



**CITY OF OKEECHOBEE
CITY COUNCIL REGULAR MEETING
AUGUST 4, 2020
LIST OF EXHIBITS**

Draft Minutes

July 21, 2020 Regular Meeting

Exhibit 1

Temporary Street Closing, Labor Day Festivities

Exhibit 2

Landscape Maintenance and Installation Bid Award

Exhibit 3

Ordinance No. 1215, Abandonment of Right-of-Way



**CITY OF OKEECHOBEE, FLORIDA
JULY 21, 2020, REGULAR CITY COUNCIL MEETING
DRAFT SUMMARY OF COUNCIL ACTION**

I. CALL TO ORDER

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on Tuesday, July 21, 2020, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-150 effective June 23, 2020, the meeting was conducted utilizing communications media technology (CMT) as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video and audio files were retained as a permanent record. The invocation was offered by former City Council Member Noel Chandler, followed by the Pledge of Allegiance led by Council Member Abney.

II. ATTENDANCE

Mayor Dowling R. Watford, Jr., Council Members Wes Abney, Monica Clark, Bob Jarriel, and Bobby Keefe were present in the Chambers.

CITY STAFF: City Clerk Lane Gamiotea, City Attorney John Fumero, City Administrator Marcos MontesDeOca, Police Chief Bob Peterson, Fire Chief Herb Smith, Public Works Director David Allen, Administrative Secretary Jacob Smith, Finance Director India Riedel, and Executive Assistant Robin Brock were present in the Chambers.

III. AGENDA AND PUBLIC COMMENTS

A. Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn. New Business Item H, Exhibit 8 was added by Staff.

B. Council Member Abney moved to approve the agenda as amended; seconded by Council Member Jarriel.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

C. There were no agenda item forms or comment cards submitted for public participation for any issues not on the agenda.

IV. CONSENT AGENDA

A motion was made by Council Member Clark to approve consent agenda items **A through B** [minutes for the June 25, 2020, Joint Workshop and July 7, 2020, Regular meeting; June 2020 Warrant Register in the amounts: General Fund \$513,046.08, Public Facilities Improvement Fund \$16,143.04, Capital Improvement Projects Fund \$21,257.27, and Law Enforcement Special Fund \$75.00 (the complete list is incorporated within the official minute file)]; seconded by Council Member Jarriel.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

V. MAYOR WATFORD OPENED THE PUBLIC HEARING AT 6:04 P.M.

A. A motion was made by Council Member Jarriel to adopt proposed Resolution No. 2020-07, providing for the Collection and Disposal Services of Residential Solid Waste customers, and establishing a Preliminary Rate Assessment for services (as provided in Exhibit 1); seconded by Council Member Clark.

Attorney Fumero read proposed Resolution No. 2020-07 by title only as follows: **"A PRELIMINARY RATE RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; PURSUANT TO THE SECTION 2.08, ORDINANCE NO. 784 RELATING TO THE PROVISION OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES; SETTING FORTH A BRIEF DESCRIPTION OF SOLID WASTE SERVICES PROVIDED;"**

PUBLIC HEARING ITEM A CONTINUED: **“DETERMINING THE SOLID WASTE ASSESSED COST FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING AND SETTING A PUBLIC HEARING TO CONSIDER COMMENTS FROM THE PUBLIC CONCERNING ADOPTION OF AN ANNUAL RATE RESOLUTION; DIRECTING THE CITY ADMINISTRATOR TO UPDATE THE ASSESSMENT ROLL, AND TO PROVIDE NECESSARY NOTICE THEREOF TO AFFECTED LANDOWNERS IN THE CITY OF OKEECHOBEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

There were no questions or comments offered by the Council, the public, or via zoom.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

- B. A motion was made by Council Member Clark to adopt proposed Resolution No. 2020-08 providing for the Residential Solid Waste and Collection Assessment for Fiscal Year (FY) 2020-21 (as provided in Exhibit 2); seconded by Council Member Keefe.**

Attorney Fumero read proposed Resolution No. 2020-08 by title only as follows: **“A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO THE PROVISION OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES; CONTINUING IMPOSITION OF THE SOLID WASTE COLLECTION ASSESSMENT PREVIOUSLY ESTABLISHED BY RESOLUTION 01-08; ADOPTING THE ANNUAL RATE RESOLUTION AS PERMITTED BY ORDINANCE 784 FOR FY 2020-21; APPROVING THE PRELIMINARY RATE RESOLUTION; AND CERTIFYING THE SOLID WASTE ASSESSMENT ROLL AS AUTHORIZED BY FLORIDA STATUTES 197.3632(4)(5) AS NECESSARY UNDER FLORIDA STATUTES 197.3632; PROVIDING FOR PUBLIC HEARING AND COMMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

There were no questions or comments offered by the Council, the public, or via zoom.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 6:07 P.M.

VI. NEW BUSINESS

- A. A motion was made by Council Member Keefe to adopt proposed Resolution No. 2020-09 providing for the Commercial Solid Waste and Collection Rates for FY 2020-21 (as provided in Exhibit 3); seconded by Council Member Jarriel.**

Attorney Fumero read proposed Resolution No. 2020-09 by title only as follows: **“A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; REVISING THE COMMERCIAL RATE SCHEDULE FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES WITHIN THE CITY OF OKEECHOBEE FOR FY 2019-20 (duly noted and corrected to reflect 2020-21); PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

- B. Mrs. Tiffany Collins, Administrator of the Okeechobee County Florida Department of Health (DOH), addressed the Council and asked that they provide insight on ways to encourage individuals to wear masks, and increase participation in volunteer testing.**

NEW BUSINESS ITEM B CONTINUED: On July 18 she was able to procure a mobile testing unit for community voluntary testing. However, due to the lack of participation with approximately 250 tests administered, the State has moved the unit on to other communities where voluntary testing participation is higher. She also provided an update on the statistical data of cases regarding COVID-19. The Council thanked her for the update and her continued hard work.

- C. **A motion was made by Council Member Jarriel to adopt proposed Resolution No. 2020-10, creating the City Citizens Charter Review Advisory Committee** (as provided in Exhibit 4); **seconded by Council Member Abney.**

Attorney Fumero read proposed Resolution No. 2020-10 by title only as follows: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA, ESTABLISHING CITY OF OKEECHOBEE CHARTER REVIEW ADVISORY COMMITTEE.”**

During discussion the Council amended the structure of the Committee by **adding one alternate member**, from seven regular members, who would participate in discussions and only vote when filling in for a regular member. Additionally, it was **clarified that the requirement of a member is to be a property owner**, not a business owner.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

- D. **A motion was made by Council Member Clark to approve the maximum millage rate of 8.6018 for advertisement purposes of the 2020 Tax Notices, for budget year 2020-21** [as provided in Exhibit 5]; **seconded by Council Member Keefe.**

There was a brief discussion on this item with Council Member Jarriel voicing his disapproval of advertising the millage at a higher rate than what was adopted for FY 2019-20.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, and Keefe. Nays-Council Member Jarriel. Motion Carried.

- E. **A motion was made by Council Member Jarriel to approve the FY 2020-21 budget preparation and millage calendar setting Workshop(s) to be held August 12, 2020, at 5:00 P.M., August 18, 2020, at 5:00 P.M. (if needed), First Public Hearing September 3, 2020, at 6:00 P.M., and Final Public Hearing September 21, 2020, at 6:00 P.M., all to be held in the Council Chambers at 55 Southeast 3rd Avenue, Okeechobee, Florida** [as provided in Exhibit 6]; **seconded by Council Member Keefe.** There was a brief discussion on this item.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

- F. **A motion was made by Council Member Clark and seconded by Council Member Jarriel to reschedule the September 2020 City Council Regular meetings to coincide with the budget Hearings** [rescheduling September 1 to September 3, and September 15 to September 21]. There was no discussion on this item.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

- G. Administrator MontesDeOca began the discussion regarding the City contracting fire services with Okeechobee County. Included in Exhibit 7 was a memorandum providing a general synopsis of the decisions made at the July 9, 2020, Okeechobee Board of County Commission meeting, and a spreadsheet with current salary, accrued leave balances and years of service for each City Fire Department employee.

NEW BUSINESS ITEM G CONTINUED: The Council was also provided a copy of email correspondences between the City and County Administrators, and a spreadsheet with Okeechobee County Fire and Rescue salary information to provide which specific employees were being considered for employment, and the rate of pay they would be offered.

The key points are now: the beginning date of the contract would be tentatively set for June 1, 2021. The offer for the first year is approximately \$697,000.00, not the assessment rate, and future year's costs are unknown. It is believed that future costs would be calculated using the Fire Assessment Rate that is to be adopted following the Fire Study and renegotiation of the Fire Union contract in October 2021. The County would need to use City Station One to operate calls for approximately two-years until a new facility could be built. The County is not willing to open the Fire Union contract in order to make any concession for City Firefighters. This means employees would be hired by the County as a new employee regardless of the number of years or rank with the City, and all hired would be required to complete a one-year probationary period. No additional stipends or steps would be given for years of service in regard to their pay step. Only employees with Paramedic Certificates would be considered regardless of proposed pay and additional education funding by the City. The employees would have options regarding their pension. The City would now be looking at six employees, instead of three, who would require salary packages as a result of the County's decision to only hire paramedics and not emergency medical technicians (EMT). Those considered for employment at the County would have a net loss in their salary due to the required one-year probationary period and the County choosing not to pay incoming City firefighter paramedics above a current County firefighter paramedic's step 3 salary, regardless of rank or experience.

After a lengthy discussion between the Council, Administrator MontesDeOca, Chief Smith and Captain Rodriguez, **Council Member Jarriel made a motion to instruct the City Attorney to obtain a final contract from the County Attorney at the next possible meeting, and provide the research requested by Council Member Abney: difference in salaries for employees being considered for employment at the County and the number of years the difference would need to be provided; potential negotiated salary costs for the six employees who would not be offered employment at the County; seconded by Council Member Keefe.**

Council Member Clark urged the Council to not continue discussions on this issue until later in 2021 to allow time to see how the County's Fire Union Contract renegotiations will impact the Fire Study and will most likely increase in the Fire Assessment, which would then increase the City's cost to pay for fire services. This would also not be during an election year, which she believes is influencing many of the decisions being made. Mayor Watford agreed.

Mr. Wes Williamson of the Economic Council addressed the Council asking them to continue moving forward with the contract as it will save the City \$600,000.00 a year.

VOTE: Ayes-Council Members Abney, Jarriel, and Keefe. Nays-Mayor Watford and Council Member Clark. Motion Carried.

- H. ITEM ADDED TO AGENDA: A memorandum outlining the request for Council authorization and a copy of the Federal Families First Coronavirus Response Act (FFCRA) was provided in Exhibit 8.

Council Member Keefe made a motion to authorize Department Heads the discretion to approve up to two weeks (80-hours) of Administrative Leave with pay for their employees following the FFCRA guidelines for first responders [authorization is from July 1, 2020 through December 31, 2020]; seconded by Council Member Jarriel.

VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.

VII. COUNCIL COMMENTS

Council Member Jarriel directed his comment at the three-to-two vote previously discussed during New Business Item G. The Fire Services issue has been a topic of discussion for a prolonged period of time, and he did not want to hear negative comments from the other Council Members on social media or other media coverage, as they should be able to agree and disagree alike.

VIII. There being no further items on the agenda, Mayor Watford adjourned the meeting at 8:16 P.M. The next regular meeting is scheduled for August 4, 2020, at 6:00 P.M.

ATTEST:

Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.

DRAFT



CITY OF OKEECHOBEE
55 SE THIRD AVENUE
OKEECHOBEE, FL 34974
Tele: 863-763-9821 Fax: 863-763-1686
**PARK USE AND/OR TEMPORARY STREET/
SIDEWALK CLOSING
PERMIT APPLICATION**

Date Received:		Date Issued:	
Application No:		Date(s) & Times of Event:	9-5-2020 - 9-7-2020.

Information:

Organization:	Okeechobee Main Street.
Mailing Address:	55 South Parrott Avenue
Contact Name:	Lynda Powers
E-Mail Address:	Lynda@okeechobeemainstreet.org

Telephone:

Work:	863 357-6246	Home:		Cell:	863 447 6407
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Summary of activities: Annual Labor Day Festival

following CDC Guidelines for Covid 19 this event will consist of Arts, Crafts, food vendors, as well as political and local organizations. As well as music The Parade if permitted will be held on Monday September 7th 2020.
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Proceeds usage: Proceeds will go toward Okeechobee

Main Streets continued efforts to revitalize our downtown area as well as bringing exciting events to our area, both to promote growth in our area.

Please check requested Parks:

Flagler Parks: ☐ City Hall Park ☐ #1 Memorial Park ☒ #2 ☒ #3 ☒ #4 ☐ #5 ☐ #6
[Park 3 is location of Gazebo. Park 4 is location of Bandstand]

(If other private property used in conjunction with this Park Use Permit please provide the address and parcel number below along with notarized letter of authorization from property owner)

Additional Addresses, if applicable _____
Parcel ID: _____

TEMPORARY STREET AND SIDEWALK CLOSING INFORMATION
(Street Closings require City Council approval. Meetings 1st & 3rd Tuesdays but subject to change)

Address of Event: Downtown Flagler Park 2, 3, + 4

Street(s) to be closed:	<u>SW 3rd Ave and SW 4th Ave</u>
Date(s) to be closed:	<u>From Friday Sept 4th to Monday Sept 7th 2020 5pm</u>
Time(s) to be closed:	<u>5pm Friday Sept 4th to Monday Sept 7th 2020 5pm</u>
Purpose of Closing:	<u>Annual Labor Day Festivities</u>

Attachments Required for Use of Parks

- ▶ Site Plan
- ▶ Copy of liability insurance in the amount of \$1,000,000.00 with the City of Okeechobee as additional insured.
- ▶ Proof of non-profit status
- ▶ State Food Service License if > 3 days.
- ▶ Notarized letter of authorization from property owner, if applicable.*

Attachments Required for Street/Sidewalk Closings

- ▶ Site Plan
- ▶ Copy of liability insurance in the amount of \$1,000,000.00 with the City of Okeechobee and R.E. Hamrick Testamentary Trust as Additional Insured.
- ▶ Original signatures of all residents, property owners and business owners affected by the closing.
- ▶ State Food Service License if > 3 days.
- ▶ State Alcoholic Beverage License, if applicable.**

* Required if private property used in conjunction with a Park Use application.

** Alcoholic beverages can be served **only** on private property. Alcoholic beverages **NOT ALLOWED** in City Parks, City streets or City sidewalks. See additional note below.

☐ Please check if items will be sold on City streets/sidewalks. Each business will need to apply for a Temporary Use Permit 667 along with the Street Closing application.

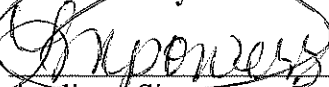
Note:

- ▶ Clean-up is required within 24 hours.
- ▶ No alcoholic beverages permitted on City property, streets or sidewalks.
- ▶ No donations can be requested if any type of alcoholic beverages are served on private property/business unless you possess a State Alcoholic Beverage License. Please note there are inside consumption and outside consumption licenses. You must have the appropriate license(s).
- ▶ The Department of Public Works will be responsible for delivering the appropriate barricades.
- ▶ Dumpsters and port-o-lets are required when closing a street for more than three (3) hours.

Applicant must meet any insurance coverage and code compliance requirements of the City and other regulations of other governmental regulatory agencies. The applicant will be responsible for costs associated with the event, including damage of property. By receipt of this permit, the applicant agrees and shall hold the City harmless for any accident, injury, claim or demand whatever arises out of applicant's use of location for such event, and shall indemnify and defend the City for such incident, including attorney fees. The applicant shall be subject to demand for, and payment of, all of the actual costs incurred by the City pertaining to the event including, but not limited to, Police, Fire, Public Works or other departmental expenses. The City reserves the right to require from an applicant a cashier's check or advance deposit in the sum approximated by the City to be incurred in providing City services. Any such sum not incurred shall be refunded to the applicant of this Park Use/Street Closing Permit.

I hereby acknowledge that I have read and completed this application, the attached Resolutions No.(s) 03-8 and 04-03, concerning the use and the rules of using City property, that the information is correct, and that I am the duly authorized agent of the organization. I agree to conform with, abide by and obey all the rules and regulations, which may be lawfully prescribed by the City Council of the City of Okeechobee, or its officers, for the issuance

Certificate of Insurance must name City of Okeechobee as Additional Insured as well as R.E. Hamrick Testamentary Trust if closing streets or sidewalks.


Applicant Signature

July 1-2020
Date

••••OFFICE USE ONLY••••

Staff Review

Fire Department:		Date:	
Building Official:		Date:	
Public Works:		Date:	
Police Department:		Date:	
BTR Department:		Date:	
City Administrator:		Date:	
City Clerk:		Date:	

NOTE: APPLICATION AND INSURANCE CERTIFICATE MUST BE COMPLETED AND RETURNED TO THE GENERAL SERVICES DEPARTMENT THIRTY (30) DAYS PRIOR TO EVENT FOR PERMITTING.

Temporary Street and Sidewalk Closing submitted for review by City Council on _____
Date

Temporary Street and Sidewalk Closing reviewed by City Council and approved _____
Date

To: Marcos Montes De Oca, City Administrator
From: David Allen, Public Works Director
Date: 7/24/2020
Re: Landscaping Maintenance Services Bid award to JMC landscaping, PW 02-11-07-20

The Public Works Department is requesting the award of the contract for Landscape Maintenance and Installation, PW 02-11-07-20 to JMC Landscaping Services Inc. The period of the contract is for one year. The annual bid award for landscape maintenance service is \$46,195.00. The contract can be extended on an annual basis at the same or superior terms by mutual agreement/acceptance between the vendor and the City.

The detailed bid tabulation for the landscape is attached. Bid items 9 and 10 were interpreted by the three vendors differently. All three vendors entered a per cubic yard price for mulch installation with JMC Landscaping being the low bid at \$35.00 per cubic yard. For tree trimming, one vendor submitted a total annual amount, one vendor submitted a per unit price only, and the third submitted both a unit price and an annual price. In order to make a fair and consistent evaluation of the bids, the summary below includes totals for maintenance Services without mulch and palm tree trimming, a normalized estimate of Mulch and palm trimming, and a total including mulch and palm trimming.

	Landscape Maintenance W/O Mulch and Palm Trimming	Normalized Mulch and Palm Trimming	Landscape Maintenance With Estimated Mulch and Palm Trimming
JMC Landscaping Inc.	\$ 32,250.00	\$ 13,945.00	\$ 46,195.00
TWQ LLC	\$ 41,280.00	\$ 15,787.50	\$ 57,067.50
Nunez Lawncare and Landscaping	\$ 35,000.00	\$ 18,800.00	\$ 53,800.00

In addition to ongoing landscape maintenance, the landscape maintenance bid, PW 02-11-07-20 included pricing for the installation of new and replacement trees, shrubs, and landscape bed plants. Which will be purchased under a separate purchase order based on current budget line for these items.

ITEM NO.	DESCRIPTION	UNIT MEASURE	EST. QTY.	JMC		TQW		Nunez	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Landscape maintenance, City Hall, City Parks, Police Department, Fire Department, Chamber of Commerce	EACH	Minimum 43 times annually per specification Section VIII-1	\$ 300.00	\$ 12,900.00	\$ 150.00	\$ 6,450.00	\$ 333.00	\$ 4,000.00
2	Landscape maintenance, medians and sidewalks: South Parrott Avenue (US 441), Park Street (SR70) South to South 23 rd Street, including median flower/shrub/tree beds	EACH	Minimum 43 times annually per specification Section VIII-1	\$ 112.50	\$ 4,837.50	\$ 150.00	\$ 6,450.00	\$ 333.00	\$ 4,000.00
3	Landscape maintenance, medians and sidewalks: North Parrott Avenue (US 441), Park Street (SR 70) to North 17 th Street, including median flower/shrub/tree beds	EACH	Minimum 43 times annually per specification Section VIII-1	\$ 75.00	\$ 3,225.00	\$ 50.00	\$ 2,150.00	\$ 333.00	\$ 4,000.00
4	Landscape maintenance, medians and sidewalks: West Park Street (SR70) West 12 th Avenue to Parrott Avenue (US 441), including median flower/shrub/tree beds	EACH	Minimum 43 times annually per specification Section VIII-1	\$ 75.00	\$ 3,225.00	\$ 80.00	\$ 3,440.00	\$ 333.00	\$ 4,000.00
5	Landscape maintenance, medians and sidewalks: West Park Street (SR70), Parrott Avenue East to East 13 th Avenue	EACH	Minimum 43 times annually per specification Section VIII-1	\$ 37.50	\$ 1,612.50	\$ 80.00	\$ 3,440.00	\$ 333.00	\$ 4,000.00
6	Landscape maintenance, planting beds and sidewalks: South Park Street, West 6 th Avenue to East 2 nd Avenue	EACH	Minimum 43 times annually per specification Section VIII-1	\$ 75.00	\$ 3,225.00	\$ 50.00	\$ 2,150.00	\$ 350.00	\$ 4,200.00
7	Landscape maintenance, mowing, planting beds and sidewalks: Centennial Park	EACH	Minimum 43 times annually per specification Section VIII-1	\$ 56.25	\$ 2,418.75	\$ 200.00	\$ 8,600.00	\$ 550.00	\$ 6,600.00
8	Landscape maintenance, Southwest 7 th Avenue planting bed in 100 block	EACH	Minimum 43 times annually per specification Section VIII-1	\$ 18.75	\$ 806.25	\$ 200.00	\$ 8,600.00	\$ 350.00	\$ 4,200.00
9	Landscape maintenance – red mulch installation	Cubic Yard	Once annually per specification Section VIII-2	\$ 35.00	\$ 9,625.00	\$ 45.00	\$ 12,375.00	\$ 55.00	\$ 15,125.00
10	Landscape maintenance – palm tree trimming and waste removal. US 441 Medians, City Hall Park, Flagler Parks, Chamber of Commerce	Annual	Once annually per specification Section VIII-3	\$ 4,320.00	\$ 4,320.00	\$ 32.50	\$ 3,412.50	\$ 35.00	\$ 3,675.00
11	New landscape, furnish and install new Live oak (Quercus Virginiana). 200 gallon, 5”-6” caliper, 17’-20’ ht x 8’-12’ spread, 6’ clear trunk	EACH	6	\$ 1,800.00	\$ 10,800.00	\$ 1,200.00	\$ 7,200.00	\$ 2,500.00	\$ 15,000.00
12	New landscape, furnish and install new Cape Myrtle (Lagerstroemia X Tuscarora) “small tree variety”. 12-12’ ht x 5-6’ Spr, Multi, 3-5 trunks, 4-5’ CT	EACH	10	\$ 200.00	\$ 2,000.00	\$ 250.00	\$ 2,500.00	\$ 900.00	\$ 9,000.00
13	New landscape, furnish and install Cabbage Palm (Sabal Palmetto) 14’, 17’ & 20’, smooth trunk, stagger heights	EACH	5	\$ 300.00	\$ 1,500.00	\$ 280.00	\$ 1,400.00	\$ 900.00	\$ 4,500.00
14	New landscape/replacement, furnish and install Blue Pacific Juniper (Juniper Conferta) 1 gallon	EACH	100	\$ 8.00	\$ 800.00	\$ 5.00	\$ 500.00	\$ 9.00	\$ 900.00
15	New landscape/replacement furnish and install Dwarf Schillings Holly (Ilex vomitoria, Schillings) 3 gallon	EACH	100	\$ 12.00	\$ 1,200.00	\$ 11.00	\$ 1,100.00	\$ 12.50	\$ 1,250.00
16	New landscape/replacement, furnish and install Variegated Flax Lilly (Dianella tasmanica) 1 gallon	EACH	100	\$ 8.00	\$ 800.00	\$ 5.00	\$ 500.00	\$ 9.00	\$ 900.00
17	New landscape/replacement furnish and install Swarf Pink Oleander (Nerium Oleander) 3 gallons	EACH	25	\$ 12.00	\$ 300.00	\$ 12.00	\$ 300.00	\$ 15.00	\$ 375.00
18	New landscape/replacement, furnish and install Coontie (Zamia Pumila) 3 gallon	EACH	25	\$ 12.00	\$ 300.00	\$ 24.00	\$ 600.00	\$ 17.00	\$ 425.00
19	New landscape/replacement, furnish and install Viburnum (Viburnum Suspensum) 3 Gallon	EACH	100	\$ 12.00	\$ 1,200.00	\$ 10.50	\$ 1,050.00	\$ 12.50	\$ 1,250.00
20	New landscape/replacement, furnish and install gold mound (Durante Repens) 3 gallon	EACH	25	\$ 12.00	\$ 300.00	\$ 12.00	\$ 300.00	\$ 12.50	\$ 312.50
21	New landscape/replacement, furnish and install Firebush (Hamelia Patens) 3 gallon	EACH	25	\$ 12.00	\$ 300.00	\$ 11.00	\$ 275.00	\$ 12.50	\$ 312.50
22	New landscape/replacement, furnish and install Blue Plumbago (Plumbago Auricula) 3 gallon	EACH	50	\$ 12.00	\$ 600.00	\$ 11.00	\$ 550.00	\$ 14.50	\$ 725.00
23	New landscape/replacement, furnish and install Ixora (Ixora Chinensis) 3 gallon	EACH	25	\$ 12.00	\$ 300.00	\$ 11.00	\$ 275.00	\$ 14.50	\$ 362.50
24	New landscape/replacement, furnish and install Cocoplum (Chrysobalanus icaco) 3 gallon	EACH	25	\$ 12.00	\$ 300.00	\$ 11.50	\$ 287.50		
25	New landscape/replacement, furnish and install Sunshine Mimosa (Mimosa Strigillosa) 3 gallon	EACH	25	\$ 12.00	\$ 300.00	\$ 14.00	\$ 350.00	\$ 14.50	\$ 362.50
					\$ 67,195.00		\$ 74,255.00		\$ 89,475.00

Total Maintenance (less Mulch/Palm Tree Trimming)	\$ 32,250.00	\$ 41,280.00	\$ 35,000.00
Est. Mulch/Palm Tree Trimming	\$ 13,945.00	\$ 15,787.50	\$ 18,800.00
Total Maintenance	\$ 46,195.00	\$ 57,067.50	\$ 53,800.00
Total Estimated Plantings	\$ 21,000.00	\$ 17,187.50	\$ 35,675.00
	\$ 67,195.00	\$ 74,255.00	\$ 89,475.00

Bid items 9 and 10 were interpreted by the three vendors differently. All three vendors entered a per cubic yard price for mulch installation with JMC Landscaping being the low bid at \$35.00 per cubic yard. For tree trimming, one vendor submitted a total annual amount, one vendor submitted a per unit price only, and the third submitted both a unit price and a annual price. In order to make a fair and consistent evaluation of the bids, bid amounts from the vendors less these two items are included above.

Amounts shown in red are estimates based on normalized quantities for Mulch and Palm Tree Trimming

ORDINANCE NO. 1215

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY BEING AN UNIMPROVED PORTION OF AN ALLEY, 20-FEET IN WIDTH, LYING BETWEEN LOTS 1 THROUGH 10 AND LOTS 17 THROUGH 26, OF BLOCK 39, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA; TOGETHER WITH AN UNIMPROVED PORTION OF NORTHWEST 10TH STREET (f/k/a SIXTEENTH AVENUE), 100-FEET IN WIDTH, LYING BETWEEN LOTS 1 THROUGH 10, OF BLOCK 39, AND LOTS 17 THROUGH 26, OF BLOCK 28, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA (APPLICATION NO. 20-001-AC-SC); DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE IN THE PUBLIC RECORDS OF THE CLERK OF THE CIRCUIT COURT IN AND FOR OKEECHOBEE COUNTY, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Okeechobee General Services Department received Abandonment of Right-of-Way Petition No. 20-001-AC-SC submitted by property owner Omar Abuaita, for the closing of certain Rights-of-Way as described in this Ordinance; and

WHEREAS, the City of Okeechobee Technical Review Committee reviewed and discussed Petition No. 20-001-AC-SC at a duly advertised public meeting held on June 18, 2020; and

WHEREAS, Petition No. 20-001-AC-SC was reviewed and discussed by the City of Okeechobee Planning Board at a duly advertised Public Hearing held on July 16, 2020, and determined such Petition to be consistent with the Comprehensive Plan; and

WHEREAS, the City Council reviewed Petition No. 20-001-AC-SC and finds it to be consistent with the Comprehensive Plan, is not the sole access to any property, is in the best interest of the citizens, provides a benefit to the City of Okeechobee, and would not jeopardize the location of any utility; and

WHEREAS, the granting of the Petition will serve a legitimate public interest and is a proper exercise of the municipal authority of the City of Okeechobee as a discretionary function.

NOW, THEREFORE, it is ordained before the City Council for the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City:

SECTION 1: The unimproved, dedicated Right-of-Way described hereafter and as shown on Exhibit A, is hereby closed, vacated, and abandoned by the City of Okeechobee, Florida to-wit:

THAT PORTION OF ALLEY, 20-FEET IN WIDTH, LYING BETWEEN LOTS 1 THROUGH 10 AND LOTS 17 THROUGH 26, OF BLOCK 39, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA; together with

THAT PORTION OF NORTHWEST 10TH STREET (f/k/a SIXTEENTH AVENUE), 100-FEET IN WIDTH, LYING BETWEEN LOTS 1 THROUGH 10, OF BLOCK 39, AND LOTS 17 THROUGH 26, OF BLOCK 28, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

SECTION 2: The City Clerk shall cause a certified copy of the Ordinance to be recorded in the public records of Okeechobee County, Florida.

SECTION 3: Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 5: Effective Date. This Ordinance shall be set for Final Public Hearing the 3rd day of September, 2020, and shall take effect immediately upon its adoption.

INTRODUCED for First Reading and set for Final Public Hearing on this 4th day of August, 2020.

ATTEST:

Lane Gamiotea, CMC, City Clerk

Dowling R. Watford, Jr., Mayor

PASSED AND ADOPTED after Second Reading and Final Public Hearing on this 3rd day of September, 2020.

ATTEST:

Lane Gamiotea, CMC, City Clerk

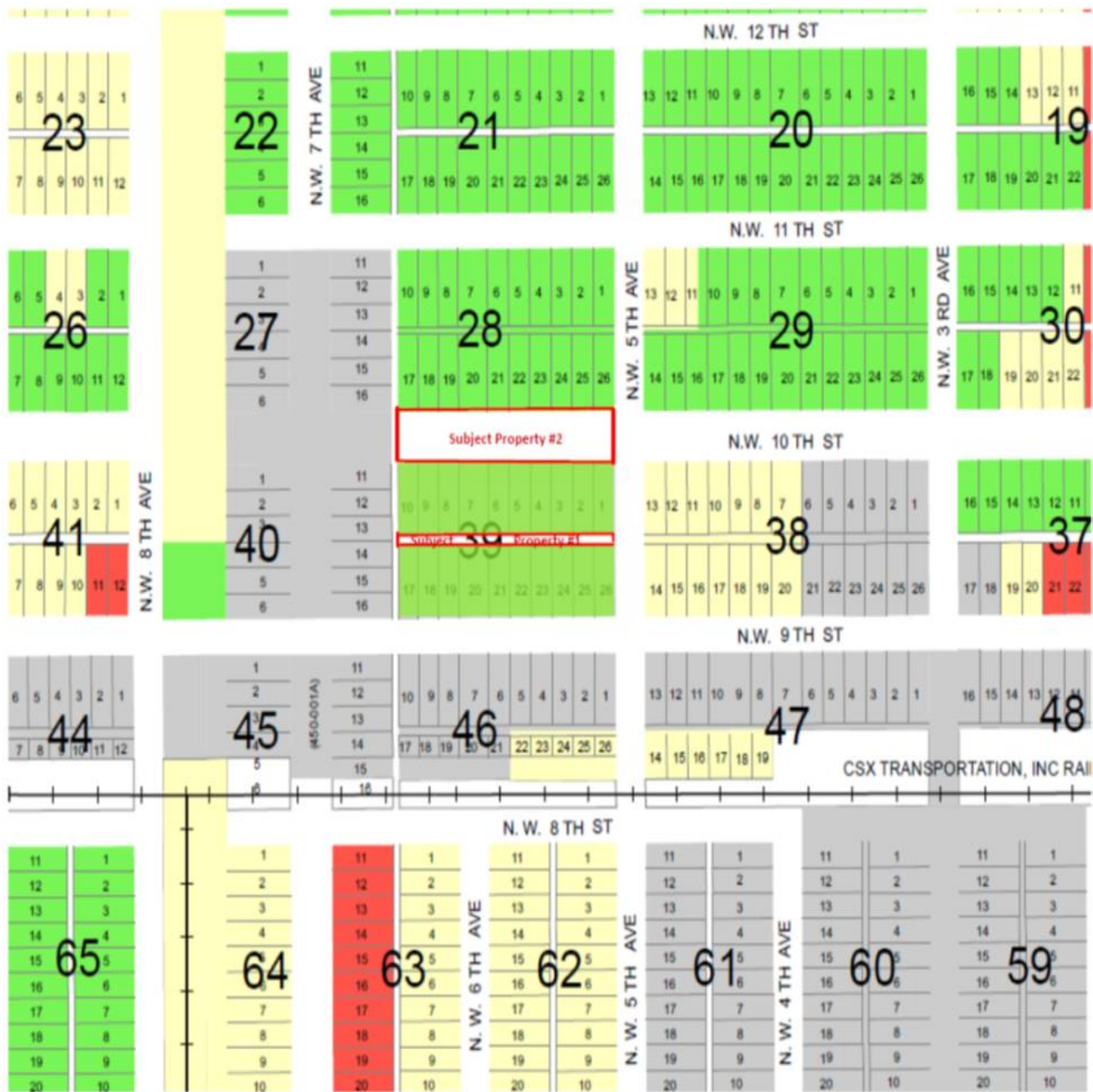
Dowling R. Watford, Jr., Mayor

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney

ORDINANCE NO. 1215 - EXHIBIT A

The following excerpt is from the City of Okeechobee Subdivision Map to identify the portion of Right-of-Way to be abandoned as requested by Petition No. 20-001-AC-SC.





CITY OF OKEECHOBEE
General Services Department
55 Southeast 3rd Street
Okeechobee, Florida 34974
863-763-3372 X 9820
Fax: 863-763-1686

ABANDONMENT OF RIGHT-OF-WAY PETITION

PETITION NO. 80-001-AC-SC

Application fee (non-refundable) \$600.00 Note: (Resolution No. 98-11) Schedule of Land Development Regulation Fees and Charges When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.	Date Fee Paid: <u>5-5-80</u>	Receipt No: <u>53903</u>
	TRC Meeting: <u>6-18-20</u>	Publication Date: Letters Mailed:
	PB/BOA Meeting: <u>7-16-20</u>	Publication Dates: Letters Mailed:
	City Council 1 st Reading: <u>8-4-20</u>	CMR Letter E-mailed:
	City Council Public Hearing: <u>9-1-20</u>	Publication Date:

Right-of-way Definition: Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purpose by the public, certain designated individuals, or governing bodies. [F.S. Ch. 177 § 177.031(16)]. Easements for roads and related purposes shall be considered as right-of-way.

RECEIVED APR 24 2020

Legal Description of the Right-of-Way to be Abandoned:

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

Together with:

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

Note: Upon abandonment of a right-of-way in the City of Okeechobee or First Addition of City of Okeechobee Subdivision's, there may be a Fee Simple Interest from the Hamrick Trust. For more information contact Gil Culbreth, 3550 US Hwy 441 South, Okeechobee, Florida 34974, 863-763-3154.

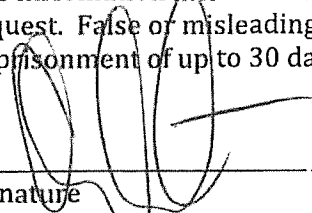
Purpose of the Right-of-Way Abandonment:

NW 10th Street ROW and the alley are required to be abandoned so the block to the north can be joined to this one for a multifamily residential project.

PETITION NO. 20-001-AC-SC

✓	Name of property owner(s): Omar Abuaita
	Owner(s) mailing address: 3000 N. Ocean Drive, Unit 16F, Rivera Beach, FL 33404
	Owner(s) e-mail address: randy@twodrinkengoats.net
	Owner(s) daytime phone(s): 863-824-7644 Fax:

✓	Required Attachments
_____	Copy of recorded deed of petitioner [*] as well as any other property owner whose property is contiguous to the right-of-way.
_____	Letters of Consent or Objection. (If more than one property owner is involved and they are not signing the petition). SEE NOTE BELOW FOR ADDITIONAL INSTRUCTIONS
✓	Location map of subject property and surrounding area within 100' (See Information Request Form attached) and dimensions of right-of-way.
_____	List of all property owners within 300' of subject property (See Information Request Form attached)
✓	Site Plan of property after abandonment. (No larger than 11x 17)
_____	Utility Companies Authorization Form. (See attached)
✓	Supplementary supporting information: Copy of recorded Plat of the Subdivision where right-of-way exists no larger than 11x17. (Can be obtained from the County Clerk's Office, Court House)
	PLEASE NOTE: <i>If there are other property owners that are contiguous to the subject right-of-way, a notarized letter must be attached with the following information: date, their name(s), what property they own, and whether they object to or consent to the right-of-way abandonment. (See attached sample letter)</i>

✓	Confirmation of Information Accuracy
I hereby certify that the information contained in and/or attached with this petition is correct. The information included in this petition is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the summary denial of this petition.	
	Omar Abuaita
Signature	Printed Name
	4-8-20 Date

PLEASE COMPLETE THE FOLLOWING

**FINDINGS REQUIRED FOR GRANTING A VACATION OF RIGHTS-OF-WAYS
(Sec. 78-33, page CD78:4 in the LDR's)**

It is the Petitioner's responsibility to convince the Technical Review Committee, Planning Board/BOA and City Council that approval of the proposed vacation is justified. Specifically, the Petitioner should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing body to find that:

1. Proposed vacation is consistent with the Comprehensive Plan:

The requested road ROW and alley are currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies.

2. Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement:

Neither ROW or alley is sole access to any property and a remaining land will not require an easement.

3. Proposed vacation is in the public interest and provides a benefit to the City:

The proposed vacation of the ROW and alley is within a block that will become a multifamily project to provide workforce housing, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls.

4. Proposed vacation would not jeopardize the location of any utility.

There are currently no utilities in either of the requested abandonments.

The City Staff will, in the Staff Report, address the request and evaluate it and the Petitioner's submission in light of the above criteria and offer a recommendation for *approval or denial*).



FILE NUM 2019009528
 OR BK 830 PG 1298
 SHARON ROBERTSON, CLERK & COMPTROLLER
 OKEECHOBEE COUNTY, FLORIDA
 RECORDED 09/16/2019 08:33:01 AM
 AMT \$12,000.00
 RECORDING FEES \$18.50
 DEED DOC \$84.00
 RECORDED BY M Pinon
 Pgs 1298 - 1299; (2 pgs)

Prepared by and return to:
 Patricia A. Ragon

Clear Title & Legal Services
 202 NW 5th Street
 Okeechobee, FL 34972
 863-824-6776
 File Number: 3488-19
 Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 13th day of September, 2019 between Selina Abney, a single woman whose post office address is 477 SW 72nd Terrace, Okeechobee, FL 34974, grantor, and Omar Abuaita, a single man whose post office address is 2800 N. Ocean Drive, Unit A23D, Riviera Beach, FL 33404, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Okeechobee County, Florida** to-wit:

Lots 17,18,19,20,21,22,23,24,25 and 26, Block 39, CITY OF OKEECHOBEE, according to the Plat thereof recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida

Parcel Identification Number: 3-15-37-35-0010-00390-0170

and

Lots 1,2,3,4,5,6,7,8,9 and 10, Block 39, CITY OF OKEECHOBEE, according to the Plat thereof recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida

Parcel Identification Number: 3-15-37-35-0010-00390-0010

Subject to; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, 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 the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2018**.

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

DoubleTime®

Signed, sealed and delivered in our presence:

Patricia A. Ragon
Witness Name: **Patricia A. Ragon**

Valerie Martin
Witness Name: **Valerie Martin**

Selina Abney (Seal)
Selina Abney

State of Florida
County of Okeechobee

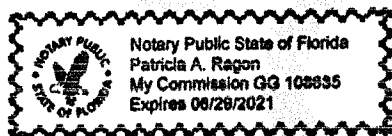
The foregoing instrument was acknowledged before me this 13th day of September, 2019 by Selina Abney, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]

Patricia A. Ragon
Notary Public

Printed Name: **Patricia A. Ragon**

My Commission Expires: _____



Prepared By:
CITIZENS TITLE ONLINE INC
10235 W SAMPLE ROAD SUITE 206
CORAL SPRINGS, FL 33065

FILE NUM 2007014721
OR BK 00442 PG 0463
SHARON ROBERTSON, CLERK OF CIRCUIT COURT
OKEECHOBEE COUNTY, FL
RECORDED 11/01/2007 12:28:44 PM
RECORDING FEES 10.00
DEED DOC 2,450.00
RECORDED BY N Arnold
Pg 0463 (1pg)

PERSONAL REPRESENTATIVE DEED

File No., 92070816

This Indenture made this 11 day of OCTOBER, A.D. 2007 between
NYSOLA GRANT AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MELTON
GEORGE GRANT as Grantor*, whose address is: 14432 WELLINGTON TRACE
WELLINGTON, FL 33414

and FOSLER, LLC

as Grantee*, whose address is: 728 SANDPIPER WAY NORTH NORTH PALM BEACH, FL 33408

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S
(\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee,
the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's
heirs and assigns forever the following described land located in the County of OKEECHOBEE
State of Florida, to-wit:

LOTS 1 THROUGH 10, INCLUSIVE AND LOTS 17 THROUGH 26 INCLUSIVE, BLOCK 28,
CITY OF OKEECHOBEE, ACCORDING TO THE PLAT OR MAP THEREOF DESCRIBED
IN PLAT BOOK 5, AT PAGE(S) 5, OF THE PUBLIC RECORDS OF OKEECHOBEE
COUNTY, FLORIDA.

Property Tax ID Number: 3-15-37-35-0010-00280-0010, R3-15-37-35-0010-00280-0100
3-15-37-35-0010-00280-0170 and 3-15-37-35-0010-00280-0180

SUBJECT TO easements, restrictions and reservations of record, if any but this shall not
reimpose same and taxes for 2007 and subsequent years.

Said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful
claims of all persons whomsoever.

*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first
above written,

(WITNESS 1)
SIGN AND PRINT NAME

Amber E B McMichael
Amber E B McMichael

NYSOLA GRANT, AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF MELTON GEORGE GRANT

(WITNESS 2)
SIGN AND PRINT NAME

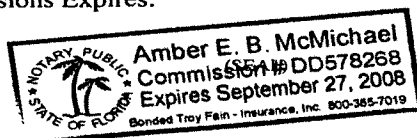
Jody Newman
Jody Newman

State of FLORIDA

County of Palm Beach

The foregoing instrument was acknowledged before me on this 11th day of October,
2007 by NYSOLA GRANT is personally known to me or who has produced
FLDC as identification and did _____ take any oath.

My Commissions Expires:



Amber E B McMichael
Notary Public
PRINT OR TYPE NAME:

City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974

Dear Reviewer:

Fosler, LLC owns the following property:

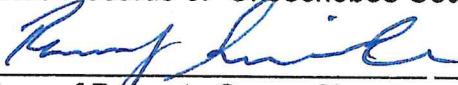
Lots 1 to 10 Block 28 and lots 17 to 26 inclusive, City of Okeechobee, Plat Book 5, Page 5 as recorded in the Okeechobee County Public Records.

Do hereby consent or agree, with my/our signature below, to the closing of the alley and/or street described below:

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

Together with

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.



Signature of Property Owner Signature of Property Owner

Randy Simler

Printed Name Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

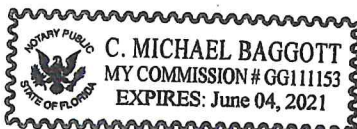
The foregoing instrument was acknowledged before me this 03-30-2020
(date) by RAUDEL G. SIMLER,
who is personally known to me or who produced FLORIDA DL as
identification and who did (did not) take oath.

(Seal) 

(Notary Public signature)

Commission No. GG111153

(Name of Notary typed, printed or stamped)



2019 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L07000081937

Entity Name: FOSLER, LLC

Current Principal Place of Business:

C/O RANDY SIMLER
310 LAKE SHORE DR APT #3
LAKE PARK, FL 33403

FILED
Mar 28, 2019
Secretary of State
2930627666CC

Current Mailing Address:

C/O RANDY SIMLER
310 LAKE SHORE DR APT #3
LAKE PARK, FL 33403 US

FEI Number: 26-0811427

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

SIMLER, RANDY
310 LAKE SHORE DR
APT #3
LAKE PARK, FL 33403 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title MGRM
Name FOSTER, KENNETH
Address 525 KINGFISH RD
City-State-Zip: NORTH PALM BEACH FL 33408

Title MGRM
Name SIMLER, RANDY
Address 310 LAKE SHORE DR
APT #3
City-State-Zip: LAKE PARK FL 33403

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: KENNETH FOSTER

MGRM

03/28/2019

Electronic Signature of Signing Authorized Person(s) Detail

Date

City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974

Dear Reviewer:

Fosler, LLC owns the following property:

Lots 1 to 10 Block 28 and lots 17 to 26 inclusive, City of Okeechobee, Plat Book 5, Page 5 as recorded in the Okeechobee County Public Records.

Do hereby consent or agree, with my/our signature below, to the closing of the alley and/or street described below:

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

Together with

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.



Signature of Property Owner Signature of Property Owner

Randy Simler

Printed Name Printed Name

STATE OF FLORIDA

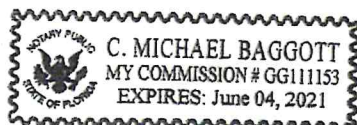
COUNTY OF OKEECHOBEE

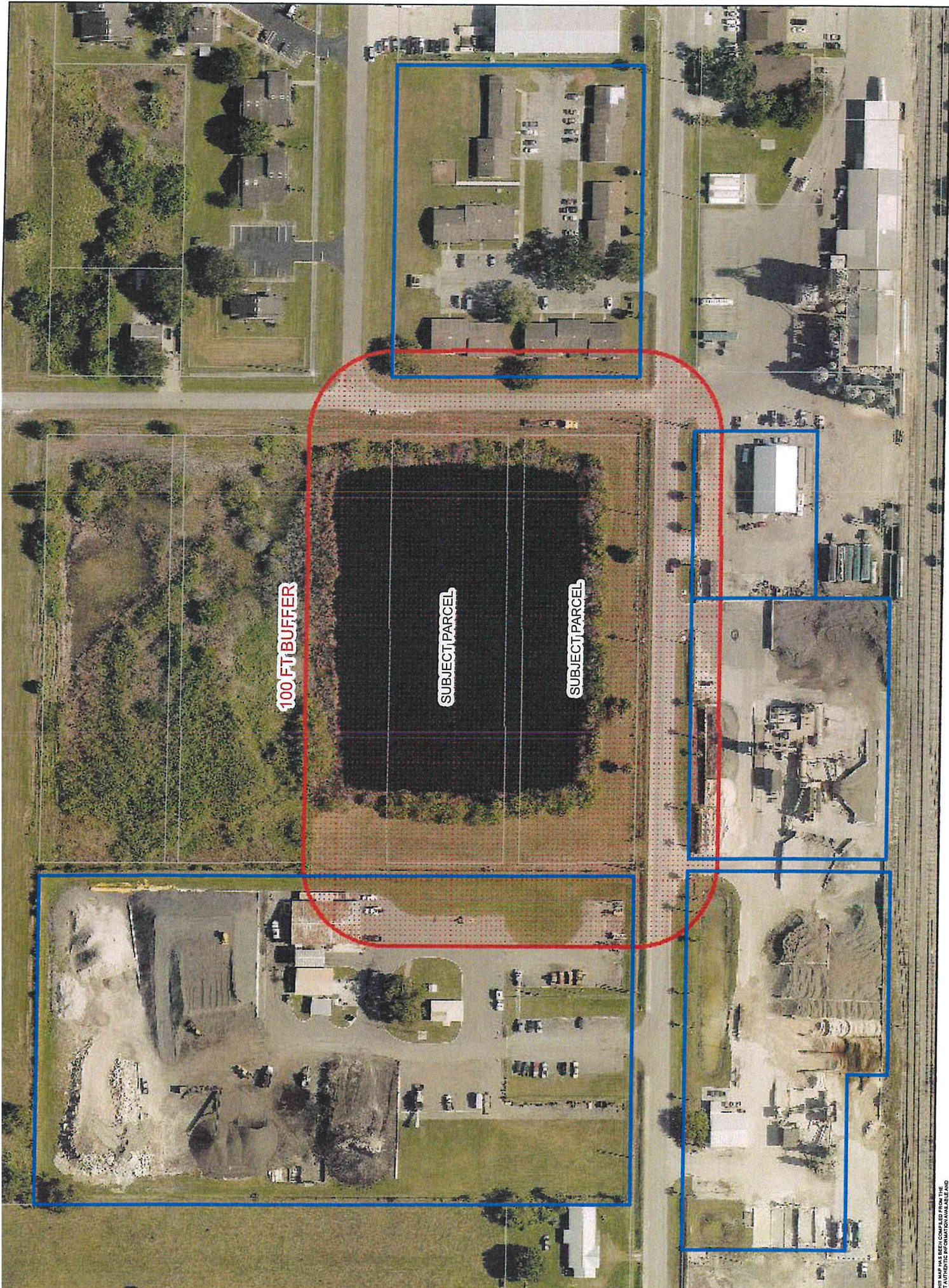
The foregoing instrument was acknowledged before me this 03-30-2020
(date) by RANDEL G. SIMLER
who is personally known to me or who produced FLORIDA DL as
identification and who did (did not) take oath.

(Seal) 
(Notary Public signature)

Commission No. GG11153

(Name of Notary typed, printed or stamped)

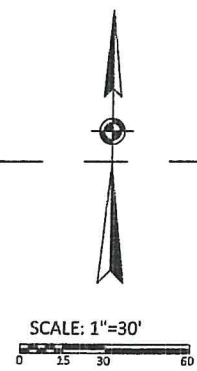
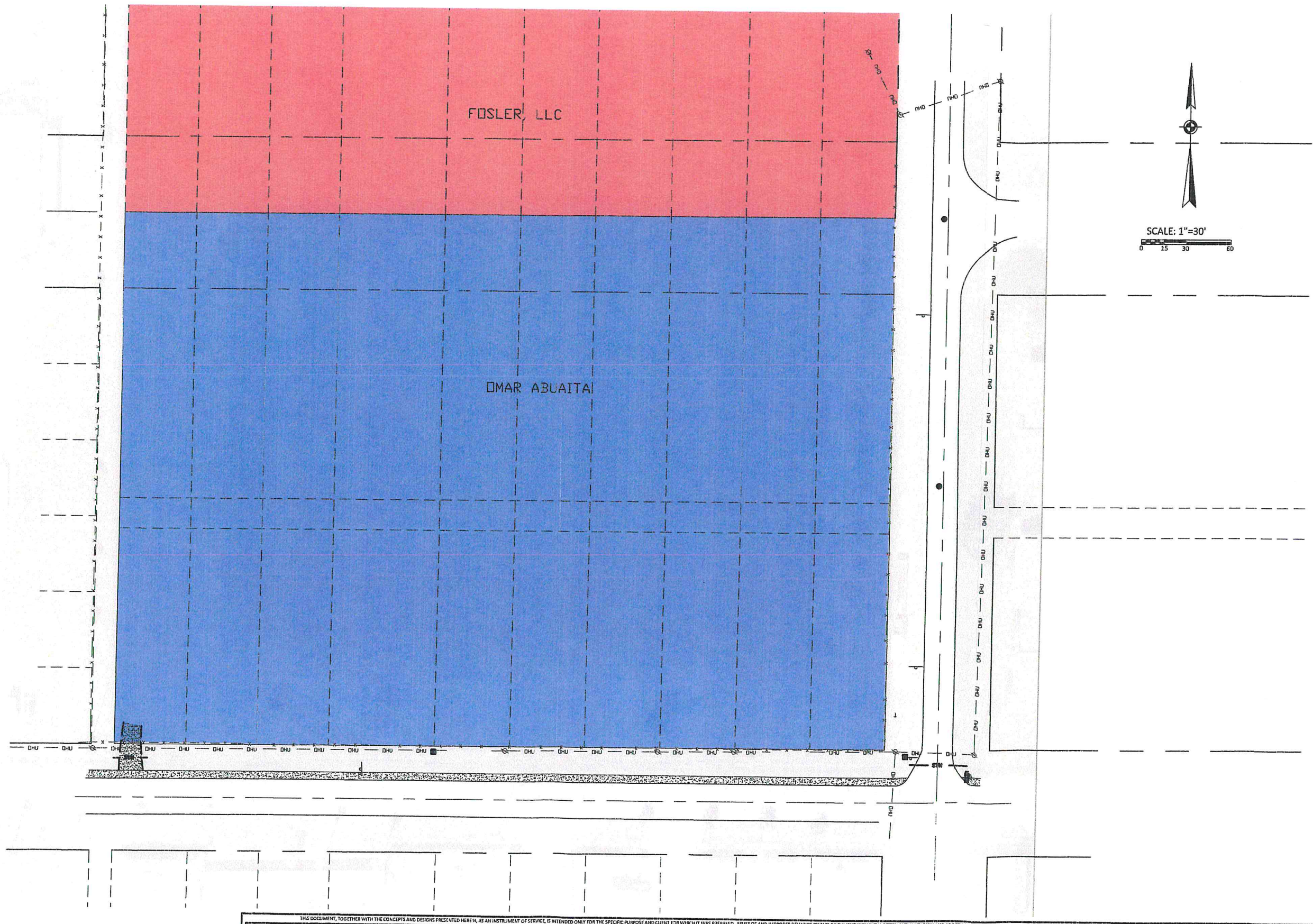




OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE

THIS MAP HAS BEEN COMPILED FROM THE
OKEECHOBEE COUNTY PROPERTY APPRAISER'S
OFFICE'S CURRENT DATA. IT IS NOT
GUARANTEED TO BE COMPLETELY
ACCURATE OR COMPLETE. THERE
MAY BE ERRORS OR OMISSIONS CONTAINED HEREIN.

PARCEL NUMBER	OWNER	ADDRRESS 1	ADDRESS 2	ADDRESS 3	CITY	ST	ZIP
3-15-37-35-0010-00280-0010	FOSLER LLC	C/O RANDY SIMLER	310 LAKE SHORE DR APT #3		NLAKE PARK	FL	33403
3-15-37-35-0010-00280-001A	HAMRICK TRUST	% H G CULBRETH	P O BOX 848		OKEECHOBEE	FL	349730848
3-15-37-35-0010-00280-0180	FOSLER LLC	C/O RANDY SIMLER	310 LAKE SHORE DR APT#3		LAKE PARK	FL	33403
3-15-37-35-0010-00290-0010	OKEECHOBEE COMMONS, LTD.	C/O PROPERTY TAX EAGLE	3338-L1 COUNTRY CLUB RD	SUITE 236	VALDOSTA	GA	316050000
3-15-37-35-0010-00290-0110	KNIGHT ROBERT W	1010 NW 5TH AVE			OKEECHOBEE	FL	349740000
3-15-37-35-0010-00380-0070	TANGLEWOOD LTD	C/O A & M PROPERTIES INC	PO BOX 330		LAKELAND	FL	338020000
3-15-37-35-0010-00400-0070	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE			TALLAHASSEE	FL	323083710
3-15-37-35-0010-00450-0010	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE			TALLAHASSEE	FL	323083710
3-15-37-35-0010-00460-0010	WALPOLE JAY L & STEPHANIE	PO BOX 1723			OKEECHOBEE	FL	349731723
3-15-37-35-0010-00460-0050	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE			TALLAHASSEE	FL	323083710
3-15-37-35-0010-00460-0220	SEABOARD COAST LINE RAILROAD	%WALPOLE FEED & SUPPLY CO	2595 NW 8TH STREET		OKEECHOBEE	FL	34974
3-15-37-35-0010-00460-022A	WALPOLE JAY L	PO BOX 1723			OKEECHOBEE	FL	349731723
3-15-37-35-0010-00470-0010	WALPOLE KEITH A	2850 SW 16TH ST			OKEECHOBEE	FL	34972
3-15-37-35-0010-00470-0100	WALPOLE FEED AND SUPPLY CO	2595 NW 8TH STREET			OKEECHOBEE	FL	34972



FOSTER, LLC

OMAR ABUAITA



**Steven L. Dobbs
Engineering, LLC**
1062 JAKES WAY
Okeechobee, FL 34974
Phone: (863) 824-7644

FLORIDA CERTIFICATE OF AUTHORIZATION No. 00029206

REVISIONS			
No.	DATE	BY	

OMAR ABUAITA
CITY OF OKEECHOBEE ANBANDONMENT
LOCATED IN THE CITY OF OKEECHOBEE, FL

POST ABANDONMENT EXHIBIT

JOB No.: 2019-031
SHEET
1 OF **1**

CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION
Utility Companies Authorization Form

Instructions:

Applicant: Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

Utility Companies: If an easement is needed, provide a complete legal description for it. The City Attorney will address it as a nonexclusive perpetual easement within the Ordinance. If there is going to be a relocated easement, provide legal of where it's to be relocated to. The City Attorney will address this in the Ordinance by denoting the relocated easement is in an attached exhibit to the Ordinance. Additionally, the effective date will be upon the City's receipt of the recorded relocated easement between the owner and utility company and provided on the utility company's form.

Florida Power & Light	FPL HAS NO Objection
863-467-3708	There Are NO FPL Facilities
Donna Padgett	At this time

Donna Padgett

Donna Padgett

863 467-3708

3/20/20

Authorized Signature

Typed Name & Title

Phone No.

Date

Embarq d/b/a Century Link	
863-452-3185	
Kenneth R. Lutz	
ken.lutz@centurylink.com	

Authorized Signature

Typed Name & Title

Phone No.

Date

Comcast Cable	
863-763-2824	
107 NW 7th Avenue	

Authorized Signature

Typed Name & Title

Phone No.

Date

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5th Avenue	

Authorized Signature

Typed Name & Title

Phone No.

Date

Florida Public Utilities	
Dale M. Butcher	
561-366-1635	
dbutcher@fpuc.com	

Authorized Signature

Typed Name & Title

Phone No.

Date

***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature

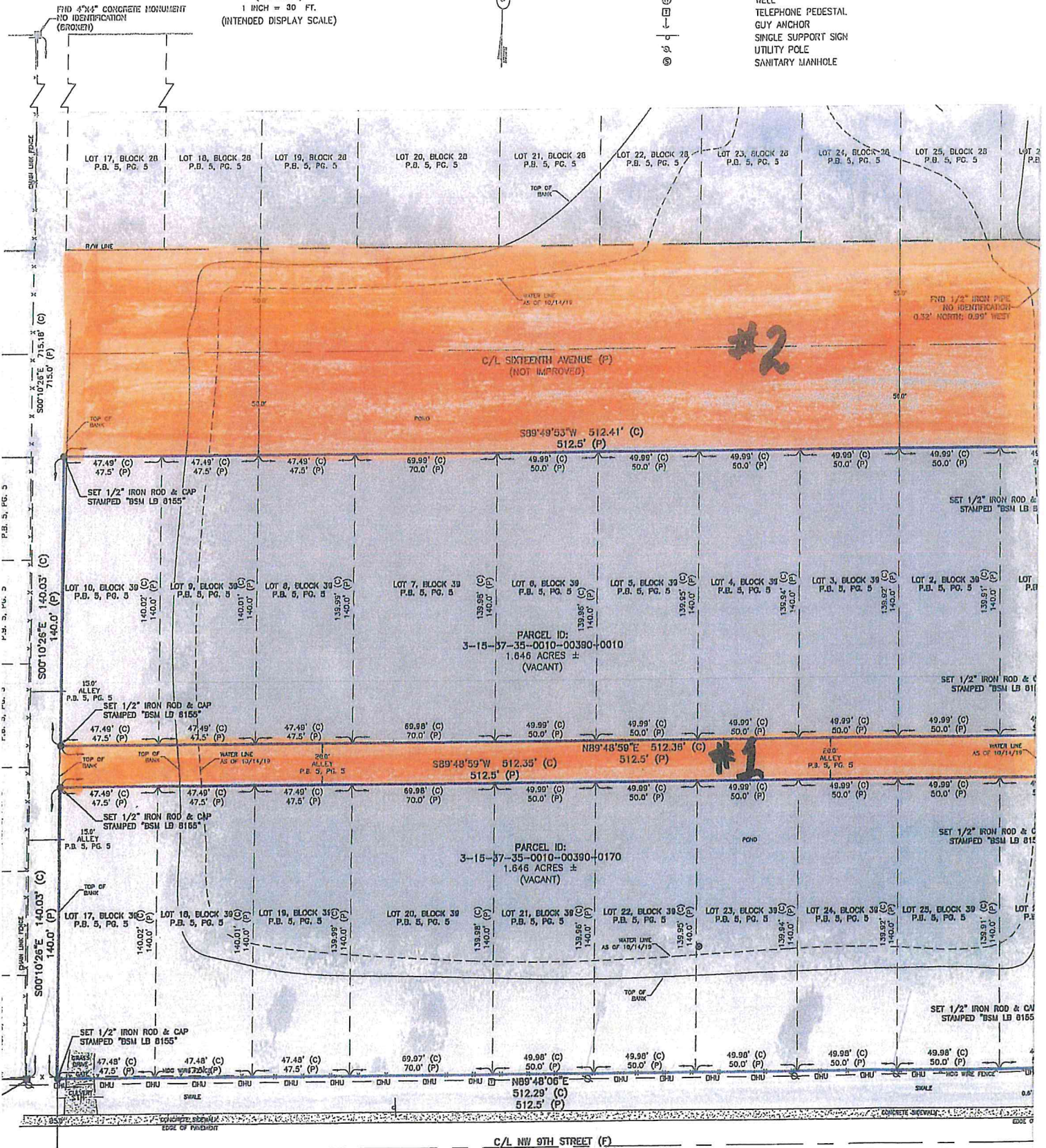
Typed Name & Title

Phone No.

Date

SECTION
TOWNSHIP :
RANGE 3

ID	IDENTIFICATION
FND	FOUND
P.B.	PLAT BOOK
PG.	PAGE
(C)	CALCULATED DIMENSION
(P)	PLAT DIMENSION
(F)	FIELD
OHU	OVERHEAD UTILITY LINE
W	WELL
↓	TELEPHONE PEDESTAL
↓	GUY ANCHOR
↓	SINGLE SUPPORT SIGN
↓	UTILITY POLE
↓	SANITARY MANHOLE





CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION
Utility Companies Authorization Form

Instructions:

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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature

Typed Name & Title

Phone No.

Date

Embarq d/b/a Century Link	
863-452-3185	
Kenneth R. Lutz	
ken.lutz@centurylink.com	

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Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature

Typed Name & Title

Phone No.

Date

3/20/2020

Steven L. Dobbs Engineering, LLC
Steven L. Dobbs, P.E.
208 NE 2nd Avenue
Okeechobee, FL 34972



No Reservations/No Objection

SUBJECT:

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida

Together with:

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 100 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

To Whom It May Concern:

Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Sincerely yours,

Mike Pietlukiewicz
Contract Manager II
CenturyLink
P826193

5/25/2020

Steven L. Dobbs Engineering, LLC
Steven L. Dobbs, P.E.
208 NE 2nd Avenue
Okeechobee, FL 34972



No Reservations/No Objection

SUBJECT:

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida

Together with:

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 100 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

To Whom It May Concern:

Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Sincerely yours,


Danett Kennedy
Senior Manager, ROW/Network Infrastructure Services
CenturyLink
P826193

CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION
Utility Companies Authorization Form

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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Embarq d/b/a Century Link	
863-452-3185	
Kenneth R. Lutz	
ken.lutz@centurylink.com	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Comcast Cable	
863-763-2824	<i>RICK JOHNSON@CABLE.COM CAST.COM</i>
107 NW 7th Avenue	<i>NO OBJECTION</i>

[Signature] *Rick Johnson* *CONSTANTIN* *COORDINATOR* *561-402-4513* *2-8-10*
Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5th Avenue	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Florida Public Utilities	
Dale M. Butcher	
561-366-1635	
dbutcher@fpuc.com	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

*** REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION

Utility Companies Authorization Form

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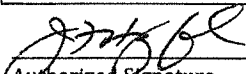
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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
ken.lutz@centurylink.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7 th Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Okeechobee Utility Authority	<i>No impact to OUA facilities</i>		
John Hayford			
863-763-9460	<i>Posler LLC Abandonment</i>		
100 SW 5 th Avenue	<i>2019-03</i>		

	<i>John F. Hayford</i>	<i>Executive Director</i>	<i>763-9460</i>	<i>3/26/20</i>
Authorized Signature	Typed Name & Title	Phone No.	Date	

Florida Public Utilities	
Dale M. Butcher	
561-366-1635	
dbutcher@fpuc.com	

Authorized Signature	Typed Name & Title	Phone No.	Date
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***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature	Typed Name & Title	Phone No.	Date
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Donna Padgett	

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863-452-3185			
Kenneth R. Lutz			
ken.lutz@centurylink.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7 th Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Okeechobee Utility Authority			
John Hayford			
863-763-9460			
100 SW 5 th Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Florida Public Utilities			
Dale M. Butcher <i>Ivan Gibbs</i>			
561-366-1635			
dbutcher@fpuc.com / igibbs@fpuc.com			

Authorized Signature <i>[Signature]</i>	Typed Name & Title <i>Ivan Gibbs Engineering Technician</i>	Phone No. <i>561-723-3459</i>	Date <i>2/14/2020</i>
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***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature	Typed Name & Title	Phone No.	Date
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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
ken.lutz@centurylink.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7 th Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Okeechobee Utility Authority			
John Hayford			
863-763-9460			
100 SW 5 th Avenue			

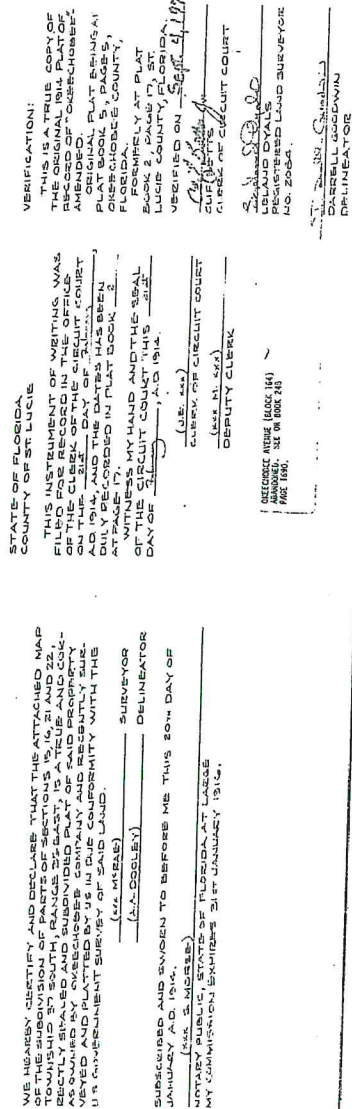
Authorized Signature	Typed Name & Title	Phone No.	Date
Florida Public Utilities			
Dale M. Butcher			
561-366-1635			
dbutcher@fpuc.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
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***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate TRUST	THE HAMRICK TRUST HAS A FEE SIMPLE INTEREST
Gil Culbreth, Co-Trustee	IN THE SUBJECT PROPERTY
863-763-3154	

Authorized Signature	Typed Name & Title	Phone No.	Date
<i>H. G. Culbreth, Jr.</i>	H. G. Culbreth, Jr. CO-TRUSTEE	863 6100265	4-15-2020

[illegible]

Checklist for Abandonment of Right-of-Way

Petition No. 80-001-PC-SC

	Required Information and Attachments	Date Rcv'd	Ck'd
1	Application fee (non-refundable) \$600.00 Note: (Resolution No. 98-11) Schedule of Land Development Regulation Fees and Charges When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.	4-24-20	✓
2	Completed and signed petition		✓
3	✓ Copy of recorded deed of petitioner as well as any other property owner whose property is contiguous to the right-of-way.		✓
4	Letters of Consent or Objection. (If more than one property owner is involved and they are not signing the petition).		✓
5	Location map of subject property and surrounding area within 100' (See Information Request Form attached) and dimensions of right-of-way.		
6	missing List of all property owners within 300' of subject property (See Information Request Form attached)		
7	Site Plan of property after abandonment. (No larger than 11x 17)		✓
8	missing Utility Companies Authorization Form. (See attached)		
9	Copy of recorded Plat of the Subdivision where right-of-way exists no Larger than 11x17. (Can be obtained from the County Clerk's Office, Court House)		✓



Staff Report

Right-of-Way Abandonment/Street Vacation

Prepared for: *The City of Okeechobee*

Applicant: *Omar Abuaita*

Petition No.: *20-001-AC-SC*

Request

The matter before the TRC is a request to abandon two sections of public right-of-way:

1. A 20' by 512.5' ROW section totaling 10,250 square feet described as follows:

"That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the public Records of Okeechobee County, Florida.

2. A 70' by 512.5' ROW section totaling 35,875 square feet described as follows:

"That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26 Block 28, City of Okeechobee, according to the plat thereof as recorded

In total, the abandonment request encompasses 46,125 square feet (1.06 acres) of public ROW. The vacant portion of block 39 contiguous to the subject ROWs was recently approved for a future land use map amendment and a rezoning to multifamily residential. If this request is approved, the applicant has stated their intention is to join that property to the vacant portion of block 28 to the north and construct a multifamily residential project.

General Information

Applicant / Owner	Omar Abuaita 3000 N. Ocean Drive Unit 16F Riviera Beach, FL
Owner Phone Number	863.824.7644
Owner E-mail Address	randy@twodrunkenangoats.net
For the legal description of the project or other information regarding this application, please refer to the application submittal package which is available by request at City Hall and is posted on the City's website prior to the advertised public meeting at https://www.cityofokeechobee.com/agendas.html .	

Characteristics of the Subject Property

	Existing	Proposed
Future Land Use Map Classification	Multi Family Residential	Multi Family Residential
Zoning District	Residential Multiple Family	Residential Multiple Family
Use of Property	Vacant	Multi-Family Apartments
Acreage	3.26	4.32

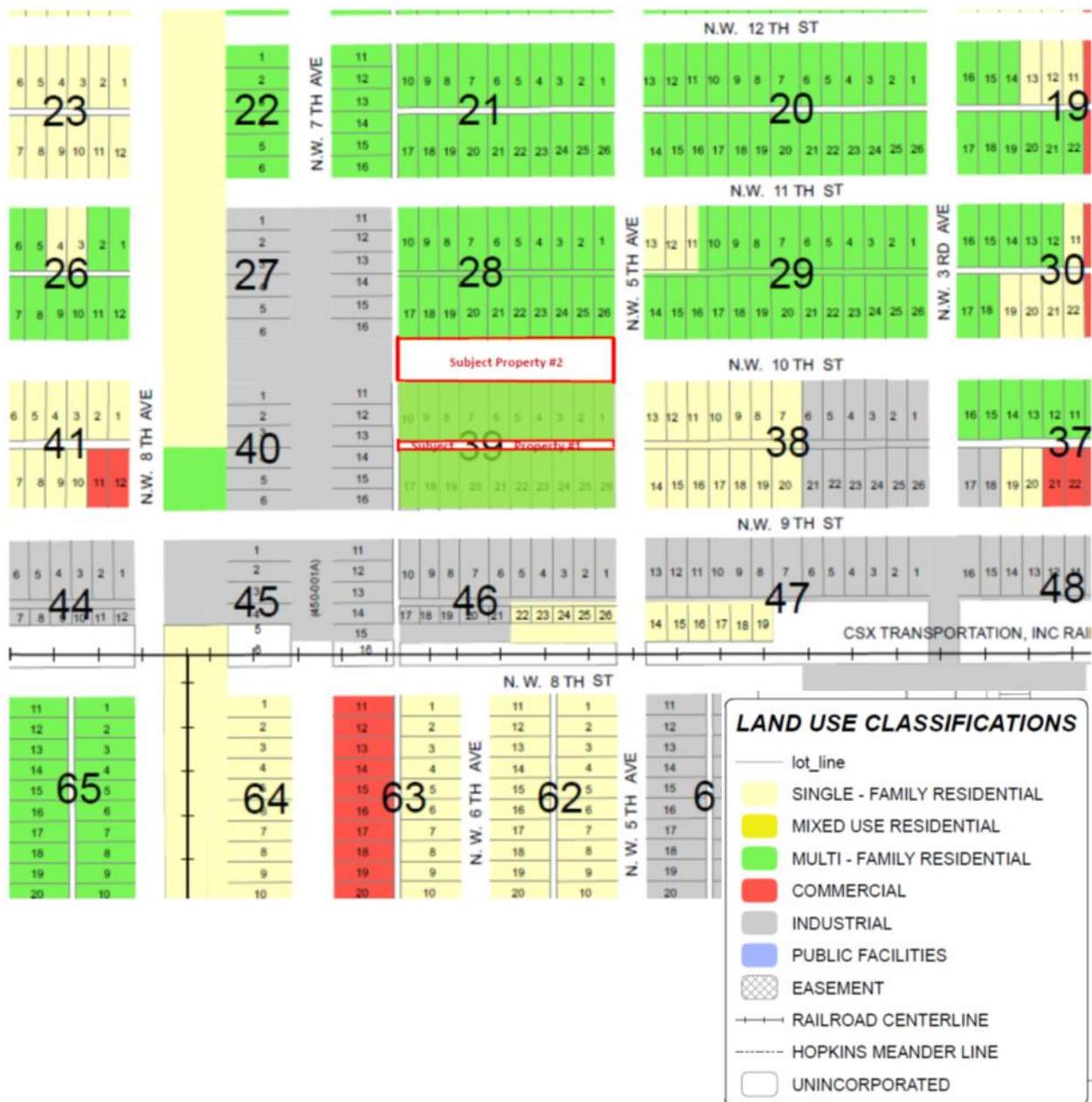
Description of the Subject Site and Surrounding Area

The subjects of the abandonment/vacation, vacant alley (subject property #1) and unimproved right-of-way of NW 10th Street (subject property #2) are outlined in **Red**, and the existing land uses in the vicinity are shown below on the aerial photograph from the Property Appraiser's office. The Applicant owns the two parcels labeled *proposed multi-family apartments*.



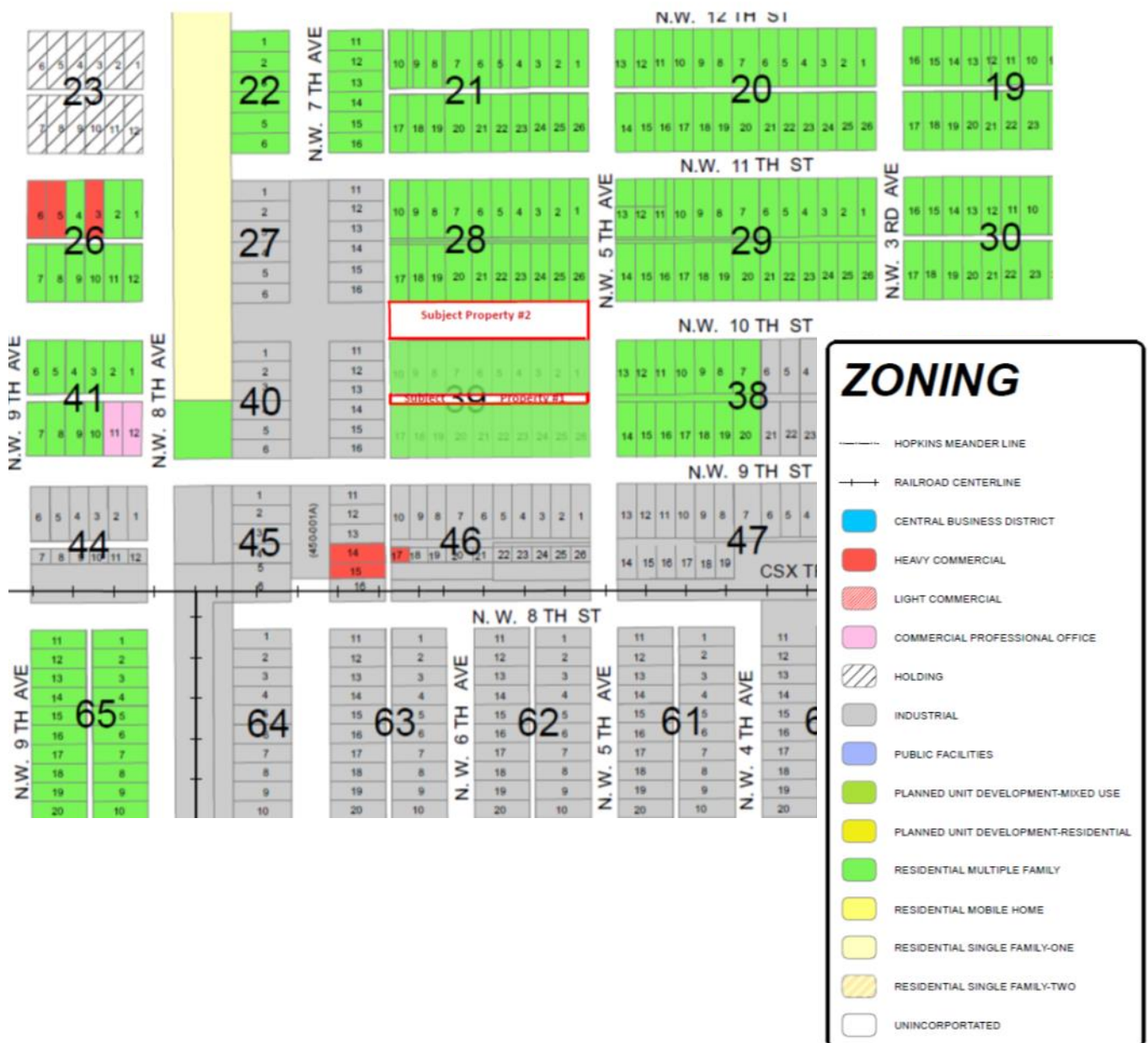
FUTURE LAND USE

The subjects of the abandonment/vacation, vacant alley (subject property #1) and unimproved right-of-way of NW 10th Street (subject property #2) are outlined in **Red**, and the existing Future Land Use Map designations are shown on this excerpt from the City's Future Land Use Map. With the City Council recently approving a map amendment change of the Applicant's property to multi-family residential, and the property to the north designated as multi-family residential, it seems appropriate to place the same designation on the vacated property. The multi-family designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site.



ZONING

The subjects of the abandonment/vacation, vacant alley (subject property #1) and unimproved right-of-way of NW 10th Street (subject property #2) are outlined in **Red**, and the existing zoning designations are shown on this excerpt from the City's Zoning Map. With the City Council recently approving a zoning map change of the Applicant's property to residential multiple family, and the property to the north designated as residential multiple family, it seems appropriate to place the same designation on the vacated property. The multi-family designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site.



Consistency with Sec. 78-33, Vacation of Rights-of-Way

Sec. 78.33 states that applications to vacate an alley or public right-of-way may be approved upon a finding by the City Council that the following requirements have been met. The Applicant's responses are provided in Times Roman typeface and are repeated below exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff Comments are in Arial typeface.

1. *Proposed vacation is consistent with the Comprehensive Plan.*

Applicant Comment: "The requested road ROW and alley are currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive Plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies."

Staff Comment: There is nothing in the City's Comprehensive Plan concerning abandonments or vacations of rights-of-way.

2. *Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement*

Applicant Comment: "Neither ROW or alley is sole access to any property and a remaining land will not require an easement."

Staff Comment: Access will not be affected for any properties. Additionally, the property owner of the parcel on the north of the 10th St ROW has provided a notarized form of consent to the Applicant's request. The Applicant has provided a diagram depicting how the 10th St ROW would be divided, with the northern half going to Fosler LLC and the southern half going to Omar Abuaita, the Applicant. This arrangement makes sense as these are the only contiguous properties (NW 5th Ave lies to east of these properties and an alley separates these properties from the parcel to the west).

3. *Proposed vacation is in the public interest and provides a benefit to the City.*

Applicant Comment: "The proposed vacation of ROW and alley is within a block that will become a multifamily project to provide workforce housing, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls."

Staff Comment: The proposed right-of-way area to be vacated has not been improved to facilitate vehicular traffic. Turning over maintenance responsibility to the Applicant and adding this property to the City tax rolls will be a benefit to the City. If the property is developed according to the Applicant's stated plans, additional taxes will be collected by the City.

4. *Proposed vacation would not jeopardize the location of any utility.*

Applicant Comment: “There are currently no utilities in either of the requested abandonments.”

Staff Comment: The Applicant has provided signed authorizations from all necessary utility entities including:

- Florida Power & Light
- Century Link (with the condition that the Applicant will bear the cost of relocation and repair of any facilities that are found and/or damaged in the vacated areas)
- Comcast
- Okeechobee Utility Authority
- Florida Public Utilities

Recommendation

Based on the foregoing information and analysis, we believe, from a planning perspective, that the requested alley vacation/abandonment can be considered consistent with the requirements of Sec. 78-33. Staff recommends **approval** of this request.

Submitted by:



Benjamin L. Smith, AICP
Sr. Planner, LaRue Planning

May 29, 2020

TRC Meeting: June 18, 2020

PB/BOA Meeting: July 16, 2020

City Council 1st Reading: (tentative) August 4, 2020

City Council 2nd Reading and Public Hearing: (tentative) September 1, 2020



CITY OF OKEECHOBEE, FLORIDA
JUNE 18, 2020
DRAFT TECHNICAL REVIEW COMMITTEE MINUTES

I. CALL TO ORDER

Chairperson Montes De Oca called the regular meeting of the Technical Review Committee for the City of Okeechobee to order on Thursday, June 18, 2020, at 10:00 A.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-112, effective May 4, 2020, the meeting was conducted utilizing communications media technology as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and digital comments are recorded and retained as a permanent record.

A. The Pledge of Allegiance was led by Chairperson Montes De Oca.

II. ATTENDANCE

Technical Review Committee Secretary Patty Burnette called the roll. City Administrator Marcos Montes De Oca, Public Works Director David Allen, and Building Official Jeffery Newell were present. Police Chief Bob Peterson was absent, and Major Donald Hagan was present in his place. Fire Chief Smith was absent, and Lieutenant Steve Weeks was present in his place.

CITY STAFF

City Planning Consultant Ben Smith, General Services Secretary Yesica Montoya and Executive Assistant Robin Brock were present in the Chambers and City Attorney John Fumero was present via Zoom. The School Board Representative, Okeechobee Utility Authority (OUA) Executive Director John Hayford, and Okeechobee County Environmental Health Director Victor Faconti were absent with consent.

III. AGENDA

- A.** Chairperson Montes De Oca asked whether there were any agenda items to be added, deferred or withdrawn. There were none.
- B.** A motion was made by Building Official Newell to approve the agenda as published; seconded by Public Works Director Allen.

Chairperson Montes De Oca, Public Works Director Allen, Building Official Newell, Major Hagan, and Fire Lieutenant Weeks voted: Aye. Nays: none. Motion Carried.

IV. MINUTES

- A.** A motion was made by Building Official Newell to dispense with the reading and approve the May 21, 2020 regular meeting minutes; seconded by Public Works Director Allen.

Chairperson Montes De Oca, Public Works Director Allen, Building Official Newell, Major Hagan, and Fire Lieutenant Weeks voted: Aye. Nays: none. Motion Carried.

V. NEW BUSINESS

- A.** City Planning Consultant Ben Smith of LaRue Planning and Management Services briefly reviewed the Planning Staff Report for Abandonment of Right-of-Way Petition No. 20-001-AC-SC, which requests to vacate the 20-foot wide by 512.5-foot long East to West alleyway lying between Lots 1 through 10 and Lots 17 through 26, of Block 39, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County, and a 70-foot wide by 512.5-foot long portion of Northwest 10th Street, formally known as Sixteenth Avenue, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County. He stated recently the vacant portion of Block 39 contiguous to the subject rights-of-way was approved for a Future Land Use Map Amendment (FLUM) to Multi-Family Residential and a Rezoning change to Residential Multiple Family (RMF). If this request is approved, the Applicant intends to join the vacant portion of Block 28 to the North and construct a multifamily residential project. With those recent FLUM and Zoning approvals and the property to the North being designated as Multi-Family Residential on the FLUM and RMF on the zoning map, it seems appropriate to place the same designation on the vacated property. This designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site.

Planning Staff's responses to the required findings are. The alleyway is not the sole means of access to any property. The property owner of the parcel to the North of the Northwest 10th Street right-of-way, Fosler LLC, has provided consent and the Applicant owns the Southern half. The proposed right-of-way areas to be vacated have not been improved to facilitate vehicular travel. Turning over maintenance responsibility to the Applicant and adding property to the City's tax rolls will be a benefit to the City. Finally, the Applicant has received authorization from all necessary utility entities. Planning Staff is recommending approval based on these findings.

1. Building Official Newell commented he is in support of the request although, just a little concerned with the Industrial uses close by he proposed residential.

Fire Lieutenant Weeks: No issues were received.

Major Hagan: No issues were received.

Public Works Director Allen stated his concern is with the North to South Alleyway located on the West side of Blocks 28 and 39 that would still be open for the City to maintain. He understands the property is in the City of Okeechobee subdivision which would involve purchasing the property from the H. E. Hamrick Trust. Since this would be an additional expense for the Applicant, maybe a maintenance agreement would be a better alternative.

Chairperson Montes De Oca asked Mr. Randy Simler, Registered Agent for Fosler LLC, who is intending to purchase the property from the Applicant, Omar Abuaita, if the City requested a maintenance agreement would he be open to that. Mr. Simler answered yes.

County Environmental Health Dept: No issues were received.

OUA: No issues were received.

2. Mr. Michael Baggot, with SLD Engineering, who represents the Property Owner, Omar Abuaita, and the Applicant, Mr. Randy Simler, was present for questions. Mr. Simler, 310 Lakeshore Drive, Lake Park Florida, was present as well.
3. Chairperson Montes De Oca asked whether there were any comments or questions from those in attendance from the Public. There were none.
4. Chairperson Montes De Oca disclosed he had spoken to both Mr. Simler and Mr. Steve Dobbs, PE, with SLD Engineering, regarding the application. There were no other disclosures offered.
5. A motion was offered by Building Official Newell to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 20-001-AC-SC, which requests to vacate the 20-foot wide by 512.5-foot long East to West alleyway lying between Lots 1 through 10 and Lots 17 through 26, of Block 39, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County, and a 70-foot wide by 512.5-foot long portion of Northwest 10th Street, formally known as Sixteenth Avenue, lying between Lots 1 through 10, Block 39 and Lots 17 through 26 Block 28; seconded by Public Works Director Allen.
 - a) The Committee offered no further discussion.
 - b) **Chairperson Montes De Oca, Public Works Director Allen, Building Official Newell, Major Hagan, and Fire Lieutenant Weeks voted: Aye. Nays: none. Motion Carried.**

- VI. There being no further items on the agenda, Chairperson Montes De Oca adjourned the meeting at 10:12 A.M.

Please take note and be advised that any person desiring to appeal any decision made by the Technical Review Committee with respect to any matter considered at this proceeding, such interested person will need a record of the proceedings, and for such purpose may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. General Service's media are for the sole purpose of backup for official records of the Department.

Marcos Montes De Oca, Chairperson

ATTEST:
Patty M. Burnette, Secretary



**CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD & WORKSHOP MEETING
JULY 16, 2020
DRAFT SUMMARY OF BOARD ACTION**

I. CALL TO ORDER

Chairperson Hoover called the regular meeting of the Planning Board for the City of Okeechobee to order on Thursday, July 16, 2020, at 6:22 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-150 effective June 23, 2020, the meeting was conducted utilizing communications media technology (CMT) as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and other digital comments are recorded and retained as a permanent record.

A. The Pledge of Allegiance was led by Chairperson Hoover.

II. ATTENDANCE

Planning Board Secretary Burnette called the roll. Chairperson Dawn Hoover, Vice Chairperson Doug McCoy, Board Members Phil Baughman, Karyne Brass, Rick Chartier, Felix Granados and Mac Jonassaint were present. Alternate Board Members Joe Papasso and Jim Shaw were present.

CITY STAFF: City Attorney John Fumero, City Planning Consultant Ben Smith, General Services Secretary Yesica Montoya, and Executive Assistant Robin Brock were present.

III. AGENDA

1. Chairperson Hoover asked whether there were any agenda items to be added, deferred, or withdrawn. There were none.
2. A motion was made by Board Member Baughman to adopt the agenda as presented; seconded by Board Member Brass.

Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Granados and Jonassaint voted: Aye. Nays: None. Motion Carried.

IV. MINUTES

1. A motion was made by Board Member Brass to dispense with the reading and approve the May 21, 2020 Regular Meeting minutes; seconded by Board Member Chartier.

Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Granados and Jonassaint voted: Aye. Nays: None. Motion Carried.

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:25 P.M.

- A. Chairperson Hoover yielded the floor to City Planning Consultant Ben Smith of LaRue Planning and Management Services who briefly reviewed the Planning Staff Report for Abandonment of Right-of-Way Petition No. 20-001-AC-SC, which requests to vacate the 20-foot wide by 512.5-foot long East to West alleyway lying between Lots 1 through 10 and Lots 17 through 26, of Block 39, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County, and a 70-foot wide by 512.5-foot long portion of Northwest 10th Street, formally known as Sixteenth Avenue, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County. He stated recently the vacant portion of Block 39 contiguous to the subject rights-of-way was approved for a Future Land Use Map Amendment (FLUM) to Multi-Family Residential (MF) and a Rezoning change to Residential Multiple Family (RMF). Should this request be approved, the Applicant intends to join the vacant portion of Block 28 to the North and construct a multifamily residential project.

V. PUBLIC HEARING ITEM CONTINUED

With those recent FLUM and Zoning approvals and the property to the North being designated as MF Residential on the FLUM and RMF on the zoning map, it seems appropriate to place the same designation on the vacated property. This designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site. The Petition was reviewed by the Technical Review Committee at their meeting on June 18, 2020 and a motion was made to recommend approval.

Planning Staff is recommending **approval** based on the following responses to the required findings. The alleyway is not the sole means of access to any property. The property owner of the parcel to the North of the Northwest 10th Street right-of-way, Fosler LLC, has provided consent and the Applicant owns the Southern half. The proposed right-of-way areas to be vacated have not been improved to facilitate vehicular travel. Turning over maintenance responsibility to the Applicant and adding property to the City's tax rolls will be a benefit to the City. Finally, the Applicant has received authorization from all necessary utility entities.

1. Mr. Steven Dobbs, with SLD Engineering, who represents the Applicant, Mr. Omar Abuaita, and Mr. Randy Simler, Co-Owner of Fosler LLC and property owner to the North of the subject Northwest 10th Street Right-of-Way, were present for questions. Board Member Brass voiced a concern with "giving away" these rights-of-way instead of having a policy in place to assign some sort of worth to them. She commented she knows the Hamrick Trust is paid but does one pay the City. Mr. Simler stated he has paid quite a bit of money for the property and plans to join them together whether the properties get developed or not. Property taxes will still have to be paid either way.
2. Chairperson Hoover opened the floor for public comment. There were none. The Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to nine surrounding property owners.
3. No disclosures of Ex-Parte were offered.
4. A motion was offered by Member Baughman to recommend **approval** to the City Council for Abandonment of Right-of-Way Petition 20-001-AC-SC requesting to vacate an unimproved portion of Northwest 10th Street, formally known as Sixteenth Avenue, running East to West and lying South of Lots 17 to 26 of Block 28, and North of Lots 1 to 10 of Block 39, approximately 70-feet by 512.5-feet, OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County; and vacate the East to West alleyway in Block 39; seconded by Member Jonassaint.
 - a) The Board offered no further discussion.
 - b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: None. Motion Carried.** The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively September 1, 2020, 6:00 P.M.

CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 6:38 P. M.

VI. CHAIRPERSON HOOVER RECESSED THE REGULAR MEETING AND CONVENED THE WORKSHOP AT 6:38 P.M.

- A. City Planning Consultant Mr. Smith briefly reviewed the Staff Report for the Workshop regarding Rezoning of Holding Properties. The City's FLUM and Zoning maps have several existing types of conflicts. Properties with zoning designations that are inconsistent with the Future Land Use (FLU) designation; properties with existing land uses that are inconsistent with map designations; and lastly, properties zoned Holding.