

Consent to Acquisition of Real Property

West Villages Improvement District (WVID)

GEN-20-261



STAFF REPORT

From: Noah Fossick, Planner I

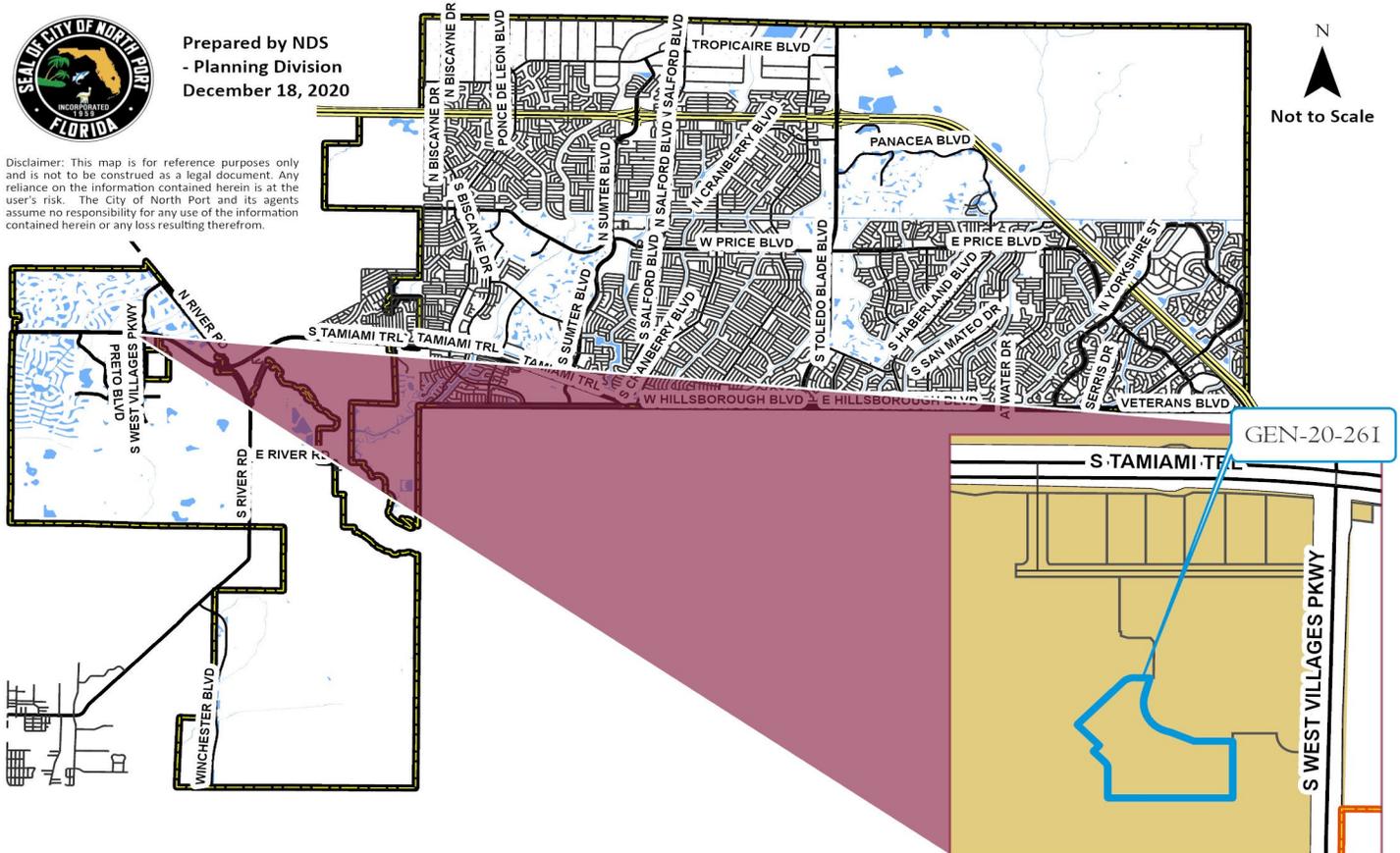
Thru: Nicole Galehouse, AICP, Planning & Zoning Manager
Juliana B. Bellia, Acting Assistant City Manager

Date: February 3, 2021



Prepared by NDS
- Planning Division
December 18, 2020

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.



PROJECT:	GEN-20-261
REQUEST:	Approval of Conveyance of Real Property to the West Villages Improvement District for any property located within its jurisdictional boundary.
APPLICANT:	West Villages Improvement District
OWNER:	Manasota Beach Ranchlands, LLLP
LOCATION:	Southwest of West Villages Marketplace, approximately ±330 feet from West Villages Parkway.
PROPERTY SIZE:	±4.233 acres

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 the stormwater retention pond located to the southwest of the West Villages Marketplace. The stormwater retention pond was previously transferred without city approval to the West Villages Improvement District. This petition is to correct the initial conveyance of real property in accordance with state regulations.

II. STAFF ANALYSIS

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.

CITY SERVICES & ENVIRONMENTAL

Water and Sewer Services

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

Conservation

The site is not located within the Conservation Restricted Overlay.

Flood Zone

X-500, Firm Panel 0365F, Community 120279.

III. REVIEW PROCESS

The City Attorney reviewed and approved the consent documents as to their form and correctness.

IV. PUBLIC NOTICE & HEARING SCHEDULE

PUBLIC HEARING SCHEDULE	City Commission Public Hearing	February 23, 2021 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	Consent to Acquisition and Legal Description
B	West Villages Index Map

Exhibit A

**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, hereby acknowledges having been advised of and hereby 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. The jurisdiction of the WVID 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 the WVID shall not obtain fee simple title of 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 has secured a portion of the real property, Sarasota County Property Identification Number 0783012000, (the “Property”) as further described in the attached Exhibit “A.” The Property has been constructed as a storm water pond located southwest of the West Villages Marketplace.
4. The Property is located within the City causing the WVID to request the City’s consent to the WVID’s purchase of the property as provided herein.
5. WVID will record this instrument in the Public Records of Sarasota County, Florida, at its expense.

NOW, THEREFORE, the City of North Port, Florida, being otherwise fully advised in the premises, does hereby consent to the West Villages Improvement District’s acquisition of the Property as further described in the attached Exhibit “A.”

Executed on _____, 2021.

CITY OF NORTH PORT, FLORIDA

By: _____
GISELE “JILL” E. LUKE, MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

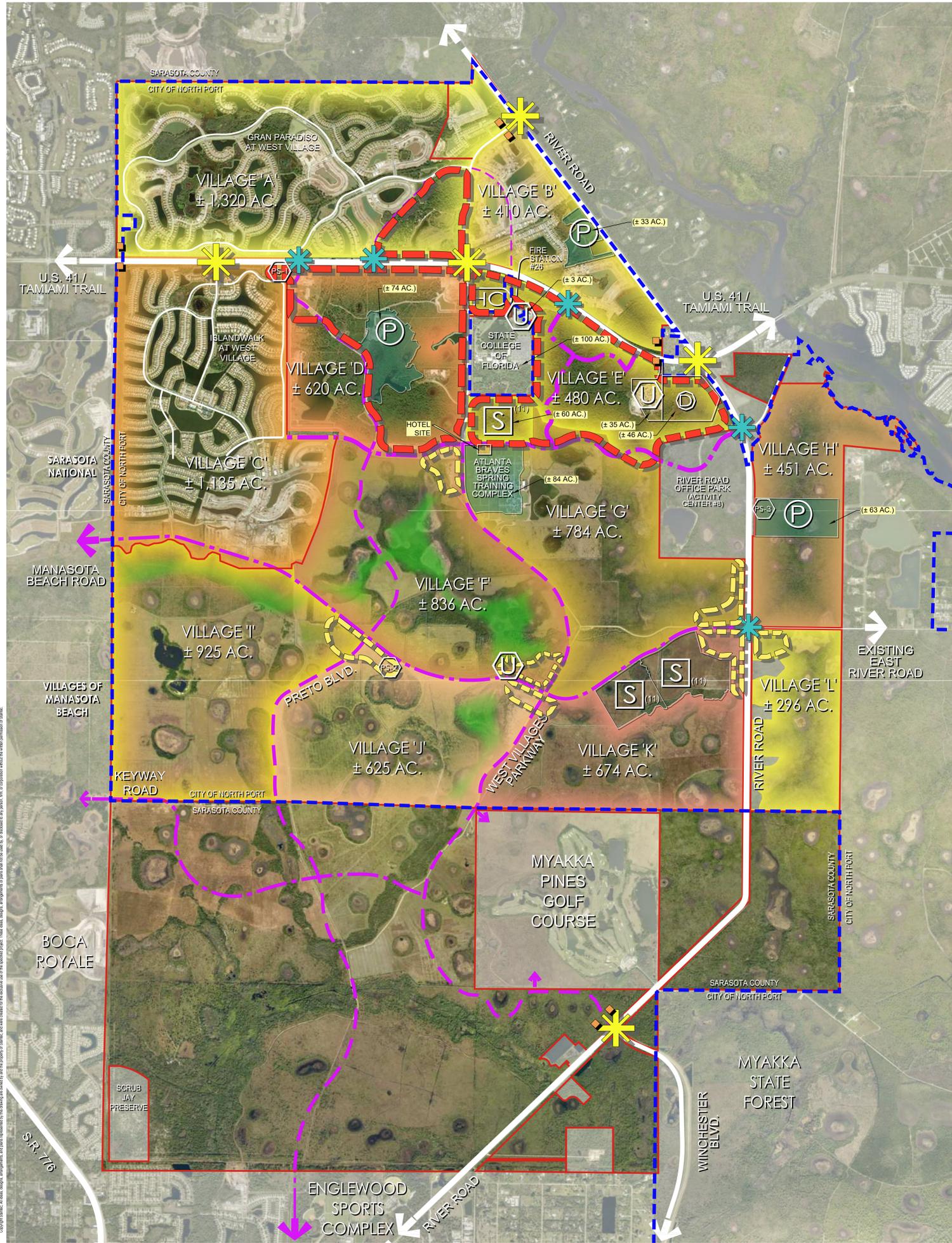
AMBER L. SLAYTON
CITY ATTORNEY

Exhibit A

EXHIBIT A TO ACQUISITION OF PROPERTY
BY WEST VILLAGES IMPROVEMENT DISTRICT

Tract L-1 as shown on that certain plat of *West Villages Marketplace*, recorded at Plat Book 53, Page 140 in the Official Records of Sarasota County, Florida.

WEST VILLAGES INDEX MAP



LEGEND

	EXISTING ROADWAY		APPROXIMATE SCHOOL LOCATION (K-12) (11)		RECREATIONAL / OPEN SPACE / RECREATIONAL TRAIL SYSTEM		APPROXIMATE TOWN CENTER LOCATION (2)
	4 LANE W/ NEV & 8' SIDEWALKS		SARASOTA MEMORIAL HOSPITAL - HEALTH CARE SERVICES ± 28 AC.		POTENTIAL ROADWAY CONNECTION TO ADJACENT COMMUNITY		EXISTING TRAFFIC SIGNAL
	2 LANE W/ NEV, 8' SIDEWALK, & 5' SIDEWALK		APPROXIMATE UTILITIES / PUBLIC FACILITIES LOCATION (10)		STATE COLLEGE OF FLORIDA		APPROXIMATE FUTURE FULL MEDIAN OPENINGS; TRAFFIC CONTROL T.B.D.
	2 LANE W/ NEV, & 5' SIDEWALKS		APPROXIMATE PARK LOCATION (10)		APPROXIMATE VILLAGE CENTER LOCATION (2)		CITY OF NORTH PORT - CITY LIMITS
	POTENTIAL WEST VILLAGES GATEWAY LOCATIONS		DIocese OF VENICE LOCATION		FIRE/ POLICE STATION LOCATIONS		

NOTES

- ACREAGES ARE APPROXIMATE. FINAL ACREAGE LOCATIONS SUBJECT TO REFINEMENT BASED UPON EXISTING SITE CONDITIONS AND FINAL VILLAGE DISTRICT PATTERN PLANS.
- AREAS DEFINED WITHIN THIS DESIGNATION WILL INCLUDE 300-1,000 ACRES OF TOWN CENTER AND MAY INCLUDE VILLAGE DEVELOPMENT AT THE DENSITY / INTENSITY ESTABLISHED IN THE V.D.P.B., CONSISTENT WITH SECTION 53-212 U.L.D.C. FINAL LOCATIONS WILL BE DETERMINED DURING THE V.D.P.P. PROCESS.
- THE INDEX MAP DEPICTS THE GREENBELT FRAMEWORK BY IDENTIFYING VILLAGE EDGES ADJACENT TO MAJOR ENVIRONMENTAL FEATURES OR ROADWAYS AND MULTI-USE PATHWAYS. ADDITIONALLY, THIS FRAMEWORK CONNECTS VILLAGE CENTERS AND TOWN CENTERS, CONSISTENT WITH COMPREHENSIVE PLAN POLICY 13.8 AND SEC. 53-216 OF THE U.L.D.C. COMPLIANCE WITH THESE POLICIES WILL BE FURTHER DEMONSTRATED WITH FUTURE VILLAGE DISTRICT PATTERN PLANS.
- LOCATION AND CONFIGURATION OF PARKS SHALL BE DETERMINED BY AGREEMENT BETWEEN THE PROPERTY OWNER AND THE CITY OF NORTH PORT, IN ACCORDANCE WITH THE PRINCIPLES OF AGREEMENT.
- MULTI-MODAL TRAILS MAY BE SATISFIED BY AN 8' SIDEWALK AND 4' BIKE LANES, AND SHALL BE FURTHER REFINED WITH FUTURE VILLAGE DISTRICT PATTERN PLANS.
- 8' - 12' TRAILS WILL BE DELINEATED ON V.D.P.P., AND MAY BE COMBINED WITH INTERNAL ROADWAYS.
- THE WEST VILLAGES IMPROVEMENT DISTRICT WILL COORDINATE WITH THE APPLICABLE GOVERNING AUTHORITY TO ESTABLISH ACCESS MANAGEMENT CRITERIA.
- FINAL LOCATIONS OF TOWN CENTERS, PUBLIC FACILITY SITES, SCHOOL SITES, VILLAGE BOUNDARIES AND ROADWAY CORRIDORS SHALL BE DETERMINED DURING THE V.D.P.P. PROCESS AND/OR DEVELOPERS AGREEMENT.
- FINAL ALIGNMENT OF CORRIDORS / ROADWAYS IS SUBJECT TO FINAL APPROVAL OF JURISDICTIONAL AGENCIES.
- FINAL SIZE, LOCATION, AND CONFIGURATION OF UTILITIES/PUBLIC FACILITIES SHALL BE DETERMINED BY AGREEMENT BETWEEN THE PROPERTY OWNER AND THE CITY OF NORTH PORT.
- SCHOOL SITE SHOWN IN VILLAGE E WILL BE REMOVED IN FAVOR OF SCHOOL SITES SHOWN IN VILLAGE K (130+/- AC.) UPON APPROVAL OF AN AGREEMENT WITH SARASOTA COUNTY SCHOOL BOARD. THE TRANSACTION TO CONVEY LAND IN VILLAGE K AND ACQUIRE LAND IN VILLAGE E WILL BE A CONCURRENT TRANSACTION.
- THE PROPERTY WITHIN VILLAGE "C" IS OUTSIDE OF THE OWNERSHIP OF WEST VILLAGES LLP OR ITS AFFILIATES. THEREFORE, THAT PORTION OF MANASOTA BEACH ROAD SHALL BE CONSTRUCTED BY OTHERS. THE WVVD AND CITY OF NORTH PORT ARE NOT REQUIRED TO CONSTRUCT THIS SEGMENT OF ROAD.

Approved July 2, 2020
 ORDINANCE 2020-16
 PETITION NUMBER VIA-20-038

West Villages Index Map