





INTEROFFICE MEMORANDUM

FROM THE OFFICE OF THE
CITY MANAGER

To : Robert V. Schwerer, City Attorney

THRU : Robert J. Bradshaw, City Manager 

FROM : Nick Mimms, P.E., Deputy City Manager 

RE : **FORT PIERCE UTILITIES AUTHORITY WASTE WATER TREATMENT PLANT
POTENTIAL REDEVELOPMENT**

DATE : July 1, 2014

The City of Fort Pierce recently met with representatives of the Fort Pierce Utilities Authority and Saint Lucie County Board of County Commissioners to discuss the potential redevelopment of the land currently occupied by the Fort Pierce Utilities Authority Waste Water Treatment Plant. In previous investigation by your office two (2) separate deeds were identified that contain clauses and/or restrictions for the future utilization of the subject property.

The first transaction involves the Trustees of the Internal Improvement Fund of the State of Florida, dated April 20, 1956, that contains a restriction that the property could never be sold, conveyed, or leased to any private person, firm or corporation for any private use or purpose, and that the land shall be used solely for public purposes. The second transaction involves a deed from the Fort Pierce Port and Airport Authority, dated March 21, 1975, containing a reverter clause and requires that the land be used for a public purpose only, and in the event it ever ceases to be used for public purposes, then the title will revert to the grantor which is now no longer the Port and Airport Authority, but the County.

These restrictions have a direct impact on the future redevelopment of this land and greater detail is needed to determine the actual intent and definition of public purpose. Please review the attached information and consult with the legal representatives of both Saint Lucie County and the Fort Pierce Utilities Authority to provide guidance toward the appropriate redevelopment of the subject area.

Thank you for your cooperation.

Attachments

cc: FPUA Executive Director
City of Fort Pierce Economic Development Team

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.

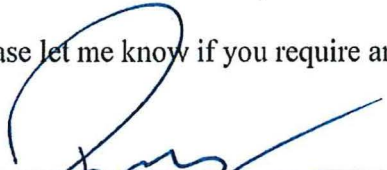
CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

M E M O R A N D U M

TO: Fort Pierce Mayor and Commissioners
FROM: Robert V. Schwerer, City Attorney
SUBJECT: Ownership of South Beach Sewer Treatment Plant
DATE: December 4, 2013

Per your request, please find attached an earlier memorandum and related materials concerning the reverter clauses that exist in the deeds for the South Beach Sewer Treatment Plant. It is to be noted that this title information has not been updated since the memorandum was issued back in 2005. It is also possible that these deeds do not represent all of the properties currently occupied by the FPUA which comprise the sewer treatment facility. Such information can be obtained by way of a comprehensive title search but it is not recommended the City incur that expense and staff effort if your questions are answered by the attached memorandum.

Please let me know if you require any additional information concerning this property.



Robert V. Schwerer, Esq.
City Attorney

/mlp

Attachment

cc: Robert J. Bradshaw, City Manager
Nicholas Mimms, Deputy City Manager
Linda Cox, City Clerk
Rebecca Grohall, Planning Manager

CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Dennis W. Beach, City Manager

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

SUBJECT: Ownership of South Beach Sewer Treatment Plant

DATE: August 30, 2005

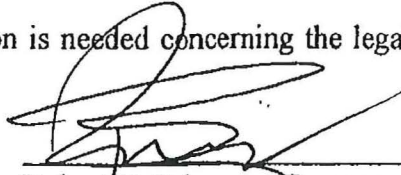
You have requested us to research the title ownership for the property comprising the Sewer Treatment Plant on South Beach. We are awaiting a formal title search. However, in the meantime, we did receive copies of the deeds for the property.

These deeds show that the property was actually deeded to the City of Fort Pierce in separate transactions. The first transaction involves the Trustees of the Internal Improvement Fund of the State of Florida and is dated April 20, 1956. A copy of that deed is attached. The deed contains a restriction that the property could never be sold, conveyed, or leased to any private person, firm or corporation for any private use or purpose, and that the land shall be used solely for public purposes.

The second transaction involves a deed from the Fort Pierce Port and Airport Authority dated March 21, 1975, and a copy of that deed is also attached. The deed contains a reverter clause and requires that the land be used for a public purpose only, and in the event it ever ceases to be used for public purposes, then the title will revert to the grantor which is now no longer the Port and Airport Authority, but the County.

As you are aware, there are a number of exceptions to the "public purpose" restriction or reverter clause in these deeds. For instance, there are different uses which, although semi-private including uses for tourism, economic development, or redevelopment, which could qualify as a use for a public purpose. If structured correctly, and within current guidelines, such uses are allowable notwithstanding these type restrictions. However, this memorandum is not intended to render any opinions as to what uses, if any, qualify for such an exemption.

Please let me know if further information is needed concerning the legal title to this property.



Robert V. Schwerer, Esq.
City Attorney

RVS/cf

cc: Fort Pierce Mayor & Commissioners
Rupert N. Koblegard, III, FPUA Attorney

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND
OF THE STATE OF FLORIDA

DEED NO. 21183



KNOW ALL MEN BY THESE PRESENTS: That the undersigned, the Trustees of the Internal Improvement Fund of the State of Florida, under authority of law, for and in consideration of the sum of One and 00/100 Dollars, and other good and valuable considerations, to them in hand paid by the CITY OF FORT PIERCE, of the County of St. Lucie, State of Florida, have granted, bargained and sold, and do by these presents grant, bargain, sell and convey, unto the said CITY OF FORT PIERCE and its successors and assigns, the following described lands, to-wit:

A parcel of submerged land in the Indian River in Section 3, Township 35 South, Range 40 East, St. Lucie County, Florida, described as follows:

From the section corner common to Sections 3, 4, 9 and 10, Township 35 South, Range 40 East, St. Lucie County, Florida, run thence East 2240 feet; thence North 720 feet; thence North $70^{\circ} 58\frac{1}{2}'$ East, 1200 feet; thence South $19^{\circ} 01\frac{1}{2}'$ East, 85 feet to a point in the center of Causeway Bridge; thence North $70^{\circ} 16'$ East, 2009.5 feet to a cross mark in the deck near the east end of Causeway Bridge, and the Point of Beginning of the lands herein described: From said Point of Beginning run South $20^{\circ} 50'$ East, 1800 feet to a point in Indian River; thence North $69^{\circ} 10'$ East, 400 feet; thence North $20^{\circ} 50'$ West, 750 feet; thence North $20^{\circ} 17\frac{1}{2}'$ East, 283.1 feet to a point on the original shore line of Causeway Island, the same being the southeasterly corner of the lands conveyed by the Trustees of the Internal Improvement Fund of the State of Florida to the Fort Pierce Inlet District by deed recorded in Deed Book 127, Page 253, St. Lucie County, Florida, Public Records; thence, meandering the low water edge of the original southerly shore of Causeway Island, run Northwesterly to a point which bears South $24^{\circ} 55\frac{1}{2}'$ East at a distance of 496.3 feet from the Point of Beginning; thence North $24^{\circ} 55\frac{1}{2}'$ West, 496.3 feet to the Point of Beginning; excepting therefrom existing right-of-way for State Road A-1-A; containing 13.0 acres, more or less.

PROVIDED, HOWEVER, anything herein to the contrary notwithstanding this deed is given and granted upon the express condition subsequent that the Grantee herein or its successors and assigns shall never sell or convey or lease the above described land or any part thereof to any private person, firm or corporation for any private use or purpose, it being the intention of this restriction that the said land shall be used solely for public purposes.

It is covenanted and agreed that the above conditions subsequent shall run with the land and any violation thereof shall render this deed null and void and the above described lands, shall in such event, revert to the Grantors or their successors.

TO HAVE AND TO HOLD the above granted and described premises forever.

SAVING AND RESERVING unto the said Trustees of the Internal Improvement Fund of the State of Florida, and their successors, title to an undivided three-fourths of all phosphate, minerals and metals, and title to an undivided one-half of all petroleum that may be in, on or under the above described land, with the privilege to mine and develop the same.

OTHER RESERVATIONS: None

IN TESTIMONY WHEREOF, the said Trustees have hereunto subscribed their names and affixed their seal and have caused the seal of THE DEPARTMENT OF AGRICULTURE OF THE STATE OF FLORIDA to be hereunto affixed, at the Capitol, in the City of Tallahassee, on this the 20th, day of April, A. D. 1956.



Trustees I. I. Fund

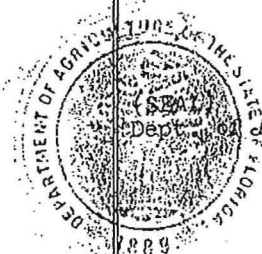
LeRoy Collins (SEAL)
Governor

Ray E. Dren (SEAL)
Comptroller

Edwin Larson (SEAL)
Treasurer

Richard W. Ewing (SEAL)
Attorney General

W. C. Baggett (SEAL)
Commissioner of Agriculture



Department of Agriculture

As and Composing the Trustees of the Internal Improvement Fund of the State of Florida.

Clerk File No. 51935 Filed
in the office of the Clerk of the Circuit
Court of St. Lucie County, Florida on the
13th Day of October A. D.
1956 at 10:15 o'clock A.M. and
recorded in Deed Book
No. 219 pages 226-227 and
record verified.

Indexed

W. C. BAGGETT, Clerk
Circuit Court, St. Lucie County, Florida
By Lily Hansen D. C.



A G R E E M E N T

THIS AGREEMENT, Made and entered into this 2nd day of April, A.D. 1956, by and between CITY OF FORT PIERCE, a municipal corporation, party of the first part, hereinafter referred to as "City" and FORT PIERCE PORT AUTHORITY, party of the second part, hereinafter referred to as "Fort", WITNESSETH:

WHEREAS, the City has undertaken the installation of a sanitary sewer system and disposal plant for the City of Fort Pierce and will require submerged land located South and West of land owned by the Fort in Section 2, Township 34 South, Range 40 East, and

WHEREAS, it is the intent and desire of both parties hereto to cooperate each with the other to the end that the submerged land may be obtained by the City and filled in for a disposal plant, and

WHEREAS, the City, upon obtaining title from the I. I. Board, will convey by appropriate deed to the Fort these certain lands indicated as Parcel A on the sketch or drawing prepared by Alton A. Register and Associates, and that the City shall retain the submerged lands as indicated as Parcel B on said sketch, and

WHEREAS, by reason of the nature of the project it will be necessary to establish a road right-of-way into the proposed sewage disposal plant over lands owned by the Fort located in Section 2, Township 34 South, Range 40 East,

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein to be kept and performed by the parties hereto as well as in consideration of the sum of ONE DOLLAR (\$1.00), and other valuable considerations paid by the City to the Fort, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. That the City has made application to the Trustees of the Internal Improvement Fund of the State of Florida (hereinafter referred to as "I. I. Board") for the conveyance to the City by the

I. I. Board of all submerged lands indicated on that sketch or drawing prepared by Alton A. Register and Associates dated April 11, 1955 a true and correct copy of which is attached to this Agreement and by reference made a part hereof.

2. That said conveyance from the said I. I. Board shall contain an appropriate provision whereby the City shall convey to the Port the fee simple unencumbered title to the land (submerged land as hereinabove set out) lying South and West of and adjacent to the upland now owned by the Port, being indicated as Parcel A on the sketch or drawing hereinabove referred to in Paragraph 1.

3. The Port agrees to permit the City to deposit spoil or fill on such portions of Parcel A as is required in completing the fill of Parcel B.

4. Simultaneously upon the execution and delivery of the deed of conveyance referred to above in Paragraph 2 by the City to the Port, the Port will execute and deliver a perpetual easement to the City granting the City the right to use for the purpose of egress and ingress to and from the premises described herein and conveyed to the City by the I. I. Board, a strip of land fifty feet in width extending from A1A in a Southerly direction to said lands retained by the City.

5. The Port agrees to assist the City in its application to obtain title to the lands indicated on the sketch or drawing attached hereto and by reference made a part hereof, from the I. I. Board.

6. That neither the upland of the Port nor the Tract A to be conveyed by the City to the Port shall be subject to any special levy or assessment for the cost of the improvements in filling of the submerged lands lying South and West of the Port's upland property.

7. The City agrees to secure all necessary clearance for the filling in of the submerged lands as indicated on the sketch or drawing attached hereto and by reference made a part hereof, from all interested public authorities, without any cost or expense to the Port.

8. The covenants and conditions of this Agreement shall be binding upon, and inure to the benefit of the successors and assigns of the parties hereto, respectively, and time shall be of the essence of this agreement.

IN WITNESS WHEREOF, the first party has caused these presents to be duly executed in its name in duplicate by its Mayor-Commissioner and its corporate seal to be affixed hereto and attested by its Clerk; and the second party has caused these presents to be duly executed in its name in duplicate by its Chairman and its seal to be affixed hereto, attested by its Secretary, the day and year first above written.

Signed, sealed and delivered
in the presence of:

CITY OF FORT PIERCE

Martha E. Trayer By Ray R. Ricketts
Mayor-Commissioner

Michelle C. Dillon Attest: Lyndee M. Mitchell
Clerk

(Seal)

FORT PIERCE PORT AUTHORITY

Trina Ruffli By Harvey J. Kiehl
Chairman

Michelle Diew Attest: W. B. Baggett
Secretary

(Seal)

Approved as to Form and Correctness

Errol W. Miller
Attorney for City of Fort Pierce

DEED

THIS DEED made and executed the 21st day of March, 1975 by FORT PIERCE PORT AND AIRPORT AUTHORITY, a special taxing district existing under the laws of Florida, hereinafter called the grantor, to CITY OF FORT PIERCE, a municipal corporation existing under the laws of Florida, for the use and benefit of the Ft. Pierce Utilities Authority, whose post office address is 500 Boston Avenue, Fort Pierce, Florida 33450, hereinafter called the grantee:

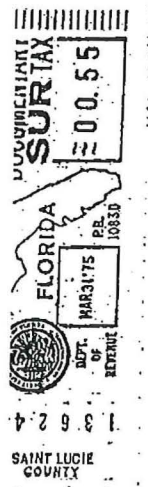
WITNESSETH: That the grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, its successors and assigns, all that certain land situate in St. Lucie County, Florida, viz:

2402 - 244 - 0001 - 000 / 7
 2402 - 323 - 0003 - 000 / 0

Part of Dist with land survey adjacent

with about expansion

From the section corner common to Sections 3, 4, 9 and 10, Township 35 South, Range 40 East, St. Lucie County, Florida, run thence East 2240 feet; thence North 720 feet; thence North 70°58½' East 1200 feet; thence South 19°01½' East, 85 feet to a point in the center of Causeway Bridge; thence North 70°16' East 2009.5 feet to a cross mark in the deck near the east end of Causeway Bridge and the point of beginning of the lands herein described: From said point of beginning run South 20°50' East 760 feet to a point; thence North 89°34'00" East 526.06 feet to a point; thence North 20°17'30" East 141.55 feet to a point on the original shoreline of Causeway Island, the same being the southeasterly corner of the lands conveyed by the Trustees of the Internal Improvement Fund of the State of Florida to the Fort Pierce Inlet District by deed recorded in Deed Book 127, page 253, St. Lucie County, Florida Public Records; thence North 24°55'30" West 878.66 feet to a point; thence South 64°50' West 525.0 feet to the point of beginning, excepting therefrom the existing right of way for State Road ALA. Together with all accreted lands lying westerly of the west line of the above described parcel.



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

*Stamps .30
 Surtax .55*

TO HAVE AND TO HOLD, the same in fee simple forever; provided, however, that said land shall be used for public purposes only, and in the event that said land should ever cease to be used for public purposes, title thereto shall revert to the grantor. ✓

IN WITNESS WHEREOF the grantor has caused these presents to be executed in its name, and its seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

FORT PIERCE PORT AND AIRPORT AUTHORITY

By George D. Price
Chairman

ATTEST:

Roger Poitras
Secretary

Signed, sealed and delivered

in the presence of:

Josephine B. Rice
Miriam A. Diems



STATE OF FLORIDA
COUNTY OF ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared GEORGE D. PRICE and ROGER POITRAS, well known to me to be the Chairman and Secretary respectively of the District named as grantor in the foregoing deed, and that they severally acknowledged executing the same freely and voluntarily under authority duly vested in them by said District and that the seal affixed thereto is the true seal of said District.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of March, 1975.



Ralph B. Wilson
Notary Public, State of Florida
at Large

My Commission expires: 7-13-76

City Council
4-7-75

WATER
ELECTRIC



GAS
SEWER

206 S. SIXTH STREET • P. O. BOX 3191 • FORT PIERCE, FLORIDA 33450 • PHONE (305) 404-5000

March 27, 1975

Mr. Charles R. P. Brown
Utilities Authority Attorney
301 South 6th Street
Fort Pierce, Florida 33450

Dear Mr. Brown:

I hereby state that all the requirements have been made by the Fort Pierce Utilities Authority in the exchange of the land between City of Fort Pierce, Port and Airport Authority, St. Lucie County and the City of Fort Pierce for the use and benefit of the Fort Pierce Utilities Authority.

Yours very truly,

Handwritten signature of B. D. Bidle in cursive.

B. D. Bidle
Director of Finance

BDB/vjd

RECEIVED

MAR 29 1975

ATTORNEY FOR FT. PIERCE
UTILITIES AUTHORITY



206 S. SIXTH ST. • PHONE 464-6600

FORT PIERCE, FLORIDA 33450

April 3, 1975

Mr. Walter Baldwin
Director of Utilities
Fort Pierce Utilities Authority
Fort Pierce, Florida 33450

Re: Land Swap

Dear Walter:

I enclose herewith the original executed Deed dated March 21, 1975 from Fort Pierce Port and Airport Authority to City of Fort Pierce for the use and benefit of the Fort Pierce Utilities Authority, which said Deed was recorded March 31, 1975 in OR Book 238, Page 24, Public Records of St. Lucie County, Florida. This is the Deed in the celebrated "Land Swap" transaction between the City, the County and the Authority. This should be put in a place of safekeeping.

Sincerely,

Charles R. P. Brown

CRPB:ss
Encl:



LAWNWOOD Property given in
Exchange for Sewer Expansion
on South Causeway Island at
present sewerage disposal plant.

D E E D

THIS DEED made and executed the 24th day of March,
1975 by CITY OF FORT PIERCE, a municipal corporation existing under
the laws of Florida, whose post office address is Post Office Box
1480, Fort Pierce, Florida 33450, hereinafter called the grantor,
to FORT PIERCE PORT AND AIRPORT AUTHORITY, a special taxing
district existing under the laws of Florida, hereinafter called
the grantee:

WITNESSETH: That the grantor, for and in consideration
of the sum of \$1.00 and other valuable considerations, receipt
whereof is hereby acknowledged, by these presents does grant,
bargain, sell, alien, remise, release, convey and confirm unto the
grantee, its successors and assigns, all that certain land situate
in St. Lucie County, Florida, viz:

Lots 53 through 56 of Block 133, All of
Block 134 less Lots 1 through 4, All of
Block 159 less Virginia Avenue right-of-
way, All of Utah Avenue right-of-way lying
between the West right-of-way line of South
23rd Street and the East right-of-way line
of South 25th Street.

All of the above described property being
a part of LAWNWOOD ADDITION, a Subdivision
in Section 16, Township 35 South, Range 40
East, Florida as recorded in Plat Book 2,
Page 16 of the Official Records of Saint
Lucie County, Florida.

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;
provided, however, that said land shall be used for public
purposes only, and in the event that said land should ever
cease to be used for public purposes, the property conveyed
by this deed shall revert to the City of Fort Pierce.

IN WITNESS WHEREOF the grantor has caused these presents
to be executed in its name, and its seal to be hereunto affixed,
by its proper officers thereunto duly authorized, the day and

year first above written.

CITY OF FORT PIERCE, FLORIDA,
a municipal corporation

By Ben J. Bryan
Mayor-Commissioner

ATTEST:

R. C. James
City Clerk

Signed, sealed and delivered in the presence of:

Greg S. Lowrey
Berinda H. Vase

STATE OF FLORIDA)
 :
COUNTY OF ST. LUCIE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Ben L. Bryan, Jr. and R. C. James, well known to me to be the Mayor-Commissioner and City Clerk respectively of the City of Fort Pierce named as grantor in the foregoing deed, and that they severally acknowledged executing the same freely and voluntarily under authority vested in them by said City of Fort Pierce and that the seal affixed thereto is the true seal of said City.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of March, 1975.

Edw. K. Kowalski
Notary Public, State of Florida at
Large

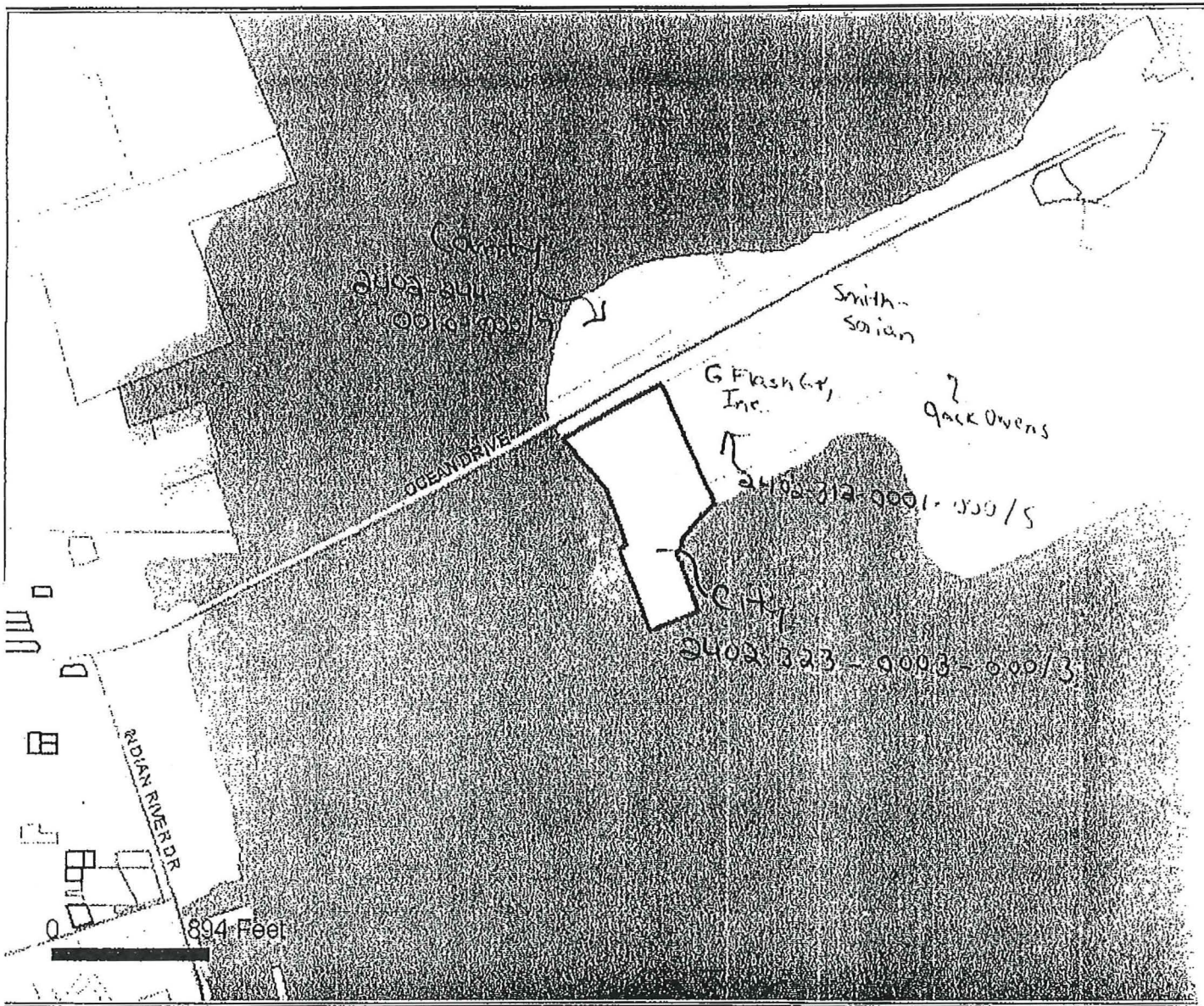
My commission expires:
Notary Public, State of Florida at Large
My Commission Expires March 6, 1979
Bonded by American Fire & Casualty Co.

APPROVED AS TO FORM AND CORRECTNESS:

John T. Brennan
City Attorney

Saint Lucie County, Florida

Property Appraiser's - Internet Mapping Print Service



PROPERTY RECORD CARD

Ft Pierce City Of Record: 1 of 5
Property Identification

<<Prev Next >> Spec.Assmnt Taxes Exemptions Permits Home Print

Site Address: 403 SEAWAY DR
Sec/Town/Range: 02 :35S :40E
Map ID: 24/02S
Zoning:

ParcelID: 2402-323-0003-000-3
Account #: 15794
Land Use: Mncpal Prop
City/Cnty: FORT PIERCE



Ownership and Mailing

Owner: Ft Pierce City Of
Address: PO Box 1480
Fort Pierce FL 34954-1480

Legal Description

2 35 40 FROM SEC COR COMMON TO SECS 3, 4, 9 AND 10 RUN E 2240 FT,
THN 720 FT, TH N 70 DEG 58 MIN 30
More...

Sales Information

Date	Price	Code	Deed	Book/Page
1/1/1900		0		/

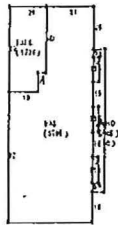
Assessment TRIM

2005 Val:	3799700
Assessed:	3799700
Ag.Credit:	0
Exempt:	3799700
Taxable:	0
TotalTax:	0

Total Land and Building

Land Value:	3421200	Acres: 18.7
Building Value:	378500	
Finished Area:	14366	SqFt

BUILDING INFORMATION



Exterior Features

View:	-	RoofCover:	TG - Tar & Gravel	RoofStruct:	FS - Flat/Shed
ExtType:	LD - LD	YearBlt:	1940	Frame:	-
Grade:	D - D	EffYrBlt:	1970	PrimeWall:	BS - CB Stucco
StoryHght:	0010 - 1 Story	No.Units:		SecWall:	-

Interior Features

BedRooms:	0	Electric:	..X - MAXIMUM	PrmIntWall:	PB - PANEL BOARD
FullBath:		HeatType:	ΓHA - FrcdHotAir	AvgHt/Ft:	STD
1/2Bath:		HeatFuel:	ELEC - Electric	Prm.Flors:	CA - A TL/CON
%A/C:	17	%Heated:	17	%Sprinkled:	0

Special Features and Yard Items

Type	Y/S	Qty.	Units	Qual.	Cond.	YrBlt.	No. Land Use	Type	Measure	Depth
							1 8900-Mncpal Prop	310 -Sq Feet	814572	

THIS INFORMATION IS BELIEVED TO BE CORRECT AT THIS TIME BUT IT IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

Saint Lucie County, Florida

Property Appraiser's - Internet Mapping Print Service

