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ORDINANCE 03-003

AN ORDINANCE AMENDING CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA; ESTABLISHING THE WESTCHESTER COMMUNITY DEVELOPMENT DISTRICT NO. 5; ESTABLISHING THE BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; 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 1,000 acres in size and located within the unincorporated areas of the County.
2. Horizons St. Lucie Development, LLC, a Florida limited liability company, 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(l)(a), Florida Statutes.
3. In accordance with Section 190.005(l)(d) and 2(b), Florida Statutes, the Board held a public hearing on February 4, 2003, after publishing notice of such hearing in the Ft. Pierce Tribune and the Port St. Lucie News on January 7, January 14, January 21 and January 28, 2003 and:
 - (a) The Board has considered the record of the public hearing and the factors set forth in Section 190.005 (l) (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 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 XII OF CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, IS AMENDED TO READ:

ARTICLE XI "WESTCHESTER COMMUNITY DEVELOPMENT DISTRICT NO. 5" :

Section 1-6.5-120 — 1.6.5-129 ————— [reserved]

Section 1-6.5-120. Established; name

The Westchester Community Development District No. 5 is hereby established.

Section 1-6.5-121. Boundaries

The boundaries of the Westchester Community Development District No. 5 are as set forth in the legal description below.

WESTCHESTER CDD No. 5 - LEGAL DESCRIPTION

A parcel of land lying in Section 15 and 16, Township 37 South, Range 39 East, St. Lucie County, Florida, more particularly described as follows:

Commence at the intersection of the centerline of Gatlin Boulevard (also being the north line of Section 15) and the Westerly limits of Gatlin Boulevard Right-of-Way and the Westerly limits of those lands described in an Order of Taking, dated July 24, 1979 and recorded in Official Record Book 311 at Pages 2946 through 2952, inclusive, Public Records of St. Lucie County,

Florida, and as shown on the Florida Department of Transportation Right-of-Way maps for State Road #9 (I-95), Section 94001-2412, dated 6/2/77, with last revision of 9/11/79; thence South 00°01'45" West, a distance of 100.00 feet to the Point of Beginning; thence South 89°58'15" East, a distance of 242.61 feet; thence along the westerly line of a 20 foot wide F.P. & L. easement, as described in an Order Granting Petitioners Motion for relief from Order of Taking and Amending Order of Taking, as same is recorded in Official Record Book 349 at Pages 90 through 93, inclusive, Public Records of St. Lucie County, Florida, the following courses and distances: thence South 00°01'45" West, a distance of 20.00 feet; thence South 89°58'15" East, a distance of 318.60 feet; thence South 81°56'34" East, a distance of 515.34 feet; thence South 69°58'48" East, a distance of 276.75 feet; thence South 52°20'12" East, a distance of 908.27 feet; thence South 43°16'30" East, a distance of 590.74 feet; thence South 27°42'53" East, a distance of 590.97 feet; thence South 19°56'04" East, a distance of 1197.74 feet; thence South 18°47'19" East, a distance of 819.08 feet to the easterly prolongation of the North line of that certain parcel described in a Special Warranty Deed to Metropolitan Life Insurance Company dated September 18, 1985, and recorded in Official Record Book 477 at Pages 560 through 566, inclusive, Public Records of St. Lucie County, Florida; thence North 89°50'39" West, along the just said Northerly line of the parcel described in the Special Warranty deed to Metropolitan Life Insurance Company recorded in Official Record Book 477 at Pages 560 through 566, and the easterly prolongation thereof, a distance of 6314.68 feet; thence North 00°02'55" West, a distance of 3277.25 feet to Point of Beginning.

Containing 450.40 acres, more or less.

Section 1-6.5-122. Initial Board of Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors of the Westchester Community Development District No. 5: Paul J. Hegener, James L. Zboril, James H. Anderson, Jane Rowley and Donald C. Petersen.

Section 1-6.5-123. Special Conditions.

The following special conditions shall apply to the creation, operation, and existence of Westchester Community Development District No. 5:

1. The powers and responsibilities of the Westchester Community Development District No. 5 shall be limited to the following:

To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

- (a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges;
- (b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along,

and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system;

- (c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut;
- (d) 1. District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.
- 2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage;
- (e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination;
- (f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property;
- (g) parks and facilities for indoor and outdoor recreational, cultural and educational uses;
- (h) fire prevention and control, including water mains and plugs, (but excluding fire stations, fire trucks and other vehicles and equipment);
- (i) school buildings and related structures, which may be leased, sold or donated to the school district, for use in the educational system, when authorized by the district school board; and,
- (j) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

The Commission further consents to provide the District of the right and power of eminent domain, pursuant to Chapter 73, Florida Statutes and Chapter 74, Florida Statutes, over any property outside the boundaries of the District and within the unincorporated areas of the County (except municipal, county, state and federal property) for the uses and purposes of the District relating solely to water, sewer, District roads, and water management, specifically including, without limitation, the power of eminent domain for the taking of easements for the drainage of the land of one person over and through the land of another; provided, however, that the District shall exercise the eminent domain power only if for uses and purposes contemplated by, consistent with or in furtherance of the requirements of approved

development permits or development orders relating to the real property within the District.

The foregoing powers shall be in addition, and supplemental, to the powers which the District is entitled to exercise pursuant to Chapter 190, Florida Statutes.

2. The 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.
3. The district shall take no action which is inconsistent with the comprehensive plan, ordinances or regulations of St. Lucie County.
4. 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 Described in section 1.6-5.121 above.
5. The 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.
6. Following the establishment of the Westchester CDD No. 5, as provided for in Sections 1-6.5-120 and 1-6.5-121 above, 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 LEVY 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."

Section 1-6.5-124 – 1-6.5-129

[reserved]

1 **PART B. CONFLICTING PROVISIONS.**

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

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10 If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative,
11 or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or
12 any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such
13 holding shall not affect its applicability to any other person, property, or circumstance.
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16 **PART D. APPLICABILITY OF ORDINANCE.**

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18 This ordinance shall be applicable throughout St. Lucie County's jurisdiction.
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21 **PART E. FILING WITH THE DEPARTMENT OF STATE.**

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23 The Clerk be and is hereby directed forthwith to send a certified copy of this ordinance to the Bureau
24 of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.
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27 **PART F. EFFECTIVE DATE.**

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29 This ordinance shall take effect upon filing with the Department of State.
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32 **PART G. ADOPTION.**

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

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|----|---------------------------------|-----|
| 35 | Chairman Cliff Barnes | AYE |
| 36 | | |
| 37 | Vice-Chairman Paula A. Lewis | AYE |
| 38 | | |
| 39 | Commissioner Doug Coward | AYE |
| 40 | | |
| 41 | Commissioner John D. Bruhn | AYE |
| 42 | | |
| 43 | Commissioner Frannie Hutchinson | AYE |
| 44 | | |

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2 **PART H. CODIFICATION.**
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4 Provisions of this ordinance shall be incorporated in the St. Lucie County Land Development Code,
5 and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the
6 sections of this ordinance may be re-numbered or re-lettered to accomplish such intention;
7 provided, however, that Parts B through H shall not be codified.
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10 **PASSED AND DULY ADOPTED** This 4th Day of February 2003.
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13 BOARD OF COUNTY COMMISSIONERS
14 ST. LUCIE COUNTY, FLORIDA
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17
18 BY

Paula A. Lewis
Vice-Chairman

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22 ATTEST:

APPROVED AS TO FORM
AND CORRECTNESS:

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28 Deputy Clerk

Heather Young
Asst. County Attorney

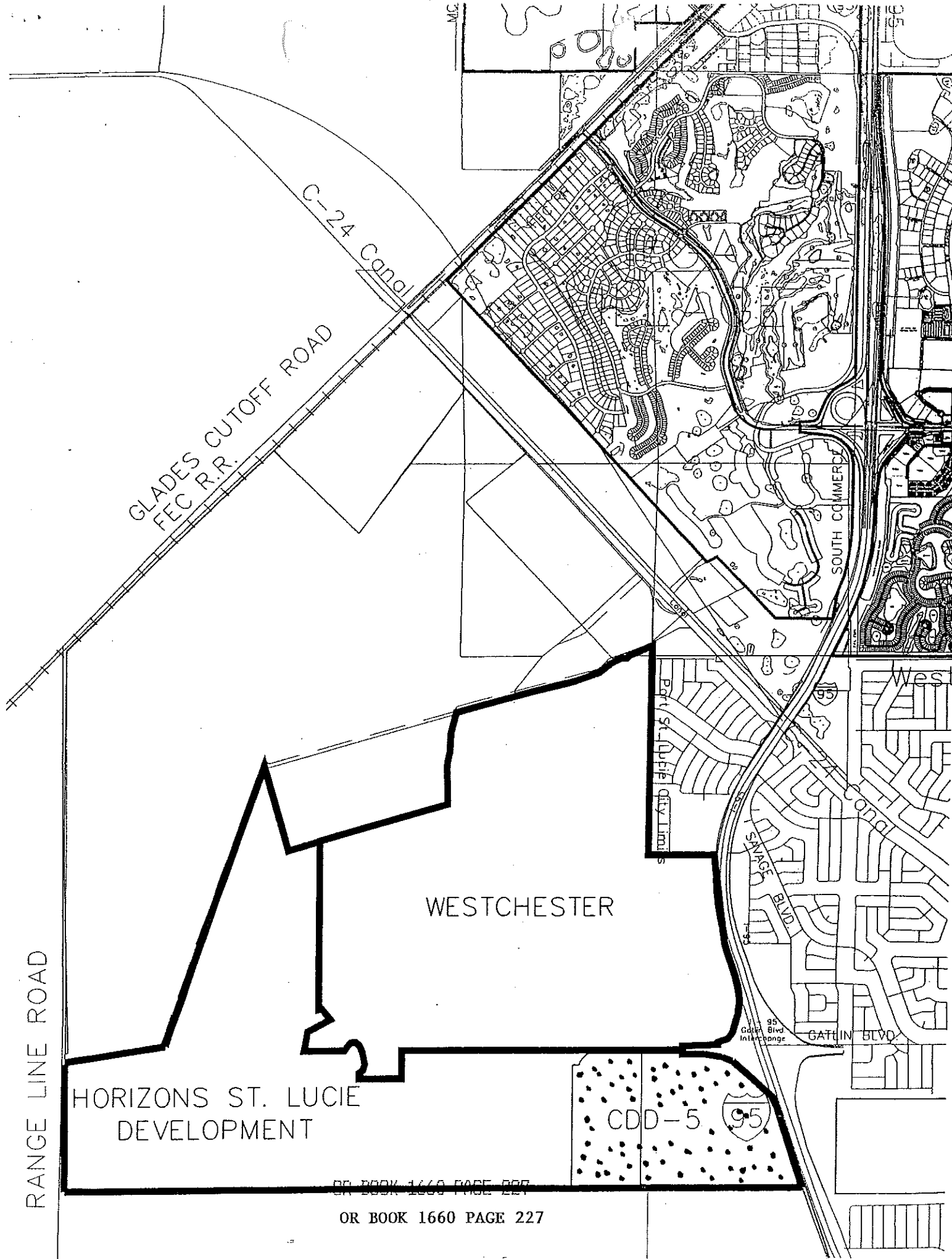
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Exhibit A

Map of Westchester Community Development District #5

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HORIZONS ST. LUCIE
DEVELOPMENT

WESTCHESTER

CDD-5



OR BOOK 1660 PAGE 227

OR BOOK 1660 PAGE 227

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ORDINANCE 03-003

AN ORDINANCE AMENDING CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA; ESTABLISHING THE WESTCHESTER COMMUNITY DEVELOPMENT DISTRICT NO. 5; ESTABLISHING THE BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; 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 1,000 acres in size and located within the unincorporated areas of the County.
2. Horizons St. Lucie Development, LLC, a Florida limited liability company, 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(l)(a), Florida Statutes.
3. In accordance with Section 190.005(l)(d) and 2(b), Florida Statutes, the Board held a public hearing on February 4, 2003, after publishing notice of such hearing in the Ft. Pierce Tribune and the Port St. Lucie News on January 7, January 14, January 21 and January 28, 2003 and:
 - (a) The Board has considered the record of the public hearing and the factors set forth in Section 190.005(l)(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;

COPY

- (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 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 XII OF CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, IS AMENDED TO READ:

ARTICLE XI "WESTCHESTER COMMUNITY DEVELOPMENT DISTRICT NO. 5" :

Section 1-6.5-120 — 1.6.5-129 [reserved]

Section 1-6.5-120. Established; name

The Westchester Community Development District No. 5 is hereby established.

Section 1-6.5-121. Boundaries

The boundaries of the Westchester Community Development District No. 5 are as set forth in the legal description below.

WESTCHESTER CDD No. 5 - LEGAL DESCRIPTION

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Florida, and as shown on the Florida Department of Transportation Right-of-Way maps for State Road #9 (I-95), Section 94001-2412, dated 6/2/77, with last revision of 9/11/79; thence South 00°01'45" West, a distance of 100.00 feet to the Point of Beginning; thence South 89°58'15" East, a distance of 242.61 feet; thence along the westerly line of a 20 foot wide F.P. & L. easement, as described in an Order Granting Petitioners Motion for relief from Order of Taking and Amending Order of Taking, as same is recorded in Official Record Book 349 at Pages 90 through 93, inclusive, Public Records of St. Lucie County, Florida, the following courses and distances: thence South 00°01'45" West, a distance of 20.00 feet; thence South 89°58'15" East, a distance of 318.60 feet; thence South 81°56'34" East, a distance of 515.34 feet; thence South 69°58'48" East, a distance of 276.75 feet; thence South 52°20'12" East, a distance of 908.27 feet; thence South 43°16'30" East, a distance of 590.74 feet; thence South 27°42'53" East, a distance of 590.97 feet; thence South 19°56'04" East, a distance of 1197.74 feet; thence South 18°47'19" East, a distance of 819.08 feet to the easterly prolongation of the North line of that certain parcel described in a Special Warranty Deed to Metropolitan Life Insurance Company dated September 18, 1985, and recorded in Official Record Book 477 at Pages 560 through 566, inclusive, Public Records of St. Lucie County, Florida; thence North 89°50'39" West, along the just said Northerly line of the parcel described in the Special Warranty deed to Metropolitan Life Insurance Company recorded in Official Record Book 477 at Pages 560 through 566, and the easterly prolongation thereof, a distance of 6314.68 feet; thence North 00°02'55" West, a distance of 3277.25 feet to Point of Beginning.

Containing 450.40 acres, more or less.

Section 1-6.5-122. Initial Board of Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors of the Westchester Community Development District No. 5: Paul J. Hegener, James L. Zboril, James H. Anderson, Jane Rowley and Donald C. Petersen.

Section 1-6.5-123. Special Conditions.

The following special conditions shall apply to the creation, operation, and existence of Westchester Community Development District No. 5:

1. The powers and responsibilities of the Westchester Community Development District No. 5 shall be limited to the following:

To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

- (a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges;
- (b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along,

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and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system;

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut;

(d) 1. District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.

2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage;

(e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination;

(f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property;

(g) parks and facilities for indoor and outdoor recreational, cultural and educational uses;

(h) fire prevention and control, including water mains and plugs, (but excluding fire stations, fire trucks and other vehicles and equipment);

(i) school buildings and related structures, which may be leased, sold or donated to the school district, for use in the educational system, when authorized by the district school board; and,

(j) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

The Commission further consents to provide the District of the right and power of eminent domain, pursuant to Chapter 73, Florida Statutes and Chapter 74, Florida Statutes, over any property outside the boundaries of the District and within the unincorporated areas of the County (except municipal, county, state and federal property) for the uses and purposes of the District relating solely to water, sewer, District roads, and water management, specifically including, without limitation, the power of eminent domain for the taking of easements for the drainage of the land of one person over and through the land of another; provided, however, that the District shall exercise the eminent domain power only if for uses and purposes contemplated by, consistent with or in furtherance of the requirements of approved

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development permits or development orders relating to the real property within the District.

The foregoing powers shall be in addition, and supplemental, to the powers which the District is entitled to exercise pursuant to Chapter 190, Florida Statutes.

2. The 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.

3. The district shall take no action which is inconsistent with the comprehensive plan, ordinances or regulations of St. Lucie County.

4. 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 1-6.5-121 above.

5. The 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.

6. Following the establishment of the Westchester CDD No. 5, as provided for in Sections 1-6.5-120 and 1-6.5-121 above, 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 LEVY 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."

Section 1-6.5-124 – 1-6.5-129

[reserved]

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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 be and 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:

Chairman Cliff Barnes

AYE

Vice-Chairman Paula A. Lewis

AYE

Commissioner Doug Coward

AYE

Commissioner John D. Bruhn

AYE

Commissioner Frannie Hutchinson

AYE

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PART H. CODIFICATION.

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

PASSED AND DULY ADOPTED This 4th Day of February 2003.

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY

Paula A. Lewis
Vice - Chairman

ATTEST:

APPROVED AS TO FORM
AND CORRECTNESS:

M. J. [Signature]
Deputy Clerk

Heather Young
Asst. County Attorney

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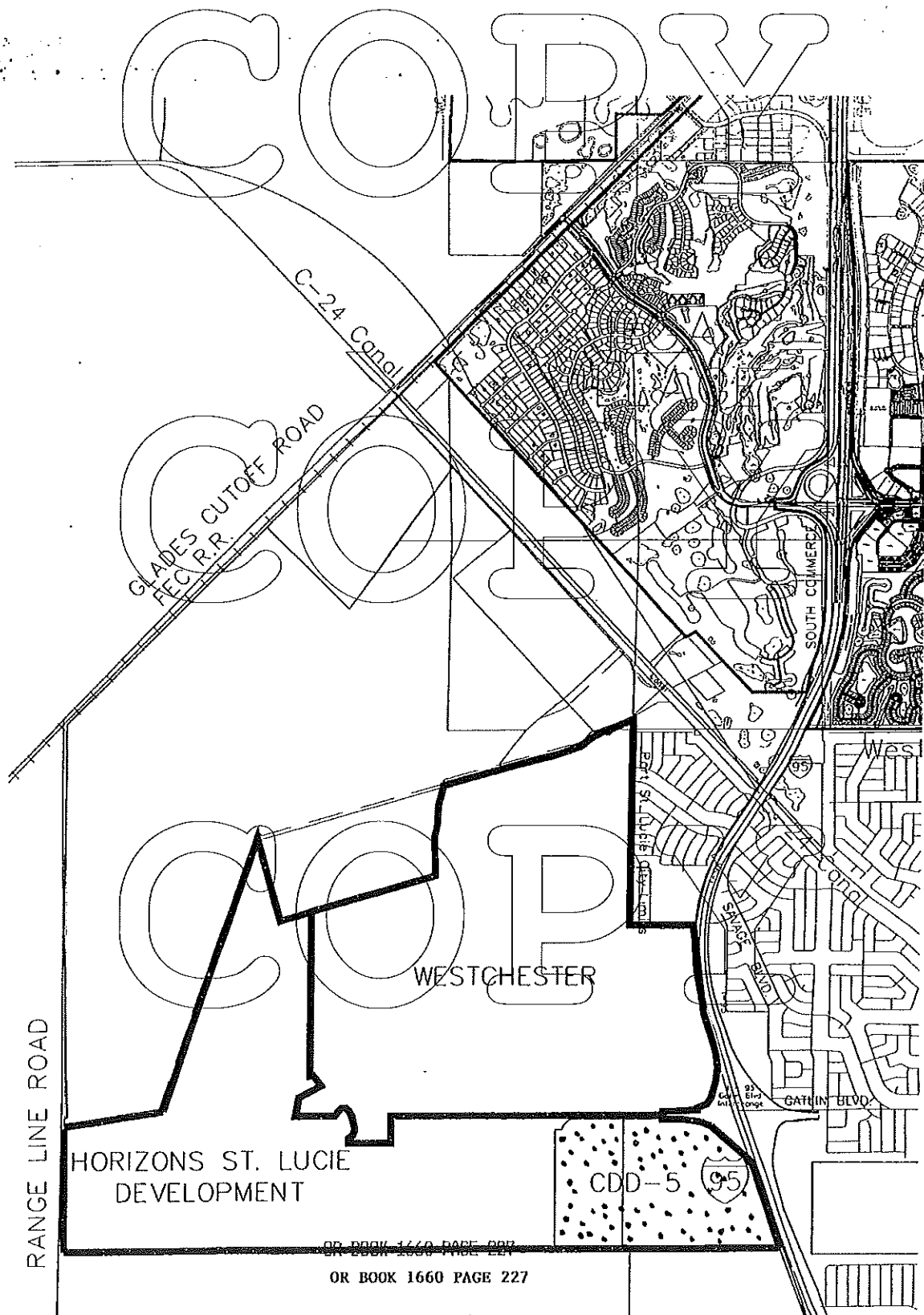
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Exhibit A

Map of Westchester Community
Development District #5

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(CDD No. 5)

ORDINANCE NO. 06-037

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA AMENDING ORDINANCE NO. 03-003 ENACTED BY THE COUNTY ON FEBRUARY 4, 2003 ESTABLISHING THE WESTCHESTER COMMUNITY DEVELOPMENT DISTRICT NO. 5, AMONG OTHER MATTERS AND AMENDING SECTION 1-6.5 OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA IN ORDER TO CONTRACT AND CONTEMPORANEOUSLY EXPAND THE EXTERNAL BOUNDARIES OF THE DISTRICT AND DESCRIBE THE REVISED EXTERNAL BOUNDARIES OF THE DISTRICT AND AMENDING SECTIONS 1-6.5-83 OF THE CODE OF ORDINANCES TO PROVIDE FOR THE CHANGE OF THE DISTRICT'S NAME TO SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 5; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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. On February 4, 2003, the County enacted Ordinance No. 03-003 (the "Ordinance") amending Section 1-6.5 "Community Development" of the Code of Ordinances of St. Lucie County, Florida to establish Westchester Community Development District No. 5 (the "District") as a community development district pursuant to Chapter 190, Florida Statutes (the "Act") and its external boundaries, among other matters. Subsequent to the enactment of the Amending Ordinance, all of the real property within the boundaries of the District was annexed into the boundaries of the City of Port St. Lucie, Florida (the "City"). The external boundaries of the District currently contain approximately 450.40 acres of real property located entirely within the jurisdictional boundaries of the City.

2. Pursuant to Section 190.046(1) of the Act, the Board of Supervisors of the District has submitted a petition (the "Petition") to the County requesting that the boundaries of the District be contracted and contemporaneously expanded, so that thereafter approximately 540.128 acres of real property will be located within the external boundaries of boundaries of the District. The Petition also requests the change of the District's name to "Southern Grove Community Development District No. 5" to be consistent with the name of the community within the boundaries of the District. The Petition also requests that the County amend the Ordinance to reflect the revised boundaries of the District and the changed name of the District.

3. The County has conducted a public hearing on the Petition in accordance with the requirements of Section 190.0046(1)(b) and has considered the record of the public hearing and

FTL:1353032:3

the factors set forth in Section 190.005(1)(e) of the Act, among other factors, and hereby finds that:

- (a) All statements in the Petition have been found to be true and correct;
- (b) That the land to be included within the boundaries of the District does not exceed 50% of the acres initially located within the boundaries of the District and does not exceed 500 acres
- (c) The District is not inconsistent with any applicable elements or portion of the State of Florida's comprehensive plan or of the effective County comprehensive plan;
- (d) The area of land within the proposed revised boundaries of the 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 community development services and facilities to the area that will be served by the District;
- (f) The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
- (g) The area that will be served by the District following expansion of the District's boundaries is amenable to separate special district government.

4. The City has submitted to the County a resolution consenting to the approval of the Petition by the County.

5. The County now desires to grant the Petition by amending the Ordinance and Section 1-6.5 of the Code of Ordinances of the County, as more fully set forth herein.

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

PART A. GRANT OF PETITION; AMENDMENT TO ORDINANCE TO ESTABLISH NEW EXTERNAL BOUNDARIES OF THE DISTRICT AND CHANGE NAME OF DISTRICT. The County hereby grants the Petition. Part A of the Ordinance is hereby amended to expand the external boundaries of the District by deleting Exhibit A to the Amending Ordinance in its entirety and replacing it with Exhibit A attached hereto. Accordingly, Section 1-6.5 of the Code of Ordinances of the County establishing the boundaries of the District is hereby amended so that references therein to Exhibit "A" shall mean Exhibit A attached hereto. The portion of Part A of the Original Ordinance establishing the name of the District and accordingly, Section 1-6.5-80 of the Code of Ordinances, is hereby amended to delete the reference therein to "Westchester Community Development District No. 5" and replace such reference with "Southern Grove Community Development District No. 5." The Original

Ordinance and the Amended Ordinance and accordingly all references in Sections 1-6.5-80 through 1-6.5-83 of the Code of Ordinances are hereby amended so that all other references therein to "Westchester Community Development District No. 5" shall be deemed to be replaced by references to "Southern Grove Community Development District No. 5."

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

PART F. EFFECTIVE DATE. This ordinance shall take effect upon filing with the Department of State.

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

| | |
|--|-----|
| Commissioner Doug Coward, Chairperson | AYE |
| Commissioner Chris Craft, Vice Chairperson | AYE |
| Commissioner Joseph E. Smith | AYE |
| Commissioner Frankie Hutchinson | AYE |
| Commissioner Paula A. Lewis | AYE |

PASSED AND DULY ADOPTED this 15th day of August, 2006.

ATTEST:



Clerk

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

By:

Chairman

APPROVED AS TO FORM AND
CORRECTNESS

County Attorney

COPY

COPY

FTL 1353032:3

EXHIBIT A

EXTERNAL BOUNDARIES OF THE DISTRICT

COPY

COPY

FTL1358032:3 A-1
COPY


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EB 8492 / LB 8974

DESCRIPTION TO ACCOMPANY SKETCH

DESCRIPTION: NEW C.D.D. NO. 5 (TRADITION)

A PARCEL OF LAND LYING IN SECTIONS 15, 16 AND 22, TOWNSHIP 37 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRADITION PARKWAY (TRACT R-3) AS SHOWN ON THE PLAT OF TRADITION PLAT NO. 6, RECORDED IN PLAT BOOK 42, PAGES 5, 5A THRU 5F, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA, SAID POINT ALSO LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (I-95-STATE ROAD NO. 9) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS FOR STATE ROAD NO. 9 (I-95), SECTION 94001-2412, DATED 6-22-77, WITH LAST REVISION DATE OF 9-11-79; THENCE TRAVERSING SAID WESTERLY RIGHT-OF-WAY LINE BY THE FOLLOWING TEN (10) COURSES;

1. SOUTH 89°58'15" EAST, A DISTANCE OF 242.61 FEET;
2. SOUTH 00°01'45" WEST, A DISTANCE OF 20.00 FEET;
3. SOUTH 89°58'15" EAST, A DISTANCE OF 318.60 FEET;
4. SOUTH 81°56'34" EAST, A DISTANCE OF 515.34 FEET;
5. SOUTH 69°58'48" EAST, A DISTANCE OF 276.75 FEET;
6. SOUTH 52°20'12" EAST, A DISTANCE OF 908.27 FEET;
7. SOUTH 43°16'30" EAST, A DISTANCE OF 590.74 FEET;
8. SOUTH 27°42'53" EAST, A DISTANCE OF 590.97 FEET;
9. SOUTH 19°56'04" EAST, A DISTANCE OF 1197.74 FEET;
10. SOUTH 18°47'19" EAST, A DISTANCE OF 1771.27 FEET;

THENCE SOUTH 70°00'00" WEST DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 312.40 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1180.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 30°24'49", AN ARC DISTANCE OF 626.36 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 950.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 58°03'18", AN ARC DISTANCE OF 962.59 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1180.00 FEET; THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 27°38'29", AN ARC DISTANCE OF 569.27 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE SOUTH 70°00'00" WEST ALONG SAID LINE, A DISTANCE OF 90.93 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY, WESTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 82°39'01", AN ARC DISTANCE OF 36.06 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE NORTH 27°20'59" WEST ALONG SAID LINE, A DISTANCE OF 747.51 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 2480.18 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE,

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field-work, viewing of the subject property or monuments set in connection with the preparation of the information shown hereon.

NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.

SEE SHEETS 3 THRU 5 OF 5 FOR SKETCH, P:\700-799\B737\CDD5\B737-CDD5-SD01.dwg

 JULIAN D. MORRIS, PROFESSIONAL SURVEYOR
 AND MAPPER, FLORIDA REGISTRATION NO. 4731

DATE OF SIGNATURE

12/29/2005 12:09:14 PM EST

SHEET 1 OF 5

| | | | | |
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| JOB No. B737 | DRAWN: JDM | CHECKED: MTK | DESIGN: ARCADIS | DATE: 10-27-05 |
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EB 5452 / LB 6674

DESCRIPTION TO ACCOMPANY SKETCH

THRU A CENTRAL ANGLE OF $15^{\circ}38'20''$, AN ARC DISTANCE OF 676.97 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE NORTH $11^{\circ}42'39''$ WEST ALONG SAID LINE, A DISTANCE OF 634.87 FEET; THENCE SOUTH $72^{\circ}05'42''$ WEST, A DISTANCE OF 150.88 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1925.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF $12^{\circ}39'35''$, AN ARC DISTANCE OF 425.34 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY PROLONGATION OF THE NORTH LINE THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED TO METROPOLITAN LIFE INSURANCE COMPANY, RECORDED IN OFFICIAL RECORDS BOOK 477, PAGE 560, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE NORTH $89^{\circ}50'39''$ WEST ALONG THE EASTERLY PROLONGATION OF SAID NORTH LINE, A DISTANCE OF 3029.71 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF TRADITION PLAT NO. 19 - PHASE ONE, RECORDED IN PLAT BOOK 47, PAGES 32 THRU 64, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE NORTH $00^{\circ}02'55''$ WEST ALONG SAID EAST LINE, A DISTANCE OF 2239.95 FEET; THENCE NORTH $89^{\circ}57'05''$ EAST DEPARTING SAID EAST LINE, A DISTANCE OF 34.17 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 290.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF $23^{\circ}00'28''$, AN ARC DISTANCE OF 116.45 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE NORTH $66^{\circ}56'37''$ EAST, ALONG SAID LINE, A DISTANCE OF 3.33 FEET; THENCE SOUTH $69^{\circ}09'50''$ EAST, A DISTANCE OF 34.67 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1657.00 FEET (THE RADIUS POINT) OF WHICH BEARS NORTH $64^{\circ}43'44''$ EAST FROM THIS POINT); THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF $25^{\circ}13'21''$, AN ARC DISTANCE OF 729.44 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE NORTH $00^{\circ}02'55''$ WEST ALONG SAID LINE, A DISTANCE OF 319.18 FEET; THENCE NORTH $89^{\circ}57'05''$ EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH $00^{\circ}02'55''$ WEST, A DISTANCE OF 12.70 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 175.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF $54^{\circ}37'25''$, AN ARC DISTANCE OF 166.84 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 300.00 FEET, SAID CURVE ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID TRADITION PARKWAY; THENCE TRAVERSING SAID SOUTHERLY RIGHT-OF-WAY LINE BY THE FOLLOWING THREE (3) COURSES;

1. NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF $19^{\circ}14'49''$, AN ARC DISTANCE OF 100.78 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 175.00 FEET;
2. NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF $54^{\circ}37'24''$, AN ARC DISTANCE OF 166.84 FEET TO A POINT OF TANGENCY WITH A LINE;
3. NORTH $89^{\circ}57'05''$ EAST ALONG SAID LINE, A DISTANCE OF 2428.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 540.128 ACRES, MORE OR LESS.

| | | | | | |
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| SEE SHEETS 3 THRU 5 OF 5 FOR SKETCH P:\700-779\B737\CD05\B737-CD05-SB01.dwg | | | | 02/29/2005 12:09:14 PM EST | SHEET 2 OF 5 |
| JOB No. B737 | DRAWN: JDM | CHECKED: MTK | DESIGN: ARCADIS | DATE: 10-27-05 | |



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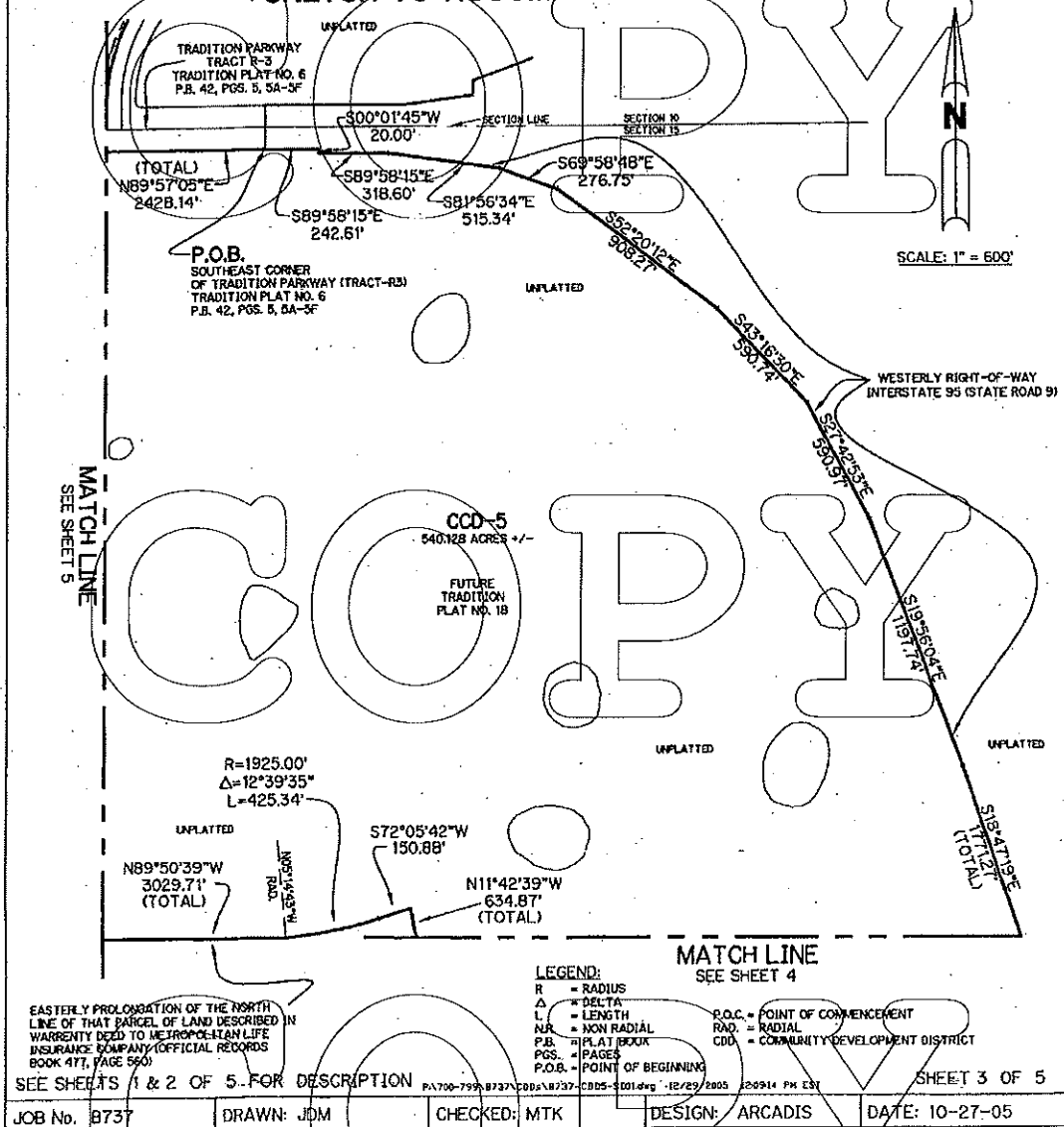
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SKETCH TO ACCOMPANY DESCRIPTION





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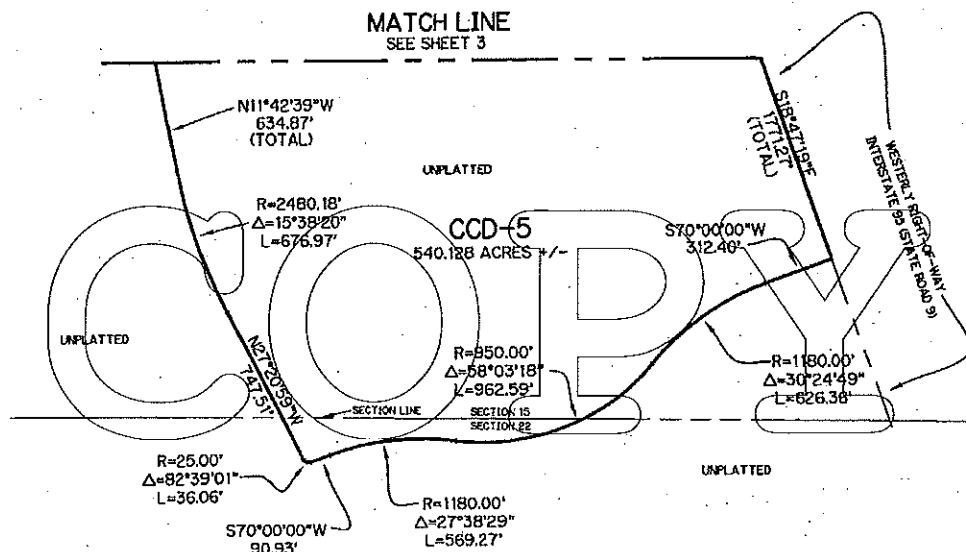
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EB 3432 / LB 8674

SKETCH TO ACCOMPANY DESCRIPTION

COPY



SCALE: 1" = 600'



LEGEND:

R = RADIUS
Δ = DELTA
L = LENGTH
N.R. = NON RADIAL
P.B. = PLAT BOOK
PGS. = PAGES
P.O.B. = POINT OF BEGINNING

P.O.C. = POINT OF COMMENCEMENT
RAD. = RADIAL
CDD = COMMUNITY DEVELOPMENT DISTRICT

SEE SHEETS 1 & 2 OF 5 FOR DESCRIPTION

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SHEET 4 OF 5

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COPY



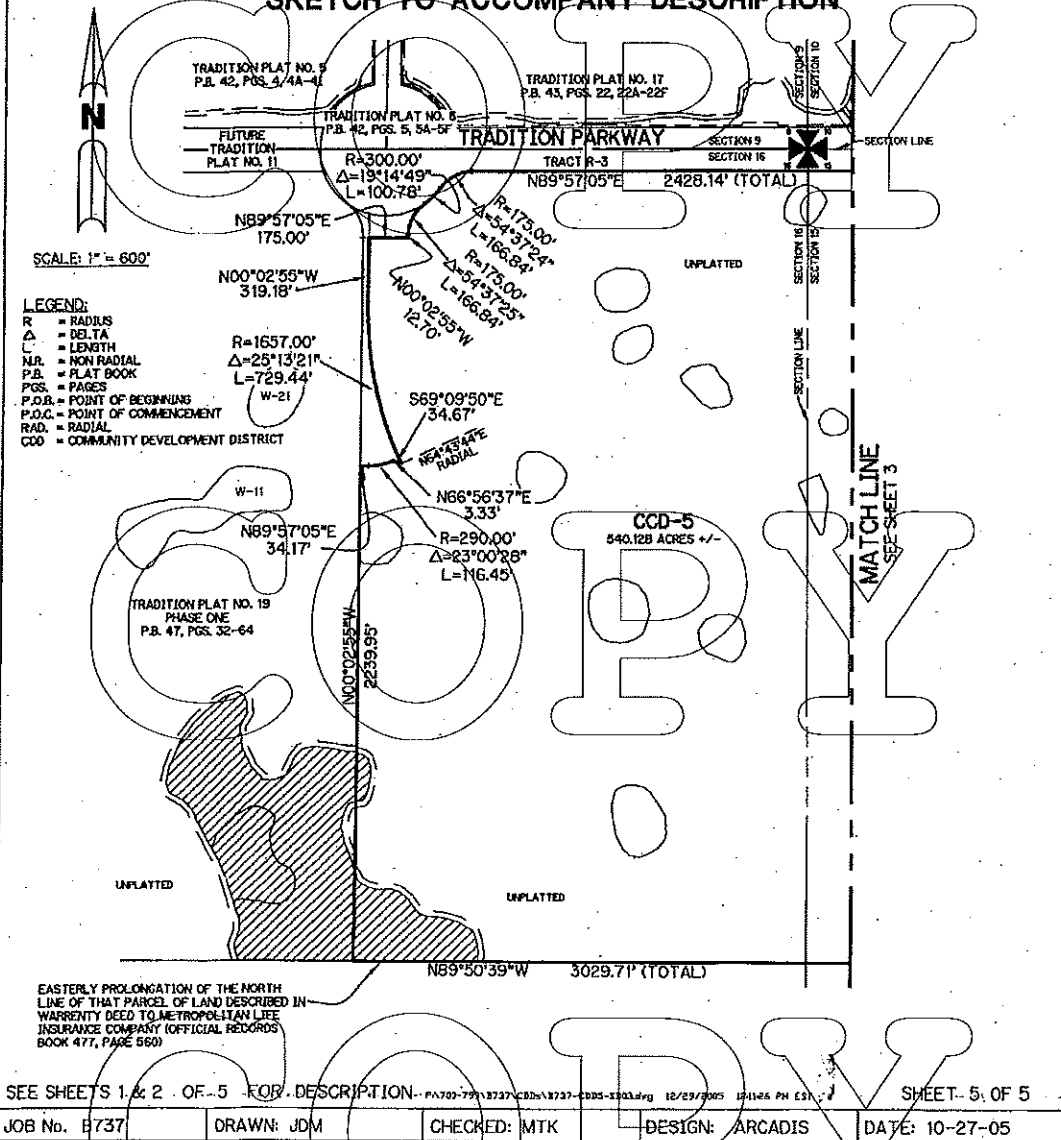
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EB 5432 / LB 0674

SKETCH TO ACCOMPANY DESCRIPTION



COUNCIL ITEM 8A
DATE 9/25/06

COUNCIL ITEM 8K
DATE 9/11/06

COUNCIL ITEM 10 k
DATE 8/28/06

CITY OF PORT ST. LUCIE, FLORIDA

ORDINANCE NO. 06-98

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA ESTABLISHING THE TRADITION COMMUNITY DEVELOPMENT DISTRICT NO. 5; MAKING CERTAIN FINDINGS REGARDING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR CERTAIN SPECIAL POWERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:

SECTION 1. AUTHORITY FOR THIS ORDINANCE. The City of Port St. Lucie, Florida (the "City") is authorized to adopt this ordinance under the authority granted by the provisions of Chapter 166, Florida Statutes, as amended, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby found and determined that:

A. Levitt and Sons at Tradition, LLC, a Florida limited liability company ("Petitioner"), the owner of 100% of certain real property (the "Property") within the proposed District (hereinafter defined), has petitioned the City to form a community development district for the Property within the meaning of the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes (the "Act") as a reasonable and appropriate method of providing the infrastructure to serve residents of the Property. The District would be known as the "Tradition Community Development District No. 5" (the "District") and the boundaries of the District would be coterminous with the boundaries of the Property.

B. A portion of the Property was located within the boundaries of Westchester Community Development District No. 4 ("CDD No. 4"), established by St. Lucie County, Florida (the "County"). The County has heretofore amended the boundaries of CDD No. 4 to exclude the portion of the Property therein from the boundaries of CDD No. 4 and to change the name of CDD No. 4 to "Tradition Community Development District No. 4."

C. The City has conducted a public hearing on the Petition in accordance with the requirements of section 190.005(1)(d) and has considered the record of the public hearing and the factors set forth in section 190.005(1)(e) of the Act, among other factors, and hereby finds that:

1. All statements in the Petition have been found to be true and correct;
 2. The creation of the District is not inconsistent with any applicable elements or portion of the State of Florida's comprehensive plan or of the effective City comprehensive plan;
 3. 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;
 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 not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
 6. The area that will be served by the District is amenable to separate special-district government.
- D. The City now desires to grant the Petition and to establish the District, as more fully set forth herein.

SECTION 3. ESTABLISHMENT OF DISTRICT; NAME. The City hereby grants the Petition and establishes the District as a community development district within the meaning of the Act and as an independent special district within the meaning of Chapter 189, Florida Statutes. The name of the District shall be the "Tradition Community Development District No. 5."

SECTION 4. EXTERNAL BOUNDARIES. The external boundaries of the District shall be as set forth on Exhibit A hereto.

SECTION 5. INITIAL MEMBERS OF BOARD OF SUPERVISORS. The five persons to be the initial members of the Board of Supervisors of the District, each of whom is designated in the Petition, are as follows:

- (a) Bill Drohan
- (b) Bruce J. Parker
- (c) Jeffery Hoyos
- (d) Shawn Reilly
- (e) James H. Anderson

SECTION 6. CONSENT TO EXERCISE OF SPECIAL POWERS.

A. Pursuant to Section 190.012(2)(a) of the Act, the City hereby consents to the exercise of the powers set forth in Section 190.012(2) (a), (b), (c), and (d) of the Act, thereby enabling the District to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; (2) fire prevention and control, including water mains and plugs (but excluding fire stations, fire trucks and other vehicles and equipment); (3) school buildings and related structures, which may be leased, sold or donated to the school district, for use in its educational system, when authorized by the district school board; and (4) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

B. The City further consents to the exercise by the District of the right and power of eminent domain, pursuant to Chapter 73, Florida Statutes and Chapter 74, Florida Statutes, over any property outside the boundaries of the District and within the City (except municipal, county, state and federal property) for the uses and purposes of the District relating solely to water, sewer, District roads, and water management, specifically including, without limitation, the power of eminent domain for the taking of easements for the drainage of the land of one person over and through the land of another; provided, however, that the District shall exercise the eminent domain power only if for uses and purposes contemplated by, consistent with or in furtherance of the requirements of approved development permits or development orders relating to the real property within the District. The foregoing powers shall be in addition, and supplemental, to the powers which the proposed District is entitled to exercise pursuant to the Act.

C. As contemplated by the Annexation and Development Agreement among the City, Tradition Development Company, LLC (formerly known as Westchester Development Company, LLC) and the other parties named therein (the "Annexation Agreement") relating to certain real property subject thereto, including the land to be included in the District, the City hereby approves the joinder by the District in the District Interlocal Agreement (as defined in the Annexation Agreement) and the exercise by Westchester Community Development District No. 1 and the District of the extraterritorial powers provided to the community development districts that are parties to the District Interlocal Agreement.

SECTION 7. SEVERABILITY AND INVALID PROVISIONS. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, but not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way effect the validity of the other provisions hereof.


SECTION 8. ORDINANCE EFFECTIVE. This ordinance shall take effect immediately upon its second reading.

PASSED ON FIRST READING: 9/14/06
PASSED ON SECOND READING: 9/25/06

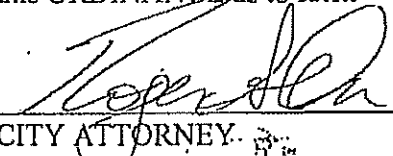
CITY OF PORT ST. LUCIE, FLORIDA

ATTEST:


CITY CLERK


MAYOR

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form


CITY ATTORNEY.

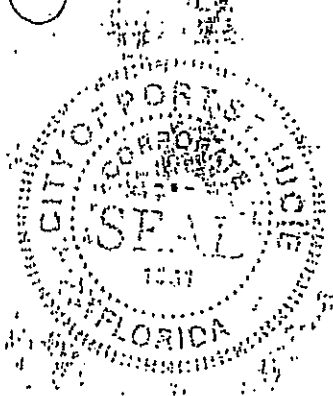


EXHIBIT A

LEGAL DESCRIPTION



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EB 3432 / LB 6874

DESCRIPTION TO ACCOMPANY SKETCH

DESCRIPTION: C.D.D. NO. 5 (TRADITION)

A PARCEL OF LAND LYING IN SECTIONS 4, 5, 6, 8 AND 9, TOWNSHIP 37 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE PLAT OF TRADITION PLAT NO. 10, RECORDED IN PLAT BOOK 43, PAGES 19, 19A THRU 19C, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE SOUTH 07°02'38" WEST AS A BASIS OF BEARINGS ALONG THE WESTERLY LINE OF SAID TRADITION PLAT NO. 10, A DISTANCE OF 344.80 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 1200.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY LINE, THRU A CENTRAL ANGLE OF 10°12'14", AN ARC DISTANCE OF 213.71 FEET TO A POINT OF RADIAL INTERSECTION WITH A LINE; THENCE SOUTH 86°50'24" WEST ALONG SAID RADIAL LINE, DEPARTING SAID WESTERLY LINE, A DISTANCE OF 34.53 FEET; THENCE SOUTH 27°42'24" WEST, A DISTANCE OF 53.20 FEET; THENCE SOUTH 42°51'21" WEST, A DISTANCE OF 133.76 FEET; THENCE SOUTH 83°17'42" WEST, A DISTANCE OF 34.91 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1400.00 FEET (THE RADIUS POINT OF SAID CURVE BEARS NORTH 81°04'17" EAST FROM THIS POINT); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 11°13'17", AN ARC DISTANCE OF 274.19 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE SOUTH 20°08'59" EAST ALONG SAID LINE, A DISTANCE OF 224.12 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 2760.00 FEET (THE RADIUS POINT OF SAID CURVE BEARS SOUTH 20°16'26" EAST FROM THIS POINT), SAID CURVE ALSO BEING THE NORTHWESTERLY LINE OF THE PLAT OF TRADITION PLAT NO. 12, RECORDED IN PLAT BOOK 44, PAGES 3, 3A THRU 3D, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE TRAVERSING SAID NORTHWESTERLY LINE BY THE FOLLOWING SIX (6) COURSES:

1. SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 37°42'52", AN ARC DISTANCE OF 1816.74 FEET TO A POINT OF TANGENCY WITH A LINE;
2. SOUTH 32°00'42" WEST ALONG SAID LINE, A DISTANCE OF 798.53 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 58.00 FEET;
3. SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 51°22'15", AN ARC DISTANCE OF 52.00 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 115.00 FEET;
4. SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 108°52'20", AN ARC DISTANCE OF 214.51 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 70.00 FEET;
5. SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 25°43'50", AN ARC DISTANCE OF 31.44 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 182.00 FEET;
6. SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 29°46'14", AN ARC DISTANCE OF 94.57 FEET TO A POINT OF RADIAL INTERSECTION WITH A LINE;

THENCE NORTH 57°59'18" WEST ALONG SAID RADIAL LINE, DEPARTING SAID NORTHWESTERLY LINE, A DISTANCE OF 200.00 FEET; THENCE SOUTH 32°00'42" WEST, A DISTANCE OF 866.94 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1270.00 FEET; THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 69°12'41", AN ARC DISTANCE OF 1534.12 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE NORTH 78°40'37" WEST ALONG SAID LINE, A DISTANCE OF 112.72 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1430.00 FEET; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 19°39'30", AN ARC DISTANCE OF 490.63 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE SOUTH 81°33'53" WEST ALONG SAID LINE, A DISTANCE OF 708.20 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1130.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 09°03'05", AN ARC DISTANCE OF 178.51 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A LINE (THE RADIUS POINT OF SAID CURVE BEARS SOUTH 17°29'12" EAST FROM THIS POINT); THENCE SOUTH 71°34'57" WEST ALONG SAID NON RADIAL LINE, A DISTANCE OF 120.16 FEET; THENCE SOUTH 84°43'49" WEST, A DISTANCE OF 133.75 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 925.00 FEET

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property or monuments set in connection with the preparation of the information shown hereon.

NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.


JULIAN D. MORRIS, PROFESSIONAL SURVEYOR
AND MAPPER, FLORIDA REGISTRATION NO. 4731

1-11-06
DATE OF SIGNATURE

SEE SHEETS 3-4 OF 4 FOR SKETCH X:\500-599\B589\OVER\CDDB\B589CDD5-1.dwg 12/16/2005 2:27:16 PM EST SHEET 1 OF 4

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| JOB No. B589 | DRAWN: DDB | CHECKED: GRB | DESIGN: ARCADIS | DATE: 12-15-05 |
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EB 3492 / LB 0874

DESCRIPTION TO ACCOMPANY SKETCH

THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 45°17'00", AN ARC DISTANCE OF 731.07 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE NORTH 49°59'11" WEST ALONG SAID LINE, A DISTANCE OF 1546.87 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1375.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 39°18'59", AN ARC DISTANCE OF 943.53 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE NORTH 89°18'10" WEST ALONG SAID LINE, A DISTANCE OF 231.46 FEET; THENCE NORTH 00°41'50" EAST, A DISTANCE OF 240.50 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1580.00 FEET; THENCE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 14°35'57", AN ARC DISTANCE OF 402.59 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE NORTH 13°54'07" WEST ALONG SAID LINE, A DISTANCE OF 1416.05 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 103°55'22", AN ARC DISTANCE OF 108.83 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE SOUTH 89°58'45" EAST ALONG SAID LINE, A DISTANCE OF 658.20 FEET; THENCE SOUTH 55°36'44" WEST, A DISTANCE OF 134.67 FEET; THENCE SOUTH 41°30'26" WEST, A DISTANCE OF 52.56 FEET; THENCE SOUTH 89°33'50" EAST, A DISTANCE OF 95.40 FEET TO THE NORTHWEST CORNER OF GROVE 3; THENCE NORTH 74°03'19" EAST ALONG THE NORTH LINE OF SAID GROVE 3, A DISTANCE OF 5341.55 FEET TO THE NORTHEAST CORNER OF SAID GROVE 3; THENCE NORTH 13°31'07" EAST DEPARTING SAID NORTH LINE, A DISTANCE OF 51.88 FEET TO THE SOUTHWEST CORNER OF THE O.L. PEACOCK CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 675, PAGE 1942 AS (EXHIBIT "A") AND OFFICIAL RECORDS BOOK 675, PAGE 1982 AS (EXHIBIT "B"); THENCE NORTH 74°14'30" EAST ALONG THE SOUTHERLY LINE OF SAID O.L. PEACOCK CANAL, A DISTANCE OF 2525.46 FEET; THENCE NORTH 76°04'00" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 392.07 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1665.00 FEET (THE RADIUS POINT OF SAID CURVE BEARS NORTH 11°05'39" EAST FROM THIS POINT); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, DEPARTING SAID SOUTHERLY LINE, THRU A CENTRAL ANGLE OF 14°28'46", AN ARC DISTANCE OF 420.77 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 1465.00 FEET (THE RADIUS POINT OF SAID CURVE HAVING A RADIUS OF 1665.00 FEET BEARS NORTH 03°23'07" WEST FROM THIS POINT AND THE RADIUS POINT OF SAID CURVE HAVING A RADIUS OF 1465.00 FEET BEARS SOUTH 77°39'29" WEST FROM THIS POINT); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1465.00 FEET, THRU A CENTRAL ANGLE OF 19°23'09", AN ARC DISTANCE OF 495.68 FEET TO A POINT OF TANGENCY WITH A LINE; THENCE SOUTH 07°02'38" WEST ALONG SAID LINE, A DISTANCE OF 802.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 454.007 ACRES, MORE OR LESS

SEE SHEETS 3-4 OF 4 FOR SKETCH X:\500-599\8589\OVER\CDD\B589CDD5-1.dwg 12/16/2003 2:27:16 PM EST SHEET 2 OF 4

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CHECKED: GRB

DESIGN: ARCADIS

DATE: 12-15-05



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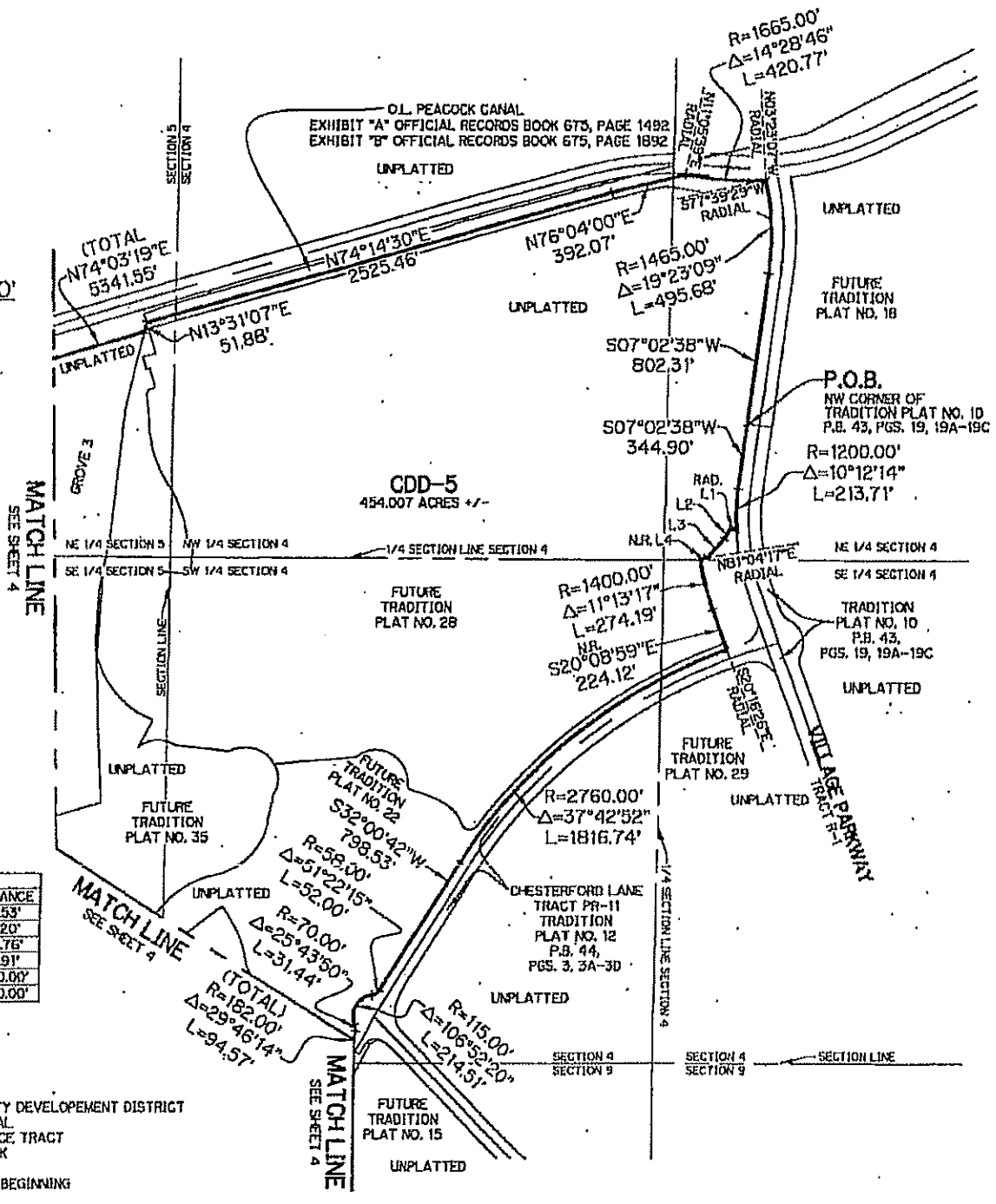
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SCALE: 1" = 800'



| LINE CHART | | |
|------------|-------------|----------|
| LINE | DIRECTION | DISTANCE |
| L1 | S86°50'24"W | 34.53' |
| L2 | S27°42'24"W | 53.20' |
| L3 | S42°51'21"W | 133.76' |
| L4 | S83°17'42"W | 34.91' |
| L5 | N00.00°00"E | 0000.00' |
| L6 | N00.00°00"E | 0000.00' |

LEGEND:

R = RADUIS
Δ = DELTA
L = LENGTH
CDO = COMMUNITY DEVELOPEMENT DISTRICT
NR. = NON RADIAL
O.S.T. = OPEN SPACE TRACT
P.B. = FLAT BOOK
PGS. = PAGES
P.O.B. = POINT OF BEGINNING
RAD. = RADIAL

SEE SHEETS 1 & 2 OF 4 FOR DESCRIPTION

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SHEET 3 OF 4

JOB No. B589

DRAWN: DDB

CHECKED: GRB

DESIGN: ARCADIS

DATE: 12-15-05



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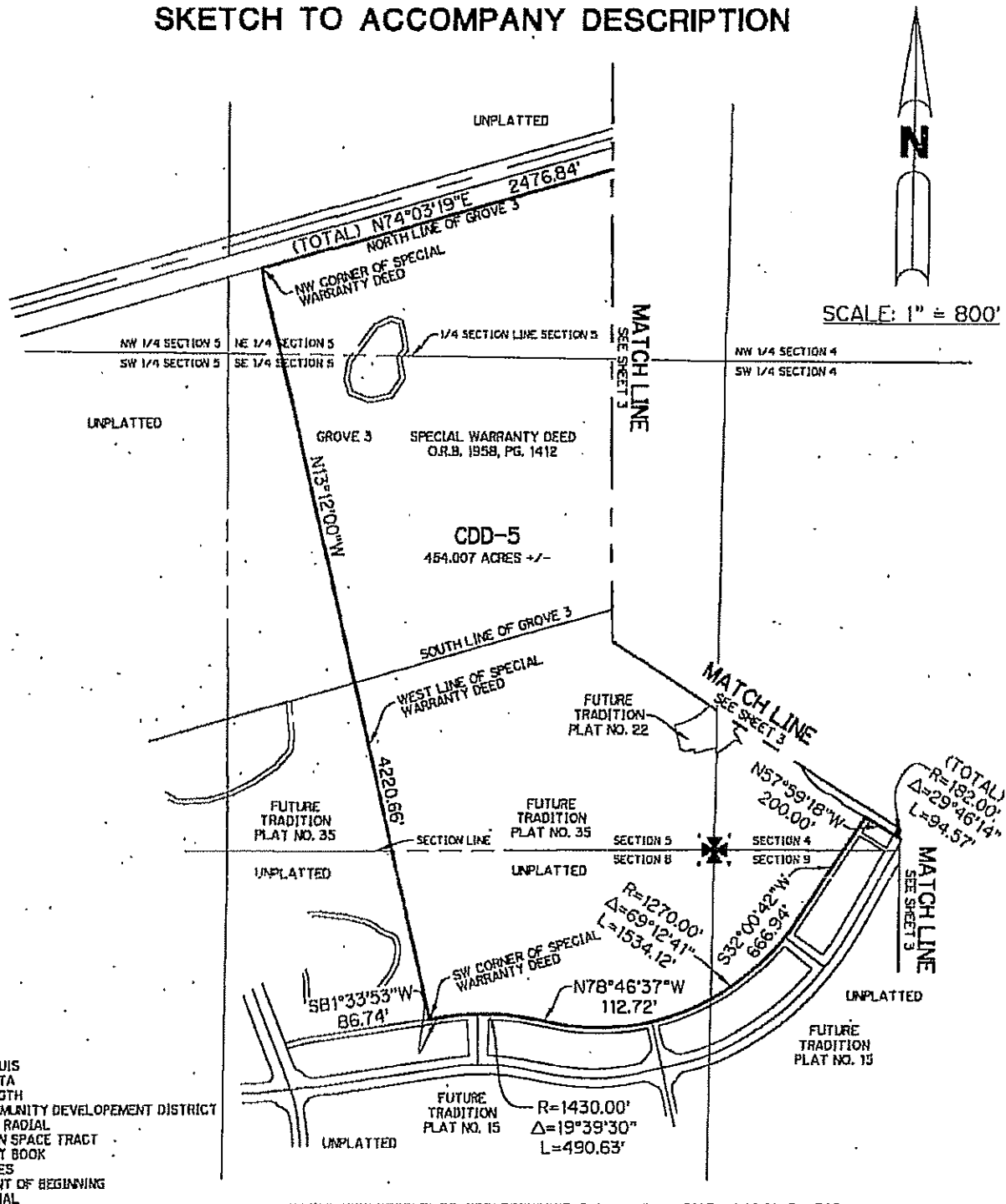
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SKETCH TO ACCOMPANY DESCRIPTION



LEGEND:

- R = RADIUS
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SHEET 4 OF 4

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