

RESOLUTION 24 – R38

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, CORRECTING SCRIVENER’S ERROR CONTAINED IN RESOLUTION 21-R07 ADOPTED MARCH 8, 2021, PERTAINING TO THE RIVERLAND/KENNEDY DEVELOPMENT OF REGIONAL IMPACT AMENDED AND RESTATED DEVELOPMENT ORDER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, a municipality incorporated under the laws of the State of Florida (“City”), previously adopted a Development Order for the Riverland/Kennedy Development of Regional Impact (“Riverland DRI”); and

WHEREAS, Resolution 21-R07 is the currently controlling development order for the Riverland DRI (collectively “Existing Development Order”); and

WHEREAS, subsequent to the approval of the Existing Development Order, both Riverland/Kennedy, LLP (“Developer”) and the City discovered a scrivener’s error in Table 2 to the Existing Development Order; and

WHEREAS, Table 2 indicates the Phase 3 widening of Becker Road from N/S B to Community Boulevard is 4LD instead of 6LD; and

WHEREAS, the development order proceeding the Existing Development Order, Resolution 16-R52, reflected Developer’s obligation to 6LD Becker Road from N/S B to Community Boulevard at Phase 3; and

WHEREAS, both the Developer and the City acknowledge that the Phase 3 obligation was unintentionally entered as 4LD instead of 6LD when the Existing Development Order was drafted; and

WHEREAS, both the Developer and the City desire to rectify this scrivener’s error to acknowledge and clarify Developer’s obligation to 6LD Becker Road from N/S B to Community Boulevard at Phase 3; and

WHEREAS, both Developer and City have indicated their agreement to correction of this scrivener’s error via the letters attached hereto as **Composite Exhibit “A”**; and

WHEREAS, a corrected Table 2 is attached hereto as **Exhibit “B”**.

RESOLUTION 24 – R38

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. Amendment. The Existing Development order is hereby amended solely to correct the scrivener’s error by replacing Table 2 of Exhibit “B” of Resolution 21-R07, General Conditions of Approval, with the Table 2 attached hereto as Exhibit “B”.

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. Notice of the adoption of this corrective Resolution shall be recorded by the Developer, in accordance with Sections 28.222 and 380.06(4)(c), Florida Statutes, with the Clerk of the Circuit Court of St. Lucie County, Florida. The notice shall specify that this Resolution runs with the land and is binding on the Developer, its agents, lessees, successors or assigns. A copy of such notice shall be forwarded to the Port St. Lucie Planning and Zoning Department within seven days after recordation.

Section 6. Effective Date. This Resolution shall become effective immediately upon adoption.

RESOLUTION 24 – R38

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida,
this _____ day of _____, 2024.

CITY COUNCIL OF THE CITY OF
PORT ST. LUCIE, FLORIDA

Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios,
City Attorney