

**ORDINANCE NO. 14-018**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ABANDONING A PORTION OF CITY RIGHT-OF-WAY KNOWN AS BOSTON AVENUE, LOCATED BETWEEN SOUTH INDIAN RIVER DRIVE AND THE INDIAN RIVER; PROVIDING FOR THE DEVELOPMENT OF A PUBLIC ACCESS PARCEL TO BE DEDICATED AND CONVEYED TO THE CITY; PROVIDING FOR THE ABANDONMENT TO BECOME EFFECTIVE UPON SATISFACTION OF CERTAIN CONDITIONS; FURTHER PROVIDING FOR CONFLICT AND SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE..**

**WHEREAS**, the City Commission of the City of Fort Pierce, pursuant the Charter and City Code of the City of Fort Pierce, has been requested to vacate and abandon a 25 foot right-of-way known as Boston Avenue, as identified in Plat Book 5, Page 32, Public Records of St. Lucie County, Florida; said right-of-way lying east of South Indian River Drive and west of the Indian River, north of Citrus Avenue; and

**WHEREAS**, the City of Fort Pierce has determined that the herein described right-of-way or thoroughfare is not needed for roadway or thoroughfare purposes; and

**WHEREAS**, the City of Fort Pierce, in consideration of future development proposed by St. Andrew's Episcopal Academy, Inc. ("SAEA") and St. Andrew's Episcopal Church, Inc. ("SAEC"), and subject to the conditions precedent set out in this Ordinance as hereafter provided, has agreed to abandon the subject right-of-way upon the performance and happening of said conditions prior to said abandonment becoming effective.

**NOW BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA;**

**SECTION 1.** That portion of right-of-way generally known as Boston Avenue lying east of South Indian River Drive and west of the Indian River within the City of Fort Pierce, Florida (more particularly described as follows), be and is hereby vacated and abandoned, subject to the conditions set forth in this Ordinance, said right-of-way legally described as:

**A PORTION OF CITY RIGHT-OF-WAY KNOWN AS BOSTON AVENUE, LOCATED BETWEEN SOUTH INDIAN RIVER DRIVE AND THE INDIAN RIVER, AS RECORDED IN PLAT BOOK 5, PAGE 32 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, OR MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**A PORTION OF BOSTON AVENUE LYING EASTERLY OF INDIAN RIVER DRIVE, SECTION 10, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGIN AT THE SOUTHWEST CORNER OF MARY ANN SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 37, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, THENCE RUN S 89°47'36"E (BASIS OF BEARINGS) ALONG THE SOUTH LINE OF SAID MARY ANN SUBDIVISION AND THE NORTH LINE OF SAID BOSTON AVENUE (25 FOOT RIGHT OF WAY), A DISTANCE OF 380.48 FEET MORE OR LESS TO THE EAST RIGHT OF BOSTON AVENUE; THENCE RUN S 0446'02"E ALONG SAID EAST RIGHT OF WAY OF BOSTON AVENUE, A DISTANCE OF 25.09 FEET TO THE**

**SOUTH RIGHT OF WAY LINE OF SAID BOSTON AVENUE; THENCE LEAVING SAID EASTERLY LINE, RUN N 89°47'36"W ALONG THE SOUTH RIGHT OF WAY LINE OF SAID BOSTON AVENUE, A DISTANCE OF 378.54 FEET MORE OR LESS TO THE EAST RIGHT OF WAY LINE OF INDIAN RIVER DRIVE (A 60 FOOT RIGHT OF WAY); THENCE LEAVING SAID SOUTH LINE OF BOSTON AVENUE, RUN N 09°08'15"W ALONG SAID RIGHT OF WAY LINE OF INDIAN RIVER DRIVE, A DISTANCE OF 25.34 FEET TO THE POINT OF BEGINNING.  
SAID PARCEL CONTAINING 0.22 ACRES MORE OR LESS.**

Also depicted on Exhibit "A", attached hereto and incorporated herein.

**SECTION 2.** Abandonment of said right-of-way shall be conditioned upon the happening and fulfillment of the following conditions precedent:

1. The entry and execution of an approved Developer's Agreement between the City of Fort Pierce and SAEA and SAEC, providing for and addressing, among other matters:
  - a. The design, construction and conveyance (by fee simple title) from SAEA and SAEC to the City of Fort Pierce a Pedestrian Plaza Parcel, said parcel more particularly described and identified as follows:

**A TRACT OF LAND LYING IN SECTION 10, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF MARY ANN SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 37, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, RUN NORTH 05°57'09"WEST (BASIS OF BEARINGS) ALONG THE EAST RIGHT OF WAY LINE OF INDIAN RIVER DRIVE, A 60 FOOT RIGHT OF WAY, A DISTANCE OF 177.04 FEET TO A FOUND 3/4" IRON PIPE AND THE NORTHWEST CORNER OF SAID MARY ANN SUBDIVISION AND THE SOUTH RIGHT OF WAY LINE OF MELODY LANE, A 25 FOOT RIGHT OF WAY; THENCE RUN NORTH 81 °45'00" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 384.93 FEET TO THE POINT OF BEGINNING AT THE WATERS EDGE OF THE INDIAN RIVER LAGOON AND THE EAST FACE OF A 1.00 FOOT WIDE SEAWALL; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE RUN SOUTH 04°39'56"EAST ALONG SAID WATERS EDGE AND EAST FACE OF SEAWALL, A DISTANCE OF 68.16 FEET ; THENCE LEAVING SAID WATERS EDGE AND EAST FACE OF SEAWALL, RUN SOUTH 85°18'06"WEST, A DISTANCE OF 16.31 FEET; THENCE RUN NORTH 67°33'49"WEST, A DISTANCE OF 59.18 FEET; THENCE RUN NORTH 08°15'00"WEST, A DISTANCE OF 36.82 FEET TO THE AFORESAID SOUTH RIGHT OF WAY LINE OF MELODY LANE; THENCE RUN NORTH 81°45'00"EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 71.44 FEET TO THE POINT OF BEGINNING.**

**SAID TRACT CONTAINING 0.08 ACRES MORE OR LESS.**


Also depicted on Exhibit "B", attached hereto and incorporated herein.

- b. Provisions for the repair and maintenance of the bulkhead; and
  - c. Requiring a unity of title between certain parcels owned by SAEA and SAEC.
2. Approval by the City of Fort Pierce of a Final Site Plan for the St. Andrew's School Expansion development (generally described as school and ancillary facilities including an auditorium/gymnasium, multi-use playing field, parking and drop-off areas and other associated infrastructure) no later than twelve (12) months from the date of final passage of this Ordinance.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4.** This ordinance shall be and become effective upon all conditions precedent heretofore described being met and fulfilled.

**APPROVED AS TO FORM & CORRECTNESS:**

  
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Robert V. Schwerer, Esq.  
City Attorney

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 14-018 was duly advertised by title only in the St. Lucie News Tribune on August 8, 2014; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on August 18, 2014; and was duly introduced, read by title only, and passed on second and final reading on September 2, 2014, by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 3<sup>rd</sup> day of September, 2014.

\_\_\_\_\_  
Linda Hudson,  
Mayor Commissioner

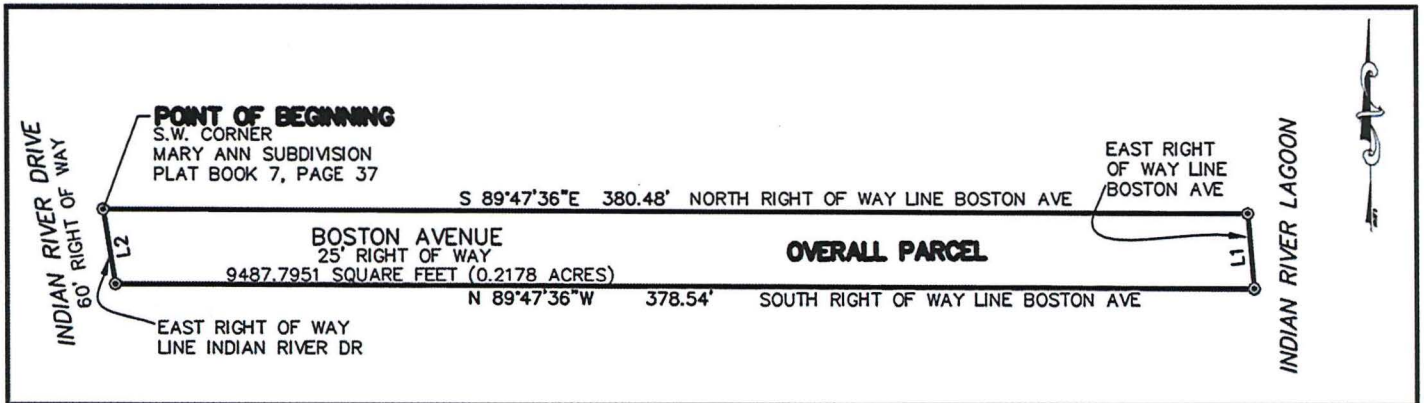
**ATTEST:**

\_\_\_\_\_  
Linda W. Cox,  
City Clerk

**(City Seal)**

EXHIBIT A to ORDINANCE No. 14-018

Right-of-way for Abandonment



**Legal Description:**

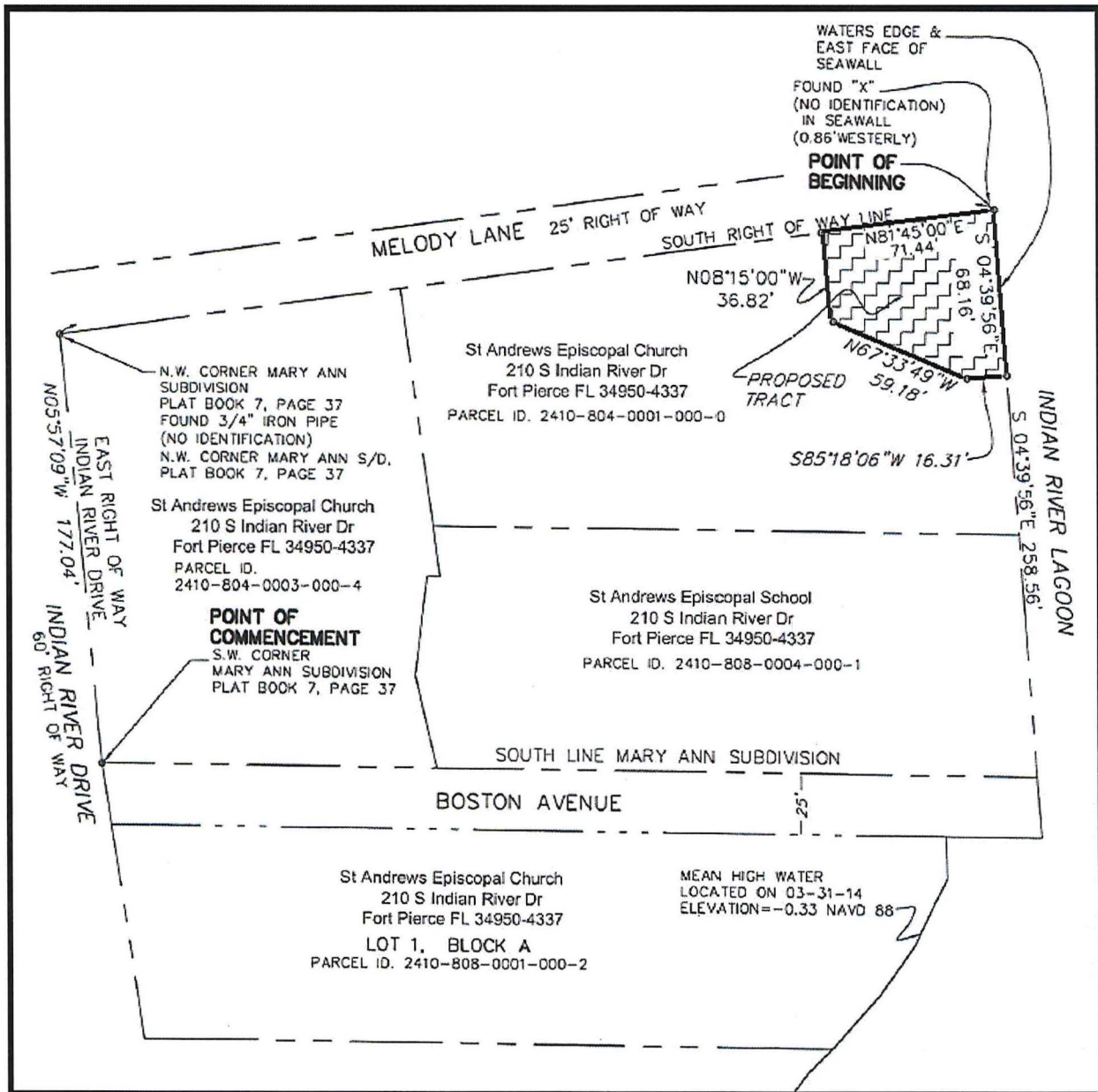
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SAID PARCEL CONTAINING 0.22 ACRES MORE OR LESS.

**Dedication of a Public Access Parcel**



**Legal Description:**

**A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

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