

COUNCIL ITEM 87  
DATE 4/25/05

COUNCIL ITEM 101  
DATE 4/11/05

ORDINANCE 05-70

AN ORDINANCE RELATING TO THE CHANGE OF BOUNDARIES OF THE PORTOFINO ISLES COMMUNITY DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO THE PETITION TO CHANGE THE BOUNDARIES OF THE PORTOFINO ISLES COMMUNITY DEVELOPMENT DISTRICT FILED PURSUANT TO CHAPTER 190, FLORIDA STATUTES; CHANGING THE BOUNDARIES OF THE PORTOFINO ISLES COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; 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 Portofino Isles Community Development District (the "District") was created by the City pursuant to Ordinance 02-08 enacted by the City Council on August 12, 2002; and

WHEREAS, a petition to amend the boundaries of the District pursuant to Chapter 190, Florida Statutes, was submitted to the City of Port St. Lucie by the District on November 4, 2004; and

WHEREAS, the Portofino Isles Community Development District comprises approximately 295 acres, all located within the City of Port St. Lucie, thus making the City Council the entity with the authority to amend the boundaries of the Portofino Isles Community Development District pursuant to Chapter 190, Florida Statutes; and

WHEREAS, notice has been given through an advertisement in The Port St. Lucie Tribune as required by law prior to the hearing conducted by the City Council on the petition to amend the boundaries of the District; and

WHEREAS, the City Council did conduct a public hearing to consider the petition to amend the boundaries of the Portofino Isles Community Development District on April 25, 2005; and

WHEREAS, the City Council, at the April 25, 2005, duly noticed public hearing on the petition to amend the boundaries of the Portofino Isles Community Development, heard and considered the testimony taken at such hearing and the reports, recommendations, exhibits, and other documentary evidence submitted at that public hearing; and

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WHEREAS, the City Council has made findings of facts and conclusions of law hereinafter set forth with regard to the petition to amend the boundaries of the District; and

WHEREAS, the City, having considered all of the foregoing and been fully advised and informed of the premises, has determined that it is in the best interests of the citizens of Port St. Lucie to approve the petition to amend the boundaries of the Portofino Isles Community Development District.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. The City Council of the City of Port St. Lucie hereby makes the following FINDINGS OF FACT:

(1) The Portofino Isles Community Development District submitted a petition to amend the boundaries of the Portofino Isles Community Development District pursuant to Chapter 190, Florida Statutes, to the City of Port St. Lucie on November 4, 2004.

(2) The petition contains all of the information required by Chapter 190, Florida Statutes.

(3) Notice of the public hearing to consider the petition containing the time and place for the hearing was published in The Post St. Lucie Tribune.

(4) The property that will comprise the Community Development District, as amended, is less than 1,000 acres and located entirely within the boundaries of the City of Port St. Lucie, Florida.

(5) The City Council of the City of Port St. Lucie held a public hearing on the petition to amend the boundaries of the Portofino Isles Community Development District on April 25, 2005.

(6) The City has reviewed the petition to amend the boundaries of the Portofino Isles Community Development District and found all the statements therein to be true and correct.

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(7) The amendment to the boundaries of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the Port St. Lucie Comprehensive Plan.

(8) The amended area of the Portofino Isles Community Development District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional, interrelated community.

(9) The amendment of the District's boundaries is the best alternative available for delivering the proposed community development services and facilities to the area that will be served by the District.

(10) The Portofino Isles Community Development District has constructed and proposes to construct, among other infrastructure improvements, a surface water management system; potable water distribution, fire hydrant, and wastewater collection system; arterial roads (main road network), streets, sidewalks, and lighting; parks and landscaping; and security systems. The proposed services and facilities are compatible with the City of Port St. Lucie surface water management system, potable water system, parks and landscaping system, fire and police services, and the City and Florida Department of Transportation roadway facilities.

(11) The property comprising the revised Portofino Isles Community Development District is all contained within the area of one integrated development proposal, making the area amenable to separate special district government.

Section 2: The City Council of the City of Port St. Lucie hereby makes the following CONCLUSIONS OF LAW:

After having considered the petition to amend the boundaries of the Portofino Isles Community Development District, the recommendations of the City's own professional staff, the testimony received at the April 25, 2005, public hearing and based on the above Findings of Fact, the City Council hereby concludes that:

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(1) The City Council is the exclusive entity with the power to amend the boundaries of the Portofino Isles Community Development District pursuant to Section 190.046(1)(c), Florida Statutes.

(2) The amendment of the boundaries of the Portofino Isles Community Development District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the City of Port St. Lucie Comprehensive Plan.

(3) The area of land within the revised District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional, interrelated community.

(4) The amendment of the boundaries of the Portofino Isles Community Development District is the best alternative available for delivering community development services and facilities to the area that will be served by the Portofino Isles Community Development District.

(5) The proposed community development services, including the surface water management system; potable water distribution, fire hydrant and wastewater collection system; arterial road (main road network), streets, sidewalks and lighting system; parks and landscaping system; and security systems will be compatible with the capacity and uses of existing local and regional community development services and facilities.

(6) The area to be served by the revised Portofino Isles Community Development District is amenable to separate, special district government.

Section 3: The City Council of the City of Port St. Lucie hereby enters the following ORDER:

(1) The petition to amend the boundaries of the Portofino Isles Community Development District is hereby ordered approved.

(2) The legal description of the District is contained in Exhibit "A". The description of properties within the external boundaries of the District which are

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excluded from the Portofino Isles Community Development District are included within the legal description.

Section 4. 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 5. 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.

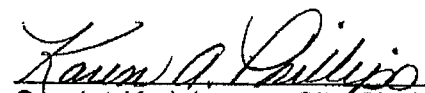
Section 6. Department of State. The Clerk is hereby directed to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

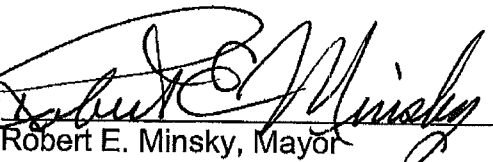
Section 6. Effective Date. This Ordinance shall become effective ten (10) days after its final adoption.

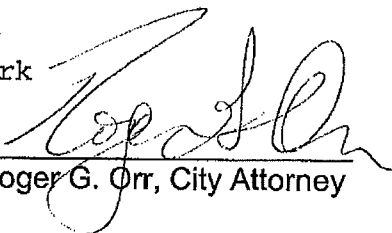
PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 25<sup>th</sup> day of April, 2005.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

ATTEST:

  
~~Sandra K. Johnson, City Clerk~~  
Karen A. Phillips, City Clerk

By:   
Robert E. Minsky, Mayor

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

