



STAFF REPORT

Consent to Acquisition of Real Property

West Villages Improvement District (WVID)

CTA-24-072

From: Bill Rounds, Planner II

Thru: Hank Flores, AICP, CFM, Planning & Zoning Manager

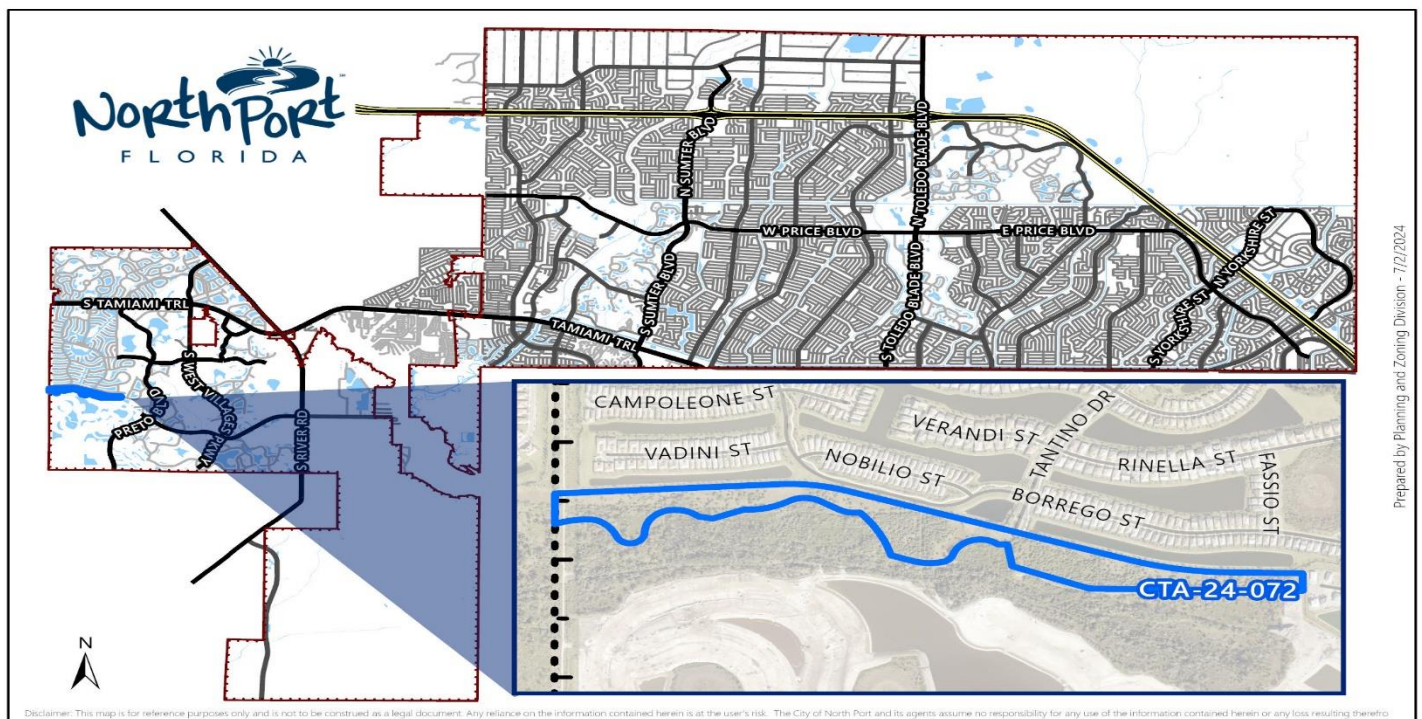
Thru: Lori Barnes, AICP, CPM, Development Services Assistant Director

Thru: Alaina Ray, AICP, Development Services Director

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

Thru: A. Jerome Fletcher II, ICMA-CM, MPA, City Manager

Date: July 23, 2024



Prepared by Planning and Zoning Division - 7/22/2024

PROJECT:	CTA-24-072 - WVID Walking Trail
REQUEST:	Approval of Consent to Acquisition of Real Property by the West Village Improvement District for property located within its jurisdictional boundary
APPLICANT:	West Villages Improvement District
OWNERS:	Divosta Homes, L.P.
LOCATION:	South of Islandwalk at the West Villages Phase
PROPERTY SIZE:	22,349 square feet or \pm 0.5128 acre
ZONING:	Village (V)
PID#:	0803001010

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 ±0.5128 acre of Section 6, Township 40 South, Range 20 East, Sarasota County, Florida (EXHIBIT A). The requested consent is for a portion of Parcel ID# 0803001010.

II. STAFF ANALYSIS AND FINDINGS

COMPLIANCE WITH LEGISLATION

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

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

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

CITY SERVICES & ENVIRONMENTAL

Water and Sewer Services

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

Conservation

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

Flood Zone

A portion of this parcel is in FEMA Flood Zone AE.

III. REVIEW PROCESS

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

IV. PUBLIC HEARING

PUBLIC HEARING SCHEDULE	City Commission Public Hearing	July 23, 2024 10:00 AM or soon thereafter
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V. RECOMMENDED ACTION

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

VI. EXHIBITS

A	Request for Approval of Acquisition of Real Property to District
B	Consent to Acquisition and Legal Descriptions



Kutak Rock LLP
107 West College Avenue, Tallahassee, FL 32301-7707
office 850.692.7300

Lindsay C. Whelan
850.692.7300
lindsay.whelan@kutakrock.com

May 2, 2024

Via Electronic Mail

Neighborhood Development Services Department
Planning & Zoning Division
4970 City Hall Boulevard
North Port, Florida 34286
developmentpetitions@northportfl.gov

**RE: West Villages Improvement District
Request for Approval of Acquisition of Real Property to District**

To Whom It May Concern:

As you are aware, my firm serves as District Counsel to the West Villages Improvement District (the "District"), a unit of special-purpose local government created and existing pursuant to Chapter 2004-456, *Laws of Florida*, as amended (the "Act"). The Act authorizes the District to construct, install, operate and/or maintain systems and facilities within and without its boundaries.

Section 3(2)(d) of the Act additionally requires that the City of North Port (the "City") approve acquisitions of real property to the District for any property located within its jurisdictional boundary. The District desires to acquire certain common area real property identified in **Exhibit A** which is currently owned by Divosta Homes, L.P. to be utilized by the District for a future district walking trail.

Accordingly, the District respectfully requests that the City Commission expeditiously take up the approval of this acquisition at its next upcoming meeting. Please do not hesitate to contact me should you have any questions or comments regarding the foregoing.

Sincerely,


Lindsay Whelan
District Counsel

Enclosure

EXHIBIT A

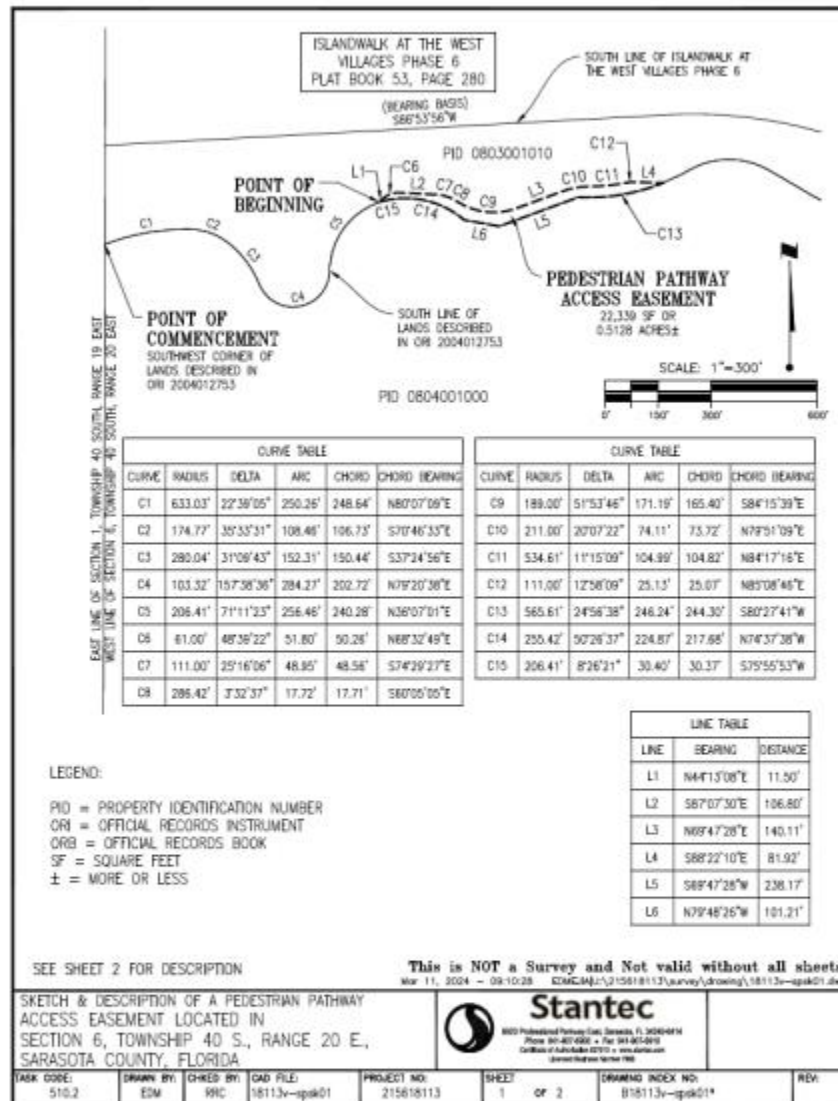


EXHIBIT A

KUTAKROCK

<p>DESCRIPTION (as prepared by the certifying Surveyor and Mapper):</p> <p>A tract of land of lying in Section 6, Township 40 South, Range 20 East, Sarasota County, Florida, being more particularly described as follows:</p> <p>Commence at the southwest corner of lands described in Official Records Instrument Number 2004012753 of the Public Records of Sarasota County, Florida, said point being the point of curvature of a curve to the right, having a radius of 433.03 feet and a central angle of 22°39'55"; the following five (5) calls are along the south line of said lands: (1) thence Easterly along the arc of said curve, a distance of 250.26 feet, said curve having a chord bearing and distance of N.80°07'09"E., 248.64 feet to a point of curvature of a compound curve to the right having a radius of 174.77 feet and a central angle of 35°33'31"; (2) thence Easterly along the arc of said curve, a distance of 106.46 feet, to the point of curvature of a compound curve to the right having a radius of 280.04 feet and a central angle of 31°09'43"; (3) thence Southeasterly along the arc of said curve, a distance of 152.31 feet, to the point of curvature of a reverse curve to the left having a radius of 103.32 feet and a central angle of 157°36'36"; (4) thence Easterly along the arc of said curve, a distance of 284.27 feet, to the point of curvature of a reverse curve to the right having a radius of 206.41 feet and a central angle of 71°11'23"; (5) thence Northeasterly along the arc of said curve, a distance of 206.46 feet, to the end of the curve, said point being the POINT OF BEGINNING; thence N.44°13'08"E. along a line non-tangent to said curve, a distance of 11.50 feet to a point of curvature of a curve to the right having a radius of 61.00 feet and a central angle of 48°39'22"; thence Easterly along the arc of said curve, a distance of 51.80 feet, to the point of tangency of said curve; thence S.87°07'30"E., a distance of 106.80 feet to a point of curvature of a curve to the right having a radius of 111.00 feet and a central angle of 25°16'06"; thence Easterly along the arc of said curve, a distance of 48.95 feet, to the point of curvature of a compound curve to the right having a radius of 286.42 feet and a central angle of 03°32'37"; thence Southeasterly along the arc of said curve, a distance of 17.72 feet, to the point of curvature of a reverse curve to the left having a radius of 189.00 feet and a central angle of 51°53'46"; thence Easterly along the arc of said curve, a distance of 171.19 feet, to the point of tangency of said curve; thence N.69°47'28"E., a distance of 140.11 feet to a point of curvature of a curve to the right having a radius of 211.00 feet and a central angle of 20°07'22"; thence Easterly along the arc of said curve, a distance of 74.11 feet, to the point of curvature of a reverse curve to the left having a radius of 534.61 feet and a central angle of 11°15'08"; thence Easterly along the arc of said curve, a distance of 104.89 feet, to the point of curvature of a reverse curve to the right having a radius of 111.00 feet and a central angle of 12°58'09"; thence Easterly along the arc of said curve, a distance of 25.13 feet, to the point of tangency of said curve; thence S.88°22'10"E., a distance of 81.92 feet to a point on the abovementioned south line of lands described in Official Records Instrument Number 2004012753, also being the point of curvature of a non-tangent curve to the right, having a radius of 585.61 feet and a central angle of 24°56'28"; the following five (5) calls are along said south line: (1) thence Westerly along the arc of said curve, a distance of 248.24 feet, said curve having a chord bearing and distance of S.80°27'41"W., 244.30 feet, to the point of tangency of said curve; (2) thence S.69°47'28"W., a distance of 238.17 feet; (3) thence N.79°48'26"W., a distance of 101.21 feet to the point of curvature of a non-tangent curve to the left, having a radius of 255.42 feet and a central angle of 50°26'37"; (4) thence Westerly along the arc of said curve, a distance of 224.87 feet, said curve having a chord bearing and distance of N.74°37'38"W., 217.88 feet, to the point of curvature of a compound curve to the left having a radius of 206.41 feet and a central angle of 08°26'21"; (5) thence Westerly along the arc of said curve, a distance of 30.40 feet, to the POINT OF BEGINNING.</p> <p>Containing 22,339 square feet or 0.5128 acres, more or less.</p>							
<p>NOTES:</p> <ol style="list-style-type: none"> 1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA SURVEYOR AND MAPPER. 2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE SOUTH LINE OF ISLANDWALK AT THE WEST VILLAGES PHASE 4, BEING S.86°53'56"W. 3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY. <p>SEE SHEET 1 FOR SKETCH</p>				<p>Digitally signed by Robert R Cunningham Date: 2024.03.11 11:51:33 -04'00'</p> <p>03/11/2024 Date of Signature</p> <p>Robert R. Cunningham, P.S.M. Florida Registration No. 3924</p> <p>This is NOT a Survey and Not valid without all sheets. Rev 11, 2024 - 09/10/20</p>			
<p>SKETCH & DESCRIPTION OF A PEDESTRIAN PATHWAY ACCESS EASEMENT LOCATED IN SECTION 6, TOWNSHIP 40 S., RANGE 20 E., SARASOTA COUNTY, FLORIDA</p>							
<p>Stantec 18000 International Parkway, Suite 200, Sarasota, FL 34234 Phone 941.567.4500 • Fax 941.567.4502 stantec.com • 1800.441.4500</p>							
WORK CODE:	DRAWN BY:	CHECKED BY:	DATE FILED:	PROJECT NO.:	SHEET:	DRAWING INDEX NO.:	REV:
510.2	EDM	RRC	18113a-ppsk01	215618113	1 OF 2	018113a-ppsk01*	

EXHIBIT B

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

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

1. The West Villages Improvement District ("WVID") is an independent special district of the State of Florida, organized and operating in accordance with the provisions of Chapter 2004-456, Laws of Florida, as amended and supplemented (together the "Act").
2. The WVID's jurisdiction encompasses real property, a substantial portion of which is located within the jurisdictional boundaries of the City of North Port, Florida (the "City"). The Act provides that WVID shall not obtain fee simple title to any real property located within the City without first obtaining the approval of the City Commission for such acquisition.
3. The WVID has informed the City that it plans to acquire real property within the City, bearing Sarasota County Property Appraiser Parcel Identification Number 0803001010, and further described in the legal description attached as Exhibit "A" (the "Property"). The Property contains ±0.5128 acres of Section 6, Township 40 South, Range 20 East, Sarasota County, Florida.
4. The WVID will record this instrument in the public records of Sarasota County, Florida, at its expense.

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

Approved by the City Commission of the City of North Port, Florida on July 23, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

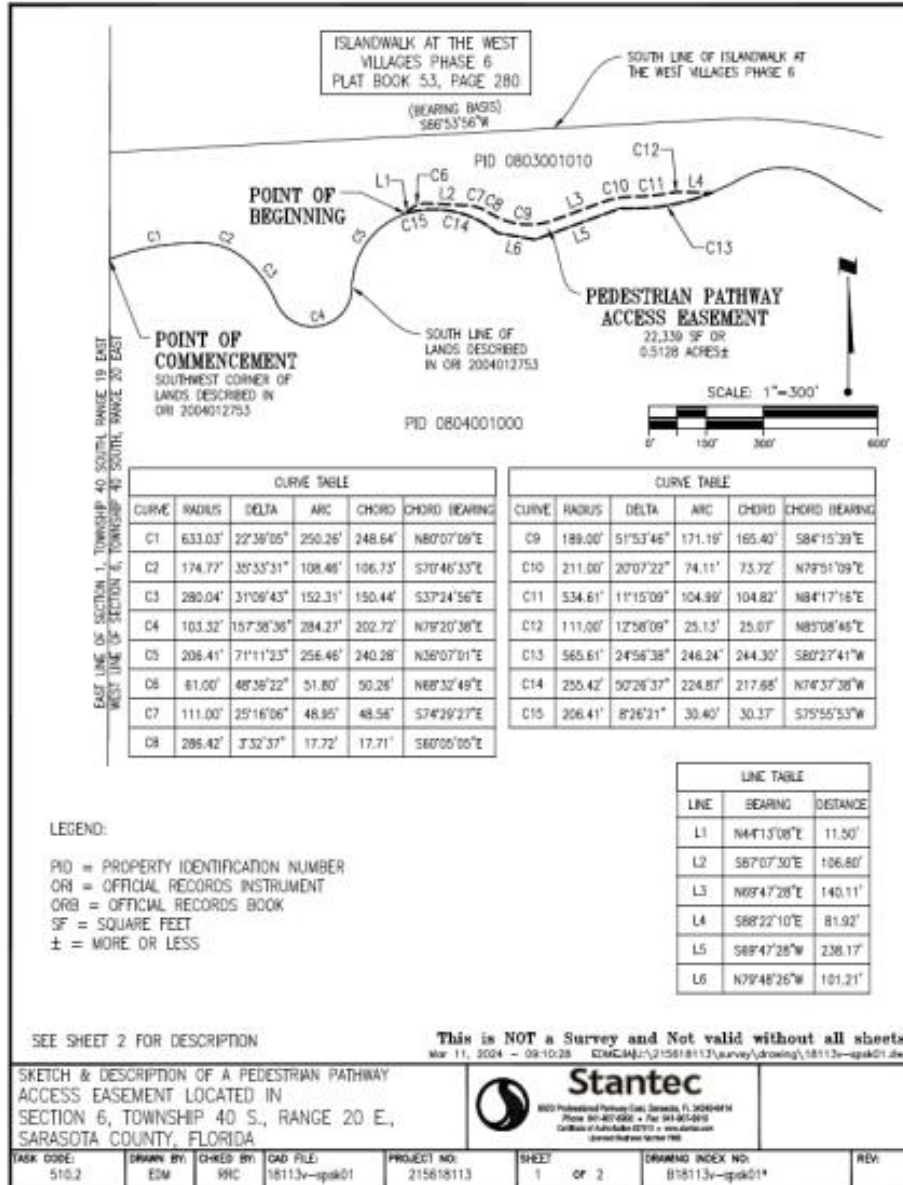
ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY
EXHIBIT A

EXHIBIT B



KUTAKROCK

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NOTES:

1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA SURVEYOR AND MAPPER.
2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE SOUTH LINE OF ISLANDWALK AT THE WEST VILLAGES PHASE 6, BEING S.86°53'56"W.
3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

SEE SHEET 1 FOR SKETCH



Digitally signed
by Robert R.
Cunningham
Date: 2024.03.11
11:51:33 -04'00'

03/11/2024

Date of Signature

Robert R. Cunningham, P.S.M.
Florida Registration No. 3924

This is NOT a Survey and Not valid without all sheets.
Mar 11, 2024 - 09:10:28 SCACAS\j\215618113\survey\drawing\18113-upsk01.dwg

SKETCH & DESCRIPTION OF A PEDESTRIAN PATHWAY
ACCESS EASEMENT LOCATED IN
SECTION 6, TOWNSHIP 40 S., RANGE 20 E.,
SARASOTA COUNTY, FLORIDA



Stantec

100 Professional Parkway East, Sarasota, FL 34236-0001
Phone: 941.455.6600 • Fax: 941.455.6601
Email: info@stantec.com • www.stantec.com
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WORK CODE	DRAWN BY	CHECKED BY	CAD FILE	PROJECT NO.	SHEET	DRAWING INDEX NO.	REV
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