

COUNCIL ITEM 8B
DATE 4/26/05

COUNCIL ITEM 10b
DATE 4/11/05

ORDINANCE NO. 05-18

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 #1 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 has conducted public hearings on ^{APRIL 11} ~~March 14~~, 2005, and on ^{APRIL 26} ~~March 28~~, 2005, after publishing notice of such hearing in the Ft. Pierce Tribune on ^{MARCH 14} ~~February 14~~, 2005, ^{MARCH} ~~February~~ 21, 2005, ^{MARCH} ~~February~~ 28, 2005, and ^{APRIL 4} ~~March 7~~, 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.
- (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.

ORDINANCE 05-18

(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 #1 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.

Section 4. District General and Special Powers. The District shall have all of 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

ORDINANCE 05-18

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. Said powers shall be discharged in accord 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.

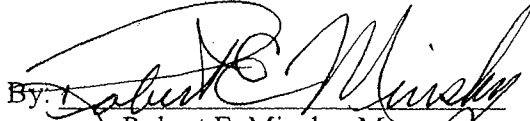
Section 8. Department of State. The Clerk is hereby directed to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

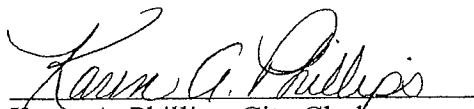
Section 9. Effective Date. This Ordinance shall become effective ten (10) days after its adoption.


ORDINANCE 05-18

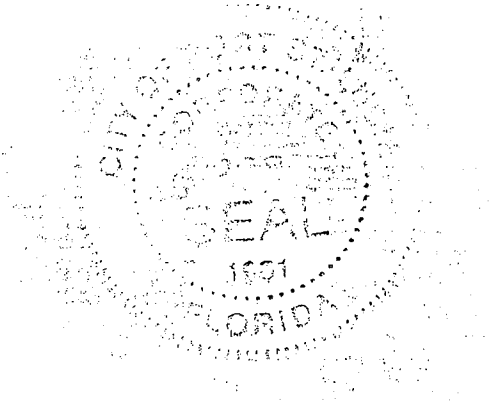
PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,
this 25th day of April, 2005.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: 
Robert E. Minsky, Mayor


Karen A. Phillips, City Clerk

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



ORDINANCE 05-18

EXHIBIT "A"

LEGAL DESCRIPTION — MONTAGE RESERVE #1 CDD

COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY BOUNDARY OF INTERSTATE 95, SECTION 94001-2412, WITH THE NORTHEASTERLY RIGHT OF WAY BOUNDARY OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-24 CANAL AND RUN THENCE NORTH 43°08'36" WEST ALONG SAID NORTHEASTERLY RIGHT OF WAY BOUNDARY 2294.07 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING CONTINUE THENCE NORTH 43°08'36" WEST ALONG SAID NORTHEASTERLY RIGHT OF WAY BOUNDARY 12679.36 TO THE SOUTHEASTERLY RIGHT OF WAY BOUNDARY OF THE FLORIDA EAST COAST RAILROAD; THENCE NORTH 44°45'38" EAST ALONG SAID SOUTHEASTERLY RIGHT OF WAY BOUNDARY 1221.80 FEET; THENCE SOUTH 43°34'29" EAST 5340.48 FEET; THENCE SOUTH 43°09'01" EAST 1026.26 FEET; THENCE NORTH 45°11'03" EAST 0.99 FEET; THENCE SOUTH 43°08'40" EAST 52.97 FEET; THENCE SOUTH 43°09'00" EAST 331.07 FEET; THENCE SOUTH 43°08'32" EAST 3671.33 FEET; THENCE SOUTH 72°42'41" EAST 217.77 FEET; THENCE NORTH 61°51'31" EAST 188.61 FEET; THENCE SOUTH 43°08'30" EAST 2361.96 FEET; THENCE NORTH 89°52'17" EAST 1051.65 FEET; THENCE SOUTH 42°35'56" WEST 556.01 FEET TO A POINT OF CURVE TO THE RIGHT CONCAVE TO THE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG SAID CURVE WITH A RADIUS OF 656.00 FEET THROUGH A CENTRAL ANGLE OF 83°14'30", AN ARC DISTANCE OF 953.06 FEET, THE CHORD OF SAID ARC BEING SOUTH 84°13'11" WEST 871.43 FEET; THENCE NORTH 54°09'34" WEST 212.68 FEET TO A POINT OF CURVE TO THE LEFT CONCAVE TO THE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE WITH A RADIUS OF 776.00 FEET THROUGH A CENTRAL ANGLE OF 35°50'20", AN ARC DISTANCE OF 485.39 FEET, THE CHORD OF SAID ARC BEING NORTH 72°04'44" WEST 477.52 FEET; THENCE NORTH 89°59'54" WEST 14.96 FEET TO A POINT OF CURVE TO THE RIGHT CONCAVE TO THE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE WITH A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 70°02'24", AN ARC DISTANCE OF 30.56 FEET, THE CHORD OF SAID ARC BEING NORTH 54°58'42" WEST 28.69 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTHEASTERLY; THENCE NORTHWESTERLY, SOUTHWESTERLY AND SOUTHEASTERLY ALONG SAID CURVE WITH A RADIUS OF 224.00 FEET THROUGH A CENTRAL ANGLE OF 230°04'48", AN ARC DISTANCE OF 899.51 FEET, THE CHORD OF SAID ARC BEING SOUTH 45°00'06" WEST 405.89 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG SAID CURVE WITH A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 70°02'24", AN ARC DISTANCE OF 30.56 FEET, THE CHORD OF SAID ARC BEING SOUTH 35°01'06" EAST 28.69 FEET; THENCE SOUTH 00°00'06" WEST 326.22 FEET; THENCE SOUTH 89°56'01" WEST 208.68 FEET TO THE POINT OF BEGINNING, CONTAINING 393.17 ACRES, MORE OR LESS.