

THIS MEMORANDUM IS A COMMUNICATION FROM COUNSEL TO AGENTS AND REPRESENTATIVES OF THE CITY OF FORT PIERCE IN AN ATTORNEY/CLIENT RELATIONSHIP AND IS THEREFORE CONFIDENTIAL AND IS FURTHER PROTECTED BY FLORIDA STATUTE SECTION 119.07 AS IT CONTAINS WORK PRODUCT OF THE ATTORNEY PREPARED IN ANTICIPATION OF, OR IN CONNECTION WITH, POTENTIAL OR PENDING ADVERSARIAL ADMINISTRATIVE PROCEEDINGS AND/OR CIVIL LITIGATION.

## CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

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### MEMORANDUM

**TO:** Robert J. Bradshaw, City Manager (*via email*)

**FROM:** Robert V. Schwerer, City Attorney

**SUBJECT:** Request to Release of Unity of Title

**DATE:** January 12, 2015

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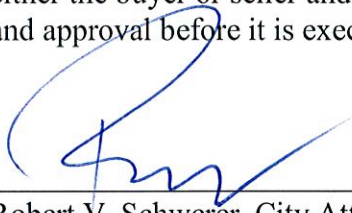
Legal is in receipt of the attached Agenda package relating to a request by a title company to release the Unity of Title on the described parcel. There is mentioned in the recorded Unity of Title that it will continue in full force and effect as a covenant running with the land "until such time as the same may be released in writing by the City Commission of the City of Fort Pierce". Presumably this is the reason we are being asked to "release" the covenant.

Legal has no information or background material documenting how this Unity of Title was created, why it was created, or how the City is involved. There is also no information presented as to the effect the release would have on this or other properties. Ordinarily, these types of covenants are required as a specific condition to a development order, site plan, building permit or other official action of a local government.

We will need the Planning Department to research the matter and determine how the City was involved with the Unity of Title that was prepared and recorded back in 2002 and something in writing verifying it will have no negative effect on the City, a previous development order, or otherwise.

Robert J. Bradshaw, City Manager  
January 12, 2015  
Page 2 of 2

Aside from this being verified, Legal has no independent objection to the release, although we would request that the release document be prepared by legal counsel for either the buyer or seller and not the City, and that the same be presented to us for review and approval before it is executed.



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Robert V. Schwerer, City Attorney

/mlp

Attachment

cc: Nicholas Mimms, Deputy City Attorney (*via email*)  
Linda Cox, City Clerk (*via email*)  
Rebecca Grohall, Planning Manager (*via email*)  
Karen Emerson, Assistant City Attorney (*via email*)

**City Commission Regular Meeting**

**Agenda Item # . 0.**

**Meeting Date:** 01/20/2015

**Re:** Request to Release of Unity of Title

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**SUBJECT:**

Request to Release of Unity of Title, Compass Land and Title, St. Petersburg FL (Requestor)

**SUMMARY:**

Request to release the Unity of Title for the Parcel ID 2403-713-0007-000-1 commonly known as 802 N. 7th Street. The legal description for this parcel is Dutton Terrace, BLK 4 S 30 FT of LOT 3 and ALL LOTS 4 and 5 (OR 2568-2900). It appears that the Seventh Day Adventists bought the parcel in 1994, and in 2006, sold it to the Pelican Center. Its not clear why a Release of Unity wasn't requested at that time. Planning Staff surmises that the Unity of Title was initiated at the discretion of owner (at that time) perhaps for tax purposes, but in any case there doesn't appear to be a development approval linked to the Unity. Since the parcels in the Unity are not contiguous (see the attached maps), its unlikely that either the Planning Department or the Building Department required these parcels to be unified as part of a development permit. In any case, several of the parcels have been previously sold off so Release of Unity is just a house keeping item.

Planning Staff have no objection to the release, neither do the Engineering Department or the Building Department.

**RECOMMENDATION:**

Release the Unity of Title

**ALTERNATIVES:**

Take no action

**RESPONSIBLE STAFF:**

Rebecca Grohall, Planning Manager

**COORDINATED WITH:**

Linda Cox, City Clerk  
TracyTelle, Assistant City Engineer  
Marc Meyers, Building Official

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**Fiscal Impact**

**OTHER INFORMATION:**

N/A

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## Attachments

[Request to Release Unity](#)

[Unity of Title](#)

[Map of Parcels included in Unity of Title](#)

[Property Card 802 N 7th St](#)

[Sales History of Parcel](#)

[1996 Sale of Parcel to Pelicen Center](#)

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## Form Review

**Inbox**

**Reviewed By**

**Date**

City Manager

Form Started By: Rebecca Grohall

Started On: 01/02/2015 09:39 AM

# COMPASS

LAND & TITLE, LLC

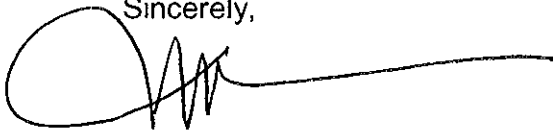
449 Central Ave. #203  
St. Petersburg, FL 33701  
Phone: 727-800-9876  
Fax: 727-800-9875

December 15, 2014

RE: Parcel 2403-713-0007-000-1 / 802 N. 7<sup>th</sup> St. Ft. Pierce

This letter is to serve as a formal request for the City Council of Ft. Pierce to release the above-described parcel from the Unity of Title agreement May 16, 2002 in Official Records Book 1528, Page 1764, St. Lucie County Clerk of the Court. Please advise if any further information is needed to process this request.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by several loops and a long horizontal line extending to the right.

Joshua Bramer  
Compass Land & Title

COPY

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
File Number: 2043266 OR BOOK 1528 PAGE 1784  
Recorded: 05/16/02 14:05

UNITY OF TITLE

BY THESE PRESENTS, Southeastern Conference Association Seventh Day Adventist, Inc. hereinafter referred to as "Owner", for good and valuable considerations, hereby agrees to restrict the use of lands more particularly described in Exhibit "A" attached hereto in the following manner:

1. That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot or parcel of land.
2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their heirs and assigns until such time as the same may be released in writing by the City Commission for the City of Fort Pierce, Florida.
3. The undersigned further agrees that this instrument shall be recorded in the Public Records of St. Lucie County.

Signed, sealed, executed and acknowledged on the 6th day of May, 2002, in St. Lucie County, Florida.

Witnesses:

Owner:

Zaneta J. Castillo  
Signature  
Zaneta J. Castillo  
Printed Name

Dorothy P. Boone  
Signature  
Dorothy P. Boone  
Printed Name

Southeastern Conference Association  
Seventh Day Adventist, Inc.

BY: Willie L. Taylor  
Willie L. Taylor, President  
P.O. Box 2048  
Fort Pierce, FL 34954

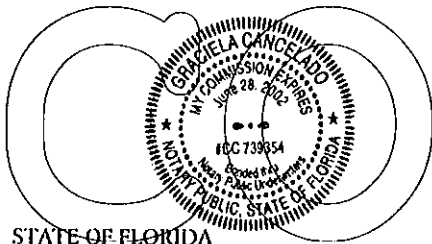
BY: Cleveland A. Holness  
Cleveland A. Holness, Secretary  
P.O. Box 2048  
Fort Pierce, FL 34954

COPY

OR BOOK 1528 PAGE 1765

STATE OF FLORIDA  
COUNTY OF SEMINOLE

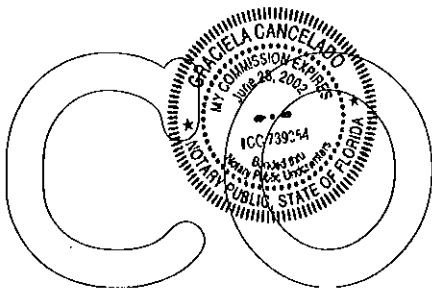
I hereby certify that the foregoing instrument was acknowledged before me this 6th  
day of MAY, 2002, by Willie L. Taylor, as President of Southeastern Conference  
Association Seventh Day Adventist, Inc. He is  personally known to me or ( ) has  
produced \_\_\_\_\_ as identification.



NOTARY PUBLIC  
Graciela Cancelado  
Name Printed: Graciela Cancelado  
My Commission Expires: 6/28/02

STATE OF FLORIDA  
COUNTY OF SEMINOLE

I hereby certify that the foregoing instrument was acknowledged before me this 6th  
day of MAY, 2002, by Cleveland Holness, as Secretary of Southeastern Conference  
Association Seventh Day Adventist, Inc. He is  personally known to me or ( ) has  
produced \_\_\_\_\_ as identification.



NOTARY PUBLIC  
Graciela Cancelado  
Name Printed: Graciela Cancelado  
My Commission Expires: 6/28/02

COPY

OR BOOK 1528/PAGE 1766

EXHIBIT "A"

Parcel 1: 2409-808-0016-000-6  
Lots 4, 5, and 6, Block 3, HOME PLACE, according to the map or plat thereof, as recorded in Plat Book 4, Page 11, Public Records of St. Lucie County, Florida.

Parcel 2: 2409-807-0018-000-7  
Lot 1, Block 6, KANAWHA PARK, according to the map or plat thereof, as recorded in Plat Book 3, Page 6, Public Records of St. Lucie County, Florida.

Parcel 3: 2409-807-0019-000-4  
Lot 2, Block 6, KANAWHA PARK, according to the map or plat thereof, as recorded in Plat Book 3, Page 6, Public Records of St. Lucie County, Florida.

Parcel 4: 2409-807-0020-000-4  
Lot 3, Block 6, KANAWHA PARK, according to the map or plat thereof, as recorded in Plat Book 3, Page 6, Public Records of St. Lucie County, Florida.

Parcel 5: 2409-807-0021-000-1  
Lots 4 and 5, Block 6, KANAWHA PARK, according to the map or plat thereof, as recorded in Plat Book 3, Page 6, Public Records of St. Lucie County, Florida.

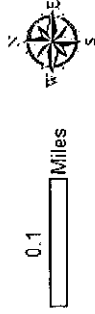
Parcel 6: 2409-808-0013-000-5  
Lots 1, 2, and 3, Block 3, HOME PLACE, according to the map or plat thereof, as recorded in Plat Book 4, Page 11, Public Records of St. Lucie County, Florida.

Parcel 7: 2409-807-0012-000-5  
Lot 1, Block 4, (together with the North 1/2 of vacant alley adjacent on the South) KANAWHA PARK, according to the map or plat thereof, as recorded in Plat Book 3, Page 6, Public Records of St. Lucie County, Florida.

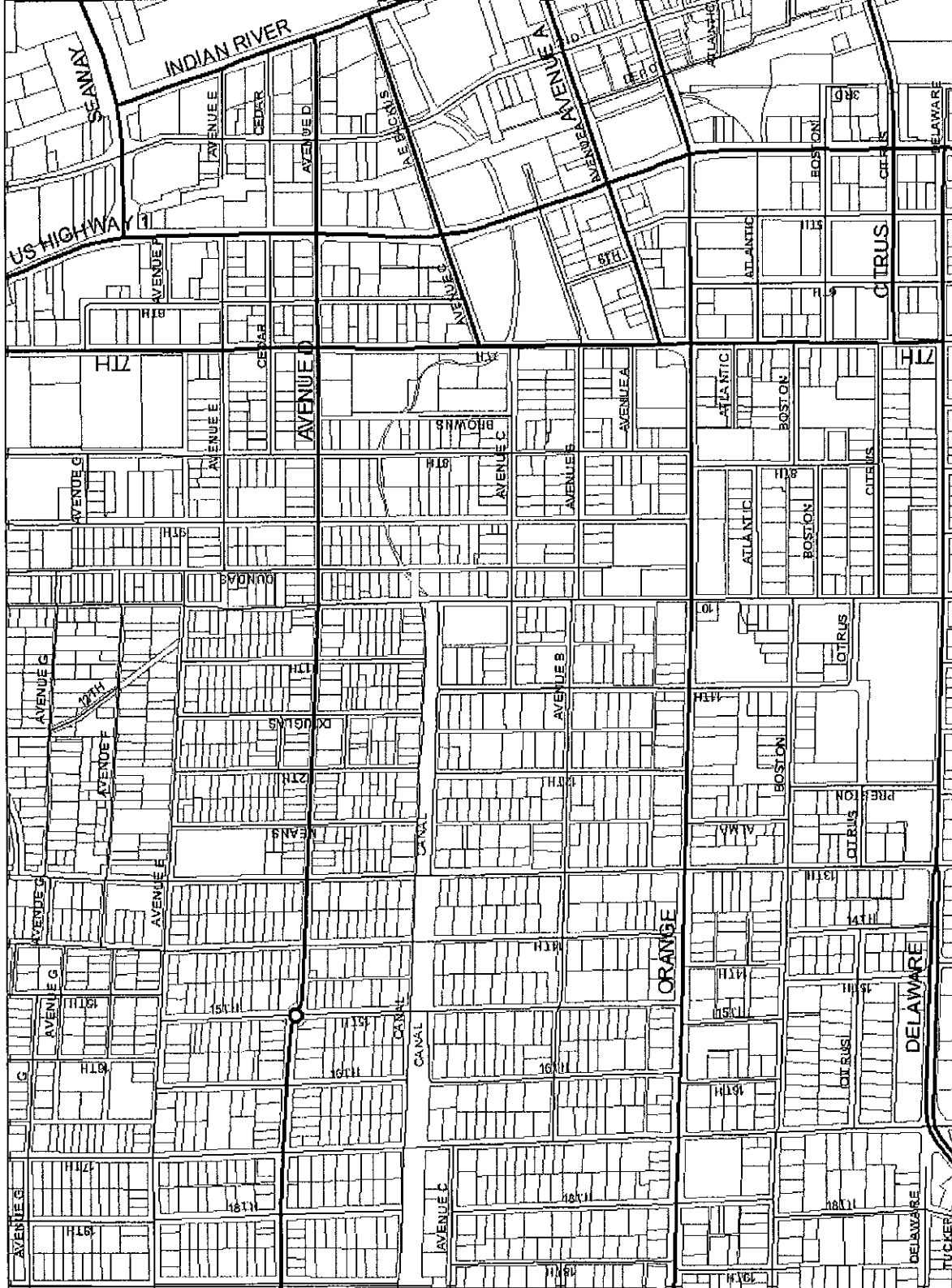
Parcel 8: 2409-713-0007-000-1  
The South 30 Feet of Lot 3, and all of Lots 4 and 5, Block 4, DUTTON TERRACE, according to the map or plat thereof, as recorded in Plat Book 3, Page 8, Public Records of St. Lucie County, Florida.

# City of Fort Pierce

- Dutton Terrace Subdivision
- Home Place Subdivision
- Kanawha Park Subdivision
- City of Fort Pierce



City of Fort Pierce Planning Department  
 Created 12/12/2014  
 By ARutkowski



### Property Identification

**Site Address:** 802 N 7th St  
**Sec/Town/Range:** 03/35S/40E  
**Map ID:** 24/03S  
**Zoning:** C3

**Parcel ID:** 2403-713-0007-000-1  
**Account #:** 16174  
**Use Type:** CHRCHS  
**Jurisdiction:** Fort Pierce

### Ownership

Pelican Center Ltd Partnership  
75 NE 5th Ave Apt O  
Delray Beach, FL 33483

### Legal Description

DUTTON TERRACE BLK 4 S 30 FT OF LOT 3 AND ALL LOTS 4 AND 5 (OR 2568-2900)

### Current Values

**Just/Market Value:** \$166,000  
**Assessed Value:** \$166,000  
**Exemptions:** \$0  
**Taxable Value:** \$166,000  
**Taxes for this parcel:** SLC Tax Collector's Office



### Total Areas

**Finished/Under Air (SF):** 3,844  
**Land Size (acres):** 0.42  
**Land Size (SF):** 18,200

### Building Information (1 of 1)

Finished Area: 3,844 SF

#### Exterior Data

**View:** N/A  
**Building Type:** CH3  
**Grade:** Y\_D+  
**Story Height:** 1 Story

**Roof Cover:** Tar & Gravel  
**Year Built:** 1964  
**Effective Year:** 1968  
**No. Units:** 2

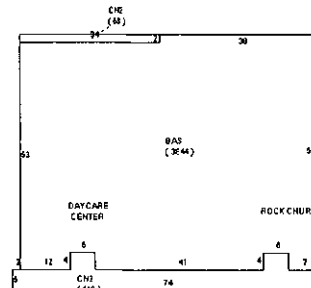
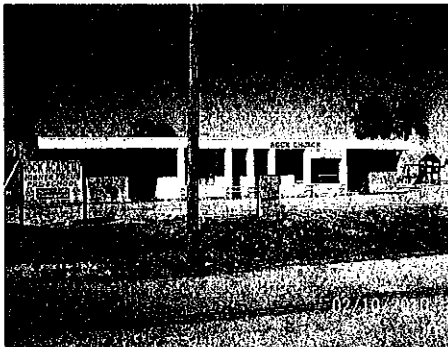
**Roof Structure:** Flat/Shed  
**Frame:** N/A  
**Primary Wall:** CB Stucco  
**Secondary Wall:** N/A

#### Interior Data

**Bedrooms:** 0  
**Full Baths:** 0  
**Half Baths:** 0  
**A/C %:** 100%

**Electric:** MAXIMUM  
**Heat Type:** FredHotAir  
**Heat Fuel:** ELEC  
**Heated %:** 100%

**Primary Int Wall:**  
**Avg Hgt/Floor:** N/A  
**Primary Floors:** Carpet  
**Sprinkled %:** 0%



### Land Information

**Total Area: 18,200 SF / 0.42 acres**

<b>Use Type</b>	<b>Number/Type of Units</b>	<b>Depth for Front Feet</b>
7100-CHRCHS	18200 Sq Feet	

**Special Features and Yard Items**

Type	Qty	Units	Year Blt
ASP2 LOW	N/A	9684	1975
CEMENT CURB	N/A	126	1975
CHAINLINK 4'	N/A	182	2009

**Permits**

Number	Date	Description	Amount	Fee
BP09-94	Feb 9, 2009	Alteration	\$3,300	\$100
BP09-1	Feb 20, 2009	Fence	\$1,550	\$100
F96-000457	Apr 29, 1996	Fence	\$3,315	\$3,315
F930000719	May 27, 1993	Roof	\$6,500	\$6,500
F91000932	Jul 16, 1991	Roof	\$800	\$800

**Notice:** This does not necessarily represent all the permits for this property.  
 Click the following link to check for additional permit data in Fort Pierce

**Sale History**

Date	Book/Page	Sale Code	Deed	Grantor	Price
May 4, 2006	2568 / 2900	00	WD	Southeastern Conference Assoc,	\$300,000
Jun 29, 1994	0908 / 2232	00	WD	INDIAN RIVER BAPTIST ASSN INC	\$100,000
Aug 1, 1985	0474 / 0404	00	CV		\$110,000
Mar 1, 1982	0373 / 2246	01	CV		\$0

**Current Year Values**

**Current Values Breakdown**

<b>Building:</b>	\$136,900
<b>Land:</b>	\$29,100
<b>Just/Market:</b>	\$166,000
<b>Ag Credit:</b>	\$0
<b>Mkt/Asmnt Differential:</b>	\$0
<b>Assessed:</b>	\$166,000
<b>Exemption(s):</b>	\$0
<b>Taxable:</b>	\$166,000

**Current Year Exemption Value Breakdown**

**Current Year Special Assessment Breakdown**

Start Year	AssessCode	Units	Description	Amount
1999	0041	7.5	FP Strmwtr	\$405.00

This does not necessarily represent the total Special Assessments that could be charged against this property. The total amount charged for special assessments is reflected on the most current tax statement and information is available with the SLC Tax Collector's Office.

**Historical Values**

<b>Year</b>	<b>Just/Market</b>	<b>Assessed</b>	<b>Exemptions</b>	<b>Taxable</b>
2014	\$166,000	\$166,000	\$0	\$166,000
2013	\$170,900	\$170,900	\$0	\$170,900
2012	\$173,200	\$160,652	\$0	\$160,652
2011	\$190,000	\$146,047	\$0	\$146,047
2010	\$192,400	\$132,770	\$0	\$132,770
2009	\$120,700	\$120,700	\$0	\$120,700
2008	\$152,500	\$152,500	\$0	\$152,500
2007	\$161,700	\$161,700	\$0	\$161,700
2006	\$156,700	\$156,700	\$156,700	\$0
2005	\$110,100	\$110,100	\$110,100	\$0
2004	\$112,600	\$112,600	\$112,600	\$0
2003	\$112,100	\$112,100	\$112,100	\$0
2002	\$114,300	\$114,300	\$114,300	\$0
2001	\$111,600	\$111,600	\$111,600	\$0
2000	\$108,700	\$108,700	\$108,700	\$0

*This information is believed to be correct at this time but it is subject to change and is not warranted.*

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**Sale History**

<b>Date:</b>	May 4, 2006
<b>Book/Page:</b>	2568 / 2900
<b>Sale Code:</b>	00
<b>Deed:</b>	WD
<b>Grantor:</b>	Southeastern Conference Assoc.
<b>Price:</b>	\$300,000
<b>Date:</b>	Jun 29, 1994
<b>Book/Page:</b>	0908 / 2232
<b>Sale Code:</b>	00
<b>Deed:</b>	WD
<b>Grantor:</b>	INDIAN RIVER BAPTIST ASSN INC
<b>Price:</b>	\$100,000
<b>Date:</b>	Aug 1, 1985
<b>Book/Page:</b>	0474 / 0404
<b>Sale Code:</b>	00
<b>Deed:</b>	CV
<b>Price:</b>	\$110,000
<b>Date:</b>	Mar 1, 1982
<b>Book/Page:</b>	0373 / 2246
<b>Sale Code:</b>	01
<b>Deed:</b>	CV
<b>Price:</b>	\$0

*This information is believed to be correct at this time but it is subject to change and is not warranted.*

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*X* This Instrument Prepared by and Return to:  
PAUL MANDEL, ESQUIRE  
CAPITAL ABSTRACT & TITLE  
2151 ALTERNATE A1A SOUTH, SUITE 400  
JUPITER, FLORIDA 33477

Property Appraisers Parcel  
Identification (Folio) Numbers:  
2403-713-0007-000/1

File No. 06J-0014

**WARRANTY DEED**  
SPACE ABOVE THIS LINE FOR RECORDING DATA

**THIS WARRANTY DEED**, made the 4<sup>th</sup> day of May, 2006 by Southeastern Conference Association of Seventh-Day Adventists, Inc. a Florida Corporation herein called the grantors, whose post office address is 1701 Roble Avenue, Mt. Dora, Florida 32757-6339; to Pelican Center Limited Partnership, a Florida Limited Partnership whose post office address is 2117 NW 19th Way, Boca Raton, Florida 33431, hereinafter called the Grantees\*:

\* (Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**WITNESSETH** That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in ST. LUCIE County, State of Florida, viz:

The South 30 feet of Lot 3 and all of Lots 4 and 5, Block 4, of DUTTON TERRACE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 3, Page 8, of the Public Records of St. Lucie County, Florida

**SUBJECT TO** easements, restrictions, reservations, conditions, declarations, limitations, easements, right of way and zoning ordinances, if any, provided that this shall not serve to reimpose same and taxes for the current year and all subsequent years.

**TOGETHER**, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD**, the same in fee simple forever.

**AND**, the grantors hereby covenant with said grantees that the grantors is/are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes for the current year and all subsequent years.

**COPY**

**IN WITNESS WHEREOF**, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

**Southeastern Conference Association  
of Seventh-Day Adventists, Inc. a Florida  
Corporation**

*Joseph O'Hara*  
Witness #1 Signature  
JOSEPH O'HARA  
Printed Name of Witness #1

BY *W.L. Taylor*  
**W.L. TAYLOR, President**

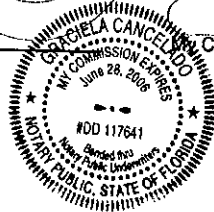
*Janice Greene*  
Witness #2 Signature  
JANICE GREENE  
Printed Name of Witness #2

STATE OF Florida

COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 4TH day of May, 2006, by **W.L. TAYLOR**, president of **Southeastern Conference Association of Seventh-Day Adventists, Inc. a Florida Corporation** who (is) are personally known to me or have produced as identification.

*Geacila Cancelado*  
Notary Public



Commission Expires: 6/28/2006

WDL.DOC

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