

ORDINANCE 10-51

COUNCIL ITEM 8G  
DATE 7/12/10

COUNCIL ITEM 10H  
DATE 6/28/10

**AN ORDINANCE PROVIDING FOR THE 7<sup>TH</sup> AMENDMENT OF THE PLANNED UNIT DEVELOPMENT DOCUMENT AND CONCEPTUAL MASTER PLAN FOR RIVER PLACE ON THE ST. LUCIE, P10-035; PROVIDING AN EFFECTIVE DATE**

---

**WHEREAS**, on September 22, 1997, the City Council for the City of Port St. Lucie approved Ordinance 97-69 granting approval to the application of the Brisben Companies, for a Change in Zoning to Planned Unit Development (PUD), for property located south of the Florida Power and Light right of way, on the east side of St. James Drive, west of the North Fork of the St. Lucie River, and north of the Ocean Breeze Waterway (C-108 Canal), and more particularly described in the attached Exhibit A, for the mixed use residential project to be known as River Place on the St. Lucie; and,

**WHEREAS**, on April 12, 1999, the City Council for the City of Port St. Lucie approved Ordinance 99-18 granting approval to the 1st amendment to the mixed use residential project to be known as River Place on the St. Lucie PUD; and,

**WHEREAS**, on May 12, 1999, the Planning and Zoning Director for the City of Port St. Lucie granted administrative approval to the 2nd amendment to the mixed use residential project to be known as River Place on the St. Lucie PUD; and,

**WHEREAS**, on January 24, 2000, the City Council for the City of Port St. Lucie approved Ordinance 00-05 granting approval to the 3rd amendment to the mixed use residential project to be known as River Place on the St. Lucie PUD; and,

**WHEREAS**, on September 23, 2002, the City Council for the City of Port St. Lucie approved Ordinance 02-114 granting approval to the 4th amendment to the mixed use residential project to be known as River Place on the St. Lucie PUD; and,

## **ORDINANCE 10-51**

**WHEREAS**, on August 11, 2003, the City Council for the City of Port St. Lucie approved Ordinance 03-106 granting approval to the 5th amendment to the mixed use residential project to be known as River Place on the St. Lucie PUD; and,

**WHEREAS**, on September 10, 2006, the City Council for the City of Port St. Lucie approved Ordinance 06-117 granting approval to the 6th amendment to the mixed use residential project to be known as River Place on the St. Lucie PUD; and,

**WHEREAS**, Provident Financial, LLC, an Ohio Limited Liability Company; The River Place on the St. Lucie Community Development District; The River Place on the Property Owners Association, Inc. (owners) and Culpepper & Terpening, Inc. (applicants), acting as agent, have requested a 7th amendment of the River Place on the St. Lucie PUD

**WHEREAS**, the applicant proposes to revise the River Place on the St. Lucie PUD to include the proposed modifications detailed in the PUD document for the River Place on the St. Lucie PUD and attached as Exhibit "A", and the Conceptual Master Plan for the River Place on the St. Lucie PUD attached as Exhibit "B"; and

**WHEREAS**, an amended conceptual development plan has been submitted as Exhibit "B" consistent with the requirements of Section 158.170, et seq., Port St. Lucie City Code; and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the 1<sup>th</sup> day of June 2010, to consider the amendment application (P10-035), advertisement of the public hearing having been made; and

## ORDINANCE 10-51

**WHEREAS**, the City Council held a public hearing on the 12<sup>th</sup> day of July 2010, to consider the subject amendment application, advertisement of the public hearing having been made.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

Section 1. That the Planned Unit Development Document and Conceptual Development Plan for the River Place on the St. Lucie PUD Amendment No. 7, P10-035, as approved by City of Port St. Lucie Ordinance 06-117, is amended as reflected in the Planned Unit Development Document labeled Exhibit "A" attached hereto and the conceptual master plan labeled Exhibit "B":

Section 2. That the provisions of City of Port St. Lucie Ordinance 06-117, not inconsistent with the provisions of Section 1 herein shall remain in full force and effect.

Section 3. This Ordinance shall become effective ten (10) days after its final adoption.

BALANCE OF THE SHEET IS DELIBERATELY LEFT BLANK.

ORDINANCE 10-51

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,  
this 12<sup>TH</sup> day of July, 2010.



CITY COUNCIL  
CITY OF PORT ST. LUCIE

BY: *Patricia P. Christensen*  
Patricia P. Christensen, Mayor

ATTEST:

*Karen A. Phillips*  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM: *Roger G. Orr*  
Roger G. Orr, City Attorney

**CITY OF PORT ST. LUCIE, FL - CITY COUNCIL**

**AGENDA ITEM REQUEST**

---

MEETING:                    REGULAR   X                      SPECIAL     

DATE:    June 28, 2010 and July 12, 2010

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ORDINANCE   X   RESOLUTION      MOTION      PUBLIC HEARING     

---

ITEM :    Rezoning Application (P10-035)  
          River Place on the St. Lucie-PUD Amendment

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*RECOMMENDED ACTION:*

On June 1, 2010 the Planning and Zoning Board voted unanimously to recommend approval of this project.

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*EXHIBITS:*

- A. Ordinance
- B. Staff Report
- C. Support Materials

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*SUMMARY EXPLANATION/BACKGROUND INFORMATION:*

The applicant is requesting a change in the type of residential units that could be permitted in Parcel C by adding detached single family housing units as a development option. This is the seventh amendment to the River Place on St. Lucie PUD.

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*IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?*

None

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SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 06/22/10



# City of Port St. Lucie

## Planning and Zoning Department Memorandum

**TO:** PLANNING AND ZONING BOARD MEETING –JUNE 1, 2010

**FROM:** THRESIAMMA KURUVILLA, PLANNER *JK*

**RE:** PUD REZONING APPLICATION- 7<sup>th</sup> AMENDMENT  
PROJECT NO. (P10-035)  
RIVER PLACE ON THE ST. LUCIE

**DATE:** MAY 22, 2010, MODIFIED ON JUNE 22, 2010

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**APPLICANT:** Dennis J. Murphy, AICP of Culpepper & Terpening, Inc. Authorization letter is attached to the staff report.

**OWNER:** Provident Financial, LLC (Parcel C at the River Place on the St. Lucie PUD)

**LOCATION:** Property is located on east side of St. James Drive, west of the North Fork of the St. Lucie River, and south of Florida Power and Light right-of-way.

**LEGAL DESCRIPTION:** The complete legal description for River Place on the St. Lucie PUD and for Parcel C at the River Place on the St. Lucie PUD is included in the attached PUD document.

**SIZE:** 293 acres

**EXISTING ZONING:** River Place PUD (Planned Unit Development)

**EXISTING USE:** River Place on the St. Lucie is a mixed use project consisting of residential, retail/commercial, office, clubhouse, nature trails, recreation areas, open space and a private school.

**SURROUNDING USES:** North = I (Institutional) zoning, existing Florida Power and Light right of way; South = RS-2 (Single Family Residential) zoning, houses, drainage right of way, and Sagamore Water Way; East = OSC (Open Space Conservation) zoning, North Fork of the St. Lucie River, and West = RS-2 (Single Family Residential) zoning, RM-11 (Multi-Family Residential), CG (General Commercial), vacant land, houses and St. James Drive.

**ITEM #7E**

**FUTURE LAND USE:** OSP (Open Space Preservation), OSR (Open Space Recreational), I (Institutional), RL (Low Density Residential), CG (General Commercial) and ROI (Residential/Office/Institutional).

**PROPOSED USE:** Mixed use residential, retail/commercial, office and institutional.

**PROPOSED AMENDMENT:** This is the seventh amendment to the River Place on St. Lucie PUD (P96-197) which was amended and approved by the City Council on April 12, 1999 as per (P98-249), by Ordinance # 99-18. The summary of the modifications are as follows:

Change the type of residential units that could be permitted in Parcel C by adding detached single family housing units as a development option. Previously this parcel was limited to only having a townhome option. The modifications are listed throughout the PUD document by providing underline and ~~strike-through~~ indication of all areas for proposed change as shown in (Exhibit "A") and the conceptual master plan is shown as (Exhibit "B")

---

**IMPACTS AND FINDINGS:**

**Land Use Consistency:** Staff finds that the PUD amendment application is consistent with the direction and policies of the Comprehensive Plan.

**Sewer/Water Service:** City Of Port St. Lucie is the water and sewer service provider.

**Environmental:** The required preservation has been mitigated or has been preserved.

**Other:** The applicant has provided the consent letters from HOA (Home Owners Association), and is attached.

---

**STAFF RECOMMENDATION:**

The Site Plan Review Committee reviewed the request and recommended approval on April 28, 2010. The Planning and Zoning Department staff finds the request of PUD Amendment to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends approval.

# SITE LOCATION



MIDWAY RD

ST. JAMES DR

**SUBJECT PROPERTY**

FLORIDA'S TURNPIKE

PRIMA VISTA BLVD



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
GIS Division of M.I.S.

PZ2008.DWG

PUD AMENDMENT  
RIVER PLACE ON THE ST LUCIE

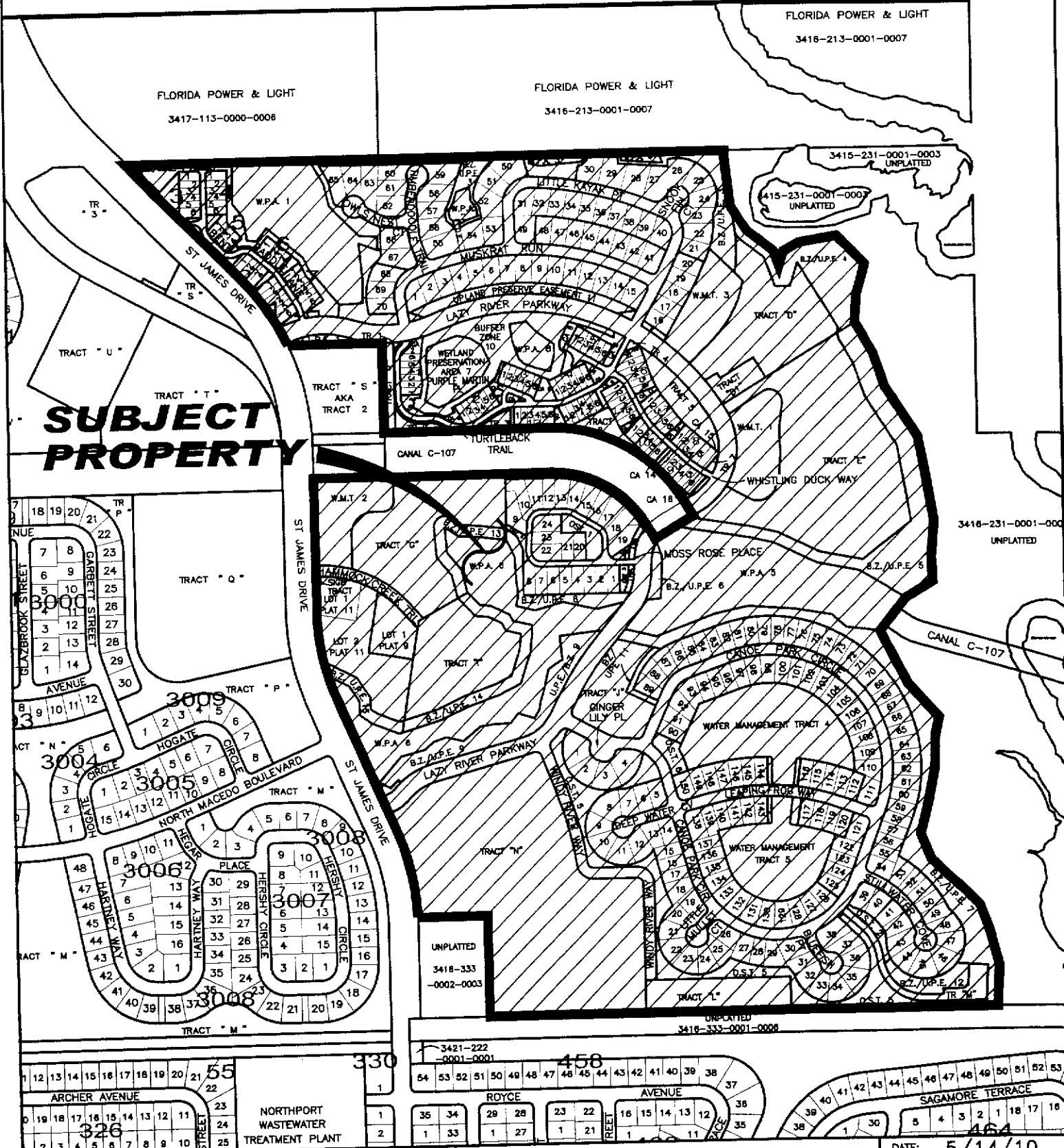
DATE: 5/14/10

APPLICATION NUMBER:  
P10-035

CADD FILE NAME:  
P10-035L

SCALE: 1" = .5 MI

# SITE LOCATION



**SUBJECT PROPERTY**



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
GIS, Division of M.I.S.

PZ2008.DWG

PUD AMENDMENT  
RIVER PLACE ON THE ST LUCIE

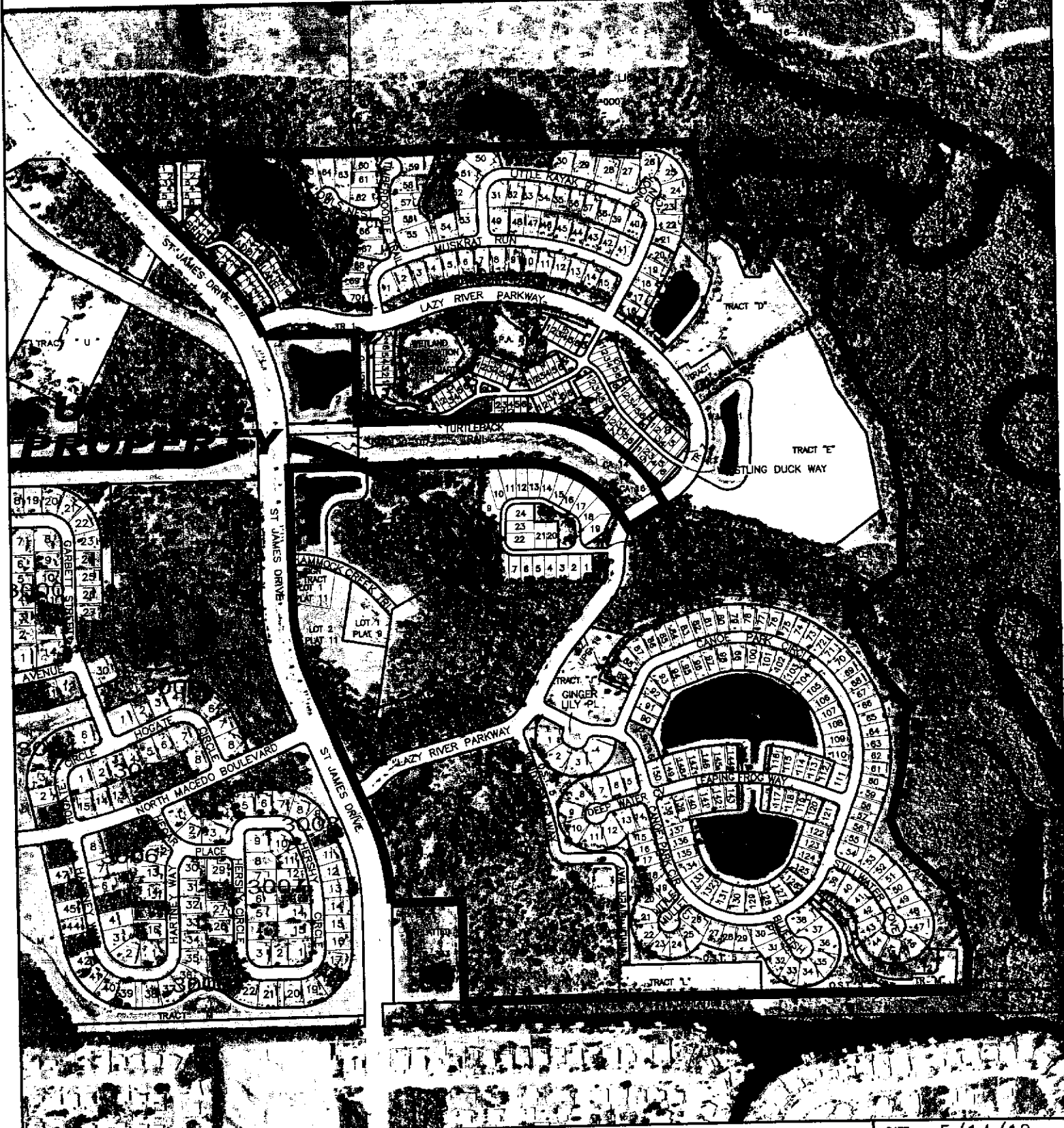
DATE: 5/14/10

APPLICATION NUMBER:  
P10-035

CADD FILE NAME:  
P10-035M

SCALE: 1"=600'

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
GIS, Division of M.I.S.

PZ2008.DWG

PUD AMENDMENT  
RIVER PLACE ON THE ST LUCIE

AERIAL JAN 2009

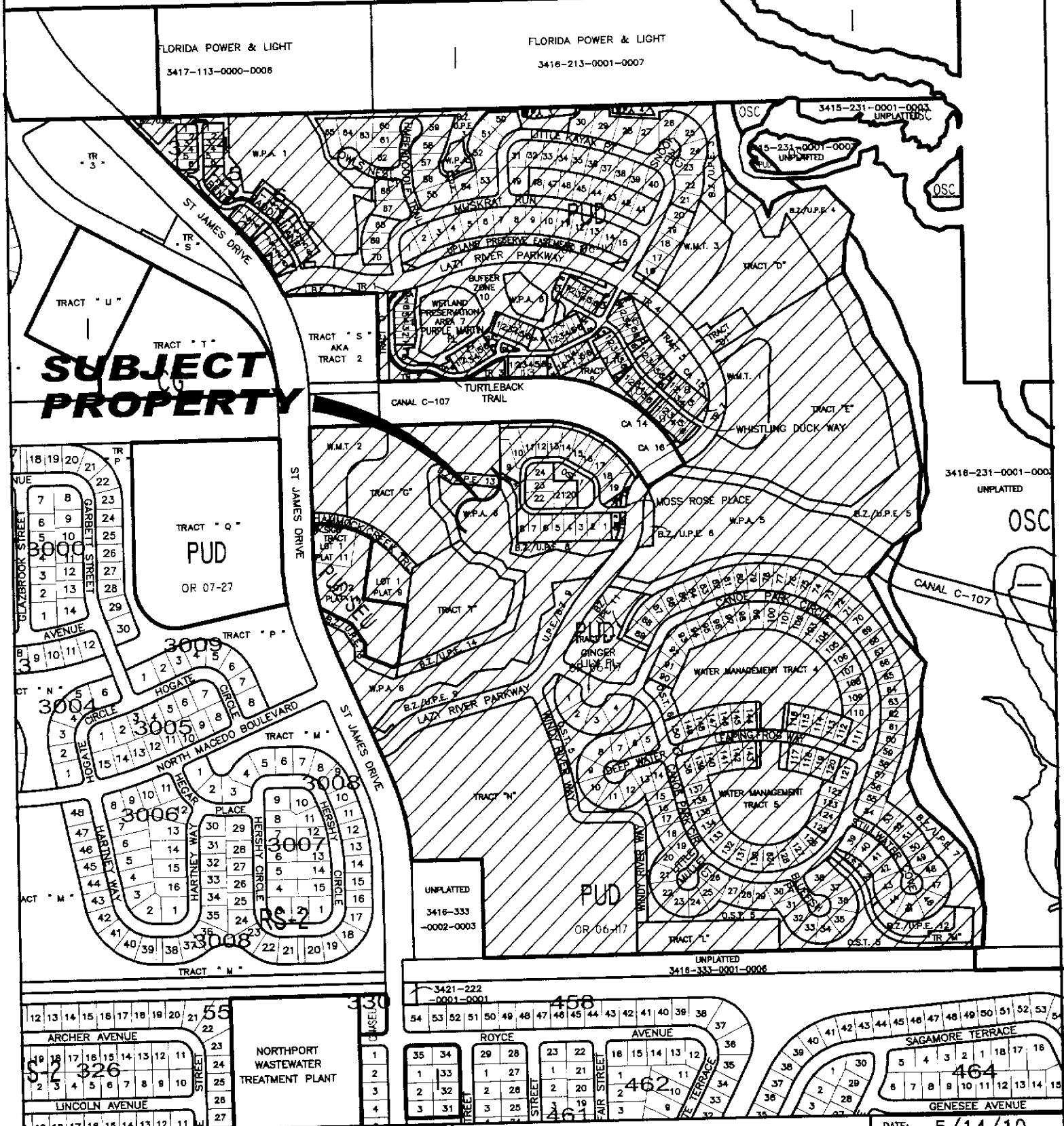
DATE: 5/14/10

APPLICATION NUMBER:  
P10-035

CADD FILE NAME:  
P10-035A

SCALE: 1"=600'

# EXISTING ZONING



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

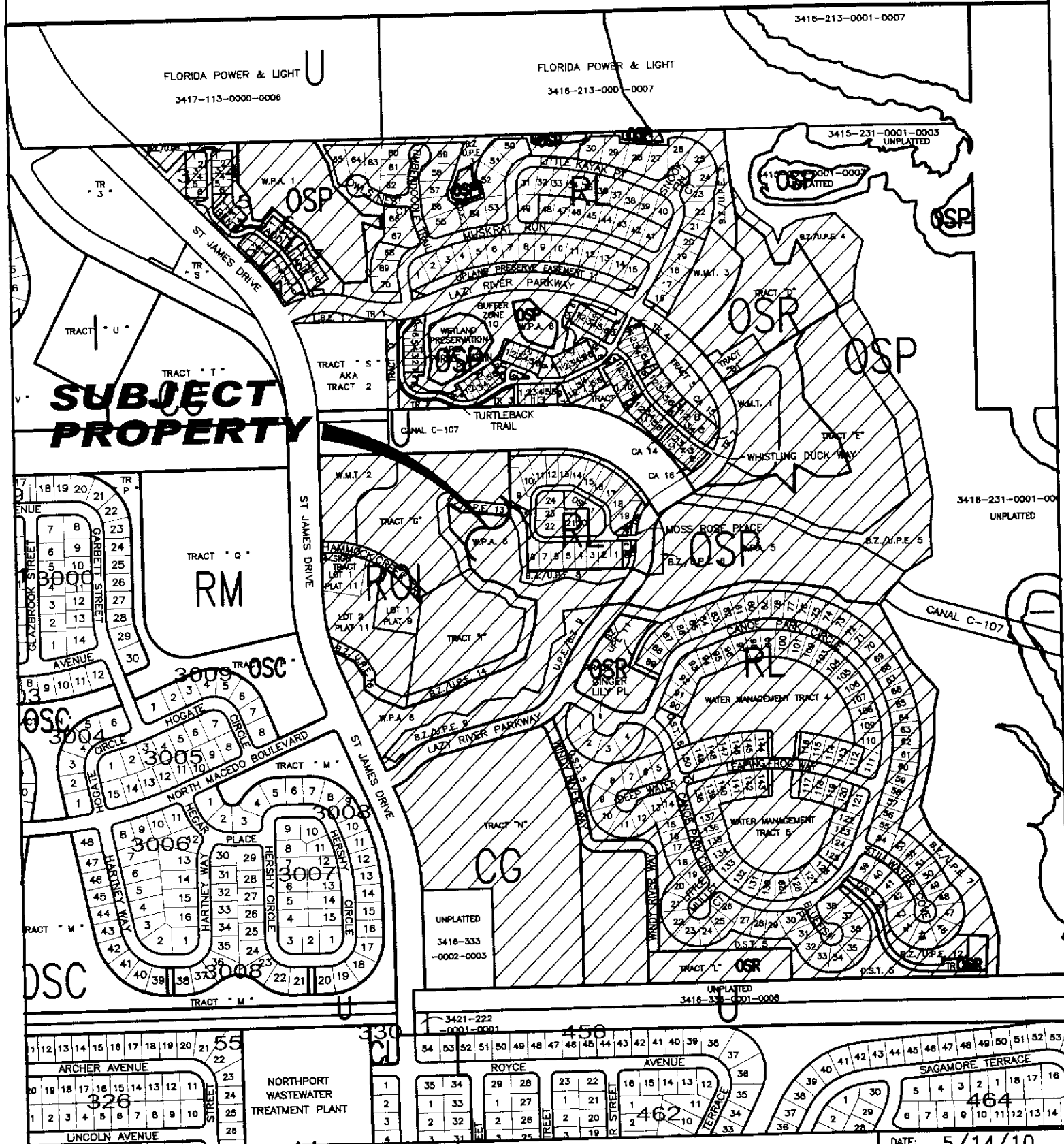
Prepared by:  
GIS Division of M.I.S.

PZ2008.DWG

PUD AMENDMENT  
RIVER PLACE ON THE ST LUCIE

DATE: 5/14/10  
APPLICATION NUMBER:  
P10-035  
CADD FILE NAME:  
P10-035M  
SCALE: 1"=600'

# FUTURE LAND USE



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
GIS, Division of M.I.S.

PZ2008.DWG

PUD AMENDMENT  
RIVER PLACE ON THE ST LUCIE

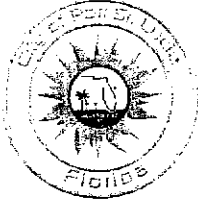
DATE: 5/14/10

APPLICATION NUMBER:  
P10-035

CADD FILE NAME:  
P10-035M

SCALE: 1" = 600'

City of Port St. Lucie - A City for All Ages



PUD AMENDMENT APPLICATION

CITY OF PORT ST. LUCIE

Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 871-5212 FAX (772) 871-5124

FOR OFFICE USE ONLY

Planning Dept
Fee (Nonrefundable) \$
Receipt #

P10-035
2,301.80
10368

Refer to "Fee Schedule" for application fee. Make checks payable to the 'City of Port St. Lucie.' Fee is nonrefundable unless application is withdrawn prior to advertising for the Planning and Zoning Board meeting. All items on this application should be addressed, otherwise it can not be processed. Attach proof of ownership; two copies of deed. Please type or print clearly in BLACK ink.

PETITIONER:

Name: Provident Financial, LLC
Address: 23 North Beach Road
Jupiter, FL 33455
Telephone No.: 772-545-9525 Fax No.: 772-546-1447

IF PETITIONER IS A CORPORATE ENTITY, PLEASE PROVIDE ONE CONTACT PERSON:

Name: William Brisben, Managing Member
Address: 23 North Beach Road
Jupiter, FL 33455
Telephone No.: 772-545-9525 Fax No.: 772-546-1447

AGENT OF OWNER (if any) - attach authorization letter:

Name: Culpepper & Terpening, Inc. (attn: D. Murphy)
Address: 2980 South 25th Street
Ft. Pierce, Fla 34981
Telephone No.: 772-464-5337 Fax No.:

PROPERTY INFORMATION

Legal Description

BEING ALL OF TRACT "C" OF THE PLAT OF RIVER PLACE ON THE ST. LUCIE, AS RECORDED IN PLAT BOOK 39, PAGE 29 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

RECEIVED

APR - 7 2010

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL



City of Port St. Lucie - A City for All Ages

Zoning/Comprehensive Plan - Text Amendment Request

Item 7E

## River Place on the St. Lucie Community Development District

May 24, 2010

RECEIVED  
MAY 25 2010

Mr. Daniel Holbrook, AICP, Planning Director  
City of Port St. Lucie Planning & Zoning Department  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984


Subject: Agent Authorization Letter/ River Place on the St. Lucie PUD (P10-035)

Dear Mr. Holbrook:

Please allow this letter to serve as our acknowledgment and authorization for Culpepper & Terpening, Inc., to submit, and represent as necessary, the attached petition for amendment to the River Place on the St. Lucie PUD, and specifically for/to Parcel C at the River Place PUD. The purpose of this amendment is to provide for the conversion of Parcel C at the River Place PUD from a multi-family development parcel to a single family development parcel.

If you have any questions, please let do not hesitate to let me know.

Sincerely,

  
River Place on the St. Lucie  
Community Development District

Butch Armstrong  
Chairman

Item 7E

## River Place on the St. Lucie Property Owners Association, Inc.

May 24, 2010

RECEIVED

MAY 25 2010

Mr. Daniel Holbrook, AICP, Planning Director  
City of Port St. Lucie Planning & Zoning Department  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984

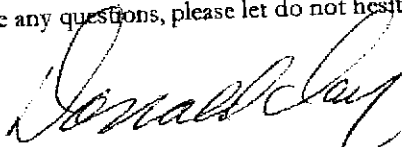
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If you have any questions, please let do not hesitate to let me know.

Sincerely;



River Place on the St. Lucie Property Owners Association, Inc.

Donald Day  
President

# EXHIBIT A

COUNCIL ITEM 8G  
DATE 7/12/10

COUNCIL ITEM  
DATE

10 H  
6/28/10

## River Place on the St. Lucie PUD Document Conceptual Development Plan

City of Port St. Lucie

City of Port St. Lucie Project No. P-10-035

September 30, 1996		Original Submission		
August 27, 1997		Modification to City of Port St. Lucie Planning Department Recommendations		
September 12, 1997		Modification to City Council's Recommendations for approval of "Preliminary Development Plan"		
	<u>P96-197</u>	<u>Original Approval</u>		
November 30, 1998 PUD Amendment	P98 - 249	<u>1st Submittal - April 12, 1999</u> <u>City Council Approved</u> <u>Amendment</u>	<u>Ord 99-18</u>	<u>04/12/99</u>
	<u>P99 - 079</u>	<u>2nd Submittal - Amendment</u>	<u>Admin</u> <u>Appval</u>	<u>05/12/99</u>
	<u>P99 - 172</u>	<u>3rd Submittal - Amendment</u>	<u>Ord. 00-05</u>	<u>01/24/00</u>
July 2, 2002 PUD Amendment	<u>P02 - 181</u>	<u>4th Amendment</u>	<u>Ord. 02-114</u>	<u>09/23/02</u>
May 1, 2003 PUD Amendment	<u>P03 - 190</u>	<u>5th Amendment</u>	<u>Ord. 03-106</u>	<u>08/11/03</u>
March 1, 2006 PUD Amendment	<u>P06 - 090</u>	<u>6th Submittal - Amendment</u>	<u>Ord. 06-117</u>	<u>09/10/06</u>
	<u>P10 - 035</u>	<u>7th Amendment</u>	<u>Ord. 10- xxx</u>	<u>06/28/10</u>

# River Place on the St. Lucie

## PUD Document Conceptual Development Plan

City of Port St. Lucie

City of Port St. Lucie Project No. P-10-035

<del>September 30, 1996</del>		<del>Original Submission</del>		
<del>August 27, 1997</del>		<del>Modification to City of Port St. Lucie Planning Department Recommendations</del>		
<del>September 12, 1997</del>		<del>Modification to City Council's Recommendations for approval of "Preliminary Development Plan"</del>		
	<u>P96-197</u>	<u>Original Approval</u>	<u>Ord 97-69</u>	<u>09/22/97</u>
<del>November 30, 1998</del>	<del>P98 - 249</del>	<del>1st Submittal - April 12, 1999</del>		
<del>PUD Amendment</del>		<del>City Council Approved Amendment</del>	<u>Ord 99-18</u>	<u>04/12/99</u>
	<u>P99 - 079</u>	<del>2nd Submittal - Amendment</del>	<u>Admin Appval</u>	<u>05/12/99</u>
	<u>P99 - 172</u>	<del>3rd Submittal - Amendment</del>	<u>Ord. 00-05</u>	<u>01/24/00</u>
<del>July 2, 2002</del>	<del>P02 - 181</del>	<del>4th Amendment</del>	<u>Ord. 02-114</u>	<u>09/23/02</u>
<del>PUD Amendment</del>				
<del>May 1, 2003</del>	<del>P03 - 190</del>	<del>5th Amendment</del>	<u>Ord. 03-106</u>	<u>08/11/03</u>
<del>PUD Amendment</del>				
<del>March 1, 2006</del>	<del>P06 - 090</del>	<del>6th Submittal - Amendment</del>	<u>Ord. 06-117</u>	<u>09/10/06</u>
<del>PUD Amendment</del>				
	<u>P10 - 035</u>	<u>7th Amendment</u>		

~~Owner: River Place, Inc~~  
~~Developer: River Place, Inc.~~

~~PO Box 2067, Silverthorne, Colorado 80498~~  
~~Contact: Carol Ann Cardella (970) 262-0906/ fax 970-262-7628~~  
~~President River Place, Inc~~



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# Exhibit A

## PUD Amendment Application





City of Port St. Lucie - A City for All Ages

PUD AMENDMENT APPLICATION

CITY OF PORT ST. LUCIE

Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 871-5212 FAX (772) 871-5124

FOR OFFICE USE ONLY

Planning Dept
Fee (Nonrefundable) \$
Receipt #

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie." Fee is nonrefundable unless application is withdrawn prior to advertising for the Planning and Zoning Board meeting. All items on this application should be addressed, otherwise it can not be processed. Attach proof of ownership, two copies of deed. Please type or print clearly in BLACK ink.

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IF PETITIONER IS A CORPORATE ENTITY, PLEASE PROVIDE ONE CONTACT PERSON:

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Jupiter Island, Florida 33455-2101
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PROPERTY INFORMATION

Legal Description

BEING ALL OF TRACT "C" OF THE PLAT OF RIVER PLACE ON THE ST. LUCIE, AS RECORDED IN PLAT BOOK 39, PAGE 29 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.



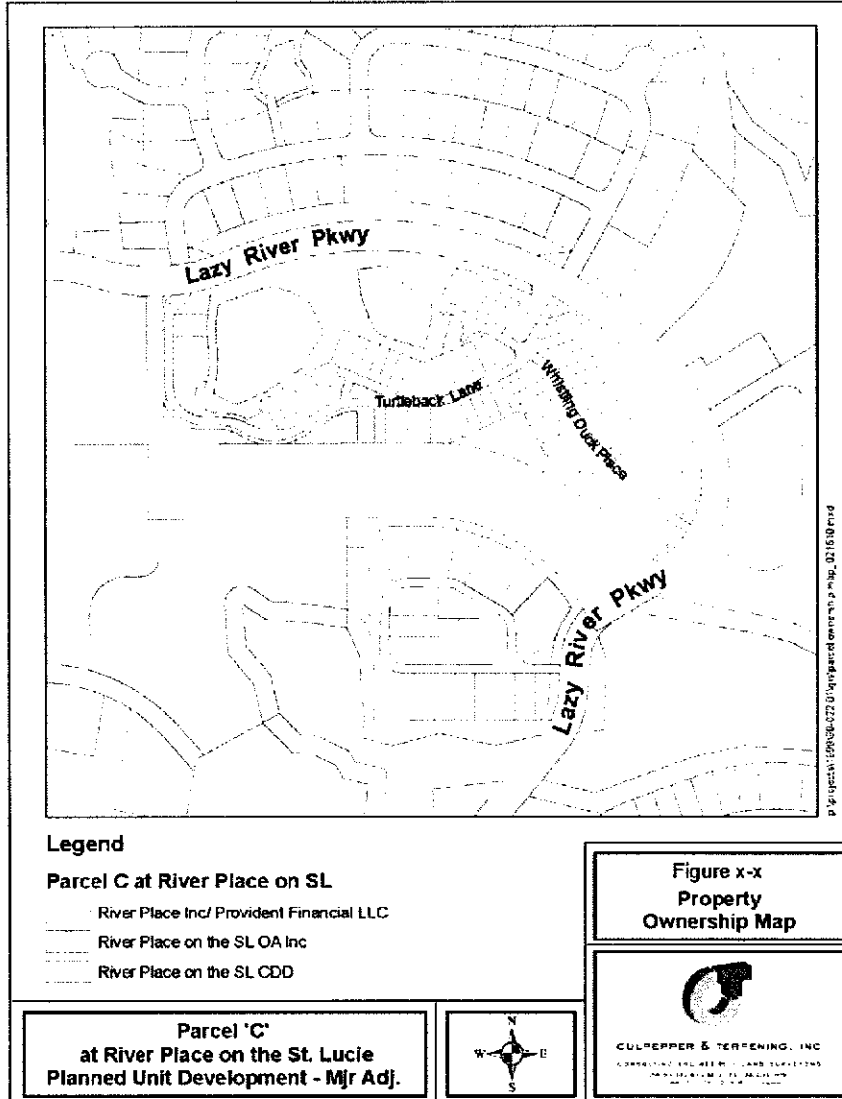


**Parcel ID Numbers/ Property Ownership Index**

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341667800430002	341667500350004	341667800470000	341667800880009
341667800420005	341667800090002	341667800460003	341667800720004
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341667800250000	341667800310005	341667800590007	

- River Place Inc./Provident Financial LLC
- River Place on the SL CDD
- River Place on the SL Owners Assoc.





February 15, 2010

City of Port St. Lucie  
121 S.W. Port St. Lucie Boulevard  
Port St. Lucie, FL 34952

RE: River Place Tract C – PUD Amendment & Site Plan Amendment

Please be advised that Provident Financial, LLC hereby authorizes Culpepper & Terpening, Inc. to act as its agents relative to the above referenced property and project.

Sincerely,

Provident Financial, LLC

By: [Signature]      William O. Buszard      Att      3/4/10  
Signature      Print name      Title      Date

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 4 day of March, 2010 by William O. Buszard, as Manager, Provident Financial LLC, a Florida Corporation, on behalf of the corporation Provident Financial LLC who is personally known to me.

[Notary Seal or Stamp]

Carol A. Prew  
CAROL A. PREW      Notary Public-State of Florida  
Notary Public, State of Florida  
Commission# DG 581444  
My comm. expires Aug. 3, 2011      Print Name: Carol A. Prew  
My Commission Expires: \_\_\_\_\_

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## River Place on the St. Lucie Property Owners Association, Inc.

May 24, 2010

Mr. Daniel Holbrook, AICP, Planning Director  
City of Port St. Lucie Planning & Zoning Department  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984

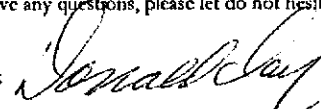
Subject: Agent Authorization Letter/ River Place on the St. Lucie PUD (P10-035)

Dear Mr. Holbrook:

Please allow this letter to serve as our acknowledgment and authorization for Culpepper & Terpening, Inc., to submit, and represent as necessary, the attached petition for amendment to the River Place on the St. Lucie PUD, and specifically for/ to Parcel C at the River Place PUD. The purpose of this amendment is to provide for the conversion of Parcel C at the River Place PUD from a multi-family development parcel to a single family development parcel.

If you have any questions, please let do not hesitate to let me know.

Sincerely,



River Place on the St. Lucie Property Owners Association, Inc.

Donald Day  
President

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## River Place on the St. Lucie Community Development District

May 24, 2010

Mr. Daniel Holbrook, AICP, Planning Director  
City of Port St. Lucie Planning & Zoning Department  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984

Subject: Agent Authorization Letter/ River Place on the St. Lucie PUD (P10-035)

Dear Mr. Holbrook:

Please allow this letter to serve as our acknowledgment and authorization for Culpepper & Terpening, Inc., to submit, and represent as necessary, the attached petition for amendment to the River Place on the St. Lucie PUD, and specifically for/to Parcel C at the River Place PUD. The purpose of this amendment is to provide for the conversion of Parcel C at the River Place PUD from a multi-family development parcel to a single family development parcel.

If you have any questions, please let do not hesitate to let me know.

Sincerely;



River Place on the St. Lucie  
Community Development District

Butch Armstrong  
Chairman

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# Exhibit B

## Summary of Proposed Amendments to River Place on the St. Lucie PUD Through Amendment #7 Revisions

Submitted April, 2010  
Revised through May April, 2010

1. Add "Section" to title page for Section I as noted.
  - a) Section I-1; add some minor clarifying language to descriptive paragraph.
  - b) Section I-11; correct capitalization omission in paragraph C
2. Add "Section" to title page for Section II as noted.
3. Add "Section" to title page for Section III as noted.
  - a) Section III-5(d) add descriptive paragraph for new 52 foot wide lot, SF product
  - b) Section III-8 amend Table to provide for new 52 foot wide lot, SF product
  - c) Section III-10 adjust Exhibit numbers
  - d) Section III-10 add new Exhibit J-1c/ Street Section Option
4. Add "Section" to title page for Section IV as noted.
  - a) Section IV add new exhibits L-2 and L-3 to address new SF unit products to be located on 52 foot wide lot options
5. Add "Section" to title page for Section V as noted.
  - b) Section V-1 amend identification of which pods are to be used for SF purposes
  - c) Section V-2 amend identification of which pods are to be used for attached townhome/villa purposes
  - d) Section V-2 minor editorial adjustment for paragraph numbering purposes
  - e) Section V-5 minor editorial adjustment for paragraph numbering purposes
  - f) Section V-9 minor editorial adjustment for paragraph numbering purposes
  - g) Section V-10 add new exhibits O-7 and O-8 to address new SF unit products to be located on 52 foot wide lot options

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# Exhibit C

## Binding PUD Agreement

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**Binding PUD Agreement**

The undersigned acknowledges that the area of the River Place on the St. Lucie Planned Unit Development described as follows:

BEING ALL OF TRACT "C" OF THE PLAT OF RIVER PLACE ON THE ST. LUCIE, AS RECORDED IN PLAT BOOK 39, PAGE 29 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

is subject to an existing Planned Unit Development approval and that any subsequent amendments to the approved site plans for this property will be subject to the provisions of Section 158.170, et seq., Port St. Lucie City Code. The undersigned further agrees to bind all successors in title to the commitments herein in this paragraph.

Provident Financial, LLC, an Ohio Limited Liability Company;


By: [Signature]  
Print Name: William O. Buisson  
Title: M/M

\*\*\*\*\*

STATE OF: OHIO  
COUNTY OF: HAMILTON

The foregoing instrument was acknowledged before me this 7th day of June, 2010, by William O. Buisson who is personally known to me or who has produced OH ID as identification.

[Signature]  
Signature of Notary  
Michael J. Knab  
Type or Print Name of Notary

Commission Number (Seal)  
  
MICHAEL J. KNAB  
Notary Public, State of Ohio  
My Comm. Expires April 19, 2015

Underline is for addition to/from 6<sup>th</sup> amended PUD  
~~Strike through~~ is for deletion to/from 6<sup>th</sup> amended PUD

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# Exhibit D

## Primary Property Transfer Summary

The following Exhibits depict the initial transfer of property ownership of the parcels making up the River Place on the St. Lucie PUD

Exhibit D-1 THRU D-14 from Brisben Family Limited Partnership to River Place Inc. (OR Book 1248/ Page 0787)	25
Exhibit D-15 THRU D-20 from River Place Inc. and Brisben Family Limited Partnership to River Place on the St. Lucie Community Development District. (OR Book 1386/ Page 2794)	41
Exhibit D-21 THRU D-24 from River Place Inc. to River Place on the St. Lucie Community Development District. (OR Book 1386/ Page 2800)	49
Exhibit D-25 - reserved	-
Exhibit D-26 THRU D-28 from River Place on the St. Lucie Community Development District to City of Port St. Lucie (OR Book 1465/ Page 2298)	55
Exhibit D-29 THRU D-31 from Brisben Family Limited Partnership to Out of Control in Florida, LLC. (OR Book 1600/ Page 1066)	61
Exhibit D-32 THRU D-33 from Out of Control in Florida, LLC to Sullivian Homes At Hawks Ridge, LLC. (OR Book 2598/ Page 2061)	67
Exhibit D-34 THRU D-38 from Brisben Family Limited Partnership to Ward I Snyder, Trustee. (OR Book 1779/ Page 0523)	71
Exhibit D-39 THRU D-42 from Brisben Family Limited Partnership to Woodlands School North, Inc., (OR Book 1800/ Page 2193)	79
Exhibit D-43 THRU D-45 from Brisben Family Foundation to Paramount Plaza, LLC. (OR Book 1977/ Page 1875)	85
Exhibit D-46 THRU D-49 from Brisben Family Limited Partnership to Out of Control in Florida, LLC. (OR Book 1995/ Page 1541)	91
<u>Exhibit D-50 THRU D-52 from River Place Inc., to Provident Financial LLC. (OR Book 2997/ Page 1591)</u>	97

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**Exhibit D-1 THRU D-14**  
**from Brisben Family Limited Partnership**  
**to River Place Inc.**  
**(OR Book 1248/ Page 0787)**

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14  
648  
1400-01

Prepared By & Return to: *Chicago Jellumad*  
WILSON C. ATKINSON, III, ESQUIRE  
Atkinson, Diner, Stone  
& Mankuta, P.A.  
1946 Tyler St/P.O. Drawer 22088  
Hollywood, FL 33022-2088

Doc Assump: \$ 0.00  
Doc Tax: \$ 1400.00  
Int Tax: \$ 0.00

Property Appraiser's Parcel  
Identifying No. 24 Re 231-0001-00013  
Grantee SS No. \_\_\_\_\_  
Grantee SS No. JoAnne Holman, Clerk of the Circuit Court - St. Lucie County  
File Number: 1748424 OR BOOK 1248 PAGE 0787  
Recorded: 09-03-99 03:42 P.M.

**COPY**  
**SPECIAL WARRANTY DEED**

THIS INDENTURE, made this 27 day of July, 1999 between BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, Grantor,\* and RIVER PLACE, INC., a Florida corporation, whose post office address is 7800 E. Kemper Road, Cincinnati, Ohio 45249, Grantee\*;

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of St. Lucie, State of Florida, to wit:

(SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF)

**COPY**  
SUBJECT TO: Restrictions and other matters appearing on the Plat and/or common to the subdivision; utility easements of record; zoning and/or restrictions and prohibitions imposed by governmental authority; and taxes for the year 1999 and thereafter;

Said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

(Wherever used herein the terms "Grantor" and "Grantee" shall include all parties to this instrument, the singular and plural, the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations and other legal entities, wherever the context so admits or requires.)

IN WITNESS WHEREOF, Grantor has hereto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:  
By: BRISBEN FAMILY, INC., a Florida corporation  
Its: General Partner  
BY: WILLIAM O. BRISBEN  
Name: Carol Ann Carabella Its: President  
(type or print) Post Office Address:  
7800 E. Kemper Road  
Name: William O. Brisben Cincinnati, OH 45249  
(type or print)

STATE OF OHIO

COUNTY OF HAMILTON

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me this 30<sup>th</sup> day of July, 1999 by WILLIAM O. BRISBEN, President of BRISBEN FAMILY, INC., a Florida corporation, General Partner of BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, to me personally known x or produced identification          Type of Identification produced         

*Karen L. Yoakum*  
Name: Karen L. Yoakum  
Notary Public KAREN L. YOAKUM  
My Commission Expires: My Commission Expires Dec. 25, 2001  
Commission No.:         



S:\99219\DEFD BFLP TO RP.wpd

COPY

COPY

**COPY**  
O.R. BOOK 1248 PAGE 0789  
**EXHIBIT "A" - LEGAL DESCRIPTION**

A PARCEL OF LAND SITUATED AND LYING IN SECTIONS 16 AND 17, TOWNSHIP 36 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IN SECTION 16

THE SOUTHWEST QUARTER OF SAID SECTION 16;

LESS

THE SOUTH 110 FEET THEREOF, FOR CANAL RIGHT-OF-WAY RECORDED IN O.R. BOOK 411, PAGE 1193, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS

THE RIGHT-OF-WAY FOR SOUTH 25<sup>TH</sup> STREET DESCRIBED IN O.R. BOOK 795, PAGE 1648, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS

TRACT ONE FOR SOUTH 25<sup>TH</sup> STREET DESCRIBED IN O.R. BOOK 795, PAGE 1648, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

COPY

OR BOOK 124E PAGE 0790

LESS

THE RIGHT-OF-WAY FOR CANAL NO. C-107, RECORDED IN O.R. BOOK 587, PAGE 462, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE SOUTHEAST QUARTER OF SAID SECTION 16, LYING WEST OF THE MEAN HIGH WATER LINE OF THE NORTH FORK OF THE ST. LUCIE RIVER AND ITS TRIBUTARIES.

COPY

TOGETHER WITH:

THE SOUTH ONE-HALF OF THE NORTHWEST QUARTER OF SAID SECTION 16 LYING WEST OF THE MEAN HIGH WATER LINE OF THE NORTH FORK OF THE ST. LUCIE RIVER AND ITS TRIBUTARIES.

LESS

THE RIGHT-OF-WAY FOR CANAL NO. C-107, RECORDED IN O.R. BOOK 587, PAGE 462, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

COPY

IN SECTION 17

TRACT R, PORT ST. LUCIE SECTION FORTY-THREE, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGES 15, 15A THROUGH 15L, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

COPY  
OR BOOK 1248 PAGE 0791

TOGETHER WITH:

A 58-FOOT PARCEL, BOUNDED ON THE SOUTH BY TRACT R, ON THE EAST BY THE EAST BOUNDARY OF SECTION 17, ON THE NORTH BY THE SOUTH BOUNDARY OF CANAL NO. C-107 AND ON THE WEST BY THE EAST RIGHT-OF-WAY FOR SOUTH 25<sup>TH</sup> STREET.

LESS

COPY

THE RIGHT-OF-WAY FOR SOUTH 25<sup>TH</sup> STREET DESCRIBED IN O.R. BOOK 795, PAGE 1648, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH:

TRACT S, PORT ST. LUCIE SECTION FORTY-THREE, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGES 15, 15A THROUGH 15L, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS

COPY

THE RIGHT-OF-WAY FOR SOUTH 25<sup>TH</sup> STREET DESCRIBED IN O.R. BOOK 795, PAGE 1648, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS

TRACT TWO FOR SOUTH 25<sup>TH</sup> STREET, DESCRIBED IN O.R. BOOK 795, PAGE 1648, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

COPY  
OR BOOK 1248 PAGE 0752

LESS

PORTION WEST OF SOUTH 25<sup>TH</sup> STREET DESCRIBED IN O.R. BOOK 795, PAGE 1648, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS

THE RIGHT-OF-WAY FOR CANAL NO. C-107, RECORDED IN O.R. BOOK 587, PAGE 462, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

COPY

LESS THE FOLLOWING FOUR PARCELS OF LAND SPECIFICALLY RETAINED BY THE GRANTOR AND COMMONLY KNOWN AS:

PARCEL G DESCRIBED ON PAGES 5 AND 6 OF THIS EXHIBIT;

PARCEL H DESCRIBED ON PAGES 7 AND 8 OF THIS EXHIBIT;

PARCEL I DESCRIBED ON PAGES 9 AND 10 OF THIS EXHIBIT;

PARCEL N DESCRIBED ON PAGES 11 AND 12 OF THIS EXHIBIT.

COPY

# COPY

## DESCRIPTION

PARCEL "G" OF THE PROPOSED PLAT OF RIVER PLACE ON THE ST. LUCIE, A P.U.D. UNRECORDED AT THIS TIME, AS PREPARED BY LINDAHL, BROWNING, FERRARI & HELLSTROM, INC. SAID PARCEL LYING IN A PORTION OF SECTIONS 16 AND 17, TOWNSHIP 36 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 16 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF CANAL No. C-107 AS RECORDED IN OFFICIAL RECORDS BOOK 587, PAGES 462 THROUGH 464 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA (A 200.00 FOOT WIDE RIGHT-OF-WAY); THENCE NORTH 89°37'21" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CANAL No. C-107, A DISTANCE OF 35.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°37'21" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF CANAL No. C-107, A DISTANCE OF 513.79 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 296.50 FEET; THENCE NORTH 82°42'19" WEST, A DISTANCE OF 115.06 FEET; THENCE NORTH 84°16'59" WEST, A DISTANCE OF 55.43 FEET; THENCE NORTH 87°53'21" WEST, A DISTANCE OF 52.27 FEET; THENCE NORTH 56°04'40" WEST, A DISTANCE OF 74.72 FEET; THENCE SOUTH 04°19'59" EAST, A DISTANCE OF 111.32 FEET; THENCE SOUTH 39°57'54" EAST, A DISTANCE OF 102.79 FEET; THENCE SOUTH 13°11'15" EAST, A DISTANCE OF 104.46 FEET; THENCE SOUTH 44°33'07" EAST, A DISTANCE OF 0.49 FEET; THENCE SOUTH 61°27'31" WEST, A DISTANCE OF 233.27 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HAMMOCK CREEK TRAIL (A PROPOSED 50.00 FOOT WIDE RIGHT-OF-WAY); THENCE NORTH 41°52'06" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF HAMMOCK CREEK TRAIL, A DISTANCE OF 97.13 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 32°35'10"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 298.59 FEET TO A POINT OF INTERSECTION WITH A NON-RADIAL LINE, A RADIAL TO SAID POINT BEARS NORTH 15°32'44" EAST; THENCE NORTH 00°23'12" WEST, A DISTANCE OF 153.42 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 89°59'59"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 157.08 FEET TO A POINT OF TANGENCY; THENCE NORTH 89°36'47" EAST, A DISTANCE OF 43.66 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 89°59'59"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 78.64 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°23'12" WEST, A DISTANCE OF 105.20 FEET RETURNING TO THE POINT OF BEGINNING.

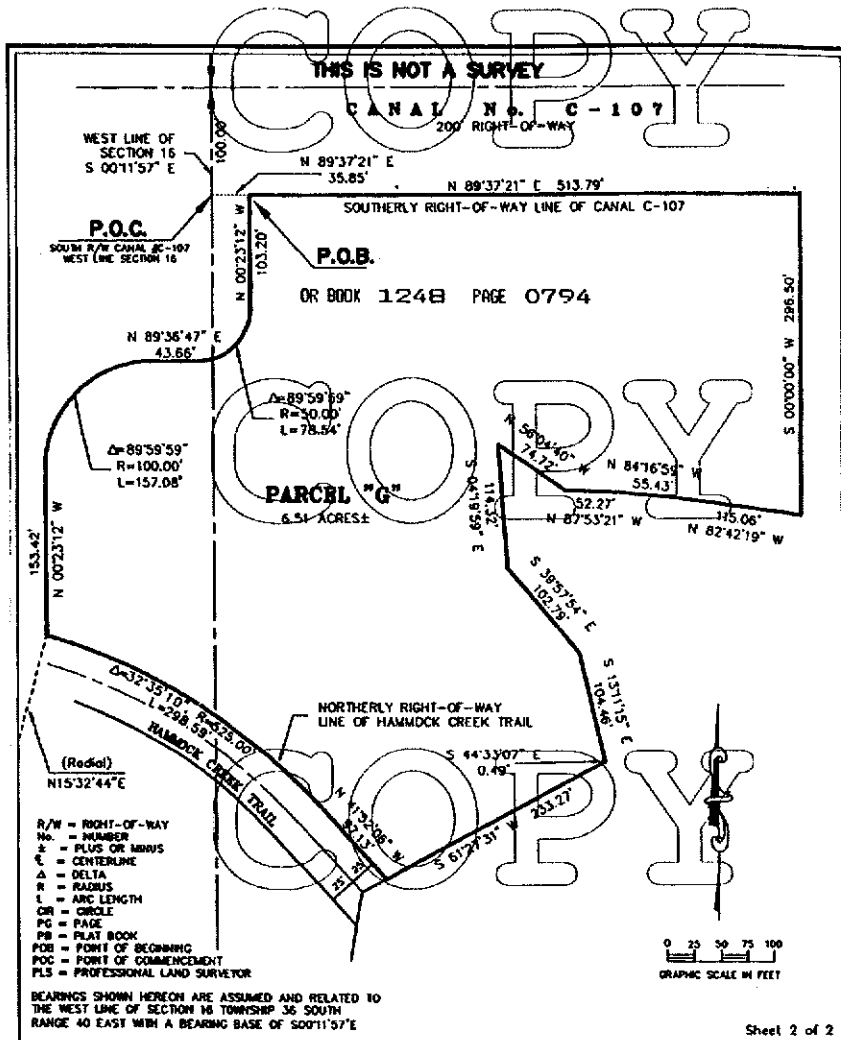
SAID PARCEL CONTAINS 6.51 ACRES MORE OR LESS.

I HEREBY CERTIFY THAT THIS DESCRIPTION AND ACCOMPANYING SKETCH COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO FLORIDA STATUTE 472.027.  
 DATE: 8/19/99 BY: Richard C. Laventure RICHARD C. LAVENTURE, P.L.S. 5209.

Sheet 1 of 2

**SKETCH OF DESCRIPTION**  
 of  
**Parcel "G"**  
 Prepared For  
**Brisben Family Limited Partnership**

File: 9942s&d.dwg  
 Date: 8/19/99  
 CONSULTING ENGINEERS  
 PAGE 5 OF 12  
 Tech: mto  
 ORS  
 SHEET  
 A 24822  
 (407) 464-3537



**SKETCH OF DESCRIPTION**  
 of  
**Parcel "G"**  
 Prepared For  
**Brihan Family Limited Partnership**

File: 9942-8d.dwg  
 Date: 8/5/00  
 CONSULTING ENGINEERS  
 PAGE 6 OF 12  
 Tech: mto  
 (561) 464-3337

COPY

**DESCRIPTION**

PARCEL "H" OF THE PROPOSED PLAT OF RIVER PLACE ON THE ST. LUCIE, A P.U.D. UNRECORDED AT THIS TIME, AS PREPARED BY LINDAHL, BROWNING, FERRARI & HELLSTROM, INC. SAID PARCEL LYING IN A PORTION OF SECTIONS 16 AND 17, TOWNSHIP 36 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DR BOOK 124B PAGE 0795

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 16 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF CANAL No. C-107 AS RECORDED IN OFFICIAL RECORDS BOOK 587, PAGES 462 THROUGH 464 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA (A 200.00 FOOT WIDE RIGHT-OF-WAY); THENCE SOUTH 00°11'57" EAST ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 543.31 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF HAMMOCK CREEK TRAIL (A PROPOSED 50.00 FOOT WIDE RIGHT-OF-WAY), SAID POINT BEING THE POINT OF BEGINNING SAID POINT ALSO BEING A POINT WITH A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 475.00 FEET, A CENTRAL ANGLE OF 09°19'43", A RADIAL TO SAID POINT BEARS NORTH 38°48'11" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 77.34 FEET TO A POINT OF TANGENCY; THENCE SOUTH 41°52'06" EAST, A DISTANCE OF 111.10 FEET; THENCE SOUTH 09°37'22" WEST, A DISTANCE OF 472.63 FEET; THENCE SOUTH 73°22'36" WEST, A DISTANCE OF 14.99 FEET; THENCE NORTH 67°57'04" WEST, A DISTANCE OF 131.84 FEET; THENCE NORTH 53°47'38" WEST, A DISTANCE OF 65.01 FEET; THENCE NORTH 00°36'26" WEST, A DISTANCE OF 61.76 FEET; THENCE NORTH 33°01'15" WEST, A DISTANCE OF 80.28 FEET; THENCE NORTH 63°06'54" WEST, A DISTANCE OF 106.72 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ST. JAMES DRIVE AS RECORDED IN OFFICIAL RECORDS BOOK 795, PAGE 1648 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, SAID POINT BEING A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 900.00 FEET, A CENTRAL ANGLE OF 17°52'06", A RADIAL TO SAID POINT BEARS SOUTH 71°44'57" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 280.68 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°22'57" WEST, A DISTANCE OF 169.75 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF HAMMOCK CREEK TRAIL (A PROPOSED 50.00 FOOT WIDE RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF HAMMOCK CREEK TRAIL NORTH 89°37'03" EAST, A DISTANCE OF 22.95 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 475.00 FEET AND A CENTRAL ANGLE OF 30°11'07"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 328.86 FEET RETURNING TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4.99 ACRES MORE OR LESS.

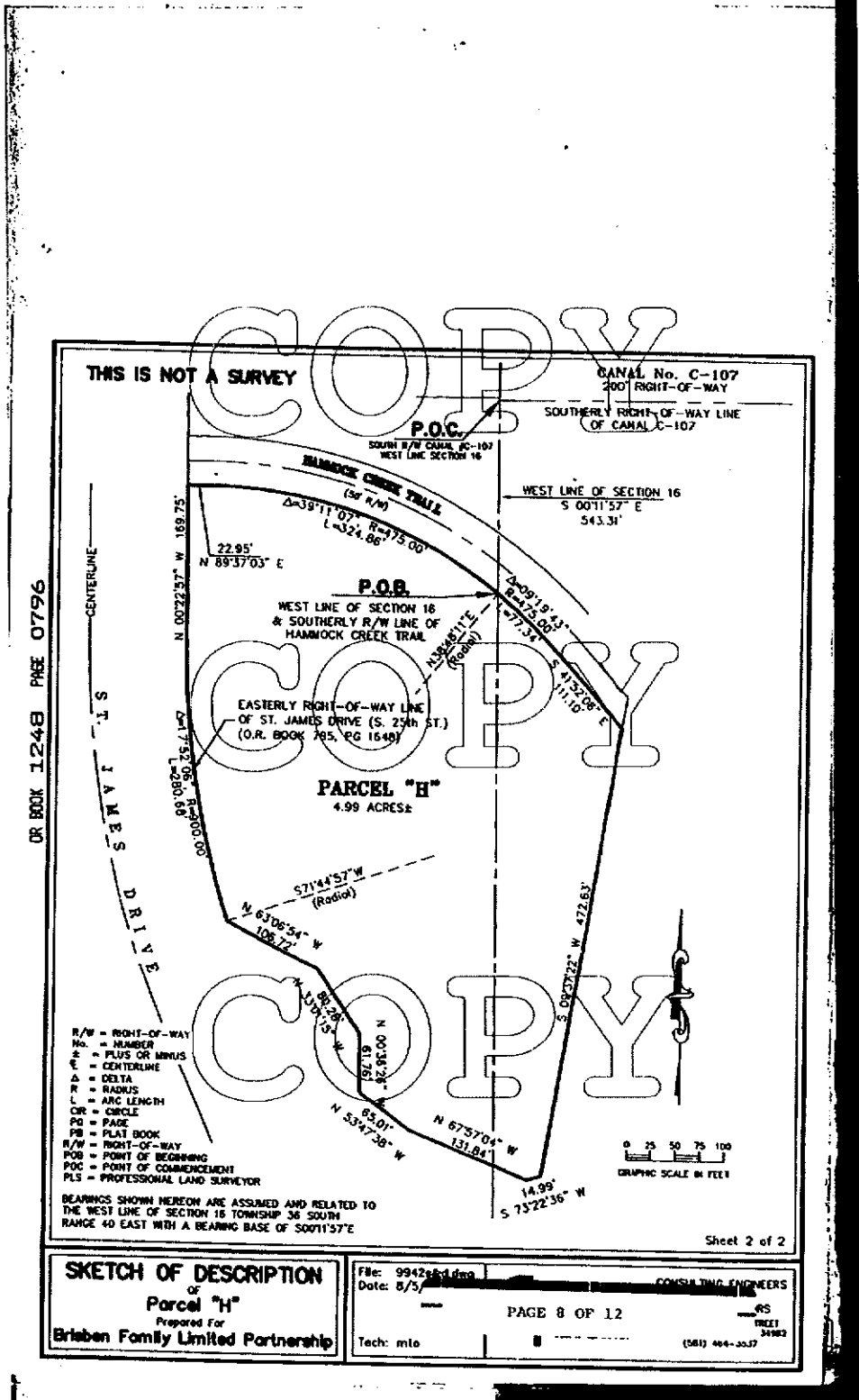
I HEREBY CERTIFY THAT THIS DESCRIPTION AND ACCOMPANYING SKETCH COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO FLORIDA STATUTE 472.027.  
 DATE: 8/9/99 BY Richard C. Laventure RICHARD C. LAVENTURE, P.L.S. 5209.

Sheet 1 of 2

**SKETCH OF DESCRIPTION**  
 OF  
**Parcel "H"**  
 Prepared For  
**Brisben Family Limited Partnership**

File: 9942s&k.dwg  
 Date: 8/5/99  
 CONSULTING ENGINEERS  
 PAGE 7 OF 12  
 Tech: mto

Underline is for addition to/from 6<sup>th</sup> amended PUD  
~~Strike through~~ is for deletion to/from 6<sup>th</sup> amended PUD



COPY

OR BOOK 124B PAGE 0797

DESCRIPTION

PARCEL "1" OF THE PROPOSED PLAT OF RIVER PLACE ON THE ST. LUCIE, A P.U.D. UNRECORDED AT THIS TIME, AS PREPARED BY LINDAHL, BROWNING, FERRARI & HELLSTROM, INC. SAID PARCEL LYING IN SECTION 16, TOWNSHIP 38 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 16 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF CANAL No. C-107 AS RECORDED IN OFFICIAL RECORDS BOOK 587, PAGES 462 THROUGH 464 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA (A 200.00 FOOT WIDE RIGHT-OF-WAY); THENCE SOUTH 00°11'57" EAST ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 511.65 FEET TO THE CENTERLINE OF HAMMOCK CREEK TRAIL (A PROPOSED 50.00 FOOT WIDE RIGHT-OF-WAY), SAID POINT BEING A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 11°36'44". A RADIAL TO SAID POINT BEARS NORTH 36°31'10" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 101.34 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID CENTERLINE SOUTH 41°52'06" EAST, A DISTANCE OF 91.21 FEET TO THE POINT OF BEGINNING; THENCE NORTH 61°27'31" EAST, A DISTANCE OF 258.96 FEET; THENCE SOUTH 44°33'07" EAST, A DISTANCE OF 81.39 FEET; THENCE SOUTH 85°09'40" EAST, A DISTANCE OF 49.90 FEET; THENCE SOUTH 64°05'35" EAST, A DISTANCE OF 92.10 FEET; THENCE SOUTH 29°52'52" EAST, A DISTANCE OF 33.97 FEET; THENCE SOUTH 76°56'59" EAST, A DISTANCE OF 87.18 FEET; THENCE SOUTH 00°55'57" EAST, A DISTANCE OF 39.68 FEET; THENCE SOUTH 08°42'31" WEST, A DISTANCE OF 84.11 FEET; THENCE SOUTH 18°44'11" WEST, A DISTANCE OF 146.23 FEET; THENCE SOUTH 68°37'46" WEST, A DISTANCE OF 105.18 FEET; THENCE SOUTH 71°02'48" WEST, A DISTANCE OF 156.90 FEET; THENCE SOUTH 65°55'04" WEST, A DISTANCE OF 142.66 FEET; THENCE SOUTH 73°22'36" WEST, A DISTANCE OF 181.91 FEET; THENCE NORTH 09°37'22" EAST, A DISTANCE OF 504.58 FEET, RETURNING TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.39 ACRES MORE OR LESS.

I HEREBY CERTIFY THAT THIS DESCRIPTION AND ACCOMPANYING SKETCH COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61G17-8 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO FLORIDA STATUTE 472.027.

DATE: 8/9/99 BY: Richard C. Laventure RICHARD C. LAVENTURE, P.L.S. 5209.

Sheet 1 of 2

SKETCH OF DESCRIPTION of Parcel "1" Prepared For Brisbane Family Limited Partnership

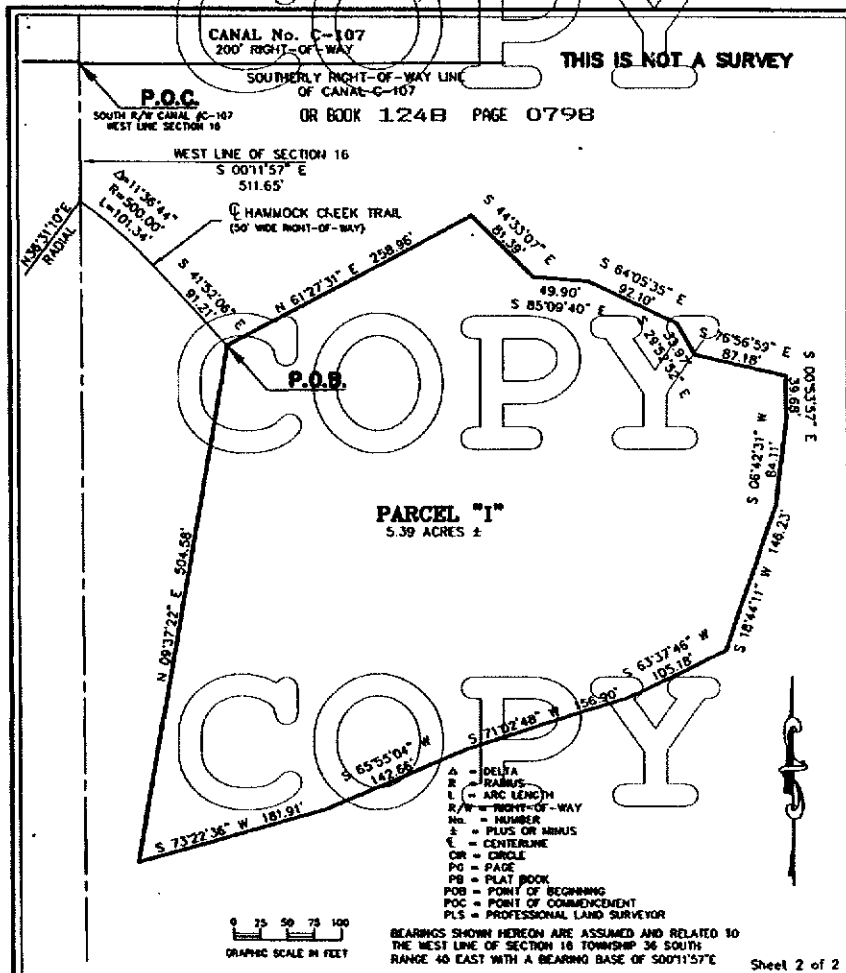
File: 9942s&d.dwg Date: 8/9/99

CONSULTING ENGINEERS

PAGE 9 OF 12

Tech: mto

2709S 1/2 STREET WEA 34982 -3537



**SKETCH OF DESCRIPTION**  
of  
**Parcel "I"**  
Prepared For  
**Brisben Family Limited Partnership**

File: 9942s&d.dwg  
Date: 8/1/00  
CONSULTING ENGINEERS  
ORS  
SHEET 1A 34962  
Tech: mto  
PAGE 10 OF 12

# COPY

## DESCRIPTION

PARCEL "N" OF THE PROPOSED PLOT OF RIVER PLACE ON THE ST. LUCIE, A P.U.D. UNRECORDED AT THIS TIME, AS PREPARED BY LINDAHL, BROWNING, FERRARI & HELLSTROM, INC. SAID PARCEL LYING IN A PORTION OF SECTIONS 16 AND 17, TOWNSHIP 36 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 16 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF CANAL No. C-107 AS RECORDED IN OFFICIAL RECORDS BOOK 587, PAGES 462 THROUGH 464 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA (A 200.00 FOOT WIDE RIGHT-OF-WAY); THENCE SOUTH 00°11'57" EAST ALONG THE WEST LINE OF SECTION 16, A DISTANCE OF 1,554.75 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ST. JAMES DRIVE (SOUTH 25TH STREET) AS RECORDED IN OFFICIAL RECORDS BOOK 795, PAGE 1648 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 22°58'17" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ST. JAMES DRIVE, A DISTANCE OF 53.60 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF LAZY RIVER PARKWAY ACCORDING TO THE PROPOSED PLOT OF RIVER PLACE ON THE ST. LUCIE; THENCE NORTH 67°01'43" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF LAZY RIVER PARKWAY, A DISTANCE OF 29.20 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 163.00 FEET, A CENTRAL ANGLE OF 23°39'52"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 69.32 FEET TO A POINT OF TANGENCY; THENCE NORTH 43°21'51" EAST, A DISTANCE OF 25.78 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 31°39'03"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 139.56 FEET TO A POINT OF TANGENCY; THENCE NORTH 75°20'56" EAST, A DISTANCE OF 436.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 25°46'34" TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WINDY RIVER WAY AND A POINT OF CURVE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 20°27'21", A RADIAL TO SAID POINT BEARS NORTH 40° 27'38" WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 30.74 FEET TO A POINT OF TANGENCY; THENCE SOUTH 20°54'59" EAST, A DISTANCE OF 181.58 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1,649.33 FEET, A CENTRAL ANGLE OF 12°53'03"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 370.89 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 81°58'41"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 35.77 FEET TO A POINT OF TANGENCY; THENCE NORTH 89°59'23" EAST, A DISTANCE OF 203.76 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 90°00'00"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 117.81 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°00'37" EAST, A DISTANCE OF 439.92 FEET TO A POINT 145.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) FROM THE NORTHERLY RIGHT-OF-WAY LINE OF AN UNNAMED CANAL FOR THE CITY OF PORT ST. LUCIE AS RECORDED IN OFFICIAL RECORDS BOOK 411, PAGE 1193 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE SOUTH 89°49'16" WEST ALONG A LINE PARALLEL WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID UNNAMED CANAL, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°00'37" EAST, A DISTANCE OF 145.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID UNNAMED CANAL; THENCE SOUTH 89°49'16" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID UNNAMED CANAL, A DISTANCE OF 710.59 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF A PARCEL OF LAND NOTED AS "TRACT ONE" AS RECORDED IN OFFICIAL RECORDS BOOK 796, PAGE 2331 THROUGH 2376 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE NORTH 00°12'04" WEST ALONG THE EASTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 455.06 FEET TO A POINT ON THE NORTHERLY LINE OF SAID TRACT ONE; THENCE SOUTH 89°49'02" WEST ALONG THE NORTHERLY LINE OF SAID TRACT ONE, A DISTANCE OF 321.36 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ST. JAMES DRIVE (SOUTH 25TH STREET), AS RECORDED IN OFFICIAL RECORDS BOOK 795, PAGE 1648 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, SAID POINT BEING A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1,100.00 FEET AND A CENTRAL ANGLE OF 21°21'03", A RADIAL TO SAID POINT BEARS NORTH 08°22'46" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 429.91 FEET TO A POINT OF TANGENCY; THENCE NORTH 22°58'17" WEST, A DISTANCE OF 34.15 FEET RETURNING TO THE POINT OF BEGINNING.

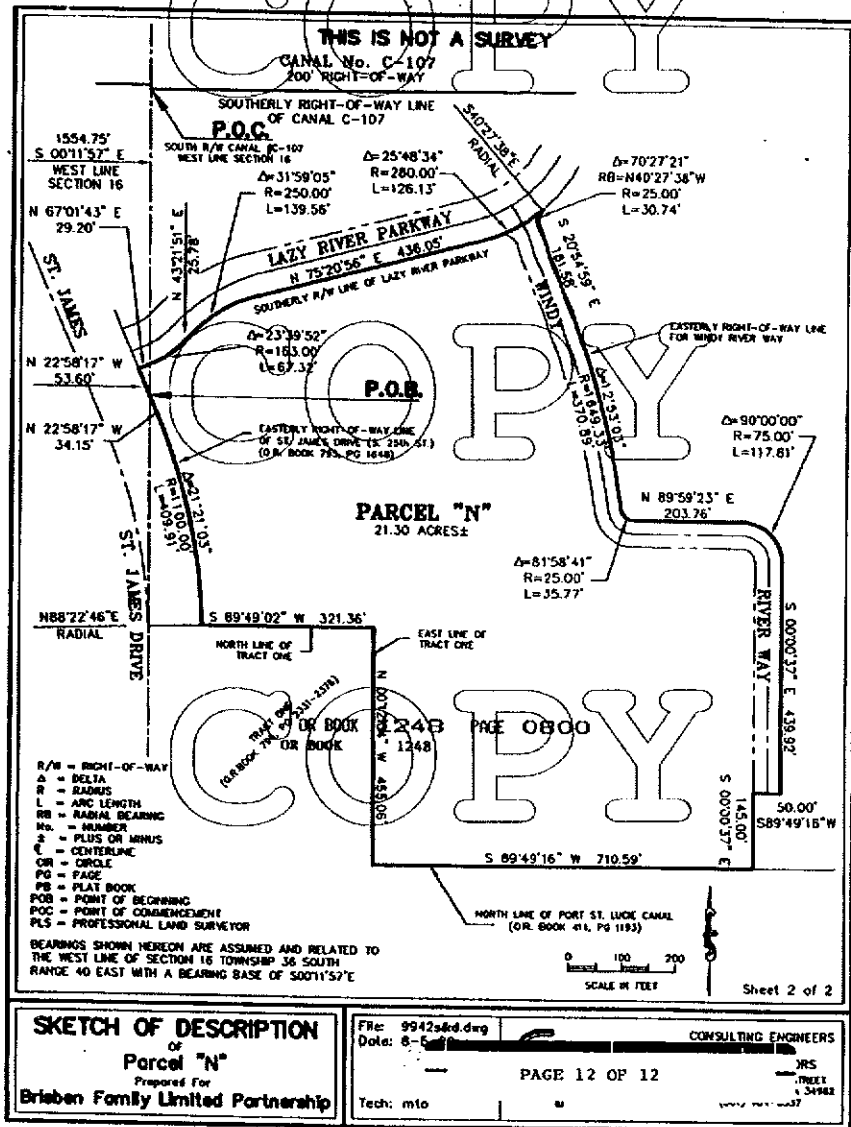
SAID PARCEL CONTAINS 21.30 ACRES, MORE OR LESS

I HEREBY CERTIFY THAT THIS DESCRIPTION AND ACCOMPANYING SKETCH COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 51G17-6 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO FLORIDA STATUTE 472.027.  
 DATE: 8/19/99 BY Richard C. Laventure RICHARD C. LAVENTURE, P.L.S. 5209.

Sheet 1 of 2

**SKETCH OF DESCRIPTION**  
 of  
**Parcel "N"**  
 Prepared For  
**Brisben Family Limited Partnership**

File: 9942a&d.dwg  
 Date: 8/19/99  
 Tech: mto  
 CONSULTING ENGINEERS  
 EYORS  
 16 STREET  
 304 J1902  
 3537  
 PAGE 11 OF 12



Underline is for addition to/from 6<sup>th</sup> amended PUD  
~~Strike through~~ is for deletion to/from 6<sup>th</sup> amended PUD

**Exhibit D-15 THRU D-20**

**from River Place Inc. and  
Brisben Family Limited Partnership  
to River Place on the  
St. Lucie Community Development District.  
(OR Book 1386/ Page 2794)**

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COPY

JONNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
File Number: 1907527 OR BOOK 1386 PAGE 2794  
Recorded: 04/27/01 11:45

This Instrument Prepared By: s DOC ASSUMP: \$ 0.00  
William G. Capko, Esq. s Doc Tax : \$ 14,000.00  
LEWIS, LONGMAN & WALKER, P.A. : \$ 0.00  
1700 Palm Beach Lakes Boulevard, Suite 1000  
West Palm Beach, Florida 33410  
(561) 640820

For Official Use Only  
Tax Parcel Identification No. 3416-231-0001-000/3

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made as of the 24<sup>th</sup> day of April, 2001, by RIVER PLACE, INC., a Florida corporation, whose address is 7800 East Kemper Road, Cincinnati, Ohio, 45249 ("River Place"), and BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, whose address is 7800 East Kemper Road, Cincinnati, Ohio, 45249 ("Brisben") (River Place and Brisben, collectively, are hereinafter sometimes referred to as "Grantor"), to RIVER PLACE ON THE ST. LUCIE COMMUNITY DEVELOPMENT DISTRICT, an independent special district created under Chapter 190, Florida Statutes, whose address is 10300 NW 11<sup>th</sup> Manor, Coral Springs, Florida, 33071 ("Grantee").

(Whenever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, personal representatives and assigns of individuals and the successors and assigns of corporations, partnerships, governmental and quasi-governmental entities.)

**WITNESSETH:**

That River Place, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all those certain parcels of real property (collectively, the "River Place Land") situate in St. Lucie County, Florida, and more particularly described in Exhibit "A", attached hereto and made a part hereof.

That Brisben, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, that certain parcel of real property (the "Brisben Land") situate in St. Lucie County, Florida, and more particularly described in Exhibit "B", attached hereto and made a part hereof.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

*Pl. Point Road Bldg 47*

COPY

DR BOOK 1366 PAGE 2795

AND River Place hereby covenants with Grantee that River Place is lawfully seized of the River Place Land in fee simple; that it has good right and lawful authority to sell and convey its interest in and to the River Place Land and hereby warrants the title to the River Place Land and will defend the same against the lawful claims of all persons claiming by, through or under River Place, but not otherwise.

AND Brisben hereby covenants with Grantee that Brisben is lawfully seized of the Brisben Land in fee simple; that it has good right and lawful authority to sell and convey its interest in and to the Brisben Land and hereby warrants the title to the Brisben Land and will defend the same against the lawful claims of all persons claiming by, through or under Brisben, but not otherwise.

Grantee, by its acceptance of this instrument, hereby agrees to the following restriction:

In the event Grantee dissolves or ceases to function, the River Place Land and the Brisben Land, excluding those certain parcels of real property described in Exhibit "C" attached hereto and made a part hereof, shall transfer by operation of law to the RIVER PLACE ON THE ST. LUCIE OWNERS ASSOCIATION INC., a Florida corporation not for profit, or its successors, for the purposes set forth in that certain Declaration of Protective Covenants for River Place on the St. Lucie recorded, or to be recorded, in the Public Records of St. Lucie County, Florida, as the same may be amended from time to time. Grantee or its designated agent shall execute all documents necessary or proper to effect such transfer. This restriction shall be binding upon Grantee, its successors and assigns, and shall run with the land.

This conveyance is subject to outstanding taxes accruing subsequent to December 31, 2000, and to easements, restrictions, agreements, conditions, limitations, reservations and other matters of record, if any, including those set forth on the Plat of River Place on the St. Lucie recorded in Plat Book 39, Pages 29, 29A through 29G, on the Plat of River Place on the St. Lucie No. 2, recorded in Plat Book 39, Pages 30 and 30A, and on the Plat of River Place on the St. Lucie No. 3, recorded in Plat Book 39, Pages 31, 31A and 31B, all of the Public Records of St. Lucie County, Florida, as applicable, but this reference to the foregoing shall not operate to reimpose the same.

IN WITNESS WHEREOF, the parties referred to above as Grantee have caused this instrument to be executed and delivered in their names and have intended the same to be and become effective as of the day and year first above written.

Signed, sealed and delivered in the presence of:  
[Signature]  
Print Name: SHERYL K. BAKER  
[Signature]  
Print Name: [Signature]

RIVER PLACE, INC., a Florida corporation  
By: [Signature]  
Carol Ann Cardella, Vice-President

[CORPORATE SEAL]

COPY

OR BOOK 1386 PAGE 2756

Shirley Barber  
Print Name: Shirley Barber

BRISBEN FAMILY LIMITED PARTNERSHIP, a  
Georgia limited partnership

By: Brisben Family, Inc., a Florida corporation, its  
General Partner

William O. Brisben  
Print Name: William O. Brisben

By: \_\_\_\_\_  
William O. Brisben, President

[CORPORATE SEAL]

STATE OF Ohio  
COUNTY OF Hamilton

The foregoing instrument was acknowledged before me this 21 day of April, 2001, by CAROL ANN CARDELLA, as Vice-President of RIVER PLACE, INC., a Florida corporation. Said person (check one)  is personally known to me,  produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or  produced other identification, to wit: \_\_\_\_\_

Shirley Barber  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
Expires: \_\_\_\_\_  
KAREN L. [Signature]  
Notary Public, State of Ohio  
My Commission Expires Dec. 28, 2001

STATE OF Ohio  
COUNTY OF Hamilton

The foregoing instrument was acknowledged before me this 21 day of April, 2001, by WILLIAM O. BRISBEN, as President of Brisben Family, Inc., a Florida corporation, as General Partner of BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership. Said person (check one)  is personally known to me,  produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or  produced other identification, to wit: \_\_\_\_\_

Shirley Barber  
Print Name: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
Expires: \_\_\_\_\_  
KAREN L. [Signature]  
Notary Public, State of Ohio  
My Commission Expires Dec. 28, 2001

FD-02A (REVISED) River Place Special Ord. 4, 1997

# COPY

OF BOOK 1386 PAGE 2797

**EXHIBIT "A"**

1. AS SHOWN ON THE PLAT OF RIVER PLACE ON THE ST. LUCIE RECORDED IN PLAT BOOK 39, PAGES 29, 29A THROUGH 29G, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA:
  - A. ALL ROAD RIGHTS-OF-WAY EXCEPT LAZY RIVER PARKWAY;
  - B. BUFFER ZONES (B.Z.) NUMBERS 1, 2, 3, 4, 5, 6, 7, 8, 9;
  - C. WATER MANAGEMENT TRACTS (W.M.T.) NUMBER 1;
  - D. WETLAND PRESERVATION AREAS (W.P.A.) NUMBERS 1, 2, 3, 4, 5, 6, 7 AND 8;
  - E. LAZY RIVER PARKWAY;
  - F. OPEN SPACE TRACT (O.S.T.) NUMBER 4;
  - G. TRACTS "D", "D1", "F", "L" AND "O"; AND
  - H. THE FEE SIMPLE INTEREST UNDERLYING LIFT STATION EASEMENT (L.S.E.) NO. 2.
  
2. AS SHOWN ON THE PLAT OF RIVER PLACE ON THE ST. LUCIE NO. 2 RECORDED IN PLAT BOOK 39, PAGES 30 AND 30A, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA:
  - A. ALL ROAD RIGHTS-OF-WAY;
  - B. BUFFER ZONES (B.Z.) NUMBERS 2 AND 3;
  - C. THE OPEN SPACE TRACTS (O.S.T.) NUMBERS 1, 2 AND 3;
  - D. WATER MANAGEMENT TRACT (W.M.T.) NUMBER 3; AND
  - E. THE WETLAND PRESERVATION AREAS (W.P.A.) NUMBERS 2, 3 AND 4.
  
3. AS SHOWN ON THE PLAT OF RIVER PLACE ON THE ST. LUCIE NO. 3, AS RECORDED IN PLAT BOOK 39, PAGES 31, 31A, AND 31B, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA:
  - A. ALL ROAD RIGHTS-OF-WAY;
  - B. THE OPEN SPACE TRACTS (O.S.T.) NUMBERS 5, 6, 7, 8, 9, 10 AND 11;
  - C. WATER MANAGEMENT TRACTS (W.M.T.) NUMBERS 4 AND 5, TOGETHER WITH WATER MANAGEMENT MAINTENANCE EASEMENTS 4 AND 5, FOR WATER MANAGEMENT AND FOR WATER MANAGEMENT MAINTENANCE PURPOSES; AND
  - D. TRACT "M".

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COPY

OR BOOK 136 PAGE 279B

EXHIBIT "B"

WATER MANAGEMENT TRACT (W.M.T.) NUMBER 2, AS SHOWN ON THE  
PLAT OF RIVER PLACE ON THE ST. LUCIE RECORDED IN PLAT BOOK 39,  
PAGES 29, 29A THROUGH 29G, PUBLIC RECORDS OF ST. LUCIE COUNTY,  
FLORIDA.

COPY

COPY

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**COPY**

OR BOOK 1386 PAGE 2799

**EXHIBIT "C"**

AS SHOWN ON THE PLAT OF RIVER PLACE ON THE ST. LUCIE RECORDED IN PLAT BOOK 39, PAGES 29, 29A THROUGH 29G, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA:

1. LAZY RIVER PARKWAY;
2. THE FEE SIMPLE INTEREST UNDERLYING LIFT STATION EASEMENT (L.S.E.) NO. 2; AND
3. TRACT "D".

**COPY**

**COPY**

P:\DATA\NK\River Place\Exhibit C.DOC

**Exhibit D-21 THRU D-24**

**from River Place Inc.**  
**to River Place on the St. Lucie**  
**Community Development District.**  
**(OR Book 1386/ Page 2800)**

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**COPY**

JOHNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
This Instrument Prepared By: File Number: 1907028 OR BOOK 1386 PAGE 2800  
WILLIAM G. CAPKO, ESQ. Recorded: 04/27/01 11:45

Lewis Longman & Walker, P.A. Doc Assump: \$ 0.00  
1700 Palm Beach Lakes Boulevard Doc Tax : \$ 0.70  
Suite 1000 Int Tax : \$ 0.00  
West Palm Beach, FL 33401

For Official Use Only  
Tax Parcel Identification No.: 3416-231-0001-000/3

**QUIT CLAIM DEED**

**THIS QUIT CLAIM DEED** is made as of the 24<sup>th</sup> day of April, 2001, by RIVER PLACE, INC., a Florida corporation, whose address is 7800 East Kemper Road, Cincinnati, Ohio, 45249 ("Grantor"), to RIVER PLACE ON THE ST. LUCIE COMMUNITY DEVELOPMENT DISTRICT, an independent special district created under Chapter 190, Florida Statutes, whose address is 10300 NW 11<sup>th</sup> Minor, Coral Springs, Florida, 33071 ("Grantee").

(Whenever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, personal representatives and assigns of individuals and the successors and assigns of corporations, partnerships, governmental and quasi-governmental entities.)

**WITNESSETH:**

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, that certain parcel of real property (the "Land") situate in St. Lucie County, Florida, and more particularly described on Exhibit "A", attached hereto and made a part hereof.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

SUBJECT TO outstanding real property taxes and to easements, restrictions, agreements, conditions, limitations, reservations and other matters of record, if any, but this reference to restrictions shall not operate to reimpose the same.

THE PROPERTY DESCRIBED HEREIN IS BEING TRANSFERRED IN CONJUNCTION WITH THAT CERTAIN SPECIAL WARRANTY DEED RECORDED AT OFFICIAL RECORDS BOOK 386 PAGE 277, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA. NO ADDITIONAL CONSIDERATION WAS GIVEN FOR THIS TRANSFER. DOCUMENTARY STAMP TAXES FOR THE OVERALL TRANSACTION HAVE BEEN CALCULATED AND PAID WITH THE SPECIAL WARRANTY DEED.

COPY

OR BOOK 1386 PAGE 2801

IN WITNESS WHEREOF, the party referred to above as Grantor has caused this instrument to be executed and delivered in its name and has intended the same to be and become effective as of the day and year first above written.

Signed, sealed and delivered in the presence of:

RIVER PLACE, INC., a Florida corporation

[Signature]  
Print Name: Suzanne R. Pate

By: [Signature]  
Carol Ann Cardella, Vice-President

[Signature]  
Print Name: Kristen L. York

[CORPORATE SEAL]

STATE OF Ohio  
COUNTY OF Hamilton

The foregoing instrument was acknowledged before me this 21 day of April, 2001, by CAROL ANN CARDELLA, as Vice-President of RIVER PLACE, INC., a Florida corporation. Said person (check one)  is personally known to me,  produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or  produced other identification, to wit: \_\_\_\_\_

[Signature]  
Print Name: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

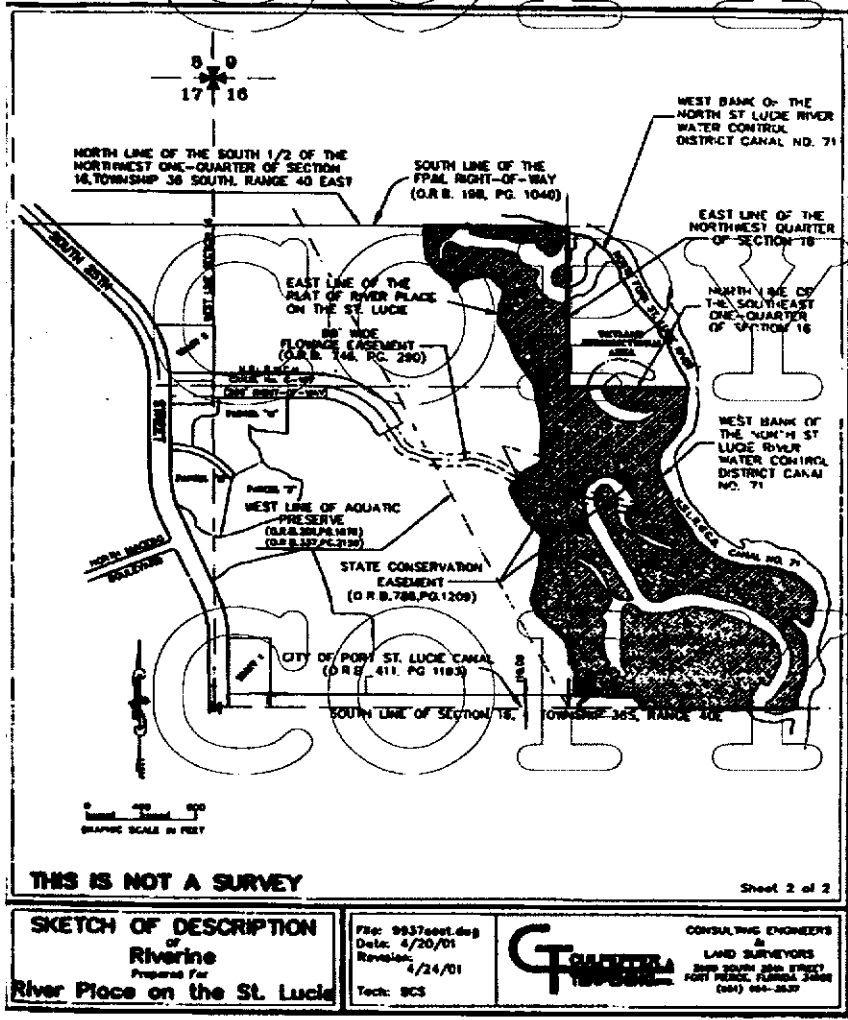


KAREN L. YORK  
Notary Public, State of Ohio  
My Commission Expires \_\_\_\_\_

FILED AT RIVER PLACE, OHIO CLERK OF COURT

# COPY

OR BOOK 1386 PAGE 2802



COPY

OR BOOK 1386 PAGE 2803

DESCRIPTION  
COPY

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER AND SOUTH ONE-HALF OF SECTION 18, TOWNSHIP 38, RANGE 40; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEING BOUNDED ON THE NORTH BY THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER AND THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 18; BOUNDED ON THE EAST BY THE WEST BANK OF THE NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT CANAL NO. 71; BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 18, AND BEING BOUNDED ON THE WEST BY THE EAST LINE OF THE PLAT OF RIVER PLACE ON THE ST. LUCIE, AS RECORDED IN PLAT BOOK 38, PAGE 28A THROUGH 28C, ST. LUCIE COUNTY PUBLIC RECORDS.

LESS AND EXCEPTING CANAL RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 411, PAGE 1193, OF THE PUBLIC RECORDS IN ST. LUCIE COUNTY, FL.

SUBJECT TO ANY EASEMENTS OF RECORD.

COPY

*M.D.T. Owen*

Sheet 1 of 2

<p><b>SKETCH OF DESCRIPTION</b> of <b>Riverine</b> Prepared For <b>River Place on the St. Lucie</b></p>	<p>File: 8837east.dwg Date: 4/20/01 Revision: 4/24/01 Tech: BCS</p>	<p><b>G. GARDNER</b> CONSULTING ENGINEERS &amp; LAND SURVEYORS 2806 SOUTH 28th STREET FORT PIERCE, FLORIDA 34982 (888) 464-3847</p>
-------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------

500/000 © DWGDATE: 4/24/01 10:59:11 AM 1007/02/00

**Exhibit D-26 THRU D-28**

**from River Place on the St. Lucie  
Community Development District  
to City of Port St. Lucie  
(OR Book 1465/ Page 2298)**

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COPY

OR BOOK 1465 PAGE 2300

STATE OF Florida  
COUNTY OF St. Lucie

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of November 2001, by CAROL ANN CARDELLA, as Chairman of the Board of Supervisors of RIVER PLACE ON THE ST. LUCIE COMMUNITY DEVELOPMENT DISTRICT, an independent special district created under Chapter 190, Florida Statutes. Said person (check one)  is personally known to me,  produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or  produced other identification, to wit:

**COPY**  
DANA ANN KEBNAN  
NOTARY PUBLIC  
STATE OF FLORIDA  
COMMISSION # 0008990  
EXPIRES 12/21/04  
Print Name: Dana Ann Keenan  
Notary Public, State of \_\_\_\_\_  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

F:\DATA\WORK\River Place\special wd 4 amended.wpd

COPY

COPY

DOC ASSUMP :  
DOC Tax :  
Int Tax :

0.00  
0.70  
0.00

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
FILE NUMBER: 1985424 OR BOOK 1465 PAGE 2298  
Recorded: 12/11/01 13:24

This Instrument Prepared By:  
William G. Capko, Esq.  
LEWIS, LONGMAN & WALKER, P.A.  
1700 Palm Beach Lakes Boulevard, Suite 1000  
West Palm Beach, Florida 33410

For Official Use Only  
Tax Parcel Identification No. 3416-231-0001-000/3

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made as of the 6<sup>th</sup> day of December  
2001, by RIVER PLACE ON THE ST. LUCIE COMMUNITY DEVELOPMENT DISTRICT,  
an independent special district created under Chapter 190, Florida Statutes, whose address is  
10300 NW 13<sup>th</sup> Manor, Coral Springs, Florida, 33071 ("Grantor"), to the CITY OF PORT ST.  
LUCIE, a municipality organized under the laws of the State of Florida, whose address is 121  
SW Port St. Lucie Boulevard, Port St. Lucie, Florida, 34984 ("Grantee").

(Whenever used herein, the terms "Grantor" and "Grantee" include all the parties  
to this instrument and the heirs, personal representatives and assigns of  
individuals and the successors and assigns of corporations, partnerships,  
governmental and quasi-governmental entities.)

**WITNESSETH:**

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and  
other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by  
these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee,  
all those certain parcels of real property (the "Land") situate in St. Lucie County, Florida, and  
more particularly described as follows:

As shown on the Plat of RIVER PLACE ON THE ST. LUCIE recorded in Plat  
Book 39, Pages 29, 29A through 29G, Public Records of St. Lucie County,  
Florida (the "Plat"):

- 1. Lazy River Parkway, for public road right-of-way purposes;
- 2. The fee simple interest underlying Lift Station Easement (L.S.E.) No. 2; and
- 3. Tract "D," for public park and recreation purposes.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto  
belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

*Dean, Meade - 49*

COPY


OR BOOK 1465 PAGE 2299

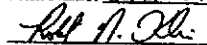
AND Grantee agrees that, by acceptance hereof, it expressly assumes the perpetual responsibility for operation and maintenance of Lazy River Parkway as a public road right-of-way, and of Tract "D," as shown on the Plat, for public park and recreation purposes. Grantee's maintenance obligation for Tract "D" shall not include maintenance of the Public Nature Trails on Public Nature Trail Easements within Buffer Zone (B.Z.) No. 4, as described on the Plat, which are the maintenance responsibility of Grantor.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Land in fee simple; that Grantor has good right and lawful authority to sell and convey Grantor's interest in and to the Land and hereby warrants the title to the Land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise. This conveyance is subject to easements, restrictions, agreements, conditions, limitations, reservations and other matters of record, if any, including those set forth on the Plat, but this reference to the foregoing shall not operate to reimpose the same.

IN WITNESS WHEREOF, the party referred to above as Grantor has caused this instrument to be executed and delivered in its name and has intended the same to be and become effective as of the day and year first above written.

Signed, sealed and delivered in the presence of:

  
Print Name: Dana Ann Keenan

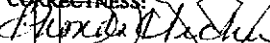
  
Print Name: Robert N. Ken

RIVER PLACE ON THE ST. LUCIE COMMUNITY DEVELOPMENT DISTRICT, an independent special district created under Chapter 190, Florida Statutes

By:   
Carol Ann Cardella, Chairman, Board of Supervisors

COPY

APPROVED AS TO FORM AND CORRECTNESS:

  
District Manager

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**Exhibit D-29 THRU D-31**

**from Brisben Family Limited Partnership  
to Out of Control in Florida, LLC.  
(OR Book 1600/ Page 1066)**

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COPY

This Instrument Prepared By:  
ROBERT N. KLEIN, ESQ.  
Dean, Mead, Minton & Klein  
Post Office Box 2757  
Fort Pierce, Florida 34954-2757  
(772) 464-7700

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
File Number: 2100784 OR BOOK 1600 PAGE 1066  
Recorded: 10/23/02 15:54

\* Doc ASSURP: \$ 0.00  
\* Doc Tax : \$ 5,600.00  
\* Int Tax : \$ 0.00

For Official Use Only  
Tax Parcel Identification No. \_\_\_\_\_

**SPECIAL WARRANTY DEED**

COPY

THIS SPECIAL WARRANTY DEED is made as of the 17 day of October, 2002, by BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, whose address is 7800 East Kemper Road, Cincinnati, Ohio 45249 ("Grantor"), to OUT OF CONTROL IN FLORIDA, L.L.C., a Florida limited liability company, whose post office address is 26 Island Road, Stewart, Florida 34996 ("Grantee").

(Whenever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, personal representatives and assigns of individuals and the successors and assigns of corporations, partnerships, governmental and quasi-governmental entities.)

**WITNESSETH:**

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain parcel of real property (the "Land") situate in St. Lucie County, Florida and more particularly described in Exhibit "A", attached hereto and made a part hereof.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining,

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Land in fee simple; that Grantor has good right and lawful authority to sell and convey Grantor's interest in and to the Land and hereby warrants the title to the Land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise. This conveyance is subject to outstanding taxes accruing subsequent to December 31, 2001, and to easements, restrictions, agreements, conditions, limitations, reservations and other matters of record, if any, but this reference to the foregoing shall not operate to reimpose the same.

(F0009776.1)

(E) Kramer Summit

COPY

DR BOOK 1600 PAGE 1067

TITLE NOT EXAMINED BY SCRIVENER

IN WITNESS WHEREOF, the party referred to above as Grantor has caused this instrument to be executed and delivered in its name and has intended the same to be and become effective as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Valley Rice  
Print Name: VALLEY RICE

Sherry Y. Dayer  
Print Name: SHERRY Y. DAYER

GRANTOR:  
BRISBEN FAMILY LIMITED PARTNERSHIP,  
a Georgia limited partnership  
By: Brisben Family, Inc., General Partner

By: William O. Brisben, President  
[Corporate Seal]

STATE OF OHIO  
COUNTY OF Warren

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of October, 2002, by WILLIAM O. BRISBEN, as President of Brisben Family, Inc., a corporation, General Partner of BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership. Said person (check one) [  ] is personally known to me, [  ] produced a driver's license (issued by a state of the United States within the last five (5) years), as identification, or produced other identification, to wit:

Cathy L. Wilson  
Print Name: Cathy L. Wilson  
Notary Public, State of Ohio  
Commission No.:  
My Commission Expires: 3/2/05

COPY

Cathy L. Wilson  
Notary Public, State of Ohio  
My Commission Expires 3/2/05  
Recorded in Warren Co

{10009776 1}

# COPY

## DESCRIPTION

A PARCEL OF LAND LYING IN A PORTION OF SECTIONS 16 AND 17, TOWNSHIP 36 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, ALSO BEING TRACT "G" OF THE RECORDED P.U.D. AND A PORTION OF TRACT "P", OF RIVER PLACE ON THE ST. LUCIE, AS RECORDED IN PLAT BOOK 39, PAGES 29, 29A THROUGH 29G, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 16 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF CANAL No. C-107 AS RECORDED IN OFFICIAL RECORDS BOOK 587, PAGES 462 THROUGH 464 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA (A 200.00 FOOT WIDE RIGHT-OF-WAY) ALSO BEING THE NORTH LINE OF WATER MANAGEMENT TRACT No. 2 OF SAID PLAT OF RIVER PLACE ON THE ST. LUCIE; THENCE NORTH 89°35'48" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CANAL No. C-107 AND NORTH LINE OF SAID WATER MANAGEMENT TRACT No. 2, A DISTANCE OF 36.02 FEET TO THE NORTHWEST CORNER OF SAID TRACT "P" AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°35'48" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF CANAL No. C-107 AND THE NORTH LINE OF SAID TRACT "P", A DISTANCE OF 513.79 FEET TO THE EAST LINE OF SAID TRACT "P"; THENCE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID TRACT "P", A DISTANCE OF 296.75 FEET TO AN INTERSECTION WITH THE NORTH LINE OF WETLAND PRESERVATION AREA No. 6 OF SAID PLAT OF RIVER PLACE ON THE ST. LUCIE; THE FOLLOWING EIGHT COURSES LIE ALONG THE NORTH AND WESTERLY LINE OF SAID WETLAND PRESERVATION AREA No. 6; THENCE NORTH 82°42'19" WEST, A DISTANCE OF 115.06 FEET; THENCE NORTH 84°16'59" WEST, A DISTANCE OF 55.43 FEET; THENCE NORTH 87°53'21" WEST, A DISTANCE OF 52.27 FEET; THENCE NORTH 56°04'40" WEST, A DISTANCE OF 74.72 FEET; THENCE SOUTH 04°19'59" EAST, A DISTANCE OF 114.32 FEET; THENCE SOUTH 39°57'54" EAST, A DISTANCE OF 102.79 FEET; THENCE SOUTH 13°11'15" EAST, A DISTANCE OF 104.46 FEET; THENCE SOUTH 44°33'07" EAST, A DISTANCE OF 0.49 FEET; THENCE DEPARTING SAID WESTERLY LINE OF SAID WETLAND PRESERVATION AREA No. 6, SOUTH 61°27'31" WEST, A DISTANCE OF 233.27 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HAMMOCK CREEK TRAIL (A PROPOSED 50.00 FOOT WIDE RIGHT-OF-WAY); THENCE NORTH 41°52'06" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF HAMMOCK CREEK TRAIL, A DISTANCE OF 97.13 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 32°35'10"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 298.59 FEET TO THE SOUTHEAST CORNER OF SAID WATER MANAGEMENT TRACT No. 2 AND A POINT OF INTERSECTION WITH A NON-RADIAL LINE, A RADIAL TO SAID POINT BEARS NORTH 15°32'44" EAST; THE FOLLOWING FIVE COURSES LIE ALONG THE EASTERLY LINE OF SAID WATER MANAGEMENT TRACT No. 2; THENCE NORTH 00°23'12" WEST, A DISTANCE OF 153.42 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 89°59'59"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 157.08 FEET TO A POINT OF TANGENCY; THENCE NORTH 89°38'47" EAST, A DISTANCE OF 43.66 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 89°59'59"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 78.54 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°23'12" WEST, A DISTANCE OF 103.21 FEET RETURNING TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 6.51 ACRES MORE OR LESS.

I hereby certify that this sketch and accompanying description comply with the minimum technical standards as set forth in Chapter 61G17-8 adopted by the Florida Board of Land Surveyors, pursuant to Florida Statute 472.027.

*Michael T. Owen*  
MICHAEL T. OWEN, P.S.M. FLORIDA CERTIFICATE NO. 5558

7-27-2002  
DATE

8/24/99 REVISED DESCRIPTION  
02/17/02 REVISED DESCRIPTION  
9/27/02 ADDED CERTIFICATION  
Sheet 1 of 2

SKETCH & DESCRIPTION  
OF  
TRACT "G"  
Prepared For  
BRISBEN FAMILY LIMITED PARTNERSHIP

File: 99-425&D-G  
Date: 9/17/02

Tech: BCS



CONSULTING ENGINEERS  
&  
LAND SURVEYORS  
2980 SOUTH 75th STREET  
FORT PIERCE, FLORIDA 34982  
(407) 464-3537

DR. ECHS 1600 PAGE 1068

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**Exhibit D-32 THRU D-33**

**from Out of Control in Florida, LLC  
to Sullivian Homes At Hawks Ridge, LLC.  
(OR Book 2598/ Page 2061)**

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Prepared by and return to:  
Robert S. Kramer, Esq.

Kramer, Sopko & Levenstein, P.A.  
853 SE Monterey Commons Boulevard  
Stuart, FL 34996

File Number: 6031.09  
Will Call No.:

COPY

[Space Above This Line For Recording Data]

### Special Warranty Deed

This Special Warranty Deed made this 31 day of May, 2006 between OUT OF CONTROL IN FLORIDA, LLC, a Florida limited liability company whose post office address is 26 Island Road, Stuart, FL 34996, grantor, and SULLIVAN HOMES AT HAWKS RIDGE, LLC, a Florida limited liability company whose post office address is 8442 S. Federal Highway, Port Saint Lucie, FL 34952, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Saint Lucie County, Florida, to-wit:

Tract E, RIVER PLACE ON THE ST. LUCIE, according to the Plat thereof, recorded in Plat Book 39, Page 29, Public Records of St. Lucie County, Florida.

Parcel Identification Number: 3416-675-0029-000/9

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple, that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

COPY

Double Times

Signed, sealed and delivered in our presence:

Witness Name: R. STRAMER  
 Witness Name: Dawn E. Dailly  
 Witness Name: Dawn E. Dailly

OUT OF CONTROL IN FLORIDA, LLC, a Florida limited liability company

By: Robert D. Greene

COPY

State of Florida  
County of Martin

The foregoing instrument was acknowledged before me this 16th day of May, 2006 by Robert D. Greene on behalf of OUT OF CONTROL IN FLORIDA, LLC, a Florida limited liability company. He [X] is personally known to me or [ ] has produced a driver's license as identification.

[Notary Seal]

Robert S. Kramer  
 My Commission DO156670  
 Expires November 13, 2008

Notary Public

Printed Name:

My Commission Expires:

COPY

COPY

**Exhibit D-34 THRU D-38**

**from Brisben Family Limited Partnership  
to Ward I Snyder, Trustee.  
(OR Book 1779/ Page 0523)**

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COPY

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
File Number: 2256064 OR-BOOK 1779 PAGE 523  
Recorded: 08/19/03 14:59

Record/Return to: W. Lee Dobbins, Esq.  
Dean, Mead, Minton & Klein  
1903 So. 25<sup>th</sup> Street - Suite 100  
Ft. Pierce, FL 34947

Name: Deborah L. Fechik  
Address: P.O. Box 1900  
Fort Lauderdale, FL 33302

\* Doc Assump: \$ 0.00  
\* Doc Tax : \$ 1,926.40  
\* Int Tax : \$ 0.00

This Instrument Prepared By: Scott J. Fierst, Esq.

Address: Ruden, McClosky, Smith,  
Schuster & Russell, P.A.  
200 East Broward Boulevard, 15<sup>th</sup> Floor  
Fort Lauderdale, Florida 33301

Property Appraiser's Parcel I.D. (Folio) Number: 3416-675-0036-008/1 ((of which Tract H is a part)

Grantee's SSN:

COPY

**SPECIAL WARRANTY DEED**

This Special Warranty Deed made and executed the 12<sup>th</sup> day of August, 2003 by BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, having an address of 945 Hill Street, Cincinnati, Ohio 45202, (hereinafter called the "Grantor") to WARD I. SNYDER, as Trustee of the LWLK Trust U/A/D October 23, 1996, whose post office address is 6698 So. U.S. Highway 1, Port St. Lucie, Florida (hereinafter called the "Grantee"):

WITNESSETH:

That Grantor, for an in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain real property situate in St. Lucie County, Florida, as follows:

See Exhibit "A" attached hereto and made a part Hereof ("Real Property").

**SUBJECT TO:**

- (a) Taxes and assessments for the year 2003 and subsequent years.
- (b) Covenant, easements and restrictions of record; matters of plat; and existing zoning and governmental ordinances (but without serving to reimpose same).

COPY

OR BOOK 1779 PAGE 524

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

AND Grantor hereby covenants with said Grantee that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through and under Grantor.

*In Witness Whereof*, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered  
In the presence of:

**BRISBEN FAMILY LIMITED PARTNERSHIP**,  
a Georgia limited partnership

By: **Brisben Family, Inc.**, a Florida corporation,  
its general partner

Signature [Handwritten Signature]  
Printed Name C. J. Connelly  
Signature [Handwritten Signature]  
Printed Name Jan Alexander

By: [Handwritten Signature]  
**WILLIAM G. BRISBEN**, President  
(Corporate Seal)  
Address: 945 Hill Street  
Cincinnati, Ohio 45202

COPY

OR BOOK 1779 PAGE 525

STATE OF Ohio )  
 ) SS:  
COUNTY OF Hamilton )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by WILLIAM O. BRISBEN, President of BRISBEN FAMILY, INC., the general partner of BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, the \_\_\_\_\_ of a freely and voluntarily under authority duly vested in him/her by said corporation and that the seal/affixed thereto is the true corporate seal of said corporation. He/She is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 12<sup>th</sup> day of August, 2003.



Lisa Shuppert  
Notary of the Public  
State of Ohio  
My commission expires  
June 18, 2008

*Lisa Shuppert*  
Notary Public, State of \_\_\_\_\_ at Large

Typed, printed or stamped name of Notary Public

My Commission Expires:

COPY

# COPY

OR BOOK 1779 PAGE 526  
Exhibit "H" Subject Property


### DESCRIPTION

PARCEL "2" OF THE PROPOSED RE-PLAT OF TRACT "H", IN RIVER PLACE ON THE ST. LUCIE No. 7, AS RECORDED IN PLAT BOOK 42, PAGE 11, SAID PARCEL LYING IN A PORTION OF SECTIONS 16 AND 17, TOWNSHIP 36 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH PROPERTY LINE OF SAID TRACT "H" (ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF HAMMOCK CREEK TRAIL A 50 FOOT WIDE RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY LINE OF ST. JAMES DRIVE. A 150 FOOT WIDE RIGHT-OF-WAY; THENCE NORTH 89°37'03" EAST ALONG THE NORTH LINE OF SAID TRACT "H" AND THE SOUTH RIGHT-OF-WAY LINE OF SAID HAMMOCK CREEK TRAIL, A DISTANCE OF 22.77 FEET TO A TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF 32°23'24". THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 288.52 FEET; THENCE DEPARTING SAID HAMMOCK CREEK TRAIL ALONG A NON-RADIAL LINE SOUTH 09°37'22" WEST, A DISTANCE OF 278.89 FEET; THENCE SOUTH 80°22'38" EAST, A DISTANCE OF 201.80 FEET TO THE EAST LINE OF TRACT "H"; THENCE SOUTH 09°37'22" WEST, ALONG SAID EAST LINE OF TRACT "H", A DISTANCE OF 278.88 FEET, TO THE NORTH LINE OF BUFFER ZONE/UPLAND PRESERVATION EASEMENT NUMBER 15; THE FOLLOWING 6 COURSES LIE ALONG THE NORTH LINE OF SAID BUFFER ZONE/UPLAND PRESERVATION EASEMENT NUMBER 15; THENCE SOUTH 73°22'38" WEST, A DISTANCE OF 22.10 FEET; THENCE NORTH 67°57'04" WEST, A DISTANCE OF 108.09 FEET; THENCE NORTH 53°47'38" WEST, A DISTANCE OF 33.77 FEET; THENCE NORTH 00°36'26" WEST, A DISTANCE OF 51.28 FEET; THENCE NORTH 33°01'15" WEST, A DISTANCE OF 108.25 FEET; THENCE NORTH 63°06'54" WEST, A DISTANCE OF 166.65 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID ST. JAMES DRIVE AND A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 900.00 FEET AND A CENTRAL ANGLE OF 132°50". A RADIAL LINE TO SAID POINT BEARS SOUTH 76°08'58" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 211.23 FEET TO A TANGENT INTERSECTION; THENCE NORTH 00°24'12" WEST, A DISTANCE OF 140.86 FEET; THENCE DEPARTING SAID ST. JAMES DRIVE, RIGHT-OF-WAY LINE, NORTH 89°37'03" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 00°24'12" WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°37'03" WEST, A DISTANCE OF 20.00 FEET RETURNING TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID ST. JAMES DRIVE; THENCE NORTH 00°24'12" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SAID ST. JAMES DRIVE, A DISTANCE OF 10.00 FEET RETURNING TO THE POINT OF BEGINNING.

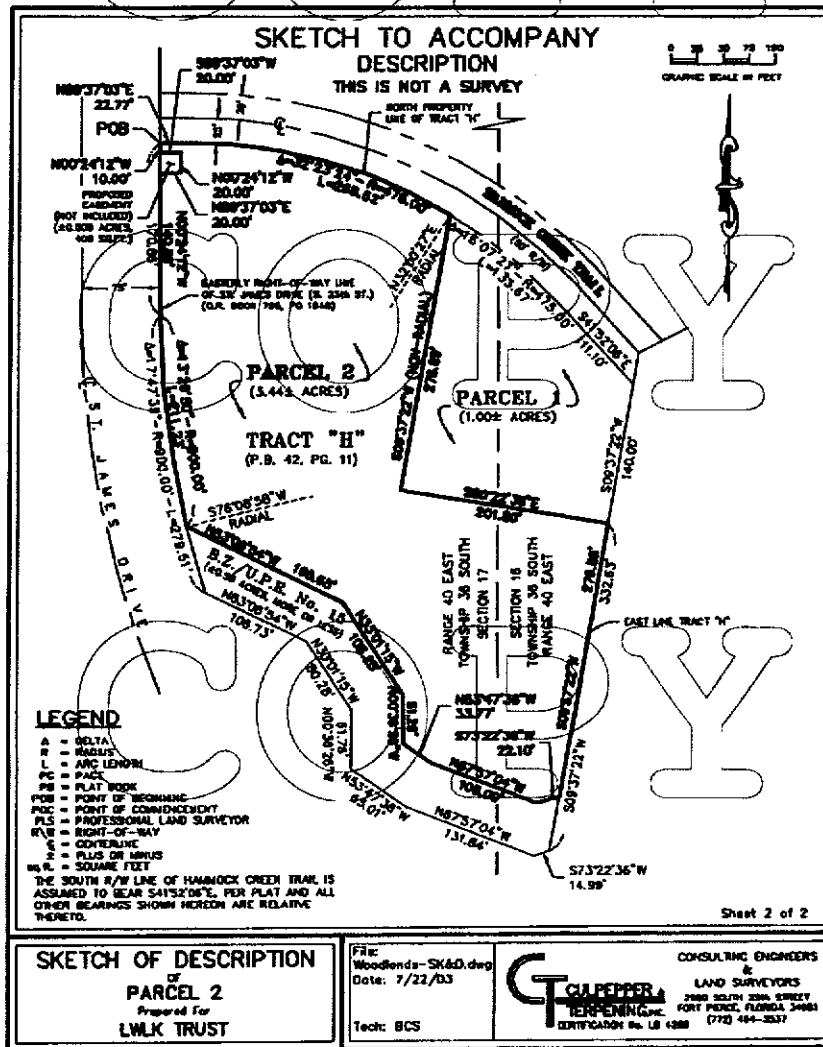
SAID PARCEL CONTAINS 3.44 ACRES, MORE OR LESS.

Sheet 1 of 2

<p style="text-align: center;"><b>SKETCH OF DESCRIPTION</b> OF <b>PARCEL 2</b> Prepared For <b>LWLK TRUST</b></p>	<p><small>F2:</small> Woodlands-SK&amp;D.dwg <small>Date:</small> 7/27/03</p> <p><small>Tech:</small> BCS</p> <div style="text-align: right;">  <p style="font-size: 8px; margin: 0;">CONSULTING ENGINEERS &amp; LAND SURVEYORS 3988 SOUTH 25th STREET FORT PIERCE, FLORIDA 34941 (772) 464-3537</p> </div>
-----------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

# COPY

OR BOOK 1779 PAGE 527



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**Exhibit D-39 THRU D-42**

**from Brisben Family Limited Partnership  
to Woodlands School North, Inc.  
(OR Book 1800/ Page 2193)**

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COPY

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
File Number: 2272669 OR BOOK 1800 PAGE 2193  
Recorded: 09/17/03 14:22

Dean, Mead 47

Register for (enclose self-addressed stamped envelope)

Name:  
Deborah L. Fechik  
Address:  
P.O. Box 1900  
Fort Lauderdale, Florida 33302

This Instrument Prepared by:  
Scott J. Fuerst, Esq.  
Address:  
Rudon, McClosky, Smith,  
Schuster & Russell P.A.  
200 East Broward Boulevard, 15th Floor  
Fort Lauderdale, Florida 33301

Property Approxiates Parcel I.D. (Folio Number(s)):

3416-675-0036-000/1

Grantee(s) S.S.(s):

\* DOC ASSUMP: \$ 0.00  
\* Doc-Tax : \$ 568.00  
\* Int Tax : \$ 0.00

COPY

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

**This Warranty Deed** Made and executed the 11<sup>th</sup> day of September

A.D., 2003 by BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, having an address of 945 Hill Street, Cincinnati, Ohio 45202, hereinafter called the "Grantor," to WOODLANDS SCHOOL NORTH, INC., a Florida corporation, whose post office address is 6820 N.W. 70<sup>th</sup> Avenue, Tamarac, Florida 33321, hereinafter called the "Grantee":

**Witnesseth:** That Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain real property situate in St. Lucie County, Florida, as follows:

See Exhibit A attached hereto and made a part hereof ("Real Property").

**SUBJECT TO:**

- (a) Taxes and assessments for the year 2003 and subsequent years;
- (b) Covenants, easements and restrictions of record; matters of plat; and existing zoning and governmental ordinances (but without serving to reimpose same).

FTL 1094972 1

COPY

DR. BOOK 1800 PAGE 2194

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

AND Grantor does hereby fully warrant the title to said Real Property subject to the foregoing matters and will defend the same against the lawful claims of all persons whomsoever.

*In Witness Whereof*, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered  
In the presence of:

COPY

**BRISBEN FAMILY LIMITED  
PARTNERSHIP**, a Georgia limited partnership

By: Brisben Family, Inc., a Florida corporation,  
its general partner

Amanda Stusler  
Signature  
Printed Name AMANDA STUSLER

By: [Signature]  
WILLIAM O. BRISBEN, President

Christine M. Chipp  
Signature  
Printed Name CHRISTINE M. CHIPP

COPY

(Corporate Seal)

Address: 945 Hill Street  
Cincinnati, Ohio 45202

COPY

OR BOOK 1800 PAGE 2195

STATE OF Ohio )  
 ) SS:  
COUNTY OF Warren )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by WILLIAM O. BRISBEN, President of BRISBEN FAMILY, INC., the general partner of BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation. He is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 11<sup>th</sup> day of September, 2003.



Lisa Shuppert  
Notary of the Public,  
State of Ohio  
My commission expires  
June 18, 2008

Lisa Shuppert  
Notary Public, State of Ohio at Large  
Lisa Shuppert  
Typed, printed or stamped name of Notary Public

My Commission Expires: 6/18/08

COPY

COPY

OR BOOK 1800 PAGE 2196

COPY

EXHIBIT "A"

PARCEL "1" OF THE PROPOSED RE-PLAT OF TRACT "H" IN RIVER PLACE ON THE ST. LUCIE NO. 7, AS RECORDED IN PLAT BOOK 42, PAGE 11; SAID PARCEL LYING IN A PORTION OF SECTIONS 16 AND 17, TOWNSHIP 36 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST PROPERTY LINE OF SAID TRACT "H" AND THE SOUTH RIGHT-OF-WAY LINE OF HAMMOCK CREEK TRAIL, A 50 FOOT WIDE RIGHT-OF-WAY; THENCE SOUTH 09°37'22" WEST ALONG THE EAST LINE OF SAID TRACT "H", A DISTANCE OF 140.00 FEET; THENCE NORTH 80°22'38" WEST, A DISTANCE OF 201.80 FEET; THENCE NORTH 09°37'22" EAST, A DISTANCE OF 276.69 FEET RETURNING TO THE SOUTH RIGHT-OF-WAY LINE OF SAID HAMMOCK CREEK TRAIL AND A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 16°07'27" AND A RADIUS OF 475.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 32°00'27" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 133.67 FEET TO A TANGENT INTERSECTION; THENCE SOUTH 41°52'06" EAST, A DISTANCE OF 111.16 FEET RETURNING TO THE POINT OF BEGINNING.

COPY

**Exhibit D-43 THRU D-45**

**from Brisben Family Foundation  
to Paramount Plaza, LLC.  
(OR Book 1977/ Page 1875)**

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Mail  
Coastal Land  
Lte

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
File Number: 2410452 OR BOOK 1977 PAGE 1875  
Recorded: 05/26/04 15:00

Return to: (enclose self-addressed stamped envelope)

Name: \* Doc Assump: \$ 0.00  
Deborah L. Fehik \* Doc Tax : \$ 3,018.40  
Address: \* Int Tax : \$ 0.00

P.O. Box 1900  
Fort Lauderdale, Florida 33302

This Instrument Prepared by:  
Scott J. Fuerst, Esq.  
Address:  
Ruden, McClosky, Smith,  
Schuster & Russell, P.A.  
200 East Broward Boulevard, 15th Floor  
Fort Lauderdale, Florida 33301

Property Appraisers Parcel I.D. (Folio) Number(s):

3416-675-0036-000/1

Grantee(s) S.S.#(s):

SPACE ABOVE THIS LINE FOR PROCESSING DATA SPACE ABOVE THIS LINE FOR RECORDING DATA

**COPY**  
**This Warranty Deed** Made and executed the 19 day of May, 2004  
by THE BRISBEN FAMILY FOUNDATION, an Ohio not-for-profit corporation, having an  
address of 945 Hill Street, Cincinnati, Ohio 45202, hereinafter called the "Grantor," to  
PARAMOUNT PLAZA, LLC, a Florida limited liability company, whose post office address is  
1597 S.E. Port St. Blvd, PSL, FL, hereinafter called the "Grantee":  
34452

**Witnesseth:** That Grantor, for and in consideration of the sum of \$10.00 and other valuable  
considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell,  
alien, remise, release, convey and confirm unto Grantee, all that certain real property situate in St.  
Lucie County, Florida, as follows:

**COPY**  
Tract I, RIVER PLACE ON THE ST. LUCIE NO. 7, according to  
the Plat thereof, recorded in Plat Book 42, Page 11, of the Public  
Records of St. Lucie County, Florida ("Real Property").

**SUBJECT TO:**

- (a) Taxes and assessments for the year 2004 and subsequent years;
- (b) Covenants, easements and restrictions of record; matters of plat; and existing zoning and governmental ordinances (but without serving to reimpose same).

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.


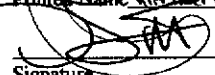
**To Have and to Hold**, the same in fee simple forever.



AND Grantor does hereby fully warrant the title to said Real Property subject to the foregoing matters and will defend the same against the lawful claims of all persons whomsoever.

**In Witness Whereof**, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered  
In the presence of:

**THE BRISBEN FAMILY FOUNDATION,**  
An Ohio not-for-profit corporation

  
Signature  
Printed Name Anthony R. Sementelli  
  
Signature  
Printed Name Anthony R. Sementelli

By:   
WILLIAM BRISBEN, Trustee  
  
(Corporate Seal)

Address: 945 Hill Street  
Cincinnati, Ohio 45202

COPY

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF Martin )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by WILLIAM O. BRISBEN, Trustee of THE BRISBEN FAMILY FOUNDATION, an Ohio not-for-profit corporation, freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation. He is personally known to me.

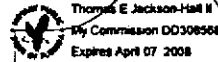
WITNESS my hand and official seal in the County and State last aforesaid this 14<sup>th</sup> day of May, 2004.

Thomas E. Jackson-Hall II  
Notary Public, State of Florida at Large

Thomas E. Jackson-Hall II  
Typed, printed or stamped name of Notary Public

My Commission Expires: April 7<sup>th</sup> 2008

COPY



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**Exhibit D-46 THRU D-49**  
**from Brisben Family Limited Partnership**  
**to Out of Control in Florida, LLC.**  
**(OR Book 1995/ Page 1541)**

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EXHIBIT "A"

Tract "N" of Plat of River Place on the St. Lucie, according to the plat thereof, as recorded in Plat Book 39, Pages 29 and 29A through 29G, and as amended by Scrivener's Affidavit recorded in Official Records Book 1386, Page 2806, of the Public Records of St. Lucie County, Florida.

LESS AND EXCEPT that portion known as Windy River Way, as described in Special Warranty Deed recorded in Official Records Book 1386, Page 1794, in the Public Records of St. Lucie County, Florida.

OR BOOK 1995 PAGE 1544

COPY

COPY

FTL:1230480.1

Return to: (enclose self-addressed stamped envelope)

\* Doc Assump: \$ 0.00  
\* Doc Tax : \$ 14,910.00  
\* Int Tax : \$ 0.00

Name:  
Deborah L. Fechik  
Address:  
P.O. Box 1900  
Fort Lauderdale, Florida 33302  
This Instrument Prepared by:  
Scott J. Fuerst, Esq.  
Address:  
Ruden, McClosky, Smith,  
Schuster & Russell, P.A.  
200 East Broward Boulevard, 15th Floor  
Fort Lauderdale, Florida 33301  
Property Appraisers Parcel I.D. (Folio) Number(s):  
  
3416-675-0034-000/7

Grantee(s) S.S.#(s):

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

**This Warranty Deed** Made and executed the 5<sup>th</sup> day of June, 2004, by BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, having an address of 945 Hill Street, Cincinnati, Ohio 45202, hereinafter called the "Grantor," to **OUT OF CONTROL IN FLORIDA, LLC**, a Florida limited liability company, whose post office address is 26 Island Road, Stuart, Florida 34996, hereinafter called the "Grantee".

**Witnesseth:** That Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain real property situate in St. Lucie County, Florida, as follows:

See Exhibit A attached hereto and made a part hereof

**SUBJECT TO:**

- (a) Taxes and assessments for the year 2004 and subsequent years; and
- (b) Covenants, easements and restrictions of record; matters of plat; existing zoning and governmental ordinances (but without serving to reimpose same).

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
File Number: 2423976 OR BOOK 1995 PAGE 1541  
Recorded: 06/18/04 15:36

FTL:1224936:1

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

AND Grantor does hereby fully warrant the title to said Real Property subject to the foregoing matters and will defend the same against the lawful claims of all persons whomsoever.


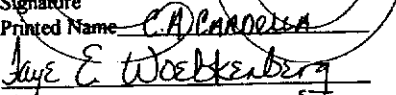
**In Witness Whereof**, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

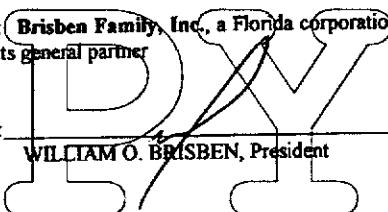
Signed, sealed and delivered  
In the presence of:

**BRISBEN FAMILY LIMITED PARTNERSHIP**, a Georgia limited partnership

By: Brisben Family, Inc., a Florida corporation,  
its general partner

By: WILLIAM O. BRISBEN, President

  
Signature  
Printed Name C. A. CANNELLA  
  
Signature  
Printed Name T. E. Woebkenberg

  
Signature  
Printed Name WILLIAM O. BRISBEN, President

(Corporate Seal)

Address: 945 Hill Street  
Cincinnati, Ohio 45202

COPY

STATE OF Ohio )  
 ) SS:  
COUNTY OF Warren )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by WILLIAM O. BRISBEN, President of BRISBEN FAMILY, INC., the general partner of BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation. He is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 5<sup>th</sup> day of June, 2004.

Jay E. Wochterberg  
Notary Public, State of Ohio at Large

My Commission Expires:



CO COPY  
OR BOOK 1995 PAGE 1543

CO COPY

FTL:1224935-1

**Exhibit D-50 THRU D-52**  
**from River Place Inc.,**  
**to Provident Financial LLC.**  
**(OR Book 2997/ Page 1591)**

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**GENERAL WARRANTY DEED**

THIS GENERAL WARRANTY DEED, made this 17 day of July, 2008, by RIVER PLACE, INC., a Florida corporation ("Grantor"), whose post office address is P.O. Box 2067, Silverthorne, CO 80498 and THE PROVIDENT FINANCIAL, LLC, an Ohio limited liability company ("Grantee"), whose post office address is 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202.

WITNESSETH:

THAT Grantor, for and in consideration of good and valuable consideration, receipt and sufficiency whereof is hereby acknowledged, hereby grants to Grantee, its successors and assigns forever, the following described real property, located and situate in the County of St. Lucie, State of Florida, as more particularly described in Exhibit A attached hereto and made a part hereof.


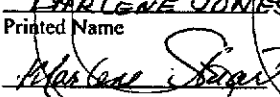
Grantor does hereby fully warrant the title to the real property hereby conveyed and will defend the same against the lawful claims of all persons whomsoever. The real property is conveyed subject to, and there are hereby excepted from the warranty covenants of Grantor, the following:


- (i) All easements, rights-of-way, highways, covenants, restrictions, reservations and conditions of record;
- (ii) All zoning and building laws, ordinances, resolutions and regulations; and
- (iii) All real estate taxes and assessments not yet due and payable.

IN WITNESS WHEREOF, Grantor has caused this General Warranty Deed to be executed the day and year first written above.

Signed, sealed and delivered  
in the presence of:

RIVER PLACE, INC.  
a Florida corporation

  
\_\_\_\_\_  
CHARLENE JONES  
Printed Name  
  
\_\_\_\_\_  
MARLENE STUART  
Printed Name

By:   
Name: \_\_\_\_\_  
Title: President

{00336871 DOC.2}

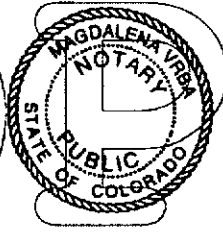
Underline is for addition to/from 6<sup>th</sup> amended PUD  
~~Strike-through~~ is for deletion to/from 6<sup>th</sup> amended PUD

STATE OF Colorado )  
 ) SS:  
 COUNTY OF Summit )

The foregoing instrument was acknowledged before me this 17 day of July, 2008 by Carol Ann Cardella President of River Place, Inc., a Florida corporation Grantor. (Please check one of the following)  who is personally known to me or  who has produced Colorado DL (type of identification) as identification and who (Please check one of the following)  did or  did not take an oath.

Magdalena VRBA  
 Notary Public  
MAGDALENA VRBA  
 Printed Notary Name

This Instrument Prepared by:  
 Lisa S. Pierce, Esq.  
 Dinsmore & Shohl LLP  
 10 Courthouse Plaza, S.W., Suite 1100  
 Dayton, Ohio 45402



COPY

COPY

COPY

EXHIBIT A

**COPY**

Lots 1-24 as recorded in Plat Book 44, page 22A of the Public Records of St. Lucie County, Florida, lying in Section 16, Township 36 South, Range 40 East, City of Port St. Lucie, St. Lucie County, Florida in the River Place on the St. Lucie PUD

Block 1, Lots 1-6; Block 2, Lots 1-6; Block 3, Lots 1-6; Block 4, Lots 1-6; Block 5, Lots 1-6; Block 6, Lots 1-6; Block 7, Lots 1-6; Block 8, Lots 1-6; Block 9, Lots 1-6; Block 10, Lots 1-6; Block 11, Lots 1-6; Block 12, Lots 1-6; Block 13, Lots 1-6 as recorded in Plat Book 45, pages 10-11 of the Public Records of St. Lucie County, Florida, lying in Section 16, Township 36 South, Range 40 East, City of Port St. Lucie, St. Lucie County, Florida in the River Place on the St. Lucie PUD

**COPY**

**COPY**

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**“EXHIBIT E”**

**Overall legal description for  
River Place on the St. Lucie PUD**

A parcel of land situated and lying in Sections 16 and 17, Township 36 South, Range 40 East, St. Lucie County, Florida and being more particularly described as follows:

**IN SECTION 16:**

The Southwest quarter of said Section 16;

LESS

The South 110 feet thereof, for canal right-of-way recorded in O.R. Book 411, Page 1193, Public Records of St. Lucie County, Florida.

LESS

The right-of-way for South 25th Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

LESS

Tract One for South 25th Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

LESS

The right-of-way for Canal No. C-107, recorded in O.R. Book 587, Page 462, Public Records of St. Lucie County, Florida.

**TOGETHER WITH:**

That portion of the Southeast quarter of said Section 16 lying west of the mean high water line of the North Fork of the St. Lucie River and its tributaries.

**TOGETHER WITH:**

The South one-half of the Northwest quarter of said Section 16 lying west of the mean high water line of the North Fork of the St. Lucie River and its tributaries.

LESS

The right of way for Canal No. C-107, recorded in O.R. Book 587, Page 462, Public Records of St. Lucie County, Florida.

**IN SECTION 17:**

Tract R, PORT ST. LUCIE SECTION FORTY-THREE, a subdivision according to the plat thereof, recorded in Plat Book 16, Pages 15, 15B through 15L, Public Records of St. Lucie County, Florida.

**TOGETHER WITH:**

A 58 foot parcel, bounded on the South by Tract R, on the East by the East boundary of Section 17, on the North by the South boundary of Canal No. C-107 and on the west by the East right of way for South 25th Street.

LESS

The right of way for South 25th Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

**TOGETHER WITH:**

Tract S, PORT ST. LUCIE SECTION FORTY-THREE, a subdivision according to the plat thereof, recorded in Plat Book 16, Pages 15, 158 through 15L, Public Records of St. Lucie County, Florida.

LESS

The right of way for South 25th Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

LESS

Tract Two for South 25th street, described in O.R. Book 795, Page 1645, Public Records of St. Lucie County, Florida.

LESS

Portion West of South 25 Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

LESS

The right of way for Canal No. C-107, recorded in O.R. Book 587, Page 462, Public Records of St. Lucie County, Florida.

**TOGETHER WITH:**

**In Section 47**

Tracts F, G, J and K, Port St. Lucie Section 47, a subdivision according to the plat thereof, as recorded in Plat Book 16, Pages 40A through 40L of the Public Records of St. Lucie County, Florida.

**LESS AND EXCEPT**

That part of the Southwest corner of Tract J lying west of the Survey Boundary Line curve for East Torino Parkway.

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## “EXHIBIT F”

### General Standards for PUD Development

- The River Place P.U.D. is consistent with the Comprehensive Plan of the City of Port St. Lucie. The area of the proposed P.U.D. exceeds the minimum acreage when being considered for zoning establishment and is compatible with adjacent existing and future development.
- The nature and character of the internal design components creates a cohesive unit that fulfills the spirit and purpose of the Port St. Lucie P.U.D. Zoning District.
- The PUD provides for a mixture of residential and non-residential land uses, including the planning of eight (8) acres of recreational facilities and creation of a seven (7) acre neighborhood public park.
- Commercial development, within the PUD, is supported by a non-residential needs assessment study adopted by the City.
- Parcel open space, recreation and preserve areas are linked for pedestrian movement via a hiker/biker path system.
- The PUD demonstrates an appropriate means of preservation of existing natural resources and features.
- The project is located in close proximity to existing streets and highways and provides for highly accessible internal street systems via two main points of access.
- The proposed PUD utilities and future services shall not create a hardship on the Port St. Lucie Utility Systems Department (PSLUSD) infrastructure and the Applicant agrees to participate in contribution in aid for the improvements to the infrastructure if such hardships are placed on existing conditions, Utility service, including but not limited to water, wastewater and irrigation will be provided by the PSLUSD.
- The physical character of the site is suitable for the mixed use development as proposed. Conditions of soil, vegetation, ground water elevation, drainage and topography are appropriate to the pattern of development depicted on the design plans.

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## EXHIBIT G

### River Place on the St. Lucie River Development Program

site data

total site area	293	acres
dwelling units	674	units
gross density	2.3	du/ac
future land use designation	RL/ROI/CG/OSP/OSR	
existing zoning	Planned Unit Development	

site area (by land use)

		acres
Residential (RL)	123	
Residential/Office/Institutional (ROI)	21	
Commercial General (CG)	21	
included in RL, ROI, CG		
required upland preserve	29	
lake/ retention	15	
Open Space Perseveration (OSP)	113	
Open Space Recreation (OSR)	15	
	293	

open space preservation categories

		acres
river wetlands	88	
creek wetlands	16	
prairie wetlands	7	
creek uplands	2	
total OSP	113	

upland preserve calculators

total site are	293	
total upland area	139	
less exotica	23	
existing uplands remaining	116	
upland preserve required	29	
upland preserve provided	29	

development program

parcel	product	acres	Du/ac	du's (max)	sq ft	upland	year commence	year complete
A	mf - townhome	5.67	6.35	36		1.33	2002	2006
B	sf -70' lots	28.31	2.47	70		4.65	1999	2005
C	mf – townhome / sf 52' lots	13.88	5.62	78		2.65	2003	2008
D	park	7.01				3.24	1999	1999
E	mf - flats	18.1	11.93	216		5.29	2005	2007
F	sf -55' lots	7.43	3.1	24		0.88	2000	2008
G	mf	8.77	11.4	100		0.82	2006	2008
H	instil/ office P., LMD, special exceptions	4.99			25,000	0.16	2004	2008
I	instil/ office P., LMD, special exceptions	5.39			62,500	1.7	2006	2008
J	park	2.15				0	1999	1999

**EXHIBIT G (cont.)**

**River Place on the St. Lucie River**

Development Program

K	sf - 55'	55.87	2.69	150	5.76	1999	2005
L	Park	2.16			0	1999	1999
M	park	0.91			0	<del>2</del> 1999	1999
N	commercial, P, mf residential	21.3		150,000	0	2006	2009
	creek wetland preserve area				2.56		
total				674	237,500		29.04

## Section I:

### **Conveying the Theme of River Place on the St. Lucie With Development Standards**

#### **I-1 General Theme Conveyance**

River Place on the St. Lucie is a mixed use residential, retail/commercial, office, and institutional community, generally referred to as a Planned Unit Development (PUD). The River Place PUD's theme is based upon the wonders, joy, and peace attributed to life on the river, and nature on the fringe of a wilderness. Quality of life and opportunities in still family values will be emphasized along with the natural setting.

The natural environment and existing vegetation will be preserved as much as possible to reinforce the theme and to provide relief and screening to the various areas, each with its own function. The landscaping will be designed to further convey a natural environment as opposed to a formal appearance.

The streets will be named after, environmental elements and plant life indigenous to the community, and elements appropriate to a river life theme.

#### **I-2 Community Development District**

The River Place on the St. Lucie Community Development District (the "District" or the "CDD") was established by Ordinance 00-99 of the City Council of the City of Port St. Lucie, effective October 23, 2000.

The District was established pursuant to the Uniform Community Development District Act of 1980, Chapter-190, Florida Statutes (the "Act") for the purpose of delivering specialized services and facilities, including roads, water, sewer, drainage and recreation. The Act authorizes the District to issue bonds for the purpose, among others, of financing, funding, planning, establishing, acquiring, constructing or reconstructing, enlarging or extending, equipping, operating and maintaining facilities relating to such services, and other basic infrastructure projects within or without the boundaries of the District.

The district encompasses approximately 293 acres of land, of which approximately 156.24 acres are deemed specially benefited by the project and will, initially, be subject to the Special Assessment. The balance of the acreage in the District is comprised of wetlands, lakes, roads, open space, recreational facilities and easement areas.

The CDD owns, in simple terms, all streets and rights-of-way, except Lazy River Parkway; all nature trails; wetlands and preserves; the Canoe Park Circle canoe/kayak launch; the Windy River Way Power Boat Launch; River Plantation House (the clubhouse & pool complex); the Boat Storage area and Drydock Storage for canoes/kayaks.

The CDD is a form of limited, special purpose government, governed by a Board of Supervisors and a District Manager who are held accountable by and operate under Chapter 190, Florida Statutes. As a taxing district, the CDD authorized the St. Lucie County Tax Collector to collect assessments on the annual property' tax bills within the District to repay bonds for the infrastructure improvements described above and to assure that operating funds for the property are set aside to maintain River Place on a day to day basis. The District, in turn, contracted with a licensed property management company to oversee the day-to-day care of the property and inspect work executed by contractors providing materials and services to the District.

In the event the District is dissolved after all bonds are paid, in approximately 2030, the Districts property becomes the property of the River Place on the St. Lucie Owners Association; Inc, a not for profit Florida corporation; as set forth in record plats recorded in St. Lucie County.

### **I-3 Architectural & Property Management Controls**

River Place, Inc., as Developer, will maintain architectural and landscape design Control over each residential, commercial, institutional and office pod in River Place on the St. Lucie until the PUD is built out. At such time as River Place, Inc. completes the development of parcels in the PUD, it will turn over control of architectural review and day to day property management, as per the recorded Covenants, Articles of Incorporation, Deed Restrictions and By-Laws, to River Place on the St. Lucie Owner's Association, Inc., a Florida not-for-profit corporation (the "POA").

The District will maintain control, in accordance with Chapter 190 of the Florida Statutes, over property owned by the CDD in perpetuity or, until such time as the CDD is dissolved. Through deed restrictions, professional property and Association management, and controls established by the CDD, the City of Port St. Lucie and owners of property in the PUD will be assured of ongoing Community integrity.

Elements, within parcels being developed, that shall be controlled or restricted during and after the development period are detailed in the "Uses, Restrictions and Architectural Guidelines" section.

### **I-4 Development Continuity & Concept Implementation**

River Place, Inc. shall develop the single family residential pods in River Place on the St. Lucie and sell developed lots quality, experienced, production builders. River Place, Inc., may develop multi-family parcels or may sell them undeveloped to qualified multi-family developers/builders. River Place, Inc., in either situation, shall maintain master PUD development controls until the product is built-out in this manner, continuity of theme, neighborhood integrity and PUD concept, followed through to fruition, is assured.

River Place, Inc. shall develop or oversee the development of the office and institutional pods for user specific investors and owner-operators who may build or contract to build their respective facilities. In this manner, continuity of theme and PUD concept will be followed through to fruition. These facilities will also be a part of the River Place on the St. Lucie Owners

Association. Leaseholders, if there be any, will be subject to all rules, regulations, covenants and restrictions as per the record plat for the PUD.

The commercial shopping center, River Place Plaza, may be developed by River Place, Inc. and built by an experienced, reputable shopping center developer; or the plaza may, be both developed and built by a qualified shopping center developer. In any event, River Place Inc. will maintain architectural, landscape and overall developmental control of this pod to assure PUD continuity and fulfillment of commitments to all parties concerned, inclusive of the architectural, landscape, and all other elements affecting the curb appeal and integrity of the pod as it relates to the overall PUD.

The commercial area will be maintained by a professional management organization, be bound by covenants and restrictions of the PUD. A comprehensive retail merchants association will be required for the shopping center. The River Place Plaza owner or operator will, through their respective Merchants Association, have a seat on the Property Owners' Association Board

River Place, Inc. shall develop and build the complete amenity package for River Place on the St. Lucie; the amenities, both public and private, are further detailed in the amenity section of this submittal.

#### **I-5 Property Owner's Association**

The River Place on the St. Lucie development will be governed by a Property Owner's Association through covenants and restrictions: enforced by a professional association/ property management company. The association management organization will be responsible for maintaining all common areas, insuring that covenants and restrictions are enforced; stand accountable for collection of assessments, provide financial reports, file appropriate reports with governmental agencies, as needed

In addition to master association fees, all attached product types will require additional fees for ongoing reserves on replacements, routine building exterior maintenance and repairs and grounds care.

#### **I-6 Controlled Access**

River Place on the St. Lucie will not be a gated community, with the potential exception reserved for one particular residential pod (E as depicted on site plan), which product type is identified later in this scenario as "Multi-family, garden style, stacked flats" in descriptions. There will, however, be some controlled access to active and passive recreation areas for River Place on the St. Lucie residents and owners leaseholders of the commercial and institutional pods, as described over the next few pages. Otherwise, the public will enjoy open access to certain recreation areas, accessed through the "D" pod, as depicted on the site plan, and certain hiker/biker trails.

Time and light oriented curfews will be enforced, however, for safety and community well being.

## **I-7 Utilities**

All utilities shall be installed and maintained underground; including sanitary sewer, water; electric, telephone, and cable. To minimize disturbance to landscape areas, all service access shall be directly adjacent to vehicular drives where they abut front setback areas, Transformers, equipment and meters shall be sited to minimize negative aesthetic impact.

## **I-8 Signage & Lighting**

The PUD's entire sign system, temporary and permanent, as well as the lighting program will be designed to the River Place on the St. Lucie River life and environmental theme.

- a) Development and product signs may be constructed of:
- 1) a durable, synthetic sign material in keeping with local sign industry standards; signs to comply with Port St. Lucie Sign Code;
  - 2) ¼" aluminum faces, powder & coated, baked on polyurethane enamel,
  - 3) sand blasted redwood, powder coated, baked on polyurethane enamel;
  - 4) stucco, masonry with routed foam or sandblasted wood, copy mounted, on the stucco

Aluminum posts, where they may exist, will be powder coated, to prevent corroding wood post, where they may exist, would be treated.

- b) Identity signage on commercial, institutional or office buildings, or on landscape walls must be in keeping with architectural detailing for building elevations or landscape plans.
- c) Permanent signage in commercial, institutional and office areas of the PUD must be approved by the PUD developer.
- d) Commercial pod ("N") and pods "H" and "I" signage may be internally or externally lighted. Signage in all residential pods may not be internally illuminated and should conform to "a)", "b)" or "c) above.
- e) Neon signs and neon accent lighting IS prohibited from any and all residential areas.
- f.) Running pennant signs or running pennant flags on a string will not be permitted in any area of the PUD.
- g) Only pre-approved flags on approved flagpoles will be permitted
- h) Temporary banners are not permitted in the residential areas without the PUD developer's express written consent.

- i) Developer reserves the right to remove any and all non-conforming signs, whether on public or private property, in the PUD.
- j) On residential single family lots and on attached town home or villa lots, no sign of any kind shall be displayed to the public view except one sign of not more than three square feet advertising the property for sale and except for temporary or signs approved in the sign program, approved by the Developer or by the POA.
- k) Signage, unless otherwise further restricted and excepted herein; will conform to City of Port St. Lucie Land Use PUD Zoning code, section 158.212, (A), (B), (C), and Chapter 155 of same.
- i) Wherever street lighting may be indicated in the development, major and minor will be lighted from a unified family of fixtures .with regard to design, materials, color, fixture and color of light. Exterior building and parking area lighting is required in all non-residential areas. Light source glare and intrusion to adjacent uses shall be minimized by the use of low level cut-off fixtures.
- m) Mixing of light source (ie; metal halide with sodium vapor) is discouraged. Conventional lighting shall be. confined to roadway 'and parking areas. Accent lighting of buildings and access points is encouraged. Portable lighting units and blinking or flashing lighting will be prohibited unless otherwise approved by the Owner's Association for temporary events to the entire PUD's benefit.
- n) Landscape upright fixtures shall not be visible from the street or adjoining sidewalk areas. Downlighting from existing trees is encouraged.
- o) In the single family residential pods, each home shall be required to have one photo-cell operated night light located adjacent to the driveway or entry walk, either affixed to the building structure or a free-standing light post; a minimum one foot candle illumination shall be required. No high-pressure sodium (orange) light source shall be permitted in residential areas.
- p) Multi-family, commercial, office and institutional product is required to have night lighting, which specifications are to be determined as respective pods are designed.

## **I-9 Pedestrian Systems**

Pedestrian systems shall be comprised of:

- a) A 4' wide concrete sidewalk on one side of all streets in parcels B, C, K and F of the PUD; and a 6' wide concrete sidewalk on one side of the public street in the PUD;
- b) An 8' wide asphalt, hiker/biker path on one side of the public spine roadway in the PUD; and a 6' wide asphalt or concrete, hiker/biker path on one side of certain privately maintained streets in the PUD;

- c) A 6' wide hiker path on woodchip nature trails through the open space reservation areas; the nature trails would be entered and exited from various points of the paved hiker trail to provide a continuous loop system. The nature trails shall allow access to nature preserves and recreation areas without environmental damage to uplands or wetlands. No motorized vehicles shall be permitted except for maintenance and emergency services.
- d) Pedestrian crossings at all street intersections shall be marked with, signage and pavement striping or with a change, in pavement materials, such as concrete paver stones

**I-10 Parking & Vehicle Storage**

- a) Single family detached product shall require a two (2) car garage plus, space for two (2) car parking on the concrete or concrete paver driveway of each residence;
- b) Multifamily townhomes and villa product shall require a one (1) car garage or carport minimum; overall 2.25 off street car parking;
- c) Multi-family, garden style units will have a 2 car off-street parking overall in the "E" pod, as depicted on the site plan; and the same requirement for the "G." pod, provided the residential units are conventional and available to the general public:

Otherwise, if the "G" pod residential product is designated for a specialized residential use (such as a senior's housing facility), parking will be established by architectural and planning standards for same in conjunction with approvals by the City of Port St. Lucie planning Department.

- d) Non-residential pods shall conform to code by the City of Port St. Lucie. Such parking areas will minimize the overall pavement expense by the use of landscape overhangs, landscape islands medians, and preservation of existing vegetation.
- e). Vehicle parking shall be screened from view to the greatest extent through site plan layout and landscape design.
- f) No recreational vehicle, mobile home, boat or travel trailer shall be parked or stored on any lot, common area or public street in the residential pods of River Place on the St. Lucie for a period in excess of 48 hours during any calendar month, unless the same is in a garage, completely out of view, or in an approved storage area.
- g) A secured storage area shall be available on site, adjacent to the "D" pod, as depicted on the site plan, for the parking of recreational vehicles and boats.

**I-11 Landscape Design & Preservation of Vegetation**

The overall pattern of trees in the landscape is typically the most important visual impact element of a community. To enhance the overall appearance of the PUD, essential landscape elements are needed to complete each pod as it relates to the composite PUD

The existing natural high quality vegetation and environmental nature of River Place on the St. Lucie has set the tone for a naturalistic approach to landscape design to further convey the theme. The pedestrian paths integrated within the preservation areas, the sensitivity to wildlife in maintaining the theme and the general emphasis on commingling of people with nature in a respectful manner is what River Place on a river in Florida is all about,

- a) 50% of the tree plantings will be native throughout the development.

Preservation of existing vegetation, including understory, will be given high priority before undertaking any site clearing and preparation of the landscape" plan.

- b) Landscape plans for non residential and multi-family buildings shall be designed by a registered landscape architect, prepared in conformance with the City of Port St. Lucie Landscape Code. The Developer shall review and approve all plans prior to submittal to the City to ensure theme continuity.

- c) Single family residential landscape plans will be reviewed by the Developer's landscape architect to insure 'conformance on new construction. Thereafter, tree plantings by owners must be approved in writing by the architectural Review Board of the Property Owners association for the PUD.

Concluding development, no existing hardwood tree (oak, holly, maple) with a caliper greater than 4" above existing grade may be removed from the PUD without prior approval in writing from the Property Owner's Association and the District and no vegetation may be disturbed or removed from any designated preservation area or conservancy district without prior written approval from the Property Owner's Association, the District and the ~~P~~lanning & Zoning Department of Port St. Lucie.

The duties and responsibilities of the District and the POA's protective covenants for the PUD will provide for ongoing mandatory control of invasive exotics.

#### **1-12 Buffers, Preservation, and Clearing**

- a) The existing perimeter vegetation will be retained as much as feasible to create a greenbelt or natural buffer for the adjoining property owners and to reinforce value and privacy at River Place. Clearing plans shall designate and retain a minimum of 25% of the existing native vegetation in the PUD.
- b) Wetland and upland preservation areas shall be roped off in the field and this roping approved by the Planning and Zoning Department prior to issuance of clearing permits.

Surveys for listed plant and animal species shall be submitted for review prior to issuance of clearing permits. Management plans shall be submitted for review and approval in the event any listed plant or animal species are found.

- d) The St. James frontage buffer will be 25' from right-of-way, except for the frontage between parcel A and the St. James roadway, which natural vegetated or landscape buffer shall be a minimum of 15' and an average of 25'; the south property line buffer will be 25' from the canal right-of-way. Interior buffers will separate the various pods in the form of conservancy districts which will be separate the various pods from all conservancy districts which will be reinforced with preservation easements over affected properties within the development. Preserved wetlands and water management detention basins will be merchandised as wildlife sanctuaries.

### **I-13 Waterways**

- a) The C-107 Canal bisects the PUD. a) The District and the City of Port St. Lucie have an Interlocal Agreement allowing the District to enhance the appearance of the C-107 Canal by providing ongoing weed control, mowing, trash collection and vegetation maintenance so that the C-107 Canal becomes an asset to all parties concerned. No modification of waterways would be undertaken without specific authorization by the City Engineer in writing, and because the canal is adjacent to a County detention basin reliant upon the canal's functional integrity, we have agreed with the county engineers to obtain their approvals in writing for any such activities as well:
  - b) The District has an Agreement with the County to enhance and provide ongoing maintenance for two detention basins abutting the PUD which the County owns for the purpose of St. James Dr. surface water management.
  - c) The basin on the north of the property would be a pond, slightly reshaped/landscaped, and provide-an aesthetically pleasing water feature to the neighborhood which would be maintained by the District through the Property Owners' Association for River Place on the St. Lucie.
  - d) The County's dry detention basin to the south will be converted to a pond. The berm would be planted with trees and shrubs. Mowing, weed control, vegetation maintenance would be provided by the District through the Property Owner's Association for River Place on the St. Lucie.
  - e) No buildings shall be allowed within, flood plain limits. No construction activities shall be allowed, except as related to the approved recreation amenities; in which case, appropriate permits will be obtained as necessary, in addition to express approval by the Planning & Zoning Department of the City of Port St. Lucie.

**[ end of section ]**

## Section II:

### **River Place Amenities**

#### **II-1 River Place features both active and passive amenities.**

Aside from the active contact sport amenities, the balance of the amenities are primarily oriented to reinforcing the river life setting. This, of course, translates to preservation and enhancement of natural topographical features which give this property an advantage over other properties.

The District owns and operates the recreation amenities and facilities at River Place with the exception of River Place Public Park. River Place Public Park is dedicated to the City of Port St. Lucie and is operated by the City's Parks & Recreation Department.

The District is responsible for maintaining and operating the property it owns. The District's Board of Supervisors establishes policies, procedures, rules, regulations and fee schedules in accordance with its powers and duties as set forth in Chapter 190 of the Florida Statutes.

Any descriptions, policies or procedures set forth in this "Section II" may be modified by the District's Board of Supervisors without requiring a PUD Amendment.

- a) "General Public Users" at this writing is defined as: 1) An individual or entity not owning or leasing property in River Place. 2) An individual who is not an "Employee Designee" in River Place.
- b) "River Place Users" at this writing is defined as: 1) River Place residential property owners and lessees designated by property owner; 2) River Place Plaza owners, lessees and employee designees; 3) River Place "G", "H" and "I" parcel property owners, lessees and employee designees.
- c) Some amenities provided at River Place are open to "General Public Users" and do not require these individuals to have "River Place Recreation Tags" on their person when using certain facilities or amenities.
- d) Some amenities require "general public users" to have "River Place recreation Tags" on their person when using certain facilities or amenities. On site signage indicates which areas require "recreation tags." Recreation tags for secured areas are issued by the district through the property management company. User fees and key deposits would apply, depending upon the facility and specific interests of the "General Public User".

The swimming pool and spa at "River Plantation House" is the exception and not available to "general public users" due to Health Department and Florida State regulations governing commercial pool and spa capacities.

- e) All amenities or facilities owned by the CDD are available to "River Place Users" in good standing, although restrictions may apply and be modified from time to time by the District's Board of Supervisors.
- f) Some amenities may exist on property not owned by the District and are exclusively reserved for occupants of certain parcels.
- g) All amenities will be governed by either the District or the property owners association and managed by a professional association management company.

## **II-2 Compatible Occupants & Shared Recreation Amenities**

The multi-family, garden style units described in "residential product types" may have additional amenities reserved for that consumer group's exclusive use because that particular product type is likely to be adult oriented.

Whereas, the product types in single family detached homes will consist primarily of either young or mature family householders; and attached town homes or villas will consist of a mix of consumer groups likely to have, either no dependents living under the same roof, or up to two dependents.

## **II-3 River Place on the St. Lucie Amenities open to the Public**

- a) a hiker/biker path which meanders through the development's spine road and into some nature paths within conservancy districts,
- b) bike racks (per specs of Park Dept ) for use by park visitors;
- c) a pier at the river, with bench seating and observation area for wildlife habitat viewing;
- d) fishing stations on the pier with;
- e) a canoe/kayak launch into the North fork of the St. Lucie River. Motor boats & jet skies will be prohibited.
- f) full basketball court
- g) sand volleyball court
- h) A ballfield for softball & soccer use; the softball & soccer field, per specs of the City of Port St. Lucie Parks & Recreation Department, include one back stop, clay infield, grass outfield; soccer goals and softball home plate
- i) Playground equipment per specs of the City of Port St. Lucie Parks & Recreation Department includes the following:

- a) "Physical Activity Center" colored with no lead, powder coat, baked on color finish
- b) three legged end heavy duty, swing, galvanized, 2 standard slash seats & 2 tot seats
- c) Wave slide, polyethylene
- d) creative creatures spring rides for tots
- j) Sun shelter (20' x 24' Minimum), restrooms, 4 picnic tables & 2 barbecue grills
- k) The park will close after dark. Developer will provide night security lighting.

**II-4. River Place on the St. Lucie amenities available to "River Place Users" in good standing and to "General Public Users" for a user fee**

- a) a power boat launch restricted to 25hp outboard motor on a maximum 18' boat; jet ski or comparable speed recreation vehicles prohibited; a small, non-slipped docking facility on canal with minimal excavating of uplands to access canal.
- b) a canoe/kayak launch in the vicinity of Canoe Park Circle, accessing the North Fork of the St. Lucie River; motor boats & jet skis prohibited
- c) a pet washing station & pet runs
- d) car & boat washing stations
- e) a clubhouse complete with adult and family function area and adolescent and teen (youth) activity center
- g) a restricted to "River Place User" adult health spa w/fitness center; a restricted to "River Place User" swimming pool with lane markers, plus splash area
- h) boat, camper & RV storage lock-up facility

**II-5 Amenities which may\* be reserved exclusively for (Residential Product Type "d") multi-family buildings, pods "E" or "G" on site plan:**

- a) \*cabana and game room;
- b) \*swimming pool;
- c) \*garden plots and gardener's work shelter,
- d) all of the amenities in "a" and "b",

**II-6 Park facilities and recreation improvements will be in place prior to issuance of the first Certificate of Occupancy in residential pods.**

**[ end of section ]**

## Section III

### River Place Product Types

#### III-1 Retail Community Center General Description

- a) The retail community center (CG) is a 21 acre/150,000 sq. ft. shopping plaza. Within parcel "N," multi-family residential units, professional offices, banking institutions, gasoline stations with convenience stores and school will be permitted. Residential units that may be added to Parcel N site plan may not cause the number of residential units to exceed the total number of residential units permitted in the overall PUD

The retail center will enjoy a generously landscaped water feature the landscaped County retention pond (fronting on St. James) and a handsomely landscaped, divided roadway which serves as the pain ingress/egress to the residential neighborhoods - and therefore must make a strong arrival statement.

- b) The retail community center will have landscaped medians to soften required parking areas, plus the treed buffer described below.
- c) Roof lines, exterior building materials and color Selections will convey a residential flavor to soften the commercial nature of the retail pod and be more compatible to the neighborhoods this retail pod will be serving.
- d) The layout of the retail center will integrate pedestrian walkways and landscaped seating areas to provide a pleasant pedestrian experience. The pedestrian paths connect the shopping plaza with the internal residential, institutional and office pods.
- e) There will be an opaque vegetative buffer to screen the parking lot of the shopping plaza and the side and rear elevations of the shops from the view of the residential dwellings which exist across the canal of the south property line from the commercial area. This soft screen would protect both the first floor sight line for the Royce Avenue homes. The roofline of the plaza will likely show but would not be an offensive color and will be designed with flavor harmonious to other pods in the development.

#### III-2 Office Area within ROI General Development

An office complex may be located on pods "H" and "I," within the ROI area. The office complex is intended but not required to sprawl horizontally to convey a woodsy residential flavor for optimum compatibility with the neighborhood environment. The buildings may be one, two or three story structures, attached or detached, limited to 35' in height.

The above concept is conducive to professional office condominiums or to a campus style office complex for lease. The roof lines, exterior building materials, colors, and landscaping will commingle with the woodsy setting and take on a residential flavor. The professionals working

in the offices will enjoy the benefits of a nature setting, pedestrian paths and all the amenities River Place has to offer.

The office area, parcels "H" and "I" may have real estate, insurance and title agency offices, Professional Zoning District Uses, Limited Mixed Use Zoning District Uses and Special Exception Uses, such as bank with or without drive-through services window and/or ATM service area or other financial institution uses, Retail or Personal Service uses, restaurants (but not drive-thru restaurants), Medical and Health Care Facilities are permitted to comingle with the office area as parcels "H" and "I" are also institutional zoning district uses and may have Special Exception uses.

### **III-3 Multi-Family within ROI General Description**

The 10 acre/100 unit multi-family parcel, "G" as depicted on the site plan and within the designated ROI area, is anticipated to be, but not limited to an adult community/senior's facility with accompanying amenities. The developer will impose and maintain design controls for architectural, landscape, signage, lighting and exterior building materials to assure this pod's harmonious integration within the ROI area and within the overall PUD.

### **III-4 Institutional within ROI General Description**

Institutional facilities within the ROI area, may be located on "H" or "I" pods, as depicted on the site plan, Institutional facilities surround the environmental setting and will be compatible within the ROI area and the PUD by the same controls as above.

See "III-2, Office area....." Parcels "H" and "I" both Office and Institutional zoning uses and each Parcel may also have Limited Mixed Use Zoning Uses with Special Exception Uses, and Professional Zoning Uses, with Special Exception Uses.

### **III-5 Residential Unit Mix or Product Types General Description**

(within the area designated for RL Land Use (Residential Low Density))

- a) We envision four, (4) product types being offered to new home consumers for simultaneous absorption within the RL designated area. Each product type will appeal to a different target market and be phased into logical absorption increments.
- b) Within the RL area, some unit types will require greater land use density than other unit types. However, the overall density for the RL designated area would be less than the permitted land use density of 5 units to the acre. (See land use exhibits.)
- c) Each residential pod, described elsewhere in this submittal by map and by a table or alphabetized legend of product densities, shall contain one or more product types as specified below.

- d) Some of the residential pods are being firmly committed to one specific product type below, and some of the pods provide for flexibility. This enables the developer flexibility in offering within the product types below, depending upon the economic and market cycles as well, as the level of expertise of the participating builder.

Some product types below may occur in more than one pod of the development, as per the site plan.

#### Residential Product Types in RL Areas

- 1) Single family detached homes 52' frontage at building line, 2 car garage required, plus setback which provides additional two (2) car off street parking on a concrete or concrete paver driveway; minimum floor space: 1,000 sq. ft. net (cooled) interior required;
- 4 2) Single family detached homes 55' frontage at building line, 2 car garage required, plus setback which provides additional two (2) car off street parking on a concrete or concrete paver driveway; minimum floor space: 1,150 sq. ft. net (cooled) interior required;
- 2 3) Single family detached homes: 70' frontage at. Building line, 2 car garage required, plus setback which provides additional two car off street parking on a concrete or concrete paver driveway; minimum floor space: 1,350 sq. ft. net (cooled) interior required;
- 3 4) Multi-Family town home & villas: 4 to 6 unit buildings of attached two and three bedroom townhomes and patio homes with minimum 1 car garage or carport requirement; overall 2.25 off street car parking for attached cluster product; minimum floor space; 1,000 sq. ft. net (cooled) interior required;
- 4 5) Multi-family, garden style units, one, two or three story buildings, 4 to 24 units per building;

The net (cooled) interior minimum sq. ft. requirement would be 575.

This product may require its own pool and cabana and may be gated. Balconies or screened porches and living areas for each unit are view oriented to the site's natural topographical features. There may be 1 car covered parking or potential for 1 or 2 car garage per unit plus open parking; at the very least, 2 car off street parking overall.

- e) In "G" pod, the units are not addressed under RL usage above but further described in "Exterior Residential Building Design Standards & Materials, then, "Residential Multi-Family within the ROI Section". The "G" pod product may be the same as or similar to the "E" pod product.
- f) Architectural controls and deed restrictions will be imposed to include exterior building materials and colors, fencing, lighting, landscaping on each building lot; mailboxes,

signs. Limitations and restrictions are established for vehicular storage, commercial vehicles exceeding certain weights, and recreation vehicles. Free standing out buildings, such as those used for storage sheds or pets will not be permitted on subdivision lots. See section on restrictions.

### III-6 Site Area & Coverage

The maximum impervious area per single family lot is 70%; the maximum impervious area per residential pod is 50%. The maximum impervious multifamily pod is 50%, inclusive of buildings and parking lots. The maximum impervious area for institutional and commercial pods is 80%. In no case shall the PUD exceed the criteria set forth in policy 1.1.4.10 of the comp plan.

### III-7 Site Grading & Drainage

Grading shall be kept to a minimum. Paving and buildings shall be designed for maximum preservation of the natural grade and vegetation. Construction activity shall not occur under drip-lines of preserved vegetation. Drainage systems shall be designed to minimize run-off into preservation areas. All structures shall be equipped with roof drains or gutters and downspouts. No downspout water will be permitted to be deposited directly onto preserve. Surface drainage shall be controlled so as to not cause damage to adjacent properties or existing vegetation as a result of development either during or after construction. Erosion and situation control provisions shall be employed during and after construction

### III-8 Side Yards & Setbacks Table

minimum lot sq footage	lot width at building line	minimum frontage	front setback	rear setback	side yard minimum
<b>Single Family Yard Requirements*</b>					
4,600 sq ft	<u>52'</u> <small>(x 90' minimum)</small>	<u>20'</u> <small>(cul-de-sac)</small>	25'	10'	<u>0'/15' corner</u> <u>12' btwn buildings</u>
6,600 sq ft	55' <small>(x 125' typical)</small>	20' <small>(cul-de-sac)</small>	25'	10'	6'/15' corner 12' btwn buildings
8,400 sq ft	70' <small>(x 125' typical)</small>	20' <small>(cul-de-sac)</small>	25'	10'	7'/15' corner 14' btwn buildings

#### Town Home or Villa Yard Requirements\* (see Exhibit "M")

Town Home or Villa Yard Requirements for Parcels "A" & "C" may be applied to multi-family parcels "E" & "G" at Developer's discretion & subject to Site Plan Review by City.

maximum of 6 units per bldg; min gross area for 6 unit bldg = 13,050 sq ft/144' min length/ 184' max length; 1,400 - 7,000 sq ft lot range	24' ft min dwelling; 24-55' lot range	24'-55' lot frontage range	20'	10' to the bldg; 5' to the patio/screen encl	20' btwn bldgs.; 20' to corner
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## Side Yards & Setbacks Table (cont.)

minimum lot sq footage	lot width at building line	minimum frontage	front setback	rear setback	side yard minimum
<b>Multi-Family Setbacks &amp; Side Yards (See Exhibits N-1; <u>N-2</u>; <u>N-3</u> &amp; <u>N-4</u>; Parcels G &amp; E)</b>					
N/A to multi-family rentals; for sale product varies from N/A to entire parcel of condos to individual lots per condo building of 4,992-17,520 for 1-2 stories; 5,894-27,600 for 2-3 stories	N/A for multiple buildings built on 1 lot/ parcel; bldgs built on individual lots within 1 multi-family parcel may vary from a 64'-146' lot for a 1-2 story building or from 68'-230' for a 2-3 story bldg.	N/A to multiple bldgs built on a 1 lot/parcel; bldgs built on individual lots within 1 multi-family parcel may vary from 64'-230' lot frontage, depending upon the # of stories & # of units per bldg.	20'	10' to the bldg; 5' to the patio screen encl. for 2-4 units per bldg & 1-2 stories; or 20' to the building, 10' to the patio/ screen encl. for 6-24 units per bldg & 2-3 stories	10' min for 2-3 story bldgs of 6-24 units each = 20' btwn bldgs; or 8' min for 1-2 story bldgs of 4 units or less = 20' btwn bldgs
<b>Office, LMD &amp; Special Exception Uses Setbacks &amp; Side Yards</b>					
n/a	n/a	n/a	15'	20'	12' btwn bldgs 20' to street
<b>Commercial Setbacks &amp; Side Yards</b>					
	n/a	100'	25'	25'	12' btwn bldgs 20' to street
<b>Institutional setbacks &amp; side yards</b>					
	100'	40'	25'	25'	12' btwn bldgs 20' to street

\* Townhome and multi-family site plans are required to have 20' between buildings unless other fire code measures are designed in construction plans to meet fire district requirements that would allow a reduction in the space between buildings. Refer to fire district Resolution 442-05

St. Lucie County Fire District Note: Any building which is proposed to have a height greater than 40 ft. or a width and length of more than 100 ft. in both dimensions shall provide evidence prior to site plan approval that there is adequate fire and emergency service protection available for such development. As of August 2006, no aerial apparatus/ladder service is available within 2.5 miles of this project

- \* The following areas are excluded from setback requirements:
- a) parking areas
  - b) steps, walks, driveway access
  - c) landscape berms, irrigation or lighting
  - d) walls or planters less than four (4) feet in height
  - e) pools, decks, patios (which shall have a minimum 5' setback, except as noted in Exhibits L-2 and L-3)

### III-9 Parking Requirements, Entire PUD

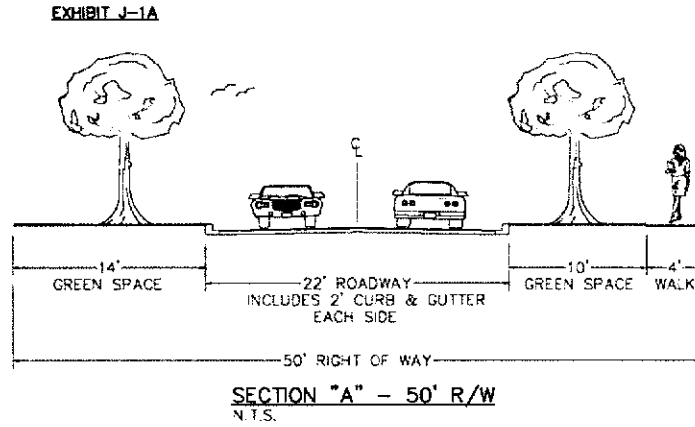
Parking requirements for all pods and in the development will meet or exceed the current City of Port St. Lucie Zoning code section 158.221.

### III-10 Roadways

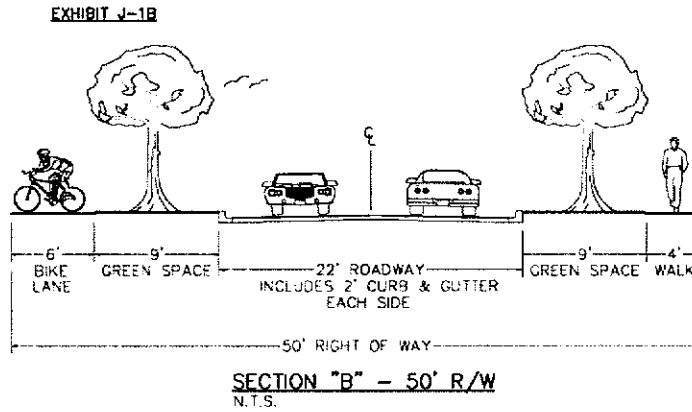
The spine road, Lazy River Parkway, connecting all pods within the development will be dedicated to the City of Port St. Lucie. All other streets and rights of way are owned by the CDD. All roadways meet or exceed City of Port St. Lucie specifications.

See site plan. See attached Roadway Exhibits: "J-1a, 1b, 1c, 2a, 2b, 3a and 3b", Sections "A", "B", "C", "D", "E" & "F" in this document.

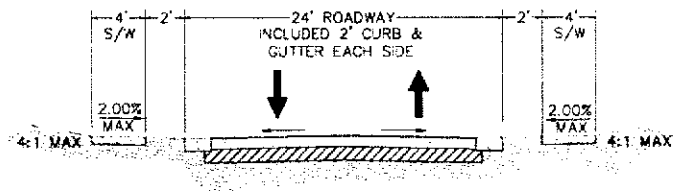
**Exhibit J-1a**



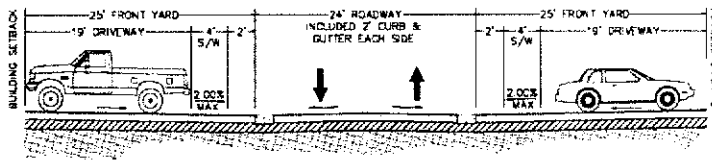
**Exhibit J-1b**



**Exhibit J-1c**

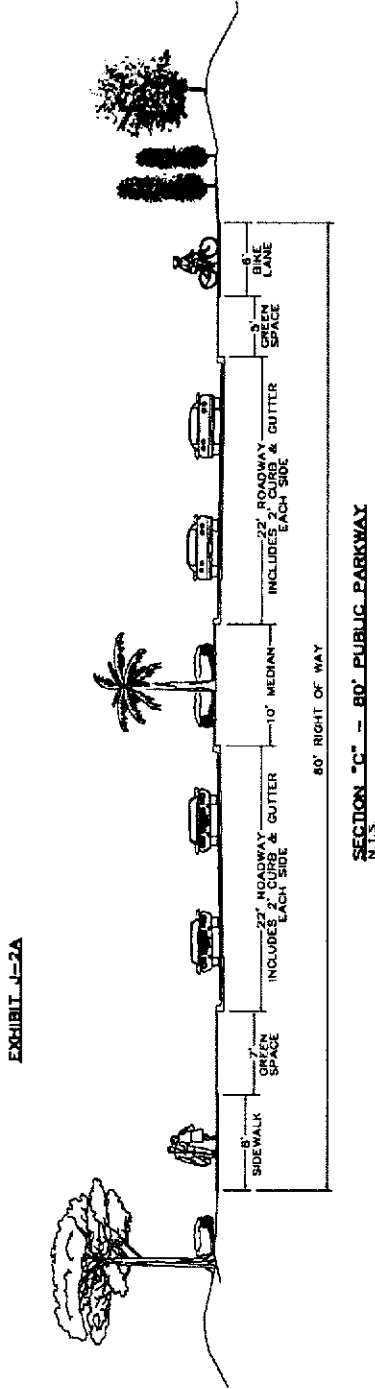


NTS



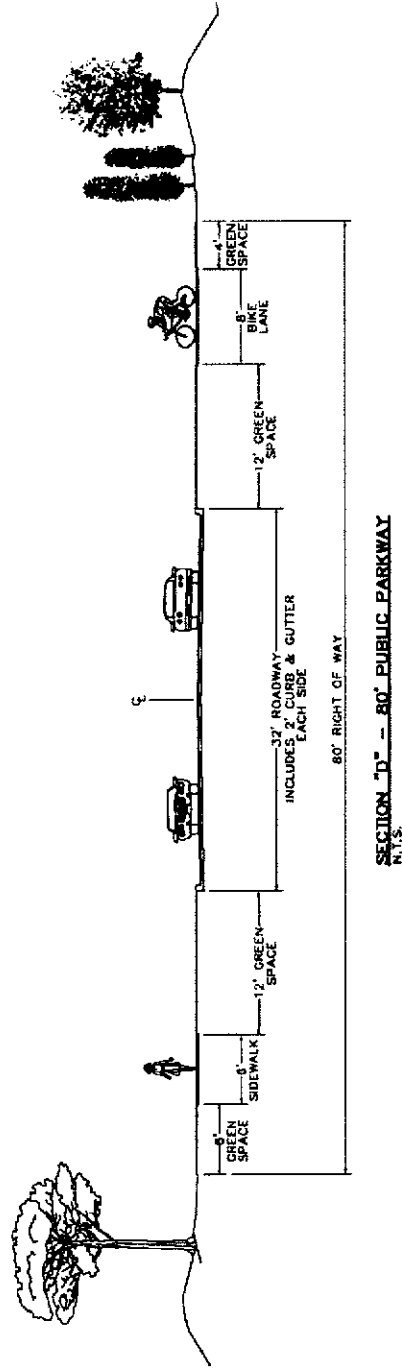
NTS

**Exhibit J-2a**

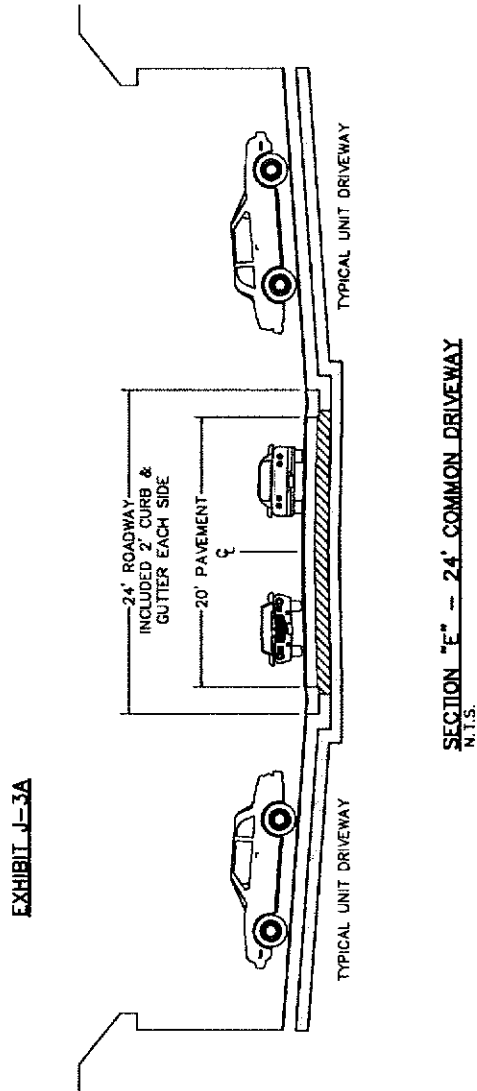


**Exhibit J-2b**

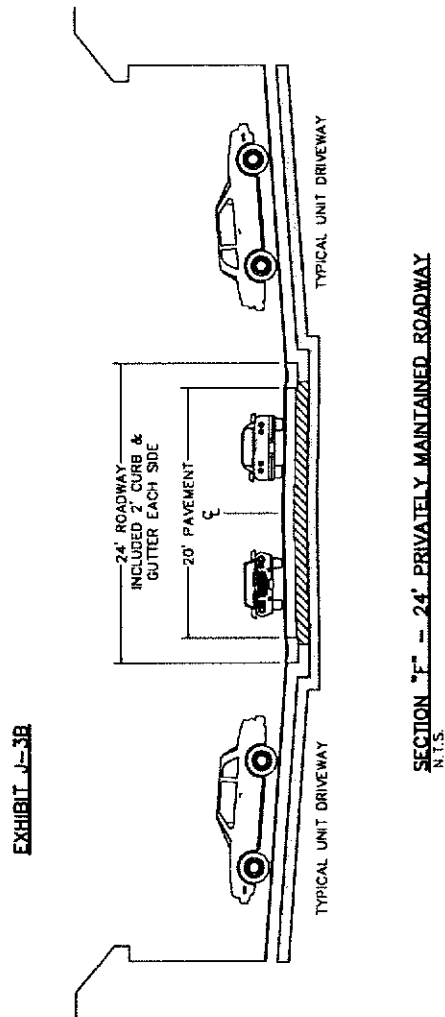
**EXHIBIT J-2B**



**Exhibit J-3a**



**Exhibit J-3b**



[ end of section ]

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## Section IV.

### **River Place on the St. Lucie Uses, Restrictions, & Architectural Guidelines for Residential Areas**

The developer reserves the right to review and approve or reject architectural designs; landscape designs and materials, exterior color palette, materials, accessory structures, and restrictions within the Planned Unit Development until all lots and parcels are absorbed. Once a home is occupied by residents such approvals become the responsibility of the Property Owners' Association:

#### **IV-1 Accessory structures or uses permitted**

- a) swimming pools and related decks, patios, and screen enclosures
- b) a basketball backboard and goal may be located in that area extending from the front building line to the front property line, excluding the side yard setbacks
- c) garden and physical fitness structures, including gazebos, pergolas, non-commercial greenhouses, hot tubs and saunas may be located in that area between the rear building line and the rear and side yard setbacks
- d) satellite dish antenna, 24" in diameter or under, installed on rear of home, limit of one per dwelling unit, dish not to extend above the roofline
- e) children's playground equipment, provided equipment is in good repair/condition
- f) bird feeders in the area between the rear building line and the rear and side yard setbacks.
- g) manufactured barbecue grills
- h) Home occupation: a home occupation as defined herein shall be permitted subject to the following provisions:
  - 1) The holder of the home occupation may have employees engaged in the business provided said employees, except those who reside in the home, do not report to or for work at the site of the home occupation. . . .
  - 2) The home occupation shall use no more than 200 square feet of the total dwelling and garage space combined. (per City Council)
  - 3) The use of the dwelling for the home occupation shall be clearly incidental and secondary to its use for dwelling purposes. There shall be no display of stock for sale or trade located upon the premises, and no article shall be sold or offered for

sale except such as may be produced on the premises or is utilized in conjunction with the home occupation. The manufacturing of a product for resale shall not be produced with mechanical or electrical equipment which is not normally found in a dwelling and considered as purely a domestic implement.

- 4) Any use of a dwelling contrary to these provisions or which creates or may create objectionable noises, fumes, odors, dust, electrical interference, or greater than normal residential traffic shall be expressly prohibited.
- 5) Any individual who promotes or solicits a home occupation by displaying, advertising, or using in any fashion his home address or telephone; who provides or conducts a home occupation as defined herein; or who proffers home occupation services as defined herein shall be required to obtain a certificate for the city permitting that home occupation and to obtain an occupational license therefore. The offering of articles for sale in isolated situations shall not be considered as a home occupation or require permit and license.
- 6) Application for a home occupation permit shall be made to the city, setting forth the address of the subject premises, the type of home occupation desired, and the area of the dwelling to be utilized for same. The city may inspect the subject premises to verify full compliance of the proposed home occupation usage with the provisions of the ordinance. Upon approval of the application, the city shall issue a permit for the "home occupation" and the applicant shall thereupon be entitled to obtain the necessary occupational license from the city.

#### **IV-2 Accessory structures or uses not permitted**

- a) Private boat docks and boathouses are not permitted on canal or waterway lots, except for those structures in the amenity package listed on the site plan which will be owned by the Property Owners Association or City owned. Boating is not permitted on ponds or lakes within the community's interior.
- b) Chain link and stockade type fencing will be prohibited on residential lots; any fencing or structures must be approved by the POA after development period, and by the Developer during the development period. No fencing of any kind shall be permitted on front yards unless the fencing relates to the architectural vernacular of pods containing attached product; such must be approved in conjunction with building elevation submission.
- c) above ground swimming pools
- d) pets:
  - 1) There will be no keeping of animals outside the building structure; no outdoor animal pens or dog houses will be permitted. Only Property Owner's Association approved domestic household pets may be kept. On the residential lots, livestock,

poultry, pot belly pigs, alligators and the like may not be harbored on residential lots. . . . .

- 2) The household pet limit is three (3) for single family detached homes and two (2) for attached homes, except for fish and birds. In the event household pets have a litter; the owner shall have a period of one hundred twenty (120) days from the date of such birth to dispose of excess pets.
  - 3) Pets must be kept on a leash when outside the home's yard. Pet owner is responsible for immediate pick-up and disposal of pet feces. Pet owner is responsible for damages caused by their pets.
- e) separate storage sheds, which are independent of unit structure, except in approved site plans for attached product pods
  - f) unattached accessory buildings for workshops or children's playhouses
  - g) detached garages except in approved site plans for attached product pods
  - h) solar collection systems, windmills, and other energy devices if visible from the street or by an adjoining owner.
  - i) storage and overnight or daytime parking of utility trailers, commercial vehicles or equipment is not permitted unless the vehicle is stored within the confines of the attached residential garage and the garage door is maintained closed when not needed for ingress or egress.
  - j) Major recreation equipment is hereby defined as including boast and boat trailers, recreational vehicles, motorized dwellings; houseboats and the like.
    - 1) No major recreation equipment shall be used for living, sleeping or housekeeping purposes when parked or stored within the planned unit development.
    - 2) Major recreation equipment may be parked or stored within the confines of the owner's attached garage or within the storage area provided by the planned unit development on premises in accordance with the rules and regulations of the Property Owner's Association
    - 3) No recreational vehicle shall be parked or stored on any lot for a period in excess of forty-eight (48) hours during any calendar month, unless the same is in the garage and completely out of view. In no event may any such vehicle overhang driveway and encroach upon a right way.
  - k) Motorbikes and motorcycles will be prohibited within the development except for ingress and egress by licensed operators on approved; licensed vehicles.

- l) Garages shall be used only for parking of vehicles and other customary uses and shall not be used for or converted into living area, except for use by builders as sales center during construction period.
- m) Commercial vehicles and trucks exceeding a three quarter (3/4) ton rating are prohibited, unless such commercial vehicles or trucks are kept in the garage and completely out of view. The permitted exceptions are for deliveries to residences and construction or repair related vehicles on specific business within the development.
- n) No vehicle in inoperable condition or unlicensed condition shall be stored on any lot for a period in excess of 48 hours unless the same is in the garage and completely out of view.
- o) Trash:
  - 1) Trash dumpsters will not be permitted in single family for town home & villa residential pods, except by developer or builder during construction period.
  - 2) Except for developer or builder during construction period, there will be no burning of any trash and no accumulation or storage of litter, new or used building materials or trash of any kind shall be permitted on any lot.
  - 3) Trash and garbage shall be placed in sanitary container and shall not be permitted to remain in the public view except on days of trash collection.
  - 4) Each property owner will maintain his yard and contiguous right of way or conservation/preserve area free of trash, debris and litter.
  - 5) For the purposes of trash collection, each resident may place appropriate trash containers, with lids, or heavy duty plastic trash bags, tied, at the curb for pick-up after 6:00 pm the eve prior to scheduled collection; empty trash containers must be removed from curb by the evening of the collection day.
  - 6) All trash containers must be stored within an enclosed storage area, away from view of public or neighbors. No offensive odors or unsanitary conditions will be permitted.
- p) There shall be no more than two (2) garage or yard sales held by the owner or residents of any lot during any twelve (12) month period.

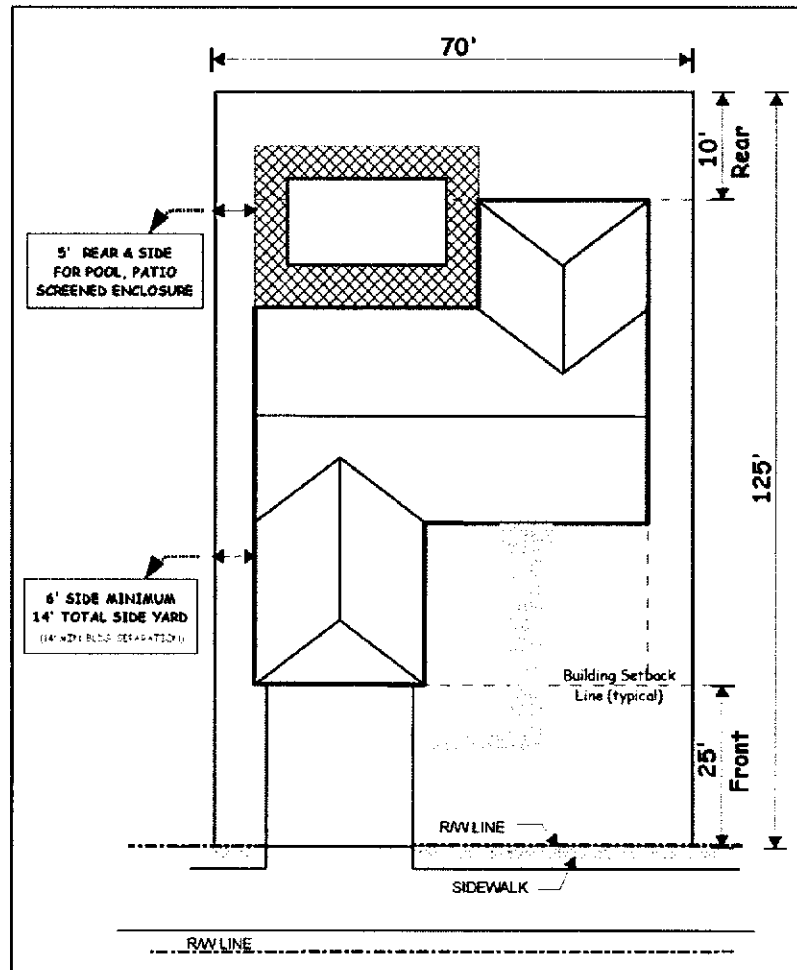
#### **IV-3 Architectural Standards Enforcement**

- a) The developer is responsible for assuring the integrity of the overall PUD. During the time of the initial construction period, the master planned community developer reserves the right to accept or reject any and all site plans, building designs and elevations, exterior building materials and exterior color palette in conformance with the architectural standards and guidelines that follow in this PUD document.

- b) To assure continuity, the single family residential builders will be required to provide the City with a developer's written approval on house designs, materials, and exterior colors in order to obtain a building permit. This approval may be inclusive-of an entire section in conformity or may apply to a single permit. Thereafter, property owners will be required to obtain written approvals from the Property owners Association's Architectural Review Board prior to obtaining, building permits from the City for additions or changes as required by city code.
  
- c) During the initial development period, enforcement of architectural guidelines and standards related to institutional, commercial and multi-family residential-buildings will be verified at the time of site plan approval. A condition of the City's site plan approval while require the developer's written approval that the respective buildings conform to the architectural standards and guidelines which follow. Thereafter, any changes, additions or deletions to the buildings by the property owners will require written approval of the Architectural Review Board of the Property Owners Association of the PUD prior to obtaining permits from the City.

**Exhibit K**

**EXHIBIT K**

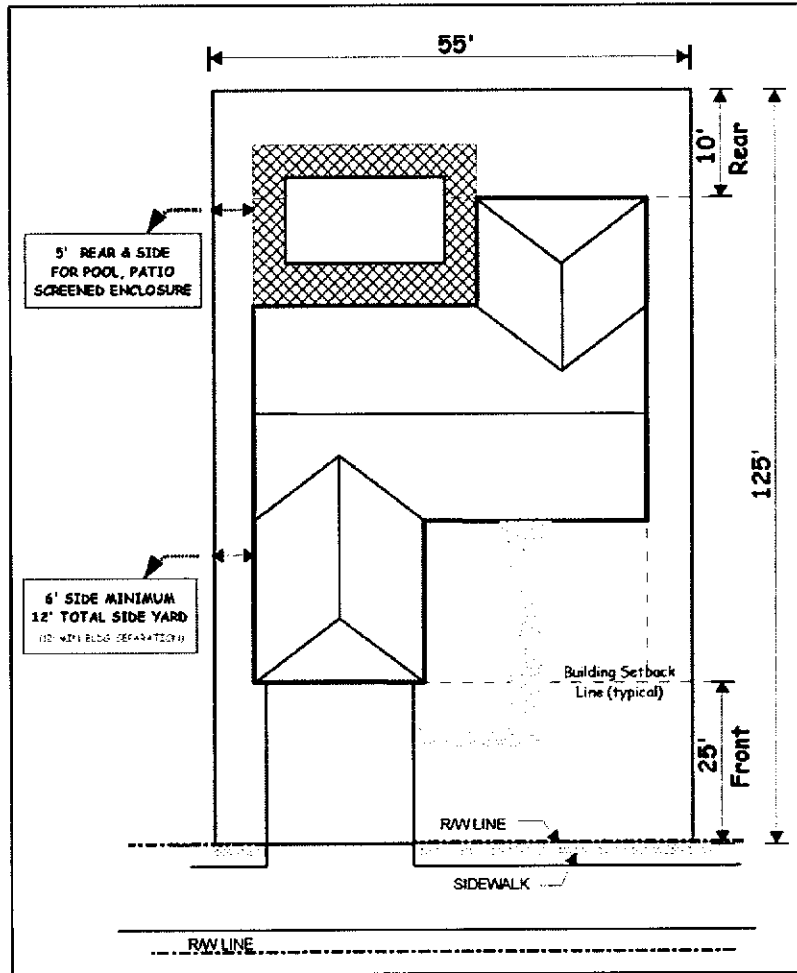


River Place on the St. Lucie  
TYPICAL SINGLE-FAMILY BUILDING SETBACKS  
(FOR 70' X 125')  
N.T.S.

PARCEL	PRODUCT	ACRES	DU/AC	DU'S	SQ. FT.
B	SF-70' LOTS	200	35	70	
MAXIMUM BUILDABLE AREA: 10,000 SF PER LOT TOTAL IMPERVIOUS AREA: 10,000 SF MAXIMUM					
NOTE: BUILDING FOOTPRINT IS FOR ILLUSTRATION ONLY. FINAL FOOTPRINTS SUBJECT TO LOCALS.					

**Exhibit L-1**

**EXHIBIT L-1**



**River Place on the St. Lucie**  
**TYPICAL SINGLE-FAMILY BUILDING SETBACKS**  
 (FOR 55' X 125')  
 N.T.S.

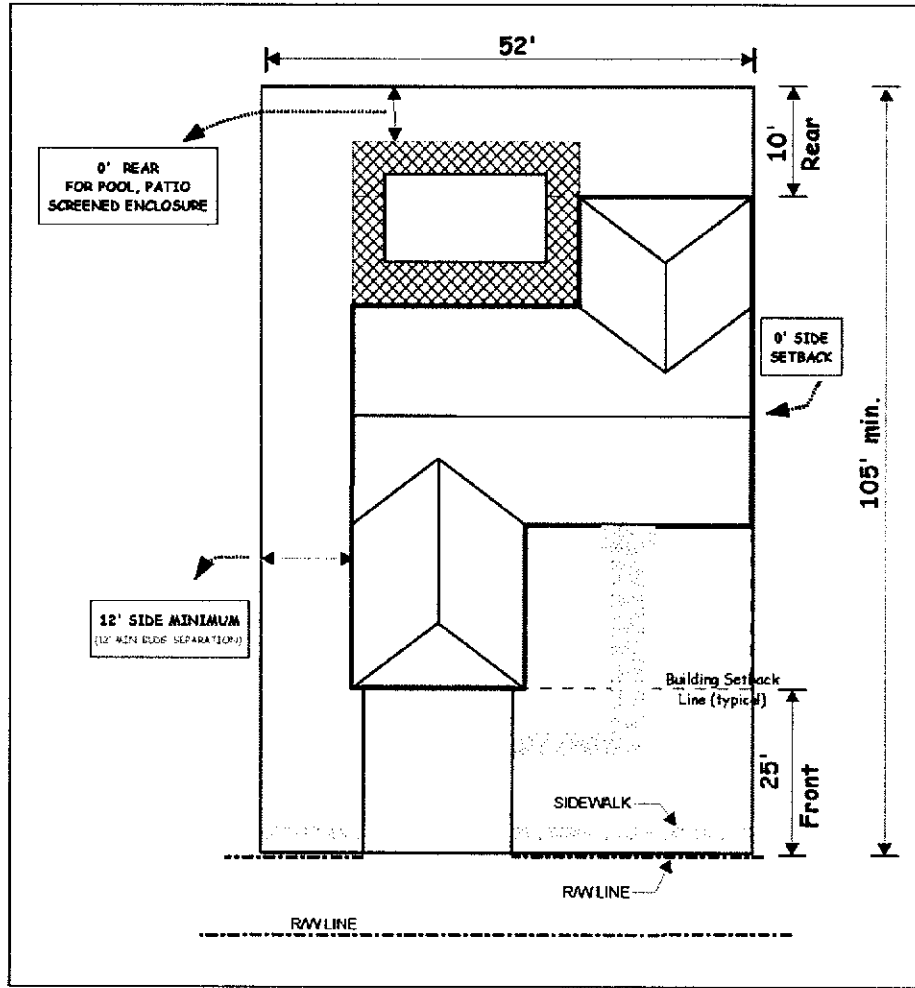
PANEL	PRODUCT	ACRES	DU/AC	DU'S	SQ. FT.
F	SF-55' LOTS	7	3.5	24	
K	SF-55' LOTS	54	2.8	150	

MAXIMUM BUILDABLE AREA: 1,070 SF PER LOT  
 TOTAL SUPERVISOR AREA: 4,802 SF MAXIMUM

NOTE: BUILDING FOOTPRINT IS FOR ILLUSTRATION ONLY. FINAL FOOTPRINTS SUBJECT TO CHANGE.

**Exhibit L-2**

**EXHIBIT L-2 (One Story Unit Option/ Min. Lot Sizes - (Parcel C only))**



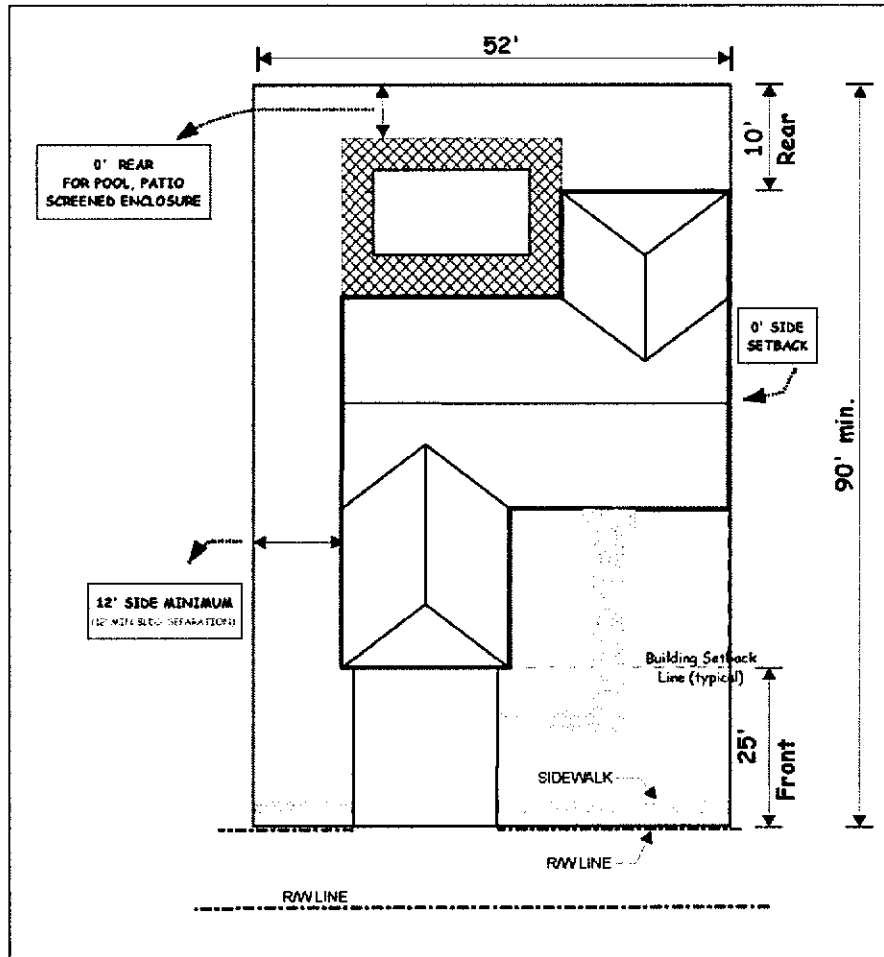
**River Place on the St. Lucie**  
**TYPICAL SINGLE-FAMILY BUILDING SETBACKS**  
 (FOR 52' X 105') - single story units  
 N.T.S

PARCEL	PRODUCT	ACRES	DU/AC	DU'S	SQ FT
C	SF-52' LOTS	16	3.3	53	

MINIMUM BUILDABLE AREA: 2,200 SF PER LOT  
 TOTAL IMPERVIOUS AREA: VARIES - NOT TO EXCEED 70% OF LOT  
 NOTE: BUILDING FOOTPRINT IS FOR ILLUSTRATION ONLY  
 FINAL FOOTPRINTS SUBJECT TO CHANGE

**Exhibit L-3**

**EXHIBIT L-3 (Two Story Unit Option/ Min . Lot Sizes - (Parcel C only)**



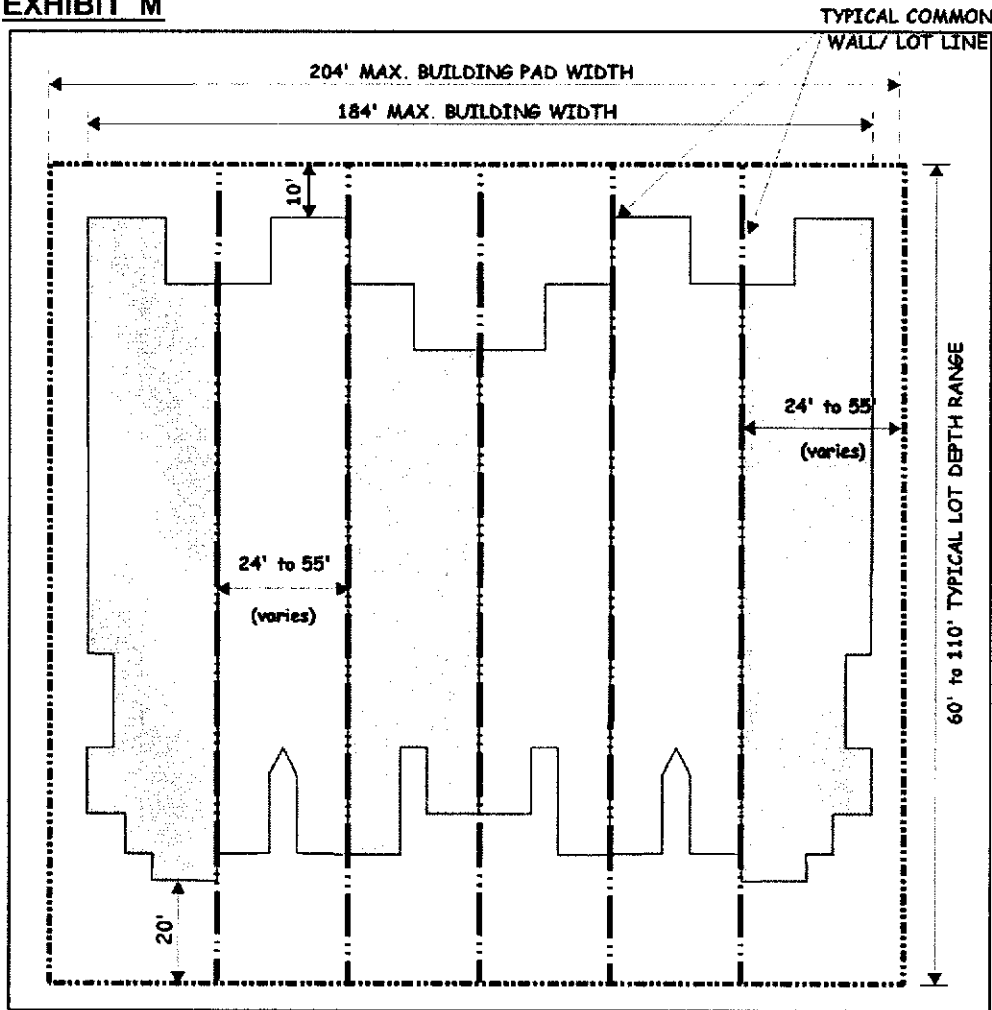
**River Place on the St. Lucie**  
**TYPICAL SINGLE-FAMILY BUILDING SETBACKS**  
 (FOR 52' X 90') - Two story units  
 N.T.S

PARCEL	PRODUCT	ACRES	DU/AC	DU/S	SQ. FT.
C	SF-52' LOTS	16	3.3	53	

MINIMUM BUILDABLE AREA: 2000 SF PER LOT  
 TOTAL IMPERVIOUS AREA: 1400 SF TO EXCEED 20% OF LOT  
 NOTE: BUILDING FOOTPRINTS FOR ILLUSTRATION ONLY. FINAL FOOTPRINTS SUBJECT TO CHANGES.

**Exhibit M**

**EXHIBIT M**

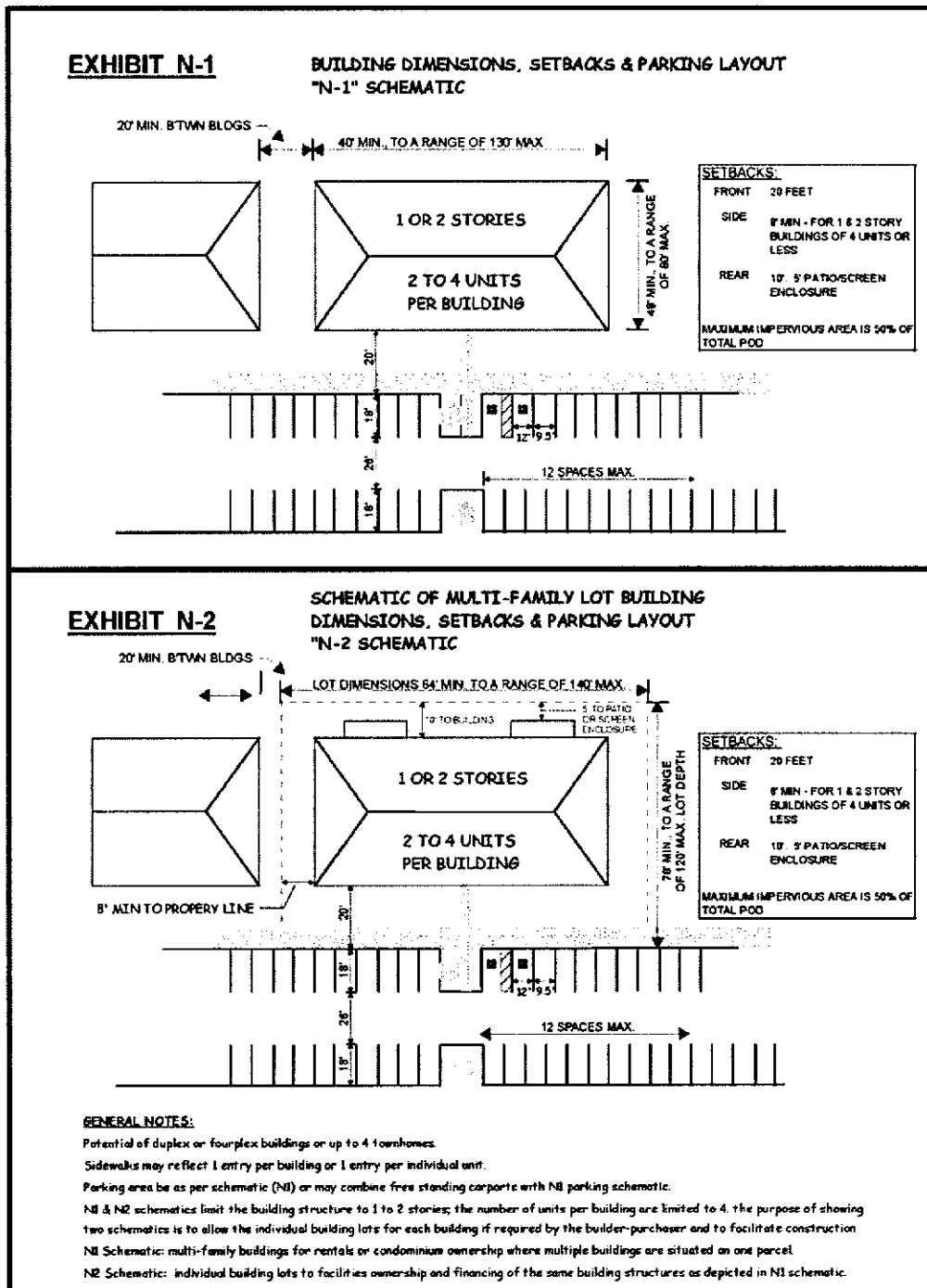


**River Place on the St. Lucie**  
**SCHEMATIC TOWNHOME/VILLA LAYOUT**  
**N.T.S**

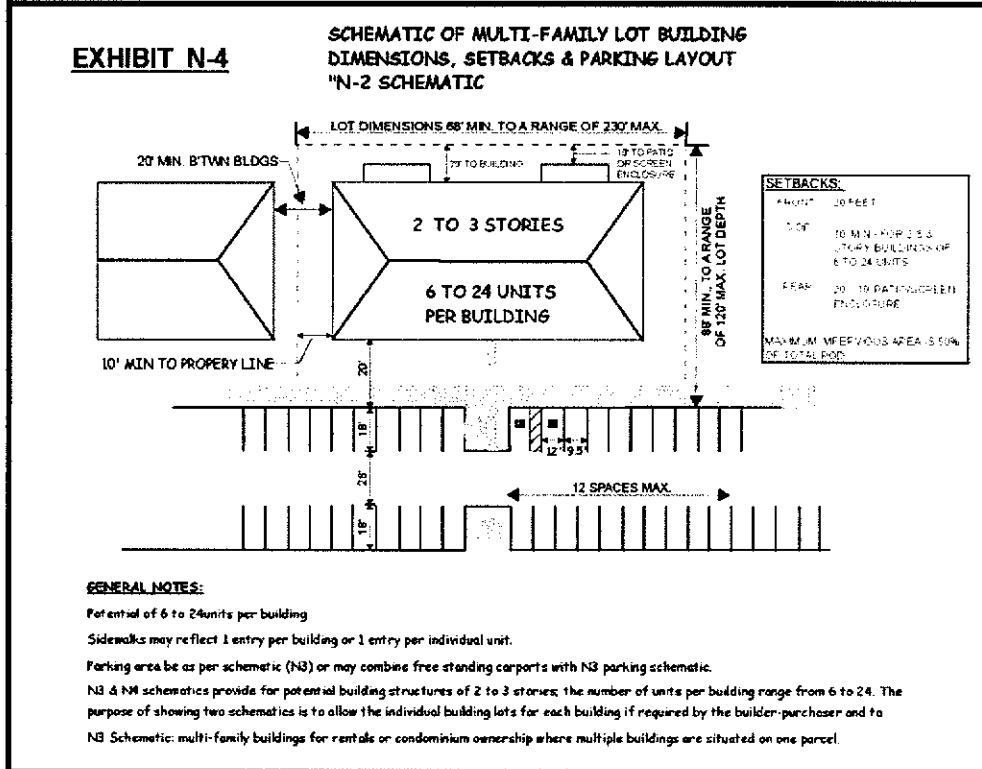
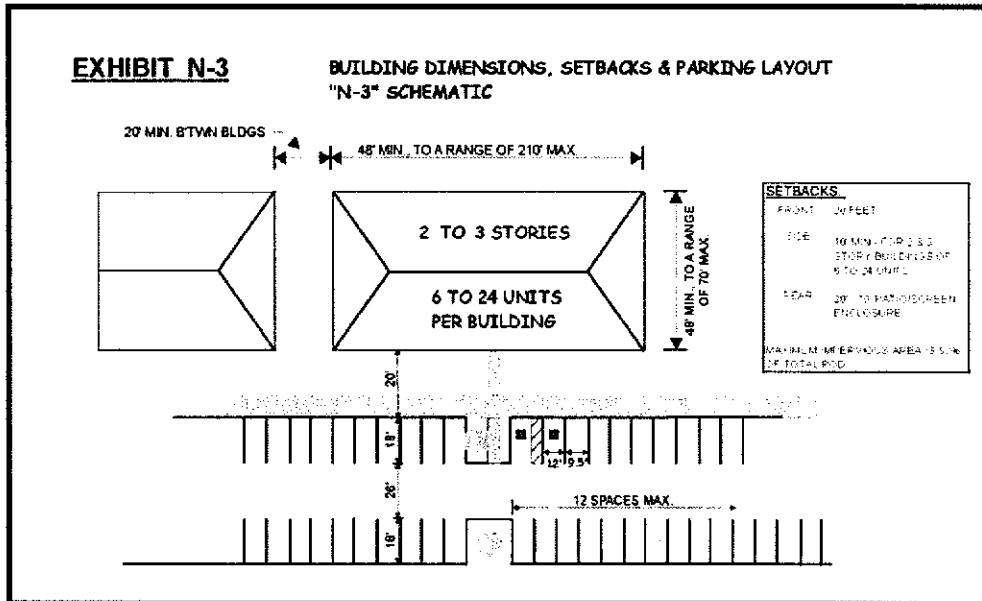
FARCEL	PRODUCT	ACRES	DU/AC	DU'S	SQ. FT.
A	TOWNHOME	5.47	6.35	34	
C	TOWNHOME	13.00	5.62	78	
E	TOWNHOME	18.1	11.93	216	
G	TOWNHOME	8.77	11.4	100	

\*MAXIMUM COVERED AREA IS 50% OF TOTAL PAD  
 (D) WIDTH BETWEEN BUILDINGS OR SPACES ATTACHED UNITS  
 (E) WIDTH BETWEEN PUDS OR SPACES ATTACHED UNITS  
 \*MAXIMUM DEPTH PER SUBDIVISION  
 \*MAXIMUM LENGTH OF A BUILDING IS 184'  
 NOTE: BUILDING FOOTPRINTS FOR ILLUSTRATION ONLY. FINAL FOOTPRINTS SUBJECT TO CHANGE.

**Exhibit N1 & N2**



**Exhibit N3 & N4**



[ end of section ]

## Section V-

### **Exterior Architectural Design, - Building & Materials Standards**

The River Place ~~On~~ ~~the~~ St. Lucie theme will be conveyed by each pod. Each pod will have a unified exterior scheme which reinforces the river life and environmental theme.

The theme will be conveyed with architectural elevations, materials, and color palette restrictions. Specific color palette, building elevations and materials for each pod in the development must be approved by the developer, prior to the Start of any vertical construction. Each builder will be required to provide the developer of the master planned community with color boards, elevations, and material selections for their product from the themes below which are most suitable to the building program and consumer profile.

#### **V-1 Single Family Detached Homes**

- a) Architectural themes may not be blended within a pod. Each single family detached product pod will have all homes conforming to the themes below. There are ~~three~~ four pods or neighborhoods in this category: "K", "F", "B", and "C" as depicted on the site plan.
- b) Each home owner 1s responsible for individual trash containers kept within the garage or storage room of respective dwelling.
- c) Single family homes and town homes or villas will have a monolithic poured concrete slab and footer, hardscapes will be poured Concrete; builders may choose to offer stamped concrete or sandset, interlocking, concrete pavers. Product must be built to hurricane resistant standards and City of Port St. Lucie building codes.
- d) Theme

#### Roofing:

5/12 minimum pitch; 6/12 preferred; hip or gable construction:

- a) galvanized, mill finished metal roof, aluminum roof; or,
- b) cement tile; straight or "S' tile, color to be approved by developer, initially, or by Architectural Review Board of the POA after development period;  
or,
- c) dimensional asphalt shingles, min 25 yr. warranty; color to be approved by the developer, initially, or by Architectural Review Board of the POA after development period.

#### Siding:

clapboard style, horizontal, 6" to 6.5" exposed to weather, achieved with manufactured materials for maintenance free, long life benefits; generous trim builders choice of "a)" "b)" or "c)" below may be mixed within a pod;

- a) cementitious planking system
- b) Stucco masonry, sand finish, banded trim  
(Mediterranean style will not be approved)
- c) cementitious trim materials approved by developer to detail the architectural vernacular.

Siding & Trim - Color Palette:

Color schemes' must be approved by the Developer prior to the start of construction;' after development period, color schemes must be approved in writing by the Architectural Review Board of the POA.

**V-2 Attached Town Homes or Attached Villas**

- a) ~~There are two pPods or neighborhoods "A" is which are~~ "A" and "C", as depicted on the site plan. ~~It is possible that "A" and "C" could be independent, or they could be treated as one, depending upon the home builder selected.~~ For maximum development flexibility, it is possible for this product to also be applied to the "G" and "E" pods at the discretion of the Developer and the City's Site Plan Review Committee.
- b) The maximum building size will be limited to six (6) units with a maximum length of 184'.
- c) We recommend (but do not require) this product type be designed and built for "fee simple" ownership, as opposed to "condominium" form of ownership.
- d) In the event a enclosed garage is not provided with each dwelling, each townhome or villa residence is required to have a exterior storage room integrated with the rear building elevation. The storage room must have an interior minimum depth of 6' and 8' minimum length. The storage room must be totally enclosed.
- e) Each unit owner is responsible for individual trash containers kept within the garage or storage room of respective dwelling.
- f) The developer will encourage the home builder of this product to create some unit individuality. That is, each unit should be accentuated with detail, coloring and texture to create character from unit to unit and building to building, while maintaining the unified theme.
- g) To convey the "Old Florida" architectural vernacular, detailing for individuality should include some of the following elements: shuttering detail; wood railing, covered front porches (simulated materials acceptable for maintenance free; longer life); screened rear porches; cupolas; widow's walks, dormers. The town home or attached villa builder is required to obtain the Developer's approval of architectural plans, exterior elevations, theme, color 'schemes and 'materials, interior floor plans and landscape design plans.
- h) Theme "A"

Roofing:

5/12 minimum pitch; 6/12 preferred; hip or gable construction:

a) galvanized, mill finished metal roof, aluminum roof;

Siding:

builders choice of "a)" "b)" or "c)" below may be mixed within a pod;

a) cementuous planking system clapboard style, horizontal, 6" to 6.5" exposed to weather, achieved with manufactured materials for maintenance free, long life benefits; generous trim;

b) Stucco masonry, sand finish, banded trim (Mediterranean style will not be approved)

c) cementuous trim materials approved by developer to detail the architectural vernacular.

Siding & Trim - Color Palette:

Color to be approved by the Developer, initially, or by Architectural Review Board of the POA after development period.

i) Theme "B"

Roofing:

5/12 minimum pitch; 6/12 preferred; hip or gable construction:

a) cement tile; straight or "S" tile, color to be approved by developer, initially, or by Architectural Review Board of the POA after development period.

Siding:

a) Stucco masonry, sand finish, banded trim (Mediterranean style will not be approved)

b) cementuous trim materials approved by developer to detail the architectural vernacular.

Siding & Trim - Color Palette:

Color to be approved by the Developer, initially, or by Architectural Review Board of the POA after development period.

j) Theme "C"

Roofing:

5/12 minimum pitch; 6/12 preferred; hip or gable construction:

a) dimensional asphalt shingles, min 25 yr. warranty;

only one roof color choice is applied to all homes in a pod; even though siding colors may vary; developer to approve all color schemes prior to start of construction

Siding:

builders choice of "a)" "b)" or "c)" below may be mixed within a pod;

- a) cementitious planking system clapboard style, horizontal, 6" to 6.5" exposed to weather, achieved with manufactured materials for maintenance free, long life benefits; generous trim;
- b) Stucco masonry, sand finish, banded trim (Mediterranean style will not be approved)
- c) cementitious trim materials approved by developer to detail the architectural vernacular.

**Siding & Trim - Color Palette:**

Color schemes must be approved by the Developer prior to the start of construction; after development period, color schemes must be approved in writing by the Architectural Review Board of the POA.

**V-3 Multi-Family Homes**

- a) There are two parcels, "E" & "G", which fall into this category, as depicted on the site plan.
- b) There will be a maximum of 24 units in a three story building or 16 units in a two story building. The maximum height would be 35'. Construction can be wood frame or concrete, per building code.

See Exhibits "N1", "N2", "N3" & "N4" for building dimensions and lot dimensions. In the event the builder of either parcel "E" or "G" chooses to purchase the entire parcel and build multiple buildings on a parcel recorded as one lot, Exhibits "N" and "N3" would be appropriate. In the event the builder of either parcel "E" or "G" chooses to purchase lots on which individual, multiple unit buildings can be constructed, Exhibits "N2" and "N4" would be appropriate.

Because the City has an ordinance requiring lots to be recorded on a plat prior to transfer, individual lots ranging in size, as depicted in Exhibits "N2" and "N4", allow flexibility for construction financing, one building at a time, as may be required for condominium form of ownership product. Creating such lots also allows a developer to develop a pod and sell certain lots to a builder without requiring all the land to be transferred at one time.

The various size ranges of lots and building dimensions depicted on the "N 1-4" Exhibits would allow greater flexibility in land and planning in the event a builder elects to build duplexes, fourplexes, townhomes or villas in place of larger buildings with multiple units.

In the event there is not a garage for each unit's storage, each unit is required to have an exterior storage room. The storage room must be minimum 3'x 5' if integrated with each unit's covered terrace; or the storage room must be 4'x 6' minimum if located in a central location. The storage room must be totally enclosed and not visible from the front elevation of the building. Storage rooms may be independent of assigned unit and clustered into a storage area which is lighted and ventilated. The storage room must be constructed with a lockset.

Trash containment area must be concealed from view; enclosed on all sides and screened with landscaping.

The theme for multi-family parcels would incorporate architectural vernacular based on an "Old Florida" style design theme.

c) Theme

Roofing:

6/12 minimum pitch  
hip or gable roof construction, with gable detailing:  
galvanized, mill finished metal roof, aluminum roof;  
or  
dimensional asphalt shingles, min 25 yr. warranty;  
or  
straight or "S" tile cementuous roofs

Roofing palette:

To be approved by PUD developer prior to construction

Siding:

clapboard style, horizontal, 6"exposed to weather, cementuous planking system for maintenance free, long life benefits;  
or,  
stucco; sand finish, with heavy banding detail to reinforce the architectural vernacular of the nautical river life and "Old Florida" community theme (no Mediterranean details)

The building elevation may combine elements from both clapboard and stucco styling, as per above. Various trim materials may be used to detail the architectural vernacular provided such materials and color palette are approved by the PUD Developer in writing prior to construction.

Siding & Trim - Color Palette:

Color Palette to be approved by the PUD Developer in writing prior to construction.

Detailing: - To convey the "Old Florida" or "river life" theme, the following applies:

- 1) Roof lines may feature cupolas, widow's walks; dormers;
- 2) elevation on each building must be designed to include a covered front or rear porch, integral with structure (rather an appendage), which has a minimum depth of 6'.
- 3) Principal entrances and other penetrations of major significance would be treated with motif in keeping with an "Old Florida" style architectural vernacular
- 4) Some shuttering detail is necessary to convey the architectural vernacular.

#### V-4 RESIDENTIAL MULTI-FAMILY WITHIN THE ROI SECTION

- a) There is one pod, "G", which falls into this category, as depicted on the site plan. This pod will be constructed by one, multi-family, home builder or an experienced senior's facility provider.

See exhibits "n1, n2, n3 & n4" for building and potential lot dimensions.

- b) In the event the builder of this pod intends to provide conventional residential dwellings for sale or for rent to the general public, the maximum number of units per building is 24, for a three story building, or 16 units in a two story building. The builder may also apply all specifications in "V-3 Multi-Family Homes" detailed above in this document.
- c) In the event the builder of this pod intends to provide a specialized residential complex, such as a seniors' facility, the maximum number of units per building would not apply. However, the building's "not to exceed dimensions would remain in effect.
- d) Trash containment area must be concealed from view, enclosed on all sides, and screened with landscaping.
- e) Each conventional garden style residence is required to have an exterior storage room in the event a garage is not provided. The storage room may be integrated with a carport. The storage room must have an interior minimum depth of 3' and 5' minimum length. The storage room must be totally enclosed. Storage rooms may be independent of assigned unit and clustered into a storage area which is lighted and ventilated. The storage room must be constructed with a lockset.
- f) The buildings may be connected by walkways, breezeways, covered porches, lanais, or other such design elements in the architectural vernacular which breaks up the building mass.
- g) Theme

The theme of "Old Florida" or "river life" is the same as for "V-3 Multi Family Homes" detailed above in this document

#### V-5 OFFICES WITHIN THE ROI AREA

- a) Pods "H" and "I" which fall into this category, as depicted on the site plan. LMD (limited mixed district) uses professional offices, medical and health care facilities, banking with or without drive thru service and financial institutions, schools and personal retail services are all permitted in "h" and "i" parcels.

- b) There will be a maximum of three stories and 35' in height. No building footprint shall exceed, 8,000 sq. ft. and a total aggregate area, consisting of all floors in a building, totaling more than 24,000 sq. ft.
- c) Developer recommends each unit or building have individuality; accentuated with detail, coloring and texture to create character from unit to unit and building to building, while maintaining the unified theme.
- d) Developer recommends each office have either a rear or side elevation covered porch, screened porch or lanai, or garden terrace.
- e) To convey the architectural vernacular of "Old Florida" or "river life" on the front and side elevations, Developer encourages detailing for individuality to include some of the following elements: shuttering detail; railed, covered front porches or wrap around porches (simulated materials acceptable for maintenance free, longer life); cupolas; widow's walks, or other design elements indicative of the theme.
- f) Theme

Roofing:

6/12 minimum pitch; Predominance of hip roof with gable detailing;  
galvanized, mill finished metal roof, aluminum roof;  
or  
straight or "S" tile cementuous roofs

Siding:

builders choice of "a)" "b)" or "c)" below may be mixed within a pod;  
a) cementuous planking system clapboard style, horizontal, 6" to 6.5"  
exposed to weather, achieved with manufactured materials for  
maintenance free, long life benefits; generous trim;  
b) Stucco masonry, sand finish, banded trim  
(Mediterranean style will not be approved)  
c) cementuous trim materials approved by developer to detail the  
architectural vernacular.

Siding & Trim - Color Palette:

Color Palette to be approved by Developer of PUD prior to construction.

**V-6. INSTITUTIONAL WITHIN THE ROI AREA**

- a) Pods "H" and "I" fall into this category, as depicted on the site plan.
- b) There is a maximum height of 35'.
- c) No building on the site can have a footprint of more than 15,000 sq. ft.; Multiple building complexes can be tied together by covered breezeways, lanais, walkways, or other such design elements in the architectural vernacular which breaks up the building mass.

- d) Concrete or wood frame construction, per building code.
- e) Trash containment area must be concealed from view, enclosed on all sides and screened with landscaping.
- f) Theme

Roofing:

6/12 minimum pitch predominance of hip roof construction, with possible gable detailing; galvanized; mill finished, aluminum roof or straight or "S" tile cementuous roof

or,

There maybe a flat roof to contain mechanicals, such roof and mechanicals must be totally shielded from a three story view with a mansard, pitched roof, parapet of galvanized, mill finished aluminum or straight or "S" tile cementuous roof.

Siding:

clapboard style, horizontal, 6"exposed to weather, cementuous planking system for maintenance free, long life benefits;

or,

stucco; sand finish, with heavy banding detail to reinforce the architectural vernacular of the nautical river life and "Old Florida" community theme (no Mediterranean details)

The building elevation may combine elements from both clapboard and stucco styling, as per above.

Siding & Trim - Color Palette:

Color Palette to be approved by Developer of PUD prior to construction.

**V-7. RETAIL COMMUNITY SHOPPING CENTER**

Commercial Retail Area/ River Place Plaza

- a) There is one pod, "N", which falls into this category, as depicted on the site plan
- b) There will be a maximum of 150,000 square feet of retail establishments. In addition, there may be multi-family residential units, professional offices, banking institutions with drive through, gasoline station and schools.
- c) We expect one or two story retail storefronts, but in the event there is demand for professional offices and multi-family residential, building heights will conform to the City of Port St. Lucie height limitations at the time of site plan submittal. Multi-family residential may be freestanding or above the retail establishments. Multi-family residential may only be considered if other multi-family residential parcels in the, "E" and "G" do not build all the units entitled within that parcel. The remainder of the unused

multi-family entitlement within the PUD may be added to the "N" parcel product mix. In such event, the design standards will be reviewed and approved by the developer and the city on a case by case basis, but such design criteria must conform to the overall design standards of the multi-family parcels in "E" and "G" and be compatible with the single family design criteria as well.

- d) The developer will provide a police substation in one of the storefronts in this, shopping plaza. The location for the substation is likely to be in the storefront closest to the St. James Drive entrance. The substation will be a minimum 500 square feet, with two finished rooms and one unisex restroom facility. There will be five designated parking spaces in the immediate area of this facility.

The developer reserves the right to prevent any business or establishment from Leasing, owning or operating a business, within reason, in the PUD on the basis of it having a potential negative impact upon a portion of or the total development.

- e) The following are permitted principal uses and structures, plus specific types of establishments or businesses appropriate to River Place Plaza:

- 1) Eat-in restaurant of good reputation, may also serve alcoholic Beverages;
- 2) Food and beverage facility with outdoor café garden seating;
- 3) A retail bakery;
- 4) Laundry and dry cleaning retail establishment and other personal service shops;
- 5) Offices for administrative, business or professional use
- 6) A retail grocery store
- 7) A pharmacy and retail drug store.
- 8) Storefront schools and learning facilities for the general consumer public
- 9) Retail shops of consumer goods
- 10) Retail sales of alcoholic beverages for on or off premise consumption in accordance with city, county, and state regulations
- 11) Family recreation, amusement facility
- 12) Gas station with car wash
- 13) Veterinary clinic providing no negative impact, such as noise pollution. Kennels must be totally enclosed, temperature controlled.
- 14) Retail garden supply
- 15) Recreation vehicles sales & rentals
- 16) Automotive & equipment sales, rentals & repairs (provide repairs are enclosed with no negative noise impact)
- 17) Business services
- 18) Audio-Video-Electronics Sales & Service
- 19) Banking & financial institutions with or without drive-through service
- 20) Multi-family residential units

- f) The following enterprises of uses are not permitted:

- 1) Fast food, drive-through restaurants
- 2) Topless bars, adult nude or semi nude entertainment facility or service
- 3) Adult movie theaters featuring x-rated films
- 4) Shops which sell pornographic or drug related paraphernalia, including adult theme.

- 5) Sexually orientated publications retailers;
  - 6) Kennels which are not totally enclosed, temperature controlled and
  - 7) relatively noise free to the immediate neighbors;
  - 8) A permanent or regularly occurring flea market;
  - 9) Mobile home sales or storage;
  - 10) Warehouse, mini-warehouses, or mini-storage rental lockers;
- g) There will be a minimum of 20% glass in the front elevations for retail storefronts.
  - h) Trash containment areas must be concealed from public view, totally enclosed, locked in sanitary condition, free of odors and pests and screened with landscaping in the event the enclosures themselves are visible to the public or adjoining neighbors.
  - i) Theme for "N" Pod
  - j) Architectural design plans, site plans, landscape plans and exterior materials and color palette must be approved in writing by the PUD Developer.

**Roofing:**

There may be a flat roof to contain mechanicals; such roof and mechanicals must be totally shielded from a two story view with a mansard, pitched roof parapet of galvanized, mill finished, aluminum or;  
 the roof may be predominantly hip roof construction with some gable detailing; provided mechanicals at ground level are fully landscaped and camouflaged to be aesthetically pleasing. Such roof to be of galvanized, mill finished, aluminum

**Siding:**

Clapboard style, horizontal, 6" exposed to weather, cementuous planking system  
 or;  
 stucco, sand finish, with heavy banding detail, to reinforce the architectural vernacular of the "Old Florida" or river life theme (no Mediterranean details);

The building elevation may combine elements from both clapboard and stucco styling, as per above

**Siding & Trim - Color Palette:**

Color Palette to be approved by PUD Developer prior to construction start.

**Detailing:**

Side by side storefronts to have an arcade or awning over pedestrian walkways with minimum of 8' to reinforce the architectural vernacular. Free standing out lot establishments to have individuality consistent with the architectural vernacular.

## **V-8 COMMUNITY RECREATION BUILDING OR CLUBHOUSE**

- a) The clubhouse will be a minimum of 2000 sq. ft., will conform to ADA requirements, could potentially be a two story structure.
- b) The building will have a hip roof with gable detailing; may have dormers, Widow's walk or cupola. The roof will be galvanized, mill finished, aluminum.
- c) The siding will be a horizontal, clapboard style, cementuous planking system: The elevations may have shuttering and a wrap around, covered porch or, other detailing to convey the architectural vernacular.
- d) The color palette will be from one of the following options:
  - 1.) light or medium gray siding with white, or off white trim;
  - 2.) pale rose (not pink) siding with off white trim;
  - 3.) taupe or khaki siding with off white trim;
- e) The clubhouse will include:
  - 1.) a gathering room for adult and family functions;
  - 2.) an informal activity room for youth activities, hobby classes, etc.;
  - 3.) an adult health spa includes exercise gym, sauna, and potential whirlpool; kitchen, rest rooms;
  - 4.) swimming pool with lane marker and family splash area a cookout pavilion;

## **V-9 LANDSCAPING REQUIREMENTS**

River Place on the St. Lucie PUD.

- 1-a). Each pod within River Place will adhere to Chapter 153 of the Port St. Lucie Land Development Regulations unless otherwise noted or excepted herein (the approved PUD plan)
- 2-b). Landscaping, provided by the builder, must be in place prior to obtaining an occupancy permit on any single family detached home.
- 3-c). Landscaping, provided by the builder, must be in place on a building prior to obtaining an occupancy permit on any unit within same building.
- 4-d). Landscaping, provided by the builder, must be in place on the respective building of the retail shopping plaza where an establishment requires an occupancy permit. The landscape buffers for the retail plaza will be in place prior to obtaining any occupancy permits on the, commercial buildings.
- 5.e) Landscaping requirements and placement regarding utilities:

- a 1) No intrusive root system vegetation shall be placed within 10' of main underground utility lines;
  - b 2) No landscaping shall be placed in a manner that would create conflicts with the intended operation and maintenance of any existing utility;
- 6.f) Trees and plant materials from Appendix C of Chapter 153 of Port St. Lucie Land development regulations will be the predominant species used throughout River Place.
- 7.g) Builders will be required to provide a percentage of their landscaping in certain species of trees and plant materials from a list of options provided below to further convey the nautical environmental theme for the development. The "\*" items are strongly encourage for front elevation curb appeal and to reinforce the theme.

**V-10 LANDSCAPING MATERIALS LIST**

70% of the trees used by builders in their landscape plans for each building must come from the list below:

"Shade Tree List"	"Intermediate Tree List"
If used as shade tree within 1 <sup>st</sup> 10' of property line, min 5' spread req.	Min. 4' spread req.
Golden Rain Tree*	Tabeula Argenta*
Southern Magnolia*	Dahoon Holly*
Red Maple*	East Palatka Holly*
Live Oak*	Crape Myrtle (Tree)
Laurel Oak*	Bottlebrush
Mahogany*	Jacaranda*
Florida Elm*	Royal or Yellow Poinciana*
Drake Elm*	Paurotis Palm
Cabbage Palm (clumps of three + one)	Pygmy Date Palm
	Canary Island Date Palm
	Jasmine (Lakeview0
	Cassia*
	Ligustrum, Spp*
	Loquat*

"Shrubs List"

50% of the shrubs used by builders in their landscape plans for each building must come from the shrubs list below:

50% of the shrubs used by builders in their landscape plans for each building must come from the shrubs list below:

Ligature	Indian Hawthorn
Pittosporum	Firecracker Bush
Wax Myrtle	Bush Daisy
Plumbago	Azalea Spp
Ixora	Viburnum
Thryallis	Saw Palmetto
Liex Spp	Seagrape
Florida Anise	Jasmine (Downy, Wax, Star & Lakeview)
Podocarpus	Trinetta Arbicola
Crape Myrtle	Philodendron
Cardboard Palm	King Sago
Aralia	

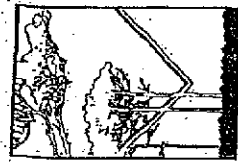
"Ground Cover List"

50% of the Ground Covers used by builders in their landscape plans for each building must come from the "Ground Cover List" below:

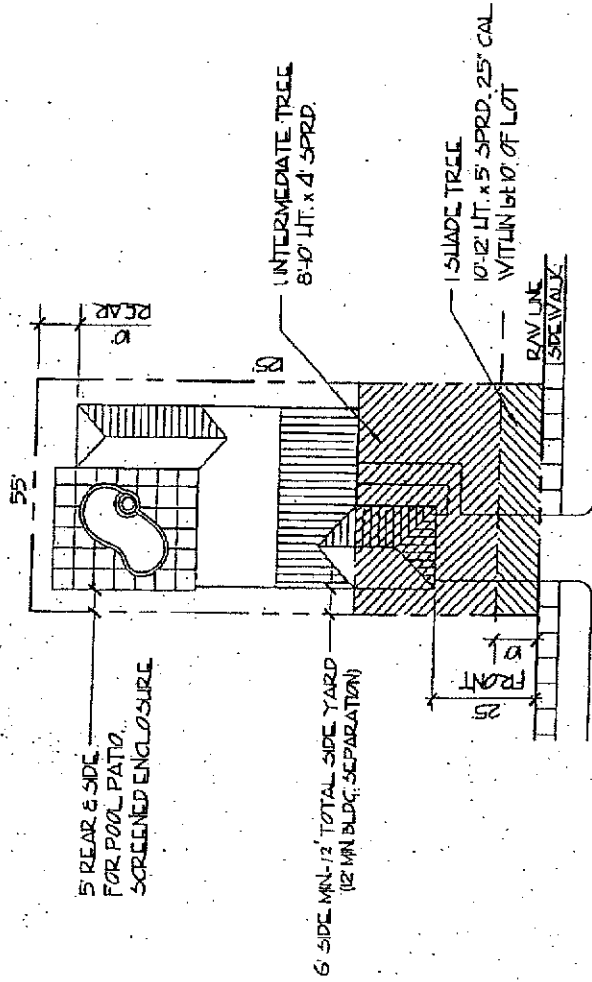
Agapanthus	Juniper
Cord Grass	Liriope
Muly Grass	Fern
Iris	Fakahatchee Grass
Jasmine	Creeping Fig
Coontie	Blue Daze
Daylily	Lantana
Stokes Aster	Heather
Dune Sunflower	Lily

**Exhibit O-1**

**K P00.55' LOT - EXHIBIT 3A**



**HOUSTON CLUZO GROUP, INC.**  
 40 STANTON AVENUE, 3D  
 HOUSTON, TEXAS 77054  
 (713) 221-1313  
 FAX (713) 221-0288



- NOTES:**
- 1 SHADE TREE SHALL BE LOCATED WITHIN 10' OF THE FRONT PROPERTY LINE
  - ALL ADDITIONAL REQUIRED LANDSCAPING SHALL BE LOCATED BETWEEN THE FRONT DOOR AND THE FRONT PROPERTY LINE
  - SEE LANDSCAPE REQUIREMENTS FOR CORNER LOT LANDSCAPING REQUIREMENTS

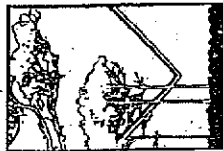
**River Place**

SCALE 1"=30'

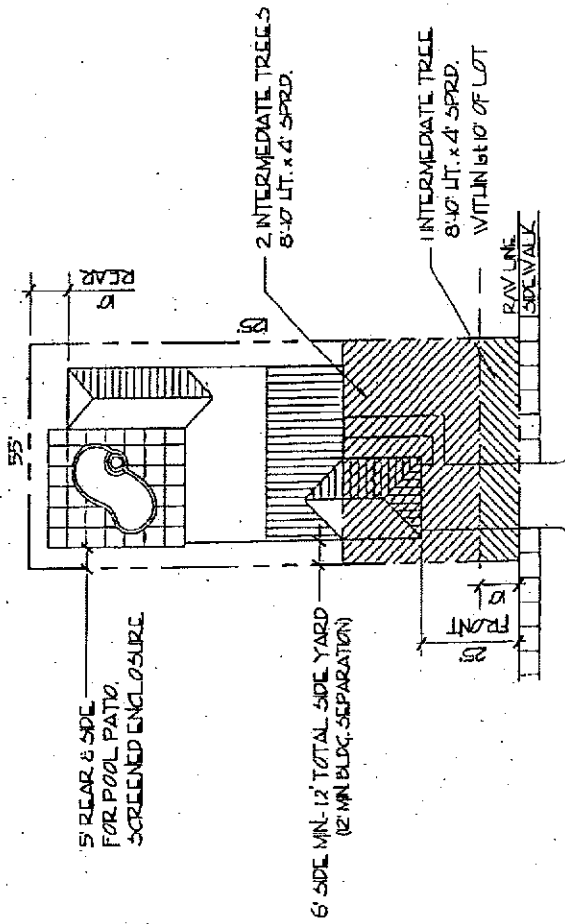
0-1"

**Exhibit O-2**

**K POD, 55' LOT - EXHIBIT 3B**



HOUSTON CIOZZO  
GROUP, INC.  
4 FLAGLER AVENUE, 3B  
STUART, FLORIDA 34994  
TEL: (888) 231-2314  
FAX: (888) 231-2314



- NOTES**
- INTERMEDIATE TREE SHALL BE LOCATED WITHIN 16' OF THE FRONT PROPERTY LINE
  - ALL ADDITIONAL REQUIRED LANDSCAPING SHALL BE LOCATED BETWEEN THE FRONT DOOR AND THE FRONT PROPERTY LINE
  - SEE LANDSCAPE REQUIREMENTS FOR CORNER LOT LANDSCAPING REQUIREMENTS

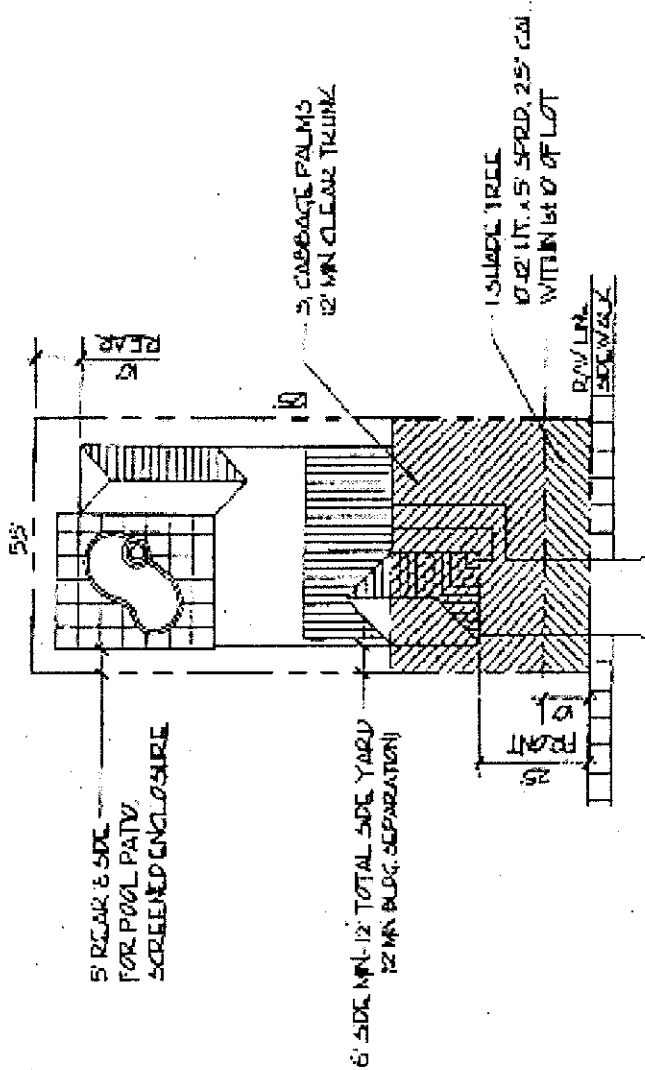
**River Place**

SCALE: 1"=30'

K POD 55' LOT - EXHIBIT 3C



HOUSTON CIOZZO  
 LANDSCAPE ARCHITECTS  
 11000 WESTHEIMER BOULEVARD  
 SUITE 100  
 HOUSTON, TEXAS 77040  
 (713) 865-1000



- NOTES
- 1 SHADE TREE SHALL BE LOCATED WITHIN 6' OF THE FRONT PROPERTY LINE
  - ALL ADDITIONAL REQUIRED LANDSCAPING SHALL BE LOCATED BETWEEN THE FRONT YARD AND THE FRONT PROPERTY LINE
  - SEE LANDSCAPE REQUIREMENTS FOR

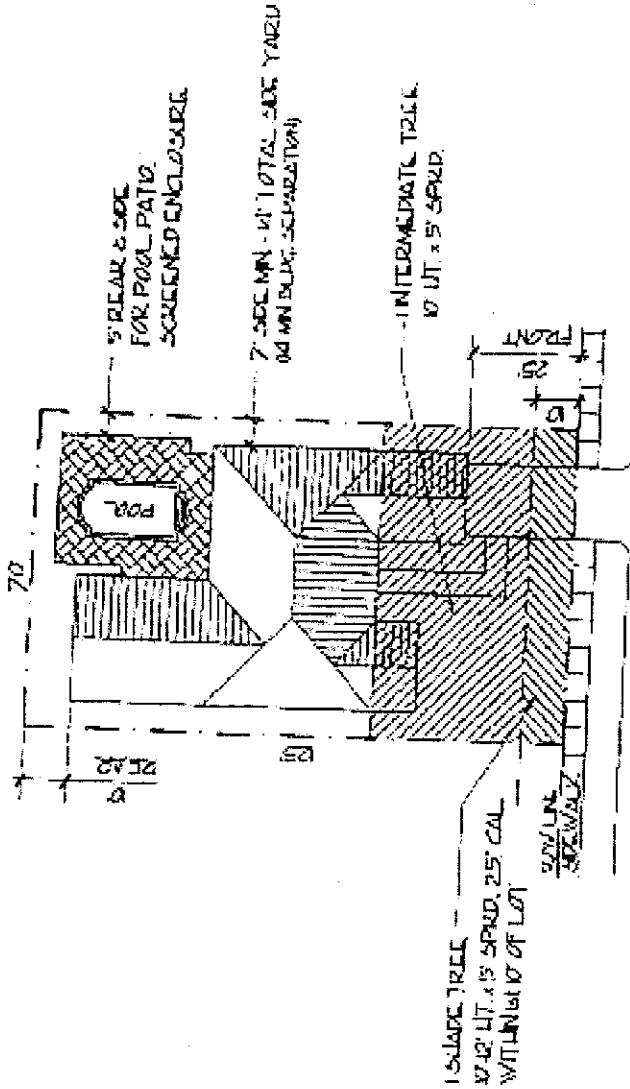
River Place

SCALE 1"=30'

B.PUD. 70' LOT - EXHIBIT 3A



ROBERTSON CONSULTANTS  
 LANDSCAPE ARCHITECTS, INC.  
 4025 W. 10TH AVE. SUITE 200  
 DENVER, CO 80202  
 (303) 733-1111  
 WWW.RC-USA.COM



0.4"

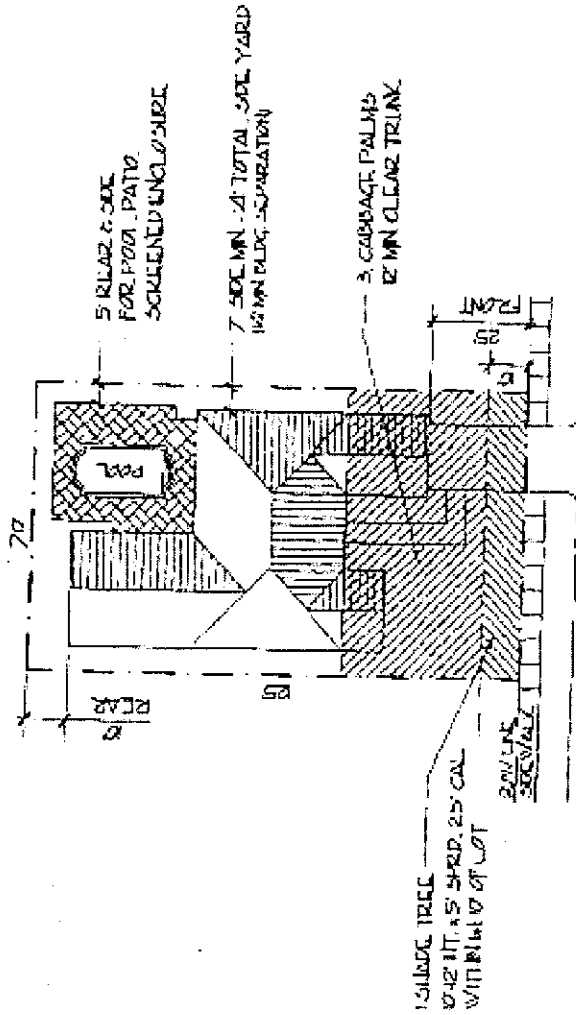
River Place

SCALE 1"=30'

NOTES:  
 1. SHADE TREE SHALL BE LOCATED WITHIN 10' OF THE FRONT PROPERTY LINE.  
 ALL ADDITIONAL REQUIRED LANDSCAPING SHALL BE LOCATED BETWEEN THE FRONT YARD AND THE FRONT PROPERTY LINE.  
 SEE LANDSCAPE REQUIREMENTS FOR BORDER LOT LANDSCAPING REQUIREMENTS.



B POD. 70' LOT - EXHIBIT 3C



NOTES:  
 1. SHADE TREE SHALL BE LOCATED WITHIN 10' OF THE FRONT PROPERTY LINE.  
 ALL ADDITIONAL REQUIRED LANDSCAPING SHALL BE LOCATED BETWEEN THE FRONT DOOR AND THE FRONT PROPERTY LINE.  
 SEE LANDSCAPE REQUIREMENTS FOR CORNER LOT LANDSCAPING REQUIREMENTS

River Place

SCALE: 1"=30'

**Exhibit O-7**

Reserved for 52 foot wide lot – two story unit

**Exhibit O-8**

Reserved for 52 foot wide lot – one story unit

[ end of section ]

DRAINAGE STUDY

PRE-DEVELOPED CONDITIONS

RIVER PLACE

General Description and Features

The site consists of 293 acres and is bounded at the west by St. James Drive and at the east by the North Fork of the St. Lucie River. The site is bounded at the north by an existing transmission line and the proposed Palmer Expressway, and at the South by Ocean Breeze Canal C-108. The site is relatively flat and gradually slopes easterly towards the river flood plain.

The majority of the site consists of areas of pine flatwoods which remain fairly undisturbed with several large areas south of the C-107 canal infested with Brazilian Pepper. Surface water tends to collect and pond in slight depressions in the generally flat terrain. According to vertical information from the USGS Fort Pierce Southwest quadrangle map, there is a 5+ foot elevation difference from the west side of the site to the river jurisdictional area.

A major drainage way bisects the site from west to east near the river. The drainage way consists of the C-107 canal which connects to a natural slough. The slough drains in an easterly direction to the North Fork. Two detention areas are planned to be constructed north of the C-107 and C-108 adjacent to St. James Drive. These are part of a planned expansion of St. James Drive scheduled for the fall of 1998. The two retention areas will be independent of any proposed stormwater management systems for the River Place Development.

Flood Plain

The parcel has three separate flood zone designations. Zone X outside the 500-year flood, Zone X in the area of the 500 year flood and in a 100-year flood with average depth less than one foot, and zone A/E which is an area where a base flood has been established. The 100 year flood elevation has been established at an elevation of 7.5. The flood elevation will effect the Project areas adjacent to the river, C-107, and the Ocean Breeze Canal adjacent to the southerly boundary. All fill activities within the 100 year flood plain will be offset by a corresponding removal of material. Flood plain information is shown on FEMA FIRM Panel #1211C0275F revised August 1991, and on the conceptual drainage plan.

Soils

According to U.S. Soil Conservation Services (SCS), ten soil types are identified on the site. Of the ten, there are four predominant soils including Nettles sand (north of canal), Wabasso sand (middle of project), Ankona sand (south of canal) and Fluvaquents (Riverine Soils). The first

three soil types represent the majority of the developable area on site. Although each soil has a characteristic associated with a high water table, the SCS soil survey specifically identifies the soils as having "high potential for dwellings without basements, local roads, and streets..." SCS also notes the water control measures which would be provided by the Project development are needed to overcome excessive wetness. Note that the Fluvaquents type soils associated with the river flood plain are unsuitable for development activities due to the regular periodic flooding which occurs.

#### Wetlands

Based on the Soil Survey of St. Lucie County, the site was originally an area of pine flatwoods with depressional ponds adjoining the flood plain on the North Fork of the St. Lucie River. An independent review of the site was made by Peter J. Krinsky, C.E.P., a copy of his findings are enclosed. (Exhibit K) The site contains a total of thirteen isolated wet prairie wetlands. The floodplain of the St. Lucie River combined with the depressional areas amount to approximately 154 acres of total wetlands on the site.

### POST DEVELOPED CONDITIONS

#### Regulatory Criteria

The drainage review falls under the jurisdiction of the South Florida Water Management District (SFWMD) and must meet the criteria set forth by the district. Included in this criteria are provisions for stormwater quality, quantity, and environmental protection and preservation. By meeting the SFWMD criteria, an Environmental Resource Permit (ERP) will be issued for the project. The ERP incorporates the provisions of the surface water permit in addition to dredge and fill activities and construction of dock facilities.

The SFWMD ERP outlines the specific criteria to be used for treatment and management of all runoff. The surface water management system for the Project will provide a collection network for all effected areas of the existing surface flows. Lakes functioning as detention or retention facilities will provide the required treatment and attenuation of the stormwater to meet SFWMD criteria. The dimensional criteria for the lakes includes a half acre minimum area and 100-foot average minimum width. 20 percent of the lake area is required to be shallower than six feet. A general rule for determining lake area in a project without specific topographic information is 10 to 15 percent of the project area. Where possible, natural flow directions and gradients will be maintained.

The Project lakes will also function as a source of fill material for the site. SFWMD criteria includes 25 to 50 percent of the lake area at a depth of 12 feet or greater which allows the lake to provide this fill material. Additional soil borings will be required at the proposed lake locations prior to final design to determine the type and suitability of the soils for use as fill.

In addition to the Project lakes, the development shall contain a combination of dry detention ponds, and grassed swales, and shall follow Best Management Practices as required by the South Florida Water Management District and the City of Port St. Lucie.

The new development will be divided into four major drainage sub-basins. Each of the four sub-basins will be served by wet detention systems with positive outfall to the available receiving water bodies. Surface water management systems shall be designed to attenuate peak runoff generated by new grading and impervious areas. As required by SFWMD, downstream discharge rates will be limited to historic levels. Offsite flows will be allowed to pass through the site without restriction. The detention areas will provide pre-treatment to meet downstream stormwater quality standards as required by the SFWMD. The stormwater management system will prevent the occurrence of any adverse impacts to the receiving water bodies and wetland preserve areas.

Sub-basin A will consist of a total of 63.6 acres of residential and recreational developed areas. This sub-basin will be served by two detention ponds totaling seven acres with outfall South to the C-108 Canal. The ponds will be designed to attenuate peak runoff generated by the new impervious areas, to historic levels. The ponds will also provide pre-treatment of runoff to meet SFWMD stormwater quality standards.

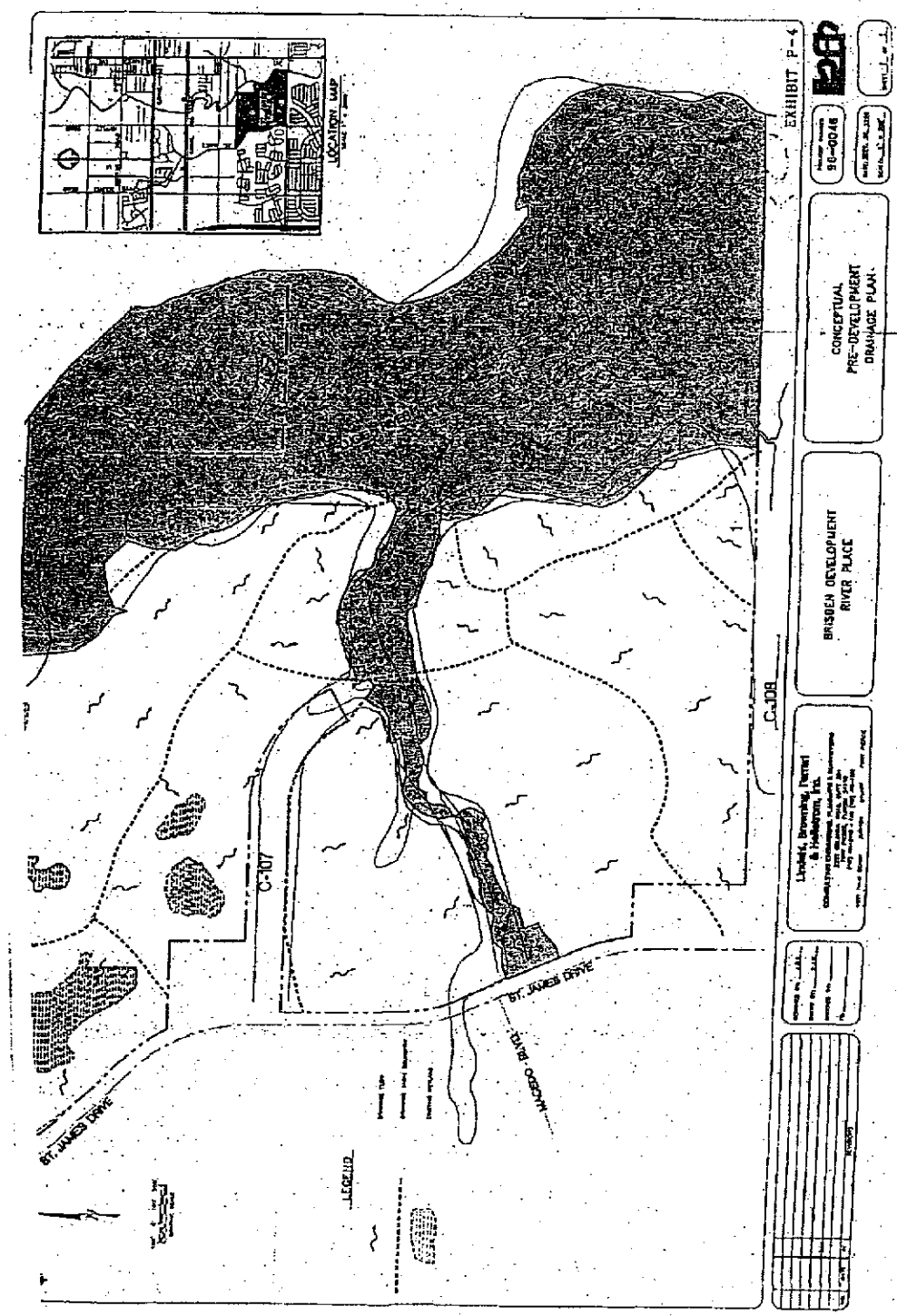
Sub-basin B will consist of a 20 acre commercial area. Runoff from this sub-basin will be collected and drained in an easterly direction to Sub-basin A. This flow will be included in the discharge calculations for Sub-basin A. This area will also incorporate grassed swales and dry detention areas as required to suit the actual development. Independent outfall may be considered for this area subject to the final design requirements.

Drainage Basin C will consist of 28 acres of mixed use residential, office, and institutional areas and will be serviced by localized dry detention areas and a one acre detention pond. The pond will be positioned at the northwest corner of this sub-basin as shown. This sub-basin will be graded to collect and divert runoff to the new detention pond. The pond system will make outfall to the C-107 Canal which bisects the Project and discharges in an easterly direction to the Saint Lucie River.

Drainage Basin D will consist of 64 developed acres for residential and recreational use. This sub-basin will drain in a southeasterly direction and will be serviced by two detention ponds totaling approximately six acres. The two ponds will be interconnected and will discharge into the natural slough which flows in an easterly direction to the Saint Lucie River. Combinations of dry detention ponds and swales will be incorporated into the northwest corner and central portions of this basin and shall be subject to the final design requirements.

JRR  
F:\06-00\060212A.WPD





Underline is for addition to/from 6<sup>th</sup> amended PUD  
Strike through is for deletion to/from 6<sup>th</sup> amended PUD

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**Environmental Report  
River Place On The St. Lucie**

**Brisben Development Inc.**  
7800 East Kemper Road  
Cincinnati, Ohio 45249

Application for a Planned Unit Development (PUD)  
Ecological Survey

for  
**RIVER PLACE on the St. LUCIE**  
St. James Boulevard  
City of Port St. Lucie, Florida

February 21, 1997

Peter J. Kriasky, C.E.P., Environmental Planner  
1672 SW Sandtrap Crescent  
Palm City, Florida 34990  
561-220-4089

Table of Contents  
for  
**River Place on the St. Lucie Ecological Survey**  
2/21/97

**I. Wetland Jurisdictional Confirmations**

issued by the:

- The Department of the Army (United States Army Corps of Engineers)
- The South Florida Water Management District (State of Florida)

**II. Vegetation Mapping**

according to the:

- Florida Land Use Cover and Classification System
- including site data and community descriptions

**III. Conceptual Environmental Site Plan**

including the proposed land plan and:

- Wetland and upland preserve areas
- Proposed wetland impact areas
- Proposed mitigation areas
- Site data

**IV. Listed Species Surveys**

including results of:

- On-site wildlife surveys
- Florida Natural Areas Inventory database searches including on-site review and St. Lucie County sightings list
- Treasure Coast Regional Planning Council list

**Addendum - Preliminary Gopher Tortoise Survey** including confirmation from the Florida Game and Fresh Water Fish Commission

**I. Wetland Jurisdictional Confirmations**



DEPARTMENT OF THE ARMY

JACKSONVILLE DISTRICT CORPS OF ENGINEERS, VERO BEACH REGULATORY OFFICE  
2091 8TH AVENUE, SUITE 304  
VERO BEACH, FLORIDA 32966-6438



REPLY TO  
ATTENTION OF

Construction-Operations Division  
Regulatory Branch  
South Permits Section

AUG 2 1996

JURISDICTIONAL (199603751)

Mr. Peter Krinsky  
672 Southwest Sandtrap Crescent  
Palm City, Florida 34990

Dear Mr. Krinsky:

Reference is made to your correspondence dated July 22, 1996, for a jurisdictional determination for "Brisben Parcel B East" located in Sections 16 and 17, Township 36, South, Range 40 East, St. Lucie County, Florida. Onsite field meetings on June 26 and July 2, 1996, were attended by Tori K. Agramonte.

The delineation shown on the aerial and the survey (enclosure) by Mr. O. Howard Dukes FPLS #4533, which were submitted with your correspondence, have been verified and represents the approximate upland/wetland boundary for purposes of determining the U.S. Army Corps of Engineers jurisdictional. Please be advised that the jurisdictional delineation shown is based on the Corps of Engineers Wetlands Delineation Manual (1987) and is valid for a period no longer than five years from the date of this letter. If after the five-year period, this jurisdictional delineation has not been specifically revalidated by the Corps of Engineers, it shall automatically expire. Any reliance upon jurisdictional correspondence beyond that time frame may lead to incorrect planning and design efforts, as well as possible violation of current Federal laws and/or regulations. You may revalidate or update the jurisdictional delineation as appropriate for your project duration. Any revalidation or updating will then reflect current Federal laws and regulations.

The jurisdictional areas are regulated by the U.S. Army Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act of 1977. Any activities constructed in these areas may require Department of the Army authorization. Other Federal, State or local permits may also be required.

If you propose to impact jurisdictional areas, you will be required to submit a joint permit application, reflecting all proposed encroachment into wetlands within the Department of the Army jurisdiction. You are cautioned that work performed below the mean high water line or ordinary high water line in waters of the United States, or the discharge of dredged or fill material into adjacent wetlands, without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from the Florida Department of Environmental Protection does not obviate the requirement for obtaining a Department of the Army permit for the work described above prior to commencing work.

Thank you for your cooperation with our permit program. If you have any questions concerning this matter please contact Ms. Tori K. Agramonte at the letterhead address or by telephone at (561)567-1681.

Sincerely,

  
Tori K. Agramonte  
Field Biologist

Enclosure  
cc: NRCS, Fort Pierce Field Office



# South Florida Water Management District

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FLWATS1-800-432-2045

September 12, 1996

William O. Brisben  
7800 East Kemper Road  
Cincinnati, Ohio 45249

Dear Applicant:

Subject: Petition for Formal Determination of Wetlands and Surface Waters  
Application No. 960725-5, Brisben Parcel  
St. Lucie County, S--/T36/R39(A), 40(A,B)

Enclosed is a copy of the District's intended agency action regarding your petition for a formal wetland/surface water determination. It is requested that you read this intended agency action thoroughly and understand its contents. The District will publish its notice of intended agency action in a newspaper of general circulation. If no petition requesting an administrative hearing is timely filed with the District Clerk, the Executive Director will then take final agency action on your petition in accordance with the intended agency action. You will receive notification of the final agency action.

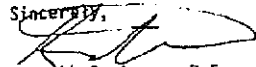
Should you wish to object to the intended agency action, you must file a petition in conformance with Rule 40E-1.521, Florida Administrative Code (attached) with:

Vern Kaiser, Deputy Clerk  
South Florida Water Management District  
Post Office Box 24680  
West Palm Beach, Florida 33416-4680

The attached "Notice of Rights" addresses your rights under Florida law should you wish to contest the intended agency action. However, the referenced "Noticed of Rights" should not be used as your sole source of information. To be fully advised of your legal rights, you should seek legal counsel. Please contact the District if you have any questions concerning this process.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list not later than 5:00 p.m. this 12th day of September, 1996.

Sincerely,  
  
Kenneth G. Ammon, P.E.  
Deputy Director  
Regulation Department

CERTIFIED MAIL P 127 756 856  
RETURN RECEIPT REQUESTED

<i>Governing Board</i>		
Valerie Boyd, Chairman	William Hammond	Eugene K. Pettis
Frank Williamson, Jr., Vice Chairman	Betsy Kratt	Nathaniel P. Reed
William E. Graham	Richard A. Machek	Miriam Singer
		Samuel E. Poole III, Executive Director
		Michael Slayton, Deputy Executive Director

Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680



SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
WETLAND BOUNDARY DETERMINATION

Form 0023  
11/07

NOTICE OF RIGHTS

This Notice of Rights is intended to provide information about the administrative and judicial review which may be available pursuant to Chapter 120, Florida Statutes (F.S.). Although this notice is intended to be comprehensive, the review procedures set forth herein have been the subject of judicial construction and interpretation which may affect the administrative or judicial review available. Interested or affected persons are therefore advised to become familiar with Chapters 120 and 373, F.S., and the judicial interpretation of the provisions of these chapters.

1. If a substantially affected person objects to the staff's recommendation, that person has the right to request an administrative hearing on the intended agency action. The substantially affected person may request either a formal or an informal hearing, as set forth below. Failure to comply with the prescribed time periods shall constitute a waiver of the right to a hearing.
2. If a substantially affected person believes a genuine issue of material fact is in dispute, that person may request a formal hearing pursuant to section 120.57(1), F.S., by filing a petition for a formal hearing not later than:
  - a. within 14 days of receipt of notice of intended agency action, or
  - b. if notice of intended agency action was not received, within 14 days of publication of the notice in a newspaper of general circulation.

The request for a section 120.57(1), F.S., formal hearing must comply with the requirements of Rule 40E-1.521, Florida Administrative Code (F.A.C.), a copy of which is on the other side of this notice. Petitions are deemed filed upon receipt by the District Clerk. Failure to substantially comply with the provisions of Rule 40E-1.521, F.A.C., may constitute a waiver of the right to a section 120.57(1), F.S., formal hearing. If a petition for administrative hearing is not timely filed, the staff's intended agency action will automatically mature into final agency action within 14 days of publication of the notice.

3. If a substantially affected person believes that no issues of material fact are in dispute, that person may request an informal hearing pursuant to section 120.57(2), F.S., by filing a petition for hearing not later than:
  - a. within 14 days of receipt of notice of intended agency action, or
  - b. if notice of intended agency action was not received, within 14 days of publication of the notice in a newspaper of general circulation.

A request for a section 120.57(2), F.S., informal hearing shall be considered as a waiver of the right to request a section 120.57(1), F.S., formal hearing. A request for a section 120.57(1), F.S., formal hearing not in substantial compliance with provisions of Rule 40E-1.521, F.A.C., may be considered by the District as a request for an informal hearing. If a petition for administrative hearing is not timely filed, the staff's intended agency action will automatically mature into final agency action within 14 days of publication of the notice.

4. Pursuant to section 373.114, F.S., a party specified in subsection 373.114(1)(a) may seek review by the Land and Water Adjudicatory Commission of a District order as provided in section 373.114, F.S. Review is initiated by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the Department of Environmental Protection and any person named in the District's order within 20 days after rendering of the order.  
However, when the order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after the rendering of the order. Review under section 373.114, F.S., is limited solely to a determination of consistency with the provisions and purposes of Chapter 373, F.S. This review is appellate in nature and limited to the record, as provided in section 373.114, F.S.
5. A party who is adversely affected by final agency action is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, F.S., as provided therein. Review under section 120.68, F.S., in the District Court of Appeal, is initiated by filing a petition in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure 9.110. The Notice of Appeal must be filed within 30 days of the final agency action. Exhaustion of administrative remedies is generally a prerequisite to appeal to the District Court of Appeal of final agency action by the District. There are, however, exceptions to the exhaustion requirement. Interested or affected persons are advised to consult the case law as to the requirements of exhaustion exceptions.

(See other side)

**40E-1.521 Initiation of Formal Proceedings.**

(1) Initiation of formal proceedings shall be made by filing a petition with the District Clerk within the applicable timeframes set forth in this chapter. The term petition includes any application or other document which expresses a request for formal proceedings.

(2) All petitions filed under these rules shall contain:

(a) The name and address of the District and the District's file or identification number, if known;

(b) The name and address of the petitioner or petitioners;

(c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;

(d) A statement of when and how petitioner received notice of agency action or notice of proposed agency action;

(e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;

(g) A demand for the relief to which the petitioner deems himself entitled; and

(h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the Office of Counsel shall review the petition for compliance with subsection (2). The Board shall accept those petitions in substantial compliance therewith, which have been timely filed, which establish that the petitioner is a substantially affected party, and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the Board shall designate the presiding officer of the administrative hearing. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If a petition is filed that does not substantially comply with the requirements of subsection (2) of this section, the District shall issue an order dismissing the petition with leave to file an amended petition complying with the requirements of this rule within the time period designated in the order. If an amended petition complying with this rule is not filed with the District Clerk within the designated time period, the petitioner's right to a proceeding under Section 120.57, Florida Statutes, is waived.

(5) If a valid petition is filed, with the consent of all parties and upon a showing of good cause, Board action on the petition pursuant to Section 120.57(1)(b) shall be waived. "Good cause" shall mean a set of circumstances unforeseen and outside of the control of the person requesting the waiver.

(6) When a valid petition for administrative hearing has been filed, the Board action shall defer consideration of the matter pending the completion of the administrative hearing and the submittal of a recommended order, and any exceptions to that order.

(7) If the Board designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all relevant materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 120.53, 373.044, 373.113 F.S. Law Implemented 120.53(1), 120.57, 373.113 F.S. History--New 9-3-81, Formerly 16K-1.09(1), 16K-1.112(1)-(3), 16K-1.12, Amended 5-11-93.

LAST DATE FOR INTENDED AGENCY ACTION: (September 23, 1996)

FORMAL DETERMINATION OF WETLANDS  
AND OTHER SURFACE WATERS

I. ADMINISTRATIVE

APPLICATION NUMBER: 960725-5

PROJECT NAME: Brisben Parcels

DURATION: 5 Years

APPLICATION TYPE: Formal Wetland and Other Surface Waters Determination

LOCATION: St. Lucie County, S1,12/T36S/R39E (parcel A)  
S6,7/T36S/R40E (parcel A)  
S16,17/T36S/R40E (parcel B)

APPLICANT NAME AND ADDRESS: William O. Brisben  
7800 East Kemper Road  
Cincinnati, Ohio 45249

AGENT/CONSULTANT NAME AND ADDRESS: Peter J. Krinsky, C.E.P.  
1672 SW Sandtrap Crescent  
Palm City, Florida 34990

II. PROJECT DESCRIPTION

PROJECT AREA ACREAGE: 293 (parcel B) and 165 (parcel A), totalling 458

WETLAND ACREAGE: 160

SURFACE WATER ACREAGE: 0

AUTHORITY: Subsection 373.421(2), F.S., Chapter 373.4211, F.S.  
Chapter 62-340, F.A.C.

PURPOSE: The applicant has requested a formal determination of the boundary of wetlands and other surface waters pursuant to subsection 40E-4.042, F.A.C.

BACKGROUND:

This Formal Wetland Determination applies to two separate parcels owned by the applicant. A field inspection of the properties was conducted by SFWMD staff Gregory Sawka, Soils Scientist, and David Black, Botanist, on June 25 and 26 and July 2 and 12, 1996. Other participants included Peter Krinsky, representing the petitioner, and Tori Kinsey Agramonte of the USACOE. Kevin Sullivan of the USDA NRCS was on site July 2, 1996.

### III. WETLAND/SURFACE WATERS BOUNDARY DETERMINATION

#### GENERAL DESCRIPTION OF PROPERTY:

The property locations are shown on Exhibit 1. The eastern parcel (Parcel B) consists of 293 acres and adjoins the North Fork of the St. Lucie River. A drainage canal borders the parcel to the south. The property is bordered on the west by St. James Drive and to the north by an existing power line and the proposed Palmer Expressway. Based on the Soil Survey of St. Lucie County, Parcel B was originally an area of pine flatwoods with depressional ponds adjoining the flood plain of the North Fork of the St. Lucie River.

The western parcel (Parcel A) consists of 165 acres immediately west of the Florida Turnpike and south of Highway 712 (Midway Road). A portion of a USGS topographic map showing the property boundaries is provided as Exhibit 2. Parcel A (Exhibits 3 and 4) located west of the Florida Turnpike consists predominantly of pine flatwoods with areas where clearing of the understory and deposition of fill material have occurred. Some invasion by Brazilian Pepper has taken place in the south.

#### DESCRIPTION OF WETLAND COMMUNITIES:

Two depressional wet prairie areas are located in the north central and south central portions of Parcel A. These wetlands were fully inundated at the time of site inspection. They contained well-developed and apparently healthy wetland vegetation in spite of some disturbance from vehicles. The total wetland area within Parcel A is 7 acres.

The floodplain of the North Fork of the St. Lucie River and tributary streams in Parcel B (Exhibit 5) comprise 88% of the combined wetland area of the two parcels. The land surface drops abruptly going from the flatwood areas into the floodplain. The floodplain itself is a well developed mixed hardwood forest which includes some areas dominated by cypress. Thirteen isolated wetlands, predominantly wet prairie areas, occur within the pine-palmetto flatwoods. Most of the isolated wetlands showed signs of disturbance, including invasion by weedy plant species. The southern portions of the site include large areas of Brazilian pepper. A creek in the central part of the site, bordered by a hardwood forest floodplain, flows west to east into the North Fork. There are approximately 141 acres of floodplain wetlands and 13 acres of isolated wetlands within Parcel B. A survey of the area is shown on Exhibit 7.

#### DOMINANT VEGETATIVE SPECIES:

##### Isolated wetlands:

<i>Fleocharis cellulosa</i>	capitate spikerush	OBL
<i>Ludwigia peruviana</i>	primrose-willow	OBL
<i>Nymphaea odorata</i>	white water-lily	OBL
<i>Panicum hemitomon</i>	maiden-cane	OBL
<i>Panicum repens</i>	torpedo grass	FACW

<i>Polygonum hydropiperoides</i>	smartweed	OBL
<i>Pontederia cordata</i>	pickerel weed	OBL
<i>Sagittaria lancifolia</i>	arrow-head	OBL
<i>Typha latifolia</i>	broad-leaf cattail	OBL
<i>Utricularia foliosa</i>	leafy bladderwort	OBL

Floodplain wetlands:

<i>Acer rubrum</i>	red maple	FACW
<i>Annona glabra</i>	pond apple	OBL
<i>Blechnum serrulatum</i>	swamp fern	FACW
<i>Cephalanthus occidentalis</i>	buttonbush	OBL
<i>Ilex cassine</i>	dahoon holly	OBL
<i>Myrica cerifera</i>	southern bayberry	FAC
<i>Myrsine guianensis</i>	Guiana myrsine	FAC
<i>Nephtrolepis exaltata</i>	Boston fern	FAC
<i>Persea palustris</i>	swamp bay	OBL
<i>Quercus laurifolia</i>	laurel oak	FACW
<i>Sabal palmetto</i>	cabbage palm	FAC
<i>Sambucus canadensis</i>	American elder	FAC
<i>Taxodium distichum</i>	bald cypress	OBL
<i>Woodwardia virginica</i>	Virginia chainfern	FACW

**LIST OF SOIL TYPES:**

According to the St. Lucie County soil survey (Exhibit 6), the dominant soil types of Parcel B (293 acres) are Fluvaquents (very poorly drained floodplain soils), Ankona sand, Nettles sand, and Wabasso sand. These four soils are very poorly to poorly drained and comprise 223 acres or 76 percent of the area. Floodplain soils (Fluvaquents) are all hydric. Nettles sand is considered a non-hydric soil. Ankona sand and Wabasso sand consist of about 30 percent hydric soils.

The dominant soil type mapped in Parcel A (165 acres), Nettles sand (non-hydric), comprises 85 percent of the area. Approximately 10 percent of Parcel A soils are hydric.

On-site observations along the eastern parts of the project site, adjacent to the North Fork of the St. Lucie River, revealed stratified layers, organic and mineral soil layering resulting from flooding, and pockets of muck resulting from long periods of inundation. In the flatwoods landscape, hydric soil indicators in the depressions and flowways included organic bodies, stripped matrix and redox concentrations, which indicated surface soil saturation.

The following is a list of soil map units in order of extent across the project site. "Percent hydric" indicates the percentage of that soil type which is hydric in Palm Beach County. The percentage of hydric soils is determined from routine soil survey transects conducted during the field work for the county soil survey and later published in Hydric Soils of Florida Handbook, Second Edition, 1995. This information on soil map units is presented to give an overview of the site. The wetland delineation for these

parcels was based on actual field observations.

MAP SYM.	MAP UNIT	TAXONOMIC CLASS	PERCENT HYDRIC
<b>(Parcel B: 293 acres)</b>			
14	Fluvaquents	Fluvaquents	100%
2	Ankona sand	Typic Haplaquoll	30%
25	Nettles sand	orstein Alfic Arenic Haplaquod	non-hydric
48	Wabasso sand	Alfic Haplaquod	30%
12	Electra fine sand	Ultic Haplohumod	non-hydric
16	Hilolo loamy sand	Mollic Ochraqualf	20%
w	water	water	-
29	Pendarvis sand	orstein Arenic Haplohumod	non-hydric
26	Oldsmar sand	Alfic Arenic Haplaquod	100%
32	Pineda sand	Arenic Glossaqualf	90%

**(Parcel A: 165 acres)**

25	Nettles sand	orstein Alfic Arenic Haplaquod	non-hydric
38	Riviera fine sand	Arenic Glossaqualf	90%
31	Pepper sand	orstein Alfic Haplaquod	non-hydric
26	Oldsmar sand	Alfic Arenic Haplaquod	100%

**DESCRIPTION OF OTHER SURFACE WATERS:**

Other Surface Waters were not present within the property boundary. An outparcel consisting of a canal which flows into the creek in the central portion of Parcel B is located outside of the property boundaries for this Formal Wetland Determination.

**WETLAND DELINEATION:**

Floodplain wetland boundaries were flagged, verified by District staff and surveyed. A survey of the floodplain wetlands is shown on Exhibit 7. The isolated wetlands in both parcels were delineated on rectified color aerial photography and the boundaries ground truthed in the field. The isolated wetlands were not flagged or surveyed. All of the wetland delineations are shown on Exhibits 3, 4 and 5.

If the applicant proposes to undertake any regulated activities within 225 feet of the isolated wetlands delineated on the rectified aerial photographs, it may be necessary to stake/flag the boundaries in the field and have District staff verify the staking/flagging.

IV. STAFF RECOMMENDATION

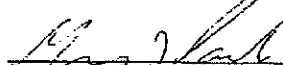
Staff recommends that the following be issued:

Authorization for issuance of a formal determination for 160 acres of wetlands and 0 acres of surface waters contained within 458 inspected acres as shown on the attached exhibits.

V. STAFF REVIEW

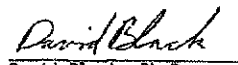
NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL

Soil Scientist Reviewer

  
Gregory J. Sawka, CPSS  
Staff Environmental Analyst

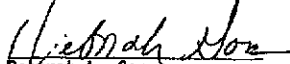
8/23/96  
DATE

Botanist Reviewer

  
David Black, Ph.D.  
Senior Environmental Analyst

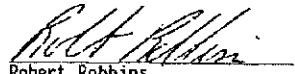
8/23/96  
DATE

Supervisor

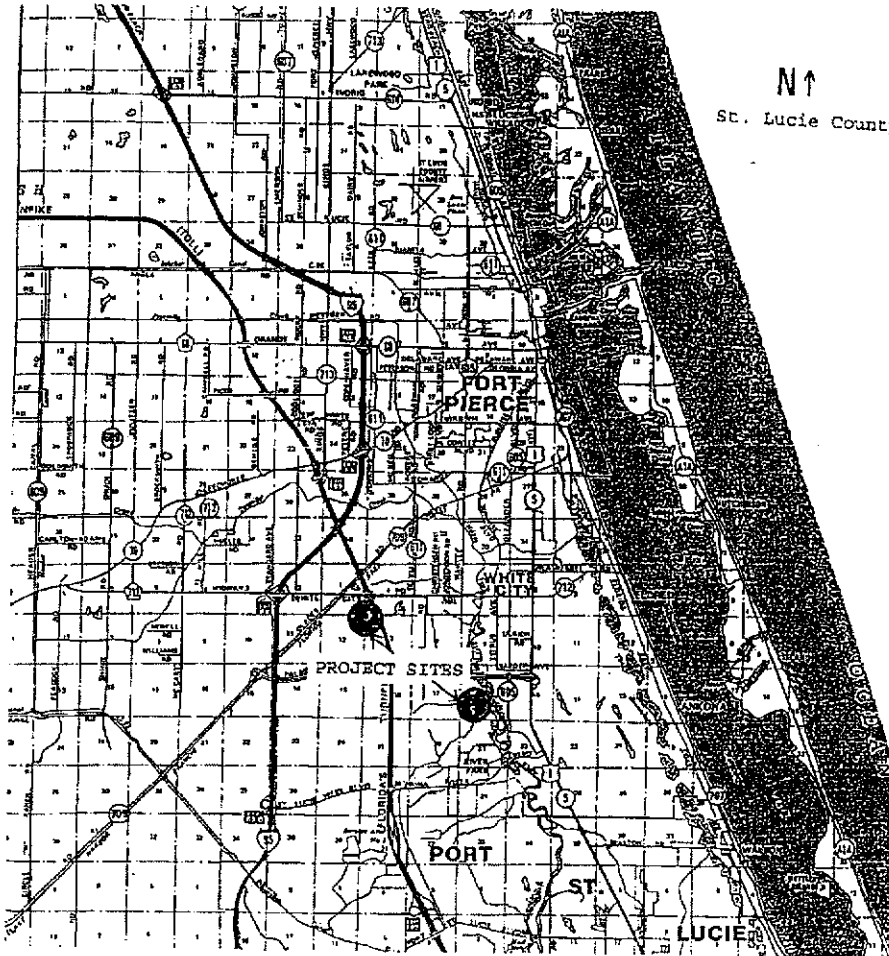
  
Deborah L. Goss  
Senior Supervising Environmental Analyst

8/29/96  
DATE

Division Director

  
Robert Robbins  
Director, Natural Resource Management Division

8/29/96  
DATE

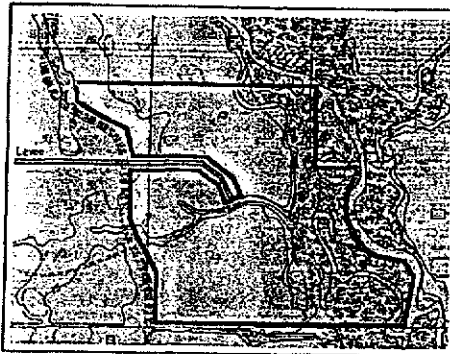


# EXHIBIT 1

PROJECT LOCATION  
Brisben Parcels  
960725-5

**Brisben Parcels - USGS Quad Maps**  
 St. Lucie County, Florida

ANKONA, FLA.



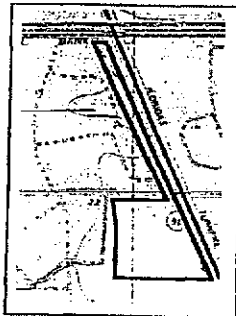
PARCEL B  
 Sections 16 and 17, Twp. 36S, Range 40E  
 ±293 acres

center point - longitude 80° 20' 45" latitude 27° 20' 30"

ORIGINAL SUBMITTAL  
 JUL 25 1996  
 WPB



FORT PIERCE SW, FLA.

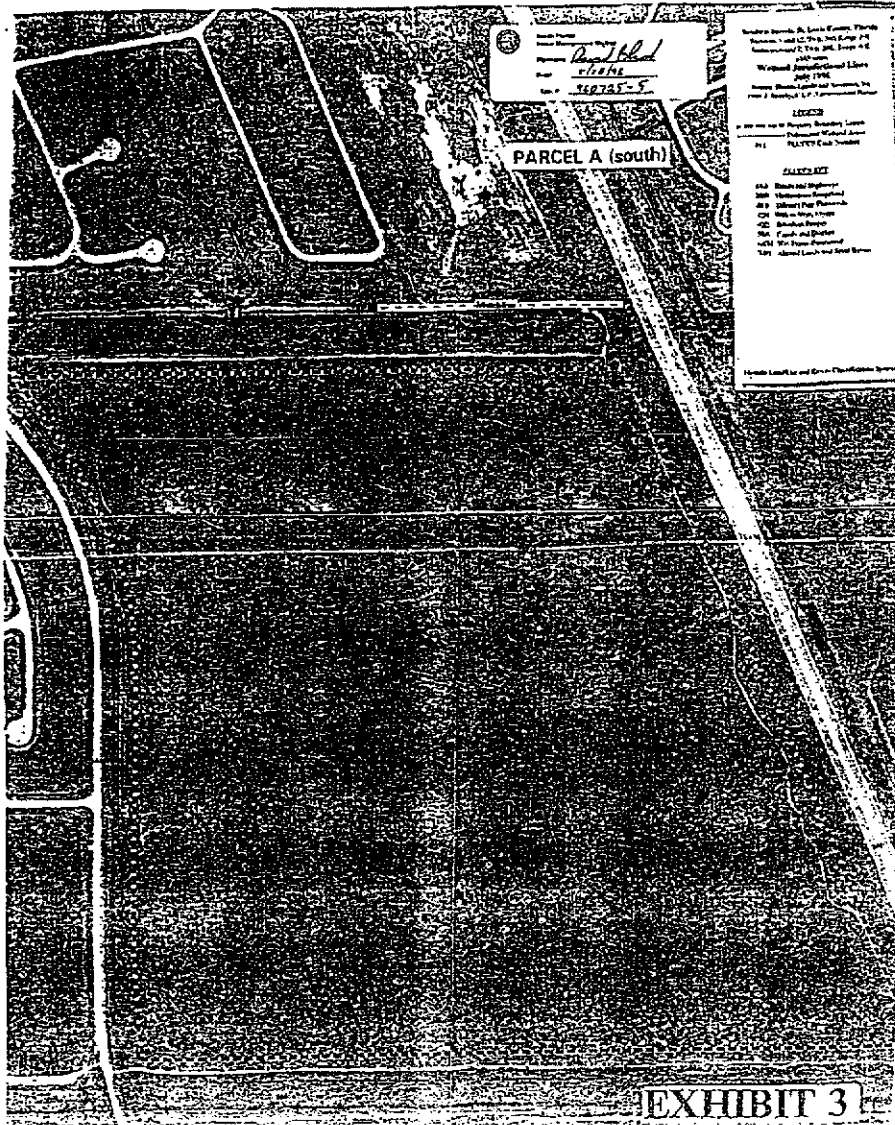


PARCEL A  
 Sections 1 and 12, Twp. 36S, Range 39E / Sections 6 and 7, Twp. 36S, Range 40E  
 ±165 acres

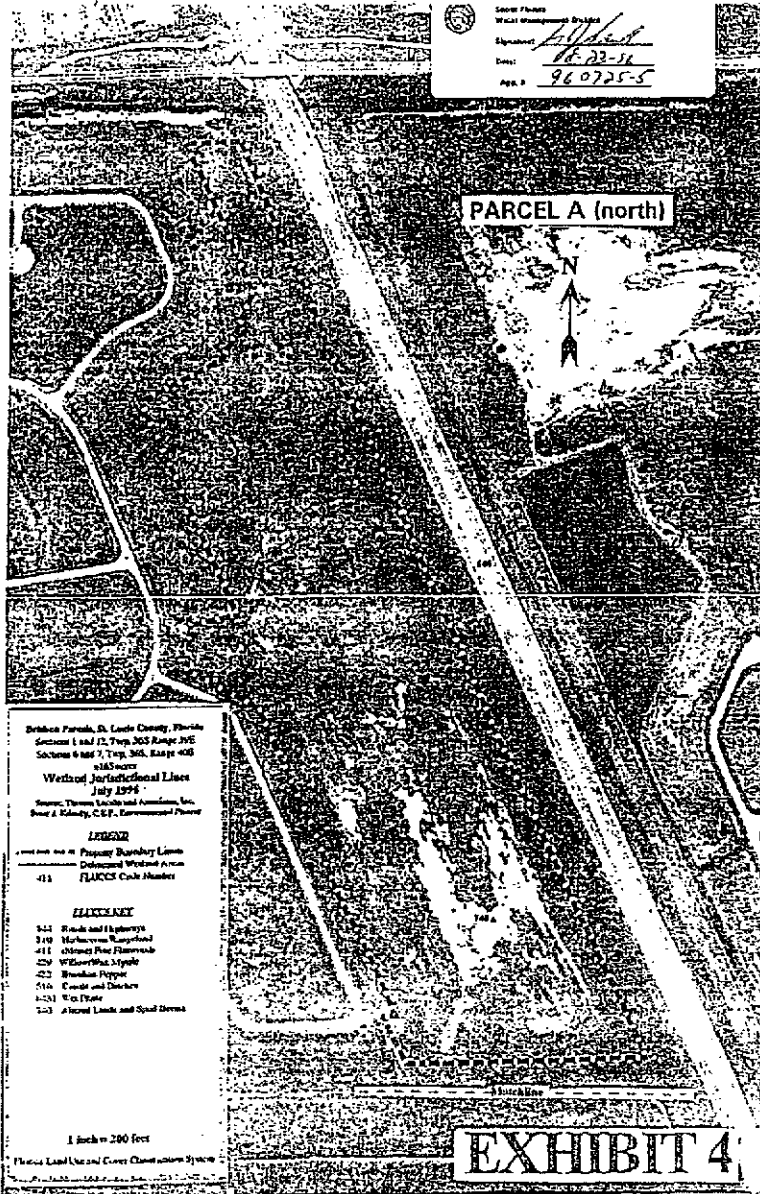
center point - longitude 80° 22' 55" latitude 27° 21' 55"

Thomas Lucido and Associates, Inc.  
 Peter J. Krinsky, CEP, Environmental Planner

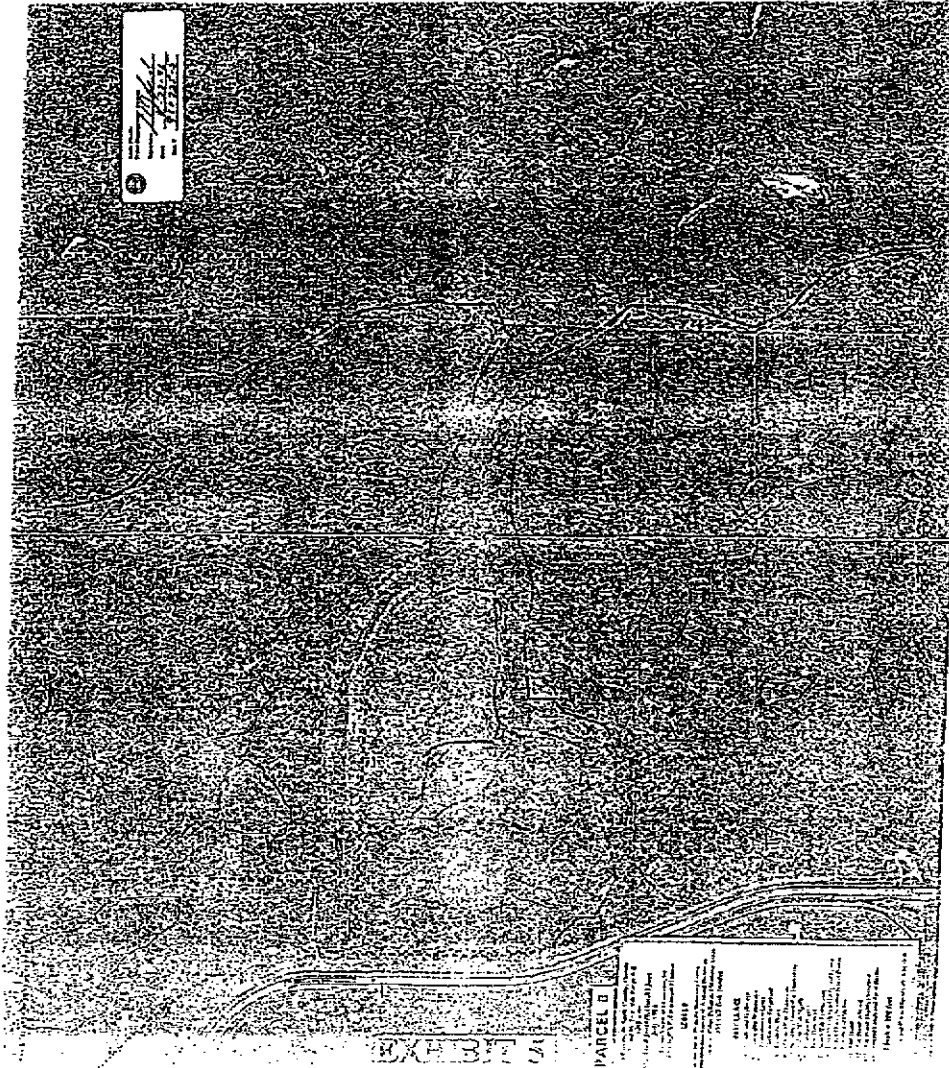
**EXHIBIT 2**



Illegible Copy When  
Received from Issuer

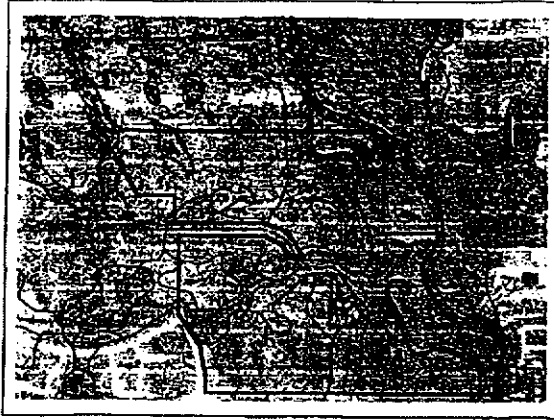


Illegible Copy When  
Received from Issuer



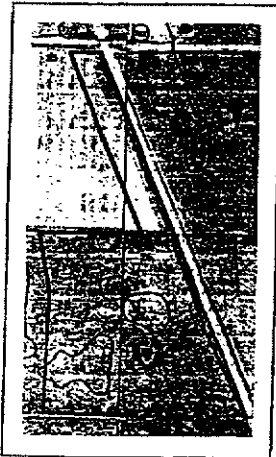
Illegible Copy When  
Received from Issuer

**Dissected Parcels - SCS SOILS Maps**  
**St. Lucie County, Florida**



Sections 16 and 17, Twp. 36S, Range 40E  
 ±293 acres

- 2 Ankona sand
- 12 Electra fine sand
- 14 Fluvaquents - hydric\*
- 16 Hilolo loamy sand - hydric\*
- 25 Nettles sand
- 26 Oldsmar sand - hydric\*
- 29 Pendarvis sand
- 32 Pineda sand - hydric\*
- 48 Wabasso sand - hydric\*



Sections 1 and 12, Twp. 36S, Range 39E / Sections 6 and 7, Twp. 36S, Range 40E  
 ±165 acres

- 25 Nettles sand
- 26 Oldsmar sand - hydric\*
- 31 Pepper sand
- 38 Riviera fine sand - hydric\*

**ORIGINAL SUBMITTAL**

**JUL 25 1996**

**WPB**

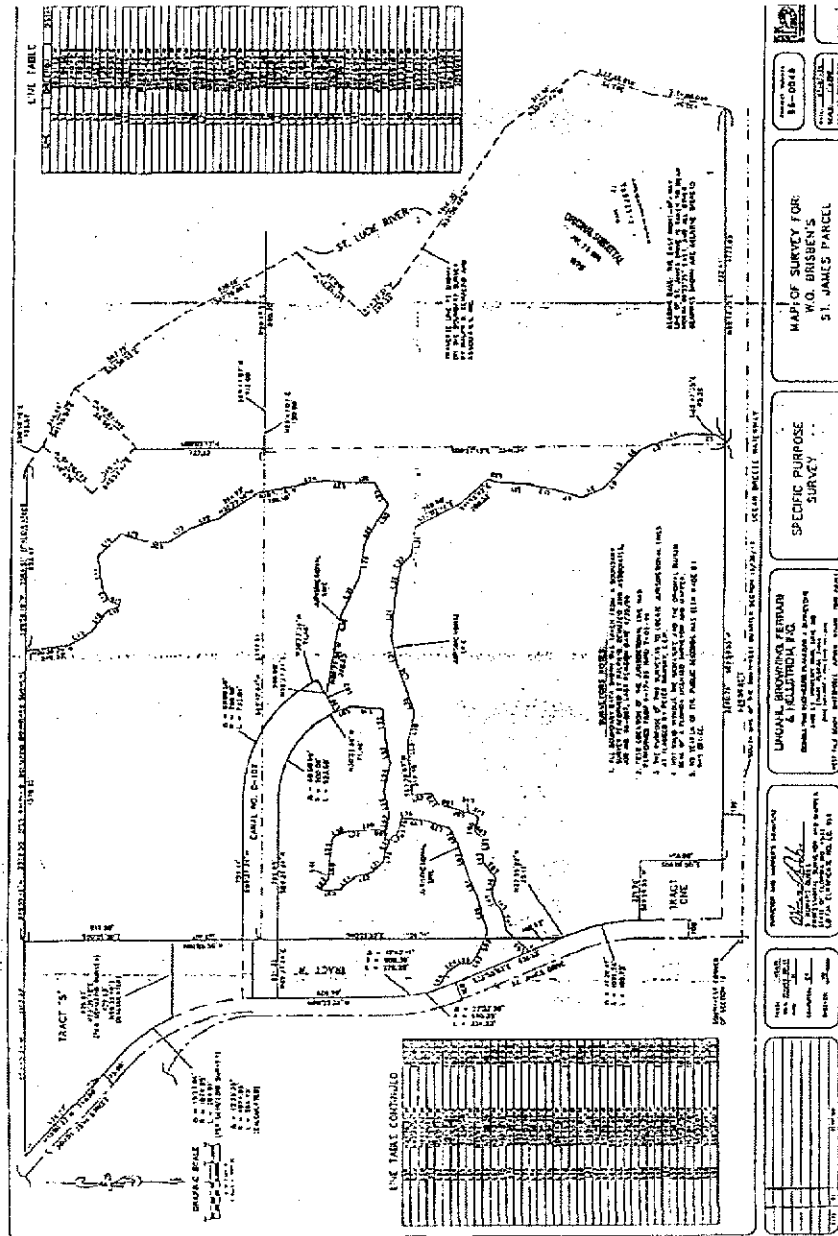
Scale: 1" = 1667'

\*hydric - per "Hydric Soils of the United States," June 1991

Thomas Lucido and Associates, Inc.  
 Peter J. Kinsky, CEP, Environmental Planner

**EXHIBIT 6**

Illegible Copy When  
 Received from Issuer



FORMAL WETLAND/SURFACE WATER DETERMINATION

PROJECT NAME: Brisben Parcels  
APPLICATION NUMBER: 960725-5

INTERNAL DISTRIBUTION

x G. Sawka  
x D. Black  
x D. Goss  
x R. Robbins  
x B. Colavecchio  
x Vault File  
x S. McNabb  
x Kay Reaves

EXTERNAL DISTRIBUTION

x Applicant: William O. Brisben  
  
x Applicant's Consultant:  
Peter J. Krinsky, C.E.P

GOVERNING BOARD MEMBERS:

Ms. Valerie Boyd  
Mr. Frank Williamson, Jr.  
Mr. Eugene K. Pettis  
Mr. William Hammond  
Mr. Richard Machek  
Ms. Elizabeth Krant  
Ms. Miriam Singer  
Mr. William Graham  
Mr. Nathaniel Reed

COUNTY:

Palm Beach  
Martin  
x St. Lucie  
Orange  
Osceola  
Hendry  
Lee  
Collier  
Charlotte  
Okeechobee  
Glades  
Highlands  
Monroe  
Dade  
Broward  
Polk

DEPT. OF ENVIRONMENTAL PROTECTION

Ft. Myers  
Orlando  
x Port St. Lucie  
x Tallahassee- Rick Cantrell  
West Palm Beach  
Marathon

OTHER:

EXHIBIT 8

6

## II. Vegetation Mapping



River Place on the St. Lucie  
Ecological Survey  
Vegetation Mapping

RIVER PLACE transcends from mesic pine flatwoods in western areas to river floodplain in the east, and as a result contains a variety of biological communities and ecological associations rich in the natural history of Florida. A forested floodplain of the North Fork, a tributary creek with a canopy of mature laurel oaks, a low hammock of giant live oaks and sabal palms, and a scrub oak community on a relic dune (approximate elevation  $\pm 15$ ) directly overlooking the St. Lucie River, are just a few of the exciting features which this property contains.

The site, which fronts the North Fork of the St. Lucie River, supports the river and tributary creek floodplains in a relatively undisturbed state. These features offer this project natural amenities unsurpassed in Florida today. These locations are conducive to passive and educational activities, which offer real opportunities in land planning and design for this project. Sheet 1 of 2 illustrated by the Florida Land Use Cover and Classification System (FLUCCS), indicates the ecological communities which exist on the site, surveyed wetland preserve area limits and other delineated isolated wetlands of varying qualities.

While rich in natural resources typical of "Old Florida" in many places throughout the property, the interior of the site has unfortunately experienced a fair amount of disturbance, the result of previous activities undertaken on the property. This is particularly evident in areas south of a ditch and tributary creek (which bisects the property while running west to east). Impacted areas with exotic infestation, including a monoculture forest of Brazilian Pepper (422) and severely degraded isolated wetlands, exist in this location. The area north of the creek is generally in a better state, but also exhibits some disturbance. Activities which may have created these conditions include the former use of the site as a spray field for the irrigation of wastewater (inactive spray heads are still evident throughout the property), clearing for these facilities with associated disturbance, hunting, fire, and others.

The following is a general description of the biological communities as described by the Vegetation Map FLUCCS codes illustrated on Sheet 1 of 2 for RIVER PLACE:

*Herbaceous Rangelands and Palmetto Prairie* (310): These are sparse canopy pine flatwoods with few mature slash pines. Ground cover is dominated by wax myrtle, saw palmetto and wire grass. These areas may be indicative of very low flatwood areas and may border wetlands in some cases. Noted in some northern and central areas of the site.

*Mesic Pine Flatwoods* (411): Pine flatwoods dominated by a canopy of slash pine at elevations typical of average grade on this property with a ground cover of palmetto, gallberry and wire grass. Wax myrtle noted in many areas. Generally exists in the central and western parts of the site.

*Scrubby Flatwoods* (4111): An open canopy of slash pine with an understory of scrub oak including sand live oak, myrtle oak, chapman oak and saw palmetto. Transitional flatwoods and scrub oak community. Typical of areas on relic dune system which fronts the river floodplain primarily in central eastern and southeastern corners.

*Forested River Floodplain (610):* An undisturbed, hydric forest fronting the North Fork of the St. Lucie River for the entire length of the property consisting of red maples, laurel oaks, sabal palms and bay trees. The western edge of this community drops in elevation sharply in some areas and is fairly well defined. Bordered by scrubby flatwood and flatwood communities to the west.

*Tributary Creek Floodplain (615):* A forested creek from western areas (now severed by St. Jamesway Road) discharging to the North Fork. Drainage from large ditch serving as regional water management facility from western areas also discharges to this creek. Dominant vegetation consists of laurel oak, red maple, bay trees, and cabbage palm. Flow is fairly significant east of the ditch inflow, however drops off to low levels in areas to the west. Flatwoods border this community.

*Wet Prairie (643):* The wet prairies were classified according to general condition per the FLUCCS map on Sheet 1 of 2. The isolated wetlands on this property are not in good condition. The majority of the wet prairies south of the creek are highly disturbed. Many of the isolated wetlands have been impacted by the previous on-site spray irrigation activities and have since served as a nutrient sink. Some areas exhibit disturbed soils and are completely void of vegetation due to hog rooting. Brazilian pepper often dominates the transitional areas or edges. Dominant plants in these isolated systems consist of cattails, willow, carpet grass, and panicum grasses. The majority of isolated wetlands north of the creek are altered, however may be considered functional in most cases, (such as the large wetland system to the northwest, as well as the southern edges of wetlands primarily existing within the powerline right-of-way to the north of the property). The better areas are considered for preservation, with restoration and enhancement as a vehicle for mitigation, considering the permitting of the majority of the other low quality isolated wetlands on the property. Dominant hydrophytic vegetation in the large wetland includes maidencane and cattails in the center (with significant standing water), and edges dominated by willow and wax myrtle. Other vegetation includes patches of St. Johnswort, redroot, chain fern, and other wetland grasses.

*Low Hammock (425):* A low cabbage palm / live oak hammock exists directly north, and attached to, as an historical extension of the creek. It is apparent that at one time this area may have had more hydrology than it does today. Topography in the center of the hammock is 2-3' lower than surrounding areas. Soils within the limits of the hammock are indicated as hydric. Evidence of rooting by wild hogs and hunting facilities exist in the center of the hammock.

Significant property resources for RIVER PLACE, previously mentioned above, include the following:

- a forested river floodplain dominated by maples, laurel oaks, sabal palms, and bay trees running the entire length, from north to south, of the eastern property limits
- a forested creek floodplain dominated by laurel oaks, sabal palms, maples and bay trees which bisects the property in the center, and runs from the western property limits all the way to the river on the eastern portion of the site
- a low area live oak and cabbage palm hammock connected to the creek system
- a relic dune system overlooking the North Fork dominated by a scrubby flatwoods community taking advantage of the higher elevations and creating a unique buffer and upland preserve area adjacent to the river floodplain
- a large isolated wetland system in the northwest corner of the property with significant hydrology

Other significant resources include:

- mature pine flatwoods located in various areas throughout the property which will create a wooded landscape for development areas wherever possible
- areas of blue or silver palmetto which lay within the buffer zone of the creek floodplain system
- areas of giant cabbage palm also adjacent to and within the buffer zone of the western creek system
- edges of good quality isolated wetland areas emanating within the powerline right-of-way, north of the property, which will be placed in required setback zones from the edge of the property limits
- canal (south) and river (east) frontage which will provide for passive waterborne recreational opportunities such as canoeing, boardwalks, etc.
- and an assorted variety of significant ecological communities in close proximity which can afford preserve areas configured in such a way to create a quality experience for viewing the natural resources which Florida has to offer in this part of the County.

**III. Conceptual Environmental Site Plan**

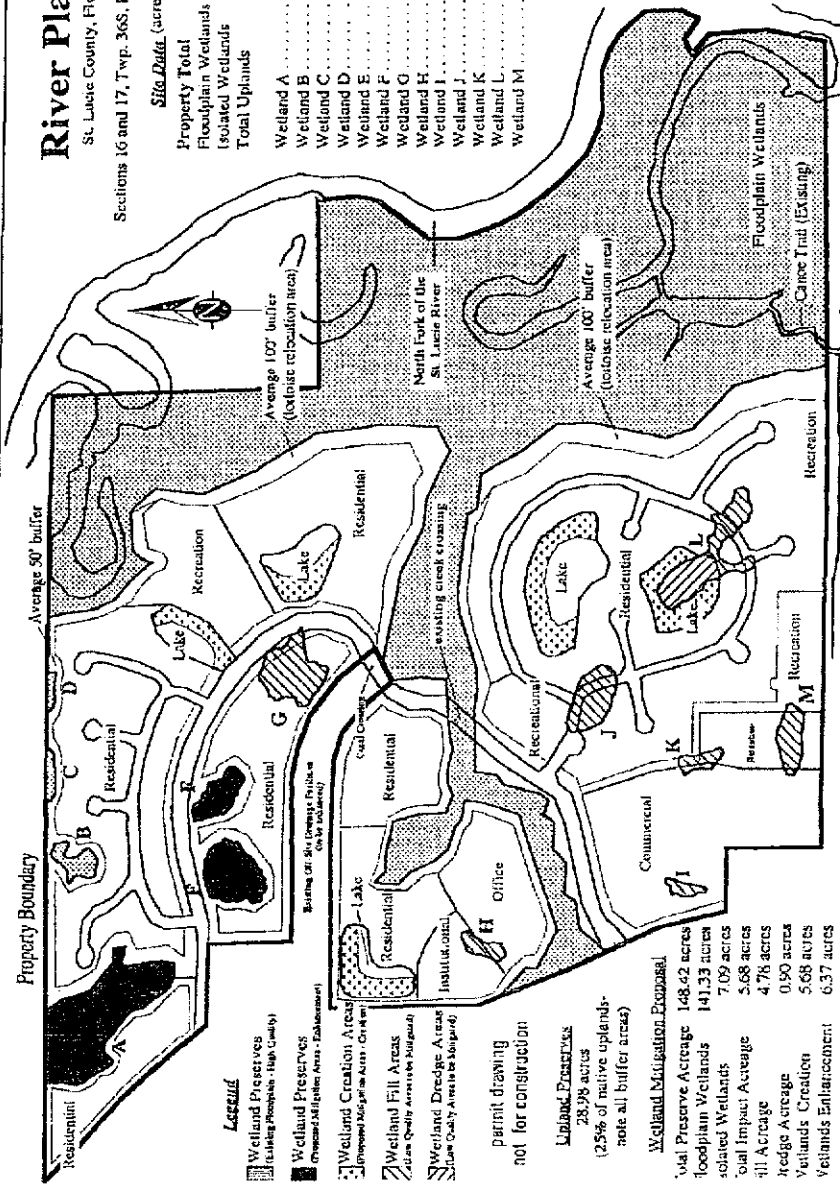
# River Place

St. Lucie County, Florida

Sections 16 and 17, Twp. 36S, Range 40E

### Site Data (acres)

Property Total	293.60
Floodplain Wetlands	141.33
Isolated Wetlands	12.77
Total Uplands	138.90
Wetland A	4.28
Wetland B	0.47
Wetland C	0.15
Wetland D	0.10
Wetland E	1.40
Wetland F	0.69
Wetland G	1.34
Wetland H	0.32
Wetland I	0.21
Wetland J	1.04
Wetland K	0.31
Wetland L	1.81
Wetland M	0.65



### Legend

- Wetland Preserves (Existing Prohibited High Quality)
- Wetland Preserves (Proposed 100' Buffer Area - Enhancement)
- Wetland Creation Areas (Enhanced 100' Buffer Area - Creation)
- Wetland Fill Areas (High Quality Areas to be Buried)
- Wetland Dredge Areas (High Quality Areas to be Buried)

permit drawing  
not for construction

<b>Upland Preserves</b>	28.98 acres
(25% of native uplands - note all buffer areas)	
<b>Wetland Mitigation Proposal</b>	
Total Preserve Acreage	148.42 acres
Floodplain Wetlands	141.33 acres
Isolated Wetlands	7.09 acres
Total Impact Acreage	5.68 acres
Fill Acreage	4.78 acres
Dredge Acreage	0.90 acres
Wetlands Creation	5.68 acres
Wetlands Enhancement	0.37 acres

Note: Average 50' buffer around all preserve areas

**River Place on the St. Lucie - Environmental Site Plan**

Brisben Development, Inc.  
Port St. Lucie, Florida

Prepared by:	Brisben Development, Inc.
Checked by:	Brisben Development, Inc.
Drawn by:	Brisben Development, Inc.
Date:	12/11/07
Scale:	1" = 600'
Sheet:	2 of 2
Project:	River Place
Location:	Port St. Lucie, Florida
Author:	N/A

Underline is for addition to/from 6th amended PUD  
~~Strike through~~ is for deletion to/from 6th amended PUD

**IV. "Listed" Species Surveys**

River Place on the St. Lucie  
Ecological Survey  
"Listed" Species Surveys

A wildlife survey was undertaken on Wednesday morning September 11, 1996, at 8:00 AM on the River Place Property. This review was in addition to previous site visits to the property during the planning process at which time vegetation and wildlife were noted. The survey was conducted by Peter Krinsky, C.E.P., the environmental consultant for the project, in association with Joseph Carroll, a former Vero Beach office, US Fish and Wildlife employee - retired, now a listed species consultant. Note documentation from Joe Carroll attached to this section.

Emphasis was placed on review of proposed development areas. Conservation area locations such as the forested river floodplain were only briefly visited, as these areas will be dedicated preserve areas with 50-100 foot average buffers. In summary the only evidence of a recognized listed animal, as previously reported, were gopher tortoise (*Gopherus polyphemus* - species of special concern / state listed only), some of which are located in former OSP areas. These areas can be characterized as scrubby flatwoods. It is less than ideal conditions however, for gopher tortoise occupation due to the dense understory.

Upon further investigation in December 96 and January of 97, additional burrows were noted and flagged. It is estimated that as many as forty (40) tortoises may exist on the site. A special survey and report is attached with details as an addendum to this section of the PUD submittal. Scrub jay and other typical species such as the scrub lizard, gopher frog and Florida mouse were not observed and don't appear to be an issue. Conditions for these animals are not good. Our current plan however, will consider utilizing a portion of the most favorable areas as a location for part of the native upland preserves required by the County.

The only listed plant species observed on the site was a single occurrence of a pine lily (*Lilium catesbaei*) in a typical pine flatwoods edge area. Other species, mainly ferns and orchids, might be found in the floodplain area preserve.

In conjunction with this review, a search of the databases was requested and performed by the Florida Natural Areas Inventory (FNAI). The results indicated that no listed species sightings have been reported for this property. A letter from the FNAI is attached. Also included is a sightings list for St. Lucie County. None of the reported sightings within the limits of the County were on this property. A generic list from the Treasure Coast Regional Planning Council for TCRPC Counties is also included.

It should be noted that almost 200 acres of this site will be dedicated preserve area with a range of the best habitat varieties that the property has to offer.

**Carroll and Associates**

1160 38th Avenue  
Vero Beach, FL 32960

September 13, 1996

Mr. Peter J. Krinsky, CEP  
Environmental Planner  
1572 S.W. Sandtrap Crescent  
Palm City, FL 34990

RE: River Place  
Brisbane Development, Inc.

Dear Peter:

This letter is provided to document our joint inspection on September 11th of a property in north Port St. Lucie known as River Place. The property is approximately 293 acres and extends from St. James Drive to the North Fork of the St. Lucie River. The purpose of our inspection was to ascertain as much as possible about endangered and threatened species of wildlife and plants as could be done on this date.

The property contained Pine Flatwoods, Scrubby Pine Flatwoods, and hydric systems associated with the North Fork of the St. Lucie and a creek which traverses the property. The property is divided in two parts also by a canal that is part of the original drainage system for the Port St. Lucie development. In addition the property was used at one time for spray irrigation and spray heads are scattered throughout the site. There are several isolated wetlands on the site as well.

First let me discuss the species we observed directly or indirectly by their sign. First observed was the Gopher Tortoise which was evidenced by two active burrows and one inactive. These were located in the scrubby flatwoods, near cleared roadways, both central east and southeast corners of the parcel. The gopher tortoise is listed as a Species of Special Concern by the Florida Game and Fresh Water Fish Commission. The habitat on this site is not very suitable for gopher tortoise because of the density of vegetation such as palmetto, and therefore I would not expect to find many more of this species on the site.

Although there are some scrubby flatwoods on the site and flatwoods the habitat is not suitable for either the scrub jay or the red-cockaded woodpecker for various reasons such as understory height, overstory density, and Brazilian pepper invasion.

The only threatened species observed on the site were plants, namely the whisk fern, *Psilotum nudum*, which was seen in the floodplain wetlands and the pine lily, *Lilium catesbaei*, which was evidence by a single specimen in the Flatwoods.

There are several species of plants and animals that have the potential of being found on this site although not seen on this date. Among them are:

Species	Latin Name	FWS Category	FG&FWFC/DACS
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	T	T
Little blue heron	<i>Egretta caerulea</i>	--	SSC
Snowy egret	<i>Egretta thula</i>	--	SSC
White Ibis	<i>Eudocimus albus</i>	--	SSC
Wood stork	<i>Mycteria americana</i>	E	E
Sandhill crane	<i>Grus canadensis</i>	--	T
Sherman's fox squirrel	<i>Sciurus niger shermanni</i>	--	SSC
Butterfly orchid	<i>Encyclia tampensis</i>	--	T

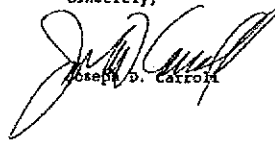
You will note that many of these species would be associated with the wetlands on the site, such as the wading birds and the butterfly orchid. The sandhill crane could nest in the larger isolated wetland located in northeast corner of the site. Our site specific discussions of the floodplain and isolated wetlands on the site indicate that all the viable areas for these listed species are to be preserved.

If I were to look for additional listed species of plants, the most likely other species would be the various ferns and air plants in the river swamp area. If this floodplain is to be preserved, such an effort does not seem necessary.

Although this list is preliminary, the Indigo snake and Sherman's fox squirrel should be given consideration when planning for construction, as well as the gopher tortoise in the scrubby flatwood areas.

If you have questions or need further information please call (407-569-0086).

Sincerely,



Joseph D. Carroll

# FLORIDA NATURAL AREAS INVENTORY

1018 Thomasville Road, Suite 200-C · Tallahassee, Florida 32303 · (904) 224-B207

10 September 1996

Mr. Peter J. Krinsky  
1672 S.W. Sandtrap Crescent  
Palm City, FL 34990

Dear Mr. Krinsky,

This letter is in reference to your request for information from the Florida Natural Areas Inventory (FNAI). Your data request of 4 September 1996 asked for a site review for two specified project areas located in St. Lucie County.

1. Riverplace, Township 36S, Range 40E, Sections 16, 17 located on the Ankona 7.5 minute U.S.G.S. quadrangle.

A search of our maps and computerized data base indicates that currently, we have no element occurrences recorded in the FNAI data base on or within a one mile radius of this property. However, this property is currently proposed and in the project design phase for addition to the 1993 North Fork St. Lucie River Conservation and Recreation Lands (CARL) Project/DEP, Div. of State Lands located directly adjacent to the property on the south. This is an eight-mile-long-corridor along the North Fork St. Lucie River designated for acquisition by the State of Florida because it is known to contain high quality natural communities, a number of rare and threatened species and has a direct influence on the water quality of the North Florida St. Lucie Aquatic Preserve. The eastern floodplain portion of this property is also part of the North Fork St. Lucie Aquatic Preserve, managed by the Dept. of Environmental Protection (DEP) and the North Fork St. Lucie State Buffer Preserve/DEP is directly adjacent to the property on the south.

2. Winterlakes, Township 36S, Range 39E, Sections 6, 7 located on the Ft. Pierce, S.W. 7.5 minute U.S.G.S. quadrangle.

A search of our maps and computerized data base indicates that the following element occurrence is recorded in the FNAI data base within a one mile radius of this property:

Scientific Name	Common Name	Global Rank	State Rank	Fed. Status	State Status	Notes
<i>Sciurus niger shermanni</i>	Sherman's Fox Squirrel	G5T2	S2	C2	L5	~ .75 mi. NE of site, see record.

The enclosed occurrence record provides additional information concerning the 1980 observation of this element near the project site. Also enclosed is an element rank explanation sheet defining the FNAI Global/State Ranking and Federal/State legal status of each element.

We strongly suggest that a site specific survey be conducted on this property to determine the current presence or absence of rare, threatened or endangered species. This survey should be conducted by

The Nature Conservancy and the Florida Department of Environmental Protection

Mr. Peter J. Krinsky  
10 September 1996  
Page 2

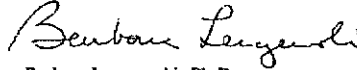
individuals familiar with Florida's flora and fauna. For your convenience, a summary of the elements recorded for St. Lucie County and a matrix giving seasonal and habitat distributions for the species are enclosed.

The quantity and quality of data collected by the Florida Natural Areas Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site specific field surveys. Many natural areas in Florida have never been thoroughly surveyed, and new species of plants and animals are still being discovered. For these reasons, FNAI cannot provide a definitive statement on the presence, absence or condition of biological elements in any part of Florida. Florida Natural Areas Inventory reports summarize the existing information known to FNAI at the time of the request. They should never be regarded as final statements on the elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

Information provided by this database may not be published without prior written notification to the Florida Natural Areas Inventory, and FNAI must be credited as an information source in these publications. FNAI data may not be resold for profit.

If you have any questions or if I can be of further assistance, please call me at (904) 224-8207.

Sincerely,



Barbara Lenczewski, Ph.D.  
Environmental Reviewer

enclosures

A:\STLU\KRI



FLORIDA NATURAL AREAS INVENTORY  
 1018 Thomasville Road, Suite 200-C  
 Tallahassee, FL 32303  
 (904) 224-8207 , FAX: (904) 681-9364

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November 1995

**St. Lucie County Summary**  
 Occurrence Records currently in the FNAI database

SCIENTIFIC NAME	COMMON NAME	FNAI GLOBAL RANK	FNAI STATE RANK	FED STATUS	STATE STATUS	# FNAI Recorded Locations
<b>FISHES</b>						
<i>Bairdiella sanctaeluciae</i>	Striped Croaker	G5	S2	N	N	1
<i>Gobiomorus dormitor</i>	Bigmouth Sleeper	G5	S2	N	N	2
<i>Microphis brachyurus</i>	Opossum Pipefish	G5	S2	N	N	1
<b>REPTILES</b>						
<i>Alligator mississippiensis</i>	American Alligator	G5	S4	T/SA	LS	1
<i>Caretta caretta</i>	Loggerhead	G3	S3	LT	LT	2
<i>Chelonia mydas</i>	Green Turtle	G3	S2	LE	LE	2
<i>Crotalus adamanteus</i>	Eastern Diamondback Rattlesnake	G5	S7	N	N	1
<i>Dermochelys coriacea</i>	Leatherback	G3	S2	LE	LE	2
<i>Drymarchon corais cooperi</i>	Eastern Indigo Snake	G4T3	S3	LT	LT	2
<i>Eremochelys imbricata</i>	Hawksbill	G3	S1	LE	LE	1
<i>Gopherus polyphemus</i>	Gopher Tortoise	G3	S3	C2	LS	5
<i>Lepidochelys kempii</i>	Atlantic Ridley	G1	S1	LE	LE	1
<i>Pituophis melanoleucus mugitus</i>	Florida Pine Snake	G5T3?	S3	C2	LS	1
<i>Sceloporus woodi</i>	Florida Scrub Lizard	G3	S3	C2	N	5
<b>BIRDS</b>						
<i>Accipiter cooperii</i>	Cooper's Hawk	G4	S3?	N	N	1
<i>Aphelocoma coerulescens coerulescens</i>	Florida Scrub Jay	G5T3	S3	LT	LT	5
<i>Caracara plancus</i>	Crested Caracara	G5	S2	LT	LT	4
<i>Caumerodius albus</i>	Great Egret	G5	S4	N	N	8
<i>Egretta caerulea</i>	Little Blue Heron	G5	S4	N	LS	6
<i>Egretta thula</i>	Snowy Egret	G5	S4	N	LS	5
<i>Egretta tricolor</i>	Tricolored Heron	G5	S4	N	LS	4
<i>Eudocimus albus</i>	White Ibis	G5	S4	N	LS	2
<i>Falco columbarius</i>	Merlin	G5	SU	N	N	1
<i>Falco peregrinus</i>	Peregrine Falcon	G4	S2	LT	LE	2
<i>Haliaeetus leucocephalus</i>	Bald Eagle	G4	S2S3	LT	LT	5
<i>Helminthophila versivoxa</i>	Worm-eating Warbler	G5	S1	N	N	1
<i>Mysteria americana</i>	Wood Stork	G4	S2	LE	LE	3
<i>Nyctanassa violacea</i>	Yellow-crowned Night-heron	G1	S3?	N	N	1
<i>Nycticorax nycticorax</i>	Black-crowned Night-heron	G5	S3?	N	N	1
<i>Pandion haliaetus</i>	Osprey	G5	S3S4	N	LS*	2
<i>Pelecanus occidentalis</i>	Brown Pelican	G4	S3	N	LS	3
<i>Rostrihamus sociabilis plumbeus</i>	Stail Kite	G4G5T1	S1	LE	LE	2
<i>Rynchops niger</i>	Black Skimmer	G5	S3	N	LS	1

FLORIDA NATURAL AREAS INVENTORY  
St. Lucie County Summary

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November 1995

BIRDS (Cont.)

<i>Sceloporus ruficollis</i>	American Redstart	G5	S3	N	N	1
<i>Speotyto cunicularia floridana</i>	Florida Burrowing Owl	G4T3	S3	N	LS	1
<i>Sterna anillarum</i>	Least Tern	G4	S3	N	LT	1

MAMMALS

<i>Peromyscus polionotus niveiventris</i>	Southeastern Beach Mouse	G5T1	S1	LT	LT	1
<i>Sciurus niger shermani</i>	Sherman's Fox Squirrel	G5T2	S2	C2	LS	1
<i>Trichechus manatus</i>	Manatee	G2?	S2?	LE	LE	2

PLANTS

<i>Aristida rhizomophora</i>	Florida Threeawn	G2	S2	N	N	3
<i>Asclepias curassavica</i>	Curtis' Milkweed	G3	S3	N	LE	1
<i>Chamaecyparis tumulicola</i>	Sand-dune Spurge	G2	S2	C2	N	3
<i>Coelorachis tuberculosa</i>	Piedmont Jointgrass	G3	S3	C2	N	3
<i>Conradina grandiflora</i>	Large-flowered Rosemary	G3	S3	C2	LE	6
<i>Dicerandra immaculata</i>	Lakela's Mini	G1	S1	LE	LE	2
<i>Glandularia maritima</i>	Coastal Yervain	G2	S2	C2	LE	5
<i>Halophila johnsonii</i>	Johnson's Sesgrass	G2	S2	PT	N	3
<i>Harrisia fragrans</i>	Fragrant Prickly-apple	G1Q	S1	LE	LE	6
<i>Lechea cernua</i>	Nodding Pinweed	G3	S3	3C	LE	3
<i>Okecia hypogaea</i>	Burrowing Four-o'clock	G3	S2	N	LE	2
<i>Remirea maritima</i>	Beach-star	G4	S3	N	LE	1
<i>Saphora tomentosa</i>	Necklace Pod	G4	S3	N	N	3
<i>Tephrosia angustissima var curtisii</i>	Coastal Hoary-pea	G1T1	S1	N	N	1
<i>Tournefortia gnaphalodes</i>	Sea Lavender	G4	S3	N	LE	2

NATURAL COMMUNITIES

Estuarine Tidal Marsh	G4	S4	N	N	1
Estuarine Tidal Swamp	G3	S3	N	N	8
Depression Marsh	G4?	S3	N	N	4
Floodplain Forest	G?	S3	N	N	1
Floodplain Marsh	G3?	S2	N	N	1
Floodplain Swamp	G?	S4?	N	N	1
Hydric Hammock	G?	S4?	N	N	2
Svate	G4?	S3	N	N	2
Wet Flatwoods	G?	S4?	N	N	3
Wet Prairie	G?	S4?	N	N	3
Blackwater Stream	G4	S2	N	N	1
Beach Dune	G4?	S2	N	N	8
Coastal Strand	G3?	S2	N	N	8
Dry Prairie	G2	S2	N	N	1
Maritime Hammock	G4	S3	N	N	15
Mexic Flatwoods	G?	S4	N	N	4
Scrub	G2	S2	N	N	7
Scrubby Flatwoods	G3	S3	N	N	1

OTHER

Bird rookery			N	N	15
Manatee aggregation site			N	N	1

TOTAL COUNT:  
Total Tracked taxa listed: 74  
Total Summary Occurrences: 222

Treasure Coast Regional Planning Council

Endangered and Potentially Endangered Species

This list includes all endangered and potentially endangered species known to have been identified in the Region. The list is a subset of the official lists of species prepared by the Florida Game and Fresh Water Fish Commission (Wood 1996). Species classified by the Florida Council on Rare and Endangered Plants and Animals are also included in this list. Note that this list is based on the most recent information available. However, it is possible that some listed species occur within the Region but have not yet been detected or included in this list. The agency lists are revised and updated periodically. Consult with each agency to determine the latest information regarding the status of a particular species.

Scientific Name	Common Name	Designated Status <sup>1</sup>			
		FCREPA <sup>2</sup>	FGFWFC <sup>3</sup>	FDACS <sup>4</sup>	USFWS <sup>5</sup>
<b>FISH</b>					
<i>Agonostomus monticola</i>	Mountain mullet	R			
<i>Awaous tajastica</i>	River goby	R			
<i>Bairdiella chazotae-luciae</i>	Striped croaker	R			
<i>Centropomus undecimalis</i>	Common snook		SSC		
<i>Gobionellus signaturus</i>	Spottail goby	SSC			
<i>Oostethus lineatus</i>	Opossum pipefish	R			
<i>Rivulus marmoratus</i>	Rivulus	T	SSC		
<b>AMPHIBIANS</b>					
<i>Rana capito sesopus</i>	Gopher frog	T	SSC		
<b>REPTILES</b>					
<i>Alligator mississippiensis</i>	American alligator	SSC	SSC		T(S/A)
<i>Caretta caretta caretta</i>	Atlantic loggerhead turtle	T	T		T
<i>Chelonia mydas mydas</i>	Atlantic green turtle	E	E		E
<i>Dermochelys coriacea</i>	Leatherback turtle	R	E		E
<i>Drymarchon corais couperi</i>	Eastern Indigo Snake	SSC	T		T
<i>Eretmochelys imbricata imbricata</i>	Atlantic hawksbill turtle	E	E		E
<i>Gopherus polyphemus</i>	Gopher tortoise	T	SSC		
<i>Lepidochelys kempi</i>	Atlantic ridley turtle	E	E		E
<i>Nerodia fasciata taeniata</i>	Atlantic salt marsh water snake	E	T		T
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake		SSC		
<i>Sceloporus woodi</i>	Florida scrub lizard	R			
<b>BIRDS</b>					
<i>Accipiter cooperii</i>	Cooper's Hawk	SSC			
<i>Ajaja ajaja</i>	Roseate Spoonbill	R	SSC		
<i>Ammodramus saviannarum floridanus</i>	Florida Grasshopper Sparrow	E	E		E

Revised September 4, 1996

Endangered and Potentially Endangered Species

Scientific Name	Common Name	Designated Status <sup>1</sup>			
		FCREPA <sup>2</sup>	FGFWFC <sup>3</sup>	FDACS <sup>4</sup>	USFWS <sup>5</sup>
<i>Aphelocoma coerulescens</i>	Florida Scrub Jay	T	T		
<i>Aramus guarauna</i>	Limpkin	SSC	SSC		
<i>Ardea herodias occidentalis</i>	Great White Heron	SSC			
<i>Buteo brachyurus</i>	Short-tailed Hawk	R			
<i>Casmerodius albus</i>	Great Egret	SSC			
<i>Charadrius melodus</i>	Piping Plover	E	T		T
<i>Charadrius wilsonia</i>	Wilson's Plover	SSC			
<i>Coccyzus minor</i>	Mangrove Cuckoo	R			
<i>Dendroica discolor paludicola</i>	Florida Prairie Warbler	SU			
<i>Dendroica kirtlandii</i>	Kirtland's Warbler	E	E		E
<i>Egretta caerulea</i>	Little Blue Heron	SSC	SSC		
<i>Egretta rufescens</i>	Reddish Egret	R	SSC		
<i>Egretta thula</i>	Snowy Egret	SSC	SSC		
<i>Egretta tricolor</i>	Tricolored Heron	SSC	SSC		
<i>Elanoides forficatus</i>	American Swallow-tailed Kite	T			
<i>Elanus caeruleus majusculus</i>	Black-shouldered Kite	R			
<i>Eudocimus albus</i>	White Ibis	SSC	SSC		
<i>Falco columbarius</i>	Merlin	SU			
<i>Falco peregrinus tundrius</i>	Arctic Peregrine Falcon	E	E		
<i>Falco sparverius parvus</i>	Southeastern American Kestrel	T	T		
<i>Fregata magnificens rothschildi</i>	Magnificent Frigatebird	T			
<i>Grus americana</i>	Whooping Crane	RI	SSC		T (E/P)
<i>Grus canadensis pratensis</i>	Florida Sandhill Crane	T	T		
<i>Haematopus palliatus</i>	American Oystercatcher	T	SSC		
<i>Haliaeetus leucocephalus</i>	Bald Eagle	T	T		T
<i>Helmitheros vermivorus</i>	Worm-eating Warbler	R			
<i>Ixobrychus exilis exilis</i>	Least Bittern	SSC			
<i>Laterallus jamaicensis</i>	Black Rail	R			
<i>Mycteria americana</i>	Wood Stork	E	E		E
<i>Nycticorax nycticorax</i>	Black-crowned Night Heron	SSC			
<i>Nyctanassa violacea</i>	Yellow-crowned Night Heron	SSC			
<i>Pandion haliaetus</i>	Osprey	T			
<i>Passerina ciris</i>	Painted Bunting	SU			
<i>Pelecanus occidentalis</i>	Brown Pelican	T	SSC		
<i>Picoides borealis</i>	Red-cockaded Woodpecker	E	T		E
<i>Picoides villosus audubonii</i>	Hairy Woodpecker	SSC			
<i>Plegadis falcinellus falcinellus</i>	Glossy Ibis	SSC			
<i>Rallus longirostris scottii</i>	Florida Clapper Rail	SU			
<i>Recurvirostra americana</i>	American Avocet	SSC			
<i>Rosthamus sociabilis</i>	Snail Kite	E	E		E
<i>Rynchops niger</i>	Black Skimmer	SSC	SSC		
<i>Setophaga ruticilla</i>	American Redstart	R			
<i>Speotyto cunicularia floridana</i>	Florida Burrowing Owl	SSC	SSC		
<i>Sterna antillarum</i>	Least Tern	T	T		
<i>Sterna caspia</i>	Caspian Tern	SSC			

Revised September 4, 1996

2

Endangered and Potentially Endangered Species

Scientific Name	Common Name	Designated Status <sup>1</sup>			
		FCREPA <sup>2</sup>	FGFWFC <sup>3</sup>	FDACS <sup>4</sup>	USFWS <sup>5</sup>
<i>Sterna dougallii</i>	Roseate Tern	T	T		T
<i>Sterna maxima</i>	Royal Tern	SSC			
<i>Sterna nilotica</i>	Gull-billed Tern	SU			
<i>Sterna sandwicensis</i>	Sandwich Tern	SSC			
<i>Vireo altiloquus</i>	Black-whiskered Vireo	R			
<b>MAMMALS</b>					
<i>Balaena glacialis</i>	Right whale		E		E
<i>Balaenoptera borealis</i>	Sei whale		E		E
<i>Balaenoptera physalus</i>	Finback whale		E		E
<i>Eptesicus fuscus</i>	Big brown bat	R			
<i>Felis concolor coryi</i>	Florida panther	E	E		E
<i>Megaptera novaeangliae</i>	Humpback whale		E		E
<i>Mustela frenata peninsularae</i>	Florida long-tailed	R			
<i>Mustela vison evergladensis</i>	Everglades mink	T	T		
<i>Mustela vison texensis</i>	Florida mink	R			
<i>Neofiber alleni</i>	Round-tailed muskrat	SSC			
<i>Peromyscus floridanus</i>	Florida mouse	T	SSC		
<i>Peromyscus polionotus niveiventris</i>	Southeastern beach mouse		T		T
<i>Physeter catodon</i>	Sperm whale		E		E
<i>Plecotus rafinesquii</i>	Southeastern big-eared bat	R			
<i>Sciurus niger avicennia</i>	Big Cypress (= mangrove) fox squirrel	T	T		
<i>Sciurus niger shermanni</i>	Sherman's fox squirrel	T	SSC		
<i>Trichechus manatus latirostris</i>	West Indian manatee	T	E		E
<b>INVERTEBRATES</b>					
<b>Cornals</b>					
<i>Acropora cervicornis</i>	Staghorn coral		E		
<i>Acropora prolifera</i>	Staghorn coral		E		
<i>Diploria clivosa</i>	Brain coral		T		
<i>Diploria labyrinthiformis</i>	Brain coral		T		
<i>Diploria strigosa</i>	Brain coral		T		
<b>Crustaceans</b>					
<i>Aratus pisonii</i>	Mangrove crab		T		
<i>Goniopsis cruentata</i>	Mangrove crab		T		
<b>Arachnids</b>					
<i>Larrodectus bishopi</i>	Red widow spider		SSC		

Scientific Name	Common Name	Designated Status <sup>1</sup>			
		FCREPA <sup>2</sup>	FGFWFC <sup>3</sup>	FDACS <sup>4</sup>	USFWS <sup>5</sup>
<b>Insects</b>					
<i>Aethecerinus hornii</i>	Horn's aethecerinus	SU			
<i>Amblyscirtes alternata</i>	Least Florida skipper	R			
<i>Aphodius troglodytes</i>	Gopher tortoise aphodius	T			
<i>Aphrissa statira floridensis</i>	Florida statira sulphur	SSC			
<i>Appias drusilla neumogenii</i>	Florida white	SSC			
<i>Ataenius saramari</i>	Sand pine scrub ataenius	SU			
<i>Aryone arogos arogos</i>	Arogos skipper	R			
<i>Arytonopsis hianna loammi</i>	Southern dusted skipper	R			
<i>Bolbocerosoma hamatom</i>	Bicolored burrowing scarab	SU			
<i>Chelyoxenus xerobatis</i>	Gopher tortoise hister beetle	T			
<i>Copris gopheri</i>	Gopher tortoise copris	T			
<i>Cremastocheilus squamulosus</i>	Scaly anteatr scarab	SU			
<i>Junonia evarete</i>	Mangrove buckeye	SSC			
<i>Libellula jesseana</i>	Purple skimmer	T			
<i>Melanoplus indicifer</i>	East coast scrub grasshopper	R			
<i>Onthophagus polyphemi</i>	Gopher tortoise onthophagos	T			
<i>Pelotrupes profundus</i>	Florida deepdigger scarab	SSC			
<i>Phocides pigmalion okeechobee</i>	Mangrove skipper	SSC			
<i>Phyllophaga elizoria</i>	Elizoria June beetle	R			
<i>Phyllophaga elongata</i>	Elongate June beetle	R			
<i>Pseudischyrus nigrans</i>	Florida pseudischyrus	SU			
<i>Schistocerca ceratiola</i>	Rosemary grasshopper	SSC			
<i>Serica tantula</i>	Little silky June beetle	SU			
<i>Trigonopeltastes floridana</i>	Scrub palmetto scarab	R			
<b>Molluscs</b>					
<i>Liguus pasciatus</i>	Florida tree snail	SSC	SSC		
<b>PLANTS</b>					
<i>Acrostichum danaeifolium</i>	Giant leather fern			C	
<i>Adiantum capillus-veneris</i>	Venus-hair fern	R			
<i>Asclepias curtissii</i>	Curtiss milkweed	R		E	
<i>Asimina tetramera</i>	Four-petal pawpaw	E		E	E
<i>Avicennia germinans</i>	Black mangrove	SSC			
<i>Bleita purpurea</i>	Pine pink			T	
<i>Calopogon barbatus</i>	Bearded grass pink			T	
<i>Calopogon multiflorus</i>	Many-flowered grass pink			E	
<i>Campyloneurum phyllitidis</i>	Long Strap fern			E	
<i>Cereus eriophorus</i>	Indian River prickly apple			E	E
<i>Chrysophyllum olivaeforme</i>	Satin leaf			E	
<i>Cladonia perforata</i>	Perforate reindeer lichen			E	E
<i>Coccothrinax argentata</i>	Silver palm	T		E	
<i>Conrodina grandiflora</i>	Large-flowered rosemary			E	
<i>Cucurbita okeechobeensis</i>	Okeechobee gourd	T		E	E

Revised September 4, 1996

4

Endangered and Potentially Endangered Species

Scientific Name	Common Name	Designated Status <sup>1</sup>			
		FCREPA <sup>2</sup>	FGWFC <sup>3</sup>	FDACS <sup>4</sup>	USFWS <sup>5</sup>
<i>Dennstaedtia bipinnata</i>	Cuplet fern	E		E	
<i>Dicerandra immaculata</i>	Lakela's mint			E	E
<i>Drosera intermedia</i>	Water sundew			T	
<i>Encyclia tampensis</i>	Butterfly orchid			C	
<i>Ernodia littoralis</i>	Beach creeper	T		T	
<i>Eryngium cuneifolium</i>	Wedge-leaved button snakeroot			E	E
<i>Eulophia alta</i>	Wild coco			T	
<i>Gossypium hirsutum</i>	Wild cotton	E		E	
<i>Hexalectris spicata</i>	Crested coralroot			E	
<i>Jacquemontia reclinata</i>	Beach clustervine	E		E	E
<i>Lechea cernua</i>	Nodding pinweed			T	
<i>Lechea divaricata</i>	Pine pinweed			E	
<i>Lilium catesbaei</i>	Catesby lily			T	
<i>Lycopodium cernuum</i>	Nodding club moss			C	
<i>Mallotonia gnaphalodes</i>	Sea lavender	T			
<i>Myrcianthes fragrans</i> var. <i>simpsonii</i>	Simpson's stopper			T	
<i>Nephrolepis biserrata</i>	Giant sword fern			T	
<i>Okenia hypogaea</i>	Burrowing four-o'clock	E		E	
<i>Oncidium floridanum</i>	Florida oncidium	T		E	
<i>Ophioglossum palmatum</i>	Hand adder's tongue fern	E		E	
<i>Osmunda cinnamomea</i>	Cinnamon Fern			C	
<i>Osmunda regalis</i>	Royal fern			C	
<i>Panicum abscissum</i>	Cutthroat grass			E	
<i>Paronychia charitacea</i>	Paper-like nailwort			E	T
<i>Peperomia humilis</i>	Pepper (unnamed)			E	
<i>Platanthera nivea</i>	Snowy orchid			T	
<i>Pogonia ophioglossoides</i>	Rose pogonia				
<i>Polystachya flavescens</i>	Pale-flowered polystachya			E	
<i>Pteroglossaspis ecristata</i>	Non-crested coco			T	
<i>Remirea maritima</i>	Beach star	E		E	
<i>Rhizophora mangle</i>	Red mangrove	SSC			
<i>Sarracenia minor</i>	Hooded pitcherplant			T	
<i>Schizaea germanii</i>	Tropical curly-grass fern	R		E	
<i>Spiranthes brevilabris</i> var. <i>floridana</i>	Florida Ladies' tresses			E	
<i>Spiranthes elata</i>	Tall neottia			E	
<i>Spiranthes laciniata</i>	Lace-lip ladies' tresses			T	
<i>Spiranthes longilabris</i>	Long-lip ladies' tresses			T	
<i>Spiranthes polyantha</i>	Florida Keys ladies' tresses			E	
<i>Spiranthes torta</i>	Ladies' tresses			E	
<i>Spiranthes vernalis</i>	Ladies' tresses			T	
<i>Suriana maritima</i>	Bay cedar			E	
<i>Tephrosia angustissima</i>	Narrow-leaved hoary pea			E	
<i>Thelypteris serrata</i>	Dentate lattice vein fern			E	
<i>Tillandsia balbisiana</i>	Inflated wild pine			T	
<i>Tillandsia fasciculata</i>	Common wild pine			E	
<i>Tillandsia flexuosa</i>	Twisted air plant	T		E	
<i>Tillandsia utriculata</i>	Giant wild pine			E	

Revised September 4, 1995

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Endangered and Potentially Endangered Species

Scientific Name	Common Name	Designated Status <sup>1</sup>			
		FCREPA <sup>2</sup>	FGFWFC <sup>3</sup>	FDACS <sup>4</sup>	USFWS <sup>5</sup>
<i>Tillandsia valenzuelana</i>	Soft-leaved wild pine			T	
<i>Vanilla mexicana</i>	Unscented vanilla			E	
<i>Warea carteri</i>	Carter's mustard			E	E
<i>Zausia floridana</i>	Florida coontie	T			

<sup>1</sup>E = Endangered; R = Rare; T = Threatened; T(S/A) = Threatened/Similarity of Appearance; T (E/P) = Threatened/Experimental Population; SSC = Species of Special Concern; SU = Status Undetermined; C = Commercially Exploited; SU = Status Undetermined; Rl = Recently Extirpated

<sup>2</sup>Florida Committee on Rare and Endangered Plants and Animals

<sup>3</sup>Florida Game and Fresh Water Fish Commission

<sup>4</sup>Florida Department of Agriculture and Consumer Services

<sup>5</sup>United States Fish and Wildlife Service

Wood, Don A. 1996. Florida's Endangered Species, Threatened Species and Species of Special Concern. Official Lists. Bureau of Nongame Wildlife. Florida Game and Fresh Water Fish Commission, Tallahassee. (29 April 1996)

**ADDENDUM**

PETER J. KRINSKY, C.E.P. ENVIRONMENTAL PLANNER  
1672 SW SANDTRAP CRESCENT • PALM CITY, FLORIDA 34990  
Phone / Fax (407) 220-4039

Preliminary Gopher Tortoise Survey  
for  
River Place on the St. Lucie  
City of Port St. Lucie, Florida  
February, 1997

**Introduction**

On January 15th and January 29th, 1997, a survey for gopher tortoise activity was undertaken at *River Place on the St. Lucie* by Steve Fousek, County Forester, and Peter J. Krinsky, environmental consultant for the River Place project. Mr. Fousek had previously been on the property and flagged some of the burrows in December of 1996. Gopher tortoise (*Gopherus polyphemus*), while not a federally "listed" species, is regulated as a "species of special concern" by the Florida Game and Fresh Water Fish Commission (GFC).

The main purpose of this survey was to develop density estimates of tortoise activity on the River Place property; this in turn, will result in recommendations for required preserve area acreage. The data will be incorporated into site planning and the PUD review process. The report will also serve as a permit application to the GFC. At a time prior to construction, updated surveys will be undertaken in each development pod, at which time relocation to designated preserve areas will be accomplished.

**Property Description**

River Place transcends from mesic pine flatwoods in western areas to river floodplain in the east, and as a result contains a variety of biological communities and ecological associations. A portion of the flatwoods areas could be characterized as scrubby, particularly along the relic dune which is directly adjacent and west of the river floodplain. These areas, while not perfect for gopher tortoise due to heavy ground cover, do support a number of burrows. The site, which fronts the North Fork of the St. Lucie River, also supports the river and tributary creek floodplains in a relatively undisturbed state. These, and other areas, are too wet to support tortoise populations.

The interior of the site has unfortunately experienced a fair amount of disturbance, the result of previous activities undertaken on the property. This is particularly evident in areas south of a tributary creek (which bisects the property while running west to east). Impacted areas with exotic infestation, including a monoculture forest of Brazilian Pepper and severely degraded isolated wetlands, exist in this location. The area north of the creek is generally in a better state, but also exhibits some disturbance. Activities which may have created these conditions include the former use of the site as a spray field for the irrigation of wastewater (inactive spray heads are still evident throughout the property), clearing for these facilities with associated disturbance, hunting, fire, and others. While the Brazilian Pepper forest generally does not support any gopher tortoise, there are a few adjacent, elevated and disturbed areas which contain *Bahia* and other grasses which do support a colony of gopher tortoise. An example of this type of area is located in the southeastern portion of the property (refer to Exhibit 1).

**Survey Results**

**Exhibit 1**, illustrated by the Florida Land Use Cover and Classification System (FLUCCS), indicates the ecological communities which exist on the site, surveyed wetland preserve area limits and other delineated isolated wetlands of varying qualities. Also indicated is the location of flagged burrows noted during the actual field survey. The majority of these burrows appear inactive. However in accordance with the guidelines published in Technical Report #4, inactive burrows are considered in extrapolations for estimates of living individuals on the property. Site data and associated calculations estimate that approximately 40 to 50 individuals may exist on this property.

Burrows have been flagged for future reference. The lower end of the range of forty (40) tortoises (or possibly less) is a more likely number due to the amount of inactive burrows noted during the survey. Further estimates indicate that approximately 0.4 gopher tortoises per acre (or less) would be a good approximation of density for the ± 16 acres of possible habitat.

**Permitting Options and Recommendations**

Five options exist for activities that may involve tortoises during development: They include 1) total avoidance - not an option for this site, 2) avoidance by distance - not an option for this site, 3) incidental take / provide on-(or off)-site habitat protection - a possibility for this project, 4) relocation to an on-(or off)-site protected area - also a possibility for this project, and 5) short form relocation - questionable option due to the number of tortoises estimated for the property. Off-site options including mitigation banking are less desirable due to additional survey requirements and associated land acquisition costs for the receiving (off) site.

In consideration of the habitat protection options, regulations state that at the above described density of 0.4 individuals per acre, approximately 15% of the tortoise occupied habitat should be preserved. River Place has proposed upland conservation for approximately 29.0 acres or 25% of the native upland habitat. This number is in excess of the 17 acres required for gopher tortoise per the regulations noted at this density. Much of this area (±10.0 acres) has been designated as 100' buffer and contains scrubby flatwood characteristics (refer to Exhibit 1). It is recommended that the flagged burrows (and any other noted burrows) be examined during construction for relocation of individuals to these special areas.

In the future, minor land planning refinements (micro-siting) will configure an even more specific and final tortoise area preserve for special management considerations. The scrubby flatwoods 100' buffer area contiguous to the North Fork floodplain will be the primary area for further consideration. A management plan will be developed during the permitting process including special recommendations for a program of prescribed burns. Special planning and management considerations were discussed with Tim Regan of the Game and Fish Commission in an on-site pre-application meeting on Friday, January 31. Exhibit 2 is a letter in confirmation of this meeting from the GFC concurring with the recommendations of this report including proposed site planning for the project (particularly with regards to upland preserve areas). This report will also serve as a formal application to the GFC. The GFC intends to issue a permit for this work in a time frame just prior to construction, after the City issues a site clearing permit. The results of the report and associated recommendations will be incorporated into the ERP process.

cc: Greg Boggs - TLA  
Carol Ann Cardella - BDI  
Steve Fousek - City of Port St. Lucie  
Cberyl Friend - City of Port St. Lucie  
Tim Regan - Game and Fish Commission  
Mike Risman - LBFH

PJK/pk

# River Place

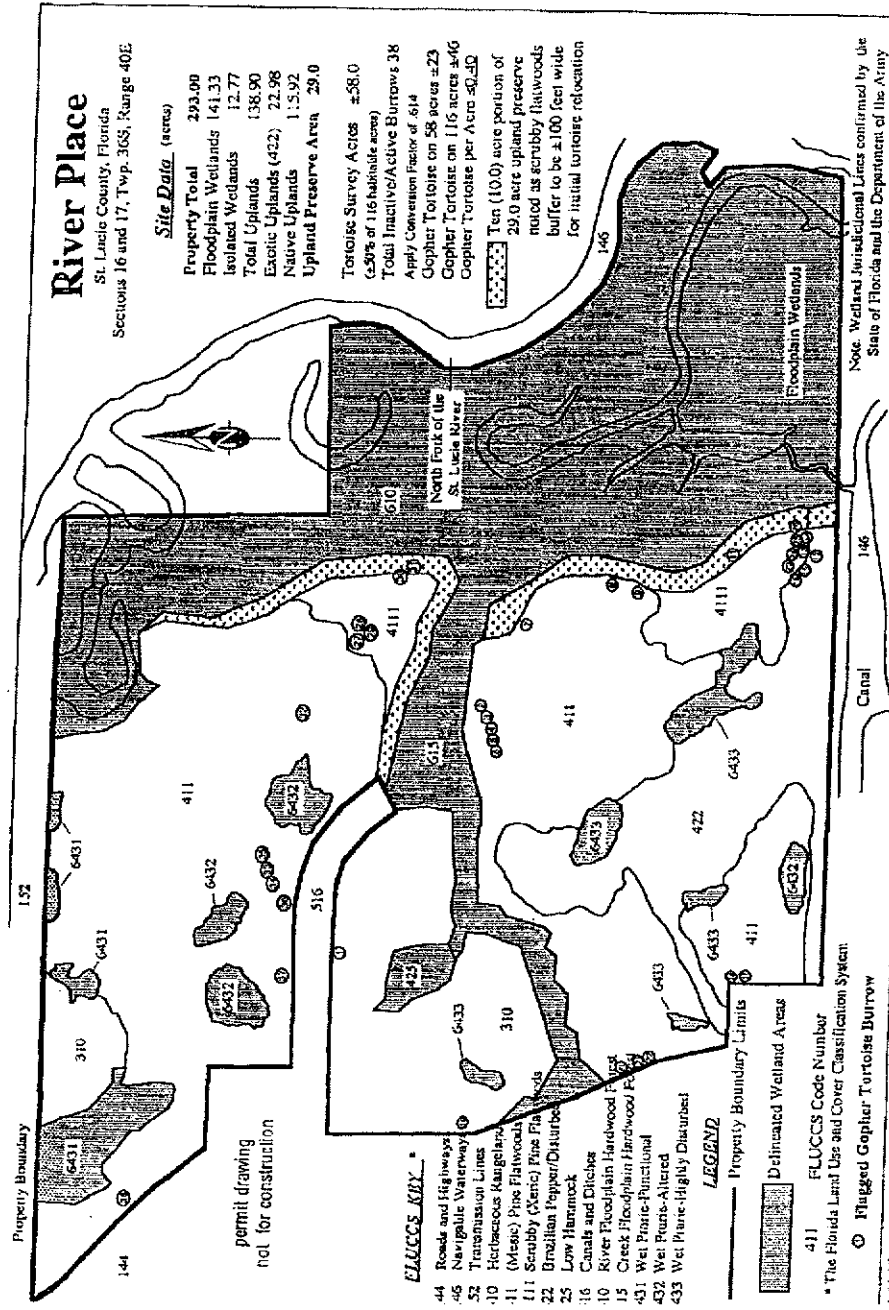
St. Lucie County, Florida  
 Sections 16 and 17, Twp. 36S, Range 40E

## Site Data (acres)

Property Total	293.00
Floodplain Wetlands	141.33
Isolated Wetlands	12.77
Total Uplands	138.90
Exotic Uplands (432)	22.98
Native Uplands	115.92
Upland Preserve Area	29.0

Tortoise Survey Acres ±58.0  
 (±5% of 116 habitable acres)  
 Total Inactive/Active Burrows 38  
 Apply Conversion Factor of 614  
 Gopher Tortoise on 58 acres ±23  
 Gopher Tortoise on 116 acres ±46  
 Gopher Tortoise per Acre 50.30

Ten (10.0) acre portion of 29.0 acre upland preserve noted as scrubby flatwoods buffer to be ±100 feet wide for initial tortoise relocation



## FLUCCS KEY \*

- 44 Roads and Highways
- 45 Navigable Waterway
- 52 Transportation Lines
- 10 Herbaceous Mangrove
- 11 (Musc) Pine Flatwoods
- 22 Broadleaf Swamp/Disturb
- 25 Low Hardrock
- 16 Canals and Ditches
- 10 River Floodplain Hardwood Forest
- 15 Creek Floodplain Hardwood Forest
- 431 Wet Prairie-Functional
- 432 Wet Prairie-Altered
- 433 Wet Prairie-Highly Disturbed

## LEGEND

- Property Boundary Limits
- Delimited Wetland Areas
- 411 FLUCCS Code Number
- \* The Florida Land Use and Cover Classification System
- Plugged Gopher Tortoise Burrow

Note: Wetland Jurisdictional Lines confirmed by the State of Florida and the Department of the Army July 1996

Brisbet Development, Inc.  
 River Place - Preliminary Gopher Tortoise Survey  
 City of Palm St. Lucie, Florida

Prepared by:	Chris C.B.F. Environmental Planning and Assessment, Environmental Planning, 1401 W. Palm Beach Blvd., Suite 200, Palm Beach, FL 33480
Project No.:	17-650
Scale:	As Shown
Date:	7/10/97
Drawn by:	Brisbet
Checked by:	N/A

Underline is for addition to/from 6<sup>th</sup> amended PUD  
~~Strike through~~ is for deletion to/from 6<sup>th</sup> amended PUD



FLORIDA GAME AND FRESH WATER FISH COMMISSION



JULIE K. MORRIS  
Sarasota

QUINTON L. HEDGEFELDS  
Miami

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THOMAS R. KUBLER  
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ALLAN L. ROBERT, Ph.D., Executive Director  
VICTOR J. BEILER, Assistant Executive Director

EVERGLADES REGION  
LT. COL. WOODROW J. BARDEN, Director  
358 Mark Military Trail  
West Palm Beach, FL 33411  
(407) 440-4129

February 7, 1997

Peter J. Krinsky, CEP  
1672 SW Sandtrap Crescent  
Palm City, FL 34990

Re: River Place on the St. Lucie County  
Section 16 & 17, T36S, R40E

I am in receipt of your proposal and map for gopher tortoise relocation and permitting on the 293 acre above mentioned River Place development. After our January 31, 1997 on-site inspection of the property, I concur with your proposal to relocate all the gopher tortoises from the proposed areas to be developed, into the scrub flatwood habitat to be preserved adjacent to the floodplain habitat of the North Fork of the St. Lucie River.

I understand that the area to be preserved on the site will include 141.33 acres of river floodplain and 29 acres of upland buffer including a portion of the oak scrub flatwood equal to 10 acres, just outside of the river swamp habitat. This area should be more than sufficient to support the relocated tortoises but needs to be control burned on a 3-5 year rotational basis. The scrub and adjacent flatwoods that remain after clearing are in extreme current need of a prescription burn. This will both benefit the relocated tortoises, reduce the chances of a hot catastrophic burn, and enhance the management and beauty of the scrub preserve.

I will make my recommendations to our Tallahassee staff for their final approval and issuance of the gopher tortoise relocation permit, upon a site clearing permit from St. Lucie County for this proposal development

Sincerely,

Timothy W. Regan  
Wildlife Biologist

1943 - 1993

50 YEARS AS STEWARD OF FLORIDA'S FISH AND WILDLIFE

TOTAL P.01

Exhibit 2



**Section VI**  
**Prior Approval Orders**

<u>PSL Project Number</u>	<u>Description</u>	<u>Ord. No.</u>	<u>Approval Date</u>	<u>Page</u>
<u>P96 - 197</u>	<u>Original Approval</u>	<u>Ord 97-69</u>	<u>09/22/97</u>	<u>227</u>
<u>P98 - 249</u>	<u>1st Amendment</u>	<u>Ord 99-18</u>	<u>04/12/99</u>	<u>239</u>
<u>P99 - 079</u>	<u>2nd Amendment</u>	<u>Admin Appval</u>	<u>05/12/99</u>	<u>249</u>
<u>P99 - 172</u>	<u>3rd Amendment</u>	<u>Ord. 00-05</u>	<u>01/24/00</u>	<u>251</u>
<u>P02 - 181</u>	<u>4th Amendment</u>	<u>Ord. 02-114</u>	<u>09/23/02</u>	<u>261</u>
<u>P03 - 190</u>	<u>5th Amendment</u>	<u>Ord. 03-106</u>	<u>08/11/03</u>	<u>265</u>
<u>P06 - 090</u>	<u>6th Amendment</u>	<u>Ord. 06-117</u>	<u>09/10/06</u>	<u>273</u>

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City Review -

COUNCIL ITEM 200  
DATE 7/22/97

ORDINANCE 97- 69

COUNCIL ITEM 10 A  
DATE 9/18/97

AN ORDINANCE REZONING PROPERTY LOCATED EAST OF ST. JAMES DRIVE, SOUTH OF THE FP&L RIGHT-OF-WAY, NORTH OF THE OCEAN BREEZE WATERWAY (C-108 CANAL), AND WEST OF THE NORTH FORK OF THE ST. LUCIE RIVER FROM GU (GENERAL USE ZONING DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT ZONING DISTRICT); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida on the application of the Brisben Companies, seeks to rezone property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North Fork of the St. Lucie River within the City of Port St. Lucie from the Zoning Classification GU (General Use Zoning District) to Zoning Classification PUD (Planned Unit Development Zoning District).

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the 5th day of May, 1997, to consider the rezoning application (P96-197), notice of said hearing to adjoining property owners for a radius of three hundred (300) feet having been given and advertising of the public hearing having been made; and

WHEREAS, the City Council held a public hearing on the 22nd day of September, 1997, to consider the rezoning application (P96-197), advertising of the public hearing having been made.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That the described property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North Fork of the St. Lucie River within the City of Port St. Lucie, Florida, be

ORDINANCE 97- 69

rezoned from the Zoning Classification GU (General Use) to the new Zoning Classification PUD (Planned Unit Development) subject to the following conditions:

1. The public park facilities and recreation improvements shall be in place prior to issuance of the first residential Certificate of Occupancy.
2. Drainage plans shall be designed in accordance with adopted level of service standards.
3. Irrigation plans shall be designed to connect to any water reuse (greywater) systems when they become available. Connection to such systems, when available, will be at the expense of the applicant or developer.
4. Clearing plans shall designate and retain 25% of the existing native vegetation.
5. Approval of the PUD zoning for the project does not grant approval for concurrency regarding transportation systems or other public facilities. Evidence of compliance with concurrency standards is required prior to issuance of final development orders such as site plans or plats.
6. Surveys for listed plant and animal species shall be submitted for review prior to issuance of clearing permits. Management plans for the preserve areas shall be submitted for review and approval prior to approval of any site plan or plat. The

ORDINANCE 97- 69

Management Plan must include a schedule for burns prior to development.

7. Wetland and upland preservation areas shall be roped off in the field and this roping approved by the Planning and Zoning Department prior to issuance of clearing permits.
8. A note will be required on the residential, commercial, and institutional plats referencing compliance with the architectural and design standards. Final development plan approvals will require verification from the developer or property owners association of compliance with PUD design standards.
9. The bridge crossing Canal C-107 shall be subject to approval by the City Engineer and City Attorney. The bridge shall be installed prior to issuance of the first residential Certificate of Occupancy, unless the City Engineer and City Attorney do not approve the bridge. Any modification of existing City waterways shall require authorization by the City Engineer.
10. The cumulative traffic trip generation of any final development order shall not exceed an equivalent amount of total trips as determined by the pre-plan amendment land use thresholds included in the land use amendment documents until such time as the backlogged portion of Midway Road is scheduled to be improved and that construction commence in or

ORDINANCE 97- 69

before the third year in the County's capital improvements program.

11. The applicant will design and install landscaping for the St. James Drive median planting areas in the section of St. James Drive which are proposed to be improved by St. Lucie County and which are adjacent to the PUD. The landscaping shall be completed within 90 days of the final acceptance of the roadway construction project by St. Lucie County. The design and installation are subject to approval and inspection by the City of Port St. Lucie.
12. The 25 ft. landscape buffer on the commercial site in the southwest corner of the proposed project shall be extended along the northeastern and eastern boundary to the C-107 Canal and PUD Development Standards I-12 e. and f. (page 8) shall be deleted from the PUD document.

Section 2. That this Ordinance shall become effective ten (10) after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Florida, this 22nd day of September, 1997.

CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY:   
Robert E. Minsky, Mayor

4

ORDINANCE 97- 69

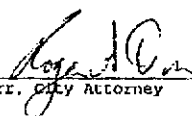
ATTEST:



Sandra R. Johnson, City Clerk



APPROVED AS TO FORM:



Roger G. Orr, City Attorney

**APPLICATION FOR REZONING**

River Place On The St. Lucie (P.U.D.)

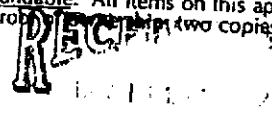
Exhibit "A"

**FOR OFFICE USE ONLY**

City of Port St. Lucie  
Planning & Zoning Department  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984  
371871-5212 FAX:(407)871-5124

Planning Dept. \_\_\_\_\_  
Date received \_\_\_\_\_  
Fee & receipt # \_\_\_\_\_

Application fee: \$255 plus \$5 for each acre over one acre or portion thereof up to a maximum of \$2000. Make checks payable to the 'City of Port St. Lucie.' Fee is nonrefundable. All items on this application should be addressed, otherwise it can not be processed. Attach proof of purchase with two copies of deed or contract for purchase. Please type or print clearly in BLACK ink.



**PROPERTY OWNER:**

Name: The Brisben Companies  
Address: 7800 East Kemper Road, Cincinnati, OH 45249  
Telephone No. (513) 489-1990 FAX No. (513) 489-2780

**AGENT OF OWNER (if any)**

Name: Lindahl, Browning, Ferrari & Hellstrom, Inc. c/o Michael Rissman, PE  
Address: 2222 Colonial Road, Suite 201, Ft. Pierce, FL 34950  
Telephone No. (561) 461-2450 FAX No. (561) 464-1225

**PROPERTY INFORMATION**

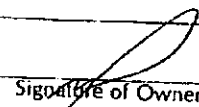
Legal Description: Please see attached legal description  
(include Plat Book and Page)  
Parcel I.D. No. 231-0001-000/3; 3420-715-0017-000/6; 132-0001-000/0

Current Zoning GU

Proposed Zoning PUD

Future Land Use Designation GC, RL, ROT, OSP Acreage of Property 293

Reason for rezoning request  
To allow the creation of a mixed residential and non-residential planned unit development

  
Signature of Owner

9-30-96  
Date

\*If signature is not that of the owner, a letter of authorization from the owner is needed.

REZAPPL

OTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

Application for Site Plan Review  
 Exhibit B  
 Only Complete Submissions will be Processed

City of Port St. Lucie Planning & Zoning Department  
 File No. \_\_\_\_\_  
 Fee (Nonrefundable) \$ 1,720.00

---

Project Name: River Place On The St. Lucie

Legal Description: Please see attached

Location of Project Site: St. James Boulevard, P.S.I., Florida

Property Tax I.D. Number: 231-0001-000/3; 3420-715-0017-000/6;  
132-0001-000/0  
See attachment

Statement describing in detail the character and intended use of the Development: \_\_\_\_\_

Gross Square footage of Structure(s): Non-residential uses - 257,500 Sq. Ft.

Number of Dwelling Units & Density: 200 D.U.'s @ 2.39 units per acre

Utilities and Supplier: City of Port St. Lucie Utility Systems Department

Gross Acreage and Square foot of site: 29302 ac. (12,765,951.20 s.f.)

Future Land Use Designation: GC, RL, ROL, OSP, OSR

Zoning District: GU - Existing

Owner of property: Brisben Family Ltd. Partnership by brisben Family, Inc.  
General Partner  
7800 East Kemper Road  
Cincinnati, Ohio 45249

Applicant or Agent of Owner: Lindahl, Browning, Ferrari & Hellstrom, Inc.  
Michael E. Rissman, Jr., Sr. Project Manager  
(561) 461-2450  
(address below)

Project Architect/Engineer (Firm, Engineer of Record, Florida Registration # Contact Person, Address Telephone): Lindahl, Browning, Ferrari & Hellstrom, Inc.  
2222 Colonial Road, Suite 201  
Fort Pierce, Florida 34950  
Michael E. Rissman, Jr., P.E. #40218  
561/461-2450

- I hereby authorize the above listed agent to represent me. I grant the planning department permission to access the property for inspection.  
 - I fully understand that prior to the issuance of a building permit and the commencement of any development all plans and detail plans must be reviewed and approved by the city pursuant to sections 158.237 through 158.244 inclusive of the zoning ordinance.

9/90  
 For Office Use Only Date: \_\_\_\_\_  
 Oowner's Signature \_\_\_\_\_ Date 9-25-96  
 Proposed by: \_\_\_\_\_  
 SFRS  
 FLAN ENG BLDG FIRE POLICE URBPOR HLTH DPW UTIL SLW OTHER \_\_\_\_\_  
 Site P/D LDSP Plat W/S TOPO BOUND CLEAR FLOOR TRAF OTHER \_\_\_\_\_

Underline is for addition to/from 6<sup>th</sup> amended PUD  
~~Strike-through~~ is for deletion to/from 6<sup>th</sup> amended PUD

Exhibit "C"

**Binding P.U.D. Agreement**

The property submitted for review and approval for conceptual Development Plan Approval, and known as River Place On The St. Lucie, is under unified control of the petitioner, Brisben Family Ltd. Partnership, by Brisben Family, Inc., General Partner. The petitioner agrees to proceed with the proposed development according to all provisions in the Port St. Lucie P.U.D. Zoning Regulations, and/or as indicated on the approved Planned Unit Development Plans, and shall provide all agreements, contracts, deed restrictions and sureties as are acceptable to the City of Port St. Lucie for the completion of the development in accordance with the plan approved by the City.

The petitioner shall be responsible for the continuing operation and maintenance of such areas, functions, and facilities until such time as a private property owners' association, yet to be established, agrees to accept responsibility. Such responsibilities are not to be provided or maintained at public expense, unless otherwise agreed to by the City of Port St. Lucie. The petitioner further agrees to bind all successors in title to the commitments herein in this paragraph made.

In WITNESS WHEREOF, we have hereunto set our hands and seals this  
5<sup>th</sup> day of March, 1997.

**Brisben Family Ltd. Partnership  
by Brisben Family, Inc.  
General Partner**

By: \_\_\_\_\_

W.O. Brisben, Partner  
Owner

Attest: Sue Ann Sunberg

SUE ANN SUNBERG  
Notary Public, State of Ohio  
My Commission Expires Dec. 7, 2001

PENINSULA STATE TITLE  
 12401 MUROCK CIRCLE  
 FT. CHARLOTTE, FL 33948  
 JONES Wilson, Clerk of the Circuit Court - St. Lucie County  
 File Number: 1471201 DE BOOK 1013 PAGE 1954  
 Recorded: 05-08-96 12:53 P.M.

This instrument prepared by:  
 Rene K. Kobert, Esquire  
 Atlantic Gulf Communities Corporation  
 2501 South Bayshore Drive  
 Miami, Florida 33133  
 (305) 659-4755

A Doc. Issuing: \$ 0.00  
 Doc. Tax: \$ 1655.00  
 Int. Tax: \$ 0.00

Exhibit "D"

Grantee's Tax Identification No.  
 Parcel Identification No. MULTIPLE

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED, made and entered this 2<sup>nd</sup> day of May 1996 by ATLANTIC GULF COMMUNITIES CORPORATION, a Delaware corporation, and having its principal place of business at 2501 South Bayshore Drive, Miami, Florida 33133-5461, hereinafter called the Grantor, to BRISBEN FAMILY LIMITED PARTNERSHIP, a Georgia limited partnership, whose address is 7800 East Kemper Road, Cincinnati, OH 45249, hereinafter called the Grantee:

*(All names used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)*

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in St. Lucie County, Florida, more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property");

This Deed is executed subject to the following:

- (a) ad valorem real estate taxes and special assessments for the year of closing and subsequent years;
- (b) all laws, ordinances, and governmental regulations, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations;
- (c) restrictions, reservations, easements, covenants, agreements, limitations and other matters appearing of record;

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, THE SAME IN FEE SIMPLE FOREVER.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by and through the Grantor, and that the Property is free of all encumbrances except as above set forth.

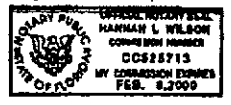
IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, and its corporate seal, to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered  
 CORPORATION,  
 in the presence of:  
Rene K. Kobert  
 Rene K. Kobert  
Hannah L. Wilson  
 Hannah Wilson

ATLANTIC GULF COMMUNITIES  
 a Delaware corporation  
 By: Marcia H. Langley  
 Marcia H. Langley, Vice President  
 (Corporate Seal)

STATE OF FLORIDA )  
 COUNTY OF DADE )ss.

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of May 1996, by Marcia H. Langley, Vice President of Atlantic Gulf Communities Corporation, a Delaware corporation, on behalf of the corporation. She is personally known to me.

My commission expires:  


Hannah L. Wilson  
 Hannah L. Wilson, Notary Public

Exhibit "E"

A parcel of land situated and lying in Sections 16 and 17, Township 36 South, Range 40 East, St. Lucie County, Florida and being more particularly described as follows:

In Section 16

The Southwest quarter of said Section 16;

LESS

The South 110 feet thereof, for canal right-of-way recorded in O.R. Book 411, Page 1193, Public Records of St. Lucie County, Florida.

LESS

The right-of-way for South 25th Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

LESS

Tract One for South 25th Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

LESS

The right-of-way for Canal No. C-107, recorded in O.R. Book 587, Page 462, Public Records of St. Lucie County, Florida.

TOGETHER WITH:

That portion of the Southeast quarter of said Section 16 lying West of the mean high water line of the north fork of the St. Lucie River and its tributaries.

TOGETHER WITH:

The South one-half of the Northwest quarter of said Section 16 lying West of the mean high water line of the north fork of the St. Lucie River and its tributaries.

LESS

The right of way for Canal No. C-107, recorded in O.R. Book 587, Page 462, Public Records of St. Lucie County, Florida.

IN SECTION 17

Tract R, PORT ST. LUCIE SECTION FORTY-THREE, a subdivision according to the plat thereof, recorded in Plat Book 16, Pages 15, 15A through 15L, Public Records of St. Lucie County, Florida.

TOGETHER WITH:

OR BOOK 1013 PAGE 1985

PLAT BOOK 1013 PAGE 1956

a 58 foot parcel, bounded on the South by Tract R, on the East by the East boundary of Section 17, on the North by the South boundary of Canal No. C-107 and on the West by the East right of way for South 25th Street.

LESS

The right of way for South 25th Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

TOGETHER WITH:

Tract S, PORT ST. LUCIE SECTION FORTY-THREE, a subdivision according to the plat thereof, recorded in Plat Book 16, Pages 15, 15A through 15L, Public Records of St. Lucie County, Florida.

LESS

The right of way for South 25th Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

LESS

Tract Two for South 25th Street, described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

LESS

Portion West of South 25 Street described in O.R. Book 795, Page 1648, Public Records of St. Lucie County, Florida.

LESS

The right of way for Canal No. C-107, recorded in O.R. Book 587, Page 462, Public Records of St. Lucie County, Florida.

TOGETHER WITH:

In Section 47

Tracts F, G, J and K, Port St. Lucie Section 47, a subdivision according to the plat thereof, as recorded in Plat Book 16, Pages 40A through 40L of the Public Records of St. Lucie County, Florida.

LESS AND EXCEPT

That part of the Southwest corner of Tract J lying west of the Survey Boundary Line curve for East Torino Parkway.

Underline is for addition to/from 6<sup>th</sup> amended PUD  
~~Strike through~~ is for deletion to/from 6<sup>th</sup> amended PUD

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1<sup>st</sup> Am-d-A

COUNCIL ITEM 8D  
DATE 4/12/99

COUNCIL ITEM 10D  
DATE 3/22/99

ORDINANCE 99-18

AN ORDINANCE AMENDING THE EXISTING PUD ZONING FOR PROPERTY LOCATED EAST OF ST. JAMES DRIVE, SOUTH OF THE FP&L RIGHT-OF-WAY, NORTH OF THE OCEAN BREEZE WATERWAY (C-108 CANAL), AND WEST OF THE NORTH FORK OF THE ST. LUCIE RIVER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida on the application of Carol Ann Cardella agent for River Place, Inc. and the Brisben Family Ltd. Partnership by Brisben Family, Inc. General Partner, seeks to amend the existing PUD Zoning for property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North Fork of the St. Lucie River within the City of Port St. Lucie.

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the 1st day of February, 1999, to consider the amendment application (P98-249), advertising of the public hearing having been made; and

WHEREAS, the City Council held a public hearing on the 12th day of April, 1999, to consider the amendment application (P98-249), advertising of the public hearing having been made.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That the PUD zoning of the described property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North Fork of the St. Lucie River within the City of Port St.

ORDINANCE 99-18

Lucie, Florida, be amended subject to the following conditions as included in the original PUD:

1. The public park facilities and recreation improvements shall be in place prior to issuance of the first residential Certificate of Occupancy.
2. Drainage plans shall be designed in accordance with adopted level of service standards.
3. Irrigation plans shall be designed to connect to any water reuse (greywater) systems when they become available. Connection to such systems, when available, will be at the expense of the applicant or developer.
4. Clearing plans shall designate and retain 25% of the existing native vegetation.
5. Approval of the PUD zoning for the project does not grant approval for concurrency regarding transportation systems or other public facilities. Evidence of compliance with concurrency standards is required prior to issuance of final development orders such as site plans or plats.
6. Surveys for listed plant and animal species shall be submitted for review prior to issuance of clearing permits. Management plans for the preserve areas shall be submitted for review and approval prior to approval of

ORDINANCE 99- 18

any site plan or plat. The Management Plan must include a schedule for burns prior to development.

7. Wetland and upland preservation areas shall be roped off in the field and this roping approved by the Planning and Zoning Department prior to issuance of clearing permits.
8. A note will be required on the residential, commercial, and institutional plats referencing compliance with the architectural and design standards. Final development plan approvals will require verification from the developer or property owners association of compliance with PUD design standards.
9. The bridge crossing Canal C-107 shall be subject to approval by the City Engineer and City Attorney. The bridge shall be installed prior to issuance of the first residential Certificate of Occupancy, unless the City Engineer and City Attorney do not approve the bridge. Any modification of existing City waterways shall require authorization by the City Engineer.

Section 2. That this Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this Twelfth day of April, 1999.

ORDINANCE 99-18



CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY: James F. Fielding  
James F. Fielding, Mayor

ATTEST:

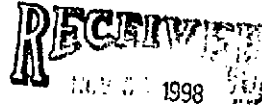
Sandra K. Johnson, City Clerk

APPROVED AS TO FORM:

Roger G. Orr  
Roger G. Orr, City Attorney

898-249

River Place, Inc  
7800 E. Kemper Road  
Cincinnati, Ohio 45249  
(513) 489-1990  
Fax: (513) 489-2780



Planning Department  
City of Port St. Lucie, FL

November 30, 1998

Ms. Cheryl Friend  
Assistant Director of Planning  
City of Port St. Lucie  
City Hall Plaza  
121 S.W. Port St. Lucie Blvd.  
Port St. Lucie, Florida 34984

Ref: River Place PUD  
Amendment Submission

Dear Ms. Friend:

Enclosed please find the River Place on the St. Lucie PUD Amendment Submission. We have taken the original approved PUD and underlined all changes where they exist; anything eliminated has a strike through.

1. PSL Zoning Code Section 158.177 (A) (1-7): we are not seeking any changes resulting in (1) through (7). We are not seeking increased number of units or decreased green space.
2. The front cover shows the owner as The Brisben Family Limited Partnership and the Developer as River Place, Inc., which is the current relationship. River Place, Inc. is a Florida Corporation authorized to do business in the State of Florida. (#P97000068699).  
Be advised that The Brisben Family Limited Partnership is under contract to sell the land within the River Place PUD to River Place Inc.. Upon closing of title and conveyance of deed, we shall provide documentation to the City of the ownership transfer.  
The Agent will continue to be Carol Ann Cardella, Vice President of River Place, Inc.
3. The Development Team is modified to provide for a new address and telephone number for the engineering consultants, LBFH, who moved their place of business recently. The contact to replace Michael Rissman is: Marty Sanders, PE  
  
Houston\_Cuozzo Group, Inc. (contact: Michael Houston) replaced Thomas Lucido and Associates.
4. Contents: page numbers reflect revisions in the body of the document.

Page 2, November 30, 1998  
Letter to City of Port St. Lucie Planning Department

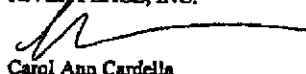
5. River Place, Inc. replaced the name of Brisben Companies in the body copy of the document.
6. Utilities: Natural gas is not readily available at the site at this time but may be available at the time of development. We do not want to commit to it until we know it is available.
7. Signage & Lighting: we added a fourth option and the likely one that will be used for ID signs and monuments due to weather conditions.
8. Pedestrian Systems: builders of the single family pods expressed concern about using asphalt for the bike path inside the pods. The builder will be responsible for putting in sidewalks and bike path where indicated on the plans and do not want to necessarily change the material or contractor for the sidewalk and bike path. The material will be the same throughout a pod, however; either concrete or asphalt for the bike path.
9. Amenities: (pg 10) two changes were made in accordance with the City Council approval of the PUD
10. Sideyards & Setbacks Table: "Town Home & Villa" indicated Villa product fitting into this category as well as town homes. Villas are typically known as one story attached dwellings and town homes are typically known as two story attached dwellings. The setbacks were corrected to coincide with the exhibits which more clearly define the multi family setbacks.
11. Uses, Restrictions, etc. (pg. 18): "h 2)" modified per City Council in the PUD.
- 12.: Architectural themes: the various product types eliminated any use of vinyl due to weather considerations and application issues; and dimensional shake asphalt shingles with stucco masonry was added to the choices in several product types.
13. Attached Town Homes or Attached Villas: "d)" and "e)" were modified to eliminate the storage room by requirement.
14. The "Landscaping Materials List" was expanded and better defined than the previous list of plant materials.
15. Exhibit "C" is updated and includes guarantees from the Developer as well as the owner.
16. Exhibit "M" reflects better defined and modified setbacks; also indicates a larger building footprint.
17. Exhibit "N" reflects a modified front setbacks from 25' to 20'.
18. Exhibit "G" is updated to reflect current engineering information and timetables.
19. Exhibit "I" is updated to reflect current engineering information per LBFH submittals of previous pods for Parks plans and pod plans;
  - a) Upland Preserves revised (not decreased);
  - b) Parcels D, J, L, M Recreation Areas revised per Parks Site Plan Approvals
  - c) Trail system revised per previous Site Plan submittals
  - d) Parcel B & K updated per Site Plan Review
  - e) Schematic Town Home layout revised to reflect Site Plan Submission in

Page 3, November 30, 1998  
Letter to City of Port St. Lucie Planning Department

progress  
f) Development Program and Site Data revised to reflect the currently approved numbers

Please contact me if you have any questions or need further information.

Sincerely,  
RIVER PLACE, INC.

  
Carol Ann Cardella  
Vice President

**REZONING APPLICATION**

REVISED PUD

CITY OF PORT ST. LUCIE  
Planning & Zoning Department  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984  
(561)871-5212 FAX:(561)871-5124

**FOR OFFICE USE ONLY**

Planning Dept. P98-249  
Date received 11-30-98  
Fee & receipt # 242,893

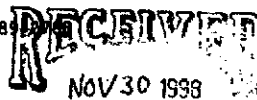
Application fee: \$430 plus \$5 for each acre over one acre or portion thereof. Make checks payable to the 'City of Port St. Lucie.' Fee is non-refundable. All items on this application should be addressed, otherwise it can not be processed. Attach proof of ownership: two copies of deed or contract for purchase. Please type or print clearly in BLACK Ink.

**PROPERTY OWNER:**

Name: Brisben Family Ltd Partnership by Brisben Family, Inc., General Partner  
Address: 7800 B. Kemper Road, Cincinnati, Ohio 45249  
Telephone No. (513) 489-1990 / #137 FAX No. (513) 489-2780

**AGENT OF OWNER (if any)**

Name: River Place, Inc. / Carol Ann Cardella, Vice President  
Address: 7800 East Kemper Road, Cincinnati, Ohio 45249  
Telephone No. (513) 489-1990 / #137 FAX No. (513) 489-2780



**PROPERTY INFORMATION**

Legal Description: Please see attached legal description  
(include Plat Book and Page) Planning Department  
Parcel I.D. Number: 231-0001-000/3; 3420-713-0017-000/6; 132-0001-000/1 City of Port St. Lucie, FL  
Current Zoning PUD  
Proposed Zoning PUD  
Future Land Use Designation CC, RL, ROI, OSP Acreage of Property 293  
Reason for rezoning request Amendment to the PUD to allow for better defined mixed residential and non-residential planned unit development

\_\_\_\_\_  
Signature of Owner 11-30-98  
Date

\*If signature is not that of the owner, a letter of authorization from the owner is needed.  
NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

TOTAL P.83

Underline is for addition to/from 6<sup>th</sup> amended PUD  
~~Strike through~~ is for deletion to/from 6<sup>th</sup> amended PUD

Exhibit "C"

Binding P.U.D. Agreement

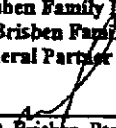
The property submitted for review and approval for an Amended Conceptual Development Plan Approval, and known as River Place on the St. Lucie, is under unified control of the petitioners, Brisben Family Ltd. Partnership, by Brisben Family, Inc., a General Partner, Owner, and by River Place, Inc., the Developer of the P.U.D.

The petitioners agree to proceed with the proposed development according to all provisions in the Port St. Lucie P.U.D. Zoning Regulations, and/or as indicated on the approved Planned Unit Development Plans, and shall provide all agreements, contracts, deed restrictions and sureties as are acceptable to the City of Port St. Lucie for the completion of the development in accordance with the plan approved by the City.

The petitioners shall be responsible for the continuing operation and maintenance of such areas, functions, and facilities until such time as the private property owners' association, River Place on the St. Lucie Owners' Association, agrees to accept responsibility. Such responsibilities are not to be provided or maintained at public expense, unless otherwise agreed to by the City of Port St. Lucie. The petitioner further agrees to bind all successors in title to the commitments herein in this paragraph made.

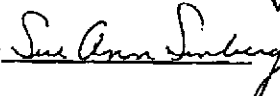
In WITNESS WHEREOF, we have hereunto set our hands and seals this 30<sup>th</sup> day of November, 1998.

Brisben Family Ltd. Partnership  
by Brisben Family, Inc.  
General Partner

By:   
W.O. Brisben, Partner  
Owner

River Place, Inc.  
Developer

By:   
Carol Ann Cardella  
Vice President

Attest: 

SUE ANN SUMBERG  
Notary Public, State of Ohio  
My Commission Expires Dec. 7, 2001

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Reserved for Admin Approval Notice

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3rd Amended

COUNCIL ITEM 8E  
DATE 1/24/00

COUNCIL ITEM 10E  
DATE 01/10/00

ORDINANCE 00-5

AN ORDINANCE AMENDING THE EXISTING PUD ZONING FOR PROPERTY LOCATED EAST OF ST. JAMES DRIVE, SOUTH OF THE FP&L RIGHT-OF-WAY, NORTH OF THE OCEAN BREEZE WATERWAY (C-108 CANAL), AND WEST OF THE NORTH FORK OF THE ST. LUCIE RIVER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida on the application of Carol Ann Cardella agent for River Place, Inc. and the Brisben Family Ltd. Partnership by Brisben Family, Inc. General Partner, seeks to amend the existing PUD Zoning for property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North Fork of the St. Lucie River within the City of Port St. Lucie.

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the 6th day of December 1999, to consider the amendment application (P99-172), advertising of the public hearing having been made; and

WHEREAS, the City Council held a public hearing on the 24th day of January, 2000, to consider the amendment application (P99-172), advertising of the public hearing having been made.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That the PUD zoning of the described property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North Fork of the St. Lucie River within the City of Port St.

**ORDINANCE 00-5**

Lucie, Florida, be amended subject to the following conditions as included in the original PUD:

1. The public park facilities and recreation improvements shall be in place prior to issuance of the first residential Certificate of Occupancy.
2. Drainage plans shall be designed in accordance with adopted level of service standards.
3. Irrigation plans shall be designed to connect to any water reuse (greywater) systems when they become available. Connection to such systems, when available, will be at the expense of the applicant or developer.
4. Clearing plans shall designate and retain 25% of the existing native vegetation.
5. Approval of the PUD zoning for the project does not grant approval for concurrency regarding transportation systems or other public facilities. Evidence of compliance with concurrency standards is required prior to issuance of final development orders such as site plans or plats.
6. Surveys for listed plant and animal species shall be submitted for review prior to issuance of clearing permits. Management plans for the preserve areas shall be submitted for review and approval prior to approval of

ORDINANCE 00-5

any site plan or plat. The Management Plan must include a schedule for burns prior to development.

7. Wetland and upland preservation areas shall be roped off in the field and this roping approved by the Planning and Zoning Department prior to issuance of clearing permits.
8. A note will be required on the residential, commercial, and institutional plats referencing compliance with the architectural and design standards. Final development plan approvals will require verification from the developer or property owners association of compliance with PUD design standards.
9. The bridge crossing Canal C-107 shall be subject to approval by the City Engineer and City Attorney. The bridge shall be installed prior to issuance of the first residential Certificate of Occupancy, unless the City Engineer and City Attorney do not approve the bridge. Any modification of existing City waterways shall require authorization by the City Engineer

and subject to the following additional conditions:

10. The reviewed changes are solely those included in the attached list entitled "Exhibit A".
11. The reference to paragraph k page 10 be changed to paragraph j page 10.

ORDINANCE 00-5

12. The site plan for Parcel L include a sewer line and a water line and stub outs to provide for future construction of a bathroom if the developer or the homeowners association decide to add the bathroom. The site plan for Parcel M not be provided with water or sewer lines or bathroom facilities.

Section 2. That this Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 24th day of January, 2000.



CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY: James F. Fielding  
James F. Fielding, Mayor

ATTEST:

Sandra K. Johnson  
Sandra K. Johnson, City Clerk

APPROVED AS TO FORM: Roger G. Orr  
Roger G. Orr, City Attorney

River Place, Inc.  
7800 E. Kemper road  
Cincinnati, Ohio 45249  
(513) 489-1990 / #137  
Fax: (513) 489-2780

Exhibit "A"

RECEIVED  
NOV 17 1999

November 16, 1999

Ms. Cheryl Friend  
Assistant Director of Planning  
City of Port St. Lucie  
121 S.W. Port St. Lucie Blvd.  
Port St. Lucie, Florida 34984

Planning Department  
City of Port St. Lucie, FL

Ref: River Place PUD Amendment  
Submission of September 30, 1999

Dear Ms. Friend:

Pursuant to your request, the following are changes, additions and deletions listed in the order they occur:

Front Cover: added River Place, Inc. as a property owner  
page 3, L-7, a) 1): changed "2" polyurethane sign board, painted" to "a durable, synthetic sign material in keeping with local sign industry standards. Signs to comply with Port St. Lucie sign code".  
page 4, j): added "and except for temporary or permanent signs approved in the sign program, approved by the Developer or by the POA"  
page 5, 1.-9., c): changed "stacked flats" to "units"  
page 6, g): changed "in" to "adjacent to"  
page 8, a): removed "At present, there is a partial canal extension of #107, created by previous landowners, bisecting the site in a manner which is not aesthetically pleasing." Added "Canal 107 bisects the PUD." Removed: "the topsides of", "berm:", "with landscaping and ", "provide".  
page 8, c): Removed "also anticipate concluding". Added "abutting the PUD".  
page 8, e): Added "County", removed "would be relocated east of the commercial shopping plaza, depicted on the site plan, and reshaped to create a buffer between the back of the retail commercial center and the adjacent residential pod.". Added "will be converted to a pond".

Page 2, November 16, 1999 FUD Amendment detail

- page 8, f): Removed "Our engineers and attorney are working out these detention basin issues in writing with the county engineers and county attorney for mutual satisfaction. We will have these detention basin issues resolved prior to requesting a vote from City Council on a land use adoption amendment; or the south detention basin, which is dotted in on the site plan, 'Exhibit I', will be placed into a separate land use amendment request."
- page 8, g): Removed outline "g)" and replaced with "f)"
- page 9, II-2: Replaced "stacked flats" with "units".
- page 9, II-3, b): Replaced "boardwalk" with "park"
- page 9, II-3, c): Removed "along"
- page 9, II-3, d): Removed "along"
- page 10, j): Removed "with"
- page 10, II-4, b): Removed "complete with open park area, picnic area & a cookout grill,"
- page 12, a): Changed "20" to "21"
- page 12, b): Removed "have", "at the retail pod's northwest corner". Added "the landscaped County retention pond". Replaced "introducing" with "and a"
- page 12, f): Removed "and the second floor sight line of a two story home to be built on lot #51", "residential".
- page 13, b): Replaced "will" with "may". Removed "most being". Added "or detached". Removed "in much the same way as residential town homes are attached". Removed "The concept is to have each office space self contained at approximately 1200 to 1700 sq.ft. each.". Removed "this". Added "above".
- page 13, c): Added "units". Removed "stacked flats. Added "one".
- page 14, 4): Replaced "each building consisting of approx. 8 to 12" with "4 to 24 units per building". Removed "in 'E' pod, the units are likely to be primarily two bedroom, two bath homes, typically in the vicinity of 900 to 1200 sq.ft. each. However, the". Removed "800", replaced with "575".
- page 15, III-7: Removed " or landscape areas"
- page 16: Added "or Villa", "the bldg., 5" to the patio/screen encl.", added "184"
- page 17: Added "Lazy River Parkway"
- page 18, d): Changed "18" to "24".
- page 23: Removed "b) Each single family detached residence is required to have an exterior storage room integrated with the rear building elevation. The storage room must have an interior minimum depth of 4' and be totally enclosed.". Changed "c)" to "b)". Changed "d)" to "c)".

Page 3, November 16, 1999, PUD Amendment Detail

page 24, f): Changed "flat, broom swept, cement tile (straight, no "s" tile)" to "cement tile, straight or "S" tile".

page 24, g): Added "6/12 pitch preferred"

page 27, i): Changed "flat, broom swept, cement tile (straight, no "s" tile)" to "cement tile, straight or "S" tile".

page 27, j): Added "6/12 pitch preferred". Removed "b) quality vinyl, wood grained, careful application to mitigate contraction issues"

page 28, V.-3: Removed "Garden Style, Stacked Flat"

page 28, b): Changed "12" to "24". Changed "8" to "16". Changed "CBS/concrete construction is required." to "Construction can be wood frame or concrete, per building code"

page 28, c): Changed "or 115'" to "210'". Changed "60'" to "70'". Changed "7,000" to "13,860". Removed "It is anticipated, however, that the typical footprint is likely to be in the 6,000 sq. ft. range."

page 28, d): Added "In the event there is not a garage for each unit's storage". Changed "have an interior minimum depth of 6' and 8' minimum length" to "be minimum 3'x5' if integrated with each unit's covered terrace; or the storage room must be 4'x6' minimum if located in a central location"

page 29: Added "dimensional asphalt fiberglass shingles (minimum 25yr. warranty)"

page 30: Changed "flat, broom swept, cement tile (straight, no "s" tile)" to "cement tile, straight or "S" tile".

page 30, 2): Changed "8'" to "6'".

page 31, b): Removed "CBS'". Added "or wood frame". Changed "is required" to "per building code". Replaced "or" with "or". Replaced "115'" with "210'". Replaced "60'" with "70'". Replaced "7000" with "13,860".

page 31, c): Replaced "twelve (12)" with "24". Replaced "eight (8)" with "16".

page 31, f): Added "conventional". Replaced "6'" with "3'". Replaced "8'" with "5'".

page 31, h): Added "dimensional asphalt fiberglass shingles"

page 32: Added "(minimum 25 yr. warranty)"

page 32, f): Changed "flat, broom swept, cement tile (straight, no "s" tile)" to "cement tile, straight or "S" tile".

page 33, 2): Changed "8'" to "6'". Removed "wood".

page 33, b): Replaced "6000" with "8000". Replaced "10,000" with "24,000".

page 33, c): Removed "Each office space is required to have an exterior storage room integrated with the rear building elevation. The

Page 4, November 16, 1999, PUD Amendment Detail

- storage room must be totally enclosed with a minimum interior depth of 6' and 8' minimum length."
- page 33, d): Changed to outline "c)". Added "Developer recommends". Deleted "unit must". Added "or building".
- page 33, e): Changed to outline "d)". Added "Developer recommends".. Deleted "must".
- page 33, f): Changed to outline "e)". Added "Developer encourages". Changed ""must" to "to".
- page 34, g): Changed outline to "f)".
- page 34, h): Changed outline to "g)". Changed "flat, broom swept, cement tile (straight, no "s" tile)" to "cement tile, straight or "S" tile".
- page 35, d): Changed "CBS/concrete" to "Concrete or wood frame construction, per building code". Removed "construction is required".
- page 36,: Removed "flat, broom swept,". Removed "no". Added "or".
- page 37, f), 1): Replace "which" with "may".
- Exhibit "A": Added River Place, Inc. as a property owner
- Exhibit "G": Site Area (by land use): Residential changed from "124" to "123"  
Commercial changed from "20" to "21"; these changes to match plat ingress and egress requirements for commercial pod
- Exhibit "T": a) The shape of the lake in E parcel corrected per SFWMD permit.  
b) F pod approved site plan added.  
c) The Hammock Creek Trail approved street replaced schematic line  
d) Recreation facilities (notes):  
D public park: "Boardwalk" replaced with "fishing pier";  
J parcel: removed "Youth";  
L parcel: removed "restrooms", changed "3 car wash stations" to "car wash"; removed "pet run";  
M parcel: removed "15 car parking", "restroom facility/fish cleaning facility", "boardwalk & shelter observation pavilion", "water trails", "picnic areawith bar-b-que", added "canoe rack"  
e) Site Area & Coverage (notes): "stacked flats" replaced with "units"; "one" added to # of stories; "9 to 24" replaced with "4 to 24"; "and patio homes" deleted; "1000 sq.ft." net changed to "575 sq.ft. minimum" to match PUD document text.  
f) Removed the detailed site plans for Parcels D, L & M  
g) Changed the acreage of the Commercial General in the site data from "20" to "21" to accommodate commercial ingress & egress  
h) Changed the acreage of the residential in the site data from "124" to "123" to accommodate the commercial ingress & egress on plat;

Page 5, November 16, 1999, PUD Amendment Detail

Thank you for your assistance.

Sincerely,  
RIVER PLACE, INC.



Carol Ann Cardella  
Vice-President  
PUD Division Manager

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4th Amendment

COUNCIL ITEM 8F  
DATE 10/14/02

COUNCIL ITEM 10F  
DATE 9/23/02

Staley

ORDINANCE 02-114

AN ORDINANCE AMENDING THE EXISTING PUD ZONING FOR PROPERTY LOCATED EAST OF ST. JAMES DRIVE, SOUTH OF THE FP&L RIGHT-OF-WAY, NORTH OF THE OCEAN BREEZE WATERWAY (C-108 CANAL), AND WEST OF THE NORTH FORK OF THE ST. LUCIE RIVER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida on the application of Carol Ann Cardella agent for River Place, Inc. and the Brisben Family Ltd. Partnership by Brisben Family, Inc. General Partner, seeks to amend the existing PUD Zoning for property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North Fork of the St. Lucie River within the City of Port St. Lucie.

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the 3rd day of September 2002, to consider the amendment application (P02-181), advertising of the public hearing having been made; and

WHEREAS, the City Council held a public hearing on the 14th day of October, 2002, to consider the amendment application (P02-181), advertising of the public hearing having been made.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That the PUD zoning of the described property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North

ORDINANCE 02-114

Fork of the St. Lucie River within the City of Port St. Lucie, Florida, be amended subject to the following conditions:

1. No deviation from any approved plans shall be allowed without the prior written approval of the Planning Department.

2. The reviewed changes are solely those included in the attached list entitled "Exhibit B".

Section 2. That this Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 14th day of October, 2002.



CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY:   
Robert E. Minsky, Mayor

ATTEST:



Sandra K. Johnson, City Clerk

APPROVED AS TO FORM:

  
Roger G. Orr, City Attorney

ORDINANCE 02-114

"Exhibit B"

Detail on River Place PUD Amendment Revisions

1. Updated Development Team contact list;
2. Updated Binding PUD Agreement to allow for CDD references
3. Exhibit G chart: Residential RL decreased by 1 acre of roadway to increase Commercial 1 acre allowing for rear roadway ingress/egress to commercial parcel; time table updated
4. I.2: Introduced and explained the CDD vs. POA relationships
5. I.3: Introduced legal name of POA entity and clarified POA vs. CDD controls
6. I.4: Clarified role of developer related to delivering developed lots or selling parcels to builders;
7. I.7: Natural gas not available due to lack of main transmission line.
8. I.8: Improper choice of words previously  
I.8 j) Traffic directionals and the like
9. I.9. a), b): Because the CDD has ownership, the term "private" cannot apply due to public funding; "privately maintained" is appropriate
10. I.10., a) concrete paver is preferred material by homebuyers
11. I.11.c): Modified to accommodate the CDD
12. I.-13,a), b), c), d): Interlocal Agreements redrafted for CDD
13. II.-1: Explained the use of the amenities since the CDD has been introduced and the concept of "private" is not appropriate for a CDD
14. II.-3, b),c), d), e), l): All is built. Adjustments were made to accommodate PSL Parks & Rec. Dept.; fishing kiosks were a health & safety issue, therefore omitted. Descriptions of the equipment are unnecessary as suppliers & specs were changed at the request of the Parks & Rec Dept.
15. II.-4: Modified to accommodate what was actually built; described the relationships arising from CDD
16. III.-1: It doesn't matter what the developer wishes. Publix's commitment at competitor changed the complexion and potential of River Place Plaza
17. III.-5,d), 4): Opening up possibilities for unsold parcels. Relating "E" and "G" parcels in the event a builder wants similar treatment
18. III.-8: The chart opens the possibilities for different forms of ownership and considers that the PUD Developer may need to develop multi-family parcels and self developed lot pads 1 building at a time. Furthermore, the plat may also allow individual lot lines in multi-family parcels of "E" and "G" to reflect individual lot lines in the same respect as provided for in the townhome/villa parcels. If we choose to build lesser density than zoning allows, the flexibility is now provided. These modifications also allow for construction financing on 1 building at a time in place of requiring 1 major loan on an entire parcel at one time. The "Sideyard and Setbacks" chart and "N1-4" Exhibits interface for Multi-Family product. This means similar product for "A" and "C" parcels may also be built on "G" and "E" parcels where lot lines may apply to individual units or individual buildings, thus dictating if a fee simple or condominium form of ownership is required.
19. III.-10: Clarification of CDD role in roadway ownership. Additional Sections, "E" & "F" allow for previously named "common driveways" to also be called "roadways", such as in Parcels A & C, with the understanding that "roadways" must be built to specs approved by PSL Engineering Dept. and St. Lucie County Fire Dept.
20. IV.2. b): POA defined reference. Typo correction: "during".

ORDINANCE 02-114

21. IV.2. d), 3): Pet damage additional statement
22. IV.2. e) & g): Additional design flexibility provided for potential product in undeveloped parcels.
23. Page 24: All changes are grammar related.
24. Exhibit "M": provides for individual unit lots to accommodate plat.
25. Exhibits: "N1", "N2", "N3", "N4" provide flexibility to developer, builder & construction lenders by allowing lot lines to plat individual buildings or builder may take down entire parcel at one time and finance all construction in one loan. The range in building dimensions and lot dimensions allows flexibility in product design in the event a builder elects to design product that results in lesser density than the original stacked flat concept. The multi-family parcels of "E" and "G" now provide opportunity for townhomes, villas, duplex, fourplex or similar product, in addition to the original higher density buildings previously depicted.
26. V.-1 thru V-7: Allows the Developer flexibility in controlling and defining the theme and curb appeal as the building program progresses, without requiring a PUD Amendment every time a new building material or color scheme is requested. The Initial PUD Document required definition to safeguarding the image and intentions of the Developer. The community standards are established now and the concept has remained the same even though some flexibility in materials and color scheme detail has been introduced. In all cases, the City Building Codes prevail.
27. V.-2. a): Reinforces that we intend to be flexible and allow a builder to choose this product for the multi-family parcels.
28. V.-3. b): Explains the potential need for flexibility in providing lot lines.
29. V.-7. d): Modified to meet the objections of commercial developers and commercial leasing companies who have considered the property to date.
30. V.-7.e): Included retail businesses that are needed and to expand possibilities.
31. V.-7.f): Removed categories that were too broad or too encompassing based upon the language used in description.
32. V.-7.g): Many major retailers have reduced their glass criteria for building elevations because of insurance issues.
33. V.-9: All copy removed to simplify legibility in changes. Standards are not reduced. We added PSL Utility Dept. requirements. Added some plant materials from the city's approved list. Defined the "shade tree" requirement at the front property line so that it serves as a "street tree". Placed the minimum spreads in this Document so that it does not appear only in the approved landscape plan schematics that are not in this document due to the fact that the nature of all product within pods is not determined.

5<sup>th</sup> Amendment

COUNCIL ITEM 5B  
DATE 8/11/03

ORDINANCE 03-106

COUNCIL ITEM 10A  
DATE 7/28/03

AN ORDINANCE AMENDING THE EXISTING PUD ZONING FOR PROPERTY LOCATED EAST OF ST. JAMES DRIVE, SOUTH OF THE FP&L RIGHT-OF-WAY, NORTH OF THE OCEAN BREEZE WATERWAY (C-108 CANAL), AND WEST OF THE NORTH FORK OF THE ST. LUCIE RIVER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida on the application of Carol Ann Cardella agent for River Place, Inc. and the Brisben Family Ltd. Partnership by Brisben Family, Inc. General Partner, seeks to amend the existing PUD Zoning for property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North Fork of the St. Lucie River within the City of Port St. Lucie.

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the 7<sup>th</sup> day of July 2003, to consider the amendment application (P03-190), advertising of the public hearing having been made; and

WHEREAS, the City Council held a public hearing on the 11<sup>th</sup> day of August 2003, to consider the amendment application (P02-190), advertising of the public hearing having been made.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That the PUD zoning of the described property located east of St. James Drive, south of the FP&L right-of-way, north of the Ocean Breeze Waterway (C-108 Canal,) and west of the North

ORDINANCE 03-106

Fork of the St. Lucie River within the City of Port St. Lucie, Florida, be amended subject to the following conditions:

1. No deviation from any approved plans shall be allowed without the prior written approval of the Planning Department.

2. The reviewed changes are solely those included in the attached list entitled "Exhibit B" of the PUD Document.

Section 2. That this Ordinance shall become effective ten (10) days after its final adoption.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this 11th day of August, 2003.



CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY: Robert E. Minsky  
Robert E. Minsky, Mayor

ATTEST:

Karen A. Phillips  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

Roger G. Orr  
Roger G. Orr, City Attorney

**PUD AMENDMENT  
REZONING APPLICATION**

CITY OF PORT ST. LUCIE  
Planning & Zoning Department  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984  
(772) 871-5212 FAX:(772) 871-5124

**FOR OFFICE USE ONLY**

Planning Dept. \_\_\_\_\_  
Fee (Nonrefundable)\$ \_\_\_\_\_  
Receipt # \_\_\_\_\_

Application fee: \$955, plus \$10 for each acre or portion thereof. Make checks payable to the 'City of Port St. Lucie'. Fee is nonrefundable. All items on this application should be addressed, otherwise it can not be processed. Attach proof of ownership: two copies of recorded deed. If the application includes more than one (1) lot, our Legal Department will contact you regarding execution of the required Unity of Title. Please type or print clearly in BLACK ink.

**PROPERTY OWNER:** Developer      OWNER: "H", "I", "N"  
Name: River Place, Inc      Brisben Family Limited Partnership  
Address: 7800 E. Kemper Rd Cincinnati, Ohio 45249  
Telephone No.: (513) 697-8240      FAX No.: (513) 697-8249

**AGENT OF OWNER** (if any)  
Name: CAROL ANN CARDELLA  
Address: 9494 Lake View Dr. Loveland, Ohio 45140  
Telephone No.: (513) 697-8240      FAX No.: (513) 697-8249

**PROPERTY INFORMATION** ED 3416-231-0001-000/s / ED # 3416-231-0001-000/s -BX#65,192288  
Legal Description: File # 1748424/1248 pg. 0787-0797 / ED # 3416-231-0001-000/s  
(Include Plat Book and Page)

Parcel I.D. Number: \_\_\_\_\_  
Current Zoning: PUD  
Proposed Zoning: PUD  
Future Land Use Designation: R1, R0F, CG, OSP, OSB      Acreage of Property: 2.93 / 2.3 DU/AC  
Reason for Rezoning Request: Amendment to the PUD

[Signature]      5.14.03      P.A. CARDELLA      Vice-President  
Date      Printed Name

\*If signature is not that of the owner, a letter of authorization from the owner is needed.

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.  
H:\PZ\SHARE\APPL\CTM\REZ\APPL\041202

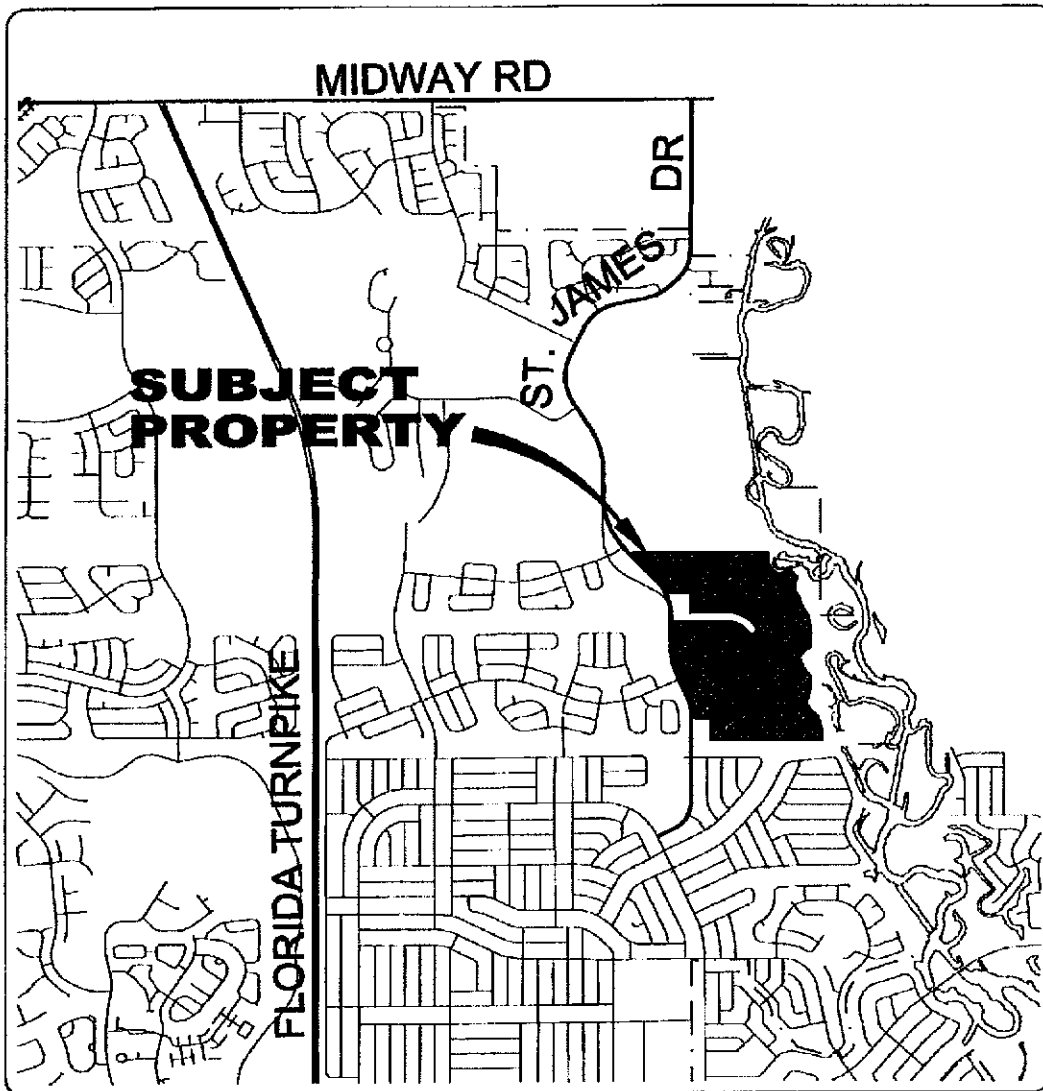
ORDINANCE 03-106

"Exhibit B"

Detail on River Place PUD Amendment Revisions

1. Updated Binding PUD Agreement
2. "D 29-33" new deeds for parcels "G" & "E"
3. Exhibit G chart / "Development Program": "H" and "I" may each be "Office" & "Institutional" usage; updated the commence and complete years
4. "I" Exhibit: Modified the Parcel G & Wetland Buffer "point" that inhibited land planning for Parcel G. The "point" is now rounded and decreases the buffer calculations by five-hundredths of an acre (.05). No change was made in the acreage charts for the "G" Exhibit or the "I" Exhibit because those calculations were always rounded off and therefore there is no change in the acreage shown on the chart.
5. I-8. d) Added pod "I" to signage lighting requirements for pods "H" and "N"
6. I-8. e) Removed prohibition of neon signs or neon accents from office pod
7. I-8. p) Changed "pods" to "product is" to require any office or institutional product to have night lighting
8. III. - 2 Changed to allow an Office complex on "H" and "I" parcels, and it may but is not required to be designed in horizontal sprawl.
9. III. - 4. Changed to allow institutional facilities on "H" and "I" parcels.
10. III. - 8. Sideyards & Setbacks chart modified to show Multi-Family Setbacks and Exhibits "N 1-4" refer to Parcels "E" and "G" and "Minimum lot square footage" (20,000 sq.ft.) was removed from Commercial & Institutional because the square footage is not applicable
11. Exhibit "M": Previously, the sideyard setback on the end unit showed 10'. In platting the units for individual ownership, the 10' was not practical to include in the end units for survey purposes as the area between buildings generally needs to be platted as common area. The minimum distance between buildings, as required by the fire dept., was not changed and is maintained.
12. V. -5. a) Added "H" to allow office use on the "H" parcel and the "I" parcel.
13. V. -6. a) Added "I" to allow institutional use on the "H" parcel and the "I" parcel.
14. V. -9. 2, 3 and 4: P&Z staff felt it was unclear who was required to provide landscaping. The "builder" is now referenced.
15. "O 1-6" Exhibits were accidentally omitted from the last PUD Amendment but appeared in previous PUD documents. They are inserted again.
16. Removed the word "main" from item (5)(a) of section V.-9., Landscaping Requirements at the request of PSL Utility Systems Dept. (Stacy Fowler, P.E.)

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

PREPARED BY: GIS/DATA MANAGEMENT

APPLICATION FOR PUD AMENDMENT

RIVER PLACE

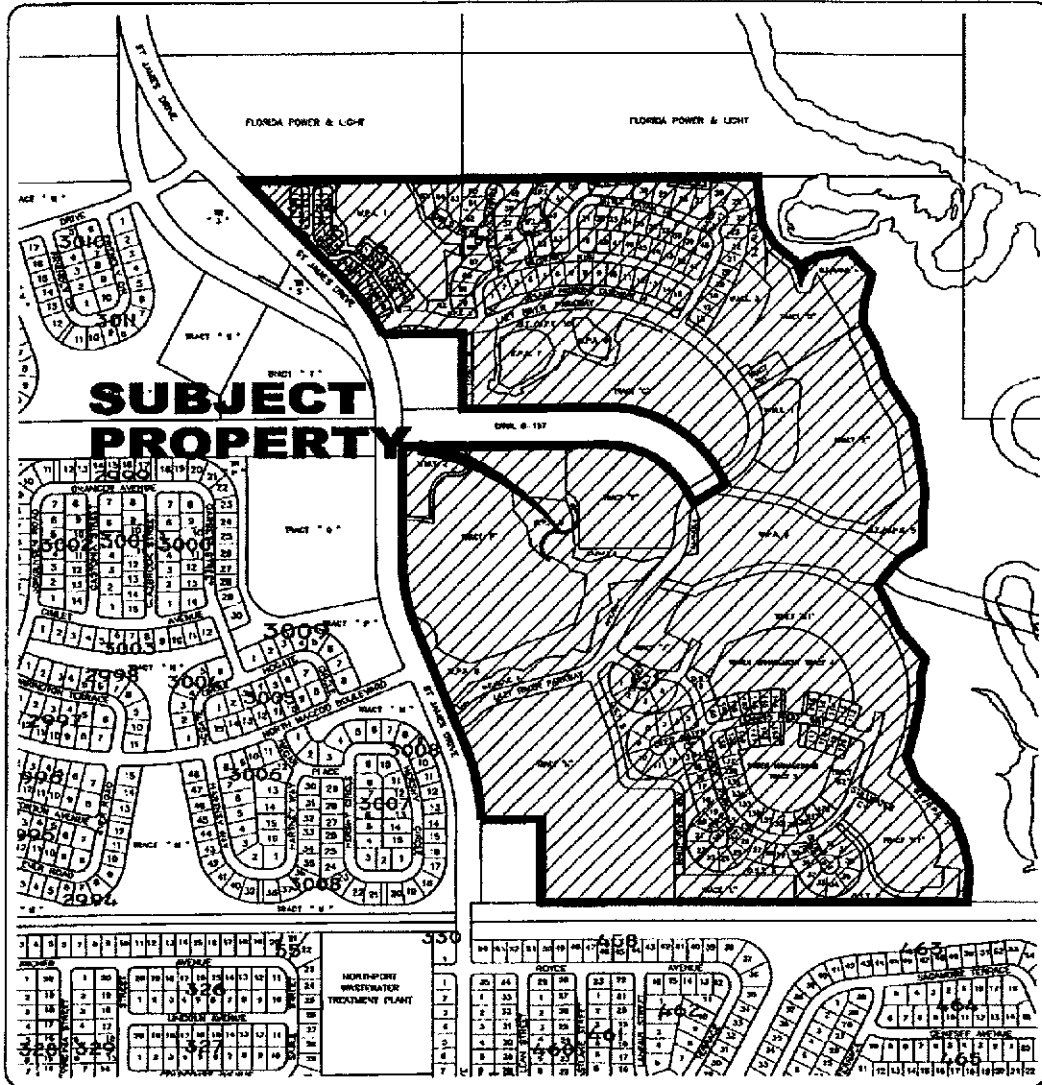
DATE: 05/29/03

APPLICATION NUMBER:  
P03-190

CDD FILE NAME:  
P03-190

SCALE: 1"=2700'

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

PREPARED BY: GIS/DATA MANAGEMENT

APPLICATION FOR PUD AMENDMENT

RIVER PLACE

DATE: 05/29/03

APPLICATION NUMBER:  
P03-190

GRID FILE NAME:  
P03-190

SCALE: 1" = 700'



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COUNCIL ITEM *8F*  
DATE *10/9/06*  
COUNCIL ITEM 10E  
DATE 9/25/06

ORDINANCE 06-117

**AN ORDINANCE FOR RIVER PLACE ON THE ST. LUCIE, PUD 6<sup>TH</sup> AMENDMENT, AMENDING THE EXISTING PUD LOCATED SOUTH OF THE FLORIDA POWER AND LIGHT RIGHT-OF-WAY, ON THE EAST SIDE OF ST. JAMES DRIVE, WEST OF THE NORTH FORK OF THE ST. LUCIE RIVER, AND NORTH OF THE DRAINAGE RIGHT-OF-WAY AND SAGAMORE WATER WAY, AND DEPICTED ON THE ATTACHED MAP, EXHIBIT B; FOR A PROJECT KNOWN AS RIVER PLACE ON THE ST. LUCIE, PUD 6<sup>TH</sup> AMENDMENT, (P06-090); PROVIDING FOR THE APPROVAL AND ADOPTION OF AN AMENDED PUD DOCUMENT; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, River Place, Inc., owners, and Land Planning Systems, Inc., acting as agent, requested an amendment of the PUD zoning of certain land located south of the Florida Power and Light right of way, on the east side of St. James Drive, west of the North Fork of the St. Lucie River, and north of the drainage right-of-way and Sagamore Water Way; legally described as River Place on the St. Lucie No. 1, being a Replat of tract "F" of River Place on the St. Lucie, as recorded in Plat Book 39, Page 29, of the Public Records, lying in Section 16, Range 40 East, City of Port St. Lucie, St. Lucie County, Florida;

WHEREAS, the applicant proposes to revise the PUD to include the proposed modifications listed in Exhibit "B", and detailed in the PUD documents; and

WHEREAS, an amended conceptual development plan has been submitted consistent with the requirements of Section 158.170, et seq., Port St. Lucie City Code; and

WHEREAS, the standards for internal PUD design as set forth in Section 158.170, et seq., Port St. Lucie City Code, will be complied with at the time of final development approval; and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the 6<sup>th</sup> day of September 2006, to consider the amendment application (P06-090), advertisement of the public hearing having been made; and

Page 1 of 3

*P06-090 River Place on the St. Lucie PUD 6<sup>th</sup> Amendment*

**ORDINANCE 06-117**

**WHEREAS**, the City Council held a public hearing on the 9th day of October 2006, to consider the subject amendment application, advertisement of the public hearing having been made.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

Section 1. That the PUD zoning of the described property located south of the Florida Power and Light right-of-way, on the east side of St. James Drive, west of the North Fork of the St. Lucie River, and north of the drainage right-of-way and Sagamore Water Way; legally described as River Place on the St. Lucie No. 1, being a Replat of tract "F" of River Place on the St. Lucie, as recorded in Plat Book 39, Page 29, of the Public Records, lying in Section 16, Range 40 East, City of Port St. Lucie, St. Lucie County, Florida; be amended.

Section 2. That this Ordinance shall become effective ten (10) days after its final adoption.

The remainder of this page is deliberately left blank.

ORDINANCE 06-117

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this  
9th day of October, 2006



CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY: Robert E. Minsky  
Robert E. Minsky, Mayor

ATTEST:

Karen A. Phillips  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

Roger G. Orr  
Roger G. Orr, City Attorney

Page 3 of 3

P06-090 River Place on the St. Lucie PUD 6<sup>th</sup> Amendment

"Exhibit B"

Detail on River Place on the St. Lucie PUD Amendment # 6 Revisions  
March 2006 Submittal, Revised July 2006

1. Updated Binding PUD Agreement
2. "D 34-38" new deed for parcel "H-2"
3. "D 39-42" new deed for parcel "H-1"
4. "D 43-45" new deed for Parcel "I"
5. "D 46-49" new deed for Parcel "N"
6. Exhibit G chart: / "Development Program":  
updated the "commence" and "complete" years;  
H & I Parcels included LMD, P and Special Exception Uses  
N Parcel included Multi-Family Residential in the "Product" column and "commercial"  
to clarify the 150,000 sq.ft. column
7. "I" Exhibit: modified the Development Program to match the G Exhibit;  
modified the parcel text in H, I & N of the map to clarify uses
8. I-8. d) Signage in "I", "H" and "N" may be internally or externally lighted, pg 5 Doc
9. III-1: a) Retail Community Center General Description, pg 14 Doc  
Added multi-family residential units to what is permitted in Parcel N, clarified uses that  
have always been stated in what is permitted in the PUD but may not have been stated  
adequately, such as uses that fall under "Professional District".
10. III-2. Office Area within ROI General Description: Modified 2 story to 3 story, but  
maximum height is 35'; pg 15 Doc  
Clarified that "H" and "I" may have certain business offices, professional District Uses,  
LMD Uses and Special Exception Uses, such as Bank use, Retail or Personal Service  
use, Restaurants, Medical and Health Care;
11. III-4 Institutional within ROI General Description: pg. 15 Doc  
Reiterated #10 above.
12. III. - 8. Sideyards & Setbacks chart modified to show Office having LMD & Special  
Exception Uses setbacks, pg 18
13. V. -5. a) Added LMD uses, Professional offices, Medical and Health Care facilities,  
Banking and financial institutions with drive through, Schools and Personal Retail  
Services to "H" and "I" parcels; b) modified 2 story to 3 story; pg. 32 Doc
14. V. -7. b) Retail Community Shopping Center: Added multi-family residential units,  
professional offices, banking institutions, gasoline stations and schools, pg 34 Doc
15. V. -7. c) Modified the maximum height from 35', which was the maximum allowed at the  
time of the original PUD, to a height that is current with maximum City of PSL regulations  
at the time of future site plan submittal. The multi-family addition may be freestanding or  
above retail but the maximum units are limited to the number of units from other MF  
parcels in the PUD that did not use all their unit density entitlements. pg 34 Doc
16. V. -7. e) added #19, Banking and financial institutions and #20, MF residential units.  
pg 35 Doc
17. III.-8 Sideyards & Setbacks Table, pg 18. "Townhome or Villa Yard Requirements"  
section: Removed "15' btwn bldgs with 4 attached units" and added "" to refer to bottom  
of page for Fire District requirement note.
18. III.-8 Sideyards & Setbacks Table, pg 18. "Multi-Family Setbacks & Sideyards" section:  
Removed "16'" and added "20'" and an "" to refer to bottom of page for Fire District  
requirements note.
19. Changed Exhibits "M", "N-1 & N-2" to comply with 20' between buildings.

Exhibit "B" Detail I

20. Page 19, added Fire District note per Fire District comments #4
21. Cover page: corrected the amendment number to #6 for March submittal 2006.
22. Exhibit B: added "on the St. Lucie" to the title and corrected amendment number to #6
23. Exhibit B: added "drive-through" to item 13.
24. Removed the "Responses to Comments" from the PUD Doc and provided them under separate cover for staff
25. "Exhibit A" now follows "Exhibit B".

Exhibit "B" Detail 2

**PUD REZONING APPLICATION**

*Exhibit A*

CITY OF PORT ST. LUCIE  
Planning & Zoning Department  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984  
(772)871-5212 FAX:(772)871-5124

**FOR OFFICE USE ONLY**

Planning Dept. \_\_\_\_\_  
Fee (Nonrefundable)\$ \_\_\_\_\_  
Receipt # \_\_\_\_\_

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie." Fee is nonrefundable unless application is withdrawn prior to the Planning and Zoning Board meeting. All items of this application should be addressed, otherwise it can not be processed. Attach proof of ownership: two copies of deed. Please type or print clearly in BLACK ink.

**PROPERTY OWNER: PUD Developer:**

Name: River Place Inc. / Carol Ann Casabella, President  
Address: P.O. Box 2967, Silverthorne, Colorado 80498  
Telephone No. (970) 262-0906 FAX No. (970) 262-2638

**AGENT OF OWNER (if any): Owners of parcels affected:** LWLK Trust  
Out of Control in Florida, LLC

Name: River Place, Inc., as Manager Perennial Plaza LLC  
Woodlands School North, Inc  
Address: above  
Telephone No. \_\_\_\_\_ FAX No. \_\_\_\_\_

**PROPERTY INFORMATION** Parcel "I": River Place on the St. Lucie No. 7, Plat Book 42, Page 11  
FD #: 3416-675-0036-00011

Legal Description: Parcel "A": Plat Book 39, pages 29A and 29B through 29G / T.D. # 3416-625-0074  
(Include Plat Book and Page) 0007

Parcel I.D. Number: Parcel "H-2": Parcel "2" of re-plat of "H", River Place on the St. Lucie No. 7,  
plat book 42, page 11 FD # 3416-675-0036-00011

Current Zoning: PUD Parcel "H-1": ID # 3416-675-0036-00011, Book 1800

Proposed Zoning: PUD pages 2193-2196, re-plat of Parcel H.

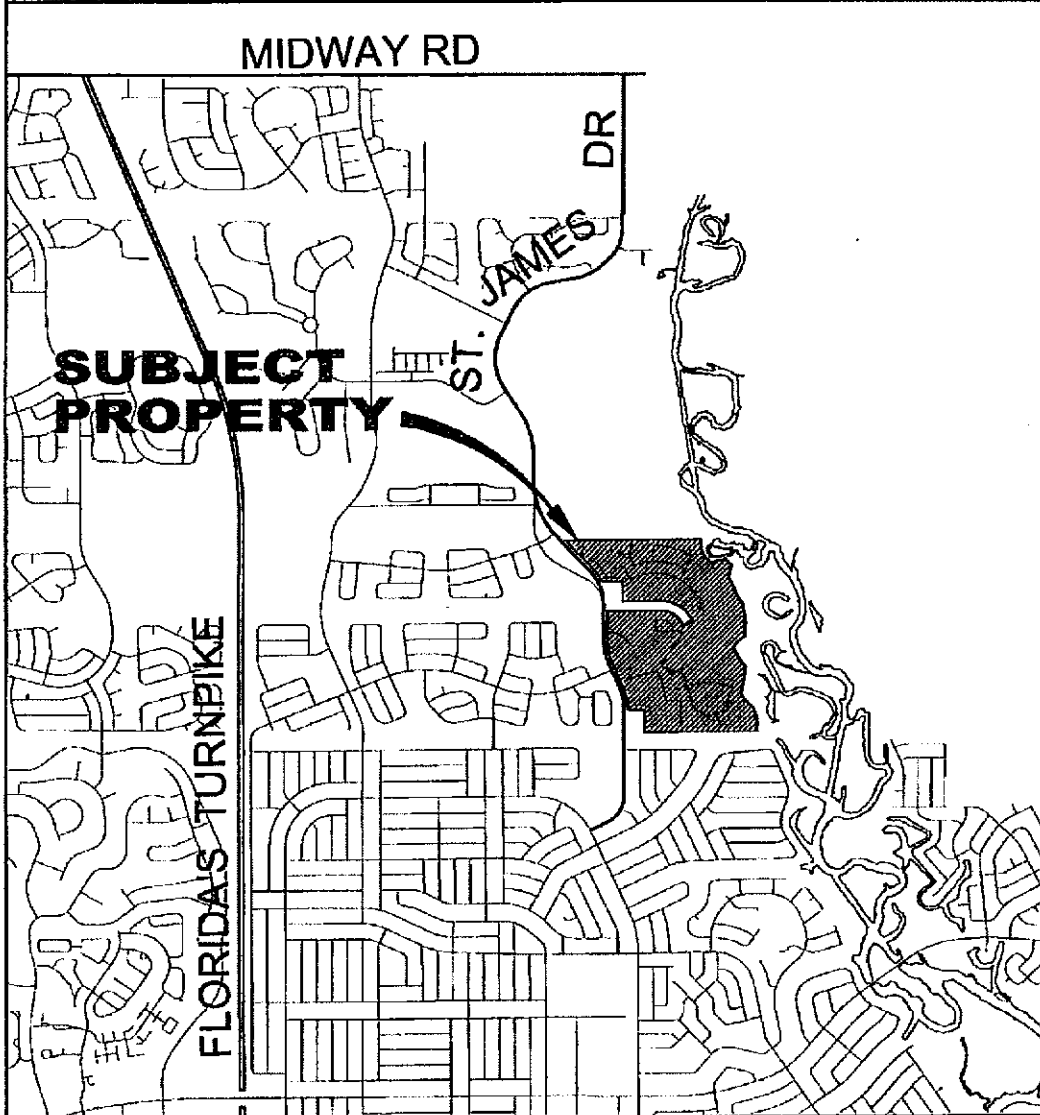
Future Land Use Designation: RL, RDI, CG, OMI, OSM Acreage of Property: 29.3

Reason for rezoning request: Amendment to the PUD affecting  
Office & Institutional & Commercial Parcels

River Place, Inc.  
[Signature] Carol Ann Casabella 3-10-06  
Signature of Owner Hand Print Name Date

\*If signature is not that of the owner, a letter of authorization from the owner is needed: attached  
NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

PZ2006.DWG

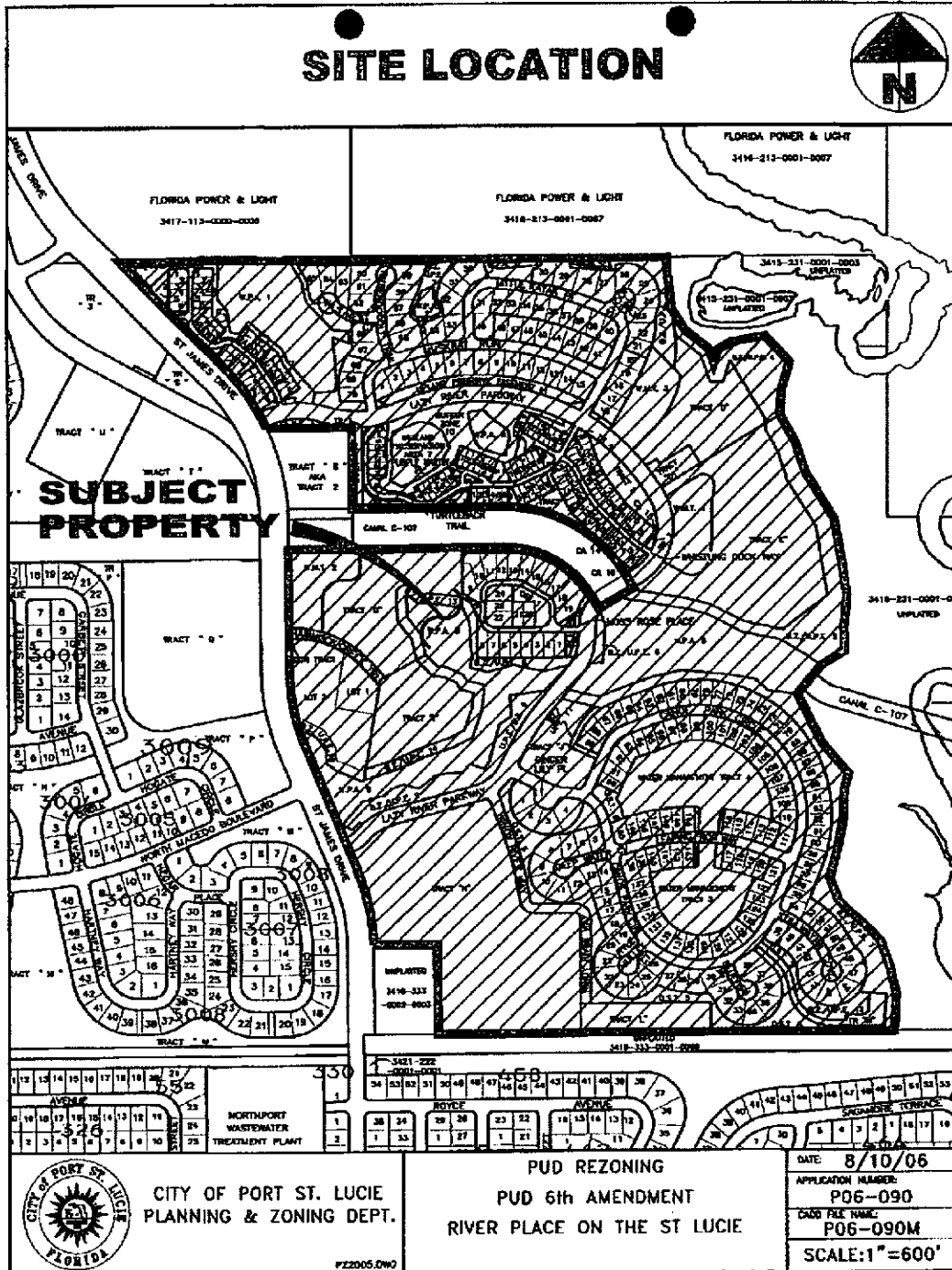
PUD REZONING  
PUD 6th AMENDMENT  
RIVER PLACE ON THE ST LUCIE

DATE: 8/10/06

APPLICATION NUMBER:  
P06-090

CADD FILE NAME:  
P06-090L

SCALE: 1" = .5 MI



Underline is for addition to/from 6<sup>th</sup> amended PUD  
~~Strike through~~ is for deletion to/from 6<sup>th</sup> amended PUD

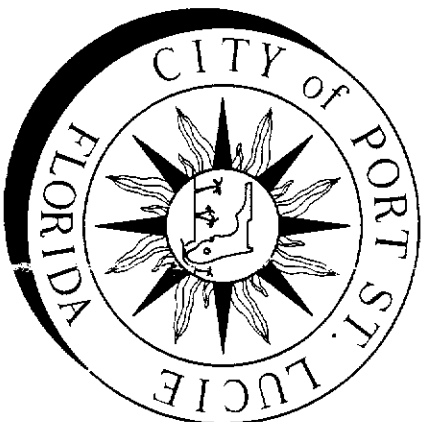
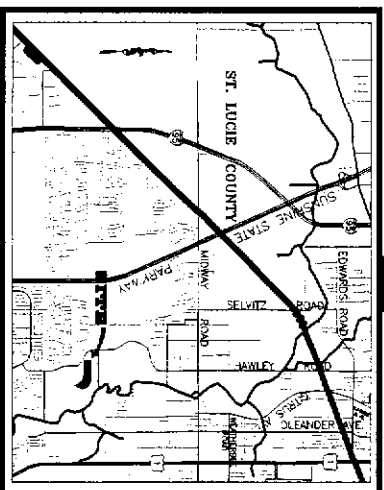
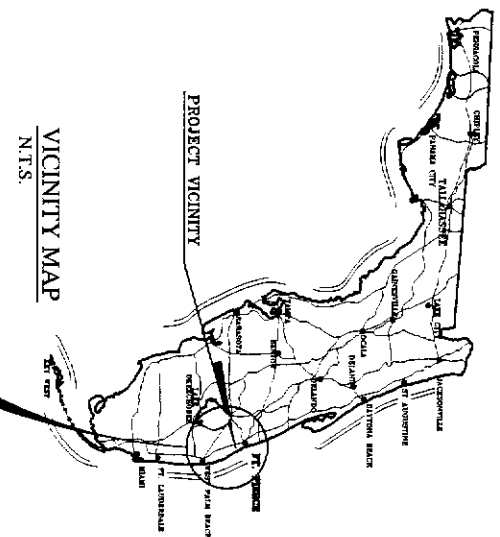
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# RIVER PLACE PUD AMENDMENT # 7

LYING IN SECTION 16 & 17, TOWNSHIP 36 SOUTH, RANGE 40 EAST,  
CITY OF PORT ST. LUCIE  
ST. LUCIE COUNTY, FLORIDA  
PREPARED FOR

## PROVIDENT FINANCIAL, LLC.



**CULPEPPER & TERPENING, INC**  
CONSULTING ENGINEERS | LAND SURVEYORS

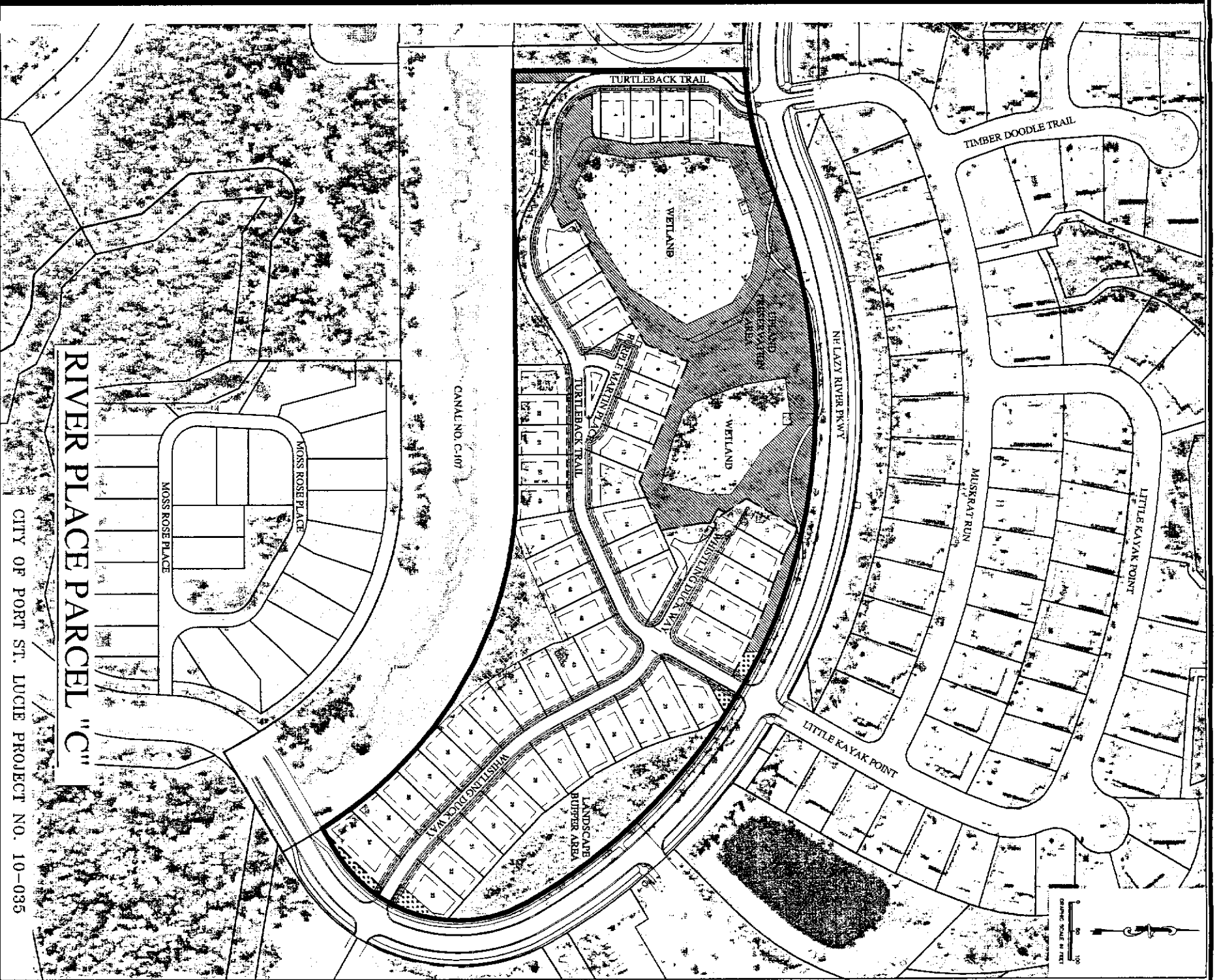
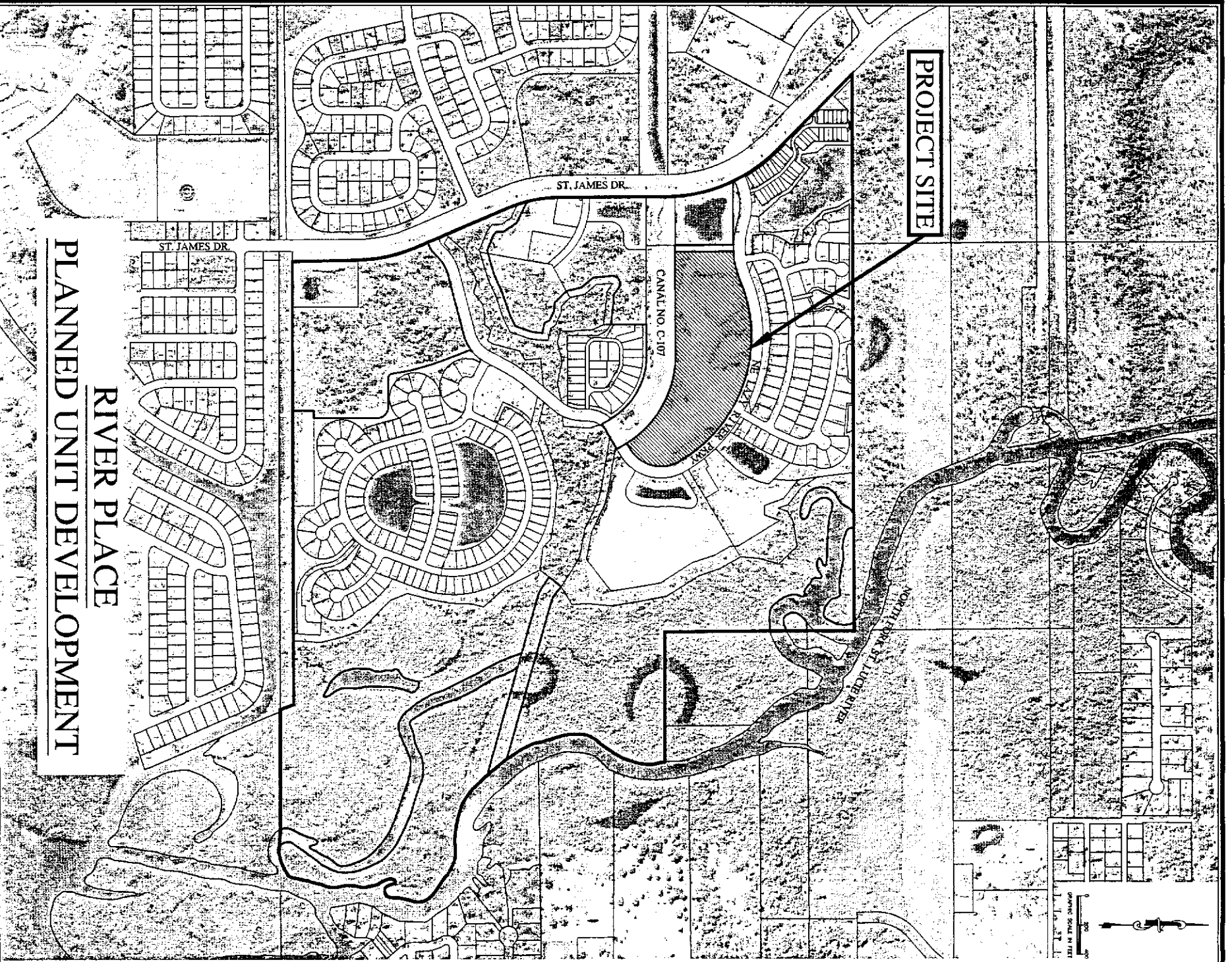
2980 SOUTH 25th STREET • PORT ST. LUCIE, FLORIDA 34981  
PHONE: 772-464-5557 • FAX: 772-464-5997 • www.ct-ens.com  
STATE OF FLORIDA BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS REG. NO. 4286

INDEX TO SHEETS	
SITE PLAN DRAWINGS	
No.	TITLE
SP-1	COVER SHEET
SP-2	SITE AERIAL
SP-3	CONCEPTUAL MASTER PLAN

### EXHIBIT B

ENGINEER/SURVEYOR:  
Culpepper & Terpening, Inc.  
2980 South 25th Street  
Port St. Lucie, FL 34981  
Phone: (772) 464-5557  
Fax: (772) 464-5997  
F.L.P.E. Reg. No. 58732  
P.L.S. Reg. No.

CITY OF PORT ST. LUCIE PROJECT NO. 10-035  
RIVER PLACE PARCEL "C" SITE PLAN 99-22  
DATE ISSUED: 04-06-2010



COMPUTER FILE REF. NO. FIELD BK./PG. SZ. LOTS

**CULPEPPER & TERPENING, INC.**  
 CONSULTING ENGINEERS | LAND SURVEYORS  
 2096 SOUTH 20th STREET, W. PALM BEACH, FLORIDA 33411  
 PHONE: 772-464-5377 • FAX: 772-464-9277 • www.c-t-e.com  
 STATE OF FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS LICENSE NO. 1346

- REVISIONS -

BY	DATE	REVISION

DESIGNED BY DATE  
 DRAWN BY DATE  
 CHECKED BY DATE  
 APPROVED BY DATE

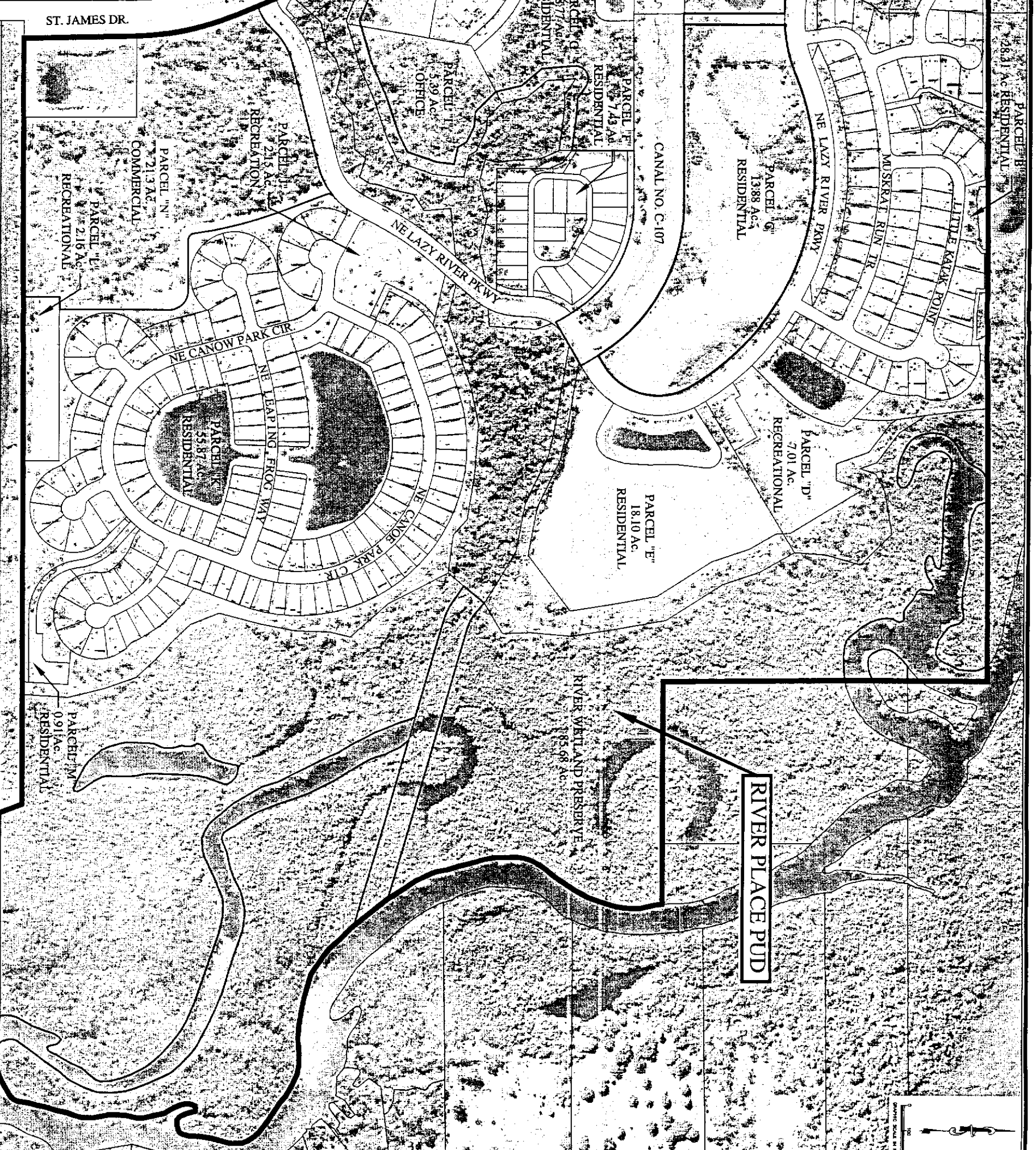
**RIVER PLACE PARCEL "C"**  
 CITY OF PORT ST. LUCIE PROJECT NO. 10-035

**RIVER PLACE PARCEL "C"**  
 SITE AERIAL

DATE: 04-05-10  
 HORIZ. SCALE: N/A  
 VERT. SCALE: N/A  
 JOB NO. 99-22  
 SHEET SP-2

Site Data	Acres			
Total Site Area	293.14 Acres			
Developing Units	624			
Cross Section	23 D/U / AC			
Future Land Use Designation	RD / R-O / A / G / C / S / V / S / R			
Preserving Zoning	Preserved / One Development			
Site Area (by land use)				
Residential (R1)	127			
Residential (Office/ Institutional (R1-1))	21			
Commercial (General (C1))	21			
Included in R1, R1-1, C1				
Designated Upland Preserve				
Lakes / Retention Basins (10% of developed areas)	113			
Open Space Association (OSR)	15			
Open Space Retention (OSR)	293			
Total Site Area				
Open Space Preservation Categories				
River Wetlands	88			
Creek Wetlands	16			
Prime Wetlands	7			
Upland Wetlands	2			
Total Upland Area	113			
Less: Existing	139			
Existing Uplands Remaining	116			
Upland Preserve Required	21			
Upland Preserve Provided	21			
Development Program				
Parcel	Acres	Year	Start (Y)	End (Y)
A	4.67	1997	2001	2002
B	28.31	1999	2002	2002
C	13.88	1999	2001	2001
D	7.11	1999	1999	1999
E	18.1	1999	2002	2002
F	7.15	2000	2002	2002
G	2.72	1999	2001	2002
H	4.99	1999	2000	2002
I	5.39	1999	2002	2002
J	2.15	1999	1999	1999
K	58.87	1999	2002	2002
L	2.16	1999	1999	1999
M	4.91	1999	1999	1999
N	21.1	2001	2001	2001
Total	671		247,730	

**Site Area & Coverage**  
 Single family detached homes: 55 ft frontage at building line, 20 ft per acre required, minimum floor space 1150 sq ft, covered parking required.  
 Single family attached homes: 30' frontage at building line, 2 car garage required, minimum floor space 1700 sq ft (covered) parking required.  
 Multi-family town homes & multi-family units: 20' frontage at building line, 2 car garage required, minimum floor space and single family homes: 1000 sq ft (covered) parking required.  
 Multi-family garden style units, one row, three row buildings, each building consisting of approximately 40 units, 575 sq ft minimum net (covered) parking required.  
 The maximum impervious area per acre for lot is 75%.  
 The maximum impervious area per residential lot is 50%.  
 The maximum impervious area per commercial lot is 80%.  
 The maximum impervious area for office and commercial lot is 80%.



COMPUTER FILE REF. FIELD BK./PG. 57 LOTS

**CULPEPPER & TERPENING, INC.**  
 CONSULTING ENGINEERS | LAND SURVEYORS  
 3880 SOUTHWEST 15th STREET - SUITE 1000 - MIAMI, FL 33134  
 PHONE: 772-646-5577 FAX: 772-646-5977  
 STATE OF FLORIDA BOARD OF PROFESSIONAL ENGINEERS APPROVED

DESIGNED BY DATE  
 CHECKED BY DATE  
 APPROVED BY DATE

DATE: 01-25-10  
 HORIZ. SCALE: 1"=200'  
 VERT. SCALE: N/A

**RIVER PLACE PARCEL "C"**  
**CONCEPTUAL MASTER PLAN**

CITY OF PORT ST. LUCIE PROJECT NO. 10-035

JOB No. 99-22  
 SHEET SP-3