

**RESOLUTION NO. 24-\_\_\_\_\_**

**A RESOLUTION APPROVING AND ACCEPTING A FINAL PLAT WITH CONSTRUCTION PLANS FOR BECKER ROAD AT WILSON GROVES, WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA ON THE REQUEST OF ACR ACQUISITION, LLC (P23-067); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Port St. Lucie, Florida, has been requested by ACR Acquisition, LLC, acting as agent for the City of Port St. Lucie, to approve a final subdivision plat with construction plans for Becker Road at Wilson Groves, within the City of Port St. Lucie, Florida; and

**WHEREAS**, there are public/private improvements, i.e., roads, drainage, and utility facilities, to be constructed within the platted area; and

**WHEREAS**, Section 156.059 of the Subdivision Code requires a performance bond or letter of credit to guarantee installation of required infrastructure improvements; and

**WHEREAS**, Section 156.023 specifically provides that the City Council shall have the power to grant exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this chapter, if the literal enforcement of one (1) or more provisions of the chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question; and

**WHEREAS**, Becker Road at Wilson Groves Final Plat provides for the construction of a portion of Becker Road pursuant to a construction agreement between the City of Port St. Lucie and ACR Acquisition, LLC adopted on February 14, 2022, through Resolution 22-R27; and

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**WHEREAS**, a surety bond in favor of the City representing the City's estimated cost for the construction of the ACR Becker Road portion of the roadway was provided to the City in accordance with the surety requirements set forth in Resolution 22-R27; and

**WHEREAS**, the cost estimate quantities used for the surety bond required by the construction agreement are the same as would be required for a performance bond for the final subdivision plat and the construction agreement spells out the Surety and how it can reduce it upon completion of construction similar to the requirements of a performance bond; and

**WHEREAS**, the requirement for a performance bond or letter of credit as required by Section 156.059 is impracticable under the circumstances because the City already has a Surety bond for the construction of the required improvements; and

**WHEREAS**, based on the substantial and competent evidence, the City Council waives the performance bond or letter of credit requirement; and

**WHEREAS**, the application remains consistent with the general purpose of Chapter 156 because a funding mechanism is in place that guarantees the required improvements; and

**WHEREAS**, the plat conforms in all other matters to Section 156, Port St. Lucie City Code, and meets all State requirements for such plats; and

**WHEREAS**, the Site Plan Review Committee, on April 26, 2023, recommended approval of the final plat with construction plans (P23-067).

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**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 hereby approves the final subdivision plat with construction plans titled Becker Road at Wilson Groves (P23-067), within the City of Port St. Lucie, Florida, said final plat with construction plans being offered by the City of Port St. Lucie, as owner and title holder of said property, and as prepared by Ronnie L. Furniss, PSM, of Caulfield and Wheeler, Inc., as designated on the attached Plat.

Section 3. 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. 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.

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**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida,  
this \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

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

ATTEST:

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

APPROVED AS TO FORM:

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Richard Berrios, Interim City Attorney