

ORDINANCE NO. 22-\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, ESTABLISHING THE SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 10; MAKING CERTAIN FINDINGS REGARDING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR CERTAIN SPECIAL POWERS; 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; Chapter 190, Florida Statutes, as amended (“Act”), and in particular Section 190.005 of the Act; 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. Pursuant to Section 190.005 of the Act, Mattamy Palm Beach LLC, a Delaware limited liability company, and Port St. Lucie Governmental Finance Corporation, a Florida corporation (together, the “Petitioners”), joined by the Boards of Supervisors of Southern Grove Community Development District No. 1 (“SGCDD1”), Southern Grove Community Development District No. 2 (“SGCDD2”), Southern Grove Community Development District No. 3 (“SGCDD3”), Southern Grove Community Development District No. 4 (“SGCDD4”), Southern Grove Community Development District No. 5 (“SGCDD5”), and Southern Grove Community Development District No. 6 (“SGCDD6” and, together with SGCDD1, SGCDD2, SGCDD3, SGCDD4, and SGCDD5, the “Districts”), have filed a Consolidated Petition with the City that, as important here, requests that the City establish the Southern Grove Community Development District No. 10 (“SGCDD10”) as a community development district within the meaning of the Act and other applicable law to provide infrastructure and related facilities and improvements (“Infrastructure”) to serve the property described in the attached Exhibit A (“Property”).

b. The Consolidated Petition contains the information required by Section 190.005 of the Act to establish SGCDD10.

c. The City Council has conducted a public hearing on the Consolidated Petition and the requested establishment of SGCDD10 in accordance with the requirements of the Act and has considered the record of the public hearing and the

factors set forth in Section 190.005(1)(e) the Act, among other matters, and hereby finds that:

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

(2) The creation of SGCDD10 is not inconsistent with any applicable element or portion of the State of Florida's comprehensive plan or of the City's Comprehensive Plan;

(3) The area of land within the proposed SGCDD10 is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;

(4) SGCDD10 is the best alternative available for delivering community development services and facilities to the area that will be served by SGCDD10;

(5) The community development services and facilities of the proposed SGCDD10 will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

(6) The area that will be served by the proposed SGCDD10 is amenable to separate special-district government; and

(7) The Districts have previously levied special assessments on benefitted land within the area to be included in the SGCDD10 to pay for or to finance or refinance certain Infrastructure that has been and will be constructed or acquired by or on behalf of the Districts and other community development districts that become parties to the Interlocal Agreement (defined below), and to pay for costs of operation and maintenance of such Infrastructure, and the obligation to collect such special assessments shall be assigned to and assumed by the SGCDD10; and

(8) Consistent with the provisions of Section 190.002, Florida Statutes, all applicable planning and permitting laws, rules, regulations and policies control the development of the land to be serviced by the SGCDD10; and

(9) The City Council finds that the SGCDD10 shall have the general powers described in section 190.011, Florida Statutes, and the special powers described below in Section 6 of this Ordinance; and

(10) The exercise by the SGCDD10 of any powers other than the powers set forth in Section 6 of this Ordinance, shall require consent by the City Council by ordinance or resolution.

(11) Notwithstanding anything to the contrary in this Ordinance, nothing herein shall operate to impair or otherwise adversely impact existing and future indebtedness incurred by or on behalf of the Districts, the SGCDD10, and any other community development district that becomes a party to that certain Second Amended and Restated District Development Interlocal Agreement dated as of July 9, 2013, as amended through the date of this Ordinance and as may be hereafter amended in accordance with its terms (“Interlocal Agreement”), or the rights of the holders of such indebtedness, it being acknowledged that following its establishment the SGCDD10 will become a party to the Interlocal Agreement, as such instrument exists on the date of this Ordinance.

d. The City Council now desires to grant the request of the Petitioners and the Districts and establish SGCDD10 in the manner set forth in the Consolidated Petition and as more fully set forth herein.

Section 3. Grant of Consolidated Petition; Establishment of SGCDD10. The City hereby grants the request of the Petitioners and the Districts as set forth in the Consolidated Petition and establishes the Southern Grove Community Development District No. 10 as a community development district within the meaning of the Act and as an independent special district within the meaning of Chapter 189, Florida Statutes, and a political subdivision of the State of Florida.

Section 4. External Boundaries. The external boundaries of SGCDD10 shall be as set forth on Exhibit A to this Ordinance.

Section 5. Initial Members of Board of Supervisors. The five persons to be the initial members of the Board of Supervisors of SGCDD10, each of whom is designated in the Consolidated Petition and is a resident of the State of Florida and a citizen of the United States, are as follows:

- A. David Graham
- B. Jennifer Davis
- C. Stephen Okiye
- D. Amy Eason
- E. Jeff Greenwalt

Section 6. Consent to Exercise of Special Powers.

a. Pursuant to Section 190.012(2)(a) of the Act, the City hereby consents to the exercise of the powers set forth in Section 190.012(2) (a), (b), (c), and (d) of the Act, thereby enabling SGCDD10 to plan, establish, acquire, construct or reconstruct, enlarge

or extend, equip, operate and maintain systems and facilities for (1) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; (2) fire prevention and control, including water mains and plugs, fire stations, fire trucks, and other vehicles and equipment; (3) school buildings and related structures, which may be leased, sold, or donated to the school district, for use in its educational system, when authorized by the district school board; and (4) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that SGCDD10 may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within SGCDD10 boundaries. Said powers shall be discharged in accordance with Chapter 190, Florida Statutes. The SGCDD10's exercise of special powers pursuant to section 190.012(2)(d), Florida Statutes, may not impede the public's access to public roadways. The SGCDD10 shall not impose special assessments of any kind whatsoever on real property to be dedicated to or owned by the City for public Infrastructure purposes. Notwithstanding anything to the contrary set forth herein, SGCDD10 shall not operate or maintain any water and sewer facilities within its boundaries and all of such facilities shall be dedicated to and/or owned by the City.

b. The City further consents to the exercise by SGCDD10 of the right and power of eminent domain, pursuant to Chapter 73, Florida Statutes, and Chapter 74, Florida Statutes, over any property outside the boundaries of SGCDD10 and within the City (except municipal, county, state, and federal property) for the uses and purposes of SGCDD10 relating solely to water, sewer, District roads, and water management, specifically including, without limitation, the power of eminent domain for the taking of easements for the drainage of the land of one person over and through the land of another; provided, however, that SGCDD10 shall exercise the eminent domain power only for uses and purposes contemplated by, consistent with, or in furtherance of the requirements of approved development permits or development orders relating to the real property within SGCDD10.

c. The foregoing powers shall be in addition, and supplemental, to the powers which the proposed SGCDD10 is entitled to exercise pursuant to the Act.

d. As permitted by the Act, the City hereby approves SGCDD10's exercise, outside of its boundaries, of the powers granted in the Act and herein, subject to the terms hereof, for uses and purposes contemplated by, consistent with, or in furtherance of the requirements of approved development permits or development orders relating to the real property within SGCDD10.

Section 7. Notice of Special Assessments. The SGCDD10 is solely responsible for the implementation of assessments upon benefitted property within its boundaries. The Petitioners, their successors and assignees shall provide notice of said special assessments to all prospective purchasers of said property. The Petitioners, their successors and assignees shall provide full disclosure of the public financing and maintenance improvements undertaken by SGCDD10. This disclosure shall include a statement in bold print that special assessments imposed by the SGCDD10 will appear in the tax bill for each property within the SGCDD10.

This disclosure shall meet the requirements of section 190.048, Florida Statutes, as amended from time to time, and shall be included in every contract for purchase and sale of property within the SGCDD10. The SGCDD10 shall record a notice of establishment in the Public Records in accordance with Section 190.0485, Florida Statutes, before any bond sale, and shall record a notice of assessments (lien of record) in the Public Records after each bond sale.

Section 8. Conditions. This Ordinance shall be subject to the following conditions:

a. The property within the SGCDD10 shall be subject to all applicable City ordinances including, but not limited to, site plan approval, all permitting and review requirements and processes;

b. All development within the SGCDD10 shall be subject to City inspections and requirements;

c. The construction by or on behalf of the SGCDD10 of all public Infrastructure relating to ponds, landscaping, hardscaping and walls, sanitary sewer, stormwater management (including ponds and retention and transmission facilities), roads and paving, sidewalks and water supply distribution shall be in accordance with applicable City standards; stormwater management facilities will be constructed consistent with the design criteria set forth within all applicable South Florida Water Management District surface water management permits.

Section 9. Authority. The SGCDD10 shall have all of the authority and power contained within Chapter 190, Florida Statutes, to the extent set forth in this Ordinance.

Section 10. Conflicts. If any ordinances, or parts of ordinances, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 11. Severability. The provisions of this Ordinance are intended to be severable. If any portion 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 12. 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 13. Effective Date. This Ordinance shall become effective immediately upon final adoption.

PASSED AND ENACTED by the City Council of the City of Port St. Lucie, Florida, this \_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

\_\_\_\_\_  
Shannon Martin, Mayor

APPROVED AS TO FORM:

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

**EXHIBIT A**

**EXTERNAL BOUNDARIES OF  
SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 10**