

ORDINANCE NO. 23-016

AN ORDINANCE AMENDING CHAPTER 14 "COMMUNITY DEVELOPMENT" OF THE ST. LUCIE COUNTY CODE: ESTABLISHING THE SEAGROVE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING POWERS; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND SETTING FORTH THE VOTE ON ADOPTION.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, based on the testimony and evidence, including, but not limited to the staff report, has made the following determinations:

1. The Board is authorized, pursuant to Sections 125.01 and 190.005, Florida Statutes, to establish community development districts that are less than 2,500 acres in size and located within the unincorporated areas of the County.

2. Coconut Cove REO, LLC, has filed with the Board a petition for the establishment of a community development district, which petition contains the information required by Section 190.005(1)(a), Florida Statutes.

3. In accordance with Section 190.005(1)(d) and 2(b), Florida Statutes, the Board held a public hearing on January 10, 2023, after publishing notice of such hearing in the St. Lucie News Tribune on December 16, 2022, December 23, 2022, December 30, 2022, and January 6, 2023; and:

(a) The Board has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes, and has found that:

(b) All statements contained within the petition are true and correct;

(c) The creation of this district is consistent with all applicable elements and portions of the state comprehensive plan and the effective local government comprehensive plan;

(d) The area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;

(e) The district is the best alternative available for delivering the community development services and facilities district to the area that will be served by the district;

(f) The community development services and facilities for the district will be compatible with the capacity and uses of the existing local and regional community development services and facilities; and,

(g) The area that will be served by the district is amenable to separate special district government.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. ARTICLE XVIII OF CHAPTER 14 "COMMUNITY DEVELOPMENT" OF THE ST. LUCIE COUNTY CODE, AS AMENDED TO READ:

ARTICLE XVIII "SEAGROVE" COMMUNITY DEVELOPMENT DISTRICT:

Section 14-360. Established: name

The Seagrove Community Development District is hereby established.

Section 14-361. Boundaries

The boundaries of the Seagrove Community Development District are as set forth in the legal description below.

Seagrove CDD - Legal Description

See Exhibit "A" attached hereto and incorporated herein.

Section 14-362. Initial Board of Supervisors

The following five persons are designated as the initial members of the Board of Supervisors of the Seagrove Community Development District: Gregory Pettibon, Jeffrey Alexander, Matthew Pisciotta, Kayla Aaronson, and Jared Shaver.

Section 14-363. Powers

The Seagrove Community Development District shall have all those general powers granted pursuant to Section 190.011. and those special powers granted pursuant to Section 190.012 (1)(3) and (4). Consent is hereby given to the District to exercise those powers relating to Recreation and Security contained in Section 190.012 (2)(a) and (d). subject to the following limitations.

1. The Seagrove Community Development District shall not provide water or wastewater service to the lands located within or outside the boundaries of the District.

2. The Seagrove Community Development District shall not be authorized to construct fire stations or provide for fire trucks or other vehicles and equipment related thereto.

3. The Seagrove Community Development District shall not be authorized to provide mosquito control services within or without the boundaries of the District.

4. The Seagrove Community Development District shall not be authorized to provide solid waste collection or disposal services within or without the boundaries of the District without the consent of the County.

5. The Seagrove Community Development District shall not condemn property outside the boundaries of the District.

Section 41-364. Special Conditions

1. The Seagrove Community Development District will use its best efforts to develop in an integrated fashion the traffic circulation, water, and sewer facilities on the district property as one functional interrelated community.

2. The Seagrove Community Development District shall take no action which is inconsistent with the comprehensive plan, ordinances or regulations of St. Lucie County.

3. No publicly owned property that may be located or acquired within the legal description of this Community Development District shall be assessed for or obligated in any way to pay for the infrastructure constructed, maintained, or operated by the Community Development District described in section 14-361 above.

4. The Seagrove Community Development District shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be made available to all existing residents, and to all prospective residents of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of that information to provide each prospective initial purchaser of property in that development with a copy, and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement.

5. Following the establishment of the Seagrove Community Development District, each contract for the initial sale of a parcel of real property and each contract for the initial sale of a residential unit within the District shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract: "THE (Name of District) COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS. ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. 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. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable throughout St. Lucie County's jurisdiction.

PART E. FILING WITH THE DEPARTMENT OF STATE.

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

PART F. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State.

PART G. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chair Cathy Townsend	AYE
Vice Chair Linda Bartz	AYE
Commissioner Chris Dzadoovsky	AYE
Commissioner Larry Leet	AYE
Commissioner Jamie Fowler	AYE

PART H. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts B through H shall not be codified.

PASSED AND DULY ADOPTED this 10th day of January 2023.

ATTEST

DEPUTY CLERK

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

BY: _____
CHAIR

**APPROVED AS TO FORM AND
CORRECTNESS:**

COUNTY ATTORNEY

EXHIBIT "A"

LEGAL DESCRIPTION
SEAGROVE COMMUNITY DEVELOPMENT DISTRICT

Legal Description:

SEAGROVE CDD LEGAL DESCRIPTION

Parcel B:

Being a portion of Sections 5 and 6, Township 34 South, Range 40 East, St. Lucie County, Florida, more particularly described as follows;

Commencing at the Southeast corner of said Section 6, thence proceed North 89°41'27" West, a distance of 179.78 feet to a point on the East right of way of State Road No. 5 (U.S. Highway No. 1), being a 200 foot right of way; thence North 18°40'57" West, along said East right of way, a distance of 2268.13 feet; thence South 89°44'41" East, a distance of 1107.12 feet; thence South 57°46'54" East, a distance of 161.58 feet to the POINT OF BEGINNING of the following described parcel, being the intersection of the East right-of-way of Florida East Coast Railroad (a 100.00 foot wide right-of-way) and the North line of the Florida Inland Navigational District (FIND) parcel , as recorded in Official Records Book 2987, Page 2303;

Thence North 19°32'45" West, along the said East right-of-way of Florida East Coast Railroad, a distance of 3,475.95 feet to the North line of Section 6, Township 34 South, Range 40 East; thence South 89°49'18" East, along said North line, a distance of 781.79 feet to the North line of Section 5, Township 34 South, Range 40 East; thence South 89°43'26" East, along said North line, a distance of 2,938.97 feet to the approximate shore line of the Indian River Aquatic Preserve; thence along said approximate shore line of the Indian River Aquatic Preserve the following 64 courses and distances; thence South 25°28'46" East, a distance of 57.42 feet; thence South 52°19'06" East, a distance of 98.77 feet; thence South 19°19'46" East, a distance of 48.92 feet; thence South 30°18'01" East, a distance of 93.66 feet; thence South 04°35'32" West, a distance of 56.23 feet; thence South 01°19'08" West, a distance of 50.36 feet; thence South 11°40'37" West, a distance of 59.98 feet; thence South 31°03'41" East, a distance of 92.27 feet; thence South 14°32'57" East, a distance of 81.22 feet; thence South 14°52'52" West, a distance of 62.02 feet; thence South 28°53'23" West, a distance of 42.07 feet; thence South 14°28'58" West, a distance of 54.82 feet; thence South 21°58'18" East, a distance of 140.78 feet; thence South 16°35'14" East, a distance of 69.84 feet; thence South 03°32'39" East, a distance of 33.99 feet; thence South 46°42'00" East, a distance of 85.32 feet; thence South 57°26'52" East, a distance of 56.57 feet; thence South 47°11'07" East, a distance of 47.58 feet; thence South 33°34'53" West, a distance of 77.48 feet; thence South 23°59'21" East, a distance of 90.48 feet; thence South 09°07'51" West, a distance of 79.65 feet; thence South 06°51'19" West, a distance of 60.23 feet; thence South 54°06'53" East, a distance

of 44.96 feet; thence South 00°08'14" West, a distance of 61.42 feet; thence South 52°55'03" West, a distance of 102.19 feet; thence South 46°34'57" West, a distance of 81.35 feet; thence South 28°10'10" West, a distance of 59.93 feet; thence South 33°01'29" West, a distance of 85.57 feet; thence South 38°46'32" West, a distance of 81.64 feet; thence South 04°27'39" East, a distance of 70.30 feet; thence South 22°45'12" East, a distance of 222.03 feet; thence South 59°48'25" East, a distance of 66.80 feet; thence South 53°33'17" East, a distance of 110.18 feet; thence North 49°03'50" East, a distance of 56.33 feet; thence North 82°56'27" East, a distance of 50.29 feet; thence North 64°27'26" East, a distance of 41.87 feet; thence South 46°57'03" East, a distance of 36.69 feet; thence South 23°50'39" East, a distance of 59.58 feet; thence South 57°17'01" East, a distance of 96.95 feet; thence South 48°04'42" East, a distance of 54.79 feet; thence South 13°06'25" East, a distance of 43.35 feet; thence South 65°20'04" East, a distance of 48.26 feet; thence South 46°16'24" East, a distance of 33.63 feet; thence South 21°47'13" East, a distance of 54.95 feet; thence South 15°07'14" East, a distance of 67.47 feet; thence South 43°24'07" East, a distance of 71.42 feet; thence South 79°51'27" East, a distance of 88.96 feet; thence South 23°56'45" East, a distance of 36.21 feet; thence South 12°27'58" West, a distance of 69.91 feet; thence South 30°22'00" East, a distance of 46.73 feet; thence South 19°47'32" East, a distance of 28.50 feet; thence South 66°10'08" East, a distance of 1.34 feet; thence continue Southeasterly along said line, a distance of 29.87 feet; thence South 46°22'49" East, a distance of 46.37 feet; thence South 08°02'51" East, a distance of 36.24 feet; thence South 09°22'23" East, a distance of 66.25 feet; thence South 17°27'24" East, a distance of 50.66 feet; thence South 01°15'57" West, a distance of 111.05 feet; thence South 21°00'58" East, a distance of 38.99 feet; thence South 11°07'30" West, a distance of 55.06 feet ; thence South 25°23'32" East, a distance of 113.68 feet; thence South 23°10'10" East, a distance of 84.84 feet; thence South 16°05'14" West, a distance of 27.92 feet; thence South 02°05'21" East, a distance of 62.56 feet; thence North 89°51'09" West, a distance of 1,364.81 feet; thence North 00°42'15" East, a distance of 60.00 feet; thence North 89°51'09" West, a distance of 2,320.85 feet to the POINT OF BEGINNING.

Containing 273.168 acres, more or less.

Together with;

Parcel D:

Being a portion of Sections 5 and 6, Township 34 South, Range 40 East, St. Lucie County, Florida, more particularly described as follows;

Commencing at the Southeast corner of said Section 6, thence proceed North 89°41'27" West, a distance of 179.78 feet to a point on the East right of way of State Road No. 5 (U.S. Highway No. 1), being a 200 foot right of way; thence North 18°40'57" West, along said East right of way, a distance of 2268.13 feet; thence South 89°44'41" East, a distance of 1032.69 feet to a point on the East right -of -way of Old Dixie Highway (a 66.00 foot wide right-of-way) and the POINT OF BEGINNING of the following described parcel;

Thence North 17°39'23" West, along said East right-of-way, a distance of 486.87 feet; thence North 00°28'12" West, a distance of 56.96 feet; thence South 89°49'34" East, a distance of 37.56 feet; to the West right-of-way of Florida East Coast Railroad (a 100.00 foot wide right-of-way); thence South 19°32'45" East, along said West right-of-way, a distance of 552.98 feet; thence North 89°44'41" West, a distance of 74.43 feet to the POINT OF BEGINNING .

Containing 0.763 acres, more or less.

Together with;

Parcel E:

Being a portion of Sections 5 and 6, Township 34 South, Range 40 East, St. Lucie County, Florida, more particularly described as follows;

Commencing at the Southeast corner of said Section 6, thence proceed North 89°41'27" West, a distance of 179.78 feet to a point on the East right of way of State Road No. 5 (U.S. Highway No. 1), being a 200 foot right of way; thence North 18°40'57" West, along said East right of way, a distance of 2268.13 feet; thence South 89°44'41" East, a distance of 1032.69 feet to a point on the East right-of-way of Old Dixie Highway (a 66.00 foot wide right-of-way); thence North 17°39'23" West, a distance of 486.87 feet; thence North 00°28'12" West, a distance of 56.96 feet; thence North 89°49'34" West, a distance of 17.68 feet; thence North 17°39'38" West, a distance of 11.73 feet; thence North 21°14'27" West, a distance of 704.19 feet to the POINT OF BEGINNING of the following described parcel;

Thence North 21°14'27" West, a distance of 834.19 feet along said East right-of-way of Old Dixie Highway; thence North 15°39'50" West, along said East right -of-way , a distance of 413.74 feet; thence South 89°59'35" East, a distance of 73.33 feet to the West right-of-way of Florida East Coast Rail road (a 100.00 foot wide right-of-way); thence South 19°32'45" East, along said West right-of-way, a distance of 1,248.12 feet; thence North 89°45'50" West, a distance of 76.98 feet to the POINT OF BEGINNING.

Containing 2.413 acres, more or less.

Together with;

Parcel F:

Being a portion of Sections 5 and 6, Township 34 South, Range 40 East, St. Lucie County, Florida, more particularly described as follows;

Commencing at the Southeast corner of said Section 6, thence proceed North 89°41'27" West, a distance of 179.78 feet to a point on the East right of way of State Road No. 5 (U.S. Highway No. 1), being a 200 foot right of way; thence North 18°40'57" West, along said East right of way, a distance of 2268.13 feet to the Point of Beginning of this description:

Thence continue North 18°40'57" West, along said right of way, a distance of 208.01 feet; thence departing said East line, proceed North 71°14'21" East, a distance of 98.33 feet to a point of curvature of a curve, concave to the South, having a radius of 550.00 feet, and a central angle of 48°23'47"; thence Easterly and Southerly along the arc of said curve, a distance of 464.57 feet; thence South 60°21'53" East, a distance of 19.26 feet; thence South 58°34'51" East, a distance of 141.93 feet; thence North 67°08'23" East, a distance of 101.45 feet; thence South 89°44'41" East, a distance of 210.42 feet, to a point on the West right of way of State Road 605 (Old Dixie Highway), being a 66 foot right of way; thence proceed South 17°39'23" East, along said Westerly right of way, a distance of 152.39 feet; thence departing said Westerly right of way, proceed North 89°44'41" West, a distance of 379.62 feet; thence North 0°15'19" East, a distance of

48.57 feet; thence North 72°52'26" West, a distance of 147.84 feet; thence North 60°21'53" West, a distance of 19.26 feet to a point of curvature of a curve, concave to the South, having a radius of 450.00 feet, and a central angle of 25°34'10", thence Northerly and Westerly along the arc of said curve, a distance of 200.82 feet; thence departing said curve, proceed South 10°26'43" West, a distance of 160.34 feet; thence North 89°44'41" West, a distance of 206.21 feet to the POINT OF BEGINNING.

Containing 3.383 acres, more or less.

Together with;

Parcel J:

Being a portion of Sections 5 and 6, Township 34 South, Range 40 East, St. Lucie County, Florida, more particularly described as follows;

Commencing at the Southeast corner of said Section 6, thence proceed North 89°41'27" West, a distance of 179.78 feet to a point on the East right of way of State Road No. 5 (U.S. Highway No. 1), being a 200 foot right of way; thence North 18°40'57" West, along said East right of way, a distance of 2268.13 feet; thence South 89°44'41" East, a distance of 1032.69 feet to a point on the East right-of-way of Old Dixie Highway (a 66.00 foot wide right-of-way); thence North 17°39'23" West, along said East right-of-way, a distance of 486.87 feet; thence North 00°28'12" West, a distance of 56.96 feet to the POINT OF BEGINNING of the following described parcel;

Thence North 89°49'34" West, a distance of 17.68 feet to a point on the East right -of-way of Old Dixie Highway; thence along the said East right-of-way the following 2 courses and distances; thence North 17°39'38" West, a distance of 11.73 feet; thence North 21°14'27" West, a distance of 704.19 feet; thence South 89°45'50" East, a distance of 76.98 feet to the West right-of-way of Florida East Coast Railroad (a 100.00 foot wide right-of-way); thence South 19°32'45" East, along said West right-of-way, a distance of 708.18 feet; thence North 89°49'34" West, a distance of 37.56 feet to the POINT OF BEGINNING.

Containing 1.006 acres, more or less.

Overall Containing 280.733 Total acres, more or less.