

RESOLUTION NO. 2024-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, APPROVING THE EXERCISE OF THE POWER OF EMINENT DOMAIN BY THE RUSTIC OAKS COMMUNITY DEVELOPMENT DISTRICT FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY INTERESTS BEYOND THE DISTRICT CLOUDING TITLE TO RANCH ROAD AND RUSTIC ROAD; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Rustic Oaks Community Development District, a local unit of special-purpose government organized and existing under the laws of the State of Florida (the "District") was created by Ordinance 2021-20 and comprises 302.796 acres; and

WHEREAS, AG EHC II (MTH) MULTI STATE 1 LLC, a Delaware limited liability company (the "Developer"), has acquired the land located within the District for the purpose of developing a residential community known as Magnolia Bay (the "Development"); and

WHEREAS, the Development initially had only limited connections to existing public rights-of-way; and

WHEREAS, in order to functionally improve access for the Development from Interstate 75 and Knights Trail Road, the Developer improved existing Ranch Road, a Sarasota County road located west of the District on the west side of Interstate 75 extending from Honore Avenue northerly to intersect with the extended Rustic Road west of the Cow Pen Slough Drainage Canal (the "Project"); and

WHEREAS, the Project has been permitted and fully constructed in accordance with the construction plans approved by Sarasota County and the title to the Rustic Road/Ranch Road extensions currently owned by the Developer are intended to be conveyed to Sarasota County, a political subdivision of the State of Florida, for the benefit of the public, thereby serving the public purpose of protecting the health, safety, and welfare of the public (the "Public ROW"); and

WHEREAS, certain privately held real property interests, as more particularly described in Exhibits "A" and "B" attached hereto (the "Parcels"), have been identified to exist within the Project creating a title cloud; and

WHEREAS, the Parcels are relatively small portions of the Project, which are needed to fully open the Public ROW to the public and to establish the Public ROW on Sarasota County's Right-of-Way Map; and

WHEREAS, clearing the title cloud due to the private property interests within the Project is a necessary precondition for opening the Public ROW to the public and for establishment and acceptance by Sarasota County of the Public ROW; and

WHEREAS, the acquisition of the Parcels is reasonably necessary for the operation and maintenance of the Public ROW, as well as for public ingress and egress; and

WHEREAS, the Parcels represent areas of construction which have been surveyed, located, and certified complete by professional consultants of the District; and

WHEREAS, Section 190.011(11), Florida Statutes, grants community development districts the right to exercise the power of eminent domain over real property located beyond the boundaries of the district, for the purposes of the district including roads, with the prior approval by resolution of the municipality if the subject property lies within the jurisdictional boundaries of the municipality; and

WHEREAS, Ranch Road and Rustic Road are public rights-of-way located within the City, but beyond the District's boundaries and, accordingly, the Parcels are also located within the City, but beyond the District's boundaries; and

WHEREAS, clearing the cloud title due to the Parcels within Ranch Road and Rustic Road is a valid public purpose that serves the public interest of the City, as well as the District, and protects the health, safety, and welfare of the citizens of the City and landowners within the District; and

WHEREAS, the District has specifically determined that the Parcels should be acquired through the power of eminent domain; and

WHEREAS, the City Council now specifically determines that the proposed acquisition of the Parcels by the District is for a valid public purpose and that the District may exercise the power of eminent domain to acquire the Parcels.

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

SECTION 1. The foregoing Whereas clauses are hereby ratified and confirmed as true and correct and are hereby incorporated by reference as though fully set forth herein.

SECTION 2. The City finds that the District's proposed acquisition of the Parcels, which are legally described in Exhibits "A" and "B," is for a valid public purpose.

SECTION 3. The City finds that the District may exercise the power of eminent domain to acquire the Parcels.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED AT A REGULAR MEETING OF THE VENICE CITY COUNCIL HELD ON THE 19TH DAY OF NOVEMBER 2024.

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, 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 a Resolution duly adopted by the City Council of the City of Venice, Florida, at a meeting thereof duly convened and held on the 19th day of November 2024, a quorum being present.

WITNESS my hand and official seal of said City this 19th day of November 2024.

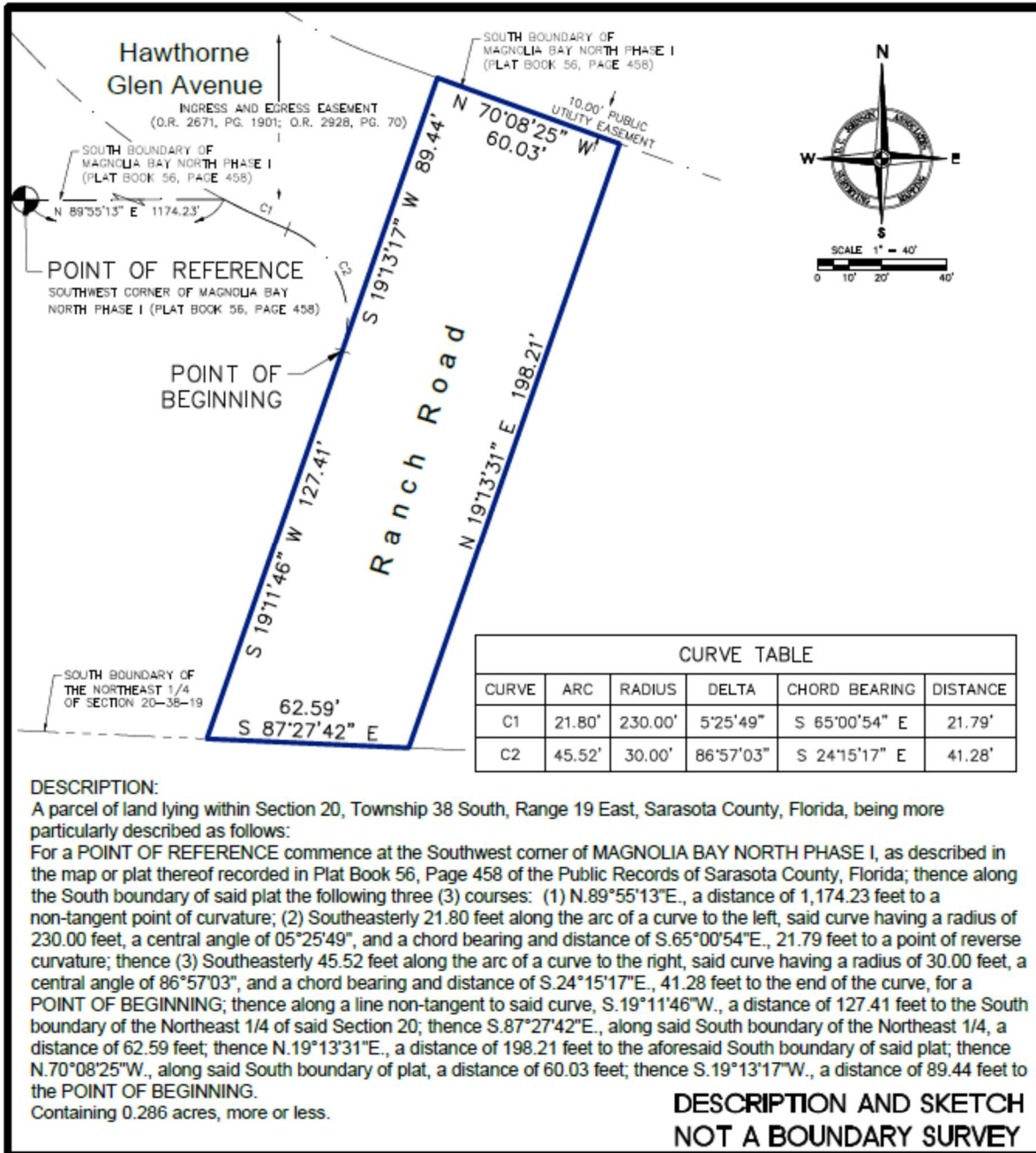
Kelly Michaels, MMC, City Clerk

(S E A L)

Approved as to form:

Kelly Fernandez, City Attorney

Exhibit "A"



Corner Monuments were not set in conjunction with the preparation of this sketch.
Improvements, if any, have not been located in conjunction with the preparation of this sketch.
This sketch is for graphic illustration only, and does not represent a field survey.
Descriptions created per this sketch.

**Rustic Road
Ranch Road portion**

PREPARED FOR
Meritage Homes of Florida, Inc.

JOB NO: 2023-185A01.BG00001 DRAWN BY: ARG

We hereby certify that the sketch and description shown herein are true and correct to the best of our knowledge and belief, and were prepared in accordance with the Standards of Practice as set forth by the Florida Board of Land Surveyors, Chapter 17, Florida Administrative Code, pursuant to Section 403.04, Florida Statutes.

LS7043
Digitally signed by Andrew R. Getz
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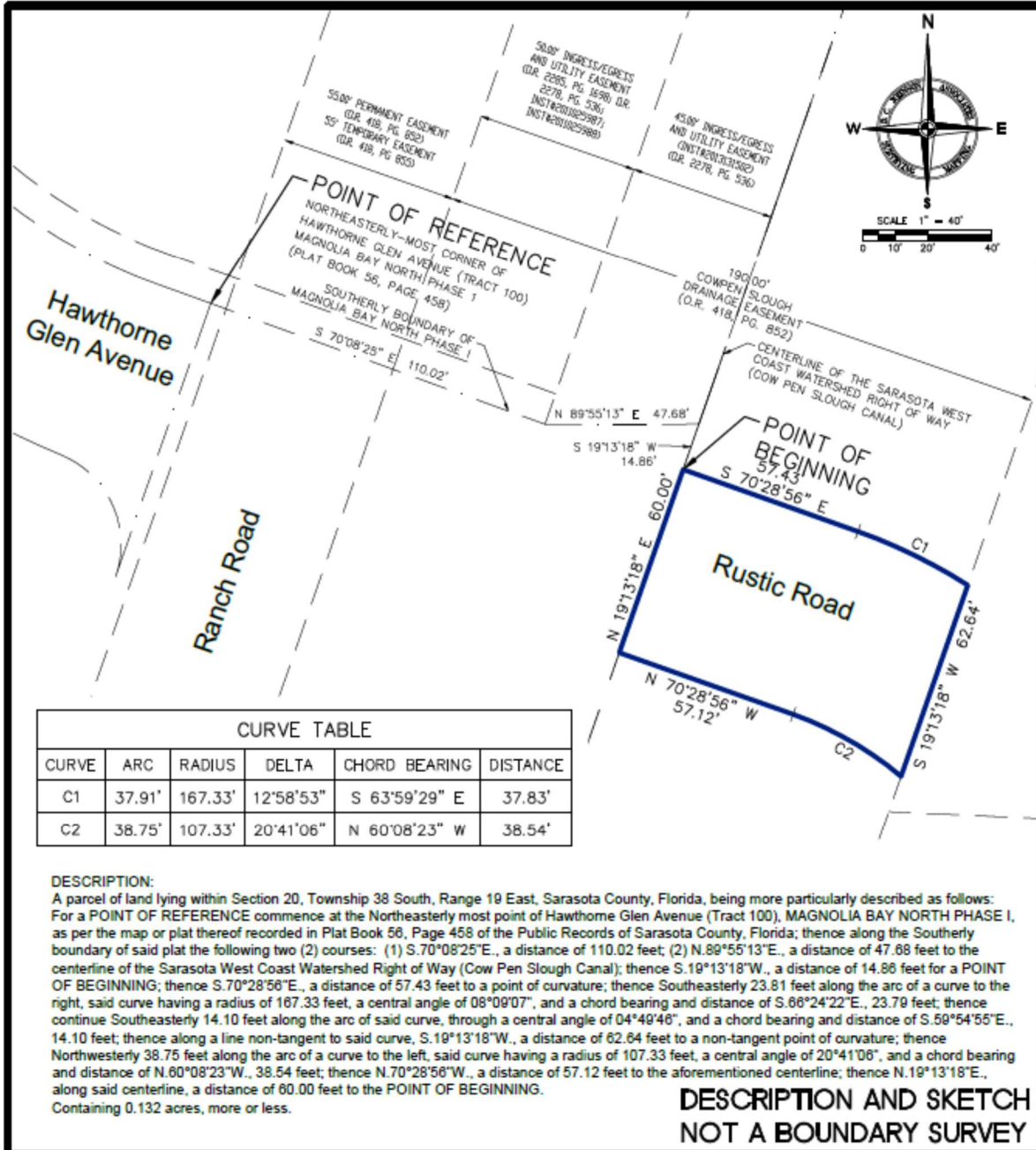
Andrew R. Getz
Surveyor
5/13/2024
Member 7043

Andrew R. Getz
For D.C. Johnson & Associates, Inc.
Not valid without the signature and raised seal of a Florida Licensed Surveyor.

JOHNSON ASSOCIATES
SURVEYING AND MAPPING

Florida Licensed Business No. LB 4514
11911 S. Curley St. San Antonio, FL 33576
(352) 588-2768 survey@dcjohnson.com
www.dcjohnson.com

Exhibit "B"



Corner Monuments were not set in conjunction with the preparation of this sketch.
Improvements, if any, have not been located in conjunction with the preparation of this sketch.
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Descriptions created per this sketch.

**Rustic Road
Rustic Road portion**

PREPARED FOR
Meritage Homes of Florida, Inc.

JOB NO: 2023-195A01.BG00001 DRAWN BY: ARG

We hereby certify that the sketch and description shown herein are true and correct to the best of our knowledge and belief, and were prepared in accordance with the standards and practice as set forth by the Florida Board of Land Surveyors, Chapter 55-17, Florida Administrative Code, pursuant to Section 403.09, Florida Statutes.

Andrew R. Getz
Digitally signed by Andrew R. Getz
Date: 2024.07.22 15:51:24 -0400

7/22/2024

Andrew R. Getz, PLS, License Number 7043
For D.C. Johnson & Associates, Inc., License Number 7043
Not valid without the signature and raised seal of a Florida Licensed Surveyor.

JOHNSON ASSOCIATES
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