



**North Port Utilities
Administration and Operations
Building**

Site Selection – Site Analysis,
±17.31-acre site on Pan
American Boulevard

March 9, 2021

Prepared for:

City of North Port Utilities

Prepared by:

Tim Hancock, AICP

Stephen MacEachern, PE

EXECUTIVE SUMMARY

Stantec was engaged by the City of North Port (RFP 2018-40, First Amendment) to assist the City and their representatives during a 'due diligence' phase to work with the owner/representative of approximately 17.31 acres of land (Pan Am site) on Pan American Boulevard. Stantec has been directed to work with the seller's engineer to further confirm the suitability of the site through a more detailed analysis of the following:

- General site conditions
- Suitability of an off-site water management area designated by the seller
- Cultural assessment
- Floodplain Analysis
- Preliminary Water Management Design and Calculations

The above items are the subject of this report.

This work will build upon prior efforts which included a site selection process which included all suitable parcels in the City of North Port for the future North Port Utilities Administration and Operations Building. That interim report dated February 15, 2019, was presented to the City Commission on April 9, 2019.

Key among the site considerations was a site being 'central' to the service area. This criterion ensures the vital functions of response and repair for City Utility customers are provided in a timely manner. Additionally, locating near or in the core service area reduces long term operational costs associated with travel such as fuel, wear and tear on vehicles and equipment as well as staff time through increased efficiencies when compared to sites that are not near the core service area. While the report analyzed parcels throughout the City, this key consideration cannot be understated.

The interim report resulted in identifying the two best suited parcels for consideration by the City Commission and to request the City to identify a preferred parcel. At the April 9, 2019, City Commission meeting, the City identified Parcel 43, the Talon Bay parcel as the preferred parcel, with the Pan American Site being a close second choice.

Once identified, Stantec worked with City staff to gather additional information to facilitate the City entering negotiations with the parcel owner, subject to a sufficient period to address any remaining permit related issues such as zoning and the obtaining of environmental permits for development of the site.

A contract for purchase was subsequently negotiated by the City with the property owner of the Talon Bay site, contingent upon the successful rezoning of the property and a companion amendment to the comprehensive plan. Stantec, on behalf of the City as the contract purchaser, prepared and submitted applications to amend the Comprehensive Plan and to rezone the property to allow for the proposed use.

On February 20, 2020, these applications came before the City Planning and Zoning Board (PZAB) at a duly advertised public hearing. Stantec along with the Utilities staff and the Assistant City Manager previously met with nearby residents on several occasions to discuss their concerns and to make all reasonable efforts to mitigate those concerns through buffering and site design to minimize potential impacts. Despite these efforts, the PZAB approved a motion to deny the applications for the Comprehensive Plan Amendment and Zoning.

Many of the speakers at the PZAB hearing encouraged the City to locate the future Public Utility Administration and Operations Facilities on the site on Pan American Boulevard which was the second ranked site initially presented to the City Commission in April of 2019. Additionally, following the PZAB action, other sites were suggested to City administration and Utilities staff for further consideration.

At a duly advertised public hearing on February 25, 2020, the City Commission chose not to go forward with a purchase contract on the Talon Bay site and directed staff to perform an additional review taking into consideration, purchasing the property next to Public Works, the Pan American property, and any other property that fit the criteria of the size necessary and being centralized to the City's service boundaries as well as looking at alternative means of acquiring properties such as a land swaps.

Under the original issued work order, Stantec performed the requested analysis and on December 7, 2020, presented an Addendum to the interim report (dated November 23, 2020). This effort included a review of the interim report and identified 4 parcels from the report as well as one additional parcel that was being offered to the City for sale. These five parcels were thoroughly reviewed and using a ranking system like what was developed for the interim report, evaluated, and ranked the 5 parcels. **The result of this ranking was the site at 5400 Pan American Boulevard as the top ranked parcel.** Following the presentation on December 7, 2020, the City Commission directed staff to proceed with the appropriate due diligence and potential acquisition of the ±17.31-acre parcel located at 5400 Pan American Boulevard.

This report is addendum to the original report dated February 15, 2019, as well as the Site Selection Addendum Report dated November 23, 2020, and represents the completion of the due diligence review and analysis of the parcel at 5400 Pan American Boulevard.

SITE ANALYSIS

As identified earlier, this analysis will review the following to better determine the suitability of the Pan Am parcel as the future home of the North Port Utilities Administration and Operations Building and the associated supporting functions as required.

Specifically, this report will address the following:

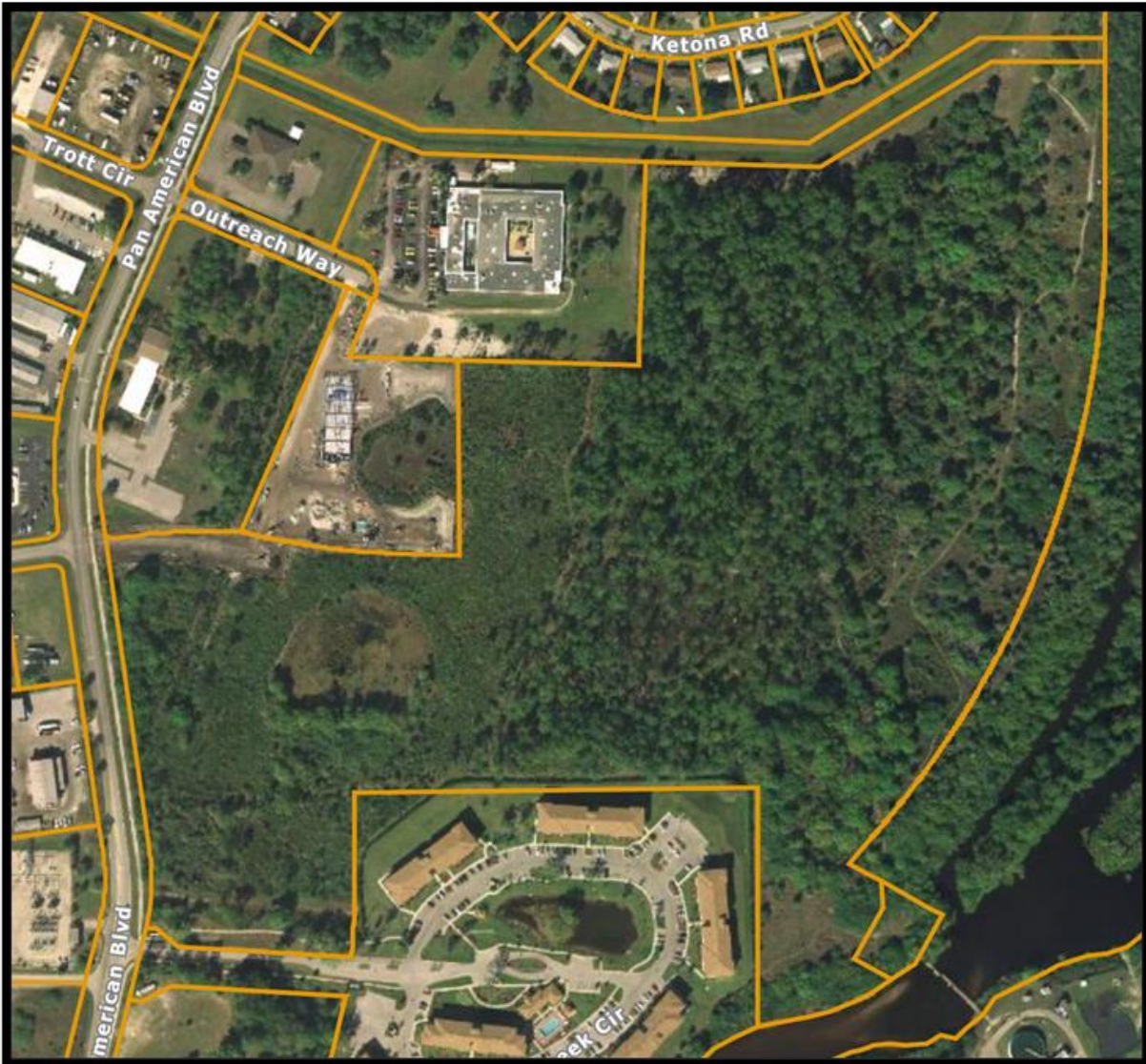
- General site conditions
- Suitability of an off-site water management area designated by the seller
- Cultural assessment
- Floodplain Analysis
- Preliminary Water Management Design and Calculations

General Site Conditions

5400 PAN AMERICAN BLVD.

Identified in prior reports as Parcel 43 the site at 5400 Pan American Boulevard is a ±48.57-acre parcel as shown below in Figure 1-1 and was included in the initial parcel analysis and was ranked 2nd behind the Talon Bay parcel. The property was owned by 5400 Group LLC and identified as Folio #0996001000. On December 20, 2021, the northern ±19.88 acres were sold to The Waters at North Port, LLC for a Multi-Family Affordable Housing Project. This project will consist of rental apartments and will share its southern property line with the proposed NPU Administration and Operations Center. The developers of the MF project were made aware of the potential plans for the NPU project during their due diligence and expressed no concerns about the compatibility between the two projects.

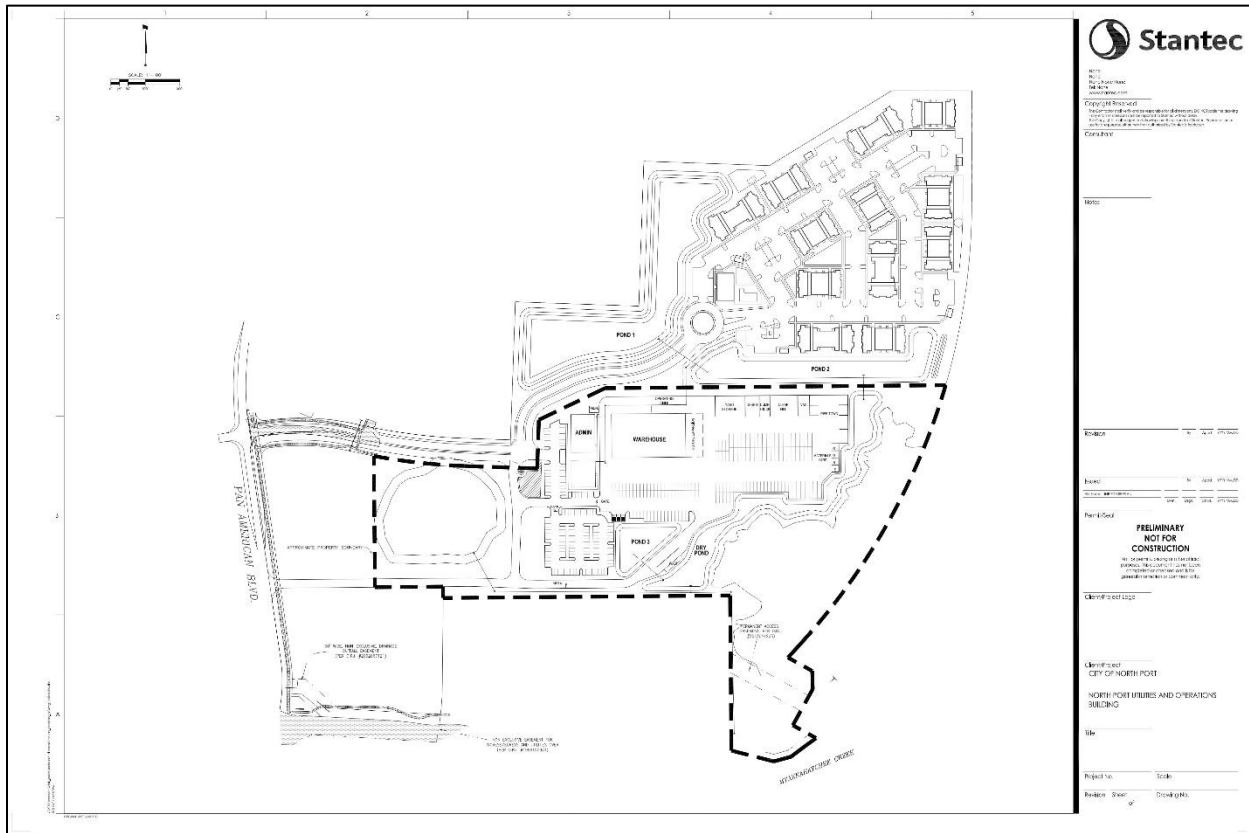
Figure 1-1
± 48.57 acre Pan American Tract



Building on early commitments from the seller to accommodate the required stormwater management storage on the north parcel to provide the required net developable area for NPU, our team has been coordinating with the engineer for the Waters at North Port (the Northern parcel) to achieve this end. Additionally, some cost savings have been identified in the sharing of costs associated with a single, shared pump station and coordination regarding the location and use of water management areas as well.

The remainder parcel identified for the proposed NPU project remains at ±17.31 acres as shown below and is currently being offered to the City for sale.

**Figure 1-2
Conceptual Site Plan**



*a larger version of the plan above is in Appendix A.

LOCATION

The remainder parcel has no direct frontage on Pan American Boulevard but will be served by an access easement that bisects two future outparcels. This access point will provide access directly to the Pan American site for Utility Operations traffic. Customers visiting the site would enter via Children’s Way to the North, a shared access drive. The location of this site is central to the core service area, which is a key operational consideration.

ZONING AND LAND USE

The property lies within the northernmost limits of Activity Center #1 (AC 1), Mediteranea and as such, is subject to the land use regulations contained in Chapter 55, Activity Center Regulations. The subject property is zoned PCD and is intended to implement Chapter 1 of the Future Land Uses Element. Permitted and Prohibited uses are identified in Chapter 55, specifically Chapter 55-14 for Activity Center #1.

The Utilities Administration Building would be a permitted use as a right as a “Government Use” in Activity Center #1, meaning a rezone would not be required. Additionally, the Conservation Restricted Overlay Zone encroaches slightly on the southeastern part of the parcel adjacent to the Myakkahatchee Creek but this encroachment is not significant in nature and includes an area currently occupied by a water control structure.

There are however some regulations that will require a waiver per Sec. 53-118.B via the Development Master Plan (DMP) process as follows:

- The site does not have 100 feet of frontage on an approved public or private street.
- Since the building will not front on a public or private roadway, a waiver from the Urban Design Standards Pattern Book (UDSPB) will be required.
- Should the NPU site wish to install a chain link fence with landscaping instead of a wall along any adjacent residential areas, a waiver from the UDSPB will be required.
- Other site design elements may be subject to a waiver required through the DMP process including landscaping, walkways, stormwater location, etc. and these items will be more fully identified as the site plan develops further.

While some waivers will be required, due to the site and building not fronting on a public or private roadway, the DMP process will serve to identify these elements and propose appropriate mitigation strategies where applicable.

ACCESS

As shown in Figure 1-2 above, the proposed site will have two potential access points. The southern driveway will provide direct access to Pan American Boulevard for Utility vehicle access, reducing the potential mixing of utility operations vehicles with the residential traffic to the north. The project as proposed will also share access via Children’s Way for customer traffic which is anticipated to be minimal in this location. Signage and wayfinding to direct the public to the Administration building entrance will be addressed.

Pan American Boulevard is a two-lane Collector Road and while the intersection of Children’s Way and Pan American is not currently signalized, a signal warrant may be met in the future. Access conditions including required turn lanes, etc. will be addressed during the permitting phase of the project.

UTILITY AVAILABILITY

Water, sewer, and reclaimed water are available within the Pan American Boulevard right of way. There is an existing 10-inch potable water main located on the west side of the Boulevard and an existing 8-inch PVC potable water main on Children Way that could be utilized to provide water service to the Utilities Complex. With the Wastewater Treatment Plant being located across Pan American Boulevard from this site, there are two existing force mains – a 16-inch diameter and an 8-inch diameter force main located in the right of way. A 16-inch reclaimed water main is also in the Pan American Boulevard right of way. Water, sewer, and reclaimed water lines are sized adequately for the intended use and the local infrastructure would not have to be upgraded. However, an onsite pump station may be necessary to convey wastewater flows to one of the two force mains.

Other utilities including telephone and overhead power is available along Pan American Boulevard or Children Way. A 2" PE gas line exists adjacent to the parcel in the Pan American Boulevard right of way.

PERMITTING

The subject property previously had a permit issued by the Southwest Florida Water Management District (SWFWMD) which has expired. Wetland delineations were completed as part of this permit, however, due to the permit expiring, updated wetland Jurisdictional Determinations will be required from the SWFWMD.

Since the site has existing wetlands and is adjacent to the Myakkahatchee Creek, the US Army Corps of Engineers (ACOE) may exert jurisdiction should impacts to wetlands occur. However, the landowner is proposing a parcel of land of sufficient size and configuration that impacts to wetlands may not be required and as such, ACOE jurisdiction may not occur.

An environmental site analysis has been performed and is discussed in more detail below.

COMPATIBILITY

As shown in Figure 1-1 above, the subject property lies within an area of existing, established commercial and light industrial uses, consistent with the proposed development. Immediately adjacent to the site to the north and south will be rental units for residential use, with the parcel to the North being fully aware of the plans for this site prior to the purchase of those lands.

To the south of the parcel is an age-restricted rental community. Building locations and operational elements such as the material storage areas have been located furthest

away from this development. During final design and permitting, landscaping, and buffering will be developed in more detail to ensure a high degree of compatibility.

Preliminary Environmental Assessment

A site visit was conducted by Stantec environmental staff on October 21, 2021, to evaluate on-site habitats. Observed habitats have been classified according to the most recent edition of the Florida Department of Transportation's Florida Land Use Cover and Forms Classification System (FLUCCS) and depicted on the enclosed FLUCCS Map below (See Appendix B for the full report). The potential for state and federal jurisdictional wetland and other surface water limits were reviewed and delineated in the field pursuant to Chapter 62-340 of the Florida Administrative Code (FAC).



There is one isolated freshwater marsh (+1.55 acres) located in the western portion of the parcel. The wetland appears relatively healthy in its vegetative composition, observed hydrology, and low abundance of nuisance and/or exotic vegetation. The inner deep portion of the wetland was dominated by dotted smartweed (*Persicaria punctata*) surrounded by sawgrass (*Cladium jamaicensense*), with the outer zones dominated by sand cordgrass (*Spartina bakeri*), bushy Broomsedge (*Andropogon glomeratus*), swamp fern (*Blechnum serrulatum*), Carolina willow (*Salix caroliniana*), and maidencane (*Panicum hemitomon*).

During the October 21, 2021, site visit, a preliminary listed species survey was performed to determine the potential presence of species listed by the United States Fish and Wildlife Service (FWS) or by the Florida Fish and Wildlife Conservation Commission (FWC) as endangered or threatened. The site was traversed via pedestrian transects spaced to provide thorough visual coverage. During this survey, the ecologist looked for individual specimens, nests, burrows, scat, or any other identifiable signs of listed species. No utilization of the site by state and/or federally regulated species was observed during the preliminary wildlife.

SUMMARY

The proposed project is consistent with the Goals, Objectives, and Policies of Chapter 5 Conservation and Coastal Zone Management of the City's Comprehensive Plan in that:

- The majority of the habitats on site have been historically altered.
- The site plan has avoided wetland impacts.
- The site is not located within a Florida scrub-jay identified area.
- Gopher tortoise relocation permitting through FWC, if necessary, will ensure no impacts to listed wildlife species.

Cultural Resource Assessment Survey

In addition to the Preliminary Environmental Assessment, the consultant (ACI) conducted a Cultural Resource Assessment Survey (CRAS) of the proposed NPU parcel in February of 2022. The detailed report can be found in Appendix C.

The purpose of the CRAS is to locate, identify, and aerially delimit any archaeological sites or historic resources within the project Area of Potential Effect (APE) and to assess their significance in terms of eligibility for listing in the National Register of Historic Places (NRHP) and the List of Significant Historic Resources (LSHR) in the City of North Port.

Historical/architectural background research revealed that there were no previously recorded historic resources within or proximate to the APE. A review of the United States Geological Survey (USGS) Murdock SE quadrangle maps, U.S. Department of Agriculture's (USDA) aerial photographs, and the Sarasota County property appraiser's website revealed no potential for historic resources 50 years of age or older (constructed 1972 or earlier) within the APE. The absence of historic resources was confirmed by field survey.

SUMMARY

Based on the background research and the results of the field investigations, which included the excavation of 30 shovel tests within the 17-acre parcel, no historic resources were identified. As such, it is the opinion of ACI that the proposed undertaking will have no effect on any cultural resources that are listed, determined eligible, or that may be eligible for listing in the NRHP or LSHR.

Floodplain Analysis

We have reviewed the flood zone within the site boundary and ensured the planned development footprint for the proposed project does not encroach within any AE zones. As such the proposed site does not represent a flood hazard, unlike older City facilities in the area including across the Myakkahatchee Creek. We have also reviewed the planned development footprint with the preliminary FEMA maps to ensure that the proposed project will not encroach upon any of the preliminary designated AE areas when the maps are approved in the near future.



Preliminary Storm Water Management Design and Calculations

A preliminary water management design has been created for this site utilizing Pond 2 and Pond 3 for treatment/attenuation. Pond 2 is located on the north parcel due to an early commitment from the seller to accommodate the required storm water management storage. The preliminary water management design routes Pond 1 (providing treatment/attenuation for the entirety of the development on the north parcel) through Pond 2. Pond 2 then discharges to the dry pond proposed along the eastern side of the project site. This dry pond is designed to provide conveyance and storage of the storm water and will not provide any storm water treatment. Pond 3 is located within this site and will also discharge to the dry pond. The dry pond will then be routed to the Myakkahatchee Creek. The discharge of this site per the overall Big Slough Watershed Study will be south of the Myakkahatchee Creek weir. The waters south of the weir are tidal, therefore we are only required to provide treatment of the storm water runoff.

Based on the preliminary storm water design and floodplain analysis we have completed a preliminary earthwork cut/fill analysis based on Lidar information and water table elevations being assumed for the area. Assuming wet ponds are dug to 8' below normal water level (NWL), the preliminary analysis shows that the site is approximately 30,000 CY (truck measure) short on the required fill for the project.

This preliminary design utilizes assumptions made using the best available information at this time. This information will need to be verified by soil borings and topography prior to progressing further. Should any obtained information in the future differ from that available at this time, this design may need to be altered.

REPORT SUMMARY

Based on the information provided, the candidate site meets the desired requirements for the development of the NPU Administration and Operations center in this location with the items pertaining to zoning (waivers via the DMP process) and fill balance as noted.

During this and prior analysis of the subject property, the property owner has repeatedly expressed a desire to provide an off-site water management area to serve the proposed NPU development plans as well as establishing any mutually beneficial cost sharing arrangements for infrastructure. This intent has been codified in association with the sale of the ±19.88-acre parcel to the north to The Waters at North Port, LLC in the form of a Shared Infrastructure, Easement and Maintenance Agreement which has been recorded in the official records of Sarasota County, Florida (Instrument # 2021230844) and is attached as Appendix D.

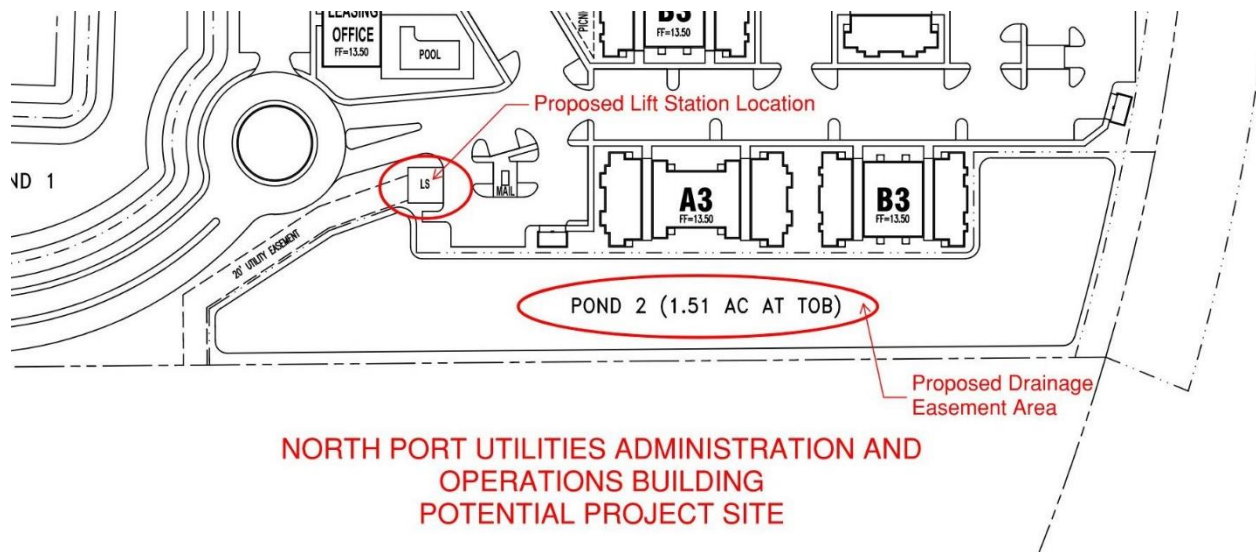
This agreement provides several beneficial arrangements for the development of the subject parcel, including the following:

Shared cost of a lift station

The agreement indicates the general location, cost sharing arrangement and timing regarding the design, permitting and construction of the Lift Station (page 3, paragraph 2.2). This agreement will save North Port Utilities a significant sum versus having to design and construct a stand-alone lift station on their site. Since the recording of the agreement, a final location for the lift station has been further discussed and should be addressed in any contract discussions for the purchase of the property.

Off-site drainage easement

Consistent with early conversations with the property owner, the agreement provides for a drainage easement on the northerly parcel to accommodate surface water runoff from the proposed project. This area shall be no less than 1.5 acres in size and allows for the development of the proposed project as shown on the attached Conceptual Site Plan (Appendix A). The proposed location of both the drainage easement and the lift station mentioned above have been further coordinated with the Engineer for the project to the North and are generally shown below. These locations will need to be confirmed as the projects proceed with required permitting. This easement is required to be recorded no later than 180 days after December 20, 2021, closing date for the northerly parcel, but may be extended by mutual agreement.



Project Secondary Access Point

The proposed multi-family development was required to provide a secondary access for the purpose of fire protection and NPU as well wished to have an access for customers,

separate and apart from a dedicated access for employees and utility truck traffic. The agreement accommodates this by providing cross easements for an emergency fire access over and through the proposed NPU site as well as providing for customer access over and through Children’s Way to the NPU Administration Building, subject to a future cost sharing agreement. This mutually beneficial arrangement is detailed in the agreement on page 3, paragraph 2.3, and further described on page 4, paragraph 5.

Future discussions related to purchase of the subject property should include confirmation of the above items as well as cost sharing agreements associated with all common elements or joint use easements for the project going forward, including but not limited to project access, signage, drainage areas and infrastructure such as the lift station.

SCHEDULE AND NEXT STEPS

Should the City proceed with the purchase and development of this site, the anticipated schedule of development would be as follows:

Tasks	2022					2023									2024									
	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Nov	Dec	Jan	Feb	Mar	
Programming Review and Update		*																						
Filing of a DMP Application																								
Site Permitting																								
Final Building Design																								
Bidding and Construction																								

*indicates approximate date of property acquisition or approval of purchase and sale agreement

Contract Negotiations

- City staff will work with the property owner to bring a draft contract before the City Commission for consideration, including title work and appraisal information being obtained.
- A survey sketch and description of the parcel will be required.

Land Use Entitlements

- Application for a Development Master Plan (DMP) should be filed, including any waiver requests as noted in this document.
- Communicate with neighboring properties to inform them of the proposed development.

Final Building Design and Site Permitting

- Building design will be finalized and Site Development permits will be applied for.

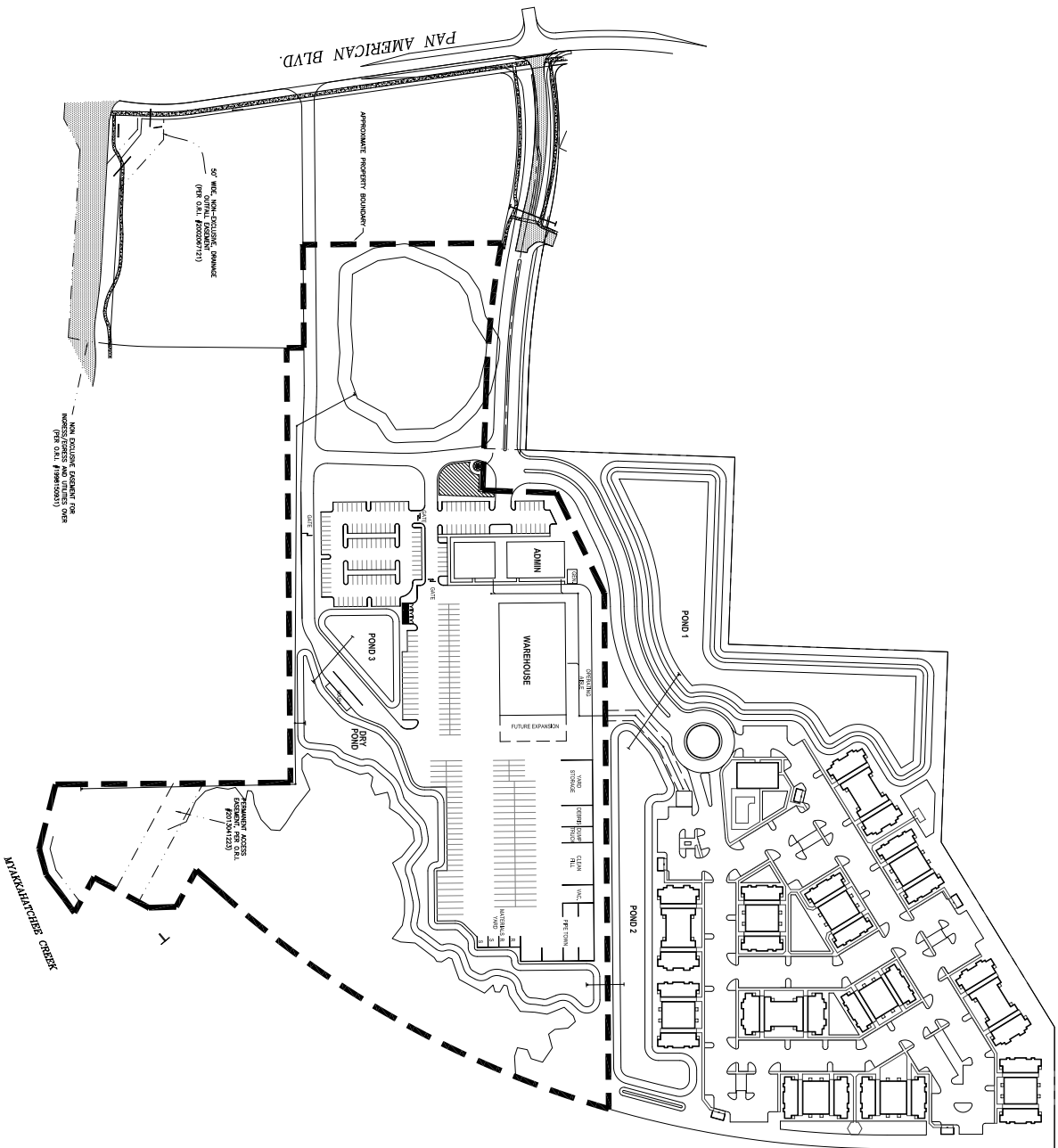
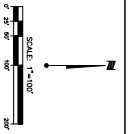
Commence Construction

- Bid documents will be prepared and construction administration services will be provided during construction.

End of Report

APPENDIX A

CONCEPTUAL SITE PLAN



Name:
 Name (Last, First, Middle)
 Title:

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Consultant

Notes

Revision: _____ By: _____ Date: _____

Prepared: _____
 Checked: _____
 Drawn: _____
 Title Block: _____

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**
 Not for permit, pricing or other official purposes. The document has not been given information or consent only.

Client/Project Logo

Client/Project:
 CITY OF NORTH PORT
 NORTH PORT UTILITIES AND OPERATIONS BUILDING

Title:

Project No.: _____ Scale: _____

Revision: _____ Sheet _____ of _____
 Drawing No. _____

APPENDIX B

ENVIRONMENTAL ASSESSMENT REPORT



Environmental Assessment Report

City of North Port Utilities Administration and
Warehouse Facilities

November 15, 2021

Prepared for:

The City of North Port

Prepared by:

Stantec Consulting Services Inc.
6920 Professional Parkway East
Sarasota, Florida 34240

Sign-off Sheet

This document entitled Environmental Assessment Report was prepared by Stantec Consulting Services Inc. ("Stantec") for the account of the City of North Port Utilities (the "Client"). Any reliance on this document by any third party is strictly prohibited. The material in it reflects Stantec's professional judgment in light of the scope, schedule and other limitations stated in the document and in the contract between Stantec and the Client. The opinions in the document are based on conditions and information existing at the time the document was published and do not take into account any subsequent changes. In preparing the document, Stantec did not verify information supplied to it by others. Any use which a third party makes of this document is the responsibility of such third party. Such third party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party as a result of decisions made or actions taken based on this document.

Prepared by _____

(signature)

Elizabeth Eardley

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ENVIRONMENTAL ASSESSMENT REPORT

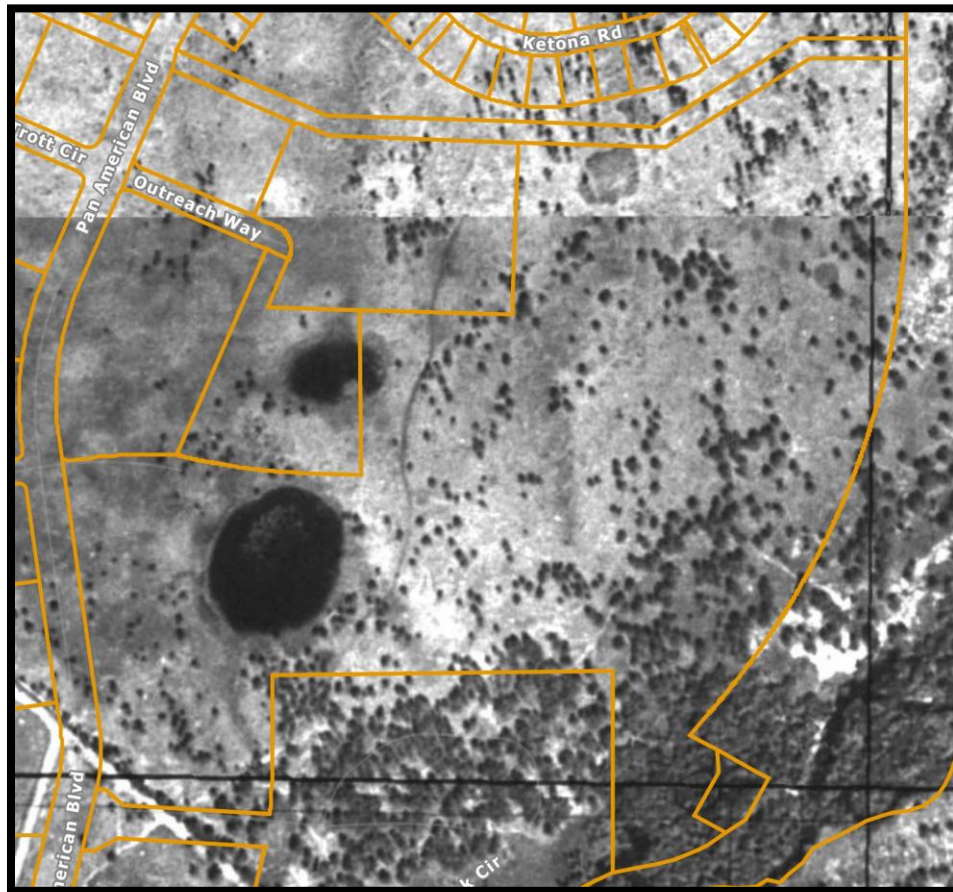
Introduction

1.0 INTRODUCTION

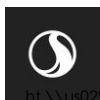
The Utilities Administration and Warehouse Facilities project site is located in Section 30, Township 39 South, Range 21 East within the limits of the City of North Port, Florida as depicted on the attached **FLUCCS Map**. The project proposes a new City utility building, warehouse, parking, and associated stormwater management system.

2.0 SITE HISTORY

A sequence of aerial imagery outlining historical site alterations is presented below.



1948 – The site appears to have been in improved pasture for grazing cattle.

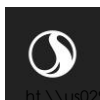


ENVIRONMENTAL ASSESSMENT REPORT

Site History

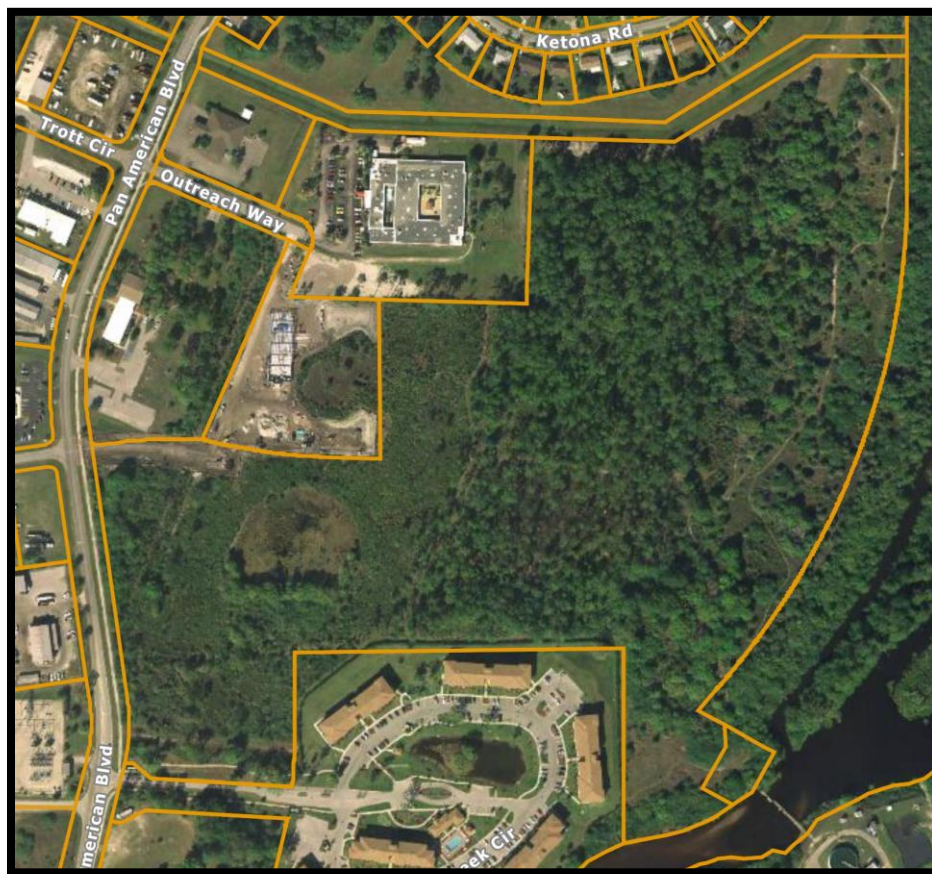


1974 – Clearing and grading activities along the eastern border are evident with the channelization of the Myakkahatchee Creek.



ENVIRONMENTAL ASSESSMENT REPORT

Habitats



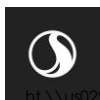
2007 – Site appears consistent with current observed conditions.

As demonstrated by the above aerials, the vast majority of the site has been historically altered from natural conditions through the grazing of cattle and realignment of Myakkahatchee Creek.

3.0 HABITATS

A site visit was conducted by Stantec environmental staff on October 21, 2021 to evaluate on-site habitats. Observed habitats have been classified according to the most recent edition of the Florida Department of Transportation's Florida Land Use Cover and Forms Classification System (FLUCCS) and depicted on the enclosed FLUCCS Map. Brief descriptions for the habitats found within the subject parcels are provided below. The potential for state and federal jurisdictional wetland and other surface water limits were reviewed and delineated in the field pursuant to Chapter 62-340 of the Florida Administrative Code (FAC).

3.1 UPLANDS



ENVIRONMENTAL ASSESSMENT REPORT

Habitats



FLUCCS 411 – Pine Flatwoods

Approximately 11.91 acres of the site have been classified as pine flatwoods. Although this area appears to have been historically altered, it has maintained a canopy dominated by slash pine (*Pinus elliottii*) with scattered laurel oak (*Quercus laurifolia*) and a dense understory of saw palmetto (*Serenoa repens*) with scattered wax myrtle (*Morella cerifera*), blackberry (*Rubus pensilvanicus*), and Brazilian pepper (*Schinus terebinthifolios*).



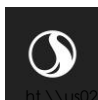
FLUCCS 425 – Temperate Hardwood

Along the southern edge of the on-site wetland is an approximately 0.5-acre area of temperate hardwoods. This area is dominated by a canopy of laurel oak and cabbage palm (*Sabal palmetto*) with sparse ground cover vegetation observed.



FLUCCS 740 – Disturbed Land

This land use code has been applied to the eastern ±6.87 acres of the parcel that appears to have been significantly altered through the realignment of the Myakkahatchee Creek. This area is dominated by dense coverage of Brazilian pepper with scattered pines and oaks.



3.2 WETLANDS



FLUCCS 641 – Freshwater Marshes

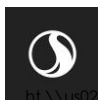
There is one isolated freshwater marsh (± 1.55 acres) located in the western portion of the parcel. The wetland appears relatively healthy in its vegetative composition, observed hydrology, and low abundance of nuisance and/or exotic vegetation. The inner deep portion of the wetland was dominated by dotted smartweed (*Persicaria punctata*) surrounded by sawgrass (*Cladium jamaicensense*), with the outer zones dominated by sand cordgrass (*Spartina bakeri*), bushy Broomsedge (*Andropogon glomeratus*), swamp fern (*Blechnum serrulatum*), Carolina willow (*Salix caroliniana*), and maidencane (*Panicum hemitomon*).

4.0 WILDLIFE

A Stantec ecologist conducted a preliminary listed species survey of this site on October 21, 2021, to determine the potential presence of species listed by the United States Fish and Wildlife Service (FWS) or by the Florida Fish and Wildlife Conservation Commission (FWC) as endangered or threatened. The site was traversed via pedestrian transects spaced to provide thorough visual coverage. During this survey, the ecologist looked for individual specimens, nests, burrows, scat, or any other identifiable signs of listed species. No utilization of the site by state and/or federally regulated species was observed during the preliminary wildlife.

The listed species presented below were identified by the Florida Natural Areas Inventory (FNAI) Biodiversity Matrix as having a potential for on-site habitat utilization. Due to historical land alterations and surrounding land uses, the anticipated utilization of on-site habitats by these species is unlikely.

- **Bald Eagle** (*Haliaeetus leucocephalus*) – The nearest reported bald eagle nest (SA065) is located approximately 0.95 miles southeast of the project and no additional nests were observed on-site during the preliminary wildlife survey, thus there are no anticipated impacts to this species.
- **Wood Stork** (*Mycteria americana*) – Although identified as having the potential to support utilization by this federally regulated species, the proposed upland land use conversion is not anticipated to affect this species.
- **Gopher Tortoise** (*Gopherus polyphemus*) – No gopher tortoise burrows were observed on-site during the preliminary wildlife survey. However, documentation provided the City of North Port staff indicated that potentially occupied gopher tortoise burrows were identified within the eastern portion of the site in 2016. Due to the historical observations of utilization of the site by this species, a 100% survey of suitable habitat is recommended once the final site development plan is selected consistent with FWC permitting guidelines.



ENVIRONMENTAL ASSESSMENT REPORT

Conclusion

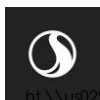
Tortoises within the footprint of development will need to be relocated prior to initiation of construction either to other areas on-site outside of construction limits or to an FWC-approved recipient site.

- **Eastern Indigo Snake** (*Drymarchon corais couperi*) – Due to the existing land uses and small size of the project, if the FWS Standard protection Measures for the Eastern Indigo Snake are followed during site preparation and project construction then no adverse impacts to this federally regulated species are anticipated to occur.
- **Florida Scrub-Jay** (*Aphelocoma coerulescens*) – The parcel is not located within an identified scrub-jay protection zone and as such no adverse impacts are anticipated to this species.
- **Florida Burrowing Owl** (*Athene cunicularia floridana*) – On-site habitats do not appear appropriate for this species, and as such there are no anticipated adverse impacts to this species.
- **Florida Sandhill Crane** (*Grus canadensis pratensis*) and other wading birds– The on-site wetland within the project boundary may afford suitable nesting and foraging habitat for the Florida sandhill crane and other wading birds. A Florida sandhill crane nesting survey of the wetland is recommended prior to any land clearing or construction activities that may occur during the Florida sandhill crane nesting season, consistent with FWC species protection guidelines for the Florida sandhill crane. If nests are documented, FWC recommends that nests be given a 125 m (400') buffer where no construction activities will occur until the chick(s) have left the nest to minimize potential impacts to ensure no adverse impacts to this species.
- **Florida Bonneted Bat** (*Eumops floridanus*) – The project is located within the consultation area of the Florida bonneted bat. Due to presence of potential roost/cavity trees within the project area, additional survey efforts for the Florida bonneted bat may be required by FWS during the permitting process.

5.0 CONCLUSION

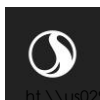
The proposed project is consistent with the Goals, Objectives, and Policies of Chapter 5 *Conservation and Coastal Zone Management* of the City's Comprehensive Plan in that it:

- The majority of the habitats on site have been historically altered.
- The site plan has avoided wetland impacts.
- The site is not located within a Florida scrub-jay identified area.
- Gopher tortoise relocation permitting through FWC, if necessary, will ensure no impacts to listed wildlife species.



ENVIRONMENTAL ASSESSMENT REPORT

Conclusion



APPENDIX C

CULTURAL RESOURCE ASSESSMENT SURVEY

**CULTURAL RESOURCE ASSESSMENT SURVEY
OF PAN AMERICAN BOULEVARD
NORTH PORT UTILITY ADMINISTRATION BUILDING,
SARASOTA COUNTY, FLORIDA**

Prepared by:



Florida's First Choice in Cultural Resource Management

**Archaeological Consultants, Inc.
8110 Blaikie Court, Suite A
Sarasota, Florida 34240
(941) 379-6206**

February 2022

**CULTURAL RESOURCE ASSESSMENT SURVEY
OF PAN AMERICAN BOULEVARD NORTH PORT UTILITY ADMINISTRATION
BUILDING
SARASOTA COUNTY, FLORIDA**

Prepared for:

**Stantec
6920 Professional Parkway
Sarasota, FL 34240**

Prepared by:

**Archaeological Consultants, Inc.
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**Maranda Kles – Project Manager
Jean Louise Lammie – Project Archaeologist
Nelson Rodriguez- Archaeologist**

February 2022

EXECUTIVE SUMMARY

Archaeological Consultants, Inc. (ACI) conducted a Cultural Resource Assessment Survey (CRAS) of a 17-acre parcel located on Pan American Road for Stantec. The Area of Potential Effect (APE) is located off Pan American Blvd in North Port. The project will involve commercial development on this 17-acre tract. The survey, conducted in accordance with the City of North Port's Unified Code, was completed in February 2022.

The purpose of the CRAS is to locate, identify, and aerially delimit any archaeological sites or historic resources within the project APE and to assess their significance in terms of eligibility for listing in the National Register of Historic Places (NRHP) and the List of Significant Historic Resources (LSHR) in the City of North Port. All work will be carried out in accordance with the City of North Port *Unified Land Development Code, Chapter 58 Archaeological Resource Protection Regulations*, and in conformity with the standards contained in the Florida Division of Historical Resource's (FDHR) *Cultural Resource Management Standards and Operational Manual* (FDHR 2003). The resulting survey and report meet specifications in Chapter 1A-46, *Florida Administrative Code*, and complies with Chapters 267 and 373, *Florida Statutes*, as well as Florida's Coastal Management Program. The Principal Investigators meet the *Secretary of the Interior's Historic Preservation Professional Qualification Standards* (48 FR 44716) for archaeology, history, architecture, architectural history, or historic architecture.

A review of the Florida Master Site File (FMSF) and Sarasota County Register of Historic Places (SCRHP) indicated that no previously recorded sites are within the APE, but seven are located within one mile. None of the sites has been evaluated by the State Historic Preservation Officer (SHPO) in terms of NRHP-eligibility. The field survey methodology ACI utilized was approved by North Port's Planning Division (Fossick 2022). As a result of ACI's field survey, which included surface reconnaissance and the excavation of 30 negative shovel tests, there was no evidence of indigenous or historical occupation of the Pan American parcel.

Historic/architectural background research revealed that there were no previously recorded historic resources within or proximate to the APE. A review of the United States Geological Survey (USGS) Murdock SE quadrangle maps, U.S. Department of Agriculture's (USDA) aerial photographs, and the Sarasota County property appraiser's website revealed no potential for historic resources 50 years of age or older (constructed 1972 or earlier) within the APE (Furst 2022; USDA 1951, 1957, 1974; USGS 1956). The absence of historic resources was confirmed by the field survey.

Based on the background research and the results of the field investigations, which included the excavation of 30 shovel tests within the 17-acre parcel, no historic resources were identified. As such, it is the opinion of ACI that the proposed undertaking will have no effect on any cultural resources that are listed, determined eligible, or that may be eligible for listing in the NRHP or LSHR.

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1.0 INTRODUCTION

ACI conducted a Cultural Resource Assessment Survey (CRAS) of the 17-acre parcel located off Pan American Boulevard for Stantec. The Area of Potential Effect (APE) is located off Pan American Blvd. in North Port (**Figure 1.1**). The project will involve expansion of the North Port Utility Administration Building. The survey, conducted in accordance with the City of North Port's Unified Code, was completed in February 2022.

The purpose of the CRAS is to locate, identify, and aerially delimit any archaeological sites or historic resources within the project APE and to assess their significance in terms of eligibility for listing in the National Register of Historic Places (NRHP) and the List of Significant Historic Resources in the City of North Port. All work will be carried out in accordance with the City of North Port Unified Land Development Code, Chapter 58 Archaeological Resource Protection Regulations, Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations in 36 CFR Part 800: Protection of Historic Properties, and in conformity with the standards contained in the Florida Division of Historical Resource's (FDHR) Cultural Resource Management Standards and Operational Manual (FDHR 2003). The resulting survey and report will meet specifications in Chapter 1A-46, *Florida Administrative Code (FAC)*, and comply with Chapters 267 and 373, *Florida Statutes (FS)*, as well as Florida's Coastal Management Program. Principal Investigators meet the *Secretary of the Interior's Historic Preservation Professional Qualification Standards* (48 FR 44716) for archaeology, history, architecture, architectural history, or historic architecture.

Background research preceded the field investigations. Such work provided an informed set of expectations concerning the kinds of cultural resources that might be anticipated to occur within the project APE, helped develop a testing strategy that conformed to the City's requests, as well as a basis for evaluating any newly discovered sites.

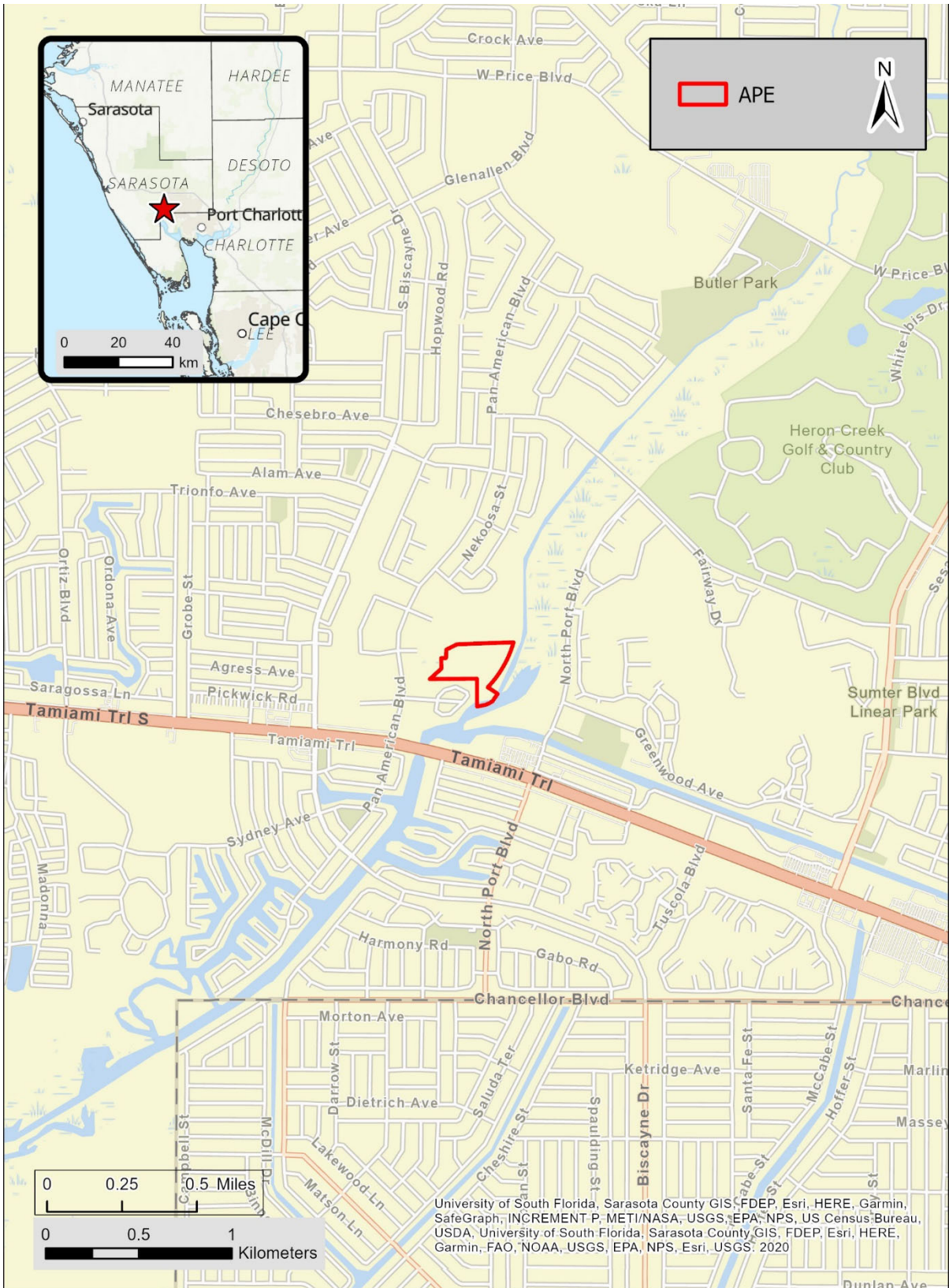


Figure 1.1. Location of the APE, Sarasota County.

2.0 ENVIRONMENTAL SETTING

Environmental factors such as geology, topography, relative elevation, soils, vegetation, and water resources are important in determining where archaeological sites are likely to be located. These influenced what types of resources were available for use, which in turn influenced decisions regarding settlement location and land-use patterns. Because of the influence of the environmental factors upon the local inhabitants, a discussion of the effective environment is included.

2.1 Project Location and Setting

The 17.31-acre APE is in Sections 29-31 33 of Township 39 South, Range 21 East (United States Geological Survey [USGS] Murdock SE 2103) (**Figure 2.1**). It is located off Pan American Blvd. It is a wooded, undeveloped commercial lot (**Photos 2.1-2.3**).



Photo 2.1. Facing South, general environmental condition of the APE.



Photo 2.2. Facing northwest, disturbance from channel lock in the southeast corner of the APE.

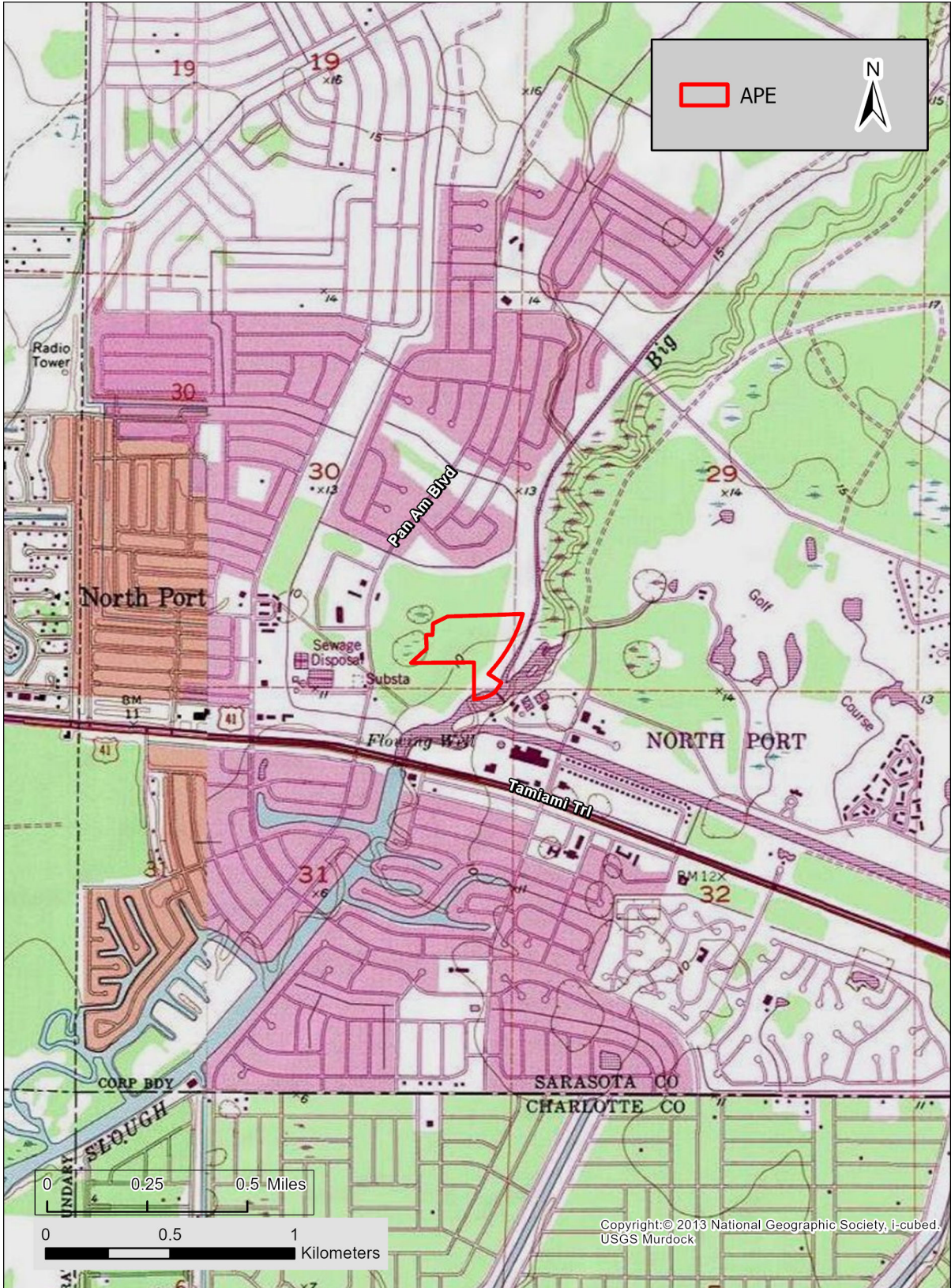


Figure 2.1. Environmental setting of the APE.



Photo 2.3. Facing north towards the canal that borders the APE on the east.

2.2 Physiography and Geology

The project area lies within the Gulf Coastal Lowlands of the Florida Peninsula (White 1970). The lack of elevation creates the near surficial to exposed water table throughout the region. This high-water table results in the poor natural drainage and abundance of wetlands in the region (Davis 1943; McNab and Avers 1996). The elevation of the APE is less than one meter [m] (5-10 feet [ft]) above mean sea level. The area is underlain by shelly sediments of the Plio-Pleistocene, which are surficially evidenced by shelly sand and clay (Knapp 1980; Scott 2001; Scott et al. 2001).

2.3 Soils and Vegetation

The *United States Department of Agriculture (USDA)* Sarasota County soil survey indicates that the APE is within the EauGallie-Myakka-Holopaw-Pineda soil association, which is characterized by nearly level, poorly and very poorly drained sandy soils on broad flatwoods interspersed with sloughs surrounding many depressions that are seasonally ponded (Hyde et al. 1991) (**Figure 2.2**). **Table 2.1** outlines the general characteristics of each soil type within the APE. The natural vegetation consists of South Florida slash pine, and scattered cabbage palm with an understory of inkberry, saw palmetto, chalky bluestem, creeping bluestem, pineland threeawn, waxmyrtle, panicum, and other grasses. The very poorly drained Holopaw soils support baldcypress, pondcypress, cabbage palm, waxmyrtle, sand cordgrass, St. Johnswort, and blue maidencane. The dominant soil types within the APE are poorly drained Myakka and EauGallie fine sands.

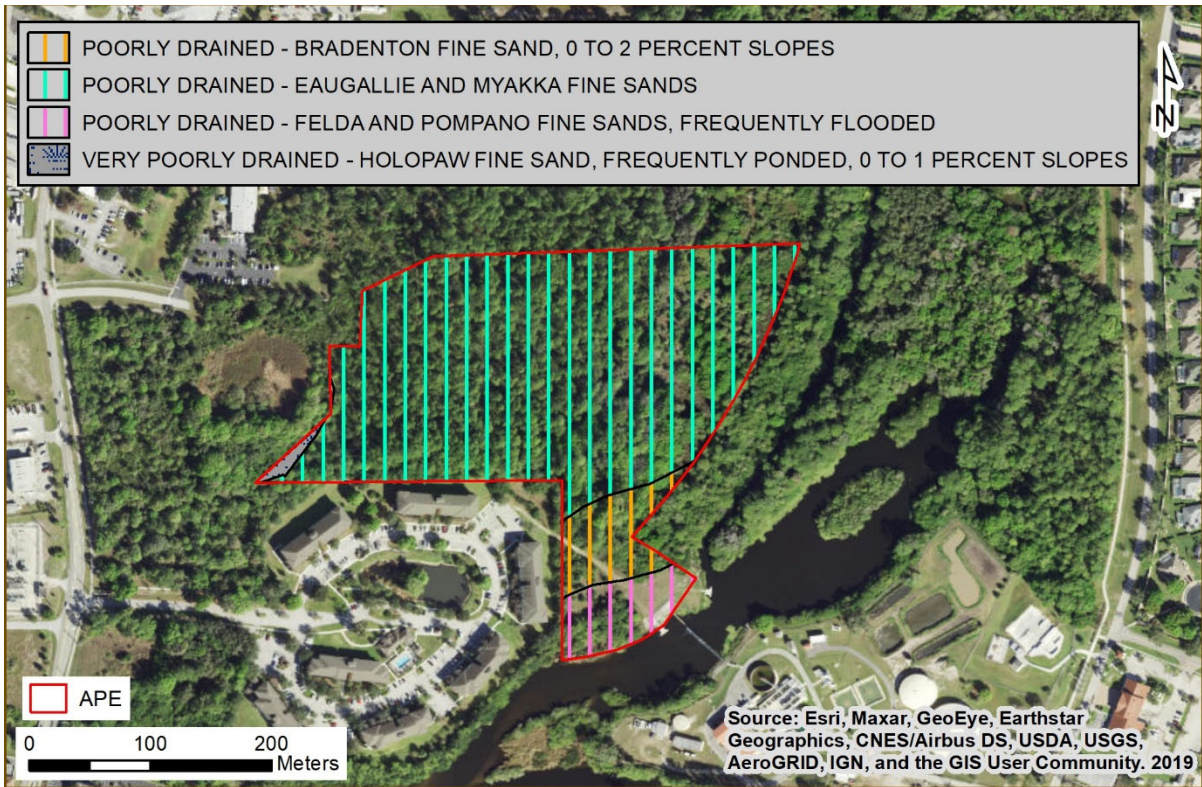


Figure 2.2. Soil type within the APE.

Table 2.1. Soil Type Characteristics

Soil Type/% Slope	Drainage	Settings
Bradenton fs, 0-2%	Poor	Low ridges and hammocks adjacent to flood plains, sloughs and depressions.
EauGallie fs,	Poor	Flatwoods
Myakka fs	Poor	Flatwoods
Felda fs	Poor	Flood plains
Pompano fs, freq. flooded	Poor	Flood plains
Holopaw fs, freq. ponded	Very poor	Depressions

Soils play a significant role in determining what plant and animal species are available in the region. The vegetation map of Florida depicts this area as being primarily pine flatwoods (Davis 1980). The soil survey of the county provides information on the soil's ability to support various wildlife habitats (Hyde et al. 1991: Table 7). These include openland, woodland, and wetland. Openland consists of cropland, pasture, meadows, and areas overgrown with grasses, herbs, shrubs, and vines. This area attracts bobwhite quail, dove, field sparrow, cottontail, red fox, armadillo, and sandhill crane. The woodland wildlife habitat consists of areas of deciduous and/or coniferous plants with associated legumes, grasses, and herbaceous plants. Wildlife attracted to these locales includes turkey, thrushes, woodpeckers, owls, squirrels, gray fox, raccoon, deer, and bobcat. The wetland habitats are open, marshy, or swampy shallow water areas. Wildlife associated with these locales includes ducks, herons, shore birds, mink, beaver, egrets, and alligator. Holopaw sand is rated good for wetland habitats but is not suitable for openland or woodland habitats.

2.4 Paleoenvironmental Considerations

The early environment of the region was different from that seen today. Sea levels were lower, the climate was arid, and fresh water was scarce. An understanding of human ecology during the earliest periods of human occupation in Florida cannot be based on observations of the modern environment because of changes in water resources, botanical communities, and faunal resources. Aboriginal inhabitants adapted in response to the environmental changes taking place, which were then reflected in settlement patterns, site types, artifact forms, and subsistence economies.

Due to the arid conditions between 16,500 and 12,500 years ago, the perched water aquifer and potable water supplies were absent. Palynological studies conducted in Florida and Georgia suggest that between 13,000 and 5000 years ago, this area was covered with an upland vegetation community of scrub oak and prairie (Watts 1969, 1971, 1975). However, the environment was not static. Evidence recovered from the inundated Page-Ladson Site in north Florida has clearly demonstrated that there were two periods of low water tables and dry climatic conditions and two episodes of elevated water tables and wet conditions (Dunbar 2006c). The rise of sea level reduced xeric habitats over the next several millennia.

By 5000 years ago, a climatic event marking a brief return to Pleistocene climatic conditions induced a change toward more open vegetation. Southern pine forests replaced the oak savannahs. Extensive marshes and swamps developed along the coasts and subtropical hardwood forests became established along the southern tip of Florida (Delcourt and Delcourt 1981). Northern Florida saw an increase in oak species, grasses, and sedges (Carbone 1983). At Lake Annie, in south central Florida, wax myrtle and pine dominated pollen cores. The assemblage suggests that by this time, a forest dominated by longleaf pine along with cypress swamps and bayheads existed in the area (Watts 1971, 1975). Surface water was plentiful in karst terrains and the level of the Floridan aquifer rose to 1.5 m (5 ft) above present levels. With the establishment of warmer winters and cooler summers than in the preceding early Holocene, the fire-adapted pine communities prevailed. These depend on the high summer precipitation caused by the thunderstorms and the accompanying lightning strikes to spark the fires (Watts et al. 1996; Watts and Hansen 1994). The increased precipitation also resulted in the formation of the large swamp systems such as the Okefenokee and Everglades (Gleason and Stone 1994). After this time, modern floral, climatic, and environmental conditions began to be established.

3.0 CULTURE HISTORY

A discussion of the culture history is included to provide a framework within which the local historical and archaeological record can be examined. Archaeological and historic sites are not individual entities, but rather are part of once dynamic cultural systems. Thus, individual sites cannot be adequately examined or interpreted without reference to other sites and resources in the general area. In general, archaeologists summarize the culture history of a given area (i.e., an archaeological region) by outlining the sequence of archaeological cultures through time. These are defined largely in geographical terms but also reflect shared environmental and cultural factors. The project area is in the Central Peninsular Gulf Coast archaeological region, which extends from north of Tampa Bay southward to the northern portion of Charlotte Harbor (**Figure 3.1**) (Milanich 1994; Milanich and Fairbanks 1980). Within this zone, the Paleoindian, Archaic, Formative, and Mississippian stages have been defined based on unique sets of material culture traits such as stone tools and ceramics as well as subsistence, settlement, and burial patterns. These broad temporal units are further subdivided into culture phases or periods.

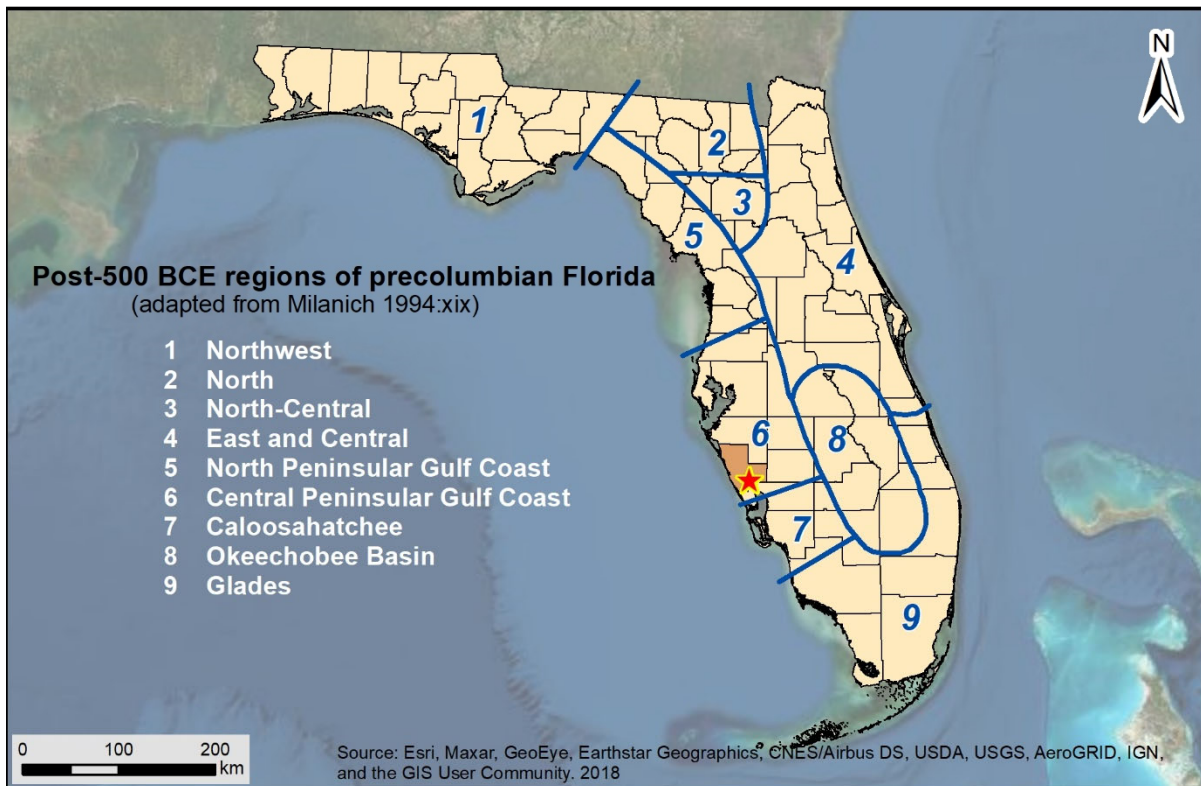


Figure 3.1. Florida Archaeological Regions.

The local history of the region is divided into four broad periods based initially upon the major governmental powers. The first period, Colonialism, occurred during the exploration and control of Florida by the Spanish and British from around 1513 until 1821. At that time, Florida became a territory of the U.S. and 21 years later became a State (Territorial and Statehood). The Civil War and Aftermath (1861-1899) period deals with the Civil War, the period of Reconstruction following the war, and the late 1800s, when the transportation systems were dramatically increased and development throughout the state expanded. The Twentieth Century includes subperiods defined by important historic events such as the World Wars, the Boom of the 1920s, and the Depression. Each of these periods evidenced differential development and utilization of the region, thus effecting the historic site distribution.

3.1 Paleoindian

The Paleoindian stage is the earliest known cultural manifestation in Florida, dating from roughly 12,000 to 7500 BCE (Before Common Era) (Milanich 1994). Archaeological evidence for Paleoindians consists primarily of scattered finds of diagnostic lanceolate-shaped projectile points. The Florida peninsula at that time was quite different than today. In general, the climate was cooler and drier with vegetation typified by xerophytic species with scrub oak, pine, open grassy prairies, and savannas (Milanich 1994:40). When human populations were arriving in Florida, the sea levels were still as much as 40 to 60 m (130-200 ft) below present levels and coastal regions of Florida extended miles beyond present-day shorelines (Faught 2004). Thus, many sites have been inundated (Faught and Donoghue 1997).

The Paleoindian period has been sub-divided into three horizons based upon characteristic tool forms (Austin 2001). Traditionally, it is believed that the Clovis Horizon (10,500-9000 BCE) represents the initial occupation of Florida and is defined based upon the presence of the fluted Clovis points. These are somewhat more common in north Florida. Research suggests that Suwannee and Simpson points may be contemporary with or predate Clovis (Dunbar 2006a, 2016; Stanford et al. 2005). The Suwannee Horizon (9000-8500 BCE) is the best known of the three Paleoindian horizons. The lanceolate-shaped, unfluted Simpson and Suwannee projectile points are diagnostic of this time (Bullen 1975; Daniel and Wisenbaker 1987; Purdy 1981). The Suwannee tool kit includes a variety of scrapers, adzes, spokeshaves, unifacially retouched flakes, and blade-like flakes as well as bone and ivory foreshafts, pins, awls, daggers, anvils, and abraders (Austin 2001:23).

Following the Suwannee Horizon is the Late Paleoindian Horizon (8500-8000 BCE). The smaller Tallahassee, Santa Fe, and Beaver Lake projectile points have traditionally been attributed to this horizon (Milanich 1994). However, many of these points have been recovered stratigraphically from late Archaic and early Woodland period components and thus, may not date to this period at all (Austin 2001; Farr 2006). Florida notched or pseudo-notched points, including the Union, Greenbriar, and Hardaway-like points may represent late Paleoindian types, but these types have not been recovered from datable contexts and their temporal placement remains uncertain (Dunbar 2006a:410).

Archaeologists hypothesize that Paleoindians lived in migratory bands and subsisted by gathering and hunting, including the now-extinct Pleistocene megafauna. In addition, they likely trapped smaller animals such as mink, muskrat, and rabbit for their fur and medium sized mammal such as deer for food as well as raw materials for bone tools (Dunbar 2016; Dunbar and Vojnovski 2007). It is likely that these nomadic hunters traveled between permanent and semi-permanent sources of water, such as artesian springs, exploiting the available resources. These watering holes would have attracted the animals, thus providing food and drink. In addition to being tethered to water sources, most of the Paleoindian sites are close to quality lithic resources. The settlement pattern consisted of the establishment of semi-permanent habitation areas and the movement of the resources from their sources of procurement to the residential locale by specialized task groups (Austin 2001:25).

Although the Paleoindian period is generally considered to have been cooler and drier, there were major variations in the inland water tables resulting from large-scale environmental fluctuations. There have been two major theories as to why most Paleoindian materials have been recovered from inundated sites. The Oasis theory, put forth by Wilfred T. Neill, was that due to low water tables and scarcity of potable water, the Paleoindians, and the game animals upon which they depended, clustered around the few available water holes that were associated with sinkholes (Neill 1964). Whereas Ben Waller postulated that the Paleoindians gathered around river-crossings to ambush the large Pleistocene animals as they crossed the rivers (Waller 1970). This implies periods of elevated water levels. Based on the research along the Aucilla and Wacissa Rivers, it appears that both theories are correct,

depending upon what the local environmental conditions were at that time (Dunbar 2006b, 2016). As such, during the wetter periods, populations became more dispersed because the water resources were abundant and the animals that they relied on could roam over a wider range.

Some of the information about this period has been derived from the underwater excavations at two inland spring sites in Sarasota County: Little Salt Spring and Warm Mineral Springs (Clausen et al. 1979). Excavation at the Harney Flats Site in Hillsborough County has provided a rich body of data concerning Paleoindian life ways. Analysis indicates that this site was used as a quarry-related base camp with special use activity areas (Daniel and Wisenbaker 1987). It has been suggested that Paleoindian settlement may not have been related as much to seasonal changes as generally postulated for the succeeding Archaic period, but instead movement was perhaps related to the scheduling of tool-kit replacement, social needs, and the availability of water, among other factors (Daniel and Wisenbaker 1987:175). Investigations along the Aucilla and Wacissa Rivers, as well as other sites within the north Florida rivers, have provided important information on the Paleoindian period and how the aboriginals adapted to their environmental setting (Webb 2006). Studies of the Pleistocene faunal remains from these sites clearly demonstrate the importance of these animals not for food alone, but as the raw material for their bone tool industry (Dunbar and Webb 1996).

3.2 Archaic

Climatic changes occurred, resulting in the disappearance of the Pleistocene megafauna and the demise of the Paleoindian culture. The disappearance of the mammoths and mastodons resulted in a reduction of open grazing lands, and thus, the subsequent disappearance of grazers such as horse, bison, and camels. With the reduction of open habitat, the more solitary, woodland browser, white-tailed deer replaced the herd animals (Dunbar 2006a:426). The intertwined data of megafauna' extinction and cultural change suggests a rapid and significant disruption in both faunal and floral assemblages. The Bolen people represent the first culture adapted to the Holocene environment (Carter and Dunbar 2006). This included a more specialized toolkit, and the introduction of chipped-stone woodworking implements.

Due to a lack of excavated collections and the poor preservation of bone and other organic materials in the upland sites, our knowledge of the Early Archaic artifact assemblage is limited (Carter and Dunbar 2006; Milanich 1994). Discoveries at the Page-Ladson, Little Salt Spring, and Windover sites indicate that bone and wood tools were used (Clausen et al. 1979; Doran 2002; Webb 2006). The archaeological record suggests a diffuse, yet well-scheduled, pattern of exploiting both coastal and interior resources. Because water sources were much more numerous and larger than previously, the Early Archaic peoples could sustain larger populations, occupy sites for longer periods, and perform activities requiring longer occupations at a specific locale (Milanich 1994:67).

Marked environmental changes, which occurred some 6500 years ago, had a profound influence upon human settlement and subsistence practices. Among the landscape alterations were rises in sea and water table levels that resulted in the creation of more available surface water. In addition to changed hydrological conditions, this period is characterized by the spread of mesic forests and the beginnings of modern vegetation communities including pine forests and cypress swamps. Humans adapted to this changing environment and regional and local differences are reflected in the archaeological record (Russo 1994a, 1994b; Sassaman 2008).

The Middle Archaic archaeological record is better understood than the Early Archaic. The material culture inventory included several stemmed, broad blade projectile point types including the Newnan, Levy, Marion, and Putnam types (Bullen 1975). Population growth, as evidenced by the

increased number of Middle Archaic sites and accompanied by increased socio-cultural complexity, is assumed for this time (Milanich and Fairbanks 1980). Site types included large base camps, smaller special-use campsites, quarries, and burial areas. The most common sites are the smaller campsites, which were most likely used for hunting or served as special-use extractive sites for such activities as gathering nuts or other botanical materials. At quarry sites, aboriginal populations mined stone for their tools. They usually roughly shaped the stone prior to transporting it to another locale for finishing. A larger artifact assemblage and a wider variety of tool forms characterize base camps.

During the Late Archaic period, population increased and became more sedentary. The broad-bladed, stemmed projectile styles of the Middle Archaic continued to be made with the addition of Culbreath, Lafayette, Clay, and Westo types (Bullen 1975). A greater reliance on marine resources is indicated in coastal areas. Subsistence strategies and technologies reflect the beginnings of an adaptation to these resources. Around 4000 years ago, evidence of fired clay pottery appears in Florida. The first ceramic types, tempered with fibers (Spanish moss or palmetto), are referred to as the Orange series. Initially, it was thought that they lacked decoration until about 1700 BCE, when they were decorated with geometric designs and punctations. Research has called this ceramic chronology into question; accelerator mass spectrometry dates from a series of incised Orange sherds from the middle St. Johns River Valley, have produced dates contemporaneous with the plain varieties (Sassaman 2003).

Milanich (1994:86-87) suggests that while there may be little difference between Middle and Late Archaic populations, there are more Late Archaic sites, and they were primarily located near wetlands. The abundant wetland resources allowed larger settlements to be maintained. It is likely that the change in settlement patterns was related to the environmental changes. By the end of the Middle Archaic, the climate closely resembled that of today and the vegetation changed from those species which preferred moist conditions to pines and mixed forests (Watts and Hansen 1988). Sea levels rose, inundating many sites located along the shoreline. The adaptation to this environment allowed for a wider variety of resources to be exploited and a wider variation in settlement patterns. No longer were the scarce waterholes dictating the location of sites. Shellfish, fish, and other food sources were now available from coastal and freshwater wetlands resulting in an increased population size.

The Late Archaic Transitional stage refers to that portion of the ceramic Archaic when sand was mixed with the fibers as a tempering agent. The same settlement and subsistence patterns were being followed. It has been suggested that during this period there was a diffusion of cultural traits because of the movement of small groups (Bullen 1959, 1965). This resulted in the appearance of several different ceramic and lithic tool traditions, and the beginning of cultural regionalism.

3.3 Formative

The Formative stage is comprised of the Manasota and Weeden Island-related cultures (ca. 500 BCE to 800 CE [Common Era]). Settlement patterns consisted of permanent villages located along the coast with seasonal forays into the interior to hunt, gather, and collect those resources unavailable along the coast. Most Manasota sites are shell middens found on or near the shore where aboriginal villagers had easiest access to fish and shellfish (Milanich 1994). The subsistence economy focused on the coastal exploitation of maritime resources, supplemented by hunting and gathering inland resources (Luer and Almy 1982). Investigations at the Shaw's Point, Fort Brook Midden, Yat Kitischee, and Myakkahatchee sites have provided a wealth of information on site formation, subsistence economies, and technology and their changes over time (Austin 1995; Austin et al. 1992; Luer et al. 1987; Schwadron 2002). The major villages were located along the shore with smaller sites being located up to 19-29 kilometers (km) (12-18 miles) inland. These inland sites, which probably served as seasonal villages or special-use campsites, were often located in the pine flatwoods on elevated lands proximate

to a source of freshwater where a variety of resources could be exploited (Austin and Russo 1989; Luer and Almy 1982). Hardin and Piper (1984) suggest that some of the larger inland sites may be permanent or semi-permanent settlements as opposed to seasonal campsites.

Manasota is characterized by a wide range of material cultural traits such as a well-developed shell and bone tool technology, sand tempered plain ceramics, and burials within shell middens (Luer and Almy 1982). Much of the shell and bone technology evolved out of the preceding Archaic period. Through time, the burial patterns became more elaborate, with burials being placed within sand burial mounds located near the villages and middens. The early burial patterns consisted of primary flexed burials in the shell middens, while later sites contained secondary burials within sand mounds.

Temporal placement within the Manasota period can be determined based upon diagnostic ceramic rim and vessel forms (Luer and Almy 1982). The early forms (ca. 500 BCE to 400 CE) are characterized as flattened globular bowls with incurving rims and chamfered lips. Pot forms with rounded lips and inward curving rims were utilized from about 200 BCE until 700 CE. Deeper pot forms with straight sides and rounded lips were developed around 400 CE and continued into the Safety Harbor period. Simple bowls with outward curving rims and flattened lips were used from the end of the Late Weeden Island period (ca. 800 CE) into the Safety Harbor period. Vessel wall thickness decreased over time.

The lithic assemblage of the Manasota culture was scarce along the coast especially in the more southern portions of the region where stone suitable for tool manufacture was absent. Projectile point types associated with the Manasota period include the Sarasota, Hernando, and Westo varieties (Luer and Almy 1982).

Influences from the Weeden Island “heartland,” located in north-central Florida, probably resulted in the changes in burial practices. These influences can also be seen in the increased variety of ceremonial ceramic types through time. The secular, sand tempered ware continued to be the dominant ceramic type. Manasota evolved into what is referred to as a Weeden Island-related culture. The subsistence and settlement patterns remained consistent. Hunting and gathering of the inland and coastal resources continued. The ceramic types and other exotic artifacts present within the burial mounds indicate a widespread trade network.

Ceremonialism and its expressions, such as the construction of complex burial mounds containing exotic and elaborate grave offerings, reached their greatest development during this period. Similarly, the subsistence economy, divided between maritime and terrestrial animals and perhaps horticultural products, represents the maximum effective adjustment to the environment. Many Weeden Island-related sites consist of villages with associated mounds, as well as ceremonial/burial mound sites. The presence of Weeden Island ceramic types distinguishes the artifact assemblage. These are among some of the finest ceramics in the Southeast; they are often thin, well fired, burnished, and decorated with incising, punctations, complicated stamping, and animal effigies (Milanich 1994:211). Coastal sites are marked by the presence of shell middens, indicating a continued pattern of exploitation of marine and estuarine resources. Interaction between the inland farmer-gatherers and coastal hunter-gatherers may have developed into mutually beneficial exchange systems (Kohler 1991:98). This could account for the presence of non-locally made ceramics at some of the Weeden Island-related period sites. There is no definitive evidence for horticulture in the coastal area (Milanich 1994:215).

3.4 Mississippian

The final aboriginal cultural manifestation in the Central Peninsular Gulf Coast region is Safety Harbor, named for the type-site in Pinellas County. The presence of datable European artifacts (largely Spanish) in sites, along with radiocarbon dates from early Safety Harbor contexts associated with Englewood ceramics, provide the basis for dividing the Safety Harbor period into two pre-Columbian phases: Englewood (900-1000 CE) and Pinellas (1000-1500 CE) and two colonial period phases: Tatham (1500-1567 CE) and Bayview (1567-1725 CE) (Mitchem 1989). The Safety Harbor variant in Hillsborough, northern Manatee, Pinellas, and southern Pasco counties is identified as the Circum-Tampa Bay regional variant.

Although inland sites do occur, the Safety Harbor culture was primarily a coastal phenomenon (Mitchem 1989, 2012). Large coastal towns or villages often had a temple mound, plaza, midden, and a burial mound associated with them. Although some maize agriculture may have been practiced by the Safety Harbor peoples, the coastal environment was not suitable for intensive maize agriculture (Luer and Almy 1981; Mitchem 2012). Away from the coastal plain, a more dispersed pattern of smaller settlements was evident, and the burial mounds appear to have been located away from the habitation areas (Mitchem 1988, 1989).

Influences from the north led to the incorporation of some Mississippian traits by the late Manasota peoples, which became the Safety Harbor culture. Most Safety Harbor components are located on top of the earlier Manasota deposits and there is evidence of significant continuity from Manasota into Safety Harbor. However, in some areas, Manasota continued later than previously thought, while in other areas Englewood did not appear to have occurred at all (Austin et al. 2008b). The lack of the diagnostic Englewood ceramics at many sites may indicate that the Englewood phase was skipped in the developmental sequence from Manasota to Safety Harbor (Mitchem 2012).

The primary difference between Manasota and Safety Harbor is the ceramic assemblage. The utilitarian ceramics include the Pasco (limestone tempered), Pinellas (laminated paste), and sand tempered plain varieties. The decorated ceramics, primarily recovered from burial mounds, include Englewood Incised, Sarasota Incised, Lemon Bay Incised, St. Johns Check Stamped, Safety Harbor, Incised, and Pinellas Incised (Willey 1949). The adoption of Mississippian traits such as jar and bottle forms, and the guilloche or loop design, are indicative of this period (Luer 2014). However, unlike most Mississippian period ceramics, the use of mussel shell as the aplastic is not present (Mitchem 2012).

Trade between Safety Harbor people and other Southeastern Mississippian cultures took place. It is likely that marine whelks and conchs were traded with groups in the Southeast and Midwest. In turn, items such as copper and ground-stone artifacts made their way south. Based on Spanish accounts, the Safety Harbor culture had evolved into a chiefdom form of government, albeit minus the maize agriculture of other Mississippian period groups in the Southeast. This lack of agriculture was likely due to the extremely successful adaptation to the local environment and the lack of suitable soils to produce maize. Mitchem notes that although contact with Mississippian people may have led to political and religious changes, there was not a compelling reason to change their lifestyle completely (Mitchem 2012:185).

3.5 Colonialism

The Timucuan Indians are the historic counterparts of the Safety Harbor people. In the Tampa Bay area, they are referred to as the Tocobaga, extending from roughly Tarpon Springs southward to the Sarasota area (Bullen 1978). The Tocobaga consisted of several small chiefdoms whose leaders

frequently waged war against each other. The most powerful chiefdom was Tocobaga, located at the head of Old Tampa Bay at the Safety Harbor site; other major chiefdoms included the Mocoço (at the mouth of the Alafia River) and Ucita (at the mouth of the Little Manatee River) (Hann 2003).

The cultural traditions of the native Floridians ended with the advent of European expeditions to the New World. The initial events, authorized by the Spanish crown in the 1500s, ushered in devastating European contact. After Ponce de Leon's landing near St. Augustine in 1513, Spanish explorations were confined to the west coast of Florida; Narvaéz is thought to have made shore in 1528 in St. Petersburg and de Soto's 1539 landing is commemorated at De Soto Point on the south bank of the Manatee River. The Spaniards briefly established a fort and garrison at Tocobaga in the 1560s. In 1568, the Tocobaga killed all of the soldiers and when a Spanish supply ship arrived, the Tocobaga left, and the Spanish burned the village (Hann 2003).

The area that now constitutes the State of Florida was ceded to England in 1763 after two centuries of Spanish possession. England governed Florida until 1783 when the Treaty of Paris returned Florida to Spain; however, Spanish influence was nominal during this second period. Prior to the American colonial settlement of Florida, portions of the Muskogean Creek, Yamassee, and Oconee tribes moved into Florida and repopulated the demographic vacuum created by the decimation of the original aboriginal inhabitants. These migrating groups of Native Americans became known to English speakers as Seminoles. They had an agriculturally based society, focusing upon cultivation of crops and the raising of horses and cattle. The material culture of the Seminoles remained like the Creeks; the dominant aboriginal pottery type being Chattahoochee Brushed. British trade goods were common. Their settlement pattern included villages located near rich agricultural fields and grazing lands.

Their early history can be divided into two basic periods: *Colonization* (1716-1767) when the initial movement of Creek towns into Florida occurred, and *Enterprise* (1767-1821) which was an era of prosperity under the British and Spanish rule prior to the American presence (Mahon and Weisman 1996). The Seminoles formed at various times loose confederacies for mutual protection against the American Nation to the north (Tebeau 1980:72). The Seminoles crossed back and forth into Georgia and Alabama conducting raids and welcoming escaped slaves. This resulted in General Andrew Jackson's invasion of Florida in 1818, which became known as the First Seminole War.

3.6 Territorial and Statehood

Florida became a U.S. Territory in 1821 due to the war and the Adams-Onis Treaty of 1819. Andrew Jackson, named provisional governor, divided the territory into St. Johns and Escambia Counties. At that time, St. Johns County encompassed all of Florida lying east of the Suwannee River. Escambia County included the land lying to the west. The first territorial census in 1825, recorded some 5077 living east of the Suwannee River; by 1830, that number had risen to 8956 (Tebeau 1980:134).

Even though the First Seminole War was fought in north Florida, the Treaty of Moultrie Creek in 1823, at the end of the war, was to affect the settlement of the entire state. The Seminoles relinquished their claim to the whole peninsula in return for occupancy of an approximately four-million-acre reservation south of Ocala and north of Charlotte Harbor (Mahon 1985). The reservation was found to be nearly barren, with poor soils, few good hammocks, and frequently covered with water during the rainy season (Knetsch 2008:8). The treaty never satisfied the Indian or the incoming settlers. The inadequacy of the reservation and desperate situation of the Seminoles living there, plus the mounting demand of the settlers for their removal, soon produced another conflict.

In 1824, Cantonment (later Fort) Brooke was established on the south side of the mouth of the Hillsborough River, in what is now downtown Tampa, by Colonel George Mercer Brooke for overseeing the angered Seminoles. Frontier families followed the soldiers, and the settlement of the Tampa Bay area began. This caused problems for the military as civilian settlements were not in accord with the Treaty of Moultrie Creek (Guthrie 1974:10). By 1830, the U.S. War Department established a military reserve around Fort Brooke with boundaries extending 16 miles to the north, west and east of the fort (Chamberlin 1968:43) The 256-square-mile military reservation included a guardhouse, barracks, storehouse, powder magazine, and stables.

Hillsborough County was established in 1834 by the Territorial Legislature of Florida because of the instrumental efforts of Augustus Steele, who arrived in 1832 (Piper and Piper 1982). At that time, the county reached north to Dade City and south to Charlotte Harbor, encompassing eight future counties covering an area that today comprises Pasco, Polk, Manatee, Sarasota, DeSoto, Charlotte, Highlands, Hardee, Pinellas, and Hillsborough counties. The county was named for the “river which ran through it and the bay into which the river flowed” (Bruton and Bailey 1984:18; Robinson 1928:22). Due to its isolated location, Hillsborough County was slow to develop. The Tampa Bay post office was closed at this time and reestablished as “Tampa” on September 13, 1834 (Bradbury and Hallock 1962). As settlement in the area increased, so did hostilities with Native Americans. The growing threat of the Seminoles to the civilians near the fort propelled them to sign a petition asking for military protection.

By 1835, the Second Seminole War was underway, triggered by an attack on Major Francis Langhorne Dade as he led a company of soldiers from Fort Brooke to Fort King (now Ocala). As part of the effort to subdue Indian hostilities in Florida, military patrols moved into the wilderness in search of any Seminole concentrations. As the Second Seminole War escalated, attacks on isolated settlers and communities became more common. To combat this, the combined service units of the U.S. Army and Navy converged on southwest Florida. This joint effort attempted to seal off the southern portion of the Florida peninsula from the estimated 300 Seminoles remaining in the Big Cypress Swamp and Everglades (Covington 1958; Tebeau and Carson 1965).

In 1837, Fort Brooke became the headquarters for the Army of the South and the main garrison for the Seminole wars. The fort also served as a haven for settlers who had to leave their farms and seek protection from the warring Seminoles (Piper et al. 1982). Several other forts were established around the area during the Seminole War years. Their uses varied from military garrisons to military supply depots; others were built to protect the nearby settlers during Indian uprisings. These included Fort Alabama (later Fort Foster), Fort Thonotosassa, and Fort Simmons (Bruton and Bailey 1984).

The Second Seminole War ended in 1842 when the federal government withdrew troops from Florida. Some of the battle-weary Seminoles were persuaded to emigrate to the Oklahoma Indian Reservation where the federal government had set aside land for Native American occupation. However, those who wished to remain were allowed to do so but were pushed further south into the Everglades and Big Cypress Swamp, which became the last Seminole stronghold (Mahon 1985:321).

In 1840, the population of Hillsborough County was 452, with 360 of those residing at Fort Brooke (HT/HCPB 1980:7). Encouraged by the passage of the Armed Occupation Act in 1842, designed to promote settlement and protect the Florida frontier, settlers moved south through Florida. The Act made available 200,000 acres outside the already developed regions south of Gainesville to the Peace River, barring coastal lands and those within a two-mile radius of a fort. It stipulated that any family or single man over 18 able to bear arms could earn title to 160 acres by erecting a habitable dwelling, cultivating at least five acres of land, and living on it for five years. During the nine-months that the law was in effect, 1184 permits were issued totaling some 189,440 acres (Covington 1961:48).

In 1845, the Union admitted the State of Florida with Tallahassee as the capitol. Ten years later, Manatee County, which at that time included the APE, was carved from portions of Hillsborough and Mosquito Counties with the village of Manatee as the county seat (Marth 1973). In 1843, Sam Reid and Henry Washington surveyed the exterior lines of Township 39 South, Range 22 East, and six years later, John Jackson surveyed the section lines (State of Florida 1843c, 1843b, 1843a, 1849). No historic features were depicted on the plat or mentioned in the field notes within the Township (State of Florida 1850) (**Figure 3.2**). The section lines around the east, north, and west lines of Section 33 were described as 3rd rate prairie and 3rd rate land; clumps of pine, wet prairies, and dry prairies were present (State of Florida 1849:335, 341, 380).

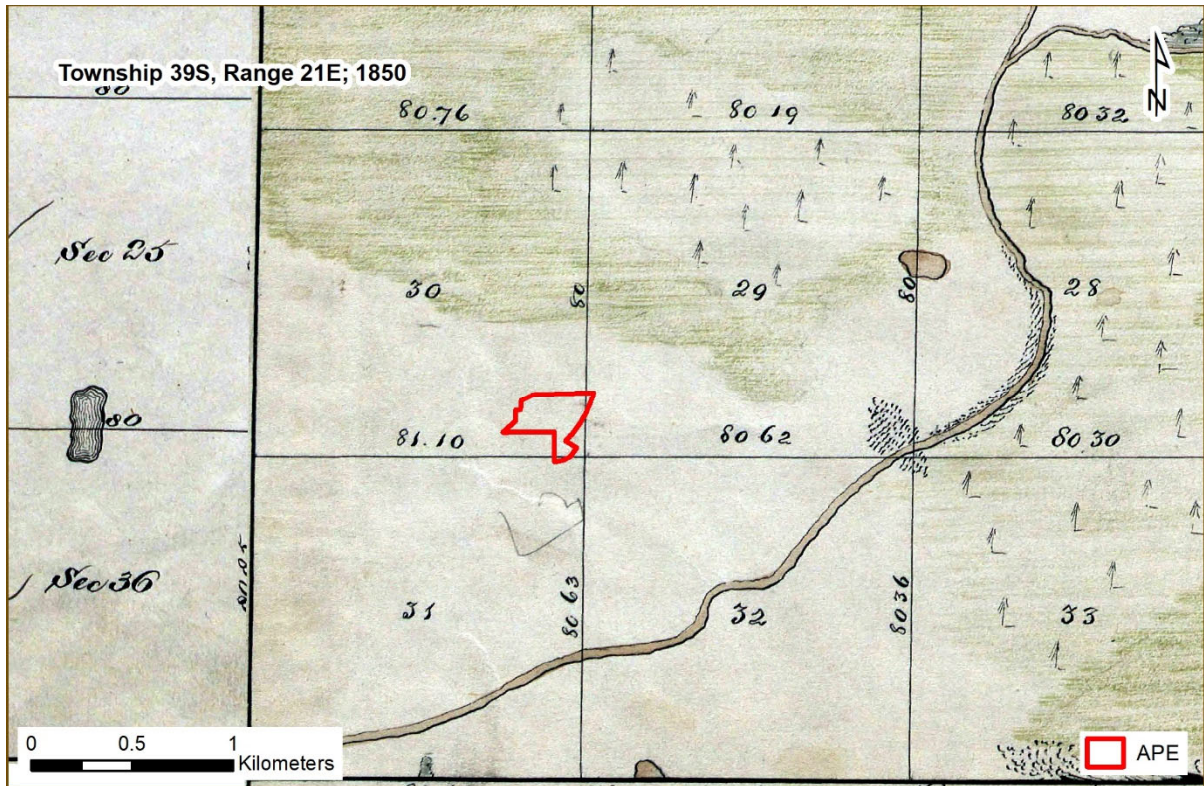


Figure 3.2. 1850 plat showing the APE.

In December of 1855, the Third Seminole War, or the Billy Bowlegs War, started as a result of additional pressure placed on the few remaining Native Americans in Florida to emigrate west (Covington 1982). The war started when Seminole Chief Billy Bowlegs and 30 warriors attacked an army camp, killing four soldiers and wounding four others. The attack was in retaliation for damage done by several artillerymen to property belonging to Billy Bowlegs. This hostile action renewed state and federal interest in the final elimination of the Seminoles from Florida. Despite this effort, military action was not decisive during the war. Therefore, in 1858 the U.S. government resorted to monetary persuasion to induce the remaining Seminoles to migrate west. Chief Billy Bowlegs accepted \$5000 for himself, \$2500 for his lost cattle, each warrior received \$500 and \$100 was given to each woman and child. On May 4, 1858, the ship *Grey Cloud* set sail from Fort Myers with 123 Seminoles; stopping at Egmont Key, 41 captives and a Seminole woman guide were added to the group. On May 8, 1858, the Third Seminole War was declared officially over.

Cattle ranching served as one of the earliest important economic activities reported in Manatee County. Mavericks left by early Spanish explorers such as DeSoto and Narvaéz provided the stock for

the herds raised by the mid-eighteenth century “Cowkeeper” Seminoles. As the Seminoles were pushed further south during the Seminole Wars, their cattle were either sold or left to roam. By the late 1850s, the cattle industry of southwestern Florida was developing on a significant scale. Hillsborough and Manatee Counties constituted Florida’s leading cattle producing region. By 1860, cattlemen from all over Florida drove their herds to Fort Brooke (Tampa) and Punta Rassa (south of Ft. Myers) for shipment to Cuba, at a considerable profit. During this period, Jacob Summerlin became the first cattle baron of southwestern Florida. Known as the “King of the Crackers,” Summerlin herds ranged from Ft. Meade to Ft. Myers (Covington 1957).

3.7 Civil War and Aftermath

In 1861, Florida followed South Carolina's lead and seceded from the Union as a prelude to the American Civil War. Florida had much at stake in this war as evidenced in a report released from Tallahassee in June of 1861. It listed the value of land in Florida as \$35,127,721 and the value of the slaves at \$29,024,513 (Dunn 1989:59). Although the Union blockaded the coast of Florida during the war, the interior of the state saw very little military action. Florida became one of the major contributors of beef to the Confederate government (Shofner 1995:72). Summerlin originally had a contract with the Confederate government to market thousands of heads a year at eight dollars per head. However, by driving his cattle to Punta Rassa and shipping them to Cuba, he received 25 dollars per head (Grismer 1946:83). To limit the supply of beef transported to the Confederate government, Union troops stationed at Ft. Myers conducted several raids into the Peace River Valley to seize cattle and destroy ranches. In response, Confederate supporters formed the Cattle Guard Battalion, consisting of nine companies under the command of Colonel Charles J. Mannerlyn (Akerman 1976).

Many local inhabitants were impacted by the unfolding events, including Jesse Knight, who had been established in Hillsborough County since 1852; Knight and his family moved to Manatee County during the war to protect his cattle from the marauding Union soldiers (McCarthy and Dame 1983b). The cattlemen and the farmers in the state lived simply. The typical home was a log cabin without windows or chinking, and settlers’ diets consisted largely of fried pork, corn bread, sweet potatoes, and hominy. The lack of railway transport to other states, the federal embargo, and the enclaves of Union supporters and Union troops holding key areas such as Jacksonville and Ft. Myers prevented an influx of finished materials. Thus, settlement remained limited until after the war.

Immediately following the war, the South underwent a period of “Reconstruction” to prepare the Confederate States for readmission to the Union. The program was administered by the U.S. Congress, and on July 25, 1868, Florida officially returned to the Union (Tebeau 1980). The U.S. Congress passed the Homestead Act of 1866, enticing union loyalists and freedmen into Florida to establish farms. In most of the early settlements, development followed the earlier pattern with few settlers, one or two stores, and a lack of available overland transportation. Those communities along the coast developed a little faster due to the accessibility of coastal transportation.

In 1866, the Manatee County seat was moved from the village of Manatee to Pine Level, and the community of Miakka developed along the Pine Level Road, which connected the two communities. The early settlers included the Hancock, Vanderipe, and Chapman families as well as Augustus Williams, Garrett Murphy, Bill Rawls, Mr. Webb and Mr. Summeralls (Deming et al. 1989). In 1875, the first church and school building were constructed; four years later the post office was established (Bradbury and Hallock 1962:53). The Hancocks, Murphys, and Knights maintained large herds of cattle that were tended to by Peter and Marion Carlton, among others (Zilles 1976). The Crowleys moved to the area in the 1880s and John Crowley established a blacksmith shop. In 1885, they dug a drainage channel through their property to control flooding along the Myakka River (Hutchinson 2005). In

addition to cattle ranching, farming and citrus production were important economic activities. Crops included rice, tomatoes, corn, and sugar cane.

The State of Florida faced a fiscal crisis involving title to public lands in the early 1880s. By Act of Congress in 1850, the federal government turned over to the states for drainage and reclamation all “swamp and overflow land.” Florida received approximately 10 million acres. To manage that land and the 5,000,000 acres the state had received on entering the Union, the state legislature in 1851 created the Board of Trustees of the Internal Improvement Fund. In 1855, the legislature established the actual fund (the Florida Internal Improvement Fund), in which state lands were to be held. The fund became mired in debt after the Civil War, and under state law, no land could be sold until the debt was cleared. In 1881, the Trustees started searching for a buyer capable of purchasing enough acreage to pay off the fund’s debt and permit the sale of the remaining millions of acres that it controlled. Hamilton Disston, a member of a prominent Pennsylvania saw manufacturing family contracted with the State of Florida in 1881 to purchase four million acres of swamp and overflowed land for one million dollars. In exchange, he promised to drain and improve the land. This transaction, known as the Disston Purchase, enabled the distribution of land subsidies to railroad companies, inducing them to begin construction of new lines throughout the state.

During the early 1880s, the Florida Southern Railway acquired the old railroad charter and land grant of the Gainesville, Ocala, and Charlotte Harbor Railroad which was due to expire in 1885. To hold this charter and secure lands, immediate railroad construction was necessary. Construction started in the Bartow area of Polk County and continued southward to Punta Gorda. In November 1885, the Southern was absorbed by the Plant System, which eventually became the Atlantic Coastline Railroad (Pettengill 1952). The Jacksonville, Tampa, and Key West Railway Company was deeded the land within the APE in 1884 (State of Florida n.d.:149). With the railroad as a catalyst, the 1880s witnessed a sudden surge of buying land for speculation, agriculture, and settlement in Manatee County, which prompted the creation of DeSoto County in 1887 from eastern Manatee County.

The Disston Purchase, although technically legal, was extremely generous with the designation “swamp and overflow land.” Grismer (1946) estimated that at least half of the acreage was “high and dry.” Disston’s purchase effectively removed four million acres of public lands from would-be homesteaders. Settlers in the Sarasota area, most of whom had settled their land under the Homestead Act of 1862, were disgruntled with the sale of the swamp and overflowed land to Disston, which included nearly 700,000 acres in Manatee County. In response, Sarasota area residents established the Vigilance Committee to retaliate against land speculators. In 1884, two men suspected of cooperating with the developers were murdered. The resulting trial in the county seat of Pine Level divided the county. Tax records reveal that most of the 700,000 acres in Manatee County was sold to eight companies, including three railroad companies and the Florida Mortgage & Investment Co. established by Sir Edward James Reed of Britain, which is credited with founding the town of Sarasota (Marth 1973; Tischendorf 1954). Disston had sold half of his contract to the British Florida Land and Mortgage Company in 1882 to cover the second payment on the Purchase since Disston’s assets had been tied up in the drainage contract (Tischendorf 1954).

In 1885, the first group of colonists from Scotland arrived in what is today Sarasota. John Hamilton Gillespie, the son of the Florida Mortgage & Investment Company’s president, oversaw developing a community. Despite a downturn following the financial panic of 1893, the Great Freeze of 1894-95, and the threat of war with Spain in 1898, the community continued to develop as a winter resort advertising Sarasota’s warm weather, white beaches, plentiful fishing, golf course, and blue oceans (FWP 1939; Grismer 1946; Marth 1973; Matthews 1997).

3.8 Twentieth Century

The turn of the century prompted optimism and excitement about growth and development. In 1902, the United States & West Indies Railroad & Steamship Co., a subsidiary of the Seaboard line, started laying track from Tampa through Bradenton into Sarasota. The first train arrived in March 1903, and the track was extended into Venice by 1912 (Marth 1973).

In 1910, Mrs. Bertha Honoré Palmer, widow of Chicago financier Potter Palmer, traveled to Sarasota accompanied by her brother Adrian Honoré and her sons Potter Jr. and Honoré. The quartet was so taken with the area that they established companies that would ultimately come to hold a quarter of the land in present day Sarasota County (Matthews 1997). Mrs. Palmer established a showplace estate along Little Sarasota Bay, a 30,000-acre cattle ranch, the Palmer Experimental Farms, and the Bee Ridge Farms, Bee Ridge Homesites, and Sarasota-Venice real estate ventures (Matthews 1997). In 1911, Mrs. Palmer purchased 26,000 acres east of Sarasota, in the Fruitville vicinity, which were developed into farms and modified for producing celery. The development also included road building, ditching and clearing property, expert farm supervision, and cooperative marketing facilities (FWP 1939:270). In the Miakka area, her cattle ranch was named Meadowsweet Pastures. She was ahead of her times in terms of cattle management by being one of the first to fence in her cattle, grow corn for supplemental feed, and to begin “dipping” her cattle to eliminate ticks from her herd (McCarthy and Dame 1983a).

The investment in infrastructure contributed to the Florida land boom of the early 1920s along with the growing number of tourists, greater use of the automobile, prosperity of the 1920s, and, perhaps most importantly, the promise by the state legislature never to pass state income or inheritance taxes. Growing populations necessitated more governmental facilities and in 1921, Sarasota County was formed from southern Manatee County. These halcyon days were short-lived, however, and during 1926-27, the Florida real estate market collapsed. The wild land speculation that preceded the land “bust” resulted in banks finding it impossible to track loans or property values. The hurricanes of 1926 and 1928, the Mediterranean fruit fly invasion and subsequent paralysis of the citrus industry, the October 1929 stock market crash, and the onset of the Depression only worsened the situation. Sarasota County, along with the rest of Florida, was in a state of economic stagnation.

To combat the economic hardships, the Murphy Act was passed in 1931. As early as 1928, landowners had stopped paying taxes on their property. The Murphy Act stated, “if taxes were delinquent, any man could pay taxes for two years on the land and get a quit claim deed on it. Then if the former owner did not claim the land for another two years the new owner could pay for two more years of taxes and get a deed that would stand up in court” (Zilles 1976:12). Much of the land in the rural areas of Sarasota County was acquired during this period. In 1933, ranchers began dipping their cattle and livestock to fight the cattle tick infestation and soon after, fencing laws were established; by 1935, the open ranges were gone (Zilles 1976).

By the mid-1930s, federal programs implemented by the Roosevelt administration provided jobs for the unemployed who could work. The programs were instrumental in the construction of parks, bridges, and public buildings. The Public Works Administration was responsible for the construction of an airport hangar at Albee Field in Venice, a soft water treatment plant and municipal auditorium in Sarasota, a waterworks extension to Sarasota Heights, and the repairing and paving of a section of U.S. 41 (Wise 1995:102). In 1934, the Myakka River State Forest was formed from roughly 17,000 acres of land that originally belonged to Mrs. Potter. Over 250 men working for the Civilian Conservation Corps developed the park by building roads, bridges, pavilions, restrooms, and cabins (Grismer 1946).

After the war, car ownership increased, making the American public more mobile, and vacations less expensive. Many of the service members stationed in the area during the war returned with their families. This influx of young families resulted in the development of small tract homes in new subdivisions. In 1954, Arthur Frizzell sold massive tracts in Sarasota (approximately 72 square miles) and Charlotte Counties to Florida West Coast Land Development Company of Miami (Matthews 1983:150). Part of this acreage encompassed both the Myakka River and Big Slough. The General Development Corporation paid \$2.5 million in 1959 for the 80,000 acres that became North Port and Port Charlotte. The APE was within North Port Charlotte, but in 1959, became its own city known as North Port. When the city was incorporated on June 16, 1959, the area had 23 residents (North Port Times Union 1989). Poor planning has left the area with infrastructure problems. Although the massive canal system has drained the area, it has made for difficulties in emergency routes and firefighting. There was also no room allotted for road widening. In addition, the original plan had no city center or downtown (Whittle 2007).

In the late 1950s, an inland navigation route along Florida’s west coast from Tarpon Springs south to Punta Rassa was planned. The West Coast Inland Navigation District constructed the intra-coastal waterway. In 1961, the Tamiami Trail, originally constructed in the 1920s, was widened to four lanes (Matthews 1983:160). During the same period, agricultural practice in the rural parts of Sarasota contended with residential development, and flooding became a frequent problem. Historic canals were excavated to reduce pasture flooding and irrigate agricultural land. The 1956 Murdock SE quad map depicted no development within or adjacent to the APE (USGS 1956) (**Figure 3.3**). Since 1960, Sarasota County, along with the rest of Florida, has benefited from the influx of retirees and tourists that have made Florida one of the fastest growing states in the nation. Modern suburb and strip mall construction changed the character of most of Florida’s cities. More recently, North Port has become the spring training site for the Atlanta Braves and the first new hotel in 46 years (Hampton Inn & Suites) has been constructed (Schwarzenbach 2019).

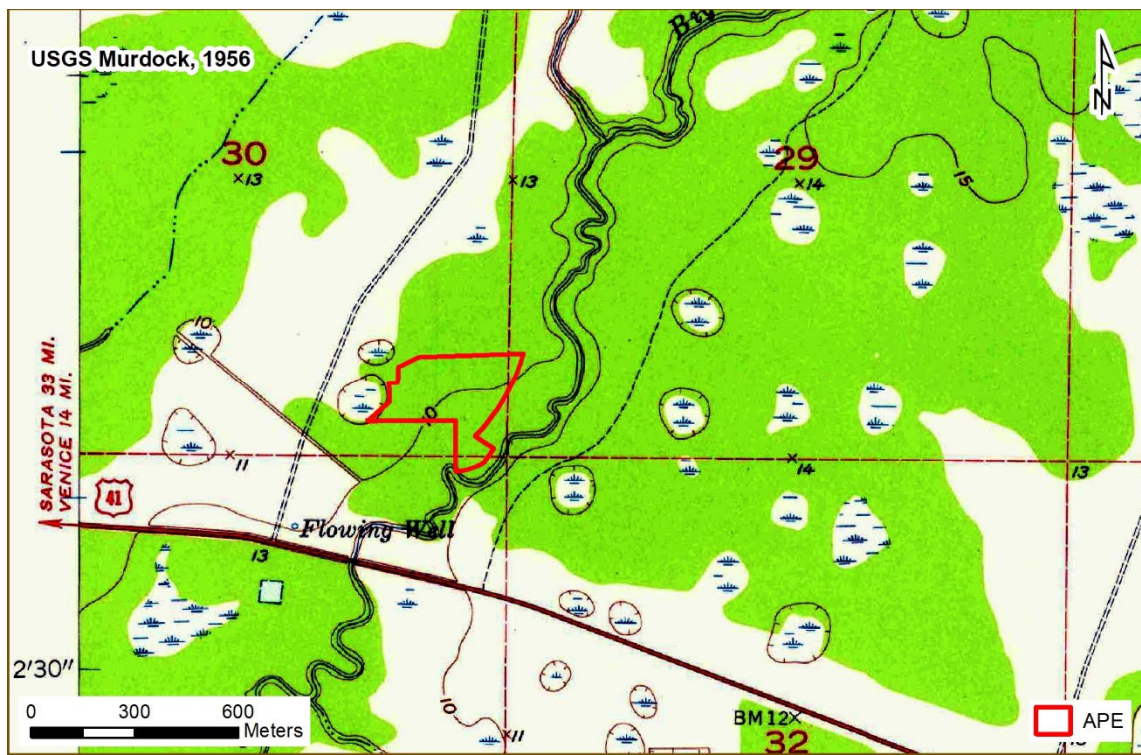


Figure 3.3. 1956 quad map showing the APE.

3.9 Project APE Specifics

A review of the aerial photographs available from Publication of Archival, Library & Museum Materials (PALMM) indicate that in 1952 the property was prairie with undeveloped pine flatwoods. There was a large sink visible just outside the eastern boundary of the APE. There is a potential stream running north/south through the west side of the APE. By 1957 most of the wetlands in the area had been connected by drainage ditches. In 1974 the aerial shows several roads within the APE and the sink west of the APE appears dry but is still visible and the potential stream is no longer apparent on the aerial photograph (USDA 1952, 1956, 1974) (Figure 3.4.).

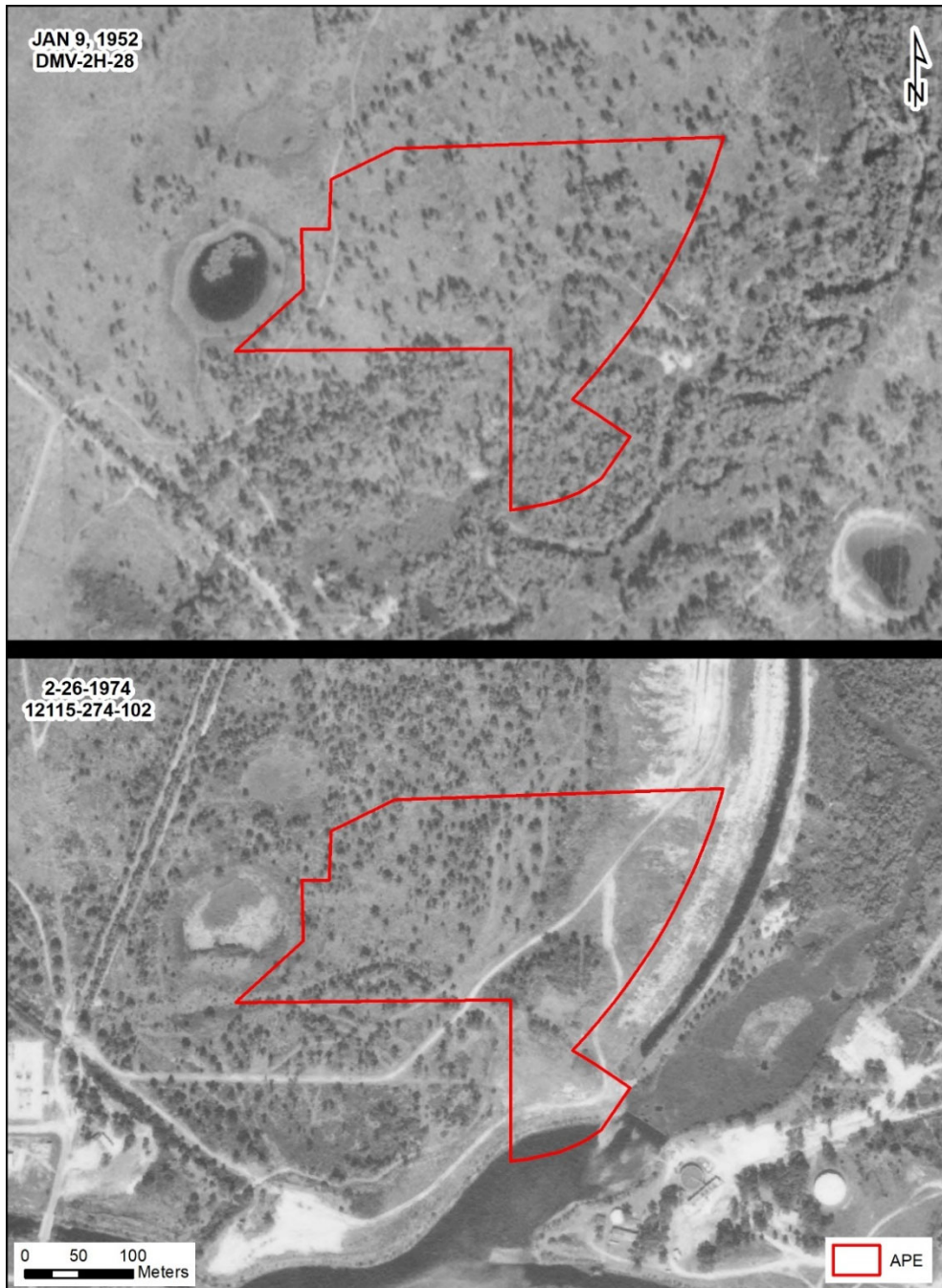


Figure 3.4. 1952 and 1974 aerial photos of the APE.

4.0 RESEARCH CONSIDERATIONS AND METHODS

4.1 Background Research and Literature Review

A review of archaeological and historical literature, records, and other documents and data pertaining to the project area was conducted. The focus of this research was to ascertain the types of cultural resources known in the project area, their temporal/cultural affiliations, and site location information. This research included a review of sites listed in the Florida Master Site File (FMSF), the the List of Significant Historic Resources (LSHR), NRHP, and cultural resource survey reports. The FMSF data used in this report were obtained in January 2022. However, input may be a month or more behind receipt of reports and site files; the GIS data are only updated quarterly; and not all locally required surveys are forwarded to the FMSF. Thus, the findings of the background research may not be current with actual work conducted in the area.

4.2 Archaeological Considerations

A review of the FMSF revealed that no archaeological sites have been recorded within the APE, but seven have been recorded within 1.6 km (2 miles) (**Table 4.1, Figure 4.1**)., Warm Mineral Springs (8SO00019) and Little Salt Spring (8SO00018) are listed in the NRHP. These sites and the Hazeltine (8SO00079) are prehistoric burial sites. Warm Mineral Springs and Little Salt Spring are dated to the archaic period, 8500 B.C.E. to 1000 C.E. Hazeltine is also a prehistoric burial site. The remaining sites, Salt Creek (8SO00447), Canal 2 (8SO02667), and La Casa Clam Midden (8SO06959) are precontact procurement and midden areas. Greenway Scatter (8SO07076) is a precontact site lacking pottery and has been determined ineligible for the NRHP by the SHPO. These projects provide an indicator of what type of sites may be encountered in the area. Six CRAS projects have been conducted in the vicinity of the APE (**Table 4.2**). These projects were predominantly conducted ahead of infrastructure development.

Table 4.1. Previously Recorded Sites Proximate to the APE.

FMSF#	Site Name	Site Type	Culture	SHPO Eval
8SO00018	Little Salt Springs	Historic burial(s)	Early Archaic	Not Evaluated
8SO00019	Warm Mineral Spring	Precontact burial(s)	Early Archaic	Not Evaluated
8SO00079	Hazeltine	Historic burial(s)	Archaic, 8500 B.C.-1000 B.C.	Not Evaluated
8SO00447	Salt Creek	Single artifact or isolated find		Not Evaluated
8SO02667	Canal 2	Campsite (precontact)	Precontact lacking pottery	Not Evaluated
8SO06959	La Casa Clam Midden	Campsite (precontact)	Precontact	Not Evaluated
8SO07076	Greenway Scatter	River/Stream/Creek-riverine	Precontact lacking pottery	Ineligible for NRHP

Based on these data, and other regional site location predictive models and studies (Austin et al. 2008a; e.g., Austin et al. 1991; Burger 1982; de Montmollin 1983; Deming 1980; Handley et al. 2008; Janus Research 1990, 1992, 2004; Weisman and Collins 2004) informed expectations concerning the types of sites likely to occur within the project area, as well as their probable environmental settings, was generated. As archaeologists have long realized, aboriginal populations did not select their habitation sites and activity areas in a random fashion. Rather, many environmental factors had a direct influence upon site location selection, including are soil drainage, distance to freshwater, relative topography, and proximity to food and other resources including stone and clay.

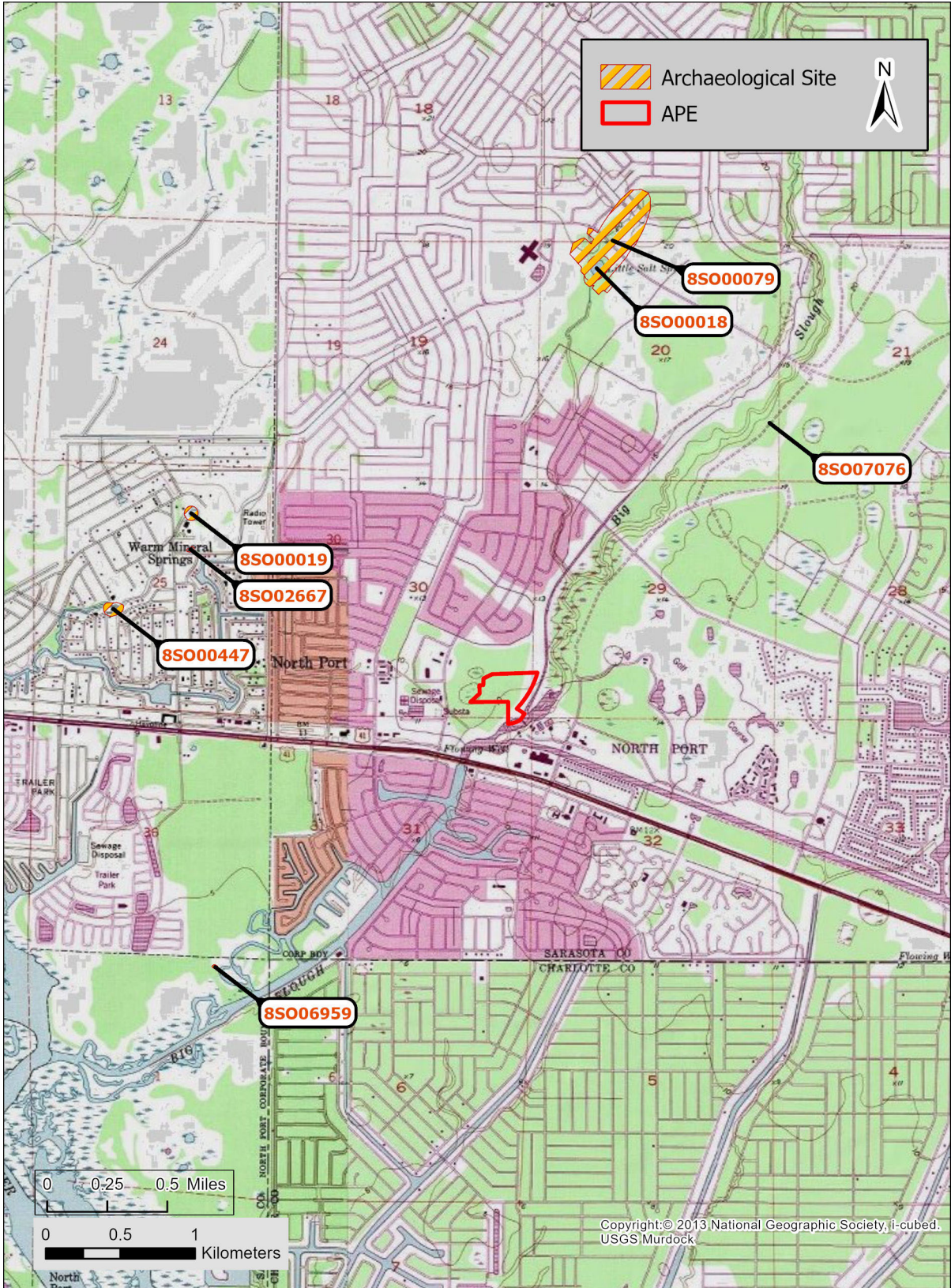


Figure 4.1. Location of the previously recorded archaeological sites proximate to the APE.

Table 4.2. CRAS Studies Proximate to the APE

Survey#	Project Title	Reference	# New	# Old
4577	A CRAS, Marsh Creek DRI, City of North Port, Sarasota County, Florida	ACI 1996		
13988	An Archaeological and Historical Survey of the North Port Lowe's Project Area in Sarasota County, Florida	Driscoll, Kelly A. 2006	0	0
16444	Phase II of the Survey of Historic Resource, Charlotte County, Florida	Campbell, Cory et al. 2008	251	41
17358	Section 106 Review FCC Form 621: Venice FL 6 Site Telecommunications Tower Compund Expansion (American Tower Corporation Number 303021), DEA Project No. 20712006 Sarasota County, Florida	Dynamic Environmental Associates, Inc. 2007	0	0
20177	CRAS Technical Memorandum US 41 Pedestrian Bridge Project SR 45 (US 41) at Bridge Nos. 170073 and 170074, Sarasota County, Florida; FPID Nos.: 433562-1-22-01 and 429821-1-22-01	Archaeological Consultants 2013	0	1
25506	CRAS of the Myakkahatchee Creek Greenway, Sarasota County, Florida	Stack, Meg 2018	1	

An analysis of the environmental data for the 317 aboriginal archaeological sites with known locations in the Gulf Coastal Lowlands physiographic region in Sarasota County was conducted in October 2018. It has been repeatedly demonstrated that non-coastal archaeological sites are most often located near a permanent or semi-permanent source of potable water (**Table 4.3**). Research revealed that 41% of the site are located along the coast. Almost one-quarter of the sites are associated with creeks and another 20% are associated with swamps or wetlands. Other water sources include lakes or ponds, rivers, and springs. As can be seen, distance to water is an important factor as three-quarters of the sites are within 100 m (328 ft) of a water source, with only 7% of the sites being further away than 200 m (656 ft) of a known water source. It should be noted that give the extensive drainage projects that have taken place in the county over the last 100 years, many of the original water sources have probably disappeared.

Although elevation has occasionally be a use predictor for site locations in other areas, it does not appear so in Sarasota County, but that is probably due to the relatively level and low elevation. **Figure 4.2** clearly shows that most of the sites are located between 5 and 10 ft amsl. In areas of low relief, areas of slightly higher elevation relative to water sources would have a higher probability for site occurrence. However, such fine elevational differences are not easily discernible based on the available data.

Table 4.3. Site distribution by water type and distance.

Water type	≤ 100 m		≤ 200 m		≤ 300 m		≤ 400 m		Total	
	cnt	%	cnt	%					cnt	%
bay/gulf/coast	101	31.9%	21	6.6%	7	2.2%		0.0%	129	40.7%
creek	61	19.2%	14	4.4%	3	0.9%		0.0%	78	24.6%
lake	3	0.9%		0.0%		0.0%		0.0%	3	0.9%
pond	15	4.7%	8	2.5%	2	0.6%	1	0.3%	26	8.2%
river	12	3.8%		0.0%		0.0%		0.0%	12	3.8%
spring	3	0.9%		0.0%		0.0%		0.0%	3	0.9%
wetland/swamp	42	13.2%	15	4.7%	9	2.8%		0.0%	66	20.8%
Total	237	74.8%	58	18.3%	21	6.6%	1	0.3%	317	100.0%

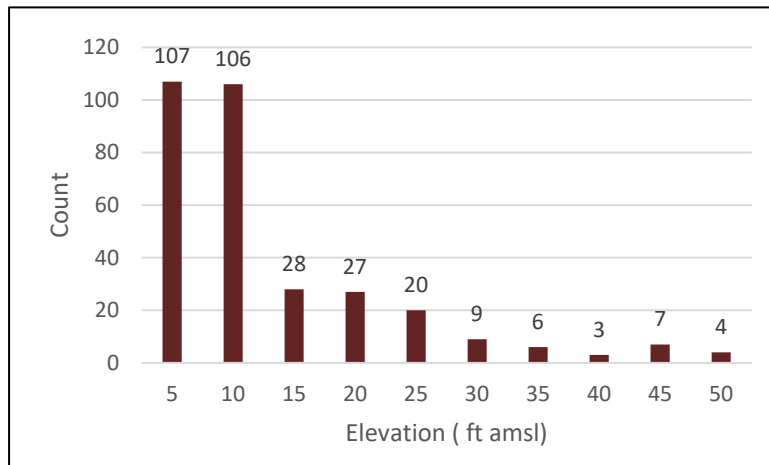


Figure 4.2. Site distribution by elevation.

Soil types and their drainage characteristics can be used to assess the likelihood for aboriginal site occurrence. There are 35 soil types within the Gulf Coastal Lowland portion of Sarasota County, of which 30 have recorded archaeological sites. Many of the sites in this analysis had more than one soil type present within its boundaries. This analysis includes only the four types covering the greatest acreage for each site (**Table 4.4**). The column labeled “1”, indicates that this soil type had the greatest area of the site, and so on down the line, so that column “4” had the smallest acreage.

Table 4.4. Site distribution by drainage class and soil type.

Drainage/Soil Type, % slopes	% of Area	1	2	3	4	Total	% of Sites	Difference
MODERATELY WELL DRAINED								
Canaveral fine sand (fs), 0-5%	1.00	19	8			27	6.11	5.11
Orsino fs	0.55	15	9			24	5.43	4.88
Pomello fs, 0-2%	2.11	36	17	2		55	12.44	10.33
Tavares fs	0.30	6	4			10	2.26	1.96
Total	3.97	76	38	2	0	116	26.24	22.28
POORLY DRAINED								
Beaches	0.18	9	1			10	2.26	2.09
Boca and Hallandale soils	0.27		1			1	0.23	-0.05
Bradenton fs, 0-2%	2.36	6	4			10	2.26	-0.10
Bradenton fs, ff	0.18					0	0.00	-0.18
EauGallie and Myakka fs	44.10	125	17	2	1	145	32.81	-11.30
Felda and Pompano fs, frequently flooded (ff)	0.61	4	2			6	1.36	0.75
Felda fs	0.51			1		1	0.23	-0.29
Ft. Green fs	1.27	1				1	0.23	-1.05
Malabar fs, 0-2%	0.73	6				6	1.36	0.63
Ona fs	0.80	4	2			6	1.36	0.56
Pineda fs, 0-2%	12.71	5	4			9	2.04	-10.68
Pople fs	1.20	1	2			3	0.68	-0.52
Smyrna fs, 0-2%	0.23	2	2			4	0.90	0.67
Wabasso fs, 0-2%	0.96	10	1			11	2.49	1.53
Total	66.11	173	36	3	1	213	48.19	-17.92
SOMEWHAT POORLY DRAINED								
Cassia fs	0.85	13	7	1		21	4.75	3.90

Drainage/Soil Type, % slopes	% of Area	1	2	3	4	Total	% of Sites	Difference
Total	0.85	13	7	1	0	21	4.75	3.90
VERY POORLY DRAINED								
Delray and Astor soils, ff	0.72	2	1			3	0.68	-0.04
Delray fs, depressional (depr)	2.61	8	4	3		15	3.39	0.78
Felda fs, depr	3.68	4	4			8	1.81	-1.87
Floridana and Gator soils, depr	1.79	2	4	1		7	1.58	-0.20
Floridana and Gator soils, ff	0.18	1	1			2	0.45	0.27
Floridana mucky fs	0.36					0	0.00	-0.36
Gator muck	0.38		1			1	0.23	-0.15
Holopaw fs, depr	14.52	7	8	1		16	3.62	-10.90
Kesson and Wulfert mucks, ff	0.61	19	3			22	4.98	4.37
Manatee loamy fs, depr	0.71	2	1			3	0.68	-0.03
Pompano fs, depr	0.27	3				3	0.68	0.41
Total	25.82	48	27	5	0	80	18.10	-7.72
OTHER								
Matlacha gravelly sand	0.36					0	0.00	-0.36
Pits and dumps	0.18	1				1	0.23	0.04
St. Augustine fs	0.27	6	4	1		11	2.49	2.22
Water	2.21					0	0.00	-2.21
Waters of the Gulf of Mexico	0.24					0	0.00	-0.24
Total	3.25	7	4	1	0	12	2.71	-0.54
Total	100.00	317	112	12	1	442	100.00	0.00

The Gulf Coastal Lowlands in Sarasota County consists of approximately 66% poorly drained soils, 26%, very poorly drained soils, 4% moderately well drained, and 1% somewhat poorly drained soils, the remainder being water, made land (Matlacha and St. Augustine), and pits/dump. Matlacha and St. Augustine soils are dredge and fill materials excavated from boat basins and canals. As can be seen in the table, there is not a normal distribution of sites across the landscape. Some of the more interesting differences are highlighted in red for a positive correlation with sites or blue for a negative correlation. Clearly, the moderately well and somewhat poorly drained soils have significantly higher number of sites than would be expected based on a normal distribution. In terms of preference, the top five soil types are Pomello, Canaveral, Orsino, Kesson and Wulfert, and Cassia. Kesson and Wulfert soils are very poorly drained, but are associated with coastal areas, which do have a high archaeological potential as noted above, where 40% of the sites are located along the coast. Beaches and St. Augustine also have a higher-than-expected number of sites, but these are also associated with coastal areas. Those soils with a significantly lower than expected number of sites include EauGallie and Myakka, Pineda, and Holopaw.

Using these criteria, the APE was considered to have a low probability for archaeological site occurrence. It should be noted that this settlement pattern could not be applied to sites of the Paleoindian and Early Archaic periods, which precede the onset of modern environmental conditions. These were tied to water and lithic resources much more so than during the later periods. There are no deep-water sources nor lithic outcrops within the APE, thus sites from that time would not be expected. Given the results of the historic research, no nineteenth century forts, military trails, or Indian encampments, or evidence of 20th century utilization was expected. As noted in the culture history section, no evidence of development of the property was noted until the mid-1970s (Furst 2022; State of Florida 1849, 1850; USDA 1951, 1957, 1974; USGS 1956).

4.3 Historical Considerations

A review of the FMSF, LSHR, and NRHP indicated no historic resources were previously recorded within the APE. A review of the historic aerials, Murdock SE quad maps, and the Sarasota County Property Appraiser records revealed no potential for historic resources 50 years of age or older (constructed in 1972 or earlier) within the APE (Furst 2022; USDA 1951, 1957, 1974; USGS 1956).

4.4 Field Methodology

The FDHR's Module Three, *Guidelines for Use by Historic Professionals*, indicates that the first stage of archaeological field survey is a reconnaissance of the project area to "ground truth," or ascertain the validity of the predictive model (FDHR 2003). During this part of the survey, the researcher assesses whether the initial predictive model needs adjustment based on disturbance or conditions such as constructed features (i.e., parking lots, buildings, etc.), underground utilities, landscape alterations (i.e., ditches and swales, mined land, dredged and filled land, agricultural fields), or other constraints that may affect the archaeological potential. Additionally, these Guidelines indicate that non-systematic "judgmental" testing may be appropriate in urbanized environments where pavement, utilities, and constructed features make systematic testing unfeasible; in geographically restricted areas such as proposed pond sites; or within project areas that have limited high and moderate probability zones, but where a larger subsurface testing sample may be desired. While predictive models are useful in determining preliminary testing strategies in a broad context, it is understood that testing intervals may be altered due to conditions encountered by the field crew at the time of survey. A reasonable and good faith effort was made to locate any historic properties on the parcel (Advisory Council on Historic Preservation n.d.).

The survey will consist of background research and field survey, which will include a visual reconnaissance of the area and systematic shovel testing at 25-, 50-, and 100-meter intervals, as well as judgmentally. Positive shovel tests will be delimited at closer intervals. In the event that human remains are encountered during the course of the survey, the procedures outlined in Chapter 872, *FS* will be followed. All artifacts will be recorded and analyzed. This strategy follows the regulations set forth in FDHR's Cultural Resource Management Standards and Operational Manual (FDHR 2003) and follows the strategy utilized in previous surveys that were conducted at the request of, and reviewed and accepted by, the City of North Port.

The historical/architectural field methodology consisted of a field survey of the APE to determine if any historic resources (i.e. bridges, roads, cemeteries) that are 50 years of age or older (constructed in or prior to 1972) are located within the APE. If any resources with features indicative of 1972 or earlier engineering characteristics, construction materials, building methods, or architectural styles would have been noted and information collected to complete the FMSF form and evaluate if any such resources could be determined eligible for listing in the NRHP or LSHR.

4.5 Unexpected Discoveries

Occasionally, archaeological deposits, subsurface features or unmarked human remains are encountered during the course of development, even though the project area may have previously received a thorough and professionally adequate cultural resources assessment. Such events are rare, but they do occur. In the event that human remains are encountered during the course of development, the procedures outlined in Chapter 872, *FS* must be followed. However, it was not anticipated that such sites would be found during this survey.

In the event such discoveries are made during the development process, all activities in the immediate vicinity of the discovery will be suspended, and a professional archaeologist will be contacted to evaluate the importance of the discovery. The area will be examined by the archaeologist, who, in consultation with staff of the Florida SHPO, will determine if the discovery is significant or potentially significant. In the event the discovery is found to be not significant, the work may immediately resume. If, on the other hand, the discovery is found to be significant or potentially significant, then development activities in the immediate vicinity of the discovery will continue to be suspended until such time as a mitigation plan, acceptable to SHPO, is developed and implemented. Development activities may then resume within the discovery area, but only when conducted in accordance with the guidelines and conditions of the approved mitigation plan.

4.6 Laboratory Methods and Curation

No cultural materials were recovered during the survey; therefore, no lab methods were utilized.

ACI will maintain the artifacts and project documentation, including field notes, maps, photographs, and digital data in Sarasota (P19110A), unless the client requests otherwise.

5.0 RESULTS AND CONCLUSIONS

5.1 Archaeological

Archaeological field survey included surface reconnaissance and the excavation of 30 shovel tests throughout the property (**Figure 5.1**). These were generally placed at 10 m (31 ft) intervals throughout the APE. No cultural materials were collected from any of the shovel tests and none was found on the surface. A reasonable and good faith effort was made to locate any historic properties on the parcel (Advisory Council on Historic Preservation n.d.). The Survey Log is in **Appendix A**. Stratigraphy consisted of a predominant pattern of 0-20 (0-8 in) dark gray sand, 20 to 60 cm (8-24 in) of light gray wet sand, and 60-100 (24-39 in) light brown sand. On the disturbed east edge of the parcel the stratigraphy shifted to 0-80 mottled brown-orange fill material with concretions and 80-100 gray sand. Two shovels terminated early, one due to water and one encountered solid limestone.



Photo 5.1. Typical stratigraphic profile.

5.2 Historical/Architectural

No historic resources have been recorded within the APE. A review of the property appraiser's data, quad maps, and aerial photographs revealed an absence of historic resources within the APE (Furst 2022; USDA 1951, 1957, 1974; USGS 1956). Field investigations confirmed the absence of historic structures.

5.3 Conclusions

Based on the background research and the results of the field investigations, which included the excavation of 30 negative shovel tests within the 17-acre APE, it is the opinion of ACI that the proposed undertaking will have no effect on any cultural resources that are listed, determined eligible, or considered potentially eligible for listing in the NRHP or LSHR.

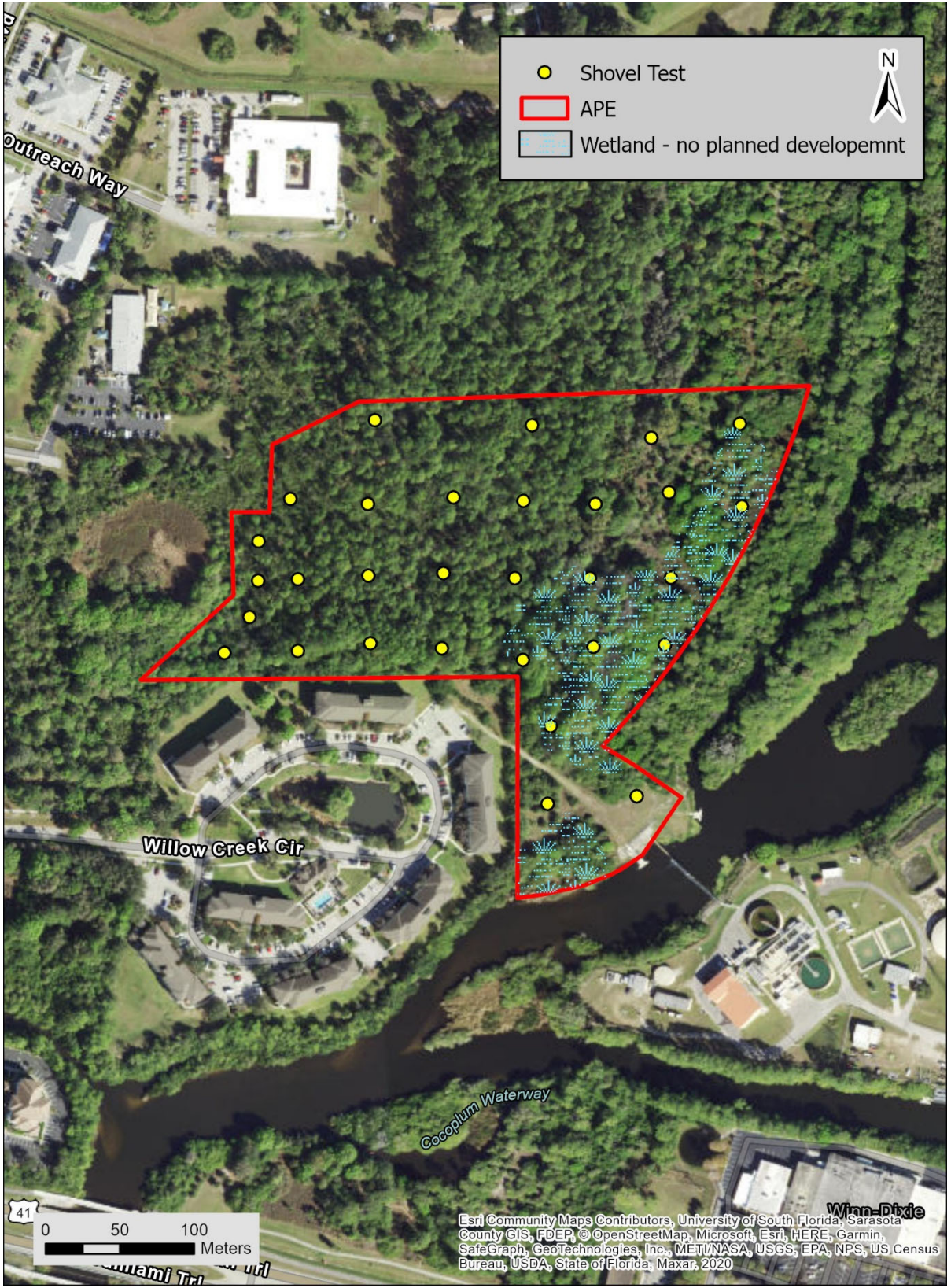


Figure 5.1. Location of the shovel tests within the APE.

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APPENDIX A

Survey Log

Ent D (FMSF only) _____



Survey Log Sheet

Florida Master Site File
Version 5.0 3/19

Survey # (FMSF only) _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Manuscript Information

Survey Project (name and project phase)

North Port Utilities Expansion, Pan American Blvd, North Port, Sarasota, FL

Report Title (exactly as on title page)

Cultural Resource Assessment Survey of Pan American Boulevard North Port Utility Administration Building, North Port, Sarasota County, Florida

Report Authors (as on title page)

1. Maranda Kles
2. Jean Louise Lammie
3. Nelson Rodriguez
4. _____

Publication Year 2022

Number of Pages in Report (do not include site forms) 51

Publication Information (Give series, number in series, publisher and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*.)

Supervisors of Fieldwork (even if same as author) Names Nelson Rodriguez

Affiliation of Fieldworkers: Organization Archaeological Consultants Inc City Sarasota

Key Words/Phrases (Don't use county name, or common words like *archaeology, structure, survey, architecture, etc.*)

1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____

Survey Sponsors (corporation, government unit, organization, or person funding fieldwork)

Name Stantec Organization _____

Address/Phone/E-mail 6920 Professional Parkway Sarasota, FL 34240

Recorder of Log Sheet Jean Louise Lammie Date Log Sheet Completed _____

Is this survey or project a continuation of a previous project? No Yes: Previous survey #s (FMSF only)

Project Area Mapping

Counties (select every county in which field survey was done; attach additional sheet if necessary)

1. Sarasota 2. _____ 3. _____ 4. _____ 5. _____ 6. _____

USGS 1:24,000 Map Names/Year of Latest Revision (attach additional sheet if necessary)

1. Name MURDOCK Year 2013 2. Name _____ Year _____
3. Name _____ Year _____ 4. Name _____ Year _____
5. Name _____ Year _____ 6. Name _____ Year _____

Field Dates and Project Area Description

Fieldwork Dates: Start 2-1-2022 End 2-2-2022 Total Area Surveyed (fill in one) _____ hectares 17.00 acres

Number of Distinct Tracts or Areas Surveyed _____

If Corridor (fill in one for each) Width: _____ meters _____ feet Length: _____ kilometers _____ miles

Research and Field Methods

Types of Survey (select all that apply): [X]archaeological [X]architectural [X]historical/archival []underwater []damage assessment []monitoring report []other(describe): _____

Scope/Intensity/Procedures

visual reconnaissance of the area and systematic shovel testing at 25-, 50-, and 100-meter intervals, as well as judgmentally.

Preliminary Methods (select as many as apply to the project as a whole)

[]Florida Archives (Gray Building) []library research- local public [X]local property or tax records [X]other historic maps []LIDAR []Florida Photo Archives (Gray Building) []library-special collection [X]newspaper files [X]soils maps or data []other remote sensing [X]Site File property search [X]Public Lands Survey (maps at DEP) [X]literature search []windshield survey [X]Site File survey search []local informant(s) [X]Sanborn Insurance maps [X]aerial photography []other (describe): _____

Archaeological Methods (select as many as apply to the project as a whole)

[]Check here if NO archaeological methods were used. [X]surface collection, controlled []shovel test-other screen size []block excavation (at least 2x2 m) []metal detector []surface collection, uncontrolled []water screen []soil resistivity []other remote sensing [X]shovel test-1/4" screen []posthole tests []magnetometer []pedestrian survey []shovel test-1/8" screen []auger tests []side scan sonar []unknown []shovel test 1/16" screen []coring []ground penetrating radar (GPR) []shovel test-unscreened []test excavation (at least 1x2 m) []LIDAR []other (describe): _____

Historical/Architectural Methods (select as many as apply to the project as a whole)

[]Check here if NO historical/architectural methods were used. [X]building permits []demolition permits []neighbor interview [X]subdivision maps [X]commercial permits [X]windshield survey []occupant interview [X]tax records []interior documentation [X]local property records []occupation permits []unknown []other (describe): _____

Survey Results

Resource Significance Evaluated? []Yes [X]No

Count of Previously Recorded Resources 0 Count of Newly Recorded Resources 0

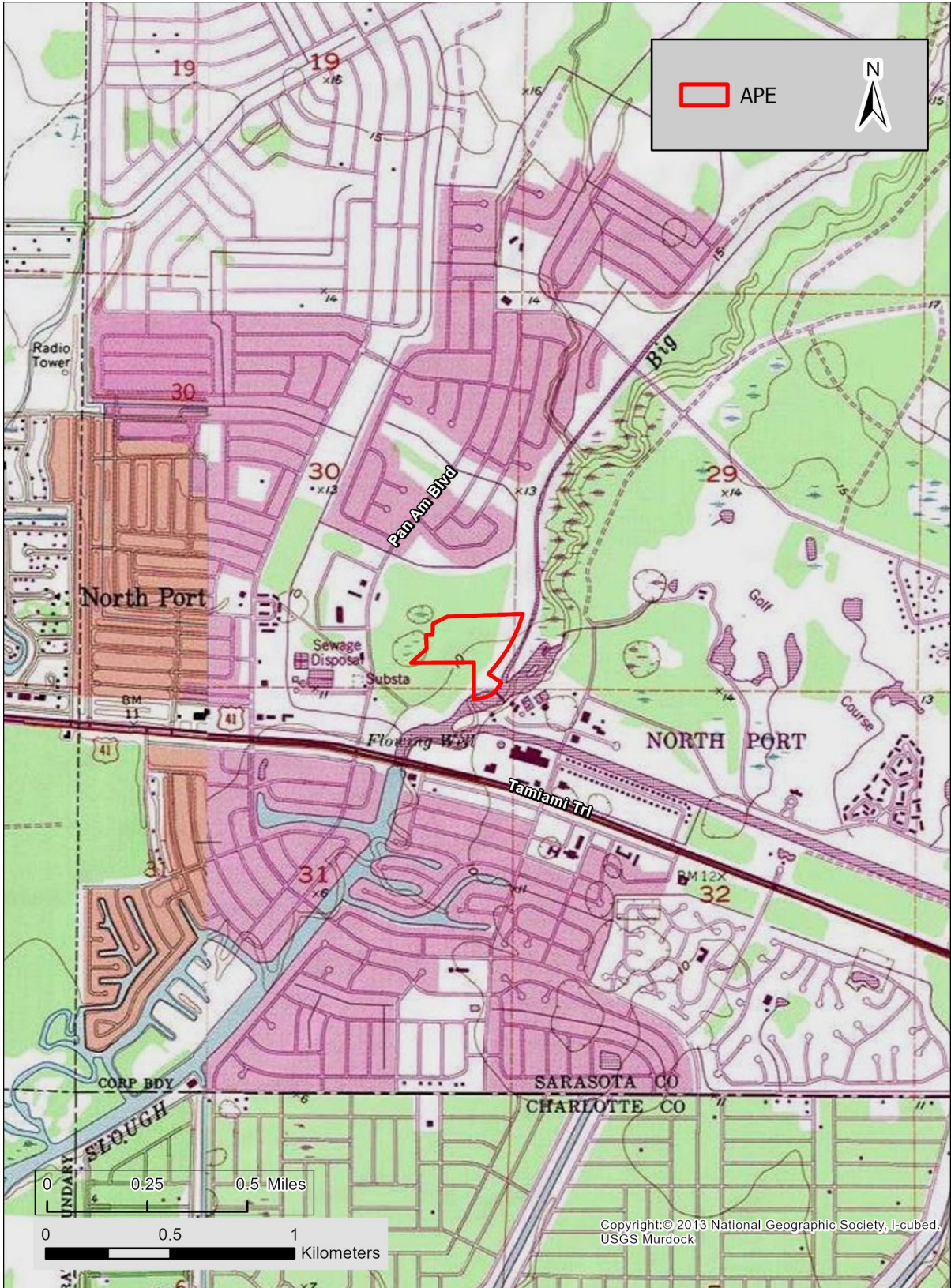
List Previously Recorded Site ID#s with Site File Forms Completed (attach additional pages if necessary)

List Newly Recorded Site ID#s (attach additional pages if necessary)

Site Forms Used: []Site File Paper Forms [X]Site File PDF Forms

REQUIRED: Attach Map of Survey or Project Area Boundary

SHPO USE ONLY SHPO USE ONLY SHPO USE ONLY Origin of Report: []872 []Public Lands []UW []1A32 # _____ []Academic []Contract []Avocational []Grant Project # _____ []Compliance Review: CRAT # _____ Type of Document: []Archaeological Survey []Historical/Architectural Survey []Marine Survey []Cell Tower CRAS []Monitoring Report []Overview []Excavation Report []Multi-Site Excavation Report []Structure Detailed Report []Library, Hist. or Archival Doc []Desktop Analysis []MPS []MRA []TG []Other: _____ Document Destination: Plottable Projects Plotability: []



Pan American Boulevard North Port Utility Administration Building Property
Township 39 South, Range 21 East, Sections 29-31
USGS Murdock
Sarasota County, Florida

APPENDIX D

SHARED INFRASTRUCTURE, EASEMENT AND MAINTENANCE AGREEMENT

12/28/2021 11:57 AM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2790012

This instrument prepared by
and after recording return to:
W. Terry Costolo, Esq.
Nelson Mullins Riley & Scarborough LLP
390 N. Orange Ave., Suite 1400
Orlando, FL 32801
terry.costolo@nelsonmullins.com

-----[Space Above This Line for Recording Data]-----

SHARED INFRASTRUCTURE, EASEMENT AND MAINTENANCE AGREEMENT

THIS SHARED INFRASTRUCTURE, EASEMENT AND MAINTENANCE AGREEMENT (this "Agreement") is made and entered into this 20th day of December, 2021, by and between **5400 GROUP LLC**, a Florida limited liability company ("5400"), and **THE WATERS AT NORTH PORT, LLC**, a Florida limited liability company ("WNP").

RECITALS

A. 5400 is the owner of that certain real property located in Sarasota County, Florida, described as on the attached Exhibit A ("Property").

B. WNP is acquiring from 5400 a portion of the Property as described in Exhibit B ("WNP Property"). The balance of the Property not conveyed to WNP is referred to as the "5400 Property".

C. In connection with the overall development of the Property, 5400 and WNP acknowledge and agree that construction and installation of the following infrastructure improvements will be required: (i) a lift station to be located on the WNP Property for the benefit of both the WNP Property and the 5400 Property (the "Lift Station"), (ii) a permanent fire service access road or a temporary fire service access road to be located on a portion of the 5400 Property (the "Fire Service Access Road") and (iii) a deceleration lane on Pan American Boulevard adjacent to the boundary of the 5400 Property (the "Deceleration Lane") (the Lift Station, Fire Service Access Road and Deceleration Lane are sometimes hereinafter collectively referred to as the "Infrastructure Improvements").

D. The location and expected dimensions of the Infrastructure Improvements are depicted on Exhibit C; provided, however, 5400 and WNP acknowledge and agree that the exact location and dimensions of the Infrastructure Improvements remain to be finalized based on permitting requirements of the City of North Port, Florida (the "City").

E. 5400 and WNP will agree to the terms of a drainage easement to be granted by WNP to 5400 which shall be executed and recorded within one hundred and eighty (180) days following Closing, providing for any reasonable extensions at the request of either party if the dimensions and location of such drainage system have not been attained. The material terms of such drainage easement are outlined herein.

F. 5400 and WNP will agree to the terms of a signage easement to be granted by 5400 to WNP which shall be executed and recorded within one hundred and eighty (180) days following Closing with such dimensions and location as are described herein.

G. In accordance with the foregoing Recitals, the parties hereto desire to establish and impose certain easements, covenants and conditions relating to the Property upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

AGREEMENTS

1. **Definitions.** For purposes hereof:

1.1 The term "Owner" or "Owners" shall mean 5400 (as to the 5400 Property) and WNP (as to WNP Property) and any and all successors or assigns of such persons as the owner or owners of fee simple title to all or any portion of the real property covered hereby, whether by sale, assignment, inheritance, operation of law, trustee's sale, foreclosure, or otherwise, but not including the holder of any lien or encumbrance on such real property.

1.2 The term "Parcel" or "Parcels" shall mean the 5400 Property and the WNP Property, and any future legally permissible subdivisions thereof. Notwithstanding the foregoing, in the event that a portion of any Parcel, which portion is not a separately legally developable parcel of land (a "Partial Parcel"), is owned by the Owner of any other Parcel (the "Master Parcel"), then: (a) the Partial Parcel and the Master Parcel shall collectively be considered one (1) "Parcel" for purposes hereof (b) the remainder of the Parcel of which the Partial Parcel was a part (prior to being conveyed to such other Owner) shall be considered to be one (1) Parcel for purposes hereof.

1.3 The term "Permittees" shall mean the tenant(s) or occupant(s) of a Parcel, and the respective employees, agents, contractors, customers, invitees, visitors and licensees of (i) the Owner of such Parcel, and/or (ii) such tenant(s) or occupant(s).

2. **Infrastructure Improvements.**

2.1 The first party ready to begin permitting development on its Parcel (hereafter "Developer") shall cause its civil engineer to prepare all plans and specifications for the Infrastructure Improvements ("Infrastructure Improvements Plans") and shall submit drafts of such Infrastructure Improvements Plans to the second party (hereafter "Adjacent Developer" for review and approval, which shall not be unreasonably withheld or delayed. The Infrastructure Improvement Plans shall be provided to Adjacent Developer no later than ten (10) days prior to submission to the City. After such approval by Adjacent Developer, the Infrastructure Improvements Plans shall be submitted to the City for all required permits and approvals. Adjacent Developer shall cooperate with Developer in its efforts to obtain approval of the Infrastructure Improvements Plans. Upon receipt of such permits and approvals from the City: (1) if 5400 is the Adjacent Developer, 5400 shall grant WNP such temporary access and construction easements (the "Temporary Construction Easements") as necessary for construction and installation of a temporary Fire Service Access Road (if located, in whole or in part, on the 5400 Property) and the Deceleration Lane (as to the Deceleration Lane, a temporary easement for access and staging if necessary); (2) if 5400 is

the Developer, WNP shall grant 5400 such temporary access and constructions easement ("TAC Easements") as necessary for construction and installation of the Lift Station on the WNP Property. Developer shall use prompt and commercially reasonable efforts to complete and install the Infrastructure Improvements and cause the City to accept same.

2.2 The approximate location of the Lift Station must be along the south property line of the WNP Property with the exact location to be determined by WPN's and 5400's engineers. Adjacent Developer will be responsible for reimbursing Developer for one-half (1/2) of the total costs to design, permit, and construct the Lift Station, within thirty (30) days after receipt of a building permit on the Adjacent Developer property. The cost of construction of the Lift Station shall be subject to the approval of both 5400 and WNP, which approvals shall not be unreasonably withheld or delayed. Developer shall submit an estimate of costs for the Lift Station to Adjacent Developer no later than ten days prior to submission to the City for permitting. Upon completion of the Infrastructure Improvements, and prior to the turnover of the Lift Station to the City, WNP shall grant 5400 a permanent easement for the placement, maintenance, and repair of such piping as necessary for 5400 to tie into the Lift Station. If 5400 is the Developer, WNP agrees to cooperate with 5400, at 5400's request, to turn over the Lift Station to the City for ongoing ownership, maintenance and repair.

2.3 If WNP is the Developer, upon completion of the Infrastructure Improvements 5400 shall grant WNP a temporary easement for ingress and egress of emergency vehicles only over the area generally shown on Exhibit "C" as the "Temporary Fire Service Access Road Easement" attached hereto and incorporated herein by this reference and WNP shall construct a Temporary Fire Service Access Road within the Temporary Fire Service Access Road Easement as part of the Infrastructure Improvements. During its development of the 5400 Property or if 5400 is the Developer, 5400 shall construct the "Permanent Fire Service Access Road" in the area generally shown on Exhibit "C." 5400 shall grant to WNP a non-exclusive easement for ingress and egress of emergency vehicles only over the "Permanent Fire Service Access Road Easement". WNP shall be responsible for all costs of design, permitting and constructing the Temporary Fire Service Access Road. 5400 shall bear the cost to design, permit and construct the Permanent Fire Service Access Road. Should WNP design, permit, and construct the Permanent Fire Service Access Road: 1) WNP shall be solely responsible for the maintenance of the Permanent Fire Service Access Road until thirty (30) days after issuance of the first building permit for the 5400 Property ("5400 Building Permit"); and 2) 5400 shall reimburse WNP for the full cost of designing, permitting and constructing the Permanent Fire Service Access Road within thirty (30) days after issuance of the 5400 Building Permit. The portion of the Permanent Fire Service Access Road shown in purple on Exhibit "C" ("WNP Emergency Access") shall be a stabilized surface but is not required to be paved.

2.4 Developer shall be responsible for the cost to design, permit and construct the Deceleration Lane. Within fifteen (15) days of buildout of Adjacent Developer's property, Adjacent Developer shall retain a transportation engineer to allocate the proportionate share of use of the Deceleration Lane by Developer and Adjacent Developer. Adjacent Developer shall pay its proportionate share of the cost of the Deceleration Lane within fifteen (15) days of receipt of the transportation engineer's proportionate share allocation.

2.5 Developer shall be permitted to remove and dispose of any tree, improvements or other barriers located within the Temporary Construction Easement areas or the TAC Easements areas, as applicable, as necessary to construct the Infrastructure Improvements, subject to applicable permitting and codes. Notwithstanding anything to the contrary contained herein, the right to construct the Infrastructure Improvements ("Construction Rights"), are personal to Developer and shall not benefit or transfer to any successor in interest of Developer unless Developer assigns the same, in its sole discretion, to such successor in interest, in writing, except that Developer must assign the Construction Rights to Adjacent

Developer, if Developer has temporarily or permanently abandoned construction of the Infrastructure Improvements after Adjacent Developer has requested such assignment in writing and provided Developer fourteen (14) days to resume construction. Developer will be considered to have abandoned construction if Developer fails to perform work on the Infrastructure Improvements without just cause for 90 consecutive days.

2.6 Subject to the terms and conditions set forth herein, each Owner hereby grants and conveys to the other Owner a non-exclusive right, privilege and easement over and across the Parcels (excluding any area in which buildings are located), to the extent necessary to perform the Infrastructure Improvements Maintenance (as hereinafter defined).

3. Drainage Easement. Within one hundred and eighty (180) days following Closing, as such term is defined in the Purchase and Sale Agreement dated August 7, 2021 between the parties, providing for any reasonable extensions at the request of either party if the dimensions and location of such drainage system have not been attained, WNP and 5400 must execute and record a drainage easement ("Drainage Easement Agreement") which shall provide for the following: 1) WNP shall provide 5400 with an easement ("Drainage Easement") for the construction and maintenance of and drainage into a stormwater management pond (hereafter the "Pond") sized to accommodate surface water runoff from the 5400 Property as long as the size and location of the Drainage Easement does not impede or conflict with WNP's development of 288 affordable housing units in a three story design and accessory parking, recreation, stormwater management and open space, the design of which ("Project Design") shall be as minimally required by City or the Southwest Florida Water Management District ("SWFWMD"), except that in no case shall the Drainage Easement area be less than 1.5 acres; 2) if the Project Design exceeds the minimum design standards of the City or the SWFWMD, then WNP must, no later than ten (10) days prior to submittal to the City or the SWFWMD for permitting, provide the Project Design plans to 5400 for review and approval, which approval shall not be unreasonably withheld, and 3) the Drainage Easement shall be located within the south corner of the WNP Parcel. Except that, if 5400 wishes to begin design and engineering for development permitting for the 5400 Property and the dimensions and location of such drainage system have not been attained, 5400 must propose a location for the drainage system along the southern property line of the WNP Property, not to exceed 1.5 acres, and approval of such location by WNP shall not be unreasonably withheld. The Drainage Easement shall include a provision for vacation of the easement in the event the easement is not used by 5400.

4. Signage Easement. Within one hundred and eighty (180) days following Closing, the parties must execute and record an easement wherein 5400 grants to WNP a signage easement of sufficient size for construction of a typical and customary monument sign for an apartment project ("Signage Easement"). The Signage Easement shall be located in the northwest corner of 5400's Lot 1 which is located at the southeast corner of Pan American Boulevard and Children's Way, as generally identified on Exhibit "D" attached hereto and incorporated herein by this reference.

5. Access Easement. Within forty-five (45) days following Closing, the parties must execute and record an easement wherein WNP grants to 5400 a non-exclusive ingress and egress easement along Children's Way in the area generally shown as "Access Easement" on Exhibit "C". Should 5400 design, permit, and construct the Access Easement: 1) 5400 shall be solely responsible for the maintenance of the Access Easement until thirty (30) days after issuance of the first building permit for the WNP Property ("WNP Building Permit"); and 2) WNP shall reimburse 5400 for the full cost of designing, permitting and constructing the Access Easement within thirty (30) days after issuance of the WNP Building Permit.

6. Indemnification. Each Owner having rights with respect to any easement granted herein (collectively, the "Easements") shall indemnify and hold the Owner(s) whose Parcel is subject to such Easement(s) harmless from and against all claims, liabilities and expenses (including reasonable attorneys' fees) relating to accidents, injuries, loss, or damage of or to any person or property arising from



the negligent, intentional or willful acts or omissions of such Owner, its Permittees, or others acting on behalf of such Owner, in connection with its use of any such Easement(s); provided, however, the foregoing indemnity shall not apply with respect to any claims, liabilities or expenses to the extent that same are the results of negligent, intentional or willful acts or omissions of any other Owner, its Permittees, or others acting on behalf of such Owner.

7. Reasonable Use of Easements.

7.1 The Easements shall be used and enjoyed by each Owner and its Permittees in such a manner so as not to unreasonably interfere with, obstruct or delay the conduct and operations of the business of any other Owner or its Permittees at any time conducted on its Parcel, including, without limitation, public access to and from said business, and the receipt or delivery of merchandise in connection therewith.

7.2 The Easements shall be used and enjoyed by each Owner and its Permittees in compliance with all applicable local, state, and federal laws and regulations (collectively, "Laws").

7.3 Once commenced, any construction, maintenance, repair, or replacement undertaken in reliance upon an Easement shall be performed in a good, workmanlike and lien free manner, in compliance with the requirements of all applicable Laws then in effect, shall be diligently prosecuted to completion, and shall be performed in a manner so as to minimize any interference with the business of any other Owner and its Permittees. Except in cases of emergency, the right of any Owner to enter upon a Parcel of another Owner for the exercise of any right pursuant to the Easements, or to prosecute work on such Owner's own Parcel if the same interferes with any Easements in favor of another Owner's Parcel, shall be undertaken only in such a manner so as to minimize any interference with the business of the other Owner and its Permittees. In such case, no affirmative monetary obligation shall be imposed upon the other Owner, and the Owner undertaking such work shall with due diligence repair at its sole cost and expense any and all damage caused by such work and restore the affected portion of the Parcel upon which such work is performed to a condition which is equal to or better than the condition which existed prior to the commencement of such work. In addition, the Owner undertaking such work shall pay all costs and expenses associated therewith and shall indemnify and hold harmless the other Owner(s) and its Permittees from all damages, losses, liens or claims attributable to the performance of such work.

7.4 No permanent building, structures, trees or other improvements inconsistent with the use and enjoyment of the Easements shall be placed over or permitted to encroach upon the Easements. The foregoing shall not prohibit the construction/installation of the Infrastructure Improvements in accordance with the terms of this Agreement.

8. Maintenance of Improvements and Cost Sharing Obligations.

8.1 Access Easement and Sign Easement Maintenance. Upon construction of the Access Easement by WMD, or, if the Access Easement is constructed by 5400 then thirty (30) days after issuance of the WNP Building Permit, WNP, shall, at its cost and expense, maintain the Access Easement. Upon construction of the Sign Easement by WNP, WNP shall, at its cost and expense, maintain the Sign Easement. The Access Easement and the Sign Easement shall be maintained in good, safe, and working order and condition, and shall ensure that same function effectively, including (without limitation) cleaning, repair and replacement of the same, as necessary (collectively, the "WNP Easements Maintenance"). The WNP Easements Maintenance shall be performed in a good, workmanlike and lien free manner, in compliance with the requirements of all applicable Laws then in effect; shall be diligently prosecuted to completion; and shall be performed in a manner so as to minimize any interference with the business of any other Owner and its Permittees. If the need for any maintenance or repair of the Sign

Easement or the Access Easement is due to the negligent or intentional act of an Owner or its Permittees, then such Owner shall be responsible for all reasonable out-of-pocket costs incurred by WNP in connection with such maintenance or repair. If WNP fails to provide for the maintenance or repair of the Access Easement or the Sign Easement, 5400 shall be entitled to provide the same after not less than fifteen (15) days written notice has been given to WNP and WNP shall not have thereupon commenced any required maintenance or repair work. Within fifteen (15) days of receipt of an invoice detailing the cost of maintenance or repair for which proper notice has been given, WNP shall reimburse 5400 the entire cost of the invoice.

8.2 Permanent Fire Service Access Road Easement and Drainage Easement Maintenance. Upon construction of the Permanent Fire Service Access Road Easement by 5400, or, if the Permanent Fire Service Access Road Easement is constructed by WNP then thirty (30) days after issuance of the 5400 Building Permit, 5400, shall, at its cost and expense, maintain the Permanent Fire Service Access Road Easement. Upon construction of the Drainage Easement, 5400 shall, at its sole cost and expense, maintain the Drainage Easement. The Permanent Fire Service Access Road Easement and the Drainage Easement shall be maintained in good, safe, and working order and condition, and shall ensure that same function effectively, including (without limitation) cleaning, repair and replacement of the same, as necessary (collectively the "5400 Easements Maintenance"). The 5400 Easements Maintenance shall be performed in a good, workmanlike and lien free manner, in compliance with the requirements of all applicable Laws then in effect; shall be diligently prosecuted to completion; and shall be performed in a manner so as to minimize any interference with the business of any other Owner and its Permittees. If the need for any maintenance or repair of the Permanent Fire Service Access Road Easement or the Drainage Easement is due to the negligent or intentional act of an Owner or its Permittees, then such Owner shall be responsible for all reasonable out-of-pocket costs incurred by 5400 in connection with such maintenance or repair. If 5400 fails to provide for the maintenance or repair of the Permanent Fire Service Access Road Easement or the Drainage Easement, WNP shall be entitled to provide the same after not less than fifteen (15) days written notice has been given to 5400 and 5400 shall not have thereupon commenced any required maintenance or repair work. Within fifteen (15) days of receipt of an invoice detailing the cost of maintenance or repair for which proper notice has been given, 5400 shall reimburse WNP the entire cost of the invoice.

9. Taxes and Insurance. During the term of this Agreement, each Owner shall maintain commercial general liability insurance in an aggregate sum of not less than One Million and 00/100 Dollars (\$1,000,000) combined single limit insuring against bodily injury or property damage occurring on or arising from the use of any easement granted to such Owner hereunder, and including contractual liability arising under the indemnity contained in Section 3 above. A satisfactory certificate evidencing that said insurance is in full force and effect and naming the Owner whose Parcel is burdened by such easement(s) as an additional insured shall be provided upon request. Each Owner shall pay all taxes, assessments, or charges of any type levied or made by any governmental body or agency with respect to its Parcel.

10. No Rights in Public; No Implied Easements. Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of the Parcels. No easements, except those expressly set forth herein, shall be implied by this Agreement.

11. Remedies and Enforcement.

11.1 All Legal and Equitable Remedies Available. In the event of a breach or threatened breach by any Owner or its Permittees of any of the terms, covenants, restrictions or conditions hereof, the other Owner(s) shall be entitled forthwith to full and adequate relief by injunction and/or all such

other available legal and equitable remedies from the consequences of such breach, including payment of any amounts due and/or specific performance.

11.2 Self-Help. In addition to all other remedies available at law or in equity, upon the failure of a defaulting Owner to cure a breach of this Agreement within thirty (30) days following written notice thereof by an Owner (unless, with respect to any such breach the nature of which cannot reasonably be cured within such thirty (30) day period, the defaulting Owner commences such cure within such thirty (30) day period and thereafter diligently prosecutes such cure to completion), any Owner affected by such breach shall have the right to perform such obligation contained in this Agreement on behalf of such defaulting Owner and be reimbursed by such defaulting Owner upon demand for the reasonable costs thereof together with interest at the rate of twelve percent (12%). Notwithstanding the foregoing, in the event of (a) an emergency, (b) blockage or material impairment of any easement rights granted herein, and/or (c) the unauthorized parking of vehicles in any easement area described herein, the affected Owner may immediately cure the same and be reimbursed by the other Owner upon demand for the reasonable cost thereof together with interest at the rate of twelve percent (12 %) per annum, as above described. Any amounts due and owing from one Owner to another Owner under this Agreement shall be secured by a lien on the defaulting Owner's Parcel which lien may be foreclosed in the manner provided by Florida law for the foreclosure of a mortgage.

11.3 Remedies Cumulative. The remedies specified herein shall be cumulative and in addition to all other remedies permitted at law or in equity.

11.4 No Termination For Breach. Notwithstanding the foregoing to the contrary, no breach hereunder shall entitle any Owner to cancel, rescind, or otherwise terminate this Agreement. No breach hereunder shall defeat or render invalid the lien of any mortgage or deed of trust upon any Parcel made in good faith for value, but the easements, covenants, conditions and restrictions hereof shall be binding upon and effective against any Owner of such Parcel whose title thereto is acquired by foreclosure, trustee's sale, or otherwise.

11.5 Irreparable Harm. In the event of a violation of any of the provisions of this Agreement, each Owner agrees that such violation thereof shall cause the non-defaulting Owner and/or its Permittees to suffer irreparable harm and such non-defaulting Owner and its Permittees shall have no adequate remedy at law. As a result, in the event of a violation of any of the provisions of this Agreement, each Owner agrees that the non-defaulting Owner, in addition to all remedies available at law or otherwise under this Agreement, shall be entitled to injunctive or other equitable relief to enjoin a violation thereof.

12 Miscellaneous.

12.1 Attorneys' Fees. In the event a party institutes any legal action or proceeding for the enforcement of any right or obligation herein contained, the prevailing party after a final adjudication shall be entitled to recover its costs and reasonable attorneys' fees incurred in the preparation and prosecution of such action or proceeding.

12.2 Amendment. The parties agree that the provisions of this Agreement may be modified or amended, in whole or in part, or terminated, only by the written consent of all record Owners of all Parcels, evidenced by a document that has been fully executed and acknowledged by all such record Owners and recorded in the Public Records of Sarasota County, Florida.

12.3 Consents. Wherever in this Agreement the consent or approval of an Owner is required, unless otherwise expressly provided herein, such consent or approval shall not be unreasonably withheld

or delayed. Any request for consent or approval shall: (a) be in writing; (b) specify the section hereof which requires that such notice be given or that such consent or approval be obtained; and (c) be accompanied by such background data as is reasonably necessary to make an informed decision thereon. The consent of an Owner under this Agreement, to be effective, must be given, denied or conditioned expressly and in writing.

12.4 No Waiver. No waiver of any default of any obligation by any party hereto shall be implied from any omission by the other party to take any action with respect to such default.

12.5 No Agency. Nothing in this Agreement shall be deemed or construed by either party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between the parties.

12.6 Covenants to Run with Land. Each of the easements, covenants, conditions, restrictions, rights and obligations set forth herein shall run with the land and create equitable servitudes in favor of the real property benefited thereby, shall bind every person having any fee, leasehold or other interest therein and shall inure to the benefit of the respective parties and their successors, assigns, heirs, and personal representatives.

12.7 Grantee's Acceptance. The grantee of any Parcel or any portion thereof, by acceptance of a deed conveying title thereto or the execution of a contract for the purchase thereof, whether from an original party or from a subsequent owner of such Parcel, shall accept such deed or contract upon and subject to each and all of the easements, covenants, conditions, restrictions and obligations contained herein. By such acceptance, any such grantee shall for himself and his successors, assigns, heirs, and personal representatives, covenant, consent, and agree to and with the other party, to keep, observe, comply with, and perform the obligations and agreements set forth herein with respect to the property so acquired by such grantee.

12.8 Separability. Each provision of this Agreement and the application thereof to each of the Parcels are hereby declared to be independent of and severable from the remainder of this Agreement. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Agreement. In the event the validity or enforceability of any provision of this Agreement is held to be dependent upon the existence of a specific legal description, the parties agree to promptly cause such legal description to be prepared. Ownership of all Parcels by the same person or entity shall not terminate this Agreement nor in any manner affect or impair the validity or enforceability of this Agreement.

12.9 Time of Essence. Time is of the essence of this Agreement.

12.10 Entire Agreement. This Agreement contains the complete understanding and agreement of the parties hereto with respect to all matters referred to herein, and all prior representations, negotiations, and understandings are superseded hereby.

12.11 Notices. Notices or other communication hereunder shall be in writing and shall be sent certified or registered mail, return receipt requested, or by national overnight courier service, or by personal delivery. Notice shall be deemed given upon receipt or refusal to accept delivery. Each party may change from time to time their respective address for notice hereunder by like notice to the other party. The notice addresses of the Owners are as follows:

5400 : 5400 GROUP LLC

12.6 Covenants to Run with Land. Each of the easements, covenants, conditions, restrictions, rights and obligations set forth herein shall run with the land and create equitable servitudes in favor of the real property benefited thereby, shall bind every person having any fee, leasehold or other interest therein and shall inure to the benefit of the respective parties and their successors, assigns, heirs, and personal representatives.

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5400: 5400 GROUP LLC c/o SUN LOTUS COMM REALESTATE
2044 Constitution Ave
SARASOTA FL 34231
Attention: ASHLEY BLOOM

WNP: WATERS AT NORTH PORT, LLC

Attention: _____

11.12 Governing Law. **THIS AGREEMENT, AND ALL THE RIGHTS OF THE PARTIES SHALL BE GOVERNED AS TO THE VALIDITY, INTERPRETATION, CONSTRUCTION, ENFORCEMENT AND IN ALL OTHER RESPECTS BY THE LAW OF THE STATE FLORIDA, WITHOUT REGARD TO ITS RULES AND PRINCIPLES REGARDING CONFLICTS OF LAWS OR ANY RULE OR CANON OF CONSTRUCTION WHICH INTERPRETS AGREEMENTS AGAINST THE DRAFTSMAN.**

Attention: _____

WNP:

WATERS AT NORTH PORT, LLC
4770 Iberia Ave. Suite 100
Dallas, TX 75207
Attention: Michael Nguyen

And

BelleRock Development, LLC
1006 Drew Street
Clearwater, FL 33755
Attention: Tom McVay

11.12 Governing Law. **THIS AGREEMENT, AND ALL THE RIGHTS OF THE PARTIES SHALL BE GOVERNED AS TO THE VALIDITY, INTERPRETATION, CONSTRUCTION, ENFORCEMENT AND IN ALL OTHER RESPECTS BY THE LAW OF THE STATE FLORIDA, WITHOUT REGARD TO ITS RULES AND PRINCIPLES REGARDING CONFLICTS OF LAWS OR ANY RULE OR CANON OF CONSTRUCTION WHICH INTERPRETS AGREEMENTS AGAINST THE DRAFTSMAN.**

11.13 Bankruptcy. In the event of any bankruptcy affecting any Owner or occupant of any Parcel, the parties agree that this Agreement shall, to the maximum extent permitted by law, be considered an agreement that runs with the land and that is not rejectable, in whole or in part, by the bankrupt person or entity.


<<SIGNATURES ON FOLLOWING PAGE>>

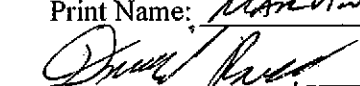
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<<SIGNATURES ON FOLLOWING PAGE>>

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

Witnesses:

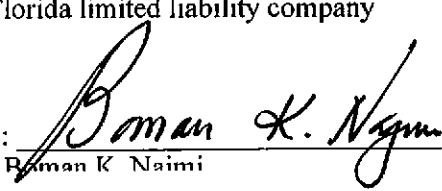

Print Name: Marvin Campbell Jr


Print Name: David Ross

5400 PROPERTY OWNER:

5400 GROUP LLC,
a Florida limited liability company

By:

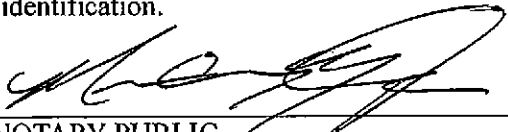

Raman K Naimi

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California
COUNTY OF San Diego

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization this 16 day of December, 2021, by Boman K. Najmi, Manager of 5400 GROUP LLC, a Florida limited liability company, on behalf of the company. He is personally known to me, or has produced FL. DRIVERS Licence, as identification.

(NOTARIAL SEAL)


NOTARY PUBLIC
Print Name: Marvin Campbell Jr
My Commission Expires: 31 MAY 2023



SIGNATURES CONTINUED ON FOLLOWING PAGE

EXHIBIT A

**5400 GROUP PROPERTY
LEGAL DESCRIPTION**

EXHIBIT A

A portion of Sections 29, 30, 31 and 32, Township 39 South, Range 21 East, Sarasota County, Florida, and said portion being more particularly described as follows: Commencing at the point of intersection of the Easterly right-of-way line of North Pan American Boulevard with the Northerly right-of-way line of Tamiami Trail (a/k/a U.S. Highway 41 and State Road 45) and the same being shown on the record plat of the 43rd Addition to Port Charlotte Subdivision as recorded in Plat Book 18, Page 26, of the Public Records of Sarasota County, Florida; thence North 13°27'52" East, along the said Easterly line of North Pan American Boulevard, a distance of 390.26 feet to a point; thence continuing North 13°27'52" East, a distance of 344.16 feet to a point of curvature of a circular curve to the left, having a radius of 440.00 feet, a central angle of 08°45'27", a chord bearing of North 09°05'09" East and a chord length of 67.19 feet; thence along the arc of the said curve, an arc length of 67.25 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing along the arc of the said curve, having a radius of 440.00 feet, a central angle of 12°52'25", a chord bearing of North 01°43'47" West and a chord length of 98.65 feet; thence along the arc of the said curve, a distance of 98.88 feet to a point of tangency of the said curve; thence North 08°10'00" West, continuing along the said Easterly right-of-way line of North Pan American Boulevard, a distance of 695.59 feet to the point of curvature of a circular curve to the right, having a radius of 760.00 feet, a central angle of 01°56'57", a chord bearing of North 07°11'31" West and a chord length of 25.85 feet; thence along the arc of said curve, an arc length of 25.85 feet to a point of cusp with a curve to the left; having a radius of 25.00 feet, a central angle of 91°55'01", a chord bearing of South 52°10'33" East and a chord length of 35.94 feet; thence along the arc of said curve, an arc length of 40.11 feet to a point of reverse curvature of a circular curve to the right, having a radius of 730.00 feet, a central angle of 20°56'12", a chord bearing of South 87°39'58" East and a chord length of 265.27 feet; thence along the arc of said curve, an arc length of 266.75 feet to a point of reverse curvature of a circular curve to the left, having a radius of 1684.74 feet, a central angle of 10°48'08", a chord bearing of South 82°35'56" East and chord length of 317.16 feet and said point also being the Southwesterly corner of parcel of land as recorded in Official Records Instrument #2006018775 of the Public Records of Sarasota County, Florida; thence along the arc of the said curve and the Southerly limits of the aforesaid parcel of land, a distance of 317.63 feet to a point of tangency of the said curve; thence South 88°00'00" East, continuing along the said Southerly limits of the aforesaid parcel of land, a distance of 130.73 feet to the Southeasterly corner of the aforesaid parcel of land; thence North 02°00'00" East, along the Easterly limits of the aforesaid parcel of land, a distance of 400.00 feet to a point on the Southerly limits of the Quality Health Care Property (Parcel A as recorded in Official Records Book 1741, Page 174, of the Public Records of Sarasota County, Florida); thence South 88°00'00" East, along the said Southerly limits of Parcel A, a distance of 357.84 feet; thence North 02°00'00" East along the Easterly limits of the said Parcel A, a distance of 419.70 feet to a point on the Southerly limits of the map or plat entitled "52nd Addition to Port Charlotte Subdivision" as recorded in Plat Book 21, Page 13, of the Public Records of Sarasota County, Florida; thence South 88°00'00" East, along the said Southerly limits, a distance of 364.28 feet; thence North 58°30'00" East, continuing along the said Southerly limits, a distance of 414.77 feet; thence East continuing along the said Southerly limits, a distance of 232.29 feet to a point from which the Southeast corner of Tract E of the said map or plat bears North 50.00 feet distance therefrom and said point also being on the Westerly limits of Parcel D (Reservoir Parcel) as recorded in Official Records Book 2357, Page 359, of the Public Records of Sarasota County, Florida; thence South, along the Westerly limits of the said Parcel D, a distance of 320.35 feet to the point of curvature of a circular curve to the right, having a radius of 1900.00 feet, a central angle of 42°11'51", a chord bearing of South 21°05'55" West and a chord length of 1367.91 feet; thence, along the said arc of said curve, an arc length of 1399.32 feet to a point of tangency of the said curve; thence South 42°11'51" West, along the said Westerly limits, a distance of 59.86 feet to the Southwesterly corner of the said Parcel D; thence South 61°10'59" East, along the Southerly limits of the said Parcel D, a distance of 160.00 feet to a point being described as the approximate mean high water line of the Myakkahatchee Creek; thence Southwesterly along the said approximate mean high water line of the said Myakkahatchee Creek, a distance of 468 feet more or less; thence North 00°28'05" West, leaving the said approximate mean high water line, a distance of 464.48 feet more or less to a point; thence South 89°29'48" West, a distance of 831.14 feet; thence South 00°28'05" West, a distance of 248.05 feet to a point of curvature of a circular curve to the right, having a radius of 875.00 feet, a central angle of 05°54'00", a chord bearing of South 03°25'05" West and a chord length of 90.06 feet; thence along the arc of the said curve, a distance of 90.10 feet to a point on an 80.00 foot wide ingress/egress (access) easement as recorded in Official Records Instrument #1998150931 of the Public Records of Sarasota County, Florida; thence North 88°31'07" West, along the Northerly limits of the said ingress/egress easement, a distance of 355.77 feet to a point; thence North 50°48'24" West, continuing along the said Northerly limits, a distance of 59.39 feet; thence North 86°31'07" West, continuing along the said Northerly limits, a distance of 30.00 feet back to the Point of Beginning.

LESS AND EXCEPT the land described in the Warranty Deed from Redus Florida Land, LLC, a Delaware limited liability company, to the North Port Road and Drainage District recorded in Official Records Instrument #2013041222, of the Public Records of Sarasota County, Florida and more particularly described as follows:

Portions of Sections 29, 31 and 32, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows: Commencing at the point of intersection of the Easterly right-of-way line of North Pan American Boulevard with the Northerly right-of-way line of Tamiami Trail (US-41) as the same is shown on the record plat of the 43rd Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 18, Page 26, Public Records of Sarasota County, Florida; thence N. 13°27'52" E., along the said Easterly line of North Pan American Boulevard, a distance of 734.41 feet to the point of curvature of a curve to the left, having a radius of 440.00 feet, a central angle of 10°58'41", a chord bearing of North 07°58'31"E. and a chord length of 84.18 feet; thence along the arc of the said curve, and said Easterly right-of-way line, an arc length of 84.31 feet to a point on the North line of the Northeast quarter of Section 31 in aforesaid Township 39 South, Range 21 East; thence S. 89°31'55"E., along said North line a distance of 1480.25 feet to the Southwest Corner of aforesaid Section 29, thence N. 23°08'36" East, a distance of 66.20 feet to the "POINT OF BEGINNING" of the easement on the Southerly line of that certain Parcel "D" as recorded in O.R.2666, Page 618, Public Records of Sarasota County, Florida; thence S. 61°10'59" E., along said southerly line, a distance of 140.57 feet more or less, to a point on the "mean high water line" of the Myakkahatchee Creek; thence Southwesterly along said mean high water line a distance of 169.74 feet more or less; thence North 61°10'59" W., a distance of 90.30 feet more or less; thence N. 28°49'01" E., a distance of 120.00 feet; thence N. 01°54'18" W., a distance of 52.35 feet to the POINT OF BEGINNING.

AND FURTHER LESS AND EXCEPT:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF SARASOTA, LYING IN SECTIONS 29 AND 30, TOWNSHIP 39 SOUTH, RANGE 21 EAST, BEING A PART OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2016121988, SARASOTA COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF PAN AMERICAN BOULEVARD WITH THE NORTHERLY RIGHT-OF-WAY OF TAMIAMI TRAIL (A/K/A U.S. HIGHWAY 41 AND STATE ROAD 45); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PAN AMERICAN BOULEVARD FOR THE FOLLOWING 5 COURSES: N.13°30'20"E. FOR 734.42 FEET (FOR THE BASIS OF BEARINGS) TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 440.00 FEET, A DELTA ANGLE OF 21°37'52", A CHORD BEARING OF N.02°41'24"E., AND A CHORD DISTANCE OF 165.13 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 166.12 FEET; THENCE N.08°07'32"W. FOR 585.47 FEET TO THE POINT OF BEGINNING; THENCE N.08°07'32"W. FOR 110.13 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 760.00 FEET, A DELTA ANGLE OF 01°56'56", A CHORD BEARING OF N.07°08'58"W., AND A CHORD DISTANCE OF 25.85 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 25.85 FEET TO A POINT ON THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1161, PAGE 1713, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 91°54'40", A CHORD BEARING OF S.52°08'00"E., AND A CHORD DISTANCE OF 35.94 FEET; THENCE ALONG SAID SOUTH LINE AND THE ARC OF SAID CURVE FOR 40.10 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 730.00 FEET, A DELTA ANGLE OF 20°56'12", A CHORD BEARING OF S.87°37'25"E., A CHORD DISTANCE OF 265.27 FEET; THENCE ALONG SAID SOUTH LINE AND THE ARC OF SAID CURVE FOR 266.75 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2004102281, PUBLIC

OF SARASOTA COUNTY, FLORIDA, SAID POINT ALSO BEING THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 1684.74 FEET, A DELTA ANGLE OF 10°48'08", A CHORD BEARING OF S.82°33'23"E., AND A CHORD DISTANCE OF 317.16 FEET; THENCE ALONG THE SOUTH LINE OF SAID LANDS AND THE ARC OF SAID CURVE FOR 317.63 FEET; THENCE S.87°57'27"E. ALONG SAID SOUTH LINE FOR 130.73 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE N.02°02'33"E. ALONG THE EAST LINE OF SAID LANDS FOR 400.00 FEET TO A POINT ON THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2019106794, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE S.87°57'27"E. ALONG THE SOUTH LINE OF SAID LANDS FOR 357.84 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE N.02°02'33"E. ALONG THE EAST LINE OF SAID LANDS FOR 419.70 FEET TO A POINT ON THE SOUTH LINE OF A 50 FEET WIDE DRAINAGE RIGHT-OF-WAY AS DEPICTED IN PLAT BOOK 21, PAGES 13A THROUGH 13Z, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE THE FOLLOWING 3 COURSES: S.87°57'27"E. FOR 364.28 FEET; THENCE N.58°32'33"E. FOR 414.77 FEET; THENCE S.89°57'27"E. FOR 232.29 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2666, PAGE 618, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE THE FOLLOWING 2 COURSES: S.00°02'33"W. FOR 320.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1900.00 FEET, A DELTA ANGLE OF 16°15'51", A CHORD BEARING OF S.08°10'28"W., AND A CHORD DISTANCE OF 537.54 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 539.34 FEET; THENCE S.89°32'50"W. FOR 986.54 FEET; THENCE S.64°27'35"W. FOR 212.43 FEET; THENCE S.02°03'02"W. FOR 140.81 FEET; THENCE N.87°57'27"W. FOR 210.72 FEET; TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1764.74 FEET, A DELTA ANGLE OF 10°48'08", A CHORD BEARING OF N.82°33'23"W., AND A CHORD DISTANCE OF 332.22 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 332.71 FEET; TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 650.00 FEET, A DELTA ANGLE OF 20°56'04", A CHORD BEARING OF N.87°37'22"W., AND A CHORD DISTANCE OF 236.18 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 237.50 FEET; THENCE S.31°59'37"W. FOR 39.39 FEET TO THE EAST RIGHT-OF-WAY LINE OF PAN AMERICAN BOULEVARD AND THE POINT OF BEGINNING.

EXHIBIT B

**WNP PROPERTY
LEGAL DESCRIPTION**

Exhibit "B"

WNP Property Legal Description

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF SARASOTA, LYING IN SECTIONS 29 AND 30, TOWNSHIP 39 SOUTH, RANGE 21 EAST, BEING A PART OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2016121988, SARASOTA COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

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CONTAINS 19.88 ACRES, MORE OR LESS.

EXHIBIT C

INFRASTRUCTURE IMPROVEMENTS

Exhibit C

Temporary Construction Easement for Deceleration Land

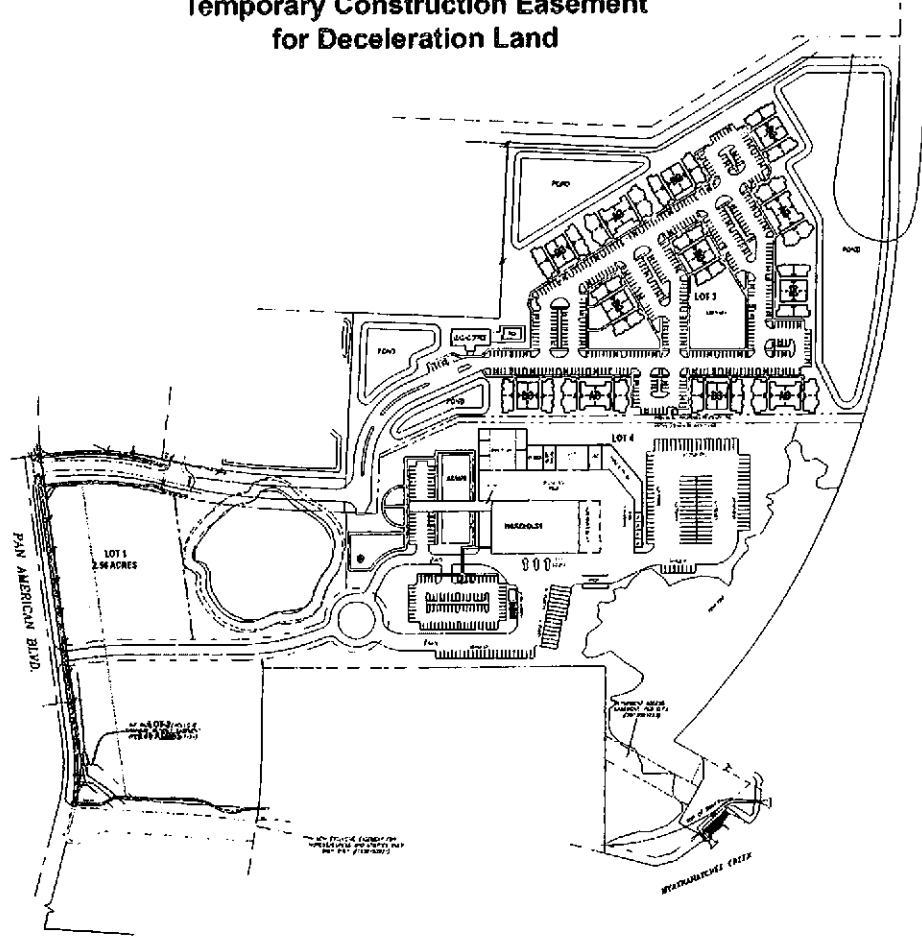
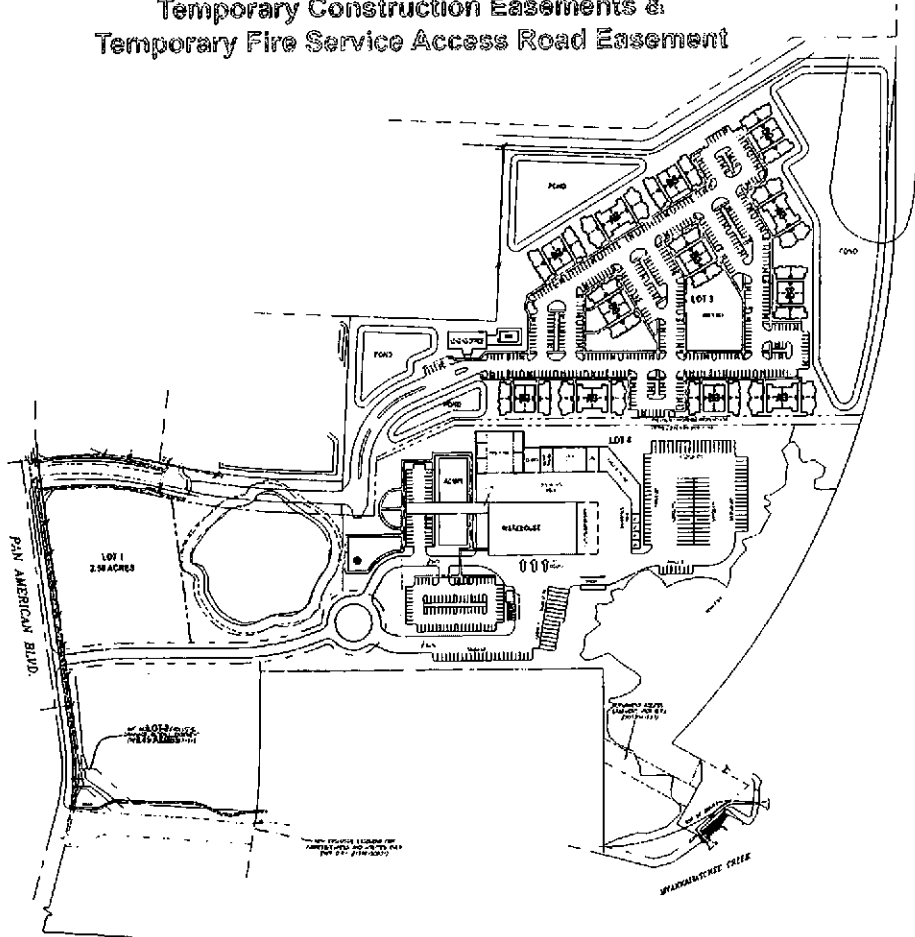


Exhibit C

Temporary Construction Easements & Temporary Fire Service Access Road Easement





STANTEC
10000 W. BOULEVARD
SUITE 200
FORT WORTH, TEXAS 76155
TEL: 817.335.4400
WWW.STANTEC.COM



CITY OF NORTH PORT UTILITIES
ENGINEERING DIVISION

14100 BAY DRIVE, NORTH DRIVE
FL 34627 (SUBDIVISION 935)

PERMITS
CONSTRUCTION

NORTH PORT UTILITIES
ADMINISTRATION BUILDING

CITY OF NORTH PORT UTILITIES ENGINEERING DIVISION
14100 BAY DRIVE, NORTH DRIVE
FL 34627 (SUBDIVISION 935)

SITE PLAN
0A-000b

Exhibit C Permanent Fire Service Access Easement

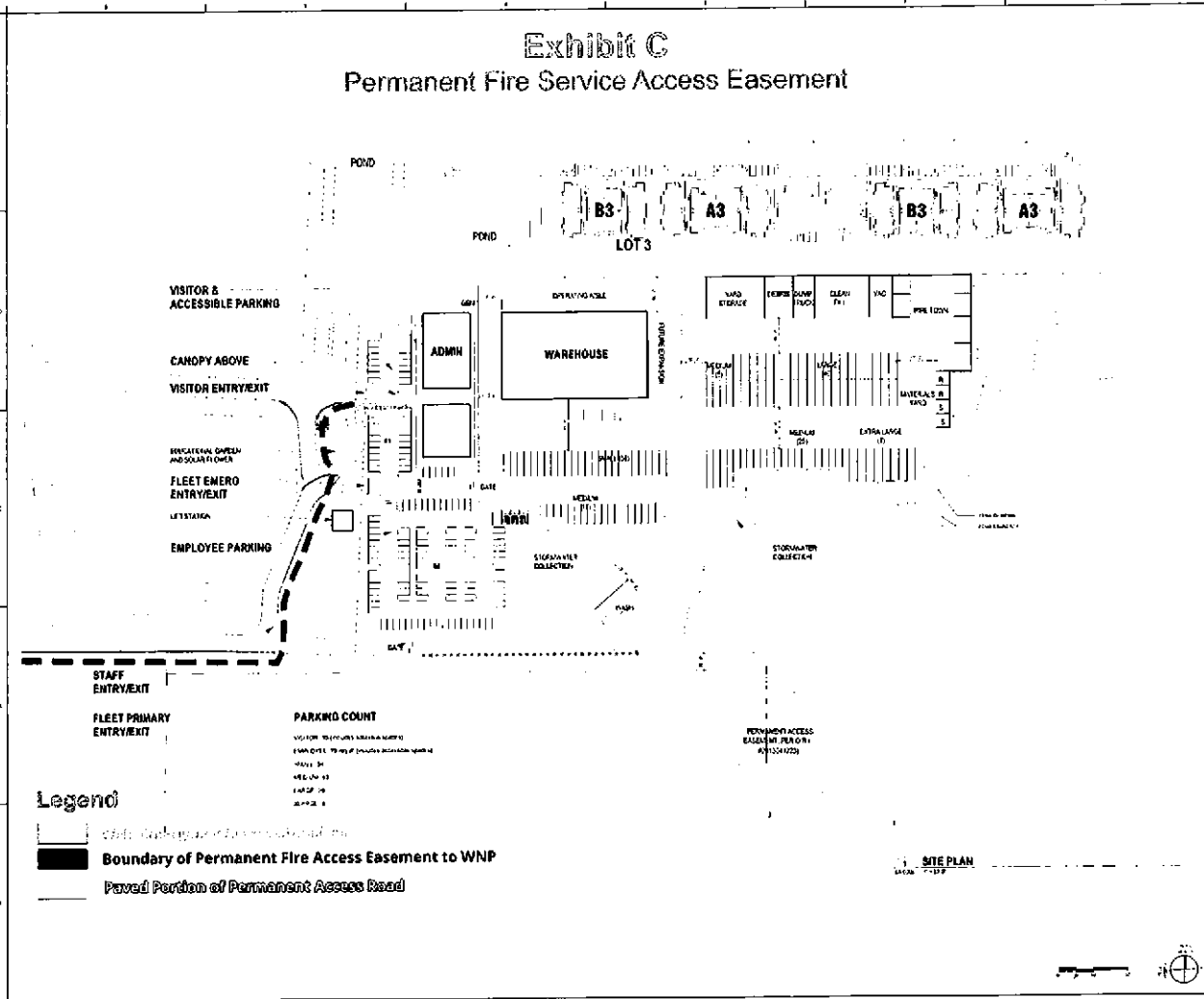


Exhibit D

Temporary Signage Easement

