



NUE URBAN CONCEPTS, LLC
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May 11th, 2023

Mary F. Savage-Dunham, AICP, CFM
Division Director-Planning & Zoning
City of Port St. Lucie
121 S.W. Port St. Lucie Blvd
Port St. Lucie, FL 34984

Re: True Up Agreement Review for ACR Acquisitions, LLC

Dear Mary:

The Port St. Lucie City Council, as part of the mediated settlement with St. Lucie County related to County Road Impact Fees and the City's Mobility Fee, adopted an update of the City's Mobility Fee Ordinance that agreed to honor existing agreements approved by the City that granted City Road Impact Fee Credits. As part of honoring these existing agreements, the Mobility Fee Ordinance included a requirement for a True Up Agreement. The intent of the True Up Agreement is to clearly identify the Road Impact Fee Credit granted by the City, the source of the credit, how much of the credit has been utilized towards City Road Impact Fee assessments, and what is the remaining balance of the Credit as of a defined date.

True Up Agreements are not intended to modify or replace any agreement. They are required to ensure moving forward under the Mobility Fee Ordinance that all parties agree to the credit granted, amount used to address assessments and the remaining balance. The remaining balance, as of a defined date, will be used to track the continued use of City Road Impact Fee credits to satisfy assessed City Road Impact Fees. Moving forward, any use of the credit, any adjustments to previously issued permits where credits were used, any reimbursement, or any underpayment will be adjusted based on the remaining balance. It is recognized that during the normal permit review process, sometimes there are adjustments that are required to address modifications to permits, expiration of permits, or utilization of credits or requirement for payment that were made in error. The True Up Agreement in no way modifies the administration or implementation of Road Impact Fees or Mobility Fees consistent with legal and statutory requirements and general accounting practices.

ACR Acquisitions, LLC provided documentation to the City that identified a City Road Impact Fee credit of **\$6,419,226.27** based on the Fourth Amendment to Annexation Agreement for Wilson Grove. ACR Acquisitions has not yet submitted building permits that would require payment of a Road Impact Fee or Mobility Fee. Thus, none of the existing Road Impact Fee Credit has been utilized. Therefore, as of May 11th, 2023, ACR Acquisitions, LLC has an existing City Road Impact Fee credit of **\$6,419,226.27**.

It is recommended that the City establish a Credit Account for ACR Acquisitions with a balance of **\$6,419,226.27**. As ACR Acquisitions submits building permit applications and those applications have been granted permission by ACR Acquisitions to utilize the credit, the credit balance will be debited per the 2013 City Road Impact Fee Schedule. There are additional forms required by the City that address the utilization of Road Impact Fee credit. Any request for any additional credit would require a separate agreement between the City and ACR Acquisitions. The use of credit and accounting for credit shall be consistent with the adopted Mobility Fee Ordinance.

ACR Acquisitions, LLC has submitted all required documentation. The documentation accurately reflects the Road Impact Fee credit granted, the amounts utilized, and the remaining balance. This review in no way modifies any existing agreement nor does it in any manner modify or override any policy of the City or the adopted Mobility Fee Ordinance. The documentation provided is consistent with the requirements of the adopted Mobility Fee Ordinance and it is my recommendation that the City move forward with the True Up Agreement. Please let me know if there is any additional document review needed or clarification of any comments made in this review.

Sincerely,



Jonathan B. Paul, AICP
Principal