

RESOLUTION NO. 25-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, APPROVING ARTWORK SUBMITTED BY RIVERLAND/KENNEDY II, LLC, IN CONNECTION WITH THE APPROVAL OF AN ALTERNATIVE EQUIVALENT PROPOSAL FOR PUBLIC ART FOR A PROJECT KNOWN AS “RIVERLAND REFLECTION GARDEN”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (P22-001).

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, Section 162.08 of the City's Code of Ordinances allows a developer to elect one of four assessment methods to comply with the City's public art requirements: on-site artwork; contribution to fund; on-site artwork and contribution to fund; or submittal of an alternative equivalent proposal; and

WHEREAS, under the alternative equivalent proposal option, a developer can apply to combine the public art assessment associated with multiple projects into one larger work of art in lieu of several small works of art and submit a proposal for freely accessible works of art on City public right-of-way, on property owned by other public agencies, or on another property under the control or ownership of the developer; and

WHEREAS, the developer must demonstrate that the cost of the proposal will equal the cost of the public art assessment otherwise required under Section 162.08 and not create unbudgeted costs for the City; and

WHEREAS, pursuant to Section 162.08(d), the City may approve an alternative equivalent proposal if it finds that: (A) the alternative equivalent proposal will further the purposes of City's art in public places program and the proposed location of the alternative equivalent proposal is in reasonable proximity to the location of the site(s) generating the work of art requirement, in order to avoid clustering of all public art in one location (B) the cost of the proposal will be equal to or greater than the cost of the public art assessment that would otherwise be required under Subsection 162.08(2)(a)-(c); and (C) the developer has established to the satisfaction of the City that the alternative equivalent proposal will create freely accessible public art in the City to an equal or

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greater extent than installation of the public art on the individual project site or a contribution to the Fund; and

WHEREAS, in approving a proposal, the City may impose reasonable conditions of approval requiring the developer to enter into agreements with the City or other public agencies or private parties to memorialize the legal obligations of all parties involved with the alternative equivalent proposal; and

WHEREAS, Riverland/Kennedy II, LLC, has submitted an application for an Alternative Equivalent Proposal under Section 162.08(d) of the City's Code of Ordinances to fulfill public art requirements for projects within the Riverland/Kennedy Development of Regional Impact (DRI), proposing a public art installation known as the "Riverland Reflection Garden," consisting of three tracts with mirrored stainless steel columns of varying heights with associated plaza, as shown in Exhibit "A"; and

WHEREAS, the project will be located at the Riverland Town Center, at the northwest corner of SW Community Boulevard and Marshall Parkway; and

WHEREAS, Riverland/Kennedy II, LLC, is requesting the "Riverland Reflection Garden" sculpture with an estimated value of \$4,365,724.89 be used to meet the public art requirements for GL Homes and related projects in the Riverland/Kennedy DRI; and

WHEREAS, GL Homes, seeks to apply to the value of the "Riverland Reflection Garden" sculpture to fulfill public art requirements for upcoming projects as they get approved; and

WHEREAS, the public art project, including the Riverland Reflection Garden, will be privately maintained and operated by Riverland Commercial Associates I, LLC, with no maintenance obligations assumed by the City; and

WHEREAS, on October 20, 2025, the Public Art Advisory Board held a hearing and completed its review of the Proposed Alternative Equivalent Proposal for compliance with Chapter 162 of the City's Code of Ordinances; and

WHEREAS, the Public Art Advisory Board found the Alternative Equivalent Proposal and "Riverland Reflection Garden" sculpture to be consistent with Chapter 162 of the City's Code of

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Ordinances and recommended that the City Council approve the Proposed Alternative Equivalent Proposal; and

WHEREAS, the City Council held a hearing on November 10, 2025, to consider the Proposed Alternative Equivalent Proposal; and

WHEREAS, the City Council has considered the Alternative Equivalent Proposal, and all evidence and testimony submitted into the record relating to the Proposed Alternative Equivalent Proposal and has determined that the approval of the Proposed Alternative Equivalent Proposal is consistent with Chapter 162 of the City's Code of Ordinances subject to the conditions set forth in Section 2 of this Resolution.

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

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. That the City Council accepts the recommendation of the Public Art Advisory Board and hereby approves the Alternative Equivalent Proposal subject to the following conditions:

1. A site plan application for the proposed “Riverland Reflection Garden” sculpture must be submitted for City Council approval within one hundred eighty (180) days of City Council approval of the Proposed Alternative Equivalent Proposal.
2. The “Riverland Reflection Garden” sculpture and plaza shall be installed and receive a certificate of completion prior to the recording of the final residential subdivision plat or site plan approval that exceeds the actual value (“Actual Value”), as defined in paragraph 9 below.
3. A license agreement(s), and any additional agreement(s), between Riverland/Kennedy II, LLC, GL Homes, and other parties related to ownership, maintenance, and operation of the Proposed Alternative Equivalent Proposal must be submitted to the City for review and approval prior to the finalization of such agreement(s) to ensure conformance with Section 162.08(d) of the Port St. Lucie City Code.

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4. A restrictive covenant in accordance with Section 162.10 of the Code is required to ensure retention and maintenance of the “Riverland Reflection Garden” sculpture and plaza. The restrictive covenant must be recorded within ten (10) days of the issuance of the certificate of completion for the “Riverland Reflection Garden” sculpture and plaza. Any such restrictive covenant must be approved by the City prior to execution and recordation.
5. Projects within the Riverland/Kennedy DRI are only eligible to fulfill their public art requirements through the value of the "Riverland Reflection Garden" sculpture if there is a remaining balance available.
6. With respect to each identified project (“Identified Project”), GL Homes, will be required to submit to the City the project’s number and title, the project location, and the calculated public art assessment amount for that project; show how the calculated public art assessment amount is deducted from the estimated value (“Estimated Value”) or Actual Value (as applicable); and provide the remaining value for approval by the City (“Remaining Value”). The public art assessment for development projects will be calculated on a plat-by-plat and site plan basis. Total construction costs for the purposes of calculating the public art assessment will be based on the total construction costs for all property depicted on each plat included within the development project.
7. Within thirty (30) days of Council approval of the Proposed Alternative Equivalent Proposal, Riverland/Kennedy II, LLC, shall provide the City with the actual total construction cost of each recorded final plat and approved site plan within the Riverland/Kennedy DRI to date. The public art assessment amount shall be based on the actual total construction costs as indicated on the construction contract(s) for the subject improvements and shall be deducted from the Actual Value of the “Riverland Reflection Garden” sculpture and plaza. The public art assessment shall be calculated with a valuation of an amount of one percent (1%) of the actual total construction costs.
8. GL Homes, will not be entitled to utilize any value of the “Riverland Reflection Garden” sculpture and plaza to fulfill the Identified Projects’ public art requirements until:

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- a. A detailed cost estimate of the value of the “Riverland Reflection Garden” sculpture and plaza is provided to the City in order to determine the value of the sculpture - only components of the sculpture specifically defined as “Art, artwork or work of art” pursuant to section 162.02 of the Code may comprise the elements utilized to estimate the valuation of the “Riverland Reflection Garden” sculpture and plaza (“Estimated Value”); and
 - b. A surety, in a form acceptable to the City, is posted in favor of the City in the amount of the Estimated Value. The intent of the surety is to ensure that the City has a remedy in the event that: (i) the “Riverland Reflection Garden” sculpture and plaza is not fabricated and installed, or (ii) the Actual Value of the “Riverland Sculpture Garden” sculpture and plaza is less than the public art requirements associated with the development projects, and there is a funding deficit.
9. GL Homes, shall provide the City with the actual cost of the “Riverland Reflection Garden” sculpture and plaza within thirty (30) days of the certificate of completion being issued for the “Riverland Sculpture Garden” sculpture and plaza (“Actual Value”) - only components of the sculpture specifically defined as “Art, artwork or work of art” pursuant to section 162.02 of the Code may comprise the elements utilized to determine the actual valuation of the “Riverland Sculpture Garden” sculpture and plaza.
10. GL Homes (Riverland Commercial Associates I, LLC) shall be solely responsible for all ongoing maintenance and operations of the Riverland Reflection Garden. The City shall bear no maintenance obligations.

Section 3. The City Council of the City of Port St. Lucie hereby resolves that the Mayor and City Clerk of the City of Port St. Lucie, Florida, are hereby authorized to countersign the said plat so it may be properly recorded in the public records of St. Lucie County, Florida.

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

Section 5. Severability. The provisions of this Resolution are intended to be severable.

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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. Effective Date. 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 _____, 2025.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney

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