

FOX McCLUSKEY BUSH ROBISON, PLLC

M. LANNING FOX
Board Certified Real Estate Lawyer
MICHAEL J. McCLUSKEY
Board Certified Business Litigation (2008-2019)
RAYMOND G. ROBISON
LL.M. - Master of Laws in Taxation
J. HENRY CARTWRIGHT
Board Certified Condominium and
Planned Development Lawyer
TYSON J. WATERS
Board Certified Real Estate Lawyer
FREDERIK W. van VONNO (1951-2017)
Board Certified City, County &
Local Government Lawyer

3461 SE Willoughby Boulevard
P.O. Drawer 6
Stuart, Florida 34995-0006
Jupiter Location (Limited Services Available)
Telephone:
(772) 287-4444 * (561) 744-6499
Fax:
(772) 283-4637
www.foxmcccluskey.com

ANTHONY D. GEORGE, JR.

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

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

July 1, 2019

Tom Walker, County Surveyor
Martin County Administrative Center
2401 SE Monterey Road
Stuart, FL 34996

Re: Right of Way Abandonment of Unopened Portion of SE Front Street between Lots 1 through 4 and 9, Block 54, an unnumbered lot and Lots 1 through 7, Block 55, within the Port Salerno Subdivision

Dear Mr. Walker:

Please find enclosed a Petition for Abandonment of the unopened portion of SE Front Street between Lots 1 through 4 and 9, Block 54, and Lots 1 through 7, Block 55, within the Port Salerno Subdivision submitted on behalf of the Port Salerno Church of God, Inc., a Florida not-for-profit corporation ("Petitioner"). Petitioner is the owner of Lots 1 through 4 and 9, Block 54, together with portions of right-of-way previously abandoned by Martin County.

We have obtained letters of no objection from the potentially affected utility companies, including Florida Power and Light ("FP&L"), AT&T Florida ("AT&T") and Comcast. Copies of those letters are enclosed. We have also received confirmation of no objection from the Martin County Utilities and Solid Waste Department, which email confirmation is also enclosed.

In addition, a letter of no objection has been obtained from St. Luke's Episcopal Church of Port Salerno ("St. Luke's") (owner of the property located east of the right-of-way proposed to be abandoned), which letter is enclosed herein. Other than St. Luke's, no other property owner would be affected by the abandonment of the right of way.

Enclosed, in accordance with the requirements for vacation and abandonment of road rights-of-way, please find the following documents:

- A. Petition for Abandonment of the Unopened Portion of SE Front Street between Lots 1 through 4 and 9, Block 54, an unnumbered lot and Lots 1 through 7, Block 55, within the Port Salerno Subdivision.

- B. Certification Form stating that no property owner will be denied access to their property as a result of the proposed abandonment
- C. Copy of letters of no objection received from property owners who may be affected by the proposed abandonment.
- D. Copies of letters (and e-mail) of no objection received from FP&L, AT&T Florida, Comcast and the Martin County Utilities and Solid Waste Department.
- E. Copies of certified Sketch and Legal Descriptions of the right-of-way to be abandoned.
- F. A copy of the Petitioner's title deeds which reflect the current ownership of the premises lying adjacent to the proposed abandonment.
- G. Copy of the Plat the Salerno Subdivision with the specific lots owned by the Petitioner highlighted.

The Petitioner is a not-for-profit corporation and would request that the appraisal, and corresponding privilege fee, and the application fee be waived by the Martin County Board of County Commissioners. Because the southern portion of Front Street immediately north of Cove Road was previously abandoned by Martin County, neither the public nor any other party has any benefit of, or need from, the right-of-way proposed to be abandoned. The only two parties that have any use of, need or value of the right-of-way proposed to be abandoned is the Petitioner and St. Luke's. Both entities are religious institutions and not-for-profit corporations. Abandonment of this right-of-way will allow these institutions to better serve their members and the public at large.

Petitioner has already coordinated and previously met with staff, and obtained a letters of no objection from the potentially affected utilities, so the requirement for a pre-application meeting for this Petition has been satisfied.

We would request staff's recommendation of approval of the abandonment request and that the Petition be placed on the next available Martin County Board of County Commissioners agenda for its consideration.

Please feel free to call me (287-4444) if you have any questions or concerns.

Sincerely,



Tyson J. Waters, Esq.
Enclosures

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

PETITION TO ABANDON A PORTION OF SE FRONT STREET

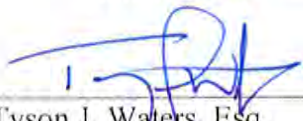
TO THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA:

Petitioner, Port Salerno Church of God, Inc., petitions this Board to abandon a portion of SE Front Street located in Port Salerno in the unincorporated Martin County, Florida, and as grounds therefor says the following:

1. Petitioner requests the abandonment of that certain portion of the right-of-way known as SE Front Street located between Lots 1 through 4 and 9, Block 54, and Lots 1 through 7, Block 55, Plat of Port Salerno, as recorded in Plat Book 1, Page 132, of the Public Records of Palm Beach (now Martin) County, Florida. The plat and highlighted location of the proposed right-of-way to be abandonment is attached as Exhibit A to this Petition.
2. Petitioner requests this abandonment for the following reasons: Petitioner owns the west and south sides of the property adjacent to the right-of-way, with the land on the east of the right-of-way privately owned as well. The proposed abandonment of the applicable portion of SE Front Street will not affect access to the Petitioner's property, nor affect access to the other affected property. The County has no need or intention to ever use the right-of-way, nor does the other public utility companies servicing the area. Letters of no objection have been obtained from Florida Power & Light, Comcast and AT&T and are attached to this Petition as Composite Exhibit B. An email from Martin County confirming the Utilities and Solid Waste Department has no need for the right-of-way is attached as Exhibit C.
3. The property abutting said right-of-way is owned by Petitioner on the west and south sides and by St. Luke's Episcopal Church on the east. Petitioner's deeds whereby it acquired the affected property are enclosed with this Petition as Exhibit D. A letter of no objection from St. Luke's Episcopal Church is enclosed with this Petition as Exhibit E.
4. The Petition is limited in scope to the abandonment of a small portion of SE Front Street. This Petition, and the requested abandonment, will have no impact on the public for use and will not affect the public's rights of access to navigable water.
5. No property owner shall be deprived of legal access to his property as a result of this portion of right-of-way being abandoned.

NOW, THEREFORE, Petitioner requests that this Board of County Commissioners abandon the above-described right-of-way in accordance with applicable provisions of Florida Statutes and the Martin County Code of Ordinances.

Dated this 1st day of JULY, 2019.



Tyson J. Waters, Esq.
Attorney for Petitioner
Fox McCluskey Bush Robison, PLLC
3461 SE Willoughby Blvd.
Stuart, FL 34994
(772) 287-4444

SALENO MARTIN COUNTY, FLORIDA

Scale 1" = 200'
Lewis L. Hill
PLAT 25
J.B. DODDSON, CLERK
BY EXAMINER IN REALTY

FILED THIS 2ND DAY OF AUGUST
A.D. 1922, AND RECORDED IN
PLAT 25, BOOK 14, L.
J.B. DODDSON, CLERK
BY EXAMINER IN REALTY



I HEREBY CERTIFY that the above is a true and correct copy of the original plat recorded in Plat Book 14, Page 75, Martin County Records.
W. B. Dodson
Notary Public
Notary Public for Martin County, Florida
Florida Certificate No. 5

Traced in the Office of the Surveyor General, Martin County, Florida, by J. B. Dodson, December 13, 1922.
SHEET 4 OF 5



Florida Power & Light Company
4406 SW Cargo Way
Palm City, FL 34990

March 15, 2019

Tyson J. Waters, Esq.
Fox, Wackeen, Dungey, LLP
3473 SE Willoughby Blvd.
Stuart, FL 34995

Re: Letter of No Objection to Request to Abandon/Vacate a Portion of SE Front Street in Port Salerno

Address of subject property: 4605 Cove Road / 5241 Albacore St.

Parcel Nos.: 51-38-41-001-054-00010-1, 51-38-41-001-054-00090-4 &
51-38-41-001-055-00070-5

Applicant : Port Salerno Church of God

Dear Mr. Waters:

Please be advised that Florida Power and Light ("Utility Company") has No Objection to the vacation and abandonment of that portion of the unopened right of way for SE Front Street in Port Salerno depicted on the sketch and legal description attached to this letter as Exhibit "1" and provided that if the abandonment is approved that the Petitioner grant Utility Company a non-exclusive easement for any of Utility Company's facilities presently existing in the right-of-way to be abandoned, together with the right to maintain, repair and replace those facilities, which easement may be shared by other utility companies requiring use of the easement. This letter of No Objection is restricted to the area described in the attached sketch and legal of the proposed abandonment area.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Shiran Saadon-Porter", is written over a horizontal line.

Shiran Saadon-Porter
Associate Engineer
772-223-4244

619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176

Exhibit "I"



JOB #:	185-01-16
DRAWN BY:	R.F.C.
CHECKED BY:	S.J.B.
DATE:	06/12/2018
SCALE:	1" = 100'
SHEET:	2 OF 2

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

Tyson J. Waters, Esq.
Fox McCluskey Bush Robison, PLLC
3473 SE Willoughby Blvd.
Stuart, FL 34995

Re: Letter of No Objection to Request to Abandon/Vacate a Portion of SE Front Street in Port Salerno
Address of subject property: 4605 Cove Road / 5241 Albacore St.
Parcel Nos.: 51-38-41-001-054-00010-1, 51-38-41-001-054-00090-4 &
51-38-41-001-055-00070-5
Applicant: Port Salerno Church of God

Dear Mr. Waters:

Please be advised that Comcast Florida/Georgia LLC ("Utility Company") has No Objection to the vacation and abandonment of that portion of the unopened right of way for SE Front Street in Port Salerno depicted on the sketch and legal description attached to this letter as Exhibit "1" and provided that if the abandonment is approved that the Petitioner grant Utility Company a non-exclusive easement for any of Utility Company's facilities presently existing in the right-of-way to be abandoned, together with the right to maintain, repair and replace those facilities, which easement may be shared by other utility companies requiring use of the easement. This letter of No Objection is restricted to the area described in the attached sketch and legal of the proposed abandonment area.

Please feel free to contact me if you have any questions or concerns.

Sincerely,



Rick Johnson

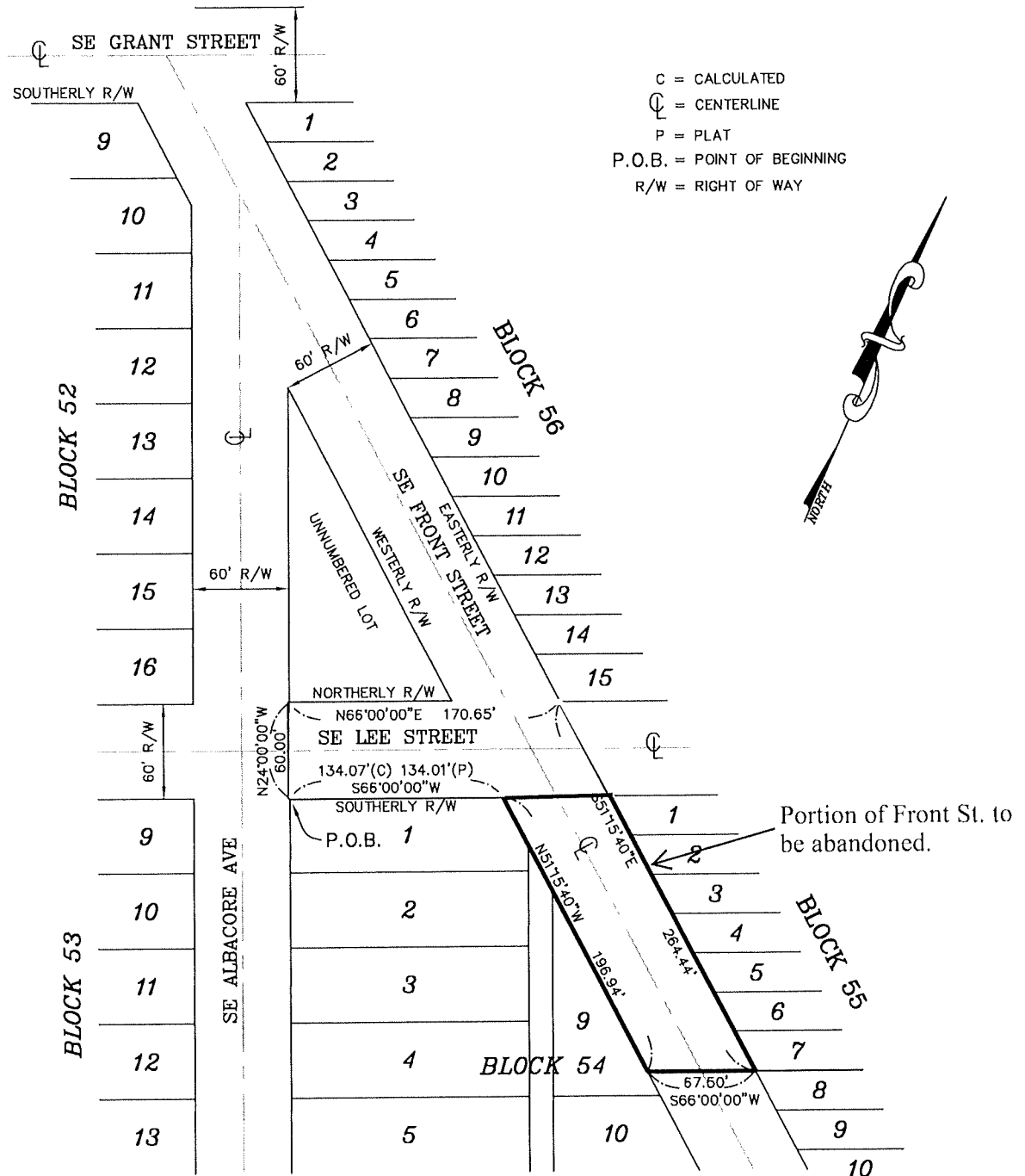
STEPHEN J. BROWN, INC.

LICENSED BUSINESS NUMBER: 6484

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS

619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176

Exhibit "1"



NOT A BOUNDARY SURVEY
 STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
 REGISTRATION NO. 4049, STATE OF FLORIDA

FILE:	
JOB #:	185-01-16
DRAWN BY:	R.F.C.
CHECKED BY:	S.J.B.
DATE:	06/12/2018
SCALE:	1" = 100'
SHEET:	2 OF 2



James P Virga
Manager OSP Engineering

AT&T Florida
329 NW Dixie Hwy
Stuart Florida 34994

T 772-692-2774
Jv3965@att.com
att.com

Tyson J. Waters, Esq.
Fox McCluskey Bush Robison, PLLC
3473 SE Willoughby Blvd.
Stuart, FL 34995

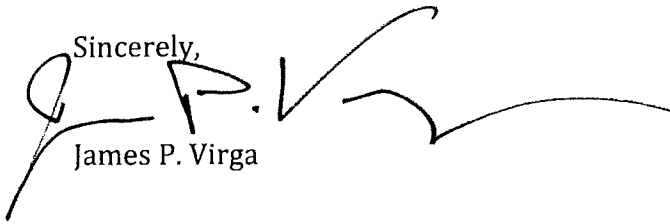
Re: Letter of No Objection to Request to Abandon/Vacate a Portion of SE
Front Street in Port Salerno
Address of subject property: 4605 Cove Road / 5241 Albacore
St.
Parcel Nos.: 51-38-41-001-054-00010-1, 51-38-41-001-054-00090-
4 &
51-38-41-001-055-00070-5
Applicant: Port Salerno Church of God

Dear Mr. Waters:

Please be advised that AT&T Florida ("Utility Company") has No Objection to the vacation and abandonment of that portion of the unopened right of way for SE Front Street in Port Salerno depicted on the sketch and legal description attached to this letter as Exhibit "1" and provided that if the abandonment is approved that the Petitioner grant Utility Company a non-exclusive easement for any of Utility Company's facilities presently existing in the right-of-way to be abandoned, together with the right to maintain, repair and replace those facilities, which easement may be shared by other utility companies requiring use of the easement. This letter of No Objection is restricted to the area described in the attached sketch and legal of the proposed abandonment area.

Please feel free to contact me if you have any questions or concerns.

Sincerely,


James P. Virga

3/18/2019

AT&T

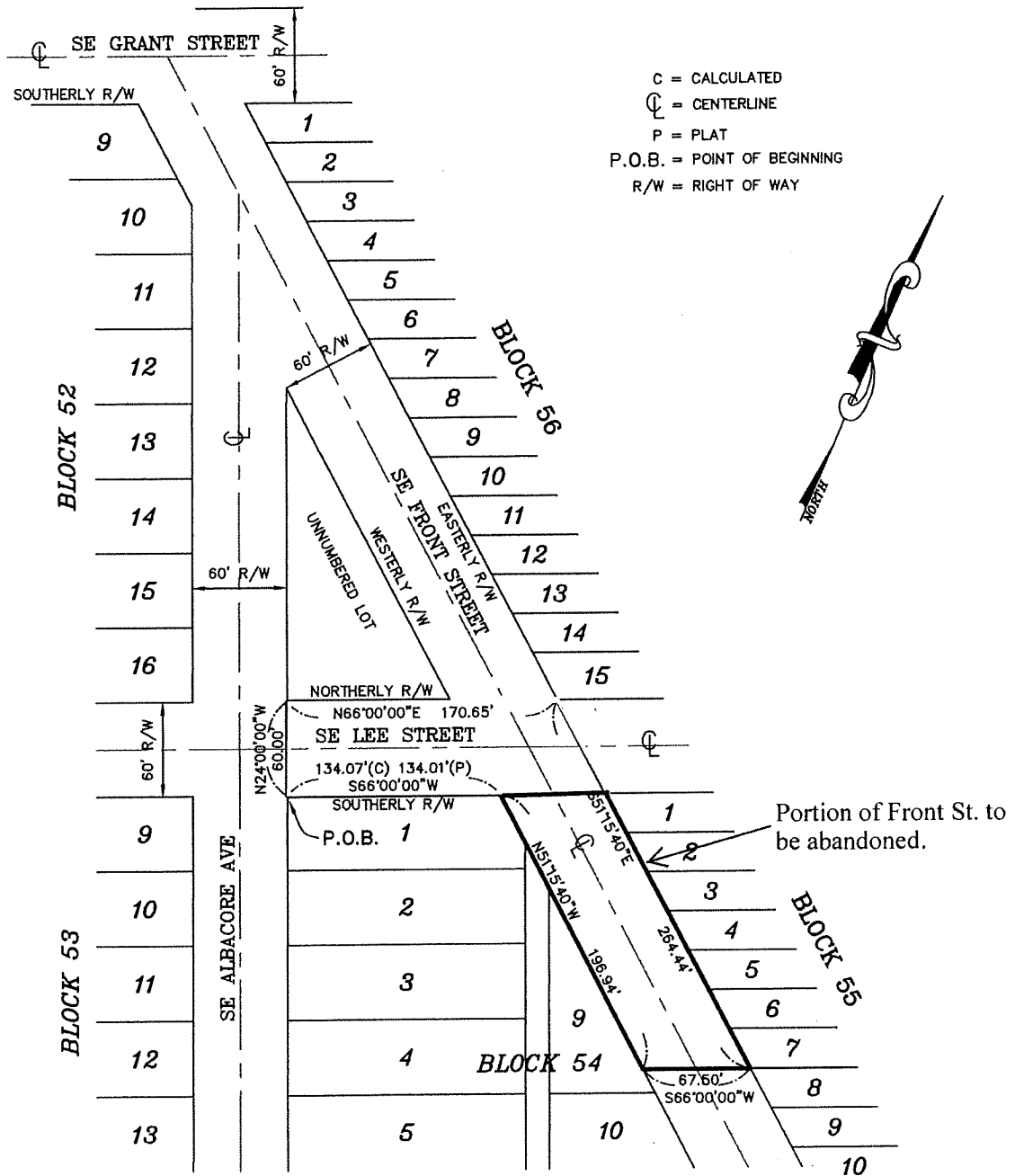
STEPHEN J. BROWN, INC.

LICENSED BUSINESS NUMBER: 6484

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS

619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176

Exhibit "I"



NOT A BOUNDARY SURVEY
STEPHEN J. BROWN, INC

FILE:

JOB #:	185-01-16
DRAWN BY:	R.F.C.
CHECKED BY:	S.J.B.
DATE:	06/12/2018
SCALE:	1" = 100'
SHEET:	2 OF 2

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

Tyson J. Waters

From: Phil Keathley <pkeathle@martin.fl.us>
Sent: Tuesday, March 19, 2019 9:51 AM
To: Tyson J. Waters
Cc: Don Donaldson; Samuel Amerson; Jeremy Covey; Leo Repetti
Subject: RE: Proposed Right-of-Way Abandonment - Port Salerno

Mr. Waters,
 The County's position remains the same.

Phil Keathley
 Chief Project Manager
 Utilities/Solid Waste Department
 Martin County Board of County Commissioners
 772-223-7977 (o)

Please note new address on 3/1/19:
 3473 SE Willoughby Blvd
 Stuart, Florida 34994

From: Tyson J. Waters [mailto:twaters@foxmccluskey.com]
Sent: Monday, March 18, 2019 11:13 AM
To: Phil Keathley
Cc: Don Donaldson
Subject: FW: Proposed Right-of-Way Abandonment - Port Salerno

Phil,
 Hope you are well and enjoying the new office on Willoughby (we occupy the other side of the building, until the end of April at least). This is a blast from the past, but just want to update my records and make certain the status and County's position remains the same. Please see below and attached.

I am looking for confirmation that Martin County still has no object to the proposed abandonment of a portion of SE Front Street, as shown on the attached. The proposed abandonment is now smaller than originally proposed, reduced after conversations and meetings with the adjacent property owner, St. Luke's Episcopal Church. St. Luke's has no objection to the request and we also have updated letters of no objection from FPL, ATT and Comcast.

Please let me know at your earliest convenience. If questions or you need more information about the revised abandonment request, please let me know. Thank you.

Sincerely,

Tyson J. Waters, Partner
 Florida Bar Board Certified -- Real Estate
 Fox McCluskey Bush Robison, PLLC
 The Tower Building at Willoughby Commons
 3473 SE Willoughby Boulevard
 Stuart, Florida 34994
 (772) 287-4444 Telephone, ext. 223
 (772) 283-4637 Fax
twaters@foxmccluskey.com

CONFIDENTIALITY WARNING: This e-mail is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, please do not distribute it and notify us immediately by e-mail at the above e-mail address or via telephone at (772) 287-4444 AND DELETE THE ORIGINAL MESSAGE.

REPLIES FILTERED: Any incoming reply to this communication to us will be electronically filtered for "spam" and/or "viruses," which may result in your reply being quarantined and potentially delayed or not received at all. For that reason, we cannot guarantee that we will receive your reply or receive it in a timely manner. Accordingly, you should consider sending communications to us which are particularly important or time-sensitive by means other than e-mail or, at a minimum, follow up with us to ensure that it was received. Although this e-mail is believed to be free of any virus or other defect that might affect any computer system in which it is received, it is the responsibility of the recipient to ensure that it is virus free. Fox McCluskey accepts no responsibility for any loss or damage arising in any way from its use.

From: Phil Keathley [<mailto:pkeathle@martin.fl.us>]
Sent: Monday, April 30, 2018 11:06 AM
To: Tyson J. Waters
Cc: Don Donaldson
Subject: RE: Proposed Right-of-Way Abandonment - Port Salerno

Mr. Waters,
The status is the same. Please see attached.

Phil Keathley
Senior Project Manager
Utilities/Solid Waste Department
Martin County Board of County Commissioners
772-223-7977 (o)

From: Tyson J. Waters [<mailto:twaters@foxwackeen.com>]
Sent: Monday, April 30, 2018 9:09 AM
To: Phil Keathley
Cc: Don Donaldson
Subject: Proposed Right-of-Way Abandonment - Port Salerno
Importance: High

Phil,
I am following up on a request you were working on with Fred van Vonno last year relating to a proposed abandonment of right-of-way located north of Cove Road and west of A1A. The request is from the Port Salerno Church of God and if for a portion of SE Lee Street and SE Front Street. In October of last year, John Polley sent an email to Fred confirming that the Utilities department had no objection to the proposed right-of-way abandonment. I have taken over the request and am looking for an updated confirmation that the Utilities department continues to have no objection. The last email from John stating his no objection was on October 16, 2017. I have attached the aerial with the proposed right-of-way to be abandoned for your reference.

Will you confirm the County's position so that I can include that in our application, or if not you forward to the appropriate party for confirmation. Thank you in advance and please let me know if questions.

Sincerely,

Tyson J. Waters, Of Counsel
Florida Bar Board Certified – Real Estate
Fox, Wackeen, Dungey, Beard, Bush, Goldman, Waters, Robison, van Vonno & McCluskey, L.L.P.
The Tower Building at Willoughby Commons
3473 SE Willoughby Boulevard
Stuart, Florida 34994
(772) 287-4444 Telephone, ext. 223
(772) 220-1489 Fax
twaters@foxwackeen.com

CONFIDENTIALITY WARNING: This e-mail is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, please do not distribute it and notify us immediately by e-mail at the above e-mail address or via telephone at (772) 287-4444 AND DELETE THE ORIGINAL MESSAGE.

REPLIES FILTERED: Any incoming reply to this communication to us will be electronically filtered for "spam" and/or "viruses," which may result in your reply being quarantined and potentially delayed or not received at all. For that reason, we cannot guarantee that we will receive your reply or receive it in a timely manner. Accordingly, you should consider sending communications to us which are particularly important or time-sensitive by means other than e-mail or, at a minimum, follow up with us to ensure that it was received. Although this e-mail is believed to be free of any virus or other defect that might affect any computer system in which it is received, it is the responsibility of the recipient to ensure that it is virus free. Fox Wackeen Dungey accepts no responsibility for any loss or damage arising in any way from its use.

TAX DISCLOSURE: You are notified that any U.S. tax advice contained in the body of this communication (including attachments and other forwarded material) is limited to the known facts and is not intended or written to be used, and cannot be used, by the recipient for the purpose of: (i) avoiding penalties that may be imposed under the Internal Revenue Code or applicable state or local tax law, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.



This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback

The comments and opinions expressed herein are those of the author of this message and may not reflect the policies of the Martin County Board of County Commissioners. Under Florida Law, email addresses are public records. If you do not want your email address released in response to a public records request do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Tyson J. Waters

From: zARO_John Polley <zARO_jpolley@martin.fl.us>
Sent: Monday, October 16, 2017 2:43 PM
To: Phil Keathley; Fred Van Vonno
Cc: Jeremy Covey; Leo Repetti
Subject: RE: Proposed Right of Way Abandonment in Port Salerno

I have no objection

John Polley
Utilities & Solid Waste Director
Utilities & Solid Waste
Martin County Board of County Commissioners
(772) 223-7942 (o)
(772) 260-5792 (c)

From: Phil Keathley
Sent: Monday, October 16, 2017 2:08 PM
To: 'Fred Van Vonno'
Cc: John Polley; Jeremy Covey; Leo Repetti
Subject: RE: Proposed Right of Way Abandonment in Port Salerno

Haven't heard from Mr. Polley yet.

Phil Keathley
Senior Project Manager
Utilities/Solid Waste Department
Martin County Board of County Commissioners
772-223-7977 (o)

From: Fred Van Vonno [<mailto:fvanvonno@foxwackeen.com>]
Sent: Monday, October 16, 2017 2:02 PM
To: Phil Keathley
Subject: RE: Proposed Right of Way Abandonment in Port Salerno

Phil, Does this constitute Utilities dept.'s "no objection" to the abandonment?

Best regards, Fred

From: Phil Keathley [<mailto:pkeathle@martin.fl.us>]
Sent: Monday, October 16, 2017 1:59 PM
To: Fred Van Vonno
Subject: FW: Proposed Right of Way Abandonment in Port Salerno

FYI,

Phil Keathley
Senior Project Manager
Utilities/Solid Waste Department
Martin County Board of County Commissioners
772-223-7977 (o)

From: Leo Repetti
Sent: Thursday, October 12, 2017 1:47 PM
To: Susan Kores; Alice Bojanowski
Cc: Phil Keathley; Jeremy Covey
Subject: FW: Proposed Right of Way Abandonment in Port Salerno

I am not aware of any need for this right of way.

Forwarding to the CRA folks for their thoughts.

Leo Repetti, PE
Martin County Utilities & Solid Waste

2378 SE Ocean Blvd
Stuart, Florida 34996
(772) 320-3065

From: Phil Keathley
Sent: Thursday, October 12, 2017 12:53 PM
To: Jeremy Covey; Leo Repetti; Steve Vandersluis
Cc: John Polley
Subject: FW: Proposed Right of Way Abandonment in Port Salerno

Do you gentlemen have any objections to this ROW abandonment request?

Phil Keathley
Senior Project Manager
Utilities/Solid Waste Department
Martin County Board of County Commissioners
772-223-7977 (o)

From: Fred Van Vonno [<mailto:fvanvonno@foxwackeen.com>]
Sent: Thursday, October 12, 2017 12:05 PM
To: John Polley
Cc: Phil Keathley
Subject: RE: Proposed Right of Way Abandonment in Port Salerno

Hi John, I am exploring a possible abandonment of an unopened platted road right of way in Port Salerno and I am requesting a letter of no objection from the Martin County Utilities Department. The Port Salerno Church of God and the St. Luke's Episcopal Church of Port Salerno are seeking to have the County abandon portions of Front Avenue and Lee Street adjacent to their property.

Attached is a copy of the Plat of Port Salerno (PB 1 PG 132) with the proposed abandonment area highlighted. Also attached is a sketch and legal of the proposed abandonment parcel. The portions of the platted roads we seek to have abandoned are not opened.

Please let me know if there are any Martin County water and/or sewer lines or facilities in the proposed abandonment area that would require an easement back to Martin County and whether Utilities has any objections to this abandonment.

Thank you for your assistance in this matter and let me know if you need any additional information in order to be able to respond.

Best regards, Fred

Fred W. van Vonno, Partner
Board Certified in City, County, & Local Government Law
Fox, Wackeen, Dungey, Beard, Bush, Goldman, Waters, Robison, van Vonno & McCluskey, L.L.P.
3473 SE Willoughby Boulevard
Stuart, Florida 34994
(772) 287-4444 Telephone, ext. 239
(772) 283-4637 Fax
fvanvonno@foxwackeen.com

CONFIDENTIALITY WARNING: This e-mail is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, please do not distribute it and notify us immediately by e-mail at the above e-mail address or via telephone at (772) 287-4444 AND DELETE THE ORIGINAL MESSAGE.

Please consider the environment before printing this e-mail

From: Fred Van Vonno
Sent: Wednesday, October 11, 2017 1:57 PM
To: 'Phil Keathley'
Subject: RE: Proposed Right of Way Abandonment in Port Salerno

Hi Phil, I am starting a new petition for a ROW abandonment (this one in Port Salerno). Do I still address my request for a letter of No Objection from the Utility Dept to you?

Best regards, Fred van Vonno

Fred W. van Vonno, Partner
Board Certified in City, County, & Local Government Law
Fox, Wackeen, Dungey, Beard, Bush, Goldman, Waters, Robison, van Vonno & McCluskey, L.L.P.
3473 SE Willoughby Boulevard
Stuart, Florida 34994
(772) 287-4444 Telephone, ext. 239
(772) 283-4637 Fax
fvanvonno@foxwackeen.com

CONFIDENTIALITY WARNING: This e-mail is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, please do not distribute it and notify us immediately by e-mail at the above e-mail address or via telephone at (772) 287-4444 AND DELETE THE ORIGINAL MESSAGE.

Please consider the environment before printing this e-mail



The comments and opinions expressed herein are those of the author of this message and may not reflect the policies of the Martin County Board of County Commissioners. Under Florida Law, email addresses are public records. If you do not want your email address released in response to a public records request do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



Recorded in Martin County, FL 7/17/2017 1:58 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: \$35.50 Deed Tax: \$0.70
CFN#2645846 BK 2937 PG 2176 PAGE 1 of 4

EXHIBIT D

This Instrument prepared by:
M. LANNING FOX
Fox, Wackeen, Dungey, Beard,
Bush, Goldman, Waters, Robison,
van Vonno & McCluskey, LLP
3473 SE Willoughby Blvd.
Stuart, Florida 34994
PO124S04

"THIS DEED WAS PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION".

WARRANTY DEED
(STATUTORY FORM - SECTION 689.02 F.S.)

Ad Valorem Tax Identification # 30-38-42-004-034-00130-7; 51-38-41-001-055-00070-5;
51-38-41-001-054-00010-1 and 51-38-41-001-054-00090-4

THIS INDENTURE, made this 12th day of July, 2017, between, DAVID L. ANDERSON, ALFRED E. PATTON and LUCIOUS RAYSOR, being all of the Trustees of CHURCH OF GOD, an unincorporated association, also known as CHURCH OF GOD, an ecclesiastical organization, Grantor*, and PORT SALERNO CHURCH OF GOD, INC., a Florida not-for-profit corporation, whose post office address is P.O. Box 416, Port Salerno, Florida 34992, Grantee*, and their successors, in trust, for the exclusive use and benefit of the of the Church of God, Cleveland, Tennessee, U.S.A.

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida, to-wit:

PARCEL 1:

Lots 13, 14, 15, 59, 60 & 61, Block 34, DIXIE PARK ADDITION NO. 4, according to the plat thereof, recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach (now Martin) County, Florida, in Plat Book 12, Page 22, Public Records.

PARCEL 2:

Lot 7, Block 55, PORT SALERNO, according to the Plat thereof, recorded in Plat Book 1, Page 132, Palm Beach (now Martin) County, Florida, public records, together

with the Westerly 7 ½ feet of the vacated alley from the Easterly extension of the Northerly line of Lot 7 to the Easterly extension of the Southerly line of Lot 7, Block 55, of aforesaid Plat of PORT SALERNO, Plat Book 1, Page 132, Palm Beach (now Martin) County, Florida, public records

SUBJECT TO the restrictions that if the property ceases to be used by the Church of God for religious purposes, title will revert to St. Luke's Episcopal Church of Port Salerno, Inc., a Florida corporation.

AND

Lots 8, 9, 10, 11, 12, 13 and 14, Block 55, PORT SALERNO SUBDIVISION, according to the Plat thereof recorded in Plat Book 1, Page 132, of the Public Records of Palm Beach (now Martin) County, Florida, also shown in Plat Book 1, Page 75, Public Records of Martin County, Florida; including the West half of that abandoned alleyway lying East of and contiguous to Lots 8 through 14, inclusive, Block 55, PORT SALERNO SUBDIVISION.

AND

The EAST ONE-HALF (½) Of the following described parcel:

For a point of beginning of the following described 60 feet right-of-way abandonment of Front Street, start at the Northwest corner of Lot 15, Block 55 of the Plat of SALERNO, said Plat being recorded in Plat Book 1, Page 75, Public Records of Martin County, Florida, and being more particularly described as follows:

From the point of beginning, thence run Northerly along the Easterly right-of-way of said Front Street to the Northwestern corner of Lot 8, Block 55, of said Plat of SALERNO; thence run West along the Westerly prolongation of the Northerly line of said Lot 8 to the Westerly right-of-way line of said Front Street; thence run Southerly along said Westerly right-of-way line to the Westerly Prolongation of the Northerly line of Lot 15, Block 55, of said Plat of SALERNO, thence run Easterly along the Westerly projection of said Lot 15 to the Northwest corner of said Lot 15, said point also being the point of beginning.

PARCEL 3:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, Block 54, together with the closed alley lying between Lots 1 through 8 and Lots 9 through 13, PORT SALERNO, according to the map or plat thereof, as recorded in Plat Book 1, Page 132, of the Public Records of Palm Beach (now Martin) County, Florida.

FURTHER SUBJECT TO taxes accruing subsequent to December 31, 2015, zoning regulations in force and effect, restrictions, easements and road rights-of-way of public record, but this provision shall not operate to reimpose same;

THE PROPERTY HEREIN DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTORS. GRANTORS WARRANT THAT NEITHER GRANTOR NOR ANY PERSON NATURALLY OR LEGALLY DEPENDANT UPON GRANTORS RESIDE ON THE LAND OR ANY LANDS CONTIGUOUS THERETO. GRANTORS HOMESTEADS ARE LOCATED RESPECTIVELY, AT: 10006 SW Ventura, Palm City, FL 34990; 5609 SE 24th Avenue, Stuart, FL 34994 and 914 SE Lake Street, Stuart, FL 34994.

The Board of Trustees of Port Salerno Church of God, Inc., a Florida not for profit corporation (the "Local Board of Trustees") shall have the full right, power and authority to sell, exchange, transfer and convey said property or to borrow money and pledge the said real estate for repayment of the same and to execute all necessary deeds, conveyances, and so forth, provided the proposition shall first be presented to a regular or called conference of the said local church, presided over and approved by the state or territorial overseer of the Church of God (Cleveland, Tennessee, U.S.A.), or one whom he may appoint, and the project approved by two-thirds of all members of the said local congregation present and voting. Certification is to be given in writing by the state/territorial overseer that this transaction is in the best interest of the Church of God (Cleveland, Tennessee, U.S.A.), provided that he approves such action.

If the local congregation at the place above described shall at any time cease to function or exist, or shall act contrary to Church of God policy, or separate from Church of God (Cleveland, Tennessee, U.S.A.), then the Local Board of Trustees shall hold title to said real estate, including personal property, for the Church of God (Cleveland, Tennessee, U.S.A.) generally in the state where said real estate is located; and the Local Board of Trustees shall convey the real estate upon demand to the State Board of Trustees of the Church of God (Cleveland, Tennessee, U.S.A.) In said state, which said state board shall be authorized to use said real estate and personal property, or the proceeds derived from the sale of same (said state board being authorized to sell and convey the said real estate and personal property at any time after title is vested in), for the use and benefit of the Church of God (Cleveland, Tennessee, U.S.A.) in that state generally; of the founding of another Church of God (Cleveland, Tennessee, U.S.A.) in the same state, or for the promotion of one already existing.

If at any time the Local Board of Trustees shall cease to exist or perform its duties for any reason, then the state overseer of the state in which said real estate is located shall have the authority to declare all offices on the said board vacant, and the State Board of Trustees of the Church of God for that state shall automatically then hold title to said property as evidence by an appropriate instrument filed in the local county register of deeds.

The limitation set for herein are those appearing in the Minutes of the International General Assembly of the Church of God most currently in effect, and said Minutes are expressly incorporated herein by reference

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behalf of the said Grantee forever.

AND said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*Grantor" and "Grantee" are used for singular or plural, as context requires.
IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day
and year first above written.

Signed, sealed and delivered in
our presence:

Michelle Kinch

Name: Michelle L Kinch

M. Lanning Fox

Name: M. Lanning Fox

AS TO ALL GRANTORS

David L. Anderson (SEAL)

DAVID L. ANDERSON, Trustee of the
Church of God, an unincorporated
association, also known as Port
Salerno Church of God, an
ecclesiastical organization

Alfred E. Patton (SEAL)

ALFRED E. PATTON, as Trustee of
of the Church of God, an
unincorporated association, also
known as Port Salerno Church of God,
an ecclesiastical organization

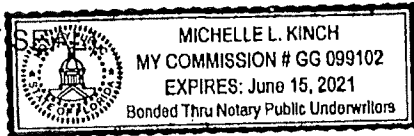
Lucious Raysor (SEAL)

LUCIOUS RAYSOR, as Trustee of the
Church of God, an unincorporated
association, also known as
Port Salerno Church of God,
an ecclesiastical organization

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 12th day of July,
2017, by DAVID L. ANDERSON, ALFRED E. PATTON and LUCIOUS RAYSOR, as
Trustee's of the Church of God, an unincorporated association, also known as Port
Salerno Church of God, an ecclesiastical organization, who: [] are personally known
to me, and who did not take an oath.

(NOTARY)



Michelle Kinch

Name: _____

Typed, printed or stamped
I am a Notary Public of the
State of Florida having a
commission number of _____
and my commission expires: _____

THIS DEED WAS EXECUTED AND RECORDED SOLELY FOR THE PURPOSE OF
REFLECTING A CHANGE IN THE STATUS OF THE OWNER THAT DOES NOT
CONSTITUTE A TRANSFER OF AN INTEREST IN THE SUBJECT REAL PROPERTY AND
IS EXEMPT FROM FLORIDA DOCUMENTARY STAMP TAXES PER OPINION OF
FLORIDA DEPARTMENT OF REVENUE (Tim Phillips, Technical Assistance, June 20,
2017, 850-617-8346).

Return to: (enclose self-addressed stamped envelope)
Name: Port Salerno Church of God
Address: c/o 10 Central Parkway
Suite 307
Stuart, Florida 34995

This instrument Prepared by: Colin Cushnie, Esquire

Address: 10 Central Parkway
Suite 307
Stuart, Florida 34995

Property Appraiser's Parcel Identification (Folio) Number(s):

WARRANTY DEED

946506

RECORD VERIFIED

FLA. FORM 4

DOC. REC'D 60 MARSHA STILLER

OFFICER 8 MARTIN COUNTY

DOC. ASM 6 CLERK OF CIRCUIT COURT

INT. TAX 6 BY

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Indenture. Made this 5th day of June, A.D. 1992.

Between Peter Grien of P.O. Box 1268, Port Salerno

of the County of Martin and State of Florida
party of the first part, and Port Salerno Church of God
whose mailing address is P.O. Box 416, Port Salerno, Florida 34992

of the County of Martin and State of Florida

part y of the second part, **Witnesseth,** that the said part y of the first part, for and in consideration of the sum of Ten Dollar \$10.00 Dollars, and other good and valuable considerations to him in hand paid, the receipt of whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do es grant, bargain, sell, convey and confirm unto the said part of the second part and its heirs and assigns forever, all that certain parcel of land lying and being in the County of Martin, and State of Florida, more particularly described as follows:

For a point of beginning of the following described 60 foot right-of-way abandonment of Front street, start at the northwest corner of Lot 15, Block 55 of the Plat of Salerno, said Plat being recorded in Plat Book 1, Page 75, Public Records of Martin County, Florida and being more particularly described as follows:

From the point of beginning, thence run northerly along the easterly right-of-way of said Front street to the northwesterly corner of Lot 8, Block 55, of said Plat of Salerno; Thence run along the westerly prolongation of the northerly line of said Lot 8 to the westerly right-of-way line of said front street; thence run southerly along said westerly right-of-way line to the southeast corner of Lot 13, Block 54 of said Plat of Salerno, thence run along the easterly prolongation of said Lot 13 to the northwest corner of said Lot 15, said point also being the point of beginning.

Said land contains 11,813 sq.ft. more or less.

Together with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining: **To Have and to Hold** the same in fee simple forever.

And the said part of the first part do covenant with the said part of the second part that lawfully seized of the said premises, that they are free from all encumbrances except of record and that good right and lawful authority to sell the same; and the said part y of the first part do es hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said part y of the first part has hereunto set his hand and seal the day and year above written.

Signed, sealed and delivered in our presence:

Witness

PETER GRIEN

L.S.

L.S.

L.S.

Witness

L.S.

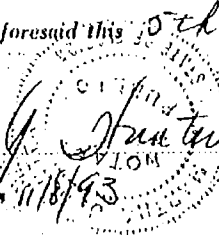
DRBKO 9 6 2 P62 4 4 0

State of Florida
County of Martin

I Hereby Certify, That on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Peter Grien who produced Driver License as identification or to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

Witness my hand and official seal in the County and State last aforesaid this 10th day of June, A. D. 1942.

Notary Public,
My commission expires 11/18/43



ICN

Date

Abstract of Description

To

Warranty Deed

RAMCO FORM 4

12 JUN 12 PM 1:51
MARSA STALLER
CLERK OF DISTRICT COURT
D.C.
BY

DRBXO 962 P62 441



The Reverend Carol Barron, Rector
Marie Servinsky, Administrator
Valli Peck, Media Specialist

Anne Hlasnicek, Minister of Music
Jonathan Cummings, Music Director - 9am

March 1, 2019
Taryn Kryzda, County Administrator
Martin County
2401 Southeast Monterey Road
Stuart, FL 34996

Re: Letter of No Objection to Request to Abandon/Vacate a Portion of SE Front
Street in Port Salerno
Address of subject property: 4605 Cove Road / 5241 Albacore St. 5253
Parcel Nos.: 51-38-41-001-054-00010-1, 51-38-41-001-054-00090-4 &
51-38-41-001-055-00070-5
Applicant: Port Salerno Church of God

Dear Ms. Kryzda:

Please be advised that St. Luke's Episcopal Church of Port Salerno, Inc., ("St. Luke's") is the owner of the property abutting the right-of-way proposed to be abandoned as referenced above. Please be advised that St. Luke's has No Objection to the vacation and abandonment of that portion of the unopened right of way for SE Front Street in Port Salerno depicted on the sketch and legal description attached to this letter as Exhibit "1." This letter of no objection is being provided with the understanding that upon the abandonment each half of the abandoned right-of-way will become under the ownership of the respective property owner owning the adjacent land.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

The Reverend Carol Barron
Rector
The Rector, Wardens and Vestrymen of
St. Luke's Episcopal Church of Port Salerno, Inc.

Copy provided Mr. Kirk Grantham, Esq.
Edwina Dunworth, Senior Warden
Ron True, Junior Warden
Carol Adams, Interim Clerk

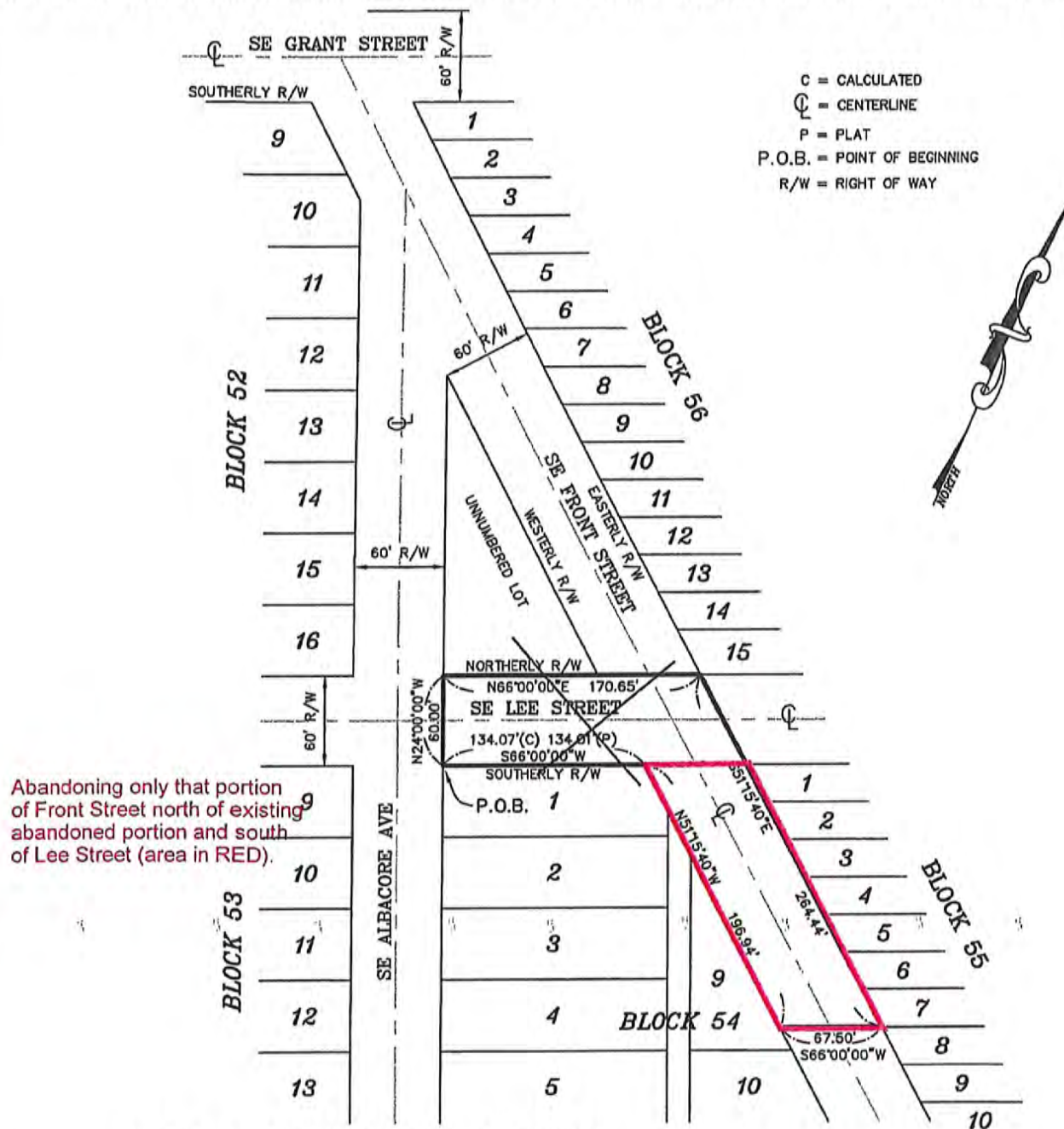
P. O. Box 117 * Port Salerno, Florida 34992
772-286-5455 * Fax 772-934-3714 * email: stlukes@stlukesfl.org
www.stlukesfl.org

STEPHEN J. BROWN, INC.

LICENSED BUSINESS NUMBER: 6484

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS

619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176



NOT A BOUNDARY SURVEY
STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

FILE:	
JOB #:	185-01-16
DRAWN BY:	R.F.C.
CHECKED BY:	S.J.B.
DATE:	06/12/2018
SCALE:	1" = 100'
SHEET:	2 OF 2

CERTIFICATION

I have reviewed the abandonment petition filed by Port Salerno Church of God, Inc., and all related documents, maps, aerials, etc., and I hereby certify that no property owner will be denied access to their property as a result of the abandonment of that portion of the SE Front Street right-of-way described and shown on Exhibit "A."



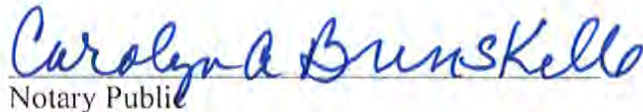
Name: Tyson J. Waters, Esq.

Address: Fox McCluskey Bush Robison, PLLC
3461 SE Willoughby Blvd.
Stuart, Florida 34994

Title: Attorney for Petitioner

Date: 7/1/19




Notary Public

My Commission Expires: 6-21-2021

STEPHEN J. BROWN, INC.

LICENSED BUSINESS NUMBER: 6484

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS

619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176

RIGHT OF WAY ABANDONMENT

A PARCEL OF RIGHT OF WAY TO BE ABANDONED, LYING IN THE PLAT OF PORT SALERNO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 132, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, ALSO SHOWN IN THE PLAT OF SALERNO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 75, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 54, PORT SALERNO SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 132, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, ALSO SHOWN IN THE PLAT OF SALERNO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 75, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; SAID POINT OF BEGINNING ALSO LYING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SE LEE STREET, AND THE WESTERLY RIGHT-OF-WAY LINE OF SE FRONT STREET: THENCE, DEPARTING SAID NORTHEAST CORNER AND RIGHT-OF-WAY LINE INTERSECTION, NORTH 66°00'00" EAST, FOR A DISTANCE OF 67.50 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 55, SAID PLAT OF PORT SALERNO AND SAID PLAT OF SALERNO, AND THE EASTERLY RIGHT-OF-WAY LINE OF SAID SE FRONT STREET; THENCE, DEPARTING SAID NORTHWEST CORNER, SOUTH 51°15'40" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 196.94 FEET; THENCE, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 66°00'00" WEST, FOR A DISTANCE OF 67.50 FEET, TO THE AFORESAID WESTERLY RIGHT-OF-WAY LINE OF SE FRONT STREET; THENCE NORTH 51°15'40" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 196.94 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 54, AND THE POINT OR PLACE OF BEGINNING.

PARCEL CONTAINING 11,816.48 SQUARE FEET, 0.271 ACRES, +/-.

REVIEWED BY:

DATE:

NOTE: ALL BEARINGS ARE REFERENCED TO THE EASTERLY R/W LINE OF SE FRONT STREET, CALCULATED AS SOUTH 51°15'40" EAST, WITH ALL OTHERS BEING RELATIVE THERETO.

NOTE: THIS LAND DESCRIPTION SHALL NOT BE VALID UNLESS:

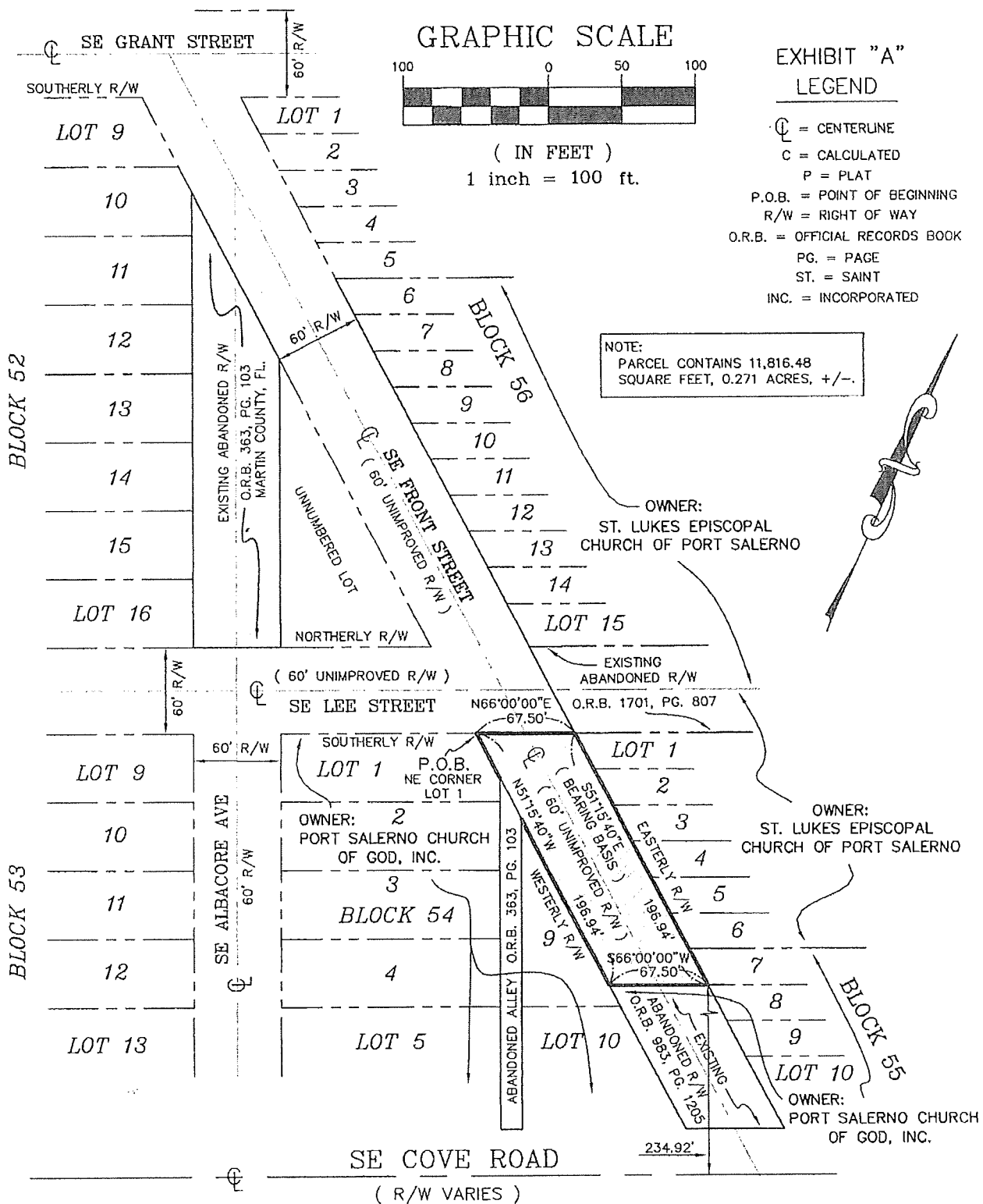
A. PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS, WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION.

B. REPRODUCTIONS OF THIS DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

FILE:

JOB #:	185-01-15
DRAWN BY:	S.J.B.
CHECKED BY:	S.J.B.
DATE:	06/12/2018
SCALE:	N/A
SHEET:	1 OF 2

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



NOT A BOUNDARY SURVEY
 STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
 REGISTRATION NO. 4049, STATE OF FLORIDA

FILE:	
JOB #:	185-01-15
DRAWN BY:	S.J.B.
CHECKED BY:	S.J.B.
DATE:	03/22/2019
SCALE:	1" = 100'
SHEET:	2 OF 2