

## RESOLUTION NO. 25-\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, APPROVING ARTWORK SUBMITTED BY SANSONE GROUP, LLC, IN CONNECTION WITH THE APPROVAL OF AN ALTERNATIVE EQUIVALENT PROPOSAL FOR PUBLIC ART FOR A PROJECT KNOWN AS “TREE OF AMERICAN DREAMS”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (P23-096).

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**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 in order to memorialize the legal obligations of all parties involved with the alternative equivalent proposal; and

**WHEREAS**, Sansone Group, LLC, has submitted an application for an Alternative Equivalent Proposal and artwork under section 162.08(d) of the City's Code of Ordinances to fulfill the public art requirements for six (6) projects identified under Exhibit "A" and within the Legacy Park area of the Southern Grove DRI for a public art project to be known as "Tree of American Dreams" and comprised of a bronzed tree with eight branches and topped by an American Eagle; and

**WHEREAS**, the project will be located at the southeast corner of the intersection of SW Village Parkway and SW Hegener Drive; and

**WHEREAS**, Sansone Group, LLC, is requesting the "Tree of American Dreams" sculpture with an estimated value of \$600,000 be used to meet the public art requirements for the six (6) projects identified on attached Exhibit "A"; and

**WHEREAS**, Sansone Group, LLC, seeks to apply to the value of the "Tree of American Dreams" sculpture to fulfill public art requirements for upcoming projects as they get approved; and

**WHEREAS**, Exhibit "A" hereto identifies the approved projects the Sansone Group, LLC, seeks to apply to the value of the "Tree of American Dreams" sculpture in order to meet the public art requirements associated with each project ("Identified Projects"); and

**WHEREAS**, the City of Port St. Lucie is the current owner of the proposed project site within the Legacy Park area of the Southern Grove DRI where the "Tree of American Dreams" sculpture will be located the public art project; and

**WHEREAS**, on January 21, 2025, the Public Art Advisory Board completed its review of the Proposed Alternative Equivalent Proposal for compliance with Chapter 162 of the City's Code of Ordinances; and

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**WHEREAS**, the Public Art Advisory Board found the Alternative Equivalent Proposal and "Tree of American Dreams" sculpture to be consistent with Chapter 162 of the City's Code of Ordinances and recommended that the City Council approve the Proposed Alternative Equivalent Proposal; and

**WHEREAS**, the City Council held a hearing on February 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 "Tree of American Dreams" sculpture shall be submitted for approval within 180 days of Council approval of the Proposed Alternative Equivalent Proposal.
2. A license agreement(s), and any additional agreement(s), between Sansone Group, LLC, 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 within 90 days of Council approval of the Proposed Alternative Equivalent Proposal.
3. All agreements shall be finalized prior to site plan approval to ensure conformance with Section 162.08(d) of the Port St. Lucie City Code.
4. With respect to each Identified Project, Sansone Group, LLC, will be required to submit to the City the project's number and title, the project location, and the calculated public art

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assessment amount for that project; show how the calculated public art assessment amount is deducted from the 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 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 site plan included within the development project.

5. Within thirty (30) days of Council approval of the Proposed Alternative Equivalent Proposal, Sansone Group, LLC, shall provide the City with the actual total construction cost of each approved site plan within the Legacy Park area 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 “Tree of American Dreams” sculpture. The public art assessment shall be calculated with a valuation of an amount of one percent (1%) of the actual total construction costs.
6. Sansone Group, LLC, will not be entitled to utilize any value of the “Tree of American Dreams” sculpture to fulfill the Identified Projects’ public art requirements until:
  - a. A detailed cost estimate of the value of the “Tree of American Dreams” sculpture 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 “Tree of American Dreams” sculpture (“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 “Tree of American Dreams” sculpture is not fabricated and installed, or (ii) the Actual Value of the “Tree of American Dreams”

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sculpture is less than the public art requirements associated with the development projects, and there is a funding deficit.

7. Sansone Group, LLC, shall provide the City with the actual cost of the “Tree of American Dreams” sculpture within thirty (30) days of the certificate of completion being issued for the “Tree of American Dreams” sculpture (“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 “Tree of American Dreams” sculpture.

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. 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

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APPROVED AS TO FORM:

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Richard Berrios, City Attorney