

RESOLUTION NO. 26-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, APPROVING ARTWORK SUBMITTED BY MIDWAY GLADES DEVELOPERS, LLC, IN CONNECTION WITH THE ALTERNATIVE EQUIVALENT PROPOSAL REQUEST FOR PUBLIC ART FOR THE PROJECT KNOWN AS “LADYBUG HIDEAWAY”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (P23-132-A2).

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 may apply to combine the public art assessments associated with multiple projects into a single larger work of art in lieu of several smaller works of art, and may submit a proposal for freely accessible works of art on City public right-of-way, on property owned by other public agencies, or on other 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 will 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 to memorialize the legal obligations of all parties involved with the alternative equivalent proposal; and

WHEREAS, Midway Glades Developers, LLC, 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 the "Identified Projects", as described in attached Exhibit "A", for the Wylder developments, and related projects in the LTC Ranch Development of Regional Impact (DRI), for a public art project known as "Ladybug Hideaway", Consisting of twelve clusters of 8-, 10-, and 12-foot sculptural blades resembling silver and green grasses, featuring nineteen ladybug species appearing sporadically within, as further described and depicted in attached Exhibit "B"; and

WHEREAS, the project will be located south of the intersection of Midway Road and Wylder Parkway, along the west side of Wylder Parkway as depicted in Exhibit "C"; and

WHEREAS, Midway Glades Developers, LLC, requests that the "Ladybug Hideaway" public art sculpture, with an estimated value of \$1,530,850.78, be used to meet the public art requirements for the Identified Projects within the Wylder developments and related projects in the LTC Ranch DRI; and

WHEREAS, Midway Glades Developers, LLC, seeks to apply the value of the "Ladybug Hideaway" public art sculpture toward fulfilling the public art requirements for upcoming projects as they are approved; and

WHEREAS, the "Ladybug Hideaway" public art sculpture will be conveyed to the appropriate Community Development District ("CDD") in LTC Ranch for continued maintenance and operations; and

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WHEREAS, on May 18, 2026, the Public Art Advisory Board held a hearing and completed its review of the Alternative Equivalent Proposal for compliance with Chapter 162 of the City's Code of Ordinances; and

WHEREAS, the Public Art Advisory Board found the Alternative Equivalent Proposal request for the "Ladybug Hideaway" project to be consistent with Chapter 162 of the City's Code of Ordinances and recommended that the City Council approve the proposal; and

WHEREAS, the City Council held a hearing on June 22, 2026, to consider the Alternative Equivalent Proposal; and

WHEREAS, the City Council has considered the Alternative Equivalent Proposal and all evidence and testimony submitted into the record and has determined that approval of the 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. Approval Subject to Conditions. 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 "Ladybug Hideaway" public art sculpture must be submitted for Site Plan Review Committee (SPRC) approval within 180 days of Council approval of the Alternative Equivalent Proposal.
2. A license agreement(s), and any additional agreement(s), between Midway Glades Developers, LLC, and other parties related to ownership, maintenance, and operation of the Alternative Equivalent Proposal must be submitted to the City for review and approval prior to the finalization of such agreement(s) to ensure conformance with Section 162.08(d) of the Port St. Lucie City Code.

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3. A restrictive covenant, in accordance with Section 162.10 of the Code, is required to ensure retention and maintenance of the “Ladybug Hideaway” public art sculpture. The restrictive covenant must be recorded within ten (10) days of the issuance of the certificate of completion for the sculpture and must be approved by the City prior to execution and recordation.
4. Identified Projects within the Wylder area of the LTC Ranch Development of Regional Impact (DRI) are eligible to fulfill their public art requirements through the value of the “Ladybug Hideaway” sculpture only if a remaining balance is available.
5. For each Identified Project within the Wylder developments and related projects in the LTC Ranch Development of Regional Impact (DRI), Midway Glades Developers, LLC, must submit the project’s number and title, project location, and calculated public art assessment; demonstrate how the assessment is deducted from the Estimated or Actual Value (as applicable); and provide the remaining value (“Remaining Value”) for City approval. Public art assessments will be calculated on a plat-by-plat and site plan basis. Total construction costs for calculating the public art assessments will be based on the total construction costs for all property depicted on each plat within the development project.
6. Within thirty (30) days of Council approval of the Proposed Alternative Equivalent Proposal, Midway Glades Developers, LLC, shall provide the City with the actual total construction costs for each recorded final plat and approved site plan within the LTC Ranch Development of Regional Impact (DRI) to date. Construction costs for Wylder Parkway shall not be included. The public art assessment shall be calculated at one percent (1%) of the actual total construction costs, as documented in the construction contract(s) for the subject improvements, and shall be deducted from the Actual Value of the “Ladybug Hideaway” sculpture.
7. The public art assessment shall be calculated at one percent (1%) of the actual total construction costs.
8. Midway Glades Developers, LLC, may not utilize any value of the “Ladybug Hideaway” sculpture toward Identified Projects until:

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- a. A detailed cost estimate for the sculpture (“Estimated Value”) is provided, consisting of components defined as “Art, artwork or work of art” under section 162.02 of the Code; and
 - b. A surety acceptable to the City is posted 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 “Ladybug Hideaway” sculpture is not fabricated and installed, or (ii) the Actual Value of the “Ladybug Hideaway” public art sculpture is less than the public art requirements associated with the development projects, and there is a funding deficit.
9. Midway Glades Developers, LLC, shall provide the City with the actual cost (“Actual Value”) of the “Ladybug Hideaway” sculpture within thirty (30) days of issuance of the certificate of completion. Only components defined as “Art, artwork or work of art” under section 162.02 of the Code may be included in the Actual Value.

Section 3. 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 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 13th day of July 2026.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

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Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney

Exhibit “A” – Proposed Location

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Exhibit “B” – Proposed Ladybug Hideaway Sculpture Renderings

Figure 1:



Figure 2:



Figure 3:

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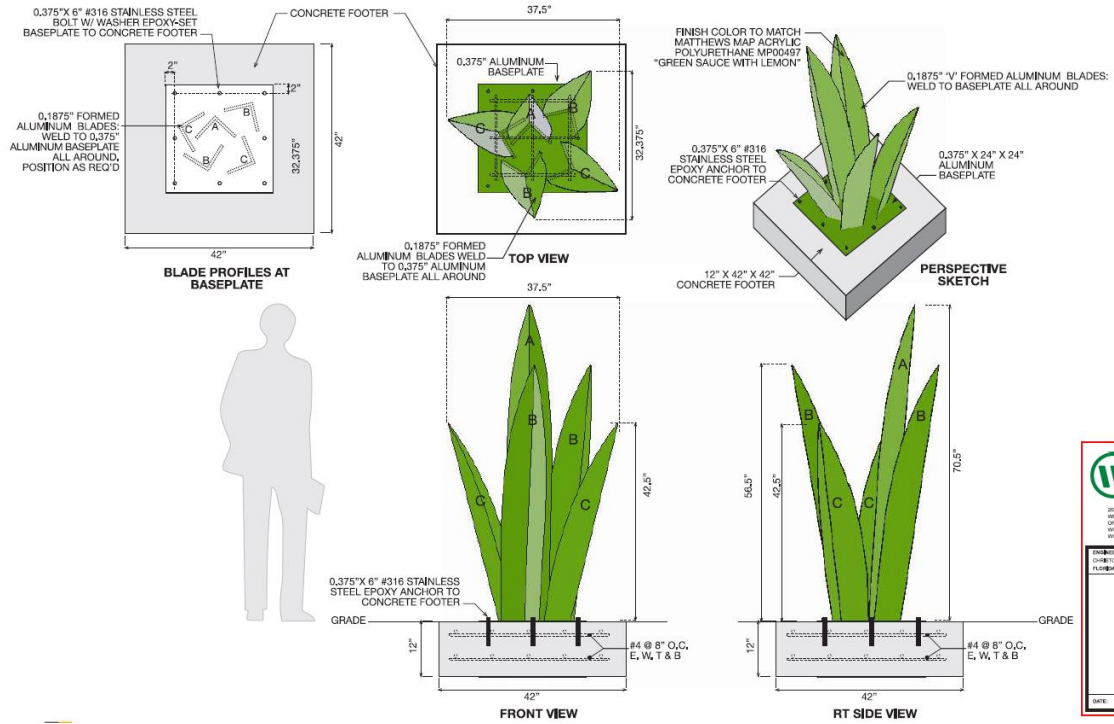
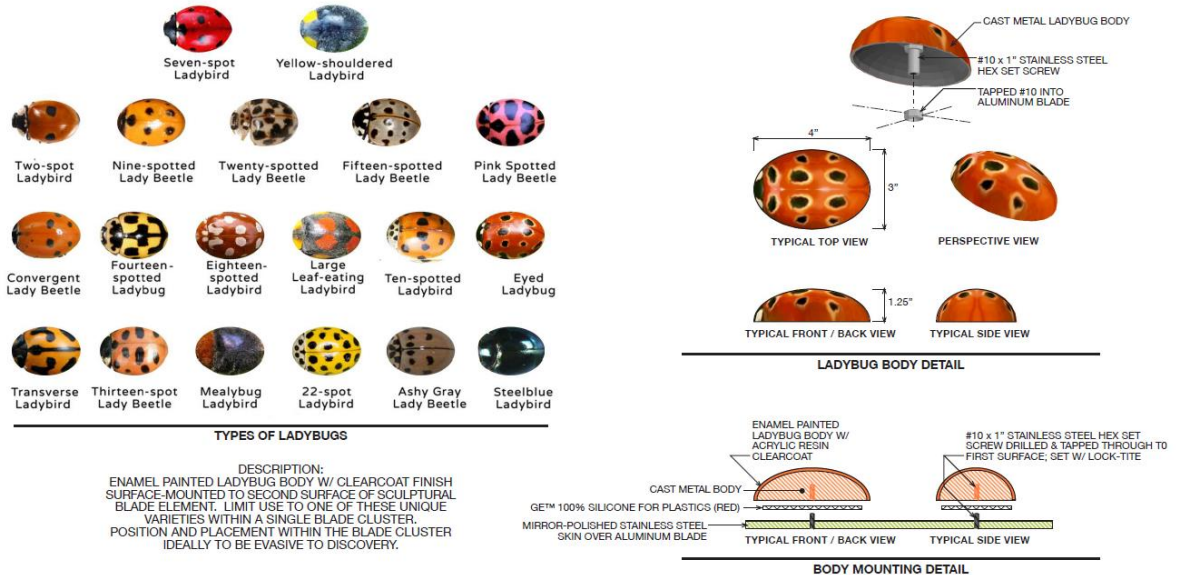
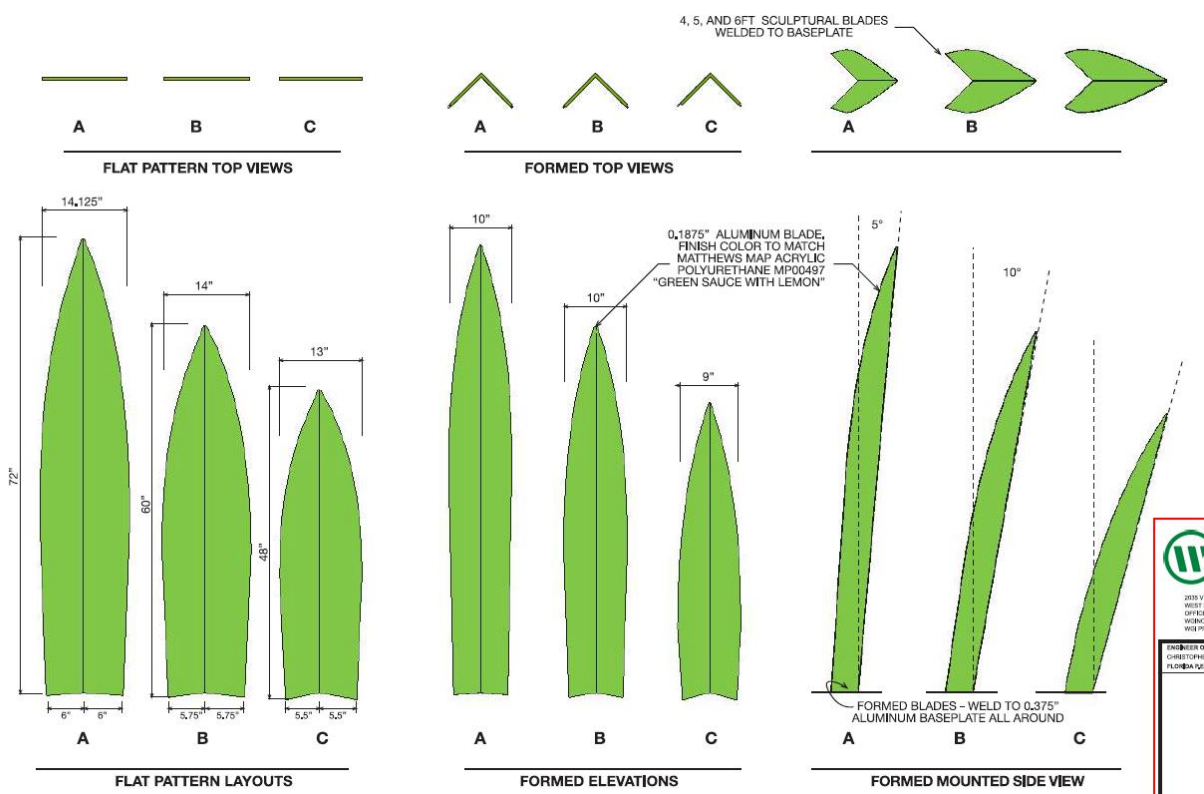


Figure 4:



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Figure 5:



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Exhibit “C” – Identified Projects

The alternate equivalent proposal satisfies the public art requirements for POD 1, POD 2, POD 4, POD 5, POD 6A, POD 6B, POD 7, POD 8A, POD 8B, POD 8C, POD 9, Tract A, Tract B, and Tract C.