



COUNCIL ITEM: 11A
DATE: 9-10-12

ADDITIONAL INFORMATION

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September 7, 2012

Mayor JoAnn M. Faiella and
Members of the City Council
Vice Mayor Linda Bartz
Councilwoman Michelle Lee Berger
Councilwoman Shannon Martin
Councilman Jack Kelly
City of Port St. Lucie
121 S.W. Port St. Lucie Blvd.
Building A
Port St. Lucie, Florida 34984

Re: Riverland/Kennedy DRI – Amendment to Development Order

Dear Mayor and Members of the City Council:

On behalf of the owners of the Wilson Groves Development of Regional Impact (“DRI”), we are writing to express our continuing concern about Riverland/Kennedy DRI’s pending application for an Amended Development Order, currently scheduled for hearing before the City Council on Monday, September 10, 2012.

Pursuant to the City Council’s strong admonition to all the developers of projects in the Southwest Annexation Area, representatives of the three DRIs met with City staff and negotiated an agreement in good faith that would have resolved the transportation issues that were of concern to the parties. Representatives of Riverland Kennedy agreed to the resolution, and provided amended conditions to the City staff that reflected that agreement. Wilson Groves, in turn, provided a draft Amended Development Order to the City containing the provisions agreed to by the parties, which would be filed immediately upon approval of similar conditions in the Riverland Kennedy Amended Development Order. Southern Groves DRI also agreed with the negotiated resolution.

Notwithstanding this progress toward an agreement between all parties, Riverland Kennedy has now rescinded its earlier agreement with the negotiated resolution and insists upon issuance of an Amended Development Order that directly conflicts with the Annexation Agreement (“Agreement”) entered into in 2004 as it relates to the construction of Becker Road.

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This morning we just received the latest version of the Riverland Kennedy Development Order language and Wilson Groves remains concerned with the latest language. It appears that the City Manager, seems to be taking the position that since Wilson Groves and Southern Grove have amended their respective development orders, it is only fair to allow Riverland Kennedy to do so, as well. To be clear, Wilson Groves does not object to the issuance of an Amended Development Order for Riverland Kennedy, but strenuously objects to the issuance of such an order if it is in direct conflict with the 2004 Agreement. Unfortunately, the document before you for consideration on September 10 contains such a conflict because it allows Riverland Kennedy to eliminate its responsibility to pay for the two-laning of Becker Road through its property.

As we indicated to several of you on September 6, given the importance of this item and the short time frame to Monday's meeting, Wilson Groves requests that the City Council table the Riverland Kennedy Amended Development Order to provide everyone an opportunity to evaluate this very latest proposal and its implications.

We appreciate your attention to this important matter and look forward to addressing you at your meeting on September 10, 2012. In the interim, if you have any questions regarding these issues, please do not hesitate to contact me.

Very truly yours,

FOWLER WHITE BOGGS P.A.



Kenneth Bednar

cc: Greg Oravec, City Manager
Pam E. Booker, Esq., Senior Assistant City Attorney
Daniel Holbrook, Director of Planning and Zoning
Anne Cox, Assistant Director of Planning and Zoning

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