

COUNCIL ITEM 8B
DATE 8/12/02

COUNCIL ITEM 10E
DATE 7/8/02

ORDINANCE 02- 80

AN ORDINANCE ESTABLISHING THE PORTOFINO ISLES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; 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, Prime Homes at Portofino Isles, Ltd., a Florida limited partnership, has filed a petition with the City Council to establish a community development district which petition contains the information required by Section 190.005(1)(a), Florida Statutes; and

WHEREAS, the City Council has conducted a public hearing on August 12, 2002, after publishing notice of such hearing in the Ft. Pierce Tribune on July 20, 2002, July 27, 2002, August 3, 2002 and August 10, 2002; and

WHEREAS, the City Council has taken testimony and considered the record of the public hearing 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.
- (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.

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.

Christa Phillips
CITY CLERK

BY _____
DEPUTY CLERK

DATE 9-13-02
(CITY SEAL)

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(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 Portofino Isles 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: Larry M. Abbo, Steven M. Glassman, Steven B. Greenfield, Chuck Brecker and John Culleton.

Section 4. District 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. Said power shall be discharged in accord with Chapter 190 of the Florida Statutes.

Section 5. Exceptions and Interlocal Agreements. While the District shall have all of the authority and power contained within Chapter 190, Florida Statutes, the District shall not exercise certain powers except as specified herein. 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; following construction, the District will dedicate such facilities to the City.

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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.

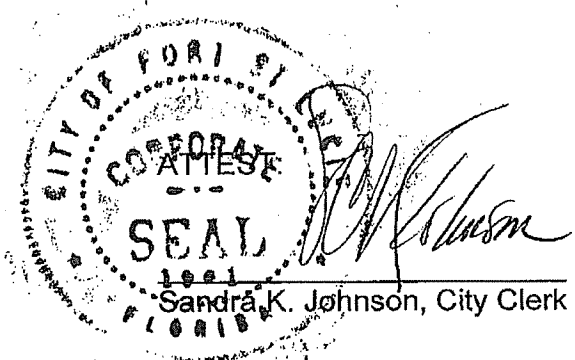
Section 8. Department of State. The Clerk is hereby directed to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

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

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 12th day of August, 2002.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: 
Robert E. Minsky, Mayor



Sandra K. Johnson, City Clerk

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