



City of North Port

RESOLUTION NO. 2017-R-05

(Amending the conditions of acceptance of the easement in Resolution No. 2015-R-07 relating to the maintenance of landscaping along Panacea Boulevard)

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA AMENDING THE CONDITIONS OF ACCEPTANCE OF AN EASEMENT RELATING TO RESPONSIVITY FOR LANDSCAPING AND MAINTENANCE OF PANACEA BOULEVARD IN INSTRUMENT NO. 2016023413 OF THE OFFICIAL RECORDS OF THE SARASOTA COUNTY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 21st 1986 the City of North Port approved and adopted Resolution No. 86-R-96, the original Development Order for the Panacea Development of Regional Impact; and

WHEREAS, the Development Order was subsequently amended by Resolution No 86-R-100, 88-R-14, 91-R-13 and most recently by Resolution No. 2000-R-26 which was approved and adopted by the City on October 17, 2000 which is the Amended and Restated Development Order; and

WHEREAS, pursuant to the Development Order, Panacea and Plantation Boulevards, upon completion, shall be dedicated to the City of North Port for maintenance; and

WHEREAS, The City of North Port Commission, at its regularly scheduled meeting of November 9, 2015, approved PLF-14-139, the Final Plat for Plantation and Panacea Boulevards shown as Tract A; and

WHEREAS, at its regularly scheduled meeting of November 9, 2015, the City of North Port Commission, adopted Resolution No. 2015-R-07, accepting The Woodlands Community

Development District's plat dedication of an easement on Panacea and Plantation Boulevards as shown on Tract A of approved PLF-14-139, Final Plat; and

WHEREAS, Resolution No. 2015-R-07 included conditions of the acceptance and refused acceptance of the landscaping, stating that all landscaping within the right-of-way would be the responsibility of the property owner, The Woodlands Community Development District; and

WHEREAS, at its regularly scheduled meeting of January 24, 2017, the City of North Port Commission, voted unanimously to amend the conditions of the easement acceptance in Resolution No. 2015-R-07, to provide that going forward, the City would be responsible for maintaining the landscaping within the platted right-of-way on Panacea as approved on Tract A of approved PLF-14-139, Final Plat; and

WHEREAS, on February 29, 2016 the plat at issue was recorded in the Official Records of the Sarasota County Clerk as Instrument No. 2016023413.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, TO WIT:

SECTION 1 - AMENDMENT OF CONDITIONS:

1.01 - Condition 1.04 in Resolution No. 2015-R-07 related to acceptance of the easement dedicated to the City via Instrument No. 2016023413 of the Official Records of the Sarasota County Clerk is hereby amended as follows (new language shown in underline):

"1.01 - The roadway and associated bike and pedestrian paths for acceptance is depicted on Attachment 1 as Tract A.

1.02 - Maintenance of Stormwater infrastructure related to Panacea and Plantation Boulevards shall be the responsibility of the Woodlands Community Development District including Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP) required inspection and recertification of the proper functioning of any portion of the stormwater system (ponds, inlets piping, etc).

1.03 - The Woodlands Community Development District shall continue to maintain from the time of Plat approval, the irrigation systems and other components of the system including the wells, the pumps, the transmission system and the controls. The Woodlands Community Development District shall insure that irrigation water is provided on a continuous basis.

1.04 – Maintenance of all landscaping within the right-of-way of Panacea Boulevard shall be the responsibility of the City. Maintenance of all landscaping within the right-of-way of Plantation Boulevard within the boundary of the Woodlands Community

Development District shall be the responsibility of the Woodlands Community Development District.”

SECTION 2 - SEVERABILITY:

2.01 - If any section, subsection, sentence, clause, phrase or portion of this Resolution is invalid or unconstitutional by any court of competent jurisdiction; such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 3 - CONFLICTS:

3.01 - If there is any conflict between the provisions of this Resolution and any other resolution or portions thereof, the provisions of this Resolution shall prevail to the extent of such conflict.

SECTION 4 - EFFECTIVE DATE:

4.01 – This Resolution shall take effect immediately upon its adoption.

THIS RESOLUTION PASSED AND DULY ADOPTED by the City Commission of the City of North Port, Florida, this _____ day of February 2017.

CITY OF NORTH PORT, FLORIDA

LINDA M. YATES
MAYOR

ATTEST:

PATSY ADKINS, MMC
City Clerk

Approved as to form and correctness:

MARK MORIARTY
City Attorney