

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE APPROVING AN ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION FOR CHENEY BROS., INC. AND AUTHORIZING THE CITY MANAGER OR HIS DESGINEE TO EXECUTE AN IMPACT FEE MITIGATION AGREEMENT BY AND AMONG THE CITY OF PORT ST. LUCIE AND CHENEY BROS., INC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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WHEREAS, it is policy of the City to stimulate economic growth in the City of Port St. Lucie by attracting new businesses to the City of Port St. Lucie and by encouraging the expansion of existing businesses within the City of Port St Lucie, or a combination thereof; and

WHEREAS, the creation of new employment opportunities for citizens of the City of Port St. Lucie and the increased tax revenues resulting from such business expansion or relocation within the City of Port St. Lucie is beneficial to the local economy and enhances the health, safety, and welfare of its citizens; and

WHEREAS, pursuant to Chapter 159, Article V of the City of Port St. Lucie Code of Ordinances (“City’s Code of Ordinance”), the City has established an Economic Development Impact Fee Mitigation Program for certain qualified target businesses to mitigate any real or perceived disadvantage occurring from the imposition of impact fees and to create permanent employment expansion opportunities for City citizens; and

WHEREAS, Cheney Bros., Inc. will operate a food wholesale and distribution facility in the City of Port St. Lucie, one of the City of Port St. Lucie’s targeted industries and will be an economic driver in the manufacturing industry and will create two hundred seventy-five new jobs paying an average wage of \$63,000 plus benefits. The company will create one hundred and seventy-five jobs in year one, fifty jobs in year two and fifty jobs in year three.; and

WHEREAS, Cheney Bros., Inc. is going to build a 365,000 square foot food wholesale and distribution facility on a 53-acre parcel of land owned by the Company in Legacy Distribution Park at Tradition located in the Tradition Center for Commerce within the City of Port St. Lucie (the “Project”); and

WHEREAS, the Company has committed to expanding its qualified target industry business in the City of Port St. Lucie at the Legacy Distribution Park at Tradition located in the Tradition Center for Commerce; and

WHEREAS, as a result of the above-referenced Project, the Company will create two hundred seventy-five (275) new jobs in Port St. Lucie meeting the threshold requirements set forth in section 159.504 (A) (1), (4) of the City's Code of Ordinances and remain in the City for a period of at least (10) years while maintaining the job creation and salary commitments outlined in section 159.504 (A) (1), (4) ; and

WHEREAS, the Company will be required to pay City impact fees in conjunction with the issuance of the building permits for the Project; and

WHEREAS, the Company, has been determined to be eligible to receive an Economic Development Impact Fee Waiver pursuant to section 159.504 (A) (1), (4) of the City's Code of Ordinances by the City Manager and receive the waiver set forth in section 159.506 (A) (1) of the City's Code of Ordinances; and

WHEREAS, the City finds and declares that it is in the public interest to award Economic Development Impact Fee Waiver to the Company based on their agreement to create two hundred seventy-five new jobs in the City of Port St. Lucie; and

WHEREAS, the City desires to enter into an Impact Fee Mitigation Agreement with the Company as formalized in the Impact Fee Mitigation Agreement set forth in **Exhibit "A"**; and

WHEREAS, the Company acknowledge that the impact fee waiver is contingent upon the Company meeting the performance requirements as outlined in the attached Impact Fee Mitigation Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, THAT:

Section 1. The City Council of the City of Port St. Lucie, Florida, hereby adopts and ratifies those matters as set forth in the foregoing recitals.

Section 2. The City Council approves impact fee mitigation for the Company, and authorizes the City Manager or his designee to enter into, execute and deliver the Economic Impact Fee Mitigation Agreement, in substantially the same form that is attached hereto and incorporated herein as **Exhibit "A"**, and such other documents necessary to implement the terms and conditions of said Agreement.

Section 3. The City Manager or his designee is hereby authorized to take all actions necessary to implement the terms and conditions of the Economic Impact Fee Mitigation Agreement and accomplish the purposes set forth therein.

Section 4. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 5. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 6. This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2022.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon M. Martin, Vice Mayor

ATTEST:

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Sally Walsh, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney