COUNCIL ITEM 13C
DATE 10/22/12

City of Port St. Lucie

Planning and Zoning Department Memorandum

A City for All Ages

TO: Gregory J. Oravec, City Manager

THROUGH: Daniel Holbrook, Director of Planning and Zoning

FROM: Katherine H. Huntress, Planner

RE: P07-432 Founders Crossing (FKA Enchantment)
PUD Amendment No. 3

Date: September 25, 2012

Attached is a request for consideration by the City Council from Lee Dobbins of Dean, Mead, Minton and Zwemer on behalf of City National Bank of Florida, to extend the expiration date of Founders Crossing PUD from November 22, 2012 to November 11, 2014. Section 158.178 provides that extensions of time limits may be granted by the City Council upon due cause being shown. The applicant has requested that this item be presented at the October 22, 2012 City Council meeting.

Attachments

cc: Lee Dobbins
Pam Booker, Legal Department
Ed Fry, Finance Department

RECEIVED

OCT 09 2012

City Manager's Office

DEAN
MEAD

Dean, Mead, Minton & Zwerner
1903 South 25th Street, Suite 200
P.O. Box 2757 (ZIP 34954)
Fort Pierce, Florida 34947

772-464-7700
772-464-7877 Fax
www.deanmead.com

Attorneys and Counselors at Law
Orlando
Fort Pierce
Viera
Gainesville

W. LEE DOBBINS
772-464-7700 x. 6715
ldobbins@deanmead.com

September 24, 2012

VIA E-MAIL
Daniel Holbrook
Director of Planning & Zoning
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Re: City National Bank of Florida/Founders Crossing
Project No. P07-432

Dear Mr. Holbrook:

Founders Crossing was planned by Kenco Communities as a suburban mixed-use community on a total of 386 acres with an emphasis on walkability, convenience and housing variety. The PUD planned for 875 units at a gross density of 2.27 dwelling units per acre, along with an 18 acre commercial pod, a 12 acre office/institutional pod, a 6.9 acre recreation center, and 13.4 acres of open space conservation area along Eleven Mile Creek, all connected by internal pedestrian paths. Attached is a copy of the Master Development Plan as approved.

Founders Crossing PUD was originally approved by the City Council on April 11, 2005. A First Amendment to the PUD was approved on December 12, 2005, a Second Amendment was approved on December 10, 2007 and a Third Amendment was approved on November 11, 2008. On July 26, 2010, the City Council extended the expiration date of the PUD to November 11, 2012.

In 2012, City National Bank of Florida ("City National") foreclosed upon Founders Crossing. On August 13, 2012, City National took title to Founders Crossing in the name of CNB RE2 Holdings, LLC, a subsidiary holding company. As we discussed, City National is forwarding to the City $33,000.00 for the 2011 payment of the Job Growth/Economic Development Public Building Impact Fee, to bring the property current under Kenco's Impact Fee Prepayment Agreement.

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Founders Crossing PUD will expire on November 11, 2012, unless extended. City National intends to market and sell the property to a purchaser who can develop the project when demand for housing and commercial space recovers. Therefore, on behalf of City National, I respectfully request a two (2) year extension of the expiration of Founders Crossing PUD, from November 11, 2012 to November 11, 2014. Please place this item on the agenda for the City Council meeting on October 22, 2012.

As always, if you require any further information from me, please let me know.

Best regards,

W. Lee Dobbins

Enclosure
WLD:av

Cc: Gerry Thornton
Brenda Yates

RECEIVED
SEP 24 2012
PLANNING

YATES & COMPANY

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SEP 24 2012
PLANNING

September 21, 2012

Mr. Daniel Holbrook
Director of Planning & Zoning
City of Port St. Lucie
City Planner
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984

RE: NOTICE OF NEW OWNER – FOUNDERS CROSSING PROJECT

Dear Mr. Holbrook:

On behalf of CNB RE 2 HOLDINGS, LLC, this notice is to inform you that effective, March 29, 2012, the property owned by Kenco Communities, has been transferred to the bank. See attached Certificate of Title.

The following approvals and agreements which we have noted are:

1. City of Port St. Lucie Founders Crossing Planned Unit Development (PUD), April 2005, Ordinance 05-165; Amendment Ordinance 07-160, 07-302 and amendments

2. Annexation Agreement, City of Port St. Lucie and Kenco Communities, dated January 28, 2004, Ordinance 04-09 dated February 9, 2004 and amendments OR Book 1891 Pg 1124

3. Impact Fee Pre-payment Agreement, City of Port St. Lucie and Kenco Communities at Port St. Lucie, dated February 26, 2007 and amendments OR Book 2773 Pg 601

4. Developer Master Agreement for Utility Infrastructure Agreement, dated October 30, 2008. Amendment #1, April 29, 2010 OR Book 3031 Pg 2589

5. Contribution Agreement between St. Lucie County and Kenco Communities, dated October 28, 2008 and amendments OR Book 3033 Pg 1644

6. Settlement Agreement between St. Lucie County, City of Port St. Lucie and Kenco Communities at Port St. Lucie dated November 18, 2004; First Amendment dated December 23, 2005 OR Book 3033 Pg 1648

7. Founders Crossing PUD Master Plat, PB 61, Pg 2, May 11, 2009

ALHAMBRA INTERNATIONAL CENTER 255 ALHAMBRA CIRCLE, SUITE 325 CORAL GABLES, FL 33134
VOICE: 305-446-0406 FAX: 305-446-7829 EMAIL: brendayates@bellsouth.net

8. Founders Crossing PUD Master Plat 1st Replat, PB 62 Pg 38, December 3, 2009

The new Owner Contact Information is:

CNB RE 2 HOLDINGS, LLC
% Mr. Gerald A. Thornton, Senior Vice President
Asset Recovery Department
City National Bank of Florida
641 S Federal Highway
Boca Raton, FL 33432
Office: 561-447-4881; Fax: 561-447-4889
Email: gerald.thornton@citynational.com

If we need to provide any additional information, please feel free to contact me at 305-446-0406.

Sincerely,

Brenda Yates

Cc: Gerald A. Thornton, CNB

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE COUNTY, FLORIDA

CASE NO.: 562010CA006067
JUDGE DAN L. VAUGHN

CNB RE2 HOLDINGS, LLC, a
Florida limited liability company (Assignee),

Plaintiff,

vs.

KENCO COMMUNITIES AT PORT ST. LUCIE, INC., KENNETH ENDELSON, individually, and RICHARD FINKELSTEIN, individually,

Defendants

_____/

2012 AUG 13 PM 12:53
CLERK

CORRECTED CERTIFICATE OF SALE

The undersigned Clerk of the Court certifies that notice of public sale of the property described in the order or final judgment was published in the **FORT PIERCE NEWS TRIBUNE**, a newspaper circulated in St. Lucie County, Florida, in the manner shown by the proof of publication attached, and on the 2nd day of May, 2012, the property was offered for public sale to the highest and best bidder for cash. The highest and best bid received for the property in the amount of $ 100.00 was submitted by CNB RE2 HOLDINGS, LLC, to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the order or final judgment or law.

WITNESS my hand and seal of the Court on August 13, 2012.

(Court Seal)

JOSEPH E. SMITH
Clerk of the Circuit Court

By: Mary K. Lee
Deputy Clerk

IN THE CIRCUIT COURT, NINETEENTH
JUDICIAL CIRCUIT, IN AND FOR
COUNTY OF ST LUCIE, STATE OF
FLORIDA - CIVIL DIVISION

CASE NO. 2010-CA-006067

CNB RE2 HOLDINGS,LLC a
Florida limited liability company (Assignee)
PLAINTIFF,
VS
KENCO COMMUNITIES AT PORT ST LUCIE,INC, et al.,
DEFENDANTS_____/

CORRECTED
CERTIFICATE OF TITLE

The undersigned Clerk of the Court certifies that (s)he executed and filed a Certificate of Sale in this action on May 2, 2012 , for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in St Lucie County, Florida:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

WAS SOLD TO:

CNB RE2 HOLDINGS, LLC
A Florida limited liability company,
25 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

WITNESS my hand and the seal of this Court on August 13, 2012

JOSEPH E SMITH
CLERK OF CIRCUIT COURT

BY: _____
Deputy Clerk

Amended to correct name of assignee as recorded at O/R Book 3411 Page 798

EXHIBIT "A" – LEGAL DESCRIPTION

Parcel 1: The Southeast Quarter (SE 1/4) of Section (5), Township Thirty-six (36) South, Range Thirty-nine (39) East,

EXCEPTING THEREFROM all rights-of-way for drainage canals and public roads

Parcel 2: Lots 1 to 16 inclusive in SW 1/4, a subdivision of all of Section 4, Township 36 South, Range 39 East, and the N ½ of the NW ½ of Section 9, Township 36 South, Range 39 East, LESS canals and road rights-of-way

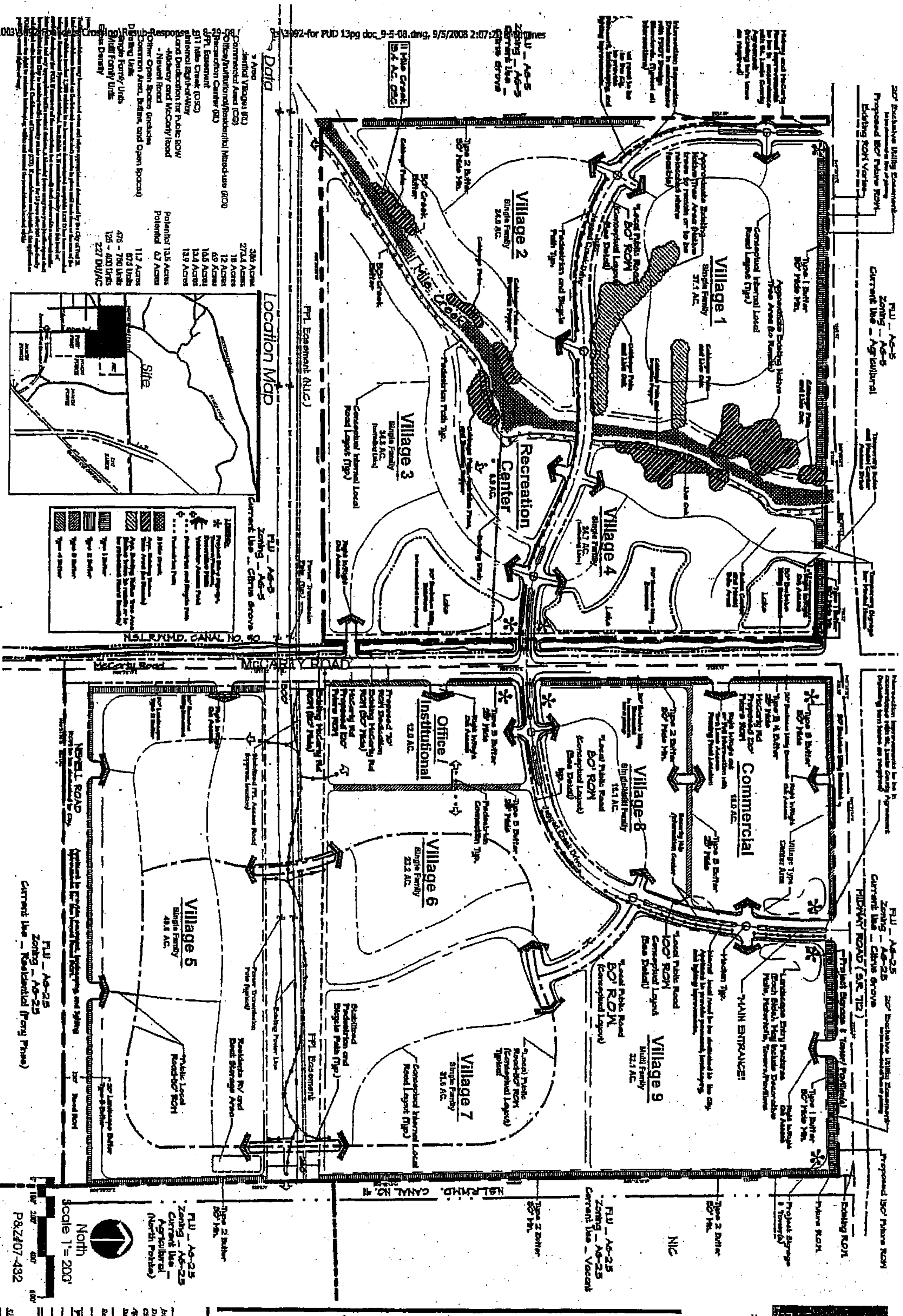
TOGETHER WITH:
The North 40 feet of the S1/2 of the NW ½ of Section 9, Township 36 South, Range 39 East, LESS the following rights-of-way:

(1) The West 48 feet t hereof for North St. Lucie River Drainage District Canal #90;
(2) The East 50 feet of the West 98 feet thereof for McCarty Road; and
(3) The East 46 feet thereof for North St. Lucie River Drainage District Canal #91;

LESS AND EXCEPTING THEREFROM:

Commencing at the Southwest corner of Section 9, Township 36 South, Range 39 East, run 589°37'55"E along the South line of said Section 9, a distance of 124 5 feet to a point on the East right-of-way line of McCarty Road: thence run North 3946 54 feet to the point of Beginning

From the Point of Beginning, continue North 40.0 feet to a concrete monument; thence run 588°21'10"E a distance of 2551.20 feet to a concrete monument: thence run N89°15;W a distance of 2550.36 feet to the Point of Beginning



Founders Crossing PUD

City of Port St. Lucie Florida

PUD Amendment #2 Master Development Plan

Sheet 1 of 13