

COUNCIL ITEM 8B
DATE 4/9/07

COUNCIL ITEM 10D
DATE 3/12/07

CITY OF PORT ST. LUCIE, FLORIDA

ORDINANCE NO. 07-34

**AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA
ESTABLISHING THE SOUTHERN GROVE COMMUNITY
DEVELOPMENT DISTRICT NO. 2; MAKING CERTAIN
FINDINGS REGARDING THE DISTRICT; DESCRIBING THE
EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING FIVE
PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF
THE BOARD OF SUPERVISORS; PROVIDING FOR CERTAIN
SPECIAL POWERS; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ST.
LUCIE, FLORIDA:**

SECTION 1. AUTHORITY FOR THIS ORDINANCE. The City of Port St. Lucie, Florida (the "City") is authorized to adopt this ordinance under the authority granted by the provisions of Chapter 166, Florida Statutes, as amended, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby found and determined that:

A. Horizons Acquisition 5, LLC, a Florida limited liability company (the "Petitioner"), the owner of 100% of certain real property (the "Property") within the proposed District (hereinafter defined) (other than the portion of the Property, if any, previously conveyed to the City for right-of-way and utility purposes), has petitioned the City to form a community development district for the Property within the meaning of the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes (the "Act") as a reasonable and appropriate method of providing the infrastructure to serve residents of the Property. The District would be known as the "Southern Grove Community Development District No. 2" (the "District") and the boundaries of the District would be coterminous with the boundaries of the Property.

B. The City has conducted a public hearing on the Petition in accordance with the requirements of section 190.005(1)(d) and has considered the record of the public hearing and the factors set forth in section 190.005(1)(e) of the Act, among other factors, and hereby finds that:

1. All statements in the Petition have been found to be true and correct;

2. The creation of the District is not inconsistent with any applicable elements or portion of the State of Florida's comprehensive plan or of the effective City comprehensive plan;

3. The area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;

4. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;

5. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

6. The area that will be served by the District is amenable to separate special-district government.

C. The City now desires to grant the Petition and to establish the District, as more fully set forth herein.

SECTION 3. ESTABLISHMENT OF DISTRICT; NAME. The City hereby grants the Petition and establishes the District as a community development district within the meaning of the Act and as an independent special district within the meaning of Chapter 189, Florida Statutes. The name of the District shall be the "Southern Grove Community Development District No. 2."

SECTION 4. EXTERNAL BOUNDARIES. The external boundaries of the District shall be as set forth on Exhibit A hereto.

SECTION 5. INITIAL MEMBERS OF BOARD OF SUPERVISORS. The five persons to be the initial members of the Board of Supervisors of the District, each of whom is designated in the Petition, are as follows:

- (a) Dan Richey
- (b) James H. Anderson
- (c) Jane Rowley
- (d) Shawn Reilly
- (e) Tom Babcock

SECTION 6. CONSENT TO EXERCISE OF SPECIAL POWERS.

A. Pursuant to Section 190.012(2)(a) of the Act, the City hereby consents to the exercise of the powers set forth in Section 190.012(2) (a), (b), (c), and (d) of the Act, thereby enabling the District to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; (2) fire prevention and control, including water mains and plugs, fire stations, fire trucks and other vehicles and equipment; (3) school buildings and related structures, which may be leased, sold or donated to the school district, for use in its educational system, when authorized by the district school board; and (4) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within the District boundaries. Notwithstanding anything to the contrary set forth herein, the District shall not operate or maintain any water and sewer facilities within its boundaries and all of such facilities shall be dedicated to and/or owned by the City.

B. The City further consents to the exercise by the District of the right and power of eminent domain, pursuant to Chapter 73, Florida Statutes and Chapter 74, Florida Statutes, over any property outside the boundaries of the District and within the City (except municipal, county, state and federal property) for the uses and purposes of the District relating solely to water, sewer, District roads, and water management, specifically including, without limitation, the power of eminent domain for the taking of easements for the drainage of the land of one person over and through the land of another; provided, however, that the District shall exercise the eminent domain power only for uses and purposes contemplated by, consistent with or in furtherance of the requirements of approved development permits or development orders relating to the real property within the District.

C. The foregoing powers shall be in addition, and supplemental, to the powers which the proposed District is entitled to exercise pursuant to the Act.

D. As permitted by the Act, the City hereby approves the District's exercise, outside of its boundaries, of the powers granted in the Act and herein, subject to the terms hereof, for uses and purposes contemplated by, consistent with or in furtherance of the requirements of approved development permits or development orders relating to the real property within the District.

SECTION 7. SEVERABILITY AND INVALID PROVISIONS. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, but not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way effect the validity of the other provisions hereof.

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SECTION 8. ORDINANCE EFFECTIVE. This ordinance shall take effect immediately upon its second reading.

PASSED ON FIRST READING: *3-12-07*
PASSED ON SECOND READING: *4-9-07*

CITY OF PORT ST. LUCIE, FLORIDA

ATTEST:

Karen A Phillips
CITY CLERK

Dee Bostrom
MAYOR

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form

Robert W. Johnson
CITY ATTORNEY

