



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

RESOLUTION NUMBER 09-2023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 980, 1050, AND 1120 SE MONTEREY ROAD EXTENSION, STUART, FLORIDA, IDENTIFIED BY MARTIN COUNTY FOLIO NUMBERS 16-38-41-000-000-00013-0, 16-38-41-000-000-00014-0, AND 16-38-41-000-000-00016-0 (COLLECTIVELY, THE “SUBJECT PROPERTY”), AS FURTHER IDENTIFIED BY THE ATTACHED MAPS, COMMONLY REFERRED TO AS “THE LANDFILL”, PURSUANT TO SECTION 376.80, FLORIDA STATUTES OF FLORIDA’S BROWNFIELD DEVELOPMENT ACT FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC DEVELOPMENT; AUTHORIZING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR IMPLEMENTATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, The State of Florida has provided, in Chapter 97-277, Laws of Florida, codified at Sections 376.77 through 376.86, Florida Statutes, for designation of certain specified areas by local government adoption of a resolution in order to promote environmental remediation, sustainable land redevelopment and/or reuse, and economic revitalization; and

WHEREAS, the City of Stuart (the “City”) owns property, commonly known as “The Landfill”, Stuart FL, identified by Martin County Folio Nos. 16-38-41-000-000-00013-0, 16-38-41-000-000-00014-0, AND 16-38-41-000-000-00016-0 (hereinafter the

“Subject Property”), as shown in the attached Exhibit “A” and more particularly described in the collective legal descriptions as shown in the attached Exhibit “B”, all of which are incorporated and made a part hereof by this reference, which warrants environmental remediation, sustainable land redevelopment and/or reuse, and economic revitalization; and

WHEREAS, the City intends to utilize the regulatory, financial, and other benefits associated with Florida’s Brownfield Redevelopment Program by designating the Subject Property as a “Green Reuse Area,” pursuant to Section 376.80, Florida Statutes; and

WHEREAS, the Subject Property does not fall into any of the Florida State Statute 376.80(2)(b) specified redevelopment areas and, accordingly, the designation considerations under FSS 376.80(2)(a) apply; and

WHEREAS, the City Commission has reviewed the relevant procedures that apply effectuating this designation, as specified in Section 376.80, Florida Statutes, and find the City in compliance with the statutory requirements; and

WHEREAS, proper notice of the designation of the proposed Green Reuse Area has been provided in accordance with Section 376.80(1)(c) and Section 166.041(3)(c)2, Florida Statutes; and

WHEREAS, the City Commission determined that the proposed Green Reuse Area designation on the Subject Property is in the best interest of the City, and advantageous to the public health, safety and welfare.

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

SECTION 1: The City of Stuart hereby exercises its statutory authority to designate the properties located at 980, 1050, and 1120 SE Monterey Road Extension, Stuart, FL, occupying Folio Numbers 16-38-41-000-000-00013-0, 16-38-41-000-000-00014-0, and 16-38-41-000-000-00016-0 (collectively, the “Subject Property”), as a Green Reuse Area pursuant to Chapter 376.80(2)(a), Florida State Statutes.

SECTION 2: Pursuant to, and in satisfaction of, the requirements of designation in section 376.80, Florida Statutes, the City Commission finds that:

- The Subject Property, as the proposed Green Reuse Area, warrants economic development and has a reasonable potential for such activities;
- The proposed Green Reuse Area represents a reasonably focused approach and is not overly large in geographic coverage;
- The proposed Green Reuse Area has potential to interest the private sector in participating in rehabilitation; and
- The proposed Green Reuse Area is largely comprised of land suitable for recreational open space and related wellness purposes.

SECTION 3: Property Designation. The area depicted on **Exhibit “A”**, and legally described on **Exhibit “B”**, attached hereto and incorporated herein by reference, is hereby designated as the City of Stuart Landfill Green Reuse Area.

SECTION 3: Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

Resolution No. 09-2023;
Landfill Green Reuse Area

Passed on first reading the 13th day of February, 2023.

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

TROY MCDONALD, MAYOR
BECKY BRUNER, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER, COLLINS, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
Y			

ADOPTED this 27th day of February, 2023.

ATTEST:



MARY R. KINDEL
CITY CLERK



TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:



MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY



Exhibit A



Exhibit B

Legal Description

PARCEL 1. ALL OF GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, EXCEPTING THEREFROM:

A. COMMENCING AT A POINT IN THE NORTHERLY BOUNDARY LINE OF GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, WHICH SAID POINT IS 210 FEET WESTERLY FROM THE NORTHEAST CORNER OF SAID SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST; FROM SAID POINT RUN SOUTH PARALLEL WITH THE EASTERLY BOUNDARY LINE OF SAID GOVERNMENT LOT 1, SAID SECTION, TOWNSHIP AND RANGE, A DISTANCE OF 518.57 FEET TO A POINT; THENCE WEST PARALLEL WITH THE NORTHERLY LINE OF SAID GOVERNMENT LOT 1, SECTION 16, A DISTANCE OF 420 FEET TO A POINT; THENCE RUN NORTHERLY PARALLEL TO THE EASTERLY BOUNDARY LINE OF SAID GOVERNMENT LOT 1, SECTION 16, A DISTANCE OF 518.58 FEET TO A POINT IN THE NORTHERLY BOUNDARY LINE OF SAID GOVERNMENT LOT 1, SECTION 16, WHICH SAID POINT IS 420 FEET WEST OF THE POINT OF BEGINNING; THENCE EAST ALONG SAID NORTHERLY BOUNDARY LINE OF SAID GOVERNMENT LOT 1, SECTION 16, A DISTANCE OF 420 FEET TO POINT OF BEGINNING.

B. BEGINNING AT A POINT ON THE NORTH LINE OF HANSON GRANT THAT IS 300 FEET SOUTH 66 DEGREES WEST OF THE 2 1/2 MILE MONUMENT TO STAKE; THENCE (1) RUN WEST 1347.55 FEET TO A STAKE; THENCE (2) RUN SOUTH 599.03 FEET TO THE SAID NORTH LINE OF THE HANSON GRANT, THENCE (3) RUN NORTH 66 DEGREES EAST 1474.71 FEET TO THE PLACE OF BEGINNING; ALSO DESCRIBED AS THE SOUTH 9.27 ACRES OF GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST.

C. AND LESS RIGHT OF WAY OF MONTEREY ROAD.

PARCEL 2. THE WEST 210 FEET OF THE EAST 630 FEET OF THE NORTH 518.57 FEET OF GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

LESS AND EXCEPTING FROM PARCELS 1 AND 2 THE FOLLOWING 4 PARCELS:

A. LAND CONTAINED IN MEMORANDUM OF LEASE FROM THE CITY OF STUART TO ROBERT G. DESANTIS AND JOAN C. DESANTIS, AS TRUSTEES OF THE ROBERT G. DESANTIS REVOCABLE TRUST OF 1985 AND VIVIAN I. JONES AND ROBERT D. JONES, AS CO-TRUSTEES OF THE VIVIAN I. JONES INTERVIVOS DECLARATION OF TRUST DATED SEPTEMBER 9, 2003 AND JAMES DESANTIS, RECORDED IN OFFICIAL RECORDS BOOK 2192, PAGE 2404, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 210 FEET OF THE NORTH 518.57 FEET OF GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY,

FLORIDA. LESS AND EXCEPT RIGHT OF WAY FOR S.E. MONTEREY ROAD
EXTENSION.

B. LAND CONTAINED IN AFFIDAVIT REGARDING FIRE SUBSTATION # 2 RECORDED
IN OFFICIAL RECORDS BOOK 1925, PAGE 226, MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

A PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 38
SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 16; THENCE NORTH
89°38'09" WEST, ALONG THE NORTH LINE OF SAID SECTION 16 FOR A DISTANCE
OF 648.36 FEET, THENCE SOUTH 00°16'01" WEST, FOR A DISTANCE OF 33.00 FEET
TO THE POINT OF BEGINNING, SAID POINT LYING ON THE SOUTH RIGHT OF WAY
LINE OF SE MONTEREY ROAD; THENCE SOUTH 01°41'08" WEST, FOR A DISTANCE
OF 33.77 FEET; THENCE NORTH 88°15'25" WEST, FOR A DISTANCE OF 28.67 FEET
TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE
SOUTHEAST; THENCE SOUTHWESTERLY THROUGH THE ARC OF SAID CURVE
HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 88°01'33", FOR A
DISTANCE OF 53.77 FEET; THENCE SOUTH 03°43'02" WEST, FOR A DISTANCE OF
36.93 FEET; THENCE SOUTH 07°03'03" WEST, FOR A DISTANCE OF 124.97 FEET;
THENCE SOUTH 89°38'09" EAST, ON A LINE PARALLEL WITH AND 260 FEET SOUTH
OF THE NORTH LINE OF SAID SECTION 16, FOR A DISTANCE OF 204.03 FEET;
THENCE NORTH 00°16'01" EAST, FOR A DISTANCE OF 227.00 FEET TO A POINT
ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SE MONTEREY ROAD; THENCE
NORTH 89°38'09" WEST ALONG SAID SOUTH RIGHT-OF-WAY, FOR A DISTANCE OF
121.71 FEET TO THE POINT OF BEGINNING.

C. LAND DESCRIBED IN FIRST AMENDMENT TO GROUND LEASE FROM THE CITY
OF STUART TO STONEMOR FLORIDA SUBSIDIARY LLC, RECORDED IN OFFICIAL
RECORDS BOOK 2633, PAGE 1411, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

A PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 38
SOUTH, RANGE 41 EAST, MARTIN COUNTY FLORIDA, BEING PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE
N89°37'56"W ALONG THE NORTH LINE OF SAID SECTION 16 FOR 741.18 FEET;
THENCE S00°22'04"W FOR 90.22 FEET TO THE POINT OF BEGINNING; THENCE
S00°24'24"W FOR 232.95 FEET; THENCE N89°35'36"W FOR 570.00 FEET; THENCE
N00°24'24"E FOR 225.40 FEET; THENCE N64°45'46"E FOR 33.28 FEET; THENCE
S89°37'56"E FOR 55.00 FEET; THENCE S73°32'44"E FOR 146.60 FEET; THENCE
S89°37'56"E FOR 151.90 FEET; THENCE N45°22'04"E FOR 47.16 FEET; THENCE,
S89°37'56"E FOR 159.08 FEET; TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS PURPOSES MORE
PARTICULARLY DESCRIBED AS FOLLOW:

Resolution No. 09-2023;
Landfill Green Reuse Area

EASEMENT 1: THE SOUTH 175.00 FEET OF THE NORTH 208.00 FEET OF THE EAST 50.00 FEET OF THE WEST 630.00 FEET OF SAID GOVERNMENT LOT 1

EASEMENT 2: THE SOUTH 43.00 FEET OF THE NORTH 83.00 FEET OF THE EAST 55.00 FEET OF THE WEST 95.00 FEET OF SAID GOVERNMENT LOT 1

D. LAND CONTAINED IN WARRANTY DEED FROM THE CITY OF STUART TO DUANE K. LUCE AND JACQUELINE R. LUCE, HIS WIFE, RECORDED IN OFFICIAL RECORDS BOOK 172, PAGE 100 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 30 FEET OF THE SOUTH 636.28 FEET OF THE NORTH 990 FEET OF GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST.

CONTAINING 55.812 ACRES, MORE OR LESS.



Basic Info

PIN 16-3B-41-000-000-00013-0	AIN 793844	Situs Address UNASSIGNED	Website Updated 10/20/22
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General Information

Property Owners CITY OF STUART	Parcel ID 16-3B-41-000-000-00013-0	Use Code/Property Class 8900 - 8900 Muni other than prev cvrd
Mailing Address 121 SW FLAGLER AVE STUART FL 34994	Account Number 793844	Neighborhood INST Institutional Lands
Tax District STUART	Property Address UNASSIGNED	Legal Acres 39.43
	Legal Description THAT PORTION OF GOV LOT 1 SEC 16 T385 R4...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 832,210	\$ 0	\$ 832,210	\$ 595,525	\$ 236,685	\$ 236,685	\$ 0

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date N/A	Grantor (Seller) N/A	Doc Num N/A
Sale Price N/A	Deed Type N/A	Book & Page N/A

Legal Description

THAT PORTION OF GOV LOT 1 SEC 16 T385 R41E DESC AS: BEG NW COR KINGMAN ACRES & S R/W MONTEREY RD EXT, W ALG R/W 210, S 485.57, W 210, N 258.57, W 310.68, S 209.81, SLY ALG CURVE 74.73, S 536.44, SW ALG CURVE 137.03, W 504.99 TO W/LN GOV LOT 1, S TO PT ON N/LN OF 9.27 AC PARCEL DESC IN OR 534/1303, E ALG SAID LINE TO E/LN GOV LOT 1 & N TO POB (LESS THE ELY 210 OF THE NLY 485.57 OF SAID PARCEL BEING 2.34 AC)

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.



Basic Info

PIN 16-38-41-000-000-00014-0	AIN 191253	Situs Address UNASSIGNED	Website Updated 11/4/22
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General Information

Property Owners CITY OF STUART	Parcel ID 16-38-41-000-000-00014-0	Use Code/Property Class 8900 - 8900 Muni other than prev cvrd
Mailing Address 121 SW FLAGLER AVE STUART FL 34994	Account Number 191253	Neighborhood 31400 Monterey Rd
Tax District STUART	Property Address UNASSIGNED	Legal Acres 0.556
	Legal Description THAT PORTION OF GOV LOT 1 SEC 16 T38S R4...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 155,000	\$ 0	\$ 155,000	\$ 0	\$ 155,000	\$ 155,000	\$ 0

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date 7/30/04	Grantor (Seller) STUART, CITY OF	Doc Num 1770353
Sale Price \$ 0	Deed Type AFFIDAVIT	Book & Page <u>1925 2262</u>

Legal Description

THAT PORTION OF GOV LOT 1 SEC 16 T38S R41E DESC AS: BEG 526.65 W/O & 33 S/O NE COR SEC 16, S 227, E 106.65 TO W LINE FINLEY S/D, N ALG SD LINE 227 & W 106.65 TO POB (0.556 AC)

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.



Basic Info

PIN 16-38-41-000-000-00016-0	AIN 1105811	Situs Address SE MONTEREY RD STUART FL	Website Updated 10/20/22
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General Information

Property Owners CITY OF STUART	Parcel ID 16-38-41-000-000-00016-0	Use Code/Property Class 8900 - 8900 Muni other than prev cvrd
Mailing Address 121 SW FLAGLER AVE STUART FL 34994	Account Number 1105811	Neighborhood INST Institutional Lands
Tax District STUART	Property Address SE MONTEREY RD STUART FL	Legal Acres 11.9
	Legal Description THAT PARCEL OF LAND LYING IN SEC 16-38-4...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 274,720	\$ 0	\$ 274,720	\$ 202,980	\$ 71,740	\$ 71,740	\$ 0

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date N/A	Grantor (Seller) N/A	Doc Num N/A
Sale Price N/A	Deed Type N/A	Book & Page N/A

Legal Description

THAT PARCEL OF LAND LYING IN SEC 16-38-41 BEING MORE PARTICULARLY DESCRIBED IN OR 87/56 PUBLIC RECORDS MARTIN COUNTY FLORIDA

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.