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RESOLUTION
NUMBER 2018 - 039

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 380.06, FLORIDA STATUTES, AMENDING THE DEVELOPMENT ORDER (DO) FOR THE RIVERWOOD DEVELOPMENT OF REGIONAL IMPACT (DRI) INCREMENT TWO TO EXTEND THE BUILDOUT DATE TO NOVEMBER 11, 2025; FOR PROPERTY LOCATED GENERALLY EAST OF THE MYAKKA RIVER AND NORTH OF S.R. 776 (SECTION 29, TOWNSHIP 40 SOUTH, RANGE 21 EAST), CONTAINING 309 ACRES MORE OR LESS, IN THE EL JOBEAN AREA OF CHARLOTTE COUNTY; COMMISSION DISTRICT IV; PETITION NOPC-17-12-45; APPLICANT: RIVERWOOD COMMUNITY DEVELOPMENT DISTRICT; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4297 PAGE 1111 PAGE: 1 OF 5
IIISTR # 2598830 Doc Type: GOV
Recorded: 3/29/2018 at 9:25 AM
Rec. Fee: RECORDING \$44.00
Cashier By: BARBARAR

RECITALS

WHEREAS, on January 9, 1997, the Board of County Commissioners ("Board") adopted Resolution 97-0030AO, approving a development known as Riverwood Development of Regional Impact Increment Two; and

WHEREAS, there have been several amendments to the Increment Two Development Order (DO) since the Board's initial adoption; and

WHEREAS, on December 15, 2004, the Board adopted Resolution Number 2004-256 to revise Map H, to require a biannual report instead of an annual report, and to extend the buildout date; and

WHEREAS, on March 22, 2011, the Board adopted Resolution 2011-023 to extend the buildout date of the Increment Two DO to January 8, 2012; and

WHEREAS, on April 24, 2012, the Board adopted Resolution 2012-024 to extend the buildout date of the Increment Two DO to November 11, 2016; and

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WHEREAS, the Riverwood Increment Two DO buildout date of November 11, 2016 has expired; and

WHEREAS, the buildout date of the Riverwood Increment Two DRI Development Order must be extended to allow the property owners within the DRI to apply for site plan and building permit review for expansion of their Activity Center; and

WHEREAS, the Riverwood Community Development District has requested an amendment to the buildout date of the Riverwood Increment Two DO be considered by the Board; and

WHEREAS, section 380.06(19)(c), Fla. Stat., provides that “[a]n extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review”; and

WHEREAS, section 380.06(19)(c)1, Fla. Stat., provides that “[a]n extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation; ...[t]he extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation; ...[t]hese presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government; and, [a]n extension of 5 years or less is not a substantial deviation”; and

WHEREAS, the Riverwood Community District has provided clear and convincing evidence that their request does not constitute a substantial deviation; and

WHEREAS, the Board has considered the amendments requested by the Riverwood Community District and finds that, pursuant to Chapter 380.06(19)(c), Fla. Stat., it does not constitute a substantial deviation.

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

1. Resolution 2012-024 is hereby amended to extend the buildout date of the Riverwood Increment Two Development Order to November 11, 2025.

2. This Resolution shall become effective as provided by law. County Staff is hereby directed to forward a copy of the certified Resolution to the Department of Economic Opportunity, Division of Community Development, 107 East Madison Street, Tallahassee, Florida 32399, and to the Executive Director, Southwest Florida Regional Planning Council.

PASSED AND DULY ADOPTED this 27th day of March, 2018

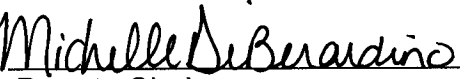
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 

Kenneth W. Doherty, Chairman

ATTEST:

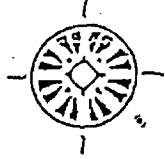
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk to the
Board of County Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR 2018-0208

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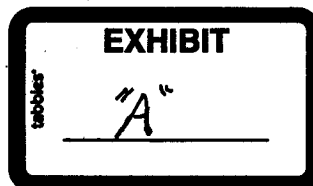
Engineers, Planners, Surveyors, Landscape Architects & Environmental Consultants
4571 Colonial Boulevard, Suite 200, Fort Myers, Florida 33912 • (941) 939-1020 Fax (941) 939-7479

OR BOOK 1510
PAGE 1287

DESCRIPTION RIVERWOOD INCREMENT TWO NORTH PARCEL

All that part of section 17, Township 40 South, Range 21 East, Charlotte County, Florida, being more particularly described as follows;

COMMENCING at the northwest corner of the northeast quarter of said Section 17;
thence along the west line of said northeast quarter of Section 17, said line also being the west limit of the Plat of Port Charlotte Subdivision, Section 61, according to the Plat thereof as recorded in Plat Book-5, pages 75A through 75C, Public records of Charlotte County, Florida, S.00°47'30"W. 172.00 feet to the POINT OF BEGINNING of the parcel herein described;
thence continue along said west line of the northeast quarter of Section 17, said line also being the west limit of said Port Charlotte Subdivision, Section 61, S.00°47'30"W. 1163.11 feet to the southwest corner of the northwest quarter of the northeast quarter of said Section 17;
thence along the south line of said northwest quarter of the northeast quarter of Section 17, said line also being the west limit of said Port Charlotte Subdivision, Section 61, S.89°40'23"E. 1323.43 feet to the southeast corner of the northwest quarter of the northeast quarter of said Section 17;
thence along the west line of the southeast quarter of the northeast quarter of said section 17, said line also being the west limit of said Port Charlotte Subdivision, Section 61, S.00°23'14"W. 1314.80 feet to the southwest corner of the southeast quarter of the northeast quarter of said Section 17;
thence along the west line of the east half of the southeast quarter of said Section 17, said line also being the west limit of said Port Charlotte Subdivision, Section 61, S.00°52'20"W. 1198.90 feet;
thence leaving said line S.22°57'15"W. 346.67 feet;
thence S.41°49'59"W. 873.07 feet;
thence S.06°03'17"W. 330.70 feet;
thence S.63°30'41"W. 231.71 feet;
thence S.40°16'27"W. 192.88 feet;
thence S.12°10'31"W. 278.92 feet;
thence S.09°35'37"E. 179.19 feet more or less to the waters of the Myakka River;
thence along said waters, being approximated by the following twelve (12) described courses:
1) N.74°05'08"W. 805.31 feet;
2) N.61°48'52"W. 720.18 feet;
3) N.04°26'36"W. 560.34 feet;
4) N.04°28'41"E. 474.50 feet;
5) N.16°24'21"W. 943.02 feet;
6) N.34°22'37"W. 357.57 feet;
7) N.16°37'36"W. 302.41 feet;
8) N.05°57'53"E. 141.57 feet;
9) N.36°33'02"W. 211.83 feet;
10) N.06°03'41"W. 474.99 feet;
11) N.07°43'01"W. 865.14 feet;



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OR BOOK 1510
PAGE 1288

DESCRIPTION

RIVERWOOD INCREMENT TWO, NORTH PARCEL
BEING A PART OF SECTION 17, TOWNSHIP 40 SOUTH, RANGE 21 EAST,
CHARLOTTE COUNTY, FLORIDA.

12) N.50°28'29"W. 190.43 feet more or less to a point on the centerline of a creek;
thence meander along the centerline of said creek N.41°27'35"E. 1100.00 feet;
thence continue to meander along the centerline of said creek N.89°27'35"E. 1500.00 feet to a
point on the west line of the northeast quarter of said Section 17, said line also being the west
limit of said Port Charlotte Subdivision, Section 61, and the POINT OF BEGINNING of the
parcel herein described;

Parcel contains 309.08 acres, more or less;

LESS AND EXCEPT

Lots 617, 618 and 719, according to the Plat of Plan of ward 4, City of El Jobe-an, Florida,
recorded in Plat Book 1, page 60 of the Public Records of Charlotte County, Florida;


ALSO LESS AND EXCEPT

Lots 555, 676, 677, 1248, 1249 and 1743, according to the Plat of Plan of ward 6, City of El
Jobe-an, Florida, recorded in Plat Book 1, page 61 of the Public Records of Charlotte County,
Florida

Subject to easements, restrictions, reservations and rights-of-way of record;
Bearings are assumed and based on the west line of the northeast quarter of Section 17 being
S.00°47'30"W.

Prepared by:

WILSON, MILLER, BARTON & PEEK, INC.


Marcus L. Berman, Professional Surveyor & Mapper
Florida Registration No. 5086

7-9-96
Date

Not valid unless embossed with the Professional's seal.

W.O.: 4877
REF.: D-0300-231
DATE: July 9, 1996

EXHIBIT A