



**CITY OF OKEECHOBEE
CITY COUNCIL
JANUARY 18, 2022
LIST OF EXHIBITS**

Draft Minutes
Warrant Register

December 21, 2021 Regular
December 2021

Exhibit 1
Exhibit 2
Exhibit 3

Ordinance No. 1231, alleyway closing
Ordinance No. 1232, alleyway closing
Ordinance No. 1247, demolition



CITY OF OKEECHOBEE, FLORIDA
DECEMBER 21, 2021, REGULAR CITY COUNCIL MEETING
DRAFT MEETING MINUTES

I. CALL TO ORDER

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on December 21, 2021, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Pastor Don Hannan of the First United Methodist Church, followed by the Pledge of Allegiance led by Council Member Clark.

II. ATTENDANCE

Roll was taken by City Clerk Lane Gamiotea to establish a quorum. Members present: Mayor Dowling R. Watford, Jr., Council Members Noel Chandler, Monica Clark, Bob Jarriel, and Bobby Keefe.

III. AGENDA AND PUBLIC COMMENTS

A. Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn. New Business Item A, to read by title only proposed Ordinance No. 1246 regarding Petition No. 21-006-R was withdrawn.

B. Motion by Council Member Keefe, seconded by Council Member Jarriel to approve the agenda as amended. **Motion Carried Unanimously.**

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

IV. CONSENT AGENDA

Motion by Council Member Keefe, seconded by Council Member Clark to:

A. [Dispense with the reading and] approve the Minutes for the November 4, 2021, Citizen Charter Review Advisory Committee and City Council Workshop, and the December 7, 2021, Regular Meeting;

B. Approve the Warrant Register for November 2021 [in the amounts, General Fund: \$616,157.74; Public Facilities Improvement Fund: \$15,054.35; and Capital Improvement Projects Fund \$42,125.58 as presented]; **Motion Carried Unanimously.**

V. NEW BUSINESS

A. Motion to read by title only, and set January 18, 2022, as the final public hearing date for proposed Ordinance No. 1246, regarding Rezoning Petition No. 21-006-R submitted by Muhammad Nooruddin, registered agent for NASSA Management Group, LLC (property owner), to rezone from Residential Multiple Family to Heavy Commercial, Lots 23-24 of Block 3, OKEECHOBEE, Plat Book 5, Page 5 Okeechobee County public records, located at 204 Northwest 13th Street, the proposed use is a storage facility [as presented in Exhibit 1]. Item withdrawn from the agenda and will be resubmitted pending ownership issue being resolved.

B. A revised Exhibit 2 was distributed at the meeting. Motion by Council Member Jarriel, seconded by Council Member Clark to read by title only, proposed Ordinance No. 1247 regarding demolition of blighted structures; amending the City Code of Ordinances at Chapter 30, Article II Nuisance [as presented in Revised Exhibit 2]. **Motion Carried Unanimously.**

Attorney Fumero read proposed Ordinance No. 1247 as follows: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA RELATING TO THE DEMOLITION OF BLIGHTED STRUCTURES; AMENDING THE CITY CODE OF ORDINANCES AT CHAPTER 30, ARTICLE II “NUISANCE” BY SPECIFICALLY AMENDING SECTION 30-31 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 30-43 “PUBLIC NUISANCES”; SPECIFICALLY AMENDING SECTION 30-74 “RESERVED”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.”**

Motion by Council Member Jarriel, seconded by Council Member Clark to approve the first reading of proposed Ordinance No. 1247 and set January 18, 2022, as a final public hearing date. **Motion Carried Unanimously.**

C. Council Member Keefe moved to approve a leave of absence without pay for a Public Works Maintenance Operator [E.G. Whidden] from December 20, 2021 through January 2, 2022 [as presented in Exhibit 3]; seconded by Council Member Jarriel. **Motion Carried Unanimously.**

V. NEW BUSINESS CONTINUED

D. Motion and second by Council Members Jarriel and Clark to approve a piggyback agreement between the City of Okeechobee and Scott's Quality Cleaning for professional custodial and cleaning services [in the amount of \$20,659.92 per year, initial term of three years, beginning January 1, 2022, and ending December 31, 2025, and may be renewed for up to two additional one-year terms, as presented in Exhibit 4]. **Motion Carried Unanimously.**

VI. CITY ATTORNEY UPDATE

Attorney Fumero had no new information to provide.

VII. CITY ADMINISTRATOR UPDATE

Administrator Ritter gave an update on the River Run subdivision issue of certain property owners' structures encroaching over drainage easements, wastewater lines, and within the boundary setbacks. The City is having surveys completed, encroachment agreements and/or other legal documents will be required to solve these issues. A representative from the County will be presenting the new Local Mitigation Strategy Plan for adoption at the next meeting.

IX. COUNCIL COMMENTS

Mayor Watford. Inquired whether the pending issue to consider changing the City Clerk's position to appointed needed to be resolved before the Town Hall meeting was held. Several responded that in addition to discussing the proposed Charter revisions at the January 24, 2022, Town Hall meeting, input from the residents will be collected on the City Clerk position.

Council Member Jarriel. 1) Asked about the status of the Council meetings being televised. Administrator Ritter responded it is expected to be functioning by February. 2) He commented on the joyous and warm welcome by the residents while he participated on riding with Santa on the float throughout the residential areas before Christmas and the City should be proud that they do this for the community. Mayor Watford echoed similar comments, adding he received messages of appreciation, one from a new resident who was impressed that the City provided this. The Mayor specifically thanked Chuck Akers, Detective Pickering, and all the employees who assisted.

Council Member Chandler. Distributed information from the Central Florida Regional Planning Council comparing interesting and statistical information about Okeechobee.

Council Member Keefe. 1) Asked Attorney Fumero about the structure of using consensus within the minutes. 2) He then inquired about unimproved alleys/streets and if the City is proposing to abandon them, since the City has a lot of rights-of-way to maintain. Administrator Ritter responded the bigger issue is drainage and the impact the changes may cause.

Council Member Clark. 1) Asked about the status of addressing the conflicts between the Future Land Use and Zoning maps. There are funds within the budget to address some of the conflicts. Administrator Ritter explained the City has not moved forward with this due to the Request for Proposals for Planning Services that was let in November. Two proposals were received, and Staff is working through the required process. Once the City has a new contract, a workshop with the Planning Board can be scheduled and the City can move forward on these issues. 2) Noted her appreciation to Staff on all the efforts during the Christmas season.

X. ADJOURN, Mayor Watford adjourned the meeting at 6:53 P.M.

Submitted By:

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, s/he 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.



Okeechobee, FL

Check Report

By Check Number

Date Range: 12/01/2021 - 12/31/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: CapVeh Fund-Capital Vehicle Fund Truist Checking						
41	City Electric Supply Co.	12/14/2021	Regular	0.00	717.59	1891
Power DMS	Power DMS	12/14/2021	Regular	0.00	5,582.65	1892
TODD EVERETT	Todd Everett Flooring	12/16/2021	Regular	0.00	4,404.44	1893
2239	Tyler Technologies	12/22/2021	Regular	0.00	1,869.00	1894
1934	Verizon Wireless	12/22/2021	Regular	0.00	788.04	1895

Bank Code CapVeh Fund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	7	5	0.00	13,361.72
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	7	5	0.00	13,361.72

Check Report

Date Range: 12/01/2021 - 12/31/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: GenFund-General Fund Checking-Truist Checking						
255	City Of Okeechobee Payroll Account	12/03/2021	EFT	0.00	104,528.56	34
1644	PRM - Health Insurance	12/14/2021	EFT	0.00	57,162.28	35
1770	PRM - Life, LTD & STD	12/14/2021	EFT	0.00	2,518.52	36
1770	PRM - Life, LTD & STD	12/14/2021	EFT	0.00	1,457.54	37
1645	PRM - Vision & Dental	12/14/2021	EFT	0.00	2,150.44	38
255	City Of Okeechobee Payroll Account	12/15/2021	EFT	0.00	6,372.78	39
255	City Of Okeechobee Payroll Account	12/15/2021	EFT	0.00	101,726.89	40
U S Department	U.S. Department of Treasury	12/17/2021	EFT	0.00	26,025.52	41
255	City Of Okeechobee Payroll Account	12/29/2021	EFT	0.00	107,073.75	42
1343	India Riedel	12/03/2021	Regular	0.00	190.46	44033
1616	Policy Managers	12/03/2021	Regular	0.00	555.00	44034
1688	Sprint	12/03/2021	Regular	0.00	117.71	44035
596	State of Florida Disbursement Unit	12/03/2021	Regular	0.00	255.98	44036
743	Walmart/Capital One	12/09/2021	Regular	0.00	210.00	44037
2182	AAction Power Equipment LLC	12/14/2021	Regular	0.00	34.99	44038
4	ACE Pest Control, Inc.	12/14/2021	Regular	0.00	90.00	44039
1973	Advance Auto Parts	12/14/2021	Regular	0.00	18.39	44040
1767	B & H Police Supply	12/14/2021	Regular	0.00	978.92	44041
1001	Bank of America - 9928 fka 2303 PW	12/14/2021	Regular	0.00	964.24	44042
1521	Bank of America - 7178 fka 6737 PD#2	12/14/2021	Regular	0.00	1,302.39	44043
485	Bettye Taylor	12/14/2021	Regular	0.00	39.00	44044
1732	Carr, Riggs & Ingram, LLC	12/14/2021	Regular	0.00	2,200.00	44045
CenturyLink-LD	CenturyLink	12/14/2021	Regular	0.00	16.71	44046
1685	Comcast	12/14/2021	Regular	0.00	169.69	44047
1685	Comcast	12/14/2021	Regular	0.00	52.50	44048
Creekside	Creekside Media Group	12/14/2021	Regular	0.00	465.00	44049
827	Everglades Farm Equip. Co., Inc.	12/14/2021	Regular	0.00	31.22	44050
1809	Federal Eastern International, Inc.	12/14/2021	Regular	0.00	210.60	44051
1650	Fitness Factory	12/14/2021	Regular	0.00	260.00	44052
1823	Florida Public Utilities	12/14/2021	Regular	0.00	125.99	44053
1887	Gilbert Outdoors	12/14/2021	Regular	0.00	77.64	44054
1824	Harris Corporation	12/14/2021	Regular	0.00	738.00	44055
1892	Highland Pest Control	12/14/2021	Regular	0.00	35.00	44056
89	ICS Computers Inc.	12/14/2021	Regular	0.00	4,207.95	44057
105	Jones Equipment Company, Inc.	12/14/2021	Regular	0.00	15.00	44058
2198	Labor Finders	12/14/2021	Regular	0.00	663.12	44059
1071	LegalShield	12/14/2021	Regular	0.00	14.95	44060
2253	MacVicar Consulting, Inc.	12/14/2021	Regular	0.00	250.00	44061
2212	Nason Yeager Gerson Harris & Fumero P.A.	12/14/2021	Regular	0.00	110.00	44062
2057	Okeechobee Army Surplus	12/14/2021	Regular	0.00	69.90	44063
325	Okeechobee County - BOCC	12/14/2021	Regular	0.00	996.50	44064
2043	O'Reilly Auto Parts	12/14/2021	Regular	0.00	222.04	44065
2102	Rabon's Country Feed	12/14/2021	Regular	0.00	43.95	44066
276	Reeves	12/14/2021	Regular	0.00	16.46	44067
1699	River City Supply, LLC	12/14/2021	Regular	0.00	548.95	44068
1574	Salem Trust Company	12/14/2021	Regular	0.00	21,973.36	44069
554	Scott's Quality Cleaning	12/14/2021	Regular	0.00	1,721.66	44070
2183	Select Shred	12/14/2021	Regular	0.00	30.00	44071
1482	Sirchie Finger Print Laboratories	12/14/2021	Regular	0.00	388.95	44072
StopStick	StopStick, Ltd	12/14/2021	Regular	0.00	558.00	44073
350	Superior Water Works, Inc.	12/14/2021	Regular	0.00	25.00	44074
1908	Supplyline	12/14/2021	Regular	0.00	63.80	44075
1550	Taylor Rental - Okeechobee	12/14/2021	Regular	0.00	16.70	44076
1906	Thread Works Embroidery, LLC	12/14/2021	Regular	0.00	162.00	44077
1460	Tire Zone of Okeechobee, Inc.	12/14/2021	Regular	0.00	165.67	44078
1861	TransUnion Risk & Alternative Data	12/14/2021	Regular	0.00	75.00	44079
2080	Treasure Coast Medical Associates	12/14/2021	Regular	0.00	5,218.00	44080
	Void	12/14/2021	Regular	0.00	0.00	44081
1934	Verizon Wireless	12/14/2021	Regular	0.00	447.84	44082
197	W & W Lumber Company of Okeechobee	12/14/2021	Regular	0.00	9.99	44083

Check Report

Date Range: 12/01/2021 - 12/31/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1980	WEX Bank	12/14/2021	Regular	0.00	5,427.73	44084
1491	Home Depot Credit Services	12/16/2021	Regular	0.00	610.92	44085
596	State of Florida Disbursement Unit	12/16/2021	Regular	0.00	255.98	44086
1973	Advance Auto Parts	12/22/2021	Regular	0.00	82.15	44087
1710	Apex Pest Control, Inc.	12/22/2021	Regular	0.00	60.00	44088
1953	C&C Industrial Enterprise. LLC	12/22/2021	Regular	0.00	13.00	44089
1697	CAS Governmental Services, LLC	12/22/2021	Regular	0.00	3,063.73	44090
1236	CIT Technology Finance Service, Inc.	12/22/2021	Regular	0.00	1,226.81	44091
1297	Global Mapping, Inc.	12/22/2021	Regular	0.00	2,200.00	44092
1866	JC Newell Const. Inspect. Services, Inc.	12/22/2021	Regular	0.00	5,200.00	44093
594	KYOCERA Document Solutions Southeast	12/22/2021	Regular	0.00	355.82	44094
431	LaRue Planning & Mngmnt Services, Inc.	12/22/2021	Regular	0.00	4,208.75	44095
1672	Mark W. Brandel, Inc.	12/22/2021	Regular	0.00	160.00	44096
222	Okeechobee News c/o Independent Newspape	12/22/2021	Regular	0.00	1,772.80	44097
224	Okeechobee Utility Authority	12/22/2021	Regular	0.00	1,072.87	44098
1155	Safety Products Inc.	12/22/2021	Regular	0.00	33.85	44099
2183	Select Shred	12/22/2021	Regular	0.00	30.00	44100
1688	Sprint	12/22/2021	Regular	0.00	117.71	44101
350	Superior Water Works, Inc.	12/22/2021	Regular	0.00	65.00	44102
1908	Supplyline	12/22/2021	Regular	0.00	129.70	44103
1550	Taylor Rental - Okeechobee	12/22/2021	Regular	0.00	170.68	44104
2030	Teez 2 Pleez	12/22/2021	Regular	0.00	97.55	44105
1813	Thompson Reuters	12/22/2021	Regular	0.00	89.48	44106
1460	Tire Zone of Okeechobee, Inc.	12/22/2021	Regular	0.00	24.68	44107
2080	Treasure Coast Medical Associates	12/22/2021	Regular	0.00	234.00	44108
814	Treasure Coast Newspapers	12/22/2021	Regular	0.00	299.25	44109
1841	Tylander's Office Solutions	12/22/2021	Regular	0.00	263.38	44110
1544	UniFirst Corp	12/22/2021	Regular	0.00	277.28	44111
1934	Verizon Wireless	12/22/2021	Regular	0.00	72.14	44112
197	W & W Lumber Company of Okeechobee	12/22/2021	Regular	0.00	74.59	44113
538	Waste Management Inc. of Florida	12/22/2021	Regular	0.00	32,891.04	44114
596	State of Florida Disbursement Unit	12/30/2021	Regular	0.00	255.98	44115
VEN01031	Workers Compensation Administration Trust F	12/30/2021	Regular	0.00	100.00	44116

Bank Code GenFund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	115	83	0.00	108,091.09
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	9	9	0.00	409,016.28
	124	93	0.00	517,107.37

Check Report

Date Range: 12/01/2021 - 12/31/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: PubFac Fund-Public Facility Fund-Truist Checking						
1001	Bank of America - 9928 fka 2303 PW	12/14/2021	Regular	0.00	2,280.97	3424
2246	Steve Szentmartoni	12/14/2021	Regular	0.00	200.00	3425
197	W & W Lumber Company of Okeechobee	12/14/2021	Regular	0.00	16.57	3426
1491	Home Depot Credit Services	12/16/2021	Regular	0.00	2,501.42	3427
1906	Thread Works Embroidery, LLC	12/16/2021	Regular	0.00	60.00	3428
2114	Charles Akers Jr	12/22/2021	Regular	0.00	120.00	3429
41	City Electric Supply Co.	12/22/2021	Regular	0.00	46.85	3430
226	Florida Power & Light Company	12/22/2021	Regular	0.00	5,031.12	3431
1981	JMC Landscaping Services, Inc.	12/22/2021	Regular	0.00	3,849.58	3432
197	W & W Lumber Company of Okeechobee	12/22/2021	Regular	0.00	89.89	3433

Bank Code PubFac Fund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	14	10	0.00	14,196.40
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	14	10	0.00	14,196.40

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	136	98	0.00	135,649.21
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	9	9	0.00	409,016.28
	145	108	0.00	544,665.49

Fund Summary

Fund	Name	Period	Amount
001	GENERAL FUND	12/2021	517,107.37
301	PUBLIC FACILITY FUND	12/2021	14,196.40
304	CAPITAL PROJECTS FUND	12/2021	13,361.72
			544,665.49

ORDINANCE NO. 1231

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY BEING AN UNIMPROVED PORTION OF AN ALLEYWAY LYING WITHIN BLOCK 110, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA (PETITION NO. 21-001-AC); RESERVING UNTO THE CITY, ITS SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITIES PURPOSES; 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. 21-001-AC submitted by John Creswell, Agent on behalf of the property owner, JKST Holding, LLC, for the closing of a certain rights-of-way as described in this Ordinance; and

WHEREAS, the City of Okeechobee Technical Review Committee reviewed and discussed Petition No. 21-001-AC at a duly advertised public meeting held on May 20, 2021; and

WHEREAS, Petition No. 21-001-AC was reviewed and discussed by the City of Okeechobee Planning Board at a duly advertised Public Hearing held on July 15, 2021, and determined such Petition to be consistent with the Comprehensive Plan; and

WHEREAS, the City Council reviewed Petition No. 21-001-AC 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

WHEREAS, this Ordinance addresses the request to reserve a perpetual, non-exclusive utility easement on a portion of the abandoned alleyway and the special condition request regarding relocation and/or repairs by the property owner; 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 THE EAST TO WEST ALLEYWAY, 20-FEET IN WIDTH, LYING BETWEEN LOTS 1 THROUGH 6 AND LOTS 7 THROUGH 12 OF BLOCK 110, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, AS RECORDED IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

SECTION 2: The City of Okeechobee, Florida acknowledges and addresses the special conditions requested by the utility companies and included within Petition No. 21-001-AC:

Reserving unto itself, its successors and assigns, a perpetual, non-exclusive a utility easement for the West 10-feet of the subject alleyway adjacent to Northeast 2nd Avenue, as requested by Florida, Power, and Light Company.

The applicant agrees to CenturyLink's request to bear all costs of relocation and repair of any of their facilities and equipment that are found and/or damaged in the abandoned alleyway.

SECTION 3: The City Clerk shall cause a certified copy of the Ordinance to be recorded in the public records of Okeechobee County, Florida.

SECTION 4: Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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 6: Effective Date. This Ordinance shall be set for Final Public Hearing the 18th day of January 2022, and shall take effect upon its adoption by the City Council and recorded in the public records of the Clerk of Circuit Court, Okeechobee County, Florida.

INTRODUCED for First Reading and set for Final Public Hearing on this 3rd day of August 2021.

Dowling Watford, Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second Reading and Final Public Hearing on this 18th day of January 2022.

Dowling Watford, Mayor

ATTEST:

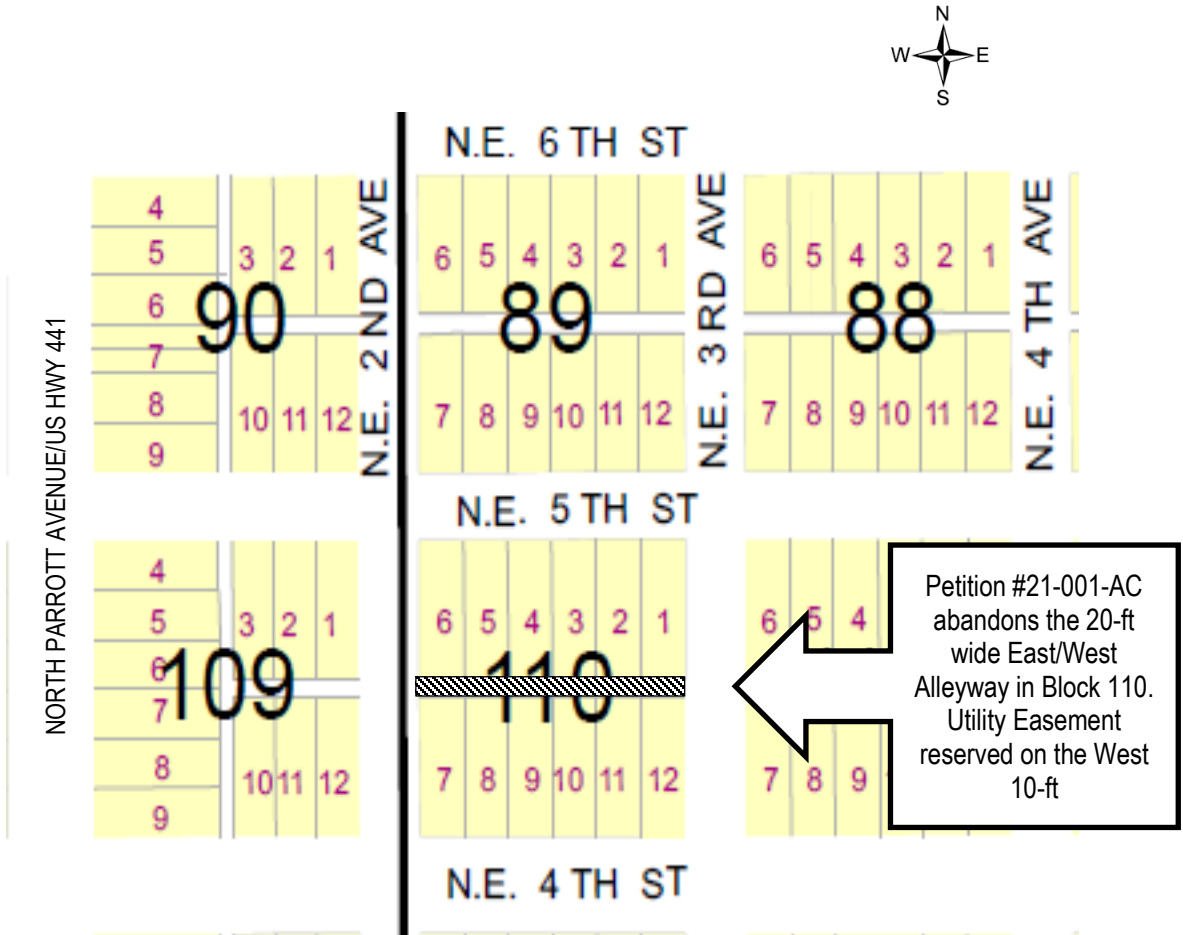
Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney

ORDINANCE NO. 1231 - EXHIBIT A

The following excerpt is from the City of Okeechobee Subdivision Map to identify the portion of alley to be abandoned as requested by Petition No. 21-001-AC, the subject property is recorded in Plat Book 5, Page 5, Okeechobee County Public Records.



VI. PUBLIC HEARING CONTINUED

- A. CONTINUED: Summary of Impact Statement Findings: the required employer contribution amount for firefighters for Fiscal Year ending September 20, 2022, decreased by \$22,686.00; the Unfunded Actuarial Accrued Liability for Firefighters increased by \$268,575.00; the Funded Ratio of the System decreased from 122.7 to 114.8 percent]. **Motion Carried Unanimously.**

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 6:11 P.M.

VII. NEW BUSINESS

- A. Motion by Council Member Clark, seconded by Council Member Chandler to read by title only, proposed Ordinance No. 1231, Right-of-Way Abandonment Petition No. 21-001-AC submitted by JKST Holdings, LLC, to close the East to West alley in Block 110, CITY OF OKEECHOBEE, Plat Book 5, Page 5 Okeechobee County public records [as presented in Exhibit 2]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1231 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY BEING AN UNIMPROVED PORTION OF AN ALLEYWAY LYING WITHIN BLOCK 110, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA (PETITION NO. 21-001-AC); RESERVING UNTO THE CITY, ITS SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITIES PURPOSES; 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."

Council Member Chandler moved to approve the first reading of proposed Ordinance No. 1231 and set September 7, 2021, as a final public hearing date; seconded by Council Member Clark.

City Planning Consultant Ben Smith provided the Staff Report combined with the recommendation to approve the request from both the Technical Review Committee and the Planning Board. However, this Petition and the one addressed in Item B, Ordinance No. 1232 were already in progress when the City Council denied adopting Ordinance No.'s 1225, 1226, 1227, and 1228 which would have reclassified the property within Blocks 110 and 121 as Multi-Family Residential on the Future Land Use Map and rezoned them to Residential Multiple Family. The objective was to vacate the alleyways once the land use and zoning was completed, to provide a better design rather than splitting the two blocks in half. Mr. Steve Dobbs addressed the Council on behalf of the applicant, requesting the final public hearing be continued until after the Council considers Item F on tonight's agenda.

Motion by Council Member Keefe, seconded by Council Clark to lay New Business Items A and B on the table until Item F is considered. **Motion Carried Unanimously.**

- F. The Council agreed to consider Item F at this time, which was to discuss the process for the property owners of Block 110 [located in the 200 block along Northeast 4th Street] and Block 121 [located in the 200 block along Northeast 3rd Street] to resubmit a Comprehensive Plan Small Scale Future Land Use Map Amendment Application and Rezoning Petition.

Mr. Steve Dobbs and Mr. Phil Berger presented their case on behalf of the new property owner, Mr. Frank Stephens for the City to administratively correct the Future Land Use and/or the Zoning maps for these two blocks to be consistent as required to develop them. Mr. Stephens also addressed the Council explaining his intentions to develop these blocks, which are located one block East of North Parrott Avenue.

VII. **NEW BUSINESS CONTINUED.**

F. **CONTINUED:** His original development was for apartments, but since that was rejected he is requesting the Lots be rezoned to Heavy Commercial (CHV) [from Light Commercial on Block 110 and from Residential Single Family-One on Block 121, the Future Land Use is already Commercial]. Planner Smith and Attorney Fumero advised that the City Council cannot administratively redesignate the Future Land Use nor Rezone property due to Florida Statutes requiring a specific process based on who is requesting the change. However, there could be a City initiated rezoning with the City assuming all costs, meaning the fee to process the petition would not be paid by the applicant.

Motion by Council Member Keefe, seconded by Council Member Chandler to task Staff with the initiation of a rezoning to CHV for Blocks 110 and 121, CITY OF OKEECHOBEE, as recorded in Plat Book 5, Page 5, Okeechobee County public records. **Motion Carried Unanimously.**

A. The Council then went back to readdress item A. Motion and second by Council Members Keefe and Clark to remove New Business Items A and B from the table. **Motion Carried Unanimously.** Based on the action taken on Item F, the public hearing for proposed Ordinance No. 1231 cannot be set for September 7, 2021, and will need to be held after the final adoption of the City initiated rezoning petition.

Council Member Keefe moved to amend the motion on floor, approving the first reading of proposed Ordinance No. 1231 and set September 7, 2021, as a final public hearing date to postpone the final public hearing date to be held after the rezoning final public hearing date for Blocks 110 and 121; seconded by Council Member Clark. **Motion To Amend Carried Unanimously.** There being no further discussion, **Motion As Amended Carried Unanimously.**

B. Motion by Council Member Chandler, seconded by Council Member Keefe to read by title only, proposed Ordinance No. 1232, Right-of-Way Abandonment Petition No. 21-002-AC submitted by Shaun and Desiree Penrod, to close the East to West alley in Block 121, CITY OF OKEECHOBEE, Plat Book 5, Page 5 Okeechobee County public records [as presented in Exhibit 3]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1232 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY BEING AN UNIMPROVED PORTION OF AN ALLEYWAY LYING WITHIN BLOCK 121, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA (PETITION NO. 21-002-AC); RESERVING UNTO THE CITY, ITS SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITIES PURPOSES; 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."

Council Member Keefe moved to approve the first reading of proposed Ordinance No. 1232 and set the final public hearing date to be after the rezoning final public hearing date for Blocks 110 and 121; seconded by Council Member Chandler. **Motion Carried Unanimously.**

C. Council Member Chandler moved to approve a proposal [No. P 4142] with Craig A. Smith and Associates to provide professional engineering services [in the amount of \$14,300.00] for a modification to the South Florida Water Management District Permit for the City Commerce Center; seconded by Council Member Keefe [as presented in Exhibit 4]. **Motion Carried Unanimously.**

D. Mrs. Bobbi Poole submitted a request to discuss shower facilities for the homeless. Due to her absence this item was not discussed.



CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD MEETING
JULY 15, 2021
SUMMARY OF BOARD ACTION

#21-001-AC
FILE COPY

- I. **CALL TO ORDER**
 Chairperson Hoover called the regular Planning Board meeting for the City of Okeechobee to order on Thursday, July 15, 2021, at 6:02 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance.
- II. **ATTENDANCE**
 Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Board Members Phil Baughman, Karyne Brass, Rick Chartier, and Mac Jonassaint were present. Alternate Board Members Joe Papasso and Jim Shaw were present. Vice Chairperson Doug McCoy and Board Member Felix Granados were absent without consent. Chairperson Hoover moved Alternate Board Members Papasso and Shaw to voting position.
- III. **AGENDA**
 A. New Business Item A. was added.
 B. Motion by Member Chartier, seconded by Member Baughman to approve the agenda as amended. **Motion Carried Unanimously.**
- IV. **MINUTES**
 A. Motion by Member Brass, seconded by Alternate Board Member Papasso to dispense with the reading and approve the May 20, 2021, Regular Meeting and Workshop minutes. **Motion Carried Unanimously.**
- V. **CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:06 P.M.**
 A. **Abandonment of Right-of-Way Petition No. 21-001-AC, requests to vacate the 20-foot wide by 299.75-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 110, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Public Records of Okeechobee County.**
 1. City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services reviewed the Planning Staff Report recommending approval.
 2. Mr. Steven Dobbs was present on behalf of the Property Owner, JKST Holdings, LLC, and commented even though the Rezoning request to change the zoning from Light Commercial to Residential Multiple Family (RMF) was denied by the City Council, (Petition No. 21-002-R), his client still wished to proceed with the abandonment request. He further commented his client was going to petition the City Council to administratively rezone the parcel to Heavy Commercial (CHV).
 3. There were no public comments offered.
 4. There were no Ex-Parte disclosures offered.
 5. Motion by Member Baughman, seconded by Member Jonassaint to recommend to the City Council approval of Abandonment of Right-of-Way Petition No. 21-001-AC as presented in [Exhibit 1, which includes the findings as required for granting a vacation of rights-of-way petitions per Code Section 78-33; Planning Consultant's analysis of the findings and recommendation for approval; and the Technical Review Committee's (TRC) recommendation to approve] with the following conditions: after abandonment the property will reflect the current Future Land Use (FLU) and Zoning Map designations; Florida Power and Light (FPL) is requiring a 10-foot easement be provided for the full 20-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried.** The recommendation will be forwarded to the City Council for consideration at Public Hearings tentatively scheduled for August 3, 2021, and September 7, 2021.



#21-001-AC

FILE COPY

CITY OF OKEECHOBEE, FLORIDA
TECHNICAL REVIEW COMMITTEE MEETING
MAY 20, 2021

SUMMARY OF COMMITTEE ACTION

I. CALL TO ORDER

Chairperson Montes De Oca called the regular meeting of the Technical Review Committee (TRC) for the City of Okeechobee to order on Thursday, May 20, 2021, at 10:00 A.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance led by Assistant Police Chief Hagan.

II. ATTENDANCE

The following TRC Members were present: City Administrator Marcos Montes De Oca and Building Official Jeffery Newell. Members absent: Fire Chief Herb Smith (Lieutenant Adam Crum was present in his place), Police Chief Bob Peterson (Assistant Police Chief Donald Hagan was present in his place), and Public Works Director David Allen (Public Works Operations Supervisor Marvin Roberts was present in his place). City Planning Consultant Ben Smith, Okeechobee Utility Authority (OUA) Executive Director John Hayford (entered the Chambers at 10:04), Committee Secretary Patty Burnette and General Services Secretary Yesica Montoya were present. City Attorney John Fumero, Okeechobee County Environmental Health Director Victor Faconti and the Okeechobee County School Board representative were absent.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Building Official Newell, seconded by Assistant Police Chief Hagan to approve the agenda as presented. **Motion Carried Unanimously.**

IV. MINUTES

- A. Motion by Building Official Newell, seconded by Assistant Police Chief Hagan to dispense with the reading and approve the October 15, 2020, Regular Meeting minutes. **Motion Carried Unanimously.**

V. NEW BUSINESS

A. Abandonment of Right-of-Way Petition No. 21-001-AC.

- 1. City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services reviewed the Planning Staff Report recommending approval.
- 2. No City Staff comments were received.
- 3. The property owner or agent were not in attendance.
- 4. No public comments were offered.
- 5. Chairperson Montes De Oca disclosed he had spoken with Mr. Steven Dobbs, the Applicant's agent, regarding the proposed project.
- 6. Motion by Building Official Newell, seconded by Operations Supervisor Roberts to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 21-001-AC, which requests to vacate the 20-foot wide by 299.75-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 110, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County with the following conditions: Florida Power & Light (FPL) is requiring a 10-foot easement be provided for the full 20-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried Unanimously.**

B. Abandonment of Right-of-way Petition No. 21-002-AC.

- 1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
- 2. No City Staff comments were received.
- 3. The property owner or agent were not in attendance.
- 4. No public comments were offered.



Revised Version w/
Rescheduled Meeting
Dates.

Staff Report

Right-of-Way Abandonment

Prepared for: *The City of Okeechobee*
Applicant: *JKST Holdings LLC*
Address: *309 NE 4th Street*
Petition No.: *21-001-AC*

LaRue
planning

1375 Jackson Street # 206 Fort Myers, FL 33901

Request

The matter before the TRC is an application to abandon the alley that runs through Block 110 at 309 NE 4th Street. The alley is 20 feet wide by 299.75 feet long, totaling 5,995 square feet (0.138 acres). The block is owned by a single land owner that plans to sell the entirety of the property to a potential developer with plans to build apartments at this site if the concurrent future land use map amendment and rezoning requests are also approved.

General Information

Applicant	JKST Holdings LLC PO Box 873 Port Salerno, FL 34992
Site Address	The alley between the north and south sections of Block 110 at 309 NE 4 th St
Contact Person	John Creswell
Contact Phone Number	863.467.1111
Contact E-mail Address	shaun@gdcflorida.com

Legal Description of Subject Property

A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 110, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 110, THENCE NORTH 00°10'09" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE NORTH 89°45'09"EAST ALONG THE NORTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.74 FEET TO THE WEST RIGHT RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 00°11'47" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 89°45'46" WEST ALONG THE SOUTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.75 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.138 ACRES MORE OR LESS.

Characteristics of the Subject Property

	Existing	Proposed
Future Land Use	Commercial	Multi-Family Residential
Zoning	Light Commercial	Residential Multiple Family
Use of Property	Vacant	Multi-Family rental apartments
Acreage	0.138 acres	0.138 acres

Description of the Subject Site and Surrounding Area

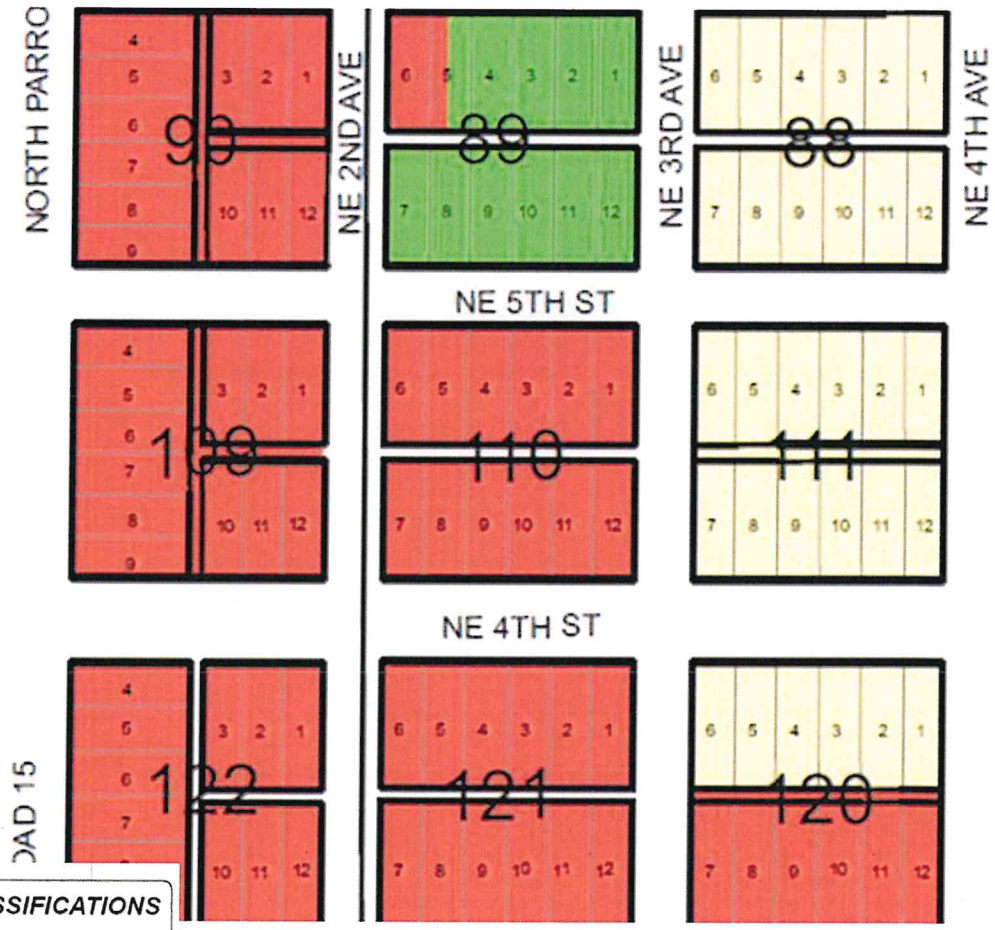
AERIAL

The subject of the abandonment/vacation is outlined in **Red** on the aerial photograph from the Property Appraiser's office below. The Applicant owns both sections of the surrounding property.



FUTURE LAND USE

The subject of the abandonment/vacation, is the land between the north and south sections of Block 110, as shown on this excerpt from the City's Future Land Use Map. If the City grants the Applicant's concurrent request to change the future land use designation from Commercial to Multifamily Residential, then it also seems appropriate to approve the vacation of this alley and designate that land as Multifamily Residential on the Future Land Use Map.

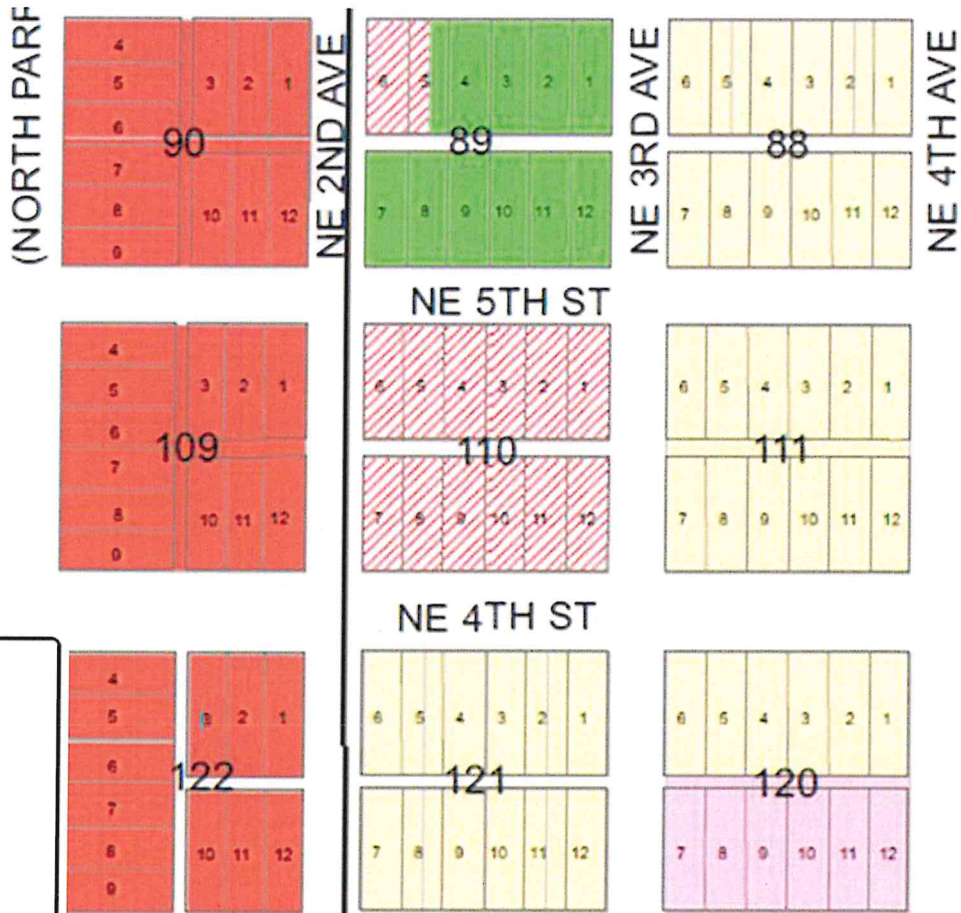


LAND USE CLASSIFICATIONS

- +--- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- +--- RAILROAD CENTERLINE
- fl_u_boundary_lines
- lot_line
- fl_u_background_parcel
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES

ZONING

The subject of the abandonment/vacation, is the land between the north and south sections of Block 110, as shown on this excerpt from the City's Zoning Map. If the City grants the Applicant's concurrent request to rezone from Light Commercial to Residential Multiple Family, then it also seems appropriate to approve the vacation of this alley and designate that land as Residential Multiple Family on the Zoning Map.



ZONING

- boundary lines
- - - HOPKING MEANDER LINE
- + + + RAILROAD CENTERLINE
- city zoning parcels background
- CENTRAL BUSINESS DISTRICT
- HEAVY COMMERCIAL
- LIGHT COMMERCIAL
- COMMERCIAL PROFESSIONAL OFFICE
- ▨ HOLDING
- INDUSTRIAL
- PUBLIC USE
- PLANNED UNIT DEVELOPMENT-MIXED USE
- PLANNED UNIT DEVELOPMENT-RESIDENTIAL
- RESIDENTIAL MULTIPLE FAMILY
- RESIDENTIAL MOBILE HOME
- RESIDENTIAL SINGLE FAMILY-ONE
- RESIDENTIAL SINGLE FAMILY-TWO

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 alley is 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: "The alley is not sole access to any property and a remaining land will not require an easement."

Staff Comment: The applicant owns all of the surrounding property. No other properties require this alley for access. If the abandonment is approved, FP&L is requiring that a 10 foot easement be provided for the full 20 foot width of the subject ROW on the West side, adjacent to NE 2nd Avenue.

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

Applicant Comment: "The proposed vacation of the alley is within a block that will become a multifamily project, 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 concurrently requested map changes are approved and 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 the requested abandonments."

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

- Florida Power & Light (with the above mentioned required easement)
- 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 if the applicant agrees to the requested conditions made by FP&L and Century Link, the requested right-of-way 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 11, 2021

TRC Meeting: May 20, 2021

PB/BOA Meeting: July 15, 2021

City Council 1st Reading: (tentative) August 3, 2021

City Council 2nd Reading and Public Hearing: (tentative) September 7, 2021*

* Postponed until Rezoning matter resolved, see 8/13/2021 Council Minutes. JH



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. 21-001-AC

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>4-14-21</u>	Receipt No: <u>543954</u> <u>54396</u>
	TRC Meeting: <u>5-20-21</u>	Publication Date: Letters Mailed:
	PB/BOA Meeting: <u>6-17-21</u> <u>7-15-21</u>	Publication Dates: Letters Mailed: <u>6-2-21</u> <u>6-30-21</u>
	City Council 1 st Reading: <u>7-6-21</u>	CMR Letter E-mailed:
	City Council Public Hearing: <u>2-20-21</u> <u>8-2-21</u> <u>8-17-21</u>	Publication Date: <u>7/9/21</u> <u>8/5/21</u>

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.

See Page 1a

Legal Description of the Right-of-Way to be Abandoned:
 A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 110, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 110, THENCE NORTH 00°10'09" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE NORTH 89°45'09" EAST ALONG THE NORTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.74 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 00°11'47" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 89°45'46" WEST ALONG THE SOUTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.75 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.138 ACRES MORE OR LESS.

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.

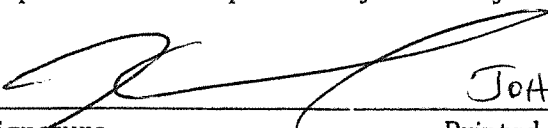
Purpose of the Right-of-Way Abandonment:
 The alley is being abandoned because there is a single land owner around this alley and they are planning to sell the land to someone who wants to build multifamily units and this will eliminate the rear setback on each lot and allow a unity of title for the whole block.

ABANDONMENT OF ORIGHT-OF-WAY PETITION # 21-001-AC NOTES & INFORMATION FOR CLARIFICATION:

1. The Planning Board meeting originally scheduled, noticed, and advertised for 6/17/2021, was canceled due to covid and city hall being closed. The meeting was rescheduled for 7/15/2021. This caused the signs posted on the property and notices to surrounding property owners to be revised and completed twice.
2. By request of the Project Engineer, Steve Dobbs, the first reading of Ordinance No. 1231 by the City Council was approved on 8/3/2021 and the public hearing was postponed until the rezoning matter could be finalized.
3. The rezoning matter was finalized on 11/16/2021, by Ordinance No. 1243.
4. On 11/29/2021 Clerk Gamiotea emailed the Steve Dobbs to verify that his client was ready to move forward with the final public hearing. On 12/3/2021, Mr. Dobbs advised that his client was in conversations with City Planner Jim LaRue, if those discussions were favorable, then his client would be ready to move forward with the alley closings. On 12/22/2021, Mr. Dobbs and Mr. F. Mitch Stephens advised Clerk Gamiotea to move forward with advertising the final public hearing to close the alley.
5. Block 110 was sold by JKST Holding, LLC to Frank Mitch Stephens of Glenwood Park, LLC, see warranty deed dated 5/28/2021, and corrected warranty deed dated 7/20/2021. Copies of the deeds and active sunbiz corporate information are all on file. Mr. Stephens is who paid the application fees.

✓	Name of property owner(s): JKST Holdings LLC
	Owner(s) mailing address: PO Box 873, Port Salerno, FL 34992-0873
	Owner(s) e-mail address: shaun@gdcflorida.com
	Owner(s) daytime phone(s): 863-467-1111 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.
N/A	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.	
 Signature	JOAN CRESWELL Printed Name
	3/31/2021 Date

#21-001-AC

Detail by Entity Name

Florida Limited Liability Company
JKST HOLDINGS, LLC

Filing Information

Document Number L16000189762
FEI/EIN Number 81-4132181
Date Filed 10/13/2016
State FL
Status ACTIVE

Principal Address

4459 SE KUBIN AVENUE
STUART, FL 34997

Mailing Address

P.O. BOX 873
PORT SALERNO, FL 34992

Registered Agent Name & Address

CRESWELL, JOHN H
4459 SE KUBIN AVENUE
STUART, FL 34997

Authorized Person(s) Detail**Name & Address**

Title AMBR

CRESWELL, JOHN H
4459 SE KUBIN AVENUE
STUART, FL 34997

Title AMBR

CRESWELL, KATHLEEN B
4459 SE KUBIN AVENUE
STUART, FL 34997

Title AMBR

KOGUT, SHAUN M
308 SW 2ND STREET
OKEECHOBEE, FL 34974

Title AMBR

CROSS, TOBI L
2533 SE 34TH LANE
OKEECHOBEE, FL 34974

Annual Reports

Report Year	Filed Date
2019	01/30/2019
2020	01/15/2020
2021	02/09/2021

Document Images

02/09/2021 -- ANNUAL REPORT	View image in PDF format
01/15/2020 -- ANNUAL REPORT	View image in PDF format
01/30/2019 -- ANNUAL REPORT	View image in PDF format
01/16/2018 -- ANNUAL REPORT	View image in PDF format
02/09/2017 -- ANNUAL REPORT	View image in PDF format
10/13/2016 -- Florida Limited Liability	View image in PDF format



FILE NUM 2017001893
 OR BK 786 PG 1593
 SHARON ROBERTSON, CLERK & COMPTROLLER
 OKEECHOBEE COUNTY, FLORIDA
 RECORDED 02/28/2017 02:07:39 PM
 AMT \$90,000.00
 RECORDING FEES \$10.00
 DEED DOC \$630.00
 RECORDED BY S Creech
 Pg 1593; (1 pg)

Prepared by and return to:
 JOHN D. CASSELS, JR.
 Partner
 CASSELS & MCCALL
 400 NW 2nd Street
 Okeechobee, FL 34972
 863-763-3131
 File No.: 17-6358

Parcel Identification No. 3-15-37-35-0010-01100-0010

[Space Above This Line For Recording Data]

#21001-AC

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 28 day of February, 2017 Between

C.P. CO., LLC, a Florida limited liability company whose post office address is PO BOX 14049, Fort Pierce, FL 34979 of the County of Saint Lucie, State of Florida, grantor, and

JKST HOLDINGS, LLC, a Florida limited liability company whose post office address is PO BOX 873, Stuart, FL 34997 of the County of Martin, State of Florida, grantee,

Sold 5/28/2021
 to
 Glenwood Park
 LLC, F.M. Stephens

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 1 TO 12, BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

Plat Book 5
 Page 5

Subject to restrictions, reservations and easements of record, if any.

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

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

✓ Alan R. Pohl
 Witness Name: Alan R. Pohl
 ✓ Rosa Gonzalez
 Witness Name: Rosa Gonzalez

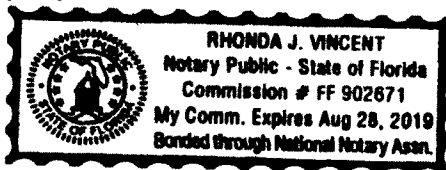
C.P. CO., LLC
 By: George Pantuso
 GEORGE PANTUSO, Authorized Member

State of Florida
 County of St. Lucie

The foregoing instrument was acknowledged before me this 28th day of February, 2017 by GEORGE PANTUSO, Managing Member of C.P. CO., LLC, on behalf of the limited liability company. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]

✓ Rhonda J. Vincent
 Notary Public Rhonda J. Vincent





Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

#21-001-AC
FILE COPY

Florida Limited Liability Company
GLENWOOD PARK, LLC

Filing Information

Document Number	L21000242266
FEI/EIN Number	NONE
Date Filed	05/24/2021
State	FL
Status	ACTIVE

Principal Address

17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Mailing Address

17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Registered Agent Name & Address

STEPHENS, FRANK M
17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Authorized Person(s) Detail

Name & Address

Title MGR

STEPHENS, FRANK M
17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Title MGR

2021 QUALIFIED FUND, LLC
17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Annual Reports

No Annual Reports Filed



Jerald D Bryant, Clerk of the Circuit Court & Comptroller
 Okeechobee, FL Recorded 7/23/2021 8:42 AM
 Fees: RECORDING \$18.50 D DOCTAX PD \$0.70

#21-001-AC

FILE COPY

Block 110
 Sold from
 JKST Holdings
 to
 Glenwood Park LLC

Corrected Deed
 dated 5/28/2021
 on file in Clerk's
 Office

Prepared by and return to:
 Patricia A. Ragon

Clear Title & Legal Services
 202 NW 5th Street
 Okeechobee, FL 34972
 863-824-6776
 File Number: 3926-21

[Space Above This Line For Recording Data]

Corrected Warranty Deed

This Warranty Deed made this 20th day of July, 2021 between JKST Holdings, LLC, a Florida limited liability company whose post office address is P.O. Box 873, Port Salerno, FL 34992, grantor, and Glenwood Park, LLC, a Florida limited liability company whose post office address is 17705 Middlebrook Way, Boca Raton, FL 33496, 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 1 THROUGH 12, BLOCK 110, INCLUSIVE, OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA. A COPY OF SAID PLAT IS RECORDED IN PLAT BOOK 1, PAGE 10 AND ALSO RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

Parcel Identification Number: 3-15-37-35-0010-01100-0010

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

This deed is being re-recorded to correct the legal description to add Block 110, to the deed recorded on 6/4/2021 Official Records File #2021006946, Public Records of Okeechobee County, Florida.

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, 2020**.

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

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: SUBIN KOGUT

[Signature]
Witness Name: JOHN CREWELL

JKST HOLDINGS, LLC, Florida Limited Liability Company

By: [Signature]
Tobi Kogut

State of Florida
County of Okeechobee

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 21 day of July 2021 by Tobi Kogut of JKST HOLDINGS, LLC, Florida Limited Liability Company, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]



[Signature]
Notary Public

Printed Name: Morgan Brandel

My Commission Expires: 3/25/24

#21-001-AC

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 requires a 10' easement on the West end of the 20' alley in Block 110 adjacent to
863-467-3708	NE 2nd Avenue, if abandoned.
Donna Padgett	

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

Embarq d/b/a Century Link	See attached letter, dated 3/30/2021
863-452-3185	Signed by D. Kennedy
Kenneth R. Lutz	Easement Required. <i>JK</i>
ken.lutz@centurylink.com	
Nre.easement@centurylink.com	

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

Comcast Cable	
863-763-2824	
107 NW 7 th Avenue	
Rick_Johnson@cable.comcast.com	

Rick Johnson Rick Johnson Construction Coordinator 561-402-4513 3-26-21
Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

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

[Signature] John Hayford, Executive Director 863-763-9460 x 109 4/1/2021
Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Florida Public Utilities	
Ivan Gibbs	
561-723-3459	
igibbs@chpk.com	

[Signature] Ivan Gibbs Engineering Technician 561-723-3459 4-6-2021
Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

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

Hamrick Estate	THE HAMRICK TRUST HAS A FEE INTEREST IN THE
Gil Culbreth, Co-Trustee	ALLEY IN BLOCK 110, CITY OF OKEECHOBEE
863-763-3154	

[Signature] H.G. Culbreth, Jr. 863-610-0265 4-2-2021
Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

3/30/2021



JKST Holdings, LLC
c/o Jessica Crews
Abney Building & Consulting, Inc.
201 NE 2nd Street
Okeechobee, FL 34972

No Reservations/No Objection

SUBJECT: Vacate 20' Alley, Block 110, City of Okeechobee. According to the plat recorded in Plat Book 1, Page 5 of the Public Records of Okeechobee County.

To Whom It May Concern:

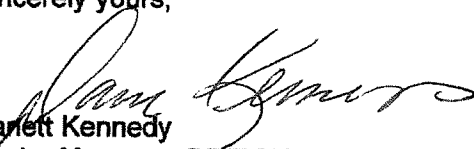
Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

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.

If you have any questions, please contact Bill Paul at 727-449-3544 / william.d.paul@centurylink.com

Sincerely yours,


Darlett Kennedy
Senior Manager, DF/ROW
CenturyLink
P836105

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 alley is 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:
The alley is not 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 alley is within a block that will become a multifamily project, 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 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*.



Okeechobee County Property Appraiser Mickey L. Bandi, CFA | Okeechobee, Florida | 863-763-4422

PARCEL: 3-15-37-35-0010-01100-0010 (33778) | VACANT (0000) | 1.928 AC
 CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 AND PLAT BOOK 5 PAGE 5) LOTS 1 TO 12 INC BLOCK 110

JKST HOLDINGS LLC
 Owner: PO BOX 873
 PORT SALERNO, FL 34992-0873
 Site: 309 NE 4TH ST, OKEECHOBEE

2020 Certified Values

Mkt Lnd	\$167,040	Appraised	\$167,040
Ag Lnd	\$0	Assessed	\$167,040
Bldg	\$0	Exempt	\$0
XFOB	\$0	Total	county:\$167,040
Just	\$167,040	Taxable	city:\$167,040
			other:\$167,040
			school:\$167,040

Sales Info
 2/28/2017 \$90,000 V (Q)
 12/18/2014 \$27,100 V (U)
 1/1/2009 \$28,600 V (U)

NOTES:



Okeechobee County, FL

This information, was derived from data which was compiled by the Okeechobee County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office.

**SKETCH AND LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY**

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION:


A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

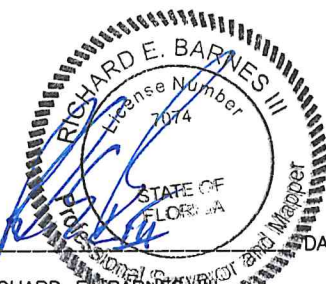
BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 110, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 110, THENCE NORTH 00°10'09" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE NORTH 89°45'09" EAST ALONG THE NORTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.74 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 00°11'47" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 89°45'46" WEST ALONG THE SOUTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.75 FEET TO THE **POINT OF BEGINNING**.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.138 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER. THIS INSTRUMENT MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT THE CONSENT OF THE SIGNING SURVEYOR.
2. LANDS DESCRIBED HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR OWNERSHIP, EASEMENTS, RIGHTS-OF-WAY OR OTHER INSTRUMENTS THAT MAY APPEAR IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.
3. THE DESCRIPTION CONTAINED HEREIN AND THE ATTACHED SKETCH DOES NOT REPRESENT A FIELD BOUNDARY SURVEY.

SIGNED:  DATE: 3/29/21



RICHARD E. BARNES III
PROFESSIONAL SURVEYOR AND MAPPER NO. 7074
STATE OF FLORIDA

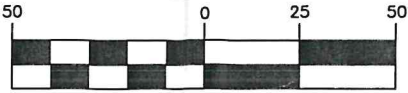


BSM & ASSOCIATES
LAND SURVEYING SERVICES
80 SE 31st Lane, Okeechobee, FL 34974
ricky.barnes@bsmsurvey.com
863.484.8324 LB 8155

**SKETCH AND LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA**

SCALE: N/A	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 1 OF 2

GRAPHIC SCALE



(IN FEET)

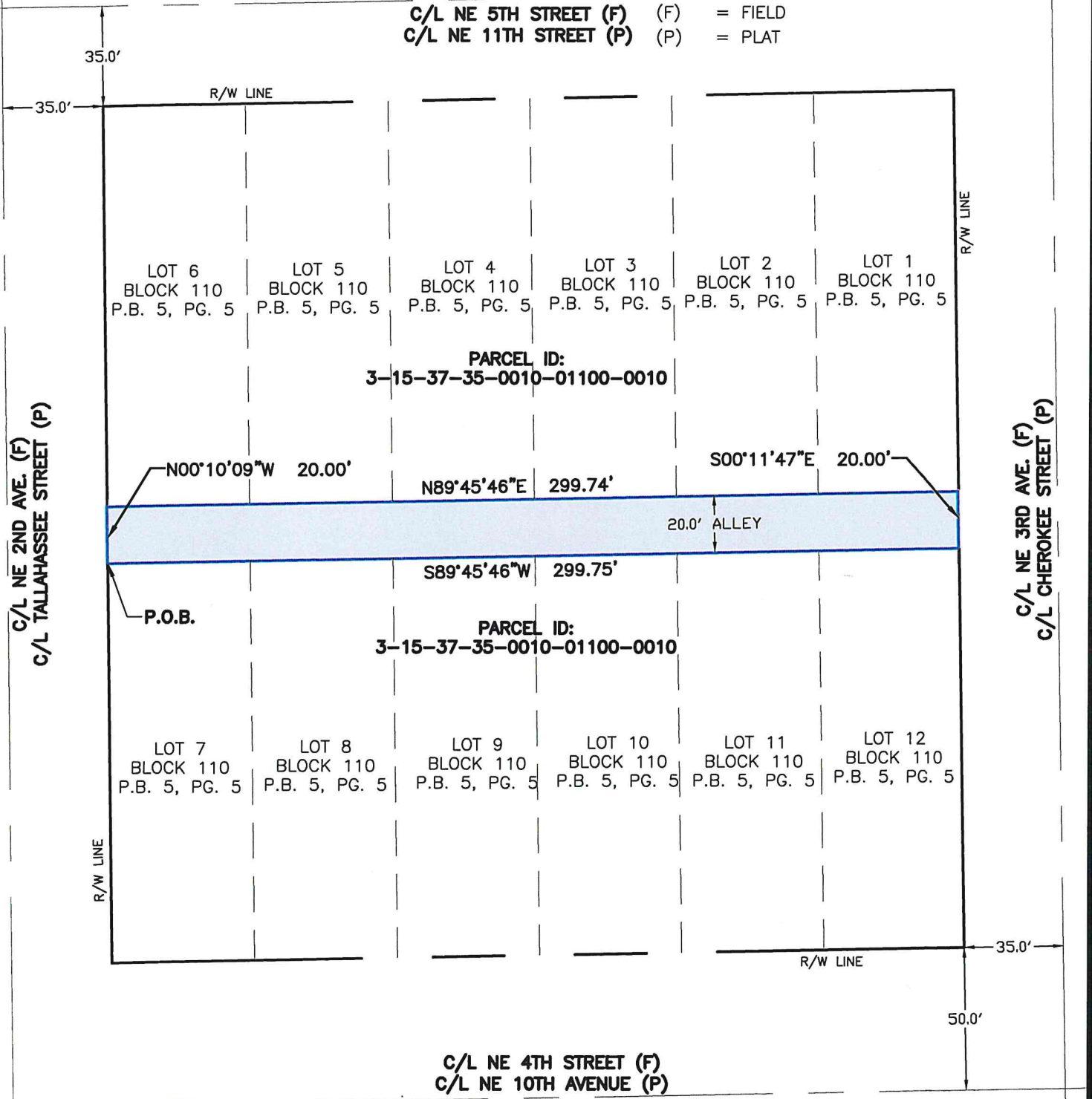
1 INCH = 50 FT.

(INTENDED DISPLAY SCALE)

LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.B. = PLAT BOOK
- PG. = PAGE
- O.R.B. = OFFICIAL RECORDS BOOK
- R/W = RIGHT OF WAY
- C/L = CENTERLINE
- (F) = FIELD
- (P) = PLAT

C/L NE 5TH STREET (F)
C/L NE 11TH STREET (P)



PARCEL ID:
3-15-37-35-0010-01100-0010

PARCEL ID:
3-15-37-35-0010-01100-0010

BSM & ASSOCIATES
LAND SURVEYING SERVICES
80 SE 31st Lane, Okeechobee, FL 34974
ricky.barnes@bsmsurvey.com
863.484.8324 LB 8155

NOT VALID WITHOUT SHEET 1 OF 2

SKETCH AND LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA

SCALE: 1" = 50'	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 2 OF 2

**SKETCH AND LEGAL
DESCRIPTION
(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY**

EXHIBIT "A"

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION:

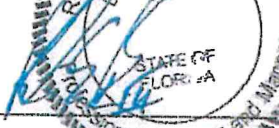
A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 110, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 110, THENCE NORTH 00°10'09" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE NORTH 89°45'09" EAST ALONG THE NORTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.74 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 00°11'47" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 89°45'46" WEST ALONG THE SOUTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.75 FEET TO THE **POINT OF BEGINNING**.

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SURVEYOR'S NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER. THIS INSTRUMENT MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT THE CONSENT OF THE SIGNING SURVEYOR.
2. LANDS DESCRIBED HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR OWNERSHIP, EASEMENTS, RIGHTS-OF-WAY OR OTHER INSTRUMENTS THAT MAY APPEAR IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.
3. THE DESCRIPTION CONTAINED HEREIN AND THE ATTACHED SKETCH DOES NOT REPRESENT A FIELD BOUNDARY SURVEY.

SIGNED:  DATE: 3/24/21

RICHARD E. BARNES III
 License Number 7074
 STATE OF FLORIDA
 PROFESSIONAL SURVEYOR AND MAPPER

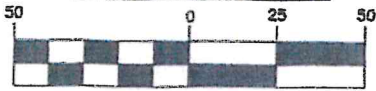
RICHARD E. BARNES III
 PROFESSIONAL SURVEYOR AND MAPPER NO. 7074
 STATE OF FLORIDA



BSM & ASSOCIATES
 LAND SURVEYING SERVICES
 30 58 31st Lane, Okeechobee, FL 34974
 ricky.barnes@bsmsurvey.com
 863.494.8324 LS 8155

SKETCH AND LEGAL DESCRIPTION (THIS IS NOT A SURVEY) 20.0' ABANDONED ALLEY OKEECHOBEE COUNTY, FLORIDA	SCALE: N/A	PROJECT NO: 21-109	REVISION:
	DATE: 03/26/21	CAD FILE: 21-109	SHEET: 1 OF 2

GRAPHIC SCALE



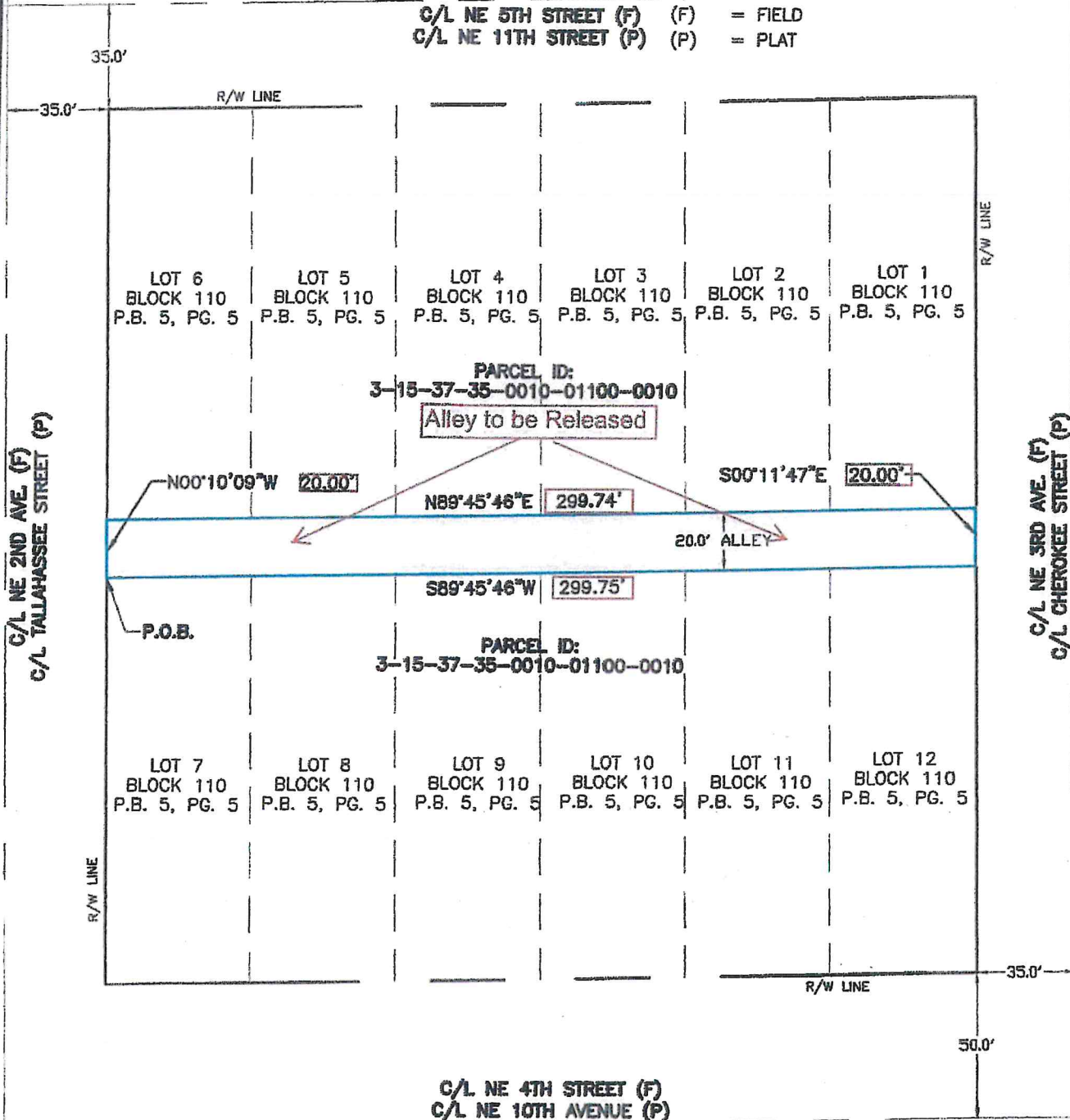
(IN FEET)

1 INCH = 50 FT.

(INTENDED DISPLAY SCALE)

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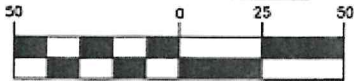
BSM & ASSOCIATES
 LAND SURVEYING SERVICES
 80 SE 31st Lane, Okechobee, FL 34974
 ricky.barnes@bsmsurvey.com
 883.484.8324 LS 8155

NOT VALID WITHOUT SHEET 1 OF 2

SKETCH AND LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)
 20.0' ABANDONED ALLEY
 OKECHOBEE COUNTY, FLORIDA

SCALE: 1" = 50'	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 2 OF 2

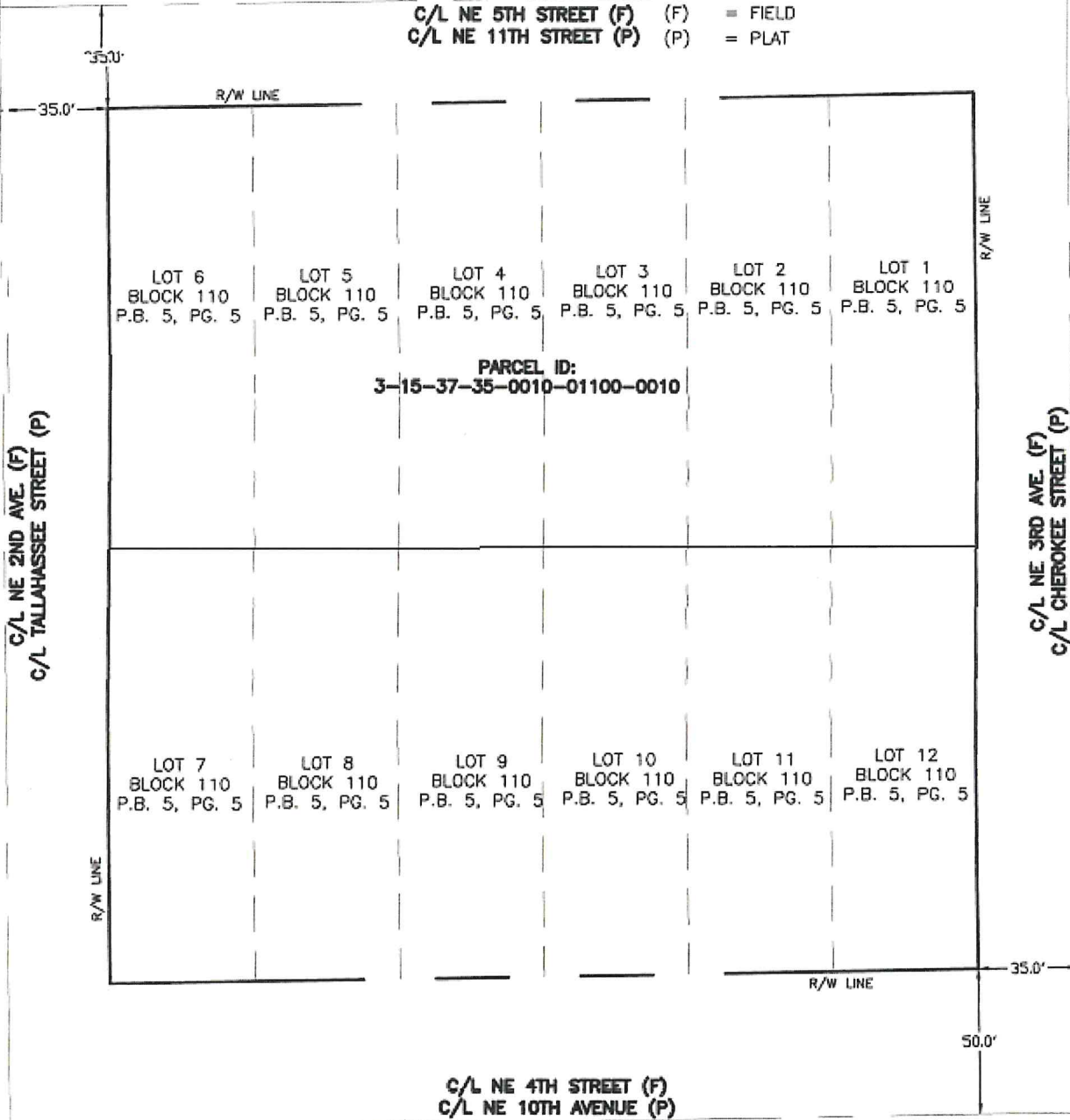
GRAPHIC SCALE



(IN FEET)
 1 INCH = 50 FT.
 (INTENDED DISPLAY SCALE)

LEGEND:

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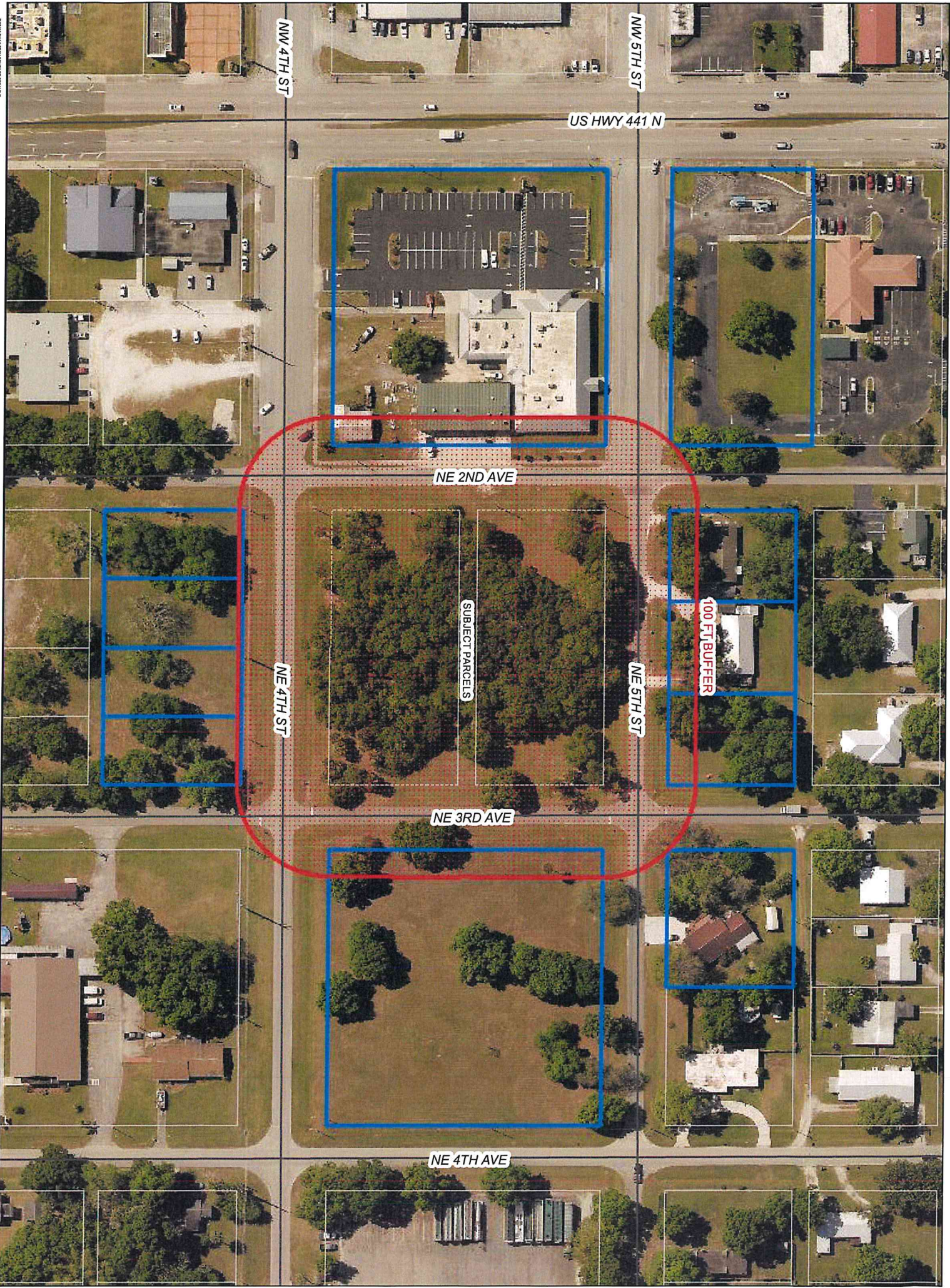
Site Plan of Property After Abandonment

(THIS IS NOT A SURVEY)
 20.0' ABANDONED ALLEY
 OKEECHOBEE COUNTY, FLORIDA

DATE:
 03/26/21

2023 AVALAR ESTABLISHED UNDER THE
PROVISIONS OF THE OKEECHOBEE COUNTY
PROPERTY APPRAISER'S OFFICE
FOR THE YEAR 2023. THIS MAP IS
FOR INFORMATION ONLY AND DOES NOT
CONSTITUTE A GUARANTEE OF THE
ACCURACY OF THE INFORMATION
PRESENTED HEREON.

OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE



NW 4TH ST

NW 5TH ST

US HWY 441 N

NE 2ND AVE

NE 3RD AVE

NE 4TH AVE

NE 4TH ST

NE 5TH ST

SUBJECT PARCELS

100 FT BUFFER

JKST Surrounding Owners within 300 Feet

	PARCEL NUMBER	OWNER	ADDRESS	CITTE	STATE	ZIP
1.	3-15-37-35-0010-01110-0010	CHURCH OF GOD	301 NE 4TH AVE	OKEECHOBEE	FL	34972
	3-15-37-35-0010-01200-0010	CHURCH OF GOD <i>Same</i>	301 NE 4TH AVE	OKEECHOBEE	FL	34972
2.	3-15-37-35-0010-00890-0060	COLT PENNY M	1601 SW 35TH CIR	OKEECHOBEE	FL	34974
3.	3-15-37-35-0010-00880-0070	ENTRY MARIE	500 NE 3RD AVE	OKEECHOBEE	FL	34972
4.	3-15-37-35-0010-00890-0090	II PARTNERS INC	P O BOX 2293	OKEECHOBEE	FL	34973-2293
5.	3-15-37-35-0010-01090-0010	LAKE REAL ESTATE HOLDINGS LLC	400 N PARROTT AVE	OKEECHOBEE	FL	34972
6.	3-15-37-35-0010-00890-0010	LMXN HOLDINGS LLC	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
	3-15-37-35-0010-00890-0040	LMXN HOLDINGS LLC <i>Same</i>	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
	3-15-37-35-0010-00890-0110	LMXN HOLDINGS LLC <i>Same</i>	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
7.	3-15-37-35-0010-00880-0060	MITCHELL RONALD	1105 SW 4TH ST	OKEECHOBEE	FL	34974
8.	3-15-37-35-0010-01220-0010	OKEECHOBEE PRESBYTERIAN <i>Same</i>	312 N PARROTT AVE	OKEECHOBEE	FL	34972-2933
	3-15-37-35-0010-01220-0040	OKEECHOBEE PRESBYTERIAN CHURCH	312 N PARROTT AVE	OKEECHOBEE	FL	34972
9.	3-15-37-35-0010-01210-0010	PENROD SHAUN C	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
	3-15-37-35-0010-01210-0030	PENROD SHAUN C <i>Same</i>	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
	3-15-37-35-0010-01210-0040	PENROD SHAUN C <i>Same</i>	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
	3-15-37-35-0010-01210-0060	PENROD SHAUN C <i>Same</i>	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
	3-15-37-35-0010-01210-0070	PENROD SHAUN C <i>Same</i>	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
	3-15-37-35-0010-01210-0090	PENROD SHAUN C <i>Same</i>	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
	3-15-37-35-0010-01210-0100	PENROD SHAUN C <i>Same</i>	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
	3-15-37-35-0010-01210-0120	PENROD SHAUN C <i>Same</i>	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
10.	3-15-37-35-0010-01220-0100	SENIORS R ABLE INC	PO BOX 759	OKEECHOBEE	FL	34973-0759
11.	3-15-37-35-0010-00880-0100	SKYLINE RENOVATION SERVICES LLC	5276 JOG LN	DELRAY BEACH	FL	33484-6650
12.	3-15-37-35-0010-00900-0010	TAMAL PROPERTIES LLC	152 PORGEE ROCK PL	JUPITER	FL	33458-1634
	3-15-37-35-0010-00900-0070	TAMAL PROPERTIES LLC <i>Same</i>	152 PORGEE ROCK PL	JUPITER	FL	33458-1634
13.	3-15-37-35-0010-00890-0070	VILLEDIA BAUDILIO	201 NE 5TH ST	OKEECHOBEE	FL	34972-2605
14.	3-15-37-35-0010-00880-0040	WILLIAMSON JOHN	1200 NE 96TH ST	OKEECHOBEE	FL	34972-0505

If notice is mailed to surrounding owners

#21-001-AC
FILE COPY

#21-001-AC
FILE COPY



City of Okeechobee

55 SE Third Avenue
Okeechobee, FL

Tele: 863-763-3372 Ext. 9824
Fax: 863-763-1686

Dear Property Owner:

June 30, 2021

The Planning Board will be considering Abandonment of Right-of-Way Petition No. 21-001-AC which requests to abandon the Alleyway lying East to West between Lots 1 to 6 and 7 to 12 of Block 110, CITY OF OKEECHOBEE, PB 5/PG 5, Public Records, Okeechobee County, at a Public Hearing, held at City Hall, RM 200 on **Thursday, July 15, 2021, 6 PM**, or as soon thereafter as possible. You are receiving this courtesy notice as a property owner within 300-FT of the location. You are invited to attend and be heard in person, or you may submit your questions, comments or objections by 3 PM the day of the meeting by email: pburnette@cityofokeechobee.com, or call the number above. The Planning Board will make recommendations concerning the petition to the City Council for consideration, at a Final Public Hearing tentatively on September 7, 2021, 6:00 PM.

The Petition file, agenda and up to date information about this meeting can be viewed online at cityofokeechobee.com/AgendaMinutes-PlanningBoard.html or at City Hall, Rm 100 during normal office hours or contact my office to have a copy emailed.

Respectfully,
Patty Burnette, General Services Coordinator



City of Okeechobee

55 SE Third Avenue
Okeechobee, FL

Tele: 863-763-3372 Ext. 9824
Fax: 863-763-1686

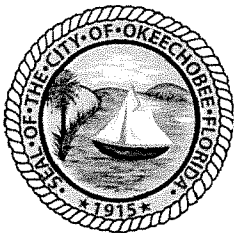
Dear Property Owner:

June 30, 2021

The Planning Board will be considering Abandonment of Right-of-Way Petition No. 21-001-AC which requests to abandon the Alleyway lying East to West between Lots 1 to 6 and 7 to 12 of Block 110, CITY OF OKEECHOBEE, PB 5/PG 5, Public Records, Okeechobee County, at a Public Hearing, held at City Hall, RM 200 on **Thursday, July 15, 2021, 6 PM**, or as soon thereafter as possible. You are receiving this courtesy notice as a property owner within 300-FT of the location. You are invited to attend and be heard in person, or you may submit your questions, comments or objections by 3 PM the day of the meeting by email: pburnette@cityofokeechobee.com, or call the number above. The Planning Board will make recommendations concerning the petition to the City Council for consideration, at a Final Public Hearing tentatively on September 7, 2021, 6:00 PM.

The Petition file, agenda and up to date information about this meeting can be viewed online at cityofokeechobee.com/AgendaMinutes-PlanningBoard.html or at City Hall, Rm 100 during normal office hours or contact my office to have a copy emailed.

Respectfully,
Patty Burnette, General Services Coordinator



CITY OF OKEECHOBEE

55 SE THIRD AVENUE
OKEECHOBEE, FL 34974
Tele: 863-763-3372 Fax: 863-763-1686

#21-001-AC
FILE COPY

**CERTIFICATION FOR POSTING NOTICE OF PUBLIC HEARING
FOR REZONING/SPECIAL EXCEPTION/VARIANCE PETITION(S)**

Instructions:

1. Must be posted on the subject property.
2. Must be posted prominently.
3. Must be visible from the most traveled street adjacent to the subject property.
4. There is no specific height or size requirement, provided that the sign can be easily seen by cars or pedestrians that pass by the subject property.
5. Must be posted beginning 15 days prior to the first Public Hearing and remain posted continuously during this time. When a second Public Hearing is required before the City Council, it must remain posted until the final Public Hearing has been conducted.
6. Must be removed within 7 days after the final Public Hearing.

Petition Number(s): 21-001-AC Date of 1st Public Hearing: July 15, 2021

Address of subject property (or Legal if no address): Lying between lots 1 through 6 and 7 through 12 of Block 110, Okeechobee, FL

I, David Allen, hereby certify that I posted the "Notice of Public Hearing" sign in accordance with the above instructions on June 30, 2021, and will remove sign on 9-7-21.

Signature: [Handwritten Signature]

Date: 6-30-21

STATE OF FLORIDA
COUNTY OF OKEECHOBEE

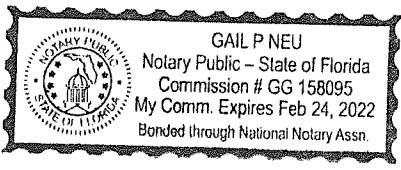
The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 30 day of June, 2021, by David Allen, who is personally (Name of person)

known to me or produced _____ as identification.

[Handwritten Signature]
NOTARY PUBLIC SIGNATURE
STATE OF FLORIDA

Gail P. Neu
Commissioned Notary Name

SEAL:



NOTICE OF PUBLIC HEARING

RIGHT OF WAY ABANDONMENT PETITION No. 21-001-AC

DATE: JULY 15, 2021, 6 PM, AT CITY HALL

PURPOSE: TO ABANDON THE ALLEYWAY LYING EAST TO WEST
BETWEEN LOTS 1 TO 6 AND 7 TO 12 OF BLOCK 110,
AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC
RECORDS OF OKEECHOBEE COUNTY.

APPLICANT: JOHN CRESWELL

PROPERTY OWNER: JKST HOLDINGS, LLC

FURTHER INFORMATION CONTACT: **General Services Dept,**
863-763-3372, Ext 9824 55 SE 3rd Ave, Okeechobee, FL 34974

FILE COPY
#21-001-AC

ORDINANCE NO. 1232

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY BEING AN UNIMPROVED PORTION OF AN ALLEYWAY LYING WITHIN BLOCK 121, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA (PETITION NO. 21-002-AC); RESERVING UNTO THE CITY, ITS SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITIES PURPOSES; 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. 21-002-AC submitted by the property owner Shaun and Desiree Penrod, for the closing of a certain rights-of-way as described in this Ordinance; and

WHEREAS, the City of Okeechobee Technical Review Committee reviewed and discussed Petition No. 21-002-AC at a duly advertised public meeting held on May 20, 2021; and

WHEREAS, Petition No. 21-001-AC was reviewed and discussed by the City of Okeechobee Planning Board at a duly advertised Public Hearing held on July 15, 2021, and determined such Petition to be consistent with the Comprehensive Plan; and

WHEREAS, the City Council reviewed Petition No. 21-001-AC 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

WHEREAS, this Ordinance addresses the request to reserve a perpetual, non-exclusive utility easement on a portion of the abandoned alleyway and the special condition request regarding relocation and/or repairs by the property owner; 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 THE EAST TO WEST ALLEYWAY, 15-FEET IN WIDTH, LYING BETWEEN LOTS 1 THROUGH 6 AND LOTS 7 THROUGH 12 OF BLOCK 121, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, AS RECORDED IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

SECTION 2: The City of Okeechobee, Florida acknowledges and addresses the special conditions requested by the utility companies and included within Petition No. 21-002-AC:

Reserving unto itself, its successors and assigns, a perpetual, non-exclusive a utility easement for the West 10-feet of the subject alleyway adjacent to Northeast 2nd Avenue, as requested by Florida, Power, and Light Company.

The applicant agrees to CenturyLink's request to bear all costs of relocation and repair of any of their facilities and equipment that are found and/or damaged in the abandoned alleyway.

SECTION 3: The City Clerk shall cause a certified copy of the Ordinance to be recorded in the public records of Okeechobee County, Florida.

SECTION 4: Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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 6: Effective Date. This Ordinance shall be set for Final Public Hearing the 18th day of January 2022, and shall take effect upon its adoption by the City Council and recorded in the public records of the Clerk of Circuit Court, Okeechobee County, Florida.

INTRODUCED for First Reading and set for Final Public Hearing on this 3rd day of August 2021.

Dowling Watford, Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second Reading and Final Public Hearing on this 18th day of January 2022.

Dowling Watford, Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

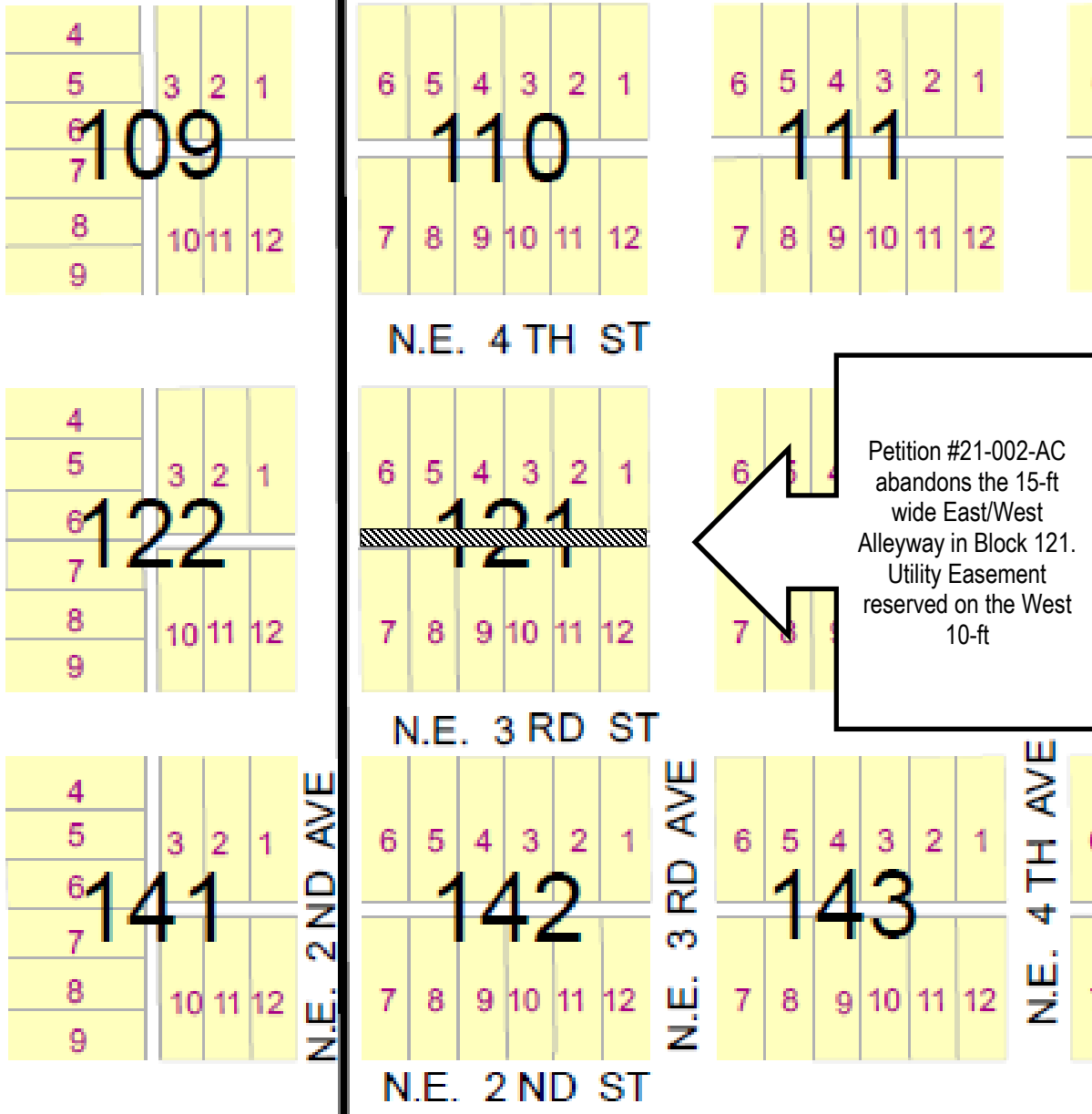
John J. Fumero, City Attorney

ORDINANCE NO. 1232 - EXHIBIT A

The following excerpt is from the City of Okeechobee Subdivision Map to identify the portion of alley to be abandoned as requested by Petition No. 21-002-AC, the subject property is recorded in Plat Book 5, Page 5, Okeechobee County Public Records.



NORTH PARROTT AVENUE/US HWY 441



VI. PUBLIC HEARING CONTINUED

- A. CONTINUED: Summary of Impact Statement Findings: the required employer contribution amount for firefighters for Fiscal Year ending September 20, 2022, decreased by \$22,686.00; the Unfunded Actuarial Accrued Liability for Firefighters increased by \$268,575.00; the Funded Ratio of the System decreased from 122.7 to 114.8 percent]. **Motion Carried Unanimously.**

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 6:11 P.M.

VII. NEW BUSINESS

- A. Motion by Council Member Clark, seconded by Council Member Chandler to read by title only, proposed Ordinance No. 1231, Right-of-Way Abandonment Petition No. 21-001-AC submitted by JKST Holdings, LLC, to close the East to West alley in Block 110, CITY OF OKEECHOBEE, Plat Book 5, Page 5 Okeechobee County public records [as presented in Exhibit 2]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1231 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY BEING AN UNIMPROVED PORTION OF AN ALLEYWAY LYING WITHIN BLOCK 110, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA (PETITION NO. 21-001-AC); RESERVING UNTO THE CITY, ITS SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITIES PURPOSES; 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."

Council Member Chandler moved to approve the first reading of proposed Ordinance No. 1231 and set September 7, 2021, as a final public hearing date; seconded by Council Member Clark.

City Planning Consultant Ben Smith provided the Staff Report combined with the recommendation to approve the request from both the Technical Review Committee and the Planning Board. However, this Petition and the one addressed in Item B, Ordinance No. 1232 were already in progress when the City Council denied adopting Ordinance No.'s 1225, 1226, 1227, and 1228 which would have reclassified the property within Blocks 110 and 121 as Multi-Family Residential on the Future Land Use Map and rezoned them to Residential Multiple Family. The objective was to vacate the alleyways once the land use and zoning was completed, to provide a better design rather than splitting the two blocks in half. Mr. Steve Dobbs addressed the Council on behalf of the applicant, requesting the final public hearing be continued until after the Council considers Item F on tonight's agenda.

Motion by Council Member Keefe, seconded by Council Clark to lay New Business Items A and B on the table until Item F is considered. **Motion Carried Unanimously.**

- F. The Council agreed to consider Item F at this time, which was to discuss the process for the property owners of Block 110 [located in the 200 block along Northeast 4th Street] and Block 121 [located in the 200 block along Northeast 3rd Street] to resubmit a Comprehensive Plan Small Scale Future Land Use Map Amendment Application and Rezoning Petition.

Mr. Steve Dobbs and Mr. Phil Berger presented their case on behalf of the new property owner, Mr. Frank Stephens for the City to administratively correct the Future Land Use and/or the Zoning maps for these two blocks to be consistent as required to develop them. Mr. Stephens also addressed the Council explaining his intentions to develop these blocks, which are located one block East of North Parrott Avenue.

VII. NEW BUSINESS CONTINUED.

- F. **CONTINUED:** His original development was for apartments, but since that was rejected he is requesting the Lots be rezoned to Heavy Commercial (CHV) [from Light Commercial on Block 110 and from Residential Single Family-One on Block 121, the Future Land Use is already Commercial]. Planner Smith and Attorney Fumero advised that the City Council cannot administratively redesignate the Future Land Use nor Rezone property due to Florida Statutes requiring a specific process based on who is requesting the change. However, there could be a City initiated rezoning with the City assuming all costs, meaning the fee to process the petition would not be paid by the applicant.

Motion by Council Member Keefe, seconded by Council Member Chandler to task Staff with the initiation of a rezoning to CHV for Blocks 110 and 121, CITY OF OKEECHOBEE, as recorded in Plat Book 5, Page 5, Okeechobee County public records. **Motion Carried Unanimously.**

- A. The Council then went back to readdress item A. Motion and second by Council Members Keefe and Clark to remove New Business Items A and B from the table. **Motion Carried Unanimously.** Based on the action taken on Item F, the public hearing for proposed Ordinance No. 1231 cannot be set for September 7, 2021, and will need to be held after the final adoption of the City initiated rezoning petition.

Council Member Keefe moved to amend the motion on floor, approving the first reading of proposed Ordinance No. 1231 and set September 7, 2021, as a final public hearing date to **postpone the final public hearing date to be held after the rezoning final public hearing date for Blocks 110 and 121;** seconded by Council Member Clark. **Motion To Amend Carried Unanimously.** There being no further discussion, **Motion As Amended Carried Unanimously.**

- B. Motion by Council Member Chandler, seconded by Council Member Keefe to read by title only, proposed Ordinance No. 1232, Right-of-Way Abandonment Petition No. 21-002-AC submitted by Shaun and Desiree Penrod, to close the East to West alley in Block 121, CITY OF OKEECHOBEE, Plat Book 5, Page 5 Okeechobee County public records [as presented in Exhibit 3]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1232 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY BEING AN UNIMPROVED PORTION OF AN ALLEYWAY LYING WITHIN BLOCK 121, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA (PETITION NO. 21-002-AC); RESERVING UNTO THE CITY, ITS SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITIES PURPOSES; 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."

Council Member Keefe moved to approve the first reading of proposed Ordinance No. 1232 and **set the final public hearing date to be after the rezoning final public hearing date for Blocks 110 and 121;** seconded by Council Member Chandler. **Motion Carried Unanimously.**

- C. Council Member Chandler moved to approve a proposal [No. P 4142] with Craig A. Smith and Associates to provide professional engineering services [in the amount of \$14,300.00] for a modification to the South Florida Water Management District Permit for the City Commerce Center; seconded by Council Member Keefe [as presented in Exhibit 4]. **Motion Carried Unanimously.**
- D. Mrs. Bobbi Poole submitted a request to discuss shower facilities for the homeless. Due to her absence this item was not discussed.



CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD MEETING
JULY 15, 2021
SUMMARY OF BOARD ACTION

#21-002-AC
FILE COPY

I. CALL TO ORDER

Chairperson Hoover called the regular Planning Board meeting for the City of Okeechobee to order on Thursday, July 15, 2021, at 6:02 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Board Members Phil Baughman, Karyne Brass, Rick Chartier, and Mac Jonassaint were present. Alternate Board Members Joe Papasso and Jim Shaw were present. Vice Chairperson Doug McCoy and Board Member Felix Granados were absent without consent. Chairperson Hoover moved Alternate Board Members Papasso and Shaw to voting position.

III. AGENDA

- A. New Business Item A. was added.
- B. Motion by Member Chartier, seconded by Member Baughman to approve the agenda as amended. **Motion Carried Unanimously.**

IV. MINUTES

- A. Motion by Member Brass, seconded by Alternate Board Member Papasso to dispense with the reading and approve the May 20, 2021, Regular Meeting and Workshop minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:06 P.M.

- A. Abandonment of Right-of-Way Petition No. 21-001-AC, requests to vacate the 20-foot wide by 299.75-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 110, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Public Records of Okeechobee County.
 1. City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services reviewed the Planning Staff Report recommending approval.
 2. Mr. Steven Dobbs was present on behalf of the Property Owner, JKST Holdings, LLC, and commented even though the Rezoning request to change the zoning from Light Commercial to Residential Multiple Family (RMF) was denied by the City Council, (Petition No. 21-002-R), his client still wished to proceed with the abandonment request. He further commented his client was going to petition the City Council to administratively rezone the parcel to Heavy Commercial (CHV).
 3. There were no public comments offered.
 4. There were no Ex-Parte disclosures offered.
 5. Motion by Member Baughman, seconded by Member Jonassaint to recommend to the City Council approval of Abandonment of Right-of-Way Petition No. 21-001-AC as presented in [Exhibit 1, which includes the findings as required for granting a vacation of rights-of-way petitions per Code Section 78-33; Planning Consultant's analysis of the findings and recommendation for approval; and the Technical Review Committee's (TRC) recommendation to approve] with the following conditions: after abandonment the property will reflect the current Future Land Use (FLU) and Zoning Map designations; Florida Power and Light (FPL) is requiring a 10-foot easement be provided for the full 20-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried.** The recommendation will be forwarded to the City Council for consideration at Public Hearings tentatively scheduled for August 3, 2021, and September 7, 2021.

V. PUBLIC HEARING ITEMS CONTINUED

B. Abandonment of Right-of-Way Petition No. 21-002-AC, requests to vacate the 15-foot wide by 299.84-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 121, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County.

1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
2. Mr. Dobbs was present on behalf of the Property Owners, Shaun and Desiree Penrod, and commented even though the Rezoning request to change the zoning from Residential Single Family-One to RMF was denied by the City Council, (Petition No. 21-003-R), his client still wished to proceed with the abandonment request. He further commented his client was going to petition the City Council to administratively rezone the parcel to CHV.
3. There were no public comments offered.
4. There were no Ex-Parte disclosures offered.
5. Motion by Member Chartier, seconded by Member Baughman to recommend to the City Council approval of Abandonment of Right-of-Way Petition No. 21-002-AC as presented in [Exhibit 2, which includes the findings as required for granting a vacation of rights-of-way petitions per Code Section 78-33; Planning Consultant's analysis of the findings and recommendation for approval; and the TRC's recommendation to approve].with the following conditions: after abandonment the property will reflect the current FLU and Zoning Map designations; FPL is requiring a 10-foot easement be provided for the full 15-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried.** The recommendation will be forwarded to the City Council for consideration at Public Hearings tentatively scheduled for August 3, 2021, and September 7, 2021.

C. Comprehensive Plan Small Scale Future Land Use Map Amendment Application No. 21-004-SSA, from Single Family Residential to Industrial on 1.60± acres located in the 500 Block of NW 7th Street.

1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
2. There were no comments offered by the Property Owner or Agent.
3. There were no public comments offered.
4. There were no Ex-Parte disclosures offered.
5. Motion by Member Jonassaint, seconded by Member Baughman to recommend to the City Council approval of Comprehensive Plan Small Scale Future Land Use Map Amendment Application No. 21-004-SSA as presented in [Exhibit 3, which includes the findings as required for granting applications per Code Section 70-340; and the Planning Consultant's analysis of the findings and recommendation for approval]. **Motion Carried Unanimously.** The recommendation will be forwarded to the City Council for consideration at a Public Hearing tentatively scheduled for August 17, 2021.

D. Comprehensive Plan Text Amendment No. 21-001-CPA, which proposes to amend the City's Future Land Use Map (FLUM) and textual amendments to the FLU Element of the City's Comprehensive Plan.

1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval. He explained on June 29, 2021, House Bill 59 became law. It basically requires every city to adopt a Property Rights section into their Comprehensive Plan before any other Comprehensive Plan Amendments that were not initiated prior to July 1, 2021, can be adopted. Both he and the City Attorney feel this proposed amendment was initiated before then although the Department of Economic Opportunity does not. This Board can either make their recommendation to the City Council on this Amendment tonight or continue it until a date certain to allow time for Staff to bring forth the proposed Property Rights Element for recommendation.



#21-002-AC
FILE COPY

CITY OF OKEECHOBEE, FLORIDA
TECHNICAL REVIEW COMMITTEE MEETING
MAY 20, 2021
SUMMARY OF COMMITTEE ACTION

I. CALL TO ORDER

Chairperson Montes De Oca called the regular meeting of the Technical Review Committee (TRC) for the City of Okeechobee to order on Thursday, May 20, 2021, at 10:00 A.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance led by Assistant Police Chief Hagan.

II. ATTENDANCE

The following TRC Members were present: City Administrator Marcos Montes De Oca and Building Official Jeffery Newell. Members absent: Fire Chief Herb Smith (Lieutenant Adam Crum was present in his place), Police Chief Bob Peterson (Assistant Police Chief Donald Hagan was present in his place), and Public Works Director David Allen (Public Works Operations Supervisor Marvin Roberts was present in his place). City Planning Consultant Ben Smith, Okeechobee Utility Authority (OUA) Executive Director John Hayford (entered the Chambers at 10:04), Committee Secretary Patty Burnette and General Services Secretary Yesica Montoya were present. City Attorney John Fumero, Okeechobee County Environmental Health Director Victor Faconti and the Okeechobee County School Board representative were absent.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Building Official Newell, seconded by Assistant Police Chief Hagan to approve the agenda as presented. **Motion Carried Unanimously.**

IV. MINUTES

- A. Motion by Building Official Newell, seconded by Assistant Police Chief Hagan to dispense with the reading and approve the October 15, 2020, Regular Meeting minutes. **Motion Carried Unanimously.**

V. NEW BUSINESS

- A. Abandonment of Right-of-Way Petition No. 21-001-AC.
 - 1. City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services reviewed the Planning Staff Report recommending approval.
 - 2. No City Staff comments were received.
 - 3. The property owner or agent were not in attendance.
 - 4. No public comments were offered.
 - 5. Chairperson Montes De Oca disclosed he had spoken with Mr. Steven Dobbs, the Applicant's agent, regarding the proposed project.
 - 6. Motion by Building Official Newell, seconded by Operations Supervisor Roberts to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 21-001-AC, which requests to vacate the 20-foot wide by 299.75-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 110, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County with the following conditions: Florida Power & Light (FPL) is requiring a 10-foot easement be provided for the full 20-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried Unanimously.**
- B. Abandonment of Right-of-way Petition No. 21-002-AC.
 - 1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
 - 2. No City Staff comments were received.
 - 3. The property owner or agent were not in attendance.
 - 4. No public comments were offered.

V. NEW BUSINESS ITEM B CONTINUED

5. Chairperson Montes De Oca disclosed he had spoken with Mr. Steven Dobbs, the Applicant's agent, regarding the proposed project.
6. Motion by Building Official Newell, seconded by Lieutenant Crum to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 21-002-AC, which requests to vacate the 15-foot wide by 299.84-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 121, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County with the following conditions: FPL is requiring a 10-foot easement be provided for the full 15-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried Unanimously.**

VI. Chairperson Montes De Oca adjourned the meeting at 10:11 A.M.

Submitted by:

Patty M. Burnette
Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Technical Review Committee with respect to any matter considered at this proceeding, 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. General Services' media are for the sole purpose of backup for official records.



Revised Version
w/ Rescheduled
meeting Dates.

Staff Report

Right-of-Way Abandonment

Prepared for: *The City of Okeechobee*
Applicant: *Shaun C Penrod*
Address: *200 NE 3rd Street*
Petition No.: *21-002-AC*

Request

The matter before the TRC is an application to abandon the alley that runs through Block 121 at 200 NE 3rd Street. The alley is 15 feet wide by 299.84 feet long, totaling 4,497.6 square feet (0.103 acres). The block is owned by a single land owner that plans to sell the entirety of the property to a potential developer with plans to build apartments at this site if the concurrent future land use map amendment and rezoning requests are also approved.

General Information

Applicant	Shaun C Penrod 2437 SW 33 rd Circle Okeechobee, FL 34974
Site Address	The alley between the north and south parcels of Block 121
Contact Person	Shaun Penrod
Contact Phone Number	863.634.0465
Contact E-mail Address	penrodconstruction@gmail.com

Legal Description of Subject Property

A STRIP OF LAND, 15.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 121 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 121, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 121, THENCE NORTH 00°11'04" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE NORTH 89°49'44"EAST ALONG THE NORTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE WEST RIGHT RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 00°11'04" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 89°49'44" WEST ALONG THE SOUTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.103 ACRES MORE OR LESS.

Characteristics of the Subject Property

	Existing	Proposed
Future Land Use	Commercial	Multi-Family Residential
Zoning	Residential Single Family	Residential Multiple Family
Use of Property	Vacant	Multi-Family rental apartments
Acreage	0.103 acres	0.103 acres

Description of the Subject Site and Surrounding Area

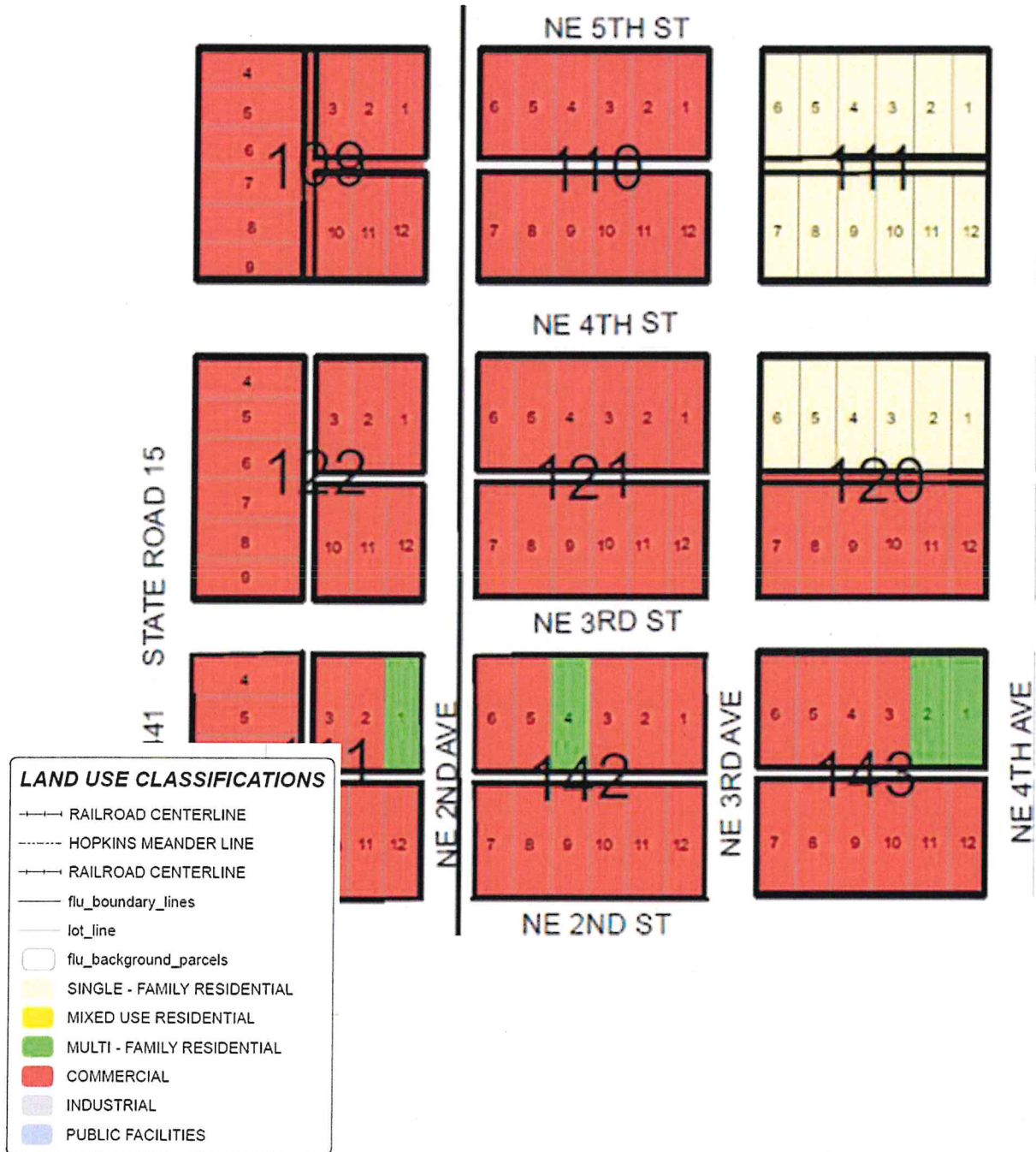
AERIAL

The subject of the abandonment/vacation is outlined in Red on the aerial photograph from the Property Appraiser's office below. The Applicant owns all surrounding parcels.



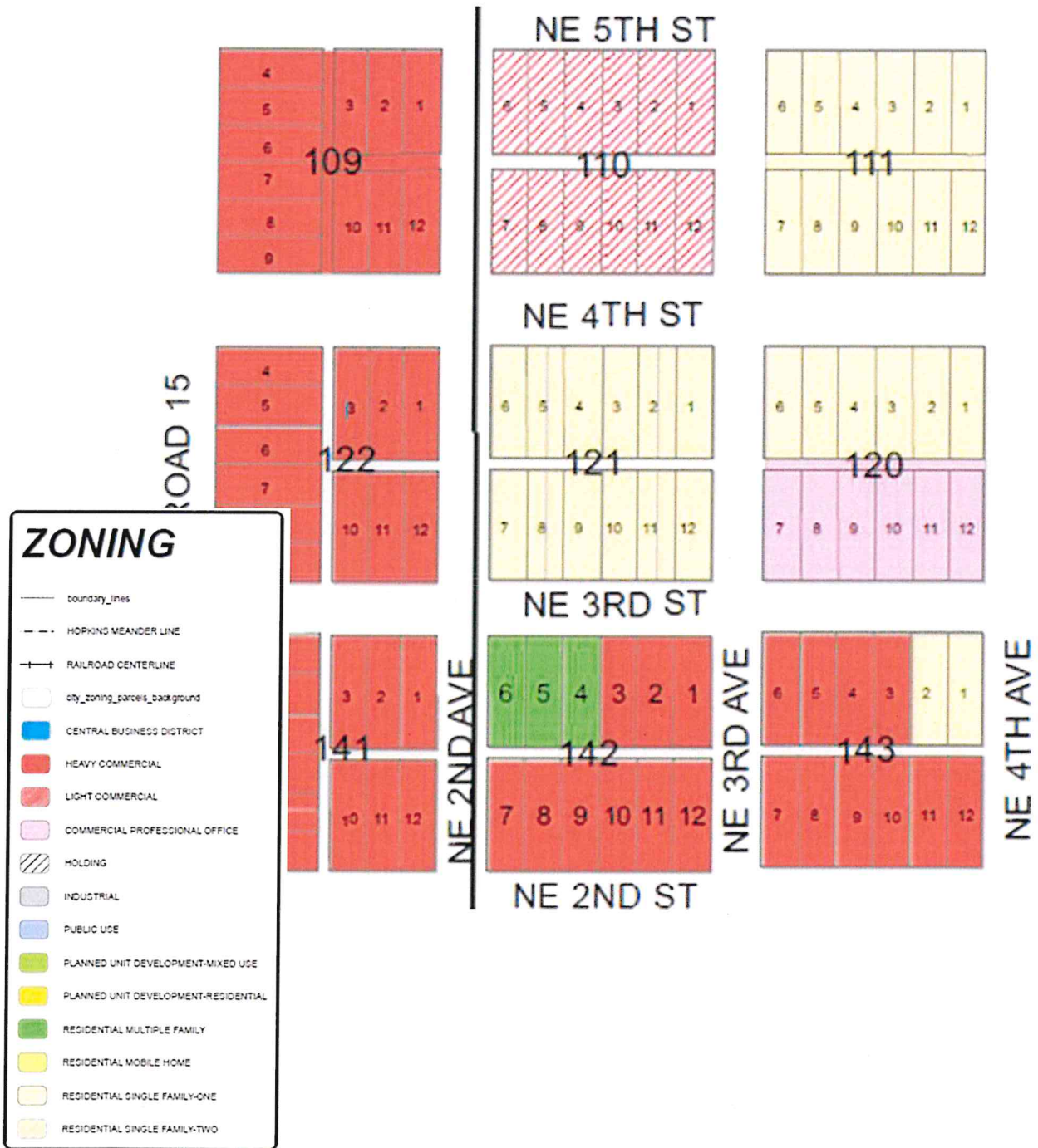
FUTURE LAND USE

The subject of the abandonment/vacation, is the land between the north and south sections of Block 121, as shown on this excerpt from the City's Future Land Use Map. If the City grants the Applicant's concurrent request to change the future land use designation from Commercial to Multifamily Residential, then it also seems appropriate to approve the vacation of this alley and designate that land as Multifamily Residential on the Future Land Use Map.



ZONING

The subject of the abandonment/vacation, is the land between the north and south sections of Block 121, as shown on this excerpt from the City's Zoning Map. If the City grants the Applicant's concurrent request to rezone from Residential Single Family to Residential Multiple Family, then it also seems appropriate to approve the vacation of this alley and designate that land as Residential Multiple Family on the Zoning Map.



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 alley is 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: "The alley is not sole access to any property and a remaining land will not require an easement."

Staff Comment: The applicant owns all of the surrounding property. No other properties require this alley for access. If the abandonment is approved, FP&L is requiring that a 10 foot easement be provided for the full 15 foot width of the subject ROW on the West side, adjacent to NE 2nd Avenue.

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

Applicant Comment: "The proposed vacation of the alley is within a block that will become a multifamily project, 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 concurrently requested map changes are approved and 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 the requested abandonments."

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

- Florida Power & Light (with the above mentioned required easement)
- 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 if the applicant agrees to the requested conditions made by FP&L and Century Link, the requested right-of-way 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 11, 2021

TRC Meeting: May 20, 2021

PB/BOA Meeting: July 15, 2021

City Council 1st Reading: (tentative) August 3, 2021

City Council 2nd Reading and Public Hearing: (tentative) September 7, 2021*

* Postponed until Rezoning matter resolved, See 8/3/2021
Council minutes. JH



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. 81-002-AC

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>4-14-21</u>	Receipt No: <u>54395^f 54396</u>
	TRC Meeting: <u>5-20-21</u>	Publication Date: Letters Mailed:
	PB/BOA Meeting: <u>6-17-21</u> <u>7-15-21</u>	Publication Dates: <u>6-30-21</u> Letters Mailed: <u>6-2-21</u>
	City Council 1 st Reading: <u>7-16-21</u>	CMR Letter E-mailed:
	City Council Public Hearing: <u>7-20-21</u>	Publication Date: <u>See Page 19</u>

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.

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

A STRIP OF LAND, 15.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 121 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 121, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 121, THENCE NORTH 00°11'04" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE NORTH 89°49'44" EAST ALONG THE NORTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 00°11'04" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 89°49'44" WEST ALONG THE SOUTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.103 ACRES MORE OR LESS.

Purpose of the Right-of-Way Abandonment:


The alley is being abandoned because there is a single land owner around this alley and they are planning to sell the land to someone who wants to build multifamily units and this will eliminate the rear setback on each lot and allow a unity of title for the whole block.

ABANDONMENT OF ORIGHT-OF-WAY PETITION # 21-002-AC NOTES & INFORMATION FOR CLARIFICATION:

1. The Planning Board meeting originally scheduled, noticed, and advertised for 6/17/2021, was canceled due to covid and city hall being closed. The meeting was rescheduled for 7/15/2021. This caused the signs posted on the property and notices to surrounding property owners to be revised and completed twice.
2. By request of the Project Engineer, Steve Dobbs, the first reading of Ordinance No. 1232 by the City Council was approved on 8/3/2021 and the public hearing was postponed until the rezoning matter could be finalized.
3. The rezoning matter was finalized on 11/16/2021, by Ordinance No. 1243.
4. On 11/29/2021 Clerk Gamiotea emailed the Steve Dobbs to verify that his client was ready to move forward with the final public hearing. On 12/3/2021, Mr. Dobbs advised that his client was in conversations with City Planner Jim LaRue, if those discussions were favorable, then his client would be ready to move forward with the alley closings. On 12/22/2021, Mr. Dobbs and Mr. F. Mitch Stephens advised Clerk Gamiotea to move forward with advertising the final public hearing to close the alley.
5. Block 121 was owned by Shaun Cory and Desiree Penrod at the time the petition was submitted to the City. Shaun Cory Penrod signed the petition as one of the property owners. However, both signatures are needed. To resolve this issue, Desiree Penrod signed a Land Use Power of Attorney to Mitch Stephen as the applicant on her behalf. The Penrod's sold this property to Frank Mitch Stephens of Glenwood Park, LLC, see warranty deed dated 5/27/2021. Copies of the deed and active sunbiz corporate information are all on file. Mr. Stephens is who paid the petition fees.

✓	Name of property owner(s): Shaun C. Penrod
	Owner(s) mailing address: 2437 SW 33rd Circle, Okeechobee, FL 34974
	Owner(s) e-mail address: penrodconstruction@gmail.com
	Owner(s) daytime phone(s): (863) 634-0465 Fax:


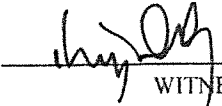
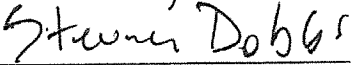
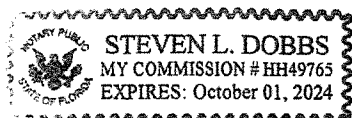
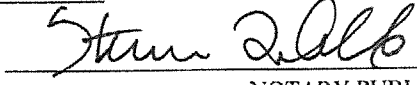
✓	Required Attachments
✓	Copy of recorded deed of petitioner as well as any other property owner whose property is contiguous to the right-of-way.
✓	Letters of Consent or Objection. (If more than one property owner is involved and they are not signing the petition). SEE NOTE BELOW FOR ADDITIONAL INSTRUCTIONS
✓	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)
	<p>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></p>

✓	Confirmation of Information Accuracy
<p>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.</p>	
 Signature	Shaun C. Penrod Printed Name
	3/31/2021 Date

CITY OF OKEECHOBEE
55 SE 3RD AVENUE
OKEECHOBEE, FL 34974


TELE: 863-763-3372 FAX: 863-763-1686

LAND USE POWER OF ATTORNEY

Name of Property Owners: Corey and Desiree Penrod		
Mailing Address: 2437 SW 33rd Circle Okeechobee, FL 34974		
Home Telephone:	Work:	Cell: 863-634-0546
Property Address: 200 block NE 3rd Street Okeechobee, FL 34972		
Parcel ID Number: 3-15-37-35-0010-01210-0060, 3-15-37-35-0010-01210-0040, 3-15-37-35-0010-01210-0030, 3-15-37-35-0010-01210-0010, 3-15-37-35-0010-01210-0070, 3-15-37-35-0010-01210-0090, 3-15-37-35-0010-01210-0100, and 3-15-37-35-0010-01210-0120		
Name of Applicant: Mitch Stephens		
Home Telephone:	Work:	Cell: 919-201-9913
The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.		
IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS _____ DAY OF _____ 20____.		
 OWNER	 WITNESS	
_____ OWNER	 WITNESS	
STATE OF FLORIDA COUNTY OF <u>Okeechobee</u>		
The foregoing instrument was acknowledged before me by means of <input checked="" type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this <u>25th</u> day of <u>May</u> , 20 <u>21</u> , by <u>Desiree Penrod</u> , (Name of Person)		
who is personally known to me or produced _____ as identification.		
 STEVEN L. DOBBS MY COMMISSION # HH49765 EXPIRES: October 01, 2024	 NOTARY PUBLIC SIGNATURE	

Parcel ID Number: 3-15-37-35-0010-01210-0070

Prepared by and return to:
Susie Burk
Okee-Tantie Title Company, Inc.
105 NW 6th Street
Okeechobee, Florida 34972
FILE NO. 36444


FILE NUM 2018013904
OR BK 816 PG 970
SHARON ROBERTSON, CLERK & COMPTROLLER
OKEECHOBEE COUNTY, FLORIDA
RECORDED 11/21/2018 02:00:48 PM
AMT \$105,000.00
RECORDING FEES \$27.00
DEED DOC \$735.00
RECORDED BY M Pinon
Pgs 970 - 972; (3 pgs)

Warranty Deed

#21002-AC

This Indenture, Executed this November 20, 2018 A.D. Between

WANDA SUE WOLFORD, TRUSTEE OF THE EVA MAE WILLIAMS REVOCABLE LIVING TRUST F/K/A THE EVA MAE HAZELLIEF REVOCABLE LIVING TRUST UNDER AGREEMENT DATED SEPTEMBER 5, 1986, AS AMENDED JULY 27,1994 AND SEPTEMBER 25,1997

whose address is 1888 EAST RD, Jacksonville, Florida 32216, hereinafter called the grantor, to

SHAUN C. PENROD and DESIREE A. PENROD, HUSBAND and WIFE,

whose post office address is: 2437 SW 33rd Cir., Okeechobee, FL 34974, hereinafter called the grantee:

Sold 5/27/2021
to
Glenwood Park LLC
F.M. Stephens

(Whenever used herein the term "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)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Okeechobee County, Florida, viz:

Legal Description as Exhibit "A"

Parcel ID Number: 3-15-37-35-0010-01210-0070

Subject to covenants, restrictions, easements of record and taxes for the current year.

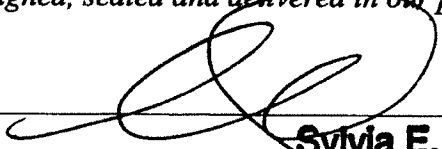
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

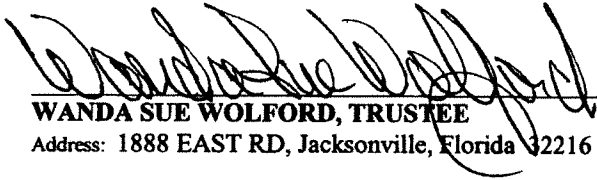
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful 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, the said grantor has signed and sealed these presents the day and year first above written.

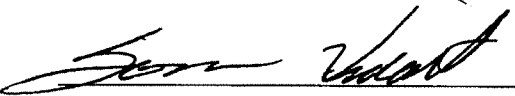
Signed, sealed and delivered in our presence:



Witness Printed Name **Sylvia E. Burk**



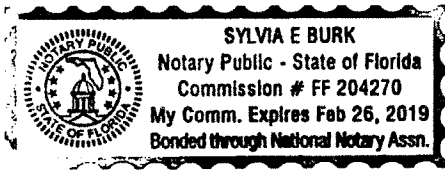
WANDA SUE WOLFORD, TRUSTEE (Seal)
Address: 1888 EAST RD, Jacksonville, Florida 32216

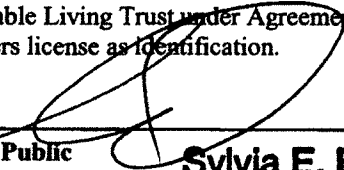


Witness Printed Name **SONSUN VIRKAITIS**

State of Florida
County of Okeechobee

The foregoing instrument was acknowledged before me this November 20, 2018, by WANDA SUE WOLFORD, TRUSTEE OF The Eva Mae Williams Revocable Living Trust F/K/A the Eva Mae Hazellief Revocable Living Trust under Agreement dated September 5, 1986, as amended July 27, 1994 and September 25, 1997, who produced a drivers license as identification.





Notary Public
Print Name: **Sylvia E. Burk**
My Commission Expires _____

Exhibit "A"

**LOTS 1 TO 12, INCLUSIVELY, BLOCK 121, CITY OF OKEECHOBEE, PLAT BOOK 5, PAGE 5,
OKEECHOBEE COUNTY, FLORIDA.**

COPY

File Number: 36444

**Legal Description with Non Homestead
Closer's Choice**



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

#21-002-AC
FILE COPY

Detail by Entity Name

Florida Limited Liability Company
GLENWOOD PARK, LLC

Filing Information

Document Number	L21000242266
FEI/EIN Number	NONE
Date Filed	05/24/2021
State	FL
Status	ACTIVE

Principal Address

17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Mailing Address

17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Registered Agent Name & Address

STEPHENS, FRANK M
17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Authorized Person(s) Detail

Name & Address

Title MGR

STEPHENS, FRANK M
17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Title MGR

2021 QUALIFIED FUND, LLC
17705 MIDDLEBROOK WAY
BOCA RATON, FL 33496

Annual Reports

No Annual Reports Filed



Jerald D Bryant, Clerk of the Circuit Court & Comptroller
Okeechobee, FL Recorded 5/28/2021 4:17 PM
Fees: RECORDING \$27.00 D DOCTAX PD \$1,190.00

#21-002-40
FILE COPY

Parcel ID Number: 3-15-37-35-0010-01210-0060

Prepared by and return to:
COLTEN ENDICOTT
Okee-Tantie Title Company, Inc.
105 NW 6th Street
Okeechobee, Florida 34972
FILE NO. 38827

Warranty Deed

This Indenture, Executed this May 21, 2021 A.D. Between

SHAUN C. PENROD and DESIREE A. PENROD, HUSBAND and WIFE,

whose address is 210 NE 3RD AVE, Okeechobee, Florida 34972, hereinafter called the grantor, to

GLENWOOD PARK, LLC., A FLORIDA LIMITED LIABILITY COMPANY,

whose post office address is: 17705 MIDDLEBROOK WAY, Boca Raton, Florida 33496, hereinafter called the grantee:

(Whenever used herein the term "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)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Okeechobee County, Florida, viz:

Legal Description as Exhibit "A"

Parcel ID Number: 3-15-37-35-0010-01210-0060

Subject to covenants, restrictions, easements of record and taxes for the current year.

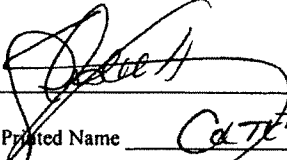
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

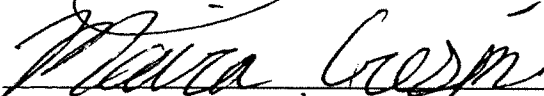
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2020.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.


Signed, sealed and delivered in our presence:



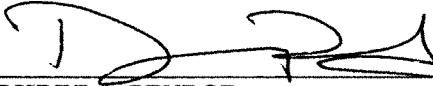
Witness Printed Name COLTEN ENDICOTT



Witness Printed Name Maira Grespim




SHAUN C. PENROD
Address: 210 NE 3RD AVE, Okeechobee, Florida 34972



DESIREE A. PENROD
Address: 210 NE 3RD AVE, Okeechobee, Florida 34972

State of Florida
County of Okeechobee

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this May 27, 2021, by SHAUN C. PENROD and DESIREE A. PENROD, HUSBAND and WIFE, who produced a drivers license as identification.



Notary Public
Print Name: COLTEN ENDICOTT
My Commission Expires APRIL 5, 2024

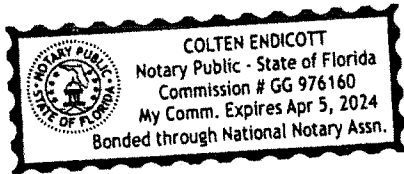


Exhibit "A"

LOTS 1 TO 12, INCLUSIVELY, BLOCK 121, CITY OF OKEECHOBEE, PLAT BOOK 5, PAGE 5,
OKEECHOBEE COUNTY, FLORIDA(da/ '04/21)

COPY

File Number: 38827

Legal Description with Non Homestead
Closer's Choice

#21-002-AC

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 requires a 10' easement on the West end of the 15' alley in Block 121 adjacent to
863-467-3708	NE 2nd Avenue, if abandoned.
Donna Padgett	

Donna Padgett Donna Padgett 863-467-3708 4-1-21
 Authorized Signature Typed Name & Title Phone No. Date

Embarq d/b/a Century Link	See attached letter dated 3/31/2021
863-452-3185	Signed by D. Kennedy
Kenneth R. Lutz	Easement Required <i>KL</i>
ken.lutz@centurylink.com	
Nre.easement@centurylink.com	

 Authorized Signature Typed Name & Title Phone No. Date

Comcast Cable	
863-763-2824	
107 NW 7 th Avenue	
Rick_Johnson@cable.comcast.com	

Rick Johnson Rick Johnson Construction Coordinator 561-402-4513 3-26-21
 Authorized Signature Typed Name & Title Phone No. Date

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

John Hayford John Hayford, Executive Director 863-763-9460 x 109 4/1/2021
 Authorized Signature Typed Name & Title Phone No. Date

Florida Public Utilities	
Ivan Gibbs	
561-723-3459	
igibbs@chpk.com	

Ivan Gibbs Ivan Gibbs Engineering Technician 561-723-3459 4-6-2021
 Authorized Signature Typed Name & Title Phone No. Date

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

Hamrick Estate	THE HAMRICK TRUST HAS A FEE INTEREST IN THE ALLEY OF
Gil Culbreth, Co-Trustee	BLOCK 121, CITY OF OKEECHOBEE
863-763-3154	

H. G. Culbreth, Jr H. G. Culbreth, Jr 863-6100265 4-2-2021
 Authorized Signature Typed Name & Title Phone No. Date

#21-002-AC



CenturyLink

3/31/2021

Shaun & Desiree Penrod
c/o Jessica Crews
Abney Building & Consulting, Inc.
201 NE 2nd Street
Okeechobee, FL 34972

No Reservations/No Objection

SUBJECT: Vacate 15' Alley, Block 121, City of Okeechobee. According to the plat recorded in Plat Book 1, Page 5 of the Public Records of Okeechobee County.

To Whom It May Concern:

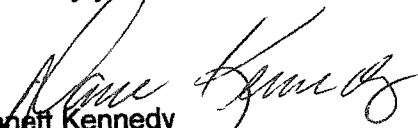
Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

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.

If you have any questions, please contact Bill Paul at 727-449-3544 / william.d.paul@centurylink.com

Sincerely yours,


Danett Kennedy
Senior Manager, DF/ROW
CenturyLink
P836107

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 alley is 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:
The alley is not sole access to any property and a remaining land will not require an easement.

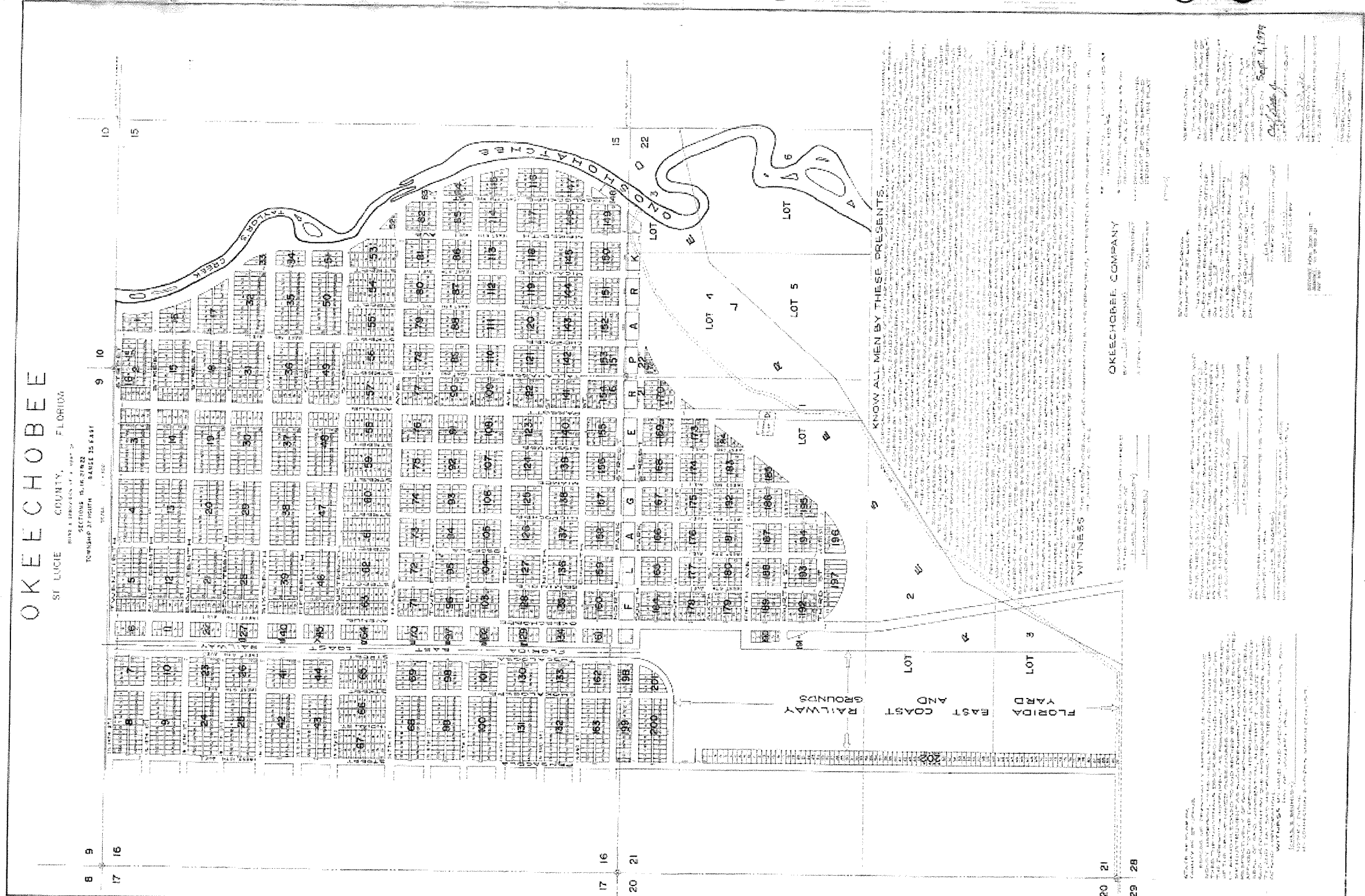
3. Proposed vacation is in the public interest and provides a benefit to the City:
The proposed vacation of the alley is within a block that will become a multifamily project, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this 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 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*.

OKEECHOBEE E

5-5



OKEECHOBEE
ST LUCIE COUNTY, FLORIDA
RANGE 35 EAST
TOWNSHIP 27 NORTH
SECTION 16
RANGE 35 EAST
TOWNSHIP 27 NORTH
SECTION 16

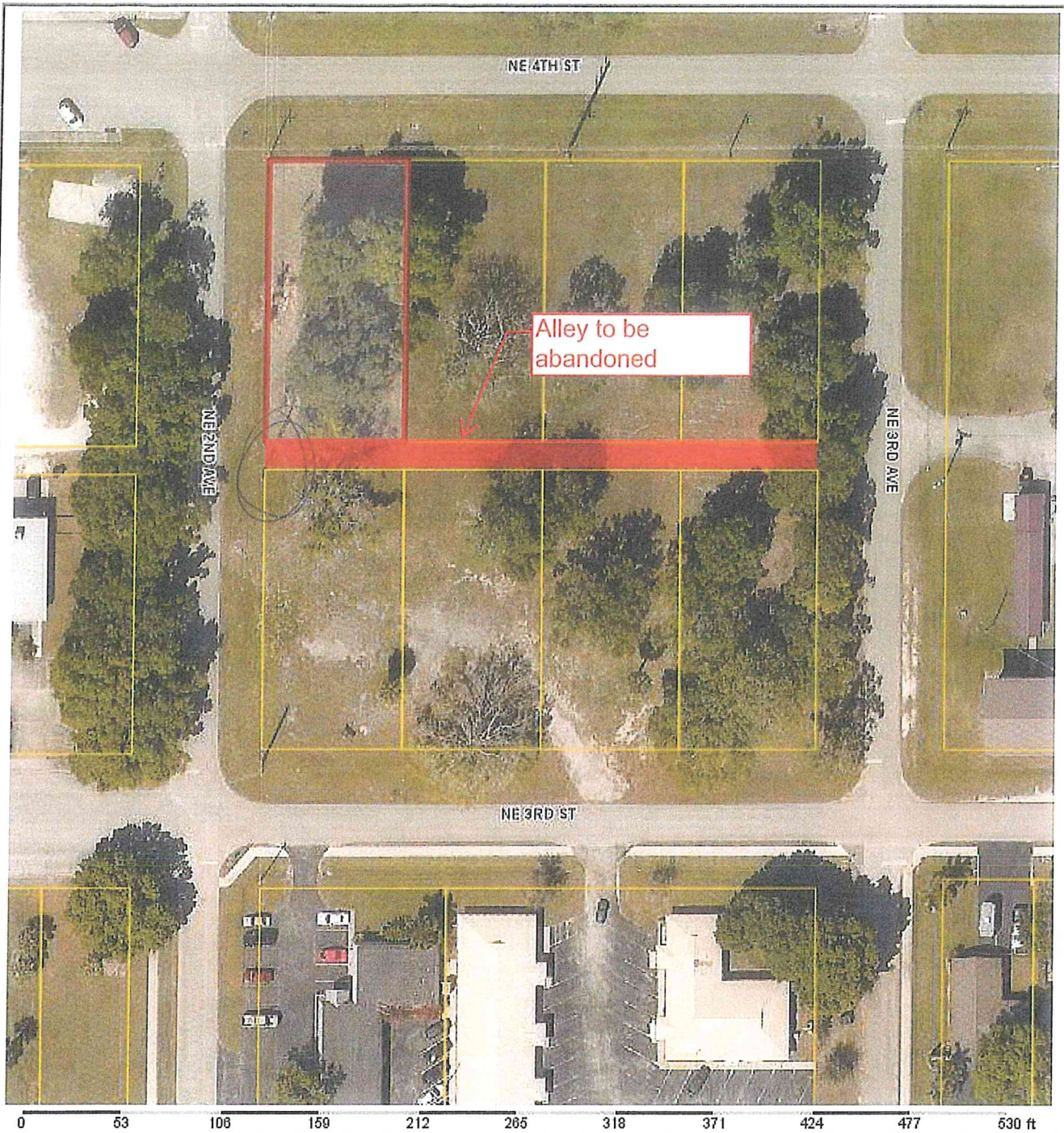
KNOW ALL MEN BY THESE PRESENTS, THAT I, the undersigned, for and in behalf of the Okeechobee Company, do hereby certify that the foregoing is a true and correct copy of the original plat of the same as the same appears on the records of the County Clerk of St. Lucie County, Florida.

WITNESS my hand and seal of office this 1st day of August, 1974.

County Clerk, St. Lucie County, Florida

OKEECHOBEE COMPANY
BY: _____
VICE PRESIDENT

WITNESS



Okeechobee County Property Appraiser Mickey L. Bandi, CFA | Okeechobee, Florida | 863-763-4422

PARCEL: 3-15-37-35-0010-01210-0060 (33817) | VACANT COMMERCIAL (1000) | 0.258 AC
 CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 6 & WEST 1/2 OF LOT 5 BLOCK 121

PENROD SHAUN C

Owner: ~~PENROD DESIREE A~~
 2437 SW 33RD CIR
 OKEECHOBEE, FL 34974-5723
 Site: NE 4TH ST, OKEECHOBEE

2020 Certified Values			
Mkt Lnd	\$21,360	Appraised	\$21,360
Ag Lnd	\$0	Assessed	\$21,360
Bldg	\$0	Exempt	\$0
XFOB	\$0	county:	\$21,360
Just	\$21,360	city:	\$21,360
		other:	\$21,360
		school:	\$21,360
		Total Taxable	

Sales Info: 11/20/2018 \$105,000 V(Q)
 10/27/1997 \$0 V(U)
 5/1/1987 \$0 V(U)

NOTES:



Okeechobee County, FL

This information, was derived from data which was compiled by the Okeechobee County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office.

GrizzlyLogic.com

**SKETCH AND LEGAL
DESCRIPTION
(THIS IS NOT A SURVEY)
15.0' ABANDONED ALLEY**

EXHIBIT "A"

#21-002-AC
FILE COPY

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION:

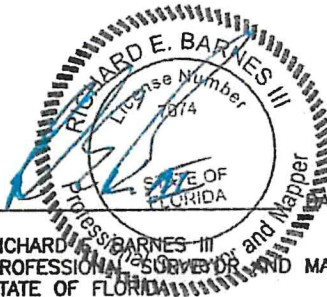
A STRIP OF LAND, 15.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 121 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 121, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 121, THENCE NORTH 00°11'04" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE NORTH 89°49'44" EAST ALONG THE NORTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 00°11'04" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 89°49'44" WEST ALONG THE SOUTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE **POINT OF BEGINNING**.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.103 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER. THIS INSTRUMENT MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT THE CONSENT OF THE SIGNING SURVEYOR.
2. LANDS DESCRIBED HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR OWNERSHIP, EASEMENTS, RIGHTS-OF-WAY OR OTHER INSTRUMENTS THAT MAY APPEAR IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.
3. THE DESCRIPTION CONTAINED HEREIN AND THE ATTACHED SKETCH DOES NOT REPRESENT A FIELD BOUNDARY SURVEY.



 SIGNED: *[Signature]* DATE: 3/29/21
 RICHARD E. BARNES III
 PROFESSIONAL SURVEYOR AND MAPPER NO. 7074
 STATE OF FLORIDA

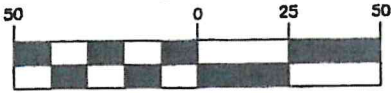


BSM & ASSOCIATES
LAND SURVEYING SERVICES
80 SE 31st Lane, Okeechobee, FL 34974
ricky.barnes@bsmsurvey.com
863.484.8324 LB 8155

**SKETCH AND LEGAL
DESCRIPTION
(THIS IS NOT A SURVEY)
15.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA**

SCALE: N/A	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 1 OF 2

GRAPHIC SCALE



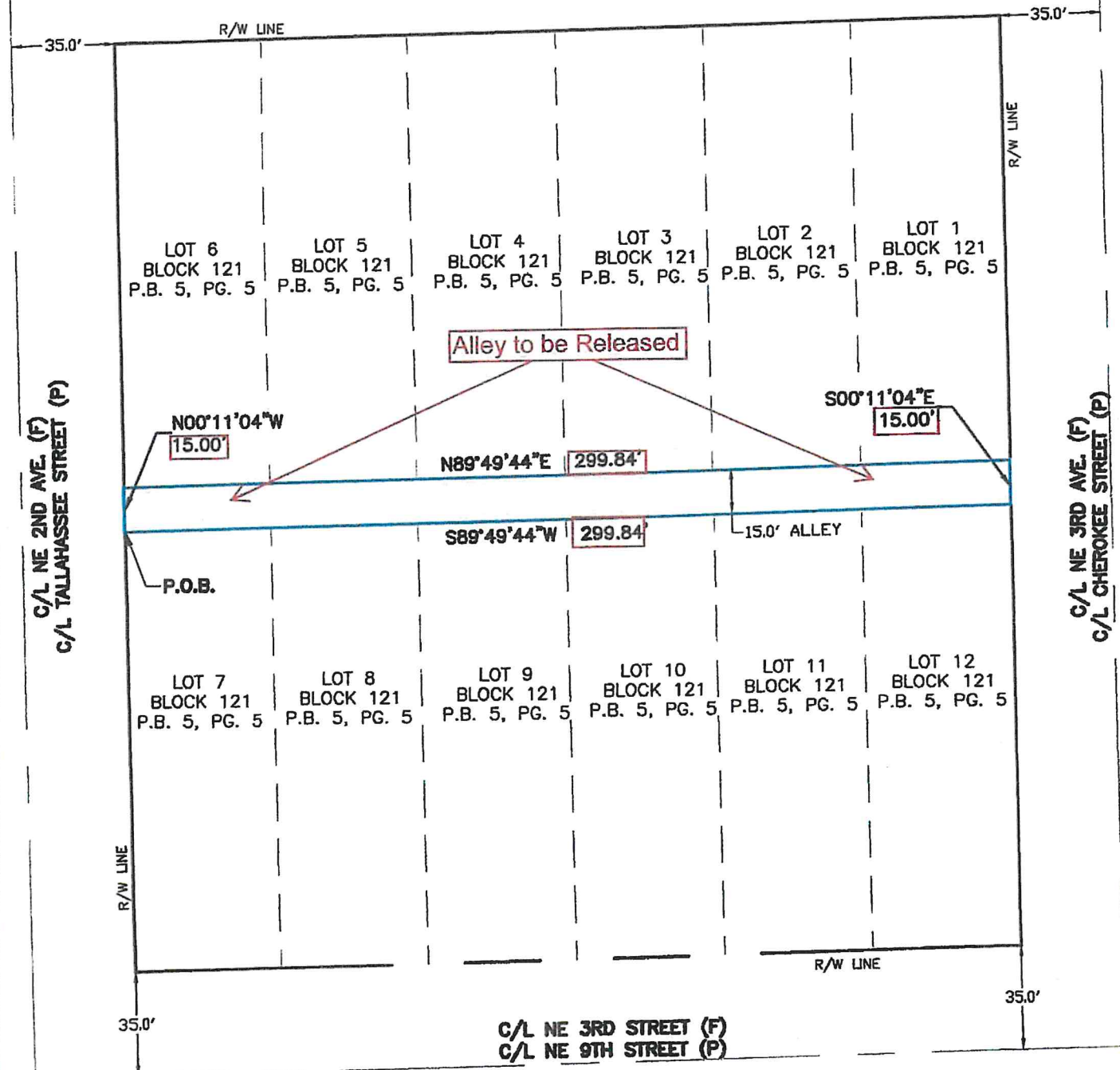
(IN FEET)

1 INCH = 50 FT.

(INTENDED DISPLAY SCALE)

LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.B. = PLAT BOOK
- PG. = PAGE
- O.R.B. = OFFICIAL RECORDS BOOK
- R/W = RIGHT OF WAY
- C/L = CENTERLINE
- (F) = FIELD
- (P) = PLAT



BSM
 & ASSOCIATES
 LAND SURVEYING SERVICES

30 SE 21st Lane, Okeechobee, FL 34974
 ricky.barnes@bsmsurvey.com
 353.484.8324 LB 8155

NOT VALID WITHOUT SHEET 1 OF 2

SKETCH AND LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)
 15.0' ABANDONED ALLEY
 OKEECHOBEE COUNTY, FLORIDA

SCALE: 1" = 50'	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 2 OF 2

#21-002-AC
FILE COPY

**SKETCH AND LEGAL
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(THIS IS NOT A SURVEY)
15.0' ABANDONED ALLEY**

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SIGNED:  DATE: 3/29/21

RICHARD E. BARNES III
PROFESSIONAL SURVEYOR AND MAPPER NO. 7074
STATE OF FLORIDA



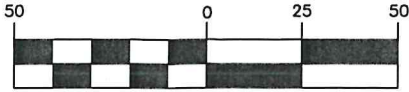
BSM & ASSOCIATES
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863.484.8324 LB 8155

**SKETCH AND LEGAL
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(THIS IS NOT A SURVEY)
15.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA**

SCALE: N/A	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 1 OF 2

GRAPHIC SCALE



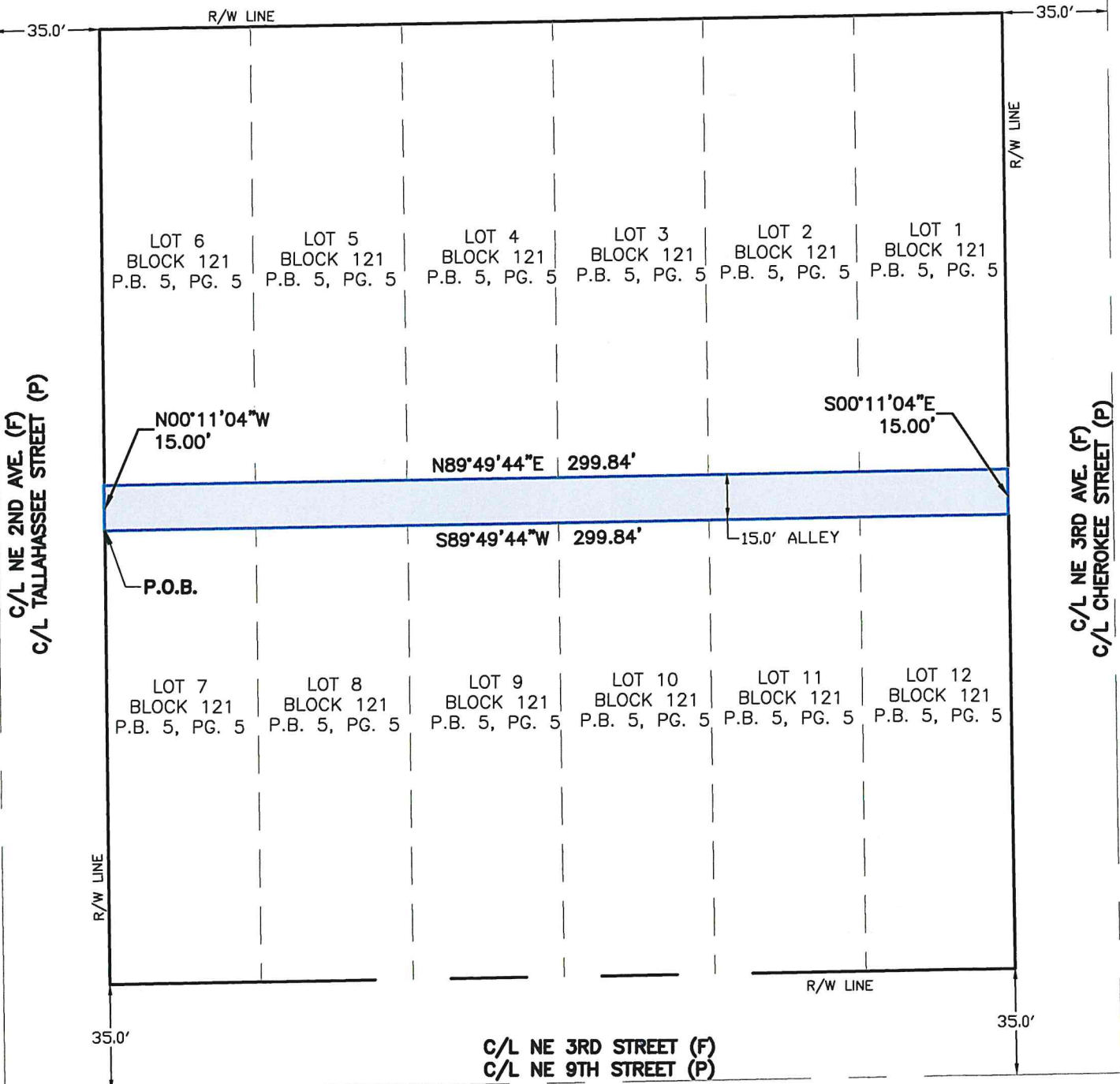
(IN FEET)

1 INCH = 50 FT.

(INTENDED DISPLAY SCALE)

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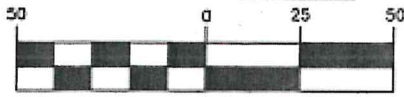
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SCALE: 1" = 50'	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 2 OF 2

GRAPHIC SCALE



(IN FEET)

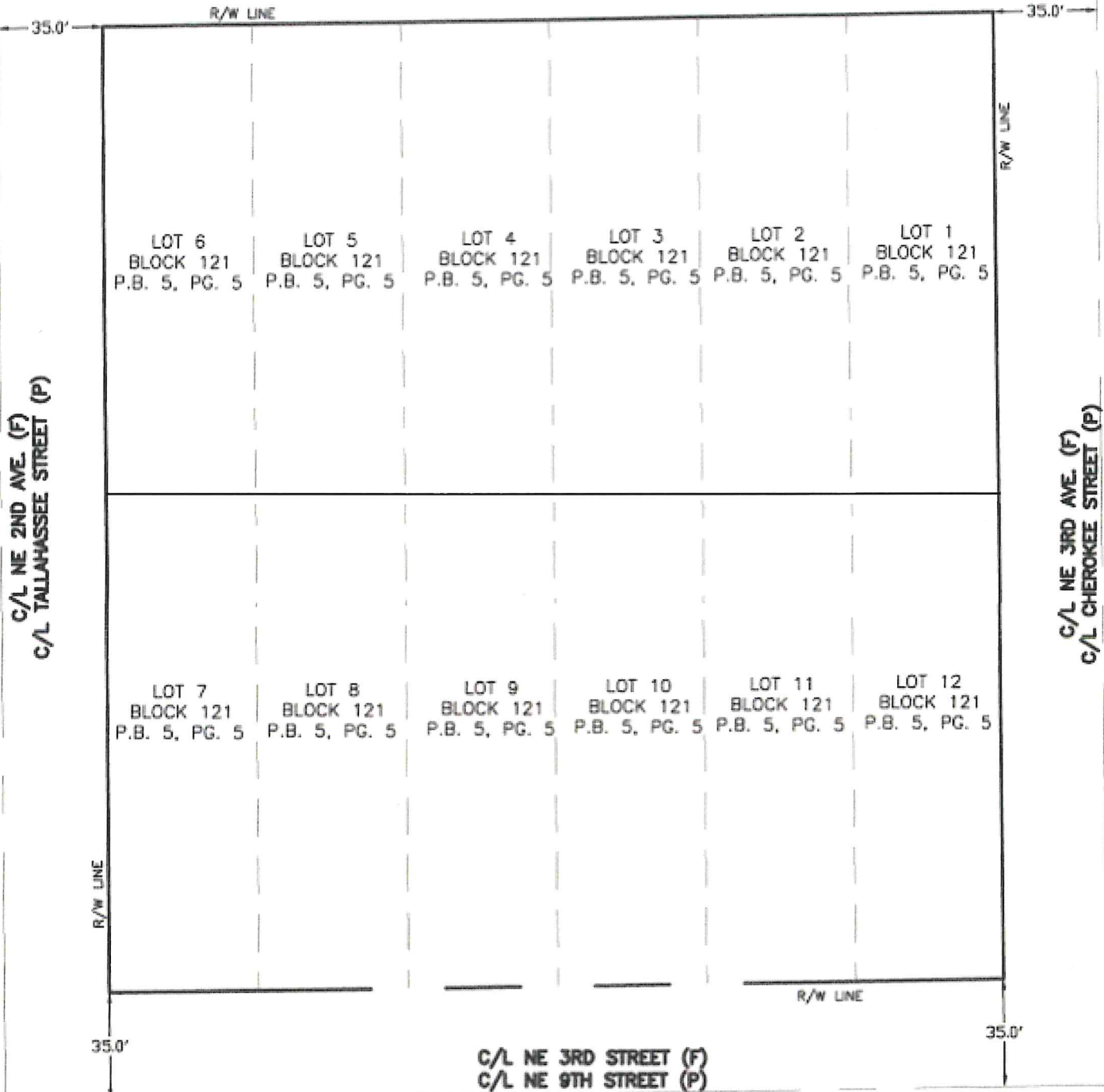
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(INTENDED DISPLAY SCALE)



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- (F) = FIELD



Site Plan of Property After Abandonment

(THIS IS NOT A SURVEY)
 20.0' ABANDONED ALLEY
 OKEECHOBEE COUNTY, FLORIDA

DATE:
03/26/21

#21-002-AC
S ← → N

NE 5TH ST



100 FT BUFFER

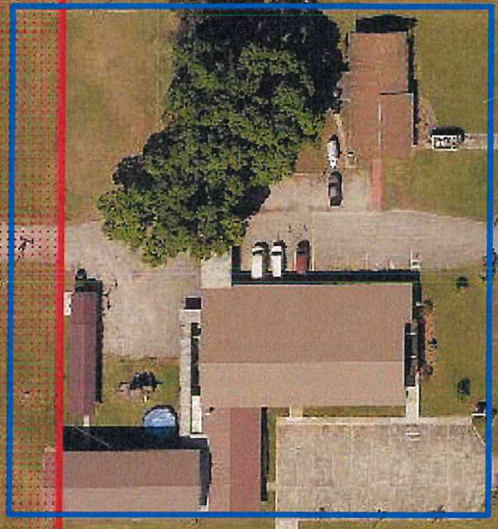
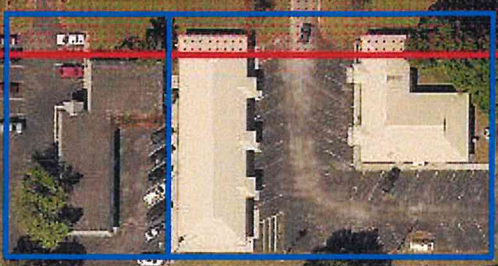
NE 4TH ST



SUBJECT PARCELS



NE 3RD ST



NE 2ND AVE

NE 3RD AVE



Penrod Surrounding Owners within 300 Feet

	PARCEL NUMBER	OWNER	ADDRESS 1	CITY	STATE	ZIP
1.	3-15-37-35-0010-01400-0010	205 N PARROT AVE HOLDINGS LLC	2740 SW MARTIN DOWNS BLVD-#247	PALM CITY	FL	34990
2.	3-15-37-35-0010-01420-0070	205 OKEECHOBEE LLC	205 NE 2ND ST	OKEECHOBEE	FL	34972-2974
3.	3-15-37-35-0010-01430-0110	BELLA ROSE DAY SPA & SALON LLC	311 NE 2ND ST	OKEECHOBEE	FL	34972-2976
4.	3-15-37-35-0010-01530-0020	BROWN MICHAEL G	P O BOX 120	OKEECHOBEE	FL	34973-0120
5.	3-15-37-35-0010-01190-0030	CANCINO MARIA	406 NE 4TH ST	OKEECHOBEE	FL	34972-2606
6.	3-15-37-35-0010-01230-0050	CBC PROPERTIES LLC ?	301 NW 4TH AVE <i>301 N. Parrott Ave</i>	OKEECHOBEE	FL	34972-2552
7.	3-15-37-35-0010-01110-0010	CHURCH OF GOD ?	301 NE 4TH AVE <i>Same</i>	OKEECHOBEE	FL	34972
7.	3-15-37-35-0010-01200-0010	CHURCH OF GOD ?	301 NE 4TH AVE <i>Same</i>	OKEECHOBEE	FL	34972
8.	3-15-37-35-0010-01440-0070	COLIN M CAMERON ESQ PA	200 NE 4TH AVE	OKEECHOBEE	FL	34972-2981
9.	3-15-37-35-0010-00890-0060	COLT PENNY M	1601 SW 35TH CIR	OKEECHOBEE	FL	34974
10.	3-15-37-35-0010-00880-0070	ENTRY MARIE	500 NE 3RD AVE	OKEECHOBEE	FL	34972
11.	3-15-37-35-0010-01120-0010	FT DRUM CORPORATION	PO BOX 1177	OKEECHOBEE	FL	34973-1177
11.	3-15-37-35-0010-01190-0010	FT DRUM CORPORATION	PO BOX 1177 <i>Same</i>	OKEECHOBEE	FL	34973-1177
12.	3-15-37-35-0010-01220-0080	GREENBERGER JANIS	P O BOX 1092	OKEECHOBEE	FL	34973-1092
13.	3-15-37-35-0010-01430-0070	GRETCHEN ROBERTSON INVESTMENT	309 NE 2ND ST	OKEECHOBEE	FL	34972-2976
13.	3-15-37-35-0010-01430-0090	GRETCHEN ROBERTSON INVESTMENT	309 NE 2ND ST <i>Same</i>	OKEECHOBEE	FL	34972
14.	3-15-37-35-0010-01530-0010	HOOVER SUSANNE C	P O BOX 78	OKEECHOBEE	FL	34973
15.	3-15-37-35-0010-01430-0010	HORNER WANDA	211 NE 4TH AVE	OKEECHOBEE	FL	34972
16.	3-15-37-35-0010-00890-0090	II PARTNERS INC	P O BOX 2293	OKEECHOBEE	FL	34973-2293
17.	3-15-37-35-0010-01100-0010	JKST HOLDINGS LLC	PO BOX 873	PORT SALERNO	FL	34992-0873
18.	3-15-37-35-0010-01190-0060	KENNEDY ARTHUR GREGORY	2328 SW 13TH ST	OKEECHOBEE	FL	34974
19.	3-15-37-35-0010-01410-0040	KIRCHMAN OIL COMPANY	P O BOX 1625	BELLE GLADE	FL	33430-6625
20.	3-15-37-35-0010-01520-0040	LAKE O PARTNERS INC	110 NE 3RD AVE	OKEECHOBEE	FL	34972
21.	3-15-37-35-0010-01090-0010	LAKE REAL ESTATE HOLDINGS LLC	400 N PARROTT AVE	OKEECHOBEE	FL	34972
22.	3-15-37-35-0010-00890-0010	LMXN HOLDINGS LLC	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
22.	3-15-37-35-0010-00890-0040	LMXN HOLDINGS LLC	1887 SW 8TH ST <i>Same</i>	OKEECHOBEE	FL	34974-3910
22.	3-15-37-35-0010-00890-0110	LMXN HOLDINGS LLC	1887 SW 8TH ST <i>Same</i>	OKEECHOBEE	FL	34974-3910
23.	3-15-37-35-0010-01420-0010	MARK J TENNISWOOD DMD PA	208 NE 3RD ST	OKEECHOBEE	FL	34972-2947
24.	3-15-37-35-0010-00880-0060	MITCHELL RONALD	1105 SW 4TH ST	OKEECHOBEE	FL	34974
25.	3-15-37-35-0010-01080-0040	MONTESI CRAIG SR	10143 CULPEPPER CT	ORLANDO	FL	32836-6340
26.	3-15-37-35-0010-01190-0090	N & A CONSTRUCTION INC	150 FULMAR TER	OKEECHOBEE	FL	34974
27.	3-15-37-35-0010-01220-0010	OKEECHOBEE PRESBYTERIAN	312 N PARROTT AVE	OKEECHOBEE	FL	34972-2933
27.	3-15-37-35-0010-01220-0040	OKEECHOBEE PRESBYTERIAN CHURCH	312 N PARROTT AVE <i>Same</i>	OKEECHOBEE	FL	34972

46 Notices Mailed

#21-009-Ac

Penrod Surrounding Owners within 300 Feet

1	3-15-37-35-0010-01220-0060	OKEECHOBEE PRESBYTERIAN CHURCH	312 N PARROTT AVE Same	OKEECHOBEE	FL	34972
8	3-15-37-35-0010-01530-0030	PALM PLAZA OF OKEECHOBEE INC	PO BOX 986	OKEECHOBEE	FL	34973-0986
6	3-15-37-35-0010-01430-0060	PENROD CONSTRUCTION COMPANY	P O BOX 3166 Apparent?	OKEECHOBEE	FL	34973-3166
9	3-15-37-35-0010-01520-0010	REGIONS BANK	250 RIVERCHASE PKWY STE 600	BIRMINGHAM	AL	35244
0	3-15-37-35-0010-01440-0030	RODRIGUEZ SOBEIDA	111 W 33RD ST	HIALEAH	FL	33012
1	3-15-37-35-0010-01190-0070	ROSE DARLA J	1411 SW 7TH AVE	OKEECHOBEE	FL	34974-5044
2	3-15-37-35-0010-01220-0100	SENIORS R ABLE INC	PO BOX 759	OKEECHOBEE	FL	34973-0759
3	3-15-37-35-0010-01230-0010	SHAMROCK MAX LLC	PO BOX 625	OKEECHOBEE	FL	34973-0625
4	3-15-37-35-0010-00880-0100	SKYLINE RENOVATION SERVICES LLC	5276 JOG LN	DELRAY BEACH	FL	33484-6650
5	3-15-37-35-0010-01420-0050	SLOAN & RILEY HOLDINGS LLC	202 NE 3RD ST	OKEECHOBEE	FL	34972-2947
6	3-15-37-35-0010-01540-0010	SPIRIT CV OKEECHOBEE FL LLC	%CVS #3237-01/OCC EXP DEPT ?	WOONSOCKET	RI	02895-6146
7	3-15-37-35-0010-00900-0010	TAMAL PROPERTIES LLC	152 PORGEE ROCK PL	JUPITER	FL	33458-1634
8	3-15-37-35-0010-00900-0070	TAMAL PROPERTIES LLC	152 PORGEE ROCK PL Same	JUPITER	FL	33458-1634
*	3-15-37-35-0010-01430-0030	THERAPY CENTER OF OKEECHOBEE !	637 SE 74TH AVE	OKEECHOBEE	FL	34974
9	3-15-37-35-0010-00890-0070	VILLEDIA BAUDILIO	201 NE 5TH ST	OKEECHOBEE	FL	34972-2605
*	3-15-37-35-0010-01410-0010	WALPOLE EDWIN E III REV LIV TR ?	P O BOX 1177	OKEECHOBEE	FL	34973
1	3-15-37-35-0010-01410-0020	WALPOLE INC ?	P O BOX 1177 Same	OKEECHOBEE	FL	34973-1177
2	3-15-37-35-0010-01410-0100	WALPOLE INC	P O BOX 1177 Same	OKEECHOBEE	FL	34973-1177
3	3-15-37-35-0010-01410-0060	WILLIAMS HAYNES E REV TRUST	206 N PARROTT AVE	OKEECHOBEE	FL	34972
4	3-15-37-35-0010-01440-0040	WILLIAMS MICHAEL JAMES	161 MILTON DR	PADUCAH	KY	42003-5574
5	3-15-37-35-0010-01410-0080	WILLIAMS SUSAN E REV TRUST	206 N PARROTT AVE Same	OKEECHOBEE	FL	34972
6	3-15-37-35-0010-00880-0040	WILLIAMSON JOHN	1200 NE 96TH ST	OKEECHOBEE	FL	34972-0505

15. KRB Realty LLC
 269 NW 9th ST
 34972

#21-002-AC



City of Okeechobee

55 SE Third Avenue
Okeechobee, FL

Tele: 863-763-3372 Ext. 9824
Fax: 863-763-1686

Dear Property Owner:

June 30, 2021

The Planning Board will be considering Abandonment of Right-of-Way Petition No. 21-002-AC which requests to abandon the Alleyway lying East to West between Lots 1 to 6 and 7 to 12 of Block 121, CITY OF OKEECHOBEE, PB 1 and 5/PGS 10 and 5, Public Records, Okeechobee County, at a Public Hearing, held at City Hall, RM 200 on **Thursday, July 15, 2021, 6 PM**, or as soon thereafter as possible. You are receiving this courtesy notice as a property owner within 300-FT of the location. You are invited to attend and be heard in person, or you may submit your questions, comments or objections by 3 PM the day of the meeting by email: pburnette@cityofokeechobee.com, or call the number above. The Planning Board will make recommendations concerning the petition to the City Council for consideration, at a Final Public Hearing tentatively on September 7, 2021, 6:00 PM.

The Petition file, agenda and up to date information about this meeting can be viewed online at cityofokeechobee.com/AgendaMinutes-PlanningBoard.html or at City Hall, Rm 100 during normal office hours or contact my office to have a copy emailed.

Respectfully,
Patty Burnette, General Services Coordinator



City of Okeechobee

55 SE Third Avenue
Okeechobee, FL

Tele: 863-763-3372 Ext. 9824
Fax: 863-763-1686

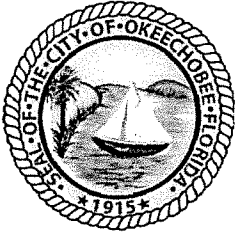
Dear Property Owner:

June 30, 2021

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Respectfully,
Patty Burnette, General Services Coordinator



CITY OF OKEECHOBEE

55 SE THIRD AVENUE
OKEECHOBEE, FL 34974
Tele: 863-763-3372 Fax: 863-763-1686

CERTIFICATION FOR POSTING NOTICE OF PUBLIC HEARING FOR REZONING/SPECIAL EXCEPTION/VARIANCE PETITION(S)

Instructions:

1. Must be posted on the subject property.
2. Must be posted prominently.
3. Must be visible from the most traveled street adjacent to the subject property.
4. There is no specific height or size requirement, provided that the sign can be easily seen by cars or pedestrians that pass by the subject property.
5. Must be posted beginning 15 days prior to the first Public Hearing and remain posted continuously during this time. When a second Public Hearing is required before the City Council, it must remain posted until the final Public Hearing has been conducted.
6. Must be removed within 7 days after the final Public Hearing.

Petition Number(s): 21-002-AC Date of 1st Public Hearing: July 15, 2021

Address of subject property (or Legal if no address): Lying between Lots 1 through 6 and 7

I, David Allen, hereby certify that I posted the "Notice of Public Hearing" sign in accordance with the above instructions on June 30, 2021, and will remove sign on September 7, 2021.

Signature: TDL

Date: 6-30-21

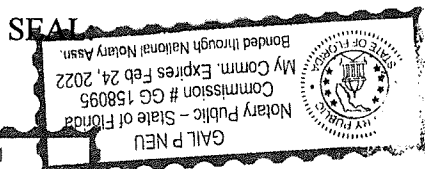
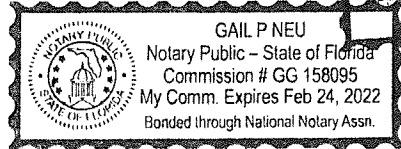
STATE OF FLORIDA
COUNTY OF OKEECHOBEE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 30 day of June, 2021, by David Allen, who is personally

(Name of person)
as identification.

known to me or produced _____
Gail P Neu
NOTARY PUBLIC SIGNATURE
STATE OF FLORIDA

GAIL P Neu
Commissioned Notary Name



NOTICE OF PUBLIC HEARING

RIGHT OF WAY ABANDONMENT PETITION No. 21-002-AC

DATE: JULY 15, 2021, 6 PM, AT CITY HALL

**PURPOSE: TO ABANDON THE ALLEYWAY LYING EAST TO WEST
BETWEEN LOTS 1 TO 6 AND 7 TO 12 OF BLOCK 121,
AS RECORDED IN PLAT BOOKS 1 AND 5, PAGES 10
AND 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY.**

APPLICANT: SHAUN AND DESIREE PENROD

PROPERTY OWNER: SHAUN AND DESIREE PENROD

**FURTHER INFORMATION CONTACT: General Services Dept,
863-763-3372, Ext 9824 55 SE 3rd Ave, Okeechobee, FL 34974**

#21-002-AC

ORDINANCE NO. 1247

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA RELATING TO THE DEMOLITION OF BLIGHTED STRUCTURES; AMENDING THE CITY CODE OF ORDINANCES AT CHAPTER 30, ARTICLE II “NUISANCE” BY SPECIFICALLY AMENDING SECTION 30-31 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 30-43 “PUBLIC NUISANCES”; SPECIFICALLY AMENDING SECTION 30-74 “RESERVED”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City has determined that as many as ten percent of the structures within its jurisdiction pose an imminent threat to the public health, safety, and welfare of its citizens; and,

WHEREAS, City Council has determined that the Chapter 30 of its Code of Ordinances should be amended and updated to provide a procedure for the demolition of blighted and dangerous structures; and,

WHEREAS, the City Council finds that this ordinance promotes the public health, safety and welfare of its citizens and inhabitants of the City, pursuant to Article VIII, Section 1(g), Florida Constitution.

NOW, THEREFORE, be it ordained before the City Council of 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; that:

Section 1: Recitals.

The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2:

That the City Council for the City of Okeechobee, Florida amends herein Part II of the Code of Ordinances Chapter 30 - Environment, Article II – Nuisances, Sec. 30-31 – Definitions, to read as follows:

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned property means wrecked or derelict items of property of little inherent value, including junk as defined in this section, that is placed, stored, or abandoned at a public place or right-of-way, or such items of property owned by a private person or business entity, and which are located or placed at a location other than the lands owned or leased by such private individual or business entity.

Accumulate (store, keep, hold, and retain) means the retention or storage of one item, as well as the amassing of more than one item.

Blighted structure means a structure which has deteriorated to such a degree that it impairs the sound growth of the City or impairs the public health, safety, or welfare of the general public.

Dangerous structure means a structure with one or more of the following criteria: (a) a structure that has been declared an unsafe structure by the City’s building official; (b) a structure that has been abandoned for more than one hundred and eighty (180) days; (c) a structure, or a portion thereof, that has been damaged by fire, flood, wind, or other natural phenomena such that the structure poses an a threat to the public health, safety or welfare of the general public or occupant; (d) a structure so

unsanitary that it is unfit for human habitation, or is likely to cause sickness; and (e) a structure, or a portion thereof, as a result of decay, deterioration, or dilapidation is likely to fully or partially collapse.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food items.

Junk means items that include but is not limited to, scrap metal, used tires, and those items such as dismantled or partially dismantled non-operative or discarded machinery, appliances, household items; equipment, motor vehicles, motorcycles, tractors, motors, farm implements, trailers, frames or parts thereof, and used boats and vessels. The intent of the City is to totally ban such items from public view as provided in this article. Accordingly, for purpose of this definition, it is immaterial whether the junk items are claimed to have inherent value; whether such junk is evidenced by a title or certificate or origin; whether it is accumulated for salvage, resale, or rehabilitation; or whether the items could eventually be made to be operative. This article shall not prevent authorized garage or yard sales, or displays at permitted non-profit events, or festivals.

Refuse means all putrescible and nonputrescible solid wastes (except bodily waste) including, but not limited to, garbage, rubbish, ash, street cleanings, dead animals, abandoned automobiles, junk, and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard trash, wood, glass, bedding, crockery and similar materials.

Street advertising means the placement by a business owner, tenant, agent or custodian thereof, of signs or items for display to the general public outside of their building or structure, for advertising purposes on the grounds of the business.

Untended vegetation means grass, weeds or underbrush in excess of 12-inches in height from the ground, dead trees, hedges or any dense growth of trees, vines or other vegetation which tends to create a danger to the public health, safety and welfare by creating a fire hazard; by providing a nesting, breeding or feeding area for insects, rodents, snakes or other species of pest and vermin, or disease bearing organism; or such vegetation impairing the vision of motorists or bicyclists or impeding pedestrians to the extent that traffic and pedestrian safety is impaired; or by adversely affecting the aesthetic appearance to the property upon which the vegetation is located and adjacent properties.

Section 3:

That the City Council for the City of Okeechobee, Florida amends herein Part II of the Code of Ordinances, Chapter 30 - Environment, Article II – Nuisances, Sec. 30-43- Public nuisances, to read as follows:

- (a) "Public nuisance" as defined in this section, means the existence of excessive accumulation of litter or untended vegetation, garbage, weeds, or other dead or living plant life; or places holding stagnant water, and all other objectionable, unsightly or unsanitary matter upon any lot, track of land within the City, whether uncovered or under shelter, to the extent and in the manner that such lot or parcel of land is, or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, including such condition causing or tending to cause disease, or by reason of such a condition, tends to impair the economic welfare of adjacent property; including abandoned or junk property as defined by this article; blighted structures and dangerous structures as defined in this article; unsightly, derelict or unsafe building or structure which may constitute a

hazard to safety, health, welfare or sense of public aesthetics by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

- (b) All nuisances are declared to be a public nuisance and illegal within the municipal boundaries of the City, and shall be removed, corrected, or otherwise satisfied at the direction of the City as provided in this article.
- (c) Any nuisance, except such nuisance as would be determined to be an emergency, existing within the City shall be brought before the ~~Code Enforcement Board~~ Special Magistrate of the City as provided in Florida Statute Chapter (F.S. Ch.) 162. Upon determination by the ~~board~~ Special Magistrate that a nuisance does in fact exist, the landowner or custodian thereof shall take whatever corrective measures as directed by the ~~board~~ Special Magistrate, within the time period provided by the ~~board~~ Special Magistrate. The remedies available to the ~~Code Enforcement Board~~ Special Magistrate, in addition to those set forth in F.S. Ch. 162, shall include the authority to authorize clean up or repair of the property to come into compliance; to recommend suspension or revocation of an ~~occupational license~~ Business Tax Receipt until the property comes into compliance; and such further remedies as provided by law. If the code enforcement officer or other official designated by the City Administer has reason to believe a violation or the condition causing the nuisance presents a serious threat to the public health, safety, or welfare, or is irreparable or irreversible in nature, he shall make a reasonable effort to notify the violator, and may immediately notify the ~~Code Enforcement Board~~ Special Magistrate and request a hearing.
- (d) If the owner, agent or person in custody of any property upon which such nuisance should exist, fail, neglect or refuse to comply with the direction of the ~~Code Enforcement Board~~ Special Magistrate within the time provided, and such is verified by the Code Enforcement Officer or City Administrator's designated official, and the Code Enforcement Officer or City Administrator's designated official confirms that the person responsible was noticed of the ~~board~~ Special Magistrate's action by certified mail, the Code Enforcement Officer or City Administrator's designated official is empowered to authorize the property to be cleaned and the nuisance abated by his own agents or authorized contractors. Prior to commencing such abatement, the Code Enforcement Officer or City Administrator's designated official shall obtain a reasonable estimate for such abatement and present the estimate to the City Administrator for approval. If in the opinion of the City Administrator the cost of abatement exceeds the reasonable value of the property or is otherwise not warranted, then enforcement of the order of the ~~Code Enforcement Board~~ Special Magistrate may proceed via other available alternatives under law. If abatement is approved, the Code Enforcement Officer or City Administrator's designated official, his agents or contractors are authorized to enter upon such property and take whatever remedial measures are necessary to abate the nuisance to comply with the order of the ~~Code Enforcement Board~~ Special Magistrate, and to protect the health, welfare, and safety of the citizens of the City. Notwithstanding this procedure, if the City Administrator should determine that the nuisance is in the nature of an emergency or of such an immediate danger or risk to the public as to imminently affect the public health, safety, or welfare of the general public, then the City may enter upon such property at any time to take whatever remedial action as is deemed reasonable and necessary to abate the nuisance to ensure the public health and safety. In such instance, the City shall attempt all reasonable means to give the landowner, agent, or person in custody of the

property advance notice of the proposed actions of the City, although failure to achieve actual notice shall not prevent such abatement.

- (e) All costs incurred under this section for the abatement of the nuisance, including administrative ~~code-enforcement~~ expenses; labor, equipment, and material expenses; and any costs reasonably related to the abatement shall be the responsibility of the landowner. The total costs as calculated by the Code Enforcement Officer or City Administrator's designated official shall be included in a resolution presented to the City council, who shall levy a special assessment lien against such lot. Such resolution shall describe the landowner, parcel number, legal description of parcel or lot, and provide the total cost assessed. Until payment is made in full, such assessment shall be a legal valid and binding obligation and lien upon the property. The assessment shall become due and payable to the City as of the date of mailing a copy of the resolution by certified mail by the Code Enforcement Officer or City Administrator's designated official. Thirty (30) days after mailing, interest shall commence to accrue on the assessment at the rate of 12 percent per annum on any unpaid portion thereof.
- (f) As soon as possible after the assessment has been levied, a certified copy of the resolution shall be recorded in the official records of the county clerk of court. The lien shall become effective as of the date of filing such copy with the clerk of the circuit court.
- (g) The property lien created under the provisions of this article, together with interest thereon, may be enforced by civil action, including foreclosure in the appropriate court in the county. The liens created by this article shall be a first lien equal in dignity and priority to a lien for nonpayment of property taxes, on any property against which an assessment of costs to abate the nuisance has been filed, and shall continue in full force from the date of recording until discharged by satisfaction or foreclosure.
- (h) Notwithstanding the procedures available to the City by this article, the City retains the right and ability to proceed against the lot or parcel for abatement of a nuisance by F.S. Ch. 60, or any other applicable provision of state laws.

SECTION 4:

That the City Council for the City of Okeechobee, Florida amends herein Part II of the Code of Ordinances, Chapter 30 - Environment, Article II – Nuisances, Sec. 30-47- Demolition of blighted and dangerous structures, to read as follows:

- (a) Legislative Intent and findings. The City declares blighted structures and dangerous structures as defined in Section 30-31 to be a public nuisance and subject to regulation. The City pursuant to the authority granted by law is empowered to make regulations and take actions to promote the general health, safety, and welfare of the general public and to present, abate and remove nuisances, including the condemnation, demolition, and clearance of blighted structures and dangerous structures.
- (b) Procedure for Demolition of blighted structures and dangerous structures.
 - (1) Inspection; Initiation of enforcement proceedings. The Code Enforcement Officer or City Administrator shall designated officials, who shall inspect any structure, or portion thereof, to determine if it is a blighted structure or dangerous structure. If the said official determines that the structure, or portion thereof, meets the definition of a blighted structure or dangerous structure, the official shall initiate proceedings to cause the abatement of the public nuisance through condemnation, demolition, and removal.

- (2) Notice of Violation and Order to Demolish. Upon determination that a structure, or portion thereof, is a blighted structure or dangerous structure, the City shall promptly issue a Notice of Violation and Order to Demolish to the property owner of record. The Notice of Violation and Order to Demolish shall contain, but not be limited to, the following:
- a. The street address and legal description of the blighted structure or dangerous structure.
 - b. A statement indicating that the blighted structure or dangerous structure is a public nuisance, with the specific code sections cited and a copy of the statement of conditions leading to that determination.
 - c. A statement indicating the date by which the owner of record must demolish the blighted structure or dangerous structure and a date by which the blighted structure or dangerous structure must be vacated (if applicable).
 - d. A statement advising that if the owner of record does not demolish the blighted structure or dangerous structure, that the City will seek to cause it to be demolished and that demolition and clearance may include the removal and disposal of all associated debris, accessory structures, vehicles, and tangible personal property from the parcel.
 - e. A statement advising that failure to complete the required demolition within the timeframe specified by the City will result in a hearing before the Special Magistrate; the entry of an order authorizing demolition, the imposition of a lien; and/or foreclose on the property itself to recover the fines and costs incurred.
 - f. Further, the Order to Demolish shall contain, at a minimum, language substantially similar to the following:

ORDER TO DEMOLISH STRUCTURE

This structure shall be demolished pursuant to Section 30-47 of the City of Okeechobee's Code of Ordinances. THIS STRUCTURE MUST BE VACATED AND SHALL NOT BE OCCUPIED. Persons inhabiting this structure should vacate immediately, but in no case more than 48 hours after posting of this notice. The owner(s) of this structure shall demolish this structure immediately or the City of Okeechobee may cause the structure to be demolished and cleared at the owner's expense. Demolition and clearance will include all tangible personal property on the site, such as vehicles, appliances, etc. IT IS UNLAWFUL TO REMOVE OR TO MUTILATE THIS NOTICE.

(c) Posting of the Notice of Violation and Order to Demolish.

- (1) In addition to the requirements for the serving and posting of Notices of Violation cited in the City's Code of Ordinances, the Notice of Violation and Order of Demolition shall also be posted at each exit and entrance of the blighted structure or dangerous structure along with a statement advising that the structure is unsafe, and its use or occupancy has been prohibited by the City. Such Notice of Violation and Order of Demolition shall remain posted until the demolition is complete. It shall be unlawful for any person to remove such notice or enter the structure without written permission of the City after the Notice has been posted. It shall be further unlawful for any person to enter the structure for the purpose of demolishing it, or portions thereof, without the necessary permits.

- (2) The Notice of Violation and Order to Demolish shall also be recorded in the Public Records of Okeechobee County, Florida. The recording of same shall constitute constructive notice to any subsequent purchasers, transferees, grantees, mortgagors, mortgagees, lessees, lienors, and all persons having, claiming, or acquiring any legal or equitable interest in the blighted or dangerous structure that the subject of the Order to Demolish.
- (3) Upon the recording of the Notice of Violation and Order to Demolish, no permits regarding the blighted structure or dangerous structure will be issued (except for the necessary permits required for demolition) unless and until authorized by a Special Magistrate or court of competent jurisdiction after appeal, or unless a City official withdraws the Order to Demolish.
- (d) Administrative Hearing Before the Special Magistrate.
- (1) If the blighted structure or dangerous structure has not been demolished by the date established by the City in its Notice of Violation and Order of Demolition, the matter shall proceed to hearing before the Special Magistrate. At the conclusion of the hearing, the Special Magistrate shall issue a Final Order which shall contain findings of fact determining if the Notice of Violation and Order of Demolition is justified and supported by competent substantial evidence along with detailed requirements that the owner of record must comply with.
- (2) If the owner of record is aggrieved by the decision of the Special Magistrate, the owner may appeal the decision to the Courts sitting in the 19th Judicial Circuit within thirty (30) days of the record owner's receipt of the Special Magistrate's Order.
- (3) The Order to Demolish shall automatically become a final order by operation of law in the event that no written appeal of the order is timely filed.
- (4) When an Order to Demolish becomes final, either by operation of law or by judgment or court ruling, the Order to Demolish shall be conspicuously posted on the blighted or dangerous structure.
- (e) Recovery of costs and fines.
- (1) The demolition and clearance by owner of record or by the City in the manner provided for in this Section is deemed to constitute an activity performed for the protection, benefit, and welfare of the general public and also for the benefit of the property itself. As a result, the owner of record shall be responsible for the costs of demolishing and clearing the blighted structure or dangerous structure, whether the owner of record or the City completes the demolition and clearance.
- (2) If it is necessary for the City to demolish a blighted structure or dangerous structure in accordance with this Section, the City may perform the work itself or may contract with an individual, firm, or other legal entity for such services. An invoice shall be submitted to the owner of record for payment of the costs incurred by the City or its contractor. The owner of record shall be required to pay all costs incurred, including any administrative costs, within thirty (30) days of the date of the invoice. It is a violation of this Section to fail to timely pay an invoice.
- (3) If payment is not made by the owner(s) within thirty (30) days of the date of the invoice, the City shall impose a lien/special assessment upon the property for the costs of demolition, clearance, administrative costs, and recording fees. The lien/special assessment shall be of the same priority as liens/special assessments for ad valorem taxes, and as it represents costs expended for the benefit of the property itself, the lien/special

assessment shall be superior to all other encumbrances, whether secured and regardless of priority. Such lien/special assessment shall be duly recorded in the official records of the county and shall accrue interest at the statutory rate from the date of recording. Upon foreclosure of the lien/special assessment, the City shall be entitled to all costs and attorney's fees incurred as a result.

SECTION 5: SEVERABILITY.

If any section, subsection, clause, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

SECTION 6: CONFLICT.

All sections or parts of sections of the City of Okeechobee Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

SECTION 7: Inclusion in the Code of Ordinances.

It is the intention of the City Council of the City of Okeechobee, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Okeechobee Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

SECTION 8: EFFECTIVE DATE.

This Ordinance shall become effective immediately after its adoption at the second and final City Council Public Hearing

INTRODUCED for First Reading and set for Final Public Hearing on this **21st** day of **December 2021**.

Dowling R. Watford Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this **18th** day of **January 2022**.

Dowling R Watford Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney