

**RESOLUTION NO. 22-**

**A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT WITH CONSTRUCTION PLANS FOR SOUTHERN GROVE PLAT NO. 40 WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA, ON THE REQUEST OF ENGINEERING, DESIGN, AND CONSTRUCTION, INC. (P21-263); 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 Engineering, Design, and Construction, Inc., acting as agent for the Port St Lucie Governmental Finance Corporation and the St. Lucie County Fire District to approve the preliminary and final plat with construction plans for Southern Grove Plat No. 40, within the City of Port St. Lucie, Florida; and

**WHEREAS**, the Port St Lucie Governmental Finance Corporation and the St. Lucie County Fire District as owners and title holders of the property seek to have the property platted; and

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

**WHEREAS**, Section 156.059 of the Subdivision Code requires a surety to guarantee installation of required infrastructure improvements; and

**WHEREAS**, Section 156.043 of the Subdivision Code requires the posting of the maintenance guarantee prior to the recording of the subdivision plat; 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 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**, on June 21, 2021, the Port St. Lucie Governmental Finance Corporation (GFC) approved a resolution authorizing the execution of a purchase and sale agreement with Traditions Commerce Park, LLC, as subsequently amended, for approximately 40.03 acres of land to be known as Parcel 1, Southern Grove Plat No. 40; and

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**WHEREAS**, the purchase and sale agreement between the GFC and Traditions Commerce Park, LLC as amended, provides the mechanism for the funding of the infrastructure improvements as identified on the construction plans for proposed Southern Grove Plat No. 40; and

**WHEREAS**, GFC is an instrumentality of the City; and

**WHEREAS**, the GFC is requesting approval of an exception to Sections 156.043 and 156.059 of the Subdivision Code to allow for the proposed preliminary and final subdivision plat with construction plans, Southern Grove Plat No. 40, to be approved with the surety posted by Traditions Commerce Park, LLC, to secure the infrastructure construction pursuant to the amended purchase and sale agreement between the GFC and Traditions Commerce Park, LLC in lieu of a maintenance guarantee by the GFC; and

**WHEREAS**, the requirement for posting a maintenance guarantee by the GFC is impracticable under the circumstances because Traditions Commerce Park, LLC, is contractually obligated to post a surety in favor of GFC for the improvements, and has posted the surety; and

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

**WHEREAS**, the Site Plan Review Committee, on November 24, 2021, recommended approval of the final plat and construction plans (P21-263).

**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 requested exception to Sections 156.043 and 156.059 of the Subdivision Code, and approves the final plat for Southern Grove Plat No. 40, within the City of Port St. Lucie, Florida, said plat being offered by Port St Lucie Governmental Finance Corporation and the St. Lucie County Fire District as owners and title holders of said property and as prepared by Michael T. Owen, Engineering, Design, and Construction, Inc., as designated on the attached Plat.

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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.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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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James D. Stokes, City Attorney