

COUNCIL ITEM 8E  
DATE 4/26/05

COUNCIL ITEM 10e  
DATE 4/11/05

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

**ORDINANCE NO. 05-21**

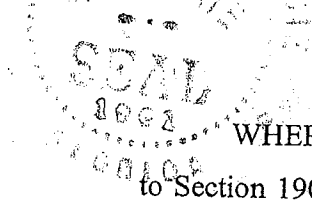
THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE RECORDS ON FILE IN THIS OFFICE

*[Signature]*  
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 #4 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~~ <sup>APRIL 11</sup>, 2005, and on ~~March 28~~ <sup>APRIL 25</sup>, 2005, after publishing notice of such hearing in the Ft. Pierce Tribune on ~~February 14~~ <sup>MARCH</sup>, 2005, ~~February 21~~ <sup>MARCH</sup>, 2005, ~~February 28~~ <sup>MARCH</sup>, 2005, and ~~March 7~~ <sup>APRIL 4</sup>, 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 #4 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 this event the 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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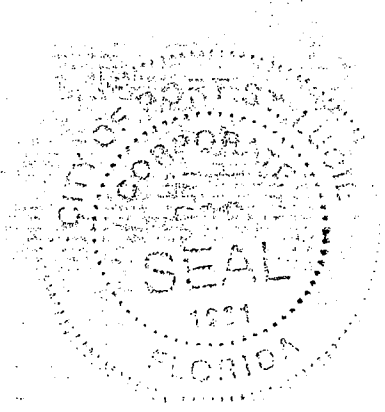
PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,  
this 25<sup>th</sup> day of April, 2005.

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 #4 CDD**

A PARCEL OF LAND LYING IN SECTIONS 29, 31 AND 32 TOWNSHIP 36 SOUTH, RANGE 39 EAST AND SECTIONS 5 AND 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 TRACK 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 COMPANY, A DISTANCE OF 1861.46 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING CONTINUE SOUTH 44°46'01" WEST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY CO., A DISTANCE OF 3207.94 FEET TO THE WESTERLY BOUNDARY OF SAID SECTION 29; THENCE SOUTH 04°13'20" EAST ALONG SAID WESTERLY BOUNDARY 258.80 FEET TO THE NORTHERLY BOUNDARY OF SAID SECTION 31; THENCE SOUTH 89°40'25" WEST ALONG SAID NORTHERLY BOUNDARY 312.03 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUN SOUTH 44°46'01" WEST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY, A DISTANCE OF 1298.44 FEET; THENCE SOUTH 01°54'14" EAST 4207.02 FEET; THENCE NORTH 88°01'12" EAST 380.17 FEET; THENCE SOUTH 50°00'38" EAST 318.16 FEET; THENCE SOUTH 86°02'16" EAST 440.70 FEET; THENCE NORTH 58°38'56" EAST 744.18 FEET; THENCE SOUTH 77°44'13" EAST 668.04 FEET; THENCE SOUTH 82°23'29" EAST 321.69 FEET; THENCE NORTH 54°09'26" EAST 2220.61 FEET; THENCE SOUTH 76°29'46" EAST 986.34 FEET; THENCE SOUTH 25°14'52" EAST 1523.53 FEET TO A POINT ON A CURVE CONCAVE TO THE EASTERLY; THENCE NORTHERLY ALONG SAID CURVE WITH A RADIUS OF 992.51 FEET, THROUGH A CENTRAL ANGLE OF 16°22'57" FOR AN ARC DISTANCE OF 283.79 FEET, THE CHORD OF SAID ARC BEING NORTH 06°52'49" WEST 282.82 FEET; THENCE NORTH 01°18'39" EAST 669.48 FEET TO A POINT OF CURVE TO THE LEFT SAID CURVE BEING CONCAVE TO THE SOUTHWESTERLY; THENCE NORTHERLY 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 REVERSE 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 THE POINT OF BEGINNING, CONTAINING 729.93 ACRES, MORE OR LESS.