

RESOLUTION 22-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO ENTER INTO AND EXECUTE AN INTERLOCAL AGREEMENT BETWEEN ST. LUCIE COUNTY AND THE CITY OF PORT ST. LUCIE REGARDING PARK IMPACT FEES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, St. Lucie County (the “County”) has adopted a parks impact fee ordinance (the “Parks Impact Fee”) which is set out in Chapter 24, Article VIII of the St. Lucie County Code (the “Ordinance”); and

WHEREAS, the Parks Impact Fee is implemented and collected within the entire County, including areas within the boundaries of all incorporated municipalities of the County; and

WHEREAS, the Ordinance allows a government unit other than the County to collect the Parks Impact Fee on behalf of the County; and

WHEREAS, on July 26, 2021, the City of Port St. Lucie (“City”) adopted Resolution 21-R93 initiating Chapter 164, Florida Statutes, Conflict Resolution Proceedings between the City and the County regarding the County’s Parks Impact Fee; and

WHEREAS, with regard to the Parks Impact Fee, the City alleged that the County’s benefit districts failed to comport with the requirements of state law and further that the County’s collection and expenditure of the Parks Impact Fee failed to meet the “dual (rational) nexus test”; and

WHEREAS, the County updated its Parks Impact Fee and the updated study proposes the creation of three (3) mainland benefit zones and a revised Parks Impact Fee schedule; and

WHEREAS, the City and the County have agreed to settle the disputes concerning the County’s Parks Impact Fee through the Chapter 164 Conflict Resolution Process; and

WHEREAS, the City and the County desire to reduce their settlement to writing in the form of an Interlocal Agreement, which is attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the City and the County are authorized to enter into the Interlocal Agreement, pursuant to Sections 163.01 and 164.1057, Florida Statutes.

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.

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Section 2. Authority to Enter into Agreement. The Mayor, or her designee, is hereby authorized to enter into, execute and deliver to the County, in substantially the same form that is attached hereto and incorporated herein as Exhibit "A" to this Resolution, the Interlocal Agreement and such other documents necessary to implement the terms of said Interlocal Agreement.

Section 3. Authority to Implement Agreement. The City Manager, or his designee, is hereby authorized to take all actions necessary to implement the terms and conditions of the Interlocal Agreement and accomplish the purposes set forth therein.

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 ____ day of _____, 2022.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney