

Justification Statement

All my life I enjoyed creating and building. In 1979 I became a union carpenter and worked in the extreme heat and cold for 38 years. I first visited Florida in 1975 with a couple of friends and returned many times afterwards. In 1989 I visited friends and Stuart. Their parents just built a house on the river in Sewall's Point. The sunsets were amazing and the warmth thawed my frostbitten fingers and toes. I knew I had to return here someday. My dream was to build a home with a sunset view.

I bought a fixer-upper house in my hometown and worked on it for 35 years. I also sacrificed to save money by working side jobs, nights and weekends. In 2003, 12 years before my retirement in 2015 because of spinal injuries. I bought my first Lot #14 on Hutchinson Island at Bear Point Sanctuary in the Surfside Harbor subdivision. I envisioned my dream three-story home with 360° sunrise to sunset views. I was curious why no one had built in the area after finding out that those lots were plotted out in 1950. So, I did my due diligence and visited the county building department on 2300 Virginia Ave in 2003 a couple of weeks later. The gentleman in the office there took me into the conference room and I showed him what I had just purchased. weeks later. He told me, "You are grandfathered into the lot size and setbacks for your house and septic tank". I felt relieved, so I bought my second lot #10.

Soon after I did a lot of legwork and asked many questions. I hired a wetlands consultant and started my mitigation process for Lot 14 with Lauri Heistermann at the Bear point Mitigation Bank. I paid for one reservation credit to mitigate the mangoes which amounted to 1/10th of an acre, or 4,500 square ft. I then hired my wetlands consultant to begin my DEP application much time and money later. I also have my DEP approval. Which, by the way, included a septic tank because the county did not provide sewer or water service. The City of Fort Pierce had a waterline installed only. Powerlines were there, and my dream was coming true. Little did I know my nightmare was just about to begin. Not just for me, before the whole subdivision dozens of lots were sold off during 2003 to 2004 and no one discovered any restrictions either.

Then a stroke of luck. After buying YMCA Easter house tickets since 1989, yes 31 years, I got a call from the YMCA in 2020. " You won the house". A year later our house was sold in a good market and my wife and I moved into the house in Port St. Lucie. I was ready to build. But, not so fast. First, the county said they would not allow a septic tank. I needed a sewer line. One day I was speaking to a builder/ developer from West Palm Beach who had bought a lot just up from me about my sewer petition. He said he was told the county had created. Something called an NCLOR, which rendered our lots, non-conforming, not billable, I basically worthless. Deep depression. I had been in the process of trying to get a sewer line from the county 1.5 miles to the south of our subdivision at a cost of \$1.5 million in 2021. This first MSBU consisted of 75 lots from Blue Heron Boulevard to the end of our subdivision just north of the Bear Point Sanctuary parking lot. I questioned Barbara Getler and Cathy Altizer about the targeted area because it included the lots not just fronting A1A, but also the lots behind us. I mentioned that I was always told that the back lots were never going to be able to be built on. Barbara said, "This is what they gave us".

I had no choice, but to continue on with the MSBU, even though I told Barbara and Cathy, that I was afraid for my life. Can you imagine me getting them to pay for my sewer line knowing that they could not use it? They know where I live, and everyone in Florida has a gun. I had checked in with the petition count for the MSBU from time to time. Two years later, I was seven petitions short.

The next time I called Barbara, she told me my MSBU would not be allowed because our properties were not valuable enough. I said they were not valuable because we do not have a sewer line. I called Ray Morankus from the county sewer department to ask him if our subdivision could self-pay. He said the cost to install the sewer line went from \$1.5 million to \$4.5 million during that two year time period. This MSBU was doomed to fail from the beginning. Even if I did get the last seven properties, my MSBU would have been rejected by the county attorney anyway. I know this now only because of what happened next.

One day, I went to talk to Otis the owner of the Pie Hole pizza restaurant in our subdivision. The waitress said he was out of town. I mentioned about the sewer line and she told me he got approval from FPUA to bring it from Blue Heron Boulevard to the north south to his restaurant and properties. I was confused. When I inquired about that, I was told that would not be possible because that line was installed with federal money and it could not be extended south of Blue Heron Boulevard. Apparently, I was given wrong information again.

In March 2022, I decided to hire a lawyer to see what my options were. He told me that I needed to annex into the City of Fort Pierce because they did not change their ordinance and our lots would be considered conforming and buildable. I got in contact with Venus Gilmore, who is very helpful. My lawyer set up a meeting with him at City Hall. At that meeting, Venus confirmed that I could annex, my lots would be conforming, and that I could have a septic tank.

Great, I didn't have to bother with another MSBU for sewer line. Weeks later, I walked into the annexation meeting, and Ryan Altizer said, "You're going to be quick and easy so we are going to do yours first". I was annexing my Lot 14 to the lot across A1A to whom I paid \$2100 for his survey to get him to annex because he was contiguous with the lot next to him thus making me contiguous with his lot across A1A. This is basically what lot number #9 did which my second lot to be annexed #10 is contiguous to. He annexed his lot in 2007 according to ordinance K-438 which was created by the City of Fort Pierce in 2006. But it wasn't that easy. As soon as the mention of a septic tank, I believe it was Alicia, said septic tanks were not allowed. At this point, the highs and lows are destroying my soul. Kevin Freeman said my annexation was on hold until we had a sewer line, not canceled.

So I contacted Bo Hutchinson and Lugey Dawson at the FPUA. He said yes the sewer line was federally funded. I asked him then how was Pie Whole Pizza was able to bring the sewer line down about 800' to his restaurant. He told me he paid for it himself. Private money. I contacted Barbara to start another MSBU to service the second half of our subdivision with FPUA. Bo said we first had to get approval from Florida Fish And Wildlife. We called and emailed Patricia Kelly. She explained to us over the phone and through emails that she would only give permission for the 26 lots fronting A1A, and it had to be paid for by our private money. There was no formal application or document. The new 26 lot approval map was drawn up and Patricia indicated the area with a red arrow.

The new area map is part of my application and has been uploaded to the portal.

Of the 26 parcels, I have more than 75% of the required MSBU applications signed. Only 51% is required for approval. So here we are today because our MSBU was denied by the county because 10 of the 26 lots that are in the county are nonconforming. The county attorney said an owner of a nonconforming lot cannot be forced to pay for a MSBU if they are not able to build. We need to annex the 10 county lots first into the City of Fort Pierce to be conforming. Then, at that time, the sewer line can be installed. 16 of the 26 lots south of Pie Hole Pizza are already city lots in our MSBU. The lots from Blue Heron Boulevard south to Pie Hole Pizza are all city lots which make up the northern half of our subdivision. That makes about 90% city lots and 10% county lots total in our Surfside Harbor subdivision. This annexation process will conform the whole subdivision to city lots. Note, the FPUA owns the water line already and because of this if anyone were ever to build they would have to sign an annexation agreement for the City of Fort Pierce before any building would be able to commence. Thank you for considering our annexation applications.