

ORDINANCE 26-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, ESTABLISHING MCCARTY'S CHOICE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE OF SPECIAL ASSESSMENTS; PROVIDING FOR CONDITIONS; PROVIDING FOR EXCEPTIONS AND INTERLOCAL AGREEMENTS WITH THE CITY; PROVING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, McCarty Town Development, LLC (the "Petitioner"), a Florida limited liability company with an address of 3801 PGA Blvd, Suite 806, Palm Beach Gardens, FL 33410, has petitioned the City Council of the City of Port St. Lucie, Florida (the "City") to adopt an ordinance establishing the boundaries of McCarty's Choice Community Development District (the "District") pursuant to Chapter 190, Florida Statutes, and

**WHEREAS**, such petition contains the information required by sections 190.005(1)(a) and 190.005(2)(a), Florida Statutes; and

**WHEREAS**, the Petitioner has obtained written consent to the establishment of McCarty's Choice Community Development District by the owners of one hundred percent (100%) of the real property to be included in the District; and

**WHEREAS**, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the petition at a duly noticed public hearing conducted by the City Council, in accordance with the requirements and procedures of section 190.005(1)(d), Florida Statutes, on June 22, 2026; and

**WHEREAS**, in accordance with Section 190.005(1)(e), Florida Statutes,

upon consideration of the record established at that hearing, the City Council determined that the statements within the Petition are true and correct; that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's comprehensive plan; that the land within the District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; that the community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services; and that the area that will be served by the District is amenable to separate special-district governance; and

**WHEREAS**, the establishment of the District shall not act to amend any land development approvals and/or regulations governing the land area to be included within the District; and

**WHEREAS**, the establishment of the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area described in the petition; and

**WHEREAS**, the City Council of the City has determined that it is authorized pursuant to Section 190.005, Florida Statutes, to establish community development districts that are less than 2,500 acres in size and located within the corporate boundaries of the City;

**NOW THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

1. Ratification of Recitals. The City Council of the City of Port St. Lucie, Florida, hereby adopts and ratifies those matters as set forth in the foregoing recitals.
2. Authority. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

3. District Name. There is hereby established a community development district situated entirely within the City of Port St. Lucie, St. Lucie County, Florida, which shall be known as “McCarty’s Choice Community Development District”, and which shall be referred to in this ordinance as the "District."
4. District External Boundaries. The external boundaries of the District are described in Exhibit “A” attached hereto, said boundaries encompassing 72.024 acres, more or less.
5. District Powers and Functions. McCarty’s Choice Community Development District shall have all those general powers granted pursuant to Section 190.011, Florida Statutes and those special powers granted pursuant to Section 190.012(1), Florida Statutes. Consent is hereby given to the District to exercise those powers relating to parks and facilities for indoor and outdoor recreational, cultural, and educational uses contained in Section 190.012(2)(a), Florida Statutes, and security, including, but not limited to, guardhouses, fences and gates, electronic detection systems, and patrol cars, as set forth in Section 190.012(2)(d), Florida Statutes, provided, however, that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries. Notwithstanding the foregoing, the adoption and passage of this Ordinance approving the Petition for the establishment of McCarty’s Choice Community Development District ("District") shall not be construed to delegate, authorize, or in any way consent to the District established hereunder to engage in the ownership and operation of a water and/or wastewater facility(s) which would allow the District to engage in the wholesale or retail sale of water, wastewater and/or reuse water services, or provide garbage services and/or any other municipal services absent the express written consent and/or agreement of the City. The District’s exercise of special powers pursuant to section 190.012(2)(d), Florida Statutes, may not impede the public’s access to public roadways. The District shall not impose special assessments of any kind whatsoever on real property to be dedicated to or owned by the City.
6. Termination of District. In the event that the District established

hereunder is terminated for any reason, the City shall in no way be required to accept ownership and/or maintenance responsibility for any improvements made by the District including, but not limited to, the road rights of way, stormwater management and drainage systems, and street lighting that are necessary for the development in the District without the City's express written consent. In the event of termination, the District shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

7. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are: Jack Berry, Bobbie Henley, Jessica Kowalski, Justin Frye, and Charleigh Berry.
8. Notice Requirements. The District shall provide public notice of all meetings pursuant to law.
9. Special Assessments. Non ad valorem special assessments, as defined in Chapter 190, Florida Statutes, shall only be levied by the District on those lands included within the District boundary, as such boundary may be amended, and in accordance with Chapter 190, Florida Statutes.
10. District Charter; Exercise of Special Powers. Pursuant to section 190.004(4), Florida Statutes, the charter for the District shall be sections 190.006 through 190.041, Florida Statutes, including the special powers provided by sections 190.012(1), (2)(a), and (2)(d), Florida Statutes. The exercise by the District of powers set forth in section 190.012(2)(b), (c), (e), and (f), Florida Statutes, shall require prior consent by the City Council, which consent shall only be provided by resolution or ordinance after specific petition to the City Council.
11. Notice of Special Assessments. The District is solely responsible for the implementation of special assessments upon benefited property within the District's internal boundaries. The Petitioner, its successors, and assignees shall provide notice of said special assessments to all prospective purchasers of said property.
  - a. The Petitioner, its successors, and assigns shall provide full

disclosure of the public financing and maintenance of improvements undertaken by the District. This disclosure shall include a statement in bold print that special assessments imposed by the District will appear in the tax bill for each property within the District. This disclosure shall meet the requirements of section 190.048, Florida Statutes, as amended from time to time, and shall be included in every contract for purchase and sale of property within the District, and in every recorded deed of conveyance from the Petitioner. The District shall record a notice of assessments in the Public Records after any bond sale.

- b. The Petitioner, its successors, and assignees shall disclose the fact that the development is located in a special taxing district, and that a special assessment will be collected on the tax roll against all benefited property within the District. This information shall be in bold type in any sale brochures, in any sales information, and on the front page of the Declaration of Restrictive Covenants creating the Property Owners Association or Homeowners Association.
- c. The Petitioner, its successors, and assigns, shall provide all the disclosures required by this Ordinance in a separate page as part of the contract for purchase and sale of property within the District. The prospective purchaser must sign this page.
- d. An affidavit of compliance by the Petitioner and, as applicable, its successors, and assignees, shall be submitted annually to the City of Port St. Lucie until all units have been sold, outlining the number of units sold, providing samples of the documents used in the closing process, and certifying compliance with the disclosure requirements contained in this Ordinance. Upon ten (10) days' written notice, the City shall have the right to audit these records and only these records of the Petitioner, its successors, and assignees, to verify the compliance with the disclosure requirements in this Ordinance. Failure to comply with the disclosure requirements in this Ordinance shall be a violation of a City ordinance and shall be punishable as provided by law including, but not limited to, enforcement procedures established in the City's Land Development Code. Petitioner shall have no

obligation to comply with the requirements of this paragraph in the event that Petitioner is not party to a real estate transaction. However, in the event of any sale or transfer of property by Petitioner to any person who is not the initial purchaser of a residential unit, Petitioner shall impose the obligations of this Section 11 on any recipient of such property.

12. Conditions. The District shall be subject to the following conditions:

- a. The Petitioner and all future property owners and persons within the District shall be subject to all City ordinances including, but not limited to, site plan approval and all permitting and review requirements and processes.
- b. All construction shall be subject to City inspections and requirements.
- c. The construction of all utility infrastructure relating to ponds, landscaping, hardscaping and walls, sanitary sewer, stormwater management (including ponds and retention and transmission facilities), roads and paving, sidewalks, and water supply and distribution shall be built to City standards.

13. Exceptions and Interlocal Agreements. The District shall have all of the authority and power contained with Chapter 190, Florida Statutes, as set forth in this Ordinance. Although the District may construct potable water or wastewater facilities, the District shall not operate such facilities unless, pursuant to Chapter 163, Florida Statutes, an interlocal agreement is promulgated between the City and the District; provided, however, that following construction, the District will dedicate such facilities to the City after the City has inspected and approved the facilities through its turnover process.

14. Severability. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or unenforceable provision is not

material to the logical and intended interpretation of this Ordinance.

15. The correction of typographical and/or scrivener errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Manager.
16. This Ordinance shall not be codified, but the City Manager shall retain this Ordinance as a permanent record of action taken by the City Council, City of Port St. Lucie, Florida.
17. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.
18. This Ordinance shall take effect pursuant to the laws of the State of Florida.
19. The Clerk is hereby directed to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

(Signatures on Following Page)

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

ATTEST:

CITY COUNCIL, CITY OF PORT ST.  
LUCIE, FLORIDA

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard Berrios, City Attorney

**EXHIBIT "A"**

THE SOUTH 1290.46 FEET OF THE SOUTHWEST ONE QUARTER LYING SOUTH OF PONY PINES-UNIT ONE, AS IN PLAT BOOK 17, PAGE 3, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS THE EAST 46 FOOT CANAL RIGHT OF WAY AND LESS THE WEST 98 FEET FOR ROAD AND CANAL RIGHT OF WAY, ST. LUCIE COUNTY, FLORIDA

ALL ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 9 TOWNSHIP 36 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, THENCE ALONG THE SOUTH LINE OF SAID SECTION 9, NORTH 89°39'17" EAST, A DISTANCE OF 98.00 FEET TO THE POINT OF BEGINNING; THENCE, NORTH 00°26'11" WEST, A DISTANCE OF 860.13 FEET; THENCE, NORTH 89°36'30" EAST, A DISTANCE OF 178.61 FEET; THENCE, NORTH 00°17'45" WEST, A DISTANCE OF 200.03 FEET; THENCE, NORTH 89°44'22" EAST, A DISTANCE OF 300.22 FEET; THENCE, NORTH 00°19'38" WEST, A DISTANCE OF 230.60 FEET; THENCE, NORTH 89°39'17" EAST, A DISTANCE OF 200.14 FEET; THENCE, SOUTH 00°19'38" EAST, A DISTANCE OF 30.37 FEET; THENCE, NORTH 89°40'22" EAST, A DISTANCE OF 87.85 FEET TO A POINT OF A NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 59° 47' 32", HAVING A RADIUS OF 60.00 FEET, HAVING AN ARC DISTANCE OF 62.61 FEET, AND WHOSE LONG CHORD BEARS NORTH 59° 46' 36" EAST FOR A DISTANCE OF 59.81 FEET; THENCE, NORTH 89°40'22" EAST, A DISTANCE OF 461.28 FEET; THENCE, NORTH 00°19'38" WEST, A DISTANCE OF 0.75 FEET; THENCE, NORTH 89°39'17" EAST, A DISTANCE OF 1267.24 FEET; THENCE, SOUTH 00°21'14" EAST, A DISTANCE OF 1290.46 FEET; THENCE, SOUTH 89°39'17" WEST, A DISTANCE OF 2546.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,137,359 SQUARE FEET OR 72.0238 ACRES, MORE OR LESS.