

RESOLUTION NO. 12-R02

COUNCIL ITEM 11B
DATE 1/9/12

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) 11 TO ALLOW AN AUTOMOBILE GASOLINE SERVICE STATION IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR BAYSHORE PLAZA OUTPARCEL, LEGALLY DESCRIBED AS A PORTION OF TRACT A, DHP PLAT ONE (P11-147); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Cotleur & Hearing, Investments Inc. the "Real Party in Interest and the Assignee of the Judgment of Foreclosure, to grant a special exception use for an automobile gasoline services in the CG (General Commercial) zoning district, per 158.124 (C) 11 of the zoning code; and legally described as a portion of Tract A, DHP Plat One.

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., and Section 158.124 (C)11 Code of Ordinances, City of Port St. Lucie, and further that granting the special exception use will not adversely affect the public interest;

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

WHEREAS, the Planning and Zoning Board, on December 6, 2011, unanimously recommended approval with conditions of the special exception use for an automobile gasoline services in the CG (General Commercial) zoning district, (P11-147):

RESOLUTION NO. 12-R02

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

Section 1. That the City of Port St. Lucie hereby grants a Special Exception Use for an automobile gasoline service station for Bayshore Plaza Outparcel (P11-147), pursuant to Section 158.255, et seq., and Section 158.124 (C) 11 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 northeast corner of Bayshore Blvd. and Port St. Lucie Blvd., and legally described as a portion of Tract A, DHP Plat One, with the following conditions:

1. All landscaping shall conform to the approved landscape plan.
2. The existing buildings and canopy are to be repainted and articulated to bring the property into greater compliance with the City's Design Standards, prior to the occupancy of the building.
3. The site plan shall be amended to provide a bike rack, relocate the handicapped parking, update the sign and access aisle of the handicapped parking, and conform to ADA requirements, prior to the occupancy of the building.

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RESOLUTION NO. 12-R02

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 9th day of January, 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, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: JANUARY 9, 2012

ORDINANCE RESOLUTION X MOTION PUBLIC HEARING X

ITEM: SPECIAL EXCEPTION USE APPLICATION (P11-147)
 BAYSHORE PLAZA OUTPARCEL/VICTORIA SQUARE
 AUTOMOBILE GASOLINE SERVICE STATION

RECOMMENDED ACTION:

On December 6, 2011 the Planning and Zoning Board unanimously recommended approval of the Special Exception Use as recommended by the staff.

EXHIBITS:

- A. Resolution
 - B. Staff Report
 - C. Support Materials
-

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

The requested special exception is to reestablish an automobile gasoline service station (with 8 pumps), in the CG (Commercial General) Zoning District, per Section 158.124 (C) 11 of the Zoning Code, and to conform the discontinued use to code requirement, per Section 158.281.

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

None

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 12/27/11



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

TO: CITY COUNCIL - MEETING OF JANUARY 9, 2012
FROM: THRESIAMMA KURUVILLA, PLANNER *TK*
RE: SPECIAL EXCEPTION APPLICATION (PROJECT NO. P11-147)
BAYSHORE PLAZA OUTPARCEL/VICTORIA SQUARE
AUTOMOBILE GASOLINE SERVICE STATION
DATE: DECEMBER 28, 2011

APPLICANT: Donaldson Hearing of Cotleur & Hearing, Inc.

OWNER: Cotleur & Hearing, Investments Inc. is the "Real Party in Interest and is the Assignee of the Judgment of Foreclosure recorded in the public records of St. Lucie County". A copy of the Assignment of Judgment and Bid Rights is attached.

LOCATION: The property is located at 299 SW Port St. Lucie Blvd., at the northeast corner of Bayshore Blvd. and Port St. Lucie Blvd.

LEGAL DESCRIPTION: A portion of Tract A, DHP Plat One.

SIZE: The site size is 0.895 acres with 1,001 square feet of leasable area.

EXISTING ZONING: CG (General Commercial)

EXISTING USE: The site has an existing automobile gasoline service station with 8 pumps, a retail convenience store, and a car wash. This had been closed down and vacant for more than one year.

PROPOSED USE: The proposed use is to reestablish the automobile gasoline service station, a retail convenience store, and a car wash so that the property does not remain vacant and in disrepair.

REQUESTED SPECIAL EXCEPTION: The requested special exception is to reestablish an automobile gasoline service station (with 8 pumps), in the CG (Commercial General) Zoning District, per Section 158.124 (C) 11 of the Zoning Code, and to conform the discontinued use to code requirement, per Section 158.281.

SURROUNDING USES: North = CG (General Commercial) zoning, Victoria Square shopping plaza (Winn-Dixie); South = CG (General Commercial) zoning, Walgreens; East = CG (General Commercial) zoning, Victoria Square shopping plaza (Winn-Dixie); West = Bayshore Blvd., and I (Institutional) zoning, Florida Turnpike Toll Plaza.

IMPACTS AND FINDINGS:

Evaluation of Special Exception Criteria (Section 158.260)

(A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

Applicant: The primary vehicular and pedestrian access to and from the gas station is provided by an existing driveway on Port St. Lucie Boulevard. There is no proposed change to the location of this existing driveway which was approved and constructed as part of the original Bayshore Plaza PUD. Additionally, vehicular and pedestrian access is provided through the existing parking drive aisles that connect the gas station to the remainder of the stores within the Bayshore Plaza. These access points provide a safe and convenient traffic flow for general public and emergency vehicles.

Staff: (P90-002) Chevron Gas Station at Victoria Square, also known as Bayshore Plaza Site Plan Application, was approved by City Council on May 7, 1990. The existing site has adequate ingress and egress to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency. The main access is from Port St. Lucie Blvd. with a right in, right turn out only. Additionally, vehicular and pedestrian access is provided through the existing parking drive aisles that connect the gas station to the remainder of the stores within the Bayshore Plaza/Winn-Dixie shopping center. Therefore, the site will have a total of three (3) access points: these can be used for both ingress and egress.

The site plan was amended (P00-092) on 4/27/2000 to relocate car vacuum and carpet shampoo equipment, to a parking space west of the car wash.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties. The existing buildings have to conform to ADA requirements and Building Code.

Applicant: The design of the approved site plan was based on the proposed use of a gas station. The existing gas station was constructed consistent with the approved site plans of record. Therefore, the existing site meets the City's off-street parking and loading requirements for a gas station use. Landscape buffers and internal medians have been provided to minimize visual impacts, noise, and other possible detrimental effects to adjoining properties. Additionally, the applicant intends to submit a separate application for a Landscape Modification Request for this site. The proposed landscape will include proposed landscaping consistent

ITEM # 7(B)

with adjacent properties that front the Port St. Lucie Boulevard corridor.

Staff: The existing site has adequate off-street parking and loading areas provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties. Bicycle parking is not provided at the site. It is understood from the Engineering Department that the handicapped parking does not meet current ADA standards. The sign and access aisle need to be updated. The existing handicapped parking has to be relocated closer to the door of the retail convenience store. The existing buildings and automobile gasoline pumps have to conform to current ADA requirements and Building Code.

(C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

Applicant: The subject site has full access to all required public facilities.

Staff: The existing site has adequate and properly located utilities to serve the development.

(D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

Applicant: The subject property and properties directly adjacent to the subject property are zoned for General Commercial Use. The proposed gas station use is generally consistent with the existing uses in the area. As stated in item B, landscape buffers and internal medians have been provided to minimize visual impacts, noise, and other possible detrimental effects to adjoining properties. Additionally, the applicant intends to submit a separate application for a Landscape Modification Request for this site. The proposed landscape will include proposed landscaping consistent with adjacent properties that front the Port St. Lucie Boulevard corridor.

Staff: The existing gas station is located at the intersection of Bayshore Blvd. and Port St. Lucie Blvd., at the northeast corner. The frontage of this property on Bayshore Blvd. is about 200 feet and on Port St. Lucie Blvd., 170 feet. The access to the gas station is from Port St. Lucie Blvd. Additionally, vehicular and pedestrian access is provided through the existing parking drive aisles that connect the gas station to the remainder of the stores within the Bayshore Plaza/Winn-Dixie shopping center. The approved landscape plan indicates these trees as green Dahoon Holly (8), Slash Pine (3), and Live Oaks (11), measuring at least 10 to 12 feet high measured from the ground. The landscape plan indicates (29) Cabbage Palm, (85) Dwarf Oleander, etc. Some of the trees and palm trees are in good condition. The existing landscaping, particularly the trees and bushes on Bayshore Blvd. and Port St. Lucie Blvd., must conform to the approved landscape plan.

(E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

Applicant: With the exception of 're-branding' the signage, the applicant intends to maintain the current exterior lighting and signage program than exists on site. The current signage and lighting has functioned for a number of years without any adverse impact to adjoining roadways or properties.

ITEM # 7(B)

Staff: There is an existing monument sign on this property. The applicant will have to apply for sign permit for all proposed signage. Based on visual inspection, the lights appear to be shielded (see photographs at the end of this report). The canopy lights shall not project beneath the underside of the canopy. All other exterior lights shall use concealed source fixtures, in which the lenses do not project below the opaque section of the fixture.

(F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

Applicant: Landscape buffers are provided along Bayshore Blvd. and Port St. Lucie Blvd. consistent with adjacent properties

Staff: The existing site has adequate yards and open space to properly serve the existing development and ensure compatibility with adjoining properties.

(G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

Applicant: The Special Exception Use Request for gas station is consistent with Section 158.124 of the Port. St. Lucie Code which states that automobile gasoline services is permitted as a special exception use within the General Commercial Zoning district.

Staff: The existing automobile gasoline service station is a permitted use in a special exception use in the CG (General Commercial) Zoning District per Section 158.124 (C) (11) of the Zoning Code.

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

Applicant: The proposed Special Exception Use is appropriately programmed within a planned commercial development. The location site, which is at a main intersection in close proximity to the Florida Turnpike, further justifies the benefit to the public by providing an easily accessible gas station at this site. Additionally, the proximity of other consumer based businesses would provide the public the opportunity to refuel while shopping at other stores within the Bayshore Plaza development.

Staff: It is understood from the Code Enforcement Department that there is an active code violation for the subject property, as per case 11-10860 for high grass and weeds. The City has cut the grass 2 times and there is a lien filed for \$11,855.86. (See attached email). This property is aesthetically unpleasant and distressed at one of the primary entry points into the City. Improvements can be made to rectify this by painting and façade articulation to attempt to bring the property into greater compliance with the City's Design Standards.

(I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

Applicant: The proposed gas station is on an out parcel of a commercial development which is located at a high traffic intersection. The proposed use is consistent with the surrounding properties and will not constitute a nuisance or hazard to the adjacent compatible uses.

Staff: Staff agrees with the applicant.

(J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

Applicant: The proposed use is consistent with the consumer based commercial uses present on the adjacent properties. The site provides easy access to and from the Bayshore Plaza through two internal drive aisle connections. Additionally, the driveway access off of Port St. Lucie Blvd. allows access to the site without having to enter through the Bayshore Plaza driveway and drive aisles. The architecture is also consistent in building height and scale with the surrounding commercial development.

Staff: Staff agrees with the applicant, but is aesthetically a detractor.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area, and would result in excessive disturbance or nuisance from the use altering the character of the neighborhood.

Staff: The applicant has acknowledged this.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

Staff: The applicant has acknowledged this. The subject property shall be legally subdivided.

Compatibility with special exception criteria: As noted above, the proposed use is compatible with all of the special exception criteria; however, the landscaping shall be in accordance with the approved site plan and landscape plan. Aesthetic improvements and ADA compliance to the building, and addition of bike parking to the project site shall be made prior to the occupancy of the building.

Notice to Property Owners: Notice was sent to all neighbors within a 300 foot radius (see attached map).

Related Projects:

P90-002 - Chevron Gas Station at Victoria Square also known as Bayshore Plaza Site Plan Application was approved by City Council on May 7, 1990.

P00-092- Chevron Gas Station at Victoria Square Site Plan amendment was approved administratively on 4/27/2000.

RECOMMENDATION:

The Planning and Zoning Board on 12/6/11 recommended approval of the automobile gasoline service station with the following conditions:

1. The lien placed on the property by the Code Enforcement Department must be paid prior to the SEU being scheduled for City Council meeting.
2. All landscaping shall conform to the approved landscape plan.
3. The existing buildings and canopy are to be repainted and articulated to bring the property into greater compliance with the City's Design Standards, prior to the occupancy of the building.
4. The site plan shall be amended to provide a bike rack, relocate the handicapped parking, update the sign and access aisle of the handicapped parking, and conform to ADA requirements, prior to the occupancy of the building.

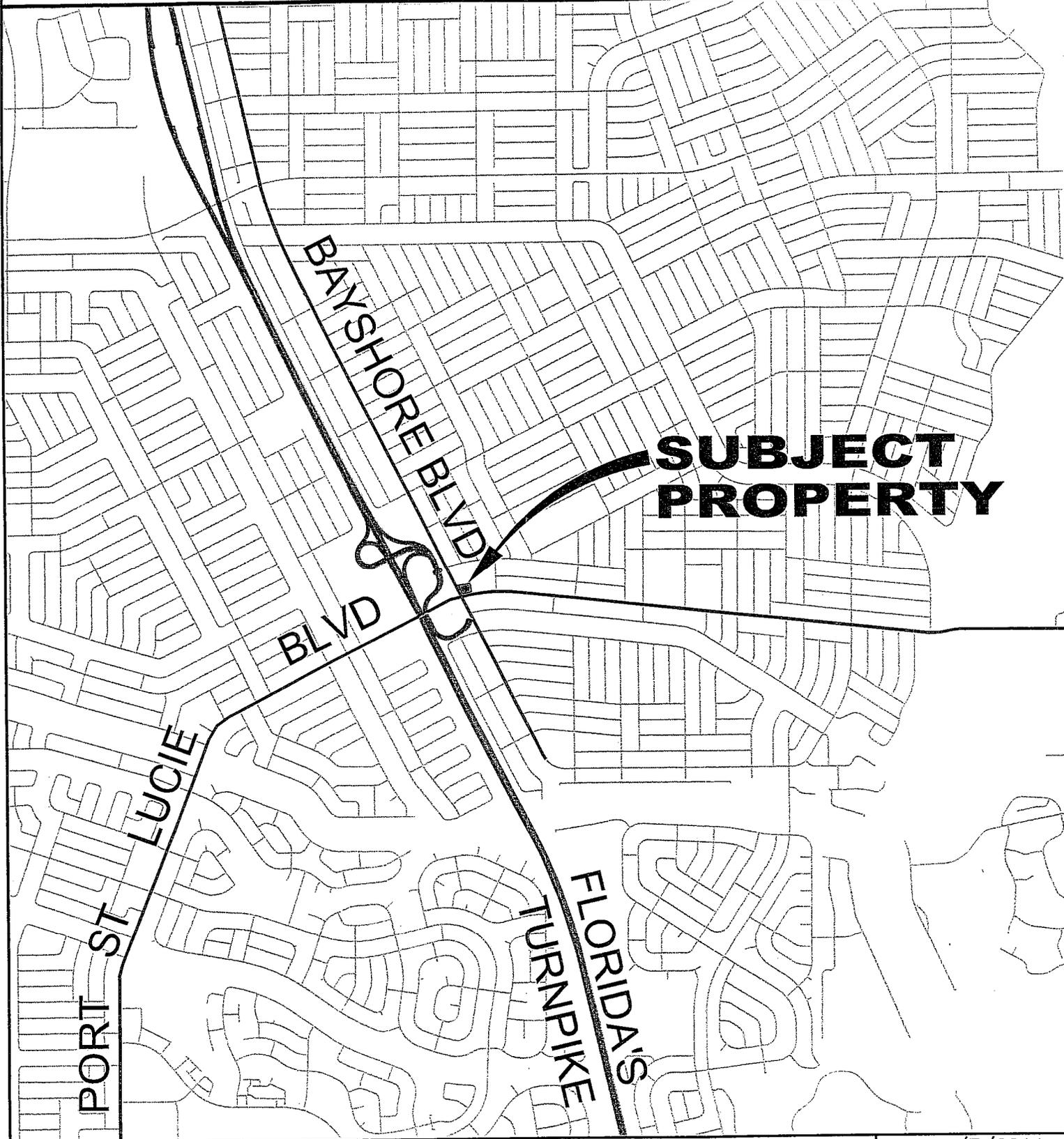
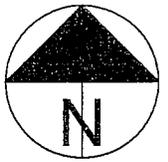
Update: The applicant paid off the lien placed on the property by the Code Enforcement Department on December 15, 2011 (see attached document).

RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be consistent with special exception criteria, as stipulated in Section 158.260 of the Zoning Code, and recommends approval of the automobile gasoline service station with the following conditions:

1. All landscaping shall conform to the approved landscape plan.
2. The existing buildings and canopy are to be repainted and articulated to bring the property into greater compliance with the City's Design Standards, prior to the occupancy of the building.
3. The site plan shall be amended to provide a bike rack, relocate the handicapped parking, update the sign and access aisle of the handicapped parking, and conform to ADA requirements, prior to the occupancy of the building.

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
PART OF TRACT "A"
PORT ST LUCIE SECTION 18

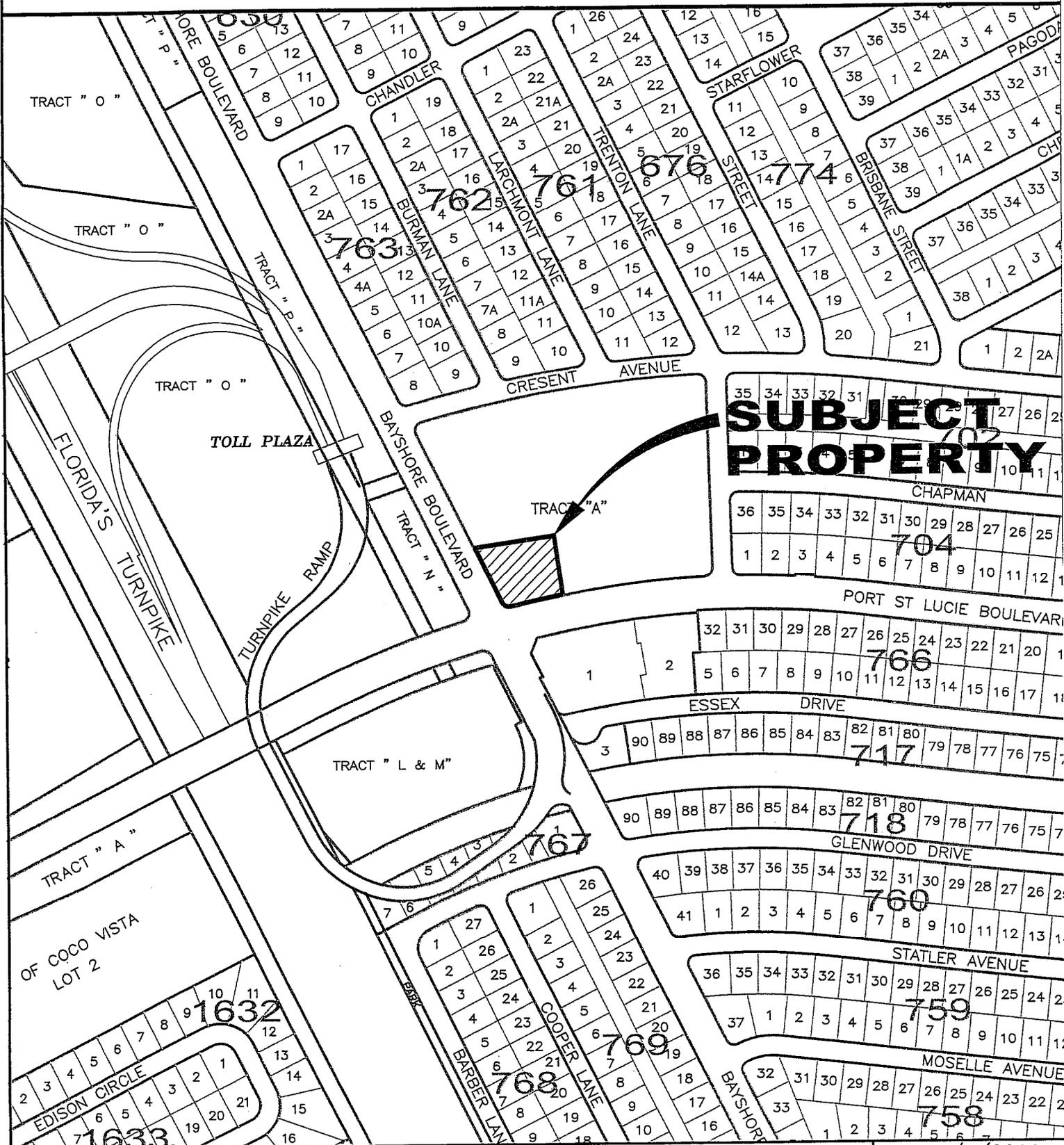
DATE: 11/7/2011

APPLICATION NUMBER:
P11-147

CADD FILE NAME:
P11-147L

SCALE: 1" = .5 MI

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
PART OF TRACT "A"
PORT ST LUCIE SECTION 18

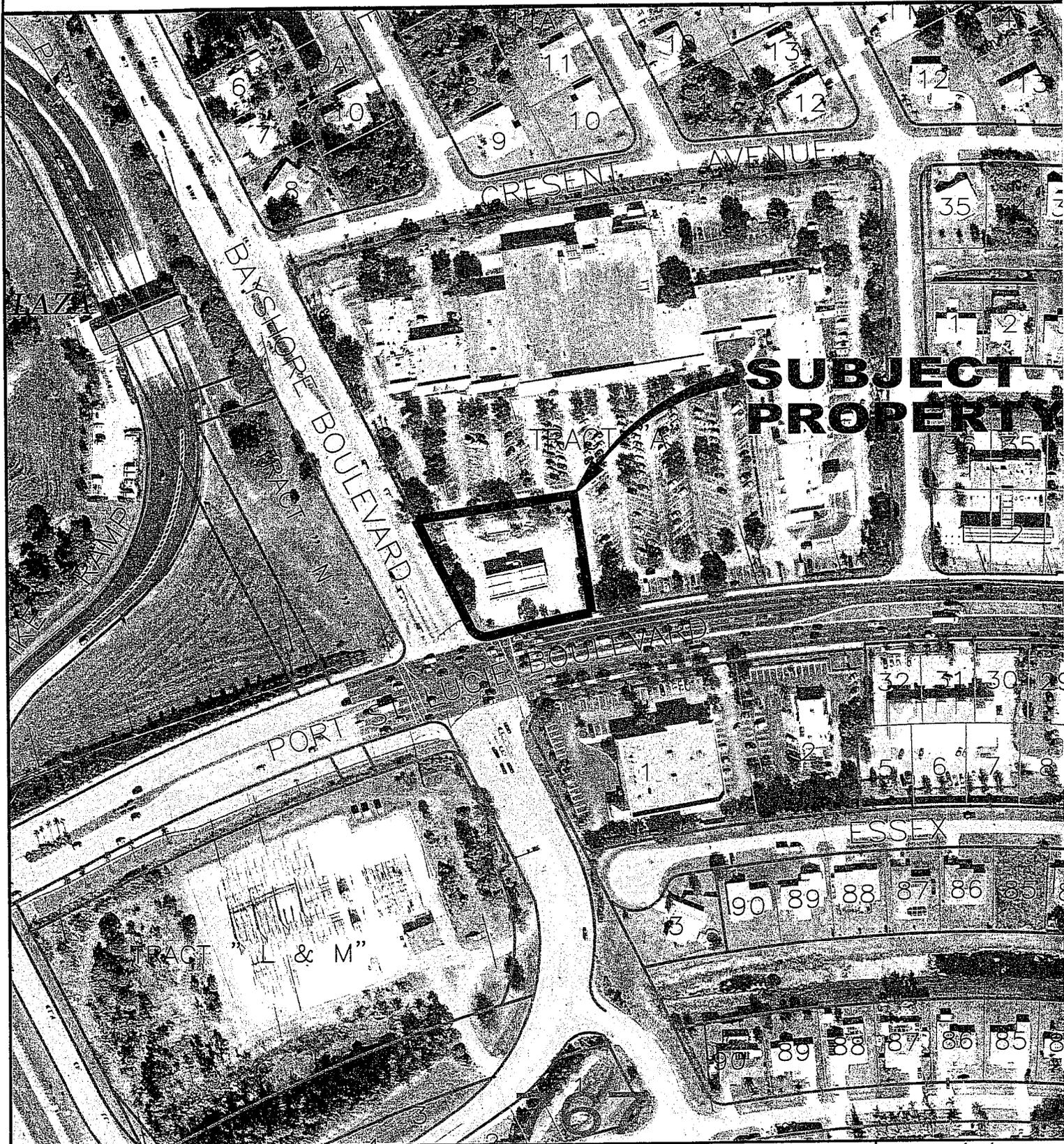
DATE: 11/7/2011

APPLICATION NUMBER:
P11-147

CADD FILE NAME:
P11-147M

SCALE: 1"=400'

SITE LOCATION



**SUBJECT
PROPERTY**



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
PART OF TRACT "A"
PORT ST LUCIE SECTION 18
AERIAL DEC 2010

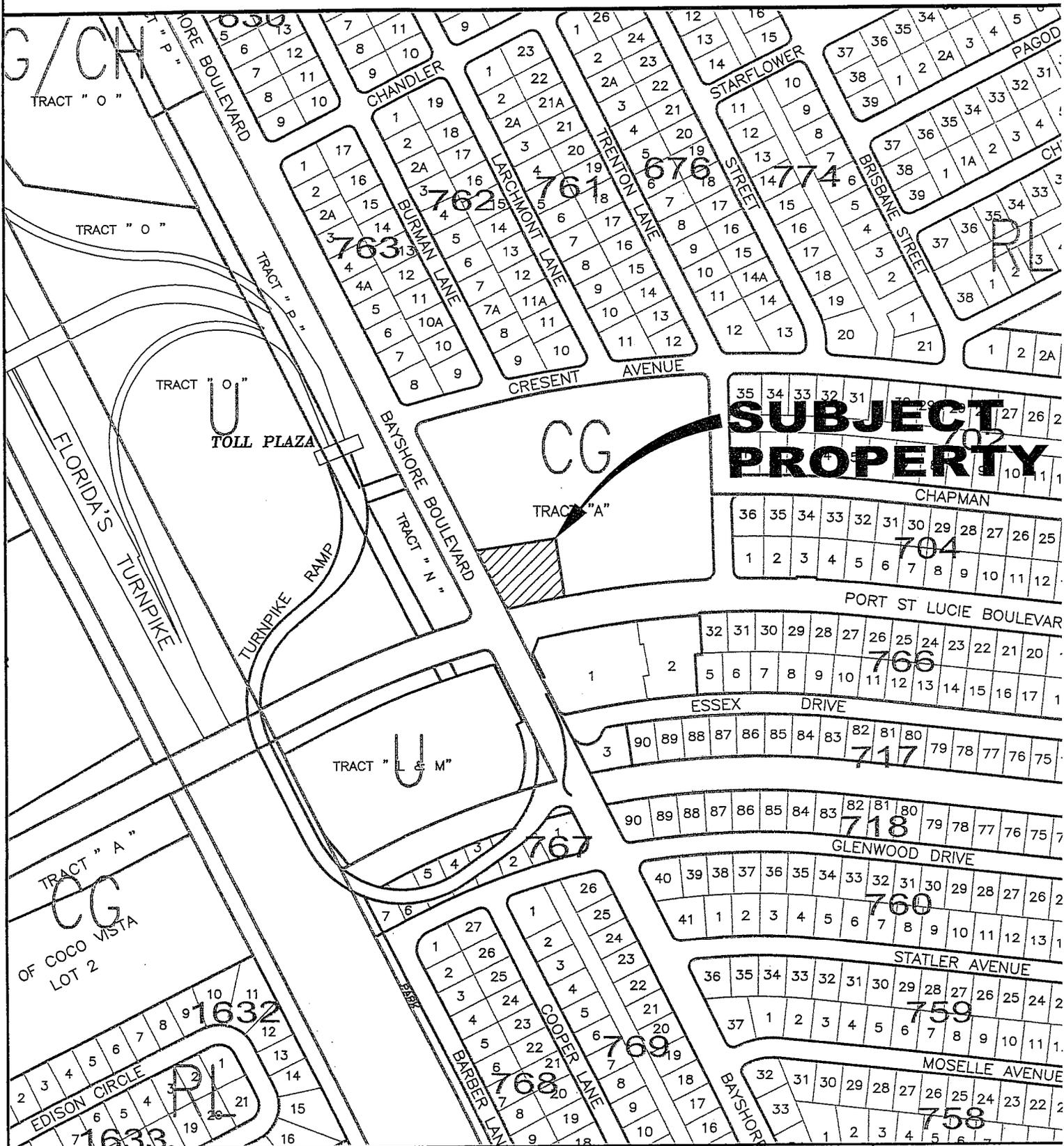
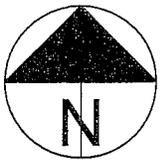
DATE: 11/7/2011

APPLICATION NUMBER:
P11-147

CADD FILE NAME:
P11-147A

SCALE: 1"=200'

FUTURE LAND USE



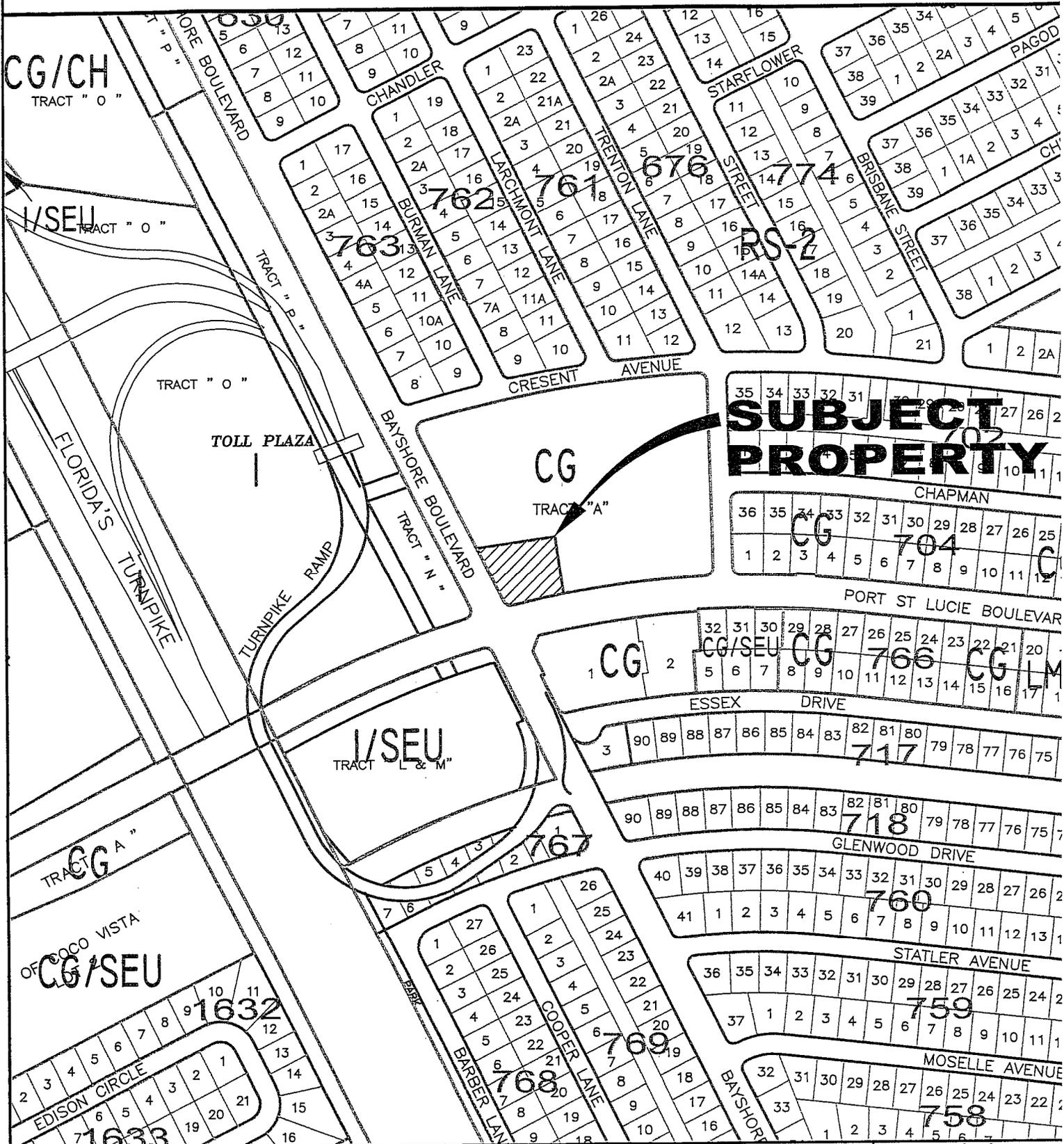
CITY OF PORT ST. LUCIE
 PLANNING & ZONING DEPT.
 Prepared by:
 M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
 PART OF TRACT "A"
 PORT ST LUCIE SECTION 18

DATE: 11/7/2011
 APPLICATION NUMBER:
 P11-147
 CADD FILE NAME:
 P11-147M
 SCALE: 1" = 400'

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
PART OF TRACT "A"
PORT ST LUCIE SECTION 18

DATE: 11/7/2011

APPLICATION NUMBER:
P11-147

CADD FILE NAME:
P11-147M

SCALE: 1"=400'

APPLICATION FOR SPECIAL EXCEPTION USE

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5212 FAX: (772)871-5124

FOR OFFICE USE ONLY

Planning Dept. P11-147
Fee (Nonrefundable) \$ 2,115.00
Receipt # 11391

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to being scheduled for the Site Plan Review Committee meeting or advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), lease agreement (where applicable), approved Concept Plan or Approved Site Plan, and a statement addressing each of the attached criteria.**

PRIMARY CONTACT EMAIL ADDRESS: dhearing@cotleur-hearing.com

PROPERTY OWNER:

Name: Cotleur&Hearing Investments, Inc (Assignee of Jdgmnt & Forclosure Bid Rights & Real Party in Interest)
Address: 1934 Commerce Lane, Jupiter, FL 33458
Telephone No.: 561-718-6010 Fax No.: 561-747-1377

APPLICANT (IF OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):

Name: Cotleur & Hearing, Inc
Address: 1934 Commerce Lane, Jupiter, FL 33458
Telephone No.: 561-747-6336 Fax No.: 561-747-1377

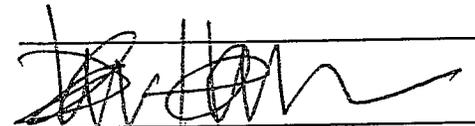
RECEIVED
NOV 23 2011
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

SUBJECT PROPERTY:

Legal Description: See Attached
Parcel I.D Number: 4408-510-0002-000-4
Address: 299 SW Port St Lucie Blvd, Port St lucie FL 34984 Bays: _____
Development Name: Bayshore Plaza Out Parcel (Attach Sketch and/or Survey)
Gross Leasable Area (sq. ft.): 1,001 sf Assembly Area (sq. ft.): _____
Current Zoning Classification: (CG) Commercial General SEU Requested: Automobile Gasoline Services

Please state, as detailed as possible, reasons for requesting proposed SEU (continue on separate sheet, if necessary):

See attached.



Signature of Applicant

Donaldson Hearing (Agent)

Hand Print Name

11.21.11

Date

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.

SPECIAL EXCEPTION USES

The Planning and Zoning Board, and Zoning Administrator, may authorize the special exception use from the provisions of § 158.260. In order to authorize any special exception use from the terms of this chapter, the Planning and Zoning Board, or Zoning Administrator, will consider the special exception criteria in § 158.260 and consider your responses to the following when making a determination.

(A) Please explain how adequate ingress and egress will be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or other emergency.

See attached.

(B) Please explain how adequate off-street parking and loading areas will be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

See attached.

(C) Please explain how adequate and properly located utilities will be available or will be reasonably provided to serve the proposed development.

See attached.

(D) Please explain how additional buffering and screening, beyond that which is required by the code, will be required in order to protect and provide compatibility with adjoining properties.

See attached.

(E) Please explain how signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

See attached.

(F) Please explain how yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

See attached.

(G) Please explain how the use, as proposed, will be in conformance with all stated provisions and requirements of the City's Land Development Regulation.

See attached

(H) Please explain how establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the city.

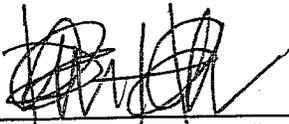
See attached

(I) Please explain how the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

See attached

(J) Please explain how the use, as proposed for development, will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

See attached


Signature of Applicant

Donaldson Hearing (Agent) 11.21.11
Hand Print Name Date

PLEASE NOTE:

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.



Bayshore Plaza Out Parcel Special Exception Use Request Automobile Gasoline Services November 21, 2011

STATEMENT OF JUSTIFICATION

Cotleur & Hearing, Inc. on behalf of Cotleur & Hearing Investments, Inc. (the 'Applicant') is requesting a Special Exception Use for a gas station Bayshore Plaza out parcel which is located on the northeast corner of Port St. Lucie Boulevard and Bayshore Boulevard in the city of Port St. Lucie, Florida. This site previously received an approval for the special exception use that the applicant is requesting with this application. Upon receiving the previous approval, the site was constructed and functioned as a gas station for a number of years. Due to the economy and subsequent foreclosure on this property, the site was out of services for a time period that exceeded twelve months. Therefore the previous special exception use has expired. The applicant's current request is for approval of the same use previously approved so that the existing buildings and site improvements can return to service. Returning this building to service and restoring the site to its original condition will benefit the community and improve the look of the intersection.

The proposed gas station use is intended to be a temporary use and is being requested so that the property does not remain vacant and in disrepair. When market demand changes, the applicant intends to market this property to a different end user, possibly a financial institution or restaurant. At that time the site will be redeveloped to meet the needs of the occupant.

This request satisfies each standard necessary for approval by the City of Port St. Lucie for a Special Exception Use. Each of the standards (A-J) are outlined and addressed herein.

Application Responses

- A. Please explain how adequate ingress and egress will be obtained to and from the property, with particular refer to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or other emergency.**

The primary vehicular and pedestrian access to and from the gas station is provided by an existing driveway on Port St. Lucie Boulevard. There is no proposed change to the location of this existing driveway which was approved and constructed as part of the

original Bayshore Plaza PUD. Additionally, vehicular and pedestrian access is provided through the existing parking drive aisles that connect the gas station to the remainder of the stores within the Bayshore Plaza. These access points provide a safe and convenient traffic flow for general public and emergency vehicles.

- B. Please explain how adequate off-street parking and loading areas will be provided without creating undue noise, glare, order or other detrimental effects upon adjoining properties.**

The approved site plan was design based on the proposed use of a gas station. The existing gas station was constructed consistent with the approved site plans of record. Therefore the existing site meets the City's off-street parking and loading requirements for a gas station use. Landscape buffers and internal medians have been provided to minimize visual impacts, noise and other possible detrimental effects to adjoining properties. Additionally, the applicant intends to submit a separate application for a Landscape Modification Request for this site. The proposed landscape will include proposed landscaping consistent with adjacent properties that front the Port St. Lucie Boulevard corridor.

- C. Please explain how adequate and properly located utilities will be available or will be reasonably provided to serve the proposed development.**

The subject site has full access to all required public facilities.

- D. Please explain how additional buffering and screening, beyond that which is required by the code, will be required in order to protect and provide compatibility with the adjoining properties.**

The subject property and properties directly adjacent to the subject property are zoned for General Commercial Use. The proposed gas station use is generally consistent with the existing uses in the area. As stated in item B, Landscape buffers and internal medians have been provided to minimize visual impacts, noise and other possible detrimental effects to adjoining properties. Additionally, the applicant intends to submit a separate application for a Landscape Modification Request for this site. The proposed landscape will include proposed landscaping consistent with adjacent properties that front the Port St. Lucie Boulevard corridor.

- E. Please explain how signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.**

With the exception of 're-branding' the signage, the applicant intends to maintain the current exterior lighting and signage program than exists on site. The current signage

and lighting has functioned for a number of years without any adverse impact to adjoining roadways or properties.

- F. Please explain how yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.**

Landscape buffers are provided along Bayshore Blvd and Port St. Lucie Blvd consistent with adjacent properties.

- G. Please explain how the use, as proposed, will be in conformance with all stated provisions and requirements of the City's Land Development Regulation.**

The Special Exception Use Request for gas station is consistent with Section 158.124 of the Port. St. Lucie Code which states that automobile gasoline services are a permitted special exception uses within the General Commercial Zoning district.

- H. Please explain how establishment and operation of the proposed use upon the particular property involved will not impair health, safety, welfare, or convenience of residents and works in the city.**

The proposed Special Exception Use is appropriately programmed within a planned commercial development. The location site, which is at a main intersection in close proximity to the Florida's Turnpike further justifies the benefit to the public by providing an easily accessible gas station at this site. Additionally, the proximity of other consumer based businesses would provide the public the opportunity to refuel while shopping at other stores within the Bayshore Plaza development.

- I. Please explain how the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.**

The proposed gas station is on an out parcel of a commercial development which is located at a high traffic intersection. The proposed use is consistent with the surrounding properties and will not constitute a nuisance or hazard to the adjacent compatible uses.

- J. Please explain how the use, as proposed for development, will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and neighborhoods.**

The proposed use is consistent with the consumer based commercial uses present on the adjacent properties. The site provides easy access to and from the Bayshore Plaza through two internal drive aisle connections. Additionally, the driveway access off of Port St. Lucie allows access to the site without having to enter through the Bayshore Plaza driveway and drive aisles. The architecture is also consistent in building height and scale with the surrounding commercial development.

Cotleur & Hearing Investments, Inc.

1934 Commerce Lane, Suite 1
Jupiter, FL 33458
p: 561-747-6336; f: 561-747-1377

October 31, 2011

Anne Cox
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

**RE: Bayshore Plaza Gas Station; CH Project #11-0511
Application for Special Exception Use
Letter of Authorization from Owner**

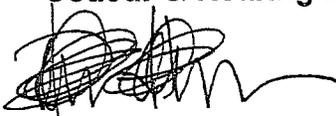
Dear Anne:

This letter will serve as authorization from Donaldson Hearing, Managing Partner and Vice President of Cotleur & Hearing Investments Inc., for **Cotleur & Hearing, Inc.** to represent the Bayshore Plaza Outparcel Gas Station in any site planning, Engineering, submittals and/or plat matters.

Cotleur & Hearing Investments Inc. is the "real party in interest and is the Assignee of the Judgment of Foreclosure recorded in the public records of St Lucie County. A copy of the Assignment of Judgment and Bid Rights is attached for your convenience.

Should you have any questions, or need any additional information, please do not hesitate to contact me.

Sincerely yours,
Cotleur & Hearing Investments, Inc.



Donaldson Hearing, VP / Managing Partner



RBC Bank

November 28, 2011

Thresiamma Kuruvilla
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

**RE: Bayshore Plaza Gas Station; CH Project #11-0511
Application for Special Exception Use
Letter of Authorization from Owner**

Dear Ms. Kuruvilla:

This letter will serve as authorization from RBC BANK (USA), a North Carolina Banking Corporation, Successor by Merger to Indian River National Bank, for **Cotleur & Hearing, Inc.**, and/or **Cotleur and Hearing Investments, Inc.**, to represent the Bayshore Plaza Outparcel Gas Station in any Site Planning, Engineering, Submittals and/or Plat matters.

Cotleur & Hearing Investments Inc. is the "Real Party in Interest" and is the Assignee of the Final Judgment of Foreclosure recorded in the Public Records of St. Lucie County, Florida. A copy of the Assignment of Judgment and Bid Rights is attached for your convenience.

Should you have any questions, or need any additional information, please do not hesitate to contact me.

Sincerely yours,
RBC BANK (USA)

By: _____

SUSAN IMBRIGIOTTA
Vice-President

Prepared by and Return to:

Jesse E. Graham, Jr., Esq.
Burr & Forman LLP
450 S. Orange Avenue, Suite 200
Orlando, Florida 32801

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT, IN
AND FOR ST. LUCIE COUNTY,
FLORIDA

CASE NO.: 56 2008 CA.011027

RBC BANK (USA), as successor by merger
to INDIAN RIVER NATIONAL BANK,

Plaintiff,

vs.

SMB MANAGEMENT, INC., a Florida
corporation, TIMESAVER FOOD STORES
COMPANY, a Delaware corporation,
AUDRY E. BEREZUK, STEVEN
BEREZUK, CHEVRON USA, INC., a
Pennsylvania corporation, and UNKNOWN
TENANTS 1 and 2,

Defendants.

ASSIGNMENT OF JUDGMENT AND BID RIGHTS

THIS ASSIGNMENT made as of this 14th day of October, 2011 by RBC BANK (USA), as
successor by merger to INDIAN RIVER NATIONAL BANK ("RBC") to and in favor of COTLEUR
& HEARING INVESTMENTS, INC., a Florida corporation ("Assignee").

WHEREAS, a foreclosure action was commenced by RBC in the Nineteenth Circuit Court in and for St. Lucie County, Florida, against SMB MANAGEMENT, INC., et al., Case No. 56 2008 CA 011027 (the "Foreclosure Action").

WHEREAS, a Final Judgment of Foreclosure was entered in favor of RBC in the Foreclosure Action on March 8, 2010 (the "Foreclosure Judgment");

WHEREAS, said Foreclosure Judgment was recorded March 15, 2010, in Official Records Book 3178, at Page 1554, of the Public Records of St. Lucie County, Florida; and

WHEREAS, the Foreclosure Judgment provides RBC with a credit toward RBC's bid in the foreclosure sale of the collateral involved in the Foreclosure Action in the full amount found by the Court to be due to RBC in the Foreclosure Action (the "Bid Rights").

NOW, THEREFORE, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, RBC hereby assigns all of RBC's right, title, and interest in and to the Foreclosure Judgment, including but not limited to RBC's Bid Rights, to Assignee, without recourse.

{Signatures appear on the following page.}

IN WITNESS WHEREOF, RBC has executed this Assignment the day and year first above written.

Signed, sealed and delivered in the presence of:

RBC BANK (USA), a North Carolina banking corporation, as successor by merger to Indian River National Bank

[Signature]
Print Name: Ben L. Cechus

By: [Signature]
Print Name: Susan Imbriogiotta
As its: Vice President

[Signature]
Print Name: Deanna Shavick

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this 18 day of October, 2011, by Susan Imbriogiotta as Vice President of RBC BANK (USA), a North Carolina banking corporation, as successor by merger to Indian River National Bank, on behalf of the bank, who is (a) personally known to me or (b) has produced _____ as identification.

NOTARY SEAL:

[Signature]
NOTARY PUBLIC

RYAN JEFFREY SCHARPS
Notary Public, State of Florida
My Commission Expires AUG. 9, 2015
My Commission # EE 120424
Bonded Thru Budget Notary Services

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT IN AND FOR ST.
LUCIE COUNTY, FLORIDA

CASE NO. 56 2008 CA 011027

RBC BANK (USA), as successor by merger
to INDIAN RIVER NATIONAL BANK,

Plaintiff

vs.

SMB MANAGEMENT, INC., a Florida
corporation, TIMESAVER FOOD STORES
COMPANY, a Delaware corporation,
AUDRY E. BEREZUK, STEVEN
BEREZUK, CHEVRON USA, INC., a
Pennsylvania corporation, and UNKNOWN
TENANTS 1 AND 2,

Defendants.

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2010 MAR 15 AM 8:54
CLERK OF CIRCUIT COURT

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on plaintiff's Motion for Summary Final
Judgment on December 3, 2009. On the evidence presented, it is

ADJUDGED that:

1. The plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been
duly and regularly obtained over SMB MANAGEMENT, INC., TIMESAVER FOOD
STORES COMPANY, AUDRY E. BEREZUK, and STEVEN BEREZUK.
2. There is due and owing to the plaintiff the following:

Principal due on the note secured by the mortgage dated February 9, 2007 foreclosed:	\$1,597,812.12
Interest on the Note and Mortgage through December 3, 2009:	\$ 167,253.88
Title search expenses:	\$ 250.00
Taxes for the year of _____:	\$ _____
Insurance premiums:	\$ _____

Total owed on February 9, 2007 Note and Mortgage: \$1,765,316.00

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Principal due on the second promissory note dated November 9, 2007:	\$ 9,820.75
Interest on the Note dated November 9, 2007 through December 3, 2009:	\$ 491.14

Total owed on November 9, 2007 Note:	\$ 10,311.89
Court Costs:	
Filing fee:	\$ 383.00
Service of Process at \$ _____ per defendant:	\$ 726.60
Publication for _____ :	\$ _____
SUBTOTAL	\$1,776,737.49

Additional Costs:	
Cost of Appraisal:	\$ 3,400.00
SUBTOTAL	\$1,780,137.49

Attorney fees based upon 37.1 hours at a blended rate of \$250.00 per hour and \$350.00 per hour:	\$ 10,194.50
Less: Undisbursed escrow funds:	\$ _____
Less: Unearned insurance premiums:	\$ _____
GRAND TOTAL	\$1,790,331.99

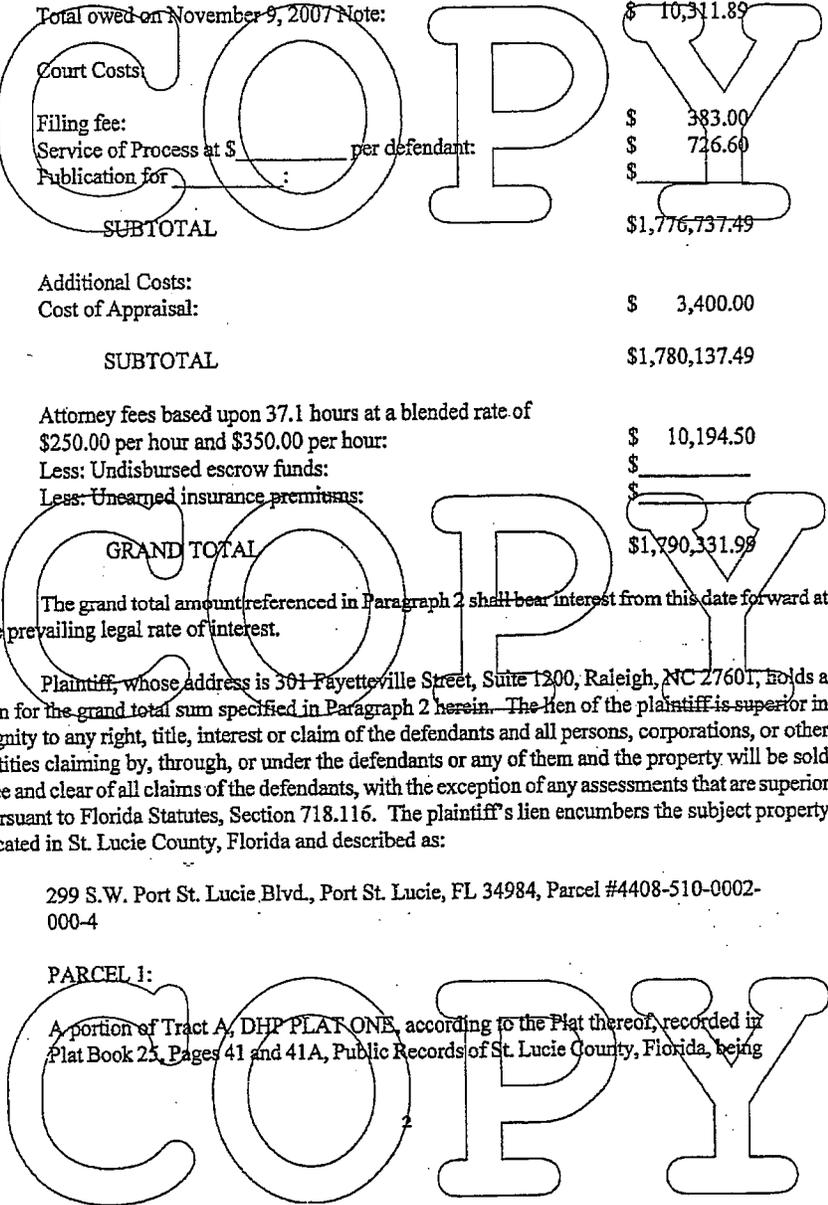
3. The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.

4. Plaintiff, whose address is 301 Fayetteville Street, Suite 1200, Raleigh, NC 27601, holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116. The plaintiff's lien encumbers the subject property located in St. Lucie County, Florida and described as:

299 S.W. Port St. Lucie Blvd., Port St. Lucie, FL 34984, Parcel #4408-510-0002-000-4

PARCEL 1:

A portion of Tract A, DHP PLAT ONE, according to the Plat thereof, recorded in Plat Book 25, Pages 41 and 41A, Public Records of St. Lucie County, Florida, being



more particularly described as follows:

Commence at the intersection of the centerline of Port St. Lucie Boulevard (100.00 foot right of way) and the centerline of Bayshore Boulevard (100.00 foot right of way); thence North 26°54'12" West along the centerline of Bayshore Boulevard a distance of 60.32 feet; thence North 63°05'48" East a distance of 50.00 feet to the East right of way of Bayshore Boulevard and the Point of Beginning of this description; thence North 26°54'12" West along said East right of way line a distance of 175.00 feet; thence North 81°42'24" East a distance of 250.76 feet; thence South 08°17'36" East a distance of 170.86 feet to the North right of way line of Port St. Lucie Boulevard; thence Westerly and Southerly along North right of way line, along the arc of a circular curve to the left (concave Southerly) having a radius of 2985.60 feet, whose radius bears South 10°42'00" East from the last described point, with a central angle of 03°14'49" an arc distance of 169.20 feet to a point of reverse curve; thence Westerly and Northerly along said right of way line along the arc of a circular curve to the right (concave Northeasterly) having a radius of 25.00 feet, a central angle of 77°02'37", an arc distance of 33.62 feet, to the Point of Beginning.

PARCEL 2:

A portion of Tract A, DHP PLAT ONE, according to the Plat thereof, recorded in Plat Book 25, Pages 41 and 41A, Public Records of St. Lucie County, Florida, being more particularly described as follows:

Commencing at the intersection of the centerline of Port St. Lucie Boulevard (100.00 foot right of way) and the centerline of Bayshore Boulevard (100.00 foot right of way); thence run North 26°54'12" West along the centerline of Bayshore Boulevard a distance of 60.32 feet; thence run North 63°05'48" East a distance of 50.00 feet to the East right of way line of Bayshore Boulevard; thence run North 26°54'12" West along said East right of way a distance of 182.18 feet to the Point of Beginning of the tract of land hereinafter described; thence run North 81°42'24" East a distance of 243.05 feet; thence run South 08°17'36" East a distance of 6.80 feet thence run South 81°42'24" West a distance of 240.76 feet; thence run North 26°54'12" West a distance of 7.18 feet to the Point of Beginning.

LESS AND EXCEPT FROM THE ABOVE DESCRIBED PARCELS:

A portion of Tract A, DHP PLAT ONE, according to the Plat thereof, recorded in Plat Book 25, Pages 41 and 41A, Public Records of St. Lucie County, Florida, being more particularly described as follows:

Commencing at the intersection of the centerline of Port St. Lucie Boulevard (100.00 foot right of way) and the centerline of Bayshore Boulevard (100.00 foot right of way); thence run North 26°54'12" West along the centerline of Bayshore Boulevard for a distance of 60.32 feet; thence run North 63°05'48" East a distance of 50.00 feet to the East right of way line of Bayshore Boulevard; thence run North

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26°54'12" West along said East right of way line for a distance of 182.18 feet; thence run North 81°42'24" East for a distance of 243.05 feet; thence run South 08°17'36" East for a distance of 6.8 feet to the Point of Beginning of the tract of land hereinafter described; thence run North 81°42'24" East for a distance of 10.00 feet; thence run South 08°17'36" East for a distance of 170.86 feet to a point on the North right of way line of Port St. Lucie Boulevard; thence run Westerly and Southerly along said North right of way line, along the arc of a circular curve concave Southerly, having a radius of 2985.60 feet, whose radius point bears South 10°42'00" East from the last described point, with a central angle of 00°11'32", an arc distance of 10.01 feet; thence run North 08°17'36" West for a distance of 171.30 feet to the Point of Beginning.

TOGETHER WITH Vested titleholders right, title and interest in and to the benefits under that certain non-exclusive Water and Sewer Line Easement recorded in Official Records Book 694, Page 424; non-exclusive Cross Easement Agreement recorded in Official Records Book 694, Page 430; and non-exclusive Stormwater Drainage Easement recorded in Official Records Book 694, Page 436; as modified in Official Records Book 726, Page 2498, all of the Public Records of St. Lucie County, Florida.

5. If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on April 27, 2010, at 11:00 A.M., to the highest bidder for cash, except as prescribed in Paragraph 6, at the Jury Assembly Room, St. Lucie County Courthouse, 218 South 2nd Street, Fort Pierce, Florida, after having first given notice as required by Section 45.031, Florida Statutes. The Clerk shall not conduct the sale in the absence of the plaintiff or its representative.
6. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if plaintiff is not the purchaser of the property for sale. If plaintiff is the purchaser, the Clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.
7. On filing of the Certificate of Sale, defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.
8. On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the plaintiff's costs; second, documentary stamps affixed to the Certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to the plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.
9. Upon filing of the Certificate of Title, defendant and all persons claiming under or against

defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property.

10. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 37.1 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$250.00 to \$350.00 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to Florida Patient's Compensation Fund v. Rowe, 472 S.2d 1145 (Fla. 1985).

11. NOTICE PURSUANT TO AMENDMENT TO SECTION 45.031, FLA. ST. (2006).

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, 218 SOUTH 2nd STREET, FORT PIERCE, FLORIDA 34950 (TELEPHONE: 772-462-6938), WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT FLORIDA RURAL LEGAL SERVICES, 200 S. INDIAN RIVER DRIVE, SUITE 101, FORT PIERCE, FLORIDA 34950 (TELEPHONE: 772-466-4766), TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT FLORIDA RURAL LEGAL SERVICES, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

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ANY ADDITIONS, MODIFICATIONS OR CHANGES TO THE PROVISIONS ABOVE SHOULD BE SET FORTH IN BOLD TYPE AND CONSECUTIVELY NUMBERED PARAGRAPHS.

12. As to Counts II and III Breach of Promissory Note Against SMB MANAGEMENT, INC., it is further ordered and adjudged that a Final Judgment is entered herein in favor of Plaintiff, RBC BANK (USA), as successor by merger to INDIAN RIVER NATIONAL BANK. The Court finds that there are no genuine issues of material fact that preclude judgment in favor of Plaintiff on Counts II and III as a matter of law. RBC BANK (USA), as successor by merger to INDIAN RIVER NATIONAL BANK, whose address is 301 Fayetteville Street, Suite 1200, Raleigh, North Carolina 27601, shall recover from Defendant, SMB MANAGEMENT, INC., whose address is 299 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida 34984, an award of damages in the total amount of \$1,790,331.99, that shall bear interest at the legal rate of 8% for which let execution issue forthwith.

13. As to Count IV Breach of Guaranty Against STEVEN BEREZUK, it is further ordered and adjudged that a Final Judgment is entered herein in favor of Plaintiff, RBC BANK (USA), as successor by merger to INDIAN RIVER NATIONAL BANK. RBC BANK (USA), as successor by merger to INDIAN RIVER NATIONAL BANK, whose address is 301 Fayetteville Street, Suite 1200, Raleigh, North Carolina 27601, shall recover from Defendant, STEVEN BEREZUK, whose address is 7336 Catalina Club Circle, Lake Worth, Florida 33467, an award of damages in the total amount of \$1,780,020.10, that shall bear interest at the legal rate of 8% for which let execution issue forthwith.

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The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments.

ORDERED at Port St. Lucie, St. Lucie County, Florida on
March 8, 2010

W. N. ...
Circuit Judge

Copies furnished to all parties:
Chad J. Tamaroff, Esq., Greenspoon Marder, P.A., 100 W. Cypress Creek Road, Suite 700, Fort Lauderdale, FL 33309
Jeffrey Begens, Esq., Law Offices of Jeffrey Begens, P.A., 3315 Broadway Avenue, West Palm Beach, FL 33407
Steven M. Berezuk, Pro Se, 6031 Wedgewood Village Circle, Lake Worth, FL 33463
Steven Tierney, Esq., Neill Griffin Tierney Neill & Marquis Chartered, P.O. Box 1270, Fort Pierce, FL 34954
Audry E. Berezuk, 7336 Catalina Club Circle, Lake Worth, FL 33467

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This Document Prepared By and Returns to:
MITCHELL L. BERKOWITZ, ESQ.
MITCHELL L. BERKOWITZ, P.A.
270 SOUTH CENTRAL BLVD.
SUITE 106
JUPITER, FLORIDA 33458

Parcel ID Number: 4408-510-0002-000/4

Special Warranty Deed

This Indenture, Made this 11th day of January, 2005 A.D. Between
BRIDGEHAMPTON MANAGEMENT, LLC, a Florida limited liability company
of the County of St. Lucie, State of Florida, grantor, and
SMB MANAGEMENT INC., a corporation existing under the laws of the State
of Florida, grantee,
whose address is: 299 SW PORT ST. LUCIE BLVD., PORT ST. LUCIE, FL 34984
of the County of St. Lucie, State of Florida

Witnesseth that the GRANTOR, for and in consideration of the sum of
TEN DOLLARS (\$10) DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEES heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of St. Lucie State of Florida to wit:
SEE EXHIBIT "A" ATTACHED HERETO.

Real estate taxes for the current year and subsequent years;

Easements, covenants, conditions, restrictions and reservations of
record, reference to which shall not operate to reimpose
same;

Matters which a current survey or careful inspection of the Property
and any improvements thereon would reveal;

Laws, codes, rules and regulations of any governmental authority
having jurisdiction over the Property.

Together with all appurtenances, 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 grantor is lawfully seized of said land in fee simple, that grantor has
good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will
defend the same against the lawful claims of all persons claiming by, through or under grantor.

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

BRIDGEHAMPTON MANAGEMENT, LLC, a
Florida limited liability company

MITCHELL L. BERKOWITZ
Witness

By: PETER GUERRIERO (Seal)

PETER GUERRIERO
Managing Member
P.O. Address: 299 SW PORT ST. LUCIE BLVD.
PORT ST. LUCIE, FL 34984

LUANNA G. SHIREY
Witness

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 11th day of January, 2005 by
PETER GUERRIERO, Managing Member of BRIDGEHAMPTON MANAGEMENT, LLC, a
Florida limited liability company
he is personally known to me or he has produced his Florida driver's license as identification

MITCHELL L. BERKOWITZ
MY COMMISSION # DD227594
EXPIRES: AUG 11, 2007
Bonded through Advantage Notary

MITCHELL L. BERKOWITZ
Notary Public
My Commission Expires 08/11/07

6000.031

Last Generated by PD Desktop Systems, Inc., 2003 (407) 763-4333 Form FLSW001

Exhibit "A"

PARCEL 1

A portion of Tract A, DHP PLAT ONE, according to the Plat thereof, recorded in Plat Book 25, page 41 and 41A, Public Records of St. Lucie County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of Port St. Lucie Boulevard (100.00 foot right of way) and the centerline of Bayshore Boulevard (100.00 foot right of way); thence North 26 degrees 54' 12" West along the centerline of Bayshore Boulevard a distance of 60.32 feet; thence North 63 degrees 05' 48" East a distance of 50.00 feet to the East right of way of Bayshore Boulevard and the Point of Beginning of this description; thence North 26 degrees 54' 12" West along said East right of way line a distance of 175.00 feet; thence North 81 degrees 42' 24" East a distance of 250.76 feet; thence South 08 degrees 17' 36" East a distance of 170.86 feet to the North right of way line of Port St. Lucie Boulevard; thence Westerly and Southerly along North right of way line, along the arc of a circular curve to the left (concave Southerly) having a radius of 2985.60 feet, whose radius bears South 10 degrees 42' 00" East from the last described point, with a central angle of 03 degrees 14' 49" an arc distance of 169.20 feet to a point of reverse curve; thence Westerly and Northerly along said right of way line along the arc of a circular curve to the right (concave Northeasterly) having a radius of 25.00 feet, a central angle of 77 degrees 02' 37", an arc distance of 33.62 feet, to the Point of Beginning.

PARCEL 2:

A portion of Tract A, DHP PLAT ONE, according to the Plat thereof, recorded in Plat Book 25, page 41 and 41A, Public Records of St. Lucie County, Florida, being more particularly described as follows:

Commencing at the intersection of the centerline of Port St. Lucie Boulevard (100.00 foot right of way) and the centerline of Bayshore Boulevard (100.00 foot right of way); thence run North 26 degrees 54' 12" West along the centerline of Bayshore Boulevard a distance of 60.32 feet; thence run North 63 degrees 05' 48" East a distance of 50.00 feet to the East right of way line of Bayshore Boulevard; thence run North 26 degrees 54' 12" West along said East right of way a distance of 182.18 feet to the Point of Beginning of the tract of land hereinafter described; thence run North 81 degrees 42' 24" East a distance of 243.05 feet; thence run South 08 degrees 17' 36" East a distance of 6.80 feet thence run South 81 degrees 42' 24" West a distance of 240.76 feet; thence run North 26 degrees 54' 12" West a distance of 7.18 feet to the Point of Beginning.

LESS AND EXCEPT FROM THE ABOVE DESCRIBED PARCELS:

A portion of Tract A, DHP PLAT ONE, according to the Plat thereof, recorded in Plat Book 25, page 41 and 41A, Public Records of St. Lucie County, Florida, being more particularly described as follows:

Commencing at the intersection of the centerline of Port St. Lucie Boulevard (100.00 foot right of way) and the centerline of Bayshore Boulevard (100.00 foot right of way); thence run North 26 degrees 54' 12" West along the centerline of Bayshore Boulevard for a distance of 60.32 feet; thence run North 63 degrees 05' 48" East a distance of 50.00 feet to the East right of way line of Bayshore Boulevard; thence run North 26 degrees 54' 12" West along said East right of way line for a distance of 182.18 feet; thence run North 81 degrees 42' 24" East for a distance of 243.05 feet; thence run South 08 degrees 17' 36" East for a distance of 6.8 feet to the Point of Beginning of the tract of land hereinafter described; thence run North 81 degrees 42' 24" East for a distance of 10.00 feet; thence run South 08 degrees 17' 36" East for a distance of 170.86 feet to a point on the North right of way line of Port St. Lucie Boulevard; thence run Westerly and Southerly along said North right of way lines, along the arc of a circular curve concave Southerly, having a radius of 2985.60 feet, whose radius point bears South 10 degrees 42' 00" East from the last described point, with a central angle of 00 degrees 11' 32", an arc distance of 10.01 feet; thence run North 08 degrees 17' 36" West for a distance of 171.30 feet to the Point of Beginning.

TOGETHER WITH:

Vested titleholders' right, title and interest in and to the benefits under that certain non-exclusive Water and Sewer Line Easement recorded in O.R. Book 694, page 424; non-exclusive Cross Easement Agreement recorded in O.R. Book 694, page 430; and non-exclusive Stormwater Drainage Easement recorded in O.R. Book 694, page 436 as modified in O.R. Book 726, page 2498, all of the Public Records of St. Lucie County, Florida.

This Document Prepared By and Return to:
MITCHELL L. BERKOWITZ, ESQ.
MITCHELL L. BERKOWITZ, P.A.
270 SOUTH CENTRAL BLVD.
SUITE 106
JUPITER, FLORIDA 33458

Folio ID Number: 4408-510-0002-000/4

Special Warranty Deed

This Indenture, Made this 11th day of January, 2005 A.D. Between
BRIDGEHAMPTON MANAGEMENT, LLC, a Florida limited liability company

of the County of St. Lucie, State of Florida, grantor, and
SMB MANAGEMENT INC., a corporation existing under the laws of the State
of Florida

whose address is: 299 SW PORT ST. LUCIE BLVD., PORT ST. LUCIE, FL 34984

of the County of St. Lucie, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of
TEN DOLLARS (\$10) DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of St. Lucie, State of Florida, to wit:
SEE EXHIBIT "A" ATTACHED HERETO.

Real estate taxes for the current year and subsequent years.

Easements, covenants, conditions, restrictions and reservations of
record, reference to which shall not operate to reimpose
same.

Matters which a current survey or careful inspection of the Property
and any improvements thereon would reveal.

Laws, codes, rules and regulations of any governmental authority
having jurisdiction over the Property.

Together with all easements, encumbrances and appurtenances thereon, including or in any way appertaining.

To Have and to Hold, the same, in fee simple forever.

And the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple, that grantor has
good right and lawful authority to sell and convey said land, that grantor hereby fully warrants the title to said land and will
defend the same against the lawful claims of all persons claiming by through or under grantor.

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

MITCHELL L. BERKOWITZ
Witness

LUANNA G. SHIREY
Witness

By: PETER GUERRIERO (Seal)
Managing Member
P.O. Address: 299 SW PORT ST. LUCIE BLVD.
PORT ST. LUCIE, FL 34984

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 11th day of January, 2005 by
PETER GUERRIERO, Managing Member of BRIDGEHAMPTON MANAGEMENT, LLC, a
Florida limited liability company
he is personally known to me or he has produced his Florida driver's license as identification.

MITCHELL BERKOWITZ
MY COMMISSION #DD227584
EXPIRES AUG 11 2007
Bonded through Advantage Notary

MITCHELL L. BERKOWITZ
Notary Public
My Commission Expires 08/11/07

6080 1031

Law Offices of Mitchell Berkowitz, Inc. 2003 (845) 763-6165 (www.FLSWDS.com)

ILLEGIBLE WHEN
PRESENTED FOR RECORD

PARCEL 1

A portion of Tract A, DHP PLAT ONE, according to the Plat thereof, recorded in Plat Book 25, page 41 and 41A, Public Records of St. Lucie County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of Port St. Lucie Boulevard (100.00 foot right of way) and the centerline of Bayshore Boulevard (100.00 foot right of way); thence North 26 degrees 54' 12" West along the centerline of Bayshore Boulevard a distance of 60.32 feet; thence North 63 degrees 05' 48" East a distance of 50.00 feet to the East right of way of Bayshore Boulevard and the Point of Beginning of this description; thence North 26 degrees 54' 12" West along said East right of way line a distance of 175.00 feet; thence North 81 degrees 42' 24" East a distance of 250.76 feet; thence South 08 degrees 17' 36" East a distance of 170.86 feet to the North right of way line of Port St. Lucie Boulevard; thence Westerly and Southerly along North right of way line, along the arc of a circular curve to the left (concave Southerly) having a radius of 2985.60 feet, whose radius bears South 10 degrees 42' 00" East from the last described point, with a central angle of 03 degrees 14' 49" an arc distance of 169.20 feet to a point of reverse curve; thence Westerly and Northerly along said right of way line along the arc of a circular curve to the right (concave Northeasterly) having a radius of 25.00 feet, a central angle of 77 degrees 02' 37", an arc distance of 33.62 feet, to the Point of Beginning.

PARCEL 2

A portion of Tract A, DHP PLAT ONE, according to the Plat thereof, recorded in Plat Book 25, page 41 and 41A, Public Records of St. Lucie County, Florida, being more particularly described as follows:

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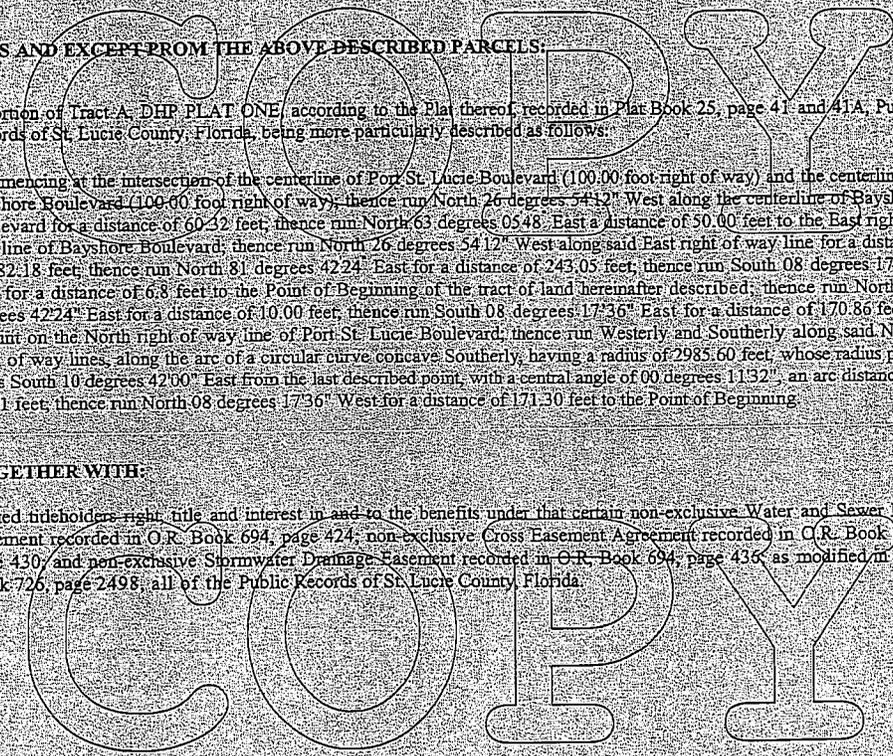
LESS AND EXCEPT FROM THE ABOVE DESCRIBED PARCELS:

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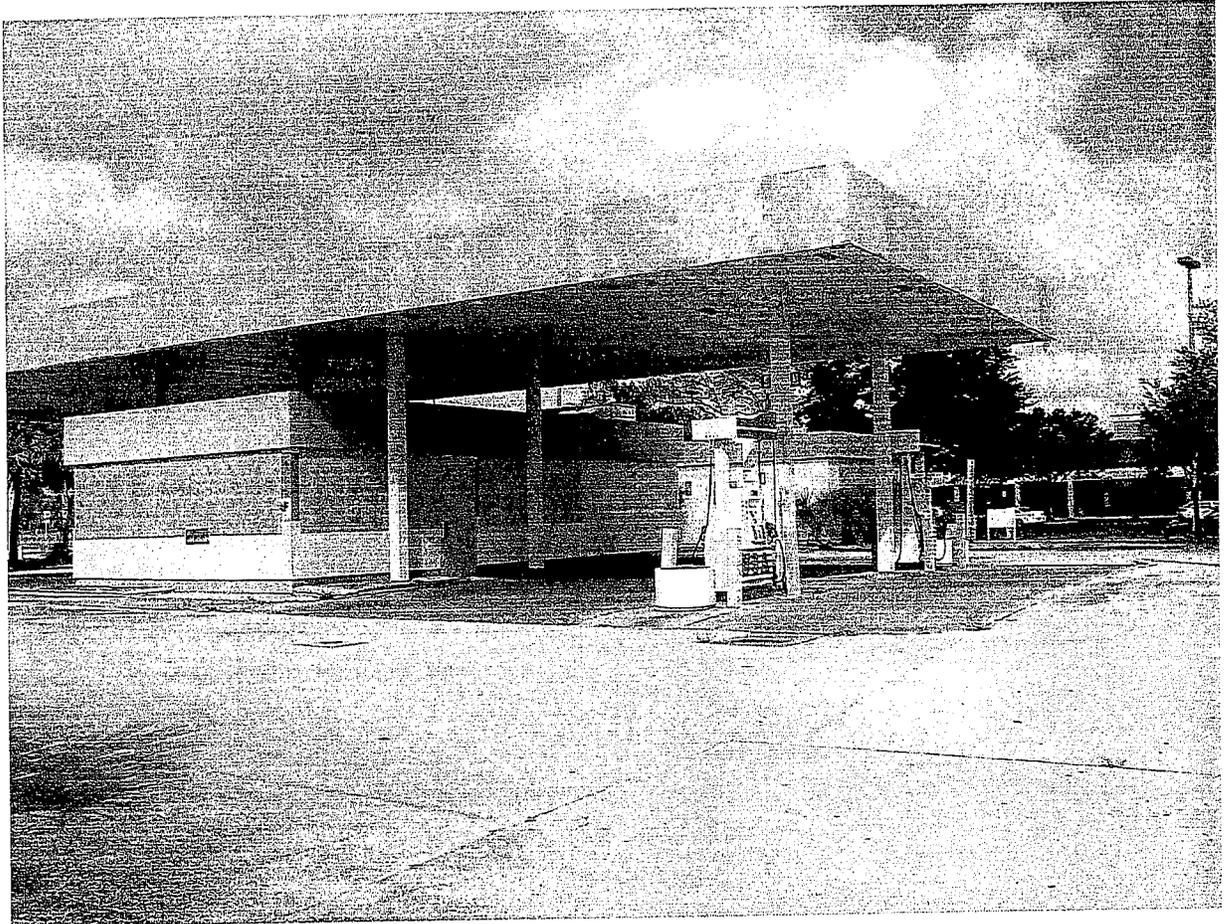
TOGETHER WITH:

Vested titleholders right, title and interest in and to the benefits under that certain non-exclusive Water and Sewer Line Easement recorded in O.R. Book 694, page 424, non-exclusive Cross Easement Agreement recorded in O.R. Book 694, page 430, and non-exclusive Stormwater Drainage Easement recorded in O.R. Book 694, page 436, as modified in O.R. Book 726, page 2498, all of the Public Records of St. Lucie County, Florida.

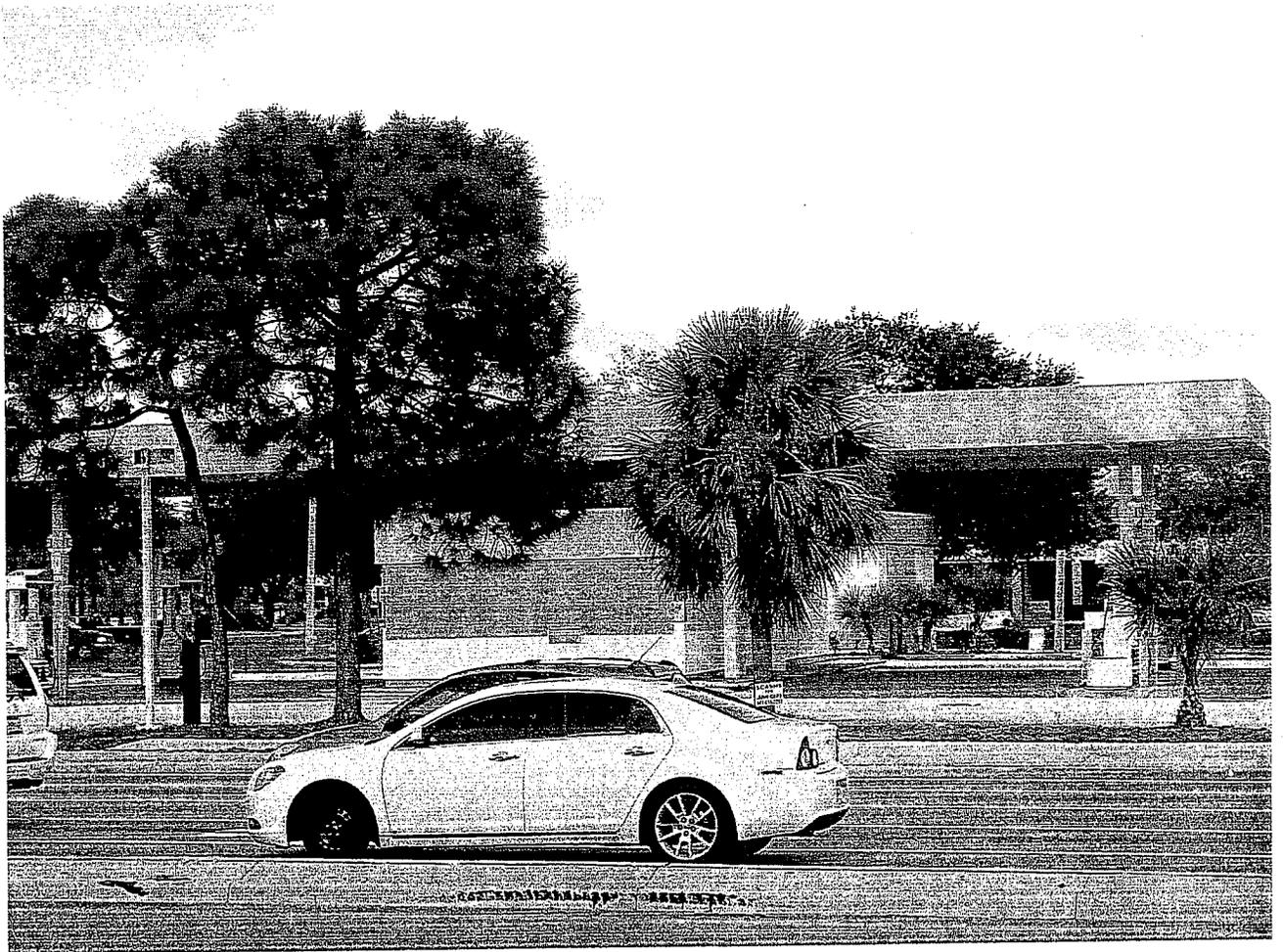


ILLEGIBLE WHEN PRESENTED FOR RECORD

Picture showing the existing automobile gasoline service station



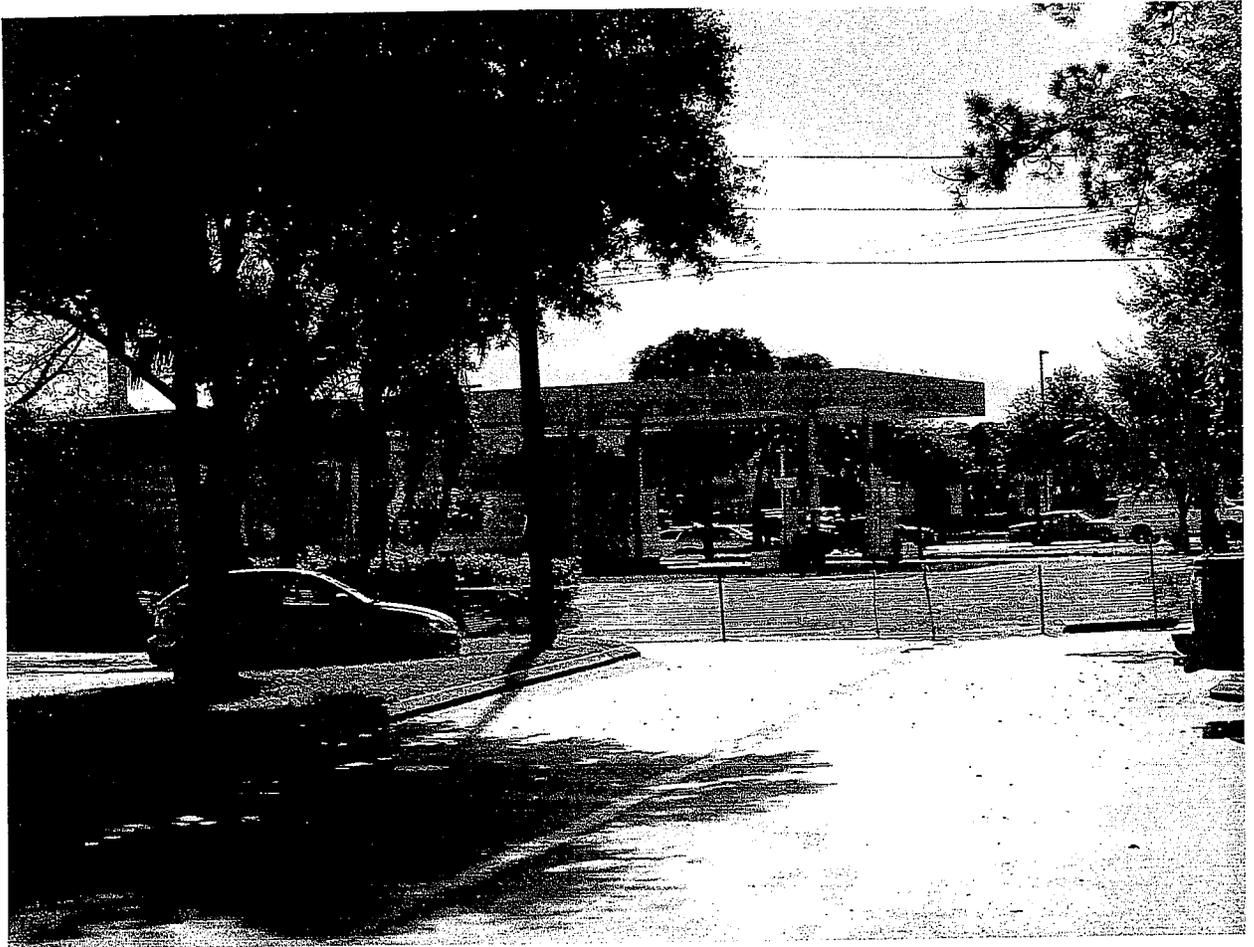
Picture showing the existing automobile gasoline service station from Port St. Lucie Boulevard



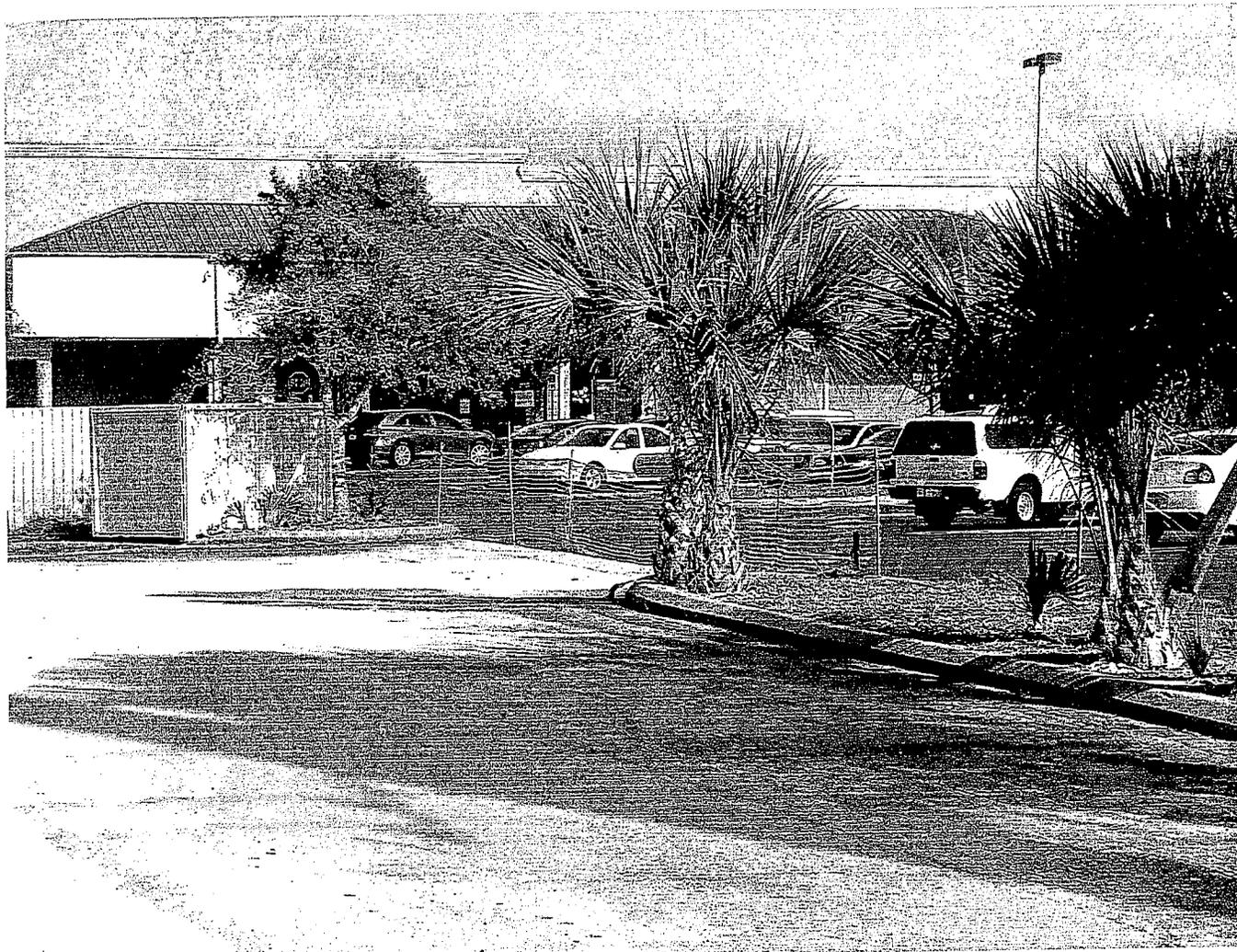
Picture showing the main access from Port St. Lucie Boulevard to the existing automobile gasoline service station



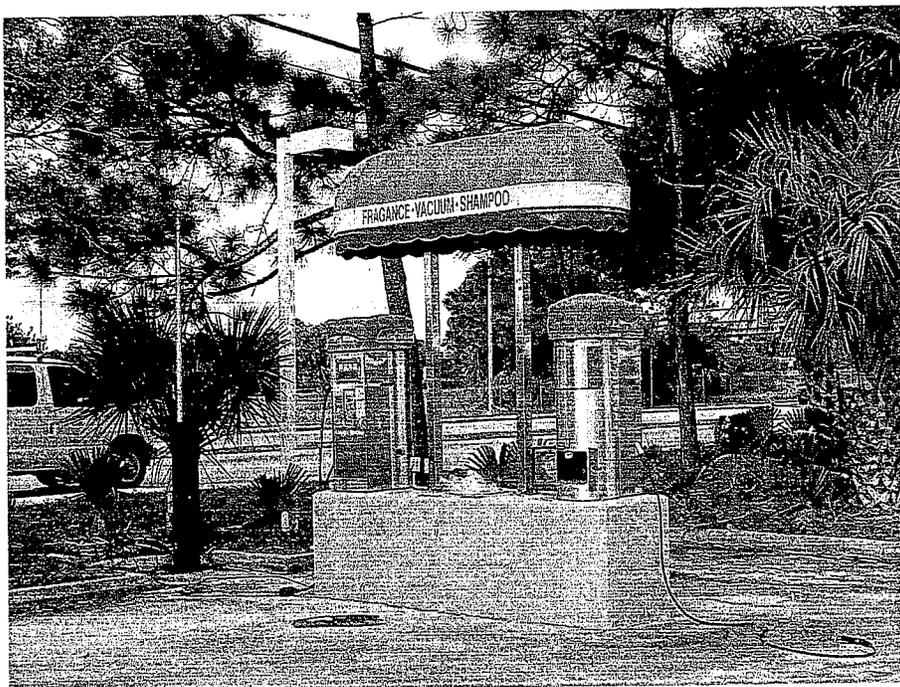
Picture showing the internal access from Winn-Dixie Plaza



Picture showing another internal access from Winn-Dixie Plaza



Picture showing the Car Wash and shampoo equipment



Thresiamma Kuruvilla

From: Rebecca Figueroa
Sent: Tuesday, November 15, 2011 1:55 PM
To: Jim Arnold; Sandra Smith; Anthony Veltre; Greg Bender
Cc: Thresiamma Kuruvilla
Subject: RE: SEU for Bayshore Plaza (P11-147)

Officer A Nunes has an active case 11-10860 for high grass and weeds that she is monitoring because the City has cut the grass 2 times. Also there is a Lien filed:

Lien Case 09-13115 - LIEN WAS RECORDED ON 1/26/10 IN OR BOOK/PAGE 3165-282. Violations are showing corrected; however, the Lien has not been satisfied.

Rebecca Figueroa
Administrative Assistant
Port St Lucie Code Enforcement
(772) 871-5234
Rfigueroa@cityofpsl.com

From: Jim Arnold
Sent: Tuesday, November 15, 2011 12:03 PM
To: Sandra Smith; Rebecca Figueroa; Anthony Veltre; Greg Bender
Cc: Thresiamma Kuruvilla
Subject: FW: SEU for Bayshore Plaza (P11-147)

FYI, can one of you please respond back to Thresiamma regarding code violations on this property? Thank you. Jim

James (Jim) Richard Arnold
Director of Neighborhood Services Department
(Animal Control & Code Enforcement Divisions)
City of Port St. Lucie
1118 SW Biltmore Street
Port St. Lucie, FL 34983
Office: (772) 871-5010
Fax: (772) 344-4181

From: Thresiamma Kuruvilla
Sent: Tuesday, November 15, 2011 11:21 AM
To: Joel Dramis; Jim Arnold
Cc: Sheila Osullivan
Subject: SEU for Bayshore Plaza (P11-147)

I am working on a Special Exception Use application for 299 SW Port St. Lucie Blvd (Chevron Gas station, at the northeast corner of Bayshore Blvd. and Port St. Lucie Blvd.) for the Dec 6th P&Z Board. Are there any code issues regarding this property and the buildings? This had been closed down for more than 1 year I think. Or any parking tickets with this property specific to parking? Pl let me know.

Thanks, Thres



"A City for All Ages"

CITY OF PORT ST LUCIE

Finance/Code Enforcement



Date: 11/15/2011

Company:
Attention:
Fax:
E-mail

Re: Active Code Enforcement Lien and Accumulated Fines
 Case number: 09-13115
 Property address: 299 SW Port St Lucie Blvd
 Property ID: 4408-510-0002-000/4
 Legal description: Lot 0 Block 0 Section 0

However, Florida Statute 162.09 (3) provides as follows:

A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the Land on which the violation exists and upon any other real or personal property owned by the violator.

The public records may reveal liens that may have attached by virtue of a code violation/ lien regarding another property. You may check with the St Lucie County Clerk of Court to ensure that the above mentioned property is not so encumbered.

Fine:	\$	10,000.00
Administration Fee:	\$	350.00
Recording Fee:	\$	40.00
Grass Cut Fee:	\$	417.91
Interest:	\$	1,047.95
Collections Fee:	\$	-

Amount payable to City of Port St Lucie is: \$ 11,855.86

*****THIS VIOLATION(S) HAS BEEN CORRECTED*** Payoff good thru 12/15/11**

Recording fees have already been added and the Release of Lien will be processed by the City upon the violation being corrected and the check clearing the bank.

Mail checks to:

City of Port St Lucie
Attn: Finance Department/Charlie
121 SW Port St Lucie Blvd
Port St Lucie, FL 34984

Thresiamma Kuruvilla

From: Roxanne Chesser
Sent: Wednesday, November 23, 2011 10:42 AM
To: Thresiamma Kuruvilla
Cc: Clyde Cuffy
Subject: RE: Scanned image from pdcopier 3rdfloor

The detail for the space shown on the plan does not meet current ADA standards (i.e., the sign and access aisle need to be updated). Also, I would question the location as it appears that there is an opportunity for a closer location to the door of the facility.

-----Original Message-----

From: Thresiamma Kuruvilla
Sent: Wednesday, November 23, 2011 10:18 AM
To: Roxanne Chesser
Cc: Clyde Cuffy
Subject: FW: Scanned image from pdcopier 3rdfloor

This site plan shows the dimension as 20' by 12'. The location is in front of the Car Wash, parallel parking. The sign is on the Car wash wall. \$100 fine. There is no cross markings to the convenient store. They have applied for an SEU for Dec 6th P&Z Board.

-----Original Message-----

From: Sharp Scanner
Sent: Wednesday, November 23, 2011 9:03 AM
To: Thresiamma Kuruvilla
Subject: Scanned image from pdcopier 3rdfloor

DEVICE NAME: pdcopier_3rdfloor
DEVICE MODEL: SHARP AR-M700N
LOCATION: 3rdfloor main pd

FILE FORMAT: PDF MMR(G4)
RESOLUTION: 300dpi x 300dpi

Attached file is scanned image in PDF format.
This file can be read by Adobe Acrobat Reader.
The reader can be downloaded from the following URL:

<http://www.adobe.com/>

Jesse E. Graham Jr.
jesse.grahamjr@burr.com
Direct Dial: (407) 540-6615
Direct Fax: (321) 249-0525

200 South Orange Avenue
Suite 800
Orlando, FL 32801

Office (407) 540-6600
Fax (407) 540-6601

BURR.COM

December 15, 2011

VIA FEDERAL EXPRESS

City of Port St. Lucie
Attn: Finance Department / Charlie
121 Southwest Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Re: Active Code Enforcement Lien Case No.'s 09-10033 and 09-13115
Our File No.: 50260-00122

Dear Charlie:

Pursuant to recent action taken by the City of Port St. Lucie to reduce the fines and other accumulated costs for the above-referenced Code Enforcement Liens, please find enclosed herewith this law firm's trust account check no. 7073 in the amount of \$7,930.68 and check no. 7074 in the amount of \$216.00, both payable to the City of Port St. Lucie for satisfaction of said liens. Please forward a copy of the Release of Lien for each of the Code Enforcement Liens at your earliest opportunity either by email or fax. My email address is Jgraham@burr.com and my fax number is 407-540-6601. Should you require anything additional from us in order to process the releases of lien, please let me know.

Thank you in advance for your cooperation and assistance in resolving this matter.

Very truly yours,

Jesse E. Graham Jr.

JEGJR/slk

cc: Suzanne Imbrigiotta (via email: susan.imbrigiotta@rbc.com)
Michael Rodriguez (via email: Michael.Rodriguez@gmlaw.com)
Keith Seldin (via email: kseldin@bellsouth.net)

NOTICE OF STRATION

IA PROBATE WILL BE FOR-ARRERD. HSTANDING ME PERIODS RTH ABOVE. LAIM FILED 2) YEARS OF AFTER THE ENT'S DATE EATH IS D. te of the first ation of this is December 1. on November 1. Personal Representative: Linda Frank 91 SE Lakeside-Way Jesta, FL 33469 y for Personal ntative: I C. Doane rdoane@w.com No. 0315231 & Doane, P.A. GA Boulevard, 1410 Palm Beach, FL 561-656-0200 December 24, 11 2349967

NOTICE OF SALE

Lot 1, Block, G, VERO LAKES ESTATES, UNIT L, according to the Plat thereof, recorded in Plat Book 5, Page 86, of the Public Records of Indian River County, Florida. ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LISPENDENS MUST FILE A CLAIM WITHIN 60 DAYS AFTER THE SALE. DATED this 16th day of December, 2011. STRAUS & EISLER, P. A. Attorneys for Plaintiff 10081 Pines Blvd, Suite C Pembroke Pines, Florida 33024 (954) 431-2000 By: Arnold M. Straus, Jr., Esq. Florida Bar No. 275328 Requests for Accommodations by Persons with Disabilities. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 250 NE Country Club Drive, Suite 217, Port St. Lucie, FL 34986, 772-807-4370 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days if you are hearing or voice impaired, call 711. Pub: December 31, January 7, 2012. 2350466

NOTICE OF SALE

THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT IN AND FOR INDIAN RIVER COUNTY, FLORIDA. CASE NO: 2011-CA-000374 LLS FARGO JK, N.A., ALSO OWN AS WOVIA MORTGAGE, A DIVISION WELLS FARGO JK, N.A., FORMERLY KNOWN AS CHOVIA MORTGAGE, FS. FORMERLY KNOWN AS IRLD SAVINGS JK, FS. iff, BARA COOMBS, KNOWN SPOUSE BARBARA COMBS, ndants NOTICE OF RECLOSURE SALE TICE IS HEREBY EN pursuant to a immary Final dgment of Fore-ssure Sale dated mber 9, 2011, d entered in Case. o. 31-2011-CA-0374 of the Circuit irt of the 19th Ju-ial Circuit, in and r INDIAN RIVER ounty, Florida, here in the Clerk ill sell to the high- st bidder for cash n JANUARY 12, 012, beginning at 0:00 A.M., at www.indian-river. alforeclose.com, he following de-ribed property as et forth in said ummary Final dgment lying and eing situate in INDI- N RIVER County, Florida, to wit:

NOTICE OF SALE

Customer Name/ Inventory. Courtney P. Snell Hsld Gds, Furn, Boxes. Berthany Verna Hsld Gds, Furn, Boxes, Applnces, TV/Stereo Equip., Personals Pictures, ect. Pub: December 31, 2011; January 7, 2012. 2349089 Notice of Public Auction Pursuant to Ch 713.585(6) F.S. United American Lien & Recovery as agent with power of attorney will sell the following vehicle(s) to the highest bidder subject to any liens; net proceeds deposited with the clerk of court; owner/lienholder has right to hearing and post bond; owner may redeem vehicle for cash sum of lien; all auctions held in reserve Inspect 1 week prior @ lienor facility; cash or cashier check; 15% buyer prem; any person interested ph (954) 563-1999 Sale date January 20 2012 @ 10:00 am 3411 NW 9th Ave Ft Lauderdale FL 33309 24593 2004 Mazda vin #: JM1FE17N240127146 lienor: auto partners ii llc dver mazda 999 us hwy 1 vero bch fl 772-569-6060 lien amt \$ 3377.34 Licensed & bonded auctioneers flab422 flau 765 & 1911 Pub: December 31, 2011 2351427

NOTICE OF SALE

A2002 CHEVY, VIN#-2GIWH55K32921684 2 in the name of KRISTOPHER COLLEY will be sold on JANUARY 11, 2012 by Larry Keller's Towing located at 1217 S. Federal Hwy., Stuart, FL 34994. Tel: (772) 334-5848 at 9:00 AM. I claim a lien of this vehicle for storage fees since 12/04/11 The cash sum of storage is \$975.00. The cash sum in total is \$1171.00 will be sufficient to redeem this vehicle from the lien claimed by me, Keith Darley. Pub: December 31, 2011 2350024

NOTICE OF SALE

on JANUARY 9, 2012 9:30 AM Items of personal property stored by: Name & Unit William J. Bryant - 10 George C. Barber - 258 Christine B. Conwell - 325 Kachina L. Hall - 349 Auction will award successful bid to the highest bidder on same day. Cash only. Items must be removed the day of sale. Seller reserves the right to refuse any and all bids. AU: 1139. AB:2314 10% BR. Publish: December 24, 31, 2011 2347757

LEGAL NOTICE

Public Auction will be held at TowMasters of PSL Towing Storage lot at 1325 SW Biltmore Street, Port St. Lucie, Florida 34983 on January 16, 2012, at 10:00 am, pursuant to Florida Statute 713.78 for unpaid towing and storage. 2000 BUICK 2G4WS52J3Y12178 84 2002 MITSUBISHI 4A3AC44G92E0820 02 1996 MERCURY 2MELM74W4TX61 1467 Terms of sale, are cash and no checks will be accepted. Seller reserves the right of final bid. All sales are final. No refunds will be made. Said automobile will be sold in "as is" condition with no guarantees. Publish: December 31, 2011 2351258

NOTICE OF MEETING

Tract B, Port St. Lucie Section 8 LOCATION: North of Apache Avenue, west of Advana Street, east of Cocoa Street and south of Bellevue Avenue APPLICANT: Kevin Aycock, Dynamic Towers, Inc. FILE NUMBER: P11-155 A RESOLUTION (12-R02) TO GRANT A SPECIAL EXCEPTION USE TO SECTION 158.124(C)(11) OF THE ZONING CODE TO ALLOW AN AUTOMOBILE GASOLINE SERVICE STATION IN THE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. LEGAL DESCRIPTION: A portion of Tract A, DHP Plat One Northeast corner of Bayshore Blvd. and Port St. Lucie Blvd. (Bayshore Plaza Outparcel/Victoria Square) APPLICANT: Donaldson Hearing of Cotleur & Hearing, Inc. FILE NUMBER: P11-147 A RESOLUTION (12-R03) TO GRANT A SPECIAL EXCEPTION USE TO SECTION 158.124(C)(12) OF THE ZONING CODE TO ALLOW A RETAIL CONVENIENCE STORE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. LEGAL DESCRIPTION: A portion of Tract A, DHP Plat One Northeast corner of Bayshore Blvd. and Port St. Lucie Blvd. (Bayshore Plaza Outparcel/Victoria Square) APPLICANT: Donaldson Hearing of Cotleur & Hearing, Inc. FILE NUMBER: P11-164 A RESOLUTION (12-R04) TO GRANT A SPECIAL EXCEPTION USE TO SECTION 158.124(C)(6) OF THE ZONING CODE TO ALLOW A CAR WASH IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. LEGAL DESCRIPTION: A portion of Tract A, DHP Plat One Northeast corner of Bayshore Blvd. and Port St. Lucie Blvd. (Bayshore Plaza Outparcel/Victoria Square) APPLICANT: Donaldson Hearing of Cotleur & Hearing, Inc. FILE NUMBER: P11-165

NOTICE OF MEETING

will be conducted before the CITY COUNCIL of the CITY OF PORT ST. LUCIE at a meeting beginning at 7:00 p.m., or as closely thereafter as business permits on January 9, 2012 in the City Council Chambers, Building A, located at 121 S.W. Port St. Lucie Blvd., in Port St. Lucie, Florida on the following: A RESOLUTION (12-R01) TO GRANT A SPECIAL EXCEPTION USE TO ALLOW A TELECOMMUNICATIONS TOWER IN THE OSR (OPEN SPACE RECREATIONAL) ZONING DISTRICT PER SECTION 158.100(C)(2) OF THE ZONING CODE. LEGAL DESCRIPTION: Copies of the above Resolution have been placed on file in the City Clerk's Office and are available for public inspection Monday

NOTICE OF SALE

In accordance with Florida Self-Storage Act (F.S. 83.801, ET SEQ.) an auction of abandoned goods will be held at Affordable Storage, 5014 N. US 1 Ft. Pierce, FL

NOTICE OF SALE

In accordance with Florida Self-Storage Act (F.S. 83.801, ET SEQ.) an auction of abandoned goods will be held at Affordable Storage, 5014 N. US 1 Ft. Pierce, FL

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NOTICE OF MEETING

through Friday between the hours of 8:00 a.m. and 4:00 p.m. Interested parties may appear at the meeting and be heard with respect to the proposed resolution. No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based. Planning & Zoning Department Publish: December 31, 2011 2345376

LEGAL NOTICE

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LEGAL NOTICE

Public Auction will be held at TowMasters of PSL Towing Storage lot at 1325 SW Biltmore Street, Port St. Lucie, Florida 34983 on January 16, 2012, at 10:00 am, pursuant to Florida Statute 713.78 for unpaid towing and storage. 2000 BUICK 2G4WS52J3Y12178 84 2002 MITSUBISHI 4A3AC44G92E0820 02 1996 MERCURY 2MELM74W4TX61 1467 Terms of sale, are cash and no checks will be accepted. Seller reserves the right of final bid. All sales are final. No refunds will be made. Said automobile will be sold in "as is" condition with no guarantees. Publish: December 31, 2011 2351258

NOTICE OF MEETING

will be conducted before the CITY COUNCIL of the CITY OF PORT ST. LUCIE at a meeting beginning at 7:00 p.m., or as closely thereafter as business permits on January 9, 2012 in the City Council Chambers, Building A, located at 121 S.W. Port St. Lucie Blvd., in Port St. Lucie, Florida on the following: A RESOLUTION (12-R01) TO GRANT A SPECIAL EXCEPTION USE TO ALLOW A TELECOMMUNICATIONS TOWER IN THE OSR (OPEN SPACE RECREATIONAL) ZONING DISTRICT PER SECTION 158.100(C)(2) OF THE ZONING CODE. LEGAL DESCRIPTION: Copies of the above Resolution have been placed on file in the City Clerk's Office and are available for public inspection Monday

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