



CITY OF PORT ST LUCIE

COUNCIL AGENDA MEMORANDUM

Agenda Item #: 7L
Meeting Date: 12/12/16

TO: Mayor and City Council

VIA: Russ Blackburn, City Manager *RB*

FROM: O. Reginald Osenton, City Attorney *RO*

Agenda Item: Motion: Termination of Restrictive Covenant #318 – Entered into between Bernard Terranova and Dolores Terranova and the City of Port St. Lucie with respect to Lots 13, 14, and 15, Block 593, Port St. Lucie Section Thirteen.

Submittal Date: 12/5/2016

STRATEGIC PLAN LINK: Port St. Lucie Mission Principal B, "Responsive to the Community"

BACKGROUND: Attached, please find a Request for Termination of Restrictive Covenant with respect to the Restrictive Covenant entered into by Bernard Terranova and Dolores Terranova relative to Lots 13, 14, and 15, Block 593, Port St. Lucie Section Thirteen. This Restrictive Covenant was placed on the property to reduce the assessments at the time of implementation of utility service.

ANALYSIS: Based upon the increased level of development for the parcel, the property owner owes the City of Port St. Lucie the total sum of \$6,682.98. Said sums have been paid in full via Cashier's Check and processed and approved by the City's Finance Department. While the Restrictive Covenant was entered into between both Bernard Terranova and Dolores Terranova, the Termination of Restrictive Covenant is in the individual name of Dolores Terranova as Ms. Terranova is the sole owner of the property and Mr. Terranova is deceased.

FINANCIAL INFORMATION: \$6,682.98 owed to the City of Port St. Lucie for Special Assessment Principal, interest, and inclusive of all applicable administrative fees. Payment in full has been received, processed and approved.

LEGAL INFORMATION: The Termination of Restrictive Covenant has been prepared by O. Reginald Osenton, City Attorney, and is approved as to legal form and sufficiency.

STAFF RECOMMENDATION: Motion to approve.

SPECIAL CONSIDERATION: N/A

PRESENTATION INFORMATION: N/A

REQUESTED MEETING DATE: 12/12/2016

LOCATION OF PROJECT: See attached map, Lots 13, 14, and 15, Block 593, Port St. Lucie Section Thirteen.

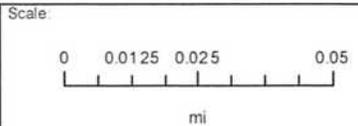
ATTACHMENTS: Map and Termination of Restrictive Covenant

RECEIVED
CITY OF PORT ST. LUCIE
CITY CLERK'S OFFICE



Termination of Restrictive Covenant
Lots 13, 14 and 15, Blk 593, Sec. 13

Map produced by the City of Port St Lucie City Council Map Generator Website on: 12/2/2016



This instrument was prepared under the direction of:

O. Reginald Osenton, Esq., City Attorney

Prepared by:

Kimberly A. Sala, Paralegal

CITY OF PORT ST. LUCIE

City Attorney's Office

121 S.W. Port St. Lucie Boulevard

Port St. Lucie, FL 34984

(Space above this line reserved for recording office use only)

TERMINATION OF RESTRICTIVE COVENANT

THIS TERMINATION OF RESTRICTIVE COVENANT is made this ___ day of _____, 20___, by and between **DOLORES TERRANOVA**, hereinafter referred to as (the "Owner") and the **CITY OF PORT ST. LUCIE**, a Florida municipal corporation, hereinafter referred to as (the "City").

WHEREAS, on October 12, 1998, a Restrictive Covenant was recorded in Official Records Book 1177, at Page 1082, of the Public Records of St. Lucie County, Florida, encumbering the following described property, to-wit:

Lots 13, 14 and 15, Block 593, Port St. Lucie Section Thirteen, according to the Plat thereof, as recorded in Plat Book 13, at Page 4, 4A through 4M, of the Public Records of St. Lucie County, Florida.

WHEREAS, by said Restrictive Covenant, the Owners stated that they 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 3-4; and

WHEREAS, the Owners wish to separate the subject property and no longer desire to occupy the subject property as one single residential unit; and

WHEREAS, the City agrees to the termination of said Restrictive Covenant, upon payment of the total sum of **Six Thousand Six Hundred Eighty-Two Dollars and Ninety-Eight Cents (\$6,682.98)** by the current owner; 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 3-4.

NOW, THEREFORE, for and in consideration of the sum of **\$6,682.98**, 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 1177, at Page 1082, 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 3-4.
4. Lots 13, 14 and 15, Block 593, Port St. Lucie Section Thirteen, may be developed independently of each other in accordance with the rules and regulations of the City of Port St. Lucie.

IN WITNESS WHEREOF, the undersigned have caused the hands and seals of the undersigned to be affixed hereto on this _____ day of _____, 2016.

**Signed, sealed and delivered
in the presence of:**

WITNESSES

OWNER(S)

Print Name: _____
Witness

Print Name: Dolores Terranova

Print Name: _____
Witness

NOTARIZATION AS TO OWNER(S)' EXECUTION

STATE OF FLORIDA)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Dolores Terranova who is/are [] personally known to me, or who has/have [] produced the following identification _____
_____ to be the person who executed the foregoing instrument.

Print Name of Notary Public
Notary Public, State of _____
My Commission expires _____

WITNESSES

CITY OF PORT ST. LUCIE
a Florida municipal corporation

Print Name: _____
Witness

By: _____
Gregory J. Oravec, Mayor

Print Name: _____
Witness

NOTARIZATION AS TO CITY OF PORT ST. LUCIE'S EXECUTION

STATE OF FLORIDA)
) ss
COUNTY OF ST. LUCIE)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by GREGORY J. ORAVEC, as Mayor of the City of Port St. Lucie, and on behalf of the City of Port St. Lucie who is [] personally known to me, or who has/have [] produced the following identification _____
_____ to be the person who executed the foregoing instrument.

Signature of Notary Public
Notary Public, State of _____
My Commission expires _____