

**ORDINANCE 21-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING ORDINANCE NO. 05-22 ENACTED ON APRIL 25, 2005, ESTABLISHING VERANO #5 COMMUNITY DEVELOPMENT DISTRICT (FORMERLY KNOWN AS MONTAGE RESERVE #5 COMMUNITY DEVELOPMENT DISTRICT), AS AMENDED BY ORDINANCE NO. 06-12 ENACTED ON FEBRUARY 13, 2006, IN ORDER TO CONTRACT THE BOUNDARIES OF THE DISTRICT; MAKING CERTAIN FINDINGS; DESCRIBING THE REVISED BOUNDARIES OF THE DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE**

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Authority for this Ordinance.\\ This Ordinance is enacted pursuant to the provisions of Article VIII, Section 2, of the Florida Constitution; Chapter 166, Florida Statutes, as amended; Section 190.046(1), Florida Statutes; Section 1.01 of the Charter of the City of Port St. Lucie, Florida (“City”); and other applicable provisions of law.

Section 2. Findings. It is hereby ascertained, determined, and declared by the City Council of the City (“City Council”) as follows:

a. On April 25, 2005, the City Council enacted Ordinance No. 05-22 (“Original Ordinance”) to establish the Montage Reserve #5 Community Development District (“Verano #5”) as a community development district pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended (“Act”), and other applicable law, including establishing its external boundaries, among other matters.

b. On February 13, 2006, the City Council enacted Ordinance No. 06-12 (“Amending Ordinance”) amending the Original Ordinance to change the name of Verano #5 to Verano #5 Community Development District.

c. The external boundaries of the Verano #5 as initially established and as currently configured contain approximately 539.00 acres of real property located entirely within the jurisdictional boundaries of the City.

d. Pursuant to Section 190.046(1) of the Act, the Boards of Supervisors of Verano #5 and of Verano #2 Community Development District (“Verano #2”), Verano #3 Community Development District (“Verano #3”), and Verano #4 Community Development District (“Verano #4” and, together with Verano #2, Verano #3, and Verano #5, the Petitioning Districts), have joined in submission of a consolidated petition (“Consolidated Petition”) to the City that, as important here, requests that the City (1)

contract the external boundaries of Verano #5 so that thereafter approximately 486.228 acres of real property will be located within such external boundaries, and (2) amend the Original Ordinance, as previously amended by the Amending Ordinance, to reflect the revised boundaries of Verano #5.

e. All lands within Verano #5 as currently configured and as proposed for contraction in the Consolidated Petition are located entirely within the jurisdictional boundaries of the City.

f. The Consolidated Petition contains the information required by Sections 190.005 and 190.046 of the Act to contract the boundaries of Verano #5.

g. The City Council has conducted a public hearing on the Consolidated Petition in accordance with the requirements of Section 190.0046(1)(b) and has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act, among other matters, and hereby finds that:

(1) All statements in the Consolidated Petition are true and correct;

(2) The proposed contraction of the external boundaries of Verano #5 as set forth in the Consolidated Petition will not result in a cumulative net total addition that is either (A) greater than 50 percent of the acres initially located within the boundaries of Verano #5, or (B) in excess of 1,000 acres;

(3) No real property within the revised boundaries of Verano #5 as proposed in the Consolidated Petition will be excluded from Verano #5;

(4) The contraction of the external boundaries of Verano #5 as proposed in the Consolidated Petition will not be inconsistent with any applicable element or portion of the State of Florida's comprehensive plan or of the City's comprehensive plan;

(5) Following the proposed contraction of the external boundaries of Verano #5, the property comprising Verano #5 will be of sufficient size, compactness, and contiguity to be developable as one functional interrelated community;

(6) Verano #5 is the best alternative available for delivering community development services and facilities to the area that, following the contraction proposed in the Consolidated Petition, will be served by Verano #5;

(7) The community development services and facilities of Verano #5 will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

(8) The area that will be served by Verano #5 is amenable to separate special district government.

j. The City Council now desires to grant the request of Verano #5 by (1) contracting the boundaries of Verano #5 as set forth in the Consolidated Petition and (2) amending the Original Ordinance, as previously amended, in the manner set forth in this Ordinance.

Section 3. Grant of Consolidated Petition; Amendment of Original Ordinance, as amended, to Establish New Boundaries of Verano #5. The City hereby grants the request of Verano #5 as set forth in the Consolidated Petition and the Original Ordinance, as amended by the Amending Ordinance, is hereby further amended to contract the external boundaries of Verano #5 by deleting Exhibit "A" to the Original Ordinance in its entirety and replacing it with Exhibit "A" attached to this Ordinance.

Section 4. Conflicts. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

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.

Section 6. Filing with the Department of State. The Clerk be and is hereby directed forthwith to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida, 32304.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after its final adoption.

*[Signatures on following page]*

PASSED AND ENACTED by the City Council of the City of Port St. Lucie, Florida, this  
\_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

By: \_\_\_\_\_  
Gregory J. Oravec, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
James D. Stokes, City Attorney

**ORDINANCE 21-\_\_\_\_\_**

**ORDINANCE EXHIBIT "A"**

**EXTERNAL BOUNDARIES OF VERANO #5  
COMMUNITY DEVELOPMENT DISTRICT**