



CITY OF PORT ST LUCIE

COUNCIL AGENDA MEMORANDUM

Agenda Item #: 13D
Meeting Date: 12/12/16

TO: Mayor and City Council

VIA: Russ Blackburn, *RB* City Manager

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

Agenda Item: Motion: Request for Conceptual Approval of the Attached Proposal from W. Lee Dobbins, on behalf of MidFlorida Credit Union, Outlining a Request for the City of Port St. Lucie to Abandon a Portion of the City's Right-of-Way

Submittal Date: 12/9/2016

STRATEGIC PLAN LINK: Principle 1: Heart of the Treasure Coast; Principle 2: Beautiful City – Public art throughout the community; Principle 9: Diverse Local Economy; Principle 10: Easy Mobility – Minimal traffic congestion with predictable and acceptable travel times; Goal 2: Growing Local Economy;

BACKGROUND: At the October 10, 2016 regular City Council meeting there was a consensus of the City Council to support the idea of developing the SE corner of Gatlin Boulevard and Rosser Boulevard as a MidFlorida Credit Union with certain public improvements such as art installations, the installation of street trees, and the removal of exotic vegetation.

ANALYSIS: On December 8, 2016, representatives of MidFlorida Credit Union, by and through their legal counsel, W. Lee Dobbins, submitted a request to obtain the City Council's conceptual approval of a more defined course of action prior to engaging in professional and design work. Accordingly, the attached proposal and supporting documentation is presented for City Council review and discussion.

FINANCIAL INFORMATION: N/A

LEGAL INFORMATION: The attached proposal for conceptual approval has been reviewed and approved as to form and sufficiency by O. Reginald Osenton, City Attorney.

STAFF RECOMMENDATION: Grant of conceptual approval and direction from City Council to engage in meaningful discussions and negotiations with MidFlorida Credit Union relating to the attached proposal.

SPECIAL CONSIDERATION: MidFlorida, in addition to the construction of the Credit Union and request for abandonment of the Right-of-Way, is proposing to make improvements, at their cost, to two (2) City owned properties located on Gatlin Boulevard. The public improvements will include two (2) art installations (one on each of the City properties), the installation of street trees on the same City properties, and the removal of exotic vegetation from a portion of City property as depicted in Exhibits "A" and "B" included with the attached proposal. The public improvements will be constructed concurrently with the construction of the building and the required public improvements must be completed and accepted by the City's Planning and Zoning Department and City Arborist before a Certificate of Occupancy will be issued for the building. The art installations and trees will be maintained by MidFlorida for one (1) year after they have been accepted by the City.

PRESENTATION INFORMATION: N/A

REQUESTED MEETING DATE: 12/12/2016

LOCATION OF PROJECT: Gatlin Boulevard and Rosser Boulevard just south of the intersection; Right-of-Way abandonment relates to a portion of SW Merrick Street

ATTACHMENTS: Proposal for conceptual approval from W. Lee Dobbins, on behalf of MidFlorida Credit Union, with attached Exhibits "A" and "B"

cc: Patti Tobin, Planning & Zoning Director;
Thomas F. Mullin, Esq., Special Legal Counsel;
W. Lee Dobbins, Esq.

RECEIVED

DEC 8 9 2016

CITY MANAGER'S OFFICE



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W. LEE DOBBINS
LDobbins@deanmead.com

December 8, 2016

VIA EMAIL

Gregory J. Oravec
City Mayor
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34952

Re: MidFlorida Credit Union south of the intersection of Gatlin Blvd and Rosser Blvd

Dear Mayor:

I am sending you this letter on behalf of MidFlorida Credit Union ("MidFlorida"). MidFlorida has a contract to purchase property on Rosser Blvd just south of the intersection of Rosser Blvd and Gatlin Blvd, and would like to build a building on the property. As I am sure you remember, MidFlorida came before the City Council on October 10 with a proposal for the City to abandon a portion of the right-of-way of Merrick Street, to allow for a right-in, right-out access to the property from Gatlin Blvd. This would avoid the need for customers of the Credit Union to make a u-turn on Rosser Blvd in order to get to the site. In addition, MidFlorida proposed making improvements to City property on Gatlin Blvd, in the form of art installations, at MidFlorida's cost, in order to provide a public benefit.

At that meeting, the City Council supported the plan, and requested that MidFlorida provide a proposal to the City on how it would like to proceed. MidFlorida proposes the following steps for your consideration:

- MidFlorida will apply for the abandonment of a portion of SW Merrick Street.
- Upon approval of the abandonment by the City, the City will amend the future land use of the abandoned right of way to CG and will amend the zoning of the abandoned right of way to CG.
- Upon final approval of the land use amendment and rezoning, the City will convey to MidFlorida, by Quit Claim Deed, the City's interest in the abandoned right of way. This abandoned right of way shall be incorporated into MidFlorida's property on Rosser Blvd by the recording of a unity of title and shall be incorporated by MidFlorida into its site

plan for the development of a credit union branch with a right-in, right-out access from Gatlin Blvd. The Quit Claim deed shall contain a reverter clause stating that, if MidFlorida does not obtain a certificate of occupancy for its building within 3 years of the recording of the deed, then the abandoned right of way shall revert to the City.

- One of the lots which MidFlorida is purchasing for the construction of the Credit Union was owned by the City at one time, but was sold by the City in 2009. Pursuant to Florida Statutes, the City retained mineral rights to the lot, including the right to enter the lot and mine for minerals or petroleum. The City will release these rights, so that they will not encumber the property.
- The City will amend the Gatlin Corridor Access Management Plan to allow a right-in, right-out access from Gatlin Blvd, into MidFlorida's property. This access from Gatlin Blvd shall be located in the abandoned Merrick Street right of way and shall only provide access to MidFlorida's property, but shall not provide access to the residential neighborhood located south of MidFlorida's property.
- MidFlorida will make improvements (at MidFlorida's cost) to the following two City properties located on Gatlin Blvd: (a) the City property located just east of the Merrick Street right of way on Gatlin Blvd and (b) the City property located on the southwest corner of the intersection of Gatlin Blvd and Savona Blvd. The public improvements will include two (2) art installations (one on each of the foregoing City properties), the installation of street trees on the same City properties and the removal of exotic vegetation from a portion of the City property located just east of the Merrick Street right of way, as more specifically depicted in Exhibits A and B attached hereto.
- The art installations shall be chosen by the City's Public Art Advisory Board or City Council, subject to approval by MidFlorida. The total cost of both art installations (including delivery, any mounting pedestal, and installation) shall not exceed \$40,000. The total cost of the installation of street trees and the exotics removal shall not exceed \$10,000 (MidFlorida's total obligation for the public improvements pursuant to this agreement shall not exceed \$50,000.00). One art installation shall be selected for the location just east of the Merrick Street right of way and a smaller art installation shall be selected for the other location.
- MidFlorida will construct the required public improvements to the two City properties concurrently with the construction of its building. MidFlorida must complete the required public improvements (and they must be accepted by the City Planning Department and City Arborist) before a certificate of occupancy will be issued for the building.
- MidFlorida will maintain the art installations and street trees for one year after they are accepted by the City.
- It is worth noting that under the City Code, public art is not a requirement for minor site plans of less than 10,000 square feet that comply with the Citywide Design Standards. MidFlorida's building will meet this criteria, therefore the art installations and other improvements proposed by this agreement are entirely a public benefit to the City.

Gregory J. Oravec
December 8, 2016
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We hereby request that the City Council approve the foregoing in concept and, if possible, we would like this item to be placed on the December 12 City Council agenda. Thank you for your assistance in trying to reach an agreement that is beneficial to all parties.

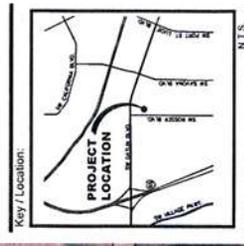
Best regards,



W. Lee Dobbins

WLD:sh

cc: Russ Blackburn, City Manager (via email / with enclosures)
O. Reginald Osenton, Esq., City Attorney (via email / with enclosures)
Patti Tobin, City Planning Director (via email / with enclosures)
Tom Mullin, Assistant City Attorney
Shannon Martin, City Council Member (via email / with enclosures)
Jolien Caraballo, City Council Member (via email / with enclosures)
Stephanie Morgan, City Council Member (via email / with enclosures)
John Carvelli, City Council Member (via email / with enclosures)
Chris Robertson, SVP - MidFlorida Support Services (via email / with enclosures)
Steve Moseley, EVP / President - MidFlorida Financial Services (via email / with enclosures)
Steve Garrett, Project Manager - Lucido & Associates (via email / with enclosures)

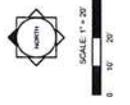


Project Team:
 City of Aventura
 Director of Public Works
 Project Director
 Date: 11/11/14

Lead Planner / Landscape Architect:
 Lucido & Associates
 875 S. University Ave., Suite 1000
 Fort Lauderdale, FL 33328
 Phone: (954) 571-1111

MidFlorida Credit Union
 Port St. Lucie Florida
 Exhibit 'A'

| Date | By | Description |
|----------|----|---------------|
| 11/21/14 | AV | CLIENT REVIEW |



1 of 1

Manager: AV
 Project Number: 14-076
 Computer File: MidFlorida Credit Union_Inventory.dwg

Client/Lead Planner: The accuracy and reliability of the information contained herein is based on the information provided by the client. Lucido & Associates, Inc. does not warrant, represent or make any guarantee that the information is correct or that the information is suitable for any purpose other than that for which it was prepared.



PUBLIC ART:
 SCULPTURE, PLEDGELINE AND LANDSCAPE TO BE INSTALLED AND MAINTAINED FOR A 10 YEAR PERIOD BY MIDFLORIDA CREDIT UNION.

STREET TREE:
 SPECIFICATIONS: CALIFORNIA VIGNONA, SOUTHERN LIVE OAK, 66A, 14 FT X 8 SPK, 4" C, SP, NO TO BE MAINTAINED FOR A 10 YEAR PERIOD BY MIDFLORIDA CREDIT UNION.

EXOTIC REMOVAL:
 REMOVAL OF EXOTIC VEGETATION ON CITY LOTS BY MIDFLORIDA CREDIT UNION.

