

ORDINANCE NO. 22-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING ORDINANCE NO. 07-37 ENACTED ON APRIL 9, 2007, ESTABLISHING THE SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 5, IN ORDER TO CONTRACT THE EXTERNAL BOUNDARIES OF THE DISTRICT; MAKING CERTAIN FINDINGS; DESCRIBING THE REVISED EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Authority for this Ordinance. This Ordinance is enacted pursuant to the provisions of Article VIII, Section 2, of the Florida Constitution; Chapter 166, Florida Statutes, as amended; Section 190.046(1), Florida Statutes; Section 1.01 of the Charter of the City of Port St. Lucie, Florida (“City”); and other applicable provisions of law.

Section 2. Findings. It is hereby ascertained, determined, and declared by the City Council of the City (“City Council”) as follows:

a. On April 9, 2007, the City Council enacted Ordinance No. 07-37 (“Ordinance”) establishing the Southern Grove Community Development District No. 5 (“SGCDD5”) as a community development district pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (“Act”), and other applicable law, including establishing its external boundaries, among other matters.

b. The external boundaries of the SGCDD5 currently contain approximately 540.128 acres of real property located entirely within the jurisdictional boundaries of the City.

c. Pursuant to Section 190.046(1) of the Act, Mattamy Palm Beach LLC, a Delaware limited liability company, and Port St. Lucie Governmental Finance Corporation, a Florida corporation (together, the “Petitioners”), joined by the Boards of Supervisors of SGCDD5, Southern Grove Community Development District No. 1 (“SGCDD1”), Southern Grove Community Development District No. 2 (“SGCDD2”), Southern Grove Community Development District No. 3 (“SGCDD3”), Southern Grove Community Development District No. 4 (“SGCDD4”), and Southern Grove Community Development District No. 6 (“SGCDD6” and, together with SGCDD1, SGCDD2, SGCDD3, SGCDD4, and SGCDD5, the “Districts”), have filed a Consolidated Petition with the City that, as important here, requests that the City (1) contract the external boundaries of SGCDD5 so that thereafter a total of approximately 530.83 acres of real property will be located within such external boundaries, and (2) amend the Ordinance to

reflect the revised external boundaries of SGCDD5 as described in the attached Exhibit "A2."

d. All lands within SGCDD5 as currently configured and as proposed for contraction in the Consolidated Petition are located entirely within the jurisdictional boundaries of the City.

e. The Consolidated Petition contains the information required by Sections 190.005 and 190.046 of the Act to contract the external boundaries of SGCDD5.

f. The City Council has conducted a public hearing on the Consolidated Petition in accordance with the requirements of Section 190.046(1)(b) 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 matters, and hereby finds that:

(1) All statements contained in the Consolidated Petition are true and correct;

(2) The proposed contraction of the external boundaries of SGCDD5 as set forth in the Consolidated Petition will not result in a cumulative net total addition that is either (A) greater than 50 percent of the acres initially located within the boundaries of SGCDD5, or (B) in excess of 1,000 acres;

(3) No real property within the revised external boundaries of SGCDD5 as proposed in the Consolidated Petition will be excluded from SGCDD5;

(4) The contraction of the external boundaries of SGCDD5 as proposed in the Consolidated Petition will not be inconsistent with any applicable element or portion of the State of Florida's comprehensive plan or of the City's Comprehensive Plan;

(5) Following the proposed contraction of the external boundaries of SGCDD5, the property comprising SGCDD5 will be of sufficient size, compactness, and contiguity to be developable as one functional interrelated community;

(6) SGCDD5 is the best alternative available for delivering community development services and facilities to the area that, following the contraction proposed in the Consolidated Petition, will be served by SGCDD5;

(7) The community development services and facilities of SGCDD5 will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

(8) The area that will be served by SGCDD5 is amenable to separate special-district government.

g. The City Council now desires to grant the request of SGCDD5 by (1) contracting the external boundaries of SGCDD5 in the manner set forth in the Consolidated Petition and (2) amending the Ordinance in the manner set forth in this Ordinance.

Section 3. Grant of Consolidated Petition; Amendment of Ordinance to Establish New Boundaries of SGCDD5. The City hereby grants the request of SGCDD5 as set forth in the Consolidated Petition and the Ordinance is hereby amended to contract the external boundaries of SGCDD5 by deleting Exhibit “A” in its entirety and replacing it with Exhibit “A2” attached to this Ordinance.

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

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

Section 6. Filing with the Department of State. The Clerk be and is hereby directed forthwith to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida, 32304.

Section 7. Effective Date. This Ordinance shall become effective immediately upon final adoption.

PASSED AND ENACTED by the City Council of the City of Port St. Lucie, Florida, this ___ day of _____, 2022.

**CITY COUNCIL
CITY OF PORT ST. LUCIE, FLORIDA**

ATTEST:

Sally Walsh, City Clerk

Shannon Martin, Mayor

APPROVED AS TO FORM:

James D. Stokes, City Attorney

EXHIBIT "A2"

**REVISED EXTERNAL BOUNDARIES OF
SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 5**