



# STAFF REPORT

## Eagle Bend

### PLF-23-097

**From:** Carl Bengé, AICP, Planner III

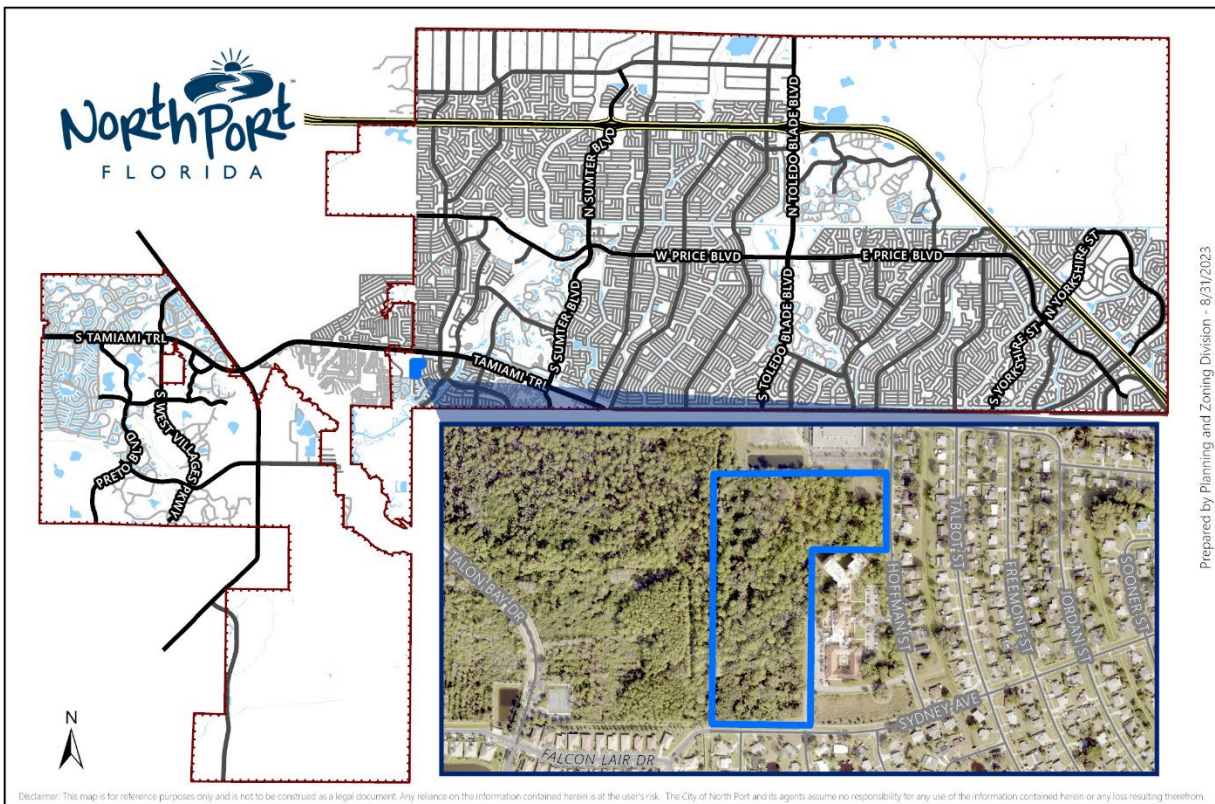
**Thru:** Lori Barnes, AICP, CPM, Development Services Assistant Director

**Thru:** Alaina Ray, AICP, Development Services Director

**Thru:** Jason Yarborough, ICMA-CM, Assistant City Manager

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

**Date:** November 2, 2023



Prepared by Planning and Zoning Division - 8/31/2023

**PROJECT:** PLF-23-097, Eagle Bend (QUASI-JUDICIAL)

**REQUEST:** Consideration of Eagle Bend plat, which includes 80 paired villa unit lots with associated infrastructure tracts.

**APPLICANT:** Trenton T. Strackbein, P.E., Project Manager for Kimley-Horn and Associates, Inc. (**Exhibit A**)

**OWNER:** Fellowship Church, Inc (Formally South Biscayne Church, Inc.) (**Exhibit B**)

**LOCATION:** South of US-41, frontage along Hoffman St. and Sydney Ave.

**PROPERTY SIZE:** ± 17.42 acres

**ZONING:** Planned Community Development (PCD)

## I. BACKGROUND

On April 27, 2023, the Planning & Zoning Division received a Final Plat (PLF) petition from Trenton T. Strackbein, on behalf of D.R. Horton, Inc. and Fellowship Church, Inc. for a ±17.42-acre plat. The Subdivision Concept Plan (SCP-22-185) was reviewed and approved on January 28, 2023, by City Staff. The Final Plat includes 80 paired villa unit lots and their associated roadways, stormwater areas, utility tracts, and easements.

Previously, there was a performance bond for this parcel totaling \$494,553.40 for the infrastructure improvements under INF-22-184. However, this bond was released by request prior to the construction starting. A new bond will be required for future development.

## II. STAFF ANALYSIS & FINDINGS

### FLORIDA STATUTES

#### **Title XII MUNICIPALITIES, Chapter 177 LAND BOUNDARIES, Part I: PLATTING, Section 177.081 Dedication and approval.**

(1) Prior to approval by the appropriate governing body, the plat shall be reviewed for conformity to this chapter by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs of which shall be borne by the legal entity offering the plat for recordation, and evidence of such review must be placed on such plat.

**Staff Findings:** The City's contracted professional surveyor reviewed and approved the plat.

**Conclusion:** PLF-23-097 meets the State's requirements for City review and approval of plats.

### COMPLIANCE WITH ULDC

#### **Chapter 37-Subdivision Regulations, Article II-Procedures for Securing Approvals, Section 37-8 Plat Submission Requirements.**

Conformity with approved subdivision plans. The plat shall incorporate all stipulations, easements, changes, and modifications required to make the approved subdivision plan and infrastructure plan conform to these regulations.

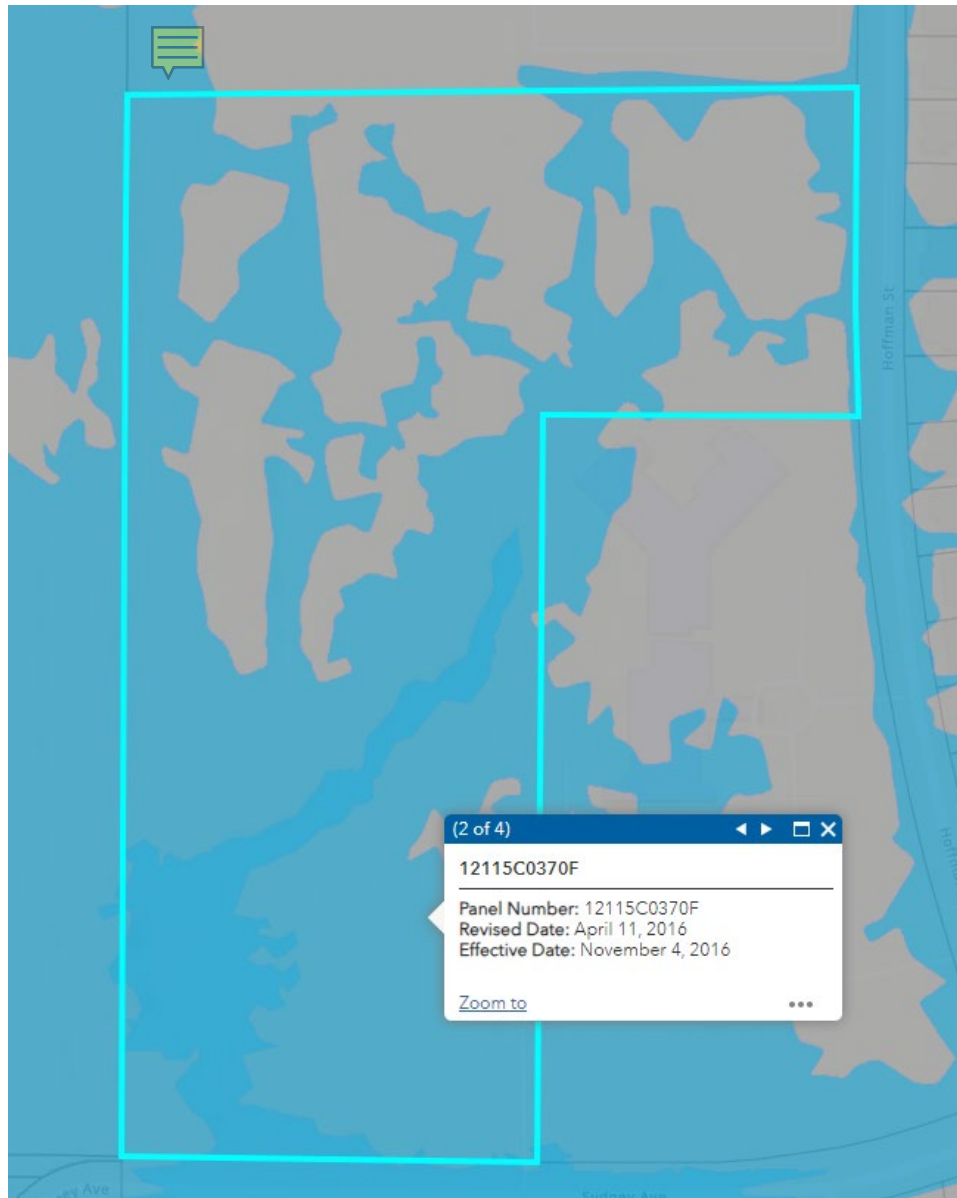
**Staff Findings:** The final plat was reviewed for conformance with the approved subdivision plan.

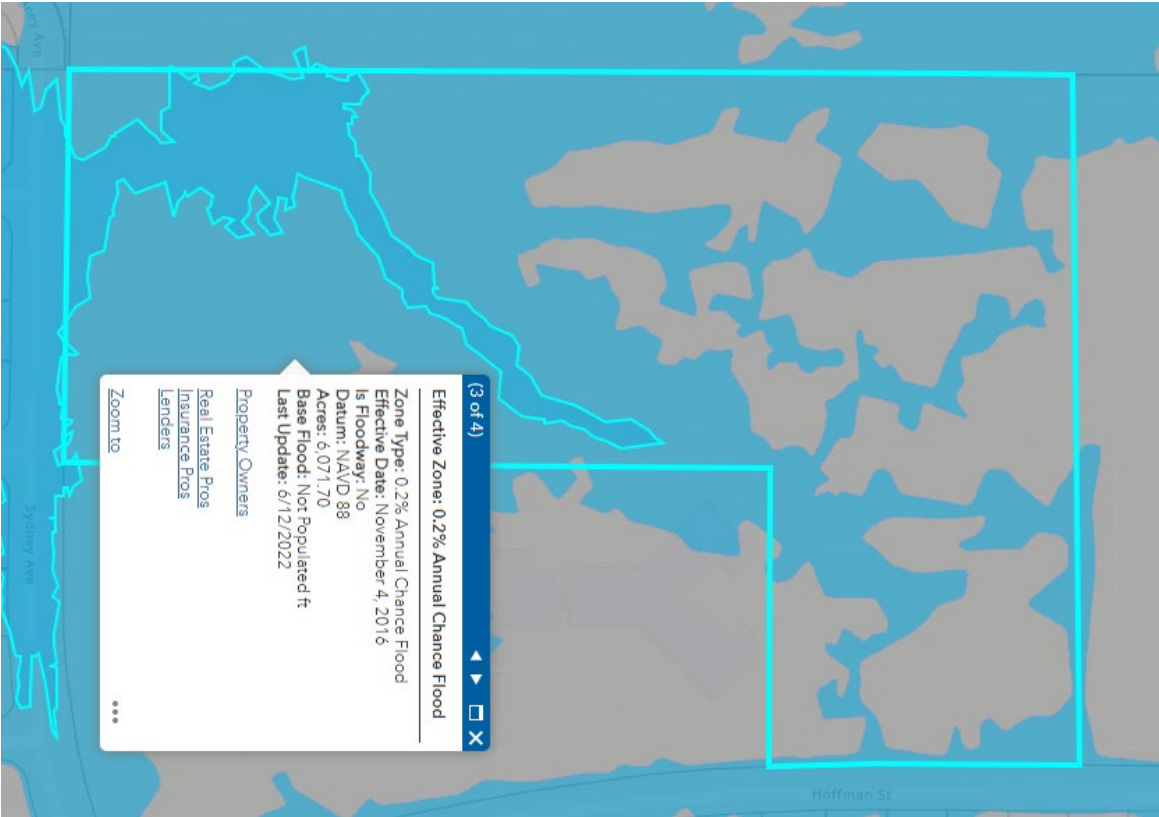
## II. STAFF ANALYSIS & FINDINGS (CONTINUED)

## ENVIRONMENTAL

A formal environmental survey has been completed on the site. All permits will be issued in accordance with State and Federal standards.

The parcel has both AE and 0.2% Annual Chance Flood zoning. According to Flood Insurance Map No. 12115C0370F for Sarasota County, Community No. 120279, City of North Port, FL, effective November 4, 2016.







### III. RECOMMENDED MOTIONS

#### PLANNING & ZONING ADVISORY BOARD—

Staff recommends **approval** of Petition No. PLF-23-097, Eagle Bend, as stated:

I move to recommend approval of the Eagle Bend Plat, Petition No. PLF-23-097, and that the City Commission find that, based on the competent and substantial evidence, the plat is consistent with Florida Statutes Section 177.081, the Unified Land Development Code, and the North Port Comprehensive Plan.

#### CITY COMMISSION—

The City Commission **approve** Petition No. PLF-23-097, Eagle Bend, as stated:

I move to approve the Eagle Bend Plat, Petition No. PLF-23-097, and find that, based on the competent and substantial evidence, the plat is consistent with Florida Statutes Section 177.081, the Unified Land Development Code, and the North Port Comprehensive Plan.

### IV. ALTERNATIVE MOTIONS

Petition PLF-23-097 could be DENIED. If that were the case, new findings would need to be written to support that recommendation. The motion would be as follows:

#### PLANNING & ZONING ADVISORY BOARD—

I move to recommend denial of the Eagle Bend Plat, Petition No. PLF-23-097, and that the City Commission find that, based on the competent and substantial evidence, the Plat:


1. Is **NOT** consistent with Florida Statutes Section 177.081 because [*Provide Example*].
2. Is **NOT** consistent with the Unified Land Development Code because [*Provide Example*].
3. Is **NOT** consistent with the North Port Comprehensive Plan because [*Provide Example*].

#### CITY COMMISSION—

I move to deny the Eagle Bend Plat, Petition No. PLF-23-097, and find that, based on the competent and substantial evidence, the Plat:

1. Is **NOT** consistent with Florida Statutes Section 177.081 because [*Provide Example*].
2. Is **NOT** consistent with the Unified Land Development Code because [*Provide Example*].
3. Is **NOT** consistent with the North Port Comprehensive Plan because [*Provide Example*].

## V. PUBLIC HEARING SCHEDULE

<b>Planning &amp; Zoning Advisory Board Public Hearing</b>	November 2, 2023 9:00 AM or as soon thereafter
 <b>City Commission Public Hearing</b>	November 28 2023 6:00 PM or as soon thereafter

## VI. EXHIBITS

<b>A.</b>	Affidavit
<b>B.</b>	Ownership Documentation
<b>C.</b>	Title Assurance
<b>D.</b>	City Surveyor's Approval

**AFFIDAVIT**

I (the undersigned), Justin Robbins, Division President, D.R. Horton, Inc. being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; 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 accurate to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be processed or hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I authorize City of North Port staff and agents to visit the site as necessary for proper review of this application. *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 26<sup>th</sup> day of July, 2022

[Signature] Justin Robbins, Division President, D.R. Horton, Inc.  
Signature of Applicant or Authorized Agent Print Name and Title

STATE OF Florida COUNTY OF Lee

The foregoing instrument was acknowledged by me this 26<sup>th</sup> day of July, 2022, by Justin Robbins who is personally known to me or has produced \_\_\_\_\_ as identification.

Catherine A Fritz  
Signature - Notary Public

(Place Notary Seal Below)



**AFFIDAVIT  
AUTHORIZATION FOR AGENT/APPLICANT**

I, Dennis G. Brewer, Jr., Corporate Secretary of Fellowship Church, property owner, hereby authorize D.R. Horton, Inc. to act as Agent on our behalf to apply for this application on the property described as (legal description) A portion of Lot 1, South Biscayne Commons according to the map or plat thereof, as recorded in Plat Book 48, Pages 23 and 23A of the Public Records of Sarasota County

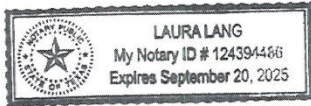
[Signature] July 19, 2022  
Owner Date

STATE OF Texas COUNTY OF Tarrant

The foregoing instrument was acknowledged by me this 19 day of July, 2022, by Dennis G. Brewer, Jr who is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Signature - Notary Public

(Place Notary Seal Below)



Revised 8-30-19 (Reviewed by CAO)

**AFFIDAVIT**

I (the undersigned), Trenton T. Strackbein, P.E., Project Manager, Kimley-Horn being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; 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 accurate to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be processed or hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I authorize City of North Port staff and agents to visit the site as necessary for proper review of this application. *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.*

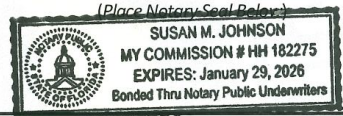
Sworn and subscribed before me this 29<sup>th</sup> day of July, 2022,

[Signature] Trenton T. Strackbein, P.E., Project Manager, Kimley-Horn  
Signature of Applicant or Authorized Agent Print Name and Title

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 29<sup>th</sup> day of July, 2022, by Trenton T. Strackbein who is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Signature - Notary Public



**AFFIDAVIT  
AUTHORIZATION FOR AGENT/APPLICANT**

I, Justin Robbins, Division President, D.R. Horton, Inc., property owner, hereby

authorize Trenton Strackbein, P.E., Project Manager, Kimley-Horn to act as Agent on our behalf to apply

for this application on the property described as (legal description) A portion of Lot 1, South Biscayne Commons according to the map or plat thereof, as recorded in Plat Book 48, Pages 23 and 23A of the Public Records of Sarasota County

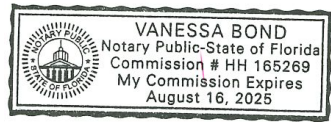
[Signature] Date 7-18-22  
Owner Date

STATE OF Florida COUNTY OF Lee

The foregoing instrument was acknowledged by me this 18<sup>th</sup> day of July, 2022, by \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Signature - Notary Public

(Place Notary Seal Below)



Revised 8-30-19 (Reviewed by CAO)



*1050 refile - None  
Dee step - None*

This instrument was prepared by: JOHN S. DZURAK, ESQ.  
Name SAFRON, ROONEY & DZURAK  
Address 306 E. Olympia Avenue (33950)  
Post Office Box 400  
PUNTA GORDA, FL. 33951-0400

94145633

Return to:  
Name JOHN S. DZURAK, ESQ.  
Address P.O. Box 400  
PUNTA GORDA, FLORIDA 33951-0400  
Grantee #1 SEE EXHIBIT FEIN # 59-2039246  
Grantee #2 S.S.No. \_\_\_\_\_  
Property Appraiser's \_\_\_\_\_  
Parcel Identification No. 997006001

OFFICIAL RECORDS  
BOOK 2694 PAGE 1303

**WARRANTY DEED**  
(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture, made this \_\_\_\_\_ day of December 1994, Between  
JOHN DHILLON, a married person

whose post office address is 4040 C North Beach Road, Englewood, Florida, 34223  
of the County of Sarasota, State of Florida, grantor\*, and  
SOUTH BISCAYNE BAPTIST CHURCH, INC., a Florida not for profit corporation  
whose post office address is 6851 Biscayne Drive, North Port, Florida 34287  
of the County of Sarasota, State of Florida, grantee\*.

Witnesseth that said grantor, for and in consideration of the sum of \_\_\_\_\_ Dollars,  
TEN & NO/100THS (\$10.00) and other good and valuable considerations to said grantee, the receipt whereof is hereby  
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following  
described land, situate, lying and being in SARASOTA County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED  
GRANTOR covenants that the above described real property is not homestead property  
and is not adjacent nor contiguous to any homestead property owned by Grantor.

This conveyance and sale is being made free and clear of all liens pursuant to  
the entry of an Order Confirming Plan of Reorganization entered on 12-2-94,  
1994 by the United States Bankruptcy Court for the Middle District of Florida,  
Tampa Division, in Case No. 94-1754-9Pl, styled In Re John Dhillon and Susan  
Dhillon, Debtors, whereby said Order confirms an "Amended Plan of Reorganization"  
which provides for a sale of the above-described real property, free and clear of  
all liens, to the Grantee.

This Warranty Deed is an instrument of transfer made under a Plan of Reorganization  
which has been confirmed by the above-described United States Bankruptcy Court under  
Title 11, United States Code, Section 1129. As such, this Deed is not subject to  
State Documentary Taxation, pursuant to Title 11, United States Code, Section 1146(c).

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons  
whomsoever.

"Grantor" and "grantee" are used for singular or plural, as context requires.  
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.  
Signed, sealed, and delivered in our presence:

(First Witness) [Signature]  
Printed or typed name: JOHN S. DZURAK

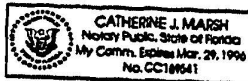
[Signature] (Seal)  
Grantor  
Printed or typed name: JOHN DHILLON

(Second Witness) [Signature]  
Printed or typed name: GAIL MANLEY

Grantor  
Printed or typed name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF CHARLOTTE  
THE FOREGOING INSTRUMENT was acknowledged before me this 14 day of December  
1994, by JOHN DHILLON, who is (or are) personally known to me or who has  
produced [Signature] as identification and who did (did not) take an oath.

My commission expires:



[Signature]  
Notary Public  
Printed, typed, or stamped name: JOHN S. DZURAK

(Serial Number, if any)

F-762 (rev. 12/91)

**EXHIBIT "A"**

A parcel of land lying in Section 31, Township 39 South, Range 21 East, Sarasota County, Florida, and being more particularly described as follows:

Commence at the intersection of the Westerly right of way line of Hoffman Street and the Southerly right of way line of U.S. Highway No. 41, shown as Point "c" on the Plat of "PORT CHARLOTTE SUBDIVISION" as recorded in Plat Book 10 at pages 95 thru 95D, of the Public Records of Sarasota County, Florida; thence along the Westerly right of way line of Hoffman Street, South 00°25'46" West (on an assumed bearing) 154.00 feet to the Point of Beginning; thence continue along the Westerly right of way line of Hoffman Street, South 00°25'46" West, 537.82 feet; thence perpendicular to the said Westerly right of way line of Hoffman Street, North 89°34'14" West, 765.00 feet; thence parallel with the Westerly right of way line of Hoffman Street, North 00°25'46" East, 748.24 feet to a point on the Southerly right of way line of U.S. Highway No. 41; thence along the Southerly right of way line of U.S. Highway 41, South 85°21'08" East, 60.16 feet; thence South 00°25'46" West, 205.00 feet; thence South 89°34'14" East, 203.00 feet; thence North 00°25'46" East 190.03 feet to a point on the Southerly right of way line of U.S. Highway No. 41; thence along the Southerly right of way line of U.S. Highway No. 41, South 85°21'08" East, 292.79 feet; thence South 00°25'46" West, 169.49 feet; thence South 89°34'14" East, 210.00 feet to the Point of Beginning.

\*\* OFFICIAL RECORDS \*\*  
BOOK 2694 PAGE 1304

RECORDED IN OFFICIAL  
RECORDS  
RECORD VERIFIED  
94 DEC 14 PM 4:48  
KAY C. HARRIS  
CLERK OF DISTRICT COURT  
SARASOTA COUNTY, FL

731495

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP     WAIT     MAIL

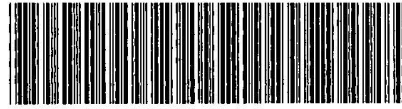
(Business Entity Name)

(Document Number)

Certified Copies \_\_\_\_\_ Certificates of Status \_\_\_\_\_

Special Instructions to Filing Officer:

Office Use Only



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04/28/17--01027--001 \*\*43.75

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2017 APR 28 PM 12:11  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Name chg/ce

MAY 02 2017  
ALBRITTON

**COVER LETTER**

TO: Amendment Section  
Division of Corporations

NAME OF CORPORATION: South Biscayne Church, Inc.

DOCUMENT NUMBER: 731495

The enclosed *Articles of Amendment* and fee are submitted for filing.

Please return all correspondence concerning this matter to the following:

Laura Lang  
Name of Contact Person

Brewer Jackson & Lang, P.C.  
Firm/ Company

920 S. Main Street, Suite 100  
Address

Grapvine, Texas 76051  
City/ State and Zip Code

llang@brewerjackson.com  
E-mail address: (to be used for future annual report notification)

For further information concerning this matter, please call:

Laura Lang at (817) 764-1723  
Name of Contact Person Area Code & Daytime Telephone Number

Enclosed is a check for the following amount made payable to the Florida Department of State:

- \$35 Filing Fee       \$43.75 Filing Fee & Certificate of Status       \$43.75 Filing Fee & Certified Copy (Additional copy is enclosed)       \$52.50 Filing Fee Certificate of Status Certified Copy (Additional Copy is enclosed)

**Mailing Address**  
Amendment Section  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

**Street Address**  
Amendment Section  
Division of Corporations  
Clifton Building  
2661 Executive Center Circle  
Tallahassee, FL 32301



DocuSign Envelope ID: 533EEB64-A9E5-4E84-81AF-3F27E18D75F1

Articles of Amendment  
to  
Articles of Incorporation  
of

South Biscayne Church, Inc.

(Name of Corporation as currently filed with the Florida Dept. of State)

731495

(Document Number of Corporation (if known))

Pursuant to the provisions of section 617.1006, Florida Statutes, this *Florida Not For Profit Corporation* adopts the following amendment(s) to its Articles of Incorporation:

**A. If amending name, enter the new name of the corporation:**

Fellowship Church South Biscayne, Inc.

*The new name must be distinguishable and contain the word "corporation" or "incorporated" or the abbreviation "Corp." or "Inc." "Company" or "Co." may not be used in the name.*

**B. Enter new principal office address, if applicable:**

(Principal office address **MUST BE A STREET ADDRESS**)

**C. Enter new mailing address, if applicable:**

(Mailing address **MAY BE A POST OFFICE BOX**)

**D. If amending the registered agent and/or registered office address in Florida, enter the name of the new registered agent and/or the new registered office address:**

Name of New Registered Agent: \_\_\_\_\_

(Florida street address)

New Registered Office Address: \_\_\_\_\_

(City)

Florida

(Zip Code)

**New Registered Agent's Signature, if changing Registered Agent:**

*I hereby accept the appointment as registered agent. I am familiar with and accept the obligations of the position.*

\_\_\_\_\_  
Signature of New Registered Agent, if changing

2017 APR 28 PM 12:11  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

FILED

Exhibit B for PLF-23-097

DocuSign Envelope ID: 533EEB64-A9E5-4E84-81AF-3F27E18D75F1

**If amending the Officers and/or Directors, enter the title and name of each officer/director being removed and title, name, and address of each Officer and/or Director being added:**

*(Attach additional sheets, if necessary)*

*Please note the officer/director title by the first letter of the office title:*

*P = President; V = Vice President; T = Treasurer; S = Secretary; D = Director; TR = Trustee; C = Chairman or Clerk; CEO = Chief Executive Officer; CFO = Chief Financial Officer. If an officer/director holds more than one title, list the first letter of each office held. President, Treasurer, Director would be PTD.*

*Changes should be noted in the following manner. Currently John Doe is listed as the PST and Mike Jones is listed as the V. There is a change, Mike Jones leaves the corporation, Sally Smith is named the V and S. These should be noted as John Doe, PT as a Change, Mike Jones, V as Remove, and Sally Smith, SV as an Add.*

Example:

<input checked="" type="checkbox"/> Change	<u>PT</u>	<u>John Doe</u>
<input checked="" type="checkbox"/> Remove	<u>V</u>	<u>Mike Jones</u>
<input checked="" type="checkbox"/> Add	<u>SV</u>	<u>Sally Smith</u>

Type of Action (Check One)	Title	Name	Address
1) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
2) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
3) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
4) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
5) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
6) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____

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**E. If amending or adding additional Articles, enter change(s) here:  
(attach additional sheets, if necessary). (Be specific)**

Lined area for amendments or additional articles.

DocuSign Envelope ID: 533EEB64-A9E5-4E84-81AF-3F27E18D75F1

The date of each amendment(s) adoption: \_\_\_\_\_, if other than the date this document was signed.

Effective date if applicable: \_\_\_\_\_  
(no more than 90 days after amendment file date)

**Note:** If the date inserted in this block does not meet the applicable statutory filing requirements, this date will not be listed as the document's effective date on the Department of State's records.

Adoption of Amendment(s) (CHECK ONE)

- The amendment(s) was/were adopted by the members and the number of votes cast for the amendment(s) was/were sufficient for approval.
- There are no members or members entitled to vote on the amendment(s). The amendment(s) was/were adopted by the board of directors.

Dated April 26, 2017

Signature  \_\_\_\_\_  
DocuSigned by:  
John Cross

(By the Chairman or vice chairman of the board, president or other officer-if directors have not been selected, by an incorporator - if in the hands of a receiver, trustee, or other court appointed fiduciary by that fiduciary)

John Cross  
(Typed or printed name of person signing)

Pastor / Director  
(Title of person signing)





*Fidelity National Title Insurance Company*

**Transaction Identification Data for reference only:**

DHI Title of Florida, Inc. (Land Title)  
12276 San Jose Blvd, Ste 739,  
Jacksonville, FL 32223  
ALTA Universal ID:  
LOAN ID Number:  
Issuing Office File Number: 103-222200335  
*(Use for AgentTRAX documents)*  
Property Address: 13000 Tamiami Trail South  
North Port, FL 34287  
Order No.: 10215511  
Revision Number: 3-9-2023

**Fidelity National Title Insurance Company**

**SCHEDULE A**

**AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

1. Commitment Date: 03/08/2023 at: 8:00 AM
2. Policy or Policies to be issued:
  - A. If the Date of Policy will be October 3, 2022 or later, ALTA Owners 2021 Policy with Florida Modifications; If the Date of Policy will be before October 3, 2022, ALTA Owners 2006 Policy with Florida Modifications  
Proposed Insured: D.R. Horton, Inc., a Delaware corporation  
Proposed Amount of Insurance: \$1,250,000.00
3. The estate or interest in the Land described or referred to in this Commitment is (Identify estate covered, i.e., fee, leasehold, etc.):  
  
Fee Simple
4. Title to the Fee Simple estate or interest in the land is at the Commitment Date vested in:  
  
Fellowship Church, a Texas non-profit corporation, successor by merger with Fellowship Church South Biscayne, Inc., fka South Biscayne Church, Inc., a Florida not-for-profit corporation f/k/a South Biscayne Baptist Church, Inc., a Florida not-for-profit corporation
5. The Land is described as follows in Exhibit "A" attached hereto and made part hereof.

Countersigned:

BY: \_\_\_\_\_  
Authorized Officer or Agent



*Fidelity National Title Insurance Company*

Order Number: 10215511  
103-222200335

**SCHEDULE B SECTION I  
REQUIREMENTS  
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

The following requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
  - A. Warranty Deed from Fellowship Church, a Texas non-profit corporation, successor by merger with Fellowship Church South Biscayne, Inc., fka South Biscayne Church, Inc., a Florida not-for-profit corporation f/k/a South Biscayne Baptist Church, Inc., a Florida not-for-profit corporation to D.R. Horton, Inc., a Delaware corporation.

In regards to Fellowship Church, a Texas non-profit corporation the following is required:

- a. Production of a copy of the articles of incorporation and bylaws of the church, certified to be true and correct by the secretary or other officer of the church, and compliance with all of the requirements of said documents concerning the conveying/mortgaging of real property. Specific additional requirements may be made after review of these documents.
- b. Record a resolution passed in a properly assembled business meeting: (i) authorizing the conveyance of real property (or the borrowing of money and mortgaging of real property as security therefore); (ii) designating appropriate officers to execute same; and (iii) reciting that the resolution was passed in a properly assembled business meeting after compliance with all church rules pertaining to the giving of notice of the proposed transaction and of the meeting to authorize the transaction.
- c. Warranty Deed duly executed by the president, vice president or other authorized officer of the church, in accordance with the church resolution, the articles of incorporation and/or bylaws.

The Company reserves the right to make additional requirements or exception after review of the requested documentation.

5. Proof of payment of any outstanding assessments in favor of Sarasota County, Florida, any special taxing district and any municipality. NOTE: If this requirement is not satisfied the following exception will appear on Schedule B:

Any outstanding assessments in favor of Sarasota County, Florida, any special taxing district and any municipality.

6. Proof of payment of service charges for water, sewer, waste and gas, if any, through the date of closing. NOTE: If this requirement is not met the following exception will appear on Schedule B:

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions  
C156C09

2 of 7

ALTA Commitment (8/1/2016) (with FL Modifications)



*Fidelity National Title Insurance Company*

Order Number: 10215511  
103-222200335

**SCHEDULE B SECTION I  
Requirements continued**

Any lien provided for by Florida Statutes in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer, waste or gas system supplying the insured land or service facilities.

7. Intentionally Deleted
  
8. This is a preliminary commitment that requires the review and approval by the underwriting department for the company and/or state underwriting counsel. Accordingly, this commitment is not effective to bind the Company until the necessary approval is obtained from the underwriting department and/or state underwriting counsel. The company reserves the right to add additional requirements and/or exceptions as deemed necessary upon said review.
  
9. Proof of payment, satisfactory to the Company, of taxes for the year(s) 2022 in the gross amount of \$23,640.90 under Tax Folio Number: 0997050001.

NOTE: No open mortgage(s) were found of record. Agent must confirm with the owner that the property is free and clear.

**END OF SCHEDULE B SECTION I**



*Fidelity National Title Insurance Company*

Order No.: 10215511  
103-222200335

**SCHEDULE B SECTION II  
EXCEPTIONS  
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form.
2. Taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable.
3. Standard Exceptions:
  - A. Intentionally Deleted
  - B. Rights or claims of parties in possession not shown by the public records.
  - C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
  - D. Taxes or assessments which are not shown as existing liens in the public records.
4. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
5. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
6. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements, as tenants only.
7. Intentionally Deleted
8. Intentionally Deleted
9. Intentionally Deleted
10. Intentionally Deleted
11. Intentionally Deleted

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions  
C165C09

ALTA Commitment (8/1/2016) (with FL Modifications)

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*Fidelity National Title Insurance Company*

Order No.: 10215511  
103-222200335

**SCHEDULE B SECTION II  
EXCEPTIONS  
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

- 12. Intentionally Deleted
- 13. Intentionally Deleted
- 14. Intentionally Deleted
- 15. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of South Biscayne Commons, recorded in Plat Book 48, Pages 23 and 23A, of the Public Records of Sarasota County, Florida.
- 16. Terms, Covenants, Conditions, Obligations and Reservations set forth in the Drainage Easement recorded in Official Records Instrument No. 2016031947
- 17. Intentionally Deleted
- 18. Terms, Covenants, Conditions and Obligations set forth in the Contract by and between Fellowship Church, a Texas non-profit corporation and D. R. Horton, Inc., a Delaware corporation as evidenced by the Memorandum thereof recorded in Official Records Instrument No. 2022022315; as affected by the Partial Release recorded in Official Records Instrument No. 2022143456
- 19. The following matters disclosed by survey prepared by Dewberry, dated 3/22/2022:  

None

NOTE: Exception 1 above shall be deemed deleted as of the time the settlement funds or proceeds of the loan to be secured by the insured mortgage, as applicable, are disbursed by the Company or its authorized agent. Neither the Company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no such adverse intervening matters have appeared of record or occurred.

NOTES ON STANDARD EXCEPTIONS:

Item 3A will be deleted from the policy(ies) upon receipt of an accurate survey of the Land acceptable to the Company. Exception will be made for any encroachment, setback line violation, overlap, boundary line dispute or other adverse matter disclosed by the survey.

Items 3B, 3C, and 3D will be deleted from the policy(ies) upon receipt of an affidavit acceptable to the Company, affirming that, except as disclosed therein (i) no parties in possession of the Land exist other than the record owner(s); (ii) no improvements have been made to the Land within 90 days prior to closing which have not have been paid for in full; and (iii) no unpaid taxes or assessments are against the Land which are not shown as existing liens in the public records. Exception will be made for matters disclosed in the affidavit.

NOTE: All recording references in this form shall refer to the public records of Sarasota County, Florida, unless otherwise noted.



*Fidelity National Title Insurance Company*

Order No.: 10215511  
103-222200335

**SCHEDULE B SECTION II  
EXCEPTIONS  
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting Fidelity National Title Insurance Company, 6420 Southpoint Parkway Suite 100, Jacksonville, FL 32216; Telephone 904-633-9494.

Searched By: Q

**END OF SCHEDULE B SECTION II**



*Fidelity National Title Insurance Company*

Order No.: 10215511  
103-222200335

**EXHIBIT "A"**

A PORTION OF LOT 1, SOUTH BISCAYNE COMMONS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 48, PAGE(S) 23 AND 23A, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF US 41 AND THE WEST RIGHT OF WAY LINE OF HOFFMAN STREET DESIGNATED AS POINT "G" ON THE PLAT OF PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10 PAGE 95, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE RUN ALONG THE WEST RIGHT OF WAY LINE OF HOFFMAN STREET S00°25'46"W, 154.00 FEET; THENCE CONTINUE S00°25'46"W, 35.32 FEET; THENCE CONTINUE S00°25'46"W, 502.50 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE S00°25'46"W, 244.39 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 2530.00 FEET, A CENTRAL ANGLE OF 02°56'47", A CHORD BEARING S01°00'20"E AND A CHORD DISTANCE OF 130.09 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 130.10 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE AND CURB, RUN ON A NON-TANGENT LINE, N89°30'45"W, 374.20 FEET; THENCE S00°26'43"W, 880.33 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST SYDNEY AVENUE; THENCE N89°34'14"W SAID RIGHT OF WAY LINE, 493.89 FEET TO A POINT ON THE WEST LINE OF SECTION 31, TOWNSHIP 39 SOUTH, RANGE 21 EAST; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN N00°25'46"E ALONG SAID SECTION LINE, 1254.39 FEET; THENCE DEPARTING SAID WEST LINE, RUN S89°34'14"E, 865.00 FEET TO THE POINT OF BEGINNING.

Together with the appurtenant easement(s) described in the Drainage Easement recorded in Official Records Instrument No. 2016031947, of the public records of Sarasota County, Florida.

Exhibit D for PLF-23-097

**From:** [Alan Fish](#)  
**To:** [Joy McRae-Fox](#); "[Robert Breedlove](#)"  
**Cc:** [Lori Barnes](#); [Carl Bengé](#)  
**Subject:** [EXTERNAL] RE: Surveyor Review PLF-23-097  
**Date:** Wednesday, July 19, 2023 1:54:58 PM

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I have performed a second review of the revised record plat of Eagle Bend (PLF-23-097). I found the revised Plat to be sufficient to meet the requirements of Chapter 177, Part 1, Florida Statutes.

Alan K. Fish, PSM  
Van Buskirk & Fish, Surveying & Mapping, Inc.  
12450 S. Tamiami Trail, Unit D  
North Port, FL. 34287  
Ph-941 426 0681

Also, please note that I will be out of town at the Florida Surveying & Mapping Society Convention next Tuesday thru Friday (July 25-28). Please

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**From:** Joy McRae-Fox <[jmcræfox@northportfl.gov](mailto:jmcræfox@northportfl.gov)>  
**Sent:** Wednesday, July 19, 2023 11:43 AM  
**To:** Alan Fish <[alanvbfa@gmail.com](mailto:alanvbfa@gmail.com)>; 'Robert Breedlove' <[Rbreedlove@vbfainc.com](mailto:Rbreedlove@vbfainc.com)>  
**Cc:** Lori Barnes <[lbarnes@northportfl.gov](mailto:lbarnes@northportfl.gov)>; Carl Bengé <[cbenge@northportfl.gov](mailto:cbenge@northportfl.gov)>  
**Subject:** Surveyor Review PLF-23-097

Good morning Alan and Robert ,

Looks like I spoke too soon! Another resubmittal for your review on PLF-23-097, Eagle Bend .  
Attached are the resubmittal files --- please respond to [planninginfo@northportfl.gov](mailto:planninginfo@northportfl.gov) .

Thank you

JOY  
Planning and Zoning Division  
Development Services Department  
City of North Port  
941-429-7018