

Corrigendum: This memorandum should have been issued with a stated date of September 10, 2012. September 7, 2012, was the date the file was first created, but the memorandum was not completed and issued until September 10, 2012. The second sentence of the first paragraph clearly reflects that the memorandum was issued on the date of the City Council meeting, September 10, 2012. The change is noted below in ~~strikethrough~~ underline format. I apologize for any inconvenience the error may have caused. GJO, 9/19/12 *JJO*

ADDITIONAL INFORMATION

MEMORANDUM

COUNCIL ITEM *11A*
DATE *10-8-12*

TO: MAYOR & CITY COUNCIL
FROM: GREGORY J. ORAVEC, CITY MANAGER *JJO*
SUBJECT: RECOMMENDATION CONCERNING PROPOSED CHANGE TO THE RIVERLAND KENNEDY DEVELOPMENT OF REGIONAL IMPACT
DATE: SEPTEMBER 7 10, 2012

This memorandum serves to provide my recommendation concerning the subject. I apologize for providing it the day of the scheduled City Council meeting; however, I met with representatives of Wilson Grove, Riverland Kennedy and Southern Grove personally and via telephone Wednesday, Thursday and Friday, and the greater parts of Friday and the weekend were unexpectedly spent on Digital Domain. At least one concerned party and one councilperson have requested that this item be tabled. The staff and I will be ready to assist you in your deliberation of this matter tonight or in the future, as you see fit. In any event, you may find the outlined position very familiar because it focuses on the importance of completing the western extension of Becker Road and ensuring that the development of Riverland Kennedy does not detrimentally impact the roadways within Tradition and Southern Grove.

As you are aware, the Southwest Annexation Area (SAA) is comprised of Southern Grove, Riverland Kennedy and Wilson Grove. It is a product of the 2004 Annexation Agreement as subsequently amended; and led to the entitlement of approximately 26,788 dwelling units in southwestern Port St. Lucie pursuant to three developments of regional impact (DRIs). Originally, although the three developments were separate DRIs, they were considered as a whole. They were subject to the same Annexation Agreement and shared many important development conditions, most notably roadway improvements, and traffic analysis through the Western Annexation Transportation Study (WATS). Given that the three parties compete with each other, this union created a lot of tension from the start. However, with the tremendous demand for development at that time, the parties managed to work towards common goals. Unfortunately, as the Boom busted and as it became time to allocate specific roadway improvements from the collective to individuals, the tension boiled over and caused the respective parties to seek separate development order conditions. This situation is often referred to as the "divorce". Wilson Grove was the first to complete the split, followed by Southern Grove, and Riverland Kennedy now hopes to complete its separation. With the benefit of hindsight, I wish that the City would have required all parties to complete the split at the same time. We could have better ensured fairness, and we could have effectively compelled the amendment to the Annexation Agreement, which is now needed. Unfortunately, we cannot go back, and only one party is left subject to the form of the old development order.

As more particularly set forth in the Planning Department's packet, the City has worked with Riverland Kennedy and all of the other parties of the SAA all summer in an attempt to fairly and equitably complete the split. Though there was a promising "all hands" meeting on July 17, 2012, which had City staff hoping that the parties had come to mutually agreeable terms, including a revised Annexation Agreement, Riverland Kennedy, for reasons only its representatives could fully explain, withdrew and went back to a proposal which was slightly modified from the one presented to the City Council on July 9, 2012. The crux of this proposal is found as Exhibit "B" in your meeting packet.

Please be advised that I do not support the proposed development order as it was transmitted to the City Council as part of the September 10, 2012, meeting packet because it does not fully address the potential for impacting roads within Tradition and Southern Grove, and it does not comply with the spirit of the Annexation Agreement, which requires Riverland Kennedy to provide for the construction of the first two lanes of Becker Road on its property. (Please note that the previously provided development order does require Riverland Kennedy to widen Becker Road from 2 to 4 lanes and from 4 to 6 lanes though in Phases 2 and 3, respectively.) Accordingly, I met with City staff and Riverland Kennedy with the goal of addressing these perceived shortcomings. The result of these meetings was the insertion of the following notes into a revised Exhibit "B" of the development order:

Note No. 1: No building permits shall be issued for development that generates more than 4,000 total net external p.m. peak hour trips or 3,300 residential units, whichever occurs first, until a contract has been let for the construction of the initial two lanes of Becker Rd. from Village Pkwy. To Community Blvd.

Note No. 2: If the Annexation Agreement is amended to provide that the construction of the initial two lanes of Becker Road from Community Boulevard to N/S B is required no earlier than 2018, or later if agreed to by all parties of the Annexation Agreement, then the construction of the initial 2LD shall become a Phase I responsibility of Riverland/Kennedy in place of the requirement that Riverland/Kennedy widen the roadway from 2LD to 4LD.

Note No. 1 addresses the concerns over the impacts to the roadways of Tradition and Southern Grove by ensuring that Becker Road will be there to meet the traffic demand generated by the development of Riverland Kennedy. Note No. 2 includes the same basic language that was included within Southern Grove's development order. It allows for the phasing of the construction of Becker Road to be changed consistent with the spirit of the Annexation Agreement and, hopefully, with the letter of a soon to be completed Revision to the Annexation Agreement.

Attached for your consideration, please find a revised Exhibit "B", entitled "Conditions of Approval", with the above notes inserted. The notes are the only changes.

As you may be aware, the representatives of Wilson Grove do not agree with the language for the development order even though they found it acceptable within Southern Grove's development order. I believe that this is due to a fundamental mistrust between the parties. Representatives of Wilson Grove argue that the proposed development order should specifically include the first phase of Becker Road. Unfortunately, without a corresponding amendment to the Wilson Grove development order, there would be no way for Riverland

Kennedy to ensure that it would not get stuck with an extra two lanes of Becker Road, which would throw off the equitable distribution of roadway improvements.

In addition to reviewing the newly proposed notes, you may find it useful to consider the following points as you consider the proposed development order:

- It is likely that this and the other SAA DRI development orders will be amended multiple times in response to changing market forces over time. By way of comparison, the development order for St. Lucie West has been amended about 16 times.
- It is likely that the build out of these developments will occur over thirty or more years.
- Given the uncertainty introduced by changing market forces over such an extended period of time, it would be possible to pay for and then argue the results of hypothetical traffic studies for a very long time. Rather than doing that, City staff believes it has introduced several safeguards to the development order which have also been noted by the City's traffic consultant, Veronica Altuve, PE, Keith and Schnars. In her memorandum of September 7, 2012, which is attached for your reference, Ms. Altuve notes that the proposed development order includes the following safeguards:
 - Traffic monitoring [It is important to note that Condition 15 is what allows the City to expedite required traffic improvements to meet demand];
 - Trip generation analysis as part of the site plan and subdivision plat approval processes; and
 - Limiting the development program until the initial two lanes of Becker Road between Village Parkway and Community Boulevard are let for construction.

Though it is imperfect, the staff and I believe that the proposed development order (with the two inserted notes) represents a fair and equitable conclusion of the process to separate the DRIs and adequately protects the City's interests. The staff and I look forward to your action on this item. Regardless of the outcome, once deliberation over this item has been concluded, we will turn our attention to the amendment of the Annexation Agreement.

If you have any questions or would like additional information, please do not hesitate to contact me.

Thank you.

Attachments

EXHIBIT "B"

CONDITIONS OF APPROVAL

Application for Development Approval

1. The Riverland/Kennedy Development of Regional Impact Application for Development Approval is incorporated herein by reference. It is relied upon, but not to the exclusion of other available information, by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval, as modified by Development Order conditions, is a condition for approval.

For purposes of this Development Order, the Application for Development Approval ("ADA") shall include the following items:

- a. Application for Development Approval dated September 13, 2005;
- b. Supplemental information dated February 28, 2006; May 18, 2006; and June 7, 2006;
- c. Western Annexation Traffic Study ("WATS") Final Report dated January 2006; and
- d. Annexation Agreement dated July 19, 2004, and revised May 16, 2005, and July 11, 2005, and November 16, 2009, except to the extent that any term of the Annexation Agreement is subsequently amended by the parties thereto ("Annexation Agreement").

Commencement and Process of Development

2. In the event the Developer fails to commence significant physical development within three years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further Development of Regional Impact review by the Treasure Coast Regional Planning Council, Florida Department of Community Affairs, and City of Port St. Lucie pursuant to Section 380.06, Florida Statutes. However, this time period shall be tolled during the pendency of any appeal pursuant to Section 380.07, F.S. For the purpose of this paragraph, construction shall be deemed to have initiated after placement of permanent evidence of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation or land clearing, such as the construction of roadways or other utility infrastructure. The City of Port St. Lucie acknowledges that the commencement of significant physical development occurred within three years from the effective date of the Development Order, which satisfies this condition.

EXHIBIT "B"

Phasing

3. A) The phasing of the Riverland/Kennedy Development of Regional Impact is approved as follows:

Phase	Years	Residential (DU)*	Retail (SF)	Research & Office (SF)	Light Industrial (SF)	Private Institutional & Civic (SF)
1	2006-2013 2006-2019	2,500	192,000	136,125	136,125	25,000
2	2014-2018 2020-2024	7,901	540,668	408,375	408,375	215,327
3	2019-2023 2025-2029	1,299	160,000	408,375	408,375	87,000
4	2024-2028 2030-2034	0	0	408,375	408,375	0
Total	2006-2028 2006-2034	11,700	892,668	1,361,250	1,361,250	327,327

* Residential units consist of 8,424 single family units and 3,276 multi-family units.

A) ~~The Developer is authorized to develop the DRI Property as follows:~~

LAND USE	DENSITY / INTENSITY	ACRES
Residential (DUs) Single-family Multi-family	8,424 DU 3,276 DU	3,340
Retail (GSF)	892,668 GSF	85
Research & Office¹ (GSF) Light Industrial¹ (GSF)	1,361,250 GSF 1,361,250 GSF	125
Institutional and Civic (GSF)	327,327 GSF	30
Schools²	--	75

EXHIBIT "B"

LAND USE	DENSITY / INTENSITY	ACRES
Recreation/Open Space		
Regional Park	--	50
Other	--	140
TOTAL	--	3,845

NOTES:

1. ~~Research & Office and Light Industrial both located in 125-acre Employment Center.~~
2. ~~Schools include one K-8 school and one high school.~~

~~Provided, however, that~~ The development of a use in any phase may commence prior to completion of development in the preceding phase so long as all specific conditions for mitigation of transportation impacts are implemented according to the schedule in this Development Order, as it may be modified from time to time, and all other conditions of this Development Order are satisfied.

In addition to those uses described above, the Developer is authorized to develop ancillary and support uses including but not limited to adult congregate living facilities, wireless communication and cable television towers, digital network facilities, civic buildings, community centers, irrigation treatment plant and pumping facilities, libraries, places of worship, public service facilities, recreational facilities and schools as permitted within the New Community Development District.

- B) In order to accommodate changing market demands, at the Developer's request in an application for a specific development permit, and without the Developer filing a notification of proposed change pursuant to section 380.06(19), F.S., the City may increase or decrease the amount of an approved land use by applying the Equivalency Matrix attached to this Developer Order as Exhibit "C", which is incorporated into this Development Order by this reference. The use of the Equivalency Matrix shall does not allow impacts to water, wastewater, solid waste, transportation or affordable housing to exceed the aggregate impacts projected in the ADA. In addition, to ensure the basic character of the Riverland/Kennedy DRI project is not altered, no land use may be increased by an amount which exceeds the numeric criteria in Section 380.06(19)(b), F.S., ~~and the aggregate amount of non-residential uses within the DRI Property may not be reduced below the minimum established for the DRI Property by the Annexation Agreement.~~ The mix of land uses shall be consistent with that allowed in the Port St. Lucie Comprehensive Plan. The Developer shall report, in each biennial report required by this Development Order, use of the Equivalency Matrix in Exhibit

EXHIBIT "B"

"C" to increase the amount of one approved land use with a concurrent reduction in one or more other approved land uses.

Buildout Date

4. The Riverland/Kennedy Development of Regional Impact shall have a buildout date of December 31, ~~2028~~ 2034, unless otherwise amended pursuant to the conditions of this Development Order and Section 380.06, Florida Statutes.

Expiration and Termination Date

5. This Development Order shall expire and terminate on December 31, ~~2035~~ 2041 unless extended as provided in Section 380.06(19)(c), Florida Statutes.

Biennial Report

6. The biennial report required by subsection 380.06(18), Florida Statutes, shall be submitted every two years until the expiration of this Development Order on the anniversary date of the adoption of the Development Order to the City of Port St. Lucie, Treasure Coast Regional Planning Council, ~~Florida Department Community Affairs~~ State land planning agency, and such additional parties as may be appropriate or required by law. The contents of the report shall include those items required by this Development Order and Rule 9J-2.025(7), Florida Administrative Code. The City of Port St. Lucie Planning and Zoning Director shall be the local official assigned the responsibility for monitoring the development and enforcing the terms of the Development Order. Notice of transfer of all or portions of the DRI Property shall be filed with the City of Port St. Lucie and included in the biennial report.

General Provisions

7. Any modifications or deviation from the approved plans or requirements of this Development Order shall be made according to and processed in compliance with the requirements of Section 380.06(19), Florida Statutes and Rule 9J-2, Florida Administrative Code.
8. The definitions found in Chapter 380, Florida Statutes shall apply to this Development Order.
9. Reference herein to any governmental agency shall be construed to mean any future instrumentality that may be created or designated as a successor in interest to, or which otherwise possesses the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.

EXHIBIT "B"

10. This Development Order shall be binding upon the Developer and its assignees or successors in interest.

REGIONAL PLANNING

Master Development Plan

11. Prior to final approval of any zoning application in the Riverland/Kennedy Development of Regional Impact, the City will require the Developer to prepare a conceptual master plan to provide long-term guidance and direction for the project by showing the general location of all residential and non-residential land uses, arterial and collector roads, arterial and collector potable water, wastewater and reclaimed water infrastructure, stormwater facilities, school sites, civic and institutional sites, other major facilities, major access points and multi-use trails and greenways. The conceptual master plan shall demonstrate consistency with the NCD (New Community Development) land use category. The conceptual master plan shall be consistent with the Master Development Plan (Map H) attached to this Development Order as Exhibit "D" but shall not be adopted as an amendment to this Development Order. The conceptual master plan shall be presented to the City's Planning and Zoning Board and the City Council for consideration and approval; provided, however, that notwithstanding the foregoing, the conceptual master plan shall only be a generalized reference tool which is not regulatory but rather a planning reference to provide long range guidance related to those lands being considered for development approval. The conceptual master plan shall be revised by the Developer from time to time as needed to show approved and proposed development, and the City and the Developer shall agree on the mutually acceptable process for doing so.

Greenway

12. Consistent with the City's local comprehensive plan and the Annexation Agreement, the project shall include a continuous, multi-purpose greenway along Range Line Road with an average width of 50 feet and a minimum width of 30 feet, from Range Line Road's eastern right-of-way boundary. The greenway shall be provided in each development parcel within the DRI Property which is adjacent to Range Line Road as a condition of the recording of a residential subdivision plat or final site plan approval for each such development parcel. An appropriate easement shall be placed upon this greenway in perpetuity. The easement shall allow (a) road crossings and pedestrian access; (b) sites for receiving and disposing of irrigation-quality effluent; and (c) landscaping and irrigation. In addition, within the greenway and adjacent to Range Line Road, the Developer shall grant the City a 30-foot perpetual non-exclusive utility easement; provided, however, such utility easement shall allow for (a) landscaping and irrigation, including with reclaimed water; (b) road crossings and pedestrian access; and (c) similar

EXHIBIT "B"

surface uses, with the City's written authorization, which will not interfere with efficient operation of the City's utilities or unduly hinder maintenance. Any landscaping or irrigation system within the utility easement shall be approved by the City's Utilities Systems Department prior to planting or constructing same.

TRANSPORTATION

Rights of Way

13. ~~Prior to July 1, 2007, and subject to the requirements of the Annexation Agreement, the Developer shall dedicate to the City of Port St. Lucie, free and clear of all liens and material encumbrances, the right-of-way within the project along N/S C (Community Boulevard), Becker Road, E/W 1, E/W 2, E/W 3, E/W 4 (Paar Drive), N/S A, N/S B, N/S BC and all intersections thereof, with a reservation unto the Developer or community development district, for purpose of constructing and thereafter maintaining roads and other improvements, until acceptance by the City of Port St. Lucie. Riverland/Kennedy has previously dedicated the following road rights-of-way within the project to the City: Becker Road (150 feet), Paar Drive (150 feet), E/W 3 from Community Blvd. to N/S B (150 feet), E/W 3 from N/S B to Rangeline Road (75 feet), E/W 2 (100 feet), Discovery Way (150 feet), N/S A (150 feet), N/S B from Becker Road to Paar Drive (30 feet), N/S B from Paar Drive to E/W 3 (75 feet), N/S B from E/W 3 to Discovery Way (150 feet), N/S BC (100 feet), and Community Boulevard (75 feet). Riverland/Kennedy will dedicate an additional 45 feet for N/S B from Becker Road to Paar Drive which will bring the Riverland/Kennedy dedication for this segment to 75 feet.~~

As part of this development order, N/S BC will be eliminated and N/S B widened to a 150-foot corridor. In order to provide the total corridor width of 150 feet for N/S B from Becker Road to Paar Drive, Riverland/Kennedy will dedicate an additional 45 feet for this segment of N/S B. In addition, E/W 2 will be eliminated as this road was never included as part of either the ULI study or the WATS traffic study.

No building permits for the Riverland/Kennedy Development of Regional Impact shall be issued until the dedication as noted above for the additional 45 foot right-of-way along the existing right-of-way for N/S B and all intersections thereof, has been dedicated free and clear of all liens and material encumbrances to the City of Port St Lucie with a reservation unto the developer or community development district, for purposes of constructing and thereafter maintaining roads and other improvements, until acceptance by the City of Port St. Lucie, subject to the requirements of the Annexation Agreement.

EXHIBIT "B"

After Riverland/Kennedy dedicates the road right-of-way for N/S B, the City will return the previously dedicated 100-foot right-of-way for N/S BC and the 100-foot right-of-way for E/W 2 to Riverland/Kennedy by special warranty deed.

Further, the alignment of Community Blvd. from Discovery Way to Becker Rd. will be realigned in accordance with the attached Exhibit "F". Each Developer of both the Southern Grove DRI and the Riverland/Kennedy DRI will convey by deed the 150' right-of-way for Community Blvd. which falls within each of their respective properties as per Exhibit "F". The right-of-way includes an additional 660 feet south of Becker Rd. for which each Developer will convey 75' each from their respective properties. These conveyances must be made to the City prior to December 1, 2012 and will be held by the City in escrow until both required conveyances are made. No later than December 31, 2012 the City will record a release of the prior deeded conveyances for Community Blvd. between Discovery Way and Becker Rd. and the City will record the new right-of-way for Community Blvd. including the new extended right-of-way south of Becker Rd. as noted above.

14. In addition to the aforementioned roadway networks, the Developer shall further enhance the transportation network by providing a system which shall include but not be limited to public collector roads. The roads identified herein shall not include internal networks for gated communities.
15. A) At any time, the Developer may undertake monitoring to ascertain the level of service on facilities where Riverland/Kennedy Development of Regional Impact has significant impact (project is estimated to contribute an amount of traffic equal to or greater than 5% of the maximum service volume under the adopted level of service standard) in order to determine whether the date threshold (date or trip) by which a transportation improvement required by this Development Order may be extended. If the monitoring demonstrates that the facility or facilities will operate at the adopted level of service standard without the improvement at the date threshold (date or trip) by which this Development Order would otherwise require such improvement, then notwithstanding any other provision of this Development Order the date by which such improvement is required shall be extended on terms approved pursuant to the procedure in Condition 16. The methodology of the monitoring shall be agreed upon by the City of Port St. Lucie, Florida Department of Transportation, and Treasure Coast Regional Planning Council. In the event that a methodology cannot be agreed upon among all parties, the City of Port St. Lucie shall be the final arbiter. No new mitigation measures and/or modifications to the roadway network within the WATS Area shall be required on account of such monitoring.
- B) The City of Port St. Lucie may require the Developer to undertake monitoring to ascertain the level of service on transportation facilities within

EXHIBIT "B"

the DRI as specified in Table 1 and/or Table 2 ~~properties that participated in the WATS ("WATS-Area")~~ in order to determine whether the date threshold (date or trip) by which a transportation improvement ~~within the WATS-Area~~ required by this Development Order, should be accelerated. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the date threshold (date or trip) by which this Development Order would otherwise require such improvement, then the date or trip threshold by which such improvement is required shall be accelerated on terms approved pursuant to the procedure in Condition 16. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the date threshold (date or trip) by which this Development Order would otherwise require such improvement, then the date threshold (date or trip) for such improvement shall be accelerated based on the results of such monitoring, provided that the accelerated schedule for the improvement shall allow 24 months for engineering, permitting and construction of the improvement. The methodology of the monitoring shall be agreed upon by the City of Port St. Lucie, Florida Department of Transportation, and Treasure Coast Regional Planning Council. In the event that a methodology cannot be agreed upon among all parties, the City of Port St. Lucie shall be the final arbiter. No new mitigation measures and/or modifications to the road network ~~within the WATS Area~~ identified in Tables 1 and 2 shall be required on account of such monitoring.

C) The Developer will coordinate with the SWAA DRIs regarding the results of the monitoring of the operational level of service conditions conducted by Southern Grove and any subsequent operational analyses along I-95 from south of Becker Road to north of Crosstown Parkway, at the Tradition Parkway/Gatlin Boulevard and I-95 interchange, and at the Becker Road and I-95 interchange. Should operational analyses indicate that the interstate or the subject interchanges are reaching or have reached the adopted level-of-service threshold, the Developer shall participate in collaborative discussions to identify possible solutions for a mitigation program to resolve the problem, which resolution, in principle, should be reflective of the impacts on the identified roadways/intersections created by the respective SWAA DRIs. The collaborative discussions shall include, but not be limited to, FDOT, the City of Port St. Lucie and the SWAA DRI developers. However, additional transportation mitigation beyond the required improvements listed in Table 2 in this development Order shall not be required of the Developer as a result of this collaboration.

16. In accordance with Section 380.06(15)(c)5, Florida Statutes, and Rule 9J-2.0245(7)(a)1.b., F.A.C., changes to roadway improvement conditions which are subject to the monitoring program outlined in Condition 15 shall not be subject to the substantial deviation determination/notice of proposed change process, unless otherwise required by the criteria listed in Section

EXHIBIT "B"

380.06(19)(b), Florida Statutes. Changes to roadway improvements conditions shall be transmitted for approval to the Florida Department of Transportation, Florida Department of Community Affairs State land planning agency, and Treasure Coast Regional Planning Council. The agencies should complete the review within 90 days after submittal by the Developer.

17. A trip generation analysis shall be prepared by the applicant and approved by the City of Port St. Lucie prior to each site plan or residential subdivision plat approval. The net new external trip generation analysis shall present calculations for the p.m. peak hour and shall be performed using trip generation rates and equations included in the Western Annexation Area Traffic Study (WATS) for the ITE land use categories outlined in Exhibit "E". The trip generation analysis shall be based on the land data included with each site plan and residential subdivision plat approval and account for internal capture and passer-by, as appropriate, to determine net trips generated by the development. The Biennial Report shall include a cumulative calculation of the trip generation for all previous site plan approvals, residential subdivision plat approvals and building permits. Development order conditions shall be evaluated using the trip generation analysis for building permits to determine triggering of any transportation conditions. The City may, at its discretion, require the developer to submit the cumulative trip generation analysis on an annual basis based on development activity within the DRI. An Excel spreadsheet file or other acceptable digital format shall be submitted by the developer with the cumulative trip generation analysis report.

Riverland/Kennedy Access Road Improvements

18. No building permits shall be issued for any development until: 1) contracts have been let for the roadway construction projects identified in Table 1 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; or 3) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

Table 1
Riverland/Kennedy Access Roads

<u>Road</u>	<u>From</u>	<u>To</u>	<u>Trip Threshold*</u>	<u>Required Improvement</u>
<u>Community Blvd.</u>	<u>Discovery Way</u>	<u>South for 2,500 Ft.</u>	<u>0</u>	<u>2L</u>
<u>Secondary Emergency Access Road at E/W #1 between Community Blvd. and Rangeline Rd.</u>			<u>0</u>	<u>Emergency Access Road</u>

EXHIBIT "B"

*Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

Riverland/Kennedy DRI Roadway Improvements

19. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold or after December 31st of the phase date identified in Table 2, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 2 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

Table 2
Riverland/Kennedy DRI Road Improvements

<u>Road</u>	<u>From</u>	<u>To</u>	<u>Phase Date</u>	<u>Trip Threshold</u>	<u>Improvement</u>
Phase 1					
<u>Community Blvd.</u>	<u>Discovery Way</u>	<u>E/W 3</u>	<u>2019</u>	<u>3,219</u>	<u>2L</u>
<u>Community Blvd.</u>	<u>E/W 3</u>	<u>Paar Dr.</u>	<u>2019</u>	<u>3,219</u>	<u>2L</u>
<u>Community Blvd.</u>	<u>Paar Dr.</u>	<u>Becker Rd.</u>	<u>2019</u>	<u>3,219</u>	<u>2L</u>
<u>E/W 3</u>	<u>Community Blvd.</u>	<u>N/S B</u>	<u>2019</u>	<u>3,219</u>	<u>2L</u>
Phase 2					
<u>N/S B</u>	<u>Discovery Way</u>	<u>E/W 3</u>	<u>2024</u>	<u>7,077</u>	<u>2L</u>
<u>Paar Dr.</u>	<u>Community Blvd.</u>	<u>N/S B</u>	<u>2024</u>	<u>7,077</u>	<u>2L</u>
<u>Discovery Way</u>	<u>Community Blvd.</u>	<u>N/S B</u>	<u>2024</u>	<u>7,077</u>	<u>2L</u>
<u>Discovery Way</u>	<u>N/S B</u>	<u>N/S A</u>	<u>2024</u>	<u>10,935</u>	<u>2L</u>
<u>Discovery Way</u>	<u>N/S A</u>	<u>Rangeline Rd.</u>	<u>2024</u>	<u>10,935</u>	<u>2L</u>
<u>Becker</u>	<u>Community</u>	<u>N/S B</u>	<u>2024</u>	<u>5,148</u>	<u>Widen to 4LD</u>
<u>N/S A</u>	<u>Discovery Way</u>	<u>E/W 3</u>	<u>2024</u>	<u>10,935</u>	<u>2L</u>
Phase 3					
<u>Community Blvd.</u>	<u>Discovery Way</u>	<u>E/W 3</u>	<u>2029</u>	<u>12,198</u>	<u>Widen to 4LD</u>
<u>Community Blvd.</u>	<u>E/W 3</u>	<u>Paar Dr.</u>	<u>2029</u>	<u>12,198</u>	<u>Widen to 4LD</u>
<u>Becker</u>	<u>Community</u>	<u>N/S B</u>	<u>2029</u>	<u>13,461</u>	<u>Widen to 6LD</u>
<u>N/S B</u>	<u>Paar Dr.</u>	<u>Becker Rd.</u>	<u>2029</u>	<u>13,461</u>	<u>Widen to 4LD</u>
<u>Discovery Way</u>	<u>Community Blvd.</u>	<u>N/S B</u>	<u>2029</u>	<u>13,461</u>	<u>Widen to 4LD</u>

EXHIBIT "B"

Paar Dr.	Community Blvd.	N/S B	2029	12,198	Widen to 4LD
Phase 4					
N/S A	Discovery Way	E/W 3	2029	13,461	Widen to 4LD
N/S B	E/W 3	Paar Dr.	2029	13,461	Widen to 4LD
N/S B	Discovery Way	E/W 3	2029	13,461	Widen to 4LD
E/W 3	Community	N/S B	2029	13,461	Widen to 4LD
E/W 3	N/S B	N/S A	2029	13,461	Widen to 4LD

*Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips
L=Lane D=Divided

Note No. 1: No building permits shall be issued for development that generates more than 4,000 total net external p.m. peak hour trips or 3,300 residential units, whichever occurs first, until a contract has been let for the construction of the initial two lanes of Becker Rd. from Village Pkwy. To Community Blvd.

Note No. 2: If the Annexation Agreement is amended to provide that the construction of the initial two lanes of Becker Road from Community Boulevard to N/S B is required no earlier than 2018, or later if agreed to by all parties of the Annexation Agreement, then the construction of the initial 2LD shall become a Phase I responsibility of Riverland/Kennedy in place of the requirement that Riverland/Kennedy widen the roadway from 2LD to 4LD.

External Roadways – West of I-95

20. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trips indicated in Table 3 or after December 31st of the year indicated in Table 3, 2040 whichever comes last, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program.

**Table 3
External Road Improvements – West of I-95**

Year	*Trip Threshold	Road	From	To	Required Improvement	Status
2018	2,927	Tradition Pkwy.	Village Pkwy.	I-95	6LD	Satisfied
2018	13,461	Village Pkwy.	Tradition Pkwy.	Crosstown Pkwy.	4LD	Satisfied
2018	13,461	Tradition Pkwy.	Community Blvd.	Village Pkwy.	4LD	Satisfied
2018	13,461	Community Blvd.	Tradition Pkwy.	Westcliffe Lane	2L	
2018	13,461	Westcliffe Ln.	N/S A	Village Pkwy.	2L	

EXHIBIT "B"

2022	13,461	Crosstown Pkwy.	N/S A	Village Pkwy	4LD	
2022	13,461	Crosstown Pkwy.	Village Pkwy.	Commerce Center Dr.	Widen to 6LD	
2022	13,461	Tradition Pkwy.	N/S A	Village Pkwy	4L D	
2022	13,461	N/S A	Crosstown Pkwy	Glades Cut-Off Rd.	2L	
2026	13,461	Crosstown Pkwy.	Range Line Rd.	N/S A	2L	
2026	13,461	Village Pkwy.	Tradition Pkwy.	Westcliffe Lane	6LD	Satisfied
2026	13,461	Village Pkwy.	Westcliffe Lane	Crosstown Pkwy.	Widen to 6LD	

*Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

LD=Divided

External Road Improvements – East of I-95

21. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold identified in Table 4 or after December 31st of the year of failure identified in Table 4, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 4 under "Required Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. The City of Port St. Lucie will use its best efforts to undertake the road improvements in Table 4 by the dates and trip thresholds indicated.

Table 4
External Road Improvements – East of I-95

<u>Year</u>	<u>*Trip Threshold</u>	<u>Road</u>	<u>From</u>	<u>To</u>	<u>Required Improvement</u>	<u>Status</u>
2023	1,367	Becker Road	I-95	Rosser Blvd	6 L D	Satisfied
2024	13,461	Paar Dr	Rosser Blvd.	Savona Blvd.	Widen 4 L D	
2024	13,461	Paar Dr	Savona Blvd	Port St. Lucie Blvd	Widen 4 L D	
2018	2,197	Becker Rd	Turnpike	Southbend Blvd	Widen 4 L D	Satisfied
2021	13,461	Rosser Blvd	E/W 3	Gatlin Blvd.	Widen 4 L D	
2029	13,461	Port St. Lucie Blvd	Paar Dr.	Darwin Blvd.	Widen 4 L D	
2019	13,461	Port St. Lucie Blvd.	Becker Rd	St. Lucie County Line	Widen 4 L D	
2026	13,461	Rosser Blvd	Paar Dr.	E/W 3	Widen 4 L D	
2030	13,461	Port St. Lucie Blvd.	Darwin Blvd.	Gatlin Blvd.	Widen 6 L D	
2025	13,461	Becker Rd	Southbend Blvd	Gilson Rd	Widen 4 L D	

EXHIBIT "B"

<u>Year</u>	<u>*Trip Threshold</u>	<u>Road</u>	<u>From</u>	<u>To</u>	<u>Required Improvement</u>	<u>Status</u>
<u>2025</u>	<u>13,461</u>	<u>California Blvd</u>	<u>Crosstown Pkwy</u>	<u>St Lucie West Blvd</u>	<u>Widen 4 L D</u>	
<u>2018</u>	<u>13,461</u>	<u>Becker Rd</u>	<u>I-95</u>	<u>Florida's Turnpike</u>	<u>Widen 4 L D</u>	<u>Satisfied</u>
<u>2022</u>	<u>13,461</u>	<u>Paar Dr</u>	<u>I-95</u>	<u>Rosser Rd **</u>	<u>4 L D</u>	
<u>2028</u>	<u>13,461</u>	<u>Crosstown Pkwy</u>	<u>I-95</u>	<u>Bayshore Blvd.</u>	<u>6 L D</u>	<u>Satisfied</u>

Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips
** This segment includes a bridge over I-95; provided, however, that the bridge over I-95 shall be subject to monitoring every three years, for development that generates more than 13,461 total net external p.m. peak hour trips or in 2029, whichever comes later, to evaluate the need for improvements.
L= Lane D=Divided

22. A traffic re-analysis shall be undertaken by the Developer and submitted to the City and FDOT if, for any development that generates more than 14,372 cumulative total net external p.m. peak hour trips or by December 31, 2020 2028, whichever comes last, if the six laning of the Crosstown Parkway-Bayshore Blvd. to US1 segment is: 1) not under contract; 2) not included in a local government development agreement consistent with sections 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Conditions 14 and 15, if applicable; or 4) not scheduled in the first three years of the City's adopted Capital Improvement Program or FDOT's adopted work program. The traffic re-analysis shall be prepared in a manner consistent with the methodology utilized in the WATS, or at the election of the Developer, utilizing an alternative methodology acceptable to the City, DCA, and FDOT. If the traffic re-analysis shows that the incomplete segment will result in additional or increased significant impacts to state or regionally significant roads external to the WATS area as identified in the WATS, no building permits shall be issued for any development that generates more than 13,461 cumulative total net external p.m. peak hour trips or after December 31, 2020 2029 whichever comes last, until the Development Order has been amended to include mitigation to address such additional or increased significant impacts consistent with Rule 9J-2.045, F.A.C.

External Roadways

~~17. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2010, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is~~

EXHIBIT "B"

~~scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the following roadways:~~

- ~~a) Village Parkway from Tradition Parkway (Gatlin Boulevard) to Crosstown Parkway: 4 Lane divided~~
- ~~b) Tradition Parkway (Gatlin Boulevard) from Community Boulevard to Village Parkway: 4 Lane divided~~
- ~~c) Community Boulevard from Tradition Parkway (Gatlin Boulevard) to Westcliffe Lane (EAW XY): 2 Lanes~~
- ~~d) Westcliffe Lane (EAW XY) from N/S A to Village Parkway: 2 Lanes~~

~~18. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2014, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed and attached as an exhibit to the Development Order; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the following roadways:~~

- ~~a) Crosstown Parkway from N/S A to Village Parkway: 4 Lane divided~~
- ~~b) Crosstown Parkway from Village Parkway to I-95: 6 Lane divided~~
- ~~c) Tradition Parkway (Gatlin Boulevard) from N/S A Village Parkway: 4 Lane divided~~
- ~~d) N/S A from Crosstown Parkway to Glades Cut-Off Road: 2 Lanes~~

~~19. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2018, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed and attached as an exhibit to the Development Order; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of~~

EXHIBIT "B"

Port St. Lucie that sufficient funds will be available to complete the following roadways:

- a) Crosstown Parkway from Range Line Road to N/S A: 2 Lane divided

20. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the net external p.m. peak hour trip threshold identified in Table 1 or after December 31 of the year of failure identified in Table 1, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 1 under "Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the roadway widening or construction projects included in Table 1.

**Table 1
Riverland/Kennedy DRI
Roadway Improvements**

Road Segment	Trip Threshold	Year of Failure	Improvement
Tradition Parkway (Gatlin Boulevard) - Village Parkway to I-95	2,027	2010	6LD
Tradition Parkway (Gatlin Boulevard) - Village Parkway to I-95	3,219	2013	8LD
Village Boulevard - Tradition Parkway (Gatlin Boulevard) to Westcliffe Lane (E/W XY)	4,173	2020	6LD
Village Boulevard - Westcliffe Lane (E/W XY) to Crosstown Parkway	7,072	2022	6LD

21. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the net external p.m. peak hour trip threshold identified in Table 2 or after December 31 of the year of failure identified in Table 2, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 1 under "Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable

EXHIBIT "B"

evidence shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the roadway widening or construction projects included in Table 2. The City of Port St. Lucie will use its best efforts to undertake the road improvements in Table 2 by the dates and trip thresholds indicated.

Table 2
Riverland/Kennedy DRI
Roadway Improvements Within the City of Port St. Lucie

Road Segment	Trip ¹ Threshold	Year of Failure	Improvement
Becker Road — I-95 to Rosser Blvd.	1,367	2015	6LD
Paar Drive — Rosser Blvd. to Savona Blvd.	1,531	2016	4LD
Paar Drive — Savona Blvd. to Port St. Lucie Blvd.	1,586	2016	4LD
Becker Road — Florida's Turnpike to Southbend Blvd.	2,197	2010	4LD
Rosser Boulevard — EAW 3 to Gatlin Blvd.	2,681	2013	4LD
Port St. Lucie Boulevard — Paar Dr. to Darwin Blvd.	2,862	2021	4LD
Rosser Boulevard — Becker Rd. to Paar Dr.	2,940	2015	4LD
Port St. Lucie Boulevard — Becker Rd. to St. Lucie County Line	3,592	2014	4 Lanes
Rosser Boulevard — Paar Dr. to EAW 3	8,250	2018	4LD
Port St. Lucie Boulevard — Darwin Blvd. to Gatlin Blvd.	7,072	2022	6LD
Becker Road — Southbend Blvd. to Gilson Rd.	9,336	2017	4LD
California Boulevard — Crosstown Pkwy. To St. Lucie West Blvd.	13,116	2017	4LD
Becker Road — I-95 to Florida's Turnpike	N/A	2010	4LD
EAW 3 — I-95 to Rosser Road ²	N/A	2014	2 Lanes
Paar Drive — I-95 to Rosser Road ²	N/A	2014	4 LD
EAW 3 — I-95 to Rosser Road ²	N/A	2018	Widen to 4LD
Paar Drive — I-95 to Rosser Road ²	N/A	2018	Widen to 6LD
EAW 3 — I-95 to Rosser Road ²	N/A	2022	Widen to 6LD
		2013	
Crosstown Parkway — I-95 to Bayshore Blvd.	N/A	2020	6LD

¹ Total Riverland/Kennedy DRI Net External PM Peak Hour Trips

² These segments include a bridge over I-95; provided, however, that the bridge over I-95 shall be subject to monitoring every three years, commencing at the start of Phase 3 in 2016, to evaluate the need for the improvement.

Roadway Improvements Outside the City of Port St. Lucie

23.24B) Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold identified in Table 35 or after December 31 of the year of failure identified in Table 35, whichever comes last, until: 1) contracts have been let for the roadway widening or

EXHIBIT "B"

construction projects identified in Table 3 5 under "Required Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

**Table 35
Riverland/Kennedy DRI
Roadway Improvements Outside the City of Port St. Lucie**

<u>Year</u>	<u>*Trip Threshold</u>	<u>Road</u>	<u>From</u>	<u>To</u>	<u>Required Improvement</u>	<u>Status</u>
2030	2,386	S.W Allapattah Rd	CR 714	Martin County Line	4 L D	
2019	3,592	S.W Citrus Blvd	St. Lucie County Line	SR 714	Widen 4 LD**	
2021	6,107	SR 714/Martin Hwy	Port St. Lucie Blvd	Florida's Turnpike	Widen 4 L D	
2018	6,393	CR 714/Martin Hwy	Florida's Turnpike	High Meadows Ave	Widen 4 L D	
2019	7,555	CR 714/Martin Hwy	High Meadows Ave	Berry Ave	Widen 4 L D	
2019	9,796	Midway Road	Torino Pkwy	Selvitz Road	Widen 4 L D***	
2024	14,045	Midway Road	Selvitz Road	25 th Street	Widen 4 L D***	

* Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

** Provided sufficient right-of-way exists for the improvement

*** This condition may be satisfied by a payment to St. Lucie County based on the Settlement Agreement Including Impact Fee Credit Agreement between the Developer and St. Lucie County.

<u>Road Segment</u>	<u>Trip* Threshold</u>	<u>Year of Failure</u>	<u>Improvement</u>
Range Line Road — CR 714 to Martin County Line	2,386	2022	4LD
Port St. Lucie Blvd — St. Lucie County Line to SR 714	3,592	2011	4 Lanes**
SR 714/Martin Hwy. — Port St Lucie Blvd to Florida's Turnpike	6,107	2013	4LD

EXHIBIT "B"

CR 714/Martin Hwy. — Florida's Turnpike to High Meadows Av.	6,303	2010	4LD
CR 714/Martin Hwy. — High Meadows Av. to Berry Av.	7,555	2011	4LD
Midway Road — Torino Pkwy to Selvitz Road	9,796	2011	4LD
Midway Road — Selvitz Rd to 25 th St.	14,045	2016	4LD

* Total Riverland/Kennedy DRI Net External PM Peak Hour Trips

** Provided sufficient right-of-way exists for the improvement

24.21-G. A traffic re-analysis shall be undertaken by the Developer and submitted to the City, TCRPC, DCA-State land planning agency, and FDOT by the date that development within the Riverland/Kennedy DRI generates more than 3,592 total net external p.m. peak hour trips or by December 31, 2011 2020, whichever comes last, if the four-laning of the Port St. Lucie Boulevard – St. Lucie County Line to SR 714 segment is: 1) not under contract to construct the roadway; 2) not included in a local government development agreement consistent with section 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Conditions 44 and 15 , if applicable; or 4) not scheduled in the first three years of an adopted Capital Improvements Program or FDOT's adopted work program. The traffic re-analysis shall be prepared in a manner consistent with the methodology utilized in the WATS, or at the election of the Developer, utilizing an alternative methodology acceptable to the City, DCA, FDOT and TCRPC, and shall be limited to a determination of the effect, if any, of the delay in four laning the segment of Port St. Lucie Boulevard (S.W. Citrus Blvd.) – St. Lucie County Line to SR 714 on road external to the WATS area. If the traffic re-analysis shows that the delay will result in additional or increased significant impacts to state or regionally significant roads as identified in the WATS, no building permits shall be issued after development within the Riverland/Kennedy DRI generates more than 3,592 total net external p.m. peak hour trips or December 31, 2011 2020, whichever comes last, until the Development Order has been amended to include mitigation to address such additional or increased significant impacts consistent with Rule 9J-2.045, F.A.C

Roadways within WATS Area

~~22. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2010, until: 1) contracts have been let to build the following roads with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S., has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable~~

EXHIBIT "B"

~~evidence shall be provided to the City's satisfaction that sufficient funds will be available to complete the following improvements:~~

~~Becker Road from Range Line Road to N/S A: 2 Lanes
Becker Road from N/S A to I-95: 4 Lane-divided
E/W 3 from N/S A to Community Boulevard: 2 Lanes
N/S A from Becker Road to E/W 3: 2 Lanes
Community Boulevard from Becker Road to E/W 1: 2 Lanes
Community Boulevard from E/W 1 to Gatlin Boulevard: 4 Lane-divided
Village Parkway from Becker Road to Gatlin Boulevard: 4 Lane-divided~~

~~23. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2014 until: 1) contracts have been let to build the following roads with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S., has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the City's satisfaction that sufficient funds will be available to complete the following improvements:~~

~~Becker Road from Range Line Road to N/S A: Widen to 4 Lane-divided
Becker Road from N/S AB to I-95: Widen to 6 Lane-divided
Paar Drive from Range Line Road to N/S BC: 2 Lanes
Paar Drive from N/S BC to I-95 western right-of-way: 4 Lane-divided
E/W 3 from Range Line Road to N/S A: 2 Lanes
E/W 3 from Community Boulevard to I-95 western right-of-way: 2 Lanes
E/W 1 from Range Line Road to Community Boulevard: 2 Lanes
E/W 1 from Community Boulevard to Village Parkway: 4 Lane-divided
N/S A from E/W 3 to E/W 1: 2 Lanes
N/S A from E/W 1 to Tradition Parkway (Gatlin Boulevard): 4 Lane-divided
N/S A from Tradition Parkway (Gatlin Boulevard) to Crosstown Parkway: 4 Lane-divided (May be constructed concurrently, but no later than, with the construction of Crosstown Parkway from N/S A to Village Parkway.)
N/S AB from Becker Road to Paar Drive: 2 Lanes
N/S B from Becker Road to E/W 1: 2 Lanes
N/S BC from Becker Road to Paar Drive: 2 Lanes
Village Parkway from E/W 1 to Gatlin Boulevard: Widen to 6 Lane-divided
Tradition Parkway (Gatlin Boulevard) from N/S A to Range Line Road: 4 Lane-divided~~

~~24. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2018 until: 1) contracts have been let to build the following roads with the lane geometry presented below; 2) a~~

EXHIBIT "B"

~~local government development agreement consistent with sections 163.3220 through 163.3243, F.S., has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the City's satisfaction that sufficient funds will be available to complete the following improvements:~~

~~Paar Drive from N/S A to N/S BC: Widen to 4 Lane-divided~~

~~Paar Drive from Village Parkway to I-95 western right-of-way: Widen to 6 Lane-divided~~

~~EW 3 from Community Boulevard to I-95 western right-of-way: Widen to 4 Lane-divided~~

~~EW 1 from N/S B to Community Boulevard: Widen to 4 Lane-divided~~

~~N/S A from Becker Road to EW 1: Widen to 4 Lane-divided~~

~~Community Boulevard from Becker Road to EW 1: Widen to 4 Lane-divided~~

~~Village Parkway from EW 1 to Gatlin Boulevard: Widen to 8 Lane-divided*~~

~~*If required by the City.~~

~~25. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued after December 31, 2022 until: 1) contracts have been let to build the following roads with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S., has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided to the City's satisfaction that sufficient funds will be available to complete the following improvements:~~

~~EW 3 from N/S A to Village Parkway: Widen to 4 Lane-divided~~

~~EW 3 from Village Parkway to I-95: Widen to 6 Lane-divided~~

~~N/S AB from Becker Road to Paar Drive: Widen to 4 Lane-divided~~

~~N/S B from Paar Drive to EW 1: Widen to 4 Lane-divided~~

~~N/S BC from Becker Road to Paar Drive: Widen to 4 Lane-divided~~

~~Village Parkway from Becker Road to EW 1: Widen to 6 Lane-divided~~

~~26. Intersection lane geometry for all arterial roads between I-95 and Range Line Road included in Master Development Plan (Map H) attached to this Development Order as Exhibit "D" shall, for all 6-lane by 6-lane, 4-lane by 6-lane and 4-lane by 4-lane intersections within rights-of-way greater than 100 feet, include dual left-turn lanes and an exclusive right-turn lane in all approaches. For all other arterial road intersection types, the Developer shall~~

EXHIBIT "B"

~~submit to the City, for approval, an intersection analysis to designate the lane geometry for each intersection.~~

E/W 3 and I-95 Interchange

~~27.~~ 25. A traffic study shall be prepared for development that generates more than 13,461 total net external p.m. peak hour trips or by no later than January 1, 2019~~29,~~ whichever comes last, to evaluate the need for an interchange along I-95 with E/W 3. The methodology for this traffic study shall be discussed with the Developer, and agreed upon by the City of Port St. Lucie and Florida Department of Transportation. The traffic study shall estimate traffic projections at buildout of all DRI developments that participated in the WATS.

~~28.~~ 26. If the study required by Condition ~~27~~ 25 justifies an interchange along I-95 with E/W 3, then no building permits shall be issued for development that generates more than 13,461 total net external p.m. peak hour trips or after December 31, 2020~~30,~~ whichever comes last, until the development order has been amended to include provisions for such an interchange and such interchange has been authorized by the Federal Highway Administration and/or FDOT, as applicable. Such amendment to the Development Order shall not be subject to a substantial deviation determination, unless otherwise required by criteria in section 380.06(19)(b), F.S.

Other Issues

~~29.~~ 27. Intersection lane geometry for all arterial roads between I-95 and Range Line Road included in Master Development Plan (Map H) attached to this Development Order as Exhibit "D" shall, for all 6 lane by 6 lane, 4 lane by 6 lane and 4 lane by 4 lane intersections within rights-of way greater than 100 feet, include dual left-turn lanes and an exclusive right-turn lane in all approaches. For all other arterial road intersection types, the Developer shall submit to the City, for approval, an intersection analysis to designate the lane geometry for each intersection.

~~30.~~ 28. All roads expressly addressed in the transportation conditions of this Development Order shall be open to the public.

~~31.~~ 29. Commencing in 2008 and continuing every other year thereafter, the Developer shall submit a Biennial Status Report indicating the status (schedule) of guaranteed transportation network modifications. This Biennial Status Report shall be attached to and incorporated into the Biennial Development of Regional Impact Report required by Condition 6.

The Biennial Status Report shall list all roadway modifications needed to be constructed, the guaranteed date of completion for the construction of each

EXHIBIT "B"

needed modification, the party responsible for the guaranteed construction of each modification, and the form of binding commitment that guarantees construction of each modification. Except for improvements which are re-scheduled or determined to be not needed pursuant to monitoring under Condition 15, no further building permits for the Riverland/Kennedy Development of Regional Impact shall be issued at the time the Biennial Status Report reveals that any needed transportation modification included in the Development Order is no longer scheduled or guaranteed, or has been delayed in schedule such that it is not guaranteed to be in place and operational or under actual construction for the entire modification consistent with the timing or trip threshold criteria established in this Development Order.

~~32.30.~~ In the event that a transportation improvement which the Developer is required to provide pursuant to this Development Order is instead provided by a dependent or independent special district, the improvement shall be deemed to have been provided by the Developer.

31. The Developer is responsible for the mitigation of all environmental impacts of all right-of-ways within the Riverland/Kennedy DRI.

ENVIRONMENTAL AND NATURAL RESOURCES

Wetlands

~~32.32.~~ The Developer, Property Owners Association created by the Developer, or other acceptable entity shall comply with all wetland mitigation requirements of the U. S. Army Corps of Engineers and South Florida Water Management District. Any wetland permit issued by the South Florida Water Management District and the U.S. Army Corps of Engineers for all or any portions of the Riverland/Kennedy DRI Property shall satisfy all City rules, regulations, codes, permitting and other requirements pertaining to wetlands and littoral plantings for the portion or portions of Riverland/Kennedy subject to any such permits. Any mitigation required for impacts to existing wetlands shall be completed on the project site to the extent required by agencies with regulatory jurisdiction. Details of the wetland maintenance and enhancement procedures and management schedule shall be provided in the Conservation Area Management Plan.

~~33. [Deleted in its entirety] The Developer shall preserve or create a buffer zone of native upland edge vegetation around all preserved and created wetlands on site. The upland buffers shall be designed to be consistent with the buffer requirements of the South Florida Water Management District and the U. S. Army Corps of Engineers. Created upland buffers shall include canopy, understory, and ground cover of native upland species. Details of the upland~~

EXHIBIT "B"

~~buffer maintenance and management schedule shall be provided in the Conservation Area Management Plan.~~

34. ~~[Deleted in its entirety] By January 1, 2008, the Developer, or a property association created by the Developer ("Association"), shall prepare a Conservation Area Management Plan for the upland buffers, created wetlands, and preserved surface waters identified on the Riverland/Kennedy Master Development Plan (Map H) attached to this Development Order as Exhibit "D". The plan shall: 1) identify management procedures and provide a schedule for their implementation; 2) include procedures for maintaining suitable habitat for state and federally listed species; and 3) include methods to remove nuisance and exotic vegetation as specified in this Development Order. The management plan shall be approved by the City of Port St. Lucie in consultation with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission prior to commencement of site clearing activities on the project site. The Conservation Area Management Plan required by this condition shall constitute the management plan required by Section 157.26 of the City's Land Development Regulations.~~

Listed Species

3533. ~~The Developer or an Association or community development district shall maintain Wood Stork foraging habitat on site by ensuring no additional net loss of wood stork prey wetland function and value. All surface waters created on the site, where appropriate, shall include features specifically designed to provide preferred foraging habitat for this species. The features should include areas designed to concentrate prey during dry down periods. The Developer shall comply with all U.S. Fish and Wildlife Service recommendations regarding the design and creation of foraging habitat for this federally endangered species. Details of the wetland creation design, procedures, and management schedule shall be provided in the Conservation Area Management Plan.~~
3634. ~~In the event that it is determined that any additional representative of a state or federally listed plant or animal species is resident on, or otherwise significantly dependent upon a development parcel, the developer of such parcel shall cease all activities which will negatively affect that individual population and immediately notify the City of Port St. Lucie, and such developer shall provide proper protection to the satisfaction of the City of Port St. Lucie in consultation with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission.~~

Exotic Species

EXHIBIT "B"

3735. Prior to obtaining a certificate of occupancy for any future structure located on a particular development parcel, the developer of such parcel shall remove from that parcel all Melaleuca, Brazilian pepper, Old World climbing fern, Australian pine, downy rose-myrtle, and any other nuisance and invasive exotic vegetation listed under Category I of the Florida Exotic Pest Plant Council's "2005 List of Invasive Species." Removal shall be in a manner that minimizes seed dispersal by any of these species. There shall be no planting of these species on site. Methods and a schedule for the removal of exotic and nuisance species should be approved by the City of Port St. Lucie. The entire site, including wetlands and conservation areas, shall be maintained free of these species in perpetuity in accordance with all applicable permits.

Stormwater Management

3836. The developer of each development parcel shall design and construct a stormwater management system within such development parcel to retain the maximum volumes of water consistent with South Florida Water Management District criteria for flood control. The stormwater management system shall be designed and constructed to provide stormwater treatment and attenuation/storage, in accordance with South Florida Water Management District requirements, for the ultimate build-out of all public rights-of-way located within the DRI Property. All discharged water from the surface water management system shall meet the water quality standards of Florida Administrative Code Rule 17-3.

3937. All elements of the stormwater management system shall be designed to prevent negative impacts to adjacent areas and to the receiving bodies of water. A water quality monitoring program shall be established if required by any applicable federal, state or local agency having jurisdiction.

4038. The Developer shall work with the City of Port St. Lucie to minimize the amount of impervious surface constructed for automobile parking on the project site. The Developer and the City should consider the use of pervious parking lot materials where feasible.

4139. The surface water management system shall utilize Best Management Practices to minimize the impact of chemical runoff associated with lawn and landscape maintenance. The Developer shall coordinate with the South Florida Water Management District to formulate and implement Best Management Practices to reduce the use of pesticides and fertilizers throughout the project.

4240. Maintenance and management efforts required to assure the continued viability of all components of the surface water management system shall be

EXHIBIT "B"

the financial and physical responsibility of the Developer, a community development district, a special assessment district, or other entity acceptable to the City of Port St. Lucie. Any entities subsequently replacing the Developer shall be required to assume the responsibilities outlined above.

Water Supply

- 43 41. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from the City of Port St. Lucie Utility Systems Department that adequate capacity of treated potable water is available to serve the development parcel and the Developer has provided or others have provided (or have provided surety in a form acceptable to the City) for the necessary water system extensions to serve the development parcel.
- 44 42. The preferred source of irrigation water shall be treated wastewater effluent at such time as this source is made available to the site. The Developer shall connect each development parcel to the City of Port St. Lucie's reclaimed water system when the system is within 300 feet of the subject development parcel. The project shall be equipped with an irrigation water distribution system to provide reclaimed water to all domestic residential lots when it becomes available. No individual home wells shall be constructed on the project site. Prior to availability of a sufficient supply of reclaimed water, other water supply sources may be used for landscape irrigation subject to meeting South Florida Water Management District permitting criteria in effect at the time of permit application.
- 45 43. In order to reduce irrigation water demand, xeriscape landscaping shall be encouraged throughout the project. At a minimum, the xeriscape landscaping shall meet the requirements of the City of Port St. Lucie.
- 46 44. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, and other water conserving devices and/or methods specified in the Water Conservation Act, Section 553.14, Florida Statutes. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of Port St. Lucie by the South Florida Water Management District.

Wastewater Management

- 47 45. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has been provided written confirmation from the City of Port St. Lucie Utility Systems Department that adequate capacity for wastewater treatment is available to

EXHIBIT "B"

serve such development parcel and the Developer or others have provided (or have provided surety in a form acceptable to the City) for the necessary wastewater system extension to serve such development parcel.

Solid Waste and Hazardous Materials

48 46. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from St. Lucie County or other provider acceptable to the City that adequate solid waste disposal services and facilities will be available when needed for that parcel. Development shall only occur concurrently with the provision of adequate solid waste disposal services and facilities.

Air Quality

49 47. During land clearing and site preparation, soil treatment techniques appropriate for controlling unconfined particulate emissions shall be undertaken. If construction on a parcel will not begin within thirty days of clearing, the soil shall be stabilized until construction on the parcel begins. Cleared areas may be sodded, seeded, landscaped or mulched to stabilize the soil. Minimal clearing for access roads, survey lines, fence installation, or construction trailers and equipment staging areas is allowed without the need for soil stabilization. The purpose of this condition is to minimize dust production and soil erosion during land clearing and to prevent soil particulates from becoming airborne between the time of clearing and construction. Development within the DRI Property shall comply with all applicable National Pollutant Discharge Elimination System requirements.

HUMAN RESOURCE ISSUES

Housing

50 48. The Port St. Lucie Comprehensive Plan does not require any affordable housing mitigation or contribution by the Developer. However, the Developer has offered to provide voluntary support for affordable housing by means of this local condition. The Developer shall pay a voluntary affordable housing assistance fee of \$500, or a mutually agreed upon amount, for each residential unit constructed on the Property, payable at the time of building permit application, into an affordable housing trust fund or other dedicated account established by the City. The City shall determine how to disburse the moneys in such trust fund to encourage affordable housing through such means as (a) acquisition of land; (b) a program of down payment assistance; (c) prepaying of points for qualified homebuyers; (d) rehabilitation of existing affordable housing; (3) (e) construction of new affordable housing by private

EXHIBIT "B"

developers or not-for-profit entities; or (f) other appropriate affordable housing strategies.

As an alternative to the above condition, the Developer may choose to participate in a program developed by the City of Port St. Lucie that will provide sufficient workforce housing in proportion to the population, based upon a program of the City of Port St. Lucie upon its adoption in the City of Port St. Lucie Comprehensive Plan.

Prior to the beginning of each phase subsequent to Phase 1, the supply of affordable housing shall be re-calculated using the East Central Florida Regional Planning Council Housing Methodology (revised June 1999) or, at the election of the Developer, an alternative methodology acceptable to the City and DCA the State land planning agency. If the supply calculation for any subsequent phase shows that there is not an adequate supply of affordable housing reasonably accessible to the Project Riverland/Kennedy DRI to meet the demand from non-residential development in that phase, the Development Order shall be amended to include measures to mitigate the unmet housing need consistent with Rule 9J-2.048, F.A.C. The voluntary affordable housing assistance fee provided for in this Condition ~~50~~ 46 shall be credited against any required mitigation.

Schools

~~5149. The Developer has entered into an Educational Facilities Impact Fee Credit Agreement dated June 12, 2007, as may be amended from time to time, with the School Board of St. Lucie County. This agreement addresses site dedications and associated impact fee credits as well as impact fee payments and impact fee prepayments for construction of school facilities on these sites. The City of Port St. Lucie has entered into an interlocal agreement with the St. Lucie County School District pursuant to which the City of Port St. Lucie will convey the school sites described in the Agreement to the St. Lucie County School District as and when needed by the St. Lucie County School District. No residential subdivision plat shall be recorded nor final residential site plan approved for any development parcel after July 1, 2007 until the Developer has secured a development agreement with the St. Lucie County School District that assures the following:~~

- a. ~~The dedication to the City of Port St. Lucie, pursuant to the Annexation Agreement, of one K-8 school site of not less than 25 acres, provided that drainage (after all required water quality pretreatment is provided on site at no cost to the Developer) for the K-8 school site can be accommodated off-site. The net acreage must not include any required upland or wetland preservation areas. Alternatively, if collocated with a park site, and recreational areas can be shared, the site can be reduced to 20 acres.~~

EXHIBIT "B"

- ~~b. The dedication to the City of Port St. Lucie, pursuant to the Annexation Agreement, of one high school site of not less than 45 acres, provided that drainage (after all required water quality pretreatment is provided on site at no cost to the Developer) for the high school site can be accommodated off-site. The net acreage must not include any required upland or wetland preservation areas.~~
- ~~c. The Developer will allocate not less than 10 acres of its 50-acre regional park dedication as required by the Annexation Agreement for a high school football stadium adjacent to the high school site, subject to approval by the City of Port St. Lucie. The net acreage must not include any required upland or wetland preservation areas.~~
- ~~d. For the proposed total development program of 11,700 dwelling units, of which 1,200 are proposed to be age restricted, and with current student generation rates for St. Lucie County, the Developer shall contribute a proportionate share of all costs necessary to construct, according to State of Florida and St. Lucie County School District standards, the school facilities for the sites identified in this condition, not to exceed the total amount of educational facilities impact fees for the DRI Property (based upon generally applicable St. Lucie County educational impact fees in effect from time to time), so that there will be adequate school facilities to accommodate the impacts of the development. Such facilities shall be operated and maintained by the St. Lucie County School District.~~
- ~~e. The development agreement with the St. Lucie County School District shall provide for a formula for the reimbursement of educational impact fees that would normally be assessed of dwelling units within the proposed development in exchange for the conveyance of the school sites described in subparagraphs (a) and (b) above.~~
- ~~f. The City of Port St. Lucie will use good faith efforts to enter into an appropriate interlocal agreement with the St. Lucie County School District pursuant to which the City of Port St. Lucie will convey the school sites described in subparagraphs (a) and (b) above to the St. Lucie County School District as and when needed by the St. Lucie County School District.~~

Police and Fire Protection

EXHIBIT "B"

52 ~~50.~~ No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has received a statement from the City of Port St. Lucie Police Department indicating that adequate facilities and police protection are in place to serve the development parcel. The methodology used to determine the demand created as a result of the project and the standards used to determine adequate police protection shall be approved by the City of Port St. Lucie Police Department.

53 ~~51.~~ ~~No residential subdivision plat shall be recorded nor final site plan approved for any development parcel after July 1, 2007 until t~~ The Developer has entered into a mutually agreed upon Developers Agreement with the St. Lucie County Fire District dated November 15, 2006 for improvements necessary to provide Fire and Emergency Medical Services to the project. ~~The methodology used to determine the demand created as a result of the project and the standards used to determine adequate fire rescue services shall be approved by the St. Lucie County Fire District.~~

Hurricane Preparedness

54. ~~52.~~ The Developer shall construct one or more on-site buildings to provide a minimum 24,520 SF of hurricane evacuation shelter space for the residents of the Riverland/Kennedy Development of Regional Impact. As an alternative, the Developer may elect to make an equivalent payment to the City for the hurricane shelter space required by this condition and, upon making such payment, the Developer shall have satisfied this condition and shall bear no further responsibility or liability under it. If the space is constructed by the Developer on site, construction will commence before the start of hurricane season during the year that each phase is scheduled to end. If the Developer is to construct same, then a minimum of 5,247 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 1; a minimum of 16,551 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 2; and a minimum of 2,722 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 3. Emergency shelter requirements may be accomplished through providing a combination of safe spaces within home(s) and/or constructing community hurricane shelter spaces or dual use of a facility (including schools) constructed or retrofitted to State of Florida hurricane code within the development. The hurricane shelter mitigation techniques provided shall be approved by the City of Port St. Lucie and St. Lucie County Division of Emergency Management and be consistent with Chapter 9J-2.0256(5) (a), Florida Administrative Code and with Red Cross Standards 4496. If the Development Order is changed to allow an alternate number of residential units, then the numbers in this condition would change proportionately.

EXHIBIT "B"

55 53. The Port St. Lucie Comprehensive Plan does not require hurricane preparedness mitigation or contribution by the Developer. However, the Developer has previously made a voluntary contribution of \$150,000.00 to the City to enhance hurricane preparedness. This contribution provided sufficient funds to finance space for the City's Emergency Operations Center and adequate special needs public hurricane evacuation shelter space for residents of the project.

Parks and Recreation

56 54. ~~Prior to January 1, 2008 issuance of the first development permit, the Developer shall prepare a plan to be approved by the City of Port St. Lucie Parks and Recreation Department for the provision of neighborhood and community recreational sites and facilities to meet the demand created by residential development in the DRI Property. At a minimum, the plan shall 1) provide for the conveyance to the City, in accordance with the requirements of the Annexation Agreement, of 1401 acres of net usable area of public park sites (including the 50 acres of regional park described below), with no individual park site to be less than 10 acres; 2) show the locations of proposed park sites; 3) provide a schedule for conveyance of the public park sites, with all such park sites to be conveyed by no later than December 31, 2016; and 4) comply with a requirement of 5 acres of public parks per 1,000 population, consistent with the level of service required for parks and recreational facilities in the City of Port St. Lucie Comprehensive Plan at the time of the adoption of the original development order.~~ Neighborhood and community recreational facilities shall be available to serve projected demand in accordance with the plan approved by the City of Port St. Lucie Parks and Recreation Department. Nothing in this condition 56 54 shall require the Developer to construct or pay for recreational facilities on public park sites provided by the Developer pursuant to this condition or the Annexation Agreement.

~~On or before October 31, 2007 Prior to the issuance of the 6,001 building permit for the Riverland/Kennedy DRI Property, and subject to the Annexation Agreement, the Developer shall convey to the City 50 net usable acres for a regional park as required by the Annexation Agreement, in the general location shown on the Master Development Plan (Map H) attached to this Development Order as Exhibit "D".~~

The provision of public beach access and boat ramp facilities is a local issue which the City and St. Lucie County address through impact fees, taxes, grants, and other assessments. With those funding sources, the City and St. Lucie County can expand existing or construct new public beach access and boat ramp facilities which may be needed to accommodate the residential development approved by this Development Order.

EXHIBIT "B"

Historic and Archaeological Sites

~~57~~ 55. In the event of discovery of any archaeological artifacts during construction of the project, construction shall stop within a 30-foot radius/buffer and immediate notification shall be provided to the City of Port St. Lucie and the Division of Historical Resources, Florida Department of State. Construction may resume within the affected area after the City and the Division of Historical Resources have determined the appropriate mitigation pursuant to Rule 9J-2.043, F.A.C., if any are warranted, and such measures have been implemented by the Developer.

Energy

~~58~~ 56. The final site and building designs shall comply with Florida Thermal Efficiency Code Part VII, Chapter 553, Florida Statutes. Where practical, the project shall also incorporate measures identified in Council's energy plan guide entitled, Energy Planning in the Twenty-First Century: A Guide for Florida Communities, updated January 2003.



KEITH and SCHNARS, P.A.
FLORIDA'S *Big* LOCAL FIRM

MEMORANDUM

TO: Roxanne Chesser, P.E. (City of Port St. Lucie)

COPIES TO: Daniel Hoolbrook, Director of Planning and Zoning (City of Port St. Lucie)

FROM: Veronica Altuve, P.E. (Keith and Schnars, P.A.)

DATE: September 7, 2012

SUBJECT: Southwestern Annexation Area Internal Roadway Review
Project Number: 18017.01.09003

Keith and Schnars, P.A. was retained by the City of Port St. Lucie (City) to review the adequacy of the Southwestern Annexation Area (SWAA) internal roadway system and the proposed transportation development order (D.O.) conditions for Riverland/Kennedy Development of Regional Impact (DRI) as it relates to the internal roadway system.

Becker Road is a key east-west roadway providing the only connectivity to the entire southern area of the SWAA to I-95, Florida's Turnpike, and the eastern area of the City (via Port St. Lucie Boulevard). As such, the construction of the first two-lanes of Becker Road is essential for the SWAA developments to progress in concert with a roadway system that will provide adequate connectivity and capacity. If Becker Road is not constructed, the SWAA development intensities could not be supported because Community Boulevard and Discovery Way will provide the only access into and out of Riverland/Kennedy DRI; and Wilson Groves DRI will have no access to their site. Further, the existing roadway infrastructure along Community Boulevard, Discovery Way, Village Parkway, and Tradition Boulevard will be overburdened.

The proposed revisions to the Riverland/Kennedy D.O. did not include a traffic analysis to support the timing of their roadway construction for which they are responsible. In addition, the D.O. proposes to construct their Phase I roadway improvements at the completion of the development phase instead of the beginning of the phase. If the roadway infrastructure is not constructed when needed to support the Riverland/Kennedy DRI, their traffic may overburden the existing roadway system precluding the adjacent DRI's from the ability to develop. Therefore, the City has included in the Riverland/Kennedy D.O. the following safe measures to ensure the proper infrastructure is constructed:

- A monitoring program to ensure that the area roadway's level of service are not exceeded;
- A trip generation analysis be prepared and submitted by the Applicant prior to each site plan or residential subdivision plat approval; and
- Limiting the development program until the initial two-lanes of Becker Road between Village Parkway and Community Boulevard is let for construction.

ADDITIONAL INFORMATION

COUNCIL ITEM 11A
DATE 10-8-12



*Original - Clerk
10-8-12 - Council
10-8-12*

Kenneth L. Bednar
Direct Dial: 954-703-3900
Direct Fax: 954-703-3939
Kenneth.bednar@fowlerwhite.com

September 12, 2012

SEP 13 2012
SCMF Council
C.M.

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: Wilson Groves DRI – Proposed Amendment to Annexation Agreement and to
Wilson Groves 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 providing three documents to the City of Port St. Lucie that are responsive to the discussion of Monday evening September 10th regarding the Riverland Kennedy DRI draft development order conditions.

The first document is a proposed Seventh Amendment to the Annexation Agreement. The draft Amendment to the Annexation Agreement was provided to your staff several weeks ago. The purpose of the amendment is to cure the current default of all three DRIs in the Southwest Annexation Area by replacing existing provisions relating to the construction of Becker Road with a new provision that requires commencement of the Becker Road construction no later than January, 2018, or later if agreed to by all parties to the Annexation Agreement. The amended provisions are consistent with the Southern Groves DRI Amended Development Order (“DO”) issued earlier this year, and with the draft conditions in the Riverland Kennedy DO that was before the Council for consideration Monday evening September 10th.

The second document is another version of a proposed Seventh Amendment to the Annexation Agreement. The only difference in the two documents is that the first one includes the City among the parties that must agree to an extension of the Becker Road responsibilities beyond 2018, and the second version only requires the agreement of the three DRI developers for

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an extension to become effective. We understand that Riverland Kennedy will not agree to the first version that includes the City in the required agreement to extend the date for construction of Becker Road. Either of the versions is fine with Wilson Groves.

The third document is a proposed amendment to the Wilson Groves DRI Development Order that clarifies the assignment of roadway responsibilities in a manner consistent with the City's allocation of lane-mile responsibilities and also consistent with the recent agreement of the developer parties (but for which Riverland Kennedy has rescinded its agreement). The proposed changes directly address the issues raised in the City Manager's memo dated September 7, 2012, that there must be a "corresponding amendment to the Wilson Grove developer order." Here is the corresponding amendment; please adopt it. We have requested expedited handling of the amendment from your staff and the Department of Economic Opportunity. We request that this amendment be adopted at the same time that you consider the amendment to the Riverland Kennedy DO so that the City and Riverland Kennedy can be assured that it will not "get stuck with an extra two lanes of Becker Road."

It is imperative that this amendment to the Annexation Agreement be adopted before the Council amends the Riverland Kennedy DRI Development Order. The City will have no ability to require such an amendment after the Riverland Kennedy DO amendment is issued. Adoption of either of the proffered versions for such an amendment will have three beneficial effects: it will (1) cure the existing default of all three developers, (2) will avoid issuance of the Riverland Kennedy development order in conflict with the Annexation Agreement, and (3) will activate the language contained in the current draft of the Riverland Kennedy DO conditions regarding the timing of the Becker Road improvements. In addition, and this is not a small consideration, a fourth benefit is that an amendment of the Annexation Agreement will resolve what has been a distracting, expensive, time-consuming disagreement between the developers, and will let all of the parties and the City focus on issues of more immediate concern.

There is nothing that constrains the Council from taking up an amendment to the Annexation Agreement on its next agenda, and there are many reasons, as noted above, for it to do so. If it is possible within the DRI procedural requirements for the Wilson Groves DO amendments to be taken up on the same agenda, we would be pleased for that to occur. As an alternative, in the event procedural requirements would not allow us to proceed on that timeframe, we would gladly enter into a separate agreement to amend the Wilson Groves DO in a manner that is consistent with the lane-mile allocation, the previous agreement of the developer parties, and the attached draft DO conditions. Of course, another alternative that is viable, given the lack of development pressure applicable to the Riverland Kennedy and Wilson Groves DRIs (since neither of them even has their zoning yet), that the entire group of decisions can be delayed until the timing of the approvals can be aligned.

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We look forward to working with the City toward a reasonable solution to this vexing issue. We believe the solution contained in this correspondence will work for everyone.

Very truly yours,

FOWLER WHITE BOGGS P.A.



Kenneth Bednar

Attachment

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
Glenn Ryals, GL Homes
Wesley S. McCurry, Fishkind & Associates

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SEVENTH AMENDMENT TO ANNEXATION AGREEMENT

(AMENDING OBLIGATIONS OF ALL PARTIES)

THIS SEVENTH AMENDMENT TO ANNEXATION AGREEMENT (the "Amendment") is made and entered into this _____ day of _____, 2012 by and between the City of Port St. Lucie, a Florida municipal corporation ("the City"), and Horizon Acquisition 5, LLC, a Florida limited liability company ("Southern Grove"), Riverland/Kennedy LLP, a Florida limited liability partnership ("Riverland"), and ACR Acquisition LLC, a Florida limited liability company ("Wilson Groves"). Southern Grove, Riverland, and Wilson Groves are sometimes referred to herein individually as a "Developer" and collectively as the "Developers."

WITNESSETH:

WHEREAS, Horizons Acquisition 5, LLC, Horizons Acquisition 2, LLC, St. Lucie Associates II, LLLP, St. Lucie Associates III, LLLP, ACR Properties, LLC, and the City of Port St. Lucie originally entered into and executed that certain Annexation Agreement approved by the City Council on July 19, 2004 ("Original Agreement"), which was amended by that certain First Amendment to Annexation Agreement dated May 16, 2005, further amended by that certain Second Amendment to Annexation Agreement approved by the City Council on July 25, 2005, further amended by that certain Third Amendment to Annexation Agreement approved by the City Council on November 16, 2009, further amended by that certain Fourth Amendment to Annexation Agreement approved by the City Council on November 16, 2009, further amended by that certain Fifth Amendment to Annexation Agreement approved by the City Council on December 28, 2009, and further amended by that

certain Sixth Amendment to Annexation Agreement approved by the City Council on April 8, 2010 (as amended, the "Agreement"); and

WHEREAS, Horizon Acquisition 5, LLC is the owner of the Southern Grove Development of Regional Impact ("Southern Grove DRI"); and

WHEREAS, prior to the date hereof, Horizons Acquisition 2, LLC sold the property owned by it subject to the Original Agreement to Minto Kennedy Groves, Inc (:Minto"), St. Lucie Associates II, LLLP thereafter merged into St. Lucie Associates III, LLP, and St. Lucie Associates III thereafter merged into St. Lucie Associates IV, LLP, St. Lucie Associates IV, LLP and Minto thereafter formed and are partners in Riverland/Kennedy LLP and are the owners of the Riverland/Kennedy Development of Regional Impact ("Riverland/Kennedy DRI"); and

WHEREAS, prior to the date hereof ACR Properties, LLC sold the property owned by it subject to the Original Agreement to ACR Acquisition, LLC, which is the owner of the Wilson Groves Development of Regional Impact ("Wilson Groves DRI"); and

WHEREAS, as of the date hereof, Southern Groves is the owner of that certain 3,156 acres of real property, more or less, more particularly described in Exhibit "A" attached hereto less any portion thereof conveyed to a governmental authority or a third party (the "Southern Groves Property"), which real property has been annexed into the City, is subject to this Agreement, and is subject to that certain Development of Regional Impact development order issued by the City (the "Southern Groves Development Order"), Resolution 06-R90, approved on September 25, 2006, as amended by Resolution 07-R62, approved on August 13, 2007, and as further amended by Resolution 12-R34, approved on April 9, 2012; and

WHEREAS, as of the date hereof, Riverland is the owner of that certain 3,845 acres of

real property, more or less, more particularly described in Exhibit "B" attached hereto less any portion thereof conveyed to a governmental authority or a third party (the "Riverland Property"), which real property has been annexed into the City, is subject to this Agreement, and is subject to that certain Development of Regional Impact development order issued by the City (the "Riverland/Kennedy Development Order"), Resolution 06-R78, approved on September 25, 2006, as amended by Resolution No. 07-R70, approved on August 27, 2007, and as further amended by Resolution 12-R69, approved on _____; and

WHEREAS, as of the date hereof, Wilson Groves is the owner of that certain 2,451 acres of real property, more or less, more particularly described in Exhibit "C" attached hereto less any portion thereof conveyed to a governmental authority (the "Wilson Groves Property"), which real property has been annexed into the City, is subject to the Agreement, and is subject to that certain Development of Regional Impact development order issued by the City (the "Wilson Groves Development Order"), Resolution 06-R104, approved on October 23, 2006, as amended by Resolution 08-R136 approved on October 27, 2008, and as further amended by Resolution 11-R01 approved on January 24, 2011 ; and

WHEREAS, the Parties seek to update the Agreement to conform it to certain representations and understandings of the Parties as to transportation mitigation requirements included within the Southern Groves Development Order, the Riverland/Kennedy Development Order and the Wilson Groves Development Order, as amended, and desire to amend, modify and restate certain terms and provisions of the Original Agreement as amended, in the manner hereinafter provided.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and

sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, do hereby amend, modify and restate the Agreement as follows:

1. The foregoing recitations are true and correct and are hereby incorporated herein by this reference, and all exhibits to this Amendment are hereby incorporated herein and made a part hereof by this reference. Any capitalized term used but not defined in this Amendment shall have the meaning given to such term in the Agreement.

2. Paragraph 4(e), as it appeared in the Original Agreement and as it was amended by and referenced in Paragraph 5 of the Fourth Amendment to the Agreement, is hereby deleted in its entirety.

3. Paragraph 13 of the Fourth Amendment to the Agreement is hereby deleted in its entirety.

4. Paragraph 11 of the Fifth Amendment to the Agreement is hereby deleted in its entirety.

5. Paragraph 5(e) of the Original Agreement is hereby deleted and replaced in its entirety with the following:

5. (e) (i) The engineering, design and permitting of the initial two lanes of Becker Road from Village Parkway to Community Boulevard shall be commenced by Southern Grove not later than January 2015. Construction of this two-lane segment shall be commenced not later than January 2018 and shall be completed and open to the public within 18 months. The dates for engineering, design and permitting and for construction may be extended by the agreement of all parties to the Annexation Agreement, as amended.

(ii) The engineering, design and permitting of the initial two lanes of Becker

Road from Community Boulevard to N/S B shall be commenced by Riverland not later than January 2015. Construction of this two-lane segment shall be commenced not later than January 2018, and shall be completed and open to the public within 18 months. The dates for engineering, design and permitting and for construction may be extended by the agreement of all parties to the Annexation Agreement, as amended.

(iii) The engineering, design and permitting of the initial two lanes of Becker Road from N/S B to Rangeline Road shall be commenced by Wilson Groves not later than January 2015. Construction of this two-lane segment shall be commenced not later than January 2018, and shall be completed and open to the public within 18 months. The dates for engineering, design and permitting and for construction may be extended by the agreement of all parties to the Annexation Agreement, as amended.

(iv) In the event that any Developer ("Defaulting Developer") fails to timely perform under the requirements of this subparagraph 5(e), and such failure is not cured within thirty (30) days of written demand by the City or another Developer, then any other Developer or Developers ("Curing Developer(s)") shall have the right but not the obligation to fulfill the Defaulting Developer's obligation, and shall be entitled to recover from the Defaulting Developer all reasonable costs incurred in curing such breach together with interest thereon at the rate of eighteen per cent (18%) per annum from the date advanced by such party until paid, together with all costs of collection, including but not limited to attorneys' fees and costs through all trial and appellate levels, which are hereinafter

collectively referred to as "Cure Costs" and the Defaulting Developer shall reimburse the Curing Developer(s) upon demand for such Cure Costs. Upon such reimbursement, such Defaulting Developer will again be entitled to obtain development review and approvals, including but not limited to, building permits. The Defaulting Developer, in such event, shall be excluded from the vesting benefits of the Original Agreement, as amended, for so long as that Defaulting Developer is in default unless and until the Cure Costs are reimbursed or such default is cured by the Defaulting Developer.

7. Miscellaneous.

(a) If any provisions of this Amendment are held to be invalid, void or unenforceable, the remaining provisions of this Amendment shall not be affected or impaired and each remaining provision shall remain in full force and effect. In the event that any term or provision of this Amendment is determined by appropriate judicial authorities to be illegal void or otherwise invalid, said provision shall be given its nearest legal meaning or be construed as deleted as such authority determines and the remainder of this Amendment shall be construed to be in full force and effect.

(b) This Amendment may be executed in any number of identical counterparts. If so executed, each of such counterparts is to be deemed an original for all purposes and all such counterparts shall, collectively, constitute one agreement, but, in making proof of this Amendment, it shall not be necessary to produce or account for more of such counterparts than are required to show that each party hereto executed at least one such counterpart.

(c) The City shall record this Amendment with the Clerk of the Circuit Court

for St. Lucie County within 14 days after the City executes the same.

(d) In the event there is any conflict between any terms or provision in the Original Agreement or any previous amendment thereto and any term or provision of this Amendment, the terms and provisions of this Amendment shall control. The Original Agreement, except as amended and modified by this Amendment, remains in full force and effect.

(e) This Amendment shall become effective upon the approval by the City (the "Effective Date").

[signatures and notary acknowledgements follow on next page]

IN WITNESS WHEREOF, the Parties have executed this Seventh Amendment as of the day and year first above written.

CITY OF PORT ST. LUCIE, a Florida Municipal corporation

ATTEST:

By: _____
Name: _____
Title: _____

_____, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

_____, City Attorney

[signatures and notary acknowledgments continue on next page]

IN WHEREOF, the Parties have executed this Seventh Amendment as of the day and year first written.

WITNESSES:

ACR Acquisition, LLC,
A Florida limited liability company

Print Name: _____

By: _____
Name: _____
Title: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by _____ as the Manager of ACR Acquisition, LLC, a Florida limited liability company, on behalf of said company and partnership. He/She is personally known to me or has produced _____ as identification.

Notary Public

Typed, Printed or Stamped Name

My Commission Expires: _____

EXHIBIT "C"

DESCRIPTION:

THE ALAN WILSON GROVE PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 50, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LESS THE WEST 5.00 FEET THEREOF,

TOGETHER WITH:

THE EAST ONE-HALF OF SECTIONS 30 AND 31, TOWNSHIP 37 SOUTH, RANGE 39 EAST, LESS THE EAST 200.00 FEET THEREOF.

SAID LANDS SITUATE IN ST. LUCIE COUNTY, FLORIDA.
CONTAINING 106,773.334 SQUARE FEET OR 2451.179 ACRES, MORE OR LESS,
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS
AND RIGHTS-OF-WAY OF RECORD.

SEVENTH AMENDMENT TO ANNEXATION AGREEMENT

(AMENDING OBLIGATIONS OF ALL PARTIES)

THIS SEVENTH AMENDMENT TO ANNEXATION AGREEMENT (the "Amendment") is made and entered into this _____ day of _____, 2012 by and between the City of Port St. Lucie, a Florida municipal corporation ("the City"), and Horizon Acquisition 5, LLC, a Florida limited liability company ("Southern Grove"), Riverland/Kennedy LLP, a Florida limited liability partnership ("Riverland"), and ACR Acquisition LLC, a Florida limited liability company ("Wilson Groves"). Southern Grove, Riverland, and Wilson Groves are sometimes referred to herein individually as a "Developer" and collectively as the "Developers."

WITNESSETH:

WHEREAS, Horizons Acquisition 5, LLC, Horizons Acquisition 2, LLC, St. Lucie Associates II, LLLP, St. Lucie Associates III, LLLP, ACR Properties, LLC, and the City of Port St. Lucie originally entered into and executed that certain Annexation Agreement approved by the City Council on July 19, 2004 ("Original Agreement"), which was amended by that certain First Amendment to Annexation Agreement dated May 16, 2005, further amended by that certain Second Amendment to Annexation Agreement approved by the City Council on July 25, 2005, further amended by that certain Third Amendment to Annexation Agreement approved by the City Council on November 16, 2009, further amended by that certain Fourth Amendment to Annexation Agreement approved by the City Council on November 16, 2009, further amended by that certain Fifth Amendment to Annexation Agreement approved by the City Council on December

28, 2009, and further amended by that certain Sixth Amendment to Annexation Agreement approved by the City Council on April 8, 2010 (as amended, the "Agreement"); and

WHEREAS, Horizon Acquisition 5, LLC is the owner of the Southern Grove Development of Regional Impact ("Southern Grove DRI"); and

WHEREAS, prior to the date hereof, Horizons Acquisition 2, LLC sold the property owned by it subject to the Original Agreement to Minto Kennedy Groves, Inc (:Minto"), St. Lucie Associates II, LLLP thereafter merged into St. Lucie Associates III, LLP, and St. Lucie Associates III thereafter merged into St. Lucie Associates IV, LLP, St. Lucie Associates IV, LLP and Minto thereafter formed and are partners in Riverland/Kennedy LLP and are the owners of the Riverland/Kennedy Development of Regional Impact ("Riverland/Kennedy DRI"); and

WHEREAS, prior to the date hereof ACR Properties, LLC sold the property owned by it subject to the Original Agreement to ACR Acquisition, LLC, which is the owner of the Wilson Groves Development of Regional Impact ("Wilson Groves DRI"); and

WHEREAS, as of the date hereof, Southern Groves is the owner of that certain 3,156 acres of real property, more or less, more particularly described in Exhibit "A" attached hereto less any portion thereof conveyed to a governmental authority or a third party (the "Southern Groves Property"), which real property has been annexed into the City, is subject to this Agreement, and is subject to that certain Development of Regional Impact development order issued by the City (the "Southern Groves Development Order"), Resolution 06-R90, approved on September 25, 2006, as

amended by Resolution 07-R62, approved on August 13, 2007, and as further amended by Resolution 12-R34, approved on April 9, 2012; and

WHEREAS, as of the date hereof, Riverland is the owner of that certain 3,845 acres of real property, more or less, more particularly described in Exhibit "B" attached hereto less any portion thereof conveyed to a governmental authority or a third party (the "Riverland Property"), which real property has been annexed into the City, is subject to this Agreement, and is subject to that certain Development of Regional Impact development order issued by the City (the "Riverland/Kennedy Development Order"), Resolution 06-R78, approved on September 25, 2006, as amended by Resolution No. 07-R70, approved on August 27, 2007, and as further amended by Resolution 12-R69, approved on _____; and

WHEREAS, as of the date hereof, Wilson Groves is the owner of that certain 2,451 acres of real property, more or less, more particularly described in Exhibit "C" attached hereto less any portion thereof conveyed to a governmental authority (the "Wilson Groves Property"), which real property has been annexed into the City, is subject to the Agreement, and is subject to that certain Development of Regional Impact development order issued by the City (the "Wilson Groves Development Order"), Resolution 06-R104, approved on October 23, 2006, as amended by Resolution 08-R136 approved on October 27, 2008, and as further amended by Resolution 11-R01 approved on January 24, 2011 ; and

WHEREAS, the Parties seek to update the Agreement to conform it to certain representations and understandings of the Parties as to transportation mitigation requirements included within the Southern Groves Development Order, the

Riverland/Kennedy Development Order and the Wilson Groves Development Order, as amended, and desire to amend, modify and restate certain terms and provisions of the Original Agreement as amended, in the manner hereinafter provided.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, do hereby amend, modify and restate the Agreement as follows:

1. The foregoing recitations are true and correct and are hereby incorporated herein by this reference, and all exhibits to this Amendment are hereby incorporated herein and made a part hereof by this reference. Any capitalized term used but not defined in this Amendment shall have the meaning given to such term in the Agreement.

2. Paragraph 4(e), as it appeared in the Original Agreement and as it was amended by and referenced in Paragraph 5 of the Fourth Amendment to the Agreement, is hereby deleted in its entirety.

3. Paragraph 13 of the Fourth Amendment to the Agreement is hereby deleted in its entirety.

4. Paragraph 11 of the Fifth Amendment to the Agreement is hereby deleted in its entirety.

5. Paragraph 5(e) of the Original Agreement is hereby deleted and replaced in its entirety with the following:

5. (e) (i) The engineering, design and permitting of the initial two lanes of Becker Road from Village Parkway to Community Boulevard shall be commenced by

Southern Grove not later than January 2015. Construction of this two-lane segment shall be commenced not later than January 2018 and shall be completed and open to the public within 18 months. The dates for engineering, design and permitting and for construction may be extended by the agreement of Southern Grove, Riverland, and Wilson Groves.

(ii) The engineering, design and permitting of the initial two lanes of Becker Road from Community Boulevard to N/S B shall be commenced by Riverland not later than January 2015. Construction of this two-lane segment shall be commenced not later than January 2018, and shall be completed and open to the public within 18 months. The dates for engineering, design and permitting and for construction may be extended by the agreement of Southern Grove, Riverland, and Wilson Groves.

(iii) The engineering, design and permitting of the initial two lanes of Becker Road from N/S B to Rangeline Road shall be commenced by Wilson Groves not later than January 2015. Construction of this two-lane segment shall be commenced not later than January 2018, and shall be completed and open to the public within 18 months. The dates for engineering, design and permitting and for construction may be extended by the agreement of Southern Grove, Riverland, and Wilson Groves.

(iv) In the event that any Developer ("Defaulting Developer") fails to timely perform under the requirements of this subparagraph 5(e), and such failure is not cured within thirty (30) days of written demand by the City or another Developer, then any other Developer or Developers ("Curing Developer(s)") shall have the right but not the obligation to fulfill the Defaulting Developer's obligation, and shall be entitled to recover from the Defaulting Developer all reasonable costs incurred in curing such breach

together with interest thereon at the rate of eighteen per cent (18%) per annum from the date advanced by such party until paid, together with all costs of collection, including but not limited to attorneys' fees and costs through all trial and appellate levels, which are hereinafter collectively referred to as "Cure Costs" and the Defaulting Developer shall reimburse the Curing Developer(s) upon demand for such Cure Costs. Upon such reimbursement, such Defaulting Developer will again be entitled to obtain development review and approvals, including but not limited to, building permits. The Defaulting Developer, in such event, shall be excluded from the vesting benefits of the Original Agreement, as amended, for so long as that Defaulting Developer is in default unless and until the Cure Costs are reimbursed or such default is cured by the Defaulting Developer.

7. Miscellaneous.

(a) If any provisions of this Amendment are held to be invalid, void or unenforceable, the remaining provisions of this Amendment shall not be affected or impaired and each remaining provision shall remain in full force and effect. In the event that any term or provision of this Amendment is determined by appropriate judicial authorities to be illegal void or otherwise invalid, said provision shall be given its nearest legal meaning or be construed as deleted as such authority determines and the remainder of this Amendment shall be construed to be in full force and effect.

(b) This Amendment may be executed in any number of identical counterparts. If so executed, each of such counterparts is to be deemed an original for all purposes and all such counterparts shall, collectively, constitute one agreement, but, in making proof of this Amendment, it shall not be necessary to produce or account for

more of such counterparts than are required to show that each party hereto executed at least one such counterpart.

(c) The City shall record this Amendment with the Clerk of the Circuit Court for St. Lucie County within 14 days after the City executes the same.

(d) In the event there is any conflict between any terms or provision in the Original Agreement or any previous amendment thereto and any term or provision of this Amendment, the terms and provisions of this Amendment shall control. The Original Agreement, except as amended and modified by this Amendment, remains in full force and effect.

(e) This Amendment shall become effective upon the approval by the City (the "Effective Date").

[signatures and notary acknowledgements follow on next page]

IN WITNESS WHEREOF, the Parties have executed this Seventh Amendment as of the day and year first above written.

CITY OF PORT ST. LUCIE, a Florida Municipal corporation

ATTEST:

_____, City Clerk

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM AND CORRECTNESS:

_____, City Attorney

[signatures and notary acknowledgments continue on next page]

IN WHEREOF, the Parties have executed this Seventh Amendment as of the day and year first written.

WITNESSES:

ACR Acquisition, LLC,
A Florida limited liability company

Print Name: _____

By: _____
Name: _____
Title: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by _____ as the Manager of ACR Acquisition, LLC, a Florida limited liability company, on behalf of said company and partnership. He/She is personally known to me or has produced _____ as identification.

Notary Public

Typed, Printed or Stamped Name

My Commission Expires: _____

EXHIBIT "C"

DESCRIPTION:

THE ALAN WILSON GROVE PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 50, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LESS THE WEST 5.00 FEET THEREOF,

TOGETHER WITH:

THE EAST ONE-HALF OF SECTIONS 30 AND 31, TOWNSHIP 37 SOUTH, RANGE 39 EAST, LESS THE EAST 200.00 FEET THEREOF.

SAID LANDS SITUATE IN ST. LUCIE COUNTY, FLORIDA.
CONTAINING 106,773.334 SQUARE FEET OR 2451.179 ACRES, MORE OR LESS,
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND
RIGHTS-OF-WAY OF RECORD.

RESOLUTION ~~1112-R01~~

EXHIBIT "B"

CONDITIONS OF APPROVAL

Application for Development Approval

1. The Wilson Groves Development of Regional Impact Application for Development Approval is incorporated herein by reference. It is relied upon, but not to the exclusion of other available information, by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval, as modified by Development Order conditions, is a condition for approval.

For purposes of this Development Order, the Application for Development Approval ("ADA") shall include the following items:

- a. Application for Development Approval dated September 13, 2005;
- b. Supplemental information dated March 3, 2006; July 14, 2006; and August 2, 2006;
- c. Western Annexation Traffic Study ("WATS") Final Report dated January 2006; and
- d. Annexation Agreement dated July 19, 2004, and revised May 16, 2005, July 11, 2005, and November 16, 2009, except to the extent that any term of the Annexation Agreement is subsequently amended by the parties thereto ("Annexation Agreement").

Commencement and Process of Development

- ~~2. In the event the Developer fails to commence significant physical development within three years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further Development of Regional Impact review by the Treasure Coast Regional Planning Council, Florida Department of Community Affairs, and City of Port St. Lucie pursuant to Section 380.06, Florida Statutes. However, this time period shall be tolled during the pendency of any appeal pursuant to Section 380.07, F.S. For the purpose of this paragraph, construction shall be deemed to have initiated after placement of permanent evidence of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation or land clearing, such as the construction of roadways or other utility infrastructure. The City of Port St. Lucie acknowledges that the commencement of significant physical development occurred within three years from the effective date of the Development Order.~~

RESOLUTION ~~1112-R01~~

EXHIBIT "B"

Phasing

3. A) The phasing of the Wilson Groves Development of Regional Impact is approved and the Developer is authorized to develop the DRI Property as follows:

Phase	Years	Residential ¹ (DU)	Retail (SF)	Office (SF)	Light Industrial (SF)	Institutional & Civic (SF)
1	2006-2013 2006-2019	2,200	210,000	136,125	136,125	0
2	2014-2018 2020-2024	4,096	120,000	470,375	408,375	50,638
3	2019-2023 2025-2029	1,404	260,000	488,375	408,375	175,436
4	2024-2028 2030-2034	0	175,000	488,375	408,375	156,798
Total	2006-2028 2006-2034	7,700	765,000	1,583,250	1,361,250	382,872

1. Residential units consist of 5,775 single family units and 1,925 multi-family units.

The development of a use in any phase may commence prior to completion of development in the preceding phase so long as all specific conditions for mitigation of transportation impacts are implemented according to the schedule in this Development Order, as it may be modified from time to time, and all other conditions of this Development Order are satisfied.

In addition to those uses described above, the Developer is authorized to develop ancillary and support uses including but not limited to adult congregate living facilities, wireless communication and cable television towers, digital network facilities, civic buildings, community centers, irrigation treatment plant and pumping facilities, libraries, places of worship, public service facilities, recreational facilities and schools as permitted within the New Community Development District.

- B) In order to accommodate changing market demands, at the Developer's request in an application for a specific development permit, and without the Developer filing a notification of proposed change pursuant to section 380.06(19), F.S., the City may increase or decrease the amount of an approved land use by applying the Equivalency Matrix attached to this Developer Order as Exhibit "C", which is incorporated into this Development Order by this reference. The use of the Equivalency Matrix ~~shall~~ does not allow impacts to water, wastewater, solid waste, transportation or affordable housing to exceed the aggregate impacts projected in the ADA. In addition, to ensure the basic character of the Wilson Groves DRI project is not altered, no land use be increased by an amount which exceeds the numeric criteria in section 380.06(19)(b), F.S., ~~and the aggregate amount of non-residential uses within the DRI~~

RESOLUTION ~~1112-R01~~

EXHIBIT "B"

~~Property may not be reduced below the minimum established for the DRI Property by the Annexation Agreement.~~ The mix of land uses shall be consistent with that allowed in the Port St. Lucie Comprehensive Plan. The Developer shall report, in each biennial report required by this Development Order, use of the Equivalency Matrix in Exhibit "C" to increase the amount of one approved land use with a concurrent reduction in one or more other approved land uses.

Buildout Date

4. The Wilson Groves Development of Regional Impact shall have a buildout date of December 31, ~~2028~~ 2034, unless otherwise amended pursuant to the conditions of this Development Order and Section 380.06, Florida Statutes.

Expiration and Termination Date

5. This Development Order shall expire and terminate on December 31, ~~2035~~ 2041, unless extended as provided in Section 380.06(19)(c), Florida Statutes.

Biennial Report

6. The biennial report required by subsection 380.06(18), Florida Statutes, shall be submitted every two years until the expiration of this Development Order on the anniversary date of the adoption of the Development Order to the City of Port St. Lucie, Treasure Coast Regional Planning Council, ~~Florida Department Community Affairs~~ State Land Planning Agency, and such additional parties as may be appropriate or required by law. The contents of the report shall include those items required by this Development Order and Rule 9J-2.025(7), Florida Administrative Code. The City of Port St. Lucie Planning and Zoning Director shall be the local official assigned the responsibility for monitoring the development and enforcing the terms of the Development Order. Notice of transfer of all or portions of the DRI Property shall be filed with the City of Port St. Lucie and included in the biennial report.

General Provisions

7. Any modifications or deviation from the approved plans or requirements of this Development Order shall be made according to and processed in compliance with the requirements of Section 380.06(19), Florida Statutes and Rule 9J-2, Florida Administrative Code.
8. The definitions found in Chapter 380, Florida Statutes shall apply to this Development Order.
9. Reference herein to any governmental agency shall be construed to mean any future instrumentality that may be created or designated as a successor in interest to, or

RESOLUTION ~~H12-R01~~

EXHIBIT "B"

which otherwise possesses the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.

10. This Development Order shall be binding upon the Developer and its assignees or successors in interest.

REGIONAL PLANNING

Master Development Plan

11. Prior to final approval of any zoning application in the Wilson Groves Development of Regional Impact, the City will require the Developer to prepare a conceptual master plan to provide long-term guidance and direction for the project by showing the general location of all residential and non-residential land uses, arterial and collector roads, arterial and collector potable water, wastewater and reclaimed water infrastructure, stormwater facilities, school sites, civic and institutional sites, other major facilities, major access points and multi-use trails and greenways. The conceptual master plan shall demonstrate consistency with the NCD (New Community Development) land use category. The conceptual master plan shall be consistent with the Master Development Plan (Map H) attached to this Development Order as Exhibit "D" but shall not be adopted as an amendment to this Development Order. The conceptual master plan shall be presented to the City's Planning and Zoning Board and the City Council for consideration and approval; provided, however, that notwithstanding the foregoing, the conceptual master plan shall only be a generalized reference tool which is not regulatory but rather a planning reference to provide long range guidance related to those lands being considered for development approval. The conceptual master plan shall be revised by the Developer from time to time as needed to show approved and proposed development, and the City and the Developer shall agree on the mutually acceptable process for doing so.

Greenway

12. Consistent with the City's local comprehensive plan and the Annexation Agreement, the project shall include a continuous, multi-purpose greenway along Range Line Road with an average width of 50 feet and a minimum width of 30 feet, from Range Line Road's eastern right-of-way boundary. The greenway shall be provided in each development parcel within the DRI Property which is adjacent to Range Line Road as a condition of the recording of a residential subdivision plat or final site plan approval for each such development parcel. An appropriate easement shall be placed upon this greenway in perpetuity. The easement shall allow (a) road crossings and pedestrian access; (b) sites for receiving and disposing of irrigation-quality effluent; and (c) landscaping and irrigation. In addition, within the greenway and adjacent to Range Line Road, the Developer shall grant the City a 30-foot perpetual non-exclusive utility easement; provided, however, such utility easement shall allow for (a) landscaping and irrigation, including with reclaimed water; (b) road crossings and pedestrian access; and (c) similar surface uses, with the City's written authorization,

RESOLUTION ~~11-12-R01~~

EXHIBIT "B"

which will not interfere with efficient operation of the City's utilities or unduly hinder maintenance. Any landscaping or irrigation system within the utility easement shall be approved by the City's Utilities Systems Department prior to planting or constructing same.

TRANSPORTATION

Rights of Way

13. Wilson Groves has dedicated the following road rights-of-way within the project to the City: Becker Road (150 feet), Paar Drive (150 feet), E/W 3 (150 feet), N/S A (150 feet), N/S AB (100 feet) and N/S B (30 feet). As part of this development order, N/S AB will be eliminated and N/S B will be widened to a 150-foot corridor. The adjacent DRI, Riverland Kennedy, has dedicated 30 feet of the N/S B road right-of-way to the City. In order to provide the total corridor width, Wilson Groves shall dedicate an additional 90 feet along the western limits of N/S B. No building permits for Wilson Groves Development of Regional Impact shall be issued the dedication of the 90 foot road right-of-way along the existing right-of-way for N/S B and all intersections thereof, has been dedicated free and clear of all liens and material encumbrances to the City of Port St. Lucie with a reservation unto the developer or community development district, for purpose of constructing and thereafter maintaining roads and other improvements, until acceptance by the City of Port St. Lucie, subject to the requirements of the Annexation Agreement. After Wilson Groves dedicates the needed right-of-way for the widening of N/S B, the City will return the previously dedicated 100-foot right-of-way for N/S AB to Wilson Groves. Should the adjacent DRI to the east, Riverland/Kennedy, submit a request to revise their DRI to the City prior to the construction of N/S B between Becker Road and Paar Drive, the City will negotiate to obtain 45 feet of right-of-way for N/S B from Riverland/Kennedy, and if successful, the City will return 45 feet of the right-of-way for N/S B to Wilson Groves.
14. In addition to the aforementioned roadway networks, the Developer shall further enhance the transportation network by providing a system which shall include but not be limited to public collector roads. The roads identified herein shall not include internal networks for gated communities.

Monitoring

15. A) At any time, the Developer may undertake monitoring to ascertain the level of service on facilities where Wilson Groves Development of Regional Impact has significant impact (project is estimated to contribute an amount of traffic equal to or greater than 5% of the maximum service volume under the adopted level of service standard) in order to determine whether the date or trip threshold by which a transportation improvement required by this Development Order may be extended. If the monitoring demonstrates that the facility or facilities will operate at the adopted level of service standard without the improvement at the date or trip

RESOLUTION ~~1112-R01~~

EXHIBIT "B"

threshold by which this Development Order would otherwise require such improvement, then ~~notwithstanding any other provision of this Development Order~~ the date by which such improvement is required shall be extended on terms approved pursuant to the procedure in Condition 16, however, the Developer may not delay construction of the initial two lanes of any required improvement in Table 1 beyond the thresholds established therein unless the City and the developers of all four Developments of Regional Impact which were a party to the Western Area Traffic Study agree in writing to such a delay. The methodology of the monitoring shall be agreed upon by the City of Port St. Lucie, Florida Department of Transportation, and Treasure Coast Regional Planning Council. In the event that a methodology cannot be agreed upon among all parties, the City of Port St. Lucie shall be the final arbiter. No new mitigation measures and/or modifications to the roadway network shall be required on account of such monitoring.

B) The City of Port St. Lucie may require the Developer to undertake monitoring to ascertain the level of service on transportation facilities within the DRI as specified in Table 1 ~~and/or Table 2~~ in order to determine whether date or trip threshold by which a transportation improvement required by this Development Order, should be accelerated. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the date or trip threshold by which this Development Order would otherwise require such improvement, then the date or trip threshold by which such improvement is required shall be accelerated on terms approved pursuant to the procedure in Condition 16. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the date or trip threshold by which this Development Order would otherwise require such improvement, then the date or trip threshold for such improvement shall be accelerated based on the results of such monitoring, provided that the accelerated schedule for the improvement shall allow 24 months for engineering, permitting and construction of the improvement. The methodology of the monitoring shall be agreed upon by the City of Port St. Lucie, Florida Department of Transportation, and Treasure Coast Regional Planning Council. In the event that a methodology cannot be agreed upon among all parties, the City of Port St. Lucie shall be the final arbiter. No new mitigation measures and/or modifications to the road network identified in Tables 1 ~~and 2~~ shall be required on account of such monitoring.

C) The Developer will coordinate with the SWAA DRIs regarding the results of the monitoring of the operational level of service conditions conducted by Southern Grove and any subsequent operational analysis along I-95 from south of Becker Road to north of Crosstown Parkway, at the Tradition Parkway/Gatlin Boulevard and I-95 interchange, and at the Becker Road and I-95 interchange. Should operational analyses indicate that the interstate or the subject interchanges are reaching or have reached the adopted level-of-service threshold, the Developer shall participate in collaborative discussions to identify possible solutions for a mitigation program to resolve the problem, which resolution, in principle, should be reflective of the impacts on the identified roadways/intersections created by the

RESOLUTION ~~1112~~-R01

EXHIBIT "B"

respective SWAA DRIs. The collaborative discussions shall include, but not be limited to, FDOT, the City of Port St. Lucie and the SWAA DRI developers. However, additional transportation mitigation beyond the required improvements listed in Table 1 in this development Order shall not be required of the Developer as a result of this collaboration.

16. In accordance with Section 380.06(15)(c)5, Florida Statutes, changes to roadway improvement conditions which are subject to the monitoring program outlined in Condition 15 shall not be subject to the substantial deviation determination/notice of proposed change process, unless otherwise required by the criteria listed in Section 380.06(b), Florida Statutes. Changes to roadway improvements conditions shall be transmitted for approval to the Florida Department of Transportation, Florida Department of Community Affairs State Land Planning Agency, and Treasure Coast Regional Planning Council. The agencies should complete the review within 90 days after submittal by the Developer.

17. A trip generation analysis shall be prepared by the applicant and approved by the City of Port St. Lucie prior to each site plan or residential subdivision plat approval. The net new external trip generation analysis shall present calculations for the p.m. peak hour and shall be performed using trip generation rates included in the Western Annexation Area Traffic Study (WATS) for the ITE land use categories outlined in Exhibit "E." latest available Institute of Transportation Engineers Trip Generation Report as well as land uses included in the application for development approval. The trip generation analysis shall be based on the land data included with each site plan and residential subdivision plat approval and account for~~include~~ internal capture and passer-by, if~~as~~ appropriate, to determine net trips generated by the development. The Biennial Report shall include a cumulative calculation of the trip generation for~~The trip generation shall be cumulative and include~~ all previous site plan approvals,~~and~~ residential subdivision plat approvals, and building permits. Development order conditions shall be evaluated using the trip generation analysis for building permits to determine triggering of any transportation conditions. The City may, at its discretion, require the developer to submit the cumulative trip generation analyses on an annual basis based on development activity within the DRI. An Excel spreadsheet file or other acceptable digital format shall be submitted by the developer with the cumulative trip generation analysis report.

Access Road Improvements

18. ~~[Deleted in its entirety.] No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold or residential units identified in Table 1, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 1 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; or 3) the improvement~~

RESOLUTION ~~1112-R01~~

EXHIBIT "B"

is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program of FDOT's adopted work program.

Table 1

Access Road Improvements

Road	From	To	Trip Threshold*	Residential Units	Required Improvement
Phase 1					
Becker Rd	Village Pkwy	N/S B	0	0	2L**
Becker Rd	Village Pkwy	Community Blvd	2,573	2,200	Widen from 2L to 4LD**
Secondary Emergency Access Road between Becker Rd at N/S B and Rangeline Road			0	0	Emergency Access Road
Becker Rd	N/S B	Range Line Rd	2,573	2,200	2L
Phase 2					
Becker Rd	N/S B	Range Line Rd	4,148	3,955	Widen to 4LD

*Wilson Groves Cumulative Total Net External DRI p.m. Peak Hour Trips

Internal Road Improvements

19. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold or residential units December 31 of the year identified in Table 21, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 21 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; or 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

Table 21

Internal Road Improvements

Road	From	To	Trip Threshold*	Residential Units Date	Required Improvement
Phase 1					
Secondary Emergency Access Road between Becker Rd at N/S B and Rangeline Road			0	0	Emergency Access Road
Becker Rd	N/S A	N/S B	(1)	(1)	2L
Becker Rd	N/S A	Rangeline Rd	(1)	(1)	2L
N/S A	Becker Rd	E/W 3 Paar Dr	2,573	2,200 2019	2L
E/W 3	Rangeline Rd	N/S A	2,573	2,200	2L
E/W 3	N/S A	N/S B	2,573	2,200	2L
Phase 2					

RESOLUTION ~~1112~~-R01

EXHIBIT "B"

<u>N/S A</u>	<u>E/W 3</u>	<u>Paar Dr</u>	<u>3,022</u>	2,700 2020	<u>2L</u>
<u>E/W 3</u>	<u>N/S A</u>	<u>N/S B</u>	<u>3,022</u>	2,700 2020	<u>2L</u>
<u>Becker Rd</u>	<u>N/S B</u>	<u>N/S A</u>	<u>3,492</u>	<u>2021</u>	<u>Widen to 4LD</u>
<u>Paar Dr</u>	<u>N/S A</u>	<u>N/S B</u>	4,152 <u>4,410</u>	3,960 <u>2022</u>	<u>2L</u>
<u>N/S B</u>	<u>Becker Rd</u>	E/W-3 <u>Paar Dr</u>	4,397 <u>4,410</u>	4,233 <u>2022</u>	<u>2L</u>
<u>N/S B</u>	<u>Paar Dr</u>	<u>E/W 3</u>	<u>4,410</u>	<u>2022</u>	<u>2L</u>
Phase 3					
<u>N/S A</u>	<u>Becker Rd</u>	E/W-3 <u>Paar Dr</u>	6,708 <u>7,449</u>	6,564 <u>2027</u>	<u>Widen to 4LD</u>
<u>N/S A</u>	<u>Paar Dr</u>	<u>E/W 3</u>	<u>7,449</u>	<u>2027</u>	<u>Widen to 4LD</u>
<u>Paar</u>	<u>N/S A</u>	<u>N/S B</u>	7,148 <u>7,449</u>	6,821 <u>2027</u>	<u>Widen to 4LD</u>
<u>Paar</u>	<u>Rangeline Rd</u>	<u>N/S A</u>	7,449 <u>8,650</u>	6,997 <u>2029</u>	<u>2L</u>
<u>Becker Rd</u>	<u>N/S A</u>	<u>Range Line Rd</u>	<u>8,650</u>	<u>2029</u>	<u>Widen to 4LD</u>
<u>E/W 3</u>	<u>Rangeline Rd</u>	<u>N/S A</u>	<u>8,650</u>	<u>2029</u>	<u>2L</u>
Phase 4					
<u>E/W 3</u>	<u>N/S A</u>	<u>N/S B</u>	<u>8,650</u>	<u>2030</u>	<u>Widen to 4LD</u>
<u>N/S B</u>	<u>Becker Rd</u>	<u>Paar Dr</u>	<u>8,650</u>	<u>2030</u>	<u>Widen to 4LD</u>
<u>N/S B</u>	<u>Paar Dr</u>	<u>E/W 3</u>	<u>8,650</u>	<u>2030</u>	<u>Widen to 4LD</u>

*Wilson Groves Cumulative Total Net External DRI p.m. Peak Hour Trips

(1) Becker Road is to be designed, engineered and permitted commencing not later than January 2015 and must commence construction not later than January 2018 and shall be completed and open to the public within 18 months from the date of commencement, unless extended by agreement per the Annexation Agreement, as amended.

L=Lane D = Divided

External Road Improvements – West of I-95

20. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the total net external p.m. peak hour trips indicated in Table 32 or after December 31 of the indicated year in Table 32, whichever comes last, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City’s adopted Capital Improvements Program or FDOT’s adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence

RESOLUTION ~~1112-R01~~

EXHIBIT “B”

shall be provided to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the following roadways as shown in Table 32:

Table 32

External Roadway Improvements – West of I-95

Year	*Trip Threshold	Road	From	To	Required Improvement	Status
2010	7,449	Tradition Pkwy	Village Pkwy	I-95	6L D	Satisfied
2010	8,650	Village Pkwy	Tradition Pkwy)	Crosstown Pkwy	4 L D	Satisfied
2010	8,650	Tradition Pkwy	Community Blvd.	Village Pkwy	4L D	Satisfied
2010	8,650	Community Blvd.	Tradition Pkwy	Westcliffe Lane	2L	Satisfied
2010 2019	8,650	Westcliffe Lane	N/S A	Village Pkwy	2L	
2014 2023	8,650	Crosstown Pkwy	N/S A	Village Pkwy	4L D	
2014 2023	8,650	Crosstown Pkwy	Village Pkwy	Commerce Center Dr	Widen to 6L D	
2014 2023	8,650	Tradition Pkwy	N/S A	Village Pkwy	4L D	
2014 2023	8,650	N/S A	Crosstown Pkwy	Glades Cut-Off Rd	2L	
2018 2027	8,650	Crosstown Pkwy	Range Line Road	N/S A	2L D	
2020	7,810	Village Pkwy	Tradition Pkwy	SW Meeting Street	6L D	Satisfied
2020 2029	8,650	Village Pkwy	SW Meeting St	Westcliffe Lane	Widen to 6 L D	

*Wilson Groves Cumulative Total Net External DRI p.m. Peak Hour Trips
L=Lane D = Divided

External Road Improvements – East of I-95

21. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold identified in Table 43 or after December 31 of the year of failure identified in Table 43, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 43 under “Required Improvements”; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City’s adopted Capital Improvements Program or FDOT’s adopted work program. For improvements constructed by the Developer, surety or other acceptable evidence shall be provided

RESOLUTION ~~1112~~-R01

EXHIBIT “B”

to the satisfaction of the City of Port St. Lucie that sufficient funds will be available to complete the roadway widening or construction projects included in Table 43. The City of Port St. Lucie will use its best efforts to undertake the road improvements in Table 43 by the dates and trip thresholds indicated.

Table 43

External Road Improvements – East of I-95

Year	*Trip Threshold	Road	From	To	Required Improvement	Status
2015	1,271	Becker Road	I-95	Rosser Blvd	6 L D	Satisfied
2016 <u>2025</u>	8,650	Paar Dr	Rosser Blvd	Savona Blvd	Widen to 4 L D	
2016 <u>2025</u>	8,650	Paar Dr	Savona Blvd	Port St. Lucie Blvd	Widen to 4 L D	
2010	1,878	Becker Road	Florida’s Turnpike	Southbend Blvd	4L D	Satisfied
2013 <u>2022</u>	8,650	Rosser Blvd	E/W 3	Gatlin Blvd	Widen to 4 L D	
2021 <u>2030</u>	8,650	Port St. Lucie Blvd	Paar Dr	Darwin Blvd	Widen to 4 L D	
2011 <u>2020</u>	8,650	Port St. Lucie Blvd	Becker Road	St. Lucie County Line	Widen to 4 L D	
2018 <u>2027</u>	8,650	Rosser Blvd	Paar Dr	E/W 3	Widen to 4 L D	
2022 <u>2031</u>	8,650	Port St. Lucie Blvd	Darwin Blvd	Gatlin Blvd	Widen to 6 L D	
2014 <u>2023</u>	8,650	E/W 3	I-95	Rosser Rd	2L	
2014 <u>2023</u>	8,650	Paar Dr	I-95	Rosser Rd	4L D	
2018 <u>2027</u>	8,650	E/W 3	I-95	Rosser Rd***	Widen to 4L D	
2018 <u>2027</u>	8,650	Paar Dr	I-95	Rosser Rd***	Widen to 6L D	
2022 <u>2031</u>	8,650	E/W 3	I-95	Rosser Rd***	Widen to 6L D	
2020	NA	Crosstown Pkwy	I-95	Bayshore Blvd	6L D	Satisfied
2020 <u>2029</u>	8,650	Crosstown Pkwy	Bayshore Blvd	U.S. 1**	6L D	<u>Satisfied-3yr. CIP</u>
2010	NA	Becker Road	I-95	Florida’s Turnpike	4 L D	Satisfied

*Wilson Groves DRI Total Net External p.m Peak Hour Trips

** Based on permitability

***These segments include a bridge over I-95, provided, however, that the bridge over I-95 shall be subject to monitoring every three years, commencing for development that

RESOLUTION ~~112-R01~~

EXHIBIT “B”

generates more than 8,650 total net external p.m. peak hour trips or in ~~2019~~2028, whichever comes later, to evaluate the need for the improvements.

L=Lane D = Divided

22. A traffic re-analysis shall be undertaken by the Developer and submitted to the City, DCA State Land Planning Agency, TCRPC and FDOT for any development that generates more than 8,650 total net external p.m. peak hour trips or by December 31, ~~2020~~2029, whichever comes last, if the six laning of the Crosstown Parkway – Bayshore Boulevard to U.S. 1 segment is: 1) not under contract; 2) not included in a local government development agreement consistent with sections 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Condition 15, if applicable; or 4) not scheduled in the first three years of the City’s adopted Capital Improvements Program or FDOT’s adopted work program. The traffic re-analysis shall be prepared in a manner consistent with the methodology utilized in the WATS, or at the election of the Developer, utilizing an alternative methodology acceptable to the City, DCA State Land Planning Agency and FDOT. If the traffic re-analysis shows that the incomplete segment will result in additional or increased significant impacts to state or regionally significant roads external to the WATS area as identified in the WATS, no building permits shall be issued for any development that generates more than 8,650 total net external p.m. peak hour trips or after December 31, ~~2020~~2029, whichever comes last, until the Development Order has been amended to include mitigation to address such additional or increased significant impacts consistent with Rule 9J-2.045 F.A.C.

Road Improvements Outside the City of Port St. Lucie

23. Based on the results of the Western Annexation Traffic Study, no building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold identified in Table 54 or after December 31 of the year of failure identified in Table 54, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 34 under “Required Improvements”; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction’s Capital Improvements Program or FDOT’s adopted work program.

Table 54

Roadway Improvements Outside the City of Port St.Lucie

Year	*Trip Threshold	Road	From	To	Required Improvement	Status
<u>2022</u> <u>2031</u>	1,254	SW Allapattah Rd	CR 714	Martin County Line	4 L D	
<u>2022</u> <u>2031</u>	1,254	Range Line Rd	Martin County Line	Becker Rd	Widen to 4L D***	

RESOLUTION ~~1112~~-R01

EXHIBIT “B”

2011 2020	2,403	SW Citrus Blvd	St. Lucie County Line	SR 714	Widen to 4L **	
2013 2022	4,133	SR 714/Martin Hwy	Port St. Lucie Blvd	Florida’s Turnpike	Widen to 4L D	
2010 2019	4,165	CR 714/Martin Hwy	Florida’s Turnpike	High Meadows Ave.	Widen to 4L D	Satisfied- 3yr. CIP
2011 2020	5,652	CR 714/Martin Hwy.	High Meadows Ave.	Berry Ave.	Widen to 4L D	Satisfied- 3yr. CIP

*Wilson Groves DRI Total Net External p.m. Peak Hour Trips

**Provided sufficient right-of-way exists for the improvement.

*** This condition may be satisfied by a payment to St. Lucie County based on the *Settlement Agreement Including Impact Fee Credit Agreement* between the Developer and St. Lucie County.

L=Lane D = Divided

24. A traffic re-analysis shall be undertaken by the Developer and submitted to the City, TCRPC, ~~DCA~~ State Land Planning Agency, and FDOT by the date that development within the Wilson Groves DRI generates more than 2,403 total net external p.m. peak hour trips or by December 31, ~~2011~~ 2020, whichever comes last, if the four-laning of the Port St. Lucie Boulevard – St. Lucie County Line to SR 714 segment is: 1) not under contract to construct the roadway; 2) not included in a local government development agreement consistent with section 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Condition 15, if applicable; or 4) not scheduled in the first three years of an adopted Capital Improvements Program or FDOT’s adopted work program. The traffic re-analysis shall be prepared in a manner consistent with the methodology utilized in the WATS, or at the election of the Developer, utilizing an alternative methodology acceptable to the City, ~~DCA~~ State Land Planning Agency, FDOT and TCRPC, and shall be limited to a determination of the effect, if any, of the delay in four laning the segment of Port St. Lucie Boulevard – St. Lucie County Line to SR 714 on road external to the WATS area. If the traffic re-analysis shows that the delay will result in additional or increased significant impacts to state or regionally significant roads as identified in the WATS, no building permits shall be issued after development within the Wilson Groves DRI generates more than 2,403 total net external p.m. peak hour trips or December 31, ~~2011~~2020, whichever comes last, until the Development Order has been amended to include mitigation to address such additional or increased significant impacts consistent with Rule 9J-2.045, F.A.C.

E/W 3 and I-95 Interchange

25. A traffic study shall be prepared for development that generates more than 8,650 total net external p.m. peak hour trips or by January 1, ~~2019~~2028, whichever comes last, to evaluate the need for an interchange along I-95 with E/W 3. The methodology for this traffic study shall be discussed with the Developer, and agreed upon by the City of Port St. Lucie and Florida Department of Transportation. The traffic study shall

RESOLUTION ~~1112-R01~~

EXHIBIT "B"

estimate traffic projections at buildout of all DRI developments that participated in the WATS.

26. If the study required by Condition 25 justifies an interchange along I-95 with E/W 3, then no building permits shall be issued for development that generates more than 8,650 total net external p.m. peak hour trips or after December 31, ~~2020~~2029, whichever comes last, until the development order has been amended to include provisions for such an interchange and such interchange has been authorized by the Federal Highway Administration and/or FDOT, as applicable. Such amendment to the Development Order shall not be subject to a substantial deviation determination, unless otherwise required by criteria in section 380.06(19)(b), F.S.

Other Issues

27. Intersection lane geometry for all arterial roads between I-95 and Range Line Road included in Master Development Plan (Map H) attached to this Development Order as Exhibit "D" shall, for all 6 lane by 6 lane, 4 lane by 6 lane and 4 lane by 4 lane intersections within rights-of way greater than 100 feet, include dual left-turn lanes and an exclusive right-turn lane in all approaches. For all other arterial road intersection types, the Developer shall submit to the City, for approval, an intersection analysis to designate the lane geometry for each intersection.
28. All roads expressly addressed in the transportation conditions of this Development Order shall be open to the public.
29. Commencing in 2008 and continuing every other year thereafter, the Developer shall submit a Biennial Status Report indicating the status (schedule) of guaranteed transportation network modifications. This Biennial Status Report shall be attached to and incorporated into the Biennial Development of Regional Impact Report required by Condition 6.

The Biennial Status Report shall list all roadway modifications needed to be constructed, the guaranteed date of completion for the construction of each needed modification, the party responsible for the guaranteed construction of each modification, and the form of binding commitment that guarantees construction of each modification. Except for improvements which are re-scheduled or determined to be not needed pursuant to monitoring under Condition 15, no further building permits for the Wilson Groves Development of Regional Impact shall be issued at the time the Biennial Status Report reveals that any needed transportation modification included in the Development Order is no longer scheduled or guaranteed, or has been delayed in schedule such that it is not guaranteed to be in place and operational or under actual construction for the entire modification consistent with the timing or trip threshold criteria established in this Development Order.

30. In the event that a transportation improvement which the Developer is required to provide pursuant to this Development Order is instead provided by a dependent or

RESOLUTION ~~1112~~-R01

EXHIBIT "B"

independent special district, the improvement shall be deemed to have been provided by the Developer.

31. The Developer is responsible for the mitigation of all environmental impacts of all right-of-ways within the Wilson Groves project.

ENVIRONMENTAL AND NATURAL RESOURCES

Wetlands

32. The Developer shall comply with all wetland mitigation requirements of the U. S. Army Corps of Engineers and South Florida Water Management District. Any wetland permit issued by the South Florida Water Management District and the US Army Corps of Engineers for all or any portions of the Wilson Groves DRI Property shall satisfy all City rules, regulations, codes, permitting and other requirements pertaining to wetlands and littoral plantings for the portion or portions of the Wilson Groves DRI Property subject to any such permits.

33.[Deleted in its entirety.]

34.[Deleted in its entirety.]

Listed Species

35. The Developer or an Association or community development district shall maintain Wood Stork foraging habitat on site by ensuring no additional net loss of wood stork prey. Ten (10) acres of littoral shelves shall be created within surface waters created on the site, where appropriate, shall include features specifically designed to provide preferred foraging habitat for this species. The features should include areas designed to concentrate prey during dry down periods. The Developer shall comply with all U.S. Fish and Wildlife Service recommendations regarding the design and creation of foraging habitat for this federally endangered species.

36. In the event that it is determined that any additional representative of a state or federally listed plant or animal species is resident on, or otherwise significantly dependent upon a development parcel, the developer of such parcel shall cease all activities which will negatively affect that individual population and immediately notify the City of Port St. Lucie, and such developer shall provide proper protection to the satisfaction of the City of Port St. Lucie in consultation with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission.

Exotic Species

37. Prior to obtaining a certificate of occupancy for any future structure located on a particular development parcel, the developer of such parcel shall remove from that parcel all Melaleuca, Brazilian pepper, Old World climbing fern, Australian pine,

RESOLUTION ~~1112~~-R01

EXHIBIT "B"

downy rose-myrtle, and any other plants classified as "Prohibited by Florida Department of Environmental Protection", "Noxious Weed listed by Florida Department of Agriculture and Consumer Services", or "Noxious Weed by the US Department of Agriculture according to the 2005 publication: "List of Florida's Invasive Species" published by the Florida Exotic Pest Plant Council. This includes all such plants listed under Category I or Category II Invasive Exotics. Removal shall be in a manner that minimizes seed dispersal by any of these species. There shall be no planting of these species on site. Methods and a schedule for the removal of exotic and nuisance species should be approved by the City of Port St. Lucie. The entire site, including jurisdictional wetlands and Conservation Areas, if any, shall be maintained free of these species in perpetuity in accordance with all applicable permits.

Stormwater Management

38. The developer of each development parcel shall design and construct a stormwater management system within such development parcel to retain the maximum volumes of water consistent with South Florida Water Management District criteria for flood control. The stormwater management system shall be designed and constructed to provide stormwater treatment and attenuation/storage, in accordance with South Florida Water Management District requirements, for the ultimate build-out of all public rights-of-way located within the DRI Property. All discharged water from the surface water management system shall meet the water quality standards of Florida Administrative Code Rule 17-3.

39. All elements of the stormwater management system shall be designed to prevent negative impacts to adjacent areas and to the receiving bodies of water. A water quality monitoring program shall be established if required by any applicable federal, state or local agency having jurisdiction.

40. The Developer shall work with the City of Port St. Lucie to minimize the amount of impervious surface constructed for automobile parking on the project site. The Developer and the City should consider the use of pervious parking lot materials where feasible.

41. The surface water management system shall utilize Best Management Practices to minimize the impact of chemical runoff associated with lawn and landscape maintenance. The Developer shall coordinate with the South Florida Water Management District to formulate and implement Best Management Practices to reduce the use of pesticides and fertilizers throughout the project.

42. Maintenance and management efforts required to assure the continued viability of all components of the surface water management system shall be the financial and physical responsibility of the Developer, a community development district, a special assessment district, or other entity acceptable to the City of Port St. Lucie. Any entities subsequently replacing the Developer shall be required to assume the responsibilities outlined above.

EXHIBIT "B"

Water Supply

43. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from the City of Port St. Lucie Utility Systems Department that adequate capacity of treated potable water is available to serve the development parcel the Developer has provided or others have provided (or have provided surety in a form acceptable to the City) for the necessary water system extensions to serve the development parcel.

44. The preferred source of irrigation water shall be treated wastewater effluent at such time as this source is made available to the site. The Developer shall connect each development parcel to the City of Port St. Lucie's reclaimed water system when the system is within 300 feet of the subject development parcel. The project shall be equipped with an irrigation water distribution system to provide reclaimed water to all domestic residential lots when it becomes available. No individual home wells shall be constructed on the project site. Prior to availability of a sufficient supply of reclaimed water, other water supply sources may be used for landscape irrigation subject to meeting South Florida Water Management District permitting criteria in effect at the time of permit application.

45. In order to reduce irrigation water demand, xeriscape landscaping shall be encouraged throughout the project. At a minimum, the xeriscape landscaping shall meet the requirements of the City of Port St. Lucie.

46. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, and other water conserving devices and/or methods specified in the Water Conservation Act, Section 553.14, Florida Statutes. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of Port St. Lucie by the South Florida Water Management District.

Wastewater Management

47. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has been provided written confirmation from the City of Port St. Lucie Utility Systems Department that adequate capacity for wastewater treatment is available to serve such development parcel and the Developer or others have provided (or have provided surety in a form acceptable to the City) for the necessary wastewater system extension to serve such development parcel.

Solid Waste and Hazardous Materials

48. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from St.

RESOLUTION ~~1112-R01~~

EXHIBIT "B"

Lucie County or other provider acceptable to the City that adequate solid waste disposal services and facilities will be available when needed for that parcel. Development shall only occur concurrently with the provision of adequate solid waste disposal services and facilities.

Air Quality

49. During land clearing and site preparation, soil treatment techniques appropriate for controlling unconfined particulate emissions shall be undertaken. If construction on a parcel will not begin within thirty days of clearing, the soil shall be stabilized until construction on the parcel begins. Cleared areas may be sodded, seeded, landscaped or mulched to stabilize the soil. Minimal clearing for access roads, survey lines, fence installation, or construction trailers and equipment staging areas is allowed without the need for soil stabilization. The purpose of this condition is to minimize dust production and soil erosion during land clearing and to prevent soil particulates from becoming airborne between the time of clearing and construction. Development within the DRI Property shall comply with all applicable National Pollutant Discharge Elimination System requirements.

HUMAN RESOURCE ISSUES

Housing

50. The Port St. Lucie Comprehensive Plan does not require any affordable housing mitigation or contribution by the Developer. However, the Developer offered to provide voluntary support for affordable housing by means of a local condition. The Developer shall pay a voluntary affordable housing assistance fee of \$500, or a mutually agreed upon amount, for each residential unit constructed on the property, payable at the time of building permit application, into an affordable housing trust fund or other dedicated account established by the city. The city shall determine how to disburse the moneys in such trust fund to encourage affordable housing through such means as (a) acquisition of land; (b) a program of down payment assistance; (c) prepaying of points for qualified homebuyers; (d) rehabilitation of existing affordable housing; (e) construction of new affordable housing by private developers or not-for-profit entities; or (f) other appropriate affordable housing strategies.

As an alternative to the above condition, the developer may choose to participate in a program developed by the City of Port St. Lucie that will provide sufficient workforce housing in proportion to the population, based upon a program of the City of Port St. Lucie upon its adoption in the City of Port St. Lucie comprehensive plan.

Prior to the beginning of each phase subsequent to Phase 1, the supply of affordable housing shall be re-calculated using the East Central Florida Regional Planning Council Housing Methodology (revised June 1999) or, at the election of the Developer, an alternative methodology acceptable to the City and ~~DCA~~ State Land Planning Agency. If the supply calculation for any subsequent phase shows that there is not an adequate

RESOLUTION ~~1112-R01~~

EXHIBIT "B"

supply of affordable housing reasonably accessible to the Wilson Groves DRI to meet the demand from non-residential development in that phase, the Development Order shall be amended to include measures to mitigate the unmet housing need consistent with Rule 9J-2.048, F.A.C. The voluntary affordable housing mitigation assistance fee provided for in this Condition 50 shall be credited against any required mitigation.

Schools

51. No residential subdivision plat shall be recorded nor final residential site plan approved for any development parcel after July 1, 2007 until the Developer has secured a development agreement with the St. Lucie County School District that assures the following:

- a. The dedication to the City of Port St. Lucie, pursuant to the Annexation Agreement, of two K-8 school site of not less than 25 acres, provided that drainage (after all required water quality pretreatment is provided on site at no cost to the Developer) for the K-8 school sites can be accommodated off-site. The net acreage must not include any required upland or wetland preservation areas. Alternatively, if collocated with a park site, and recreational areas can be shared, the site can be reduced to 20 acres.
- b. For the proposed total development program of 7,700 dwelling units, of which 900 are proposed to be age-restricted, and with current student generation rates for St. Lucie County, the Developer shall contribute a proportionate share of all costs necessary to construct, according to State of Florida and St. Lucie County School District standards, the school facilities for the sites identified in this condition, not to exceed the total amount of educational facilities impact fees for the DRI Property (based upon generally applicable St. Lucie County educational impact fees in effect from time to time), so that there will be adequate school facilities to accommodate the impacts of the development. Such facilities shall be operated and maintained by the St. Lucie County School District.
- c. The development agreement with the St. Lucie County School District shall provide for a formula for the reimbursement of educational impact fees that would normally be assessed of dwelling units within the proposed development in exchange for the conveyance of the school sites described in subparagraph (a) above.
- d. The City of Port St. Lucie will use good faith efforts to enter into an appropriate interlocal agreement with the St. Lucie County School District pursuant to which the City of Port St. Lucie will convey the school sites described in subparagraph (a) above to the St. Lucie County School District as and when needed by the St. Lucie County School District.

RESOLUTION ~~11~~12-R01

EXHIBIT "B"

[Conditions 50.c. and 50.d. have been satisfied. See agreement in ORB 3002, Page 2168.]

Police and Fire Protection

52. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has received a statement from the City of Port St. Lucie Police Department indicating that adequate facilities and police protection are in place to serve the development parcel. The methodology used to determine the demand created as a result of the project and the standards used to determine adequate police protection shall be approved by the City of Port St. Lucie Police Department.

53. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel after July 1, 2007 until the Developer has entered into a mutually agreed upon Developers Agreement with the St. Lucie County Fire District for improvements necessary to provide Fire and Emergency Medical Services to the project. The methodology used to determine the demand created as a result of the project and the standards used to determine adequate fire rescue services shall be approved by the St. Lucie County Fire District.

[This condition has been satisfied. See agreement in ORB 2912, Page 1491]

Hurricane Preparedness

54. The Developer shall construct one or more on-site buildings to provide a minimum 16,120 SF of hurricane evacuation shelter space for the residents of the Wilson Groves Development of Regional Impact. As an alternative, the Developer may elect to make an equivalent payment to the City for the hurricane shelter space required by this condition and, upon making such payment, the Developer shall have satisfied this condition and shall bear no further responsibility or liability under it. If the space is constructed by the Developer on site, construction will commence before the start of hurricane season during the year that each phase is scheduled to end. If the Developer is to construct same, then a minimum of 4,606 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 1; a minimum of 8,541 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 2; and a minimum of 2,944 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 3. Emergency shelter requirements may be accomplished through providing a combination of safe spaces within home(s) and/or constructing community hurricane shelter spaces or dual use of a facility (including schools) constructed or retrofitted to State of Florida hurricane code within the development. The hurricane shelter mitigation techniques provided shall be approved by the City of Port St. Lucie and St. Lucie County Division of Emergency Management and be consistent with Chapter 9J-2.0256(5) (a), Florida Administrative Code and with Red Cross Standards 4496. If the Development Order is changed to

RESOLUTION ~~1112~~-R01

EXHIBIT "B"

allow an alternate number of residential units, then the numbers in this condition would change proportionately.

55. The Port St. Lucie Comprehensive Plan does not require hurricane preparedness mitigation or contribution by the Developer. However, the Developer has previously made a voluntary contribution of \$50,000.00 to the City to enhance hurricane preparedness. This contribution provided sufficient funds to finance space for the City's Emergency Operations Center and adequate special needs public hurricane evacuation shelter space for residents of the project.

Parks and Recreation

56. Prior to January 1, 2012, the Developer shall prepare a plan to be approved by the City of Port St. Lucie Parks and Recreation Department for the provision of neighborhood and community recreational sites and facilities to meet the demand created by residential development in the DRI Property. At a minimum, the plan shall 1) provide for the conveyance to the City, in accordance with the requirements of the Annexation Agreement, of 90 acres of net usable area of public park sites (including the 50 acres of regional park described below), with no individual park sites to be less than 10 acres; 2) show the locations of proposed park sites; 3) provide a schedule for conveyance of the public park sites, and 4) comply with a requirement of 5 acres of parks per 1,000 population, consistent with the level of service required for parks and recreational facilities in the City of Port St. Lucie Comprehensive Plan at the time of the adoption of the original development order. Neighborhood and community recreational facilities shall be available to serve projected demand in accordance with the plan approved by the City of Port St. Lucie Parks and Recreation Department. Nothing in this condition ~~59~~ 56 shall require the Developer to construct or pay for recreational facilities on public park sites provided by the Developer pursuant to this condition or the Annexation Agreement.

Prior to the issuance of the 6,001 building permit for the Wilson Groves DRI Property, and subject to the Annexation Agreement, the Developer shall convey to the City 50 net usable acres for a regional park as required by the Annexation Agreement, in the general location shown on the Master Development Plan (Map H) attached to this Development Order as Exhibit "D".

Historic and Archaeological Sites

57. In the event of discovery of any archaeological artifacts during construction of the project, construction shall stop within a 30-foot radius/buffer and immediate notification shall be provided to the City of Port St. Lucie and the Division of Historical Resources, Florida Department of State. Construction may resume within the affected area after the City and the Division of Historical Resources have determined the appropriate mitigation pursuant to Rule 9J-2.043, F.A.C., if any are warranted, and such measures have been implemented by the Developer.

RESOLUTION 1112-R01

EXHIBIT "B"

Energy

58. The final site and building designs shall comply with Florida Thermal Efficiency Code Part VII, Chapter 553, Florida Statutes. Where practical, the project shall also incorporate measures identified in Council's energy plan guide entitled, Energy Planning in the Twenty-First Century: A Guide for Florida Communities, updated January 2003.