



Wysteria Wellen Park Village F-4 Replat

Final Plat

STAFF REPORT

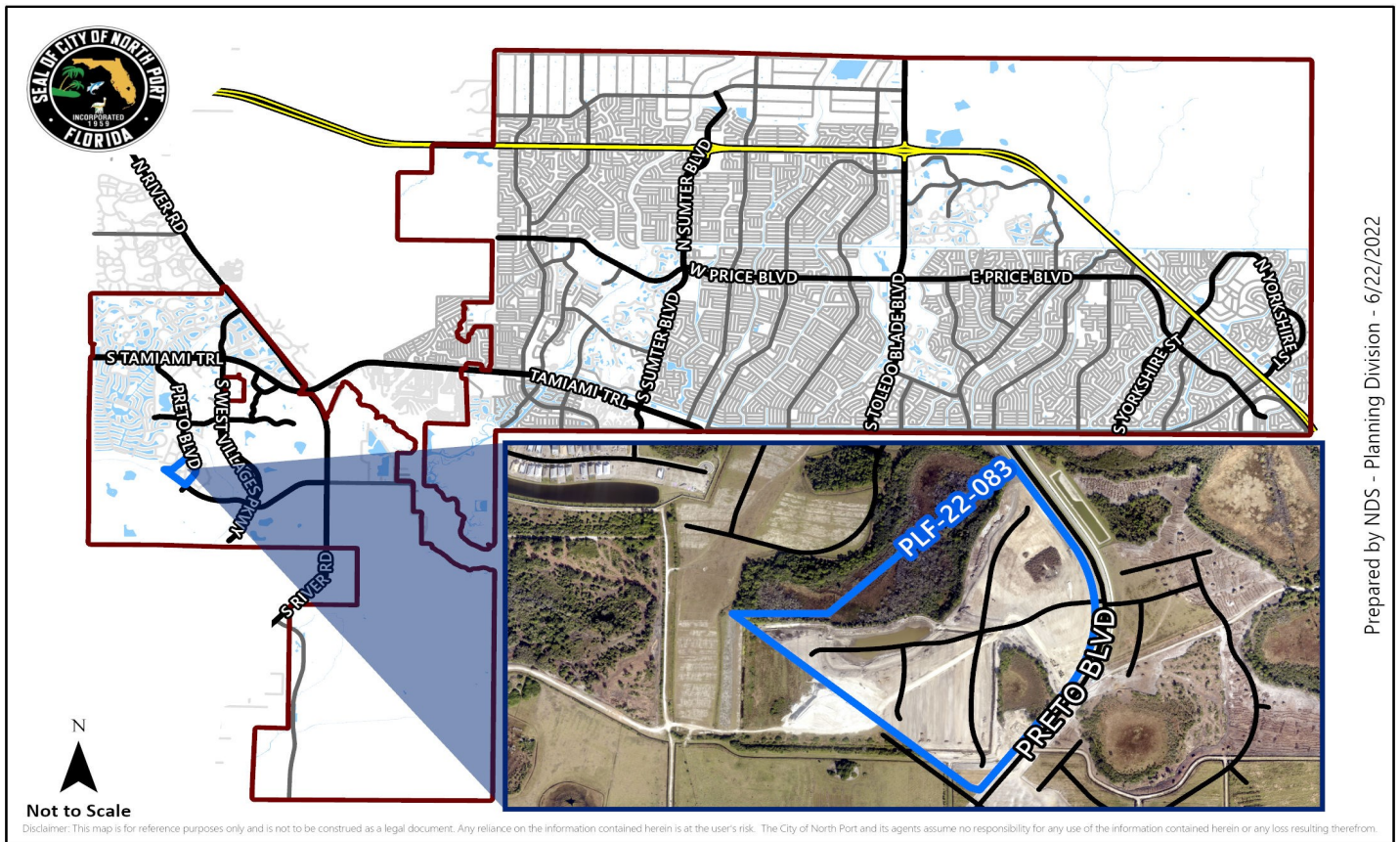
From: Sam Hudson, Planner I

Thru: Lori Barnes, AICP, CPM, Planning & Zoning Division Manager

Thru: Alaina Ray, AICP, Neighborhood Development Services Director

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

Date: July 26, 2022



Prepared by NDS - Planning Division - 6/22/2022

PROJECT:	PLF-22-083, Wysteria Wellen Park Village F-4 Replat (QUASI-JUDICIAL)
REQUEST:	Approval of Final Plat Wysteria Wellen Park Village F-4 Replat
APPLICANT:	Brian Ritz, AM Engineering LLC
OWNER:	Neal Communities of Southwest Florida LLC
LOCATION:	Within Village F; Located East of Preto Boulevard, North of Manasota Beach Road
PROPERTY SIZE:	± 66.62 Acres
ZONING:	Village (V)

I. BACKGROUND

In October of 2020, the Infrastructure (INF-20-064) and Subdivision Plans (SCP-20-065) for Wysteria Wellen Park, Village F-4 were approved by City Staff. The initial Plat of Wysteria Wellen Park, Village F-4 was approved in May 2021, and added 89 single family lots and 32 paired villas (64 units) for a total of 153 residential units. The plat also includes the associated roadway, stormwater, utility tracts and easements. The total site contained approximately ± 66.61 acres.

A surety bond for INF-20-064 in the amount of \$769,321.00 has been received by the City of North Port. On November 8, 2021, the city received the as-built plans for that project. A slight discrepancy was found between the approved subdivision plans and the site survey. A small portion of land included in the legal description shown in Tract 301 of this plat was not included in the original plan in error. This area has been added to the area of this plat for consistency with the legal description of this tract.

In April of 2022, an application for this replat was submitted to the Planning & Zoning Division reducing the side easements from 5 feet to 2.5 feet, removing the rear ten foot easement and updating the boundary and legal description to resolve the existing discrepancy. Other than these three changes this proposed plat includes the same type and number of units. The total site contains approximately ± 66.2 acres.

II. STAFF ANALYSIS & FINDINGS

2021 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 City's contracted professional surveyor, Alan Fish, reviewed and approved the plat.

Conclusion: PLF-22-083 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.

A. Infrastructure as-built plans. As-built plans, signed and sealed and one (1) digital copy in AutoCAD and PDF format shall be submitted upon completion of the infrastructure are required prior or concurrent with plat submissions.

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.

C. If a property is found to be in the "FEMA/FIRM and SWFWMD approved floodplain area" and accepted by the City, it shall be noted on the plat.

Findings: The final plat was reviewed for conformance with the approved subdivision plan. The final plat is consistent with the As-Built plans dated November 8, 2021.

The proposed easements are in compliance with the Village District Pattern Plan and the Village F Village District Pattern Plan.

The lot sizes remain the same and are in compliance with the Village District Pattern Plan and the Village F Village District Pattern Plan.

Conclusion: PLF-22-083 conforms with 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

Flood Zone X (Areas of minimal flood hazard), According to Flood Insurance Rate Map No. 12115C0365F for Sarasota County, Community No. 120279, City of North Port, FL effective November 4, 2016. (Shown on Page 4)



82°20'7"W 27°1'37"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000 82°19'29"W 27°1'5"N
Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

III. RECOMMENDED MOTION

Staff recommends **APPROVAL** of Petition No. PLF-22-083, Wysteria Wellen Park Village F-4 Replat

I move to recommend approval of Petition No. PLF-22-083 as presented and find that based on the competent substantial evidence, the Plat complies with all regulations set forth in the Unified Land Development Code (ULDC) and Florida Statutes Chapter 177.

IV. ALTERNATIVE MOTIONS

Petition PLF-22-083 could be DENIED. If that were the case, new findings would need to be written to support that recommendation. The motion would be as follows:

I move to recommend denial of Petition No. PLF-22-083 and find that, based on the competent substantial evidence shows that the proposed Plat does not comply with the Unified Land Development Code (ULDC) and Florida Statutes Chapter 177.

V. PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board Public Hearing	July 21, 2022 9:00 AM or as soon thereafter
City Commission Public Hearing	July 26, 2022 10:00 AM or as soon thereafter

VI. EXHIBITS

A.	Map Gallery
B.	Affidavit
C.	Title Assurance
D.	City Surveyor's Approval



City of North Port

Prepared on 6/22/2022
by NDS / Planning Division


Aerial Location Map

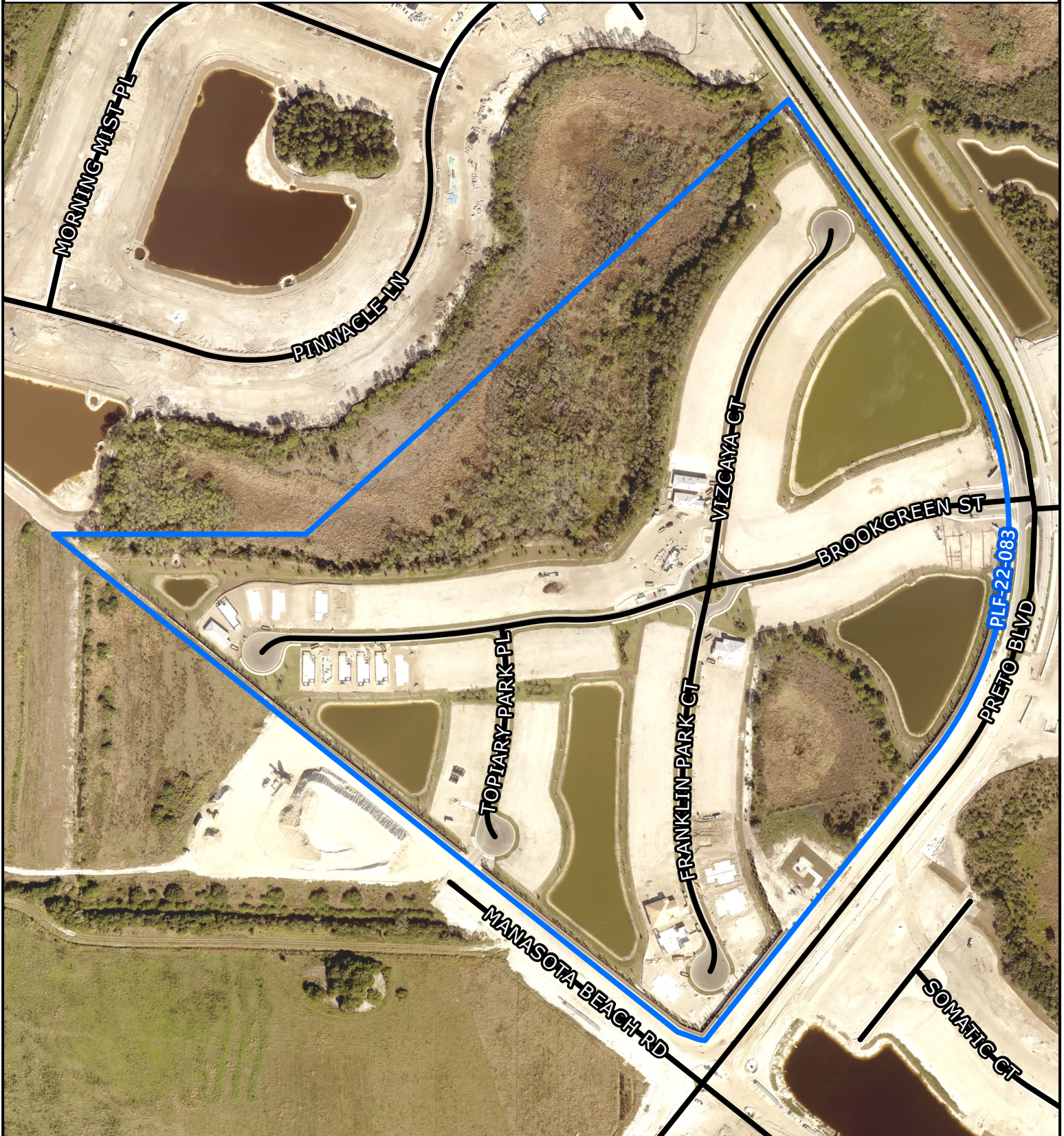
Exhibit A

PLF-22-083, Wysteria - Wellen Park, Village F-4 Replat



0 200 400 Feet

 Petition Boundary



Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting therefrom.



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Current Zoning V, Village

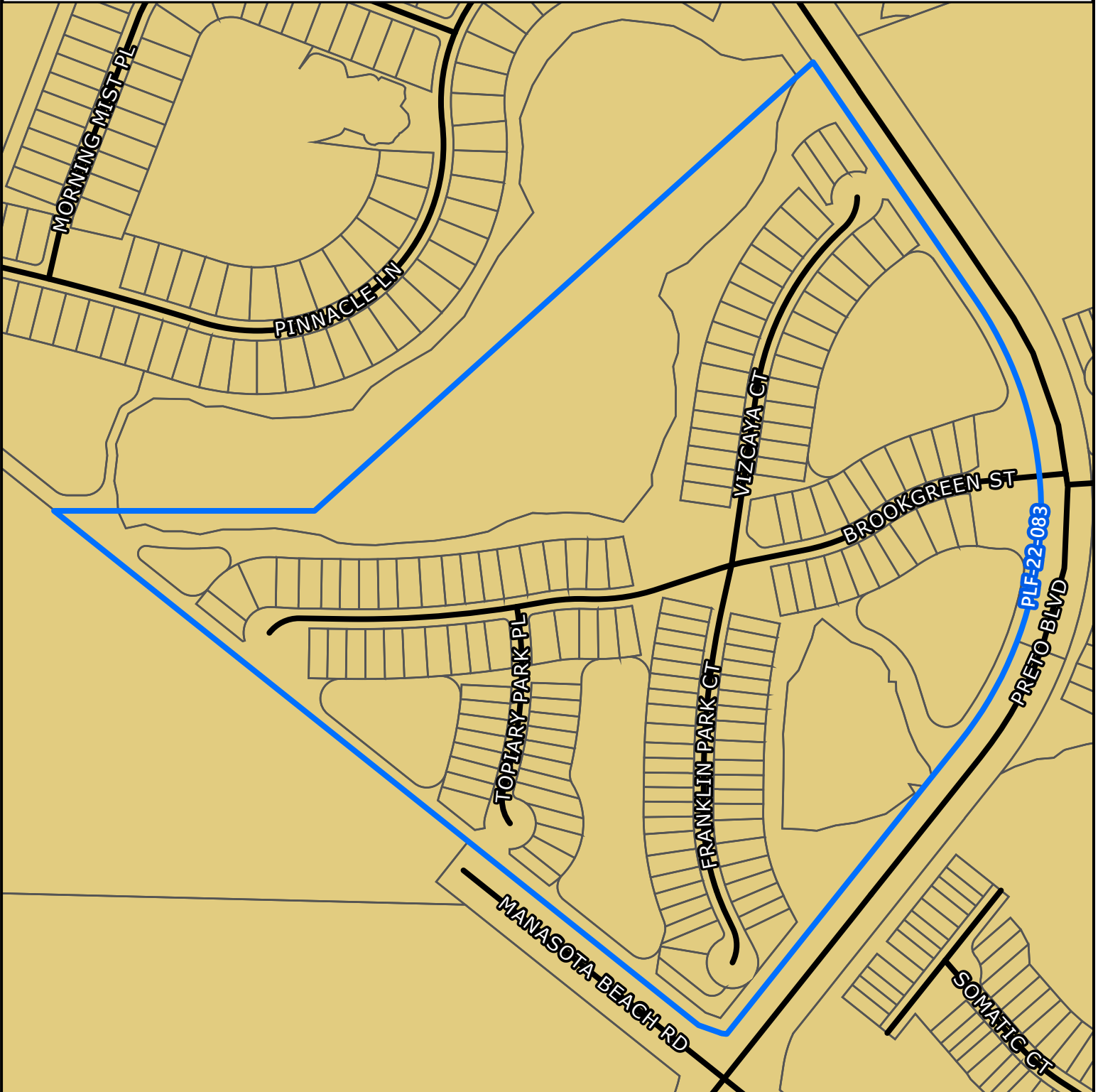
Exhibit A

PLF-22-083, Wysteria - Wellen Park, Village F-4 Replat



0 200 400 Feet

- Petition Boundary
- Parcel Boundary
- V, Village
- Streets



NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENTLY OF NORTH PORT COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 97-27, AS SAME AS MAY BE AMENDED FROM TIME TO TIME.

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City of North Port

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Future Land Use Village

Exhibit A

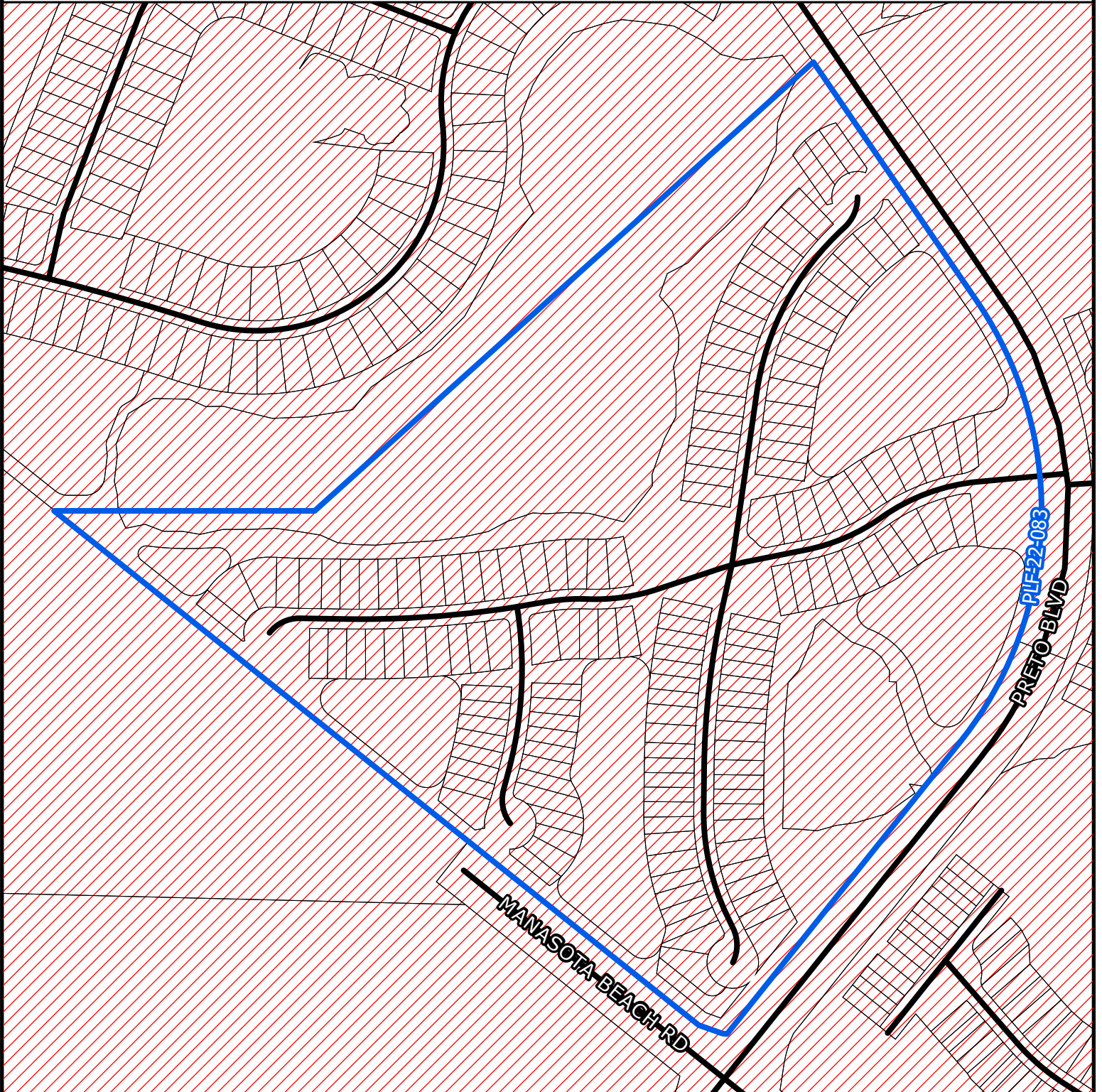
PLF-22-083, Wysteria - Wellen Park, Village F-4 Replat



0 290 580 Feet

 Petition Boundary
 Parcel Boundary

 Streets
 VILLAGE



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AFFIDAVIT

Exhibit B

I (the undersigned), Brian Ritz, P.S.M. _____ 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 1st day of April, 2022

Brian Ritz
Signature of Applicant or Authorized Agent
Brian Ritz, P.S.M.
Print Name and Title

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 1st day of April, 2022, by _____ who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

I, Mark Evans / Neal Communities of Southwest Florida, LLC, a Florida limited liability company, property owner authorize AM Engineering, LLC to act as Agent on our behalf to apply for this application on the property described as (legal description) Wysteria West Villages, Village F-4

Mark Evans Owner Date 10-7-21

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 7th day of October, 2021, by MARK EVANS who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public

(Place Notary Seal Below)



Edward Vogler II
edvogler@voglerashton.com

ATTORNEYS AT LAW
Vogler Ashton, PLLC
705 10th Ave. West, Ste. 108
Palmetto, Florida 34221
www.voglerashton.com
Telephone: 941.304.3400 Facsimile: 941.866.7648

Kimberly Ashton
kimashton@voglerashton.com

March 25, 2022

City of North Port
City Commission
4970 City Hall Blvd.
North Port, FL 34286

In Re: Plat – Replat of Wysteria- Wellen Park, Village F-4 (the “Property”)

Ladies and Gentlemen:

Pursuant to the requirements of Chapter 177, Florida Statutes, and based upon our review of that certain Owner’s Policy of Title Insurance, issued by First American Title Insurance Company, Policy Number 5011412-987300, dated June 1, 2020, at 12:40 P.M.; and, as further updated by our review of the Sarasota County Public Records current through 5:00PM on March 24, 2022, the owner of the Property, the legal description of which is attached hereto as **Exhibit “A,”** and incorporated herein, has the unrestricted right to plat the Property.

In our opinion, the fee simple marketable title of the Property is vested in **NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC**, a Florida limited liability company, by virtue of that certain Special Warranty Deed, as recorded in Official Records Instrument No. 2020070402, of the Public Records of Sarasota County, Florida.


Such title is subject to the following matters and exceptions, with all recording references to the Public Records of Sarasota County, Florida, (*this Title Opinion does not address any potential unrecorded matters, unrecorded easements and other unrecorded exceptions that could exist on the Property or may be disclosed by survey*):

1. Taxes and assessments for the year 2022 are Not Paid.
2. There are currently no recorded mortgages affecting the Property.
3. Notice of Establishment of the West Villages Improvement District and Its Unit of Development No. 1 recorded as Instrument No. 2004223490; as affected by Notice of Promissory Note Sale by the West Villages Improvement District and For Unit of Development No. 1 recorded as Instrument No. 2006023618; as affected by Notice by West Villages Improvement District of Bond indebtedness for Unity of Development No. 1 recorded in Instrument No. 2007086623; as affected by Ordinance No. 07-39 recorded as Instrument No. 2007176566; and Notice of Recording Chapter 225.05, Florida Statutes, Payment and Performance Bonds by West Villages Improvement District recorded as Instrument No. 2008055051, all of the Public Records of Sarasota County, Florida.
4. West Villages Improvement District Unit of Development No. 1 Notice of Series 2017 Special Assessments and Government Lien of Record recorded as Instrument No. 2017111575, Public Records of Sarasota County, Florida.

5. Declaration of Consent to Jurisdiction of West Villages Improvement District and to Imposition of Special Assessments (Unit of Development No. 1) recorded as Instrument No. 2017111577, Instrument No. 2017111578, Instrument No. 2017111579, Instrument No. 2017111580, Instrument No. 2017111581 and Instrument No. 2017111582, Public Records of Sarasota County, Florida.
6. Restrictive Covenant recorded as Instrument No. 2018128694, Public Records of Sarasota County, Florida.
7. Notice of Establishment of the West Villages Improvement District Unit of Development No. 7 recorded as Instrument No. 2018164671, Public Records of Sarasota County, Florida.
8. West Villages Improvement District Notice of Imposition of Master Special Assessment Lien (Unit No. 7), as recorded as Instrument No. 2019007882, Public Records of Sarasota County, Florida.
9. Declaration of Consent to Jurisdiction of West Villages Improvement District and to Imposition of Special Assessments (Unit of Development No. 7 - Master Infrastructure) recorded as Instrument No. 2019048577, Public Records of Sarasota County, Florida.
10. Collateral Assignment and Assumption of Development Rights Relating to Unit of Development No. 7 Master Infrastructure recorded as Instrument No. 2019048579, Public Records of Sarasota County, Florida.
11. Agreement Regarding the True-Up and Payment of Special Assessments for Special Assessment Revenue Bonds (Unit of Development No. 7), Series 2019 (Master Infrastructure) recorded as Instrument No. 2019048581, Public Records of Sarasota County, Florida.
12. West Villages Improvement District Unit of Developers No. 7 Notice of Series 2019 Special Assessments (Master Infrastructure) and Government Lien of Record recorded as Instrument No. 2019052599, Public Records of Sarasota County, Florida.
13. Temporary Construction and Maintenance Easement Agreement recorded as Instrument No. 2019070106, Public Records of Sarasota County, Florida.
14. Recorded Notice of Environmental Resource Permit recorded as Instrument No. 2019126330, Public Records of Sarasota County, Florida. (Informational Note).
15. The terms, provisions, and conditions contained in that certain Recorded Notice of Environmental Resource Permit, recorded in Instrument No. 2020031687. (Informational Note).
16. Terms and conditions of the West Villages Developer Agreement (Post Annexation) between West Villages, LLLP, a Florida limited liability limited partnership, acting for itself and the WVLP Entities named in this Agreement, the West Villages Improvement District, an independent special district of the State of Florida and City of North Port, Florida, an incorporated municipality in the State of Florida recorded in Instrument No. 2020042302; as affected by Joinder and Consent to the West Villages Developer Agreement (Post Annexation) and to Dedications, Reservations, Covenants, Restrictions, and Obligations to convey recorded in Instrument No. 2020042589; as affected by Memorandum of Agreement for West Villages Developer Agreement (Post Annexation) and Joinder and Consent recorded in Instrument No. 2020042654. (Informational note).
17. A document entitled "Memorandum of Right of First Refusal" recorded June 1, 2020, as Instrument No. 2020070403 of Official Records.
18. A document entitled "Covenant" recorded June 1, 2020, as Instrument No. 2020070404 of Official Records.
19. A document entitled "Restrictive Covenant" recorded June 1, 2020, as Instrument No. 2020070405 of Official Records.
20. Easements between Neal Communities of Southwest Florida, LLC and Florida Power and Light Company, as recorded in Official Records Instrument No. 2021048074 and No. 2021048075.
21. Utility Easement by Neal Communities of Southwest Florida, LLC in favor of various utility companies and the City of North Port, Florida, as recorded in Official Records Instrument No. 2021107058.

22. Plat of Wysteria-Wellen Park, Village F-4, as recorded in Official Records Plat Book 55, Page 172, and in Instrument No. 2021110021.
23. Declaration of Covenants, Conditions and Restrictions for Wysteria-Wellen Park, (includes assessments for homeowner's association and various deed restrictions), as recorded in Official Records Instrument No. 2021110020.

Respectfully submitted:
Vogler Ashton, PLLC

By: 
Kimberly Ashton

KA/mas

Attachment: Exhibit "A" Legal Description

EXHIBIT "A"

Exhibit C

LEGAL DESCRIPTION:

(PREPARED BY KING ENGINEERING ASSOCIATES, INC.) (PREPARED BY KING ENGINEERING ASSOCIATES, INC.)

A TRACT OF LAND LYING IN SECTIONS 5 AND 8, TOWNSHIP 40 SOUTH, RANGE 20 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE NORTH 89°05'29" WEST, ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 2,975.59 FEET; THENCE SOUTH 00°54'31" WEST, A DISTANCE OF 3,204.91 FEET TO THE POINT OF BEGINNING, BEING A POINT ON THE PROPOSED WEST RIGHT-OF-WAY LINE OF PRETO BOULEVARD (130.00 FOOT PROPOSED PUBLIC RIGHT-OF-WAY); THENCE ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE OF PRETO BOULEVARD FOR THE FOLLOWING FOUR (4) CALLS: 1. THENCE SOUTH 34°23'49" EAST, A DISTANCE OF 728.81 FEET TO THE POINT OF CURVATURE OF A CURVE TO THENCE SOUTH 34°23'49" EAST, A DISTANCE OF 728.81 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 935.00 FEET AND A CENTRAL ANGLE OF 72°58'36"; 2. THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1,190.89 FEET TO THE POINT OF THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1,190.89 FEET TO THE POINT OF TANGENCY OF SAID CURVE; 3. THENCE SOUTH 38°34'47" WEST, A DISTANCE OF 936.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THENCE SOUTH 38°34'47" WEST, A DISTANCE OF 936.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 90°00'00"; 4. THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 54.98 FEET TO THE POINT OF THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 54.98 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID POINT BEING ON THE NORTHEASTERLY PROPOSED RIGHT-OF-WAY LINE OF MANASOTA BEACH ROAD (130.00 FOOT WIDE PROPOSED PUBLIC RIGHT-OF-WAY); (130.00 FOOT WIDE PROPOSED PUBLIC RIGHT-OF-WAY); THENCE NORTH 51°25'13" WEST ALONG SAID NORTHEASTERLY PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 2,114.34 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 656.33 FEET; THENCE NORTH 48°02'09" EAST, A DISTANCE OF 1,692.79 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 2,902,198 SQUARE FEET OR 66.6253 ACRES, MORE OR LESS.

From: [Sherry Willette](#)
To: [Alan Fish](#)
Cc: [Joy McRae-Fox](#); [Sam Hudson](#)
Subject: RE: [EXTERNAL] Wisteria-Wellen Park, Village F-4 Replat.
Date: Monday, June 13, 2022 1:31:05 PM

Thank you Alan.

From: Alan Fish <alanvbfa@gmail.com>
Sent: Monday, June 13, 2022 12:05 PM
To: Sherry Willette <swillette@cityofnorthport.com>
Cc: Joy McRae-Fox <jmcræfox@cityofnorthport.com>; Sam Hudson <shudson@cityofnorthport.com>
Subject: [EXTERNAL] Wisteria-Wellen Park, Village F-4 Replat.

ALERT



Sherry,

I have performed a second review of the above referenced Plat for conformance with Chapter 177, Part one, Florida Statutes and found the Plat to now be in conformance with said Chapter 177, Part One, Florida Statutes.

Respectfully,
Alan K. Fish, PSM
VanBuskirk & Fish Surveying & Mapping, Inc.
12450 S. Tamiami Trail, Unit D
North Port, FL. 34287
Ph-941 426 0681

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