

ORDINANCE NO. 22-97

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, ESTABLISHING THE SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 8; 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. 8 ("SGCDD8") 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 SGCDD8.

c. The City Council has conducted a public hearing on the Consolidated Petition and the requested establishment of SGCDD8 in accordance with the requirements of the Act and has considered the record of the public hearing and the

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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 SGCDD8 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 SGCDD8 is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;
- (4) SGCDD8 is the best alternative available for delivering community development services and facilities to the area that will be served by SGCDD8;
- (5) The community development services and facilities of the proposed SGCDD8 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 SGCDD8 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 SGCDD8 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 SGCDD8; 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 SGCDD8; and
- (9) The City Council finds that the SGCDD8 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 SGCDD8 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.

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(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 SGCDD8, 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 SGCDD8 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 SGCDD8 in the manner set forth in the Consolidated Petition and as more fully set forth herein.

Section 3. Grant of Consolidated Petition; Establishment of SGCDD8. 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. 8 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 SGCDD8 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 SGCDD8, 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,

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thereby enabling SGCDD8 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 SGCDD8 may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within SGCDD8 boundaries. Said powers shall be discharged in accordance with Chapter 190, Florida Statutes. The SGCDD8'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 SGCDD8 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, SGCDD8 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 SGCDD8 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 SGCDD8 and within the City (except municipal, county, state, and federal property) for the uses and purposes of SGCDD8 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 SGCDD8 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 SGCDD8.

c. The foregoing powers shall be in addition, and supplemental, to the powers which the proposed SGCDD8 is entitled to exercise pursuant to the Act.

d. As permitted by the Act, the City hereby approves SGCDD8'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 SGCDD8.

Section 7. Notice of Special Assessments. The SGCDD8 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 SGCDD8. This

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disclosure shall include a statement in bold print that special assessments imposed by the SGCDD8 will appear in the tax bill for each property within the SGCDD8. 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 SGCDD8. The SGCDD8 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 SGCDD8 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 SGCDD8 shall be subject to City inspections and requirements;

c. The construction by or on behalf of the SGCDD8 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 SGCDD8 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.

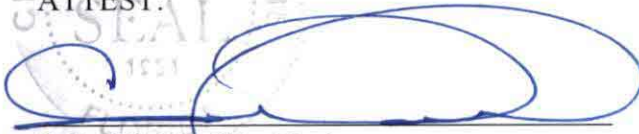
Section 12. Filing with the Department of State. The Clerk be and is hereby directed forthwith to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida, 32304.

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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 14th day of November, 2022.

ATTEST:

A blue ink signature of Sally Walsh, consisting of a large, flowing loop followed by a horizontal line.

Sally Walsh, City Clerk

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

A blue ink signature of Shannon M. Martin, featuring a stylized 'S' and 'M'.

Shannon M. Martin, Mayor

APPROVED AS TO FORM:

A blue ink signature of James D. Stokes, appearing as a stylized 'JD'.

James D. Stokes, City Attorney

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EXHIBIT A

**EXTERNAL BOUNDARIES OF
SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 8**

DESCRIPTION: (CDD NO.8)

A PARCEL OF LAND LYING IN SECTIONS 26 AND 35, TOWNSHIP 37 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA; BEING A PORTION OF SOUTHERN GROVE PLAT NO. 33, AS RECORDED IN PLAT BOOK 91, PAGE 32, ALL OF CONSERVATION TRACT 13 AND ALL OF THAT INDIAN MOUND SITE AS SHOWN ON SOUTHERN GROVE PLAT NO. 3, AS RECORDED IN PLAT BOOK 61, PAGE 17, A PORTION OF SOUTHERN GROVE PLAT NO. 35, AS RECORDED IN PLAT BOOK 95, PAGE 37, A PORTION OF BECKER ROAD AND A PORTION OF VILLAGE PARKWAY AND ALL OF PARCEL G, CITY OF PORT ST. LUCIE RIGHT-OF-WAY, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2899, PAGE 2933, ALL OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT B OF SAID SOUTHERN GROVE PLAT NO. 35; THENCE SOUTH 04°25'12" EAST, DISTANCE OF 374.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 24381.33 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 4°30'14", A DISTANCE OF 1916.56 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°05'02" WEST, DISTANCE OF 161.94 FEET (THE PRECEDING FOUR COURSES BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS FOR STATE ROAD 9 (INTERSTATE-95), SECTION 94001 - 2412, DATED 6/02/77 WITH THE LAST REVISION OF 9/11/79, SAID LINE ALSO BEING ALONG A PORTION OF THE EASTERLY LINE OF SAID SOUTHERN GROVE PLAT NO. 33) TO A POINT OF INTERSECTION WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BECKER ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 95; THENCE SOUTH 89°57'55" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BECKER ROAD AND ITS EASTERLY PROLONGATION, DISTANCE OF 2640.42 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5075.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT-OF-WAY LINE OF BECKER ROAD, THROUGH A CENTRAL ANGLE OF 14°26'20", A DISTANCE OF 1278.93 FEET TO A POINT OF NON-TANGENCY, SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 3201.00 FEET AND WHOSE CHORD BEARS NORTH 09°35'44" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 4°09'16", A DISTANCE OF 232.10 FEET TO A POINT OF TANGENCY; THENCE NORTH 11°40'22" EAST, A DISTANCE OF 461.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 3969.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°32'02", A DISTANCE OF 1630.24 FEET TO A POINT OF TANGENCY; THENCE NORTH 11°51'40" WEST, A DISTANCE OF 675.54 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 4119.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°51'40", A DISTANCE OF 852.70 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 194.19 FEET (THE PRECEDING SIX COURSES BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF VILLAGE PARKWAY, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2899, PAGE 2933, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA AND ITS SOUTHERLY PROLONGATION) TO A POINT ON THE NORTHERLY LINE OF E/W 4 RIGHT-OF-WAY

LEGAL DESCRIPTION CONTINUED ON SHEET 2

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON SEPTEMBER 14, 2020. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 6**CAULFIELD & WHEELER, INC.**

CIVIL ENGINEERING - LAND SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE 7/21/2021

DRAWN BY R.A.B.

F.B./ PG. N/A

SCALE AS SHOWN

JOB NO. 8060-CDD8

SOUTHERN GROVE AT TRADITION
CDD NO. 8
SKETCH OF DESCRIPTION

(PARR DRIVE) CITY OF PORT ST. LUCIE RIGHT-OF-WAY, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2899, PAGE 2933, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE SOUTH 89°59'43" EAST ALONG SAID NORTHERLY LINE OF E/W 4 RIGHT-OF-WAY (PARR DRIVE), A DISTANCE OF 284.42 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 332.50 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 64°03'41", A DISTANCE OF 371.76 FEET TO A POINT OF TANGENCY; THENCE NORTH 25°56'35" EAST, A DISTANCE OF 15.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 567.50 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 44°03'25", A DISTANCE OF 436.37 FEET TO A POINT OF TANGENCY; THENCE NORTH 70°00'00" EAST, A DISTANCE OF 2689.74 FEET TO THE INTERSECTION AT THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 AND WITH A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 6987.97 FEET AND WHOSE CHORD BEARS SOUTH 11°44'11" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, THROUGH A CENTRAL ANGLE OF 14°37'59", A DISTANCE OF 1784.69 FEET TO A POINT OF TANGENCY; THENCE SOUTH 04°25'12" EAST, A DISTANCE OF 1376.59 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 420.29 ACRES MORE OR LESS.

LEGEND ABBREVIATIONS

Δ - DELTA (CENTRAL ANGLE)	PG. - PAGE
CB - CHORD BEARING	P.B. - PLAT BOOK
CD - CHORD DISTANCE	P.O.B. - POINT OF BEGINNING
E - EAST/EASTERLY	P.O.C. - POINT OF COMMENCEMENT
ESMT - EASEMENT	PUE - PUBLIC UTILITY EASEMENT
F.B. - FIELD BOOK	R - RADIUS
FPL - FLORIDA POWER AND LIGHT COMPANY	R.L. - RADIAL LINE
IQE - IRRIGATION EASEMENT	R/W - RIGHT-OF-WAY
L - ARC LENGTH	S - SOUTH/SOUTHERLY
L.B. - LICENSED BUSINESS	W - WEST/WESTERLY
N - NORTH/NORTHERLY	WMT - WATER MANAGEMENT TRACT
O.R.B. - OFFICIAL RECORDS BOOK	

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL OR ITS AUTHORIZED ELECTRONIC DIGITAL SIGNATURE AND SEAL.

2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.

3. BEARINGS SHOWN HEREON ARE RELATIVE TO PLATTED BEARING OF SOUTH 04°25'12" EAST ALONG THE EAST LINE OF SOUTHERN GROVE PLAT NO. 35 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 95, PAGE 37, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.

5. DATA SHOWN HEREON WAS COMPILED FROM INSTRUMENTS OF RECORD AND DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SUCH.

SHEET 2 OF 6



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING - LAND SURVEYING
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BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

**SOUTHERN GROVE AT TRADITION
CDD NO. 8
SKETCH OF DESCRIPTION**

DATE 7/21/2021

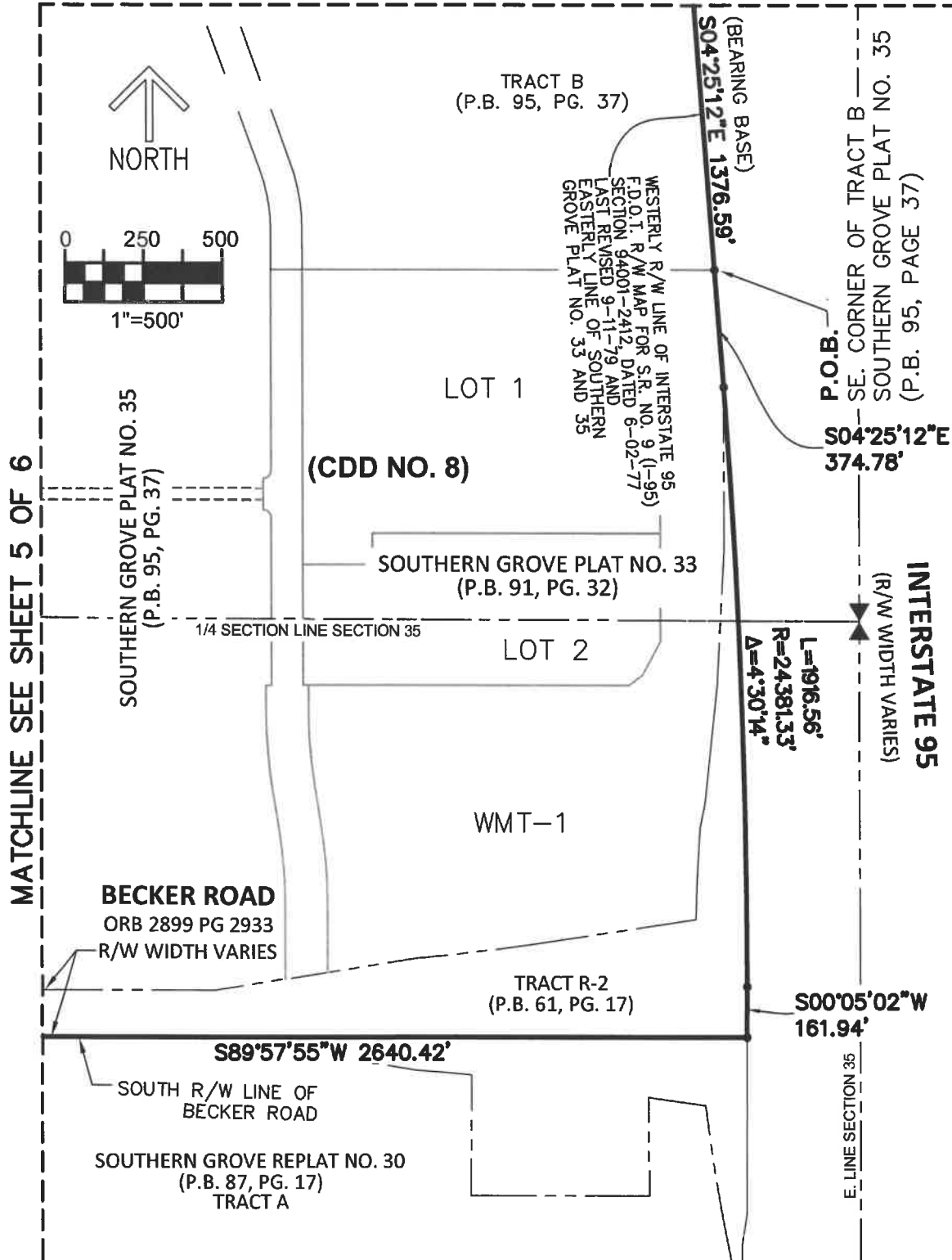
DRAWN BY R.A.B.

F.B./ PG. N/A

SCALE AS SHOWN

JOB NO. 8060-CDD8





SHEET 4 OF 6

CAULFIELD & WHEELER, INC.



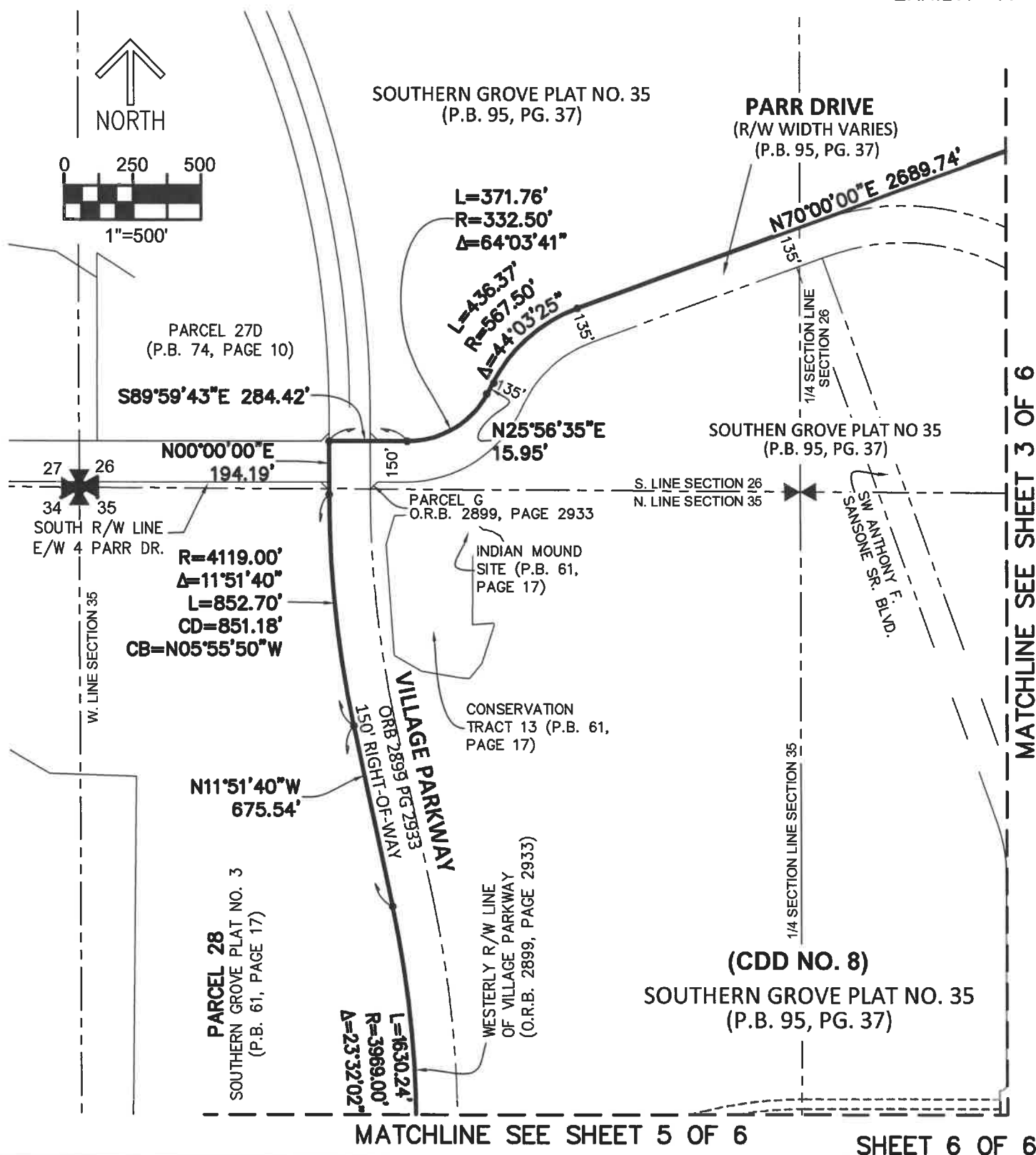
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SOUTHERN GROVE AT TRADITION
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SKETCH OF DESCRIPTION

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DRAWN BY	R.A.B.
F.B./ PG.	N/A
SCALE	AS SHOWN
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F.B./ PG.	N/A
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