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RESOLUTION
NUMBER 89-42

A RESOLUTION OF THE BOARD OF COUNTY COMMISSION OF
CHARLOTTE COUNTY PERTAINING TO A CHANGE IN THE
PLAN DEVELOPMENT ZONING AND DEVELOPMENT ORDER FOR
THE SANDHILL DRI.

WHEREAS, a Development Order for a Development of Regional Impact was issued for the original Sandhill Properties Planned Development (PD-80-4) on February 17, 1981, pursuant to Section 380.06, Florida Statutes; and

WHEREAS, pursuant to Resolution #86-230 by the Board of County Commissioners of Charlotte County, a substantial deviation application for development approval submitted by Sandhill Properties, Inc., was considered and an Amended Development Order issued; and

WHEREAS, the Development Order has been subsequently amended by Charlotte County Resolutions #87-07, #87-156, #87-289, #87-293, #88-56; and

WHEREAS, pursuant to Ordinance #86-68 adopted by the Board of County Commissioners of Charlotte County a Municipal Services Taxing Unit (MSTU) was established for all property comprising the Sandhill DRI, said MSTU authorized to provide fire protection, law enforcement, recreation services and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, engineering studies, monitoring and other essential facilities and municipal services as authorized in Section 125.01(1)(q), Florida Statutes, funding to be derived from special assessments, ad valorem taxes or other methods of taxation permitted within the area; and

WHEREAS, pursuant to Resolution #87-171, duly adopted by the Charlotte County Board of County Commissioners, on July 28, 1987, utilization of the assessment for collection of assessments levied by the Sandhill MSTU was authorized, putting in place the mechanism whereby goals of the MSTU can be accomplished; and

WHEREAS, an owner/applicant has requested an amendment to the Development Order as amended by Resolution #86-230 to remove a commercial site from Phase III as described on Exhibit "A" attached hereto, now be authorized as part of Phase II; and

WHEREAS, the applicant is not requesting or proposing an extension to buildout date or termination date of the original Development Order, said date being the year 2001; and

WHEREAS, the Board of County Commissioners of Charlotte County has considered the recommendations of the Development Review Committee, the local planning agency, the Planning and Zoning Board, and the comments of all concerned and present at public hearing; and

WHEREAS, the public notice and hearing requirements of the Charlotte County Zoning Regulations and Section 380.06, Florida Statutes, have been met; and

WHEREAS, the Board of County Commissioners of Charlotte County, having heard upon due notice the above-referenced request at hearing convened on the 21st day of February, 1989, finds that the proposed amendment to Development Order removing the existing phasing on the individual property involved does not constitute a substantial deviation pursuant to Chapter 380.06, Florida Statutes, as amended, makes the following findings of fact and conclusions of law:

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Sandhill DRI, described in Ordinance #86-68 establishing the Sandhill MSTU, is not in an area of critical State concern designated pursuant to the provisions of Section 380.05, F.S.

2. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted State land development plan applicable to Charlotte County.

3. The granting of the requested amendment to the Development Order as described in the Concept Plan submitted by the applicant is consistent with the local Land Development Regulations, the local Comprehensive Plan, and Ordinance #86-68.

4. The conditions as specified in Resolution #86-230, required by the Substantial Deviation Determination for the Sandhill DRI are hereby incorporated, except as amended herein for the approval of the detail plan and development plans for all development within the DRI required pursuant to Charlotte County Zoning Regulations prior to proceeding with the development of PD properties included within the DRI.

5. Section 9.5 of the Charlotte County Zoning Regulations requires final development plan approval by the Board of County Commissioners prior to the issuance of construction or other permits by Charlotte County consistent with the Concept Plan and conditions attached hereto and establish the standards and requirements for the approval of a final development plan.

6. Pursuant to Paragraph 7 of the Amended Development Order, Resolution #86-230, the Municipal Service Taxing Unit has been established for the whole project area to meet the requirements as well as essential facilities and municipal sewer for capital improvements and right-of-way dedications listed pursuant to Resolution #86-230.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Charlotte County, Florida, in public hearing, duly constituted and assembled this 21st day of February, 1989, that the Development of Regional Impact Development Order for the Sandhill DRI is hereby amended as follows:

- A. Drainage/Water Quality: The provisions of Resolution #86-230, as amended pursuant to Resolution #87-289 shall remain in full force and effect.
- B. Energy:
 - (1) All provisions as incorporated into the original Development Order as amended by Resolution #86-230 shall remain in effect.
- C. Fire Protection:
 - (1) All conditions and commitments as contained in the DRI Development Order as amended by Resolution #86-230 shall remain in effect.
- D. Flood Plain/Hurricane Evacuation:
 - (1) All conditions and commitments as specified in the DRI Development Order as amended by Resolution #86-230 shall remain in effect.
- E. Commercial Uses and Regional Shopping Center:
 - (1) Subsection 6 appearing on Page 7 of Resolution #86-230 is amended as follows:

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Prior to approval of any detail plans for commercial uses in the project, the applicant shall prepare a market study for the proposed development to include: (a) defined trade area, and (b) inventory of uses and square footage.

- (2) In the event that development plans for the Sandhill DRI change to include a single shopping center of 400,000 sq.ft. or more, the applicant shall be required to submit a market analysis that evaluates the center's commercial feasibility, prior to site plan approval. This analysis should include an inventory of existing and approved retail space within designated trade areas, and should relate existing and projected retail market demand to existing and projected retail supply in these trade areas. Charlotte County's review of this market analysis shall include a substantial deviation determination pursuant to Chapter 380.06, Florida States.

F. Solid Waste:

- (1) The Development Order for the Sandhill DRI, as amended by Resolution #86-230, shall remain in full force and effect.

G. Wastewater:

- (1) The Development Order for the Sandhill DRI, as amended by Resolution #86-230, shall remain in full force and effect.

H. Water Supply:

- (1) The Development Order for the Sandhill DRI, as amended by Resolution #86-230, shall remain in full force and effect.

I. Education:

- (1) The Development Order for the Sandhill DRI, as amended by Resolution #86-230, shall remain in full force and effect.

J. Transportation:

- (1) The Development Order for the Sandhill DRI, as amended by Resolution #86-230, and further amended by Charlotte County to reflect the Kenilworth Boulevard agreement between Charlotte County and General Development Corporation dated June 7, 1988, shall remain in full force and effect.
- (2) Prior to completion of commercial development on the property described in Exhibit "A":
 - (a) Peachland Boulevard shall be realigned, in the same manner as planned for in the Sandhill Development Order and the Kenilworth Boulevard agreement. In addition to realignment, Peachland is to be four-laned from Loveland east to the intersection with the Hillsborough Extension. An impact fee/construction agreement shall be worked out with the owner or developer, to assure that these improvements are in place prior to completion of the project.
 - (b) Kings Highway shall be four-laned by Charlotte County prior to completion of the project.

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K. Master Concept Plan:

- (1) The Sandhill DRI Master Concept Plan, as amended, is attached as Exhibit "B." Attachment "B" as incorporated into Resolution #86-230 and subsequently amended, is hereby further amended.
- (a) Condition 13(a) through (j) as incorporated Resolution #86-230 shall remain in full force and effect.

L. Phasing:

- (1) The request changes the phasing from Phase III to Phase II of approximately 180,000 sq.ft. of retail commercial use, or approximately 20 acres.
- (2) The commercial site described in Exhibit "A" attached is moved from Phase 3 to Phase 2 of the Sandhill DRI phasing schedule.

M. Conditions #15 and #16 of Resolution #86-230 shall remain in full force and effect.

LEGAL EFFECT AND LIMITATIONS
OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS

BE IT FURTHER RESOLVED by the Board of County Commissioners of Charlotte County, Florida that:

18. Paragraph A on page 4 of Resolution 89-42 is deleted, subsequent paragraphs are relettered, and "resolution" is substituted for all references to "Development Order" and "Amended Development Order" in paragraphs A-F, as relettered, on page 4 of that resolution.

subsequent Resolution #86-230 not in conflict with the conditions or stipulations specifically enumerated herein are hereby adopted to this Amended Development Order by reference.

C. The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Amended Development Order.

D. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorneys' fees, shall be paid by the defaulting party.

E. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor-in-interest to, or which otherwise processes any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of the Development Order which shall remain in full force and effect.

G. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the applicant to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the

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duty of the applicant to comply with any County ordinance or other regulations not in conflict with the provisions herein adopted after the effective date of this Amended Development Order.

DULY PASSED AND ADOPTED THIS 21st DAY OF FEBRUARY, 1989.

CHARLOTTE COUNTY
BOARD OF COUNTY COMMISSIONERS

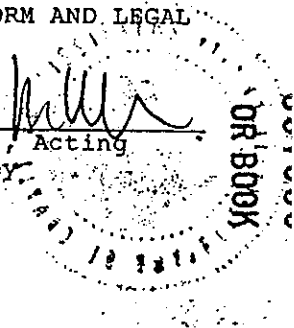
By: Bill Burdick

ATTEST:

By: Katherine Danahy, Deputy Clerk
Barbara T. Scott, Clerk of the
Circuit Court, ex officio Clerk
to the Board of County Commissioners

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

By: Warren R. Ross
Warren R. Ross, Acting
County Attorney



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EXHIBIT "A"

THE FOLLOWING PARCELS OF LAND SITUATE IN CHARLOTTE COUNTY, FLORIDA, DESCRIBED BELOW AS PARCELS 1, A, B, C, D, AND I.

PARCEL 1:

A parcel of land lying in Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

From the Northwest corner of said Section 7 run South $89^{\circ}40'59''$ East along the North line of said Section, a distance of 425.00 feet; thence South $00^{\circ}11'30''$ West parallel with the West line of said Section 7, a distance of 82.50 feet to the Point of Beginning;

Thence continue South $00^{\circ}11'30''$ West parallel with said West line, a distance of 777.50 feet; thence South $89^{\circ}40'59''$ East parallel with the North line of said Section 7, a distance of 1,001.55 feet to a point on a circular curve concave to the Southeast having as elements a central angle of $17^{\circ}33'31''$, a radius of 1,270.92 feet and a chord bearing of North $27^{\circ}16'31''$ East, said point also being on the Westerly right-of-way line of Kings Highway; thence Northeasterly along the arc of said curve and Westerly right-of-way line of Kings Highway an arc distance of 389.48 feet; thence North $53^{\circ}05'20''$ West, a distance of 724.19 feet; thence North $89^{\circ}40'59''$ West parallel with the North line of said Section 7, a distance of 597.68 feet to the Point of Beginning.

Containing 17.363 Acres more or less.

Said lands situate, lying and being in Charlotte County, Florida.

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Parcel "A" - A Portion of Peachland Boulevard to be Vacated

A portion of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

From the Southwest corner of said Section 6 run South $89^{\circ}40'59''$ East along the South line of said Section 6, a distance of 35.00 feet; thence North $00^{\circ}18'56''$ East, a distance of 60.00 feet to the Point of Beginning;

Thence continue North $00^{\circ}18'56''$ East, a distance of 22.50 feet; thence South $89^{\circ}40'59''$ East, parallel with the South line of said Section 6, a distance of 1,036.03 feet to a point on a circular curve concave Northwesterly having as elements a central angle of $15^{\circ}14'15''$, a radius of 640.00 feet and a chord bearing of South $82^{\circ}41'53''$ West; thence Southwesterly along the arc of said curve, a distance of 170.20 feet; thence North $89^{\circ}40'59''$ West, parallel with the South line of said Section 6, a distance of 867.82 feet to the Point of Beginning.

Said lands containing 0.506 Acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

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Parcel "B" - A Portion of Peachland Boulevard to be Vacated

A portion of land lying in Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

From the Northwest corner of said Section 7 run South $89^{\circ}40'59''$ East along the North line of said Section 7, a distance of 35.00 feet; thence South $00^{\circ}11'30''$ West, a distance of 60.00 feet to the Point of Beginning;

Thence continue South $00^{\circ}11'30''$ West, a distance of 22.50 feet; thence South $89^{\circ}40'59''$ East, parallel with the North line of said Section 7, a distance of 987.68 feet; thence North $08^{\circ}24'14''$ West, a distance of 31.65 feet to a point on a circular curve concave Northwesterly having as elements a central angle of $08^{\circ}43'15''$, a radius of 760.00 feet and a chord bearing of South $85^{\circ}57'23''$ West; thence Southwesterly along the arc of said curve, a distance of 115.68 feet; thence North $89^{\circ}40'59''$ West, parallel with the North line of said Section 7, a distance of 867.69 feet to the Point of Beginning.

Said lands containing 0.517 Acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

Parcel "C" - A Portion of Peachland Boulevard to be Vacated

A portion of land lying in Sections 6 and 7, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

From the Southwest corner of said Section 6 run South $89^{\circ}40'59''$ East along the South line of said Section 6, a distance of 35.00 feet; thence North $00^{\circ}18'56''$ East, a distance of 82.50 feet; thence South $89^{\circ}40'59''$ East, parallel with the South line of said Section 6, a distance of 1,477.17 feet to the point of curvature of a circular curve concave Southwesterly having as elements a central angle of $24^{\circ}34'19''$, a radius of 392.50 feet and a chord bearing of South $77^{\circ}23'49''$ East; thence Southeasterly along the arc of said curve, a distance of 168.33 feet to the Point of Beginning;

Thence continue along said curve having as elements a central angle of $12^{\circ}01'12''$, a radius of 392.50 feet and a chord bearing of South $59^{\circ}06'04''$ East; thence Southeasterly along the arc of said curve, a distance of 82.34 feet; thence South $53^{\circ}05'28''$ East, a distance of 195.56 feet to the Northwesterly right-of-way line of Kings Highway (250 feet wide); thence South $36^{\circ}54'32''$ West, along said right-of-way line, a distance of 21.63 feet; thence North $53^{\circ}05'28''$ West, a distance of 135.00 feet to the point of curvature of a circular curve concave Northeasterly having as elements a central angle of $10^{\circ}22'36''$, a radius of 790.00 feet and a chord bearing of North $47^{\circ}54'09''$ West; thence Northwesterly along the arc of said curve, a distance of 143.08 feet to the Point of Beginning.

Said lands containing 0.118 Acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

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Parcel "D" - A Portion of Peachland Boulevard to be Vacated

A portion of land lying in Sections 6 and 7, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

From the Northwest corner of said Section 7 run South $89^{\circ}40'59''$ East along the North line of said Section 7, a distance of 35.00 feet; thence South $00^{\circ}11'30''$ West, a distance of 60.00 feet; thence South $89^{\circ}40'59''$ East, parallel with the North line of said Section 7, a distance of 867.69 feet to the point of curvature of a circular curve concave Northwesterly having as elements a central angle of $08^{\circ}43'15''$, a radius of 760.00 feet and a chord bearing of North $85^{\circ}57'23''$ East; thence Northeasterly along the arc of said curve, a distance of 115.68 feet to the Point of Beginning;

Thence continue along said curve having as elements a central angle of $17^{\circ}33'46''$, a radius of 760.00 feet and a chord bearing of North $72^{\circ}48'52''$ East; thence Northeasterly along the arc of said curve, a distance of 232.96 feet; thence North $64^{\circ}01'58''$ East, a distance of 144.35 feet; thence South $89^{\circ}40'59''$ East, parallel with the North line of said Section 7, a distance of 126.08 feet to a point on a circular curve concave Northeasterly having as elements a central angle of $11^{\circ}57'01''$, a radius of 910.00 feet and a chord bearing of South $39^{\circ}15'19''$ East; thence Southeasterly along the arc of said curve, a distance of 189.80 feet; thence South $36^{\circ}54'32''$ West, a distance of 41.18 feet to a point on a circular curve concave Southwesterly having as elements a central angle of $20^{\circ}16'48''$, a radius of 227.50 feet and a chord bearing of North $79^{\circ}32'35''$ West; thence Northwesterly along the arc of said curve, a distance of 80.52 feet; thence North $89^{\circ}40'59''$ West, parallel with the North line of said Section 7, a distance of 489.31 feet; thence North $08^{\circ}24'14''$ West, a distance of 31.65 feet to the Point of Beginning.

Said lands containing 1.423 Acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

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PARCEL "I"
Boulevard to be Vacated

- A Portion of Peachland

A portion of land lying in Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

From the Northwest corner of said Section 7, run South $89^{\circ}40'59''$ East along the North line of Section 7, a distance of 35.00 feet; thence South $00^{\circ}11'30''$ West, a distance of 82.50 feet; thence South $89^{\circ}40'59''$ East, parallel with the North line of said Section 7, a distance of 1,476.99 feet to the point of curvature of a circular curve concave to the Southwest having as elements a central angle of $20^{\circ}16'48''$, a radius of 227.50 feet and a chord bearing of South $79^{\circ}32'35''$ East; thence Southeasterly along said curve, a distance of 80.52 feet to the Point of Beginning;

Thence continue along said curve having as elements a central angle of $16^{\circ}18'44''$, a radius of 227.50 feet and a chord bearing of South $61^{\circ}14'50''$ East; thence Southeasterly along the arc of said curve, a distance of 64.77 feet to the point of tangency; thence South $53^{\circ}05'28''$ East, a distance of 195.56 feet to the Northwesterly right-of-way line of Kings Highway (250 feet wide); thence North $36^{\circ}54'32''$ East along said northwesterly right-of-way line, a distance of 23.47 feet; thence North $53^{\circ}05'28''$ West, a distance of 135.00 feet to the point of curvature of a circular curve concave to the Northeast having as elements a central angle of $07^{\circ}51'38''$, a radius of 910.00 feet and a chord bearing of North $49^{\circ}09'39''$ West; thence Northwesterly along the arc of said curve, a distance of 124.85 feet; thence South $36^{\circ}54'32''$ West, a distance of 41.18 feet to the Point of Beginning.

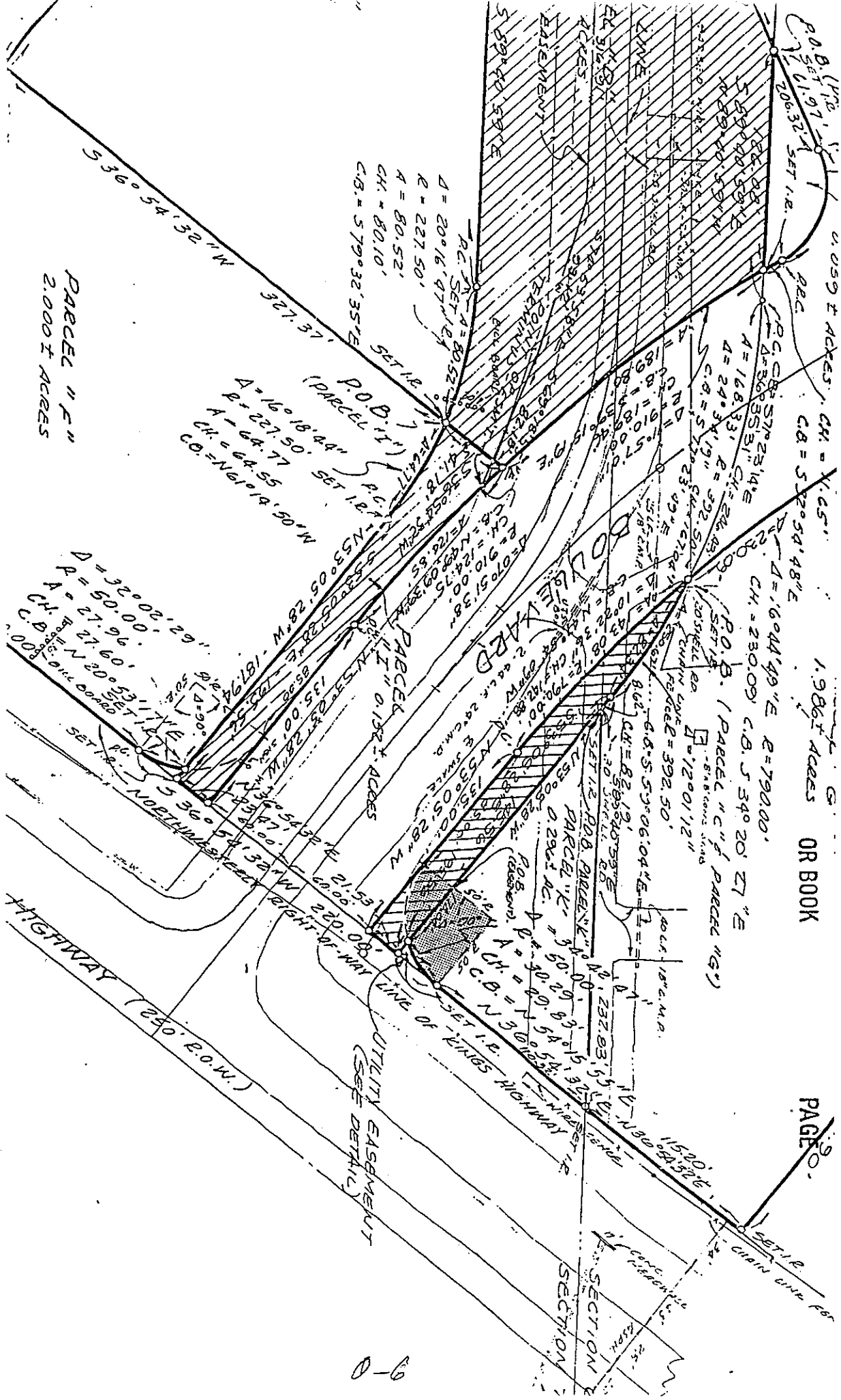
Said lands containing 0.152 Acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

LESS AND EXCEPT, as to each of Parcels A, B, C and I, any land whatsoever within that area of land described as Parcel 1 and Parcel 2 on Exhibit A to that certain Right-of-Way Easement dated _____, 1987, from Elwood P. Safron, Individually and as Trustee, James E. Moore III, as Trustee, and Sun Bank and Trust/Charlotte County, National Association, as Trustee of an unrecorded trust agreement dated July 30, 1986, to Charlotte County.

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PAUL



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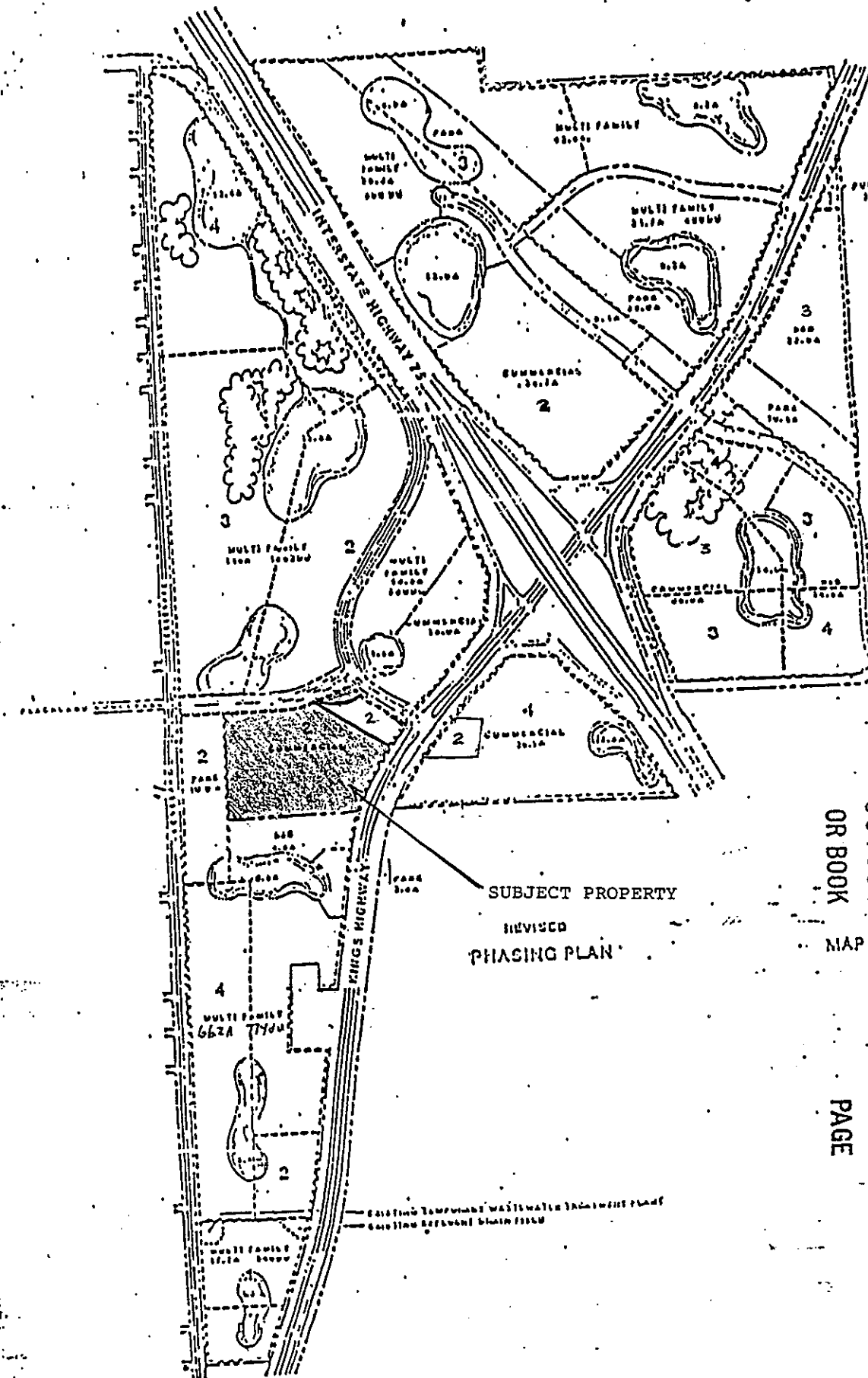
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