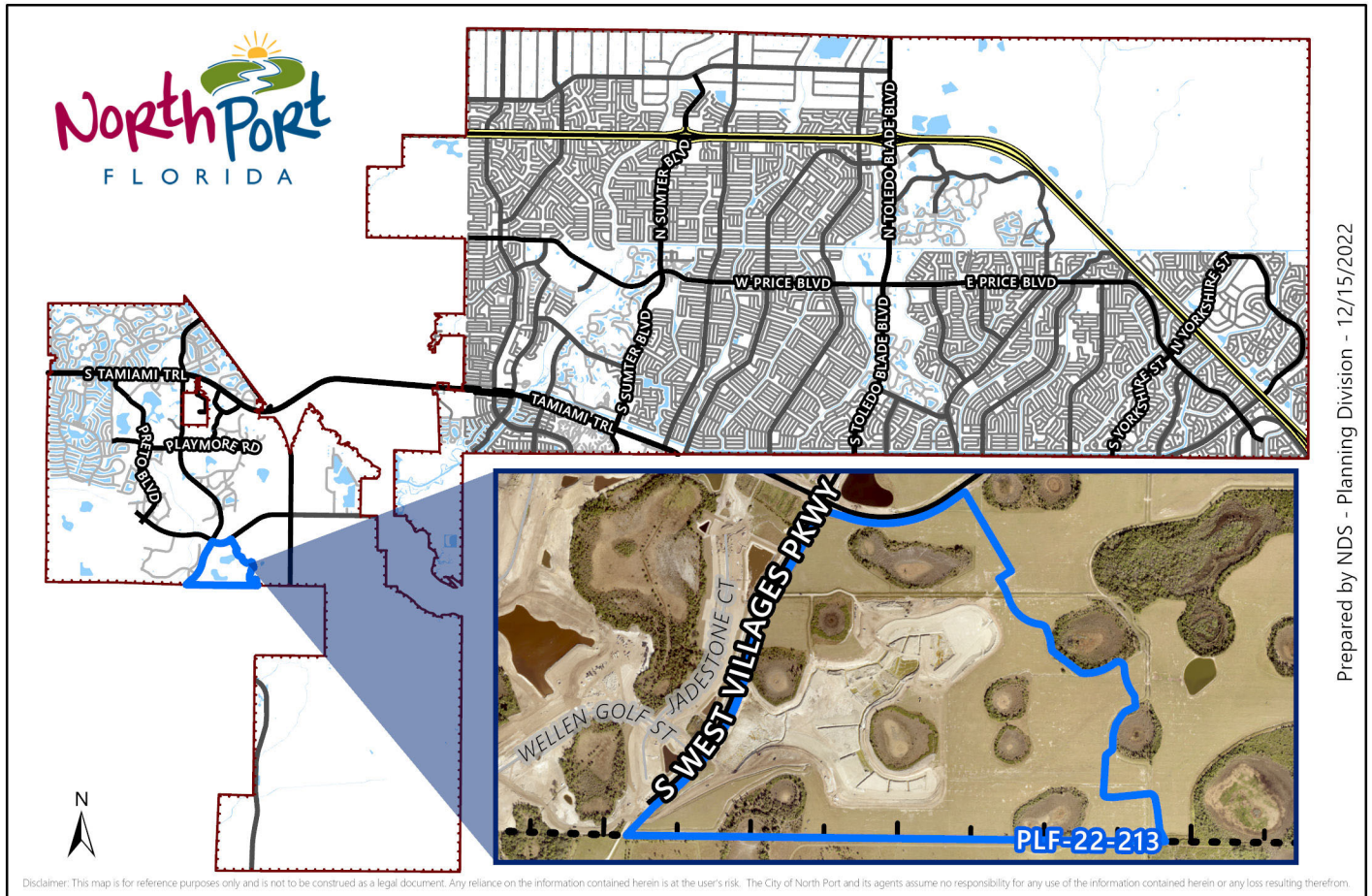




# STAFF REPORT

## Everly at Wellen Park Final Plat

**From:** Noah Fossick, AICP, Planner II  
**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  
**Thru:** A. Jerome Fletcher II, ICMA-CM, MPA, City Manager  
**Date:** January 5, 2022



Prepared by NDS - Planning Division - 12/15/2022

<b>PROJECT:</b>	PLF-22-213, Everly at Wellen Park Final Plat (QUASI-JUDICIAL)
<b>REQUEST:</b>	Consideration of Final Plat for Everly at Wellen Park
<b>APPLICANT:</b>	John Luczynski, Vice President of Manasota Beach Ranchlands, LLLP
<b>OWNER:</b>	Manasota Beach Ranchlands, LLLP
<b>LOCATION:</b>	Within Village K; South of Manasota Beach Rd, East of West Villages Pkwy, West of and including Luminous Ave, and North of the Municipal boundary.
<b>PROPERTY SIZE:</b>	± 259 Acres
<b>ZONING:</b>	Village (V)

## I. BACKGROUND

In September 2022, the Development Order for the Infrastructure Plan (INF-22-096) and the Order of Approval for the Subdivision Plan (SCP-22-097) of Wellen Park Village K were issued by City Staff. These plans included the areas shown in the Everly at Wellen Park Final Plat and the Lakespur at Wellen Park Final Plat (separate petition). The Final Plat will add 241 single-family detached lots with associated landscaping, infrastructure, utilities, and drainage. The total site contains approximately ± 259 acres.

A surety bond in the amount of \$7,424,140.08 for Wellen Park Village K for the infrastructure improvements has been received by the City of North Port.

### 2022 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 reviewed and approved the plat.

Conclusion: PLF-22-213 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-22-213 conforms with the approved Subdivision Plan (SCP-22-097) and the ULDC.

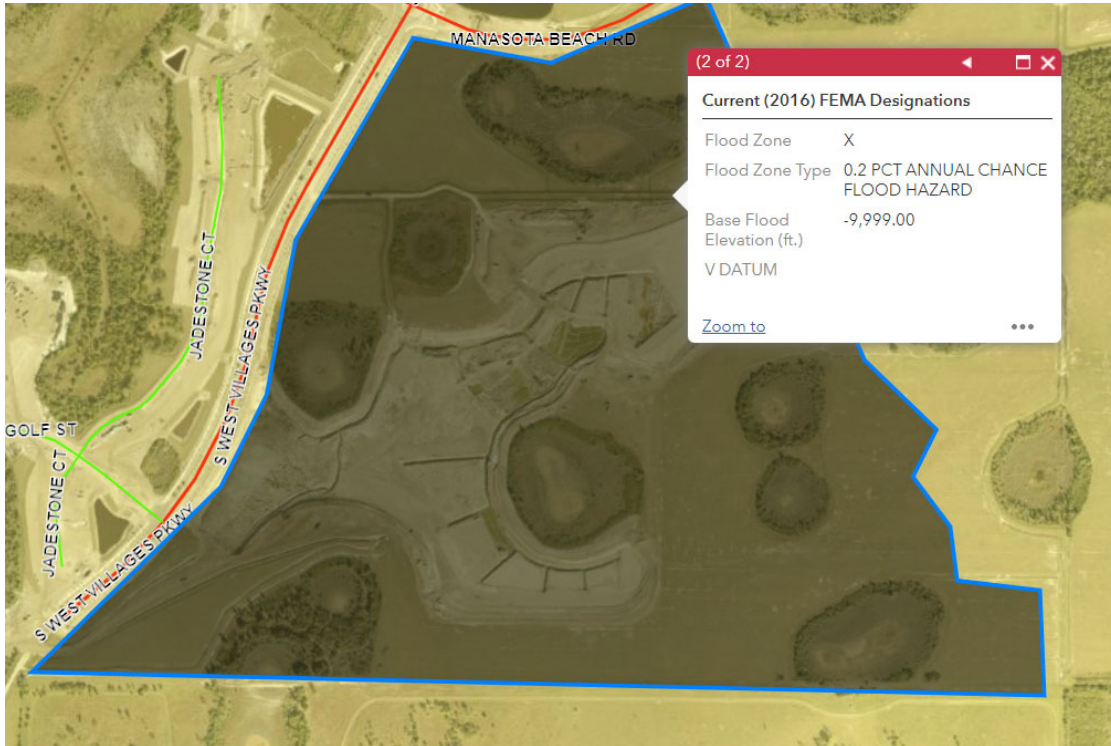
### ENVIRONMENTAL

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

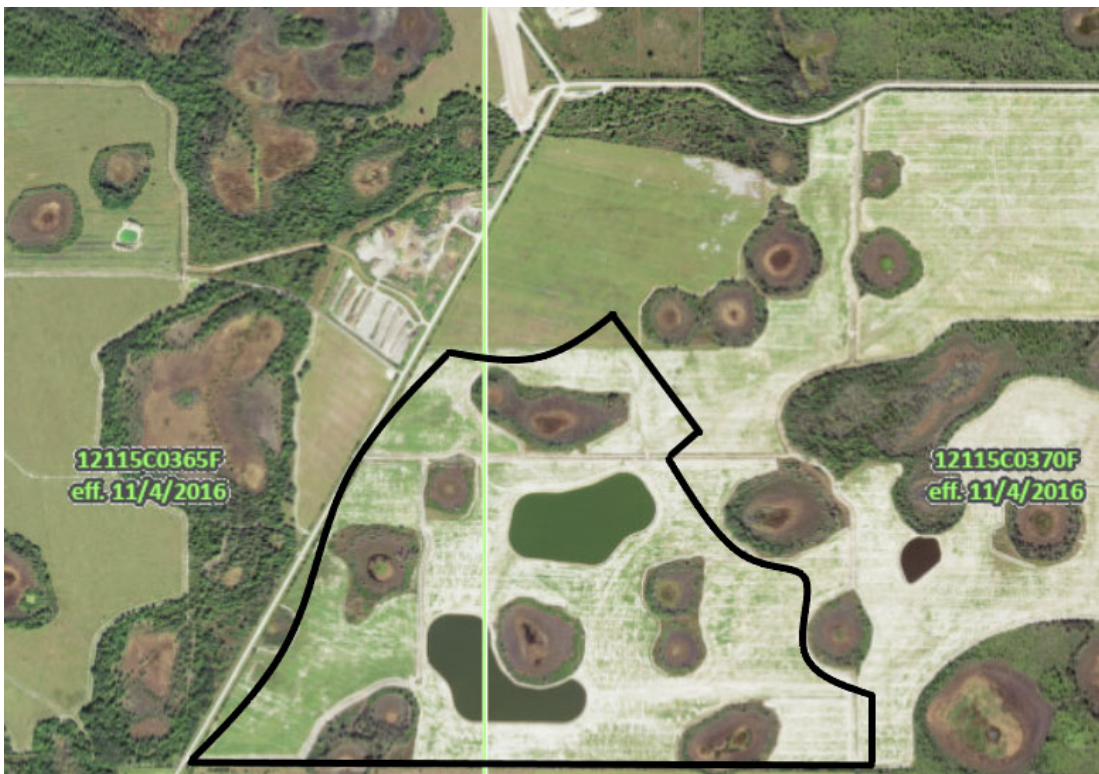
## II. STAFF ANALYSIS & FINDINGS (CONTINUED)

### FLOOD ZONE

Flood Zone X (Areas of minimal flood hazard), According to Flood Insurance Rate Map No. 12115C0365F and 12115C0370F for Sarasota County, Community No. 120279, City of North Port, FL effective November 4, 2016.



Note: The boundaries shown above and below are approximate to show generally the location of the Final Plat.



### III. RECOMMENDED MOTION

Staff recommends **approval** of Petition No. PLF-22-213, Everly at Wellen Park, as stated:

I move to recommend approval of Petition No. PLF-22-213 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-22-213 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-22-213 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

<b>Planning &amp; Zoning Advisory Board Public Hearing</b>	January 5, 2023 9:00 AM or as soon thereafter
<b>City Commission Public Hearing</b>	January 24, 2023 6:00 PM or as soon thereafter

### VI. EXHIBITS

<b>A.</b>	Map Gallery
<b>B.</b>	Affidavit
<b>C.</b>	Title Assurance
<b>D.</b>	City Surveyor's Approval



# City of North Port

Prepared on 12/15/2022  
by NDS / Planning Division

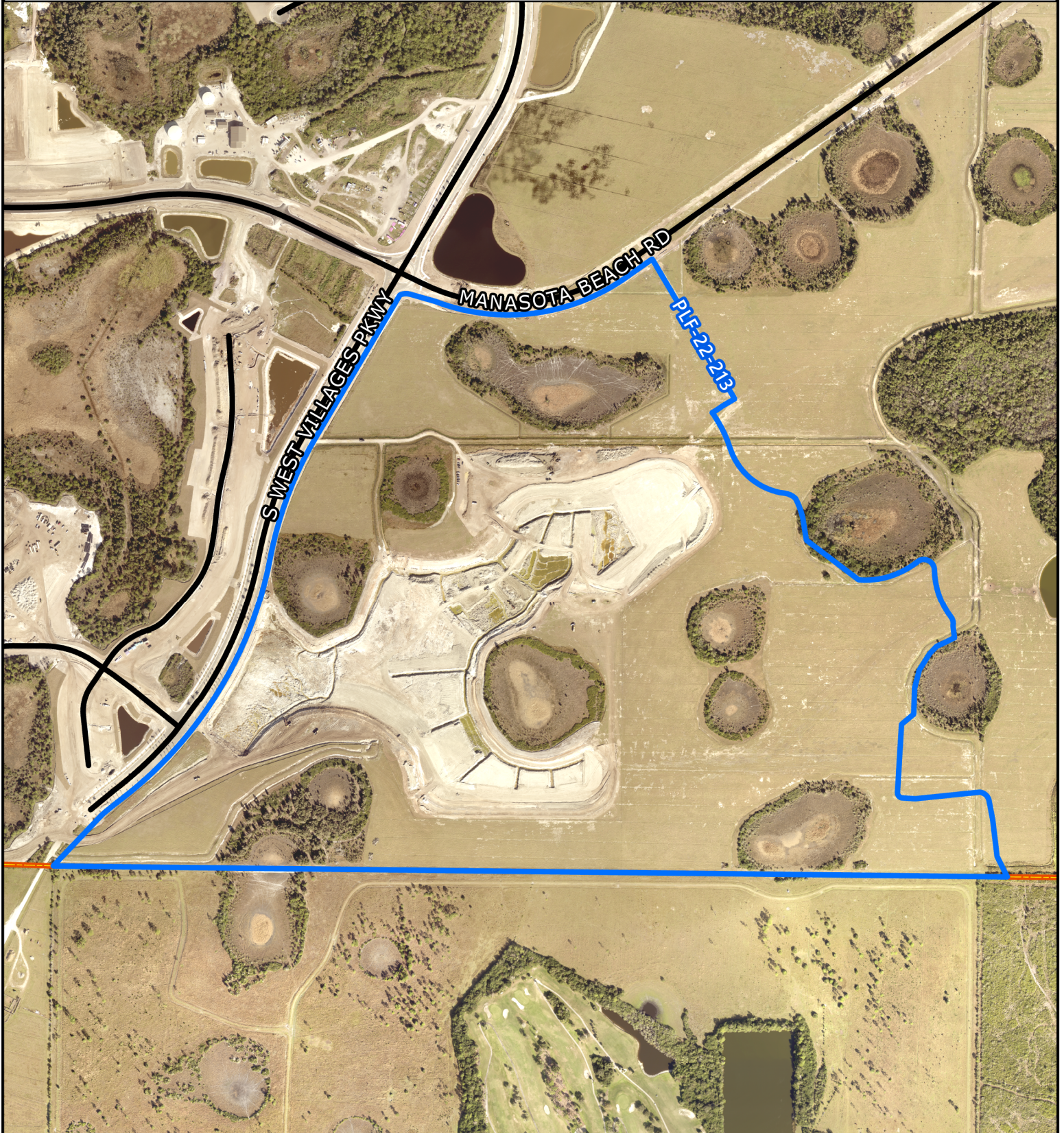
## Aerial Location Map

### PLF-22-213, Everly at Wellen Park



0 500 1,000 Feet

 Petition Boundary






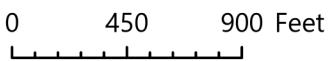
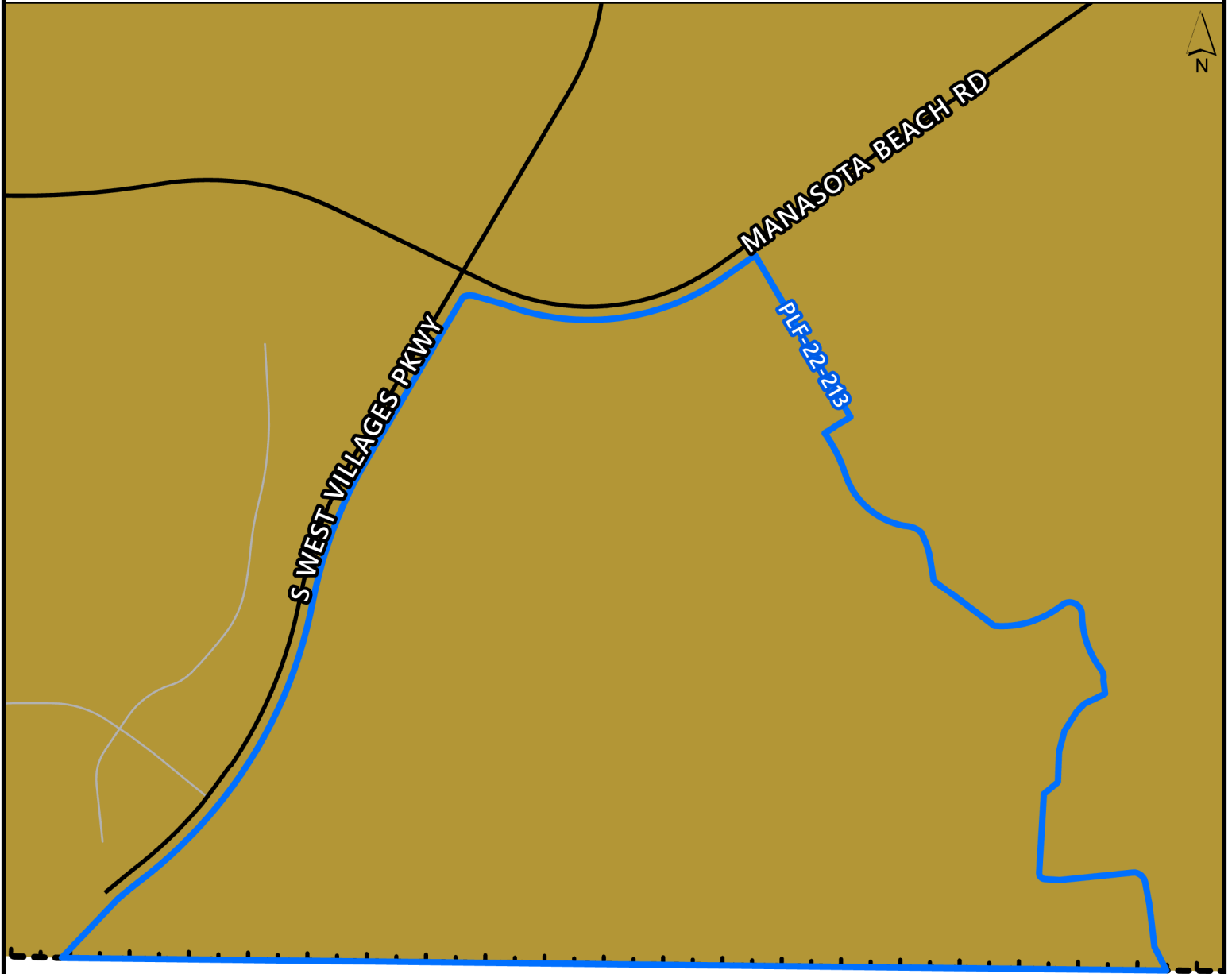
Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting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



# Current Zoning

PLF-22-213, Everly at Wellen Park  
*V, Village*

-  Petition Boundary
-  City Boundary
-  (V) Village






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.  
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.

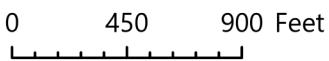
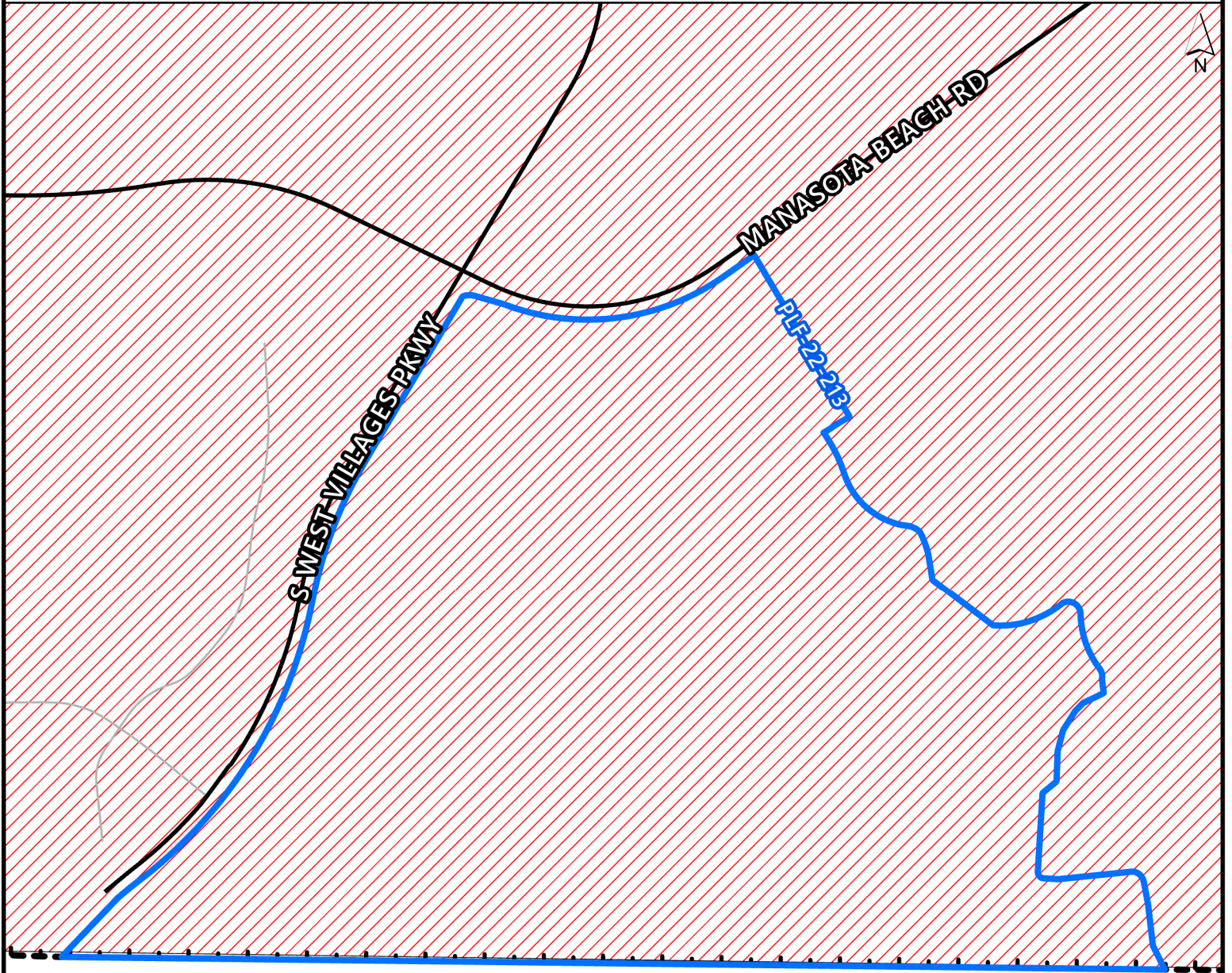


# Future Land Use

## PLF-22-213, Everly at Wellen Park

### VILLAGE

-  Petition Boundary
-  City Boundary
-  VILLAGE



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.  
 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.

**AFFIDAVIT**

I (the undersigned), Ty Gremaux 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 19<sup>th</sup> day of ~~March~~ April, 2022

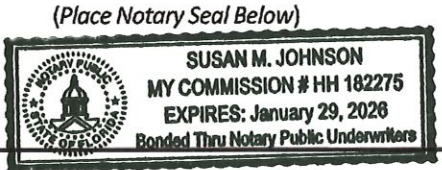
[Signature]  
Signature of Applicant or Authorized Agent

Ty Gremaux, Authorized Agent  
Print Name and Title

STATE OF Florida, COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 19<sup>th</sup> day of ~~March~~ April, 2022, by Ty Gremaux who is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Signature - Notary Public



**AFFIDAVIT  
AUTHORIZATION FOR AGENT/APPLICANT**

I, John Luczynski, Vice President of Manasota Beach Ranchlands LLLP, property owner, hereby authorize Ty Gremaux of Kimley-Horn and Associates, Inc. to act as Agent on our behalf to apply for this application on the property described as (legal description) Village K of Wellen Park  
Sarasota County Parcel ID #0809001000 & 0811005000

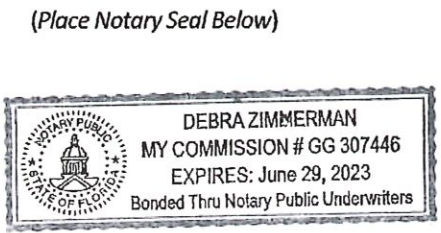
[Signature]  
Owner

3/19/22  
Date

STATE OF Florida, COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 29 day of March, 2022, by John Luczynski who is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Signature - Notary Public





Purchase Price: \$38,677,000  
Additional Consideration: \$3,781,000  
Doc Tax: \$297,206  
Record: \$ 69,500

Doc Stamp-Deed: \$297.206 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 NORTH PORT, 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: 0783-00-1000, 0784-00-4010, 0785-00-1050, 0785-00-2100, 0785-00-3000, 0786-00-2000, 0788-05-0001, 0797-00-1000, 0799-00-1000, 0801-00-1000, 0804-00-1000, 0805-00-1000, 0807-00-1000, 0809-00-1000, 0811-00-1000.

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

Name: Lesli L. Leberman

By: *SE Thomas* (SEAL)

Name: Stanley E. Thomas

Title: Manager

*Lori L. Scott*

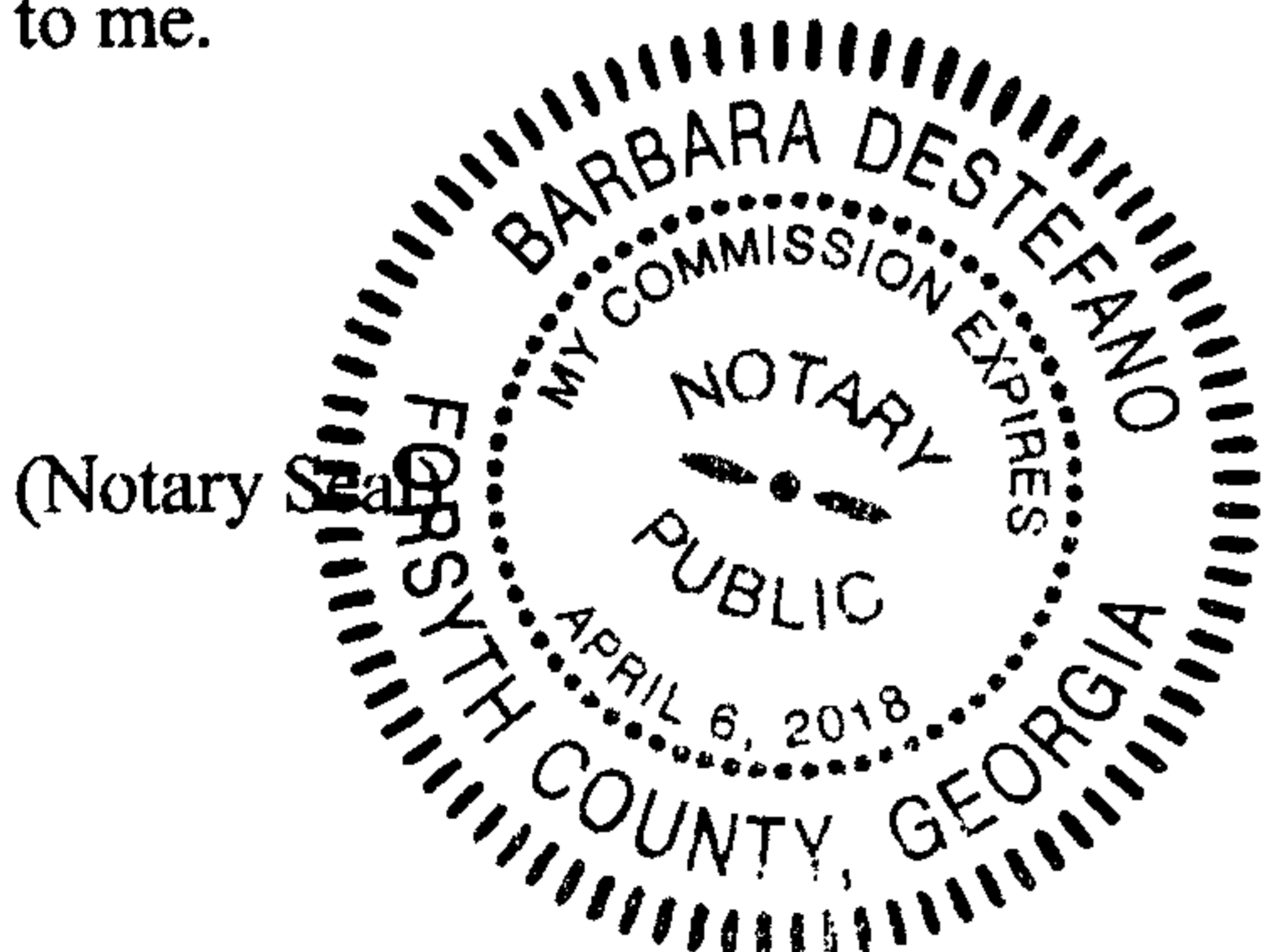
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Name: Lori L. Scott

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 C

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

That part of Section 32, lying easterly of the easterly Right of Way Line of West Villages Parkway as described in Official Records Instrument No. 2009155882, and 2010059621, 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;

That portion of lands conveyed to the District Board of Trustees of Manatee Junior College, recorded in Official Records Book 1571, Page 2172, of the Public Records of Sarasota County, Florida;

All of Section 33, lying South of U.S. Highway No. 41 (State Road No. 45), 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;

That portion of lands conveyed to the District Board of Trustees of Manatee Junior College, recorded in Official Records Book 1571, Page 2172, of the Public Records of Sarasota County, Florida;

Lands conveyed to County of Sarasota in Official Records Book 2389, Page 528 of the Public Records of Sarasota County, Florida;

Lands conveyed to John H. Nevins, as Bishop of the Diocese of Venice, recorded in Official Records Instrument No. 1998166154, of the Public Records of Sarasota County, Florida;

Lands conveyed to West Villages Improvement District in Official Records Instrument No. 2005281157 of the Public Records of Sarasota County, Florida.

The Southwest 1/4 of Section 34, lying West of County Road No. 777, less and except the following:

The North 1/2 of the NW 1/4 of the SW 1/4;

The maintained right-of-way of South River Road (County Road No. 777);

The right-of-way for COUNTY ROAD NO. 777 (as realigned), pursuant to Order of Taking recorded in Official Records Book 2679, Page 2750, of the Public Records of Sarasota County, Florida;

Lands conveyed to Sarasota County, recorded in Official Records Instrument No. 1999111833, of the Public Records of Sarasota County, Florida;

Lands conveyed to River Road Office Park, Inc., recorded in Official Records Instrument No. 2000002794, of the Public Records of Sarasota County, Florida;

Lands conveyed to Sarasota County, recorded in Official Records Instrument No. 2008060371, of the Public Records of Sarasota County, Florida;

## Exhibit C

Lands conveyed to West Villages Improvement District recorded in Official Records Instrument No. 2011005442, of the Public Records of Sarasota County, Florida.

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

The West Half of Section 3, less and except the following:

The right-of-way for COUNTY ROAD NO. 777 (as realigned), pursuant to Order of Taking recorded in Official Records Book 2679, Page 2750, of the Public Records of Sarasota County, Florida;

Lands conveyed to River Road Office Park, Inc., recorded in Official Records Instrument No. 2000002794, of the Public Records of Sarasota County, Florida;

Lands conveyed to Sarasota County, recorded in Official Records Instrument No. 2008060371 and 2008060374, of the Public Records of Sarasota County, Florida;

Lands conveyed to West Villages Improvement District, recorded in Official Records Instrument No. 2009021691, of the Public Records of Sarasota County, Florida.

All of Section 4, less and except the following:

Lands conveyed to River Road Office Park, Inc., recorded in Official Records Instrument No. 2000002794, of the Public Records of Sarasota County, Florida.

All of Section 5, less and except the following:

Lands conveyed to DiVosta Homes, L.P., recorded in Official Records Instrument No. 2004012753, of the Public Records of Sarasota County, Florida;

Lands conveyed to West Villages Improvement District, recorded in Official Records Instrument No. 2007188871, of the Public Records of 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.

All of Section 6, less and except the following:

Lands conveyed to DiVosta Homes, L.P., recorded in Official Records Instrument No. 2004012753, of the Public Records of Sarasota County, Florida.

All of Section 7;

All of Section 8;

All of Section 9.

The West Half of Section 10, less and except the following:

Lands conveyed to Sarasota County, recorded in Official Records Instrument No. 2008060371 and 2008060374, of the Public Records of Sarasota County, Florida.

Tract contains 4265.6842 Acres, more or less.

# Exhibit C

## EXHIBIT "B"

### Permitted Exceptions for Tract C

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

The following matters (which are reflected in the title commitment 16-2013-000351 Issued through Old Republic National Title Insurance Company):

4. Easements in favor of Florida Power & Light Company recorded in Deed Book 98, Page 314, of the Public Records of Sarasota County, Florida.
5. Telephone Distribution Easement Deed in favor of GTE Incorporated, a Florida corporation recorded in Official Records Book 2793, Page 172, of the Public Records of Sarasota County, Florida.
6. Easements in favor of Sarasota County for the purposes of water supply distribution and sewerage collection and related matters recorded in Official Records Book 2702, Page 2442 and Subordination of Utility Interest and Agreement for Reimbursement for Additional Facility Relocations recorded in Official Records Book 2758, Page 642 ; of the Public Records of Sarasota County, Florida.
7. Easements in favor of Sarasota County Public Hospital Board recorded in Official Records Book 2785, Page 641 ; Official Records Book 3065, Page 606 and Official Records Book 3108, Page 2455 together with Amendment recorded under Instrument # 2007026896, of the Public Records of Sarasota County, Florida.
8. (Intentionally omitted).
9. Easements in favor of Englewood Water District recorded in Official Records Book 1320, Page 2150, of the Public Records of Sarasota County, Florida.
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. (Intentionally omitted).
12. Access and Drainage Easements in favor of Sarasota County, together with covenants, limitations and conditions, as set forth in that certain Warranty Deed recorded in Official Records Book 2389, Page 528, of the Public Records of Sarasota County, Florida.
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. Easement and right-of-way for ingress and egress, utilities and drainage in favor of John J. Nevins, as Bishop of the Diocese of Venice recorded in Instrument # 1998166155, of the Public Records of Sarasota County, Florida.
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. Conservation Easement in favor of Southwest Florida Water Management District recorded in Instrument # 1999044370, of the Public Records of Sarasota County, Florida.

## Exhibit C

19. Easements in favor of River Road Office Park, Inc., a Florida corporation recorded in Instrument # 2000002796 (33-39-20) and Instrument # 2000002797, of the Public Records of Sarasota County, Florida.
20. Terms and conditions contained in that certain Perpetual, Non-Exclusive Access and Utility Easement Agreement in favor of TAYLOR RANCH, INC., recorded in Instrument # 2000002798, of the Public Records of Sarasota County, Florida.
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. Easement Agreement recorded in Instrument # 2006215897, Public Records of Sarasota County, Florida.
29. Easement Agreement recorded in Instrument # 2007024930, of the Public Records of Sarasota County, Florida.
30. (Intentionally omitted).
31. (Intentionally omitted).
32. Easement in favor of Florida Power & Light Company recorded in Official Records Book 986, Page 905, together with consent agreement recorded in Instrument # 2006126669, of the Public Records of Sarasota County, Florida.
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. Right of Way Resolution recorded in Official Records Book 2254, Page 2241, of the Public Records of Sarasota County, Florida.
35. (Intentionally omitted).
36. (Intentionally omitted).
37. Easement in favor of West Villages Improvement District recorded in Instrument # 2005089339, of the Public Records of Sarasota County, Florida.
38. (Intentionally omitted).
39. (Intentionally omitted).
40. (Intentionally omitted).
41. Easement in favor of the City of North Port recorded in Instrument # 2008019264, of the Public Records of Sarasota County, Florida.
42. Easement in favor of Sarasota County recorded in Instrument # 2008019265, of the Public Records of Sarasota County, Florida.
43. Easement in favor of the City of North Port, West Villages Improvement District, and Sarasota County recorded in Instrument # 2008019266, as re-recorded in Instrument # 2008029381, of the Public Records of Sarasota County, Florida.

## Exhibit C

44. (Intentionally omitted).
45. Easement in favor of Florida Power & Light Co. recorded in Instrument # 2008096395, of the Public Records of Sarasota County, Florida.
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. (Intentionally omitted).
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 Section 18.02(b) of 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. (Intentionally omitted)
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. (Deleted).
67. (Deleted).

## Exhibit C

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.



## TITLE SEARCH REPORT

**Fund File Number:** 1310842

*The information contained in this title search is being furnished by Attorneys' Title Fund Services, LLC. If this report is to be used by a title insurance agent for evaluation and determination of insurability by the agent prior to the issuance of title insurance, then the agent shall have liability for such work.*

**Provided For:** Williams Parker Harrison Dietz & Getzen, PLLC **Agent's File Reference:** TSR Village K at Wellen Park

*After an examination of this search the Agent must:*

- A. Evaluate all instruments, plats and documents contained in the report.*
- B. Include in the Commitment under Schedule B, any additional requirements and/or exceptions you find necessary from your analysis of the surveys, prior title evidence or other relevant information from the transaction.*
- C. Verify the status of corporations and limited partnerships and other business entities with the appropriate governmental agency or other authority.*
- D. Determine whether the property has legal access.*
- E. Determine if any unpaid municipal taxes or assessments exist, which are not recorded in the Official Records Books of the county.*
- F. Determine whether any portion of the property is submerged or artificially filled, if the property borders a body of water, and if riparian or littoral rights exist.*
- G. The information provided herein does not include a search of federal liens and judgment liens filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
  - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
  - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)**

**Prepared Date:** August 24, 2022

**Attorneys' Title Fund Services, LLC**

**Prepared by:** Nathaniel Turner, Commercial Examiner

**Phone Number:** (800) 336-3863 x5321

**Email Address:** NTurner@TheFund.com

## TITLE SEARCH REPORT

**Fund File Number:** 1310842

**Effective Date of approved base title information:** April 29, 2014

**Effective Date of Search:** August 19, 2022 at 11:00 PM

**Apparent Title Vested in:**

MANASOTA BEACH RANGLANDS, LLLP, a Florida limited liability limited partnership, formerly known as THOMAS RANCH LAND PARTNERS NORTH PORT, LLLP, a Florida limited liability limited partnership

**Description of real property to be insured/foreclosed situated in Sarasota County, Florida.**

See Exhibit A

**Muniments of Title, including bankruptcy, foreclosure, quiet title, probate, guardianship and incompetency proceedings, if any, recorded in the Official Records Books of the county:**

1. Special Warranty Deed from FOURTH QUARTER PROPERTIES XXXII, LLC to THOMAS RANCH LAND PARTNERS NORTH PORT, LLLP, recorded May 29, 2014 in Instrument Number [2014062917](#), Public Records of Sarasota County, Florida.
2. Certificate recorded in Instrument Number [2015141232](#), Public Records of Sarasota County, Florida.

**Mortgages, Assignments and Modifications:**

1. Nothing Found

**Other Property Liens:**

1. FOR INFORMATIONAL PURPOSES ONLY: 2021 taxes were paid under receipt number 9097798.0002, on March 31, 2022, Parcel/Account ID# 0809001000, the gross amount being \$294,474.24.
2. FOR INFORMATIONAL PURPOSES ONLY: 2021 taxes were paid under receipt number 4000954.0001, on November 30, 2021, Parcel/Account ID# 0811005000, the gross amount being \$154,547.27.

**Restrictions/Easements:**

1. 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 Numbers [2004223490](#), [2006023618](#), [2007048565](#), [2007086623](#), [2007176566](#),

## TITLE SEARCH REPORT

**Fund File Number:** 1310842

- [2008055051](#), [2017111575](#), [2017111576](#), [2017111577](#), [2017111578](#), [2017111579](#), [2017111580](#), [2017111581](#), [2017111582](#), [2017111583](#), [2017111584](#), [2018000839](#), [2018084717](#), [2018142894](#), [2018154491](#), [2018164671](#), [2019007882](#), [2019048577](#), [2019048579](#), [2019048581](#), [2019052599](#), [2021072094](#), [2022087186](#), [2022105405](#), [2022121327](#) and [2022121328](#), of the Public Records of Sarasota County, Florida, which contain provisions creating assessments, which assessments would apply as to any owner of the land subsequent to the insured.
2. Restrictive Covenant recorded in Instrument Number [2018128694](#) and Amendment to Restrictive Covenant recorded in Instrument Number [2021097941](#), Public Records of Sarasota County, Florida.
  3. Irrigation Water Supply Agreement recorded in Instrument Number [2018159052](#), as amended by First Amendment to Irrigation Water Supply Agreement recorded in Instrument Number [2021205095](#) and Second Amendment to Irrigation Water Supply Agreement recorded in Instrument Number, Public Records of Sarasota County, Florida.
  4. Utility Easement recorded in Instrument Number [2021094417](#), Public Records of Sarasota County, Florida.
  5. Use restrictions in Paragraph 1 of the Declaration of Restrictive Covenants and Rights recorded in Instrument Number [2021153734](#), Public Records of Sarasota County, Florida.
  6. All matters contained on the Plat of Wellen Park Village K, to be recorded in the Public Records of Sarasota County, Florida.
  7. Roadways as contained on the Plat of Manasota Beach Ranchlands Plat No. 1, as recorded in Plat Book [55, Page 367](#), Public Records of Sarasota County, Florida.

### ***Other Encumbrances:***

1. Noted for information, only: 2019 Amended and Restated Utilities Agreement recorded in Instrument Number [2019125013](#), Public Records of Sarasota County, Florida, which contain provisions creating easements, use restrictions, and charges in favor of the City of North Port.
2. Noted for information, only: Recorded Notice of Environmental Resource Permit recorded in Instrument Number [2021182177](#), Public Records of Sarasota County, Florida.
3. Rights of the lessees under unrecorded leases.

### **REAL PROPERTY TAX INFORMATION ATTACHED**

### ***Proposed Insured:***

***A 20-year name search was not performed on the proposed insured. It is the agent's responsibility to obtain a name search if a loan policy to be issued based on this product is other than a 100% purchase money mortgage.***

## TITLE SEARCH REPORT

*Fund File Number:* 1310842

### STANDARD EXCEPTIONS

*Unless satisfactory evidence is presented to the agent eliminating the need for standard exceptions, the following should be made a part of any commitment or policy.*

1. *General or special taxes and assessments required to be paid in the year 2022 and subsequent years.*
2. *Rights or claims of parties in possession not shown by the public records.*
3. *Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.*
4. *Easements or claims of easements not shown by the public records.*
5. *Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
6. *Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
7. *Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:*
  - (a) *Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
  - (b) *Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)*
8. *Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.*

*The report does not cover bankruptcies or other matters filed in the Federal District Courts of Florida.*

## TITLE SEARCH REPORT

*Fund File Number:* 1310842

*In foreclosure proceedings, title should be examined between the effective date of this report and the recording of the lis pendens to assure that all necessary and proper parties are joined. Consideration should be given to joining as defendants any persons in possession, other than the record owner, and any parties, other than those named herein, known to the plaintiff or the plaintiff's attorney and having or claiming an interest in the property.*

*Prior to issuance of any policy of title insurance underwritten by Old Republic National Title Insurance Company, the agent must obtain and evaluate a title search for the period between the effective date of this Title Search Report and the recording date(s) of the instrument(s) on which the policy is based.*

*If this product is not used for the purpose of issuing a policy, then the maximum liability for incorrect information is \$1,000.*

*Note: The Agent is responsible for obtaining underwriting approval on any commitment prepared from this product in the amount of \$1,000,000.00 or more.*

## TITLE SEARCH REPORT

### Exhibit A

**Fund File Number:** 1310842

**DESCRIPTION:** VILLAGE K RESIDENTIAL

A part of Sections 9 and 10, Township 40 South, Range 20 East, City of North Port, County of Sarasota, Florida, described as follows:

BEGIN at the Southwest corner of Section 9, Township 40 South, Range 20 East, City of North Port, Sarasota County, Florida; thence S.89°20'16" E., along the South line of the Southwest Quarter of said Section 9, a distance of 2642.30, to the South Quarter Corner of said Section 9; thence S.89°21'03" E., along the South line of the Southeast Quarter of said Section 9, a distance of 2642.80 feet to the Southwest corner of Section 10, Township 40 South, Range 20 East; thence S.89°23'23" E., along the South line of the Southwest Quarter of said Section 10, a distance of 2433.76 feet to a point on the West Right of Way Line of River Road, per Official Records Instrument No. 2008060371, recorded in the Public Records of Sarasota County, Florida; thence N.00°28'30" E., along said West Right of Way Line of River Road, a distance of 3520.99 feet; thence leaving said West Right of Way Line of River Road, N.89°31'30" W., a distance of 400.00 feet to the Southeast corner of lands described in Official Records Instrument No. 2021094420 of said Public Records of Sarasota County, Florida; thence along the boundary line of said lands described in Official Records Instrument No. 2021094420, the following seventy-eight (78) courses: (1) S.77°24'35" W., a distance of 3.94 feet; (2) thence N.12°16'35" W., a distance of 31.76 feet; (3) thence N.57°13'39" W., a distance of 57.21 feet; (4) thence S.44°43'50" W., a distance of 57.18 feet; (5) thence S.03°54'26" W., a distance of 32.03 feet; (6) thence S.87°28'21" W., a distance of 41.07 feet; (7) thence S.17°07'17" W., a distance of 19.82 feet; (8) thence S.18°08'39" E., a distance of 38.73 feet; (9) thence S.37°29'27" W., a distance of 86.38 feet; (10) thence S.34°44'02" W., a distance of 78.09 feet; (11) thence S.42°51'19" W., a distance of 53.30 feet; (12) thence S.87°04'42" W., a distance of 30.53 feet; (13) thence N.65°52'13" W., a distance of 69.92 feet; (14) thence S.72°49'34" W., a distance of 89.54 feet; (15) thence N.53°46'02" W., a distance of 59.55 feet; (16) thence S.22°18'25" W., a distance of 32.46 feet; (17) thence S.88°26'04" W., a distance of 62.66 feet; (18) thence N.83°17'38" W., a distance of 54.93 feet; (19) thence N.80°45'21" W., a distance of 40.38 feet; (20) thence N.84°19'37" W., a distance of 59.01 feet; (21) thence S.44°55'03" W., a distance of 32.56 feet; (22) thence N.77°41'31" W., a distance of 17.55 feet; (23) thence N.31°40'29" W., a distance of 52.43 feet; (24) thence N.45°15'20" E., a distance of 33.58 feet; (25) thence N.12°32'20" W., a distance of 59.44 feet; (26) thence N.78°51'51" W., a distance of 84.00 feet; (27) thence S.81°34'09" W., a distance of 48.00 feet; (28) thence S.72°08'12" W., a distance of 81.27 feet; (29) thence S.78°46'38" W., a distance of 87.91 feet; (30) thence N.52°00'16" W., a distance of 75.69 feet; (31) thence N.13°52'38" E., a distance of 37.28 feet; (32) thence N.63°09'58" W., a distance of 56.66 feet; (33) thence N.73°58'46" W., a distance of 49.13 feet; (34) thence S.49°51'01" W., a distance of 43.67 feet; (35) thence S.86°45'06" W., a distance of 44.47 feet; (36) thence S.47°32'20" W., a distance of 69.51 feet; (37) thence S.28°59'45" W., a distance of 64.66 feet; (38) thence S.47°46'59" W., a distance of 26.32 feet; (39) thence S.49°07'42" W., a distance of 68.67 feet; (40) thence S.59°35'37" W., a distance of 48.68 feet; (41) thence S.42°44'21" W., a distance of 54.01 feet; (42) thence S.55°44'39" W., a distance of 49.07 feet; (43) thence S.56°21'21" W., a distance of 50.57 feet; (44) thence S.54°15'26" W., a distance of 92.86 feet; (45) thence S.44°01'35" W., a distance of 42.12 feet; (46) thence S.65°00'42" W., a distance of 48.69 feet; (47) thence S.65°14'38" W., a distance of 37.28 feet; (48) thence S.78°55'02" W., a distance of 32.95 feet; (49) thence S.12°24'17" W., a distance of 37.78 feet; (50) thence S.62°00'50" W., a distance of 35.33 feet; (51) thence N.59°58'12" W., a distance of 17.73 feet; (52) thence S.69°05'45" W., a distance of 21.71 feet; (53) thence N.61°52'21" W., a distance of 15.90 feet; (54) thence N.59°40'06" W., a distance of 23.45 feet; (55) thence N.27°26'55" W., a distance of 16.43 feet; (56) thence N.53°13'40" W., a distance of 31.68 feet; (57) thence N.44°09'24" W., a distance of 22.55 feet; (58) thence N.50°58'46" W., a distance of 30.73 feet; (59) thence N.78°40'45" W., a distance of 20.61 feet; (60) thence N.63°50'16" W., a distance of 26.61 feet; (61) thence S.67°07'34" W., a distance of 33.94 feet; (62) thence S.78°50'03" W., a distance of 30.10 feet; (63) thence S.75°34'38" W., a distance of 49.23 feet; (64) thence S.29°07'10" W., a distance of 35.69 feet; (65) thence S.23°27'06" W., a distance of 32.25 feet; (66) thence S.22°23'40" W., a distance of 21.95

## TITLE SEARCH REPORT

### Exhibit A

**Fund File Number:** 1310842

feet; (67) thence S.32°08'26" W., a distance of 46.03 feet; (68) thence S.18°08'34" W., a distance of 33.80 feet; (69) thence S.52°01'11" W., a distance of 33.70 feet; (70) thence S.39°11'48" W., a distance of 47.65 feet; (71) thence S.45°44'56" W., a distance of 50.49 feet; (72) thence N.84°15'41" W., a distance of 48.05 feet; (73) thence N.51°00'48" W., a distance of 40.43 feet; (74) thence N.32°00'37" W., a distance of 28.03 feet; (75) thence N.84°05'43" W., a distance of 56.94 feet; (76) thence S.51°06'18" W., a distance of 50.50 feet; (77) thence S.58°22'39" W., a distance of 858.02 feet; (78) thence N.30°32'28" W., a distance of 1325.00 feet to the South Right of Way Line of Manasota Beach Road, as shown on Manasota Beach Ranchlands Plat No. 1, recorded in Plat Book [55, Page 367](#) of the Public Records of Sarasota County, Florida; thence along said South Right of Way Line of Manasota Beach Road the following four (4) courses: (1) thence S.54°50'52" W., a distance of 187.13 feet to the beginning of a curve to the right, having: a radius of 1165.00 feet, and a central angle of 56°04'48", a chord bearing of S.82°53'17" W., and a chord length of 1095.31 feet; (2) thence along the arc of said curve, an arc length of 1140.28 feet; (3) thence N.74°02'32" W., a distance of 149.78 feet to the beginning of a non-tangent curve to the left, having: a radius of 85.00 feet, and a central angle of 39°46'27", a chord bearing of S.86°07'30" W., and a chord length of 57.83 feet; (4) thence along the arc of said curve, an arc length of 59.01 feet to the East Right of Way Line of West Villages Parkway, as shown on said plat of Manasota Beach Ranchlands Plat No. 1; thence along said East Right of Way Line of West Villages Parkway the following four (4) courses: (1) S.30°34'52" W., a distance of 945.90 feet to the beginning of a curve to the left, having: a radius of 2135.00 feet, and a central angle of 19°50'26", a chord bearing of S.20°39'39" W., and a chord length of 735.63 feet; (2) thence along the arc of said curve, an arc length of 739.32 feet, to the beginning of a reverse curve to the right, having: a radius of 2265.00 feet, a central angle of 42°00'39", a chord bearing of S.31°44'45" W., and a chord length of 1623.80 feet; (3) thence along the arc of said curve, an arc length of 1660.76 feet; to the beginning of a reverse curve to the left, having: a radius of 2135.00 feet, and a central angle of 14°29'30", a chord bearing of S.45°30'20" W., and a chord length of 538.56 feet; (4) thence continue along said East Right of Way Line of West Villages Boulevard and its southerly extension, along the arc of said curve, an arc length of 540.00 feet to the POINT OF BEGINNING.

## Exhibit D

**From:** [Alan Fish](#)  
**To:** [Noah Fossick](#)  
**Cc:** [Joy McRae-Fox](#); ["Ty Gremaux - Kimley Horn"](#)  
**Subject:** [EXTERNAL] RE: Village K - Revised Everly at Wellen Park Plat (PLF-22-213)  
**Date:** Monday, December 5, 2022 1:09:26 PM

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Noah,

I have performed a second review of the revised copy of the above referenced Plat. All of my previous comments have been addressed and the Plat is now in conformance with Chapter 177, Part One Florida Statutes.

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

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**From:** VBFAINC <[landsurveyor@vbfainc.com](mailto:landsurveyor@vbfainc.com)>  
**Sent:** Friday, December 02, 2022 4:11 PM  
**To:** Alan Fish <[alanvbfa@gmail.com](mailto:alanvbfa@gmail.com)>  
**Subject:** FW: Village K - Revised Everly at Wellen Park Plat (PLF-22-213)

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**From:** Gomez, David <[David.Gomez@kimley-horn.com](mailto:David.Gomez@kimley-horn.com)>  
**Sent:** Friday, December 2, 2022 2:06 PM  
**To:** VBFAINC <[landsurveyor@vbfainc.com](mailto:landsurveyor@vbfainc.com)>  
**Cc:** Noah Fossick <[nfossick@northportfl.gov](mailto:nfossick@northportfl.gov)>; Gremaux, Ty <[ty.gremaux@kimley-horn.com](mailto:ty.gremaux@kimley-horn.com)>  
**Subject:** Village K - Revised Everly at Wellen Park Plat (PLF-22-213)

Good afternoon Alan,

Attached to this email you will find the revised PDF of the Everly at Wellen Park plat for your review and approval. We also sent a hard copy of the plat to the Planning Department at City Hall if you prefer using a physical copy for your review.

Please let me know if you have any troubles with the file.

Thank you,

**David Gomez, EI**  
**Kimley-Horn** | 1777 Main St #200, Sarasota, FL 34236  
Direct: 941 217 8367 | Mobile: 941 773 4879



