

RESOLUTION 23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AND EXECUTE A TRUE-UP AGREEMENT FOR ROAD IMPACT FEE CREDITS BETWEEN THE CITY OF PORT ST. LUCIE AND RIVERLAND/KENNEDY II, LLC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie Mobility Fee Ordinance, Ordinance 22-87, (“Ordinance”) honors all existing agreements where a City road impact fee credit has been granted to a development entity or owner of land within the City; and

WHEREAS, the Ordinance further provides that the City will allow existing road impact fee credits to be used to fully offset mobility fees due under the Ordinance based upon the 2013 City road impact fee schedule; and

WHEREAS, the Ordinance requires that all parties with existing City road impact fee credit agreements enter into a true-up agreement with the City in order to utilize their credits; and

WHEREAS, the intent of the true-up agreements is to ensure the City and parties with existing City road impact fee credit agreements agree on the remaining balance of City road impact fee credits; and

WHEREAS, Riverland/Kennedy LLP has an existing agreement with the City for road impact fee credits; and

WHEREAS, Riverland/Kennedy II, LLC. submitted the documentation required to seek a true-up agreement for road impact fee credits from the City; and

WHEREAS, the City has reviewed the documentation submitted by Riverland/Kennedy II, LLC.; and

WHEREAS, the City desires to enter into the true-up agreement for road impact fee credits attached as **Exhibit “A”** hereto to memorialize the road impact fee credits remaining under Riverland/Kennedy II, LLC.’s existing agreement with the City (the “Agreement”).

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

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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. Authorization. The City Council hereby authorizes the City Manager, or his designee, to enter into, and execute the Agreement, in substantially the same form that is attached hereto and incorporated herein as Exhibit “A”, and such other documents necessary to implement the terms of said Agreement.

Section 3. Conflict. If any resolutions, or parts of resolutions, 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 ____ day of _____, 2023.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney