

RESOLUTION NO. 2018-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENICE, SARASOTA COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 2018-09; APPROVING AMENDMENT NO. 3 TO THE AMENDED AND RESTATED JOINT PLANNING AND INTERLOCAL SERVICE BOUNDARY AGREEMENT (JPA/ILSBA) BETWEEN THE CITY OF VENICE AND SARASOTA COUNTY DATED OCTOBER 26, 2010, RELATING TO ADDING PROPERTY TO THE CATEGORY OF 'POTENTIAL ANNEXATION AREAS'; PROVIDING FOR EXECUTION OF THE AMENDMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Venice and Sarasota County are parties to the Amended and Restated JPA/ILSBA dated October 26, 2010; and

WHEREAS, both parties wish to amend the Amended and Restated JPA/ILSBA to add Sarasota County Parcel ID Nos. 0377-02-0002, 0364-10-0001, and 0377-02-0001, comprising approximately 218.42± acres of land, as Potential Annexation Areas; and

WHEREAS, adding these properties to the list of Potential Annexation Areas provides the potential for a more logical and efficient growth boundary for the City of Venice; and

WHEREAS, on May 22, 2018, the City adopted Resolution No. 2018-09, approving an earlier version of Amendment No. 3 to the Amended and Restated JPA/ILSBA; and

WHEREAS, after the adoption of Resolution No. 2018-09, Sarasota County staff requested additional revisions to the Amended and Restated JPA/ILSBA to address the added land, which City staff has agreed to; and

WHEREAS, city council desires to adopt the revised version of Amendment No. 3 to the Amended and Restated JPA/ILSBA.

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

SECTION 1. The above Whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Resolution No. 2018-09 is rescinded.

SECTION 3. Amendment No. 3 to the Amended and Restated JPA/ILSBA between the City of Venice and Sarasota County, as attached hereto and incorporated herein by reference, is hereby approved and adopted.

SECTION 4. The Mayor is hereby authorized to execute Amendment No. 3 to the Amended and Restated JPA/ILSBA between the City of Venice and Sarasota County on behalf of the City Council and to transmit the amendment to the Board of County Commissioners for their review and approval.

SECTION 5. This Resolution shall take effect upon adoption, as provided by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, AT A MEETING HELD ON THE 25TH DAY OF SEPTEMBER 2018.

John W. Holic, Mayor, City of Venice

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 a Resolution duly adopted by the City Council of the City of Venice, Florida, at a meeting thereof duly convened and held on the 25th day of September 2018, a quorum being present.

WITNESS my hand and official seal of said City this 25th day of September 2018.

Lori Stelzer, MMC, City Clerk

(S E A L)

Approved as to form:

Kelly Fernandez, City Attorney

AMENDMENT NO. 3 TO THE AMENDED AND RESTATED
JOINT PLANNING AND INTERLOCAL SERVICE
BOUNDARY AGREEMENT BETWEEN THE CITY OF
VENICE AND SARASOTA COUNTY

This Amendment is made and entered into this ____ day of _____, 2018, by and between the City of Venice, a municipal corporation organized and existing under the laws of the State of Florida (the "City") and Sarasota County, a charter county and political subdivision of the State of Florida (the "County").

WHEREAS, the City and County are the parties to a Joint Planning and Interlocal Service Boundary Agreement dated January 9, 2007 (the "Original JPA"), which was amended on November 12, 2008, amended and restated on October 26, 2010 and further amended on March 13, 2012 and July 10, 2012 (collectively, the "JPA/ILSBA"); and

WHEREAS, paragraph 6.B.(1) of the JPA/ILSBA identifies "Area 1-Rustic Road Neighborhood" as being eligible for annexation by the City; and

WHEREAS, on April 20, 2018, the City received a request to amend the JPA/ILSBA to add Sarasota County Parcel ID Nos. 0364-10-0001 and 0377-02-0001, as described in Exhibit "C" hereof (the "Hurt properties"), to a Potential Annexation Area; and

WHEREAS, Sarasota County Parcel ID No. 0377-02-0002 owned by the Florida Department of Transportation (FDOT), as described in Exhibit "C" hereof (the "FDOT property"), would be the only remaining parcel of land in this area not within the boundaries of the City or within a Potential Annexation Area; and

WHEREAS, in order to allow for the consideration by the City of the annexation of the Hurt properties and the FDOT property, the parties wish to amend the JPA/ILSBA to add Sarasota County Parcel ID Nos. 0377-02-0002, 0364-10-0001, and 0377-02-0001, comprising approximately 218.42± acres of land, to the Potential Annexation Area identified as "Area 1– Rustic Road Neighborhood."

NOW, THEREFORE, in consideration of the mutual covenants contained within the JPA/ILSBA and this Amendment No. 3, the City and County agree as follows:

1. Subparagraph 6.B.(1) is hereby amended to read as follows:

- (1) Area 1 – Rustic Road Neighborhood: The land use adopted in the Venice Comprehensive Plan for Subarea 1 (area abutting I-75 and extending approximately 0.73 mile northward and approximately 0.60 mile eastward of the intersection of I-75 and Cow Pen Slough, and the 218.46+/- acres of property north of the Triple Diamond Commerce Park (comprised of Parcel Nos. 0377-02-0002, 0364-10-0001, and 0377-02-0001 is 5 to 9 units per acre, calculated on a gross area basis. The land use adopted for Subarea 2 (area abutting Knights Trail Road and extending approximately 0.75 mile westward of Knights Trail Road) is up to 5 units per acre. Up to 50% of the acreage in Area 1 will be

allowable for nonresidential (retail, office space, industrial and manufacturing) uses. The total square footage of non-residential uses allowed in this area shall not exceed a floor area ratio (FAR) of 2.0. Development shall be served by City water and sewer. Given environmental corridors along the creeks on properties 0364-10-0001 and 0377-02-0001, the parties agree to apply section 10.L. relating to establishing and maintaining wildlife corridors during processes outlined in this Joint Planning Agreement. An environmental/habitat assessment will be required at the time of rezone or development approval stage to identify appropriate habitat protection. The Party with jurisdiction over the development application will require transportation improvements to the intersection of Knights Trail and Rustic Lane to meet County standards and to be provided by the developer. For future expansion of Knights Trail Road, the Party with jurisdiction over the development application will require the reservation of necessary Right-of-Way (ROW) consistent with County roadway standards for a four-lane roadway.

2. Exhibit A of the JPA/ILSBA (“Joint Planning Area”) is hereby amended to add the Hurt properties and FDOT property to Area 1-Rustic Road Neighborhood, as depicted on the attached Exhibit “A.” All other portions of Exhibit A remain unchanged.

3. Exhibit B of the JPA/ILSBA (“Joint Planning Agreement Matrix”) is hereby amended to revise Area 1-Rustic Road Neighborhood in relation to the addition of the Hurt Properties and FDOT property, as depicted on the attached Exhibit “B”. All other sections of the Joint Planning Agreement Matrix remain unchanged.

IN WITNESS WHEREOF, the CITY OF VENICE, FLORIDA has cause this Amendment No. 3 to the JPA/ILSBA to be executed by its Mayor and affixed its official seal, attested by its Clerk, pursuant to the Authorization of the Venice City Council, and SARASOTA COUNTY, FLORIDA has caused this Amendment to be executed by its Chair and affixed its official seal, attested by its Clerk, pursuant to the authorization of the Board of County Commissioners, on the day and year indicated above.

**Board of County Commissioners Sarasota
County, Florida,**

By: _____
Chair

ATTEST:

Deputy Clerk

Approved as to Form and Execution

By: _____
County Attorney

**City Council
City of Venice, Florida**

By: _____
Mayor

ATTEST:

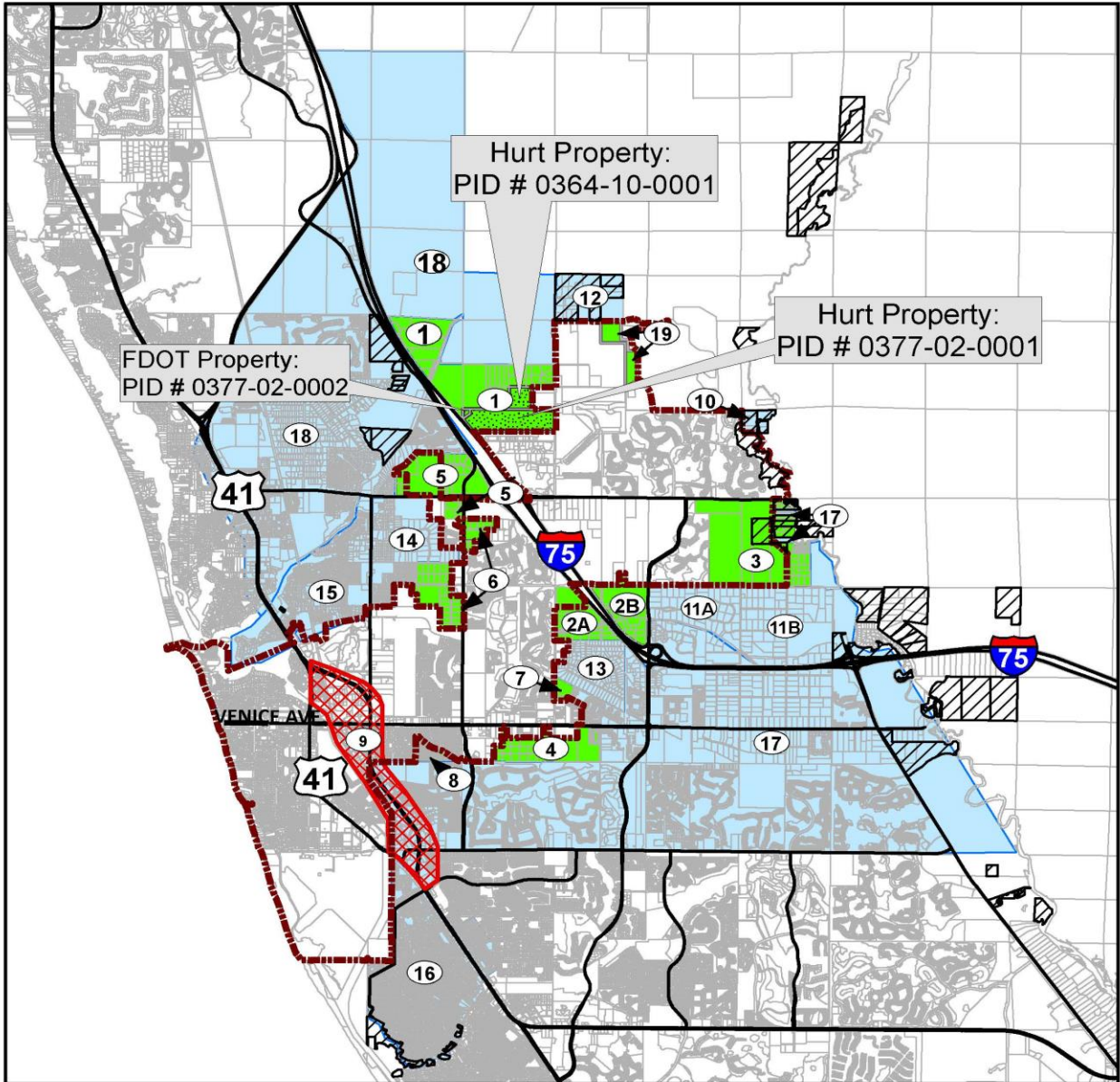
Lori Stelzer, City Clerk

Approved as to Form and Execution

By: _____
Kelly Fernandez, Attorney

EXHIBIT "A"

JPA MAP



Legend





-  POTENTIAL ANNEXATION AREAS
-  POTENTIAL COORDINATION/COOPERATION AREA (NO ANNEXATION)
-  EXISTING JOINT PLANNING STUDY
-  ESLPP PROTECTION PRIORITY SITE

EXHIBIT A



October 7, 2010 N:\Growth Management\SERP\brown\ANNEXATION\UFA2010\VENICE_PlanningAreasAmended10-2010.mxd

EXHIBIT "B"
JPA MATRIX

Location	Acreage	Existing County Future Land Use	Land Uses to be Determined by the City of Venice		Transportation	Water/Sewer	Environmental	Timing of Infrastructure Availability (years)
#1(Rustic Road)	489 708	County Semi-Rural <u>Rural</u>	Subarea 1: 5 to 9 du/ac. Subarea 2: 2 to 5 du/ac.		Intersection Improvements on Knights Trail. <u>Reserve ROW for future expansion of Knights Trail Road consistent with County standards for 4-lane roadways.</u>	City Water & Sewer	No Issues Identified <u>See Section 6.B.(1)</u>	6 1-15

EXHIBIT "C"
DESCRIPTION OF HURT PROPERTIES
DESCRIPTION OF FDOT PROPERTY

DESCRIPTION - HURT PROPERTIES:

DESCRIPTION (O.R.I. 2001181531):

(A) The SW 1/4 of the SE 1/4 of Section 21, Township 38 South, Range 19 East;

(B) The S 1/2 of the SE 1/4 of the SW 1/4 of Section 21, Township 38 South, Range 19 East,

TOGETHER WITH a perpetual non-exclusive access easement for ingress and egress and for drainage and utilities over the East 30 feet of the N 3/4 of the E 1/2 of the SW 1/4 and over the South 30 feet of the E 1/2 of the NW 1/4 and over the South 30 feet of the NE 1/4 of said Section 21, Township 38 South, Range 19 East. ALSO TOGETHER WITH a non-exclusive perpetual easement for public access, drainage and utilities over and across those certain easements described in Official Records Book 1317, Pages 931 and 932, of said Records.

(C) The NW 1/4 of the NE 1/4 and the N 1/2 of the NW 1/4 of Section 28, Township 38 South, Range 19 East, Less I-75 right-of-way described as.

BEGIN on the West line of said Section 28, at a point South 0°09'22" East 598.21 feet from the NW corner thereof, thence run South 39°47'50" East 607.25 feet, to the beginning of a curve concave to the South-westerly, having a radius of 23,036.31 feet, thence run Southeasterly along said curve 358.40 feet, through a central angle of 0°53'29" to the end of said curve, thence North 89°45'25" West 617.96 feet to the West line of said Section 28, thence North 0°09'22" East 741.04 feet along said West line to the POINT OF BEGINNING.

(D) The NE 1/4 of the NE 1/4 of Section 28, Township 38 South, Range 19 East, LESS the South 60 feet (except for the East 30 feet of said South 60 feet) thereof LESS portion thereof taken by Sarasota County in Eminent Domain (Case No. 88-5219-CA-01, Parcel 04-HR) described as: (Fee Simple)

Commence at the Northeast corner of Section 28, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run S 89°45'40" W along the North line of said Section 28 for a distance of 30 feet to the POINT OF BEGINNING; thence run S 0°03'02" W along a line 40.00 feet West of and parallel with the East line of said Section 28 for a distance of 1323.66 feet; thence run N 89°20'04" E along the South line of the properties described in O.R.B. 1872, Page 2609 of the Public Records of Sarasota County, Florida, for a distance of 10.00 feet; thence run N 0°03'02" E for a distance of 1323.58 feet to the POINT OF BEGINNING, containing 13,236.15 square feet, more or less.

(Perpetual Drainage Easement)

That part of O.R.B. 1350, page 1589 of the Public Records of Sarasota County, Florida, described as follows: Commence at the Northeast corner of Section 28, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run South 0°03'02" West along the East line of said Section 28 for a distance of 475.41 feet; thence run North 89°56'58" West for a distance of 40.00 feet to the POINT OF BEGINNING; thence continue North 89°56'58" West for a distance of 95.00 feet; thence to South 0°03'02" West for a distance of 193.00 feet; thence run South 89°56'58" East for a distance of 95.00 feet; thence run North 0°03'02" East along a line 40.00 feet West of and parallel with said Section line for a distance of 193.00 feet to the POINT OF BEGINNING, containing 18,335.00 square feet, more or less

(E) Begin at the Northeast corner of S 1/2 of N 1/2 of Section 28, Township 38 South, Range 19 East, for Point of Beginning. Thence North 89°31'23" W along N line of said tract, 4731.59' to Easterly right-of-way of I-75; thence southeasterly along said right-of-way, 24.79'; thence S 89°45'49" E, 720.04'; thence S 89°45'59", E, 1327.01' to the Point of Beginning, being 1.06 acres, subject to road right-of-way along Easterly side.

DESCRIPTION - FDOT PROPERTY:

That portion of the northwest 1/4 of Section 28, Township South, Range 19 East, Sarasota County, Florida.

Being described as follows:

BEGIN at the northwest corner of said Section 28; thence along the north line of said Section 28, South 89°35'24" East a distance of 435.46 feet; thence South 00°21'45" West a distance of 268.79 feet; thence South 52°35'21" West a distance of 533.67 feet to the west line of said Section 28; thence along said west line North 00°56'50" West a distance of 596.20 feet to the POINT OF BEGINNING.

Containing 4.281 acres.