

## ORDINANCE NO. 18-003

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA **CHAPTER 18**, SECTIONS 18-12(a)(2)(b) and 18-13, PROVIDING FOR ACCEPTANCE OF A LETTER OF CREDIT TO SECURE ESTIMATED COSTS OF IMPROVEMENTS TO A SITE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Fort Pierce ("City") pursuant to its Code of Ordinances sections 18-12 and 18-13, accepts cash and/or surety bonds as security for the estimated costs of improvements to a site from developers;

**WHEREAS**, sections 18-12 and 18-13 of the Code do not provide for Letters of Credit as an acceptable option for the estimated costs of improvements to a site;

**WHEREAS**, the acceptance of a Letter of Credit would provide developers another acceptable option for providing proof of monetary funds for the estimated cost of improvements to a site.

**NOW, THEREFORE BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida as follows:

**SECTION 1.** Section 18-12(a)(2)(b) is hereby amended so that the same shall read as follows:

Sec. 18-12. - Required improvements.

(a)(2)(b) The subdivider may request the city to construct the improvements required and if the city commission agrees, the subdivider shall deposit with the city, cash, **a letter of credit**, and/or a surety bond for the estimated cost of the improvements as determined by the city engineer which will pay one-hundred and ten (110) per cent of the total cost of the improvements requested on a fully dedicated street. The **letter of credit, and/or** surety bond shall be allowed for a maximum of two (2) years from the date the subdivision plat was approved by the city commission, and **the surety bond** is to be secured from a bonding company licensed by the State of Florida, with a Best's financial rating of AAAA or better and a Best's general policy holder's rating of A+.

**SECTION 2.** Section 18-13 is hereby amended so that the same shall read as follows:

Sec. 18-13. - Subdivider's bond, etc., to secure construction of improvements; certificate of completion, maintenance of improvements; assumption of maintenance by city.

The subdivider shall file with the director of finance a surety bond, **letter of credit**, cashier's check, or a certified check upon a solvent local bank conditioned to secure the construction of the improvements listed in this chapter in a satisfactory manner in accordance with the plans as approved by the city engineer, and within a period specified by the city commission, such a period not to exceed two (2) years. No such bond, **letter of credit**, or check shall be accepted unless it be enforceable by or payable to the city in a sum at least equal to the cost of constructing the improvements as estimated by the city engineer and in form with surety and conditions approved by the city attorney. The subdivider shall have the election of providing an escrow account acceptable to the city attorney of an amount to be determined by the city engineer and such conditions for disbursement based upon completion of improvements, if required

under the escrow agreement, with all costs of the escrow to be borne by the subdivider. The escrow account shall be with a local bank institution.

Upon completion of all work, the developer's engineer shall submit to the city engineer a certificate of completion stating that all work has been completed in its entirety, that it was constructed under his supervision and that it conforms to the development plan and these regulations. All releases from affected regulatory agencies shall also be submitted. The written certificate of completion shall be expressed in the following form:

CERTIFICATION

I hereby certify that all of the project improvements required by the City Commission and in accordance with the provisions of Chapter 18, Fort Pierce Code of Ordinances, have been completed on \_\_\_\_\_ (Project Name) \_\_\_\_\_ and that I have inspected the construction incrementally in accordance with the requirements of the City of Fort Pierce for public works construction. These improvements conform to the development plans with the following deviations (if any): These deviations will not result in functional or structural problems, other than routine maintenance based on my evaluation and professional opinion.

Certified \_\_\_\_\_ by: \_\_\_\_\_  
Florida Professional Engineer No. \_\_\_\_\_

Upon conformation from the city engineer that all improvements are acceptably completed, the city commission shall act on "conditionally accepting" the findings of completion. Acceptance of the improvements shall be conditioned on a one-year and thirty-day period during which time the developer shall maintain all improvements and correct all deficiencies that occur. If the city commission "conditionally accepts" the improvements, the developer shall provide security in the amount of fifteen (15) per cent of the cost of the improvements. At the end of the one-year and thirty-day period, the city engineer shall report to the city commission on the status of the improvements. If the improvements are satisfactory, the city commission will accept the maintenance of the facilities and the developer will be entitled to the remaining balance of the security amount, if any.

**SECTION 3.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4.** All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

**SECTION 5.** This Ordinance shall be and become effective immediately upon final passage.

**APPROVED AS TO FORM & CORRECTNESS:**

\_\_\_\_\_  
James M. Messer, Esq.  
City Attorney

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED,** Mayor Commissioner and the City Clerk of the City of

Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-\_\_\_\_ was duly advertised by title only in the St. Lucie News Tribune on Saturday, January 6<sup>th</sup>, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on January 16<sup>th</sup>, 2018; and was duly introduced, read by title only, and passed on second and final reading February, 5<sup>th</sup> 2018, by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 5<sup>th</sup> day of February, 2018.

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**Linda Hudson**  
**MAYOR COMMISSIONER**

ATTEST

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**Linda W. Cox**  
**CITY CLERK**

**(CITY SEAL)**