



# 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 27, 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)	<b>PUBLIC HEARING – 2nd FINAL READING</b>	Ordinance No. O2012-01; an ordinance adopting the Development Order (DO) and Proportionate Share Agreement (PSA) for Southern Oaks DRI (Attachments – Staff Recommends Approval)
7:00 PM (b)	<b>PUBLIC HEARING – 2nd FINAL READING</b>	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)
7:00 PM (c)	<b>PUBLIC HEARING – 2nd FINAL READING</b>	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)
7:00 PM (d)	<b>PUBLIC HEARING – 2nd FINAL READING</b>	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)

7:00 PM (e)	<b>PUBLIC HEARING – 2nd FINAL READING</b>	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)
7:00 PM (f)	<b>PUBLIC HEARING – 2nd FINAL READING</b>	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)
7:00 PM (g)	<b>PUBLIC HEARING – 2nd FINAL READING</b>	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)
7:00 PM (h)	<b>TIMED ITEM</b>	MICO Customs at Shamrock Industrial Park SP 1112-04; request site plan approval for a 5,000 sq. ft. building and a 3,000 sq. ft. carport area to be used for custom wood fabrication based on the P&Z Board/Special Magistrate's favorable recommendation (Attachments – Staff Recommends Approval)
7:00 PM (i)	<b>TIMED ITEM</b>	Lee Clymer, P.E. with Farner, Barley & Assoc. is requesting a two-year extension of the development permit executed 7/18/11 for the Triumph South Development, (approved by City of Wildwood Ordinance No. O-2010-12) under Section 73 of Chapter 2011-139 Laws of Florida (Attachments – Staff Recommends Approval)

\* Quasi Judicial Hearing

2. **REPORTS AND PUBLIC INPUT**

▪ **SPECIAL PRESENTATION:** None at this 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**

1. Minutes of Regular Meeting held on February 13, 2012 (Attachments – Staff recommends approval)

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

1. Discussion/Board Option of Ordinance No. O2012-16, a proposed Ordinance providing for the extension of the permitted hours of sale of alcoholic beverages in the City of Wildwood to 2:00 a.m. daily (Attachments – Board Option)

c. **RESOLUTIONS FOR APPROVAL:**

1. None

d. **APPOINTMENTS**

1. None

e. **CONTRACTS AND AGREEMENTS**

1. Discussion/Approval to amend current Civil Engineering Services Contract with Kimley-Horn & Assoc., Inc. by Change Order to add performance of Environmental Engineering Design Services; contract for Environmental Engineering Services entered into on 2/9/09 for 3-yr. period with Barnes, Ferland & Assoc. (BFA) expired 2/9/12 with no current open projects (Attachments – Staff Recommends Approval)

f. **FINANCIAL**

1. Bills for Approval (Attachments – Staff Recommends Approval)
2. Discussion/Approval of Change Order No. 5 requested by Utility Systems Construction for the CDBG for Osceola Drainage Improvements Project in the amount of \$1,011.25 (Dave Grimm) (Attachments – Staff Recommends Approval)
3. Discussion/Approval of Change Order No. 1 requested by CW Roberts for the CDBG for CR 232 Milling & Resurfacing Project in the amount of \$13,368.60 (Dave Grimm) (Attachments – Staff Recommends Approval)
4. Discussion/Approval for Water Tank Inspections and Pressure Cleaning required by FDEP (Attachments – Staff Recommends Approval)

g. **GENERAL ITEMS FOR CONSIDERATION**

1. **INFORMATION ONLY AT THIS TIME** - Wastewater System Planning – Kimley-Horn Evaluation of Lift Stations #2, #14 & #27 on SR 44 from CR 219 to I-75 for future repair & refurbishment (Attachments)
2. **TABLED 02.13.12 for full Commission** - Discussion/Board Option – Request from Lenard Powell to purchase City property on Powell Road; staff requests 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 (Attachments – Board Option)

4. **ADJOURN:**

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**NOTES – NO ACTION REQUIRED:**

**REPORTS:**

**CITY MANAGER (2.a.f.):**

1. FYI – Budget Comparison Report for January 2012 (Attachments)
2. FYI – SCBOCC notifying us that the proposed grant funded sewer & water line extensions to serve proposed ALF are consistent with SC Comp Plan & FLUM (Attachments)
3. FYI - Stacey Wrightam, Police Dept. Administrative Assistant – Attained Associate of Applied Science in Business Management With Honors Degree from Ashworth College on February 6, 2012 (Attachment)
4. FYI – Steve Watson, Fleet Services Coordinator – Completed 3-day CVO Fleet Training Class 6.4L-6.7L-IDS hosted by Plaza Lincoln Mercury on January 31<sup>st</sup> through February 2, 2012 (Attachment)

**CITY COMMISSION OF THE CITY OF WILDWOOD**

1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01; an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for Southern Oaks DRI

**EXECUTIVE SUMMARY**

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

Approval of Ordinance O2012-01.

**REQUESTED ACTION:**

- Work Session (Report Only)
- Regular Meeting

**DATE OF MEETING:** 2/27/2012  
 Special Meeting

**CONTRACT:**

N/A  
 Effective Date: \_\_\_\_\_  
 Managing Division / Dept: \_\_\_\_\_

Vendor/Entity: \_\_\_\_\_  
 Termination Date: \_\_\_\_\_

**BUDGET IMPACT:**

- Annual
- Capital
- N/A

**FUNDING SOURCE:** N/A  
**EXPENDITURE ACCOUNT:** \_\_\_\_\_

**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.**

Melanie Peavy  
Development Services Director

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1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01: an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for 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

**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.

| <b>SOUTHERN OAKS DRI PHASING PLAN</b> |                 |                      |                |                |                |                      |
|---------------------------------------|-----------------|----------------------|----------------|----------------|----------------|----------------------|
| <b>Land Use</b>                       | <b>Phase 1A</b> | <b>Phase 1B</b>      | <b>Phase 2</b> | <b>Phase 3</b> | <b>Phase 4</b> | <b>Total</b>         |
|                                       | 2012-2014       | 2015-2019            | 2020-2019      | 2025-2028      | 2029-2031      |                      |
| 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 relieved 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 or 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 trail 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 (Floritam) 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:

$$((\text{Deficit of Very Low Income Dwelling Units} \times \text{High End Price of a Very Low Income Dwelling Unit}) \times 5\%) + ((\text{Deficit of Low Income Dwelling Units} \times \text{High End Price of a Low Income Dwelling Unit}) \times 5\%)$$

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 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.

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 External Trips (ADT) | New Daily Trips | Cumulative New Daily (ADT) | Net External Peak Hour Trips | New PM Trips | Cumulative New PM Trips | Net External 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, be 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.

1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01; an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for Southern Oaks DRI

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

1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01: an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for Southern Oaks DRI

1. PUBLIC HEARINGS  
 1. (a) 2nd FINAL READING Ordinance  
 No. O2012-01; an ordinance adopting the  
 Development Order & Proportionate Share  
 Agreement for Southern Oaks DRI

**LEGAL DESCRIPTION**

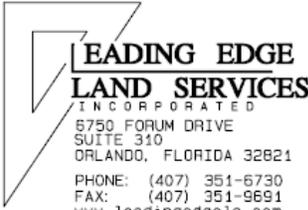
THAT PORTION OF SECTIONS 1 AND 2, TOWNSHIP 20 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING NORTH OF THE SUNSHINE STATE PARKWAY; AND THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; AND THAT PORTION OF SECTION 35, TOWNSHIP 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 1733.89 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°10'03"W, A DISTANCE OF 1724.92 FEET; (2) S01°51'43"W, A DISTANCE OF 337.71 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"W, 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°07'38"W, 1088.47 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°18'46" AND A CHORD BEARING AND DISTANCE OF N57°27'13"W, 2267.52 FEET); (4) THENCE ALONG SAID CURVE, FOR AN ARC DISTANCE OF 2281.91 FEET TO THE POINT OF TANGENCY; (5) THENCE N68°44'08"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 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 1331.56 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 16 2009; REVISED LEGAL DESCRIPTION PER CLIENT REQUEST

|                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p><b>LEADING EDGE<br/>LAND SERVICES</b><br/>INCORPORATED<br/>6750 FORUM DRIVE<br/>SUITE 310<br/>ORLANDO, FLORIDA 32821<br/>PHONE: (407) 351-6730<br/>FAX: (407) 351-9691<br/>www.leadingedge18.com</p> <p>FLORIDA LICENSED BUSINESS NUMBER LB 6846</p> | <p><b>LEGAL DESCRIPTION</b><br/>FOR<br/><b>MAURY L CARTER &amp; ASSOCIATES, INC.</b></p>                                                                                                                                                                                                                                                                                             | <p>DATE OF DRAWING: 13 MAR 2009</p>                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                             | <p><b>SURVEYOR'S CERTIFICATION</b><br/>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)</p> <p>DATE: _____</p> <p>MICHAEL A. BAERHOLD<br/>PROFESSIONAL SURVEYOR AND MAPPER NUMBER 5575</p> | <p>MANAGER: MAB      CADD: MAP</p> <p>PROJECT NUMBER: 049-07122</p> <p>FIELD BOOK NUMBER:</p> <p>LAST FIELD WORK:</p> <p>CREW CHIEF (S):</p> <p>COMPUTER FILE: 049122SD1.PRO</p> <p>NOT TO SCALE      SHEET 1 OF 3</p> |

1. PUBLIC HEARINGS  
 1. (a) 2nd FINAL READING Ordinance No. O2012-01; an ordinance adopting the Development Order & Proportionate Share Agreement for Southern Oaks DRI

**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°46'48"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°16'42"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 NORTHWESTERLY 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°23'09"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°03'24"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 1332.99 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 1631.57 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 1638.67 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**

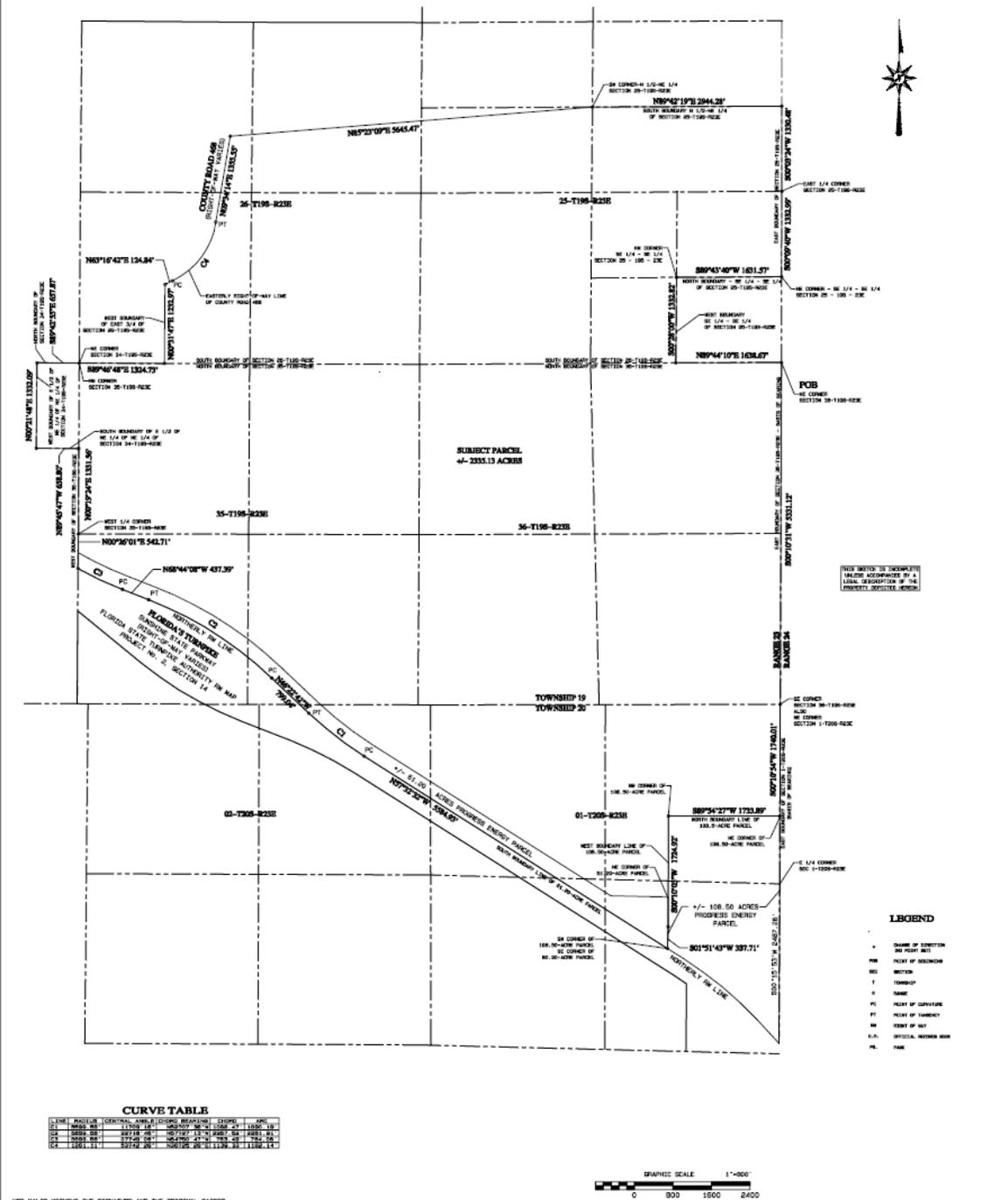
MAR 16 2009: REVISED LEGAL DESCRIPTION PER CLIENT REQUEST

|                                                                                                                                                                                                                                                                                                                                             |                                                                                          |              |                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------|------------------------------|
|  <p><b>LEADING EDGE<br/>LAND SERVICES</b><br/>INCORPORATED<br/>6750 FORUM DRIVE<br/>SUITE 310<br/>ORLANDO, FLORIDA 32821<br/>PHONE: (407) 351-6730<br/>FAX: (407) 351-9691<br/>www.leadingedge1s.com</p> <p>FLORIDA LICENSED BUSINESS NUMBER LB 6846</p> | <p><b>LEGAL DESCRIPTION</b><br/>FOR<br/><b>MAURY L CARTER &amp; ASSOCIATES, INC.</b></p> |              | DATE OF DRAWING: 13 MAR 2009 |
|                                                                                                                                                                                                                                                                                                                                             | MANAGER: MAB                                                                             | CADD: MAP    |                              |
|                                                                                                                                                                                                                                                                                                                                             | PROJECT NUMBER: 049-07122                                                                |              |                              |
|                                                                                                                                                                                                                                                                                                                                             | FIELD BOOK NUMBER:                                                                       |              |                              |
|                                                                                                                                                                                                                                                                                                                                             | LAST FIELD WORK:                                                                         |              |                              |
|                                                                                                                                                                                                                                                                                                                                             | CREW CHIEF (S):                                                                          |              |                              |
|                                                                                                                                                                                                                                                                                                                                             | COMPUTER FILE: 049122SD1.PRO                                                             |              |                              |
|                                                                                                                                                                                                                                                                                                                                             | NOT TO SCALE                                                                             | SHEET 2 OF 3 |                              |

1. PUBLIC HEARINGS  
 1. (a) 2nd FINAL READING Ordinance  
 No. O2012-01: an ordinance adopting the  
 Development Order & Proportionate Share  
 Agreement for 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**

| LINE | BEARING     | CENTRAL ANGLE (DEGREES) | CHORD  | ARC    |
|------|-------------|-------------------------|--------|--------|
| 1    | N89°43'19\" | 113.00                  | 113.00 | 113.00 |
| 2    | N89°43'19\" | 113.00                  | 113.00 | 113.00 |
| 3    | N89°43'19\" | 113.00                  | 113.00 | 113.00 |
| 4    | N89°43'19\" | 113.00                  | 113.00 | 113.00 |
| 5    | N89°43'19\" | 113.00                  | 113.00 | 113.00 |

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

**LEADING EDGE LAND SERVICES**  
 8700 PINE BLVD  
 SUITE 100, GULF BREEZE, FLORIDA 32561  
 PHONE: (904) 291-6200  
 FAX: (904) 291-6600  
 WWW.LEADINGEDGEFLA.COM  
 FLORIDA LICENSED SURVEYOR NUMBER 18,964

**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**

**REVISIONS**

| NO. | DATE | REVISION |
|-----|------|----------|
|     |      |          |
|     |      |          |
|     |      |          |
|     |      |          |

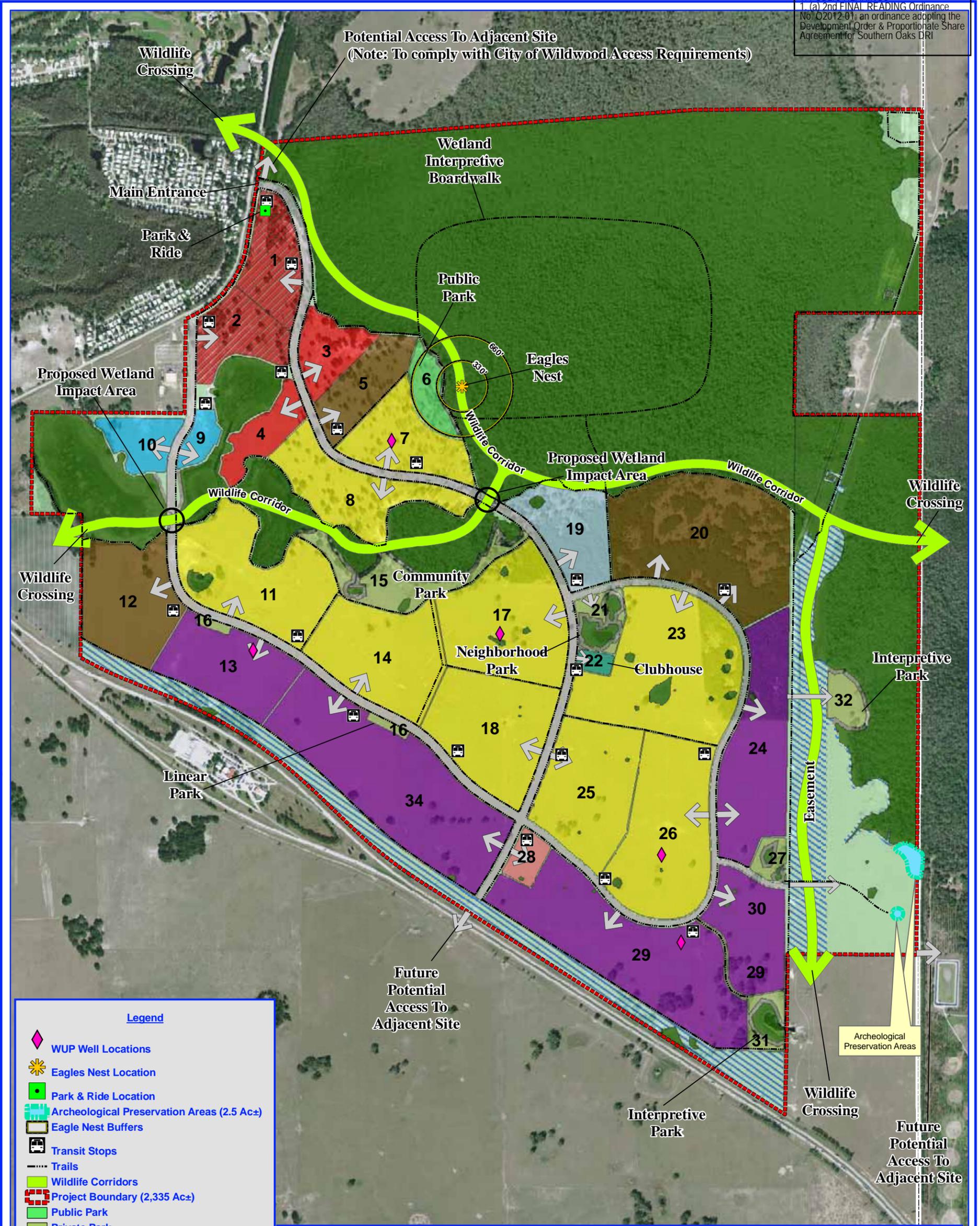
DATE OF REVISION: MAY 13, 2012  
 DRAWN BY: [NAME] CHECKED BY: [NAME]  
 PROJECT NUMBER: 2012-0154 COMPUTER FILE NUMBER: 2012-0154  
 TITLE: SKETCH OF DESCRIPTION  
 SCALE: N.T.S. SHEET 2 OF 3

**EXHIBIT “B”**

Map H

1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01; an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for Southern Oaks DRI

1. PUBLIC HEARINGS  
 1. (a) 2nd FINAL READING Ordinance  
 No. O2012-01: an ordinance adopting the  
 Development Order & Proportionate Share  
 Agreement for Southern Oaks DRI



**Legend**

- WUP Well Locations
- Eagles Nest Location
- Park & Ride Location
- Archeological Preservation Areas (2.5 Ac±)
- Eagle Nest Buffers
- Transit Stops
- Trails
- Wildlife Corridors
- Project Boundary (2,335 Ac±)
- Public Park
- Private Park
- ACLF
- Apartments, Condos, Townhomes
- Business Park
- Civic
- Clubhouse
- Commercial 1
- Commercial 2
- Neighborhood Commercial
- Open Space
- ROW
- Residential
- Townhomes
- Wetlands
- Progress Energy Easement

| Use                           | Phase 1 (2012-2019)  |                               | Phase 2 (2020-2024) |                               | Phase 3 (2025-2028) |                               | Phase 4 (2029-2031) |                               | Total               |                               |                      |              |
|-------------------------------|----------------------|-------------------------------|---------------------|-------------------------------|---------------------|-------------------------------|---------------------|-------------------------------|---------------------|-------------------------------|----------------------|--------------|
|                               | Phase 1A (2012-2014) | Phase 1 Balance (2015-2019)   | Phase 2 (2020-2024) | Phase 3 (2025-2028)           | Phase 4 (2029-2031) | Phase 4 (2029-2031)           | Phase 4 (2029-2031) | Phase 4 (2029-2031)           | Phase 4 (2029-2031) | Phase 4 (2029-2031)           |                      |              |
|                               | 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                         |                      |                               | 20                  | 36,000 SF                     |                     |                               |                     |                               |                     | 6                             | 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                   |              |
| <b>Total</b>                  | <b>191</b>           |                               | <b>421</b>          |                               | <b>887</b>          |                               | <b>381</b>          |                               | <b>455</b>          |                               | <b>2335</b>          |              |

1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01; an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for Southern Oaks DRI

**EXHIBIT “C”**

Land Use Conversion Matrix

**Southern Oaks DRI  
Development Equivalency Matrix**

| ITE Code | Units | Change To<br>Change From  | Single Family | Condo/TH | Apartments | Retail/Comm | Civic Center | Business Park | ACFL   |
|----------|-------|---------------------------|---------------|----------|------------|-------------|--------------|---------------|--------|
|          |       |                           | DU            | DU       | DU         | KSF         | KSF          | KSF           | 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.

1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01; an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for 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:

| <u>FLUCFCS CODE</u> | <u>HABITAT/USE</u>                                           | <u>ACREAGE</u> |
|---------------------|--------------------------------------------------------------|----------------|
| 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 the 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.

**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**").

**WITNESSETH:**

**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]

**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:

**CITY OF WILDWOOD:**

Printed Name: \_\_\_\_\_

By: \_\_\_\_\_

Name: Ed Wolf, Mayor

Title: Mayor

Printed Name: \_\_\_\_\_

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: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

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

1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01; an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for Southern Oaks DRI

**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: \_\_\_\_\_

1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01: an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for Southern Oaks DRI

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: \_\_\_\_\_

1. PUBLIC HEARINGS  
1. (a) 2nd FINAL READING Ordinance  
No. O2012-01: an ordinance adopting the  
Development Order & Proportionate Share  
Agreement for Southern Oaks DRI

**EXHIBIT "A"**

Legal Description

1. PUBLIC HEARINGS  
 1. (a) 2nd FINAL READING Ordinance  
 No. O2012-01; an ordinance adopting the  
 Development Order & Proportionate Share  
 Agreement for 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 1733.89 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°10'03"W, A DISTANCE OF 1724.92 FEET; (2) S01°51'43"W, A DISTANCE OF 337.71 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"W, 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°07'38"W, 1088.47 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°18'46" AND A CHORD BEARING AND DISTANCE OF N57°27'13"W, 2267.52 FEET); (4) THENCE ALONG SAID CURVE, FOR AN ARC DISTANCE OF 2281.91 FEET TO THE POINT OF TANGENCY; (5) THENCE N68°44'08"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 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 1331.56 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 16 2009: REVISED LEGAL DESCRIPTION PER CLIENT REQUEST

|                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                        |                              |                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------------------|
|  <p><b>LEADING EDGE LAND SERVICES</b><br/>         INCORPORATED<br/>         6750 FORUM DRIVE<br/>         SUITE 310<br/>         ORLANDO, FLORIDA 32821<br/>         PHONE: (407) 351-6730<br/>         FAX: (407) 351-9691<br/>         www.leadingedgepls.com</p> | <b>LEGAL DESCRIPTION</b><br>FOR<br><b>MAURY L CARTER &amp; ASSOCIATES, INC.</b>                                                                                                                                                                                                        |                              | DATE OF DRAWING: 13 MAR 2009   |
|                                                                                                                                                                                                                                                                                                                                                         | <b>SURVEYOR'S CERTIFICATION</b><br>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)<br>DATE: |                              | MANAGER: MAB      CADD: MAP    |
| MICHAEL A. BAERHOLD<br>PROFESSIONAL SURVEYOR AND MAPPER NUMBER 5575                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                        | PROJECT NUMBER: 049-07122    | FIELD BOOK NUMBER:             |
| FLORIDA LICENSED BUSINESS NUMBER LB 5846                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                        | LAST FIELD WORK:             | CREW CHIEF(S):                 |
|                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                        | COMPUTER FILE: 049122SD1.PRO | 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°46'48"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°16'42"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 NORTHWESTERLY 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°23'09"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°03'24"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 1332.99 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 1631.57 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 1638.67 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.

**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  
 6750 FORUM DRIVE  
 SUITE 310  
 ORLANDO, FLORIDA 32821  
 PHONE: (407) 351-6730  
 FAX: (407) 351-9691  
 www.leadingedge1s.com

FLORIDA LICENSED BUSINESS NUMBER LB 6846

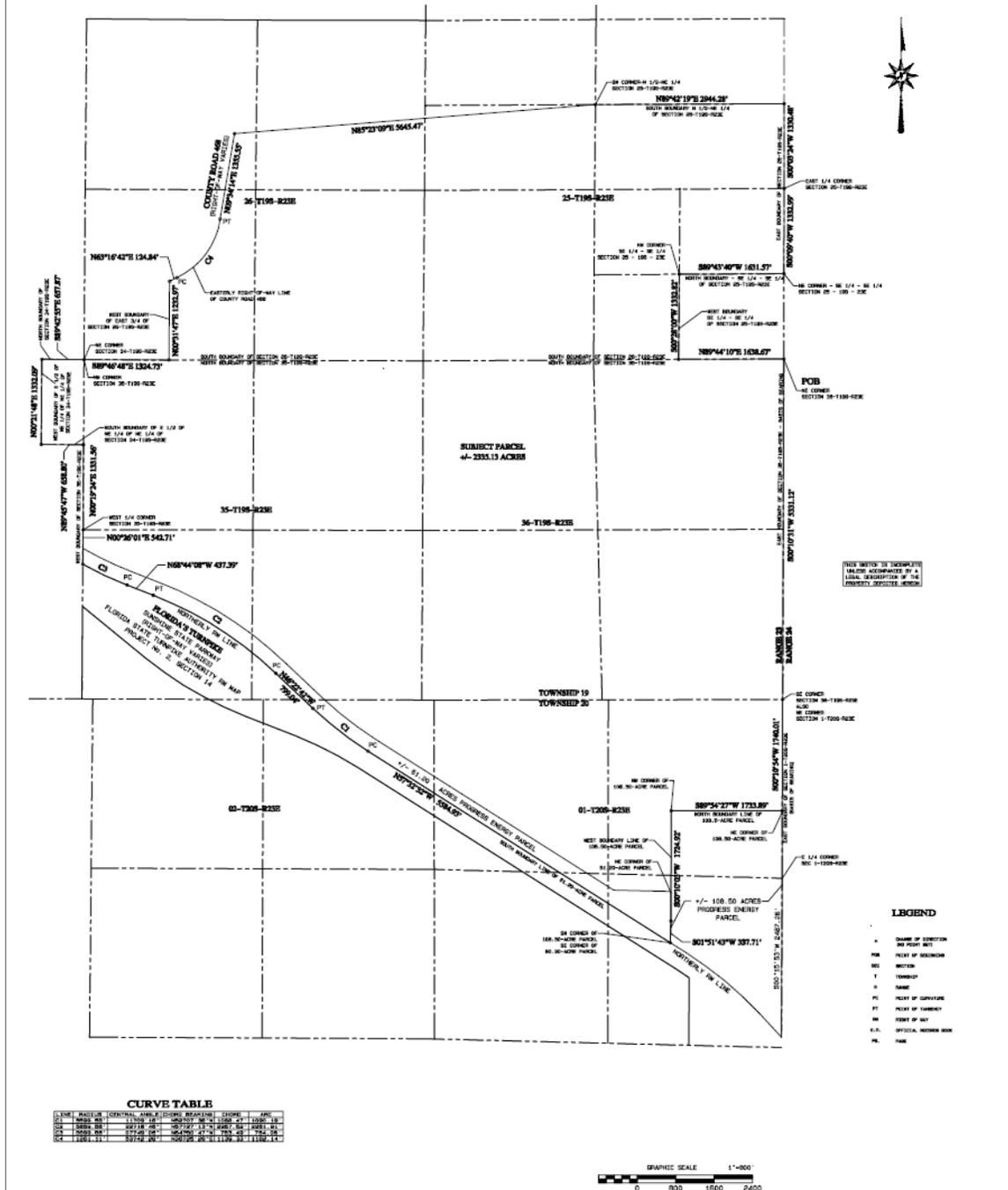
**LEGAL DESCRIPTION**  
 FOR  
**MAURY L CARTER & ASSOCIATES, INC.**

|                              |               |
|------------------------------|---------------|
| DATE OF DRAWING: 13 MAR 2009 |               |
| MANAGER: MAB                 | CADD: MAP     |
| PROJECT NUMBER: 049-07122    |               |
| FIELD BOOK NUMBER:           |               |
| LAST FIELD WORK:             |               |
| CREW CHIEF (S):              |               |
| COMPUTER FILE:               | 049122SD1.PRO |
| NOT TO SCALE                 | SHEET 2 OF 3  |

1. PUBLIC HEARINGS  
 1. (a) 2nd FINAL READING Ordinance  
 No. O2012-01; an ordinance adopting the  
 Development Order & Proportionate Share  
 Agreement for 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



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

| <p><b>LEADING EDGE<br/>LAND SERVICES</b><br/>         2025 W. STATE ROAD 10<br/>         SUITE 100, LAKE WORTH<br/>         FLORIDA 33460<br/>         PHONE: (561) 966-1234<br/>         FAX: (561) 966-1234<br/>         WWW.LELANDSERVICES.COM<br/>         FLORIDA LICENSED SURVEYOR NUMBER 12 3456</p> | <p><b>SKETCH OF DESCRIPTION</b></p> <p>OF<br/>         A PORTION OF THE LANDS OF SOUTHERN OAKS<br/>         LOCATED IN SECTIONS 1 AND 2, T20S, R23E AND SECTIONS<br/>         25, 26, 34, 35 AND 36, T19S, R23E IN SUMTER COUNTY, FLORIDA</p> <p>FOR<br/> <b>MAURY L. CARTER &amp; ASSOCIATES, INC.</b></p> | <p><b>Exhibit A</b></p> | <p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> <p>DATE OF ORIGINAL: MAY 13, 2012; LAST FIELD WORK: [ ]<br/>         DRAWN BY: [ ] CHECKED BY: [ ]<br/>         PROJECT NUMBER: [ ] DRAWING NUMBER: [ ] SHEET(S) OF: [ ]<br/>         FIELD BOOK NUMBER: [ ] SCALE: [ ] SHEET 2 OF 2</p> | NO. | DATE | REVISIONS |  |  |  |  |  |  |  |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------|-----------|--|--|--|--|--|--|--|--|--|
|                                                                                                                                                                                                                                                                                                             | NO.                                                                                                                                                                                                                                                                                                         | DATE                    | REVISIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |      |           |  |  |  |  |  |  |  |  |  |
|                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                             |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |      |           |  |  |  |  |  |  |  |  |  |
|                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                             |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |      |           |  |  |  |  |  |  |  |  |  |
|                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                             |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |      |           |  |  |  |  |  |  |  |  |  |
| <p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 3)</p>                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                             |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |      |           |  |  |  |  |  |  |  |  |  |

1. PUBLIC HEARINGS  
 1. (a) 2nd FINAL READING Ordinance  
 No. O2012-01; an ordinance adopting the  
 Development Order & Proportionate Share  
 Agreement for Southern Oaks DRI

**Exhibit "B"**

**Needed Transportation Improvements Exhibit**

Southern Oaks DRI Phase 1A

| <b>Intersection</b>                                                                                                    | <b>Control</b> | <b>Improvement</b>                | <b>Total Cost</b>  | <b>Developer's Proportionate Share \$</b> |
|------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------|--------------------|-------------------------------------------|
| SR 44 @ CR 468                                                                                                         | Stop           | Conduct Warrant<br>Install Signal | \$220,000          | \$110,000.00                              |
|                                                                                                                        |                |                                   |                    |                                           |
| US 301 and CR 468<br>("Intersection Improvement")                                                                      | Stop           | Realign<br>Intersection           | \$1,364,690        | \$272,938.00                              |
|                                                                                                                        |                | Add Turn Lanes                    |                    |                                           |
| <b>Total (Including Developer's proportionate share of signalization costs for currently unwarranted intersection)</b> |                |                                   | <b>\$1,584,700</b> | <b>\$382,938.00</b>                       |

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
No. O2012-07; an ordinance rezoning from  
PD to CMU for Trailwinds Village (Word  
Property) subject to SM Conditions & enter-  
ing into a DA with the City

**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** Trailwinds Village (Word Property) RZ 1110-01

Approval of Ordinance O2012-07.

**REQUESTED ACTION:**

- Work Session (Report Only)  
 Regular Meeting

**DATE OF MEETING:** 2/27/12  
 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:**

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:

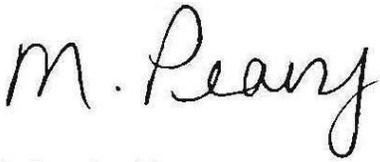
- Keeping street lights from shining on neighboring residences
- Configuring streets to keep headlights from shining on neighboring residences

- 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.



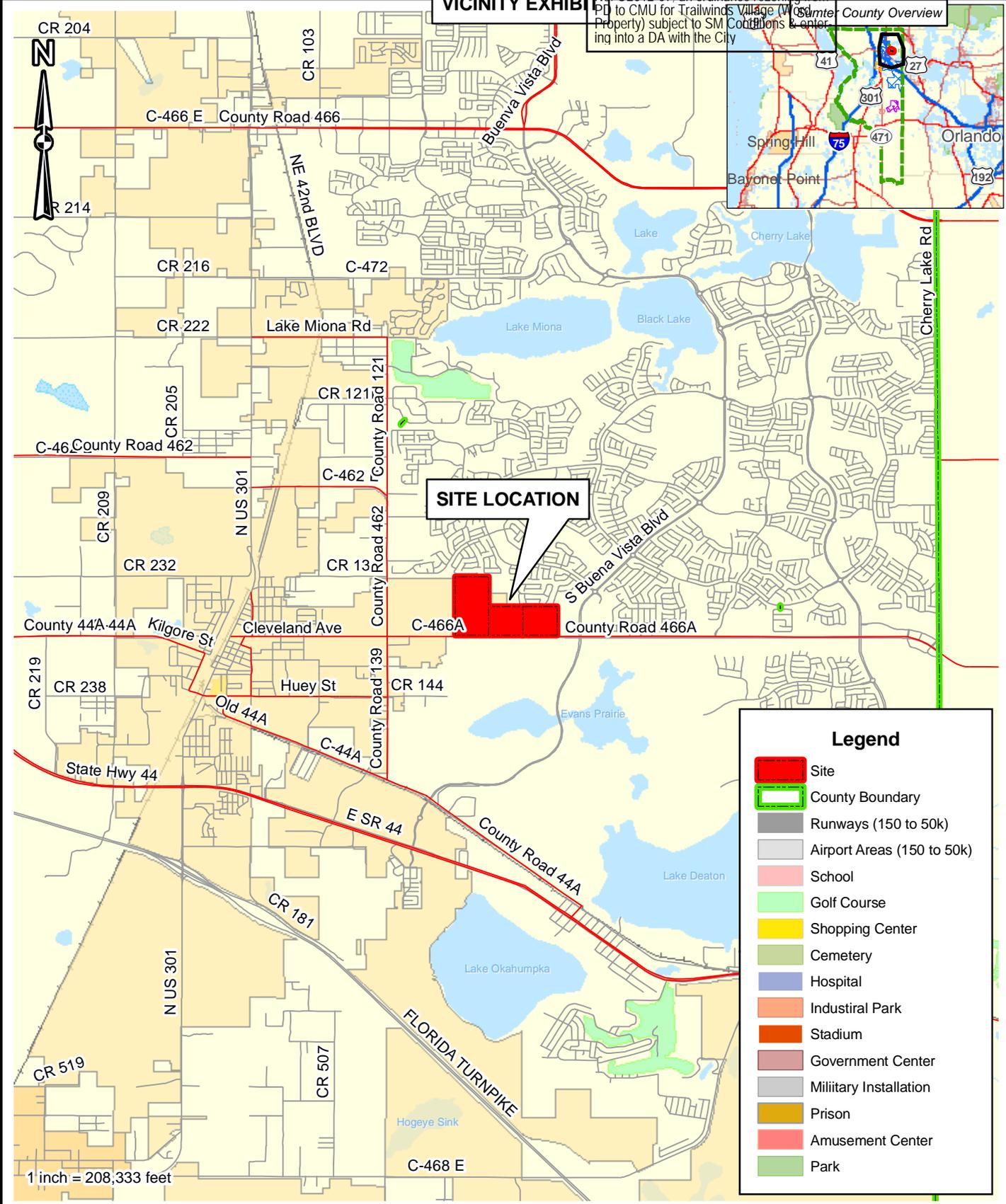
Melanie Peavy  
Development Services Director

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1. PUBLIC HEARINGS  
 1. (b) 2nd FINAL READING Ordinance  
 No. 2012-07: an ordinance rezoning from  
 PD to CMU for Trailwinds Village (Ward  
 Property) subject to SM Conditions & enter  
 ing into a DA with the City

**VICINITY EXHIBIT**

Sumter County Overview



CIVIL ENGINEERING  
 LAND PLANNING  
 TRAFFIC/TRANSPORTATION  
 LANDSCAPE ARCHITECTURE  
 ENVIRONMENTAL SCIENCES  
 SURVEYING  
 GIS

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

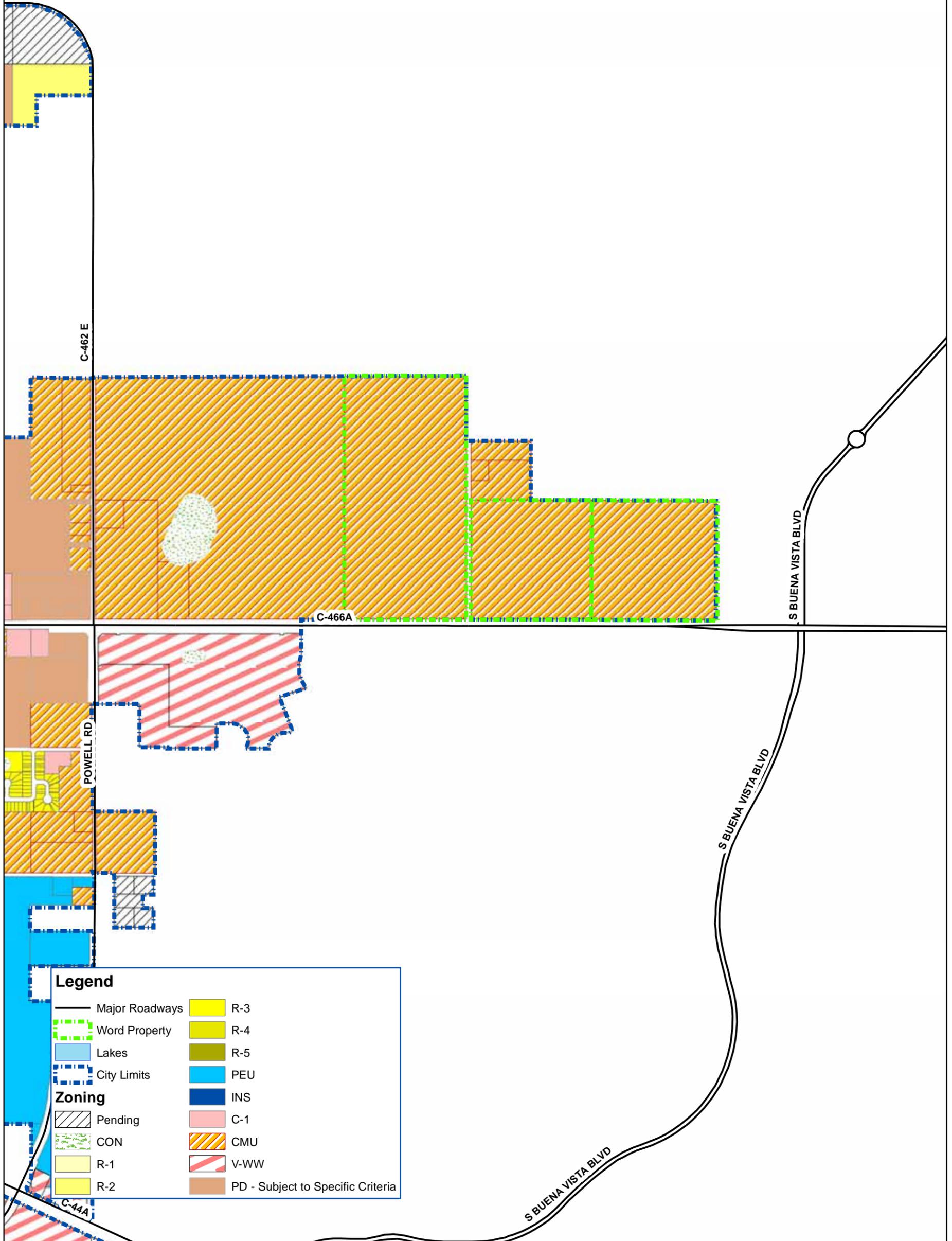
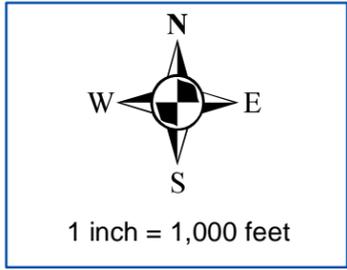
The sole purpose of this drawing is to illustrate the approximate dimensions and layout of the demised premises. No other warranty or representation, expressed or implied, is made with respect to the illustration. All quantities are estimated.

1. PUBLIC HEARINGS  
 1. (b) 2nd FINAL READING Ordinance  
 No. O2012-07: an ordinance rezoning from  
 PD to CMU for Trailwinds Village (Word  
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# City of Wildwood Official Zoning Map



Date Amended: 2/1/2012 11:23:20 AM

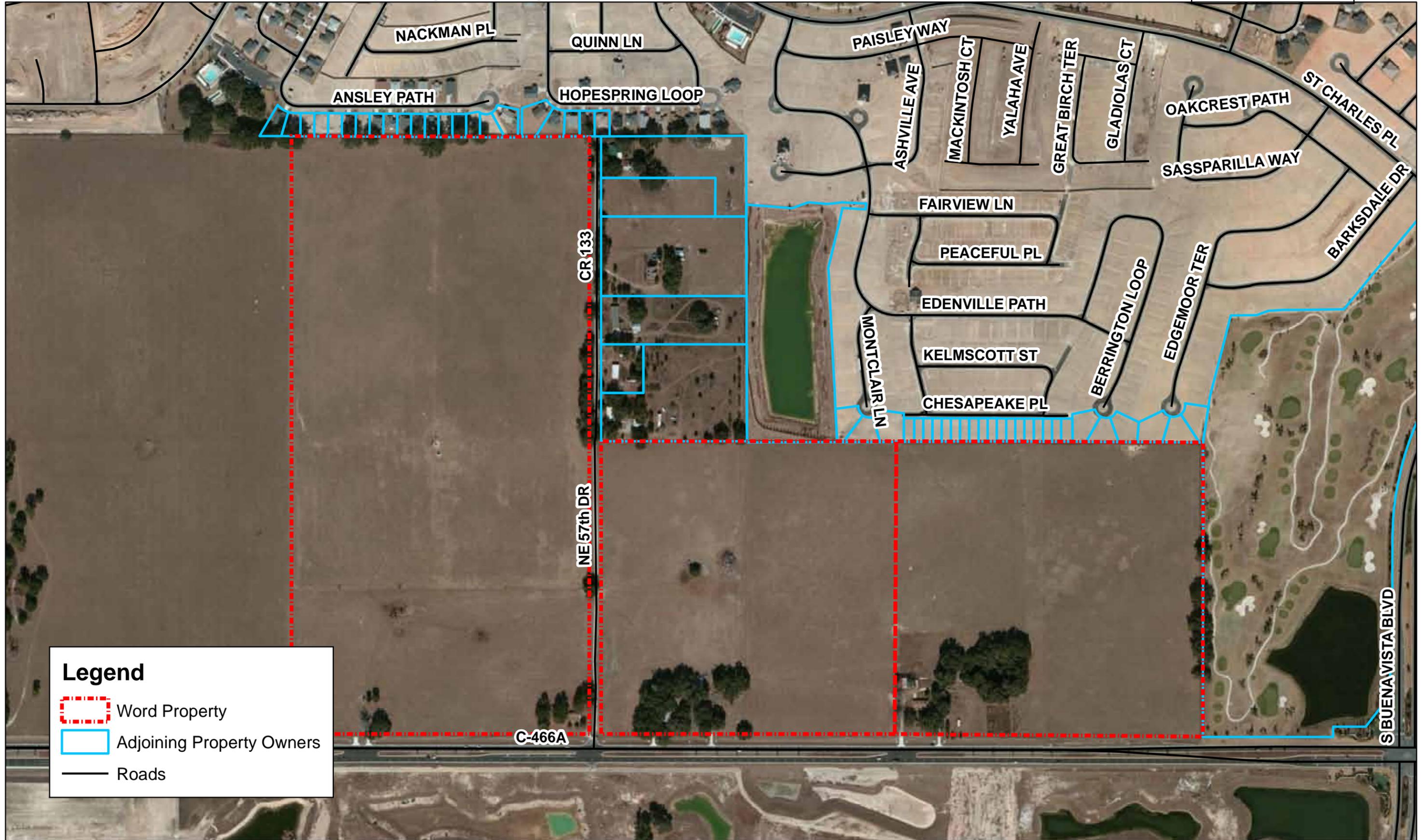


### Legend

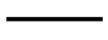
- |                     |                                     |
|---------------------|-------------------------------------|
| — Major Roadways    | ■ R-3                               |
| - - - Word Property | ■ R-4                               |
| ■ Lakes             | ■ R-5                               |
| - - - City Limits   | ■ PEU                               |
| <b>Zoning</b>       | ■ INS                               |
| ▨ Pending           | ■ C-1                               |
| ▨ CON               | ▨ CMU                               |
| ■ R-1               | ▨ V-WW                              |
| ■ R-2               | ■ PD - Subject to Specific Criteria |

# Adjoining Neighborhood to the Word Property

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
No. O2012-07; an ordinance rezoning from  
PD to CMU for Trailwinds Village (Word  
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**Legend**

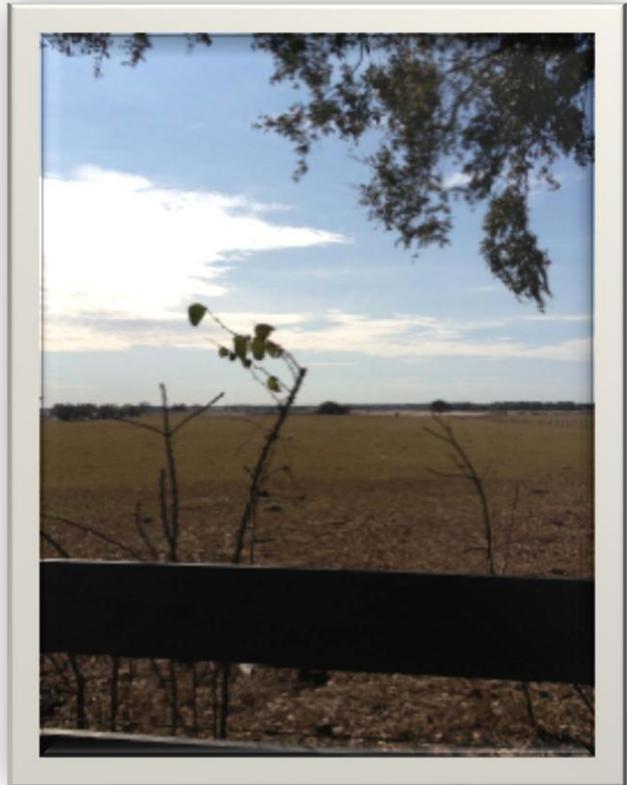
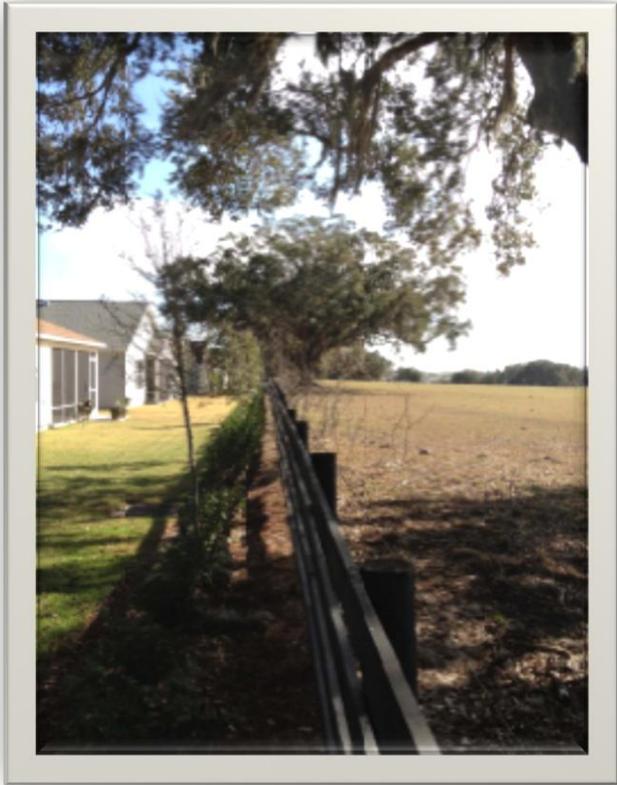
-  Word Property
-  Adjoining Property Owners
-  Roads

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
No. O2012-07: an ordinance rezoning from  
PD to CMU for Trailwinds Village (Wörd  
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Site Photos:

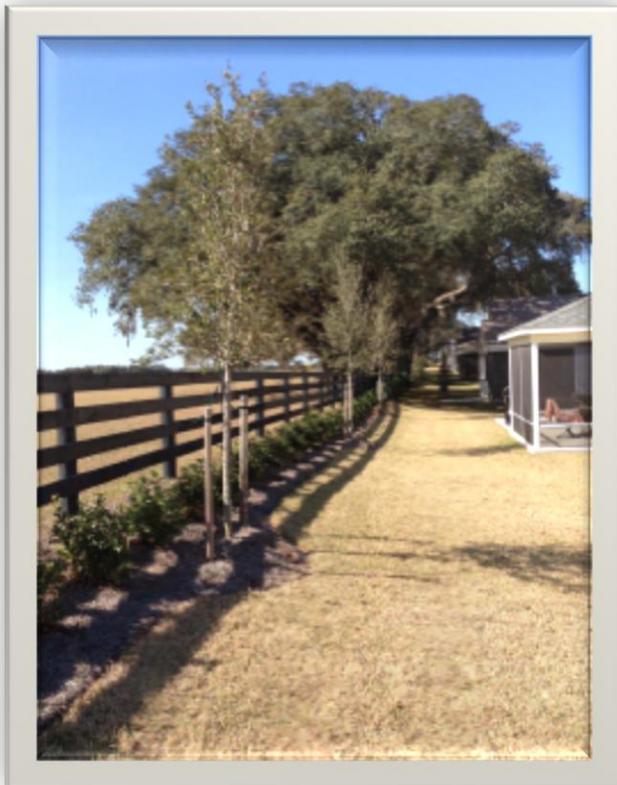
Perspective of Residents along Ansley Path (The Villages)

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
No. O2012-07; an ordinance rezoning from  
PD to CMU for Trailwinds Village (Word  
Property) subject to SM Conditions & enter-  
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**Site Photos:**

**Perspective of Residents along Ansley Path (The Villages)**



**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/

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

**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:

| <b>Land Use</b>                      | <b>Total (Acres)</b> |
|--------------------------------------|----------------------|
| Residential (ALF and ILF)            | 30.00                |
| Commercial Office and Medical Office | 33.87                |
| Commercial Sales and Retail          | 37.90                |
| Recreational                         | 5.46                 |
| <b>Total</b>                         | <b>107.23</b>        |

3) Maximum Development Potential. Residential and non-residential development within the Project shall not exceed the following:

| <b>Land Use</b> | <b>Square Feet (SF)</b> | <b>Beds/Units</b>                 |
|-----------------|-------------------------|-----------------------------------|
| Residential     |                         | 960 (ALF beds)<br>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, 8<sup>th</sup> Edition.

|                    |                                                | <i>Change To</i>                       |                                                |                             |                             |                              |                              |                           |
|--------------------|------------------------------------------------|----------------------------------------|------------------------------------------------|-----------------------------|-----------------------------|------------------------------|------------------------------|---------------------------|
|                    |                                                | 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) |
| <i>Change From</i> | 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 57<sup>th</sup> Drive. NE 57<sup>th</sup> 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.

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No. O2012-07; an ordinance rezoning from  
PD to CMU for Trailwinds Village (Word  
Property) subject to SM Conditions & enter-  
ing into a DA 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

ATTEST: \_\_\_\_\_  
Joseph Jacobs, City Clerk

\_\_\_\_\_  
ED WOLF, MAYOR

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Jerri A. Blair, City Attorney

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
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**Trailwinds Village Planned Development**

**Ordinance O2012-07**

**“Exhibit A”**

**Legal Description**

1. PUBLIC HEARINGS  
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**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.

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
No. O2012-07; an ordinance rezoning from  
PD to CMU for Trailwinds Village (Word  
Property) subject to SM Conditions & enter-  
ing into a DA with the City

**Trailwinds Village Planned Development**

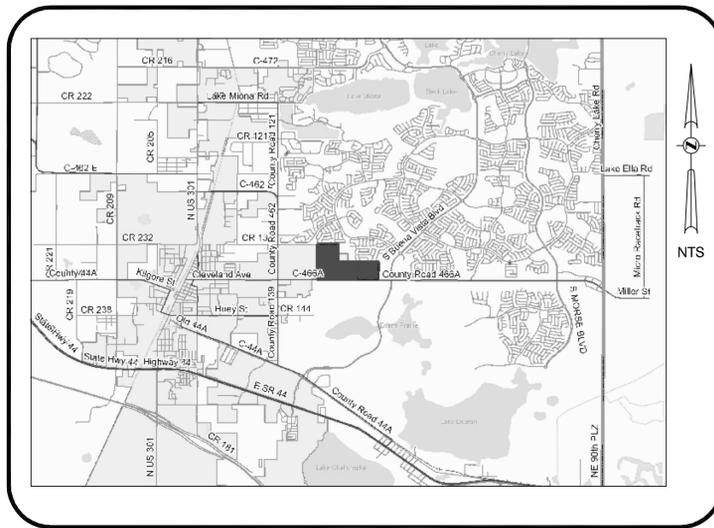
**Ordinance O2012-07**

**“Exhibit B”**

**Conceptual Development Plan**

**Revised January 30, 2012**

LOCATION MAP



LEGAL DESCRIPTION

LEGAL DESCRIPTION PER BOUNDARY & TOPOGRAPHIC SURVEY BY WILLIAM S. BARLEY, PS&M, OF FARNER BARLEY AND ASSOCIATES, INC., DATED APRIL, 2007.

LEGAL DESCRIPTION:

THE WEST 1/2 OF THE NORTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 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-466A AND CR 137.

PROFESSIONAL TEAM

CIVIL ENGINEERS/PLANNERS:

AVID GROUP  
2300 CURLEW ROAD SUITE 201  
PALM HARBOR, FLORIDA 34683  
PHONE: (727) 789-9500

GEOTECHNICAL ENGINEERS/BIOLOGISTS:

UNIVERSAL ENGINEERING SCIENCES  
3532 MAGGIE BOULEVARD  
ORLANDO, FLORIDA 32811  
PHONE: (407) 423-0504

SURVEYORS:

FARNER BARLEY AND ASSOCIATES, INC  
4450 NE 83RD ROAD  
WILDWOOD, FL 34785  
PHONE: (352) 748-3126

UTILITY COMPANIES

**POWER:**  
SECO ENERGY - SUMTER COUNTY  
330 S. HIGHWAY 301  
SUMTERVILLE, FL 33585-0301  
PHONE: (352) 793-3801

**WATER:**  
CITY OF WILDWOOD WATER DEPT.  
100 N. MAIN ST.  
WILDWOOD, FL 34785  
PHONE: (352) 330-1346

**TELEPHONE / CABLE:**  
CENTURYLINK - OCALA  
3202 SE BROADWAY ST.  
OCALA, FL 34471-2126  
PHONE: (352) 368-8785

**SEWER:**  
CITY OF WILDWOOD WATER DEPT.  
100 N. MAIN ST.  
WILDWOOD, FL 34785  
PHONE: (352) 330-1349

**GAS:**  
TECO PEOPLES GAS - OCALA  
702 N. FRANKLIN ST.  
P.O. BOX 2562  
TAMPA, FL 33601-2562  
PHONE: (352) 622-0111 / (877) 832-6747

PLANNED DEVELOPMENT

CONCEPT PLAN

FOR

TRAILWINDS VILLAGE

@ CR-466A & NE 57TH DR.

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:



CIVIL ENGINEERING 2300 CURLEW ROAD STE 201  
LAND PLANNING PALM HARBOR, FLORIDA  
TRAFFIC/TRANSPORTATION 34683  
LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL SCIENCES PHONE (727) 789-9500  
SURVEYING FAX (727) 784-6662  
GIS AVIDGROUP.COM

THE DESIGN AND IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF AVID GROUP AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION FROM AVID GROUP.

DIMENSION INFORMATION SHOULD NOT BE OBTAINED BY SCALING THE PLANS. DIMENSION INFORMATION NOT PROVIDED HEREIN CAN BE OBTAINED BY CONTACTING AVID GROUP, @ (727)789-9500.

| NO.       | DATE     | DESCRIPTION        | BY |
|-----------|----------|--------------------|----|
| 7         |          |                    |    |
| 6         |          |                    |    |
| 5         |          |                    |    |
| 4         |          |                    |    |
| 3         |          |                    |    |
| 2         | 1/30/12  | REVISED PER CLIENT | PP |
| 1         | 12/21/11 | CITY COMMENTS      | BM |
| REVISIONS |          |                    |    |

PLAN INDEX

- COVER SHEET
- PD CONCEPT PLAN
- OVERALL CONCEPT PLAN

SITE DATA

CURRENT FUTURE LAND USE: CMU (CENTRAL MIXED USE)  
PROPOSED FUTURE LAND USE: CMU (CENTRAL MIXED USE)  
CURRENT ZONING: CMU (CENTRAL MIXED USE)  
PROPOSED ZONING: PD (PLANNED DEVELOPMENT)

| DETERMINATION OF PROPOSED / MAXIMUM BULDOZER SCENARIO | REQUIRED |            | PROPOSED |           |
|-------------------------------------------------------|----------|------------|----------|-----------|
|                                                       | AC       | (%)        | AC       | (%)       |
| GROSS SITE AREA                                       | 157.02   |            | 157.02   |           |
| 30% REDUCTION (PER COMP PLAN FLUE POLICY 1.6.1)       | 47.11    | ( 30% MIN) | 49.79    | ( 31.7% ) |
| NET DEVELOPABLE AREA                                  | 109.91   | ( 70% MAX) | 107.23   | ( 68.3% ) |

| MIXED USE LAND AREA REQUIREMENTS (NET DEVELOPABLE AREA)       | MINIMUM          | MAXIMUM          | PROPOSED (ACRES)            | PROPOSED (DENSITY/INTENSITY) |
|---------------------------------------------------------------|------------------|------------------|-----------------------------|------------------------------|
| RESIDENTIAL                                                   |                  |                  |                             |                              |
| CATEGORY A (RESIDENTIAL, 10-14 DU/AC)                         | 21.98 AC ( 20% ) | 54.96 AC ( 50% ) | 30.00 AC ( 27.3% )          | 420 DU ( 14.00 DU/AC )       |
| NONRESIDENTIAL                                                |                  |                  |                             |                              |
| CATEGORY B (COMMERCIAL SALES, 0.5 FAR)                        | 11.99 AC ( 15% ) | 39.96 AC ( 50% ) | 37.90 AC ( 47.4% )          | 200,000 SF ( 0.12 FAR )      |
| CATEGORY C (COMMERCIAL OFFICE, 0.5 FAR)                       | 19.98 AC ( 25% ) | 39.96 AC ( 50% ) | 33.87 AC ( 42.4% )          | 160,000 SF ( 0.11 FAR )      |
| CATEGORY D & E (REG/TOURISM, GOVT, CMIC, INST & REC, 0.5 FAR) | 4.00 AC ( 5% )   | 7.99 AC ( 10% )  | 5.46 AC ( 6.8% )            | - SF ( - FAR )               |
| <b>TOTAL</b>                                                  |                  |                  | <b>107.23 AC ( 100.0% )</b> |                              |

| 30% LAND AREA BREAKDOWN         | PROPOSED        |
|---------------------------------|-----------------|
| STORMWATER RETENTION/OPEN SPACE | 19.54 AC        |
| ROADS                           | 19.45 AC        |
| PERIMETER BUFFERS               | 6.33 AC         |
| INTERIOR BUFFERS                | 4.47 AC         |
| <b>TOTAL</b>                    | <b>49.79 AC</b> |

LAND USE (TRIP) EQUIVALENCY MATRIX

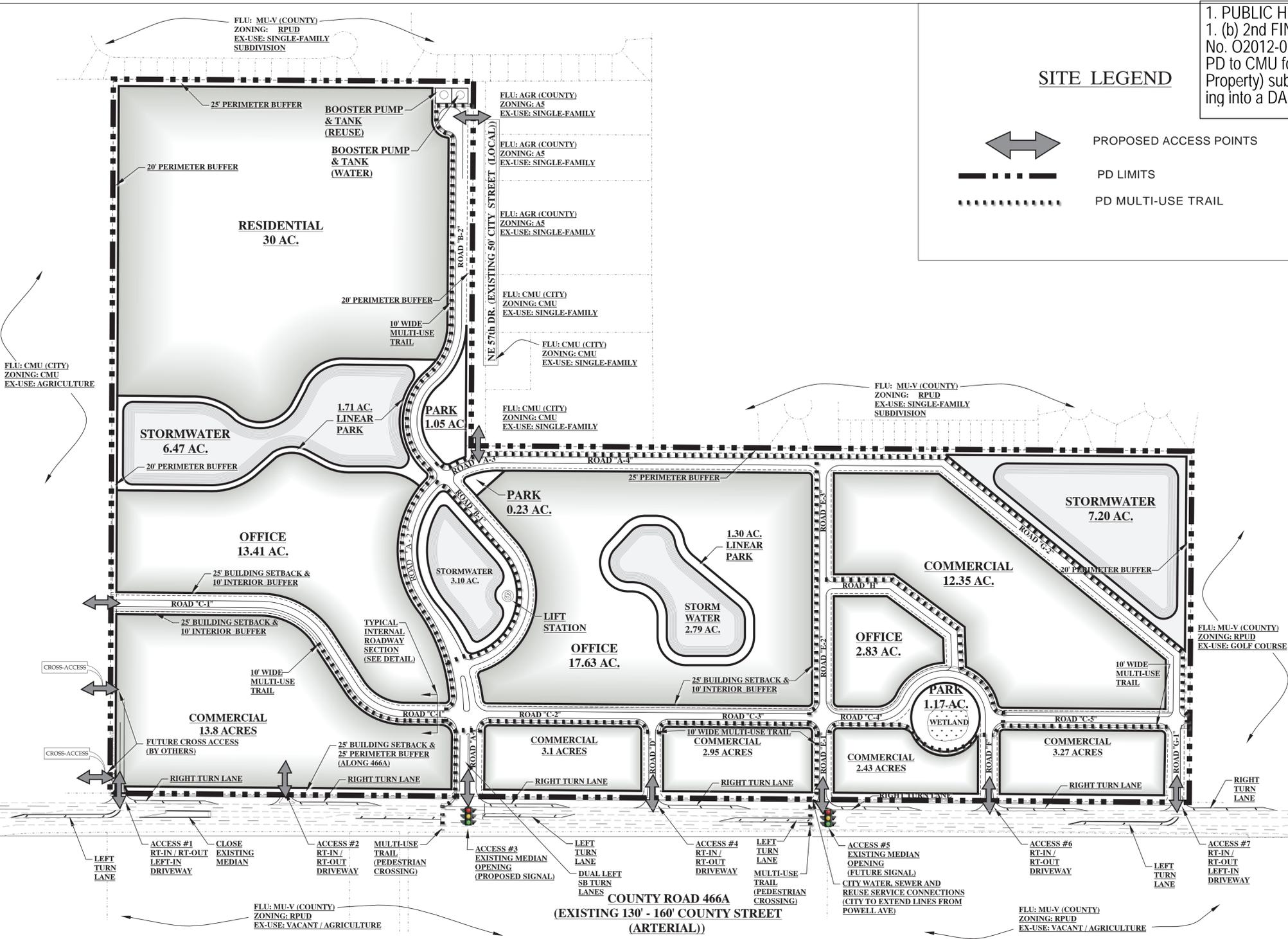
| LAND USE (TRIP)                                         | CHANGE TO                                  |                                                    |                             |                                       |                                     |                                   |                                   |
|---------------------------------------------------------|--------------------------------------------|----------------------------------------------------|-----------------------------|---------------------------------------|-------------------------------------|-----------------------------------|-----------------------------------|
|                                                         | RESIDENTIAL, CONDO/TOWNHOME (PER DW. UNIT) | RESIDENTIAL, APARTMENT/MULTI-FAMILY (PER DW. UNIT) | RESIDENTIAL, ACLF (PER BED) | RESIDENTIAL, ADULT SR. (PER DW. UNIT) | COMMERCIAL SALES (PER 1,000 SQ.FT.) | GENERAL OFFICE (PER 1,000 SQ.FT.) | MEDICAL OFFICE (PER 1,000 SQ.FT.) |
| RESIDENTIAL, CONDO/TOWNHOME (PER DWELLING UNIT)         | N/A                                        | 1.701                                              | 0.605                       | 0.750                                 | 11.828                              | 4.102                             | 9.521                             |
| RESIDENTIAL, APARTMENT/MULTI-FAMILY (PER DWELLING UNIT) | 0.588                                      | N/A                                                | 0.356                       | 0.441                                 | 6.354                               | 2.411                             | 5.598                             |
| RESIDENTIAL, ACLF (PER BED)                             | 1.652                                      | 2.809                                              | N/A                         | 1.239                                 | 19.535                              | 6.774                             | 15.726                            |
| RESIDENTIAL, ADULT SR. (PER DWELLING UNIT)              | 1.333                                      | 2.268                                              | 0.807                       | N/A                                   | 15.771                              | 5.469                             | 12.695                            |
| COMMERCIAL SALES (PER 1,000 SQ.FT.)                     | 0.085                                      | 0.144                                              | 0.051                       | 0.063                                 | N/A                                 | 0.347                             | 0.805                             |
| GENERAL OFFICE (PER 1,000 SQ.FT.)                       | 0.244                                      | 0.415                                              | 0.148                       | 0.183                                 | 2.884                               | N/A                               | 2.321                             |
| MEDICAL OFFICE (PER 1,000 SQ.FT.)                       | 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 \* 0.085 (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) = 10,200 SQ.FT. COMMERCIAL SALES  
TO ADD 200 ACLF BEDS, YOU REDUCE COMMERCIAL SALES BY 10,200 SQ.FT.

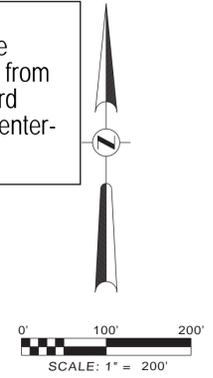
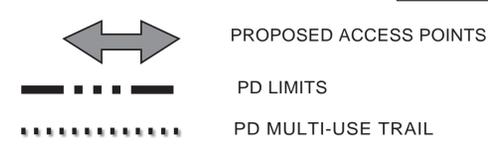
NOTES:

- PROJECT TO BE PERMITTED AND DEVELOPED IN ONE PHASE.
- ADJUSTMENT OF THE PROPOSED RESIDENTIAL/NONRESIDENTIAL LAND AREAS AND USES MAY BE PERMITTED AT TIME OF DEVELOPMENT TO ADDRESS MARKET CONDITIONS, SITE DESIGN, AND/OR REGULATORY AGENCY PERMITTING REQUIREMENTS. SUCH APPROVAL SHALL BE SUBJECT TO REVIEW FOR EQUIVALENCY TRADE-OFF (BASED ON NET NEW 2-WAY TRIP GENERATION) THROUGH APPLICATION OF THE ABOVE LAND USE EQUIVALENCY MATRIX AND FOR COMPLIANCE WITH THE ALLOWABLE (MIN/MAX) RANGE OF CMU MIXED USE LAND AREA REQUIREMENTS (LISTED ABOVE).
- ASSISTED LIVING AND SKILLED NURSING FACILITIES LOCATED WITHIN THE RESIDENTIAL LAND USE AREA SHALL HAVE A DENSITY EQUIVALENT OF THREE (3) BEDS EQUALS ONE (1) DWELLING UNIT.
- ALL ROADS SHALL BE CONSTRUCTED BY THE DEVELOPER, WITH THE PUBLIC ROADS TO BE DEDICATED TO THE CITY OF WILDWOOD. PRIVATE ROADS SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION(S).
- COUNTY ROAD 466A DRIVEWAY CONNECTIONS AND TURN LANES SHALL BE PER FDOT CRITERIA OR AS OTHERWISE APPROVED BY SUMTER COUNTY.
- STORMWATER MANAGEMENT SYSTEM, PARKS, AND PERIMETER AND INTERNAL LANDSCAPE BUFFERS, AND OTHER COMMON OPEN SPACE AREAS SHALL BE LOCATED WITHIN COMMON AREA TRACT(S) OWNED AND MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION(S).
- CENTRAL WATER, SEWER AND RECLAIMED WATER SERVICE TO BE PROVIDED BY THE CITY OF WILDWOOD. ON-SITE UTILITIES SHALL BE CONSTRUCTED BY THE DEVELOPER, WITH THE POTABLE WATER BOOSTER PUMP AND TANK, RECLAIMED WATER BOOSTER PUMP AND TANK, AND CENTRAL SANITARY SEWER LIFT STATION, AND ASSOCIATED UTILITY LINES LOCATED WITHIN PUBLIC RIGHTS-OF-WAY OR LOTS TO BE DEDICATED TO THE CITY OF WILDWOOD.
- STORMWATER MANAGEMENT SYSTEM MAY BE COMPRISED OF WET (CLAY LINED) AND/OR DRY PONDS.



1. PUBLIC HEARINGS  
 1. (b) 2nd FINAL READING Ordinance No. O2012-07; an ordinance rezoning from PD to CMU for Trailwinds Village (Word Property) subject to SM Conditions & entering into a DA with the City

**SITE LEGEND**



**PD CONCEPT PLAN (AREAS)**

|                                 | PROPOSED         |
|---------------------------------|------------------|
| RESIDENTIAL                     | 30.00 AC         |
| COMMERCIAL SALES                | 37.90 AC         |
| COMMERCIAL OFFICE               | 33.87 AC         |
| PARKS                           | 2.44 AC          |
| LINEAR PARKS                    | 3.02 AC          |
| STORMWATER RETENTION/OPEN SPACE | 19.54 AC         |
| ROADS                           | 19.45 AC         |
| PERIMETER BUFFERS               | 6.33 AC          |
| INTERIOR BUFFERS                | 4.47 AC          |
| <b>TOTAL PROJECT AREA</b>       | <b>157.02 AC</b> |

**15% PARKS AND OPEN SPACE CALCULATION**

OPEN SPACE REQUIRED: 23.55 AC  
 (15% OF 157.02 AC GROSS SITE AREA)

|                                  | PROPOSED                 |
|----------------------------------|--------------------------|
| PARKS                            | 2.44 AC ( 1.6%)          |
| LINEAR PARKS                     | 3.02 AC ( 1.9%)          |
| STORMWATER RETENTION/OPEN SPACE* | 11.78 AC ( 7.5%)         |
| PERIMETER BUFFERS                | 6.33 AC ( 4.0%)          |
| INTERIOR BUFFERS                 | 4.47 AC ( 2.8%)          |
| <b>TOTAL</b>                     | <b>28.04 AC ( 17.9%)</b> |

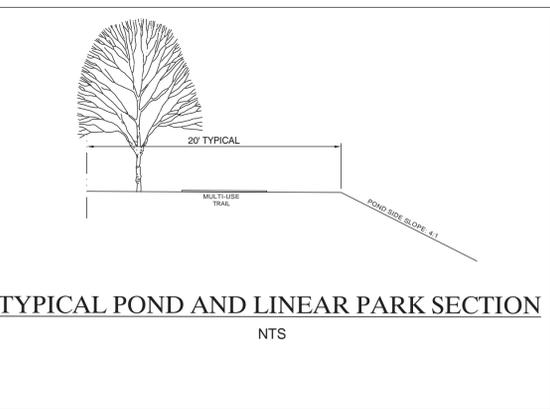
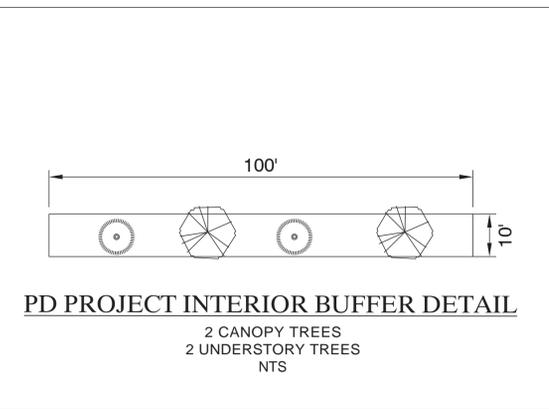
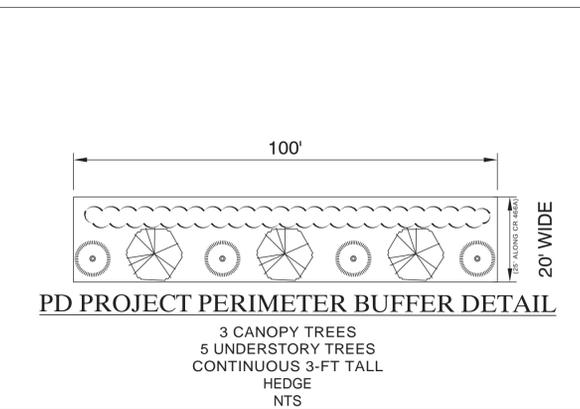
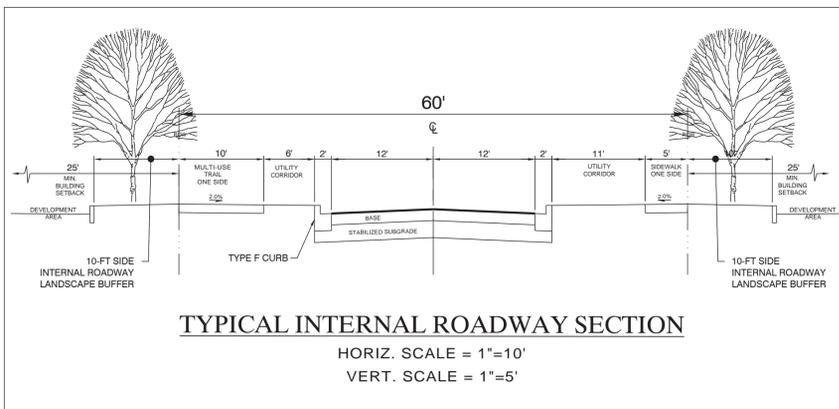
\* ACREAGE LISTED IS ONLY 50% OF THE 15% PARKS AND OPEN SPACE REQUIREMENT, PER THE CODE'S DEFINITION OF OPEN SPACE (LDR CHAPTER 2). ACTUAL STORMWATER RETENTION/OPEN SPACE ACREAGES BEING PROPOSED ARE LISTED IN THE "PD CONCEPT PLAN (AREAS)" TABLE ABOVE.

| NO. | DATE     | DESCRIPTION               |
|-----|----------|---------------------------|
| 1   | 10-31-11 | REVISED PER CITY COMMENTS |
| 2   | 1-30-12  | REVISED PER CLIENT        |

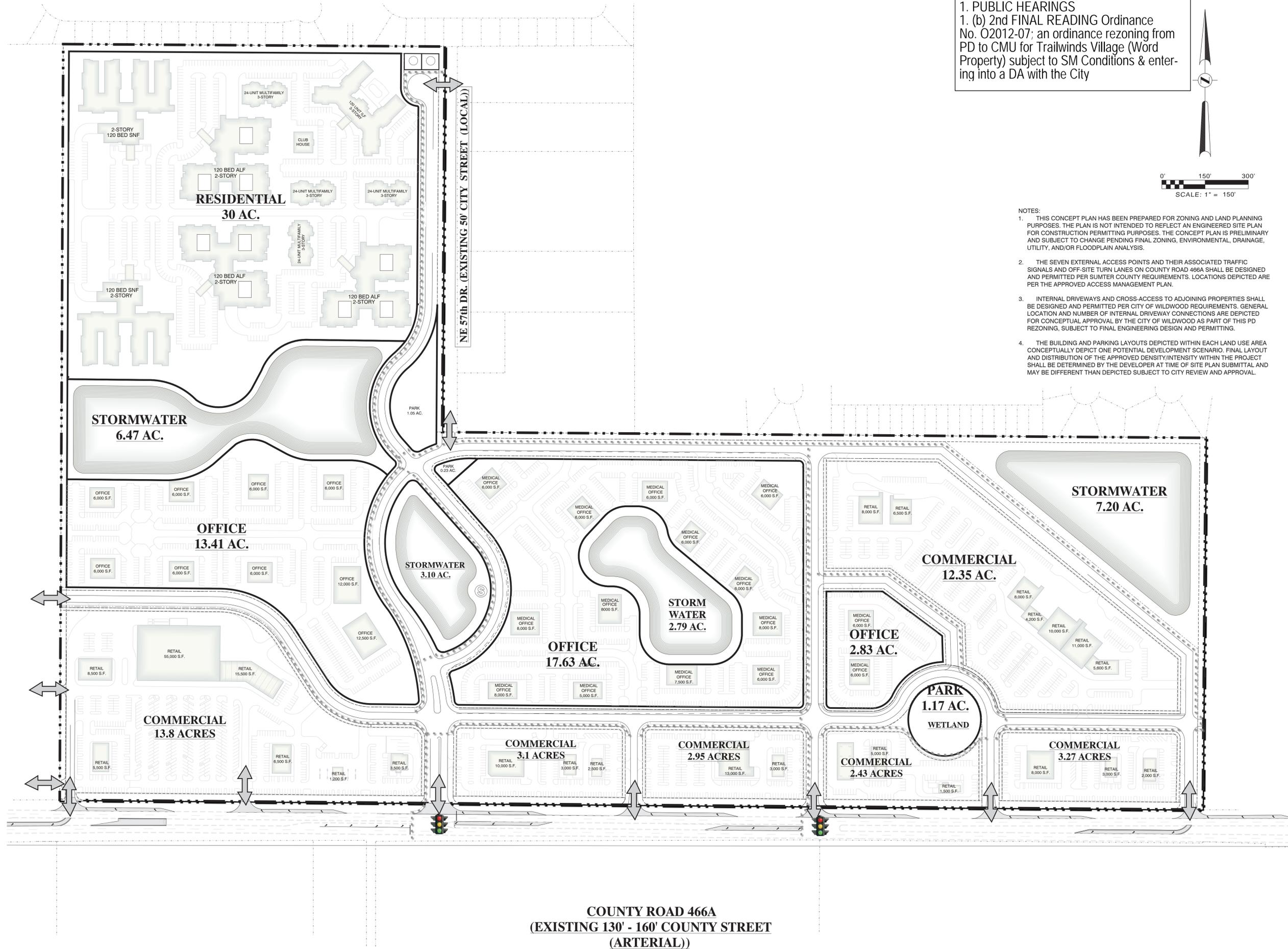
SCALE: 1" = 200'  
 DRAWN BY: PERISA  
 PROJ. MANAGER: PERISA  
 PROJ. #: 2356-003  
 DATE: 10-31-11  
 NOT VALID UNLESS SIGNED & EMBOSSED BY A REGISTERED PROFESSIONAL SURVEYOR  
 COA # 138, LB 7346, LC 000081  
 GIS: AVIDGROUP.COM

**WORD FAMILY, LLC**  
 CIVIL ENGINEERING 2900 CURLEW ROAD STE 201  
 LAND PLANNING PALM HARBOR, FLORIDA 34883  
 TRAFFIC/TRANSPORTATION  
 LANDSCAPE ARCHITECTURE  
 ENVIRONMENTAL SCIENCES SURVEYING  
 PHONE (727) 789-9600  
 FAX (727) 784-6682  
 AVID GROUP

**TRAILWINDS VILLAGE**  
 CITY OF WILDWOOD, SUMTER CO.  
**PD CONCEPT PLAN**

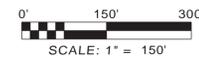


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COUNTY ROAD 466A  
(EXISTING 130' - 160' COUNTY STREET  
(ARTERIAL))

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance No. O2012-07; an ordinance rezoning from PD to CMU for Trailwinds Village (Word Property) subject to SM Conditions & entering into a DA with the City



NOTES:

1. THIS CONCEPT PLAN HAS BEEN PREPARED FOR ZONING AND LAND PLANNING PURPOSES. THE PLAN IS NOT INTENDED TO REFLECT AN ENGINEERED SITE PLAN FOR CONSTRUCTION PERMITTING PURPOSES. THE CONCEPT PLAN IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL ZONING, ENVIRONMENTAL, DRAINAGE, UTILITY, AND/OR FLOODPLAIN ANALYSIS.
2. THE SEVEN EXTERNAL ACCESS POINTS AND THEIR ASSOCIATED TRAFFIC SIGNALS AND OFF-SITE TURN LANES ON COUNTY ROAD 466A SHALL BE DESIGNED AND PERMITTED PER SUMTER COUNTY REQUIREMENTS. LOCATIONS DEPICTED ARE PER THE APPROVED ACCESS MANAGEMENT PLAN.
3. INTERNAL DRIVEWAYS AND CROSS-ACCESS TO ADJOINING PROPERTIES SHALL BE DESIGNED AND PERMITTED PER CITY OF WILDWOOD REQUIREMENTS. GENERAL LOCATION AND NUMBER OF INTERNAL DRIVEWAY CONNECTIONS ARE DEPICTED FOR CONCEPTUAL APPROVAL BY THE CITY OF WILDWOOD AS PART OF THIS PD REZONING, SUBJECT TO FINAL ENGINEERING DESIGN AND PERMITTING.
4. THE BUILDING AND PARKING LAYOUTS DEPICTED WITHIN EACH LAND USE AREA CONCEPTUALLY DEPICT ONE POTENTIAL DEVELOPMENT SCENARIO. FINAL LAYOUT AND DISTRIBUTION OF THE APPROVED DENSITY/INTENSITY WITHIN THE PROJECT SHALL BE DETERMINED BY THE DEVELOPER AT TIME OF SITE PLAN SUBMITTAL AND MAY BE DIFFERENT THAN DEPICTED SUBJECT TO CITY REVIEW AND APPROVAL.

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
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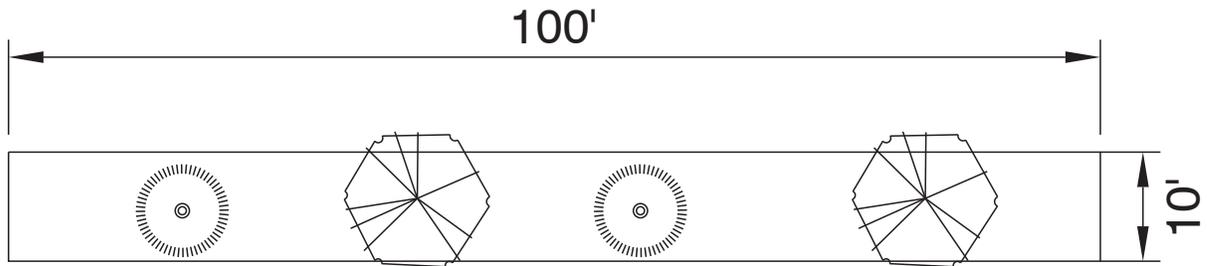
## **Trailwinds Village Planned Development**

### **Ordinance O2012-07**

#### **“Exhibit C”**

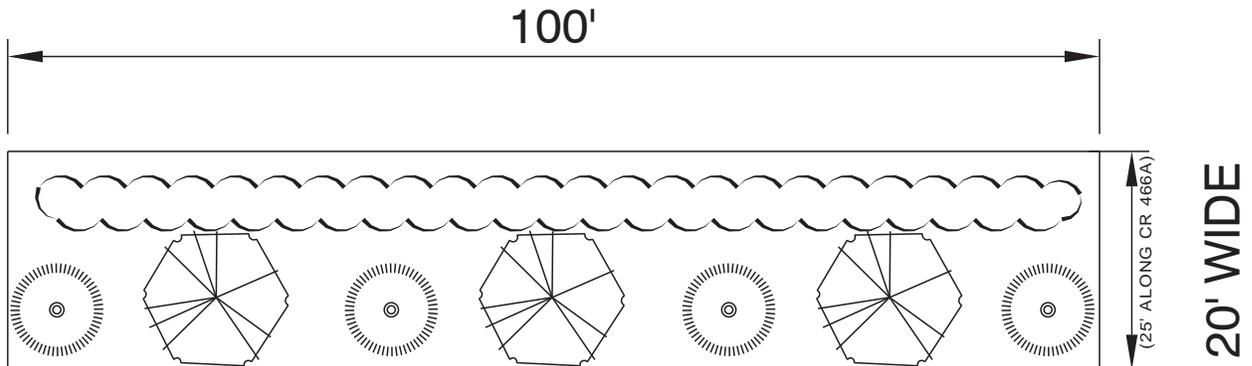
### **Buffer Details and Typical Linear Park Section**

1. PUBLIC HEARINGS  
 1. (b) 2nd FINAL READING Ordinance  
 No. O2012-07; an ordinance rezoning from  
 PD to CMU for Trailwinds Village (Word  
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## PD PROJECT INTERIOR BUFFER DETAIL

2 CANOPY TREES  
 2 UNDERSTORY TREES  
 NTS



## PD PROJECT PERIMETER BUFFER DETAIL

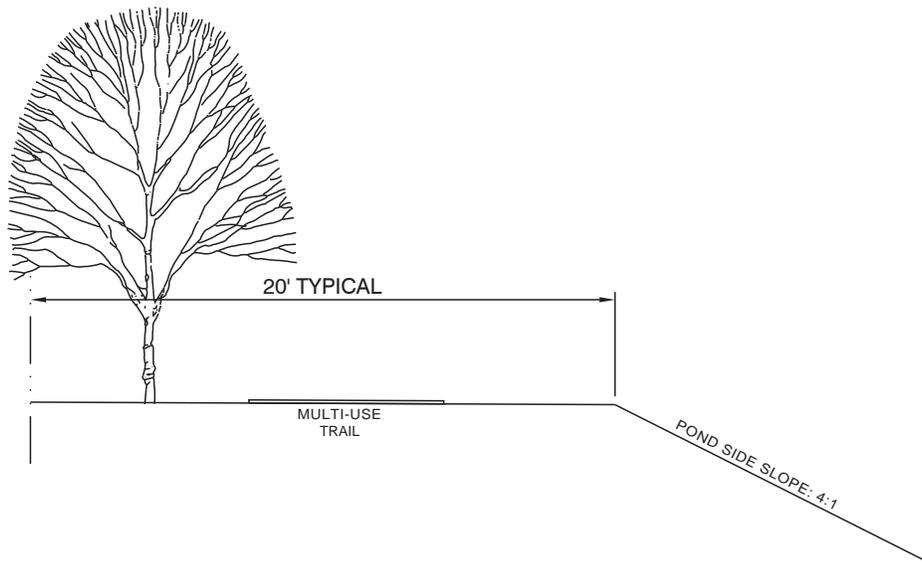
3 CANOPY TREES  
 5 UNDERSTORY TREES  
 CONTINUOUS 3-FT TALL  
 HEDGE  
 NTS



CIVIL ENGINEERING 2300 CURLEW ROAD STE 201  
 LAND PLANNING PALM HARBOR, FLORIDA  
 TRAFFIC/TRANSPORTATION 34683  
 LANDSCAPE ARCHITECTURE  
 ENVIRONMENTAL SCIENCES PHONE (727) 789-9500  
 SURVEYING FAX (727) 784-6662  
 GIS AVIDGROUP.COM

**TYPICAL BUFFERS**  
**TRAILWINDS VILLAGE PD**

1. PUBLIC HEARINGS  
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# TYPICAL POND AND LINEAR PARK SECTION

NTS



CIVIL ENGINEERING 2300 CURLEW ROAD STE 201  
LAND PLANNING PALM HARBOR, FLORIDA  
TRAFFIC/TRANSPORTATION 34683  
LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL SCIENCES PHONE (727) 789-9500  
SURVEYING FAX (727) 784-6662  
GIS AVIDGROUP.COM

**TYPICAL POND AND LINEAR  
PARK SECTION  
TRAILWINDS VILLAGE PD**

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
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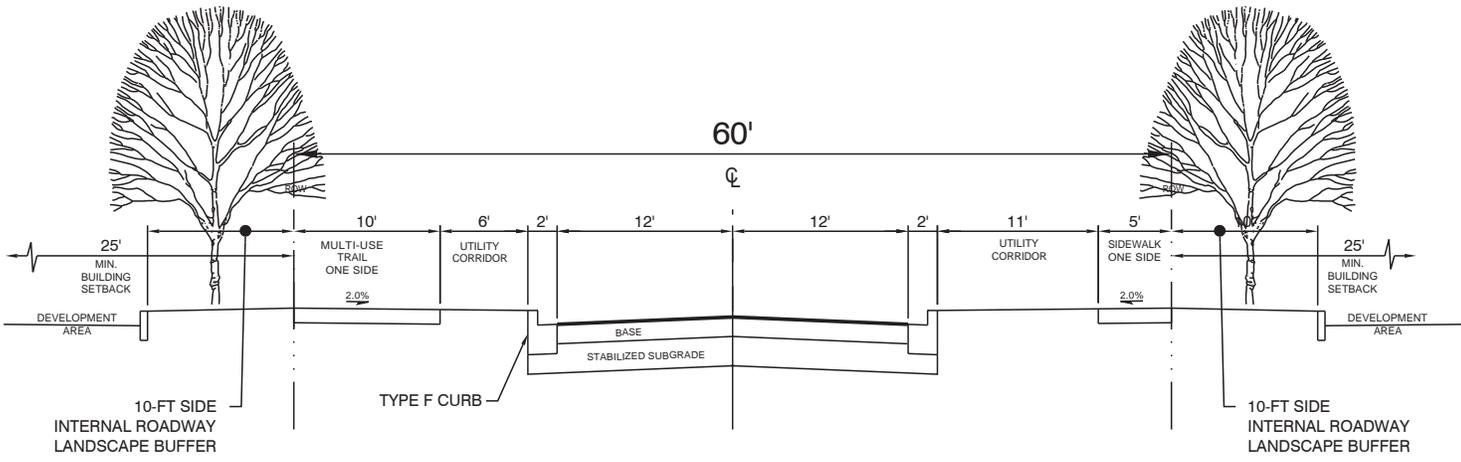
**Trailwinds Village Planned Development**

**Ordinance O2012-07**

**“Exhibit D”**

**Typical Internal Roadway Section**

1. PUBLIC HEARINGS  
 1. (b) 2nd FINAL READING Ordinance  
 No. O2012-07; an ordinance rezoning from  
 PD to CMU for Trailwinds Village (Wörd  
 Property) subject to SM Conditions & enter-  
 ing into a DA with the City



**TYPICAL INTERNAL ROADWAY SECTION**

NOT TO SCALE



CIVIL ENGINEERING  
 LAND PLANNING  
 TRAFFIC/TRANSPORTATION  
 LANDSCAPE ARCHITECTURE  
 ENVIRONMENTAL SCIENCES  
 SURVEYING  
 GIS

2300 CURLEW ROAD STE 201  
 PALM HARBOR, FLORIDA  
 34683

PHONE (727) 789-9500  
 FAX (727) 784-6662  
 AVIDGROUP.COM

**TYPICAL INTERNAL  
 ROADWAY SECTION  
 TRAILWINDS VILLAGE PD**

February 17, 2012

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
No. O2012-07; an ordinance rezoning from  
PD to CMU for Trailwinds Village (Word  
Property) subject to SM Conditions & enter-  
ing into a DA with the City

City Commissioners of the City of Wildwood  
100 North Main Street  
Wildwood, FL 34785



Re: Ordinance O2012-07 Trailwinds Village (Word Family LLC property,  
Commissioners,

I am writing on behalf of 22 home owners whose lots abut the northern boundary of the proposed Trailwinds Village (Word property). Enclosed is a list of the home owners and a map showing our homes (now existing on every lot) and a portion of the conceptual plan for the Trailwinds Village project.

Our group of concerned home owners has met several times regarding this matter. While we acknowledge that the Word family has the right to develop their property, we maintain that we have the right to protect our privacy, our security, and the quality of life that we currently enjoy.

I spoke on behalf of these 22 home owners at the Feb. 7 meeting of the Wildwood Planning & Zoning Board/Special Magistrate. We appreciate all the considerations extended to us by the Special Magistrate. Changes were made to Ordinance O2012-07 which addressed some of our concerns – exterior lighting, vehicle headlights and pump stations near the perimeter of the project.

It is our understanding that the Second Reading and the Vote for Approval of Ordinance O2012-07 will occur at the Feb. 27 meeting of the Wildwood City Commissioners.

We are still concerned about several issues. We request that you incorporate solutions into the ordinance before it is approved.

- We desire to preserve the beautiful, mature oak trees that line the northern boundary. They provide us with shade, are home to wildlife, and add to the overall beauty of our neighborhood. Attorney Steven Gray, representing Word Family LLC, testified at the Feb. 7 P&Z meeting that they intend to keep the oak trees. We would like this added to the ordinance.
- We are very concerned about the view of our property from the buildings located next to the northern boundary. Two of the buildings are proposed to be three stories tall and one to be two stories.

We are especially concerned about the 3-story building near our lots marked #16-19. There are no existing trees to block the view from the building and the Word property is higher than our properties. Please see the enclosed pictures which were taken from lot #16 while looking toward lot #20. We believe that in this area of the project, either A) the plants in the 25' buffer specified in the ordinance should be planted on an earthen berm which will raise them to block the view; or B) the Word property should be "scraped" to remove dirt and lower the foundation of the 3-story building.

The situation is similar near our lots marked #3-5 except the Word property and our properties are on the same level.

Frankly, the use of a berm (with the specified plants on it) along the entire length of the northern boundary may be the best solution to maintain our privacy and security. Dirt from the excavation of the stormwater retention ponds could be used.

Another option is instead of positioning the 3-story buildings near the northern boundary, place the smaller buildings on the north side and place the 3-story buildings more in the center of the development.

Also, positioning the 5-acre recreation area on the north side as a buffer might be an additional option to provide separation of the buildings from our properties.

We request that we have the opportunity to meet with the developers of Trailwinds Village as they move from conceptual plans to detailed site plans. We want to be able share our concerns and provide input for solutions to alleviate those concerns.

During testimony at the Feb. 7 P&Z meeting, Mr. Gray stated that the Word family wants to be good neighbors. We appreciate that sentiment and we wish to be the same. We hope to have the opportunity to work with the developers as this project moves forward.

We respectfully request that you modify the ordinance to address our remaining concerns.

Sincerely,



Mike Anderson  
2494 Ansley Path  
The Villages, FL 32162  
217 714-2245

cc:

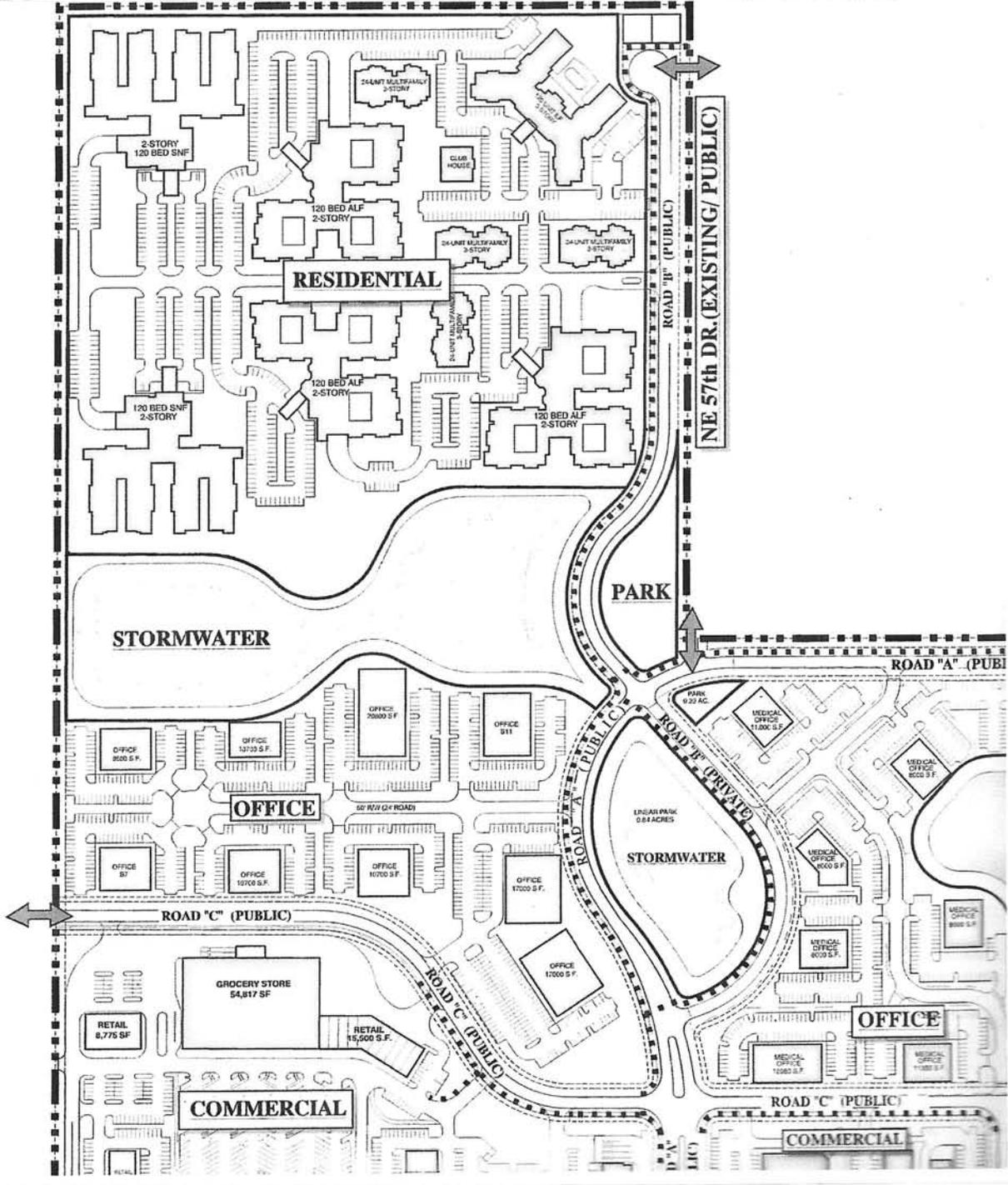
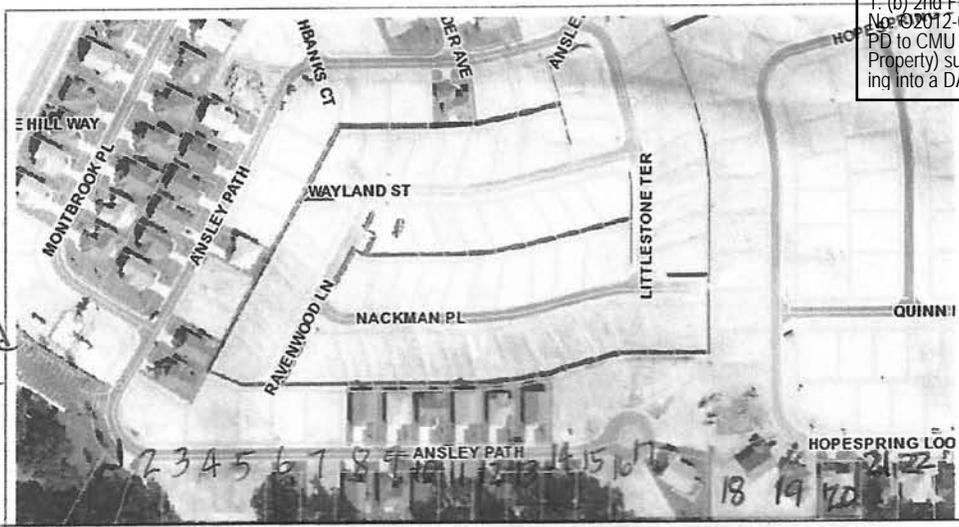
Joseph Jacobs, Interim Manager, Wildwood  
Melanie Peavy, Director, Wildwood Development Services Department  
Peter Pensa, Director of Planning Services, AVID Group  
Steven Gray, Attorney at Law, firm of Gray, Ackerman & Haines  
Gary Lester, Vice-President of Community Relations, The Villages  
Don Hahnfeldt, President, The Villages Homeowners Association

1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
No. O2012-07; an ordinance rezoning from  
PD to CMU for Trailwinds Village (Word  
Property) subject to SM Conditions & enter-  
ing into a DA with the City

| <u>Key</u> | <u>Address</u>       | <u>Owner</u>                   |
|------------|----------------------|--------------------------------|
| 1          | 2444 Ansley Path     | Ed & Barbara Anderson          |
| 2          | 2448 Ansley Path     | Al & Susan Ozenne              |
| 3          | 2452 Ansley Path     | Bob & Cindy Hodgson            |
| 4          | 2454 Ansley Path     | Jerry & Alice Garfinkel        |
| 5          | 2458 Ansley Path     | Jim & Emily Banks              |
| 6          | 2462 Ansley Path     | Mickey & Joyce Frakes          |
| 7          | 2464 Ansley Path     | John & Sue Phillips            |
| 8          | 2468 Ansley Path     | Lynette Isaacs                 |
| 9          | 2472 Ansley Path     | Brian & Patty Costello         |
| 10         | 2474 Ansley Path     | Barry & Pat Yates              |
| 11         | 2478 Ansley Path     | Klaus & Helga Maass            |
| 12         | 2482 Ansley Path     | Joe & Jane Riordan             |
| 13         | 2484 Ansley Path     | Allen Lawrence                 |
| 14         | 2488 Ansley Path     | Jeff Larson                    |
| 15         | 2490 Ansley Path     | Mike & Terry Ellmo             |
| 16         | 2494 Ansley Path     | Mike & Maggie Anderson         |
| 17         | 2496 Ansley Path     | Willy Voelzke & Heather West   |
| 18         | 2377 Hopespring Loop | Jim & Sally Scavone            |
| 19         | 2373 Hopespring Loop | Al & Diane Tillman             |
| 20         | 2365 Hopespring Loop | Earl & Jane Denton             |
| 21         | 2359 Hopespring Loop | Max & Martha Anderson          |
| 22         | 2351 Hopespring Loop | Sylvia Rettberg & Richard Bean |

1. PUBLIC HEARINGS  
 1. (b) 2nd FINAL READING Ordinance No. 2012-07; an ordinance rezoning from PD to CMU for Trailwinds Village (Word Property) subject to SM Conditions & entering into a DA with the City

↑  
 N  
 Tamarind Grove Pool



1. PUBLIC HEARINGS  
1. (b) 2nd FINAL READING Ordinance  
No. O2012-07; an ordinance rezoning from  
PD to CMU for Trailwinds Village (Wörd  
Property) subject to SM Conditions & enter-  
ing into a DA with the City



**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** MICO Customs at Shamrock Industrial Park CP 1201-01

Approval of Ordinance O2012-08.

**REQUESTED ACTION:**

Work Session (Report Only)      **DATE OF MEETING:** 2/27/12  
 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:**

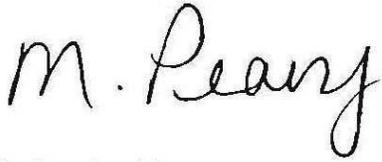
City staff seeks approval for a Small Scale Future Land Use Map Amendment to the adopted Comprehensive Plan. On February 7, 2012 the case was heard before the Planning and Zoning Board/Special Magistrate acting as the Local Planning Agency in which the Special Magistrate recommended approval of Ordinance 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.

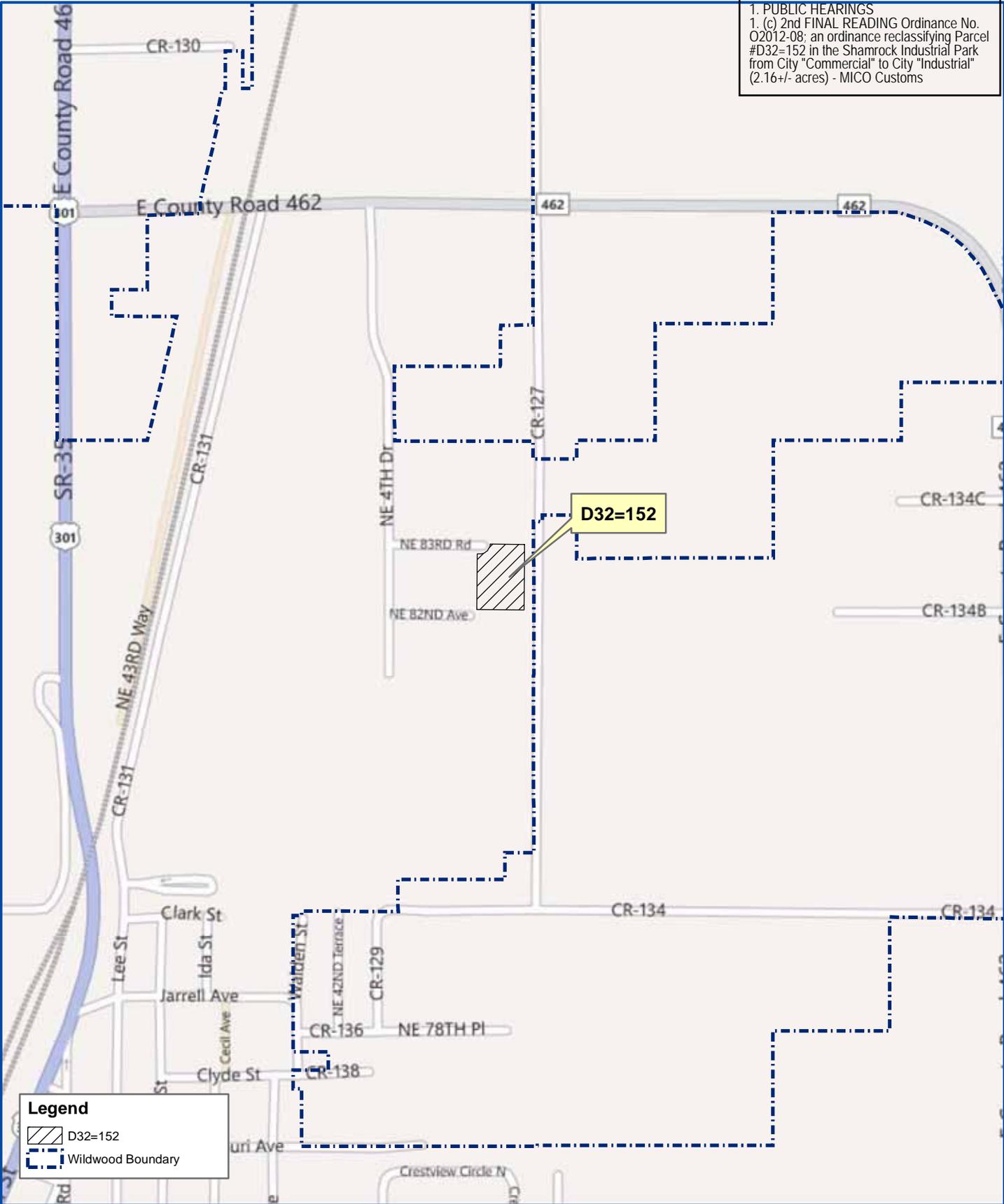
The attached maps illustrate the subject parcel's relation to the surrounding area as well as the existing and proposed Future Land Use Map designations within the vicinity.



Melanie Peavy  
Development Services Director

1. PUBLIC HEARINGS  
1. (c) 2nd FINAL READING Ordinance No. O2012-08; an ordinance reclassifying Parcel #D32=152 in the Shamrock Industrial Park from City "Commercial" to City "Industrial" (2.16+/- acres) - MICO Customs

1. PUBLIC HEARINGS  
1. (c) 2nd FINAL READING Ordinance No. O2012-08; an ordinance reclassifying Parcel #D32=152 in the Shamrock Industrial Park from City "Commercial" to City "Industrial" (2.16+/- acres) - MICO Customs



**Legend**

-  D32=152
-  Wildwood Boundary

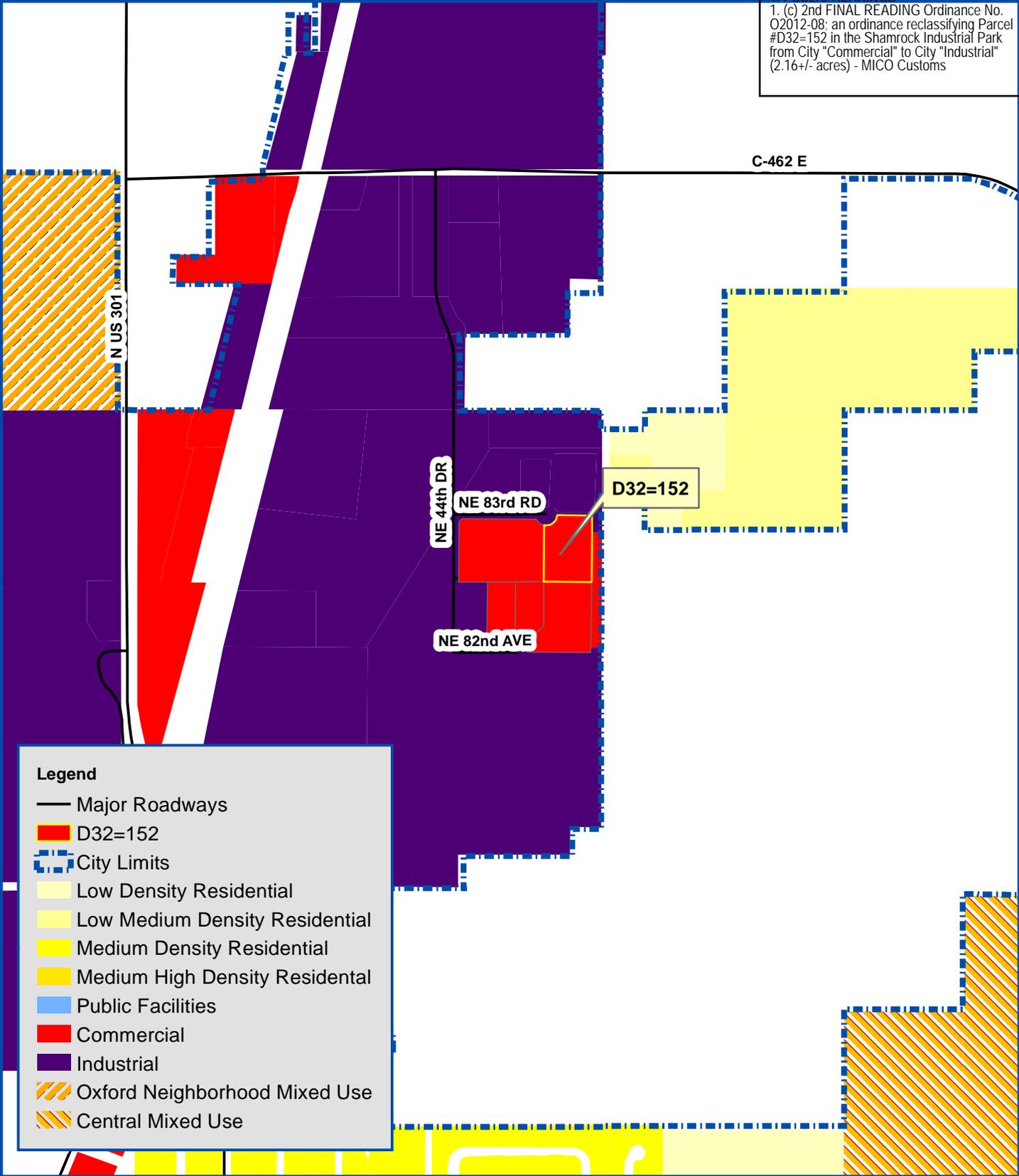


1 inch = 750 feet

### D32=152 Parcel Location



1. PUBLIC HEARINGS  
 1. (c) 2nd FINAL READING Ordinance No. O2012-08; an ordinance reclassifying Parcel #D32=152 in the Shamrock Industrial Park from City "Commercial" to City "Industrial" (2.16+/- acres) - MICO Customs



**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 44<sup>th</sup> 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

**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:

1. PUBLIC HEARINGS  
1. (c) 2nd FINAL READING Ordinance No. O2012-08: an ordinance reclassifying Parcel #D32=152 in the Shamrock Industrial Park from City "Commercial" to City "Industrial" (2.16+/- acres) - MICO Customs

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

ATTEST: \_\_\_\_\_  
Joseph Jacobs, City Clerk

\_\_\_\_\_  
Ed Wolf, Mayor

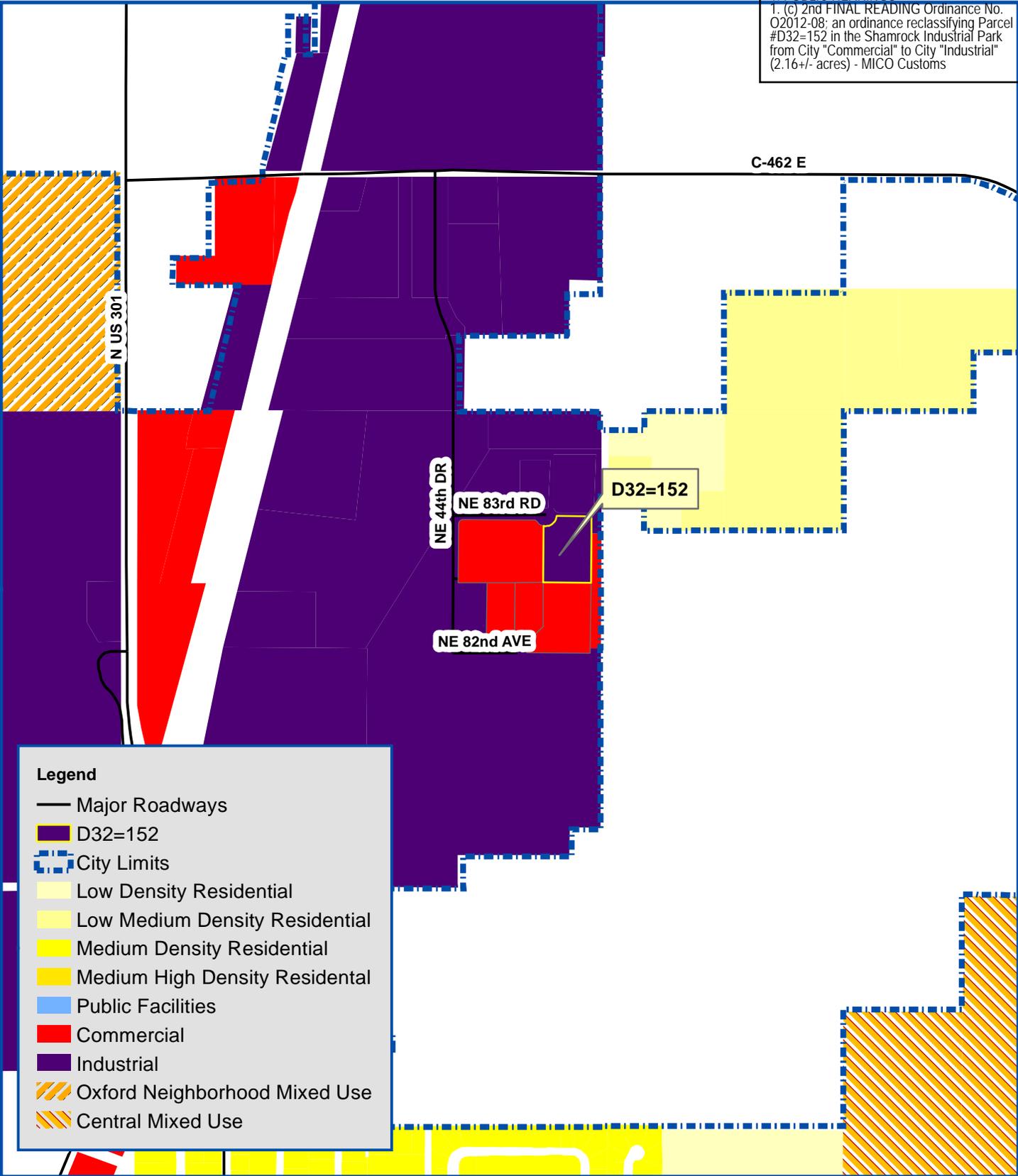
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

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

1. PUBLIC HEARINGS  
 1. (c) 2nd FINAL READING Ordinance No. O2012-08: an ordinance reclassifying Parcel #D32=152 in the Shamrock Industrial Park from City "Commercial" to City "Industrial" (2.16+/- acres) - MICO Customs



C-462 E

N US 301

NE 44th DR

NE 83rd RD

D32=152

NE 82nd AVE



1 inch = 750 feet

**D32=152**  
**Small Scale Comp Plan Amendment 2012**  
**Proposed Land Use**



1. PUBLIC HEARINGS  
1. (d) 2nd FINAL READING Ordinance No. O2012-09; an ordinance rezoning Parcel #D32=152 in the Shamrock Industrial Park from "C-3 General Commercial-Hwy." to "M-1 Industrial" (2.16+/- acres) - MICO Customs

**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** MICO Customs at Shamrock Industrial Park RZ 1201-01

Approval of Ordinance O2012-09.

**REQUESTED ACTION:**

Work Session (Report Only)      **DATE OF MEETING:** 2/27/12  
 Regular Meeting                       Special Meeting

**CONTRACT:**       N/A                      Vendor/Entity: \_\_\_\_\_  
Effective Date: \_\_\_\_\_                      Termination Date: \_\_\_\_\_  
Managing Division / Dept: \_\_\_\_\_

**BUDGET IMPACT:** \_\_\_\_\_

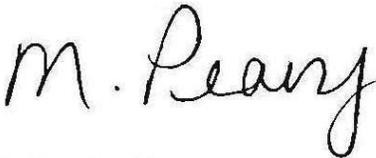
Annual                      **FUNDING SOURCE:** \_\_\_\_\_  
 Capital                      **EXPENDITURE ACCOUNT:** \_\_\_\_\_  
 N/A

**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.**

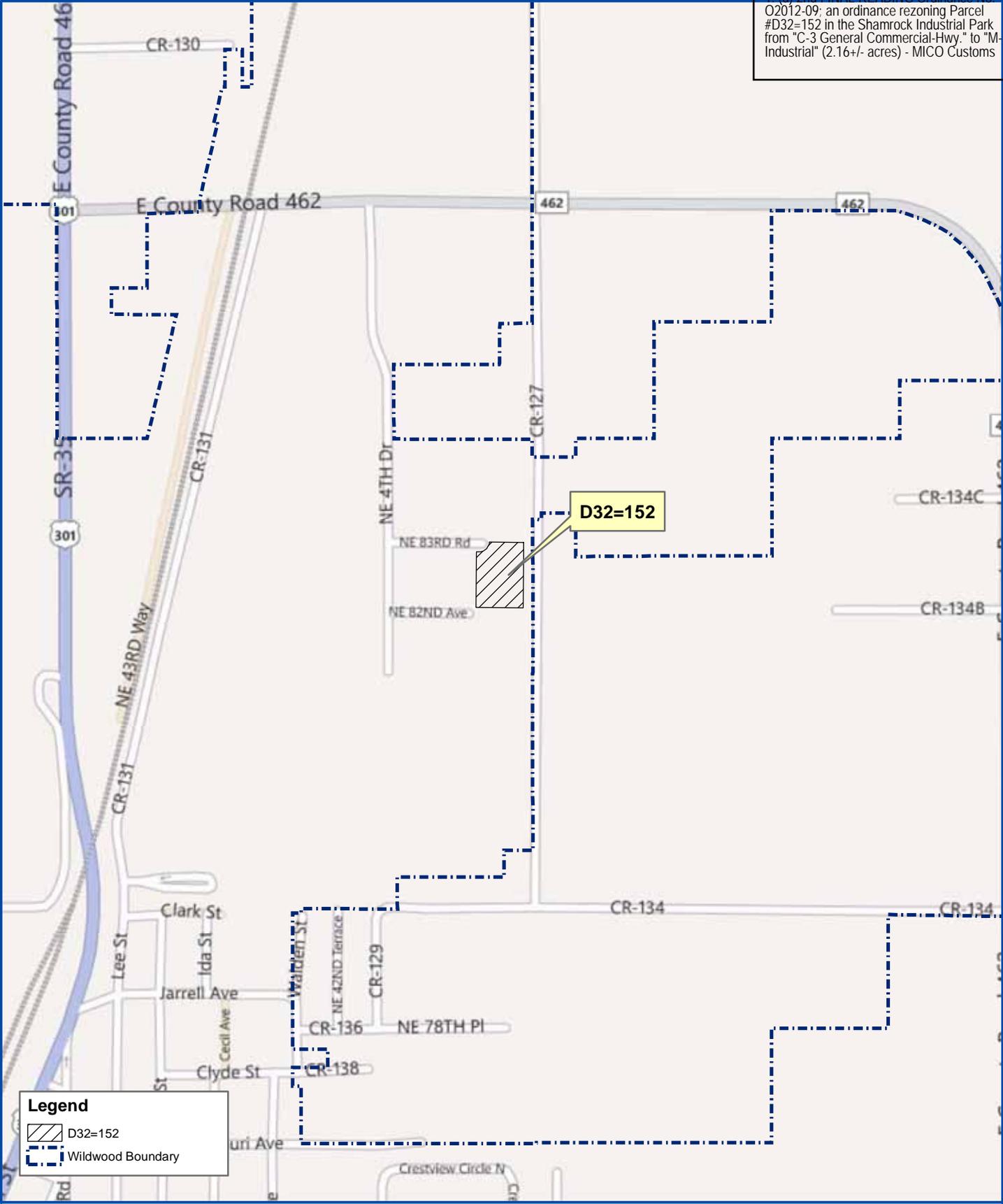
The 2.16 +/- acre subject parcel is located to the southeast of the intersection of County Road 462 and NE 44<sup>th</sup> Drive. The property was recently subject to an approved Small Scale Comprehensive Plan amendment to change the future land use to "Industrial". The requested zoning of "M-1 Industrial" 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.



Melanie Peavy  
Development Services Director

1. PUBLIC HEARINGS  
1. (d) 2nd FINAL READING Ordinance No. O2012-09; an ordinance rezoning Parcel #D32=152 in the Shamrock Industrial Park from "C-3 General Commercial-Hwy." to "M-1 Industrial" (2.16+/- acres) - MICO Customs



**Legend**

-  D32=152
-  Wildwood Boundary

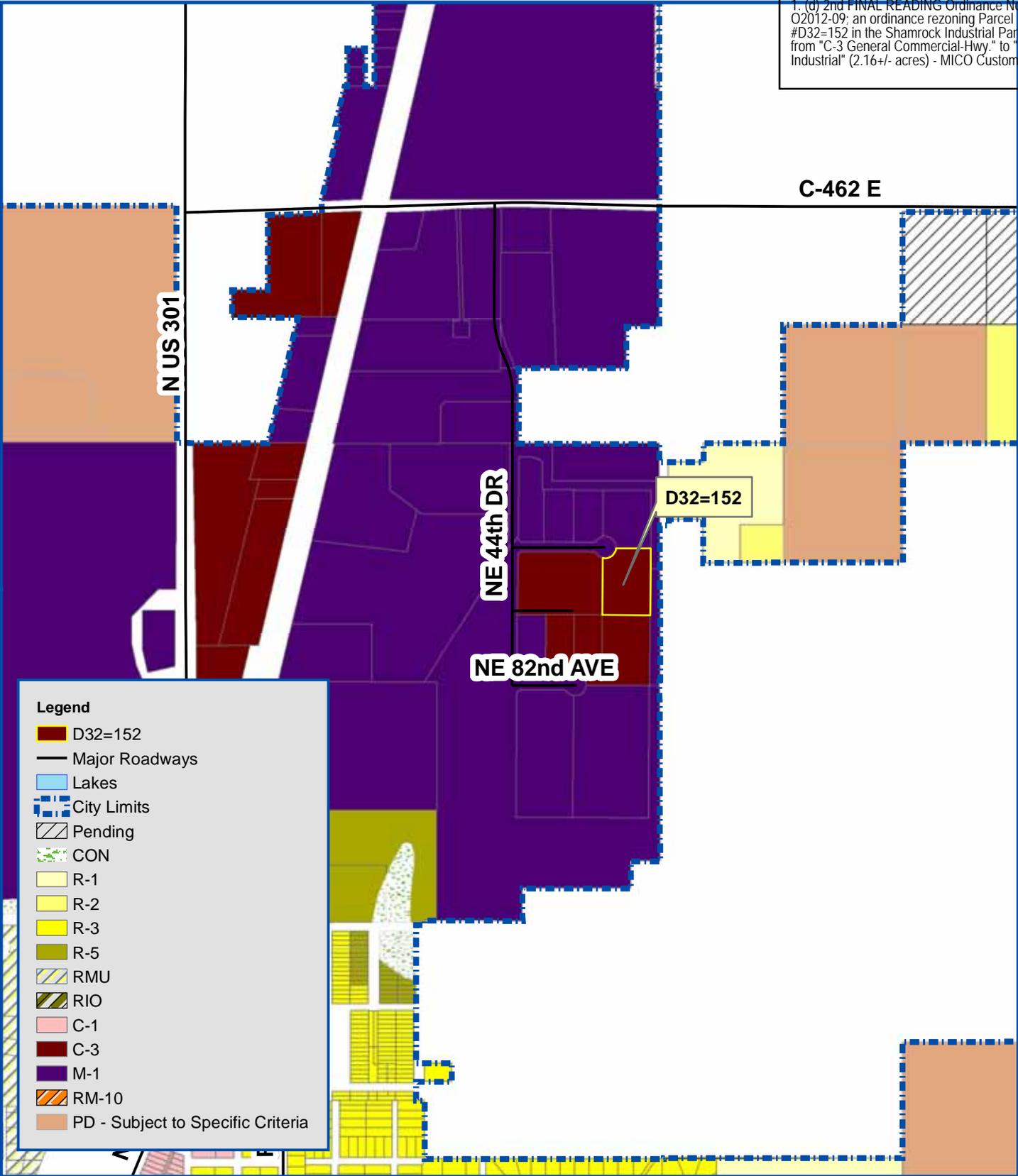


1 inch = 750 feet

### D32=152 Parcel Location



1. PUBLIC HEARINGS  
 1. (d) 2nd FINAL READING Ordinance No. O2012-09: an ordinance rezoning Parcel #D32=152 in the Shamrock Industrial Park from "C-3 General Commercial-Hwy." to "M-1 Industrial" (2.16+/- acres) - MICO Customs



**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 44<sup>th</sup> 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/

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

**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.

1. PUBLIC HEARINGS  
1. (d) 2nd FINAL READING Ordinance No. O2012-09; an ordinance rezoning Parcel #D32=152 in the Shamrock Industrial Park from "C-3 General Commercial-Hwy." to "M-1 Industrial" (2.16+/- acres) - MICO Customs

**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

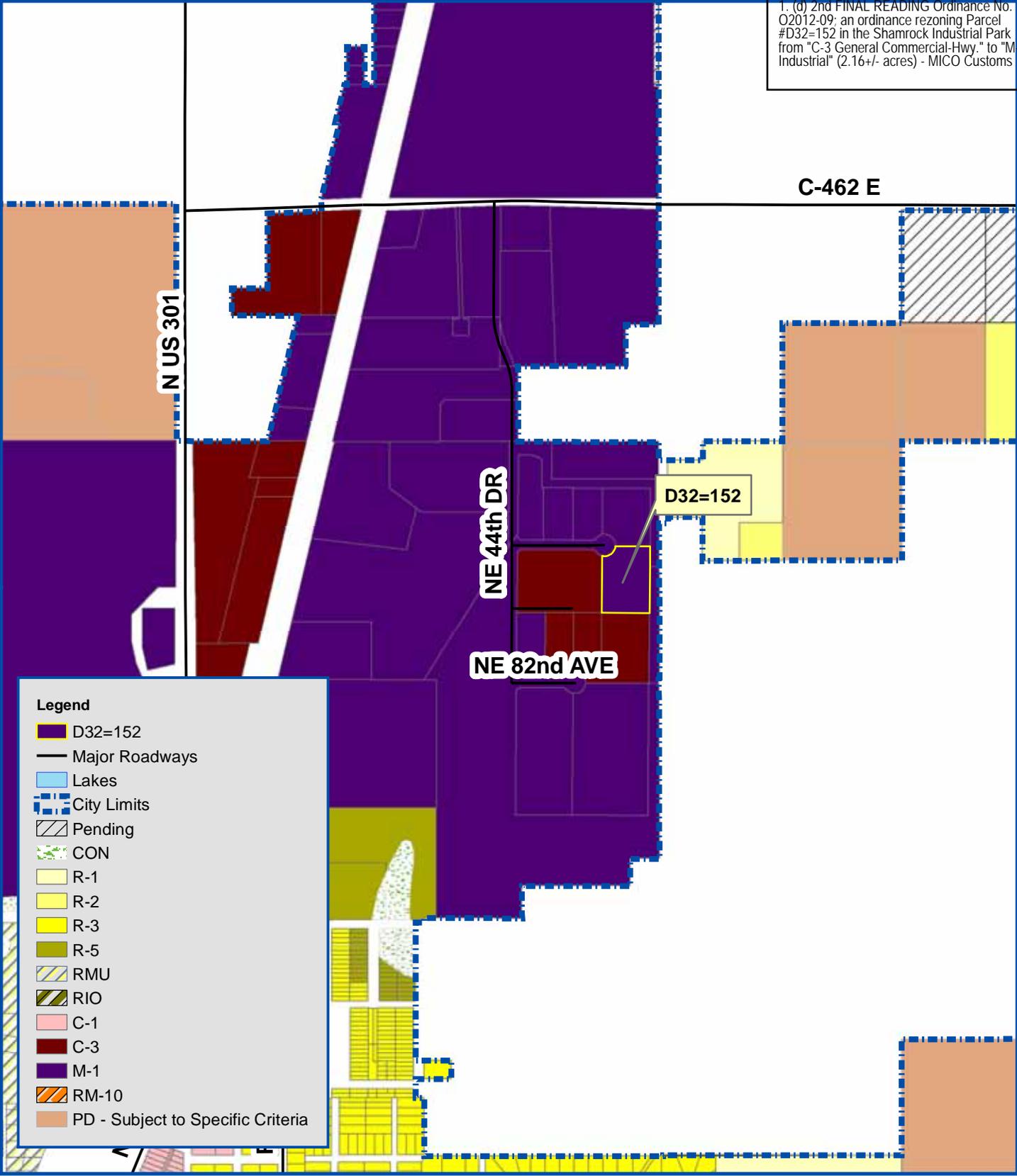
ATTEST: \_\_\_\_\_  
Joseph Jacobs, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form:  
  
\_\_\_\_\_  
Jerri A. Blair, City Attorney

1. PUBLIC HEARINGS  
 1. (d) 2nd FINAL READING Ordinance No. O2012-09; an ordinance rezoning Parcel #D32=152 in the Shamrock Industrial Park from "C-3 General Commercial-Hwy." to "M-1 Industrial" (2.16+/- acres) - MICO Customs



**Legend**

- D32=152
- Major Roadways
- Lakes
- City Limits
- Pending
- CON
- R-1
- R-2
- R-3
- R-5
- RMU
- RIO
- C-1
- C-3
- M-1
- RM-10
- PD - Subject to Specific Criteria

**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** Shamrock Industrial Park CP 1201-02

Approval of Ordinance O2012-10.

**REQUESTED ACTION:**

Work Session (Report Only)      **DATE OF MEETING:** 2/27/12  
 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 O2012-10. **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.

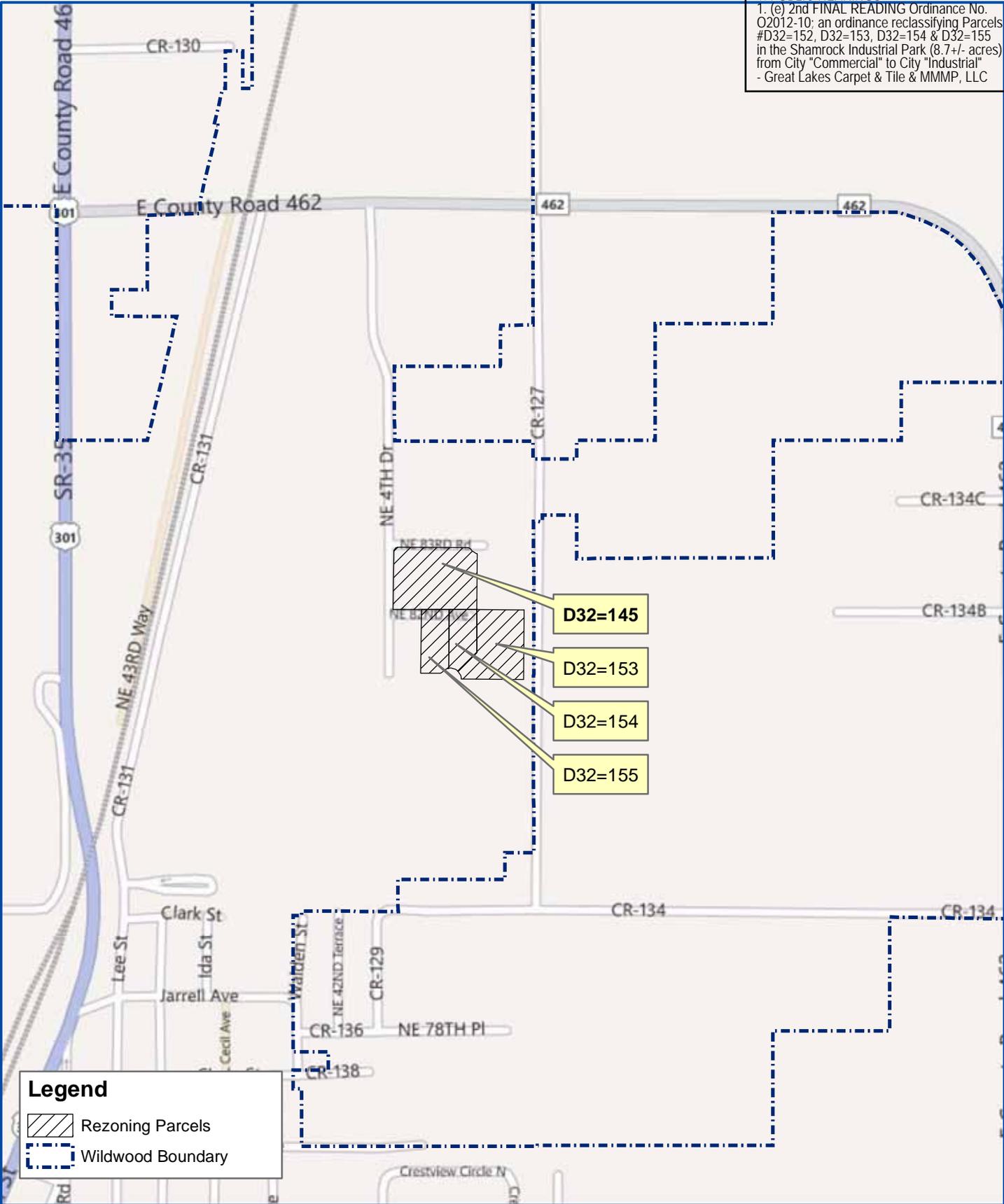


Melanie Peavy  
Development Services Director

1. PUBLIC HEARINGS  
1. (e) 2nd FINAL READING Ordinance No. O2012-10; an ordinance reclassifying Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from City "Commercial" to City "Industrial" - Great Lakes Carpet & Tile & MMMP, LLC

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1. PUBLIC HEARINGS  
 1. (e) 2nd FINAL READING Ordinance No. O2012-10: an ordinance reclassifying Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from City "Commercial" to City "Industrial" - Great Lakes Carpet & Tile & MMMP, LLC



**Legend**

-  Rezoning Parcels
-  Wildwood Boundary

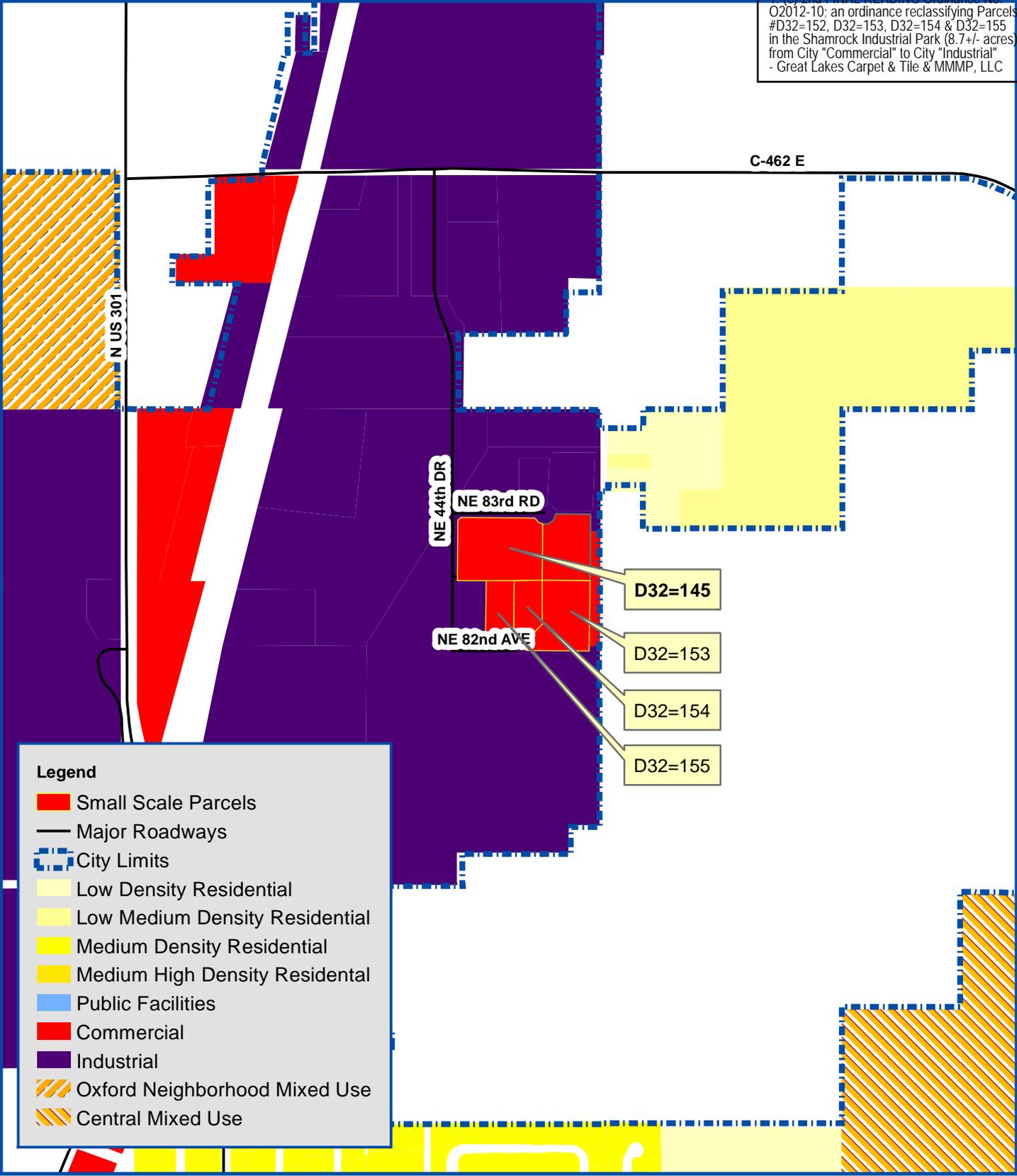


1 inch = 750 feet

**D32=145, D32=153, D32=154, D32=155  
 Parcel Locations**



1. PUBLIC HEARINGS  
 1. (a) 2nd FINAL READING Ordinance No. O2012-10; an ordinance reclassifying Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from City "Commercial" to City "Industrial" - Great Lakes Carpet & Tile & MMMP, LLC



**Legend**

- Small Scale Parcels
- Major Roadways
- City Limits
- Low Density Residential
- Low Medium Density Residential
- Medium Density Residential
- Medium High Density Residential
- Public Facilities
- Commercial
- Industrial
- Oxford Neighborhood Mixed Use
- Central Mixed Use

1. PUBLIC HEARINGS  
1. (e) 2nd FINAL READING Ordinance No.  
O2012-10: an ordinance reclassifying Parcels  
#D32=152, D32=153, D32=154 & D32=155  
in the Shamrock Industrial Park (8.7 +/- acres)  
from City "Commercial" to City "Industrial"  
- Great Lakes Carpet & Tile & MMMP, LLC

**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 44<sup>th</sup> 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

**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.

1. PUBLIC HEARINGS  
1. (e) 2nd FINAL READING Ordinance No. O2012-10: an ordinance reclassifying Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from City "Commercial" to City "Industrial" - Great Lakes Carpet & Tile & MMMP, LLC

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

ATTEST: \_\_\_\_\_  
Joseph Jacobs, City Clerk

\_\_\_\_\_  
Ed Wolf, Mayor

First Reading: \_\_\_\_\_

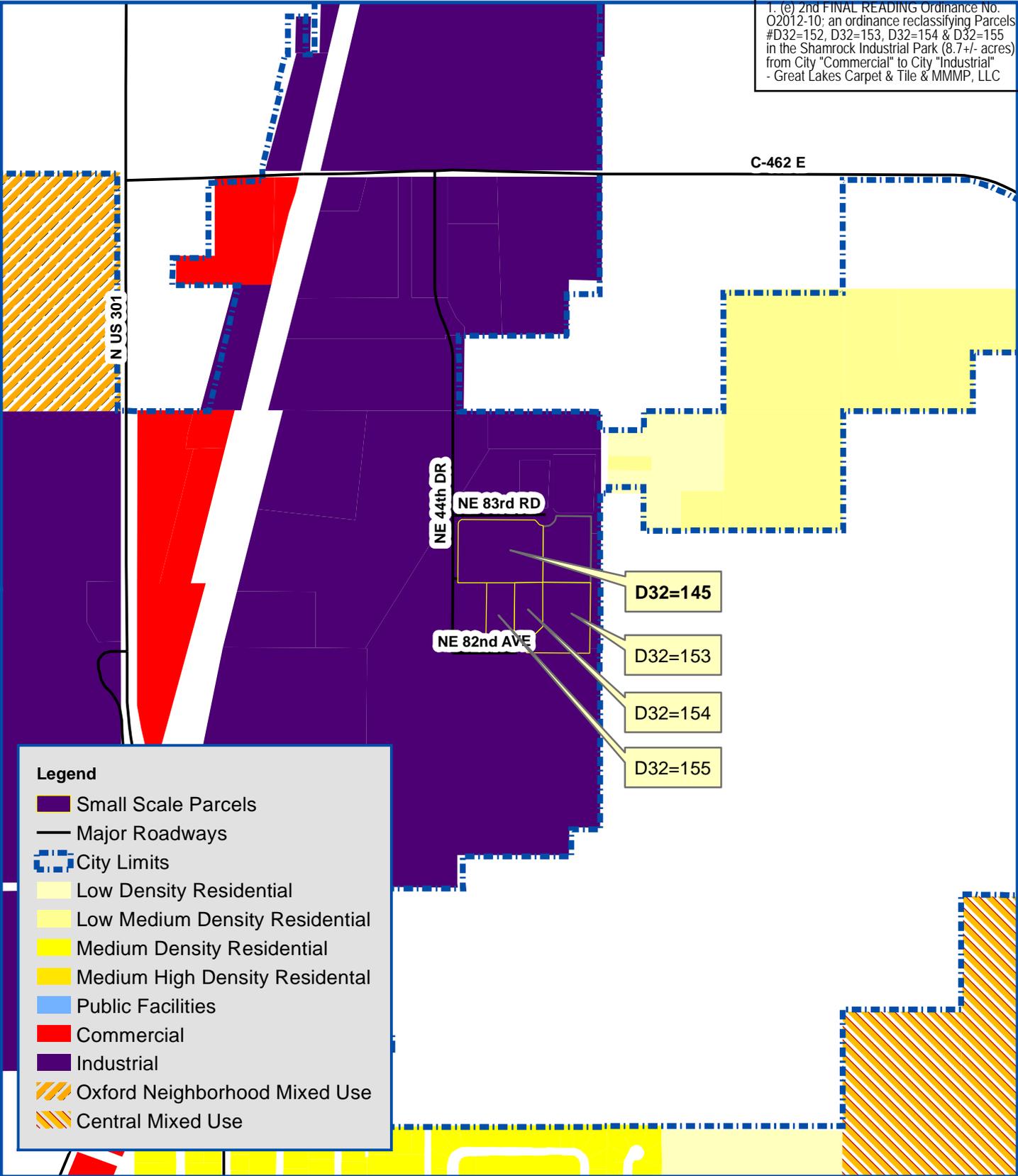
Second Reading: \_\_\_\_\_

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

1. PUBLIC HEARINGS  
 1. (e) 2nd FINAL READING Ordinance No. O2012-10: an ordinance reclassifying Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from City "Commercial" to City "Industrial" - Great Lakes Carpet & Tile & MMMP, LLC



C-462 E

N US 301

NE 44th DR

NE 83rd RD

NE 82nd AVE

D32=145

D32=153

D32=154

D32=155

**Legend**

- Small Scale Parcels
- Major Roadways
- City Limits
- Low Density Residential
- Low Medium Density Residential
- Medium Density Residential
- Medium High Density Residential
- Public Facilities
- Commercial
- Industrial
- Oxford Neighborhood Mixed Use
- Central Mixed Use

1. PUBLIC HEARINGS  
1. (f) 2nd FINAL READING Ordinance No. O2012-11; an ordinance rezoning Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from "C-3 Gen. Commercial-Hwy" to "M-1 Industrial" - Great Lakes Carpet & Tile & MMMP, LLC

## CITY COMMISSION OF THE CITY OF WILDWOOD

### EXECUTIVE SUMMARY

**SUBJECT:** Shamrock Industrial Park RZ 1201-02

Approval of Ordinance O2012-11.

**REQUESTED ACTION:**

- Work Session (Report Only)  
 Regular Meeting

**DATE OF MEETING:** 2/27/12  
 Special Meeting

**CONTRACT:**

N/A

Effective Date: \_\_\_\_\_  
Managing Division / Dept: \_\_\_\_\_

Vendor/Entity: \_\_\_\_\_

Termination Date: \_\_\_\_\_

**BUDGET IMPACT:** \_\_\_\_\_

- Annual  
 Capital  
 N/A

**FUNDING SOURCE:** \_\_\_\_\_

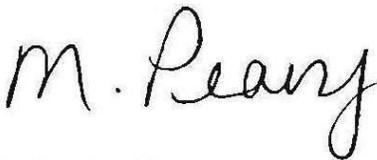
**EXPENDITURE ACCOUNT:** \_\_\_\_\_

**HISTORY/FACTS/ISSUES:**

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.**

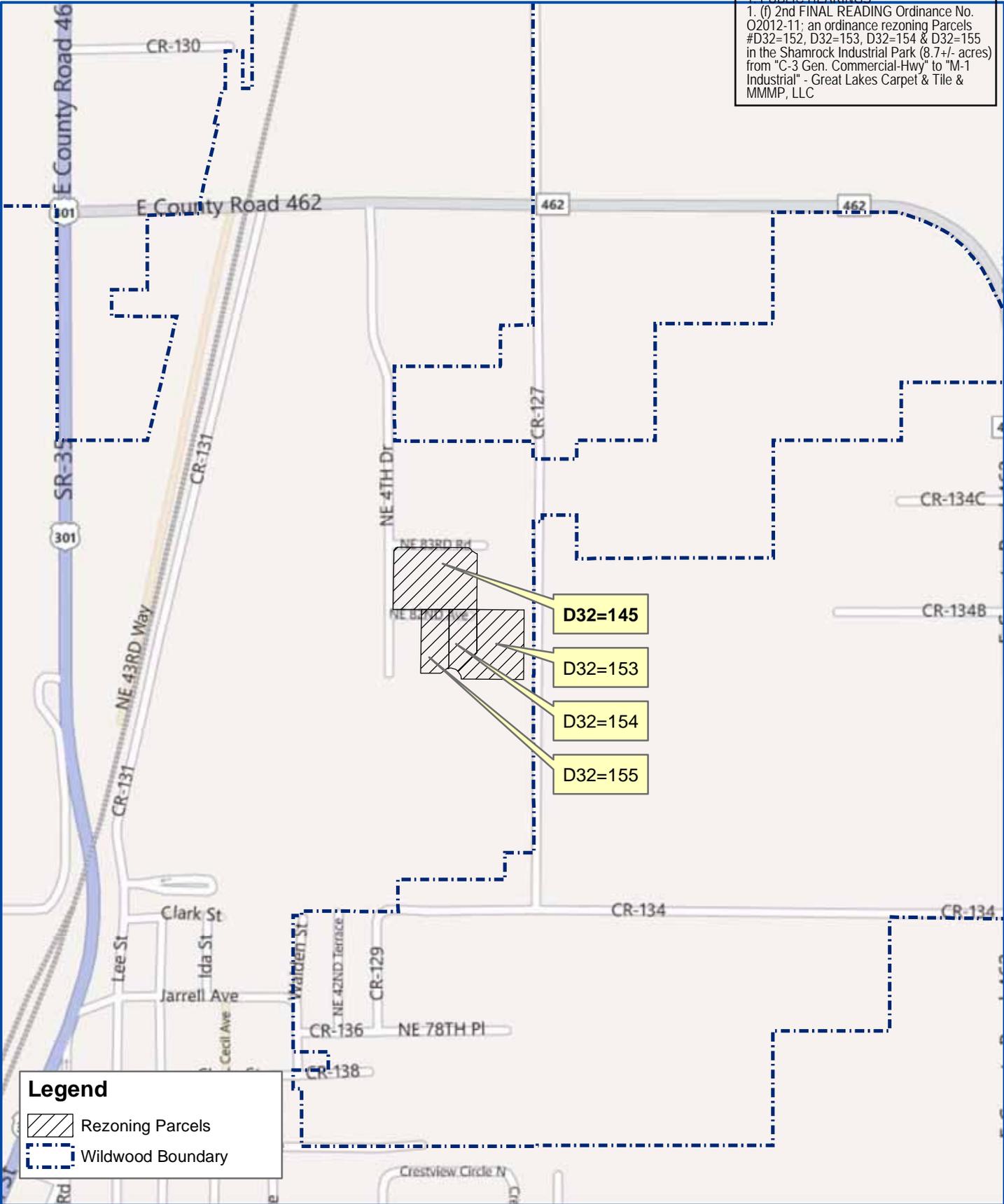
The 8.7 +/- acre subject parcel is located to the southeast of the intersection of County Road 462 and NE 44<sup>th</sup> Drive. The property was recently subject to an approved Small Scale Comprehensive Plan amendment to change the future land use to "Industrial". The requested zoning of "M-1 Industrial" 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.



Melanie Peavy  
Development Services Director

1. PUBLIC HEARINGS  
 1. (f) 2nd FINAL READING Ordinance No. O2012-11; an ordinance rezoning Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from "C-3 Gen. Commercial-Hwy" to "M-1 Industrial" - Great Lakes Carpet & Tile & MMMP, LLC



**Legend**

-  Rezoning Parcels
-  Wildwood Boundary

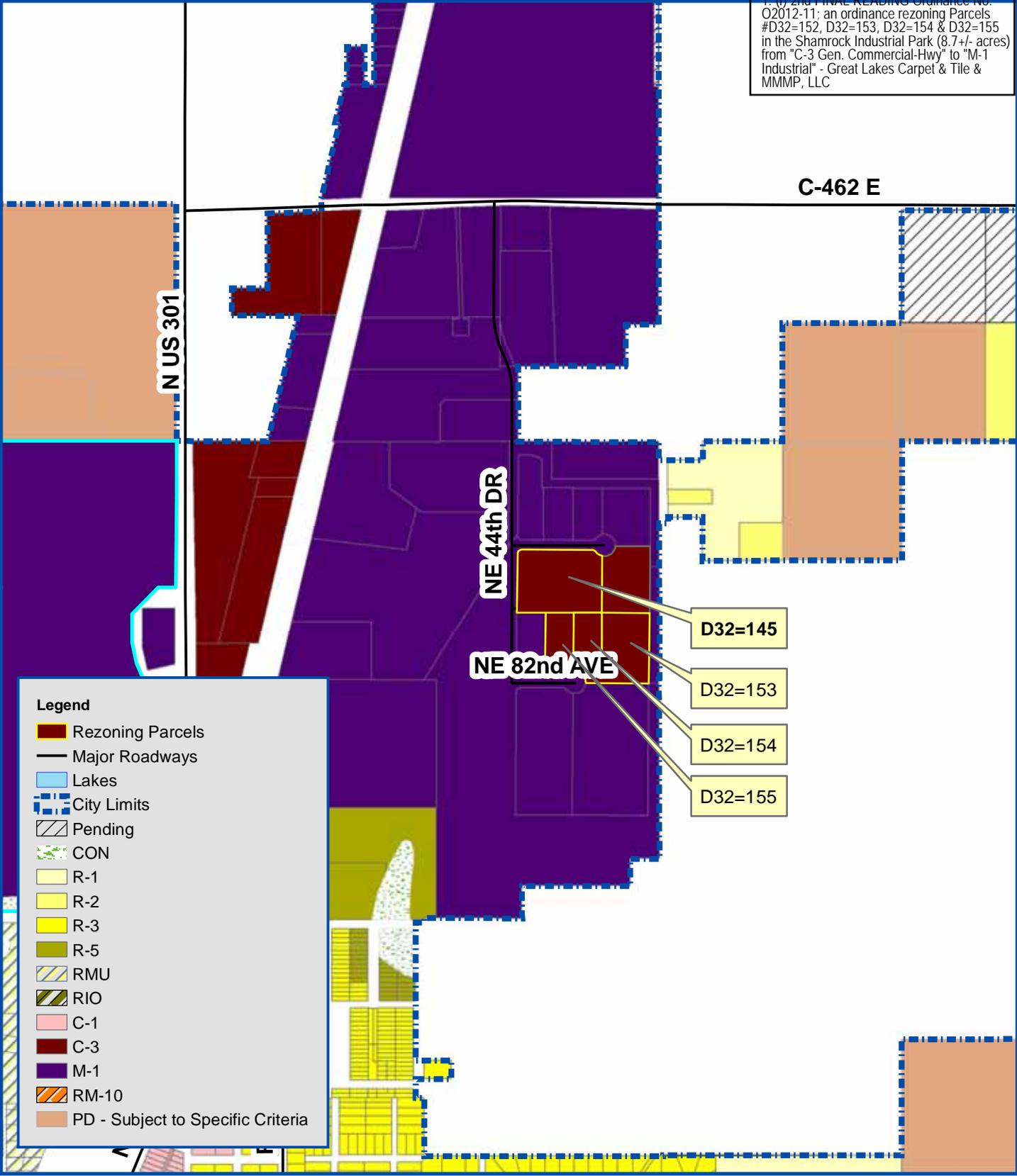


1 inch = 750 feet

**D32=145, D32=153, D32=154, D32=155  
 Parcel Locations**



1. PUBLIC HEARINGS  
 1. (0) 2nd FINAL READING Ordinance No. O2012-11; an ordinance rezoning Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from "C-3 Gen. Commercial-Hwy" to "M-1 Industrial" - Great Lakes Carpet & Tile & MMMP, LLC



C-462 E

N US 301

NE 44th DR

NE 82nd AVE

D32=145

D32=153

D32=154

D32=155

**Legend**

- Rezoning Parcels
- Major Roadways
- Lakes
- City Limits
- Pending
- CON
- R-1
- R-2
- R-3
- R-5
- RMU
- RIO
- C-1
- C-3
- M-1
- RM-10
- PD - Subject to Specific Criteria

1. PUBLIC HEARINGS  
1. (f) 2nd FINAL READING Ordinance No. O2012-11; an ordinance rezoning Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from "C-3 Gen. Commercial-Hwy" to "M-1 Industrial" - Great Lakes Carpet & Tile & MMMP, LLC

**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 44<sup>th</sup> 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

1. PUBLIC HEARINGS  
1. (f) 2nd FINAL READING Ordinance No. O2012-11; an ordinance rezoning Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from "C-3 Gen. Commercial-Hwy" to "M-1 Industrial" - Great Lakes Carpet & Tile & MMMP, LLC

**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.

1. PUBLIC HEARINGS  
1. (f) 2nd FINAL READING Ordinance No. O2012-11; an ordinance rezoning Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from "C-3 Gen. Commercial-Hwy" to "M-1 Industrial" - Great Lakes Carpet & Tile & MMMP, LLC

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: \_\_\_\_\_

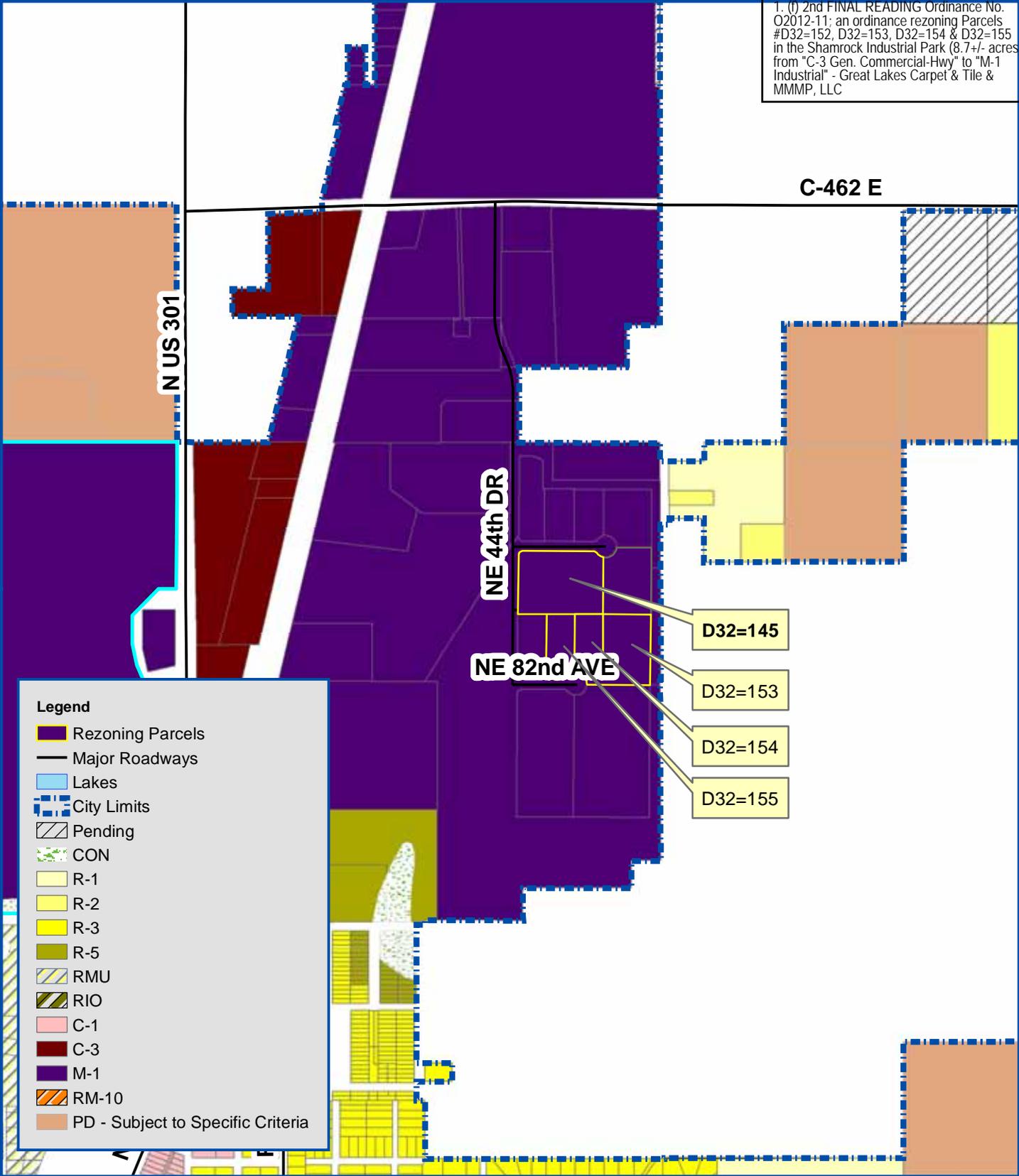
Second Reading: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Jerri A. Blair, City Attorney

I:\Development Services New\Developments and Projects\SP 1112-04 Mico Customs @ Shamrock Commercial Properties\O2012-XX MICO Customs @ Shamrock Rezoning.doc

1. PUBLIC HEARINGS  
 1. (f) 2nd FINAL READING Ordinance No. O2012-11; an ordinance rezoning Parcels #D32=152, D32=153, D32=154 & D32=155 in the Shamrock Industrial Park (8.7+/- acres) from "C-3 Gen. Commercial-Hwy" to "M-1 Industrial" - Great Lakes Carpet & Tile & MMMP, LLC



1 inch = 750 feet

**D32=145, D32=153, D32=154, D32=155  
 Proposed Zoning**



1. PUBLIC HEARINGS  
1. (g) 2nd FINAL READING Ordinance No. O2012-12; an ordinance extending the names of Clarke, Lee and North Main Streets now located within the City limits of Wildwood and providing for submission to the 911 coordinator

**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** Road Name Changes

**REQUESTED ACTION:** Commission approval of Ordinance O2012-12

Work Session (Report Only)      **DATE OF MEETING:** 2/27/12  
 Regular Meeting                       Special Meeting

**CONTRACT:**       N/A                      Vendor/Entity: \_\_\_\_\_  
Effective Date: \_\_\_\_\_              Termination Date: \_\_\_\_\_  
Managing Division / Dept: \_\_\_\_\_

**BUDGET IMPACT:** \_\_\_\_\_

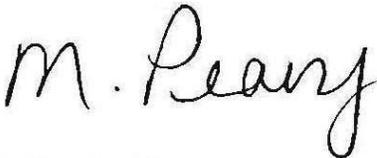
Annual                      **FUNDING SOURCE:** \_\_\_\_\_  
 Capital                      **EXPENDITURE ACCOUNT:** \_\_\_\_\_  
 N/A

**HISTORY/FACTS/ISSUES:**

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 of Ordinance O2012-12 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.



Melanie Peavy  
Development Services Director

1. PUBLIC HEARINGS  
1. (g) 2nd FINAL READING Ordinance No. O2012-12; an ordinance extending the names of Clarke, Lee and North Main Streets now located within the City limits of Wildwood 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:

| <u>Present Street Name</u> | <u>Extended to</u>          |
|----------------------------|-----------------------------|
| 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.

1. PUBLIC HEARINGS  
1. (g) 2nd FINAL READING Ordinance No. O2012-12: an ordinance extending the names of Clarke, Lee and North Main Streets now located within the City limits of Wildwood 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

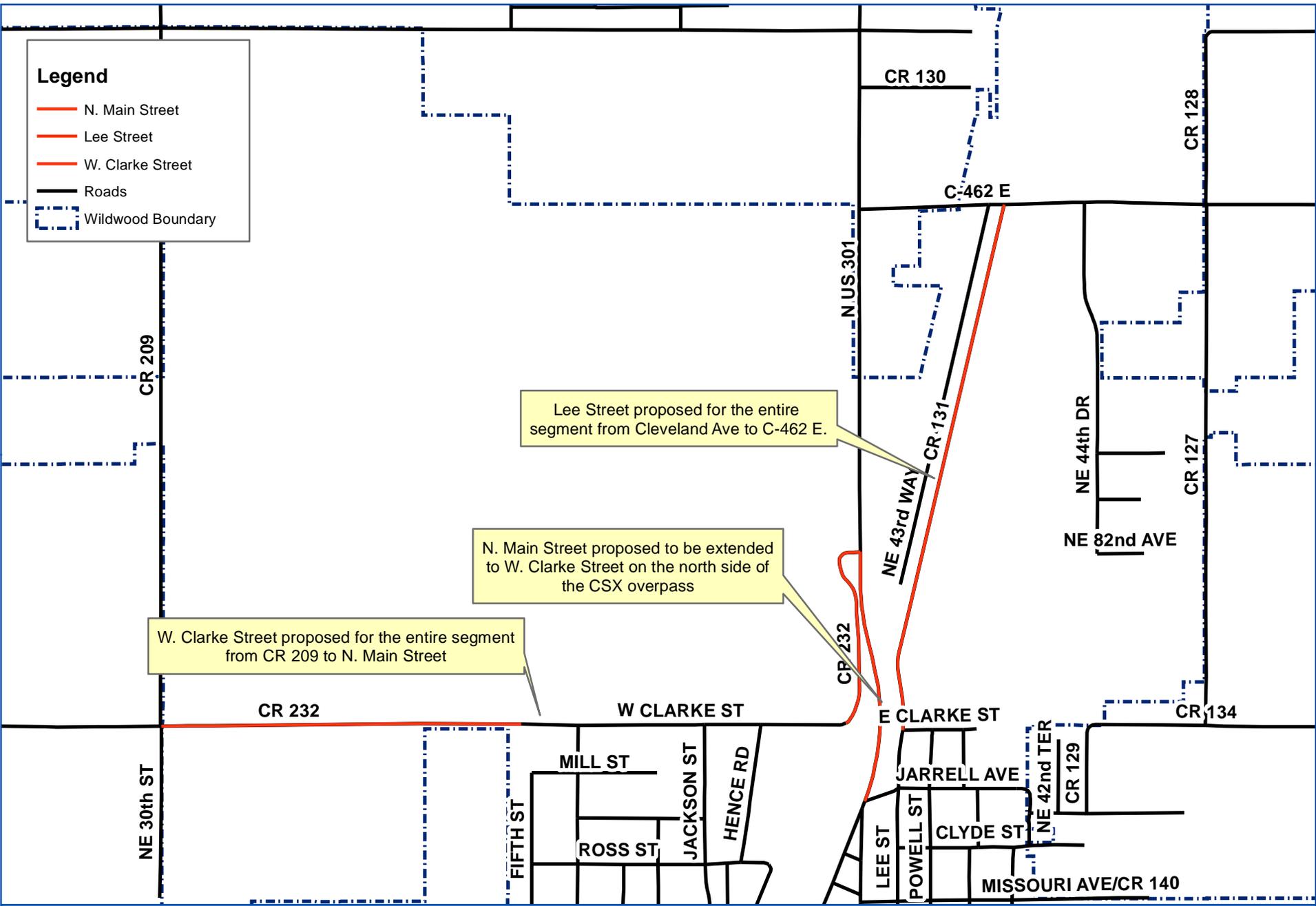
**Legend**

-  N. Main Street
-  Lee Street
-  W. Clarke Street
-  Roads
-  Wildwood Boundary

Lee Street proposed for the entire segment from Cleveland Ave to C-462 E.

N. Main Street proposed to be extended to W. Clarke Street on the north side of the CSX overpass

W. Clarke Street proposed for the entire segment from CR 209 to N. Main Street



1 inch = 1,000 feet

**Proposed Road Segment Name Changes**  
**Segments in Red Represent Proposed Change Areas**

1. PUBLIC HEARINGS  
 1. (g) 2nd FINAL READING Ordinance No. O2012-12: an ordinance extending the names of Clarke, Lee and North Main Streets now located within the City limits of Wildwood and providing for submission to the 911 coordinator



1. PUBLIC HEARINGS - TIMED ITEM  
(h) MICO Customs at Shamrock Industrial Park SP 1112-04; request site plan approval for a 5,000 sq. ft. building and a 3,000 sq. ft. carport area to be used for custom wood fabrication based on the P&Z Board/ Special Magistrate's favorable recommendation

**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** MICO Customs at Shamrock Industrial Park SP 1112-04

**REQUESTED ACTION:** Site Plan approval for a 5,000 sq. ft. building and a 3,000 sq. ft. carport area to be used for custom wood fabrication.

Work Session (Report Only)      **DATE OF MEETING:** 2/27/12  
 Regular Meeting                       Special Meeting

**CONTRACT:**       N/A                      Vendor/Entity: \_\_\_\_\_  
Effective Date: \_\_\_\_\_              Termination Date: \_\_\_\_\_  
Managing Division / Dept: \_\_\_\_\_

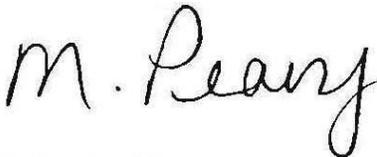
**BUDGET IMPACT:** \_\_\_\_\_

Annual                      **FUNDING SOURCE:** \_\_\_\_\_  
 Capital                      **EXPENDITURE ACCOUNT:** \_\_\_\_\_  
 N/A

**HISTORY/FACTS/ISSUES:**

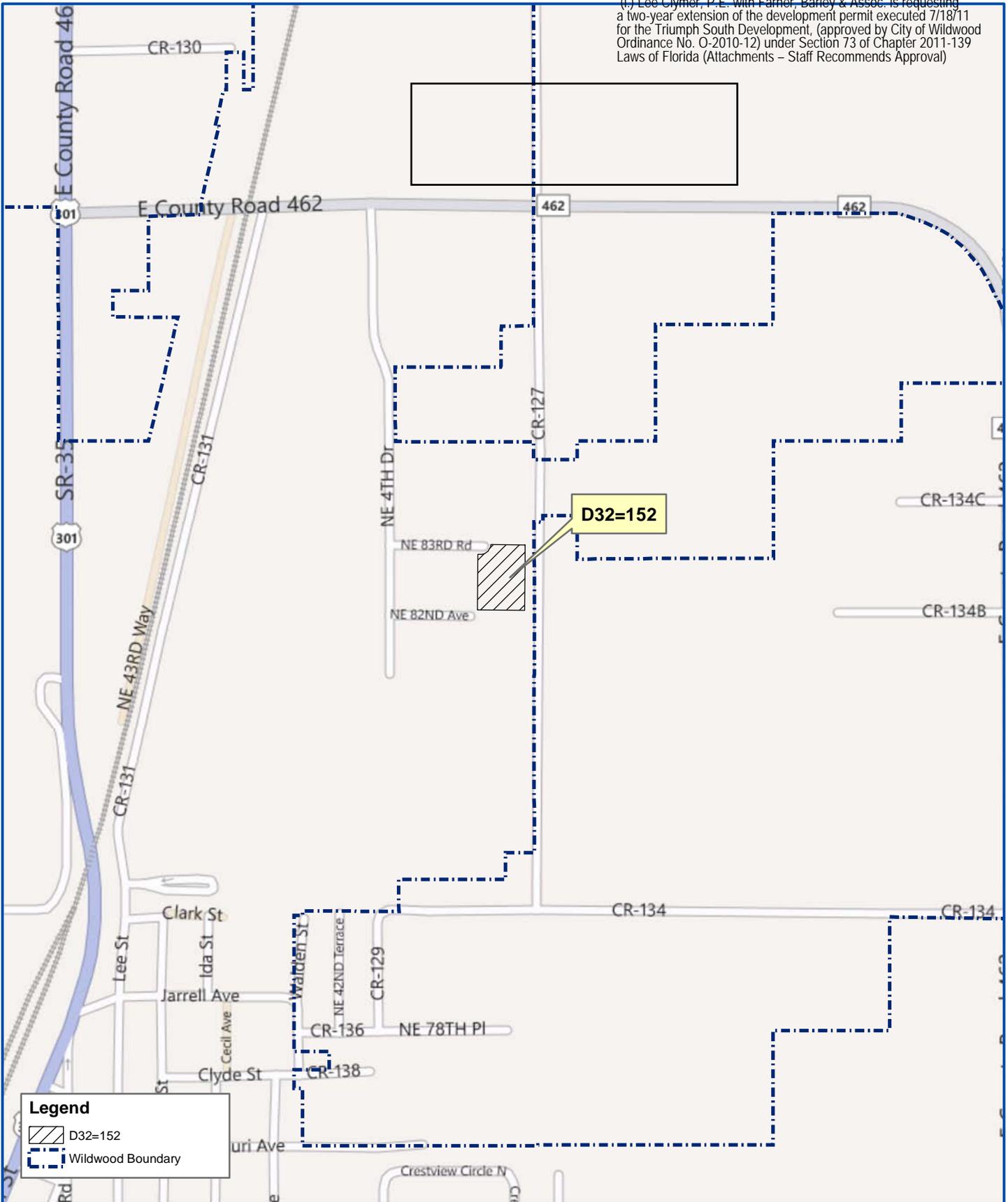
Case SP 1112-04 was considered by the Planning & Zoning Board/Special Magistrate on Tuesday, February 7, 2012. The Planning & Zoning Board/Special Magistrate gave a favorable recommendation of the site plan to the City Commission subject to the resubmittal received by the City on February 6, 2012 addressing all outstanding issues, which has been 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, as well as approval of Ordinance O2012-08 and O2012-09 which establish a future land use and zoning in conformance with the proposed use of the structures.



Melanie Peavy  
Development Services Director

1. PUBLIC HEARINGS - TIMED ITEM  
(i) Lee Clymer, P.E. with Farmer, Barley & Assoc. is requesting a two-year extension of the development permit executed 7/18/11 for the Triumph South Development, (approved by City of Wildwood Ordinance No. O-2010-12) under Section 73 of Chapter 2011-139 Laws of Florida (Attachments – Staff Recommends Approval)



**Legend**

-  D32=152
-  Wildwood Boundary



1 inch = 750 feet

### D32=152 Parcel Location



**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 5,000 sq. ft. building and a 3,000 sq. ft. carport area. The site will be utilized for custom wood fabrication. The site is generally located to the southeast of the intersection of CR 462 and NE 44<sup>th</sup> Drive.

**Case:** SP 1112-04

**Parcel(s):** D32=152

**Owner:** MMMP, LLC (H. Gary Morse, Manager)

**Applicant:** MMMP, LLC (H. Gary Morse, Manager)

Based upon the testimony and information presented, the Special Magistrate recommends approval of the site plan and favorable recommendation of project number SP 1112-04 to the City Commission subject to the resubmittal received February 6, 2012 addressing all of the City Engineer's comments in his letter of January 5, 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. PUBLIC HEARINGS - TIMED ITEM  
(h) MICO Customs at Shamrock Industrial Park SP  
1112-04; request site plan approval for a 5,000 sq. ft.  
building and a 3,000 sq. ft. carport area to be used for  
custom wood fabrication based on the P&Z Board/  
Special Magistrate's favorable recommendation

February 8, 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: Mico at Shamrock Industrial Park; 2nd Site Plan Review;  
City of Wildwood, Florida  
City Project Number SP1112-04  
KHA Project Number 142173072**

Dear Ms. Peavy,

On behalf of the City of Wildwood, KHA has reviewed the revised construction plans and responses to prior comments for this project prepared by Farner Barley and Associates, Inc. submitted February 6, 2012.

We note that the City has rezoned the subject property to be Planned Industrial. This zoning is consistent with the proposed use. At this time the engineering review issues raised in our prior letter have been satisfactorily addressed. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Richard V. Busche, PE

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

*K:\OCA\_Civil\142173072 - Mico @\_Shamrock\_Industrial\_Park\Doc\Lmp020812 Plan Review.doc*



TEL 352 438 3000



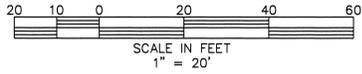
**LEGEND**

- INDICATES 4" X 4" CONCRETE MONUMENT FOUND, UNLESS OTHERWISE NOTED.
- INDICATES 4" X 4" CONCRETE MONUMENT SET, (LB # 4709) UNLESS OTHERWISE NOTED.
- INDICATES 5/8" NAIL AND DISK PERMANENT CONTROL POINT (P.C.P.) FOUND, UNLESS OTHERWISE NOTED.
- INDICATES 5/8" REBAR AND CAP SET, (LB # 4709) UNLESS OTHERWISE NOTED.
- INDICATES CONCRETE OCTAGON MONUMENT FOUND.
- CM INDICATES CONCRETE MONUMENT.
- PM INDICATES PERMANENT REFERENCE MARKER.
- PCP INDICATES PERMANENT CONTROL POINT.
- (M) INDICATES MEASURED.
- (PL) INDICATES PLAT.
- (D) INDICATES DESCRIPTION.
- (C) INDICATES CALCULATED.
- FO INDICATES FOUND.
- LD INDICATES IDENTIFICATION.
- CS INDICATES CURVE NUMBER IN CURVE TABLE.
- L9 INDICATES LINE NUMBER IN LINE TABLE.
- Δ INDICATES DELTA (CENTRAL ANGLE OF CURVE).
- L INDICATES ARC LENGTH.
- CL INDICATES CHORD LENGTH.
- C.B. INDICATES CHORD BEARING.
- R INDICATES RADIUS LENGTH.
- CS INDICATES CENTRAL ANGLE.
- PSM INDICATES PROFESSIONAL SURVEYOR AND MAPPER.
- PLS INDICATES PROFESSIONAL LAND SURVEYOR.
- RLS INDICATES REGISTERED LAND SURVEYOR.
- (R) INDICATES RADIAL LINE.
- LB INDICATES LICENSED BUSINESS.
- P.O.C. INDICATES POINT OF COMMENCEMENT.
- P.O.B. INDICATES POINT OF BEGINNING.
- O.R.B. INDICATES OFFICIAL RECORD BOOK.
- R/W INDICATES RIGHT-OF-WAY.
- (N.T.) INDICATES NON-TANGENT.
- PC INDICATES POINT OF CURVATURE.
- PCC INDICATES POINT OF COMPOUND CURVATURE.
- PRC INDICATES POINT OF REVERSE CURVATURE.
- PT INDICATES POINT OF TANGENCY.
- OH INDICATES OVERHEAD.
- AC INDICATES AIR CONDITIONER.
- UP INDICATES UTILITY POLE.
- GA INDICATES GUY ANCHOR.
- WB INDICATES WOOD BOARD FENCE.
- ER INDICATES ELECTRICAL RISER.
- TR INDICATES TELEPHONE RISER.
- WM INDICATES WATER METER.
- W INDICATES WELL.
- WF INDICATES WIRE FENCE.
- WBW INDICATES BARBED WIRE FENCE.
- WFW INDICATES WOOD BOARD FENCE.
- WLF INDICATES CHAIN LINK FENCE.
- WBW INDICATES BENCHMARK.

**NOTES:**

1. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS BOUNDARY SURVEY IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
2. CERTIFICATION IS LIMITED TO PARTIES NAMED HEREON.
3. DESCRIPTION PREPARED FOR THIS SURVEY.
4. BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH RANGE 23 EAST AS BEING S00°30'55"W, AN ASSUMED MERIDIAN.
5. VISIBLE EASEMENTS OR ENCROACHMENTS ARE SHOWN OR NOTED HEREON.
6. UNDERGROUND: IMPROVEMENTS, UTILITIES OR ENCROACHMENTS NOT LOCATED.
7. ELEVATIONS DEPICTED HEREON REFER TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.

# BOUNDARY & TOPOGRAPHIC SURVEY



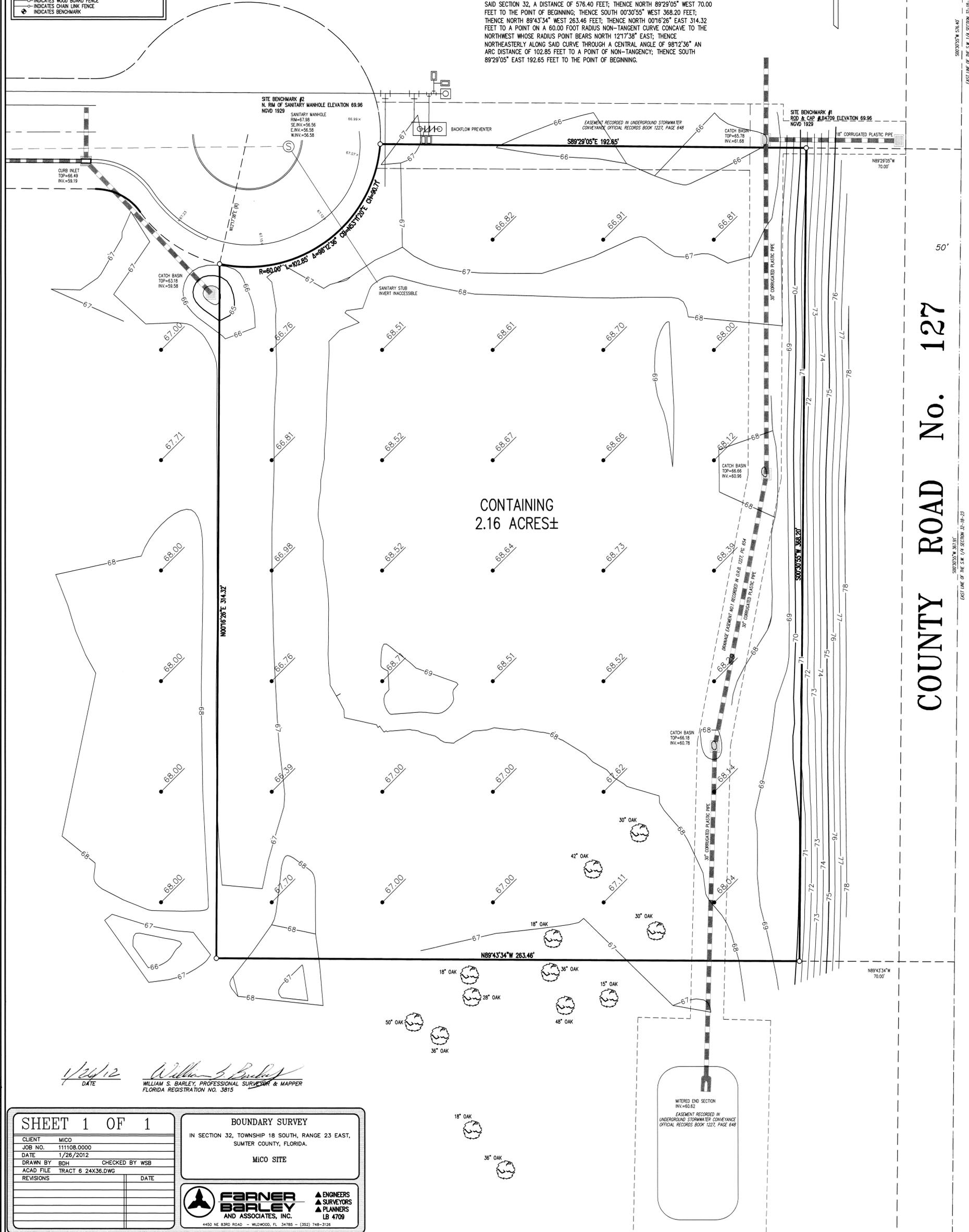
**LEGAL DESCRIPTION**

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 121°38' EAST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°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 PLAN HAS BEEN PREPARED BY WILLIAM S. BARLEY, A PROFESSIONAL SURVEYOR AND MAPPER, LICENSED UNDER CHAPTER 4709, FLORIDA STATUTES, AND IS VALID ONLY AS TO THE INFORMATION CONTAINED THEREON. THE SURVEYOR'S LIABILITY IS LIMITED TO THE INFORMATION CONTAINED ON THIS PLAN. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED ON THIS PLAN. THE SURVEYOR'S LIABILITY IS LIMITED TO THE INFORMATION CONTAINED ON THIS PLAN.

POINT OF COMMENCEMENT  
NORTHEAST CORNER OF  
THE SOUTHWEST 1/4 OF  
SECTION 32-18-23



1/28/12  
DATE

*William S. Barley*  
WILLIAM S. BARLEY, PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 3815

|                     |                   |
|---------------------|-------------------|
| <b>SHEET 1 OF 1</b> |                   |
| CLIENT              | MICO              |
| JOB NO.             | 111108.0000       |
| DATE                | 1/28/2012         |
| DRAWN BY            | BDH               |
| ACAD FILE           | TRACT 6 24X36.DWG |
| REVISIONS           | DATE              |
|                     |                   |
|                     |                   |

**BOUNDARY SURVEY**

IN SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST,  
SUMTER COUNTY, FLORIDA.

**MICO SITE**

ENGINEERS  
SURVEYORS  
PLANNERS  
LB 4709

4480 NE 83RD ROAD - WILDWOOD, FL 34785 - (352) 748-3126

METERED END SECTION  
INV.=60.52  
EASEMENT RECORDED IN  
UNDERGROUND STORMWATER CONVEYANCE  
OFFICIAL RECORDS BOOK 1227, PAGE 648

EAST LINE OF THE S.W. 1/4 SECTION 32-18-23

1. PUBLIC HEARINGS - TIMED ITEM  
(i.) Lee Clymer, P.E. with Farner, Barley & Assoc. is requesting a two-year extension of the development permit executed 7/18/11 for the Triumph South Development, (approved by City of Wildwood Ordinance No. O-2010-12) under Section 73 of Chapter 2011-139 Laws of Florida

**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** Triumph South Permit Extension

Extension of Triumph South Permit

**REQUESTED ACTION:**

Work Session (Report Only)      **DATE OF MEETING:** 2/27/12  
 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:**

Lee Clymer, P.E. with Farner, Barley, and Associates is requesting a two year extension of the development permit (executed July 18, 2011) for the Triumph South development (Approved by the City Commission via Ordinance O 2010-12) under Section 73 of Chapter 2011-139, Laws of Florida (House Bill 7207), per his letter received February 20, 2012 on behalf of their client, Wildwood Sumter Holding, LLC.

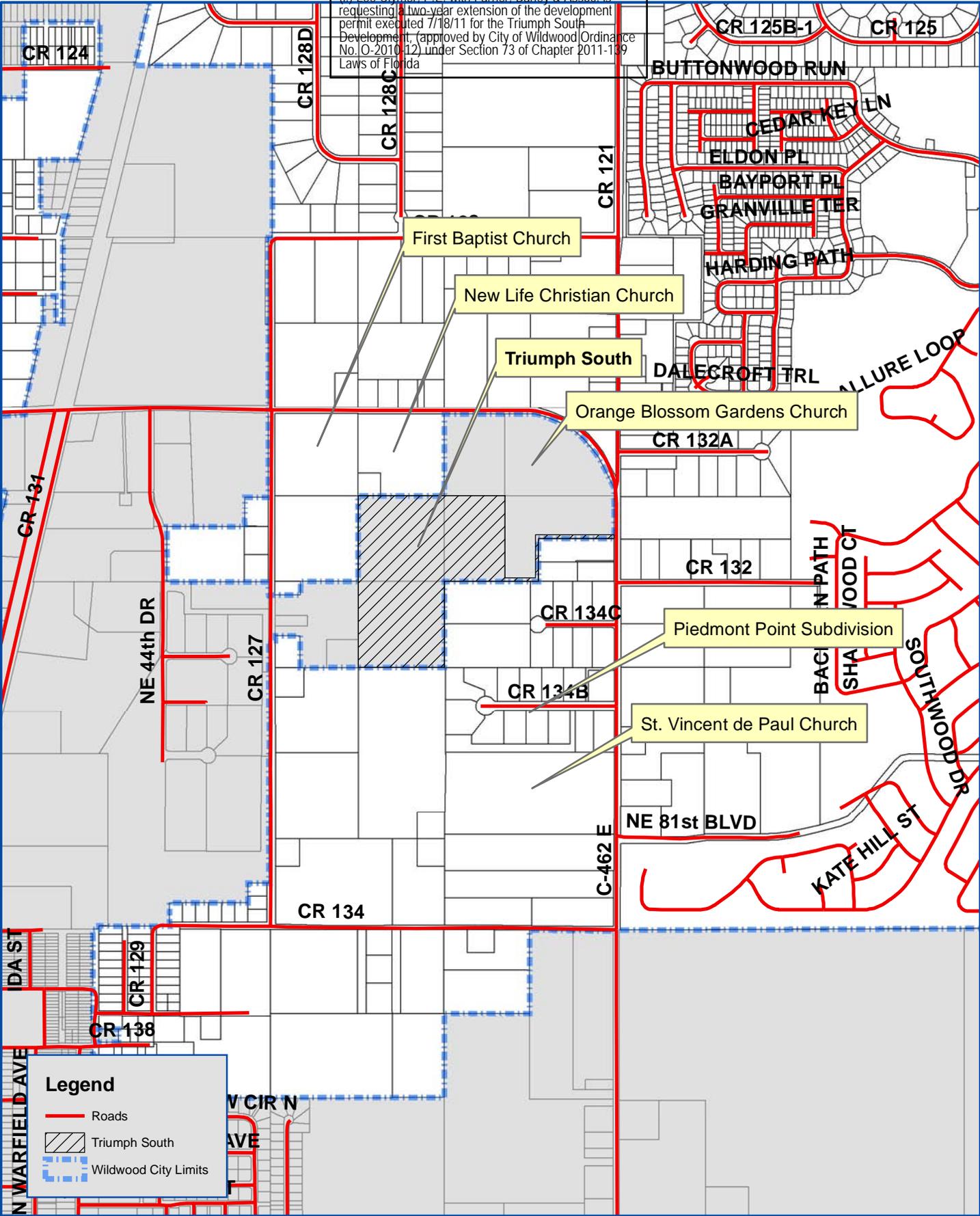
Per Section 73 of Chapter 2011-139, the developer has the right to request an extension for a period of two years extending the current expiration date from July 18, 2012 to July 18, 2014.

Subsection 1.16 (A) of the Land Development Regulations (LDRs), *Supplemental Regulations*, state that in addition to the requirements of the Code, all development shall meet all applicable requirements of other regulatory agencies and of other City ordinances.



Melanie Peavy  
Development Services Director

1. PUBLIC HEARINGS - TIMED ITEM  
 (i.) Lee Clymer, P.E. with Farnor, Barley & Assoc. is requesting a two-year extension of the development permit executed 7/18/11 for the Triumph South Development, (approved by City of Wildwood Ordinance No. O-2010-12) under Section 73 of Chapter 2011-139 Laws of Florida



**Legend**

-  Roads
-  Triumph South
-  Wildwood City Limits



1 inch = 1,000 feet

City of Wildwood, Florida  
 Triumph South





1. PUBLIC HEARINGS - TIMED ITEM  
(i.) Lee Clymer, P.E. with Farnier, Barley & Assoc. is requesting a two-year extension of the development permit executed 7/18/11 for the Triumph South Development, (approved by City of Wildwood Ordinance No. O-2010-12) under Section 73 of Chapter 2011-139 Laws of Florida

VIA HAND DELIVERY

February, 2012

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

**Re: Triumph South  
Wildwood Sumter Holding, LLC  
Permit Extension Notice**

Dear Mrs. Peavy:

Pursuant to the provisions of Section 73 of Chapter 2011-139, Laws of Florida (House Bill 7207), our client Wildwood Sumter Holding, LLC, hereby gives notice that it is exercising a two (2) year permit extension of the Triumph South, for Wildwood Sumter Holding, LLC Section 73 of Chapter 2011-139, Laws of Florida is attached for your review.

This permit was issued on July 18, 2011 and currently has an expiration date of July 18, 2012. With this extension the new expiration of this permit will be July 18, 2014. This permit extension is consistent with Section 73 of Chapter 2011-139, Laws of Florida because the permit expiration date falls on or is between 1/1/12 and 1/1/14 and does not exceed the 4-year cap on legislative authorized extensions.

Should you require any further information regarding the foregoing notice, please do not hesitate to contact me.

Sincerely,  
Farnier Barley and Associates, Inc.

Lee Clymer, P.E.  
LC/bw

cc: Mr. Sebastian Mizzi, Wildwood Sumter Holding, LLC 45 Rodinea Road, Unit 1A,  
Maple, ON L6A 1R3 (w/encl.)  
File

3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.

5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

Section 72. Rules 9J-5 and 9J-11.023, Florida Administrative Code, are repealed, and the Department of State is directed to remove those rules from the Florida Administrative Code.

Section 73. (1) Any permit or any other authorization that was extended under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, is extended and renewed for an additional period of 2 years after its previously scheduled expiration date. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. Permits that were extended by a total of 4 years pursuant to section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, and by section 46 of chapter 2010-147, Laws of Florida, cannot be further extended under this provision.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This subsection applies to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification may not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intention to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 74. (1) The state land planning agency, within 60 days after the effective date of this act, shall review any administrative or judicial proceeding filed by the agency and pending on the effective date of this act to determine whether the issues raised by the state land planning agency are consistent with the revised provisions of part II of chapter 163, Florida Statutes. For each proceeding, if the agency determines that issues have been raised that are not consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall dismiss the proceeding. If the state land planning agency determines that one or more issues have been raised that are consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall amend its petition within 30 days after the determination to plead with particularity as to the manner in which the plan or plan amendment fails to meet the revised provisions of part II of chapter 163, Florida Statutes. If the agency fails to timely file such amended petition, the proceeding shall be dismissed.

(2) In all proceedings that were initiated by the state land planning agency before the effective date of this act, and continue after that date, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a

letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

**Section 47. (1) The Legislature hereby reauthorizes:**

(a) Any exemption granted for any project for which an application for development approval has been approved or filed pursuant to s. 380.06, Florida Statutes, or for which a complete development application or rescission request has been approved or is pending, and the application or rescission process is continuing in good faith, within a development that is located within an area that qualified for an exemption under s. 380.06, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

(b) Any 2-year extension authorized and timely applied for pursuant to section 14 of chapter 2009-96, Laws of Florida.

(c) Any amendment to a local comprehensive plan adopted pursuant to s. 163.3184, Florida Statutes, as amended by chapter 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189, Florida Statutes, which authorizes and implements a transportation concurrency exception area pursuant to s. 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

(2) Subsection (1) is intended to be remedial in nature and to reenact provisions of existing law. This section shall apply retroactively to all actions specified in subsection (1) and therefore to any such actions lawfully undertaken in accordance with chapter 2009-96, Laws of Florida.

Section 48. The unexpended funds appropriated in Specific Appropriation 2649 of chapter 2008-152, Laws of Florida, for improvements to Launch Complex 36 on the 45th Space Wing property shall revert immediately and are reappropriated for state fiscal year 2010-2011 from the Economic Development Transportation Trust Fund for improvements to other launch complexes and space transportation facilities in order to attract new space vehicle testing and launch business to the state; to address intermodal

may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.

(h) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.

(i) This subsection does not apply to areas:

1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;

2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or

3. Within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592(2).

Section 13. (1)(a) The Legislature finds that the existing transportation concurrency system has not adequately addressed the transportation needs of this state in an effective, predictable, and equitable manner and is not producing a sustainable transportation system for the state. The Legislature finds that the current system is complex, inequitable, lacks uniformity among jurisdictions, is too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevents the attainment of important growth management goals.

(b) The Legislature determines that the state shall evaluate and consider the implementation of a mobility fee to replace the existing transportation concurrency system. The mobility fee should be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways, and promote compact, mixed-use, and energy-efficient development.

(2) The state land planning agency and the Department of Transportation shall continue their respective current mobility fee studies and develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than December 1, 2009, a final joint report on the mobility fee methodology study, complete with recommended legislation and a plan to implement the mobility fee as a replacement for the existing local government adopted and implemented transportation concurrency management systems. The final joint report shall also contain, but is not limited to, an economic analysis of implementation of the mobility fee, activities necessary to implement the fee, and potential costs and benefits at the state and local levels and to the private sector.

Section 14. (1) Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for

a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. The 2-year extension also applies to build out dates including any build out date extension previously granted under s. 380.06(19)(c), Florida Statutes. This section shall not be construed to prohibit conversion from the construction phase to the operation phase upon completion of construction.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except when it can be demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision shall apply to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification shall not extend the time limit beyond 2 additional years.

(6) Nothing in this section shall impair the authority of a county or municipality to require the owner of a property, that has notified the county or municipality of the owner's intention to receive the extension of time granted by this section, to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 15. Subsection (4) of section 159.807, Florida Statutes, is amended to read:

159.807 State allocation pool.—

(4)(a) The state allocation pool shall also be used to provide written confirmations for private activity bonds that are to be issued by state agencies, which bonds, notwithstanding any other provisions of this part, shall

## **CITY OF WILDWOOD DEVELOPMENT PERMIT**

The City of Wildwood hereby finds that, after review of the development plans, the proposed development is consistent with the goals, objectives and policies of the City's Comprehensive Plan and Land Development Regulations. This Development Permit is issued this 18<sup>th</sup> day of July, 2011 to Wildwood Sumter Holdings, Inc. The project is generally located at County Road 462 and County Road 466A, legally described as follows:

### **DESCRIPTION:**

#### **PARCEL 1:**

**SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA**

#### **PARCEL 2:**

**THE WEST 463.40 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.**

**TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS MORE PARTICULARLY DESCRIBED AS:**

**A PARCEL OF LAND LYING IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 32; THENCE S89°41'51"E ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, A DISTANCE OF 463.40 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE N00°31'08"E ALONG A LINE PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 32, A DISTANCE OF 60.00 FEET; THENCE S89°41'51"E, A DISTANCE OF 199.18 FEET; THENCE N00°31'56"E, A DISTANCE OF 330.00 FEET; THENCE S89°41'51"E, A DISTANCE OF 660.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32; THENCE S00°31'56"W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, A DISTANCE OF 60.00 FEET; THENCE DEPARTING SAID EAST LINE, N89°41'51"W, A DISTANCE OF 600.00 FEET; THENCE S00°31'56"W, A DISTANCE OF 330.00 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32; THENCE N89°41'51"W ALONG**

**SAID SOUTH LINE, A DISTANCE OF 259.17 FEET TO THE POINT OF BEGINNING. LESS RIGHT OF WAY FOR COUNTY ROAD 462.**

**PARCEL 3:**

**THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LESS AND EXCEPT:**

**BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 THENCE RUN SOUTH 16.00 FEET, NORTHEASTERLY TO A POINT 16.00 FEET EAST OF THE POINT OF BEGINNING; THENCE RUN WEST 16.00 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.**

**TOGETHER WITH A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS CREATED BY INSTRUMENT RECORDED NOVEMBER 15, 2005 IN O.R. BOOK 1476, PAGE 374, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, SAID EASEMENT BEING OVER, ACROSS AND UPON THE FOLLOWING DESCRIBED PARCELS:**

**THE NORTH 16.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; AND THE WEST 50.00 FEET OF THE NORTH 16.00 FEET OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.**

This Development Permit authorizes construction of a residential development with seventy (70) single family lots and ten (10) condominium buildings with four (4) units per building.

Development plans dated March 30, 2011 and received May 20, 2011 were approved on June 15, 2011 by the City's Engineer pending receipt of all applicable permits. The Engineer of record is Farner, Barley and Associates, Inc.

7/18/11  
DATE

Melanie D. Peavy  
MELANIE PEAVY  
DEVELOPMENT SERVICES DIRECTOR

**GENERAL FUND REVENUES  
BUDGET ANALYSIS REPORT  
FOR THE MONTH OF JANUARY, 2012  
FY 2011-2012**

| ITEM                                                | BUDGETED               | ACTUAL                 | DIFFERENCE             | % COLLECTED   |
|-----------------------------------------------------|------------------------|------------------------|------------------------|---------------|
| Interfund Transfers - Industrial Park               | \$ 10,000.00           | \$ 10,000.00           | \$ 10,000.00           | 100.00%       |
| InterFund Transfers - Enterprise Fund               | \$ 350,000.00          | \$ 87,500.00           | \$ 262,500.00          | 25.00%        |
| State Revenue Sharing - State(Intergovt)            | \$ 176,375.00          | \$ 54,710.76           | \$ 121,664.24          | 31.02%        |
| Local Option Gas Tax - State(Intergovt)             | \$ 230,578.00          | \$ 78,845.26           | \$ 151,732.74          | 34.19%        |
| 01. Infrastructure Surtax(Intergovt)                | \$ 638,167.00          | \$ 207,830.60          | \$ 430,336.40          | 32.57%        |
| State Sales Tax - (Integovt)                        | \$ 358,277.00          | \$ 117,309.53          | \$ 240,967.47          | 32.74%        |
| County Motor Fuel Tax (9th cent) Intergovt)         | \$ 40,000.00           | \$ 13,179.63           | \$ 26,820.37           | 32.95%        |
| State Beverage License (Intergovt)                  | \$ 3,500.00            | \$ 2,366.80            | \$ 1,133.20            | 67.62%        |
| Mobile Home Licenses - State (Intergovt)            | \$ 13,000.00           | \$ 10,119.46           | \$ 2,880.54            | 77.84%        |
| Ad Valorem Taxes - Wildwood                         | \$ 1,439,906.00        | \$ 1,087,967.62        | \$ 351,938.38          | 75.56%        |
| Ad-valorem Taxes - CRA District-City                | \$ 68,950.00           | \$ -                   | \$ 68,950.00           | 0.00%         |
| Ad-valorem Taxes - CRA District - County            | \$ 125,068.00          | \$ 101,992.00          | \$ 23,076.00           | 81.55%        |
| Utility Tax - Water Sales - City                    | \$ 31,000.00           | \$ 10,847.95           | \$ 20,152.05           | 34.99%        |
| Utility Tax - Villages 5% Water Utility & CENTRAL   | \$ 150,000.00          | \$ 56,804.31           | \$ 93,195.69           | 37.87%        |
| Utility Tax - Electric/Gas                          | \$ 250,000.00          | \$ 90,597.11           | \$ 159,402.89          | 36.24%        |
| Telecommunications (Communication SVC) (Intergovt)  | \$ 205,000.00          | \$ 72,508.30           | \$ 132,491.70          | 35.37%        |
| Franchise Taxes - Electric (Progress Energy)        | \$ 475,000.00          | \$ 122,973.65          | \$ 352,026.35          | 25.89%        |
| Franchise Taxes - Electric (SECO)                   | \$ 100,000.00          | \$ 33,527.97           | \$ 66,472.03           | 33.53%        |
| Franchises Taxes - Natural Gas (TECO)               | \$ 2,750.00            | \$ 1,628.88            | \$ 1,121.12            | 59.23%        |
| Franchise Taxes - Refuse Service (Waste Management) | \$ 82,250.00           | \$ 28,580.27           | \$ 53,669.73           | 34.75%        |
| Interest Income                                     | \$ 23,000.00           | \$ 984.72              | \$ 22,015.28           | 4.28%         |
| Community Development Services                      | \$ 75,000.00           | \$ 34,572.45           | \$ 40,427.55           | 46.10%        |
| Second Dollar Fees - Police                         | \$ 1,250.00            | \$ 764.00              | \$ 486.00              | 61.12%        |
| Fines & forfeitures - Police                        | \$ 45,000.00           | \$ 16,294.08           | \$ 28,705.92           | 36.21%        |
| Community Center Rental                             | \$ 30,000.00           | \$ 11,818.20           | \$ 18,181.80           | 39.39%        |
| Community Center Reservation Fees                   | \$ -                   | \$ 370.00              | \$ (370.00)            | 0%            |
| Miscellaneous General Fund                          | \$ 17,500.00           | \$ 28,161.58           | \$ (10,661.58)         | 160.92%       |
| Summer Camp Registrations                           | \$ 20,000.00           | \$ -                   | \$ 20,000.00           | 0.00%         |
| Dixie Youth Baseball Registration Fees              | \$ 1,000.00            | \$ 1,425.12            | \$ (425.12)            | 142.51%       |
| Life Flight Lease                                   | \$ 12,000.00           | \$ 4,000.00            | \$ 8,000.00            | 33.33%        |
| Fuel Tax Refunds (State)                            | \$ 4,000.00            | \$ 3,991.56            | \$ 8.44                | 99.79%        |
| USDA POLICE VEHICLE GRANT - 2010-2011               | \$ -                   | \$ 11,090.12           | \$ (11,090.12)         | 0.00%         |
| USDA POLICE VEHICLE GRANT - 2011-2012               | \$ -                   | \$ -                   | \$ -                   | 0.00%         |
| Police User Fees                                    | \$ 170,000.00          | \$ 14,900.00           | \$ 155,100.00          | 8.76%         |
| The Villages Amended Agreement - 2007               | \$ 45,000.00           | \$ 45,000.00           | \$ -                   | 100.00%       |
| City Occupational License                           | \$ -                   | \$ 648.50              | \$ (648.50)            | 0.00%         |
| CRA Administration Costs                            | \$ 19,297.00           | \$ -                   | \$ 19,297.00           | 0.00%         |
| Grower's Market                                     | \$ 17,640.00           | \$ 3,589.00            | \$ 14,051.00           | 20.35%        |
| Park's & Recreation Activities                      | \$ 10,000.00           | \$ 3,190.88            | \$ 6,809.12            | 31.91%        |
| Sumter County Dispatch Compensation                 | \$ 100,000.00          | \$ 100,000.00          | \$ -                   | 100.00%       |
| Administrative Building Services - Sumter County    | \$ 60,000.00           | \$ 20,925.00           | \$ 39,075.00           | 34.88%        |
| FDOT Lighting Agreement                             | \$ 7,046.00            | \$ -                   | \$ 7,046.00            | 0.00%         |
| FDOT Maintenance Agreement                          | \$ 6,400.00            | \$ -                   | \$ 6,400.00            | 0.00%         |
| CDBG Grant - (State)                                | \$ 700,000.00          | \$ -                   | \$ 700,000.00          | 0.00%         |
| Police Impact Fees                                  | \$ 10,000.00           | \$ 5,398.28            | \$ 4,601.72            | 53.98%        |
| Park& Recreation Impact Fees                        | \$ 10,000.00           | \$ 4,640.18            | \$ 5,359.82            | 46.40%        |
| Cash Forward - General Fund                         | \$ 163,288.00          | \$ -                   | \$ 163,288.00          | 0.00%         |
| Cash Forward - CRA Districts                        | \$ 100,000.00          | \$ -                   | \$ 100,000.00          | 0.00%         |
|                                                     |                        |                        | \$ -                   | 0.00%         |
|                                                     |                        |                        | \$ -                   | 0.00%         |
| <b>TOTAL GENERAL FUND REVENUES</b>                  | <b>\$ 6,397,242.00</b> | <b>\$ 2,501,053.77</b> | <b>\$ 3,896,188.23</b> | <b>39.10%</b> |



**ENTERPRISE FUND REVENUES  
BUDGET ANALYSIS REPORT  
FOR THE MONTH OF JANUARY, 2012  
FY 2011-2012**

| <b>ITEM</b>                                  | <b>BUDGETED</b>        | <b>ACTUAL</b>          | <b>DIFFERENCE</b>      | <b>% COLLECTED</b> |
|----------------------------------------------|------------------------|------------------------|------------------------|--------------------|
| Water Operational                            | \$ 1,380,708.00        | \$ 465,555.67          | \$ 915,152.33          | 33.72%             |
| Water Connection Fees                        | \$ 100,000.00          | \$ 65,088.61           | \$ 34,911.39           | 65.09%             |
| Water TIE Fees                               | \$ 15,000.00           | \$ -                   | \$ 15,000.00           | 0.00%              |
| Water Meter Installs                         | \$ 20,000.00           | \$ 8,893.43            | \$ 11,106.57           | 44.47%             |
| Water - Miscellaneous (on/off)               | \$ 20,000.00           | \$ 9,881.00            | \$ 10,119.00           | 49.41%             |
| Water Income - Other                         | \$ 7,500.00            | \$ 2,592.71            | \$ 4,907.29            | 34.57%             |
| Wastewater Operational                       | \$ 2,228,077.00        | \$ 767,297.44          | \$ 1,460,779.56        | 34.44%             |
| Wastewater Connection Fees                   | \$ 200,000.00          | \$ 22,629.00           | \$ 177,371.00          | 11.31%             |
| Wastewater TIE Fees                          | \$ 25,000.00           | \$ -                   | \$ 25,000.00           | 0.00%              |
| Wastewater - Other Miscellaneous             | \$ 30,000.00           | \$ 3,399.00            | \$ 26,601.00           | 11.33%             |
| Wastewater TSS/COD                           | \$ 650,000.00          | \$ 232,069.32          | \$ 417,930.68          | 35.70%             |
| Reuse Water Operations                       | \$ 60,000.00           | \$ 16,219.36           | \$ 43,780.64           | 27.03%             |
| Interest Income                              | \$ 600.00              | \$ 703.78              | \$ (103.78)            | 117.30%            |
|                                              |                        |                        | \$ -                   | 0.00%              |
| Water-Sewer - Cash Brought Forward           | \$ 163,288.00          | \$ -                   | \$ 163,288.00          | 0.00%              |
| <b>Total - Enterprise Fund Revenues</b>      | <b>\$ 4,900,173.00</b> | <b>\$ 1,594,329.32</b> | <b>\$ 3,305,843.68</b> | <b>32.54%</b>      |
|                                              |                        |                        | \$ -                   | 0.00%              |
| Greenwood Cemetery Revenues                  | \$ 4,550.00            | \$ 2,669.15            | \$ 1,880.85            | 58.66%             |
| Greenwood Cemetery - Cash Forward            | \$ 6,940.00            | \$ -                   | \$ 6,940.00            | 0.00%              |
|                                              |                        |                        |                        |                    |
| <b>Total - Cemetery Fund Revenues</b>        | <b>\$ 11,490.00</b>    | <b>\$ 2,669.15</b>     | <b>\$ 8,820.85</b>     | <b>23.23%</b>      |
| Industrial Park - MISCELLANEOUS              | \$ -                   | \$ 5.28                | \$ (5.28)              | 0.00%              |
| Industrial Park - Cash Forward               | \$ 10,950.00           | \$ -                   | \$ 10,950.00           | 0.00%              |
| <b>Total - Industrial Park Fund Revenues</b> | <b>\$ 10,950.00</b>    | <b>\$ 5.28</b>         | <b>\$ 10,944.72</b>    | <b>0.05%</b>       |

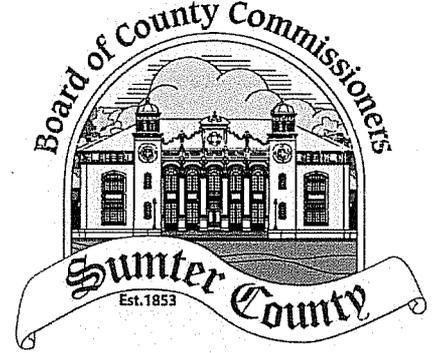
**ENTERPRISE FUND EXPENDITURES  
BUDGET ANALYSIS REPORT  
FOR THE MONTH OF JANUARY, 2012  
FY 2011-2012**

| <b>ENTERPRISE FUND DEPARTMENTS</b>          | <b>BUDGETED</b>        | <b>ACTUAL</b>          | <b>DIFFERENCE</b>      | <b>% EXPENDED</b> |
|---------------------------------------------|------------------------|------------------------|------------------------|-------------------|
| PHYSICAL ENVIRONMENT ADMINISTRATION         | \$ 700,445.00          | \$ 272,020.54          | \$ 428,424.46          | 38.84%            |
| WATER DEPARTMENT                            | \$ 1,092,700.00        | \$ 278,930.38          | \$ 813,769.62          | 25.53%            |
| WASTEWATER DEPARTMENT                       | \$ 1,408,076.00        | \$ 516,823.15          | \$ 891,252.85          | 36.70%            |
| INDUSTRIAL PARK                             | \$ 950.00              | \$ 54.00               | \$ 896.00              | 5.68%             |
| GREENWOOD CEMETERY                          | \$ 7,665.00            | \$ 127.90              | \$ 7,537.10            | 1.67%             |
| <b>TOTAL - OPERATING EXPENDITURES</b>       | <b>\$ 3,209,836.00</b> | <b>\$ 1,067,955.97</b> | <b>\$ 2,141,880.03</b> | <b>33.27%</b>     |
| <b>NOTES:</b>                               |                        |                        |                        |                   |
|                                             |                        |                        |                        |                   |
|                                             |                        |                        |                        |                   |
| <b>TRANSFERS</b>                            | <b>BUDGETED</b>        | <b>ACTUAL</b>          | <b>DIFFERENCE</b>      | <b>% EXPENDED</b> |
| W/S TO GENERAL                              | \$ 350,000.00          | \$ 87,500.00           | \$ 262,500.00          | 25.00%            |
| IND. PARK TO GENERAL                        | \$ 10,000.00           | \$ 10,000.00           | \$ -                   | 100.00%           |
| <b>TOTAL TRANSFERS</b>                      | <b>\$ 360,000.00</b>   | <b>\$ 97,500.00</b>    | <b>\$ 262,500.00</b>   | <b>27.08%</b>     |
|                                             |                        |                        |                        |                   |
| <b>DEBT SERVICE</b>                         | <b>BUDGETED</b>        | <b>ACTUAL</b>          | <b>DIFFERENCE</b>      | <b>% EXPENDED</b> |
| CHAMPAGNE FARMS - PRINCIPAL                 | \$ 30,978.00           | \$ -                   | \$ 30,978.00           | 0.00%             |
| CHAMPAGNE FARMS - INTEREST                  | \$ 70,821.00           | \$ -                   | \$ 70,821.00           | 0.00%             |
| 1994 SRF LOAN                               | \$ 189,195.00          | \$ 94,597.47           | \$ 94,597.53           | 50.00%            |
| 1996 SRF LOAN                               | \$ 270,063.00          | \$ -                   | \$ 270,063.00          | 0.00%             |
| 2007 SRF LOAN                               | \$ 379,915.00          | \$ -                   | \$ 379,915.00          | 0.00%             |
|                                             | \$ -                   | \$ -                   | \$ -                   | 0.00%             |
| <b>TOTAL - DEBT SERVICE</b>                 | <b>\$ 940,972.00</b>   | <b>\$ 94,597.47</b>    | <b>\$ 846,374.53</b>   | <b>10.05%</b>     |
|                                             |                        |                        |                        |                   |
| <b>CONTINGENCIES</b>                        | <b>BUDGETED</b>        | <b>ACTUAL</b>          | <b>DIFFERENCE</b>      | <b>% EXPENDED</b> |
| GREENWOOD CEMETERY                          | \$ 3,825.00            | \$ -                   | \$ 3,825.00            | 0.00%             |
| WATER/SEWER ENTERPRISE FUND                 | \$ 67,980.00           | \$ -                   | \$ 67,980.00           | 0.00%             |
| INDUSTRIAL PARK                             | \$ -                   | \$ -                   | \$ -                   | 0.00%             |
|                                             | \$ -                   | \$ -                   | \$ -                   | 0.00%             |
| <b>TOTAL - CONTINGENCIES</b>                | <b>\$ 71,805.00</b>    | <b>\$ -</b>            | <b>\$ 71,805.00</b>    | <b>0.00%</b>      |
|                                             |                        |                        |                        |                   |
| <b>SPECIAL PROJECTS</b>                     | <b>BUDGETED</b>        | <b>ACTUAL</b>          | <b>DIFFERENCE</b>      | <b>% EXPENDED</b> |
| GREENWOOD CEMETERY                          | \$ -                   | \$ -                   | \$ -                   | 0.00%             |
| WATER TIE FEE PROJECTS                      | \$ 15,000.00           | \$ 1,389.85            | \$ 13,610.15           | 9.27%             |
| WATER CONNECTION FEE PROJECTS               | \$ 100,000.00          | \$ -                   | \$ 100,000.00          | 0.00%             |
| WASTEWATER TIE FEE PROJECTS                 | \$ 25,000.00           | \$ 1,389.85            | \$ 23,610.15           | 5.56%             |
| WASTEWATER CONNECTION FEE PROJECTS          | \$ 200,000.00          | \$ -                   | \$ 200,000.00          | 0.00%             |
| <b>TOTAL - SPECIAL PROJECTS</b>             | <b>\$ 340,000.00</b>   | <b>\$ 2,779.70</b>     | <b>\$ 337,220.30</b>   | <b>0.82%</b>      |
|                                             |                        |                        |                        |                   |
| <b>TOTAL - ENTERPRISE FUND EXPENDITURES</b> | <b>\$ 4,922,613.00</b> | <b>\$ 1,262,833.14</b> | <b>\$ 3,587,974.86</b> | <b>25.65%</b>     |

# Board of County Commissioners

## Sumter County, Florida

7375 Powell Road, Suite 200 • Wildwood, FL 34785 • Phone (352) 689-4400 • FAX: (352) 689-4401  
Website: <http://sumtercountyfl.gov>



February 15, 2012

Mayor Ed Wolf  
City of Wildwood  
100 North Main Street  
Wildwood, Florida 34785

2. a. REPORTS & PUBLIC INPUT (f.2.) FYI – SCBOCC  
notifying us that the proposed grant funded sewer & water  
line extensions to serve proposed ALF are consistent with  
SC Comp Plan & FLUM



Re: Consistency of Proposed Grant Funded Sewer and Water Line Extensions with  
Sumter County Comprehensive Plan

Dear Mayor Wolf:

This letter is to inform you that the proposed grant funded sewer and water line extensions that will serve a proposed Assisted Living Facility are consistent with the Sumter County Comprehensive Plan and Future Land Use Map. The proposed public facilities will be located within existing road rights-of-way within the City of Wildwood's Utility Service Area as reflected on Sumter County's Future Land Use Map (attached).

Sumter County recognizes the most efficient means to provide public water and sewer services are through a coordinated and unified approach between the County and the City. This is implemented through an Interlocal Service Boundary Agreement between the City and County and the following Comprehensive Plan objectives and policies:

- Objective 4.1.2      The County shall continue to support the efforts of the municipalities to extend potable water services to unincorporated areas of the county.
- Policy 5.1.3.7      The County shall continue its intergovernmental cooperation with the cities in Sumter County to facilitate the expansion of needed water and sewer facilities to serve appropriate areas.

Richard "Dick" Hoffman, Dist 1  
(352) 689-4400  
7375 Powell Road  
Wildwood, FL 34785

Doug Gilpin, Dist 2  
Vice Chairman  
(352) 689-4400  
7375 Powell Road  
Wildwood, FL 34785

Don Burgess, Dist 3  
(352) 689-4400  
7375 Powell Road  
Wildwood, FL 34785

Garry Breeden, Dist 4  
Chairman  
(352) 689-4400  
7375 Powell Road  
Wildwood, FL 34785

Randy Mask, Dist 5  
2<sup>nd</sup> Vice Chairman  
(352) 689-4400  
7375 Powell Road  
Wildwood, FL 34785

Bradley S. Arnold,  
County Administrator  
(352) 689-4400  
7375 Powell Road  
Wildwood, FL 34785

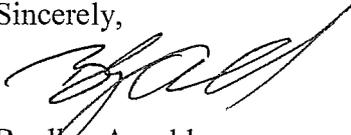
Gloria R. Hayward, Clerk & Auditor  
(352) 569-6600  
215 East McCollum Avenue  
Bushnell, FL 33513

County Attorney  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

Policy 5.1.3.8      The County shall cooperate with the municipalities in the extension of municipal water and sewer systems into the unincorporated areas of the county utilizing Chapter 180, F.S.

The proposed water and sewer line extension is consistent with Sumter County's Comprehensive Plan and Future Land Use Map. Please feel free to contact me if I can be of further assistance.

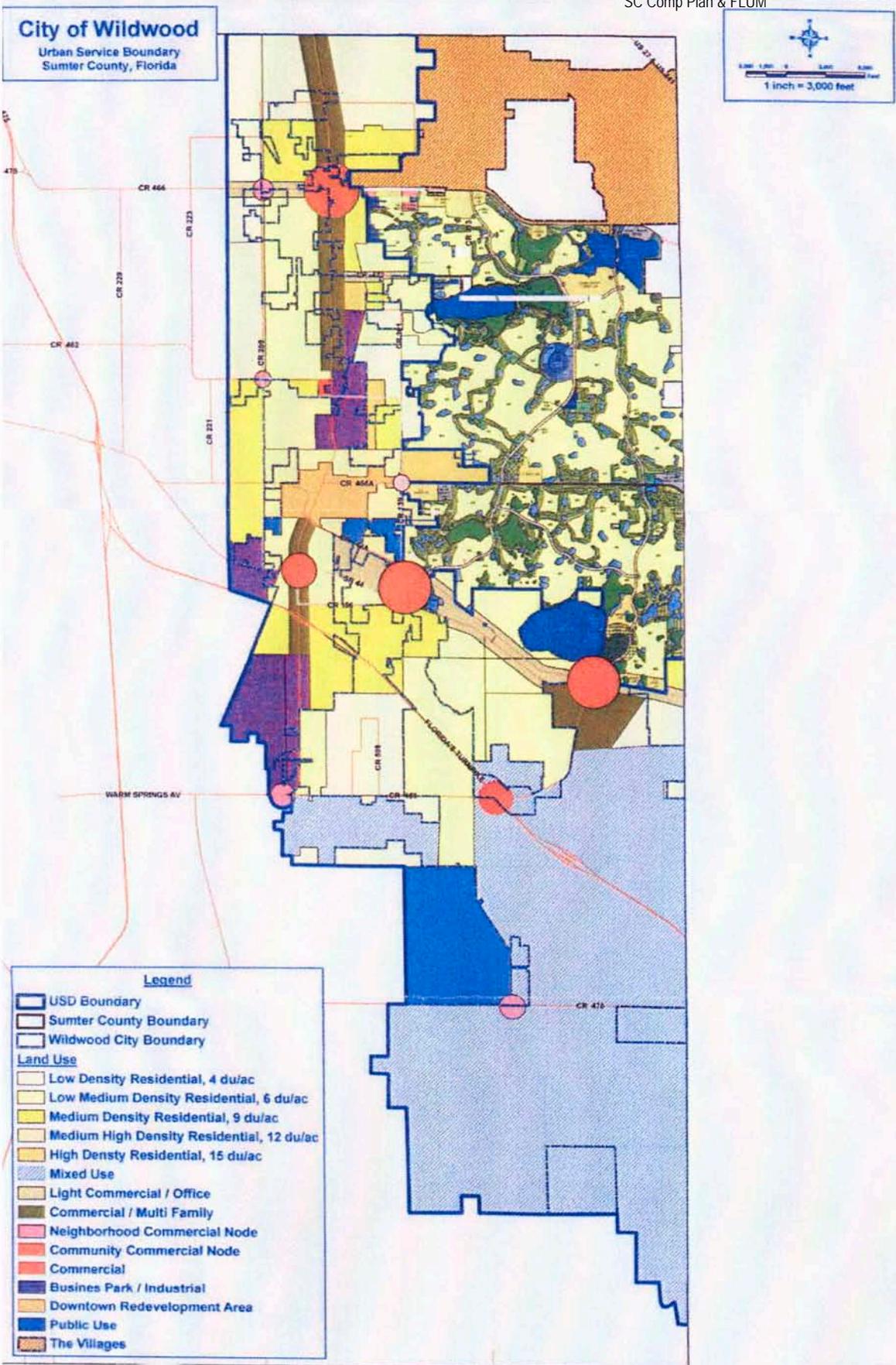
Sincerely,



Bradley Arnold  
County Administrator

C:      Sue Farnsworth, Planning and Development  
         Aimee Webb, Planning and Development  
         Scott Cottrell, P.E., Public Works

2. a. REPORTS & PUBLIC INPUT (f.2.) FYI – SCBOCC notifying us that the proposed grant funded sewer & water line extensions to serve proposed ALF are consistent with SC Comp Plan & FLUM



# Ashworth College

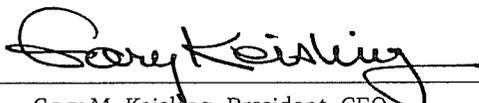
2.a. REPORTS & PUBLIC INPUT (f.3.)  
Stacey Wrightam, Police Dept. Administrative  
Assistant Attained Associate of Applied Science  
in Business Management With Honors Degree  
from Ashworth College on February 6, 2012

*In recognition of the completion of the prescribed program of study*

## Associate of Applied Science in Business Management With Honors

*this degree is hereby awarded to*  
**Stacey Wrightam**

*In testimony whereof, this degree has been conferred in Atlanta, Georgia,  
whereupon the undersigned have affixed their names on this  
Sixth day of February, Two Thousand Twelve*

  
Gary M. Keisling, President, CEO



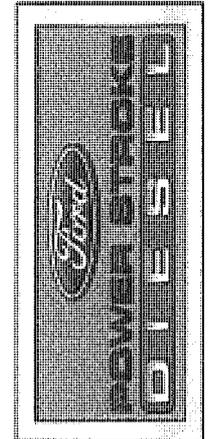
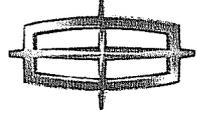
  
Dr. Leslie Gargiulo, Ph.D., Vice President, Education



In Recognition of Achievement  
This Award is Presented to

**Steve Watson**

For Attendance of  
CVO Fleet Training Class 6.4L-6.7L-IDS  
Hosted By Plaza Lincoln Mercury  
Jan-31-Feb-2 2012



*Gary Stern*

Gary Stern  
Ford Fleet Trainer

L I N C O L N

2.a. REPORTS & PUBLIC INPUT (f.4.)  
Steve Watson, Fleet Services Coordinator – Completed 3-day  
CVO Fleet Training Class 6.4L-6.7L-IDS hosted by Plaza Lincoln  
Mercury on January 31st through February 2, 2012

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA  
REGULAR MEETING  
FEBRUARY 13, 2012 – 7:00 P.M.  
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood Florida met in Regular Session, February 13, 2012 at 7:00 p.m.

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

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

1. TIMED ITEMS AND PUBLIC HEARINGS  
7:00 p.m.

a. 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)

Andy Easton, Andy Easton and Associates reported that the City is currently in the process of a Neighborhood CDBG for drainage improvements on Osceola, Pitt & Stone. Noted there are three other categories, Housing Rehabilitation, Commercial Revitalization, and Economic Development. The City could potentially apply for an ED before the end of the year. Two public hearings would be required for application and this meeting is the First of two. The public hearings are to receive input from the public. Mayor Wolf opened the meeting for Public Hearing. No comments were received.

b. 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 9, 2012 (Attachments – Staff Recommends Approval)

CDD Peavy noted that items Special Magistrate requested to be taken care of, have been.

Motion by Commissioner Strickland, second by Commissioner Bivins to accept the recommendation of Special Magistrate for SP 1112-02 to approve. Motion carried by unanimous vote.

c. 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)

Minutes  
Page 2  
February 13, 2012

CA Blair referred to the AGO and attachments indicating that the City has no other course than to rescind the City's firearm ordinance. PC Reeser concurred even though he has concerns.

The meeting was opened to Public Hearing. No comments were received.

Motion by Commissioner Bivins, second by Commissioner Clark that 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. Motion carried by unanimous vote.

## 2. REPORTS AND PUBLIC INPUT

### a. SPECIAL PRESENTATIONS:

- 1) Introduction of Volunteer Chaplains for the Police Department: Pastor Attaway, First Baptist Church, Pastor Jones, Pastor Recla, Chaplain with the Villages Fire Department, and Pastor Brock, Heritage Community Church (Chief Reeser – NO Attachments)

Each of the Pastors gave a brief history of their experience. Pastor Jones was unable to be present.

- 2) Introduction of new Parks & Recreation Coordinator, Jenny Donovan

ICM Jacobs introduced PRC Jenny Donovan to the Commission.

- 3) Update on CR 466A Widening Project and estimated monthly decorative lighting costs (David Grimm – Attachments)

SP Grimm provided a brief update on the project. Under the City/County Interlocal Agreement the County will construct the lighting and landscaping and the City will be responsible for lease, energy and maintenance costs and referred the Commission to the information packet and cost for the City to maintain the decorative lights. Introduced Rick Busche of Kimley Horn the Engineer for the County. In response to a question from Mayor Wolf, Mr. Busche indicated that with the exception of service to the decorative lighting, the electric power lines along 466A will be above ground. Mayor Wolf noted that the City was on record requesting underground power lines due to the zero setbacks along 466A. Mr. Busche noted the request was put to Progress Energy and the cost for burying power was more than 1.5 million dollars. He noted the old service is being removed and new service is being installed and will be optimized. It was questioned whether above ground is in conflict with the City ordinances. Noted the City could purchase the lighting equipment and would have to maintain it, or lease it from Progress who will maintain it. Surveying and acquisitions are progressing and should be complete by the end of the year. Construction time frame to start in early 2013.

Minutes  
Page 3  
February 13, 2012

4) Proclamation declaring 2012 as the Year of the Girl and Celebrating 100 years of Girl Scouting (Attachments – Staff Recommends Approval)

Motion by Commissioner Strickland, second by Commissioner Bivins to approve Proclamation declaring 2012 as the Year of the Girl and Celebrating 100 years of Girl Scouting. Motion carried by unanimous vote.

b. City Manager

ICM Jacobs brought the following items to the attention of the Commission and public.

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 6 thru April 9 – 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)

5) BFA Contract expiration – add to next regular meeting or special meeting. Mayor Wolf requested it be placed on next regular.

c. City Attorney – None

d. City Clerk – None

e. Commission Members – None

f. Public Forum (10 minute time limit) – None

g. 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)

Motion by Commissioner Bivins, second by Commissioner Clark to approve the minutes of December 21, 2011, January 9, 2012, January 18, 2012, January 18, 2012 and January 30, 2012 as typed. Motion carried by unanimous vote.

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)

CDD Peavy noted that Ordinance reading included a Proportionate Share Agreement which outlines the mitigation for their traffic impact and includes signalization of CR468 and SR 44 intersection, the proportionate share payment to the intersection of US301 and CR 468, and also participation in the regional transit study which the DRI's have participated in at \$50,000 each.

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)

Mayor Wolf noted the property is known as the Word property. Noted the loss of the road name Pony Farm Road when the County renamed CR139. Noted the loss of Wildwood from the name of the Library located in Wildwood when the County named the new library which was consolidated with the City of Wildwood library.

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

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February 13, 2012

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)

Mayor Wolf noted the Ordinances are for first reading only with no action required. Public Hearing will be at second final reading. CDD Peavy provided a color handout for clarity of property and roadways.

c. RESOLUTIONS FOR APPROVAL:

None

d. APPOINTMENTS

None

e. CONTRACTS AND AGREEMENTS

None

f. FINANCIAL

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

Motion by Commissioner Clark, second by Commissioner Strickland to approve payment of the bills. Motion carried by unanimous vote.

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)

Motion by Commissioner Strickland, second by Commissioner Bivins to approve CO1-2 in the amount of + \$27,237.29. Motion carried by unanimous vote.

b) Discussion/Approval of change order requests for Osceola Street Drainage Improvements (+\$37,219.10) under the CDBG Project Grant (Attachments – Staff Recommends Approval)

SP Grimm noted the City is still in excellent condition with the costs of the project. Will have funds remaining to construct additional sidewalks and paving.

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Page 6  
February 13, 2012

Motion by Commissioner Clark, second by Commissioner Bivins to approve CO 1-4 in the amount of + \$37,219.10. Motion carried by unanimous vote.

SP Grimm referenced 232 resurfacing. Noted that costs involved with come to the Commission at the next meeting. The project area has been increased to include the 209 intersection and the approaches from each direction.

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)

SP Grimm – Reported this project was brought to the City's attention in 2006-07 only to have CSX cancel it in 2008. CSX unofficially notified the City that the "S-Line" is back on track again with no dates. Then approximately two weeks ago the City was notified verbally the project was moving ahead at a very fast pace and the City had 60 days to complete locating all the crossing, and design, permit, bid and construction. He called CSX and requested an official notice, which was receive and forwarded to ICM Jacobs and the City Attorney. The notice is open ended as to what the City is to do. They state the March start time but there is no reference to 60 day term. Have discussed with the City Attorney and feel the City has a good stance at this time. Kimley Horn is scheduling soft digs to find what the City has and the locations. We are aware of seven crossings. It has to be determined if all will have to be addressed or if some of the casings in the ground are wide enough to accommodate the additional rail. That will be done next week and Kimley Horn will bring a report of probable costs. There is nothing in the budget because the City was unaware this would take place.

Mayor Wolf – recommended that discussion begin with CSX regarding a force main crossing to the Word property area. SP Grimm indicated that crossing was discussed and is planned to be part of this design. CSX has indicated they will fast track the permitting for the project.

2) Discussion/Board Option – Update on Lenard Powell/City property information requested at January 23 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)

DSD Peavy – reported that as directed she researched information through Sumter County as well as reviewing information provided by Mr. Powell which included an appraisal of his property. Research revealed that property in the 462/139 area sold for \$3.15 to \$8.50 per sq. ft. The Turkey Run property with a planned development zoning went for \$7.75 sq. ft. The City's property is currently

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February 13, 2012

zoned Public Education Utilities and in the Future Land Use and Joint Planning area to be changed to some type of commercial or high density residential.

Staff recommends that a survey be conducted, which could be directed for Mr. Powell to conduct or pay for to determine the exact amount of property and the Commission would have to determine the price per square foot. Property is approximately .45 acres or approximately 19,416 sq. ft. and can be developed.

DSD Peavy noted that property on the east of Powell road, some of which is owned by Mr. Powell and some by the Villages will be brought before the Commission in a few weeks to be added to the Villages DRI.

Mayor Wolf noted the Villages will probably not sell any property for less than \$10 per sq. ft. Suggested that the selling price on the Carlos Bailey property be checked. Suggested an agreement with Mr. Powell that he sell his property to a developer then let the developer work with the City to purchase the City property. Noted that every day the price of the property is increasing. Noted that the funds from the sell will go into recreation.

Lenard Powell – asked if the City wanted to buy his property then the City would have the entire property to sell to a developer. Noted that utilities are not at the property and should not be compared with property to the east of Powell Road where there are utilities. Doesn't have assurance from the City yet that it would be rezoned for Commercial. Noted his property has the access to the only crossover to the corner, and he does not understand that his property price would be less than the City's.

DSD Peavy noted the City has utilities to Millennium Park, but doesn't extend to undeveloped property or property that doesn't have a developer's agreement. Regarding the zoning and Future Land Use, the property is within a Joint Planning area.

Lenard Powell noted there is no stormwater utility to the property so that retention would have to be provided on the .45 acres.

In response to a question from Commissioner Clark, CA Blair indicated the Commission would have to request an appraisal to have one done. Commissioner Clark noted that Mr. Powell's property was compared to sells in Tavares and other counties for his appraisal. Commissioner Strickland suggested that the Commission set a price if they want to sell it and move forward. Doesn't feel an appraisal will be much good. Asked CA Blair whether this would have to be open to everyone, or could the City sell to a private individual.

CA Blair indicated that in the past there was a provision in the Charter that required real property to be sold through sealed bids, and typically with personal property you do have to go through this whole process with only specific ways to

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February 13, 2012

dispose of it. When purchasing real property there is sometime a requirement that you get an appraisal. She indicated that she has found nothing in the Charter, Ordinances, or State Statutes that required an appraisal. The City has a general obligation to sell at the best price the City can get, at a fair market value or above. Feels the City needs an ordinance in place.

Commissioner Strickland asked what will happen if the Commission approves a deal at \$6.00 per square foot and then someone comes up and says they would have paid \$12 per square foot? CA Blair noted that is why you have to have good backup showing you sold it for fair market value. ICM Jacobs noted that the property would have to be declared surplus, and feels that sealed bid or auction would be the best route. Commissioner Strickland asked if you could set a minimum and open it for bids. CA Blair indicated that would be a good process.

Mr. Powell requested that if the City to clean up the property if they are not going to sell it. He noted that he had not started the annexation and rezoning process of his property because he was told by the previous City Manager not to start the process because it could be an enclave, but has been in discussion with the City for two years. He noted he signed an annexation agreement. DSD Peavy indicated the City has been pursuing the JPA with Sumter County and there has been a hold off on their end. Hopefully in June of this year the County will be submitting the JPA to DCA. When the JPA is approved then the City can move forward with this property. Even though the property is contiguous, Mr. Powell's property is within an area that is an enclave. There are several property owners in the enclave that do not want to annex.

Greg Beliveau of Land Planning Group indicated they have just worked with Fruitland Park to annex property using three different methods of the Florida Statutes. CA Blair to review the statutes and how many parcels there are. DSD Peavy noted that part of the JPA is that the City is not going to annex any more property until the JPA is in place.

Mr. Powell indicated he would be agreeable to pay for the survey. He noted that he still doesn't know what zoning will be approved for the property. DSD Peavy noted that the land Mr. Powell is referring to is in the County.

Commissioner Strickland would be okay with offer at \$8.50 per square foot or take it off the table. Mr. Powell indicated he would pay the \$8.50 per square foot.

Motion by Commissioner Strickland, second by Commissioner Bivins to table until February 27 for Commissioner Allen to be present and with Commission Strickland to do additional research of property sell amounts. Motion carried by unanimous vote.

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 18; staff is seeking

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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)

Mayor Wolf asked who would make the "feasible" decision, DSD Peavy then the Commission? DSD Peavy indicated yes. CA Blair noted the developer would have the burden of proving it is not feasible.

Motion by Commissioner Strickland, second by Commissioner Bivins to accept the Proposed language for modification of Comprehensive Plan and Design District Standards for roadway interconnectivity requirements discussed at Special Meeting on January 18. Motion carried by unanimous vote.

ICM Jacobs introduced the new Parks & Recreation Coordinator Jennifer Donovan.

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)

Motion by Commissioner Strickland second by Commissioner Clark to approve Mayor Wolf to execute the letter requesting a waiver of Florida Administrative Rule 9B-43.0041(1)(c), to allow funding ceiling be raised \$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. Motion carried by unanimous vote.

5) Human Resources to give update on the six (6) City Manager candidates selected for possible interviews (NO Attachments)

HRC Cox reported that the PD has completed all background checks and provided a summary to each Commissioner. Noted that Mr. Lavalie has taken another position and is no longer interested, and that Mr. Cannon has taken another position but is still interested in Wildwood. If the City selected Mr. Cannon, he would want Wildwood to pay the \$15,000 buyout. Noted reference to Public Records requests about everything has been requested, one has been received. Not all references have been checked yet.

She suggested that the Commission consider Skype interviews for those far away, and will research further if the Commission desires. Mayor Wolf stated he would think that the people would want to make personal contact with the City.

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February 13, 2012

Noted that the full background is available for review if the Commission wishes.

Mayor Wolf noted that as soon as all the information is collected, the City Manager or two Commissioners need to call a special meeting. Needs to move to front burner so that all the information can be reviewed by the Commission to then schedule interviews.

4. ADJOURN:

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

S E A L

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

ATTEST: \_\_\_\_\_  
Joseph Jacobs, City Clerk

\_\_\_\_\_  
Ed Wolf, Mayor

3. NEW BUSINESS - ACTION REQUIRED  
b. ORDINANCES FIRST READING ONLY  
1. Discussion/Board Option of Ordinance No. O2012-16,  
a proposed Ordinance providing for the extension of the  
permitted hours of sale of alcoholic beverages in the City  
of Wildwood to 2:00 a.m. daily

## CITY COMMISSION OF THE CITY OF WILDWOOD

### EXECUTIVE SUMMARY

**SUBJECT:** Extension of Alcoholic Beverage Sales Hours

**REQUESTED ACTION:** Approval of Ordinance O2012-16

Work Session (Report Only)      **DATE OF MEETING:** 2/27/12  
 Regular Meeting                       Special Meeting

**CONTRACT:**       N/A                      Vendor/Entity: \_\_\_\_\_  
Effective Date: \_\_\_\_\_                      Termination Date: \_\_\_\_\_  
Managing Division / Dept: \_\_\_\_\_

**BUDGET IMPACT:** \_\_\_\_\_

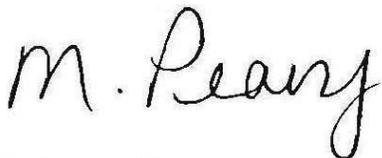
Annual                      **FUNDING SOURCE:** \_\_\_\_\_  
 Capital                      **EXPENDITURE ACCOUNT:** \_\_\_\_\_  
 N/A

### HISTORY/FACTS/ISSUES:

The City has been approached to request an extension of the permitted hours of sale for alcoholic beverages in the City of Wildwood to 2 a.m. daily. Currently, Section 4-8 of the Code of Ordinances ends sales at 12 midnight daily, with the exception of December 31 (New Years' Eve), when sales are permitted until 1 a.m. on the following day.

This extension of hours is expected to improve sales revenues and would be effective City-wide. Currently, Lake County allows sales until 2 a.m. while Sumter County allows sales until midnight.

A proposed Ordinance is included for your consideration. Staff is requesting direction from the Commission to approve, amend, or deny the subject Ordinance.



Melanie Peavy  
Development Services Director

3. NEW BUSINESS - ACTION REQUIRED  
b. ORDINANCES FIRST READING ONLY  
1. Discussion/Board Option of Ordinance No. O2012-16,  
a proposed Ordinance providing for the extension of the  
permitted hours of sale of alcoholic beverages in the City  
of Wildwood to 2:00 a.m. daily

**ORDINANCE NO. O2012-16**

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA,  
AMENDING SECTION 4-8 OF THE CITY OF WILDWOOD  
CODE; PROVIDING FOR HOURS ALCOHOLIC BEVERAGES  
MAY BE SOLD; PROVIDING FOR CONFLICT; PROVIDING  
FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Wildwood, Florida, is proposing to require as follows:

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission  
of Wildwood, Florida, as follows:

SECTION 1. Section 4-8 of the City of Wildwood Code is amended as follows (cross  
throughs (-) shall indicate deletions and underlines ( ) shall indicate additions):

**Sec. 4-8. Business hours.**

(a) No alcoholic beverages may be sold, consumed, served or  
permitted to be served or consumed in any place holding a state  
alcoholic beverage license pursuant to F.S. ch. 561, between the  
hours of ~~12:00 midnight~~ 2:00 a.m. and 7:00 a.m. of the following day  
except as provided herein.

~~(b) Business hours beginning on December 31 of any and every year  
may extend until 1:00 a.m., on certain holiday known as New Year's  
Eve, and alcoholic beverages may be sold, consumed, served, or  
permitted to be served or consumed in any place holding a state  
alcoholic beverage license pursuant to F.S. ch. 561 until 1:00 a.m., for  
that day only. These extended hours are applicable solely upon that  
holiday generally known as New Year's Eve and shall not be  
construed to allow extended hours on any other day.~~

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. 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 FIRST READING ONLY  
1. Discussion/Board Option of Ordinance No. O2012-16,  
a proposed Ordinance providing for the extension of the  
permitted hours of sale of alcoholic beverages in the City  
of Wildwood to 2:00 a.m. daily

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

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**CONTRACT AMENDMENT #2**  
**February 20, 2012**

Describing a specific agreement between Kimley-Horn and Associates, Inc. (the CONSULTANT OR KHA), and the City of Wildwood (the CITY) in accordance with the terms of the Professional Services Agreement dated January 7, 2009, which is incorporated herein by reference.

**BACKGROUND INFORMATION**

1. KHA provides professional consulting services to the CITY under an Agreement for Professional Services (the "Agreement"), dated January 7, 2009.
2. The Agreement provides a term of three years from the date of execution, with the City retaining the option to renew the Agreement for additional one year periods.
3. The Agreement was renewed pursuant to Contract Amendment #1, and is currently valid through October 2012.
4. Under this Amendment #2, the Agreement is hereby amended to include Environmental Engineering Services under the terms of the existing Agreement.

**SCOPE OF SERVICES**

The Agreement is hereby amended as follows:

1. The CITY shall compensate the CONSULTANT for their services on a task order basis for a negotiated lump sum, or at the rate schedule identified on the attached EXHIBIT "A".
2. Under this Agreement, the CITY may, at its discretion, request the CONSULTANT perform certain engineering services including, but not limited to, the following:
  - a) Wastewater Collection Master Plan and Implementation
  - b) Water Storage Capacity Evaluation
  - c) Water Master Plan and Implementation
  - d) Water Use Permit Increases and Compliance.
  - e) Alternative Water Supply Master Plan and Implementation
  - f) 10 Year Water Supply Plan and Implementation
  - g) Wastewater Treatment Plant Design and Permitting
  - h) Water Plant Design and Permitting
  - i) Development and Monitoring Aquifer Performance Test Design and Analysis
  - j) Water Level Monitoring Plans
  - k) Concurrency Determination Assessments
  - l) Working effectively and respectfully with city directors and staff as required
  - m) Timely correspondence and updating of relevant city staff
  - n) Phase I and II Real Estate Environmental Assessments
  - o) Well Field Siting



3. NEW BUSINESS - ACTION REQUIRED

e. CONTRACTS 1. Discussion/Approval to amend current Civil Engineering Services Contract with Kimley-Horn & Assoc., Inc. by Change Order to add performance of Environmental Engineering Design Services; contract for Environmental Engineering Services entered into on 2/9/09 for 3-yr. period with Barnes, Ferland & Assoc. (BFA) expired 2/9/12 with no current open projects

- p) Assessment of Optimal Yield from Aquifers
- q) Contamination Assessment Plans/Reports
- r) Utility Rate Studies
- s) Borehole Geophysical Evaluations
- t) Effluent Disposal/ Storage/ Pumping
- u) Brownfields Monitoring
- v) Natural Resource Evaluation
- w) Industrial Waste Monitoring
- x) Refuse Residual Management
- y) Residual Management
- z) Monitoring, Inspection, Assessment, and Reporting Responsibilities
- aa) Assessment and analysis of environmental construction options
- bb) NPDES Compliance
- cc) Construction Monitoring and Inspection Services
- dd) All other relevant assignments relating to environmental engineering as requested

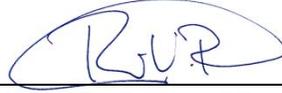
3. All other terms and conditions of the original Agreement shall remain in full force.

ACCEPTED:

THE CITY OF WILDWOOD, FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: \_\_\_\_\_

BY:  \_\_\_\_\_

Richard V. Busche, PE

TITLE: \_\_\_\_\_

TITLE: Vice President

DATE: \_\_\_\_\_

DATE: February 20, 2012

Attachment: Exhibit A

3. NEW BUSINESS - ACTION REQUIRED  
e. CONTRACTS 1. Discussion/Approval to amend current Civil Engineering Services Contract with Kimley-Horn & Assoc., Inc. by Change Order to add performance of Environmental Engineering Design Services; contract for Environmental Engineering Services entered into on 2/9/09 for 3-yr. period with Barnes, Ferland & Assoc. (BFA) expired 2/9/12 with no current open projects

**EXHIBIT 'A'**

**CITY OF WILDWOOD, FLORIDA  
KIMLEY-HORN AND ASSOCIATES, INC.**

**2012 BILLING RATE SCHEDULE  
(Subject to change annually on January 1<sup>st</sup>)**

| <u>Category</u>                          | <u>Hourly Rate</u> |
|------------------------------------------|--------------------|
| Clerical Support Staff                   | \$50.00            |
| Project Engineer/Technical Support Staff | \$80.00            |
| CAD Technician                           | \$85.00            |
| Professional                             | \$100.00           |
| Senior Technical Professional            | \$110.00           |
| Senior Professional                      | \$155.00           |
| Principal                                | \$175.00           |

*An amount equal to 4.5% of labor charges will added to each invoice to cover certain other expenses such as in-house duplicating, local mileage, telephone calls, facsimiles, postage, and word processing computer time.*

Zimbra

3. NEW BUSINESS - ACTION REQUIRED

plaw@wildwood-fl.gov

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**Fwd: BFA Environmental Contract**

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e. CONTRACTS 1. Discussion/Approval to amend current Civil Engineering Services Contract with Kimley-Horn & Assoc., Inc. by Change Order to add performance of Environmental Engineering Design Services; contract for Environmental Engineering Services entered into on 2/9/09 for 3-yr. period with Barnes, Ferland & Assoc. (BFA) expired 2/9/12 with no current open projects

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**From :** bphillips@wildwood-fl.gov.archive  
**Sender :** bphillips@wildwood-fl.gov  
**Subject :** Fwd: BFA Environmental Contract  
**To :** Pam Law <plaw@wildwood-fl.gov>  
**Reply To :** Bruce H. Phillips, PE, PLS <bphillips@wildwood-fl.gov>

Tue, Feb 21, 2012 03:35 PM

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**From:** "Jerri Blair" <jblair710@aol.com>  
**To:** "Bruce Phillips" <bphillips@wildwood-fl.gov>  
**Sent:** Thursday, November 17, 2011 2:03:32 PM  
**Subject:** BFA Environmental Contract

Bruce:

1. BFA Environmental. As we discussed, there is some risk that someone might challenge Kimley Horn taking over BFA's schedule of services by simply expanding their existing contract to include the services performed by BFA. It is my understanding that there is still another year on the Kimley Horn contract and that you would like to use their services for all of the City's engineering needs during that period of time instead of attempting to advertise and invite requests to provide the services BFA has provided if the Commission decides to let their contract expire. Obviously, going through the bidding process is an expensive proposition. Although there might be some risk of a challenge, it probably won't occur if there are no large ongoing projects. If you determine that you want to include the schedule of BFA's services in the ongoing contract, I would suggest that we do a change order to add those services to the contract. It is my understanding that Kimley Horn has already performed some services that relate to or are possibly types of services that would be included under BFA's schedule of services anyway which adds to the strength of being allowed to do the change order to expand the Kimley Horn contract for that period of time. I will caution that we be careful not to fail to advertise for requests if we do come into a situation where there is a large project. Absent that type of project, probably it would be acceptable to do a change order to the existing Kimley Horn contract.

2. Okahumpka Service Plaza. As we discussed, there are many issues about the Okahumpka Service Plaza that need to be addressed. I have instructed Lisa to call you to schedule a time for us to sit down with all of the contracts and the WUP and anything else so that we can look at them. As we discussed, it is my understanding from Ron that the WUP did provide for us to abandon the well. I questioned him on this a couple of times and I also recall meeting with SWFWMD and that being something that was discussed during the meetings with them. However, it is my understanding from you that it was not actually placed in the WUP and that Ron was incorrect in his statement. As I discussed with you, I would suggest that Mayor might want to send a letter of apology based upon the fact that he had been told by his water department that the WUP required that and relied upon the statement of the Water Director, Ron Allen, in making the statements he made in the letter. Lets have the letter at the meeting also so we can discuss all of this.

Respectfully yours,  
Jerri A. Blair  
Jerri A. Blair, Esq.  
Jerri A. Blair, P.A.  
P.O. Box 130  
Tavares, FL 32778

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3. NEW BUSINESS - ACTION REQUIRED

e. CONTRACTS 1. Discussion/Approval to amend current Civil Engineering Services Contract with Kimley-Horn & Assoc., Inc. by Change Order to add performance of Environmental Engineering Design Services; contract for Environmental Engineering Services entered into on 2/9/09 for 3-yr. period with Barnes, Ferland & Assoc. (BFA) expired 2/9/12 with no current open projects

CM Smith noted that over half of the revenue for this fiscal year has been received and would ask that the moratorium be effective with next year or for any new businesses. Mayor Wolf expressed that it should go into effect upon adoption.

Motion by Commissioner Strickland, second by Commissioner Clark that Resolution No. R2011-23: A Resolution Of The City Commission Of The City Of Wildwood; Providing For A Moratorium On Any Business Tax And Excusing Forever The Responsibility For Any Business Tax Until Further Resolution By The City, Providing For An Effective Date: be adopted. Motion carried by unanimous vote.

2) Resolution No. R2011-25, a resolution declaring a sole source purchase provider for software and hand-held meter reading equipment from Sunstate Meter & Supply, Inc., our current Neptune provider to replace 3 current inoperable and obsolete hand-helds to read water meters installed through-out the city and upload data to computers (Attachments – Staff Recommends Approval)

Resolution No. R2011-25 was introduced and read by title only.

Motion by Commissioner Allen, second by Commissioner Strickland that R2011-25: A Resolution Of The City Commission Of The City Of Wildwood, Florida, Declaring A Sole Source Provider For The Purchase Of Hand Held Meter Readers, Water Meters And Parts From Sunstate Meter And Supply, Inc.; Providing For An Effective Date: be adopted. Motion carried by unanimous vote.

d. APPOINTMENTS

1) None

e. CONTRACTS AND AGREEMENTS

1) One year extension of current Agreement for Professional Services contract with Kimley-Horn & Associates to continue to provide civil engineering services (Attachments – Staff recommends approval)

Motion by Commissioner Clark, second by Commissioner Allen to approve the one year extension for Professional Services contract with Kimley-Horn & Associates. Motion carried by unanimous vote.

Rick Busche expressed gratitude to the Commission for the extension and noted pride that he takes in working with the City.

2) Confirmation of the MOU (Memorandum of Understanding) between the COW; Sumter County; Village Center Community Development District; and the SC Sheriff's Office for the SC Public Safety Answering Points (PSAPS) (Attachments – Staff recommends approval)

**BILLS FOR APPROVAL**  
**City of Wildwood, Florida**  
**February 27, 2012**

3. NEW BUSINESS - ACTION REQUIRED  
(f.) 1.) Bills for Approval

**CITY COMMISSION-LEGISLATIVE DEPARTMENT**

|   |               |                                            |    |          |
|---|---------------|--------------------------------------------|----|----------|
| 1 | Payroll       | February 12, 2012 Pay Period - 5 Employees | \$ | 3,029.18 |
| 2 | PGIT          | Workers Comp Insurance                     | \$ | 12.65    |
| 3 | Sprint-Nextel | Cell Phone Service                         | \$ | 28.26    |
| 4 | Walmart       | Banquet Supplies                           | \$ | 349.30   |

**CITY MANAGER-EXECUTIVE DEPARTMENT**

|   |                   |                                           |    |          |
|---|-------------------|-------------------------------------------|----|----------|
| 5 | Payroll           | February 12, 2012 Pay Period - 1 Employee | \$ | 2,062.19 |
| 6 | Office Depot      | Office Supplies                           | \$ | 104.84   |
| 7 | PGIT              | Workers Comp Insurance                    | \$ | 41.14    |
| 8 | Pride Enterprises | Letter Head and Envelopes                 | \$ | 15.66    |
| 9 | Sprint-Nextel     | Cell Phone Service                        | \$ | 24.28    |

**CITY CLERK-FINANCIAL & ADMINISTRATIVE DEPARTMENT**

|    |                                     |                                             |    |           |
|----|-------------------------------------|---------------------------------------------|----|-----------|
| 10 | Payroll                             | February 12, 2012 Pay Period - 4 Employees  | \$ | 10,466.00 |
| 11 | Brown & Brown of Florida Inc        | Pollution Liability Insurance               | \$ | 562.22    |
| 12 | Capital Office Products, Inc        | Office Supplies                             | \$ | 347.07    |
| 13 | Century Link                        | Telephone Service                           | \$ | 40.98     |
| 14 | City Hall                           | Petty Cash                                  | \$ | 80.75     |
| 15 | Discount Janitorial                 | Cleaning Supplies                           | \$ | 52.00     |
| 16 | National Pen                        | City of Wildwood Pens                       | \$ | 34.45     |
| 17 | Office Depot                        | Office Supplies                             | \$ | 185.19    |
| 18 | PGIT                                | Workers Comp Insurance                      | \$ | 65.65     |
| 19 | Pride Enterprises                   | Letter Head and Envelopes                   | \$ | 15.66     |
| 20 | Progress Energy                     | Electric Service                            | \$ | 81.20     |
| 21 | Sprint-Nextel                       | Cell Phone Service                          | \$ | 24.11     |
| 22 | USPS - CMRS                         | Postage Meter Refill                        | \$ | 658.11    |
| 23 | Villages Technology Solutions Group | Technical Support - All General Fund Depts. | \$ | 1,035.00  |

**DEVELOPMENT SERVICES**

|    |                              |                                            |    |          |
|----|------------------------------|--------------------------------------------|----|----------|
| 24 | Payroll                      | February 12, 2012 Pay Period - 4 Employees | \$ | 8,710.18 |
| 25 | Capital Office Products, Inc | Office Supplies                            | \$ | 11.34    |
| 26 | Office Depot                 | Office Supplies                            | \$ | 13.69    |
| 27 | Melanie Peavy                | Personal Vehicle Use                       | \$ | 67.54    |
| 28 | PGIT                         | Workers Comp Insurance                     | \$ | 56.94    |
| 29 | Pride Enterprises            | Letter Head and Envelopes                  | \$ | 100.23   |
| 30 | Sprint-Nextel                | Cell Phone Service                         | \$ | 24.28    |

**HUMAN RESOURCES**

|    |                   |                                           |    |          |
|----|-------------------|-------------------------------------------|----|----------|
| 31 | Payroll           | February 12, 2012 Pay Period - 1 Employee | \$ | 2,006.59 |
| 32 | Office Depot      | Office Supplies                           | \$ | 24.84    |
| 33 | PGIT              | Workers Comp Insurance                    | \$ | 9.64     |
| 34 | Pride Enterprises | Letter Head and Envelopes                 | \$ | 40.40    |

**POLICE DEPARTMENT**

|    |                                       |                                                       |    |           |
|----|---------------------------------------|-------------------------------------------------------|----|-----------|
| 35 | Payroll                               | February 12, 2012 Pay Period - 28 Employees           | \$ | 54,940.98 |
| 36 | Capital Office Products, Inc          | Office Supplies                                       | \$ | 177.76    |
| 37 | CarQuest Auto Parts Stores            | Intake Manifold, Switch, Radiator, Platinum Boot, Etc | \$ | 560.48    |
| 38 | Central Florida Solutions Group, Inc. | Polo Shirts                                           | \$ | 96.00     |
| 39 | Century Link                          | Telephone Service - Translink Chan Term Install       | \$ | 2,397.60  |

|    |                                  |                                              |                                     |    |          |
|----|----------------------------------|----------------------------------------------|-------------------------------------|----|----------|
| 40 | Electronics & Communications Com | Hooked Up Telco                              | TI Circuits,Reprogram,Portable Radi | \$ | 1,634.00 |
| 41 | Law Enforcement Supply           | Mag Flashlight, Battery,                     |                                     | \$ | 243.38   |
| 42 | Merritt Department Stores, Inc   | Shirts, Jackets                              |                                     | \$ | 405.33   |
| 43 | PGIT                             | Workers Comp Insurance                       |                                     | \$ | 2,429.89 |
| 44 | Pride Enterprises                | Letter Head and Envelopes, Trespass Warnings |                                     | \$ | 73.25    |
| 45 | Progress Energy                  | Electric Service                             |                                     | \$ | 1,151.55 |
| 46 | Sands System Solutions           | Laptop                                       |                                     | \$ | 2,334.14 |
| 47 | Sprint-Nextel                    | Cell Phone Service                           |                                     | \$ | 225.24   |
| 48 | State of FL Appl. Vehicle        | Tag for Police Vehicle                       |                                     | \$ | 86.10    |
| 49 | Anthony Tucker                   | Tuition Reimbursement, Boot Allowance        |                                     | \$ | 1,035.00 |
| 50 | Verizon Wireless                 | Broadband                                    |                                     | \$ | 200.05   |

**STREET DEPARTMENT**

|    |                                   |                                                     |  |    |           |
|----|-----------------------------------|-----------------------------------------------------|--|----|-----------|
| 51 | Payroll                           | February 12, 2012 Pay Period - 9 Employees          |  | \$ | 16,585.25 |
| 52 | Advance Auto Parts                | D/P Wearever Gold                                   |  | \$ | 30.13     |
| 53 | Capital Office Products, Inc      | Office Supplies                                     |  | \$ | 70.39     |
| 54 | CarQuest Auto Parts Stores        | Fittings, Hyd Hose, Switch, Calipers, Battery, Etc. |  | \$ | 242.85    |
| 55 | C.R. 466A Landfill Facility, LLC. | Tipping Fee                                         |  | \$ | 57.66     |
| 56 | Hi-Way Sign Company               | No Dumping Sign                                     |  | \$ | 33.59     |
| 57 | Office Depot                      | Office Supplies                                     |  | \$ | 12.00     |
| 58 | PGIT                              | Workers Comp Insurance                              |  | \$ | 1,483.60  |
| 59 | Progress Energy                   | Electric Service                                    |  | \$ | 4,505.31  |
| 60 | Sprint-Nextel                     | Cell Phone Service                                  |  | \$ | 97.12     |
| 61 | Sumter Electric                   | Electric Service                                    |  | \$ | 179.74    |
| 62 | Xpress Materials, LLC             | Concrete Pour                                       |  | \$ | 190.00    |

**FLEET SERVICES**

|    |                              |                                                     |  |    |          |
|----|------------------------------|-----------------------------------------------------|--|----|----------|
| 63 | Payroll                      | February 12, 2012 Pay Period - 2 Employees          |  | \$ | 4,969.19 |
| 64 | Capital Office Products, Inc | Office Supplies                                     |  | \$ | 33.33    |
| 65 | CarQuest Auto Parts Stores   | Sea/Motor Tune Up, Bits, Gas Carb, Shop Towels, Etc |  | \$ | 107.54   |
| 66 | PGIT                         | Workers Comp Insurance                              |  | \$ | 381.87   |
| 67 | Pro Chem                     | Clean Up, Bolt Blaster, Bright Lights               |  | \$ | 322.60   |
| 68 | Progress Energy              | Electric Service                                    |  | \$ | 101.47   |
| 69 | Sprint-Nextel                | Cell Phone Service                                  |  | \$ | 48.56    |

**COMMUNITY RE-DEVELOPMENT**

|    |                                   |                                                    |  |    |            |
|----|-----------------------------------|----------------------------------------------------|--|----|------------|
| 70 | Payroll                           | February 12, 2012 Pay Period - 1 Employee          |  | \$ | 2,494.71   |
| 71 | Coy Thomas Electric, Inc          | Added Wire and Connection for Lift Station Osceola |  | \$ | 221.38     |
| 72 | CRA Tax Increment Financing Dist. | FY 2012 City Funding Advalorem Increase            |  | \$ | 68,950.00  |
| 73 | Geo-Tech, Inc                     | Moisture Density Test WW DRA Osceola/Pitt & Stone  |  | \$ | 1,132.75   |
| 74 | PGIT                              | Workers Comp Insurance                             |  | \$ | 16.37      |
| 75 | Sprint-Nextel                     | Cell Phone Service                                 |  | \$ | 24.28      |
| 76 | Utility Systems Construction, Inc | Pitt and Stone / Osceola Avenue Drainage           |  | \$ | 149,088.27 |

**PARKS AND RECREATION**

|    |                             |                                                |  |    |          |
|----|-----------------------------|------------------------------------------------|--|----|----------|
| 77 | Payroll                     | February 12, 2012 Pay Period - 6 Employees     |  | \$ | 7,382.61 |
| 78 | CarQuest Auto Parts Stores  | Starter, Fuel Filter, Air Filters, Oil Filters |  | \$ | 119.18   |
| 79 | Century Link                | Telephone Service                              |  | \$ | 36.03    |
| 80 | Custom Kingdom              | Jerseys - Deposit                              |  | \$ | 561.00   |
| 81 | Ellery Smith Fence Painting | Board Fence at Millennium Park                 |  | \$ | 250.00   |
| 82 | Taleida Elliott             | Refund for Youth Basketball                    |  | \$ | 60.00    |
| 83 | Angela Fowler               | Refund for Youth Basketball                    |  | \$ | 60.00    |
| 84 | Rebecca Haynes              | Refund for Youth Basketball                    |  | \$ | 60.00    |
| 85 | Sonja Lollar                | Refund for Youth Basketball                    |  | \$ | 60.00    |

|    |                       |                             |    |        |
|----|-----------------------|-----------------------------|----|--------|
| 86 | Jennifer McQueary     | Refund for Youth Basketball | \$ | 60.00  |
| 87 | Julia Maggard         | Refund for Youth Basketball | \$ | 60.00  |
| 88 | PGIT                  | Workers Comp Insurance      | \$ | 305.13 |
| 89 | Progress Energy       | Electric Service            | \$ | 103.00 |
| 90 | Sprint-Nextel         | Cell Phone Service          | \$ | 97.12  |
| 91 | Sumter Electric       | Electric Service            | \$ | 312.88 |
| 92 | Sumter Express        | Basketball Ad               | \$ | 100.00 |
| 93 | WescoTurf             | Spring Tine Replace         | \$ | 101.88 |
| 94 | Xpress Materials, LLC | Concrete Pour               | \$ | 190.00 |

**COMMUNITY CENTER & OXFORD COMMUNITY CENTER**

|     |                                   |                                                |    |          |
|-----|-----------------------------------|------------------------------------------------|----|----------|
| 95  | Century Link                      | Telephone Service                              | \$ | 375.29   |
| 96  | Karen Judd                        | Security Deposit Refund Oxford Community Ctr   | \$ | 50.00    |
| 97  | Kohn Construction & Electric, Inc | Replaced Belt on Air Handlers                  | \$ | 595.00   |
| 98  | Maria Malagon                     | Security Deposit Refund Wildwood Community Ctr | \$ | 777.00   |
| 99  | Prevention Plus                   | Security Deposit Refund Wildwood Community Ctr | \$ | 41.25    |
| 100 | Sumter Electric                   | Electric Service                               | \$ | 1,222.51 |
| 101 | Rachelle Thomas                   | Security Deposit Refund Wildwood Community Ctr | \$ | 78.75    |

**PHYSICAL ENVIRONMENT ADMINISTRATIVE DEPARTMENT**

|     |                                     |                                                |    |          |
|-----|-------------------------------------|------------------------------------------------|----|----------|
| 102 | Payroll                             | February 12, 2012 Pay Period - 3 Employees     | \$ | 5,259.85 |
| 103 | Brown & Brown of Florida, Inc       | Pollution Liability Insurance                  | \$ | 562.21   |
| 104 | Capital Office Products, Inc        | Office Supplies                                | \$ | 26.37    |
| 105 | Century Link                        | Telephone Service                              | \$ | 38.30    |
| 106 | Discount Janitorial                 | Cleaning Supplies                              | \$ | 52.00    |
| 107 | National Pen                        | City of Wildwood Pens                          | \$ | 34.45    |
| 108 | Office Depot                        | Office Supplies                                | \$ | 56.68    |
| 109 | Patti Penley                        | Personal Vehicle Use                           | \$ | 13.88    |
| 110 | Postmaster                          | Utility Billing Postage                        | \$ | 225.40   |
| 111 | PGIT                                | Workers Comp Insurance                         | \$ | 32.64    |
| 112 | Pride Enterprises                   | Letter Head and Envelopes                      | \$ | 13.25    |
| 113 | USPS - CMRS                         | Postage Meter Refill                           | \$ | 91.89    |
| 114 | Villages Technology Solutions Group | Technical Support - All Enterprise Fund Depts. | \$ | 1,035.00 |

**WATER DEPARTMENT**

|     |                              |                                            |    |           |
|-----|------------------------------|--------------------------------------------|----|-----------|
| 115 | Payroll                      | February 12, 2012 Pay Period - 9 Employees | \$ | 14,764.55 |
| 116 | Advanced Auto Parts          | Brake Pads                                 | \$ | 96.00     |
| 117 | Brenntag                     | Liquid Chlorine                            | \$ | 976.06    |
| 118 | CarQuest Auto Parts Stores   | Caliper Bolt, ATF Qts, Starter             | \$ | 59.61     |
| 119 | CSX                          | Rail Crossing Project - Double Track       | \$ | 75.00     |
| 120 | Discount Janitorial          | Cleaning Supplies                          | \$ | 27.00     |
| 121 | Office Depot                 | Office Supplies                            | \$ | 33.12     |
| 122 | PGIT                         | Workers Comp Insurance                     | \$ | 956.70    |
| 123 | Pride Enterprises            | Letter Head and Envelopes                  | \$ | 13.25     |
| 124 | Progress Energy              | Electric Service                           | \$ | 1,362.82  |
| 125 | Sprint-Nextel                | Cell Phone Service                         | \$ | 122.20    |
| 126 | Sumter Electric              | Electric Service                           | \$ | 1,876.85  |
| 127 | Sunstate Meter & Supply, Inc | Software and Training                      | \$ | 2,177.88  |
| 128 | The Dumont Company, Inc.     | Clear Flow Corrosion Inhibitor             | \$ | 1,402.00  |

**WASTEWATER DEPARTMENT**

|     |                                      |                                             |    |           |
|-----|--------------------------------------|---------------------------------------------|----|-----------|
| 129 | Payroll                              | February 12, 2012 Pay Period - 13 Employees | \$ | 26,861.16 |
| 130 | AAA Air Conditioning & Refrigeration | Replaced Bad Control Board, Fan Motor       | \$ | 250.00    |
| 131 | Almac Unlimited, Inc                 | Gloves                                      | \$ | 107.40    |

|     |                                      |                                                     |    |          |
|-----|--------------------------------------|-----------------------------------------------------|----|----------|
| 132 | Capital Office Products, Inc         | Office Supplies                                     | \$ | 33.12    |
| 133 | CarQuest Auto Parts Stores           | Circuit Tester, Lamp,ATF Dex/Merc Q, Adhesive       | \$ | 76.03    |
| 134 | Century Link                         | Telephone Service                                   | \$ | 180.26   |
| 135 | CSX                                  | Rail Crossing Project - Double Track                | \$ | 75.00    |
| 136 | Engineer Service Corporation         | Service Call Troubleshoot R12 Pump Control          | \$ | 650.00   |
| 137 | Environmental Express, Inc           | COD Digestions Vials                                | \$ | 716.70   |
| 138 | FL Society of Environmental Analysts | 2012 Membership L. Mount and R. Valentich           | \$ | 100.00   |
| 139 | Luzadder, Inc                        | Service Repair Scum Pump Control Panel              | \$ | 655.00   |
| 140 | MMD Computer Center, Inc             | Wireless Access Point/Setup Laptop Connect,Subscrip | \$ | 347.19   |
| 141 | Odyssey                              | Hypochlorite Solution                               | \$ | 2,167.20 |
| 142 | Office Depot                         | Office Supplies                                     | \$ | 33.12    |
| 143 | PGIT                                 | Workers Comp Insurance                              | \$ | 1,057.69 |
| 144 | Progress Energy                      | Electric Service                                    | \$ | 1,057.90 |
| 145 | Sprint-Nextel                        | Cell Phone Service                                  | \$ | 145.68   |
| 146 | Sumter Electric                      | Electric Service                                    | \$ | 743.67   |
| 147 | Test America                         | Environmental Testing                               | \$ | 84.00    |
| 148 | VWR International                    | Iodine Reagent,Acid Reagent, Bromothymol, Etc       | \$ | 445.89   |

**MISCELLANEOUS EXPENSE**

|     |                          |                                  |    |            |
|-----|--------------------------|----------------------------------|----|------------|
| 149 | SRF Principal & Interest | Debt Service Payment Due Feb. 15 | \$ | 135,031.00 |
|-----|--------------------------|----------------------------------|----|------------|

**GREENWOOD CEMETERY**

|     |                 |                  |    |       |
|-----|-----------------|------------------|----|-------|
| 150 | Progress Energy | Electric Service | \$ | 12.80 |
|-----|-----------------|------------------|----|-------|

**ATTORNEYS/CONSULTANTS/SURVEYORS**

|     |                          |                                                |    |           |
|-----|--------------------------|------------------------------------------------|----|-----------|
| 152 | Carr Riggs & Ingram      | Auditors Professional Svcs Rendered 2011 Audit | \$ | 25,000.00 |
| 153 | Kimley-Horn & Associates | Engineering Support                            | \$ | 4,022.86  |
| 154 | Potter Clement Lowry     | Special Magistrate                             | \$ | 175.00    |

**FUEL INVENTORY**

|     |                               |                   |    |           |
|-----|-------------------------------|-------------------|----|-----------|
| 156 | Stone Petroleum Products, Inc | Unleaded Gasoline | \$ | 11,377.63 |
|-----|-------------------------------|-------------------|----|-----------|

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|              |  |  |  |                      |
|--------------|--|--|--|----------------------|
| <b>TOTAL</b> |  |  |  | <b>\$ 605,602.16</b> |
|--------------|--|--|--|----------------------|

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CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

ATTEST: \_\_\_\_\_  
Joseph Jacobs, City Clerk

\_\_\_\_\_  
Ed Wolf, Mayor

# City of Wildwood, Florida

100 N. Main Street  
Wildwood, Florida 34785

3. NEW BUSINESS - ACTION REQUIRED  
(f) FINANCIAL 2.) Discussion/Approval of Change Order No. 5 requested by Utility Systems Construction for the CDBG for Osceola Drainage Improvements Project in the amount of \$1,011.25

TO: Mayor/Commissioners  
FROM: David Grimm, City Projects Planner/Coordinator  
RE: CDBG Grant Change Orders  
DATE: February 27, 2012

The following is a list of conditions and issues that have been encountered on the 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: Utility Systems Construction + \$1,011.25

1. Furnish, paint and install a gate for the Lift Station.
2. Payment and Performance Bond adjustment due to increase in contract due to change orders.

## CR 232 Resurfacing: C. W. Roberts + \$13,368.60

1. Increase in the project area to include the CR 209 intersection and the approaches from each direction.
2. The existing asphalt was deteriorated more than expected during the milling and additional asphalt was needed to rebuild the pavement.
3. Additional striping and reflective pavement markers were added at the curve on the East end of the project.

Staff recommends approval of the above change orders.

Date of Issuance: 02/21/2012

Effective Date: 02/21/2012

|                                                |                         |                                         |
|------------------------------------------------|-------------------------|-----------------------------------------|
| 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 Order No. 5 to include changes in contract price.

**Attachments (list documents supporting change):**

Change Order details from Contractor for Change Order No. 5

**CHANGE IN CONTRACT PRICE:**

**CHANGE IN CONTRACT TIMES:**

Original Contract Price:

**\$ 147,082.00**

[Increase] [Decrease] from previously approved  
Change Orders No. \_\_\_\_ to No. \_\_\_\_:

**\$ 37,219.10**

Contract Price prior to this Change Order:

**\$ 184,301.10**

(Increase) [Decrease] of this Change Order:

**\$ 1,011.25**

Contract Price incorporating this Change Order:

**\$185,312.35**

Original Contract Times:  Working days  Calendar days

Substantial completion (days or date):

Ready for final payment (days or date):

[Increase] [Decrease] from previously approved Change Orders  
No. \_\_\_\_ to No. \_\_\_\_:

Substantial completion (days): \_\_\_\_\_

Ready for final payment (days): \_\_\_\_\_

Contract Times prior to this Change Order:

Substantial completion (days or date):

Ready for final payment (days or date):

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date):

Ready for final payment (days or date):

Contract Times with all approved Change Orders:

Substantial completion (days or date):

Ready for final payment (days or date):

RECOMMENDED:

By: [Signature]  
Engineer (Authorized Signature)

Date: 2/21/12

ACCEPTED:

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By: [Signature]  
Contractor (Authorized Signature)

Date: 2-22-12

# City of Wildwood, Florida

100 N. Main Street  
Wildwood, Florida 34785

3. NEW BUSINESS - ACTION REQUIRED  
(f) FINANCIAL 3.) Discussion/Approval of  
Change Order No. 1 requested by CW  
Roberts for the CDBG for CR 232 Milling  
& Resurfacing Project in the amount  
of \$13,368.60

TO: Mayor/Commissioners

FROM: David Grimm, City Projects Planner/Coordinator

RE: CDBG Grant Change Orders

DATE: February 27, 2012

The following is a list of conditions and issues that have been encountered on the 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: Utility Systems Construction + \$1,011.25

1. Furnish, paint and install a gate for the Lift Station.
2. Payment and Performance Bond adjustment due to increase in contract due to change orders.

## CR 232 Resurfacing: C. W. Roberts + \$13,368.60

1. Increase in the project area to include the CR 209 intersection and the approaches from each direction.
2. The existing asphalt was deteriorated more than expected during the milling and additional asphalt was needed to rebuild the pavement.
3. Additional striping and reflective pavement markers were added at the curve on the East end of the project.

Staff recommends approval of the above change orders.

3. NEW BUSINESS - ACTION REQUIRED  
 (f) FINANCIAL 3.) Discussion/Approval of  
 Change Order No. 1 requested by CW  
 Roberts for the CDBG for CR 232 Milling  
 & Resurfacing Project in the amount  
 of \$13,368.60

**SECTION 00850 - CONTRACT CHANGE ORDER**

**Change Order No. 1**

Date of Issuance: February 15, 2012 Effective Date: \_\_\_\_\_

|                                            |                                   |                       |
|--------------------------------------------|-----------------------------------|-----------------------|
| Project: CR 232 Resurfacing                | Owner: City of Wildwood, Florida  | Owner's Contract No.: |
| Contract: CR 232 Resurfacing               | Date of Contract: 10/25/2011      |                       |
| Contractor: C.W. Roberts Contracting, Inc. | Engineer's Project No.: 142173047 |                       |

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Attachments (list documents supporting change):

Change Order #1 Breakdown for City of Wildwood CR 232 Resurfacing Project

**CHANGE IN CONTRACT PRICE:**

**CHANGE IN CONTRACT TIMES:**

Original Contract Price:

\$95,946.00

[Increase] [Decrease] from previously approved  
 Change Orders No. \_\_\_\_\_ to No. \_\_\_\_\_:

\$ \_\_\_\_\_

Contract Price prior to this Change Order:

\$95,946.00

(Increase) [Decrease] of this Change Order:

\$13,368.60

Contract Price incorporating this Change Order:

\$109,314.60

Original Contract Times:  Working days  Calendar days

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

[Increase] [Decrease] from previously approved Change Orders  
 No. \_\_\_\_\_ to No. \_\_\_\_\_:

Substantial completion (days): \_\_\_\_\_

Ready for final payment (days): \_\_\_\_\_

Contract Times prior to this Change Order:

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

Contract Times with all approved Change Orders:

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

RECOMMENDED:

By: [Signature]  
 Engineer (Authorized Signature)

Date: 2/16/12

Approved by Funding Agency (if applicable): \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
 Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By: [Signature]  
 Contractor (Authorized)

Date: 2-16-12

Date: \_\_\_\_\_

**END OF SECTION**

| CHANGE ORDER #1 BREAKDOWN  |                                                              |              |            |                             |                 |              |              |                 |            |                            |                           |           |
|----------------------------|--------------------------------------------------------------|--------------|------------|-----------------------------|-----------------|--------------|--------------|-----------------|------------|----------------------------|---------------------------|-----------|
| CITY OF WILDWOOD           |                                                              |              |            |                             |                 |              |              |                 |            |                            |                           |           |
| CR 232 RESURFACING PROJECT |                                                              |              |            |                             |                 |              |              |                 |            |                            |                           |           |
| ITEM                       | DESCRIPTION                                                  | BID QUANTITY | UNIT PRICE | AMOUNT                      | ACTUAL QUANTITY | UNIT PRICE   | AMOUNT       | ACTUAL QUANTITY | UNIT PRICE | AMOUNT                     |                           |           |
| 1                          | Mobilization                                                 | 1            | LS         | 1,500.00 \$                 | 1,500.00 \$     | 1,500.00 \$  | 1,500.00 \$  | 1               | LS         | 1,500.00 \$                |                           |           |
| 2                          | Maintenance of Traffic                                       | 1            | LS         | 2,750.00 \$                 | 2,750.00 \$     | 2,750.00 \$  | 2,750.00 \$  | 1               | LS         | 2,750.00 \$                |                           |           |
| 3                          | Project Identification Sign, Movable (4' x 8')               | 2            | AS         | 1,285.00 \$                 | 2,570.00 \$     | 2,570.00 \$  | 2,570.00 \$  | 0               | AS         | 1,285.00 \$                |                           |           |
| 4                          | Milling Existing Asphalt Pavement, 1" average depth          | 12,710       | SY         | 0.80 \$                     | 10,168.00 \$    | 10,168.00 \$ | 10,168.00 \$ | 13,436          | SY         | 0.80 \$                    |                           |           |
| 5                          | Type S-III Asphaltic Concrete (Traffic B) (1.25" min. depth) | 870          | TN         | 80.00 \$                    | 69,600.00 \$    | 69,600.00 \$ | 69,600.00 \$ | 997             | TN         | 80.00 \$                   |                           |           |
| 6                          | Performance Turf, Sod                                        | 3,080        | SY         | 2.60 \$                     | 8,008.00 \$     | 8,008.00 \$  | 8,008.00 \$  | 1,333           | SY         | 2.60 \$                    |                           |           |
| 7                          | Thermoplastic (STD) (White) (Solid) 24"                      | 50           | LF         | 11.00 \$                    | 550.00 \$       | 550.00 \$    | 550.00 \$    | 50              | LF         | 11.00 \$                   |                           |           |
| 8                          | Thermoplastic (STD) (Yellow) (Solid) 6"                      | 200          | LF         | 4.00 \$                     | 800.00 \$       | 800.00 \$    | 800.00 \$    | 2,560           | LF         | 4.00 \$                    |                           |           |
| 9                          | Retro-Reflective Pavement Marker                             | 0            | EA         | 5.00 \$                     | -               | -            | -            | 60              | EA         | 5.00 \$                    |                           |           |
| 10                         | Additional Pavement Milling at City Option                   | -            | SY         | 0.80 \$                     | -               | -            | -            | -               | SY         | 0.80 \$                    |                           |           |
| 11                         | Additional Type S-III Asphaltic Concrete at City Option      | -            | TN         | 80.00 \$                    | -               | -            | -            | -               | TN         | 80.00 \$                   |                           |           |
|                            |                                                              |              |            | ORIGINAL CONTRACT AMOUNT \$ | 95,946.00       |              |              |                 |            | AMENDED CONTRACT AMOUNT \$ | 109,314.60                |           |
|                            |                                                              |              |            |                             |                 |              |              |                 |            |                            | CHANGE ORDER #1 AMOUNT \$ | 13,368.60 |

3. NEW BUSINESS - ACTION REQUIRED  
 (f) FINANCIAL 3.) Discussion/Approval of  
 Change Order No. 1 requested by CW  
 Roberts for the CDBG for CR 232 Milling  
 & Resurfacing Project in the amount  
 of \$13,368.60

**CITY OF WILDWOOD  
EXECUTIVE SUMMARY**

3. NEW BUSINESS - ACTION REQUIRED  
(f) FINANCIAL 4.) Discussion/Approval for Water Tank Inspections and Pressure Cleaning required by FDEP

**SUBJECT:** Water Tank Inspections and Pressure Cleaning  
**REQUESTED ACTION:** Staff recommends award to Liquid Engineering Corporation

Work Session (Report Only)      **DATE OF MEETING:** Feb. 27, 2012  
 Regular Meeting                                       Special Meeting

**CONTRACT:**     N/A                                      Vendor/Entity: \_\_\_\_\_  
Effective Date: \_\_\_\_\_                                      Termination Date: \_\_\_\_\_  
Managing Division / Dept: \_\_\_\_\_                                      **Utility Department/Water Division**

**BUDGET IMPACT:** \$12,705.00

Annual                                      **FUNDING SOURCE:** Repair and Maintenance  
 Capital                                      **EXPENDITURE ACCOUNT:** 0401-0033-0533-0460  
 N/A

**HISTORY/FACTS/ISSUES:**

Account No. 0401-0033-0533-0460 has an unencumbered balance of \$93,247.04 as of January 31, 2012.

The City has eight (8) different tanks in the potable water system as follows:

- CR 501 Plant – 1,000,000 gallon concrete ground storage tank
- CR 501 Plant – 500,000 gallon concrete ground storage tank
- West Well (CR 231) – 22,000 gallon steel hydro-pneumatic tank
- CR 214 Re-Pump Station – 500,000 concrete ground storage tank
- Fairways Well (CR 125B) – 8,500 gallon steel hydro-pneumatic tank
- Huey Street – 500,000 Elevated Storage Tank
- Okahumpka Service Plaza – 26,500 gallon steel ground storage tank
- Okahumpka Service Plaza – 5,000 gallon steel hydro-pneumatic tank

All of the tanks with the exception of the elevated tank at Huey Street were inspected in 2007. The recent sanitary survey, performed by FDEP, made note of the fact the elevated tank was not inspected in 2007 and requires inspection during this calendar year. FDEP rules also require tanks inspections every 5 years.

The City has received four quotations for the inspection and pressure cleaning of the tanks:

|                                              |             |
|----------------------------------------------|-------------|
| Liquid Engineering Corporation               | \$12,705.00 |
| Pittsburg Tank & Tower Maintenance Co., Inc. | \$14,850.00 |
| Utility Services Co., Inc.                   | \$18,400.00 |
| Kimley-Horn and Associates, Inc.             | \$26,500.00 |

Liquid Engineering Corporation will inspect and clean the tanks through underwater operations, thus not requiring the emptying of the tanks and refilling afterwards. All of the others require the tanks to be emptied, thus wasting 2,526,500 gallons of water. Both Liquid Engineering and Pittsburg Tank & Tower Maintenance Co., Inc. will remove a maximum of 3" of settlement for the price quoted. Additional settlement removal will be at a per cubic yard price.

Bruce H. Phillips, PE, PLS Utility Director



Fax - (406) 651-0120

Proposal Number

42651

Please reference the Proposal  
Number above on all Purchase  
Orders issued.

### Scope of Work - In-Service Clean & Inspect

This Potable Water System Proposal is made this date, by and between **City of Wildwood** of the state of Florida, (hereinafter "Client") and **Liquid Engineering Corporation, of Billings, MT**, (hereinafter "LEC"). LEC will provide all labor, specialty equipment and insurance to professionally evaluate your facilities.

#### In-Service Inspection

Interior and exterior inspections will review structural, sanitary, safety, security and any installed coating conditions. Reporting will be provided based on water tank inspection criteria, referencing applicable OSHA, EPA, AWWA, TCEQ and NFPA requirements. Minimum items examined will include ladders, shell, roof, vent, manways, welds, seams, foundation, anchors, safety systems, hatches, external overflow and plumbing.

Underwater interior video documentation will be completed with real-time closed circuit high-resolution color underwater video equipment. All pertinent findings will be recorded on DVD format (including dive maintenance technician's findings and narrative summary).

Services will include detailed interior video documentation of the potable water tank(s) / clearwell(s) as described on page two (2).

**Underwater Operations** - All Dive Maintenance Technicians and associated in-tank equipment are fully disinfected in accordance with AWWA Standard C652-02. All system entries will be conducted in accordance with applicable OSHA regulations pertaining to Diving and Confined Space; including 1910.401 thru 1910.441. Specialty equipment may include but is not limited to; appropriate OSHA climbing and personal fall protection, AWWA and ADC approved commercial diving equipment dedicated to in-service potable water operations.

#### In-Service Cleaning

**NOTE:** For proper documentation of the interior floor, LEC recommends removal of sediment prior to inspection.

In-service removal of accumulated bottom sediment is accomplished using LEC's proprietary HydroDyne™ cleaning equipment. Normal cleaning prices provided include removal of sediment accumulations up to the first three inches (3") in depth or cubic yards given on reservoir information breakout.<sup>1</sup> Material that cannot be vacuumed with LEC's HydroDyne™ (e.g., concrete, gravel, misc. materials or compact sediment requiring the use of a hand nozzle), is considered debris. Cleaning includes up to one hour of debris removal per tank at no additional charge.<sup>2</sup>

For normal cleaning operations client shall make available an approved discharge location (sewer, cofferdam, etc.) within 300' of the reservoir access hatch. (Site-specific discharge recommendations can be provided by LEC upon request).

#### Deliverable - Prioritization Schedule

The deliverable provided on site will consist of LEC's checklists, summary recommendations and Immediate Needs Assessment™, which documents discrepancies that require urgent action, and is supplemented by the interior DVD documentation.

Within approximately 45 days of completion of the on site work, LEC's bound report will be delivered. This additional documentation will include a comprehensive listing of all discrepancies found, with corresponding photos and recommendations provided by LEC's specialists. Any cost estimates provided are estimated based on services provided by LEC and its specialists. Reports will be signed and stamped by a licensed professional engineer.



**Proposal Number**  
**42651**

Please reference the Proposal  
 Number above on all Purchase  
 Orders issued.

**Assumptions** - Based upon information obtained via the systems interview conducted for your facility, the following assumptions were made. Should conditions vary from those stated, additional charges could apply.

- Prior to arrival, and during underwater operations, water level in tanks/clearwells to remain full.<sup>3</sup>
- Client's Point-of-Contact will be available for access, as well as authorization of any additional requested work.
- Facilities are accessible with LEC's standard truck/trailer combo (overall length – Crew Cab = 23' / Trailer = 22').<sup>4</sup>
- Access into tanks/clearwells are sufficient for man entry (i.e. 24" dia), with no obstructions in the hatchway.
- Exterior inspections will be performed from the ground, installed ladders, and exterior roof while utilizing installed ANSI & OSHA-certified personal fall protection equipment, without additional scaffolding or rigging.
- There are no special discharge requirements (i.e. long distances / permits).
- For inspections Only – to avoid additional setup, any requested cleaning will be authorized prior to diver entry.

**Miscellaneous**

All services provided by LEC will be completed in a professional workmanlike manner according to the Terms and Conditions of this Proposal. Any alteration or deviation from the Terms and Conditions of this Proposal, or additional services, involving additional costs, will be completed only upon written authorization by Client or Client's Authorized Representative.

This Proposal is contingent upon weather, delays or other matters beyond LEC's control. Client will carry fire, tornado, and other necessary insurance. LEC will provide all other required insurance coverage, including, but not limited to, General Liability, Employer Liability and Workmen's Compensation Insurance during all operations (certificate of insurance available upon request).

**Reservoir Information**

| Tank                    | Capacity  | Dimensions                | Type                    | Cubic Yards Included |
|-------------------------|-----------|---------------------------|-------------------------|----------------------|
| County Road 214         | 500,000   | 24' high x 60' dia        | Concrete – o/g          | 25.5<br>(3 inches)   |
| Huey Street             | 500,000   | 147' to the top           | Steel welded - elevated | 33<br>(3 inches)     |
| Prison Plant #2         | 500,000   | 24' high x 60' dia        | Concrete – o/g          | 25.5<br>(3 inches)   |
| Prison Plant CR 501     | 1,000,000 | 24' high x 85' dia        | Concrete – o/g          | 51<br>(3 Inches)     |
| Turpike Exit 299 GST    | 26,500    | 12' high x 20' dia        | Steel welded – o/g      | 3<br>(3 inches)      |
| Turnpike Exit 299 Hydro | 5,000     | 22' L x 20' dia           | Steel welded – o/g      | N/A                  |
| West Well Hydro         | 22,000    | 28' L x 38' circumference | Steel welded – o/g      | N/A                  |
| Fairways Plant Hydro    | 8,500     | 22' L x 25' dia           | Steel welded – o/g      | N/A                  |

The pricing below does not include sediment removal from any Hydro pneumatic tanks. Internal assessments on any hydro pneumatic tanks will be conducted from the access hatch. The client will be responsible to drain each hydro pneumatic tank prior to LEC's arrival at that location. It is recommended that the utility have a spare hatch gasket on site.



**Proposal Number**  
**42651**  
Please reference the Proposal  
Number above on all Purchase  
Orders issued.

|                                                                                             |                     |
|---------------------------------------------------------------------------------------------|---------------------|
| <b>- Costing -</b>                                                                          |                     |
| Cleaning / Inspection & On-Site Reporting Sub-Total                                         | \$ 14,980.00        |
| Scheduling Discount (If completed during the 2011 / 2012 winter season)                     | -\$ 2,275.00        |
| <b>Total Price for Cleaning / Inspection &amp; On-Site Reporting (after discount)</b>       | <b>\$ 12,705.00</b> |
| Pricing includes bound written reports stamped by a Florida licensed professional engineer. |                     |
| Pricing above does not include Local, State or Franchise Taxes - if any.                    |                     |

(Prior written approval will be obtained from Client's Authorized Representative for any additional charges outside the Scope described herein).

- Bottom sediment in excess of three inches or cubic yards stated above will be removed at \$42.00 per cubic yard.
- Debris removal in excess of one hour per tank will be charged at a rate of \$425.00 per hour
- Unscheduled delays, which are a direct result of the utility's obligations (i.e. access and water level), may incur standby charges.
- Access requiring portable set-up (i.e. truck only), will incur an additional setup/tear-down charge.

This Proposal, when executed by both parties, shall constitute a binding agreement between the parties. The persons signing on behalf of Client and LEC hereby represent and certify that they are fully empowered to bind the respective parties to this Contract. Client acknowledges that payment is due and payable **Net 30 upon completion of on site work**. Progress billing will be applied on any contract whose duration is longer than ten (10) days. A finance charge on past-due accounts is computed at a periodic rate of 1.5% per month, which is an annual percentage rate of 18%.

In the event Liquid Engineering Corporation is required to bring suit to enforce its rights under this Agreement, to collect any and all payments due and owing under this Agreement, or to otherwise determine, protect or enforce its rights and remedies under the Agreement or at law or equity, Liquid Engineering Corporation will be entitled to recover from the client its reasonable attorney's fees, expert fees, costs and expenses incurred in connection therewith.

**City of Wildwood**  
100 North Main  
Wildwood, FL 34785

**LIQUID ENGINEERING CORPORATION**  
P.O. Box 80230  
Billings, MT 59108  
(800) 438-2187 Voice / (406) 651-0120 Fax

Accepted & Agreed per Costing Breakdown -  
Attached hereto and by Reference Included herein

By: \_\_\_\_\_

By:  - Fred Muller

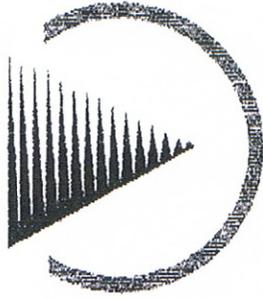
Title: \_\_\_\_\_

Title: **Vice President - Operations**

Date: \_\_\_\_\_

Date: **January 4, 2012**

Note: This proposal may be withdrawn if not accepted within 90 days from the above LEC signature date.



# LIQUID

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## ENGINEERING

C O R P O R A T I O N

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### F A C S I M I L E   T R A N S M I T T A L   S H E E T

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|                  |                                     |
|------------------|-------------------------------------|
| TO:              | FROM:                               |
| Shelley Martin   | Misti Stewart                       |
| COMPANY:         | DATE:                               |
| City of Wildwood | 1-10-12                             |
| FAX NUMBER:      | TOTAL NO. OF PAGES INCLUDING COVER: |
| 352-330-1347.    | 4                                   |
| RE:              |                                     |
| Proposal         |                                     |

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URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYCLE

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Hi Shelley-

Hope this works better than our emails! I will be out for the remainder of the day, but I will be back in the office tomorrow. Give me a call with any questions, or I will follow up toward the end of the week

Thanks,

**Misti L. Stewart**  
**Operations Analyst**  
**Liquid Engineering Corporation**  
**Tel. 800.438.2187 Fax 717-262-4002**  
**[mmoody@liquidengineering.com](mailto:mmoody@liquidengineering.com)**

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7 EAST AIRPORT ROAD, BILLINGS, MT 59102

# Pittsburg Tank & Tower Maintenance Co., Inc.

PAINT•REPAIR•DISMANTLE•INSPECT

TANKS RAISED, LOWERED AND MOVED•NEW AND PREOWNED TANKS

P.O. Box 1849 • Henderson, KY 42419-1849 • TEL. (270) 869-9400 • FAX (270) 827-4417

<http://www.watertank.com>

Email: [sales@watertank.com](mailto:sales@watertank.com)

3. NEW BUSINESS - ACTION REQUIRED  
(f) FINANCIAL 4.) Discussion/Approval for Water Tank  
Inspections and Pressure Cleaning required by FDEP

SINCE 1919

February 2, 2012

Mr. Bruce H. Phillips, PE, PLS  
Utility Director  
City of Wildwood  
100 N Main Street  
Wildwood, FL 34785  
352-330-1346  
352-330-1347 Fax  
[bphillips@wildwood-fl.gov](mailto:bphillips@wildwood-fl.gov)

Bruce,

We are pleased to provide you with a quotation to inspect six (6) storage tanks in accordance with FL DEP.

Pittsburg has been serving the nation's tank needs for more than eighty years and our fully equipped and experienced crews specialize in all the services listed above in our letterhead. **We are a veteran owned company.**

We will furnish ten million dollars (\$10,000,000) worth of insurance for our mutual protection.

To accept our proposal, just sign and return one (1) copy to our Henderson, Kentucky office.

Respectfully,  
**Pittsburg Tank & Tower Maintenance Co., Inc.**

Hugh McGee  
Municipal Sales  
270-869-9400 Ext. 330  
270-823-3222 Cell  
270-631-0515 Fax  
[hmcgee@pttmco.com](mailto:hmcgee@pttmco.com)

Please visit our web site at [www.watertank.com](http://www.watertank.com)

# Pittsburg Tank & Tower Maintenance Co., Inc.

PAINT•REPAIR•DISMANTLE•INSPECT

SINCE 1919

TANKS RAISED, LOWERED AND MOVED•NEW AND PREOWNED TANKS

P.O. Box 1849 • Henderson, KY 42419-1849 • TEL. (270) 869-9400 • FAX (270) 827-4417

<http://www.watertank.com>

Email: [sales@watertank.com](mailto:sales@watertank.com)

3. NEW BUSINESS - ACTION REQUIRED  
(f) FINANCIAL 4.) Discussion/Approval for Water Tank  
Inspections and Pressure Cleaning required by FDEP

DATE: February 2, 2012

TO: City of Wildwood  
100 N Main Street  
Wildwood, FL 34785  
EMAIL: [bphillips@wildwood-fl.gov](mailto:bphillips@wildwood-fl.gov)

ATTN: Mr. Bruce H. Phillips, PE, PLS  
Utility Director  
PHONE: 352-330-1346  
FAX: 352-330-1347

In accordance with the price, terms and conditions listed herein, we propose to furnish the labor, material, equipment and insurance necessary to perform a visual inspection, clean out and disinfection of the below listed storage tanks and provide you with color photographs, recommendations, and cost estimates.

- This inspection will check for deficiencies.
- Items inspected will include (but not be restricted to) ladders, shell, roof, vent, roof manway, welds, weld seams, shell course, foundation, interior heater pipe and all possible sources of contamination including vent screening and overflow pipe. The tank will be inspected to ensure compliance with all current OSHA, EPA, AWWA, and FL DEP requirements.
- Clean out/remove of all sediment and debris not to exceed three (3) inches. Debris may be placed in containers furnished by Owner for disposal by others, or scattered around the site. Owner to furnish water for clean out and at base of tank pressure to be sufficient for use.
- Disinfection as per AWWA Method 3. Owner to provide chlorine and perform bacteriological testing and return tank to service.
- Report will be stamped by a registered FL Professional Engineer
- Contractor License #P18642.
- Our personnel implement a confined entry program procedure in strict conformance with 29 CFR 1910.146 OSHA, which became effective April 14, 1993.
- Not included in this proposal are the handling, removal, and/or disposal of hazardous materials (asbestos, lead, chemicals, fiberglass or any like substance that must be taken to a specific dump/disposal site.
- The below stated price(s) are based on open shop non-prevailing wage rates and also do not include bid or performance bonds.

|                                                    |                     |
|----------------------------------------------------|---------------------|
| Two (2) 500,000 gallon ground storage tank.....    | \$2,850.00 per tank |
| One (1) 1,000,000 gallon ground storage tank ..... | \$3,950.00          |
| One (1) 17,000 gallon ground storage tank .....    | \$1,700.00          |
| One (1) 8,500 gallon pressure tank.....            | \$1,500.00          |
| One (1) 5,000 gallon pressure tank.....            | \$1,500.00          |

**If all six (6) tanks are inspected on the same trip we will complete for the lump sum of \$14,850.00**

**TERMS:** 50% with order and Balance Upon Completion

**\*MasterCard, Visa and American Express are accepted\***

The parties approving this contract certify that they are fully authorized to do so, and that all legal requirements have been complied with. You are hereby authorized to furnish all labor, material, equipment and insurance required to complete the work mentioned in the above proposal, for which the undersigned agrees to pay the amount mentioned in said proposal and according to the terms thereof. In the event purchaser fails to abide by the terms and conditions of the contract requiring Pittsburg Tank & Tower Maintenance Co, Inc to collect on amounts due and owing, purchaser agrees to pay all attorney fees and all costs incurred by Pittsburg Tank & Tower Maintenance Co, Inc to secure said payments from purchaser.

**ALL QUOTATIONS SUBJECT TO ACCEPTANCE WITHIN 60 DAYS**

Accepted: \_\_\_\_\_, 20\_\_\_\_

Respectfully Submitted by:

\_\_\_\_\_  
City of Wildwood, FL

PITTSBURG TANK & TOWER MAINTENANCE CO INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Don Johnston, President

Please visit our web site at [www.watertank.com](http://www.watertank.com)



# Proposal From:

# Utility Service Co.

I N C O R P O R A T E D

3. NEW BUSINESS - ACTION REQUIRED  
 (f) FINANCIAL 4.) Discussion/Approval for Water Tank  
 Inspections and Pressure Cleaning required by FDEP



[www.utilityservice.com](http://www.utilityservice.com)

535 Courtney Hodges Blvd.  
 P.O. Box 1350, Perry, Georgia 31069  
 Phone: 800-223-3695

FAX SIGNED COPY TO:  
 478-987-2991

|                                                  |                     |                                       |                                                                  |                                   |                                  |
|--------------------------------------------------|---------------------|---------------------------------------|------------------------------------------------------------------|-----------------------------------|----------------------------------|
| Date <b>October 24, 2011</b>                     |                     | SFID:                                 | CN:                                                              | SO:                               | Page No. <u>1</u> of <u>1</u>    |
| Proposal Submitted to<br><b>City of Wildwood</b> |                     |                                       | Attn<br><b>Bruce Phillips</b>                                    |                                   | Phone <b>352-330-1346</b>        |
| Address<br><b>100 North Main Street</b>          |                     |                                       | Job Name<br><b>Washout / Condition Assessment / Disinfection</b> |                                   |                                  |
| City<br><b>Wildwood</b>                          | State<br><b>FL.</b> | Zip Code<br><b>34785</b>              | Job Location<br><b>Williamsburg Lane</b>                         |                                   | County / Parish<br><b>Sumter</b> |
| Tank Name<br><b>CR 214 GST</b>                   |                     | Tank Size & Style<br><b>500kg GST</b> | Est. Start Date<br><b>Upon Approval</b>                          | Submitted by<br><b>T McDaniel</b> |                                  |

Utility Service Co., Inc. agrees to provide all labor, equipment, and materials needed to complete the following:

1. A date shall be coordinated by both parties for the Owner to drain the tank.
2. The interior floor and lower walls of the tank will be cleaned using a pressure washer to remove all mud, silt, and foreign sediment. The tank is not to be rigged to pressure wash the upper walls, and roof unless specified by this agreement. This cleaning will not completely remove all staining or any Bio-film that may be present.
3. The tank will be inspected to assess the **sanitary, safety, structural, security and coatings conditions**.
4. Exterior and interior paint samples will be taken and the samples will be analyzed at a certified laboratory to determine the total lead and chromium content of the existing coatings. The laboratory test results will be included in the inspection report.
5. After all inspection work is completed, the tank will be disinfected in accordance with AWWA C652.
6. The tank will be sealed and made ready for service.
7. A comprehensive written report with color digital photographs will be submitted detailing the condition of the tank. The report will be signed and sealed by Our Certified Florida P.E.
8. This price does not include containment, testing, or off site disposal of sediment or debris from the tank.
9. The above pricing is contingent on accessibility of the site and the ability of USCI to perform tasks required unobstructed, and to complete the task in one full work day. (\$1500.00 for each additional day)

**Please sign and date this proposal and return one copy to our office.**  
**PRICE IS CONTIGENT ON TWO TANK ON SAME DAY, OTHERWISE COST IS \$2,400.00**

**TWO THOUSAND, FOUR HUNDRED and 00/100 -----** dollars ( **\$ 2,400.00** ).

Payment to be made as follows: **Payment in Full Upon Completion of Work – plus all applicable taxes**

**Remittance Address: Utility Service Company, Inc., P. O. Box 116554, Atlanta, GA 30368-6554**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.</p> | <p>Authorized USCI Signature </p> <p>Note: This proposal may be withdrawn by us if not accepted within <u>        Sixty (60)        </u> days</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

Printed Name

Date of Acceptance





# Proposal From:

# Utility Service Co.

I N C O R P O R A T E D

3. NEW BUSINESS - ACTION REQUIRED  
 (f) FINANCIAL 4.) Discussion/Approval for Water Tank  
 Inspections and Pressure Cleaning required by FDEP



[www.utilityservice.com](http://www.utilityservice.com)

535 Courtney Hodges Blvd.  
 P.O. Box 1350, Perry, Georgia 31069  
 Phone: 800-223-3695

**FAX SIGNED COPY TO:**  
 478-987-2991

|                                                  |                     |                                              |                                                                  |                                         |                                   |
|--------------------------------------------------|---------------------|----------------------------------------------|------------------------------------------------------------------|-----------------------------------------|-----------------------------------|
| Date <b>October 24, 2011</b>                     |                     | SFID:                                        | CN:                                                              | SO:                                     | Page No. <u>1</u> of <u>1</u>     |
| Proposal Submitted to<br><b>City of Wildwood</b> |                     |                                              | Attn<br><b>Bruce Phillips</b>                                    |                                         | Phone <b>352-330-1346</b>         |
| Address<br><b>100 North Main Street</b>          |                     |                                              | Job Name<br><b>Washout / Condition Assessment / Disinfection</b> |                                         |                                   |
| City<br><b>Wildwood</b>                          | State<br><b>FL.</b> | Zip Code<br><b>34785</b>                     | Job Location<br><b>801 Huey Street</b>                           |                                         | County / Parish<br><b>Sumter</b>  |
| Tank Name<br><b>Huey Street Elevated</b>         |                     | Tank Size & Style<br><b>500kg Pedisphere</b> |                                                                  | Est. Start Date<br><b>Upon Approval</b> | Submitted by<br><b>T McDaniel</b> |

Utility Service Co., Inc. agrees to provide all labor, equipment, and materials needed to complete the following:

1. A date shall be coordinated by both parties for the Owner to drain the tank.
2. The interior floor and lower walls of the tank will be cleaned using a pressure washer to remove all mud, silt, and foreign sediment. The tank is not to be rigged to pressure wash the upper walls, and roof unless specified by this agreement. This cleaning will not completely remove all staining or any Bio-film that may be present.
3. The tank will be inspected to assess the **sanitary, safety, structural, security and coatings conditions.**
4. Exterior and interior paint samples will be taken and the samples will be analyzed at a certified laboratory to determine the total lead and chromium content of the existing coatings. The laboratory test results will be included in the inspection report.
5. After all inspection work is completed, the tank will be disinfected in accordance with AWWA C652.
6. The tank will be sealed and made ready for service.
7. A comprehensive written report with color digital photographs will be submitted detailing the condition of the tank. The report will be signed and sealed by Our Certified Florida P.E.
8. This price does not include containment, testing, or off site disposal of sediment or debris from the tank.
9. The above pricing is contingent on accessibility of the site and the ability of USCI to perform tasks required unobstructed, and to complete the task in one full work day. (\$1500.00 for each additional day)

**Please sign and date this proposal and return one copy to our office.**

**TWO THOUSAND, FIVE HUNDRED and 00/100 -----** dollars ( **\$ 2,500.00** ).

Payment to be made as follows: **Payment in Full Upon Completion of Work – plus all applicable taxes**

**Remittance Address: Utility Service Company, Inc., P. O. Box 116554, Atlanta, GA 30368-6554**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.</p> | <p>Authorized USCI Signature </p> <p>Note: This proposal may be withdrawn by us if not accepted within <u>        Sixty (60)        </u> days</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|

**Acceptance of Proposal** – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

Date of Acceptance  Printed Name



Proposal From:

**Utility Service Co.**  
I N C O R P O R A T E D

3. NEW BUSINESS - ACTION REQUIRED  
(f) FINANCIAL 4.) Discussion/Approval for Water Tank  
Inspections and Pressure Cleaning required by FDEP



www.utilityservice.com

535 Courtney Hodges Blvd.  
P.O. Box 1350, Perry, Georgia 31069  
Phone: 800-223-3695

FAX SIGNED COPY TO:  
478-987-2991

|                                                  |                     |                                       |                                                                  |     |                                   |
|--------------------------------------------------|---------------------|---------------------------------------|------------------------------------------------------------------|-----|-----------------------------------|
| Date <b>October 24, 2011</b>                     |                     | SFID:                                 | CN:                                                              | SO: | Page No. <u>1</u> of <u>1</u>     |
| Proposal Submitted to<br><b>City of Wildwood</b> |                     |                                       | Attn<br><b>Bruce Phillips</b>                                    |     | Phone <b>352-330-1346</b>         |
| Address<br><b>100 North Main Street</b>          |                     |                                       | Job Name<br><b>Washout / Condition Assessment / Disinfection</b> |     |                                   |
| City<br><b>Wildwood</b>                          | State<br><b>FL.</b> | Zip Code<br><b>34785</b>              | Job Location<br><b>Williamsburg Lane</b>                         |     | County / Parish<br><b>Sumter</b>  |
| Tank Name<br><b>MP 299 TURNPIKE PV</b>           |                     | Tank Size & Style<br><b>5kg Hydro</b> | Est. Start Date<br><b>Upon Approval</b>                          |     | Submitted by<br><b>T McDaniel</b> |

Utility Service Co., Inc. agrees to provide all labor, equipment, and materials needed to complete the following:

1. A date shall be coordinated by both parties for the Owner to drain the tank.
2. The interior floor and lower walls of the tank will be cleaned using a pressure washer to remove all mud, silt, and foreign sediment. The tank is not to be rigged to pressure wash the upper walls, and roof unless specified by this agreement. This cleaning will not completely remove all staining or any Bio-film that may be present.
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5. After all inspection work is completed, the tank will be disinfected in accordance with AWWA C652.
6. The tank will be sealed and made ready for service.
7. A comprehensive written report with color digital photographs will be submitted detailing the condition of the tank. The report will be signed and sealed by Our Certified Florida P.E.
8. This price does not include containment, testing, or off site disposal of sediment or debris from the tank.
9. The above pricing is contingent on accessibility of the site and the ability of USCI to perform tasks required unobstructed, and to complete the task in one full work day. (\$1500.00 for each additional day)

**Please sign and date this proposal and return one copy to our office.**

**PRICE IS CONTIGENT ON TWO TANK ON SAME DAY, OTHERWISE COST IS \$2,400.00**

**ONE THOUSAND, NINE HUNDRED and 00/100 -----** dollars ( **\$ 1,900.00** ).

Payment to be made as follows: **Payment in Full Upon Completion of Work – plus all applicable taxes**

**Remittance Address: Utility Service Company, Inc., P. O. Box 116554, Atlanta, GA 30368-6554**

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

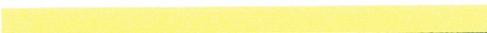
Authorized  
USCI  
Signature 

Note: This proposal may be  
withdrawn by us if not accepted within Sixty (60) days

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature 

Date of Acceptance 

Printed Name 



Proposal From:

# Utility Service Co.

I N C O R P O R A T E D

3. NEW BUSINESS - ACTION REQUIRED  
 (f) FINANCIAL 4.) Discussion/Approval for Water Tank  
 Inspections and Pressure Cleaning required by FDEP



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| Proposal Submitted to<br><b>City of Wildwood</b> |                    |                                      | Attn<br><b>Bruce Phillips</b>                                    |     | Phone <b>352-330-1346</b><br>Fax <b>352- 330-1347</b> |
| Address<br><b>100 North Main Street</b>          |                    |                                      | Job Name<br><b>Washout / Condition Assessment / Disinfection</b> |     |                                                       |
| City<br><b>Wildwood</b>                          | State<br><b>FL</b> | Zip Code<br><b>34785</b>             | Job Location<br><b>Williamsburg Lane</b>                         |     | County / Parish<br><b>Sumter</b>                      |
| Tank Name<br><b>MP 299 TURNPIKE GST</b>          |                    | Tank Size & Style<br><b>17kg GST</b> | Est. Start Date<br><b>Upon Approval</b>                          |     | Submitted by<br><b>T McDaniel</b>                     |

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**TWO THOUSAND, FOUR HUNDRED and 00/100 -----** dollars ( **\$ 2,400.00** ).

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**Remittance Address: Utility Service Company, Inc., P. O. Box 116554, Atlanta, GA 30368-6554**

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Authorized  
USCI  
Signature

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Signature

Date of Acceptance

Printed Name



# Proposal From:

# Utility Service Co.

I N C O R P O R A T E D

3. NEW BUSINESS - ACTION REQUIRED  
 (f) FINANCIAL 4.) Discussion/Approval for Water Tank  
 Inspections and Pressure Cleaning required by FDEP



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| Proposal Submitted to<br><b>City of Wildwood</b> |                     |                                              | Attn<br><b>Bruce Phillips</b>                                    |                                         | Phone <b>352-330-1346</b>         |
| Address<br><b>100 North Main Street</b>          |                     |                                              | Job Name<br><b>Washout / Condition Assessment / Disinfection</b> |                                         |                                   |
| City<br><b>Wildwood</b>                          | State<br><b>FL.</b> | Zip Code<br><b>34785</b>                     | Job Location<br><b>469 CR 501</b>                                |                                         | County / Parish<br><b>Sumter</b>  |
| Tank Name<br><b>Prison Plant GST</b>             |                     | Tank Size & Style<br><b>1mg Concrete GST</b> |                                                                  | Est. Start Date<br><b>Upon Approval</b> | Submitted by<br><b>T McDaniel</b> |

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**TWO THOUSAND, FIVE HUNDRED and 00/100 -----** dollars ( **\$ 2,500.00** ).

Payment to be made as follows: **Payment in Full Upon Completion of Work – plus all applicable taxes**

**Remittance Address: Utility Service Company, Inc., P. O. Box 116554, Atlanta, GA 30368-6554**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                   |
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# Proposal From:

# Utility Service Co.

I N C O R P O R A T E D

3. NEW BUSINESS - ACTION REQUIRED  
 (f) FINANCIAL 4.) Discussion/Approval for Water Tank  
 Inspections and Pressure Cleaning required by FDEP



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| Proposal Submitted to<br><b>City of Wildwood</b> |                     |                                                | Attn<br><b>Bruce Phillips</b>                                    |                                         | Phone <b>352-330-1346</b>         |
| Address<br><b>100 North Main Street</b>          |                     |                                                | Job Name<br><b>Washout / Condition Assessment / Disinfection</b> |                                         |                                   |
| City<br><b>Wildwood</b>                          | State<br><b>Fl.</b> | Zip Code<br><b>34785</b>                       | Job Location<br><b>469 CR 501</b>                                |                                         | County / Parish<br><b>Sumter</b>  |
| Tank Name<br><b>Prison Plant 500kg GST</b>       |                     | Tank Size & Style<br><b>500kg Concrete GST</b> |                                                                  | Est. Start Date<br><b>Upon Approval</b> | Submitted by<br><b>T McDaniel</b> |

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Signature

Date of Acceptance  Printed Name



Proposal From:

# Utility Service Co.

I N C O R P O R A T E D

3. NEW BUSINESS - ACTION REQUIRED  
 (f) FINANCIAL 4.) Discussion/Approval for Water Tank Inspections and Pressure Cleaning required by FDEP



www.utilityservice.com

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| Date <b>October 24, 2011</b>                     |                     | SFID:                               | CN:                                                              | SO:                               | Page No. <u>1</u> of <u>1</u>    |
| Proposal Submitted to<br><b>City of Wildwood</b> |                     |                                     | Attn<br><b>Bruce Phillips</b>                                    |                                   | Phone <b>352-330-1346</b>        |
| Address<br><b>100 North Main Street</b>          |                     |                                     | Job Name<br><b>Washout / Condition Assessment / Disinfection</b> |                                   |                                  |
| City<br><b>Wildwood</b>                          | State<br><b>FL.</b> | Zip Code<br><b>34785</b>            | Job Location<br><b>CR 231</b>                                    |                                   | County / Parish<br><b>Sumter</b> |
| Tank Name<br><b>West Well Hydro</b>              |                     | Tank Size & Style<br><b>22kg PV</b> | Est. Start Date<br><b>Upon Approval</b>                          | Submitted by<br><b>T McDaniel</b> |                                  |

Utility Service Co., Inc. agrees to provide all labor, equipment, and materials needed to complete the following:

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**Please sign and date this proposal and return one copy to our office.**  
**PRICE VALID IF DONE WITH ANOTHER TANK SAME DAY OTHERWISE COST \$2,500.00**

**TWO THOUSAND, ONE HUNDRED and 00/100 -----** dollars ( **\$ 2,100.00** ).

Payment to be made as follows: **Payment in Full Upon Completion of Work – plus all applicable taxes**

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Authorized  
 USCI  
 Signature 

Note: This proposal may be withdrawn by us if not accepted within Sixty (60) days

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Signature 

Date of Acceptance 

Printed Name 

INDIVIDUAL PROJECT ORDER NUMBER 13  
November 30, 2011

Describing a specific agreement between Kimley-Horn and Associates, Inc. (the Consultant or KHA), and The City of Wildwood (the Client or the City) in accordance with the terms of the Master Agreement for Continuing Professional Services dated January 7, 2009, which is incorporated herein by reference.

*Identification of Project:*

Project: Water Tank Inspections

Client: City of Wildwood

*General Category of Services:*

This IPO is for the evaluation of eight tanks listed below ("Tank"). This evaluation is to determine the tank's current condition in accordance with AWWA Manual M42 App. "C" and Florida DEP Rule 62-555. The field inspection will serve as the basis for a detailed engineering analysis and report.

- ◆ CR 231: (12' x 26') Steel Hydropneumatic Tank
- ◆ CR 214: (24' x 60') Concrete Ground Storage Tank 0.5MG
- ◆ CR 125-B-1 (22' x 8') Steel Hydropneumatic Tank
- ◆ Huey Street Water Treatment Plant: Elevated Spherical Tank 0.5MG
- ◆ Okahumpka Water Treatment Plant:
  - (12' x 20') Steel Ground Storage Tank
  - (18' x 7') Steel Hydropneumatic Tank
- ◆ CR 501 Water Treatment Plant:
  - (24' x 85') Concrete Ground Storage Tank 1.0MG
  - (24' x 60') Concrete Ground Storage Tank 0.5MG

*Specific Scope of Basic Services:*

Task 1 – Tank Assessment

The purpose of the TCA is to observe and report, to the extent feasible that Tank hatches are closed, screens are in place, assess the tank's structural and coating integrity. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation based on Consultant's exercise of professional judgment. The Tank evaluation will consist of:

- A. Perform a complete visual evaluation of the site and foundations.
- B. Evaluate the tank supports and support areas of tank.
- C. Evaluate the exterior from the Tanks existing ladders and platforms.
- D. High pressure wash of the tank interior walls and bottom in order to facilitate a thorough inspection and assure accuracy in the observations. This will remove slime, loose rust, silt and other loose impurities that may impede proper inspection. The Client is to provide a water spigot with minimum 30 psi, within 75 feet of the tank.
- E. Evaluation of the tank coatings, both interior and exterior, including dry film thickness measurements.
- F. Visual evaluation of the interior and exterior of the tank plates.
- G. Take detailed non-destructive ultrasonic measurements (UTM's) of the shell plate to determine remaining wall thickness.



- H. Evaluation of metal for isolated or general deterioration, including structural damage due to metal loss. The average pitted and depth of pits will be determined and recorded.
- I. Evaluation of accessories such as; piping, nozzles, manholes, vents, etc.
- J. Evaluation of sanitary conditions of the tank interior.
- K. Evaluation of OSHA-related accessories such as vents, manholes and access ladders.

All work will be performed by a Registered Professional Engineer.

Following the inspection and analysis of the Tank, a certified engineering report will be prepared which will contain the following detailed information:

- ◆ A discussion of the condition of the structure, coating, accessories, and appurtenances.
- ◆ Recommendations concerning any repairs, repainting, replacements, etc., both required and recommended.
- ◆ Color photographs to illustrate the findings.

The Engineer will provide two (2) copies of a report, signed and sealed, to the Client. The Client will submit the report to the DEP. Any response to DEP comments will be conducted on an hourly base using the current rate schedule.

*Schedule:*

KHA will provide services as expeditiously as practicable to meet a mutually agreed upon schedule.

*Method of compensation:*

The Consultant will perform the services described the Scope of Services for the lump sum fee of \$26,500 inclusive of expenses. All permitting, application, and similar project fees will be paid directly by the Client.

Fees will be invoiced monthly based upon the percentage of services performed as of the invoice date. Payment will be due within 25 days of your receipt of the invoice.

ACCEPTED:

THE CITY OF WILDWOOD, FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: \_\_\_\_\_

BY:  \_\_\_\_\_  
Richard V. Busche, PE

TITLE: \_\_\_\_\_

TITLE: Vice President

DATE: \_\_\_\_\_

DATE: November 30, 2011

**CITY OF WILDWOOD  
EXECUTIVE SUMMARY**

3. g. GENERAL ITEMS FOR CONSIDERATION  
1. INFORMATION ONLY AT THIS TIME - Wastewater  
System Planning – Kimley-Horn Evaluation of Lift  
Stations #2, #14 & #27 on SR 44 from CR 219 to I-75 for  
future repair & refurbishment

**SUBJECT: Waste Water System Planning (LS #2, #14 & #27) ( SR 44 from CR 219 to I-75)**

**REQUESTED ACTION:** \_\_\_\_\_

Work Session (Report Only)  
 Regular Meeting

**DATE OF MEETING:** Feb 27, 2012  
 Special Meeting

**CONTRACT:** x N/A  
Effective Date: \_\_\_\_\_  
Managing Division / Dept: \_\_\_\_\_

Vendor/Entity: \_\_\_\_\_  
Termination Date: \_\_\_\_\_  
**Utility Department/Wastewater Division**

**BUDGET IMPACT:** \$48,000 (estimated Construction Cost)

x Annual  
 Capital  
 N/A

**FUNDING SOURCE:**  
**EXPENDITURE ACCOUNT:**

Repair and Maintenance  
401-0035-0535.0460

**HISTORY/FACTS/ISSUES:**

During the summer of 2011 Lift Station No. 2 (SR 44 across from the 3-Flags RV Resort) received a lightning strike rendering the station inoperable. The force main system was so designed that LS #2 could be taken off line, this resulted in LS#14 (SR 44 & CR 229) and the private lift station in 3-Flags RV Resort pumping directly to LS #27 (SR 44 & CR 219). LS #27 then pumps directly to the Wastewater Treatment Plant (WWTP).

LS # 27 had been operating for an extended period of time with only one pump (manufactured by ABS), which was installed when the station was built (1992), and now has approximately 29,800 hours of run time. At the regular Commission meeting on October 24, 2011 the Commission authorized the purchase and installation of a new second pump to bring the station into permit compliance with dual pumps.

Due to the structural deteriorations of LS #2's wet well and components, staff, at the regular City Commission meeting on November 14, 2011, recommended and the City Commission approved authorizing Kimley-Horn and Associates (KHA) to perform an evaluation of LS #2 and LS #27 and perform a system analysis on lift stations #2, #14, and #27 along with the private lift station at 3-Flags and the corresponding force main.

A copy of a portion of the report on the system analysis is attached (the actual data entries and computer simulations are not included).

Five different simulations were run only three of which are feasible.

- Alternate no. 1 – In this alternative, LS #2 and LS #27 would be rehabilitated. LS #2 would be lined and all lift station components would be replaced. LS #27's ABS pump would be replaced. Both lift stations would be restored to an operable condition and both would be available for use as a re-pump station. The Opinion of Probable cost is approximately \$167,000. If LS #2's structural condition is beyond repair and total replacement is required, the Opinion of Probable Cost is approximately \$247,000.

**CITY OF WILDWOOD  
EXECUTIVE SUMMARY**

3. g. GENERAL ITEMS FOR CONSIDERATION  
1. INFORMATION ONLY AT THIS TIME - Wastewater  
System Planning – Kimley-Horn Evaluation of Lift  
Stations #2, #14 & #27 on SR 44 from CR 219 to I-75 for  
future repair & refurbishment

- Alternate no. 2 – In this alternative, LS #27 would be rehabilitated and LS #2 would be left off-line. LS #27's ABS pump would be replaced. LS #27 would be restored to an operable condition, (lined to prevent structural deterioration, construction of a drop pipe and replacement of deteriorated valves). The Opinion of Probable Cost is approximately \$48,000.
- Alternate no. 3 – In this alternative, LS #2 would be rehabilitated and LS # 27 would be left off line and used only in emergencies. LS # 2 would be lined and all LS components would be replaced. The Opinion of Probable Cost is approximately \$119,000. If LS #2's structural condition is beyond repair and total replacement is required, the Opinion of Probable Cost is approximately \$199,000.
- Alternate 4 is not feasible due to the inability of the private lift station in the 3-Flags RV Resort to pump directly to the City's WWTP while LS #14 is pumping.
- Alternate 5 considered the pumping ability of the private lift station only, did not consider LS #2, #14 & #27 as being operational and therefore is not feasible

As the report states, neither staff nor KHA recommend the abandonment of LS #2. The station is strategically located for future development along the SR 44 corridor. Staff's recommendation is to move forward with Alternate #2 at an estimated cost of \$48,000. Alternate #2 (LS#27 rehabilitation) provides for the replacement of the ABS pump, the installation of a protective liner in the structure, construction of a drop pipe and valve rehabilitation. The installation of the protective liner is to prevent the deterioration of the structure as is seen in LS #2.

Staff's recommendation is to leave LS #2 structure intact and at some point in the future, when warranted by growth, replace the pump structure, the valve box and all of the stations internal components.

Account no. 401-0035-0535.0460 has an unencumbered balance of \$77,141.77 as of January 31, 2012.

Bruce H. Phillips, PE, PLS, Utility Director



C:\Users\bphillips\Documents\Agenda Items\3-Flags System Analysis 2-14-12.doc



## *SYSTEM EVALUATION REPORT*

# 3 Flags Sewer System Sewer System Planning

City of Wildwood, Florida

*Prepared for:*

City of Wildwood

*Prepared by:*

Kimley-Horn and Associates, Inc.

142173070  
January 2012  
© Kimley-Horn and Associates, Inc.  
Suite 200  
1823 SE Fort King Street  
Ocala, Florida 34471  
352/438-3000 TEL



Kimley-Horn  
and Associates, Inc.

## *SYSTEM EVALUATION REPORT*

# 3 Flags Sewer System Sewer System Planning

City of Wildwood, Florida

*Prepared for:*

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Ocala, Florida 34471  
352/438-3000 TEL

THIS IS TO CERTIFY THAT THE ENCLOSED  
ENGINEERING CALCULATIONS WERE  
PERFORMED BY ME OR UNDER MY DIRECT  
SUPERVISION.

---

Malcolm L. Bryant, PE  
Florida Registration Number 65582  
CA 00000696

Date: \_\_\_\_\_



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## Appendices

### EXHIBITS

Exhibit 1 – Wastewater Utilities Map

Exhibit 2 – Future Land Use Map

### WATERCAD ANALYSIS

Pump Definitions

Scenario 1 - All Stations On-line

Scenario 2 - CR 219 Lift Station By-passed

Scenario 3 - 3 Flags Lift Station By-passed

Scenario 4 - CR 219 and 3 Flags Lift Station By-passed

Scenario 5 - Private Lift Station Only

### ENGINEER’S OPINION OF PROBABLE COST

3 FLAGS LIFT STATION REHABILITATION

3 FLAGS LIFT STATION REPLACEMENT

CR 219 LIFT STATION REHABILITATION

## BACKGROUND

In November 2011, the City of Wildwood (City) requested Kimley-Horn and Associates, Inc. (KHA) to conduct an alternatives analysis for the potential replacement of the 3 Flags lift station and prepare an opinion of probable cost for each alternative. Prior to this request, the 3-Flags station was hit by a lightning strike which caused the City's staff to remove it from service and bypass the station. Flows from the Shoney's lift station were rerouted to the 219 lift station for repumping into the wastewater treatment facility (WWTF).

## SYSTEM EVALUATION

### SYSTEM DESCRIPTION

The portion of the system that was evaluated was limited to the Shoney's (CR 229) lift station, the 3-Flags lift station, the 3-Flags RV Park private lift station, and the CR 219 lift station (see Exhibit 1 in the Appendices). For this portion of the system, a 10" forcemain transmits raw sewage from the Shoney's (CR 229) lift station and discharges into the 3-Flags lift station. The 3 Flags station will then pump to CR 219 lift station or directly to the WWTF if the CR 219 lift station is bypassed. Additionally, the Shoney's lift station can pump directly to the CR 219 lift station if the 3 Flags station is bypassed or directly to the WWTF if both the 3 Flags and CR 219 lift stations are bypassed. The 3-Flags RV Park private lift station (located on the south side of SR 44) can pump directly into the 3-Flags station or directly into the 10" forcemain by selecting the appropriate valve alignment. Placement of the 3 Flags and CR 219 lift stations are strategically located to serve future growth along SR 44 (see Exhibit 2 in the Appendices).

Under the previous operating condition, the CR 229 lift station and 3 Flags private lift stations pumped to the 3 Flags lift station for repumping directly into the WWTF (bypassing the CR 219 lift station). However, under the current operating condition, the 3 Flags lift station is bypassed. The CR 229 lift station and the private lift station are pumping directly to the CR 219 lift station for repumping into the WWTF.

### DATA GATHERING

KHA created a schematic map of the existing wastewater utilities in the project area and met with the City on Friday, December 2, 2011 to verify the existing utilities (refer to the attached Exhibit 1). The City also provided KHA lift station information including pump makes, models, horsepower, impellers, design curves and pumping data for the system.

### FIELD OBSERVATIONS

KHA conducted site visits on December 2 and December 14, 2011 to observe the conditions of the CR 229 lift station, the private lift station, the 3 Flags lift station, and the CR 219 lift station. Below are pictures from our visit.

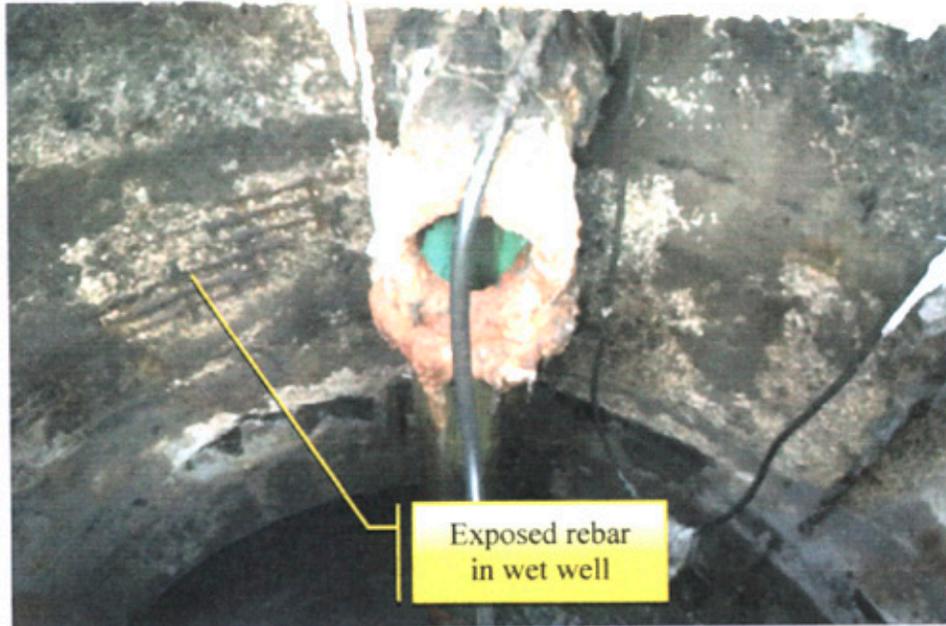


Figure 1 - Hydrogen Sulfide Attack in Wet Well of 3 Flags Lift Station

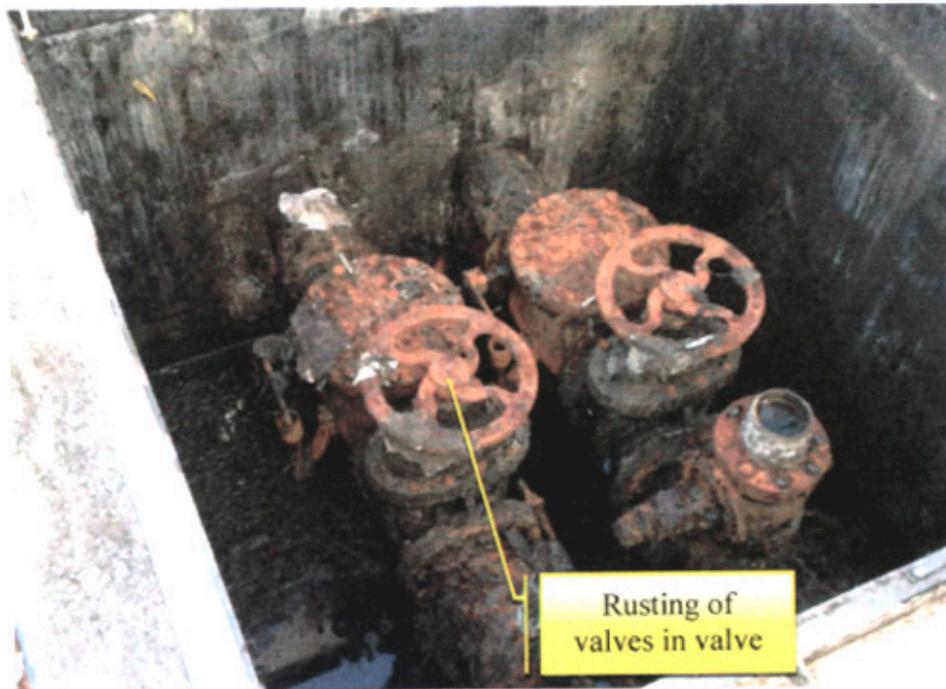


Figure 2 – Rusting of Valves in Valve Vault of 3 Flags Lift Station



Figure 3 – CR 219 Lift Station Wet Well

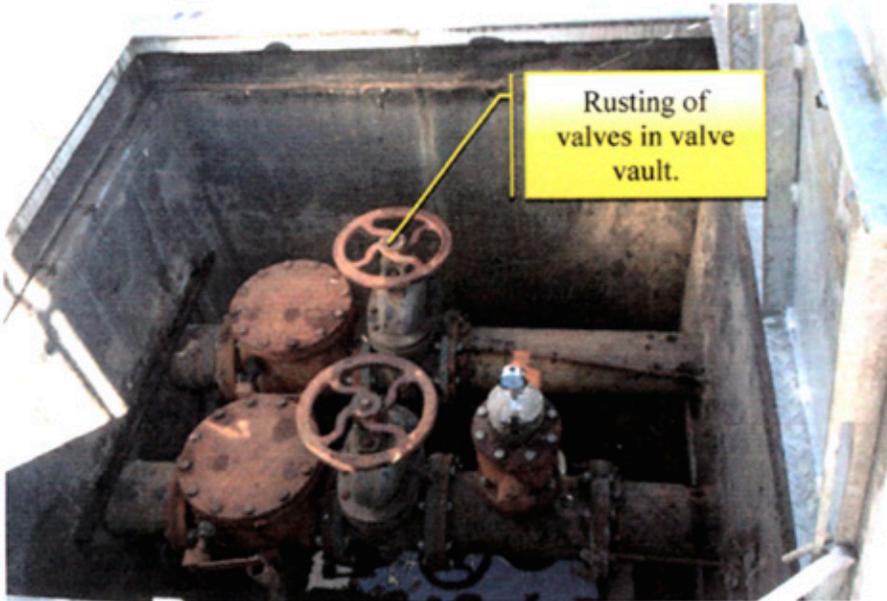


Figure 4 – CR 219 Lift Station Valve Vault



As seen in Figures 1 and 2, the 3 Flags lift station has experienced significant hydrogen sulfide attack in the wet well and valve vault. The drop pipe is also severely corroded and in need of replacement. While the control panel and SCADA system appeared to be in working order with no visible evidence of lightning strike.

However, internal damage may have occurred. According to discussions with system operators, one of the pumps was replaced but the other pump is old and in need of replacement. Additionally, the existing base elbows require an adaptor flange to accept the Flygt pumps. These should be replaced with new base elbows that accept Flygt pumps without an adaptor.

The CR 219 lift station wet well is in good shape but does not have a drop pipe or protective lining. Additionally, this lift station has an old ABS pump (approximately 20 years old) that should be replaced with a new Flygt pump. Based on our observations, the 3 Flags lift station and the CR 219 lift station are in need for rehabilitation and/or replacement.

### ANALYSIS

KHA utilized Bentley WaterCAD to model the wastewater system. Five different scenarios were set up to analyze different pumping and re-pumping conditions (*Refer to the WaterCAD Analysis in the Appendix*):

#### Scenario 1 (All Stations On-line)

In this scenario, the CR 229 lift station and the private lift station pump to the 3 Flags lift station. The 3 Flags lift station re-pumps to the CR 219 lift station, and the CR 219 lift station re-pumps directly to the WWTF. In this scenario, all operating lift stations pump near their design points. Table 1 below is a summary of the flow rates from each lift station during this scenario.

*Table 1 – Scenario 1 Lift Station Flow Summary*

| Lift Station | Flow Rate (gpm) |
|--------------|-----------------|
| CR 229       | 581             |
| Private      | 100             |
| 3 Flags      | 680             |
| CR 219       | 830             |

#### Scenario 2 (CR 219 Lift Station By-passed)

In this scenario, the CR 229 lift station and the private lift station pump to the 3 Flags lift station. The 3 Flags lift station bypasses the CR 219 lift station and re-pumps directly to the WWTF. In this scenario, all operating lift stations pump near their design points. Table 2 below is a summary of the flow rates from each lift station during this scenario.



**Table 2 – Scenario 2 Lift Station Flow Summary**

| Lift Station | Flow Rate (gpm) |
|--------------|-----------------|
| CR 229       | 581             |
| Private      | 100             |
| 3 Flags      | 476             |
| CR 219       | N/A             |

The 476 gpm pumping rate at 3 Flags is less than the potential inflow rate of 681 gpm (581 gpm from CR 229 plus 100 gpm from Private). However, at the current average run time of the CR 229 LS (2.5 minutes), it does not overwhelm the 3 Flags station. This is because the 3 Flags station has an operating depth of 10 feet and can pump at 695 gpm with both pumps operating (if necessary). Under normal conditions, the 3 Flags station will just operate with longer average run times than the CR 229 LS.

**Scenario 3 (3 Flags Lift Station By-passed)**

In this scenario, the CR 229 lift station and the private lift station bypass the 3 Flags lift station and pump to the CR 219 lift station. The CR 219 lift station re-pumps directly to the WWTF. In this scenario, all operating lift stations pump near their design points. Table 3 below is a summary of the flow rates from each lift station during this scenario.

**Table 3 – Scenario 3 Lift Station Flow Summary**

| Lift Station | Flow Rate (gpm) |
|--------------|-----------------|
| CR 229       | 470             |
| Private      | 73              |
| 3 Flags      | N/A             |
| CR 219       | 830             |

According to the runtime logs, the approximate average daily flow from the CR 229 LS is 122,000 gpd. Assuming a peak hour factor (PHF) of “4”, the design pumping rate should be about 340 gpm. At 470 gpm, the theoretical capacity of the CR 229 LS is about 160,000 gpd (average day). Also, the potential 3 Flags RV Park average daily flow is 26,800 gpd (assuming all 268 lots are occupied and 100 gpd per lot). Assuming a PHF of “4”, the design pumping rate should be about 75 gpm. This is close enough to the 73 gpm predicted by the model.

**Scenario 4 (CR 219 and 3 Flags Lift Station By-passed)**

In this scenario, the CR 229 lift station and the private lift station bypass the 3 Flags lift station and the CR 219 lift station and pump directly to the WWTF. In this scenario, the CR 229 lift station has the capacity to pump to the WWTF and the private lift station does not. The CR 229 lift station pumps significantly below its design point of 585 gpm. Based on current pump run times provided by the City, the CR 229 lift station can



keep up with the average daily flow and a peak hourly flow using a peaking factor of 3.0. However, at 262 gpm the forcemain velocity is only 1.2 ft/s which is less than the recommend cleansing velocity of 2.0 ft/s. Table 4 below is a summary of the flow rates from each lift station during this scenario.

*Table 4 – Scenario 3 Lift Station Flow Summary*

| Lift Station | Flow Rate (gpm) |
|--------------|-----------------|
| CR 229       | 262             |
| Private      | 0 (Dead Head)   |
| 3 Flags      | N/A             |
| CR 219       | N/A             |

*Scenario 5 (Private Lift Station Only)*

In this scenario, the private lift station bypasses the 3 Flags lift station and the CR 219 lift station and pumps directly to the WWTF. In this scenario, the private lift station is able to pump to the WWTF, but it is operating significantly below its design point. Table 5 below is a summary of the flow rates from each lift station during this scenario.

*Table 5 – Scenario 4 Lift Station Flow Summary*

| Lift Station | Flow Rate (gpm) |
|--------------|-----------------|
| CR 229       | N/A             |
| Private      | 23              |
| 3 Flags      | N/A             |
| CR 219       | N/A             |

**DISCUSSION**

Based on our field observations and the results of the analysis, the City has a few alternatives to make improvements to the system.

*Alternative 1 (Rehabilitate the 3 Flags Lift Station and the CR 219 Lift Station)*

In this alternative, the 3 Flags and the CR 219 lift station will be rehabilitated. The 3 Flags station will be lined and all lift station components will be replaced. The CR 219 station’s ABS pump will be replaced. Both lift stations will be restored to an operable condition and would both be available for use as a re-pump station. Our Opinion of Probable Cost for Alternative 1 is approximately \$167,000. If it is decided to replace the 3 Flags lift station wet well and valve box instead of re-coating each, the cost is approximately \$247,000. (Refer to the Opinions of Probable Cost in the Appendices for a detailed scope of work).

*Alternative 2 (Rehabilitate the CR 219 Lift Station and leave 3 Flags offline)*

In this alternative, the CR 219 lift station will be rehabilitated and the 3 Flags lift station will be left offline. The CR 219 station’s ABS pump will be replaced. Only the CR 219 lift station will be restored to an operable



condition. Our Opinion of Probable Cost for Alternative 2 is approximately \$48,000. (Refer to the Opinions of Probable Cost in the Appendices for a detailed scope of work).

### Alternative 3 (Rehabilitate the 3 Flags Lift Station and leave CR 219 Offline)

In this alternative, the 3 Flags lift station will be rehabilitated and the CR 219 lift station will be left offline. The 3 Flags station will be lined and all lift station components will be replaced. The lift station will be restored to an operable condition and the CR 219 lift station will be left as is and used only in emergency scenarios. Our Opinion of Probable Cost for Alternative 3 is approximately \$119,000. If it is decided to replace the 3 Flags lift station wet well and valve box instead of re-coating each, it would cost approximately \$199,000. (Refer to the Opinions of Probable Cost in the Appendices for a detailed scope of work).

## **CONCLUSION**

The 3 Flags lift station is in disrepair and in need of replacement or rehabilitation. Corrosion in the station is apparent from concrete spalling and exposed rebar. It can be assumed that the corrosion is also occurring under the surface of the wet well walls and all the way around the walls. This station can be rehabilitated for approximately \$119,000 or replaced for approximately \$199,000. While the rehabilitation will cost less money, there is no guarantee that the coating will hold up overtime. Therefore, replacement may be the preferred alternative.

The CR 219 station is in relatively good shape. However, we recommend that the ABS pump be replaced, an internal drop be installed, and the wet well coated to minimize hydrogen sulfide attack. The station can then be used as the primary repump station or used as a backup station.

The option of eliminating either the 3 Flags lift station or the CR 219 lift station is not recommended. These stations are strategically located along the commercial and industrial corridor and as businesses move in, the stations will be required. Since the system analysis shows that using the 3 Flags station as a primary repump station (with CR 219 bypassed) results in a pumping capacity less than the influent rate (see Table 2), it is recommended that the CR 219 station act as the primary repump station. The 3 Flags station can serve as a backup station until increased development warrants the use of both station. By having the 3 Flags and CR 219 stations available, the utility staff will also have the flexibility to take one station offline for repairs and maintenance without interrupting service to its customers. However, from our review it appears that the original intent was to pump from 3 Flags into CR 219 and then into the WWTF. Because the current average daily flows are low enough, the City has more flexibility now than it will as the demands increase. At some point, the City will need to either install higher capacity pumps at 3 Flags or use CR 219 as a repump station (apparent original design intent).

## 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:** 2/27/12  
 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:

This item was tabled at the Commission meeting of February 13, 2012 so that it could be brought back before the full Commission.

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.

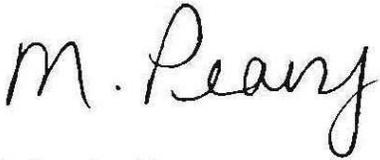
Mr. Powell submitted a copy of an appraisal dated June 22, 2011 for the adjacent property he already owns, which yields a cost of \$6 per sq. ft. (\$470,000 / 78,304 sq. ft.) with a proposed commercial zoning.

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.

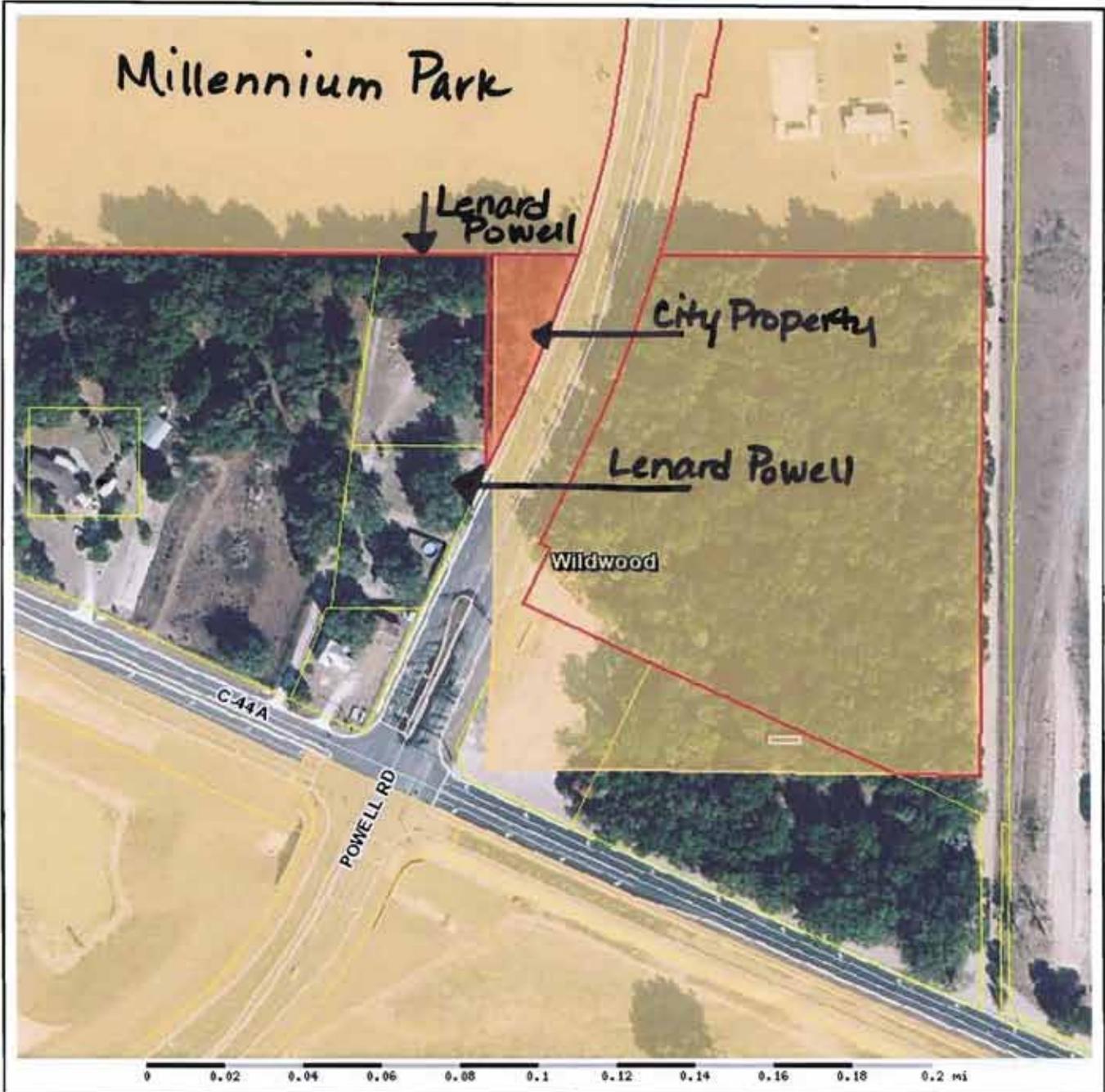
Staff is requesting direction from the Commission to set a price for and authorize the sale of the property; to decline the sale; or to obtain a professional appraisal of the property that more accurately reflects current market conditions prior to sale.

A handwritten signature in black ink that reads "M. Peavy". The signature is written in a cursive, flowing style.

Melanie Peavy  
Development Services Director

---

3. New Business - Action Required g. General Items for Discussion/Approval  
 2.) Update on Lenard Powell/City property information



**Sumter County BOCC - GIS**  
 BOCC - Bushnell, FL 33513 | 352-793-0200

Parcel ID **G08=018**  
**CITY: CITY OF WILDWOOD**  
 100 N MAIN ST WILDWOOD, FL 34785  
 Street: 6451 POWELL RD  
 S/T/R: 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

| Sales    |          |        |              |
|----------|----------|--------|--------------|
| 6/1/2009 | 2088/193 | Vacant | \$0.00       |
| 3/1/2001 | 866/556  | Vacant | \$341,800.00 |

NOTES:



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 at our office.

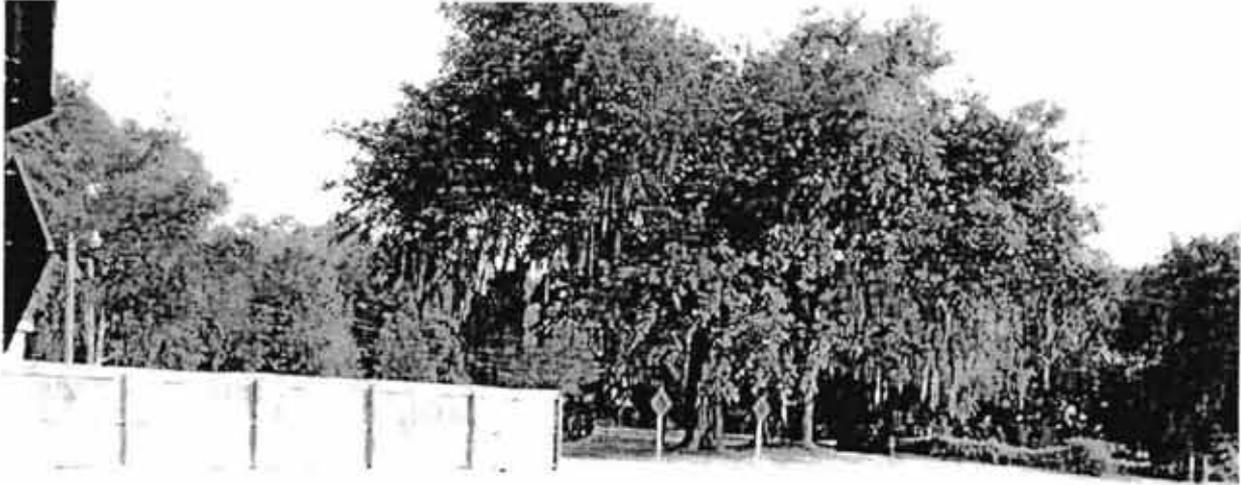
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**Sumter CR 139/462 Project( Phase I)**  
**Parcels, Owners and Appraised Values**

3. New Business - Action Required g. General Items for Discussion/Approval  
 2.) Update on Lenard Powell/City property information

| 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<br>Mary Lou Watson, Trustee                                              | 6.768ac            | 0.481ac        | \$87,150                 | \$4.00/SF     |
| 109/109A   | Timothy M. Watson, Trustee<br>Mary Lou Watson, Trustee                                              | 4.159ac<br>3.896ac | 0.648<br>0.124 | \$149,650                | \$3.75/SF     |
| 110        | Jesse H. Ward<br>Joan Ward                                                                          | 0.760ac            | 0.212          | \$53,800                 | \$3.75/SF     |
| 112        | Gynelle Rast<br>Ellen Kay Wilson<br>James David Rast                                                | 4.450ac            | 0.329          | \$58,950                 | \$4.00/SF     |
| 113        | Patsy M. Kirkman<br>Timothy D. Kirkman                                                              | 0.771ac            | 0.224ac        | \$41,500                 | \$4.25/SF     |
| 114        | Geneva M. Hampton, Life Estate<br>Florence Green, Life Estate<br>Donnie L. Ford<br>Doris Marie Ford | 3.702ac            | 0.255ac        | \$41,700                 | \$3.75/SF     |
| 120        | Seadalia Weaver<br>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<br>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<br>Alice Marie Vick                                                               | 1.939ac            | 0.055ac        | \$11,150                 | \$3.75/SF     |
| 127        | Patricia A. Paxton<br>Richard T. Austin<br>Michael J. Barry                                         | 0.936ac            | 0.145ac        | \$41,050                 | \$4.25/SF     |
| 128        | Benjamin T. Mills, Jr.<br>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<br>Maryon N. Hammons                                                                 | 1.643ac            | 0.059ac        | \$24,150                 | \$8.50/SF     |
| 133        | Raymond Penrose Beaumont, Trustee<br>June B. Beaumont, Trustee                                      | 153.827ac          | 0.005ac        | \$2,100                  | \$7.50/SF     |

# 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



1611 Banning Beach Road, Tavares, Florida 32778  
Phone 352.343.1818 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

## 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 destinations 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 date 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.

## 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, family 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 adapted 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

## 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

## **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.

## **DEFINITION 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.

## 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 120296 0075D, dated 03/16/1982 the subject property is located in Zone "X". This is an area of minimal flooding.

**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.

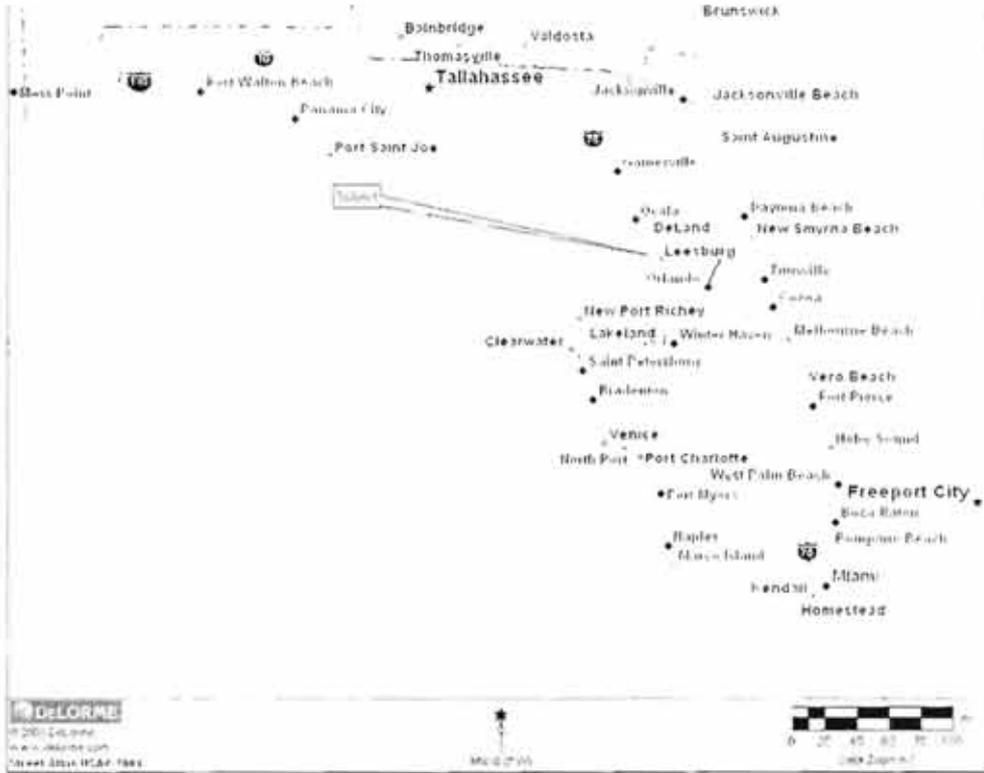
**COUNTY AND NEIGHBORHOOD ANALYSIS**

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.

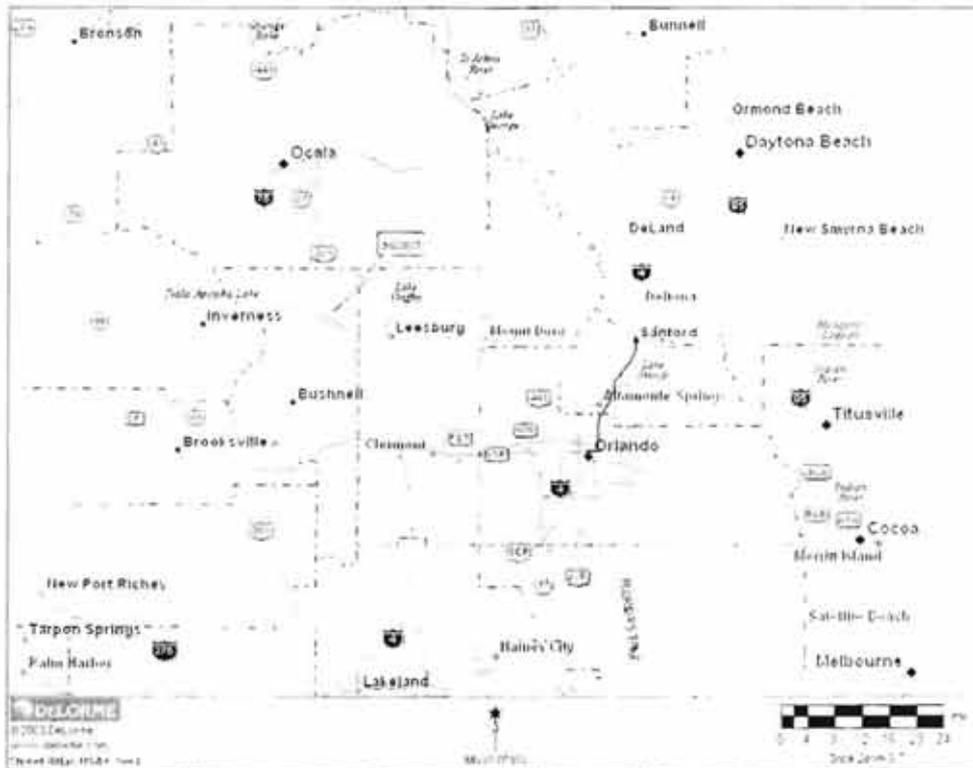
The subject property is located just north at the northwest corner of CR 139 and CR 44A in unincorporated Sumter County. The subject neighborhood, east of Wildwood, south of CR 466A, West of the Lake County Line and north of SR 44 is mostly residential single-family housing and rural in nature. The homes 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.

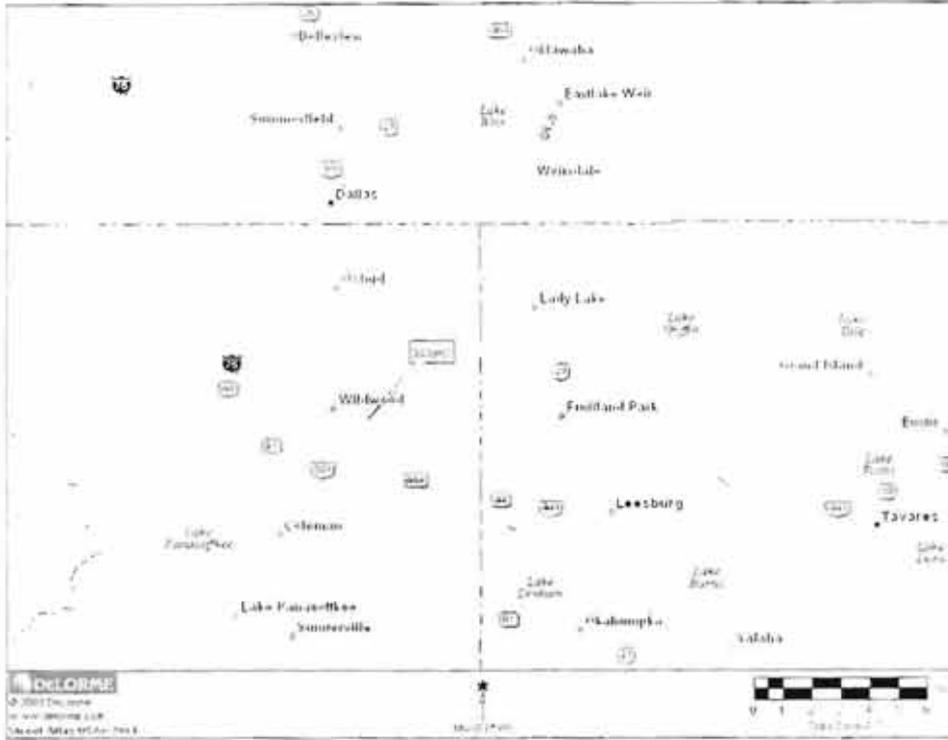
### STATE MAP



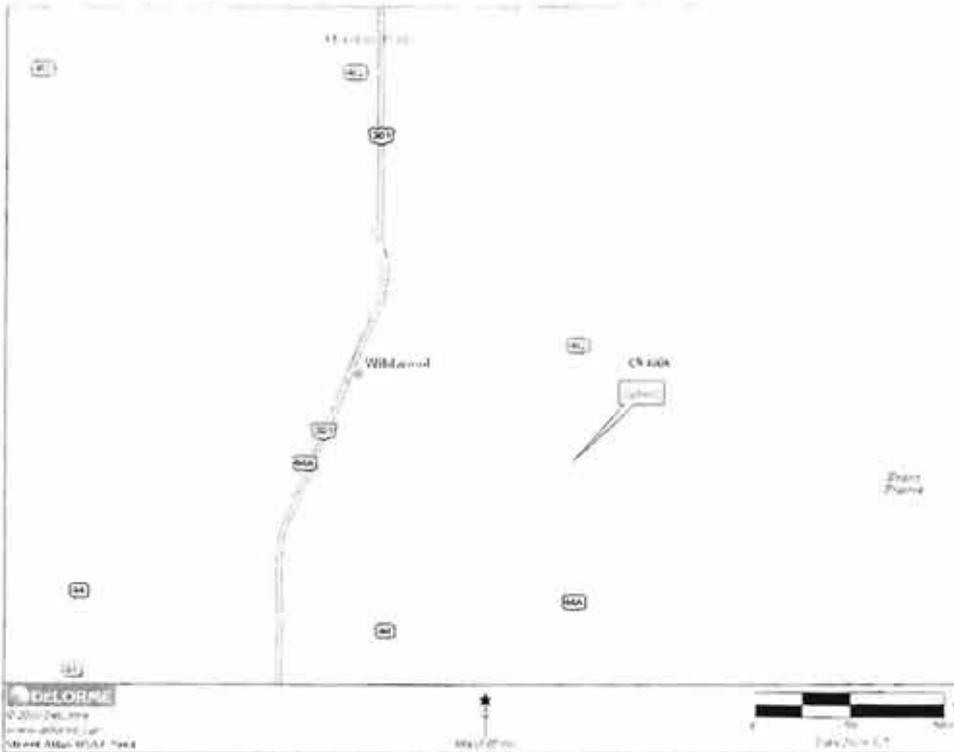
### REGIONAL MAP



### AREA MAP



### LOCAL MAP



## 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



**SUBJECT SITE PHOTOGRAPHS**

*Front of Subject*



*Back of Property (facing south)*



**SUBJECT PHOTOGRAPHS**

*Street Scene (facing south)*



*Street Scene (facing north)*



**SUBJECT PHOTOGRAPHS**

3. New Business - Action Required g. General Items for Discussion/Approval  
2.) Update on Lenard Powell/City property information

*Interior Scene (facing north)*



*Interior Scene (facing south)*



## **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 an 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.

## 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.

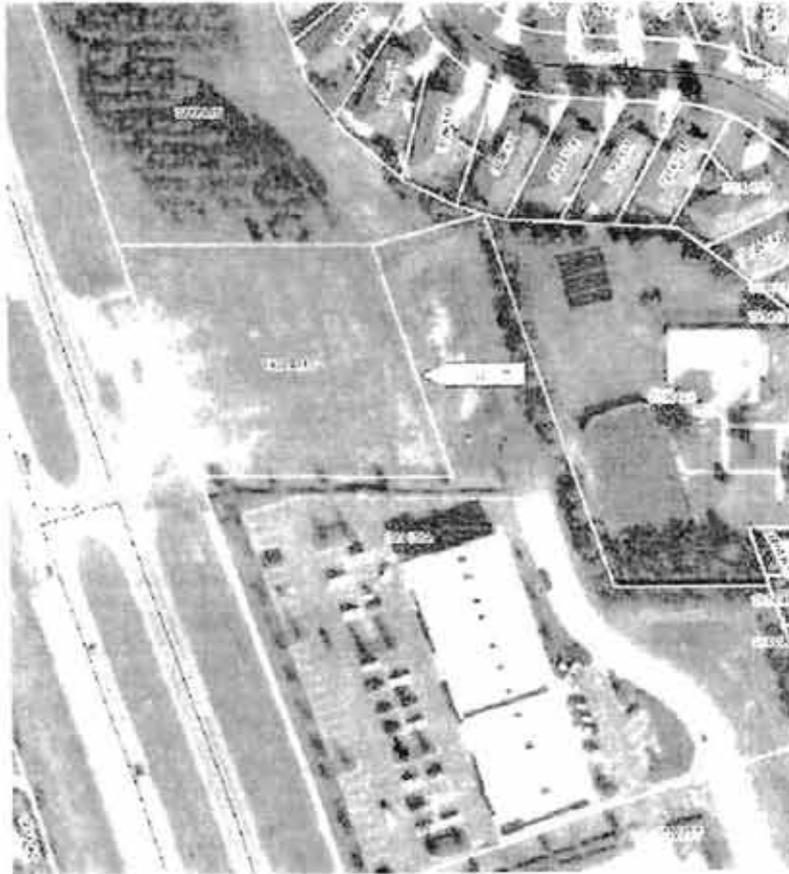


## COMPARABLE SALES

### **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.





## COMPARABLE SALES

3. New Business - Action Required g. General Items for Discussion/Approval  
2.) Update on Lenard Powell/City property information

### **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

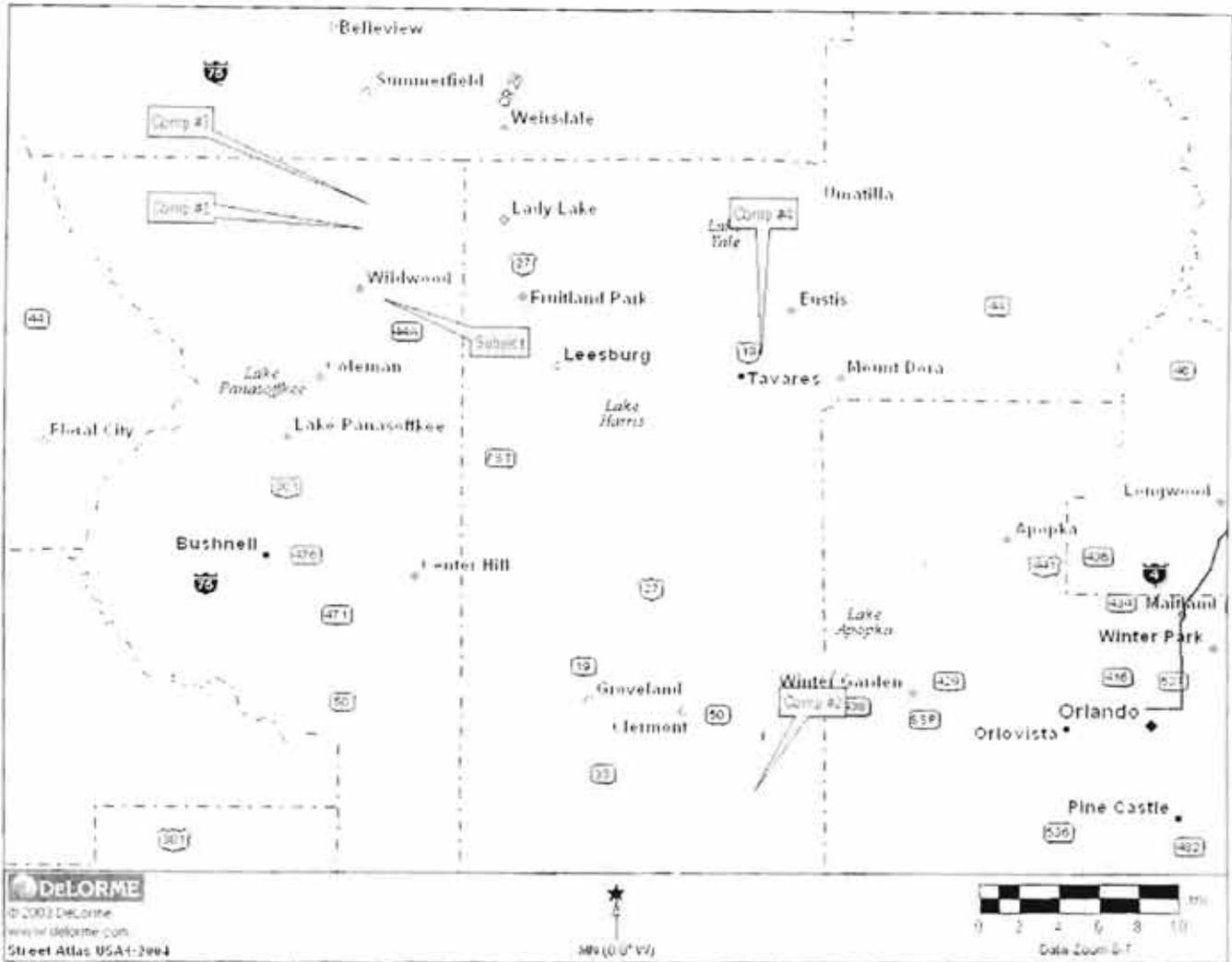
Comments: This comparable sale is a commercial lot located in a professional office subdivision across US Hwy 441 from the Florida Hospital Waterman in the City of Tavares. The location is similar to the subject. The interior lot size is smaller but with frontage along two roads.



**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                        |        | \$16.80                       |         | \$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 |        |
| <b>VALUE ADJUSTMENTS</b>          |                            |                                  |        |                               |        |                               |         |                                     |        |
| 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**

**Subject Property:**  
4826 & 4842 CR 44A  
Wildwood, Florida 34785

**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:

|                                  |                |
|----------------------------------|----------------|
| <b>Cost Approach</b>             | Not Applicable |
| <b>Income Approach</b>           | Not Applicable |
| <b>Sales Comparison Approach</b> | \$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)**

## 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](mailto: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

**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 Stivender  
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  
15119 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 34848  
(352) 357-1112

Mr. Matthew Kelly  
CenterState Bank  
6930 Gail 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

STATE OF FLORIDA GENERAL CERTIFICATION

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
FLORIDA REAL ESTATE APPRAISAL BD

SEQ# L10102203103

| DATE       | BATCH NUMBER | LICENSE NBR |
|------------|--------------|-------------|
| 10/22/2010 | 108113557    | R23276      |

The CERTIFIED GENERAL APPRAISER  
Named below IS CERTIFIED  
Under the provisions of Chapter 475 FS.  
Expiration date: NOV 30, 2012.

MC NAMARA, TODD A  
1511 BANNING BEACH ROAD  
TAVARES FL 32778

CHARLIE CRIST  
GOVERNOR

DISPLAY AS REQUIRED BY LAW

CHARLIE LIEM  
SECRETARY