

**RESOLUTION 20-R128****A RESOLUTION APPROVING PARTIAL EXCEPTIONS TO SECTIONS 156.043 AND 156.059 OF THE SUBDIVISION CODE ON THE REQUEST OF PORT S.T LUCIE GOVERNMENTAL FINANCE CORPORATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Port St. Lucie has received a request from Culpepper and Terpening, Inc., acting as agent for the Port St. Lucie Governmental Finance Corporation, for a partial exception to Sections 156.043 and 156.059 of the Subdivision Code for a proposed preliminary and final subdivision plat with construction plans, Southern Grove Plat No. 33 (P20-171), for property legally described as Southern Grove Plat No. 3, Parcel 30, within the City of Port St. Lucie, Florida; and

**WHEREAS**, the Port St. Lucie Governmental Finance Corporation as owner and title holder of the property seeks to have the property platted; and

**WHEREAS**, there are infrastructure improvements, i.e., roads, drainage, and utility facilities, to be constructed 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 October 26, 2020, the Port St. Lucie Governmental Finance Corporation (GFC) approved a resolution authorizing the execution of a purchase and sale agreement with JDN Enterprises, LLC (Sansone Group), for approximately 22.3 acres of land to be known as Lot 1, Southern Grove Plat No. 33; and

**WHEREAS**, there are public/private improvements, i.e., roads, drainage, and utility facilities to be constructed by JDN Enterprises, LLC, as part of the development of the 22.3 acres of land to

## RESOLUTION 20-R128

be known as Lot 1, Southern Grove Plat No. 33; and

**WHEREAS**, the mechanism for funding these improvements is outlined in the purchase and sale agreement between the GFC and JDN Enterprises, LLC; and

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

**WHEREAS**, the requirement for posting the entire surety is impracticable under the circumstances because JDN Enterprises is contractually obligated to post any remaining portion of the surety at Closing; and

**WHEREAS**, the GFC is requesting approval of the partial exceptions 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. 33, to be scheduled for the December 7, 2020 City Council meeting with a portion of the surety posted prior to platting and the remainder posted after final plat; and

**WHEREAS**, the amount to be provided at closing and after final plat approval will be equal to the sales price (approximately \$1,765,670.00), with the amount to be provided with plat approval and prior to closing being the difference between the sales price and the infrastructure cost estimate approved by the Public Works Department; and

**WHEREAS**, the Site Plan Review Committee, on September 23, 2020, recommended approval of the final plat (P20-171).

**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 request for partial exceptions to Sections 156.043 and 156.059 of the Subdivision Code pursuant to Section 156.023 of the Subdivision Code for a proposed preliminary and final subdivision plat with construction plans, Southern Grove Plat No. 33 (P20-171), for property legally described as Southern Grove Plat No. 3, Parcel 30, within the City of Port St. Lucie, Florida.

Section 3. Condition of Approval. No permits will be issued pursuant to Southern Grove Plat No. 33 until the entire surety is posted.

**RESOLUTION 20-R128**

Section 4. Conflict. If any resolutions, or parts of resolutions, 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.

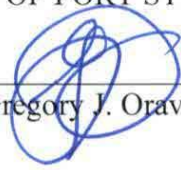
**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this 23<sup>rd</sup> day of November, 2020.

ATTEST:



Sally Walsh, Assistant City Clerk

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By:   
Gregory J. Oravec, Mayor

APPROVED AS TO FORM:

  
James D. Stokes, City Attorney