

ORDINANCE 22-__

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE RELEASE OF ANY AND ALL INTEREST RESERVED UNTO THE CITY OF PORT ST. LUCIE UNDER SECTION 270.11, FLORIDA STATUTES, FOR PHOSPHATE, MINERALS, METALS AND PETROLEUM THAT IS OR MAY BE IN, ON, OR UNDER LANDS CONVEYED TO THE PORT ST. LUCIE GOVERNMENTAL FINANCE CORPORATION VIA QUIT CLAIM DEEDS RECORDED IN OFFICIAL RECORDS BOOK 4596, PAGE 1259, AND OFFICIAL RECORDS BOOK 4378, PAGE 1656, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 19, 2004, the City Council of the City of Port St. Lucie approved the Annexation Agreement recorded in Official Record Book 2137, Page 2419, of the Public Records of St. Lucie County, Florida, as subsequently amended, requiring the conveyance of certain road rights-of-way to the City and providing a process for relocation of such road rights-of-ways between the developers and the City in the event of any re-alignment of such road rights-of-ways; and

WHEREAS, on October 30, 2007, Horizons Acquisition 5, LLC, conveyed the Southern Grove road rights-of-way, including SW Paar Drive, to the City via a Special Warranty Deed recorded in Official Record Book 2899, Page 2933, of the Public Records of St. Lucie County, Florida; and

WHEREAS, on January 25, 2021, the City Council approved an amendment to the Southern Grove DRI via Resolution 21-R05, relocating the SW Paar Drive right-of-way from Village Parkway to Interstate 95 (the “Relocated Paar Drive”); and

WHEREAS, on April 12, 2021, the City Council approved Ordinance 21-24 to abandon and convey SW Paar Drive, from SW Village Parkway to Interstate 95 (the “Original Paar Drive”), to the Port St. Lucie Governmental Finance Corporation (the “GFC”); and

WHEREAS, On April 22, 2021, a Quit Claim Deed was recorded in Official Records Book 4596, Page 1259, of the Public Records of St. Lucie County, Florida, conveying the Original Paar Drive to the GFC; and

WHEREAS, on October 25, 2021, the City Council approved an amendment to the City of Port St. Lucie’s Comprehensive Plan via Ordinance 21-46, removing the Relocated Paar Drive, from SW Anthony F. Sansone Sr. Boulevard to Interstate 95, from the City’s road-network; and

ORDINANCE 22-__

WHEREAS, on November 8, 2021, the City Council approved an amendment to the Southern Grove DRI via Resolution 21-R136, removing the Relocated Paar Drive from the Southern Grove DRI Master Plan; and

WHEREAS, on December 6, 2021, the City Council, via Ordinance 21-122, approved abandoning the Relocated Paar Drive and conveying the Relocated Paar Drive to the GFC; and

WHEREAS, On December 13, 2021, a Quit Claim Deed was recorded in Official Records Book 4738, Page 1656, of the Public Records of St. Lucie County, Florida, conveying a portion of the Relocated Paar Drive, from SW Anthony F. Sansone Sr. Boulevard to Interstate 95, to the GFC; and

WHEREAS, Section 270.11, Florida Statutes, reserves an undivided three-fourths interest in all the phosphate, minerals, and metals and an undivided one-half interest in all petroleum that is or may be in, on, or under lands owned by a local government with the privilege to mine and develop the same and further provides that a local government may, at its discretion, sell or release reserved interest in any parcel of land, except that such sale or release shall be made upon petition of the owner of the parcel of land with a statement of reasons justifying such sale or release; and

WHEREAS, the GFC has received a written request from Cheney Bros, Inc., which is under contract with the GFC to purchase of a portion of land, which includes portions of the Original Paar Drive and the Relocated Paar Drive, to petition the City to release its interest reserved under Section 270.11, Florida Statutes; and

WHEREAS, the City wishes to release its interest reserved under Section 270.11, Florida Statutes, and authorizes the Mayor, or her designee, or the City Manager, or his designee, to execute the Quit Claim Deed in substantially the same form as attached hereto and incorporated herein as Exhibit "A", as well as any other documents necessary to complete the conveyance.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

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 Ordinance.

Section 2. Authorization. The City Council of the City of Port St. Lucie hereby authorizes the release of its three-fourths interest in all the phosphate, minerals, and metals and one-half interest in all petroleum that is or may be in, on, or under the Original Paar Drive and Relocated Paar Drive previously owned by the City, along with the privilege to mine and develop the same as may have been reserved under Section 270.11, Florida Statutes, and further authorizes the

ORDINANCE 22-__

Mayor, or her designees, or the City Manager, or his designees, to execute any and all documents necessary to formalize and complete the conveyance as contemplated herein, including but not limited to the Quit Claim Deed in substantially the same form as attached hereto as Exhibit "A".

Section 3. Recordation. The City Council hereby directs that this Ordinance be recorded in the public records of St. Lucie County, Florida.

Section 4. Conflict. 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. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word "ordinance" may be changed to "section" or other appropriate word as may be necessary.

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

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 M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney