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ORDINANCE NO. 06-022

AN ORDINANCE AMENDING THE ST. LUCIE COUNTY LAND DEVELOPMENT CODE BY AMENDING SECTION 11.10.02 TO PROVIDE THE BOARD OF COUNTY COMMISSIONERS WITH THE OPTION TO IMPOSE A PRIVILEGE FEE FOR THE ABANDONMENT OR VACATION OF THE INTERESTS OF THE COUNTY IN AND TO ANY REAL PROPERTY OR RIGHT-OF-WAY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, PROVIDING FOR ADOPTION AND CODIFICATION AND AN EFFECTIVE DATE

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 2901777 07/25/2006 at 03:39 PM
OR BOOK 2620 PAGE 1651 - 1655 Doc Type: ORDINANCE
RECORDING: \$44.00

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. This Board is authorized by Section 336.09, Florida Statutes (2005), to renounce or disclaim any right of the county and the public to land prescribed for or delineated as a right-of-way and to abandon any existing right-of-way; and,
2. On August 1, 1990, the Board of County Commissioners of St. Lucie County, Florida, adopted the St. Lucie County Land Development Code.
3. The Board of County Commissioners has adopted certain amendments to the St. Lucie County Land Development Code, through the following Ordinances:

91-03 -	March 14, 1991	91-09 -	May 14, 1991
91-21 -	November 7, 1991	92-17 -	June 2, 1992
93-01 -	February 16, 1993	93-03 -	February 16, 1993
93-05 -	May 25, 1993	93-06 -	May 25, 1993
93-07 -	May 25, 1993	94-07 -	June 22, 1994
94-18 -	August 16, 1994	94-21 -	August 16, 1994
95-01 -	January 10, 1995	96-10 -	August 6, 1996
97-01 -	March 4, 1997	97-09 -	October 7, 1997
97-03 -	September 2, 1997	99-01 -	February 2, 1999
99-02 -	April 6, 1999	99-03 -	August 17, 1999
99-04 -	August 17, 1999	99-05 -	July 20, 1999
99-15 -	July 20, 1999	99-16 -	July 02, 1999
99-17 -	September 7, 1999	99-18 -	November 2, 1999
00-10 -	June 13, 2000	00-11 -	June 13, 2000
00-12 -	June 13, 2000	00-13 -	June 13, 2000
01-03 -	December 18, 2001	02-05 -	June 24, 2002
02-09 -	March 5, 2002	02-20 -	October 15, 2002

02-29 -	October 15, 2002	03-05 -	October 7, 2003
04-02-	January 20, 2004	04-07-	April 20, 2004
04-33-	December 7, 2005	05-01-	March 15, 2005
05-03-	August 2, 2005	05-04-	August 2, 2005
05-07-	January 18, 2005	05-16-	August 16, 2005
05-23-	September 20, 2005	06-05-	April 18, 2006
06-13-	June 6, 2006		

5. On May 18, 2006, the Local Planning Agency/Planning and Zoning Commission held a public hearing on the proposed ordinance after publishing notice in the Port St. Lucie News and the Tribune at least 10 days prior to the hearing and recommended that the proposed ordinance be approved.

6. On June 6, 2006, this Board held its first public hearing on the proposed ordinance, after publishing a notice of such hearing in the Port St. Lucie News and the Tribune on May 23, 2006.

7. On July 18, 2006, this Board held its second public hearing on the proposed ordinance, after publishing a notice of such hearing in the Port St. Lucie News and the Tribune on June 9, 2006.

8. The proposed amendments to the St. Lucie County Land Development Code are consistent with the general purpose, goals, objectives and standards of the St. Lucie County Comprehensive Plan and are in the best interest of the health, safety and public welfare of the citizens of St. Lucie County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. The specific amendments to the St. Lucie County Land Development Code to read as follows, include:

11.10.02 PETITIONERS

- A. Unchanged
- B. Unchanged

C. FEES

- 1. Application Fee:
The application fee shall be determined in accordance with Section 11.12.00.
- 2. Privilege Fee:

a. At its option, the Board of County Commissioners may impose a privilege fee, payable by any firm, person or corporation petitioning the Board of County Commissioners for the abandonment and vacation of the interests of the County in and to any real property or street, alleyway, road, highway or other place used for travel, or any portion thereof, if the following criteria are present:

I. The County paid consideration for the subject property at the time of its acquisition; or,

ii. The subject property has a value in excess of five thousand dollars (\$5000.00) as determined by the Property Appraiser; or,

iii. The abandonment of the subject property would allow increased residential density or nonresidential intensities on the benefitting property.

b. If the Board of County Commissioners chooses to impose a privilege fee, such privilege fee shall be equal to the value of the County's interest that is being abandoned. The petitioner has two options to calculate the value of the County's interest:

I. An appraisal to be submitted by the petitioner which shall determine the value that the petition site adds to the benefitting property. Such an appraisal shall be prepared in accordance with staff requirements and is subject to approval by the Board of County Commissioners, or

ii. The averaged square foot land value of the abutting property, as established by the most current St. Lucie County Property Appraiser records, and multiplying said square footage value by the number of square feet of the petition site. The County's interest shall be equal to 120% of this value. If the Board determines that the assessed value does not reflect the fair market value, the Board may, in its discretion, have an appraisal prepared to determine the fair market value.

c. Such privilege fee shall not be imposed upon a petitioner who is the original gratuitous donor of the County's interest to be abandoned, nor when Section 255.22, Florida Statutes, or a reverter clause in the instrument of conveyance to the County shall take effect, or when the Board of County Commissioners determines that the property to be abandoned constitutes a nuisance to the County.

d. If imposed, such privilege fee shall be for the purpose of making available funds for the County to acquire real property for road rights-of-way, beach access strips and other open space recreational land for public use and for any other public use. Such privilege fee shall be in addition to an application fee to reimburse the County's administrative expenses connected with petitions for abandonment.

D. EXCEPTION TO FEES DUE

The application fee and any privilege fee may not apply when the petitioner will convey necessary real property for County rights-of-way designated on the County Thoroughfare Network Right-of-Way Protection plan, which is equal to, or more than, the total square footage to be abandoned, as determined by the Board of County Commissioners.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART E. EFFECTIVE DATE.

This ordinance shall take effect on July 24, 2006.

PART F. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

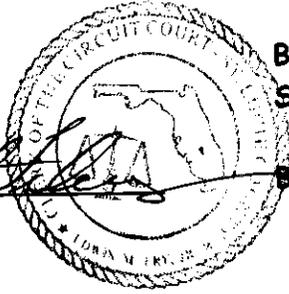
Chairman Doug Coward	AYE
Vice Chairman Chris Craft	AYE
Commissioner Joseph E. Smith	AYE
Commissioner Paula A. Lewis	AYE
Commissioner Frannie Hutchinson	AYE

PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts B through G shall not be codified.

PASSED AND DULY ADOPTED this 18th day of July, 2006

ATTEST:


[Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY:

[Signature]
Chairman

APPROVED AS TO FORM AND
CORRECTNESS

[Signature]
County Attorney