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Reply To: West Palm Beach Office

March 3, 2021

VIA ELECTRONIC MAIL – jstokes@cityofpsl.com

James Stokes, Esquire
City Attorney
121 S.W. Port St. Lucie Boulevard
Port St. Lucie, FL 34984

RE: Objections by Akel Homes to Riverland Kennedy Applications P20-161, P20-162 and P20-175

Dear Mr. Stokes:

Our firm represents Akel Homes and its related entity, ACR Acquisition LLC, owner of the Wilson Grove property (“Wilson Grove”) in the City of Port St. Lucie (“the City”). As we have previously advised you, we are hereby intervening on behalf of our clients pursuant to Section 32.80(d) of the City’s Code in the quasi-judicial proceeding on the above noted applications filed by GL Homes/Riverland Associates I LLLP, Riverland Associates III LLLP, and Riverland/Kennedy II LLC (“Riverland”), currently scheduled for a Special City Council Meeting on Monday March 8, 2021. For the reasons noted herein, Wilson Grove opposes the subject applications. As you are aware, Wilson Grove is engaged in litigation with the City and Riverland concerning the Annexation Agreement between the parties and the City. As you are also aware, a global mediation in the litigation is ongoing, which if successful would result in a holistic and comprehensive resolution of the matters at issue. For that reason, we contend the subject hearing should be postponed until after conclusion of the mediation.

Short of that, we maintain the subject applications should be denied, as recommended by the City’s Planning and Zoning Board at its meeting of January 5, 2021. The applications, should be denied for the following reasons, among others:

- Riverland’s failure to abide by the terms of the Annexation Agreement and its DRI approval, most notably its failure to construct Becker Road across its property to the eastern boundary of Wilson Grove;

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James Stokes, Esquire

March 3, 2021

Page 2

- Riverland's failure to adhere to the Western Area Traffic Study (WATS); and
- Riverland's failure to build the roads required for Phase I of its development, 2,500 homes, and its intention through the subject applications to build up to 3,275 homes with no intention of constructing the roads required to serve this and surrounding development.

The effect of Riverland's actions, or inaction, as noted above results in the continued land-locking of Wilson Groves, and adversely impacts the City as a whole. Significantly, the Annexation Agreement provides that breach of the Agreement shall result in the City withholding all further development approvals, until the breach is resolved. That is precisely the penalty that should be imposed on Riverland for its continuing failure to comply with the terms of the Annexation Agreement and DRI Development Order.

In support of our position we are filing under a separate email power point slides that we intend to present at the Special City Council Meeting on March 8 as well as additional documents and correspondence to be made part of the record. Our client Ramsey Akel will also be sending a detailed letter to the Mayor and City Council members which should be made part of the record. At the hearing on March 8, I will be joined by co-counsel Steven Katzman. We may call as witnesses Susan O'Rourke, P.E., Daniel Sorrow, AICP, Horacio Moncada, Development Manager with Akel Homes, Ramsey Akel and Alexander Akel, both principals with Akel Homes and ACR Acquisition.

Please advise if you have any questions.

Respectfully submitted,

Alfred J. Malefatto

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