

Wellen Park Downtown, Phase 3

Final Plat (Petition No, PLF-23-201)



STAFF REPORT

From: David Brown, Planner I

Thru: Hank Flores, AICP, CFM, Planning & Zoning Manager

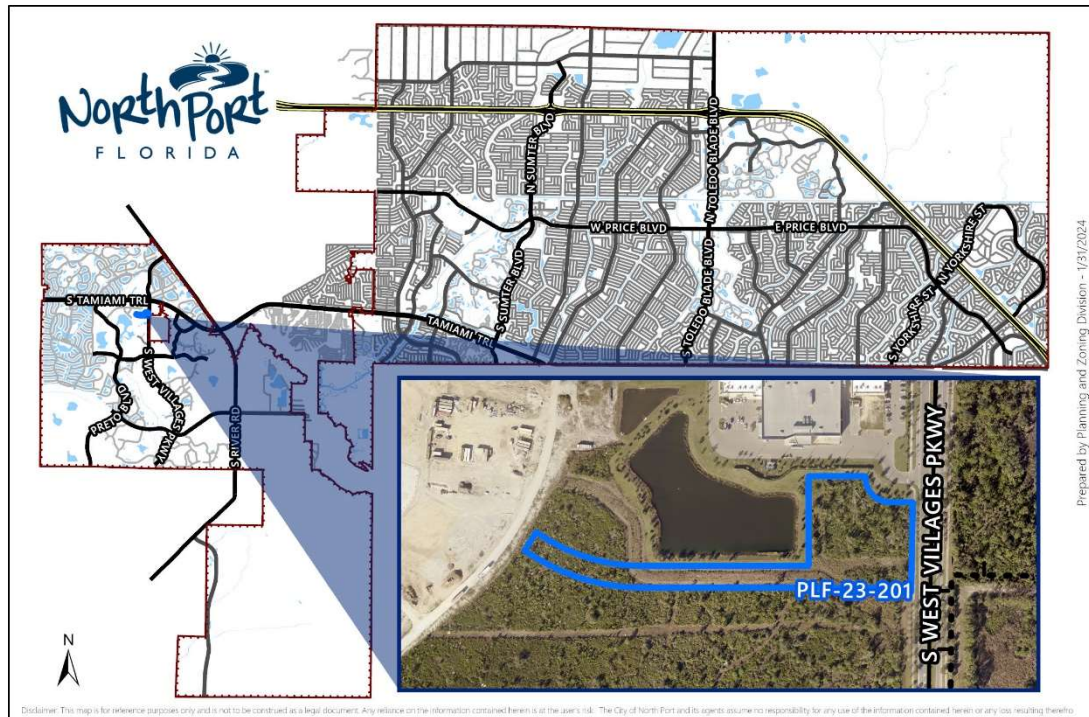
Thru: Lori Barnes, AICP, CPM, Development Services Assistant Director

Thru: Alaina Ray, AICP, Development Services Director

Thru: Jason Yarborough, ICMA-CM, Deputy City Manager

Thru: A. Jerome Fletcher II, ICMA-CM, MPA, City Manager

Date: February 15, 2024



| | |
|-----------------------|---|
| PROJECT: | Wellen Park Downtown, Phase 3 (QUASI-JUDICIAL) |
| REQUEST: | Approval of the Final Plat for Phase 3 |
| APPLICANT: | John Luczynski (Exhibit A, Affidavit) |
| OWNERS: | Main Street Ranchlands, LLP (Exhibit B, Warranty Deed) |
| LOCATION: | To the south of Sunglow Boulevard, to the west of S West Villages Parkway and to the east of Market Way |
| PROPERTY SIZE: | ± 3.6387 acres |
| ZONING: | Village (V) |

I. BACKGROUND

On August 11, 2023, the Planning & Zoning Division received a Final Plat petition from John Luczynski, for Wellen Park Downtown, Phase 3.

The purpose of the Final Plat is to create a new roadway to be called Brightland Way, which will connect Market Way and West Villages Parkway, as well as service new development on lands lying north and south of the roadway. The plat will also create a commercial parcel – Tract 14.

The subject property is zoned Village (V) with a Future Land Use Designation of Village.

This project has two subdivision bonds in the amounts of \$328,361.94 and \$132,287.54 in conjunction with Infrastructure plan INF-22-136.

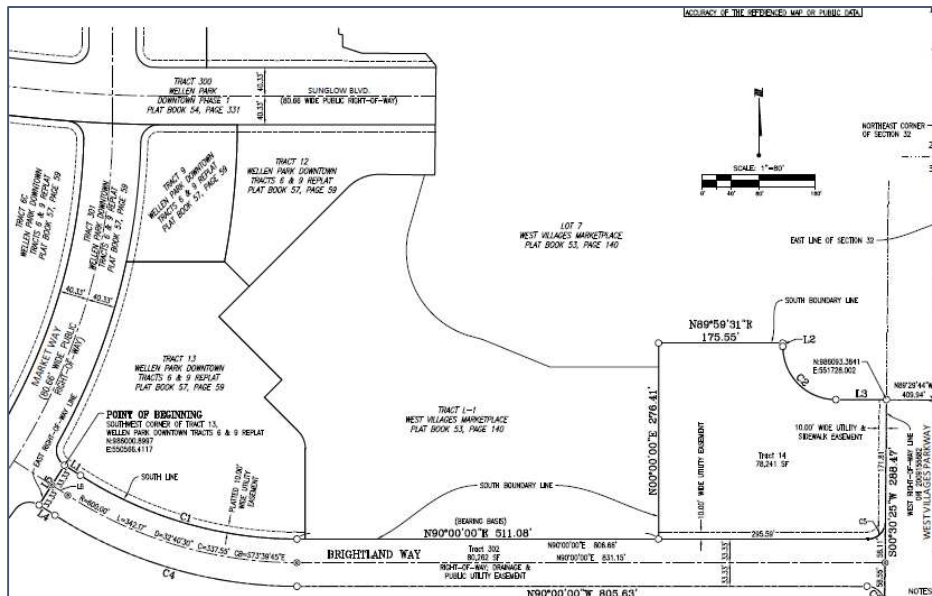


Figure 1. Proposed Wellen Park Downtown, Phase 3 Final Plat.

II. STAFF ANALYSIS & FINDINGS

FLORIDA STATUTES

Title XII MUNICIPALITIES, Chapter 177 LAND BOUNDARIES, Part I: PLATTING, Section 177.081 Dedication and approval.

(1) Prior to approval by the appropriate governing body, the plat shall be reviewed for conformity to this chapter by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs of which shall be borne by the legal entity offering the plat for recordation, and evidence of such review must be placed on such plat.

Findings: The final plat was reviewed and approved by the contracted City Surveyor for conformance with the Florida Statutes Chapter 177 Part I.

Conclusion: PLF-23-201 meets the State's requirements for City review and approval of plats.

COMPLIANCE WITH ULDC

Chapter 37-Subdivision Regulations, Article II-Procedures for Securing Approvals, Section 37-8 Plat Submission Requirements.

B. Conformity with approved subdivision plans. The plat shall incorporate all stipulations, easements, changes and modifications required to make the approved subdivision plan and infrastructure plan conform to these regulations.

Findings: The final plat was reviewed for conformance with the approved subdivision plan.

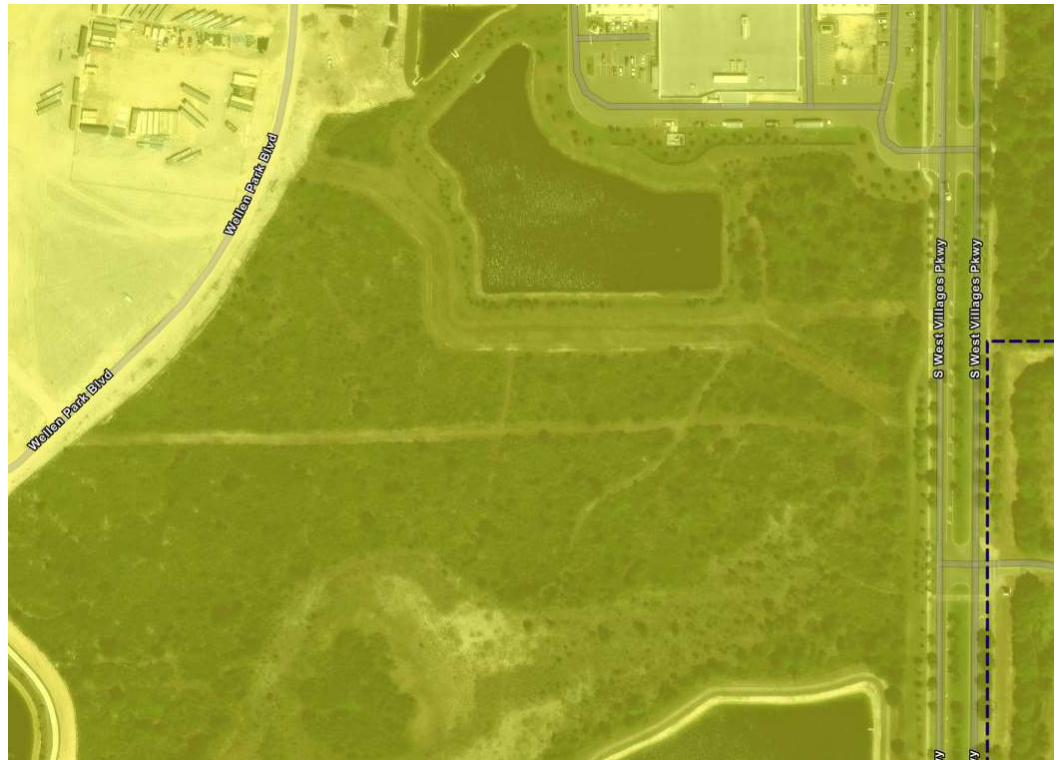
Conclusion: PLF-23-201 conforms with the approved Subdivision Concept Plan (SCP-22-137) and the ULDC.

ENVIRONMENTAL

A formal environmental survey has been completed on the site. All permits will be issued in accordance to State and Federal standards.

FLOOD ZONE

The entirety of this site is within Flood Zone X (Areas of minimal flood hazard). According to Flood Insurance Rate Map No. 12115C0365F Sarasota County, Community No. 120279, City of North Port, FL effective November 4, 2016.



III. RECOMMENDED MOTIONS

PLANNING & ZONING ADVISORY BOARD—

Staff recommends **approval** of Petition No. PLF-23-201, Wellen Park Downtown, Phase 3, as stated:

I move to recommend approval of Petition No. PLF-23-201 as presented and find that based on the competent substantial evidence, the Plat complies with all regulations set forth in the City of North Port Comprehensive Plan.

CITY COMMISSION—

The City Commission **approve** Petition No. PLF-23-201, Wellen Park Downtown, Phase 3, as stated:

I move to approve Petition No. PLF-23-201 as presented and find that based on the competent substantial evidence, the Plat complies with all regulations set forth in the City of North Port Comprehensive Plan, Unified Land Development Code (ULDC), and Florida Statutes Chapter 177.

IV. ALTERNATIVE MOTIONS

Petition PLF-23-201 may be DENIED. If that were the case, new findings would need to be written to support that recommendation. The motion would be as follows:

PLANNING & ZONING ADVISORY BOARD—

Petition PLF-23-201 may be denied. If that were the case, new findings would need to be written to support that recommendation. The motion would be as follows:

MOTION TO DENY: I move to recommend denial of the Wellen Park Downtown, Phase 3 Plat, Petition No. PLF 23-201, and that the City Commission find that, based on the competent and substantial evidence, the Plat:

[include all applicable factors below]

1. Is NOT consistent with Florida Statutes Section 177.081 because _____
[include explanation of how the plat fails to meet each specific regulation];

2. Is NOT consistent with the Unified Land Development Code because _____
[include explanation of how the plat fails to meet each specific regulation];

3. Is NOT consistent with the North Port Comprehensive Plan because _____
[include explanation of how the plat fails to meet each specific regulation]

CITY COMMISSION—

MOTION TO DENY: I move to deny the Wellen Park Downtown, Phase 3 Plat, Petition No. PLF 23-201, and find that, based on the competent and substantial evidence, the Plat:

[include all applicable factors below]

1. Is NOT consistent with Florida Statutes Section 177.081 because _____
[include explanation of how the plat fails to meet each specific regulation];

2. Is NOT consistent with the Unified Land Development Code because _____
[include explanation of how the plat fails to meet each specific regulation];

3. Is NOT consistent with the North Port Comprehensive Plan because _____
[include explanation of how the plat fails to meet each specific regulation].

V. PUBLIC HEARING SCHEDULE

| | |
|--|---|
| Planning & Zoning Advisory Board Public Hearing | February 15, 2024 9:00 AM or as soon thereafter |
| City Commission Public Hearing | February 27, 2024 6:00 PM or as soon thereafter |

VI. EXHIBITS

| | |
|-----------|--------------------------|
| A. | Plat |
| B. | Affidavit |
| C. | Title Assurance |
| D. | City Surveyor's Approval |

WELLEN PARK DOWNTOWN PHASE 3

A COMMERCIAL SUBDIVISION LYING IN
SECTION 32, TOWNSHIP 39 SOUTH,
RANGE 20 EAST, CITY OF NORTH PORT,
SARASOTA COUNTY, FLORIDA

EASEMENT DESCRIPTIONS

RESERVATION OF EASEMENTS – There are hereby expressly reserved to MAIN STREET RANCHLANDS, LLLP (the "Company"), its successors or assigns, easements for the express purpose of accommodating surface and underground drainage and underground utilities over, under, and across each area depicted on this plat as a "Utility Easement" or a "Drainage & Public Utility Easement." Such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided however, no such construction, installation, maintenance, or operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility.

UTILITY EASEMENTS – The Company does hereby grant nonexclusive easements to the City of North Port; West Villages Improvement District (the "District"); Florida Power and Light Company; Verizon Florida, Inc.; Comcast Cablevision of West Florida, Inc; TECO Energy; and other authorized utility companies, their licensees, agents, and successors or assigns, for the installation and maintenance of underground power, gas, telephone, water, sewer, electric, cable television, and other utilities, lines, and facilities under each area depicted on this plat as a "Utility Easement." All utility easements shown hereon shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided however, no such construction, installation, maintenance, or operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility, or with the facilities or other improvements constructed by the Company or the District.

DRAINAGE EASEMENTS – The undersigned, MAIN STREET RANCHLANDS, LLLP, a Florida limited liability limited partnership, as the fee simple owner, dedicates and conveys all drainage easements shown on this plat to the West Villages Improvement District for access and drainage purposes and other purposes incidental thereto.

NOTICE

This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.

The Declaration of Covenants, Conditions, Easements, and Restrictions for Wellen Park Commercial Centers (the "Declaration") is simultaneously recorded with this plat in the Official Records as Instrument Number _____, Public Records of Sarasota County, Florida.

Tract 301 is a right of way and District property under the terms of the Declaration, the maintenance and use of which will be governed by the Declaration.

CERTIFICATE OF APPROVAL OF COUNTY CLERK

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

I, Karen E. Rushing, County Clerk of Sarasota County, Florida, hereby certify that this plat has been examined and that it complies in form with all the requirements of the Statutes of Florida pertaining to maps and plats, and that this plat has been filed for record in Plat Book _____, Page _____ of the Public Records of Sarasota County, Florida, this ____ day of _____, A.D., 2024.

Karen E. Rushing
Clerk of the Circuit Court
Sarasota County, Florida

By: _____
Deputy Clerk

CERTIFICATE OF APPROVAL OF CITY ENGINEER

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

It is hereby certified that this plat has been reviewed for conformity with the current subdivision ordinance of the City of North Port, Sarasota County, Florida.

City Engineer
Registration No. _____

Date

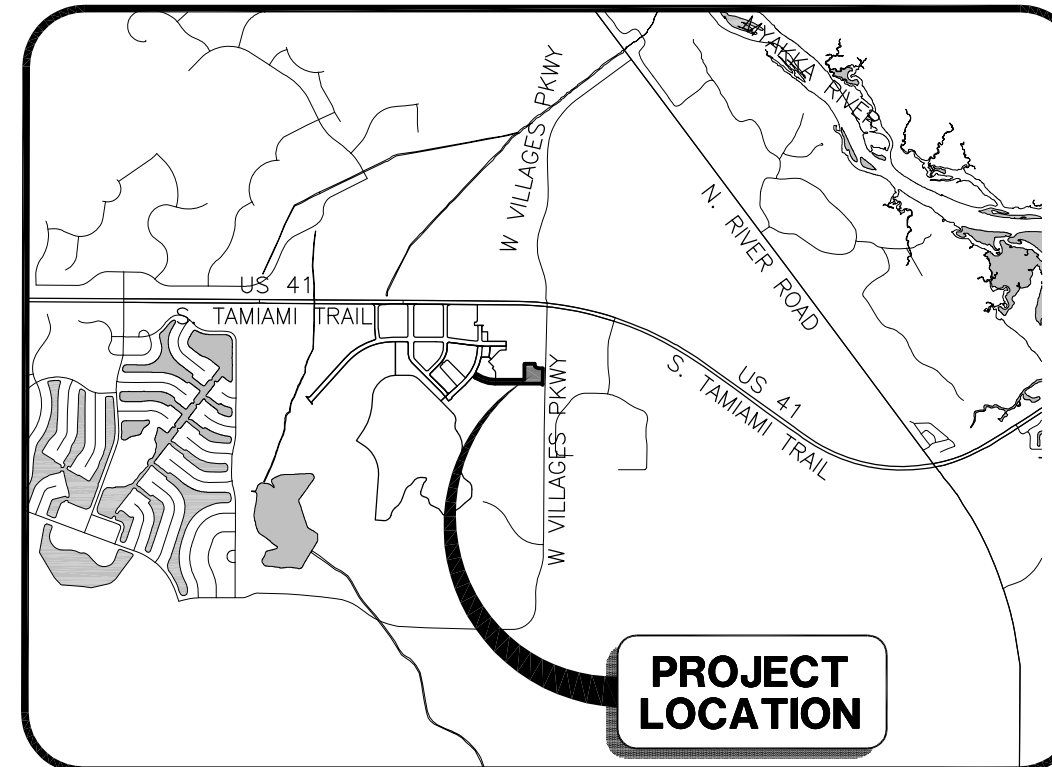
CERTIFICATE OF APPROVAL OF THE CITY SURVEYOR

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

It is hereby certified that this plat has been reviewed for conformity with the requirements of Chapter 177, Part 1, of the Florida Statutes and with the current subdivision ordinance of the City of North Port.

Steven M. Watts, FL PSM #4588
City Surveyor and Mapper

Date



SITE MAP

NOT TO SCALE

CERTIFICATE OF APPROVAL OF NORTH PORT CITY COMMISSION

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

It is hereby certified that this Plat has been Officially approved for record by the Board of County Commissioners of the County of Sarasota, Florida, this ____ day of _____, A.D., 2024.

Mayor, North Port City Commission

City Clerk, attest

CERTIFICATE OF APPROVAL OF NORTH PORT CITY ATTORNEY

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

I the undersigned, hereby certify that I have examined and approved this plat for recording this ____ day of _____, A.D., 2024.

City Attorney, City of North Port

Date

CERTIFICATE OF APPROVAL OF THE CITY OF NORTH PORT PLANNING & ZONING ADVISORY BOARD

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

I, the undersigned, hereby certify that this plat has been officially approved for recording, this ____ day of _____, A.D., 2024.

By: _____
Chairperson

CERTIFICATE OF SURVEYOR

I, the undersigned Licensed Professional Land Surveyor, hereby certify that this plat is a true and correct representation of the lands surveyed, that the plat was prepared under my direction and supervision, that the plat complies with all the survey requirements of Chapter 177, Part One, Florida Statutes and that the Permanent Reference Monuments (PRM's) have been installed. The Permanent Control Points, Lot Corners and Benchmarks will be installed and certified by an official affidavit.

Stantec Consulting Services, Inc. L.B.#7866

Date: _____

By: _____
Robert R. Cunningham P.S.M.
Florida Certificate #3924

STATE OF FLORIDA)
COUNTY OF SARASOTA)

MAIN STREET RANCHLANDS, LLLP, a Florida limited liability limited partnership (the "Company"), does hereby certify ownership of the property described on this plat entitled "WELLEN PARK DOWNTOWN PHASE 3," and does hereby grant, convey and dedicate said Plat for record.

The Company do hereby state and declare the following:

- The Company does hereby dedicate all public and private easements shown hereon this plat for the uses and purposes stated in the easement descriptions shown hereon.
- The undersigned, MAIN STREET RANCHLANDS, LLLP, a Florida limited liability partnership, as the fee simple owner of the lands platted herein, dedicates and conveys Tract 302 in fee simple to the West Villages Improvement District in fee simple.

IN WITNESS WHEREOF, the undersigned Company has caused these presents to be executed in its name, this ____ day of _____ A.D., 2024.

WITNESSES:

Signature of Witness:

Print Name of Witness:

Signature of Witness:

Print Name of Witness:

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

The foregoing instrument was acknowledged before me by means of (____) physical presence or (____) online notarization, this ____ day of _____, 2024, by _____, as _____ of Thomas Ranch Manager, LLC, a Delaware limited liability company and Manager of Thomas Ranch Villages GP, LLC, a Delaware limited liability company and General Partner of MAIN STREET RANCHLANDS LLLP a Florida limited liability limited partnership, on behalf of the company and who is personally known to me or has produced _____ as identification. If no type of identification is indicated, the above-named person is personally known to me.

Signature of Notary Public

Print Name of Notary Public
I am a Notary Public of the State of Florida, and my commission expires on _____

WEST VILLAGES IMPROVEMENT DISTRICT ACCEPTANCE AND ACKNOWLEDGEMENT

The West Villages Improvement District (WVID) hereby accepts the fee simple absolute dedication of and perpetual maintenance obligation for Tract 302, as shown on this plat, and hereby accepts the dedication of the Drainage and Public Utility Easement(s) as shown on this plat.

Secretary/Assistant Secretary

John Luczynski, Chairman

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, this ____ day of _____, 2024, by John Luczynski, as Chairman of the West Villages Improvement District, for and on behalf of the West Villages Improvement District.

Notary Public

____ Personally Known OR ____ Produced Identification
Type of Identification Produced _____



Stantec

6920 Professional Parkway East, Sarasota, FL 34240-8414
Phone 941-907-6900 • Fax 941-907-6910
Certificate of Authorization #27013 • www.stantec.com
Licensed Business Number 7866

Exhibit A for PLF-23-201

WELLEN PARK
DOWNTOWN PHASE 3
A COMMERCIAL SUBDIVISION
LYING IN SECTION 32,
TOWNSHIP 39 SOUTH, RANGE 20
EAST, CITY OF NORTH PORT,
SARASOTA COUNTY, FLORIDA

DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Section 32, Township 39 South, Range 20 East, Sarasota County, Florida, being more particularly described as follows:

Begin at the southwest corner of Tract 13 of Wellen Park Downtown Tracts 6 & 9 Replat, recorded in Plat Book 57, Page 59 of the Public Records of Sarasota County, Florida; the following three (3) calls are along the south line of Tract 13 of said Wellen Park Downtown Tracts 6 & 9 Replat: (1) thence S.57°19'30"E., a distance of 26.71 feet to a point of curvature of a curve to the left having a radius of 566.67 feet and a central angle of 32°40'30"; (2) thence Easterly along the arc of said curve, a distance of 323.16 feet, to the point of tangency of said curve; (3) thence N.90°00'00"E. along the south boundary line of West Villages Marketplace recorded in Plat Book 53, Page 140 of said Public Records, a distance of 511.08 feet; the following five (5) calls are along said south boundary line of West Villages Marketplace: (1) thence N.00°00'00"E., a distance of 276.41 feet; (2) thence N.89°59'31"E., a distance of 175.55 feet; (3) thence S.00°00'00"E., a distance of 4.85 feet to a point of curvature of a curve to the left having a radius of 75.00 feet and a central angle of 89°59'59"; (4) thence Southeasterly along the arc of said curve, a distance of 117.81 feet, to the point of tangency of said curve; (5) thence S.89°59'59"E., a distance of 71.55 feet to a point on the west right-of-way line of West Villages Parkway (variable width public right-of-way) recorded in Official Records Instrument Number 2009155882 of said Public Records; thence S.00°30'25"W. along said west right-of-way line of West Villages Parkway, a distance of 288.47 feet to the point of curvature of a tangent curve to the left, having a radius of 25.00 feet and a central angle of 90°30'25"; thence Northwesterly along the arc of said curve, a distance of 39.49 feet, said curve having a chord bearing and distance of N.44°44'48"W., 35.51 feet, to the point of tangency of said curve; thence S.90°00'00"W., a distance of 805.63 feet to a point of curvature of a curve to the right having a radius of 633.33 feet and a central angle of 32°40'30"; thence Westerly along the arc of said curve, a distance of 361.18 feet, to the point of tangency of said curve; thence N.57°19'30"W., a distance of 26.71 feet to a point on the east right-of-way line of Market Way (80.66' wide public right-of-way) as shown in abovementioned Wellen Park Downtown Tracts 6 & 9 Replat; thence N.32°40'28"E. along said east right-of-way line, a distance of 66.66 feet to the POINT OF BEGINNING.

Containing 158,503 square feet or 3.6387 acres, more or less.



Stantec

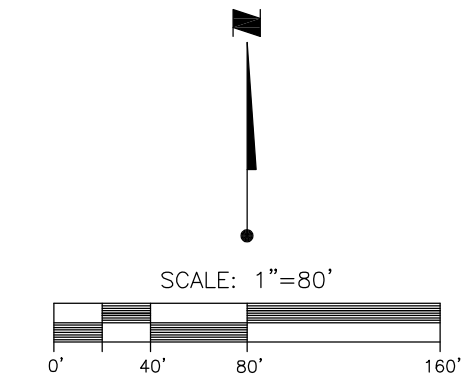
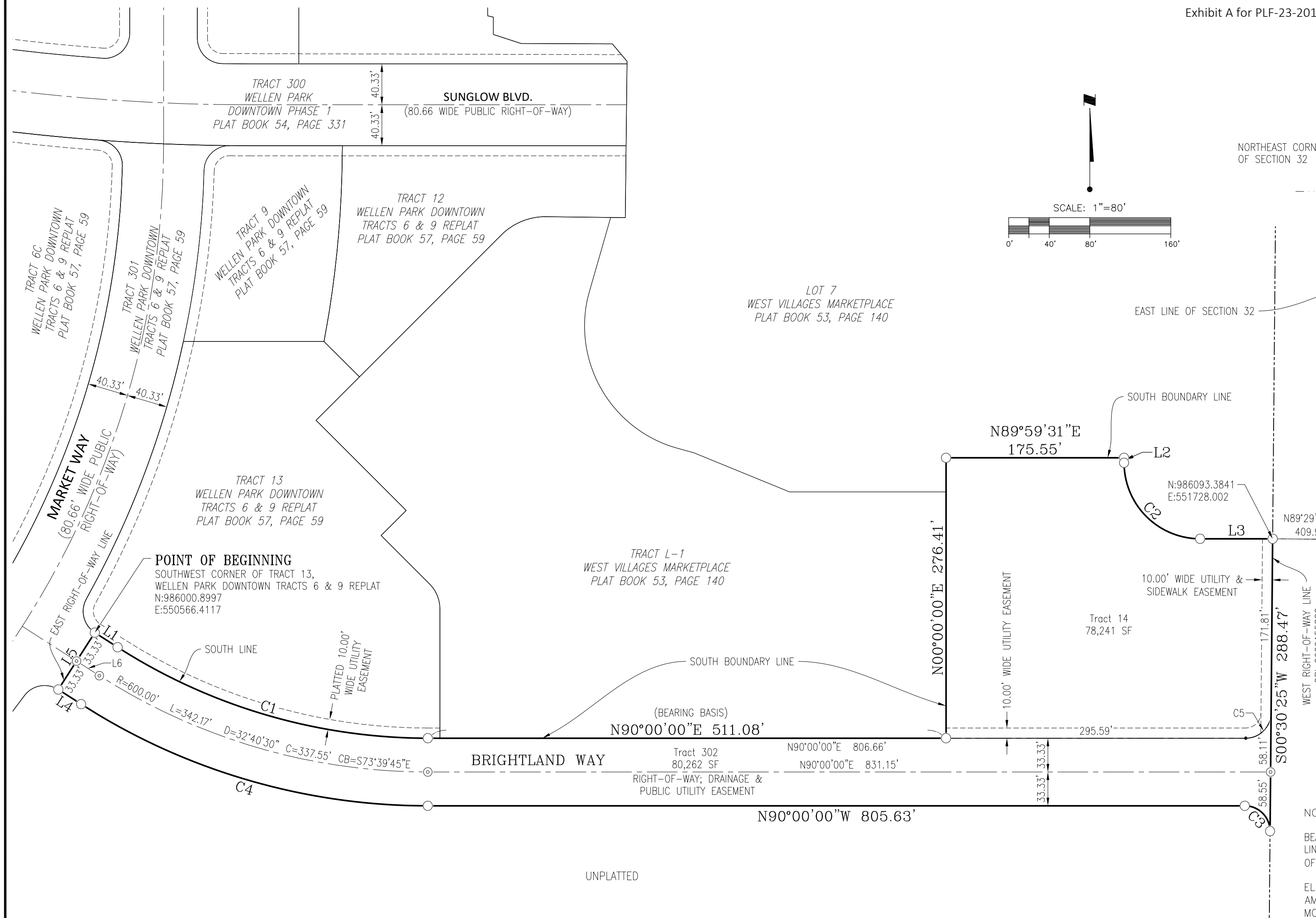
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Licensed Business Number 7866

WELLEN PARK DOWNTOWN PHASE 3

A COMMERCIAL SUBDIVISION
LYING IN SECTION 32,
TOWNSHIP 39 SOUTH, RANGE 20
EAST, CITY OF NORTH PORT,
SARASOTA COUNTY, FLORIDA

THIS SITE LIES WITHIN FLOOD ZONE "X" (0.2% ANNUAL CHANCE FLOOD HAZARD) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR SARASOTA COUNTY, COMMUNITY PANEL NO. 12115C0365F, REVISED NOVEMBER 4, 2016. STANTEC ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE REFERENCED MAP OR PUBLIC DATA.

Exhibit A for PLF-23-201



- LEGEND:
- ☉ = ANGLE POINT
 - ⊕ = BENCHMARK
 - = PERMANENT REFERENCE MONUMENT, 5/8" IRON ROD SET (PRM LB#7866)
 - = PERMANENT REFERENCE MONUMENT (PRM) 4"x4" CONCRETE MONUMENT SET (PRM LB #7866)
 - = 4"x4" PERMANENT REFERENCE MONUMENT (PRM) CONCRETE MONUMENT (LB #7866 UNLESS OTHERWISE NOTED)
 - ⊙ = PERMANENT CONTROL POINT (PCP) P.K. NAIL & DISK (PCP LB#7866) 5/8" CAPPED IRON ROD SET (PCP LB#7866) WHEN LOCATED IN PERVIOUS AREAS
 - ⊙ = PERMANENT CONTROL POINT FOUND (PCP) P.K. NAIL & DISK (LB#043 UNLESS OTHERWISE NOTED)
 - = 5/8" CAPPED IRON ROD SET (LB#7866)
 - = FOUND CAPPED IRON ROD (AS NOTED)
 - DNR DOC. = DEPARTMENT OF NATURAL RESOURCES DOCUMENT
 - NAD83/90 = NORTH AMERICAN DATUM OF 1983-1990 ADJUSTMENT
 - LB# = LICENSED BUSINESS NUMBER
 - SF = AREA OF LOT IN SQUARE FEET
 - (R) = RADIAL LINE
 - (R) → = LINE RADIAL TO CURVE IN DIRECTION OF
 - D = CENTRAL ANGLE
 - L = ARC LENGTH OF CURVE
 - R = RADIUS
 - C = CHORD DISTANCE
 - CB = CHORD BRG. (BEARING)
 - L# = LINE # (SEE LINE TABLE)
 - C# = CURVE # (SEE CURVE TABLE)
 - ORB = OFFICIAL RECORD BOOK
 - PG = PAGE
 - aka = ALSO KNOWN AS
 - (OA) = OVERALL
 - U.E. = UTILITY EASEMENT
 - TRT = TRACT
 - ORI = OFFICIAL RECORDS INSTRUMENT NUMBER
 - LWRSD = LAKEWOOD RANCH STEWARDSHIP DISTRICT

NOTES:

BEARINGS SHOWN HEREON ARE ON GRID AND ARE BASED ON THE SOUTH LINE OF TRACT L-1 OF WEST VILLAGES MARKETPLACE, HAVING A BEARING OF N90°00'00"E.

ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988, BASED ON USC&GS MONUMENT X-255 RESET 1975, PUBLISHED ELEVATION = 7.45 FEET (NAVD) OF 1988. TO CONVERT TO NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929, ADD 1.11 FEET.

ALL EASEMENTS ARE PRIVATE UNLESS OTHERWISE SHOWN HEREON.

ALL UTILITIES ARE UNDERGROUND UNLESS OTHERWISE NOTED.

ALL LINES INTERSECTING WITH A CURVE, NOT DESIGNATED WITH (R), ARE NOT RADIAL.

NUMERICAL EXPRESSIONS SHOWN HEREON TO THE NEAREST FOOT OR TENTH OF A FOOT ARE TO BE INTERPRETED AS HAVING A PRECISION TO THE NEAREST ONE HUNDREDTH OF A FOOT, EXCEPTING IN THE CASE OF AN IRREGULAR BOUNDARY OR WATER COURSE.

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | S57°19'30"E | 26.71' |
| L2 | S00°00'00"E | 4.85' |
| L3 | S89°59'59"E | 71.55' |
| L4 | N57°19'30"W | 26.71' |
| L5 | N32°40'28"E | 66.66' |
| L6 | S57°19'30"E | 26.71' |

| CURVE | RADIUS | DELTA | ARC | CHORD | CHORD BEARING |
|-------|---------|-----------|---------|---------|---------------|
| C1 | 566.67' | 32°40'30" | 323.16' | 318.80' | S73°39'45"E |
| C2 | 75.00' | 89°59'59" | 117.81' | 106.07' | S44°59'59"E |
| C3 | 25.00' | 90°30'25" | 39.49' | 35.51' | N44°44'48"W |
| C4 | 633.33' | 32°40'30" | 361.18' | 356.30' | N73°39'45"W |
| C5 | 25.00' | 89°29'35" | 39.05' | 35.20' | N45°15'12"E |

AFFIDAVIT

I (the undersigned), John E. Luczynski being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and accurate to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be processed or hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I authorize City of North Port staff and agents to visit the site as necessary for proper review of this application. *If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.*

Sworn and subscribed before me this 27th day of JULY, 2023

[Signature]
Signature of Applicant or Authorized Agent

John E. Luczynski, Senior Vice President
Print Name and Title

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 27th day of JULY, 2023, by John E. Luczynski who is personally known to me or has produced N/A as identification.

[Signature]
Signature - Notary Public



**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

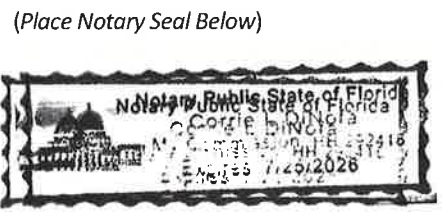
I, John E. Luczynski, property owner, hereby authorize Stantec Consulting Services Inc. to act as Agent on our behalf to apply for this application on the property described as (legal description) see legal description

John E. Luczynski [Signature] 7/27/23
Owner Date

STATE OF Florida COUNTY OF Sarasota

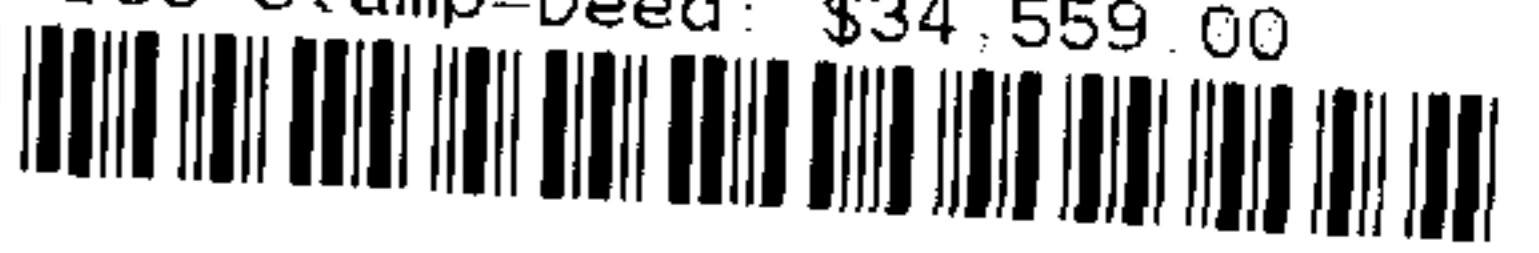
The foregoing instrument was acknowledged by me this 27th day of JULY, 2023, by John Luczynski who is personally known to me or has produced N/A as identification.

[Signature]
Signature - Notary Public



RECORDED IN OFFICIAL RECORDS
 INSTRUMENT # 2014062919 6 PG(S)
 May 29, 2014 12:19:24 PM
 KAREN E. RUSHING
 CLERK OF THE CIRCUIT COURT
 SARASOTA COUNTY, FL

Purchase Price: \$4,497,000
 Additional Consideration: \$440,000
 Doc Tax: \$34,559
 Record: \$ 52.50

Doc Stamp-Deed: \$34,559.00


✓ Prepared by and return to:
 Patrick W. Ryskamp, Esq.
 Williams Parker Harrison Dietz & Getzen
 200 S. Orange Avenue
 Sarasota, FL 34236

SPECIAL WARRANTY DEED

THIS INDENTURE is made and entered into as of May 28, 2014, by and between **FOURTH QUARTER PROPERTIES XXXII, LLC**, a Georgia limited liability company (hereinafter referred to as "Grantor"), having an address of 45 Ansley Drive, Newnan, Georgia 30263, and **THOMAS RANCH LAND PARTNERS VILLAGE 2A, LLLP**, a Florida limited liability limited partnership (hereinafter referred to as "Grantee"), having an address of 400 Park Avenue S., Suite 220, Winter Park, Florida 32789, Attn: David Koon.

WITNESSETH:

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, its successors and assigns, all that tract or parcel of land lying and being in Sarasota County, Florida, and being more fully described in **Exhibit "A"**, attached hereto and made a part hereof by reference (the "**Property**").

Tax Parcel Identification Numbers: 0781-00-1000, 0783-00-1000, 0801-00-1000.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, and easements which are more fully described in the **Exhibit "B,"** attached hereto and made a part hereof by reference, and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any, affecting the Property (the "**Permitted Exceptions**").

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

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

AND the Grantor hereby covenants with Grantee that it is lawfully seized of the Property in fee simple; that it has good, right and lawful authority to sell and convey the Property; that it hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, subject to the Permitted Exceptions.

[Signatures appear on the following page]

IN WITNESS WHEREOF, Grantor has signed and sealed these presents as of the date first set forth above.

GRANTOR:

Signed, sealed and delivered in the presence of:

FOURTH QUARTER PROPERTIES XXXII, LLC, a Georgia limited liability company

Lesli L. Leberman
Print

By: *[Signature]* (SEAL)

Name: Lesli L. Leberman

Name: Stanley E. Thomas

Title: Manager

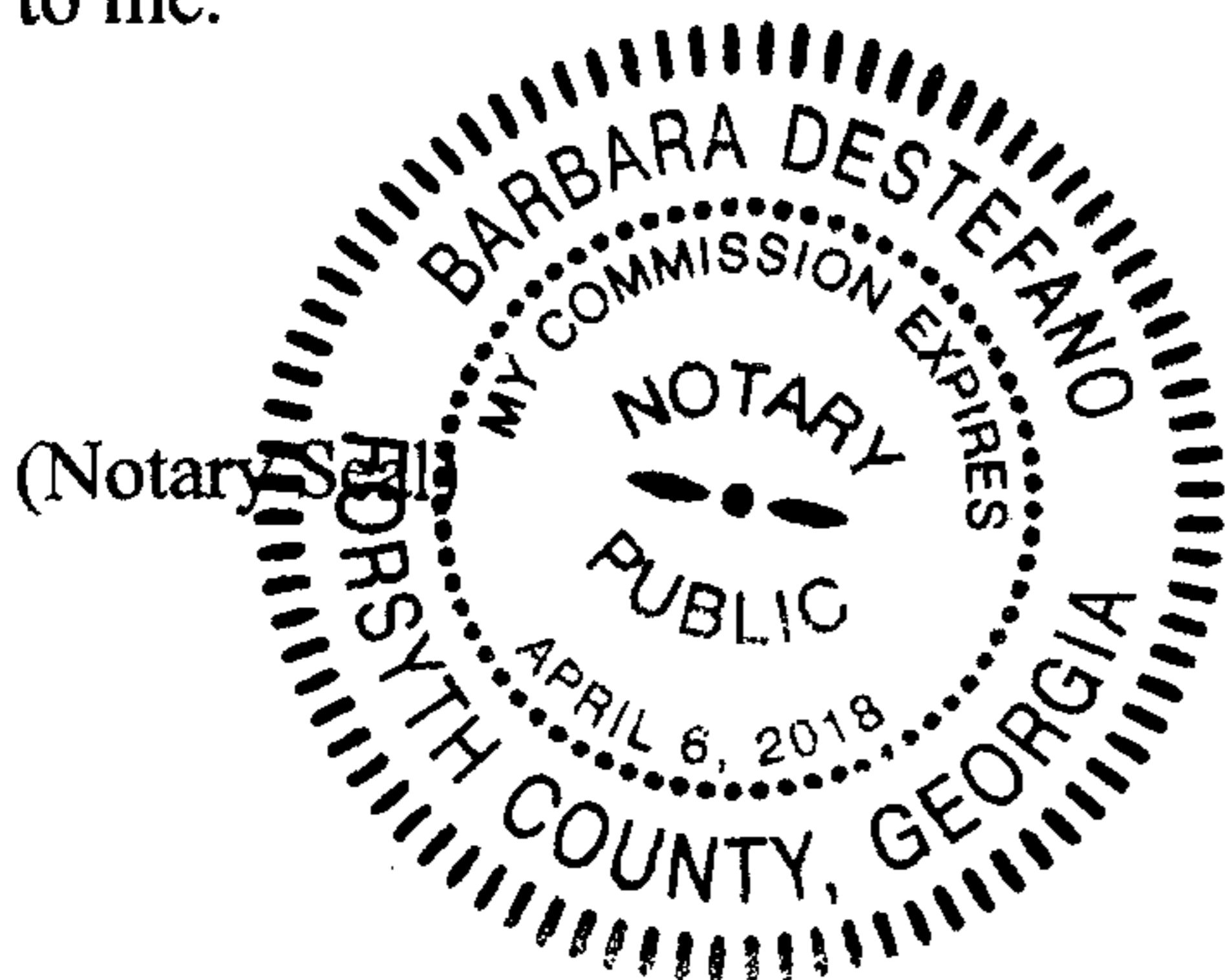
Lori L. Scott
Print

Name: Lori L. Scott

STATE OF GEORGIA

COUNTY OF Fulton

The foregoing instrument was acknowledged before me this 22 day of MAY 2014 by Stanley E. Thomas, as Manager of **FOURTH QUARTER PROPERTIES XXXII, LLC**, a Georgia limited liability company on behalf of the company. The above-named person is personally known to me or has produced _____ as identification. If no type of identification is indicated, the above-named person is personally known to me.



Barbara DeStefano
Signature of Notary Public

BARBARA DESTEFANO
Print Name of Notary Public

I am a Notary Public of the State of Georgia, and my commission expires on 4/6/18.

EXHIBIT "A"

Tract E

LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST, SARASOTA COUNTY, FLORIDA:

All of Section 31, less and except the following:

The right-of-way for U.S. Highway No. 41 (State Road No. 45), pursuant to Order of Taking recorded in Official Records Book 1039, Page 762, of the Public Records of Sarasota County, Florida;

Lands conveyed to DiVosta & Company, Inc, recorded in Official Records Instrument No. 2003259292, of the Public Records of Sarasota County, Florida.

All of Section 32, lying westerly and northerly of West Villages Parkway as described in Official Records Instrument No.: 2007188871; 2009155882; 2010059621; and 2013134805, of the Public Records of Sarasota County, Florida, less and except the following:

The right-of-way for U.S. Highway No. 41 (State Road No. 45), pursuant to Order of Taking recorded in Official Records Book 1039, Page 762, of the Public Records of Sarasota County, Florida;

Lands conveyed to Sarasota County Public Hospital Board, recorded in Official Records Book 2785, Page 634, of the Public Records of Sarasota County, Florida;

Lands conveyed to DiVosta and Company, Inc. recorded in Official Records Instrument No. 2003259292, of the Public Records of Sarasota County, Florida.

LANDS LOCATED IN TOWNSHIP 40 SOUTH, RANGE 20 EAST, SARASOTA COUNTY, FLORIDA:

That part of Section 5, lying northerly of West Villages Parkway as described in Official Records Instrument No. 2007188871, of the Public Records of Sarasota County, Florida.

Tract Contains 495.6995 Acres, more or less.

EXHIBIT "B"**Permitted Exceptions for Tract E**

Taxes for the year 2014 and subsequent years, not yet due and payable.

The following matters (which are reflected in the title commitment 16-2014-000351 issued through Old Republic National Title Insurance Company):

4. Easements in favor of Florida Power & Light Company recorded in Official Records Book 1656, Page 183; Official Records Book 1720, Page 1854; Official Records Book 1727, Page 1939, and Official Records Book 3080, Page 1346, all of the Public Records of Sarasota County, Florida.
5. (Intentionally omitted).
6. (Intentionally omitted).
7. Easements in favor of Sarasota County Public Hospital Board recorded in Official Records Book 2785, Page 646; Official Records Book 3065, Page 606 and Official Records Book 3108, Page 2455 together with Amendment recorded under Instrument # 2007026896, and Partial Release of Easement recorded in Instrument # 2007102547, of the Public Records of Sarasota County, Florida.
8. Right of Reverter in favor of Florida Power & Light Company contained in that certain Quit Claim Deed recorded in Official Records Book 1021, Page 1908, of the Public Records of Sarasota County, Florida.
9. (Intentionally omitted).
10. Access and Drainage Easements, and use restrictions in favor of the District Board of Trustees of Manatee Junior College as set forth in that certain Warranty Deed recorded in Official Records Book 1571, Page 2172, of the Public Records of Sarasota County, Florida.
11. Notice of Stipulations and Limitations Encumbering Real Property Pursuant to the Sarasota County Zoning Code recorded in Official Records Book 1823, Page 2263 of the Public Records of Sarasota County, Florida.
12. (Intentionally omitted).
13. Terms and conditions contained in that certain Easement Agreement (Stormwater Drainage and Flowage) in favor of TAYLOR RANCH, LTD., a Florida limited partnership recorded in Official Records Book 3065, Page 615, of the Public Records of Sarasota County, Florida.
14. Reclaimed Water Agreement by and between TAYLOR RANCH, LTD., a Florida limited partnership and TAYLOR RANCH, INC., a Florida corporation and Sarasota County Public Hospital Board recorded in Official Records Book 3108, Page 2433, together with Affidavit recorded in Instrument # 2005257196, as amended in Instrument # 2007026896, of the Public Records of Sarasota County, Florida.
15. Declaration of Utility Easement by TAYLOR RANCH, INC., a Florida corporation recorded in Instrument # 1998166153, of the Public Records of Sarasota County, Florida.
16. (Intentionally omitted).
17. Terms and conditions contained in that certain Grant of Perpetual Non-Exclusive Easement In favor of TAYLOR RANCH, LTD., a Florida limited partnership; TAYLOR RANCH, INC., a Florida corporation and Venetian Development, Inc., a Florida corporation, for the purposes of access and underground utilities recorded in Instrument # 1999044368, of the Public Records of Sarasota County, Florida.
18. (Intentionally omitted).
19. (Intentionally omitted).
20. (Intentionally omitted).

21. (Intentionally omitted).
22. Notice of Option to Purchase Lands in Section 32-39-20 in favor of SARASOTA COUNTY PUBLIC HOSPITAL BOARD, as Buyer, recorded in Official Records Book 2785, Page 650, of the Public Records of Sarasota County, Florida.
23. Declaration of Covenants, Conditions, Easements and Restrictions recorded in Instrument # 2004216589, as amended in Instrument # 2005257191 and 2007018906 of the Public Records of Sarasota County, Florida.
24. Declaration of Covenants, Conditions, Easements and Restrictions recorded in Instrument # 2005197548 as amended under Instrument # 2008099652 of the Public Records of Sarasota County, Florida.
25. Amended and Restated Utility Agreement recorded in Instrument # 2007064870 of the Public records of Sarasota County, Florida.
26. Water and Wastewater Interim Utilities Agreement recorded in Instrument # 2005089520, Public Records of Sarasota County, Florida.
27. Easement Agreement recorded in Instrument # 2007150241, of the Public Records of Sarasota County, Florida.
28. (Intentionally omitted).
29. (Intentionally omitted).
30. (Intentionally omitted).
31. (Intentionally omitted).
32. (Intentionally omitted).
33. Easements in favor of Florida Power & Light Company recorded in Official Records Book 2940, Page 1363 and Official Records Book 3002, Page 1261, of the Public Records of Sarasota County, Florida.
34. (Intentionally omitted).
35. (Intentionally omitted).
36. (Intentionally omitted).
37. (Intentionally omitted).
38. (Intentionally omitted).
39. (Intentionally omitted).
40. Easement in favor of the City of North Port recorded in Instrument # 2007158249, of the Public Records of Sarasota County, Florida.
41. (Intentionally omitted).
42. (Intentionally omitted).
43. (Intentionally omitted).
44. (Intentionally omitted).
45. (Intentionally omitted).
46. Notice of Establishment of West Villages Improvement District, Declaration of Consent to Jurisdiction, Agreement between West Villages Improvement District and Fourth Quarter Properties XXXII, LLC, and other instruments pertaining to said District recorded in Instrument #s 2004223490, 2006023618, 2007048565, 2007086623, 2007176566, 2008055051, of the Public Records of Sarasota County, Florida.
47. Water Main Easement in favor of the City of North Port recorded in Instrument # 2008152439, of the Public Records of Sarasota County, Florida.
48. (Deleted)
49. Slope, Drainage, Gateway Feature and Landscape Easement Agreement recorded in Instrument # 2009155886, of the Public Records of Sarasota County, Florida.

50. Subject to Terms, Conditions and Restrictive Covenants contained in that certain Memorandum of Lease between Fourth Quarter Properties XXXII, LLC and Publix Super Markets, Inc., recorded in Instrument # 2008122233; together with First Amendment to Lease and to Memorandum of Lease recorded in Instrument # 2009037412 and re-recorded in Instrument # 2009044358, of the Public Records of Sarasota County, Florida.
51. (Intentionally omitted).
52. Slope Easement to West Villages Improvement District recorded in Instrument # 2013134806, Public Records of Sarasota County, Florida.
53. Landscape, Irrigation and Lighting Easement recorded in Instrument # 2008121063, Public Records of Sarasota County, Florida.
54. Any and all boundary inconsistencies, encroachments and other matters shown on the survey certified by Britt Surveying, Inc. dated March 28, 2014, Job Number 08-09-08A.
55. (Deleted)
56. Common law drainage rights in the streams and watercourses on the property.
57. (Intentionally omitted).
58. (Intentionally omitted).
59. (Intentionally omitted).
60. (Intentionally omitted).
61. Riparian and littoral rights.
62. (Deleted).
63. (Deleted).
64. (Deleted.)
65. General Principles of Agreement by and between City of North Port, Florida, West Villages Improvement District and Fourth Quarter Properties XXII, LLC, dated June 26, 2006; First Amendment to General Principles of Agreement by and between City of North Port, Florida, West Villages Improvement District and Fourth Quarter Properties XXII, LLC, dated June 9, 2008; Second Amendment to General Principles of Agreement by and between City of North Port, Florida, West Villages Improvement District and Fourth Quarter Properties XXII, LLC, dated February 23, 2009; Third Amendment to General Principles of Agreement by and between City of North Port, Florida, West Villages Improvement District and Fourth Quarter Properties XXII, LLC, dated January 26, 2010; Fourth Amendment to General Principles of Agreement by and between City of North Port, Florida, West Villages Improvement District and Fourth Quarter Properties XXII, LLC, dated January 30, 2012.
66. (Intentionally omitted).
67. (Intentionally omitted).
68. Assignment of Leases and Rents recorded in Instrument # 2002164320, as modified in First Modification Agreement in Instrument # 2004126454, further modified in Second Modification in Instrument # 2005011686, Third Modification in Instrument # 2007054545, Fourth Modification in Instrument # 2008053030, Fifth Modification Agreement in Instrument # 2008060376, , Seventh Modification recorded in Instrument # 2009030319, Amendment to Mortgage Deed and Security Agreement and Amendment to Assignment of Leases and Rents in Instrument # 2009030320, Amended and Restated Mortgage and Security Agreement in Instrument # 2010039123, Modification Agreements in Instrument # 2011013257, 2011030279, 2012051784, 2012095624, 2012132626, and 2013097933, re-recorded in Instrument # 2013106487, and Amended and Restated Assignment of Leases and Rents recorded in Instrument # 2010039124, all of the Public Records of Sarasota County, Florida.



**CITY OF NORTH PORT
PLAT REVIEW COMMENTS**

Discipline: Surveying
Reviewed by: Steven M. Watts, PSM
Review Date: 11/29/2023
Phone: (954)266-6482
Email: swatts@cgasolutions.com

Plat Name: **PLF-23-201 WELLEN PARK DOWNTOWN PHASE 3**
CGA Project Number: 23-7758

Comments Based on Plan Submittal Date: 01/11/2024

No comments
 Approved with Comment

Plat Review Comments:

Sheet 2:

1. South line of Plat Sheet has bearing N90 00'00"W; legal description has S90 00'00" W, understand it's the same bearing, pick one and make it match

Steven M. Watts, PSM 4588
City of North Port – Review Surveyor