

This instrument was prepared by
City Attorney's Office
121 S.W. Port St. Lucie Boulevard
Port St. Lucie, FL 34984



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

TERMINATION OF RESTRICTIVE COVENANT

WHEREAS, on May 26, 1998, a Restrictive Covenant was executed by Frank M. DiTroia and Virginia R. DiTroia (the "Former Owners") and subsequently recorded on October 12, 1998, in Official Records Book 1177, Page 1547, of the Public Records of St. Lucie County, Florida, encumbering the following described property, to wit:

Lots 33 and 34, Block 647, Port St. Lucie Section Thirteen, according to the plat thereof, as recorded in Plat Book 13, Pages 4, 4A through 4M, of the Public Records of St. Lucie County, Florida (the "Subject Property").

WHEREAS, by said Restrictive Covenant, the Former Owners stated that they are the owners of the Subject Property, they have a principal residence on Lot 34, they occupy the Subject Property as one single residential unit, and they intend to restrict the Subject Property so that it can be occupied and used only as one single residential unit; and

WHEREAS, the Restrictive Covenant was created for the purpose of combining the Subject Property so Lots 33 and 34, Block 647, Port St. Lucie Section Thirteen, would be assessed by the City of Port St. Lucie as a single equivalent residential connection (ERC) for the special assessment program to fund the extension of utility services to all properties located within the assessment area, including the Subject Property; and

WHEREAS, the Former Owners, by Quit-Claim Deed dated October 11, 1999, and recorded in Official Records Book 1285, Page 2001, of the Public Records of St. Lucie County, Florida, conveyed title to the Subject Property to Frank M. DiTroia and Virginia R. DiTroia, as Trustees of the Irwin and Virginia R. DiTroia Revocable Living Trust, under Declaration of Trust dated October 11, 1999; and

WHEREAS, on August 17, 2007, an Affidavit was executed by Virginia R. DiTroia and recorded in Official Records Book 2870, Page 1461, of the Public Records of St. Lucie County, Florida, attesting to the fact that that the correct name of the Trust referenced in the Quit-Claim Deed recorded in Official Records Book 1285, Page 2001, is the "Frank M. DiTroia and Virginia R. DiTroia Revocable Living Trust under Declaration of Trust dated October 11, 1999" (the "Trust"), and that there is no other trust known by the affiant entitled "Irwin and Virginia R. DiTroia Revocable Living Trust under Declaration of Trust dated October 11, 1999."

WHEREAS, on May 8, 2012, an Affidavit was executed by Virginia R. DiTroia and recorded in Official Records Book 3391, Page 509, of the Public Records of St. Lucie County, Florida, attesting to the fact that the Subject Property is included in and still a part of the Trust, that the Trust is still in full force and effect, and that she is the Trustee of the Trust; and

WHEREAS, Virginia R. DiTroia, individually and as Trustee of the Frank M. and Virginia R. DiTroia Living Trust, created under Declaration of Trust Agreement dated October 11, 1999, by Warranty Deed dated May 8, 2012, and recorded in Official Records Book 3391, Page 510, of the Public Records of St. Lucie County, Florida, conveyed title to the Subject Property to Arlene A. DiTroia (the "Current Owner").

WHEREAS, the Current Owner wishes to separate Lots 33 and 34 and no longer desires to occupy the Subject Property as one single residential unit; and

WHEREAS, the City of Port St. Lucie agrees to the Termination of said Restrictive Covenant, upon payment of the total sum of Two Hundred Dollars and Zero Cents (\$200.00), which sum represents the administrative fee for processing the request to terminate the Restrictive Covenant, there being no outstanding assessments due and owing on the Subject Property based upon equivalent residential connections (ERC) within the Utility Service assessment area.

NOW, THEREFORE, for and in consideration of the sum of \$200.00, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the City of Port St. Lucie hereby covenants and agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. The City of Port St. Lucie hereby acknowledges receipt of full and complete payment in satisfaction of the referenced Restrictive Covenant and said Restrictive Covenant is hereby released, satisfied, and discharged in its entirety.
3. The Restrictive Covenant recorded in Official Records Book 1177, Page 1547, of the Public Records of St. Lucie County, Florida, restricting the Subject Property to one single residential unit is hereby terminated.
4. By the Termination of said Restrictive Covenant, the lots described herein may each be subject to assessments by the City of Port St. Lucie as a separate residential unit.
5. Lots 33 and 34, Block 647, Port St. Lucie Section Thirteen, may be developed independently of each other in accordance with the rules and regulations of the City of Port St. Lucie.

IN WITNESS WHEREOF, the City of Port St. Lucie, Florida, a Florida municipal corporation, has caused this Termination of Restrictive Covenant to be executed by its proper and duly authorized public official on this ____ day of January 2022.

WITNESSES

CITY OF PORT ST. LUCIE,
a Florida municipal corporation

Signature
Print Name: _____

By: _____
Shannon M. Martin, Mayor

Signature
Print Name:_____

STATE OF FLORIDA)
COUNTY OF ST. LUCIE)

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this ____ day of January 2022, by Shannon M. Martin as Mayor of the City of Port St. Lucie, and on behalf of the City of Port St. Lucie who is [X] personally known to me, or who has [] produced the following identification _____.

NOTARY SEAL/STAMP

Signature of Notary Public
Print Name: _____
Notary Public, State of Florida
My Commission expires _____