

## House Bill No. 1445

An act relating to the West Villages Improvement District, Sarasota County; amending chapter 2004-456, Laws of Florida; expanding the territorial boundaries of the district; supplementing the conditions and requirements for the exercise of its powers, functions, and duties; providing for a referendum; providing an effective date.

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

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

Section 2. District; creation, jurisdiction, and purpose.—

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

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

(3) The district is created for all purposes as shall be liberally construed from and set forth in this act, under sections 189.401-189.429, Florida Statutes, provided that section 189.4045(2), Florida Statutes, is specifically excluded and not applicable to the district or to the City of North Port as to that portion of the district located within the City of North Port jurisdictional boundaries, or to Sarasota County as to that portion of the district located within the unincorporated area, and chapter 298, Florida Statutes, as the same may be amended from time to time, and may perform such acts as shall be necessary, convenient, incidental, or proper for the provision, acquisition, development, operation, and maintenance of those public infrastructure works and services authorized herein, including all facilities necessary and incidental thereto.

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

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

Section 3. District powers, functions, and duties.—

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

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

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

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

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

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

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

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

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

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

(e) To finance, plan (as to that portion of the district located within the City of North Port jurisdictional boundaries, consistent with the City of North Port Comprehensive Plan and implementing ordinances, studies, and plans; and, as to that portion of the district located within the unincorporated area, consistent with the Sarasota County Comprehensive Plan and implementing ordinances, studies, and plans), design, acquire, construct, install, operate, equip, upgrade, reclaim, replace, extend, renovate, mitigate, and maintain canals, swales, outfalls, dams, control structures, pumps and

pumping systems, aerators, seawalls, berms, ditches, telemetry and monitoring equipment, retention areas, holding basins, marshes, wetlands, uplands, drains, levees, lakes, ponds, and other works or elements for modern comprehensive water management drainage, environmental, mitigation preservation, erosion, quality, and control purposes, and:

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

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

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

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

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

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

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

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

(h) To finance, plan (as to that portion of the district located within the City of North Port jurisdictional boundaries, consistent with City of North Port Comprehensive Plan and implementing ordinances, studies, and plans;

and, as to that portion of the district located within the unincorporated area, consistent with the Sarasota County Comprehensive Plan and implementing ordinances, studies, and plans), design, acquire, construct, install, operate, equip, upgrade, replace, extend, renovate, and maintain irrigation works, machinery, plants, and appurtenances.

(i) To finance, plan (as to that portion of the district located within the City of North Port jurisdictional boundaries, consistent with City of North Port Comprehensive Plan and implementing ordinances, studies, and plans; and, as to that portion of the district located within the unincorporated area, consistent with the Sarasota County Comprehensive Plan and implementing ordinances, studies, and plans), design, acquire, construct, install, operate, equip, upgrade, replace, extend, renovate, and maintain roadways; and to include either as a component of such roads or independently by themselves, parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, entry features, traffic signals, road striping, and all other customary elements or appurtenances of a modern road system for the exclusive use and benefit of the district, a unit of development, and/or its landowners, residents, and invitees in order to control ingress and egress; to finance and maintain said roads and their associated elements and components as a part of a plan of improvements; to construct and maintain security structures to control the use of said roads; to make provision for access by fire, police, and emergency vehicles and personnel for the protection of life and property; to include, in the annual assessment of non-ad valorem assessments as authorized, sufficient funds to finance and maintain said roads as a part of a plan of improvements, and to adopt, by resolution of the board, rules and regulations for the control of traffic, noise levels, crime, and the use of the roads by those authorized. Provided that in the event the district should construct all or any portion of a major thoroughfare or transportation route as identified in section 163.3177(6)(b), Florida Statutes, the district will not be permitted to limit said thoroughfare or transportation route for the exclusive use and benefit of the district, a unit of development, and/or its residents without the written consent of the applicable local general purpose government. Notwithstanding anything to the contrary herein:

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

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

As to that portion of the district located within the City of North Port jurisdictional boundaries, the district shall agree, at the request of the City of North Port Commission or its designee, subject to applicable impact fee ordinances and a developer's agreement with the City of North Port (neither party's consent to said developer's agreement shall be unreasonably withheld), to donate and turn over operation of all or any portion of any public roadway system within the City of North Port jurisdictional boundaries. As

to that portion of the district located within the unincorporated area, the district shall agree, at the request of the Board of County Commissioners of Sarasota County or its designee, subject to applicable impact fee ordinances and a developer's agreement with Sarasota County (neither party's consent to said developer's agreement shall be unreasonably withheld), to donate and turn over operation of all or any portion of any public roadway system within the unincorporated area to Sarasota County to the City of North Port.

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

(k) To finance, plan (as to that portion of the district located within the City of North Port jurisdictional boundaries, consistent with City of North Port Comprehensive Plan and implementing ordinances, studies, and plans; and, as to that portion of the district located within the unincorporated area, consistent with the Sarasota County Comprehensive Plan and implementing ordinances, studies, and plans), design, acquire, construct, install, operate, equip, upgrade, replace, extend, renovate, reclaim, mitigate, protect, remove exotics, and maintain improvements, works, landscaping, systems, structures, buildings, and facilities for community or public preserves, uplands, wetlands, playgrounds, parks, gymnasiums, stadiums, ballfields, greenways, waterways, and facilities for indoor and outdoor recreational, sport, cultural, and educational uses.

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

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

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

c. As to that portion of the district located within the Englewood Water District service area, require the prior approval of the Board of the Englewood Water District or its designee.

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

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

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

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

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

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

c. As to that portion of the district located within the Englewood Water District service area, require the prior approval of the Board of the Englewood Water District or its designee.

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

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

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

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

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

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

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

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

(q) To levy non-ad valorem assessments; prescribe, fix, establish, and collect rates, fees, rentals, fares, or other charges, and to revise the same from time to time, for property, facilities, and services made available, furnished, or to be furnished by the district; and to recover the cost of making or authorizing the connection to any district facility or system or installing works or improvements on or within district property interests. However, no rates, fares, charges, or fees shall be established until after a public hearing of the board at the district at which all affected persons shall be given an opportunity to be heard.

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

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

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



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

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

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

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

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

(x) To require any individual or entity desiring to construct any structure in, over, under, upon, or occupying real district property interests or rights-of-way owned by the district ~~right-of-way~~ or connecting to or utilizing the works of the district to first obtain written authorization from the district and, as appropriate, either the City of North Port as to that portion of the district located within the City of North Port jurisdictional boundaries or Sarasota County as to that portion of the district located within the unincorporated area ~~comply with all City of North Port and district plans, rules, regulations, policies, and specifications,~~ provided that said written authorization shall be issued upon a demonstration that the applicant has complied compliance with such Sarasota County, applicable City of North Port, or and ~~district plans, rules, regulations, policies, and specifications~~ as may be applicable. The board of supervisors shall be permitted the discretion to deny or

revoke any written authorization or application for same if they find that the matter for which the authorization is sought or granted does not comply with such Sarasota County, the City of North Port, or and district plans, rules, regulations, ~~or~~ policies, and specifications as may be applicable. All fees and costs, including construction, review, inspection, copying, engineering, legal, and administrative expenses of the district, shall be paid by the applicant seeking the authorization. Any such district written authorization shall not be deemed or construed as being an alternative to or in place of the applicant's obligation to also obtain all other governmental building and construction permits and approvals. With regard to that portion of the district located within the City of North Port jurisdictional boundaries, any conflict between City of North Port and district plans, rules, regulations, policies, and specifications shall be resolved in favor of the City of North Port. With regard to that portion of the district located within the unincorporated area, any conflict between Sarasota County and district plans, rules, regulations, policies, and specifications shall be resolved in favor of Sarasota County.

(y) To include in a plan of improvements, the engineer's report, or the authorizing and implementing documents under chapter 170, Florida Statutes, which shall include, but are not limited to, all applicable resolutions, assessment maps, and/or assessment rolls (the "chapter 170 authorizing documents"), all or one or more of the various powers and functions, including individual parts or components thereof, of the district or any combination of same and to construct and finance said individual or combination of such powers and functions, including individual parts or components thereof. It is the intent of this section that a plan of improvements, the engineer's report, or chapter 170 authorizing documents may provide for a single benefit to the land authorized by the laws pertaining to the district or one or more of all of said benefits or combination thereof as long as there are benefits accruing to the land.

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

(aa) To establish and create such departments, committees, boards, or other agencies, including a public relations committee, as from time to time the board of supervisors may deem necessary or desirable in the performance of the acts or other things necessary to the exercise of the powers

provided in this act, and to delegate to such departments, committees, boards, or other agencies such administrative duties and other powers as the board of supervisors may deem necessary and to exercise all other powers necessary convenient or proper in connection with any of the powers or duties of said district stated in this act by and through the board of supervisors. Notwithstanding anything contained herein:

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

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

(bb) Notwithstanding any authority contained within this section:

1. As to that portion of the district located within the City of North Port jurisdictional boundaries, the development, operation, or maintenance of any district facilities or services shall comply with the adopted comprehensive plan, unified land development code, zoning code, and any other city codes and ordinances of the City of North Port; and

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

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

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

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

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

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

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

(gg) Following methodology consistent with Sarasota ~~the~~ County's concurrency management regulations, and notwithstanding any authority contained within this section, the district shall not construct any improvements within that portion of the district located within the City of North Port jurisdictional boundaries, pursuant to any municipal development order, where that development would cause the level of service on any concurrency regulated facility in unincorporated Sarasota County to drop below the level of service adopted as of the effective date of this act, or subsequently reduced level of service, in the Sarasota County Comprehensive Plan pursuant to chapter 163, Florida Statutes, without paying its fair share contribution to improving that facility, and Sarasota County shall have the right under section 163.3215, Florida Statutes, to contest any such municipal development order on the basis that it fails to require the district to pay its fair share contribution. The fair share contribution shall include both the contribution to the county from the fair share collected by the City of North Port pursuant to the county's impact fee ordinance and interlocal agreements between Sarasota County and the City of North Port, as well as direct contributions made to the county by the district. Nothing contained herein shall be construed as limiting the obligations of the district or property owners therein as set forth in Florida Statutes and applicable rules. Any fair share contribution required to address the impact of development within that portion of the district located in unincorporated Sarasota County shall be governed by the laws and ordinances of Sarasota County.

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

(3)(a) To include in a plan of improvements, the engineer's report, chapter 170 authorizing documents, or otherwise provide, for the exercise of the district's powers, services, facilities, and improvements beyond the territorial boundaries of the district, when necessary and appropriate in order to provide a benefit on behalf of lands located within the district and pursuant to an approved plan of improvements or chapter 170 authorizing documents. Any such construction must be in accordance with the city's master plans and requirements. Any such construction within unincorporated Sarasota County must be in accordance with the county's comprehensive plan, master

plans, and thoroughfare plan. The West Villages Improvement district shall cooperate and coordinate its activities with the units of general-purpose local government in which it is located, including the City of North Port and Sarasota County. Prior to exercising any of the district powers, functions, or duties relative to infrastructure planning, programming, or construction within that portion of the district located in unincorporated Sarasota County, the district shall enter into an interlocal agreement with Sarasota County, which agreement shall specify the process for the district to coordinate its infrastructure planning, programming, and construction activities with Sarasota County and include a means to coordinate infrastructure planning and programming between the parties. Neither the district nor Sarasota County shall arbitrarily or unreasonably withhold or delay its approval and execution of such interlocal agreement. The district is authorized to enter into interlocal agreements with the City of North Port, Sarasota County, the Englewood Water District, or any other units of government. Whenever the district intends to utilize its powers to construct or cause to be constructed infrastructure projects or programs within the district, the district shall provide copies of all plans and infrastructure permit applications to the Sarasota County Planning Director and Development Services Business Center at such time as the district submits such plans or permit applications to the City of North Port or other permitting authority but in any event no less than 30 days before the City of North Port or other permitting authority issues permits for those projects. The district shall allow the county 20 days from submittal to the county to comment on those plans and permit applications, but as to construction or improvements that are not within unincorporated Sarasota County, the county's approval is not required for the district to proceed with the project. Sarasota County shall not unduly interfere with the district's exercise of its powers conferred by this act.

(b) Prior to planning, programming, or construction of any infrastructure that is intended to cross jurisdictional boundaries and be constructed in more than one unit of general-purpose local government, the Englewood Water District, or a combination thereof, the district shall enter into interlocal agreements with each of the affected governments, which agreements shall specify the process for the district to coordinate its infrastructure planning, programming, and construction activities with each affected government; coordinate compliance and resolve conflicts with the comprehensive plans, laws, and ordinances of the City of North Port and Sarasota County and with the adopted long-range plans and rules and regulations of the Englewood Water District; and establish procedures and responsibilities for maintenance, repair, and operation of any connected infrastructure. The district, the City of North Port, Sarasota County, and the Englewood Water District shall not arbitrarily or unreasonably withhold or delay their approval and execution of any such interlocal agreement.

Section 4. Board of supervisors; election, organization, powers, duties, and terms of office.—

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

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

(3) The first board of supervisors of the district shall be composed of five persons, two of whom shall hold office for 4 years, one of whom shall hold office for 3 years, one of whom shall hold office for 2 years, and one of whom shall hold office for 1 year, which terms shall terminate in June of their applicable final year. Within 120 days after this act becomes a law, a special meeting of landowners of the West Villages Improvement District shall be held for the purpose of electing the first board of supervisors for the West Villages Improvement District as herein provided. Notice of such special meeting of landowners shall be given by causing publication thereof to be made once a week for 2 consecutive weeks prior to such meeting in the newspaper of general paid circulation in which ~~that~~ the City of North Port publishes notices of city meetings, and prior to the meeting, ~~provision of 2 weeks' weeks~~ advance written notice shall be provided to the City of North Port City Manager, including the agenda and any backup material. Such special meeting of landowners shall be held in a public place in the City of North Port, and the place, date, and hour of holding such meeting and the purpose thereof shall be stated in the notice. The landowners when assembled shall organize by electing a chair who shall preside at the meeting and a vice chair, secretary, and treasurer. At such meeting, each and every acre, or any fraction thereof, of land in the district shall represent one vote and each owner shall be entitled to one vote in person or by written proxy for every acre of land, or any fraction thereof, owned by such owner in the district. Candidates must be citizens of the United States and shall be nominated prior to commencement of the initial election. The landowners shall first vote for the 2 supervisors who are to hold office for the 2 seats with an initial term of 4 years as herein provided, and the persons receiving the highest and next highest number of votes for such supervisor offices shall be declared and elected as the supervisors for said 2 seats. The landowners shall next vote for the supervisor who is to hold office for that seat with a term of 3 years as provided herein, and the person receiving the highest number of votes for such supervisor shall be declared and elected as such supervisor for said seat. Said landowners shall continue to so vote for each remaining seat until the supervisor who is to hold office for the term of 1 year as herein provided is elected for said seat. The landowners present or voting by proxy at the meeting shall constitute a quorum.

(4) Each year during the month of June, beginning with June of the second year following the first election, a supervisor shall be elected, as hereinafter provided, by the landowners of said district to take the place of the retiring supervisor. All vacancies or expirations on said board shall be filled as provided by this act. All supervisors of the district shall be citizens of the United States. Following the initial election of supervisors in order to be eligible for election, a candidate for an office of supervisor shall be required to file a written notice of intention to be a candidate in said office of the district at least 30 calendar days but not earlier than 90 calendar days before but not including the day of the annual meeting of the landowners. In case of a vacancy in the office of any supervisor, the remaining supervisors within 90 calendar days of the vacancy shall fill such vacancy until the

expiration of that seat's outstanding term when a successor shall be elected by the landowners. If, on or before January 1 of any calendar year, there are 6,000 owners of real property in that portion of the district located within the City of North Port that are registered voters in the City of North Port, at least one supervisor elected at the next regularly scheduled election shall be a resident of and owner of real property in that portion of the district located within the City of North Port. If, on or before January 1 of any calendar year, there are 3,000 owners of real property in that portion of the district located within the unincorporated area of Sarasota County that are registered voters of Sarasota County, at least one supervisor elected at the next regularly scheduled election shall be a resident of and owner of real property in that portion of the district located within unincorporated Sarasota County.

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

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

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

#### Section 5. Meetings of landowners.—

(1) Each year during the month of June, a meeting of the landowners of the district shall be held, when necessary, for the purpose of electing a supervisor and hearing reports of the board of supervisors and considering any matters upon which the board of supervisors may request the advice and views of the landowners. The board of supervisors shall have the power to call special meetings of the landowners at any time to consider and act upon any matter upon which the board of supervisors may request action, direction, or advice. Notice of all meetings of the landowners shall be given by the board of supervisors by causing publication thereof to be made for 2 consecutive weeks prior to such meeting in the newspaper of general paid circulation in which that the City of North Port publishes notices of city meetings and in a newspaper of general paid circulation in which Sarasota County publishes notices of its board meetings, and prior to the meeting, ~~provision of 2 weeks' weeks~~ advance written notice shall be provided to the City of North Port City Manager and the Sarasota County Administrator, or their designees, regarding any matters affecting that portion of the district located within the City of North Port jurisdictional boundaries or the unincorporated area, respectively, including the agenda and any backup material. The meetings of the landowners shall be held in a public place in the City of

North Port, and the place, day, and hour of holding such meetings shall be stated in the notice. The landowners when assembled shall organize by electing a chair who shall preside at the meeting. The secretary of the board of supervisors shall be the secretary of such meeting. At all such meetings each and every acre, or any fraction thereof, of land in the district shall represent one vote, and each owner shall be entitled to one vote in person or by written proxy for every acre, or any fraction thereof, of land owned by such owner in the district. The eligible person receiving the highest number of votes for a supervisor position shall be declared and elected as such supervisor. Those landowners present or voting by proxy at the meeting, including the initial meeting, shall constitute a quorum at any meeting of the landowners.

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

Section 10. Bonds may be issued, sale and disposition of proceeds; interest; levy to pay bonds; bonds and duties of treasurer.—

(2) Provided that any and all loans or bonds of the district are non-recourse as to the City of North Port and Sarasota County, the board of supervisors may issue bonds not to exceed 90 percent of the total amount of the non-ad valorem assessments levied under the provisions of section 298.305, Florida Statutes, or equal to the total amount levied under chapter 170, Florida Statutes, bearing interest from date at a rate not to exceed the statutory lawful maximum per annum, payable annually or semiannually, to mature at annual intervals within 40 years commencing after a period of not later than 10 years, to be determined by the board of supervisors, with both principal and interest payable at some convenient place designated by the board of supervisors to be named in said bonds, which bonds shall be signed by the chair of the board of supervisors, attested with the seal of the district and by the signature of the secretary of the board. All of said bonds shall be executed and delivered to the district or its agent, which shall sell the same in such quantities and at such dates as the board of supervisors may deem necessary to meet the payments for the works, services, and improvements in and of the district. A sufficient amount of the non-ad valorem assessment shall be appropriated by the board of supervisors for the purpose of paying the principal, premium, if any, and interest of said bonds, and the same shall, when collected, be preserved in a separate fund for that purpose and no other. All bonds not paid at maturity shall bear interest at a rate of not to exceed the statutory lawful maximum per annum from maturity until paid, or until sufficient funds have been deposited at the place of payment, and said interest shall be appropriated by the board of supervisors out of the penalties and interest collected on delinquent assessments or other available funds of the district. Provided, however, that it may, in the discretion of said board, be provided that at any time, after such date as shall be fixed by the said board, said bonds may be redeemed before maturity at the option of said board, or their successors in office, by being made callable prior to maturity at such times and upon such prices and



terms and other conditions as said board shall determine. If any bond so issued subject to redemption before maturity shall not be presented when called for redemption, it shall cease to bear interest from and after the date so fixed for redemption.

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

(1) Upon written petition signed by the owners of 51 percent of the acreage in any area, the board of supervisors of the district shall have the power and is hereby authorized in its discretion to exercise such powers authorized in this act, the lands in said designated area or part of the district to be called a “unit.” The units into which said district may be so divided shall be given appropriate numbers or names by said board of supervisors, so that said units may be readily identified and distinguished. The board of supervisors shall have the power to fix and determine the location, area, and boundaries of and lands to be included in each and all such units with the consent of the owners of 51 percent of the acreage in any area, and the method of carrying on the work in each unit. If the board of supervisors shall determine that it is advisable to conduct the work of the district by units, as authorized by this section, said board shall, by resolution duly adopted and entered upon its minutes, declare its purpose to conduct such work accordingly and, upon petition of the owners of 51 percent of the acreage in any area, shall at the same time and manner fix the number, location, and boundaries of and description of lands within such unit or units and give appropriate numbers or names, which unit or units may overlay or overlap one or more other units. As soon as practicable after the adoption and recording of a resolution as to any unit, said board of supervisors shall publish a notice once a week for 2 consecutive weeks in the newspaper of general paid circulation in which ~~that~~ the City of North Port publishes notices of city meetings and in a newspaper of general paid circulation in which Sarasota County publishes notices of its board meetings, ~~and by provision of 2 weeks advance written notice to the City of North Port City Manager,~~ briefly describing the unit or units into which the district has been divided and the lands embraced in each unit, giving the name, number, or other designation of such units, requiring all owners of lands in the district to show cause in writing before said board of supervisors at a time and place to be stated in such notice why such division of said district into such unit or units should not be approved, and why the proceedings and powers authorized by this section of this act should not be had, taken, and exercised. Two weeks’ advance written notice of the board’s intent to establish said unit or units shall also be provided:

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

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

At the time and place stated in said notice, said board of supervisors shall hear all objections or causes of objection, all of which shall be in writing, of any landowner in the district to the matters mentioned and referred to in such notice, and if no objections are made, or if said objections, if made, shall be overruled by said board, then said board shall enter in its minutes its finding and order confirming said resolution and may thereafter proceed with the development of the district by unit or units pursuant to such resolution and to the provisions of this act. If, however, said board of supervisors shall find as a result of such objections, or any of them, or the hearing thereon, that the division of the district into such unit or units as aforesaid should not be approved, or that the proceedings and powers authorized by this section of this act should not be had, taken, or exercised, or that any other matter or thing embraced in said resolution would not be in the best interest of the landowners of said unit or units or would be unjust or unfair to any landowner therein or otherwise inconsistent with fair and equal protection and enforcement of the rights of every landowner in said unit or units, then the board of supervisors shall not proceed further under such resolution, but said board of supervisors may, as a result of such hearing, modify or amend said resolution so as to meet such objections so made, and thereupon said board may confirm said resolution as so modified or amended and may thereafter proceed accordingly. If said board of supervisors shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the district, or if any such landowner shall deem himself or herself aggrieved by any action of the board of supervisors in respect to any objections so filed, such landowner may, within 10 days after the ruling of said board, file his or her complaint in the Circuit Court for Sarasota County, against said district, praying an injunction or other appropriate relief against the action or any part of such action proposed by such resolution or resolutions of said board, and such suits shall be conducted like other suits, except that said suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus. Upon the hearing of said cause, the circuit court shall have the power to hear the objections and receive the evidence thereon of all parties to such cause and approve or disapprove said resolutions and action of the board in whole or in part, and to render such decree in such cause as right and justice require.

(2) When said resolutions creating said unit or units shall be confirmed by the board of supervisors (or by the Circuit Court for Sarasota County, if such proposed action shall be challenged by a landowner by the judicial proceedings hereinabove authorized), the board of supervisors may adopt a plan of improvements or chapter 170 authorizing documents for and in respect to any or all such units, and to have the benefits and damages resulting therefrom assessed and apportioned as is provided by law in regard to a plan of improvements or chapter 170 authorizing documents for and assessments for benefits and damages of the entire district. With respect to the plan of improvements, notices, appointment of engineer to prepare a report assessing the benefits and damages, the engineer's report and notice and confirmation thereof, the levy of assessments, including maintenance assessments, the issuance of bonds, the exercise or use of chapter 170, Florida Statutes, proceedings and all other proceedings as to each and all of such units, said board shall follow and comply with the same procedure as is provided by law with respect to the entire district; and said board of

supervisors shall have the same powers in respect to each and all of such units as is vested in them with respect to the entire district. All the provisions of this act shall apply to the improvement of each, any, and all of such units, and the enumeration of or reference to specific powers or duties of the supervisors or any other officers or other matters in this act as hereinabove set forth, shall not limit or restrict the application of any and all of the proceedings and powers herein for such units as fully and completely as if such unit or units were specifically and expressly named in every section and clause of this act where the entire district is mentioned or referred to. All assessments, levies, bonds, and other obligations made, levied, assessed, or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively, for the benefit of which the same shall be levied, made, or issued, and not upon the remaining units or lands in the district. The board of supervisors, upon an affirmative vote of a simple majority of qualified electors, as defined in chapter 189, Florida Statutes, within said unit voting in a referendum, or upon approval of the landowners of 51 percent of the acreage in said unit if there are no residents in said unit, may at any time amend its resolutions by changing the location and description of lands in any such unit or units and provided, further, that if the location or description of lands located in any such unit or units is so changed, notice of such change shall be published as hereinabove required in this section for notice of the formation or organization of such unit or units; provided, however, that no lands against which benefits shall have been assessed may be detached from any such unit after the final adoption of the engineer's report of benefits or chapter 170 authorizing document, in such unit or units or the issuance of bonds or other obligations which are payable from assessments for benefits levied upon the lands within such unit or units.

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

(4) No assessable lands shall be detached from any unit after the issuance of bonds or other obligations for such unit except upon the consent of a majority the holders, based on face value of the outstanding bonds, of such bonds or other obligations. In the event of the change of the boundaries of any unit as provided herein and the allocation and apportionment to the amended unit or units of assessments, levies, fees, bonds, and other obligations in proportion to the benefits assessed, the holder of the bonds or other obligations heretofore issued for the original unit who consents to such allocation and apportionment shall be entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units.

(5) Upon the formation of a unit, the board is authorized to levy a one-time organizational special assessment tax per acre on the lands in a unit sufficient to prepare a plan of improvements or chapter 170 authorizing documents and have the benefits assessed as provided herein.

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

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

Section 12. Eminent domain.—The said board of supervisors is hereby authorized and empowered, when reasonably necessary for the implementation of district authorized public infrastructure works, facilities, or services, to exercise within the district, with prior approval by resolution of the governing body of the district, ~~and the municipality or outside the district's territorial boundaries and within the City of North Port with prior approval, by resolution, of the City of North Port City Commission, (which approval~~

~~shall not be unreasonably withheld~~), the right and power of eminent domain, pursuant to the provisions of chapters 73 and 74, Florida Statutes, over any property within the district and the City of North Port or unincorporated Sarasota County, except municipal, county, state, and federal property, for the uses and purposes of the district relating solely to water, sewer, district roads, and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another; however, the exercise of any such power of eminent domain:

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

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

Section 17. Territorial boundaries.—

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

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

That part of Section 21, lying Southwesterly of County Road No. 777 (West River Road). All that part of Section 28, lying West of County Road No. 777 (West River Road). All of Section 29, less and except the following:

Right-of-way for U. S. Highway No. 41 (State Road No. 45). All of Section 30, less and except the following: Right-of-way for U. S. Highway No. 41 (State Road No. 45); That portion conveyed to Florida Power and Light Company consisting of approximately 4.66 acres in the SW $\frac{1}{4}$  as described in Official Record Book 1036, Page 802, Public Records of Sarasota County, Florida; That portion lying West of lands described in Official Record Book 1036, Page 802, South of the westerly extension of the North line of said lands described in Official Records Book 1036, Page 802, and North of the northerly Right of Way line of U.S. Highway No. 41. All of Section 31, less and except the following: Right-of-way of U. S. Highway No. 41 (State Road No. 45). All of Section 32, less and except the following: Right-of-way of U. S. Highway No. 41 (State Road No. 45); That portion conveyed in Official Record Book 2785, Page 634 of the Public Records of Sarasota County, Florida, (Sarasota County Hospital Board); That portion conveyed in Official Record Book 1571, Page 2172 of the Public Records of Sarasota County, Florida, (Manatee Community College); Right-of-way for Pine Street Extension as recorded in Official Record Book 2536, pages 811-974 of The Public Records of Sarasota County, Florida; That portion conveyed in Official Record Book 2785, Page 641 of the Public Records of Sarasota County, Florida, (120 wide perpetual Non-Exclusive easement); That portion lying South of lands conveyed in Official Record Book 1571, Page 2172 and East of lands

described in Official Record Book 2785, Page 641, Public Records of Sarasota County, Florida. That portion of Section 33, lying North of U.S. Highway No. 41 (State Road No. 45) and West of County Road #777 (West River Road); also that portion of Section 33, lying South of U.S. Highway No. 41 (State Road No. 45), West of a 200 ft. wide access easement described in Official Records Book 2389, Page 528, Public Records of Sarasota County, Florida, and North of lands conveyed in Official Records Book 1571, Page 2172, Public Records of Sarasota County, Florida; also that portion of Section 33, lying South of U.S. Highway No. 41 (State Road No. 45), described as follows:

COMMENCE at the East Quarter Corner of Section 33, Township 39 South, Range 20 East, Sarasota County Florida; thence S. 00°16'02" W., along the East line of said Section 33, a distance of 289.08 feet to a point on the Southerly Right of Way Line of U.S. Highway No. 41, (State Road No. 45) per Florida Department of Transportation Right of Way Map Section 17010-2508, same being a point on a curve to the right having a radius of 3011.73 feet, a central angle of 24°58'49", a chord bearing of N. 66°51'56"W., and a chord length of 1032.71 feet; thence along the arc of said curve and said Southerly Right of Way of U.S. No. 41, an arc length of 1313.08 feet to the point of tangency of said curve; thence N. 54°22'31"W., along said southerly Right of Way, a distance of 66.57 feet to the POINT OF BEGINNING, same being the Northwest corner of Lands described in Official Records Instrument No. 1998166153, per Public Records of Sarasota County, Florida; thence along the Westerly line of said Lands described in Official Records Instrument No. 1998166153 the following three (3) courses and distances; (1) S. 35°37'26"W., a distance of 161.93 feet to the point of curvature of a curve to the right having a radius of 559.97 feet, a central angle of 29°49'56", a chord bearing of S. 50°32'24"W., and a chord length of 288.28 feet; (2) thence along the arc of said curve an arc length of 291.56 feet to the end of said curve; (3) thence S. 00°01'27"W., a distance of 1074.23 feet; thence N. 48°24'50"W., leaving said Westerly Line, a distance of 2914.38 feet to the Northeast corner of Lands described as Manatee Community College per Official Records Book 1571, Page 2172, same being the point of curvature of a curve to the left having a radius of 4577.37 feet, a central angle of 06°20'23", a chord bearing of N. 60°40'02"W., and a chord length of 506.22 feet; thence along the arc of said curve and Northerly Line of Lands described as Manatee Community College, an arc length of 506.48 feet to the end of said curve, same being the Southeast corner of lands described in Official Records Book 2389, Page 529, Public Records of Sarasota County, Florida; thence N. 65°18'18"E., along the Easterly Line of said lands, a distance of 188.09 feet; thence continue N. 00°00'19"W., along said Easterly Line, a distance of 144.96 feet to the Northeast corner of said Lands; thence N. 65°21'46"W along the Northerly Line of said Lands, a distance of 400.68 feet to the Northwest corner of said Lands, same being a point on the Easterly Line of a 200 foot wide access Easement per Official Records Book 1571, Pages 2172 through 2175 and Official Records Book 2389, Pages 528 through 530, Public Records of Sarasota County, Florida; thence N. 00°30'25"E., along the Easterly Line of said 200 foot wide access Easement, a distance of 786.89 feet to the Southerly Right of Way of U.S. No. 41, same being a point on a curve to

the right having a radius of 5597.58 feet, a central angle of  $03^{\circ}08'33''$ , a chord bearing of S.  $69^{\circ}13'16''$ E., and a chord length of 306.97 feet; thence along the arc of said curve an arc length of 307.01 feet to the end of said curve; thence continue along said Southerly Right of Way Line the following fourteen (14) courses and distances; (1) S.  $22^{\circ}19'13''$ W., a distance of 10.00 feet to the point of curvature of a curve to the right having a radius of 5587.58 feet, a central angle of  $00^{\circ}45'15''$ , a chord bearing of S.  $67^{\circ}16'21''$ E., and a chord length of 73.55 feet; (2) thence along the arc of said curve an arc length of 73.55 feet; (3) thence N.  $23^{\circ}06'16''$ E., a distance of 10.00 feet to the point of curvature of a curve to the right having a radius of 5597.58 feet, a central angle of  $08^{\circ}17'44''$ , a chord bearing of S.  $62^{\circ}44'52''$ E., and a chord length of 809.74 feet; (4) thence along the arc of said curve an arc length of 810.45 feet; (5) thence S.  $31^{\circ}08'57''$ W., a distance of 10.00 feet to the point of curvature of a curve to the right having a radius of 5587.58 feet, a central angle of  $00^{\circ}45'12''$ , a chord bearing of S.  $58^{\circ}13'22''$ E., and a chord length of 73.47 feet; (6) thence along the arc of said curve an arc length of 73.47 feet; (7) thence N.  $32^{\circ}24'25''$ E., a distance of 10.00 feet to the point of curvature of a curve to the right having a radius of 5597.58 feet, a central angle of  $03^{\circ}28'13''$ , a chord bearing of S.  $56^{\circ}06'38''$ E., and a chord length of 338.98 feet; (8) thence along the arc of said curve an arc length of 339.03 feet to the end of said curve; thence (9) S.  $56^{\circ}35'34''$ E.; a distance of 155.08 feet; (10) thence S.  $54^{\circ}22'31''$ E., a distance of 1102.52 feet; (11) thence S.  $51^{\circ}00'40''$ E., a distance of 101.66 feet; (12) thence S.  $54^{\circ}20'43''$ E., a distance of 199.02 feet; (13) thence S.  $48^{\circ}43'03''$ E., a distance of 100.71 feet; (14) thence S.  $54^{\circ}22'31''$ E., a distance of 447.75 feet to the POINT OF BEGINNING.

That portion of the North Half of the Southwest Quarter of the Northwest Quarter of Section 34, lying West of River Road (County Road No. 777); also that portion of the Southeast Quarter of Section 34, lying West of the Myakka River, South of the South line of lands described in Official Record Instrument No. 2000002794, Public Records of Sarasota County, Florida (River Road Office Park, Inc.), and easterly of the maintained right of way line of a paved road running from River Road to the South line of the Northeast Quarter of said Section 34, (Old River Road), less and except the following: That portion described in Official Record Instrument No. 1999111833, Public Records of Sarasota County, Florida, (Right of Way for County Road No. 777). All of Section 35 lying West of the Myakka River. Also, a portion of Sections 32, 33 and 34, Township 39 South, Range 20 East, Sarasota County, Florida, being more particularly described as follows: BEGIN at the Southeast corner of Section 32, Township 39 South, Range 20 East; thence N.  $89^{\circ}04'43''$ W., along the South line of said Section 32, a distance of 410.14 feet to the Southeast corner of the lands described in Official Records Book 2785 at Page 634, of the Public Records of Sarasota County, Florida; thence N.  $00^{\circ}30'25''$ E., along the East line of said lands described in Official Records Book and Page, same being the West line of a 120.00 foot wide Perpetual Non-exclusive Easement per Official Records Book 2785 at Page 641, a distance of 1400.76 feet to a point on the westerly extension of the southerly boundary line of lands described in Official Records Book 1571 at Page 2172, of the Public Records of Sarasota County, Florida; thence along the

westerly extension and boundary of said lands described in Official Records Book 1571, at Page 2172 the following two (2) courses: (1) S. 89°29'35"E., a distance of 1960.21 feet; (2) thence N. 00°30'25"E., a distance of 2062.70 feet to the Northeast corner of said lands; thence S. 48°24'50"E., a distance of 2914.38 feet to the Southwest corner of lands described in Official Records Instrument 1998166154, of the Public Records Sarasota County, Florida; thence along the boundary of said lands described in Official Records Instrument 1998166154 the following three (3) courses: (1) S. 89°58'33"E., a distance 676.50 feet; (2) thence N. 00°01'27"E., a distance of 752.33 feet; (3) thence N. 28°06'22"E., a distance of 362.06 feet to a point on the southerly right of way line of U.S. Highway No. 41, as per Florida Department of Transportation Right of Way Map, Section 17010-2508, said point being on a curve concave to the northeast and having a radius of 3011.73 feet, a central angle of 14°28'18", a chord bearing of S. 72°07'12"E. and a chord distance of 758.67 feet; thence in an easterly direction, along the arc of said curve, an arc distance of 760.69 feet to a point on the West line of Section 34, Township 39 South, Range 20 East, Sarasota County, Florida; thence S. 00°16'02"W., along the West line of said Section 34, and leaving said southerly right of way line, a distance of 379.82 feet; thence S. 89°37'27"E., a distance of 1329.90 feet to a point on the westerly right of way line of County Road #777 (South River Road) as per Florida Department of Transportation Right of Way Map, Section 17550-2601; thence along said westerly right of way line, the following six (6) courses; (1) S. 00°07'30"W., a distance of 5.48 feet; (2) thence S. 89°23'52"E., a distance of 9.74 feet; (3) thence S. 36°39'07"E., a distance of 64.18 feet to the point of curvature of a circular curve to the right, having a radius of 5599.32 feet, a central angle of 02°00'54", a chord bearing of S. 35°38'40"E. and a chord distance of 196.90 feet; (4) thence southeasterly, along the arc of said curve, an arc distance of 196.91 feet to the end of said curve; (5) thence N. 55°21'47"E., radial to the last described curve, a distance of 20.00 feet to a point on a curve concentric with the last described curve and having a radius of 5619.32 feet, a central angle of 15°31'30", a chord bearing of S. 26°52'28"E. and a chord distance of 1517.98 feet; (6) thence in a southerly direction along the arc of said curve, an arc distance of 1522.64 feet to the Northeast corner of lands described in Official Records Instrument 2000002794, of the Public Records Sarasota County, Florida; thence S. 78°41'04"W., along the northerly line of said lands described in Official Records Instrument 2000002794, a distance of 2240.20 feet to the Southeast corner of Section 33, Township 39 South, Range 20 East, Sarasota County, Florida; thence N. 89°39'52"W., along the South line of said Section 33, a distance of 5318.90 feet to the POINT OF BEGINNING.

**LANDS LOCATED IN TOWNSHIP 40 SOUTH, RANGE 20 EAST, SARASOTA COUNTY, FLORIDA:**

All of Section 3, less and except the following: That portion conveyed in Order of Taking recorded in Official Record Book 2679, Page 2750-2754, of the Public Records of Sarasota County, Florida (County Road No 777); That portion conveyed in Official Record Instrument No. 2000002794 of the Public Records of Sarasota County, Florida, (River Road Office Park,



Inc.); The maintained right-of-way of County Road No. 777 (South River Road). All of Section 4, Less and except the following: That portion described in Official Record Instrument No. 2000002794, of the Public Records of Sarasota County, Florida, (River Road Office Park, Inc.). All of Section 5, less and except the following: Right-of-way conveyed for Pine Street Extension recorded in Official Record Book 2536, Page 811-974, of the Public Records of Sarasota County, Florida. All of Section 6, less and except the following: Right-of-way conveyed for Pine Street Extension recorded in Official Record Book 2536, Page 811-974, of the Public Records of Sarasota County, Florida. All of Section 7, less and except the following: Right-of-way conveyed for Pine Street Extension recorded in Official Record Book 2536, Page 811-974, of the Public Records of Sarasota County, Florida. All of Section 8. All of Section 9. All of Section 10, less and except the following: The maintained right-of-way for County Road No. 777 (South River Road) ALL OF THE ABOVE ARE SUBJECT TO EASEMENTS OF RECORD, OR OTHERWISE, USED FOR DRAINAGE, UTILITIES AND/OR INGRESS AND EGRESS.

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

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

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

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 ¼ of said Section 32, a distance of 2658.68 feet to the southeast corner of said Northeast ¼; 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 degrees 30'44"W. along the westerly line of said Section 33, 105.39' to the centerline of U.S. 41; thence continue S.0 degrees 30'44"W. along said westerly line 1372.36'; thence S.89 degrees 29'16"E. along the northerly line of Tract, 810' to the POINT OF BEGINNING of said centerline of said 200 foot wide Tract; thence N.0 degrees 30'44"E., parallel to the said westerly line of Section 33, 1078.74' to the southerly right-of-way line of U.S. 41 (right-of-way being 100 feet from centerline at this point) for a POINT OF TERMINATION.

All that part of Section 34 described as follows: The North Half of the Northwest Quarter of the Southwest Quarter lying South of U.S. Highway #41 (State Road #45) and West of the right of way of County Road #777 (as realigned) in Official Records Book 2679 at Pages 2750-2574, LESS the following described lands: East 200' (as measured along the South Right-of-Way of Tamiami Trail, or arc distance) of the West 392.7 feet measured along the South Right-of-Way of said Tamiami Trail, arc distance; on the following described property: That portion of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 34, Township 39 South, Range 20 East, Sarasota County, Florida, lying South of Tamiami Trail and being more particularly described as follows: Begin at the West  $\frac{1}{4}$  of section corner of Section 34, Township 39 South, Range 20 East and run South on the section line 196.71 feet to the South Right-of-Way line of the Tamiami Trail for a Point of Beginning; thence continue S.89E58'00"E 659 feet; thence N.00E00'20" W 424.57 feet to the South Right-of-Way of the said Tamiami Trail; thence in a Northwesterly direction along the curve of said Tamiami Trail a distance of 662.5 feet to the Point of Beginning. Said above described lands being more particularly described and surveyed as follows: Commence at the West quarter corner of said Section 34, thence South along the Westerly section line of said Section 34, a distance of 668.85 feet; thence S.89E58'00"E. a distance of 190.40 feet to the Point of Beginning of this description. Thence N.00E00'00"E. a distance of 350.24 feet to a point on the Southerly Right-of-Way line of Tamiami Trail also known as STATE ROAD No. 45. and U.S. 41 as per Florida Department of Transportation Right-of-Way maps Section No. 17010-2508 (204' Right-of-Way) said point also being on the arc of a circular curve to the left whose radius point bears N.06E36'51"E., thence along the arc of said curve in an easterly direction through a central angle of 03E48'13", having a radius distance of 3011.73 feet, an arc distance of 199.93 feet; thence South leaving said Right-of-Way line a distance of 333.93 feet; thence N.89E58'00"W. a distance of 199.22 feet to the Point of Beginning; The NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , lying easterly of right of way for County Road #777 (as realigned) as per Official Records Book 2679, at Pages 2750-2754, Less the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Also Less lands described in Official Records Instrument Number 1999111833; That part of the West Half of the SE  $\frac{1}{4}$ , lying westerly of maintained right of way for South River Road (Old River Road), and northerly of lands described in Official Records Instrument Number 1999111833.

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

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

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

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

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

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

All of Section 21, less and except the following: Maintained right-of-way for County Road #777 (South River Road); The SW ¼ of the SE ¼; The North 50 feet of the South 380 feet of the SW ¼ lying East of County Road #777 (South River Road); Right-of-way conveyed in Official Record Book 2097, Page 396, of the Public Records of Sarasota County, Florida; Right-of-way conveyed in Official Records Instrument Number 2000163556.

Parcel Contains 3739.9714 Acres more or less.

Section 19. Limitations of powers.—All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within the district. The district does not have the power of a local government to adopt a comprehensive plan, building code, zoning code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. The district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government. Nothing in this act shall create any delegation of any responsibilities or authorities from Sarasota County or the City of North Port to the district. Notwithstanding anything to the contrary, as to any lands located within the City of North Port jurisdictional boundaries or the unincorporated area, the district shall be required to obtain any and all permits for infrastructure planning and construction from the City of North Port or Sarasota County, respectively, that would otherwise be required of a private entity performing the same work. The district shall not have the power to supersede ~~supereede~~, contravene, or overrule any development or annexation agreements entered into by landowners within or outside of the district or any City of North Port joint planning agreements or interlocal agreements with Sarasota County or any other governmental entities.

Section 2. Referendum.—No expansion of the territorial boundaries of the district shall be effective until a landowner referendum is conducted by the board of supervisors within 60 days after the effective date of this act on the question of expanding the territorial boundaries of the district. All landowners (which include the landowners within the current district and expanded district boundaries) are entitled to vote in the referendum held pursuant to this section. The referendum shall be held on a one-acre, one-vote basis at the expense of the district. If the landowners approve the referendum described in this section by a majority vote of the acreage cast, then this act shall take effect immediately.

Section 3. This act shall take effect only upon its approval by a majority vote of those qualified landowners of the area described in section 17, as amended, voting in a referendum to be held by the Board of Supervisors of

the West Villages Improvement District voting in a special election, except that this section and section 2 shall take effect upon becoming a law.

Approved by the Governor June 23, 2006.

Filed in Office Secretary of State June 23, 2006.