

**A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, APPROVING THE SECOND AMENDMENT TO CITY OF PORT ST. LUCIE IMPACT FEE AGREEMENT BETWEEN CITY OF PORT ST. LUCIE, CITY ELECTRIC SUPPLY, AND CES PORT ST. LUCIE FL LANDLORD, LLC; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Port St. Lucie, a Florida municipal corporation (the “City”), City Electric Supply Company, a Florida corporation (the “Company”), and CES Port St. Lucie FL Landlord, LLC, a Delaware limited liability company (the “Owner/Landlord”) previously entered into an Impact Fee Mitigation Agreement; and

**WHEREAS**, in response to COVID-19, on January 25, 2021, the City adopted Resolution 21-R108, modifying the job creation timeframes, otherwise provided by the Agreement for the creation of 50 new jobs for a period of one year – so the first job creation milestone would be applicable for the 2022 calendar year (rather than 2021), with the remaining job creation schedule being extended by one year, through 2026 (rather than 2025); and

**WHEREAS**, in further response to COVID-19, the parties seek a second modification to the job creation timeframes, otherwise provided by the Agreement for the creation of 50 new jobs for a period of one year – so the first job creation milestone would be applicable for the 2023 calendar year (rather than 2022), with the remaining job creation schedule being extended by one year through 2027 (rather than 2026); and

**WHEREAS**, the City desires to accept the terms and conditions of the requested amendment (“Amended Agreement”).

**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. Approval. The City Council authorizes the Mayor or his designee, or the City Manager or his designee, to enter into, execute and deliver the Amended 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 and conditions of said Amended 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.

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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 \_\_\_\_\_, 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