



STAFF REPORT

Consent to Acquisition of Real Property

West Villages Improvement District (WVID)

CTA-24-154

From: Bill Rounds, Planner II

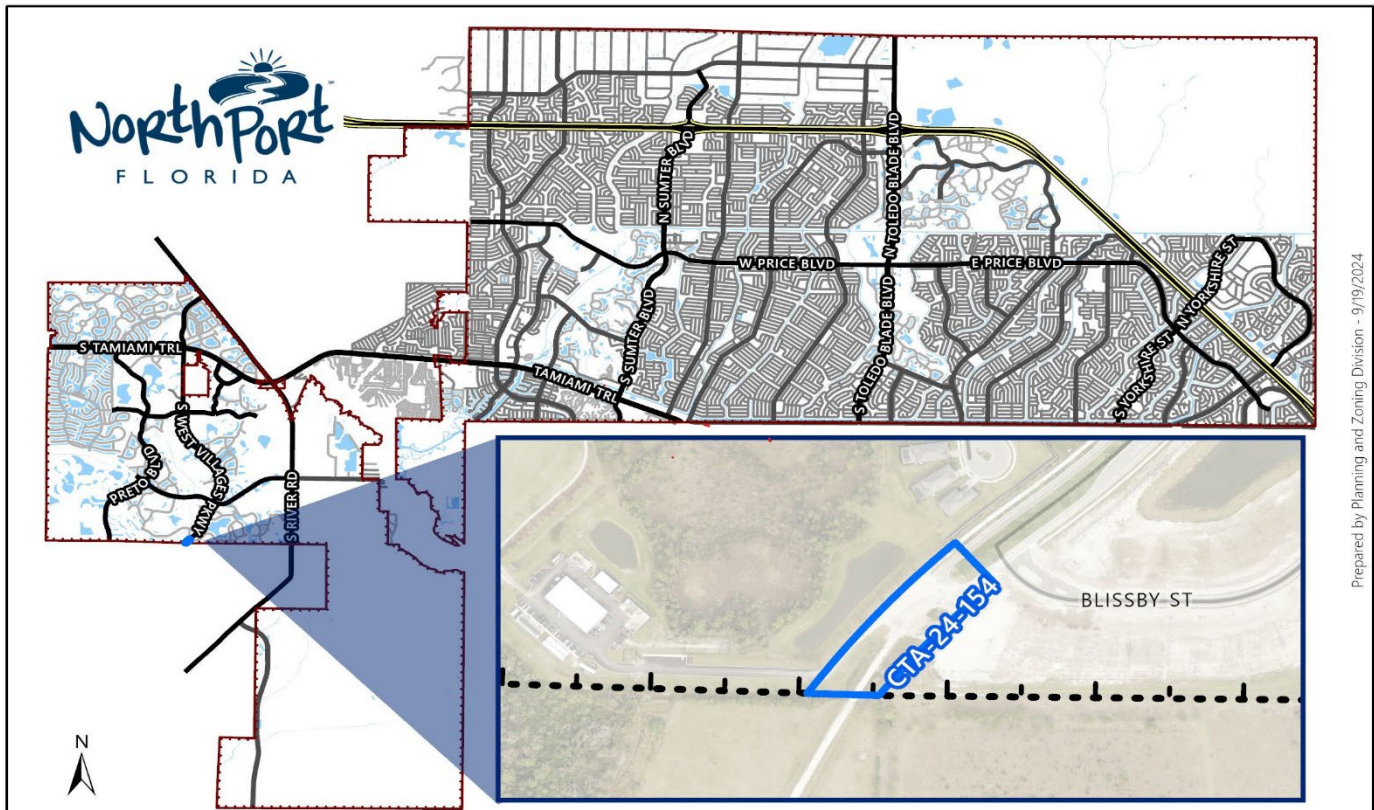
Thru: Gabriel Quintas, AICP, CFM, Development Services Assistant Director

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



Prepared by Planning and Zoning Division - 9/19/2024

PROJECT:	CTA-24-154 – West Villages Pkwy Extension
REQUEST:	Approval of Consent to Acquisition of Real Property by the West Village Improvement District for property located within its jurisdictional boundary
APPLICANT:	West Villages Improvement District
OWNERS:	Manasota Beach Ranchlands, LLLP
LOCATION:	Southwest of current terminus of S. West Villages Parkway
PROPERTY SIZE:	56,318 square feet or ± 1.29 acres
ZONING:	Village (V)
PID#:	Portions of 0807001000, and 0809001000

I. BACKGROUND

A requisite step in the process to acquire real property by the West Villages Improvement District is to receive consent from the North Port City Commission. The requested consent is for ±1.29 acres of Sections 8, 9, and 17, Township 40 South, Range 20 East, Sarasota County, Florida (EXHIBIT A). The requested consent is for portions of Parcel ID#s 0807001000 and 0809001000.

COMPLIANCE WITH LEGISLATION

Chapter 2004-456, House Bill No. 1567 is the enacting legislation for the West Villages Improvement District within the City of North Port, providing for the amendment process, the powers and duties, a governing board process, and general obligation bonds. It is also specific to the district boundaries as shown below:

(d) To acquire by grant, loan, purchase, gift, transfer, exchange, dedication, lease, devise, or, when reasonably necessary for the implementation of district-authorized public infrastructure works, facilities, or services by means of the exercise of the right of eminent domain pursuant to the laws of the state and in accordance with section 12 of this act, all property, real or personal, or any easement, license, estate, or interest therein necessary, desirable, or convenient for the purposes of this act, and to sell, convey, transfer, gift lease, rent, dedicate, forfeit, abandon, exchange, or assign all or any part thereof to or with other entities, including governmental entities and agencies, and to exercise all of its powers and authority with respect thereto. The district shall not have the right of eminent domain outside of the boundaries of the district. Notwithstanding anything contained herein, the district shall not obtain fee simple title to any real property within the district except by dedication on an approved plat, with the approval of the City of North Port Commission or its designee, or if otherwise required by another governmental entity or agency. Any property interests owned by the district which are used for nonpublic or private commercial purposes shall be subject to all ad valorem taxes, intangible personal property taxes, or non-ad valorem assessments, as would be applicable if said property were privately owned.

Pursuant to the enacting language, the WVVID formally notified the City of the intent to acquire property to construct, install, operate, and/or maintain systems and facilities (EXHIBIT A).

Water and Sewer Services

CITY SERVICES & ENVIRONMENTAL

Water and sewer services are provided by the City of North Port Utilities.

Conservation

The site is not located within the Conservation Restricted Overlay Zone.

Flood Zone

No portion of this parcel is in any FEMA Flood Zone.

III. REVIEW PROCESS

The City Attorney reviewed and approved a template for the approval of consent documents as to their form and correctness. This Consent to Acquisition of Real Property was prepared with the approved template.

IV. PUBLIC HEARING

PUBLIC HEARING SCHEDULE	City Commission Public Hearing	March 11, 2025 10:00 AM or soon thereafter
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V. RECOMMENDED ACTION

Staff recommends that the City Commission approve/consent to the acquisition of real property by the West Villages Improvement District.

VI. EXHIBITS

A	Request for Approval of Acquisition of Real Property to District
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B	Plan and Legal Description
C	Consent to Acquisition Document

EXHIBIT A

From: Davenport, Bennett <Bennett.Davenport@KutakRock.com>

Sent: Monday, August 26, 2024 10:15 AM

To: Glorimar Fonseca <gfonseca@northportfl.gov>; Bill Rounds <brounds@northportfl.gov>; Heather Faust <hfaust@northportfl.gov>

Cc: Gillis, Jennifer L. <Jennifer.Gillis@KutakRock.com>

Subject: [EXTERNAL] Consent of the Acquisition of Real Property - WVID



EXTERNAL EMAIL: This email is from an external sender. Please exercise caution with links and attachments.

Good morning,

I hope you had a nice weekend. My name is Bennett Davenport. I'm an attorney at Kutak Rock LLP, and my firm serves as District Counsel for the West Villages Improvement District. I have attached a consent for the acquisition of real property by the District to this email. I need to have this consent executed by the City. Could you help me coordinate its execution? Give me a call if you have any questions (904) 599-4864.

Thanks,

This E-mail message is confidential, is intended only for the named recipients above and may contain information that is privileged, attorney work product or otherwise protected by applicable law. If you have received this message in error, please notify the sender at 402-346-6000 and delete this E-mail message.

Thank you.

EXHIBIT B

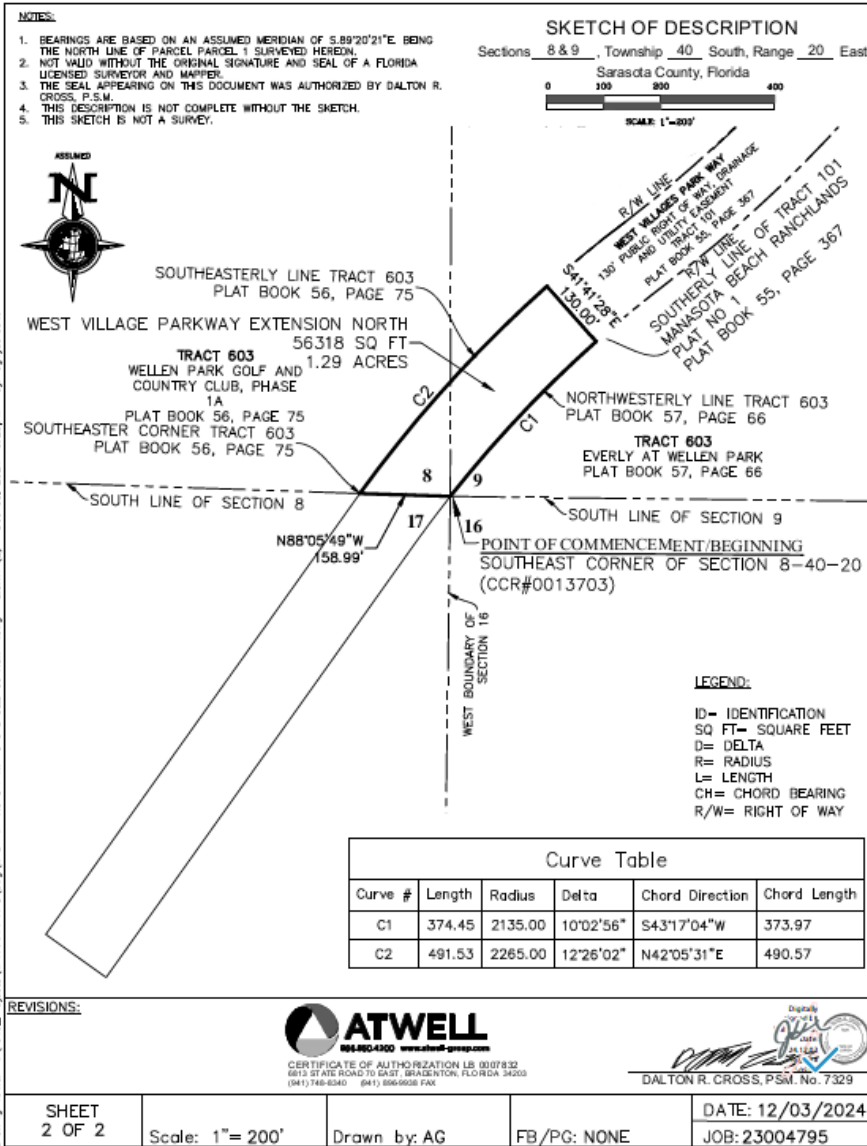


EXHIBIT B

DESCRIPTION:

COMMENCE AT SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 40 SOUTH, RANGE 20 EAST, SARASOTA COUNTY, FLORIDA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT 603, AS DEPICTED AND RECORDED IN EVERLY AT WELLEN PARK, SUBDIVISION, PLAT BOOK 57, PAGE 66 IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N.88°05'49"W., ALONG THE SOUTH LINE OF SECTION 9, A DISTANCE OF 158.99 FEET TO SOUTHEAST CORNER OF TRACT 603 AS DEPICTED AND RECORDED IN WELLEN PARK GOLF AND COUNTRY CLUB, PHASE 1A, SUBDIVISION, PLAT BOOK 56, PAGE 75 OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2265.00 FEET, A CHORD WHICH BEARS N.42°05'31"E. 490.57 FEET, AND A CENTRAL ANGLE OF 12°26'02"; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID TRACT 603 OF SAID WELLEN PARK GOLF AND COUNTRY CLUB, PHASE 1A, A DISTANCE OF 491.53 FEET; TO THE SOUTH LINE OF TRACT 101 AS DEPICTED AND RECORDED IN MANASOTA BEACH RANCLANDS PLAT NO. 1, SUBDIVISION, PLAT BOOK 55, PAGE 367 IN SAID PUBLIC RECORDS; THENCE S.41°41'29"E., ALONG SAID SOUTHERLY LINE A DISTANCE OF 130.00 FEET TO THE INTERSECTION WITH SAID TRACT 603 OF SAID EVERLY AT WELLEN PARK, SUBDIVISION, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2135.00 FEET, A CHORD WHICH BEARS S.43°17'04"W. 373.97 FEET, AND A CENTRAL ANGLE OF 10°02'56"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 374.45 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS, 8 AND 9 TOWNSHIP 40 SOUTH, RANGE 20 EAST, SARASOTA COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD, IF ANY,

CONTAINING 56318 SQUARE FEET OR 1.29 ACRES, MORE OR LESS.

EXHIBIT C

This instrument was prepared by:

(This space reserved for Clerk)

Lindsay C. Whelan
KUTAK ROCK, LLP
407 W. College Ave.
Tallahassee, Florida 32301

**CONSENT BY THE CITY OF NORTH PORT, FLORIDA
TO THE ACQUISITION OF REAL PROPERTY
BY THE WEST VILLAGES IMPROVEMENT DISTRICT**

The City of North Port, a Florida municipal corporation, acknowledges and consents to the following:

1. The West Villages Improvement District (“WVID”) is an independent special district of the State of Florida, organized and operating in accordance with the provisions of Chapter 2004-456, *Laws of Florida*, as amended and supplemented (together, the “Act”).

2. WVID’s jurisdiction encompasses real property, a substantial portion of which is located within the jurisdictional boundaries of the City of North Port, Florida (the “City”). The Act provides that WVID shall not obtain fee simple title to any real property located within the City without first obtaining the approval of the City Commission for such acquisition.

3. The WVID has informed the City that it plans to acquire real property within the City, bearing Sarasota County Property Appraiser Parcel Identification Number portion of 0807001000 and 0809001000 and further described in the legal description attached as Exhibit A (the “Property”).

4. WVID will record this instrument in the public records of Sarasota County, Florida, at its expense.

NOW, THEREFORE, the City of North Port, Florida, hereby consents to West Villages Improvement District’s acquisition of the Property.

Approved by the City Commission of the City of North Port Florida on the ____ day of _____, 2025.

ATTEST:

THE CITY OF NORTH PORT, FLORIDA

Heather Faust, MMC
City Clerk

Phil Stokes
Mayor

APPROVED AS TO FORM AND CORRECTNESS:

Michael Golen
Interim City Attorney

EXHIBIT A

Legal Description

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