

## **RESOLUTION 24-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, APPROVING ARTWORK SUBMITTED BY HARBOR VILLAGE 18 LLC, IN CONNECTION WITH A MAJOR SITE PLAN KNOWN AS GATLIN POINTE (20-239-A4); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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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**, on October 9, 2023, City Council approved a major site plan application, which triggered the City’s public art requirements, (Project No. P20-239-A4) (the “Project”) submitted by Harbor Village 18 LLC for the construction of two (2) commercial buildings totaling 16,215 square feet at the southwest corner of Gatlin Boulevard and East Calabria Circle; and

**WHEREAS**, Section 162.09 of the City’s Code of Ordinances allows the developer to site a permanent public artwork as part of its development project in order to comply with the City’s public art requirements, and Harbor Village 18 LLC has proposed an interactive sculpture that is twelve (12’) feet in diameter and the estimated total height is 13’-18’ and will consist of multiple vertical elements made of powder-coated aluminum, attached as Exhibit A (the “Proposed Artwork”) and located in the pedestrian area between the two (2) commercial buildings as placement is depicted on Exhibit B; and

**WHEREAS**, Section 162.05 of the City’s Code of Ordinances sets forth the selection criteria for sites and public art; and

**WHEREAS**, on August 19, 2024, the Public Art Advisory Board held a hearing and completed its review of the Proposed Artwork for compliance with Chapter 162 of the City’s Code of Ordinances; and

**WHEREAS**, the Public Art Advisory Board found the Proposed Artwork consistent with Chapter 162 of the Code of Ordinances and recommended that the City Council approve the Proposed Artwork.; and

**WHEREAS**, the City Council; held a hearing September 9, 2024, to consider the Proposed Artwork; and

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**WHEREAS**, the City Council has considered the Proposed Artwork and all evidence and testimony submitted into the record relating to the Proposed Artwork and has determined that the approval of the Proposed Artwork is consistent with Chapter 162 of the City’s Code of Ordinances.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, THAT:**

**Section 1. Ratification of Recitals.** The City Council hereby adopts and ratifies those matters set forth in the foregoing recitals.

**Section 2.** The City Council accepts the recommendation of the Public Art Advisory Board and hereby approves the Proposed Artwork with the condition that a restrictive covenant, binding the property owner’s successors and assigns to retain and maintain the artwork in compliance with Chapter 160, be executed and recorded within ten (10) days of the issuance of the certificate of occupancy for the project.

**Section 3. Conflict.** 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 APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

ATTEST:

By: \_\_\_\_\_  
Shannon M. Martin, Mayor

\_\_\_\_\_  
Sally Walsh, City Clerk

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APPROVED AS TO FORM:

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Richard Berrios, City Attorney