

1 A bill to be entitled
 2 An act relating to the West Villages Improvement District,
 3 Sarasota County; amending chapter 2004-456, Laws of
 4 Florida; expanding the territorial boundaries of the
 5 district; supplementing the conditions and requirements
 6 for the exercise of its powers, functions, and duties;
 7 providing for a referendum; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Sections 2, 3, 4, 5, 11, 12, 17, and 19 of
 12 chapter 2004-456, Laws of Florida, are amended to read:

13 Section 2. District; creation, jurisdiction, and
 14 purpose.--

15 (1) The West Villages Improvement District, herein
 16 referred to as the "district," is hereby created and
 17 incorporated as an independent special district, pursuant to
 18 chapter 189, Florida Statutes, to be known as the West Villages
 19 Improvement District, in the City of North Port and in
 20 unincorporated, Sarasota County, which independent special
 21 district shall be a public body corporate and politic.

22 (2) The district's territorial boundary shall embrace and
 23 include that real property described in following section 17.

24 (3) The district is created for all purposes as shall be
 25 liberally construed from and set forth in this act, under
 26 sections 189.401-189.429, Florida Statutes, provided that
 27 section 189.4045(2), Florida Statutes, is specifically excluded
 28 and not applicable to the district or to the City of North Port

29 as to that portion of the district located within the City of
 30 North Port jurisdictional boundaries, or to Sarasota County as
 31 to that portion of the district located within the
 32 unincorporated area, and chapter 298, Florida Statutes, as the
 33 same may be amended from time to time, and may perform such acts
 34 as shall be necessary, convenient, incidental, or proper for the
 35 provision, acquisition, development, operation, and maintenance
 36 of those public infrastructure works and services authorized
 37 herein, including all facilities necessary and incidental
 38 thereto.

39 (4) The district charter created by this act may be
 40 amended only by special act of the Legislature. Any expansion of
 41 the powers or the boundaries of the district within the City of
 42 North Port shall require prior approval of the City of North
 43 Port Commission or its designee. Any expansion of the powers or
 44 the boundaries of the district within the unincorporated area of
 45 Sarasota County shall require prior approval of the Board of
 46 County Commissioners of Sarasota County or its designee.

47 (5) The definition of terms and phrases shall be as set
 48 forth in chapters 189 and 298, Florida Statutes, unless
 49 otherwise herein defined.

50 Section 3. District powers, functions, and duties.--

51 (1) In addition to any powers, functions, and duties set
 52 forth in this act, the district shall have the authority to
 53 exercise such powers, functions, and duties as may be set forth
 54 in chapter 298, Florida Statutes.

55 (2) The district is hereby authorized and empowered as
 56 follows:

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57 (a) To adopt by resolution bylaws for the regulation of
58 its affairs and the conduct of its business.

59 (b) To adopt by resolution rules as necessary for
60 implementation, regulation, and enforcement as are consistent
61 with the purposes of the district and this act.

62 (c) To adopt an official seal reflecting the name and
63 nature of the district.

64 (d) To acquire by grant, loan, purchase, gift, transfer,
65 exchange, dedication, lease, devise, or, when reasonably
66 necessary for the implementation of district-authorized public
67 infrastructure works, facilities, or services by means of the
68 exercise of the right of eminent domain pursuant to the laws of
69 the state and in accordance with section 12 of this act, all
70 property, real or personal, or any easement, license, estate, or
71 interest therein necessary, desirable, or convenient for the
72 purposes of this act, and to sell, convey, transfer, gift,
73 lease, rent, dedicate, forfeit, abandon, exchange, or assign all
74 or any part thereof to or with other entities, including
75 governmental entities and agencies, and to exercise all of its
76 powers and authority with respect thereto. The district shall
77 not have the right of eminent domain outside of the boundaries
78 of the district. Notwithstanding anything contained herein, the
79 district shall not obtain fee simple title to any real property
80 within the district except by dedication on an approved plat:

81 1. As to that portion of the district located within the
82 City of North Port jurisdictional boundaries, with the approval
83 of the City of North Port Commission or its designee;

84 2. As to that portion of the district located within the
 85 unincorporated area, with the approval of the Board of County
 86 Commissioners of Sarasota County or its designee;~~7~~ or

87 3. As ~~if~~ otherwise required by another governmental entity
 88 or agency.

89
 90 Any property interests owned by the district which are used for
 91 nonpublic or private commercial purposes shall be subject to all
 92 ad valorem taxes, intangible personal property taxes, or non-ad
 93 valorem assessments, as would be applicable if said property
 94 were privately owned.

95 (e) To finance, plan (as to that portion of the district
 96 located within the City of North Port jurisdictional boundaries,
 97 consistent with the City of North Port Comprehensive Plan and
 98 implementing ordinances, studies, and plans; and, as to that
 99 portion of the district located within the unincorporated area,
 100 consistent with the Sarasota County Comprehensive Plan and
 101 implementing ordinances, studies, and plans), design, acquire,
 102 construct, install, operate, equip, upgrade, reclaim, replace,
 103 extend, renovate, mitigate, and maintain canals, swales,
 104 outfalls, dams, control structures, pumps and pumping systems,
 105 aerators, seawalls, berms, ditches, telemetry and monitoring
 106 equipment, retention areas, holding basins, marshes, wetlands,
 107 uplands, drains, levees, lakes, ponds, and other works or
 108 elements for modern comprehensive water management drainage,
 109 environmental, mitigation preservation, erosion, quality, and
 110 control purposes, and:

111 1. As to that portion of the district located within the
 112 City of North Port jurisdictional boundaries, ~~further that~~ the
 113 district shall agree, at the request of the City of North Port
 114 Commission or its designee, subject to a developer's agreement
 115 with the City of North Port (neither party's consent to said
 116 developer's agreement shall be unreasonably withheld), to donate
 117 and turn over operation to the City of North Port of all or any
 118 portion of said water management system located within the City
 119 of North Port jurisdictional boundaries; and

120 2. As to that portion of the district located within the
 121 unincorporated area, the district shall agree, at the request of
 122 the Board of County Commissioners of Sarasota County or its
 123 designee, subject to a developer's agreement with Sarasota
 124 County (neither party's consent to said developer's agreement
 125 shall be unreasonably withheld), to donate and turn over
 126 operation to Sarasota County of all or any portion of said water
 127 management system located within the unincorporated area ~~to the~~
 128 ~~City of North Port.~~

129 (f) To regulate, modify, control, and redirect the supply
 130 and level of water within the district if consistent with the
 131 rules and regulations of:

132 1. The City of North Port as to that portion of the
 133 district located within the City of North Port's jurisdictional
 134 boundaries;

135 2. Sarasota County, as to that portion of the district
 136 located within the unincorporated area; and

137 3. The ~~Port and~~ Southwest Florida Water Management
 138 District ~~rules and regulations,~~

139
 140 including the division of waters from one area, lake, pond,
 141 river, stream, basin, or water control facility to another; to
 142 control and restrict the development and use of natural or
 143 artificial streams or bodies of water, lakes, or ponds; and to
 144 take of measures determined by the board to be necessary or
 145 desirable to prevent or alleviate land erosion, flooding, or
 146 water quality problems or issues, provided all such activity
 147 shall be carried out in accordance with applicable federal,
 148 state, and local government rules and regulations.

149 (g) To finance the implementation of appropriate studies,
 150 whether by the district or in conjunction with other agencies or
 151 entities, to assist in implementing the district's powers,
 152 authorities, and purposes as set forth herein and to facilitate
 153 the orderly management of the district and its works and
 154 facilities.

155 (h) To finance, plan (as to that portion of the district
 156 located within the City of North Port jurisdictional boundaries,
 157 consistent with City of North Port Comprehensive Plan and
 158 implementing ordinances, studies, and plans; and, as to that
 159 portion of the district located within the unincorporated area,
 160 consistent with the Sarasota County Comprehensive Plan and
 161 implementing ordinances, studies, and plans), design, acquire,
 162 construct, install, operate, equip, upgrade, replace, extend,
 163 renovate, and maintain irrigation works, machinery, plants, and
 164 appurtenances.

165 (i) To finance, plan (as to that portion of the district
 166 located within the City of North Port jurisdictional boundaries,

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167 consistent with City of North Port Comprehensive Plan and
168 implementing ordinances, studies, and plans; and, as to that
169 portion of the district located within the unincorporated area,
170 consistent with the Sarasota County Comprehensive Plan and
171 implementing ordinances, studies, and plans), design, acquire,
172 construct, install, operate, equip, upgrade, replace, extend,
173 renovate, and maintain roadways; and to include either as a
174 component of such roads or independently by themselves,
175 parkways, bridges, landscaping, irrigation, bicycle and jogging
176 paths, street lighting, entry features, traffic signals, road
177 striping, and all other customary elements or appurtenances of a
178 modern road system for the exclusive use and benefit of the
179 district, a unit of development, and/or its landowners,
180 residents, and invitees in order to control ingress and egress;
181 to finance and maintain said roads and their associated elements
182 and components as a part of a plan of improvements; to construct
183 and maintain security structures to control the use of said
184 roads; to make provision for access by fire, police, and
185 emergency vehicles and personnel for the protection of life and
186 property; to include, in the annual assessment of non-ad valorem
187 assessments as authorized, sufficient funds to finance and
188 maintain said roads as a part of a plan of improvements, and to
189 adopt, by resolution of the board, rules and regulations for the
190 control of traffic, noise levels, crime, and the use of the
191 roads by those authorized. Provided that in the event the
192 district should construct all or any portion of a major
193 thoroughfare or transportation route as identified in section
194 163.3177(6)(b), Florida Statutes, the district will not be

195 permitted to limit said thoroughfare or transportation route for
 196 the exclusive use and benefit of the district, a unit of
 197 development, and/or its residents without the written consent of
 198 the applicable local general purpose government. Notwithstanding
 199 anything to the contrary herein:

200 1. As to that portion of the district located within the
 201 City of North Port jurisdictional boundaries, construction of
 202 roads by the district shall not be in conflict with City of
 203 North Port rules, master plans, plans, specifications, or
 204 regulations; and

205 2. As to that portion of the district located within the
 206 unincorporated area, construction of roads by the district shall
 207 not be in conflict with rules, master plans, plans,
 208 specifications, or regulations of Sarasota County.

209
 210 As to that portion of the district located within the City of
 211 North Port jurisdictional boundaries, the district shall agree,
 212 at the request of the City of North Port Commission or its
 213 designee, subject to applicable impact fee ordinances and a
 214 developer's agreement with the City of North Port (neither
 215 party's consent to said developer's agreement shall be
 216 unreasonably withheld), to donate and turn over operation of all
 217 or any portion of any public roadway system within the City of
 218 North Port jurisdictional boundaries. As to that portion of the
 219 district located within the unincorporated area, the district
 220 shall agree, at the request of the Broad of County Commissioners
 221 of Sarasota County or its designee, subject to applicable impact
 222 fee ordinances and a developer's agreement with Sarasota County

223 (neither party's consent to said developer's agreement shall be
 224 unreasonably withheld), to donate and turn over operation of all
 225 or any portion of any public roadway system within the
 226 unincorporated area to Sarasota County ~~to the City of North~~
 227 ~~Port.~~

228 (j) To finance, plan (as to that portion of the district
 229 located within the City of North Port jurisdictional boundaries,
 230 consistent with City of North Port Comprehensive Plan and
 231 implementing ordinances, studies, and plans; and, as to that
 232 portion of the district located within the unincorporated area,
 233 consistent with the Sarasota County Comprehensive Plan and
 234 implementing ordinances, studies, and plans), design, acquire,
 235 construct, install, operate, equip, upgrade, replace, extend,
 236 renovate, and maintain entry features, garages, parking
 237 facilities, district offices, buildings, facilities, and
 238 structures.

239 (k) To finance, plan (as to that portion of the district
 240 located within the City of North Port jurisdictional boundaries,
 241 consistent with City of North Port Comprehensive Plan and
 242 implementing ordinances, studies, and plans; and, as to that
 243 portion of the district located within the unincorporated area,
 244 consistent with the Sarasota County Comprehensive Plan and
 245 implementing ordinances, studies, and plans), design, acquire,
 246 construct, install, operate, equip, upgrade, replace, extend,
 247 renovate, reclaim, mitigate, protect, remove exotics, and
 248 maintain improvements, works, landscaping, systems, structures,
 249 buildings, and facilities for community or public preserves,
 250 uplands, wetlands, playgrounds, parks, gymnasiums, stadiums,

251 ballfields, greenways, waterways, and facilities for indoor and
 252 outdoor recreational, sport, cultural, and educational uses.

253 (1)1. To finance, plan (as to that portion of the district
 254 located within the City of North Port jurisdictional boundaries,
 255 consistent with City of North Port Comprehensive Plan and
 256 implementing ordinances, studies, and plans; as to that portion
 257 of the district located within the unincorporated area,
 258 consistent with the Sarasota County Comprehensive Plan and
 259 implementing ordinances, studies, and plans; and as to that
 260 portion of the district located within the Englewood Water
 261 District service area, consistent with the Englewood Water
 262 District's adopted studies and plans), design, acquire,
 263 construct, install, operate, set, and charge by resolution
 264 access, user, or connection fees and charges, equip, upgrade,
 265 replace, store, extend, renovate, and maintain water plants and
 266 systems, plus appurtenances, to produce, desalinate, purify,
 267 sell, and distribute water for consumption, irrigation, or other
 268 purposes; provided that the exercise of such construction,
 269 operation, fee establishment, and production powers by the
 270 district shall:

271 a. As to that portion of the district located within the
 272 City of North Port jurisdictional boundaries, require the prior
 273 approval of the City of North Port Commission or its designee;

274 b. As to that portion of the district located within the
 275 unincorporated area, require the prior approval of the Board of
 276 County Commissioners of Sarasota County or its designee; and

277 c. As to that portion of the district located within the
 278 Englewood Water District service area, require the prior

279 approval of the Board of the Englewood Water District or its
 280 designee.

281 2. As to that portion of the district located within the
 282 City of North Port jurisdictional boundaries, and further that
 283 the district shall agree, at the request of the City of North
 284 Port Commission or its designee, subject to a utility
 285 developer's agreement with the City of North Port (neither
 286 party's consent to said developer's agreement shall be
 287 unreasonably withheld), to donate and turn over operation of all
 288 or any portion of said water system within the City of North
 289 Port jurisdictional boundaries to the City of North Port.

290 3. As to that portion of the district located within the
 291 unincorporated area and outside of the Englewood Water District
 292 service area, the district shall agree, at the request of the
 293 Board of County Commissioners of Sarasota County or its
 294 designee, subject to a utility developer's agreement with
 295 Sarasota County (neither party's consent to said developer's
 296 agreement shall be unreasonably withheld), to donate and turn
 297 over operation of all or any portion of said water system within
 298 the unincorporated area to Sarasota County.

299 4. As to that portion of the district located within the
 300 Englewood Water District service area, the district shall agree,
 301 at the request of the Board of the Englewood Water District or
 302 its designee, subject to an interlocal agreement or other
 303 appropriate agreement with the Englewood Water District (neither
 304 party's consent to said developer's agreement shall be
 305 arbitrarily or unreasonably withheld), to donate and turn over
 306 operation of all or any portion of said water system within the

307 Englewood Water District service area to the Englewood Water
 308 District.

309 (m) 1. To finance, plan (as to that portion of the district
 310 located within the City of North Port jurisdictional boundaries,
 311 consistent with City of North Port Comprehensive Plan and
 312 implementing ordinances, studies, and plans; as to that portion
 313 of the district located within the unincorporated area,
 314 consistent with the Sarasota County Comprehensive Plan and
 315 implementing ordinances, studies, and plans; and as to that
 316 portion of the district located within the Englewood Water
 317 District service area, consistent with the Englewood Water
 318 District's adopted studies and plans), design, acquire,
 319 construct, install, operate, set, and charge by resolution
 320 access, user, or connection fees and charges, equip, upgrade,
 321 replace, extend, renovate, and maintain sewer systems, plus
 322 appurtenances, for the collection, disposal, and reuse of
 323 effluent, waste, residue, or other byproducts of such system,
 324 prevent pollution, and improve water quality; provided that the
 325 exercise of such construction, operation, and fee establishment
 326 powers by the district shall:

327 a. As to that portion of the district located within the
 328 City of North Port jurisdictional boundaries, require the prior
 329 approval of the City of North Port Commission or its designee;

330 b. As to that portion of the district located within the
 331 unincorporated area, require the prior approval of the Board of
 332 County Commissioners of Sarasota County or its designee; and

333 c. As to that portion of the district located within the
 334 Englewood Water District service area, require the prior

335 approval of the Board of the Englewood Water District or its
 336 designee.

337 2. As to that portion of the district located within the
 338 City of North Port jurisdictional boundaries, and further that
 339 the district shall agree, at the request of the City of North
 340 Port Commission or its designee, subject to a utility
 341 developer's agreement with the City of North Port (neither
 342 party's consent to said developer's agreement shall be
 343 unreasonably withheld), to donate and turn over operation of all
 344 or any portion of said wastewater system within the City of
 345 North Port jurisdictional boundaries to the City of North Port.

346 3. As to that portion of the district located within the
 347 unincorporated area and outside of the Englewood Water District
 348 service area, the district shall agree, at the request of the
 349 Board of County Commissioners of Sarasota County or its
 350 designee, subject to a utility developer's agreement with
 351 Sarasota County (neither party's consent to said developer's
 352 agreement shall be unreasonably withheld), to donate and turn
 353 over operation of all or any portion of said wastewater system
 354 within the unincorporated area to Sarasota County.

355 4. As to that portion of the district located within the
 356 Englewood Water District service area, the district shall agree,
 357 at the request of the Board of the Englewood Water District or
 358 its designee, subject to an interlocal agreement or other
 359 appropriate agreement with the Englewood Water District (neither
 360 party's consent to said developer's agreement shall be
 361 arbitrarily or unreasonably withheld), to donate and turn over
 362 operation of all or any portion of said wastewater system within

363 the Englewood Water District service area to the Englewood Water
 364 District.

365 (n) To finance, plan (if not inconsistent with other
 366 responsible agencies or authorities), design, acquire,
 367 construct, install, operate, equip, upgrade, replace, extend,
 368 renovate, and maintain improvements and facilities for and take
 369 measures to control mosquitoes or other insects and arthropods
 370 of public health importance.

371 (o) To finance, plan (as to that portion of the district
 372 located within the City of North Port jurisdictional boundaries,
 373 consistent with City of North Port Comprehensive Plan and
 374 implementing ordinances, studies, and plans; and, as to that
 375 portion of the district located within the unincorporated area,
 376 consistent with the Sarasota County Comprehensive Plan and
 377 implementing ordinances, studies, and plans), design, acquire,
 378 construct, install, operate, equip, upgrade, replace, extend,
 379 renovate, and maintain lands, works, systems, landscaping, and
 380 facilities for preservation areas, conservation areas,
 381 environmental areas, mitigation areas, and wildlife habitat or
 382 sanctuaries, including the maintenance of any plant or animal
 383 species, and any related interest in real or personal property.
 384 The district shall allow the City of North Port access to all
 385 such improvements within the City of North Port jurisdictional
 386 boundaries and shall allow access by the public when
 387 appropriate. The district shall allow Sarasota County access to
 388 all such improvements within the unincorporated area of the
 389 district and shall allow access by the public when appropriate.

390 (p) To finance, plan (as to that portion of the district
 391 located within the City of North Port jurisdictional boundaries,
 392 consistent with City of North Port Comprehensive Plan and
 393 implementing ordinances, studies, and plans; and, as to that
 394 portion of the district located within the unincorporated area,
 395 consistent with the Sarasota County Comprehensive Plan and
 396 implementing ordinances, studies, and plans), design, acquire,
 397 construct, install, operate, equip, upgrade, replace, extend,
 398 renovate, and maintain additional systems and facilities for
 399 school buildings and related structures which may be donated to
 400 a public school district, subject to a developer's agreement
 401 (neither party's consent to said developer's agreement shall be
 402 unreasonably withheld), for use in the educational system;
 403 provided that donation of any land and the exercise of such
 404 construction powers by the district shall require the prior
 405 approval of the School Board of Sarasota County and either:

406 1. As to that portion of the district located within the
 407 City of North Port jurisdictional boundaries, the City of North
 408 Port City Commission or its designee; or

409 2. As to that portion of the district located within the
 410 unincorporated area, the Board of County Commissioners of
 411 Sarasota County or its designee.

412 (q) To levy non-ad valorem assessments; prescribe, fix,
 413 establish, and collect rates, fees, rentals, fares, or other
 414 charges, and to revise the same from time to time, for property,
 415 facilities, and services made available, furnished, or to be
 416 furnished by the district; and to recover the cost of making or
 417 authorizing the connection to any district facility or system or

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418 installing works or improvements on or within district property
419 interests. However, no rates, fares, charges, or fees shall be
420 established until after a public hearing of the board at the
421 district at which all affected persons shall be given an
422 opportunity to be heard.

423 (r) To provide for the discontinuance of service and
424 reasonable penalties, including reasonable attorney's fees,
425 against any user or property for any such rates, fees, rentals,
426 fares, or other charges that become delinquent and require
427 collection.

428 (s) To enter into agreements with any person, firm,
429 entity, partnership, or corporation (public, private, or
430 governmental) for the furnishing by such person, firm, entity,
431 partnership, or corporation of any facilities and services of
432 the type provided for, authorized, or necessarily implied as
433 being authorized in this act.

434 (t) To borrow money and issue negotiable or other bonds of
435 said district as hereinafter provided; and to borrow money, from
436 time to time, and issue negotiable or other notes of said
437 district therefore, bearing interest at not exceeding the
438 maximum interest allowable by law, in anticipation of the
439 collection of levies, fees, penalties, charges, fares, and
440 assessments or revenues of said district, and to pledge or
441 hypothecate such non-ad valorem assessments, levies,
442 assessments, and revenues to secure such bonds, notes, or
443 obligations, and to sell, discount, negotiate, and dispose of
444 the same.

445 (u) To provide for safety enhancements, including, but not
 446 limited to, security, guardhouses, fences, and gates, and
 447 electronic intrusion detection systems; except that the district
 448 shall not be authorized or empowered to exercise any police
 449 power, but may contract with the appropriate local general
 450 purpose government agencies for an increased level of such
 451 service. Notwithstanding anything to the contrary, nothing
 452 herein shall allow the district to limit the level of law
 453 enforcement provided by federal, state, or local governmental
 454 agencies.

455 (v) To provide, at the request of local general purpose
 456 governments consistent with the plans of the local general
 457 purpose government, systems and facilities for fire prevention
 458 and control and emergency medical services, including the
 459 construction or purchase of fire stations, water mains and
 460 plugs, fire trucks, and other vehicles and equipment consistent
 461 with any adopted local general purpose government ordinances,
 462 rules, or regulations. ~~and, further, that~~ The district shall
 463 agree:

464 1. As to that portion of the district located within the
 465 City of North Port jurisdictional boundaries, ~~at the request of~~
 466 ~~the local general purpose government~~, subject to a developer's
 467 agreement with the City of North Port (neither party's consent
 468 to said developer's agreement shall be unreasonably withheld),
 469 to donate and turn over operation of all or any portion of said
 470 facilities within the City of North Port jurisdictional
 471 boundaries to the City of North Port; and

472 2. As to that portion of the district located within the
473 unincorporated area, subject to a developer's agreement with
474 Sarasota County (neither party's consent to said developer's
475 agreement shall be unreasonably withheld), to donate and turn
476 over operation of all or any portion of said facilities within
477 the unincorporated area to Sarasota County ~~local general purpose~~
478 government.

479 (w) To submit for and obtain permits, plus make and enter
480 into contracts and agreements as are necessary or incidental to
481 the performance of the duties imposed and the execution of the
482 powers granted under this act, and to employ such consulting and
483 other engineers, superintendents, managers, administrators,
484 construction and financial experts, attorneys, and such
485 employees and agents as may, in the judgment of the district, be
486 necessary, and to fix their compensation.

487 (x) To require any individual or entity desiring to
488 construct any structure in, over, under, upon, or occupying real
489 ~~district~~ property interests or rights-of-way owned by the
490 district ~~right-of-way~~ or connecting to or utilizing the works of
491 the district to first obtain written authorization from the
492 district and, as appropriate, either the City of North Port as
493 to that portion of the district located within the City of North
494 Port jurisdictional boundaries or Sarasota County as to that
495 portion of the district located within the unincorporated area
496 ~~comply with all City of North Port and district plans, rules,~~
497 ~~regulations, policies, and specifications,~~ provided that said
498 written authorization shall be issued upon a demonstration that
499 the applicant has complied ~~compliance~~ with such Sarasota County,

500 ~~applicable~~ City of North Port, or ~~and~~ district plans, rules,
 501 regulations, policies, and specifications as may be applicable.
 502 The board of supervisors shall be permitted the discretion to
 503 deny or revoke any written authorization or application for same
 504 if they find that the matter for which the authorization is
 505 sought or granted does not comply with such Sarasota County, the
 506 City of North Port, or ~~and~~ district plans, rules, regulations,
 507 ~~or~~ policies, and specifications as may be applicable. All fees
 508 and costs, including construction, review, inspection, copying,
 509 engineering, legal, and administrative expenses of the district,
 510 shall be paid by the applicant seeking the authorization. Any
 511 such district written authorization shall not be deemed or
 512 construed as being an alternative to or in place of the
 513 applicant's obligation to also obtain all other governmental
 514 building and construction permits and approvals. With regard to
 515 that portion of the district located within the City of North
 516 Port jurisdictional boundaries, any conflict between City of
 517 North Port and district plans, rules, regulations, policies, and
 518 specifications shall be resolved in favor of the City of North
 519 Port. With regard to that portion of the district located within
 520 the unincorporated area, any conflict between Sarasota County
 521 and district plans, rules, regulations, policies, and
 522 specifications shall be resolved in favor of Sarasota County.

523 (y) To include in a plan of improvements, the engineer's
 524 report, or the authorizing and implementing documents under
 525 chapter 170, Florida Statutes, which shall include, but are not
 526 limited to, all applicable resolutions, assessment maps, and/or
 527 assessment rolls (the "chapter 170 authorizing documents"), all

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528 or one or more of the various powers and functions, including
529 individual parts or components thereof, of the district or any
530 combination of same and to construct and finance said individual
531 or combination of such powers and functions, including
532 individual parts or components thereof. It is the intent of this
533 section that a plan of improvements, the engineer's report, or
534 chapter 170 authorizing documents may provide for a single
535 benefit to the land authorized by the laws pertaining to the
536 district or one or more of all of said benefits or combination
537 thereof as long as there are benefits accruing to the land.

538 (z) To provide in a plan of improvements, the engineer's
539 report, or chapter 170 authorizing documents that in assessing
540 the benefits and damages to be incurred by lands of the district
541 from the implementation, provision, or construction of a plan of
542 improvements or improvements or services pursuant to chapter 170
543 authorizing documents, the varying types of existing or proposed
544 land uses of the land within the unit or affected by such
545 construction or implementation, as the case may be, may be
546 considered and be entitled to so assess the benefits and
547 damages. The district may levy non-ad valorem assessments based
548 upon the benefits assessed in such manner, taking into account
549 the varying existing or proposed land uses of the land affected
550 by such construction as shall provide for the equitable
551 apportionment of such assessments. Such assessments may be
552 levied on the basis of lots, units, acreage, parcels, equivalent
553 connection, or uses or as otherwise set forth in the engineer's
554 report or in the chapter 170 authorizing documents.

555 (aa) To establish and create such departments, committees,
 556 boards, or other agencies, including a public relations
 557 committee, as from time to time the board of supervisors may
 558 deem necessary or desirable in the performance of the acts or
 559 other things necessary to the exercise of the powers provided in
 560 this act, and to delegate to such departments, committees,
 561 boards, or other agencies such administrative duties and other
 562 powers as the board of supervisors may deem necessary and to
 563 exercise all other powers necessary convenient or proper in
 564 connection with any of the powers or duties of said district
 565 stated in this act by and through the board of supervisors.
 566 Notwithstanding anything contained herein:

567 1. As to that portion of the district located within the
 568 City of North Port jurisdictional boundaries, no such
 569 departments, committees, boards, or other agencies shall have
 570 the power or authority to supersede any powers or authorities of
 571 the City of North Port; and

572 2. As to that portion of the district located within the
 573 unincorporated area, no such departments, committees, boards, or
 574 other agencies shall have the power or authority to supersede
 575 any powers or authorities of Sarasota County.

576 (bb) Notwithstanding any authority contained within this
 577 section:

578 1. As to that portion of the district located within the
 579 City of North Port jurisdictional boundaries, the development,
 580 operation, or maintenance of any district facilities or services
 581 shall comply with the adopted comprehensive plan, unified land

582 development code, zoning code, and any other city codes and
583 ordinances of the City of North Port; and

584 2. As to that portion of the district located within the
585 unincorporated area, the development, operation, or maintenance
586 of any district facilities or services shall comply with the
587 adopted comprehensive plan, land development regulations, zoning
588 code, and any other codes and ordinances of Sarasota County.

589 (cc) To establish, or otherwise make available, a plan for
590 retirement, disability, dental, death, hospitalization, and
591 other appropriate benefits for employees of the district.

592 (dd) To invest surplus funds of the district consistent
593 with the Investment of Local Government Surplus Funds Act, part
594 IV, chapter 218, Florida Statutes.

595 (ee) As to that portion of the district located within the
596 City of North Port jurisdictional boundaries, to submit to the
597 City of North Port the plan of improvement for major government
598 infrastructure capital elements that may eventually be dedicated
599 or donated to the City of North Port so that the city can rely
600 on and incorporate said plan of improvement into the city's
601 Capital Improvement Plan; and, as to that portion of the
602 district located within the unincorporated area, to submit to
603 Sarasota County the plan of improvement for major government
604 infrastructure capital elements that may eventually be dedicated
605 or donated to Sarasota County so that the county can rely on and
606 incorporate said plan of improvement into the county's Capital
607 Improvement Plan.

608 (ff) To apply for, obtain, and utilize any grants from
 609 other entities consistent with the powers of the district;
 610 provided, however, that:

611 1. As to that portion of the district located within the
 612 City of North Port jurisdictional boundaries, the district shall
 613 coordinate with and obtain timely authorization from the City of
 614 North Port Commission or its designee prior to the submittal of
 615 any grant application; and

616 2. As to that portion of the district located within the
 617 unincorporated area, the district shall coordinate with and
 618 obtain timely authorization from the Board of County
 619 Commissioners of Sarasota County or its designee prior to the
 620 submittal of any grant application.

621 (gg) Following methodology consistent with Sarasota ~~the~~
 622 county's concurrency management regulations, and notwithstanding
 623 any authority contained within this section, the district shall
 624 not construct any improvements within that portion of the
 625 district located within the City of North Port jurisdictional
 626 boundaries, pursuant to any municipal development order, where
 627 that development would cause the level of service on any
 628 concurrency regulated facility in unincorporated Sarasota County
 629 to drop below the level of service adopted as of the effective
 630 date of this act, or subsequently reduced level of service, in
 631 the Sarasota County Comprehensive Plan pursuant to chapter 163,
 632 Florida Statutes, without paying its fair share contribution to
 633 improving that facility, and Sarasota County shall have the
 634 right under section 163.3215, Florida Statutes, to contest any
 635 such municipal development order on the basis that it fails to

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636 require the district to pay its fair share contribution. The
637 fair share contribution shall include both the contribution to
638 the county from the fair share collected by the City of North
639 Port pursuant to the county's impact fee ordinance and
640 interlocal agreements between Sarasota County and the City of
641 North Port, as well as direct contributions made to the county
642 by the district. Nothing contained herein shall be construed as
643 limiting the obligations of the district or property owners
644 therein as set forth in Florida Statutes and applicable rules.
645 Any fair share contribution required to address the impact of
646 development within that portion of the district located in
647 unincorporated Sarasota County shall be governed by the laws and
648 ordinances of Sarasota County.

649 (hh) The district shall have the power to collect fair
650 share contributions from Sarasota County should Sarasota County
651 approve any development order in unincorporated Sarasota County
652 that creates impacts to concurrency regulated facilities within
653 the district, which would cause the level of service on any
654 concurrency regulated facility in the district within the City
655 of North Port jurisdictional boundaries to drop below the level
656 of service adopted by the City of North Port for such facility
657 as of the effective date of this act, or subsequently reduced
658 level of service.

659 (3) To include in a plan of improvements, the engineer's
660 report, chapter 170 authorizing documents, or otherwise provide,
661 for the exercise of the district's powers, services, facilities,
662 and improvements beyond the territorial boundaries of the
663 district, when necessary and appropriate in order to provide a

664 benefit on behalf of lands located within the district and
665 pursuant to an approved plan of improvements or chapter 170
666 authorizing documents. Any such construction must be in
667 accordance with the city's master plans and requirements. Any
668 such construction within unincorporated Sarasota County must be
669 in accordance with the county's comprehensive plan, master
670 plans, and thoroughfare plan. The ~~West Villages Improvement~~
671 district shall cooperate and coordinate its activities with the
672 units of general-purpose local government in which it is
673 located, including the City of North Port and Sarasota County.
674 Prior to exercising any of the district powers, functions, or
675 duties relative to infrastructure planning, programming, or
676 construction within that portion of the district located in
677 unincorporated Sarasota County, the district shall enter into an
678 interlocal agreement with Sarasota County, which agreement shall
679 specify the process for the district to coordinate its
680 infrastructure planning, programming, and construction
681 activities with Sarasota County and include a means to
682 coordinate infrastructure planning and programming between the
683 parties. Neither the district nor Sarasota County shall
684 arbitrarily or unreasonably withhold or delay its approval and
685 execution of such interlocal agreement. The district is
686 authorized to enter into interlocal agreements with the City of
687 North Port, Sarasota County, the Englewood Water District, or
688 any other units of government. Whenever the district intends to
689 utilize its powers to construct or cause to be constructed
690 infrastructure projects or programs within the district, the
691 district shall provide copies of all plans and infrastructure

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692 permit applications to the Sarasota County Planning Director and
693 Development Services Business Center at such time as the
694 district submits such plans or permit applications to the City
695 of North Port or other permitting authority but in any event no
696 less than 30 days before the City of North Port or other
697 permitting authority issues permits for those projects. The
698 district shall allow the county 20 days from submittal to the
699 county to comment on those plans and permit applications, but as
700 to construction or improvements that are not within
701 unincorporated Sarasota County, the county's approval is not
702 required for the district to proceed with the project. Sarasota
703 County shall not unduly interfere with the district's exercise
704 of its powers conferred by this act.

705 Section 4. Board of supervisors; election, organization,
706 powers, duties, and terms of office.--

707 (1) There is hereby created a Board of Supervisors of the
708 West Villages Improvement District, which shall be the governing
709 body of said district.

710 (2) Said board of supervisors shall consist of five
711 persons who, except as herein otherwise provided, shall each
712 hold office for terms of 4 years each and until their successors
713 shall be duly elected and qualified.

714 (3) The first board of supervisors of the district shall
715 be composed of five persons, two of whom shall hold office for 4
716 years, one of whom shall hold office for 3 years, one of whom
717 shall hold office for 2 years, and one of whom shall hold office
718 for 1 year, which terms shall terminate in June of their
719 applicable final year. Within 120 days after this act becomes a

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720 law, a special meeting of landowners of the West Villages
721 Improvement District shall be held for the purpose of electing
722 the first board of supervisors for the West Villages Improvement
723 District as herein provided. Notice of such special meeting of
724 landowners shall be given by causing publication thereof to be
725 made once a week for 2 consecutive weeks prior to such meeting
726 in the newspaper of general paid circulation in which ~~that~~ the
727 City of North Port publishes notices of city meetings, and prior
728 to the meeting, ~~provision of 2~~ weeks' ~~weeks~~ advance written
729 notice shall be provided to the City of North Port City Manager,
730 including the agenda and any backup material. Such special
731 meeting of landowners shall be held in a public place in the
732 City of North Port, and the place, date, and hour of holding
733 such meeting and the purpose thereof shall be stated in the
734 notice. The landowners when assembled shall organize by electing
735 a chair who shall preside at the meeting and a vice chair,
736 secretary, and treasurer. At such meeting, each and every acre,
737 or any fraction thereof, of land in the district shall represent
738 one vote and each owner shall be entitled to one vote in person
739 or by written proxy for every acre of land, or any fraction
740 thereof, owned by such owner in the district. Candidates must be
741 citizens of the United States and shall be nominated prior to
742 commencement of the initial election. The landowners shall first
743 vote for the 2 supervisors who are to hold office for the 2
744 seats with an initial term of 4 years as herein provided, and
745 the persons receiving the highest and next highest number of
746 votes for such supervisor offices shall be declared and elected
747 as the supervisors for said 2 seats. The landowners shall next

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748 | vote for the supervisor who is to hold office for that seat with
749 | a term of 3 years as provided herein, and the person receiving
750 | the highest number of votes for such supervisor shall be
751 | declared and elected as such supervisor for said seat. Said
752 | landowners shall continue to so vote for each remaining seat
753 | until the supervisor who is to hold office for the term of 1
754 | year as herein provided is elected for said seat. The landowners
755 | present or voting by proxy at the meeting shall constitute a
756 | quorum.

757 | (4) Each year during the month of June, beginning with
758 | June of the second year following the first election, a
759 | supervisor shall be elected, as hereinafter provided, by the
760 | landowners of said district to take the place of the retiring
761 | supervisor. All vacancies or expirations on said board shall be
762 | filled as provided by this act. All supervisors of the district
763 | shall be citizens of the United States. Following the initial
764 | election of supervisors in order to be eligible for election, a
765 | candidate for an office of supervisor shall be required to file
766 | a written notice of intention to be a candidate in said office
767 | of the district at least 30 calendar days but not earlier than
768 | 90 calendar days before but not including the day of the annual
769 | meeting of the landowners. In case of a vacancy in the office of
770 | any supervisor, the remaining supervisors within 90 calendar
771 | days of the vacancy shall fill such vacancy until the expiration
772 | of that seat's outstanding term when a successor shall be
773 | elected by the landowners. If, on or before January 1 of any
774 | calendar year, there are 6,000 owners of real property in that
775 | portion of the district located within the City of North Port

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776 that are registered voters in the City of North Port, at least
777 one supervisor elected at the next regularly scheduled election
778 shall be a resident of and owner of real property in that
779 portion of the district located within the City of North Port.
780 If, on or before January 1 of any calendar year, there are 3,000
781 owners of real property in that portion of the district located
782 within the unincorporated area of Sarasota County that are
783 registered voters of Sarasota County, at least one supervisor
784 elected at the next regularly scheduled election shall be a
785 resident of and owner of real property in that portion of the
786 district located within unincorporated Sarasota County.

787 (5) As soon as practicable after their election and the
788 taking of oaths of office, the board of supervisors of the
789 district shall organize by choosing a chair and vice chair of
790 the board of supervisors and by electing some suitable persons
791 secretary and treasurer, who may or may not be members of the
792 board. The board of supervisors shall adopt a seal which shall
793 be the seal of the district.

794 (6) Each supervisor shall hold office until his or her
795 successor shall be elected and qualified. Whenever any election
796 shall be authorized or required by this act to be held by the
797 landowners at any particular or stated time or day, and if for
798 any reason such election shall not or cannot be held at such
799 time or on such day, then in such event and in all and every
800 such event, the power or duty to hold such election shall not
801 cease or lapse, but such election shall be held thereafter as
802 soon as practicable and consistent with this act.

803 (7) The supervisors shall not receive any compensation for
 804 their services.

805 Section 5. Meetings of landowners.--

806 (1) Each year during the month of June, a meeting of the
 807 landowners of the district shall be held, when necessary, for
 808 the purpose of electing a supervisor and hearing reports of the
 809 board of supervisors and considering any matters upon which the
 810 board of supervisors may request the advice and views of the
 811 landowners. The board of supervisors shall have the power to
 812 call special meetings of the landowners at any time to consider
 813 and act upon any matter upon which the board of supervisors may
 814 request action, direction, or advice. Notice of all meetings of
 815 the landowners shall be given by the board of supervisors by
 816 causing publication thereof to be made for 2 consecutive weeks
 817 prior to such meeting in the newspaper of general paid
 818 circulation in which ~~that~~ the City of North Port publishes
 819 notices of city meetings and in a newspaper of general paid
 820 circulation in which Sarasota County publishes notices of its
 821 board meetings, and prior to the meeting, ~~provision of 2 weeks'~~
 822 ~~weeks~~ advance written notice shall be provided to the City of
 823 North Port City Manager and the Sarasota County Administrator,
 824 or their designees, regarding any matters affecting that portion
 825 of the district located within the City of North Port
 826 jurisdictional boundaries or the unincorporated area,
 827 respectively, including the agenda and any backup material. The
 828 meetings of the landowners shall be held in a public place in
 829 the City of North Port, and the place, day, and hour of holding
 830 such meetings shall be stated in the notice. The landowners when

831 assembled shall organize by electing a chair who shall preside
 832 at the meeting. The secretary of the board of supervisors shall
 833 be the secretary of such meeting. At all such meetings each and
 834 every acre, or any fraction thereof, of land in the district
 835 shall represent one vote, and each owner shall be entitled to
 836 one vote in person or by written proxy for every acre, or any
 837 fraction thereof, of land owned by such owner in the district.
 838 The eligible person receiving the highest number of votes for a
 839 supervisor position shall be declared and elected as such
 840 supervisor. Those landowners present or voting by proxy at the
 841 meeting, including the initial meeting, shall constitute a
 842 quorum at any meeting of the landowners.

843 (2) Guardians may represent their wards, and personal
 844 representatives may represent the estates of deceased persons.
 845 Trustees may represent lands by them in trust, and private and
 846 municipal corporations may be represented by their officers or
 847 duly authorized agents. Guardians, personal representatives,
 848 trustees, and corporations may vote by proxy.

849 Section 11. Unit development; powers of supervisors to
 850 designate units of development and adopt systems of progressive
 851 development by units; plan of improvements and financing
 852 assessments, for each unit.--

853 (1) Upon written petition signed by the owners of 51
 854 percent of the acreage in any area, the board of supervisors of
 855 the district shall have the power and is hereby authorized in
 856 its discretion to exercise such powers authorized in this act,
 857 the lands in said designated area or part of the district to be
 858 called a "unit." The units into which said district may be so

859 | divided shall be given appropriate numbers or names by said
 860 | board of supervisors, so that said units may be readily
 861 | identified and distinguished. The board of supervisors shall
 862 | have the power to fix and determine the location, area, and
 863 | boundaries of and lands to be included in each and all such
 864 | units with the consent of the owners of 51 percent of the
 865 | acreage in any area, and the method of carrying on the work in
 866 | each unit. If the board of supervisors shall determine that it
 867 | is advisable to conduct the work of the district by units, as
 868 | authorized by this section, said board shall, by resolution duly
 869 | adopted and entered upon its minutes, declare its purpose to
 870 | conduct such work accordingly and, upon petition of the owners
 871 | of 51 percent of the acreage in any area, shall at the same time
 872 | and manner fix the number, location, and boundaries of and
 873 | description of lands within such unit or units and give
 874 | appropriate numbers or names, which unit or units may overlay or
 875 | overlap one or more other units. As soon as practicable after
 876 | the adoption and recording of a resolution as to any unit, said
 877 | board of supervisors shall publish a notice once a week for 2
 878 | consecutive weeks in the newspaper of general paid circulation
 879 | in which ~~that~~ the City of North Port publishes notices of city
 880 | meetings and in a newspaper of general paid circulation in which
 881 | Sarasota County publishes notices of its board meetings, ~~and by~~
 882 | ~~provision of 2 weeks advance written notice to the City of North~~
 883 | ~~Port City Manager,~~ briefly describing the unit or units into
 884 | which the district has been divided and the lands embraced in
 885 | each unit, giving the name, number, or other designation of such
 886 | units, requiring all owners of lands in the district to show

887 | cause in writing before said board of supervisors at a time and
 888 | place to be stated in such notice why such division of said
 889 | district into such unit or units should not be approved, and why
 890 | the proceedings and powers authorized by this section of this
 891 | act should not be had, taken, and exercised. Two weeks' advance
 892 | written notice of the board's intent to establish said unit or
 893 | units shall also be provided:

894 | (a) To the City of North Port City Manager or his or her
 895 | designee as to that portion of the district located within the
 896 | City of North Port jurisdictional boundaries; or

897 | (b) To the Sarasota County Administrator or his or her
 898 | designee as to that portion of the district located within the
 899 | unincorporated area.

900 |
 901 | At the time and place stated in said notice, said board of
 902 | supervisors shall hear all objections or causes of objection,
 903 | all of which shall be in writing, of any landowner in the
 904 | district to the matters mentioned and referred to in such
 905 | notice, and if no objections are made, or if said objections, if
 906 | made, shall be overruled by said board, then said board shall
 907 | enter in its minutes its finding and order confirming said
 908 | resolution and may thereafter proceed with the development of
 909 | the district by unit or units pursuant to such resolution and to
 910 | the provisions of this act. If, however, said board of
 911 | supervisors shall find as a result of such objections, or any of
 912 | them, or the hearing thereon, that the division of the district
 913 | into such unit or units as aforesaid should not be approved, or
 914 | that the proceedings and powers authorized by this section of

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915 | this act should not be had, taken, or exercised, or that any
916 | other matter or thing embraced in said resolution would not be
917 | in the best interest of the landowners of said unit or units or
918 | would be unjust or unfair to any landowner therein or otherwise
919 | inconsistent with fair and equal protection and enforcement of
920 | the rights of every landowner in said unit or units, then the
921 | board of supervisors shall not proceed further under such
922 | resolution, but said board of supervisors may, as a result of
923 | such hearing, modify or amend said resolution so as to meet such
924 | objections so made, and thereupon said board may confirm said
925 | resolution as so modified or amended and may thereafter proceed
926 | accordingly. If said board of supervisors shall overrule or
927 | refuse to sustain any such objections in whole or in part made
928 | by any landowner in the district, or if any such landowner shall
929 | deem himself or herself aggrieved by any action of the board of
930 | supervisors in respect to any objections so filed, such
931 | landowner may, within 10 days after the ruling of said board,
932 | file his or her complaint in the Circuit Court for Sarasota
933 | County, against said district, praying an injunction or other
934 | appropriate relief against the action or any part of such action
935 | proposed by such resolution or resolutions of said board, and
936 | such suits shall be conducted like other suits, except that said
937 | suits shall have preference over all other pending actions
938 | except criminal actions and writs of habeas corpus. Upon the
939 | hearing of said cause, the circuit court shall have the power to
940 | hear the objections and receive the evidence thereon of all
941 | parties to such cause and approve or disapprove said resolutions

942 and action of the board in whole or in part, and to render such
 943 decree in such cause as right and justice require.

944 (2) When said resolutions creating said unit or units
 945 shall be confirmed by the board of supervisors (or by the
 946 Circuit Court for Sarasota County, if such proposed action shall
 947 be challenged by a landowner by the judicial proceedings
 948 hereinabove authorized), the board of supervisors may adopt a
 949 plan of improvements or chapter 170 authorizing documents for
 950 and in respect to any or all such units, and to have the
 951 benefits and damages resulting therefrom assessed and
 952 apportioned as is provided by law in regard to a plan of
 953 improvements or chapter 170 authorizing documents for and
 954 assessments for benefits and damages of the entire district.
 955 With respect to the plan of improvements, notices, appointment
 956 of engineer to prepare a report assessing the benefits and
 957 damages, the engineer's report and notice and confirmation
 958 thereof, the levy of assessments, including maintenance
 959 assessments, the issuance of bonds, the exercise or use of
 960 chapter 170, Florida Statutes, proceedings and all other
 961 proceedings as to each and all of such units, said board shall
 962 follow and comply with the same procedure as is provided by law
 963 with respect to the entire district; and said board of
 964 supervisors shall have the same powers in respect to each and
 965 all of such units as is vested in them with respect to the
 966 entire district. All the provisions of this act shall apply to
 967 the improvement of each, any, and all of such units, and the
 968 enumeration of or reference to specific powers or duties of the
 969 supervisors or any other officers or other matters in this act

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970 as hereinabove set forth, shall not limit or restrict the
971 application of any and all of the proceedings and powers herein
972 for such units as fully and completely as if such unit or units
973 were specifically and expressly named in every section and
974 clause of this act where the entire district is mentioned or
975 referred to. All assessments, levies, bonds, and other
976 obligations made, levied, assessed, or issued for or in respect
977 to any such unit or units shall be a lien and charge solely and
978 only upon the lands in such unit or units, respectively, for the
979 benefit of which the same shall be levied, made, or issued, and
980 not upon the remaining units or lands in the district. The board
981 of supervisors, upon an affirmative vote of a simple majority of
982 qualified electors, as defined in chapter 189, Florida Statutes,
983 within said unit voting in a referendum, or upon approval of the
984 landowners of 51 percent of the acreage in said unit if there
985 are no residents in said unit, may at any time amend its
986 resolutions by changing the location and description of lands in
987 any such unit or units and provided, further, that if the
988 location or description of lands located in any such unit or
989 units is so changed, notice of such change shall be published as
990 hereinabove required in this section for notice of the formation
991 or organization of such unit or units; provided, however, that
992 no lands against which benefits shall have been assessed may be
993 detached from any such unit after the final adoption of the
994 engineer's report of benefits or chapter 170 authorizing
995 document, in such unit or units or the issuance of bonds or
996 other obligations which are payable from assessments for
997 benefits levied upon the lands within such unit or units.

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998 (3) Provided, however, that if, after adoption of the
999 engineer's report of benefits chapter 170, authorizing document,
1000 in such unit or units, or the issuance of bonds or other
1001 obligations which are payable from assessments for benefits
1002 levied upon lands within such unit or units, the board of
1003 supervisors finds the plan of improvements, the engineer's
1004 report, or chapter 170 authorizing documents for any such unit
1005 or units insufficient or inadequate for efficient development,
1006 same may be amended or changed as provided in this act, chapter
1007 170 or chapter 298, Florida Statutes, and the unit or units may
1008 be amended or changed as provided in this section, by changing
1009 the location and description of lands in any such unit or units,
1010 by detaching lands therefrom or by adding land thereto, upon the
1011 approval of at least 51 percent of the landowners according to
1012 acreage, in any such unit, and provided that in such event all
1013 assessments, levies, fees, bonds, and other obligations made,
1014 levied, assessed, incurred, or issued for or in respect to any
1015 such unit or units may be allocated and apportioned to the
1016 amended unit or units in proportion to the benefits assessed by
1017 the engineer's report, for the amended plan of improvements and
1018 said report shall specifically provide for such allocation and
1019 apportionment. The landowners shall file their approval of or
1020 objections to such amended plan of improvements within the time
1021 provided in section 298.301, Florida Statutes, or, when used
1022 such applicable deadline provision, if any, of chapter 170,
1023 Florida Statutes, and shall file their approval of or objections
1024 to the amendment of such unit as provided in this section.

1025 (4) No assessable lands shall be detached from any unit
 1026 after the issuance of bonds or other obligations for such unit
 1027 except upon the consent of a majority the holders, based on face
 1028 value of the outstanding bonds, of such bonds or other
 1029 obligations. In the event of the change of the boundaries of any
 1030 unit as provided herein and the allocation and apportionment to
 1031 the amended unit or units of assessments, levies, fees, bonds,
 1032 and other obligations in proportion to the benefits assessed,
 1033 the holder of the bonds or other obligations heretofore issued
 1034 for the original unit who consents to such allocation and
 1035 apportionment shall be entitled to all rights and remedies
 1036 against any lands added to the amended unit or units as fully
 1037 and to the same extent as if such added lands had formed and
 1038 constituted a part of the original unit or units at the time of
 1039 the original issuance of such bonds or other obligations, and
 1040 regardless of whether the holders of such bonds or other
 1041 obligations are the original holders thereof or the holders from
 1042 time to time hereafter, and the rights and remedies of such
 1043 holders against the lands in the amended unit or units,
 1044 including any lands added thereto, under such allocation and
 1045 apportionment, shall constitute vested and irrevocable rights
 1046 and remedies to the holders from time to time of such bonds or
 1047 other obligations as fully and to the same extent as if such
 1048 bonds or other obligations had been originally issued to finance
 1049 the improvements in such amended unit or units.

1050 (5) Upon the formation of a unit, the board is authorized
 1051 to levy a one-time organizational special assessment tax per
 1052 acre on the lands in a unit sufficient to prepare a plan of

1053 improvements or chapter 170 authorizing documents and have the
 1054 benefits assessed as provided herein.

1055 (6) The territorial limits of a unit may be expanded to
 1056 include additional land by agreement between the district and
 1057 all of the landowners of the land to be included in the unit,
 1058 provided that at the time of the execution of the agreement, the
 1059 additional land is contained within the jurisdictional
 1060 boundaries of the district. Land included in the unit by
 1061 agreement shall thereafter be subject to the payment of all
 1062 assessments or fees levied by the district in the unit and shall
 1063 be subject to the provisions of all laws under which the
 1064 district operates. The agreement shall be in recordable form and
 1065 filed in the official records.

1066 (7) The district shall not amend any plan of improvement
 1067 for any unit in which any real property has been sold to the
 1068 general public at large for residential and non-commercial
 1069 purposes, in such a way that said amendment results in any
 1070 increase in the principal amount of debt then authorized for
 1071 that unit, without an affirmative vote of a simple majority of
 1072 qualified electors, as so defined in chapter 189, Florida
 1073 Statutes, within said unit voting in a referendum.

1074 Section 12. Eminent domain.--The said board of supervisors
 1075 is hereby authorized and empowered, when reasonably necessary
 1076 for the implementation of district authorized public
 1077 infrastructure works, facilities, or services, to exercise
 1078 within the district, with prior approval by resolution of the
 1079 governing body of the district, ~~and the municipality or outside~~
 1080 ~~the district's territorial boundaries and within the City of~~

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1081 ~~North Port with prior approval, by resolution, of the City of~~
 1082 ~~North Port City Commission, (which approval shall not be~~
 1083 ~~unreasonably withheld),~~ the right and power of eminent domain,
 1084 pursuant to the provisions of chapters 73 and 74, Florida
 1085 Statutes, over any property within the district and the City of
 1086 North Port or unincorporated Sarasota County, except municipal,
 1087 county, state, and federal property, for the uses and purposes
 1088 of the district relating solely to water, sewer, district roads,
 1089 and water management, specifically including, without
 1090 limitation, the power for the taking of easements for the
 1091 drainage of the land of one person over and through the land of
 1092 another; however, the exercise of any such power of eminent
 1093 domain:

1094 (1) Within the territorial boundaries of the City of North
 1095 Port, whether or not within the district boundaries, shall
 1096 require the prior approval, by resolution, of the City of North
 1097 Port City Commission (which approval shall not be unreasonably
 1098 withheld); or

1099 (2) Within the unincorporated area, whether or not within
 1100 the district boundaries, shall require the prior approval, by
 1101 resolution, of the Board of County Commissioners of Sarasota
 1102 County (which approval shall not be unreasonably withheld).

1103 Section 17. Territorial boundaries.--

1104 (1) The territorial boundaries of the district shall be as
 1105 follows, to wit:

1106

1107 LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST,
 1108 SARASOTA COUNTY, FLORIDA:

1109
 1110 That part of Section 21, lying Southwesterly of County
 1111 Road No. 777 (West River Road). All that part of
 1112 Section 28, lying West of County Road No. 777 (West
 1113 River Road). All of Section 29, less and except the
 1114 following:
 1115
 1116 Right-of-way for U. S. Highway No. 41 (State Road No.
 1117 45). All of Section 30, less and except the following:
 1118 Right-of-way for U. S. Highway No. 41 (State Road No.
 1119 45); That portion conveyed to Florida Power and Light
 1120 Company consisting of approximately 4.66 acres in the
 1121 SW1/4 as described in Official Record Book 1036, Page
 1122 802, Public Records of Sarasota County, Florida; That
 1123 portion lying West of lands described in Official
 1124 Record Book 1036, Page 802, South of the westerly
 1125 extension of the North line of said lands described in
 1126 Official Records Book 1036, Page 802, and North of the
 1127 northerly Right of Way line of U.S. Highway No. 41.
 1128 All of Section 31, less and except the following:
 1129 Right-of-way of U. S. Highway No. 41 (State Road No.
 1130 45). All of Section 32, less and except the following:
 1131 Right-of-way of U. S. Highway No. 41 (State Road No.
 1132 45); That portion conveyed in Official Record Book
 1133 2785, Page 634 of the Public Records of Sarasota
 1134 County, Florida, (Sarasota County Hospital Board);
 1135 That portion conveyed in Official Record Book 1571,
 1136 Page 2172 of the Public Records of Sarasota County,

1137 Florida, (Manatee Community College); Right-of-way for
1138 Pine Street Extension as recorded in Official Record
1139 Book 2536, pages 811-974 of The Public Records of
1140 Sarasota County, Florida; That portion conveyed in
1141 Official Record Book 2785, Page 641 of the Public
1142 Records of Sarasota County, Florida, (120 wide
1143 perpetual Non-Exclusive easement); That portion lying
1144 South of lands conveyed in Official Record Book 1571,
1145 Page 2172 and East of lands described in Official
1146 Record Book 2785, Page 641, Public Records of Sarasota
1147 County, Florida. That portion of Section 33, lying
1148 North of U.S. Highway No. 41 (State Road No. 45) and
1149 West of County Road #777 (West River Road); also that
1150 portion of Section 33, lying South of U.S. Highway No.
1151 41 (State Road No. 45), West of a 200 ft. wide access
1152 easement described in Official Records Book 2389, Page
1153 528, Public Records of Sarasota County, Florida, and
1154 North of lands conveyed in Official Records Book 1571,
1155 Page 2172, Public Records of Sarasota County, Florida;
1156 also that portion of Section 33, lying South of U.S.
1157 Highway No. 41 (State Road No. 45), described as
1158 follows:

1159
1160 COMMENCE at the East Quarter Corner of Section 33,
1161 Township 39 South, Range 20 East, Sarasota County
1162 Florida; thence S. 00°16'02"W., along the East line of
1163 said Section 33, a distance of 289.08 feet to a point
1164 on the Southerly Right of Way Line of U.S. Highway No.

1165 41, (State Road No. 45) per Florida Department of
 1166 Transportation Right of Way Map Section 17010-2508,
 1167 same being a point on a curve to the right having a
 1168 radius of 3011.73 feet, a central angle of 24°58'49",
 1169 a chord bearing of N. 66°51'56"W., and a chord length
 1170 of 1032.71 feet; thence along the arc of said curve
 1171 and said Southerly Right of Way of U.S. No. 41, an arc
 1172 length of 1313.08 feet to the point of tangency of
 1173 said curve; thence N. 54°22'31"W., along said
 1174 southerly Right of Way, a distance of 66.57 feet to
 1175 the POINT OF BEGINNING, same being the Northwest
 1176 corner of Lands described in Official Records
 1177 Instrument No. 1998166153, per Public Records of
 1178 Sarasota County, Florida; thence along the Westerly
 1179 line of said Lands described in Official Records
 1180 Instrument No. 1998166153 the following three (3)
 1181 courses and distances; (1) S. 35°37'26"W., a distance
 1182 of 161.93 feet to the point of curvature of a curve to
 1183 the right having a radius of 559.97 feet, a central
 1184 angle of 29°49'56", a chord bearing of S. 50°32'24"W.,
 1185 and a chord length of 288.28 feet; (2) thence along
 1186 the arc of said curve an arc length of 291.56 feet to
 1187 the end of said curve; (3) thence S. 00°01'27"W., a
 1188 distance of 1074.23 feet; thence N. 48°24'50"W.,
 1189 leaving said Westerly Line, a distance of 2914.38 feet
 1190 to the Northeast corner of Lands described as Manatee
 1191 Community College per Official Records Book 1571, Page
 1192 2172, same being the point of curvature of a curve to

1193 | the left having a radius of 4577.37 feet, a central
 1194 | angle of 06°20'23", a chord bearing of N. 60°40'02"W.,
 1195 | and a chord length of 506.22 feet; thence along the
 1196 | arc of said curve and Northerly Line of Lands
 1197 | described as Manatee Community College, an arc length
 1198 | of 506.48 feet to the end of said curve, same being
 1199 | the Southeast corner of lands described in Official
 1200 | Records Book 2389, Page 529, Public Records of
 1201 | Sarasota County, Florida; thence N. 65°18'18"E., along
 1202 | the Easterly Line of said lands, a distance of 188.09
 1203 | feet; thence continue N. 00°00'19"W., along said
 1204 | Easterly Line, a distance of 144.96 feet to the
 1205 | Northeast corner of said Lands; thence N. 65°21'46"W
 1206 | along the Northerly Line of said Lands, a distance of
 1207 | 400.68 feet to the Northwest corner of said Lands,
 1208 | same being a point on the Easterly Line of a 200 foot
 1209 | wide access Easement per Official Records Book 1571,
 1210 | Pages 2172 through 2175 and Official Records Book
 1211 | 2389, Pages 528 through 530, Public Records of
 1212 | Sarasota County, Florida; thence N. 00°30'25"E., along
 1213 | the Easterly Line of said 200 foot wide access
 1214 | Easement, a distance of 786.89 feet to the Southerly
 1215 | Right of Way of U.S. No. 41, same being a point on a
 1216 | curve to the right having a radius of 5597.58 feet, a
 1217 | central angle of 03°08'33", a chord bearing of S.
 1218 | 69°13'16"E., and a chord length of 306.97 feet; thence
 1219 | along the arc of said curve an arc length of 307.01
 1220 | feet to the end of said curve; thence continue along

1221 | said Southerly Right of Way Line the following
 1222 | fourteen (14) courses and distances; (1) S.
 1223 | 22°19'13"W., a distance of 10.00 feet to the point of
 1224 | curvature of a curve to the right having a radius of
 1225 | 5587.58 feet, a central angle of 00°45'15", a chord
 1226 | bearing of S. 67°16'21"E., and a chord length of 73.55
 1227 | feet; (2) thence along the arc of said curve an arc
 1228 | length of 73.55 feet; (3) thence N. 23°06'16"E., a
 1229 | distance of 10.00 feet to the point of curvature of a
 1230 | curve to the right having a radius of 5597.58 feet, a
 1231 | central angle of 08°17'44", a chord bearing of S.
 1232 | 62°44'52"E., and a chord length of 809.74 feet; (4)
 1233 | thence along the arc of said curve an arc length of
 1234 | 810.45 feet; (5) thence S. 31°08'57"W., a distance of
 1235 | 10.00 feet to the point of curvature of a curve to the
 1236 | right having a radius of 5587.58 feet, a central angle
 1237 | of 00°45'12", a chord bearing of S. 58°13'22"E., and a
 1238 | chord length of 73.47 feet; (6) thence along the arc
 1239 | of said curve an arc length of 73.47 feet; (7) thence
 1240 | N. 32°24'25"E., a distance of 10.00 feet to the point
 1241 | of curvature of a curve to the right having a radius
 1242 | of 5597.58 feet, a central angle of 03°28'13", a chord
 1243 | bearing of S. 56°06'38"E., and a chord length of
 1244 | 338.98 feet; (8) thence along the arc of said curve an
 1245 | arc length of 339.03 feet to the end of said curve;
 1246 | thence (9) S. 56°35'34"E.; a distance of 155.08 feet;
 1247 | (10) thence S. 54°22'31"E., a distance of 1102.52
 1248 | feet; (11) thence S. 51°00'40"E., a distance of 101.66

1249 feet; (12) thence S. 54°20'43"E., a distance of 199.02
 1250 feet; (13) thence S. 48°43'03"E., a distance of 100.71
 1251 feet; (14) thence S. 54°22'31"E., a distance of 447.75
 1252 feet to the POINT OF BEGINNING.

1253
 1254 That portion of the North Half of the Southwest
 1255 Quarter of the Northwest Quarter of Section 34, lying
 1256 West of River Road (County Road No. 777); also that
 1257 portion of the Southeast Quarter of Section 34, lying
 1258 West of the Myakka River, South of the South line of
 1259 lands described in Official Record Instrument No.
 1260 2000002794, Public Records of Sarasota County, Florida
 1261 (River Road Office Park, Inc.), and easterly of the
 1262 maintained right of way line of a paved road running
 1263 from River Road to the South line of the Northeast
 1264 Quarter of said Section 34, (Old River Road), less and
 1265 except the following: That portion described in
 1266 Official Record Instrument No. 1999111833, Public
 1267 Records of Sarasota County, Florida, (Right of Way for
 1268 County Road No. 777). All of Section 35 lying West of
 1269 the Myakka River. Also, a portion of Sections 32, 33
 1270 and 34, Township 39 South, Range 20 East, Sarasota
 1271 County, Florida, being more particularly described as
 1272 follows: BEGIN at the Southeast corner of Section 32,
 1273 Township 39 South, Range 20 East; thence N.
 1274 89°04'43"W., along the South line of said Section 32,
 1275 a distance of 410.14 feet to the Southeast corner of
 1276 the lands described in Official Records Book 2785 at

1277 Page 634, of the Public Records of Sarasota County,
 1278 Florida; thence N. 00°30'25"E., along the East line of
 1279 said lands described in Official Records Book and
 1280 Page, same being the West line of a 120.00 foot wide
 1281 Perpetual Non-exclusive Easement per Official Records
 1282 Book 2785 at Page 641, a distance of 1400.76 feet to a
 1283 point on the westerly extension of the southerly
 1284 boundary line of lands described in Official Records
 1285 Book 1571 at Page 2172, of the Public Records of
 1286 Sarasota County, Florida; thence along the westerly
 1287 extension and boundary of said lands described in
 1288 Official Records Book 1571, at Page 2172 the following
 1289 two (2) courses: (1) S. 89°29'35"E., a distance of
 1290 1960.21 feet; (2) thence N. 00°30'25"E., a distance of
 1291 2062.70 feet to the Northeast corner of said lands;
 1292 thence S. 48°24'50"E., a distance of 2914.38 feet to
 1293 the Southwest corner of lands described in Official
 1294 Records Instrument 1998166154, of the Public Records
 1295 Sarasota County, Florida; thence along the boundary of
 1296 said lands described in Official Records Instrument
 1297 1998166154 the following three (3) courses: (1) S.
 1298 89°58'33"E., a distance 676.50 feet; (2) thence N.
 1299 00°01'27"E., a distance of 752.33 feet; (3) thence N.
 1300 28°06'22"E., a distance of 362.06 feet to a point on
 1301 the southerly right of way line of U.S. Highway No.
 1302 41, as per Florida Department of Transportation Right
 1303 of Way Map, Section 17010-2508, said point being on a
 1304 curve concave to the northeast and having a radius of

1305 | 3011.73 feet, a central angle of 14°28'18", a chord
 1306 | bearing of S. 72°07'12"E. and a chord distance of
 1307 | 758.67 feet; thence in an easterly direction, along
 1308 | the arc of said curve, an arc distance of 760.69 feet
 1309 | to a point on the West line of Section 34, Township 39
 1310 | South, Range 20 East, Sarasota County, Florida; thence
 1311 | S. 00°16'02"W., along the West line of said Section
 1312 | 34, and leaving said southerly right of way line, a
 1313 | distance of 379.82 feet; thence S. 89°37'27"E., a
 1314 | distance of 1329.90 feet to a point on the westerly
 1315 | right of way line of County Road #777 (South River
 1316 | Road) as per Florida Department of Transportation
 1317 | Right of Way Map, Section 17550-2601; thence along
 1318 | said westerly right of way line, the following six (6)
 1319 | courses; (1) S. 00°07'30"W., a distance of 5.48 feet;
 1320 | (2) thence S. 89°23'52"E., a distance of 9.74 feet;
 1321 | (3) thence S. 36°39'07"E., a distance of 64.18 feet to
 1322 | the point of curvature of a circular curve to the
 1323 | right, having a radius of 5599.32 feet, a central
 1324 | angle of 02°00'54", a chord bearing of S. 35°38'40"E.
 1325 | and a chord distance of 196.90 feet; (4) thence
 1326 | southeasterly, along the arc of said curve, an arc
 1327 | distance of 196.91 feet to the end of said curve; (5)
 1328 | thence N. 55°21'47"E., radial to the last described
 1329 | curve, a distance of 20.00 feet to a point on a curve
 1330 | concentric with the last described curve and having a
 1331 | radius of 5619.32 feet, a central angle of 15°31'30",
 1332 | a chord bearing of S. 26°52'28"E. and a chord distance

1333 of 1517.98 feet; (6) thence in a southerly direction
 1334 along the arc of said curve, an arc distance of
 1335 1522.64 feet to the Northeast corner of lands
 1336 described in Official Records Instrument 2000002794,
 1337 of the Public Records Sarasota County, Florida; thence
 1338 S. 78°41'04"W., along the northerly line of said lands
 1339 described in Official Records Instrument 2000002794, a
 1340 distance of 2240.20 feet to the Southeast corner of
 1341 Section 33, Township 39 South, Range 20 East, Sarasota
 1342 County, Florida; thence N. 89°39'52"W., along the
 1343 South line of said Section 33, a distance of 5318.90
 1344 feet to the POINT OF BEGINNING.

1345
 1346 LANDS LOCATED IN TOWNSHIP 40 SOUTH, RANGE 20 EAST,
 1347 SARASOTA COUNTY, FLORIDA:

1348
 1349 All of Section 3, less and except the following: That
 1350 portion conveyed in Order of Taking recorded in
 1351 Official Record Book 2679, Page 2750-2754, of the
 1352 Public Records of Sarasota County, Florida (County
 1353 Road No 777); That portion conveyed in Official Record
 1354 Instrument No. 2000002794 of the Public Records of
 1355 Sarasota County, Florida, (River Road Office Park,
 1356 Inc.); The maintained right-of-way of County Road No.
 1357 777 (South River Road). All of Section 4, Less and
 1358 except the following: That portion described in
 1359 Official Record Instrument No. 2000002794, of the
 1360 Public Records of Sarasota County, Florida, (River

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1361 Road Office Park, Inc.). All of Section 5, less and
 1362 except the following: Right-of-way conveyed for Pine
 1363 Street Extension recorded in Official Record Book
 1364 2536, Page 811-974, of the Public Records of Sarasota
 1365 County, Florida. All of Section 6, less and except the
 1366 following: Right-of-way conveyed for Pine Street
 1367 Extension recorded in Official Record Book 2536, Page
 1368 811-974, of the Public Records of Sarasota County,
 1369 Florida. All of Section 7, less and except the
 1370 following: Right-of-way conveyed for Pine Street
 1371 Extension recorded in Official Record Book 2536, Page
 1372 811-974, of the Public Records of Sarasota County,
 1373 Florida. All of Section 8. All of Section 9. All of
 1374 Section 10, less and except the following: The
 1375 maintained right-of-way for County Road No. 777 (South
 1376 River Road) ALL OF THE ABOVE ARE SUBJECT TO EASEMENTS
 1377 OF RECORD, OR OTHERWISE, USED FOR DRAINAGE, UTILITIES
 1378 AND/OR INGRESS AND EGRESS.

1380 The above described property contains a total of
 1381 8193.7478 acres more or less.

1383 (2) The territorial limits of West Villages Improvement
 1384 District shall also embrace and include those parcels of land
 1385 described as follows:

1387 LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST,
 1388 SARASOTA COUNTY, FLORIDA:

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All that part of Section 21, as lies Southwesterly of County Road # 777 (West River Road). All that part of Section 28 lying West of County Road # 777 (West River Road). All that part of Section 32, described as follows:

Commence at the Northeast corner of said Section 32; thence S.00E30'23"W., along the easterly line of the Northeast 1/4 of said Section 32, a distance of 2658.68 feet to the southeast corner of said Northeast 1/4; thence N.89E23'27"W. a distance of 290.00 feet to the POINT OF BEGINNING; thence N.00E30'23"E., parallel with the easterly line of said Section 32, a distance of 2497.34 feet to the southerly right-of-way of U.S. Highway 41, being a point on a curve to the left the center of which lies S.06E30'20"W., a radial distance of 5603.58 feet; thence along the arc in a westerly direction, passing through a central angle of 01E13'57", a distance of 120.53 feet; thence S.00E30'23"W., a distance of 5165.77 feet; thence S.89E05'08"E., a distance of 120.00 feet; thence N.00E30'23"E., a distance of 2657.98 feet to the POINT OF BEGINNING.

All that part of Section 33, described as follows: Commence at the NW corner of Section 33, Township 39 South, Range 20 East, Sarasota Florida; run thence S.0

1417 degrees 30'44"W. along the westerly line of said
 1418 Section 33, 105.39' to the centerline of U.S. 41;
 1419 thence continue S.0 degrees 30'44"W. along said
 1420 westerly line 1372.36'; thence S.89 degrees 29'16"E.
 1421 along the northerly line of Tract, 810' to the POINT
 1422 OF BEGINNING of said centerline of said 200 foot wide
 1423 Tract; thence N.0 degrees 30'44"E., parallel to the
 1424 said westerly line of Section 33, 1078.74' to the
 1425 southerly right-of-way line of U.S. 41 (right-of-way
 1426 being 100 feet from centerline at this point) for a
 1427 POINT OF TERMINATION.

1428
 1429 All that part of Section 34 described as follows: The
 1430 North Half of the Northwest Quarter of the Southwest
 1431 Quarter lying South of U.S. Highway #41 (State Road
 1432 #45) and West of the right of way of County Road #777
 1433 (as realigned) in Official Records Book 2679 at Pages
 1434 2750-2574, LESS the following described lands: East
 1435 200' (as measured along the South Right-of-Way of
 1436 Tamiami Trail, or arc distance) of the West 392.7 feet
 1437 measured along the South Right-of-Way of said Tamiami
 1438 Trail, arc distance; on the following described
 1439 property: That portion of the Northwest 1/4 of the
 1440 Northwest 1/4 of the Southwest 1/4 of Section 34,
 1441 Township 39 South, Range 20 East, Sarasota County,
 1442 Florida, lying South of Tamiami Trail and being more
 1443 particularly described as follows: Begin at the West
 1444 1/4 of section corner of Section 34, Township 39

1445 South, Range 20 East and run South on the section line
1446 196.71 feet to the South Right-of-Way line of the
1447 Tamiami Trail for a Point of Beginning: thence
1448 continue S.89E58'00"E 659 feet; thence N.00E00'20"W
1449 424.57 feet to the South Right-of-Way of the said
1450 Tamiami Trail; thence in a Northwesterly direction
1451 along the curve of said Tamiami Trail a distance of
1452 662.5 feet to the Point of Beginning. Said above
1453 described lands being more particularly described and
1454 surveyed as follows: Commence at the West quarter
1455 corner of said Section 34, thence South along the
1456 Westerly section line of said Section 34, a distance
1457 of 668.85 feet; thence S.89E58'00"E. a distance of
1458 190.40 feet to the Point of Beginning of this
1459 description. Thence N.00E00'00"E. a distance of 350.24
1460 feet to a point on the Southerly Right-of-Way line of
1461 Tamiami Trail also known as STATE ROAD No. 45. and
1462 U.S. 41 as per Florida Department of Transportation
1463 Right-of-Way maps Section No. 17010-2508 (204' Right-
1464 of-Way) said point also being on the arc of a circular
1465 curve to the left whose radius point bears
1466 N.06E36'51"E., thence along the arc of said curve in
1467 an easterly direction through a central angle of
1468 03E48'13", having a radius distance of 3011.73 feet,
1469 an arc distance of 199.93 feet; thence South leaving
1470 said Right-of-Way line a distance of 333.93 feet;
1471 thence N.89E58'00"W. a distance of 199.22 feet to the
1472 Point of Beginning; The NE 1/4 of the SW 1/4, lying

1473 easterly of right of way for County Road #777 (as
 1474 realigned) as per Official Records Book 2679, at Pages
 1475 2750-2754, Less the NW 1/4 of the NE 1/4 of the SW
 1476 1/4, Also Less lands described in Official Records
 1477 Instrument Number 1999111833; That part of the West
 1478 Half of the SE 1/4, lying westerly of maintained right
 1479 of way for South River Road (Old River Road), and
 1480 northerly of lands described in Official Records
 1481 Instrument Number 1999111833.

1482
 1483 IN TOWNSHIP 40 SOUTH, RANGE 20 EAST, SARASOTA COUNTY,
 1484 FLORIDA:

1485
 1486 All of Section 15, less and except the following: The
 1487 maintained right-of-way for County Road #777 (South
 1488 River Road); Right-of-way conveyed in Official Records
 1489 Instrument Number 2000163556.

1490
 1491 All of Section 17, less and except the following:
 1492 Right-of-way conveyed for Pine Street Extension
 1493 recorded in Official Record Book 2536, Page 811-974,
 1494 of the Public Records of Sarasota County, Florida.

1495
 1496 All of Section 18, less and except the following:
 1497 Right-of-way conveyed for Pine Street Extension
 1498 recorded in Official Record Book 2536, Page 811-974,
 1499 of the Public Records of Sarasota County, Florida.

1500

1501 All of Section 19, less and except the following:
 1502 Right-of-way conveyed for Pine Street Extension
 1503 recorded in Official Record Book 2536, Pages 811-974,
 1504 of the Public Records of Sarasota County, Florida.

1505
 1506 All of Section 20, less and except the following:
 1507 Right-of-way conveyed for Pine Street Extension
 1508 recorded in Official Record Book 2536, Pages 811-974,
 1509 of the Public Records of Sarasota County, Florida;
 1510 Maintained right-of-way for County Road #777 (South
 1511 River Road).

1512
 1513 All of Section 21, less and except the following:
 1514 Maintained right-of-way for County Road #777 (South
 1515 River Road); The SW 1/4 of the SE 1/4; The North 50
 1516 feet of the South 380 feet of the SW 1/4 lying East of
 1517 County Road #777 (South River Road); Right-of-way
 1518 conveyed in Official Record Book 2097, Page 396, of
 1519 the Public Records of Sarasota County, Florida; Right-
 1520 of-way conveyed in Official Records Instrument Number
 1521 2000163556.

1522
 1523 Parcel Contains 3739.9714 Acres more or less.

1524 Section 19. Limitations of powers.--All governmental
 1525 planning, environmental, and land development laws, regulations,
 1526 and ordinances apply to all development of the land within the
 1527 district. The district does not have the power of a local
 1528 government to adopt a comprehensive plan, building code, zoning

1529 code, or land development code, as those terms are defined in
 1530 the Local Government Comprehensive Planning and Land Development
 1531 Regulation Act. The district shall take no action which is
 1532 inconsistent with applicable comprehensive plans, ordinances, or
 1533 regulations of the applicable local general-purpose government.
 1534 Nothing in this act shall create any delegation of any
 1535 responsibilities or authorities from Sarasota County or the City
 1536 of North Port to the district. Notwithstanding anything to the
 1537 contrary, as to any lands located within the City of North Port
 1538 jurisdictional boundaries or the unincorporated area, the
 1539 district shall be required to obtain any and all permits for
 1540 infrastructure planning and construction from the City of North
 1541 Port or Sarasota County, respectively, that would otherwise be
 1542 required of a private entity performing the same work. The
 1543 district shall not have the power to supersede ~~supereede,~~
 1544 ~~contravene,~~ or overrule any development or annexation agreements
 1545 entered into by landowners within or outside of the district or
 1546 any City of North Port joint planning agreements or interlocal
 1547 agreements with Sarasota County or any other governmental
 1548 entities.

1549 Section 2. Referendum.--No expansion of the territorial
 1550 boundaries of the district shall be effective until a landowner
 1551 referendum is conducted by the board of supervisors within 60
 1552 days after the effective date of this act on the question of
 1553 expanding the territorial boundaries of the district. All
 1554 landowners (which include the landowners within the current
 1555 district and expanded district boundaries) are entitled to vote
 1556 in the referendum held pursuant to this section. The referendum

HB 1445

2006

1557 shall be held on a one acre, one vote basis at the expense of
1558 the district. If the landowners approve the referendum described
1559 in this section by a majority vote of the acreage cast, then
1560 this act shall take effect immediately.

1561 Section 3. This act shall take effect only upon its
1562 approval by a majority vote of those qualified landowners of the
1563 area described in section 17, as amended, voting in a referendum
1564 to be held by the Board of Supervisors of the West Villages
1565 Improvement District voting in a special election, except that
1566 this section and section 2 shall take effect upon becoming a
1567 law.