

COUNCIL ITEM 8F
DATE 4/25/05

COUNCIL ITEM 10f
DATE 4/11/05

ORDINANCE NO. 05- 22

STATE OF FLORIDA
ST. LUCIE COUNTY
CITY OF PORT ST. LUCIE

THIS IS TO CERTIFY THAT THIS
IS A TRUE AND CORRECT COPY
OF THE RECORDS ON FILE IN
THIS OFFICE

Arnold Phillips
CITY CLERK

BY _____
DEPUTY CLERK

DATE 5-24-05
(CITY SEAL)



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA ESTABLISHING THE MONTAGE RESERVE #5 COMMUNITY DEVELOPMENT DISTRICT; PROVIDING BOUNDARIES; DESIGNATING INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; PROVIDING POWERS; PROVIDING FOR EXCEPTIONS AND INTERLOCAL AGREEMENTS WITH THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION.

WHEREAS, the Port St. Lucie City Council has determined that it is authorized pursuant to Section 190.005, Florida Statutes, to establish community development districts that are less than 1,000 acres in size and located within the corporate boundaries of the City; and

WHEREAS, Reserve Homes Ltd., L.P., a Delaware Limited Partnership, has filed a petition with the City Council to establish a community development district, which petition contains the information required by Sections 190.005(1)(a) and 190.005(2)(a), Florida Statutes; and

WHEREAS, the City Council conducted public hearings on ~~March 14~~^{APRIL 11}, 2005, and on ~~March 28~~^{APRIL}, 2005, after publishing notice of such hearings in the Ft. Pierce Tribune on ~~February 14~~^{MARCH}, 2005, ~~February 21~~^{MARCH}, 2005, ~~February 28~~^{MARCH}, 2005, and ~~March 7~~^{APRIL 4}, 2005; and

WHEREAS, the City Council has taken testimony and considered the record of the public hearings and the factors set forth in Section 190.005(1)(e), Florida Statutes, and determined:

- (1) All statements contained within the petition are true and correct.

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(2) Creation of a district is consistent with all applicable elements and portions of the State Comprehensive Plan and the Port St. Lucie Comprehensive Plan.

(3) The area of land contained within the proposed district is sufficiently compact and contiguous to be developable as one functional, interrelated community.

(4) The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

(5) The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.

(6) The area that will be served by the district is amenable to separate special-district government.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Establishment; Name.

The Montage Reserve #5 Community Development District (the "District") is hereby established.

Section 2. Boundaries.

The boundaries of the District are set forth in the legal description contained in the attached Exhibit "A."

Section 3. Initial Board of Supervisors. The following five persons are designated as the initial members of the Board of Supervisors of the District: John C. Csapo, Chair; John Tompson; Bob Vail; Larry Ieropoli; and Scott Morton.

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Section 4. District General and Special Powers. The District shall have all the power and authority to construct, operate and maintain District facilities and services as authorized by Chapter 190, Florida Statutes, as amended from time to time. The City consents to the Board's exercise of special powers set forth in Section 190.012(2), Florida Statutes, including the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities, as provided in Section 190.012(2), Florida Statutes, when authorized by proper governmental entities. The District's general and special powers shall be discharged in accordance with Chapter 190 of the Florida Statutes.

Section 5. Exceptions and Interlocal Agreements. The District shall have all of the authority and power contained within Chapter 190, Florida Statutes, as set forth in Section 4 above, except that the District may construct, but will not operate, potable water or wastewater facilities unless, pursuant to Chapter 163, Florida Statutes, an Interlocal Agreement is promulgated between the City and the District. Provided, however, that following construction, the District will dedicate such facilities to the City.

Section 6. Conflicting Provisions. In the event this Ordinance conflicts with any other ordinance of the City of Port St. Lucie, this Ordinance shall govern and the conflicting ordinance shall be repealed to the extent of such conflict.

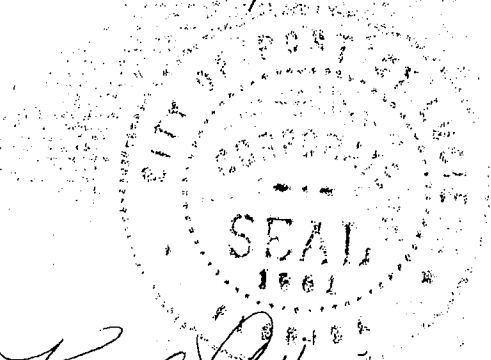
Section 7. Severability. If any portion of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance.

Section 8. Department of State. The Clerk is hereby directed 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 9. Effective Date. This Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 25th day of April, 2005.



CITY COUNCIL
CITY OF PORT ST. LUCIE

By: Robert E. Minsky
Robert E. Minsky, Mayor

Karen A. Phillips
Karen A. Phillips, City Clerk

APPROVED AS TO FORM: Roger G. Orr
Roger G. Orr, City Attorney

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EXHIBIT "A"

LEGAL DESCRIPTION - MONTAGE RESERVE #5 CDD

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 36 SOUTH RANGE 39 EAST, AND SECTION 6, TOWNSHIP 37 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY CO. "FORT PIERCE CUT-OFF" TRACK AS SHOWN ON PAGES V. 3D/6 AND V. 3D/7, DATED FEBRUARY 1, 1950 WITH TRACT CORRECT REVISION DATED 4/28/67 AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL C-24; THENCE RUN SOUTH 44°46'01" WEST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY CO., A DISTANCE OF 5069.40 FEET TO THE WEST LINE OF SECTION 29, SAID TOWNSHIP 36 SOUTH, RANGE 39 EAST; THENCE SOUTH 04°13'20" EAST, ALONG SAID WEST LINE, A DISTANCE OF 258.80 FEET TO THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH 89°40'25" WEST, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 312.03 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY CO.; THENCE SOUTH 44°46'01" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1298.44 FEET TO THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING CONTINUE SOUTH 44°46'01" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 6104.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF STATE ROAD S-609 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP DATED 11/5/64 AND REVISED JANUARY 1965; THENCE SOUTH 00°08'55" EAST ALONG SAID RIGHT-OF-WAY LINE 156.89 FEET; THENCE SOUTH 00°01'15" EAST ALONG SAID RIGHT-OF-WAY LINE 2906.07 FEET; THENCE SOUTH 89°58'45" EAST 4677.04 FEET; THENCE NORTH 00°05'49" EAST, A DISTANCE OF 211.06 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1,065.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°43'21", AN ARC DISTANCE OF 143.54 FEET TO THE POINT OF COMPOUND CURVATURE, OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 500.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°16'55", AN ARC DISTANCE OF 124.63 FEET; THENCE NORTH 21°54'27" WEST, A DISTANCE OF 95.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 500.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°23'23", AN ARC DISTANCE OF 90.67 FEET; THENCE NORTH 11°31'03" WEST, A DISTANCE OF 264.64 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 470.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°36'50", AN ARC DISTANCE OF 78.86 FEET; THENCE NORTH 01°54'14" WEST, A DISTANCE OF 6414.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 539.00 ACRES MORE OR LESS.