

**M E M O R A N D U M**

**TO:** Linda Cox, City Clerk (*via email*)  
**FROM:** Robert V. Schwerer, City Attorney  
**SUBJECT:** 401 & 411 South Indian River Drive – Rezoning  
**DATE:** March 16, 2016

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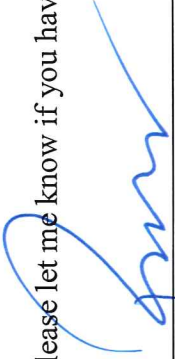
The attached Ordinance No. 16-008 providing for a rezoning of properties located on the west side of 401 & 411 South Indian River Drive is approved as to form and correctness. Attached to the Ordinance is an Exhibit “B” setting out the Development Plan for the subject Planned Development which includes a strip of land currently a part of the South Second Street Right-of-Way (ROW) located on the east side of the street. From a logistics standpoint, the companion ROW abandonment ordinance (Ordinance No. 16-007) should be coupled with this rezoning when it is presented to the City Commission for public hearing and approval.

Additionally, as set out in previous memos from Legal, we are recommending that the abandonment of the ROW be conditioned on site plan approval and issuance of a building permit for the Development Plan. This would be consistent with the City Commission’s prior approval and conditions imposed on both the St. Andrews School and Mosaics ROW abandonments and assure the development is actually built.

We further note there is discussion in prior Planning Department memos of the need for a utility easement in the area of the abandoned ROW adjacent to South Second Street. It is unclear from the Staff reports whether a new easement will be needed, or whether there will be a reservation of an easement to the City in the abandonment ordinance. In either event, something should be mentioned in the Ordinance concerning a utility easement and this was pointed out in our March 1, 2016 memorandum, a copy attached.

Finally, it is assumed that Staff will be presenting to the City Commission an acceptable Appraisal of the value of the ROW parcel being abandoned for purposes of compensation to the City.

Please let me know if you have any questions concerning the above.



Robert V. Schwerer, Esq.  
City Attorney

/mlp

cc: Fort Pierce Mayor and Commissioners (*via email*)  
Nicholas Mimms, City Manager (*via email*)  
John R. Andrews, City Engineer (*via email*)  
Rebecca Grohall, Planning Manager (*via email*)