

Background & Summary

Amendment and Restatement of West Villages Developer Agreement (Post Annexation)

Background:

- City, West Villages Improvement District, and original developer entered a “General Principles of Agreement” in June 2006 to address recreational, fire, law enforcement, and other facilities being provided within West Villages following its annexation by the City.
- The General Principles of Agreement’s first provision stated it was to be the basis for an actual “Post Annexation Agreement” entered by the parties that would be more formal and comprehensive to be completed by October 2006.
- For a variety of reasons (Great Recession, change of ownership, etc.) the Post Annexation Agreement--- that is, the “West Villages Development Agreement (Post Annexation Agreement)”--- was ultimately entered 14 years later, in March 2020 (“PAA”).
- Since that time (4 ½ years ago), many of the public facilities called for by the PAA have been successfully funded, designed, permitted, and completed.
- Further, since that time, the parties--- the City, Wellen Park, and the West Villages Improvement District--- have the benefit of seeing the development that’s come online thus far, have a clearer picture of future development to occur based on market demand/trends, and have advanced planning efforts, and have identified some potential future opportunities for public facilities.
- Thus, the parties are proposing to enter an “Amendment and Restatement of West Villages Developer Agreement (Post Annexation)” (“Amended and Restated PAA”) to document the obligations met thus far and update and revise certain of its terms based on anticipated future growth and potential opportunities.

Amended and Restated PAA summarizes public facilities provided thus far:

- Fire Study completed.
- Fire Station No. 1 completed and conveyed to City with equipment (75’ ladder truck, ambulance, command vehicle, brush truck, and related equipment)
- A police substation co-located with Fire Station No. 1 was completed and conveyed to City.
- Additional law enforcement system improvements not originally called for by the PAA were provided to the City (vehicles, equipment, and other capital assets).
- A conceptual master plan was prepared analyzing the potential use of a 63-acre parcel on River Road previously conveyed to the City for specific government purposes. (This plan was completed prior to the PAA’s March 2020 approval as referenced in the PAA.)

- Blue Heron Park (“Town Center Park No. 1”) was completed (maintained by the District).
- Approximately 20 acres of multi-use pedestrian and bicycle trail facilities with appurtenant stormwater facilities have been completed (maintained by the District), with approximately 38.5 additional acres of trails being designed and permitted (also to be maintained by the District). (These figures do not include approximately 2.8 miles of trails around and appurtenant to Grand Lake within Downtown Wellen Park.)
- The District paid \$380,000.00 for the purchase of a solid waste refuse and recycling vehicle acquired for City. (This payment was made prior to the PAA’s March 2020 approval as referenced within the PAA. Further, as reflected in the PAA, this payment by the District was not reimbursable.)
- Wellen Park has platted and constructed roads, utilities, stormwater facilities, and for a General Government Land parcel to be conveyed to the City to accommodate a 15,000 sq. ft. City government building.

* City’s funding commitment with regard to the above listed facilities is from impact fees collected within Wellen Park/the District (with the exception of the solid waste refuse and recycling vehicle payment, as noted above).

Amended and Restated PAA reaffirms the following facilities to be provided:

- Fire Station No. 2 will be completed by District (it will be substantially the same as Fire Station No. 85). It will be located at southeast corner of Preto Blvd and Manasota Beach Rd and conveyed to the City with equipment (pumper truck with equipment, ambulance, brush truck, and related equipment). Planning and design commenced when Wellen Park/District bldg. permit for 8,000th dwelling unit is issued.
- Potential Fire Station No. 3’s need to be determined by Future Fire Study prepared when Wellen Park/District bldg. permit for 13,000th dwelling unit is issued. If required, Fire Station No. 3 will be completed by District (it will be substantially the same as Fire Station No. 85 unless other design is recommended by Future Fire Study). It will be located on ±4.0 acres east of South River Road, between Playmore Road and East River Road and conveyed to the City with equipment (pumper truck with equipment, ambulance, and brush truck, and related equipment as identified in the Future Fire Study).
- Additional Fire System Improvements will be provided by the District totaling no more than \$750,000.00 (additional vehicles, apparatuses, equipment, and other capital assets).

* City’s funding commitment with regard to the above listed facilities is from impact fees collected within Wellen Park/the District.

New/different terms agreed upon by the parties under Amended and Restated PAA:

- 51.9 acre Parcel south of US 41 and east of River Road within unincorporated Sarasota County will be annexed by the City. The 51.9 acre Parcel contains:

- A Public Works Parcel that is 20 acres in size to be conveyed to the City within ninety (90) days of the Effective Date. City is to construct a Public Works Building on it within seven (7) years of conveyance.
- A Potential Sports Facility Parcel that is 15 acres in size and contiguous to Public Works Parcel. It will be reserved by Wellen Park for six (6) years from Effective Date for a Sports Facility. City will complete its Parks and Recreation Master Plan Update (“Park Plan Update”) and commence planning, designing and construction of the Sports Facility that will help determine use of Potential Sports Facility Parcel. Parties are to cooperate with City in the design, permitting and construction, in addition to identifying the entity to own and operate completed Sports Facility. The City will have flexibility with 15-acre configuration/location and ability to utilizing a portion of Public Works Parcel to accommodate the Sports Facility and receive a portion of the 15 acres in another location within Wellen Park. Wellen Park to be reimbursed from impact fees for design, permitting, and construction of the Sports Facility City requests it to perform.
- Sports Tourism Park. Wellen Park shall set aside 83.4-acre parcel east of South River Rd. and south of Manasota Beach Rd. for a sports tourism park to accommodate baseball fields, pickleball courts, soccer fields, mixed-use sports fields, and related facilities to accommodate the hosting of sports tournaments. The City and Wellen Park will commence planning of Sports Tourism Park within one year of Effective Date of PAA Amendment and Restatement. Wellen Park to be reimbursed from impact fees for design, permitting, and construction of the Sports Tourism Park City requests it to perform.
- Partial Funding of Park Plan Update. The City shall have the right to use park impact fees collected within Wellen Park to fund up to 25% of the Park Plan Update’s cost, not to exceed \$62,500.00, if the City completes and delivers to Wellen Park the Park Plan Update by December 31, 2025.
- Combined Use Land is 74 acres east of S. River Rd. and north of E. River Rd. identified in the 2020 PAA to accommodate the colocation of the Potential Fire Station No. 3, park facilities, and general government use. It was contemplated that the Combined Use Land would be conveyed to the City for such purposes. However, in light of the Fire Station No. 3, park facilities and general government uses being accommodated as described above on the other lands to be conveyed to and reserved for the City, the Combined Use Land will be retained by Wellen Park.
- 63 Acre Park Parcel. The Parties no longer desire to construct park improvements on the 63 Acre Park Parcel. Within ninety (90) days of the Effective Date of this Restated Agreement, the City shall convey the 63 Acre Park Parcel to Wellen Park. Upon the City’s conveyance of the 63 Acre Park Parcel to Wellen Park, the land may be developed in any manner permitted by the City’s ULDC, the WP Index Map, Pattern Book and the relevant pattern plan.