

**ORDINANCE NO. 2008-10**

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, ANNEXING CERTAIN LANDS LYING CONTIGUOUS TO THE CITY LIMITS, AS PETITIONED BY SJMR LIMITED PARTNERSHIP, A FLORIDA LIMITED PARTNERSHIP, SANDRA S. HURT, AS TRUSTEE OF THE CARLTON J. HURT TRUST, CAITHNESS CONSTRUCTION, INC., A FLORIDA CORPORATION, AND FLORIDA POWER AND LIGHT COMPANY, A FLORIDA CORPORATION INTO THE CORPORATE LIMITS OF THE CITY OF VENICE, FLORIDA, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITIONS.

**WHEREAS**, The City Council of the City of Venice, Florida received sworn Petitions from SJMR Limited Partnership, a Florida limited partnership, Sandra S. Hurt, as Trustee of the Carlton J. Hurt Trust, Caithness Construction Inc., a Florida corporation, and Florida Power and Light Company, a Florida corporation, dated June 27, 2007, July 16, 2007 and February 7, 2008 requesting the city to annex certain parcels of real estate herein described, owned by SJMR Limited Partnership, a Florida limited partnership, Sandra S. Hurt, as Trustee of the Carlton J. Hurt Trust, Caithness Construction Inc., a Florida corporation, and Florida Power and Light Company, a Florida corporation, into the corporate limits of the City of Venice, Florida.

**WHEREAS**, Council has received and considered the report of the Planning Commission recommending approval of Annexation Petition No. 06-5AN, with no additional stipulations or recommendations requesting annexation of the property described herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:**

**SECTION 1.** After its evaluation of all evidence presented, and in reliance upon representations made by SJMR Limited Partnership, a Florida limited partnership, Sandra S. Hurt, as Trustee of the Carlton J. Hurt Trust, Caithness Construction Inc., a Florida corporation, and Florida Power and Light Company, a Florida corporation, in said petitions, the City of Venice, acting by and through its City Council by the authority and under the provisions of the Municipal Charter of the City of Venice, and the laws of Florida, hereby annexes into the corporate limits of the City of Venice, Florida, and redefines the boundary lines of said city so as to include the following described parcels of real property in Sarasota County, Florida:

**SJMR Limited Partnership and Sandra S. Hurt Parcels:**

- (1) The East ½ of Section 35, Township 38 South, Range 19 East, LESS there from the North 830 feet thereof, and also LESS the West 807 feet thereof.
- (2) The West ½ of Section 36, Township 38 South, Range 19 East, LESS there from the following five parcels:
  - (a) Commencing at the SE corner of the SW ¼ of said Section 36 for a Point of Beginning: thence run Northerly along the Easterly boundary of said SW ¼ of Section 36 a distance of 1973.23 feet; thence turn an angle of 90° to the West and run a distance of 33 feet to a point; thence turn an angle of 90° to the South and run a distance of 1973.23 feet and parallel to the Easterly boundary of

feet; thence turn an angle of 90° to the West and run a distance of 33 feet to a point; thence turn an angle of 90° to the South and run a distance of 1973.23 feet and parallel to the Easterly boundary of the said SW ¼ of Section 36 to a point on the Southerly boundary of said SW ¼ of Section 36; thence Easterly along the Southerly boundary of the said SW ¼ of Section 36 a distance of 33 feet to the Point of Beginning;

(b) Beginning at the SE corner of the NW ¼ of said Section 36 for a Point of Beginning; thence S 89° 37' 32" W along the quarter section line a distance of 673.2 feet to a point; thence S 10° 42' 46" E a distance of 47.67 feet to a point; thence S 45° 30' 46" E a distance of 922.26 feet to a point on the quarter section line; thence N 0° 32' 14" E along the quarter section line a distance of 685.48 feet to the Point of Beginning;

(c) The East 890 feet of the South ½ of the NW ¼ of said Section 36;

(d) That part of the NE ¼ of the NW ¼ of said Section 36 lying East of that certain private road as shown on that certain plat attached to the Deed recorded in Deed Book 311, Page 161, Public Records of Sarasota County, Florida (said road being indicated in said plat as "Relocation of Private Road") LESS there from the North 30 feet of the NE ¼ of the NW ¼ of Section 36 lying between said Private Road and the West bank of the Myakka River; and

(e) Commence at the Northwest corner of Section 36, Township 38 South, Range 19 East, Sarasota County, Florida; thence N 88° 33' 15" E, 1854.05 feet along the North line of said Section 36, to the East line of existing 40 foot private road; thence S 2° 30' 45" W, 1153.53 feet along the East line of said road to the Point of Beginning; thence continue S 2° 30' 45" W, 163.21 feet along said road to the South line of the NE ¼ of the NW ¼ of said Section 36; thence S 88° 31' 19" W, 57.35 feet along said South line; thence S 0° 40' 40" E, 1313.72 feet parallel with the East line of the NW ¼ of said Section 36, to the South line of the NW ¼ of said Section 36; thence N 88° 29' 25" E, 220.89 feet along said South line to the West line of said 40 foot private road; thence S 11° 00' 46" E, 25.83 feet along said road; thence S 45° 48' 52" E, along said road 34.27 feet; thence S 88° 29' 25" W, 1380.97 feet; parallel with the South line of the NW ¼ of said Section 36; thence N 0° 40' 40" W, 1536.19 feet parallel with the East line of the NW ¼ of said Section 36; thence N 88° 57' 13" E, 1197.48 feet to the Point of Beginning.

Together with and subject to an easement for road right-of-way purposes (ingress and egress) over the certain private road as appears in plat attached to deed recorded in Deed Book 311, Page 161, of the Public Records of Sarasota County, Florida, and marked "Relocation of Private Road."

Together with all riparian rights thereunto belonging and in anywise appertaining.

Subject to that certain right-of-way agreement with the Florida Power & Light Company, its successors and assigns, for an easement in, over, upon and across the South 170 feet of the North 830 feet of the NW ¼ of Section 36 as recorded in Official Records Book 931, Pages 684 and 686, of the Public Records of Sarasota County, Florida.

Less: Lands conveyed to Sarasota County and recorded in Official Records, Book 2404, Page 2706; and Lands conveyed to Sarasota County and recorded in Official Records, Book 2404, Page 2700, of

the Public Records of Sarasota County, Florida.

Less: Lands conveyed to JoAnne Hurt and recorded in Official Records Book 2282-1280 Public Records, Sarasota County, Florida.

Less: Lands conveyed to Sarasota County and recorded in Official Records Book 1325-1936, of the Public Records of Sarasota County, Florida.

**Caithness Construction, Inc. Parcels:**

Parcel A: Commence at the NW corner of Section 36, Township 38 South, Range 19 East, Sarasota County, Florida, thence North 88 ° 33' 15" E, 1854.05 feet along the North line of said Section 36, to the East line of existing 40 foot private road; thence South 2° 30' 45" W, 1153.53 feet along the East line of said road for the Point of Beginning; thence continue South 2° 30' 45" W, 163.21 feet along said road to the South line of the NE ¼ of the NW ¼ of said Section 36; thence S 88° 31' 19" W, 5735 feet along said South line; thence South 0° 40' 40" E, 1313.72 feet parallel with the East line of the NW ¼ of said Section 36, to the South line of the NW ¼ of said Section 36; thence North 88° 29' 25" East, 220.89 feet along said South line to the West line of said 40 foot private road; thence South 11° 00' 46" East, 25.83 feet along said road; thence South 45° 48' 52" East, along said road 34.27 feet; thence South 88° 29' 25" W, 1380.97 feet parallel with the South line of the NW ¼ of said Section 36; thence North 0° 40' 40" W, 1536.19 feet parallel with the East line of the NW ¼ of said Section 36; thence North 88 ° 57' 13" E, 1197.48 feet to the Point of Beginning.

Together with and subject to an easement for road right-of-way purposes (ingress and egress) over that certain private road as appears in the plat attached to deed recorded in Deed Book 311, Page 161, of the Public Records of Sarasota County, Florida, and marked "Relocation of Private Road."

AND

Parcel B: The East ½ of the West ½ of the SW ¼; and the West ½ of the West ½ of the E ½ of the SW ¼ of Section 36, Township 38 South, Range 19 East, less the North 50 feet thereof and less the South 33 feet thereof and less that portion of the herein described property of Sarasota County, recorded in O.R. Book 2404, Page 2658, of the Public Records of Sarasota County, Florida.

**Florida Power & Light Company Parcel:**

The North 830 feet of the NE ¼ of Section 35, Township 38 South, Range 19 East, Sarasota County, Florida.

**SECTION 2.** The City Council hereby formally and according to law accepts the dedication of all easements, streets, parks, plazas, rights-of-way and other dedications to the public which have heretofore been made by plat, deed or user within the area so annexed.

**SECTION 3.** That the proper city officials of said City of Venice be, and they hereby are, authorized and directed to file with the Clerk of the Circuit Court of Sarasota County, Florida, a certified copy of this Ordinance, and to do and perform such other acts and things as may be necessary and proper to effectuate the true intent of this Ordinance.

**SECTION 4.** The Pre-Annexation Agreement between the City of Venice and Caithness Construction, Inc. dated April 22, 2008 the Pre-Annexation Agreement between the City of Venice and SJMR Limited Partnership and Sandra S. Hurt as Trustee dated April 22, 2008 and the Pre-Annexation Agreement between the City of Venice and Florida Power & Light dated April 22, 2008 are hereby approved and incorporated by reference into this ordinance. All parties agree to abide by the terms and conditions of their Pre-Annexation Agreement.

**SECTION 5.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

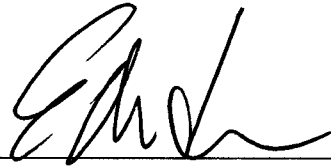
**SECTION 6.** This Ordinance shall take effect immediately upon its adoption as provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 13TH DAY OF MAY 2008.**

First Reading: April 22, 2008

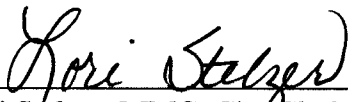
Final Reading: May 13, 2008

ADOPTION: May 13, 2008



Ed Martin, Mayor

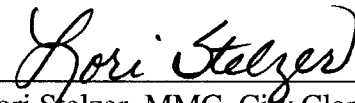
**Attest:**



Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 13th day of May 2008, a quorum being present.

**WITNESS** my hand and the official seal of said City this 14th day of May 2008.



Lori Stelzer, MMC, City Clerk

**Approved as to form:**



City Attorney