



City of North Port

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Interoffice Memorandum

To: Linda M. Yates, Mayor
Vanessa Carusone, Vice Mayor
Christopher Hanks, Commissioner
Deborah McDowell, Commissioner
Jonathan Lewis, City Manager
Patsy Adkins, City Clerk

From: Mark Moriarty, City Attorney

Date: November 28, 2016

RE: Notice of Appeal
The Woodlands Community Development District v. City of North Port
Code Enforcement Cases 16-2036, 16-2037 & 16-3139

Please be advised, the City has received a notice of an appeal of Code Enforcement Cases 16-2036, 16-2037 & 16-3139. A copy is attached.

These code cases involve the grassy strips and landscaping located within the right-of-way of a portion of Plantation Boulevard and Panacea Boulevards.

In sum, the Hearing Officer concluded that "only the roadway and associated bike and pedestrian paths as well as the street light system was transferred to the City. All other utilities located in the ROW were retained by the respective owner of that utility including the irrigation system built and maintained by the District."

An annotated copy of the Hearing Officers order is attached.

The City Attorney's Office will be litigating this matter in-house.

As some of you may be approached by constituents concerning this matter, please note, the Hearing Officer's ruling was made after several public hearings on the matter, and weighing all of the available evidence. Both sides were represented by legal counsel. Witnesses provided testimony. Legal briefs were filed, and the Hearing Officer reviewed the City Commission

meetings relating to the Plat and the Resolution accepting the dedication of the Plat held on March 23, 2015 and November 9, 2015.

I will provide to you an update after the appeal is filed.

/mm