

ORDINANCE 21-\_\_

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE PARTIAL ABANDONMENT AND TERMINATION OF A BLANKET FLOWAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2902, PAGE 1220, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, Horizons Acquisitions 5, LLC, a Florida limited liability company (“HA5”) conveyed that certain Blanket Flowage Easement to the City of Port St. Lucie (“City”), as depicted on the easement recorded in Official Records Book 2902, Page 1220, of the Public Records of St. Lucie County, Florida ("Blanket Flowage Easement"); and

**WHEREAS**, the Blanket Flowage Easement allows for temporary drainage flow from Village Parkway over land owned by the Port St. Lucie Governmental Finance (“GFC”) via existing agricultural ditches to the Duda canal; and

**WHEREAS**, the Blanket Flowage Easement is in place until permanent drainage facilities and easements are put in place as development occurs within the GFC lands; and

**WHEREAS**, a portion of the GFC land that is subject to the Blanket Flowage Easement is under contract to be sold by GFC to Accel Florida, LLC; and

**WHEREAS**, the portion of the property being sold to Accel Florida, LLC does not contain any agricultural ditches that convey drainage from Village Parkway to the Duda Canal and thus, the Blanket Flowage Easement not necessary; and

**WHEREAS**, the City wishes to partially abandon and terminate the portion of the Blanket Flowage Easement situated on the property more particularly described as Tracts 1 and 2 of SOUTHERN GROVE PLAT NO. 32 as recorded in Plat Book 90, Page 12, of the Public Records of St. Lucie County, Florida; and

**WHEREAS**, the City desires to partially abandon its interests in the Blanket Flowage Easement pursuant to the Partial Abandonment and Termination of Blanket Flowage Easement attached hereto and incorporated herein as Exhibit “A”.

**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.** That the Mayor, or his designees and the City Manager, or his designees, are hereby authorized to execute any and all documents necessary to formalize and complete the partial

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abandonment and termination of easement as contemplated herein, including but not limited to the Partial Abandonment and Termination of Blanket Flowage Easement 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 \_\_\_\_\_, 2021.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

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

ATTEST:

\_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney