

## UPDATED MEMO

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - September 18, 2017

September 18, 2017 - Regular Meeting  
Agenda Item #34

### Subject

Ordinance No. 17-51 Amending Chapter 2-29 of County Code to Clarify the Boundaries of the Port Manatee Improvement District

### Briefings

Briefing Provided Upon Request

### Contact and/or Presenter Information

Debbie Underwood, Budget Division Manager, 745-3748

### Action Requested

No action required. This public hearing is being readvertised for September 26, 2017.

### Enabling/Regulating Authority

Chapter 125, Florida Statutes

### Background Discussion

- Manatee County Ordinance No. 09-50, adopted on December 1, 2009, established the Port Manatee Improvement District; provided definitions; established the Port Manatee Improvement Trust Fund and authorized the deposit and use of tax increment revenues.
- Attachment A of the ordinance included a map that has been determined inadequate by the Property Appraiser. The Property Appraiser cannot proceed with appraisals on or near this property without accurately described and drawn boundary lines.
- This ordinance amends Ordinance No. 09-50 by updating Exhibit A as a professionally rendered sketch and description which meets industry standards of using landmarks (metes and bounds) as well as plat markings.

### County Attorney Review

Formal Written Review (Opinion memo must be attached)

### Explanation of Other

### Reviewing Attorney

Clague

Instructions to Board Records

None.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Ordinance 17-51 - 2017 Amendment to Port Manatee Encouragement Zone Improvement District Final Version.pdf](#)

Attachment: [Ordinance 17-51 - Exhibit A.pdf](#)

Attachment: [Notice of 2017 Amendment to Port Manatee Encouragement Zone Improvement District \(CAO v1\).pdf](#)

Attachment: [Clague email.pdf](#)

Attachment: [Ordinance 17-51 Affidavit.pdf](#)

September 14, 2017 - Regular Meeting - Postponed to September 18, 2017  
Agenda Item #34

Subject

Ordinance No. 17-51 Amending Chapter 2-29 of County Code to Clarify the Boundaries of the Port Manatee Improvement District

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Debbie Underwood, Budget Division Manager, 745-3748

Action Requested

Adopt Ordinance No. 17-51 amending Chapter 2-29 of the Manatee County Code of Laws to clarify the boundaries of the Port Manatee Improvement District.

Enabling/Regulating Authority

Chapter 125, Florida Statutes

Background Discussion

- Manatee County Ordinance No. 09-50, adopted on December 1, 2009, established the Port Manatee Improvement District; provided definitions, established the Port Manatee Improvement Trust Fund and authorized the deposit and use of tax increment revenues.
- Attachment A of the ordinance included a map that has been determined inadequate by the Property Appraiser. The Property Appraiser cannot proceed with appraisals on or near this property without accurately described and drawn boundary lines.
- This ordinance amends Ordinance No. 09-50 by updating Exhibit A as a professionally rendered sketch and description which meets industry standards of using landmarks (metes and bounds) as well as plat markings.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

Clague

Instructions to Board Records

Please send a copy of the codified ordinance to [budget@mymanatee.org](mailto:budget@mymanatee.org), [alan.stearns@manateepao.com](mailto:alan.stearns@manateepao.com), and [William.clague@mymanatee.org](mailto:William.clague@mymanatee.org).

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Ordinance 17-51 - 2017 Amendment to Port Manatee Encouragement Zone Improvement District Final Version.pdf](#)

Attachment: [Ordinance 17-51 - Exhibit A.pdf](#)

Attachment: [Notice of 2017 Amendment to Port Manatee Encouragement Zone Improvement District \(CAO v1\).pdf](#)

Attachment: [Clague email.pdf](#)

Attachment: [Ordinance 17-51 Affidavit.pdf](#)

REPLACED

**ORDINANCE NO. 17-51**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; AMENDING CHAPTER 2-29 OF THE MANATEE COUNTY CODE OF LAWS TO CLARIFY THE BOUNDARIES OF THE PORT MANATEE IMPROVEMENT DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Port Manatee and surrounding businesses provide vital economic opportunities for the people of Manatee County; and

**WHEREAS**, pursuant to Article VIII of the Florida Constitution and Chapter 125 of Florida Statutes, the County has established a Port Manatee Improvement District (the “District”) to provide a financing mechanism to pay a portion of the costs of (a) reducing Port Authority debt obligations (b) port-related economic development, (c) infrastructure improvements within the District and expansion of Port Manatee, and (d) capital improvements to Port Manatee; and

**WHEREAS**, the County established the District pursuant to Ordinance No. 09-50, which included an attached description of the District boundaries, and which has been codified as Article XII of Chapter 2-29 of the Manatee County Code of Ordinances (the “Code”); and

**WHEREAS**, it is in the best interest of the public health, safety and welfare to adopt a new description of the District boundaries, and to amend certain provisions of the Code, to provide clarity to property owners within the District and to facilitate implementation of the District by public officials.

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in, Article VIII of the Florida Constitution and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The statements contained in the recitals above are true and correct, and the Board of County Commissioners relies upon them as findings in the enactment of this Ordinance.

Section 3. Adoption of Revised Description of District Boundaries. The description of the District boundaries attached hereto as Exhibit “A” is hereby adopted, and replaces in its entirety the description of District boundaries attached to Ordinance No. 09-50.

Section 4. Amendment to Definition of Port Manatee Improvement District. The definition of Port Manatee Improvement District set forth in Section 2-29-138 of the Code is hereby amended as follows (underlined language added, strike-through language deleted):

*Port Manatee Improvement District* or *district* shall mean the district established pursuant to section 2-29-139 over that portion of the unincorporated area of the county described on Exhibit "A" attached to Ord. No. 17-51 and incorporated herein by reference.

Section 5. Amendment to Section 2-29-139 establishing the Port Manatee Improvement District. Section 2-29-139 establishing the Port Manatee Improvement District is hereby amended as follows (underlined language added, strike-through language deleted):

There is hereby established the Port Manatee Improvement District over that portion of the unincorporated area of the county shown on Exhibit "A" to Ord. No. 17-51 and incorporated herein by reference. The district shall have only those powers expressly conferred upon it pursuant to this Article XII, specifically the use of tax increment revenues for the purposes set forth in section 2-29-140. The Manatee County Board of County Commissioners ("board") shall act as the governing board of the district for the purposes of exercising the district's powers. The county administrator or his designee or designees shall act as the executive director and staff of the district for the purpose of carrying out the administrative functions required to exercise the district's powers.

Section 6. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 4 and 5 of this Ordinance into the Code.

Section 7. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 8. Effective Date. This Ordinance shall become effective as provided by law.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the \_\_\_ day of \_\_\_\_\_, 2017.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

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

**ATTEST: ANGELINA COLONESSO**  
Clerk of the Circuit Court  
and Comptroller

By: \_\_\_\_\_  
Deputy Clerk

# Exhibit "A"

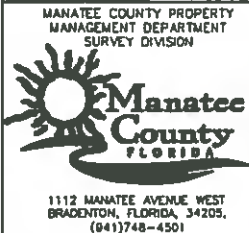
## Description and Sketch

(NOT A SURVEY)

### Description PORT MANATEE IMPROVEMENT DISTRICT:

A portion of the political boundary of Manatee County, Florida as established by Florida Statutes 7.41, being represented as "Attachment A" per Manatee Board of County Commissioner's Ordinance Number 09-50, and being more specifically described and sketched as follows:

BEGIN at the Northwest corner of said Manatee County, thence easterly along the northerly boundary line of said County to the easterly boundary line of Range 18 East; thence southerly along said easterly boundary line to Buckeye Road as recorded in Road Plat Book 5 Page 1 of the Public Records of said County; thence westerly along said Buckeye Road to the easterly boundary line of Section 8, Township 33 South, Range 18, East; thence southerly along said easterly boundary line to Chapman Road (113th Street East) as recorded in Road Plat Book 3, Page 177 of the Public Records of said County; thence westerly along said Chapman Road to US Highway 41 (Florida Department Map Section Number 13030-2502); thence southerly along said US Highway 41 to the southerly boundary of that parcel recorded in Official Records Book 2272 Page 6407 of the Public Records of said County; thence westerly along said southerly boundary line to the CSX Railroad (formerly Tampa Southern Railroad) per Valuation Map V 19 Fla, Sheet 7 and Sheet 8; thence northerly along said Railroad to the southerly boundary lines of that parcel recorded in Official Records Book 1515 Page 4152 and Official Records Book 1515 Page 4154 of the Public Records of said County; thence westerly along said southerly boundary line and westerly projection to the southerly bank of Tampa Bay, thence northerly along said southerly bank to the POINT OF BEGINNING.



TODD E. BOYLE  
CERTIFIED  
No. 5017  
9/7/2017  
Date

Todd E. Boyle, RSM  
Florida Registered Professional Surveyor & Mapper, 6047

Drawing Path:  
S:\SURVEY\2017Jobs\  
20170501\_PORT MANATEE  
IMPROVEMENT DISTRICT  
-Description & Sketch

Sheet: 1 OF 2

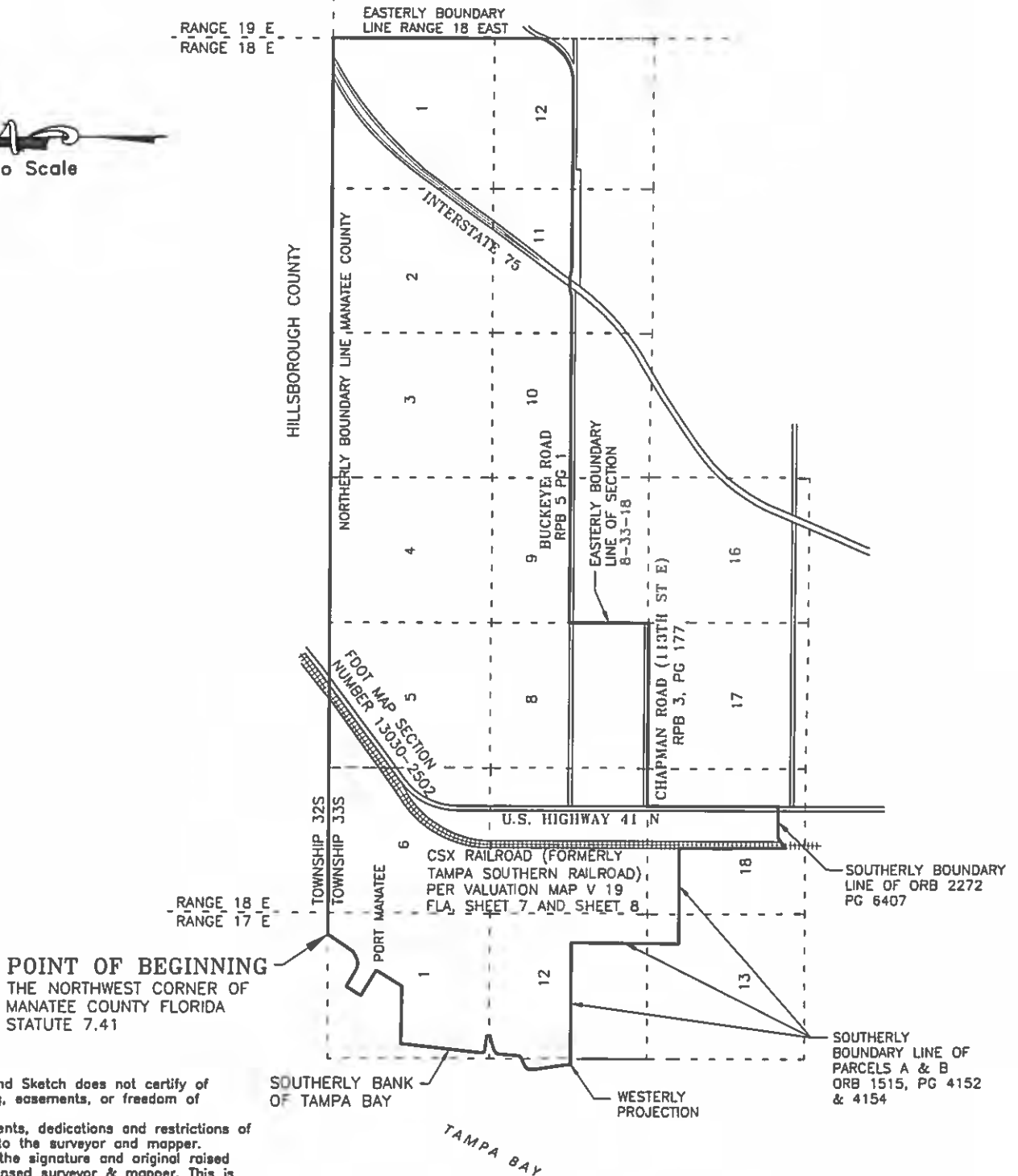
Drawing Date: 05/19/17



# Exhibit "A"

## Description and Sketch

(NOT A SURVEY)



- Notes:
1. This Description and Sketch does not certify of warranty: title, zoning, easements, or freedom of encumbrances.
  2. Subject to easements, dedications and restrictions of record not provided to the surveyor and mapper.
  3. Not valid without the signature and original raised seal of a Florida licensed surveyor & mapper. This is not a survey.

MANATEE COUNTY PROPERTY  
MANAGEMENT DEPARTMENT  
SURVEY DIVISION

1112 MANATEE AVENUE WEST  
BRADENTON, FLORIDA, 34205,  
(941)748-4501

- PID = PARCEL IDENTIFICATION NUMBER
- RPB = ROAD PLAT BOOK
- PG = PAGE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- POT = POINT OF TERMINUS
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- ORB = OFFICIAL RECORDS BOOK
- PRC = POINT OF REVERSE CURVATURE
- R/W = RIGHT OF WAY
- # = NUMBER

Drawing Path:  
S:\SURVEY\2017Jobs\  
20170501\_PORT MANATEE  
IMPROVEMENT DISTRICT  
-Description & Sketch

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Sheet: 2 OF 2

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Drawing Date: 05/19/17

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Chambers of the Board of Manatee County Administrative Complex, 1112 Manatee Avenue West, first floor, Bradenton, Florida, during its regular meeting of September 12, 2017, at 9:00 a.m., or soon thereafter, to consider, act upon, enact or reject the following Ordinance:

### ORDINANCE NO. 17-51

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; AMENDING CHAPTER 2-29 OF THE MANATEE COUNTY CODE OF LAWS TO CLARIFY THE BOUNDARIES OF THE PORT MANATEE IMPROVEMENT DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance. Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he or she will need a record of the proceedings and for such purpose, she or he may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

The proposed Ordinance is available for public inspection at the offices of the Manatee County Financial Management Department, 1112 Manatee Avenue West, 9<sup>th</sup> Floor, Bradenton, FL 34205, during regular business hours. A reasonable charge may be made for the provision of copies.

**Americans with Disabilities:** The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 second; FAX 745-3790.

## **Allyzabette Ramsey**

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**Subject:** FW: Port Manatee Improvement District Ordinance Amendment; RLS-2017-0394  
**Attachments:** 2017 Amendment to Port Manatee Encouragement Zone Improvement District (CAO v1).doc; Notice of 2017 Amendment to Port Manatee Encouragement Zone Improvement District (CAO v1).doc

**From:** William Clague  
**Sent:** Tuesday, July 25, 2017 4:53 PM  
**To:** Debbie Underwood  
**Cc:** Mitchell Palmer; Alex Nicodemi; Jan Brewer; Dan Schlandt; Juliet Shepard  
**Subject:** Port Manatee Improvement District Ordinance Amendment; RLS-2017-0394

Debbie:

Pursuant to the above Request for Legal Services you have asked this office to assist in drafting the above referenced ordinance to clarify the boundaries of the Port Manatee Improvement District. I provide the following advice in response:

1. Attached is a draft ordinance that includes the requested amendments. It address the issues raised in the RLS. Please review it and let me know if you have any changes from a policy standpoint. Please allow this office to review any changes to the ordinance via redline or tracked changes.
2. Staff should attach the revised description of district boundaries to the ordinance when it is scheduled for Board consideration.
3. The RLS also requests the advice of this office regarding the adoption process for the ordinance. Pursuant to Florida Statute 125.66, the Board must adopt the ordinance in a duly noticed public hearing. Notice must be published in a newspaper of general circulation at least 10 days in advance of the hearing. Copies of the ordinance must be available for public inspection during the notice period. Attached is a draft notice that follows the County's standard form. Please coordinate with the agenda staff in the County Administrator's Office to schedule and advertise the ordinance.

Subject to the issues set forth above being addressed, I have no objection from a legal standpoint to the ordinance being scheduled for consideration by the Board. I express no opinion as to the business or policy judgment of adopting the ordinance.

This concludes my response to the RLS. Please contact me if you have any questions or concerns.

Bill Clague  
Assistant County Attorney  
Manatee County, Florida  
ph. 941-745-3750  
fx. 941-749-3089  
[william.clague@mymanatee.org](mailto:william.clague@mymanatee.org)

# BRADENTON HERALD

WWW.BRADENTON.COM  
P.O. Box 921  
Bradenton, FL 34206-0921  
1111 3rd Ave. W.  
Bradenton, FL 34205-8894  
941-746-7355

Bradenton Herald  
Published Daily  
Bradenton, Manatee County, Florida

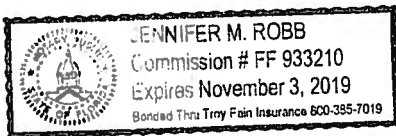
STATE OF FLORIDA  
COUNTY OF MANATEE


Before the undersigned authority personally appeared Donna Stults, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Public Hearing**, was published in said newspaper in the issue(s) of **09/01/2017**.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
(Signature of Affiant)

Sworn to and subscribed before me this  
1 Day of Sept, 2017



  
SEAL & Notary Public  
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

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9/1/2017