

ORDINANCE 21-__

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN RESIDENTIAL REAL PROPERTY LOCATED AT 4626 SW INAGUA STREET, ACQUIRED VIA THE CITY OF PORT ST. LUCIE NEIGHBORHOOD SERVICES DEPARTMENT TO LISA HEINTZ AND DIERK HEINTZ; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie (“City”) acquired the property located at 4626 SW Inagua Street on November 24, 2008 via a Stipulated Order of Taking, attached hereto as Exhibit "A,"; and

WHEREAS, the City of Port St. Lucie (“City”) has determined that residential real property located at 4626 SW Inagua Street shall be dedicated to the City’s Neighborhood Services Department for an Affordable Housing project; and

WHEREAS, the City has partnered with Synergy Homes, LLC to build this home; and

WHEREAS, the City desires to convey the newly constructed home to residents Lisa Heintz and her son Dierk Heintz as part of the Gold Star Family, Homes for Heroes project; and

WHEREAS, an appraisal conducted on January 21, 2021 determined that the value of the home is appraised at Two Hundred and Seventy-Seven Thousand Dollars 00/100 (\$277,000), attached hereto as Exhibit "B,"

WHEREAS, the City conveys the property with the following restrictions:

- (a) Property Use. The Property shall be used solely for residential purposes. The Property may not be used for any non-residential purposes whatsoever including, but not limited to, use as a rental property;
- (b) Homestead Exemption. OWNER shall ensure that the Homestead Exemption for the Property is maintained at all times;
- (c) Insurance and Maintenance of Property. OWNER shall ensure that Property is insured and maintained and so that the exterior of the Unit located on the Property is in good repair, including, but not limited to, painting, landscaping and lawn maintenance, as necessary. OWNER shall maintain the Property and the Unit built thereon in accordance with the applicable laws, regulations and ordinances of the CITY;

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- (d) Mortgage or Sale of Property. City must approve of any sale or mortgaging of the Property occurring prior to the end of the twenty-five (25) year affordability period. Approval may be granted if the Declarant will use the funds obtained from the sale or refinancing to provide for home improvements or needed home repairs.
- (e) Repayment. In the case of an unapproved sale or mortgaging of the Property prior to the end of the twenty-five (25) year affordability period, a prorated amount equal to the appraised value of Two Hundred and Seventy-Seven Thousand Dollars 00/100 (\$277,000), with 0% interest thereon, shall be due and payable to the City of Port St. Lucie NSP Revenue Fund or, if the fund is no longer available, to the Community Development Block Grant (CDBG) program income fund of the City of Port St. Lucie, 121 SW Port St. Lucie Blvd., Port St. Lucie, Florida 34984. The amount owed shall be reduced by four percent (4%) on the anniversary date of the conveyance of Property and every year thereafter as long as the Property is in compliance with these restrictions or other legally enforceable retention contracts or mechanisms incorporating the income-eligibility and affordability restrictions committed to herein for the duration of the twenty-five (25) year period;

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

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 Ordinance.

Section 2. Authorization. That there is hereby authorized the conveyance of this Property, located at 4626 SW Inagua Street and further described in the attached Exhibit “C” to Lisa Heintz and Dierk Heintz.

Section 3. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Execution. The City Manager, or his/her designee, is hereby authorized to execute any and all documents necessary to complete the conveyance of the home, located at 4626 SW Inagua Street, to these qualified applicants

Section 5. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

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Section 6. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: _____
James D. Stokes, City Attorney