

ORDINANCE NO. 18-017

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **REZONING FIVE (5) PARCELS GENERALLY LOCATED AT OR NEAR 2191 S. JENKINS ROAD FROM PD, PLANNED DEVELOPMENT, TO C-3, GENERAL COMMERCIAL**; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject properties are located at or near 2191 S. Jenkins Road within the City of Fort Pierce, Florida, representing approximately 49.77 acres of land; and

WHEREAS, On March 21, 2005, the subject properties were annexed (K-331) into the City of Fort Pierce and given a R-2, Single Family Intermediate Density zoning designation along with a RL, Low Density Residential Future Land-Use designation; and

WHEREAS, On August 6, 2007, the subject properties were rezoned (K-498) from R-2, Single Family Intermediate Density to PD, Planned Development; and

WHEREAS, the owner/applicant seeks rezoning of the subject properties located at 2191 S. Jenkins Road from PD, Planned Development to C-3, General Commercial; and

WHEREAS, the proposed zoning atlas map amendment (rezoning) is consistent with the comprehensive plan, will not have an adverse effect on the ability of the city to satisfy land and water use needs; and meet transportation demands and provide community facilities and services, and will promote and protect the public health, safety and general welfare as required by City Code 22-131; and

WHEREAS, the City of Fort Pierce Planning Board, at their May 8th, 2018 meeting, voted unanimously to recommend approval of the request; and

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. From and after the effective date hereof, the following described properties are hereby rezoned as follows:

Parcels IDs: 2313-431-0000-000-1, 2313-441-0000-000-2, 2313-444-0040-0003, 2313-443-0000-000-8, & 2313-434-0001-000-7

From and after the effective date hereof, the following properties legally described as:

PARCELS 1 AND 2:

THE E (1/2) OF THE SE (1/4) OF THE SE (1/4) AND THE NE (1/4) OF THE SW (1/4) OF THE SE (1/4) AND THE NW (1/4) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, LESS AND EXCEPTING THE FOLLOWING DESCRIBED LANDS:

THAT PART OF:

THE NE (1/4) OF THE SW (1/4) OF THESE (1/4) AND THE NW (1/4) OF THESE (1/4) OF THE SE (1/4) OF THE SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS:

LESS & EXCEPT PARCEL 1

BEGIN AT A POINT ON THE SOUTH BOUNDARY OF ABOVE SECTION 13 LOCATED SOUTH 89°19'14" WEST 1662.77 FEET OF THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE CONTINUE SOUTH 89°19'14" WEST 324.01 FEET, THENCE NORTH 0°05'08" WEST 1.40 FEET, THENCE NORTH 00°16'48" WEST 1311.22 FEET TO A POINT ON THE SOUTH BOUNDARY OF GRAHAM ROAD, THENCE NORTH 89°34'07" EAST 324.00 FEET, THENCE SOUTH 00°16'48" EAST 1311.22 FEET TO THE POINT OF BEGINNING. (LESS & EXCEPT PARCEL 1 AKA 1-95)

LESS & EXCEPT PARCEL 2

COMMENCE AT A POINT ON THE SOUTHERLY BOUNDARY OF ABOVE SECTION 13 LOCATED SOUTH 89°19'14" WEST 1824.77 FEET OF THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE RUN NORTH 00°16'48" WEST 1331.93 FEET, THENCE NORTH 89°34'07" EAST 162.00 FEET, THENCE SOUTH 00°16'48" EAST 20 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°34'07" EAST 710.85 FEET, THENCE SOUTH 00°25'53" EAST 55.00 FEET, THENCE SOUTH 80°06'23" WEST 152.07 FEET, THENCE SOUTH 89°34'07" WEST 561.06 FEET, THENCE NORTH 00°16'48" WEST 80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW BETWEEN THE REMAINING PROPERTY OF THE GRANTORS NAMED IN DEED FILED IN OFFICIAL RECORD BOOK 2096 PAGE 908 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

THAT PART OF:

LESS & EXCEPT PARCEL 3

THE NW (1/4) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH RANGE 39 EAST, LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE SOUTH BOUNDARY OF ABOVE SECTION 13 LOCATED SOUTH 89°19'14" WEST 1824.77 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE RUN NORTH 00°16'48" WEST 1331.93 FEET, THENCE NORTH 89°34'07" EAST 872.79 FEET, THENCE SOUTH 00°25'53" EAST 20 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°34'07" EAST 911.97 FEET TO A POINT ON THE WEST BOUNDARY OF JENKINS ROAD, THENCE SOUTH 00°16'37" EAST 30 FEET, THENCE SOUTH 89°34'07" WEST 761.89 FEET, THENCE SOUTH 80°06'23" WEST 152.07 FEET, THENCE NORTH 00°25'53" WEST 55.00 FEET TO THE POINT OF BEGINNING.

THE NORTH 353.45 FEET OF THE SOUTH 395.95 FEET OF THE E (1/2) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST.

THE EAST 46 FEET FOR JENKINS ROAD RIGHT-OF-WAY.

RIGHT-OF-WAY FOR DRAINAGE CANALS.

PARCEL 3:

THE NORTH 353.45 FEET OF THE SOUTH 395.95 FEET OF THE EAST ONE-HALF ((1/2)) OF THE SOUTHEAST QUARTER (SE (1/4)) OF THE SOUTHEAST QUARTER (SE (1/4)) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, LESS THE EAST 46 FEET FOR JENKINS ROAD RIGHT-OF-WAY.

PARCEL 4:

THAT PART OF THE SE (1/4) OF THE SW (1/4) OF THE SE (1/4) LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY OF 1-95, OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA.

PARCEL 7:

THE SW (1/4) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA. EXCEPTING, HOWEVER, RIGHTS OF WAY FOR DRAINAGE CANALS AND PUBLIC ROADS.

said properties being generally located at or near 2191 South Jenkins Road in Fort Pierce, Florida shall be and the Zoning Designation is hereby changed from PD, Planned Development, to C-3, General Commercial, as depicted on Exhibit "A" and Exhibit "B", attached hereto and incorporated herein.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be and become effective immediately upon final passage.

APPROVED AS TO FORM & CORRECTNESS:

James M. Messer, 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. 18-017 was duly advertised by title only in the St. Lucie News Tribune on Sunday, May 20, 2018; 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 June 4, 2018; and was duly introduced, read by title only, and passed on second and final reading June 18, 2018, 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 18th day of June, 2018.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda W. Cox
City Clerk

(CITY SEAL)

EXHIBIT A
Proposed Zoning Atlas Map Amendment
C-3, General Commercial

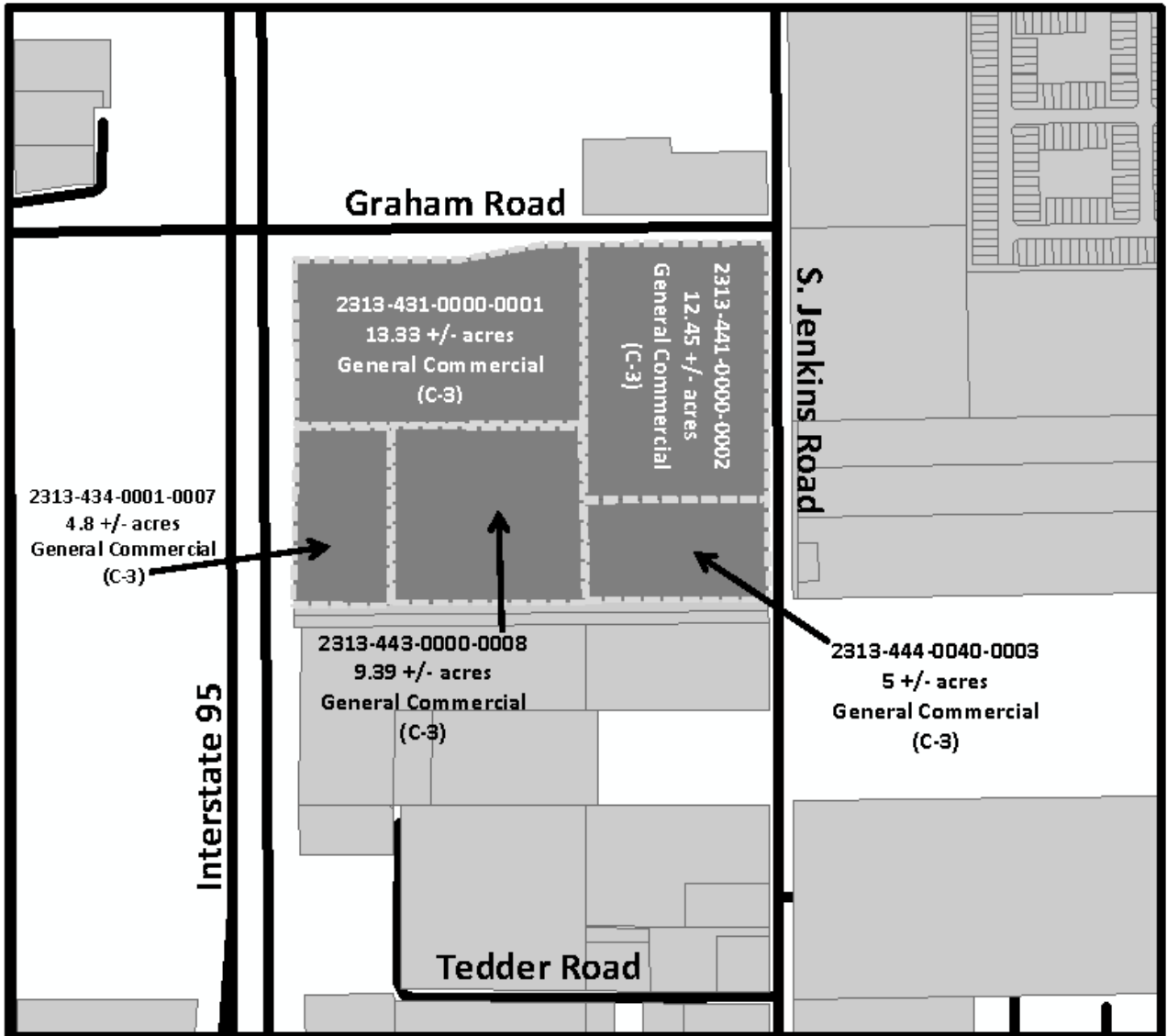
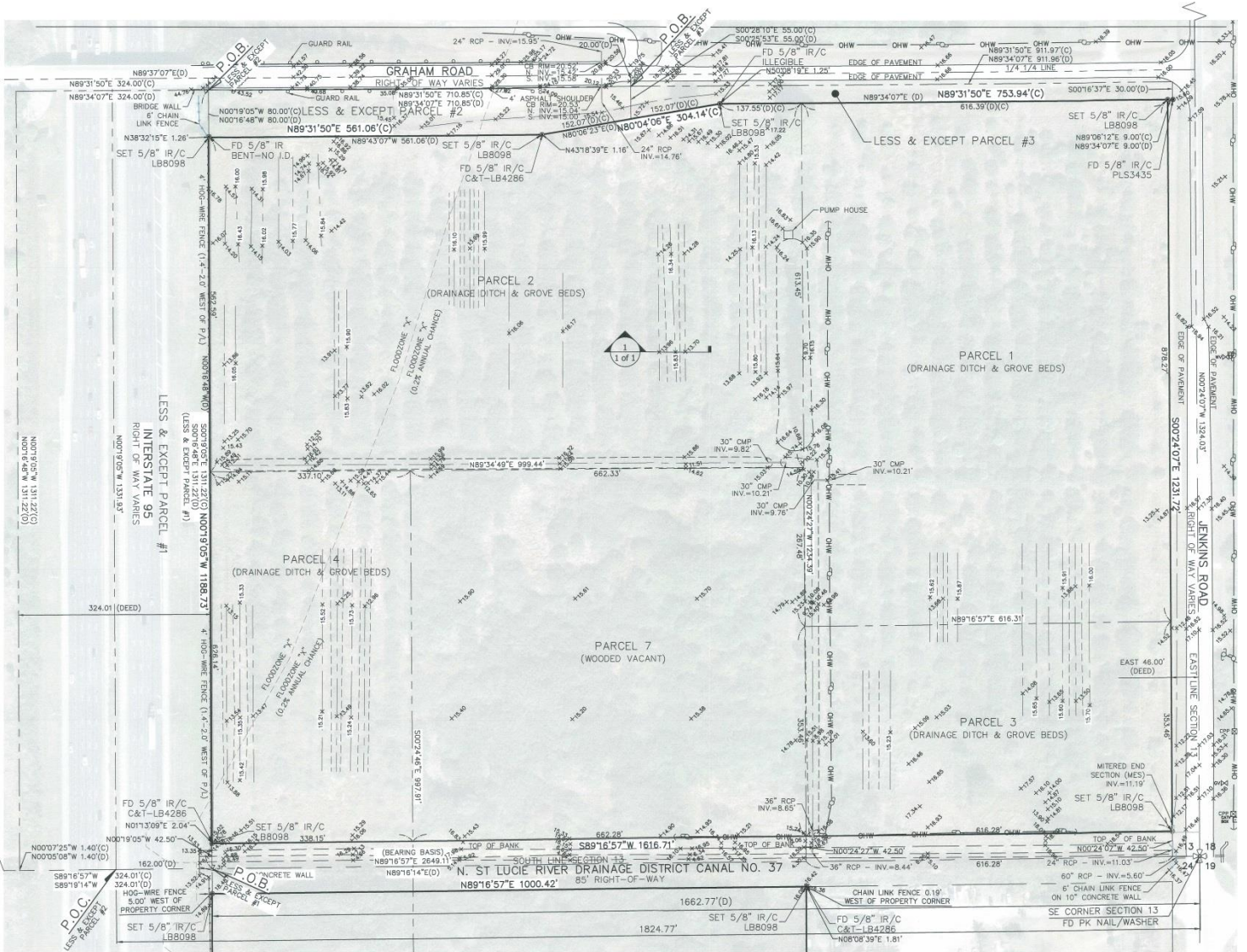


Exhibit B
Sketch and Legal Description



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