
MEMORANDUM

TO: JERRY A. BENTROTT, CITY MANAGER
FROM: PAM E. BOOKER HAKIM, SENIOR ASSISTANT CITY ATTORNEY 
DATE: NOVEMBER 29, 2011
SUBJECT: TERMINATION OF RESTRICTIVE COVENANTS
TRC # 290

Attached please find a Request for Termination of Restrictive Covenant by Feroz Chagani, for Lots 31 and 32, Block 2580, Port St. Lucie Section 12. This Restrictive Covenant was placed on the property to reduce the assessments at the time of implementation of utility service. Based upon increased level of development for the parcel, the property owners owe the City of Port St. Lucie, \$ 6,093.98. This payment has been made by the property owner.

Please place this item on the City Council agenda for Monday, December 5, 2011. Should you have any questions, or need any additional information, please do not hesitate to contact me at 871-5165.

PBH/liw

C: Irene Sorensen, Staff Accountant, Finance
Donna Rhoden, Manager, Utilities

RECEIVED

NOV 29 2011

City Manager's Office

Prepared by and return to:
City Attorney's Office
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
TRC- 290

TERMINATION OF RESTRICTIVE COVENANT

THIS TERMINATION OF RESTRICTIVE COVENANT is made this ____ day of _____, 2011, by and between **FEROZ A, CHAGANI**, hereinafter referred to as (the "Owner") and the **CITY OF PORT ST. LUCIE, a Florida municipal corporation**, hereinafter referred to as (the "City").

WITNESSETH:

WHEREAS, on or about November 27, 2001, a Restrictive Covenant was filed in Official Records Book 1458, at Page 2580, of the Public Records of St. Lucie County, Florida, encumbering the following described property, to-wit:

Lots 31 and 32, Block 1286, Port St. Lucie Section 12, a subdivision according to the Plat thereof, as recorded in Plat Book 12, at Pages 55, 55A through 55G of the Public Records of St. Lucie County, Florida.

WHEREAS, by said Restrictive Covenant, Amanda Fingerlin Nick, the Owner stated that she occupied the subject property as one single residential unit and intended to restrict the subject property so that it can be occupied and used only as one single residential unit; and

WHEREAS, the Restrictive Covenant was created for the purpose of combining the properties so they would be assessed by the City as a single residential unit for the water/sewer extension project, referred to as Utility Service Area 5; and

WHEREAS, the current Owner wishes to separate the subject property and no longer desire to occupy the subject property as one single residential unit; and

WHEREAS, on or about September 1, 2010 Feroz A. Chagani. obtained a Special Warranty Deeds for Lots 31 and 32 Block 1286, Port St. Lucie Section 12; from Federal Home Loan Mortgage; and

WHEREAS, the City agrees to the termination of said Restrictive Covenant, upon payment of **\$6,093.98** by the current owner Feroz A. Chagani; and

WHEREAS, by the termination of the Restrictive Covenant, each of the lots, identified herein, will be subject to assessment by the City as a separate residential unit for the water/sewer extension project, referred to as Utility Service Area No. 5

TERMINATION OF RESTRICTIVE COVENANT

NOW, THEREFORE, for and in consideration of the sum of **\$6,093.98**, and other good and valuable consideration paid by each of the parties to the other simultaneously with the execution hereof, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. The Restrictive Covenant recorded in Official Records Book 1458, at Page 2580, of the Public Records of St. Lucie County, Florida, restricting the subject property to one single residential unit is hereby terminated.
3. By the termination of said Restrictive Covenant, the lots described herein, shall each be subject to assessment by the City as a separate residential unit for the water/sewer extension project, referred to as Utility Service Area 6.
4. Lots 31 and 32, Block 1286, Port St. Lucie Section 12, may be developed independently of each other in accordance with the rules and regulations of the City of Port St. Lucie.

**** REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK****

TERMINATION OF RESTRICTIVE COVENANT

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

WITNESS:

(Printed Name) _____

By: _____

(Printed Name) _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2011, by _____ . Said person(s) (check one) • are personally known to me, or • produced _____ as identification.

SEAL

By: _____
(Printed Name) _____
Notary Public, State of _____

WITNESS:

CITY OF PORT ST. LUCIE
a Florida municipal corporation

(Print Name) _____

By: _____
JoAnn M. Faiella, Mayor

(Print Name) _____

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument as acknowledged before me this _____ day of _____, 2011, by **JoAnn M. Faiella** as Mayor of the City of Port St. Lucie, on behalf of the City, who is personally known to me.

Notary Public