

ORDINANCE 21-50

1st Reading

Item: 10D

Date: 5/24/21

2nd Reading

Item: 8D

Date: 6/14/21

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING ORDINANCE NO. 05-22 ENACTED ON APRIL 25, 2005, ESTABLISHING VERANO #5 COMMUNITY DEVELOPMENT DISTRICT (FORMERLY KNOWN AS MONTAGE RESERVE #5 COMMUNITY DEVELOPMENT DISTRICT), AS AMENDED BY ORDINANCE NO. 06-12 ENACTED ON FEBRUARY 13, 2006, IN ORDER TO CONTRACT THE BOUNDARIES OF THE DISTRICT; MAKING CERTAIN FINDINGS; DESCRIBING THE REVISED BOUNDARIES OF THE DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; 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; Section 190.046(1), Florida Statutes; 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. On April 25, 2005, the City Council enacted Ordinance No. 05-22 ("Original Ordinance") to establish the Montage Reserve #5 Community Development District ("Verano #5") as a community development district pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended ("Act"), and other applicable law, including establishing its external boundaries, among other matters.

b. On February 13, 2006, the City Council enacted Ordinance No. 06-12 ("Amending Ordinance") amending the Original Ordinance to change the name of Verano #5 to Verano #5 Community Development District.

c. The external boundaries of the Verano #5 as initially established and as currently configured contain approximately 539.00 acres of real property located entirely within the jurisdictional boundaries of the City.

d. Pursuant to Section 190.046(1) of the Act, the Boards of Supervisors of Verano #5 and of Verano #2 Community Development District ("Verano #2"), Verano #3 Community Development District ("Verano #3"), and Verano #4 Community Development District ("Verano #4" and, together with Verano #2, Verano #3, and Verano #5, the Petitioning Districts), have joined in submission of a consolidated petition ("Consolidated Petition") to the City that, as important here, requests that the City (1) contract the external boundaries of Verano #5 so that thereafter approximately 486.228

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acres of real property will be located within such external boundaries, and (2) amend the Original Ordinance, as previously amended by the Amending Ordinance, to reflect the revised boundaries of Verano #5.

e. All lands within Verano #5 as currently configured and as proposed for contraction in the Consolidated Petition are located entirely within the jurisdictional boundaries of the City.

f. The Consolidated Petition contains the information required by Sections 190.005 and 190.046 of the Act to contract the boundaries of Verano #5.

g. The City Council has conducted a public hearing on the Consolidated Petition in accordance with the requirements of Section 190.0046(1)(b) and has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act, among other matters, and hereby finds that:

- (1) All statements in the Consolidated Petition are true and correct;
- (2) The proposed contraction of the external boundaries of Verano #5 as set forth in the Consolidated Petition will not result in a cumulative net total addition that is either (A) greater than 50 percent of the acres initially located within the boundaries of Verano #5, or (B) in excess of 1,000 acres;
- (3) No real property within the revised boundaries of Verano #5 as proposed in the Consolidated Petition will be excluded from Verano #5;
- (4) The contraction of the external boundaries of Verano #5 as proposed in the Consolidated Petition will not be inconsistent with any applicable element or portion of the State of Florida's comprehensive plan or of the City's comprehensive plan;
- (5) Following the proposed contraction of the external boundaries of Verano #5, the property comprising Verano #5 will be of sufficient size, compactness, and contiguity to be developable as one functional interrelated community;
- (6) Verano #5 is the best alternative available for delivering community development services and facilities to the area that, following the contraction proposed in the Consolidated Petition, will be served by Verano #5;
- (7) The community development services and facilities of Verano #5 will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
- (8) The area that will be served by Verano #5 is amenable to separate special district government.

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j. The City Council now desires to grant the request of Verano #5 by (1) contracting the boundaries of Verano #5 as set forth in the Consolidated Petition and (2) amending the Original Ordinance, as previously amended, in the manner set forth in this Ordinance.

Section 3. Grant of Consolidated Petition; Amendment of Original Ordinance, as amended, to Establish New Boundaries of Verano #5. The City hereby grants the request of Verano #5 as set forth in the Consolidated Petition and the Original Ordinance, as amended by the Amending Ordinance, is hereby further amended to contract the external boundaries of Verano #5 by deleting Exhibit "A" to the Original Ordinance in its entirety and replacing it with Exhibit "A" attached to this Ordinance.

Section 4. Conflicts. 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. 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.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after its final adoption.

[Signatures on following page]

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PASSED AND ENACTED by the City Council of the City of Port St. Lucie, Florida, this
14TH day of June, 2021.

ATTEST:



Sally Walsh, City Clerk

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

By: _____

A blue ink signature of Gregory Oravec is written over a horizontal line.

Gregory Oravec, Mayor

APPROVED AS TO FORM:

A blue ink signature of James D. Stokes is written over a horizontal line.

James D. Stokes, City Attorney

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ORDINANCE EXHIBIT "A"

**EXTERNAL BOUNDARIES OF VERANO #5
COMMUNITY DEVELOPMENT DISTRICT**

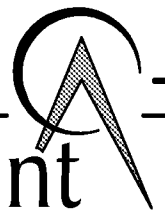
DESCRIPTION:

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

COMMENCE AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL NUMBER C-24, AS SHOWN ON THE RIGHT-OF-WAY MAP FOR SAID CANAL C-24, CHECKED DATED 11/25/58 AND REVISED ON 2/23/59 AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY "FORT PIERCE CUT-OFF" TRACT AS SHOWN ON RIGHT-OF-WAY MAPS, PAGES V.3d/6 AND V.3d/7, DATED FEBRUARY 1, 1950 WITH "TRACT CORRECT" REVISION DATED 4/28/67; THENCE S.44°46'01"W., ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, A DISTANCE OF 5069.40 FEET TO A POINT ON THE EAST LINE OF SECTION 30, TOWNSHIP 37 SOUTH, RANGE 39 EAST; THENCE S.04°13'20"E., ALONG SAID EAST LINE OF SECTION 30, A DISTANCE OF 258.80 FEET TO THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 36 SOUTH, RANGE 39 EAST; THENCE S.89°40'25"W., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (1/4) OF SAID SECTION 31, A DISTANCE OF 312.01 FEET TO A POINT ON SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY; THENCE S.44°46'01"W., ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2206.67 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE WEST, WITH A RADIUS OF 2038.00 FEET AND A RADIAL BEARING OF S.46°54'14"W., AT SAID INTERSECTION, ALSO BEING THE **POINT OF BEGINNING**; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°06'58", A DISTANCE OF 1462.50 FEET TO A POINT OF TANGENCY;

CONTINUED ON SHEET 2

**CDD 5
SKETCH AND DESCRIPTION**



REVISIONS				Prepared For: COTLEUR AND HEARING	
No.	Date	Description	Dwn.	Last Date of Field Survey: N/A	
				SURVEYOR'S CERTIFICATE This certifies that this sketch and description was made under my supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17.050, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Gary Rager <small>Digitally signed by Gary Rager DN: cn=US, st=Florida, l=Tampa, o=GeoPoint Surveying, Inc., ou=Professional Surveyor and Mapper, c=Gary Rager, email=garyr@geopointsurvey.com Date: 2021.01.27 16:00:55 -0500</small>	
				Gary A. Rager FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. LS4828	
Sheet No. 1 of 4 Sheets				NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	
Drawn: SWM Date: 1/27/21 Data File: ~~~~~ Check: GAR P.C.: ~~~~ Field Book: ~~~~~		4152 W. Blue Heron Blvd. Phone: (561) 444-2720 Suite 105 www.geopointsurvey.com Riviera Beach, FL 33404 Licensed Business Number LB 7768		Sections: 6 Twn. 37S Rng. 39E / 31 Twn. 36S Rng. 39E Job #: S&D_CDD5	

CONTINUED FROM SHEET 1

THENCE S.01°58'48"E., A DISTANCE OF 2828.10 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, WITH A RADIUS OF 1998.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°29'13", A DISTANCE OF 435.44 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE EAST, WITH A RADIUS OF 2268.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°45'05", A DISTANCE OF 1019.35 FEET TO A POINT OF TANGENCY; THENCE S.15°14'40"E., A DISTANCE OF 603.08 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, WITH A RADIUS OF 1895.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°48'50", A DISTANCE OF 324.59 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 22918.00 FEET, AND A RADIAL BEARING OF N.05°37'22"W. AT SAID INTERSECTION; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°38'36", A DISTANCE OF 2257.35 FEET TO A POINT OF TANGENCY; THENCE N.89°58'45"W., A DISTANCE OF 2278.50 FEET TO A POINT ON 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 ON JANUARY 1965; THENCE N.00°00'58"W., ALONG SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD S-609, A DISTANCE OF 2755.94 FEET; THENCE N.00°30'03"E., ALONG SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD S-609A DISTANCE OF 157.01 FEET TO A POINT ON SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY; THENCE N.44°46'01"E., ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 5195.90 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 21,180,095 SQUARE FEET OR 486.228 ACRES MORE OR LESS.

LEGEND

- P.O.B.* -- Point of Beginning
- O.S.T.* -- Open Space Tract
- O.R.B.* -- Official Records Book
- PG(s).* -- Page(s)
- R/W* -- Right-of-Way
- R* -- Radius
- L* -- Arc Length
- D* -- Delta-Central Angle
- FPL* -- Florida Power & Light
- Sec.-Twp.-Rge.* -- Section-Township-Range
- S.F.W.M.D.* -- South Florida Water Management District
-  -- Section Corner

CDD 5 SKETCH AND DESCRIPTION



REVISIONS			
No.	Date	Description	Dwn.

Prepared For: **COTLEUR AND HEARING**

Last Date of Field Survey: **N/A**

GeoPoint
Surveying, Inc.

4152 W. Blue Heron Blvd. Suite 105
Riviera Beach, FL 33404

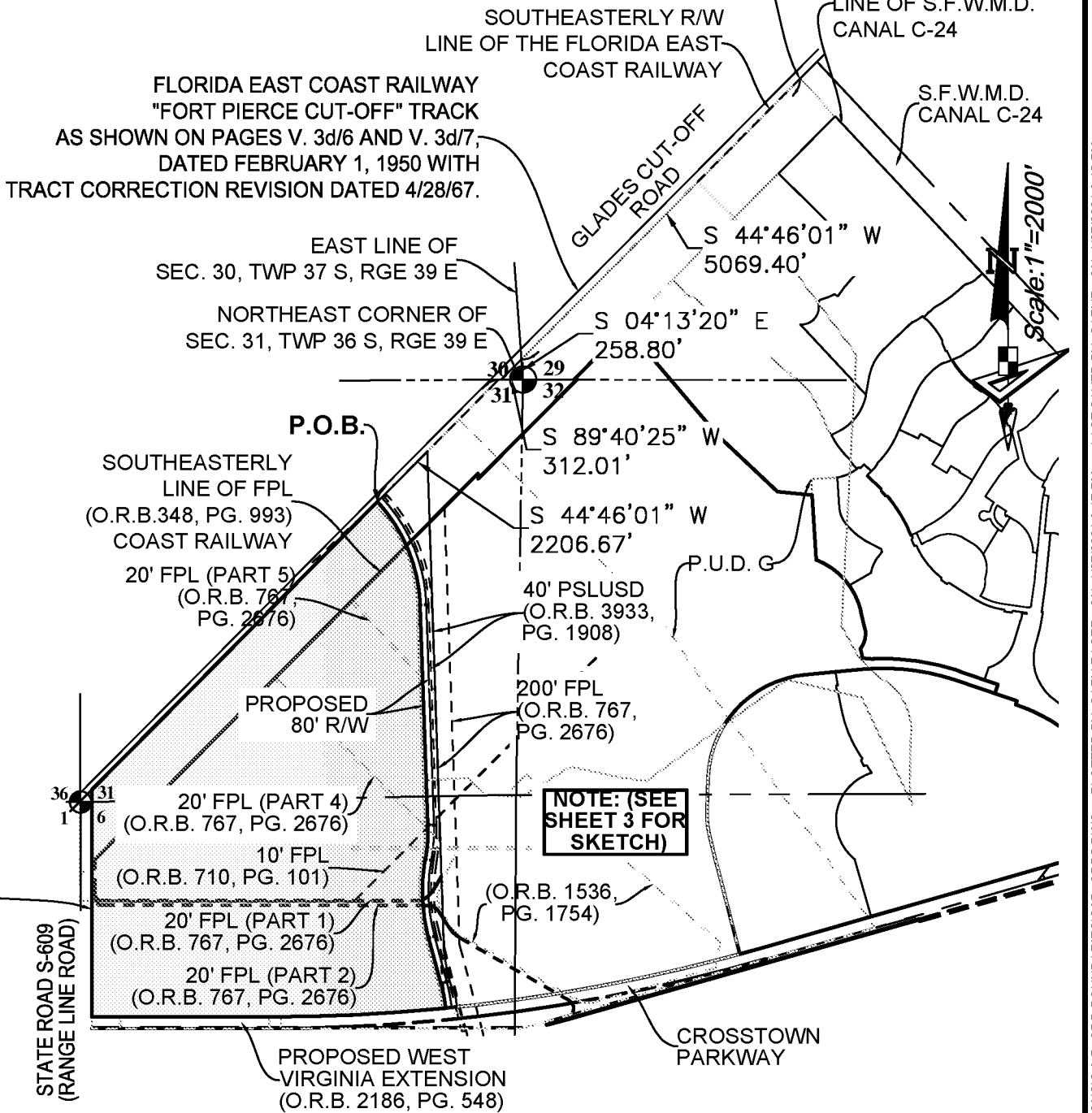
Phone: (561) 444-2720
www.geopointsurvey.com
Licensed Business Number LB 7768

Drawn: SWM	Date: 1/27/21	Data File: ~~~~
Check: GAR	P.C.: ~~~~	Field Book: ~~~~

LAST SAVED BY: GARY RAGER ON: 1/27/2021 3:45 PM PLOTTED BY: GARY RAGER ON: 1/27/2021 3:46 PM : NAME: W:\VERANO\SURVEY\CDD BOUNDARY REVISIONS & D_CDD BOUNDARIES\S&D_CDD5.DWG

POINT OF COMMENCEMENT

INTERSECTION OF THE SOUTHWESTERLY R/W LINE OF THE S.F.W.M.D. CANAL C-24 AND THE SOUTHEASTERLY R/W LINE OF THE FLORIDA EAST COAST RAILWAY FOUND 4"x4" C.M. STAMPED "HEI"



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 JAN. 1965.

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No.	Date	Description	Dwn.

Prepared For: COTLEUR AND HEARING
 Last Date of Field Survey: N/A



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3 NAME: W:\IVERANO\SURVEY\CDD BOUNDARY REVISIONS\S & D_CDD BOUNDARIES\S&D_CDD5.DWG PLOTTED BY: GARY RAGER ON: 1/27/2021 3:47 PM LAST SAVED BY: GARYR ON: 1/27/2021 3:45 PM



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 JAN. 1965.

STATE ROAD S-609 (RANGE LINE ROAD)

EAST LINE OF SEC. 1, TWP 37 S, RGE 39 E

2755.94'
N0°00'58"W

WEST LINE OF SEC 6, TWP 37 S, RGE 39 E.

PROPOSED WEST VIRGINIA EXTENSION (O.R.B. 2186, PG. 548)

SOUTHEASTERLY R/W LINE OF THE FLORIDA EAST COAST RAILWAY

GLADES CUT-OFF ROAD

N44°46'01"E — 5195.93'

S46°54'14"W (RADIAL)

P.O.B.

R=2038.00'
L=1462.50'
D=41°06'58"

SOUTH LINE OF SEC. 31, TWP 36 S, RGE 39 E

NORTH LINE OF SEC. 6, TWP 37 S, RGE 39 E

N00°30'03"E
157.01'

EAST LINE OF S.E. 1/4 SEC. 31, TWP 36 S, RGE 39 E

WEST LINE OF S.W. 1/4 SEC. 32, TWP 36 S, RGE 39 E

S1°58'48"E
2828.10'

R=1998.00'
L=435.44'
D=12°29'13"

R=2268.00'
L=1019.35'
D=25°45'05"

N15°14'40"W
603.08'

S5°37'22"E (RADIAL)

R=1895.00'
L=324.59'
D=9°48'50"

N89°58'45"W
2278.50'

D=5°38'36"
L=2257.35'
R=22918.00'

CROSTOWN PARKWAY

CDD 5 SKETCH AND DESCRIPTION

REVISIONS

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