

RESOLUTION NO. 12-R66

COUNCIL ITEM 11B
DATE 6/25/12

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.137(C)(3) TO ALLOW A TELECOMMUNICATIONS TOWER IN THE U (UTILITY) ZONING DISTRICT FOR CITY OF PORT ST. LUCIE PRINEVILLE WASTEWATER TREATMENT PLANT TELECOMMUNICATIONS TOWER, LEGALLY DESCRIBED AS OGDEN TRACT, PRINEVILLE OGDEN PLAT, P11-070; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Kevin Aycock of Dynamic Towers acting as agent for the City of Port St. Lucie, owner, to grant a special exception use of a telecommunications tower on property presently zoned U (Utility); and legally described as Ogden Tract, Prineville Ogden Plat; and

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., and Section 158.137(C)(3), Code of Ordinances, City of Port St. Lucie, and further that the granting of this special exception use will not adversely affect the public interest; and

WHEREAS, the subject application has been reviewed in accordance with Section 158.260, and meets the special exception use requirements as stipulated; and

WHEREAS, the Planning and Zoning Board, on June 5, 2012, recommended approval (P11-070); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port St. Lucie as follows:

RESOLUTION NO. 12-R66

Section 1. That the City of Port St. Lucie hereby grants a special exception use to Dynamic Towers at the City of Port St. Lucie Prineville Wastewater Treatment Plant, P11-070, to allow a telecommunications tower, pursuant to Section 158.255, et seq., and Section 158.137(C)(3) Code of Ordinances, City of Port St. Lucie, said special exception use is depicted on the conceptual plan which is hereby formally adopted and attached as Exhibit "A", to be located at the City of Port St. Lucie Prineville Wastewater Treatment Plant site and legally described as Ogden Tract, Prineville Ogden Plat, with the following conditions:

1. The applicant shall provide certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of Category 3 hurricane intensity prior to issuance of a building permit.
2. Any obsolete or unused tower shall be removed after 12 months of non-use. A removal bond or irrevocable letter of credit equal to \$15,000 for a tower up to 150' in height shall be required prior to obtaining final site development permits.
3. Any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception. Interference as a result of any approved tower or antennae shall be considered a

RESOLUTION NO. 12-R66

violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same, including but not limited to requiring removal of the tower.

4. The applicant shall provide the executed lease agreement with the City.
5. The existing 70' Utility Department radio communications tower shall be removed within 90 days after the proposed 150' stealth telecommunications tower is completed.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 25th day of June, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: _____
JoAnn M. Faiella, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

Roger G. Orr, City Attorney



City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: GREG ORAVEC, CITY MANAGER
KAREN PHILIP, CITY CLERK

THROUGH: ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING *AC*

FROM: KATHERINE H. HUNTRESS, PLANNER *KHH*

DATE: JUNE 15, 2012

SUBJECT: SITE PLAN APPLICATION (PROJECT NO. P11-071)
CITY OF PORT ST. LUCIE PRINEVILLE WATER TREATMENT PLANT
TELECOMMUNICATIONS TOWER

Please add the subject site plan application to the June 25, 2012 City Council meeting agenda under New Business. The review of the subject site plan application needs to be after the review of P11-070 Prineville Water Treatment Plant Telecommunications Tower Special Exception Use Application (Resolution #12-R66) which is scheduled for the same meeting.



City of Port St. Lucie

Planning and Zoning Department Memorandum

TO: PLANNING AND ZONING BOARD – MEETING OF JUNE 5, 2012

FROM: KATHERINE H. HUNTRESS, PLANNER *KHH*

RE: SITE PLAN APPLICATION PROJECT NO. P11-071
CITY OF PORT ST. LUCIE
PRINEVILLE WATER TREATMENT PLANT
TELECOMMUNICATIONS TOWER

DATE: MAY 22, 2012

APPLICANT: Kevin Aycock, Dynamic Towers

OWNER: City of Port St. Lucie

LOCATION: The property is located north of Huron Terrace, west of O'Donnell Lane, east of Prineville Street, and south of Greenway Terrace.

LEGAL DESCRIPTION: The property is legally described as Ogden Tract, Prineville Ogden Plat.

SIZE: 27 acres

EXISTING ZONING: U (Utility)

EXISTING USE: City of Port St. Lucie Prineville Water Treatment Plant

SURROUNDING USES: North, south, east, and west = RS-2 (Single Family Residential) zoning, existing single family residences.

FUTURE LAND USE: U (Utility)

PROPOSED PROJECT: The proposed project consists of a 150' stealth telecommunications tower on a 100' by 30' (3,000 square foot) area within the Prineville Water Treatment Plant, which is proposed to be leased from the city.

Note: There is an existing Utilities Department radio telecommunications tower on the same site that is approximately 70' in height and approximately 775' away from the proposed tower. The proposed tower is greater than 100' in height; therefore the proposed tower is required by code to be a minimum distance of 1,500' away from the existing tower. As a condition of approval, said existing 70' radio communication tower will be removed within 90 days after the proposed 150' stealth telecommunications tower is completed.

IMPACTS AND FINDINGS The project has been reviewed for compliance with Chapter 160, City Code, regarding provision of adequate public facilities and documented as follows:

Sewer/Water Service: The City of Port St. Lucie Utility Department is the service provider. There will be no water or sewer hook up required.

Transportation: The use of this site as a wireless communication tower is not a land use that is included in the ITE Trip Generation Manual. There will be approximately two to three trips per month per carrier once the site is operational. With a total of 5 potential carriers, the expected number of trips will be between 10-15 trips per month for this facility. This is minimal and is not expected to adversely impact the level of services of the adjacent road.

Parks/Open Space: This is not applicable.

Stormwater: The site plan is in compliance with the adopted level of service standard.

Solid Waste: Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available.

Fire District: The access location (external and internal) has been reviewed by the Fire District for safety purposes.

Environmental: The location of the tower on the site has previously been cleared.

Architectural Design Standards: This is not applicable.

Public Art Requirement: The project will be scheduled for review by the Public Art Advisory Board and payment will be made in lieu of artwork on site.

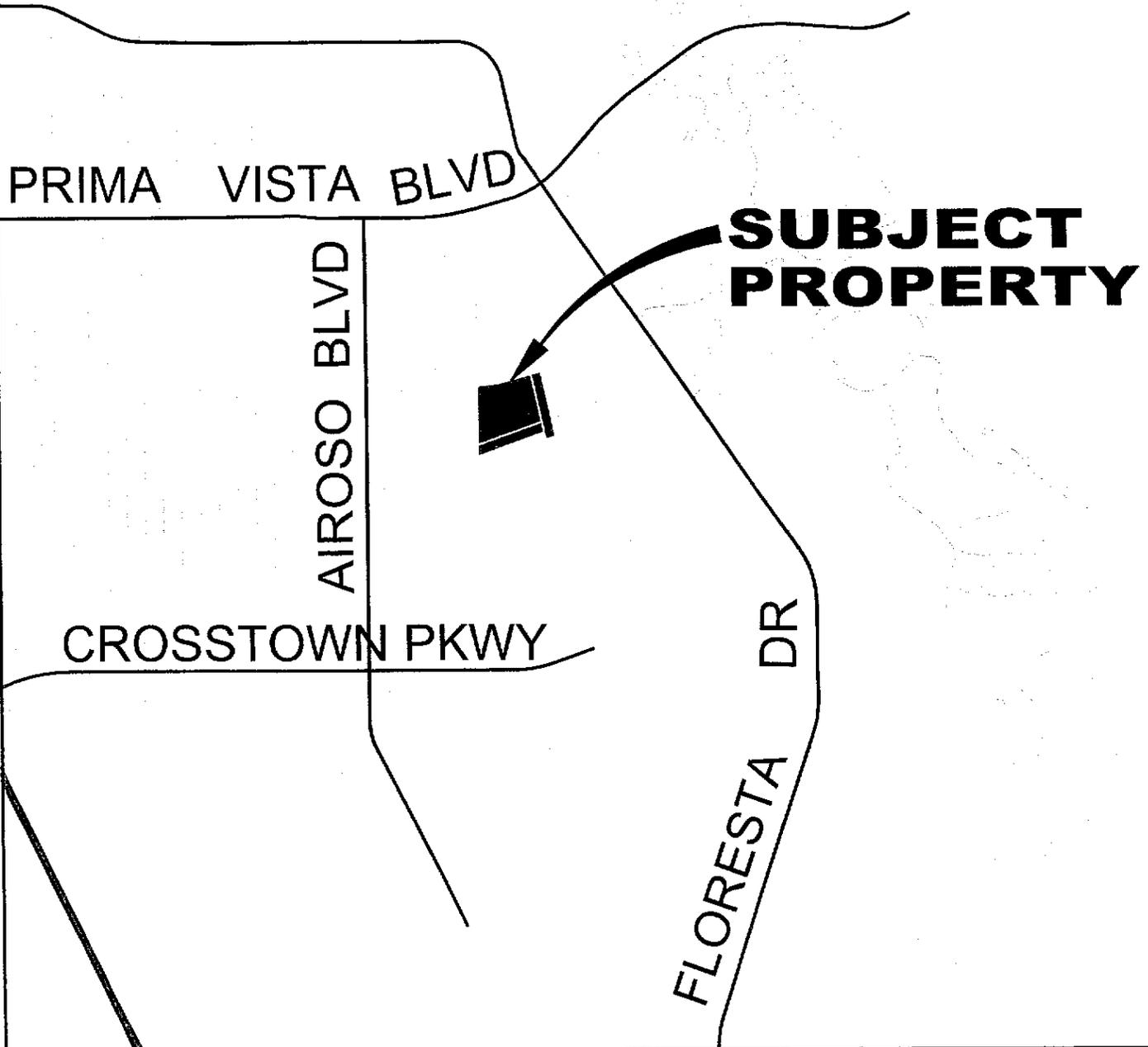
Related Projects: *P11-070 City of Port St. Lucie Prineville Water Treatment Plant Telecommunications Tower Special Exception Use Application; the accompanying special exception use application was recommended for approval at the June 5, 2012 Planning and Zoning Board meeting and is scheduled for the June 25, 2012 City Council meeting.*

STAFF RECOMMENDATION:

The Planning and Zoning Board reviewed the request on June 5, 2012 and unanimously recommended approval. The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the City's Land Development Regulations and policies of the Comprehensive Plan and recommends approval with the following conditions:

1. The applicant shall provide certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of Category 3 hurricane intensity prior to issuance of a building permit.
2. Any obsolete or unused tower shall be removed after 12 months of non-use. A removal bond or irrevocable letter of credit equal to \$15,000 for a tower up to 150' in height shall be required prior to obtaining final site development permits.
3. Any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception. Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same, including but not limited to requiring removal of the tower.
4. The applicant shall provide the executed lease agreement with the City.
5. The existing 70' Utility Department radio communications tower shall be removed within 90 days after the proposed 150' stealth telecommunications tower is completed.

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SITE PLAN REVIEW
OGDEN TRACT
PRINEVILLE OGDEN PLAT

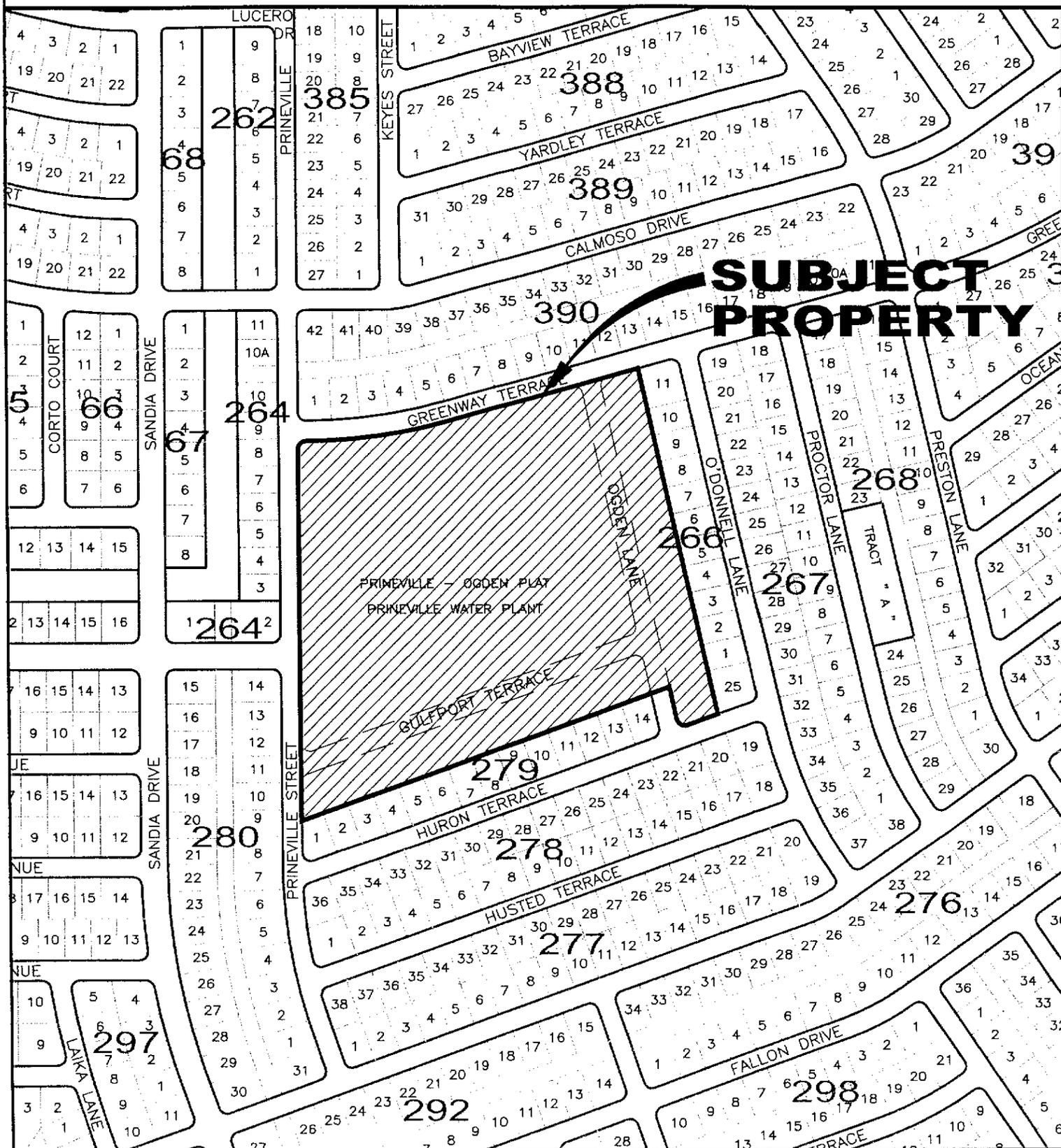
DATE: 6/28/2011

APPLICATION NUMBER:
P11-071

CADD FILE NAME:
P11-071L

SCALE: 1" = .5 MI

SITE LOCATION



SUBJECT PROPERTY



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ2011.DWG

SITE PLAN REVIEW
OGDEN TRACT
PRINEVILLE OGDEN PLAT

DATE: 6/28/2011
APPLICATION NUMBER:
P11-071
CADD FILE NAME:
P11-071M
SCALE: 1" = 400'

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SITE PLAN REVIEW
OGDEN TRACT
PRINEVILLE OGDEN PLAT
AERIAL JAN 2009

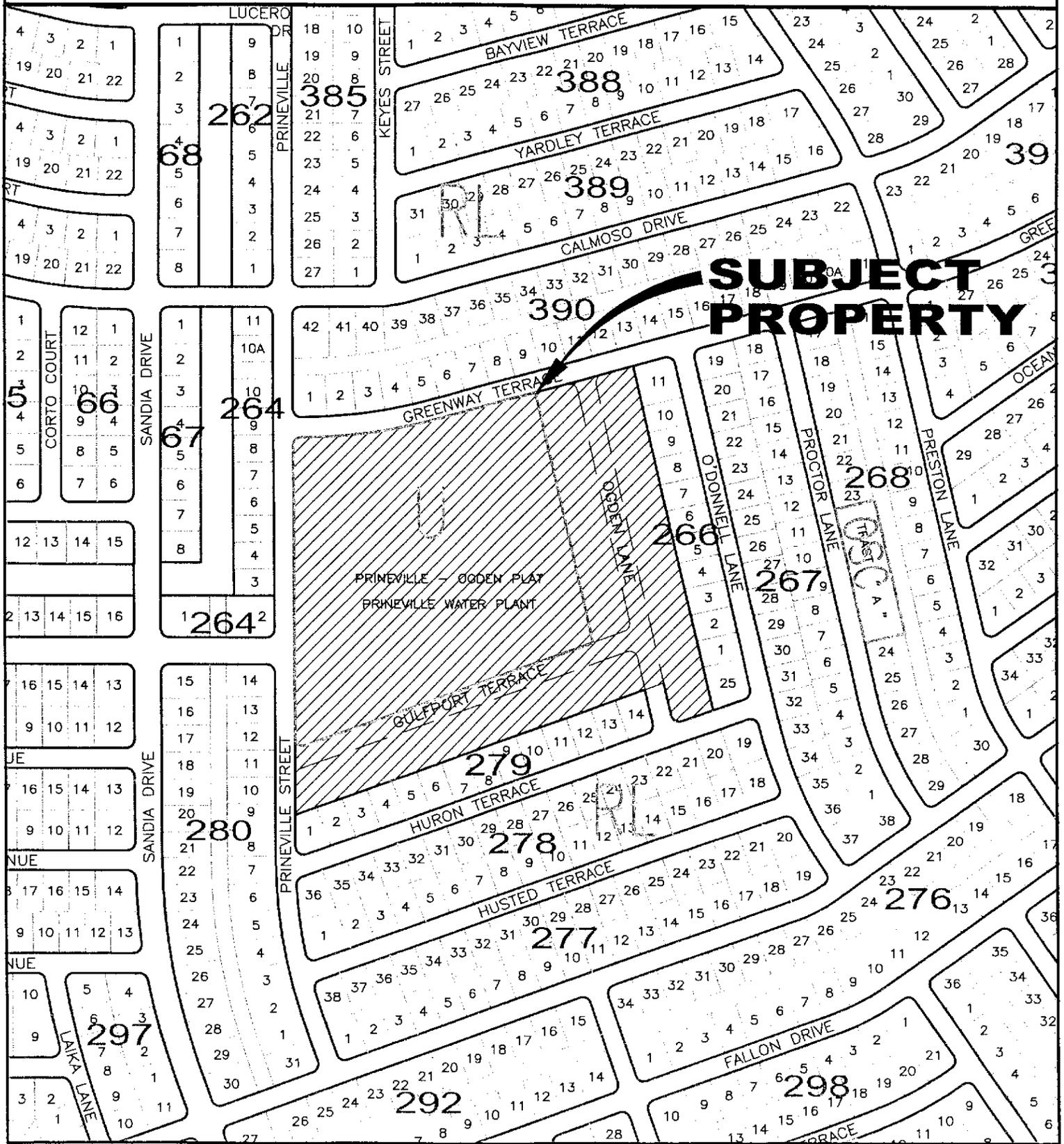
DATE: 6/28/2011

APPLICATION NUMBER:
P11-071

CADD FILE NAME:
P11-071A

SCALE: 1"=300'

FUTURE LAND USE



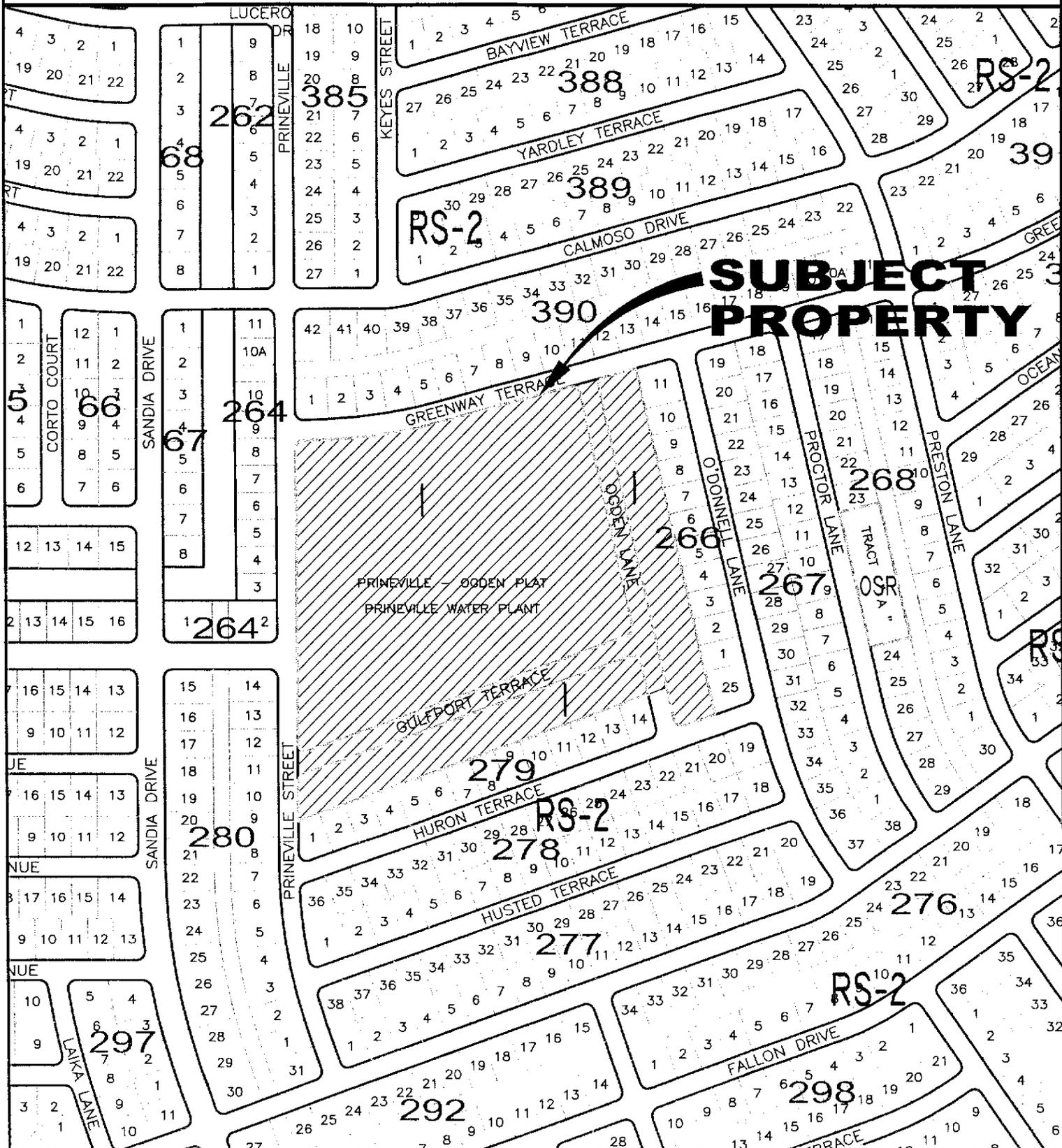
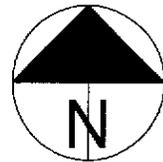
CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ2011.DWG

SITE PLAN REVIEW
OGDEN TRACT
PRINEVILLE OGDEN PLAT

DATE:	6/28/2011
APPLICATION NUMBER:	P11-071
CADD FILE NAME:	P11-071M
SCALE:	1"=400'

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SITE PLAN REVIEW
OGDEN TRACT
PRINEVILLE OGDEN PLAT

DATE: 6/28/2011

APPLICATION NUMBER:
P11-071

CADD FILE NAME:
P11-071M

SCALE: 1" = 400'

APPLICATION FOR SITE PLAN REVIEW – AMENDMENT

ONLY COMPLETE SUBMISSIONS WILL BE PROCESSED

Application Fee: Refer to "Fee Schedule". Fee is nonrefundable.

CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPARTMENT
(772) 871-5212 FAX: (772)871-5124

P&Z File No. P11-071
Fee (Nonrefundable) \$ 710.00
Receipt # 11185

PROJECT NAME: Prineville Water Treatment Plant Telecommunications Tower

LEGAL DESCRIPTION: Prineville-Ogden Plat (27) acres for Utility Property

LOCATION OF PROJECT SITE: 800 SE Prineville St. Port St. Lucie, FL. 34983

PROPERTY TAX I.D. NUMBER: 3428-700-0001-000-9

STATEMENT DESCRIBING IN Adding a telecommunications tower to the property
DETAIL PROPOSED CHANGES
FROM APPROVED SITE PLAN:

GROSS SQ. FT. OF STRUCTURE (S): 3,000sq. ft.

RECEIVED

NUMBER OF DWELLING UNITS & DENSITY
FOR MULTI-FAMILY PROJECTS: N/A

JUN 15 2011

UTILITIES & SUPPLIER: FPL and Bellsouth/AT&T

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

GROSS ACREAGE & SQ. FT. OF SITE: 27 acres **ESTIMATED NO. EMPLOYEES: N/A

FUTURE LAND USE DESIGNATION: Utility ZONING DISTRICT: Utility

OWNER (S) OF PROPERTY: City of Port St. Lucie
Name, Address, Telephone & Fax No.: 121 SW PSL Blvd, PSL FL 34984
772-871-5212 772-871-5124

APPLICANT OR AGENT OF OWNER: Dynamic Towers, Inc. (Kevin T. Aycock)
Name, Address, Telephone & Fax No.: 575 N Mercantile Place suite 104
Port St. Lucie, FL. 34986 772-370-9819

PROJECT ARCHITECT/ENGINEER: Kimley Horn and Associates
(Firm, Engineer of Record, Leo Repetti PE 57573
Florida Registration No., Contact 10521 SW Village Center Drive suite 103
Person, Address, Phone & Fax No.) Port St. Lucie FL. 34987-561-345 3800

- I hereby authorize the above listed agent to represent me. I grant the planning department permission to access the property for inspection.
- I fully understand that prior to the issuance of a building permit and the commencement of any development, all plans and detail plans must be reviewed and approved by the City pursuant to Sections 158.237 through 158.245, inclusive, of the zoning ordinance.

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

H:\PZ\SHARED\APPLCTN\SPRMINORREVISOR (02/20/07)

Kevin T. Aycock Kevin T. Aycock President 6/12/11
OWNER'S SIGNATURE HAND PRINT NAME TITLE DATE

RECEIVED

APR 09 2012

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

This instrument prepared by
and return to:

Robert N. Klein, Esq.
Dean, Mead & Minton
1903 South 25th Street, Suite 200
Post Office Box 2757
Fort Pierce, Florida 34954-2757
(407) 464-7700

DEED

THIS DEED is made as of the 30th day of September, 1994, by ST. LUCIE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose post office address is 2300 Virginia Avenue, Fort Pierce, Florida 34950 ("Grantor"), to CITY OF PORT ST. LUCIE, FLORIDA, a municipality organized under the laws of the State of Florida, whose post office address is 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida 34982 ("Grantee").

(Whenever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, personal representatives and assigns of individuals and the successors and assigns of corporations, partnerships, governmental and quasi-governmental entities.)

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain parcels of real property (collectively, the "Land") situate in St. Lucie County, Florida and more particularly described in Composite Exhibit "A", attached hereto and made a part hereof.

GRANTOR EXECUTES, DELIVERS AND RECORDS THIS DEED IN THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, TO CONVEY TO GRANTEE ALL OF GRANTOR'S RIGHT, TITLE AND INTEREST IN AND TO ALL OF THE PROPERTIES, FEE TITLE TO WHICH WAS CONVEYED TO GRANTOR PURSUANT TO THAT CERTAIN STIPULATED ORDER OF TAKING DATED JUNE 5, 1990, AND RECORDED IN OFFICIAL RECORDS BOOK 817, PAGE 2091, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA

Joanne Holman, Clerk of the Circuit Court - St. Lucie County
File Number: 1353140 OR BOOK 0922 PAGE 1158
Recorded: 09-30-94 01:38 P.M.

OR BOOK 0922 PAGE 1159

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, any and all improvements lying or located upon or under the Land and any and all improvements used in the provision of water, wastewater and propane gas services lying or located upon or under any public right-of-way.

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

SUBJECT TO real property taxes for the year of conveyance and easements, covenants, restrictions, reservations, zoning ordinances and other matters of record, if any, but this reference shall not operate to reimpose any of the foregoing.

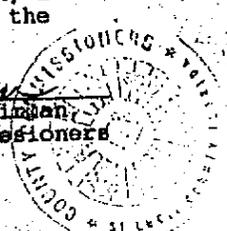
IN WITNESS WHEREOF, the party referred to above as Grantor has caused this instrument to be executed and delivered in its name and has intended the same to be and become effective as of the day and year first above written.

ATTEST:

ST. LUCIE COUNTY, FLORIDA, a political subdivision of the State of Florida

A. Melie White
Clerk
of the Circuit Court

By: Denny Green
Denny Green, Vice Chairman
Board of County Commissioners



(OFFICIAL SEAL)



APPROVED AS TO FORM AND CORRECTNESS:

By: Daniel S. McIntyre
Daniel S. McIntyre,
County Attorney

OR BOOK 0922 PAGE 1160

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 29th day of September, 1994, by DENNY GREEN, as Vice Chairman, Board of County Commissioners of ST. LUCIE COUNTY, FLORIDA, a political subdivision of the State of Florida. Said person (check one) is personally known to me, produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or produced other identification, to wit: _____

OFFICIAL NOTARY SEAL
LOREN P SPENCER
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC17634
MY COMMISSION EXPI. MAR. 31, 1996

Loren P. Spencer
Print Name: Loren P. Spencer
Notary Public, State of Florida
Commission No. _____
My Commission Expires: _____

COPY

dead\189951.r.10

OR BOOK 0922 PAGE 1161

Commitment No. WPI
Company File No. WPI

LEGAL DESCRIPTION

Beginning at the Northwest corner of Section 33, Township 36 South, Range 40 East; thence North 89 degrees 56 minutes 30 seconds East a distance of 2,160.01 feet to point of beginning. Thence North 00 degrees 18 minutes 30 seconds West a distance of 449.11 feet; thence along a curve bearing to the right (having a radius of 25 feet and a central angle of 90 degrees) a distance of 39.27 feet; thence along a curve bearing to the left (having a radius of 1633.20 feet and a central angle of 14 degrees 15 minutes a distance of 422.82 feet; thence North 74 degrees 51 minutes 30 seconds East a distance of 298.76 feet; thence South 12 degrees 57 minutes 30 seconds East a distance of 767.90 feet; thence South 70 degrees 30 minutes 00 seconds West a distance of 919.83 feet; thence along curve bearing to right (having a radius of 25 feet and a central angle of 109 degrees, 26 minutes, 30 seconds) a distance of 47.75 feet; thence North 00 degrees 03 minutes 30 seconds West a distance of 422.90 feet to the point of beginning

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A parcel of land in Sections 28 and 33, Township 36 South, Range 40 East, said parcel being a part of that not included Tract as recorded in O.R. Book 104 on Pages 484 thru 486 lying between Prineville Street and Block 265 of PORT ST. LUCIE SECTION TWENTY FOUR as recorded in Plat Book 13, pages 31, 31A thru 31C of the Public Records of St. Lucie County, Florida, said parcel being more particularly described as follow:

COMMENCE at a point on the East line of a 60.00 foot right-of-way for Prineville Street, where it intersects the South line of Section 28, Township 36 South, Range 40 East; thence run North 00 degrees 18 minutes 30 seconds West along said East line 86.89 feet to the POINT OF BEGINNING of the parcel to be described; thence continue North 00 degrees 18 minutes 30 seconds West, 229.15 feet; thence run North 88 degrees 31 minutes 30 seconds East, 89.40 feet; thence North 04 degrees 11 minutes 23 seconds West 61.51 feet; thence North 83 degrees 39 minutes 56 seconds East 79.13 feet, thence North 07 degrees 06 minutes 11 seconds West 62.89 feet; thence North 43 degrees 23 minutes 26 seconds East 44.53 feet, to a point on the South right-of-way line of Greenway Terrace (60.00 foot right-of-way); thence on a curve concaved to the North having a radius of 1633.20 feet, thence run in an Easterly direction along the arc of said curve through a central angle of 09 degrees 07 minutes 57 seconds (having a chord bearing of North 79 degrees 25 minutes 28.5 seconds East) 260.32 feet, along said South right-of-way line to the point of tangent of said curve, thence run North 74 degrees 51 minutes 30 seconds East, 240.28 feet, thence leaving said South right-of-way line run South 16 degrees 28 minutes 09 seconds East 50.44 feet; thence North 80 degrees 06 minutes 47 seconds East 55.43 feet to the West line of Block 265, of said Port St. Lucie Section Twenty Four, thence run South 12 degrees 57 minutes 30 seconds East along said West line 160.88 feet, thence run South 80 degrees 37 minutes 30 seconds West 129.40 feet, thence South 03 degrees 53 minutes 25 seconds East 89.18 feet, thence South 87 degrees 43 minutes 15 seconds West 112.01 feet, thence South 02 degrees 44 minutes 02 seconds East 186.80 feet, thence South 84 degrees 09 minutes 58 seconds West, 11.21 feet, thence South 43 degrees 11 minutes 36 seconds West (crossing the South line of said Section 28) 138.57 feet, thence South 88 degrees 36 minutes 37 seconds West 206.75 feet, thence North 55 degrees 21 minutes 38 seconds West (crossing the South line of said Section 28) 61.31 feet, thence South 89 degrees 17 minutes 41 seconds West 100.16 feet, thence North 00 degrees 18 minutes 51 seconds West 65.80 feet, thence South 88 degrees 31 minutes 30 seconds West 89.40 feet to the POINT OF BEGINNING.

Parcel I.D. #3428-344-0001-010/0; 3428-344-0001-020/3; 3428-344-0001-030/6

Sub 002

PLEASE RETURN DOCUMENTS TO:
UNIVERSAL LAND TITLE
1100 SW ST. LUCIE W. BLVD. #200
PORT ST. LUCIE, FL FILE# 00060133

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
File Number: 1960943 OR BOOK 143B PAGE 293B
Recorded: 09/27/01 15:14

THIS INSTRUMENT PREPARED BY:
AMY E. GOLDIN, P.A.
365 NORTH MOB HILL ROAD #208
PLANTATION, FL 33324

* DOC ASSUMP: \$ 0.00
* DOC TAX : \$ 980.00
* INTL TAX : \$ 0.00

Property Appraiser's Identity No. 34-28-344-00016007
Grantee's Tax Identification No.

WARRANTY DEED

THIS WARRANTY DEED, dated this 20th day of SEPTEMBER, 2001, by ATLANTIC GULF COMMUNITIES CORPORATION, a Delaware corporation authorized to transact business in the State of Florida, fka General Development Corporation, and having its principal place of business at 13790 N.W. 4th Street, Suite 113, Sunrise, FL 33325, hereinafter called the Grantor, to THE CITY OF PORT ST. LUCIE, a Florida municipal corporation, whose address is 121 SW Port St. Lucie Blvd., Port St. Lucie, Florida 34984-5099, hereinafter called the Grantee:

(Wherever used herein, the terms "Grantor" and "Grantee" include all of the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 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 all that certain land situated in St. Lucie County, Florida, vis:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE PART HEREOF

Subject to the following:

- (a) ad valorem and real estate taxes and special assessments for the year 1999 and all subsequent years;
- (b) zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing of record or otherwise common to the subdivision or community where the property is located; and

Grantee acknowledges and agrees that there may be deed restrictions, restrictive covenants and matters appearing on the plat or otherwise common to the subdivision affecting the Property. Grantee's acceptance of title to the Property subject to such matters shall not be construed as a waiver of Grantee's claim of exemption, as a government purchaser, from any cloud or encumbrance created by such matters pursuant to Ryan v. Manalapan, 414 So.2nd 193 (Fla. 1982).

Grantor, as debtor in possession under Bankruptcy Chapter 11, Case No. 01-1594 through 01-1597, is selling this inventory property in the ordinary course of business.

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 Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

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

Signed, sealed, and delivered in the presence of:

Eva Sanchez
Name Printed: EVA SANCHEZ

Teressa Young
Name Printed: TERESSA YOUNG

ATLANTIC GULF COMMUNITIES CORPORATION,
a Delaware corporation

By: [Signature]
E. M. GIBLIN, JR., VICE PRESIDENT

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 20th day of SEPTEMBER, 2001, by E. M. GIBLIN, JR., as VICE PRESIDENT of Atlantic Gulf Communities Corporation, a Delaware corporation, on behalf of the corporation. He is personally known to me.

My commission expires:

[Signature]
Notary Public, State of Florida

W:\NICHESANCHEZ\DATA\WP1\DOCS\AGC_PSLC\WPD

OFFICIAL NOTARY SEAL
JUSTINA E ARRUIZA
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC92461
MY COMMISSION EXPIRES APR. 29, 2004

EXHIBIT "A"

A parcel of land in Sections 28 and 32, Township 36 South, Range 40 East, said parcel being a part of that "Not Included" tract as recorded in O.R. Book 104, Pages 484 thru 486, lying between Prineville Street and Block 265 of Port St. Lucie, Section Twenty Four, as recorded in Plat Book 13, Pages 31, 31A through 31C, public records of St. Lucie County, Florida, said parcel being more particularly described as follows:

Commence at a point on the East side of a 60.00 foot right-of-way for Prineville Street, where it intersects the South line of Section 28, Township 36 South, Range 40 East; thence run North 00 degrees 18'30" West along said East line, 86.89 feet to the Point of Beginning of the parcel to be described; thence continue North 00 degrees 18'30" West, 229.15 feet; thence run North 88 degrees 31'20" East, 89.40 feet; thence North 04 degrees 11'23" West, 61.51 feet; thence North 83 degrees 39'56" East, 79.13 feet; thence North 07 degrees 06'11" West, 62.89 feet; thence North 43 degrees 23'26" East, 44.53 feet to a point on the South right-of-way line of Greenway Terrace (60.00 foot right-of-way); thence on a curve concave to the North having a radius of 1633.20 feet; thence run in an Easterly direction along the arc of said curve through a central angle of 09 degrees 07'57" (having a chord bearing of North 79 degrees 25'28.5" East, 260.32 feet, along said South right-of-way line to the point of tangent of said curve, thence run North 74 degrees 51'30" East, 240.28 feet; thence leaving said South right-of-way line, run South 16 degrees 28'09" East 50.44 feet; thence North 80 degrees 06'47" East 55.43 feet to the West line of Block 265 of said Port St. Lucie, Section Twenty Four, thence run South 12 degrees 57'30" East along said West line, 160.88 feet; thence run South 80 degrees 37'30" West, 129.40 feet; thence South 03 degrees 53'25" East, 89.18 feet; thence run South 87 degrees 43'15" West, 112.01 feet; thence South 02 degrees 44'02" East, 186.80 feet; thence South 89 degrees 09'58" West, 11.21 feet; thence South 43 degrees 11'36" West (crossing the South line of said Section Twenty Eight), 138.57 feet; thence South 88 degrees 36'37" West, 206.75 feet; thence North 55 degrees 21'38" West (crossing the South line of said Section Twenty Eight), 61.31 feet; thence South 89 degrees 17'41" West, 100.16 feet; thence North 00 degrees 18'51" West, 65.80 feet; thence South 88 degrees 31'30" West, 89.40 feet to the Point of Beginning.



CITY OF PORT ST. LUCIE

Katie

.....
"A CITY FOR ALL AGES"

April 19, 2012

RECEIVED
APR 20 2012
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

Mr. Kevin T. Aycocock, President
Dynamic Towers, Inc.
575 NW Mercantile Place, Suite 104
Port St. Lucie, Florida 34986

Re: Placement of a Wireless Stealth Communications Tower at the Prineville Utility Plant
Special Exception Use (Letter of Authorization for Planning & Zoning)

Dear Mr. Aycocock:

I am in receipt of your letter to this office dated April 10, 2012 regarding the above-mentioned site. Authorization is hereby granted to proceed with the special exception use and site plan paperwork to the Planning & Zoning Department.

Sincerely,

Gregory J. Oravec
City Manager

CC: Mayor & City Council
Daniel Holbrook, Director, Planning & Zoning
Jesus Merejo, Director, Utility Systems
Pam Booker, Senior Assistant City Attorney

DTI

April 10, 2012

APR 10 2012

Mr. Greg J. Oravec
City Manager
City of Port St Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Dear Mr. Oravec,

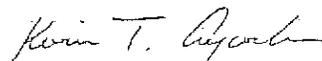
DTI would like to request an authorization letter to proceed with our Special Exception Use application and lease of ground space for the placement of a wireless stealth communications tower on the Prineville Utility Plant property located at 800 SE Prineville Street. The Planning & Zoning Department requires this letter from the property owner allowing us to proceed on behalf of the City of Port St. Lucie as owner.

Last year we were approved to move forward with this application and have received a SPRC approval. There was an unforeseen delay in the application process due to the staff uncovering an omission in the code requiring a text amendment that is now complete. We are currently scheduled to go before the P&Z Board on May 1st, 2012.

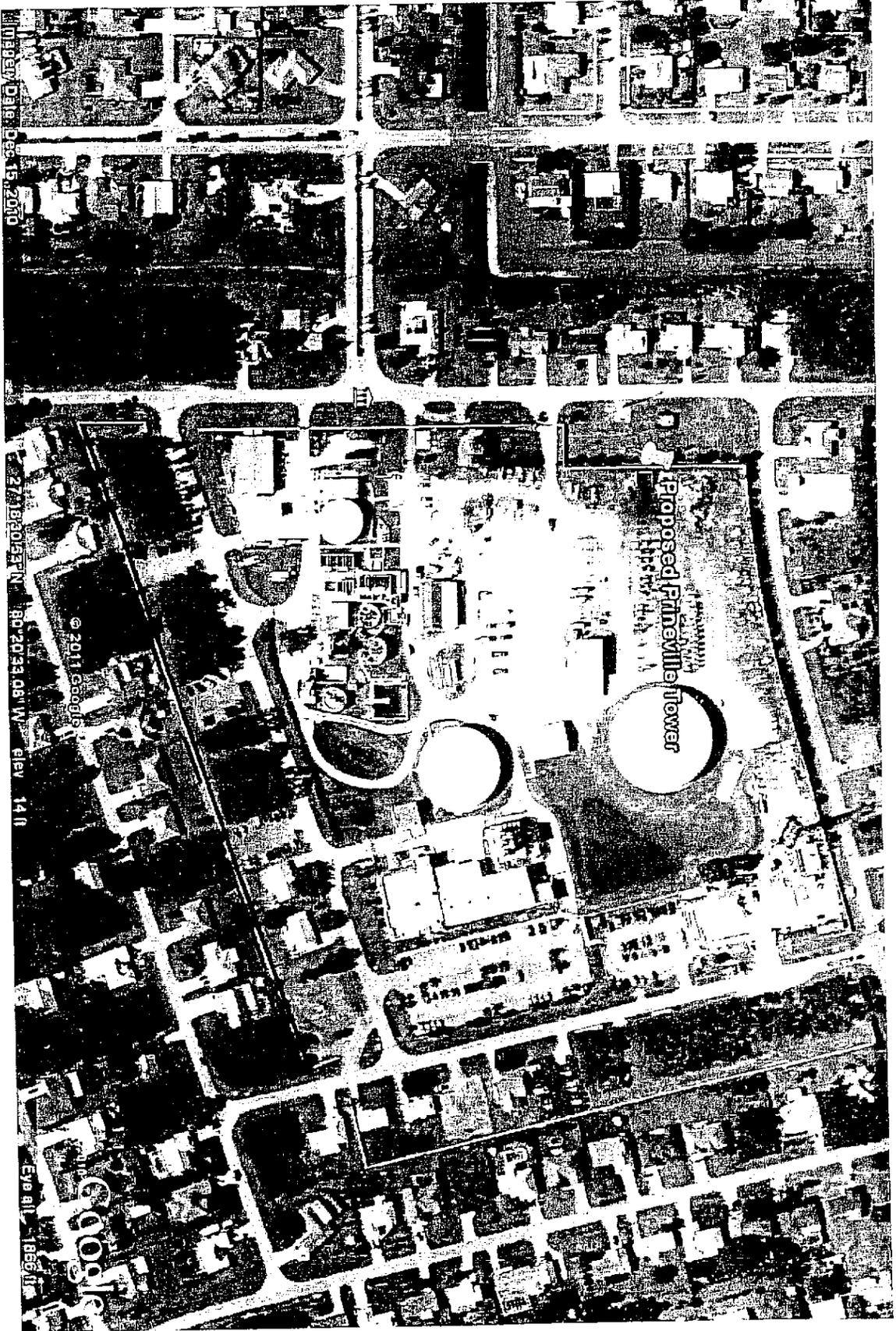
Furthermore, the underlying ground lease for the tower, between DTI and the City, as well as the site plan, have been reviewed and approved by Jesus Merejo and Brad Macek from the Utility Department. The template for the lease was originally negotiated and agreed to between DTI and the City Legal Department. In synopsis, the lease is for 25 years [10yr initial + (3) 5yr renewals] and provides the City with an initial monthly rental income of \$1,500.00 per month. The rent escalates 3% each year. Additionally, the City receives a 25% share of the co-location revenue we receive from subleasing the tower.

Please feel free to contact me if you have any questions. I appreciate your assistance in this matter.

Sincerely,



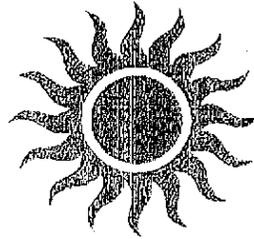
Kevin T. Aycock
President
772-370-9819 Mobile



RECEIVED

APR 10 2012

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL



JOHN DI GIACOMO · 820 SE. PRINEVILLE ST. · PORT ST. LUCIE · FLORIDA 34983-2147

17 April 2012

RE: Special Exception Use City of Port St. Lucie Prineville Wastewater Treatment plant Telecommunications Tower P11-070.

Ms. Katherine H. Huntress
City of Port St. Lucie
Planning & Zoning Department
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, Florida 34984-5099

Dear Ms. Huntress,

Thank you for speaking with me yesterday, and for suggesting that I write this letter to you so that it may be included in your advisory packet and subsequent council meeting. You were very kind, patient and helpful.

I am not a homeowner. But I am writing on behalf of my mother, Elvira Di Giacomo, with whom I live and who is the homeowner living at the address listed above. Her house and property is listed as lot 10A of area 264 on your Site Location (Buffer) zoning map. That map is on the reverse of your Notice to Property Owners regarding the Special Exception Use City of Port St. Lucie Prineville Wastewater Treatment plant Telecommunications Tower P11-070.

For the average layman such as myself, and especially at this late date (*two weeks before the 01 May 2012 public hearing and I won't be available to attend on that date*), there is just too much material through which I must wade and decipher to make a valid decision and reasonable argument as to the safety of having a communications tower in such close proximity. While the available information seems to weigh heavier on the side of the radiant energy dangers on human and animal health, it is simultaneously admitted that not nearly enough credible research has been done in this area.

So on the one hand, I think that it is incredibly foolish and potentially dangerous for our town "authorities" to capitulate to the Tower construction companies and build and operate this energetic device in the middle of such a populated area without first knowing "as conclusively as possible" that it does not present any dangers to health.

On the other hand, as "uncomfortable" as I am about having the tower as a close neighbor, I know that I cannot adequately present an argument against building the tower without also possessing these same conclusive health findings

from reputable independent (*non-corporate; non-governmental*) research. Without this, my ranting would be viewed as just so much conspiracy theory.

The only reasonable inroad that I could possibly make into the *Planning & Zoning Department's* and *City Council's* apparent intentions are two hypothetical financial scenarios. My experiences have taught me that despite appearances to the contrary, the underlying motivation can *often* be traced to financial causes:

1. If the City will benefit by payments from Dynamic Towers, Inc., these profits may soon be lost if any individuals residing near the new tower develops cancer or other complications. Whether or not one actually caused the other is mute, since the research is lacking and inconclusive, opportunity and popular belief would precipitate litigations – for this reason, until conclusive independent research is available, the tower should not be built.

2. If the City (*read taxpayers*) will be paying Dynamic Towers, Inc. to build the tower, then considering the poor economic environment, general lack of City funds, over-taxed and under-employed residents and their probable antagonistic view of the device so near by, and the fact that our cell phones already work fine – for this reason, until economic conditions are better and there is a real need, the tower should not be built.

There are two things at this writing however, that I can say with a fairly high degree of certainty. The *first* is that being a recent widow, my mother wishes to sell the house and move to a smaller residence. The economy and housing market being what it is would make this move nearly impossible. Whatever the reality is of the tower dangers, the notion is present in most individuals' minds (*potential homebuyers and especially those with children*), that living near such a tower is "toxic" (*one need only surf the internet or watch some of the Home & Gardens-like reality TV shows to hear them speak of this home-buying caveat*). A nearby telecommunications tower would be the last nail in the home-selling coffin.

The *second* is that the council has already long ago decided in favor of building the tower.

So, even though this letter objection is really nothing more than an exercise in futility we wanted it to be a matter of record – even if it is only recorded in the "circular file," we will at least know that we made the effort to do the right thing.

Respectfully submitted,
Sincerely,



John Di Giacomo



Mrs. Elvira Di Giacomo
Home Owner
820 SE. Prineville Street

ATTENTION KATHERINE HUNTRESS

Page 1 of 1

Subj: Linda ...we need your help...!!!
Date: 4/17/2012 10:48:58 A.M. Eastern Daylight Time
From: RPMack2000@aol.com
To: district1@cityofpsl.com

Linda,

Hopefully, you will vote against P11-070, (Ref. Telecommunication Tower at the wastewater treatment plant on Prineville) for it is not needed in my neighborhood ... We don't need this tower, which would only serve to decrease the property value with it's ugliness and potential radiation .. The tower would better serve the community if it was located out in the boondocks where it would not affect home values or present a possible health risk.

I have been a resident of PSL since January, 1973, and living at my present address at 301 SE Calmoso Drive (Block 390 Lot #42) since March of 1978 ... The neighborhood and I have gotten along quite well without this type of structure for the 34 years since I built my home here. A tower of 150 foot in the air only marks and identifies neighborhood BLIGHT, which equals loss of home value. I'm sure if the request was to erect it at City Hall, it would be turned down ... Please do not allow this to happen in my back yard.

Thank you ...

Rick Macklem ... The Old white haired guy who sees you at Joey's restaurant from time to time ... ☺

April 18, 2012

RECEIVED

APR 20 2012

City of Port St. Lucie
Planning & Zoning Department
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

PLANNING & ZONING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

RE: File # P11-070 Proposed Telecommunications Tower

Attention: Katherine Huntress:

Regarding the proposed telecommunications tower to be located at the City of Port St. Lucie Prineville Waste Water Treatment Plant, I don't agree with it!

1. There is already a tower on the sited located on the Ogden side of the property. As I understand this is a radio tower used by the utility department. With the proposed cell tower that will be placing 2 towers on the same property less than 1,500 feet apart, it appears it could be less than a 1,000 feet. Has the applicant submitted documentation showing the distance between the proposed tower and the existing radio tower? Per Code: Sec. 158.213 (N) (1) (b)
2. Wind damage; will the tower be able to withstand a Category 3 hurricane? If it were to fall what areas would be affected and how? Has documentation been submitted for this? Per Code: Sec. 158.213 (E)
3. Has documentation been submitted to show that the applicant has tried to co-locate on an existing tower within the proposed service area? Have they provided documentation showing their notice of intent to all other known telecommunication providers within the City to determine if any of them can co-locate on the proposed cell tower? Per Code: Sec. 158.213 (G)

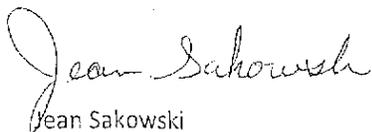
I have lived in my house since 1980 and have seen many changes to this site and surrounding area. The cell tower is one thing I do not agree with.

Over the years as the plant has been expanded properties have been purchased to accommodate the expansions. Now it seems that the City is planning to expand further I feel that they should inform us now of their intentions! They have purchased all the homes and lots along Gulfport and Ogden and either have torn down the homes or converted them to offices for the utility staff. In addition they purchased 6 homes/lots on Greenway from Prineville to O'Donnell Lane. They have also purchased 6 homes on Prineville between Lakehurst and Greenway and have purchased 4 lots south of Lakehurst on Prineville by Gulfport.

This residential area is being whittled down and I feel that I have lost my right to quiet enjoyment as well as the value of my home. Do you think that if I were to try and sell my home in a few years that I would be able to get fair market value? I don't think so, who wants to look at a tower no less 2 towers!

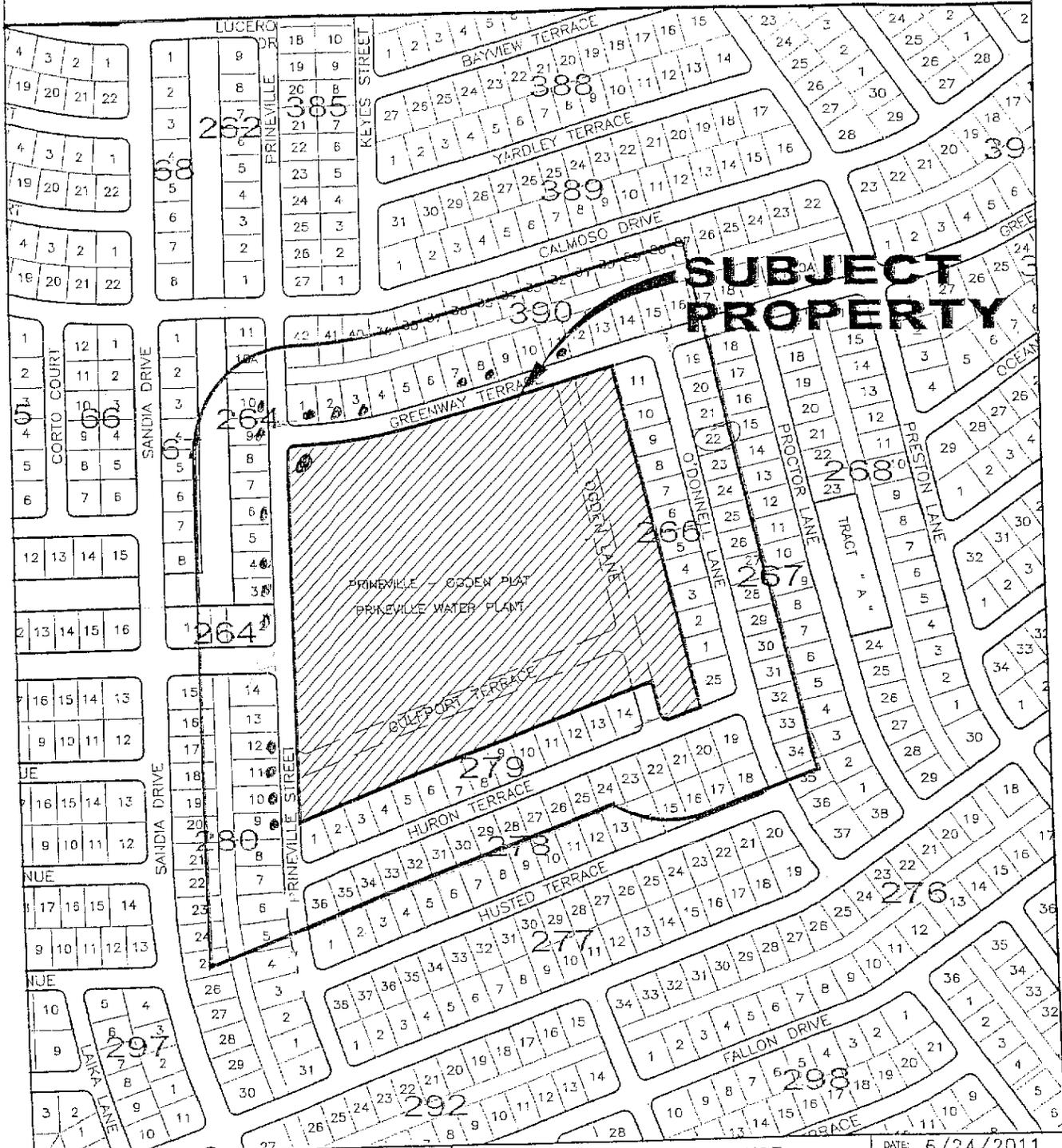
Thank you and I hope the City does not proceed with the approval of this cell tower.

Sincerely,



Jean Sakowski
853 SE O'Donnell Lane
Port St. Lucie, FL 34983
Sec. 24, Block 267, Lot 22
Attachments

SITE LOCATION (BUFFER)



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.CWG

SPECIAL EXCEPTION USE
OGDEN TRACT
PRINEVILLE OGDEN PLAT

DATE: 6/24/2011

APPLICATION NUMBER:
P11-070

CADD FILE NAME:
P11-070M

SCALE: 1"=400'

Lots marked with the red dot have been acquired by the City, some are used as offices.

Katherine Huntress

From: anna banana [annatomic8@yahoo.com]
Sent: Wednesday, May 23, 2012 1:39 PM
To: Katherine Huntress
Subject: anna e.sierk cell tower letter
to. ms. Katherine H.Huntress.

city of port st. lucie

planning & zoning dept.

201 s.w. pt st

lucie,fl,34984-5099

Dear Ms. Huntress,

thank you for returning my
phone call....I am a homeowner @ 317 s.e. huron terr. in p.s.l., & I was also
a business owner in 1993-2004.

I am aware of state & city growth & n very fond of business &
family values...But i do not agree with having a cell tower extremely close to
my home. this is an unique

location, only because the water utilities plant is located in a residential
area....not only is it not safe for the neighborhood, but is also unsafe
for it's employees in the facility....with my
research that i have made @ a quarter mile,the cell tower can radiate emf
readings @ 100%...

scientific research has recored ,possible brain cancer related cases....

further more,,,property

values would also be affected....

I also believe you received a letter from my brother
john digiacomo,for my mother elvira digiacomo,,whom lives @ 820
s.e.prineville st. p.s.l.fl.

we are both in the buffer zone.....which in no more than 900-1200 ft
from the water utility facility...

thank you for your time ,,I
hope you & the city will look @ this carefully & re-evaluate this project..to
my knowledge & research there are already

99 cell & antenna towers in st lucie county...

thank you again,,

anna e. sierk

772-812-7454

Katherine Huntress

From: anna banana [annatomic8@yahoo.com]

Sent: Wednesday, May 23, 2012 3:57 PM

To: Katherine Huntress

Subject: apologie for letter format

dear ms. huntress,,,i appoligize for how the letter was disorganized,,,for some reason my computer erratically arranged it's form...i hope you can understand it thank you, anna sierk

Katherine Huntress

From: anna banana [annatomic8@yahoo.com]

Sent: Tuesday, June 05, 2012 4:51 PM

To: Katherine Huntress

Subject: wow!!!! a cell tower

dear ms. huntress,,,thank you for your time, obviously it was a waste.....the cell tower was already in progress.... allowing people to view their oppinions didn't matter. what seems to matter to the city is making money,,not to keep a humble community.....i hope the tower does well in radiating alot of electric radio fields ,so that we have a much greater chance of brain cancer.....i guess i can save on my electric bill, since i can fry my eggs outside now....i'll let you know how they taste.....thanks to the city of p.s.l.
anna sierk

