

FILED FOR RECORD
R. B. SHORE

2008 OCT 14 AM 7:43

**MANATEE COUNTY ORDINANCE
PDR-00-20(P)(R2) – OAK TRACE**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING
LAND DEVELOPMENT AMENDING STIPULATION #5 AND DELETING
STIPULATION #13 OF ORDINANCE NO. PDR-00-20(Z)(P),
PERTAINING TO SIDEWALK REQUIREMENTS FOR THIS PROJECT,
SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION,
PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE
DATE.

2008 OCT -6 11:20:17
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

WHEREAS, White Oak Development, Ltd. (the "Applicant") filed an application for a revised Preliminary Site Plan for approximately 42.95 acres described in Exhibit "A", attached hereto (the "Property") to amend Stipulation #5 and delete Stipulation #13 of Ordinance No. 20(Z)(P); and

WHEREAS, Planning Department staff recommended approval of the Preliminary Site Plan, and revised Ordinance subject to the stipulations contained in the staff report; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, the recommendation of the Planning Department, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Department concerning the application for a revised Preliminary Site Plan and Ordinance as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on October 2, 2008 regarding the proposed Preliminary Site Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land Development Code), and has further considered the information received at the public hearing.
- C. The proposed Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to amend and restate the approved Preliminary Site Plan (Ordinance PDR-00-20(Z)(P)) to amend Stipulation #5 and delete Stipulation #13 pertaining to sidewalk requirements for this project subject to the following Stipulations:

STIPULATIONS

1. Dedication of right-of-way for the future 44th Avenue East is required at time of Final Site Plan and shall be approved by the Transportation Department prior to approval of the Final Site Plan. All required setbacks shall begin at the new dedicated right-of-way line. (Status: Completed)
2. Existing trees and vegetation within the common areas of this project shall be preserved. (Status: Completed)
3. Existing native vegetation may be used in lieu of required plantings for the greenbelt. Existing native trees, shrubs, and ground covers within the buffers shall be delineated and marked prior to site development, and preserved to the maximum extent possible. Sufficient area around the trees and appropriately designed tree wells shall be required as determined by a registered Landscape Architect to reasonably guarantee their survival. Roadway and screening buffers may be enhanced and created consistent with Section 715 and 737 of the Manatee County LDC. (Status: Completed)
4. Prior to Final Site Plan approval, concurrency must be met relative to fire flow and drainage design. (Status: Completed)
5. The applicant shall pay into a county sidewalk fund an amount equivalent to the cost of constructing a sidewalk along the south side of 38th Ave E for use by the county to provide pedestrian travel along 38th Ave E whenever the county realigns 38th Ave E in this area.
6. The boundaries of the wetland buffers shall be marked with signs indicating that this is a wetland protection area. The number and location of such signs shall be approved by the Environmental Management Department with Final Site Plan approval. There shall also be a Notice To Buyers indicating that these lots are adjacent to wetland and buffer areas, with a reference to the recorded conservation easement. (Status: Completed)
7. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required when and if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners. (Status: Completed)
8. The Homeowner's Documents shall include a notice to inform homeowners that an interneighborhood tie for this project shall connect to a future roadway when development occurs on the property to the west and that traffic from the property may utilize the roads within this project. (Status: Completed)
9. The applicant shall provide the required 15' greenbelt buffer adjacent to the right-of-way for Street "A". This shall be shown on the Final Site Plan. (Status: Completed)

10. The "Notice to Buyer" shall contain language to inform buyers that Street "C" will be required to be connected to 44th Avenue East (a future arterial). (Status: Completed)
11. This project shall be required to reduce the calculated pre-development flow rate by 50% for all stormwater out-fall flow, directly or indirectly, into Sugar House Creek. (Status: Completed)
12. Street C shall be redesigned to include a cul-de-sac at the southern terminus. (Status: Completed)
13. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous materials locations (i.e., historical cattle dipping vats, underground/above ground storage tanks, or buried drums) by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation / mitigative measures. (Status: Completed)
14. A drainage, maintenance, and access easement shall be dedicated to Manatee County and provided from the top of the bank of Sugar House Creek and include the entire wetland, wetland buffers, and stormwater ponds adjacent to Sugar House Creek, through the length of this site. This easement shall be shown on the Final Site Plan and allow for the relocation of Sugar House Creek to improve drainage, subject to the availability of permits to do so. (Status: Completed)
15. Properties adjacent to the creek shall receive a copy of the construction drawing prior to approval. (Status: Completed)

Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 2nd day of October, 2008.

**BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA**

BY: 
Chairman

**ATTEST: R. B. SHORE
Clerk of the Circuit Court**

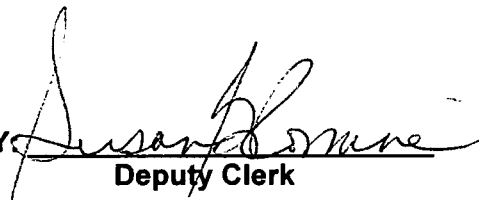
BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION AS FURNISHED:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 89° 20' 03" W, ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 1338.58 FEET TO THE INTERSECTION WITH THE WEST LINE OF "LAZY 4B' RANCHES" SUBDIVISION, AS RECORDED IN PLAT BOOK 15, PAGES 82 & 83, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE S 00- 31' 33" E, ALONG THE WEST LINE OF SAID "LAZY 4B' RANCHES", A DISTANCE OF 228.05 FEET TO THE INTERSECTION WITH THE CENTERLINE OF A 36 FEET WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT, AS DESCRIBED AND RECORDED IN O.R. BOOK 961, PAGE 957, OR SAID PUBLIC RECORDS; THENCE N 89- 20' 03" W, ALONG SAID CENTERLINE, PARALLEL TO THE NORTH LINE OF SAID SECTION 8, AND 228.0 FEET SOUTHERLY THEREFROM, A DISTANCE OF 1347.42 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE S.W. 1/4 OF SAID SECTION 5; THENCE N 00° 18' 56" W, ALONG THE EAST LINE OF SAID S.W. 1/4, AND SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 1499.41 FEET TO THE INTERSECTION WITH THE MAINTAINED SOUTH RIGHT-OF-WAY OF 36TH AVENUE EAST; THENCE S 89- 52' 01" E, ALONG SAID MAINTAINED SOUTH RIGHT-OF-WAY, 862.13 FEET TO A CONCRETE MONUMENT, HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUE S 89- 52' 01" E, ALONG SAID MAINTAINED SOUTH RIGHT-OF-WAY, 39.0 FEET, MORE OR LESS TO THE INTERSECTION WITH THE CENTERLINE OF AN EXISTING CREEK; THENCE SOUTHEASTERLY, ALONG THE SINUOSITIES OF SAID CREEK CENTERLINE, 770.0 FEET, MORE OR LESS TO THE INTERSECTION WITH THE WEST LINE OF SAID "LAZY 'B' RANCHES", SUBDIVISION; THENCE S 00- 41' 01" E, ALONG THE WEST LINE OF SAID "LAZY 'B' RANCHES" SUBDIVISION, THENCE S 00- 41' 01" E, ALONG THE WEST LINE OF SAID "LAZY 'B' RANCHES" SUBDIVISION, 32.0 FEET, MORE OR LESS TO A CONCRETE MONUMENT, SAID POINT LYING S 46' 00' 01" E, 669.48 FEET FROM SAID POINT "A"; THENCE CONTINUES S 00' 41' 01" E, ALONG THE WEST LINE OF SAID "LAZY 'B' RANCHES" SUBDIVISION, A DISTANCE OF 820.00 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 5 & 8, TOWNSHIP 35 S., RANGE 18 E, MANATEE COUNTY, FLORIDA. CONTAINING 42.95 ACRES, MORE OR LESS.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 2nd day of October, 2008

R.B. SHORE
Clerk of Circuit Court

By: Debi Ferrera



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE

2008 OCT 14 AM 7:42

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

October 7, 2008

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 2, 2008 and certified copies of Manatee County Ordinance Nos. PDMU-06-21(P) (R3), PDMU-04-51(P) (R3) and PDR-00-20(P) (R2), which were filed in this office on October 6, 2008.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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