

March 6, 2018 - Regular Meeting
Agenda Item #12

Subject

Citizen Comments

Briefings

None

Contact and/or Presenter Information

Action Requested

Enabling/Regulating Authority

Background Discussion

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Cost and Funds Source Account Number and Name

Amount and Frequency of Recurring Costs

Documents submitted to Senator Calvano

BY NEAL COMMUNITIES + Ed Vogler | 19 OCT 2017
Caldwell & Pacetti LLP | Legislative Agenda

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PARALEGALS
MARY T. ADDONA
EMILIE PEARSON, CP

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September 11, 2007

VIA U.S. MAIL

Todd Wodraska
West Villages Improvement District
c/o Special District Services, Inc.
2501A Burns Road
Palm Beach Gardens, FL 33410

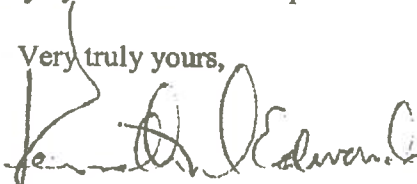
Re: West Villages Improvement District
Subject Matter: Amendment to Enabling Legislation
(Chapter 2007-307, Laws of Florida)

Dear Todd,

Please find attached a certified copy of Chapter 2007-307, Laws of Florida.

As you are aware, this Legislation was sought by the District in order to allow it to obtain real property interests by deed rather than only by dedications on a plat.

Very truly yours,


Kenneth W. Edwards

cc: JP Marchand, P.E. (with enclosure)
Charlie Geer, P.E. (with enclosure)
Jeff Boone, Esq. (with enclosure)
Steve Boone, Esq. (with enclosure)

Enclosure

Local Control?

SEP 13 2007

Blumberg No. 5137
Rec K. Edwards
13. Citizen Comments
@epp. CA. Items 3/16/18

*Future Agenda
- Home Rule Protections*



Manatee Board of County Commission 2018 State Legislative Priority List

I. Primary Legislative Requests

Hurricane Shelter requirements – Manatee County urges Florida Division of Emergency Management officials to reevaluate the process for determining the needs for counties to provide additional hurricane shelter space. The process should rely on more accurate population statistics to make hurricane shelter space recommendations that reflect Florida's rapidly growing number of fulltime residents, and the state consider modifying the geographic boundaries upon which shelter capacity is analyzed. Manatee County SUPPORTS state funding allocations for hurricane hardening measures that will ensure new Manatee County public school facilities now in planning stages may be built to accommodate evacuees in the future.

Substance abuse prevention – Manatee County SUPPORTS Gov. Rick Scott's recommendation for \$50 million in state funding for the expansion of substance abuse treatment, evidence-based counseling and recovery services. Manatee County also SUPPORTS limits on prescription opioids and reformed regulations of unlicensed pain management clinics. Manatee County SUPPORTS opioid-specific continuing medical education courses for all physicians; and mandatory use of the Prescription Drug Monitoring Database (PDMP) by all healthcare professionals who dispense or prescribe controlled substance medications.

Home rule protection – Manatee County SUPPORTS the integrity of county home rule power which allows county officials to develop and implement community-based solutions to local issues, without state limitations or mandates. Manatee County OPPOSES legislation that would limit or remove a local government's ability to adjust millage rates to sufficiently meet community demands.

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September 11, 2007

VIA U.S. MAIL

Robert K. Robinson, Esq.
Nelson Hesse, Attorney at Law
2070 Ringling Blvd
Sarasota, Florida 34237

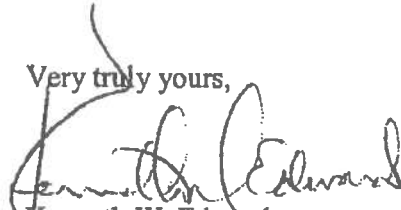
Re: West Villages Improvement District
Subject Matter: Amendment to Enabling Legislation
(Chapter 2007-307, Laws of Florida)

Dear Rob,

Please find attached a copy of the above referenced Amendment to the District's Enabling Legislation.

On behalf of the District, we appreciate the City's assistance in the passage of this Legislation.

Very truly yours,



Kenneth W. Edwards

cc: Todd Wodraska, District Secretary (letter only)

Enclosure

CALDWELL & PACETTI LLP

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OF COUNSEL

BETSY S. BURDEN

September 11, 2007

VIA U.S. MAIL

Stephen DeMarsh, Esq.
Sarasota County
Office of the County Attorney
1660 Ringling Blvd., 2nd Floor
Sarasota, Florida 34236


Re: West Villages Improvement District
Subject Matter: Amendment to Enabling Legislation
(Chapter 2007-307, Laws of Florida)

Dear Steve,

Please find attached a copy of the above Enabling Legislation which allows the West Villages Improvement District to obtain real property interests by deed, rather than solely by dedications on a plat.

If you should have any questions, please feel free to contact me.

Very truly yours


Kenneth W. Edwards

cc: Todd Wodraska, District Secretary (letter only)

Enclosure



CHAPTER
2007-307

Grant

HB 1519

2007

~~House Bill No.~~ 1519

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A bill to be entitled

An act relating to the West Villages Improvement District, Sarasota County; amending chapter 2004-456, Laws of Florida, as amended; revising conditions and requirements for the exercise of the district's powers, functions, and duties relating to the acquisition of fee simple title to real property; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (2) of section 3 of chapter 2004-456, Laws of Florida, as amended by chapter 2006-355, Laws of Florida, is amended to read:

Section 3. District powers, functions, and duties.--

(2) The district is hereby authorized and empowered as follows:

(d) To acquire by grant, loan, purchase, gift, transfer, exchange, dedication, lease, devise, or, when reasonably necessary for the implementation of district-authorized public infrastructure works, facilities, or services by means of the exercise of the right of eminent domain pursuant to the laws of the state and in accordance with section 12 of this act, all property, real or personal, or any easement, license, estate, or interest therein necessary, desirable, or convenient for the purposes of this act, and to sell, convey, transfer, gift, lease, rent, dedicate, forfeit, abandon, exchange, or assign all or any part thereof to or with other entities, including governmental entities and agencies, and to exercise all of its



HB 1519

2007

29 powers and authority with respect thereto. The district shall
 30 not have the right of eminent domain outside of the boundaries
 31 of the district. Notwithstanding anything contained herein, the
 32 district shall not obtain fee simple title to any real property
 33 within the district except as follows by ~~dedication on an~~
 34 ~~approved plat~~:

35 1. As to that portion of the district located within the
 36 City of North Port jurisdictional boundaries, with the approval
 37 of the City of North Port Commission or its designee;

38 2. As to that portion of the district located within the
 39 unincorporated area, with the approval of the Board of County
 40 Commissioners of Sarasota County or its designee; or

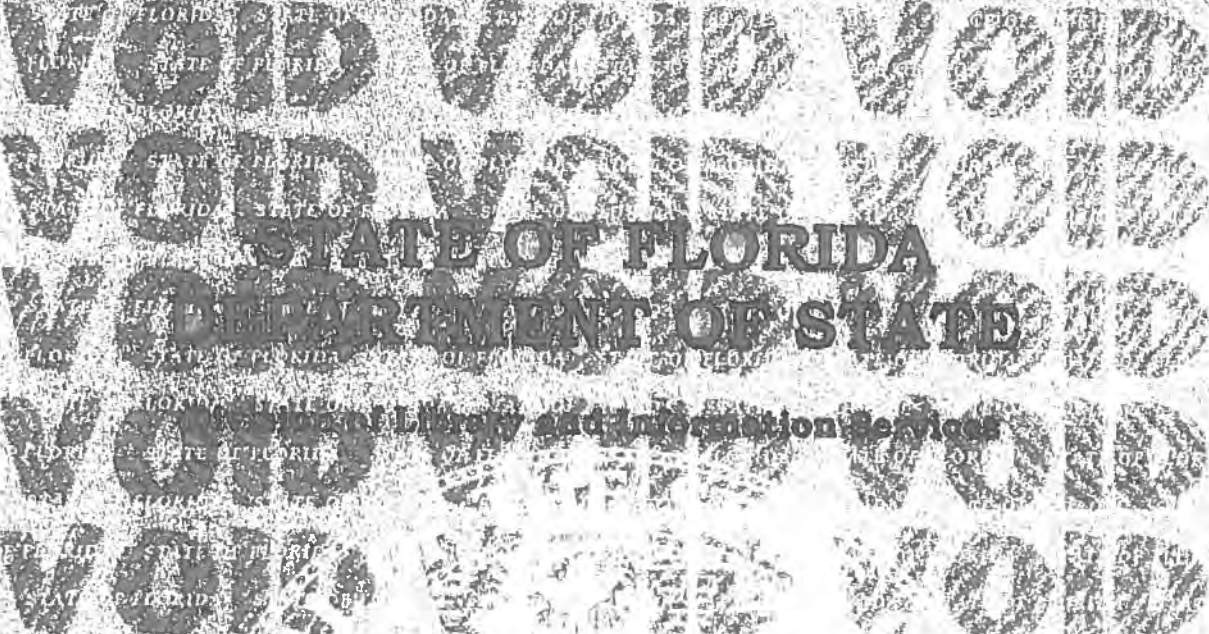
41 3. As otherwise required by another governmental entity or
 42 agency.

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 44 Any property interests owned by the district which are used for
 45 nonpublic or private commercial purposes shall be subject to all
 46 ad valorem taxes, intangible personal property taxes, or non-ad
 47 valorem assessments, as would be applicable if said property
 48 were privately owned.

49 Section 2. This act shall take effect upon becoming a law.

Approved by the Governor JUN 19 2007

Filed in Office Secretary of State JUN 19 2007



**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Library and Information Services

Kurt S. Browning, Secretary of State of the State of Florida,
do hereby certify that the above and foregoing is a true and correct
copy of Chapter 2007-307, Laws of Florida, Acts of 2007, as shown
by the records of this office.

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this 20th
7th day of September, A.D., 2007.



Kurt S. Browning
Secretary of State

DSBL/99 (6/03)

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document

Example submitted by Neal Communities

FLORIDA HOUSE OF REPRESENTATIVES
CHAPTER



2004-456

local bill

HB 1567, Engrossed 2

House Bill No. 1567

2004

A bill to be entitled

to be drafted.

1 An act relating to the West Villages Improvement
2 District, City of North Port, Sarasota County;
3 providing a short title; providing a district charter;
4 creating an independent special district; providing a
5 district boundary; providing for amendment only by
6 special act; providing powers, functions, and duties;
7 providing for a governing board, elections,
8 qualifications, terms of office, staggering terms of
9 office, removal from office, and filling vacancies;
10 providing for election of a chair, vice chair, and
11 secretary-treasurer; providing a quorum; providing
12 requirements for meetings and notice; providing
13 requirements for reports, budgets, and audits;
14 providing for liberal construction; authorizing the
15 levy of non-ad valorem assessments; specifying method
16 of collection and enforcement of non-ad valorem
17 assessments; authorizing property appraiser's and tax
18 collector's fees or commissions; providing for
19 collection and enforcement of fees, costs, and
20 expenses; providing for issuance of revenue bonds,
21 assessment bonds, bond anticipation notes, and general
22 obligation bonds; providing for the applicability of
23 provisions of chapters 189 and 298, Florida Statutes,
24 and other general laws; providing for severability;
25 providing an effective date.

28 Be It Enacted by the Legislature of the State of Florida:

2009 done
once before



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Section 1. Popular name.--This act may be cited as the "West Villages Improvement District Act."

Section 2. District; creation, jurisdiction, and purpose.--

(1) The West Villages Improvement District, herein referred to as the "district," is hereby created and incorporated as an independent special district, pursuant to chapter 189, Florida Statutes, to be known as the West Villages Improvement District, in the City of North Port, Sarasota County, which independent special district shall be a public body corporate and politic.

(2) The district's territorial boundary shall embrace and include that real property described in following section 17.

(3) The district is created for all purposes as shall be liberally construed from and set forth in this act, under sections 189.401-189.429, Florida Statutes, provided that section 189.4045(2), Florida Statutes, is specifically excluded and not applicable to the district or the City of North Port, and chapter 298, Florida Statutes, as the same may be amended from time to time, and may perform such acts as shall be necessary, convenient, incidental, or proper for the provision, acquisition, development, operation, and maintenance of those public infrastructure works and services authorized herein, including all facilities necessary and incidental thereto.

(4) The district charter created by this act may be amended only by special act of the Legislature. Any expansion of the powers or the boundaries of the district within the City of



57 North Port shall require prior approval of the City of North
 58 Port Commission or its designee.

59 (5) The definition of terms and phrases shall be as set
 60 forth in chapters 189 and 298, Florida Statutes, unless
 61 otherwise herein defined.

62 Section 3. District powers, functions, and duties.--

63 (1) In addition to any powers, functions, and duties set
 64 forth in this act, the district shall have the authority to
 65 exercise such powers, functions, and duties as may be set forth
 66 in chapter 298, Florida Statutes.

67 (2) The district is hereby authorized and empowered as
 68 follows:

69 (a) To adopt by resolution bylaws for the regulation of
 70 its affairs and the conduct of its business.

71 (b) To adopt by resolution rules as necessary for
 72 implementation, regulation, and enforcement as are consistent
 73 with the purposes of the district and this act.

74 (c) To adopt an official seal reflecting the name and
 75 nature of the district.

76 (d) To acquire by grant, loan, purchase, gift, transfer,
 77 exchange, dedication, lease, devise, or, when reasonably
 78 necessary for the implementation of district-authorized public
 79 infrastructure works, facilities, or services by means of the
 80 exercise of the right of eminent domain pursuant to the laws of
 81 the state and in accordance with section 12 of this act, all
 82 property, real or personal, or any easement, license, estate, or
 83 interest therein necessary, desirable, or convenient for the
 84 purposes of this act, and to sell, convey, transfer, gift,



85 lease, rent, dedicate, forfeit, abandon, exchange, or assign all
 86 or any part thereof to or with other entities, including
 87 governmental entities and agencies, and to exercise all of its
 88 powers and authority with respect thereto. The district shall
 89 not have the right of eminent domain outside of the boundaries
 90 of the district. Notwithstanding anything contained herein, the
 91 district shall not obtain fee simple title to any real property
 92 within the district except by dedication on an approved plat,
 93 with the approval of the City of North Port Commission or its
 94 designee, or if otherwise required by another governmental
 95 entity or agency. Any property interests owned by the district
 96 which are used for nonpublic or private commercial purposes
 97 shall be subject to all ad valorem taxes, intangible personal
 98 property taxes, or non-ad valorem assessments, as would be
 99 applicable if said property were privately owned.

100 (e) To finance, plan (consistent with City of North Port
 101 Comprehensive Plan and implementing ordinances, studies, and
 102 plans), design, acquire, construct, install, operate, equip,
 103 upgrade, reclaim, replace, extend, renovate, mitigate, and
 104 maintain canals, swales, outfalls, dams, control structures,
 105 pumps and pumping systems, aerators, seawalls, berms, ditches,
 106 telemetry and monitoring equipment, retention areas, holding
 107 basins, marshes, wetlands, uplands, drains, levees, lakes,
 108 ponds, and other works or elements for modern comprehensive
 109 water management drainage, environmental, mitigation
 110 preservation, erosion, quality, and control purposes, and further
 111 that the district shall agree, at the request of the City of North
 112 Port Commission or its designee, subject to a developer's



113 agreement with the City of North Port (neither party's consent to
 114 said developer's agreement shall be unreasonably withheld), to
 115 donate and turn over operation of all or any portion of said water
 116 management system to the City of North Port.

117 (f) To regulate, modify, control, and redirect the supply
 118 and level of water within the district if consistent with City
 119 of North Port and Southwest Florida Water Management District
 120 rules and regulations, including the division of waters from one
 121 area, lake, pond, river, stream, basin, or water control
 122 facility to another; to control and restrict the development and
 123 use of natural or artificial streams or bodies of water, lakes,
 124 or ponds; and to take of measures determined by the board to be
 125 necessary or desirable to prevent or alleviate land erosion,
 26 flooding, or water quality problems or issues, provided all such
 127 activity shall be carried out in accordance with applicable
 128 federal, state, and local government rules and regulations.

129 (g) To finance the implementation of appropriate studies,
 130 whether by the district or in conjunction with other agencies or
 131 entities, to assist in implementing the district's powers,
 132 authorities, and purposes as set forth herein and to facilitate
 133 the orderly management of the district and its works and
 134 facilities.

135 (h) To finance, plan (consistent with City of North Port
 136 Comprehensive Plan and implementing ordinances, studies, and
 137 plans), design, acquire, construct, install, operate, equip,
 138 upgrade, replace, extend, renovate, and maintain irrigation
 139 works, machinery, plants, and appurtenances.



140 (i) To finance, plan (consistent with City of North Port
 141 Comprehensive Plan and implementing ordinances, studies, and
 142 plans), design, acquire, construct, install, operate, equip,
 143 upgrade, replace, extend, renovate, and maintain roadways; and
 144 to include either as a component of such roads or independently
 145 by themselves, parkways, bridges, landscaping, irrigation,
 146 bicycle and jogging paths, street lighting, entry features,
 147 traffic signals, road striping, and all other customary elements
 148 or appurtenances of a modern road system for the exclusive use
 149 and benefit of the district, a unit of development, and/or its
 150 landowners, residents, and invitees in order to control ingress
 151 and egress; to finance and maintain said roads and their
 152 associated elements and components as a part of a plan of
 53 improvements; to construct and maintain security structures to
 154 control the use of said roads; to make provision for access by
 155 fire, police, and emergency vehicles and personnel for the
 156 protection of life and property; to include, in the annual
 157 assessment of non-ad valorem assessments as authorized,
 158 sufficient funds to finance and maintain said roads as a part of
 159 a plan of improvements, and to adopt, by resolution of the
 160 board, rules and regulations for the control of traffic, noise
 161 levels, crime, and the use of the roads by those authorized.
 162 Provided that in the event the district should construct all or
 163 any portion of a major thoroughfare or transportation route as
 164 identified in section 163.3177(6)(b), Florida Statutes, the
 165 district will not be permitted to limit said thoroughfare or
 166 transportation route for the exclusive use and benefit of the
 167 district, a unit of development, and/or its residents without



168 the written consent of the applicable local general government.
169 Notwithstanding anything to the contrary herein, construction of
170 roads by the district shall not be in conflict with City of
171 North Port rules, master plans, plans, specifications, or
172 regulations. The district shall agree, at the request of the City
173 of North Port Commission or its designee, subject to applicable
174 impact fee ordinances and a developer's agreement with the City of
175 North Port (neither party's consent to said developer's agreement
176 shall be unreasonably withheld), to donate and turn over operation
177 of all or any portion of any public roadway system to the City of
178 North Port.

179 (j) To finance, plan (consistent with City of North Port
180 Comprehensive Plan and implementing ordinances, studies, and
81 plans), design, acquire, construct, install, operate, equip,
182 upgrade, replace, extend, renovate, and maintain entry features,
183 garages, parking facilities, district offices, buildings,
184 facilities, and structures.

185 (k) To finance, plan (consistent with City of North Port
186 Comprehensive Plan and implementing ordinances, studies, and
187 plans), design, acquire, construct, install, operate, equip,
188 upgrade, replace, extend, renovate, reclaim, mitigate, protect,
189 remove exotics, and maintain improvements, works, landscaping,
190 systems, structures, buildings, and facilities for community or
191 public preserves, uplands, wetlands, playgrounds, parks,
192 gymnasiums, stadiums, ballfields, greenways, waterways, and
193 facilities for indoor and outdoor recreational, sport, cultural,
194 and educational uses.



195 (l) To finance, plan (consistent with City of North Port
 196 Comprehensive Plan and implementing ordinances, studies, and
 197 plans), design, acquire, construct, install, operate, set, and
 198 charge by resolution access, user, or connection fees and
 199 charges, equip, upgrade, replace, store, extend, renovate, and
 200 maintain water plants and systems, plus appurtenances, to
 201 produce, desalinate, purify, sell, and distribute water for
 202 consumption, irrigation, or other purposes; provided that the
 203 exercise of such construction, operation, fee establishment, and
 204 production powers by the district shall require the prior approval
 205 of the City of North Port Commission or its designee, and further
 206 that the district shall agree, at the request of the City of North
 207 Port Commission or its designee, subject to a utility developer's
 208 agreement with the City of North Port (neither party's consent to
 209 said developer's agreement shall be unreasonably withheld), to
 210 donate and turn over operation of all or any portion of said water
 211 system to the City of North Port.

212 (m) To finance, plan (consistent with City of North Port
 213 Comprehensive Plan and implementing ordinances, studies, and
 214 plans), design, acquire, construct, install, operate, set, and
 215 charge by resolution access, user, or connection fees and
 216 charges, equip, upgrade, replace, extend, renovate, and maintain
 217 sewer systems, plus appurtenances, for the collection, disposal,
 218 and reuse of effluent, waste, residue, or other byproducts of
 219 such system, prevent pollution, and improve water quality;
 220 provided that the exercise of such construction, operation, and
 221 fee establishment powers by the district shall require the prior
 222 approval of the City of North Port Commission or its designee, and



223 further that the district shall agree, at the request of the City
 224 of North Port Commission or its designee, subject to a utility
 225 developer's agreement with the City of North Port (neither party's
 226 consent to said developer's agreement shall be unreasonably
 227 withheld), to donate and turn over operation of all or any portion
 228 of said wastewater system to the City of North Port.

229 (n) To finance, plan (if not inconsistent with other
 230 responsible agencies or authorities), design, acquire,
 231 construct, install, operate, equip, upgrade, replace, extend,
 232 renovate, and maintain improvements and facilities for and take
 233 measures to control mosquitoes or other insects and arthropods
 234 of public health importance.

235 (o) To finance, plan (consistent with City of North Port
 36 Comprehensive Plan and implementing ordinances, studies, and
 237 plans), design, acquire, construct, install, operate, equip,
 238 upgrade, replace, extend, renovate, and maintain lands, works,
 239 systems, landscaping, and facilities for preservation areas,
 240 conservation areas, environmental areas, mitigation areas, and
 241 wildlife habitat or sanctuaries, including the maintenance of
 242 any plant or animal species, and any related interest in real or
 243 personal property. The district shall allow the City of North
 244 Port access to all such improvements and shall allow access by
 245 the public when appropriate.

246 (p) To finance, plan (consistent with City of North Port
 247 Comprehensive Plan and implementing ordinances, studies, and
 248 plans), design, acquire, construct, install, operate, equip,
 249 upgrade, replace, extend, renovate, and maintain additional
 250 systems and facilities for school buildings and related



251 structures which may be donated to a public school district,
 252 subject to a developer's agreement (neither party's consent to
 253 said developer's agreement shall be unreasonably withheld), for
 254 use in the educational system; provided that donation of any
 255 land and the exercise of such construction powers by the
 256 district shall require the prior approval of the School Board of
 257 Sarasota County and the City of North Port City Commission or
 258 its designee.

259 (g) To levy non-ad valorem assessments; prescribe, fix,
 260 establish, and collect rates, fees, rentals, fares, or other
 261 charges, and to revise the same from time to time, for property,
 262 facilities, and services made available, furnished, or to be
 263 furnished by the district; and to recover the cost of making or
 64 authorizing the connection to any district facility or system or
 265 installing works or improvements on or within district property
 266 interests. However, no rates, fares, charges, or fees shall be
 267 established until after a public hearing of the board at the
 268 district at which all affected persons shall be given an
 269 opportunity to be heard.

270 (r) To provide for the discontinuance of service and
 271 reasonable penalties, including reasonable attorney's fees,
 272 against any user or property for any such rates, fees, rentals,
 273 fares, or other charges that become delinquent and require
 274 collection.

275 (s) To enter into agreements with any person, firm,
 276 entity, partnership, or corporation (public, private, or
 277 governmental) for the furnishing by such person, firm, entity,
 278 partnership, or corporation of any facilities and services of



279 | the type provided for, authorized, or necessarily implied as
 280 | being authorized in this act.

281 | (t) To borrow money and issue negotiable or other bonds of
 282 | said district as hereinafter provided; and to borrow money, from
 283 | time to time, and issue negotiable or other notes of said
 284 | district therefore, bearing interest at not exceeding the
 285 | maximum interest allowable by law, in anticipation of the
 286 | collection of levies, fees, penalties, charges, fares, and
 287 | assessments or revenues of said district, and to pledge or
 288 | hypothecate such non-ad valorem assessments, levies,
 289 | assessments, and revenues to secure such bonds, notes, or
 290 | obligations, and to sell, discount, negotiate, and dispose of
 291 | the same.

92 | (u) To provide for safety enhancements, including, but not
 293 | limited to, security, guardhouses, fences, and gates, and
 294 | electronic intrusion detection systems; except that the district
 295 | shall not be authorized or empowered to exercise any police
 296 | power, but may contract with the appropriate local general
 297 | purpose government agencies for an increased level of such
 298 | service. Notwithstanding anything to the contrary, nothing
 299 | herein shall allow the district to limit the level of law
 300 | enforcement provided by federal, state, or local governmental
 301 | agencies.

302 | (v) To provide, at the request of local general purpose
 303 | governments consistent with the plans of the local general
 304 | purpose government, systems and facilities for fire prevention
 305 | and control and emergency medical services, including the
 306 | construction or purchase of fire stations, water mains and



307 plugs, fire trucks, and other vehicles and equipment consistent
308 with any adopted local general purpose government ordinances,
309 rules, or regulations and, further, that the district shall
310 agree, at the request of the local general purpose government,
311 subject to a developer's agreement with the City of North Port
312 (neither party's consent to said developer's agreement shall be
313 unreasonably withheld), to donate and turn over operation of all
314 or any portion of said facilities to the local general purpose
315 government.

316 (w) To submit for and obtain permits, plus make and enter
317 into contracts and agreements as are necessary or incidental to
318 the performance of the duties imposed and the execution of the
319 powers granted under this act, and to employ such consulting and
20 other engineers, superintendents, managers, administrators,
321 construction and financial experts, attorneys, and such
322 employees and agents as may, in the judgment of the district, be
323 necessary, and to fix their compensation.

324 (x) To require any individual or entity desiring to
325 construct any structure in, over, under, upon, or occupying
326 district property or right-of-way or connecting to or utilizing
327 the works of the district to first obtain written authorization
328 from the district and comply with all City of North Port and
329 district plans, rules, regulations, policies, and
330 specifications, provided that said written authorization shall
331 be issued upon compliance with such applicable City of North
332 Port and district plans, rules, regulations, policies, and
333 specifications. The board of supervisors shall be permitted the
334 discretion to deny or revoke any written authorization or



335 application for same if they find that the matter for which the
336 authorization is sought or granted does not comply with the City
337 of North Port and district plans, rules, regulations, or
338 policies. All fees and costs, including construction, review,
339 inspection, copying, engineering, legal, and administrative
340 expenses of the district, shall be paid by the applicant seeking
341 the authorization. Any such district written authorization shall
342 not be deemed or construed as being an alternative to or in
343 place of the applicant's obligation to also obtain all other
344 governmental building and construction permits and approvals.
345 Any conflict between City of North Port and district plans,
346 rules, regulations, policies, and specifications shall be
347 resolved in favor of the City of North Port.

48 (y) To include in a plan of improvements, the engineer's
349 report, or the authorizing and implementing documents under
350 chapter 170, Florida Statutes, which shall include, but are not
351 limited to, all applicable resolutions, assessment maps, and/or
352 assessment rolls (the "chapter 170 authorizing documents"), all
353 or one or more of the various powers and functions, including
354 individual parts or components thereof, of the district or any
355 combination of same and to construct and finance said individual
356 or combination of such powers and functions, including
357 individual parts or components thereof. It is the intent of this
358 section that a plan of improvements, the engineer's report, or
359 chapter 170 authorizing documents may provide for a single
360 benefit to the land authorized by the laws pertaining to the
361 district or one or more of all of said benefits or combination
362 thereof as long as there are benefits accruing to the land.



363 (z) To provide in a plan of improvements, the engineer's
 364 report, or chapter 170 authorizing documents that in assessing
 365 the benefits and damages to be incurred by lands of the district
 366 from the implementation, provision, or construction of a plan of
 367 improvements or improvements or services pursuant to chapter 170
 368 authorizing documents, the varying types of existing or proposed
 369 land uses of the land within the unit or affected by such
 370 construction or implementation, as the case may be, may be
 371 considered and be entitled to so assess the benefits and
 372 damages. The district may levy non-ad valorem assessments based
 373 upon the benefits assessed in such manner, taking into account
 374 the varying existing or proposed land uses of the land affected
 375 by such construction as shall provide for the equitable
 76 apportionment of such assessments. Such assessments may be
 377 levied on the basis of lots, units, acreage, parcels, equivalent
 378 connection, or uses or as otherwise set forth in the engineer's
 379 report or in the chapter 170 authorizing documents.

380 (aa) To establish and create such departments, committees,
 381 boards, or other agencies, including a public relations
 382 committee, as from time to time the board of supervisors may
 383 deem necessary or desirable in the performance of the acts or
 384 other things necessary to the exercise of the powers provided in
 385 this act, and to delegate to such departments, committees,
 386 boards, or other agencies such administrative duties and other
 387 powers as the board of supervisors may deem necessary and to
 388 exercise all other powers necessary convenient or proper in
 389 connection with any of the powers or duties of said district
 390 stated in this act by and through the board of supervisors.



391 Notwithstanding anything contained herein, no such departments,
 392 committees, boards, or other agencies shall have the power or
 393 authority to supersede any powers or authorities of the City of
 394 North Port.

395 (bb) Notwithstanding any authority contained within this
 396 section, the development, operation, or maintenance of any
 397 district facilities or services shall comply with the adopted
 398 comprehensive plan, unified land development code, zoning code,
 399 and any other city codes of the City of North Port.

400 (cc) To establish, or otherwise make available, a plan for
 401 retirement, disability, dental, death, hospitalization, and
 402 other appropriate benefits for employees of the district.

403 (dd) To invest surplus funds of the district consistent
 04 with the Investment of Local Government Surplus Funds Act, part
 405 IV, chapter 218, Florida Statutes.

406 (ee) To submit to the City of North Port the plan of
 407 improvement for major government infrastructure capital elements
 408 that may eventually be dedicated or donated to the City of North
 409 Port so that the city can rely on and incorporate said plan of
 410 improvement into the City's Capital Improvement Plan.

411 (ff) To apply for, obtain, and utilize any grants from
 412 other entities consistent with the powers of the district;
 413 provided, however, that district shall coordinate with and
 414 obtain timely authorization from the City of North Port
 415 Commission or its designee prior to the submittal of any grant
 416 application.

417 (gg) Following methodology consistent with the county's
 418 concurrency management regulations, and notwithstanding any



419 authority contained within this section, the district shall not
 420 construct any improvements within the district, pursuant to any
 421 development order, where that development would cause the level
 422 of service on any concurrency regulated facility in
 423 unincorporated Sarasota County to drop below the level of
 424 service adopted as of the effective date of this act, or
 425 subsequently reduced level of service, in the Sarasota County
 426 Comprehensive Plan pursuant to chapter 163, Florida Statutes,
 427 without paying its fair share contribution to improving that
 428 facility, and Sarasota County shall have the right under section
 429 163.3215, Florida Statutes, to contest any such development
 430 order on the basis that it fails to require the district to pay
 431 its fair share contribution. The fair share contribution shall
 32 include both the contribution to the county from the fair share
 433 collected by the City of North Port pursuant to the county's
 434 impact fee ordinance and interlocal agreements between Sarasota
 435 County and the City of North Port, as well as direct
 436 contributions made to the county by the district. Nothing
 437 contained herein shall be construed as limiting the obligations
 438 of the district or property owners therein as set forth in
 439 Florida Statutes and applicable rules.

440 (hh) The district shall have the power to collect fair
 441 share contributions from Sarasota County should Sarasota County
 442 approve any development order in unincorporated Sarasota County
 443 that creates impacts to concurrency regulated facilities within
 444 the district, which would cause the level of service on any
 445 concurrency regulated facility in the district to drop below the
 446 level of service adopted by the City of North Port for such



447 facility as of the effective date of this act, or subsequently
448 reduced level of service.

449 (3) To include in a plan of improvements, the engineer's
450 report, chapter 170 authorizing documents, or otherwise
451 provide, for the exercise of the district's powers, services,
452 facilities, and improvements beyond the territorial boundaries
453 of the district, when necessary and appropriate in order to
454 provide a benefit on behalf of lands located within the district
455 and pursuant to an approved plan of improvements or chapter 170
456 authorizing documents. Any such construction must be in
457 accordance with the city's master plans and requirements. Any
458 such construction within unincorporated Sarasota County must be
459 in accordance with the county's comprehensive plan, master
60 plans, and thoroughfare plan. The West Villages Improvement
461 District shall cooperate and coordinate its activities with the
462 units of general-purpose local government in which it is
463 located, including the City of North Port and Sarasota County.
464 The district is authorized to enter into interlocal agreements
465 with the City of North Port, Sarasota County, the Englewood
466 Water District, or any other units of government. Whenever the
467 district intends to utilize its powers to construct or cause to
468 be constructed infrastructure projects or programs within the
469 district, the district shall provide copies of all plans and
470 infrastructure permit applications to the Sarasota County
471 Planning Director and Development Services Business Center at
472 such time as the district submits such plans or permit
473 applications to the City of North Port or other permitting
474 authority but in any event no less than 30 days before the City



475 of North Port or other permitting authority issues permits for
 476 those projects. The district shall allow the county 20 days from
 477 submittal to the county to comment on those plans and permit
 478 applications, but as to construction or improvements that are
 479 not within unincorporated Sarasota County, the county's approval
 480 is not required for the district to proceed with the project.
 481 Sarasota County shall not unduly interfere with the district's
 482 exercise of its powers conferred by this act.

483 Section 4. Board of supervisors; election, organization,
 484 powers, duties, and terms of office.--

485 (1) There is hereby created a Board of Supervisors of the
 486 West Villages Improvement District, which shall be the governing
 487 body of said district.

88 (2) Said board of supervisors shall consist of five
 489 persons who, except as herein otherwise provided, shall each
 490 hold office for terms of 4 years each and until their successors
 491 shall be duly elected and qualified.

492 (3) The first board of supervisors of the district shall
 493 be composed of five persons, two of whom shall hold office for 4
 494 years, one of whom shall hold office for 3 years, one of whom
 495 shall hold office for 2 years, and one of whom shall hold office
 496 for 1 year, which terms shall terminate in June of their
 497 applicable final year. Within 120 days after this act becomes a
 498 law, a special meeting of landowners of the West Villages
 499 Improvement District shall be held for the purpose of electing
 500 the first board of supervisors for the West Villages Improvement
 501 District as herein provided. Notice of such special meeting of
 502 landowners shall be given by causing publication thereof to be



503 made once a week for 2 consecutive weeks prior to such meeting
504 in the newspaper of general paid circulation that the City of
505 North Port publishes notices of city meetings, and prior to the
506 meeting, provision of 2 weeks advance written notice to the City
507 of North Port City Manager including the agenda and any backup
508 material. Such special meeting of landowners shall be held in a
509 public place in the City of North Port, and the place, date, and
510 hour of holding such meeting and the purpose thereof shall be
511 stated in the notice. The landowners when assembled shall
512 organize by electing a chair who shall preside at the meeting
513 and a vice chair, secretary, and treasurer. At such meeting,
514 each and every acre, or any fraction thereof, of land in the
515 district shall represent one vote and each owner shall be
16 entitled to one vote in person or by written proxy for every
517 acre of land, or any fraction thereof, owned by such owner in
518 the district. Candidates must be citizens of the United States
519 and shall be nominated prior to commencement of the initial
520 election. The landowners shall first vote for the 2 supervisors
521 who are to hold office for the 2 seats with an initial term of 4
522 years as herein provided, and the persons receiving the highest
523 and next highest number of votes for such supervisor offices
524 shall be declared and elected as the supervisors for said 2
525 seats. The landowners shall next vote for the supervisor who is
526 to hold office for that seat with a term of 3 years as provided
527 herein, and the person receiving the highest number of votes for
528 such supervisor shall be declared and elected as such supervisor
529 for said seat. Said landowners shall continue to so vote for
530 each remaining seat until the supervisor who is to hold office



531 for the term of 1 year as herein provided is elected for said
532 seat. The landowners present or voting by proxy at the meeting
533 shall constitute a quorum.

534 (4) Each year during the month of June, beginning with
535 June of the second year following the first election, a
536 supervisor shall be elected, as hereinafter provided, by the
537 landowners of said district to take the place of the retiring
538 supervisor. All vacancies or expirations on said board shall be
539 filled as provided by this act. All supervisors of the district
540 shall be citizens of the United States. Following the initial
541 election of supervisors in order to be eligible for election, a
542 candidate for an office of supervisor shall be required to file
543 a written notice of intention to be a candidate in said office
544 of the district at least 30 calendar days but not earlier than
545 90 calendar days before but not including the day of the annual
546 meeting of the landowners. In case of a vacancy in the office of
547 any supervisor, the remaining supervisors within 90 calendar
548 days of the vacancy shall fill such vacancy until the expiration
549 of that seat's outstanding term when a successor shall be
550 elected by the landowners.

551 (5) As soon as practicable after their election and the
552 taking of oaths of office, the board of supervisors of the
553 district shall organize by choosing a chair and vice chair of
554 the board of supervisors and by electing some suitable persons
555 secretary and treasurer, who may or may not be members of the
556 board. The board of supervisors shall adopt a seal which shall
557 be the seal of the district.



558 (6) Each supervisor shall hold office until his or her
 559 successor shall be elected and qualified. Whenever any election
 560 shall be authorized or required by this act to be held by the
 561 landowners at any particular or stated time or day, and if for
 562 any reason such election shall not or cannot be held at such
 563 time or on such day, then in such event and in all and every
 564 such event, the power or duty to hold such election shall not
 565 cease or lapse, but such election shall be held thereafter as
 566 soon as practicable and consistent with this act.

567 (7) The supervisors shall not receive any compensation for
 568 their services.

569 Section 5. Meetings of landowners.--

570 (1) Each year during the month of June, a meeting of the
 71 landowners of the district shall be held, when necessary, for
 572 the purpose of electing a supervisor and hearing reports of the
 573 board of supervisors and considering any matters upon which the
 574 board of supervisors may request the advice and views of the
 575 landowners. The board of supervisors shall have the power to
 576 call special meetings of the landowners at any time to consider
 577 and act upon any matter upon which the board of supervisors may
 578 request action, direction, or advice. Notice of all meetings of
 579 the landowners shall be given by the board of supervisors by
 580 causing publication thereof to be made for 2 consecutive weeks
 581 prior to such meeting in the newspaper of general paid
 582 circulation that the City of North Port publishes notices of
 583 city meetings, and prior to the meeting, provision of 2 weeks
 584 advance written notice to the City of North Port City Manager
 585 including the agenda and any backup material. The meetings of



586 the landowners shall be held in a public place in the City of
587 North Port, and the place, day, and hour of holding such
588 meetings shall be stated in the notice. The landowners when
589 assembled shall organize by electing a chair who shall preside
590 at the meeting. The secretary of the board of supervisors shall
591 be the secretary of such meeting. At all such meetings each and
592 every acre, or any fraction thereof, of land in the district
593 shall represent one vote, and each owner shall be entitled to
594 one vote in person or by written proxy for every acre, or any
595 fraction thereof, of land owned by such owner in the district.
596 The person receiving the highest number of votes for a
597 supervisor position shall be declared and elected as such
598 supervisor. Those landowners present or voting by proxy at the
99 meeting, including the initial meeting, shall constitute a
600 quorum at any meeting of the landowners.

601 (2) Guardians may represent their wards, and personal
602 representatives may represent the estates of deceased persons.
603 Trustees may represent lands by them in trust, and private and
604 municipal corporations may be represented by their officers or
605 duly authorized agents. Guardians, personal representatives,
606 trustees, and corporations may vote by proxy.

607 Section 6. Installment assessments, levied and
608 apportioned, and the collection thereof.--

609 (1) The board of supervisors shall determine, order, and
610 levy the amount of the annual installments of the non-ad valorem
611 assessments levied under section 298.305, Florida Statutes,
612 which shall become due and collected during each year at the
613 same time that county taxes are due and collected, which levy



614 shall be evidenced to and certified by the board to the Tax
 615 Collector of Sarasota County, pursuant to sections 197.3631,
 616 197.3632, and 197.3635, Florida Statutes. Said non-ad valorem
 617 assessments shall be extended by the county tax collector on the
 618 tax roll and shall be collected by the tax collector and the net
 619 proceeds thereof paid to said district. Said non-ad valorem
 620 assessments shall be a lien until paid on the property against
 621 which it is assessed, and enforceable in like manner as county
 622 taxes.

623 (2) As an alternative, in addition to, or in combination
 624 with the above levy and assessment procedure for non-ad valorem
 625 assessments, the district shall have, and the board of
 626 supervisors may exercise, the power to determine, order, levy,
 627 impose, collect, and enforce special assessments pursuant to
 628 chapter 170, Florida Statutes. Such special assessments may, in
 629 the discretion of the district, be collected and enforced
 630 pursuant to the provisions of sections 197.3631, 197.3632, and
 631 197.3635, Florida Statutes, chapter 170, Florida Statutes, or as
 632 otherwise determined by the board.

633 Section 7. Maintenance assessment.--

634 (1) In lieu of any maintenance assessment provision of
 635 chapter 298, Florida Statutes, when in order to operate,
 636 maintain, and preserve the improvements made, constructed,
 637 installed, acquired, or received pursuant to this act and to
 638 repair, upgrade, replace, extend, and restore the same, when
 639 needed, and for the purpose of defraying the expenses, including
 640 administration, of the district, the board of supervisors may
 641 levy annually an assessment on specified property in the



642 district, to be known as a "maintenance assessment." Said
 643 maintenance assessment shall be evidenced to and certified by
 644 the board to the Tax Collector of Sarasota County, in the same
 645 fashion and manner of other district non-ad valorem assessments
 646 and shall be collected by the tax collector in the same manner
 647 and time as county taxes and the proceeds therefrom paid to said
 648 district. Said assessments shall be a lien until paid on the
 649 property against which assessed and enforceable in like manner
 650 as county taxes.

651 (2) Provisions may be made for the financing, acquisition,
 652 replacement, and maintenance of capital improvements necessary
 653 for the operation of the district as a part of the maintenance
 654 assessment.

55 Section 8. Compensation of property appraiser and tax
 656 collector.--The property appraiser and tax collector shall be
 657 entitled to compensation for services performed in connection
 658 with assessments of said district as provided by general law.

659 Section 9. Acreage assessment for payment of initial
 660 formation and organization expenses.--There is hereby authorized
 661 by the Legislature upon each and every acre of land within the
 662 territorial boundary of the district, the authority through its
 663 said board of supervisors and for the purpose of paying expenses
 664 incurred or to be incurred in organizing the district, the
 665 authority to levy such non-ad valorem assessments as may be
 666 determined by said board of supervisors, before said board of
 667 supervisors shall otherwise be able to obtain funds under the
 668 provisions of this act or the general laws of the state. Such
 669 organizing assessments shall become due and payable as



670 determined by the board of supervisors and shall become
671 delinquent 90 days thereafter. Said assessment shall be a lien
672 upon the lands in said district from the date of the enactment
673 of this act and may be collected in the same manner as the
674 annual installment of non-ad valorem assessments or as otherwise
675 determined by the board of supervisors. If it shall appear to
676 the board of supervisors to be necessary to obtain funds to pay
677 any expenses incurred or to be incurred in organizing said
678 district, preparing a plan of improvements or chapter 170
679 authorizing documents, or other expenses of the conduct and
680 operation of the district before a sufficient sum can be
681 obtained by the collection of the organization assessment
682 authorized by this section of this act, said board of
83 supervisors may also borrow a sufficient sum of money for any of
684 said purposes at a statutory lawful rate of the interest and may
685 issue negotiable notes or bonds therefor and may pledge any and
686 all assessments of the formation assessment that may be levied
687 under the provisions of this section for the repayment thereof.

688 Section 10. Bonds may be issued, sale and disposition of
689 proceeds; interest; levy to pay bonds; bonds and duties of
690 treasurer.--

691 (1) The provision of this section shall constitute full
692 and complete authority for the issuance of bonds by the
693 district.

694 (2) Provided that any and all loans or bonds of the
695 district are non-recourse as to the City of North Port, the
696 board of supervisors may issue bonds not to exceed 90 percent of
697 the total amount of the non-ad valorem assessments levied under



698 the provisions of section 298.305, Florida Statutes, or equal to
 699 the total amount levied under chapter 170, Florida Statutes,
 700 bearing interest from date at a rate not to exceed the statutory
 701 lawful maximum per annum, payable annually or semiannually, to
 702 mature at annual intervals within 40 years commencing after a
 703 period of not later than 10 years, to be determined by the board
 704 of supervisors, with both principal and interest payable at some
 705 convenient place designated by the board of supervisors to be
 706 named in said bonds, which bonds shall be signed by the chair of
 707 the board of supervisors, attested with the seal of the district
 708 and by the signature of the secretary of the board. All of said
 709 bonds shall be executed and delivered to the district or its
 710 agent, which shall sell the same in such quantities and at such
 11 dates as the board of supervisors may deem necessary to meet the
 712 payments for the works, services, and improvements in and of the
 713 district. A sufficient amount of the non-ad valorem assessment
 714 shall be appropriated by the board of supervisors for the
 715 purpose of paying the principal, premium, if any, and interest
 716 of said bonds, and the same shall, when collected, be preserved
 717 in a separate fund for that purpose and no other. All bonds not
 718 paid at maturity shall bear interest at a rate of not to exceed
 719 the statutory lawful maximum per annum from maturity until paid,
 720 or until sufficient funds have been deposited at the place of
 721 payment, and said interest shall be appropriated by the board of
 722 supervisors out of the penalties and interest collected on
 723 delinquent assessments or other available funds of the district.
 724 Provided, however, that it may, in the discretion of said board,
 725 be provided that at any time, after such date as shall be fixed



726 by the said board, said bonds may be redeemed before maturity at
 727 the option of said board, or their successors in office, by
 728 being made callable prior to maturity at such times and upon
 729 such prices and terms and other conditions as said board shall
 730 determine. If any bond so issued subject to redemption before
 731 maturity shall not be presented when called for redemption, it
 732 shall cease to bear interest from and after the date so fixed
 733 for redemption.

734 (3) The board of supervisors of said district shall have
 735 authority to issue refunding bonds to take up any outstanding
 736 bonds and any interest accrued thereon when, in the judgment of
 737 said board, it shall be for the best interest of said district
 738 so to do. The said board is hereby authorized and empowered to
 39 issue refunding bonds to take up and refund all bonds of said
 740 district outstanding that are subject to call and prior
 741 redemption, and all interest accrued to the date of such call or
 742 prior redemption, and all bonds of said district that are not
 743 subject to call or redemption, together with all accrued
 744 interest thereon, where the surrender of said bonds can be
 745 procured from the holders thereof at prices satisfactory to the
 746 board or can be exchanged for such outstanding bonds with the
 747 consent of the holder thereof. Such refunding bonds may mature
 748 at any time or times in the discretion of said board, not later,
 749 however, than 40 years from the date of issuance of said
 750 refunding bonds. Said refunding bonds shall bear such date of
 751 issue and such other details as the board shall determine, and
 752 may, in the discretion of said board, be made callable prior to
 753 maturity at such times and upon such prices and terms and other



754 conditions as said board shall determine. All the other
755 applicable provisions of this act not inconsistent therewith
756 shall apply fully to said refunding bonds and the holders
757 thereof shall have all the rights, remedies, and security of the
758 outstanding bonds refunded, except as may be provided otherwise
759 in the resolution of the board authorizing the issuance of such
760 refunding bonds. Any funds available in the sinking fund for the
761 payment of the principal, premium, if any, and interest of
762 outstanding bonds may be retained in the fund to be used for the
763 payment of principal, premium, if any, and interest of the
764 refunding bonds, in the discretion of the board of supervisors.
765 Any expenses incurred in buying any or all bonds authorized
766 under the provisions of this section and the interest thereon
67 and a reasonable compensation for paying same, shall be paid out
768 of the funds in the hands of the district, and collected for the
769 purpose of meeting the expenses of administration. It shall be
770 the duty of the said board of supervisors in making the annual
771 non-ad valorem assessment levy as heretofore provided to take
772 into account the maturing bonds and interest on all bonds and
773 expenses and to make provisions in advance for the payment of
774 same.

775 (4) In addition to the other powers provided the district,
776 and not in limitation thereof, the district shall have the
777 power, at any time, and from time to time after the issuance of
778 any bonds of the district shall have been authorized, to borrow
779 money for the purposes for which such bonds are to be issued in
780 anticipation of the receipt of the proceeds of the sale of such
781 bonds and to issue bond anticipation notes in a principal sum



782 not in excess of the authorized maximum amount of such bond
783 issue.

784 (5) The district shall have the power to issue revenue
785 bonds from time to time without limitation as to amount for the
786 purpose of financing its systems and facilities. Such revenue
787 bonds may be secured by, or payable from, the gross or net
788 pledge of the revenues to be derived from any project or
789 combination of projects; from the rates, fees, or other charges
790 to be collected from the users of any project or projects; from
791 any revenue-producing undertaking or activity of the district;
792 from special assessments; or from any other source or pledged
793 security. Such bonds shall not constitute an indebtedness of the
794 district, and the approval of qualified electors shall not be
795 required unless such bonds are additionally secured by the full
796 faith and credit and assessing power of the district.

797 (6) Prior to the issuance of bonds under the provisions of
798 this act, the board of supervisors may from time to time issue
799 warrants or negotiable notes or other evidences of debt of the
800 district, all of which shall be termed "floating indebtedness"
801 in order to distinguish the same from the bonded debt provided
802 for. The notes or other evidences of indebtedness shall be
803 payable at such times and shall bear interest at a rate not
804 exceeding the lawful statutory maximum per annum, and may be
805 sold or discounted at such price or on such terms as the board
806 may deem advisable. The board shall have the right, in order to
807 provide for the payment thereof, to pledge the whole or any part
808 of the assessments or revenues provided for in this act, whether
809 the same shall be theretofore or thereafter levied, and said



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810 board shall have the right to provide that the floating debt
811 shall be payable from the proceeds arising from the sale of
812 bonds, or from the proceeds of any such assessment, or both.
813 After the issuance of any bonds of the district under the
814 provisions of this act, the power to create such floating debt
815 and pledge the assessments or revenue therefor shall continue.

816 (7) (a) Pursuant to this act, the district shall have the
817 power from time to time to issue general obligation bonds to
818 finance or refinance capital projects or to refund outstanding
819 bonds in an aggregate principal amount of bonds outstanding at
820 any one time not in excess of 35 percent of the assessed value
821 of the taxable property within the district as shown on the
822 pertinent property appraiser valuation records at the time of
23 the authorization of the general obligation bonds for which the
824 full faith and credit of the district is pledged. Except for
825 refunding bonds, no general obligation bonds shall be issued
826 unless the bonds are issued to finance or refinance a capital
827 project and the issuance has been approved at an election held
828 in accordance with the requirements for such election as
829 prescribed by the State Constitution. Such elections shall be
830 called to be held in the district with the expenses of calling
831 and holding an election to be at the expense of the district.

832 (b) The district may pledge its full faith and credit for
833 the payment of the principal and interest on such general
834 obligation bonds and for any reserve funds provided therefor and
835 met unconditionally and irrevocably pledge its assessments or
836 revenues on all taxable property within the district, to the



837 extent necessary for the payment thereof, without limitations as
838 to greater amount.

839 (c) If the board determines to issue general obligation
840 bonds for more than one capital project, the approval of the
841 issuance of the bonds for each and all such projects may be
842 submitted to the electorate on one and the same ballot. The
843 failure of the electors to approve the issuance of bonds for any
844 one or more of the capital projects shall not defeat the
845 approval of bonds for any capital project which has been
846 approved by the electors.

847 (d) In arriving at the amount of general obligation bonds
848 permitted to be outstanding at any one time pursuant to
849 paragraph (a), there shall not be included any general
50 obligation bonds which are additionally secured by the pledge
851 of:

852 1. Special assessments levied in the amount sufficient to
853 pay the principal and interest on a general obligation bond so
854 additionally secured, which assessments have been equalized and
855 confirmed by resolution or ordinance of the board pursuant to
856 section 170.08, Florida Statutes.

857 2. Water revenues, sewer revenues, or water and sewer
858 revenues of the district to be derived from user fees that have
859 been approved by the City of North Port Commission or its
860 designee and in an amount sufficient to pay the principal and
861 interest on the general obligation bond so additionally secured.

862 3. Any combination of assessments and revenues described
863 in subparagraphs 1 and 2.



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864 (8) In case the proceeds of the original assessment and
865 levy made under the provisions of section 298.305, Florida
866 Statutes, or chapter 170, Florida Statutes, is not sufficient to
867 pay the principal, premium, if any, and interest of all bonds
868 issued, then the board of supervisors shall make such additional
869 levy or levies upon the benefits assessed as are necessary for
870 this purpose, and under no circumstances shall any levies be
871 made that will in any manner or to any extent impair the
872 security of said bonds or the fund available for the payment of
873 the principal and interest of the same.

874 (9) After the several bonds are paid and retired as herein
875 provided, they shall be returned and canceled and an appropriate
876 record thereof made in a book to be kept for that purpose, which
877 record of paid and canceled bonds shall be kept at the office of
878 the treasurer and shall be open for inspection by any bondholder
879 at any time.

880 (10) Any issue of bonds may be secured by a trust
881 agreement by and between the district and a corporate trustee or
882 trustees, which may be any trust company or bank having the
883 powers of a trust company within or without the state. The
884 resolution authorizing the issuance of the bonds or such trust
885 agreement may pledge the revenues to be received from any
886 projects of the district and may contain such provisions for
887 protecting and enforcing the rights and remedies of the
888 bondholders as the board may approve, including, without
889 limitation, covenants setting forth the duties of the district
890 in relation to the acquisition, construction, reconstruction,
891 improvement, maintenance, repair, operation, and insurance of



892 any projects; the fixing and revising of the rates, fees, and
 893 charges; and the custody, safeguarding, and application of all
 894 moneys and for the employment of consulting engineers in
 895 connection with such acquisition, construction, reconstruction,
 896 improvement, maintenance, repair, or operation.

897 (11) Bonds of each issue shall be dated; shall bear
 898 interest at such rate or rates, including variable rates, which
 899 interest may be tax exempt or taxable for federal income tax
 900 purposes; shall mature at such time or times from their date or
 901 dates; and may be made redeemable before maturity at such price
 902 or prices and under such terms and conditions as may be
 903 determined by the board.

904 (12) No bonds issued by the district shall be required to
 905 be validated under chapter 75, Florida Statutes, or other
 906 provision of law.

907 Section 11. Unit development; powers of supervisors to
 908 designate units of development and adopt systems of progressive
 909 development by units; plan of improvements and financing
 910 assessments, for each unit.

911 (1) Upon written petition signed by the owners of 51
 912 percent of the acreage in any area, the board of supervisors of
 913 the district shall have the power and is hereby authorized in
 914 its discretion to exercise such powers authorized in this act,
 915 the lands in said designated area or part of the district to be
 916 called a "unit." The units into which said district may be so
 917 divided shall be given appropriate numbers or names by said
 918 board of supervisors, so that said units may be readily
 919 identified and distinguished. The board of supervisors shall



920 have the power to fix and determine the location, area, and
 921 boundaries of and lands to be included in each and all such
 922 units with the consent of the owners of 51 percent of the
 923 acreage in any area, and the method of carrying on the work in
 924 each unit. If the board of supervisors shall determine that it
 925 is advisable to conduct the work of the district by units, as
 926 authorized by this section, said board shall, by resolution duly
 927 adopted and entered upon its minutes, declare its purpose to
 928 conduct such work accordingly and, upon petition of the owners
 929 of 51 percent of the acreage in any area, shall at the same time
 930 and manner fix the number, location, and boundaries of and
 931 description of lands within such unit or units and give
 932 appropriate numbers or names, which unit or units may overlay or
 33 overlap one or more other units. As soon as practicable after
 934 the adoption and recording of a resolution as to any unit, said
 935 board of supervisors shall publish a notice once a week for 2
 936 consecutive weeks in the newspaper of general paid circulation
 937 that the City of North Port publishes notices of city meetings,
 938 and by provision of 2 weeks advance written notice to the City
 939 of North Port City Manager, briefly describing the unit or units
 940 into which the district has been divided and the lands embraced
 941 in each unit, giving the name, number, or other designation of
 942 such units, requiring all owners of lands in the district to
 943 show cause in writing before said board of supervisors at a time
 944 and place to be stated in such notice why such division of said
 945 district into such unit or units should not be approved, and why
 946 the proceedings and powers authorized by this section of this
 947 act should not be had, taken, and exercised. At the time and



948 place stated in said notice, said board of supervisors shall
 949 hear all objections or causes of objection, all of which shall
 950 be in writing, of any landowner in the district to the matters
 951 mentioned and referred to in such notice, and if no objections
 952 are made, or if said objections, if made, shall be overruled by
 953 said board, then said board shall enter in its minutes its
 954 finding and order confirming said resolution and may thereafter
 955 proceed with the development of the district by unit or units
 956 pursuant to such resolution and to the provisions of this act.
 957 If, however, said board of supervisors shall find as a result of
 958 such objections, or any of them, or the hearing thereon, that
 959 the division of the district into such unit or units as
 960 aforsaid should not be approved, or that the proceedings and
 61 powers authorized by this section of this act should not be had,
 962 taken, or exercised, or that any other matter or thing embraced
 963 in said resolution would not be in the best interest of the
 964 landowners of said unit or units or would be unjust or unfair to
 965 any landowner therein or otherwise inconsistent with fair and
 966 equal protection and enforcement of the rights of every
 967 landowner in said unit or units, then the board of supervisors
 968 shall not proceed further under such resolution, but said board
 969 of supervisors may, as a result of such hearing, modify or amend
 970 said resolution so as to meet such objections so made, and
 971 thereupon said board may confirm said resolution as so modified
 972 or amended and may thereafter proceed accordingly. If said board
 973 of supervisors shall overrule or refuse to sustain any such
 974 objections in whole or in part made by any landowner in the
 975 district, or if any such landowner shall deem himself or herself



976 aggrieved by any action of the board of supervisors in respect
977 to any objections so filed, such landowner may, within 10 days
978 after the ruling of said board, file his or her complaint in the
979 Circuit Court for Sarasota County, against said district,
980 praying an injunction or other appropriate relief against the
981 action or any part of such action proposed by such resolution or
982 resolutions of said board, and such suits shall be conducted
983 like other suits, except that said suits shall have preference
984 over all other pending actions except criminal actions and writs
985 of habeas corpus. Upon the hearing of said cause, the circuit
986 court shall have the power to hear the objections and receive
987 the evidence thereon of all parties to such cause and approve or
988 disapprove said resolutions and action of the board in whole or
89 in part, and to render such decree in such cause as right and
990 justice require.

991 (2) When said resolutions creating said unit or units
992 shall be confirmed by the board of supervisors (or by the
993 Circuit Court for Sarasota County, if such proposed action shall
994 be challenged by a landowner by the judicial proceedings
995 hereinabove authorized), the board of supervisors may adopt a
996 plan of improvements or chapter 170 authorizing documents for
997 and in respect to any or all such units, and to have the
998 benefits and damages resulting therefrom assessed and
999 apportioned as is provided by law in regard to a plan of
1000 improvements or chapter 170 authorizing documents for and
1001 assessments for benefits and damages of the entire district.
1002 With respect to the plan of improvements, notices, appointment
1003 of engineer to prepare a report assessing the benefits and



1032 are no residents in said unit, may at any time amend its
 1033 resolutions by changing the location and description of lands in
 1034 any such unit or units and provided, further, that if the
 1035 location or description of lands located in any such unit or
 1036 units is so changed, notice of such change shall be published as
 1037 hereinabove required in this section for notice of the formation
 1038 or organization of such unit or units; provided, however, that
 1039 no lands against which benefits shall have been assessed may be
 1040 detached from any such unit after the final adoption of the
 1041 engineer's report of benefits or chapter 170 authorizing
 1042 document, in such unit or units or the issuance of bonds or
 1043 other obligations which are payable from assessments for
 1044 benefits levied upon the lands within such unit or units.

45 (3) Provided, however, that if, after adoption of the
 1046 engineer's report of benefits chapter 170, authorizing document,
 1047 in such unit or units, or the issuance of bonds or other
 1048 obligations which are payable from assessments for benefits
 1049 levied upon lands within such unit or units, the board of
 1050 supervisors finds the plan of improvements, the engineer's
 1051 report, or chapter 170 authorizing documents for any such unit
 1052 or units insufficient or inadequate for efficient development,
 1053 same may be amended or changed as provided in this act, chapter
 1054 170 or chapter 298, Florida Statutes, and the unit or units may
 1055 be amended or changed as provided in this section, by changing
 1056 the location and description of lands in any such unit or units,
 1057 by detaching lands therefrom or by adding land thereto, upon the
 1058 approval of at least 51 percent of the landowners according to
 1059 acreage, in any such unit, and provided that in such event all



1060 assessments, levies, fees, bonds, and other obligations made,
 1061 levied, assessed, incurred, or issued for or in respect to any
 1062 such unit or units may be allocated and apportioned to the
 1063 amended unit or units in proportion to the benefits assessed by
 1064 the engineer's report, for the amended plan of improvements and
 1065 said report shall specifically provide for such allocation and
 1066 apportionment. The landowners shall file their approval of or
 1067 objections to such amended plan of improvements within the time
 1068 provided in section 298.301, Florida Statutes, or, when used
 1069 such applicable deadline provision, if any, of chapter 170,
 1070 Florida Statutes, and shall file their approval of or objections
 1071 to the amendment of such unit as provided in this section.

1072 (4) No assessable lands shall be detached from any unit
 73 after the issuance of bonds or other obligations for such unit
 1074 except upon the consent of a majority the holders, based on face
 1075 value of the outstanding bonds, of such bonds or other
 1076 obligations. In the event of the change of the boundaries of any
 1077 unit as provided herein and the allocation and apportionment to
 1078 the amended unit or units of assessments, levies, fees, bonds,
 1079 and other obligations in proportion to the benefits assessed,
 1080 the holder of the bonds or other obligations heretofore issued
 1081 for the original unit who consents to such allocation and
 1082 apportionment shall be entitled to all rights and remedies
 1083 against any lands added to the amended unit or units as fully
 1084 and to the same extent as if such added lands had formed and
 1085 constituted a part of the original unit or units at the time of
 1086 the original issuance of such bonds or other obligations, and
 1087 regardless of whether the holders of such bonds or other



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1088 obligations are the original holders thereof or the holders from
1089 time to time hereafter, and the rights and remedies of such
1090 holders against the lands in the amended unit or units,
1091 including any lands added thereto, under such allocation and
1092 apportionment, shall constitute vested and irrevocable rights
1093 and remedies to the holders from time to time of such bonds or
1094 other obligations as fully and to the same extent as if such
1095 bonds or other obligations had been originally issued to finance
1096 the improvements in such amended unit or units.

1097 (5) Upon the formation of a unit, the board is authorized
1098 to levy a one-time organizational special assessment tax per
1099 acre on the lands in a unit sufficient to prepare a plan of
1100 improvements or chapter 170 authorizing documents and have the
01 benefits assessed as provided herein.

1102 (6) The territorial limits of a unit may be expanded to
1103 include additional land by agreement between the district and
1104 all of the landowners of the land to be included in the unit,
1105 provided that at the time of the execution of the agreement, the
1106 additional land is contained within the jurisdictional
1107 boundaries of the district. Land included in the unit by
1108 agreement shall thereafter be subject to the payment of all
1109 assessments or fees levied by the district in the unit and shall
1110 be subject to the provisions of all laws under which the
1111 district operates. The agreement shall be in recordable form and
1112 filed in the official records.

1113 (7) The district shall not amend any plan of improvement
1114 for any unit in which any real property has been sold to the
1115 general public at large for residential and non-commercial



1116 purposes, in such a way that said amendment results in any
 1117 increase in the principal amount of debt then authorized for
 1118 that unit, without an affirmative vote of a simple majority of
 1119 qualified electors, as so defined in chapter 189, Florida
 1120 Statutes, within said unit voting in a referendum.

1121 Section 12. Eminent domain.--The said board of supervisors
 1122 is hereby authorized and empowered when reasonably necessary for
 1123 the implementation of district authorized public infrastructure
 1124 works, facilities, or services, to exercise within the district
 1125 with prior approval by resolution of the governing body of the
 1126 district and the municipality or outside the district's
 1127 territorial boundaries and within the City of North Port with
 1128 prior approval, by resolution, of the City of North Port City
 29 Commission, (which approval shall not be unreasonably withheld),
 1130 the right and power of eminent domain, pursuant to the
 1131 provisions of chapters 73 and 74, Florida Statutes, over any
 1132 property within the district and the City of North Port, except
 1133 municipal, county, state, and federal property, for the uses and
 1134 purposes of the district relating solely to water, sewer,
 1135 district roads, and water management, specifically including,
 1136 without limitation, the power for the taking of easements for
 1137 the drainage of the land of one person over and through the land
 1138 of another.

1139 Section 13. Definition of 51 percent of acreage in any
 1140 area.--When the consent of 51 percent of the acreage is required
 1141 in any described geographical area for any purpose, in
 1142 determining the acreage in the area, the lands and rights-of-way
 1143 of the district and all lands which are or will be exempt or



1144 excluded from payment of the district assessments shall not be
 1145 included in the acreage to determine the 51 percent consent
 1146 requirements.

1147 Section 14. Amending plan of improvements, engineer's
 1148 report, or chapter 170 authorizing documents.--In addition and
 1149 as an alternative to the provisions of chapters 298 and 170,
 1150 Florida Statutes, a plan of improvements, the engineer's report,
 1151 or chapter 170 authorizing document may be amended, modified,
 1152 corrected and changed from time to time in the following manner:

1153 (1) The intent of this section, in part, is to give the
 1154 board of supervisors power with broad latitude to make
 1155 additional and such other improvements to the plan of
 1156 improvements or chapter 170 authorizing documents which the
 57 board of supervisors considers appropriate to implement the
 1158 purpose and intent of the plan of improvements or chapter 170
 1159 authorizing documents and which, in the opinion of the board,
 1160 results in a benefit to the land and will not increase the cost
 1161 in excess of the total benefits assessed as provided herein. The
 1162 district may accept for operation maintenance additional
 1163 facilities which are within or outside its boundaries and
 1164 supplement a plan of improvements or chapter 170 authorizing
 1165 documents.

1166 (2) As an alternate procedure, the board of supervisors
 1167 shall have the power to change, alter, or amend a previously
 1168 approved or adopted plan of improvements, engineer's report, or
 1169 chapter 170 authorizing documents by duly adopted resolution;
 1170 provided the district engineer certifies that all land subject
 1171 to the previously approved or adopted plan of improvements or



1172 chapter 170 authorizing documents will receive the same or
1173 greater benefits as previously assessed and that the estimated
1174 cost of constructing the plan of improvements, including the
1175 changes or amendments to it, the engineer's report, or chapter
1176 170 authorizing documents do not exceed the total benefits
1177 assessed. Said resolution shall be filed with the secretary of
1178 the district and shall be binding upon the owners of lands
1179 subject to the plan of improvements, the engineer's report, or
1180 chapter 170 authorizing documents, as applicable, including
1181 their successors and assigns.

1182 (3) When a plan of improvements, engineer's report, or
1183 chapter 170 authorizing document is amended, modified, or
1184 changed by any authorized procedure, the approval or consent of
85 the holders of the bonds issued in respect to such plan,
1186 engineer's report, or chapter 170 authorizing document shall not
1187 be required and amendments, modifications, and changes may be
1188 made to the plan of improvements, engineer's report, or chapter
1189 170 authorizing document without bondholders' approval or
1190 consent.

1191 (4) The district shall not amend any plan of improvement
1192 for any unit in which any real property has been sold to the
1193 general public at large for residential and non-commercial
1194 purposes, in such a way that said amendment results in any
1195 increase in the principal amount of debt then authorized for
1196 that unit, without an affirmative vote of a simple majority of
1197 qualified electors, as so defined in chapter 189, Florida
1198 Statutes, within said unit voting in a referendum.



1199 Section 15. Meetings and notices.--Except as otherwise
 1200 specifically set forth in the act, the board of supervisors
 1201 shall hold their meetings pursuant to sections 189.416 and
 1202 189.417, Florida Statutes.

1203 Section 16. Reports, budgets, audits.--The district shall
 1204 prepare and submit reports, budgets, and audits as provided in
 1205 sections 189.415 and 189.418, Florida Statutes.

1206 Section 17. Territorial boundaries.--The territorial
 1207 boundaries of the district shall be as follows, to wit:

1208
 1209 LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST,
 1210 SARASOTA COUNTY,
 1211 FLORIDA:

12
 1213 That part of Section 21, lying Southwesterly of County
 1214 Road No. 777 (West River Road). All that part of
 1215 Section 28, lying West of County Road No. 777 (West
 1216 River Road). All of Section 29, less and except the
 1217 following: Right-of-way for U. S. Highway No. 41
 1218 (State Road No. 45). All of Section 30, less and
 1219 except the following: Right-of-way for U. S. Highway
 1220 No. 41 (State Road No. 45); That portion conveyed to
 1221 Florida Power and Light Company consisting of
 1222 approximately 4.66 acres in the SW1/4 as described in .
 1223 Official Record Book 1036, Page 802, Public Records of
 1224 Sarasota County, Florida; That portion lying West of
 1225 lands described in Official Record Book 1036, Page
 1226 802, South of the westerly extension of the North line



1227 of said lands described in Official Records Book 1036,
 1228 Page 802, and North of the northerly Right of Way line
 1229 of U.S. Highway No.41. All of Section 31, less and
 1230 except the following: Right-of-way of U. S. Highway
 1231 No. 41 (State Road No. 45). All of Section 32, less
 1232 and except the following: Right-of-way of U. S.
 1233 Highway No. 41 (State Road No. 45); That portion
 1234 conveyed in Official Record Book 2785, Page 634 of the
 1235 Public Records of Sarasota County, Florida, (Sarasota
 1236 County Hospital Board); That portion conveyed in
 1237 Official Record Book 1571, Page 2172 of the Public
 1238 Records of Sarasota County, Florida, (Manatee
 1239 Community College); Right-of-way for Pine Street
 40 Extension as recorded in Official Record Book 2536,
 1241 pages 811-974 of The Public Records of Sarasota
 1242 County, Florida; That portion conveyed in Official
 1243 Record Book 2785, Page 641 of the Public Records of
 1244 Sarasota County, Florida, (120' wide perpetual Non-
 1245 Exclusive easement); That portion lying South of lands
 1246 conveyed in Official Record Book 1571, Page 2172 and
 1247 East of lands described in Official Record Book 2785,
 1248 Page 641, Public Records of Sarasota County, Florida.
 1249 That portion of Section 33, lying North of U.S.
 1250 Highway No. 41 (State Road No.45) and West of County
 1251 Road #777 (West River Road); also that portion of
 1252 Section 33, lying South of U.S. Highway No. 41 (State
 1253 Road No. 45), West of a 200 ft. wide access easement
 1254 described in Official Records Book 2389, Page 528,



1255 Public Records of Sarasota County, Florida, and North
 1256 of lands conveyed in Official Records Book 1571, Page
 1257 2172, Public Records of Sarasota County, Florida;
 1258 also that portion of Section 33, lying South of U.S.
 1259 Highway No. 41 (State Road No. 45), described as
 1260 follows: COMMENCE at the East Quarter Corner of
 1261 Section 33, Township 39 South, Range 20 East, Sarasota
 1262 County Florida; thence S.00°16'02"W., along the East
 1263 line of said Section 33, a distance of 289.08 feet to
 1264 a point on the Southerly Right of Way Line of U.S.
 1265 Highway No.41, (State Road No. 45) per Florida
 1266 Department of Transportation Right of Way Map Section
 1267 17010-2508, same being a point on a curve to the right
 68 having a radius of 3011.73 feet, a central angle of
 1269 24°58'49", a chord bearing of N.66°51'56"W., and a
 1270 chord length of 1032.71 feet; thence along the arc of
 1271 said curve and said Southerly Right of Way of U.S. No.
 1272 41, an arc length of 1313.08 feet to the point of
 1273 tangency of said curve; thence N.54°22'31"W., along
 1274 said southerly Right of Way, a distance of 66.57 feet
 1275 to the POINT OF BEGINNING, same being the Northwest
 1276 corner of Lands described in Official Records
 1277 Instrument No.1998166153, per Public Records of
 1278 Sarasota County, Florida; thence along the Westerly
 1279 line of said Lands described in Official Records
 1280 Instrument No.1998166153 the following three (3)
 1281 courses and distances; (1) S.35°37'26"W., a distance
 1282 of 161.93 feet to the point of curvature of a curve to



1283 the right having a radius of 559.97 feet, a central
 1284 angle of 29°49'56", a chord bearing of S.50°32'24"W.,
 1285 and a chord length of 288.28 feet; (2) thence along
 1286 the arc of said curve an arc length of 291.56 feet to
 1287 the end of said curve; (3) thence S.00°01'27"W., a
 1288 distance of 1074.23 feet; thence N.48°24'50"W.,
 1289 leaving said Westerly Line, a distance of 2914.38 feet
 1290 to the Northeast corner of Lands described as Manatee
 1291 Community College per Official Records Book 1571, Page
 1292 2172, same being the point of curvature of a curve to
 1293 the left having a radius of 4577.37 feet, a central
 1294 angle of 06°20'23", a chord bearing of N.60°40'02"W.,
 1295 and a chord length of 506.22 feet; thence along the
 96 arc of said curve and Northerly Line of Lands
 1297 described as Manatee Community College, an arc length
 1298 of 506.48 feet to the end of said curve, same being
 1299 the Southeast corner of lands described in Official
 1300 Records Book 2389, Page 529, Public Records of
 1301 Sarasota County, Florida; thence N.65°18'18"E., along
 1302 the Easterly Line of said lands, a distance of 188.09
 1303 feet; thence continue N.00°00'19"W., along said
 1304 Easterly Line, a distance of 144.96 feet to the
 1305 Northeast corner of said Lands; thence N.65°21'46"W
 1306 along the Northerly Line of said Lands, a distance of
 1307 400.68 feet to the Northwest corner of said Lands,
 1308 same being a point on the Easterly Line of a 200 foot
 1309 wide access Easement per Official Records Book 1571,
 1310 Pages 2172 through 2175 and Official Records Book



1311 2389, Pages 528 through 530, Public Records of
 1312 Sarasota County, Florida; thence N.00°30'25"E., along
 1313 the Easterly Line of said 200 foot wide access
 1314 Easement, a distance of 786.89 feet to the Southerly
 1315 Right of Way of U.S. No. 41, same being a point on a
 1316 curve to the right having a radius of 5597.58 feet, a
 1317 central angle of 03°08'33", a chord bearing of
 1318 S.69°13'16"E., and a chord length of 306.97 feet;
 1319 thence along the arc of said curve an arc length of
 1320 307.01 feet to the end of said curve; thence continue
 1321 along said Southerly Right of Way Line the following
 1322 fourteen (14) courses and distances; (1)
 1323 S.22°19'13"W., a distance of 10.00 feet to the point
 24 of curvature of a curve to the right having a radius
 1325 of 5587.58 feet, a central angle of 00°45'15", a chord
 1326 bearing of S.67°16'21"E., and a chord length of 73.55
 1327 feet; (2) thence along the arc of said curve an arc
 1328 length of 73.55 feet; (3) thence N.23°06'16"E., a
 1329 distance of 10.00 feet to the point of curvature of a
 1330 curve to the right having a radius of 5597.58 feet, a
 1331 central angle of 08°17'44", a chord bearing of
 1332 S.62°44'52"E., and a chord length of 809.74 feet; (4)
 1333 thence along the arc of said curve an arc length of
 1334 810.45 feet; (5) thence S.31°08'57"W., a distance of
 1335 10.00 feet to the point of curvature of a curve to the
 1336 right having a radius of 5587.58 feet, a central angle
 1337 of 00°45'12", a chord bearing of S.58°13'22"E., and a
 1338 chord length of 73.47 feet; (6) thence along the arc of



1339 said curve an arc length of 73.47 feet; (7) thence
 1340 N.32°24'25"E., a distance of 10.00 feet to the point
 1341 of curvature of a curve to the right having a radius
 1342 of 5597.58 feet, a central angle of 03°28'13", a chord
 1343 bearing of S.56°06'38"E., and a chord length of 338.98
 1344 feet; (8) thence along the arc of said curve an arc
 1345 length of 339.03 feet to the end of said curve; thence
 1346 (9) S.56°35'34"E.; a distance of 155.08 feet;(10)
 1347 thence S.54°22'31"E., a distance of 1102.52 feet;
 1348 (11) thence S.51°00'40"E., a distance of 101.66 feet;
 1349 (12) thence S.54°20'43"E., a distance of 199.02 feet;
 1350 (13) thence S.48°43'03"E., a distance of 100.71 feet;
 1351 (14) thence S.54°22'31"E., a distance of 447.75 feet
 52 to the POINT OF BEGINNING. That portion of the North
 1353 Half of the Southwest Quarter of the Northwest Quarter
 1354 of Section 34, lying West of River Road (County Road
 1355 No.777); also that portion of the Southeast Quarter of
 1356 Section 34, lying West of the Myakka River, South of
 1357 the South line of lands described in Official Record
 1358 Instrument No. 2000002794, Public Records of Sarasota
 1359 County, Florida (River Road Office Park, Inc.), and
 1360 easterly of the maintained right of way line of a
 1361 paved road running from River Road to the South line
 1362 of the Northeast Quarter of said Section 34, (Old
 1363 River Road), less and except the following: That
 1364 portion described in Official Record Instrument No.
 1365 1999111833, Public Records of Sarasota County,
 1366 Florida, (Right of Way for County Road No.777). All of



1367 Section 35 lying West of the Myakka River. Also, a
 1368 portion of Sections 32, 33 and 34, Township 39 South,
 1369 Range 20 East, Sarasota County, Florida, being more
 1370 particularly described as follows: BEGIN at the
 1371 Southeast corner of Section 32, Township 39 South,
 1372 Range 20 East; thence N.89°04'43"W., along the South
 1373 line of said Section 32, a distance of 410.14 feet to
 1374 the Southeast corner of the lands described in
 1375 Official Records Book 2785 at Page 634, of the Public
 1376 Records of Sarasota County, Florida; thence
 1377 N.00°30'25"E., along the East line of said lands
 1378 described in Official Records Book and Page, same
 1379 being the West line of a 120.00 foot wide Perpetual
 80 Non-exclusive Easement per Official Records Book 2785
 1381 at Page 641, a distance of 1400.76 feet to a point on
 1382 the westerly extension of the southerly boundary line
 1383 of lands described in Official Records Book 1571 at
 1384 Page 2172, of the Public Records of Sarasota County,
 1385 Florida; thence along the westerly extension and
 1386 boundary of said lands described in Official Records
 1387 Book 1571, at Page 2172 the following two (2) courses:
 1388 (1) S.89°29'35"E., a distance of 1960.21 feet; (2)
 1389 thence N.00°30'25"E., a distance of 2062.70 feet to
 1390 the Northeast corner of said lands; thence
 1391 S.48°24'50"E., a distance of 2914.38 feet to the
 1392 Southwest corner of lands described in Official
 1393 Records Instrument 1998166154, of the Public Records
 1394 Sarasota County, Florida; thence along the boundary of



1395 said lands described in Official Records Instrument
 1396 1998166154 the following three (3) courses: (1)
 1397 S.89°58'33"E., a distance 676.50 feet; (2) thence
 1398 N.00°01'27"E., a distance of 752.33 feet; (3) thence
 1399 N.28°06'22"E., a distance of 362.06 feet to a point on
 1400 the southerly right of way line of U.S. Highway No.
 1401 41, as per Florida Department of Transportation Right
 1402 of Way Map, Section 17010-2508, said point being on a
 1403 curve concave to the northeast and having a radius of
 1404 3011.73 feet, a central angle of 14°28'18", a chord
 1405 bearing of S.72°07'12"E. and a chord distance of
 1406 758.67 feet; thence in an easterly direction, along
 1407 the arc of said curve, an arc distance of 760.69 feet
 08 to a point on the West line of Section 34, Township
 1409 39 South, Range 20 East, Sarasota County, Florida;
 1410 thence S.00°16'02"W., along the West line of said
 1411 Section 34, and leaving said southerly right of way
 1412 line, a distance of 379.82 feet; thence S.89°37'27"E.,
 1413 a distance of 1329.90 feet to a point on the westerly
 1414 right of way line of County Road #777 (South River
 1415 Road) as per Florida Department of Transportation
 1416 Right of Way Map, Section 17550-2601; thence along
 1417 said westerly right of way line, the following six (6)
 1418 courses; (1) S.00°07'30"W., a distance of 5.48 feet;
 1419 (2) thence S.89°23'52"E., a distance of 9.74 feet; (3)
 1420 thence S.36°39'07"E., a distance of 64.18 feet to the
 1421 point of curvature of a circular curve to the right,
 1422 having a radius of 5599.32 feet, a central angle of



1423 02°00'54", a chord bearing of S.35°38'40"E. and a
 1424 chord distance of 196.90 feet; (4) thence
 1425 southeasterly, along the arc of said curve, an arc
 1426 distance of 196.91 feet to the end of said curve; (5)
 1427 thence N.55°21'47"E., radial to the last described
 1428 curve, a distance of 20.00 feet to a point on a curve
 1429 concentric with the last described curve and having a
 1430 radius of 5619.32 feet, a central angle of 15°31'30",
 1431 a chord bearing of S.26°52'28"E. and a chord distance
 1432 of 1517.98 feet; (6) thence in a southerly direction
 1433 along the arc of said curve, an arc distance of
 1434 1522.64 feet to the Northeast corner of lands
 1435 described in Official Records Instrument 2000002794,
 36 of the Public Records Sarasota County, Florida; thence
 1437 S.78°41'04"W., along the northerly line of said lands
 1438 described in Official Records Instrument 2000002794, a
 1439 distance of 2240.20 feet to the Southeast corner of
 1440 Section 33, Township 39 South, Range 20 East, Sarasota
 1441 County, Florida; thence N.89°39'52"W., along the South
 1442 line of said Section 33, a distance of 5318.90 feet to
 1443 the POINT OF BEGINNING.

1444
 1445 LANDS LOCATED IN TOWNSHIP 40 SOUTH, RANGE 20 EAST,
 1446 SARASOTA COUNTY, FLORIDA:

1447
 1448 All of Section 3, less and except the following: That
 1449 portion conveyed in Order of Taking recorded in
 1450 Official Record Book 2679, Page 2750-2754, of the



1451 Public Records of Sarasota County, Florida (County
1452 Road No 777); That portion conveyed in Official Record
1453 Instrument No. 2000002794 of the Public Records of
1454 Sarasota County, Florida, (River Road Office Park,
1455 Inc.); The maintained right-of-way of County Road
1456 No.777 (South River Road). All of Section 4, Less and
1457 except the following: That portion described in
1458 Official Record Instrument No. 2000002794, of the
1459 Public Records of Sarasota County, Florida, (River
1460 Road Office Park, Inc.). All of Section 5, less and
1461 except the following: Right-of-way conveyed for Pine
1462 Street Extension recorded in Official Record Book
1463 2536, Page 811-974, of the Public Records of Sarasota
64 County, Florida. All of Section 6, less and except the
1465 following: Right-of-way conveyed for Pine Street
1466 Extension recorded in Official Record Book 2536, Page
1467 811-974, of the Public Records of Sarasota County,
1468 Florida. All of Section 7, less and except the
1469 following: Right-of-way conveyed for Pine Street
1470 Extension recorded in Official Record Book 2536, Page
1471 811-974, of the Public Records of Sarasota County,
1472 Florida. All of Section 8. All of Section 9. All of
1473 Section 10, less and except the following: The
1474 maintained right-of-way for County Road No. 777 (South
1475 River Road) ALL OF THE ABOVE ARE SUBJECT TO EASEMENTS
1476 OF RECORD, OR OTHERWISE, USED FOR DRAINAGE, UTILITIES
1477 AND/OR INGRESS AND EGRESS.

1478



1479 The above described property contains a total of
 1480 8193.7478 acres more or less.

1481
 1482 Section 18. Severability.--In case any one or more of the
 1483 sections or provisions of this act or the application of such
 1484 sections or provisions to any situation, circumstance, or person
 1485 shall for any reason be held to be unconstitutional, such
 1486 unconstitutionality shall not affect any other sections or
 1487 provisions of this act or the application of such sections or
 1488 provisions to any other situation, circumstance, or person, and
 1489 it is intended that this law shall be construed and applied as
 1490 if such section or provision had not been included herein for
 1491 any unconstitutional application.

92 Section 19. Limitations of powers.--All governmental
 1493 planning, environmental, and land development laws, regulations,
 1494 and ordinances apply to all development of the land within the
 1495 district. The district does not have the power of a local
 1496 government to adopt a comprehensive plan, building code, zoning
 1497 code, or land development code, as those terms are defined in
 1498 the Local Government Comprehensive Planning and Land Development
 1499 Regulation Act. The district shall take no action which is
 1500 inconsistent with applicable comprehensive plans, ordinances, or
 1501 regulations of the applicable local general-purpose government.
 1502 Nothing in this act shall create any delegation of any
 1503 responsibilities or authorities from the City of North Port to
 1504 the district. Notwithstanding anything to the contrary, the
 1505 district shall be required to obtain any and all permits for
 1506 infrastructure planning and construction from the City of North



1507 Port that would otherwise be required of a private entity
 1508 performing the same work. The district shall not have the power
 1509 to supercede, contravene, or overrule any development or
 1510 annexation agreements entered into by landowners within or
 1511 outside of the district or any City of North Port joint planning
 1512 agreements or interlocal agreements with Sarasota County or any
 1513 other governmental entities.

1514 Section 20. Public disclosures.--

1515 (1) The district shall be required to comply with all
 1516 current or future requirements, if any, to provide disclosure to
 1517 the public and/or current or potential property owners
 1518 concerning the district and its assessments.

1519 (2) Any contract for sale of real property within the
 20 district whereby a land developer or builder is selling property
 1521 to the general public at large for residential and noncommercial
 1522 purposes, contain a disclosure to the potential purchaser
 1523 disclosing the existence and nature of the district, as well as
 1524 actual amounts of bonded indebtedness applicable to that
 1525 property and projected assessments for principal debt repayment
 1526 that the district is then obligated to assess and collect
 1527 annually upon the subject real property. Said disclosure must be
 1528 presented prominently and specifically acknowledged in writing
 1529 by the buyer in the sales document.

1530 (3) Any property owner's association created within the
 1531 district by a land developer or builder shall contain language
 1532 in its charter or declaration of covenants disclosing the
 1533 existence and purpose of the district.



1534 (4) The district shall cause to be recorded in the public
 1535 records of Sarasota County the formation of any unit created
 1536 pursuant to section 11 of this act and, upon of the sale of any
 1537 debt, the principal amount of bonded indebtedness incurred for
 1538 that unit.

1539 (5) Any land developer or builder who maintains a sales
 1540 office for the purpose of the initial sale of homes or lots
 1541 within the district to the general public at large shall post a
 1542 readily visible sign of not less than 24 inches by 36 inches in
 1543 the sales office which advises potential buyers of the existence
 1544 and purpose of the district.

1545 Section 21. Sale of lands.--In the event that the lands
 1546 described in subsection (3) are sold to the state or any
 47 executive branch department thereof or the Southwest Florida
 1548 Water Management District:

1549 (1) The seller of said land shall be able to utilize any
 1550 such lands sold for open space mitigation, wetland mitigation,
 1551 and stormwater mitigation for development within the district.

1552 (2) Any development within the district which shall be
 1553 required to obtain any permits from any executive branch
 1554 department of the state or the Southwest Florida Management
 1555 District shall receive expedited review of those permits.

1556 (3) Legal description of lands:

1557
 1558 All of Section 3, Township 40 South, Range 20 East,
 1559 East of the Right-of -Way for State Road 777.

1560



1561 LESS AND EXCEPT a parcel recorded in Deed Book 168,
 1562 Page 240 described as follows: a strip of land twenty
 1563 five feet in width on either side of a center line
 1564 running and described as follows: beginning at a
 1565 point which is the intersection of the section line
 1566 between sections 3 and 10, in Township 40 South, Range
 1567 20 East, and the centerline of the existing Englewood-
 1568 Myakka River Road, and running thence East along said
 1569 section line to the southeast corner of said Section
 1570 3, said corner being also the Northeast corner of said
 1571 section 10. AND All of section 10, Township 40 South,
 1572 Range 20 East, East of Right-of -Way for State Road
 1573 777.

74 LESS AND EXCEPT a parcel recorded in Deed Book 168,
 1575 Page 240 described as follows: a strip of land twenty
 1576 five feet in width on either side of a center line
 1577 running and described as follows: beginning at a
 1578 point which is the intersection of the section line
 1579 between sections 3 and 10, in Township 40 South, Range
 1580 20 East, and the centerline of the existing Englewood-
 1581 Myakka River Road, and running thence East along said
 1582 section line to the southeast corner of said Section
 1583 3, said corner being also the Northeast corner of said
 1584 section 10.

1585
 1586 AND
 1587



HB 1567, Engrossed 2

2004

1588 All of section 15, Township 40 South, Range 20 East,
 1589 East of right-of -way for State Road 777.
 1590
 1591 All lying and being in Sarasota County, Florida
 1592
 1593 Section 22. This act shall take effect upon becoming a
 1594 law.

Approved by the Governor JUN 17 2004

Filed in Office Secretary of State JUN 17 2004

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STATE OF FLORIDA DEPARTMENT OF STATE

Division of Library and Information Services

I, Glenda E. Hood, Secretary of State of the State of Florida,
do hereby certify that the above and foregoing is a true and correct
copy of Chapter 2004-456, Laws of Florida, Acts of 2004, as shown
by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
23rd. day of July, A.D., 2004.



Glenda E. Hood

Secretary of State

DSDE 99 (3/03)