

Application No.
SV-12-04-03
(Street Vacation)

Applicant
Heritage of Sarasota, Inc. / A
portion of River Beach Drive

Legislative

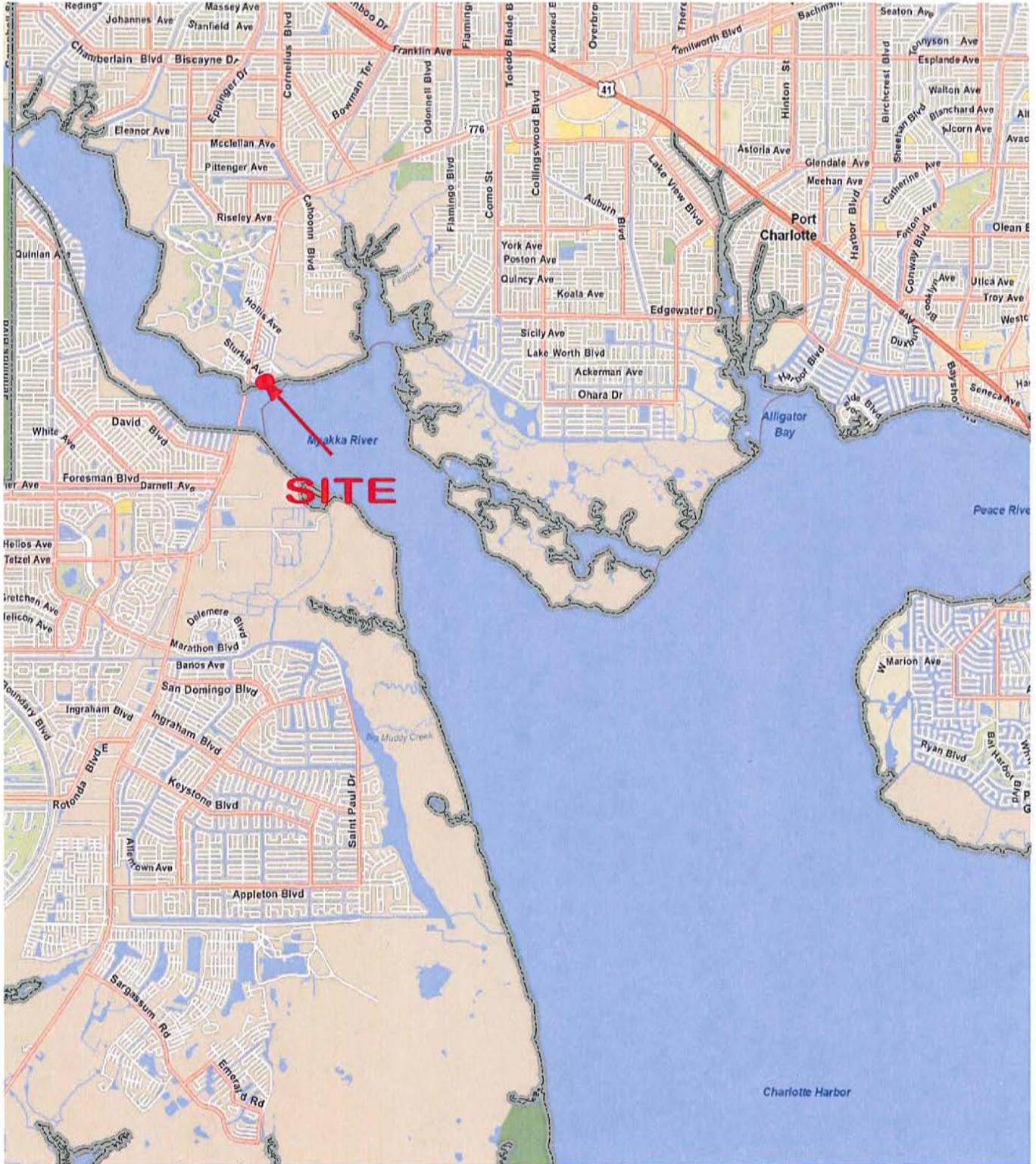
Commission Dist. IV



Open for Business

SV-12-04-03 RIVERSIDE DRIVE General Area Map

Map Prepared By
Charlotte County
Community Development
Department



28/40/21 Mid-County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Prepared 06-13-2012 by D Vance





Open for Business

SV-12-04-03
RIVERSIDE DRIVE
2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
Department



28/40/21 Mid-County

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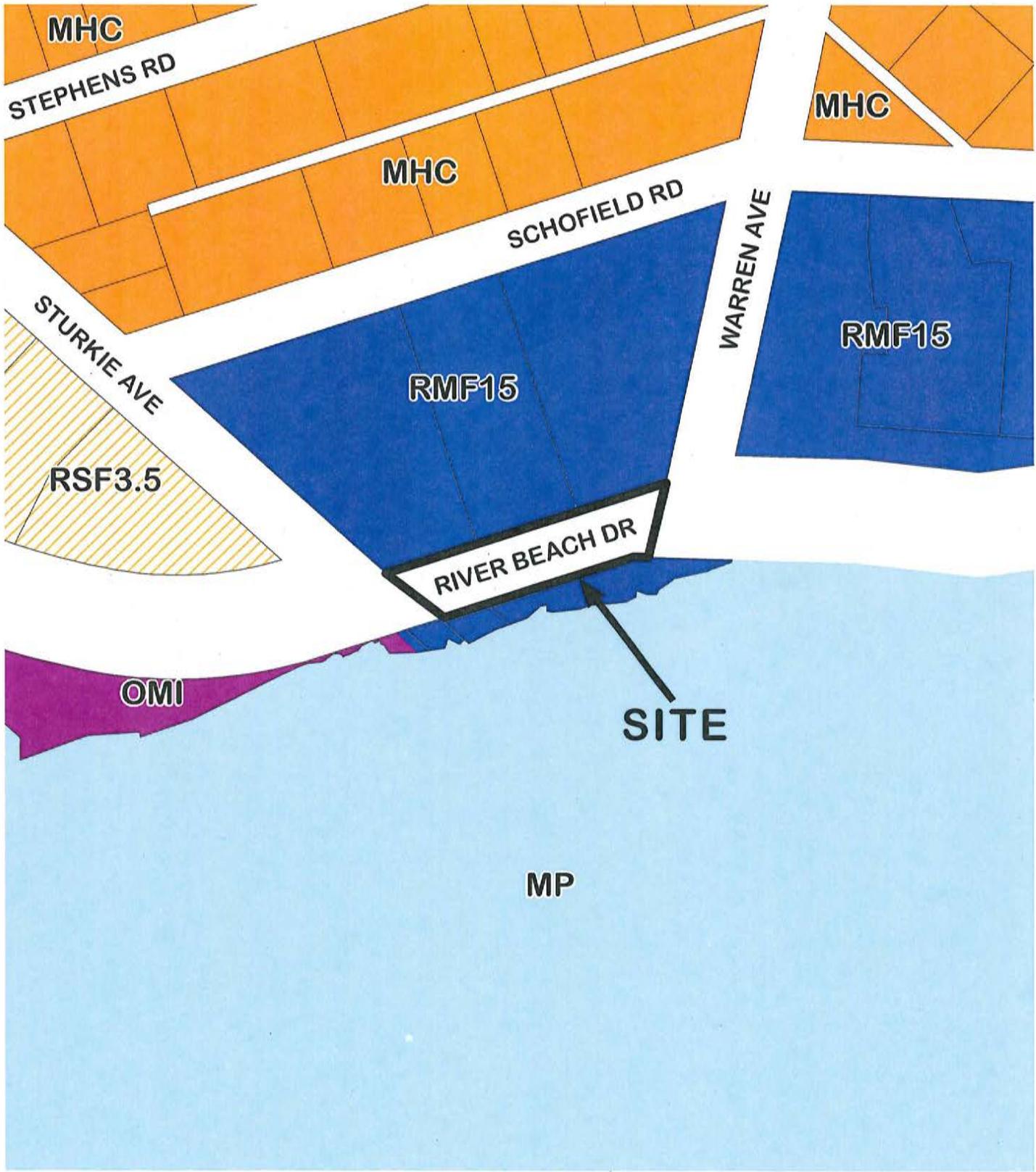




Open for Business

SV-12-04-03 RIVERSIDE DRIVE Zoning Districts

Map Prepared By
Charlotte County
Community Development
Department



28/40/21 Mid-County

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0 100ft

Charlotte County GIS Department Copyright (C) 2012



Charlotte County Government

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www.CharlotteCountyFL.com

MEMORANDUM

Date: June 26, 2012

To: Charlotte County Board of County Commissioners,
Planning and Zoning Board

From: Steven A. Ellis, Planner II *SAE*
Community Development

Subject: SV-12-04-03, Street Vacation, Portion of River Beach Drive
Applicant: Heritage of Sarasota, Inc.

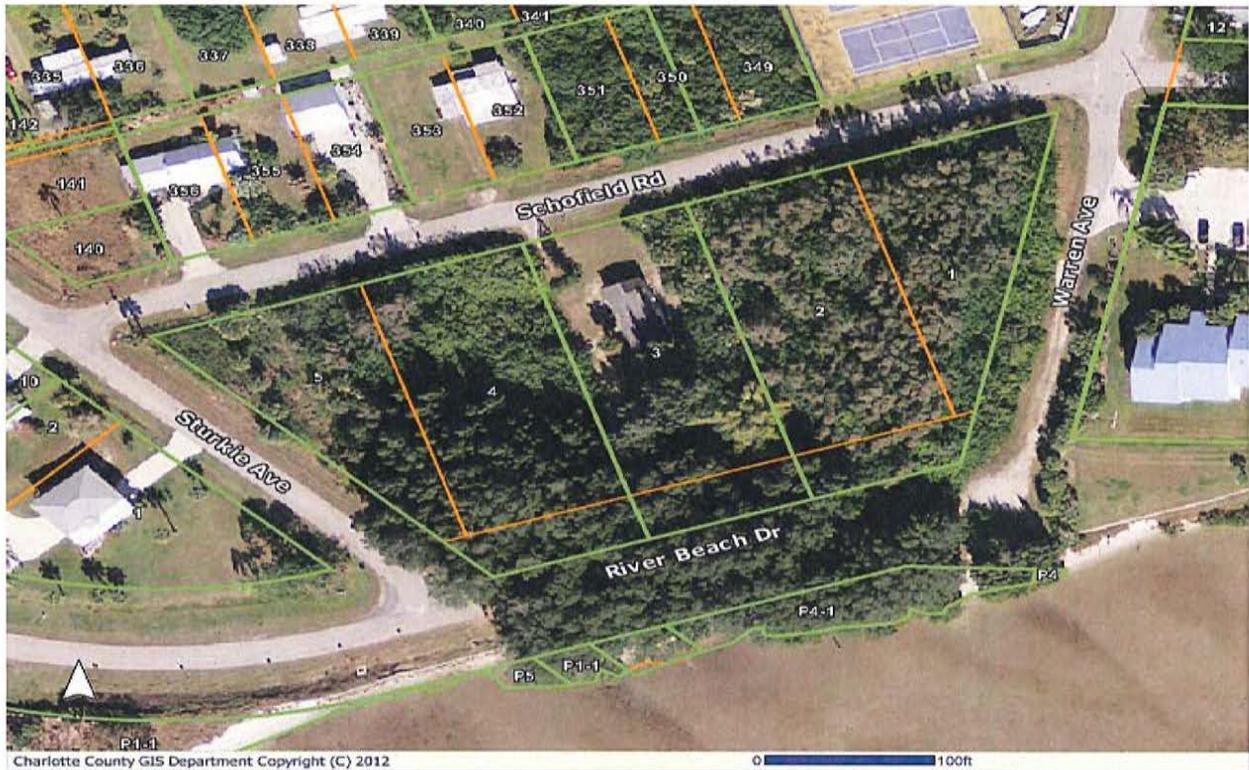
Heritage of Sarasota, Inc. has applied to vacate the portion of River Beach Drive (platted Riverside Drive) that runs east of Sturkie Avenue and west of Warren Avenue, as recorded in Plat Book 2, Page 30, also to vacate the conditions of the Developer's Agreement (AGR 2006-074) that was required for the approval of a previous street vacation (Res. 2006-223). The total area to be vacated is 0.34 acres, more or less, and is located in Section 28, Township 40 South, Range 21 East, in Commission District IV.

Heritage of Sarasota, Inc. (HSI) owns abutting lots on both sides of River Beach Drive west of Warren Avenue within the boundaries of the Urban Service Area. The Future Land Use Map designation is High Density Residential. The Zoning District is Residential Multi-family 15 (RMF-15). The property lies within Flood Zone 8VE and Storm Surge Evacuation Zone A.

Charlotte County owns one parcel on the south side of River Beach Drive, west of Warren Avenue (Parcel ID #402128478003).

CHARLOTTE COUNTY COMMUNITY DEVELOPMENT
Zoning

18400 Murdock Circle, Port Charlotte, FL 33948
Phone: 941-764-4954 | Fax: 941-764-4905



GIS aerial of petition site

This portion of River Beach Drive was the subject of a previous street vacation petition (SV-06-09-13) initiated by HSI, and approved by the Board of County Commissioners on December 19, 2006 (Resolution 2006-223), vacating the north forty feet of the 100' River Beach Drive right-of-way between Sturkie Avenue and Warren Avenue, with three conditions, as follows:

- Condition 2-A – *The Developer's Agreement is approved by the Board of County Commissioners of Charlotte County, Florida. (AGR 2006-074 was approved on December 19, 2006.)*

The section entitled, "OBLIGATIONS OF THE PARTIES" within the Developer's Agreement reads as follows:

- Prior to a Certificate of Occupancy being issued for any development on the Exhibit "A" lands, Developer shall construct the improvements as depicted in Exhibit "B" within the remaining portion of River Beach Road between Sturkie and Warren Avenues (hereinafter the "remaining Portion of River Beach Road"). Developer shall design and permit all public improvements, clear all exotic vegetation from the right-of-way, build a 10 foot wide shell trail, include trail and parking within the development's storm water management systems, build a 4-car shell parking spaces, provide canoe/kayak launch and provide landscaping and buffering within the right-of-way. All public improvements shall be field located. [Unfulfilled]*
- County shall maintain the above referenced improvements located within the Remaining Portion of River Beach Road as a shell trail and parking area, as depicted in Exhibit "B", in perpetuity. [Nothing to maintain, improvements never constructed]*

- c. *Within 90 days of the effective date of this Agreement, Developer shall convey the land described in Exhibit "C" to County for a beach canoe/kayak launch and County shall accept title to said lands and keep said lands used as a beach canoe/kayak launch in perpetuity. [Fulfilled]*
- d. *No additional density shall accrue to the development of the Exhibit "A" lands as a result of the vacation.*
- *Condition 2-B – Easements must be provided to El Jobean Water and Riverwood CDD prior to the filing of the vacation. [Fulfilled]*
 - *Condition 2-C – Petitioner shall remove all exotics from the remaining right-of-way, and the Petitioner's property from right-of-way to the water's edge. [Unfulfilled. A comparison of GIS aerial maps from 2007 through 2011 revealed that the Australian Pines that dominate this undeveloped section of right-of-way were never removed. This was also confirmed by a recent staff site visit.]*



River Beach Drive, looking west from Warren Avenue (4/25/12)



River Beach Drive, looking east from Sturkie Avenue (4/25/12)

HSI now wishes to vacate the remaining sixty-foot (60') right-of-way and to also vacate the conditions of AGR 2006-074, deleting Paragraphs 3.a., 3.b. and 3.c. in their entirety and replacing them with the following:

- a. Prior to a Certificate of Occupancy being issued for any development on the Exhibit "A" lands, Developer shall remove all exotic vegetation located within the right-of-way of Warren Avenue, south of Schofield Road.
- b. Within 90 days of the effective date of this Amended Agreement, Developer shall convey the land described in Exhibit "C" to County and County shall accept title to said lands and keep said lands as an access to the Myakka River in perpetuity.
Concurrently, County shall convey to Developer the land more particularly described in Exhibit "D" attached hereto and incorporated herein by this reference.
- c. County shall maintain the above referenced right-of-way as a parking area and ingress/egress in perpetuity.

HSI also intends that Exhibits "B" and "C" of the existing Developer's Agreement should be deleted and replaced with Exhibits "B" and "C" attached to their application.

If the current street vacation request is granted, HSI is offering the following:

- HSI will exchange the 462-square-foot parcel previously conveyed to the County for a 2,042-square-foot parcel and an adjacent 6-square-foot parcel at the end of Warren Avenue where it meets the Myakka River

- HSI will clear all vegetation from the Warren Avenue right-of-way south of Schofield Road in order to facilitate public parking
- HSI will record a utility easement in favor of Riverwood CDD in substantially the same form as Exhibit "E" of their application
- HSI will record a deed restriction in substantially the same form as Exhibit "F" of their application, limiting the density to the same number of units as prior to the proposed street vacation

DEPARTMENTAL REVIEWS

Addressing has reviewed the application and had no comments.

Zoning/Environmental has reviewed the application and had the following comments:

The Zoning Environmental Review Section (ERS) has reviewed the above referenced petition for Environmental and Tree and Landscaping compliance and offers the following comments:

A GIS aerial review and site inspection has been conducted by staff. The property is undeveloped and is overgrown with mature Australian pine trees. The shoreline has been retained in its natural state (i.e. no seawall, rip-rap or other manmade structures). The Myakka River is a highly valuable ecological asset to all the residents of Charlotte County and is utilized by numerous species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS).

As this proposal moves forward, the Environmental Review Section has requested the following issues be addressed. These conditions will be reviewed for compliance prior to any land clearing, development, or permit approvals.

1. The project site contains habitat that may be utilized by species listed by the United States Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FWCC) as endangered, threatened, or a species of special concern. The applicant may need to submit a Florida Land Use, Cover and Forms Classification System (FLUCCS) Map and current applicable listed species survey. All appropriate comments, authorization/permits, and mitigation from FWCC and FWS will be required prior the issuance of county permits and/or land clearing activities.
2. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A minimum 15', avg. 25' natural vegetated upland buffer must remain preserved along the perimeter of all wetlands and natural surface waters prior to any permit or land improvement activity approvals. Additional buffer width may be required by other regulatory agencies.
3. Any site clearing, including underbrush, for proposed building site must comply satisfy Chapter 3-2, Article IX, Tree Requirements, of the County Code. If heritage trees are found to occur on site, the provisions of Chapter 3-2, Article IX, Section 190 of the County Code must be followed. A

Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits or No Tree Affidavit must be obtained prior to any land clearing activity and/or the issuance of any building permits.

4. All trees that are removed or preserved must satisfy Chapter 3-2, Article IX, and Tree Requirements of the County Code. Heritage trees may occur on site. Heritage trees are further protected by the provisions of Chapter 3-2, Article IX, Section 190 of the County Code. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits must be obtained prior to any land clearing activity and/or the issuance of any building permits.

The applicant is advised that the Charlotte County ERS site review is cursory; additional wildlife or environmental reviews may be required by state and federal agencies.

Zoning/Current Planning has reviewed the application and had the following comments:

The proposed street vacations do not appear to conflict with any of the requirements of the Zoning or Subdivision Codes. However, River Beach Drive is the only location where this residential neighborhood has public access to the Myakka River. Good planning practices would suggest retaining that portion of River Beach Drive located between Sturkie Avenue and Warren Avenue for public access to the Myakka River.

Zoning/Current Planning recommends approval of a street vacation only for that portion of River Beach Drive lying east of Warren Avenue.

Riverwood Community Development District (CDD) has reviewed the application and had the following comments:

Riverwood CDD will need an easement to cover existing sewer facilities in the area proposed for vacation. If the easement is not prepared in advance of the hearing, Riverwood CDD requests that it be made a condition of approval.

Zoning/Land Development has reviewed the application and had the following comments:

The applicant has not fully addressed unmet conditions of approval from the 2006 street vacation. While the Developer's Agreement states that all exotics must be removed "*Prior to a Certificate of Occupancy being issued,*" it should not be interpreted as being okay for the Developer to wait until the time of applying for a CO to fulfill this obligation. Staff has learned from sources at the University of Florida that mature Australian Pine trees grow at a rate of between five and ten feet per year.

Independent of the Developer's Agreement, Condition 2-C of the BCC's conditions of approval of the 2006 street vacation states, "*Petitioner shall remove all exotics from the remaining right-of-way, and the Petitioner's property from right-of-way to the water's edge.*" While no time limit was given for this requirement, the applicant failed to address this problem that only grows worse with each passing season. That being the case, the modified language of the Amended Developer's Agreement should include a 90-day time limit for the removal of all exotics from the area proposed to be vacated, as well as the area of

the previously granted street vacation. If this is made a condition of approval, in addition to what HSI has offered, Zoning/Land Development has no objection to SV-12-04-03.

Real Estate Services has reviewed the application and had the following comments:

No objection to the vacation provided the following conditions are met:

Heritage of Sarasota, Inc. agrees to clear and remove all vegetation, and also grade Warren Avenue (60-foot width) from Schofield Road to water's edge according to County standards, including grading and maintaining the existing drainage swale currently located on the their proposed exchange property to the water's edge according to Code and County Standards. The clearing and grading must be performed to the satisfaction of the County Right-of-Way Staff who will inspect and review the work.

Real Estate Services recommend that the above conditions be met before the formal land exchange agreement is approved by the Board of County Commissioners and all deeds have been recorded in Public Records.

Any and all conditions presented under the revised Developer's Agreement must be approved by County Staff prior to the formal exchange and recording of the properties.

CCU has reviewed the application and had no comments.

GIS has reviewed the application and had no objections.

Engineering has reviewed the application and had no comments.

Comprehensive Planning has reviewed the application and had the following comments:

- 1) On page two of the applicant's narrative, paragraph a., there is a reference to Exhibit "A". This exhibit only shows the area of this proposed street vacation. The new condition of the Development Agreement should show all the land owned by Heritage of Sarasota, Inc.
- 2) The restrictive covenant over the property is not a condition of the street vacation approval, it is required to be submitted with the street vacation application and approved along with the street vacation. The applicant must submit the covenant prior to the BCC meeting. The wording of the restrictive covenant needs to be discussed between Planning staff, the applicant's agent and the County Attorney's Office as the proposed covenant appears to only apply to the area of the street vacation.

Otherwise, Comprehensive Planning is in agreement with the swap of the lots. The new lot will be more useful to the public and, when the Warren Avenue right-of-way is cleared, access to the river at the new location and in front of the condos will be a beneficial asset to the neighborhood.

RECOMMENDATION

Community Development recommends approval of SV-12-04-03 with the following five (5) conditions:

1. Prior to the recording of the resolution approving the street vacation, an Amended Developer's Agreement (amending AGR 2006-074) detailing the proposed exchange of property, must be approved by the Charlotte County Board of County Commissioners.
2. Prior to the recording of the resolution approving the street vacation, the applicant must record a restrictive covenant limiting the density on the applicant's property, including the additional land gained as a result of the vacation, to that which existed at the time of the street vacation application.
3. Prior to the recording of the resolution approving the street vacation, the applicant shall provide an easement to Riverwood Community Development District (CDD) for their facilities in the area of the street vacation.
4. Within ninety (90) days of the effective date of the resolution approving the street vacation, applicant shall remove all exotic vegetation within the area of the proposed street vacation, within the area of the previously granted street vacation, on the applicant's property from the edge of the right-of-way to the water's edge, and including the land to be conveyed to the County.
5. Within ninety (90) days of the effective date of the resolution approving the street vacation, applicant shall remove all vegetation within the Warren Avenue right-of-way south of Schofield Road and restore the drainage swales in a manner acceptable to County Right-of-Way Staff.



**CHARLOTTE COUNTY
 BUILDING AND GROWTH MANAGEMENT DEPARTMENT**

STREET VACATION APPLICATION

Date Received: ORIGINAL - 4/5/12 REVISED - 6/26/12	Date of Log-in: 4/5/12
Petition #: SV-12-04-03	CAP# VST-12-00003
Receipt #: 82282	Amount Paid: \$1,315.00

1. Name of street(s) to be vacated: Riverside Drive a.k.a. River Beach Drive

2. Parties involved in the application

A. Name of Applicant*: Heritage of Sarasota, Inc.

Mailing Address: P.O. Box 446

City: Osprey State: FL Zip Code: 34299

Phone Number: _____ Fax Number: _____

Email Address: _____

* The applicant must own property fronting on the right-of-way to be vacated

B. Name of Agent: Geri L. Waksler, Berntsson, Ittersagen, Gunderson, Waksler & Wideikis, LLP

Mailing Address: 18401 Murdock Circle, Ste. C

City: Port Charlotte State: FL Zip Code: 33948

Phone Number: (941) 627-1000 Fax Number: (941) 254-0684

Email Address: gwaksler@bigwlaw.com

C. Name of Surveyor: All Service Land Surveying, Inc.

Mailing Address: 17840 Toledo Blade Boulevard, Suite B

City: Port Charlotte State: FL Zip Code: 33948

Phone Number: (941) 629-6801 Fax Number: (941) 627-5168

Email Address: allservicelandsurveying@comcast.net

3. Applicant's Property ID #: 402128478004, 402128477001, 402128477002, 402128477003

4. Total acreage of street to be vacated: 14,904 sq.ft. 0.34 ACRES

5. Commission District: 4

6. Purpose of request:

Applicant wishes to create a larger unified waterfront parcel for development

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the applicant or agent for this Street Vacation and that data and other supplementary matter attached to and made part of the application are honest and true to the best of my knowledge.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 26th day of June, 2012, by Geri L. Waksler who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

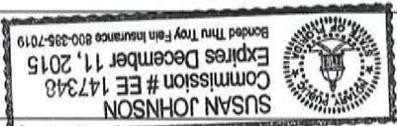
[Signature] | [Signature]
Notary Public Signature | Signature of Applicant/Agent

Susan C. Johnson | Geri L. Waksler
Notary Printed Signature | Printed Signature of Applicant/Agent

Title | 18401 Murdock Circle, Ste. C.
Address

Commission Code | Port Charlotte, FL 33948
City, State, Zip

941.627.1000
Telephone Number



RESOLUTION
NUMBER 2012-

A RESOLUTION VACATING A PORTION OF
RIVERSIDE DRIVE A.K.A. RIVER BEACH DRIVE

RECITALS

1. Application has been made to vacate, abandon, discontinue, and close portions of Riverside Drive a.k.a. River Beach Drive more particularly described in the attached Exhibit A which is incorporated herein by this reference.

2. It appears that the public notice of said application was first given as required by law by the Board of County Commissioners of Charlotte County, Florida.

3. Section 336.09, Florida Statutes, authorizes the vacating and abandonment of any right of the County and of the public in and to any land or interest therein.

4. It is further made to appear to this body that this vacation will not affect the ownership or right of convenient access of persons owning other properties in the area.

5. Petitioners are the fee-simple owners of all of the surrounding property.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

6. That it hereby approves the Petition of Heritage of Sarasota, Inc., and hereby renounces, disclaims, abandons, discontinues, and closes the above mentioned parcel.

PASSED AND DULY ADOPTED this ____ day of _____, 2012.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By _____
Christopher Constance, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit Court and
Ex-Officio Clerk to the Board of County
Commissions

By _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Janette S. Knowlton, County Attorney

EXHIBIT "A"

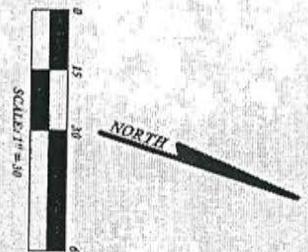
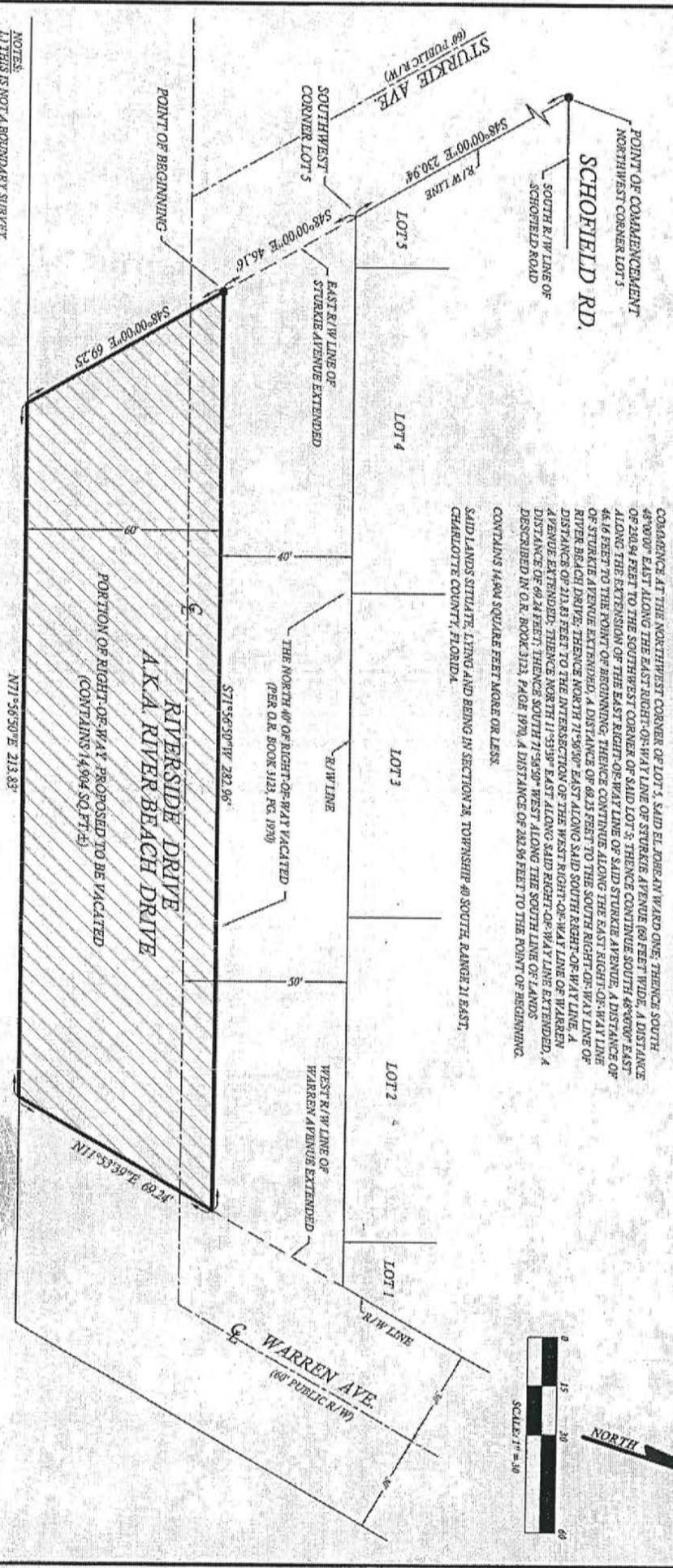
SKETCH OF DESCRIPTION PREPARED FOR:
HERITAGE OF SARASOTA

LEGAL DESCRIPTION (PROPOSED RIGHT-OF-WAY VACATION)

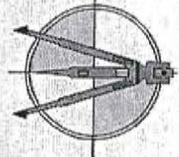
A PORTION OF RIVERSIDE DRIVE (100' WIDE) ALSO KNOWN AS RIVER BEACH DRIVE, AS SHOWN ON THE PLAT OF EL JOSEAN WARD ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 34, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 5, SAID EL JOSEAN WARD ONE, THENCE SOUTH 49°00'00" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF STURKIE AVENUE 660 FEET WIDE, A DISTANCE OF 249.94 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5, THENCE CONTINUING SOUTH 49°00'00" EAST ALONG THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF SAID STURKIE AVENUE, A DISTANCE OF 46.16 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE ALONG THE EAST RIGHT-OF-WAY LINE OF STURKIE AVENUE, EXTENDED, A DISTANCE OF 66.25 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF RIVER BEACH DRIVE, THENCE NORTH 71°56'30" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 213.81 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF WARREN AVENUE, EXTENDED, THENCE NORTH 11°33'30" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 69.24 FEET, THENCE SOUTH 71°56'30" WEST ALONG THE SOUTH LINE OF LANDS DESCRIBED IN O.R. BOOK 312, PAGE 197A, A DISTANCE OF 28.26 FEET TO THE POINT OF BEGINNING, CONTAINS 14,904 SQUARE FEET MORE OR LESS.

SAID LANDS SITUATE, LYING AND BEING IN SECTION 28, TOWNSHIP 49 SOUTH, RANGE 11 EAST, CHARLOTTE COUNTY, FLORIDA.



NOTES:
1) THIS IS NOT A BOUNDARY SURVEY.
2) BEARINGS ARE ASSUMED.



**ALL SERVICE
LAND SURVEYING, INC.**
17840 TOLIBO BLADE BOULEVARD, SUITE B
FORT CHARLOTTE, FLORIDA
PHONE: (941) 639-4801 FAX: (941) 422-5168
EMAIL: allservice@allservice.net
L.B. #1785

NOTES: THE UNDERSIGNED, AND ALL ASSISTANTS AND SERVANTS, ARE MADE NO REPRESENTATIONS OR WARRANTIES, EITHER EXPRESS OR IMPLIED, AS TO THE ACCURACY OF THE INFORMATION, DATA, OR OTHER MATERIALS RECEIVED FROM THE CLIENT OR ANY OTHER SOURCE. THE UNDERSIGNED IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY, THE CLIENT'S NEGLIGENCE OR ANY OTHER PARTY'S NEGLIGENCE. THE UNDERSIGNED IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY, THE CLIENT'S NEGLIGENCE OR ANY OTHER PARTY'S NEGLIGENCE. THE UNDERSIGNED IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY, THE CLIENT'S NEGLIGENCE OR ANY OTHER PARTY'S NEGLIGENCE.

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY PERSONAL CHARGE AND UNDER THE PERSONAL SUPERVISION AND CONTROL OF ME, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5517, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 42.207, FLORIDA STATUTES.

EL STURKIE, D.D. 1753
FLORIDA REGISTRATION # 614

DATE: 6/23/12

DRAWN BY: J.S. SCALE: 1" = 30' PROJECT: 12-5122D

Heritage of Sarasota, Inc.
Application for Street Vacation

Heritage of Sarasota, Inc. ("Heritage") is requesting to vacate a portion of River Beach Drive (platted as Riverside Drive). This portion of River Beach Drive provides no water access. Heritage owns the land on both sides of the proposed street vacation, with the exception of a 462 square foot parcel deeded to Charlotte County by Heritage as part of a prior street vacation.

In 2006, forty (40) feet of River Beach Drive was vacated by Charlotte County. Concurrent with the street vacation, Heritage entered into a development agreement with the county that required Heritage to:

1. Convey the 462 square foot parcel to Charlotte County within 90 days;
2. Construct four (4) shell parking spaces within River Beach Drive prior to a Certificate of Occupancy being issued for any development of Heritage's adjoining property;
3. Construct a beach canoe/kayak launch on the 462 square foot parcel prior to a Certificate of Occupancy being issued for any development of Heritage's adjoining property; and
4. Construct a ten (10) foot wide shell trail through the remaining portion of River Beach Drive prior to a Certificate of Occupancy being issued for any development of Heritage's adjoining property.

Heritage timely conveyed the 462 square foot parcel. Heritage has never pursued any development on its adjoining property, consequently the remaining conditions have not yet been met.

As part of this new street vacation, Heritage proposes to amend the development agreement so that the 462 square foot parcel can be swapped for a 2,042 square foot parcel and an adjacent six (6) square foot parcel located at the end of Warren Road. Additionally, Heritage proposes to obligate itself to clear all vegetation from the Warren Road right-of-way. This will create an area wide enough for parking and for pedestrians to walk to the newly created Myakka River access along an existing path. The 2,048 square foot combined parcel contains a narrow, shallow inlet that provides a natural point for launching a kayak or canoe.

Consequently, Heritage proposes to amend the development agreement by deleting Paragraphs 3.a., 3.b. and 3.c. in their entirety and replacing them with the following language:

- a. Prior to a Certificate of Occupancy being issued for any development on the Exhibit "A" lands, Developer shall remove all exotic vegetation located within the right-of-way of Warren Avenue, south of Schofield Road.
- b. Within 90 days of the effective date of this Amended Agreement, Developer shall convey the land described in Exhibit "C" to County and County shall accept title to said lands and keep said lands as an access to the Myakka River in perpetuity. Concurrently, County shall convey to Developer the land more particularly described in Exhibit "D" attached hereto and incorporated herein by this reference.
- c. County shall maintain the above referenced right-of-way as a parking area and ingress/egress in perpetuity.

Exhibits "B" and "C" of the development agreement should also be deleted and replaced with Exhibits "B" and "C" attached hereto.

Additionally, as a condition of the proposed street vacation, Heritage shall, prior to the recording of the street vacation:

1. Record a utility easement in favor of Riverwood CDD in substantially the same form as the attached Exhibit "E;" and
2. Record a deed restriction, in substantially the same form as the attached Exhibit "F," limiting density on Heritage's property subsequent to the street vacation, to the same number of units as prior to the street vacation.

EXHIBIT "A"

SKETCH OF DESCRIPTION PREPARED FOR:
HERITAGE OF SARASOTA

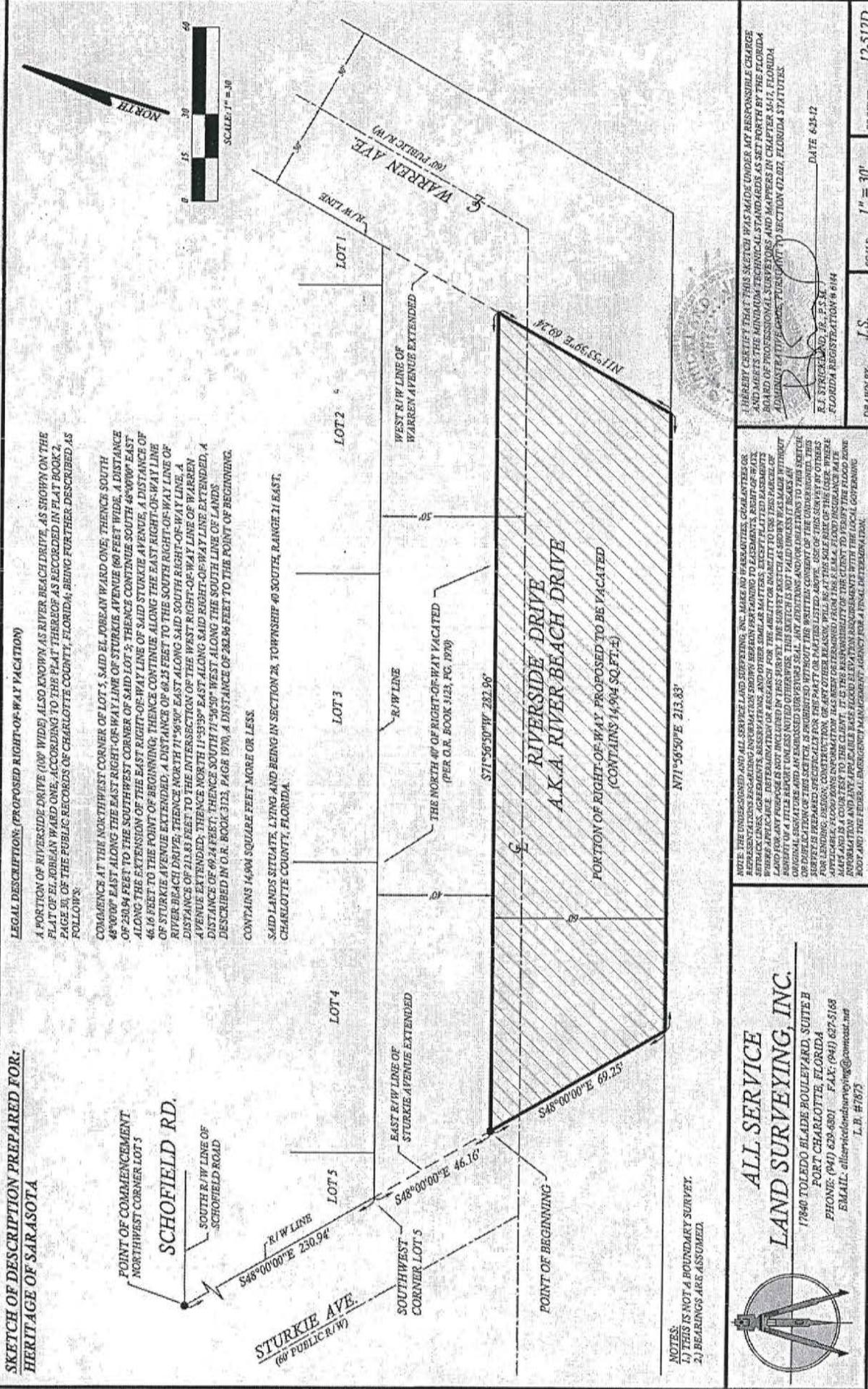
LEGAL DESCRIPTION: PROPOSED RIGHT-OF-WAY VACATION

A PORTION OF RIVERSIDE DRIVE (100' WIDE) ALSO KNOWN AS RIVER BEACH DRIVE, AS SHOWN ON THE PLAT OF EL JOSEAN WARD ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 31, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 5, SAID EL JOSEAN WARD ONE, THENCE SOUTH 48°00'00" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF STURKIE AVENUE (60 FEET WIDE, A DISTANCE OF 230.94 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE CONTINUE SOUTH 48°00'00" EAST ALONG THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF SAID STURKIE AVENUE, A DISTANCE OF 46.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE EAST RIGHT-OF-WAY LINE OF STURKIE AVENUE EXTENDED, A DISTANCE OF 69.25 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF RIVER BEACH DRIVE; THENCE NORTH 71°56'30" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 213.83 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF WARREN AVENUE EXTENDED; THENCE NORTH 1°33'59" EAST ALONG SAID RIGHT-OF-WAY LINE OF WARREN AVENUE EXTENDED; THENCE SOUTH 71°36'50" WEST ALONG THE SOUTH LINE OF LANDS DESCRIBED IN O.R. BOOK 3123, PAGE 1970, A DISTANCE OF 282.96 FEET TO THE POINT OF BEGINNING.

CONTAINS 14,904 SQUARE FEET MORE OR LESS.

SAID LANDS SITUATE, LYING AND BEING IN SECTION 28, TOWNSHIP 40 SOUTH, RANGE 31 EAST, CHARLOTTE COUNTY, FLORIDA.



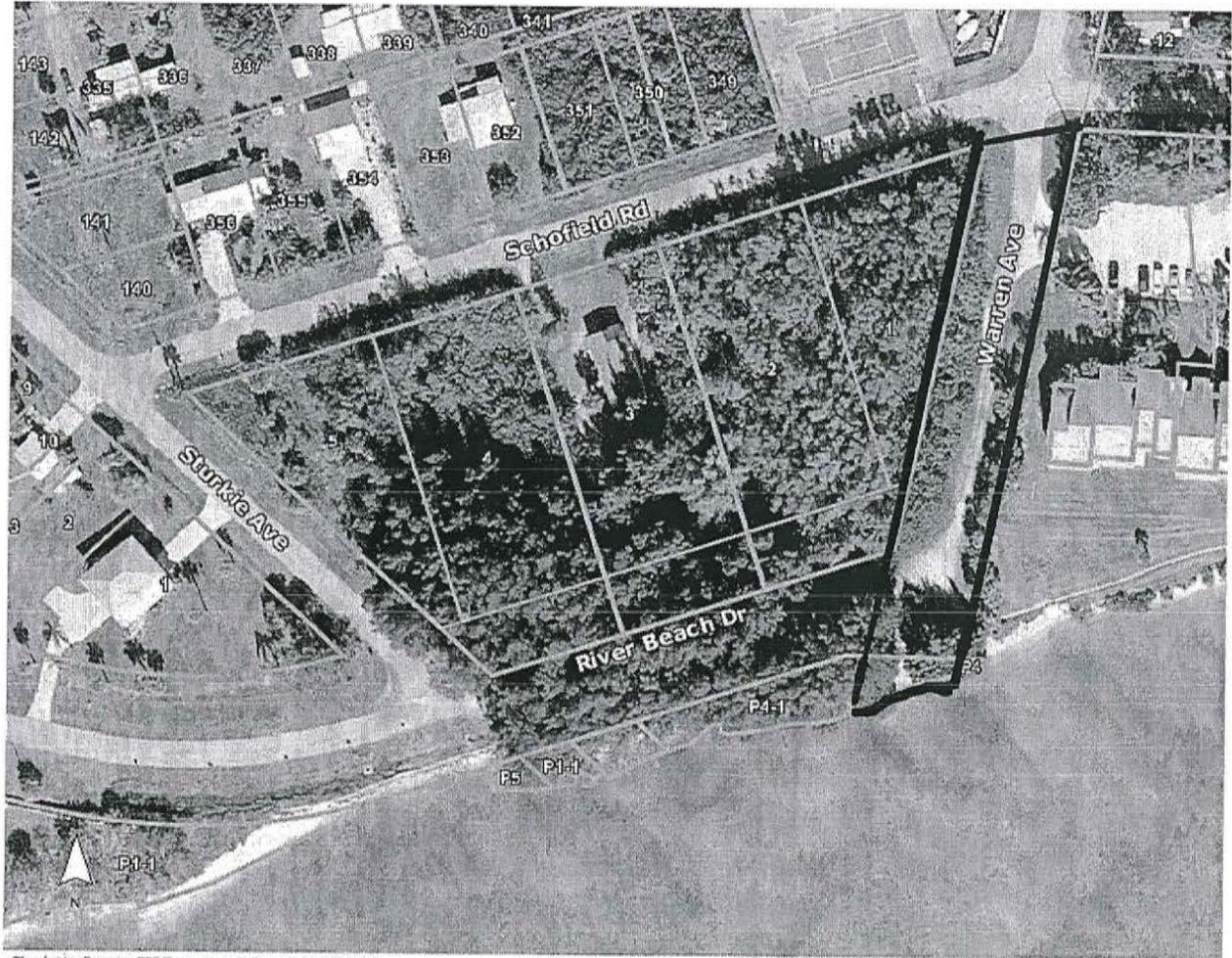
NOTES:
1) THIS IS NOT A BOUNDARY SURVEY.
2) BEARINGS ARE ASSUMED.

**ALL SERVICE
LAND SURVEYING, INC.**
17840 TOLEDO BLADE BOULEVARD, SUITE B
FORT CHARLOTTE, FLORIDA
PHONE: (941) 639-6801 FAX: (941) 637-5168
EMAIL: allservice@allservice.com
L.B. #7873

NOTE: THE DESIGNER AND ALL SURVEYORS AND SURVEYING, INC. MAKES NO WARRANTIES, GUARANTEES OR REPRESENTATIONS OF ANY KIND, EXPRESS OR IMPLIED, AS TO THE ACCURACY, RELIABILITY, OR FITNESS FOR ANY PURPOSE OF THE SURVEY. THE SURVEY SKETCH AS SHOWN WAS MADE WITHOUT ORIGINAL OBSERVATIONS AND IS BASED ON THE SURVEY RECORDS OF THE COUNTY TO WHICH THIS SKETCH IS REFERENCED. THE DESIGNER AND SURVEYING, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SKETCH. THE DESIGNER AND SURVEYING, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SKETCH. THE DESIGNER AND SURVEYING, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SKETCH. THE DESIGNER AND SURVEYING, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SKETCH.

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 45-12, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 47.027, FLORIDA STATUTES.
DATE 4-3-12
R.J. STRICKLAND, JR., P.E., S.L.
FLORIDA REGISTRATION # 6104
DRAWN BY: J.S. SCALE: 1" = 30' PROJECT: 12-512D

EXHIBIT "B"



AREA TO BE CLEARED FO ALL EXOTIC VEGETATION

EXHIBIT "C"

LEGAL DESCRIPTION:

A PORTION OF SECTION 28, TOWNSHIP 40 SOUTH, RANGE 21 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1, EL JOBEAN WARD ONE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 30, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE SOUTH $11^{\circ}53'39''$ WEST ALONG THE WEST RIGHT-OF-WAY LINE OF WARREN AVENUE (60' WIDE), A DISTANCE OF 230.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE CONTINUE SOUTH $11^{\circ}53'39''$ WEST ALONG THE EXTENSION OF THE WEST RIGHT-OF-WAY OF SAID WARREN AVENUE, A DISTANCE OF 113.41 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF RIVER BEACH DRIVE (100 FEET WIDE AND FORMERLY KNOWN AS RIVERSIDE DRIVE) AND THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED:

THENCE CONTINUE SOUTH $11^{\circ}53'39''$ WEST, A DISTANCE OF 35.06 FEET TO THE MEAN HIGH WATER LINE OF THE MYAKKA RIVER; THENCE NORTH $67^{\circ}09'20''$ EAST ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 35.60 FEET; THENCE NORTH $81^{\circ}11'42''$ EAST ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 32.87 FEET TO THE INTERSECTION OF THE MEAN HIGH WATER LINE OF THE MYAKKA RIVER AND EAST RIGHT-OF-WAY LINE OF WARREN AVENUE EXTENDED; THENCE NORTH $11^{\circ}53'39''$ EAST ALONG THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF SAID WARREN AVENUE, A DISTANCE OF 37.72 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID RIVER BEACH DRIVE; THENCE SOUTH $71^{\circ}56'50''$ WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 69.24 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,042 SQUARE FEET MORE OR LESS.

Together with:

Begin at the southwesterly corner of Lot 1, Ward 5 of EL JOBEAN, Plat Book 1, Page 62, Charlotte County Public Records, thence southerly along an extension of the westerly boundary of said Lot 1 to the Myakka River; thence easterly along the northern boundary of the Myakka River to the point of intersection with an extension of the Easterly line of Lot 11 of said Ward 5, thence northerly along said extension to the southeasterly corner of Lot 11 of said Ward 5, thence westerly along the southerly boundary of Lots 1 through 11 of said Ward 5 to the point of beginning.

EXHIBIT "D"

LEGAL DESCRIPTION:

A PORTION OF SECTION 28, TOWNSHIP 40 SOUTH, RANGE 21 EAST, CHARLOTTE COUNTY, FLORIDA,
BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF STURKIE AVENUE EXTENDED AND THE
SOUTH RIGHT-OF-WAY OF RIVERSIDE DRIVE (ALSO KNOWN AS RIVERBEACH DRIVE) AS SHOWN ON
THE PLAT OF EL JOBEAN WARD ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2,
PAGE 30, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE NORTH 71°56'50" EAST
ALONG THE SOUTH RIGHT-OF-WAY OF RIVERSIDE DRIVE, A DISTANCE OF 46.16 FEET; THENCE SOUTH
48°00'00" EAST, A DISTANCE OF 8.96 FEET TO THE MEAN HIGH WATER LINE OF THE MYAKKA RIVER;
THENCE SOUTH 69°09'33" WEST ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 15.03 FEET;
THENCE SOUTH 62°00'56" WEST, A DISTANCE OF 28.34 FEET TO THE INTERSECTION OF THE EAST
RIGHT-OF-WAY OF STURKIE AVENUE EXTENDED AND THE MEAN HIGH WATER LINE OF THE MYAKKA
RIVER; THENCE NORTH 48°00'00" WEST ALONG THE EXTENSION OF THE EAST RIGHT-OF-WAY OF
STURKIE AVENUE, A DISTANCE OF 15.45 FEET TO THE POINT OF BEGINNING.
CONTAINS 462 SQUARE FEET MORE OR LESS.

EXHIBIT "E"

THIS INSTRUMENT PREPARED BY
Geri L. Waksler
Bertsson, Ittersagen, Gunderson,
Waksler & Wideikis, LLP
18401 Murdock Circle, Suite C
Port Charlotte, Florida 33948

NON-EXCLUSIVE UTILITY EASEMENT

THIS INDENTURE, made this ____ day of _____, 2012 by and between HERITAGE OF SARASOTA, INC., a Florida Corporation, whose post office address is P.O. Box 446 Osprey, Florida 34299 ("Grantor") and RIVERWOOD COMMUNITY DEVELOPMENT DISTRICT, a local unit of special purpose government organized and existing under the laws of the State of Florida, whose post office address is c/o Severn Trent Management Services, Inc., 200 North University Drive, Suite 702, Coral Springs, Florida 33071 ("Grantee").

WITNESSETH:

That the said Grantor for an in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, to Grantor in hand paid, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey to Grantee, and the Grantee's successors and assigns, a perpetual non-exclusive easement over, across and under the land hereinafter described (the "Land") and the right to enter upon the Land at all times it may see fit, to construct, reconstruct, maintain, relocate, repair, replace, improve, remove and inspect a central sewer utility system located both beneath and above the ground for the purpose of sewer utility service across, through and under the Land, together with the right to excavate and refill ditches and trenches for the location of such equipment, pumps, pipelines and mains, to restore the Land and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of side equipment, pumps, pipelines, and mains. The Land is situated in Charlotte County, Florida and is more particularly described in Exhibit "A" attached hereto and made a part hereof by this reference.

Together with such rights, easements, privileges, and appurtenances, in or to the Land, which may be required for the full enjoyment of the easement herein granted. If and when the said easement shall be lawfully and permanently discontinued, all rights to said easement conveyed to the Grantee by this clause shall immediately revert to the Grantor, its successors and assigns, and Grantor shall have the right to immediately repossess the same.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easement this ____ day of _____, 2012.

Signed, sealed and delivered
In the presence of:

HERITAGE OF SARASOTA, INC.
a Florida corporation

Witness Signature
Print Name:

By: _____
Robert Martell, President

Witness Signature
Print Name:

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2012 by Robert Martell as President of Heritage of Sarasota, Inc., who is personally known to me or who produced _____ as identification and who did (did not) take an oath.

Notary Public

EXHIBIT "A" TO RIVERWOOD UTILITY EASEMENT

SKETCH OF DESCRIPTION PREPARED FOR:
HERITAGE OF SARASOTA

POINT OF COMMENCEMENT
NORTHWEST CORNER LOT 3
SCHOFIELD RD.
SOUTH R/W LINE OF
SCHOFIELD ROAD

- NOTE:
- 1) THIS IS NOT A RECORD SURVEY
 - 2) BEARINGS ARE ASSUMED
 - 3) SINCE THE RIGHT-OF-WAYS OF STURKIE AND WARREN AVENUE DO NOT LIE AT RIGHT ANGLES TO THE CENTERLINE OF THIS EASEMENT, THE SIDE LINES OF THE EASEMENT SHALL BE EXTENDED OR TRIMMED TO JOIN SAID RIGHT-OF-WAYS AS SHOWN.
 - 4) THE LOCATION OF THIS EASEMENT MUST BE MARKED ON GROUND BY OTHER MEANS, THE CENTERLINE OF THIS EASEMENT REPRESENTS THE CENTERLINE OF THE EXISTING SHOWN LINE ACCORDING TO THE FIELD MARKERS.

LEGAL DESCRIPTION: (PROPOSED 10' WIDE SEWER LINE EASEMENT)

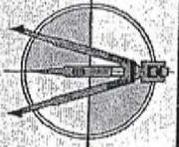
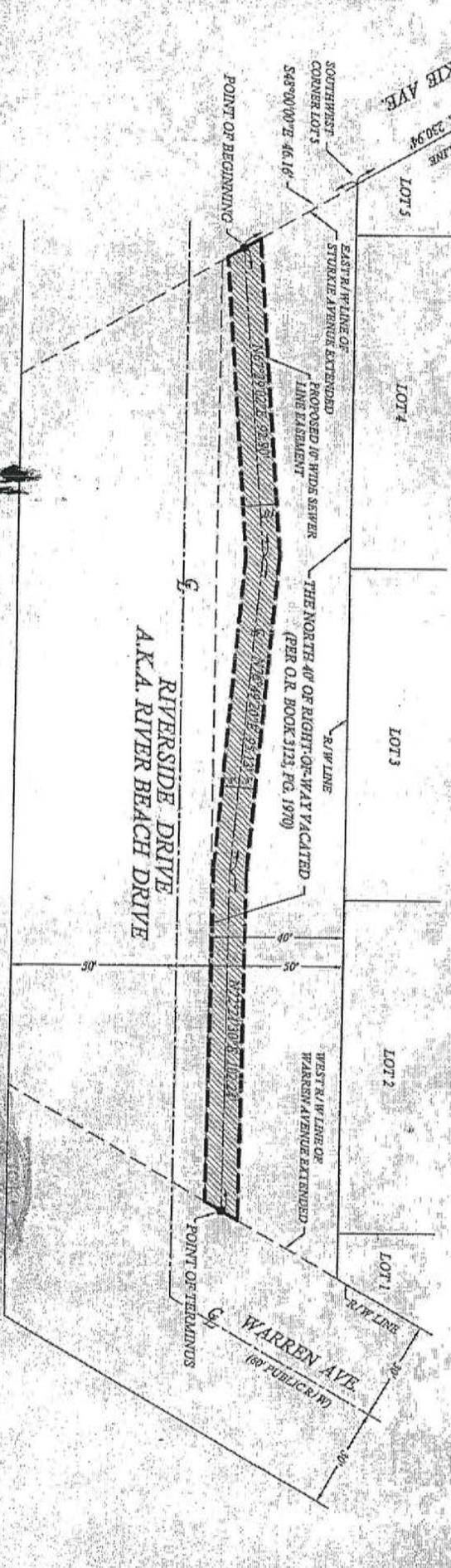
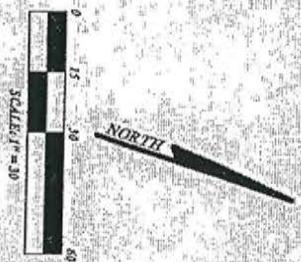
A 10 FEET WIDE SEWER LINE EASEMENT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF UTILITIES LYING OVER, UNDER AND ACROSS A PORTION OF VACATED RIVERSIDE DRIVE (60' WIDE) ALSO KNOWN AS RIVER BEACH DRIVE, AS VACATED PER G.S. BOOK 3123, PAGE 179, AND SHOWN ON THE PLAT OF EL JOSEAN WARD ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLATBOOK 2, PAGE 59, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; SAID EASEMENT LYING 4 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 3, EL JOSEAN WARD ONE, THENCE SOUTH 45°00'00" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF STURKIE AVENUE (60' WIDE), A DISTANCE OF 300.4 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, EL JOSEAN WARD ONE, THENCE CONTINUE SOUTH 45°00'00" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF STURKIE AVENUE EXTENDED, A DISTANCE OF 46.16 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 61°29'00" EAST, A DISTANCE OF 92.50 FEET, THENCE NORTH 78°49'20" EAST, A DISTANCE OF 93.13 FEET, THENCE NORTH 72°19'00" EAST, A DISTANCE OF 102.34 TO A POINT ON THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF WARREN AVENUE (60' WIDE) AND THE POINT OF TERMINUS.

CONTAINS 2,000 SQUARE FEET MORE OR LESS.

SAID LANDS SITUATE, LYING AND BEING IN SECTION 24, TOWNSHIP 40 SOUTH, RANGE 21 EAST, CHARLOTTE COUNTY, FLORIDA.



**ALL SERVICE
LAND SURVEYING, INC.**

1740 TOLEDO BLADE BOULEVARD, SUITE B
FORT CHARLOTTE, FLORIDA
PHONE: (941) 629-4801 FAX: (941) 623-5168
EMAIL: allservice@earthlink.net
L.B. #215

NOTE: THIS PROPOSED AND ALL SERVICE LAND SURVEYING, INC. MAKES AND WARRANTS, GUARANTEES OR REPRESENTS THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. THIS INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

THIS CERTIFICATE THAT THIS SECTION WAS MADE UNDER MY PERSONAL CHARGE AND MEETS THE MINIMUM STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IS VALID AND EFFECTIVE IN CHARLOTTE COUNTY, FLORIDA.

DATE: 4-2-12

FLORIDA LAND SURVEYOR # 11414

FLORIDA REGISTERED PROFESSIONAL SURVEYOR # 11414

DRAWN BY: J.S. SCALE: 1" = 30' PROJECT: 112-512B

EXHIBIT "F"

This instrument prepared by and return to:
Geri L. Waksler
Berntsson, Ittersagen, Gunderson,
Waksler & Wideikis, LLP
18401 Murdock Circle, Suite C
Port Charlotte, FL 33948

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made this ____ day of _____, 2012 by HERITAGE OF SARASOTA, INC., a Florida corporation, whose address is, hereinafter referred to as "Owner."

WHEREAS, Owner is the fee title owner of that certain real property located in Charlotte County, Florida, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Owner applied to Charlotte County to vacate the Property; and

WHEREAS, Charlotte County approved the vacation of the Property; and

WHEREAS, the Charlotte County Transfer of Density Units Ordinance ("TDU Ordinance") requires any owner of property petitioning the Board of County Commissioners for a street vacation to either transfer additional density to the owner's property or submit a restrictive covenant that limits the density of the property to that existing at the time of application; and

WHEREAS, Owner, in compliance with the requirements of the TDU Ordinance, hereby places the following restrictive covenant on the use of the Property.

NOW THEREFORE:

1. The recitals set forth above are true and correct and are incorporated into this restrictive covenant.
2. Owner hereby declares that the Property shall be held, maintained, transferred, sold, conveyed and owned subject to the following Restrictive Covenant:
 - (1) The Property shall have a base density of zero units per acre (0 units/acre).
3. Owner reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and that are not inconsistent with the intent and purposes of this Restrictive Covenant.

4. Except for the restrictive covenant described herein, Owner retains all rights afforded Owner pursuant to the Charlotte County Code of Ordinances and the 2050 Plan, as the same exist as of the date of the recording of this instrument.

5. This Declaration of Restrictive Covenant shall be recorded in the Public Records of Charlotte County, Florida and shall run with the Property, and be binding upon Owner, its heirs, successors and assigns.

6. Charlotte County, through its Board of County Commissioners, is the beneficiary of this restrictive covenants and Charlotte County may enforce this restrictive covenant by action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of this restrictive covenant.

7. This Declaration of Restrictive Covenant shall only be amended with the consent of Charlotte County through its Board of County Commissioners.

8. Any failure of Charlotte County to enforce this restrictive covenant shall not be deemed a waiver of the right to do so thereafter.

9. This Declaration of Restrictive Covenant shall become effective upon recording in the Public Records of Charlotte County, Florida.

IN WITNESS WHEREOF, Owner has executed this Declaration of Restrictive Covenant on the date first above written.

Witnesses:

Heritage of Sarasota, Inc.

Print Name:_____

By: _____
Robert Martell, President

Print Name:_____

County of _____
State of Florida

This Declaration of Restrictive Covenant was acknowledged before me this _____ day of _____, 2012 by Robert Martell, who is [] personally known to me or [] produced identification, as President of Heritage of Sarasota, Inc. on behalf of the corporation. Type of identification produced:_____

(Seal)

NOTARY PUBLIC

Print Name: _____
My Commission expires:

Attorney Waksler explained that the agreement for no TDU requirement is encapsulated in the Development Agreement today, and an application for a Large Scale Plan Amendment would come at a later date, together with the zoning change to allow for a Multi-family development, which would be Quasi Judicial.

Commissioner Cummings stated that the process is backwards, expressed his concerns of setting precedence, and indicated he does not support the Development Agreement.

Commissioner Moore asked what density the land carried prior to 1997. Attorney Waksler advised that the land had 5 units per acre prior to 1997. **Commissioner Moore** stated he does not believe this weakens the TDU Ordinance, that this deals with an inconsistency between the Future Land Use Map (FLUM) and zoning, that he believes the developer has been responsive, and that he would support the agreement.

Commissioner Duffy agreed with **Commissioner Moore**, and stated she would support the agreement.

Chairman Loftus indicated he would support the agreement.

Commissioner Cummings stated that this goes against the Comprehensive Plan (Comp Plan), that he has not been given sufficient reason for the developer not going through the normal process, and indicated that others would come back with this same argument if the variance is given at this time.

Commissioner Duffy indicated that some of the developments that have come before the Board had reduced their density, and she believes the County's goal to reduce density by 1% is being accomplished. **Commissioner Cummings** stated he believes the County is way behind.

COMMISSIONER D'APRILE MOVED TO APPROVE AGREEMENT 2006-073, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:1. Commissioner Cummings opposing.

PLANNING AND ZONING AGENDA

1. SV 06-09-13 Legislative Commission District IV
Heritage of Sarasota, Inc. has applied for a Street Vacation

to vacate the north forty feet of portion of River Beach Drive, (platted as Riverside Drive), located in the El Jobean Ward One subdivision as recorded in Plat Book 2, Page 30 of the Public Records of Charlotte County, Florida, lying between the east right of way of Sturkie Avenue and the west right of way of Warren Avenue. The site is located in Section 28,, Township 40, Range 21. A complete legal description is on file.

James Dossett reviewed the goldenrod on petition SV 06-09-13, stated that the petition is based upon an exchange for the County vacating 40 feet of the 100 foot right-of-way, that the client would improve the remaining right-of-way and convey land to the County for a kayak/canoe launch. Mr. Dossett reviewed the offered Development Agreement, and advised that staff and the Planning and Zoning Board recommend approval with three conditions reflected on the goldenrod.

Attorney Robert Berntsson appeared on behalf of petitioner, and provided letters of approval.

Jim Edgar commented on agenda item 1 on behalf of his mother, a resident who is affected by the proposal.

Joe Derado commented on agenda item 1, and presented handouts and photographs.

COMMISSIONER D'APRILE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Attorney Berntsson explained that the area being conveyed to the County is a separate parcel that is on the applicant's property, and stated that the concerns of the residents have been addressed in the Development Agreement.

Commissioner Moore requested clarification of the area that would remain with the County, and Mr. Dossett commented.

Commissioner Cummings indicated this is a net gain to the public, is improved access with value, and pointed out there are other such areas in the County that work nicely.

Commissioner Cummings indicated he would like to pursue changing an old court case regarding requirements of no parking signs.

Commissioner D'Aprile asked Attorney Berntsson if he was considering pursuing the change on the no parking signs. Attorney Berntsson pointed out that only the County can do that through an Ordinance.

**COMMISSIONER MOORE MOVED TO APPROVE RESOLUTION 2006-223 AND AGREEMENT 2006-074, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.**

2. SV 06-09-15 Legislative Commission District III Gary and Mary Jo Hickman have applied for a Street Vacation to vacate a portion of Winchester Avenue (New Jersey Avenue per plat) located within the Grove City William Harwood Subdivision, as recorded in Plat Book 1, Page 4 of the Public Records of Charlotte County, Florida. The site is bounded on the east by Cindy Lane (Eighth Street per plat), on the west by County Road 775, aka Placida Road (Seventh Street per the plat), on the north by Aillon Subdivision as recorded in Plat Book 4, Page 17 of the Public Records of Charlotte County, Florida and bounded on the south by Block 165, Grove City William Harwood Subdivision. The site, consisting of 0.28 acres more or less (12,402 square feet), is located in Section 17, Township 41 South, Range 20 East, in Commission District III of Charlotte County, Florida.

James Dossett advised that petition SV 06-09-15 is a request by Gary and Mary Jo Hickman for a Street Vacation to vacate a portion of Winchester Avenue in Grove City, and clarified that this is not the Winchester that is a collector road. Mr. Dossett indicated that staff and Planning and Zoning recommend approval with conditions stated in the goldenrod. Mr. Dossett corrected a misprint on the goldenrod and stated that condition number 2 should read: that a fence shall be installed on the vacated area; that the fence must be of a type that cannot be seen through, not chain link fence.

Commissioner Cummings asked where Winchester South corridor would go through. **Commissioner Moore** advised it is not near the area in the petition.

copy
Book #14

(Xref Resolution 2006-223) #1

SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

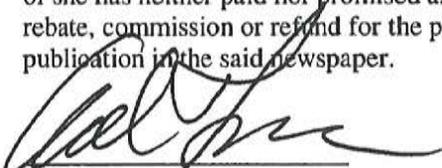
BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
 OR BOOK 3123, PGS 1989-1989 1 pg(s)
 INSTR # 1645929
 Doc Type NOT, Recorded 03/07/2007 at 09:38 AM
 Rec. Fee: \$10.00
 Cashiered By: MARIANNE Doc. #: 1

PUBLISHER'S AFFIDAVIT OF PUBLICATION
 STATE OF FLORIDA
 COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Amber Freeman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Adoption of Resolution, was published in said newspaper in the issues of:

January 30, 2007

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


 (Signature of Affiant)

Sworn and subscribed before me this 30th day of January, 2007.


 (Signature of Notary Public)



IMAGED
 3-21-07
 AD

1 x 4.792 x 5.75 - \$ 27.56

****NOTE - Please Re-Record to reflect the addition of the Agreement number on the Development Agreement.**

NOTICE OF ADOPTION OF RESOLUTION

TO WHOM IT MAY CONCERN:
 Notice is hereby given that the Board of County Commissioners of Charlotte County, Florida in regular session assembled on the 19th day of December, 2006 adopted a Resolution closing, vacating and abandoning the following described properties:

SY-06-09-13

Heritage of Sarasota, Inc. has applied for a Street Vacation to vacate the north forty feet of portion of River Beach Drive, (platted as Riverside Drive), located in the El Jobean Ward subdivision as recorded in Plat Book 2, Page 30 of the Public Records of Charlotte County, Florida, lying between the east right of way of Sturkie Avenue and the west right of way of Warren Avenue. The site is located in Section 28, Township 40, Range 21, and is more particularly described as follows: The north forty feet of Riverside Drive (plat) also known as River Beach Drive, lying between the east right-of-way of Sturkie Avenue and the west right-of-way of Warren Avenue, all being part of the El Jobean Ward One, according to the plat thereof as recorded in Plat Book 2, Page 30 of the Public Records of Charlotte County, Florida.

Dated at Murdock, Charlotte County, Florida, the 19TH day of December, 2006.
 BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA
 /s/ Richard D. Loftus
 P.O. 2007001157.EE
 Publish: January 30, 2007
 163362, 1818770

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
 OR BOOK 3111, PGS 1284-1284 1 pg(s)
 INSTR # 1638131
 Doc Type NOT, Recorded 02/09/2007 at 08:25 AM
 Rec. Fee: \$10.00
 Cashiered By: MARGEC Doc. #: 2



#2

RESOLUTION
NUMBER 2006 - 223

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, TO VACATE THE NORTH 40 FEET OF A PORTION OF RIVER BEACH DRIVE, EL JOBEAN, LOCATED BETWEEN THE EAST RIGHT OF WAY OF STURKIE AVENUE AND THE WEST RIGHT OF WAY OF WARREN AVENUE, IN THE EL JOBEAN AREA, COMMISSION DISTRICT IV, CHARLOTTE COUNTY, FLORIDA, PETITION SV-06-09-13.

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3111, PGS 1285-1288 4 pg(s)
INSTR # 1638132
Doc Type GOV, Recorded 02/09/2007 at 08:25 AM
Rec. Fee: \$35.50
Cashiered By: MARGEC Doc. #:3

RECITALS

WHEREAS, an application has been made by Heritage of Sarasota, Inc. ("Petitioner") to vacate, abandon, discontinue and close a portion of River Beach Drive (platted as Riverside Drive), El Jobean, located in the El Jobean Ward One subdivision as recorded in Plat Book 2, Page 30 of the Public Records of Charlotte, County, Florida, lying between the East right of way of Sturkie Avenue and the West right of way of Warren Avenue, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein. The site is located in Commission District IV and contains a total of 0.28 acres more or less; and

WHEREAS, it appears that the public notice of said application was published and evidence thereof given as required by law to the Board of County Commissioners of Charlotte County ("Board"); and

WHEREAS, Sections 336.09, 336.10, and 336.12, Florida Statutes, authorize the vacating and abandonment of streets and roads and any right of the County and of the public in and to any land or interest therein, by the Board; and

WHEREAS, Petitioner is the fee simple owner of the property abutting the right-of-way sought to be vacated; and

WHEREAS, this vacation of the north forty feet of a portion of River Beach Drive, as described herein, will not affect the ownership or right of convenient access of persons owning other properties in the area; and


Minutes
4

City
Book #114

WHEREAS, the Board has found that the right-of-way which is the subject of this resolution no longer serves a public purpose and is a proper subject for abandonment pursuant to Chapter 336, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. The Board of County Commissioners of Charlotte County hereby approves the Petition of Heritage of Sarasota, Inc. ("Petitioner"), SV-06-09-13, and hereby vacates, abandons, discontinues and closes the north forty feet of a portion of River Beach Drive (platted as Riverside Drive), El Jobean, located in the El Jobean Ward One subdivision as recorded in Plat Book 2, Page 30 of the Public Records of Charlotte County, Florida, lying between the East right of way of Sturkie Avenue and the West right of way of Warren Avenue, consisting of 0.28 acres more or less, Commission District IV, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein.

2. This vacation is subject to the following conditions:

A. The Development Agreement is approved by the Board of County Commissioners of Charlotte County, Florida.

B. Easements must be provided to El Jobean Water and Riverwood CDD prior to the filing of the vacation.

C. Petitioner shall remove all exotics from the remaining right-of-way, and the Petitioner's property from right-of-way to the water's edge.

3. Notice of adoption of this resolution shall be published one (1) time, within thirty (30) days following its effective date, in one issue of a newspaper of general circulation published in Charlotte County. The proof of publication of notice of public hearing, this resolution as adopted, and the proof of publication of the notice of the adoption of this resolution shall be recorded in the deed records of Charlotte County.

4. This resolution shall take effect upon recordation in the Official Records of Charlotte County, Florida.

PASSED AND DULY ADOPTED this 19th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Richard D. Loftus
Richard D. Loftus, Chairman



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio Clerk
to the Board of County Commissioners

By: Barbara T. Scott
Deputy Clerk 12/20/06

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
RB
LR 2006-639

LEGAL DESCRIPTION

The north forty feet of Riverside Drive (Plat) also known as River Beach Drive, lying between the east right-of-way of Sturkie Avenue and the west right-of-way of Warren Avenue, all being part of El Jobean Ward One, according to the plat thereof as recorded in Plat Book 2, Page 30, of the Public Records of Charlotte County, Florida.

EXHIBIT A

Copy
BCC #14

(Xref Resolution 2006-223)

3

THIS INSTRUMENT PREPARED BY
Robert H. Bertsson, Esquire
McKinley, Ittersagen,
Gunderson & Bertsson, P.A.
18501 Murdock Circle, Suite 101
Port Charlotte, Florida 33948

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3111, PGS 1289-1292 4 pg(s)
INSTR # 1638133
Doc Type EAS, Recorded 02/09/2007 at 08:25 AM
Deed Doc: \$0.70 Rec. Fee: \$35.50
Cashiered By: MARGEC Doc. #:4

NON-EXCLUSIVE UTILITY EASEMENT

THIS INDENTURE, made this 10th day of January, 2007 by and between HERITAGE OF SARASOTA, INC., a Florida Corporation, whose post office address is P.O. Box 700 Osprey, Florida 34299 (Grantor"), and RIVERWOOD COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government organized and existing under the laws of the State of Florida, whose post office address is 10300 N.W. 11th Manor Coral Springs, Florida 33071 ("Grantee").

WITNESSETH:

That the said Grantor for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, to Grantor in hand paid, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey to Grantees, and the Grantees' successors and assigns, a perpetual non-exclusive easement over, across and under the land hereinafter described (the "Land") and the right to enter upon the Land at all times it may see fit, to construct, reconstruct, maintain, relocate, repair, replace, improve, remove and inspect a central sewer utility system located both beneath and above the ground for the purpose of sewer utility service across, through and under the Land, together with the right to excavate and refill ditches and trenches for the location of such equipment, pumps, pipelines and mains, to restore the Land and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of side equipment, pumps, pipelines, and mains. The Land is situated in Charlotte County, Florida, and is more particularly described below, to wit:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

Together with such rights, easements, privileges, and appurtenances, in or to the Land, which may be required for the full enjoyment of the easements herein granted. If and when the said easement shall be lawfully and permanently discontinued, all rights to said easement conveyed to the Grantees by this clause shall immediately revert to the Grantor, its successors and assigns, and Grantor shall have the right to immediately repossess the same.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easement this 10th day of January, 2007.

Signed, sealed and delivered

HERITAGE OF SARASOTA, INC. A FLORIDA CORPORATION.

in the presence of

Sarah E. Magnoli
Witness

Printed Name: Sarah E Magnoli

Jessica Koehler By:

Robert Martell
Robert Martell, President

Witness
Printed Name: Jessica Koehler

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 10th day of January, 2007, by Robert Martell, as President of Heritage of Sarasota, Inc., who is personally known to me, or who produced _____ as identification and who did (did not) take an oath.

Sarah E. Magnoli
NOTARY PUBLIC

 Sarah E. Magnoli
Commission # DD580512
Expires March 27, 2009
Notary Public - State of Florida

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3123, PGS 1974-1977 4 pg(s)
INSTR # 1645931
Doc Type EAS, Recorded 03/07/2007 at 09:38 AM
Deed Doc: \$0.70 Rec. Fee: \$35.50
Cashiered By: MARIANNE Doc. #:3


Munnis
4

THIS INSTRUMENT PREPARED BY
Robert H. Bemtsson, Esquire
McKinley, Ittersagen,
Gunderson & Bemtsson, P.A.
18501 Murdock Circle, Suite 101
Port Charlotte, Florida 33948

NON-EXCLUSIVE UTILITY EASEMENT

THIS INDENTURE, made this 16th day of January, 2007 by and between HERITAGE OF SARASOTA, INC., a Florida Corporation, whose post office address is P.O. Box 700 Osprey, Florida 34299 (Grantor"), and EL JOBEAN WATER ASSOCIATION, INC., a Florida not for profit corporation, whose post office address is P.O. Box 27149, El Jobean, Florida 33927 ("Grantee").

WITNESSETH:

That the said Grantor for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, to Grantor in hand paid, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey to Grantees, and the Grantees' successors and assigns, a perpetual non-exclusive easement over, across and under the land hereinafter described (the "Land") and the right to enter upon the Land at all times it may see fit, to construct, reconstruct, maintain, relocate, repair, replace, improve, remove and inspect a central water system located both beneath and above the ground for the purpose of water or service across, through and under the Land, together with the right to excavate and refill ditches and trenches for the location of such equipment, pumps, pipelines and mains, to restore the Land and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of side equipment, pumps, pipelines, and mains. The Land is situated in Charlotte County, Florida, and is more particularly described below, to wit:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

Together with such rights, easements, privileges, and appurtenances, in or to the Land, which may be required for the full enjoyment of the easements herein granted. If and when the said easement shall be lawfully and permanently discontinued, all rights to said easement conveyed to the Grantees by this clause shall immediately revert to the Grantor, its successors and assigns, and Grantor shall have the right to immediately repossess the same.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easement this 16th day of January, 2007.

Signed, sealed and delivered

HERITAGE OF SARASOTA, INC. A FLORIDA CORPORATION.

in the presence of

Witness

Printed Name: Sarah E. Magnoli

Witness

Printed Name: Jessica Koehler

By:

Robert Martell
Robert Martell, President

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 16th day of January, 2007, by Robert Martell, as President of Heritage of Sarasota, Inc., who is personally known to me, or who produced _____ as identification and who did (did not) take an oath.

Sarah E. Magnoli
NOTARY PUBLIC



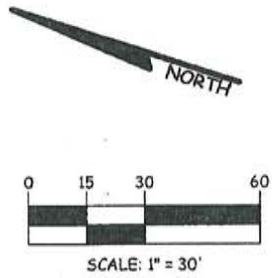
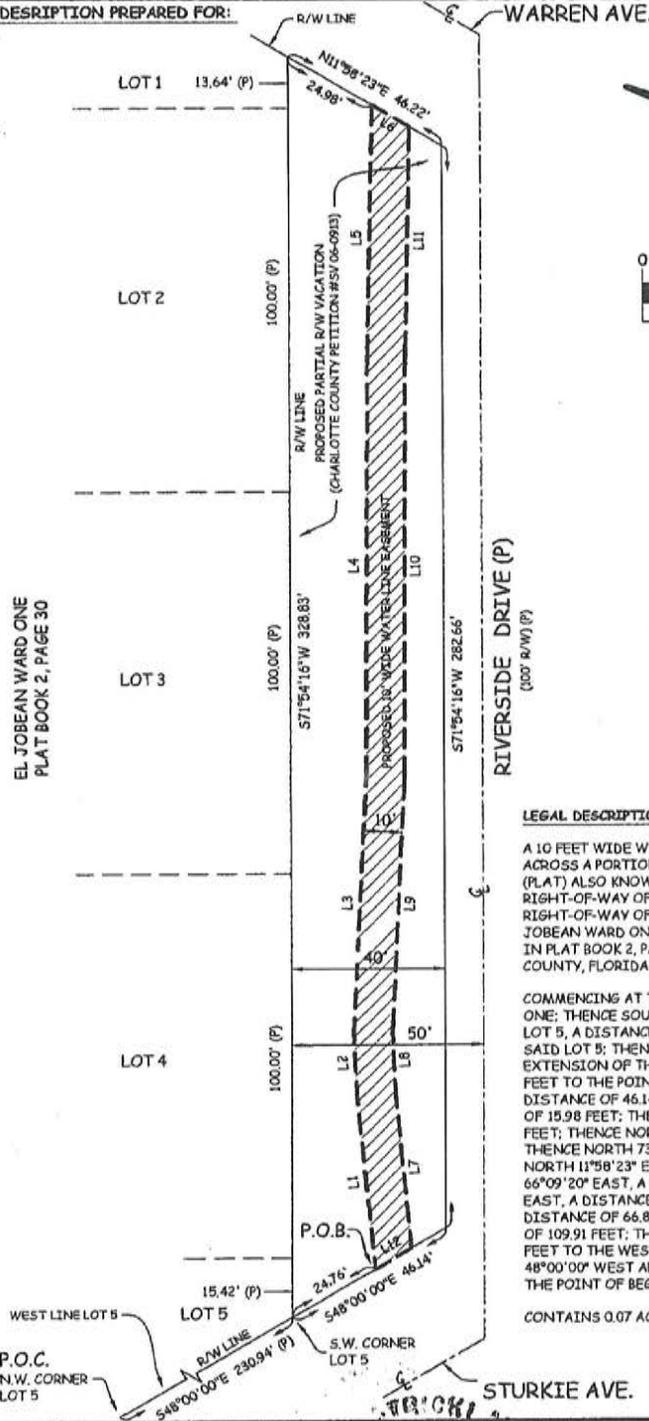
Sarah E. Magnoli
Commission # DD580512
Expires March 27, 2009
Borded Toy Fall - Insurance, Inc. 800-365-7019



THE PHOENIX SURVEYING COMPANY, INC.

CONSULTANTS * SURVEYORS * PLANNERS
 17840 TOLEDO BLVD., SUITE B, PORT CHARLOTTE, FL. 33948
 PH. (941) 629 - 6801 FAX (941) 627 - 5168

SKETCH OF DESCRIPTION PREPARED FOR:
 ROB MARTEL



LINE TABLE		
LINE	LENGTH	BEARING
L1	46.14	N66°09'20\"E
L2	15.98	N69°26'22\"E
L3	67.04	N74°48'12\"E
L4	109.77	N72°12'43\"E
L5	65.38	N73°12'26\"E
L6	11.41	S11°58'23\"W
L7	41.37	N66°09'20\"E
L8	15.22	N69°26'22\"E
L9	66.80	N74°48'12\"E
L10	109.91	N72°12'43\"E
L11	59.81	N73°12'26\"E
L12	10.96	N48°00'00\"W

LEGAL DESCRIPTION: (PROPOSED WATER LINE EASEMENT)

A 10 FEET WIDE WATER LINE EASEMENT LYING OVER, UNDER AND ACROSS A PORTION OF THE NORTH FORTY FEET OF RIVERSIDE DRIVE (PLAT) ALSO KNOWN AS RIVER BEACH DRIVE, LYING BETWEEN THE EAST RIGHT-OF-WAY OF STURKIE AVENUE EXTENDED AND THE WEST RIGHT-OF-WAY OF WARREN AVENUE EXTENDED, ALL BEING PART OF EL JOBEAN WARD ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 30, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, EL JOBEAN WARD ONE; THENCE SOUTH 48°00'00\"E ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 230.94 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE CONTINUE SOUTH 48°00'00\"E EAST ALONG THE EXTENSION OF THE WEST LINE OF SAID LOT 5, A DISTANCE OF 24.76 FEET TO THE POINT OF BEGINNING; THENCE NORTH 66°09'20\"E EAST, A DISTANCE OF 46.14 FEET; THENCE NORTH 69°26'22\"E EAST, A DISTANCE OF 15.98 FEET; THENCE NORTH 74°48'12\"E EAST, A DISTANCE OF 67.04 FEET; THENCE NORTH 72°12'43\"E EAST, A DISTANCE OF 109.77 FEET; THENCE NORTH 73°12'26\"E EAST, A DISTANCE OF 65.38 FEET; THENCE NORTH 11°58'23\"E EAST, A DISTANCE OF 11.41 FEET; THENCE NORTH 66°09'20\"E EAST, A DISTANCE OF 41.37 FEET; THENCE NORTH 69°26'22\"E EAST, A DISTANCE OF 15.22 FEET; THENCE NORTH 74°48'12\"E EAST, A DISTANCE OF 66.80 FEET; THENCE NORTH 72°12'43\"E EAST, A DISTANCE OF 109.91 FEET; THENCE NORTH 73°12'26\"E EAST, A DISTANCE OF 59.81 FEET TO THE WEST LINE OF SAID LOT 5 EXTENDED; THENCE NORTH 48°00'00\"E WEST ALONG SAID EXTENSION A DISTANCE OF 10.96 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.07 ACRES MORE OR LESS.

STURKIE AVE. NOTE: NOT A BOUNDARY SURVEY

- S.I.R. = SET 5/8\" WITH CAP L.B. #6579
- P.I.R. = FOUND 5/8\" IRON ROD WITH NO IDENTIFICATION
- I.P. = IRON PIPE
- S.P.K. = SET P.K. NAIL
- P.F.K. = FOUND P.K. NAIL
- P.K. = FOUND P.K. NAIL
- P.K. = FOUND P.K. NAIL
- D.H. = DRILL HOLE
- F.C.P. = PERMANENT CONTROL POINT
- P.R.M. = PERMANENT REFERENCE MONUMENT
- C.M. = CONCRETE MONUMENT
- (M) = MEASURED DATA
- (R) = RECORD PLAT DATA
- (C) = CALCULATED DATA
- (Δ) = DELTA
- ARC = ARC LENGTH
- R = RADIUS
- CHD = CHORD LENGTH
- CHB = CHORD BEARING
- B.M. = BENCH MARK
- P.O.L. = POINT ON LINE
- R/W = RIGHT-OF-WAY
- C = CENTERLINE
- P.C. = POINT OF CURVATURE
- P.T.E. = FINISHED FLOOR ELEVATION
- W.M. = WATER METER
- P.O.T. = POINT OF TERMINATION
- P.O.B. = POINT OF BEGINNING
- F.O.C. = POINT OF COMMENCEMENT
- F.N. = FOUND NAIL
- F.M.D. = FOUND NAIL & DISK
- A.T.O.S. = AT TIME OF SURVEY
- E.O.W. = EDGE OF WATER
- T.O.B. = TOP OF BANK
- O.H.U. = OVERHEAD UTILITY
- U.P. = UTILITY POLE
- GUY = GUY WIRE
- P.S.B. = PHONE SERVICE BOX
- M.H. = MANHOLE
- P.H. = FIRE HYDRANT
- E.B. = EATCH BASIN
- L.D. = LAST DAY IN FIELD
- L.P. = LIGHT POLE

NOTE: THE UNDERSIGNED AND THE PHOENIX SURVEYING COMPANY, INC. MAKE NO GUARANTEES OR REPRESENTATIONS OF ANY KIND OR INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACKS, ENCROACHMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS. THE SKETCH AS SHOWN HEREON WAS MADE FOR THE BENEFIT OF THE CONTRACT OF TITLE. THIS SKETCH IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE AND AN EMBOSSED SURVEYORS SEAL. ANY ADDITIONS AND/OR DELETIONS TO THIS SKETCH ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE UNDERSIGNED.

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND HAPERS IN CHAPTER 4619.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATE 1-10-06

R.J. Strickland, Jr.

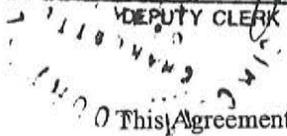
R.J. STRICKLAND, JR. P.S.M. L.B. # 6579
 FLORIDA REGISTRATION # 6144

Clg
BCE #4

XREF NES 2006-223
Agr 2006-074
#4

CERTIFIED, TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA

BY: *Anne G. Pihler*
DEPUTY CLERK



DEVELOPMENT AGREEMENT

This Agreement is entered into this 19th day of December, 2006, by and between **HERITAGE OF SARASOTA, INC.**, a Florida Corporation (hereinafter "Developer") and **CHARLOTTE COUNTY**, a political subdivision of the State of Florida (hereinafter "County").

RECITALS

WHEREAS, Developer is the owner of property more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Developer has sought vacation of a portion of River Beach Road; and

WHEREAS, Developer has agreed to make certain improvements within the balance of River Beach Road as depicted in Exhibit "B"; and

WHEREAS, Developer has agreed to convey land to the County as a condition of approval of the vacation; and

NOW THEREFORE, for and in consideration of the premises and in reliance on the mutual promises, Covenants, undertakings, recitals and other matters contained herein, the parties hereby covenant and agree as follows:

1. LAND SUBJECT TO THE AGREEMENT.

The land subject to this agreement is more particularly described in Exhibit "A".

2. OWNERSHIP

Heritage of Sarasota, Inc. is owner of the property. All references herein to "Developer" shall be understood to mean Heritage of Sarasota, Inc., it's successors or assigns.

3. OBLIGATIONS OF THE PARTIES

- a. Prior to a Certificate of Occupancy being issued for any development on the Exhibit "A" lands, Developer shall construct the improvements as depicted in Exhibit "B" within the remaining portion of River Beach Road between Sturkie and Warren Avenues (hereinafter the "remaining Portion of River Beach Road"). Developer shall design and permit all public improvements, clear all exotic vegetation from the right-of-way, build a 10 foot wide shell trail, include trail and parking within the developments's storm water management systems, build a 4-car shell parking spaces, provide canoe/kayak launch and provide landscaping and buffering within the right-of-way. All public improvements shall be field located.

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3111, PGS 1293-1299 7 pg(s)
INSTR # 1638134
Doc Type AGR, Recorded 02/09/2007 at 08:25 AM
Rec. Fee: \$61.00
Cashiered By: MARGEC Doc. # 5

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3123, PGS 1978-1984 7 pg(s)
INSTR # 1645932
Doc Type AGR, Recorded 03/07/2007 at 09:38 AM
Rec. Fee: \$61.00
Cashiered By: MARIANNE Doc. #:4



- b. County shall maintain the above referenced improvements located within the Remaining Portion of River Beach Road as a shell trail and parking area, as depicted in Exhibit "B", in perpetuity.
- c. Within 90 days of the effective date of this Agreement, Developer shall convey the land described in Exhibit "C" to County for a beach canoe/kayak launch and County shall accept title to said lands and keep said lands used as a beach canoe/kayak launch in perpetuity.
- d. No additional density shall accrue to the development of the Exhibit "A" lands as a result of the vacation.

4. OTHER PROVISIONS

- a. The failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Developer of the necessity of complying with the law governing those permitting requirements, conditions, terms or restrictions.
- b. County, Developer or their successors or assigns may file an action for injunctive relief in the Circuit Court of Charlotte County to enforce the terms of this Agreement.
- c. This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein; and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in or incorporated into this Agreement. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior written or oral representations or agreements.
- d. If any provisions of this Agreement are contrary to, prohibited by, or deemed invalid under any applicable law or regulation, such provisions shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid. The remainder of this Agreement shall not be invalidated thereby and shall be given full force and effect.
- e. The parties agree that suits or actions at law arising from the provisions, performance, or breach of this Agreement shall initially be brought in Charlotte County, Florida and no other jurisdiction. This Agreement shall be construed and interpreted under the laws of the State of Florida.
- f. This Agreement shall not be construed more strictly against any party.

5. AMENDMENT OF AGREEMENT

This Agreement may only be amended in writing by mutual consent of the parties or their successors in interest.

6. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be obligatory upon the parties hereto and their respective successors and assigns.

7. COUNTERPARTS

This Agreement may be executed in any number of counterparts, and each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one Agreement.

8. EFFECTIVE DATE

This Agreement shall be effective upon approval by County.

IN WITNESS WHEREOF, County and Developer have executed this Agreement on the date first above written.

HERITAGE OF SARASOTA, INC.

[Signature]
Witness
Printed Name: Sarah E. Howe
[Signature]
Witness
Printed Name: Jessica Koehler

By: *[Signature]*
Printed Name: ROBERT MARTELL
Its: PRESIDENT.

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me this 15th day of November 2006 by Robert Martell as President of HERITAGE OF SARASOTA, INC., on behalf of the Corporation. The above mentioned person is personally known to me or who has produced _____ as identification and who did/did not take an oath.

(Seal)

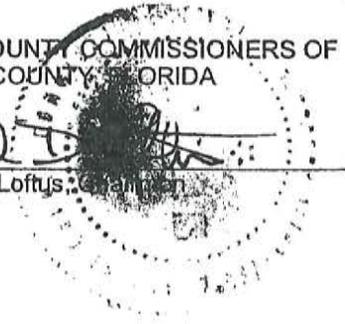
[Signature]
Notary Signature



THIS AGREEMENT IS PASSED AND DULY ADOPTED THIS 19th DAY OF December, 2006.

BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: Richard D. Loftus
Richard D. Loftus, Chairman

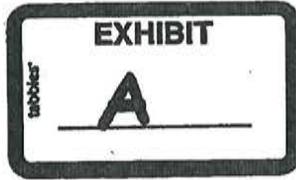


Attest:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: Sail Manley
Deputy Clerk 12/20/06
Aq 2006-074

Approved as to form:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
RB
LR2006-639



Legal Description

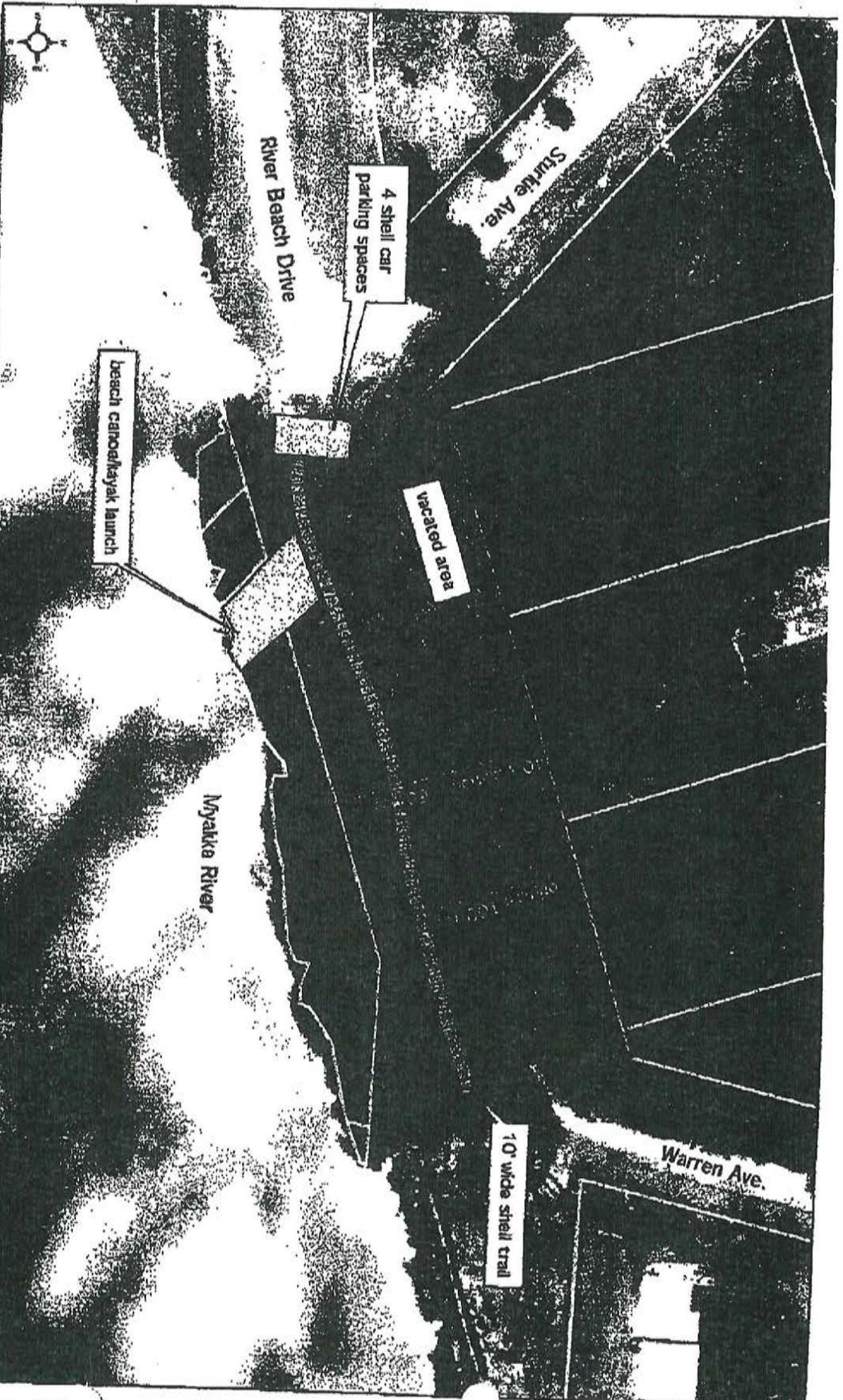
Lots 1, 2, 3, 4 and 5, El Jobean Ward One, according to the Plat thereof as recorded in Plat Book 2, Page 30, of the Public Records of Charlotte County, Florida.

Along With:

Those unplatted lands in El Jobean described as lying south of River Beach, lying east of the easterly right-of-way of Sturkie Avenue extended to the mean high water line of the Myakka River, west of the line of the westerly boundary of Lot 1, Ward 5 extended to the mean high water line of the Myakka river and north of the northerly mean high water line of the Myakka River.

EXHIBIT

B



River Beach Road Trail -- Option 1, 40' vacation

FOR DISCUSSION PURPOSES ONLY

- Criteria:
1. Waterfront property remains with developer.
 2. County retains 60' right of way; vacates 40' (.28 acres + or -).
 3. In exchange, developer designs and permits all public improvements, clears all exotics from right of way, builds 10'-wide shell trail, includes trail and parking in development's storm water management system, builds 4-car shell parking spaces and canoe/kayak launch, and provides landscaping and buffering within the right of way.
 4. This is a concept plan only; all public improvements shall be field located

8/10/06

My
File
#14

X Ref Rec 2006-223

DEVELOPER'S AGREEMENT

This Instrument Prepared by and Return
Robert H. Bertsson, Esq.
McKinley, Ittersagen, Gunderson & Bertsson, P.A.
18501 Murdock Circle, Suite 101
Port Charlotte, Florida 33948

#5

Property Appraisers Parcel I.D. (Folio) Number(s):

WARRANTY DEED

This Warranty Deed Made this 23rd day of January, 2007, by and between Heritage of Sarasota, Inc., a Florida Corporation, whose post office address is P.O. Box 700 Osprey, Florida 34299, (hereinafter referred to as "Grantor") and;

Charlotte County, a political subdivision of the State of Florida, whose post office address is 18500 Murdock Circle, Port Charlotte, Florida 33948, (hereinafter referred to as "Grantee").

WITNESSETH: That said Grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these presents grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantees, for Public Park purposes, all that certain land situate in Charlotte County, Florida, viz:

SEE ATTACHED EXHIBIT "A"

Subject to restrictions, reservations and easements of record, if any, and taxes for the year 2006 and subsequent years.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

(Wherever used herein the terms "grantor" and "grantee" included all the parties to this instrument, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation.)

In Witness Whereof, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

HERITAGE OF SARASOTA, INC. A FLORIDA CORPORATION

Witness Signature: [Signature]
Printed Name: Sarah E. Magnoli Robert Martell, President

Witness Signature: [Signature]
Printed Name: Jessica Koehler
BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3111, PGS 1300-1301 2 pg(s)
INSTR # 1638135
Doc Type D, Recorded 02/09/2007 at 08:25 AM
Deed Doc: \$0.70 Rec. Fee: \$18.50
Cashiered By: MARGEC Doc. #:6

STATE OF Florida
COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 23rd day of, January, 2007 by Robert Martell, President of Heritage of Sarasota, Inc. He is personally known to me and has not taken an oath.

 Sarah E. Magnoli
Commission # DD580512
Expires March 27, 2009
Bonded Tray Pain - Insurance, Inc. 800-395-7019

[Signature]
Notary Public
Printed Name: _____
My Commission Expires: _____

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3123, PGS 1985-1986 2 pg(s)
INSTR # 1645933
Doc Type D, Recorded 03/07/2007 at 09:39 AM
Deed Doc: \$0.70 Rec. Fee: \$18.50
Cashiered By: MARIANNE Doc. #:5


minutes
2

EXHIBIT "A"

LEGAL DESCRIPTION: (PROPOSED CANOE/KAYAK LAUNCH)

A PORTION OF SECTION 28, TOWNSHIP 40 SOUTH, RANGE 21 EAST, CHARLOTTE COUNTY, FLORIDA,
BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF STURKIE AVENUE EXTENDED AND THE
SOUTH RIGHT-OF-WAY OF RIVERSIDE DRIVE (ALSO KNOWN AS RIVERBEACH DRIVE) AS SHOWN ON
THE PLAT OF EL JOBEAN WARD ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2,
PAGE 30, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE NORTH 71°56'50" EAST
ALONG THE SOUTH RIGHT-OF-WAY OF RIVERSIDE DRIVE, A DISTANCE OF 46.16 FEET; THENCE SOUTH
48°00'00" EAST, A DISTANCE OF 8.96 FEET TO THE MEAN HIGH WATER LINE OF THE MYAKKA RIVER;
THENCE SOUTH 69°09'35" WEST ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 15.03 FEET;
THENCE SOUTH 62°00'56" WEST, A DISTANCE OF 28.34 FEET TO THE INTERSECTION OF THE EAST
RIGHT-OF-WAY OF STURKIE AVENUE EXTENDED AND THE MEAN HIGH WATER LINE OF THE MYAKKA
RIVER; THENCE NORTH 48°00'00" WEST ALONG THE EXTENSION OF THE EAST RIGHT-OF-WAY OF
STURKIE AVENUE, A DISTANCE OF 15.45 FEET TO THE POINT OF BEGINNING.
CONTAINS 462 SQUARE FEET MORE OR LESS.

ckg
BCC #14

(Xref Resolution 2006-223)

#6

SUN

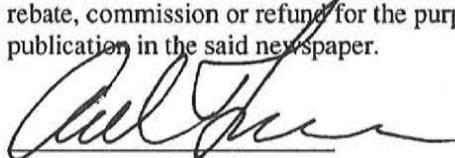
NEWSPAPERS
Charlotte • DeSoto • Englewood • North Port • Venice

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

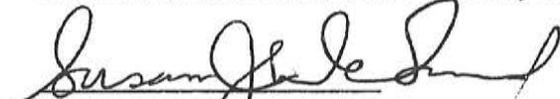
Before the undersigned authority personally appeared Amber Freeman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Meeting, was published in said newspaper in the issues of:

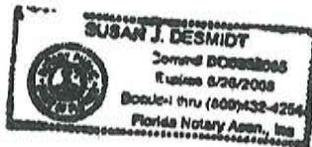
December 4, 2006

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn and subscribed before me this 4th day of December, 2006.


(Signature of Notary Public)



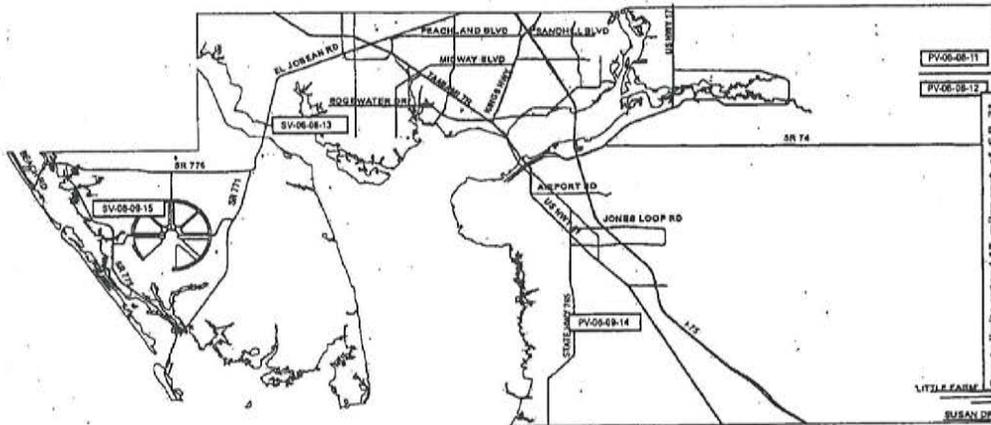
5 x 18 x 5.75 = \$ 517.50

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3111, PGS 1302-1303 2 pg(s)
INSTR # 1638136
Doc Type NOT, Recorded 02/09/2007 at 08:25 AM
Rec. Fee: \$18.50
Cashiered By: MARGEC Doc. #: 7

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3123, PGS 1987-1988 2 pg(s)
INSTR # 1645934
Doc Type NOT, Recorded 03/07/2007 at 09:38 AM
Rec. Fee: \$18.50
Cashiered By: MARIANNE Doc. #: 6


Maries
2

NOTICE OF PUBLIC HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, PROPOSED CHANGES TO DEVELOPMENT OF REGIONAL IMPACT, PLAN AMENDMENTS, REZONINGS, PRELIMINARY PLATS, STREET AND PLAT VACATIONS, OR TRANSMITTALS TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) OF LARGE SCALE FUTURE LAND USE MAP AMENDMENTS



A PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, DECEMBER 19, 2006, AT 9:00 A.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 16500 MURDOCK CIRCLE, FORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES.

A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.com/agenda.asp>

ALL INTERESTED PERSONS ARE URGED TO ATTEND THESE PUBLIC HEARINGS. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

PV-06-08-11 Legislative Commission District I
Phyllis Hitchcock, Robert Daughtry, and Randy Williams have applied for a Plat Vacation for All of Belmont Villa Subdivision, Section A, Sheet 1, according to the plat recorded in Plat Book 1, Page 89 of the public records of Charlotte County, Florida, and all of Belmont Villa Subdivision Section A, Sheet 2, as recorded in the Plat Book 1, Page 91, of the public records of Charlotte County, Florida, lying North of the South line of Section 3, Township 40 South, Range 26 East, being the entire Southeast quarter of said Section 3, LESS AND EXCEPT Lots 19 and 20 of Block 6, Lots 12 and 13 of Block 9, Lots 1 through 6 inclusive of Block 10, Lots 17 and 18 of Block 28, Lots 7 through 10 inclusive and Lots 15 through 20 inclusive of Block 30, Lots 21 through 23 inclusive of Block 33, Lots 1-5 through 20, inclusive of Block 34, Lots 1 through 6 inclusive of Block 36, Lots 1 through 6 of Block 37, Lots 33 and 34 of Block 38, Lots 15 through 20 inclusive of Block 39, Lots 1-5 through 20, inclusive of Block 40, Lots 1 through 3 inclusive and Lots 7 and 8, Block F, Lot 6 of Block M, all located in Belmont Villa Subdivision Section A, Sheet 1; also vacating All Rights of Way LESS AND EXCEPT Caroline Avenue from Broadway to Cavell Street, Cavell Street from Caroline Avenue to Jordan Avenue, Thompson Street from Caroline Avenue to the southeast corner of Lot 15 of Block 30/northeast corner of Lot 6 of Block 31, Stoll Street from Caroline Avenue to the southeast corner of Lot 33 of Block 38/northeast corner of Lot 2 of Block 43, Broadway from Caroline Avenue to Georgia Avenue, Florida Avenue from Broadway to Nolte, Nolte Street from Florida Avenue to the northeast corner of Lot 1 of Block 10/southeast corner of Lot 34 of Block 30 AND from Florida Avenue to the southeast corner of Lot 19, Block 6 & northeast corner of Lot 2, Block 7, Ermoye Street from Florida Avenue to the northeast corner of Lot 17 of Block 38/southeast corner of Lot 8 of Block F AND from Florida Avenue to the southeast corner of Lot 15, Block 34 & northeast corner of Lot 6, Block 35, Unknown Road (adjacent to Park) from Sheldon Road up to Terrace Circle; Terrace Drive from Unknown Road north to Circle Drive; Circle Drive from Terrace Drive to the northwest corner of Lot 6, Block M 7 northeast corner of Lot 13, Block Q, and Arcadis Avenue from Ermoye Street to the northwest corner of Lot 18 of Block 28. The site, consisting of 145 acres, more or less, is located in Commission District I, North of Farabee Road, bordered on the west by Caroline Street, on the east by Georgia Avenue, on the south by Broadway and on the north by McCarter Street. A complete legal description is on file.

PV-06-08-12 Legislative Commission District I
Triple I Limited Partnership has applied for a Plat Vacation for a portion of Belmont Villa Subdivision, Section A, Sheet 2; as recorded in Plat Book 1, Page 91 of the Public Records of Charlotte County, Florida. The site is located in Section 10, Township 40 South, Range 26 East, in Commission District I, lying South of Farabee Road, east of Caroline Avenue, North of Pershing Street and west of Georgia Avenue, containing 77.45 acres more or less. The applicant is also requesting to vacate a portion of Belmont Villa Subdivision, Section B, Sheet 2, as recorded in Plat Book 1, Page 92, of the Public Records of Charlotte County, Florida, containing 80 acres, more or less. This site is located in Section 10, Township 40 South, Range 26 East, in Commission District I, lying south of Farabee Road, bordered on the west by Adeline Street, bordered on the east by Seminole Avenue, and on the south by Canal Street. All rights of way will be vacated except Broadway. A complete legal description is on file.

SV-06-09-13 Legislative Commission District IV
Heritage of Sarasota, Inc. has applied for a Street Vacation to vacate the north forty feet of a portion of River Beach Drive, (platted as Riverside Drive), located in the El Jobean Ward One subdivision as recorded in Plat Book 2, Page 30 of the Public Records of Charlotte County, Florida, lying between the east right of way of Stuckie Avenue and the west right of way of Warren Avenue. The site is located in Section 28, Township 40, Range 21. A complete legal description is on file.

PV-06-09-14 Legislative Commission District II
Tucker's Grade and US 41, LLC has applied for a Plat Vacation to vacate a portion of Tropical Gulf Acres Unit 8 subdivision, that portion being Block 147, Lots 1 and 2, Block 149, Lot 1 and 2 and a 50 foot right of way known as Gasparilla Avenue lying north of Tribune Boulevard and adjacent to Lots 1 and 2 of Block 147 and Lots 1 and 2 of Block 149 of Tropical Gulf Acres Unit 8, as recorded in Plat Book 4 at Page 40B of the Public Records of Charlotte County, Florida. The site, consisting of 1.32 ± acres, is located in Section 2, Township 42, Range 23 East. A complete legal description is on file.

SV-06-09-15 Legislative Commission District III
Gary and Mary Jo Hickman have applied for a Street Vacation to vacate a portion of Winchester Avenue (New Jersey Avenue per plat) located within the Grove City William Harwood Subdivision, as recorded in Plat Book 1, Page 4 of the Public Records of Charlotte County, Florida. The site is bounded on the east by Cindy Lane (Eighth Street per plat), on the west by County Road 775, aka Piacida Road (Seventh Street per the plat), on the north by Allison Subdivision as recorded in Plat Book 4, Page 17 of the Public Records of Charlotte County, Florida and bounded on the south by Block 163, Grove City William Harwood Subdivision. The site, consisting of 0.28 acres more or less (12,402 square feet), is located in Section 17, Township 41 South, Range 20 East, in Commission District III of Charlotte County, Florida.

EAR Comprehensive Plan Amendments Legislative
Pursuant to 163.3181(1), Florida Statutes, providing for public participation in the comprehensive planning process for the proposed Evaluation and Appraisal Report (EAR) changes and pursuant to Section 163.3184(3), Florida Statutes, transmittal to the Department of Community Affairs et al, a Large Scale Plan Amendment to amend the 1997-2010 Comprehensive Plan to update text, maps, diagrams, and policies otherwise reflecting the changes that were the result of the 2003 Evaluation and Appraisal Report (EAR) process; Specifically, amended elements or sections of elements shall include: Future Land Use, Transportation, Natural Resources and Coastal Planning, Infrastructure: Potable Water and Sanitary Sewer, Recreation and Open Space, Housing, Intergovernmental Coordination, and Capital Improvements. The following elements or sections of elements have been previously approved or do not need approval: Stormwater, Solid Waste, Aquifer Recharge, Historic Preservation, Community Facilities and Services.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT, CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: *[Signature]* DEPUTY CLERK

IMAGED
3-21-07
AP



Charlotte County Government

"To exceed expectations in the delivery of public services"

www.charlottecountyfl.com

OFFICIAL RECEIPT

Trans Number : **82282**

Date Issued. : 04/05/2012

Application No. : VST-12-00003

Project Name : N/A

Received From : Heritage of sarasota

Applicant : Heritage of Sarasota Inc.

DBA : Heritage of Sarasota, Inc.

Address : P.O. Box 446

Osprey, FL, 34229

PAYMENT INFO

Method of Payment Fee / Description	Ref Doc	Amount Paid	Comment
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Check

STREET_VAC	STREET VACATION	2179	\$1,315.00
			\$1,315.00 Total Check

Cashier ID : DALTONR

Total Receipt Amount : **\$1,315.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Job Address
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VST-12-00003	90373	\$1,315.00	
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Total Amount : \$1,315.00

Community Development Department

18400 Murdock Circle | Port Charlotte, FL 33948



MEMORANDUM

Date: June 14, 2012
To: Steven Ellis, Planner II
From: Jamie Scudera, Environmental Specialist
Subject: SV-12-04-03
River Beach Drive Street Vacation

The Current Planning and Zoning Environmental Review Section (ERS) have reviewed the above referenced petition for **Environmental and Tree and Landscaping compliance** and offer the following comments:

1. A GIS aerial review and site inspection has been conducted by staff. The property is undeveloped and is overgrown with mature Australian pine trees. The shoreline has been retained in its natural state (i.e. no seawall, rip-rap or other man made structures). The Myakka River is a highly valuable ecological asset to all the residents of Charlotte County and is utilized by numerous species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS).

As this proposal moves forward, the Environmental Review Section has requested the following issues be addressed. **These conditions will be reviewed for compliance prior to any land clearing, development, or permit approvals.**

1. The project site contains habitat that may be utilized by species listed by the United States Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FWCC) as endangered, threatened, or a species of special concern. The applicant may need to submit a Florida Land Use, Cover and Forms Classification System (**FLUCCS**) Map and current applicable listed species survey. All appropriate comments, authorization/permits, and mitigation from FWCC and FWS will be required prior the issuance of county permits and/or land clearing activities.

2. The project must comply with **Chapter 3-5, Article XV, Upland Buffer Zone** requirements of the County Code. A minimum 15', avg. 25' natural vegetated upland buffer must remain preserved along the perimeter of all wetlands and natural surface waters prior to any permit or land improvement activity approvals. Additional buffer width may be required by other regulatory agencies.
3. Any site clearing, including underbrush, for proposed building site must comply satisfy **Chapter 3-2, Article IX, Tree Requirements**, of the County Code. If heritage trees are found to occur on site, the provisions of **Chapter 3-2, Article IX, Section 190** of the County Code must be followed. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits or No Tree Affidavit must be obtained prior to any land clearing activity and/or the issuance of any building permits.
4. All trees that are removed or preserved must satisfy **Chapter 3-2, Article IX, and Tree Requirements** of the County Code. Heritage trees may occur on site. Heritage trees are further protected by the provisions of **Chapter 3-2, Article IX, Section 190** of the County Code. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits must be obtained prior to any land clearing activity and/or the issuance of any building permits.

The applicant is advised that the Charlotte County ERS site review is cursory; additional wildlife or environmental reviews may be required by state and federal agencies.

For any questions pertaining to this application you may contact me at (941)743-1290.

JS

P:\ANIMAL\Street_Vacations\2012\SV-12-04-03(RiverBeachDr).doc

Ellis, Steven

From: Pederzoli, Gary
Sent: Wednesday, June 13, 2012 8:41 AM
To: Ellis, Steven
Subject: RE: SV-12-04-03, River Beach Drive

Steven,

I do not see any issues with the proposed River Beach Drive Vacation.

From: Ellis, Steven
Sent: Tuesday, June 12, 2012 11:11 AM
To: Matarese, Monte; Vattikuti, Venkat; Pederzoli, Gary; Quillen, Ken; Williams, Inga; Scudera, Jamie; Gilbreath, Gina; MacDonald, John; Vance, David; Collins, Gerry; Alexander, Debbie; DUrso, Chris; Irish, Stan; Reager, Steve; 'srudacille@blalockwalters.com'
Cc: Clim, Diane; Moore, Gayle
Subject: SV-12-04-03, River Beach Drive

Please see the attached memo.

Steven A. Ellis, Planner II
Community Development Department
Zoning Division
18400 Murdock Circle
Port Charlotte, FL 33948
Voice: 941-764-4954
Fax: 941-743-1598
www.charlottecountyfl.gov

"To be the energy in making Charlotte County a beautiful and enriching place to live."

INTEROFFICE MEMORANDUM
Community Development

To: Steven Ellis

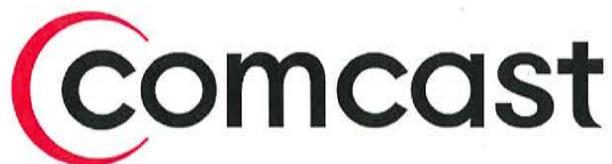
FROM: Gerry Collins
Address Technician

DATE: June 12, 2012

RE: Addressing Comments
July 9, 2012 P&Z / August 14, 2012 BCC

SV-12-04-03 – Heritage of Sarasota, Inc.

I have no comment on this application.



June, 12 2012

Steven Ellis
Charlotte County Community Development
18400 Murdock Circle
Port Charlotte FL 33948

**Re: Heritage of Sarasota, Inc
Vacation the portion of River Beach Drive (platted Riverside Drive)
that runs east of Sturkie Avenue and west of the Hayward Canal,
and the portion of Warren Avenue that runs south of Schofield Road
and north of River Beach Road**

Dear Steven Ellis

Comcast Cable does not object to the request to vacate the request from
Heritage of Sarasota, Inc.
Comcast Cable have over head cable attach to FPL poles at the south side of
Schofield Rd.

Should you have any questions or concerns, please feel free to contact me. I can be
reached at (941) 342-3578.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gonzalo Rojas'.

Gonzalo Rojas
Specl 2, Construction

Ellis, Steven

From: Scott Rudacille <srudacille@blalockwalters.com>
Sent: Tuesday, June 12, 2012 11:49 AM
To: Ellis, Steven
Cc: Walt Powers
Subject: RE: SV-12-04-03, River Beach Drive

Steven,

Riverwood CDD will need an easement to cover existing sewer facilities in the area proposed for vacation. Based on our conversation with the applicant and his agent, we do not anticipate any objection from the applicant. If the easement is not prepared in advance of the hearing, we would request that it be made a condition of approval.

Scott E. Rudacille
Board Certified in City, County and Local Government Law



802 11th Street West | Bradenton, FL 34205
2 North Tamiami Trail, #408 | Sarasota, FL 34236

Office 941.748.0100 | Facsimile 941.745.2093
srudacille@blalockwalters.com

To ensure compliance with Treasury Department regulations, we advise you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

Confidentiality Notice - This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of this message.

From: Ellis, Steven [<mailto:Steven.Ellis@charlottefl.com>]

Sent: Tuesday, June 12, 2012 11:11 AM

To: Matarese, Monte; Vattikuti, Venkat; Pederzoli, Gary; Quillen, Ken; Williams, Inga; Scudera, Jamie; Gilbreath, Gina; MacDonald, John; Vance, David; Collins, Gerry; Alexander, Debbie; D'Urso, Chris; Irish, Stan; Reager, Steve; Scott Rudacille

Cc: Clim, Diane; Moore, Gayle

Subject: SV-12-04-03, River Beach Drive

Please see the attached memo.

Steven A. Ellis, Planner II
Community Development Department
Zoning Division
18400 Murdock Circle
Port Charlotte, FL 33948
Voice: 941-764-4954
Fax: 941-743-1598
www.charlottecountyfl.gov

Ellis, Steven

From: Alexander, Debbie
Sent: Tuesday, June 26, 2012 2:51 PM
To: Ellis, Steven
Cc: Payette, Paul; Grossman, Gary; Searfoss, Bill; Gilbreath, Gina; Vernon, Joanne; Bliss, Karen; Carson, Robert; Ford, Steven; Campitelli, Albert
Subject: Revised Street Vacation - River Beach Drive (Heritage of Sarasota, Inc.)

SV-12-04-03 Heritage of Sarasota, Inc. (River Beach Drive)

No objection to the vacation provided the following conditions are met:

Heritage of Sarasota, Inc. agrees to clear and remove all vegetation, and also grade Warren Avenue (60 foot width) from Sheffield to water's edge according to County Standards, including the grading and maintaining the existing drainage swale currently located on the their proposed exchange property to the water's edge according to code and County Standards. The clearing and grading must be performed to the satisfaction of the County Right-of-Way Staff who will inspect and review the work.

The above conditions must be met before the formal land exchange Agreement is approved by the Board of County Commissioners and all deeds have been recorded in Public Records.

Any and all conditions presented under the revised Developer's Agreement must be met and approved by County Staff prior to the formal exchange and recording of the properties.

Debra F. Alexander

Real Estate Specialist I
Real Estate Services Division
Budget and Administrative Services Department
Charlotte County Government
(941) 764-5589
(941) 764 5591 (Fax)

www.Debbie.Alexander@charlottefl.com

"To Exceed Expectations in the Delivery of
Public Services"

Ellis, Steven

From: Williams, Inga
Sent: Tuesday, June 26, 2012 3:37 PM
To: Ellis, Steven
Subject: RE: River Beach Road

Steven,
Thank you.

I have two issues with the new proposal.

- 1) On page two of the narrative, paragraph a., there is a reference to Exhibit "A". This exhibit only shows the area of this proposed street vacation. The new condition of the Development Agreement should show all the land owned by Heritage of Sarasota Inc.
- 2) The restrictive covenant over the property is not a condition of the street vacation approval, it is required to be submitted with the street vacation application and approved along with the street vacation. The applicant must submit the covenant prior to the BCC meeting. The wording of the restrictive covenant needs to be discussed between myself, the applicant's agent and Mr. Rooney as the proposed covenant appears to only apply to the area of the street vacation.

Otherwise, I am in agreement with the swap of the lots. I believe the new lot will be more useful to the public and, when the Warren Ave. is cleared, access to the river at the new location and along in front of the condos will be a beneficial asset to the neighborhood.

Inga Williams, AICP, Principal Planner

Community Development Department
18500 Murdock Circle
Port Charlotte, FL 33948-1094
phone: 941.743.1242
fax: 941.743.1228

Please visit [Smart Charlotte 2050](#) to view Charlotte County's comprehensive plan
Please click on www.CharlotteCountyFL.com to visit the Charlotte County homepage
"To Exceed Expectations in the Delivery of Public Services"

From: Ellis, Steven
Sent: Tuesday, June 26, 2012 11:14 AM
To: Williams, Inga
Subject: RE: River Beach Road

Geri's revised application is attached.

Steven << File: 20120626111359204.pdf >>

From: Williams, Inga
Sent: Monday, June 25, 2012 3:13 PM
To: Ellis, Steven
Subject: River Beach Road

Steven,
The packets are supposed to go out this week to the P&Z members. I am still waiting to see the revised narrative before I revise my comments. Have you had any contact with Geri on this?

Inga Williams, AICP, Principal Planner

Community Development Department

18500 Murdock Circle

Port Charlotte, FL 33948-1094

phone: 941.743.1242

fax: 941.743.1228

Please visit [Smart Charlotte 2050](#) to view Charlotte County's comprehensive plan

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"To Exceed Expectations in the Delivery of Public Services"