



**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

January 25, 2018 (Revised 3:15 p.m.)

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

6:00 p.m.

1. CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Invocation – Pastor Chuck Padgett, Trinity Church of God

Pledge of Allegiance – Police Chief Michael Fewless

2. ROLL CALL

3. LOCAL PLANNING AGENCY

As soon as practical at 6:15 p.m., recess to the Local Planning Agency meeting.

4. CONSENT AGENDA

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.

(a) Approval of Minutes (city clerk)

December 14, 2017 regular meeting minutes

(b) Resolution 2018-005 - Board of Trustees' Appointment – C. Themm
(city clerk) (revised)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE MUNICIPAL FIRE FIGHTERS PENSION TRUST FUND OF THE CITY OF FRUITLAND PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

5. REGULAR AGENDA

(a) Resolution 2018-003 Relatives and Personal Relationships – Mayor and Commissioners (city attorney) (revised)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A POLICY APPLICABLE TO MAYOR AND COMMISSIONERS RELATING TO RELATIVES AND PERSONAL RELATIONSHIPS; AND PROVIDING FOR AN EFFECTIVE DATE. (Tabled from the January 11, 2018 regular meeting.)

QUASI-JUDICIAL PUBLIC HEARING

- (b) **First Reading and Quasi-Judicial Public Hearing - Ordinance 2018-002 - Rezoning and Development Agreement - Petitioner: First Baptist Church of Leesburg Inc.** (city manager/community development director/city attorney) (revised)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 14.95 + ACRES OF THE PROPERTY FROM GENERAL COMMERCIAL (C-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 52.70 +/- ACRES OF PROPERTY FROM PUBLIC FACILITIES DISTRICT (PFD) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 85.44 +/- ACRES OF PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 17.00 +/- ACRES OF PROPERTY FROM HIGH DENSITY RESIDENTIAL/NEIGHBORHOOD COMMERCIAL (R-3A) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 33.98 +/- ACRES OF PROPERTY FROM GREENBELT DISTRICT (GB) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on February 8, 2018.)

- (c) **Second Reading and Quasi-Judicial Public Hearing Ordinance 2018-001 - Site Specific Comprehensive Plan - FLUE - Petitioner: Terry F., Rachel Ann Ross and Carrie Blevins** city manager/community development director/city attorney) (revised)

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA PURSUANT TO 163.3187(1), FLORIDA STATUTES; CHANGING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY PROVIDING TEXT AMENDMENTS SPECIFIC TO LOTS 13 - 19, BLOCK B, 1ST ADDITION TO DREAM LAKE SUBDIVISION, CONSISTING OF LESS THAN 10 ACRES IN SIZE, LOCATED ON SUNSET WAY, FOREST STREET AND PENNSYLVANIA AVENUE, SPECIFYING ALLOWABLE USES ON THE PROPERTY;

AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE DESIGNATION TO MULTI-FAMILY LOW DENSITY AS LIMITED BY THE SITE SPECIFIC AMENDMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 11, 2018.)

(d) Resolution 2018-001 - Second Reading and Quasi-Judicial Public Hearing - Special Exception Use - Petitioner: Terry F., Rachel Ann Ross and Carrie Blevins (city manager/attorney) (revised)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A SPECIAL EXCEPTION USE IN THE R-2 ZONING DISTRICT TO ALLOW DUPLEXES, ON THE HEREIN DESCRIBED PROPERTY LOCATED ON SUNSET WAY, FORREST AVENUE AND PENNSYLVANIA AVENUE, CITY OF FRUITLAND PARK, FLORIDA, OWNED BY TERRY AND RACHEL ROSS AND LARRY AND CARRIE BLEVINS; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 11, 2018.)

(e) First Reading - Quasi-Judicial Public Hearing - Ordinance 2018-003 Rezoning - Petitioner: WTG Properties LLC (city manager/community development director) (revised)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING .66 ± ACRES OF THE PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY (R-2) TO COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on February 8, 2018.)

END OF QUASI-JUDICIAL PUBLIC HEARING

6. OFFICERS' REPORTS

(a) City Manager (revised)

i. Resolution 2018-006 - Motor Cycle Helmet (city manager/police chief/city attorney)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, DECLARING

CERTAIN PERSONAL PROPERTY AS SURPLUS;
PROVIDING FOR AUTHORIZATION FOR DONATION
OF SAID PERSONAL PROPERTY; AND PROVIDING
FOR AN EFFECTIVE DATE.

ii. Resolution 2018-007 - Northwest Lake Community Park (city manager/city clerk/city attorney)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA, AND THE CITY OF FRUITLAND PARK REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK; PROVIDING FOR AN EFFECTIVE DATE.

(b) City Attorney

7. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

(b) Commissioner Lewis

(c) Commissioner Bell

(d) Vice Mayor Gunter, Jr.

9. MAYOR'S COMMENTS

10. ADJOURNMENT

DATES TO REMEMBER

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

February 9, 2018 – LCLC *TBD*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

February 9, 2018 – Movie on the Lawn *The Emoji Movie* at 6:00 p.m.

February 10-16, 2018, Love Week

Saturday February 10, 2018 *5k Love Run*, City Hall at 8:00 a.m.

January 25, 2018 Regular Agenda

February 12, 2018, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.

February 13, 2018, Lake Emergency Management Services Inc., Board of Directors Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, FL 32778 at 2:30 p.m.

February 22, 2018, City Commission Regular at 6:00 p.m.

February 28, 2018, Lake-Sumter MPO Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.

March 8, 2018, City Commission Regular at 6:00 p.m.

March 9, 2018 – LCLC *TBD*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

March 9, 2018 – Movie on the Lawn *TBD* at 6:30 p.m.

March 22, 2018, City Commission Regular at 6:00 p.m.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.



**AGENDA ITEM
NUMBER
3**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Local Planning Agency Meeting		
For the Meeting of:	January 25, 2018		
Submitted by:	City Manager/Community Development Director/City Attorney		
Date Submitted:	January 16, 2017		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	LPA Agenda		
Description of Item:			
Action to be Taken: As Soon as Practical, recess to LPA.			
Staff's Recommendation:			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the regular agenda: _____
Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
December 14, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, December 4, 2017 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver; City Treasurer; Jeannine Racine; Police Chief Michael A. Fewless and Captain Eric Luce, Police Department; Interim Fire Chief Don Gilpin; Deputy Fire Chief, Tim Yoder, Fire Department; Community Development Director Charlie Rector; Parks and Recreation Department Director Michelle Yoder; Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER

After Mayor Cheshire called the meeting to order at 6:00 p.m.; Reverend Kenneth L. Wells First United Pentecostal Church of Fruitland Park Inc., gave the invocation, and Chief Fewless led in the Pledge of Allegiance to the Flag.

2. ROLL CALL

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was present.

3. SPECIAL PRESENTATIONS

(a) Proclamations – Former Commissioner Reverend Robert D. Harden

Mayor Cheshire read into the record a proclamation expressing, on behalf of the city commission and citizens, sincere condolences to the late Commissioner Reverend Robert D, Harden's family and loved ones as well as to those who knew him who passed away on October 8, 2017.

Mayor Cheshire announced that the proclamation will be delivered to his family at a future date.

(b) Proclamation – Wreaths Across America

Mayor Cheshire read into the record a proclamation declaring Saturday, December 16, 2017 as the official *Wreaths Across America Day in Fruitland Park*. On behalf of the City of Fruitland Park Commission and citizens, recognition was given to the mission to 'Remember our fallen veterans, Honor those who serve, and Teach our children the value of freedom' and the American Legion Family of 219 was commended for this patriotic tribute to America's veterans.

Ms. Lucy McCann, President Unit 219, John Gella Memorial American Legion Auxiliary, accepted the proclamation with gratitude.

Mayor Cheshire announced that he will be unable to attend the ceremony and thanked Commissioner Bell who volunteered to make a presentation on his behalf. He welcomed those present to attend the December 16, 2017 ceremony; recognized the improvements made at Shiloh Cemetery, and thanked the public works department staff for their efforts in that regard.

(c) Proclamation - Reverend Kenneth L. Wells - First United Pentecostal Church of Fruitland Park Inc.

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing Senior Pastor Reverend Kenneth L. Wells for his extraordinary years of continuous and tireless service devoted to all at the Lake County School Board District; his lasting dedication to the community, and his prolonged devotion to the congregation of the First United Pentecostal Church of Fruitland Park. The city commission asked that the citizens express their heartfelt appreciation for Reverend Wells' many years of hard work and celebrate with him as he continues to serve the community.

Reverend Wells accepted the proclamation with honor.

Ms. Charlotte M. Rooney, Lake County School District, and Reverend Wells' manager, recognized -- in the short time she worked with him -- his remarkable inspiration towards other Lake County bus drivers and students; his calm demeanor helping in every aspect; the large role he played with several studies conducted on safety, and his label as the 'go to man' devoted to the staff. She acknowledged that it has been a privilege for her to work with him noting that his legacy began 30 years ago. Ms. Rooney announced that he will be greatly missed as God has a better plan for him; hoped that he will remember the staff fondly, and presented Pastor Wells with a plaque where he accepted it with much appreciation.

4. CONSENT AGENDA

Approval of Minutes

On motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission took the following action on the meeting minutes as submitted.

- (a) Amended the approved August 8, 2017 workshop meeting minutes**
- (b) Approved the July 12, 2017 workshop meeting minutes**
- (c) Approved the July 13, 2017 workshop meeting minutes, and**
- (d) Approved the November 9, 2017 regular meeting minutes.**

4. REGULAR AGENDA

(a) McDirmit Davis, Auditor Discussion

After Ms. Racine recognized the presence of Ms. Tammy Campbell, Certified Public Accountant, McDirmit Davis, (retained by the city) at this evening's meeting, Commissioner Lewis referred to his previous telephone conversations

with her on the legality of spending to a negative fund balance -- an issue that arose at the September 28, 2017 regular meeting.

At Commissioner Lewis' request, Ms. Campbell defined the fund balance as the difference between the city's assets (what things are owed in cash and other assets) and liabilities (what is owed to the others) and the result reflecting the negative as the negative fund balance;

Ms. Campbell explained that the auditors are reviewing a negative unrestrictive fund balance; recognized that the city has a large total fund balance in general funds but specially the unrestricted portion expended as of September 30, 2017 which is very small, represents cash in the bank, and cannot be recognized yet as revenues. She explained that how a city spends to a negative unrestrictive at any date in time is the liability of what the city owes which is greater than the assets (cash receivables) and is related to the city's timing.

After discussion, Ms. Campbell noted the legal issues on borrowing against certain restrictive funds; recognized the city's committed funds earned and the internal restrictions made by the city commission which are easier to borrow against, and mentioned the external legally restrictive funds. She indicated that she will review whether the cemetery funds have internal restrictions.

In answering inquiries posed by Mayor Cheshire and Commissioner Lewis on the city's current unexpected budgetary situation that occurred since Hurricane Irma, Ms. Racine identified the availability of approximately \$450,000 pre-audit in unrestricted reserves at the end of September 30, 2017; thus, no requirement to secure a loan to which Commissioner Lewis addressed his concerns made after the September 28, 2017 regular meeting.

Upon Mayor Cheshire's recommendation and **by unanimous consent, the city commission agreed to proceed seeking reimbursement from the Federal Emergency Management Agency's earmarking its reimbursement funds for Hurricane Irma towards the city's reserves; otherwise, utilize the city's unrestrictive reserves of \$450,000 to pay the bills resulting from the hurricane.**

(b) 2018 Election Discussion

Ms. Coulson relayed the Lake County Supervisor of Elections' (SOE's) request, based on adopted Resolution 2016-019 Calling for Regular Election, on the city's plans to conduct a 2018 primary election on August 28, 2018. She explained that she cannot give SOE an answer as they need to schedule the 2018 elections with the State of Florida Division of Elections.

After Commissioner Bell referred to his earlier conversations with Ms. Coulson suggesting that the SOE proceed with the primary and noted the downside of the limited time, Ms. Geraci-Carver in concurring noted the likelihood of cancelling same if no more than two candidates qualify for a commission district.

Ms. Coulson referred to the SOE's email dated December 13, 2017 regarding the change in the law Rule IS-2.0001, Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy) to be effective January 2, 2018 which she will provide to Ms. Geraci-Carver. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

After discussion and in response to a question posed by Commissioner Ranize on the need to review the increased population in commission district 1, Ms. Geraci-Carver addressed the requirement to review the population in each commission district; pointed out the legal requirement on the number of days and target time required before the qualification period -- usually held in June -- unless the city commission make a decision on changing the districts, and mentioned her intent to review same and meet with Mr. La Venia in that regard.

(c) Proposed Recreation Fees Discussion

By unanimous consent, the city commission removed from the table its November 9, 2017 discussion on the proposed recreation fees.

Ms. Yoder distributed and reviewed the spreadsheet on the revised proposed recreational fees, the comparisons with other local municipalities' pool admission fees, and the sports chart; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After extensive deliberations, and **on motion of Commissioner Lewis, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the changes to the recreation fees for non-resident private pool rental to \$75 per hour; level the recreation fees for residents and non-residents, and approve the remaining recreation fees as recommended by the parks and recreation director.**

Commissioner Ranize recalled, prior to becoming a city commissioner and before Ms. Yoder becoming the parks and recreation director, the city commission's decisions to fill with dirt or resurface the current swimming pool; recognized, during his short tenure, the tremendous upgrades, improvements and hardwork performed by Ms. Yoder, and relayed the citizens' comments to him on extending the operating hours at the pool and the parks.

Responding to a question posed by Mayor Cheshire, Ms. Yoder explained that she found out earlier this day on the plan to close the City of Leesburg's swimming pool in 2018 and for the Titan's Swim Team to utilize the City of Fruitland Park Gardenia Park swimming pool permanently. She conveyed one of the City of Leesburg's lack of interest towards building a new pool, the subject of which she believes may be removed from the City of Leesburg's meeting agenda.

Mayor Cheshire recalled Ms. Yoder's remarks at a previous meeting on the likelihood of purchasing swimming pool heaters for Gardenia Park Swimming Pool and suggested that staff pursue grants in that regard which would allow for more opening times; thus, give the residents an opportunity to utilize the parks which Commissioner Ranize acknowledged as a good partnership and recognized that the pool ought to be regularly maintained and included in the budget on an annual basis.

In response to Ms. Coulson's inquiry, Ms. Geraci-Carver explained that the changes to the recreation fees will be submitted by Ms. Yoder as a fee list and considered as a resolution at the next meeting.

After much discussion and **by unanimous consent, the city commissions agreed to changing the current admission fees per person to \$3.00.**

Commissioner Bell proposed, for the residents' benefit, the discount recreation fee of \$2.00.

Following continued discussions, **Mayor Cheshire cited the motion on the floor to approve the changes to the recreation fees as previously cited to include the direction for the city attorney to draft a resolution for consideration at the next meeting (accepted by the maker and seconder) and called for a roll call vote with members voting as follows:**

Commissioner Bell	No
Commissioner Lewis	Yes
Commissioner Ranize	Yes
Vice Mayor Gutner	Yes
Mayor Cheshire	Yes

Mayor Cheshire declared the motion carried on a four-to-one (4-1) vote.

(d) Resolution 2017-052 Fire Services Assessment Program – Non-Ad Valorem Annual Special Assessment Scope of Service

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-052, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIRE SERVICES ASSESSMENT PROGRAM ANNUAL MAINTENANCE SERVICES AGREEMENT FOR FISCAL YEAR 2018-19 BETWEEN THE CITY OF FRUITLAND PARK AND GOVERNMENT SERVICES GROUP, INC.; PROVIDING FOR AN EFFECTIVE DATE.

After Mr. La Venia, upon Mayor Cheshire's request, explained the purpose of the subject proposed resolution, Ms. Geraci-Carver concurred in the affirmative to

Commissioner Lewis' explanation that said resolution should reflect *FY 2018-19* and not *2018-19* as she previously read.

With respect to including the study, Ms. Geraci-Carver stated that she will have to make an inquiry of Ms. Sandi Walker, Government Services Group Inc., as to whether such costs would be included in the maintenance services agreement.

A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt Resolution 2017-052 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(e) **Resolution 2017-048 Janitorial Cleaning Services - Ultimate Cleaning Inc. - Agreement**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-048, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE JANITORIAL SERVICES AGREEMENT BETWEEN THE CITY OF FRUITLAND PARK AND ULTIMATE CONTRACT CLEANING, INC.; PROVIDING FOR AN EFFECTIVE DATE.

After Mayor Cheshire cited the note from Ms. Coulson that the motion may need to be amended to reflect the hours of work (shown on page three of the Janitorial Service Agreement) and contingent upon receiving the certificate of insurance, Mr. La Venia concurred in the affirmative and in addition stated that background checks will be required for any work to be carried out in the police department.

After discussion, Mr. La Venia confirmed, in response to Ms. Geraci-Carver's inquiry, that the city will be conducting background checks at the city's expense which needs to be included the contract and that language provision on the working hours will be based on a mutual agreement as directed by Mr. La Venia which will not need to be presented before the city commission for approval.

A motion was made by Commissioner Lewis and seconded by that the city commission adopt Resolution 2017-048, as previously cited, subject to the city attorney's recommendation to incorporate changes reflecting the hours of work and background check and contingent upon receiving the certificate of insurance.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(f) **Resolution 2017-046 CR 466A – Phase IIIA Improvements**

By unanimous consent, the city commission removed from the table its consideration at the November 9, 2017 regular meeting of CR 466A Phase IIIA Improvements and considered its action to adopt Resolution 2017-046, the title of which is cited below:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA, AND THE CITY OF FRUITLAND PARK FOR THE INSTALLATION OF THE CITY'S WATER AND SEWER LINES ALONG THE PROPOSED CR 466A PHASE IIIA ROAD PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia referred to Commissioner Ranize' emails dated December 11, 2017 regarding CR 466A Phase III Improvement project and pointed out the discussions he had with Ms. Geraci-Carver in that regard. (Copies of the emails are filed with the supplemental papers to the minutes of this meeting.)

Mr. La Venia outlined the scope of work and timeline for the subject project and relayed Commissioner Ranize' concerns, of which he agrees, on the county's requirement for the city to advance payment before identifying the construction price that the county intends to procure on behalf of the city.

In response to Mr. La Venia's concerns, Ms. Geraci-Carver referred to her email dated December 13, 2017 which reflected changes in the interlocal agreement (ILA) -- relating to the county's obligations (on receiving the bids, the termination of the agreement, and the city proceeding with the project); the city's obligations (remittance within receipt of the bids), and the counterparts execution of the agreement); a copy of which is filed with the supplemental papers to the minutes of this meeting.

After discussion and in response to Commissioner Bell's inquiry, Ms. Geraci-Carver conveyed the county attorney's office statements that the county does not have all the ROW acquired which they anticipate obtaining with the expectation that the subject project would be procured around February 2018; thus, the city would procure same simultaneously -- which would include the additional water line -- emulating the county's bid.

Following further deliberations and in answer to Commissioner Bell's inquiry, Mr. La Venia explained the costs involved by Booth Ern Straughan & Hoitt, Inc.'s (BESH's), engineer retained by the city, on the underground utility (easement) specifications/scope of work for the subject project and indicated that the advertising and request for proposals (RFPs) -- separate from the county's -- will be provided to the city commission.

In response, Commissioner Ranize requested that staff ensure that the respective plans are reviewed by staff to avoid the need for future change orders to which Mr. Bogle confirmed to be in order.

Mr. La Venia announced that he invited Lake County Engineering Director Mr. Fred Schnieder to appear before the city commission at this evening's meeting; however, he could not attend due to a previous engagement.

Ms. Geraci-Carver recognized that the CR 466A Phase IIIA Utility costs for the subject project from BESH -- separate from the county's -- will also include the advertisements and preparation of the RFPs.

Following further discussion, Mr. Bogle gave his reassurance that with respect to the December 11, 2017 email, staff reviewed and accepted the construction plans and drawings and all the documents provided by BESH and the county and recognized that changes are to be made on the waterlines connecting to The Villages.

In addition to Commissioner Lewis' remarks on the cost savings involved, Mr. Rector outlined the problems in coordinating with two different contractors on the same project; concurred with Mr. Bogle's statements, and noted the likely reduction in change orders.

Subsequent to further discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt the aforementioned Resolution 2017-046, as amended, previously cited by the city attorney.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(g) Resolution 2017-049 Florida Forest Service Grant – Fire Department FY 2017-18 Budget Amendment - BT 2018-001

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-049, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017-2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE BUDGET REVENUES AND EXPENDITURES IN THE GENERAL FUND BUDGET UTILIZING FUNDS FROM THE FLORIDA FOREST SERVICE GRANT; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2071-049 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(h) Resolution 2017-050 -- Public Works Building Department Removal – BT 2018-02 Budget Amendment

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-050, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017-2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO DECREASE THE AMOUNT OF REVENUES GENERATED FROM THE CIP FUND BALANCE TRANSFER FROM END OF FISCAL YEAR 2017 AND DECREASE EXPENDITURES IN CIP R&S BUILDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission adopt Resolution 2071-050 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(i) Resolution 2017-051 - CRA Tax Payment Request – FY 2017-18 Redevelopment Taxes

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-051, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PAYMENT OF \$96,745 FROM THE GENERAL FUND TO THE COMMUNITY REDEVELOPMENT FUND GENERATED FROM AD VALOREM TAXES; PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2017-051 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(j) **September 2017 – End-of-Year Financial Report**

Ms. Racine reviewed the unaudited September 2017 end-of-year financial budget report reflecting the revenues expenses.

After discussion, **a motion was made by Commissioner Bell and seconded by Commissioner Lewis that the city commission adopt Resolution 2071-049 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(k) **First Reading - Ordinance 2017-031 Personnel Policy and Procedures - Education Reimbursement Program**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-031, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING REVISIONS TO POLICY 10.1 IN CHAPTER X IN THE CITY OF FRUITLAND PARK'S PERSONNEL POLICIES AND PROCEDURES MANUAL ADOPTED IN ORDINANCE 2017-016; PROVIDING FOR DIRECTIONS; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 11, 2017.)

After discussion, **a motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve proposed Ordinance 2071-031 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(l) **First Reading – Ordinance 2017-030 Solid Waste Increase**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-030, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 99.40 TO INCREASE THE SOLID WASTE RATES BY 2% WITH RATES EFFECTIVE AS OF JANUARY 1, 2018; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 11, 2017.)

After discussion, Vice Mayor Gunter recalled the \$10,000 donation agreed to previously by Waste Management Inc. towards new equipment for the proposed parks and recreation community center (currently the Fruitland Park Library property) and also the refurbished or new 96-gallon carts for the residents to which Ms. Yoder confirmed was not yet received at this time.

Mr. La Venia indicated that staff will communicate same to Mr. Doug McCoy, Waste Management Inc.

A motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission approve proposed Ordinance 2071-030 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

6. OFFICERS' REPORTS

(a) City Manager Fruitland Park Library Construction Status Update

Mr. La Venia referred to his previous discussions with the city commissioners. He announced that another impact fee grant fund of \$350,000 was received from the county for furniture; recognized the amounts for Invitation to Bid (ITB) 2017-001 new Public Library Facility Construction and ITB 2017-002 Site Development of a New Public Library Facility Construction were in excess of what was anticipated, and questioned the funding of same.

Mr. La Venia relayed his recent conversations with Fruitland Park Library Director JoAnn Glendinning who would not be adverse to the concept in requesting that the county consider reprogramming and utilizing the impact fee for furniture as part of the construction funds.

After Ms. Racine confirmed that approximately \$454,000 is required, she noted that other funding sources would be sought to fund the remaining amount reducing it to about another \$84,000 of which an estimated amount of \$20,000 from impact fees was allocated towards the public safety building for dirt.

Mr. La Venia recognized \$150,000 in the capital improvement program (CIP) earmarked towards the Northwest Lake Community/Cales Park Multipurpose Soccer Field Complex which reverts to the ILA for the matching grant that was received for \$100,000 and recognized that said amount has not yet been expended which may not be needed. He mentioned the Lake County Board of County Commissioners' consideration on its December 19, 2017 regular agenda of:

- Northwest Lake Community Park Master Plan;
- the expansion of the park's development to one year;
- the review of the in-kind construction work that was implemented by the city which will be utilized as the value of the grant match;

- the additional in-kind work that was carried out for field and design work, and
- the county's direction for the county attorney's office to include same as part of the ILA amendment.

After discussion, Mr. La Venia addressed the need to proceed if there is an agreement to reprogram the grant and recognized that the aforementioned considerations would need to be addressed. He acknowledged Ms. Glendinning's plan to complete a project application for another grant for furniture due February 1, 2018 and for construction of \$350,000 due before March 2018.

Ms. Geraci-Carver confirmed, in response to Mayor Cheshire's statements, the possibility to utilize CIP for furniture as long as it exceeds \$100,000.

Mr. La Venia gave the definition on 'value engineering'; addressed the likelihood of cost savings involved which originated from James Senatore Inc. (the architect retained by the city), and confirmed Ms. Glendinning's satisfaction with staff proceeding in pursuing the \$300,000 grant from construction to furniture. He addressed the need for the city commission's actions to be made at this evening's meeting; recognized one of the candidates' willingness to extend the subject ITB to February 1, 2018, and acknowledged the 30-day deadline (January 25, 2018 regular meeting) to decide.

Commissioner Lewis recalled Vice Mayor Gunter's initial proposal on the new public library construction concept and the City of Fruitland Park Resident Carlisle Birch's questioning on the need for same. He mentioned the likelihood of converting the community building utilizing found money or other people's funds as a good decision to proceed and gave reasons why he opposes redirecting the CIP to restore the estimated \$454,000 and suggested reverting back to the architect who made the presentation.

Commissioner Lewis referred to Ms. Racine's email dated December 13, 2017 which accompanied the library expenses spreadsheet reflecting needed funds of \$454,000 of which he is not in favor; reiterated reasons on his preference to communicate back to Mr. Senatore to figure out same, and voiced his reluctance to award the bid and subsequently calculate the value cost engineering which he believed should have been implemented beforehand with adjustments in the plan to proceed.

After discussion and in concurring with Commissioner Lewis' comments, Commissioner Ranize relayed Ms. Glendinning's opinion on the reallocation of the \$300,000 -- thus, recognizing the previous grant funding she applied for -- recalled Mr. Senatore's previous presentation before the city commission on the ability to construct the subject building for \$1.3 million, and outlined the additional costs, as a result of the questionable issues raised at previous meetings, resulting in the project's estimate exceeding the city's budget.

In response, Mayor Cheshire recognized the reprogramming of funds due to the exclusion of the site work that was separate from the library.

Following further discussion, the city commission, **by unanimous consent, directed the city manager to reprogram the \$350,000 grant funding for construction.**

After discussion, Mr. Rector indicated, after having numerous discussions with Mr. Senatore, the ability to work on the value engineering with the successful vendor; gave reasons why he believes it would be adequate to change the type of materials for the proposed building, and outlined the following information on the “value sheet” for the cost of materials priced for a home which he requested from Mr. Senatore:

- April 2016 (when Sentatore began with the continuing services as a consultant), average “model” price \$29,000;
- August 2017 (when the subject proposal was procured) average cost \$32,700 (reflecting 1.28% increase whereby \$1.5 million turned to \$1.74 million)

Mr. Rector stated that the prices did not reflect the architect’s and relayed Mr. Senatore’s willingness to implement whatever would be necessary to proceed.

Mr. Rector referred to the selection committee’s November 6, 2017 meeting on the review and ranking of the subject ITBs; noted its discussion on the local preference provision under subsection 33.22.(c) from Competitive Local Bidding Preference Ordinance 2009-013, and relayed reasons why it recommended the award of the new public library facility construction bid to Signature Construction Inc. as the most preferred local qualified bidder. Mr. Rector conveyed Signature Construction representative’s preference to receive the city’s decision by February 1, 2018 and relayed the company’s commitment to reserve materials for the subject project before prices increase. With respect to the site development of the new public library facility construction bid, Mr. Rector described the work requirements needed for the parking lot and requested the city commission’s direction in that regard.

After discussion and in response to Commissioner Ranize’s inquiry on the description of the stromwater connection from the site development to the retention pond, Mr. Rector identified the design, components and location; pointed out the commitment he received from Mr. Wayne A. Goodridge, City of Fruitland Park resident, to grant the right-of-way (ROW), and confirmed that there is no executed written agreement to which Commissioner Ranize suggested that it remain in the city’s ROW which ought to include the figures.

Mayor Cheshire questioned the city’s position in postponing the subject issue until the January 11, 2018 regular meeting when the respective procurements on the subject projects are reprogrammed; commitments are received from the proposed

vendors, and their guarantees confirmed to delay the respective bids to the same date (February 1, 2018).

In response, Ms. Geraci-Carver addressed her plan to review the city's construction grant agreement with the State of Florida Department of State, Division of Library and Information Services regarding the city's local preference provision and report back to the city commission as to whether there is a prohibition in awarding the subject contracts.

Ms. Geraci-Carver stressed the need for the city commission to treat all potential vendors for the projects in question the same and addressed the requirement to communicate with them as to whether they would want to delay their bids for a period, and if not, she would review the case law on the rejection of all bids or delay to the same date for a period.

After discussion, Mayor Cheshire addressed the possibility for the city commission to meet prior to the January 25, 2018 deadline to make another decision.

Commissioner Lewis disclosed that he is not permitted to enter into discussions and vote on the subject ITBs as he currently has clients who are procuring on said projects.

By unanimous consent, the city commission directed the city manager to report back at the January 11, 2018 meeting on the reprogramming of funds for Invitation to Bid 2017-001 new Public Library Facility Construction and ITB 2017-002 Site Development of a New Public Library Facility Construction and the Fruitland Park Library Director's pursuit in seeking additional grant funding towards the furniture, and accepted the city attorney's suggestion, as previously cited, to review and report back on the city's local preference provision under subsection 33.22.(c) from Competitive Local Bidding Preference Ordinance 2009-013 as well as the case law on the delay of awarding the bids.

(b) City Attorney

Ms. Geraci-Carver referred to questions raised at the November 9, 2017 relaying residents' inquiries on their non-ad valorem assessment for fire services bills on each property. She pointed out the Government Services Group Inc.'s (GSG's) fire special assessment overview previously presented before the city commission which revealed calculations assessed on the number of dwelling units per resident on a piece of property which remains without conducting any further studies.

Ms. Geraci-Carver explained that Ms. Sandi Walker, Government Services Group Inc., did not give any indication on other alternatives calculated for residential dwellings and mentioned her unawareness, in response to Mayor Cheshire's question, on the options which would need to be implemented in future.

i. Lawsuits

• **Clarence Green, Jr. v. City of Fruitland Park and Officers Hunnewell, Isom and Isaacs**

Ms. Geraci-Carver recognized the summary in the report regarding the deposition results for Clarence Green Jr.; explained that she is not aware of the representing attorney's next step, and indicated that she did not recommend any type of settlement.

• **James Homonai and Rita Homonai v. The City of Fruitland Park, Steven Foster, and Jared Crenshaw**

With respect to James Rita Homonai and subject to the representing attorney reaching an agreement with the plaintiffs' counsel to settle, conditional upon the city commission's approval, Ms. Geraci-Carver reported that depositions in the case (5:16-cv-610-oc-30PRL) scheduled for December 12, 2017 was postponed,. In recognizing the claims, Ms. Geraci-Carver noted the Plaintiff's demand and the tentative agreement reached.

After Ms. Geraci-Carver explained that Ms. Stephanie J. Brionez, attorney retained by the city, could address the merits of the respective case and at Mayor Cheshire's request, Ms. Geraci-Carver indicated that she will coordinate an attorney-client session meeting in January 2018 or thereafter.

ii. Notice of Claims

Ms. Geraci-Carver explained that there were no notices of claims to report at this time.

iii. Resolution 2017-053 Employment of Relatives

Mayor Cheshire recalled the enactment of Employment Nepotism Personal Relationship Ordinance 2017-016; gave reasons on the consideration of proposed Employment of Relatives Resolution 2017-053 at this evening's meeting, and explained the purpose of being as transparent as possible); the substance of the resolution is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A POLICY APPLICABLE TO MAYOR AND COMMISSIONERS RELATING TO RELATIVES AND PERSONAL RELATIONSHIPS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cheshire gave a background overview of business practices as it relates to city services and staffing when he became mayor and noted the consequences of same. He voiced reasons why he believed that city commission family members should not be employed by the city; noted the

exception for existing members to be grand-parented in, and recognized the ability for a related employee who is a city resident with the intention to run for elected office being able to do so.

Following much discussion, Commissioner Lewis referred to his email dated December 12, 2017 to Mr. La Venia with a copy to Ms. Geraci-Carver regarding the subject issue referencing the second whereas clause in the proposed resolution . . . *as of the date this resolution is adopted no relative, member of household or personal relationship exists between members of the city commission and city employees*

After much discussion, Commissioner Ranize recognized the existing policy under Code of Ethics for City Commissioners Ordinance 2012-026.

Following extensive discussions and **upon Mayor Cheshire's request, the city commission, by unanimous consent, directed the city attorney to make the changes under the second whereas clause and the grand-parent provision as previously cited.**

7. PUBLIC COMMENTS

There were no public comments at this time.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Lake-Sumter MPO Governing Board

Commissioner Ranize announced that that the Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board held its last official meeting on December 13, 2017 with MPO Executive Director T.J. Fish; noted the complexity of the board's functions, and voiced reasons why he believed that the city ought to be an at-large voting member representative.

Commissioner Ranize recognized the reduced ranking of the CR 466A Phase IIIB roadway improvement construction project on the State of Florida Department of Transportation District V 2017 priority list.

ii. P&Z Board

Commissioner Ranize gave a report of his attendance at the Planning and Zoning Board's (P&Z's) December 1, 2017 meeting; addressed its consideration of the rezoning request and development agreement by the petitioner: First Baptist Church of Leesburg Inc. He recognized the number of people in attendance that were over capacity and questioned the city commission's accommodation in this regard.

iii. Stormwater – Urick Street to Mirror Lake Drive

Commissioner Ranize noted the stormwater runoff problem from the Urick Street into Mirror Lake (Fruitland Estates property) and inquired on the status.

In response, Mr. Rector explained that he communicated with a representative at St. John's River Water Management District (SJRWMD) who permitted, inspected and authorized same; reported on the awareness of the subject matter by Mr. Keith Riddle, Riddle-Newman Engineering Inc., who also contacted SJRWMD as he performed the final stages of engineering following the change order from the property owners and noted the attempts to resolve same.

Commissioner Ranize addressed the need to rectify the situation.

After Commissioner Lewis referred to individuals contacting him on the subject issue, Mr. La Venia concurred in the affirmative to his suggestion that he would write a letter to SJRWMD's district manager with courtesy copies to the State of Florida Department of Environmental Protection and Lake County Water Authority.

iv. City Hall Generator

Commissioner Ranize stressed the need for a generator at city hall before the next storm season and questioned whether staff has pursued grant funding in that regard.

v. Florida Medical Industries Inc.

Commissioner Ranize referred to previous city commission meetings addressing the city's condemned buildings and with the type of funding source available and addressed the possibility of condemning same and placing a lien on the property.

Commissioner Ranize pointed out his communications with Ms. Racine where he learned that funds collected are not allocated into a regular fund but the general fund. He recognized the lack of funding to assist in the demolition of the derelict properties and questioned the process.

In response, Mr. La Venia relayed the conversations he had with Ms. Lori Davis, Code Enforcement Officer, who reported that the case of Florida Medical Industries Inc.'s, owner and respondent, was considered before the Special Magistrate/Code Enforcement Hearing held earlier this day; that neither the respondent (Mr. Stephen Anguilla) nor his representative were present, and that the Special Magistrate's order for the respondent to make the necessary corrective actions on the violations within 30 days at a rate of \$50 per day with additional costs which will continue to accrue.

After Mr. La Venia noted the likelihood of the respondent paying the city less to demolish the building in question than paying the fine, Commissioner Ranize referred to the Office of the Tax Collector's website noting that the property owner's tax bill remained unpaid for the past two years.

In response to Mr. La Venia's questions on whether the subject owner is paying mortgage, if there is lien holder, whether the building would be taken back, and if there are any environmental or liability issues, Ms. Geraci-Carver explained the city's opportunity to proceed with the foreclosure process, if the respondent does not take the necessary actions for the property to come into compliance. Ms. Geraci-Carver explained that she would not recommend such process if the property is found to be contaminated.

After Mr. La Venia referred to previous discussions with Ms. Geraci-Carver on the concept of making arrangements with the respondent for the city to pay the costs and be reimbursed by the property owner on a monthly basis, she referred to the documents and the draft agreement she prepared to which Mr. La Venia addressed the need for them to be re-examined and for the revenue source to be identified which he will need to discuss with her in that regard.

Commissioner Lewis relayed his discussions with a local real estate broker, an owner of a former thermometer manufacturing building, on evidence from the respondent contending that there is evidence the subject property has been decontaminated and is marketable.

After discussion, Ms. Geraci-Carver addressed the need for a report to demonstrate that contamination on the subject property was remedied and explained that the city's declaration of the subject property as a Brownfields site would open up many grant opportunities for cleanup funds which could be made in conjunction to the owners agreeing to same.

In response to Commissioner Bell's inquiry, Ms. Geraci-Carver addressed the ability to inquire whether the subject project was on the State of Florida Department of Environmental Protection's Comprehensive Environmental Response Compensation and Liability Act site assessment which revealed any confirmed or suspected contamination.

In response, Commissioner Lewis confirmed, in the affirmative, on his ability to inquire to the real estate broker requesting a copy of the report.

vi. Police Vehicles

Commissioner Ranize referred to the city commission's approval at its November 9, 2017 regular meeting of the purchase of two 2017 Ford

Interceptor Sports Utility vehicles earmarked in the FY 2017-18 budget and recognized the policies on authorization for expenditures which needs adhering to.

With respect to Hurricane Irma, Commissioner Ranize noted that the (bucket truck) for \$44,000 was not approved by the city commission and recognized Mr. La Venia's recommendation to delay its purchase but utilize funding earmarked for the Fruitland Park library construction and the hurricane cleanup. After he expressed concerns in that regard, he asked for an explanation and that such matters be presented before the city commission on a regular basis. Commissioner Ranize identified the large expenditures recently made for major projects where initial estimates received reflected ultimate increases in costs.

(b) Commissioner Lewis

i. Consent Agenda

Commissioner Lewis referred to the city commission's approval of the August 8, 2017 amended workshop minutes approved under the consent agenda earlier in this evening's meeting; mentioned his review of the verbatim excerpt, and addressed his intent to speak more concisely.

ii. Social Media

Commissioner Lewis pointed out the previous social media postings on *What's Happening Now* Facebook platform on the status of the City of Fruitland Park Library; relayed his comments at the September 14, 2017 regular meeting on his intent to avoid that forum, and mentioned his decision where he engaged in discussions on the bid amounts received and the city's expenditures in that regard.

iii. Lake EMS

Commissioner Lewis gave a report of his membership on Lake Emergency Management Services Inc. (EMS) Board Operations Committee; relayed the comments from Mr. Jerry Smith, Lake EMS Executive Director (noting the absence of Lake EMS Board Members District 2 Lake County Board of County Commissioner Sean Parks and City of Eustis Mayor Robert Morin) on his gratitude of the county's accommodations in providing fire services in the City of Clermont area.

Commissioner Lewis relayed the City of Clermont's recipient of the Staffing for Adequate Fire and Emergency Response grant award where it retained firefighters; Mr. Smith being informed of the county's requirement for the city to vacate its Medic (ambulance) station from the county's premises, and his search for another location to base his such services.

Commissioner Lewis conveyed the City of Fruitland Park's desire in retaining Lake's Medic 271, D2 stationed at the city's fire department or

wherever it may be and addressed his intent to coordinate future growth needs before plans are made for a new public safety building. Commissioner Lewis:

- pointed out Lake County Fire Rescue/Lake EMS Consolidation Study and the consultants' identification of Grays Airport Road and US Highway 27/441 intersection as the busiest service call location in Lake County;
- conveyed Commissioner Park's encouragement for him to present Lake EMS' position statement before the city commission on the need to work together;
- relayed Lake EMS Board Member and District 4 Lake County Board of County Commissioner Leslie Campione's statements on how the provision in the city's Interlocal Service Boundary Agreement (ISBA) -- as it pertains to life threatening events -- can be changed to include fire and rescue services automatic aid (immediate response of emergency personnel closest to the scene) recognizing the city's basic life support capabilities and the direction it is heading towards advance life support;
- reported on Lake County Fire Chief John Jolliff's approach to him, subsequent after Lake EMS' meeting, that no complaints have been received since the city's fire department has been staffing its own department to which Commissioner Lewis deemed to be positive, and
- identified Fire Chief Jolliff's support that the county can manage with two fire stations and does not need as many to manage that portion of Lake County; namely; Lake County Fire Stations (LCFSs) 59, 56, and 53, and that if the county were to take over, LCFS 53 would close whereby he believed that that the city residents would be paying for less protection.

(c) **Commissioner Bell**

i. Lake-Sumter MPO

Commissioner Bell gave his favorable opinion of Mr. Michael F. "Mike" Woods, the new interim MPO Executive Director, and expressed his disagreement with one of the problems when Mr. Fish joined the MPO on his intent to expand the MPO which he expressed to the city's district county commissioner.

ii. City Commission Meeting Venue

Commissioner Bell conveyed the request of Pastor "Sid" Sydney Brock, Heritage Community Church, to propose offering his church as an alternate meeting venue to host the city commission meeting.

iii. CR 466A Roadway Improvements Project

Commissioner Lewis, in response to Commissioner Bell's comments, indicated that District 1 Lake County Board of County Commissioner Timothy I. Sullivan was taking the lead in Tallahassee towards advocating the CR 466A roadway improvements project and confirmed, in response to Commissioner Ranize, that said project was moved and reallocated on the priority list.

(d) Vice Mayor Gunter, Jr.

i. Hometown Christmas

Vice Mayor Gunter congratulated Ms. Yoder on the December 8, 2017 Hometown Christmas event which was a success.

ii. School Concurrency

Vice Mayor Gunter referred to the December 14, 2017 School Concurrency Management Report which was considered earlier this day at the 2017 Annual School Concurrency meeting of which he is a member. He pointed out Lake County School Board District's commitment to school modernization and the shortage of student stations; gave a report on the ranked placement of Fruitland Park Elementary School, and referred to the anticipated funds for FY 2020-21 projected in 2021-22 to be more than \$17 million which is likely to increase and the expected completion date to be FY 2024-25.

Vice Mayor Gunter recognized the school district's registered lobbyist in Tallahassee who is advocating the appropriation of additional funds for the county and referred to the concurrency service area charts under the five-year capital plan (2018-22). (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

9. MAYOR'S COMMENTS

(a) Coffee with the Mayor

Mayor Cheshire reported on the number of people who were in attendance at the November 18, 2017 *Coffee with the Mayor* event that was held at the Moyer Village Recreation Center.

Mayor Cheshire noted the residents' initial perspective and misinformation received through social media and the media on the city budget; expressed his gratitude to Commissioner Ranize for pointing out statistical information relating to the city's lowest tax rate (apart from the Town of Lady Lake's) in comparison to other governmental entities in the area, and acknowledged the research conducted by Mr. La Venia and Ms. Racine on the city's taxes and franchise fees similar to elsewhere. He relayed the residents' desire to consider, when the existing electric franchise agreement expires, utilizing a more desirable corporation.

Mayor Cheshire addressed the biggest problem expressed by concerned city residents -- present at previous city commission meetings – on the gate between the Wingspread and The Glen Subdivisions; the situation that existed more than two years' ago which he relayed, and noted, after the agreement was reached (Resolution 2013-005) which is what the city commission is basing its determination and to the dissatisfaction of the residents, same was not addressed since.

Mayor Cheshire pointed out his previous encouragement in extending an invitation to residents to attend city commission meetings to obtain information; explained that the city does not need a community park recognizing The Villages as part of the city, and reinforced the need for volunteerism with the police and fire departments, and the Fruitland Park Library. Noting the age restrictions of children participating at most neighborhood pools at The Villages, Mayor Cheshire recognized the city's Gardenia Park Pool whereby the entire family can participate.

In referring to Commissioner Ranize' statements on the anticipated large attendance in the city commission chambers; Mayor Cheshire recognized existing parcels in the city that are already zoned where the city commissioners lack input; voiced his displeasure of self-storage units, used car lots, and recreational vehicles and addressed the opportunities to decide on what city residents would like the city to look like in certain areas which, although costs are involved, were addressed at previous city commission meetings.

(b) Hometown Christmas

Mayor Cheshire concurred with Vice Mayor Gunter's comments on the success of the December 8, 2017 Hometown Christmas event.

(c) Dates to Remember

Mayor Cheshire recognized the following events:

- December 15, 2017 – Movie on the Lawn “Elf” at 6:00 p.m.
- December 15, 2017 – LCLC Roundtable Discussion League of Cities Legislative Conference, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m. and Mayor congratulated Bell on chairing same.
- December 16 ,2017 – Wreaths Across America, Shiloh Cemetery, Shiloh Street, Fruitland Park, Florida 34731 at 12:00 p.m., he thanked Commissioner Bell who offered to assist with the program and welcomed the public to attend.
- December 25, 2017 – Christmas Day - City Hall Closed December 26, 2017 – Day After Christmas - City Hall Closed
- January 1, 2018, New Year's Day – City Hall Closed
- January 11, 2018, City Commission Regular at 6:00 p.m.

- January 12, 2018 – LCLC Organizational Meeting and Let Cities Work Initiative, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- January 15, 2017 – City Hall Closed – Dr. Martin Luther King Jr., Holiday
- January 23, 2018, Lake Emergency Management Services Inc., TBD
- January 25, 2018, City Commission Regular at 6:00 p.m.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 9:16 p.m.

The minutes were approved at the January 28, 2018 regular meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Chris Cheshire, Mayor

RESOLUTION NO. 2018-005

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE MUNICIPAL FIRE FIGHTERS PENSION TRUST FUND OF THE CITY OF FRUITLAND PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park established a municipal fire fighters pension trust fund; and

WHEREAS, one (1) vacancy currently exists on the board of trustees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

1. Charles Themm is hereby appointed to the board of trustees of the municipal fire fighters pension trust fund of the City of Fruitland Park to serve another two year term. His term shall expire December 31, 2019.

2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 25th day of January, 2018, by the City Commission of the City of Fruitland Park, Florida.
City of Fruitland Park

Chris Cheshire, Mayor

Attest:
Esther B. Coulson, City Clerk

_____ Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney



**AGENDA ITEM
NUMBER
5a**

5

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Resolution 2018-003 Employment of Relatives – Commission			
For the Meeting of:	January 25, 2018			
Submitted by:	City Attorney			
Date Submitted:				
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Forthcoming			
Description of Items: Resolution 2018-003 City Commission Relatives and Personal Relationships Policy				
Action to be Taken: Adopt Resolution 2018-003.				
Staff's Recommendation: Approval.				
Additional Comments: Discussed at the December 14 2017 and January 11, 2018 regular meetings.				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

RESOLUTION 2004-014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; RELATING TO QUASI-JUDICIAL HEARINGS; ESTABLISHING PROCEDURES FOR THE DISCLOSURE OF EX PARTE COMMUNICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

WHEREAS, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK:

Section 1. The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

**Procedures for quasi-judicial hearings;
Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective

or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
- (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
- (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or

written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

Section 2. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 3. This resolution shall be effective upon passage.

PASSED AND RESOLVED this 24th day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.



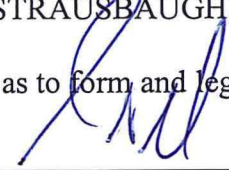
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:



MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:



Scott A. Gerken, City Attorney





**AGENDA ITEM
NUMBER
5b**

5

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	QUASI-JUDICIAL HEARING - Ordinance 2018-002 – Rezoning and Development Agreement - Petitioner: First Baptist Church of Leesburg Inc.			
For the Meeting of:	January 25, 2018			
Submitted by:	City Manager/City Attorney/Community Development Director			
Date Submitted:	December 14, 2017			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Items: Ordinance 2018-002, the second reading will be held on February 8, 2018.				
Action to be Taken: Approve the LPA’s recommendation.				
Staff’s Recommendation: Approve LPA’s recommendation.				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2018-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 14.95 ± ACRES OF THE PROPERTY FROM GENERAL COMMERCIAL (C-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 52.70 +/- ACRES OF PROPERTY FROM PUBLIC FACILITIES DISTRICT (PFD) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 85.44 +/- ACRES OF PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 17.00 +/- ACRES OF PROPERTY FROM HIGH DENSITY RESIDENTIAL/NEIGHBORHOOD COMMERCIAL (R-3A) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 33.98 +/- ACRES OF PROPERTY FROM GREENBELT DISTRICT (GB) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by First Baptist Church of Leesburg, Inc., Owner, requesting that approximately 14.95 acres of real property generally located south of CR 466A and west of Pine Ridge Dairy Road (the “Property”) be rezoned from General Commercial (C-2) to Mixed Use Planned Unit Development; approximately 52.70 acres of real property generally located south of CR 466A and west of Pine Ridge Dairy Road (the “Property”) be rezoned from Public Facilities District (PFD) to Mixed Use Planned Unit Development (PUD) within the city limits of Fruitland Park; approximately 85.44 acres of real property generally located south of CR 466A and west of Pine Ridge Dairy Road (the “Property”) be rezoned from Single Family Medium Density Residential (R-2) to Mixed Use Planned Unit Development (PUD) within the city limits of Fruitland Park; approximately 17.00 acres of real property generally located south of CR 466A and west of Pine Ridge Dairy Road (the “Property”) be rezoned from High Density Residential/Neighborhood Commercial (R-3A) to Mixed Use Planned Unit Development (PUD) within the city limits of Fruitland Park; and further requesting that approximately 33.98 acres of property be rezoned from Greenbelt District (GB) to Mixed Use Planned Unit Development within the city limits of Fruitland Park; and

WHEREAS, the petition bears the signature of all applicable parties; and

WHEREAS, the required notice of the proposed rezoning has been properly published;
and

WHEREAS, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1. The following described property consisting of approximately 206.11 ± acres of land generally located south of CR 466A and west of Pine Ridge Dairy Road shall hereafter be designated as PUD, Mixed Use Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described and depicted as set forth on Exhibit "A".

Section 2. That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2017.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

Anita Geraci-Carver, City Attorney

Vice-Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Commissioner Bell
Mayor Cheshire

_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading _____
Passed Second Reading _____
(SEAL)

EXHIBIT "A"
LEGAL DESCRIPTION

LEGAL DESCRIPTION

THAT LAND LYING IN SECTIONS 5, 7 AND 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 8, RUN S89°39'50"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 210.00 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8, ALSO BEING THE EASTERLY BOUNDARY OF VILLAGES OF FRUITLAND PARK UNIT NO. 27 AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE AND SAID EASTERLY BOUNDARY, S00°47'54"W, 350.15 FEET TO THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 28 AS RECORDED IN PLAT BOOK 66, PAGES 54 THROUGH 55, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE DEPARTING THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27 AND ALONG THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 THE FOLLOWING COURSES: S00°47'54"W, 244.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8 AND ALONG SAID SOUTH LINE, N89°39'50"W, 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG SAID EAST LINE, S00°47'54"W, 589.01 FEET TO THE SOUTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 AND A POINT ON THE NORTH LINE OF THE SOUTH 160.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EASTERLY BOUNDARY, SAID EAST LINE AND ALONG SAID NORTH LINE, S89°40'49"E, 611.54 FEET; THENCE DEPARTING SAID NORTH LINE AND ALONG THE FOLLOWING BOUNDARIES: VILLAGES OF FRUITLAND PARK, UNIT NO. 29, AS RECORDED IN PLAT BOOK 66, PAGE 71 THROUGH 73, INCLUSIVE, VILLAGES OF FRUITLAND PARK, UNIT NO. 31, AS RECORDED IN PLAT BOOK 66, PAGE 74 THROUGH 82, INCLUSIVE, SAID BOUNDARIES ALSO BEING THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4415, PAGE 1806, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE S00°46'30"W, 425.68 FEET; THENCE S31°15'56"W, 733.08 FEET; THENCE S00°47'54"W, 35.45 FEET; THENCE S43°54'50"E, 75.41 FEET; THENCE S49°19'38"E, 80.87 FEET; THENCE S45°31'17"E, 45.42 FEET; THENCE S57°57'35"E, 31.06 FEET; THENCE S27°16'42"E, 46.23 FEET; THENCE S36°00'06"E, 62.89 FEET; THENCE S26°28'20"E, 49.91 FEET; THENCE S32°28'21"E, 80.27 FEET; THENCE S29°57'55"E, 60.93 FEET; THENCE S75°47'10"E, 99.18 FEET; THENCE S07°22'59"E, 55.03 FEET; THENCE S04°58'53"E, 28.31 FEET; THENCE S03°51'23"E, 57.52 FEET; THENCE S03°23'32"W, 15.26 FEET; THENCE S75°48'45"W, 38.64 FEET; THENCE S12°05'00"W, 92.40 FEET; THENCE S24°08'42"W, 41.93 FEET; THENCE S11°20'47"W, 21.80 FEET; THENCE S00°21'45"W, 90.73 FEET; THENCE S40°46'06"W, 53.01 FEET; THENCE S53°05'55"W, 104.34 FEET; THENCE S49°53'36"W, 70.59 FEET; THENCE S48°18'47"W, 37.84 FEET; THENCE S61°43'23"W, 48.54 FEET; THENCE S62°49'12"W, 50.56 FEET; THENCE S59°14'26"W, 52.64 FEET; THENCE

S70°58'32"W, 38.87 FEET; THENCE S35°38'27"W, 2,364.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE DEPARTING THE BOUNDARIES OF SAID SUBDIVISIONS AND THE BOUNDARY OF OFFICIAL RECORDS BOOK 4415, PAGE 1806; RUN THENCE ALONG SAID SOUTH LINE, S89°06'25"E, 914.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7 AND ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8, S89°14'24"E, 1,330.47 FEET TO THE EAST LINE OF THE WEST 1/4 OF SAID SECTION 8; THENCE ALONG SAID EAST LINE, N00°42'44"E, 2,636.42 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE N00°46'31"E, 1,343.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, S89°40'49"E, 1,331.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N00°44'42"E, 1,343.27 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE DEPARTING SAID EAST LINE AND ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N89°39'42"W, 1,330.49 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, N00°34'38"E, 1,263.10 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD 466-A, AS PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, N89°14'18"W, 1,118.09 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID EAST LINE OF THE WEST 210.00 FEET AND THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27, S00°42'41"W, 1,271.43 FEET TO THE POINT OF BEGINNING.
CONTAINING 205.76 ACRES, MORE OR LESS.

Record and Return to:
City of Fruitland Park
Attn: City Clerk
506 W. Berckman Street
Fruitland Park, Florida 34731

MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the ____th day of _____, 2017, between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), and First Baptist Church of Leesburg, Inc., [a Florida not for profit corporation](#) (hereinafter referred to as the "Owner").

RECITALS

1. The Owner desires to rezone approximately 205.76 + acres of property within the City of Fruitland Park, described and depicted as set forth on Exhibit "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").

2. The Property is currently located within the City of Fruitland Park and is currently zoned "General Commercial" (C-2), Public Facilities District (PFD), Single Family Medium Density Residential (R-2), High Density Residential/Neighborhood Commercial (R-3A), and Greenbelt District (GB) with a future land use designation on the City of Fruitland Park Future Land Use Map of "Mixed Community."

3. Owner has filed applications for rezoning for the Property as a mixed use planned unit development.

4. Owner represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.

5. The City of Fruitland Park has determined that the rezoning of the Property and the proposal for its development presents, among other things, an opportunity for the City to secure quality planning and growth, protection of the environment, and a strengthened and revitalized tax base.

6. Owner will fund certain public improvements and infrastructure to facilitate the development of the Property.

7. The Property is within the City's Chapter 180, Florida Statutes, utility district, and Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

ACCORDINGLY, in consideration of the mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. Recitals. The above recitals are true and correct, are hereby incorporated herein by reference,

and form a material part of this Agreement. All exhibits to this Agreement are hereby deemed a part thereof.

Section 2. Conditions Precedent. Owner has filed an application for rezoning for the Property. It is understood and agreed to by the City and the Owner that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement and adopts an ordinance rezoning the Property. The parties hereto understand and acknowledge that the City is in no way bound to rezone the Property. The City shall have the full and complete right to approve or deny the application for rezoning.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "Conceptual Site Plan" prepared by Florida Engineering Group, Inc., dated _____, and attached as **Exhibit "B"** (the "Plan"). The project shall be developed as a senior (age 55+) mixed use community. All development shall be consistent with City's "PUD" (Planned Unit Development/Mixed Use) zoning district and, subject to City approval. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

Section 4. Permitted Uses. Permitted Uses shall include:

- a. Single family detached residential dwelling units.
- b. Duplex (Villa) dwelling units.
- c. Single family attached residential dwelling units meeting the R-3 standards.
- d. Multi-family residential dwelling units meeting the R-3 standards.
- e. ~~Adult Congregate~~ Assisted Living Facilities. The maximum number of beds shall not exceed 150.
- f. Nursing homes.
- g. Church/Religious Facilities.
- h. All permitted C-1 uses.
- i. Convenience Store with fuel operations.
- j. Restaurants.
- k. Banks.
- l. Athletic/Sports Facilities.
- m. Residential units shall not exceed 900 units.
- n. Passive and Active Recreation Facilities.
- o. Total Commercial Square footage shall not exceed 130,000 square feet.
- p. Total Institutional Square footage shall not exceed 240,000 square feet which includes ~~Adult Congregate Living Facilities~~, Nursing homes and Church/Religious Facilities.
- q. The residential units may be converted to the ~~Adult Congregate~~ Assisted Living Facilities or a Nursing home based on one (1) unit equals three (3) beds; however, in no case shall the maximum number of beds be exceeded as stated in item e above.

Section 5. Residential Development Standards. Development Standards shall be as follows:

- a. The minimum living area shall be 1,000 square feet for the single family detached homes.
- b. The minimum lot size shall be 4,000 square feet for the detached single family homes.
- c. Minimum lot width for detached single-family shall be 40 feet with a minimum lot depth of 100 feet.
- d. Minimum Setback requirements for detached residential units shall be:

Front: Local Roadways - Twenty feet (20')
Garage Setback from Roadway – Twenty-five feet (25')

Side: Local Roadways – Twenty feet (20')
Another Lot - Five feet (5')

Rear: Local Roadway– Twenty feet (20')
Another Lot – Twenty feet (20')

Accessories Setback: All accessory structures shall be located no closer to the property line than five feet (5').

- e. Minimum lot size shall be 4,000 square feet for duplex/villa single-family homes (duplex, villas).

- f. The minimum lot width for duplex/villas shall be 40 feet with a minimum lot depth of 100 feet.

- g. Minimum Setback requirements for duplex/villa single family residential units shall be:

Front: Local Roadways - Twenty feet (20')
Garage Setback from Roadway – Twenty-five feet (25')

Side: Local Roadways – Twenty feet (20')
Another Lot - 0' feet for common walls

Rear: Local Roadway– Twenty feet (20')
Another Lot – Twenty feet (20')

Accessories Setback: All accessory structures shall be located no closer to the property line than five feet (5'). In those areas where the buffer width is greater than five feet (5') and is part of the lot, all accessory structures shall be located outside of the buffer area.

Minimum distance between single-family detached and single family attached structures shall be 10 feet (10') measured from building wall to building wall.

- h. Multi-family development shall meet the R-3 zoning development standards.
- i. Maximum building height shall be limited to thirty five feet (35') for single family; however, if adequate fire protection measures are provided the height limitation may be exceeded, after review by the City Fire Inspector and Building Official with final determination by [the City Commission - Community Development Director](#).

- j. There shall be a maximum of six (6) buildings greater than 35 feet (a/k/a 3 stories) in building height, which shall not exceed 5 stories. No more than six (6) buildings may have a Mmaximum building height for the multi-family uses (garden apartments and condominiums) shall not exceed 5 stories (from finished grade) including parking garage provided adequate fire protection measures are provided as reviewed by the City Fire Inspector and Building Official with final determination by the City Commission Community Development Director. TheseAny multi-story buildings shall maintain a two hundred foot (200') setback from the adjacent development known as Brookstone Subdivision.
- k. Parking: The Applicant will be required to meet the parking requirements of the Fruitland Park Land Development Code for the proposed residential uses except as provided below:
 - Multi-Family Residential – 1.5 spaces per unit
 - Single Family Attached Residential – 1.5 spaces per unit
 - Assisted Living Facilities – 0.25 spaces per bed, plus 1 space per employee (largest shift)
 - Skilled Nursing - 0.25 spaces per bed, plus 1 space per employee (largest shift)
- l. Development adjacent to the Brookstone Subdivision shall consist of one row of single family lots.

Section 7. Residential Design Standards. Design Standards shall be as follows:

- a. **Architectural features** - All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the single family units. Garage vehicle doors shall incorporate the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc. Front doors shall incorporate the following decorative elements: raised decorative panels, decorative glass panels or panes, decorative handles, etc. Designs may vary throughout the development.
 - 1) Dormers
 - 2) Gables
 - 3) Recessed or raised entries
 - 4) Covered porch entries
 - 5) Cupolas
 - 6) Pillars or decorative posts
 - 7) Bay window (minimum 12 inch projections)
 - 8) Eaves (minimum 6-inch projections)
 - 9) Front windows with arched glass tops and minimum 4-inch trim
- b. Building Materials - Exterior building materials contribute significantly to the visual impact of a building on the community. These materials shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:

- 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
- 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a “cementitious” lap siding. (A “cementitious” lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.).
- 3) All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.

Section 8. Commercial and Institutional Development Standards. Development Standards shall be as follows:

- a. Minimum Setback requirements for commercial shall be:

Front: CR 466A – Fifty feet (50’)
Local Roadways - Twenty feet (20’)

Side: Local Roadways – Twenty feet (20’)
Another Lot - Ten feet (10’)

A zero (0) side setback is allowed on one side provided there is a minimum ten feet setback on the opposite side and provided requirements for fire and building codes are met.

Rear: Local Roadway– Twenty feet (20’)
Another Lot – Twenty feet (20’)

Accessories Setback: All accessory structures shall be located no closer to the property line than ten feet (10’).

Required landscape buffers shall supersede the minimum dimensions permitted by this Section.

- b. The maximum impervious surface ratio for the property (which includes building coverage) shall be limited to eighty percent (80%).
- c. [Maximum building height along CR 466A shall be limited to two \(2\) stories \(from finished grade\).](#) Maximum building height, [excluding- along CR 466A](#) shall be limited to four (4) stories (from finished grade) provided that adequate fire protection measures are provided as determined by the City Fire Inspector and Building Official. [Any multi-story buildings shall maintain a two hundred foot \(200’\) setback from the adjacent development known as Brookstone Subdivision.](#)
- d. Maximum building height shall be limited to ninety-five feet (95’) for accessory decorative structures such as, but not limited to, steeples or spires.

- e. Parking: The Applicant will be required to meet the parking requirements of the Fruitland Park Land Development Regulations for the proposed uses except as provided below:
House of Worship – 1 space per three (3) seats (fixed seats) of 1 space per 30 gross square feet (without fixed seats)
Ancillary Uses – 3 spaces per 1000 square feet (3.0 spaces/KSF)
- f. Commercial access: Access to the commercial development areas shall be primarily from the entrance boulevard with access to CR 466A. Pedestrian access shall be provided from the residential areas to the commercial area utilizing a trail system which shall be reviewed during the site plan or subdivision review process.
- f.g. The maximum floor area ratio shall be seventy percent (70% or 0.70) and the maximum impervious surface ratio shall be eighty percent (80% or 0.80).

Section 9. Commercial and Institutional Design Standards. The Applicant shall be required to meet the nonresidential design standard requirements of the Fruitland Park Land Development Regulations.

Section 10. Development Phasing. The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan (attached^[AG1] as part of these conditions). Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.

Section 11. Site Access and Transportation Improvements. Vehicular access to the project site shall be provided by a minimum of two access points, one primary access on CR 466A and one access on Pine Ridge Dairy Road. The primary access shall be through a divided landscaped boulevard type road. Actual location and design of the boulevard shall be determined during the Site Plan and/or Preliminary Subdivision Plan review process and shall include consideration of sidewalks on both sides of the boulevard, recreation paths etc. Other potential vehicular and pedestrian accesses will be reviewed during the development review process.

- a. The Permittee shall provide all necessary improvements/signalization within and adjacent to the development as required by Lake County and City of Fruitland Park.
- b. All roads within the development shall be designed and constructed by the developer to meet the City of Fruitland Park requirements.
- c. Sidewalks shall be provided on both sides of the local internal roads and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalks. All sidewalks shall be constructed in accordance with City of Fruitland Park Codes.
- d. The City of Fruitland Park will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- e. Should the Permittee desire to dedicate the proposed project's internal road system to the City of Fruitland Park; the City, at its discretion, may accept or not accept the road system. Prior to acceptance, the Permittee shall demonstrate to the City the road system is in suitable condition and meets City of Fruitland Park requirements. As a condition of accepting the roadway system the City may create a special taxing

district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project, and may require bonds or other financial assurance of maintenance for some period of time

f. A traffic/transportation study shall be submitted prior to preliminary subdivision plan approval for review and determination of any necessary access improvements if required by Lake County. Said improvements will be the responsibility of the Permittee.

g. At such time that traffic signals are warranted at the proposed project entrance, the Permittee shall pay their pro-rata share of the cost of the signal(s) as determined by City staff.

g.h. Pine Ridge Dairy Road shall only be utilized for emergency access only until Pine Ridge Dairy Road is improved to Lake County standards.

Section 12. Lighting. All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way and parking areas.

Section 13. Water, Wastewater, and Reuse Water. Subject to the terms herein, Owner and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City ~~when available~~. Owner covenants and warrants to City that it will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. Notwithstanding the foregoing, private wells for irrigation purposes will be allowed within the Property so long as such wells are approved and permitted by the St. Johns River Water Management District (the "District") and comply with the rules and regulations of the District. Owner shall construct, at Owner's expense, all on-site utility facilities (e.g. lift stations and lines) as well as pay for the extension of facilities from City's current point of connection. Owner shall also construct, at Owner's expense, "dry" utility lines for reclaimed water purposes. All such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction.

Section 14. Impact Fees. Owner shall be required to pay impact fees as established by City from time to time, including water and wastewater impact fees. The amount to be paid shall be the adopted impact fee rate at the time the building permit is issued. Notwithstanding the foregoing, Owner shall pay water and wastewater impact fees at the rate of \$3,080.00 per ERU for wastewater (sewer) and \$985.00 per ERU for water.

Owner agrees to pay all other impact fees and any impact fees adopted after the execution of this Agreement as building permits are issued. If impact fees increase from the time they are paid until the building permit is issued, Owner shall pay the incremental increased amount at the time building permits are issued. Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner agrees and understands that no capacity has been reserved and that Owner assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of site plan and City is willing to allocate such capacity to Owner, Owner shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

Section 15. Easements. Owner shall provide the City such easements or right of way in form acceptable to the City Attorney, as the City deems necessary for the installation and maintenance of roads,

sidewalks, bikeways, street lighting or utility services, including but not limited to sewer, water, drainage and reclaimed water services.

Section 16. Landscaping/Buffers. Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a twenty-five foot (25') landscape buffer along CR 466A; ~~and~~ a twenty-five foot (25') buffer along the southern property boundaries abutting existing residential, and a fifty foot (50') buffer along the eastern property boundary adjacent to the Brookstone Subdivision as shown on the Conceptual Plan consisting of four (4) canopy trees, two (2) understory trees, and fifteen (15) shrubs per one hundred feet (100'); however, no buffer shall be required along the perimeter boundary adjacent to the wetlands. A fifteen foot (15') native buffer shall be provided onsite adjacent to the wetlands. All landscaping and tree protection shall comply with Chapter 164 of the City of Fruitland Park Land Development Regulations. The perimeter landscaping buffer adjacent to the Brookstone Subdivision shall utilize existing natural landscape and supplement with additional plantings to meet the landscaping requirements set forth in this PUD and the City's LDR's.

Owner shall, at its sole expense, install underground irrigation systems on all common areas of the Property, as well as exercise any other measures reasonably necessary to ensure the long-term maintenance of the landscaping.

Owner shall design and construct, at its sole expense, the interior landscaped areas and islands within the parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner shall maintain such areas.

Owner acknowledges City's goal of achieving a greater level of tree preservation within the City. In aid of such goal, Owner agrees to comply with all applicable City of Fruitland Park Land Development Regulations pertaining to tree removal and replacement.

Section 17. Stormwater Management. Owner agrees to provide at Owner's expense a comprehensive stormwater management system consistent with all regulatory requirements of the City and the St. John's River Water Management District. Impacts to flood plains are allowed in accordance with the Water Management District procedures for compensating storage and will be based on the 100-year floodplain established by Lake County.

Section 19. Other Municipal Facilities/Services. The City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under the same terms and conditions and in the same manner as are afforded to all other commercial property owners within the City.

Section 20. Environmental Considerations. The Owner agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

Section 21. Signage. Owner shall submit a master sign plan as a component of the final site plan (i.e., construction plan) application for the Property. Such plan shall be in compliance with all applicable regulations contained within the City of Fruitland Park Land Development Regulations, unless City grants a waiver or variance pursuant to the City's Land Development Regulations. Alternatively, the Owner, in

the Owner's discretion, may apply to amend the PUD to incorporate a Master Signage Plan at the time that the Owner desires to install signage at the development.

Section 22. Title Opinion. Owner shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to the Property to be in the name of the Owner and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

Section 23. Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies. All improvements and infrastructure shall be constructed to City standards.

Section 24. Due Diligence.

The City and Owner further agree that they shall commence all reasonable actions necessary to fulfill their obligations hereunder and shall diligently pursue the same throughout the existence of this Agreement. The City shall further provide all other municipal services to the Property as are needed by Owner from time to time in accordance with the City's applicable policies for the provision of said services.

Section 25. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law. This is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220 – 163.3243, *Florida Statutes*.

Section 26. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

Section 27. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 28. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party or any right, power, or privilege hereunder operate as a waiver of any other right, power, privilege hereunder, nor will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof or the exercise of any other right, power, or privilege hereunder.

Section 29. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 30. Notice. Any notice to be given shall be in writing and shall be sent by certified mail, return receipt requested, to the party being noticed at the following addresses or such other address as the parties shall provide from time to time:

As to City:	City Manager City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Chris Cheshire, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone Anita Geraci-Carver Law Office of Anita Geraci-Carver, P.A. 1560 Bloxam Avenue
	Clermont, Florida 34711 352-243-2801 Telephone 352-243-2768 Facsimile
As to Owner:	First Baptist Church of Leesburg, Inc. 220 W. 13th Street Leesburg, FL 34748-4962
Copy to:	

Section 31. Entire Agreement. This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Owner from complying with the law governing said permitting requirements, conditions, terms or restrictions.

Section 32. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner, or the effective date of the annexation of the Property, whichever occurs later, and shall terminate twenty (20) years thereafter; provided, however,

that the term of this Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing.

Section 33. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 34. Severability. If any part of this Developer’s Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer’s Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer’s Agreement is declared severable.

IN WITNESS WHEREOF, the Owner and the City have executed this Agreement as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

FIRST BAPTIST CHURCH OF LEESBURG, INC.,

Witness Signature

By: _____
Gary Teague, President/Trustee

Print Name

Witness Signature

By: _____
Arthur A. Ayris, Secretary/Trustee

Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____ by Gary Teague and Arthur A. Ayris who are personally known to me or who have produced _____ as identification and who did (did not) take an oath.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

ACCEPTED BY THE CITY OF FRUITLAND PARK

Approved as to form and
Legality for use and reliance
by the City of Fruitland Park

By: _____
Chris Cheshire, Mayor

Date: _____

Anita Geraci-Carver
City Attorney

ATTEST: _____
Esther B. Coulson
City Clerk

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, _____, City Clerk of the City of Fruitland Park, Florida, who are personally known to be me and they acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Fruitland Park, Florida.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

EXHIBIT "A"
LEGAL DESCRIPTION

EXHIBIT "B"

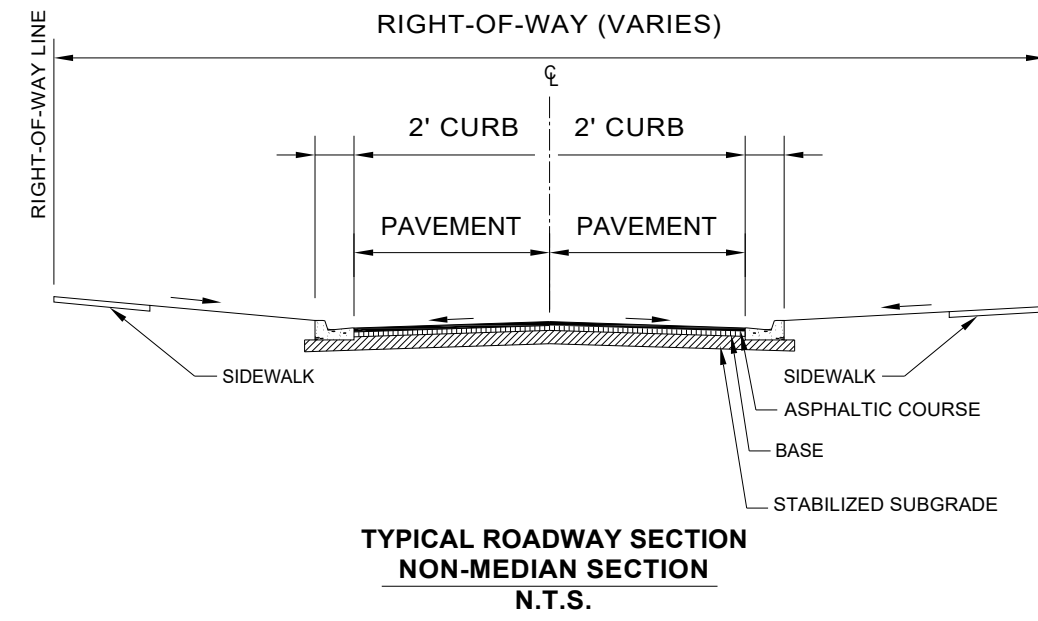
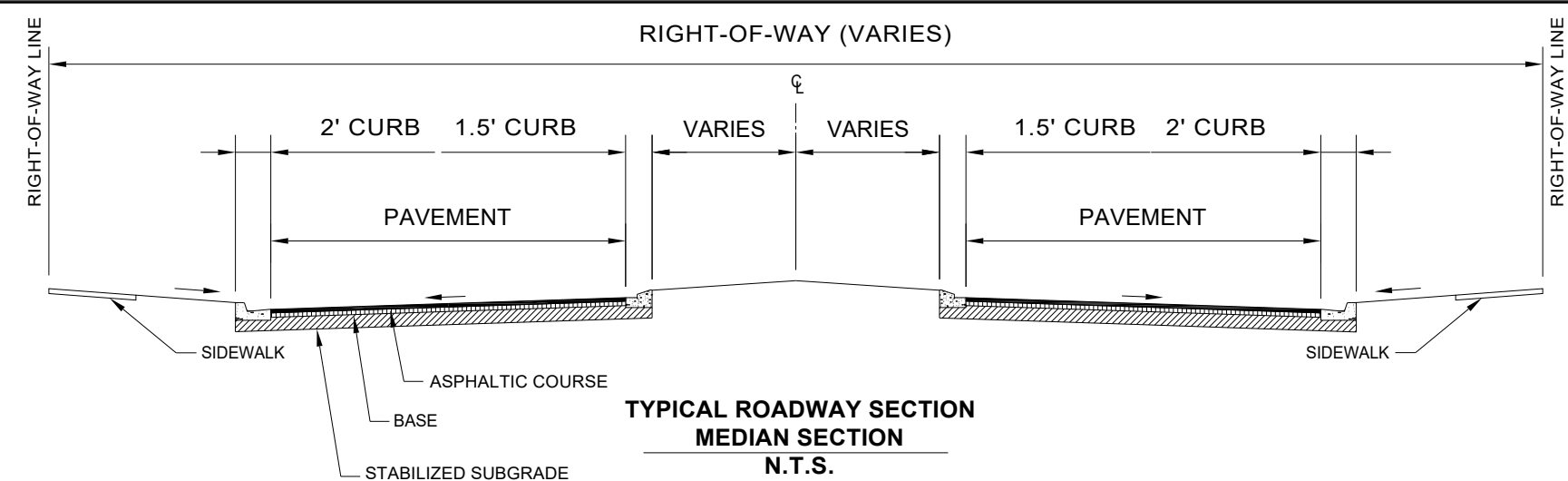
THE PLAN

LEGAL DESCRIPTION

THAT LAND LYING IN SECTIONS 5, 7 AND 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 8, RUN S89°39'50"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 210.00 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8, ALSO BEING THE EASTERLY BOUNDARY OF VILLAGES OF FRUITLAND PARK UNIT NO. 27 AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE AND SAID EASTERLY BOUNDARY, S00°47'54"W, 350.15 FEET TO THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 28 AS RECORDED IN PLAT BOOK 66, PAGES 54 THROUGH 55, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE DEPARTING THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27 AND ALONG THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 THE FOLLOWING COURSES: S00°47'54"W, 244.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8 AND ALONG SAID SOUTH LINE, N89°39'50"W, 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG SAID EAST LINE, S00°47'54"W, 589.01 FEET TO THE SOUTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 AND A POINT ON THE NORTH LINE OF THE SOUTH 160.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EASTERLY BOUNDARY, SAID EAST LINE AND ALONG SAID NORTH LINE, S89°40'49"E, 611.54 FEET; THENCE DEPARTING SAID NORTH LINE AND ALONG THE FOLLOWING BOUNDARIES: VILLAGES OF FRUITLAND PARK, UNIT NO. 29, AS RECORDED IN PLAT BOOK 66, PAGE 71 THROUGH 73, INCLUSIVE, VILLAGES OF FRUITLAND PARK, UNIT NO. 31, AS RECORDED IN PLAT BOOK 66, PAGE 74 THROUGH 82, INCLUSIVE, SAID BOUNDARIES ALSO BEING THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4415, PAGE 1806, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE S00°46'30"W, 425.68 FEET; THENCE S31°15'56"W, 733.08 FEET; THENCE S00°47'54"W, 35.45 FEET; THENCE S43°54'50"E, 75.41 FEET; THENCE S49°19'38"E, 80.87 FEET; THENCE S45°31'17"E, 45.42 FEET; THENCE S57°57'35"E, 31.06 FEET; THENCE S27°16'42"E, 46.23 FEET; THENCE S36°00'06"E, 62.89 FEET; THENCE S26°28'20"E, 49.91 FEET; THENCE S32°28'21"E, 80.27 FEET; THENCE S29°57'55"E, 60.93 FEET; THENCE S75°47'10"E, 99.18 FEET; THENCE S07°22'59"E, 55.03 FEET; THENCE S04°58'53"E, 28.31 FEET; THENCE S03°51'23"E, 57.52 FEET; THENCE S03°23'32"W, 15.26 FEET; THENCE S75°48'45"W, 38.64 FEET; THENCE S12°05'00"W, 92.40 FEET; THENCE S24°08'42"W, 41.93 FEET; THENCE S11°20'47"W, 21.80 FEET; THENCE S00°21'45"W, 90.73 FEET; THENCE S40°46'06"W, 53.01 FEET; THENCE S53°05'55"W, 104.34 FEET; THENCE S49°53'36"W, 70.59 FEET; THENCE S48°18'47"W, 37.84 FEET; THENCE S61°43'23"W, 48.54 FEET; THENCE S62°49'12"W, 50.56 FEET; THENCE S59°14'26"W, 52.64 FEET; THENCE

S70°58'32"W, 38.87 FEET; THENCE S35°38'27"W, 2,364.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE DEPARTING THE BOUNDARIES OF SAID SUBDIVISIONS AND THE BOUNDARY OF OFFICIAL RECORDS BOOK 4415, PAGE 1806; RUN THENCE ALONG SAID SOUTH LINE, S89°06'25"E, 914.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7 AND ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8, S89°14'24"E, 1,330.47 FEET TO THE EAST LINE OF THE WEST 1/4 OF SAID SECTION 8; THENCE ALONG SAID EAST LINE, N00°42'44"E, 2,636.42 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE N00°46'31"E, 1,343.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, S89°40'49"E, 1,331.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N00°44'42"E, 1,343.27 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE DEPARTING SAID EAST LINE AND ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N89°39'42"W, 1,330.49 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, N00°34'38"E, 1,263.10 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD 466-A, AS PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, N89°14'18"W, 1,118.09 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID EAST LINE OF THE WEST 210.00 FEET AND THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27, S00°42'41"W, 1,271.43 FEET TO THE POINT OF BEGINNING.
CONTAINING 205.76 ACRES, MORE OR LESS.



NOTE: ALL STREETS WILL BE PRIVATE BUT CONSTRUCTED TO CITY STANDARDS

PROPOSED USES

- COMMERCIAL
- RESIDENTIAL
- INSTITUTIONAL
- ROADWAY/PARKING/PONDS
- OPEN SPACE/PARK/RECREATION
- PROPOSED BUFFER - (A)

OWNERS/APPLICANTS

FIRST BAPTIST CHURCH OF LEESBURG
220 N. 13TH STREET
LEESBURG, FL 34748

PRESBYTERIAN RETIREMENT COMMUNITIES, INC.
80 W. LUCERNE CIRCLE
ORLANDO, FL 32801
(407) 839-5050

ENGINEER

FLORIDA ENGINEERING GROUP, INC.
5127 S. ORANGE AV, SUITE 200
ORLANDO, FL 32809
(407) 895-0324

SURVEYOR

FARNER BARLEY & ASSOCIATES, INC.
4450 NE 83RD ROAD
WILDWOOD, FL 34785
(352) 784-3126

SITE DATA

PROPERTY LOCATION: COUNTY ROAD 466A
FRUITLAND PARK, FLORIDA

PARCEL ID NUMBER: 05-19-24-0003-00022-00-000F

EXISTING PROPERTY ZONING: R-2(SINGLE FAMILY); R-3A(HDR & LIGHT COMMERCIAL); C-2(GENERAL COMMERCIAL); PFD(PUBLIC FACILITY DIST) AND GB(GREEN BELT)

PROPOSED PROPERTY ZONING: PUD

PROPERTY FUTURE LAND USE DESIGNATION: PUD

EXISTING USE: VACANT

PROPOSED USE: MULTI-USE

(RESIDENTIAL, COMMERCIAL & INSTITUTIONAL)

THIS DEVELOPMENT WILL BE AN AGE RESTRICTED 55+ COMMUNITY

205.76 ACRES

PROJECT AREA: MIXED USES ON THIS PROPERTY SHALL INCLUDE AT LEAST TWO (2) OF THE THREE (3) USES IN THE FOLLOWING TABLE:

USE	MINIMUM	MAXIMUM
RESIDENTIAL	15%	65%
COMMERCIAL	5%	30%
INSTITUTIONAL	5%	35%

PERMITTED USES ARE ALL OF THE USES LISTED UNDER R-1, R-2, R-3, R-P, AND C-1 ZONING DISTRICTS. USES ALSO ALLOWED WITHOUT SPECIAL EXCEPTION APPROVAL ARE: CHURCH/RELIGIOUS FACILITIES, CONVENIENCE STORES WITH FUEL OPERATIONS, RESTAURANTS, BANKS, AND ATHLETIC/SPORTS FACILITY USES. USES THAT ARE PROHIBITED ARE: MOBILE HOMES PARKS, HOMESTAY BED & BREAKFAST, OFFICE/WAREHOUSE FACILITIES, AND MINI-WAREHOUSES.

ALLOWABLE DENSITY:

MAXIMUM ALLOWABLE DENSITY: 900 DU

NON-RESIDENTIAL:
MAXIMUM ALLOWED FAR - 0.70
MAXIMUM ALLOWED ISR - 0.80

PROPOSED NON-RESIDENTIAL

	MAXIMUM COMM. (SF)	MAXIMUM INST. (SF)	FAR: 0.04<0.7
TOTAL	190,000	180,000	

OPEN SPACE:
REQUIRED: 20% (MIN.: 41.2 AC)
PROVIDED: 46.2% (95± AC)(PARK AND RECREATION)

OPEN SPACES MAY BE ADJUSTED IN THE FUTURE BASED ON MARKET DEMANDS, HOWEVER, A MINIMUM OF 20% OPEN SPACE WILL BE PROVIDED.

BUFFER YARDS

	BUFFER (1)
FRONT (NORTH)	10'
SIDE (EAST)	10'
SIDE (WEST)	25'
REAR (SOUTH)	25' (ALONG PINE RIDGE DAIRY ROAD)

(1) SEE SITE PLAN FOR BUFFER LOCATIONS

LOT REQUIREMENTS:

SCHEDULE OF DIMENSIONAL REQUIREMENTS								
District	Min. Living Area/DU (SF)	Min. Lot Width (FT)	Max. Building Cover (%)	Min. Open Space (%)	Max. Building Height (N.T.E.) (2) (FT)	Min. Building Setback (1) (FT)		
						Front (4)	Side	Rear
RES (DETACHED)(ILF)	1,000	40	50	10	35	20	5	20
RES (ATTACHED)(ILF)(3)	1,000	20	50	10	35	20	0	20
INSTITUTIONAL	N/A	100	N/A	10	95	20	5	20
COMMERCIAL	N/A	100	N/A	10	95	20	5	20

- ACCESSORY STRUCTURE SETBACKS (I.E. - WOOD DECK, SWIMMING POOL & DECK, SCREEN POOL ENCLOSURE) CAN BE REDUCED TO 5'.
- MAXIMUM HEIGHT FOR SPECIFIC STRUCTURES (I.E. - ANTENNA-DISH (GROUND MOUNTED); FREE STANDING CARPORTS; RESIDENTIAL STORAGE BUILDINGS): 20'.
- APPLIES TO TOWNHOMES AND ATTACHED VILLAS.
- FRONT (GARAGE SETBACK): 25'

- NOTES:**
- THIS PLAN IS PREPARED BASED ON CURRENT NEEDS AND ANTICIPATED DEVELOPMENT PROGRAM. HOWEVER, THE PLAN AND DEVELOPMENT PROGRAM ARE SUBJECT TO CHANGE BASED ON FUTURE MARKET CONDITIONS AND DEMANDS.
 - STORMWATER MANAGEMENT WILL BE ADDRESSED BY EACH PROJECT DURING THE CONSTRUCTION PLAN REVIEW PROCESS. STORMWATER MANAGEMENT WILL BE PROVIDED IN SHARED PONDS OR SEPARATE PONDS LOCATED WITHIN THE INDIVIDUAL PARCELS.
 - NEGOTIATIONS ARE IN THE PROCESS TO POTENTIALLY PROVIDE A GOLF CART PATH TO THE PROPERTY FROM THE VILLAGES.

UTILITIES STATEMENT

WATER AND SEWER SERVICES WILL BE PROVIDED BY THE CITY OF FRUITLAND PARK UTILITY DEPARTMENT. THE WATER CONNECTIONS WILL BE MADE TO THE EXISTING MAINS LOCATED ALONG PINE RIDGE DAIRY ROAD AND COUNTY ROAD 466A. THE SEWER CONNECTION WILL BE MADE TO THE EXISTING FORCEMAIN LOCATED ALONG COUNTY ROAD 466A.

FLOOD ZONE

FLOOD ZONE X AND A PER FEMA F.I.R.M. PANELS 305 AND 306 OF 750 DATED: 12/18/2012.

WETLAND STATEMENT

THIS PROJECT CONTAINS JURISDICTIONAL WETLANDS. THE APPROXIMATE WETLAND LOCATIONS ARE SHOWN HEREON. THE ACTUAL LIMITS OF THE WETLANDS WILL BE DETERMINED PRIOR TO FINAL CONSTRUCTION PLAN PREPARATION.

STORMWATER CRITERIA

STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH CHAPTER 158 OF THE CITY OF FRUITLAND PARK L.D.R. AND ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT'S CRITERIA.

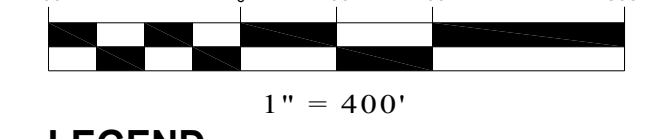
FIRE CODE

THE PROPOSED DEVELOPMENT WILL BE DESIGNED IN ACCORDANCE WITH CHAPTER 161 OF THE CITY OF FRUITLAND PARK L.D.R., STATE, AND FEDERAL FIRE CODE REQUIREMENTS.

TREE AND LANDSCAPING

LANDSCAPING AND TREE PROTECTION WILL BE PROVIDED IN ACORDANCE WITH CHAPTER 164 OF THE CITY OF FRUITLAND PARK L.D.R.

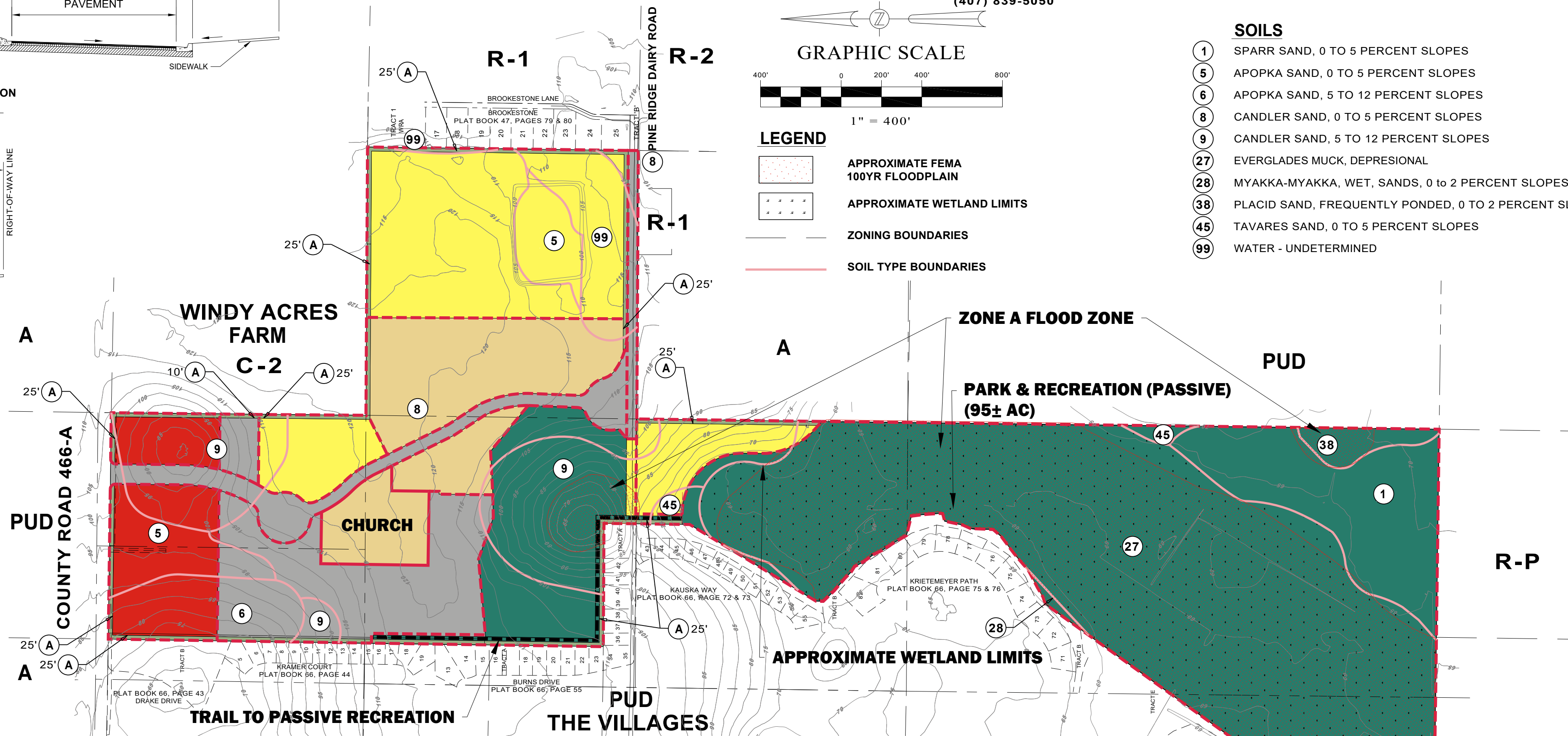
GRAPHIC SCALE



1" = 400'

LEGEND

- APPROXIMATE FEMA 100YR FLOODPLAIN
- APPROXIMATE WETLAND LIMITS
- ZONING BOUNDARIES
- SOIL TYPE BOUNDARIES

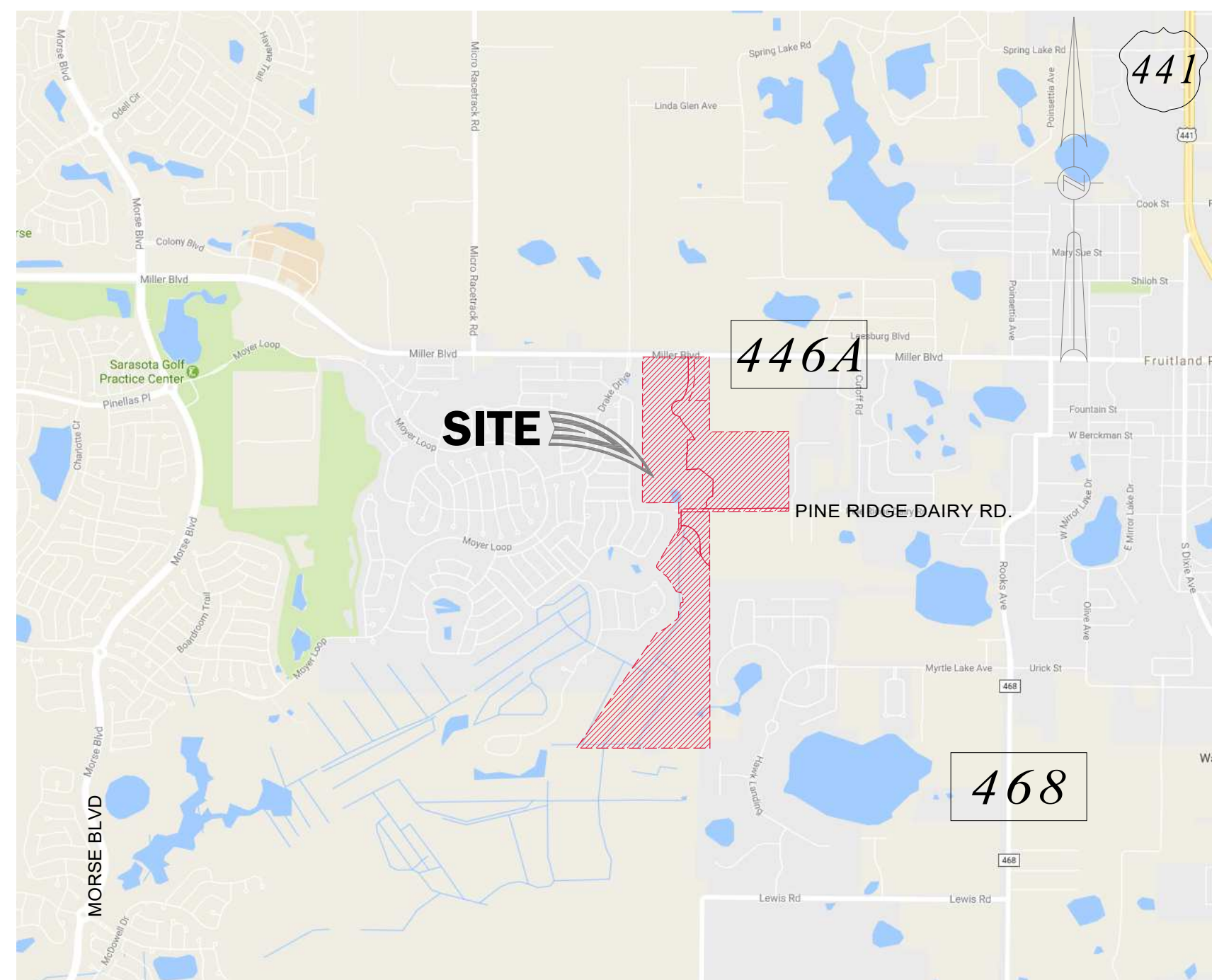


LEGAL DESCRIPTION
THAT LAND LYING IN SECTIONS 5, 7 AND 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 8, RUN S89°39'50"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 210.00 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8, ALSO BEING THE EASTERLY BOUNDARY OF VILLAGES OF FRUITLAND PARK UNIT NO. 27 AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE AND SAID EASTERLY BOUNDARY, S00°47'54"W, 350.15 FEET TO THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 28 AS RECORDED IN PLAT BOOK 66, PAGES 54 THROUGH 55, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE DEPARTING THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27 AND ALONG THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 THE FOLLOWING COURSES: S00°47'54"W, 244.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8 AND ALONG SAID SOUTH LINE, N89°39'50"W, 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG SAID EAST LINE, S00°47'54"W, 589.01 FEET TO THE SOUTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 AND A POINT ON THE NORTH LINE OF THE SOUTH 160.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EASTERLY BOUNDARY, SAID EAST LINE AND ALONG SAID NORTH LINE, S89°40'49"E, 611.54 FEET; THENCE DEPARTING SAID NORTH LINE AND ALONG THE FOLLOWING BOUNDARIES: VILLAGES OF FRUITLAND PARK, UNIT NO. 29, AS RECORDED IN PLAT BOOK 66, PAGE 71 THROUGH 73, INCLUSIVE, VILLAGES OF FRUITLAND PARK, UNIT NO. 31, AS RECORDED IN PLAT BOOK 66, PAGE 74 THROUGH 82, INCLUSIVE, SAID BOUNDARIES ALSO BEING THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4415, PAGE 1806, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE S00°46'30"W, 425.68 FEET; THENCE S31°15'56"W, 733.08 FEET; THENCE S00°47'54"W, 35.45 FEET; THENCE S43°54'50"E, 75.41 FEET; THENCE S49°19'38"E, 80.87 FEET; THENCE S45°31'17"E, 45.42 FEET; THENCE S57°57'35"E, 31.06 FEET; THENCE S27°16'42"E, 46.23 FEET; THENCE S36°00'06"E, 62.89 FEET; THENCE S26°28'20"E, 49.91 FEET; THENCE S32°28'21"E, 80.27 FEET; THENCE S29°57'55"E, 60.93 FEET; THENCE S75°47'10"E, 99.18 FEET; THENCE S07°22'59"E, 55.03 FEET; THENCE S04°58'53"E, 28.31 FEET; THENCE S03°51'23"E, 57.52 FEET; THENCE S03°23'32"W, 15.26 FEET; THENCE S75°48'45"W, 38.64 FEET; THENCE S12°05'00"W, 92.40 FEET; THENCE S24°08'42"W, 41.93 FEET; THENCE S11°20'47"W, 21.80 FEET; THENCE S00°21'45"W, 90.73 FEET; THENCE S40°46'06"W, 53.01 FEET; THENCE S53°05'55"W, 104.34 FEET; THENCE S49°53'36"W, 70.59 FEET; THENCE S48°18'47"W, 37.84 FEET; THENCE S61°43'23"W, 48.54 FEET; THENCE S62°49'12"W, 50.56 FEET; THENCE S59°14'26"W, 52.64 FEET; THENCE S70°58'32"W, 38.87 FEET; THENCE S35°38'27"W, 2,364.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE DEPARTING THE BOUNDARIES OF SAID SUBDIVISIONS AND THE BOUNDARY OF OFFICIAL RECORDS BOOK 4415, PAGE 1806; RUN THENCE ALONG SAID SOUTH LINE, S89°06'25"E, 914.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7 AND ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8, S89°14'24"E, 1,330.47 FEET TO THE EAST LINE OF THE WEST 1/4 OF SAID SECTION 8; THENCE ALONG SAID EAST LINE, N00°42'44"E, 2,636.42 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE N00°46'31"E, 1,343.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8, S89°40'49"E, 1,331.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8, N00°44'42"E, 1,343.27 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE DEPARTING SAID EAST LINE AND ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N89°39'42"W, 1,330.49 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, N00°34'38"E, 1,263.10 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD 466-A, AS PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, N89°14'18"W, 1,118.09 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID EAST LINE OF THE WEST 210.00 FEET AND THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27, S00°56'55"W, 1,271.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 205.76 ACRES, MORE OR LESS.

SITE VICINITY MAP



NOT TO SCALE

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK					
DATE	REVISIONS	BY	CHECKED		

WESTMINSTER PINE RIDGE
PUD REZONING
CITY OF FRUITLAND PARK, FLORIDA

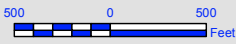
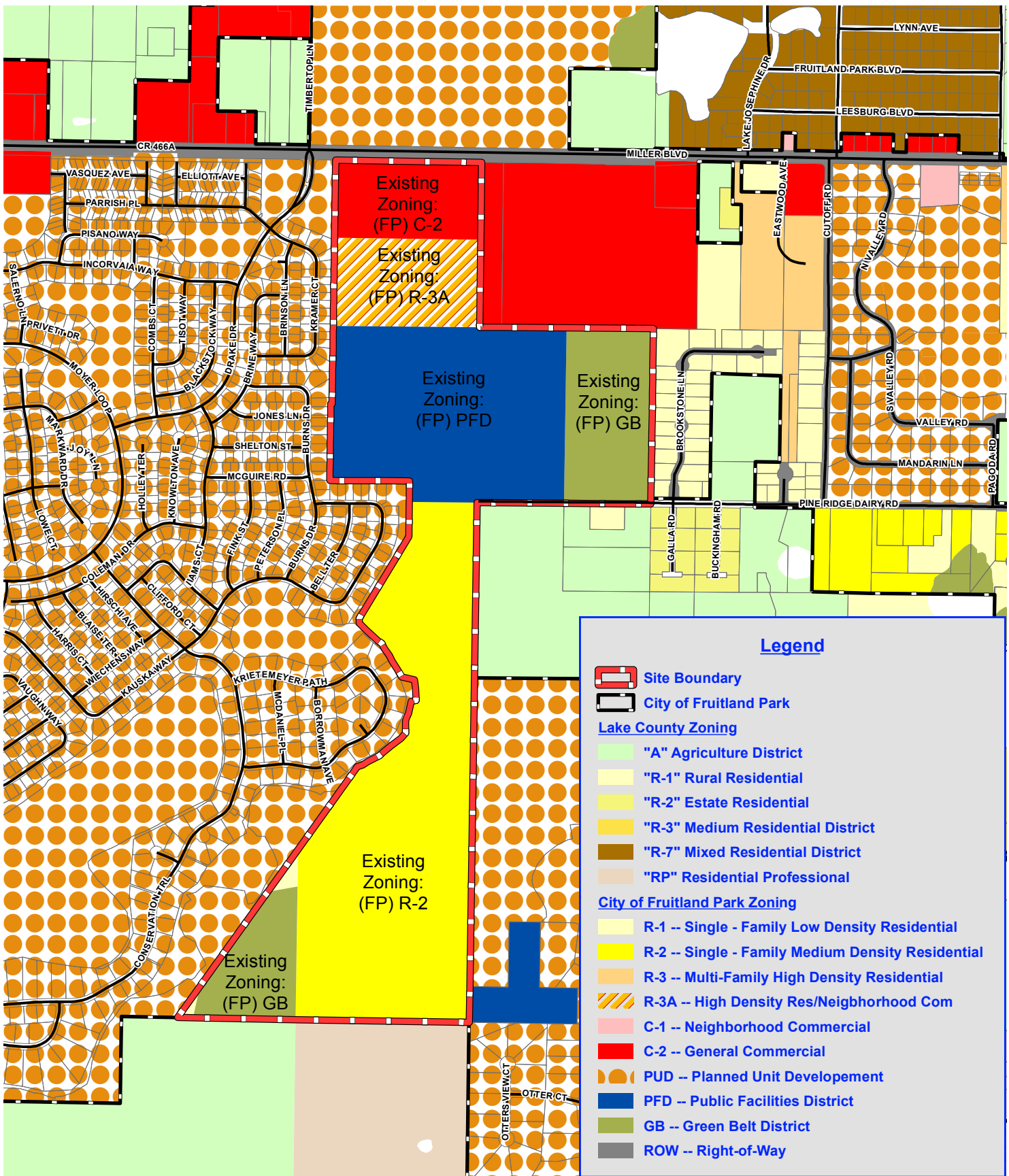


5127 S. Orange Avenue,
Suite 200
Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325
www.feg-inc.us

PUD EXHIBIT PLAN

DESIGNED BY GRC	DRAWN BY DG	CHECKED BY GRC	APPROVED BY GRC
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PROJECT NO.	16-043
SCALE	1" = 400'
DATE	AUGUST 7, 2017
SHEET NO.	C-1
SHEET	1 OF 1



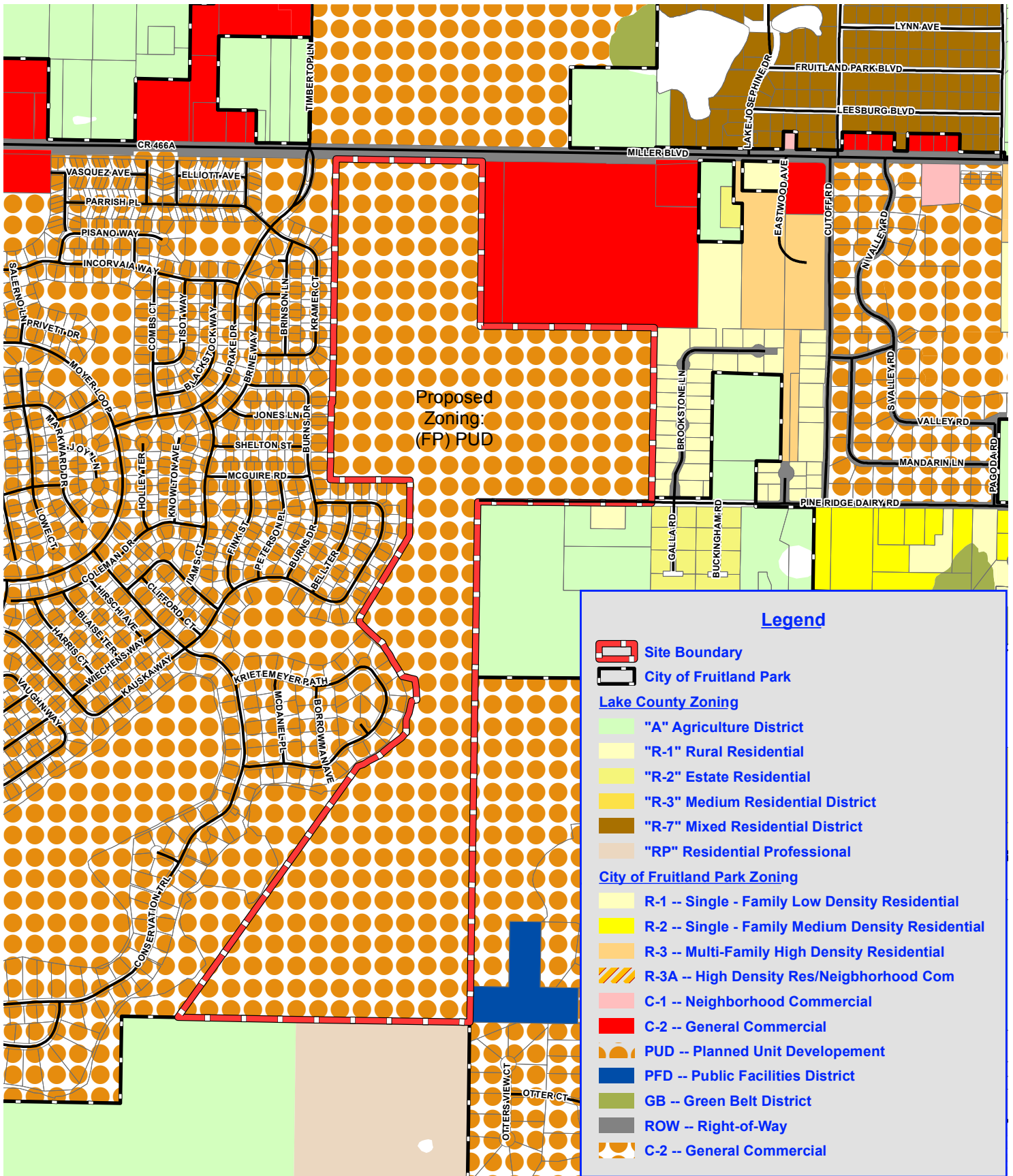
1 inch = 1,000 feet

**City of Fruitland Park
 First Baptist Church of Leesburg, Inc**

Lake County, Florida
 Existing Zoning

Project: 398-17-03
 File: Existing Zoning.mxd
 Name: First Baptist
 PM: Sherie Lindh
 Date: June 14, 2017
 Created By: J.Wilson

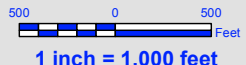




Proposed
Zoning:
(FP) PUD

Legend

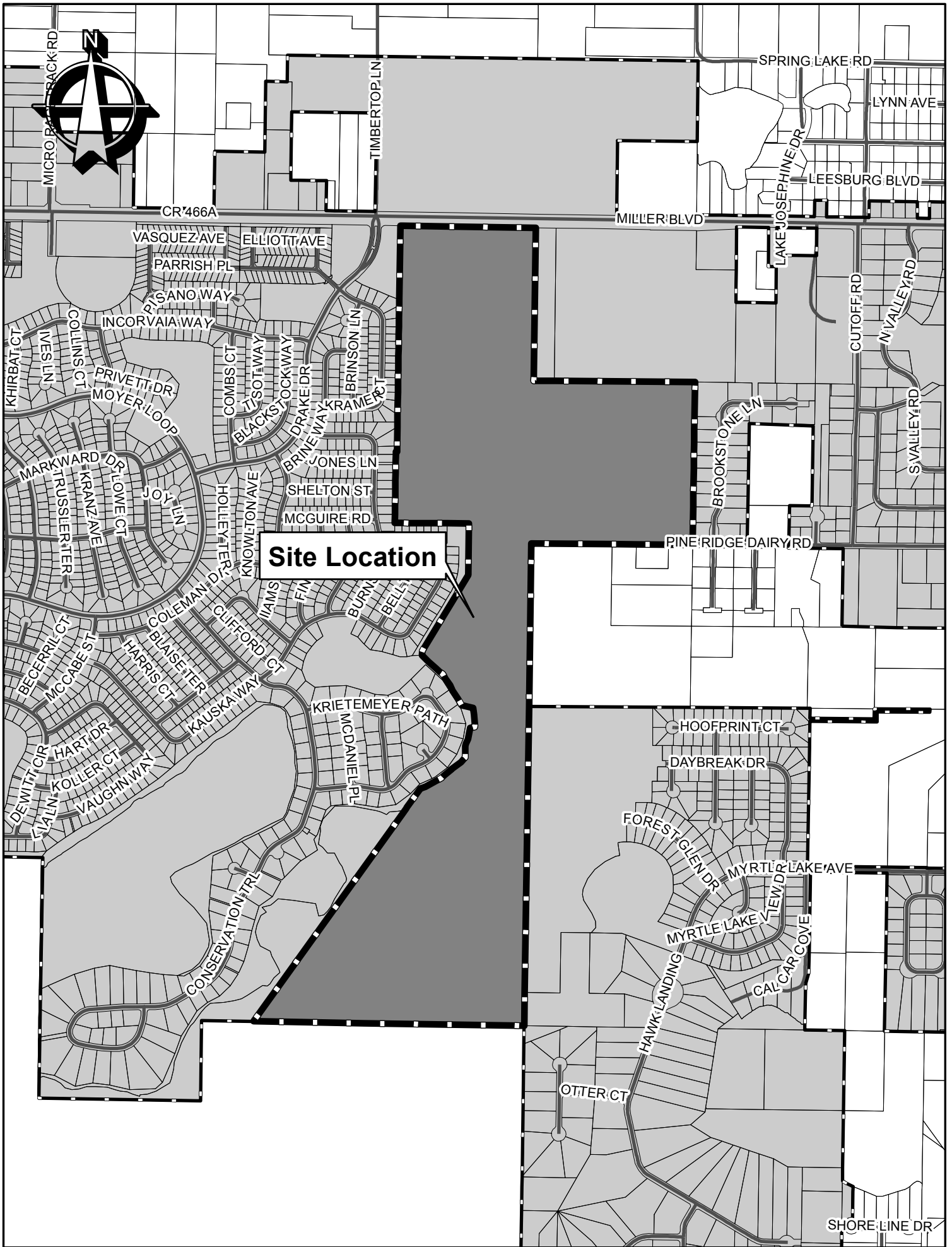
- Site Boundary
- City of Fruitland Park
- Lake County Zoning**
- "A" Agriculture District
- "R-1" Rural Residential
- "R-2" Estate Residential
- "R-3" Medium Residential District
- "R-7" Mixed Residential District
- "RP" Residential Professional
- City of Fruitland Park Zoning**
- R-1 -- Single - Family Low Density Residential
- R-2 -- Single - Family Medium Density Residential
- R-3 -- Multi-Family High Density Residential
- R-3A -- High Density Res/Neighborhood Com
- C-1 -- Neighborhood Commercial
- C-2 -- General Commercial
- PUD -- Planned Unit Development
- PFD -- Public Facilities District
- GB -- Green Belt District
- ROW -- Right-of-Way
- C-2 -- General Commercial



City of Fruitland Park
First Baptist Church of Leesburg, Inc
 Lake County, Florida
 Proposed Zoning

Project: 398-17-03
 File: Proposed Zoning.mxd
 Name: First Baptist
 PM: Sherie Lindh
 Date: June 14, 2017
 Created By: J.Wilson





Site Location

MICRO BACK RD
CR'466A
VASQUEZ AVE
ELLIOTT AVE
PARRISH PL
RISANO WAY
INCORVAIA WAY
COLINS CT
PRIVETT DR
MOYER LOOP
MARKWARD DR
TRUSSERTER
KRAZANE
DR TOWE CT
JOY LN
COMBS CT
T SOT WAY
BLACKSTOCK WAY
BRINEWAY
DRAKE DR
BRINSON LN
KRAMER RT
JONES LN
SHELTON ST
MCGUIRE RD
HOLLEY AVE
EVAN TOWNE
KNOWTON AVE
COLEMAN DR
GLIFFORD CT
BLASETER
HARRIS CT
KAUSKA WAY
KRIEMMEYER PATH
MCDANIEL PL
CONSERVATION TRL
MILLER BLVD
SPRING LAKE RD
LYNN AVE
LEESBURG BLVD
LAKE JOSEPHINE DR
CUTOFF RD
N VALLEY RD
S VALLEY RD
BROOKSTONE LN
PINE RIDGE DAIRY RD
HOOFPRI CT
DAYBREAK DR
FOREST GLEN DR
MYRTLE LAKE AVE
MYRTLE LAKE VIEW DR
CALCAR COVE
HAWK LANDING
OTTER CT
SHORE LINE DR

The Villages[®] DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

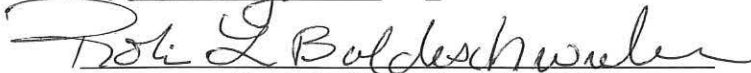
Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad # 785539** in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2018-002**, was published in said newspaper in the issues of

JANUARY 3, 2018
JANUARY 12, 2018

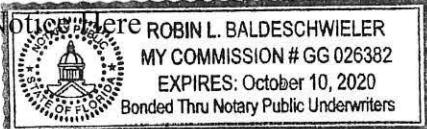
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he 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 to and subscribed before me this 25
day January 2018.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____

Attach Notice Here 
ROBIN L. BALDESCHWIELER
MY COMMISSION # GG 026382
EXPIRES: October 10, 2020
Bonded Thru Notary Public Underwriters

NOTICE OF PUBLIC HEARINGS ORDINANCE 2018 - 002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 14.95 + ACRES OF THE PROPERTY FROM GENERAL COMMERCIAL (C-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 52.70 +/- ACRES OF PROPERTY FROM PUBLIC FACILITIES DISTRICT (PFD) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 85.44 +/- ACRES OF PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 17.00 +/- ACRES OF PROPERTY FROM HIGH DENSITY RESIDENTIAL/NEIGHBORHOOD COMMERCIAL (R-3A) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 33.98 +/- ACRES OF PROPERTY FROM GREENBELT DISTRICT (GB) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinance.

A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).



#785539

January 3, 2018
January 12, 2018

The proposed Ordinances will be considered at the following public meetings:

Fruitland Park City Commission
1st Reading on January 11,
2018 at 6:00 p.m.
Fruitland Park City Commission
Final Hearing on January 25,
2018 at 6:00 p.m.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida. The proposed Ordinances and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.



**AGENDA ITEM
NUMBER**
5c₅

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	QUASI-JUDICIAL HEARING Second Reading - Ordinance 2018-001 – Site Specific Comprehensive Plan - Petitioner: Terry F. and Rachel		
For the Meeting of:	January 25, 2018		
Submitted by:	City Manager/City Attorney/Community Development Director		
Date Submitted:	December 14, 2017		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Items: Ordinance 2018-001, the first reading was held on January 11, 2018.			
Action to be Taken: Enact Ordinance 2018-001 to become effective pursuant to the Department of Economic Opportunity’s Notice of Intent if in compliance and no challenge is filed by an affected party when the Notice of Intent is posted on the Department’s website.			
Staff’s Recommendation: Approve LPA’s recommendation.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2018-001

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA PURSUANT TO 163.3187(1), FLORIDA STATUTES; CHANGING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY PROVIDING TEXT AMENDMENTS SPECIFIC TO LOTS 13 – 19, BLOCK B, 1ST ADDITION TO DREAM LAKE SUBDIVISION, CONSISTING OF LESS THAN 10 ACRES IN SIZE, LOCATED ON SUNSET WAY, FOREST STREET AND PENNSYLVANIA AVENUE, SPECIFYING ALLOWABLE USES ON THE PROPERTY; AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE DESIGNATION TO MULTI-FAMILY LOW DENSITY AS LIMITED BY THE SITE SPECIFIC AMENDMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park is committed to planning and managing the future growth and development of the City; and

WHEREAS, the City Commission finds and determines that establishing policies within the City's Comprehensive Plan which are specific to the subject property is in the best interests of the citizens and the people of the State and are not unduly restrictive of the private property rights of the owners of the subject property; and

WHEREAS, the site-specific policies established by this Ordinance take into consideration any vesting which the owners of the subject property have on the property; and

WHEREAS, the Planning and Zoning Board of the City of Fruitland Park held a public hearing on this Ordinance which was advertised in accordance with State law; and

WHEREAS, the public hearings for this Ordinance have been advertised as required by State law; and

WHEREAS, the City Commission of the City of Fruitland Park hereby finds and determines that the plan amendments are internally consistent and consistent with the City's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

Section 1: Legislative Findings.

The recitals set forth above are hereby adopted as legislative findings of the City Commission of the City of Fruitland Park.

Section 2: Comprehensive Plan Amendments.

A. Attached hereto and incorporated herein by reference as Exhibit “A” is the proposed amended Future Land Use Map. The Map assigns a City of Fruitland Park land use designation to the subject property. The subject property is hereby designated as Multi-Family Low Density (MFLD) on the City of Fruitland Park Future Land Use Map.

B. Site specific amendments to the Future Land Use Element pertaining to the subject property are as provided below.

Future Land Use Element Policy 1-1.3-1

The following policy is added:

Future Lane Use Element Policy 1-1.3-1. Allowable Uses for the Property hereafter described:

The Property: Lots 13 and 14, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 13, of the Public Records of Lake County, Florida, (the “Belvins Property”), and 15, 16, 17, 18 and 19, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 13, of the Public Records of Lake County, Florida (the “Ross Property”)

shall be limited to the uses defined in this Policy. The allowable uses on the Ross Property are:

- Single-family detached residential dwelling units; and
- Two family (duplex) dwelling units.

Section 3. Description of the Subject Property.

The subject property lies on Sunset Way, Forest Street and Pennsylvania Avenue, in Fruitland Park, in Lake County, Florida, and comprises less than 10 acres in size. Tax Parcel Identification(s) of the parcels are: 09-19-24-120000B01300; 09-19-24-120000B01400; 09-19-24-120000B01500; 09-19-24-120000B01600; 09-19-24-120000B01700; 09-19-24-120000B01800 and 09-19-24-120000B01900 of Lake County, Florida, and are legally described as:

Lots 13, 14, 15, 16, 17, 18 and 19, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 13, of the Public Records of Lake County, Florida

Section 4. Data and Analysis. The supporting data and analysis shall be transmitted by the City to the Department of Economic Opportunity and the review agencies with the Comprehensive Plan Amendments, but the data and analysis is not adopted by this Ordinance.

Section 5. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. After the first public hearing, a paper copy of the Comprehensive Plan Amendments and supporting data and analysis and two electronic copies thereof on a CD ROM in PDF format shall be transmitted to the Department of Economic Opportunity; and one paper copy shall be transmitted to and the East Central Florida Regional Planning Commission, the St. John's River Water Management District, the Department of Environmental Protection, the Department of State, the Department of Transportation, Lake County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Fruitland Park, Florida.

Section 7. Effective Date. This Ordinance shall become effective pursuant to the Department of Economic Opportunity's Notice of Intent if in compliance, and no challenge is filed by an affected party when the Notice of Intent is posted on the Department's website.

FIRST READING on the 11th day of January 2018_.

ADOPTED AND ENACTED on second reading: the ____ day of _____, 20__.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

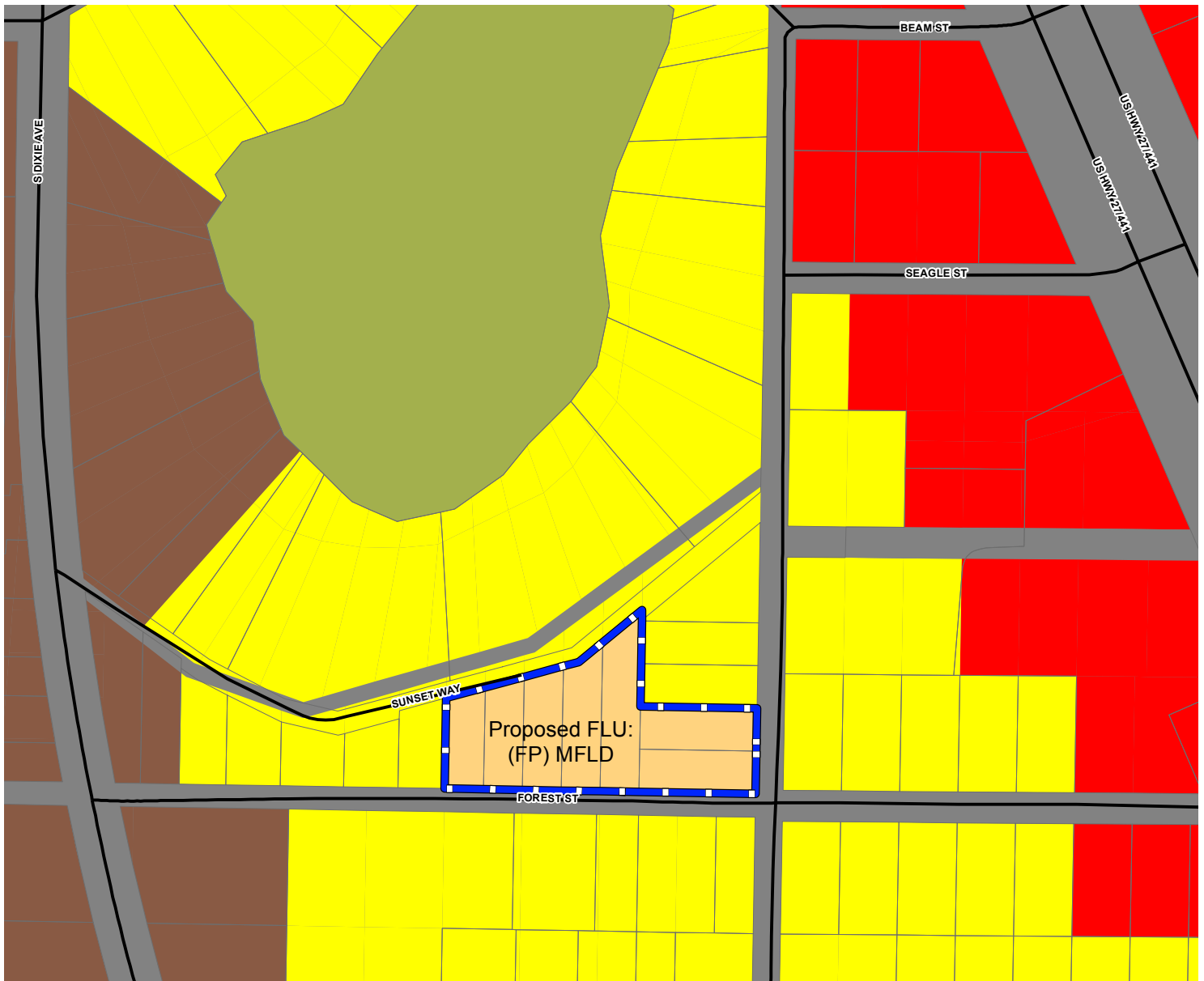
ATTEST:

Esther Coulson
City Clerk

Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to Form:

Anita Geraci-Carver
City Attorney



Legend

-  Site Boundary
-  City of Fruitland Park
- City of Fruitland Park Future Land Use**
-  SFMD -- Single - Family Medium Density (4 du/ac)
-  COMM -- Commercial - High Intensity
-  MC -- Mixed Community (6 res. du/ac)
-  IND -- Industrial
-  OSC -- Open Space - Conservation
-  ROW -- Right-of-Way
-  MFLD -- Multiple - Family Low Density (8 du/ac)



1 inch = 200 feet

**City of Fruitland Park
Ross Property
Lake County, Florida
Proposed Future Land Use**

Project: 398-16-02
File: Proposed FLU2.mxd
Name: Ross
PM: Sherie Lindh
Date: December 7, 2016
Created By: J.Wilson





**AGENDA ITEM
NUMBER
5d**

5

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	QUASI-JUDICIAL HEARING – Resolution 2018-001 –Special Exception Use - Petitioner: Terry F. and Rachel Ann Ross		
For the Meeting of:	January 25, 2018		
Submitted by:	City Manager/City Attorney/Community Development Director		
Date Submitted:	December 14, 2017		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes (amendment forthcoming)		
Description of Items: Resolution 2018-001 was heard on January 11, 2018.			
Action to be Taken: Adopt Resolution 2018-001 to become effective immediately.			
Staff's Recommendation: Approval			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

RESOLUTION 2018-001

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A SPECIAL EXCEPTION USE IN THE R-2 ZONING DISTRICT TO ALLOW DUPLEXES, ON THE HEREIN DESCRIBED PROPERTY LOCATED ON SUNSET WAY, FORREST AVENUE AND PENNSYLVANIA AVENUE, CITY OF FRUITLAND PARK, FLORIDA, OWNED BY TERRY AND RACHEL ROSS AND LARRY AND CARRIE BLEVINS; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Terry F. and Rachel Ann Ross, the owners of Lots 15, 16, 17, 18, and 19; and Larry W. and Carrie C. Belvins, the owners of Lots 13 and 14, have petitioned for a Special Exception Use to allow duplexes within the R-2 zoning district on real properties located on Sunset Way, Forrest Street and Pennsylvania Avenue all in the City of Fruitland Park, Florida; and

WHEREAS, such property is more particularly described as: **Lots 13, 14, 15, 16, 17, 18 and 19, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 13, of the Public Records of Lake County, Florida** (the "Property"); and

WHEREAS, this Resolution has been properly advertised in a newspaper of general circulation not less than ten days prior to the City Commission adoption hearing on this Resolution and property owners adjoining the Property (adjoining properties shall include those properties separated from the Property by a road, canal, easement right-of-way or similar barrier of five hundred feet (500) or less in width) were provided written notice delivered by U.S. Mail, and signs were placed along all public road frontages, with a minimum of one sign per four hundred (400) feet along any one frontage; and

WHEREAS, the Planning and Zoning Board and the City Commission have considered the petition in accordance with standards for granting a Special Exception Use contained in Section 155.020(d)(2) A-E, City of Fruitland Park Land Development Code; and

WHEREAS, Section 155.030(b)(18) of the City of Fruitland Park Land Development Code is inapplicable due to vesting as a lot of record.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, as follows:

1. The City Commission of Fruitland Park has determined that duplexes are allowable within the R-2 zoning district if granted a special exception use.
2. The City Commission of Fruitland Park has determined that construction of duplexes on the Property will not be detrimental to the health, safety or general welfare of persons residing or owning property within the vicinity of the Property.

3. The City Commission of Fruitland Park has determined that the construction of duplexes on the Property will comply with the regulations and conditions specified in the codes for such use.
4. The City Commission of Fruitland Park has further determined that the proposed use is consistent with the Comprehensive Plan for the City of Fruitland Park for the Property and will not adversely affect the public interest.
5. The proposed use with conditions will not adversely affect the public health, safety and general welfare of the citizens of the City of Fruitland Park.
6. The petition for a Special Exception Use on the properties in the City of Fruitland Park, Florida, more particularly described as follows is **GRANTED** subject to conditions set forth below:

Lots 13, 14, 15, 16, 17, 18 and 19, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 13, of the Public Records of Lake County, Florida; 09-19-24-120000B01300; 09-19-24-120000B01400; 09-19-24-120000B01500; 09-19-24-120000B01600; 09-19-24-120000B01700; 09-19-24-120000B01800 and 09-19-24-120000B01900.

7. **Conditions.**

Such Special Exception Use shall expire in accordance with Sec. 155-020(e), City of Fruitland Park Land Development Code, the earlier of (1) if the use is not initiated within one (1) year of approval of this Resolution or (2) the Property ceases to be used as duplexes for a period of six (6) months or more.

Except on Lots 18 and 19, the minimum living area under air shall be 600 square feet for each side of the duplex for a total minimum living area under air of 1200 square feet, and setbacks shall be: front – 30’, side 10’ and rear 20’. Setbacks and minimum living area under air for Lots 18 and 19 shall remain as constructed on 2017.

8. This Special Exception Use shall become effective immediately on its approval and adoption by the City Commission of the City of Fruitland Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Fruitland Park, Lake County, Florida, this 25th day of January 2018.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Esther Coulson
City Clerk

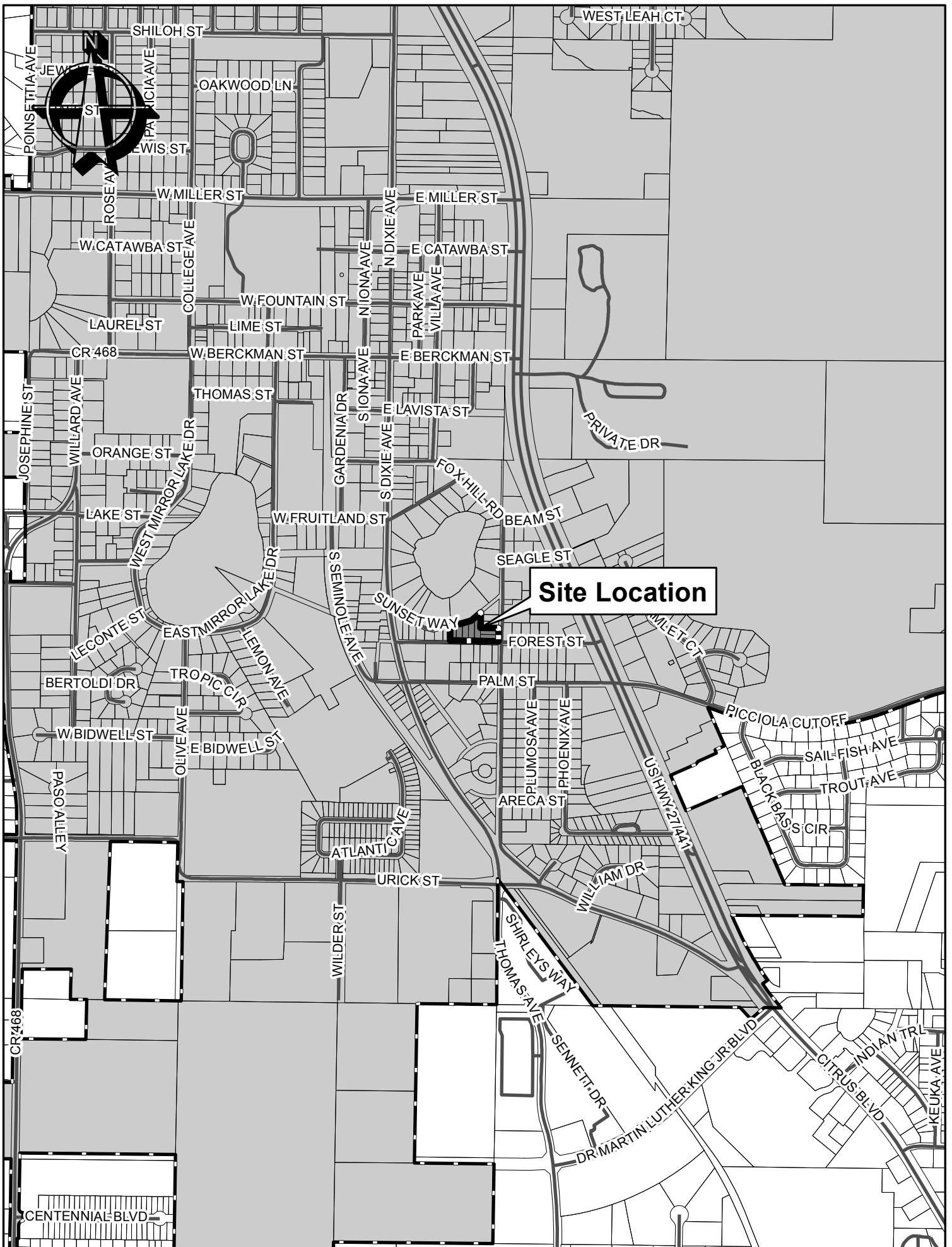
Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Lewis	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Ranize	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to Form:

Anita Geraci-Carver
City Attorney

Passed First Reading January 11, 2018

Passed Second Reading _____



Site Location

CENTENNIAL BLVD

CITY OF FRUITLAND PARK
PLANNING AND ZONING APPLICATION

Application: _____

Date: REVISED 11-30-17

Applicant Name: Terry Ross

Application Type:

- Comprehensive Plan Amendment
- Annexation
- Rezoning
- Special Exception Use
- Conditional Use Permit
- Clearing Permit
- Other
- Subdivision Approval
- Site Plan Approval
- Variance
- Road/Lot Vacation
- Development Order
- Concurrency Review

Address: 930 Thomas Ave

Leesburg, VA 22078

Phone: 352-728-6053

Applicant is: Owner Agent Purchaser Lessee Optionee

Reason for Request: Special Exception use to allow Duplex of 600' each units with 10' variance or Sunset way setback

Owner's Name: Carrie & Larry Blevins

Address: 930 Thomas Ave Leesburg

Phone: 352-728-6053

Property Address or Vicinity: Forest & Penny/Varma Ave

Size of Property: 50x 122.98 Lot 13

Existing Zoning: R2 Proposed Zoning: R2 Duplex

Existing Future Land Use: _____ Proposed Future Land Use: _____

Current Number of Structures on the Property: _____

Current Utilities on the Property: Central Water Central Sewer Well Septic Tank

- Required Attachments:
- _____ 1. Copy of recorded deed(s) for the property.
 - _____ 2. Owner's Affidavit
 - _____ 3. Applicant's Affidavit (if applicable)
 - _____ 4. Copy of boundary survey or sketch plan showing existing streets, existing and proposed structures.
 - _____ 5. Surrounding property owner's names and addresses for all property lying within two-hundred (200) feet of the property described on this application.

Has any previous application been filed within the last year in connection with this property? NO YES

YES, describe: _____

PLANNING STAFF REVIEW OF APPLICATION:

DATE: _____

I have reviewed this application and verify that the City of Fruitland Park has received all required attachments. If not, a written explanation has been received and attached to this application.

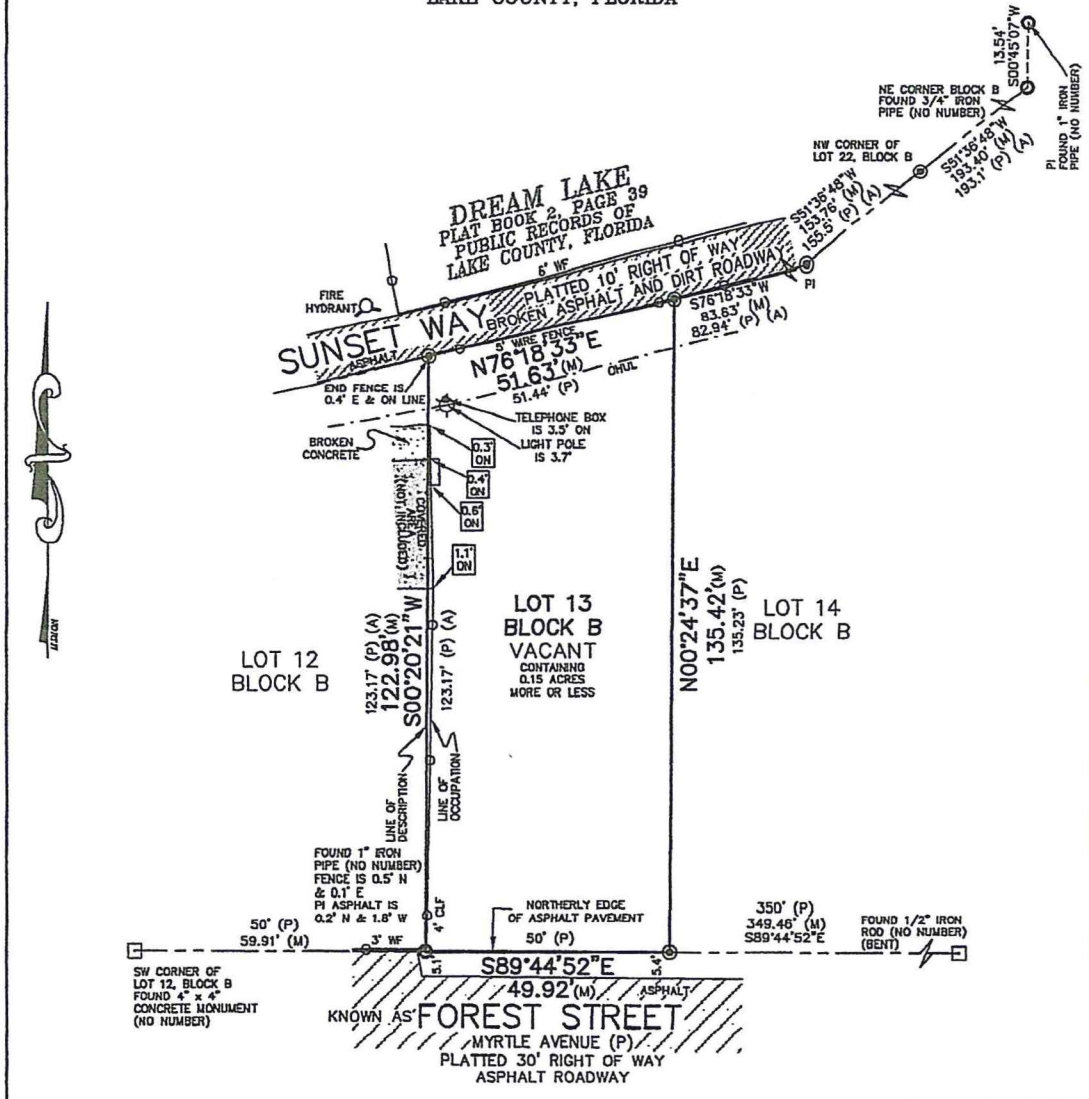
Signature of Staff: _____

Title: _____

PLAT OF BOUNDARY SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 13, BLOCK B, 1ST ADDITION TO DREAM LAKE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 13, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA



CERTIFIED TO: JG PROPERTIES, INC. PEOPLES FIRST COMMUNITY BANK BROKERS TITLE OF LEESBURG, LLC COMMONWEALTH LAND TITLE INSURANCE	LEGEND: (S) DENOTES SET 1/2" IRON ROD AND CAP LB #4887 (UNLESS NOTED) (F) DENOTES FOUND MONUMENT AS DESCRIBED HEREON (M) DENOTES FOUND MONUMENT AS DESCRIBED HEREON (A) DENOTES APPARENT (C) DENOTES CALCULATED (P) DENOTES PER DESCRIPTION (M) DENOTES MEASURED (NF) DENOTES NOT FIXED (UC) DENOTES UNDER GROUND (TYP) DENOTES TYPICAL (SPFO) DENOTES SHOWN FOR INFORMATIONAL PURPOSES ONLY WF DENOTES WOOD FENCE CLF DENOTES CHAIN LINK FENCE CBW DENOTES CONCRETE BLOCK WALL CATV DENOTES CABLE TELEVISION A/C DENOTES AIR CONDITIONER OH DENOTES OVERHEAD UTILITY LINE ON DENOTES ON SUBJECT PROPERTY OFF DENOTES OFF SUBJECT PROPERTY CNA DENOTES CORNER NOT ACCESSIBLE BSL DENOTES BUILDING SETBACK LINE PRM DENOTES PERMANENT REFERENCE MONUMENT PCP DENOTES PERMANENT CONTROL POINT PI DENOTES POINT OF INTERSECTION PC DENOTES POINT OF CURVATURE PRC DENOTES POINT OF REVERSE CURVATURE L DENOTES ARC LENGTH R DENOTES RADIUS DA DENOTES DELTA ANGLE C.B. DENOTES CHORD BEARING --- DENOTES RIGHT OF WAY LINE --- DENOTES CENTERLINE --- DENOTES OVERHEAD UTILITY LINE	DENOTES CONCRETE DENOTES BRICK UTILITY POLE GUY ANCHOR LIGHT POST
--	--	---

AZIMUTH SURVEYING AND MAPPING, INC.
 91 BROAD STREET, SUITE "A"
 WINTER GARDEN, FLORIDA, 34787

(FIELD DATE:) 8/7/2006 REVISED:

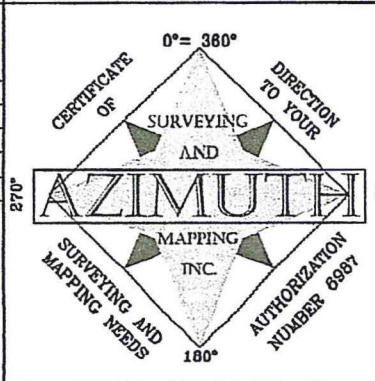
SCALE: 1" = 30 FEET

APPROVED BY: TAD

JOB NO. AZI05622

DRAWN BY: RAB

FOR INFORMATIONAL PURPOSES ONLY



- NOTES:**
1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF FOREST STREET BEING S89°44'52"E, AN ASSUMED DATUM.
 2. I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL NUMBER 120387 0307 D, DATED 7/3/2002 AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, AREA OUTSIDE OF 100 YEAR FLOOD.
 3. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 4. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 5. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN HEREON.
 6. THE SUBJECT PROPERTY AS DESCRIBED HEREON MAY CONTAIN JURISDICTIONAL WETLANDS THAT HAVE NOT BEEN DETERMINED AND/OR LOCATED BY THE SURVEYOR PER THE DATE OF THIS SURVEY.

CITY OF FRUITLAND PARK
PLANNING AND ZONING APPLICATION

Application: _____

Date: REVISED 11-30-17

Applicant Name: Terry Ross

Application Type:

- Comprehensive Plan Amendment
- Annexation
- Rezoning
- Special Exception Use
- Conditional Use Permit
- Clearing Permit
- Other
- Subdivision Approval
- Site Plan Approval
- Variance
- Road/Lot Vacation
- Development Order
- Concurrency Review

Address: 930 Thomas Ave

Leesby, FL 34748

Phone: 352-728-6053

Applicant is: Owner Agent Purchaser Lessee Optionee

Reason for Request: Special Exception use to allow Duplex of 1900^{sq} Each units with 10' Variance or Sunset Way Setback

Owner's Name: Carrie & Larry Blevins

Address: 930 Thomas Ave Leesby, FL 34748

Phone: 352-728-6053

Property Address or Vicinity: Forest & Penny/Varmae Ave

Size of Property: 50 x 139.72 lot 17

Existing Zoning: R2 Proposed Zoning: R2 Duplex

Existing Future Land Use: _____ Proposed Future Land Use: _____

Current Number of Structures on the Property: 2

Current Utilities on the Property: Central Water Central Sewer Well Septic Tank

- Required Attachments:
- _____ 1. Copy of recorded deed(s) for the property.
 - _____ 2. Owner's Affidavit
 - _____ 3. Applicant's Affidavit (if applicable)
 - _____ 4. Copy of boundary survey or sketch plan showing existing streets, existing and proposed structures.
 - _____ 5. Surrounding property owner's names and addresses for all property lying within two-hundred (200) feet of the property described on this application.

as any previous application been filed within the last year in connection with this property? NO YES
YES, describe: _____

CAFF REVIEW OF APPLICATION: _____ DATE: _____

I have reviewed this application and verify that the City of Fruitland Park has received all required attachments. If not, a written explanation has been received and attached to this application.

City Staff: _____

Title: _____

CITY OF FRUITLAND PARK
PLANNING AND ZONING APPLICATION

Date: REVISED 11-30-17

Application: _____

Applicant Name: Terry Ross

Address: 930 Thomas Ave
Leesburg, VA 34748

Phone: 352-728-6053

Application Type:

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Subdivision Approval |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Site Plan Approval |
| <input type="checkbox"/> Rezoning | <input checked="" type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Special Exception Use | <input type="checkbox"/> Road/Lot Vacation |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Development Order |
| <input type="checkbox"/> Clearing Permit | <input type="checkbox"/> Concurrency Review |
| <input type="checkbox"/> Other | |

Applicant is: Owner Agent Purchaser Lessee Optionee

Reason for Request: Special Exception use to allow Duplex of 600'²
Each unit with 10' Variance or Shared Way Setback

Owner's Name: Terry & Rachel Ross

Address: 930 Thomas Ave Leesburg, VA 34748

Phone: 352 728 6053

Property Address or Vicinity: Forest & Pennsy/Virginia Ave

Size of Property: 50% 147,07'² Lot 15

Existing Zoning: R2 Proposed Zoning: R2 Duplex

Existing Future Land Use: _____ Proposed Future Land Use: _____

Current Number of Structures on the Property: _____

Current Utilities on the Property: Central Water Central Sewer Well Septic Tank

- Required Attachments:
- _____ 1. Copy of recorded deed(s) for the property.
 - _____ 2. Owner's Affidavit
 - _____ 3. Applicant's Affidavit (if applicable)
 - _____ 4. Copy of boundary survey or sketch plan showing existing streets, existing and proposed structures.
 - _____ 5. Surrounding property owner's names and addresses for all property lying within two-hundred (200) feet of the property described on this application.

Has any previous application been filed within the last year in connection with this property? NO YES

YES, describe: _____

CITY AFF REVIEW OF APPLICATION:

DATE: _____

I have reviewed this application and verify that the City of Fruitland Park has received all required attachments.
If not, a written explanation has been received and attached to this application.

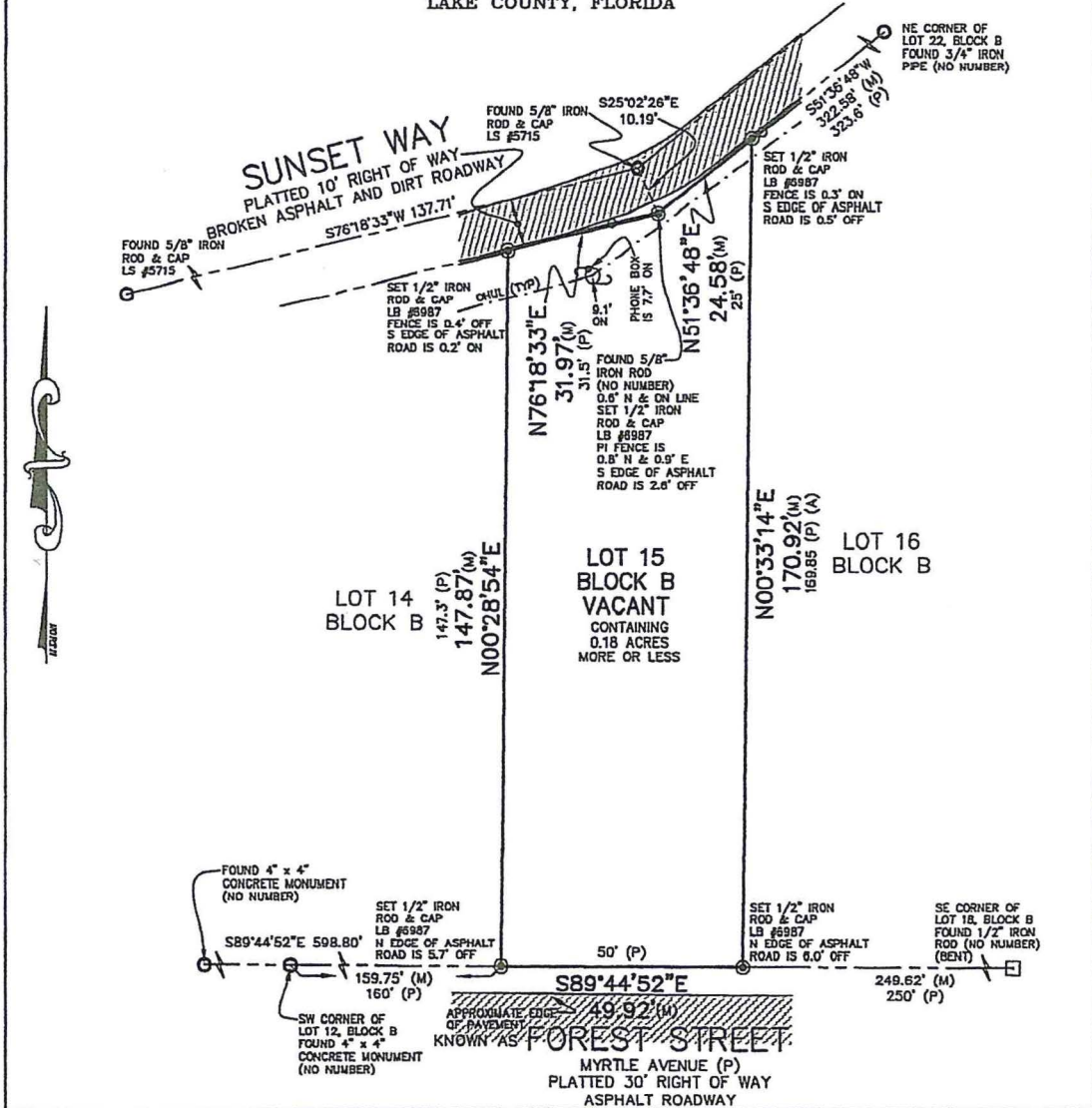
City Staff: _____

Title: _____

PLAT OF BOUNDARY SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 15, BLOCK B, 1ST ADDITION TO DREAM LAKE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 13, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA



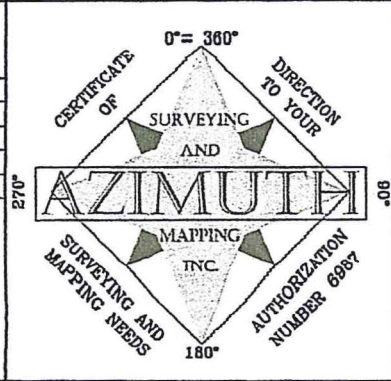
CERTIFIED TO:
 JG PROPERTIES, INC.
 PEOPLES FIRST COMMUNITY BANK
 BROKERS TITLE OF LEESBURG, LLC
 COMMONWEALTH LAND TITLE INSURANCE

LEGEND:
 (S) DENOTES SET 1/2" IRON ROD AND CAP LB #5987 (UNLESS NOTED)
 (F) DENOTES FOUND MONUMENT AS DESCRIBED HEREON
 (A) DENOTES APPARENT
 (C) DENOTES CALCULATED
 (M) DENOTES PER DESCRIPTION
 (U) DENOTES MEASURED
 (P) DENOTES PLAT
 (NF) DENOTES NOT FIXED
 (UG) DENOTES UNDER GROUND
 (TYP) DENOTES TYPICAL
 (SFRP) DENOTES SHOWN FOR INFORMATIONAL PURPOSES ONLY
 WF DENOTES WOOD FENCE
 CLF DENOTES CHAIN LINK FENCE
 CSW DENOTES CONCRETE BLOCK WALL
 CATV DENOTES CABLE TELEVISION
 A/C DENOTES AIR CONDITIONER
 OHU DENOTES OVERHEAD UTILITY LINE
 CH DENOTES ON SUBJECT PROPERTY
 OFF DENOTES OFF SUBJECT PROPERTY
 CNA DENOTES CORNER NOT ACCESSIBLE
 BSL DENOTES BUILDING SETBACK LINE
 PRM DENOTES PERMANENT REFERENCE MONUMENT
 PCP DENOTES PERMANENT CONTROL POINT
 PI DENOTES POINT OF INTERSECTION
 PC DENOTES POINT OF CURVATURE
 PRC DENOTES POINT OF REVERSE CURVATURE
 L DENOTES ARC LENGTH
 R DENOTES RADIUS
 DA DENOTES DELTA ANGLE
 C.B. DENOTES CHORD BEARING
 --- DENOTES RIGHT OF WAY LINE
 --- DENOTES CENTERLINE
 --- DENOTES OVERHEAD UTILITY LINE

DENOTES CONCRETE
 DENOTES BRICK
 UTILITY POLE
 GUY ANCHOR
 LIGHT POST

AZIMUTH SURVEYING AND MAPPING, INC.
 91 BROAD STREET, SUITE "A"
 WINTER GARDEN, FLORIDA, 34787
 (FIELD DATE:) 8/7/2006 REVISED:
 SCALE: 1" = 30 FEET
 APPROVED BY: TAD
 JOB NO. AZI05620
 DRAWN BY: RO

FOR INFORMATIONAL PURPOSES ONLY



NOTES:
 1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF FOREST STREET BEING S89°44'52"E, ASSUMED DATUM.
 2. I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL NUMBER 120387 0307 D, DATED 7/3/2002 AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, AREA OUTSIDE OF 100 YEAR FLOOD.
 3. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 4. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 5. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN HEREON.
 6. THE SUBJECT PROPERTY AS DESCRIBED HEREON MAY CONTAIN JURISDICTIONAL WETLANDS THAT HAVE NOT BEEN DETERMINED AND/OR LOCATED BY THE SURVEYOR PER THE DATE OF THIS SURVEY.

CITY OF FRUITLAND PARK
PLANNING AND ZONING APPLICATION

Application: _____

Date: REVISED 11-30-17

Applicant Name: Terry Ross

Application Type:

- Comprehensive Plan Amendment
- Annexation
- Rezoning
- Special Exception Use
- Conditional Use Permit
- Clearing Permit
- Other
- Subdivision Approval
- Site Plan Approval
- Variance
- Road/Lot Vacation
- Development Order
- Concurrency Review

Address: 930 Thomas Ave

Leesburg, FL 34748

Phone: 352-728-6053

Applicant is: Owner Agent Purchaser Lessee Optionee

Reason for Request: Special Exception use to allow Duplex of 600' each units with 10' variance on Sunset way setback

Owner's Name: Terry & Rachel Ross

Address: 930 Thomas Ave Leesburg, FL 34748

Phone: 352-728-6053

Property Address or Vicinity: Forest & Penny/UNION Ave

Size of Property: 502170.17 lot 16

Existing Zoning: R2 Proposed Zoning: R2 Duplex

Existing Future Land Use: _____ Proposed Future Land Use: _____

Current Number of Structures on the Property: _____

Current Utilities on the Property: Central Water Central Sewer Well Septic Tank

- Required Attachments:
- _____ 1. Copy of recorded deed(s) for the property.
 - _____ 2. Owner's Affidavit
 - _____ 3. Applicant's Affidavit (if applicable)
 - _____ 4. Copy of boundary survey or sketch plan showing existing streets, existing and proposed structures.
 - _____ 5. Surrounding property owner's names and addresses for all property lying within two-hundred (200) feet of the property described on this application.

Has any previous application been filed within the last year in connection with this property? NO YES

If YES, describe: _____

TAFF REVIEW OF APPLICATION:

DATE: _____

I have reviewed this application and verify that the City of Fruitland Park has received all required attachments. If not, a written explanation has been received and attached to this application.

City Staff: _____

Title: _____

PLAT OF BOUNDARY SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 16, BLOCK B, 1ST ADDITION TO DREAM LAKE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 13, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA



CERTIFIED TO:
 JG PROPERTIES, INC.
 PEOPLES FIRST COMMUNITY BANK
 BROKERS TITLE OF LEESBURG, LLC
 COMMONWEALTH LAND TITLE INSURANCE

AZIMUTH SURVEYING AND MAPPING, INC.
 91 BROAD STREET, SUITE "A"
 WINTER GARDEN, FLORIDA, 34787

(FIELD DATE:) 8/7/2006 REVISED:
 SCALE: 1" = 30 FEET
 APPROVED BY: TAD
 JOB NO. AZI05619
 DRAWN BY: RO

FOR INFORMATIONAL PURPOSES ONLY

- NOTES:**
- BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF FOREST STREET BEING S89°44'52"E, ASSUMED DATUM.
 - I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL NUMBER 120387 0307 D, DATED 7/3/2002 AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, AREA OUTSIDE OF 100 YEAR FLOOD.
 - THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 - NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN HEREON.
 - THE SUBJECT PROPERTY AS DESCRIBED HEREON MAY CONTAIN JURISDICTIONAL WETLANDS THAT HAVE NOT BEEN DETERMINED AND/OR LOCATED BY THE SURVEYOR PER THE DATE OF THIS SURVEY.

0° = 360°

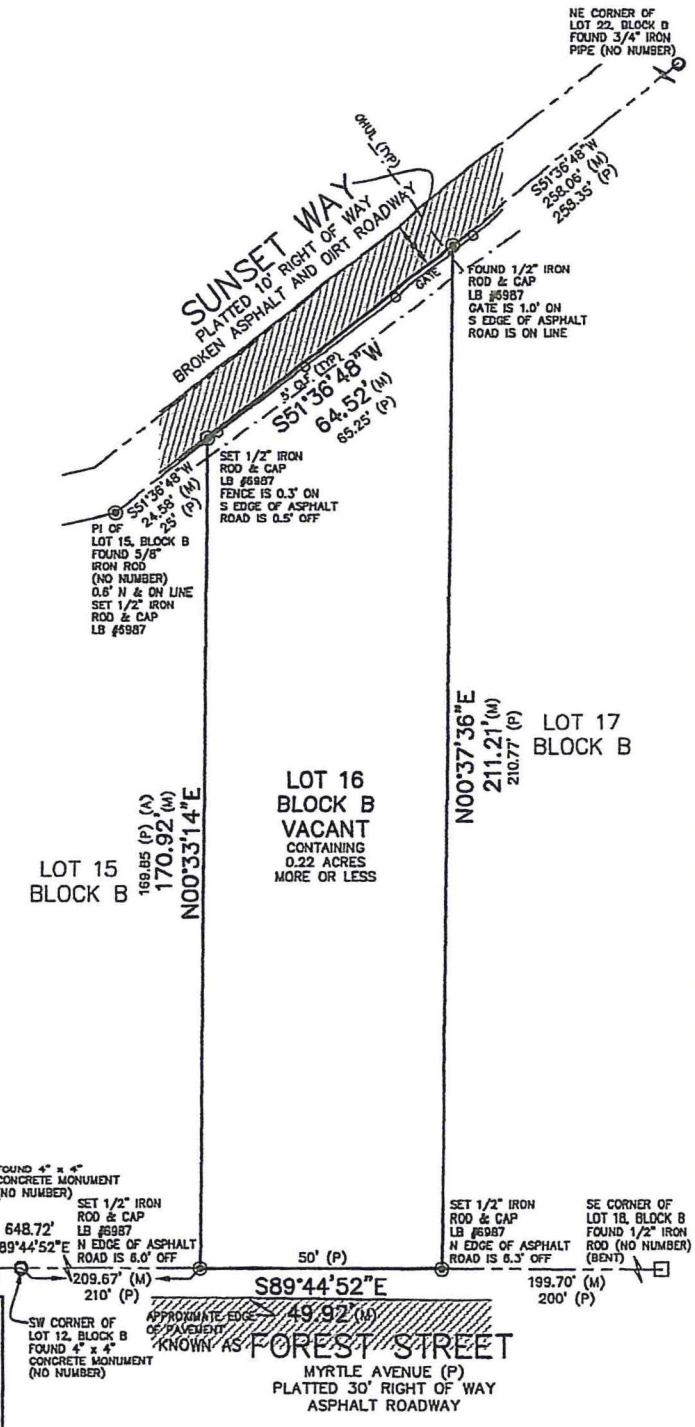
DIRECTION TO YOUR

CERTIFICATE OF SURVEYING AND MAPPING INC. AUTHORIZATION NUMBER 6887

AZIMUTH

SURVEYING AND MAPPING NEEDS

180°



LEGEND:

⊙	SET 1/2" IRON ROD AND CAP LB #5987 (UNLESS NOTED)	CSW	CONCRETE BLOCK WALL	▣	CONCRETE
⊙	FOUND MONUMENT AS DESCRIBED HEREON	A/C	CABLE TELEVISION	▣	BRICK
⊙	FOUND MONUMENT AS DESCRIBED HEREON	ON	AIR CONDITIONER	▣	
⊙	APPARENT	OFF	OVERHEAD UTILITY LINE	▣	
(C)	CALCULATED	ON	OFF SUBJECT PROPERTY	▣	
(D)	PER DESCRIPTION	CHA	CORNER NOT ACCESSIBLE	▣	
(M)	MEASURED	BSL	BUILDING SETBACK LINE	▣	
(P)	PLAT	PRM	PERMANENT REFERENCE MONUMENT	▣	
(N)	NOT FIXED	PCP	PERMANENT CONTROL POINT	▣	
(UG)	UNDERGROUND	PI	POINT OF INTERSECTION	▣	
(TP)	TYPICAL	PC	POINT OF CURVATURE	▣	
(SP/PO)	SHOWN FOR INFORMATIONAL PURPOSES ONLY	PRC	POINT OF REVERSE CURVATURE	▣	
WF	WOOD FENCE	L	ARC LENGTH	▣	
CLF	CHAIN LINK FENCE	R	RADIUS	▣	
		DA	DELTA ANGLE	▣	
		C.B.	CHORD BEARING	▣	
			RIGHT OF WAY LINE	▣	
			CENTERLINE	▣	
			OVERHEAD UTILITY LINE	▣	
			UTILITY POLE	▣	
			CUT ANCHOR	▣	
			LIGHT POST	▣	

CITY OF FRUITLAND PARK
PLANNING AND ZONING APPLICATION

Application: _____ Date: _____

Applicant Name: Terry Ross

Address: 930 Thomas Ave
Leesburg, IA 34748

Phone: 352-728-6053

Application Type:

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Subdivision Approval |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Site Plan Approval |
| <input type="checkbox"/> Rezoning | <input checked="" type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Special Exception Use | <input type="checkbox"/> Road/Lot Vacation |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Development Order |
| <input type="checkbox"/> Clearing Permit | <input type="checkbox"/> Concurrency Review |
| <input type="checkbox"/> Other | |

Applicant is: Owner Agent Purchaser Lessee Optionee

Reason for Request: Special Exception use to allow Duplex of 600'0"
Each unit with 10' Variance on Sunset Way Setback

Owner's Name: Terry & Rachel A Ross

Address: 930 Thomas Ave Leesburg, IA 34748

Phone: 352-728-6053

Property Address or Vicinity: Forest & Pennsy/VanDuzer Ave

Size of Property: 50 x 211.21 lot. 17

Existing Zoning: R2 Proposed Zoning: R2 Duplex

Existing Future Land Use: _____ Proposed Future Land Use: _____

Current Number of Structures on the Property: _____

Current Utilities on the Property: Central Water Central Sewer Well Septic Tank

- Required Attachments:
- _____ 1. Copy of recorded deed(s) for the property.
 - _____ 2. Owner's Affidavit
 - _____ 3. Applicant's Affidavit (if applicable)
 - _____ 4. Copy of boundary survey or sketch plan showing existing streets, existing and proposed structures.
 - _____ 5. Surrounding property owner's names and addresses for all property lying within two-hundred (200) feet of the property described on this application.

Has any previous application been filed within the last year in connection with this property? NO YES

If YES, describe: _____

TAFF REVIEW OF APPLICATION:

DATE: _____

I have reviewed this application and verify that the City of Fruitland Park has received all required attachments.
If not, a written explanation has been received and attached to this application.

Staff: _____

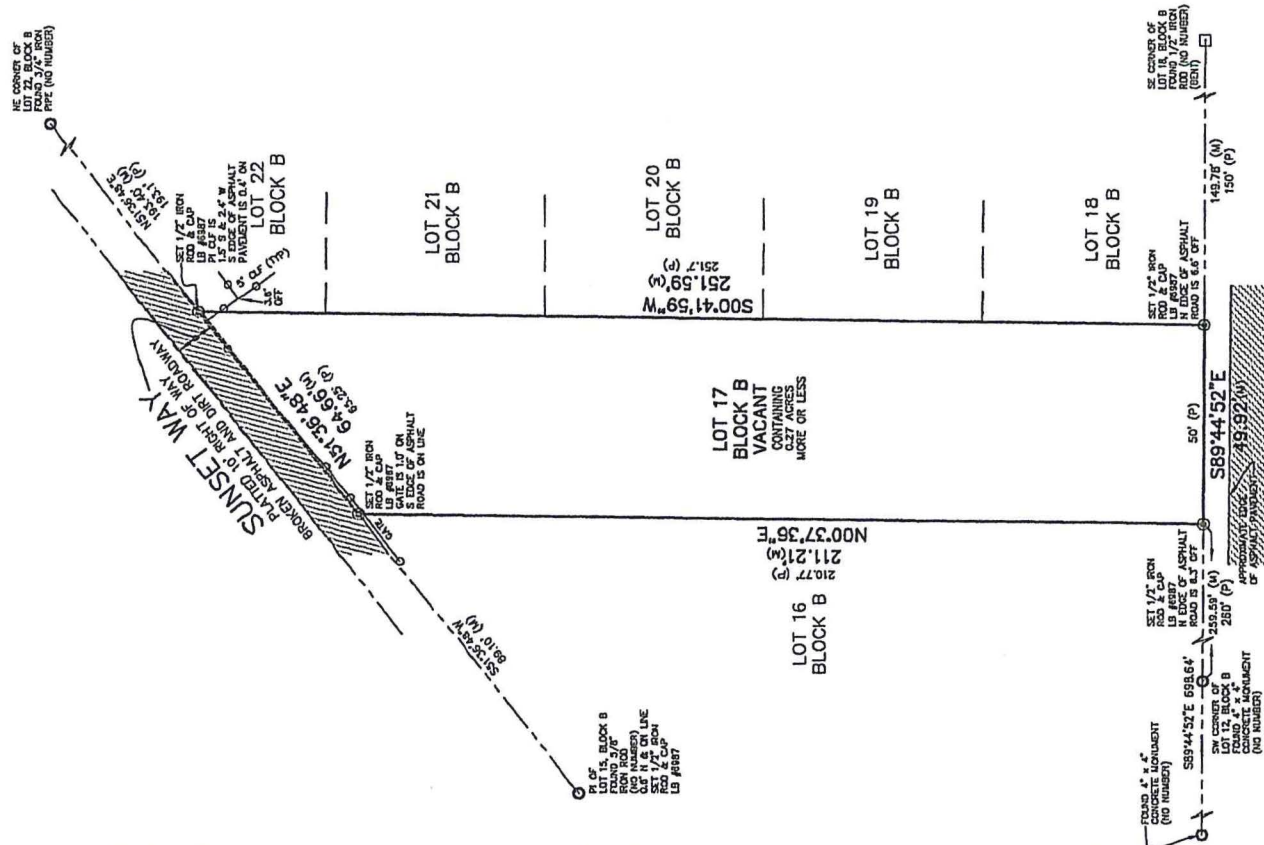
Title: _____

PLAT OF BOUNDARY SURVEY

DESCRIPTION: (AS FURNISHED)
 LOT 17, BLOCK B, 1ST ADDITION TO DREAM LAKE, ACCORDING TO THE
 PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 13, OF THE
 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

CERTIFIED TO:

JG PROPERTIES, INC.
 PEOPLES FIRST COMMUNITY BANK
 BROKERS TITLE OF LEESBURG, LLC
 COMMONWEALTH LAND TITLE INSURANCE



LEGEND:

⊙	DDOTES SET NAIL & DISK LB #8087 (UNLESS NOTED)	⊙	DDOTES LOW/WET AREA
⊠	DDOTES FOUND MONUMENT AS DESCRIBED HEREON	⊙	DDOTES UTILITY POLE
⊡	DDOTES APPARATUS	⊙	DDOTES GUY ANCHOR
⊢	DDOTES CALCULATED	⊙	DDOTES LIGHT POLE
⊣	DDOTES PER DESCRIPTION	⊙	DDOTES CARLE TELEVISION
⊤	DDOTES MEASURED	⊙	DDOTES AIR CONDITIONER
⊥	DDOTES NOT FIXED	⊙	DDOTES OVERHEAD UTILITY LINE
⊦	DDOTES UNDEVELOPED	⊙	DDOTES ON SUBJECT PROPERTY
⊧	DDOTES TYPICAL	⊙	DDOTES OFF SUBJECT PROPERTY
⊨	DDOTES SHOWN FOR INFORMATIONAL PURPOSES ONLY	⊙	DDOTES CORNER NOT ACCESSIBLE
⊩	DDOTES WOOD FENCE	⊙	DDOTES BUILDING SETBACK LINE
⊪	DDOTES CHAIN LINK FENCE	⊙	DDOTES PERMANENT REFERENCE MONUMENT
⊫	DDOTES CONCRETE BLOCK WALL	⊙	DDOTES PERMANENT CONTROL POINT
⊬	DDOTES CONCRETE	⊙	DDOTES POINT OF INTERSECTION
⊭	DDOTES BRICK	⊙	DDOTES POINT OF CURVATURE
⊮		⊙	DDOTES POINT OF REVERSE CURVATURE
⊯		⊙	DDOTES POINT OF COMPOUND CURVATURE
⊰		⊙	DDOTES POINT OF BEGINNING
⊱		⊙	DDOTES RADIUS
⊲		⊙	DDOTES CHORD BEARING
⊳		⊙	DDOTES CHORD DISTANCE
⊴		⊙	DDOTES TANGENT BEARING
⊵		⊙	DDOTES TANGENT
⊶		⊙	DDOTES ARC LENGTH
⊷		⊙	DDOTES DELTA ANGLE
⊸		⊙	DDOTES RIGHT OF WAY LINE
⊹		⊙	DDOTES CENTERLINE
⊺		⊙	DDOTES OVERHEAD UTILITY LINE

AZIMUTH SURVEYING AND MAPPING, INC.
 91 BROAD STREET, SUITE "A"
 WINTER GARDEN, FLORIDA, 34787

(FIELD DATE:) 08/07/2008 REVISED:

SCALE: 1" = 30 FEET

APPROVED BY: TAD

JOB NO. AZ05818

DRAWN BY: RD

FOR INFORMATIONAL PURPOSES ONLY

NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF FOREST STREET BEING S89°44'32"E, ASSUMED DATUM.
- I HAVE EXAMINED THE F.L.R.M. COMMUNITY PANEL NUMBER 120387 0307 0, DATED 7/3/2002 AND FOUND THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X, AREA OUTSIDE OF 100 YEAR FLOOD.
- THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN HEREON.
- THE SUBJECT PROPERTY AS DESCRIBED HEREON MAY CONTAIN JURISDICTIONAL WETLANDS THAT HAVE NOT BEEN DETERMINED AND/OR LOCATED BY THE SURVEYOR PER THE DATE OF THIS SURVEY.

CERTIFICATE OF SURVEYING AND MAPPING INC. AUTHORIZATION NUMBER 6987

0° = 300°

180°

DIRECTION TO YOUR SURVEYING NEEDS

CITY OF FRUITLAND PARK
PLANNING AND ZONING APPLICATION

Application: _____

Date: REVISED 11-30-17

Applicant Name: Terry Ross

Application Type:

- Comprehensive Plan Amendment
- Annexation
- Rezoning
- Special Exception Use
- Conditional Use Permit
- Clearing Permit
- Other
- Subdivision Approval
- Site Plan Approval
- Variance
- Road/Lot Vacation
- Development Order
- Concurrency Review

Address: 930 Thomas Ave

Leesburg, IA 34748

Phone: 352-728-6053

Applicant is: Owner Agent Purchaser Lessee Optionee

Reason for Request: Special Exception use to allow Duplex of 600' each units with 10' Variance on Sunset way setback

Owner's Name: Terry & Rachel Ross

Address: 930 Thomas Ave Leesburg, IA 34748

Phone: 352-728-6053

Property Address or Vicinity: Forest & Pennsy/Vanora Ave 510

Size of Property: 55 x 149.83 lot 18

Existing Zoning: R2 Proposed Zoning: R2 Duplex

Existing Future Land Use: _____ Proposed Future Land Use: _____

Current Number of Structures on the Property: 1

Current Utilities on the Property: Central Water Central Sewer Well Septic Tank

- Required Attachments:
- _____ 1. Copy of recorded deed(s) for the property.
 - _____ 2. Owner's Affidavit
 - _____ 3. Applicant's Affidavit (if applicable)
 - _____ 4. Copy of boundary survey or sketch plan showing existing streets, existing and proposed structures.
 - _____ 5. Surrounding property owner's names and addresses for all property lying within two-hundred (200) feet of the property described on this application.

Has any previous application been filed within the last year in connection with this property? NO YES

YES, describe: _____

TAFF REVIEW OF APPLICATION:

DATE: _____

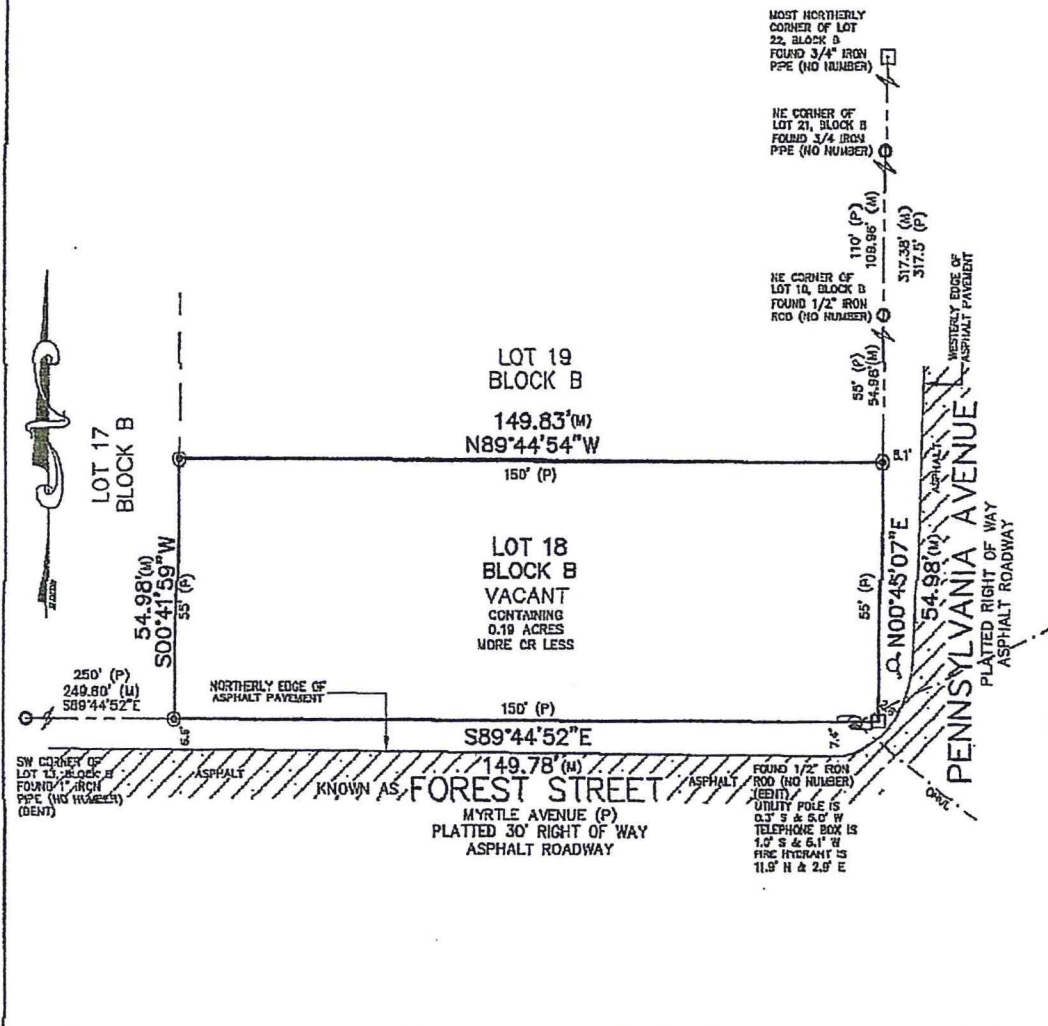
I have reviewed this application and verify that the City of Fruitland Park has received all required attachments. If not, a written explanation has been received and attached to this application.

City Staff: _____

Title: _____

PLAT OF BOUNDARY SURVEY

DESCRIPTION: (AS FURNISHED)
 LOT 18, BLOCK B, 1ST ADDITION TO DREAM LAKE, ACCORDING TO THE PLAT
 THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 13, OF THE PUBLIC RECORDS OF
 LAKE COUNTY, FLORIDA



CERTIFIED TO:
 JG PROPERTIES, INC.
 PEOPLES FIRST COMMUNITY BANK
 BROKERS TITLE OF LEESBURG, LLC
 COMMONWEALTH LAND TITLE INSURANCE

LEGEND:			
⊙	DENOTES SET 1/2" IRON ROD AND CAP LD #6897 (UNLESS NOTED)	CON	DENOTES CONCRETE BLOCK WALL
⊠	DENOTES FOUND MONUMENT AS DESCRIBED HEREIN	CAN	DENOTES CABLE TELEVISION
⊡	DENOTES FOUND MONUMENT AS DESCRIBED HEREIN	A/C	DENOTES AIR CONDITIONER
⊢	DENOTES APPARENT	OHUL	DENOTES OVERHEAD UTILITY LINE
⊣	DENOTES CALCULATED	ON	DENOTES ON SUBJECT PROPERTY
⊤	DENOTES PER DESCRIPTION	OFF	DENOTES OFF SUBJECT PROPERTY
⊥	DENOTES MEASURED	CNA	DENOTES CORNER NOT ACCESSIBLE
⊦	DENOTES PLAT	BSL	DENOTES BUILDING SETBACK LINE
⊧	DENOTES NOT FIXED	PRM	DENOTES PERMANENT REFERENCE MONUMENT
⊨	DENOTES UNDER GROUND	PCP	DENOTES PERMANENT CONTROL POINT
⊩	DENOTES TYPICAL	PI	DENOTES POINT OF INTERSECTION
⊪	DENOTES SHOWN FOR INFORMATIONAL PURPOSES ONLY	PC	DENOTES POINT OF CURVATURE
WF	DENOTES WOOD FENCE	PL	DENOTES POINT OF REVERSE CURVATURE
CLF	DENOTES CHAIN LINK FENCE	L	DENOTES ARC LENGTH
		R	DENOTES RADII
		DA	DENOTES DELTA ANGLE
		C.B.	DENOTES CHORD BEARING
			DENOTES RIGHT OF WAY LINE
			DENOTES CENTERLINE
			DENOTES OVERHEAD UTILITY LINE
			DENOTES CONCRETE
			DENOTES BRICK
			UTILITY POLE
			CUT ANCHOR
			LIGHT POST

AZIMUTH SURVEYING AND MAPPING, INC.
 91 BROAD STREET, SUITE "A"
 WINTER GARDEN, FLORIDA, 34787

(FIELD DATE) 8/7/2008 REVISED:
 SCALE 1" = 30 FEET
 APPROVED BY: TAD
 JOB NO. AZ105817
 DRAWN BY: RAB



- NOTES:**
- BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF PENNSYLVANIA AVENUE BEING N00°45'07"E, AN ASSUMED DATUM.
 - I HAVE EXAMINED THE F.L.R.L. COMMUNITY PANEL NUMBER 120387 0307 0, DATED 7/3/2002 AND FOUND THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X, AREA OUTSIDE OF 100 YEAR FLOOD.
 - THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 - NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN HEREON.
 - THE SUBJECT PROPERTY AS DESCRIBED HEREON MAY CONTAIN JURISDICTIONAL WETLANDS THAT HAVE NOT BEEN DETERMINED AND/OR LOCATED BY THE SURVEYOR PER THE DATE OF THIS SURVEY.

FOR INFORMATIONAL PURPOSES ONLY

CITY OF FRUITLAND PARK
PLANNING AND ZONING APPLICATION

Application: _____

Date: REVISED 11-30-17

Applicant Name: Terry Ross

- Application Type:
- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Subdivision Approval |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Site Plan Approval |
| <input type="checkbox"/> Rezoning | <input checked="" type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Special Exception Use | <input type="checkbox"/> Road/Lot Vacation |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Development Order |
| <input type="checkbox"/> Clearing Permit | <input type="checkbox"/> Concurrency Review |
| <input type="checkbox"/> Other | |

Address: 930 Thomas Ave

Leesburg, FL 34748

Phone: 352-728-6053

Applicant is: Owner Agent Purchaser Lessee Optionee

Reason for Request: Special Exception use to allow Duplex of 600' each unit with 10' variance on Sunset way setback

Owner's Name: Terry & Rachel Ross

Address: 930 Thomas Ave Leesburg, FL 34748

Phone: 352-728-6053

Property Address or Vicinity: Forest & Pennsylvania Ave 508

Size of Property: 65x149.05 lot 19

Existing Zoning: R2 Proposed Zoning: R2 Duplex

Existing Future Land Use: _____ Proposed Future Land Use: _____

Current Number of Structures on the Property: 1

Current Utilities on the Property: Central Water Central Sewer Well Septic Tank

- Required Attachments:
- _____ 1. Copy of recorded deed(s) for the property.
 - _____ 2. Owner's Affidavit
 - _____ 3. Applicant's Affidavit (if applicable)
 - _____ 4. Copy of boundary survey or sketch plan showing existing streets, existing and proposed structures.
 - _____ 5. Surrounding property owner's names and addresses for all property lying within two-hundred (200) feet of the property described on this application.

Has any previous application been filed within the last year in connection with this property? NO YES
If YES, describe: _____

STAFF REVIEW OF APPLICATION: _____ DATE: _____

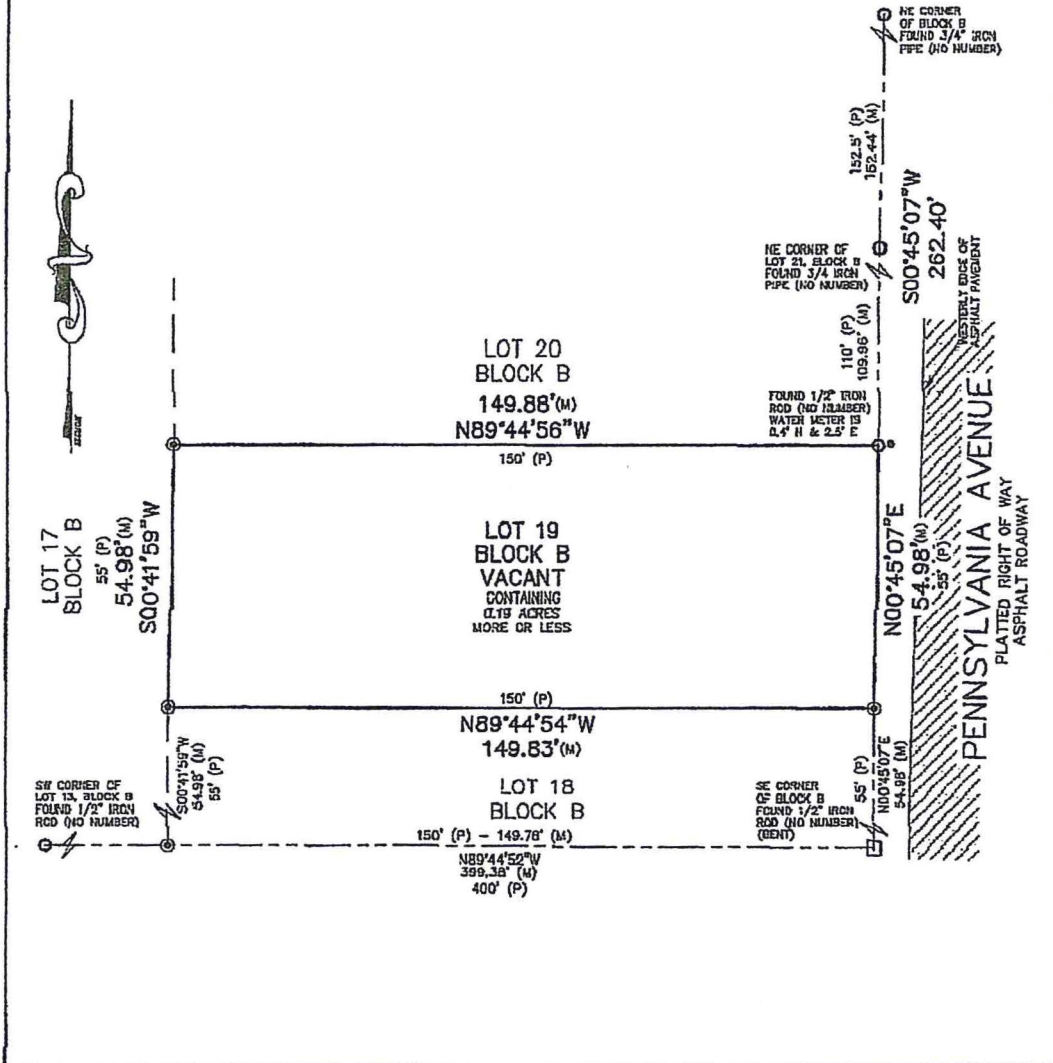
I have reviewed this application and verify that the City of Fruitland Park has received all required attachments. If not, a written explanation has been received and attached to this application.

City Staff: _____

Title: _____

PLAT OF BOUNDARY SURVEY

DESCRIPTION: (AS FURNISHED)
 LOT 19, BLOCK B, 1ST ADDITION TO DREAM LAKE, ACCORDING TO THE PLAT
 THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 13, OF THE PUBLIC RECORDS OF
 LAKE COUNTY, FLORIDA



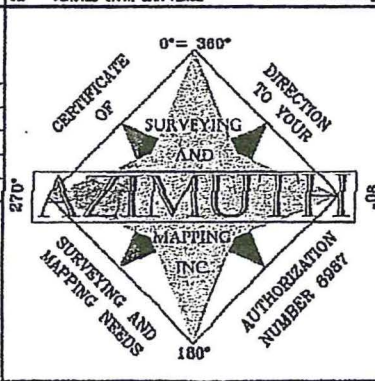
CERTIFIED TO:
 JG PROPERTIES, INC.
 PEOPLES FIRST COMMUNITY BANK
 BROKERS TITLE OF LEESBURG, LLC
 COMMONWEALTH LAND TITLE INSURANCE

LEGEND:	
⊙	DENOTES SET 1/2" IRON ROD AND CAP LB #887 (UNLESS NOTED)
⊠	DENOTES FOUND MONUMENT AS DESCRIBED HEREON
⊡	DENOTES FOUND MONUMENT AS DESCRIBED HEREON
⊢	DENOTES APPARENT
⊣	DENOTES CALCULATED
⊤	DENOTES PER DESCRIPTION
⊥	DENOTES LEASURED
⊦	DENOTES PLAT
⊧	DENOTES NOT FIXED
⊨	DENOTES UNDER GROUND
⊩	DENOTES TYPICAL
⊪	DENOTES SHOWN FOR INFORMATIONAL PURPOSES ONLY
⊫	DENOTES ROAD FENCE
⊬	DENOTES CHAIN LINK FENCE
⊭	DENOTES CONCRETE BLOCK WALL
⊮	DENOTES CABLE TELEVISION
⊯	DENOTES AIR CONDITIONER
⊰	DENOTES OVERHEAD UTILITY LINE
⊱	DENOTES ON SUBJECT PROPERTY
⊲	DENOTES OFF SUBJECT PROPERTY
⊳	DENOTES CORNER NOT ACCESSIBLE
⊴	DENOTES BUILDING SETBACK LINE
⊵	DENOTES PERMANENT REFERENCE MONUMENT
⊶	DENOTES PERMANENT CONTROL POINT
⊷	DENOTES POINT OF INTERSECTION
⊸	DENOTES POINT OF CURVATURE
⊹	DENOTES POINT OF REVERSE CURVATURE
⊺	DENOTES ARC LENGTH
⊻	DENOTES RADIUS
⊼	DENOTES DELTA ANGLE
⊽	DENOTES CHORD BEARING
⊾	DENOTES RIGHT OF WAY LINE
⊿	DENOTES CENTERLINE
⊿	DENOTES OVERHEAD UTILITY LINE
⊿	DENOTES CONCRETE
⊿	DENOTES BRICK
⊿	UTILITY POLE
⊿	OUT ANCHOR
⊿	LIGHT POST

AZIMUTH SURVEYING AND MAPPING, INC.
 91 BROAD STREET, SUITE "A"
 WINTER GARDEN, FLORIDA, 34787

(FIELD DATE:) 8/7/2006	REVISED:
SCALE: 1" = 30 FEET	11/27/2006 TYPO
APPROVED BY: TAD	
JOB NO. AZ105616	
DRAWN BY: RAB	

FOR INFORMATIONAL PURPOSES ONLY



NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF PENNSYLVANIA AVENUE BEING N00°45'07"E, AN ASSUMED DATUM.
- I HAVE EXAMINED THE F.L.R.M. COMMUNITY PANEL NUMBER 120387 0307 D, DATED 7/3/2002 AND FOUND THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X, AREA OUTSIDE OF 100 YEAR FLOOD.
- THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN HEREON.
- THE SUBJECT PROPERTY AS DESCRIBED HEREON MAY CONTAIN JURISDICTIONAL WETLANDS THAT HAVE NOT BEEN DETERMINED AND/OR LOCATED BY THE SURVEYOR PER THE DATE OF THIS SURVEY.

Corporate Warranty Deed

This Indenture, made, April 14, 2017 A.D.
Between

Dream Lake Properties, LLC, a Florida Limited Liability whose post office address is: 28345 Columbia Road, Tavares, Florida 32778 a corporation existing under the laws of the State of Florida, Grantor and Larry Wayne Blevins and Carrie Catherine Blevins, husband and wife whose post office address is: ~~28345~~ 35737 Timber Top Lane, Fruitland Park, Florida 34731 Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Lake, State of Florida, to wit:

Lots 13 and 14, Block B, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 13, of the Public Records of Lake County, Florida.

Being the same property deceded to Dream Lake Properties, LLC, a Florida Limited Liability Company, dated May 8, 2009, recorded in Records Book 3770, Page 1638 and 1640 Public Records of Lake County, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 0919241200-00B-01300

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Dream Lake Properties, LLC

By:

John Sanfelippo
John Sanfelippo
Its: Managing Member

Signed and Sealed in Our Presence:

Jennifer Larsen
Witness (Print Name) Jennifer Larsen
Dawn C. Hosier
Witness (Print Name) Dawn C. Hosier

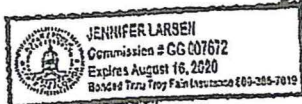
(Corporate Seal)

State of Florida
County of Lake

The foregoing instrument was acknowledged before me this 14th day of April, 2017 by John Sanfelippo, the Managing Member of Dream Lake Properties, LLC, A Florida Limited Liability Company existing under the laws of the State of Florida, on behalf of the corporation. He/She is personally known to me or has produced a FLDL as identification.

Jennifer Larsen (Seal)
Notary Public
Notary Printed Name: Jennifer Larsen
My Commission Expires: 8/16/2020

Prepared by, Record, and Return to:
Jennifer Larsen, an employee of
Brokers Title of Leesburg, LLC
9800 U.S. Hwy 441, Suite #106
Leesburg, Florida 34788
Prepared incidental to the issuance of
a policy of title insurance



File Number: 17-132
Consideration: \$18,860.00

6

Corporate Warranty Deed

This Indenture, made, May 26, 2017 A.D.

Between
Dream Lake Properties, LLC whose post office address is: 28345 Columbia Road, Tavares, Florida 32778 a corporation existing under the laws of the State of Florida, Grantor and Terry F. Ross and Rachel Ann Ross, husband and wife whose post office address is: 930 Thomas Avenue, Leesburg, Florida 34748, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Lake, State of Florida, to wit:

Lots 15 and 16, Block B, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 13, of the Public Records of Lake County, Florida.

Being the same property deeded to Dream Lake Properties, LLC, a Florida Limited Liability Company, dated May 15, 2009, recorded in Records Book 03770, Page 1639 and 1637 Public Records of Lake County, Florida.

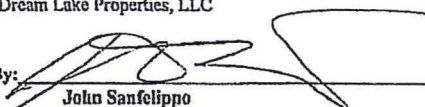
Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 09-19-24-120000B01500, 09-19-24-120000B01600

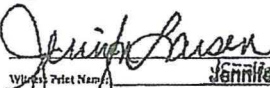
And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.


In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Dream Lake Properties, LLC

By: 
John Sanfelippo
Its: Managing Member

Signed and Sealed in Our Presence:

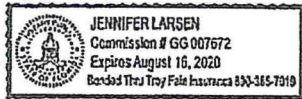

Witness Printed Name: Jennifer Larsen

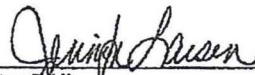

Witness Printed Name: Misty Fiddle

(Corporate Seal)

State of Florida
County of Lake

The foregoing instrument was acknowledged before me this 26th day of May, 2017 by John Sanfelippo, the Managing Member of Dream Lake Properties, LLC, A corporation existing under the laws of the State of Florida, on behalf of the corporation. He/She is personally known to me or has produced a FL DL as identification.




Notary Public
Notary-Printed Name: Jennifer Larsen (Seal)

My Commission Expires::

Prepared by, Record, and Return to:
Jennifer Larsen, an employee of
Brokers Title of Leesburg, LLC
9800 U.S. Hwy 441, Suite #106
Leesburg, Florida 34788
Prepared incidental to the issuance of
a policy of title insurance



File Number: 17-162
Consideration: \$18,860.00

Corporate Warranty Deed

This Indenture, made, October 20, 2016 A.D.

Between
Dream Lake Properties, LLC whose post office address is: 28345 Columbia Road, Tavares, Florida 32778 a corporation existing under the laws of the State of Florida, Grantor and Terry F. Ross and Rachel Ann Ross, husband and wife whose post office address is: 930 Thomas Avenue, Leesburg, Florida 34748, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Lake, State of Florida, to wit:

Lots 17, 18 and 19, Block B, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 13, of the Public Records of Lake County, Florida.

Being the same property deeded to Dream Lake Properties, LLC, a Florida Limited Liability Company, dated 05/15/09, recorded in Records Book 3770, Pages 1364-1636, Public Records of Lake County, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 0919241200-00B-01700, 09192412

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Dream Lake Properties, LLC

By: [Signature]
John D. SanFelippo
Its: Managing Member

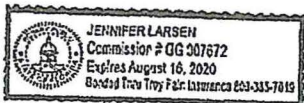
(Corporate Seal)

Signed and Sealed in Our Presence:

[Signature]
Witness Print Name: Jennifer Larsen
[Signature]
Witness Print Name: Joel A. Bornstein

State of Florida
County of Lake

The foregoing instrument was acknowledged before me this 20th day of October, 2016 by John D. SanFelippo, the Managing Member of Dream Lake Properties, LLC, A corporation existing under the laws of the State of Florida, on behalf of the corporation. He/She is personally known to me or has produced a [Signature] as identification.



[Signature] (Seal)
Notary Public
Printed Name: Jennifer Larsen
My Commission Expires:

Prepared by, Record, and Return to:
Jennifer Larsen, an employee of
Brokers Title of Leesburg, LLC
9800 U.S. Hwy 441, Suite #106
Leesburg, Florida 34788
Prepared incidental to the issuance of
a policy of title insurance

File Number: 16-304
Consideration: \$28,290.00

[Red Handwritten Mark]

The Villages®
DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad # 00785556** in the matter of **NOTICE OF PUBLIC HEARINGS RESOLUTION 2018-001**, was published in said newspaper in the issues of

JANUARY 15, 2018

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he 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.

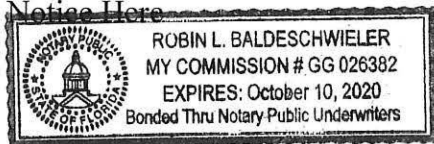

(Signature Of Affiant)

Sworn to and subscribed before me this 25
day January 2018.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____

Attach Notice Here



NOTICE OF PUBLIC
HEARINGS
RESOLUTION 2018 - 001

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A SPECIAL EXCEPTION USE IN THE R-2 ZONING DISTRICT TO ALLOW DUPLEXES, ON THE HEREIN DESCRIBED PROPERTY LOCATED ON SUNSET WAY, FORREST AVENUE AND PENNSYLVANIA AVENUE, CITY OF FRUITLAND PARK, FLORIDA, OWNED BY TERRY AND RACHEL ROSS AND LARRY AND CARRIE BLEVINS; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinances will be considered at the following public meetings:

Fruitland Park City Commission
1st Reading on January 11,
2018 at 6:00 p.m.
Fruitland Park City Commission
Final Hearing on January 25,
2018 at 6:00 p.m.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida. The proposed Ordinances and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinance.

A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).





**AGENDA ITEM
NUMBER
5e**

5

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	QUASI-JUDICIAL HEARING - Ordinance 2018-003 – Rezoning and Development Agreement - Petitioner: WTG Propertie LLC			
For the Meeting of:	January 25, 2018			
Submitted by:	City Manager/City Attorney/Community Development Director			
Date Submitted:	January 15, 2018			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Items: Ordinance 2018-003, the second reading will be held on February 8, 2018.				
Action to be Taken: Approve the LPA’s recommendation.				
Staff’s Recommendation: Approve LPA’s recommendation.				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2018 - 003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING .66 ± ACRES OF THE PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY (R-2) TO COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Wayne Goodridge, WTG Properties, LLC, Owner, requesting that approximately 0.66 acres of real property generally located east of CR 468 (Willard Avenue) and south of Berckman Avenue (the “Property”) be rezoned from Single Family Medium Density Residential (R-2) to Commercial Planned Unit Development (PUD) within the city limits of Fruitland Park; and

WHEREAS, the petition bears the signature of all applicable parties; and

WHEREAS, the required notice of the proposed rezoning has been properly published; and

WHEREAS, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1. The following described property consisting of approximately 0.66 ± acres of land generally located east of CR 468 (Willard Avenue) and south of Berckman Avenue shall hereafter be designated as PUD, Commercial Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described and depicted as set forth on Exhibit “A”.

Section 2. That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2018.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

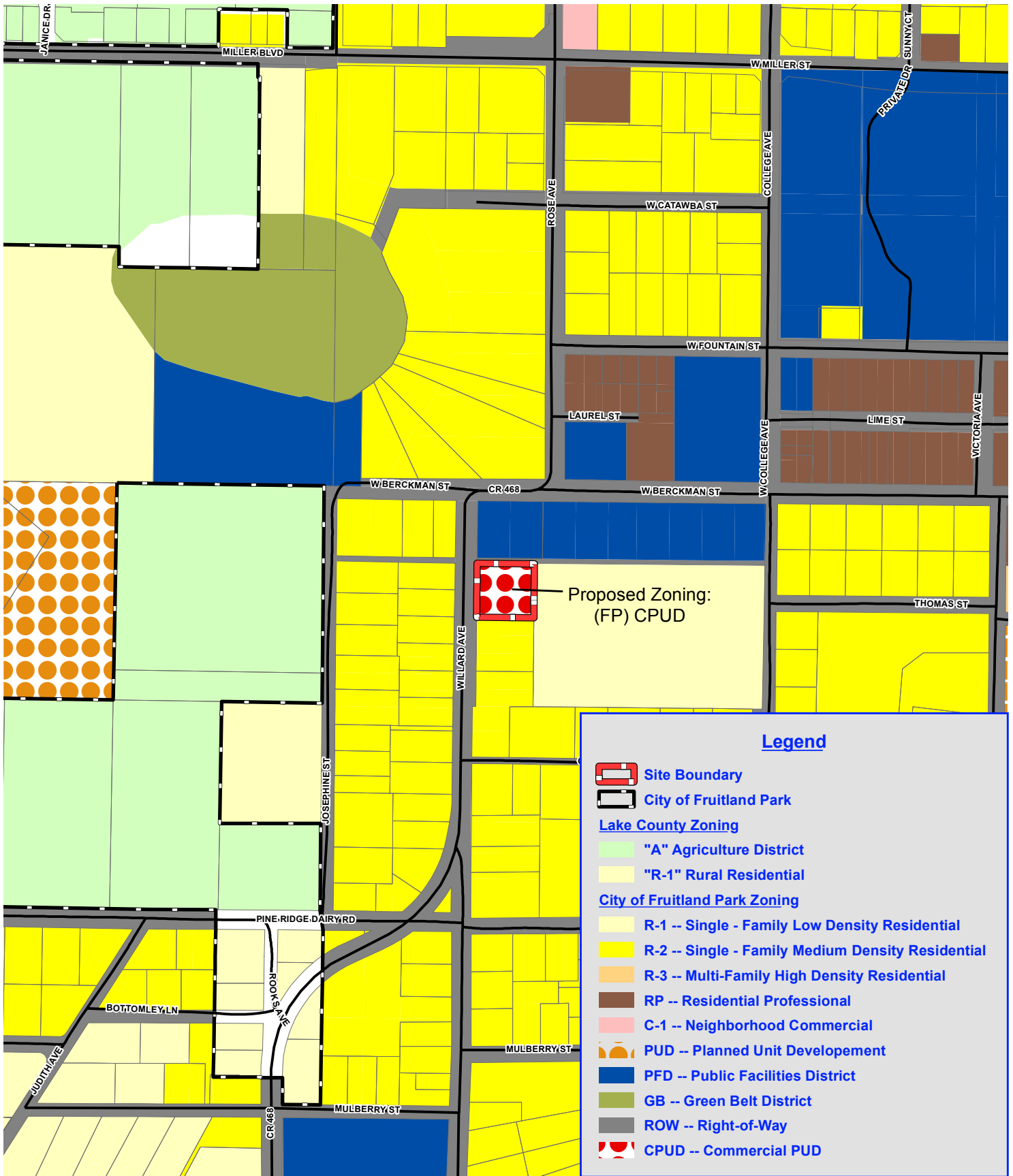
Anita Geraci-Carver, City Attorney

Vice-Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading _____
Passed Second Reading _____
(SEAL)

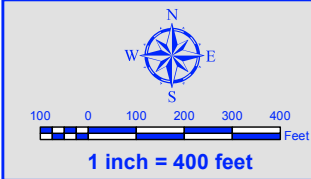
EXHIBIT "A"
LEGAL DESCRIPTION

Lots 1, 2 and 3 and that ½ of vacated alley abutting thereof, Block 5, Plat of Geo. T. Clark's Gardenia Subdivision, According to the plat thereof, as recorded in Plat Book 3, Page 15, of the Public Records of Lake County, Florida.



Legend

-  Site Boundary
-  City of Fruitland Park
- Lake County Zoning**
-  "A" Agriculture District
-  "R-1" Rural Residential
- City of Fruitland Park Zoning**
-  R-1 -- Single - Family Low Density Residential
-  R-2 -- Single - Family Medium Density Residential
-  R-3 -- Multi-Family High Density Residential
-  RP -- Residential Professional
-  C-1 -- Neighborhood Commercial
-  PUD -- Planned Unit Development
-  PFD -- Public Facilities District
-  GB -- Green Belt District
-  ROW -- Right-of-Way
-  CPUD -- Commercial PUD



**City of Fruitland Park
WTG Properties, LLC**
Lake County, Florida
Proposed Zoning

Project: 398-17-06
File: Proposed Zoning.mxd
Name: WTG Properties
PM: Sherie Lindh
Date: December 13, 2017
Created By: J.Wilson



**LPG Urban &
Regional Planners, Inc.**
1162 Camp Avenue, Mount Dora, Florida 32757
Office: (352) 385-1940 / Fax: (352) 383-4824

MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the ____th day of _____, 2016, between the **CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation**, (hereinafter referred to as the "City"), and Wayne Goodridge, Manager, WTG Properties, LLC (hereinafter referred to as the "Owner").

RECITALS

1. The Owner desires to rezone approximately .66 ± acres of property within the City of Fruitland Park, described and depicted as set forth on Exhibit "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").

2. The Property is currently located within the City of Fruitland Park and is currently zoned "Single Family Low Density" (R-2) with a future land use designation on the City of Fruitland Park Future Land Use Map of "Single Family Residential Medium Density."

3. Owner has filed applications for rezoning for the Property as a commercial planned unit development.

4. Owner represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.

5. The Property is within the City's Chapter 180, Florida Statutes, utility district, and Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

ACCORDINGLY, in consideration of the mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. Recitals. The above recitals are true and correct, are hereby incorporated herein by reference, and form a material part of this Agreement. All exhibits to this Agreement are hereby deemed a part thereof.

Section 2. Conditions Precedent. Owner has filed an application for rezoning for the Property. It is understood and agreed to by the City and the Owner that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement and adopts an ordinance rezoning the Property. The parties hereto understand and acknowledge that the City is in no way bound to rezone the Property. The City shall have the full and complete right to approve or deny the application for rezoning.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "Conceptual Site Plan" prepared by Columbia America, dated November 18, 2017, and attached as **Exhibit "B"** (the "Plan"). All development shall be consistent

with City's "CPUD" (Planned Unit Development/Commercial) zoning district and, subject to City approval. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

Section 4. Permitted Uses. Permitted Uses shall include:

- a. Contractor's yard.
- b. Maintenance contractor.
- c. Personal services.
- d. Offices.
- e. Financial Services.
- f. Business Services.
- g. Day care center.

Section 5. Development Standards. Development Standards shall be as follows:

- a. Minimum Setback requirements shall be:

Front: Local Roadways - Thirty feet (30')

Side: Another Lot - Ten feet (10')

Rear: Adjacent Property- Fifteen feet (15')

Accessories Setback: All new accessory structures shall be located no closer to the property line than ten feet (10').

- b. Commercial structures shall not exceed fifteen thousand (15,000) square feet.
- c. The maximum impervious surface ratio for the property (which includes building coverage) shall be limited to seventy percent (70%).
- d. The maximum floor area ratio for the property shall be limited to twenty percent (20%).
- e. Maximum building height shall be limited to thirty five feet (35'); however, if adequate fire protection measures are provided the height limitation may be exceeded, as determined by the City.
- f. Parking: The Applicant will be required to meet the parking requirements of the Fruitland Park Land Development Code for the proposed uses.
- g. Outside storage of materials and equipment shall be restricted to the rear yard and screened by an opaque fence so that such materials are not visible from any public right-of-way or adjoining lot.

Section 6. Lighting. All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way and parking areas.

Section 7. Water, Wastewater, and Reuse Water. Subject to the terms herein, Owner and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City when available. Owner

covenants and warrants to City that it will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. Notwithstanding the foregoing, private wells for irrigation purposes will be allowed within the Property so long as such wells are approved and permitted by the St. Johns River Water Management District (the "District") and comply with the rules and regulations of the District. Owner shall construct, at Owner's expense, all on-site utility facilities (e.g. lift stations and lines) as well as pay for the extension of facilities from City's current point of connection. Owner shall also construct, at Owner's expense, "dry" utility lines for reclaimed water purposes. All such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction.

Section 8. Impact Fees. Owner shall be required to pay impact fees as established by City from time to time. Notwithstanding the foregoing, Owner shall pay water and wastewater impact fees at the rate of \$3,080.00 per ERU for wastewater (sewer) and \$985.00 per ERU for water.

Owner agrees to pay all other impact fees and any impact fees adopted after the execution of this Agreement as building permits are issued. If impact fees increase from the time they are paid until the building permit is issued, Owner shall pay the incremental increased amount at the time building permits are issued. Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner agrees and understands that no capacity has been reserved and that Owner assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of site plan and City is willing to allocate such capacity to Owner, Owner shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

Section 9. Easements. Owner shall provide the City such easements or right of way in form acceptable to the City Attorney, as the City deems necessary for the installation and maintenance of roads, sidewalks, bikeways, street lighting or utility services, including but not limited to sewer, water, drainage and reclaimed water services.

Section 10. Landscaping/Buffers. Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a fifteen foot (15') landscape buffer along Willard Avenue (SR468); an opaque fence or wall shall be installed along all other property lines.

Owner shall, at its sole expense, install underground irrigation systems on all common areas of the Property, as well as exercise any other measures reasonably necessary to ensure the long-term maintenance of the landscaping.

Owner shall design and construct, at its sole expense, the interior landscaped areas and islands within the parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner shall maintain such areas.

Owner acknowledges City's goal of achieving a greater level of tree preservation within the City. In aid of such goal, Owner agrees to comply with all applicable City of Fruitland Park Land Development Regulations pertaining to tree removal and replacement.

Section 11. Stormwater Management. Owner agrees to provide at Owner's expense a comprehensive stormwater management system consistent with all regulatory requirements of the

City and the St. John's River Water Management District. Impacts to flood plains are allowed in accordance with the Water Management District procedures for compensating storage and will be based on the 100-year floodplain established by Lake County.

Section 12. Other Municipal Facilities/Services. The City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under the same terms and conditions and in the same manner as are afforded to all other commercial property owners within the City.

Section 13. Environmental Considerations. The Owner agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

Section 14. Signage. Owner shall submit a master sign plan as a component of the final site plan (i.e., construction plan) application for the Property. Such plan shall be in compliance with all applicable regulations contained within the City of Fruitland Park Land Development Regulations, unless City grants a waiver or variance pursuant to the City's Land Development Regulations. Alternatively, the Owner, in the Owner's discretion, may apply to amend the PUD to incorporate a Master Signage Plan at the time that the Owner desires to install signage at the development.

Section 15. Title Opinion. Owner shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to the Property to be in the name of the Owner and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

Section 16. Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies. All improvements and infrastructure shall be constructed to City standards.

Section 17. Due Diligence. The City and Owner further agree that they shall commence all reasonable actions necessary to fulfill their obligations hereunder and shall diligently pursue the same throughout the existence of this Agreement. The City shall further provide all other municipal services to the Property as are needed by Owner from time to time in accordance with the City's applicable policies for the provision of said services.

Section 18. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law. This is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220 - 163.3243, *Florida Statutes*.

Section 19. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

Section 20. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 21. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party or any right, power, or privilege hereunder operate as a waiver of any other right, power, privilege hereunder, not will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof or the exercise of any other right, power, or privilege hereunder.

Section 22. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 23. Notice. Any notice to be given shall be in writing and shall be sent by certified mail, return receipt requested, to the party being noticed at the following addresses or such other address as the parties shall provide from time to time:

As to City:	City Manager City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Chris Chesire, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone Anita Geraci-Carver Law Office of Anita Geraci-Carver, P.A. 1560 Bloxam Avenue Clermont, Florida 34711 352-243-2801 Telephone 352-243-2768 Facsimile
As to Owner:	Wayne Goodridge WTG Properties, LLC P.O. Box 346 Fruitland Park, FL 34731

Copy to:	

Section 24. Entire Agreement. This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Owner from complying with the law governing said permitting requirements, conditions, terms or restrictions.

Section 25. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner, or the effective date of the annexation of the Property, whichever occurs later, and shall terminate twenty (20) years thereafter; provided, however, that the term of this Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing.

Section 26. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 27. Severability. If any part of this Developer's Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer's Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer's Agreement is declared severable.

IN WITNESS WHEREOF, the Owner and the City have executed this Agreement as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Witness Signature

Print Name

Witness Signature

Print Name

By: _____
Signature

Print Name

Signature

Print Name

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____ by _____ and _____ who are personally known to me or who have produced _____ as identification and who did (did not) take an oath.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

ACCEPTED BY THE CITY OF
FRUITLAND PARK

Approved as to form and
Legality for use and reliance
by the City of Fruitland Park

By: _____
Chris Chessire, Mayor

Date: _____

Anita Geraci-Carver
City Attorney
This instrument prepared by:

ATTEST: _____
Esther B. Coulson
City Clerk

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, _____, City Clerk of the City of Fruitland Park, Florida, who are personally known to be me and they acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Fruitland Park, Florida.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

EXHIBIT "A"
LEGAL DESCRIPTION

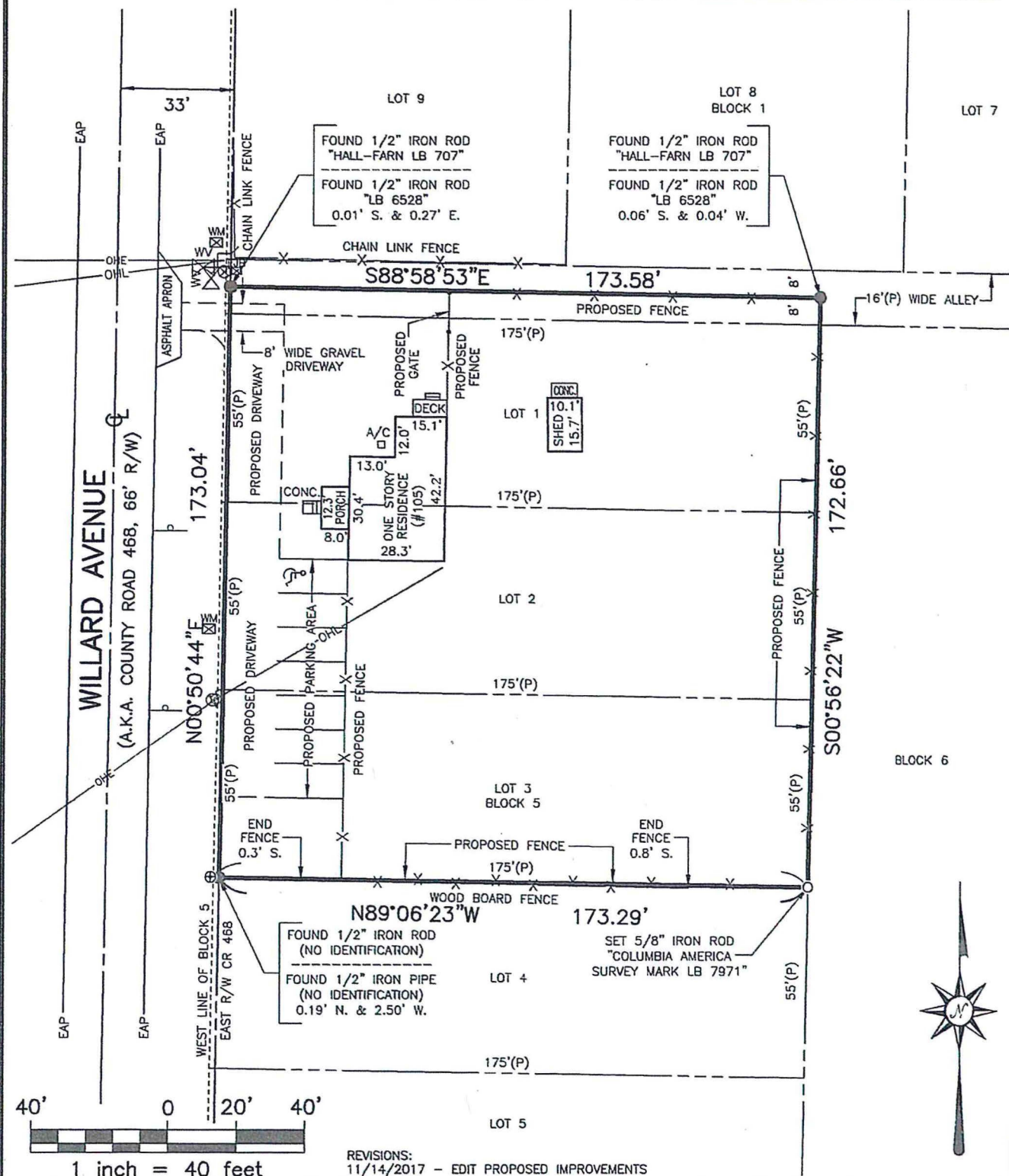
Lots 1, 2 and 3 and that ½ of vacated alley abutting thereof, Block 5, Plat of Geo. T. Clark's Gardenia Subdivision, According to the plat thereof, as recorded in Plat Book 3, Page 15, of the Public Records of Lake County, Florida.

EXHIBIT "B"

THE PLAN

Received
11-15-17
2

BOUNDARY SURVEY FOR: WTG PROPERTIES, LLC



REVISIONS:
11/14/2017 - EDIT PROPOSED IMPROVEMENTS

SEE PAGE 2
FOR DESCRIPTION,
LEGEND, NOTES
AND CERTIFICATION.

COLUMBIA AMERICA
SURVEYING AND MAPPING SERVICES
LICENSED BUSINESS NO. 7971 / www.ColumbiaAmerica.com
P.O. BOX 770204, OCALA, FL 34477-0204
5032 SW 104TH LOOP, OCALA, FL 34476-8911
TELEPHONE: (352) 572-5428 / FAX : 1-888-701-2267

JOB#: CA-2017-079
FILE #: 5C-00255
F.B./PG.: CA10/25
SURVEY DATE: 11/08/2017
DWG. FILE: GOODRIDGE.DWG
PAGE 1 OF 2

Reviewed
11-15-17
②

BOUNDARY SURVEY FOR:

WTG PROPERTIES, LLC

- LEGEND:**
- = FOUND IRON ROD
(SIZE AND MARKINGS AS NOTED)
 - ⊕ = FOUND IRON PIPE
(SIZE AND MARKINGS AS NOTED)
 - = SET 5/8" IRON ROD WITH CAP
MARKED "COLUMBIA AMERICA
SURVEY MARK LB 7971"
 - Ⓞ = CENTERLINE
 - ⊞ = ELECTRICAL JUNCTION BOX
 - ☆ = LIGHT POLE
 - ⏏ = POWER POLE
 - = SIGN
 - ⊗ = TELEPHONE JUNCTION BOX
 - Ⓜ = WATER METER
 - Ⓜ = WATER VALVE

- A/C = AIR CONDITIONER ON SLAB
- A.K.A. = ALSO KNOWN AS
- CONC. = CONCRETE
- DWG. = DRAWING
- EAP = EDGE OF PAVEMENT
- F.B. = FIELD BOOK
- OHE = OVERHEAD ELECTRIC LINE
- OHL = OVERHEAD LINE
- (P) = PLAT DIMENSION
- PG. = PAGE
- R/W = RIGHT-OF-WAY

- = BOUNDARY LINE
- = RIGHT-OF-WAY LINE
- = CENTERLINE
- = LOT LINE
- X—X— = FENCE LINE
- OHE— = OVERHEAD ELECTRIC LINE
- OHL— = OVERHEAD LINE

DESCRIPTION:

LOTS 1, 2 AND 3 AND THAT 1/2 OF VACATED ALLEY ABUTTING THEREOF, BLOCK 5, PLAT OF GEO. T. CLARK'S GARDENIA SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 15, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT), WITH THE EAST LINE OF LOTS 1-3, BLOCK 5, GEO. T. CLARK'S GARDENIA SUBDIVISION, BEARING S00°56'22"W.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACT AND MAY NOT INDICATE CURRENT OWNERSHIP, ENCUMBRANCES, OR OTHER MATTERS OF RECORD.
3. THIS SURVEY IS OF VISIBLE PERMANENT IMPROVEMENT FEATURES ONLY. UNDERGROUND IMPROVEMENTS AND/OR ENCROACHMENTS, IF ANY, WERE NOT LOCATED.
4. COPIES OF THIS SURVEY ARE NOT VALID WITHOUT EITHER THE ORIGINAL SIGNATURE AND RAISED SEAL OR THE ORIGINAL DIGITAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER LISTED HEREON.
5. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 12069C0306E, DATED 12/18/2012, THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
6. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.



Digital signature and seal as regulated under Chapter 5J-17.062 Florida Administrative Code

Digitally signed
by: Cary M
Melvin
Date: 2017.11.13
15:25:09 -05'00'

CERTIFIED TO:
WTG PROPERTIES, LLC

CARY M. MELVIN, FLORIDA PROFESSIONAL
SURVEYOR & MAPPER LICENSE NO. 6329

SEE PAGE 1
FOR DRAWING.

COLUMBIA AMERICA
SURVEYING AND MAPPING SERVICES
LICENSED BUSINESS NO. 7971 / www.ColumbiaAmerica.com
P.O. BOX 770204, OCALA, FL 34477-0204
5032 SW 104TH LOOP, OCALA, FL 34476-8911
TELEPHONE: (352) 572-5428 / FAX : 1-888-701-2267

JOB#: CA-2017-079
FILE #: 5C-00255
F.B./PG.: CA10/25
SURVEY DATE: 11/08/2017
DWG. FILE: GOODRIDGE.DWG

**CITY OF FRUITLAND PARK
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

REZONING

Owner: Wayne Goodridge, WTG Properties, LLC

General Location: South of Berckman and east of Willard Ave. (CR 468)

Number of Acres: 0.66 ± acres

Existing Zoning: Single Family Medium Density (R-2)

Proposed Zoning: Commercial PUD (CPUD)

Existing Land Use: Single Family Medium Density

Date: December 11, 2017

Description of Project

The subject property is developed with one residential unit and storage building. It is proposed to utilize the site as a contractor's storage yard.

	Surrounding Zoning	Surrounding Land Use
North	Public Facilities District (PFD)	Institutional
South	R-2	Single Family Medium Density
East	R-1 and PFD	Institutional and Single Family Low Density
West	R-2	Single Family Medium Density

Assessment

The subject site is approximately 175' south of Berckman and Rose Avenue and located near the Central Business District. The CBD extends south of Berckman approximately 300' south to the east of the subject site. Along Berckman Avenue are intuitional land uses and the CBD district. The subject site appears to be within a transitioning area along Willard Avenue. Willard Avenue is also known as CR 468 which is a major north/south connector in the City.

Pursuant to FLU Policy 1-1.4 small scale commercial uses may be permitted adjacent to major highways provided they are intended to provide for the daily needs of residents within the

development and the adjoining residential area. Such businesses will generally not exceed 15,000 sq. ft. in size and will require Planned Unit Development (PUD) zoning.

Pursuant to FLU Policy 1-9.2, land use patterns on the FLU map shall promote orderly, compact growth. The City shall encourage growth and development in existing developed areas where public facilities and services are presently in place and in those areas where public facilities can provide the most efficient service.

Pursuant to Policy 1-3.4, commercial developments shall provide sufficient buffers and screening to mitigate impacts to adjacent residential or public facility land uses.

CONCURRENCY ANALYSIS

The proposed use utilizing the existing residential structure as an office is expected to generate only slightly more PM peak hour traffic than the existing residential structure; however, the impact is considered minimal.

TRIP GENERATION ANALYSIS

Proposed Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
General Office	1,020 SF	710	11	2	1	1
TOTAL GROSS TRIPS (PROPOSED)			11	2	1	1

Existing Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
Single Family	3 units	210	10	1	1	0
TOTAL GROSS TRIPS (EXISTING)			10	1	1	0

Net Difference (Proposed Net Trip Generation Minus Existing Net Trip Generation)

Land Use	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
TOTAL NET TRIPS (PROPOSED – EXISTING)	1	0	1

Any commercial development will be expected to connect to the City’s water and wastewater facilities when available. The City currently has capacity available for water and sewer.

The LDRs indicate that the minimum size of any parcel shall be ten (10) acres for a PUD. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the PUD district and expressed municipal development policy would be served in such case.

Recommendation

The subject site is located within a transitioning area along Willard Avenue (CR 468). The requested zoning of Commercial PUD is compatible with the comprehensive plan and general area. Although the subject site is less than ten (10) acres, a PUD zoning in this case would meet the comprehensive plan policies. Staff recommends approval of the rezoning subject to a developer's agreement limiting the commercial square footage to 15,000 square feet and limited commercial uses with appropriate buffers consistent with the comprehensive plan.

CITY OF FRUITLAND PARK
NOTICE TO SURROUNDING PROPERTY OWNERS

The City of Fruitland Park has received an application for Rezoning from Single-Family Medium Density (R2), to Commercial PUD (Planned Unit Development).

Name of Applicant: Wayne Goodridge, WTG Properties, LLC

Address or general location of property: 105 Willard Ave, Fruitland Park, FL 34731 (ALT Key #1432235)

Type of Zoning requested: Commercial (CPUD)

Reason for action Allow for contractors office and secured privacy fenced yard for types of C-1 uses (Neighborhood Commercial).

Other information attached: Yes X No _____

* * * *

There will be a Public Hearing:

Planning & Zoning Board
City Commission 1st Reading
City Commission Final Reading

Thursday, January 18, 2018 @ 6:00 p.m.
Thursday, January 25, 2018 @ 6:00 p.m.
Thursday, February 8, 2018 @ 6:00 p.m.

NOTE: If you are opposed to this application and wish to state your reasons, please fill out and return the form below to: Fruitland Park City Hall, 506 W Berckman Street, Fruitland Park, FL 34731, or call 352-360-6727 and your name will be listed for you to speak at the scheduled P&Z Board Meeting and/or City Commission Meeting.

* * * *

SURROUNDING PROPERTY OWNER

Name: _____
(Please Print)

Address: _____

I/We the undersigned have examined the above information for the proposed _____ and understand the nature of this request.

I/We are opposed /not opposed to this action. (check one)

I/We request to speak at P&Z Meeting and/or City Commission Meeting . (check one or both)

Addressee Signature

Addressee Signature

In the event this form is not mailed back to the City or you have not called the City to schedule you as a speaker, this will be considered as an approval.

The Villages®
DAILY SUN

Published Daily
 Lady Lake, Florida
 State of Florida
 County Of Lake

Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad #786910** in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2018-003**, was published in said newspaper in the issues of

JANUARY 11, 2018
JANUARY 18, 2018

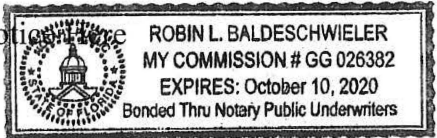
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he 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.

Sheryl Dufour
 (Signature Of Affiant)

Sworn to and subscribed before me this 25
 day January 2018.

Robin L. Baldeschwieler
 Robin L. Baldeschwieler, Notary

Personally Known X or
 Production Identification _____
 Type of Identification Produced _____

Attach Notice of Public Hearing


**NOTICE OF PUBLIC HEARINGS
 ORDINANCE 2018-003**

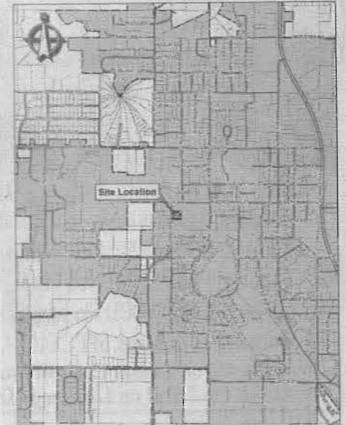
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING .66 +- ACRES OF THE PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY (R-2) TO COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinances will be considered at the following public meetings;

Planning & Zoning Board on January 18, 2018 at 6:00 p.m.
 Fruitland Park City Commission 1st Reading on January 25, 2018 at 6:00 p.m.
 Fruitland Park City Commission Final Hearing on February 8, 2018 at 6:00 p.m.

all meetings will be held at the Commission Chambers, 506 W. Berchman Street, Fruitland Park, Florida. The proposed Ordinances and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352)360-6727.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinance. A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that the verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).



#786910 January 11, 2018
 January 18, 2018



506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731

PHONE: 352/ 360-6727
FAX: 352/ 360-6652

<p>Board Members: Connie Bame, Chairwoman Colin Crews Daniel Dicus Philip Purlee Tom Bradley</p>	<p>Others: Greg Beliveau, City Land Planner Tracy Kelley, Administrative Assistant</p>
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**MINUTES
 PLANNING & ZONING BOARD
 JANUARY 18, 2018
 6:00PM**

- I. **INVOCATION:** Chairwoman Bame called the meeting to order at 6:00P.M. and led the pledge of allegiance. Board member Tom Bradley gave the invocation.
- II. **ROLL CALL:** All board members present. Present LPG Beliveau and Assistant Kelley.
- III. **MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from December 13, 2017. Motion to approve meeting minutes by Board member Colin Crews. Second by Board member Philip Purlee. Approved 5-0.
- IV. **OLD BUSINESS:**

A **Tabled WTG Properties (ALT Key #1432235)**

- b. Allow for Contractors Yard and C-1 Uses (Neighborhood Commercial)

LPG Beliveau gave an introduction for the Rezoning application from single family medium density to Commercial PUD (CPUD) to allow for the use of a contractor’s storage yard. LPG Beliveau presented the Master Developer’s Agreement to the Board and recommends approval as long as the conditions of the agreement are met.

LPG Beliveau reviewed the site plan submitted by the applicant with application, however, applicant has not submitted an amended site plan that meets the conditions as in the Master Developer’s Agreement. LPG Beliveau outlined the two specific conditions of the Master Developer’s Agreement that are not on the submitted site plan 1) 15’ required landscape buffer along Willard Avenue; recommended due to the existing residential uses 2) existing parking lot layout needs to meet the City’s current parking lot requirements as outlined in the LDR’s (Land Development Regulations), and 3) the existing site plan indicates a wooden privacy fence whereas the Master Developer’s Agreement states a white PVC privacy fence.

LPG Beliveau recommends approval if the REVISED submitted site plan meets the requirements as outlined in the Master Developers’ Agreement; explained the applicant does have the opportunity to re-submit a revised site plan prior to Commission approval.

Chairwoman Bame addressed the audience if there were any public comments

The following City of Fruitland Park residents gave reasons of opposition:

William E Graham – objects commercial zoning due to increased traffic; Benjamin (Greg) Shepherd – objects commercial zoning due to increased traffic; Wanda Smith – objects commercial zoning due to increased traffic, noise, and crime; Kathleen Wolfarth - objects commercial zoning due to traffic and potential future commercial uses of property

During citizen's comments LPG Beliveau, Board members, and Applicant Wayne Goodridge gave detailed explanations and references to City Land Development Regulations (LDR's).

Applicant Wayne Goodridge commented the amendments needed for the Master Developer's Agreement to meet approval would not be an issue 1) 15' landscape buffer to be included 2) increase driveway to width of 12' 3) 6' white PVC fence, and 4) employee parking in rear behind fence and meet the minimal parking requirements.

Board member Dicus addressed the audience as a long-time resident of Fruitland Park, the intended use would not add any more traffic than already on Willard Avenue; the applicant is also bringing an option with the privacy fence to buffer from the surrounding residents; and commercial development is pending in the immediate area.

Chairwoman Bame reviewed the allowed uses under C1 Zoning; a restaurant would not be permitted for future use (potential concern by residents); and Chairwoman Bame clarified the difference between a Maintenance and Contractor's Yard as defined in City's LDR's.

LPG Beliveau also reviewed if any other intended uses were presented, the applicant and/or property owner would need to reapply with the City for those intended uses.

Board member Crews concerned proposed land use does not meet Medium Residential Density FLU; Board member Crews states the proposed land use is out of character.

Land Planner Beliveau reviewed and discussed the City's FLU along corridor of Willard Avenue.

Board member Bradley commented the surrounding commercial business (Food Pantry as referenced by Applicant Wayne Goodridge) has certain hours of operation that does not increase the local traffic on a routine basis; the proposed land use application is more suitable in the Industrial Zoning.

Board member Purlee wanted clarification and definition of contractor's yard.

LPG Beliveau read those definitions from the City's LDR's.

Chairwoman Bame called for any further comments; Chairwoman Bame called for motion

Motion by Board member Dicus to approve Rezoning from Single Family Medium Density (R2) to Commercial PUD (CPUD). Second by Board member Purlee

Approved 2-5 (Board member Dicus and Board member Purlee)

Opposed 3-5 (Chairwoman Bame, Board member Crews, Board member Bradley)

V. NEW BUSINESS: None

BOARD MEMBERS' COMMENTS: None

ADJOURNMENT: 7:03PM



**AGENDA ITEM
NUMBER
6a**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	City Manager Report		
For the Meeting of:	January 25, 2018		
Submitted by:	City Manager		
Date Submitted:	January 25, 2018		
Are Funds Required:		Yes	X No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:			
Description of Item:	<ul style="list-style-type: none"> (i) Resolution 2018-006 - Motor Cycle Helmet and System (ii) Resolution 2018-007 - Northwest Lake Community - Cales Park Multipurpose Soccer Field Complex 		
Action to be Taken:			
Staff's Recommendation:			
Additional Comments:			

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2018-006

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, DECLARING CERTAIN PERSONAL PROPERTY AS SURPLUS; PROVIDING FOR AUTHORIZATION FOR DONATION OF SAID PERSONAL PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park Police Department has accumulated certain personal property which is no longer useful or beneficial to the City of Fruitland Park; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of Fruitland Park to declare the below listed personal property as surplus property, and to subsequently dispose of said property by donation; and

WHEREAS, has home rule authority to take any action in the furtherance of the interest of the City that is not in conflict with general law, and taking action authorized in this resolution is not in conflict.

THEREFORE BE IT RESOLVED by the City Commission of the City of Fruitland Park, Florida, as follows:

1. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.
2. The City Commission of the City of Fruitland Park hereby declares that the following personal property is surplus property, and that said personal property is obsolete, no longer useful and is burdensome to retain:
 - Three (3) white motorcycle helmets
 - One (1) Setcom Liberator microphone
 - Two (2) sets of miscellaneous radio parts for helmets.
3. The City Manager is hereby directed to dispose of the property described herein to governmental units in the county.
4. This resolution shall be effective immediately upon adoption.

PASSED AND RESOLVED this 25th day of January, 2018, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Lewis	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Ranize	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney



GROVELAND POLICE DEPARTMENT



Shawn Ramsey, Chief of Police
408 W. Orange Street, Groveland, Florida 34736
Phone: (352) 429-4166 Fax: (352) 429-5559

DATE: December 8, 2017

TO: Chief Michael A. Fewless, Fruitland Park Police Department

FROM: Deputy Chief Armando Loney *AL*

Subject: Donation of SetCom System and Motorcycle helmet

Per a recent conversation between Captain Luce and Officer Rigdon, I learned that the Fruitland Park Police Department no longer has a motorcycle unit. I further learned that your department has a SetCom System and helmet, which is no longer being used and we requesting the possible donation of the SetCom System to the Groveland Police Department.

We have a need for the SetCom System but due to budget constraints, we are not able to purchase one ourselves. The Groveland Police Department thanks you in advance for any consideration the Fruitland Park Police Department and the City of Fruitland Park gives to this request.

RESOLUTION 2018-007

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA, AND THE CITY OF FRUITLAND PARK REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, on December 20, 2016, the City of Fruitland Park, Florida, a municipal corporation organized and existing under the laws of the State of Florida (hereafter the "CITY") entered into an interlocal agreement with Lake County, Florida, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereafter the "COUNTY") regarding a joint development of a soccer field at Northwest Lake Community Park (hereinafter referred to as the "Park"); and

WHEREAS, it was necessary to amend the agreement as the CITY is requesting an extension of time and the COUNTY is agreeable to the extension and other proposed amendments; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds the interlocal agreement is beneficial to the CITY and its residents; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to adopt the first amendment of the Interlocal Agreement between the COUNTY and the CITY regarding the joint development of a soccer field at Northwest Lake Community Park.

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NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Amendment to Interlocal Agreement between LAKE COUNTY and the CITY OF FRUITLAND PARK Regarding the Joint Development of a Soccer Field at Northwest Lake Community Park (the "Amendment"), a copy of which is attached hereto, is approved.

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Section 2. The Commission authorizes the Mayor to execute the amendment to the interlocal agreement.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 25th day of January 2018, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

Commissioner Bell ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Vice Mayor Gunter ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Lewis ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Ranize ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Mayor Cheshire ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

**AMENDMENT TO INTERLOCAL AGREEMENT
BETWEEN LAKE COUNTY, FLORIDA AND
THE CITY OF FRUITLAND PARK
REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT
NORTHWEST LAKE COMMUNITY PARK**

This is an Amendment to an Interlocal Agreement agreed to between Lake County, Florida, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereafter the "COUNTY"), and the City of Fruitland Park, Florida, a municipal corporation organized and existing under the laws of the State of Florida (hereafter the "CITY").

WITNESSETH:

WHEREAS, the CITY owns and operates Northwest Lake Community Park, located at 200 Shiloh Street, Fruitland Park, Florida (hereinafter referred to as the "Park"); and

WHEREAS, the CITY desires to construct a soccer field at the Park (hereinafter referred to as the "Project"); and

WHEREAS, the CITY and the COUNTY previously entered into an Interlocal Agreement regarding the Joint Development of a Soccer Field at the Northwest Lake Community Park dated December 20, 2016 ("Interlocal Agreement"); and

WHEREAS, the CITY has requested an extension of time and the COUNTY is agreeable to the extension and other proposed amendments.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, conditions and payments contained herein, the parties agree as follows:

1. **Recitals.** The above recitals are true and correct and incorporated herein.
2. **Amendment.** The CITY and the COUNTY agree that the following portions of Section 2 of the Interlocal Agreement entitled "Obligations of COUNTY and CITY" shall be amended to state as follows:

Section 2. Obligations of COUNTY and CITY. The COUNTY agrees to reimburse the CITY for a portion of the cost of the Project. The COUNTY's total funding reimbursement shall not exceed **One Hundred Thousand Dollars (\$100,000.00)**, which shall be provided in two payments of no greater than Fifty Thousand Dollars (\$50,000.00) each. The first payment shall be provided between October 1, 2017, and

September 30, 2018, and the second and final payment shall be provided between October 1, 2018, and September 30, 2019. Funding payments made to the CITY by the COUNTY shall be subject to the following terms and conditions:

* * *

C. Within thirty (30) days of receipt of the request for reimbursement and the accompanying documentary evidence, the COUNTY shall provide reimbursement to the CITY subject to the terms and conditions contained herein.

* * *

3. **Amendment.** The CITY and the COUNTY agree that Section 3 of the Interlocal Agreement shall be amended to state as follows:

Section 3. Expenditure of Funds by the CITY. The CITY understands and agrees that the COUNTY shall only provide reimbursement for costs incurred by the CITY on or before August 31, 2018, for the first payment of up to Fifty Thousand Dollars (\$50,000.00) and on or before August 31, 2019, for the second payment of up to Fifty Thousand Dollars (\$50,000.00), for the purposes enumerated herein. In the event the Project is not completed and the COUNTY has not provided the total reimbursement amount by September 30, 2019, the parties shall have the option to extend reimbursement funding for one (1) additional year. Provision of reimbursement for costs incurred beyond August 31, 2019, is a COUNTY prerogative and not a right of the CITY. Any extension of reimbursement funding shall be in writing and fully executed by the parties, with the same formality and of equal dignity herewith.

4. **Amendment.** The CITY and the COUNTY agree that Section 13 of the Interlocal Agreement shall be amended to modify the Division Manager to Director, to state as follows:

cc: Lake County Office of Parks and Trails, Director
P.O. Box 7800
Tavares, FL 32778

AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY AND FRUITLAND PARK REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK_2018

5. **Effect of Amendment.** This Amendment shall take effective immediately upon execution All other provisions of the Interlocal Agreement not specifically addressed above, will remain in full force and effect unless otherwise formally amended by the parties. To the extent that this Amendment conflicts with the Interlocal Agreement, this Amendment will govern.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment on the respective dates under each signature: Lake County, Florida, through its Board of County Commissioners, signing by and through its Chairman, and City of Fruitland Park, through its Mayor.

COUNTY

ATTEST:

LAKE COUNTY, FLORIDA, through its Board of County Commissioners

Neil Kelly, Clerk of the Board
of County Commissioners
of Lake County, Florida

Timothy I. Sullivan, Chairman

This _____ day of _____, 2018.

Approved as to form and legality:

Melanie Marsh
County Attorney

AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY AND FRUITLAND PARK REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK_2018

CITY OF FRUITLAND PARK, FLORIDA

Christopher Cheshire, Mayor

This ____ day of _____, 20__.

ATTEST:

Esther Lewin-Coulson, City Clerk

Approved as to form and legality:

Anita Geraci-Carver, City Attorney



AGENDA ITEM NUMBER 7

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Public Comments		
For the Meeting of:	January 25, 2018		
Submitted by:	City Clerk		
Date Submitted:	January 25, 2018		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item:			
<p>This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.</p> <p>Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.</p>			
Action to be Taken: None.			
Staff's Recommendation:			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the agenda: _____
Mayor¹

RESOLUTION 2013 -023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

WHEREAS, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:

Section 1. The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 3. This Resolution shall become effective immediately upon passage.

RESOLVED this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

ATTEST:


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:


SCOTT A. GERKEN, City Attorney