

ORDINANCE 21-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA ESTABLISHING THE LTC RANCH WEST RESIDENTIAL COMMUNITY DEVELOPMENT DISTRICT; PROVIDING BOUNDARIES AND FOR FUTURE EXPANSION WITH SUFFICIENTLY CONTIGUOUS LANDS; DESIGNATING INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; PROVIDING POWERS; PROVIDING FOR NOTICE OF SPECIAL ASSESSMENTS; PROVIDING FOR CONDITIONS; PROVIDING FOR EXCEPTIONS AND INTERLOCAL AGREEMENTS WITH THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Port St. Lucie (the “City”) has determined that it is authorized pursuant to Section 190.005, Florida Statutes, to establish community development districts that are less than 2,500 acres in size and located within the corporate boundaries of the City; and

WHEREAS, Midway Glades Developers, LLC, a Delaware limited liability company (the “Petitioner”), has petitioned the City to grant the establishment of the LTC Ranch West Residential Community Development District (the “District”), which petition contains the information required by sections 190.005(1)(a) and 190.005(2)(a), Florida Statutes (the “Petition”); and

WHEREAS, a public hearing has been conducted by the City Council in accordance with the requirements and procedures of section 190.005(1)(d), Florida Statutes; and

WHEREAS, the City Council has taken testimony and considered the record of the public hearings and the factors set forth in Section 190.005(1)(e), Florida Statutes; and

WHEREAS, all statements contained in the Petition have been found to be true and correct; and

WHEREAS, the establishment of the District is not inconsistent with any applicable element or portion of the City’s Comprehensive Plan; and

WHEREAS, the area of land within the District is of sufficient size, sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the establishment of the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the proposed services and facilities to be provided by the District will be compatible with the capacity and uses of existing local and regional community development services and facilities; and

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WHEREAS, the area that will be served by the District is amenable to separate special district government; and

WHEREAS, the District desires to levy special assessments on benefited land within the District to pay for infrastructure constructed and/or acquired by the District; and

WHEREAS, all applicable planning and permitting laws, rules, regulations and policies control the development of the land to be serviced by the District; and

WHEREAS, the City Council finds that the District shall have the general powers described in section 190.011, Florida Statutes, and the special powers described in sections 190.012(1), (2)(a) and (d), Florida Statutes; and

WHEREAS, the District's exercise of special powers pursuant to section 190.012(2)(d), Florida Statutes, may not impede the public's access to public roadways; and

WHEREAS, the exercise by the District of any powers other than the powers set forth in sections 190.011 and 190.012(1), (2)(a) and (d), Florida Statutes, shall require consent by the City Council by ordinance or resolution; and

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. 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. Establishment; Name. The LTC Ranch West Residential Community Development District (the "District") is hereby established.

Section 3. Boundaries. The external boundaries of the District are set forth in the legal description contained in Exhibit "2" to the Petition and incorporated by reference.

Section 4. Expansion of District with Sufficiently Contiguous Lands. Pursuant to Section 190.046(1)(h), Florida Statutes, within ten (10) years of the effective date of this Ordinance, the District, or another petitioner, may petition the County for an amendment to expand the boundaries of the District to include the sufficiently contiguous lands identified in Exhibit "4" to the Petition.

Section 5. Initial Board of Supervisors. The following five (5) persons are designated as the initial members of the Board of Supervisors of the District: Graydon E. Miars, James Jahna, Jr., Robert Austin Burr, Robert Nelson and Ellen Johnson. All of the above-named persons are residents of the State of Florida and citizens of the United States.

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Section 6. District General and Special Powers. The District shall have all the power and authority to construct, operate and maintain District facilities and services as authorized by Chapter 190, Florida Statutes, as amended from time to time. The City consents to the Board's exercise of special powers set forth in sections 190.012(1), (2)(a) and (d), Florida Statutes, which includes the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; provided, however, that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries. Said powers shall be discharged in accordance with Chapter 190 of the Florida Statutes. The District's exercise of special powers pursuant to section 190.012(2)(d), Florida Statutes, may not impede the public's access to public roadways. The District shall not impose special assessments of any kind whatsoever on real property to be dedicated to or owned by the City.

Section 7. District Charter; Exercise of Special Powers. Pursuant to section 190.004(4), Florida Statutes, the charter for the District shall be sections 190.006 through 190.041, Florida Statutes, including the special powers provided by sections 190.012(1), (2)(a) and (d), Florida Statutes. The exercise by the District of powers set forth in section 190.012(2)(b), (c), (e) and (f), Florida Statutes, shall require prior consent by the City Council, which consent shall only be provided by resolution or ordinance after specific petition to the City Council.

Section 8. Notice of Special Assessments. The District is solely responsible for the implementation of special assessments upon benefited property within the District's internal boundaries. The Petitioner, its successors and assignees shall provide notice of said special assessments to all prospective purchasers of said property.

- (a) The Petitioner, its successors and assignees shall provide full disclosure of the public financing and maintenance of improvements undertaken by the District. This disclosure shall include a statement in bold print that special assessments imposed by the District will appear in the tax bill for each property within the District. This disclosure shall meet the requirements of section 190.048, Florida Statutes, as amended from time to time, and shall be included in every contract for purchase and sale of property within the

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- District, and in every recorded deed of conveyance from the Petitioner. The District shall record a notice of assessments in the Public Records both before and after any bond sale;
- (b) The Petitioner, its successors and assignees shall disclose the fact that the development is located in a special taxing district, and that a special assessment will be assessed on the tax roll against all benefited property within the District. This information shall be in bold type in any sale brochures, in any sales information, and on the front page of the Declaration of Restrictive Covenants creating the Property Owners Association or Homeowners Association;
 - (c) The Petitioner, its successors and assigns, shall provide all the disclosures required by this Ordinance in a separate page as part of the contract for purchase and sale of property within the District. The prospective purchaser must sign this page;
 - (d) An affidavit of compliance shall be submitted annually to the City of Port St. Lucie beginning on _____ until all units have been sold, outlining the number of units sold, providing samples of the documents used in the closing process, and certifying compliance with the disclosure requirements contained in this Ordinance. Upon ten (10) days written notice, the City shall have the right to audit the records of the Petitioner, its successors and assignees, to verify the compliance with the disclosure requirements in this Ordinance. Failure to comply with the disclosure requirements in this Ordinance shall be a violation of a City ordinance and shall be punishable as provided by law, including but not limited to enforcement procedures established in the City's Land Development Code.

Section 9. Conditions. The District shall be subject to the following conditions:

- (a) The Petitioner and all future property owners and persons within the District shall be subject to all City ordinances including, but not limited to, site plan approval, all permitting and review requirements and processes;
- (b) All construction shall be subject to City inspections and requirements;
- (c) The construction of all utility infrastructure relating to ponds, landscaping, hardscaping and walls, sanitary sewer, stormwater management (including ponds and retention and transmission facilities), roads and paving, sidewalks and water supply and distribution shall be built to City standards;

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Section 10. Exceptions and Interlocal Agreements. The District shall have all of the authority and power contained with Chapter 190, Florida Statutes, as set forth in this Ordinance. Although the District may construct potable water or wastewater facilities, the District shall not operate such facilities unless, pursuant to Chapter 163, Florida Statutes, an interlocal agreement is promulgated between the City and the District; provided, however, that following construction, the District will dedicate such facilities to the City after the City has inspected and approved the facilities through its turnover process.

Section 11. Conflicting Provisions. In the event this Ordinance conflicts with any other ordinance of the City of Port St. Lucie, this Ordinance shall govern and the conflicting ordinance shall be repealed to the extent of such conflict.

Section 12. Severability. If any portion of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.

Section 13. Department of State. The Clerk is hereby directed 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 14. Effective Date. This Ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

By: _____
Gregory J. Oravec, Mayor

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney