

RESOLUTION NO. 21-

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT WITH CONSTRUCTION PLANS FOR SOUTHERN GROVE PLAT NO. 35 WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA ON THE REQUEST OF PORT ST LUCIE GOVERNMENTAL FINANCE CORPORATION (P21-059); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Culpepper and Terpening, Inc., acting as agent for the Port St Lucie Governmental Finance Corporation to approve the preliminary and final plat with construction plans for Southern Grove Plat No. 35, within the City of Port St. Lucie, Florida; and

WHEREAS, the Port St Lucie Governmental Finance Corporation as owner and title holder of the property seeks to have the property platted; and

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

WHEREAS, a performance guarantee covering the cost of the required improvements for the construction of the extension of SW Anthony F. Sansone SR Boulevard to Paar Drive and the construction of Paar Drive from SW Village Parkway to SW Anthony F. Sansone SR Boulevard as depicted on the associated construction plans and as set forth in the mutually agreed upon cost estimate, has been submitted to the City; and

WHEREAS, the applicant is requesting a waiver to the requirement for construction plans and a surety guarantee for the installation of the Paar Drive infrastructure improvements east of SW Anthony F. Sansone SR Boulevard to Interstate 95 based on applications the City has received for an amendment to the City of Port St. Lucie Comprehensive Plan (P20-256) and an amendment to the Southern Grove DRI (P21-012) which propose the deletion of the Paar Drive Overpass from the city's comprehensive plan and the Southern Grove DRI based on an updated traffic study for the Southern Grove DRI that showed the Paar Drive Overpass could be deleted from the Southern Grove DRI conditions of approval with no adverse impacts to the regional roadway network; and

RESOLUTION NO. 21-

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 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, if the proposed comprehensive plan amendment (P20-256) and the proposed Southern Grove DRI amendment (P21-012) are approved by the City Council, the deletion of the Paar Drive Overpass from the city's comprehensive plan and the Southern Grove DRI will remove the need for the eastern extension of Paar Drive from SW Anthony F. Sansone SR Boulevard east to Interstate 95; and

WHEREAS, the requirement for constructions plans and a surety guarantee for the eastern portion of Paar Drive from SW Anthony F. Sansone SR Boulevard east to Interstate 95 as required is impracticable under the circumstances since the Paar Drive Overpass is proposed for deletion from the City's comprehensive plan and the Southern Grove DRI, and

WHEREAS, in the event the request to remove the Paar Drive Overpass is not approved as provided for in the proposed comprehensive plan amendment (P20-256) or as provided for in the proposed amendment to the Southern Grove DRI (P21-012), the GFC, or its successors or assigns, shall have five years from the approval of this resolution to submit construction plans and a surety guarantee for construction of the eastern portion of Paar Drive from SW Anthony F. Sansone SR Boulevard east to Interstate 95, failure to do so shall constitute a violation of this approval and may result in withholding of permits by the City for the Property subject to this Plat; and

WHEREAS, the application remains consistent with the general purpose of Chapter 156 because the City will construct the roadway; and

RESOLUTION NO. 21-

WHEREAS, based on the substantial and competent evidence, the City Council waives the performance bond or letter of credit requirement for the eastern portion of Paar Drive from SW Anthony F. Sansone SR Boulevard east to Interstate 95; 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 7, 2021, recommended approval of the final plat (P21-059).

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 plat for Southern Grove Plat No. 35, within the City of Port St. Lucie, Florida, said plat being offered by Port St Lucie Governmental Finance Corporation, as owner and title holder of said property and as prepared by Thomas P. Kiernan, Culpepper and Terpening, Inc., as designated on the attached Plat.

Section 3. Conflict. If any resolutions, or parts of resolutions, 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.

RESOLUTION NO. 21-

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

By: _____
Gregory J. Oravec, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney