

ORDINANCE NO. 24-004

AN ORDINANCE AMENDING CHAPTER 14 "COMMUNITY DEVELOPMENT" OF THE ST. LUCIE COUNTY CODE: ESTABLISHING THE EAGLE BEND 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. Whalou Properties, 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 2, 2024, after publishing notice of such hearing in the St. Lucie News Tribune on December 12, 2023, December 19, 2023, December 26, 2023, and January 2, 2024; 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 XX OF CHAPTER 14 "COMMUNITY DEVELOPMENT" OF THE ST. LUCIE COUNTY CODE, AS AMENDED TO READ:

ARTICLE XX "EAGLE BEND" COMMUNITY DEVELOPMENT DISTRICT:

Section 14-380. Established: name

The Eagle Bend Community Development District is hereby established.

Section 14-381. Boundaries

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

Eagle Bend CDD - Legal Description

LEGAL DESCRIPTION
EAGLE BEND
COMMUNITY DEVELOPMENT DISTRICT

PARCEL ID: 2301-111-0002-000-5
2406-221-0003-000-2
2301-421-0025-000-4
2301-411-0025-000-3
2301-441-0001-000-2
2301-443-0001-000-8
2406-323-0001-000-1
2406-323-0002-000-8
2406-324-0000-000-7

("PARCEL 4" PER DEED IN OR 3871, PAGE 258)

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTH 13 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, LESS AND EXCEPT ALL RIGHTS-OF-WAY FOR DRAINAGE CANALS AND PUBLIC ROADS.

("PARCEL 5" PER DEED IN OR 3871, PAGE 258)

THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT-OF-WAY FOR N.S.L.R.W.C.D. CANAL NO. 30.

("PARCEL 6" PER DEED IN OR 3871, PAGE 258)

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, AND RUN NORTH ALONG THE EAST LINE OF SAID SECTION 1 A DISTANCE OF 39.52 FEET TO A POINT; THENCE RUN PARALLEL TO THE SOUTH LINE OF SAID SECTION 1, ON A BEARING OF SOUTH 89 DEGREES 59' 21" WEST, A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

BEGIN AT THE POINT OF BEGINNING AND CONTINUE SOUTH 89 DEGREES 59' 21" WEST, A DISTANCE OF 1,037.83 FEET; THENCE RUN NORTH 00 DEGREES 04' 32" WEST, A DISTANCE OF 284.30 FEET; THENCE SOUTH 89 DEGREES 59' 56" WEST, A DISTANCE OF 92.9 FEET; THENCE NORTH 00 DEGREES 04' 32" WEST TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE AFORESAID SECTION 1; THENCE RUN NORTH 89 DEGREES 59' 22" EAST, A DISTANCE OF 1,131.51 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF THE N.S.L.W.M.D. CANAL #30; THENCE TURN AND RUN SOUTH ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING-DESCRIBED PARCEL:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, AND RUN NORTH ALONG THE EAST LINE OF SAID SECTION 1 A DISTANCE OF 74.52 FEET TO A POINT; THENCE RUN PARALLEL TO THE SOUTH LINE OF SAID SECTION 1, ON A BEARING OF SOUTH 89 DEGREES 59' 21" WEST, A DISTANCE OF 875.83 FEET TO THE POINT OF BEGINNING.

BEGIN AT THE POINT OF BEGINNING AND CONTINUE SOUTH 89 DEGREES 59' 21" WEST, A DISTANCE OF 150.00 FEET; THENCE RUN NORTH 00 DEGREES 04' 32" WEST, A DISTANCE OF 290.40 FEET; THENCE RUN NORTH 89 DEGREES 59' 21" EAST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 00 DEGREES 04' 32" EAST, A DISTANCE OF 290.40 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT THE RIGHT-OF-WAY FOR FLOYD JOHNSON ROAD.

ALSO LESS AND EXCEPT THAT PARCEL CONVEYED DECEMBER 13, 2016 IN OFFICIAL RECORDS BOOK 3942, PAGE 213, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

("PARCEL 7" PER DEED IN OR 3871, PAGE 258)

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, THE SOUTH 13.00 FEET OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 52.50 FEET THEREOF FOR RIGHT-OF-WAY.

("PARCEL 8" PER DEED IN OR 3871, PAGE 258)

THE S 1/2 OF THE SW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 40 EAST; EXCEPTING THEREFROM ALL RIGHTS-OF-WAY FOR JENKINS ROAD, SAID LAND LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

("PARCEL 8" PER DEED IN OR 3871, PAGE 258)

THE S1/2 OF THE SE 1/4 OF THE NW 1/4 OF THE SW 1/4, SECTION 6, TOWNSHIP 35 SOUTH, RANGE 40 EAST, SAID LAND LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

("PARCEL 8" PER DEED IN OR 3871, PAGE 258)

THE N 1/2 OF THE S 1/2 OF THE NW 1/4 OF THE SW 1/4, SECTION 6, TOWNSHIP 35 SOUTH, RANGE 40 EAST, SAID LAND LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

("PARCEL 9" PER DEED IN OR 3871, PAGE 258)

THE NORTHEAST 1/4, LESS THE WEST 1/2 OF NORTHWEST 1/4 OF NORTHEAST 1/4, AND THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4, LESS THE SOUTH 13 FEET THEREOF AND

LESS ROAD AND CANAL RIGHTS-OFWAY OF RECORD, LYING IN SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA.

("PARCEL 10" PER DEED IN OR 3871, PAGE 258)

WEST 1/2 OF THE NORTHWEST 1/4, LESS THAT PORTION LYING IN THE CENTRAL AND SOUTH FLORIDA FARMS CONTROL DISTRICT AND LESS THAT PORTION LYING IN ANGLE ROAD RIGHT-OF-WAY, AND THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 40 EAST, LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

A PORTION OF LAND, LYING IN THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, AS SHOWN ON SHEET 9 OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF STATE ROAD 713 (KINGS HIGHWAY), ITEM/SEGMENT NO. 2302567, SECTION 94003-2511 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE NORTH 00°32'59" WEST ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 1, A DISTANCE OF 58.11 FEET TO THE BASELINE OF SURVEY OF SAID STATE ROAD NO. 713 (KINGS HIGHWAY); THENCE NORTH 00°07'14" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 66.90 FEET; THENCE SOUTH 89°52'46" EAST ALONG A LINE AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 99.22 FEET TO A POINT ON THE EASTERLY EXISTING RIGHT OF WAY LINE OF SAID STATE ROAD NO. 713 (KINGS HIGHWAY), THE NORTHEASTERLY EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD NO. 9 (I-95) AND THE POINT OF BEGINNING; THENCE NORTH 00°32'59" WEST ALONG SAID EASTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 547.69 FEET; THENCE NORTH 89°42'40" EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°32'59" EAST, A DISTANCE OF 454.52 FEET; THENCE SOUTH 89°27'01" WEST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 00°32'59" EAST, A DISTANCE OF 106.44 FEET TO A POINT ON SAID NORTHEASTERLY EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD NO. 9 (I-95) AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING OF NORTH 56°45'26" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 3,026.79 FEET, THROUGH A CENTRAL ANGLE 00°27'20", AN ARC DISTANCE OF 24.06 FEET TO THE END OF SAID CURVE AND THE POINT OF BEGINNING.

CONTAINING 387.89 ACRES, MORE OR LESS.

Section 14-382. Initial Board of Supervisors

The following five persons are designated as the initial members of the Board of Supervisors of the Eagle Bend Community Development District: Christopher Dekker, Tom Dekker, Nikolaus M. Schroth, Timo Kipp, and Maria Viera.

Section 14-383. Powers

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

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

4. The Eagle Bend 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 Eagle Bend Community Development District shall not condemn property outside the boundaries of the District.

Section 41-384. Special Conditions

1. The Eagle Bend 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 Eagle Bend 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 14-381 above.

4. The Eagle Bend 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 Eagle Bend 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 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."

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, Commissioner Cathy Townsend	AYE
Vice Chair, Commissioner Chris Dzadoovsky	AYE
Commissioner Larry Leet	NAY
Commissioner Jamie Fowler	AYE
Commissioner Linda Bartz	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 9th day of January 2024.

ATTEST

Vera Smith
DEPUTY CLERK



BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY: *Cathy Burwood*
CHAIR

APPROVED AS TO FORM AND
CORRECTNESS:

[Signature]
COUNTY ATTORNEY



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

January 24, 2024

Michelle R. Miller
Clerk & Comptroller
St. Lucie County
2300 Virginia Ave.
Fort Pierce, FL 34982

Dear Michelle Miller,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of the St. Lucie County Ordinance No. 24-004, which was filed in this office on January 22, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh