

COUNCIL ITEM 8C
DATE 4/25/05

COUNCIL ITEM 10c
DATE 4/11/05

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

ORDINANCE NO. 05-19

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

Laura 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 #2 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 ~~March 14~~^{APRIL 11}, 2005, and on ~~March 28~~^{APRIL 25}, 2005, after publishing notice of such hearing 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.
- (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.

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(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 #2 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 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

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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.

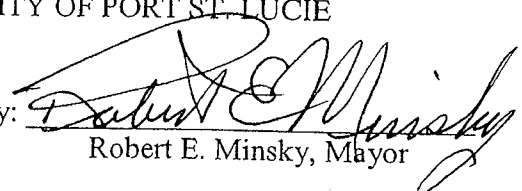
Section 9. Effective Date. This Ordinance shall become effective ten (10) days after its final adoption.

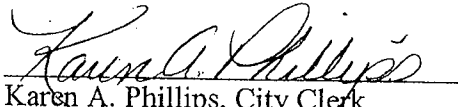
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PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,
this 25th day of April, 2005.

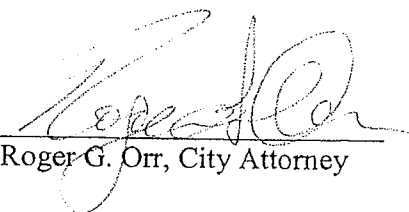
CITY COUNCIL
CITY OF PORT ST. LUCIE

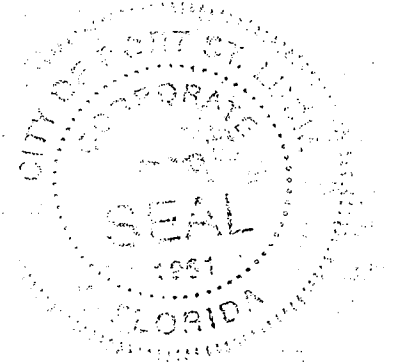
By:


Robert E. Minsky, Mayor


Karen A. Phillips, City Clerk

APPROVED AS TO FORM:


Roger G. Orr, City Attorney



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EXHIBIT "A"

LEGAL DESCRIPTION - MONTAGE RESERVE #2 CDD

A PARCEL OF LAND LYING IN SECTIONS 28, 29, 32 AND 33, TOWNSHIP 36 SOUTH, RANGE 39 EAST; ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN 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 WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL C-24; THENCE RUN SOUTH 43°08'36" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL C-24 A DISTANCE OF 11569.40 FEET; THENCE NORTH 89°08'55" WEST 318.77 FEET; THENCE SOUTH 60°24'34" WEST 793.61 FEET; THENCE SOUTH 65°05'54" WEST 762.00 FEET; THENCE SOUTH 70°42'50" WEST 440.51 FEET; THENCE NORTH 43°58'19" WEST 1282.89 FEET; THENCE SOUTH 51°16'24" WEST 950.05 FEET; THENCE SOUTH 45°15'16" WEST 400.02 FEET; THENCE SOUTH 38°44'47" WEST 1333.86 FEET; THENCE SOUTH 74°00'28" WEST 1287.69 FEET; THENCE NORTH 15°59'34" WEST 340.09 FEET; THENCE NORTH 03°34'38" WEST 296.22 FEET; TO A POINT OF CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE WESTERLY; THENCE NORTHERLY ALONG SAID CURVE WITH A RADIUS OF 974.32 FEET THROUGH A CENTRAL ANGLE OF 27°52'36" FOR AN ARC DISTANCE OF 474.05 FEET; TO A POINT OF REVERSE CURVE, SAID CURVE BEING CONCAVE TO THE EASTERLY; THENCE NORTHERLY ALONG SAID CURVE WITH A RADIUS OF 992.51 FEET THROUGH A CENTRAL ANGLE OF 32°45'54" FOR AN ARC DISTANCE OF 567.58 FEET; THENCE NORTH 01°18'39" WEST 476.46 FEET TO A POINT OF CURVE TO THE LEFT, THE CURVE BEING CONCAVE TO THE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE WITH A RADIUS OF 750.00 FEET THROUGH A CENTRAL ANGLE OF 60°00'41" FOR AN ARC DISTANCE OF 785.55 FEET TO A POINT OF REVERSE CURVE, SAID REVERSE CURVE BEING CONCAVE TO THE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE WITH A RADIUS OF 1000.00 FEET THROUGH A CENTRAL ANGLE OF 29°50'42" FOR AN ARC DISTANCE OF 520.89 FEET; THENCE NORTH 28°51'20" WEST 364.29 FEET; THENCE NORTH 03°09'32" EAST 3484.82 FEET; THENCE NORTH 36°34'43" WEST 1271.75 FEET; THENCE NORTH 50°17'34" WEST 600.00 FEET; THENCE NORTH 45°13'56" WEST 1147.32 FEET; TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY CO. "FORT PIERCE CUT-OFF"; THENCE NORTH 44°46'01" EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY CO. "FORT PIERCE CUT-OFF", A DISTANCE OF 1861.46 FEET TO THE POINT OF BEGINNING, CONTAINING 843.79 ACRES, MORE OR LESS