Agenda

Agenda

CITY COMMISSIONERS OF THE CITY OF WILDWOOD

Mayor/Commissioner – Ed Wolf – Seat 1
Mayor Pro-Tem/Commissioner – Ronald Allen – Seat 5
Pamala Harrison-Bivins – Seat 2
Don C. Clark – Seat 4
Robby Strickland – Seat 3
Joseph Jacobs – Interim City Manager

FEBRUARY 13, 2012
7:00 PM

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Department, ADA Coordinator, at 352-330-1330, Ext. 102, forty-eight (48) hours in advance of the meeting.

F.S.S. 286.0105A-If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The City of Wildwood DOES NOT provide this verbatim record).

AGENDA

- THE MEETING IS CALLED TO ORDER BY THE MAYOR
- INVOCATION
- FLAG SALUTE

1. **TIMED ITEMS AND PUBLIC HEARINGS**

7:00 PM (a)	**1ST PUBLIC HEARING**	First Public Hearing for public input on the City of Wildwood's proposed application to the Fla. Dept. of Economic Opportunity (DEO) for funding under the FFY 2011/2012 Fla. Small Cities Community Development Block Grant (CDBG) program (Attachments)
7:00 PM (b)	**TIMED ITEM**	Request for final site plan approval for Case SP 1112-02; K&B Lawn and Landscaping; based upon Special Magistrate's recommendation, subject to approval, exemption, or permitting of the project by all agencies of competent jurisdiction and the City Engineer's comment letter of February 9th, 2012 (Attachments – Staff Recommends Approval)
7:00 PM (c)	**PUBLIC HEARING – 2ND FINAL READING**	Ordinance No. O2012-06 repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations (Attachments from Attorney General – Staff Recommends Approval)

*** Quasi Judicial Hearing**

2. **REPORTS AND PUBLIC INPUT**

SPECIAL PRESENTATIONS:

1. Introduction of Volunteer Chaplains for the Police Department: Pastor Attaway; Pastor Jones; and Pastor Recla (Chief Reeser – NO Attachments)
2. Introduction of new Parks & Recreation Coordinator, Jenny Donovan
3. Update on CR 466A Widening Project and estimated monthly decorative lighting costs (David Grimm – Attachments)
4. Proclamation declaring 2012 as the Year of the Girl and Celebrating 100 years of Girl Scouting (Attachments – Staff Recommends Approval)

a. City Manager
b. City Attorney
c. City Clerk
d. Commission Members
e. Public Forum (10 minute time limit)
f. Notes, Reports, and items for the file as attached

3. **NEW BUSINESS – ACTION REQUIRED**

a. MINUTES

1. Minutes of Special Called Meeting held on December 21, 2011 (Attachments – Staff Recommends Approval)
2. Minutes of Regular Meeting held on January 9, 2012 (Attachments – Staff Recommends Approval)
3. Minutes of Special Meeting held on January 18, 2012 (Attachments – Staff Recommends Approval)
4. Minutes of Regular Meeting held on January 23, 2012 (Attachments – Staff Recommends Approval)
5. Minutes of Special Called Meeting held on January 30, 2012 (Attachments – Staff Recommends Approval)

b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)

1. Ordinance No. O2012-01; an ordinance adopting the Development Order (DO) and Proportionate Share Agreement (PSA) for Southern Oaks DRI (Attachments – Staff Recommends Approval)
2. Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City (Attachments – Staff Recommends Approval)
3. Ordinance No. O2012-08; an ordinance reclassifying Parcel # D32=152 containing 2.16 +/- acres (MICO Customs) in the Shamrock Industrial Park from City "Commercial" to City "Industrial" requiring a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan; based on favorable recommendation by Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency (Attachments - Staff Recommends approval)
4. Ordinance No. O2012-09, rezoning Parcel # D32=152 containing 2.16 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial" in conformance with the Future Land Use Map of the Comprehensive Plan and based on favorable recommendation by the Planning & Zoning Board/Special Magistrate (Attachments - Staff Recommends Approval - subject to approval of Ordinance O2012-08)
5. Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial" requiring a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan; based on favorable recommendation by Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency (Attachments - Staff Recommends approval)
6. Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial" in conformance with the Future Land Use Map of the Comprehensive Plan and based on favorable recommendation by the Planning & Zoning Board/Special Magistrate (Attachments - Staff Recommends Approval - subject to approval of Ordinance O2012-10)
7. Ordinance No. O2012-12; an ordinance extending the names of Clarke, Lee and North Main Streets now located within the city and providing for submission to the 911 coordinator (Attachments – Staff Recommends Approval)

c. RESOLUTIONS FOR APPROVAL:

1. None

d. APPOINTMENTS

1. None

e. CONTRACTS AND AGREEMENTS

1. None

f. FINANCIAL

1. Bills for Approval (Attachments – Staff Recommends Approval)
2. Discussion/Approval of change order requests for:
   a. Pitt and Stone Street Drainage Improvements (+$27,237.29) under the CDBG Project Grant (Attachments – Staff Recommends Approval)
   b. Discussion/Approval of change order requests for Osceola Street Drainage Improvements (+$37,219.10) under the CDBG Project Grant (Attachments – Staff Recommends Approval)

g. GENERAL ITEMS FOR CONSIDERATION

1. Discussion/Board Option - Update on CSX "S-Line" Capacity Improvement Project and that it will cost the City to move utility lines - David Grimm to address (NO Attachments)
2. Discussion/Board Option – Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale (Melanie Peavy - Attachments)
3. Discussion/Board Option - Proposed language for modification of Comprehensive Plan and Design District Standards for roadway interconnectivity requirements discussed at Special Meeting on January 18th; staff is seeking direction from the Commission whether they are comfortable with this proposed language and to provide approval to amend the Comprehensive Plan and Design Standards accordingly; or alternatively, to provide substitute language or direction on this matter. (Melanie Peavy - Attachments)
4. Discussion/Approval for Mayor Wolf to sign a letter requesting a waiver of Fla. Administrative Rule 9B-43.0041(1)(c), which sets a maximum funding amount for grants awarded to communities through the CDBG Program. The Cap for the COW is currently set at $700,000; we are requesting the funding ceiling be raised to $1.0 million for a proposed application to the Fla. Dept. of Economic Opportunity (DEO) for funding under the FFY 2011/2012 Fla. Small Cities Community Development Block Grant (CDBG) program (City is under NO obligation by signing this letter if grant is not submitted or approved) (Attachments – Staff Recommends Approval)
5. Human Resources to give update on the six (6) City Manager candidates selected for possible interviews (NO Attachments)

4. **ADJOURN:**

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NOTES – NO ACTION REQUIRED:

a. None

REPORTS:

CITY MANAGER (2.a.f.):

1. **FYI** – Sumter County Public Works' Annual Household Hazardous Waste/Electronics Waste Amnesty Day in the Wildwood Middle-High School parking lot on Sat., March 24, 2012 from 9AM-3PM (Attachments)
2. **FYI** – Sumter Co. Chamber of Commerce Certificate of Appreciation to the City of Wildwood for supporting the Chamber for 10-years (Attachments)
3. **FYI** – AARP Annual Tax Aide Program at Wildwood Community Center in the offices at the back of the building every Monday from 8:30 a.m. to 3:00 p.m.; February 6th thru April 9th – Free service to anyone needing assistance with their personal taxes (no businesses) (NO Attachments)
4. **FYI** – Low Cost Vaccination Clinic for Dogs & Cats – Saturday, March 31, 2012 from 8:30 am – 12 noon; Animal Care Center of Wildwood (NO Attachments)
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1. TIMED ITEMS AND PUBLIC HEARINGS

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1. PUBLIC HEARINGS – 1st Public Hearing – for public input on the COW's proposed application for CDBG funding

MEMORANDUM

TO: Attendees at the CDBG First Public Hearing

From: City of Wildwood

Date: February 13, 2012

Re: City of Wildwood -- Florida Small Cities Community Development Block Grant

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There are four categories of funds available under the Community Development Block Grant (CDBG) Program. Each is designed to address local needs and benefit low to moderate-income persons. A summary of each grant category is provided below.

(1) Housing Rehabilitation (HR)

Substandard housing occupied by income eligible households may be rehabilitated with CDBG funds to meet code requirements. Both owner occupied and rental housing may be included. Dilapidated housing may be demolished and cleared, and financing is provided to the displaced occupants for replacement housing.

(2) Neighborhood Revitalization (NR)

This category is primarily for CDBG funded water and sewer improvements (including sewer hook-ups) in low/moderate income neighborhoods. CDBG funds can also be used for street paving, drainage improvements and to acquire land to be used as a site for low/moderate income housing.

(3) Commercial Revitalization (CR)

CDBG Commercial Revitalization funds are used to improve storefronts and public facilities in the downtown area. Eligible projects include parking facilities, drainage, street paving, sidewalks, lighting, recreation facilities and water & sewer facilities.

(4) Economic Development (ED)

CDBG Economic Development funds are available to local governments as grants to provide new or expanding businesses with infrastructure such as access roads, and water/ sewer facilities that the business needs to begin operations. New jobs must be provided or existing jeopardized jobs retained. At least 51% of the new jobs created must be made available to low/moderate income persons.

1. PUBLIC HEARINGS – 1st Public Hearing – **for public input on the COW's proposed application for CDBG funding**

The City is eligible to receive up to $700,000 (unless a waiver is approved by DEO so that the City can apply for a larger amount). The City will hear comments on community development needs at this First Public Hearing.

At a 2nd public hearing (which has not yet been scheduled), the public will be offered an opportunity to review and comment on the proposed grant application. The City Commission will review the comments made at all public hearings and revise the grant application if needed.

Local Citizens will be represented during the application design phase by the Citizen Advisory Task Force (CATF) which has been appointed by the City Commission. The CATF will review the draft application prior to submission to the City Commission and prior to the 2nd public hearing.

CDBG rules require that the CATF meet before the 2nd public hearing is advertised.

1. TIMED ITEMS
(b.) Final site plan approval for Case SP 1112-02
K&B Lawn and Landscaping

CITY COMMISSION OF THE CITY OF WILDWOOD

EXECUTIVE SUMMARY

SUBJECT: **K&B Lawn and Landscaping SP 1112-02**

REQUESTED ACTION: Site Plan approval for a 476 sq. ft. building and paved parking area to be utilized for a plant nursery.

☐ Work Session (Report Only)
☒ Regular Meeting

DATE OF MEETING: 2/13/12
☐ Special Meeting

CONTRACT: ☒ N/A
Effective Date: _____
Managing Division / Dept: _____

Vendor/Entity: _____
Termination Date: _____

BUDGET IMPACT: _____

☐ Annual
☐ Capital
☒ N/A

FUNDING SOURCE: _____
EXPENDITURE ACCOUNT: _____

HISTORY/FACTS/ISSUES:

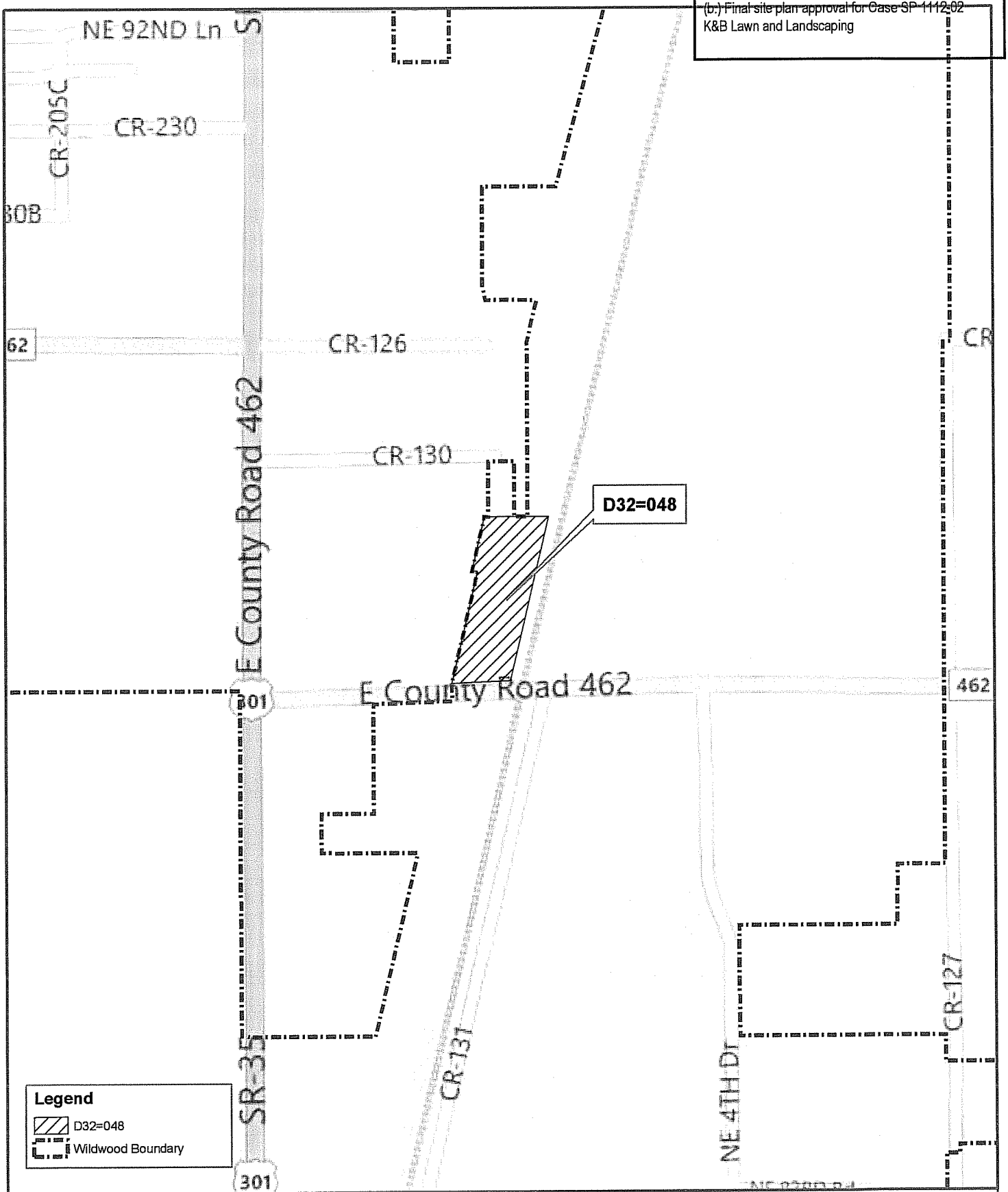
Case SP 1112-02 was considered by the Planning & Zoning Board/Special Magistrate on Tuesday, February 7, 2012. The Planning & Zoning Board/Special Magistrate gave a favorable recommendation of the site plan to the City Commission subject to a resubmittal addressing all outstanding issues, which has been received and reviewed by the City Engineer with no outstanding areas of concern.

Staff recommends that the Commission accept the Planning & Zoning Board/Special Magistrate's recommendation subject to approval, exemption, or permitting of the project by all agencies of competent jurisdiction and the City Engineer's comment letter of February 9, 2012.

M. Peavy

Melanie Peavy
Development Services Director

1. TIMED ITEMS
(b.) Final site plan approval for Case SP-1112-02
K&B Lawn and Landscaping



D32=048 Parcel Location

1 inch = 500 feet

1. TIMED ITEMS
(b.) Final site plan approval for Case SP 1112-02
K&B Lawn and Landscaping

City of Wildwood
Planning & Zoning Board/Special Magistrate

The case below was heard on Tuesday, February 7, 2012 by the Special Magistrate. The applicant seeks approval and favorable recommendation from the Wildwood Planning and Zoning Board/Special Magistrate for construction of a 476 sq. ft. building and related parking for a plant nursery. The site is generally located to the northwest of the intersection of CR 462 and the CSX railroad right-of-way.

Case: SP 1112-02

Parcel(s): D32=048

Owner: James E. Bennett

Applicant: Kevin Burke

Based upon the testimony and information presented, the Special Magistrate recommends approval of the site plan and favorable recommendation of project number SP 1112-02 to the City Commission subject to a resubmittal before 5 pm on Wednesday, February 8, 2012 that addresses all of the City Engineer's comments in his letter of January 4, 2012 and any outstanding issues raised by City Staff.

Dated: February 7, 2012

/Proposed/

_____

Archie O. Lowry, Jr.
Special Magistrate, City of Wildwood

Kimley-Horn
and Associates, Inc.

1. TIMED ITEMS
(b.) Final site plan approval for Case SP 1112-02
K&B Lawn and Landscaping

February 9, 2012

Suite 200
1823 SE Fort King Street
Ocala, Florida
34471

Ms. Melanie Peavy
City of Wildwood
100 North Main Street
Wildwood, Florida 34785

Re: ***K&B Lawn and Landscaping; 2nd Site Plan Review***
City of Wildwood, Florida
City Project Number SP1112-02
KHA Project Number 142173071

Dear Ms. Peavy:

On behalf of the City of Wildwood, Kimley-Horn and Associates, Inc. has reviewed the site plan submitted by Walling Engineering dated February 8, 2012 and have the following comments:

General

1. Provide copies of all required regulatory agency permits, including the Sumter County Driveway connection permit, and evidence the SWFWMD exemption notice.
2. Provide a copy of the letter from Sumter County regarding the existing hydrant location when it is received.
3. Connection to the City's potable water system for irrigation on this site is not being approved as part of these construction plans. From conversations with the design engineer, it is our understanding that the irrigation system will connect an existing irrigation system that is run off a private well.

Sincerely,

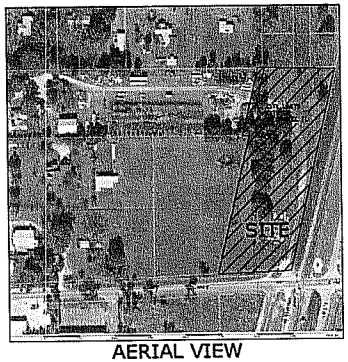
KIMLEY-HORN AND ASSOCIATES, INC.

Richard V. Busche, P.E.

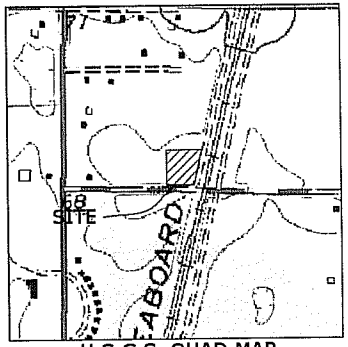
Cc: Dave Grimm – City of Wildwood
Paul Ketz – City of Wildwood
File

SITE PLAN FOR:

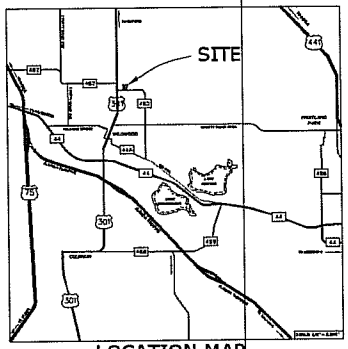
K B Landscape Supply



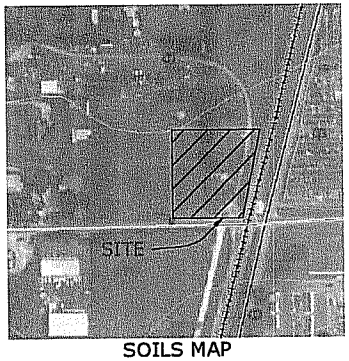
AERIAL VIEW



U.S.G.S. QUAD MAP



LOCATION MAP



SOILS MAP

LEGAL DESCRIPTION

LEGAL DESCRIPTION (FROM DEED):

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING WESTERLY OF C.S.X. TRANSPORTATION, INC. WESTERLY RIGHT OF WAY LINE, SAID PARCEL BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1302, PAGE 731, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 32; THENCE S89°59'11"E, ALONG THE SOUTH LINE OF THE SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 873.11 FEET TO A POINT 30.00 FEET WEST OF AND PERPENDICULAR TO THE CENTERLINE OF THE MAIN LINE TRACKS OF C.S.X. TRANSPORTATION, INC., SAID POINT BEING THE POINT OF BEGINNING; THENCE N13°31'17"E, PARALLEL TO THE SAID CENTERLINE OF THE MAIN LINE TRACKS A DISTANCE OF 878.43 FEET; THENCE N89°59'11"W, 237.73 FEET TO THE SOUTHWEST CORNER OF LOT 18, BLOCK C, ORANGE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 25, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA; THENCE ALONG THE WESTERLY LINE OF PROPERTY DESCRIBED IN OR BOOK 55, PAGE 75, AND OR BOOK 56, PAGE 472, RESPECTIVELY, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA FOR THE FOLLOWING THREE COURSES: 1) S13°31'17"W, 215.82 FEET; 2) N89°15'41"E, 22.17 FEET; 3) S13°31'17"W, 461.39 FEET TO A POINT ON THE AFORESAID SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 32; THENCE S89°59'11"E, ALONG THE SAID SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 215.75 FEET TO THE POINT OF BEGINNING.

LESS ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF COUNTY ROAD NO. C-462.

OWNER/ENGINEER:

OWNER:
JAMES E. BENNETT
134 HIDDEN OAKS DRIVE
LADY LAKE, FLORIDA 32159

DEVELOPER/TENANT:
KEVIN BURKE
K & B LAWN AND LANDSCAPING
6845 N. U.S. HWY. 301
WILDWOOD, FL. 34785
TEL: 352-748-4400

ENGINEER:
N. BENNETT WALLING, P.E.
WALLING ENGINEERING, INC.
P. O. BOX 490139
LEESBURG, FL. 34749-0139
PHONE: (352) 728-1258
FAX: (800) 428-1143
EMAIL: BENNETT@WALLINGENGINEERING.COM

PROJECT INFORMATION

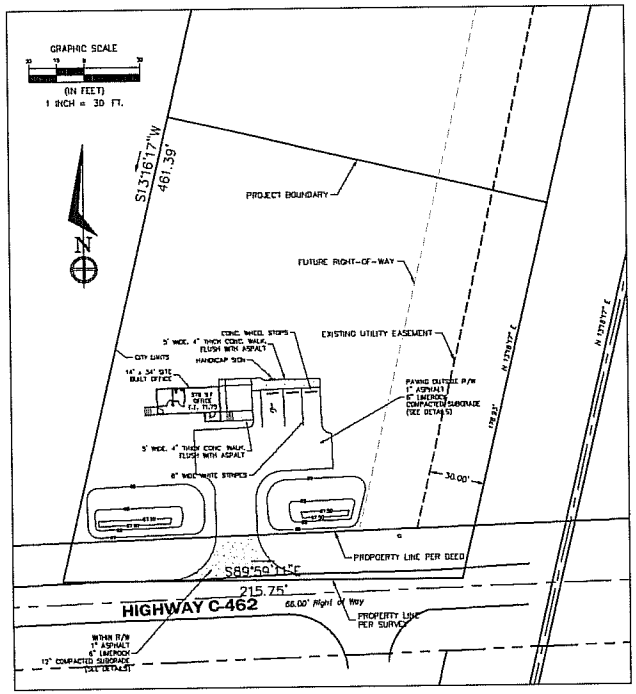
GENERAL PROJECT DESCRIPTION:
THE SCOPE OF THIS PROJECT IS TO CONSTRUCT A MINIMAL AMOUNT OF IMPROVEMENTS TO ALLOW FOR A NURSERY TO OPERATE ON AN EXISTING 34 +/- ACRE SITE THAT IS LOCATED ON THE NORTH SIDE OF 462A JUST WEST OF THE RAIL ROAD RIGHT-OF-WAY. THE PROPERTY BEING UTILIZED IS LOCATED IN SUMTER COUNTY WITH THE CITY LIMITS CUTTING THRU THE SITE. ALL PROPOSED IMPROVEMENTS WILL BE WITHIN THE CITY OF WILDWOOD. AS PROPOSED AND BECAUSE THE PROJECT IS BEING PROPOSED FOR A SHORT TERM TENANT, ALL IMPROVEMENTS BEING PROPOSED ARE THE MINIMUM FELT NECESSARY TO MEET THE CITY'S MINIMUM REQUIREMENTS EXCLUDING A BUILDING WHICH WILL BE SITE BUILT WITH THE DESIGN BASES THAT IT CAN BE EASILY REMOVED. BECAUSE OF THE USE AND WHAT IS CUSTOMARY FOR THIS TYPE OF USE, A MINIMUM NUMBER OF PARKING IS PROPOSED WITH ONLY THREE (3) PAVED PARKING SPACES INCLUDING ONE (1) HANDICAP SPACE. BECAUSE THERE IS NO GRAVITY SEWER IN THE AREA, A SMALL RESIDENTIAL SIZE LIFT STATION IS BEING PROPOSED TO SERVE THE ONE MEN ROOM PROPOSED IN THE 478 S.F. OFFICE. AS PROPOSED THE OFFICE WILL ALLOW THE NURSERY TO CONDUCT BUSINESS WITH VERY LIMITED ABILITY TO SELL NURSERY RELATED PRODUCTS OTHER THAN THE ACTUALLY PLANTS. IF OVER TIME ECONOMICS ALLOW, A NEW PERMANENT STRUCTURE MIGHT BE PROPOSED TO ALLOW FOR SALES OF NURSERY RELATED PRODUCTS.

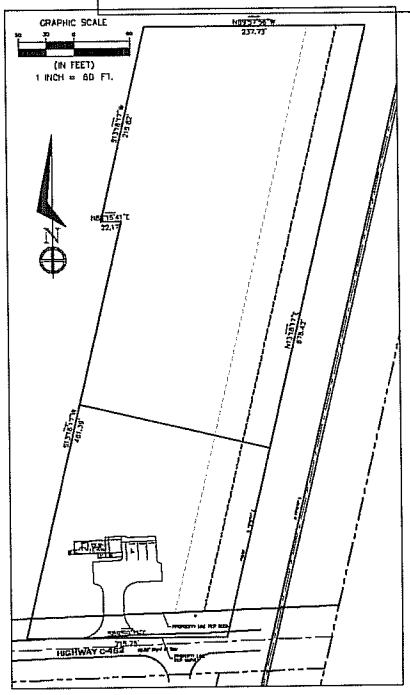
PARCEL ID: 032=048
CURRENT ZONING: M1
FUTURE LAND USE DESIGNATION: INDUSTRIAL
PROPOSED USE: NURSERY - RETAIL/WHOLESALE
POTABLE WATER FROM CITY OF WILDWOOD
SEWER BY THE CITY OF WILDWOOD

TOTAL PROPERTY AREA: 34 ACRES
PROJECT AREA: 1 ACRE

TOTAL PROPOSED IMPERVIOUS AREAS: 5,024 S.F.
PROPOSED BUILDING AREAS: 478 S.F.
PROPOSED IMPERVIOUS WALKWAYS, WOODEN RAMPS AND PORCHES: 563 SF
IMPERVIOUS AREA SUBJECT TO VEHICULAR TRAFFIC: 3,983 S.F.
(INCLUDING 1,007 S.F. OFF SITE)

REQUIRED PARKING 3/1000 S.F. FOR OFFICES = 1.5
PROPOSED PARKING PROVIDED: 3 SPACES (INC. 1 H.C. SPACE)





INDEX

C-1 - COVER SHEET
C-2 - SITE PLAN

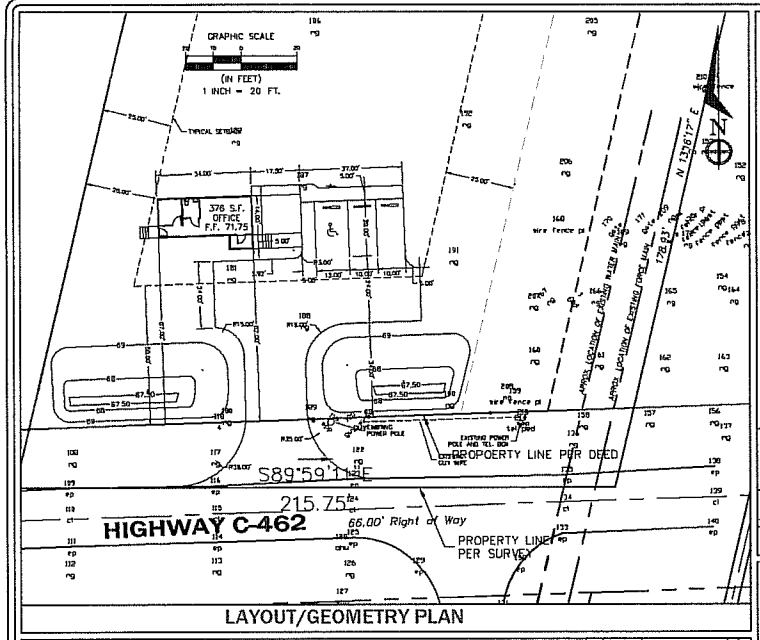
WALLING ENGINEERING
SITE PLANS - PERMITTING
CONSULTING - PLANNING
P. O. BOX 490139
LEESBURG, FLORIDA 34749-0139
PHONE: (352) 728-1258
CERTIFICATE NO. EB-0006455

REVISION	DATE
ORIGINAL PLAT	8/19/11

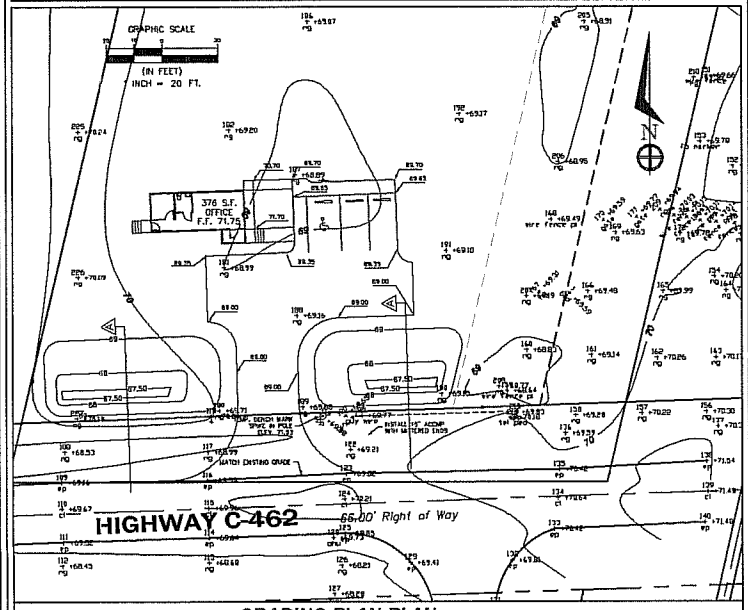
COVER SHEET FOR:
K & B Lawn and Landscaping
COUNTY ROAD 462A

DRAWN	CHECKED
NBW	
JOB NO.	SCALE
BURKE	1" =
DATE	
AUGUST 2011	
SHEET	
C-1	

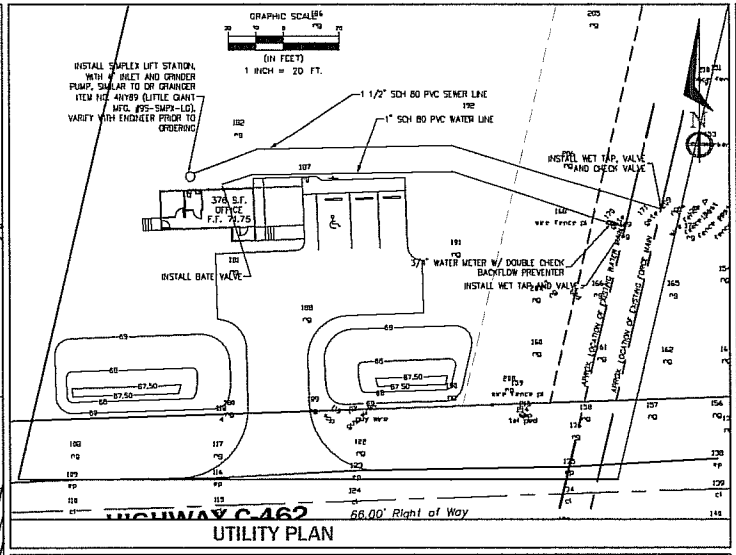
1. Timed items (b) Final site plan approval for Case SP 1112-02 K&B Lawn & Landscaping



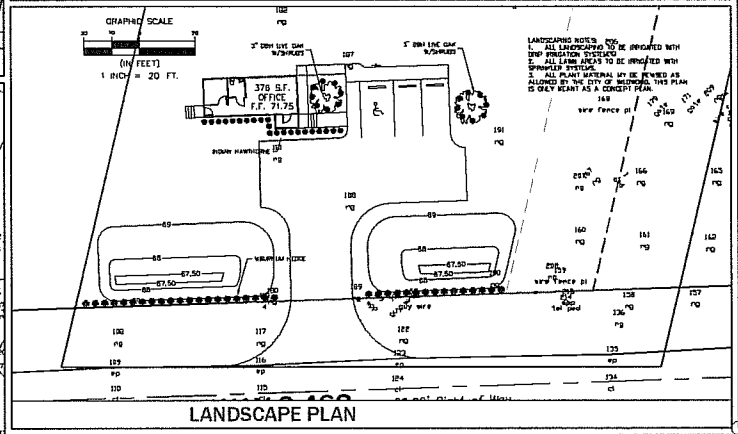
LAYOUT/GEOMETRY PLAN



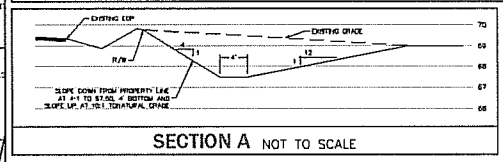
GRADING PLAN PLAN



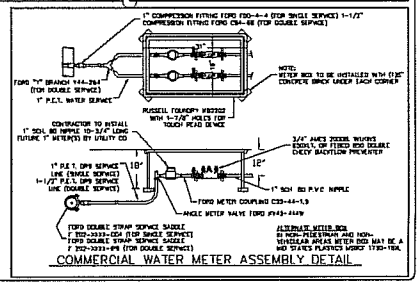
UTILITY PLAN



LANDSCAPE PLAN

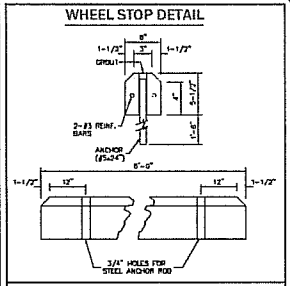


SECTION A NOT TO SCALE

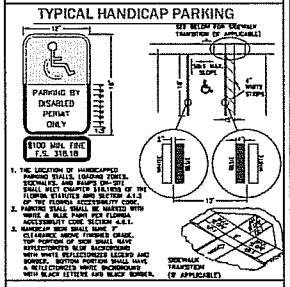


COMMERCIAL WATER METER ASSEMBLY DETAIL

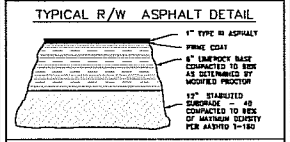
WHEEL STOP DETAIL



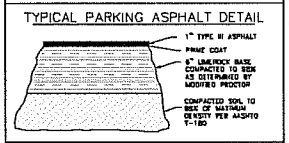
TYPICAL HANDICAP PARKING



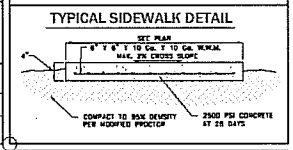
TYPICAL R/W ASPHALT DETAIL



TYPICAL PARKING ASPHALT DETAIL



TYPICAL SIDEWALK DETAIL



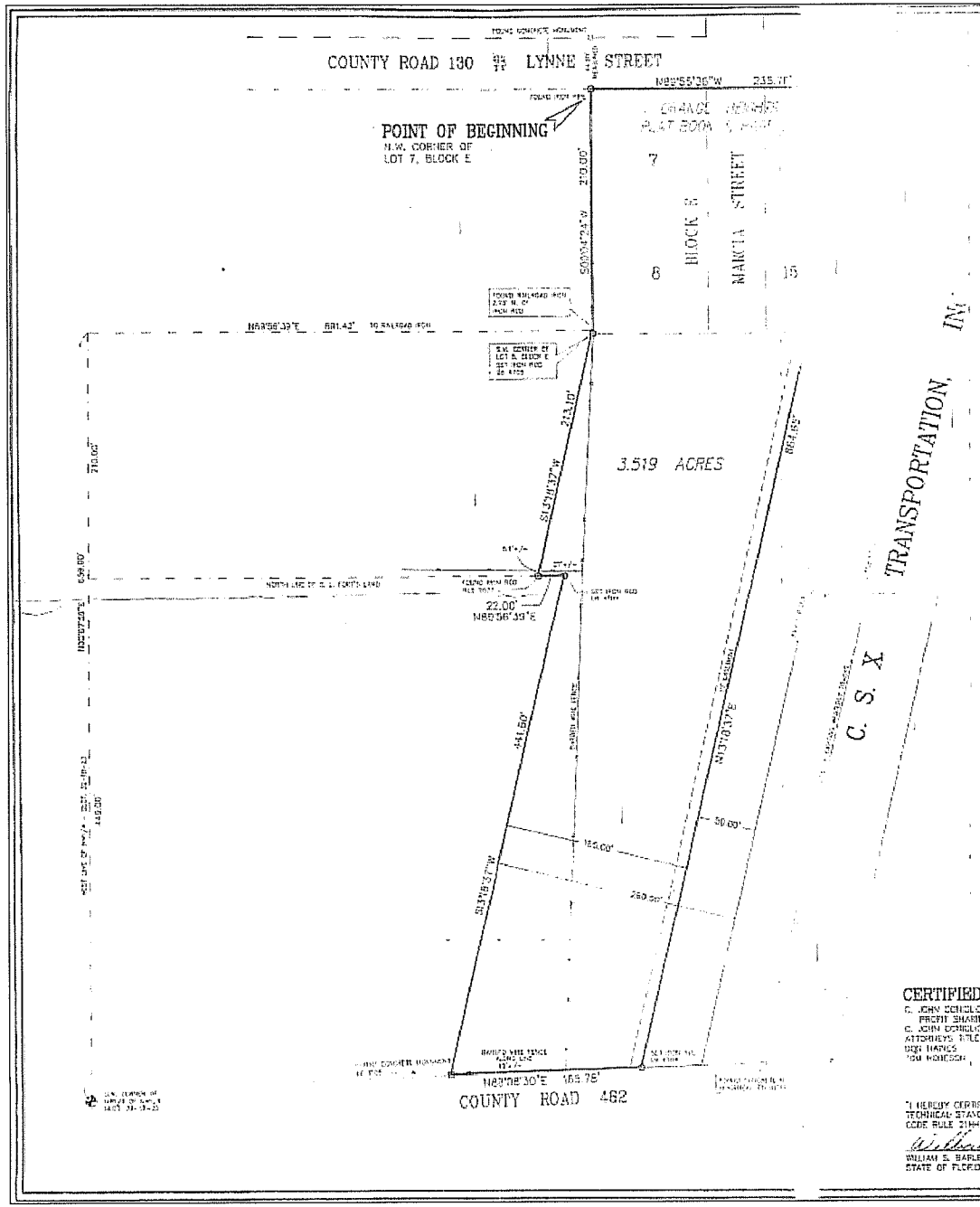
REVISION	DATE
A ORIGINAL PLAT	8/19/11

WALLING ENGINEERING
STEPS/ANS - PERMITTING
CONSULTING - PLANNING
LEESBURG, FLORIDA 34748-0130
P.O. BOX 490130
(352) 787-1556

COVER SHEET FOR:
K & B Lawn and Landscaping
COUNTY ROAD 462A

DRAWN	CHECKED
mlw	
JOB NO.	SCALE
BURKE	1" =
DATE	
AUGUST 2011	
SHEET	
C-2	

1. Timed items (b) Final site plan approval for Case SP 1112-02 K&B Lawn & Landscaping



BOUNDARY SURVEY

THAT PART OF THE NORTHWEST 1/4 [illegible] TOWNSHIP 18 SOUTH, RANGE 21 EAST [illegible] AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7, BLOCK E, ORANGE HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN [illegible] PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA; [illegible] BEGINNING RUN S00°04'24"W ALONG THE WEST LINE OF [illegible] 210.00 FEET TO THE SOUTHWEST CORNER OF LOT 8, [illegible] HEIGHTS; THENCE PARALLEL WITH THE CENTERLINE OF THE [illegible] TRACKS OF C.S.X. TRANSPORTATION, INC. RUN S13°18'37"W [illegible] TO THE NORTH LINE OF S. L. FORT'S LAND; THENCE ALONG [illegible] LINE RUN N89°56'39"E 22.00 FEET TO A POINT THAT IS 250.00 FEET WESTERLY (AS MEASURED AT RIGHT ANGLES) OF AFORESAID CENTERLINE OF MAIN LINE TRACKS; THENCE PARALLEL WITH SAID CENTERLINE S13°18'37"W 441.60 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 462; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE RUN N89°08'30"E 165.78 FEET TO A POINT THAT IS 100.00 FEET WESTERLY (AS MEASURED AT RIGHT ANGLES) OF AFORESAID CENTERLINE; THENCE PARALLEL WITH AND 100.00 FEET FROM SAID CENTERLINE RUN N13°18'37"E 864.65 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 130 (LYNNE STREET); THENCE ALONG SAID EXTENSION LINE AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, RESPECTIVELY, RUN N89°55'36"W 235.75 FEET TO THE POINT OF BEGINNING.

RESERVING THE EASTERLY 10.00 FEET THEREOF (BY PERPENDICULAR MEASUREMENT) AS AN EASEMENT FOR INGRESS, EGRESS, DRAINAGE AND UTILITIES PURPOSES.

SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD.

NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL.
2. CERTIFICATION IS LIMITED TO PARTIES NAMED HEREON.
3. THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN SHOWN HEREON.
4. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE NORTH R/W LINE OF COUNTY ROAD 462 BEING N89°08'30"E PER D.O.T. PLANS.
5. DESCRIPTION GENERATED BY THIS SURVEY BASED ON INFORMATION FURNISHED BY CLIENT.
6. STATUS OF LOTS AND STREETS IN ORANGE HEIGHTS IS UNKNOWN.

CERTIFIED TO

C. JOHN CONIGLIO, TRUSTEE OF C. JOHN CONIGLIO, P.A.
PROFIT SHARING PLAN
C. JOHN CONIGLIO, P.A.
ATTORNEYS TITLE INSURANCE FUND, INC.
DON HAINES
TOM HENDERSON

CLIENT – C. JOHN CONIGLIO
JOB NO. – [illegible]
DATE – MARCH 28, 1991

"I HEREBY CERTIFY THIS SURVEY MEET THE MINIMUM TECHNICAL STANDARDS OF THE FLORIDA ADMINISTRATIVE CODE RULE 21HH-6."

William S. Barley

WILLIAM S. BARLEY, R.L.S. NO. 3519
STATE OF FLORIDA

FARNER BARLEY AND ASSOCIATES, INC.
ENGINEERS
SURVEYORS
PLANNERS

1. Timed Items (b) Final site plan approval for Case SP 1112-02 K&B Lawn & Landscaping

1. (c). PUBLIC HEARINGS – 2nd final reading - Ordinance No. O2012-06 repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

ORDINANCE NO. O2012-06

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; PROVIDING FOR REPEAL OF SECTION 13-4 OF THE CITY OF WILDWOOD CODE AND SECTION 1 OF ORDINANCE NUMBER 308; PROVIDING FOR FIREARMS AND AIRGUNS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida has pre-empted the entire field of firearm regulations; and,

WHEREAS, the City of Wildwood currently has an ordinance limiting the discharge of firearms inside the City.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Wildwood, Florida:

SECTION 1. Section 13-4 of the City of Wildwood Code and Section 1 of Ordinance number 308 are repealed and the code is amended as follows (cross-throughs indicate deletions and underlines indicate additions):

~~Section 13-4. Firearms; air guns.~~

~~(a) It shall be unlawful for any person, except law enforcement officers, to discharge any gun, pistol, or other firearms, or any air gun or slingshot, in the city.~~

~~(b) This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm.~~

SECTION 2. If any section, subsection, sentence, clause, phrase of this ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 3. This ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this ____ day of _____, 2012, by the City Commission of the City of Wildwood, Florida.

SEAL

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

ATTEST:_____
Joseph Jacobs, City Clerk

_____
Ed Wolf, Mayor

1. (c). PUBLIC HEARINGS – 2nd final reading - **Ordinance No. O2012-06** repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

First Reading:_____

Second Reading:_____

Approved as to form:

_____

Jerri A. Blair
City Attorney

C:\Documents and Settings\User\My Documents\AAA-LISA DOCS\COW-LAP\ord\2011\ORD._____.amending 13-4.cow.code

1. (c). PUBLIC HEARINGS – 2nd final reading - **Ordinance No. O2012-06** repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

Jerri A. Blair, P.A.

Attorney and Counselor At Law

Jerri A. Blair
Attorney at Law

131 W. Main St.
P.O. Box 130
Tavares, FL 32778-0130
Lake (352) 343-3755
Sumter (352) 748-3728
(352) 343-5301 fax

January 30, 2012

REC'D 01.30.12 DATE
EXECUTIVE DEPT.
CJ M/C
Joseph

Via Facsimile To:
850-922-6425
Attorney General
Pam Bondi
Department of Legal Affairs
The Capitol, PL-01
Tallahassee, FL 32399

Re: Request by City of Wildwood for Attorney General Opinion

Dear General Bondi:

The City of Wildwood currently has an ordinance on its books, Section 13-4, of the City of Wildwood Code, which provides:

> (a) It shall be unlawful for any person, except law enforcement officers, to discharge any gun, pistol, or other firearms or any airgun or slingshot, in the City.
>
> (b) This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm.

Section 790.33, Florida Statutes, provides for the preemption of the field of regulation of firearms and ammunition. The statute provides:

> (1) PREEMPTION. Except as expressly provided by general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.

§790.33(1), Fla. Stat. The statute further provides that its intent is to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws. § 790.33(2), Fla. Stat.

The City is concerned that the current state statutes do not adequately address all of the situations where a discharge of a weapon within the City limits could endanger City residents. The City is aware of Attorney General Opinion 2011-17 in which you opined that a County could not

impose a regulation which effected the recreational discharge of firearms in residential zoned areas in light of Section 790.33, Florida Statutes. However, it does not appear that that opinion specifically addressed the differentiation between the actions of a human being using a firearm and the actions specifically listed in Section 790.33 and further does not address the danger that may arise in situations where firearms are used in areas where densely packed citizens reside such as cities.

It would appear that general principles of statutory construction should lead to a conclusion that the statute does not preempt regulations related to the discharge of firearms. The statute specifically lists the types of things that are preempted by the statute. See §790.33, Fla. Stat. It states that it is occupying the "whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof..." The statute thereby lists the types of activities that are preempted by the statute and does not list discharge. Under general principles of statutory construction, the mention of one thing implies the exclusion of another – *expressio unius est exclusio alterius*. See Moonlit Waters Apartment, Inc. v. Cauley, 666 So.2d 898 (Fla. 1996); Thayer v. State, 335 So.2d 815 (Fla. 1976). Accordingly, when a statute enumerates things to which it is to operate, it is ordinarily to be construed as it excluding from its operation all those not expressly mentioned. See Thayer v. State, *supra*; Ideal Farms Drainage District v. Certain Lands, 154 Fla. 554, 19 So.2d 234 (1934). Similarly, under the principle of *ejusdem genaris*, general words are limited by the specific words used in a statute. See Worden v. Hunt, 147 So.2d 548 (Fla. 2d DCA 1962). Under this principle, general words will ordinarily be presumed to be and will be construed as restricted by particular designations and to include only things within the same kind, class, character and nature as those specifically enumerated. See Shepard v. Thames, 251 So.2d 265 (Fla. 1971). Here, the statute mentions specific things which have to do with the firearm itself as opposed to human use of the firearm. Discharge is a different type of act than possession or transportation or sale or transfer or taxation or manufacture or ownership or purchase. It requires a human interaction that causes the firearm to become a potential danger to others while the other items listed as preempted to the state do not.

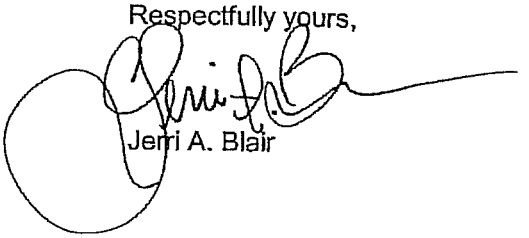
The City is in the process of repealing the ordinance that gives it the authority to control discharge within the City limits. Because of the concern the City has for the safety of its citizens, it wished to make sure that this is the construction that was being given to the statute by the Attorney General's Office, considering the principles of statutory construction that would seem to suggest that another interpretation could be appropriate, before it finalizes the repeal.

Accordingly, the City asks for an opinion of the following question:

1. May the City regulate the discharge of firearms within the City limits?

Thank you very much for your consideration of this matter.

Respectfully yours,



Jerri A. Blair

JAB/lap

cc: Joseph Jacobs, City Manager
Chief Eddie Reeser
Mayor Ed Wolf
Commissioner Ronald Allen
Commissioner Pamela Bivins
Commissioner Don Clark
Commissioner Robby Strickland

From: Jerri Blair <jblair710@aol.com>
Sent: Monday, January 30, 2012 4:43 PM
To: "Pam Law"
Subject: Fw: FW: City of Wildwood

Pam,

Here is another one for the Mayor and Commissioners.

Thanks,
Lisa
----- Original Message -----
From: Jerri Blair
To: Sean Caranna
Cc: Joseph Jacobs ; Edward Reeser
Sent: Monday, January 30, 2012 4:42 PM
Subject: Re: FW: City of Wildwood

Mr. Caranna,

I have forwarded your email of 1/27/12 to the Mayor and Commission. They can not take action on an issue outside of a meeting. Our next city meeting is February 13th. I will let you know how the Commission wishes to respond to your most recent email.

Respectfully yours,
Jerri A. Blair
(Dictated but not read)

----- Original Message -----
From: Sean Caranna
To: Jerri Blair
Cc: ereeser143@gmail.com ; jjacobs@wildwood-fl.gov ; Rich Nascak ; Patrick Buckley ; Eric Friday
Sent: Friday, January 27, 2012 1:06 PM
Subject: Re: FW: City of Wildwood

Mrs. Blair,

I referenced two AG opinions on this exact subject in my previous email. AG Bondi just wrote AGO 2011-17 in late September, only five months ago. AG Crist wrote AGO 2005-40 in 2005.

Nothing has changed under Florida law since the latest AGO. To again query the AG and delay repeal while waiting for yet another reply is without foundation. There are multiple older AGOs and court rulings about 790.33. Florida's Uniform Firearms Law Act prohibits your ordinance and we have done everything possible to resolve this issue with the City of Wildwood short of filing suit to demand compliance.

The law is clear that your ordinance is preempted. Additional unreasonable delays will force us to file suit against the city, the individual city counsel members, and the chief of police.

Sean Caranna
Executive Director

Florida Carry, Inc.
FloridaCarry.org

1. (c). PUBLIC HEARINGS – 2nd final reading - **Ordinance No. O2012-06** repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

On Fri, Jan 27, 2012 at 10:48 AM, Jerri Blair <jblair710@aol.com> wrote:

Dear Mr. Caranna:

Just to be safe because my Commission had some concern that the lack of ability to control discharge within the City limits could result in endangerment to local residents, I am asking the Attorney General for an opinion. We have already had the first reading of the ordinance and upon the Attorney General's opinion being delivered, we'll take it back for a second reading.

Respectfully yours,

Jerri A. Blair

----- Original Message -----
From: Sean Caranna
To: ereeser143@gmail.com ; jblair710@aol.com ; jjacobs@wildwood-fl.gov
Cc: Rich Nascak
Sent: Tuesday, December 20, 2011 10:55 PM
Subject: Re: FW: City of Wildwood

Chief Reeser,

I understand yourÂ concernsÂ that want to assure you that there are state statues toÂ dealÂ with any unsafe firearms discharge issues your department may have cause to deal with.

Before I get in to the statutes you can use, I wanted to call your attention to the two AGÂ opinionsÂ on this exact issue that you wanted to know about.
PleaseÂ reference:
AGO 2011-17Â http://www.myfloridalegal.com/ago.nsf/Opinions/C272B9B92DA6C965852579130048CF56Â
and
AGO 2005-40Â http://www.myfloridalegal.com/ago.nsf/Opinions/139E3CDB585ECC308525703C0071D2FB

Under theseÂ interpretationsÂ by two State AGs and a plain reading of the statute it becomes clear that localÂ ordinancesÂ regulatingÂ the discharge of firearms are preempted by state law. Â The only appropriateÂ remedyÂ to this is repeal of the unlawful ordinance.

The incident youÂ referenceÂ where a 17 year old negligently shot someone while attempting to hit a squirrel is anÂ appropriateÂ example of the need to enforce the state laws already on the books.

TheÂ state lawsÂ relevantÂ to shooting in public or under unsafe conditions follow:

784.05â€ƒCulpableÂ negligence.â€"

(1)â€ƒWhoever, throughÂ culpableÂ negligence, exposes another person to personal injury commits a misdemeanor of the second degree, punishable as provided in s.Â 775.082Â or s.Â 775.083.
(2)â€ƒWhoever, throughÂ culpableÂ negligence, inflicts actual personal injury on another commits a misdemeanor of the first degree, punishable as provided in s.Â 775.082Â or s.Â 775.083.

790.15â€ƒDischarging firearm in public.â€”

(1)â€ƒExcept as provided in subsection (2) or subsection (3), any person who knowingly discharges a firearm in any public place or on the right-of-way of any paved public road, highway, or street or whosoever knowingly discharges any firearm over the right-of-way of any paved public road, highway, or street or over any occupied premises is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm or to a person discharging a firearm on public roads or properties expressly approved for hunting by the Fish and Wildlife Conservation Commission or Division of Forestry.

(2)â€ƒAny occupant of any vehicle who knowingly and willfully discharges any firearm from the vehicle within 1,000 feet of any person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)â€ƒAny driver or owner of any vehicle, whether or not the owner of the vehicle is occupying the vehicle, who knowingly directs any other person to discharge any firearm from the vehicle commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Â

790.19â€ƒShooting into or throwing deadly missiles into dwellings, public or private buildings, occupied or not occupied; vessels, aircraft, buses, railroad cars, streetcars, or other vehicles.â€”

Whoever, wantonly or maliciously, shoots at, within, or into, or throws any missile or hurls or projects a stone or other hard substance which would produce death or great bodily harm, at, within, or in any public or private building, occupied or unoccupied, or public or private bus or any train, locomotive, railway car, caboose, cable railway car, street railway car, monorail car, or vehicle of any kind which is being used or occupied by any person, or any boat, vessel, ship, or barge lying in or plying the waters of this state, or aircraft flying through the airspace of this state shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

If someone is actually harmed, more charges may apply and I'm sure I don't need to spell those all of those statutes out here.

You have legal remedies under state law, the local ordinance is redundant and unnecessary. Â It is also preempted by state law and should be repealed to bring theÂ City of Wildwood in to compliance with state law.

Thank you for your service to your community and happy holidays,

Regards,Â

Sean Caranna
Executive Director
Florida Carry, Inc.

1. (c). PUBLIC HEARINGS – 2nd final reading - **Ordinance No. O2012-06** repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

-----Original Message-----
From: Chief Mobile [mailto:ereeser143@gmail.com]
Sent: Tuesday, December 20, 2011 6:28 PM
To: Jerri Blair; Nascak, Richard
Cc: Joseph Jacobs; Edward Reeser; Paul Valintino
Subject: Re: City of Wildwood

I think we should not repeal it unless REQUIRED by law to do so. The point of not be allowed to discharge a firearm in the city limits is the likelyhood a person getting hurt due to the fact there are more people in a confined area. Just like the time a 17 year old shot at a squirrel and it hit a man working in the railroad yard. I again take the position of discharging is not included in the statute. I would like to know the position of cities such as Orlando or other large cities and a AG opinion before recending the ordenace. I would like to address the Commission if it is presented to them.

Sent from my Motorola phone.

Jerri Blair <jblair710@aol.com> wrote:

>Mr. Nascak:
>
>Thank you for your recent email. I am the City Attorney for the City of Wildwood. I am taking the enclosed ordinance for the City Commission to consider at their next regular meeting in January, 2012. While I did not feel the firearm and gun ordinance was in violation of the statute because it deals with the action of a person discharging a slingshot, firearm, etc., within the City as opposed to attempting to regulate firearms it appears to me that the City would not be harmed by repealing the ordinance because there are adequate protections in state statutes. Additionally, the statutory language is certainly very broad and could be interpreted to include "discharge." Certainly, the City has always attempted to comply with applicable state law. Please let me know if you need any further information.
>
>Respectfully yours,
>
>Jerri A. Blair
>
>Jerri A. Blair, Esq.
>Jerri A. Blair, P.A.
>P.O. Box 130
>Tavares, FL 32778
>
>
>Notice of Confidentiality. Â This email communication and the attachment(s) hereto, if any, are intended solely for the information and use of the recipient identified in the address line above and may contain information which is legally privileged from the disclosure and/or otherwise confidential. Â If you are not the intended recipient fo this email communication (or an authorized representative of the intended recipient), you are hereby advised that any review, disclosure, reproduction, re-transmission or other dissemination or use of this email communication (or any information contained herein) is strictly prohibited. Â If you are not the intended recipient or have otherwise received this email communication in error, please advise the sender either by reply email or by telephone (at 352-343-3755), immediately delete this email communication from any computer and destroy all copies of same.

1. (c). PUBLIC HEARINGS – 2nd final reading - **Ordinance No. O2012-06** repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

FAX COVER SHEET

OFFICE OF THE ATTORNEY GENERAL
OPINIONS DIVISION

THE CAPITOL, PL-01
TALLAHASSEE, FL 32399-1050
(850) 245-0158
FAX: (850) 922-3969

Date: February 10, 2012

To: Mayor Ed Wolf
City Commissioners

Fax: 352-330-1338

From: Shelia R. Hall

Pages: 17, not including this cover sheet

Subject: Informal Opinion – may city regulate discharge of firearms

COMMENTS:

This office now provides access to formal Attorney General Opinions dating back to 1974 through a searchable database on the Attorney General's Internet home page at:

http://myfloridalegal.com

1. (c). PUBLIC HEARINGS – 2nd final reading - Ordinance No. 2012-08 repealing Section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Opinions Division

PAM BONDI
ATTORNEY GENERAL

PL-01 The Capitol
Tallahassee, Florida 32399-1050
Telephone (850) 245-0158
Fax (850) 922-3969

February 10, 2012

Ms. Jerri A. Blair
Attorney and Counselor at Law
Post Office Box 130
Tavares, Florida 32778-0130

Dear Ms. Blair:

On behalf of the City of Wildwood, you have asked for this office's assistance in determining whether the city may regulate the discharge of firearms within the city limits. Attorney General Bondi has asked me to respond to your inquiry.

The Florida Supreme Court has, on several occasions, had the opportunity to consider the terms of section 790.33, Florida Statutes, and comment on its application. The statute currently reads in pertinent part:

> (1) PREEMPTION.—Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.
> (2) POLICY AND INTENT.—
> (a) It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.

In *Penelas v. Arms Technology, Inc.*,[1] the Florida Supreme Court specifically stated that the Legislature, through the adoption of section 790.33, Florida Statutes, has expressly preempted the entire field of firearm and ammunition regulation. That case, and a subsequent Third District Court of Appeals case, *National Rifle Association of America, Inc. v. City of South Miami*,[2] reviewed an earlier version of the statute which contained substantially similar preemption and intent language.

In the *National Rifle Association* case, the NRA brought a declaratory judgment action challenging the city's firearms ordinance which established certain safety standards for firearms. This office had, at the request of the city, issued Attorney General Opinion 2000-42 concluding that an ordinance requiring a gun owner to secure their firearms with a gun lock would not appear to interfere with the right of an individual to bear arms. The opinion noted that section 790.33, Florida Statutes, did not specifically refer to the *storage* of firearms and that the city had concluded that the omission left room for local regulation in this limited area. The Attorney General Opinion also concluded that the existence of statutes requiring that firearms be secured would not necessarily preclude a municipality from adopting a more stringent standard than that contained in the statute. The Florida Supreme Court, based on its reading of the language of section 790.33, Florida Statutes, held that the city's ordinance was null and void as it was in conflict with the statute which expressly preempted the entire field of firearm and ammunition regulation.

This office has issued a number of Attorney General Opinions considering the preemption language of section 790.33, Florida Statutes. In Attorney General Opinion 2005-40, the Sheriff of Indian River County was advised that "a county ordinance prohibiting the discharge of a firearm in proximity to persons or property when such discharge endangers the health, welfare, and safety of the citizens of such county would be preempted by section 790.33, Florida Statutes." Attorney General Opinion 2011-17 to Santa Rosa County advised that the county "may not regulate the recreational discharge of firearms in residentially zoned areas as the regulation of firearms is preempted to the state pursuant to section 790.33, Florida Statutes." I am enclosing copies of these opinions and Attorney General Opinion 2011-20 which concludes that the preemption provisions of section 790.33, Florida Statutes, do not affect the authority of a municipality to impose a local business tax as authorized by Chapter 205, Florida Statutes, upon businesses, professions, or occupations including gun dealers and gunsmiths.

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[1] 778 So. 2d 1042 (Fla. 3d DCA 2011), *rev. denied*, 799 So. 2d 218 (Fla. 2001).
[2] 812 So. 2d 504 (Fla. 3d DCA 2002).

1. (c). PUBLIC HEARINGS – 2nd final reading - Ordinance No. O2012-06 repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

I trust that these informal comments and the copies I am enclosing will be helpful to you in advising your client, the City of Wildwood. Thank you for contacting this office for assistance.

Sincerely,

Gerry Hammond

Gerry Hammond
Senior Assistant Attorney General

GH/tsh

Enclosures: AGO's 2000-42, 2005-40, 2011-17, and 2011-20

State of Florida
Office of the Attorney General

Advisory Legal Opinion (Formal)

Number: AGO [redacted]
Date: July 11, 2000
Subject: Municipalities, storage requirements for weapons

The Honorable John Grant
Senator, District 13
610 West Waters Avenue
Suite A
Tampa, Florida 33604

RE: MUNICIPALITIES--FIREARMS--authority of municipality to enact ordinance requiring locking devices on all firearms stored in the city. s. 790.33, Fla. Stat.

Dear Senator Grant:

You ask substantially the following question:

May a municipality enact an ordinance requiring the use of locking devices on firearms stored within the city?

In sum:

This office must presume the validity of a duly enacted ordinance until a court declares otherwise. Section 790.33, Florida Statutes, however, should be construed in view of the statute's purpose which is to preempt local regulations that interfere with an individual's right to bear arms. A requirement that gun owners secure their firearms with a gun lock would not appear to interfere with that right, nor does the existence of statutes requiring that firearms be secured necessarily preclude a municipality from adopting a more stringent standard.

You state that the City of South Miami has enacted an ordinance requiring the use of locking devices on firearms stored within the city. You express your concern that the ordinance violates the Joe Carlucci Uniform Firearms Act, section 790.33, Florida Statutes. That statute declares that the state preempts the whole field of regulation of firearms and ammunition "including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof, to the exclusion of all existing and future county . . . or municipal ordinances or regulations relating thereto."[1] You also are concerned that the ordinance is in conflict with various statutes that require firearm owners to safely secure their firearms.[2]

Tragically, a number of Florida children have been accidentally killed or seriously wounded by negligently stored firearms. In addition, the increase in the incidence of school shootings across the country that have resulted in death and serious injury to students, teachers, and staff has made the issue of juvenile gun violence one of extreme importance to the citizens of this state.

Gun safety for children has become a major issue in the ~~Miami-Dade~~ County area where several children have been killed or wounded in recent months in gun accidents. [3]

In recognition of these problems, the City of South Miami passed ~~City Ordinance Number 14-00-1716, requiring locking devices on~~ firearms stored within the city. In adopting the ordinance, the Mayor and City Commission of the City of South Miami were aware that section 790.33, Florida Statutes, preempts the field of regulation of firearms; however, it is the city's position that while section 790.33 preempts the city from regulating who may possess a firearm, it does not preempt the city from placing restrictions on how the firearm is stored.

Section 790.33, Florida Statutes, does not specifically refer to the storage of firearms; by such omission, the city concludes that it is not precluded from regulating in this limited area. An examination of section 790.33, Florida Statutes, indicates that the intent or purpose of the statute is to preclude local government from interfering with the right of people to bear arms. In interpreting the statute and its terms, such intent must be given effect. [4]

Thus, while section 790.33, Florida Statutes, seeks to preempt local regulations regarding the possession of firearms, the use of the term "possession" in the statute should be construed in view of the statute's purpose, i.e. , to prevent local regulations that interfere with an individual's right to bear arms. A requirement that gun owners secure their firearms with a gun lock does not necessarily interfere with that right. Moreover, this office must presume the validity of the South Miami ordinance until and unless a court of competent jurisdiction makes a determination to the contrary. [5]

You have also expressed your concern about a possible conflict between the City of South Miami ordinance and other state statutes which require the safe storage of weapons. [6] In considering a conflict between state law and a county or municipal ordinance, the courts have generally required that the two must contradict each other in the sense that both legislative provisions (the ordinance and the statute) cannot coexist. Thus, an ordinance and legislative enactment are in "conflict" if, in order to comply with one, a violation of the other is required. It is not a conflict, however, if an ordinance is more stringent than the statute. [7] Compliance with a city ordinance requiring locking devices on firearms located within the city would not appear to prohibit compliance with the provisions of the state statutes requiring that firearms be safely secured.

Accordingly, I am of the opinion that section 790.33, Florida Statutes, should be construed in view of the statute's purpose, which is to preempt local regulations that interfere with an individual's right to bear arms. A requirement that gun owners secure their firearms with a gun lock would not appear to interfere with that right. Nor does the existence of statutes requiring that firearms be secured necessarily preclude a municipality from adopting a more stringent standard.

1. (c). PUBLIC HEARINGS – 2nd final reading - **Ordinance No. O2012-06** repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tjw

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[1] Section 790.33(1), Fla. Stat.

[2] See, ss. 784.05, 790.173-790.175, Fla. Stat.

[3] Ponce, Eunice, Miami Herald, "City Oks Gun Locks," June 6, 2000.

[4] *See, e.g., In re Order on Prosecution of Criminal Appeals by Tenth Judicial Circuit Public Defender* , 561 So. 2d 1130 (Fla. 1990) (legislative intent is the polestar by which court must be guided in interpreting statutory provisions); *Byrd v. Richardson-Greenshields Securities, Inc* ., 552 So. 2d 1099 (Fla. 1989) (courts obligated to honor obvious legislative intent and policy behind legislative enactment); *Lowry v. Parole and Probation Commission* , 473 So. 2d 1248 (Fla. 1985).

[5] *See, e.g., Jetton v. Jacksonville Electric Authority* , 399 So. 2d 396 (Fla. 1st DCA 1981) (there is a presumption that legislative enactments are constitutional); *State v. City of Miami Beach* , 234 So. 2d 103 (Fla. 1970); *cf., White v. Crandon* , 156 So. 303 (Fla. 1934) (statutes presumptively valid and must be given effect until judicially declared unconstitutional or invalid).

[6] You refer to ss. 784.05, 790.173-790.175, Fla. Stat. Section 784.05(3) makes it a third degree felony for a person to store or leave a loaded firearm within the reach or easy access of a minor, if the minor obtains the firearm and uses it to inflict injury or death upon himself or herself or any other person. Section 790.174 requires the safe storage of firearms by placement in a secure box or by placing a trigger lock on the device.

[7] *See, e.g., F.Y.I. Adventures, Inc. v. City of Ocala* , 698 So. 2d 583 (Fla. 5th DCA 1997) (question to be resolved is whether compliance with the ordinance violates the state law or makes compliance with state law impossible); *Shetler v. State* , 681 So. 2d 730 (Fla. 2d DCA 1996); *Board of County Commissioners of Dade County v. Wilson* , 386 So. 2d 556, 560 (Fla. 1980).

State of Florida
Office of the Attorney General

Advisory Legal Opinion (Formal)

Number: AGO 2005-40
Date: July 12, 2005
Subject: County ordinance re discharge of firearms

The Honorable Roy Raymond
Sheriff, Indian River County
4055 41st Avenue
Vero Beach, Florida 32960-1808

RE: FIREARMS AND WEAPONS-COUNTIES-SHERIFFS-no authority for county to enact ordinance prohibiting discharge of firearms. s. [redacted], Fla. Stat.

Dear Sheriff Raymond:

You ask substantially the following question:

May a county pass an ordinance prohibiting the discharge of a firearm in proximity to persons or property when such discharge endangers the health, welfare, and safety of the citizens of such county?

This office has been advised that Indian River County joins in your request. You have proposed a county ordinance to prohibit the discharge of firearms within 300 yards of a building or public road or right-of-way in order to preserve the life and safety of the general public in Indian River County. The proposed ordinance specifies exceptions.[1] There remains a question, however, as to whether such an ordinance is prohibited by section [redacted], Florida Statutes.

Section [redacted], Florida Statutes, preempts the field of regulation of firearms and ammunition to the Florida Legislature, as follows:

"(1) PREEMPTION.- Except as expressly provided by general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or regulations relating thereto. Any such existing ordinances are hereby declared null and void. This subsection shall not affect zoning ordinances which encompass firearms businesses along with other businesses. Zoning ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited."

While this office recognizes the need to protect the safety of the county's citizens against the dangerous discharge of firearms in proximity to people and property, the Legislature has expressed its intent to preempt the regulation of firearms and to provide uniform firearms laws in the state. Any ordinance or regulation attempting to regulate firearms is stated to be null and void when enacted by jurisdictions other than the state or the federal government.[2] Relative to the discharge of firearms, section 790.15(1), Florida Statutes, states:

"Except as provided in subsection (2) or subsection (3), any person who knowingly discharges a firearm in any public place or on the right-of-way of any paved public road, highway, or street or whosoever knowingly discharges any firearm over the right-of-way of any paved public road, highway, or street or over any occupied premises is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm or to a person discharging a firearm on public roads or properties expressly approved for hunting by the Fish and Wildlife Conservation Commission or Division of Forestry."

Thus, in addition to expressly preempting the field of firearm regulation to the state, the Legislature has enacted legislation making it a crime to discharge firearms in any public place, with specified exceptions. It is well settled that absent a general law stating otherwise, local governments have no authority to regulate firearms in any manner.[3] Attempts to circumvent this preemption of firearm regulation have not been allowed.[4] Thus, despite the county's concerns for the health, safety and welfare of its citizens, it may not enact an ordinance regulating the use of firearms.[5]

Accordingly, it is my opinion that a county ordinance prohibiting the discharge of a firearm in proximity to persons or property when such discharge endangers the health, welfare, and safety of the citizens of such county would be preempted by section [redacted], Florida Statutes.

Sincerely,

Charlie Crist
Attorney General

CC/tls

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[1] Section 2(b) of the proposed ordinance states:

"EXCEPTIONS - The prohibition set forth in section (a) above shall not apply to a person lawfully defending his life or property or performing official duties requiring the discharge of firearms. Further, this ordinance shall not apply to the discharge of firearms within the confines of approved and licensed shooting ranges, law enforcement agency ranges, existing commercial and private shooting ranges, gun clubs and hunting clubs and official hunting areas, or that land zoned agricultural and which has a minimum parcel size of fifty (50) acres. The prohibition is also not applicable to the discharge of shotguns utilizing shot size no larger than number four (4) shot on land which is zoned agricultural and which has a minimum parcel size of five (5) acres, so long as no discharge of firearms is conducted within three hundred (300) yards of any building situated on another's property."

[2] Section [redacted](3)(a), Fla. Stat.

[3] *See National Rifle Ass'n of America, Inc. v. City of South Miami*, 812 So. 2d 504 (Fla. 3rd DCA 2002).

[4] *See Penelas v. Arms Technology, Inc.* , 778 So. 2d 1042, 1045 (Fla. 3rd DCA 2001), *cert. denied, review denied* , 799 So. 2d 218 (Fla. 2001) (county's request for injunctive relief against firearm manufacturers and dealers found

to be an attempt to regulate firearms and ammunition through the judiciary denied; power to legislate in area of firearm regulation belongs to the legislative branch).

[5] *National Rifle Ass'n of America, Inc. v. City of South Miami* , supra.

1. (c). PUBLIC HEARINGS – 2nd final reading - **Ordinance No. O2012-06** repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

State of Florida
Office of the Attorney General

Advisory Legal Opinion (Formal)

Number: AGO 2011-17
Date: September 21, 2011
Subject: Counties, regulation of discharge of firearms

Mr. Lane Lynchard
Chairman, Santa Rosa County
Board of Commissioners
6495 Caroline Street, Suite M
Milton, Florida 32570-4592

RE: COUNTIES - FIREARMS - PREEMPTION - REGULATION - authority of county to enact ordinance regulating discharge of firearms. ss. [redacted] and 790.15, Fla. Stat.

Dear Mr. Lynchard:

On behalf of the Santa Rosa County Board of Commissioners, you have asked for my opinion on substantially the following questions:

1. May Santa Rosa County regulate the recreational discharge of firearms in residentially zoned areas in light of section [redacted], Florida Statutes?

2. May a county impose new regulations impacting a private shooting range if the shooting range is not in compliance with current "National Rifle Association gun safety and shooting range standards?"

3. Is the "NRA Range Source Book" (National Rifle Association) the relevant standard referenced in section 823.16(6), Florida Statutes?

In sum:

1. Santa Rosa County may not regulate the recreational discharge of firearms in residentially zoned areas as the regulation of firearms is preempted to the state pursuant to section [redacted], Florida Statutes.

2. Pursuant to section 823.16(6), Florida Statutes, a sport shooting range that was lawful at the time of its construction loses any applicable exemption from a "new ordinance or an amendment to an existing ordinance" if the shooting range does not "continue[ ] to conform to current National Rifle Association gun safety and shooting range standards."

3. In the absence of clear guidance from the statutory text, and without any clarifying legislative history, this office is unable to opine on whether the "NRA Range Source Book" contains the applicable National Rifle Association Standards.

You have posed several questions "regarding the ability of a county or other municipality to regulate the recreational discharge of firearms in a residentially zoned area in light of F.S. [redacted]." In answering your questions, I am mindful of local governments' concern for the safety and well-being of their residents and I note that this opinion is limited to the issue of preemption and a county's authority to expand on the protections

already in the law. This opinion does not address the many statutory provisions regulating the discharge of firearms. In light of the interrelated nature of these issues, your questions are answered together.

Chapter [redacted], Florida Statutes, operates to regulate the entire field of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof.[1] Section 790.33(1), Florida Statutes, as amended by Chapter 2011-109, Laws of Florida,[2] states:

"Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void."

In section [redacted], Florida Statutes, the Legislature, in furtherance of its intent to "provide uniform firearms laws in the state[,]"[3] has expressly stated that "it is occupying the whole field of regulation of firearms and ammunition." Moreover, in adopting Chapter 2011-109, Laws of Florida, the Legislature reaffirmed its intent to preempt the field of firearms regulation and mandated penalties for official acts that contravene state preemption.[4]

Particularly in light of its recent reaffirmation by the Legislature, section [redacted], Florida Statutes, provides a clear answer to your principal question: a county may not regulate the recreational discharge of firearms in residentially zoned areas when the discharge is not on a "shooting range," but merely recreational shooting on private property. In addition to being mandated by the plain language of section [redacted], Florida Statutes,[5] this conclusion adheres to the position taken by this office in Attorney General Opinion 2005-40. That opinion concluded that section [redacted], Florida Statutes, prohibited Indian River County from adopting an ordinance that would have prohibited the discharge of firearms within 300 yards of a building or public road or right-of way. There is no material difference between the issue presented in your request and the issue addressed in Attorney General Opinion 2005-40.[6]

Although it is not entirely clear, your request seems to ask whether local governments could regulate the use of firearms "any place where firearms are discharged" simply by couching an ordinance in terms of regulating "shooting ranges." Specifically, your request asserts that "[t]he definition of 'shooting range' provided in [section] 823.16(1)(c) essentially makes a 'shooting range' synonymous with any location where firearms are discharged." This office respectfully disagrees with that characterization of the Legislature's use of the term "shooting range." The definition of "Sport shooting range" set forth in section 823.16(1)(c), Florida Statutes,[7] is nearly identical to the definition of "Sport shooting and training range" set out in section 790.333(3)(h), Florida Statutes.[8] In section 790.333(1)(a) and (c), Florida Statutes, the Legislature noted the importance of shooting ranges for firearms training programs and adopted a finding that "in excess of 400 sport shooting and training ranges exist on public and private lands throughout this state." Clearly, the Legislature does not deem a "shooting range" to consist of any location where firearms are discharged.

Your request concludes with questions about section 823.16(6), Florida

Statutes. Under that provision, a sport shooting range that was lawful at the time of its construction loses any applicable exemption from a "new ordinance or an amendment to an existing ordinance" if the shooting range does not "continue[ ] to conform to current National Rifle Association gun safety and shooting range standards." The statute provides protection from application of new or amended local ordinances for those shooting ranges which are in compliance with current "National Rifle Association gun safety and shooting range standards" and were not in violation of any law at the time the range was constructed. If a shooting range does not comply with current "National Rifle Association gun safety and shooting range standards," it falls outside the protections of section 823.16(6), Florida Statutes, and new county regulations governing shooting ranges would be effective as imposed on such property. Again, however, we note that the Legislature's intent is clear that a "shooting range" is not synonymous with any place a firearm is discharged.

Finally, you ask whether the reference in section 823.16(6), Florida Statutes, to current "National Rifle Association gun safety and shooting range standards" is a reference to the "NRA Range Source Book." A review of the legislative history of this statute[9] does not provide any clear direction on this issue and, in the absence of clear guidance from the statutory text and without any clarifying legislative history, this office is unable to opine on whether the "NRA Range Source Book" contains the applicable National Rifle Association standards.

Sincerely,

Pam Bondi
Attorney General

PB/tgh

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[1] Section [redacted](1), Fla. Stat.

[2] Effective October 1, 2011. *See* s. 2,. Ch. 2011-109, Laws of Fla.

[3] Section 1(2)(a), Ch. 2011-109, Laws of Fla.

[4] *See* s. 1, Ch. 2011-109, Laws of Fla. The language of preemption contained in s. [redacted](1), Fla. Stat., providing that the Legislature has determined to occupy "the whole field" of firearms regulation is expansive. *See National Rifle Association of America, Inc. v. City of South Miami* , 812 So. 2d 504 (Fla. 3d DCA 2002), in which a city's firearms ordinance establishing safety standards for firearms was determined to be *ultra vires* based on the legislative preemption of "the entire field of firearm and ammunition regulation by enactment of section [redacted], Florida Statutes (2000)[,]" despite the absence of any mention of storage or safety within the scope of the statute.

[5] *See, e.g., In re McCollam* , 612 So. 2d 572 (Fla. 1993) (when language of statue is clear and unambiguous and conveys a clear meaning, statute must be given its plain and ordinary meaning).

[6] Your letter suggests a conflict between Ops. Att'y Gen. Fla. 05-40 (2005) and 08-34 (2008). The 2008 opinion deals with shooting ranges and the regulation of new construction of such ranges. The 2005 opinion is concerned with the discharge of firearms under the provisions of s. 790.15, Fla. Stat.,

but does not discuss or comment on shooting ranges, which are regulated separately from the general provisions of s. [redacted], Fla. Stat. I see no conflict between these opinions.

[7] Section 823.16(1)(c), Fla. Stat., defines a "sport shooting range" or "range" as "an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar type of sport shooting."

[8] Section 790.333(3)(h), Fla. Stat., defines "sport shooting and training range" or "range" to mean "any area that has been designed, or operated for the use of, firearms, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, BB guns, airguns, or similar devices, or any other type of sport or training shooting."

[9] *See, e.g.*, Senate Staff Analysis and Economic Impact Statement for SB 776, 1999 Florida Legislative Session, dated March 15, 1999. SB 776 was the companion bill to the house version which became s. 823.16, Fla. Stat., and generally discusses gun safety and shooting range standards.

State of Florida
Office of the Attorney General

Advisory Legal Opinion (Formal)

Number: AGO 2011-20
Date: September 21, 2011
Subject: Guns dealers/gunsmiths, municipal business license tax

Mr. Lonnie Groot
City Attorney, City of Sanford
1001 Heathrow Park Lane
Suite 4001
Lake Mary, Florida 32746

RE: BUSINESS LICENSE TAX - TAXATION - OCCUPATIONS - FIREARMS - MUNICIPALITIES - ORDINANCES - validity of municipal business license tax ordinance including gunsmiths and gun dealers. Ch. 205, Fla. Stat.; s. [redacted], Fla. Stat.

Dear Mr. Groot:

As City Attorney for the City of Sanford and on behalf of the City Commission, you have asked for my opinion on substantially the following question:

In light of the enactment of Chapter 2011-109, Laws of Florida, may the City of Sanford continue to impose a local business tax as authorized by Chapter 205, Florida Statutes, upon gun dealers and gunsmiths?

In sum:

While Chapter 2011-109, Laws of Florida, preempts to the state the entire field of regulation of firearms, it does not affect the authority of a municipality to impose a local business tax as authorized by Chapter 205, Florida Statutes, upon businesses, professions, or occupations including gun dealers and gunsmiths.

According to your letter, the city is proceeding to amend the City Code of the City of Sanford to bring the code into compliance with Chapter 2011-109, Laws of Florida. You advise that you are in doubt whether the city may continue to impose the local business tax, as authorized by Chapter 205, Florida Statutes, upon gun dealers and gunsmiths. The city's code provisions setting forth a schedule of license taxes states that "[t]he amount of license [sic] tax[1] levied and imposed upon every person that shall engage in or manage any occupation, business or profession mentioned in this section within the City is hereby fixed, graded and determined as to the following occupations, businesses or professions at the following amounts" and specifically includes gun dealers and gunsmiths within its scope. As you are aware, this office will not comment on the validity of the terms of local legislation but is limited to addressing questions of state law.[2]

Chapter 205, Florida Statutes, is the "Local Business Tax Act."[3] Section 205.042, Florida Statutes, authorizes the governing body of a municipality to levy, by appropriate resolution or ordinance, a local business tax (formerly referred to as an occupational license tax) for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. Any such tax must be based upon reasonable classifications and must be uniform throughout any class.[4] The statute provides that the occupational license

tax may be levied on:

"(1) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.

(2) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

(3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution." [5]

Adoption of a business tax ordinance or resolution requires public notice and such notice must contain "the proposed classifications and rates applicable to the business tax." [6]

As defined in the statute, the term "[l]ocal business tax" refers to

". . . the fees charged and the method by which a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection. Unless otherwise provided by law, these are deemed to be regulatory and in addition to, but not in lieu of, any local business tax imposed under the provisions of this chapter."

This definition clearly distinguishes the "local business tax" from fees or licenses which may be regulatory and which may be levied in addition to the local business tax imposed pursuant to Chapter 205, Florida Statutes.

The local business tax authorized to be levied by municipalities by Chapter 205, Florida Statutes, is not directed at regulating firearms or those whose businesses may involve firearms such as gunsmiths or gun dealers. This tax is a license or privilege tax levied on the privilege of conducting business in a jurisdiction and applies equally throughout classifications of businesses. [7] As the local business license tax is not a regulation or a regulatory tax, it would not constitute a "regulation" of gunsmiths or gun dealers.

Chapter 2011-109, Laws of Florida, amended provisions of Chapter [redacted], Florida Statutes, and is specifically intended to preempt "the entire field of regulation of firearms." As stated in section 790.33(1), Florida Statutes:

"PREEMPTION.-Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void." [8]

The language of preemption contained in section [redacted](1), Florida Statutes, providing that the Legislature has determined to occupy "the whole field" of firearms regulation is expansive. The statute specifically includes "the purchase, sale, transfer, taxation, manufacture, ownership, possession,

storage, and transportation" of firearms, but does not limit its application to those activities. The clear statement that the Legislature is occupying the whole field of firearms regulation and the use of the term "includes" to imply a broad reading of the activities covered rather than limiting those to a specific list suggest a comprehensive preemption. However, while the preemption is broad, "the whole field of regulation," is, by its terms, limited to firearms regulation.

As discussed herein, a local business tax levied pursuant to Chapter 205, Florida Statutes, is not a regulation or regulatory tax and it is my opinion that a municipality may impose a local business tax upon classifications of businesses which may include gunsmiths or gun dealers. However, in drafting local business tax ordinances, municipalities must be mindful that the provision of a local business tax may only impose restrictions or burdens on firearms-related businesses to the same extent that any other similar business may be burdened.

In sum, it is my opinion that while section [redacted], Florida Statutes, as amended by Chapter 2011-109, Laws of Florida, preempts the entire field of regulation of firearms to the state, it does not affect the authority of a municipality to impose a local business tax as authorized by Chapter 205, Florida Statutes, upon businesses, professions, or occupations which may include gun dealers and gunsmiths.

Sincerely,

Pam Bondi
Attorney General

PB/tgh

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[1] Chapter 2006-152, Laws of Fla., changed the name of the "local occupational license tax act" to the "local business tax act."

[2] Section 16.01(3), Fla. Stat. Based on the material included with your opinion request, I would direct the city's attention to s. 790.335, Fla. Stat., which prohibits any local governmental agency from keeping or causing to be kept "any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms."

[3] Section 205.013, Fla. Stat.

[4] Section 205.043(1)(a), Fla. Stat.

[5] Section 205.042, Fla. Stat.

[6] *Id.*

[7] *See, e.g.* , the City of Tallahassee's Code of Ordinances which in section 18-55, establishes such business classifications as "automobile and other vehicular activities," "banking and lending institutions," "entertainment/amusement," "merchant," "professional," "schools," and "services." For purposes of section 18-56 of the Tallahassee Code establishing a business tax rate schedule, business classifications such as those imposed on merchants are based on the square footage of the business location plus a fee based on the number of workers employed.

Ordinance No. O2012-06 repealing section 13-4 of the City of Wildwood code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Fla. State Statutes' firearm regulations

[8] *And see* s. [redacted](4), Fla. Stat., containing exceptions to the section and making it clear that the statute does not prohibit zoning ordinances which encompass firearms businesses along with other businesses. However, zoning ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with the statute and are prohibited.

2. REPORTS AND PUBLIC INPUT

SPECIAL PRESENTATIONS:

1. Introduction of Volunteer Chaplains for the Police Department: Pastor Attaway; Pastor Jones; and Pastor Recla (Chief Reeser – NO Attachments)
2. Introduction of new Parks & Recreation Coordinator, Jenny Donovan
3. Update on CR 466A Widening Project and estimated monthly decorative lighting costs (David Grimm – Attachments)
4. Proclamation declaring 2012 as the Year of the Girl and Celebrating 100 years of Girl Scouting (Attachments – Staff Recommends Approval)

(a) CITY MANAGER:

NOTES: (2.f.)

None

REPORTS: (2.f.)

(See "f" below)

(b) CITY ATTORNEY:
(1)

(c) CITY CLERK:
(1)

(d) COMMISSION MEMBERS:
(1)

(e) PUBLIC FORUM:
(1)

(f) NOTES/REPORTS/FILED ITEMS:

REPORTS:

CITY MANAGER (2.a.f.):

1. **FYI** – Sumter County Public Works' Annual Household Hazardous Waste/Electronics Waste Amnesty Day in the Wildwood Middle-High School parking lot on Sat., March 24, 2012 from 9AM-3PM (Attachments)
2. **FYI** – Sumter Co. Chamber of Commerce Certificate of Appreciation to the City of Wildwood for supporting the Chamber for 10-years (Attachments)
3. **FYI** – AARP Annual Tax Aide Program at Wildwood Community Center in the offices at the back of the building every Monday from 8:30 a.m. to 3:00 p.m.; February 6th thru April 9th – Free service to anyone needing assistance with their personal taxes (no businesses) (NO Attachments)
4. **FYI** – Low Cost Vaccination Clinic for Dogs & Cats – Saturday, March 31, 2012 from 8:30 am – 12 noon; Animal Care Center of Wildwood (NO Attachments)

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

City of Wildwood, Florida

100 N. Main Street
Wildwood, Florida 34785

TO: Mayor/Commissioners

FROM: David Grimm, City Projects Planner/Coordinator

RE: CR 466A Widening Project

DATE: February 13, 2012

On March 22, 2011 the City and County entered into an Interlocal Agreement for the CR 466A Widening Improvements Project and for the resurfacing of CR 209.

Decorative lighting, landscaping and irrigation and have been designed by the County and are now an integral part of the widening project.

Under the Interlocal Agreement, the County will construct the decorative lighting, landscaping and irrigation improvements. The City will be responsible for all future maintenance costs of these components.

Progress Energy has prepared a monthly cost estimate for rental, maintenance and energy costs for the decorative lighting fixtures. That monthly cost is expected to be approximately $4,700.00.

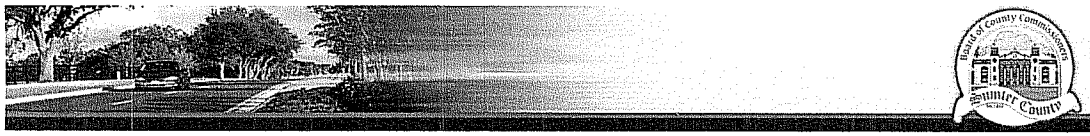
A color illustration of the Decorative Lighting, Landscape Design and Progress Energy cost estimate are attached. The Interlocal Agreement is also attached for your reference.

Telephone: 352-330-1330 Extension 112 - Fax 352-330-1338 - Email: dgrimm-wildwood@cfl.rr.com

C-466A Widening

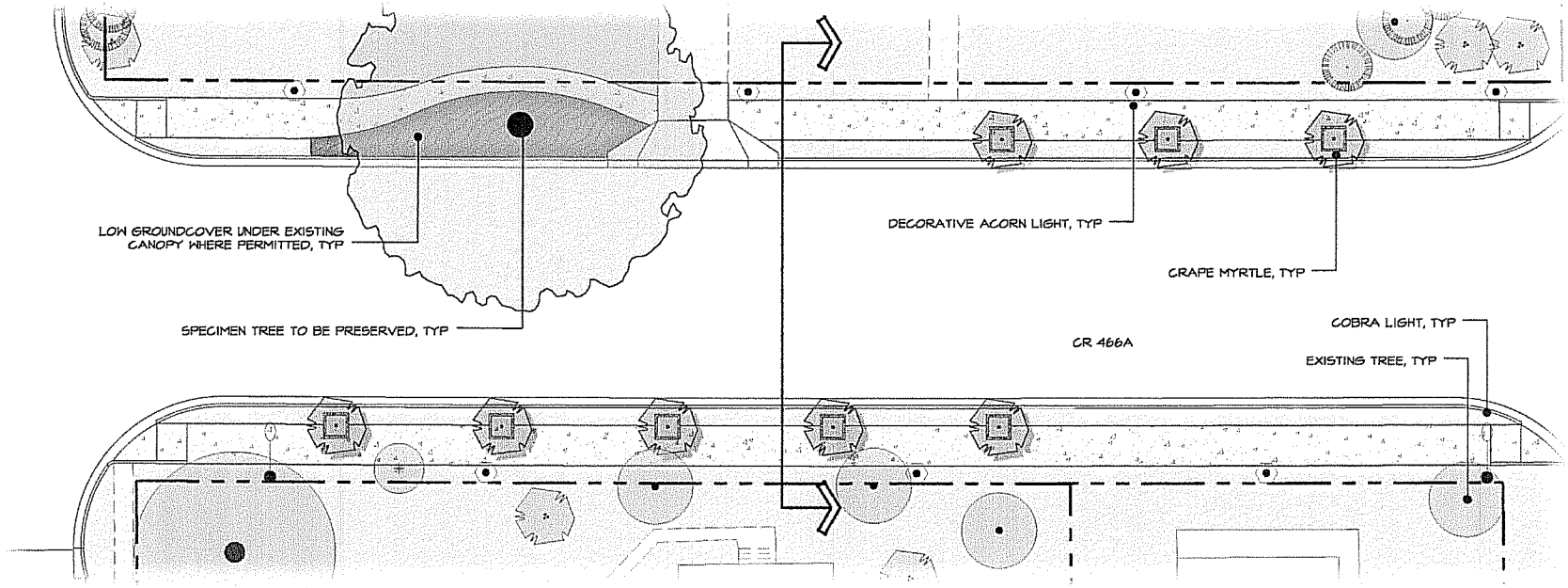
Between US 301 and Powell Road

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

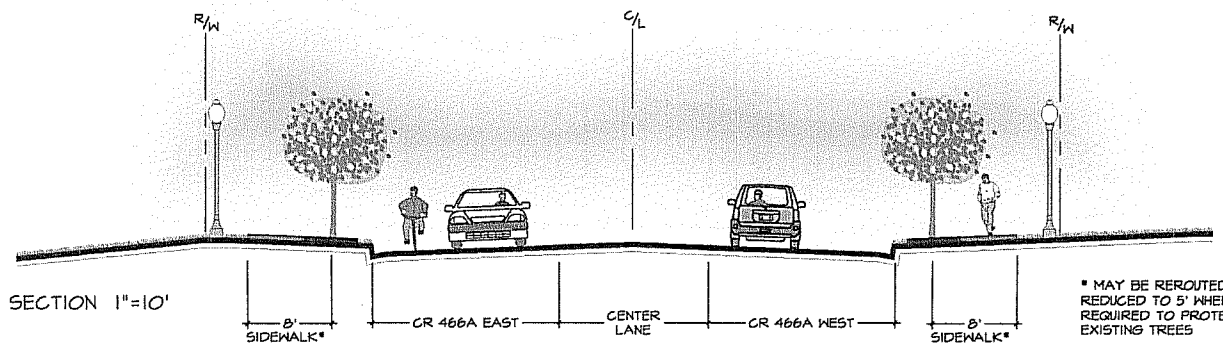


C-466A Widening

Between US 301 and Powell Road



PLAN 1"=20'



SECTION 1"=10'

CR 466A WEST

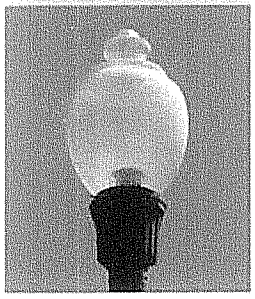
MPA 11-29-11

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

C-466A Widening

Between US 301 and Powell Road

OCALA

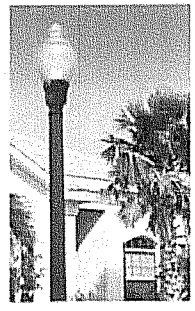


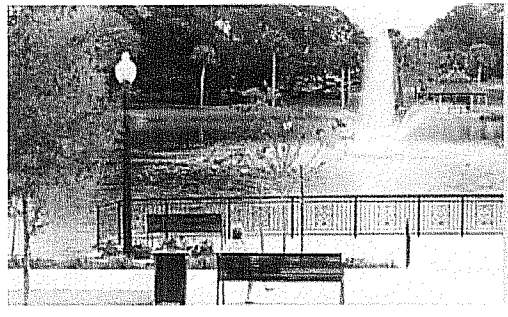
lighting *Premier*

Lamp HPS:	100 Watt
Mounting Height:	12'
Pole:	Decorative Concrete

If the look is familiar, it's probably because you've seen lights like this lining streets across America for years.

Our version of this traditional favorite is crafted with a durable acrylic and designed to bring back the "good old days."





RESIDENTIAL

Progress Energy

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

C-466A Widening

Between US 301 and Powell Road

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

C-466A Widening

Between US 301 and Powell Road

LIGHTING SEGMENT	QUANTITY AND TYPE	MONTHLY LEASE COSTS
3-LANE SEGMENT TO PLEASANTDALE	72 - 16' DECORATIVE LIGHTS	$2,571.84
3-LANE SEGMENT TO PLEASANTDALE	12 - BLACK COBRA HEADS	$99.84
4-LANE SEGMENT TO POWELL	15 - KING MARQUIS LIGHTS	$1,986.00
TOTAL ESTIMATED MONTHLY COST FOR C-466A DECORATIVE LIGHTING		**$4,700.00 +/-**

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

INTERLOCAL AGREEMENT
BETWEEN SUMTER COUNTY AND CITY OF WILDWOOD
CR 209 RESURFACING AND C-466A WIDENING IMPROVEMENTS

THIS INTERLOCAL AGREEMENT ("Agreement") is entered into this 22 day of March, 2011 (the "Agreement"), by and between **SUMTER COUNTY, FLORIDA** (the "County"), and the **CITY OF WILDWOOD, FLORIDA** (the "City").

RECITALS:

A. The County is a political subdivision of the State of Florida authorized by Chapter 125, Florida Statutes, to provide for the health, safety, and welfare of its citizens;

B. The City is a political subdivision of the State of Florida authorized by Chapter 166, Florida Statutes, to provide for the health, safety, and welfare of its citizens;

C. The County and City provide for the maintenance and resurfacing of roads under their respective jurisdiction and further, in accordance with the Interlocal Service Boundary and Joint Planning Agreements (the "ISBA/JPA") between the County and City, adopted by the County per Ordinance 2009-14 on April 14, 2009, and the City per Ordinance 2009-10 on April 13, 2009;

D. CR 209 is currently designated by the Lake-Sumter Metropolitan Planning Organization (the "MPO") as an Emerging Regionally Significant Road;

E. The ISBA/JPA provides that if an Emerging Regionally Significant Road is not reclassified by the MPO as a Regionally Significant Road by April 14, 2012, then those portions of the road that meet the 51% annexation threshold as defined by the ISBA/JPA shall transfer jurisdiction from the County to the City;

F. City and County acknowledge and agree that without the connectivity to SR 44, CR 209 shall not be classified as a Regionally Significant Road by the MPO;

G. City and County acknowledge and agree that connectivity between CR 209 and SR 44 will not occur by April 14, 2012;

H. C-466A is currently designated by the MPO as a Regionally Significant Road;

I. City and County acknowledge and agree that the design and construction (to County and Florida Department of Transportation ("FDOT") standards) of C-466A is a County responsibility;

J. County does not pay for electrical costs nor routine maintenance such as changing bulbs for street lighting except at designated intersections and for intersection signalization;

K. City desires and County is willing to incorporate landscaping, irrigation, and lighting to City standards in the County design and construction of the widening of C-466A from Powell Road west to US 301 ("C-466A Segment"), as otherwise set forth in this Agreement;

L. Chapter 163, Florida Statutes, provides for local governments to enter into agreements that provide for the health, safety, and welfare of its citizens.

NOW, THEREFORE, the County and City, in accordance with the above recitals, which are incorporated herein, in *haec verba*, acknowledge and agree as follows:

1. Authority. This Agreement is entered into pursuant to the authority set forth in Chapter 163, Florida Statutes (2010) and is consistent with the Comprehensive Plans for both the County and City.

2. Improvement to CR 209. The County and City acknowledge and agree that CR 209, from C-462E to C-466E, is in need of repair and resurfacing as detailed in the attached Exhibit "A".

3. Apportionment of Cost of CR 209 Improvement. The cost of the CR 209 improvements, as detailed in Exhibit "B", shall be shared between the County and the City based on the proportion of total parcel frontage along the above described segment of CR 209 that is within the City's jurisdiction. As of the date of this Agreement, the total parcel frontage along the above described segment of CR 209 is 29,088 feet MOL. The portion of the total parcel frontage within the City is 6,006 feet MOL or 20.6% of the total parcel frontage. Based on this 20.6% proportion of CR 209 frontage, the City's estimated proportionate share of the costs detailed in Exhibit "B" for the repair and resurfacing of CR 209 is approximately $197,432.56. The County shall be responsible for all design and permitting, CEI, and construction costs in excess of the City's proportionate share.

4. Payment of City's Proportionate Share of CR 209 Improvement Costs. In lieu of a cash payment to County, the City shall be authorized by County to pay its proportionate share of the costs described herein through the transfer of goods and services. It is acknowledged and agreed by City and County that the goods and services contemplated by this Agreement have a certified value of $197,432.56. The value of goods and services to be transferred by City to County in lieu of a cash payment are detailed in Exhibit "C", which is incorporated herein, *in haec verba*.

5. Incorporation of City Design and Construction Requests for C-466A Segment. In lieu of utilizing a water truck or other potable means, the County will design and construct an irrigation system and landscaping utilizing City standards for the shoulder and median areas of the C-466A Segment where shoulders and medians will be constructed, subject to the conditions outlined in Exhibit "C". City, in perpetuity, acknowledges and agrees that it shall provide all water necessary for the maintenance of any landscaping installed, and further, shall maintain any irrigation system installed at no cost to County. County shall design and construct street lighting for the C-466A Segment, including the City specified decorative lighting. City, in perpetuity, acknowledges and agrees that it shall pay for all electricity costs and all routine maintenance costs associated with such lighting, such as replacement bulbs, sockets, wiring, etc., for the street lighting installed on the C-466A Segment of the project.

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

6. Amendment. This Agreement may be modified or terminated in writing only by the mutual agreement of both parties.

7. Severability. If any one or more of the provisions of this Agreement is determined to be contrary to law then such provisions shall be deemed null and void and shall be deemed separate from the other provisions of the Agreement.

8. Matters Unaffected. No right or obligation that may currently or subsequently, exist respecting the parties and their relationship of one to the other shall be deemed waived or otherwise affected by this Agreement unless such right or obligation is specifically addressed herein.

9. Effective Date. This Agreement shall become effective upon its execution by the County and City.

10. Governing Venue. Venue for any challenge or suit relating to this Agreement shall lie in the Circuit Court, in and for Sumter County, Florida. In addition, the prevailing party in any litigation initiated to enforce the terms of this Agreement shall be entitled to the recovery of its reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the County and City hereto have executed this Agreement by their duly authorized representative.

ATTEST:

BOARD OF COUNTY COMMISSIONERS SUMTER COUNTY RUSSELL

Clerk of the Court

AS TO COUNTY:
BOARD OF COUNTY
COMMISSIONERS SUMTER COUNTY

Don Burgess, Chairman

Date: MAR 2 2 2011

Approved as to Form:

County Attorney

ATTEST:

City Clerk

AS TO CITY:
CITY OF WILDWOOD COMMISSION

Ed Wolf, Mayor

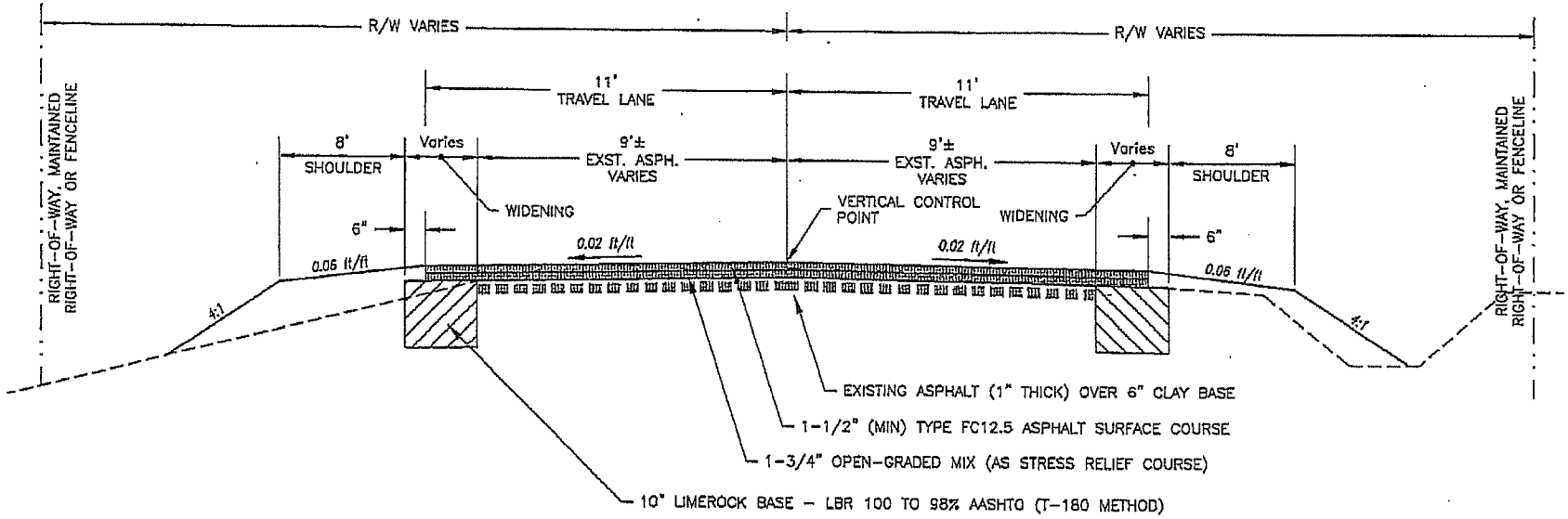
Date: 04.06.11

Approved as to Form:

City Attorney

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

Exhibit A



CR 209
TYPICAL SECTION (w/WIDENING)

NOT TO SCALE

REVISIONS:

SUMTER COUNTY FLORIDA
Department of Public Works
319 E. Anderson Avenue
Bushnell, Florida 33513
Ph. (352) 793-0240 Fax. (352) 793-0427

INVALID UNLESS SIGNED, DATED AND SEALED

CHRISTOPHER S. WERT, P.E.
FL REG. P.E. No. 48216

CR 209
TYPICAL SECTION

Scale: N.T.S.
Drawn by: BG
Project Engineer: C. Wert, P.E.
Drawing Number: N/A
Sheet No.: 1 of 1

SPECIAL PRESENTATION - (2) Update on CR 466A Widening Project & estimated monthly decorative lighting costs

CR 209
Engineer's Cost Estimate
Exhibit B

CR209 SUMMARY OF PAY ITEMS From:C-462 To:CR222 Length=5300 ft Prop. 22ft wide Rd

101-1	MOBILIZATION	L.S.	1		10,000.00	10,000.00
104-10-3	SEDIMENT BARRIER	L.F.	3995		1.50	5,997.00
160-4	CLEARING & GRUBBING	L.S.	1		12,000.00	12,000.00
110-1-1	SUPERPAVE ASPHALTIC CONCRETE, TRAFFIC C, SP 12.5 (1-1/2" MIN)	TN	1050		85.00	89,250.00
334-1-13	STRESS RELIEF-OPEN GRADED ASPHALT (175#/SY)	TN	1150		85.00	97,750.00
	ROADWAY WIDENING EXCAVATION (2ft each side)	S.Y.	2360		10.85	25,606.00
	10" LIMEROCK BASE LBR 100 ROADWAY WIDENING	S.Y.	2360		17.15	40,474.00
570-1-2	PERFORMANCE TURF, SOD	S.Y.	5700		2.53	14,421.00
285-70-4	OPTIONAL BASE GROUP X, LIMEROCK 12" LBR 100	S.Y.	600		20.00	12,000.00
	STRIPING	L.S.	1		7,036.00	7,036.00
					SUBTOTAL	314,534.00
					10 % Con't	31,453.40
					TOTAL	345,987.40

CR209 SUMMARY OF PAY ITEMS From:CR222 To:CR214 Length=5300 ft Prop. 22ft wide Road

101-1	MOBILIZATION	L.S.	1		10,000.00	10,000.00
104-10-3	SEDIMENT BARRIER	L.F.	3995		1.50	5,997.00
160-4	CLEARING & GRUBBING	L.S.	1		12,000.00	12,000.00
110-1-1	SUPERPAVE ASPHALTIC CONCRETE, TRAFFIC C, SP 12.5 (1-1/2" MIN)	TN	1050		85.00	89,250.00
334-1-13	STRESS RELIEF-OPEN GRADED ASPHALT (175#/SY)	TN	1150		85.00	97,750.00
	ROADWAY WIDENING EXCAVATION (2ft each side)	S.Y.	2360		10.85	25,606.00
	10" LIMEROCK BASE LBR 100 ROADWAY WIDENING	S.Y.	2360		17.15	40,474.00
570-1-2	PERFORMANCE TURF, SOD	S.Y.	5700		2.53	14,421.00
285-70-4	OPTIONAL BASE GROUP X, LIMEROCK 12" LBR 100	S.Y.	600		20.00	12,000.00
	STRIPING	L.S.	1		7,036.00	7,036.00
					SUBTOTAL	314,534.00
					10 % Con't	31,453.40
					TOTAL	345,987.40

CR209 SUMMARY OF PAY ITEMS From:CR214 To:C-466 Length=1944 ft Prop. 22ft wide Road

101-1	MOBILIZATION	L.S.	1		$ 10,000.00	10,000.00
104-10-3	SEDIMENT BARRIER	L.F.	2474		$ 1.50	3,711.00
160-4	CLEARING & GRUBBING	L.S.	1		$ 8,000.00	8,000.00
110-1-1	SUPERPAVE ASPHALTIC CONCRETE, TRAFFIC C, SP 12.5 (1-1/2" MIN)	TN	775		$ 85.00	65,875.00
334-1-13	STRESS RELIEF-OPEN GRADED ASPHALT (175#/SY)	TN	850		$ 85.00	72,250.00
	ROADWAY WIDENING EXCAVATION (2ft each side)	S.Y.	1790		$ 10.85	19,421.50
	10" LIMEROCK BASE LBR 100 ROADWAY WIDENING	S.Y.	1790		$ 17.15	30,698.50
570-1-2	PERFORMANCE TURF, SOD	S.Y.	4700		$ 2.53	11,891.00
285-70-4	OPTIONAL BASE GROUP X, LIMEROCK 12" LBR 100	S.Y.	400		$ 20.00	8,000.00
	STRIPING	L.S.	1		$ 7,036.00	7,036.00
					SUBTOTAL	$ 238,983.00
					10 % Con't	$ 29,552.70
					TOTAL	$ 268,435.70
					Total All Segments	$ 958,410.60
					City Portion (20.6%)	$ 197,452.58
					County Portion	$ 760,977.94

Exhibit "C"

City and County acknowledge and Agree that as consideration for and furtherance of the Agreement, City, in lieu of a cash payment to County, shall be authorized by County to pay its proportionate share of the consideration and costs associated with the Agreement through the transfer of goods and services. It is acknowledged and agreed by City and County that the goods and services contemplated by the Agreement have a certified value of $197,432.56. The value of goods and services to be transferred by City to County in lieu of a cash payment are as follows:

1. Connection to 12" City of Wildwood ("City") Water Main at no cost to Sumter County ("Sumter") other than water consumption charges for the Oxford Fire Station (Parcel D17=034)

2. City shall remove all appurtenances on Parcels G06C094 and G06C092 and provide approval for County to access the property for the design and construction of a stormwater detention/retention area to provide stormwater management to the City of Wildwood for the widening of the C-466A Segment. City agrees it will maintain and manage, in perpetuity, the stormwater detention/retention area after construction is complete.

    a. The County will submit the stormwater detention/retention pond plans to the City for review and comment as to aesthetic features of the project. Design and construction costs for modifications to landscaping, irrigation or any other aspects of the project not normally associated with a County stormwater retention area, will be borne by the City.
    b. The area contemplated by this agreement will remain City property and the City agrees that it will provide for stormwater management. Nothing in this agreement is construed to prohibit the City from expanding the retention area to accommodate additional stormwater at City's sole expense.

PROCLAMATION

A Proclamation Declaring 2012 as the Year of the Girl and Celebrating 100 years of Girl Scouting

WHEREAS, March 12, 2012, marks the 100th anniversary of the Girl Scouts of the United States of America, which began in 1912 when Savannah, GA native Juliette "Daisy" Gordon Low gathered 18 girls to provide them the opportunity to develop physically, mentally, and spiritually; and,

WHEREAS, for 100 years, Girl Scouting has helped build millions of girls and women of courage, confidence, and character who act to make the world a better place; and,

WHEREAS, the award winning Girl Scout Leadership Program helps girls discover themselves and their values, connect with others, and take action to make the world a better place; and,

WHEREAS, the Girl Scout Gold Award, the highest honor in Girl Scouting, requires girls to make a measurable and sustainable difference in their community, assess a need and design a solution, find the resources and support to make it happen, complete the project and also inspire others to sustain it;

WHEREAS, the Gold Award honors leadership in the Girl Scout tradition, and Gold Award recipients have already changed the world as high school students;

WHEREAS, core programs around Science, Technology, Engineering and Math (STEM), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership; and,

WHEREAS, since its founding in 2000, the Girl Scout Research Institute has become an internationally recognized center for original research, research reviews and surveys that provide significant insights into the lives of girls; and,

WHEREAS, through the dedication, time, and talent of volunteers of different backgrounds, abilities, and areas of expertise, the Girl Scout Program is brought to more than 22,000 girls in grades K-12 throughout west central Florida; and,

WHEREAS, today, more than 50 million American women are Girl Scout alumnae, 3.3 million girls and adult volunteers are active members, and Girl Scouts is the largest member of the World Association of Girl Guides and Girl Scouts, a global movement comprised of more than 10 million girls in 145 countries worldwide; and,

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Wildwood, Florida, that we hereby and proudly proclaim 2012, as the

"YEAR OF THE GIRL"

in the City of Wildwood, Florida, and recognize and applaud Girl Scouts across the country, and especially our local Girl Scouts, for their 100 years of leadership and expertise as the voice for and of girls.

IN WITNESS WHEREOF, we have PASSED AND DULY ADOPTED this 13th day of February in the year of Our Lord Two Thousand and Twelve.

CITY COMMISSION
CITY OF WILDWOOD FLORIDA

SEAL

_____
Ed Wolf, Mayor

ATTEST:_____
Joseph Jacobs, City Clerk

2. SPECIAL PRESENTATIONS - 4. FYI - Proclamation declaring 2012 as the Year of the Girl and Celebrating 100 years of Girl Scouting

2. a. (1.1.) REPORTS & PUBLIC INPUT- FYI – Sumter County Public Works' Annual Hazardous Waste Amnesty Day

319 E Anderson Avenue
Bushnell, FL 33513-6152
(352) 793-0240
(352) 793-0247 Fax

Sumter County Public Works

January 24, 2012

City of Wildwood
221 N Market Street
Bushnell, FL 33513

REC'D 01.30.12 DATE
EXECUTIVE DEPT.

Dear Public Information Coordinator:

Sumter County Board of County Commissioners will be sponsoring its annual Household Hazardous Waste/Electronics Waste Amnesty Day at the Wildwood High School parking lot on Saturday, March 24, 2012 from 9:00 a.m. to 3:00 p.m. This program is tailored to provide households with an opportunity to safely dispose of up to 100 lbs of household hazardous wastes free of charge.

I have enclosed a flyer which lists some of the commonly used household materials which will be accepted. Accumulating excessive amounts of these household hazardous wastes in homes and garages can pose a fire hazard to the homeowner, endanger emergency responders and the public at large. Household hazardous waste collected at this amnesty day will be securely packaged and transported to a federal and state permitted hazardous waste recycling and disposal facility by the County's trained hazardous waste contractor, Perma-Fix of Florida, Inc.

To prepare waste for transport to the collection site, be sure to label the material. If you do not know what it is, mark it "unknown". Check all containers and make sure the lids are on tight. If a container is leaking, pack it in a larger container and surround it with absorbent material such as kitty litter. ***Never mix different or unknown materials together!***

The Sumter County Public Works Department would appreciate your efforts to encourage your neighbors to participate in this worthwhile program. Should you have any questions concerning this event, please call Jackey Jackson at this office, at 793-0240. Thank you for your help.

Sincerely,

Royet Warrington-Bateman, Program Coordinator

Enclosure

Jackey Jackson, Public Works Assistant Director

Sumter County Public Works

Household/Business Electronics & Hazardous

MOBILE COLLECTION

Saturday, March 24, 2012

9 a.m. to 3 p.m.

at the

Wildwood High School

(parking lot)

700 Huey Street Wildwood

What to bring

- Automotive fluids
- Automotive batteries
- Cleaners
- Fertilizers
- Fluorescent lamps and mercury-containing devices
- Fungicides
- Wood preservatives
- Herbicides
- Household batteries
- Household electronics (TVs, VCRs, computers, etc.)
- Latex & oil based paints
- Paint removers
- Paint thinners
- Pesticides
- Pool chemicals
- Solvents
- Propane tanks (25lbs)

What not to bring

- Biological/Infectious waste
- Explosive
- Radioactive waste
- Smoke detectors
- Empty paint cans

HOW TO PACKAGE AND TRANSPORT CHEMICALS

(1) Do NOT mix chemicals together.
(2) Keep products in original labeled containers if possible.
(3) Place containers into cardboard boxes to prevent breakage.
(4) Place leaky container in clear plastic bag and transport in box with newspaper.
(5) Put boxes in trunk or in back of vehicle away from passengers.

Businesses should arrange for drop off and payment by calling Perma-Fix for hazardous waste at 800-365-6066 and Recycle All at 352-502-4202 for electronic waste

Board of County Commissioners Sumter County Est. 1853

For more information on this and other mobile collections, contact Sumter County Public Works at 352-793-0240

SUMTER COUNTY
CHAMBER OF COMMERCE, INC.

"THE GATEWAY TO THE SUMTER COMMUNITY"

PO BOX 100 SUMTERVILLE, FL 33585 (352)793-3099

Sumter County
Chamber of Commerce

Officers:
President
• Bob E. Hunt
Vice President
• Bobby Caruthers
Secretary
• Brandell Campbell
Treasurer
• Brooke Hibbard

Past President
• Dawn Cary

Directors:
• Joe Capporelli
• Marilyn Connell
• Stuart Force
• Brian Hudson
• Connie Mahan
• Randy Mask
• Nathan Overstreet
• Danny Smith
• Tangie Staton
• Steve Stiffler

Executive Director
Andrew Cripps

Ex-Officio Directors:
• Vince Ruano

January 27, 2012

RECD 02.01.12 DATE
EXECUTIVE DEPT.

City of Wildwood
100 N. Main Street
Wildwood, FL 34785

Dear Sir;

The Sumter County Chamber of Commerce is proud to have been promoting the business community and facilitating opportunities for business and community leaders to connect for more than 65 Years. For an organization to exist and continue to grow for 65 years is an incredible accomplishment, an accomplishment that would not be possible without the continued of support from our membership. Since 2010, we have promoted the 10 Year Club to honor the businesses and organizations that have supported the Sumter Chamber for 10 years or more.

Your business is part of this elite group of inductees to the 10 Year Club. Enclosed is a certificate that we hope you display proudly. Your business is also listed on our website www.sumterchamber.org under the membership tab as a 10 Year Club member.

The Sumter Chamber continues to work hard for your business. Our membership has grown substantially. We are currently at a record breaking high for membership and growing every week. Our programs and initiatives are always evolving to meet the needs of our members, and we are committed to providing opportunities for exposure and networking.

We hope to see you at one of the events soon so that we can personally thank you for your continued support and confidence in the Sumter Chamber.

Sincerely,

Andy Cripps
Executive Director

Samanatha Merritt
Membership Representative

Diane Boorum
Office Administrator

Sumter County Chamber of Commerce

Certificate of Appreciation

10 Year Club

This certificate is presented to

City of Wildwood

for supporting the Sumter County Chamber of Commerce for 10 years.

Gateway to Sumter County

Sumter County Chamber of Commerce

Signature

11/20/12
Date

Signature

11/20/12
Date

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

1. Minutes of Special Called Meeting held on December 21, 2011 (Attachments – Staff Recommends Approval)
2. Minutes of Regular Meeting held on January 9, 2012 (Attachments – Staff Recommends Approval)
3. Minutes of Special Meeting held on January 18, 2012 (Attachments – Staff Recommends Approval)
4. Minutes of Regular Meeting held on January 23, 2012 (Attachments – Staff Recommends Approval)
5. Minutes of Special Called Meeting held on January 30, 2012 (Attachments – Staff Recommends Approval)

b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)

1. Ordinance No. O2012-01; an ordinance adopting the Development Order (DO) and Proportionate Share Agreement (PSA) for Southern Oaks DRI (Attachments – Staff Recommends Approval)
2. Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City (Attachments – Staff Recommends Approval)
3. Ordinance No. O2012-08; an ordinance reclassifying Parcel # D32=152 containing 2.16 +/- acres (MICO Customs) in the Shamrock Industrial Park from City "Commercial" to City "Industrial" requiring a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan; based on favorable recommendation by Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency (Attachments - Staff Recommends approval)
4. Ordinance No. O2012-09, rezoning Parcel # D32=152 containing 2.16 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial" in conformance with the Future Land Use Map of the Comprehensive Plan and based on favorable recommendation by the Planning & Zoning Board/Special Magistrate (Attachments - Staff Recommends Approval - subject to approval of Ordinance O2012-08)
5. Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial" requiring a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan; based on favorable recommendation by Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency (Attachments - Staff Recommends approval)
6. Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial" in conformance with the Future Land Use Map of the Comprehensive Plan and based on favorable recommendation by the Planning & Zoning Board/Special Magistrate (Attachments - Staff Recommends Approval - subject to approval of Ordinance O2012-10)
7. Ordinance No. O2012-12; an ordinance extending the names of Clarke, Lee and North Main Streets now located within the city and providing for submission to the 911 coordinator (Attachments – Staff Recommends Approval)

c. RESOLUTIONS FOR APPROVAL:

1. None

d. APPOINTMENTS

1. None

e. **CONTRACTS AND AGREEMENTS**

1. None

f. **FINANCIAL**

1. Bills for Approval (Attachments – Staff Recommends Approval)
2. Discussion/Approval of change order requests for:
   a. Pitt and Stone Street Drainage Improvements (+$27,237.29) under the CDBG Project Grant (Attachments – Staff Recommends Approval)
   b. Discussion/Approval of change order requests for Osceola Street Drainage Improvements (+$37,219.10) under the CDBG Project Grant (Attachments – Staff Recommends Approval)

g. **GENERAL ITEMS FOR CONSIDERATION**

1. Discussion/Board Option - Update on CSX "S-Line" Capacity Improvement Project and that it will cost the City to move utility lines - David Grimm to address (NO Attachments)
2. Discussion/Board Option – Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale (Melanie Peavy - Attachments)
3. Discussion/Board Option - Proposed language for modification of Comprehensive Plan and Design District Standards for roadway interconnectivity requirements discussed at Special Meeting on January 18th; staff is seeking direction from the Commission whether they are comfortable with this proposed language and to provide approval to amend the Comprehensive Plan and Design Standards accordingly; or alternatively, to provide substitute language or direction on this matter. (Melanie Peavy - Attachments)
4. Discussion/Approval for Mayor Wolf to sign a letter requesting a waiver of Fla. Administrative Rule 9B-43.0041(1)(c), which sets a maximum funding amount for grants awarded to communities through the CDBG Program. The Cap for the COW is currently set at $700,000; we are requesting the funding ceiling be raised to $1.0 million for a proposed application to the Fla. Dept. of Economic Opportunity (DEO) for funding under the FFY 2011/2012 Fla. Small Cities Community Development Block Grant (CDBG) program (City is under NO obligation by signing this letter if grant is not submitted or approved) (Attachments – Staff Recommends Approval)
5. Human Resources to give update on the six (6) City Manager candidates selected for possible interviews (NO Attachments)

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
SPECIAL CALLED MEETING
DECEMBER 21, 2011 – 6:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood Florida met in Special Session, December 21, 2011 at 6:00 p.m.

Present were: Mayor Wolf, Commissioners Bivins, Clark, Allen and Strickland. Also present were: Interim City Manager Jacobs, Police Chief Reeser, Human Resource Coordinator Cox and AVT Law.

The meeting was called to Order followed by an invocation and Pledge of Allegiance to the American Flag.

1. TIMED ITEMS AND PUBLIC HEARINGS
   None at this time.

2. REPORTS AND PUBLIC INPUT
   No Special Input Or reports at the time:
   a. City Manager
   b. City Attorney
   c. City Clerk
   d. Commission Members
   e. Public Forum (10 minute time limit)
   f. Notes, Reports, and items for the file as attached

3. NEW BUSINESS – ACTION REQUIRED
   a. MINUTES
   b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)
   c. RESOLUTIONS FOR APPROVAL:
   d. APPOINTMENTS
   e. CONTRACTS AND AGREEMENTS
   f. FINANCIAL
      Nothing for the above items at this time
   g. GENERAL ITEMS FOR CONSIDERATION

      1. Review/Discussion of applications and background information received for the vacant City Manager position (Attachments – Board Direction on how to further proceed)

      Mayor Wolf noted that one Commissioner has been delayed and that he would like to wait until all are present to discuss the applications. He requested the feeling of the Commission about the process, because it is a decision the Commission will make. Help was asked of the Range Riders, however he was disappointed in their ranking since it appears that persons who were not members of the ICMA were discounted. He noted that membership in associations can be a help, but it doesn't make someone any better than others in some situations. Doesn't feel he is prepared to fully discuss since he just got back. He read through them and made notes, and there are four or five he would

be interested in looking at or reviewing further. Suggested that each Commission check four or five and see how many the Commission agrees on. At that time start calling and complete reference checks. Feels that the Commissioners should not make direct contact with the applicants. Assumes the Commissioners could call references, however. HRC Cox noted the information provided and asked for approval on the reference questions listed that she would be asking. Noted that she might not be able to get answers. The reference listed does not have to answer any questions. Information could be obtained through records request. The questions are a sample for review.

Mayor Wolf noted that one applicant had included reference and background check information with his application and resume.

HRC Cox noted that criminal checks were done on the eight applicants noted by the Range Riders, but no background investigations. If background checks are done on the applicants the Commission chooses, it will be as complete as the one submitted by the applicant, but the City will have to pay for the background investigation.

Commissioner Allen recommended taking time. Reviewed all and there are only two candidates out of the top eight that he would probably select personally. Expressed concern why applicants in the $125,000 to $135,000 range are applying for an $80,000 to $90,000 position. It was noted the persons living the north would take the lower pay to get to Florida and the cost of living is lower.

Concern was expressed that the City Attorney's letter was not clear. ICM Jacobs indicated that the City Attorney's opinion is that if the Commission goes contrary to the advertisement for the position to any extent especially related to the education requirement and/or experience requirement then it could require readvertisement.

HRC Cox referred to a log form included in the packet the Commissioners could use to rank the applicants. Mayor Wolf indicated he could see logging the top 5 or so.

Commissioner Strickland entered the meeting.

Commissioner Strickland indicated he has scanned through the applications but has not completely reviewed. Noted he had feared from the beginning that is the applicant was not in the ICMA they would not be ranked in the top by the Range Riders.

Commissioner Clark noted that one applicant had two positions where he had not completed probation.

It was noted that by Googling you can find out a lot about the candidates. In

response to a question from Mayor Wolf, ICM Jacobs expressed that time should be taken by the Commission to fully review before a decision is made, but a decision should be made as to whether they will follow the requirements as stated in the advertisement. Specifically the requirements relating to a four year degree and five years of experience.

Mayor Wolf again suggested that each member choose their five out of the total applications, begin cognizant of the requirements and bring back to compare. HRC Cox noted that if the five are not part of the eight listed by the Range Riders, some background checks will have to be done.

By Common Consent the Commission approved to each choose five and bring back to a second workshop meeting to compare. The City will pay for overnight accommodations, but not travel expenses.

Commissioner Strickland suggested interviewing at least five.

HRC Cox noted sample interview questions in the Commission packets.

Second meeting to be scheduled after the holidays.

2) Review/Discussion of job description and requirements for vacant Parks & Recreation Coordinator position (Attachments - Board Option)

HRC Cox noted that six applications were received. The job description was amended before this advertisement. It is not the same one used when Jason Hargrove was hired. Not all six have the requirements. Mayor Wolf noted that this position would be filled through ICM Jacobs, who noted he has not seen the applications yet.

The Commission was in agreement with the job description and requirements for the Parks & Recreation Coordinator position.

Discussion included new chemical and fertilizer application laws that will be in place in 2012, however at this time chemicals are being applied by a contracted company.

4. ADJOURN

Upon a motion by Commissioner Bivins, second by Commissioner Allen the meeting was adjourned.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST:_____
Joseph Jacobs, City Clerk

_____
Ed Wolf, Mayor

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
JANUARY 9, 2012 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood Florida met in Regular Session, January 9, 2012 at 7:00 p.m.

Present were: Mayor Wolf, Commissioners Bivins, Clark, Allen and Strickland. Also present were: Interim City Manager Jacobs, City Attorney Blair, Police Chief Reeser, Development Services Director Peavy, Human Resource Coordinator Cox and AVT Law.

The meeting was called to Order followed by an invocation and Pledge of Allegiance to the American Flag.

1. TIMED ITEMS AND PUBLIC HEARINGS:
   a. 7:00 p.m. PUBLIC HEARING – 2ND FINAL READING
   Ordinance No. O2011-20, an ordinance amending a zoning map amendment from Agricultural-10 (AG-10) to "Planned Development" (PD) zoning for Landstone (Attachments – Staff Recommends Approval)

   DSD Peavy – The Landstone PD agreement will bring the zoning into compliance with the Approved Land Use and the Amended Restated Development Order.

   Chuck Piper of Landstone Community indicated that everything is agreeable and again expressed his appreciation to the staff and Commission for the continued effort to move the project forward.

   Motion by Commissioner Allen, second by Commissioner Bivins that Ordinance No. O2011-20: An Ordinance of the City of Wildwood granting a request for a Planned Development pursuant to Section 8.6 of the Land Development Regulations; for certain property within the City of Wildwood, Florida; owned by Landstone-Wright, LLC; providing for severability; providing for codification; and providing for an effective date: is adopted on second final reading. Motion carried by unanimous vote.

2. REPORTS AND PUBLIC INPUT

- SPECIAL PRESENTATION: None at this time
  a. City Manager
     1) FYI – Fourth Quarter 2011 Public Works Department Report from Gene Kornegay, PWD (Attachments)
     2) FYI – New traffic signal at SR44/Powell Rd/Signature Drive Intersection operational as of Jan. 3, 2012 (Attachment)
     3) FYI - Police Department's new Police Chaplain Program (Attachments)
     4) FYI – Water Department FDEP Sanitary Survey Report (Attachments - Informational Only)

     ICM Jacobs added that interviews for the Parks & Recreation Coordinator position were completed today and a decision should be made tomorrow.

There had been some miscommunication regarding the Youth Basketball program and even with Jason gone the program will move forward.

b. City Attorney – nothing.
c. City Clerk – nothing.
d. Commission Members
Wolf – would like to get out to the residents of Wildwood to go to The Villages web site and click on the building of Brownwood.
e. Public Forum (10 minute time limit)
1) Sam Saleem – Expressed appreciation to the Commission for what they have done for the Martin Luther King Day event and invited the Commission and everyone to attend.
f. Notes, Reports, and items for the file as attached

3. NEW BUSINESS – ACTION REQUIRED
a. MINUTES
1) Minutes of Regular Meeting held on December 12, 2011 (Attachments – Staff recommends approval)

Motion by Commissioner Allen, second by Commissioner Strickland to accept the Minutes of Regular Meeting held on December 12, 2011.Motion carried by unanimous vote.

b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)

Mayor Wolf asked who had requested the ordinances. ICM Jacobs and CA Blair indicated the past City Manager and past Parks & Rec Coordinator. Mayor Wolf noted that he has allowed persons to fly remote airplanes in his pasture, which is in the City. Asked if this should have come to the Commission before drafting the Ordinances. ICM Jacobs noted this would be the time to discuss what the Commission would like in the Ordinance. CA Blair indicated she can make changes or the Ordinance can be dropped if the Commission doesn't want them. It was noted that the ordinances pertain to City property, not private property. CA Blair noted she would have to change the language in O2012-03 so that it does not apply to private property.

1) Ordinance No. O2012-02; An ordinance requiring any and all animals brought on City property to be on a leash (Attachments – Staff Recommends Approval)

2) Ordinance No. O2012-03; An ordinance providing for control of remote control planes within city limits (Attachments – Staff Recommends Approval)

3) Ordinance No. O2012-04; An ordinance amending Ordinance numbers 212, 303 and O2010-06 and section 19-30, City Of Wildwood Code; providing for application of base utility rates; providing for application of metered rates based upon consumption (Attachments – Staff Recommends Approval)

Ordinances O2012-02, O2012-03 and O2012-04 were introduced and read by title only on first reading.

c. RESOLUTIONS FOR APPROVAL:

1) Resolution No. R2012-01; A resolution opposing proposed legislation that modifies, restricts or eliminates the authority of municipalities to levy, collect and/or expend the communication services tax and the local business tax (Commissioner Allen to address) (Attachments – Staff Recommends Approval)

Resolution R2012-01 was introduced and read by title only. Commissioner Allen noted that the FLC has requested a Resolution opposing legislation that eliminates the authority of municipalities to levy, collect and/or expend the communication services tax and the local business tax.

Motion by Commissioner Clark, second by Commissioner Allen that Resolution No. R2012-01: A Resolution Of The City Of Wildwood, Florida; Opposing Proposed Legislation That Modifies, Restricts Or Eliminates The Authority Of Municipalities To Levy, Collect And/Or Expend The Communication Services Tax And The Local Business Tax; Providing For Conflicts; Providing For Severability; And Providing For An Effective Date: is adopted. Motion carried by unanimous vote.

2) Resolution No. R2012-02; A resolution extending Resolution No. R2011-05, placing a moratorium of permitting internet cafes or entities providing game promotions for a period of six months (Attachments – Staff Recommends Approval)

Resolution No. R2012-02 was introduced and read by title only.

Motion by Commissioner Strickland, second by Commissioner Bivins that Resolution No. R2012-02: A Resolution Of The City Commission Of The City Of Wildwood, Florida, Extending Resolution R2011-05, Placing A Moratorium Of Permitting Internet Cafes Or Entities Providing Game Promotions In Connection With The Sale Of Consumer products Or Services For A Period Of Six Months; Providing For An Effective Date. Motion carried by unanimous vote.

d. APPOINTMENTS

1) None

e. CONTRACTS AND AGREEMENTS

1) None

f. FINANCIAL

1) Bills for Approval (Attachments – Staff Recommends Approval)

Motion by Commissioner Strickland, second by Commissioner Bivins to pay the bills. Motion carried by unanimous vote.

Mayor Wolf asked if the NLC or FLC assist with the travel expenses of the chairpersons of the committees. Commissioner Allen indicated that he had discussed the trip to the NLC conference with the former City Manager and it went before the Commission for approval and the Leagues have the burden to fill the positions.

Motion by Commissioner Strickland, second by Commissioner Bivins to pay the bills. Motion carried by unanimous vote.

2) Request by Chief Reeser to deposit confiscated cash in the amount of $1,568.71 received as evidence and forfeiture of property into the Law Enforcement Trust Fund (Attachments – Staff Recommends Approval)

Motion by Commissioner Clark, second by Commissioner Bivins to approve request by Chief Reeser to deposit confiscated cash in the amount of $1,568.71 received as evidence and forfeiture of property into the Law Enforcement Trust Fund. Motion carried by unanimous vote.

g. GENERAL ITEMS FOR CONSIDERATION

1) Schedule a workshop meeting to discuss potential changes to the Comprehensive Plan, Land Development Regulations and Design Standards; proposed dates are January 17 or 18 (Attachments – Board Option)

DSD Peavy noted this is what was discussed at a previous meeting and explained that staff would present to the Commission their recommendations and options. Mayor Wolf noted that the developer did not renew the contract on the property.

By Common Consent a workshop meeting was scheduled for January 18 at 6:00 p.m.

2) Schedule Special Called Meeting to select top five applicants to interview for City Manager position (Attachments – Board Option)

Mayor Wolf – half of the applicants do not meet the requirements.

By Common Consent a workshop meeting was scheduled for January 30 at 7:00 p.m. to compare the five top picks of each commissioner.

3) Request by Gidget Gibson to re-establish the Wildwood Area Historical Association to operate as in the past in addition to space for storage of items collected for historical documentation (Attachment – Board Option)

Gidget Gibson – expressed appreciation to the Commission for supporting the Christmas parade. Noted that years ago former Commissioner Tompkins and former City Manager Stevens brought together several citizens to form the Wildwood Area Historical Association. Understands that many of those are now

deceased or through some age or health restrictions are unable to continue as a member. She and others are trying to re-establish the Association and she understands that it was set up through the Commission. Need a room to meet and a place to house the items.

ICM Jacobs discussed the possibility of moving the remaining City records from the annex to the old library on Palmer while the annex is being refurbished and perhaps the Historical information can be moved to the old library.

By Common Consent the Commission approved that temporarily the historical information can be placed in the old library.

4) Discussion/Approval of request by Cëcelia Bonifay with Akerman Senterfitt to extend Landstone-Wright, LLC DRI for a period of four years and ten month per Section 494 of Chapter 2011-142 and Section Chapter 2011-139, Laws of Florida (Attachments – Staff Recommends Approval)
5) Discussion/Approval of request by Dean Barberee with Reader & Partners, LLC to extend Wildwood Springs DRI for a period of four years and ten month per Section 494 of Chapter 2011-142 and Section Chapter 2011-139, Laws of Florida (Attachments – Staff Recommends Approval)
6) Discussion/Approval from Dean Barberee with Reader & Partners, LLC to extend Wildwood Springs PD for a period of four years and ten month per Section 380.06(19)(c) 2 and Section 252.363, Florida Statutes (2011) (Attachments – Staff Recommends Approval)

CA Blair noted that no action is necessary on items 4, 5 or 6. They are letters notifying the City of the intent of Landstone-Wright.

7) Discussion/Direction of request by Lenard Powell to trade/purchase City-owned property, a portion of parcel ID G08=018 which is contiguous to property he owns, generally located to the north of the intersection of Powell Rd. and CR 44A (Attachments – Board Direction)

DSD Peavy – this item came before the Commission in July 2011. What was directed was for the City Manager to meet with Mr. Powell. At the meeting several items were discussed such as the possible annexation of Mr. Powell's property and the rezoning and Land Use. Have told Mr. Powell it is not a possibility to annex or do any Land Use amendments unless Mr. Powell is ready to develop the property. City is still working on the Joint Planning Agreement with Sumter County and until that is done we haven't done any more annexation.

Mayor Wolf asked for an update on the JPA. DSD Peavy – it is in the County's hands. The County hasn't addressed it yet. The City still has the Local Service Boundary Agreement and a JPA that was approved in 2009. The major changes will allow annexing property to fill in the gaps. The changes will have to go to the State for approval.

DSD Peavy – there had been mention of Mr. Powell swapping property with the City, but do not see the reason to do that. The property he wants purchase does not have an appraisal. Need direction from the Commission.

Mayor Wolf – When this first came to the Commission, Powell Road was not complete. Now the County has taken property along Powell Road through eminent domain. That payment should be a matter of public record, so why couldn't the City say it is willing to sell the property at the maximum amount per square foot that the County paid. DSD Peavy noted that plans are for retail/office. The property he wants to purchase is large enough to develop on. Mayor Wolf suggested getting the purchase price on the Bailey property also to compare, and also get the square footage of the property.

By Common Consent the Commission requested that DSD Peavy research the recent selling prices of adjacent property and the square footage of the property Mr. Powell wants to purchase from the City.

4. ADJOURN:

Upon a motion by Commissioner Allen, second by Commissioner Strickland the meeting was adjourned.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST:_____
Joseph Jacobs, City Clerk

_____
Ed Wolf, Mayor

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
WORKSHOP/SPECIAL CALLED MEETING
JANUARY 18, 2012 – 6:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood Florida met in Special Session, January 18, 2012 at 6:00 p.m.

Present were: Mayor Wolf, Commissioners Bivins, Clark, Allen and Strickland. Also present were: Interim City Manager Jacobs, City Attorney Blair, Assistant City Clerk Roberts, Police Chief Reeser, Development Services Director Peavy, Development Services Coordinator McHugh, Senior Planner Grimm, IT Tech McDade, Human Resource Coordinator Cox and AVT Law.

The meeting was called to Order by Mayor Wolf.

1. TIMED ITEMS AND PUBLIC HEARINGS
None at this time.

2. REPORTS AND PUBLIC INPUT

- SPECIAL PRESENTATION: Melanie Peavy to discuss staff initiated changes to the Comprehensive Plan and brief presentations and worksheet discussion on additional issues

DSD Peavy noted this workshop was for staff and the Commission and no public comments would be taken at this time.

Referred to Agenda Packet for review: Over the years staff has found some requirements in the Future Land Use element of the Comprehensive Plan too restrictive on development. Staff is preparing a large scale Comprehensive Plan amendment which lessens these restrictions. There are also a number of changes elsewhere in the Comp Plan that are occurring as a result the Community Planning Act and the amendment will be brought the Commission for approval sometime in March. In the Future Land Use element, staff is looking to encourage rather than require some of the policies that were forced upon the City in the original approvals from DCA. Staff will eliminate the Transportation Concurrency and School Concurrency within the Comp Plan and then the other changes are just to support those.

Mayor Wolf – in the Future Land Use element – eliminate 30% of reduction of developer's maximum development potential. What do they require? DSD Peavy – City tried to represent to DCA that the full property would never be developed, that only a percentage would be developed once the open space and such were taken away. The City was forced to put it in policy which means with every development, small and large, we immediately have to take 30% off the developable area of each property. We would like that to go away. The 30% is not calculated as part of the allowable density or intensity of the project. A 10 acre parcel would be reduced by three acres. You density would be applied to the remaining seven acres. Don't believe there will be a problem with DCA, due to the changes that have occurred with DCA. A lot of these items were forced to be required instead of encouraged, and where that terminology is changed we

can fix a lot of things. This reduction does not take away the requirement for open space or recreation amenities.

Noted that mixed use centers are being amended. These are areas near intersections. The neighborhood center at 209 and 466 will be eliminated. The one at 468 will be moved.

The next three issues require Commission direction. They are interconnectivity, sidewalks, and mix of housing types. Mike Woods of the LSMPO is present to speak regarding the sidewalk issue and the reason the policy requiring them should be kept.

1. Sidewalks -
Mike Woods, LSMPO presented a review of the long range transportation plan to 2035. Documents in agenda file. Wildwood is in the middle of the future efforts to provide multimodal corridors in the future transit initiative for Sumter County. One thing that makes transit work is good neighborhood connections through bike paths, sidewalks, and other ways for people to access transit. LSMPO is currently waiting for the urbanized area and boundary maps. We expect all of Wildwood to be encompassed in the urbanized area. Will probably do the first transit development plan next year in Sumter County with transit activities probably in the Villages and Wildwood. At this time Sumter County even buses students within a two mile radius with the School board paying the expense with no funds from the State. Trying to work with the School boards in the future to address that Sumter County may not be able to bus those students much longer due to low funds. Have been working with City staff and the police department to come up with a sidewalk needs gap plan. There is already a big need for retrofitting some City roads and County roads with sidewalks for the students to walk safely to and from school. Having a developer put sidewalks in at the beginning of a project is probably the cheapest way to do it. Retrofitting projects are expensive with the cost of securing right-of-way and funding has to be secured. Having sidewalks included in the project when it comes before the Commission for approval is the best, cheapest way to implement a sidewalk program. Providing transportation options help families to reduce the cost of transportation so that more moneys can be put into the community.

DSD Peavy - current regulations require 5 foot sidewalks with current enforcement through the design standards. Noted continuous complaints from Parkwood residents that they have no sidewalks. Because of discussion with developers about the cost to install sidewalks, an example of costs were provided. Research of Bison development and cost to install sidewalks indicates the cost to be less that 1%, with sidewalks on both sides. Noted that the City has to think about the new Land Uses and what is required. Noted that a variance has always been an option, but there must be uniqueness to the property and the cost for application is $500. Noted that any existing platted property or projects that have nine or fewer lots are not required to meet the sidewalk requirements. 5 acre ranchettes would have to go through Land Use amendment. Her research does not indicate that the cost of sidewalks would make a development unfeasible. The City does not bear the cost of constructing or maintaining the sidewalks. Maintains only those

sidewalks in the City right-of-way. Staff recommends that the sidewalk requirements be retained.

Motion by Commissioner Strickland, second by Commissioner Bivins to leave the current sidewalk requirements in place as recommended by staff. Motion carried by unanimous vote.

2. Interconnectivity

DSD reviewed the history of roadway patterns. Noted that until adjoining property develops, interconnectivity will not be needed. A "stub out" or vacant area would be placed where the interconnectivity is planned for when the adjoining property develops. Interconnectivity is important because it provides more options for access, shortens trip lengths, and removes some of the burden on the existing roads, safer systems. Noted that without interconnectivity existing roads will have to be widened or improved at a cost to the City or County or the City would have to tell the development they cannot go forward. Reminded the Commission that the City has no road impact fee nor does the City share in the County's impact fee. She noted there are no limits such as ten acres or less you don't have to connect, it all depends on the traffic, where you are going to go and what impacts you are going to make to the existing road system.

Noted this does not mean that every parcel has to connect to every other parcel. Staff recommends that interconnectivity remain in the requirements.

Mayor Wolf expressed concern that some smaller parcels would be destroyed by a road taking part of it for a larger parcel to access larger road.

DSC McHugh noted that interconnectivity happens only as property develops. Noted that all projects will come before the Commission for approval or disapproval.

CA Blair asked if criteria is laid out in the regulations being worked on to say when interconnectivity is appropriate. DSD Peavy – no, based on a traffic analysis for a development and review by LSMPO and staff, the decision is made. DSC McHugh noted that having interconnectivity puts the burden on the developer to provide the interconnectivity.

CA Blair expressed concern that requiring interconnectivity someone could claim inverse condemnation. Inverse condemnation is something that happens because the City's regulations results in the land not able to be used the way the owner wants it to be for a meaningful purpose. Needs to have language that spells out the appropriateness of interconnectivity and clarification with specific criteria. Mayor Wolf suggested there be triggers to determine that four exits are needed on a development, such as size of property, certain density, certain use, etc. DSD Peavy – without a specific definition of interconnectivity requirements it would be up to the Commission to decide whether or not staff recommendation on the interconnectivity issue is what the commission agrees with or not. Mayor Wolf asked if the Commission would have to approve or disapprove every interconnectivity. DSD Peavy – yes.

Motion by Commissioner Clark, second by Commissioner Allen for staff to work with the City Attorney to draft and develop standard criteria and procedures. Motion carried by unanimous vote.

3. Mixture of Housing Types

The existing requirements is for any residential development of 20 units or more to contain a mixture of two housing types. This may limit single family detached subdivisions and may not be conducive to meeting the market demands. Current enforcement is through the comprehensive plan. Staff is preparing a Comp Plan amendment that only larger developments would be required to meet this. Staff is recommending anything over 500 units and limiting the requirements of the single family detached projects.

Motion by Commissioner Clark, second by Commissioner Allen to approve recommendation of staff amending the Comp Plan and setting the threshold to 500 units. Motion carried. Yea – Allen, Bivins, Clark, Wolf. Nay – Strickland.

a. City Manager – None at this time
b. City Attorney– None at this time
c. City Clerk– None at this time
d. Commission Members– None at this time
e. Public Forum (10 minute time limit)– None at this time
f. Notes, Reports, and items for the file as attached – None at this time

3. NEW BUSINESS – ACTION REQUIRED
   a. MINUTES - None at this time
   b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE) - None at this time
   c. RESOLUTIONS FOR APPROVAL: - none at this time
   d. APPOINTMENTS -None at this time
   e. CONTRACTS AND AGREEMENTS - None at this time
   f. FINANCIAL - None at this time
   g. GENERAL ITEMS FOR CONSIDERATION

4. ADJOURN

Upon a motion by Commissioner Allen, second by Commissioner Bivins the meeting was adjourned.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST:_____
Joseph Jacobs, City Clerk

_____
Ed Wolf, Mayor

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
JANUARY 23, 2012 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood Florida met in Regular Session January 23, 2012 at 7:00 p.m.

Present were: Commissioners Bivins, Clark, Allen and Strickland. Also present were: Interim City Manager Jacobs, City Attorney Blair, Assistant City Clerk Roberts, Police Chief Reeser, Utility Director Phillips and AVT Law.

The meeting was called to Order followed by an invocation and Pledge of Allegiance to the American Flag.

1. TIMED ITEMS AND PUBLIC HEARINGS

a. PUBLIC HEARING – 2nd FINAL READING Ordinance No. O2012-02; An ordinance requiring any and all animals brought on City property to be on a leash (Attachments – Staff Recommends Approval)

Mayor Pro tem Allen introduced Ordinance O2012-02 and Read it by title on second final reading. Meeting was opened for Public Hearing. CA Blair indicated that changes were made after first reading as requested by the Commission. No comments were received.

Motion by Commissioner Strickland, second by Commissioner Bivins that O2012-02: An Ordinance Of The City Of Wildwood, Florida, Providing That Any And All Animals Brought On City Property Must Be On A Leash Providing For Exceptions; Providing For Conflict; Providing For An Effective Date: is adopted on second final reading. Motion carried by unanimous vote.

b. PUBLIC HEARING – 2nd FINAL READING Ordinance No. O2012-03; An ordinance providing for control of remote control planes on City property (Attachments – Staff Recommends Approval)

Mayor Pro tem Allen introduced Ordinance O2012-03 and Read it by title on second final reading. Meeting was opened for Public Hearing. CA Blair indicated that changes were made after first reading as requested by the Commission. No comments were received.

Motion by Commissioner Strickland, second by Commissioner Bivins that Ordinance O2012-03: An Ordinance Of The City Of Wildwood, Florida, Providing For The Control Of The Use Of Remote Control Planes On City Property Except In Areas Designated For Such Use By The City; Providing For Conflict; Providing For An Effective Date. Motion carried by unanimous vote.

c. PUBLIC HEARING – 2nd FINAL READING Ordinance No. O2012-04; An ordinance amending Ordinance numbers 212, 303 and O2010-06 and section 19-30, City Of Wildwood Code; providing for application of base utility rates; providing for application of metered rates based upon consumption (Attachments – Staff Recommends Approval)

Mayor Pro tem Allen introduced Ordinance O2012-04 and Read it by title on second final reading. Meeting was opened for Public Hearing. CA Blair indicated that changes were made after first reading as requested by the Commission. No comments were received.

Motion by Commissioner Bivins, second by Commissioner Strickland that Ordinance No. O2012-04: An Ordinance Of The City Of Wildwood, Florida, Amending Ordinance Numbers 212, 303 And O2010-06 And Section 19-30, City Of Wildwood Code; Providing For Application Of Base Utility Rates; Providing For Application Of Metered Rates Based Upon Consumption; Providing For Conflict; And Providing For An Effective Date: is adopted on second final reading. Motion carried by unanimous vote.

2. REPORTS AND PUBLIC INPUT

- SPECIAL PRESENTATION: None at this time

a. City Manager

1) FYI – December Budget Comparison Report (Attachments) - Noted revenues are exceeding the expenditures in both the General and Enterprise funds.

2) Reminder of Special called meeting scheduled for January 30 at 7:00 p.m.

b. City Attorney - None

c. City Clerk - None

d. Commission Members –

1) Strickland – Asked for status on Parks & Recreation Coordinator. ICM Jacobs reported that an offer had been made and accepted with starting date of January 30.

2) Clark – Asked for status of property price related to Lenard Powell requesting to purchase property from the City. CA Blair to check statutes whether appraisal is necessary, and noted that the property would have to be declared surplus. Mr. Powell indicated he may have misunderstood but he was told to be at this meeting by Development Services if he wanted to participate. He came prepared with appraisal on his property, which should be similar to the City property.

Mayor Pro tem Allen asked that Mr. Powell meet with ICM Jacobs or DSD Peavy on Tuesday and that the record reflect that Mr. Powell is to be placed on the agenda for the first meeting in February.

3) Allen – noted the Legislative Bulletin item regarding Communication tax.

e. Public Forum (10 minute time limit) –

1) Darrell Muse – an issue regarding vacant property. Understands that when property stands vacant for 12 months a new building permit must be pulled and it must go through an inspection process. The County building department was a little confused as to what they were to inspect. The second issue is the water meter. He was told that the old water meter was pulled; therefore he would have to pay for a new meter, which is a new more costly system. The City removed the first meter, and he wanted to know why, if a water meter had already been paid for this property when the house was being built in 1996, would another water meter have to be paid for. He noted that the City is going through the process of replacing all the old system meters with the new ones at no cost to the property owner, so why would he be required to pay for one.

ICM Jacobs noted that the meter was removed due to a Code Enforcement issue.

Mr. Muse indicated that he doesn't see why one property has to pay for the meter and the next one doesn't. Says he called whether there was a Code Enforcement lien against the property before he purchased. He spoke to the County and they indicate they do not know what they are supposed to be inspecting. CA Blair – not sure why the meter was removed from the property but if there is any regress with this it would be with the Code Enforcement board. Mr. Muse indicated he would schedule a meeting with CE.

f. Notes, Reports, and items for the file as attached

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

1) None

b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)

1) Ordinance No. O2012-05 Amending Ordinance No. O2011-10 and Sections 19-181; 19-237; 19-281; 19-282(B); 19-283; 19-291 of City of Wildwood Code to provide for: Definitions; for wastewater subject to a categorical pretreatment standard; for removal of process for seeking a waiver; for environmental permits; for certification of permit applications; and for penalties (Attachments – Staff Recommends Approval)

Mayor Pro tem Allen introduced and read by title Ordinance O2012-05. ICM Jacobs indicated there may be changes to this ordinance before the second reading. CA Blair noted the ordinance is to bring up to FDEP guidelines.

2) Ordinance No. O2012-06 Repealing section 13-4 of the City of Wildwood Code and section 1 of Ordinance No. 308 to make the City's firearm code more conducive to Florida State Statutes' firearm regulations (Attachments – Staff Recommends Approval)

Mayor Pro tem Allen introduced and read by title Ordinance O2012-06.

CA Blair indicated this ordinance takes out sections of Code due to change in Florida Statutes. Noted there has been Attorney General Opinions on some aspects. PC Reeser explained that if the language is taken out of the Code then
anyone can shoot any type gun in the City Limits. He would like to have an AGO specific to the City Ordinance before this Ordinance is read on second final.

c. RESOLUTIONS FOR APPROVAL:

1) None

d. APPOINTMENTS

1) None

e. CONTRACTS AND AGREEMENTS

1) None

f. FINANCIAL

1) Bills for Approval (Attachments – Staff Recommends Approval)

In response to question from Commissioner Bivins, ICM Jacobs indicated that David Grimm is paid from the General fund through payroll then funds are transferred from CRA to the General fund to cover the payroll expenses.

Motion by Commissioner Bivins, second by Commissioner Strickland to pay the bills. Motion carried by unanimous vote.

g. GENERAL ITEMS FOR CONSIDERATION

1) Request from Johnny Sands, President of Wildwood Dixie Youth League for permission to place outside storage unit at the Millennium Park ball field complex to store their equipment (Attachments – Board Option)

Mr. Sands indicated that the storage unit is a shipping container which is heavier duty then a regular metal storage shed. The league would pay for the unit, the setup and the maintenance. Mayor Pro tem Allen asked if the Commission would want something like this or something more aesthetic. Commissioner Strickland noted he has no problem as long as it is painted, and asked where they planned to place it. Mr. Sands indicated they were looking at the area near the 7-8 year old fields and the softball fields. Commissioner Strickland indicated he was thinking more toward the barn. Commissioner Bivins would rather it be in the barn area, but whatever was suitable for them to have access to it and it wouldn't be subject to break ins. ICM Jacobs suggested they work closely with Gene Kornegay regarding the location or the new P&R Coordinator.

PC Reeser – noted that before this ends up in Code Enforcement, wouldn't this have to go through the permitting process. CA Blair noted there needs to be an agreement also.

Motion by Commissioner Strickland, second by Commissioner Clark that this item be referred to staff and City Attorney to develop an agreement, to be sure that Code Enforcement and permitting process be followed, and that it be placed a designated location as approved by staff. Motion carried by unanimous vote.

4. ADJOURN:

Upon a motion by Commissioner Bivins, second by Commissioner Strickland the meeting was adjourned.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST:_____
Joseph Jacobs, City Clerk

_____
Ed Wolf, Mayor

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
WORKSHOP/SPECIAL CALLED MEETING
JANUARY 30, 2012 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood Florida met in Special Session, January 30, 2012 at 7:00 p.m.

Present were: Mayor Wolf, Commissioners Bivins, Clark, Allen and Strickland. Also present were: Interim City Manager Jacobs, Assistant City Clerk Roberts, Police Chief Reeser, Human Resource Coordinator Cox and AVT Law.

The meeting was called to Order by Mayor Wolf, and moved to item 3.g.

1. TIMED ITEMS AND PUBLIC HEARINGS
None at this time.

2. REPORTS AND PUBLIC INPUT
No Special Input at the time:

3. NEW BUSINESS – ACTION REQUIRED
a. through f. - None at this time.

g. GENERAL ITEMS FOR CONSIDERATION
1) Discussion/Selection of each Commission member's top five choices selected from all applicants and decision on selection of final top five to interview for the vacant City Manager position (NO Attachments – Bring your binder with the applications you reviewed and your list of five) (Board Direction on how to further proceed for interviews)

Mayor Wolf noted that after being reminded by the City Attorney at the last meeting that if the Commission looked at applicants outside of the advertised requirements there might be a problem, he cut the list of applicants in half. Has picked five but not entirely happy. Would like to have had a "headhunter" looking at the active City Managers and pull from another City. Questioned why someone making around $135,000 would want to take a position at a lower pay rate. Maybe they are planning a retirement to this area. There are a couple of applicants that do not have the glowing resumes from small towns more like Wildwood that would come and grow with Wildwood.

Commissioner Allen reviewed several times and was hard to find one, but has a list of five. Noted that several were terminated from past jobs. Some due to change of administration.

Commissioner Clark noted that he was not too happy with the whole process. In reading through the applications you find people without the qualifying credentials. Some have misspelled words. Having problem selecting five.

Commissioner Bivins couldn't find five, but did come up with some she would like to look at further. Some did not complete the application properly.

ICM Jacobs noted that each Commissioner doesn't have to come up with five choices. Commissioner Clark – This is the process to bring applicants in for interview. Mayor Wolf noted that even after interviewing three or four the Commission could decide to step back and re-advertise. Commissioner Clark requested that the same background check that is done on police officers be done on those selected for interview.

Based on the number assigned to each applicant the Commissioners selected: Wolf – 10, 12, 2, 11, 19; Allen – 8, 19, 21, 23, 2; Bivins – 10, 11, 19, 23; Strickland – 8, 2, 10, 11, 19, 18; Clark – 10, 12, 19, 20.

HRC Cox noted that one applicant is a current employee. Noted she had contacted other cities who have said the City would not have to re-advertise the position if they relaxed the requirements. Mayor Wolf, Commissioner Clark, ICM Jacobs reiterated the opinion of the City Attorney at the last meeting.

Further discussion included the desire to see the new City Manager involved in Community, not just the job.

Common consensus of the Commission was to begin calls and backgrounds on 19, 10, 2, 11, 8, and 12.

HRC Cox noted it would take at least two weeks to complete calls and prior employment background checks. PC Reeser noted he would see that as many complete backgrounds were done in two weeks, but to do neighborhood checks it will take longer.

Mayor Wolf noted that at the next regular meeting the Commission can schedule another workshop.

HRC Cox provided suggested interview questions and requested that the Commission review and add to.

2) Discussion/Approval for Mayor Wolf to sign a letter requesting a waiver of Fla. Administrative Rule 9B-43.0041(1)(c), which sets a maximum funding amount for grants awarded to communities through the CDBG Program. The Cap for the COW is currently set at $700,000; we are requesting the funding ceiling be raised to $1.0 million for the construction of water & sewer infrastructure to a proposed ALF (Attachments – Staff Recommends Approval)

ICM Jacobs indicated the City Attorney has called and asked for a delay or that contingencies be added to the letter to include additional meeting with the developer and that the Developer to confirm by agreement they will have the funds to the City before the Grant applied for.

Commissioner Strickland asked, if the City is just requesting an increase to the cap, it doesn't seem to be tied to a specific grant. Second question has the City determined if we lay the infrastructure if it will accommodate future development.

Mayor Wolf indicated yes and that was discussed and noted that whether a grant is received or not it needs to be done because the City annexed property that nothing can be done with until the infrastructure is in place. He understands that the City has enough infrastructure to accommodate the ALF on the Turkey Run property. But not to accommodate anything further without blowing manhole covers through town. If the grant is received, lines will be constructed 462 to 209 and then into the plant and will be large enough to serve other developments.

ICM Jacobs stated that the City Attorney did not think everything would be in place to meet the March deadline.

Motion by Commissioner Bivins, second by Commissioner Strickland to table until next regular meeting. Motion carried by unanimous vote.

Mayor Wolf commented that a memo went out from Robert Smith before he left regarding hours of employment. He noted to ICM Jacobs that unless employees have checked with and been approved by ICM Jacobs, they are expected to be work the designated hours. Commissioner Allen asked what the beginning time is. ICM Jacobs noted 8 a.m. Mayor Wolf noted there were some situations that the City Manager approved. ICM Jacobs noted that when the memo went out from Robert and he reinforced it, everybody is supposed to be by 8 o'clock and he has not approved any alternatives. Mayor Wolf asked ICM Jacobs to enforce the work hours.

4. ADJOURN

Upon a motion by Commissioner Allen, second by Commissioner Strickland the meeting was adjourned.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

_____
Ed Wolf, Mayor

ATTEST:_____
Joseph Jacobs, City Clerk

CITY COMMISSION OF THE CITY OF WILDWOOD

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE)
(1) Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

EXECUTIVE SUMMARY

SUBJECT: **Southern Oaks Development of Regional Impact**

Ordinance O2012-01

REQUESTED ACTION:

☐ Work Session (Report Only) **DATE OF MEETING:** **2/13/2012**
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☐ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____

☐ Annual **FUNDING SOURCE:** **N/A**
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

The Southern Oaks project has gone through the Development of Regional Impact (DRI) review process and is now before the City Commission to approve, approve with conditions, or deny the Southern Oaks DRI pursuant to 380.06 Florida Statutes.

Ordinance O2012-01 adopts the Southern Oaks Development Order (DO) and Proportionate Share Agreement (PSA). The DO has been prepared in accordance with Chapter 380 Florida Statutes and Rule 9J-2, Florida Administrative Code and is substantially consistent with the Regional Report issued by the Withlacoochee Regional Planning Council. The PSA is four-party agreement between the Developer, Sumter County, the Florida Department of Transportation and the City which specifies the required mitigation for the transportation impacts to Phase 1A of the DRI. Should the Commission move to execute the PSA, the PSA will then need to be executed by Sumter County, the Florida Department of Transportation, and the Developer.

The Developer, Daryl M. Carter, Trustee of the Carter-Sumter 2444 Highway 468 Land Trust, has satisfied all outstanding comments and concerns of the City, Sumter County, the Florida Department of Transportation, and other review agencies in preparation of the DO and PSA.

As such, **staff recommends approval of Ordinance O2012-01.**

M. Peavy

Melanie Peavy
Development Services Director

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE)
(1) Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

ORDINANCE NO. O2012-01

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, ADOPTING THE DEVELOPMENT ORDER AND PROPORTIONATE SHARE AGREEMENT FOR THE SOUTHERN OAKS DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED, by the City Commission of the City of Wildwood, Florida:

SECTION 1. The Development Order and Proportionate Share Agreement for the Southern Oaks Development of Regional Impact, attached hereto, are hereby adopted and approved.

SECTION 2. All ordinances or parts of ordinances in conflict are hereby repealed.

SECTION 3. If any sentence, clause or phrase or this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its final adoption by the City Commission of the City of Wildwood, Florida.

PASSED AND ORDAINED, this _____day of _____ , 2012.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

BY:_____
Ed Wolf, Mayor

ATTEST:_____
Joseph Jacobs, City Clerk

First Reading:_____

Second Reading:_____

Approved as to form:

_____
Jerri Blair, City Attorney

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE)
(1) Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

DEVELOPMENT ORDER
SOUTHERN OAKS DEVELOPMENT OF REGIONAL IMPACT
CITY OF WILDWOOD, FLORIDA

THIS DEVELOPMENT ORDER is entered into and made as of the ____ day of _____ 20___, by and between the **CITY OF WILDWOOD, FLORIDA**, a Florida municipal corporation (the "City") and **DARYL M. CARTER, TRUSTEE OF THE CARTER-SUMTER 2444 HIGHWAY 468 LAND TRUST**, a Florida corporation, with a mailing address of 3333 South Orange Avenue, Suite 200, Orlando, Florida 32806 ("Owner or "Developer").

WHEREAS, Owner owns approximately 2,335.13 acres of land located in the City of Wildwood, Sumter County, which is legally described in **Exhibit "A"** attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Owner intends to develop itself or to sell, bargain, transfer, succeed or assign its interests in the Property to a land developer to develop the Property in accordance with this Development Order; and

WHEREAS, § 380.06, Fla. Stat. mandates that developments of the size, density and intensity proposed shall undergo development of regional impact review; and

WHEREAS, in April 2009, an Application for Development Approval ("ADA") for the Southern Oaks Development of Regional Impact ("Southern Oaks DRI") was filed with the City; and

WHEREAS, it is proposed that the Property may be developed as set forth herein; and

WHEREAS, the proposed development is not located in an area of critical state concern as designated pursuant to Chapter 380, Fla. Stat.; and

WHEREAS, pursuant to § 380.06(12), Fla. Stat., the Withlacoochee Regional Planning Council ("WRPC") is required to issue a regional report and recommendation in connection with its review of the Southern Oaks DRI; and

WHEREAS, on August 19, 2010 the WRPC met and approved the Regional Report and Recommendation relative to Southern Oaks DRI (the "Regional Report"); and

WHEREAS, pursuant to § 380.06, Fla. Stat., the City of Wildwood City Commission is the governing body having jurisdiction over the review and approval of developments of regional impacts located within the City of Wildwood, Florida; and,

WHEREAS, the proposed development has gone through the review process of the various agencies and it is now before the City Commission to approve, approve with conditions or deny the Southern Oaks DRI pursuant to § 380.06, Fla. Stat.; and

WHEREAS, in accordance with § 380.06, Fla. Stat., the City Commission conducted a public hearing on _____, to review and consider the Southern Oaks DRI; and

WHEREAS, notice of this hearing date was provided in accordance with law; and

WHEREAS, at the public hearing on this matter, any member of the general public requesting to do so was given the opportunity to present written or oral communications; and

WHEREAS, during the public hearing, all parties were afforded the opportunity to present evidence and argument on all issues and submit rebuttal evidence; and

WHEREAS, this Development Order shall be recorded in the Public Records of Sumter County, Florida and shall run with the land.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF WILDWOOD CITY COMMISSIONERS, CITY OF WILDWOOD, FLORIDA, IN PUBLIC MEETING DULY CONSTITUTED AND ASSEMBLED THIS 27th DAY OF FEBRUARY, 2012 THAT THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE SOUTHERN OAKS DEVELOPMENT OF REGIONAL IMPACT, SUBMITTED BY M.L. CARTER DEVELOPMENT CORPORATION, IS HEREBY ORDERED APPROVED SUBJECT TO THE TERMS BELOW:

SECTION I. DEFINITIONS

1. ACOE – U.S. Army Corps of Engineers.

2. ACLF – Adult Congregate Care Living Facility.

3. ADA – The Application for Development Approval for the Southern Oaks DRI dated April 28, 2009, as supplemented by the Southern Oaks Development of Regional Impact First Sufficiency Response dated September, 2009, as supplemented by the Southern Oaks Development of Regional Impact Second Sufficiency Response dated February, 2010, as supplemented by the Southern Oaks Development of Regional Impact Third Sufficiency Response dated May, 2010.

4. ADT's – Average Daily Trips.

5. City – City of Wildwood, Florida.

6. City Commission – The City Commission of the City of Wildwood, Florida.

7. DEO or Department – Florida Department of Economic Opportunity.

8. DRA – Stormwater/drainage retention areas.

9. Developer – M.L. Carter Development Corporation; provided, however, the term "Developer" may refer to that person, persons, entity or entities which has or have lawfully acquired the rights to develop the Property through sale, bargain, donation, transfer, succession,

assignment or combination thereof and regardless of whether the same was voluntary or involuntary (i.e. insolvency, liquidation, bankruptcy).

10. Development or Project – The Southern Oaks Development of Regional Impact.

11. Development Order – This Development Order for the Southern Oaks DRI, as the same may be amended from time to time hereafter.

12. du – Dwelling unit.

13. EMP – Environmental Monitoring Plan.

14. ERP – Environmental Resource Permit

15. EPA – U.S. Environmental Protection Agency.

16. FDEP – Florida Department of Environmental Protection.

17. FFWCC – Florida Fish and Wildlife Conservation Commission.

18. GMP – Groundwater Monitoring Plan.

19. IPMP – Integrated Pest Management Plan.

20. LID – Low Impact Development.

21. Map H – The master development plan for the Southern Oaks DRI, a copy of which is dated December 12, 2011 and is attached hereto as **Exhibit "B"** and incorporated herein by reference.

22. Property – The real property subject to this Development Order consisting of approximately 2,335.13 acres located in the City of Wildwood and being legally described in Exhibit "A" attached hereto and made a part hereof.

23. SF – Square feet.

24. Southern Oaks DRI – The Southern Oaks Development of Regional Impact.

25. SWFWMD – Southwest Florida Water Management District.

26. SWPPP –Stormwater Pollution Prevention Plan.

27. SWQMP – Surface Water Quality Monitoring Plan.

28. USFWS – U.S. Fish and Wildlife Service.

29. WHMP – Wildlife Habitat Management Plan.

30. WRPC – Withlacoochee Regional Planning Council.

SECTION II. FINDINGS OF FACT

A. The Developer filed the ADA with respect to the Property pursuant to § 380.06, Fla. Stat.

B. The Property does not lie within an Area of Critical State Concern, according to DEO, authorized by § 380.06, Fla. Stat.

C. The Southern Oaks ADA was reviewed by, and recommendations were received from, the WRPC and the City.

D. All public hearings as required by § 380.06, Fla. Stat., were duly noticed and held, and on February 27, 2012, the City Commission adopted the Development Order for the Southern Oaks DRI.

E. This Development Order is substantially consistent with the Regional Report of the WRPC and consists of approval of the Southern Oaks DRI.

F. The above recitals are incorporated herein by reference and made a part hereof.

G. Except for the terms defined herein, the definitions contained in Chapter 380, Fla. Stat., and Chapter 9J-2 Fla. Admin. Code, shall govern and apply to this Development Order.

H. Whenever this Development Order provides for or otherwise necessitates reviews, approvals, or determinations of any kind subsequent to its issuance, the right to review, approve and determine includes all directly affected governmental agencies and departments set forth under applicable laws and rules.

I. Notice of the hearing date for adoption of this Development Order was published in accordance with law.

J. In each instance where the Developer is responsible for ongoing maintenance of privately owned facilities or infrastructure, the Developer may assign any or all of its responsibilities to improve and maintain those facilities to an appropriate entity able to fulfill such responsibility consistent with statutory and rule requirements and the conditions of this Development Order.

K. Pursuant to Rule 9J-2.025, Fla. Admin. Code, the following representations and information statements are incorporated into this Development Order and made a part hereof.

1. Name: The name of the development is Southern Oaks. The development of regional impact, as approved by this Development Order, may be referred to as the "Southern Oaks DRI" or as the "Development" (as the context dictates).

2. Authorized Agent: The Developer may designate one or more authorized agents to act on its behalf. The Developer's authorized agent is, and any and all correspondence and communication may be made to the Developer at the following address:

Maury L. Carter and Associates, Inc.
Daryl M. Carter
333 S. Orange Avenue
Suite 200
Orlando, FL 32806

3. Principal Entities:

a. The name of the Developer is M.L. Carter Development Corporation, who is also the current owner of a portion of the Property and is the principal entity pursuing the ADA for the Southern Oaks DRI.

b. M.L. Carter Development Corporation has represented, and the City has materially relied upon said representations:

i. That it, along with Daryl M. Carter, Trustee of Carter-Sumter 2444 Highway 468 Land Trust, are the current owners of the Property;

ii. That Daryl M. Carter, Trustee of the Carter-Sumter 2444 Highway 468 Land Trust has consented to the ADA, as indicated by its Notarized Statement contained in the ADA.

iii. The developer of the Property may be some person(s) or entity other than M.L. Carter Development Corporation;

iv. M.L. Carter Development Corporation understands and agrees that this Development Order shall be binding upon it and its heirs, successors and/or assign, as accepted and agreed to on the last page hereof;

v. This Development Order shall be recorded and shall run with the land.

4. ADA: The ADA for the Southern Oaks DRI is hereby approved subject to the terms of this Development Order.

5. Development Description: The Southern Oaks DRI will be developed as a mixed use development with predominately business park and commercial uses that are supported by residential uses. The development will also contain apartments, condominiums, townhomes, civic uses, an ACLF, developed parks, and green space, along with other public and private facilities and amenities as provided for in this Development Order, and as shown on Map H. At build out, and subject to the conditions and restrictions herein, there will be a maximum of 1,214 residential units, 1,930 apartments, condominiums, and townhomes, 36,000 SF of civic uses, a 300 bed ACLF facility, 505,000 SF of commercial uses, and 2,685,000 SF of business park uses.

L. Required Specific Findings of Fact

1. Legal Description: The legal description of the Property is contained in Exhibit "A".

2. Monitoring Procedures: The monitoring procedures are set forth in Section IV below.

3. Documents/Materials Incorporated Herein By Reference:

a. The ADA is hereby incorporated into this Development Order by reference and made a part hereof.

b. The Regional Report issued by the WRPC is hereby incorporated into this Development Order by reference and made a part hereof.

c. Map H is attached as **Exhibit "B"** to this Development Order and is hereby incorporated into this Development Order by reference and made a part hereof.

4. Compliance Dates:

a. The Developer shall have commenced development of the Southern Oaks DRI within five (5) years after this Development Order becomes effective; provided, however, that the City may extend such commencement date for good cause (to include adverse market conditions). The phrase "commence development" for purposes of this Development Order shall mean that the Developer shall have constructed or cause to be constructed any site grading or clearing, infrastructure, roadways, or vertical development.

b. This Development Order shall expire on December 31, 2031, unless extended by an amendment to this Development Order duly enacted by the City Commission.

c. The attached Map H sets forth the approved uses and phasing for the Southern Oaks DRI, and all development of the Southern Oaks DRI shall be in accordance therewith.

d. The restriction on down-zoning is contained below.

SECTION III. CONCLUSIONS OF LAW

Based upon the Findings of Fact, the City Commission hereby makes the following Conclusions of Law:

A. The City Commissioner's review of the ADA for the Southern Oaks DRI has been conducted pursuant to the provisions of § 380.06, Fla. Stat.

B. The City Commission specifically finds that the Southern Oaks DRI does not unreasonably interfere with the achievement of the objectives of the adopted state land development plan for the portion of the City of Wildwood where the Property is located.

C. The City Commission specifically finds that the Southern Oaks DRI is consistent with the State Comprehensive Plan as contained in Chapter 187, Fla. Stat.

D. The City Commission specifically finds the Southern Oaks DRI to be consistent with the City's adopted Comprehensive Plan, and with the City's land development regulations, subject to the terms of this Development Order, as described in **Exhibit "B."**

E. The City Commission specifically finds that the Southern Oaks DRI is substantially consistent with the Regional Report issued by the WRPC pursuant to § 380.06(12), Fla. Stat.

F. The ADA for the Southern Oaks DRI is hereby deemed in substantial compliance with the requirements of § 380.06, Fla. Stat. and Rule 9J-2, Fla. Admin. Code.

G. The Development Order constitutes final approval for the Developer to develop the Property subject to and in strict accordance with the terms of this Development Order and as provided on Map H.

H. Pursuant to § 380.06(15), Fla. Stat., the development approved under this Development Order is further conditioned upon the Developer being financially responsible for ensuring the adequate provision for the public facilities needed to accommodate the impacts of the Development.

SECTION IV. CONDITIONS OF APPROVAL

A. General.

1. ADA.

The Southern Oaks DRI shall be developed in accordance with the information, data, plans and commitments contained in the Southern Oaks ADA/DRI and supplemental information incorporated herein by reference, unless otherwise provided by the conditions of this Development Order. This Development Order shall prevail over any conflicting information, data, plan or commitments.

2. Phasing.

The Property shall be developed in accordance with the phasing schedule below, also shown on Map H.

SOUTHERN OAKS DRI PHASING PLAN						
Land Use	**Phase 1A** 2012-2014	**Phase 1B** 2015-2019	**Phase 2** 2020-2019	**Phase 3** 2025-2028	**Phase 4** 2029-2031	**Total**
Residential	443du	N/A	284du	487du	N/A	1,214du
Apartments, Condos, Townhomes	N/A	292du	471du	381du	381du	1,525du
Civic	N/A	36,000 SF	N/A	N/A	N/A	36,000 SF
ACLF	N/A	N/A	300 beds	N/A	N/A	300 beds
Commercial/ Apartments	10,000 SF	270,000 SF and 405du	N/A	N/A	N/A	280,000 SF and 405du
Commercial	N/A	190,000 SF	N/A	N/A	N/A	190,000 SF
Business Park	N/A	335,000 SF	815,000 SF	750,000 SF	785,000 SF	2,685,000 SF
Neighborhood Commercial	N/A	N/A	N/A	35,000 SF	N/A	35,000 SF

3. Land Use Conversion Matrix.

The Developer may increase or decrease the amount of a particular land use within the approved development program by using the Land Use Conversion Matrix attached as **Exhibit "C"** and incorporated herein by reference. Use of the conversion matrix may increase or decrease the total amount of each land use by no more than the amount allowed for in the substantial deviation criteria identified in § 380.06(19), Fla. Stat., unless this Development Order is amended to accommodate such a change, provided, however, that no land use may exceed the Business Park Future Land Use Map designation in the Comprehensive Plan. It is specifically acknowledged that use of the conversion matrix in such a manner that the minimum and maximum thresholds set forth therein are not exceeded shall not constitute a substantial deviation nor require the filing of a Notice of Proposed Change, although such use of the matrix shall be reflected in the next Notice of Proposed Change. Greater changes than those discussed above considered cumulatively, shall be subject to the normal development order amendment process. Any time the conversion matrix is used, the DEO, WRPC, and the City must be provided notice of the proposal at least thirty (30) days in advance of the change. Use of the conversion matrix

will be reported on an individual and cumulative basis and project impacts documented in the biennial report.

4. Owner's Associations and Special Districts.

Nothing herein shall be construed as precluding Developer from creating owner's associations, such as homeowner's associations and property owner's associations, and/or special districts, such as community development districts, in order to provide for the financing, management and control of common areas or infrastructure for the Development or for any other purpose allowed by law. Any community development district for the Southern Oaks DRI that may be approved by the City or the Florida Land and Water Adjudicatory Commission pursuant to Chapter 190, Fla. Stat., shall have such power and the ability to perform any function set forth in Chapter, 190, Fla. Stat., as may be amended from time to time, including, but not limited to, the power to finance and construct transportation improvements identified in this Development Order, within or without the boundaries of the community development district. Construction or funding by any such community development district of any project, facility, service or function required by this Development Order or necessary to serve the development approved by this Development Order, within or without the boundaries of such district, is expressly approved. If the Developer is required or authorized by this Development Order to fund or otherwise provide or cause to be provided any infrastructure, project, system or facility set forth in Chapter 190, Fla. Stat., then the community development may independently satisfy such obligations. To the extent any such obligation under this Development Order is met or performed by the community development district, then the Developer shall no longer be subject to the obligation. In the event any contributions of land, money (including proportionate share payments), or improvements funded or constructed with funds from a community development district give rise to impact fee credits, then such impact fee credits shall be established in the name of the community development district.

B. Environmental and Natural Resources.

1. Environmental Monitoring Plan.

The Developer shall prepare and maintain an EMP. As a general description, the EMP is the umbrella document/plan which addresses, or attempts to address, all of the various environmental, wildlife and preservation issues as such matters are detailed in the subsections below. The individual parts of the EMP shall be initially submitted to the City of Wildwood Development Services and appropriate state agencies for review and approval as required under applicable law or the terms of this Development Order on or before the time the first site plan or preliminary plan of subdivision is submitted. The information contained in the EMP, as updated from time to time, shall be included in the biennial report. Any revisions to the EMP or any of its sub-parts shall not be considered an action requiring the filing of a Notice of Proposed Change for an Amendment to the Development Order. Sub-parts of the EMP include, without limitation:

a. Groundwater Monitoring Plan ("GMP")

b. Surface Water Quality Monitoring Plan ("SWQMP")

c. Stormwater Pollution Prevention Plan ("SWPPP")

d. Wildlife Habitat Management Plan ("WHMP")

e. Integrated Pest Management Plan ("IPMP")

2. Surface Features, Surface Waters and Ground Waters.

a. Protection of Sensitive Subsurface and Karst Features.

A geotechnical report prepared by a qualified professional shall be used in the design and layout of the Southern Oaks DRI project, and shall be submitted to the City of Wildwood at the time of and in connection with the processing of the preliminary plan of subdivision of each phase or sub-phase of development, in order to ascertain that the Developer has used its best efforts to avoid adverse impacts to karst and subsurface features in the overall project design and layout of the Southern Oaks DRI.

b. Ground and Surface Water Monitoring Requirements.

i. In order to effectively monitor the Project's effects on groundwater conditions, the Developer shall, at the time the onsite existing Water Use Permit is modified to reflect land use changes, provide for the establishment and operation of a GMP that complies with Section 62-520.600 Fla. Admin. Code, as may be amended from time to time, unless the SWFWMD and/or FDEP determine that a GMP is not necessary for the Project, in which case the Developer shall be relieved of this obligation.

ii. In order to effectively monitor the Project's effects on surface water conditions, the Developer shall, at the time of ERP application submittal, provide for the establishment and operation of a SWQMP that complies with Section 62-302.500 Fla. Admin. Code, as may be amended from time to time, unless the SWFWMD and/or FDEP determines that a SWQMP is not necessary for the Project, in which case the Developer shall be relived of this obligation.

iii. In addition to meeting all requirements of the regulatory agencies, the Developer shall utilize BMP's to control siltation and prevent turbidity during construction activities. These standards can be achieved by utilizing the best available construction techniques for erosion and sedimentation control, as well as meeting the minimum standards for National Pollution Discharge Elimination System (NPDES) permitting.

c. Drainage, Stormwater and Groundwater.

i. As part of the overall EMP, the Developer shall, at the time of ERP application submittal, prepare a SWPPP for the Development incorporating requirements such as: (1) clearing and grading areas only as they are being prepared for construction; (2) stabilizing areas after

construction completion; and (3) watering for dust control at the time of construction, unless limiting is required due to hydrologic conditions and SWFWMD warnings.

ii. DRAs, including either 'wet' or 'dry' DRAs, shall be designed and constructed according to normal and accepted engineering practices and all applicable regulatory standards.

iii. Stormwater management facilities shall adhere to SWFWMD criteria for design, construction, operation, treatment standards, and maintenance facilities in hydrologic and karst sensitive areas, as determined by the SWFWMD. Where reasonably feasible, the development shall utilize LID methods to reduce the impact of nutrients on natural wetlands systems. These LID methods may include low impact stormwater design consisting of vegetated swales in buffers to eliminate concentrated runoff prior to discharge of treated stormwater; an integrated treatment and conveyance approach to managing stormwater, including the use of curb cuts and swales and/or the reduction of curb where appropriate; rain gardens; pervious pavement; conserving natural areas and wetlands; minimizing development impacts; attempting to maintain site runoff rates; the use of integrated management practices; the implementation of pollution prevention; and proper maintenance and public education.

iv. No building permit shall be issued for development unless and until the Developer provides evidence to the satisfaction of the City that adequate drainage/stormwater management facilities will be available concurrent with the impacts of each phase or sub-phase of the Southern Oaks DRI at the levels of service adopted in the City of Wildwood Comprehensive Plan and all applicable City codes and SWFWMD regulations.

v. Once the on-site surface water management system is certified to the SWFWMD as being in compliance with all permit requirements, the Developer shall conduct regular engineering inspections of the on-site surface water management system as required by local and state regulations to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the permitted level of stormwater storage/treatment for which it was designed and intended. The results of the regular inspections shall be signed and sealed by the appropriate professional and included in the Developer's biennial report.

d. Soils and Erosion.

i. Grading Plan. The Developer shall develop a grading plan that utilizes pre-development topography to the maximum extent reasonably feasible. The grading plan shall be provided to the City at the time of and in connection with each application for site plan or preliminary plan of subdivision approval.

ii. Site Disturbance/Erosion.

(1) The Development will be designed, to the extent commercially reasonable, to complement the topography and minimize site disturbance and erosion by construction phasing and limited site clearance, while maximizing retention of existing vegetation, timely re-vegetation of cleared areas and preservation of existing grades and slopes in project design and construction.

(2) The Developer will protect on site surface waters from construction impacts, to the extent commercially reasonable, through various measures, including the use of staked hay bales and silt screen fences, reducing both erosion and sediment transport into wetland areas.

(3) The Developer will minimize wind erosion from clearing and grubbing operations, to the extent commercially reasonable, by performing such operations only on individual parcels of land where construction is scheduled to proceed.

(4) The Developer will minimize fugitive dust, to the extent commercially reasonable, through sodding, water sprinkling, seeding, mulching or planting of landscaped material in cleared and disturbed areas.

(5) The Developer shall use BMPs (those BMPs generated by SWFMD and FDEP) to control soil erosion and sedimentation. A description of specific activities that the Developer will undertake to control soil erosion and sedimentation shall be included in the EMP.

(6) Should any noticeable soil slumping of sinkhole formation become evident before or during construction activities, the Developer shall comply with permit conditions of the SWFWMD to develop a plan of action and corrective measures to correct the problem. Once a plan of action and corrective measures are determined, the Developer shall complete the required action/measures in accordance with any permit requirements.

e. Wildlife Habitat Management Plan.

i. Except as otherwise allowable by this Development Order or by permits obtained by the Developer from either the SWFWMD, the FFWCC, the ACOE, the USFWS, or as detailed in a WHMP, site development related activities shall not result in the harming, pursuit or harassment of species classified as Endangered, Threatened or a Species of Special Concern by either the state or federal government in contravention of applicable state or federal laws. Should such species be at any time determined to be residing on, or be otherwise significantly dependent on the project site, the Developer shall immediately notify the City, the FFWCC and

the USFWS and, to the extent required by laws and regulations, the Developer shall cease all activities which might negatively affect that individual or population. The Developer shall provide proper protection, to the satisfaction of all agencies with jurisdiction.

ii. "Harming" and "harassment" as used in this condition shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 C.F.R. § 17.3.

iii. Proper protection and habitat management, designed to the satisfaction of SWFWMD, FFWCC, ACOE, and USFWS, and implemented consistent with applicable law, have been provided by the Developer through the adoption of the WHMP attached hereto as **Exhibit "D"**, and incorporated herein by reference. The WHMP includes provisions that:

(1) Preserve a buffer around the bald eagle nesting site, as shown on Map H. A boardwalk, so long as constructed during the non-nesting season, will be permitted within the buffer; however it will be no closer than the prescribed primary 330' radius.

(2) Provide for the protection of gopher tortoise populations through relocation, to acceptable on-site locations.

(3) Provide for the protection of Sherman's fox squirrel by reestablishment of Longleaf Pine and Turkey Oak communities by planting suitable soils within dedicated park areas.

(4) Provide that sandhill nesting crane surveys shall be conducted during the appropriate nesting season.

(5) Provide that the Project shall promote the viability of listed species on the Property through the preservation/enhancement/restoration of wetlands and wetland buffers, upland habitat preservation and compliance with applicable state and federal laws.

(6) Provide for the preservation of upland buffers within parks, green spaces and open areas across the site.

iv. The WHMP has been compiled by the Developer and is incorporated by the City into this Development Order

v. The Developer's biennial report shall report on the monitoring and maintenance of habitat preservation areas and identify any proposed revisions(s) to the WHMP.

vi. The Developer shall incorporate educational materials regarding protection of wildlife and potential encounters with wildlife into the various parks and boardwalks facilities within the development.

vii. The Developer shall incorporate educational materials regarding prescribed fire on public lands and other wildlife protection educational materials, published by the FWC, into the WHMP.

viii. Upon approval of the WHMP by the FFWCC, in accordance with their jurisdictional authority, and the City of Wildwood, the WHMP shall be incorporated into this Development Order by reference and the provisions of the WHMP shall be conditions of this Development Order. Should future modifications to applicable or federal ecological permits issued by these agencies result in necessary modifications to the WHMP, then such modifications shall be treated as amendments subject to the provisions of §380.06(19)(d), Fla. Stat., and shall be presumed not to create a substantial deviation. No site development activities shall conflict or interfere with the achievement of the WHMP's objectives.

f. Wetlands.

i. The Developer shall protect preserved wetland areas through a combination of: (1) Best Management Practices; (2) SWFWMD ERP criteria; (3) compliance with the rules and regulations of EPA; (4) NPDES compliance; (5) no net functional wetland loss; (6) an undisturbed upland buffer with a minimum 15', average 25' width, and where possible, a 50' wide upland buffer, except as provided herein and allowed under the terms of any conservation easements; (7) the provision of augmentation of wetland buffers by native plantings, as appropriate; and (8) conservation easements.

ii. Upland buffers established pursuant to subparagraph i. above shall not be irrigated. Use of fertilizers and pesticides within the upland buffers shall be prohibited. Retained areas of native vegetation not located within the upland buffers shall not be irrigated or actively managed.

iii. The Developer shall protect on-site surface waters from construction impacts through various measures, including the use of staked hay bales and silt screen fences, in order to protect wetlands from erosion and sediment transport.

iv. The Developer shall minimize its impacts on wetlands. Wetland impacts shall be limited only to wetland crossings, depicted on Map H.

v. The Developer shall comply with any applicable City of Wildwood Flood Hazard Regulations and the SWFWMD flood regulations.

vi. The Developer shall use best available data regarding floodplains/flood prone areas, as authorized by law and accepted by the SWFWMD at the time of building permitting.

vii. The Developer shall not located any dwelling units within post-development flood-prone areas, without elevating the first floor living area above the 100-year floodplain level.

viii.

3. Archeological Resources.

a. Developer has prepared extensive archaeological surveys of the property, which were submitted to and reviewed by the Division of Historical Resources, Florida Department of State ("DHR"). Developer shall comply with the findings and recommendations of DHR as described in its letter dated July 28, 2009 submitted as part of the ADA. In the event any archaeological artifacts are discovered during construction, not previously identified and addressed by DHR, the Developer shall suspend construction activities within 100 feet of the site recovery to allow for evaluation of the site. The Developer shall immediately notify the City, the WRPC, DEO and DHR. Proper protection measures, under the supervision of a qualified professional, shall be undertaken to the satisfaction of the City, DEO and the DHR and shall be provided by the Developer, consistent with Rule 9J-2.043, Fla. Admin. Code.

b. A minimum 30 foot buffer shall be maintained surrounding the site area of 8SM10, an Indian burial mound, as an archaeological preserve, as shown on **Exhibit "B"** (Map H). The area will include a pedestrian trial for public access and will be preserved and maintained by a homeowner's association.

C. Energy Efficiency.

1. The Developer shall provide educational and promotional programs to encourage sustainable development and green building practices to the home builders and home owners. Construction standards endorsed through these programs shall include those that meet the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) program, the Florida Green Building Coalition, the Green Building Initiatives Green Globes program, or any other nationally recognized green building system that is approved by the Department of Management Services (DMS). This program will not mandate or enforce specific sustainable development and green building practices, but rather encourage these practices through communication and education. A primary focus for developer education shall be the importance of planning for green development at the initial stages of development to minimize costs. This educational promotional program may include:

a. Green Building Handbook;

b. Sales Center Display;

c. Web Based Content;

d. Cost/benefit analysis information and education for both builders and potential homebuyers.

2. All eligible equipment and appliances shall meet Energy Star Standards.

3. New homes shall, at a minimum, be designed to meet the water conservation measures contained in the City of Wildwood Comprehensive Plan and land development regulations.

4. The Developer shall include in the biennial reports the actions being taken to promote sustainable practices, including the submission of current materials being provided and an accounting of development meeting green building standards.

5. The Project shall be designed substantially as shown in **Exhibit "B"** (Map H) with compact development tracts with an extensive network of open space and interconnected by pedestrian greenways and multi-modal trails with the specific intent of reducing automobile dependence and greenhouse gas emissions while promoting energy efficiency and sustainable and healthy lifestyles.

D. Public Facilities.

1. Water, Wastewater and Reuse.

The City of Wildwood shall provide water, wastewater, and, when available, reuse water to the Southern Oaks DRI in accordance with Developer's Annexation Agreement between the City and Developer. The City and the Developer agree to enter into a separate Utilities Agreement to further address the provision of water, wastewater and reuse water to the Project.

2. Water Conservation.

The Developer shall utilize all of the following water conservation techniques:

a. Low flush volume toilets will be standard in residential and non-residential construction.

b. Water-saver shower heads will be offered for residential construction, and used where applicable in non-residential construction.

c. To the extent it is available in reliable and sufficient quantities, non-potable water, including reclaimed and stormwater, shall be used for irrigation purposes within the Project.

d. Low volume irrigation spray heads as well as drip systems will be used where appropriate for both residential and non-residential landscaping. Residents will be encouraged to use water-conserving devices for additions they might make to their irrigation systems.

e. A minimum of sixty-seven percent (67%) of all new plant material used in landscaping areas throughout the Development shall be Florida Friendly, as defined by the Florida Yards and Neighborhoods Program.

f. The use of high maintenance sodded or landscaped common areas shall be minimized.

g. Where feasible, the Developer will eliminate the use of the current varieties of St. Augustine Turf (Floratam) in exchange for more drought tolerant turf types including zoysia, bahia, paspalum or other such turf types classified as drought tolerant.

h. A rain sensor associated with automatic irrigations systems is required and shall be placed on a stationary structure, free and clear of any overhead obstructions and above the height of the sprinkler coverage.

i. Equipment with check valves used in low-lying areas to prevent drainage.

j. Irrigation design with appropriate uniformity for the type of plant being grown and for the soil type.

k. Application rates that avoid runoff and permit uniform water infiltration into the soil, considering land slope, soil hydraulic properties, vegetative ground cover, and prevailing winds.

3. Wastewater and Effluent Reuse.

a. The Developer shall utilize wastewater resources for irrigation of common areas and individual residential lots when available and make plans for the provision of treated wastewater in the development design and engineering documents.

b. The Developer, to the maximum extent available, shall utilize reuse effluent to irrigate common area landscaping. However, nothing herein is intended to prevent the use of effluent, to the extent excess effluent is available, for residential and commercial irrigation within the Development.

c. The Developer shall model and monitor groundwater characteristics to ensure that potable water resources are not degraded by the land application of treated wastewater. Said modeling and monitoring shall be reported in the biennial report.

4. Refuse Services.

The Developer shall provide the City of Wildwood with a right of first refusal to provide construction waste services to all development within the Project. All other refuse services shall be provided by the City, or the City's contracted refuse service provider.

5. Hurricane Preparedness.

The Developer shall cooperate with the Sumter County Emergency Management Director in preparing, creating and maintaining an Emergency Plan and decision-making guide including provisions for shelter assignments, communications and warning systems. These provisions

should include the needs of "special needs" evacuees or other displaced persons living in the development.

6. Public Schools.

The Developer will provide submittals per phase to the Sumter County School Board (SCSB) per the requirements of the approved Interlocal Agreement between the City of Wildwood and the SCSB.

7. Recreational Facilities.

The project shall contain active recreation, such as parks and trails, and passive recreation, such as wetland buffers, 100 year flood zones, and conservation areas, as part of the Development's open space. Bicycle lanes or paths shall be located within the Development. The trails and pathways shall provide interconnectivity among the land uses.

The Developer shall reserve an approximately seven and two-thirds (7.6) acre public park to the City of Wildwood, designated as Pod 6 on Map H.

8. Police and Fire/Rescue.

The Developer shall coordinate with the City of Wildwood and Sumter County to ensure that acceptable emergency response times and the County's ISO rating is maintained. If requested by the City or County, and as part of a separate agreement, the Owner agrees to provide a site for use as a joint facility for County Fire/EMS services. Such site is located within the six (6) acre Civic Pod, as shown on Map H. Provision of the site shall include dedication of the land and may be eligible for County fire impact fee credits subject to a separate agreement.

E. Workforce Housing.

Through the end of Phase 1B, adequate affordable housing exists for this Project and no mitigation for workforce housing shall be required. However, at the end of each Phase beginning at the end of Phase 1B, the Developer shall analyze the demand and supply of workforce housing using the East Central Florida Regional Planning Council housing methodology to determine whether the affordable housing needs to continue to be met with the existing housing supply. If the analysis indicates a deficit of affordable housing units, then the Developer shall either provide the units as part of the Project's development program, not to exceed five percent of the residential units within the Project, or provide a mitigation payment to the City of Wildwood, which will transfer the collected fees to Sumter County. The amount of the mitigation payment shall be determined on the following formula:

((Deficit of Very Low Income Dwelling Units x High End Price of a Very Low Income Dwelling Unit) x 5%) + ((Deficit of Low Income Dwelling Units x High End Price of a Low Income Dwelling Unit) x 5%)

The decision of the Developer to either develop the required workforce housing units or make the mitigation payment to the City of Wildwood shall occur prior to commencement of the next phase of development. If the Developer elects to make the mitigation payment, then the

Developer shall pay the mitigation payment to the City of Wildwood prior to commencement of the next phase of development."

F. Transportation.

1. The Developer shall pay a proportionate share payment for improvements to mitigate the significant and adverse impacts of the DRI at the intersection of SR 44 and CR 468. The improvements necessary to mitigate for the significant and adverse impact at said intersection shall include: Signalization when warranted.

The total cost to construct the signalization is identified to be $220,000 using FY 2010 cost estimates. The Developer shall be responsible to pay to the FDOT a proportionate share of $110,000 to adequately mitigate the significant and adverse impacts of Phase 1A on the DRI to the intersection of SR 44 and CR 468. The Developer's Proportionate Share shall be paid to FDOT at such time that signalization of the intersection of SR 44 and CR 468 is warranted, but no sooner than the time of the first building permit. If the signal warrants are not met during Phase 1A, the Developer's proportionate share of responsibility toward the signal improvement will be re-evaluated prior to proceeding into Phase 1B to include expected Phase 1B impacts. In the event that the signalization of the SR 44 and CR 468 intersection is paid for in full or constructed by another project prior to the issuance of the first building permit for development within the Southern Oaks DRI, then the Developer shall have no further mitigation responsibility toward signalizing the subject intersection through the remainder of Phase 1A as set forth herein.

2. The Developer shall pay a proportionate share payment for the safety improvements to the intersection of US 301 and CR 468, through the following: The portion of Developer's responsibility for the safety improvements to the intersection of US 301 and CR 468, in the amount of Two Hundred Seventy Two Thousand Nine Hundred Thirty Eight and 00/100 Dollars ($272,938.00) shall be paid by the Developer to the County at the time of the issuance of the first building permit for the Property. The Developer shall have no further obligation to FDOT for the safety improvements to the intersection of US 301 and CR 468.

The Developer shall be entitled to transportation impact fee credits for the proportionate share payments described above not to exceed 100 percent of the total value of the Transportation Impact Fees generated by the full buildout of all phases of the DRI. The County and the Developer shall enter into a separate agreement to establish the credits.

3. Developer shall participate in a regional transit study conducted by the Lake-Sumter MPO. The Developer, along with the developers of other developments-of-regional-impact in the area surrounding the Property, will fund the cost of the study. The Developer will pay its pro rata share of the study, not to exceed $50,000.00 to the County within thirty (30) business days of written demand thereof from Lake-Sumter MPO, but no sooner than ninety (90) days after the effective date of the Amended and Restated Development Order.

4. In an effort to evaluate the cumulative and regional implications of the multiple DRI projects approved in the Wildwood South Transportation Area, and to provide regional review and participation in the planning and implementation of transportation improvements to

serve this growing area, an Areawide Monitoring Study will be commissioned by the Lake-Sumter MPO, Sumter County, or the City of Wildwood. The Areawide Monitoring Study shall be conducted beginning when the third DRI in the Wildwood South Transportation Area has received approval to move into Phase 2 of its development program and will be updated once every three (3) years henceforth. The Developer shall pay an equal pro rata share not to exceed $50,000 per study occurrence, subject to increase only pursuant to the Consumer Price Index, with the other DRI projects in the Wildwood South Transportation Area that share this condition. The Developer shall continue to participate in the funding of the Areawide Monitoring Study until building permits have been issued for 95% of project buildout. The Areawide Monitoring Study may be used by local agencies for information purposes only and shall not in anyway affect, impact or alter the approvals and entitlements of DRI, as provided in this Development Order and/or any related agreements. The Areawide Modeling Study shall be based on the following principles:

a. Conform to professional standards and address those questions contained in Question 21 of the DRI Application.

b. Have an approved methodology by the reviewing agencies, including the City of Wildwood, Sumter County, Lake-Sumter MPO, FDOT District V, and the WRPC.

c. Each Areawide Monitoring Study should measure development impacts for a period of five (5) years into the future unless different time frames are agreed to in the methodology.

d. Alternative travel modes, such as mass transit and other strategies, shall be considered in the analysis and in the mitigation of identified transportation needs and deficiencies.

e. Use available data, where practical, in conducting the study. Such data may include the trip generation and origin-destination data obtained in the individual DRIs' studies, M&M studies, Lake-Sumter County, City of Wildwood, the FDOT and others.

f. The City of Wildwood, in consultation with Sumter County and FDOT shall be responsible for determining the scheduling and refinement of these provisions.

5. Developer shall provide right of way necessary for the widening of County Road 468 to four lanes if additional right of way is required. Developer shall also provide right of way necessary for connection from the project east to Leesburg, as shown on **Exhibit "B"** (Map H). Developer shall provide any needed site access improvements or modifications necessary to accommodate access to the project.

6. Transportation Phasing. For the purposes of transportation conditions, the development of the Property shall be divided into traffic phases identified below based on reaching any of the following: (1) the final year of the traffic phase; (2) the cumulative net new external daily trip level; or (3) the cumulative net new external PM peak hour trip level.

Phase	Year	Net New External Daily Trips (ADT)	Cumulative Net New External Daily Trips (ADT)	Net New External PM Peak Hour Trips	Cumulative Net New External PM Peak Hour Trips
1A	2014	5289	5289	515	515
1B	2019	22431	27720	1983	2498
2	2024	13973	41693	1404	3902
3	2028	15385	57078	1504	5406
4	2031	10335	67413	1013	6419

Note: Trips shown include reductions for internal capture, but exclude pass-by trip reductions.

7. Monitoring and Modeling (M&M) Study. A Traffic Monitoring and Modeling (M&M) Study shall be performed prior to the initiation of each phase, as identified in the transportation phasing table in Section E-6. The M&M Study shall conform to professional standards, shall evaluate the remainder of the Project through full buildout, and shall be generally consistent with study methodology established for The Southern Oaks DRI, and the level of effort required for the ADA analysis. The M&M Study shall conform to the following:

g. The Owner/Developer shall schedule an M&M methodology meeting prior to commencement of Phase 1B and all future phases. The M&M shall commence with a methodology meeting, which may be initiated once the current development phase is 80 percent complete (based on net new external PM peak hour trips) or one (1) year prior to the end of a phase, whichever occurs first. The City of Wildwood Planning Division, Sumter County, Lake County, Lake Sumter Metropolitan Planning Organization (MPO), the Florida Department of Transportation (FDOT) District V, and the WRPC, shall be invited to attend the M&M methodology meeting for their review and acceptance of the methodology. In the event that all parties cannot come to an agreement on the methodology, the City of Wildwood shall be the final arbiter on City facilities, the FDOT shall be the final arbiter on state facilities, Sumter County shall be the final arbiter on Sumter County facilities, and Lake County shall be the final arbiter on Lake County facilities.

h. As part of the M&M Study, the project's external trip generation may be calculated from field observations at the project's access points to the External Roadway Network to determine if observed project trips are consistent with Institute of Transportation Engineers (ITE) trip rates. If the observed trip rates are not found to be reasonably consistent with ITE trips rates, then adjustments to the trip rates used in the M&M Study may be made, as agreed upon by the Applicant and the reviewing agencies.

i. The following roadways were analyzed for full buildout of the Property in the ADA and may be considered as candidate roadways for analysis in the M&M Study:

Roadway	Segments
I-75	Marion/Sumter Co. Line - Florida's Turnpike
FL Turnpike	I-75 - SR 50
US 301	CR 466 - CR 673
CR 468	SR 44 - CR 501
CR 470	SR 44 - CR 33
SR 471	US 301 - CR 478
CR 501	CR 468 - CR 470
CR 33	CR 48 (East) - CR 48 (West)
US 27	Main Street - CR 33
SR 19	CR 48 - CR 478
Powell Road	CR 466A – CR 44A
Morse Blvd.	US 27/441 – CR 466A
CR 466A	US 301 – US 27/441
CR 44A	SR 44 – CR 139
SR 44	I75 – US 441

The M&M Study may include, but shall not be limited to, those segments of the regional roadways within this list and one segment beyond where the Property is estimated to contribute a cumulative amount of traffic greater than or equal to 4.5 percent of the roadway adopted LOS service volume, The analyzed facilities shall include signalized intersections and link analyses of major collector and higher classified roadways and interchange ramp junctions. The City of Wildwood, Sumter County, Lake County, WRPC, FDOT, MPO, and DEO shall have the right to make reasonable requests for additional information from the Developer to verify adherence to these provisions. The Developer shall provide information toward compliance with these requests.

j. Monitoring/Modeling Results/Mitigation. Except as may be otherwise provided for in this Development Order, The Southern Oaks DRI shall not commence beyond a phase into a new phase when service levels are below the minimum service level adopted in the applicable local government's comprehensive plan during the PM peak hour and the Project contributes, or is projected to contribute with the next phase of traffic, five percent or more of the adopted LOS service volume of the roadway or intersection as determined by traffic monitoring in the preceding condition, unless mitigation measures and/or improvements are secured and committed during the phase in which the impacts occur, or unless an alternate mechanism is implemented. The schedule of required improvements shall be tied to the development level that the improvement is needed within each phase based upon the results of the M&M. This Development Order shall be amended, as needed, to incorporate these needs and the commensurate trip level by which the improvement is needed to support project development.

k. For purposes of this Development Order, adequate "secured and committed" mitigation measures shall include one of the following:

(1) A roadway improvement scheduled for construction within the first three (3) years of the appropriate local government's adopted comprehensive plan capital improvement element (or as otherwise provided in the applicable jurisdiction's capital improvement element).

(2) A binding financially secured and irrevocable commitment by the Developer or other appropriate persons or entities for the design, engineering, land acquisition, and actual construction of the necessary improvements (with the posting of a cash bond, surety bond, irrevocable letter of credit, escrow amount or other security in a form acceptable to the agency of jurisdiction) within the next three (3) years and incorporated by reference into this Development Order at the next Notice of Proposed Change,

(3) Any other mitigation option specifically provided for in this Development Order.

(4) Any other mitigation option permitted by law, including a local government development agreement consistent with Chapter 163, F.S., which ameliorates the impact and is incorporated into this Development Order by amendment.

(5) Subject to a binding agreement, the Developer seeks and obtains the implementation of alternate improvements or mechanisms which shall either maintain the adopted LOS at any impacted link, intersection, or interchange junction or implement a reduced LOS standard and/or achieve the adopted LOS standard over an established period of time. The applicable FDOT procedure shall be followed if a reduced LOS standard is sought for a State facility.

(6) Detailed operational analyses of intersection and arterial/corridor level of service can be performed to the satisfaction of the agency with jurisdiction of the impacted facilities that reasonably demonstrates that projected traffic conditions will meet the adopted LOS.

These mitigation measures shall occur by the required threshold in order for the Development to proceed into the subsequent phase. If the Developer can demonstrate that a portion of a sub-phase does not adversely affect the regional roadway network as determined by the M&M, then the Applicant may proceed with that portion of the phase (and only that portion).

l. In the event that a roadway widening is identified which is not compatible with adopted policy of the FDOT or local government (e.g., constrained), the Developer, the City of Wildwood, or the party having either maintenance or jurisdictional responsibility for the facility, together with the WRPC, shall determine alternate mitigation solutions to provide for the movement of people, including, but not limited to, transit service and transit facilities.

m. If the monitoring/modeling results set forth hereinabove show that improvements must be made to transportation facilities, and if mitigation is not provided as set forth in these conditions or as otherwise required pursuant to 9J-2.045(7), then prior to any construction of future phases and subject to the provisions of Section

380.06(15)(e), Florida Statutes, the Developer, the City of Wildwood, and the entity with jurisdiction over the transportation facility may enter into an agreement which ensures that:

(1) a proportionate share payment is made by the Developer to the appropriate entity/(ies) to mitigate project impacts;

(2) said proportionate share payment by the Developer constitutes adequate provision for the public facilities needed with respect to the road segments to accommodate the impacts of the project through the phase for which the fair share was calculated, as required by Section 380.15(e)(2), Florida Statutes. All such proportionate share agreements shall be included in this Development Order by amendment pursuant to Section 380.06(19), F.S. The formula to be used to determine proportionate share contributions is as follows:

$$\frac{\text{(DRI Trips)}}{\text{(SV Increase)}} \times \text{Cost} = \text{Proportionate Share}$$

For this formula, DRI Trips is the cumulative number of trips from the development expected to reach the roadway during the peak hour from the phase under development. SV Increase is the change in peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the desired level of service; and Cost of Improvement is the cost (at the time of Developer payment) of constructing an improvement necessary to maintain the desired level of service, including all improvement associated costs (engineering design, right-of-way acquisition, planning, engineering, inspection, and other associated physical development costs directly required and associated with the construction of the improvement) as determined by the governmental agency having maintenance obligations over the roadway. Transit service and facilities shall be considered in proportionate share calculations.

8. Interconnectivity and Transit

a. In coordination with the Lake-Sumter MPO and Sumter County, the Developer will provide areas for bus stops and transit provisions on CR 468.

b. The Developer shall provide bicycle/pedestrian facilities throughout the development. The Developer shall also provide design guidelines for internal bicycle/pedestrian facilities/amenities, including connections to and parking facilities at various commercial sites, as well as connections to any external bicycle or pedestrian facilities as part of its overall design guidelines to be developed prior to the initial development phase preliminary plan approval process and approved by the City of Wildwood. These multi-modal trails will be maintained by either a homeowner's association or a community development district, but are not the obligations of the City.

c. The Developer shall consider, in conjunction with the relevant agencies, during the site planning stage of the development, future bicycle and pedestrian facilities along or parallel to CR 468.

d. The Developer shall provide roadway connections, as well as bicycle and pedestrian connections to adjoining properties and developments, as well as within the development, as shown on Map H.

e. In order to minimize impacts to the roadway network, parcels within the DRI shall, subject to environmental constraints, by interconnected to the maximum extent feasible as determined by the City and County. The Developer shall cooperate with any City-supported efforts to continue roadways from or through the Property with other roadway facilities that are hereafter endorsed by the City and County.

f. The Developer agrees to construct primary access points and principal internal circulation roadways with sufficient geometry to accommodate vehicular transit.

SECTION IV. LOCAL MONITORING

A. The City shall have primary responsibility for enforcing the provisions of this Development Order.

B. Compliance with the terms and conditions of this Development Order shall be monitored through the provisions of the established review and approval process for development pursuant to the City's monitoring procedures. The City Manager, or his/her authorized designee, shall be the official responsible for monitoring compliance by the Developer with this Development Order.

SECTION V. COMPLIANCE DATES

The Developer and the City of Wildwood estimate that approximately twenty (20) years will be required to complete the development described in the Development Order. Accordingly, this Development Order shall terminate on December 31, 2031.

SECTION VI. RESTRICTIONS ON DOWN ZONING

Until December 31, 2031, the approved development described in this Development Order shall not be subject to down zoning, unit density reduction or intensity reduction unless the City can demonstrate that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that this Development Order was based upon substantially inaccurate information provided by the Developer, or that the change is clearly established by the City to be essential to the public health, safety or welfare.

SECTION VII. BIENNIAL REPORTING REQUIREMENTS

A. The Developer shall submit a biennial report on or before _____ and each alternating year thereafter throughout the term of this Development Order. The biennial report shall be submitted on the appropriate form to the City, WRPC, DEO, and all affected permitting agencies. The contents of the biennial report shall comply with the relevant conditions of approval of this Development Order, § 380.06(18), Fla. Stat., and Rule 9J-2.025(7), Florida Administrative Code, including the following:

1. Any changes in the plan of development or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year.

2. A summary comparison of development activity proposed and actually conducted for the year.

3. Identification of undeveloped tracts of land other than individual single family lots that have been sold by the Developer to a separate entity or developer.

4. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the Property since the original Development Order was issued.

5. An assessment of the Developer's and the City's compliance with the conditions of approval contained in this Development Order and the commitments, obligations, covenants, liabilities and responsibilities which are contained in the ADA and which have been identified by the City, WRPC, or DEO as being significant.

6. Any known incremental DRI applications for development approval or requests for substantial deviation determination that were filed in the reporting year or which are to be filed during the next year.

7. Any indication of a change in local government jurisdiction for any portion of the Southern Oaks DRI since this Development Order was issued.

8. A list of significant local, State and Federal permits which have been obtained or which are pending or for which application has been made by agency, type of permit, permit number and purpose of each.

9. A statement that all persons or entities have been sent copies of the biennial report in conformance with § 380.06(15)(f), Fla. Stat.

10. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to § 380.06(15)(f), Fla. Stat.

11. If the City does not receive the biennial report or receives notification that the WRPC, DEO, or any affected permitting agency has not received a report, the City shall request in writing that the Developer submit the report within thirty (30) days. The failure to submit the

report after thirty (30) days shall result in the temporary suspension of this Development Order by the City.

SECTION VIII. SUBSTANTIAL DEVIATIONS

A. No change shall be made to this Development Order or to the approved land uses, unless and until the City has approved and authorized the change.

B. The Developer shall fully comply with § 380.06(19), Fla. Stat., regarding "substantial deviations."

SECTION IX. RECORDING

This Development Order or any subsequent modification of this Development Order shall be recorded by the Developer in accordance with § 28.222, Fla. Stat., with the Clerk of the Circuit Court for Sumter County, Florida, at the Developer's expense immediately after the Effective Date of this Development Order or any subsequent modification of this Development Order in compliance with § 380.06(15)(f), Fla. Stat. The recording of this Development Order shall not constitute a lien, cloud, or encumbrance on the Property, or actual or constructive notice of any such lien, cloud, or encumbrance on the Property.

SECTION X. EFFECT OF DEVELOPMENT ORDER

This Development Order governs all conditions and requirements for development of the Property. This Development Order shall not become effective until all applicable appeals periods have expired. The filing of a Notice of Appeal pursuant to § 380.07, Fla. Stat., will also stay the effectiveness of this Development Order.

SECTION XI. OWNER/DEVELOPER CONSENT

The Owner and Developer, by executing this Development Order, acknowledge that this Development Order is binding upon the Property, and the conditions of approval contained herein apply to and control all further development of the Property.

ADOPTED THIS ___ DAY OF _____, 20___.

CITY OF WILDWOOD, FLORIDA

BY:_____
Ed Wolf
Mayor

ATTEST

_____
Joseph Jacobs, City Clerk
Date:_____

"Owner and Developer"

DARYL M. CARTER, TRUSTEE OF THE CARTER-SUMTER 2444 HIGHWAY 468 LAND TRUST

By:_____
Print Name:_____
Print Title:_____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____ _____, 20___, by **DARYL M. CARTER, as TRUSTEE OF THE CARTER-SUMTER 2444 HIGHWAY 468 LAND TRUST**, on behalf of said corporation, who □ has produced _____ as identification or □ is personally known to me.

_____
Notary Public, State of _____
Commission #: _____
My Commission Expires:_____

(Notary Seal)

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION

THAT PORTION OF SECTIONS 1 AND 2, TOWNSHIP 20 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING NORTH OF THE SUNSHINE STATE PARKWAY; AND THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; AND THAT PORTION OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA LYING NORTH OF THE SUNSHINE STATE PARKWAY; ALL OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; AND A PORTION OF SECTIONS 25 AND 26, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE S00°10'31"W, ALONG THE EAST BOUNDARY THEREOF, A DISTANCE OF 5331.12 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 36, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE S00°10'54"W ALONG THE EAST BOUNDARY OF SAID SECTION 1, A DISTANCE OF 1740.01 FEET TO THE NORTHEAST CORNER OF A 108.50-ACRE PROGRESS ENERGY PARCEL; THENCE, LEAVING THE EAST BOUNDARY LINE OF SAID SECTION 1, ALONG THE NORTH BOUNDARY LINE OF SAID PROGRESS ENERGY PARCEL, S89°54'27"W, A DISTANCE OF 1733.99 FEET TO THE NORTHWEST CORNER OF SAID 108.50-ACRE PARCEL; THENCE, ALONG THE WEST BOUNDARY LINE OF SAID PARCEL, FOR THE NEXT TWO (2) COURSES: (1) S00°10'09"W, A DISTANCE OF 1724.92 FEET, (2) S01°51'45"W, A DISTANCE OF 307.71 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A 61.20-ACRE PROGRESS ENERGY PARCEL AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE (ALSO KNOWN AS SUNSHINE STATE PARKWAY, A VARIABLE WIDTH RIGHT OF WAY AS PER FLORIDA STATE TURNPIKE AUTHORITY RIGHT-OF-WAY MAP, PROJECT NUMBER 2, SECTION 14); THENCE, ALONG THE SOUTH BOUNDARY LINE OF SAID 61.20-ACRE PARCEL AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FLORIDA'S TURNPIKE, FOR THE NEXT SIX (6) COURSES: (1) N57°32'32"A, A DISTANCE OF 5584.93 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 5599.58 FEET, A CENTRAL ANGLE OF 11°09'18" AND A CHORD BEARING AND DISTANCE OF N52°07'36"W, 1068.47 FEET); (2) THENCE NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 1090.19 FEET TO THE POINT OF TANGENCY; (3) THENCE N46°22'42"W, A DISTANCE OF 799.04 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 5859.58 FEET, A CENTRAL ANGLE OF 22°15'46" AND A CHORD BEARING AND DISTANCE OF N57°27'13"A, 2257.52 FEET); (4) THENCE ALONG SAID CURVE, FOR AN ARC DISTANCE OF 2281.91 FEET TO THE POINT OF TANGENCY; (5) THENCE N68°44'06"W, A DISTANCE OF 437.39 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 5599.58 FEET, A CENTRAL ANGLE OF 07°49'06" AND A CHORD BEARING AND DISTANCE OF N64°50'47"W, 763.49 FEET); (6) THENCE ALONG SAID CURVE FOR AN ARC DISTANCE OF 764.08 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE, LEAVING THE SOUTH BOUNDARY LINE OF SAID 50.20-ACRE PARCEL AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FLORIDA'S TURNPIKE, N00°26'01"E, ALONG THE WEST BOUNDARY LINE OF SAID SECTION 35, A DISTANCE OF 542.71 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 35; THENCE CONTINUE ALONG SAID WEST BOUNDARY N00°19'24"E, A DISTANCE OF 1331.55 FEET; THENCE DEPARTING SAID WEST BOUNDARY, N89°45'47"W, ALONG THE SOUTH BOUNDARY OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, A DISTANCE OF 658.83 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, N00°21'48"E, ALONG THE WEST BOUNDARY OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, A DISTANCE OF 1332.09 FEET TO THE INTERSECTION WITH THE NORTH BOUNDARY OF

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS IS NOT A BOUNDARY SURVEY

MAR 16 2009: REVISED LEGAL DESCRIPTION PER CLIENT REQUEST

LEADING EDGE LAND SERVICES INCORPORATED
8750 FORUM DRIVE
SUITE 310
ORLANDO, FLORIDA 32821
PHONE: (407) 351-6750
FAX: (407) 351-9651
www.leadingedgels.com
FLORIDA LICENSED BUSINESS NUMBER LB 6845

LEGAL DESCRIPTION
FOR
MAURY L CARTER & ASSOCIATES, INC.

SURVEYOR'S CERTIFICATION

I, THE UNDERSIGNED FLORIDA LICENSED SURVEYOR AND MAPPER, DO HEREBY CERTIFY THAT I HAVE COMPLETED THIS SURVEY IN COMPLIANCE WITH CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE (MINIMUM TECHNICAL STANDARDS FOR SURVEYORS AND MAPPERS).

DATE:

MICHAEL A. BARBHOLD
PROFESSIONAL SURVEYOR AND MAPPER NUMBER 5575

DATE OF DRAWING:	13 MAR 2009
MANAGER: MAB	CADD: MAB
PROJECT NUMBER:	048-07122
FIELD BOOK NUMBER:	
LAST FIELD WORK:	
CREW CHIEF(S):	
COMPUTER FILE:	048122S01.DRC
NOT TO SCALE	SHEET 1 OF 3

LEGAL DESCRIPTION (CONTINUATION)

SAID SECTION 34, THENCE DEPARTING SAID WEST BOUNDARY, S89°42'55"E, ALONG SAID NORTH BOUNDARY OF SECTION 34, A DISTANCE OF 657.87 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE S89°46'46"E, ALONG THE NORTH BOUNDARY OF SAID SECTION 35, ALSO BEING THE SOUTH BOUNDARY OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, A DISTANCE OF 1324.73 FEET; THENCE DEPARTING SAID NORTH BOUNDARY, N00°31'47"E ALONG THE WEST BOUNDARY OF THE EAST 3/4 OF SAID SECTION 26, A DISTANCE OF 1232.97 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 468 (WIDTH VARIES); THENCE DEPARTING SAID WEST BOUNDARY, N63°15'42"E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 124.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1261.11 FEET, A CENTRAL ANGLE OF 53°42'28" AND A CHORD BEARING AND DISTANCE OF N36°25'28"E, 1139.33 FEET); THENCE NORTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 1182.14 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE N09°34'14"E, A DISTANCE OF 1355.55 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, N85°20'09"E, A DISTANCE OF 5645.47 FEET TO THE SOUTHWEST CORNER OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE N89°42'19"E, ALONG THE SOUTH BOUNDARY OF SAID NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, A DISTANCE OF 2944.28 FEET TO THE INTERSECTION WITH THE EAST BOUNDARY OF SAID SECTION 25; THENCE, DEPARTING SAID SOUTH BOUNDARY, S00°09'24"W, ALONG THE EAST BOUNDARY OF SAID SECTION 25, A DISTANCE OF 1330.48 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 25; THENCE CONTINUE ALONG SAID EAST BOUNDARY S00°09'40"W, A DISTANCE OF 1332.98 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID EAST BOUNDARY LINE, S89°43'40"W, ALONG THE NORTH BOUNDARY OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, A DISTANCE OF 1631.87 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25; THENCE DEPARTING SAID NORTH BOUNDARY, S00°28'00"W, ALONG THE WEST BOUNDARY OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, A DISTANCE OF 1332.82 FEET TO THE INTERSECTION WITH THE SOUTH BOUNDARY OF SAID SECTION 25; THENCE, DEPARTING SAID WEST BOUNDARY, N89°44'10"E, ALONG THE SOUTH BOUNDARY OF SAID SECTION 25, ALSO BEING THE NORTH BOUNDARY OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, A DISTANCE OF 1638.67 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2335.13 ACRES OF LAND, MORE OR LESS.

SURVEYOR'S REPORT AND NOTES

1. THE PURPOSE OF THIS LEGAL DESCRIPTION IS TO PROVIDE A LEGAL DESCRIPTION FOR A PORTION OF THE SOUTHERN OAKS PROPERTY.

2. THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE EAST LINE OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 23 EAST, WHICH IS ASSUMED TO BEAR S00°10'54"W.

3. THIS LEGAL DESCRIPTION IS INCOMPLETE UNLESS ACCOMPANIED BY A SKETCH OF THE PROPERTY DESCRIBED HEREIN.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 3)

THIS IS NOT A BOUNDARY SURVEY

MAR 16 2009: REVISED LEGAL DESCRIPTION PER CLIENT REQUEST

LEADING EDGE LAND SERVICES INCORPORATED
6750 FORUM DRIVE
SUITE 310
ORLANDO, FLORIDA 32821
PHONE: (407) 351-5730
FAX: (407) 351-9691
www.leadingedgels.com
FLORIDA LICENSED BUSINESS NUMBER LB 6846

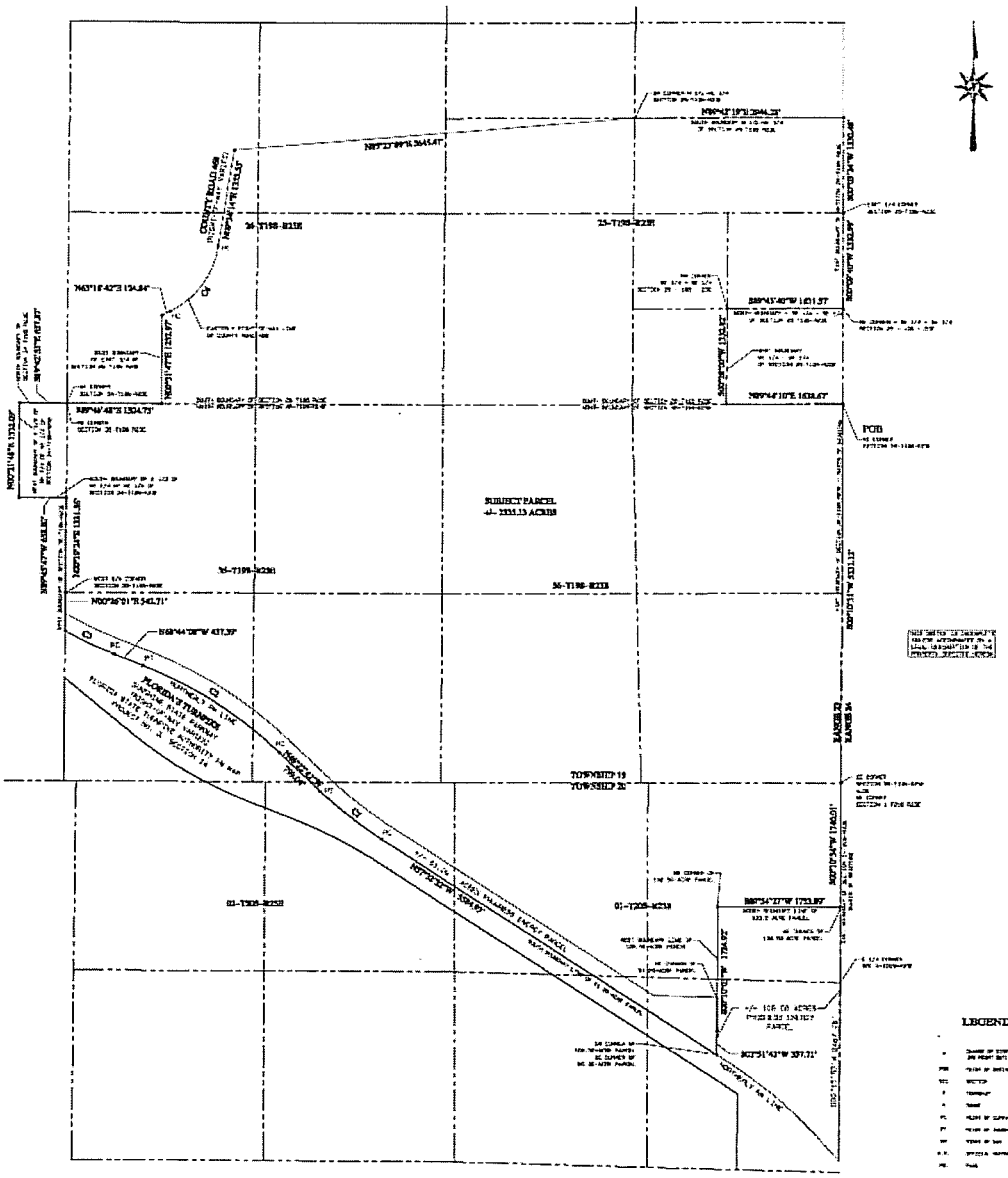
LEGAL DESCRIPTION
FOR
MAURY L. CARTER & ASSOCIATES, INC.

DATE OF DRAWING: 13 MAR 2009	
MANAGER: MAB	CADD: MAP
PROJECT NUMBER: 048-07122	
FIELD BOOK NUMBER:	
LAST FIELD WORK:	
CREW CHIEF (S):	
COMPUTER FILE: 04912250D1.PRO	
NOT TO SCALE	SHEET 2 OF 3

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE)
(1) Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

SKETCH OF DESCRIPTION OF A PORTION OF THE LANDS OF SOUTHERN OAKS

LOCATED IN SECTIONS 1 AND 2, T20S, R23E AND
SECTIONS 25, 26, 34, 35 AND 36, T19S, R23E IN SUMTER COUNTY, FLORIDA



CURVE TABLE

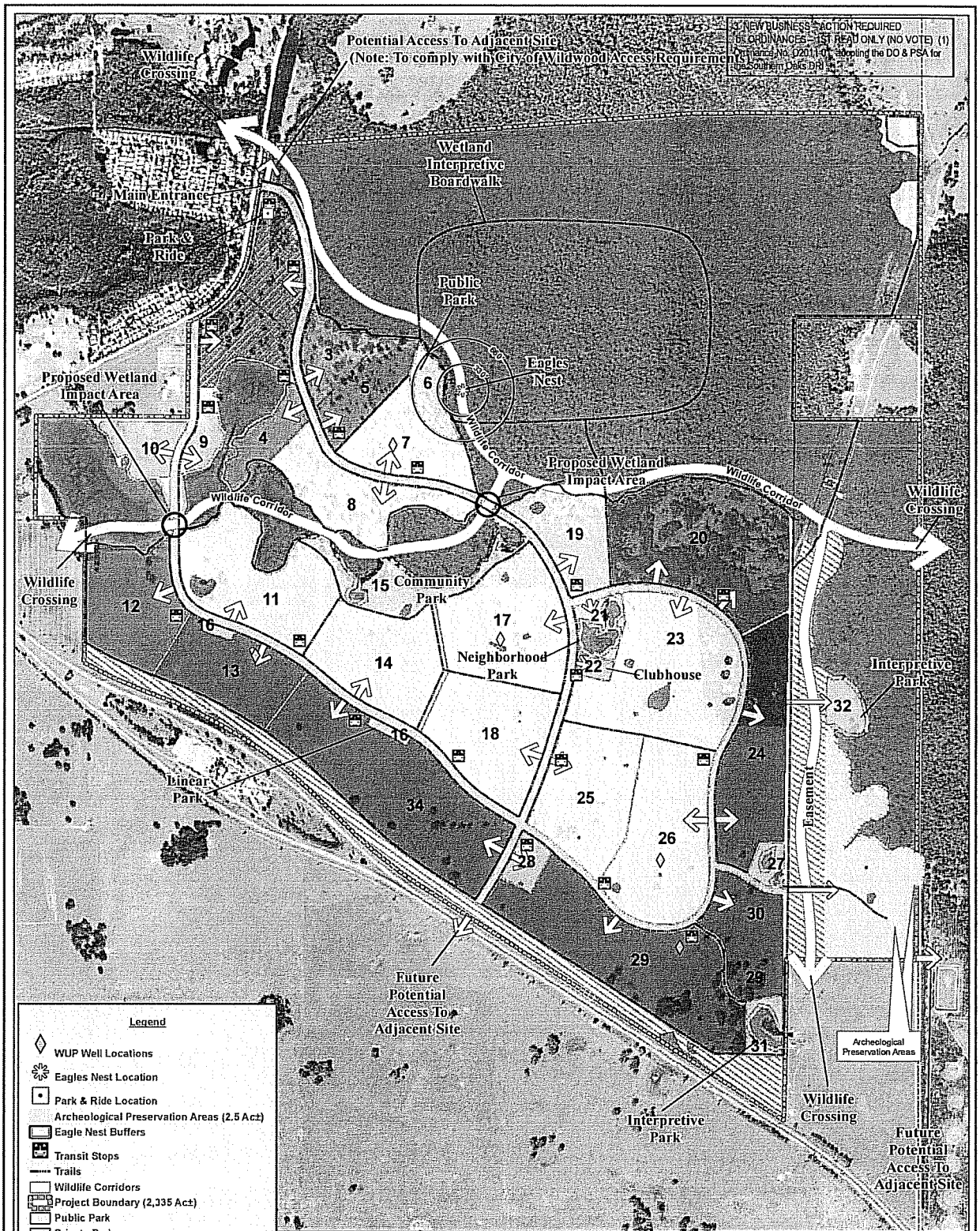
LEADING EDGE LAND SERVICES

SKETCH OF DESCRIPTION
OF
A PORTION OF THE LANDS OF SOUTHERN OAKS
LOCATED IN SECTIONS 1 AND 2, T20S, R23E AND SECTIONS
25, 26, 34, 35 AND 36, T19S, R23E IN SUMTER COUNTY, FLORIDA
FOR
MAURY L. CARTER & ASSOCIATES, INC.

Exhibit A

EXHIBIT "B"

Map H



Use	Phase 1 (2012-2019)				Phase 2 (2020-2024)		Phase 3 (2025-2029)		Phase 4 (2025-2031)		Total	
	Phase 1A (2012-2014)		Phase 1 Balance (2015-2019)									
	Acres (+/-)	Development (Number and Type)	Acres (+/-)	Development (Number and Type)	Acres (+/-)	Development (Number and Type)	Acres (+/-)	Development (Number and Type)	Acres (+/-)	Development (Number and Type)	Acres (+/-)	Development (Number and Type)
Residential	157	443du			102	284 du	173	487 du			432	1,214du
Apartments, Condos, Townhomes			20	292 du	39	471 du	39	381 du	39	381 du	137	1,525 du
Civic			29	36,000 SF							8	36,000 SF
ACLF					26	300 beds					26	300 beds
Commercial	2	10,000 SF	41	270,000 SF and 405du							43	270,000 SF and 405du
Commercial/ Apartments			29	190,000 SF							29	190,000 SF
Business Park			34	335,000 SF	84	815,000 SF	102	750,000 SF	53.5	785,000	273.5	2,685,000 SF
Neighborhood Commercial							6	35,000 SF			6	35,000 SF
Developed Parks			33		12		2		17		62	
Wetlands and Green Space			244		606		44		343.5		1237.5	
ROW	32				18		15		2		67	
Total	191		421		887		381		455		2335	

1 inch = 1,250 feet

Southern Oaks

Exhibit B
Map H -Master Site Plan
Wildwood, Florida

LPG Urban & Regional Planners, Inc.

EXHIBIT "C"

Land Use Conversion Matrix

Southern Oaks DRI
Development Equivalency Matrix

ITE Code	Units	Change To / Change From	Single Family DU	Condo/TH DU	Apartments DU	Retail/Comm KSF	Civic Center KSF	Business Park KSF	ACFL Beds
210	DU	**Single Family Residential**		2.201	1.346	0.163	0.673	0.708	3.732
230	DU	**Condo/Townhome**	0.454		0.611	0.074	0.306	0.322	1.695
220	DU	**Multi-Family Apartments**	0.743	1.635		0.121	0.500	0.526	2.773
820	KSF	**Retail/Commercial**	6.127	13.485	8.246		4.123	4.336	22.864
730	KSF	**Civic Center**	1.486	3.271	2.000	0.243		1.052	5.545
770	KSF	**Business Park**	1.413	3.110	1.902	0.231	0.951		5.273
254	Beds	**ACLF**	0.268	0.590	0.361	0.044	0.180	0.190	

Notes:

(1) Conversion Factors Based on The Total PM Peak Hour Trip Generation Rates as Listed Below:

ITE Code 210 - Single Family Residential - 0.821 Trips per DU
ITE Code 230 - Condo/Townhome - 0.373 Trips per DU
ITE Code 220 - Multi-Family Apartments - 0.61 Trips per DU
ITE Code 820 - Retail/Commercial - 5.03 Trips per KSF
ITE Code 730 - Civic Center - 1.22 Trips per KSF
ITE Code 770 - Business Park - 1.16 Trips per KSF
ITE Code 254 - ACLF - 0.22 Trips per Bed

(2) Example Conversions:

Convert 200 Single Family Units to Multi-Family Units:
200 Single Family Units x 1.346 = 269 Multi-Family Units

Convert 10,000 SF of Retail to Business Park:
10 KSF Retail x 4.336 = 43.36 KSF Business Park

Convert 100 Apartment Units to Retail:
100 Apartment Units x 0.121 = 12.1 KSF Retail

(2) No land use may exceed the Business Park Future Land Use Map designation in the Comprehensive Plan.

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE)
(1) Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

EXHIBIT "D"

Wildlife Habitat Management Plan

SOUTHERN OAKS – ADA

WILDLIFE HABITAT MANAGEMENT PLAN

Introduction:

The Southern Oaks D.R.I. consists of approximately 2,335 Ac. of agricultural and wetlands situated in east Central Sumter County. The gently rolling topography is bounded on the east by the Lake County boundary, on the south by the Florida Turnpike, on the west by County Road 468 and the north property line bisects the large forested wetland of Chitty-Chatty Creek.

General land uses to the north and south are similarly agricultural with the City of Leesburg spray field immediately to the east. To the west across C.R. 468 are several older residential developments. To the north, approximately 1.5 miles, is S.R. 44 and within a four (4) mile radius is the town of Coleman to the west and Wildwood and the Villages to the northwest.

The site has been historically utilized as cattle pasture and range by the Bailey family for many years with livestock having rotating access to all the habitats on site. During the various pedestrian and vehicular transect surveys we were able to speak with Mr. Bailey and learned some significant information about the site particularly regarding wildlife observed on the site.

The D.R.I./ADA process allows us to identify the existing habitats, relate the observed wildlife utilization, particularly noting listed species and existing habitats utilized and describe anticipated impacts, with the Wildlife Habitat Management Plan providing the opportunity to identify the potential to preserve, enhance and/or restore the types and quality of damaged or lost habitats which may be significant to the support and continuation of Florida's diminishing faunal diversity.

As indicated the site has historically been utilized as active livestock range and pasture with evidence of logging and some hydrologic modification to Chitty-Chatty Creek (canalization or ditch creation with flow west under C.R. 468) also noted. Approximately 57% of the site (approximately 1,323 Ac.) appears to have been cleared of native cover communities and converted to Improved pasture (211) grassland with about 4% of that (approximately 92 Ac.) being more recently converted to Plantation pine (441). A little more than 38 Ac. or about 2% of the site remains as Pine-Mesic Oak forested habitat (414).

Wetland habitats onsite total a little over 967 Ac. or about 40% of the total site of which the Bottomland (615), the Chitty-Chatty Creek floodplain, totals roughly 871 Ac. or 36% of the site with Wetlands 4 and 5 being mixed Hardwood forest (630) at approximately 20 Ac. or little under 1% of the site.

Several isolated wetland depressions exist scattered about the upland pasture areas. They appear to be ephemeral and were found in a desiccated state but still supporting hydrologic indicators. These are designated as 641-Herbaceous wetlands on Map F. The larger ones appear to have been excavated into cattle ponds and are depicted as 534-Cattle Ponds on Map F. All exhibited severe impacts from constant access and grazing by on site livestock population (heavy erosion on steeper slopes, grazed pasture grasses to the water's edge etc.).

Construction related impacts to the on site wetlands are restricted to two (2) existing agricultural crossings as depicted on Map H. The western crossing between Wetland 1 and 3 currently is exceedingly dry and is elevated. It appears this crossing was culverted in the past. These impacts should be less than one (1) acre to total wetland impact. Wetland buffers have been increased to a minimum of 50' where possible and exceed that distance along the "Community Park, 2" on the enclosed exhibit.

The majority of the site's central uplands are proposed residential parcels, residential "Townhomes" are proposed for several western parcels as well as the east side, just west of the Electrical Transmission Line easements (see Map H and the enclosed amended exhibit). The northwest area is slated for commercial development. A Business Park is designated for the majority of the site's boundary with the Sunshine State Parkway as well as the only development parcel east of the Electrical Transmission Line easements (see Map H).

Habitats:

The habitats on site are detailed on Map F with their respective details and acreages listed here for comparative convenience:

FLUCFCS CODE	HABITAT/USE	ACREAGE
211	Improved Pasture	1,230.9
414	Pine-Mesic Oak	38.4
441	Plantation Pine	91.7
510	Stream	Embedded in Bottomland (615)
534	Cattle pond	(Varies, ephemeral 3-5 Ac.)
615	Bottomland	870.8
630	Wetland Forested Mixed	19.9
641	Herbaceous	76.5

Wildlife: Wildlife pedestrian and vehicular surveys have been carried out across the subject site beginning in March, 2007 through April, 2008 and most recently five (5) consecutive morning/evening transects were conducted August 3, 2009 through August 7, 2009 as responses to initial sufficiency comments.

The enclosed Attachment 2 lists the observed species from the collective transect data. Additionally Attachment 3 details the anticipated Listed species that were not observed at the subject site.

The following discussion includes Listed species encountered, summarized details of pertinent habitat data relative to the site regarding the specific species and the proposed site management plans commensurate with the various regulatory protocols necessary to address the issues of protecting those species:

Bald Eagle (Haliaeetus leucocephalus) – Status: FWC-T (Federally protected):

The documented Bald eagle nest site, SU-015, is located on Map G. of the ADA and many of the application maps. The nest is situated in the top of a large, very old Cypress at the western fringe of the Bottomland (615) floodplain of Chitty-Chatty Creek. Recent survey status review on the FWC Eagle Nest locator web site indicates the last active status was 2005 and it has not been observed as active during our site work during 2008 and 2009. An active nest approximately one (1) mile to the north, SU-030, exists at the southeast quadrant of the intersection of C.R. 468 and S.R. 44. Due to its distance from the site and surrounding anthropogenic activities around SU-030, the subject proposed site activities preclude any distinct impacts attributable to the proposed ADA.

Protective Measures to be Taken:

As detailed in the application and supplemental comments and as depicted on Map H (see enclosed Attachment 1) a 660' protective radius has been created and designated as park. No construction activities are proposed within the upland park area and portions of the park appear suitable for replanting Longleaf pine and Turkey oak. A proposed boardwalk will be constructed along an as of yet unspecified route within the Bottomland area however it will be no closer than

the prescribed primary 330' radius (note the heavy forested canopy at this location does not allow distinct visibility of the nest) and no construction will be allowed within the nesting season, October to May. A question was raised during sufficiency comments whether site construction was visible from the nest. Due to the height of the old Cypress most of the site may be visible although distant. Also note the subject nest tree can be seen from the Parkway and Service Plaza to the south of the property.

Gopher Tortoise (Gopherus polyphemus) – Status: FWC-T:

Although suitable soils exist across a majority of the uplands, surveys found a sparse population of tortoises (projected fewer than 10) generally situated along the southern fringes of the Plantation pine (441) area (see Map G and revised survey data of 09/03/09).

Protective Measures to be Taken:

Following the protocol of the FWC the active/inactive burrows will need to be re-surveyed as phased development impacts involve the specified habitat locations. On site relocation to the Electrical Transmission Line easement is proposed as at least one (1) active burrow has been observed within same. Long term management of the easements has and will maintain them as grass-shrub communities suitable for the species. Note power company maintenance activities are generally restricted to a specific path as evidenced by the consistent track or road path evident at the site. Additionally the corridor can be fenced to maintain the population in the easement corridor which has much more suitable acreage available for the projected population involved.

Sherman's Fox Squirrel (Sciurus nigra shermani) – Status: FWC-SSC:

An adult fox squirrel has been observed on two (2) occasions near the western (southwest corner) edge of the Plantation pine (441) area. This is not the optimal habitat, considered to be

Longleaf pine and Turkey oak which may have been present prior to historical agricultural clearing, however the Pine-Mesic oak (414) is nearby and the installed Plantation pine provide pine seed as a common forage food supply. Data

indicates a reduced or remnant population can survive in Oak-Pine habitats especially along forested upland-wetland (Bayheads, Cypress domes) ecotones. Data indicates a degree of territoriality and density estimates of 6.5 Ac. for a single squirrel are documented.

Protective Measures to be Taken:

There are two (2) development pods associated with this area, Pods 19 and 20. Pod 19 is designated for an Adult Living and Care Facility and Pod 20 is designated residential. It has already been established that a portion of the 26 Ac. of the ACLF will not require impact due to the nature of that land use and maximizing existing forest cover within the residential Pod 20 will help to support what appears to be a very small, limited (perhaps a single individual) population. An additional supportive effort is being considered which is an attempt to re-establish some Longleaf pine and Turkey oak communities at the site by planting suitable soils within designated park areas as depicted on Attachment 1 and team input indicates approximately 38.4 Ac. are available. Coordination with the FWC has been supportive suggesting planting desirable ground cover species (ie. Andropogon sp., Aristida sp. And Runner oak, Q. pumila) as well. These species already exist at the site but other than the Bluestem grasses (Andropogon sp.) the Wiregrass and Runner oak seem restricted to the ecotone between the southern transition of the Bottomland into the Pine-Mesic oak and Plantation pine habitats. Establishing these ground cover constituents within the subject park areas can also be accomplished with specific landscaping activities.

Although supportive the FWC strongly suggests prescribed burning as the most desirable management process for this type of habitat (Longleaf pine-Turkey oak) however the proximity of these park areas to occupied dwellings and buildings will preclude that method. Alternative control of undesirable species (ie. Wax myrtle, Saw palmetto etc.) can be accomplished without burning.

Florida Sandhill Crane (Grus canadensis pratensis) – Status: FWC-T:

This species was not observed on site however vocalizations were heard once, near the east property boundary. It is a commonly observed species in the grass pasture lands and shallow herbaceous wetlands found throughout this region. One consideration regarding this species is therefore directed to the grasslands (agriculturally created pasture (211) and the three (3) herbaceous wetland depressions (W1, W2 and most of W3).

The majority of the pasture areas (211) have been maintained historically as active cattle pasture subject to consistent, repetitive grazing activities and pasture management practices. Additionally, historic positive drainage improvements to the wetlands extending west from the Bottomland (Chitty-Chatty Creek floodplain) appear to have significantly lowered the water levels and/or shortened the inundation duration of those wetlands.

Protective Measures to be Taken:

The majority of the upland pasture is proposed for development however the Electrical Transmission Line easements along the east portion of the site will be maintained as grass-shrub habitat in perpetuity.

Additionally, drainage design provides treated stormwater discharge to wetlands W1, W2 and W3 thereby increasing volume of water now reaching those systems which have consistently

been found to be very dry and in poor condition. The increased volume of water reaching these wetlands should help restore their hydroperiod by increasing both water levels and the duration of inundation. This may increase their potential as nesting sites. It should be noted there are already comments submitted by the applicant team addressing the future necessity of specific Sandhill Crane surveys during the appropriate nesting season (December/January) prior to proposed adjacent development. Should cranes be observed expressing nesting behavior FWC coordination and protocol will be immediately undertaken.

Little Blue Heron (Florida caerulea) – Status: FWC-SSC; and White Ibis (Eudocimus albus) – Status: FWC-SSC:

Observation of these wading birds was infrequent and restricted to the excavated cattle ponds isolated in the pasture land and uplands at the site. Preservation of these isolated surface waters/wetland depressions as well as 15' minimum, 25' average regulatory buffers being maintained as grassland buffers will ensure their continued presence at the site. Additionally the aforesaid increased hydrology to Wetlands 1, 2 and 3 should benefit all wading bird species that utilize these features in the future. No additional management practices are contemplated regarding these species observed at the cattle ponds.

Southeastern American Kestrel (Falco sparverius paulus) – Status: FWC-T:

Similarly, observation of this species is considered incidental in that one (1) observation of this species was made at the extreme southeastern portion of the property in an area now constituting an outparcel. The Kestrel was observed perched on a powerline, briefly, prior to departing in flight to the east off site. Of note here is the fact the adjacent parcel to the east in Pine flatwoods being utilized by the City of Leesburg as a domestic treatment spray field.

The lack of vertical pine snags across the site greatly decreases the likelihood of Kestrels nesting on site and loss of nest habitat is considered to be the contributing factor to this species' decline. Observation of the east parcel was restricted to the property boundary and parkway right-of-way but did not provide further sightings or positive data. Protocol recommends preservation of at least 50ha (125 Ac.) of suitable habitat within 0.5 km of a Kestrel use area. A single observation in the extreme southeast corner of the site (technically, now off site) was made. Approximately 100 Ac. of powerline easement (maintained grass-shrub habitat) will be perpetually available (observation made on powerline perch) with numerous interior buffers, park and right-of-way easement parcels available as maintained shrub-grasslands. It would appear additional measures are not warranted regarding this wide ranging species.

Impacts:

Completion of the phases of Southern Oaks, in approximately eighteen (18) to twenty (20) years, will result in both short term (primary) and long term (secondary) impacts to existing habitat and wildlife utilizing those habitats at the site. Primary or short term impacts will occur in phases as they are undertaken and are associated with immediate loss of habitat from construction activities where secondary or long term impacts are associated with the ultimate occupation and use of the various buildings, homes and structures etc. across the site.

It appears that approximately 57% of the site, most of the upland habitat, was historically cleared and converted to pasture grassland with about 4% of that more recently re-planted as Plantation pine. The onsite wetlands total just under 40% of the site and along with adjacent upland buffers are being preserved. It is estimated approximately 45%, a little over 1,000 Ac. will be converted through the various phases to residential, commercial and business park land

uses. Through the regulatory processes all impervious drainage will be treated via stormwater treatment ponds prior to discharge to the preserved on site wetlands.

Only two (2) direct impacts to wetlands are proposed as roadway crossings and both are designed where existing agricultural crossings exist minimizing wetland and wildlife impact potential. The proposed wetland boardwalk in the Chitty-Chatty Creek floodplain will be designed to avoid any significant impacts to floral or faunal communities and will ultimately serve as recreational and educational amenities to the residents, guests and visitors to Southern Oaks.

The development of Southern Oaks will have multiple beneficial impacts as well, both long term and short term. These will be realized by the preservation and protection of the extensive wetland systems on site precluding forever the chance of destructive and disruptive logging activities. The phasing out of livestock and commensurate management practices will eliminate immediate grazing impacts to the floral communities on site, elimination of the disruptive, erosive trampling of the wetland fringes as well as elimination of the significant excessive nutrient loading to all of the on site wetland communities. Long term water quality will benefit from both the increased hydroperiods of the herbaceous/forested wetlands from treated stormwater discharges as well as the removal of the livestock wastes. Besides the benefits from the preservation and enhancement activities attributed to the project design, there is a possibility to re-introduce a missing community type thought to have once been present at the site, Longleaf pine and Turkey oak. Although considered, plans will not allow the suggested management practice of prescribed burning to be applied as it would be in a more rural wildlife preserve area. Successful establishment of the desirable community constituents is no less confidently anticipated as many of the ground cover constituents remain in portions of the site.

The majority of the proposed impacts will be occurring in agriculturally created grasslands and it is apparent much of that was converted from naturally occurring scrubby oak and pine communities. The potential re-establishment of 30 to 40 acres of Longleaf pine-Turkey oak habitat is a restorative opportunity and creation of buffered wildlife corridors without future hunting activities may also allow the return of White-tail deer to the site. All of these factors should tend to benefit off site communities as well particularly the downstream wetlands and surface waters ultimately receiving discharge volumes from the project area.

Opportunities for Habitat Management:

Southern Oaks offers multiple opportunities for habitat management to facilitate wildlife utilization of the site as well as opportunities to advance or promote the site's potential to support a more balanced and diverse wildlife community. To accomplish this goal the management practices will utilize preservation, enhancement and restoration concepts applied across the site as the opportunities arise.

Preservation:

The Southern Oaks site encompasses diverse habitats including both well drained, rolling sand hills as well as the heavily canopied forested hardwood swamp floodplain of Chitty-Chatty Creek as well as a series of forested and herbaceous wetlands contiguous to the floodplain extending approximately one half mile to the west. Approximately 967 Ac. of those wetlands or about 40% of the site are being preserved. Additionally over 200 Ac. of uplands are collectively being preserved in parks, green spaces and open areas across the site. Along the eastern portion a significant archeological site has been identified and will be carefully and respectfully preserved adding to the socio-cultural education opportunities at Southern Oaks.

Augmenting the preservation and ultimately enhanced quality of these wetlands are the significant upland buffers being preserved around them. Wherever possible, the routine regulatory required buffer width of a 15' minimum with a 25' average, around the contiguous wetlands, is being increased to 50' and in the case of the proposed community park, that buffer distance is significantly larger. These buffers will generally not be maintained (mowed, cut, etc.) with the exception of designated park areas and will be allowed to undergo desirable natural succession to transitional communities. Control of nuisance and/or exotic undesirable species will be a priority in these areas. The smaller isolated wetland depression and farm pond buffers will remain at the regulatory requirements and will be maintained as low grasslands.

An additional and considerable benefit to the preservation opportunities will be the continuation of faunal access via the wildlife corridor effect of these contiguous forested wetland communities. Site investigation revealed two (2) aspects of wildlife utilization at the site that can potentially be of interest at the property.

There is a regional concern among regulatory game and habitat managers in this area concerning the growing feral hog population, a disruptive and damaging opportunistic species that plagues much of the state. We have learned Lake County officials are moving to reduce the hog population on lands to the east and a small group of feral hogs were observed during the August 2009 wildlife transects at the Southern Oaks site. It may be desirable to reduce or remove the hogs at the site to reduce their impacts.

As learned from site investigation there appear to be no White-tail deer at the site based on site indicators and discussion with long time owner, Mr. Bailey. A positive result of site management may be the re-establishment of a deer population within the subject habitats.

Enhancement:

As briefly discussed, the master drainage plans incorporate the discharge of treated stormwater in part to the herbaceous wetlands found to be in a very desiccated state (ie. W1, W2 and W3). This hydrologic enhancement should increase both the water levels found within these depressions as well as the duration of inundation. In turn this should also enhance the biological functions and potential suitability of these systems for wading birds which was noted as lacking during site investigations most likely due to their excessively dry condition.

An additional consideration at the site is the potential enhancement of upland plant diversity via utilization of only native species in future landscape design and planting. This is a viable consideration however consultation with project team members clearly indicate it is too early in planning stages to definitively commit to that requirement at this stage.

Restoration:

Similarly with an excess of 200 Ac. of uplands being preserved across the different phases of the proposal the concept of re-establishing some Longleaf pine and Turkey oak communities to the site was discussed. Research of the appropriate soils types identified three (3), Candler, Tavares and Apopka fine sands, that occur on site. Mapping of these soils located six (6) park areas where at least some of these soils occur (see Attachment 1). It is a consideration to replant available areas at these six (6) sites with Longleaf pine and Turkey oak. The available acreage has been identified by team members to total 38.4 Ac.. Coordination of the idea with FWC also suggested commensurate ground cover plantings of Bluestem grasses, Wiregrass and Runner oak. This an also be accomplished within the proposed phases and remains a viable voluntary proposal.

The FWC also strongly suggested utilizing prescribed burning as the most desirable habitat management practice for such communities however, consultation with team members and principals came to the consensus periodic burning would be incompatible within the proposed developed phases. Alternative methods of control of nuisance or undesirable plant species in this community (Wax myrtle, saw palmetto etc.) can accomplish the necessary support of the target community but, as advised by the FWC, likely at a higher cost (ie. burning is more cost effective and efficient when compared to routine, manual landscape methods).

Public Educational and Recreational Opportunities:

Several aspects of the Southern Oaks proposal offer potential recreational, educational benefits. The proposal to construct an elevated boardwalk through a segment of the Chitty-Chatty Creek floodplain will allow individuals the ability to see and learn the intricacies and complexities of a periodically inundated hardwood wetland as well as enjoying he beauty and solitude of this type of ecosystem. Interpretive stations can be established as focal points explaining the habitat, vegetative constituents at differing trophic levels and point out observable wildlife utilization.

Socio-cultural amenities also have been noted at the Southern Oaks property as archeological findings have identified sites for preservation. Potential educational and interpretive utilization plans are also being compiled to be included in the application.

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE) (1)
Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

TRANSPORTATION PROPORTIONATE SHARE AGREEMENT SOUTHERN OAKS DEVELOPMENT OF REGIONAL IMPACT CITY OF WILDWOOD, FLORIDA

This **TRANSPORTATION PROPORTIONATE SHARE AGREEMENT** (this "**Agreement**") is made and entered into by and between **DARYL M. CARTER, TRUSTEE OF THE CARTER-SUMTER 2444 HIGHWAY 468 LAND TRUST** (the "Owner"/ "Developer"), the **CITY OF WILDWOOD, FLORIDA**, a Florida municipal corporation (the "**City**"), **SUMTER COUNTY**, a political subdivision of the State of Florida (the "**County**"), and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, an agency of the State of Florida ("**FDOT**").

W I T N E S S E T H:

WHEREAS, Owner is the Owner of real property located in the City of Wildwood, Florida, which property is more particularly described on **Exhibit "A"** attached hereto and incorporated herein by reference ("The Property"); and

WHEREAS, the Property is proposed to be developed in accordance with the development order for the DRI approved by the City on _____, as same may be amended from time to time and collectively referred to as (the "**Development Order**"); and

WHEREAS, the Development Order for the DRI stipulates that specific transportation improvements (the "**Needed Transportation Improvements**") described and set forth on **Exhibit "B"**, attached hereto and incorporated herein, are required in order to adequately mitigate for the transportation impacts of development of Phase 1A of the DRI ("**Phase 1A**"); and

WHEREAS, the Development Order provides mechanisms, including a proportionate share payment pursuant to Section 163.3180, F.S., and Rule 9J-2.045(7)(a)3, F.A.C., to enable Developer to meet its obligations relative to the Needed Transportation Improvements; and

WHEREAS, pursuant to this Agreement, the Developer will be deemed to have met its Phase 1A obligations relative to the Needed Transportation Improvements by contributing a proportionate share of the cost pursuant to, and in a manner consistent with, the proportionate share mechanism provided for in the Development Order, Chapter 380, F.S., and Rule 9J-2, F.A.C; and

WHEREAS, pursuant to this Agreement, the Developer has made a binding commitment to pay or cause to be paid the proportionate share of the cost of the Needed Transportation Improvements required for Phase 1A; and

WHEREAS, pursuant to Section 163.3180, F.S., and Rule 9J-2.045(7)(a)3, F.A.C., the City, County and FDOT have agreed to accept said proportionate share payment as adequately mitigating the transportation impacts of Phase 1A on all significant and adversely impacted state and regional facilities within their maintenance jurisdictions through build-out of Phase 1A, as required by Chapter 380, F.S., and Rule 9J-2, F.A.C.; and

WHEREAS, the parties have reached an agreement as to the amount of the proportionate share payment, and the City, County, and FDOT have agreed to accept said payment, to be provided by Developer in the form and manner set forth more fully below, in full satisfaction of all conditions relating to transportation mitigation, through build-out of Phase 1A and in full satisfaction of all conditions relating to transportation concurrency through build-out of Phase 1A, all in accordance with the Development Order, Rule 9J-2, F.A.C., Chapters 163 and 380, F.S., and the City's concurrency management ordinance(s).

NOW, THEREFORE, for and in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby covenant, stipulate and agree as follows:

1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated by the parties as part of this Agreement as if fully set forth herein.

2. Proportionate Share Calculation. The parties do hereby acknowledge and agree that the Developer's proportionate share of $110,000.00 for the intersection of SR 44 and CR 468, and $272,938.00 for the improvement of the US 301/CR 468 intersection is the proportionate share payment amount ("**Developer's Proportionate Share**") required under the Development Order, Rule 9J-2, F.A.C., and Chapters 163 and 380, F.S., to mitigate the transportation impacts through build-out of Phase 1A.

Developer's Proportionate Share shall be calculated under applicable law, including Section 163.3180, F.S., and R9J-2.045, F.A.C., and is the final and binding calculation of the amount required to mitigate the traffic impacts of the Project upon state and regional roadways. This Agreement does not address mitigation of additional traffic impacts which may be created as a result of a substantial deviation to the DRI and are required to be mitigated separately pursuant to Section 380.06(19), F.S., and R 9J-2, FAC. The parties acknowledge and agree that the calculation of, and agreement on, the amount of Developer's Proportionate Share constitute material inducements for the parties to enter into this Agreement.

3. Payment of Developer's Proportionate Share. The following describes the obligations, mitigating improvements, and timing for each of the required state improvements:

(a) SR 44 and CR 468:

(i) The Developer shall pay a proportionate share payment for

improvements to mitigate the significant and adverse impacts of the DRI at the intersection of SR 44 and CR 468. The improvements necessary to mitigate for the significant and adverse impact at said intersection shall include: Signalization when warranted.

As identified in EXHIBIT B, the total cost to construct the signalization is identified to be $220,000 using FY 2010 cost estimates. The Developer shall be responsible to pay to the FDOT a proportionate share of $110,000 to adequately mitigate the significant and adverse impacts of Phase IA on the DRI to the intersection of SR 44 and CR 468. The Developer's Proportionate Share shall be paid to FDOT at such time that signalization of the intersection of SR 44 and CR 468 is warranted, but no sooner than the time of the first building permit. If the signal warrants are not met during Phase 1A, the Developer's proportionate share of responsibility toward the signal improvement will be re-evaluated prior to proceeding into Phase 1B to include expected Phase 1B impacts. In the event that the signalization of the SR 44 and CR 468 intersection is paid for in full or constructed by another project prior to the issuance of the first building permit for development within the Southern Oaks DRI, then the Developer shall have no further mitigation responsibility toward signalizing the subject intersection through the remainder of Phase 1A as set forth herein.

(b) *US 301/CR 468 Intersection Improvement:*

(i) The Developer shall pay a proportionate share payment for the

safety improvements to the intersection of US 301 and CR 468, through the following:

The portion of Developer's responsibility for the safety improvements to the intersection of US 301 and CR 468, in the amount of Two Hundred Seventy Two Thousand Nine Hundred Thirty Eight and 00/100 Dollars ($272,938.00) shall be paid by the Developer to the County at the time of the issuance of the first building permit for the Property. The Developer shall have no further obligation to FDOT for the safety improvements to the intersection of US 301 and CR 468.

(c) *Regional Transit Study.*

The Developer shall participate in a regional transit study being conducted by the Lake-Sumter MPO. The Developer, along with the developers of other developments-of-regional impact in the area surrounding the Property, will also fund the cost of the study. The Developer will pay an equal pro rata share of the study, not to exceed Fifty Thousand Dollars ($50,000.00) to Sumter within thirty (30) business days of receipt of a written demand from the Lake-Sumter MPO, but no sooner than ninety (90) days after the Effective date of the development order.

4. Impact Fee Credits. The Developer shall be entitled to transportation impact fee credits for the proportionate share payments described in Section 3(b)(i) above not to exceed 100 percent of the total value of the Transportation Impact Fees generated by the full buildout of all phases of the DRI. The County and the Developer shall enter into a separate agreement to establish the credits.

5. Satisfaction of DRI Transportation Improvement Requirements. Upon execution

of this Agreement and subject to Developer's compliance with the terms and conditions set forth herein, the County, City, and FDOT hereby acknowledge and agree on the following:

(a) the Developer is deemed to have satisfied all requirements under the Development Order, Chapter 380, F.S., and Rule 9J-2, F.A.C., for the mitigation of the traffic impacts of the DRI through build-out of Phase 1A;

(b) the Developer is deemed to have satisfied all transportation concurrency requirements under the City's and County's Code of Ordinances and Land Development Code and Section 163.3180, F.S.; and

(c) the Developer is entitled under Chapters 163 and 380, F.S., and Chapter 9J-2, F.A.C., to fully and completely develop Phase 1A through build-out, without regard to whether the Needed Transportation Improvements are actually constructed, and without regard to whether, in the absence of this Agreement, Phase 1A fails to satisfy transportation concurrency at the time of development.

(d) Prior to commencement of Phase 1B of the Southern Oaks DRI, a modeling and monitoring transportation analysis shall be conducted as set forth in the Development Order, Rule 9J-2, F.A.C., and Chapters 163 and 380, F.S., to determine the off-site transportation impacts and the appropriate proportionate share requirements for Phase 1B.

6. Community Development District. Any or all of Developer's funding and/or construction-related obligations set forth in this Agreement may be performed by a community development district created for the DRI pursuant to Chapter 190, F.S. In addition, and without limiting the foregoing, the Developer may perform any financial and/or construction-related

obligation herein and be reimbursed by a community development district created for the DRI pursuant to Chapter 190, F.S.

7. Governing Law/Binding Effect. This Agreement shall be interpreted and governed by Florida Law. Each of the parties hereto warrants and represents that this Agreement is valid, binding and enforceable against them in accordance with the terms and conditions of Florida law.

8. Remedies. The parties hereto shall have all legal and equitable rights and remedies provided by Florida law with respect to the enforcement of this Agreement.

9. Notice of Default. The parties acknowledge and agree that no party shall be considered in default for failure to perform under this Agreement until such party has received written notice specifying the nature of such default or failure to perform and said party fails to cure said default or fails to perform within sixty (60) days of receipt of said written notice, unless such party can demonstrate a good faith effort to cure.

10. Notices. All notices which are required or permitted under this Agreement shall be given to the parties by certified mail, return receipt requested, hand delivery or express courier and shall be effective upon receipt when delivered to the parties at the addresses set forth below (or such other address as provided by the parties by written notice delivered in accordance with this Paragraph):

For City of Wildwood:

Attn: City Manager
City of Wildwood
100 N. Main Street
Wildwood, Florida 32786

With a Copy to:

Jerri A. Blair, Esq.
Jerri A. Blair, P.A.
P.O. Box 130
Tavares, FL 32778

For Sumter County:

Attn: Bradley Arnold, County Administrator
7375 Powell Blvd.
Wildwood, FL 34785

For Florida Department of Transportation

Attn: John Philip Moore
133 South Semoran Blvd.
Orlando, FL 32807

For Developer:

Daryl M. Carter
M.L. Carter Development Corporation
3333 South Orange Avenue, Suite 200
Orlando, Florida 32806

With a Copy to:

R. Duke Woodson, Esq.
Foley & Lardner LLP
111 N. Orange Ave., Suite 1800
Orlando, FL 32801

11. Amendments. No amendment, modification or other changes in this Agreement shall be binding upon the parties unless in writing executed by all of the parties.

12. Successors and Assigns Bound. The rights and obligations contained in this Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of

the parties hereto, including any successor in title to the Developer to all or any part of the Property.

13. Recording. The Developer shall record this Agreement in the Public Records of Sumter County at the Developer's expense.

14. Effective Date. This Agreement shall become effective upon the later of the date it is executed by the last party to it or the effective date of the Development Order.

15. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when executed and delivered, shall be an original, but all counterparts shall together constitute duplicates of one and the same instrument.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE) (1)
Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in manner and form sufficient to bind them as of the date set forth below.

Witness:

_____
Printed Name: _____

_____
Printed Name: _____

CITY OF WILDWOOD:

By: _____
Name: Ed Wolf, Mayor
Title: Mayor

Date: _____

STATE OF FLORIDA
COUNTY OF SUMTER

The foregoing instrument was acknowledged before me this _____ day of _____, 2012 by Ed Wolf, as Mayor, on behalf of **City of Wildwood** He/she ❑ did ❑ did not take oath.

_____
Notary Public
Print Notary Name: _____
My Commission Expires:
My Commission Number:

❑ Personally known to me; or
❑ Produced _____
as identification

Witness:

SUMTER COUNTY:

_____
Printed Name: _____

By: _____
Name: _____
Title: _____

Date: _____

_____
Printed Name: _____

STATE OF FLORIDA
COUNTY OF SUMTER

The foregoing instrument was acknowledged before me this _____ day of _____, 2012 by _____, as _____, on behalf of **Sumter County**. He/she ❑ did ❑ did not take oath.

_____
Notary Public
Print Notary Name: _____
My Commission Expires:
My Commission Number:

❑ Personally known to me; or
❑ Produced _____
as identification

OWNER:

_____

Daryl M. Carter, Trustee of the Carter-Sumter 2444 Highway 468 Land Trust

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____ 2012, by **Daryl M. Carter, Trustee of the Carter-Sumter 2444 Highway 468 Land Trust,** who has produced _____ as identification or is personally known to me.

_____
Notary Public, State of _____
Commission #
My Commission Expires:

Witness:

FLORIDA DEPARTMENT OF TRANSPORTATION:

_____
Printed Name:_____

By:_____
Name:_____
Title:_____

_____
Printed name:_____

Date:_____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 2012, by _____ as _____, on behalf of the **Florida Department of Transportation** who has produced _____ as identification or is personally known to me.

_____
Notary Public, State of_____
Commission #
My Commission Expires:

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE) (1) Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

EXHIBIT "A"

Legal Description

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE) (1) Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

LEGAL DESCRIPTION

THAT PORTION OF SECTIONS 1 AND 2, TOWNSHIP 20 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING NORTH OF THE SUNSHINE STATE PARKWAY; AND THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; AND THAT PORTION OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA LYING NORTH OF THE SUNSHINE STATE PARKWAY, ALL OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; AND A PORTION OF SECTIONS 25 AND 26, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE S00°10'31"W, ALONG THE EAST BOUNDARY THEREOF, A DISTANCE OF 5331.12 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 36, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE S00°10'54"W ALONG THE EAST BOUNDARY OF SAID SECTION 1, A DISTANCE OF 1740.01 FEET TO THE NORTHEAST CORNER OF A 108.50-ACRE PROGRESS ENERGY PARCEL; THENCE, LEAVING THE EAST BOUNDARY LINE OF SAID SECTION 1, ALONG THE NORTH BOUNDARY LINE OF SAID PROGRESS ENERGY PARCEL, S89°54'27"W, A DISTANCE OF 1753.89 FEET TO THE NORTHWEST CORNER OF SAID 108.50-ACRE PARCEL; THENCE, ALONG THE WEST BOUNDARY LINE OF SAID PARCEL, FOR THE NEXT TWO (2) COURSES: (1) S00°10'09"W, A DISTANCE OF 1724.92 FEET; (2) S01°51'45"W, A DISTANCE OF 307.71 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A 61.20-ACRE PROGRESS ENERGY PARCEL AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE (ALSO KNOWN AS SUNSHINE STATE PARKWAY, A VARIABLE WIDTH RIGHT OF WAY AS PER FLORIDA STATE TURNPIKE AUTHORITY RIGHT-OF-WAY MAP, PROJECT NUMBER 2, SECTION 14); THENCE, ALONG THE SOUTH BOUNDARY LINE OF SAID 61.20-ACRE PARCEL AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FLORIDA'S TURNPIKE, FOR THE NEXT SIX (6) COURSES: (1) N57°32'32"A, A DISTANCE OF 5584.93 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 5599.58 FEET, A CENTRAL ANGLE OF 11°09'18" AND A CHORD BEARING AND DISTANCE OF N62°07'36"W, 1068.47 FEET); (2) THENCE NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 1089.19 FEET TO THE POINT OF TANGENCY; (3) THENCE N48°22'42"W, A DISTANCE OF 781.04 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 5859.58 FEET, A CENTRAL ANGLE OF 22°16'48" AND A CHORD BEARING AND DISTANCE OF N57°27'18"A, 2267.52 FEET); (4) THENCE ALONG SAID CURVE, FOR AN ARC DISTANCE OF 2281.91 FEET TO THE POINT OF TANGENCY; (5) THENCE N69°44'05"W, A DISTANCE OF 437.39 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 5599.58 FEET, A CENTRAL ANGLE OF 07°49'06" AND A CHORD BEARING AND DISTANCE OF N54°50'47"A, 763.49 FEET); (6) THENCE ALONG SAID CURVE FOR AN ARC DISTANCE OF 764.08 FEET TO THE INTERSECTION WITH THE WEST BOUNDARY OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE, LEAVING THE SOUTH BOUNDARY LINE OF SAID 60.20-ACRE PARCEL AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FLORIDA'S TURNPIKE, N00°26'01"E, ALONG THE WEST BOUNDARY LINE OF SAID SECTION 35, A DISTANCE OF 542.71 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 35; THENCE CONTINUE ALONG SAID WEST BOUNDARY N00°19'24"E, A DISTANCE OF 1331.55 FEET; THENCE DEPARTING SAID WEST BOUNDARY, N89°45'47"W, ALONG THE SOUTH BOUNDARY OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, A DISTANCE OF 658.80 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, N00°21'48"E, ALONG THE WEST BOUNDARY OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, A DISTANCE OF 1332.09 FEET TO THE INTERSECTION WITH THE NORTH BOUNDARY OF

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS IS NOT A BOUNDARY SURVEY

MAR 19 2009: REVISED LEGAL DESCRIPTION PER CLIENT REQUEST

LEADING EDGE LAND SERVICES INCORPORATED
8750 FORUM DRIVE
SUITE 319
ORLANDO, FLORIDA 32821
PHONE: (407) 351-6730
FAX: (407) 351-9691
www.leadingedgels.com
FLORIDA LICENSED BUSINESS NUMBER LB 6845

LEGAL DESCRIPTION
FOR
MAURY L CARTER & ASSOCIATES, INC.

SURVEYOR'S CERTIFICATION

I, THE UNDERSIGNED FLORIDA LICENSED SURVEYOR AND MAPPER, DO HEREBY CERTIFY THAT I HAVE COMPLETED THIS SURVEY IN COMPLIANCE WITH CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE (MINIMUM TECHNICAL STANDARDS FOR SURVEYORS AND MAPPERS)

DATE:

MICHAEL A. BAERHOLD
PROFESSIONAL SURVEYOR AND MAPPER NUMBER 5575

DATE OF DRAWING: 13 MAR 2009	
MANAGER: MAB	CADD: MAB
PROJECT NUMBER: 049-07122	
FIELD BOOK NUMBER:	
LAST FIELD WORK:	
CREW CHIEF(S):	
COMPUTER FILE:	049122SK1.DGN
NOT TO SCALE	SHEET 1 OF 3

LEGAL DESCRIPTION (CONTINUATION)

SAID SECTION 34; THENCE DEPARTING SAID WEST BOUNDARY, S89°42'55"E, ALONG SAID NORTH BOUNDARY OF SECTION 34, A DISTANCE OF 657.87 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE S89°46'46"E, ALONG THE NORTH BOUNDARY OF SAID SECTION 35, ALSO BEING THE SOUTH BOUNDARY OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, A DISTANCE OF 1324.73 FEET; THENCE DEPARTING SAID NORTH BOUNDARY, N00°31'47"E ALONG THE WEST BOUNDARY OF THE EAST 3/4 OF SAID SECTION 26, A DISTANCE OF 1232.97 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 468 (WIDTH VARIES); THENCE DEPARTING SAID WEST BOUNDARY, N63°15'42"E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 124.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1261.11 FEET, A CENTRAL ANGLE OF 53°42'26" AND A CHORD BEARING AND DISTANCE OF N35°25'29"E, 1139.33 FEET); THENCE NORTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 1182.14 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE N08°34'14"E, A DISTANCE OF 1355.55 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, N89°28'09"E, A DISTANCE OF 5645.47 FEET TO THE SOUTHWEST CORNER OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; THENCE N89°42'19"E, ALONG THE SOUTH BOUNDARY OF SAID NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, A DISTANCE OF 2944.26 FEET TO THE INTERSECTION WITH THE EAST BOUNDARY OF SAID SECTION 25; THENCE, DEPARTING SAID SOUTH BOUNDARY, S00°09'24"W, ALONG THE EAST BOUNDARY OF SAID SECTION 25, A DISTANCE OF 1330.48 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 25; THENCE CONTINUE ALONG SAID EAST BOUNDARY S00°09'40"W, A DISTANCE OF 1332.98 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID EAST BOUNDARY LINE, S89°43'40"W, ALONG THE NORTH BOUNDARY OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, A DISTANCE OF 1331.87 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25; THENCE DEPARTING SAID NORTH BOUNDARY, S00°28'00"W, ALONG THE WEST BOUNDARY OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, A DISTANCE OF 1332.82 FEET TO THE INTERSECTION WITH THE SOUTH BOUNDARY OF SAID SECTION 25; THENCE, DEPARTING SAID WEST BOUNDARY, N89°44'10"E, ALONG THE SOUTH BOUNDARY OF SAID SECTION 25, ALSO BEING THE NORTH BOUNDARY OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, A DISTANCE OF 1638.57 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINS 2335.13 ACRES OF LAND, MORE OR LESS.

SURVEYOR'S REPORT AND NOTES

1. THE PURPOSE OF THIS LEGAL DESCRIPTION IS TO PROVIDE A LEGAL DESCRIPTION FOR A PORTION OF THE SOUTHERN OAKS PROPERTY.

2. THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE EAST LINE OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 23 EAST, WHICH IS ASSUMED TO BEAR S00°10'54"W.

3. THIS LEGAL DESCRIPTION IS INCOMPLETE UNLESS ACCOMPANIED BY A SKETCH OF THE PROPERTY DESCRIBED HEREIN.

THIS IS NOT A BOUNDARY SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 3)

MAR 16 2009: REVISED LEGAL DESCRIPTION PER CLIENT REQUEST

LEADING EDGE LAND SERVICES
INCORPORATED
5750 FORUM DRIVE
SUITE 310
ORLANDO, FLORIDA 32821
PHONE: (407) 351-6730
FAX: (407) 351-6691
www.leadingedgels.com
FLORIDA LICENSED BUSINESS NUMBER LB 6046

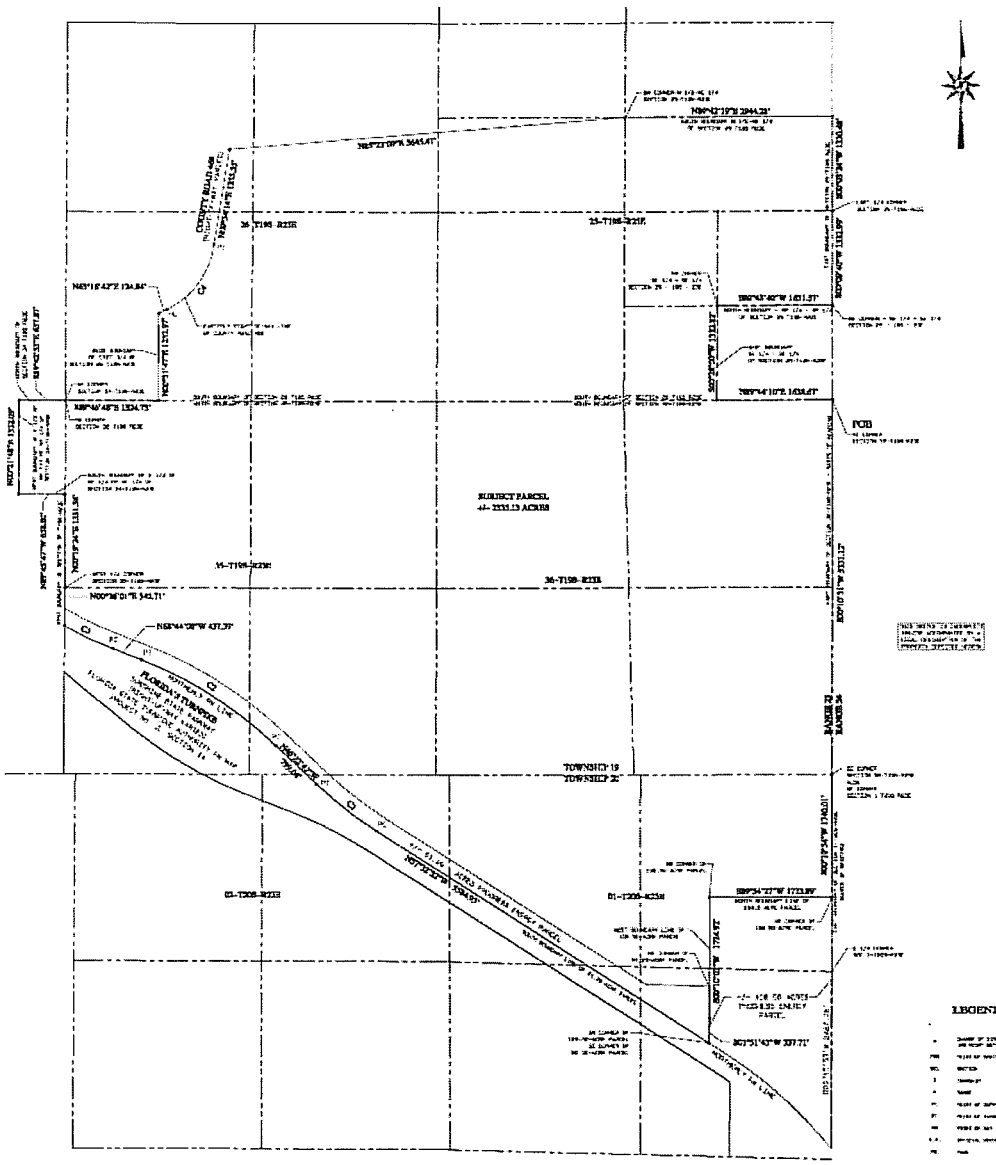
LEGAL DESCRIPTION
FOR
MAURY L. CARTER & ASSOCIATES, INC.

DATE OF DRAWING: 13 MAR 2009	
MANAGER: MAB	CADD: MAP
PROJECT NUMBER: 049-07182	
FIELD BOOK NUMBER:	
LAST FIELD WORK:	
CREW CHIEF (S):	
COMPUTER FILE: 049182SD1.PRO	
NOT TO SCALE	SHEET 2 OF 3

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE) (1)
Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

SKETCH OF DESCRIPTION OF A PORTION OF THE LANDS OF SOUTHERN OAKS

LOCATED IN SECTIONS 1 AND 2, T20S, R23E AND
SECTIONS 25, 26, 34, 35 AND 36, T19S, R23E IN SUMTER COUNTY, FLORIDA



CURVE TABLE

SKETCH OF DESCRIPTION
OF
A PORTION OF THE LANDS OF SOUTHERN OAKS
LOCATED IN SECTIONS 1 AND 2, T20S, R23E AND SECTIONS
25, 26, 34, 35 AND 36, T19S, R23E IN SUMTER COUNTY, FLORIDA
FOR
MAURY L. CARTER & ASSOCIATES, INC.

Exhibit A

3. NEW BUSINESS – ACTION REQUIRED
b. ORDINANCES – 1ST READ ONLY (NO VOTE) (1) Ordinance No. O2011-01, adopting the DO & PSA for the Southern Oaks DRI

Exhibit "B"

Needed Transportation Improvements Exhibit

Southern Oaks DRI Phase 1A

Intersection	Control	Improvement	Total Cost	Developer's Proportionate Share $
SR 44 @ CR 468	Stop	Conduct Warrant Install Signal	$220,000	$110,000.00
US 301 and CR 468 ("Intersection Improvement")	Stop	Realign Intersection	$1,364,690	$272,938.00
		Add Turn Lanes		
Total (Including Developer's proportionate share of signalization costs for currently unwarranted intersection)			**$1,584,700**	**$382,938.00**

3. NEW BUSINESS – ACTION REQUIRED B. ORDINANCES – 1st READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

CITY COMMISSION OF THE CITY OF WILDWOOD

EXECUTIVE SUMMARY

SUBJECT: **Trailwinds Village (Word Property) RZ 1110-01**

REQUESTED ACTION: Approval of Ordinance O2012-07.

☐ Work Session (Report Only) **DATE OF MEETING:** **2/13/12**
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____

☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

The applicant seeks approval for a "Planned Development" (PD) rezoning on 157 acres of property zoned "Central Mixed Use" (CMU). The CMU zoning district allows for a mix of retail, medical, office, residential, and recreational uses.

Pursuant to Section 8.6 of the Land Development Regulations, Ordinance O2012-07 adopts the Trailwinds Planned Development Agreement. The Project's legal description, conceptual development plans, typical internal roadway section, typical buffer and linear park sections have been incorporated into the Ordinance as exhibits. The PD Agreement outlines specific criteria and standards for the Project.

Staff recommends approval of Ordinance O2012-07 for the following reasons:

- The Project's development program is significantly less than the maximum development that may be sought;
- The nature and characteristics of the Project are consistent with development trends in the area; and
- Ordinance O2012-07 includes standards and criteria that mitigate the potential impacts of the Project; and
- The Project meets or exceeds the minimum requirements of the Comprehensive Plan and Land Development Regulations.

The Planning and Zoning Board/Special Magistrate has recommended approval of Ordinance O2012-07 subject to the following conditions:

- Keeping street lights from shining on neighboring residences
- Configuring streets to keep headlights from shining on neighboring residences

- Relocating the pump station in the rear of the property on the conceptual plan to an alternative location in the development

The overall intent of these recommendations is that the resulting development be aesthetically pleasing to all parties so that the neighbors will get along. These comments have been integrated into Ordinance O2012-07.

The Project's development program consists of no more than 420 dwelling units, 160,000 SF of commercial office, 200,000 SF of commercial retail, and no less than 5 acres of recreational uses. It is worth noting the development entitlements sought by the Applicant are significantly less than that which is permissible under the CMU zoning district. The Developer intends to construct a 960 bed Adult Living Facility (ALF) and a 100 unit Independent Living Facility (ILF) rather than 420 traditional dwelling units by utilizing the conversion ratio allowed by the City.

Prior to site plan approval, the Developer is required to enter into a Developer's/Utility Agreement with the City to address the provision of water, wastewater and reuse water services. Said agreement will also specify the operation and maintenance responsibilities of other on-site infrastructure.

M. Peavy

Melanie Peavy
Development Services Director

3. NEW BUSINESS – ACTION REQUIRED B. ORDINANCES – 1ST READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

City of Wildwood
Planning & Zoning Board/Special Magistrate

The case below was heard on Tuesday, February 7, 2012 by the Special Magistrate. The applicant seeks approval and a favorable recommendation of Ordinance O2012-07 establishing the "Planned Development" (PD) zoning for the Trailwinds Village/Word Property development. The project will contain a maximum of 960 ALF beds (Assisted Living), 100 ILF units (Independent Living), 160,000 sq. ft. of office space, and 200,000 sq. ft. of retail space.

Case: RZ 1110-01

Parcels: G04=021, G04=004, and G03=004

Owner: Word Family LLC (Tom Word)

Applicant: AVID Group on behalf of Word Family, LLC

Based upon the testimony and information presented, the Special Magistrate recommends approval of the rezoning and favorable recommendation of Ordinance #O2012-07 to the City Commission, subject to addressing the following issues:

- Keeping street lights from shining on neighboring residences
- Configuring streets to keep headlights from shining on neighboring residences
- Relocating the pump station in the rear of the property on the conceptual plan to an alternative location in the development

The overall intent of these recommendations is that the resulting development be aesthetically pleasing to all parties so that the neighbors will get along.

Dated: February 7, 2012

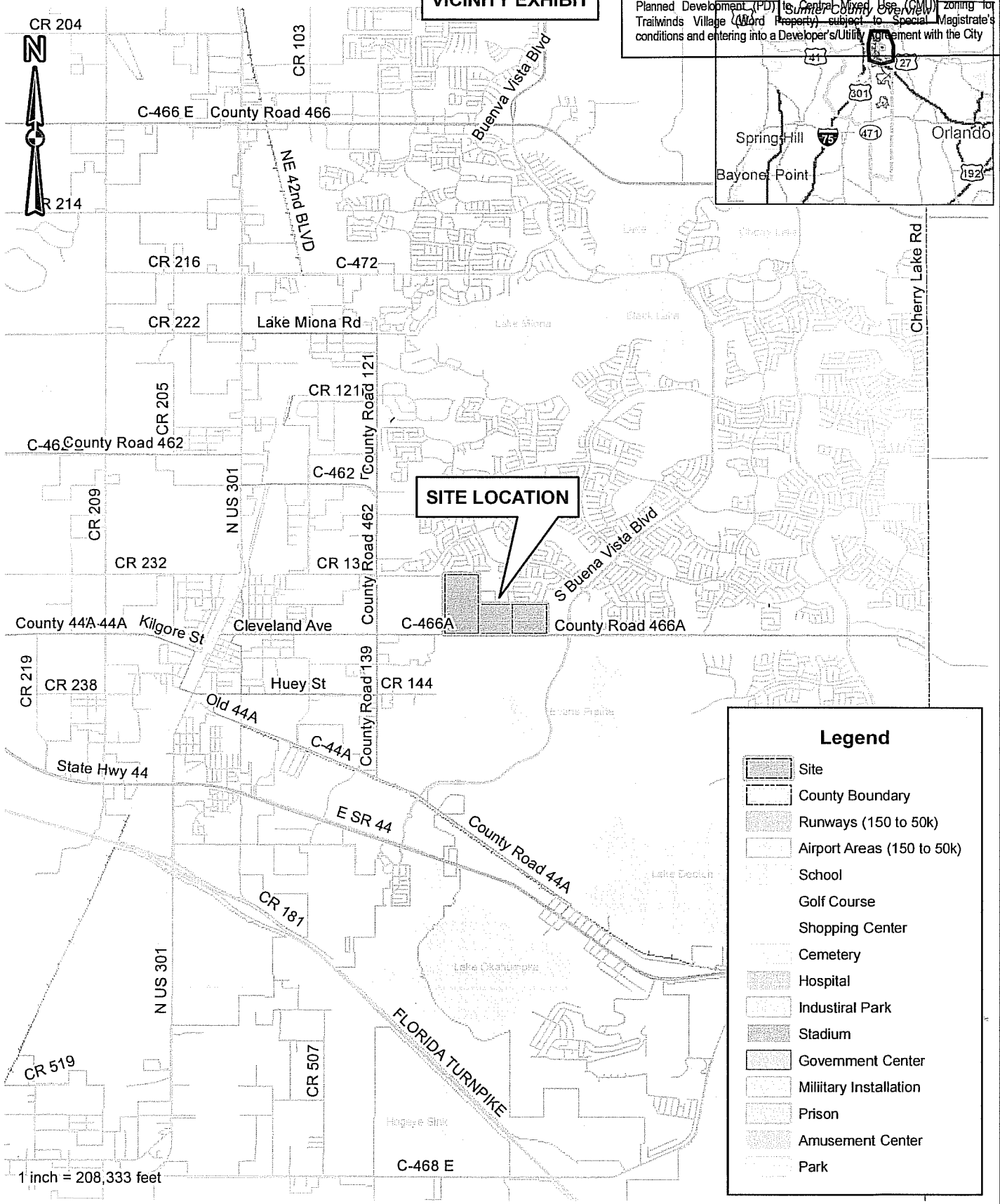
/Proposed/

_____

Archie O. Lowry, Jr.
Special Magistrate City of Wildwood

3. NEW BUSINESS – ACTION REQUIRED B. ORDINANCES – 1ST READ ONLY (NO VOTE) (2) Ordinance No. 02012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

VICINITY EXHIBIT



Legend

- Site
- County Boundary
- Runways (150 to 50k)
- Airport Areas (150 to 50k)
- School
- Golf Course
- Shopping Center
- Cemetery
- Hospital
- Industrial Park
- Stadium
- Government Center
- Miliitary Installation
- Prison
- Amusement Center
- Park

AVID GROUP

CIVIL ENGINEERING
LAND PLANNING
TRAFFIC/TRANSPORTATION
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL SCIENCES
SURVEYING

2300 CURLEW ROAD, STE 201
PALM HARBOR FLORIDA
34683

PHONE (727) 789-9500
FAX (727) 784-6662
AVIDGROUP.COM

TRAILWINDS VILLAGE

WORD FAMILY LLC

CITY OF WILDWOOD, SUMTER COUNTY

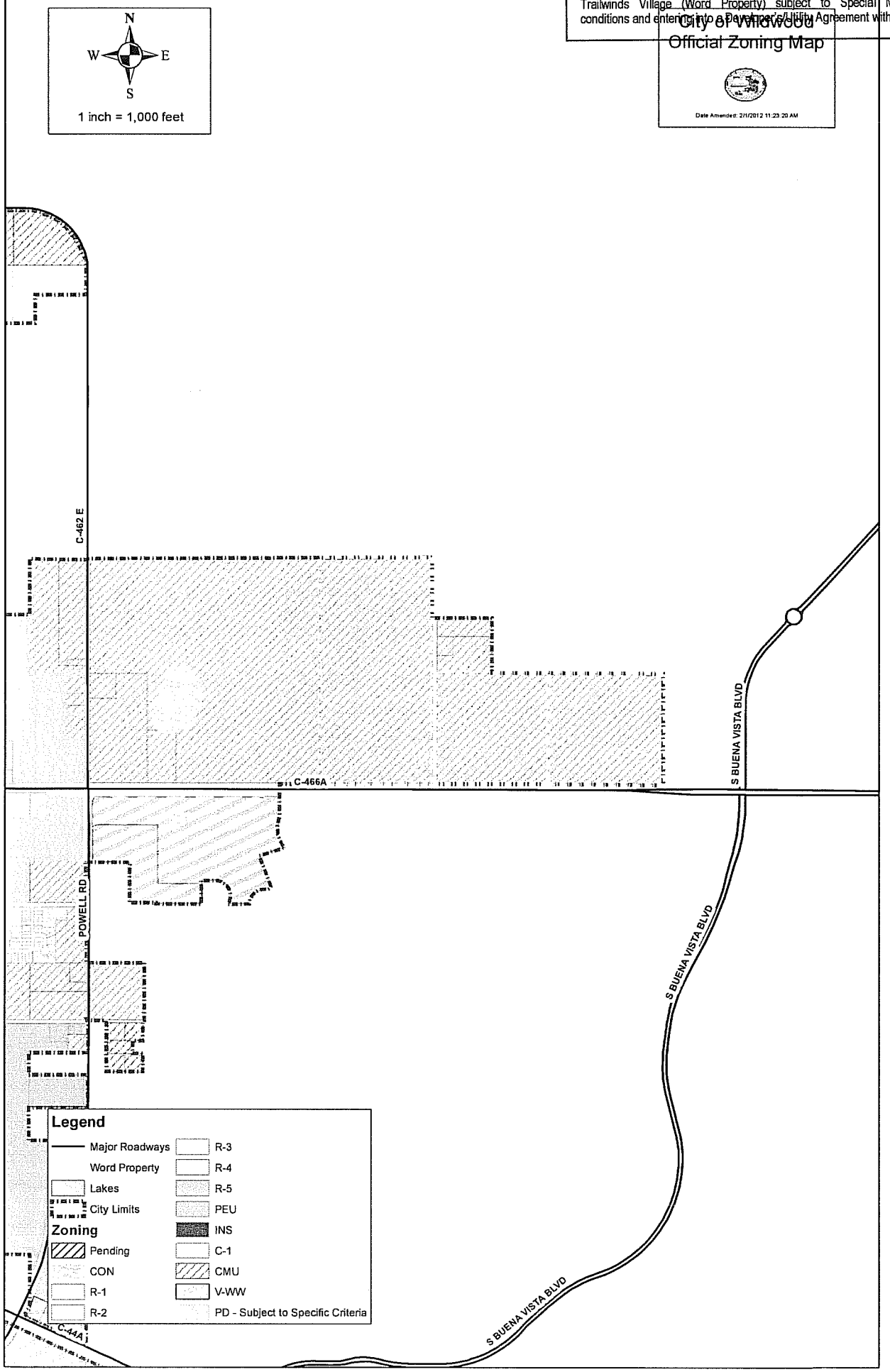
EXHIBIT-NO

VIC-1

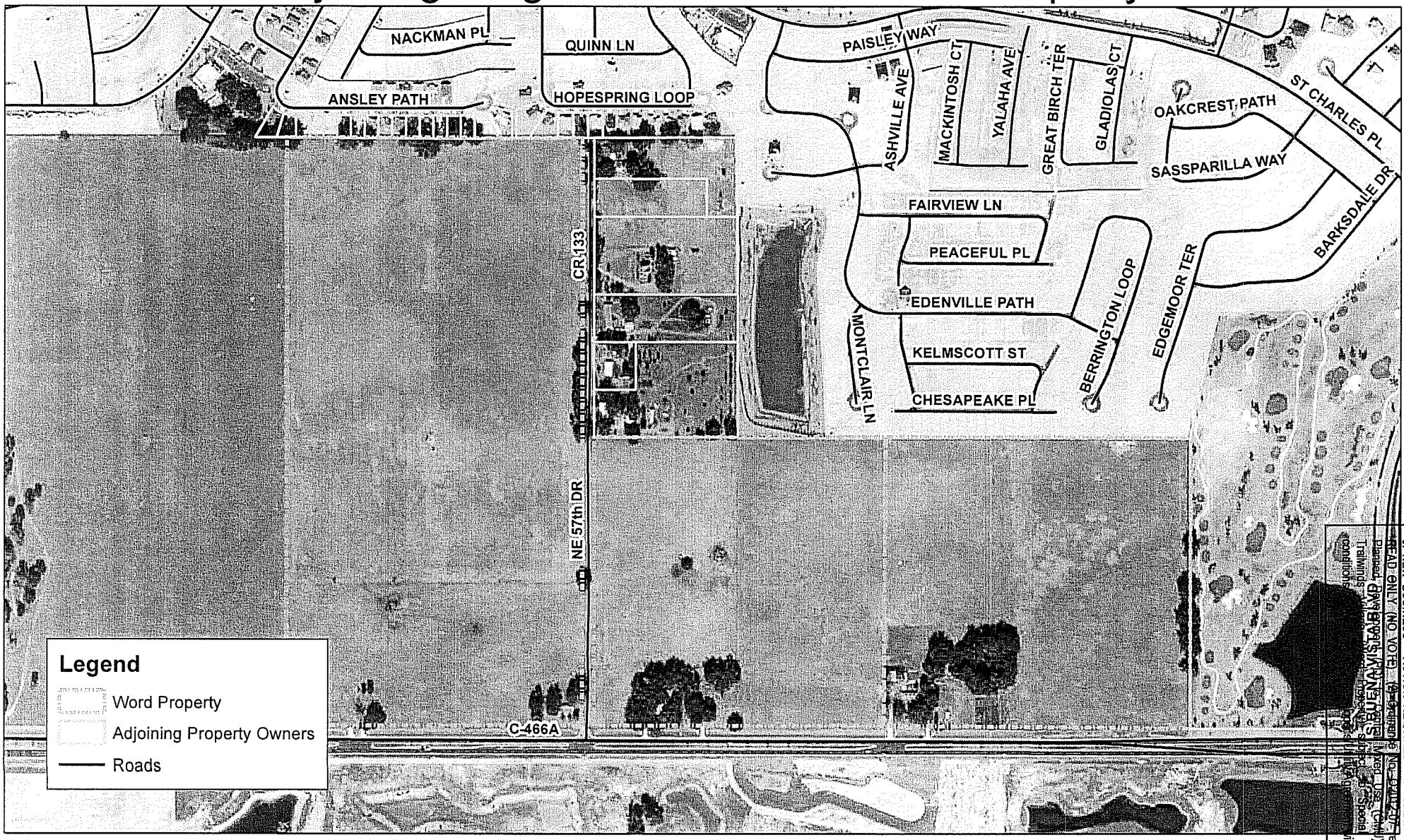
GIS DATA SOURCE: 2008 ESRI & 2011 SUMTER COUNTY DATA

The sole purpose of this drawing is to illustrate the approximate dimensions and layout of the demised premises. No other warranty or representation, expressed or implied, is made with respect to the illustration. All quantities are estimated.

3. NEW BUSINESS – ACTION REQUIRED B. ORDINANCES – 1st READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's Utility Agreement with the City



Adjoining Neighborhood to the Word Property



3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1st READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

Site Photos:

Perspective of Residents along Ansley Path (The Villages)

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

3. NEW BUSINESS – ACTION REQUIRED 5. ORDINANCES – 1ST READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

3. NEW BUSINESS – ACTION REQUIRED 5. ORDINANCES – 1st READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

ORDINANCE NO. 2012-07

AN ORDINANCE OF THE CITY OF WILDWOOD GRANTING A REQUEST FOR A PLANNED DEVELOPMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS. FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY WORD FAMILY LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the City Commission of the City of Wildwood, Florida, as follows:

The application filed by Word Family LLC (hereinafter referred as the, "Developer") for a Mixed Use Planned Development was heard by and before the City Commission, Wildwood, Florida on this _____ day of _____ 2012. Based upon the verified application and supporting documents, analyses, maps, charts, other evidence and instruments, the advice, report and recommendations of the Project Review Committee and the testimony adduced and evidence received at the Public Hearing by the Planning and Zoning Board on February 7, 2012 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

SECTION 1: GENERAL FINDINGS

A. That the Word Family LLC Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed herein on October 31, 2011.

B. That all fees required to be borne and paid by the Developer have been paid in accordance with the City of Wildwood Fee Schedule.

C. That the Project was reviewed by the Project Review Committee and found to meet or exceed the minimum standards of the City's Comprehensive Plan, Land Development Regulations, Code of Ordinances, and all other applicable ordinances and regulations.

D. That the Developer intends to develop a Project consisting of 157.02 acres, more or less, which is situated in Wildwood, Florida. This land is legally described in "Exhibit A" attached hereto.

E. That the Developer has complied with the conceptual development plan provision as required by Section 8.4 of the Land Development Regulations.

F. That the City has complied with the due notice requirements of subsection 3.3(B)(3) of the Land Development Regulations.

SECTION 2: FINDINGS REGARDING PLANNED DEVELOPMENT OVERLAY

A. That the Applicant has applied for a Mixed Use Planned Development (MUPD) of the lands described in "Exhibit A".

B. That the zoning district of the subject land described in "Exhibit A" is classified as Central Mixed Use (CMU) on the City of Wildwood Zoning Map.

C. That the Project is consistent with both the City of Wildwood Comprehensive Plan, the intent and purpose of the City of Wildwood Land Development Regulations, and does promote the public health, safety, morals, welfare, and orderly growth of the City of Wildwood.

D. That the City of Wildwood Land Development Regulations are consistent with the provisions of the "Planned Development Agreement" as hereinafter set forth in Section 3 of this Ordinance. With respect to any conflict between the Land Development Regulations and the "Planned Development Agreement", the provisions of the "Planned Development Agreement" shall govern. Unless specific conditions are included in the "Planned Development Agreement" waiving or replacing the terms and conditions of the Land Development Regulations, the terms and conditions of the most current Land Development Regulations shall prevail.

E. This Ordinance shall become effective immediately upon its approval and adoption by the City Commission.

SECTION 3: PLANNED DEVELOPMENT AGREEMENT: GENERAL PROVISIONS

A. Development Concept. The Project shall be developed as a Planned Development substantially in accordance with this Ordinance. This Planned Development Agreement shall govern the development of the Project.

B. Conceptual Development Plan. The Project includes a conceptual development plan pursuant to Section 8.4 of the Land Development Regulations. The conceptual development plan prepared by AVID Group dated January 30, 2012 (revision date) is incorporated into this Ordinance as "Exhibit B" attached hereto. The conceptual development plan is substantially consistent with City of Wildwood Comprehensive Plan.

1) The conceptual development plan illustrates the general location of the following land uses:

a. Residential: Adult Living Facility (ALF) and Independent Living Facility (ILF);
b. Commercial Office and Medical Office;
c. Commercial Sales and Retail; and
d. Recreational (Parks)

2) The conceptual development plan is conceptual in nature and may be affected or modified by final zoning approval and conditions, by compensating storage capacity in flood prone areas, final wetland or protected species locations and jurisdictional boundaries, final engineering, permitting, surveys, or conservation easements.

C. Development Program. The Project shall be developed in one (1) phase in accordance with the conceptual development plan and this Section.

1) Residential Development. The residential component of the Project shall contain a mix of two (2) or more housing types. Adult Living Facilities and Independent Living Facilities each count as one (1) housing type. Conversions of ALF beds and ILF units to other residential units are permitted. Three (3) ALF beds shall equal one (1) residential unit. One (1) ILF unit shall equal one (1) residential unit.

2) Land Use Breakdown. Acreages devoted to each land use over the life of the Project shall be in accordance with the following table:

Land Use	Total (Acres)
Residential (ALF and ILF)	30.00
Commercial Office and Medical Office	33.87
Commercial Sales and Retail	37.90
Recreational	5.46
Total	**107.23**

3) Maximum Development Potential. Residential and non-residential development within the Project shall not exceed the following:

Land Use	Square Feet (SF)	Beds/Units
Residential		960 (ALF beds) 100 (ILF units)
Office	160,000	
Retail	200,000	

4) Land Use (Trip) Equivalency Matrix. Land uses may be converted to land uses in accordance with the following Table provided doing

so does not exceed Development of Regional Impact thresholds established by F.S. § 380.06(2)(d) and Chapter 28-24, Florida Administrative Code. The coefficients are based on the trip generation, per the Institute of Transportation Engineers Trip Generation Manual, 8th Edition.

		Change To						
		Residential, Condo/ Townhome (per Unit)	**Residential, Apartment/ Multi-Family (per Unit)**	**Residential, ACLF (per Bed)**	**Residential, ILF (per Unit)**	**Commercial Retail (1,000 SF)**	**Commercial Office (1,000 SF)**	**Medical Office (1,000 SF)**
Change From	**Residential, Condo/Townhome (per Unit)**	N/A	1.701	0.605	0.750	11.828	4.102	9.521
	Residential, Apartment/Multi-Family (per Unit)	0.588	N/A	0.356	0.441	6.954	2.411	5.598
	Residential, ACLF (per Bed)	1.652	2.809	N/A	1.239	19.535	6.774	15.726
	Residential, ILF (per Unit)	1.333	2.268	0.907	N/A	15.771	5.469	12.695
	Commercial Retail (1,000 SF)	0.085	0.144	0.051	0.063	N/A	0.347	0.805
	Commercial Office (1,000 SF)	0.244	0.415	0.148	0.183	2.884	N/A	2.321
	Medical Office (1,000 SF)	0.105	0.179	0.064	0.079	1.242	0.431	N/A

Example #1: To convert from Commercial Sales to Medical Office:
- Take the desired sq.ft. of Medical Office and multiply by the equivalency factor to get the equivalent sq.ft. of Commercial Sales.
- 20,000 sq.ft. of Medical Office * 0.805 (Commercial Sales equiv. factor) = 16,100 sq.ft. of Commercial Sales
- To add 20,000 sq.ft. of Medical Office, you reduce Commercial Sales by 16,100 sq.ft.

Example #2: To convert from Commercial Sales to ACLF beds:
- Take the desired ACLF beds and multiply by the equivalency factor to get the equivalent sq.ft. of Commercial Sales
- 200 ACLF beds * 0.051 (Commercial Sales equiv. factor) = 10.2 * 1,000 = 10,200 sq.ft. Commercial Sales
- To add 200 ACLF beds, you reduce Commercial Sales by 10,200 sq.ft.

D. Amendments. The Development Services Director, or designee, shall have the authority to approve non-substantial changes to the conceptual development plan without a public hearing. The determination of what constitutes a non-substantial change shall be at the Development Services Director's discretion. All modifications requiring an amendment to the Planned Development Agreement shall require review and recommendation of the Planning and Zoning Board and action by the City Commission in the same manner as an Application for Planned Development.

E. Future Approvals. After this Ordinance is recorded, and prior to any construction occurring, a site plan or subdivision preliminary plan shall be submitted for review and approval in the manner required by Chapter 4 or Chapter 5 of the Land Development Regulations, whichever Chapter is applicable:

1) Developer's Agreement. Prior to approval of a site plan or a subdivision preliminary plan, the City and the Developer agree to enter into Utility or Developer's Agreements to address the provision of water, wastewater and reuse water to the Project. The agreement shall also specify, among other items, the ownership and maintenance of infrastructure associated with the Project.

F. Principal Uses. Principal uses listed in Chapter 3, Table 3-6 of the Land Development Regulations shall be permitted within the Project with the exception of retail and wholesale commercial establishments for lumber, building and landscaping supplies, equipment, and other similar uses with outdoor storage of goods. However, the outside storage of goods is permissible if the goods:

1) Are located contiguous either behind or flanking the principal structure;
2) Are enclosed by a screen or other similar material; and
3) Are architecturally compatible with the principal structure.

G. Development Standards. Unless otherwise noted, the Project shall adhere to the zoning district standards prescribed in Chapter 3 of the Land Development Regulations for the Central Mixed Use (CMU) zoning district.

H. Design District Standards. Unless otherwise noted, the Project shall adhere to the Community Design District Standards pursuant to section 6.12 of the Land Development Regulations.

I. Recreation and Open Space. The Project shall maintain a minimum of 15% open space.

1) Parks and Recreation. The Project shall contain a minimum of 5 acres of parks which may include both passive and active recreation parks.
2) Buffers.
    a. The Project shall contain a 25' perimeter landscape buffer along CR 466 and along the northern boundary where it abuts platted single-family subdivision lots within The Villages of Sumter. The buffer is intended to protect the privacy and well-being of the adjacent homes within The Villages and to mitigate potential visual and noise impacts of the Project. The buffer will be continuous and contain canopy and understory trees as well as a 3' tall hedge in

conformance with the buffer detail sections incorporated into this Ordinance as "Exhibit C."

b. The width of the perimeter buffer described above may be reduced to 20' on eastern and western property lines.

c. The Project will also contain 10' wide interior buffers in instances where there is a change of land use and along both sides of internal roadways (public and private) as depicted on the typical roadway section incorporated into this Ordinance as "Exhibit D".

d. Any on site booster pumps, tanks, or lift stations needed to serve the Project shall be screened, buffered and located outside of the perimeter buffer.

3) Open Space. Open space shall include wetlands, preservation areas, greenspace, and landscape buffers. Open space may also include trails, plazas, courtyards, and other public similar public areas. Open space may also include recreation areas and amenities provided said amenities or area is not enclosed within conditioned space. For purposes of meeting open space requirements, up to 50% of the drainage retention areas (stormwater management areas) may be included in the open space calculation; however, the amount of open space credit from the drainage retention areas shall not exceed 50% of the open space requirement. Open space shall not include open bodies of water, right-of-ways, yards or lots of record per plat, driveways, off street parking areas or other impervious surface areas that do not meet the criteria.

J. Environmental Considerations.

1) Gopher Tortoise Survey. As stated in the Preliminary Protected Species Assessment submitted with the Planned Development application, a gopher tortoise survey is required 90 days prior to any construction activities taking place. If tortoises are found on the Project, a relocation permit from the Florida Fish and Wildlife Conservation Commission may be required.

2) Wetlands. The Project contains a 0.36 acre wetland as shown on the conceptual development plan. A 15' minimum, 25' average buffer is required along the preserved wetland. The wetland and associated wetland buffer may be utilized as a passive recreation park.

K. Public Facilities.

1) Potable Water, Wastewater, and Reuse Water. The Project shall be connected to the City's water and wastewater system prior to any certificates of occupancy being issued. The Project will also

connect to the City's reuse water system prior to certificates of occupancy being issued, if available. Expansion of the City's Potable Water and Sanitary Sewer systems, including necessary utility easements, shall be negotiated by a separate Developer's Agreement between the City and the Developer. Said agreement shall specify cost, ownership and maintenance, and timetables for delivery of services.

2) Solid Waste. Solid waste services shall be provided by the City or the City's contracted refuse service provider.
3) Stormwater. The Project shall contain a stormwater management system which meets the requirements of the Southwest Florida Water Management District, and Chapter 6, section 6.4 of the City's Land Development Regulations.
4) Underground Utilities. All on site utilities shall be underground. Developer is responsible for running utilities underground for the Project. The City shall insure that any utilities within any public utilities easement serving lands other than the Planned Development shall be underground.
5) Lighting. Exterior lighting of all buildings and parking lots shall be designed so that light is not directed off the Project. Exterior light fixtures should be fully shielded or designed with light-angle cut-offs so as to eliminate spill light, trespass light, and glare.
6) Transportation Concurrency: There is sufficient roadway capacity available to accommodate the Project at buildout. The responsibility to fund the improvements listed in Section L of this ordinance, in part or whole, will be the responsibility of the applicant/developer.

L. Access and Transportation

1) Access.
   a. CR 466A. CR 466A is owned, operated, and maintained by Sumter County. The main access point from CR 466A for the Project shall be "Road A" as depicted on the conceptual development plan. Six (6) other access points to the Project shall be permitted along CR 466A if approved by Sumter County.
   b. CR 133. To ensure the traffic generated by the Project does not adversely impact the existing residents along CR 133, the Project shall construct an internal roadway parallel to CR 133 as indicated on the conceptual development plan unless superseded by a future agreement. This internal roadway shall be buffered from CR 133 as described herein.
   c. NE 57th Drive. NE 57th Drive is an unimproved road that currently provides ingress and egress to several homes

along CR 133 (north of the Project). The Project shall ensure two (2) access points to CR 133 are provided along the Project's internal roadways as shown on the conceptual development plan.

d. Interconnectivity to the West. The Project is required to construct at least one (1) internal roadway west to the adjoining property. The conceptual development plan has identified "Road C" as this east/west connection through the Project. Cross-access to the adjoining property to the west shall also be provided within the commercial development pod in the southwest corner of the Project.

2) Transportation System Improvements. The Developer shall be fully responsible for the following improvements to the transportation system to mitigate transportation impacts of the Project. These improvements were identified in the Traffic Impact Analysis submitted with the Planned Development application:

a. The Developer shall construct a second westbound turn lane on CR 466A to Powell Road in order to maintain a level of service (LOS) "C" at the intersection of CR 462/Powell Road and CR 466A.

b. The Developer shall construct left and right turn deceleration lanes at all site access points to ensure safe and efficient operations to and from the Project.

c. The Developer shall install a traffic signal at the main access point to the Project (Road A on the conceptual development plan) prior to the Project reaching 40% of buildout.

d. The Developer shall install a second traffic signal (if and when deemed warranted by Sumter County) at the access point indentified as Road E-1 on the conceptual development plan.

3) Internal Roadways.

a. Individual development pods and land uses shall be interconnected by a series of roadways and trails within the Project. Internal roadways and trails shall be developed with accordance with the conceptual development plan and the typical roadway section incorporated into this Ordinance as "Exhibit D."

b. The Project shall provide a system of multi-use trails and sidewalks that encourage walking and bicycling within the development as shown on the conceptual development plan and on Exhibit D. One side of the road shall contain a 10' wide (minimum) multi-use path and the other side of the road shall contain a 10' wide multi-use path or a 5' wide sidewalk.

c. Golf carts. Golf carts may be allowed to utilize the multi-use paths within the Project pending final engineering approval at the time of site plan. The City shall ensure the allowance

of golf carts within the Project does not present a safety concern. The Developer is aware that golf carts are not allowed to access or cross CR 466A per the regulations of Sumter County.

M. Maintenance of Common Areas. Maintenance and repair of structures, lawn mowing, and landscaping maintenance of all common areas within the Project shall be the responsibility of the property owner or its designee such as a property owners association, at no cost or obligation to the City. The Developer shall provide guidelines to the City for approval, not to be reasonably withheld, conditioned or delayed, for the maintenance of common areas. The City will be granted the right to enforce the common areas maintenance obligations against the Developer, as may be applicable, and to be reimbursed for the reasonable attorney's fees, costs and expenses, as may be reasonably incurred by the City.

N. Enforcement of Rules and Regulations. For the maintenance of the common areas referenced in Section 3(M) above, the applicable provisions in the Guidelines: (i) shall be made applicable to the Project; and (ii) shall be reviewed/approved by the City of Wildwood and a certificate of occupancy being issued for completed improvements; and (iii) will provide that the City of Wildwood shall have the right, but not the obligation, to enforce such maintenance obligations against a violating party and that the City should be entitled to reasonable attorney's fees and costs for enforcement regardless of whether or not a suit has been filed.

O. Impact Fees. The Planned Development shall be subject to all impact fees applicable at the time of permitting. All impact fees are to be paid before issuance of any building permit. Proof of Sumter County impact fees paid shall be provided to the City of Wildwood. Any impact fees adopted by the City of Wildwood, Sumter County or the Sumter County School Board prior to issuance of building permits shall also be applicable to the Planned Development.

P. Expiration of Planned Development Agreement. Actual construction must begin within the Planned Development within 24 months of the final adoption of the Planned Development Agreement. If no construction has started on the approved Planned Development within 24 months, the Planned Development shall lapse and be of no further effect. The City Commission may extend the Planned Development for periods of up to six (6) months provided the applicant can show good cause why said the Project was delayed under the originally approved Planned Development Agreement. However, the City Commission shall not allow extensions beyond 48 months after the effective date of this Ordinance.

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(2)** Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

PASSED AND ORDAINED in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this ____ day of _____, 2012.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

_____
ED WOLF, MAYOR

ATTEST:_____
Joseph Jacobs, City Clerk

First Reading: _____

Second Reading: _____

Approved as to Form:

_____
Jerri A. Blair, City Attorney

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(2)** Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

Trailwinds Village Planned Development

Ordinance O2012-07

"Exhibit A"

Legal Description

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(2)** Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

LEGAL DESCRIPTION
FOR TRAILWINDS VILLAGE
PLANNED DEVELOPMENT

LEGAL DESCRIPTION PER BOUNDARY & TOPOGRAPHIC SURVEY BY WILLIAM S. BARLEY, PS&M, OF FARNER BARLEY AND ASSOCIATES, INC., DATED APRIL 4, 2007:

LEGAL DESCRIPTION:

(PROVIDED BY CLIENT)
THE WEST 1/2 OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY OF CR 466-A AND C.R. 137.

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(2)** Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

Trailwinds Village Planned Development

Ordinance O2012-07

"Exhibit B"

Conceptual Development Plan

Revised January 30, 2012

SECTIONS 3 & 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST
CITY OF WILDWOOD, SUMTER COUNTY, FLORIDA

Prepared For:

WORD FAMILY LLC

4300 NW 23RD AVENUE; SUITE 37
GAINESVILLE, FL. 32606
PHONE: (352) 317-2863

Prepared By:

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PALM HARBOR, FLORIDA
34683

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FAX (727) 784-6662
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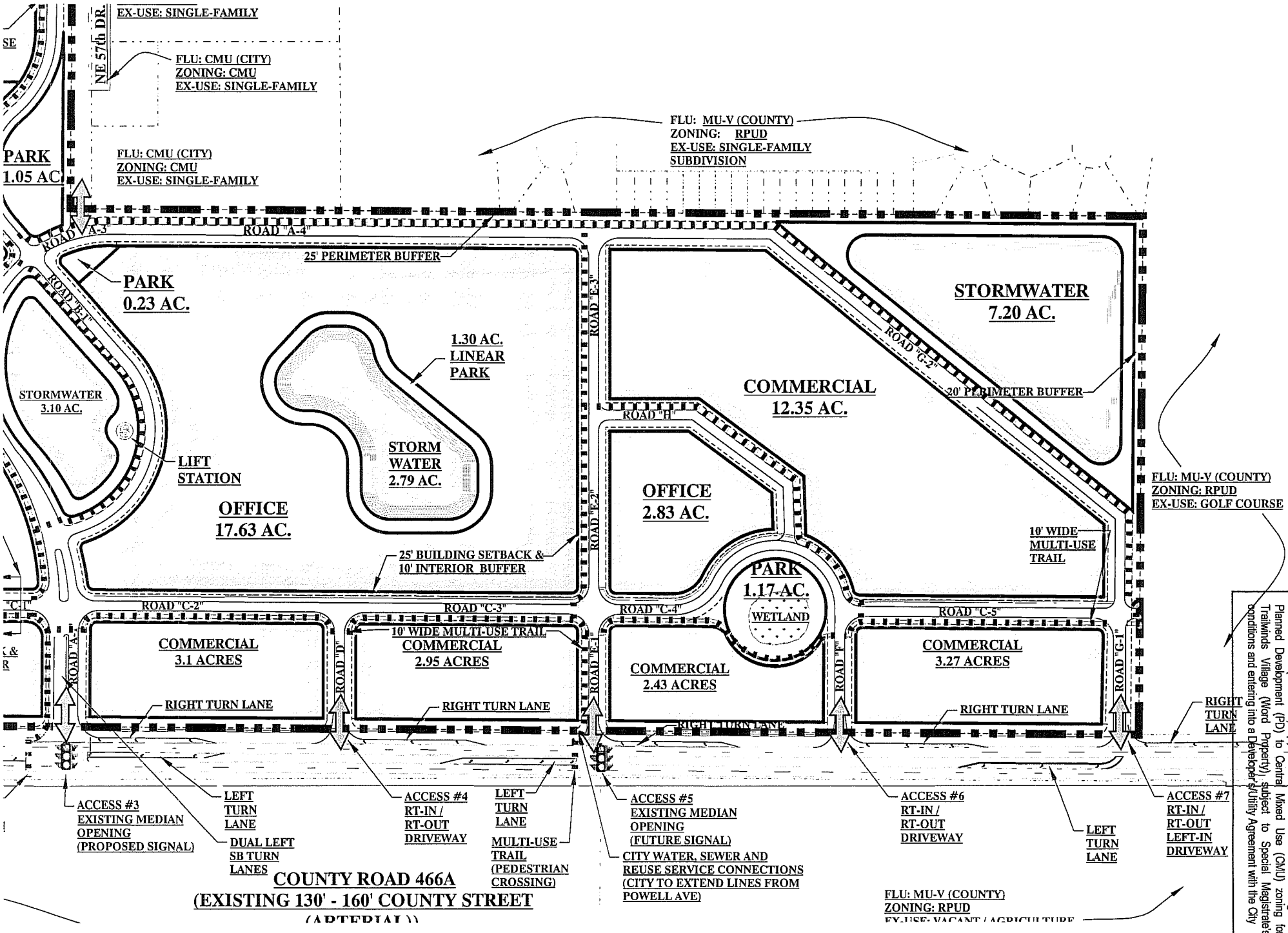
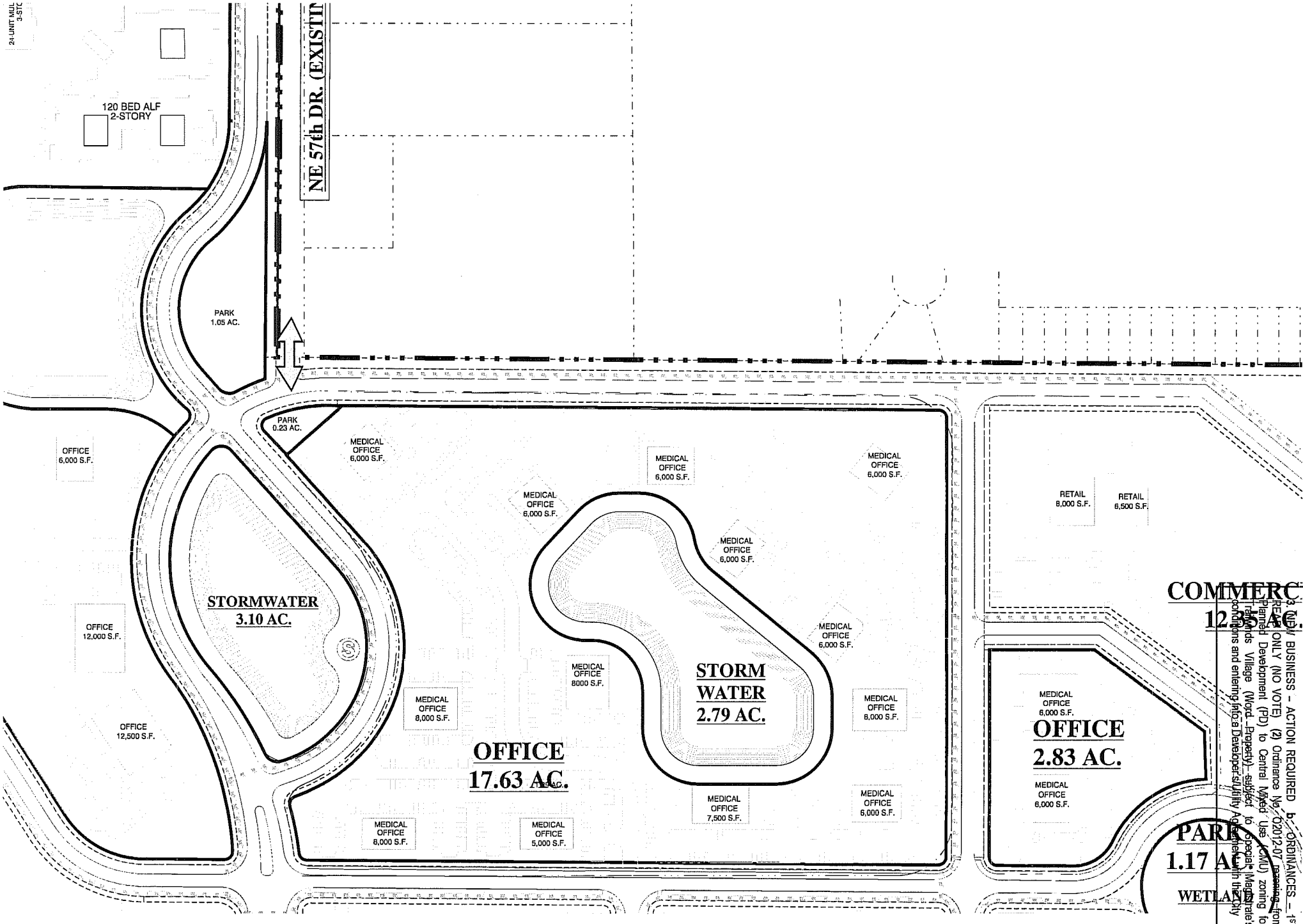
3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from ~~Planned Development (PD) to Central Mixed Use (CMU) zoning~~ for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City



3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (2) Ordinance No. 02012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property), subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City



3. NEW BUSINESS - ACTION REQUIRED b. ORDINANCES – 1ST READING ONLY (NO VOTE) (2) Ordinance No. 02012-07 passing from Planned Development (PD) to Central Mixed Use (CMU) zoning for Tradewinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's Utility Agreement with the City

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(2)** Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

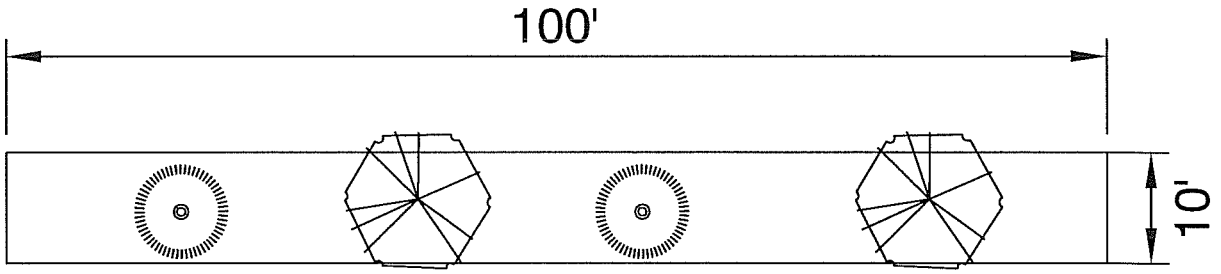
Trailwinds Village Planned Development

Ordinance O2012-07

"Exhibit C"

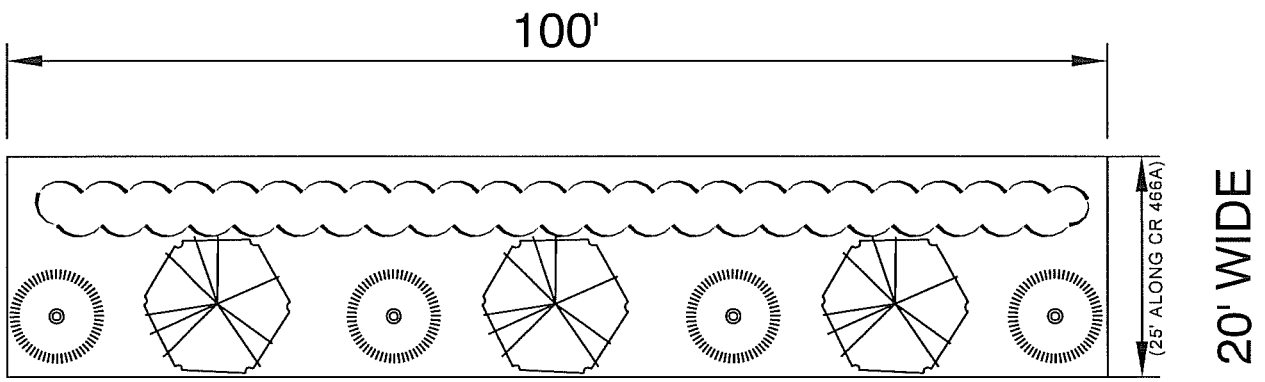
Buffer Details and Typical Linear Park Section

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1
READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City



PD PROJECT INTERIOR BUFFER DETAIL

2 CANOPY TREES
2 UNDERSTORY TREES
NTS



PD PROJECT PERIMETER BUFFER DETAIL

3 CANOPY TREES
5 UNDERSTORY TREES
CONTINUOUS 3-FT TALL
HEDGE
NTS

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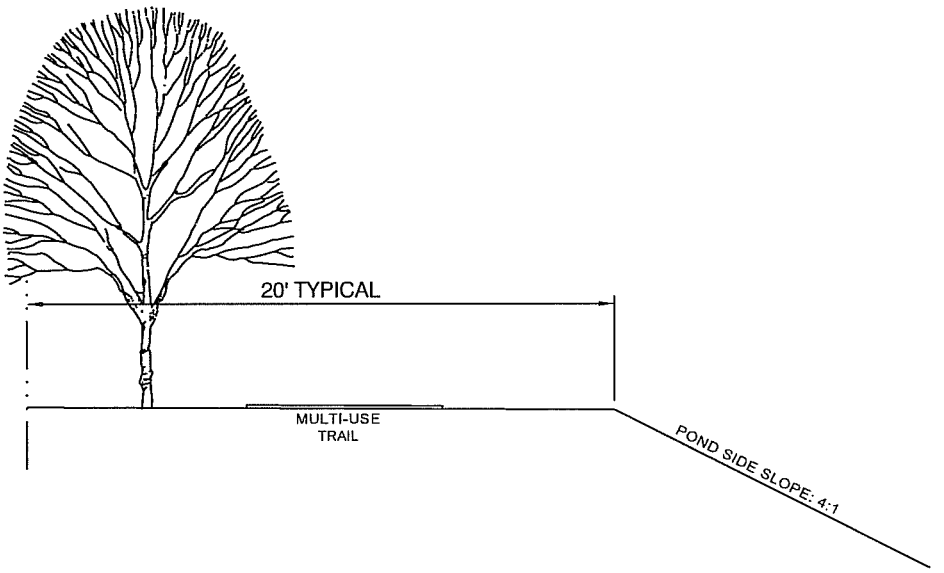
TYPICAL BUFFERS

TRAILWINDS VILLAGE PD

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1st READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City



TYPICAL POND AND LINEAR PARK SECTION

NTS

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TYPICAL POND AND LINEAR PARK SECTION
TRAILWINDS VILLAGE PD

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(2)** Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City

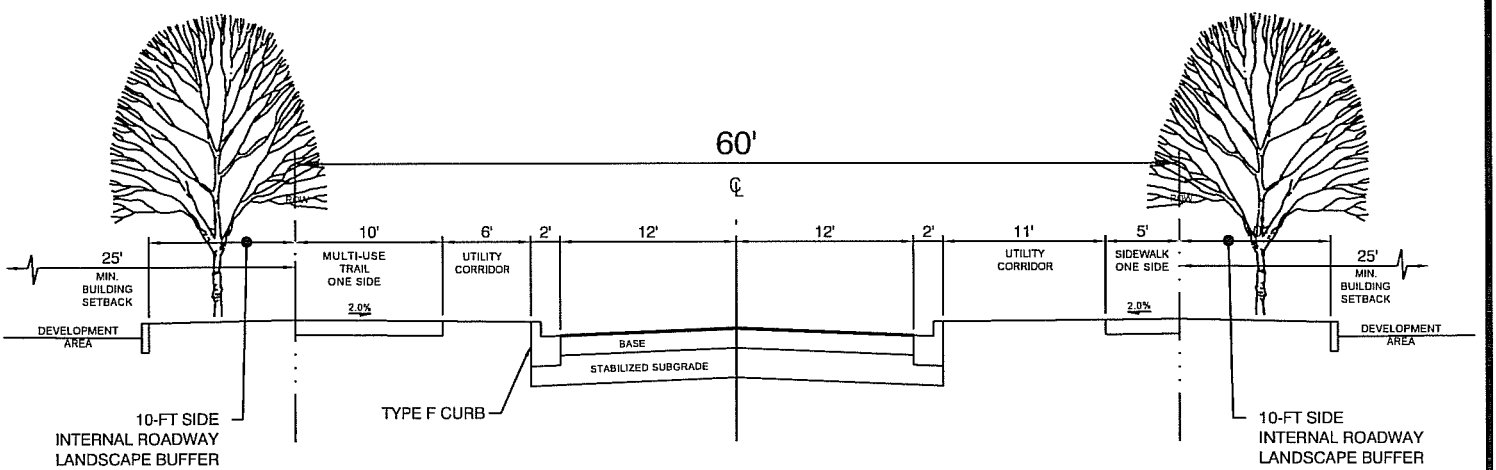
Trailwinds Village Planned Development

Ordinance O2012-07

"Exhibit D"

Typical Internal Roadway Section

READ ONLY (NO VOTE) (2) Ordinance No. O2012-07 rezoning from Planned Development (PD) to Central Mixed Use (CMU) zoning for Trailwinds Village (Word Property) subject to Special Magistrate's conditions and entering into a Developer's/Utility Agreement with the City



TYPICAL INTERNAL ROADWAY SECTION

NOT TO SCALE

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TYPICAL INTERNAL ROADWAY SECTION
TRAILWINDS VILLAGE PD

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (3) Ordinance No. O2012-08; an ordinance reclassifying Parcel # D32=152 containing 2.16 +/- acres (MICO Customs) in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...

CITY COMMISSION OF THE CITY OF WILDWOOD

EXECUTIVE SUMMARY

SUBJECT: **MICO Customs at Shamrock Industrial Park CP 1201-01**

REQUESTED ACTION: Approval of Ordinance O2012-08.

☐ Work Session (Report Only) **DATE OF MEETING:** 2/13/12
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____

☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

City staff seeks approval for a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan. On February 7, 2012 the case was heard before the Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency in which the Special Magistrate recommended approval of Ordinance O2012-08. **Staff also recommends approval of Ordinance #02012-08 (attached).**

The 2.16 +/- acre subject parcel is intended to be utilized for custom wood fabrication. The amendment to Industrial is necessary to accommodate the proposed development and make the land use consistent throughout Shamrock Industrial Park. Subject to approval of this small-scale land use change and rezoning approval, the applicant has submitted a Site Plan for consideration at the next Commission Meeting.

Staff believes a Future Land Use Map designation of "Industrial" is appropriate based on the intended use of the property and should be recommended for approval for the following reasons:

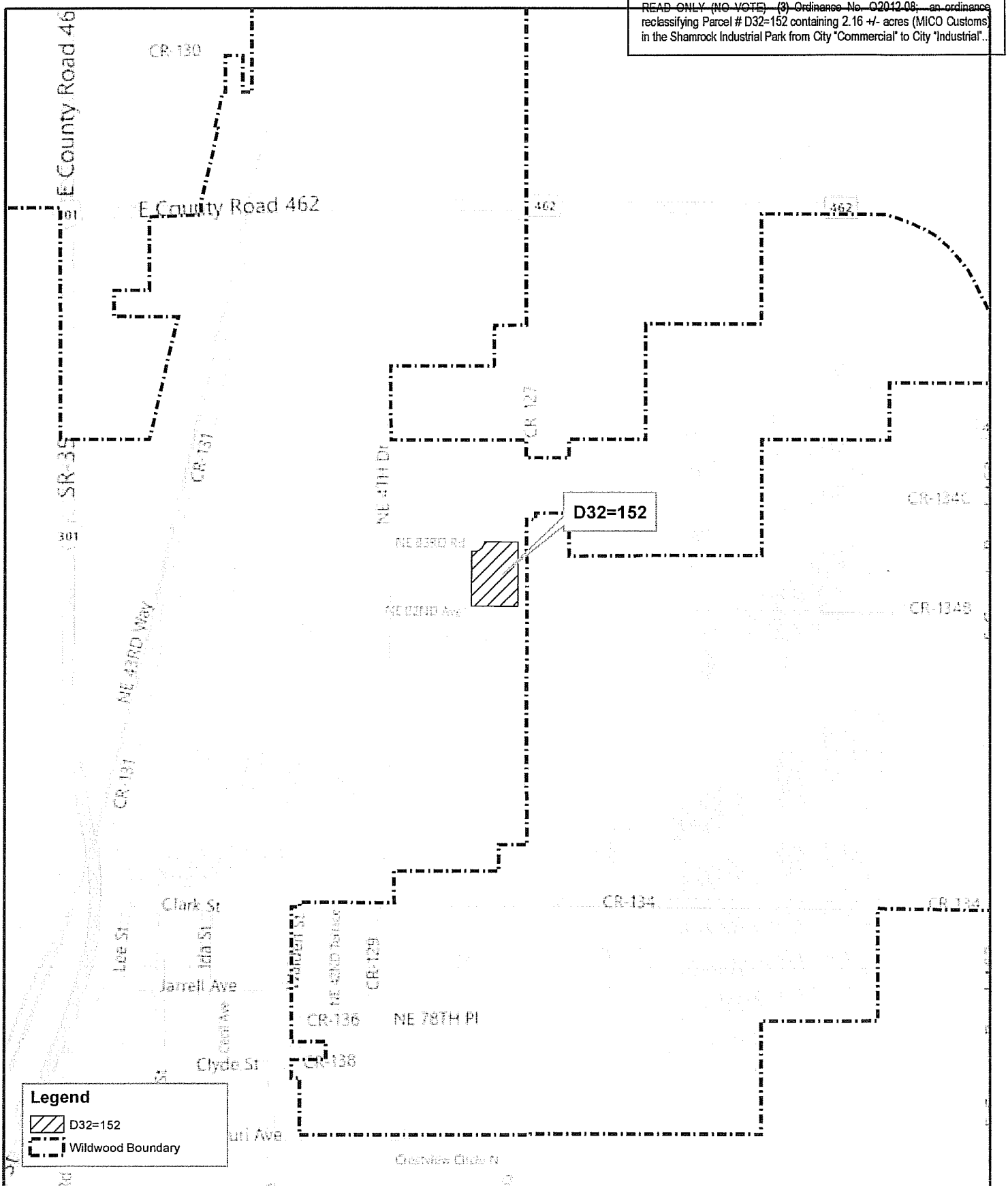
- The subject parcel is located in an area with compatible and similar uses;
- The subject amendment does not meet the criteria of urban sprawl;
- Approval of the land use amendment on the subject parcel will not adversely affect surrounding property; and
- Approval of the land use amendment will not cause public facilities to operate below their adopted level of service.

The attached maps illustrate the subject parcel's relation to the surrounding area as well as the existing and proposed Future Land Use Map designations within the vicinity.

M. Peavy

Melanie Peavy
Development Services Director

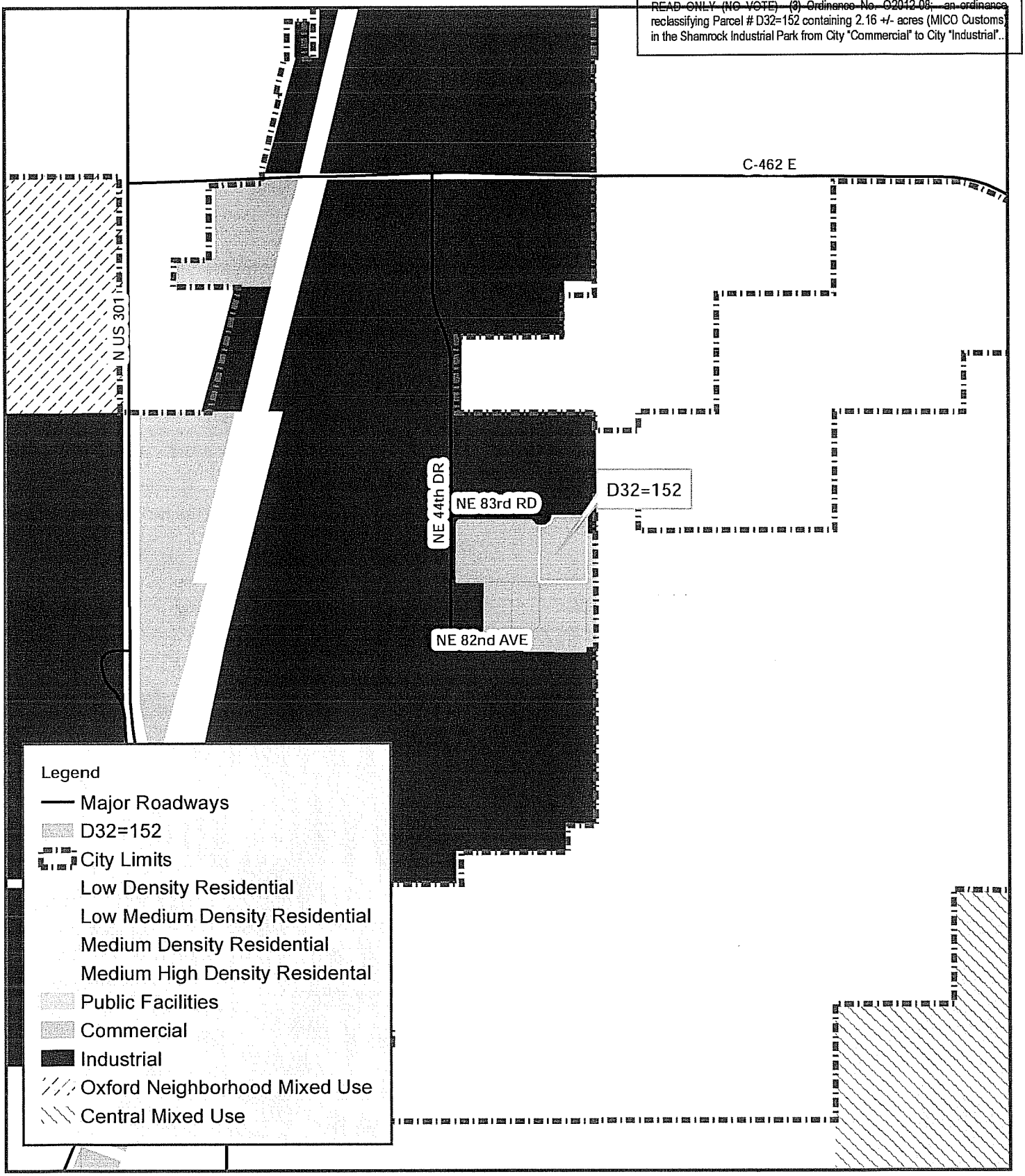
3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST ~~READ ONLY (NO VOTE) (3) Ordinance No. O2012-08;~~ an ordinance reclassifying Parcel # D32=152 containing 2.16 +/- acres (MICO Customs) in the Shamrock Industrial Park from City "Commercial" to City "Industrial"..



D32=152 Parcel Location

1 inch = 750 feet

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST ~~READ ONLY (NO VOTE) – (3) Ordinance No. O2012-08; an ordinance~~ reclassifying Parcel # D32=152 containing 2.16 +/- acres (MICO Customs) in the Shamrock Industrial Park from City "Commercial" to City "Industrial"..



N
W E
S

1 inch = 750 feet

D32=152
Small Scale Comp Plan Amendment 2012
Existing Land Use

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(3)** Ordinance No. O2012-08; an ordinance reclassifying Parcel # D32=152 containing 2.16 +/- acres (MICO Customs) in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...

City of Wildwood, Florida
Planning & Zoning Board/Special Magistrate
as Local Planning Agency

The case below was heard on Tuesday, February 7, 2012 by the Special Magistrate. The applicant seeks a small scale comprehensive plan amendment from City "Commercial" to City "Industrial" on 2.16 +/- acres. The site is generally located to the southeast of the intersection of CR 462 and NE 44th Drive.

Case: CP 1201-01

Parcel: D32=152

Owner: MMMP, LLC (H. Gary Morse, Manager)

Applicant: City of Wildwood

Based upon the testimony and information presented, the Special Magistrate recommends approval of the small scale land use map amendments and favorable recommendation of Ordinance #O2012-08 to the City Commission.

Dated: February 7, 2012

/Proposed/

_____

Archie O. Lowry, Jr.
Special Magistrate City of Wildwood

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (3) Ordinance No. O2012-08; an ordinance reclassifying Parcel # D32=152 containing 2.16 +/- acres (MICO Customs) in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...

ORDINANCE NO. O2012-08

AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA; PROPOSING A SMALL SCALE LAND USE AMENDMENT TO THE ADOPTED LOCAL COMPREHENSIVE PLAN AND FUTURE LAND USE MAP IN ACCORDANCE WITH THE COMMUNITY PLANNING ACT OF 2011, AS AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Wildwood, Florida, is proposing to amend the local Comprehensive Plan and Future Land Use Map of said City, to include land use amendment described as follows, to-wit:

MMMP, LLC (H. Gary Morse, Manager)
Parcel Number D32=152
Containing 2.16 acres +/-

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 32; THENCE SOUTH 00°30'55" WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, A DISTANCE OF 576.40 FEET; THENCE NORTH 89°29'05" WEST 70.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°30'55" WEST 368.20 FEET; THENCE NORTH 89°43'34" WEST 263.46 FEET; THENCE NORTH 00°16'26" EAST 314.32 FEET TO A POINT ON A 60.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHWEST WHOSE RADIUS POINT BEARS NORTH 12°17'38" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 98°12'36" AN ARC DISTANCE OF 102.85 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 89°29'05" EAST 192.65 FEET TO THE POINT OF BEGINNING.

This property is to be reclassified from City comprehensive plan category "Commercial" to City comprehensive plan category "Industrial."

AND WHEREAS, the City is also proposing to amend the Future Land Use Map to include Future land use of property that shall pertain and be applicable to said amendment.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. The adopted local Comprehensive Plan and Future Land Map for the City of Wildwood, Florida, are hereby amended to include the above-referenced property and proposed land use amendment as indicated above. The amendment to the Future Land Use and Zoning Maps are attached hereto and incorporated herein by reference.

SECTION 2. With the recommendations of the City Commission, the proposed land use amendment is hereby transmitted by the City Commission to the state land planning agency.

SECTION 3. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 4. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 5. This ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

DONE AND ORDAINED this _____ day of _____, 2011, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

_____
Ed Wolf, Mayor

ATTEST:_____
Joseph Jacobs, City Clerk

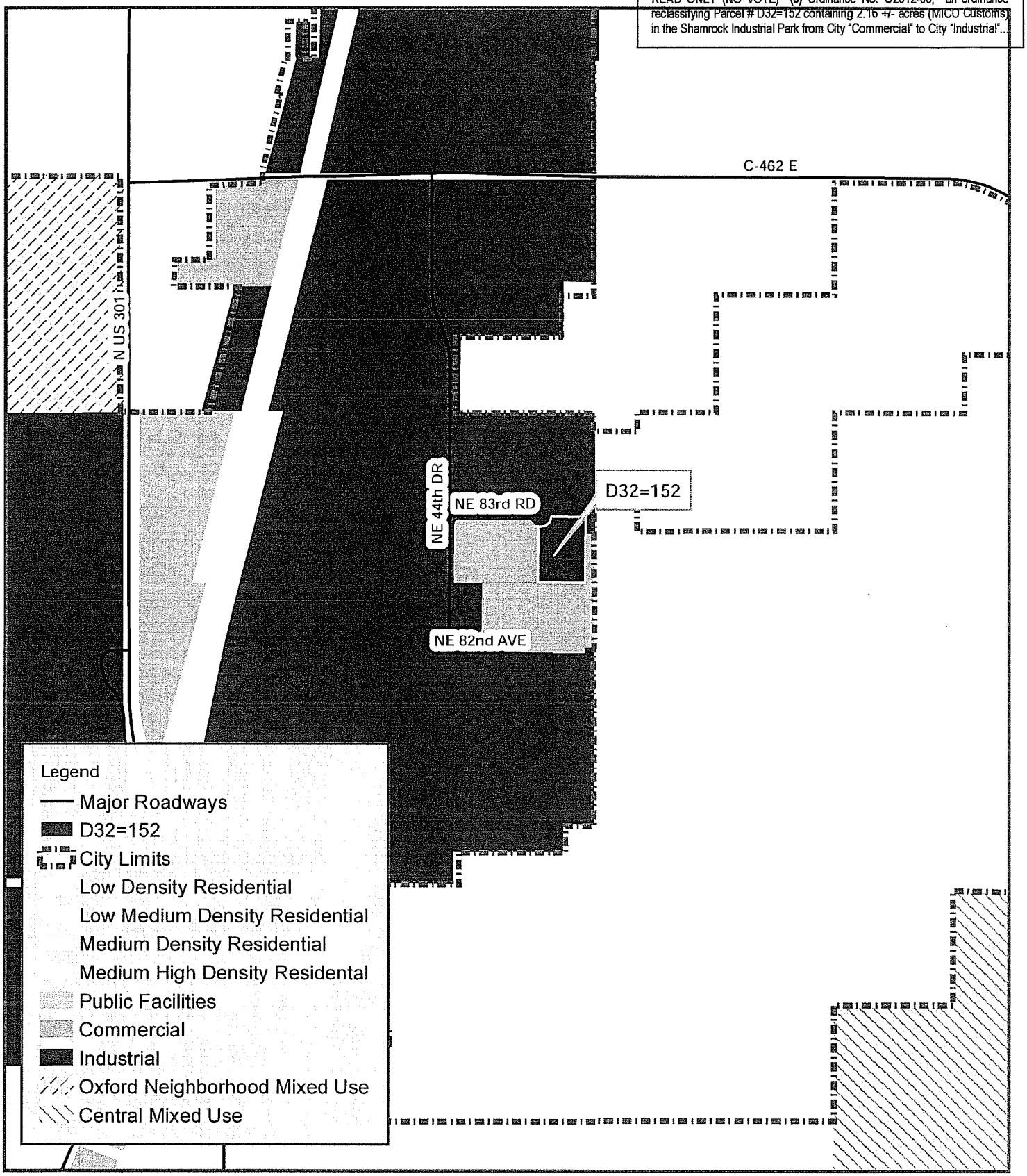
First Reading:_____
Second Reading:_____

Approved as to form:

_____
Jerri A. Blair, City Attorney

I:\Development Services New\Developments and Projects\SP 1112-04 Mico Customs @ Shamrock Commercial Properties\O2012-XX MICO Customs @ Shamrock SSCPA.doc

3. NEW BUSINESS – ACTION REQUIRED B. ORDINANCES – 1st READ ONLY (NO VOTE) (3) Ordinance No. O2012-08; an ordinance reclassifying Parcel # D32=152 containing 2.16 +/- acres (MICO Customs) in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...



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1 inch = 750 feet

D32=152
Small Scale Comp Plan Amendment 2012
Proposed Land Use

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (4) Ordinance No. O2012-09, rezoning Parcel # D32=152 containing 2.16 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"

CITY COMMISSION OF THE CITY OF WILDWOOD

EXECUTIVE SUMMARY

SUBJECT: **MICO Customs at Shamrock Industrial Park RZ 1201-01**

REQUESTED ACTION: Approval of Ordinance O2012-09.

☐ Work Session (Report Only) **DATE OF MEETING:** **2/13/12**
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____

☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

City staff seeks approval from the City Commission for a rezoning from "C-3 General Commercial - Highway" to "M-1 Industrial" in conformance with the Future Land Use Map of the Comprehensive Plan. **Staff recommends approval of Ordinance #02012-09 (attached) subject to approval of Ordinance O2012-08, which establishes a future land use appropriate to the proposed zoning.**

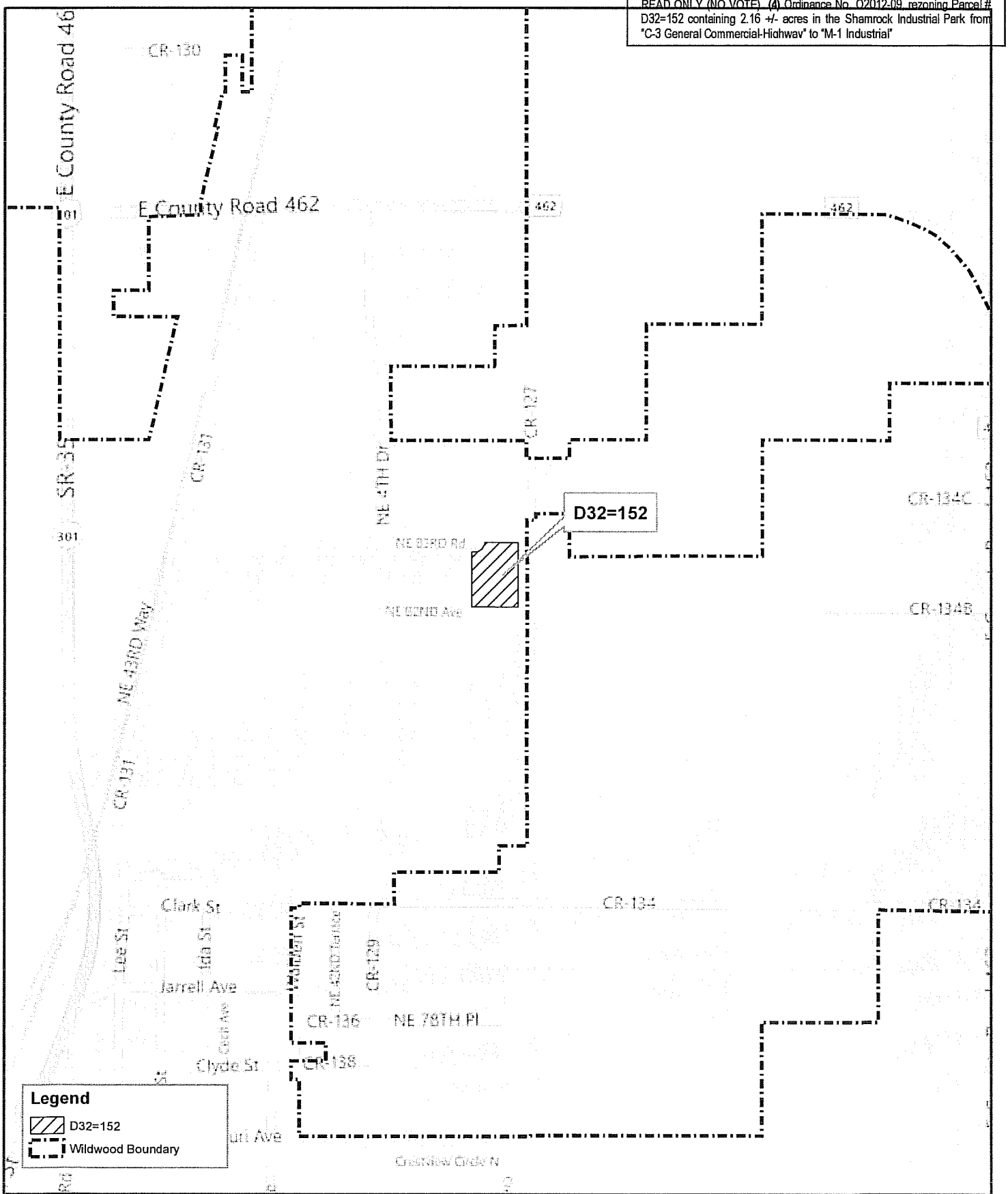
The 2.16 +/- acre subject parcel is located to the southeast of the intersection of County Road 462 and NE 44th Drive. The property was recently subject to an approved Small Scale Comprehensive Plan amendment to change the future land use to "Industrial". The requested zoning of "M-1 Industrial" will bring the property into compliance with the Future Land Use Map and the Comprehensive Plan.

Case RZ 1201-01 was considered by the Planning & Zoning Board/Special Magistrate on Tuesday, February 7, 2012. The Planning & Zoning Board/Special Magistrate gave a favorable recommendation of the rezoning to the City Commission.

M. Peavy

Melanie Peavy
Development Services Director

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(4)** Ordinance No. O2012-09 rezoning Parcel # D32=152 containing 2.16 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"



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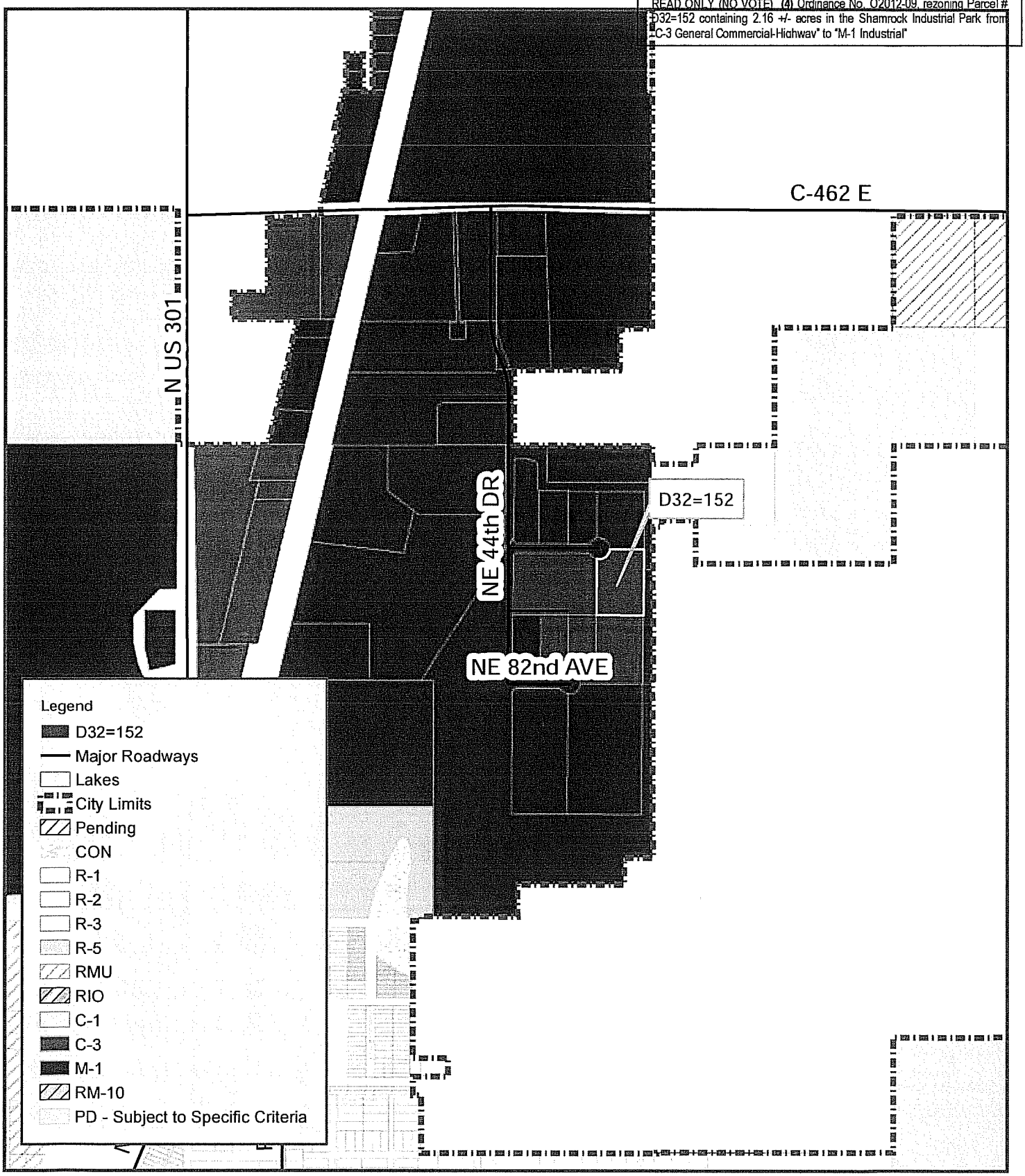
1 inch = 750 feet

D32=152 Parcel Location

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (4) Ordinance No. O2012-09, rezoning Parcel # D32=152 containing 2.16 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"



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1 inch = 750 feet

D32=152
Existing Zoning

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (4) Ordinance No. O2012-09, rezoning Parcel # D32=152 containing 2.16 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"

City of Wildwood
Planning & Zoning Board/Special Magistrate

The case below was heard on Tuesday, February 7, 2012 by the Special Magistrate. The applicant seeks approval and favorable recommendation from the Wildwood Planning and Zoning Board/Special Magistrate for a rezoning approval on a 2.16 acre parcel MOL from C-3 (General Commercial – Highway) to M-1 (Industrial). The site is generally located to the southeast of the intersection of CR 462 and NE 44th Drive.

Case: RZ 1201-01

Parcel(s): D32=152

Owner: MMMP, LLC (H. Gary Morse, Manager)

Applicant: City of Wildwood

Based upon the testimony and information presented, the Special Magistrate recommends approval of the rezoning and favorable recommendation of Ordinance #O2012-09 to the City Commission.

Dated: February 7, 2012

/Proposed/

_____

Archie O. Lowry, Jr.
Special Magistrate, City of Wildwood

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(4)** Ordinance No. O2012-09, rezoning Parcel # D32=152 containing 2.16 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"

ORDINANCE NO. O2012-09

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; REZONING CERTAIN REAL PROPERTY IN COMPLIANCE WITH THE ADOPTED LOCAL COMPREHENSIVE PLAN AND FUTURE LAND USE MAP; IN ACCORDANCE WITH THE COMMUNITY PLANNING ACT OF 2011, AS AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wildwood, Florida, has made a determination that certain real property located within the City of Wildwood should be zoned or rezoned in compliance with the City of Wildwood Comprehensive Plan and Future Land Use Map.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. The following property which was zoned "C-3: Commercial", shall be rezoned to "M-1: Industrial", pursuant to the City of Wildwood Land Development Regulations and official Zoning Map;

MMMP, LLC (H. Gary Morse, Manager)
Parcel Number D32=152
Containing 2.16 acres +/-

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 32; THENCE SOUTH 00°30'55" WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, A DISTANCE OF 576.40 FEET; THENCE NORTH 89°29'05" WEST 70.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°30'55" WEST 368.20 FEET; THENCE NORTH 89°43'34" WEST 263.46 FEET; THENCE NORTH 00°16'26" EAST 314.32 FEET TO A POINT ON A 60.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHWEST WHOSE RADIUS POINT BEARS NORTH 12°17'38" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 98°12'36" AN ARC DISTANCE OF 102.85 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 89°29'05" EAST 192.65 FEET TO THE POINT OF BEGINNING.

SECTION 2. The official zoning map for the City of Wildwood, Florida, is hereby amended to include the above-referenced property. The amendment to the official zoning map is attached hereto and incorporated herein by reference.

SECTION 3. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 4. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 5. This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

PASSED AND ORDAINED this _____ day of _____, 2011, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

_____
Ed Wolf, Mayor

ATTEST:_____
Joseph Jacobs, City Clerk

First Reading: _____

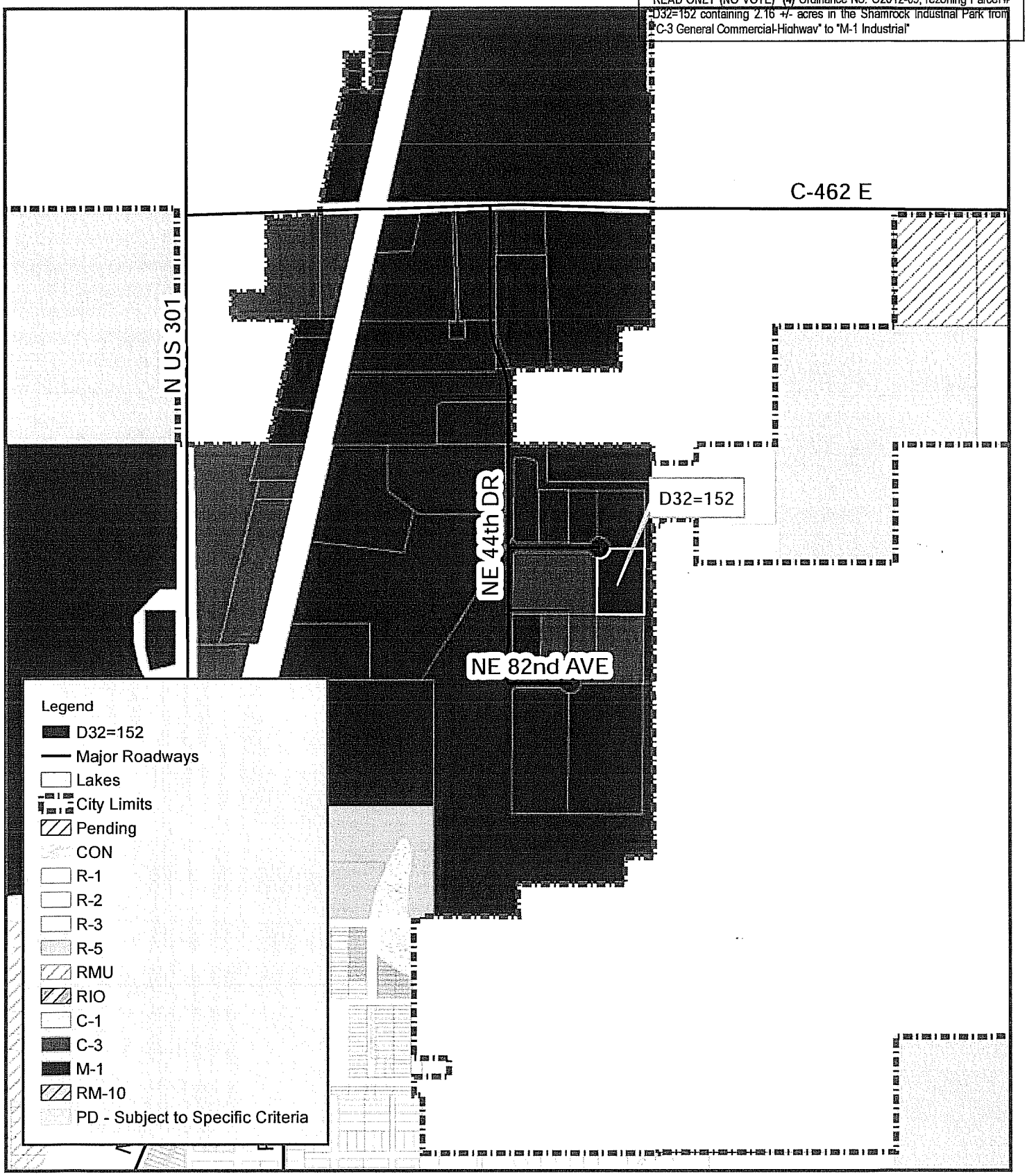
Second Reading: _____

Approved as to form:

_____
Jerri A. Blair, City Attorney

H:\Development Services Files\Development and Projects\SP 1112-04 Mico Customs @ Shamrock Commercial Properties\O2012-XX MICO Customs @ Shamrock Rezoning.doc

3. NEW BUSINESS – ACTION REQUIRED 5. ORDINANCES – 1ST READ ONLY (NO VOTE) (4) Ordinance No. O2012-09, rezoning Parcel # D32=152 containing 2.16 +/- acres in the Shamrock Industrial Park from C-3 General Commercial-Highway" to "M-1 Industrial"



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1 inch = 750 feet

D32=152
Proposed Zoning

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(5)** Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...

CITY COMMISSION OF THE CITY OF WILDWOOD

EXECUTIVE SUMMARY

SUBJECT: **Shamrock Industrial Park CP 1201-02**

REQUESTED ACTION: Approval of Ordinance O2012-10.

☐ Work Session (Report Only) **DATE OF MEETING:** **2/13/12**
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A
Effective Date: _____ Vendor/Entity: _____
Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____

☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

City staff seeks approval for a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan. On February 7, 2012 the case was heard before the Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency in which the Special Magistrate recommended approval of Ordinance O2012-10. **Staff also recommends approval of Ordinance O2012-10 (attached).**

The 8.7 +/- acre subject parcel is already part of a larger Industrial Park. The amendment to Industrial is necessary to make the land use consistent throughout Shamrock Industrial Park.

Staff believes a Future Land Use Map designation of "Industrial" is appropriate based on the intended use of the property and should be recommended for approval for the following reasons:

- The subject parcel is located in an area with compatible and similar uses;
- The subject amendment does not meet the criteria of urban sprawl;
- Approval of the land use amendment on the subject parcel will not adversely affect surrounding property; and
- Approval of the land use amendment will not cause public facilities to operate below their adopted level of service.

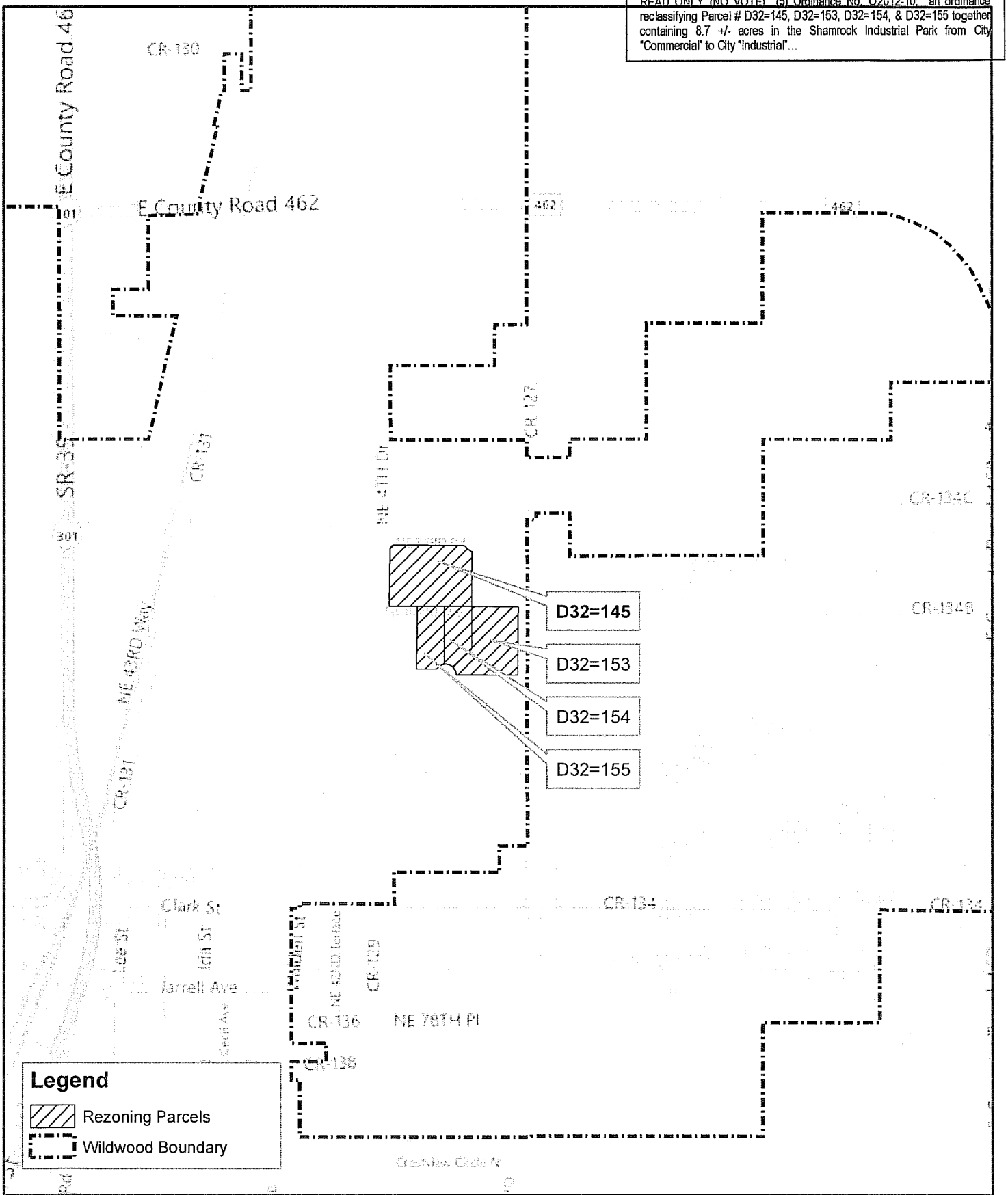
The attached maps illustrate the subject parcel's relation to the surrounding area as well as the existing and proposed Future Land Use Map designations within the vicinity.

3. NEW BUSINESS – ACTION REQUIRED **5.** ORDINANCES – 1st READ ONLY (NO VOTE) **(5)** Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=15,D32=153, D32=154 & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial"... Executive Summary

M. Peavy

Melanie Peavy
Development Services Director

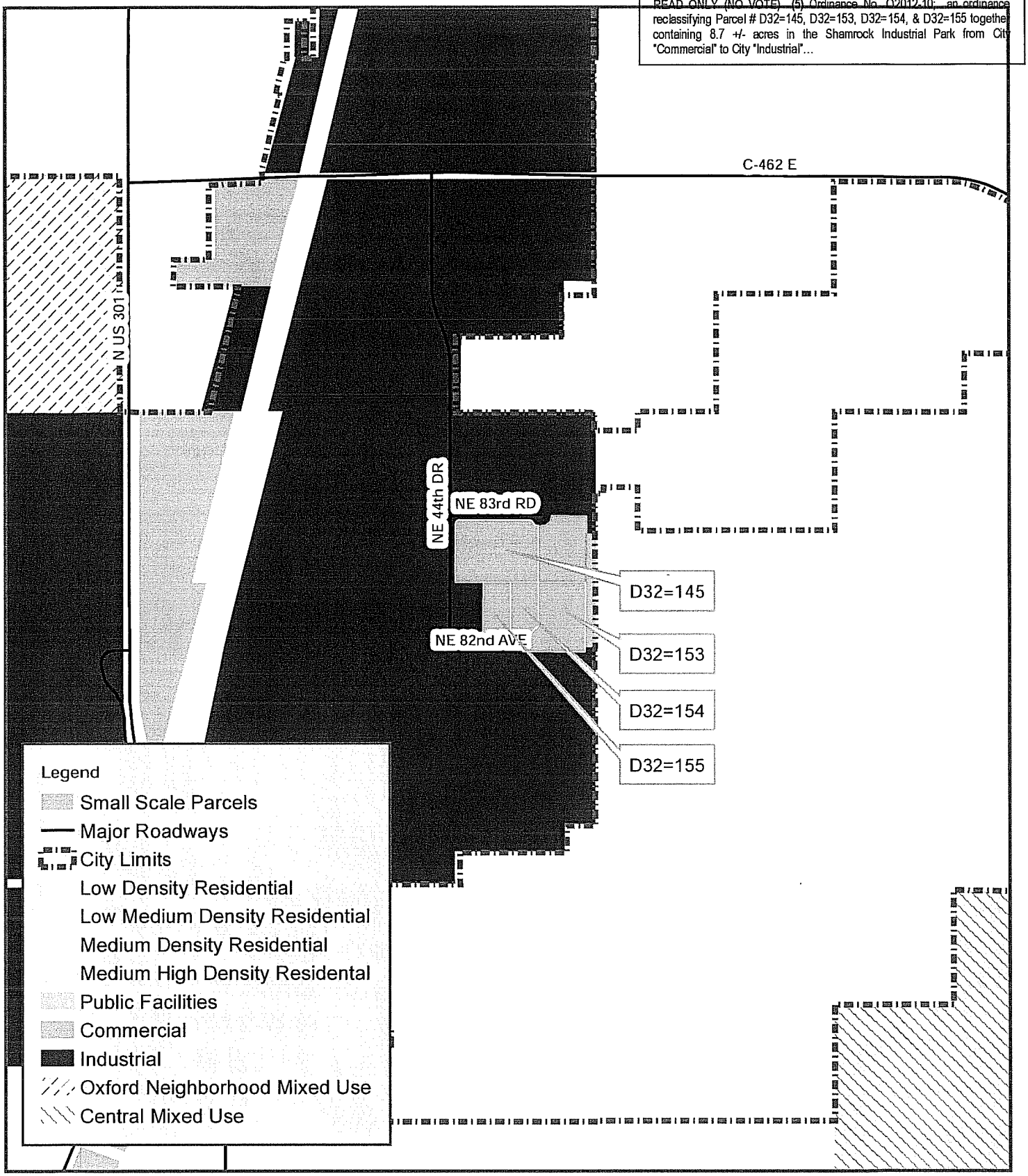
3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (5) Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...



D32=145, D32=153, D32=154, D32=155
Parcel Locations

1 inch = 750 feet

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) (5) Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...



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1 inch = 750 feet

D32=145, D32=153, D32=154, D32=155
Small Scale Comp Plan Amendment 2012
Existing Land Use

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(5)** Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...

City of Wildwood, Florida
Planning & Zoning Board/Special Magistrate
as Local Planning Agency

The case below was heard on Tuesday, February 7, 2012 by the Special Magistrate. The applicant seeks a small scale comprehensive plan amendment from City "Commercial" to City "Industrial" on 8.7 +/- acres. The site is generally located to the southeast of the intersection of CR 462 and NE 44th Drive.

Case: CP 1201-02

Parcels: D32=145, D32=153, D32=154, & D32=155

Owners: Great Lakes Carpet & Tile, Inc. and MMMP, LLC (H. Gary Morse, Manager)

Applicant: City of Wildwood

Based upon the testimony and information presented, the Special Magistrate recommends approval of the small scale land use map amendments and favorable recommendation of Ordinance #O2012-10 to the City Commission.

Dated: February 7, 2012

/Proposed/

_____

Archie O. Lowry, Jr.
Special Magistrate City of Wildwood

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(5)** Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...

ORDINANCE NO. O2012-10

AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA; PROPOSING A SMALL SCALE LAND USE AMENDMENT TO THE ADOPTED LOCAL COMPREHENSIVE PLAN AND FUTURE LAND USE MAP IN ACCORDANCE WITH THE COMMUNITY PLANNING ACT OF 2011, AS AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Wildwood, Florida, is proposing to amend the local Comprehensive Plan and Future Land Use Map of said City, to include land use amendment described as follows, to-wit:

Great Lakes Carpet and Tile, Inc.
Parcel Number D32=145
MMMP, LLC (H. Gary Morse, Manager)
Parcel Numbers D32=153, D32=154, & D32=155
Containing 8.7 acres +/-

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 32; THENCE SOUTH 00°30'55" WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, A DISTANCE OF 576.40 FEET; THENCE NORTH 89°29'05" WEST 70.00 FEET; THENCE SOUTH 00°30'55" WEST 368.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°30'55" WEST 390.36 FEET; THENCE NORTH 89°29'57" WEST 349.52 FEET TO A POINT ON A 60.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE WEST WHOSE RADIUS POINT BEARS NORTH 89°27'33" WEST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 139°44'55" AN ARC DISTANCE OF 146.34 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49°42'31" AN ARC DISTANCE OF 21.69 FEET TO A POINT OF TANGENCY; THENCE N89°29'57"W, 102.17 FEET; THENCE N00°30'03"E, 358.07 FEET; THENCE N89°43'34"W, 157.06 FEET; THENCE N00°30'03"E, A DISTANCE OF 323.10 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEAST HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 89°46'23"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.17 FEET; THENCE S89°43'34"E, A DISTANCE OF 387.71 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWEST

HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 53°58'05"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 23.55 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEAST HAVING A RADIUS OF 60.00 FEET AND A CENTRAL ANGLE OF 41°56'53"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 43.93 FEET; THENCE S00°16'26"W, A DISTANCE OF 314.32 FEET; THENCE S89°43'34"E, 263.46 FEET TO THE POINT OF BEGINNING.

This property is to be reclassified from City comprehensive plan category "Commercial" to City comprehensive plan category "Industrial."

AND WHEREAS, the City is also proposing to amend the Future Land Use Map to include Future land use of property that shall pertain and be applicable to said amendment.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. The adopted local Comprehensive Plan and Future Land Map for the City of Wildwood, Florida, are hereby amended to include the above-referenced property and proposed land use amendment as indicated above. The amendment to the Future Land Use and Zoning Maps are attached hereto and incorporated herein by reference.

SECTION 2. With the recommendations of the City Commission, the proposed land use amendment is hereby transmitted by the City Commission to the state land planning agency.

SECTION 3. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 4. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 5. This ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) (5) Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...

DONE AND ORDAINED this _____ day of _____, 2011, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

_____
Ed Wolf, Mayor

ATTEST:_____
Joseph Jacobs, City Clerk

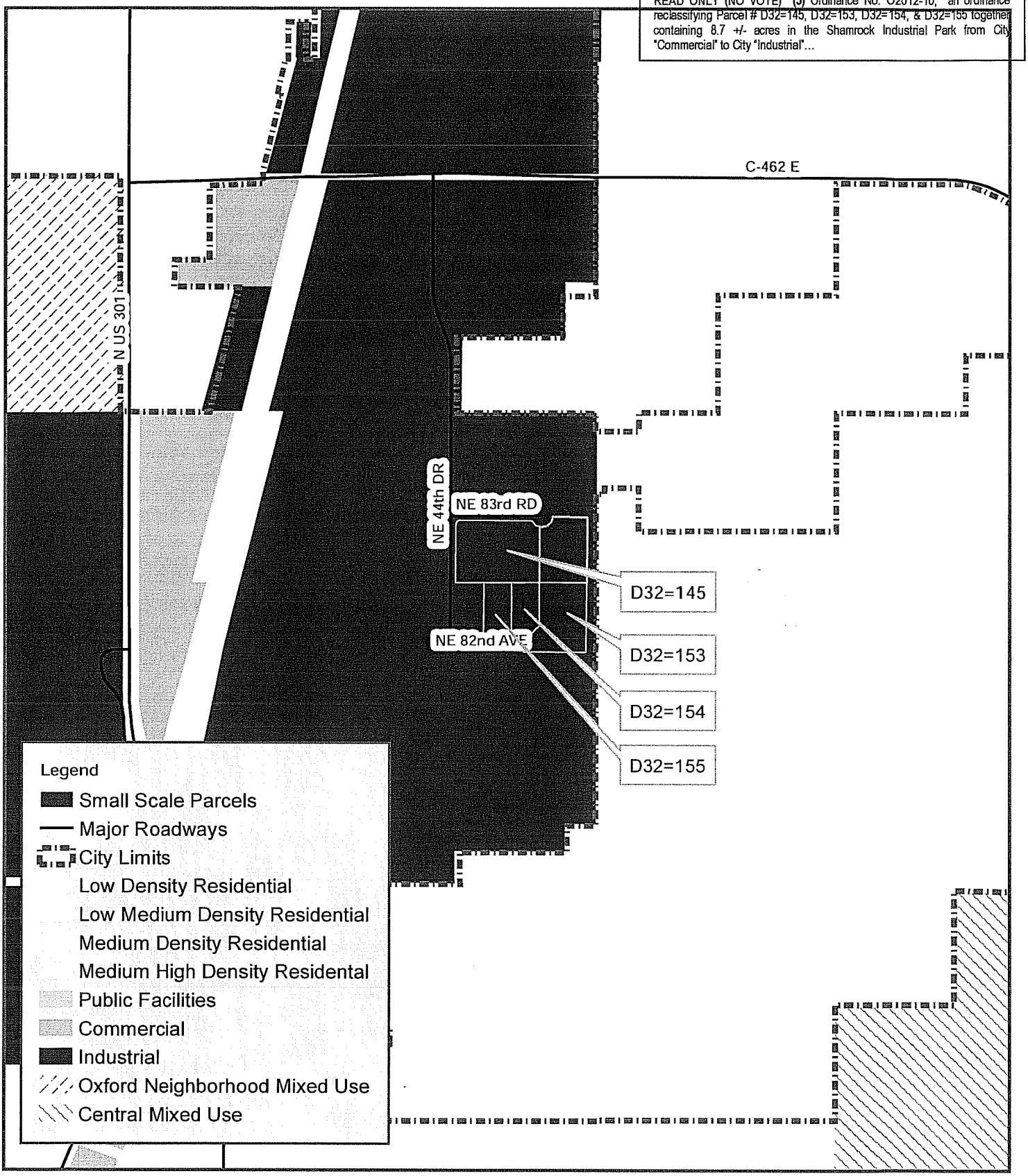
First Reading:_____
Second Reading:_____

Approved as to form:

_____
Jerri A. Blair, City Attorney

I:\Development Services New\Developments and Projects\SP 1112-04 Mico Customs @ Shamrock Commercial Properties\O2012-XX MICO Customs @ Shamrock SSCPA.doc

3. NEW BUSINESS – ACTION REQUIRED B. ORDINANCES – 1ST READ ONLY (NO VOTE) (5) Ordinance No. O2012-10; an ordinance reclassifying Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from City "Commercial" to City "Industrial"...



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1 inch = 750 feet

D32=145, D32=153, D32=154, D32=155
Small Scale Comp Plan Amendment 2012
Proposed Land Use

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(6)** Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"

CITY COMMISSION OF THE CITY OF WILDWOOD

EXECUTIVE SUMMARY

SUBJECT: **Shamrock Industrial Park RZ 1201-02**

REQUESTED ACTION: Approval of Ordinance O2012-11.

☐ Work Session (Report Only) **DATE OF MEETING:** **2/13/12**
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____

☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

City staff seeks approval from the City Commission for a rezoning from "C-3 General Commercial - Highway" to "M-1 Industrial" in conformance with the Future Land Use Map of the Comprehensive Plan. **Staff recommends approval of Ordinance #02012-11 (attached) subject to approval of Ordinance O2012-10, which establishes a future land use appropriate to the proposed zoning**.

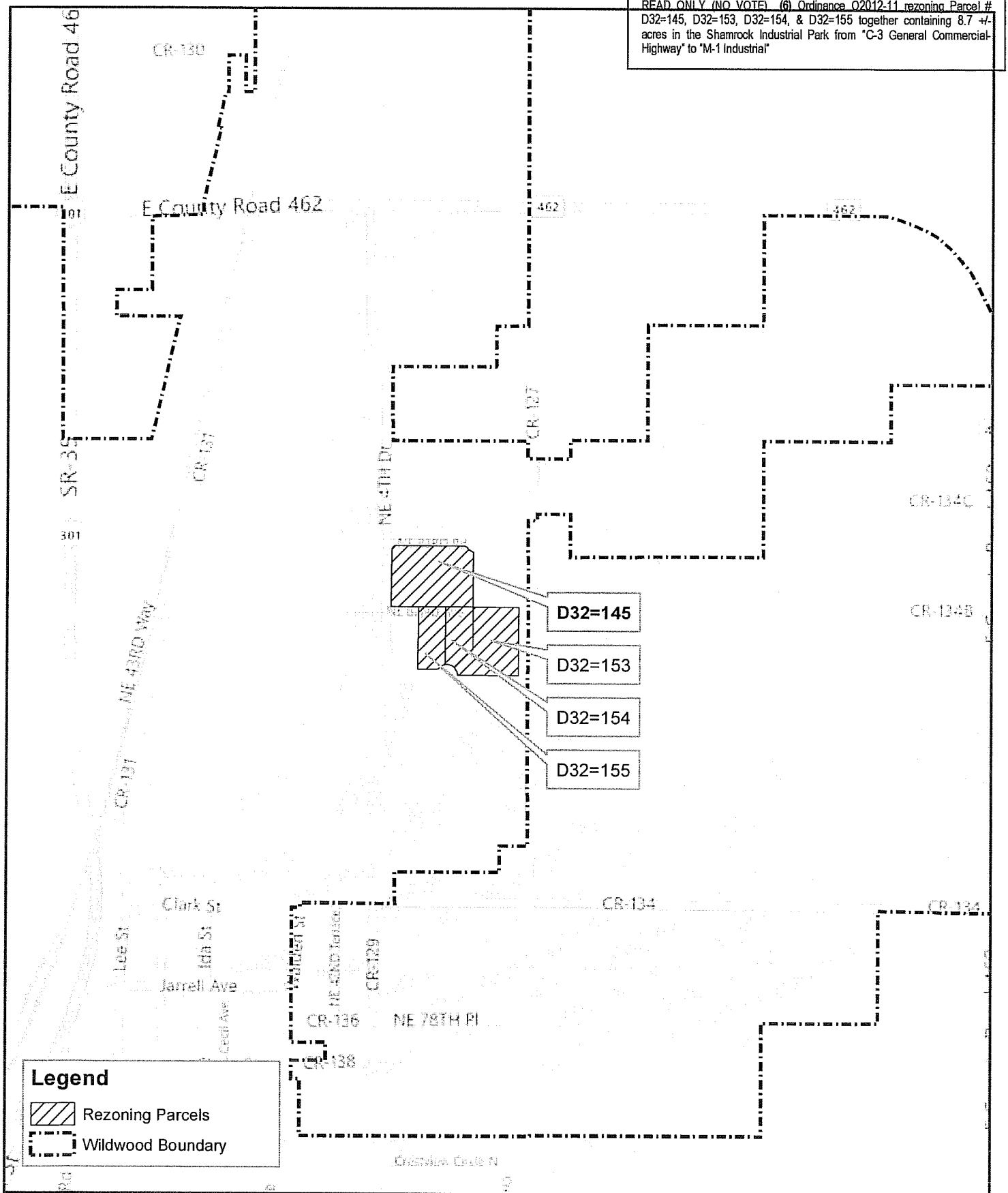
The 8.7 +/- acre subject parcel is located to the southeast of the intersection of County Road 462 and NE 44th Drive. The property was recently subject to an approved Small Scale Comprehensive Plan amendment to change the future land use to "Industrial". The requested zoning of "M-1 Industrial" will bring the property into compliance with the Future Land Use Map and the Comprehensive Plan.

Case RZ 1201-02 was considered by the Planning & Zoning Board/Special Magistrate on Tuesday, February 7, 2012. The Planning & Zoning Board/Special Magistrate gave a favorable recommendation of the rezoning to the City Commission.

M. Peavy

Melanie Peavy
Development Services Director

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) (6) Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"



N
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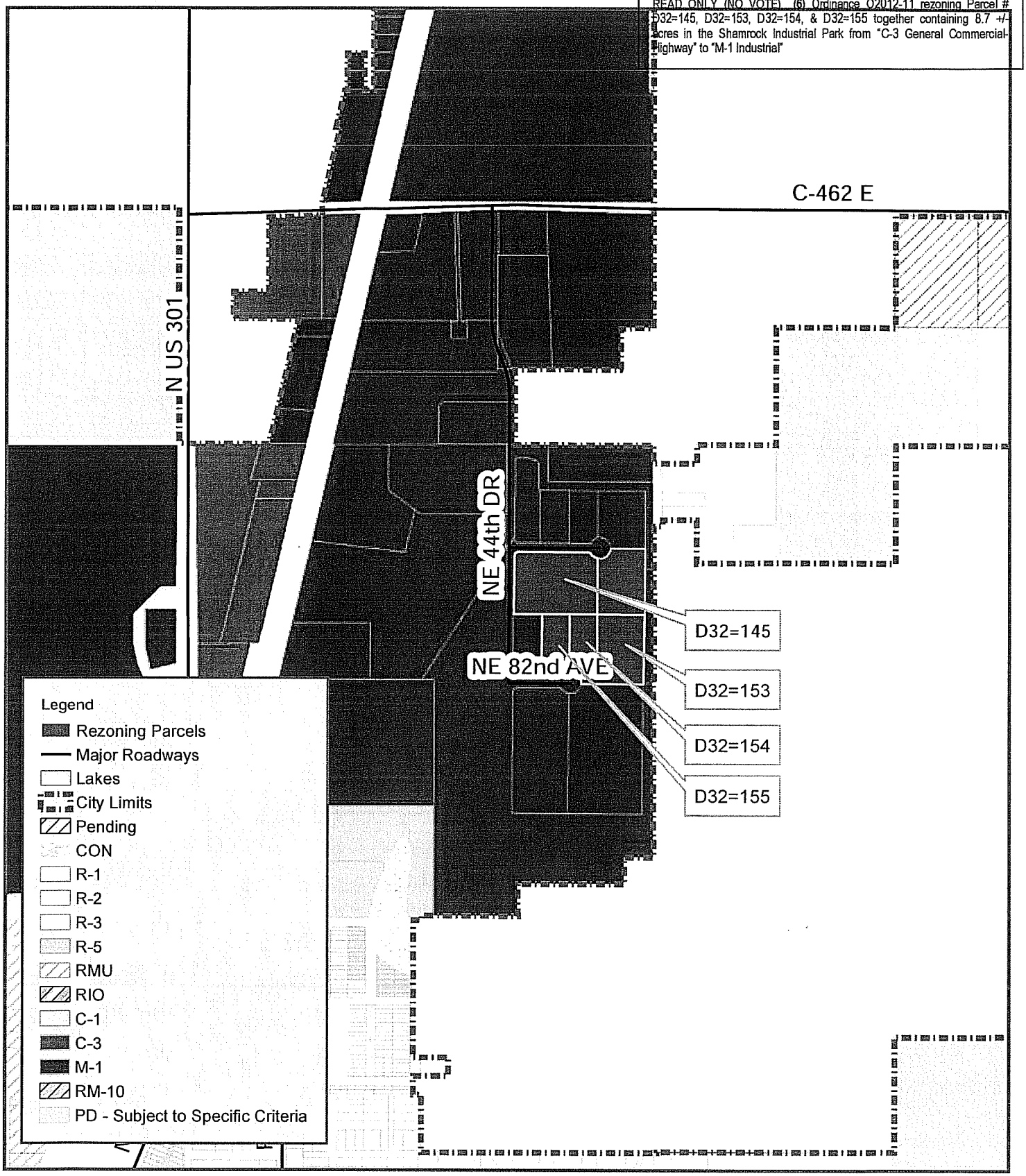
1 inch = 750 feet

D32=145, D32=153, D32=154, D32=155
Parcel Locations

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (6) Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-highway" to "M-1 Industrial"



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1 inch = 750 feet

D32=145, D32=153, D32=154, D32=155
Existing Zoning

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(6)** Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"

City of Wildwood
Planning & Zoning Board/Special Magistrate

The case below was heard on Tuesday, February 7, 2012 by the Special Magistrate. The applicant seeks approval and favorable recommendation from the Wildwood Planning and Zoning Board/Special Magistrate for a rezoning approval on an 8.7 acre parcel MOL from C-3 (General Commercial – Highway) to M-1 (Industrial). The site is generally located to the southeast of the intersection of CR 462 and NE 44th Drive.

Case: RZ 1201-02

Parcel(s): D32=145, D32=153, D32=154, & D32=155

Owner: Great Lakes Carpet and Tile, Inc. and MMMP, LLC (H. Gary Morse, Manager)

Applicant: City of Wildwood

Based upon the testimony and information presented, the Special Magistrate recommends approval of the rezoning and favorable recommendation of Ordinance #O2012-11 to the City Commission.

Dated: February 7, 2012

/Proposed/

_____

Archie O. Lowry, Jr.
Special Magistrate, City of Wildwood

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(6)** Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"

ORDINANCE NO. O2012-11

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; REZONING CERTAIN REAL PROPERTY IN COMPLIANCE WITH THE ADOPTED LOCAL COMPREHENSIVE PLAN AND FUTURE LAND USE MAP; IN ACCORDANCE WITH THE COMMUNITY PLANNING ACT OF 2011, AS AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wildwood, Florida, has made a determination that certain real property located within the City of Wildwood should be zoned or rezoned in compliance with the City of Wildwood Comprehensive Plan and Future Land Use Map.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. The following property which was zoned "C-3: Commercial", shall be rezoned to "M-1: Industrial", pursuant to the City of Wildwood Land Development Regulations and official Zoning Map;

Great Lakes Carpet and Tile, Inc.
Parcel Number D32=145
MMMP, LLC (H. Gary Morse, Manager)
Parcel Numbers D32=153, D32=154, & D32=155
Containing 8.7 acres +/-

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 32; THENCE SOUTH 00°30'55" WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, A DISTANCE OF 576.40 FEET; THENCE NORTH 89°29'05" WEST 70.00 FEET; THENCE SOUTH 00°30'55" WEST 368.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°30'55" WEST 390.36 FEET; THENCE NORTH 89°29'57" WEST 349.52 FEET TO A POINT ON A 60.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE WEST WHOSE RADIUS POINT BEARS NORTH 89°27'33" WEST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 139°44'55" AN ARC DISTANCE OF 146.34 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49°42'31" AN ARC DISTANCE OF

21.69 FEET TO A POINT OF TANGENCY; THENCE N89°29'57"W, 102.17 FEET; THENCE N00°30'03"E, 358.07 FEET; THENCE N89°43'34"W, 157.06 FEET; THENCE N00°30'03"E, A DISTANCE OF 323.10 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEAST HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 89°46'23"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.17 FEET; THENCE S89°43'34"E, A DISTANCE OF 387.71 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWEST HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 53°58'05"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 23.55 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEAST HAVING A RADIUS OF 60.00 FEET AND A CENTRAL ANGLE OF 41°56'53"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 43.93 FEET; THENCE S00°16'26"W, A DISTANCE OF 314.32 FEET; THENCE S89°43'34"E, 263.46 FEET TO THE POINT OF BEGINNING.

SECTION 2. The official zoning map for the City of Wildwood, Florida, is hereby amended to include the above-referenced property. The amendment to the official zoning map is attached hereto and incorporated herein by reference.

SECTION 3. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 4. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 5. This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) **(6)** Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"

PASSED AND ORDAINED this _____ day of _____, 2011, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

_____
Ed Wolf, Mayor

ATTEST:_____
Joseph Jacobs, City Clerk

First Reading: _____

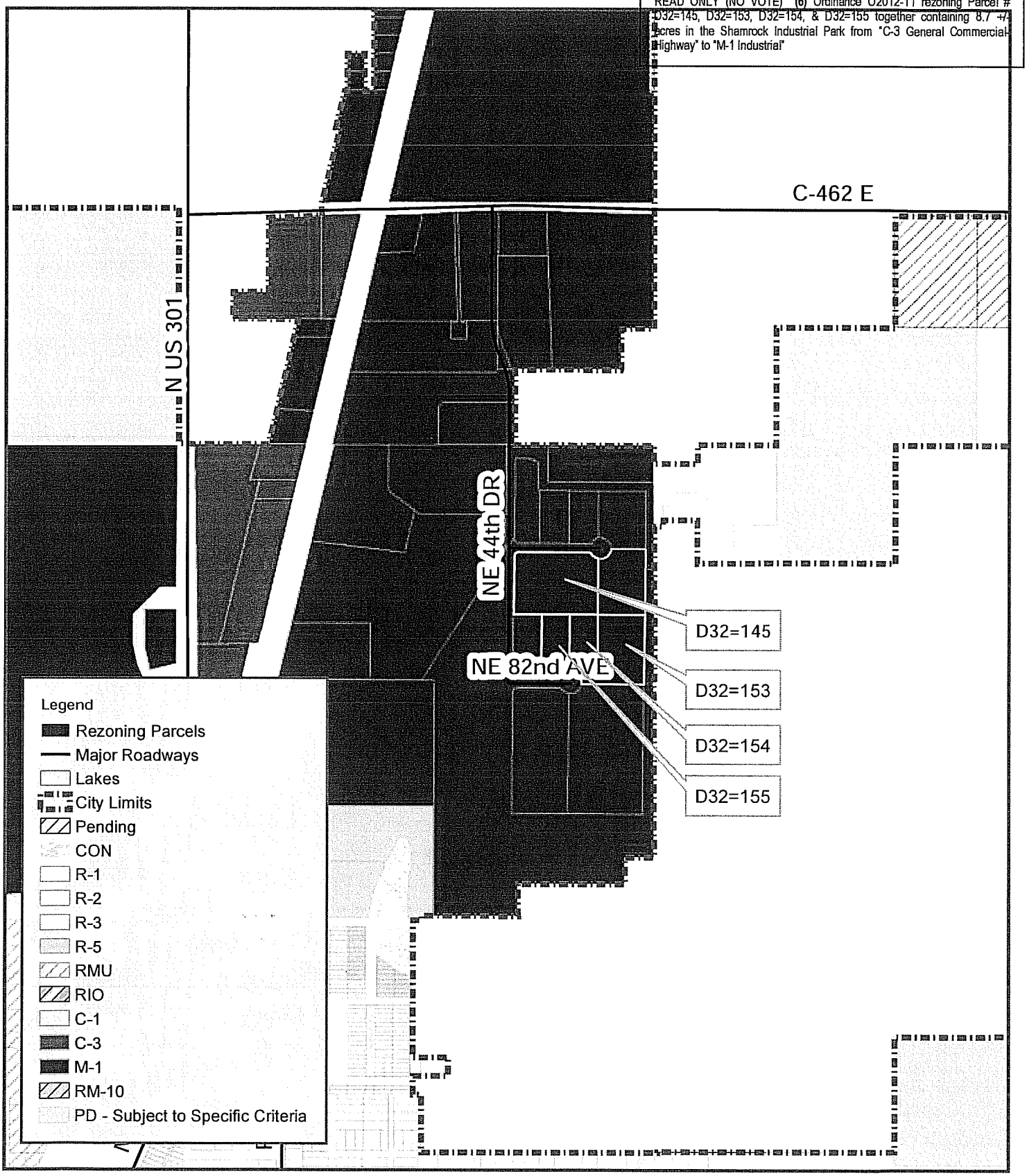
Second Reading: _____

Approved as to form:

_____
Jerri A. Blair, City Attorney

"Development Services Files\Developments and Projects\SP 1112-04 Mico Customs @ Shamrock Commercial Properties\O2012-XX MICO Customs @ Shamrock Rezoning.doc

3. NEW BUSINESS – ACTION REQUIRED 5. ORDINANCES – 1ST READ ONLY (NO VOTE) (6) Ordinance O2012-11 rezoning Parcel # D32=145, D32=153, D32=154, & D32=155 together containing 8.7 +/- acres in the Shamrock Industrial Park from "C-3 General Commercial-Highway" to "M-1 Industrial"



N
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1 inch = 750 feet

D32=145, D32=153, D32=154, D32=155
Proposed Zoning

3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (7 Ordinance No. O2012-12; an ordinance extending the names of Clarke, Lee and North Main Streets now located within the city and providing for submission to the 911 coordinator

CITY COMMISSION OF THE CITY OF WILDWOOD

EXECUTIVE SUMMARY

SUBJECT: **Road Name Changes** Ordinance No. O2012-12

REQUESTED ACTION: Commission approval regarding request.

☐ Work Session (Report Only) **DATE OF MEETING:** **2/13/12**
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A
Effective Date: _____ Vendor/Entity: _____
Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____

☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

Pursuant to the Inter-local Service Boundary and Joint Planning Agreement, effective April 14, 2009, certain sections of roadways on County Road 131, County Road 232, and US Highway 301 are within the roadways jurisdiction of the City.

Therefore, staff is seeking approval from the Commission to move forward with the road name changes as outlined in the attached map.

Sumter County 911 will be contacting the five property owners whose addresses will be affected by this change.

M. Peavy

Melanie Peavy
Development Services Director

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) (7 Ordinance No. O2012-12; an ordinance extending the names of Clarke, Lee and North Main Streets now located within the city and providing for submission to the 911 coordinator

ORDINANCE NO. O2012-12

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, EXTENDING THE NAME OF CLARKE, LEE AND NORTH MAIN STREETS LOCATED WITHIN THE CITY; PROVIDING FOR SUBMISSION TO THE 911 COORDINATOR; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. The name of the following street located within the City of Wildwood, Sumter County, Florida are extended as follows:

Present Street Name	Extended to
W. Clark Street	CR 209 to North Main Street
Lee Street	Cleveland Avenue to C-462
North Main Street	CR 232 (W. Clark Street)

SECTION 2. The name change shall be effective upon submission of the name change to the 911 coordinator.

SECTION 3. The new street name shall be submitted to the 911 coordinator by the City.

SECTION 4. The street signs shall be posted in a manner to comply with 911 requirements.

SECTION 5. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 6. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this ____ day of_____, 2012, by the City Commission of the City of Wildwood, Florida.

3. NEW BUSINESS – ACTION REQUIRED **b.** ORDINANCES – 1ST READ ONLY (NO VOTE) (7 Ordinance No. O2012-12; an ordinance extending the names of Clarke, Lee and North Main Streets now located within the city and providing for submission to the 911 coordinator

SEAL

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

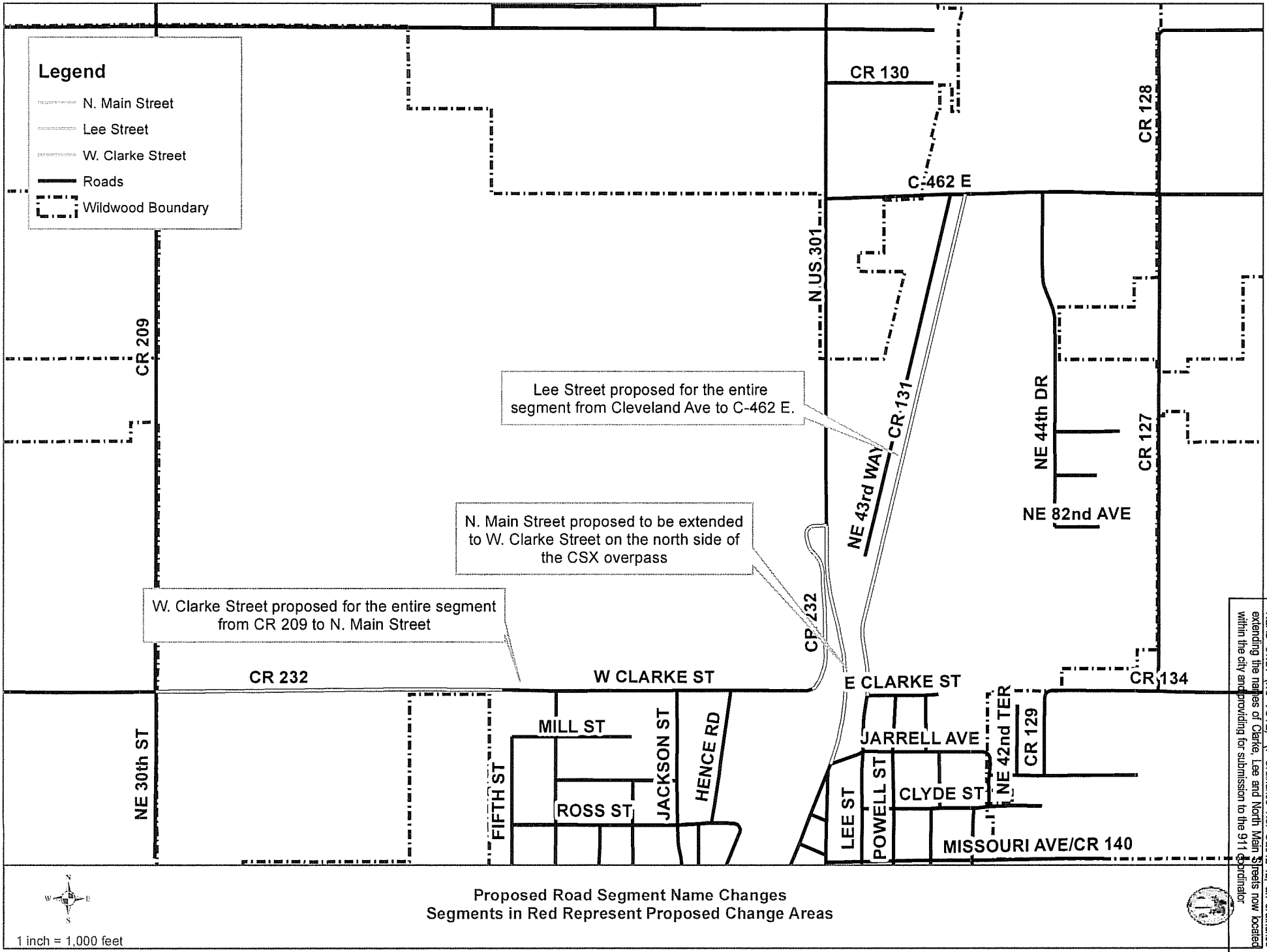
ATTEST:_____
Joseph Jacobs, City Clerk

_____
Ed Wolf, Mayor

First Reading: _____
Second Reading: _____

Approved as to form:

_____
Jerri A. Blair, City Attorney
C:\Documents and Settings\User\My Documents\AAA-LISA DOCS\COW-LAP\ord\2012\O2012-12.extending.street.names



3. NEW BUSINESS – ACTION REQUIRED b. ORDINANCES – 1ST READ ONLY (NO VOTE) (7 Ordinance No. O2012-12; an ordinance extending the names of Clarke, Lee and North Main Streets now located within the city and providing for submission to the 911 coordinator

BILLS FOR APPROVAL
City of Wildwood, Florida
February 13, 2012

CITY COMMISSION-LEGISLATIVE DEPARTMENT				
1	Ronald B Allen	Tallahassee - Florida League of Cities	$	239.53
2	Avenet, LLC	Custom Graphic Web Design Package	$	600.00
3	Sprint-Nextel	Cell Phone Service	$	26.51
4	Wildwood Ace Hardware	Adhesive, Heat Lamp Bulb	$	15.48
CITY MANAGER-EXECUTIVE DEPARTMENT				
5	Payroll	January 29, 2012 Pay Period - 1 Employee	$	2,062.21
6	Bright House	Internet Service	$	16.50
7	Department of Management Services	Telephone Service	$	2.46
8	Department of Management Services	Telephone Service	$	61.10
9	EGP	Monthly Copier Maintenance Contract	$	15.32
10	Ernie Morris Enterprises, Inc	Office Supplies	$	42.10
11	Sprint-Nextel	Cell Phone Service	$	24.52
CITY CLERK-FINANCIAL & ADMINISTRATIVE DEPARTMENT				
12	Payroll	January 29, 2012 Pay Period - 4 Employees	$	10,465.98
13	Bank of America	VeriSign Information Services	$	125.00
14	Besco Electric Supply Company	Satco Halogen Bulbs	$	19.68
15	Alice Borrack	Personal Vehicle Use	$	48.06
16	Bright House	Internet Service	$	32.92
17	Brown and Brown of Florida, Inc	Move Trailer IM to Auto	$	64.50
18	Cason and Gaskins TV Inc	Netgear N600 Wireless	$	39.99
19	Department of Management Services	Telephone Service	$	2.62
20	Department of Management Services	Telephone Service	$	151.13
21	EGP	Monthly Copier Maintenance Contract	$	15.29
22	Ernie Morris Enterprises, Inc	Office Supplies	$	458.19
23	IMS	Monthly Software Contract	$	413.00
24	Joseph Jacobs	Personal Vehicle Use	$	83.81
25	Oracle Elevator	Quarterly Maintenance Contract	$	202.08
26	Progress Energy	Electric Service	$	268.98
27	Resource One	Cleaning Supplies	$	43.80
28	Sharky's Vac N Sew	Vacuum	$	240.00
29	Sprint-Nextel	Cell Phone Service	$	23.43
30	Sumter County Times	Subscription	$	29.94
31	Terminix	Monthly Pest Control	$	87.50
32	Unifirst	Rugs	$	14.02
33	Villages Technology Solutions Group	Technical Support - All General Fund Depts.	$	585.00
34	Waste Management	6 Yd. Dumpster	$	181.16
35	Wildwood Ace Hardware	Paint Rollers, Bulbs	$	29.00
DEVELOPMENT SERVICES				
36	Payroll	January 29, 2012 Pay Period - 4 Employees	$	8,710.18
37	Bright House	Internet Service	$	32.92
38	The Daily Commercial	Ads	$	554.12
39	Department of Management Services	Telephone Service	$	2.46
40	Department of Management Services	Telephone Service	$	61.10
41	EGP	Monthly Copier Maintenance Contract	$	15.29
42	Paul Ketz	Personal Vehicle Use	$	15.27
43	Craig McDade	Personal Vehicle Use	$	34.97
44	Office Depot	Office Supplies	$	519.86

45	Sprint-Nextel	Cell Phone Service	$	24.52
46	Wildwood Ace Hardware	Heater	$	21.99
	HUMAN RESOURCES			
47	Payroll	January 29, 2012 Pay Period - 1 Employee	$	2,004.63
48	Bright House	Internet Service	$	8.23
49	Deanna Cox	Personal Vehicle Use	$	184.25
50	Department of Management Services	Telephone Service	$	2.46
51	Department of Management Services	Telephone Service	$	61.10
52	EGP	Monthly Copier Maintenance Contract	$	15.29
	POLICE DEPARTMENT			
53	Payroll	January 29, 2012 Pay Period - 28 Employees	$	61,201.67
54	Bank of America	Wal-Mart, APCO-Int'l, CVS, Law Enf. Trainer Cert.	$	648.38
55	Cason and Gaskins TV Inc	Electronics Screwdriver	$	15.99
56	Department of Management Services	Telephone Service	$	41.77
57	Department of Management Services	Telephone Service	$	135.06
58	Discount Janitorial	Cleaning and Paper Products	$	49.20
59	EGP	Monthly Copier Maintenance Contract	$	121.37
60	Ernie Morris Enterprises, Inc	Office Supplies	$	315.88
61	General Fund	Repay Advanced Funds	$	10,500.00
62	Chief Supply / Law Enforcement	Pants and Hem Charge, Chaplain Badges	$	424.19
63	Petty Cash	Replenish Cash Box	$	64.67
64	Progress Energy	Electric Service	$	255.39
65	Sprint-Nextel	Cell Phone Service	$	227.26
66	Terminix	Monthly Pest Control	$	25.00
67	Wildwood Ace Hardware	Lumber, Kwikset, Cleaners	$	67.98
68	Wildwood Tire Company	Tires and Repair	$	1,307.47
	STREET DEPARTMENT			
69	Payroll	January 29, 2012 Pay Period - 9 Employees	$	16,730.43
70	Bank of America	Time Clock	$	206.36
71	C.R. 466A Landfill Facility, LLC	Tipping Fee	$	207.36
72	Culligan-Ocala Bottled Water	Bottled Water and Cooler Rental	$	3.27
73	The Daily Commercial	Ad	$	222.80
74	Department of Management Services	Telephone Service	$	0.67
75	Department of Management Services	Telephone Service	$	45.02
76	Ernie Morris Enterprises, Inc	Office Supplies	$	24.05
77	Hi-Way Sign Company	Reduced Speed Signs	$	56.05
78	Mid-Florida Tractor	Double Lip, Seals, Nuts	$	158.26
79	Orlando Freightliner Inc	Mega Fuse	$	39.44
80	Progress Energy	Electric Service	$	603.62
81	Salescorp of Florida	Gatorade, Orange Marking Paint, Misc Steel	$	155.50
82	Sprint-Nextel	Cell Phone Service	$	98.08
83	Terminix	Monthly Pest Control	$	12.50
84	Unifirst	Uniforms	$	625.01
85	UPS	Postage	$	1.93
86	Rodney Wallace	Boot Allowance	$	75.00
87	Waste Management	20 Yd. Roll-off and Tipping Fee	$	223.39
88	Wildwood Ace Hardware	Fasteners, Brush, Sprayer, Drill Bits, Paint Roller, Etc	$	169.05
89	Wildwood Mower & Saw, Inc.	Weedeater,Repair Kit, Starter Assy, Blades,Etc	$	594.63
90	Wildwood Tire Company	Tires and Repair	$	242.85
91	Xpress Materials	Concrete Pour	$	525.00

FLEET SERVICES

92	Payroll	January 29, 2012 Pay Period - 2 Employees	$	4,987.07
93	Airgas	Tank Renewal Lease	$	498.50
94	Almac Unlimited, Inc	Spotlight 12 Lumens/Worklight 120	$	46.99
95	Bank of America	Time Clock	$	25.80
96	Big Truck Parts Inc	Filters	$	30.54
97	Culligan-Ocala Bottled Water	Bottled Water and Cooler Rental	$	3.27
98	Ernie Morris Enterprises, Inc	Office Supplies	$	4.99
99	Department of Management Services	Telephone Service	$	0.67
100	Department of Management Services	Telephone Service	$	45.02
101	Fastenal	Brakleen	$	67.49
102	Hi-Line Inc	Kwik-On, Connectors, Tubing, Cable	$	148.50
103	Interstate Battery System of N Florida	Batteries	$	488.73
104	Sprint-Nextel	Cell Phone Service	$	49.04
105	Terminix	Monthly Pest Control	$	12.50
106	Unifirst	Uniforms	$	210.92
107	UPS	Postage	$	1.93
108	Wildwood Ace Hardware	Shop Vac	$	49.99
109	Wildwood Tire Company	Tires	$	315.90

COMMUNITY RE-DEVELOPMENT

110	Payroll	January 29, 2012 Pay Period - 1 Employee	$	2,494.71
112	Bright House	Internet Service	$	8.23
113	C.W. Roberts Contracting, Inc.	CR 232 Resurfacing Project	$	79,950.42
114	Department of Management Services	Telephone Service	$	2.46
115	Department of Management Services	Telephone Service	$	61.10
116	EGP	Monthly Copier Maintenance Contract	$	15.29
117	General Fund	CRA David Grimm Expenses	$	7,484.13
118	Sprint-Nextel	Cell Phone Service	$	24.52
119	Sumter County Chamber of Commerce	Monthly Luncheon	$	12.00
120	Utility Systems Construction, Inc.	Pitt & Stone Drainage, Osceola Avenue Drainage	$	67,151.48
			$	49.99

PARKS AND RECREATION

121	Payroll	January 29, 2012 Pay Period - 5 Employees	$	5,651.71
122	Bank of America	Home Depot - WW Community Repair	$	180.70
123	Bright House	Internet Service	$	16.46
124	Cason and Gaskins TV Inc	AC Charger	$	14.99
125	Central Pump & Supply, Inc.	Couplings, Hunter Gear Rotor	$	307.65
126	C.R. 466A Landfill Facility, LLC	Tipping Fee	$	28.80
127	Culligan	Softener Rental - Wigglesworth	$	32.95
128	Department of Management Services	Telephone Service	$	2.46
129	Department of Management Services	Telephone Service	$	61.10
130	EGP	Monthly Copier Maintenance Contract	$	15.29
131	Ernie Morris Enterprises, Inc	Office Supplies	$	12.17
132	John Deere Landscapes	Round Up, Spreader Stickers	$	124.02
133	Mike's Painting & Pressure Cleaning	Clean and Paint Water Tank - Millennium Park	$	5,350.00
134	Office Depot	Office Supplies	$	20.67
135	Progress Energy	Electric Service	$	854.57
136	Resource One	Cleaning Supplies	$	43.80
137	Sparr Building and Farm Supply	Rake, Hoe, Bow Rake, Spout	$	90.69
138	Sprint-Nextel	Cell Phone Service	$	98.08
139	T & D Waste Services, Inc	Port O Let Rentals	$	410.00
140	Turfmasters and Associates, Inc	Lawn Fertilization and Pest Control	$	725.00
141	Unifirst	Uniforms	$	92.05
142	Wesco Fountains	Cartridge Filters	$	323.01

143	WescoTurf	Roller Rebuild Kit, Shaft-Roller	$	259.77
144	Wildwood Ace Hardware	PVS Pipe, Cable Ties, Cleaners, PVC Cutter, Etc.	$	319.91
145	Wildwood Mower & Saw, Inc	Filter, Grease Cap, Oil, Blades, Relay, Line	$	252.65
146	Wildwood Tire Company	Tire Repair	$	14.95

COMMUNITY CENTER & OXFORD COMMUNITY CENTER

147	Besco Electric Supply Company	Ballast Kit	$	206.37
148	Bright House	Internet Service	$	79.95
149	Century Link	Telephone Service	$	372.48
150	Discount Janitorial	Paper and Cleaning Supplies	$	129.95
151	Maria Malagon	Refund Room Rental - WW Community Center	$	217.21
152	Resource One	Cleaning Supplies	$	438.40
153	Unifirst	Rugs	$	31.69
154	Pricilla Weeks	Refund WW Community Center	$	108.75
155	Terminix	Monthly Pest Control	$	650.00
156	Wildwood Ace Hardware	Ballast Kit, Cleaners, Etc.	$	99.11
157	Wildwood Tire Company	Tires and Repair	$	399.85

PHYSICAL ENVIRONMENT ADMINISTRATIVE DEPARTMENT

158	Payroll	January 29, 2012 Pay Period - 3 Employees	$	5,197.39
159	Bank of America	Wal-Mart, Staples	$	147.60
160	Besco Electric Supply Company	Satco Halogen Bulbs	$	19.68
161	Bright House	Internet Service	$	24.69
162	Brown and Brown of Florida, Inc	Move Trailer IM to Auto	$	64.50
163	Cason and Gaskins TV Inc	Netgear N600 Wireless	$	40.00
164	Century Link	Telephone Service	$	37.92
165	Paula Corbin	Personal Vehicle Use to Leesburg Post Office	$	13.88
166	Department of Management Services	Telephone Service	$	2.46
167	Department of Management Services	Telephone Service	$	106.12
168	EGP	Monthly Copier Maintenance Contract	$	35.31
169	Ernie Morris Enterprises, Inc	Office Supplies	$	2.68
170	IMS	Monthly Software Contract	$	115.00
171	Oracle Elevator	Quarterly Maintenance Contract	$	202.08
172	Patti Penley	Personal Vehicle Use to Leesburg Post Office	$	13.88
173	Postmaster	Utility Billing	$	906.92
174	Resource One	Cleaning Supplies	$	43.80
175	Sharky's Vac N Sew	Vacuum	$	239.99
176	Terminix	Monthly Pest Control	$	12.50
177	Unifirst	Rugs	$	14.02
178	Villages Technology Solutions Group	Technical Support - All Enterprise Fund Depts.	$	585.00
179	Waste Management	January 2012 Refuse Billings Less 10% Franchise Fee	$	63,285.43
180	Wildwood Ace Hardware	Paint Rollers, Bulbs	$	29.00

WATER DEPARTMENT

181	Payroll	January 29, 2012 Pay Period - 9 Employees	$	14,924.28
182	Bright House	Internet Service	$	84.95
183	Department of Management Services	Telephone Service	$	0.78
184	Department of Management Services	Telephone Service	$	45.02
185	Discount Janitorial	Paper and Cleaning Products	$	177.20
186	Ernie Morris Enterprises, Inc	Office Supplies	$	35.64
187	Daniel Marrero	Boot Allowance	$	45.98
188	Office Depot	Office Supplies	$	343.91
189	Plant Technicians	Environmental Testing	$	525.00
190	Plaza Lincoln	Hose	$	48.85
191	Progress Energy	Electric Service	$	12.57

192	Sprint-Nextel	Cell Phone Service	$	123.80
193	Sumter Electric	Electric Service	$	4,060.40
194	Sunshine State One Call of Florida Inc	Locators for Month of January 2012	$	256.17
195	Terminix	Monthly Pest Control	$	50.00
196	The Dumont Company, Inc	Hypochlorite Solutions, Clear Flow	$	2,417.75
197	Unifirst	Uniforms	$	336.89
198	USA BlueBook	Stenner Duckbill , Pump Tube	$	491.16
199	Jeff Webster	Re-imbursement Travel Expense Wtr Distribution Class	$	47.89
200	Warren Septic Company	Pump Septic, Fill Dirt, Permits	$	650.00
201	Wildwood Ace Hardware	Filter, Bits, Scewdriving Set, Coil Chain, Hose, Etc	$	315.42
202	Wildwood Mower & Saw, Inc	Filter, Grease Cap, Oil, Blades, Relay, Line	$	37.47
203	Wildwood Tire Company	Tire Repair	$	14.95

WASTEWATER DEPARTMENT

204	Payroll	January 29, 2012 Pay Period - 13 Employees	$	27,503.14
205	Bank of America	CVS, FL Society of Environment	$	69.61
206	C & C Peat Co., Inc.	Dewatered Bio-Solids Removal	$	3,420.00
207	Central Hydraulics Hose & Acc.	Hose Assembly	$	57.46
208	Central Pump & Supply, Inc	Hunter Gear, Toro Sprinklers, MPR Nozzle	$	186.63
209	Century Link	Telephone Service	$	55.84
210	Culligan	Bottled Water	$	41.48
211	Department of Management Services	Telephone Service	$	1.67
212	Department of Management Services	Telephone Service	$	90.04
213	Discount Janitorial	Paper and Cleaning Products	$	110.95
214	Fort Bend Services, Inc	Polymer	$	2,880.00
215	Odyssey	Hypochlorite Solutions	$	4,803.10
216	Office Depot	Office Supplies	$	111.88
217	Progress Energy	Electric Service	$	21,115.59
218	Resource One	Cleaning Supplies	$	102.80
219	Alice Scheidler	Personal Vehicle Use	$	59.23
220	Siemens	Mixed Bed Tanks, React Carbon	$	560.00
221	Sprint-Nextel	Cell Phone Service	$	147.12
222	Sumter County Times	Subscription	$	25.47
223	Sunshine State One Call of Florida Inc	Locators for Month of January 2012	$	256.17
224	TAW	US Motor Repair	$	1,047.40
225	Terminix	Monthly Pest Control	$	25.00
226	Tom Evans Environmental, Inc.	Peerless Model Turbine Pump	$	13,116.00
227	Unifirst	Uniforms	$	760.73
228	VWR	Misc Plastic Cabinet Auto-Desiccator Door	$	218.57
229	Wildwood Ace Hardware	Carburetor, Throttle Cable, Vinyl Tube, Joint Knife, Etc	$	342.44
230	Wildwood Mower & Saw, Inc	Filter, Grease Cap, Oil, Blades, Relay, Line	$	37.47
231	Wildwood Tire Company	Tires	$	607.22

GREENWOOD CEMETERY

ATTORNEYS/CONSULTANTS/SURVEYORS

232	Jerri A Blair	Attorney	$	10,163.79
233	Kimley-Horn & Associates	Engineering Support	$	20,399.71
234	Potter Clement Lowry	Attorney	$	2,170.00

FUEL INVENTORY

TOTAL		$ 514,372.83

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST:_____
Joseph Jacobs, City Clerk

_____
Ed Wolf, Mayor

3. NEW BUSINESS-ACTION REQUIRED f. 2. a.)+b)
Approval of Change Order No. 1-2 for Pitt & Stone Street Drainage Improvements and No. 1-4 for Osceola Avenue Drainage Improvements

City of Wildwood, Florida

100 N. Main Street
Wildwood, Florida 34785

TO: Mayor/Commissioners

FROM: David Grimm, City Projects Planner/Coordinator

RE: CDBG Grant Change Orders

DATE: February 13, 2012

The following is a list of conditions and issues that were encountered on the three CDBG grant projects that necessitated change orders. The cost of these changes will be fully funded by the grant with no additional direct cost to the City.

Osceola Drainage Improvements: + $37,219.10

1. Numerous underground utility lines were discovered that were not known to staff or engineer. Some were in conflict and had to be relocated.

2. On Stanley Avenue it was discovered that the existing road was built on top of a historic road. There were remnants of the old road's storm system that had to be removed.

3. A grated inlet was added to the project at the northeast corner of Stanley and Osceola.

4. A wooden fence was added to the project including access gates to the retention for mowing and to the lift station for servicing.

5. The existing asphalt crumbled when milled and it was necessary to rebuild portions of the roadway using limerock to avoid very expensive asphalt overbuild.

6. An existing driveway on Stanley crumbled when it was connected to the curb and had to be reconstructed.

7. More sod was installed than originally estimated.

Telephone: 352-330-1330 Extension 112 - Fax 352-330-1338 - Email: dgrimm-wildwood@cfl.rr.com

Pitt and Stone Drainage Improvements: + $27,237.29

1. At the intersection of Pitt and Stone a very old dual-line network of water mains was discovered. It was impossible to leave them in place and a section had to be relocated. Insertion valves had to be used for this due to the fact that there were insufficient valves in this area of the City to shut the intersection down. Any other type of repair would have risked depressurizing the surrounding neighborhoods for an extended amount of time.

2. Due to the utility conflicts, a Type H bubbler inlet was needed in the retention pond, and deeper pipe was required to get underneath the discovered utilities.

CR 232 Resurfacing: (informational only, costs not available at this time)

1. We increased the project area to include the CR209 intersection and the approaches from each direction.

2. The existing asphalt deteriorated more than expected during the milling and more asphalt was needed to rebuild the pavement than estimated.

3. We added some additional striping and reflective pavement markers at the curve on the east end of the project.

The change orders with cost breakdowns for Pitt and Stone Drainage Improvements and Osceola Drainage Improvements are attached for your review.

The change order for CR 232 has not been submitted at this time.

Staff recommends approval of the change order requests for Pitt and Stone Drainage Improvements and Osceola Drainage Improvements.

3. NEW BUSINESS-ACTION REQUIRED f. 2. a.)
Approval of Change Order No. 1-2 for Pitt and Stone Street Drainage Improvements (+$27,237.29)

Change Orders

No. 1-2

Date of Issuance: 02/06/2012 Effective Date: 02/06/2012

Project: Pitt & Stone Drainage Improvements	Owner: City of Wildwood	Owner's Contract No.: 11DB-C5-70-02-N12
Contract: Pitt & Stone Drainage Improvements		Date of Contract: 10/25/2011
Contractor: Utility Systems Construction, Inc.		Engineer's Project No.: 142173046

The Contract Documents are modified as follows upon execution of this Change Order:

Description:
Change Orders #1 - #2 to include changes in contract price and contract times.

Attachments (list documents supporting change):
Change Order details from Contractor for Change Orders #1 - #2

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: $ 138,826.50	Original Contract Times: ☐ Working days ☒ Calendar days Substantial completion (days or date): 120 Days Ready for final payment (days or date): 150 Days
[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: $ 0.00	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Substantial completion (days): _____ Ready for final payment (days): _____
Contract Price prior to this Change Order: $ 138,826.50	Contract Times prior to this Change Order: Substantial completion (days or date): 120 Days Ready for final payment (days or date): 150 Days
[Increase] [Decrease] of this Change Order: $ 27,237.29	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): 31 Days Ready for final payment (days or date): 31 Days
Contract Price incorporating this Change Order: $ 166,063.79	Contract Times with all approved Change Orders: Substantial completion (days or date): 151 Days Ready for final payment (days or date): 181 Days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ KHM	By: _____	By: _____ USC
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: 2-6-2012	Date: _____	Date: 2-6-2012

CHANGE ORDER NO. 1

Project Name:	Pitt and Stone Drainage Improvements
Date:	12/8/2011
Contractor:	Utility Systems Construction, Inc. 925 Walker Road. Wildwood, FL 34785 T:352-748-3502 F:352-748-4502
Directed To:	City of Wildwood 100 North Mian Street Wildwood FL 34785
Attn:	David Grimm (City of Wildwood) Richard Busche (Kimley-Horn)

ITEM #	DESCRIPTON	QUANTITY	UNIT	UNIT PRICE	TOTAL	NOTES:
NEW	FDOT Type H Inlet Structure, Complete	1	LS	$ 6,450.00	$ 6,450.00	ADD
NEW	1.5" P.E. Water Service	30	LF	$ 15.00	$ 450.00	ADD
NEW	1" P.E. Water Service	30	LF	$ 15.00	$ 450.00	ADD
NEW	Water Meter Assembly Including the Taps	3	EA	$ 850.00	$ 2,550.00	ADD
NEW	FDOT Type V Inlet Alt Bottom	2	EA	$ 3,850.00	$ 7,700.00	ADD
NEW	Remove Ex. Water Service and Cap near Main	2	EA	$ 350.00	$ 700.00	ADD
	TOTAL ADD in Change Order # 1				$ 18,300.00	
DEDUCT	8" PVC Water Main	235	LF	$ 29.50	$ 6,932.50	
DEDUCT	Remove Existing Water Main	600	LF	$ 2.00	$ 1,200.00	
DEDUCT	8" DIP Water Main Deflection	1	EA	$ 5,695.00	$ 5,695.00	
DEDUCT	22.5 Degree MJDI Fitting	1	EA	$ 530.00	$ 530.00	

3. NEW BUSINESS-ACTION REQUIRED f. 2. a.)
Approval of Change Order No. 1-2 for Pitt and Stone Street Drainage Improvements (+$27,237.29)

CHANGE ORDER NO. 1

DEDUCT	Water Valve Relocation	1	EA	$ 1,005.00	$ 1,005.00
DEDUCT	Mitered End Section 29"x45"	1	EA	$ 1,850.00	$ 1,850.00
DEDUCT	Mitered End Section 2 12" pipes	2	EA	$ 635.00	$ 1,270.00
DEDUCT	Rip Rap	100	SF	$ 6.25	$ 625.00
DEDUCT	12" STORM Pipe	17	LF	$ 50.00	$ 850.00
DEDUCT	Concrete Driveway	1	EA	$ 1,105.00	$ 1,105.00
DEDUCT	FDOT Type V Inlet Alt Bottom	2	EA	$ 2,845.00	$ 5,690.00

TOTAL DEDUCT in Change Order # 1 $ 26,752.50 ✓

TOTAL DEDUCT IN CONTRACT $ 8,452.50

Request for Contract Days due to Conflicts 26 Days
11/17/2011 - 12/12/2011 Including 2 days for Holidays
and 11/17/2011 as a rain day

Thanks,
Chad Hughes
Utility Systems Construction, Inc.
925 Walker Road
Wildwood, FL 34785
P: 352-748-3502
F: 352-748-4502
Email:Chad.hughes@uscpipe.com

3. NEW BUSINESS-ACTION REQUIRED f. 2. a.)
Approval of Change Order No. 1-2 for Pitt and Stone Street Drainage Improvements (+$27,237.29)

CHANGE ORDER NO. 2 (OPT 1)

Project Name:	Pitt and Stone Drainage Improvements
Date:	1/24/2012
Contractor:	Utility Systems Construction, Inc. 925 Walker Road. Wildwood, FL 34785 T:352-748-3502 F:352-748-4502
Directed To:	City of Wildwood 100 North Mian Street Wildwood FL 34785
Attn:	David Grimm (City of Wildwood) Richard Busche (Kimley-Horn)

ITEM #	DESCRIPTON	QUANTITY	UNIT	UNIT PRICE	TOTAL	NOTES:
NEW	8" Inserta Valves	3	EA	$ 7,095.00	$ 21,285.00	ADD
NEW	HD Supply Material	1	LS	$ 4,360.19	$ 4,360.19	ADD
NEW	USC Labor	3	DAY	$ 3,698.20	$ 11,094.60	ADD
NEW	Disposal of the Existing Material	1	LS	$ 450.00	$ 450.00	ADD
NEW	Field Poured Deadends	3	EA	$ 415.00	$ 1,245.00	ADD
DEDUCT	8" Tapping Sleeve and Valve	1	LS	$ (2,745.00)	$ (2,745.00)	

TOTAL Change Order # 2 $ 35,689.79

Request for Contract Days due to Conflicts

3. NEW BUSINESS–ACTION REQUIRED f. 2. a.)
Approval of Change Order No. 1-2 for Pitt and Stone Street Drainage Improvements (+$27,237.29)

CHANGE ORDER NO. 2 (OPT 1)

1/23/2012 - 1/27/2011

5 Days

Thanks,
Chad Hughes
Utility Systems Construction, Inc.
925 Walker Road
Wildwood, FL 34785
P: 352-748-3502
F: 352-748-4502
Email:Chad.hughes@uscpipe.com

3. NEW BUSINESS-ACTION REQUIRED f. 2. a.)
Approval of Change Order No. 1-2 for Pitt and Stone Street Drainage Improvements (+$27,237.29)

3. NEW BUSINESS–ACTION REQUIRED f. 2. b.)
Approval of Change Order No. 1-4 for Osceola Avenue Drainage Improvements (+$37,219.10)

Change Orders

No. 1-4

Date of Issuance: 02/06/2012 Effective Date: 02/06/2012

Project: Osceola Avenue Drainage Improvements	Owner: City of Wildwood	Owner's Contract No.: 11DB-C5-70-02-N12
Contract: Osceola Avenue Drainage Improvements		Date of Contract: 10/25/2011
Contractor: Utility Systems Construction, Inc.		Engineer's Project No.: 142173046

The Contract Documents are modified as follows upon execution of this Change Order:

Description:
Change Orders #1 - #4 to include changes in contract price and contract times.

Attachments (list documents supporting change):
Change Order details from Contractor for Change Orders #1 - #4

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: **$ 147,082.00**	Original Contract Times: ☐ Working days ☒ Calendar days Substantial completion (days or date): **120 Days** Ready for final payment (days or date): **150 Days**
[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: **$ 0.00**	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Substantial completion (days): _____ Ready for final payment (days): _____
Contract Price prior to this Change Order: **$ 147,082.00**	Contract Times prior to this Change Order: Substantial completion (days or date): **120 Days** Ready for final payment (days or date): **150 Days**
[Increase] [Decrease] of this Change Order: **$ 37,219.10**	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): **17 Days** Ready for final payment (days or date): **17 Days**
Contract Price incorporating this Change Order: **$ 184,301.10**	Contract Times with all approved Change Orders: Substantial completion (days or date): **137 Days** Ready for final payment (days or date): **167 Days**

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ K-HA.	By: _____	By: _____ USC
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: 2-6-2012	Date: _____	Date: 2-6-2012

CHANGE ORDER NO. 1

Project Name:	Osceola Drainage Improvements
Date:	1/11/2012
Contractor:	Utility Systems Construction, Inc. 925 Walker Road. Wildwood, FL 34785 T:352-748-3502 F:352-748-4502
Directed To:	City of Wildwood 100 North Mian Street Wildwood FL 34785
Attn:	David Grimm (City of Wildwood) Richard Busche (Kimley-Horn)

ITEM #	DESCRIPTON	QUANTITY	UNIT	UNIT PRICE	TOTAL	NOTES:
NEW	Forcemain Deflection	1	LS	$ 1,906.33	$ 1,906.33	ADD
NEW	Water Service replacement	1	LS	$ 295.00	$ 295.00	ADD
NEW	Curb layout conflict	1	LS	$ 638.88	$ 638.88	ADD
NEW	Storm Structure Mods due to Sewer Conflict	1	LS	$ 1,759.68	$ 1,759.68	ADD
	TOTAL COST				$ 4,599.89	
	TOTAL COST WITH 10%				$ 5,059.88	

3. NEW BUSINESS-ACTION REQUIRED f. 2. a.)
Approval of Change Order No. 1-4 for Osceola Avenue Drainage Improvements (+$37,219.10)

CHANGE ORDER NO. 1

Request for Contract Days	
11/23/2011 - 11/24/2011 2 days for Holidays	2 Days
11/17/2011 as a rain day	1 Day
12/23/2011-13/2012 USC Company Holiday	11 Days
Time for additional work C/O #1	2 Days
TOTAL REQUEST FOR CONTRACT DAYS	16 Days

Thanks,
Chad Hughes
Utility Systems Construction, Inc.
925 Walker Road
Wildwood, FL 34785
P: 352-748-3502
F: 352-748-4502
Email:Chad.hughes@uscpipe.com

3. NEW BUSINESS–ACTION REQUIRED f. 2. b.)
Approval of Change Order No. 1-4 for Osceola Avenue Drainage Improvements (+$37,219.10)

CHANGE ORDER NO. 2

Project Name:	Osceola Drainage Improvements
Date:	1/18/2012
Contractor:	Utility Systems Construction, Inc. 925 Walker Road. Wildwood, FL 34785 T:352-748-3502 F:352-748-4502
Directed To:	City of Wildwood 100 North Mian Street Wildwood FL 34785
Attn:	David Grimm (City of Wildwood) Richard Busche (Kimley-Horn)

ITEM #	DESCRIPTON	QUANTITY	UNIT	UNIT PRICE	TOTAL	NOTES:
NEW	Curb Elevation layout conflicts	1	LS	$ 733.40	$ 733.40	ADD
NEW	Type C Inlet and 15" RCP	1	LS	$ 1,950.00	$ 1,950.00	
NEW	Short Load Delivery	1	LS	$ 585.00	$ 585.00	
NEW	860' of 3-Board Fence with Gate	1	LS	$ 5,780.00	$ 5,780.00	
	TOTAL COST WITH 10%				$ 9,953.02	
OVER RUN	Concrete Driveways	1	LS	$ 970.00	$ 970.00	
	TOTAL CHANGE ORDER #2				$ 10,923.02	

3. NEW BUSINESS-ACTION REQUIRED f. 2. a.)
Approval of Change Order No. 1-4 for Osceola Avenue Drainage Improvements (+$37,219.10)

CHANGE ORDER NO. 2

Request for Contract Days	
1/18/2012 as a rain day	1 Day
TOTAL REQUEST FOR CONTRACT DAYS	1 Day

Thanks,
Chad Hughes
Utility Systems Construction, Inc.
925 Walker Road
Wildwood, FL 34785
P: 352-748-3502
F: 352-748-4502
Email:Chad.hughes@uscpipe.com

3. NEW BUSINESS--ACTION REQUIRED f. 2. b.)
Approval of Change Order No. 1-4 for Osceola Avenue Drainage Improvements (+$37,219.10)

CHANGE ORDER NO. 3

Project Name:	Osceola Drainage Improvements
Date:	1/24/2012
Contractor:	Utility Systems Construction, Inc. 925 Walker Road. Wildwood, FL 34785 T:352-748-3502 F:352-748-4502
Directed To:	City of Wildwood 100 North Mian Street Wildwood FL 34785
Attn:	David Grimm (City of Wildwood) Richard Busche (Kimley-Horn)

ITEM #	DESCRIPTON	QUANTITY	UNIT	UNIT PRICE	TOTAL	NOTES:
NEW	Grade Crew Hourly Costs	32	HR	$ 319.52	$ 10,224.64	ADD
NEW	Limerock Delivered Per TN	240	TN	$ 11.25	$ 2,700.00	
NEW	Mob and Demob	1	LS	$ 3,200.00	$ 3,200.00	
	TOTAL COST WITH 10%				$ 16,124.64	
OVER RUN	SOD	1154	SY	$1.50	$ 1,731.00	
OVER RUN	S-3 Asphalt	19.87	TN	$95.70	$ 1,901.56	
DEDUCT	Mitered End Sections	1	EA	-$635.00	$ (635.00)	
	TOTAL CHANGE ORDER #3				**$ 19,122.20**	

3. NEW BUSINESS–ACTION REQUIRED f. 2. a.)
Approval of Change Order No. 1-4 for Osceola Avenue Drainage Improvements (+$37,219.10)

CHANGE ORDER NO. 3

Request for Contract Days	0 Day
TOTAL REQUEST FOR CONTRACT DAYS	0 Day

Thanks,
Chad Hughes
Utility Systems Construction, Inc.
925 Walker Road
Wildwood, FL 34785
P: 352-748-3502
F: 352-748-4502
Email:Chad.hughes@uscpipe.com

CHANGE ORDER NO. 4

Project Name:	Osceola Drainage Improvements
Date:	2/1/2012
Contractor:	Utility Systems Construction, Inc.
	925 Walker Road.
	Wildwood, FL 34785
	T:352-748-3502
	F:352-748-4502
Directed To:	City of Wildwood
	100 North Mian Street
	Wildwood FL 34785
Attn:	David Grimm (City of Wildwood)
	Richard Busche (Kimley-Horn)

ITEM #	DESCRIPTON	QUANTITY	UNIT	UNIT PRICE	TOTAL	NOTES:
NEW	Install #57 Around LS	1	LS	$ 1,850.00	$ 1,850.00	ADD
	TOTAL COST				$ 1,850.00	
OVER RUN	Rip Rap	6	SY	$44.00	$ 264.00	
	TOTAL CHANGE ORDER #4				$ 2,114.00	

Request for Contract Days

0 Day

3. NEW BUSINESS-ACTION REQUIRED f. 2. Approval of Change Order No. 1-4 for Osceola Avenue Drainage Improvements (+$37,219.10)

TOTAL REQUEST FOR CONTRACT DAYS	0 Day

Thanks,
Chad Hughes
Utility Systems Construction, Inc.
925 Walker Road
Wildwood, FL 34785
P: 352-748-3502
F: 352-748-4502
Email:Chad.hughes@uscpipe.com

3. NEW BUSINESS-ACTION REQUIRED f. 2. a.)
Approval of Change Order No. 1-4 for Osceola Avenue Drainage Improvements (+$37,219.10)

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

CITY COMMISSION OF THE CITY OF WILDWOOD

EXECUTIVE SUMMARY

SUBJECT: **Lenard Powell – Request to purchase City Property**

REQUESTED ACTION: Commission direction regarding request.

☐ Work Session (Report Only) **DATE OF MEETING:** 2/13/12
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____

☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

At the Commission meeting of January 9, 2012, Lenard Powell requested approval to purchase a City-owned property, a portion of parcel ID G08=018 which is contiguous to property he owns, as noted on the attached map. It is generally located to the north of the intersection of Powell Road and County Road 44A. The parcel is approximately 19,416 sq. ft., or 0.45 ac. MOL.

The Commission directed staff to obtain price estimate for the subject property without a professional appraisal.

Mr. Powell submitted a copy of an appraisal dated June 22, 2011 for the adjacent property he already owns, which yields a cost of $6 per sq. ft. ($470,000 / 78,304 sq. ft.) with a proposed commercial zoning.

In reviewing Sumter County's acquisition costs for land along Phase 1 of the CR 139/462 project, land acquisition prices range from $3.15 / sq. ft. to as much as $8.50 / sq. ft. for property owners who held out longer and went to mediation late in the process. Property with planned development zoning, Turkey Run, had a consistent price of $7.75 / sq. ft.

The portion of City property to be sold will remain in the City Limits, and retains a PEU (Public, Education, and Utilities) zoning classification. It is worth noting that this parcel's current zoning carries the entitlement to be utilized as an electric substation or a similar use, which could improve its desirability. Further, were the property rezoned to commercial (in addition to Mr. Powell's existing property and their proximity to the Brownwood development), it is expected the combined property would be worth much more than the individual parcels alone – which should be given weight in setting a fair price for the property.

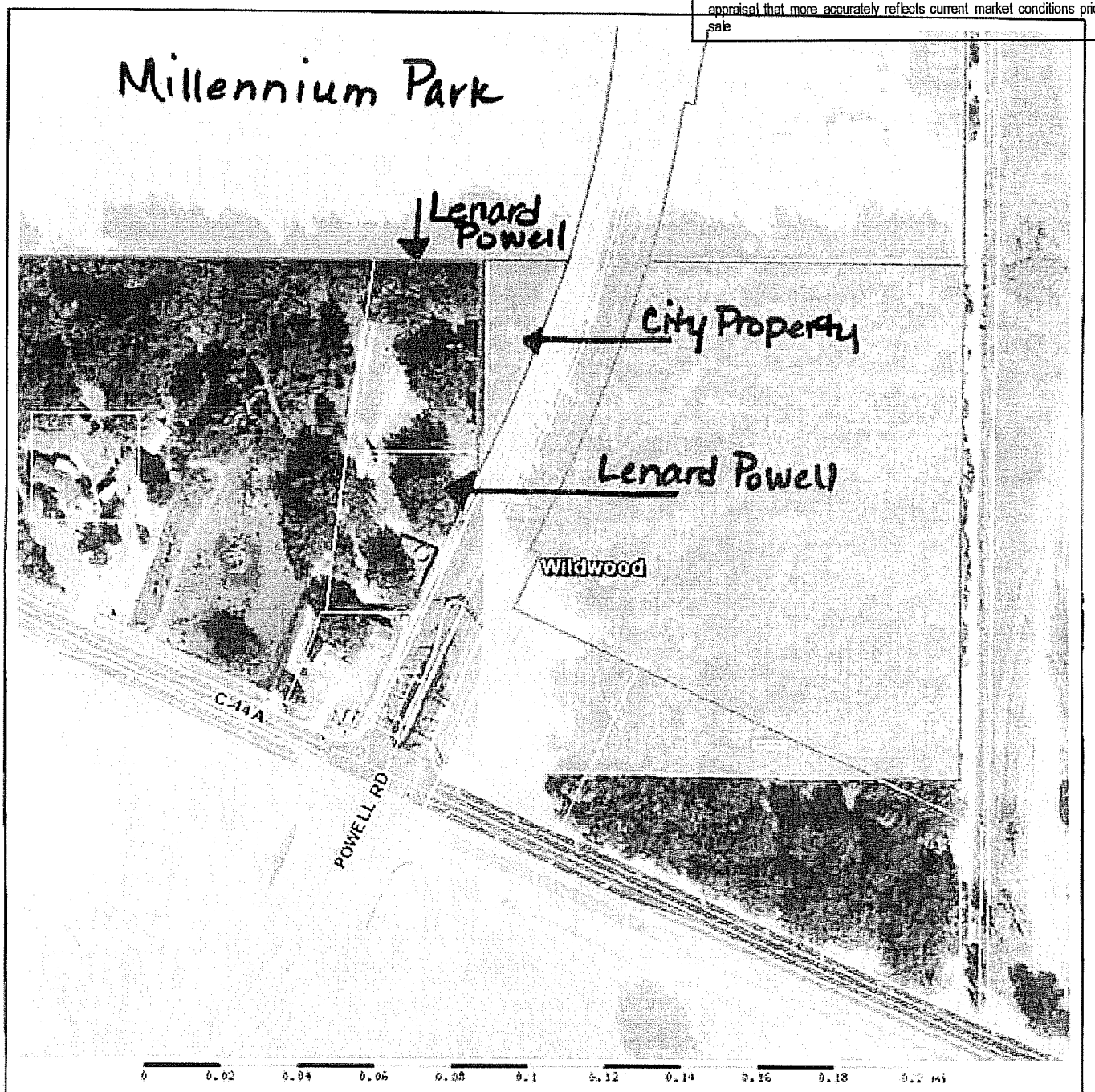
3. NEW BUSINESS–ACTION REQUIRED g. (2) General items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

Staff is requesting direction from the Commission to set a price for and authorize the sale of the property; to decline the sale; or to obtain a professional appraisal of the property that more accurately reflects current market conditions prior to sale.

M. Peavy

Melanie Peavy
Development Services Director

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale



Sumter County BOCC - GIS

BOCC - Bushnell, FL 33513 | 352-793-0200

G08=018

CITY: CITY OF WILDWOOD
100 N MAIN ST WILDWOOD, FL 34785

6451 POWELL RD

08/19/23 W1/2 OF NE1/4 OF NE1/4 & SE1/4 OF NE1/4 & NE1/4 OF NE1/4 OF SE1/4 & BEG 210 FT W OF SE COR OF N1/2 OF NE1/4 OF NE1/4 OF

6/1/2009	2088/193	Vacant	$0.00
3/1/2001	866/556	Vacant	$341,800.00

NOTES

W

This information was derived from data which was compiled by the Sumter County BOCC - GIS. This information should not be relied upon by anyone as a determination of the ownership of property legal boundary representation, or market value. The map image is not a survey and shall not be used in any Title Search or any official capacity. No warranties, expressed or implied, are provided for the accuracy of the data herein, its use or its interpretation. This information was last updated 1/3/2012 and may not reflect the data currently on file in our office.

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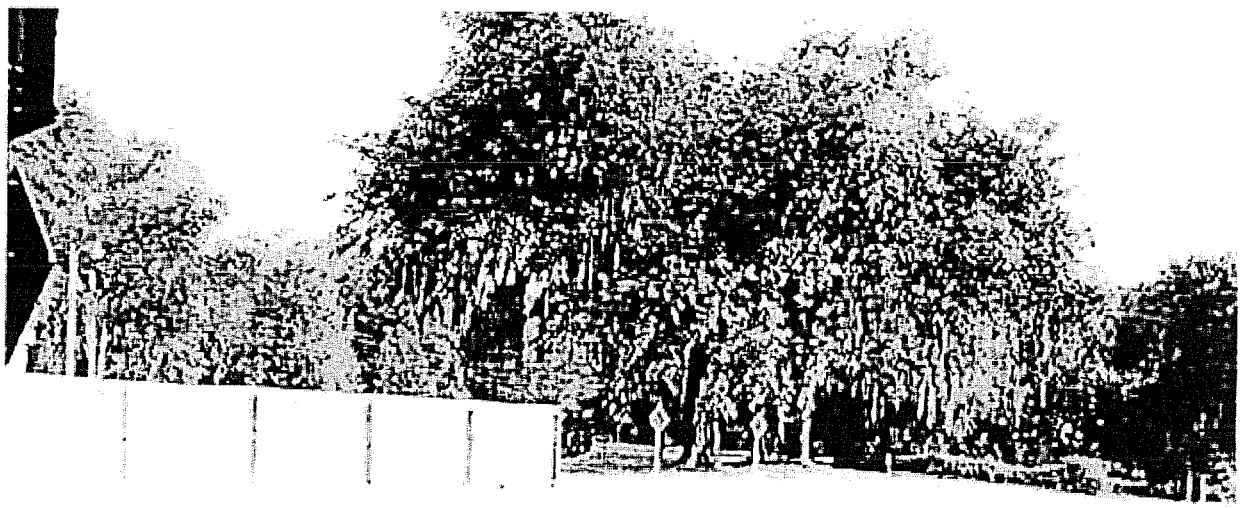
3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

Sumter CR 139/462 Project/ Phase II
Parcels, Owners and Appraised Values

Parcel No.	Owner(s)	Parent Tract	Take Area	Appraisal/Proposed Offer	Land Value/SF
101	Turkey Run 2, LLC	0.354 ac	0.017ac	$5,700	$7.75/SF
101A	Turkey Run 2, LLC	33.548 ac	0.009ac	$3,050	$7.75/SF
102	Turkey Run 2, LLC	1.198 ac	0.057ac	$20,600	$7.75/SF
103	Turkey Run 2, LLC	0.957ac	0.046ac	$16,350	$7.75/SF
104	Turkey Run 2, LLC	0.956ac	0.046ac	$16,000	$7.75/SF
105	Turkey Run 2, LLC	0.276ac	0.035ac	$15,350	$7.75/SF
108	Timothy M. Watson, Trustee Mary Lou Watson, Trustee	6.768ac	0.481ac	$87,150	$4.00/SF
109/109A	Timothy M. Watson, Trustee Mary Lou Watson, Trustee	4.159ac 3.896ac	0.648 0.124	$149,650	$3.75/SF
110	Jesse H Ward Joan Ward	0.760ac	0.212	$53,800	$3.75/SF
112	Gynelle Rast Ellen Kay Wilson James David Rast	4.450ac	0.329	$58,950	$4.00/SF
113	Patsy M. Kirkman Timothy D. Kirkman	0.771ac	0.224ac	$41,500	$4.25/SF
114	Geneva M. Hampton, Life Estate Florence Green, Life Estate Donnie L. Ford Doris Marie Ford	3.702ac	0.255ac	$41,700	$3.75/SF
120	Seadalia Weaver Gwendalyn Mays	4.892ac	0.139ac	$19,100	$3.15/SF
121	Richard Lyals, Jr.	0.768ac	0.103ac	$40,550	$3.75/SF
122	Iva A. Lyals	0.613ac	0.157ac	$32,000	$4.25/SF
123	Dean A. Hilborne Roseanne R. Jones	9.076ac	0.268ac	$60,350	$3.75/SF
124	Wildwood United Methodist Church	2.694ac	0.072ac	$12,950	$3.75/SF
125	Russell D. Vick	1.969ac	0.054ac	$10,500	$3.75/SF
126	Royce Virgil Vick Alice Marie Vick	1.939ac	0.055ac	$11,150	$3.75/SF
127	Patricia A. Paxton Richard T. Austin Michael J. Barry	0.936ac	0.145ac	$41,050	$4.25/SF
128	Benjamin T. Mills, Jr. Dixie L. Mills	4.650ac	0.350ac	$74,100	$4.00/SF
131	Denise E. Warnock	1.084ac	0.136ac	$52,500	$8.50/SF
132	Jack M Hammons Maryon N. Hammons	1.643ac	0.059ac	$24,150	$8.50/SF
133	Raymond Penrose Beaumont, Trustee June B. Beaumont, Trustee	153.827ac	0.005ac	$2,100	$7.50/SF

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

SUMMARY APPRAISAL



Subject Property:
4826 & 4842 CR 44A
Wildwood, Florida 34785

Prepared For:
Ms. Linda Goodman
Loan Processor, II
Citizens First Bank
1341 Griffin Road
Leesburg, Florida 34748

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to

MCNAMARA
Realty & Appraisal Service

1511 Banning Beach Road Tavares, Florida 32778
Phone 352 343 1816 Fax 352 343 4940

June 22, 2011

Ms. Linda Goodman
Loan Processor, II
CenterState Bank
1341 Griffin Road
Leesburg, Florida 34748

Dear Ms. Goodman

In compliance with your request, I have inspected the property located at 4826 & 4842 CR 44A Wildwood, Florida 34785. The purpose of this inspection was to assist me in estimating the market value of the fee simple ownership as of the effective date of this report. The subject is a 78,304 square foot parcel located in the City of Wildwood, Florida. The appraisal is subject to annexation into the City of Wildwood and zoned for a commercial use.

This is a Summary Appraisal Report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2 (b) of USPAP for an Appraisal Report.

Based on the inspection of the subject site, the subject neighborhood and relevant market information, I estimate the market value for the subject property as of June 17, 2011 to be:

FOUR HUNDRED SEVENTY THOUSAND DOLLARS

$470,000

If you have any questions concerning this appraisal report, please do not hesitate to contact my office. Thank you for the opportunity to be of service.

Sincerely,

Todd A. McNamara
State-Certified General Appraiser #2276

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

LIMITING CONDITIONS

Contingent and limiting conditions. The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and therefore, will not render any opinion about title. The property is appraised on the basis of it being under responsible ownership.

2. The appraiser, if applicable, has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraisers' determination of its size.

3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he makes no guarantees, expressed or implied, regarding the determination.

4. The appraiser will not give testimony or appear in court because he made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.

5. The appraiser has estimated the value of the land in the cost approach at its highest and best Use and the improvements at their contributory value. These separate valuations of the land and improvements must not be Used in conjunction with any other appraisal and are invalid if they are Used so.

6. The appraiser has noted in the appraisal report any adverse conditions (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, expressed or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required whether such conditions do exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.

7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he considers reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.

8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.

9. The appraiser has based his appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion will be performed in a workmanlike manner.

10. The appraiser must provide his prior written consent before the lender/client specified in the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations and references to any professional appraisal organization or the firm with which the appraiser is associated) to anyone other than the borrower; consultants, professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

APPRAISER CERTIFICATION

The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to or more favorable than the subject property, I have made a negative adjustment to reduce the adjusted sale price of the comparable and, if a significant item in a comparable property is inferior to or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.

2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.

3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this report.

4. I have no present or prospective interest in the property that is subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the properties in the vicinity of the subject property.

5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.

6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.

7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of the Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the report, unless I have otherwise stated in the reconciliation section.

8. I have personally inspected the interior and exterior of the property and the exterior of all properties listed as comparable in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.

9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from an individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

Appraiser Signature:

Todd A. McNamara
State-Certified General Appraiser 2276
Expiration Date: 11/30/2012

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

Summary of Salient Facts

Location:	4826 & 4842 C -44A Wildwood, Florida 34785
Owner of Record:	Lenard Powell Properties, LLC
Borrower:	Lenard Powell Properties, LLC
Assessor Parcel Numbers:	G08=018 G08=105
Real Property Interest Appraised:	Fee Simple
Extraordinary Assumption:	The appraisal assumes the subject property has being annexed into the City of Wildwood and is zoned for a commercial use.
Date of Appraisal:	June 17, 2011
Date of Appraisal Report:	June 22, 2011
Property Description:	Commercial Site
Land Area:	78,304 Square Feet
Zoning:	Commercial (proposed)
Flood Map Number:	120296 0075D
Flood Zone:	X
Effective Map Date:	03/16/1982

Value Indicators

Cost Approach:	Not Applicable
Sales Comparison Approach:	$470,000
Income Approach:	Not Applicable
Final Opinion of Value:	$470,000

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

PURPOSE AND FUNCTION OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the fee simple interest in the subject property as defined in the USPAP as of the effective date of this appraisal report. The subject property, located at 4826 & 4842 CR 44A Wildwood, Florida 34785, is a 78,304 square foot commercial lot located in the City of Wildwood, Florida (subject to annexation). The function of this appraisal is for mortgage loan purposes. The client for this report is Citizens First Bank. The borrower is Lenard Powell Properties, LLC.

APPRAISAL REPORTING PROCESS AND DEVELOPMENT

This is a Summary Appraisal Report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2 (b) of USPAP for a Summary Appraisal Report.

The development of this appraisal has included an inspection of the subject property, the neighborhood, a thorough analysis the surrounding market, an analysis of the highest and best use of the subject property. In developing the appraisal report the appraiser has considered only the sales comparison approach to value.

DEFINTION OF MARKET VALUE

The most probable price which a property would likely bring in a competitive and open market, under all conditions requisite to a fair sale, the buyer and seller acting prudently, knowledgeably and assuming the price is affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in US dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sales. As defined by the American Institute of Real Estate Appraisers.

SCOPE OF THE APPRAISAL

The scope of the appraisal encompasses the necessary research and analyses to prepare a report that will satisfy the intended use as well as comply with the USPAP. To assure this, the following steps have been taken: The property was inspected June 17, 2011 and photographs were taken at that time. A search of the Public Records of Lake and Sumter Counties, Florida as well as My Florida Regional MLS for information concerning the subject property and comparable sales was undertaken. City, county and neighborhood data was obtained from local sources and the appraiser's files. After the above information was analyzed, a final estimate of market value was made.

HIGHEST AND BEST USE

Highest and best use is defined as: the reasonably probable and legal use of vacant or improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

It is believed that the highest and best use for the subject property would be a commercial use such as retail or a professional office, as of the effective date of the appraisal report.

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

ESTIMATED MARKETING TIME AND EXPOSURE

The normal marketing period is considered to be the most probable amount of time necessary to expose and actively market the subject property in the open market to achieve a sale price consistent with the market value estimate and on terms consistent with the definition of market value recited herein. It is estimated the marketing time for the subject is between three and twenty-four months. Similar type properties in the subject area have sold within a few months or have taken over a year to sell. With the continued sluggish economy current market conditions are considered less than favorable.

Exposure time is the estimated length of time to which the property for sale is exposed to the open market and the local MLS. The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consumption of a sale at market value on the effective date of the appraisal. The estimate exposure time is fifteen months.

DATE OF THE APPRAISAL

The effective date of this appraisal for the estimated market value of the subject property is considered to be June 17, 2011 the date the subject property was inspected.

SUBJECT DATA

LEGAL DESCRIPTION

BEG AT NE COR OF W 1/2 OF N 1/2 OF NE 1/4 OF SE 1/4 RUN N89 DEG 46 MIN 30 SEC W 155.5 FT THENCE S 07 DEG 55 MIN 49 SEC W 254.13 FT THENCE S 89 DEG 46 MIN 30 SEC E 190.26 FT THENCE N 00 DEG 04 MIN 10 SEC E 251.84 FT TO POB (Parcel G08=099)

AND

COMM AT NE COR OF W 1/2 OF N 1/2 OF NE 1/4 OF SE 1/4 RUN S 0 DEG 04 MIN 10 SEC W 251.84 FT TO POB CONT S 0 DEG 04 MIN 10 SEC W 213.02 FT THENCE N 89 DEG 48 MIN 40 SEC W 219.51 FT N 07 DEG 55 MIN 49 SEC E 214.79 FT THENE S 90 DEG 46 MIN 30 SEC E 190.26 FT TO POB LESS COMM AT NE COR OF NW 1/4 OF EN 1/4 OF SE 1/4 RUN S 00 DEG 27 MIN 52 SEC W 270.15 FT TO POB CONT S 00 DEG 27 MIN 52 SEC W 193.50 FT N 89 DEG 24 MIN 58 SEC W 88.56 FT N 25 DEG 04 MIN 43 SEC E 212.64 FT TO POB (Parcel G08=105)

OWNERSHIP, SALES HISTORY AND CONTRACT

According to the Public Records of Sumter County, Florida, the present owner of the subject property is Lenard Powell Properties, LLC. The only sales history in the past three years consisted of sale of Parcel G08=105 that sold in 06/2009 for $23,000.

ZONING

The appraisal assumes the subject property to be zoned commercial by the City of Wildwood that would provide a variety of commercial uses including but not limited to professional office and retail.

FLOOD ZONE

According to FEMA flood panel 120295 0075D, dated 03/16/1982 the subject property is located in Zone "X". This is an area of minimal flooding.

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

TAXES AND ASSESSED VALUE

The subject property is presently located in the Sumter County Tax District 1001. The millage rate for this district is 14.4368. Taxes on the subject property for the 2010 tax year were $1304.24

Parcel ID #G08=099

2010 Assessed Value	$33,572
Land Value	$11,512
Improved Value	$22,060

Parcel ID #G08=105

2010 Assessed Value	$42,085
Land Value	$9,785
Improved Value	$32,300

The assessments appear low and will likely be increased upon annexation and zoning change

COUNTY AND NEIGHBORHOOD ANALYSIS

Sumter County is located in the north central portion of the State of Florida about 40 miles northwest of the Greater Orlando Area. Sumter County is bordered by Polk and Pasco Counties to the south, Hernando and Citrus Counties to the west, Marion County on the north and Lake County to the east. Several incorporated towns and municipalities reside within the county including Oxford, Webster, Wildwood, Bushnell (the county seat), Center Hill, Lake Panasoffkee, and a large CDD known as The Villages in the northeast corner of the county. Sumter County has several lakes throughout the county the largest of which being Lake Panasoffkee. A large number of farms and cattle ranches also reside in Sumter County. According to the most recent census study, population in the county has grown to approximately 64,182 with the median age at 49. Although the county in recent years has been considered largely rural, Sumter County has sustained an exceptionally large increase in population, almost solely due to the expansion of The Villages retirement complex, a significant portion of which is located in the county. Public transportation is considered fair. The nearest international airport is located in the City of Orlando and the major highways that run through the county allow easy access to neighboring communities and nearby metropolitan areas such as Orlando and Ocala, as well as the coastal cities of Daytona Beach and Tampa. Recreational amenities include movie theaters, nature parks and trails and historical interests. The local education system is run by the Sumter County School Board and made up of elected officials.

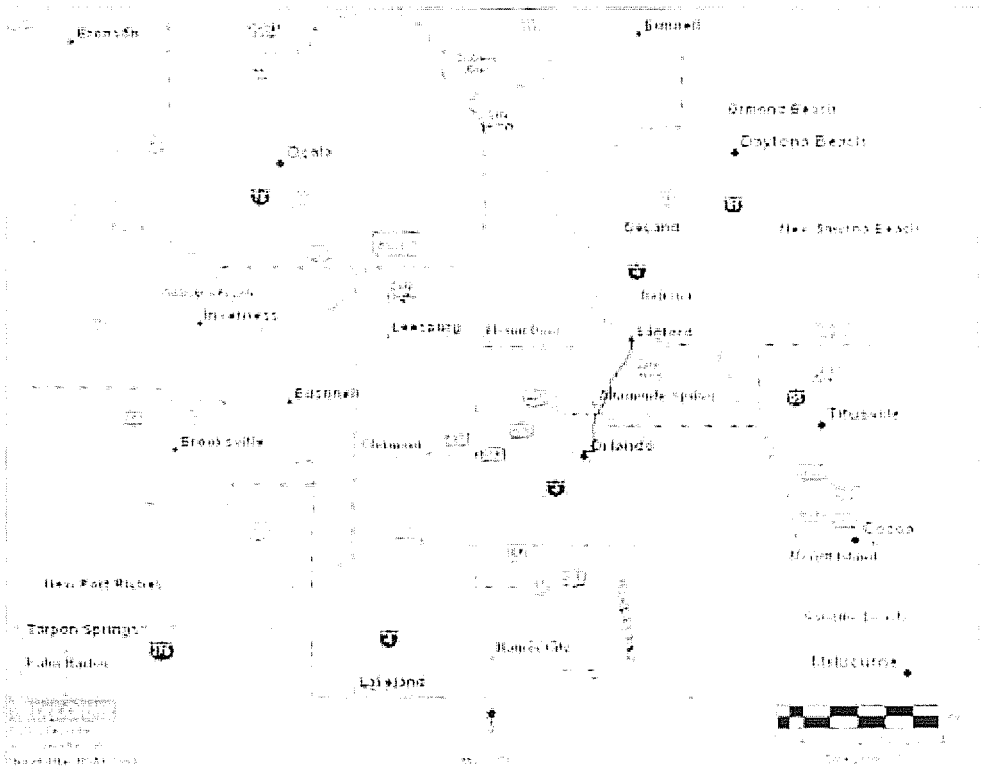
The subject property is located just north at the northwest corner of CR 139 and CR 44A in unincorporated Sumter County. The subject neighborhood, east of Wildwood, south of CR 466A, West of the Lake County Line and north of SR 44 is mostly residential single-family housing and rural in nature. The homes are a mixture of site built and manufactured with many homes on acreage. Typically the homes sites are less than ten acres. The home range in age from new to about 80 years and are typically of average quality of construction and condition. Access to all amenities is deemed typical for the area

Commercial property at the present time is limited to SR 44 to the south, Wildwood to the east and in and near the Villages to the north. This is likely to change with the adult community known as The Villages, located just northeast of the subject and developing most of the property from the subject site to the existing portion the development. This will likely have an impact on the future land use in the subject neighborhood

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

STATE MAP

REGIONAL MAP



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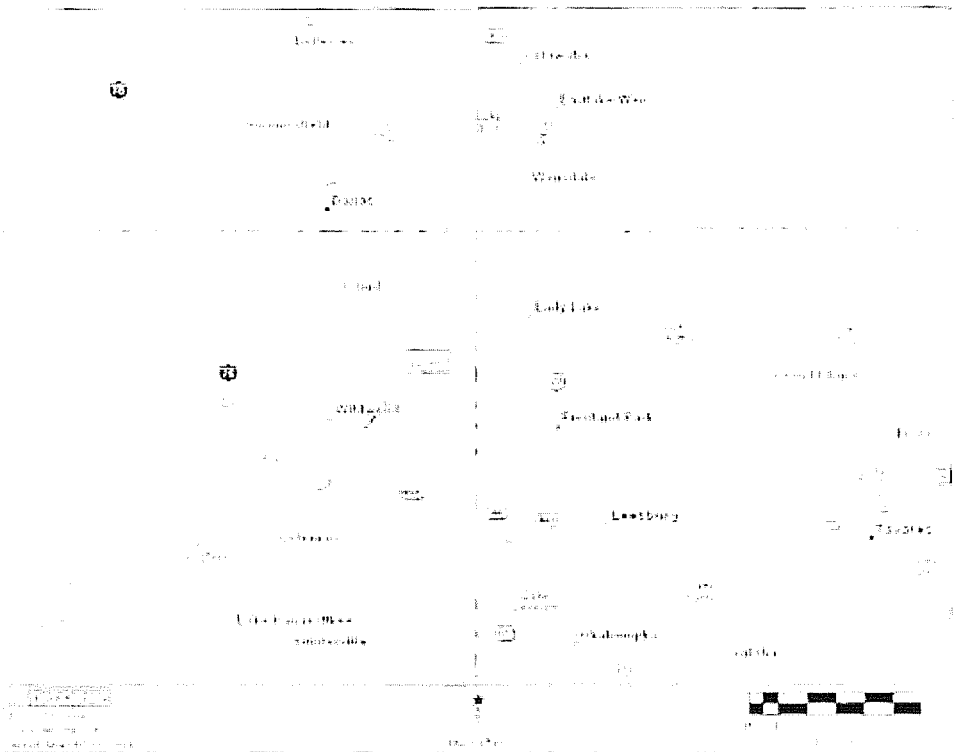
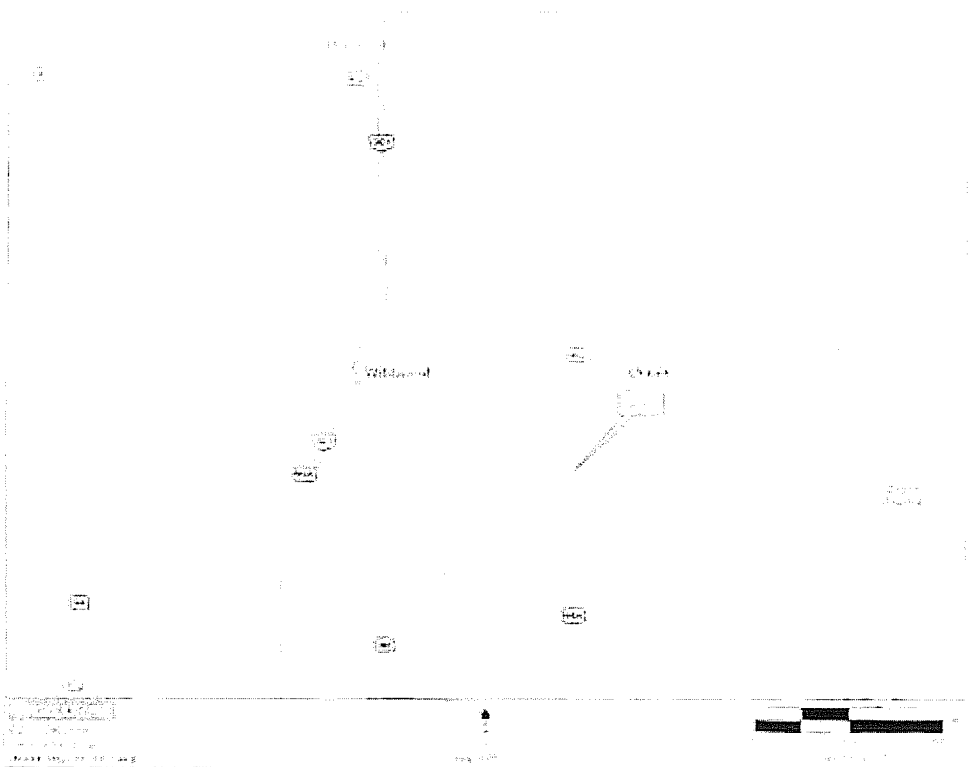
AREA MAP



LOCAL MAP



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SITE COMMENTS

According to the Sumter County Public Records the subject is an irregular shaped parcel approximately 78 304 square feet. The site is average in terms of size and the frontage along CR 139 enhances the appeal. There is 212 feet of frontage along CR 139 with an average depth of 141 feet. Drainage appears to be adequate. No apparent adverse easements, encroachments or any other adverse conditions were noted. Water is provided by a private well on the site and there is a septic system.

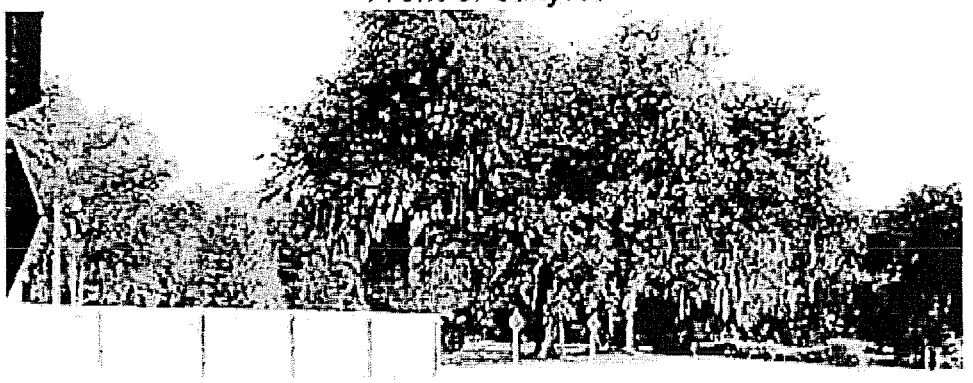
No toxic substances or hazardous wastes were noted on or near the site at the time of the inspection. The appraiser, however, is not an expert in this area and an audit by an authority may reveal some adverse presence.

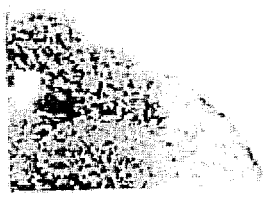
PLAT MAP

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

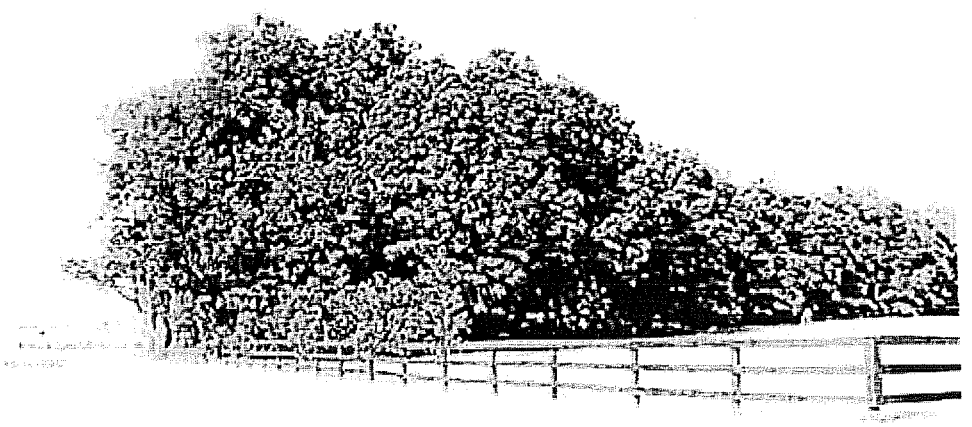
SUBJECT SITE PHOTOGRAPHS

Front of Subject





Back of Property (facing south)



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SUBJECT PHOTOGRAPHS

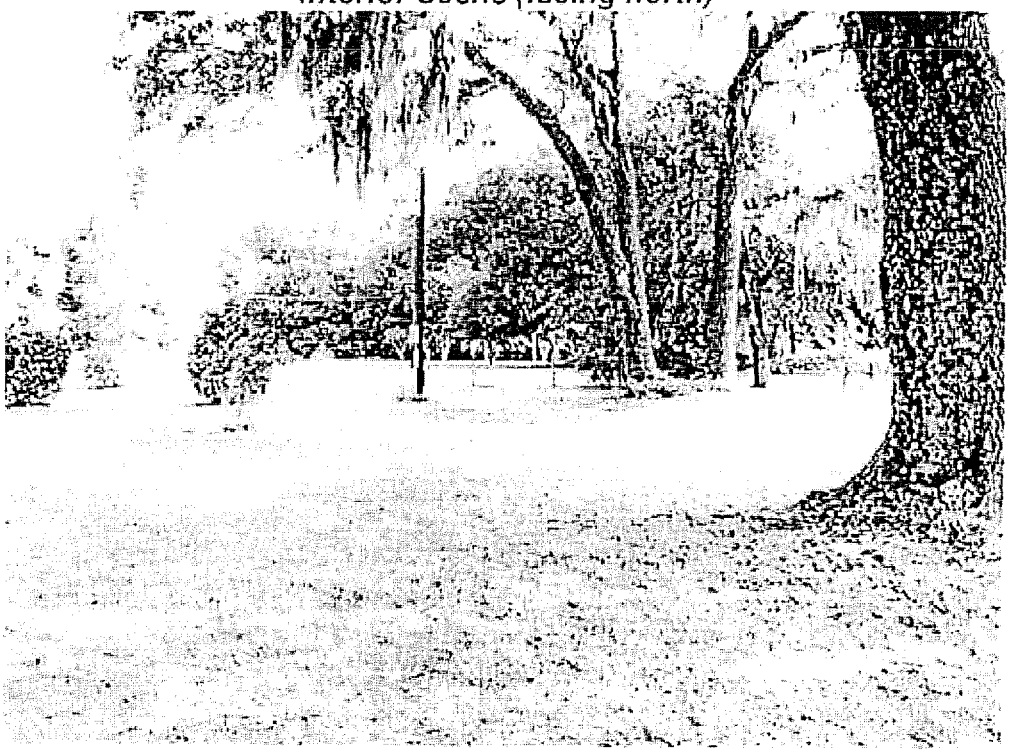
Street Scene (facing south)

Street Scene (facing north)

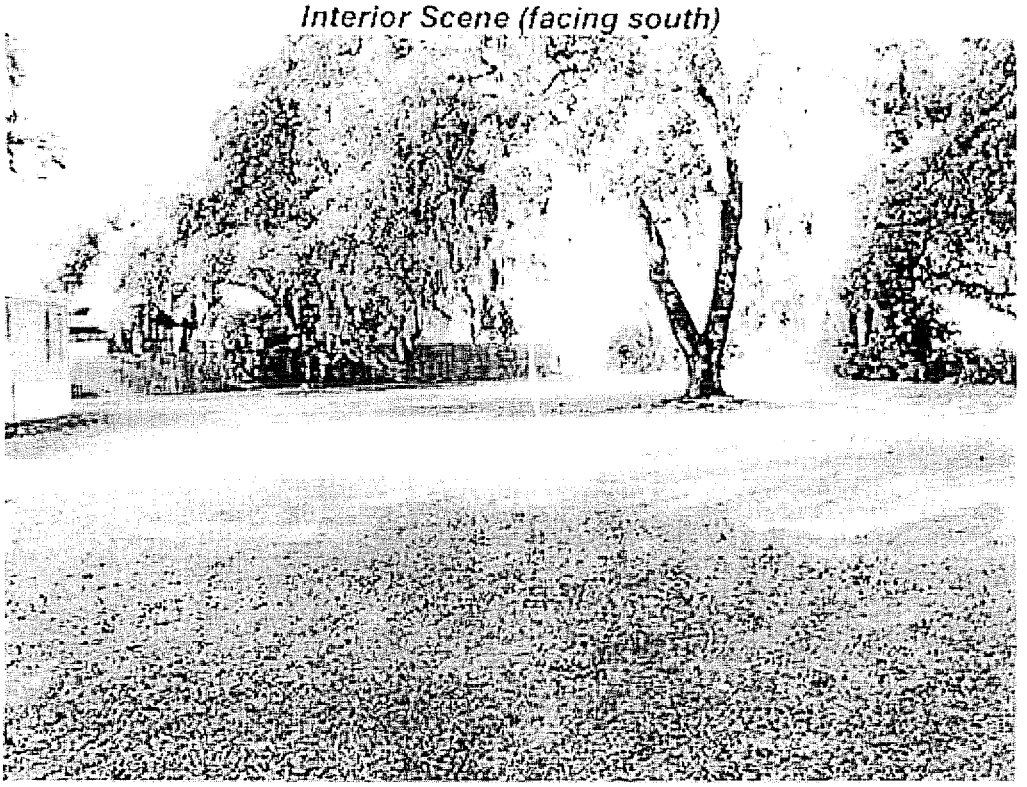
3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

SUBJECT PHOTOGRAPHS

Interior Scene (facing north)



Interior Scene (facing south)



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COST APPROACH

The Cost Approach is based on the premise that an informed purchaser would pay no more than the cost of producing a substitute property with the same utility as the subject property. The analysis involves estimating the current cost (including both the direct and indirect cost) to construct a replacement for the existing structure and related site improvements, deducting for evidence of accrued depreciation, and adding the estimated contributory value of the site improvements and the estimated market value of the land.

The cost approach is not considered applicable with appraising land.

INCOME APPROACH ANALYSIS

The Income Capitalization Approach derives a value indication for income-producing properties by converting anticipated monetary benefits into a property value. This conversion is typically accomplished in two ways. A direct capitalization analysis where one year's income expectancy or and annual average of several years income expectancies may be capitalized at a market-derived capitalization rate. Secondly, discounted cash flow analysis where the annual cash flow for the holding period and the reversion may be discounted at a specified yield rate.

The income approach to value is not considered applicable when appraising land.

COMPARABLE SALES ANALYSIS

The Sales Comparison Approach is the process for comparing prices paid for properties having a satisfactory degree of similarity to the subject property adjusted for differences in time, location and physical characteristics. This approach is based on the principle of substitution, which implies that a prudent purchaser would not pay more to buy a property than it would cost to buy an existing comparable property in a similar location, with the same utility.

In determining the value for the subject property a thorough search of Public Records of Lake and Sumter Counties, Florida was undertaken, as well as a detailed search of the My Florida Regional MLS. Comparable sales have been selected, researched and analyzed. Data set fourth in the following pages provides necessary and sufficient evidence to support the conclusions drawn from the analyzed comparable properties.

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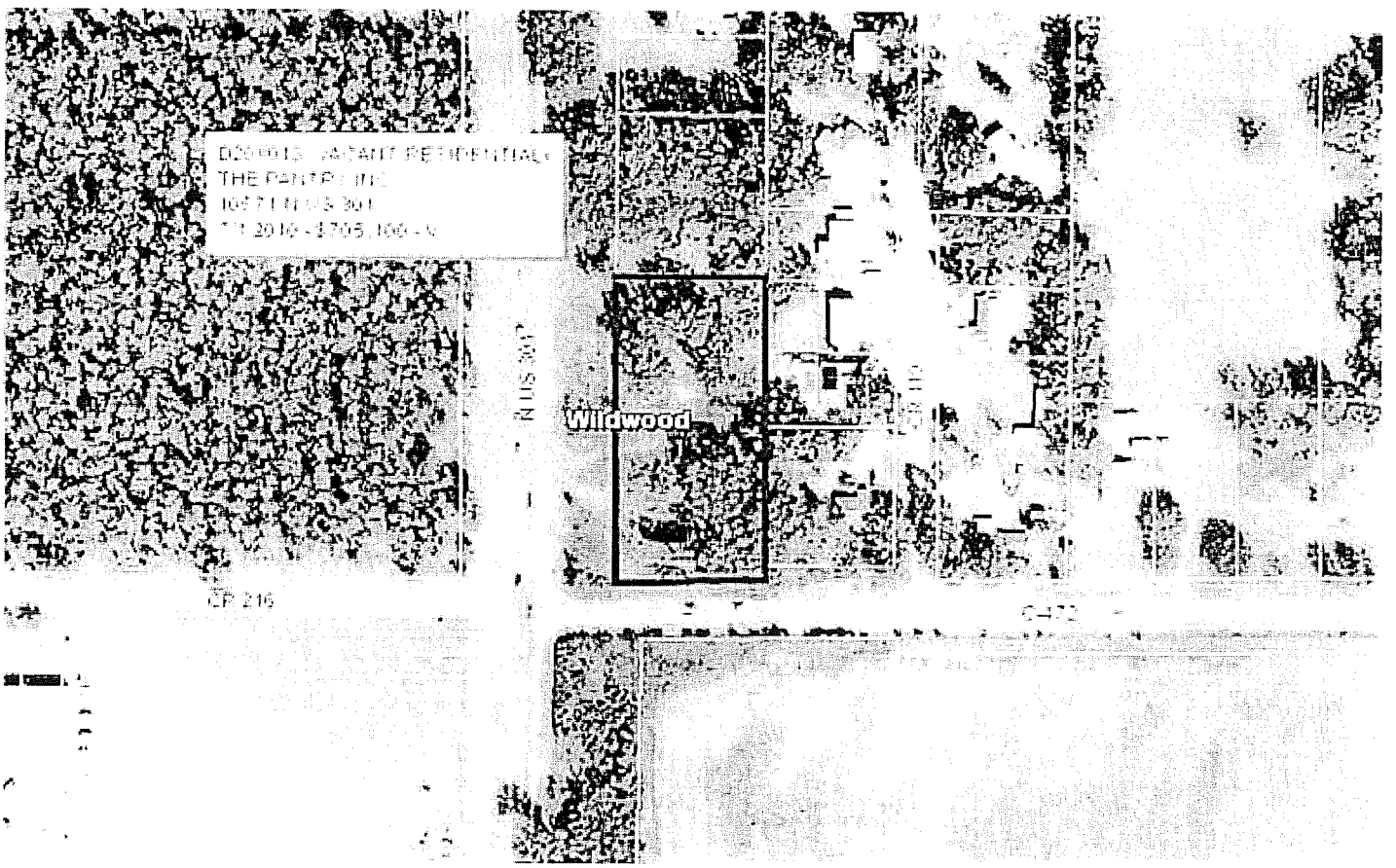
COMPARABLE SALES

Comparable Sale #1

Location 10571 N US Hwy 301 Wildwood, Florida 34785
Parcel ID D20=013
Sale Price $705,100 or $11.09 per Square Foot
Sold Date July 2010
Financing Cash
Source Grantor, Public Records Sumter County, Florida, Drive By
Parcel Size 63,570 Square Feet

Comments This comparable sale is a vacant commercial lot with highway frontage located in the City of Wildwood. The highway location, nearer to the developed portion of the Villages, is superior to the subject's location. The corner lot is smaller but with more road frontage.



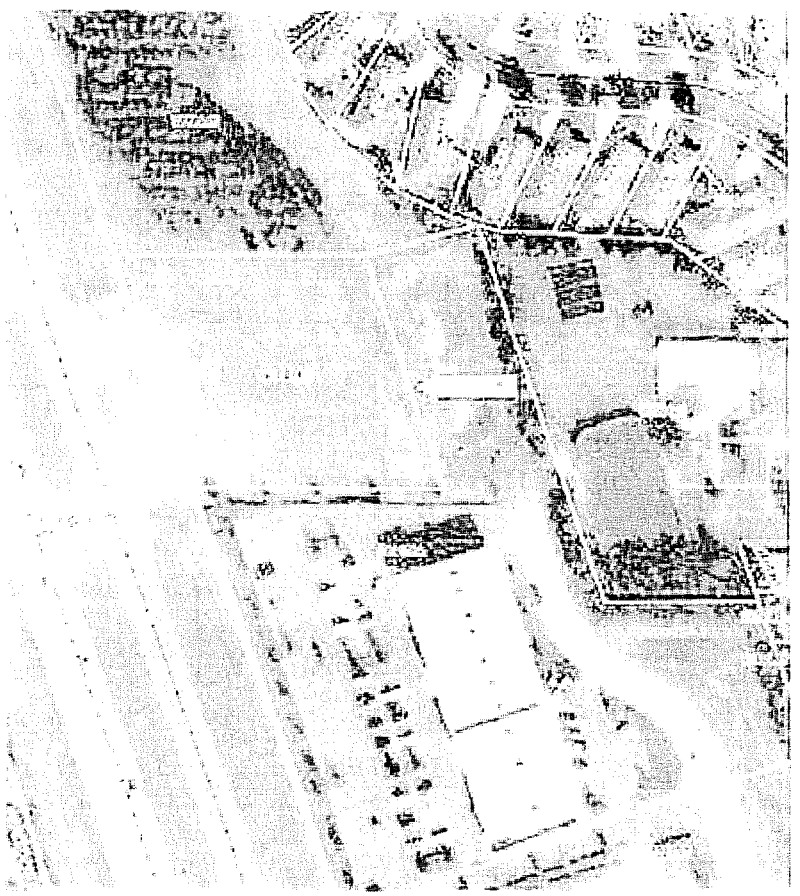
3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

COMPARABLE SALES

Comparable Sale #2

Location: 4269 US Highway 27 Clermont, Florida 34711
Parcel ID: 09-23-26-0002-000-00200
Sale Price: $160,000 or $4.27 per Square Foot
Sold Date: 005/2010
Financing: Cash
Source: MLS# O4915774, Public Records Lake County, Florida
Parcel Size: 37,465 Square Feet

Comments: This comparable sale is a vacant commercial lot with highway frontage located in the City of Clermont. The location is similar to the subject's location. The interior lot is smaller but with similar road frontage and the site is cleared. This was a back owned property



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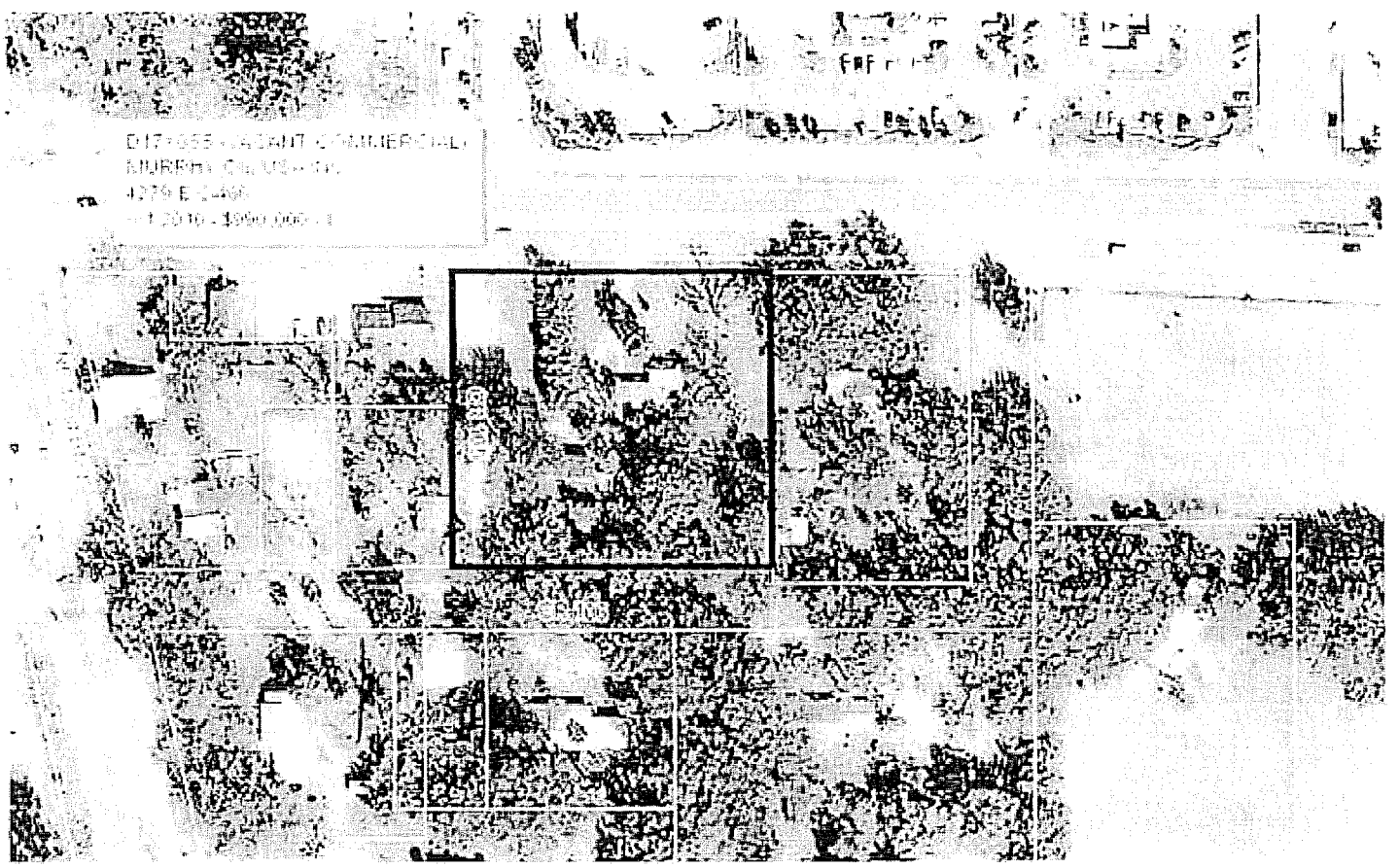
COMPARABLE SALES

Comparable Sale #3

Location 4279 E CR 466 Oxford, Florida 34484
Parcel ID D17=055
Sale Price $990,000 or $16.80 per Square Foot
Sold Date 06/2010
Financing Cash
Source MLS# G4661854, Public Records Sumter County, Florida
Parcel Size 58,923 Square Feet

Comments This comparable sale is a commercial lot with highway located in the unincorporated Sumter County. The location, in the center of the Villages commercial district, is considered superior to the subject's location. The corner lot size is smaller but with more road frontage.



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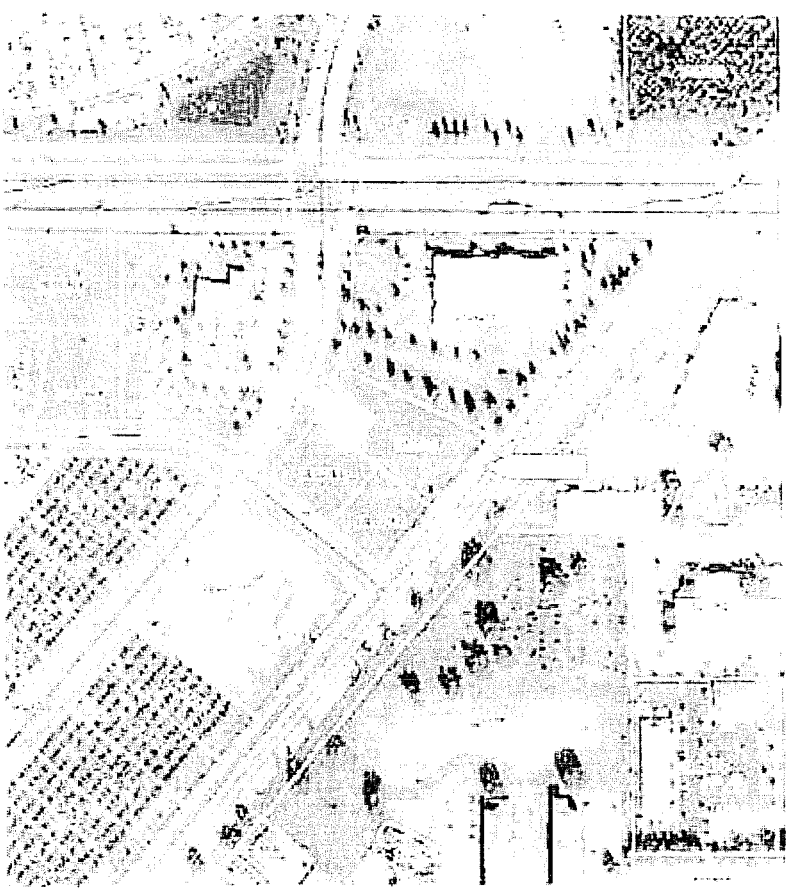
COMPARABLE SALES

Comparable Sale #4

Location 1558 Mayo Drive Tavares, Florida 32788
Parcel ID 21-19-26-1101-000-05501
Sale Price $302,800 or $5.84 per square foot
Sold Date 01/2011
Financing Cash
Source Developer, Public Records Lake County, Florida
Parcel Size 51,836 Square Feet

Comments This comparable sale is a commercial lot located in a professional office subdivision across US Hwy 441 form the Florida Hospital Waterman in the City of Tavares. The location is similar to the subject. The interior lot size is smaller but with frontage along two roads.



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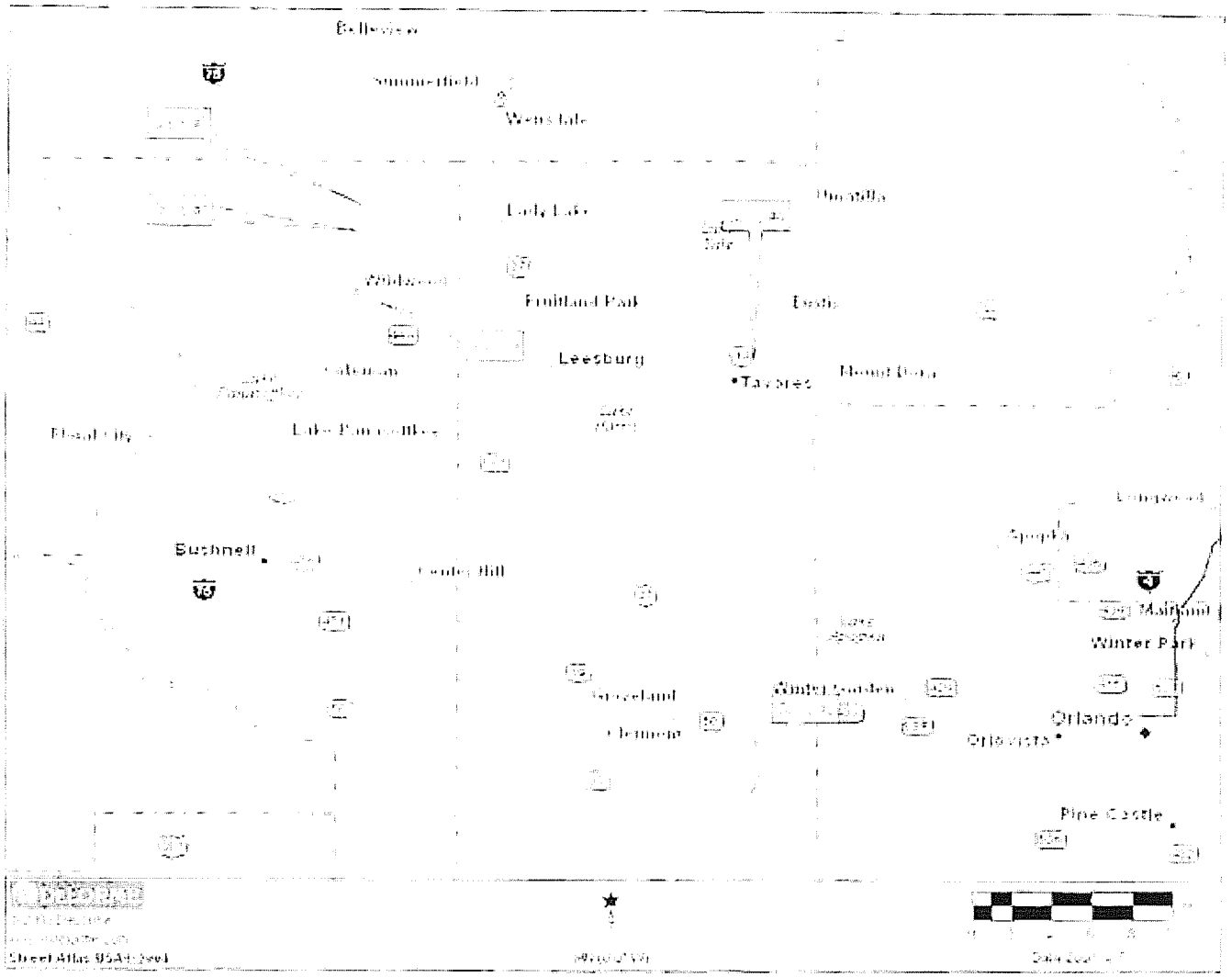
COMPARABLE SALES GRID

Item	Subject	Comparable Sale #1		Comparable Sale #2		Comparable Sale #3		Comparable Sale #4	
Address	1516 E Main Street	10571 N US Hwy 301		4269 US Hwy 27		4279 E CR 466		1558 Mayo Drive	
City	Leesburg	Wildwood		Clermont		Oxford		Tavares	
Proximity to Subject		3.5 miles		35 miles		4 miles		25 miles	
Sale Price	N/A	$705,100		$160,000		$990,000		$302,800	
Price/Square Feet	N/A	$11.09		$4.27		$16.50		$5.81	
Data Source	Inspection, Public Records	Drive By, Grantor Public Records		Drive By, MLS, Public Records		Drive By, MLS Public Records		Drive By, Developer, Public Records	
VALUE ADJUSTMENTS									
Sales or Financing Concessions	N/A	Cash		Cash		Cash		Cash	
Date of Sale/Time	N/A	July 2010 (contact 10/09)	-10%	May-10	-5%	June-10	-5%	January-11	
Location	Suburban	Suburban +	-15%	Suburban		Suburban +	-25%	Suburban	
Lot Size (Square Feet)	78,408	73,104		37,465		58,923		51,836	
Site characteristics	Interior lot	Corner Lot	-5%	Interior Lot		Interior Lot		Interior Lot	
Total Adjustments			-30%		-5%		-30%		0%
Indicated Market Value of Subject			$7.76		$4.05		$11.76		$5.81

COMPARABLE SALES MAP



COMPARABLE SALES COMMENTS

Information for the comparable sales has been obtained from the Public Records of Lake and Sumter Counties, Florida and My Florida Regional MLS. All four comparable sales are closed sales as of the dated note. All are commercial lots similar in appeal to the subject property. Time adjustments were deemed necessary for the dated sale as property values in the subject market area have declined. The sales comparison approach indicates an adjusted sale price that ranges from $4.05 per square foot to $11.76 per square foot with most weight being placed on comparable sale #1, the property most similar to the subject property. Therefore, it is believed that the estimated market value for the subject property, based on the sales comparison approach is **$6 per square foot.**

Parcel 78,304 Square Feet x $6 = $469,824

SAY $470,000

3. NEW BUSINESS-ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

FINAL RECONCILIATION

The purpose of this appraisal is to estimate the market value of the fee simple ownership in the subject property. The analysis presented within this report is used to estimate the market value of the subject property, as of June 17, 2011. In estimating the market value, as defined, for the subject property only the sales comparison approach to value were considered in this report. According to the analyzed data, the following has been concluded:

Cost Approach	Not Applicable
Income Approach	Not Applicable
Sales Comparison Approach	$470,000

All weight is placed on the sales comparison approach to value as it reflects the relationship between buyer and seller in the open market. The cost approach and income approaches were not considered applicable. Therefore it is believed the final estimate of market value of the fee simple ownership in the subject property, as of June 17, 2011 is:

FOUR HUNDRED SEVENTY THOUSAND DOLLARS

($470,000)

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

Todd A. McNamara

McNAMARA REALTY & APPRAISAL SERVICE
1611 BANNING BEACH ROAD
TAVARES, FLORIDA 32778-2024
(352) 343-1818
FAX (352) 343-4940
toddmcnamara@embarqmail.com

EDUCATION: Bachelor of Science Degree in Social Science, Florida State University, Tallahassee, Florida, 1986.

I have successfully completed National Association of Master Appraiser courses, Orlando, Florida, 1988 and additional state approved courses in 1990 and 1995 for state-certification.

I have attended numerous seminars and continuing education courses for broker's license and appraiser certification.

PROFESSIONAL EXPERIENCE: Presently owner/broker of McNamara Realty & Appraisal Service, specializing in real estate appraising.

I have personally appraised in excess of 5,000 properties in Lake, Sumter, Marion, Seminole, Volusia and Orange Counties in the State of Florida in the past twenty-two years.

LICENSE & CERTIFICATION: Licensed Real Estate Broker, State of Florida, since 1988. State Certified General Appraiser #2276, State of Florida. Expiration Date: 11/30/2012.

PROFESSIONAL ASSOCIATIONS: My Florida Regional Multiple Listing Service, Inc., Realtors Association of Lake& Sumter Counties, Inc., Florida Association of Realtors.

ERRORS & OMISSION INSURANCE: Insured by CNA, Policy #11386432711

APPRAISAL EXPERIENCE:

Vacant Land Agricultural/Residential
Residential, Single-Family and Multi-Family
Apartments
Condominium Units
Medical/Dental Office Buildings
Manufacturing Facilities
Retail Facilities
Churches
Industrial & Commercial Land
Hotels & Motels
Professional Office Buildings
Warehouses
Showrooms/Warehouse Facilities
Restaurants/Diners

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

APPRAISAL ACCEPTANCE: Appraisals presently accepted by the following lenders/clients:

United Southern Bank
First Green Bank
Attorneys and Realtors
City of Eustis
Citizens First Bank
Branch Banking & Trust Company
Fifth Third Bank
Network Appraisal Service
State Farm Bank
CenterState Bank
BB and T Mortgage
RBC Ventura Bank
National City Mortgage
BankFirst
Huntington Mortgage
Bank of America
Lender's Service Inc.
SunTrust Bank
Main Street Community Bank
Prudential Relocation
WHR Group
Prime Home Mortgage, Inc

REFERENCES:

Mr. Frank Stovender
Citizens First Bank
1341 Griffin Road
Leesburg, Florida 34748
(352) 751-2175

Mr. Clayton Blanchard, P.A.
35 East Pinehurst Boulevard
Eustis, Florida 32726
(352) 589-1919

Ms Jan Taylor
United Southern Bank
10021 CR 44
Leesburg, Florida 34788
(352) 728-0077

Mr. Tom Popieski
BankFirst
35119 U.S. Hwy 441
Eustis, Florida 32726
(352) 483-3999

Mr. Rob Adrid
United Southern Bank
2701 S Bay Street
Eustis, Florida 32726
(352) 589-2121

Mr. Michael Cox
Branch Banking & Trust Company
800 North Boulevard West
Leesburg, Florida 34748
(352) 357-1112

Mr. Matthew Kelly
CenterState Bank
6950 Gall Blvd
Zephyrills, Florida 33541
(813) 780-3313

Mr. Kenneth E. LaRoe
First GREEN Bank
1301 S Bay Street
Eustis, Florida 32726
(352) 483-9100

Mr. Paul Bryan
Bryan Properties
1619 Banning Beach Road
Tavares, Florida 32778
(352) 343-5777

Mr. Steve Knowles
CenterState Bank
903 W North Boulevard
Leesburg, Florida 34748
(352) 323-8684

3. NEW BUSINESS–ACTION REQUIRED g. (2) General Items for Discussion/Approval Update on Lenard Powell/City property information requested at January 23rd meeting; requesting board direction to set price and authorize sale of the property; decline the sale; or obtain professional appraisal that more accurately reflects current market conditions prior to sale

STATE OF FLORIDA GENERAL CERTIFICATION

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE APPRAISAL BD

SEQ#

DATE BATCH NUMBER LICENSE NBR

10/23/2[illegible]

THE CERTIFIED GENERAL APPRAISER
Named below is [illegible]
Holder [illegible]
Expiration date [illegible]

MC NAMARA, TODD A
[illegible]
TAVARES FL 32778

CHARLIE CRIST
GOVERNOR

CHARLES BEAL
SECRETARY

3. NEW BUSINESS–ACTION REQUIRED g. (3) General Items for Discussion/Approval Proposed language for modification of Comprehensive Plan and Design District Standards for roadway interconnectivity requirements

CITY COMMISSION OF THE CITY OF WILDWOOD

EXECUTIVE SUMMARY

SUBJECT: **Interconnectivity language for the Comprehensive Plan and Design Standards**

REQUESTED ACTION: Commission direction regarding request.

☐ Work Session (Report Only) **DATE OF MEETING:** **2/13/12**
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____

☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

At the Commission meeting of January 9, 2012, the Commission expressed concerns regarding Interconnectivity. The Commission directed staff to explore alternative language for the Comprehensive Plan and Design Standards regarding Interconnectivity.

The City Attorney has proposed/suggested changes to the Comprehensive Plan and Design Standards language as discussed with Development Services to accommodate the Commission's concerns. Added language is underlined; removed language is stricken through:

~~e.~~ i. All developments shall provide for infrastructure and open space interconnectivity with adjacent properties ~~unless~~ when feasible.

ii. It shall be the developer's burden to demonstrate that interconnectivity is not feasible.

iii. In determining feasibility, the following shall be considered:

Physical constraints are present in the area such as wetlands, environmental preservation areas or right-of-way which make interconnection detrimental to the public well being;

The degree to which traffic conditions in the area would be positively affected by interconnectivity;

The degree to which existing traffic will be increased by the intended use of the property;

The size of the parcel being developed;

The shape of the parcel being developed;

Any other factors which would affect the public well being.

iv. For development located along an arterial or collector road, the number and type of access points shall be limited, as appropriate, so as to minimize disruption of traffic flow on the abutting arterial or collector roadway.

Design Standards:

To the extent possible, direct connections with adjoining properties and projects are required to provide an interconnected network of streets unless physical constraints are present such as wetlands, environmental preservation areas or right of ways which make such interconnection detrimental to public well-being or it is determined that interconnectivity is not feasible.

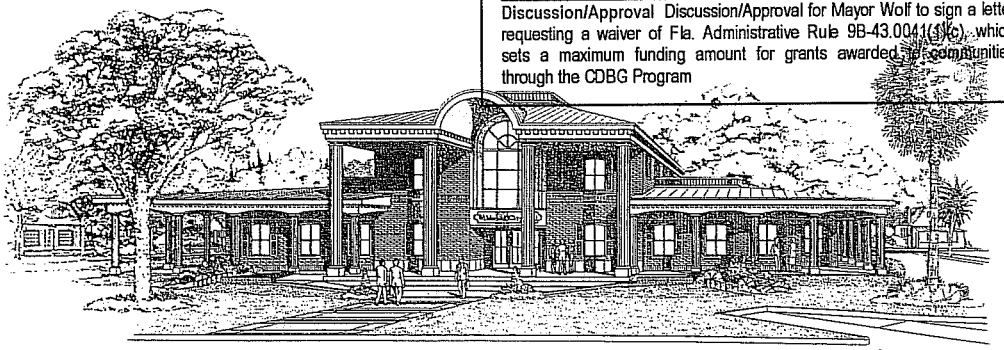
Staff is seeking direction from the Commission whether they are comfortable with this language and provide approval to amend the Comprehensive Plan and Design Standards accordingly; or alternatively, to provide substitute language or direction on this matter.

M. Peavy

Melanie Peavy
Development Services Director

3. NEW BUSINESS–ACTION REQUIRED g. (4) General Items for Discussion/Approval Discussion/Approval for Mayor Wolf to sign a letter requesting a waiver of Fla. Administrative Rule 9B-43.0041(1)(c), which sets a maximum funding amount for grants awarded to communities through the CDBG Program

City of Wildwood, Florida



City Hall

Area Code: 352
SUNCOM Prefix: 668
ZIP Code: 34785

CITY HALL
100 N. Main Street
330-1330 Phone
330-1338 Fax

CITY MANAGER
Extension 109

CITY CLERK/FINANCE
Extension 100

PERSONNEL
Extension 103
330-1339 Fax

CUSTOMER SERVICE
(Utility Accounts)
Extension 130

BUILDING SERVICES
Code/Inspections/Permits
Extension 131
330-1334 Fax

DEVELOPMENT SERVICES
Planning/Zoning/Concurrency
Extension 118
330-1334 Fax

TDD
Extension 130

LIBRARY
310 Palmer Drive
748-1158

COMMUNITY CENTER
6500 County Road 139

POLICE
100 E. Huey Street
330-1355
330-1358 Fax

ANIMAL CONTROL
WOOD WASTE
601 W. Gulf-Atlantic Hwy.
330-1345

REFUSE / STREETS
410 Grey Street
330-1343
330-1353 Fax

WASTEWATER
1290 Industrial Drive
330-1349
330-1350 Fax

WATER
801 E. Huey Street
330-1346
330-1347 Fax

February 13, 2012

Patrick Howard, Community Assistance Consultant
Florida Small Cities CDBG Program
Department of Economic Opportunity
107 East Madison Street, MSC - 400
Tallahassee, Florida 32399-6508

RE: City of Wildwood Fiscal Year 2011
Community Development Block Grant (CDBG) Project
Waiver Request - Economic Development

Dear Mr. Howard:

The City of Wildwood is requesting a waiver of Florida Administrative Rule 9B-43.0041(1)(c), which sets a maximum funding amount for grants awarded to communities through the Community Development Block Grant (CDBG) Program. The City is requesting the funding ceiling be raised to $1.0 million for a critical job creation project to be located within the city limits of Wildwood. The City understands that during the 2011 session, the Florida Legislature amended Florida Statutes 290.047(2) to remove caps on CDBG grants. The Cap for the City of Wildwood is currently set at $700,000. The Statutory change was recommended and approved to allow CDBG Economic Development assistance to be utilized in a stronger manner for projects creating large numbers of new jobs and leveraging large scale investment in the State.

An Assisted Living Facility (ALF) is being considered for construction within our City, but the site is not served with water, sewer or transportation facilities. The City is considering the use of CDBG funds to help fund the needed infrastructure so that the ALF can begin operations. The proposed project is a particularly good candidate for the City because the ALF is projected to create 200 new jobs within two years and up to a total of 400 new jobs within three years. The ALF will create a wide range of jobs with varying skill requirements and pay ranges. The company has stated that at least 51% of the jobs to be created will be for low to moderate income persons, as defined by HUD income guidelines. Also, as a result of the ALF becoming operational, there should be a significant number of "spin off" jobs created in the area by other businesses. In addition, much needed job opportunities for construction workers and building material suppliers will be created by the construction of the new ALF facility. The City is also considering a grant from the Economic Development Administration (EDA) in the amount of $500,000 to help pay for the infrastructure improvements. The EDA grant will be combined with CDBG-ED funds for a total of $1.5 million in public funds contributed to the project. Any infrastructure costs that are not paid for by grants will be paid for by the ALF developer. It is estimated that the amount of private investment for construction of the ALF facility will be at least $20,000,000.

3. NEW BUSINESS–ACTION REQUIRED g. (4) General Items for Discussion/Approval Discussion/Approval for Mayor Wolf to sign a letter requesting a waiver of Fla. Administrative Rule 9B-43.0041(1)(c), which sets a maximum funding amount for grants awarded to communities through the CDBG Program

The unemployment rate for Sumter County as of December 2011 is 7.6% with an average for the year of 8.1% (based on labor market information from www.labormarketinfo.com). The ALF company is a recently created corporation that will own and manage the ALF facility. As a new business operation, they will not be re-locating jobs from another area of the State or the country. This business, if they choose to locate here, will bring much needed jobs to the area and provide a jump start to lowering the unemployment rate for our community.

This waiver will enable the City to apply for CDBG Economic Development Category Grant funds to provide infrastructure improvements for the proposed ALF. Without the additional Community Development Block Grant funds, the project will not be able to move forward.

If you have any questions concerning this matter, please let us know.

Sincerely,

Ed Wolf, Mayor
CITY OF WILDWOOD, FLORIDA

EW:pjl