

ORDINANCE NO. 21-035

AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE **PRESERVE AT SAVANNAH LAKES COMMUNITY DEVELOPMENT DISTRICT** PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING NOTICE OF REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kolter Group Acquisitions LLC ("**Petitioner**"), having obtained written consent to the establishment of the Preserve at Savannah Lakes Community Development District ("**District**") by owners of one hundred percent (100%) of the real property to be included in the District, has petitioned the City Commission ("**Commission**") of the City of Fort Pierce, Florida, to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, the Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida with a local mailing address of 105 NW 1st Street, Delray Beach, Florida 33444; and,

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the petition at a duly noticed public hearing conducted by the Commission on October 18, 2021; and,

WHEREAS, upon consideration of the record established at that hearing, the Commission determined that the statements within the Petition are true and correct; that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's comprehensive plan; that the land within the District is of sufficient size; is sufficiently compact and is sufficiently contiguous to be developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; that the community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services; and that the area that will be served by the District is amenable to separate special-district governance; and,

WHEREAS, the establishment of the District shall not act to amend any land development approvals and/or regulations governing the land area to be included within the District; and

WHEREAS, the establishment of the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area described in the petition.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, AS FOLLOWS:

SECTION 1. Authority. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

SECTION 2. District Name. There is hereby established a community development district situated entirely within a portion of the City of Fort Pierce, Florida, which shall be known as the "Preserve at Savannah Lakes Community Development District," and which shall be referred to in this ordinance as the "District."

SECTION 3. District External Boundaries. The external boundaries of the District are described in **Exhibit "A"** attached hereto, said boundaries encompassing 125.52 acres, more or less.

SECTION 4. District Powers and Functions. The District shall have all of the powers and authority set forth in Chapter 190, Florida Statutes. Further, consent is hereby given to the District to exercise those powers relating to parks and facilities for indoor and outdoor recreational, cultural, and educational uses contained in Section 190.012(2)(a), and to exercise those powers related to security contained in Section 190.012(2)(d), provided however that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

SECTION 5. Termination of District. In the event that the District established hereunder is terminated for any reason, the City shall in no way be required to accept ownership and/or maintenance responsibility for the road rights of way, stormwater management and drainage systems, street lighting or other improvements that are necessary for the development in the District without the City's express written consent. In the event of termination, the District shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

SECTION 6. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are: Michael Caputo, Tim Smith, Jon Seifel, Greg Meath and Candice Smith.

SECTION 7. Notice Requirements. The District shall provide public notice of all meetings pursuant to law.

SECTION 8. Special Assessments. Non ad valorem special assessments, as defined in Chapter 190, Florida Statutes, shall only be levied by the District on those lands included within the District boundary, as such boundary may be amended, and in accordance with Chapter 190, Florida Statutes.

SECTION 9. Severability. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 10. No Codification. This ordinance shall not be codified, but the City Clerk shall retain this Ordinance as a permanent record of action taken by the City Commission.

SECTION 11. Conflicts. All ordinances in conflict herewith are hereby repealed.

SECTION 12. Effective Date. This Ordinance shall take effect immediately upon passage at second reading/public hearing.

APPROVED AS TO FORM & CORRECTNESS:

Tanya Earley, Esq.,
Interim 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. 21-035 was duly advertised by title only in the St. Lucie News Tribune on September 10, 2021; 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 Monday, September 20, 2021; and was duly introduced, read by title only, and passed on second and final reading on Monday, October 18, 2021, 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 18th day of October, 2021.

Linda Hudson, Mayor Commissioner

ATTEST:

Linda W. Cox, City Clerk

(City Seal)

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel 1:

The subject property is a parcel of land lying in Sections 26, 27, 34, and 35, Township 35 South, Range 40 East, St. Lucie County, Florida, containing approximately 120 acres of land, being more particularly described as follows:

From the Northwest corner of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 27, run South 89°15'56" East a distance of 130 feet; thence run South 2°4'47" West parallel to the West line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 27 2,276.62 feet to the POINT OF BEGINNING; thence, continue South 2°4'47" West a distance of 373.59 feet to the South line of said Section 27; thence run South 0°35'43" West in Section 34 a distance of 1,500.94 feet; thence run South 89°27'30" East a distance of 1,206.73 feet to the East line of said Section 34; thence continue South 89°27'30" East into Section 35 a distance of 175 feet; thence run South 0°28' West a distance of 80 feet; thence run South 89°27'30" East a distance of 1,369.20 feet to the West line of the property owned by the City of Ft. Pierce; thence run North 0°40' East along said City property line a distance of 1,580.6 feet to the North line of said Section 35; thence continue North 0°40' East into Section 26 a distance of 364.16 feet; thence run North 89°15'56" West, a distance of 2,743.75 feet to the POINT OF BEGINNING.

Parcel 2:

The North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, in Section 34, Township 35 South, Range 40 East, St. Lucie County, Florida; less right-of-way for U.S. No. 1.