed over the past approximate 15-to-20 years. The expansion of the Stuart Centre, located along U. S. Highway No. 1 was taken to completion in 2016. Major anchor tenants currently include a Homegoods, TJMaxx, Office Depot and Petco with several outparcels containing drive thru fast food restaurants and banks located directly along US Highway 1.

The approximate two-mile stretch of U. S. Highway No. 1, south of the Treasure Coast Square Mall to the Roosevelt Bridge, has experienced the greatest ongoing retail development. 20+/- acres of land at the corner of Goldenrod Road and US 1 in Jensen Beach is proposed for development of 175,000 square feet of retail space by developer Atlantic Retail. Both anchor space and outparcels are available for lease. Windemere Point consists of 9.16 acres and features a 40,200 square foot freestanding LA Fitness. Other tenants include a Dunkin Donuts and an Elements Fitness.

Housing

Residential single-family and multiple-family housing is scattered throughout the greater neighborhood. There is a wide variety and mixture of age and quality of housing ranging from older single-family homes to contemporary waterfront residences that cost more than \$1,000,000+.



Residential development stalled in the 2008 to 2011 time period following the Great Recession. During that time Tres Belle by Kolter was the only open project with models and homes. The Tres Belle Estates in Stuart FL is a Kolter Homes development of approximately 167 homes located just east of Kanner Highway on Cove Road in Stuart FL. The first homes were completed in 2007 and construction and sales of new homes continue to this date (March 2018). Villa Franka Homes constructed a gated community along Kanner Highway containing 16 custom built single-family homes. The last house was constructed in 2016, however development in the neighborhood is still on going. Banayn Bay was purchased by Chesapeake Partners and finished with a development take down agreement with NVR Ryan Homes. The project is nearing build out.

There is limited housing supply in Martin County outside of the City of Stuart as there is limited land within the urban services boundary suitable for new development. Within residential subdivisions at the upper end of the scale are single-family residences in the newer golf course subdivisions and communities, such as Willoughby Golf Community. Other subdivisions in the neighborhood vary widely in desirability. St. Lucie Estate is the largest single-family residential area in the neighborhood with mid-range prices. Also, in the area are older subdivisions such as Fisherman's Cove, Rustic Hills and Rocky Point.

Conclusion

The subject's close proximity to Historic Downtown Stuart would make the property desirable if exposed to the market. There have been recent redevelopments of small townhome properties within the Stuart market area within the past year. Broker interviews are reporting increased demand for residential projects within the City of Stuart. The subject's City of Stuart zoning designation is also highly desirable when compared to a Martin County Zoning designation and allows more flexibility in regards to development.

PRIMARY MARKET ANALYSIS



Market Area Map

General Description:	The subject is located in close proximity to Historic Downtown Stuart in a desirable area of town with uses being mostly residential in nature. There are several projects taking place in the downtown Stuart area presently and several improvements have already been completed. The subject is not located within the City of Stuart CRA.
Access:	The subject property is located along SW Palm City Road, a local arterial roadway providing access between two major commercial corridors SW Federal Highway and SW Monterey Road. that shares a non-signalized intersection with SE Ocean Boulevard and SW Monterey Road are the primary east/west commercial corridors within the neighborhood with SW Federal Highway, SE Dixie Highway and S Kanner Highway being the primary north/south commercial corridors.
Land Use Patterns:	The City of Stuart has always had a more pro-growth and development outlook compared to Martin County. Many developers and owners that purchase property zoned by Martin County will apply to have their properties annexed into the zoning jurisdiction of the City of Stuart.
Life Stages and Trends:	Stability to Growth. There have been numerous projects recently constructed within nearby Downtown Stuart and the greater market area, with more projects proposed and currently underway.
Public Facilities/Services:	The subject is adequately served by public utilities.
Opportunity Zone:	The subject does not lie within an opportunity zone.
Conclusion:	The subject is considered to have an average location within the City of Stuart, being situated along SW Palm City Road and sits in close proximity to SW Federal Highway and SW Monterey Boulevard. The subject property is not located within the City of Stuart CRA but is situated within the city limits and will benefit from the upward growth trend in the neighborhood. The subject's close proximity to Historic Downtown Stuart is desirable to investors and users alike.

SITE ANALYSIS

Land Description

Land Area	0.035 Acres; 1,525 SF
Primary Road Frontage	SW Palm City Road
Type of Road	Arterial
AADT	1
Secondary Road Frontage	Halpatiokee Street
Type of Road	Arterial
Number of Parcels	1
Shape	Rectangular
Corner	No
Topography	grade and typically level
Functional Obsolescence	None Noted

Zoning & Land Use

Zoning	R-3
Future Land Use	RPUD
Zoning Jurisdiction	Stuart
Is the Property in a CRA	No

Site Ranking

General Site Ranking	Average
Appeal Ranking	Average
Frontage to Depth Ranking	Average
Size/Shape/Dimension Ranking	Average
Access Ranking	Average
Exposure Ranking	Average

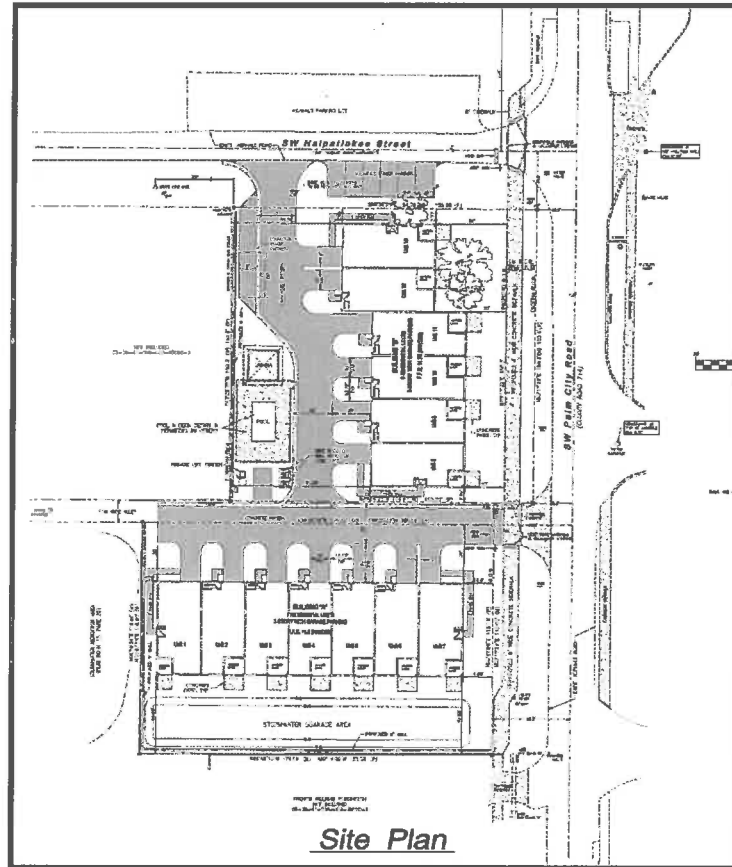
Utilities

Water	City of Stuart
Sewer	City of Stuart
Electricity	FP&L

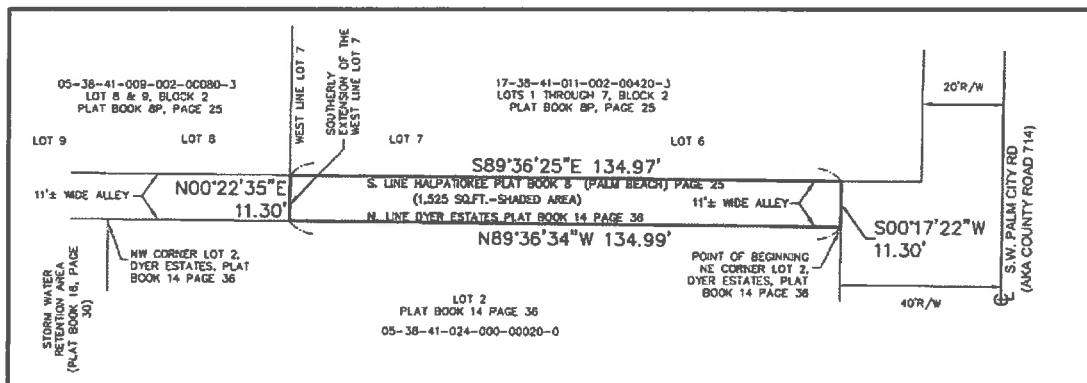
General Description/Conclusions

The subject property is a 1,525 square foot right of way abandonment situated between two parcels located at 924 SW Palm City Road and 501 Halpatiokee Street in Stuart, Florida. Situated along the west side of SW Palm City Road between SW Halpatiokee Street and SW Riverview Street, the right of way abandonment bifurcates the proposed Palmetto Calle Townhome project containing (13) proposed townhomes.

Overall, the subject as part of the whole is considered average when compared to similar sites within the competitive market area. Furthermore, given the nature of the surrounding uses, the location, and all physical characteristics, the subject would be considered to have average appeal if exposed to the market. Generally rectangular in shape, the subject's tract as part of the whole shape does not present a detriment to the site and is generally conducive to development.



Palmetto Cove Site Plan



Boundary Survey

Soil/Subsoil Conditions

A current geotechnical analysis describing the soil and subsoil conditions at the subject was not provided. Soil conditions appear to be conducive to development of the subject to its highest and best use. The appraisers assume there are no hidden or unapparent conditions of the property, soil, subsoil, or structures that would render the subject more or less valuable. Proper design and careful installation are needed to overcome any limitations of this soil. The appraisers assume no responsibility for such conditions, or for engineering which might be required to discover such conditions.

Hazards/Nuisances

CRE Valuation Services was not provided a current Environmental Site Assessment (ESA) concerning the subject. No apparent hazards or nuisances, such as smoke and hazardous materials, were noted on or near the subject upon inspection. Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on the property, was not observed by the appraisers. We have no knowledge of the existence of such materials on or in the property. The appraisers, however, are not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, radon, mold and other potentially hazardous materials may affect the value of the property. The value opined 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 such conditions or for any expertise or engineering knowledge required to discover them.

Legal-Government Factors**Legal Description****LEGAL DESCRIPTION**

A PORTION OF THE 11 FOOT WIDE ALLEY, AS SHOWN ON THE PLAT OF DYER ESTATES AS RECORDED IN PLAT BOOK 14, PAGE 36, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 2, DYER ESTATES, PLAT BOOK 14, PAGE 36, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE NORTH 89°36'34" WEST ALONG THE NORTH LINE OF SAID LOT 2, DYER ESTATES, A DISTANCE OF 134.99 FEET, MORE OR LESS, TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 7, BLOCK 2, PLAT OF HALPATIOKEE PARK, AS RECORDED IN PLAT BOOK 8, PAGE 25, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE NORTH 00°22'35" EAST, ALONG SAID SOUTHERLY EXTENSION OF SAID WEST LINE LOT 7, BLOCK 2, A DISTANCE OF 11.30 FEET TO A POINT ON THE SOUTH LINE OF SAID PLAT OF HALPATIOKEE PARK; THENCE SOUTH 89°36'25" EAST ALONG SAID SOUTH LINE PLAT OF HALPATIOKEE PARK, A DISTANCE OF 134.97 FEET; THENCE SOUTH 00°17'22" WEST, A DISTANCE OF 11.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,525 SQ.FT. MORE OR LESS

Development Restrictions/Easements

We assume there are no easements or encumbrances detrimental to development of the site.

Restrictions

We are unaware of any restrictions that would preclude development and/or mitigate achievable density of the subject; however, updated title work and a survey are recommended to confirm such.

Land Planning and Land Use Law is beyond the scope of this assignment. Any assumptions herein related to the development potential of a particular site, and the implications of such assumptions on

value, are subject to amendment should CRE be provided with alternate information from a Land Planner and/or Land Use Attorney.

Zoning/Land Use

The subject is zoned R-3 with a future land use of RPUD by the city of Stuart. We have not been provided with a zoning determination letter specific to the subject property. As such, we have relied upon observations noted during our site visit and Municode. Should a zoning determination letter provide an opinion which contradicts any of the assumptions herein, we retain the right to amend this report and the value estimated herein.

Flood Zone and Census Tract



Census Tract: 7.00

The above data was taken from publicly available information on FEMA's website and GEO CODE website. We do not warranty this information to be accurate. A surveyor should be consulted before relying upon this information.

HIGHEST AND BEST USE ANALYSIS

Analysis as if Vacant

In formulating an opinion of optimum use of a tract of land, it is important that a careful analysis be made of the property, its size, shape and physical characteristics, topography, zoning, market conditions, and demand for the various legally permitted uses, and other economic factors and conditions. The subject parcel as itself is not developable; however, the site is valued “across the fence” as part of the adjoining property. The analysis considers the subject as part of the whole.

Legally Permissible

Except for a legally nonconforming property, the first step in determining what is legally permissible is to analyze private restrictions, zoning, building codes, historic district controls and environmental regulations. The subject site is zoned R-3 with a future land use of RPUD by the local zoning authority. This zoning district allows for a variety of residential development.

Physically Possible

The physical characteristics of a site can affect the uses. These characteristics include: (1) size; (2) shape; (3) terrain or topography; (4) soil condition; (5) utilities; (6) access characteristics; and (7) surrounding land uses. Each of these site characteristics was described and discussed in the Site Analysis section of this report. A number of uses are physically possible on the subject site. The 1,525 SF site in conjunction with the parcel to the north and the south could accommodate a variety of single or multi-family development.

Financially Feasible

In determining which uses are legally permissible and physically possible, an appraiser eliminates some uses from consideration. Then the uses that meet the first two criteria are analyzed further. If the uses are income-producing, the analysis will study which are likely to produce an income or return equal to or greater than the amount needed to satisfy operating expenses, financial obligations, and capital amortization. All uses that are expected to produce a positive return are regarded as financially feasible.

Within the Stuart market, there has been an increase in smaller residential projects such as the subject project Palmetto Cove. Over the last couple years, there have been several townhome projects developed within the City of Stuart including both waterfront and non-waterfront projects. The most financially feasible use of the subject site is residential development to maximum density.

Maximally Productive

Among financially feasible uses, the use that provides the highest rate of return or value (given a constant rate of return) is the highest and best use. Given the legally permissible and physically possible discussions set forth above, the most maximally productive use of the site is residential development to maximum density.

Conclusion

In our opinion the highest and best use “as if vacant” would be residential development to maximum density.

Analysis as Improved

Conclusion

N/A Vacant Land

REAL ESTATE TAX ANALYSIS

Introduction

The following table illustrates the current estimated assessed value and associated taxable value to the improvements for the subject. The value was estimated using the county website and comparing that with the actual tax liability paid by the owner. Utilizing the most recent tax rate and calculating that on 100% of the assessed value, an estimate for property taxes is illustrated as follows. Where applicable, non-advalorem taxes are shown.

Taxes for the two parcels owned by 924 SW Palm City Road LLC were believed to be paid as of the effective date.

The subject property has not been assessed as the subject is a right of way. It is noted that if the right of way is abandoned, the subject will incur taxes.

Overview

The three traditional approaches to valuing improved properties are:

1. Sales Comparison Approach - a comparison of the property appraised with reasonable similar, recently conveyed properties for which the price, terms and conditions of sale are known.
2. Income Capitalization Approach - the processing of a projected net income into a valuation estimate via one or more capitalization techniques.
3. Cost Approach - an estimate of the replacement cost of all structural improvements as if new, less loss in value attributable to depreciation from all causes plus the value of the land as if vacant.

The Sales Comparison Approach is founded upon the principle of substitution that holds that the cost to acquire an equally desirable substitute property without undue delay ordinarily sets the upper limit of value. At any given time, prices paid for comparable properties are construed by many to reflect the value of the property appraised. The validity of a value indication derived by this approach is heavily dependent upon the availability of data on recent sales of properties similar in location, size, and utility to the appraised property.

The Income Capitalization Approach is based on the principle of anticipation that recognizes the present value of the future income benefits to be derived from ownership in a particular property. The Income Approach is most applicable to properties that are bought and sold for investment purposes and is considered very reliable when adequate income and expense data are available. Since income producing real estate is most often purchased by investors, this approach is valid and is generally considered the most applicable when the property being appraised was designed for, or is easily capable of producing a rental income.

The Cost Approach is based on the premise that the value of a property can be indicated by the current cost to construct a reproduction or replacement for the improvements minus the amount of depreciation evident in the structures from all causes plus the value of the land and entrepreneurial profit. This approach to value is particularly useful for appraising new or nearly new improvements.

The Appraisal Process is concluded by a review and re-examination of each of the approaches to value that was employed. Consideration is given to the type and reliability of data used, the applicability of each approach to the type of property being appraised and the definition of value being sought.

Subject Specific

Each property has a type of buyer or buyers who would be most attracted to the property and have the greatest motivation to pay the highest price for the property. This is not to say specific buyers would pay more for the property than market but rather, to identify the type of buyer who would gain the most utility from a property. The subject is a right of way which is considered vacant land property and the typical buyer profile for the subject would be that of an owner/user .

The Cost Approach was not developed as the subject is vacant land and the approach is not applicable.

The Sales Comparison Approach is considered the only indicator of value in the valuation of vacant land such as the subject. Therefore, it is the only approach developed herein.

The Income Approach is not developed herein due to the fact that the subject is vacant land and is not leased. Although land leases can be found within the subject market, it has been determined that the subject would not typically be leased or purchased for the income potential of the site for lease.

SALES COMPARISON APPROACH- LAND

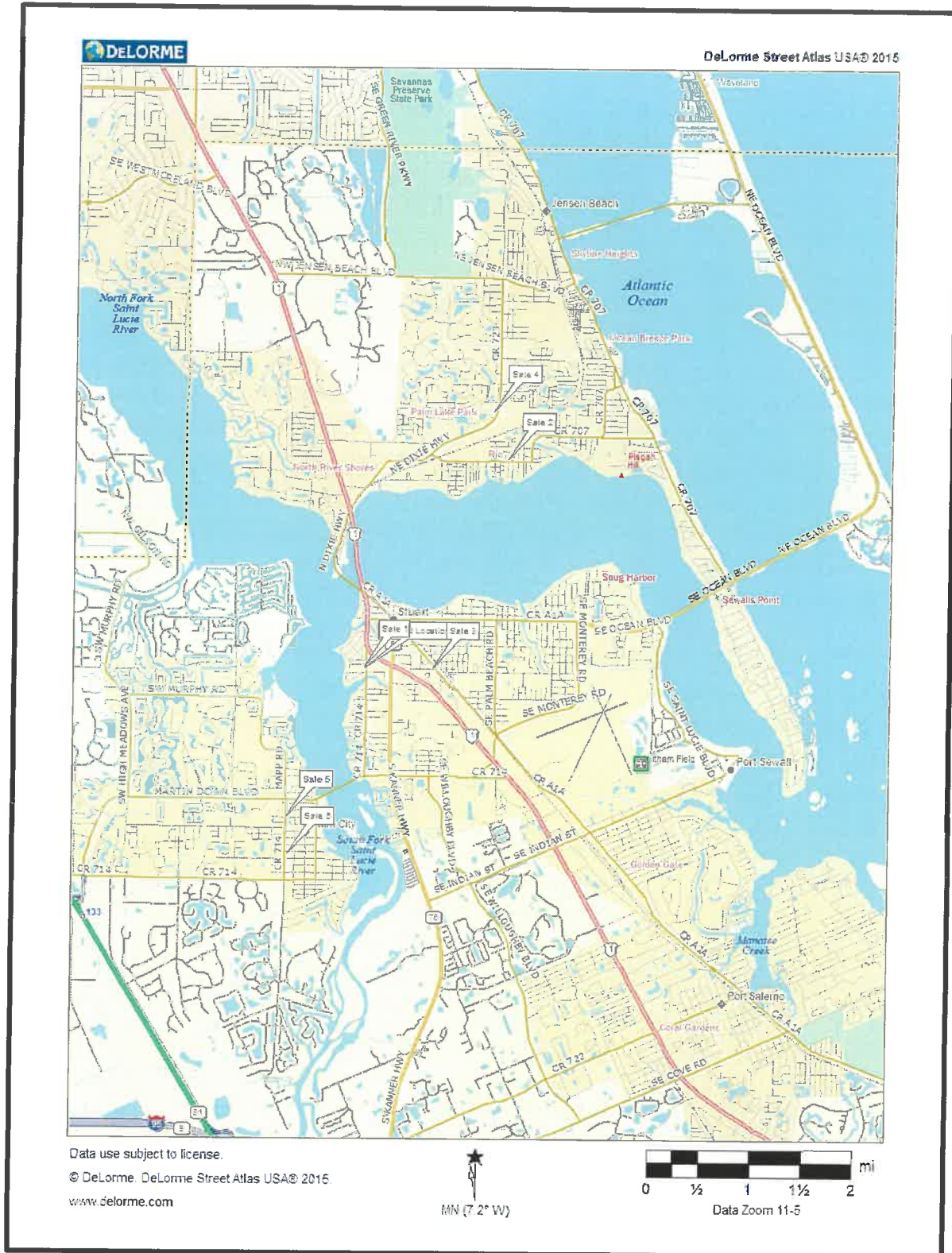
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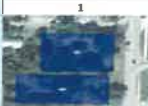
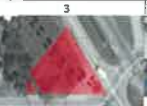
The Sales Comparison Approach is premised upon the Principle of Substitution - a valuation principle that states that a prudent purchaser would pay no more for real property than the cost of acquiring an equally desirable substitute on the open market. The Principle of Substitution presumes that the purchaser will consider the alternatives available to him, that he will act rationally or prudently on the basis of his information about those alternatives, and that time is not a significant factor. Substitution may assume the form of the purchase of an existing property with the same utility, or of acquiring an investment which will produce an income stream of the same size with the same risk as that involved in the property in question.

The applicability of this approach is based upon the assemblage of similar market sales and offerings for comparison to the subject. Land sales must be compared based on Highest and Best Use and therefore the Highest and Best Use of the comparables must be similar to that of the subject. In the case of the subject we have concluded a Highest and Best Use of residential development to maximum density. Properties with this Highest and Best Use are best compared on a price per Square Foot basis. Any adjustments to the sales price of market sales to provide indications of market value for the subject must be market-derived; therefore, the actions of typical buyers and sellers are reflected in the comparison process.

The physical unit of comparison can be adjusted to account for dissimilarities between market sales and the subject property. This unit of comparison is then applied to the subject's Square Foot to indicate a value for the subject.

The sales utilized within this analysis were taken from the subject market area and are considered to be most similar. A map and summary chart of comparable sales is included in the following pages.



Summary of Comparable Land Sales							
Internal Comp No.							
Sale No.	Subject	1	2	3	4	5	6
Photo							
Name/Address	Palm City Road & 501 Halpa	501 Haplatiokee Street & 924 SW Palm City Road (Parent Parcel)	1275 NE Dixie Highway	920 & 924 SE Dixie Highway	1810 NE Savannah Road	XXX SW Mapp Road	XXX SW Mapp Road
City	Stuart	Stuart	Jensen Beach	Stuart	Jensen Beach	Palm City	Palm City
County	Martin	Martin	Martin	Martin	Martin	Martin	Martin
Date of Sale	N/A	1-Jan-2019 & 18-Jul-2019	24-Aug-20	30-Jan-20	5-Feb-20	9-Jun-21	3-May-21
Land Size (SF)	1,525	44,588	49,658	16,533	45,738	54,258	31,363
Land Size (Ac)	0.035	1.02	1.14	0.38	1.05	1.25	0.72
Overall Ranking	Average	Average	Average	Average	Average	Average	Average
Zoning/FLU	R-3A; RPUD	R-3A; Office/Residential	Rio CRA; CRA Center	B-2; Commercial	R-3A; COR	LC; Commercial Limited	R-3A; COR
Municipality	Stuart	Stuart	Martin County	Stuart	Martin County	Martin County	Martin County
Utilities	Available	Available	Available	Available	Available	Available	Available
Corner	No	No	No	Yes	No	Yes	Yes
Proposed Dev.	Residential	Residential	Office	Retail	Residential	Office or Residential	Office
Density/Intensity	13 UPA	13 UPA	13 UPA	N/A	8 UPA	N/A	N/A
Sales Price	N/A	\$420,000	\$432,000	\$155,000	\$350,000	\$450,000	\$395,000
SP/Ac (\$)	N/A	\$9.42	\$8.70	\$9.38	\$7.65	\$8.29	\$12.59

Sales Price Per Square Foot Analysis

The Sales Price per Square Foot comparison is a common physical unit of comparison for properties similar to the subject. The sales were analyzed and adjusted for differences in physical characteristics.

Property Rights Conveyed

No data supports a substantive difference between a leased fee or fee simple estates. We are appraising the subject property on a fee simple basis; thus, no adjustments were necessary for property rights conveyed.

Cash Equivalency/Financing

In an analysis of sales, any advantageous financing should be extracted from the sales prices due to the fact that favorable financing agreements can result in inflated value indications. In this particular instance, no adjustments were required to the sales for financing terms.

Conditions Of Sale

No adjustments were considered necessary on this basis.

Market Conditions

Next, an adjustment for changing market conditions was considered. The sales comparable transactions occurred from January 2019 to June 2021. We researched the economic data during this time period and concluded market conditions have improved and have thus applied an upward time adjustment of 0.5% per month to each sale.

Location

Sale 1 is the parcel to the north and the south of the right of way so no adjustment for location is merited. Sale 2 is located along a busy commercial corridor within Jensen Beach which is considered an inferior market so an upward adjustment for location is merited. Sale 3, Sale 4, Sale 5 and Sale 6 are considered to have similar locations so no adjustment for location is merited.

Size

The comparable sales ranged from 16,533 square feet to 54,258 square feet with a mean of 54,258 square feet. Often, smaller parcels in the local market sell for higher per square foot prices due to the

larger investor pool and, therefore, greater demand, for the same and therefore the opposite is also true. Due to the fact that we are utilizing the “across the fence” methodology within this appraisal, we have not adjusted for size.

Comparative Appeal

The subject is partially wooded. All of the sales are partially wooded except Sale 6 which was cleared at the time of sale. As such, we have applied a downward adjustment for appeal to Sale 6.

Zoning

The subject is zoned R-3 with a future land use of RPUD by the city of Stuart. All of the comparables have similar zoning so no adjustment for zoning is merited.

Utilities

All of the comparables have similar availability to utilities as the subject so no adjustment for utilities is merited.

Adjustment Summary

When considering the comparables as a whole we believe that they represent the most similar comparison to the subject in the immediate market area, however they still are not truly comparable. The following tables summarize the aforementioned adjustments applied to the sales.

SALES COMPARISON APPROACH

		Comparable Sales Adjustment Grid					
Comparable Sale Number	Subject Data	1	2	3	4	5	6
Address	924 SW Palm City Road & 501 Halpatiokee	501 Halpatiokee Street & 924 SW Palm City Road (Parent Parcel)	1275 NE Dixie Highway	920 & 924 SE Dixie Highway	1810 NE Savannah Road	XXX SW Mapp Road	XXX SW Mapp Road
City	Stuart	Stuart	Jensen Beach	Stuart	Jensen Beach	Palm City	Palm City
Date of Sale	N/A	1-Jan-2019 & 18-Jul-2019	24-Aug-20	30-Jan-20	5-Feb-20	9-Jun-21	3-May-21
Location	urban	Similar	Inferior	Similar	Inferior	Inferior	Inferior
Land Size (SF)	1,525	44,588	49,658	16,533	45,738	54,258	31,363
Land Size (AC)	0.04	1.02	1.14	0.38	1.05	1.25	0.72
Density/Intensity	13 UPA	13 UPA	13 UPA	N/A	8 UPA	N/A	N/A
Comparative Appeal	Average	Similar	Similar	Similar	Similar	Similar	Superior
Sales Price	N/A	\$420,000	\$432,000	\$155,000	\$350,000	\$450,000	\$395,000
Unadjusted Price Per SF	N/A	\$9.42	\$8.70	\$9.38	\$7.65	\$8.29	\$12.59
Transactional Adjustments							
Price / SF		\$9.42	\$8.70	\$9.38	\$7.65	\$8.29	\$12.59
Property Rights Conveyed		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Adjusted Price		\$9.42	\$8.70	\$9.38	\$7.65	\$8.29	\$12.59
Financing Terms	Conventional	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Adjusted Price		\$9.42	\$8.70	\$9.38	\$7.65	\$8.29	\$12.59
Conditions of Sale	None	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Adjusted Price		\$9.42	\$8.70	\$9.38	\$7.65	\$8.29	\$12.59
Expenditures Imm. After Sale		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Adjusted Price		\$9.42	\$8.70	\$9.38	\$7.65	\$8.29	\$12.59
Market Conditions	23-Jul-2021	6.0%	3.0%	4.0%	4.0%	0.0%	0.0%
Adjusted \$/SF - With Transactional Adjustments		\$9.98	\$8.96	\$9.75	\$7.96	\$8.29	\$12.59
Physical Adjustments							
Location	urban	0.0%	10.0%	0.0%	0.0%	0.0%	0.0%
Size	1,525	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Comparative Appeal	Average	0.0%	0.0%	0.0%	0.0%	0.0%	-10.0%
Zoning	R-3A; RPUD	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Utilities	Available	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total Physical Adjustments		0.0%	10.0%	0.0%	0.0%	0.0%	-10.0%
Value Indication Per Square Foot		\$9.98	\$9.86	\$9.75	\$7.96	\$8.29	\$11.34
Value Ranges		Before Adjustment	After Adjustment				
Minimum Price		\$7.65	\$7.96				
Maximum Price		\$9.42	\$11.34				
Mean Price		\$9.34	\$9.53				
Standard Deviation		\$1.73	\$1.23				
Median		\$9.04	\$9.80				

Conclusion

Many of our adjustments have been based on typical market considerations and we believe this provides support for our overall value indication. In our research we found the following listings that provide some forward-looking comparison to the subject and the comparables. The listings are summarized below and ranked in comparison to the subject.

After adjustments, the comparable sales ranged from \$7.96/Square Foot to \$11.34/Square Foot with a mean of \$9.53/Square Foot. A value conclusion of \$9.50/Square Foot is considered reasonable. As such, the subject's Fee Simple Market Value via the Sales Price per Square Foot Analysis was concluded to be as follows:

Market Value		
1,525 SF @	\$9.50 /SF =	\$14,484
Rounded: \$14,500		

INCOME CAPITALIZATION APPROACH- MULTIFAMILY

Introduction

We have determined that the Income Approach would not result in a reliable indicator of value and have not included an Income Approach Analysis in this report. The appraiser has fully considered this approach and after research and deliberation it has been determined, as discussed in the Scope of Work, that the approach would not result in a reliable value indication.

Introduction

The Cost Approach considers the depreciated cost of replacing or constructing the property in today's market. Depreciation refers to a market-derived estimate and must consider the physical and economic life of the property or component being depreciated. The subject property is divided for valuation purposes in this approach into land and improvements. Land value is estimated by sales comparison, and the improvements are valued by determining their depreciated replacement cost, which are then summed to derive a total property value estimate.

This approach to value is based upon the replacement cost concept, i.e., Principle of Substitution. The concept, from a buyer's standpoint, proposes that a property's value is no more than the cost of producing a substitute with equal utility. The Cost Approach, in applying this concept, assumes that time is not an important element in the buyer's decision, that the buyer is able and willing to produce the substitute, and that land is available for this purpose. A major limitation of this approach, in addition to the limitations implied by these assumptions, is the difficulty of determining the amount of depreciation, especially in older properties.

The Cost Approach was not developed as the subject is vacant land and the approach is not applicable.

RECONCILIATION AND FINAL VALUE CONCLUSION

Reconciliation

Reconciliation and correlation of value is performed when more than one approach to value is used to value real property and weighs the relative significance, applicability, and defensibility of each value indication and relies most heavily on the one that is most appropriate to the type and definition of value sought. The conclusion drawn in the reconciliation is based on the appropriateness, accuracy, and quantity of evidence in the entire appraisal. These values are summarized in the following table.

Summary of Values		
	Total	PSF
Sales Comparison Approach	\$14,500	\$9.50
Income Capitalization Approach	N/A	N/A
Cost Approach	N/A	N/A
Market Value	\$14,500	\$9.50

In view of the following facts and data in conjunction with this appraisal, it is the opinion of CRE Valuation Services that the market value of the Fee Simple interest in the property “as is” utilizing the “across the fence” methodology as of July 23, 2021, and subject to the general assumptions and limiting conditions, was:

\$14,500

Hypothetical Conditions and Extraordinary Assumptions –We were provided with the Palmetto Cove Site Development Plans, Abandonment Application Package, and a Boundary Survey for the Palmetto Cove project as well as the right of way. We have relied on this information within the report within. We have assumed the subject is available for assemblage and have appraised the subject as unencumbered within the report herein utilizing the across the fence methodology. If we are provided with any data to the contrary, we retain the right to amend this appraisal and the value found herein.

Market and Exposure Time

Market Time is best defined as a “reasonable marketing time” which is an estimate of the amount of time it might take to sell a property interest at the estimated Market Value during the period immediately after the effective date of the appraisal. It is not intended to be a prediction of a specific date of sale and, therefore, may be expressed as a range. Exposure time is defined as 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 As-is on the effective date of appraisal.

Based on market and exposure times of comparable sales and interviews with active participants in the local market, the above Market Value opinion could be achieved with a market time and an equal exposure time of approximately six months. This conclusion is predicated on the assumption that the

subject is offered at a price near the value opinion set forth herein, and is supported by recent sales of similar properties, a sampling of which has been presented in this report.

EXHIBITS

CLIENT ENGAGEMENT LETTERA

PROFESSIONAL QUALIFICATIONSC

CLIENT ENGAGEMENT LETTER

1/19/22, 11:17 AM

CRE Valuation Services of the Treasure Coast, Inc. Mail - Fwd: CRE Job #3745772155 - Nicolas Calle/Seahorse Capital



Gmail

CRE Research <research@crevaluationservicestc.com>

Fwd: CRE Job #3745772155 - Nicolas Calle/Seahorse Capital

1 message

Nik Schroth <nikschrth@naisouthcoast.com>

Tue, Jan 18, 2022 at 1:21 PM

To: CRE Research <research@crevaluationservicestc.com>

Aaron,

Log this as a new job, but an update of an old one. Assign it to Erik, I think he had it last time. Tell him to give me a call when he gets his focus on it.

Thanks,

Nik

Nikolaus M. Schroth, CCIM
Principal
nikschrth@naisouthcoast.com



COMMERCIAL REAL ESTATE SERVICES WORLDWIDE

100 S.W. Albany Avenue, Ste. 200
Stuart, FL 34994 USA
naisouthcoast.com

Mobile +1 772 403 3752
Main +1 772 286 6292
Fax +1 772 286 7535

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Sent via [Superhuman](#)

----- Forwarded message -----

From: Donna Dempsey <DAD@mccarthysummers.com>

Date: Tuesday, January 18 2022 at 11:59 AM EST

<https://mail.google.com/mail/u/1/?ikd92a8ca322&view=pt&search=all&permthd=thread-f%3A17223176293239093%7Cmsg-f%3A1722317629323...> 1/3

1/19/22, 11:17 AM

CRE Valuation Services of the Treasure Coast, Inc. Mail - Fwd: CRE Job #3745772155 - Nicolas Calle/Seahorse Capital

Subject: CRE Job #3745772155 - Nicolas Calle/Seahorse Capital

To: "nikschroth@naisouthcoast.com" <nikschroth@naisouthcoast.com>

Good afternoon, Nik,

Terry has asked that I contact you regarding the above-referenced Appraisal which was performed by Erik Odegard for CRE Valuation Services

With regards to the attached surveys, please note that the area previously appraised has been reduced due to the proposed abandonment, and our client is requesting an updated appraisal to show the adjusted valuation.

The attached surveys are:

Survey #1	Original survey which includes the 11' +/- alley
Survey #2 appraisal area	Updated survey which indicates separation of the 11' +/- alley – current
Survey #3 area	Update survey outlined in red to show the current appraisal

Should you have any questions, please call Terry.

Thank you very much!

Donna

Donna Dempsey, FRP

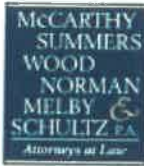
Florida Registered Paralegal

Assistant to Terence P. McCarthy

<https://mail.google.com/mail/u/1/?ik=d82a8ca322&view=pt&search=all&permthid=thred-%3A17223176293239093%7Cmsg-%3A1722317629323...> 2/3

1/13/22, 11:17 AM

CRE Valuation Services of the Treasure Coast, Inc. Mail - Fwd: CRE Job #3745772155 - Nicolas Calle/Sashorse Capital



2400 SE Federal Highway
4th Floor
Stuart, FL 34994
(772) 286-1700 • Fax (772) 283-1803
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3 attachments

 **SURVEY #1 .pdf**
59K

 **SURVEY #2.pdf**
63K

 **SURVEY #3.pdf**
316K

<https://mail.google.com/mail/u/1/?ikd82a8ca322&view=pt&search=&permmsgid=thread-163A1722317629321909093%7Cmsg-163A1722317629323...> 3/3

PROFESSIONAL QUALIFICATIONS

THOMAS J. JOHNSON, MAI, SRA

State Certified General Real Estate Appraiser RZ798

Personal

Resident, Palm Beach County, Florida since 1951

Licensed Broker, Florida Real Estate Commission #135591

Professional Designation

Member - The Appraisal Institute. MAI Certificate No. 8851

SRPA - Senior Real Property Appraiser

Education

Graduate, University of South Florida, College of Business Administration, BSBA (Major: Finance)

Professional Courses

Developing A Suitable Work File	2016
Tightening the Appraisal	2016
7- Hour USPAP Update Course	2016
The Tough Ones – Mixed Use Properties	2016
Fundamentals of Separating Real Property, Personal & Tangible Business Assets	2016
Florida Appraisal Law	2012
7-Hour National USPAP Update	2012
Appraising the Appraisal	2012
Sales Contract Seminar	2012
7-Hour Appraisal Review-Residential	2012
7-Hour Appraisal Institute & Florida Real Estate Appraisal Board #08935	2012
AIREA- Mastering Unique & Complex Appraisals	2010
AIREA- Florida Supervisor/Trainee Roles & Relationships	2010
AIREA- Appraisal Institute's Course	2010
AIREA- Florida Law for R.E Appraisers	2010
AIREA- Business Practices & Ethics	2009
AIREA – Litigation Skills for the Appraiser	2008
AIREA – Florida Law for Real Estate Appraisers	2008
AIREA – Spotlight on USPAP: Hypothetical Conditions & Extraordinary	2008
AIREA - Supervisor Trainee Roles and Rules	2008
7-Hour National USPAP Update Course	2006
7-Hour National USPAP Update Course	2005
7-Hour National USPAP Update Course	2004
USPAP – Florida Law Update	2000
Standards of Professional Practice, Parts A & B, Appraisal Institute	1998
SREA 101 Introduction to Appraising Real Property	
SREA R2 Case Study of Single Family Residence	
SREA 201 Principles of Income Property Appraising	

SREA 202	Case Study of Income Property Valuation
SREA	Income Property Demonstration Report
AIREA 1A-1	Real Estate Appraisal Principles
AIREA 1A-2	Basic Valuation Procedures
AIREA 8 -1	Real Estate Appraisal Principles
AIREA 2 -1	Case Studies in Real Estate Valuation
AIREA 1B-A	Capitalization Theory and Techniques
AIREA 1B-B	Capitalization Theory and Techniques
AIREA 2 -2	Case Studies
AIREA	Comprehensive Exam

Seminars Attended

Liability Management for Residential Appraisers, Appraisal Institute	2006
Professional's Guide to the Uniform Residential Appl. Report, Appraisal Institute	2005
Subdivision Valuation, Appraisal Institute	2005
Business Practices and Ethics, Appraisal Institute	2005
Florida Real Estate Appraisers, Appraisal Institute	2006
Scope of the Work: Expanding Your Range of Services, Appraisal Institute	2003
Florida State Law for Real Estate Appraisers, Appraisal Institute	2003
Condemnation Appraising: Advanced Topics and Applications, Appraisal Institute	2003
Houses to Hotels – The Income Approach, Appraisal Institute	2002
Florida State Law and USPAP Review for Real Estate Appraisers, Appraisal Institute	2002
Introduction to Appraising and Analysis of Proposed Subdivisions And Condominiums, Appraisal Institute	2002
FHA 4150.2 Seminar, Gold Coast	2000
Residential Cost Depreciation Seminar, Gold Coast	2000
Sales Comparison Valuation of Small, Mixed-Use Properties, Appraisal Institute	1998
Understanding & Using DCF Software: A Comparison of Argus, Project and Dynalease, Appraisal Institute	1998
Financial Analysis, CCIM	1997
Advanced Applications, Appraisal Institute	1995
Limited Appraisal/Evaluations, Appraisal Institute	1995
How to Prepare a Market Study for an Appraisal Practice, Appraisal Institute	1994
Understanding Limited Appraisals and Appraisal Reporting Options, Appraisal Institute	1994
Professional Standards USPAP Update Core Law for Appraisers, Appraisal Institute	1994
Appraising Complex Residential Properties, Appraisal Institute	1993
Mock Trial, Appraisal Institute	1993
Litigation Valuation, Appraisal Institute	1993
Appraising the Tough Ones, Appraisal Institute	1993
Appraisal Theory Update, Appraisal Institute	1992

Discounted Cash Flow Analysis, Appraisal Institute	1991
Comprehensive Appraisal Workshop	1990
Condemnation Seminar	1988
Rates, Ratios & Reasonableness	1988
Uniform Residential Appraisal Report Writing	1986
R4I-B & the Appraiser, FHLBB Appraiser Standards & Guidelines	SREA 1985
Advanced Appraisal Techniques	SREA 1983
Market Extraction	SREA 1981
Valuation of Leases and Leaseholds	SREA 1979

Types of Valuation/Consultation Services Performed

Appraisals, Appraisal Reviews, Condemnation, Court Testimony, Estate Valuations, Feasibility Studies, Highest and Best Use Studies, Market Studies, Leasehold & Leased Fee Valuations, Tax Assessment Appeals/Impact Studies, Reproduction/ Replacement Cost Estimates

Types of Property Appraised

Residences, Condominiums, Shopping Centers, Industrial Properties, Marinas, Vacant Lots, Acreage, Residential Projects, Mobile Home Parks, Motels, Office Buildings, Warehouses, Restaurants, Churches, Night Clubs, Special Purpose Properties, Apartment Projects, Environmentally Sensitive Properties/Wetlands

Professional Service

Member SREA Chapter 200 Experience Review Committee

Chairman SREA Chapter 200 Employee Opportunities Committee

Qualified Expert Witness: Palm Beach County, Martin County, St. Lucie

County, Okeechobee County Circuit Court, and Federal Bankruptcy Court

Special Master to Oversee Tax Appeals for Palm Beach County

Member Board of Directors Appraisal Institute Chapter 200



Ron DeSantis, Governor

Halsey Beshears, Secretary



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

FLORIDA REAL ESTATE APPRAISAL BD

THE CERTIFIED GENERAL APPRAISER HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 475, FLORIDA STATUTES

JOHNSON, THOMAS J

2055 SOUTH KANNER HIGHWAY
STUART FL 34994

LICENSE NUMBER: RZ798

EXPIRATION DATE: NOVEMBER 30, 2022

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QUALIFICATIONS OF APPRAISER

Nikolaus M. Schroth, CCIM

4729 SE Rocky Point Way, Stuart, FL 34997 – 772-403-3752

Personal

Resident, Palm Beach County, Florida, since 2005- Florida Native
Licensed Real Estate Broker Associate, FREC BK3157525
Certified General Appraiser RZ3704

Professional Designations and Affiliations

Member – Martin County Board of Realtors - 2006
Associate Member of the Appraisal Institute – 2007
CCIM Candidate – 2007
CCIM Designee – 2013
Urban Land Institute- 2015
Stuart Main Street – Board Member

Education

Graduate, University of Central Florida, College of Business Administration, BSBA (Major: Finance) 2005

Professional Courses

7-Hour National USPAP Update Course – Appraisal Institute - 2016
3- Hour Florida Appraisal Law – Appraisal Institute – 2016
14- Hour Real Estate Finance Statistics & Valuation Modeling – Appraisal Institute – 2016
6- Methodology & Application of Sales Comparison – Bert Rodgers Schools – 2016
Tax Deferred 1031 Exchanges LANDU Course – National Association of Realtors – 2015
General Appraiser Report Writing and Case Studies – Appraisal Institute – 2014
CI 104 Investment Analysis for Commercial Real Estate – CCIM Institute – 2012
General Appraiser Sales Comparison Approach- Appraisal Institute – 2011
General Appraiser Site Valuation and Cost Approach – Appraisal Institute – 2011
General Appraiser Market Analysis and Highest & Best Use – Appraisal Institute – 2011
CI 102 Market Analysis for Commercial Real Estate – CCIM Institute – 2009
CI 103 User Decision Analysis for Investment Real Estate – CCIM Institute – 2009
Income Approach Part 2 – Appraisal Institute – 2008
7-Hour Business Law and Ethics – Appraisal Institute – 2007
CI 101 Financial Analysis for Commercial Real Estate– CCIM Institute- 2007
Real Estate Investment Analysis – University of Central Florida – 2005
Real Estate Finance – University of Central Florida - 2005
Appraisal Principals 110 - University of Central Florida - 2005
Appraisal Procedures 120 - University of Central Florida – 2005
Real Estate Law – University of Central Florida - 2005
15-Hour National USPAP Course – Appraisal Institute – 2005

Seminars Attended

Subdivision Valuation – Appraisal Institute – 2005
Retailer One on One – Orlando – 2012
NAI Florida Forum – Miami 2014
NAI Florida Forum – Miami 2015
International Council of Shopping Centers – Orlando 2015

Types of Valuation/Consultation Services Performed

Feasibility Studies, Market Studies, Leasehold & Leased Fee Valuations, Reproduction/ Replacement Cost Estimates, expert witness testimony

Types of Property Appraised

Commercial Office, Retail and Industrial Buildings, Commercial Land, Residential Development Land, Pasture Land, Grove Land, Row Crop Land, Organic Farms, Gas Stations and Convenience Stores, Proposed Commercial Office and Retail Buildings, Mobile Home Parks, Restaurants, Proposed Residential Development

Brokerage Experience

Transaction volume totaling over \$50 million in sales and leasing since 2010 and over \$23 million in transactions in 2016. Properties sold or leased include Professional and Medical Offices, Retail Centers, Industrial Buildings, Marina's, Vehicle Sales Facilities, Residential Vacant Land, Commercial Vacant Land, Agricultural Land, Bowling Alley, Church facility among others.

Work Experience

2005 to 2006- Researcher – Johnson & Parrish of the Treasure Coast
2006 to 2014 – Trainee Appraiser – Johnson & Parrish of the Treasure Coast
2006 to 2010 – Sales Associate – Southcoast Incorporated
2014 to 2015 – Certified Appraiser – Thomas Johnson and Associates
2015 to Present – Certified Appraiser & Managing Partner – Thomas Johnson and Associates
2010 to Present – Broker Associate/Vice President – NAI Southcoast Incorporated
2012 to Present – Information Officer – Erfolg Holdings, Inc.
2014 to Present – Founding Partner/Director Islamorada Beer Company



Ron DeSantis, Governor

Hatsey Beshears, Secretary



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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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SCHROTH, NIKOLAUS MARTIN

2055 S KANNER HWY
STUART FL 34994

LICENSE NUMBER: RZ3704

EXPIRATION DATE: NOVEMBER 30, 2022

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Halsey Beshears, Secretary



STATE OF FLORIDA
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FLORIDA REAL ESTATE APPRAISAL BD

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PROVISIONS OF CHAPTER 475, FLORIDA STATUTES



ODEGARD, ERIK

18744 SE JUPITER RIVER DRIVE
JUPITER FL 33458

LICENSE NUMBER: RI24196

EXPIRATION DATE: NOVEMBER 30, 2022

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**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/14/2022

Prepared by: David Dyess

Title of Item:

LICENSE AGREEMENT DOWNTOWN VALET PARKING:

RESOLUTION 36-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE CITY OF STUART AND HUDSON'S ON THE RIVER, LLC TO UTILIZE PARKING LOCATED AT NORTH END OF FLAGLER AVENUE FOR THE PURPOSE OF OPERATING A DOWNTOWN VALET PARKING SERVICES PILOT PROGRAM.

Summary Explanation/Background Information on Agenda Request:

The City has previously engaged in valet parking agreements for city parking spaces. Valet parking can increase the number of cars being parked by using car stacking techniques. Providing a free valet for all citizens will increase the number of people that can come to the downtown area, while managing the parking spaces efficiently.

The attached license agreement allows for a pilot program that can be canceled by the city manager if it proves to be ineffective. The agreement requires the valet to park all that come, regardless of their patronage to any business.

Funding Source:

N/A

Recommended Action:

Approve Resolution 36-2022

ATTACHMENTS:

1. R36-2022 Hudson's Valet
2. R36-2022 Exhibit A Hudson's Valet Agreement



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

RESOLUTION NUMBER 36-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE CITY OF STUART AND HUDSON'S ON THE RIVER, LLC TO UTILIZE PARKING LOCATED AT NORTH END OF FLAGLER AVE FOR THE PURPOSE OF OPERATING A DOWNTOWN VALET PARKING SERVICES PILOT PROGRAM.

* * * * *

WHEREAS, the City of Stuart City Commission authorizes to execute license agreement to Hudson's on The River, LLC. for the operation of a Downtown Valet Parking Services Pilot Program; and

WHEREAS, the City of Stuart City Commission recognizes the public benefit to provide free valet service as an additional amenity to the downtown; and

WHEREAS, the City of Stuart City Commission finds that providing free valet parking in the common parking lots during season will provide more efficient and convenient parking downtown which benefit the downtown businesses, residents and visitors; and

WHEREAS, the City recognizes a need for parking in the Downtown area during certain peak times and further believes that managing the parking spaces at the end of Flagler Avenue will provide a more efficient use of the spaces and in turn provide more parking for the public during the peak times; and

WHEREAS, the City Commission has implemented a public valet parking service in the past at City Hall and the program provided more efficient parking management for the public visiting downtown Stuart; and

WHEREAS, Hudson's on The River, LLC. will provide free valet that is open to the public and intended for anyone to utilize without being required to patronize any business.

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

SECTION 1: Hudson's On The River, LLC. Pilot Program shall utilize the north end of Flagler Ave. on street parking as depicted in the agreement as Attachment A for the valet service.

SECTION 2: The City Manager and City Clerk are hereby authorized and directed to execute the license agreement between the City of Stuart and Hudson's On The River, LLC The license agreement is attached as "Exhibit A".

SECTION 3: This resolution shall take effect upon adoption.

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

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this 14th day of March 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

REVIEWED FOR FORM AND
CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

LICENSE AGREEMENT
DOWNTOWN VALET PARKING

THIS LICENSE AGREEMENT made and entered into this _____ day of _____, 2022 by the CITY OF STUART, FLORIDA, a municipal corporation of the State of Florida, 121 S.W. Flagler Avenue, Stuart, Florida 34994, hereinafter the "City," and **HUDSON'S ON THE RIVER, LLC** with a principal address of 351 SW Flagler Ave. Stuart FL 34994, hereinafter the "Licensee."

WHEREAS, the City of Stuart City Commission authorizes to execute a license agreement to Hudson's On The River, LLC. for the operation of a Downtown Valet Parking Services Pilot Program; and

WHEREAS, the City of Stuart City Commission recognizes the public benefit to provide free valet service as an additional amenity to the downtown; and

WHEREAS, the City of Stuart City Commission finds that providing a free valet parking in the common parking lots will provide more efficient and convenient parking downtown which benefit the downtown businesses, residents and visitors; and

WHEREAS, the City recognizes a need for parking in the Downtown area during certain peak times and further believes that managing the parking spaces at the end of Flagler Avenue will provide a more efficient use of the spaces and in turn provide more parking for the public during the peak times; and

WHEREAS, the City Commission has implemented a public valet parking service in the past at City Hall and the program provided more efficient parking management for the public visiting downtown Stuart; and

WHEREAS, Hudson's on The River, LLC. will provide free valet that is open to the public and intended for anyone to utilize without being required to patronize any business.

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby

acknowledged, THE CITY DOES HEREBY GRANT THIS EXCLUSIVE LICENSE TO “Hudson’s On The River, LLC” to use the City’s designated parking areas as identified in **Attachment A**, in accordance with the conditions as set forth below:

1. The Licensee agrees to provide valet service Monday through Saturday, 5:00 PM to 10:00 PM. The Licensee shall be allowed to extend valet beyond 10:00 PM at its discretion but shall not be allowed to reserve spaces prior to 4:00 p.m.
2. Hudson’s on The River, LLC shall be allowed to begin reserving spaces by placing cones at 4:00 p.m. as each car vacates the lot.
3. Hudson’s on The River, LLC agrees to provide free valet service to any citizen regardless of their patronage at Hudson’s Restaurant.
4. The term of this license agreement shall be for 30 days at a time at the discretion of the City Manager. The agreement shall continue to renew on the First day of each Month until May 31, 2023, upon the execution of this agreement signed by both parties. At the discretion of Hudson’s on The River LLC, the service may be eliminated during any month in the off season (June 1st to November 30th). The City Manager shall have the right to terminate the license agreement at any time with seven days written notice without demonstrating cause.
5. The Licensee’s valet may “stack vehicles”, but shall at all times leave the drivable roadway open.
6. **Cancellation of License.** This agreement may be cancelled at any time by the City due to breach of the agreement or at the discretion of the City Manager.
7. **Additional Authorizations Required.** During the term of this License, the Licensee’s valet shall obtain and maintain all required business tax receipts, corporate registrations, licenses, permits and approvals, and shall furnish a copy to the City whenever the same is obtained, renewed or otherwise requested. The Licensee’s valet shall also furnish a copy, within five (5) days, of any action, report, violation notice or other material item

referring to said governmental approvals that is later received by the Licensee or Licensee's valet.

8. **Indemnification.** Licensee and Licensee's valet hereby indemnifies and holds the City, its officials, employees and agents harmless from any and all torts, claims, injuries, damages, or sums due, arising out of this License, and further agrees to provide a suitable defense for the City in the event that any legal action is instituted against the City for actions or inactions arising out of any injury, tort, damage, or claim as described herein.
9. **Insurance Required.** The Licensee's valet shall provide "all risk" liability insurance coverage for the City in an amount of not less than One Million (\$1,000,000) Dollars per Occurrence. A certificate of insurance showing the "City of Stuart, its officials, agents and employees" as "additional insureds" shall be provided to the City Clerk and shall be maintained throughout the term of the License. Said Certificate shall include the condition that the insurance provided shall not expire without thirty (30) days written notice to the City.
10. **Terms subject to modification.** Unless this License is amended by the City, there are no other terms or conditions express or implied that pertain to the License. However, the City reserves the right to modify the terms and conditions of this License.
11. **Miscellaneous.** If legal action is required to enforce the terms of this License, the prevailing party shall be entitled to reasonable attorney's fees and costs, at all levels. If any material term, condition, or provision of this License is determined to be unenforceable or illegal, for any reason, the entire License may be reformed by joint agreement of the parties, or it may be cancelled by the City. This License supersedes any prior or contemporaneous oral or written agreements of the parties, but the License is nonetheless subject to all applicable governmental laws, ordinances and regulations, and if in conflict with the same, and not otherwise deemed illegal, the more stringent provision, as solely determined by the City, shall prevail.

Witness our duly authorized signatures on this License Agreement, as executed on the day and year first above written.

ATTEST:

MARY R. KINDEL
CITY CLERK

DAVID DYESS
CITY MANAGER

APPROVED AS TO
FORM AND
CORRECTNESS:

MICHAEL
MORTELLCITY
ATTORNEY

LICENSEE:

HUDSON'S ON THE RIVER, LLC.
Printed name of Managing Member

Dated: _____

Attachment A



CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 3/14/2022

Prepared by: Tom Reetz

Title of Item:

AMENDMENT TO THE LAND DEVELOPMENT CODE TO INCORPORATE TREE REMOVAL PENALTIES (RC):

ORDINANCE No. 2478-2022; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER V RESOURCE PROTECTION STANDARDS OF THE CITY'S LAND DEVELOPMENT CODE, ESTABLISHING "PENALTIES FOR VIOLATIONS" FOR THE REMOVAL OF TREES IN VIOLATION OF THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On February 28, 2022, the City Commission unanimously approved Ordinance No. 2478-2022 a text amendment to the City's Land Development Code creating new language for tree penalties using a multiplier vs. a dollar amount concerning penalties for the removal of trees in violation of the City's Land Development code. Since first reading, staff have proposed amended language to make clearer the required on-site restoration and monies contributed to the City's tree replacement fund.

If full restoration onsite is determined by both the property owner and City to be infeasible, the remaining value of the penalty shall be donated into the city tree replacement fund. See attachment A.1 Ordinance No. 2478-2022 strike through and underline.

Ordinance 2478-2022 proposes to amend Chapter 5 "Resource Protection Standards" by establishing Section 5.05.08 "Penalties for Violations". The language in the amendment contains calculations determined by using the total DBH inches removed with the amount of replacement DBH inches calculated in accordance with the City's replacement formula as contained within Section 5.05.00 of the Land Development Code excepting that the replacement DBH inches will be calculated at **three times the amount for every offense** with each tree removed in violation constituting a separate violation. Remedial action shall be taken to restore the property consistent with a restoration plan approved by the Development Director ~~and/or payment.~~ If full restoration onsite is determined by both the property owner and City to be infeasible, the remaining value of the penalty shall be donated into the city replacement fund in the amount of three (3) to one (1) ratio as applied herein with preference given to restoration of the property.

Furthermore, no certificate of occupancy or similar authorization shall be issued for any development until all applicable permits or restoration plan conditions have been accomplished.

Failure to pay the fine shall be deemed a violation of the Code and enforceable through proceedings before the City Code Enforcement Board.

(Second Reading Advertising requirement) The proposed Land Development Code (LDC) text amendment has satisfied public notice requirements by advertising this text amendment in the newspaper 10 days prior to tonight's second reading.

Funding Source:

N/A

Recommended Action:

Motion to adopt Ordinance No. 2478-2022, text amendment to Chapter 5 Resource Protections standards contained in the City's Land Development Code at second reading.

ATTACHMENTS:

1. A.1 2478-2021 Tree Removal Penalty



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA
ORDINANCE NUMBER 2478-2022**

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER V RESOURCE PROTECTION STANDARDS OF THE CITY'S LAND DEVELOPMENT CODE, ESTABLISHING "PENALTIES FOR VIOLATIONS" FOR THE REMOVAL OF TREES IN VIOLATION OF THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City Commission, has determined the need to establish a range of penalties for removal of any tree from any property in violation of Chapter V Resource Protection Standards of the City's Land Development Code; and

WHEREAS the purpose of this Land Development Code Amendment is to establish certain penalties for removal of trees in violation of the code; and

WHEREAS, the Land Development Code amendments were presented to the Local Planning Agency on 9th December, 2021; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on 2.28.2022, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: CHAPTER V ‘Resource Protection Standards of Stuart Land Development

Code is amended to read as follows:

CHAPTER V : RESOURCE PROTECTION STANDARDS

SECTION 5.05.08 PENALTIES FOR VIOLATIONS

Except as otherwise provided in this Code, each violation of the provisions of this Code chapter that involves more than 1,500 square feet of land shall be deemed a separate violation. The owner of the real property as well as the person who caused the violation to occur shall be deemed the alleged violators.

The Stuart Code Enforcement Board may determine in a proper case that a violation of any provision of this chapter may be irreparable or irreversible in nature pursuant to F.S. chapter 162. Accordingly, said Board shall have the authority to impose a fine of up to \$5,000 for each violation found.

Upon a finding by the City Development Director that a violation has occurred, notice of the violation shall be provided to the alleged violator(s) that specifies the nature of the violation and directs that a fine be paid in accordance with the following language.

Failure to pay the fine as directed by the City Development Director shall be deemed a violation of this Code enforceable through proceedings before the City Code Enforcement Board.

Any person who removes any tree from any property in violation of this Code shall be subject to the following penalties: If historic and/or specimen trees are removed without a permit or otherwise in violation of Section 5.05.00 of the City’s Land Development Code, then a penalty calculation for the replacement of the required DBH inches shall be applied. The calculation shall be determined by using the total DBH inches removed. The amount of replacement DBH inches shall be calculated in accordance with the City’s Tree replacement formula as contained within Section 5.05.00 of this Code excepting that the replacement DBH inches will be calculated at **three times the amount for every offense**. Each tree removed in violation of this article, or any permit issued pursuant to this article shall constitute a separate violation. Remedial action shall be taken to restore the property consistent with a restoration plan approved by the Development Director. If full restoration onsite is determined by both the property owner and City to be infeasible, the remaining value of the penalty shall be donated and/or payment into the city tree replacement fund in an amount equal to the cost of the three (3) to one (1) ratio as applied herein with preference given to restoration of the property. No certificate of occupancy or similar authorization shall be issued for any development until all applicable permits or restoration plan conditions have been accomplished.

Monies shall be paid to the City and failure to make payment shall be deemed a violation of this Code. Unless and until paid, the Development Department may withhold the issuance of further development orders for development on the subject property including building permits and certificates of occupancy.

SECTION 2: Section 5.05.08 Penalties for Violations of the Stuart Land Development Code, is amended as follows:

CHAPTER 5 PENALTIES FOR VIOLATIONS

5.05.08 Tree Removal; Penalties for Violations.

A. A tree removal permit must be issued by the City Development Department for work undertaken pursuant to this Chapter V of this Code.

B. Any person who removes any tree from any property in violation of this Code shall be subject to the following penalties:

If historic and/or specimen trees are removed without a permit or otherwise in violation of Section 5.05.00 of the City's Land Development Code, then a penalty calculation for the replacement of the required DBH inches shall be applied. The calculation shall be determined by using the total DBH inches removed. The amount of replacement DBH inches shall be calculated in accordance with the City's Tree replacement formula as contained within Section 5.05.00 of this Code excepting that the replacement DBH inches will be calculated at **three times the amount for every offense**. Each tree removed in violation of this article, or any permit issued pursuant to this article shall constitute a separate violation. Remedial action shall be taken to restore the property consistent with a restoration plan approved by the Development Director. ~~and/or payment~~ If full restoration onsite is determined by both the property owner and City to be infeasible, the remaining value of the penalty shall be donated into the city tree replacement fund in an amount equal to the cost of the three (3) to one (1) ratio as applied herein with priority given to restoration of the property. No certificate of occupancy or similar authorization shall be issued for any development until all applicable permits or restoration plan conditions have been accomplished.

C. Monies shall be paid to the City and failure to make payment shall be deemed a violation of this Code. Unless and until paid, the Development Department may withhold the issuance of further development orders for development on the subject property including building permits and certificates of occupancy.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: If any section, sentence, clause, phrase, or word of this ordinance is for any reason declared to be unconstitutional, inoperative, or void, such holding shall

not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

SECTION 5: The provisions of this ordinance shall be codified.

SECTION 6: Upon complete execution of this Ordinance, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

Passed on first reading the ____ day of _____, 2022.

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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

CITY’S ACKNOWLEDGMENT

The above Ordinance was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2022, by Merritt Matheson, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation, who ☐ are personally known to me or ☐ have produced _____ as identification.

(Notary Seal)

Signature of Notary Public

Printed Name: _____