

## ORDINANCE 26-\_\_

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, ABANDONING EXISTING RIVERLAND PASEO MULTIMODAL EASEMENTS AND ACCEPTING NEW EXPANDED RIVERLAND PASEO MULTIMODAL EASEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, in September of 2019, the City entered into a Park and Recreational Facilities Conveyance Agreement with the Developer of the Riverland/Kennedy DRI to provide for an orderly process for the Developer to convey required park property to the City (“Conveyance Agreement”); and

**WHEREAS**, the Conveyance Agreement contemplated four parks, City Park 1, City Park 2, a Regional Park, and City Park 4; and

**WHEREAS**, the City and Developer also entered a Park and Recreational Facilities Impact Fees and Off-Site Drainage for City Park 1 in September of 2019; and

**WHEREAS**, that agreement provided for the construction of City Park 1 and the provision of impact fee credits to the Developer in exchange for the construction (“Construction Agreement”); and

**WHEREAS**, the City Council approved a modification to the Construction Agreement through an Amended and Restates Park Impact Fee Agreement with the Developer for the Construction of Riverland Paseo Neighborhood Park on October 24, 2022 (the “Agreement”); and

**WHEREAS**, the Agreement provided that that the Developer would receive impact fee credits and a reconveyance of a portion of City Park 4 (“Reconveyance”) in exchange for build out of City Park 1; and

**WHEREAS**, the Agreement also provided that prior to the Reconveyance the Developer was required to cause the conveyance of an expanded easement area over the Paseo to make the path larger (“Expanded Paseo”); and

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**WHEREAS**, the Developer wishes to facilitate the conveyance of the Expanded Paseo to the City through the Riverland Community Association, Inc., the entity that currently owns the property that the original easement overlays and the property where the Expanded Paseo easement will be located; and

**WHEREAS**, the original Paseo easements were granted to the City through various plats and separate instruments; and

**WHEREAS**, to streamline the process and eliminate potential conflicts between the original and new easement areas, the City has requested that the Developer/Association provide a single comprehensive easement for the entire Paseo, that comprehensive easement is depicted on Exhibit “A” hereto; and

**WHEREAS**, in return, the City will release the existing Paseo easements through the documents attached hereto as Exhibit “B” and Exhibit “C”; and

**WHEREAS**, the City Council desires to accept the Expanded Paseo and release the original Paseo Easements as set forth in Exhibits “A” through “C”.

**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. The City Council authorizes the City Manager, or his designee, to execute Exhibits “A” through “C” in substantially the same form as they are attached hereto and take all actions necessary to facilitate said execution.

Section 3. Conflict. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 4. 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

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illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. 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 \_\_\_\_\_, 2026.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

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

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Rich Berrios, City Attorney