



NEIGHBORHOOD DEVELOPMENT SERVICES DEPARTMENT

Planning Division

STAFF REPORT

Partial Re-Plat of Islandwalk Phase 4 (PLF-17-040)

To: Peter D. Lear, CPA, CGMA, Interim City Manager

Thru: Scott Williams, Neighborhood Development Services Director

From: Michele Norton, AICP, Planning Manager

Date: June 13, 2017

I. GENERAL INFORMATION

Project: Petition No. PLF-17-040, Partial Re-Plat of Islandwalk Phase 4

Request: Approval of Islandwalk Phase 4 Partial Re-Plat

Applicant: Michael Woolery/Divosta Homes (**Exhibit A1, Affidavit**)

Owner(s): Michael Woolery/Divosta Homes (**Exhibit A2, Warranty Deed/Title Opinion**)

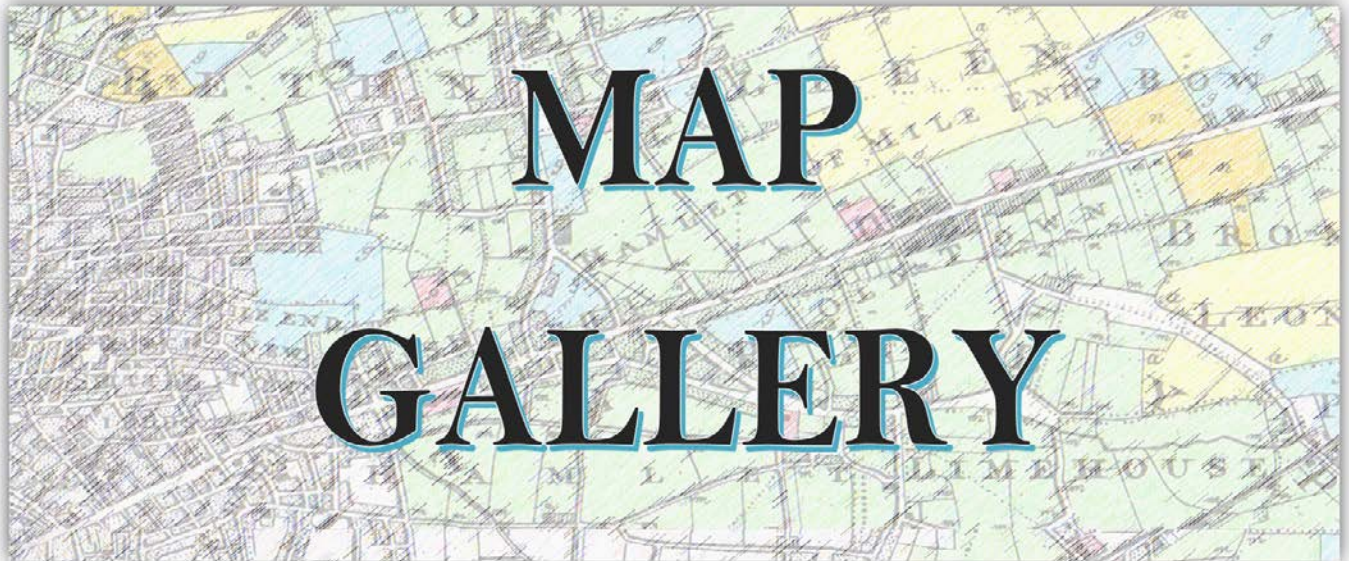
Location: Islandwalk Phase 4 Re-Plat is located on Campoleone Street and Yelma Street which both intersect with Borrego Street, southwest of the amenity center in Section 31, Township 39 South, Range 20 East.

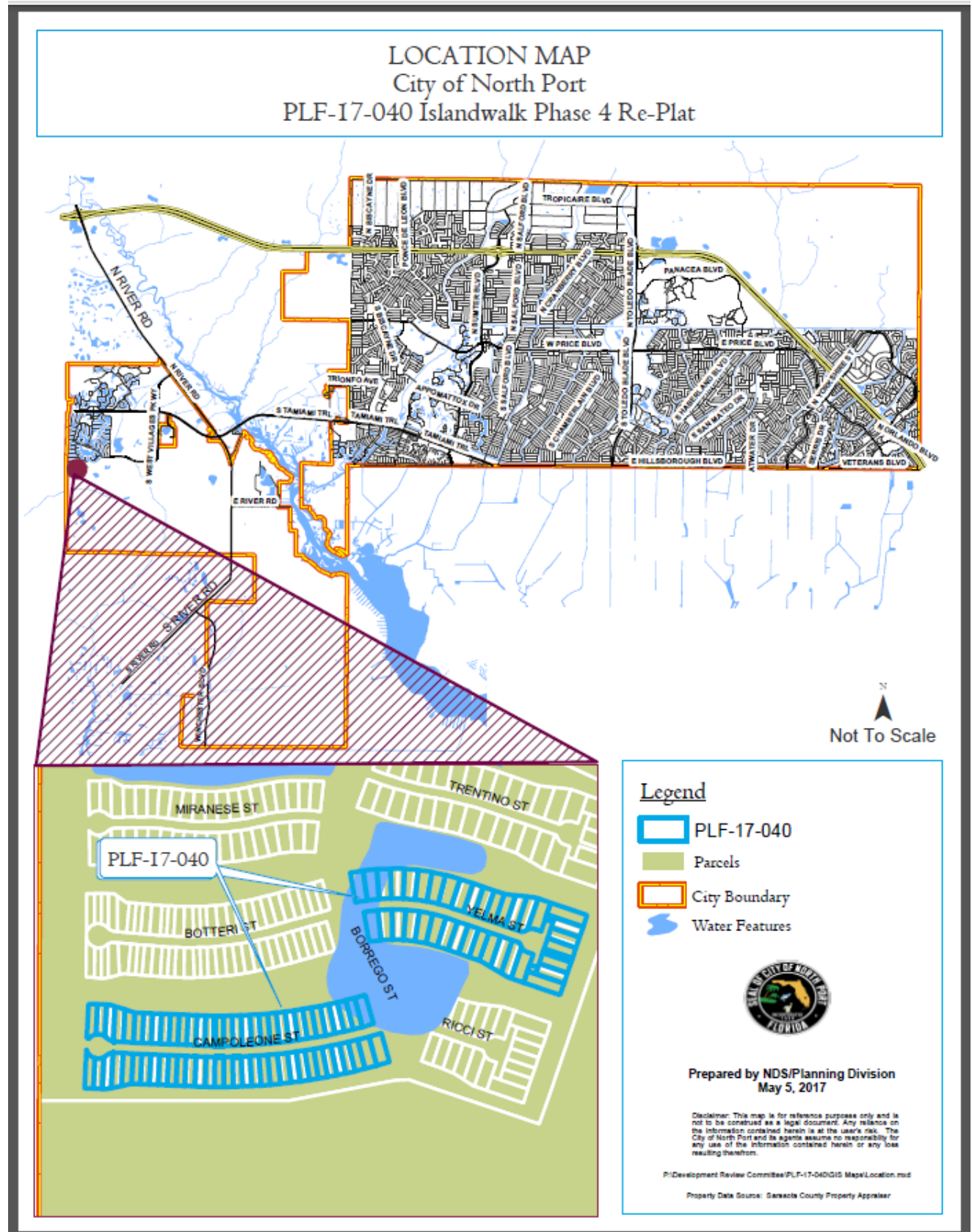
Property Size: ±14.85 acres

II. BACKGROUND

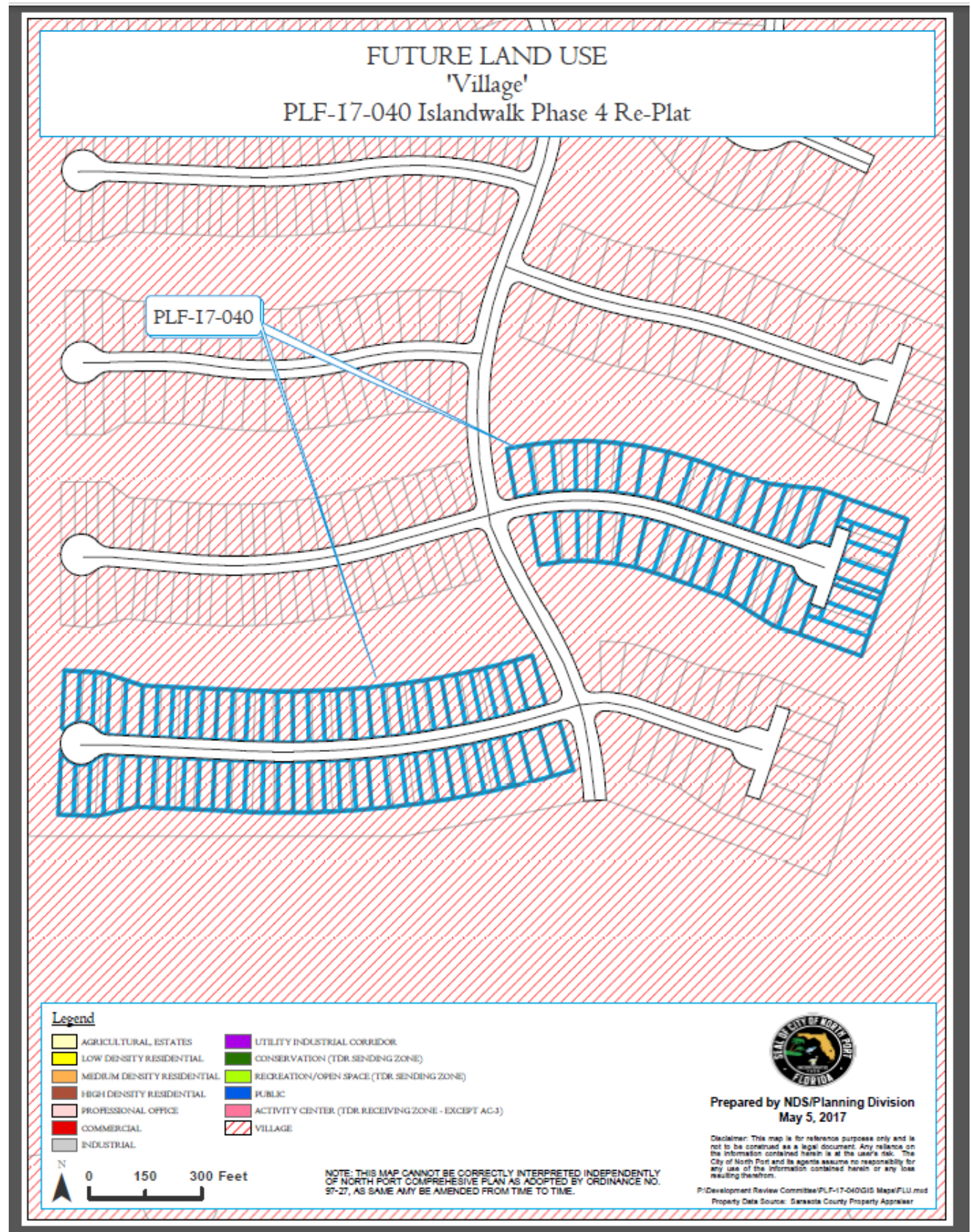
Heidt Design, LLC, on behalf of DiVosta Homes, LP, Pulte Group, Inc., seeks approval of a Partial Re-Plat of Islandwalk Phase 4 (**Exhibit B Plat**) located east and west of Borrego Street, south of the amenity center.

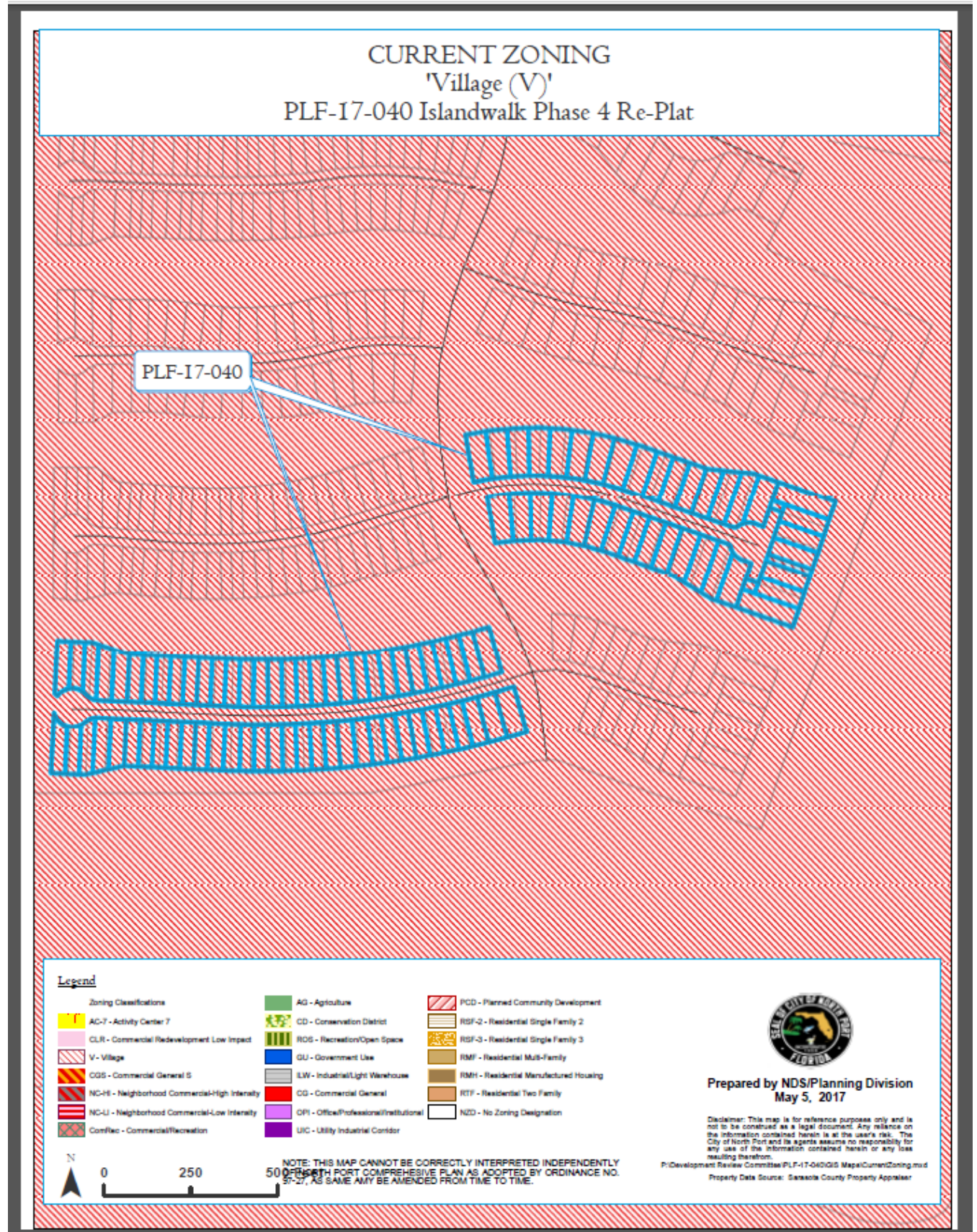
This re-plat is for lot width changes being made to Campoleone Street and Yelma Street within Islandwalk Phase 4. Campoleone Street is currently platted with 50 ft. wide lots. Those lots are being changed to 40 ft. wide lots with this replat. Yelma Street is currently platted with 65 ft. wide lots. Those lots are being changed to 50 ft. wide lots with this replat. Campoleone Street originally had 51 lots and will now have 63 lots. Yelma Street originally had 29 lots and will now have 37 lots for a total increase of 20 lots between the two streets.











III. STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Advisory Board recommend that the City Commission **APPROVE** Petition No. PLF 17-040, Islandwalk Partial Re-Plat Phase 4.

ALTERNATIVES

1. Deny the request
2. Continue the item for further discussion

IV. SITE INFORMATION

Land Use

Adopted Future Land Use Map Designation: Village

Adopted Zoning Map Designation: Village

Existing Land Use(s): Vacant

Surrounding Land Uses:

Direction	Existing Land Uses	Future Land Use Map Designation	Zoning Map Designation
North	Village	Village	Village
South	Village	Village	Village
West	Sarasota National	Village/Semi-Rural Sarasota County	Village/Sarasota County Residential Estates
East	Village	Village	Village

Services and Facilities

Potable Water: To be provided by City of North Port Utilities

Sanitary Sewer: To be provided by City of North Port Utilities

Transportation: US 41 and West Villages Parkway

Environmental

Conservation: The subject site is not located in any recognized City of North Port Conservation Restricted Overlay Zones.

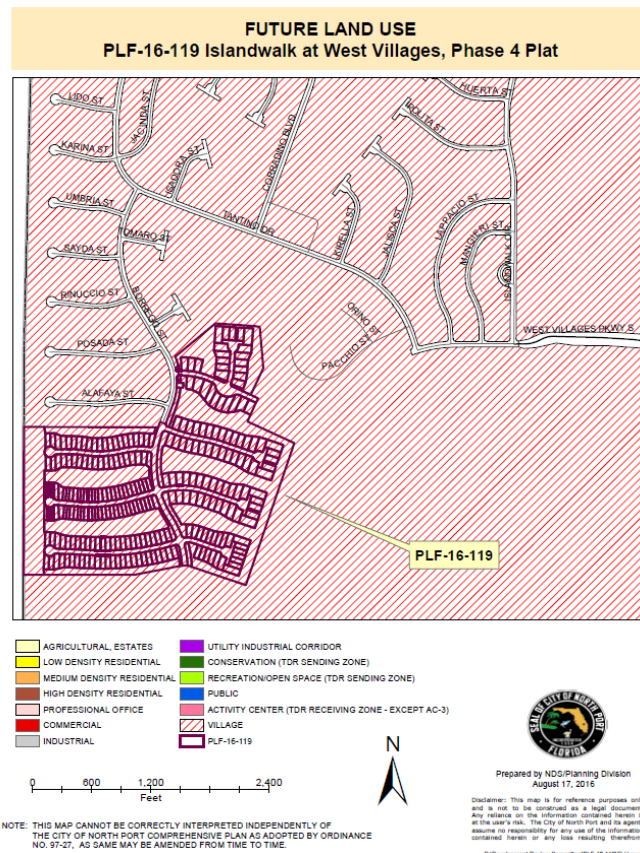
Flood Zone: Not in a FEMA hazardous flood zone.

V. STAFF ANALYSIS

Islandwalk Phase 4 partial Re-Plat (**Exhibit B**) is for lot width changes being made to Campoleone Street and Yelma Street within Islandwalk Phase 4 that were part of an overall Plat approved by the City Commission for 228 lots on September 27, 2016 for Petition PFL-16-119 as shown in **Figure 1**.

Figure 1

Campoleone Street is currently platted with 50 ft. wide lots. Those lots are being changed to 40 ft. wide lots with this replat. Yelma Street is currently platted with 65 ft. wide lots. Those lots are being changed to 50 ft. wide lots with this replat. Campoleone Street originally had 51 lots and will now have 63 lots. Yelma Street originally had 29 lots and will now have 37 lots for a total increase of 20 lots between the two streets.



Subdivision Plans (SCP-15-124) were approved on January 26, 2016 and Infrastructure Plans (INF 15-125) were approved by City Staff on March 1, 2016. The City is in receipt of the corresponding Surety Bond for Phase 4 in the amount of \$3,545,752.60.

The address plan has been prepared by staff and school concurrency has been submitted to the Sarasota County School Board.

The Planning & Zoning Advisory Board heard PLF-17-040 at their regularly scheduled meeting of May 18, 2017 and voted a unanimous 4-0 to recommend approval to the City Commission. There were no questions or feedback from the board relevant to the petition.

VI. REVIEW PROCESS

City of North Port staff has reviewed the final re-plat in addition to the City Surveyor. No issues were found.

VII. PUBLIC HEARING SCHEDULE

**Planning and Zoning Advisory Board
Public Hearing**

May 18, 2017
9:00 AM or as soon thereafter

**City Commission
Public Hearing**

June 13, 2017
1:00 PM or as soon thereafter

AFFIDAVIT

I (the undersigned), Michael Woolery being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 28th day of MARCH, 20 16

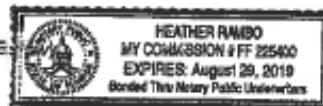
Michael Woolery
Signature of Applicant or Authorized Agent

Michael Woolery, Land Development Manager
Print Name and Title

STATE OF FLORIDA COUNTY OF SARASOTA
The foregoing instrument was acknowledged by me this 28th day of MARCH, 20 16, by Michael Woolery who is personally known to me or has produced _____ as identification, and who did/did not take an oath.

[Signature]
Signature - Notary Public

(Place Notary Seal Below)



AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I (we), Divosta Homes, L.P., property owner(s), hereby authorize Heidt Design, LLC to act as Agent/Applicant on our behalf to apply for this petition on the property described as (legal description) _____

Michael Woolery
Signature of Owner

3/28/16
Date

STATE OF FLORIDA COUNTY OF SARASOTA
The foregoing instrument was acknowledged by me this 28th day of MARCH, 20 16, by Michael Woolery who is personally known to me or has produced _____ as identification, and who did not take an oath.

[Signature]
Signature - Notary Public

(Place Notary Seal Below)

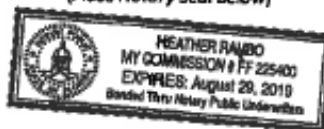


Exhibit A2

TITLE OPINION

ISLANDWALK AT THE WEST VILLAGES, PHASE 4 – PARTIAL REPLAT

This opinion is provided pursuant to Section 177.041, Florida Statutes, to:

City of North Port

On this 28th day of January, 2017, I, Steven M. Falk, a licensed attorney authorized to practice in the State of Florida, reviewed a Title Search Report from Attorneys' Title Fund Services, LLC, #404819 dated January 25, 2017, with an effective date of January 12, 2017 at 11:00 p.m. ("Effective Date"), with respect to the real property described in the attached Exhibit "A", which is incorporated herein by reference, said land being located in Sarasota County, Florida ("Property"). Based solely upon my review of the Title Search Report and assuming the accuracy of the information contained therein, it is our opinion that as of the Effective Date:

The record title to the Property is vested in DiVosta Homes, L.P., a Delaware limited partnership

Said record title holder has a fee simple title thereto, subject, however to the following qualifications as of the Effective Date, as set forth on the attached Exhibit "B". Taxes due and payable for 2015 and the years prior to 2015 have been paid. Taxes for the year 2016 are not available on the Sarasota County Tax Collector's website. There are no mortgages not satisfied or released nor otherwise terminated by law.

Not covered in this Title Opinion are: rights of parties under unrecorded purchase agreements, easements or leases, if any; and facts that might be disclosed by an accurate survey or personal inspection of the Property.

Respectfully submitted,



Steven M. Falk, Esq.
Florida Bar # 930570
Falk Law Firm, P.A.
7400 Tamiami Trail North, Suite 103
Naples, FL 34108
(239) 596-8400

EXHIBIT "A"

DESCRIPTION: A Replat of Lots 122 through 147 of ISLANDWALK AT THE WEST VILLAGES, PHASE 4, according to the plat thereof as recorded in Plat Book 50, Page 38 of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

BEGIN at the Northwest corner of Tract "B-5" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along the West boundary of said Tract "B-5" the following two (2) courses: 1) S.15°51'41"E., a distance of 135.00 feet; 2) S.74°11'13"W., a distance of 0.19 feet to the Northeast corner of Tract "L-4" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along the North boundary of Tract "L-4" the following twenty (20) courses: 1) S.74°11'13"W., a distance of 55.89 feet; 2) S.75°05'56"W., a distance of 57.50 feet; 3) S.76°20'15"W., a distance of 57.50 feet; 4) S.77°31'12"W., a distance of 52.28 feet; 5) S.78°38'46"W., a distance of 52.28 feet; 6) S.79°46'20"W., a distance of 52.28 feet; 7) S.80°53'54"W., a distance of 52.28 feet; 8) S.82°01'28"W., a distance of 52.28 feet; 9) S.83°12'24"W., a distance of 57.50 feet; 10) S.84°26'43"W., a distance of 57.50 feet; 11) S.85°37'40"W., a distance of 52.28 feet; 12) S.86°45'13"W., a distance of 52.28 feet; 13) S.87°52'47"W., a distance of 52.28 feet; 14) S.89°00'21"W., a distance of 52.28 feet; 15) N.89°52'05"W., a distance of 52.28 feet; 16) N.88°41'08"W., a distance of 57.50 feet; 17) N.87°34'29"W., a distance of 56.38 feet; 18) N.87°22'55"W., a distance of 250.00 feet; 19) S.77°23'08"W., a distance of 114.01 feet; 20) N.87°22'55"W., a distance of 100.00 feet to a point on the East boundary of Tract "B-4" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along said East boundary, N.02°37'05"E., a distance of 173.13 feet to a point on the South Right of Way line of Campoleone Street; thence along said South Right of Way line the following five (5) course: 1) Easterly, 111.93 feet along the arc of a non-tangent curve to the left having a radius of 55.00 feet and a central angle of 116°36'06" (chord bearing S.73°29'47"E., 93.59 feet); 2) Easterly, 38.76 feet along the arc of a reverse curve to the right having a radius of 50.00 feet and a central angle of 44°24'55" (chord bearing N.70°24'38"E., 37.80 feet); 3) S.87°22'55"E., a distance of 358.76 feet; 4) Easterly, 814.39 feet along the arc of a tangent curve to the left having a radius of 2525.00 feet and a central angle of 18°28'46" (chord bearing N.83°22'42"E., 810.86 feet); 5) N.74°08'19"E., a distance of 40.06 feet to the POINT OF BEGINNING.

Containing 4.273 acres, more or less.

Together with

DESCRIPTION: A Replat of Lots 97 through 121 of ISLANDWALK AT THE WEST VILLAGES, PHASE 4, according to the plat thereof as recorded in Plat Book 50, Page 38 of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

BEGIN at the Southwest corner of Tract "B-3" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along the North Right of Way line of Campoleone Street the following five (5) courses: 1) S.74°08'19"W., a distance of 18.09 feet; 2) Westerly, 798.26 feet along the arc of a tangent curve to the right having a radius of 2475.00 feet and a central angle of 18°28'46" (chord bearing S.83°22'42"W., 794.80 feet); 3) N.87°22'55"W., a distance of 358.76 feet; 4) Northwesterly, 38.76 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of 44°24'55" (chord bearing N.65°10'27"W., 37.80 feet); 5) Westerly, 94.15 feet along the arc of a reverse curve to the left having a radius of 55.00 feet and a central angle of 98°04'56" (chord bearing S.87°59'32"W., 83.07 feet) to a point on the East boundary of Tract "B-4" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along said East boundary the following two (2) courses: 1) N.51°02'56"W., a distance of 10.00 feet; 2) N.02°37'05"E., a distance of 151.44 feet to a point on the South boundary of Tract "L-3" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along said South boundary the following nineteen (19) courses: 1) S.87°22'55"E., a distance of 100.00 feet; 2) S.72°08'57"E., a distance of 114.01 feet; 3) S.87°22'55"E., a distance of 250.00 feet; 4)

S.87°32'20"E., a distance of 49.91 feet; 5) S.88°36'42"E., a distance of 49.83 feet; 6) S.89°49'54"E., a distance of 49.83 feet; 7) N.88°56'54"E., a distance of 49.83 feet; 8) N.87°43'42"E., a distance of 49.83 feet; 9) N.86°30'29"E., a distance of 49.83 feet; 10) N.85°17'17"E., a distance of 49.83 feet; 11) N.84°04'05"E., a distance of 49.83 feet; 12) N.82°50'53"E., a distance of 49.83 feet; 13) N.81°37'40"E., a distance of 49.83 feet; 14) N.80°24'28"E., a distance of 49.83 feet; 15) N.79°11'16"E., a distance of 49.83 feet; 16) N.77°58'03"E., a distance of 49.83 feet; 17) N.76°44'51"E., a distance of 49.83 feet; 18) N.75°31'39"E., a distance of 49.83 feet; 19) N.74°23'13"E., a distance of 49.90 feet to a point on the West boundary of the aforesaid Tract "B-3"; thence along said West boundary, S.15°51'41"E., a distance of 135.00 feet to the POINT OF BEGINNING.

Containing 4.021 acres, more or less.

Together with

DESCRIPTION: A Replat of Lots 170 through 198 and a portion of Tract "L-5" of ISLANDWALK AT THE WEST VILLAGES, PHASE 4, according to the plat thereof as recorded in Plat Book 50, Page 38 of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

BEGIN at the Northeast corner of Tract "B-7" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along the Right of Way line of Yelma Street the following fifteen (15) courses; 1) Easterly, 389.13 feet along the arc of a non-tangent curve to the right having a radius of 775.00 feet and a central angle of 28°46'05" (chord bearing S.85°35'17"E., 385.05 feet); 2) S.71°12'14"E., a distance of 327.34 feet; 3) Southeasterly, 14.44 feet along the arc of a tangent curve to the right having a radius of 15.00 feet and a central angle of 55°09'00" (chord bearing S.43°37'44"E., 13.89 feet); 4) Southeasterly, 52.94 feet along the arc of a reverse curve to the left having a radius of 55.00 feet and a central angle of 55°09'00" (chord bearing S.43°37'44"E., 50.92 feet); 5) S.71°12'14"E., a distance of 25.00 feet; 6) S.18°47'46"W., a distance of 48.58 feet; 7) S.71°12'14"E., a distance of 38.00 feet; 8) N.18°47'46"E., a distance of 215.00 feet; 9) N.71°12'14"W., a distance of 38.00 feet; 10) S.18°47'46"W., a distance of 56.42 feet; 11) N.71°12'14"W., a distance of 25.00 feet; 12) Westerly, 52.94 feet along the arc of a tangent curve to the left having a radius of 55.00 feet and a central angle of 55°09'00" (chord bearing S.81°13'15"W., 50.92 feet); 13) Westerly, 14.44 feet along the arc of a reverse curve to the right having a radius of 15.00 feet and a central angle of 55°09'00" (chord bearing S.81°13'15"W., 13.89 feet); 14) N.71°12'14"W., a distance of 327.34 feet; 15) Westerly, 445.29 feet along the arc of a tangent curve to the left having a radius of 825.00 feet and a central angle of 30°55'32" (chord bearing N.86°40'00"W., 439.91 feet) to a point on the East boundary of Tract "B-9" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along said East boundary, N.09°52'19"W., a distance of 135.09 feet to a point on the boundary of Tract "L-5" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along said boundary the following ten (10) courses: 1) N.80°15'37"E., a distance of 69.42 feet; 2) N.84°32'12"E., a distance of 73.85 feet; 3) N.88°56'42"E., a distance of 73.85 feet; 4) S.86°38'48"E., a distance of 73.85 feet; 5) S.82°14'17"E., a distance of 73.85 feet; 6) S.77°49'50"E., a distance of 73.82 feet; 7) S.73°16'53"E., a distance of 78.86 feet; 8) S.71°12'14"E., a distance of 200.01 feet; 9) S.84°11'55"E., a distance of 133.42 feet; 10) S.71°12'14"E., a distance of 248.00 feet; thence S.18°47'46"W., a distance of 380.00 feet; thence along the boundary of said Tract "L-5" the following nine (9) courses: 1) N.71°12'14"W., a distance of 248.00 feet; 2) N.59°06'33"W., a distance of 143.18 feet; 3) N.71°12'14"W., a distance of 130.00 feet; 4) N.71°12'15"W., a distance of 65.01 feet; 5) N.74°05'55"W., a distance of 64.20 feet; 6) N.79°50'54"W., a distance of 64.20 feet; 7) N.85°35'53"W., a distance of 64.20 feet; 8) S.88°39'09"W., a distance of 64.20 feet; 9) S.82°54'10"W., a distance of 64.20 feet to a point on the East boundary of Tract "B-7" of the aforesaid ISLANDWALK AT THE WEST VILLAGES, PHASE 4; thence along said East boundary, N.09°58'20"W., a distance of 135.00 feet to the POINT OF BEGINNING.

Containing 6.559 acres, more or less

4020 4482 0003 u 1

EXHIBIT "B"***Other Property Liens:***

1. Subject to all assessments levied by the Condominium/Homeowner Association.
2. Proof of payment of taxes. We are unable to located 2016 taxes for the herein described property.

Restrictions/Easements:

1. Covenants, conditions, and restrictions recorded in Instrument Number 2006016370, amended in Instrument Number 2013100589, and Supplemental Declaration recorded in Instrument Number 2007020688, Instrument Numbers 2013058061, 2008126860, Instrument Number 2013075637, 2015150900, and 2015007201, Public Records of Sarasota County, Florida, which contain provisions creating easements and/or assessments.
2. Grant of Easement to Comcast of West Florida, Inc. recorded in Instrument Number 2009119517, Public Records of Sarasota County, Florida.
3. Easements to Florida Power & Light Company recorded in O.R. Book 986, Page 905, Right of Way Agreement Consent Agreement recorded in Instrument Number 2006126669, Public Records of Sarasota County, Florida.
4. Notice of Establishment of the West Villages Improvement District and its Unit of Development No. 1 recorded in Instrument Number 2004223490, Notice of Establishment of the West Villages Improvement District and its Unit of Development No. 2 recorded in Instrument Number 2005023829, Declaration of Consent to Jurisdiction of West Villages Improvement District and to Imposition of Special Assessments recorded in Instrument Number 2005032617, Agreement between West Villages Improvement District and Fourth Quarter Properties XXXII, LLC recorded in Instrument Number 2005149323, Final Judgment Validating Bonds recorded in Instrument Number 2005160231, Notice of Promissory Note, Sale by the West Villages Improvement District and for Unit of Development No. 1 recorded in Instrument Number 2006023618, Notice of Bond Sale by the West Villages Improvement District for its Unit of Development No. 2 recorded in Instrument Number 2006023619, Notice by West Villages Improvement District of Bond Indebtedness for Unit of Development No. 3, in Instrument Number 2007086621, and Notice by West Villages Improvement District of Bond Indebtedness for Unit of Development No. 2, recorded in Instrument Number 2007086622, Public Records of Sarasota County, Florida.
5. Amended and Restated Utility Agreement recorded in Instrument Number 2007064870, Public Records of Sarasota County, Florida.
6. Grant of Easement to Comcast of West Florida, Inc. recorded in Instrument Number 2009121473, Public Records of Sarasota County, Florida. NOTE: no legal description attached.
7. City of North Port Ordinance No. 04-52 recorded in Instrument Number 2004208812, Public Records of Sarasota County, Florida.

8. Easement contained in instrument recorded under Instrument Number 2006130272, Public Records of Sarasota County, Florida.
9. Recorded Notice of Environmental Resource Permit recorded in Instrument Number 2015089172, Public Records of Sarasota County, Florida.
10. Easement Agreement recorded in Instrument Number 2016084184, Public Records of Sarasota County, Florida.
11. All matters contained on the Plat of Islandwalk at the West Villages, Phase 4, as recorded in Plat Book 50, Page 38, Public Records of Sarasota County, Florida.