

## **RESOLUTION 23-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, APPROVING ARTWORK SUBMITTED BY CHENEY BROTHERS CORPORATION IN CONNECTION WITH THE CONSTRUCTION OF THE CHENEY BROTHERS WAREHOUSE AND DISTRIBUTION FACILITY (PROJECT P21-279); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, Chapter 162 of the City’s Code of Ordinances requires certain public art requirements to be met when certain new improvements are constructed; and

**WHEREAS**, on January 24, 2022, the City Council approved a major site plan application, which triggered the City’s public art requirements, (Project No. P21-279) (the “Project”) submitted by the Cheney Brothers Corporation for the phased construction of a 522,527 square foot food service warehouse and distribution facility that will be located at 1 Cheney Express Way in the Legacy Park section of Southern Grove; and

**WHEREAS**, Section 162.09 of the City’s Code of Ordinances allows the developer to site a permanent public artwork as part of its development project in order to comply with the City’s public art requirements, and Cheney Brothers Corporation has proposed to build one 6 foot Bull and two 6 foot Cows for a public art piece known as the Bull and Cow Sculpture, attached as Exhibit A (the Proposed Artwork”); and

**WHEREAS**, Section 162.05 of the City’s Code of Ordinances sets forth the selection criteria for sites and public art; and

**WHEREAS**, on November 21, 2022, the Public Art Advisory Board held a hearing and completed its review of the Proposed Artwork for compliance with Chapter 162 of the City’s Code of Ordinances; and

**WHEREAS**, the Public Art Advisory Board found the Proposed Artwork consistent with Chapter 162 of the Code of Ordinances and recommended that the City Council approve the Proposed Artwork.; and

**WHEREAS**, the City Council; held a hearing on January 9, 2023 to consider the Proposed Artwork; and

## RESOLUTION 23-

**WHEREAS**, the City Council has considered the Proposed Artwork and all evidence and testimony submitted into the record relating to the Proposed Artwork and has determined that the approval of the Proposed Artwork is consistent with Chapter 162 of the City's Code of Ordinances.

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

**Section 1. Ratification of Recitals.** The City Council hereby adopts and ratifies those matters set forth in the foregoing recitals.

**Section 2.** The City Council accepts the recommendation of the Public Art Advisory Board and hereby approves the Proposed Artwork.

**Section 3. Conflict.** If any Resolution, or parts of any Resolution, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

**Section 4. Severability.** 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 5. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

ATTEST:

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

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James D. Stokes, City Attorney

## RESOLUTION 23-

### Exhibit A

