

**STAFF REPORT** 

### **Consent to Acquisition of Real Property**

West Villages Improvement District (WVID) CTA-24-051

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



**PROJECT:** CTA-24-051WVID Tract 312

**REQUEST:** Approval of Conveyance of Real Property to the West Village Improvement

District for property located within its jurisdictional boundary

**APPLICANT:** West Villages Improvement District

**OWNERS:** Lennar Homes, LLC.

LOCATION: On the southeast side of Gran Paradiso Subdivision. Current Parcel ID#

0777001350 (to become PID 0778010316)

**PROPERTY SIZE:** ± 4.7189 acres

**ZONING:** Village (V)

### 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  $\pm 4.7189$  acres of Tract 312, GRAN PARADISO INFRASTRUCTURE, as recorded in Plat Book 47, Page 5 of the Public Records of Sarasota County, Florida. (EXHIBIT A). The requested consent includes a portion of Parcel ID# 0777001350 (to become PID# 0778010316).

### II. STAFF ANALYSIS AND FINDINGS



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 districtauthorized 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 B).



### **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**

ΑE

### **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

### 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**

| Α | A Request for Approval of Acquisition of Real Prope to District |  |  |  |  |
|---|---|--|--|--|--|
| В | Consent to Acquisition and Legal Descriptions                   |  |  |  |  |

### KUTAKROCK

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

March 27, 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**.

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

SHEET\_1\_ OF \_\_5\_

### A PART OF TRACT 312

DESCRIPTION: (PARCEL 1)

A part of TRACT 312, GRAN PARADISO INFRASTRUCTURE, as recorded in Plat Book 47, Page 5 of the Public Records of Sarasota County, Florida described as follows:

Begin at the most northerly corner of said TRACT 312, same being a point on a curve to the left having: a radius of 939.68 feet, a central angle of 09°40'04", a chord bearing of S.53°17'45"W., and a chord length of 158.37 feet; thence along the arc of said curve, along the southerly Right of Way of Renaissance Boulevard (120' Wide Right of Way), as recorded in Plat Book 47, Page 5 of the Public Records of Sarasota County, Florida, an arc length of 158.56 feet to a point on a curve to the right having: a radius of 720 feet, a central angle of 33°54'18", a chord bearing of S.65°25'00"W., and a chord length of 419.87 feet; thence continue along the southerly Right of Way line of said Renaissance Boulevard, along the arc of said curve, an arc length of 426.06 feet; thence S.84'52'49"E., leaving said southerly Right of Way line of Renaissance Boulevard, a distance of 13.65 feet to a point on a curve to the left having: a radius of 237.00 feet, a central angle of 18°13'55", a chord bearing of N.86°00'13"E., and a chord length of 75.10 feet; thence along the arc of said curve, an arc length of 75.42 feet to a point on a curve to the right having: a radius of 40.00 feet, a central angle of 147°00'41", a chord bearing of S.29°36'24"E., and a chord length of 76.71 feet; thence along the arc of said curve, an arc length of 102.63 feet; thence S.43°53'57"W., a distance of 338.97 feet to a point on a curve to the right having: a radius of 30.00 feet, a central angle of 83°02'08", a chord bearing of S.85°25'01"W., and a chord length of 39.77 feet; thence along the arc of said curve, an arc length of 43.48 feet; thence S.46°12'20"E., a distance of 52.04 feet; thence S.43°47'40"W., a distance of 971.67 feet; thence N.37°09'15"W., a distance of 166.88 feet to a point on the boundary of TRACT 113, GRAN PARADISO INFRASTRUCTURE, as recorded in Plat Book 47, Page 5 of the Public Records of Sarasota County, Florida; thence along the boundary of said TRACT 113 the following fifteen (15) courses: (1) S.16°07'33"E., a distance of 57.80 feet; (2) thence S.04°37'21"E., a distance of 33.43 feet; (3) thence S.06°59'12"E., a distance of 38.85 feet; (4) thence S.24°01'47"E., a distance of 60.04 feet; (5) thence S.10°13'55"E., a distance of 88.90 feet; (6) thence S.57°39'21"W., a distance of 63.41 feet; (7) thence S.76°53'08"W., a distance of 45.93 feet; (8) thence S.87°49'32"W., a distance of 51.19 feet; (9) thence N.77°29'50"W., a distance of 128.08 feet; (10) thence N.49°20'05"W., a distance of 58.15 feet; (11) thence N.46°24'16"W., a distance of 77.64 feet; (12) thence N.34°59'07"E., a distance of 83.53 feet; (13) thence N.03°00'04"E., a distance of 50.06 feet; (14) thence N.16°27'08"E., a distance of 60.95 feet; (15) thence N.12°27'54"E., a distance of 20.74 feet; thence N.69°40'56"W., leaving the boundary of said TRACT 113, a distance of 72.58 feet to a point on a curve to the right having: a radius of 64.00 feet, a central angle of 97°16'53", a chord bearing of S.21°02'24"E., and a chord length of 96.07 feet, same being a point on the boundary of TRACT 261, GRAN PARADISO, TOWNHOMES 1B, as recorded in Plat Book 51, Page 175 of the Public Records of Sarasota County, Florida; thence along the boundary of said TRACT 261 the following four (4) courses: (1) along the arc of said curve, an arc length of 108.66 feet; (2) thence S.27°36'02"W., a distance of 99.92 feet to a point on a curve to the left having: a radius of 71.00 feet, a central angle of 75°15'48", a chord bearing of S.10°01'52"E., and a chord length of 86.70 feet; (3) thence along the arc of said curve, an arc length of 93.26 feet; (4) thence S.47°39'46"E.,

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Digitally signed by RANDALL E BRITT DN: c=US, o=BRITT SURVEYING INC., dnQualifier=A01410C0000018C F9815DCE001D3589, cn=RANDALL E BRITT Date: 2024.04.29 10:02:36 -04'00'

Randall E. Britt, Professional Land Surveyor
Florida Certification Number 3979

NOTE: NOT VALID UNLESS IMPRINTED WITH EMBOSSED SURVEYOR'S SEAL
OR VALIDATED SURVEYOR'S DIGITAL SIGNATURE ON PORTABLE DOCUMENT FILE

REVISED: 4/29/2024

PREPARED FOR:

LENNAR

DATE: <u>AUGUST 23, 2023</u>

JOB NUMBER: <u>22-11-15</u>



# BRITT SURVEYING, INC.

LAND SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION NO. L.B. 6638
680 US 41 Bypass N., Suite #1 VENICE, FLORIDA, 34285
Telephone: (941) 493-1396

Email: bsi@brittsurveying.com

SHEET 2 OF 5

### A PART OF TRACT 312

DESCRIPTION: (CONTINUED)

a distance of 319.18 feet to the southeasterly boundary of said Tract 312; thence along said southeasterly boundary of Tract 312 the following four (4) courses: (1) N.32°40′52″E., a distance of 136.82 feet; (2) thence N.44°11′28″E., a distance of 636.94 feet; (3) thence N. 43°11′09″E., a distance of 379.89 feet; (4) thence N.43°53′57″E., a distance 1027.32 feet to a point on the boundary of TRACT 704, GRAN PARADISO INFRASTRUCTURE, as recorded in Plat Book 47, Page 5 of the Public Records of Sarasota County, Florida; thence N.31°52′16″W., along the boundary of said TRACT 704, a distance of 56.29 feet to the POINT OF BEGINNING.

Parcel contains 205554 square feet or 4.7189 acres more or less.

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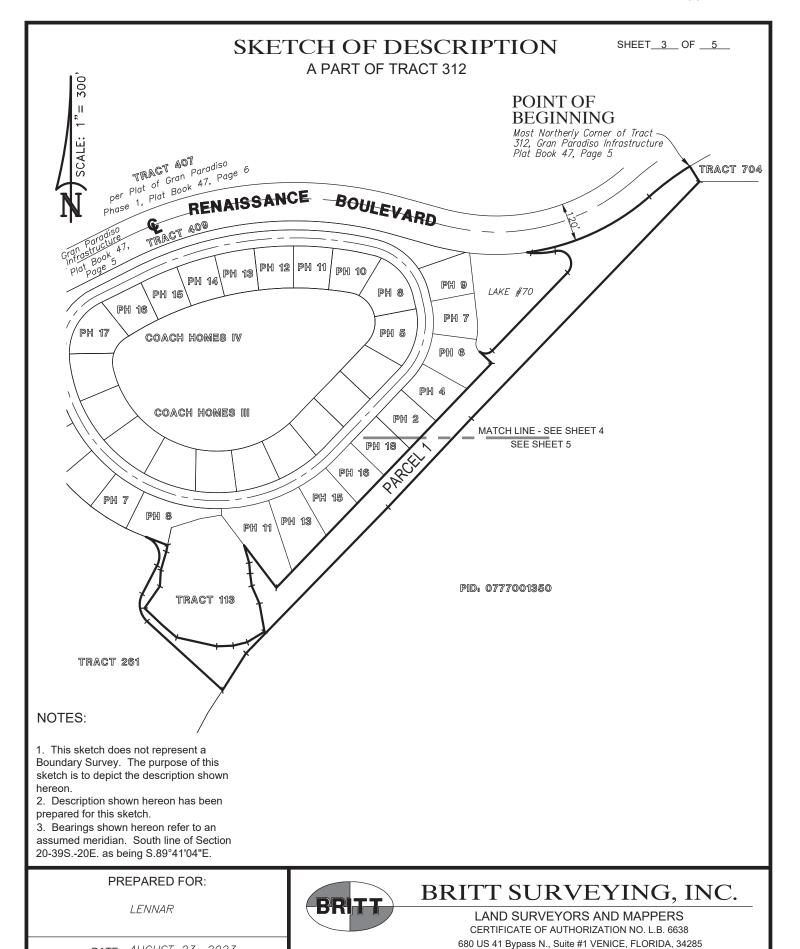
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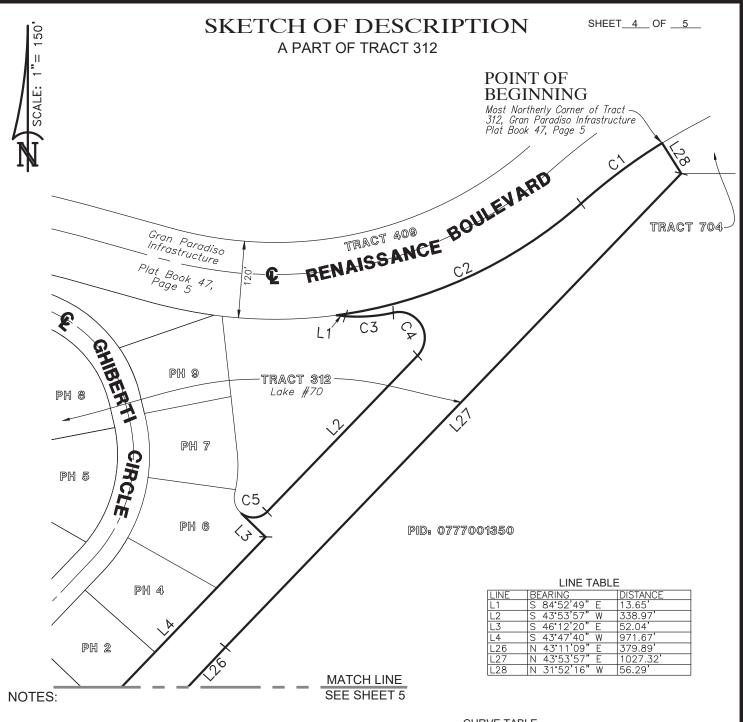
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### **CURVE TABLE**

| CURVE | RADIUS  | DELTA ANGLE | CHORD BEARING | CHORD LENGTH | ARC LENGTH |
|-------|---------|-------------|---------------|--------------|------------|
| C1    | 939.68' | 9*40'04"    | S 53°17'45" W | 158.37'      | 158.56'    |
| C2    | 720.00' | 33°54'18"   | S 65°25'00" W | 419.87'      | 426.06'    |
| C3    | 237.00' | 18°13'55"   | N 86°00'13" E | 75.10'       | 75.42      |
| C4    | 40.00'  | 147°00'41"  | S 29°36'24" E | 76.71'       | 102.63'    |
| C5    | 30.00'  | 83*02'08"   | S 85°25'01" W | 39.77        | 43.48'     |

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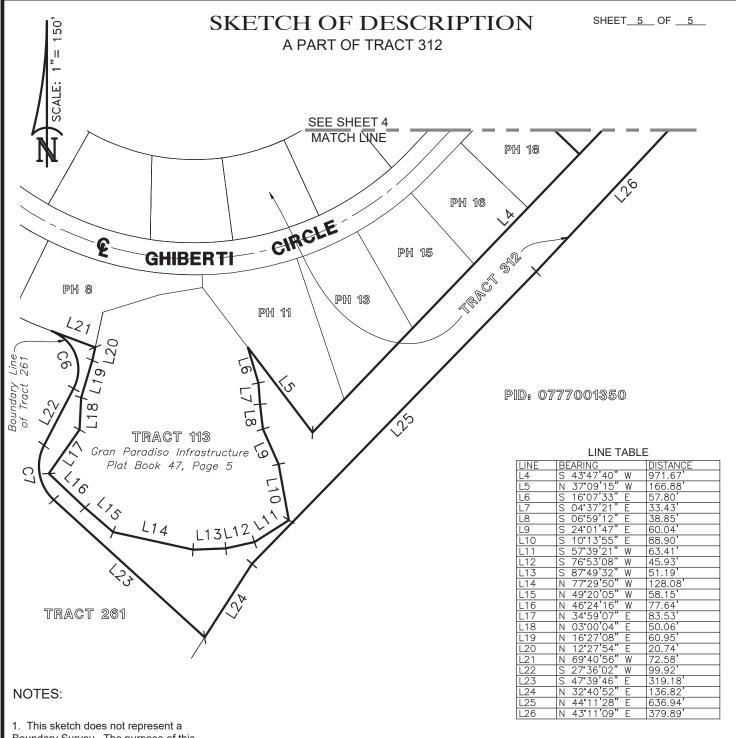
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LAND SURVEYORS AND MAPPERS CERTIFICATE OF AUTHORIZATION NO. L.B. 6638 680 US 41 Bypass N., Suite #1 VENICE, FLORIDA, 34285



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| CURVE |        | DELTA ANGLE |               | CHORD LENGTH | ARC LENGTH |
|-------|--------|-------------|---------------|--------------|------------|
| C6    | 64.00' | 97°16'53"   | S 21°02'24" E | 96.07'       | 108.66     |
| C7    | 71.00' | 75*15'48"   | S 10°01'52" E | 86.70'       | 93.26'     |

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# 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. 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 purchase a portion of real property within the City, bearing Sarasota County Property Appraiser Parcel Identification Number 0777001350 and further described in the legal description attached as Exhibit "A" (the "Property"). The Property contains an undeveloped parcel.
- 4. 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 TAYLOR, MMC                 |                             |
| APPROVED AS TO FORM AND CORRECTNESS |                             |
| AMBER L. SLAYTON CITY ATTORNEY      |                             |

SHEET\_ 1\_ OF \_ 5\_

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REVISED: 4/29/2024

PREPARED FOR:

LENNAR

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SHEET 2 OF 5

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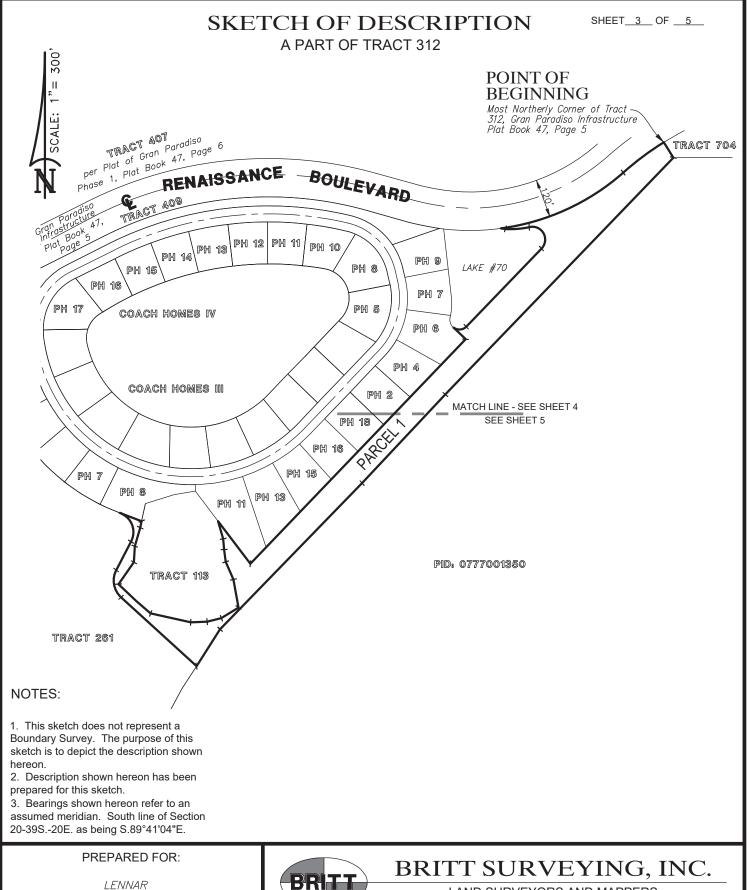
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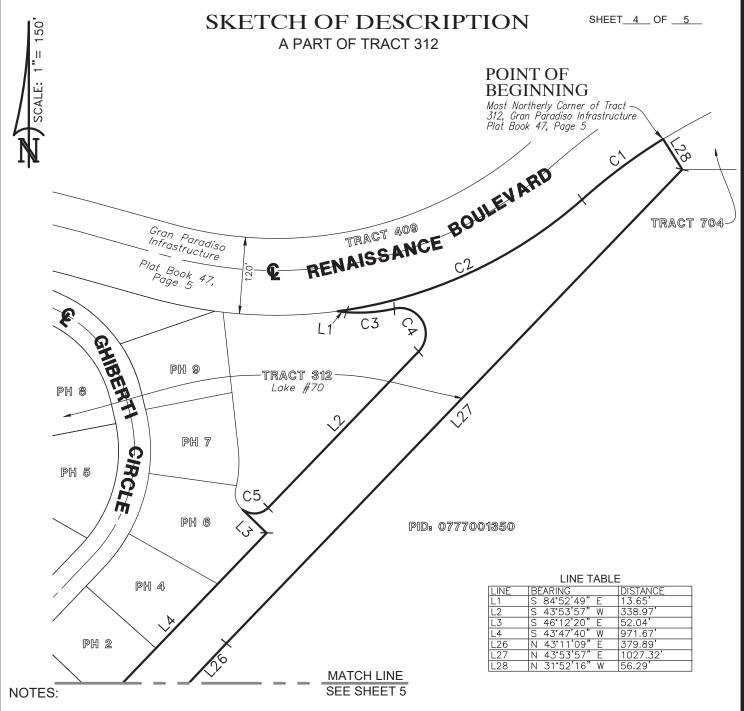
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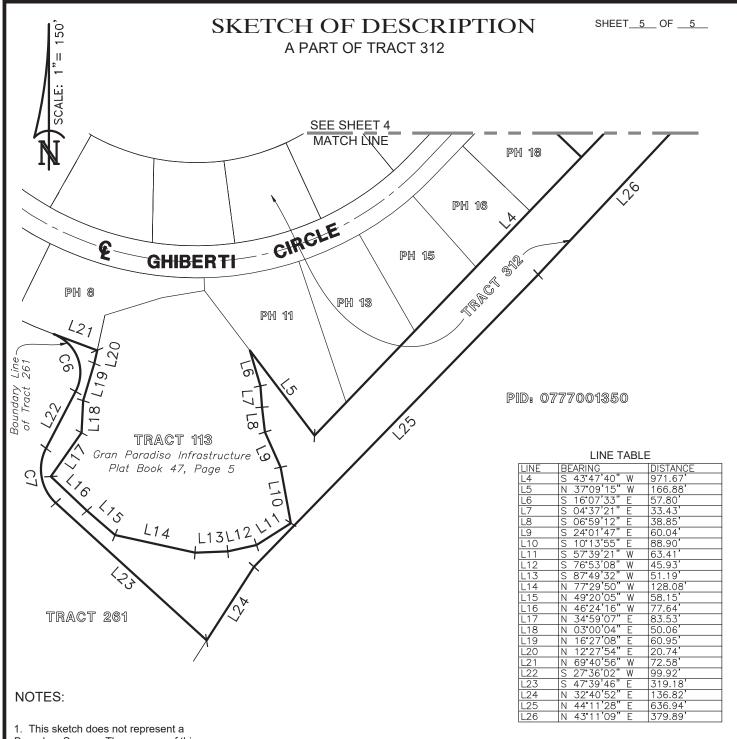
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| CI | <b>IRVF</b> | TARI | F |
|----|-------------|------|---|

| CURVE | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH | ARC LENGTH |
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