



## City of North Port

### ORDINANCE NO. 2018-25

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO THE ANNEXATION OF ± 3.00 ACRES OF REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF SARASOTA COUNTY, FLORIDA, AND CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF NORTH PORT; PROVIDING FOR FINDINGS; PROVIDING FOR ANNEXATION; PROVIDING FOR ASSESSMENT AND TAXATION; PROVIDING FOR FILING OF ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on May 1, 2018, Brian Thornton, Vice President of Real Estate and Engineering with Racetrac Petroleum, on behalf of Patriot Self-Storage #1 – Tamiami Trail North Port LLC, the property owner(s), submitted a petition for voluntary annexation of certain real property to the City of North Port, Florida, which bears the signatures of all owners of property in the area proposed to be annexed. A copy of said petition is attached hereto and incorporated as Exhibit “A;” and

**WHEREAS**, annexation and subsequent development may provide economic and social benefits to the City of North Port through business and commercial enterprise as well as the creation of permanent jobs and expansion of the City’s tax base; and

**WHEREAS**, all requirements of Chapter 171, Florida Statutes, pertaining to voluntary annexations, have been complied with, the owner(s) of land having consented to be voluntarily annexed; and

**WHEREAS**, a notice of a public hearing before the North Port City Commission to consider annexation of the subject property was published in a general publication pursuant to State regulations on August 1, 2018, August 8, 2018.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

SECTION 1 – FINDINGS:

The City Commission hereby makes the following findings:

- 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.
- 1.02 The real property sought to be annexed is wholly located in an unincorporated area of Sarasota County, Florida, and is contiguous to the boundaries of the City of North Port, Florida, as identified on the map attached hereto and incorporated as Exhibit “B.”
- 1.03 The real property sought to be annexed will not result in the creation of enclaves.
- 1.04 The City is equipped to extend urban services to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.
- 1.05 The City is equipped to supply municipal water and sewer services to the additional annexed property so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the City’s policies for extending water and sewer lines to individual lots or subdivisions.
- 1.06 The public notice requirements of Section 171.044(2) and Section 166.041, Florida Statutes, have been complied with.
- 1.07 The Planning and Zoning Advisory Board, designated as the City of North Port Local Planning Agency, held a duly noticed public hearing on August 16, 2018, at which time all interested parties had an opportunity to appear and be heard regarding the annexation of the real property identified herein.
- 1.08 The Planning and Zoning Advisory Board found the petition filed in this matter to be consistent with Section 171.044, Florida Statute, and that such annexation is deemed to be in the best public interest of the residents and property owners of the area to be annexed and of the City of North Port as a whole.
- 1.09 The information, testimony, and exhibits presented to the Planning and Zoning Advisory Board on August 16, 2018, and presented to City Commission on September 25, 2018 and October 9, 2018 are incorporated herein by reference and made part of this record.
- 1.10 Voluntary annexation of the real property described in the petition attached as Exhibit “A” is authorized pursuant to Section 171.044, Florida Statutes.

SECTION 2 – ANNEXATION:

- 2.01 The City of North Port, Florida, does annex and incorporate within the corporate boundaries of the City of North Port the real property described in the legal description and boundary survey attached hereto and incorporated herein as Exhibit “C.”

- 2.02 The corporate limits of the City of North Port, Florida, are hereby extended and increased to include and embrace the real property described in Section 2.01 herein, consisting of approximately  $\pm$  3.00 acres and such real property is declared to be a part of the City of North Port, Florida.
- 2.03 The annexation of the property described in Section 2.01 herein shall be subject to the payment by the petitioner of all reasonable costs above the application fee including, but not limited to, public advertising and notice requirements, necessitated by such annexation.
- 2.04 The land annexed is designated as Future Annexation Area on the City of North Port's Comprehensive Plan Future Land Use Map and will be designated on the City's Comprehensive Plan Future Land Use Map as Activity Center (1) and the City's Future Land Use Map boundaries shall be redefined to include the property annexed herein.

SECTION 3 – ASSESSMENT AND TAXATION:

- 3.01 The property described in Exhibit "C" and so annexed shall be assessed and taxed by the City in the same manner as other similarly situated property within the City as of the effective date of this Ordinance.

SECTION 4 – FILING OF ORDINANCE:

- 4.01 Upon adoption of this Ordinance, the City Clerk is directed to cause a copy of this Ordinance to be filed with the Clerk of the Circuit Court for Sarasota County, Florida, and with the Florida Department of State within seven (7) days of the adoption date. The cost for such filing shall be paid by the petitioner.

SECTION 5 – SEVERABILITY:

- 5.01 If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section subsection, sentence, clause, phrase, or provision shall be deemed separate, distinct, and independent and such holding shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrases or portions hereof.

SECTION 6 – CONFLICTS:

- 6.01 In the event of any conflict between the provisions of this Ordinance and any other Ordinance or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 7 – EFFECTIVE DATE:

- 7.01 All portions of this Ordinance shall become effective immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF NORTH PORT, FLORIDA

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VANESSA CARUSONE  
MAYOR

ATTEST:

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KATHRYN PETO  
INTERIM CITY CLERK

APPROVED AS TO FORM AND  
CORRECTNESS:

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AMBER L. SLAYTON  
CITY ATTORNEY

# Exhibit A



**CITY OF NORTH PORT**  
Neighborhood Development Services  
Planning Division  
4970 City Hall Boulevard  
North Port, FL 34286-4100  
www.cityofnorthport.com  
Phone (941) 429-7156

DATE RECEIVED – DATE STAMP

## VOLUNTARY ANNEXATION AMENDMENT APPLICATION

Upon making any application to the City for any reason, the applicant agrees to comply with all the requirements of the Unified Land Development Code and further agrees to allow authorized city staff and personnel to enter and inspect the property during normal business hours

Date Application Received: \_\_\_\_\_ Accepted by: \_\_\_\_\_ Project No: \_\_\_\_\_

*Above to Be Completed by Planning Staff*

P.P. \_\_\_\_\_

**Project Name:** Racetrac Talon Bay

**Name of Applicant:** Brian Thornton, Vice President of Real Estate and Engineering

**Name of Corporation/LLC (if Applicable):** Racetrac Petroleum, Inc.

**Street Address:** 200 Galleria Parkway SE, Suite 900

**City:** Atlanta **State:** GA **Zip Code:** 30339

**Phone:** (770) 431-7600 **FAX No.** (770) 431-3953 **E-mail:** smcgowan@racetrac.com

**Name of Property Owner: (if different from the applicant above)** Patriot Self Storage #1 - Tamimai Trail North (Attn: Perdeu Investment Group I LLC)

**Street Address:** 515 Oak Bay Drive

**City:** Osprey **State:** FL **Zip Code:** 34229

**Phone:** \_\_\_\_\_ **FAX No.** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Name of Architect: (if Applicable)** TBD

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **FAX No.** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Name of Engineer: (if Applicable)** DeLisi Fitzgerald, Inc. c/o Andrew D. Fitzgerald, P.E.

**Street Address:** 1605 Hendry Street

**City:** Fort Myers **State:** FL **Zip Code:** 33901

**Exhibit A**

Phone: (239) 418-0691 FAX No. (239) 418-0692 E-mail: drewf@delisifitzgerald.com

Name of Attorney: *(If Applicable)* Neale Montgomery , Pavese Law Firm

Street Address: 1833 Hendry Street

City: Fort Myers State: FL Zip Code: 33901

Phone: (239) 336-6235 FAX No. \_\_\_\_\_ E-mail: nealemontgomery@paveselaw.com

Name of Surveyor: *(If Applicable)* Metron Surveying and Mapping, LLC

Street Address: 10970 South Cleveland Avenue, Suite 605

City: Fort Myers State: FL Zip Code: 33907

Phone: (239) 275-8575 FAX No. \_\_\_\_\_ E-mail: denis@metronfl.com

Name of Contractor: *(If Applicable)* N/A

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX No. \_\_\_\_\_ E-mail: \_\_\_\_\_

Property Description: *(Please list additional PID's on a separate sheet of paper) (Information can be found at <http://www.sc-pa.com/testsearch/>)*

Parcel I.D. No(s): 1 0 7 9 1 - 0 7 - 0 0 0 7 2 - \_\_\_\_\_ - \_\_\_\_\_

Legal: Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_ Tract or Parcel: \_\_\_\_\_

Subdivision: N/A

Section: 36 Township: 39S Range: 20E Acreage: 3.0

Street Address: 12580 S. Tamiami Trail, North Port, FL, 34287

Purpose of Application: Please briefly state what the intended use of the property will be or why you are making this application (e.g. general project description).

The property is proposed as a convenience store with self-service fuel pumps.

\_\_\_\_\_

\_\_\_\_\_

Has this property undergone previous City development review and approval?

No:  Yes: \_\_\_\_\_ If yes, when? (Month/Date/Year) \_\_\_\_\_

**Exhibit A**

Existing land use (e.g., house, commercial structure, vacant): Vacant

**Surrounding existing land uses/zoning of adjacent properties:**

North: U.S 41 (Right-of-way)

South: Self-storage (Commercial General - Sarasota County)

East: Talon Bay Drive (Right-of-way)

West: Self-storage (Commercial General - Sarasota County)

**Is the property designated as a "Future Annexation Area" on the Comprehensive Plan's Future Land Use Map?**

No:  Yes:  (Property shown as future annexation on Existing Land Use Map)

Is property located near a Gateway? No:  Yes:  (distance) 2,000 feet

Adopted Future Land Use Map Designation: \_\_\_\_\_

Proposed Future Land Use Map Designation: Activity Center

Adopted Zoning Map Designation: \_\_\_\_\_

Proposed Zoning Map Designation: Commercial General

**Provide the following information relative to the proposed annexation:** *If Property to be annexed has existing development, please provide a detailed written narrative describing the existing uses on the site.*

3.0 Total acres

0 Total wetland acres

**FIRE & RESCUE:**

Nearest Fire Hydrant: 80 (feet)

**TRAFFIC:**

List the Roadways immediately serving the site:

U.S. 41 \_\_\_\_\_

Talon Bay Drive \_\_\_\_\_

List the Roadways serving this site with existing or anticipated curb-cuts (driveways) and if any, designate on site plan:

U.S 41 and Talon Bay Drive \_\_\_\_\_

Nearest Traffic Control Light: 0 (feet) Stop Sign: N/A (feet)

**UTILITIES:**

How will Potable Water service be provided? Please contact North Port Utilities (941) 240-8000.

Private Well (Submit a letter or application from the Sarasota County Department of Health.)

North Port Utilities (Please provide a letter from the service provider stating that the proposed development is within their service area and that they have adequate capacity to serve the proposed development.)

# Exhibit A

**How will Sanitary Sewer service be provided?** Please contact North Port Utilities (941) 240-8000.

- Private Septic System (If property is located in the Conservation Restricted Overlay Zone a class 1 aerobic water treatment system is required for single family home sites. Submit a letter or application the Sarasota County Department of Health.)
- North Port Utilities (Please provide a letter from the service provider stating that the proposed development is within their service area and that they have adequate capacity to serve the proposed development.)

**STORMWATER:** Please contact the City Stormwater Manager/Environmentalist at (941) 240-8321.  
(Flood Information can be found at <http://www.ciwnorthport.com> Search: Flood Update)

Is the application site in a FEMA Hazardous Flood Zone? No:  Yes:   
If yes, what zone? \_\_\_\_\_

Is the application site in the Conservation Restricted Zone? No:  Yes:   
If yes, what zone? \_\_\_\_\_

Is the application site in the Big Slough Watershed Flood Zone? No:  Yes:   
If yes, what is the 100-year 1-day flood elevation? \_\_\_\_\_ ft. NGVD

Does the application site contain wetlands? Yes  No  If yes, existing wetland acres: \_\_\_\_\_

Has the Departmental of Environmental Protection been notified of wetlands? Yes  No  N/A

Is the property located in the Myakka River Protection Zone? No:  Yes:

Is the property adjacent to the Myakka River jurisdictional wetlands? No:  Yes:   
(If yes, please provide acreage and map of the area and schedule a meeting with City Stormwater Manager/Environmentalist.)

**ENVIRONMENTAL:**

Are there any known Historical or Archaeological sites on the property?  
(If unsure, please contact Sarasota County – Division of Historical Resources, (941) 316-1115.)

No:  Yes:  Please describe: \_\_\_\_\_  
\_\_\_\_\_

Has an Environmental Assessment Report/Review been prepared for this property?  
No  Yes  Date survey was conducted: \_\_\_\_\_

Does the property contain gopher tortoise burrows, scrub jay habit, or any plant or animal species listed as “rare”, “threatened”, “endangered”, or “species of special concern” by State and /or Federal agencies? If yes, the applicant will be required to produce documents on how listed species or habitats will be protected or managed at the Site Development stage.

No:  Yes:  Please indicate which ones: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Exhibit A**

**\*All of the information provided on this application is true and correct to the best of my knowledge.**

Brian Thornton  
Signature of Applicant

1/15/2018  
Date

SIGN HERE

Brian Thornton, Vice President of Real Estate and Engineering  
Print Applicant Name

# Exhibit A

## AFFIDAVIT

I (the undersigned), Brian Thornton, V.P. of Real Estate and Engineering being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 15<sup>th</sup> day of January, 2018

[Signature] Brian Thornton, V.P. of Real Estate and Engineering SIGN HERE  
Signature of Applicant or Authorized Agent Print Name and Title

STATE OF Georgia COUNTY OF Cobb

The foregoing instrument was acknowledged by me this 15<sup>th</sup> day of January, 2018, by Brian Thornton who is personally known to me or has produced

\_\_\_\_\_ as identification, and who did/did not take an oath.

[Signature]  
Signature - Notary Public



## AFFIDAVIT AUTHORIZATION FOR AGENT/APPLICANT

I (we), Patriot Self Storage #1 - Tamiami Trail NorthPort LLC, property owner(s), hereby authorize Racetrac Petroleum, Inc. to act as Agent/Applicant on our behalf to apply for this petition on the property described as (legal description) 12580 S. Tamiami Trail, North Port, FL, 34287

See second sheet SIGN HERE  
Signature of Owner Date

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged by me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification, and who did not take an oath. (Place Notary Seal Below)

\_\_\_\_\_  
Signature - Notary Public

**Exhibit A**

**AFFIDAVIT**

I (the undersigned), Brian Thornton - VP of Real Estate & Engineering being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
Signature of Applicant or Authorized Agent      Brian Thornton - VP of Real Estate & Engineering  
Print Name and Title

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged by me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification, and who did/did not take an oath.

(Place Notary Seal Below)

\_\_\_\_\_  
Signature - Notary Public

**AFFIDAVIT  
AUTHORIZATION FOR AGENT/APPLICANT**

I (we), Patriot Self-Storage #1 - Tamiami Trail North Port LLC, property owner(s), hereby authorize RaceTrac Petroleum, Inc. to act as Agent/Applicant on our behalf to apply for this petition on the property described as (legal description) 12580 S. Tamiami Trail, North Port, FL 34287

[Signature] \_\_\_\_\_      1/31/18 \_\_\_\_\_      **SIGN HERE**  
Signature of Owner      Date

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 31<sup>st</sup> day of January, 2018, by Hal T. Perdue who is personally known to me or has produced Florida Driver license as identification, and who did not take an oath.

[Signature]  
Signature - Notary Public

(Place Notary Seal Below)  
Jimmy Pivas  
State of Florida  
My Commission Expires 09/07/2019  
Commission No. FF 916128

# Exhibit B



Exhibit C

