AGENDA
CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL
MONDAY, SEPTEMBER 09, 2013 5:30 PM

1. CALL TO ORDER

   INVOCATION

   PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PROCLAMATIONS:

3. PRESENTATIONS:

4. CONSENT AGENDA:
   Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call

   A. CITY COMMISSION MEETING MINUTES:

   B. PURCHASING ITEMS:

      1. Purchase request from the City Manager's Office for professional services by McCallum Sweeney Consulting related to obtaining site certification of the County Road 470 city property.

   C. RESOLUTIONS:

      1. Resolution authorizing execution of an agreement with KAM Services, Inc. for constructing a foundation; and relocating and installing a pre-fabricated communications building at the Lake County Emergency Operation Center Complex.

      2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Morris and Associates, Inc. for manhole rehabilitation services.

      3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Applied Aquatic Management, Inc. for aquatic vegetation management services.

4. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Fred Fox Enterprises, Inc. to provide CDBG grant administration services.

5. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Kimberly Schulte to provide services serving as the City's Special Magistrate for code enforcement cases.

6. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with TSI Disaster Recovery, LLC. to provide the Leesburg International Airport obstruction clearing services.

7. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Public Resources Management Group, Inc. (PRMG) for professional services to conduct utility rate studies for the water, wastewater and natural gas utilities for a not to exceed amount of $39,250.00.

8. Resolution of the City Commission of the City of Leesburg, Florida accepting a Utility Easement from Winston E. Evalle and Josephine Cipriano pertaining to land located at Lot 5, Sunnyside Trails Phase I.

9. Resolution of the City Commission of the City of Leesburg, Florida setting forth the eligibility guidelines for C.U.R.E. (Citizens Utility Relief Effort) voucher program.

10. Resolution of the City Commission of the City of Leesburg, Florida appointing one member to the Library Advisory Board to complete a five-year term as a member with said term to expire on September 30, 2015.

D. OTHER ITEMS:

5. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

A. Second reading of an Ordinance authorizing a one time waiver of Ordinance Number 07-81, adopted August 13, 2007, section 2-233 2.

B. Second reading of an Ordinance amending the existing P Public and PUD (Planned Unit Development) zoning for the City of Leesburg C.R.470 property to change the permitted uses to allow for development of an Industrial and Technology Park and Public uses.

C. Second reading of an ordinance amending the City of Leesburg Land Development Code Chapter 25, Article IV, Zoning, Section 25-279 Changes in approved master development plans by adding an exception for properties owned by the City of Leesburg.

D. Second reading of an ordinance authorizing electronic signatures and notarizations on certain documents submitted to the city.

E. Resolution of the City Commission of the City of Leesburg, Florida to initiate negotiations of an Interlocal Service Boundary Agreement (ISBA) with Lake County, and the Cities of Tavares, and Fruitland Park for the Leesburg North (ISBA) process.

F. Resolutions of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute multiple agreements with Level 3 Communications LLC for communications services.

1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Customer Order for collocation service with Level 3 Communications LLC.

2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Customer Order for Wavelength Service and High Speed Internet Service.

3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Addendum to the Master Service Agreement.

6. INFORMATIONAL REPORTS:
The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.

7. CITY ATTORNEY ITEMS:

8. CITY MANAGER ITEMS:

9. PUBLIC COMMENTS:
This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to two minutes.

10. ROLL CALL:

11. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.

AGENDA MEMORANDUM

Item No: 4.B.1.

Meeting Date: September 9, 2013

From: Ray Sharp, Interim City Manager

Subject: Acceptance of a proposal for professional services and authorization of the associated expenditure related to site certification of the CR-470 city property

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Staff Recommendation:
Staff recommends acceptance of the proposal for professional services from McCallum Sweeney Consulting (MSC) and approval of the associated expenditure not to exceed $29,500.00 for these services.

Analysis:
At a previous meeting, Duke Energy presented to the Commission an evaluation of the City's CR-470 property. MSC is already familiar with the property as they conducted the site evaluation on behalf of Duke Energy. One of the recommendations in the Duke Energy presentation was to pursue site certification for the property. Site certification will certify the property is "ready for industrial development." This certification is very beneficial when trying to attract companies to locate on the property.

Staff Economic Development Task Force recommended proceeding with Site Certification during a presentation to the Commission on August 26, 2013.

MSC's role will be to guide the process, review staff work products, and produce final documents for site certification. The final deliverables will include a letter indicating the site is certified as ready for development. This deliverable will also include a document that will indicate the site's strengths and weaknesses, list potential target industries, and make recommendations on ways in which site readiness can be further improved. The site deliverable will be completed and delivered to the project team within four weeks of receiving all requested materials.

The cost of the services will be $19,500 for the site certification, $2,500 for the announcement and an estimated $7,500 in other expenses including some travel. Staff is requesting the approval of a not to exceed amount of $29,500.00.

Options:
1. Accept the proposal from McCallum Sweeney Consulting and approve the expenditure; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
Funds are available in the City Manager Contingency to cover this expense.

Submission Date and Time: 9/4/2013 5:28 PM

Department: Economic Development **Prepared by:** Mike Thornton **Attachments:** Yes X No ____ **Advertised:** ____ **Not Required** X **Dates:** ____ **Attorney Review :** Yes ___ No ___ **Revised 6/10/04**	**Reviewed by: Dept. Head** ____ **Finance Dept.** ____ **Deputy C.M.** ____ **Submitted by:** **City Manager** ____	**Account No.** 001-1295-589-3110 **Project No.** ____ **WF No.** ____ **Budget** ____ **Available** ____

AGENDA MEMORANDUM

Item No: 4.C.1.

Meeting Date: September 9, 2013

From: Mike Thornton, Purchasing Manager, for
David Lott, Communications Operations Manager

Subject: Resolution authorizing execution of an agreement with KAM Services, Inc. for relocating and installing a pre-fabricated communications building.

Staff Recommendation:
Staff recommends approval of the resolution authorizing execution of an agreement with KAM Services, Inc. for $57,150.00.

Analysis:
The purpose of this project is to contract with a qualified firm to provide all labor, equipment, and materials required for relocating a Pre-Fabricated Concrete Equipment Shelter (aka: Leesburg Communication Building) from the City of Leesburg, and installing the structure on a site at the Lake County Emergency Operations Center Complex (LCEOCC) in the City of Tavares, Florida.

The City of Leesburg Communications Utility is installing an 11 foot x 16 foot pre-fabricated building in Tavares due to fiber optic cable relocations and network infrastructure changes in the downtown Tavares area. The communications building will be used as a central location housing the multiple fiber optic backbone cables converging at the site of the buildings location. The building is also needed as a central networking hub for the managed fiber optic ring the Communications Utility is currently deploying throughout the County.

The work includes construction of a foundation for the building including a retaining wall. The building will be placed on the edge of a dry retention pond which will require the construction of a retaining wall to support the building foundation. Once the foundation is completed, the contractor will be responsible for transporting the pre-fabricated building weighing 39,000 pounds from Leesburg to Tavares and setting the building on the foundation. Once the building is set in place the contractor will then complete electrical work to tie the building into the electrical system/panels at the LCEOCC.

Purchasing Analysis:
On April 22, 2013, the Purchasing Division issued Invitation to Bid number 130411 to several prospective bidders. The bid was extended from May 21 until August 13 due to a need to conduct an energy load study of the LCEOCC to insure the electrical system could accommodate the communication building needs. On August 13, 2013, the City received three sealed bids. The

lowest bidder was deemed non-responsive as he did not provide the requested project references by the stated deadline.

KAM Services, Inc. has successfully accomplished several similar projects for Duke Energy and has been reported as among their Tier I (most favorable) contractors. Based on the bid and excellent references KAM Services, Inc. has been determined to be the most favorably priced responsive and responsible bidder and, therefore, is recommended for award of a contract for this project.

Summary of Bids Received

Contractor Name	Total Bid Price
KAM Services, Inc. / Clermont, FL	$57,150.00
Charles Perry Partners, Inc. / Oviedo, FL	$95,700.00

Options:

1. Approve execution of the agreement with KAM Services, Inc.; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

A total of $97,567 has been included in the Communications budget for this project.

Submission Date and Time: 9/4/2013 5:28 PM

Department: Communications **Prepared by:** Terry Pollard **Attachments:** Yes ___ No X **Advertised:** X Not Required ___ **Dates:** April 21, 2013 **Attorney Review :** Yes ___ No X **Revised 6/10/04**	**Reviewed by: Dept. Head** ___ **Finance Dept.** BLM, **Deputy C.M.** ___ **Submitted by:** **City Manager** ___	**Account No.** 045-5099-539-6310 **Project No.** 450001 **WF No.** 0756127 **Budget** $97,567.00 **Available** $73,704.00

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH KAM SERVICES, INC. FOR CONSTRUCTING A FOUNDATION; AND RELOCATING AND INSTALLING A PRE-FABRICATED COMMUNICATIONS BUILDING AT THE LAKE COUNTY EMERGENCY OPERATION CENTER COMPLEX FOR A TOTAL AMOUNT OF $57,150.00; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with KAM SERVICES, INC. whose address is P.O. Box 121728, Clermont Florida 34712 for relocating and installing (to include engineering, wiring, and connection) a pre-fabricated communications building pursuant to Invitation to Bid 130411.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the __9th____ day of __September____ 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 4.C.2.

Meeting Date: September 9, 2013

From: Mike Thornton, Purchasing Manager, for
D.C. Maudlin, Interim Public Works Director

Subject: Resolution authorizing execution of an agreement with Morris and Associates, Inc. for sanitary sewer manhole rehabilitation services

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Staff Recommendation:
Staff recommends execution of a fixed unit price agreement with Morris and Associates, Inc. for annual sanitary sewer manhole rehabilitation services and approval of an expenditure in the 2013 Fiscal Year not to exceed $41,892.00.

Analysis:
The purpose of this Invitation to Bid was to solicit interested and qualified firms to provide fixed unit cost pricing for sanitary sewer manhole rehabilitation services that includes cleaning; plugging; sealing; lining; replacement of frame and covers and general repairs of defective manholes.

The inside lining of older manhole structures were constructed using bricks and mortar. Over time, the mortar will deteriorate causing bricks to settle. This settling creates openings that can allow groundwater to flow through the manhole lining and into the manhole itself. This infiltrating water is introduced into the sanitary sewer system which ultimately ends up at the water treatment plant. The infiltration of ground water adds to the amount of influent that must be treated and results in higher treatment costs.

Firms were requested to provide a unit price for various manhole sizes. The unit price was to be inclusive of mobilization and maintenance of traffic. The basis of award is on unit prices received by sealed bid. The City will use this fixed unit price agreement for sanitary sewer manhole rehabilitation in the current fiscal year as well as any other sanitary sewer manholes needing rehabilitation during the term of the agreement.

Procurement Analysis:
On August 6, 2013, the Purchasing Division issued Invitation to Bid 130591 soliciting interested and qualified firms to submit sealed bids for the items listed. On August 22, 2013, the Purchasing Division received seven responses. The final bid tabulation for all bid responses and items is attached for your review. Bids were evaluated using the four base bid items and estimated quantities provided by Public Works.

Staff has completed a review and analysis of the responses and has deemed Morris and Associates, Inc. the lowest responsive and responsible vendor. The base bid submitted by Morris and Associates was the lowest base bid; and past performance checks were favorable.

Local Vendor Preference was applied to the two qualifying bidders Morris and Associates, Inc. with a facility in Howey in the Hills (Tier II – 2%) and Utility Technicians with a facility in Umatilla (Tier II – 2%). The Summary Bid Tabulation shows after application of the Local Vendor Preference Morris and Associates, Inc. remained to the lowest bidder.

Options:

1. Authorize execution of the agreement with Morris and Associates, Inc. and approve the FY 2013 expenditure amount, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funding is budgeted and available for the 2013 Fiscal Year Manhole Rehabilitation Program.

Submission Date and Time: 9/4/2013 5:28 PM

Department: Public Works **Prepared by:** Terry Pollard **Attachments:** Yes X No ____ **Advertised:** X Not Required ____ **Dates:** August 11, 2013 **Attorney Review :** Yes ___ No ____ **Revised 6/10/04**	**Reviewed by: Dept. Head** ____ **Finance Dept.** BLM, **Deputy C.M.** ____ **Submitted by:** **City Manager** ____	**Account No.** 044-4099-535.63-10 **Project No.** 440002 **WF No.** WF0841950 / 001 **Budget** $41,892.00 **Available** $41,892.00

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH MORRIS AND ASSOCIATES, INC. FOR MANHOLE REHABILITATION SERVICES FOR A TOTAL AMOUNT OF $41,892.00; AND PROVIDING AN EFFECTIVE DATE..

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with MORRIS & ASSOCIATES, INC. whose address is 800 Citrus Avenue, Howey in the Hills, Florida 34737 for manhole rehabilitation services pursuant to Invitation to Bid 130591.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the __9th___ day of __September___ 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 4.C.3.

Meeting Date: September 9, 2013

From: Mike Thornton, Purchasing Manager, for
DC Maudlin, Interim Public Works Director

Subject: Resolution authorizing an agreement with Applied Aquatic Management, Inc. for aquatic vegetation control services

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Staff Recommendation:
Staff recommends approval of the Agreement with Applied Aquatic Management, Inc. to provide Aquatic Vegetation Control Services in designated lake and pond locations throughout the City of Leesburg for an annual amount of $21,480.00.

Analysis:
The purpose of this project is to contract with an interested and qualified company to provide on-going aquatic vegetation management at 26 lakes and ponds within the City. The company will provide services for control and eradication of unwanted or invasive aquatic vegetation in the bodies of water.

The Agreement is for a term expiring on September 30, 2016 and provides for an option to renew for up to an additional three years.

Procurement Analysis:
This is the second issue of an Invitation to Bid for these services. The previous bid award presented to Commission by resolution on April 8, 2013 failed with a 2-2 vote. Staff revised the scope of work and the schedule of bid items was revised slightly. On July 18, 2013 the Invitation to Bid (ITB) was released. The opportunity was posted on-line at Public Purchase and sent directly to five prospective bidders known to staff from their participation in the previous bid that was cancelled. On August 9, 2013 five sealed bids were received by the appointed time for consideration.

The Purchasing Department opened and evaluated sealed bids on the afternoon of August 9 with Applied Aquatic Management, Inc. being determined to have submitted the most favorable bid for the requested services.

The bid received from Applied Aquatic Management, Inc. (AAMI) provided for an annual cost of $21,480 and the second lowest bid from Professional Water Clean-Up (PWC) provided for an annual cost of $26,160 with the highest bidder seeking $35,976 annually. PWC qualified for the City's Local Vendor Preference (LVP); however, after applying the LVP to the annual pricing amount AAMI had the most favorable bid. A complete Final Bid Tabulation is attached for your review.

AAMI's satisfactorily provided services under the previous Agreement from December 2008 until expiration of the Agreement in September 2012.

Options:

1. Approve award of the bid and execution of the Agreement with Applied Aquatic Management, Inc.; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The current budget includes funds for these services.

Submission Date and Time: 9/4/2013 5:28 PM

Department: Public Works **Prepared by:** Terry Pollard **Attachments: Yes** __X__ **No** _____ **Advertised** ____ **Not Required** ___X___ **Dates:** _____ **Attorney Review : Yes**___ **No** __**X**_ **Revised 6/10/04**	**Reviewed by: Dept. Head** _____ **Finance Dept.** _**BLM,**_____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No. :** 001-8124-572-4625 014-5171-537-34-10_ **Project No.** _____ **WF No.** _____ **Budget** P&R $6,160, PW $20,000___ **Available** _____

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH APPLIED AQUATIC MANAGEMENT, INC. FOR AQUATIC VEGETATION MANAGEMENT SERVICES FOR A TOTAL AMOUNT OF $21,480.00; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with APPLIED AQUATIC MANAGEMENT, INC. whose address is P.O. Box 1469 Eagle Lake, Florida 33839, for aquatic vegetation management services pursuant to Invitation to Bid 130601.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the __9th___ day of __September___ 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 4.C.4.

Meeting Date: September 9, 2013

From: Mike Thornton, Purchasing Manager, for
Kenneth Thomas, Director Housing & Economic Development

Subject: Resolution authorizing execution of an agreement with Fred Fox Enterprises Inc. for the Community Development Block Grant program Grant Administration Services

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Staff Recommendation:
Staff recommends adoption of the resolution authorizing execution of an agreement with Fred Fox Enterprises, Inc. to provide Community Development Block Grant (CDBG) administration services for a total cost of $56,000.00.

Analysis:
The City applied for, and has been awarded a CDBG Grant to pay for storm water improvements and electric service undergrounding in the Carver Heights area. The purpose of this solicitation is to establish a Grant Administrator Services agreement, as required by the grant, with a qualified firm to provide the City with Community Development Block Grant (CDBG) administration services in relation to the Florida Small Cities CDBG program for neighborhood revitalization.

Procurement Analysis:
On July 1, 2013, the Purchasing Division issued Request for Proposals (RFP) number 130542 inviting interested and qualified firms to submit technical and price proposals for consideration and evaluation by the City. On August 6, 2013, the City received proposals from five grant administration firms. An evaluation committee consisting of three participants evaluated the proposals. The results of the evaluations are outlined in Table 1.

Competing firms submitted technical proposals addressing their Company and Staff Qualifications, Approach, References and Price for providing services required by the RFP.

This solicitation was conducted in compliance with Florida Statute 287 which contains procedural requirements to be followed when soliciting, evaluating and selecting contractors to perform services through Requests for Proposals.

The solicitation included established evaluation criterion elements based on the scope of work, with their relative importance emphasized by maximum obtainable point values were:

- Experience of Staff administering CDBG programs - up to 20 points
- Experience of Firm's Management Group administering CDBG programs - up to 20 points
- Proposed Approach to administration of the CDBG programs- up to 20 points

- Number of Client References provided from other CDBG communities - up to 20 points
- Quality of the Response from Client References - up to 15 points
- Fee - up to 5 points.

In the tradition of fundamental source selection principles which stress the need to adhere strictly to the evaluation criteria set forth in the RFP and following the evaluation and scoring methodology in the source selection/technical evaluation plan, the proposals were evaluated by the committee in a fair, uniform, and objective manner solely in accordance with the evaluation criteria.

For each firm evaluated, raw point scores assigned by each member were totaled and converted to a ranking. The rankings for each firm were totaled and then converted to an overall ordinal score.

Using this method has proven to minimize the effects of large variances in any one evaluators' scoring. An example can be noted in TABLE 1 below in regard to the scores assigned to the prospective firms.

Table 1 - Evaluation Scoring & Ranking

Respondents	**Evaluator No.**			**Evaluator No.**			**Ord. Total**	**Final Rank**
	1	**2**	**3**	**1**	**2**	**3**		
	Point Scores			**Ranking**				
Fred Fox Enterprises, Inc. (St. Augustine)	**98**	**98**	**98**	**1**	**1**	**1**	**3**	**1**
Government Services Group, Inc. (Tallahassee)	84	59	54	2	4	2	8	2
Guardian Comm. Resource Management (Lakeland)	84	70	53	2	3	3	8	2
Jordan & Associates Municipal Consultants (Orange Park)	80	75	30	4	2	4	10	4
BlackStreet Enterprises, LLC (Winter Garden)	5	49	11	5	5	5	15	5

Fred Fox Enterprises Inc. obtained the highest technical rating. This firm satisfactory provided similar services to the City since July 2009 under an agreement which recently expired.

Options:

1. Execute an agreement with Fred Fox Enterprises, Inc.; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The cost of the Grant Administration Services is $56,000.00 and will be 100% reimbursable under the CDBG grant. No matching funds are required from the City.

Submission Date and Time: 9/4/2013 5:28 PM

Department: Economic Development **Prepared by:** Terry Pollard **Attachments: Yes** X **No** _____ **Advertised** X **Not Required** _____ **Dates:** June 20, 2013 **Attorney Review : Yes** ___ **No** _____ _____ **Revised**	**Reviewed by:** _____ **Finance Dept.** **BLM,** **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** 017-6190-559-3410 **Project No.** 170EXP **WF No.** WF0702394/2 **Budget** $60,000.00 **Available** $60,000.00

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH FRED FOX ENTERPRISES, INC. TO PROVIDE CDBG GRANT ADMINISTRATION SERVICES IN THE AMOUNT OF $56,000.00; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with FRED FOX ENTERPRISES, INC. whose address is P.O. Box 1047, St. Augustine, Florida 32085-1047 for CDBG grant administration services pursuant to RFP 130542.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the __9th__ day of __September___ 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 4.C.5.

Meeting Date: September 9, 2013

From: Mike Thornton, Purchasing Manager, for
William Chrisman, Chief of Police

Subject: Appointment of Special Magistrate and Resolution authorizing execution of Agreement for providing professional services

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Staff Recommendation:
Staff recommends re-appointing Kimberly A. Schulte to serve as Special Magistrate and authorizing execution of the professional services agreement to compensate for these services as required by City Ordinance.

Analysis:
The Police Department would like to renew the agreement with Kimberly A. Schulte. Ms. Schulte has done an outstanding service for the Police Department for the past five years. Provided below are the expenditures for three fiscal years.

Amount spent in the last three fiscal years:

- Fiscal Year 2011 $2,141.70
- Fiscal Year 2012 $2,241.67
- Fiscal Year 2013 $4,097.92 (through July)

The Police Department has been very satisfied with the level of service and professionalism provided by Ms. Schulte as Special Magistrate. The proposed fee of $125.00 per hour is less than the prevailing hourly rate for legal counsel and has been deemed as fair and reasonable for this type of service. Magistrate Schulte's years of quality service more than qualifies her to serve as the Special Magistrate at the proposed rate.

Ms. Schulte was selected as the Special Magistrate through an Request for Proposal (RFP) process in December 2007. Ms. Schulte was the sole respondent to the RFP.

This agreement will automatically renew each year. The City has the option to terminate the agreement at any time with 30 days written notice.

Options:
1. Appoint Kimberly A. Schulte as Special Magistrate and execute the professional services agreement; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:
Funds are budgeted each year for these services. Actual expenditures are dependent on the number of code enforcement cases that will require a hearing.

Submission Date and Time: 9/4/2013 5:28 PM

Department: Police Department **Prepared by:** Stephanie Lay **Attachments:** Yes X No ____ **Advertised:** ____ **Not Required** X **Dates:** ____ **Attorney Review :** Yes ___ No ____ **Revised 6/10/04**	**Reviewed by: Dept. Head** ____ **Finance Dept.** BLM, **Deputy C.M.** ____ **Submitted by:** **City Manager** ____	**Account No.** 001-1241-514-3410 **Project No.** ____ **WF No.** ____ **Budget** ____ **Available** ____

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH KIMBERLY A. SCHULTE TO PROVIDE SERVICES AS THE CITY'S SPECIAL MAGISTRATE FOR CODE ENFORCEMENT CASES; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with KIMBERLY A. SCHULTE whose address is 127 North 7th Street, Leesburg, Florida 34748 for services acting as the City's Special Magistrate for Code Enforcement cases.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the __9th___ day of __September__ 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 4.C.6.

Meeting Date: September 9, 2013

From: Mike Thornton, Purchasing Manager for
Leo Treggi, Airport Manager

Subject: Resolution authorizing execution of an Agreement with TSI Disaster Recovery, LLC for vegetation obstruction clearing at the Leesburg International Airport

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Staff Recommendation:
Staff recommends approval of the resolution authorizing execution of the agreement with TSI Disaster Recover, LLC for an amount not to exceed $30,000.00.

Analysis:
The Florida Department of Transportation (FDOT) has awarded the City of Leesburg a grant for clearing vegetation obstructions to Runway 03 and Runway 31 approaches. FDOT requires this obstruction clearing to meet minimum state standards for Runway Safety Area and appropriate Runway Approach Surfaces. This FDOT grant project is being funded with an 80/20 grant, the city is responsible for 20% or $6,000.

This project involves topping trees and vegetation within the approaches to Runways 03 and 31. The runway approaches must be kept clear of all natural and man-made objects in order to maintain a minimum 20:1 slope ratio. Based on the latest Airport Inspection completed by personnel from FDOT Aviation Operations office, the slope ratios were determined to be 0:1 due to vegetation growing in the approach areas. To adequately provide for the minimum approach slopes identified areas will need to have existing vegetation cleared or lowered below the affected glide slopes (to ground level in some instances). All vegetation will be topped or bush hogged. All vegetative debris will be left on site.

Procurement Analysis:
Invitation to Bid (ITB) 130571 was issued on July 22, 2013. The ITB was advertised in The Daily Commercial and posted on-line at Public Purchase. There were seven companies represented at the mandatory pre-bid meeting. On August 13, 2013 the City received one sealed bid for consideration.

The bid received is from TSI Disaster Recovery, LLC, for a total cost of $30,000.00. TSI provided satisfactory references.

Options:
1. Approve award of the Bid and execution of the Agreement with TSI Disaster Recovery, LLC.; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
The cost of this project is funded 80% by FDOT, or $24,000 on a reimbursement basis and 20% from the City or $6,000. The grant was approved by the City Commission on June 10, 2013. The original grant award was for $27,800.00 based on cost estimates. The Airport Manager has received verbal authorization from FDOT District Five Supervisor to proceed with the work at the bid amount. Since the amount exceeds the approved JPA with FDOT the additional cost of $2,200 will be expended from the General Fund Airport budget until the supplemental agreement is approved.

Submission Date and Time: 9/4/2013 5:28 PM

Department: Airport **Prepared by:** Stephanie Lay **Attachments:** **Yes** X **No** _____ **Advertised**: X **Not Required** _____ **Dates:** **July 21, 2013** **Attorney Review :** **Yes** ___ **No** ____ **Revised 6/10/04**	**Reviewed by: Dept. Head** _____ **Finance Dept.** _____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** 001-1821-542.46-25 **Project No.** _____ **WF No.** WF0848893/1 **Budget** $27,800.00 **Available** $27,800.00

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH TSI DISASTER RECOVERY, LLC. TO PROVIDE THE LEESBURG INTERNATIONAL AIRPORT VEGETATION OBSTRUCTION CLEARING SERVICES FOR A TOTAL AMOUNT OF $30,000.00; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with TSI DISASTER SERVICES, LLC whose address is 4130 Canoe Creek Road, St. Cloud, Florida 34772 for vegetation clearing services at the Leesburg International Airport pursuant to Invitation to Bid 130571.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the __9th___ day of _September__ 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 4.C.7

Meeting Date: September 9, 2013

From: Mike Thornton, Purchasing Manager for
Bill Spinelli, CPA, Finance Director

Subject: Resolution authorizing execution of an agreement with PRMG to provide professional services for utility rate studies

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Staff Recommendation:
Staff recommends approval of the resolution authorizing execution of an agreement with Public Resources Management Group, Inc. (PRMG) for professional services related to utility rate studies for a not to exceed amount of $39,250.00.

Analysis:
Execution of this agreement will allow the Finance Department to engage the services of PRMG to provide professional services to prepare and present the following: i) review and redesign of the City's water and wastewater user rate structures; ii) review and redesign of the City's natural gas user rate structure and miscellaneous charges; and iii) review of the City's policies for utility transfers to the City's General Fund (collectively, the "Project"). With respect to the performance of the project, PRMG will use information and financial projections developed during the recent preparation of PRMG's Financial Feasibility Report for the Utility System Refunding Revenue Bonds, Series 2013.

PRMG was selected for these services as they prepared the City's Financial Feasibility Report for the recent bond refunding. This will allow them to use work they have already completed for the bond effort. Selecting a different firm would have resulted in a higher cost because the new firm would have had to do the work already completed by PRMG when they prepared the feasibility report.

Options:
1. Authorize execution of the agreement with PRMG, Inc.; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
Funds were not specifically budgeted for this work. However, the utilities/departments involved in these services have identified funds and the breakout is as follows i) Gas Utility - $14,930, ii) Water Utility - $12,492, iii) Wastewater Utility - $8,328,and iv) Finance Department (Transfer Policy) - $3,500.

Submission Date and Time: 9/4/2013 5:28 PM

Department: _____ **Prepared by:** _____ **Attachments:** Yes____ No _____ **Advertised:**_____Not Required _____ **Dates:**_____ **Attorney Review :** Yes___ No ____ _____ **Revised 6/10/04**	**Reviewed by: Dept. Head** _____ **Finance Dept.** BLM, _____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** 042-2021-532.31-10 043-3021-533.31-10 044-3021-535.31-10 001-1331-513.31-10 **Project No.** 429230 436018 447018 **WF No.** _____ **Budget** $0 **Available** $0

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH PUBLIC RESOURCES MANAGEMENT GROUP, INC. (PRMG) FOR PROFESSIONAL SERVICES TO CONDUCT UTILITY RATE STUDIES FOR THE WATER, WASTEWATER AND NATURAL GAS UTILITIES FOR A NOT TO EXCEED AMOUNT OF $39,250.00; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with PUBLIC RESOURCE MANAGEMENT GROUP, INC. whose address is 341 North Maitland Avenue, Maitland, Florida 32751 for professional services in the preparation and presentation of utility rate studies for water, wastewater and natural gas as well as preparation of a revised utility transfer policy.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the __9th__ day of __September__ 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 4.C.8.

Meeting Date: September 9, 2013

From: Patrick Foster, Deputy Electric Director

Subject: Resolution accepting a Utility Easement from Winston E. Evalle and Josephine Cipriano pertaining to land located at Lot 5, Sunnyside Trails Phase I, Leesburg, Lake County, Florida

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Staff Recommendation:
Staff recommends adoption of the Resolution accepting the Utility Easement from Winston E. Evalle and Josephine Cipriano pertaining to land located in Section 30, Township 19 South, Range 25 East, Lake County, Florida.

Analysis:
Winston E. Evalle and Josephine Cipriano are granting a Utility Easement to the City of Leesburg for the purpose of construction, installation, repair, maintenance, replacement and improvement of the underground or above ground utilities, including but not limited to water, sewer, reuse water, natural gas, electricity, cable television, fiber optics and telecommunication.

Options:
1. Adopt the Resolution accepting the Utility Easement as presented; or,
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
None

Submission Date and Time: 9/4/2013 5:28 PM

Department: Electric **Prepared by:** Sabrina Hubbell **Attachments:** Yes X No ____ **Advertised:** ____ Not Required X **Dates:** ____ **Attorney Review :** Yes X No ____ **Revised 6/10/04**	**Reviewed by: Dept. Head** Patrick Foster **Finance Dept.** ____ **Deputy C.M.** ____ **Submitted by:** **City Manager** ____	**Account No.** ____ **Project No.** ____ **WF No.** ____ **Budget** ____ **Available** ____

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA ACCEPTING A UTILITY EASEMENT FROM WINSTON E. EVALLE AND JOSEPHINE CIPRIANO, AS GRANTOR, TO THE CITY OF LEESBURG, AS GRANTEE, PERTAINING TO LAND LOCATED IN SECTION 30, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTION DATE. (Sunnyside Trails Phase 1, Lot 5).

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

The City of Leesburg, Florida, does hereby accept from Winston E. Evalle and Josephine Cipriano, a Utility Easement dated July 25, 2013, and recorded in Official Records Book 4360, Pages 1546--01549, Public Records of Lake County, Florida, conveying certain real property located in Section 30, Township 19 South, Range 25 East, Lake County, Florida, and more particularly described in said Utility Easement, to the City of Leesburg.

Section 2.

If any portion of this resolution is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this resolution, the portion deemed invalid or unenforceable shall be severed herefrom the remainder of this resolution shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

Section 3.

This resolution shall become effective upon it passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013

THE CITY OF LEESBURG

By: _____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 4.C.9.

Meeting Date: September 9, 2013

From: William Spinelli, Finance Director
Lori Beach, Customer Accounts Manager

Subject: Resolution Setting Forth the Eligibility Guidelines for the C.U.R.E. (Citizens Utility Relief Effort) Voucher Program

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Staff Recommendation:
Adopt a resolution setting forth the eligibility guidelines for the C.U.R.E. (Citizens Utility Relief Effort) Voucher Program (Attachment A).

Analysis:
On September 23, 1991 the City Commission approved the creation of the Citizens Utility Relief Effort (C.U.R.E.) Voucher Program to assist utility customers who are unable to pay their bills. The general purpose for granting this assistance states the fund may be used in the event of loss of employment or an unexpected illness or injury.

The City developed a set of brief guidelines for the administration of this fund and delegated the administration to local agencies. The assisting agencies sought clarity on administering the eligibility guidelines. The guidelines (Attachment A) set the criteria for extending assistance and limit the access to these funds to $100 during a 12 month period. The criteria guidelines will remain the same with an additional explanation indicating items one through eight are independent of each other. The agencies administering the funds are required to obtain documentation listed (Attachment A) and identify which circumstances surround the need of the recipient.

Current agencies administering the program are Lake Community Action Agency and Christian Care Center/Benevolence Center. These agreements expired in September 2009. Forthcoming agreements will be submitted for consideration in October 2013.

Options:
1. Adopt resolution approving the eligibility guidelines for C.U.R.E. Voucher Program, or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
The City budgets $5,000 for the C.U.R.E. program. The City also accepts donations to the C.U.R.E. program.. The amount of money provided to the agencies is based on the amount received from customers in contributions/donations.

Submission Date and Time: 9/4/2013 5:28 PM

Department: _____ **Prepared by:** _____ **Attachments:** Yes____ No _____ **Advertised**:_____**Not Required** _____ **Dates:**_____ **Attorney Review :** Yes___ No ____ _____ **Revised 6/10/04**	**Reviewed by: Dept. Head** _____ **Finance Dept.** _BLM,_____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** _001-1295-564-4990___ **Project No.** _____ **WF No.** _____ **Budget** ___$5,000.00_____ **Available** __$831.82_____

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA SETTING FORTH THE ELIGIBILITY GUIDELINES FOR C.U.R.E. (CITIZENS UTILITY RELIEF EFFORT) VOUCHER PROGRAM; REPEALING RESOLUTION 6784; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the eligibility guidelines for the C.U.R.E. (Citizens Utility Relief Effort) Voucher Program is approved by the City Commission as set forth on Exhibit "A" attached hereto, is adopted and shall remain in force until modified or repealed by subsequent resolution of this Commission.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the _9th___ day of __September_____ 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 4.C.10.

Meeting Date: September 9, 2013

From: Lucy Gangone, Library Director

Subject: Resolution Appointing a Library Advisory Board Member

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Staff Recommendation:
Staff recommends the appointment of Mrs. Jeanne B. Bouchard-Hall to complete a five-year term as a member of the Library Advisory Board, said term to expire September 30, 2015. The position was advertised as required.

Analysis:
With the resignation of Mrs. Carolyn Russell from the Library Advisory Board effective June 11, 2013, the five-year term ending September 30, 2015 is vacant.

Mrs. Bouchard-Hall has a B.A. in English and a Master of Arts Degree in Creative Writing. She taught in secondary and junior college level for fifteen (15) years. She earned an Associate Degree in Nuclear Medicine Technology and practiced as a Nuclear Medical Technologist for twenty (20) years. She coordinates the resident library at Legacy of Leesburg, and is a member of their Page Turners Book Club.

Options:
1. Appoint the applicant, Jeanne B. Bouchard-Hall, to the Library Advisory Board;
2. Seek another candidate of the Commission's choosing; or
3. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
There is no financial impact.

Submission Date and Time:__9/4/2013 5:28 PM____

Department: _____ **Prepared by:** _____ **Attachments:** Yes____ No _____ **Advertised**:_____Not Required _____ **Dates:**_____ **Attorney Review :** Yes___ No ____ _____ **Revised 6/10/04**	**Reviewed by: Dept. Head** _____ **Finance Dept.** __BLM,_____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** _____ **Project No.** _____ **WF No.** _____ **Budget** _____ **Available** _____

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA APPOINTING JEANNE B. BOUCHARD-HALL TO THE LIBRARY ADVISORY BOARD TO COMPLETE A FIVE-YEAR TERM AS A MEMBER WITH SAID TERM TO EXPIRE SEPTEMBER 30, 2015; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

1. **THAT** the City of Leesburg Commission finds there is an appointment to be made to the Library Advisory Board in keeping with Section 2, Division 3 (1-92) of the Code of Ordinance of the City relating to the provision of library services.

2. **THAT** the City Commission hereby appoints Jeanne B. Bouchard-Hall to the five-year term to expire September 30, 2015.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the _9th____ day of __September_____ 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 5A.

Meeting Date: September 9, 2013

From: William Spinelli, Finance Director, CPA

Subject: Ordinance Authorizing a one-time waiver of City Ordinance Number 07-81 August 13, 2007, Section 2-233 2, regarding transfers of funds

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Staff Recommendation:
Staff recommends a one-time waiver of City Ordinance Number 07-81 August 13, 2007, Section 2-233 2. regarding transfers of funds

Analysis:
The Finance Department requests the City Commission waive the following statement from the ordinance- "In no event may an operating transfer be appropriated from any of the various enterprise funds to the general fund as an operating transfer if such appropriation is projected to result in said fund experiencing a net loss after transfers for that fiscal year."

Both the City's Electric Utility and Gas Utility Funds are expecting a net loss after operating transfers for the fiscal year ending September 30, 2013. In both situations, the net losses are due to extraordinary one-time events.

1. The Electric Utility Fund was required to write-off the old electric meters, which were replaced by the AMI meters in August 2012. This accounting transaction was a disposal of an asset, which is a non-cash transaction. The transaction basically fully depreciates the remaining asset value that was left on the City's books. The Gas Utility Fund was required to make a one-time payment to Cutrale, which was not accounted for until August 2013. This payment was made to correct billing computation errors in prior years.

These two transactions caused both Utility Funds to have a net loss after transfers. Both funds would have positive balances without these specific one-time events. Staff does not see these events recurring in the future.

Options:
1. Approve the ordinance for the one-time waiver of City Ordinance Number 07-81 August 13, 2007, Section 2-233 2; or,
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
If the waiver is approved, the General Fund will not have to reimburse both the Gas and Electric Utility funds. Electric will have transferred approximately $ 5.2 million to the General Fund and Gas will have transferred approximately $ 657,000 to the General Fund at September 30, 2013.

Submission Date and Time: 9/4/2013 5:28 PM

Department: _____ **Prepared by:** _____ **Attachments:** Yes____ No _____ **Advertised**:_____Not Required _____ **Dates:**_____ **Attorney Review :** Yes___ No ____ _____ **Revised 6/10/04**	**Reviewed by: Dept. Head** _____ **Finance Dept.** _BLM,_____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** _041-1088-581-9101 & 042-2088-581-9101_____ **Project No.** _____ **WF No.** _____ **Budget** _____ **Available** _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, PROVIDING FOR A ONE TIME WAIVER OF THE LIMITATIONS ON TRANSFERS TO THE GENERAL FUND FROM THE ELECTRIC AND NATURAL GAS ENTERPRISE FUNDS, WHICH WOULD OTHERWISE BE IMPOSED BY §2 – 233 OF THE CODE OF ORDINANCES; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to preserve the fiscal integrity of its various enterprise funds, the City of Leesburg previously adopted §2 – 233 of its Code of Ordinances, setting forth limitations on the transfer of money from its enterprise funds to the City's general fund, including a prohibition of any such transfer from an enterprise fund which experiences a net operating loss in the year of the transfer; and

WHEREAS, in fiscal year 2012 – 2013 the City has transferred money into its general fund from both its Electric and its Natural Gas enterprise funds; and

WHEREAS, both these funds will suffer an operating loss in fiscal year 2012 – 2013, due to extraordinary one time events, the Electric Fund from a writeoff of electric meters decommissioned due to replacement by newer AMI meters which generated an accounting loss but without affecting the cash position, and the Natural Gas fund due to a one time payment to a contract customer resulting from an adjustment due to billing computation errors in prior years, neither of which is expected to recur in subsequent years; and

WHEREAS, both the Electric and the Natural Gas funds would have positive balances for the year but for these extraordinary events; and

WHEREAS, both the Electric and the Natural Gas enterprise funds remain fiscally sound despite the operating losses suffered due to these extraordinary events, and are expected to remain so in future years,

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The City Commission hereby approves a waiver of the transfer policies set forth in §2 – 233 of the Code of Ordinances, for the Electric and Natural Gas enterprise funds, for fiscal year 2012 – 2013 only, allowing those funds to transfer money to the City's General Fund without regard to the operating losses each suffered due to extraordinary, one time events which are not expected to recur in succeeding years.

SECTION II.

The provisions of §2 – 233 of the Code of Ordinances shall remain in full force and effect and shall be binding in all future fiscal years, and for all enterprise funds other than Electric and Natural Gas for fiscal year 2012 – 2013. The Finance Director is instructed to monitor the performance of the Electric and Natural Gas enterprise funds for fiscal year 2013 – 2014 and to recommend such adjustments in the budget as are necessary and desirable to maintain the fiscal soundness of those two funds for this and future fiscal years. The City Commission reaffirms its intention to apply §2 – 233 for its intended, salutary purposes and declares that the waiver provided by this Ordinance is intended only to address peculiar circumstances not expected to occur again in either of the two affected funds.

SECTION II.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____day of _____, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
DAVID KNOWLES, Mayor

Attest: _____
City Clerk

AGENDA MEMORANDUM

Item No: 5B.

Meeting Date: September 9, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending the existing P (Public) and PUD (Planned Unit Development) zoning for the City of Leesburg C.R.470 property to change the permitted uses to allow for development of an Industrial and Technology Park

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Staff Recommendation:
The Planning staff and the Planning Commission recommend approval of the proposed amendments to the existing P (Public) and PUD (Planned Unit Development) zoning for the subject property.

Analysis:
The City Commission directed staff to develop a strategy to promote economic development in the CR 470 corridor specifically for the City owned property and to incorporate recommendations suggested by the Duke Energy Site Readiness Program. One important aspect of the study was to eliminate obstacles for to development of properties to ensure that a prospective company could have a shortened development schedule and minimal risks. Prospective companies would not have to go through the rezoning process with the associated public hearings and 120 day delays. Those communities with site ready properties with zoning in place will have the competitive advantage for consideration by prospective companies.

The proposed project site is approximately 3,100 acres. The property is generally located north of County Road 48 and east of the Florida Turnpike, and north and south of County Road 470 as shown on the attached General Location Map. The present zoning for this property is P Public and City PUD (Planned Unit Development). The current use of the property is undeveloped, agriculture (hay field), City Wastewater treatment plan and fields and the proposed uses are for development of an Industrial and Technology Park. The surrounding zoning designations are County A (Agriculture) and County R-6 (Urban Residential District) to the north, City P (Public), west, County RM (County Mixed Home Residential), County R-7 (Mixed Residential District) and County A (Agriculture) to the east, and City PUD (Planned Unit Development) to the south. The surrounding Future Land Use Map designations are County Rural and City Conservation to the north, Conservation, SP Mixed Use, Neighborhood Mixed Use and County Rural to the south, City Neighborhood Mixed Use and County Rural to the east, and City Industrial, SP Mixed Use, County Rural to the west.

The proposed amendment is compatible with the adjacent and nearby properties in the area and with the existing future land use designations of City Conservation, Institutional, and Industrial and Technology Park.

Development of the property would require expansion of existing City utilities which are available.

By a vote of 5 to 0 on August 8, 2013, the Planning Commission voted to recommend approval.

Options:

1. Approve the proposed PUD (Planned Unit Development) zoning.

2. Other such action as the Commission may deem appropriate.

Fiscal Impact:
There is a hug positive fiscal impact to the City through having public property zoned for an Industrial and Technology Park in Leesburg with the future large scale economic development impacts of this property.

Submission Date and Time:

Department: Community Development **Prepared by:** Bill Wiley AICP **Attachments: Yes_X__ No _____** **Advertised:_____Not Required _____** **Dates:_____** **Attorney Review : Yes_X__ No ____** **_____** **Revised 6/10/04**	**Reviewed by: Dept. Head __BW___** **Finance Dept. _____** **Deputy C.M. _____** **Submitted by:** **City Manager _____**	**Account No. _____** **Project No. _____** **WF No. _____** **Budget _____** **Available _____**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 3,100 ACRES GENERALLY LOCATED ON NORTH OF COUNTY ROAD 48 AND EAST OF THE FLORIDA TURNPIKE, AND NORTH AND SOUTH OF COUNTY ROAD 470, LYING IN SECTIONS 06, 07, 08, 09, 16, 17, 20, AND 21, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM CITY P (PUBLIC) AND PUD (PLANNED UNIT DEVELOPMENT) TO CITY AMENDED PUD (PLANNED UNIT DEVELOPMENT), SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE. (C.R.470 Industrial And Technology Park)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of City of Leesburg (C.R.470 Industrial And Technology Park), the owner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned to City PUD (Planned Unit Development) zoning district, subject to conditions contained in Exhibit A, to-wit:

(See Exhibit A for Legal Description)

Alternate Key Number(s): 1029759, 1035333, 1038332, 1038341, 1038413, 1044146, 1068461, 1087856, 1087864, 1088003, 1088071, 1088101, 1294053, 1294061, 1294070, 1295955, 1296056, 1701244, 1741637 1741661, 1774853, 2610808, 3020863, 3340868, 3374291, 3378661, 3409973, 3767501, 3777575, 3860764

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG

By: _____

ATTEST:

_____
City Clerk

CASE #: RZ-13-48 **EXHIBIT A**

CITY OF LEESBURG C.R.470 INDUSTRIAL AND TECHNOLOGY PARK REZONING TO PUD (PLANNED UNIT DEVELOPMENT) DEVELOPMENT CONDITIONS

August 8, 2013

These Planned Unit Development Conditions for a PUD (Planned Unit Development) district are granted by the City of Leesburg Planning Commission, Lake County, Florida to City of Leesburg C.R.470 Industrial and Technology Park, "Permittee" for the purposes and terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-278 "Planned Unit Development" of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND: The City of Leesburg "Permittee" is desirous of obtaining a PUD (Planned Unit Development) zoning district to allow for marketing, planning and construction of commercial/office, and industrial/technology park, as amended by these conditions, for approximately 3,100 acres within the City of Leesburg in accordance with their Planned Unit Development application and supplemental information.

1. PERMISSION

Permission is hereby granted to City of Leesburg C.R.470 Industrial and Technology Park, to construct, operate, and maintain a development in and on real property in the City of Leesburg. The property is generally located north of County Road 48 and east of the Florida Turnpike, and north and south of County Road 470. The property is more particularly described as shown in the attached legal description below.

2. LEGAL DESCRIPTION

See attached legal Exhibit G.

3. LAND USES

The above described property shall be used for PUD (Planned Unit Development) uses as limited, pursuant to City of Leesburg development codes and standards.

A. The uses shall be restricted to those uses approved specifically in the PUD conditions for the site.

1) Public, office, commercial and industrial uses shall be those listed for the PUD uses in the Land Development Code except as limited by this PUD and shall occupy the approximate 662 acres (22 percent) of park development area including an estimated 212 acres of actual building area (9,248,800 SF) and approximately 2,438 acres (78 percent) of open space and conservation areas as shown on the Conceptual Master Park Plans Exhibit B.

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B. AREA

The impervious surface coverage for the entire Planned Unit Development shall not exceed fifty (50) percent of the gross site area.

C. OPEN SPACE

A minimum of fifty (50) percent of the entire Planned Unit Development shall be developed as common open space and conservation areas.

4. SITE ACCESS

A. Access to the site shall be primarily from C.R. 470 with a divided boulevard type roads for large projects. Site access will be reviewed by staff during the site plan review process.

5. HEIGHT OF BUILDINGS

A. The maximum height of any structure within one and fifty hundred (150) feet of a single-family residential zoning district and Lake County Water Authority property line shall be thirty-five (35) feet or two and one-half ($2\ ^{1/2}$) stories. The maximum height for all other structures shall be seventy-two (72) feet or six (6) stories.

6. DEVELOPMENT STANDARDS

A. The minimum development standards shall be those required for the M-1 Industrial district except as amended by these conditions.

B. Hours of operations for uses shall be restricted to 7:00 a.m. to 11:00 p.m. within 300 feet on any existing residential district (See Conceptual Master Park Plan Data Exhibit B).

7. PARKING

A. The permittee shall construct off-street parking spaces within the development per City of Leesburg Code of Ordinances, as amended, which shall include the required number of handicapped parking spaces.

8. WETLANDS PROTECTION

The property's sensitive ecological systems and wildlife habitats shall be protected through the following requirements.

A. All wetlands on the project site shall be identified and the location and extent of each wetland shall be determined by St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the preliminary plan application.

B. Buildings or structures have a 25' minimum/50' average wetland buffers on-site Environmental Resource Permit (ERP) permit from SJRWMD from any wetland jurisdiction boundary except for LCWA properties shall have a fifty hundred (150) feet buffer setback.

C. Wetlands shall have a minimum upland buffer as established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.

D. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.

E. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with

permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.

F. To the extent practical, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, St. Johns River Water Management District or another legal entity such as a property-owners association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to St. Johns River Water Management District or another legal entity such as a property-owners association for ownership and maintenance.

9. STORMWATER MANAGEMENT /UTILITIES

Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

A. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.

B. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.

C. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan..

D. The 100-year flood plain shown on all plans and lots.

E. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100 year flood plain is altered and /or a new 100 year flood elevation is established in reference to the applicable flood insurance rate map.

F. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District.

G. A detailed site plan that indicates all the provisions for electric, water, sewer, reuse, and/or natural gas in accordance with the City of Leesburg Land Development Codes.

H. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of utility infrastructure and other improvements related to the use and development of the property including such off-site improvements required by the City, all of which shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.

10. ENVIRONMENTAL ASSESSMENT

A wildlife/archaeological management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the site plan application for each phase. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.

11. TRANSPORTATION

A. All transportation improvements shall be contingent upon site plan approval by City of Leesburg staff during development review/permit application. Said approval shall also be contingent upon review and approval by Lake County, the MPO and the City of Leesburg, as required.

1) **Traffic/Transportation Study**
A traffic/transportation study shall be submitted prior to development approval for review and determination of any necessary access improvements, including any off-site improvements required by Lake County, the MPO or the City of Leesburg. The study maybe submitted for each phase as they are developed. Said improvements will be the responsibility of the Permittee.

2) **Roadway Improvements**
The applicant shall provide all necessary roadway and intersection improvements within the development and its connection to County Road 470 and any possible emergency access, based on a current traffic analysis, as required by County or City staff during the site plan review process. Approval of all necessary permits and improvements as required by the City of Leesburg, the MPO, Lake County and FDOT shall include any needed right of way, signalization and improvements required to support the development.

3) **Internal Circulation**
Drives shall be constructed within the interior of the development such that continuous vehicular access is available among and between all structures within the development, where feasible. Sidewalks shall be constructed as required by the City of Leesburg Code of Ordinances for the development.

12. LANDSCAPING/BUFFERING

A. Landscaping of any required buffer areas shall be as follows:

1) Plans and site design for the installation of landscape buffers shall be submitted and approved during the site plan review process and prior to issuance of building permits for the development of each phase. All landscaping shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances, or as required by these PUD conditions.

2) A minimum one hundred and fifty (150) foot landscape buffer shall be required along the eastern boundary of the property adjacent to the residential areas on Debbie Road and Bay Avenue and a minimum twenty-five (25) foot buffer shall be provided along C.R. 470. Said buffer shall include a landscape berm, fence or wall with planting as provided below. However, existing natural buffer areas that meet the intent of the code because of existing tree cover and increased buffer width may be considered as meeting the referenced requirements if approved by the Community Development Director

3) For each one hundred (100) linear feet, or fraction thereof, of required landscaping, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.
   a. Two (2) canopy trees
   b. Two (2) ornamental trees

c. Thirty (30) shrubs
d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
e. Existing vegetation in the required buffer shall be protected during construction.

4) Walls, Berms and Fences shall be required as follows (See Exhibit E):
a. An eight foot solid buffer wall shall be used as a visual buffer for adjacent residential areas on Debbie Road and Bay Avenue. The wall shall be of a decorative "split face" concrete masonry, decorative brick or standard concrete masonry clad with painted stucco or other masonry veneer that is compatible with the developed C.R.470 Industrial and Technology Park adjacent area. When these materials are used for a visual screen, they shall conform to the architectural style, materials and color of the development. Wood fencing shall not be used and PVC fencing shall be restricted.. The wall shall include a continuous decorative cap and end column features where applicable. The wall shall be placed along the interior buffer boundary of the landscape buffer area from the adjoining property line. As an alternative, said buffer may include an earthen berm no less than six (6) feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of ten (10) feet on center. In addition, additional landscaping and PVC fencing may be required by the Community Development Director to effectively buffer adjacent land uses.
b. Where a six foot buffer wall or fence is used as a landscape buffering for adjacent public roads or property not located adjacent to residential districts, it shall be of a decorative "split face" concrete masonry, decorative brick, stone or standard concrete masonry clad with painted stucco or other masonry veneer that is compatible with the adjacent park area. When these materials are used for a visual screen, they shall conform to the architectural style, materials and color of the development. They shall include a continuous decorative cap and end column features where applicable. They shall be placed along the interior buffer boundary of the landscape buffer area from the adjoining property line. Wood fencing shall not be used and PVC fencing shall be restricted. As an alternative, said buffer may include an earthen berm no less than three (3) feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of ten (10) feet on center. In addition, additional landscaping and PVC fencing may be required by the Community Development Director to effectively buffer adjacent land uses.
c. Permitted fencing shall include black, decorative, aluminum with columns done in brick or stone along adjacent public roads and zoning districts other than residential. Black vinyl coated chain link may be used elsewhere on the site. However, no galvanized chain link, or wood shall be permitted and PVC fencing shall be restricted.

5) Variations to the landscape and fencing requirements may be approved i.e. where walls and berms are used, by the Community Development Director as long as the intent of the PUD is maintained.

13. OPERATIONAL REQUIREMENTS

A. The applicant shall be subject to Section 12-19 Regulation of Public Nuisances of the City of Leesburg Code of Ordinances.

B. A noise/vibration/dust and/or traffic study by the applicant may be required to ensure compliance with this section if reoccurring formal written complaints from multiple complainants related to traffic, noise/vibration/dust are received by the City. The applicant shall have the right to a hearing on the requirement for the referenced study before Planning Commission if they believe the complaints are not valid.

C. The operation of machinery or equipment shall be restricted to the interior of buildings, except for the use of fork lifts etc. to receive and ship products.

D. No activity including but not limited to loading and unloading, truck traffic, storage, fork lifts etc. shall occur in the buffer set back area, as described per Section 12 LANDSCAPING AND BUFFER REQUIREMENTS above.

14. MAINTENANCE

A. With the exception of public utilities, maintenance of all site improvements, including but not limited to drives, sidewalks, landscaping and drainage shall be the responsibility of the City of Leesburg unless the property is sold or leased by the City with a legally created property owner's association etc.

15. ARCHITECTURE

A. All buildings shall have a common architectural theme for each phase and the side of buildings which face residential areas or streets (public or private) shall be finished in the same materials as used in the front of buildings.

B. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project including sides and rear of buildings which shall be integrated with the front elevation materials and design (See Exhibits C and F).

C. Design of the project shall comply with the intent of the Design Guideline Requirements (See Exhibits C and D).

D. Other similar design variations meeting the intent of the PUD may be approved by the Community Development Director.

16. DEVELOPMENT PHASING

A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plans. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process as amended.

17. MISCELLANEOUS CONDITIONS

A. The uses of the proposed project shall only be those uses identified in the approved Planned Unit Development Conditions. Any other proposed use must be specifically

authorized by the Planning Commission in accordance with the Planned Unit Development amendment process.

B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.

C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.

D. The transfer of ownership or lease of any or all of the property described in this PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.

E. These PUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

F. Any violation of City, State or Federal laws or permit requirements concerning the development of this project will constitute a violation of this permit and will result in all activities on the project site being halted until the violation is satisfactorily resolved and may result in a hearing before the Planning Commission to determine whether a change in the conditions of this PUD are necessary.

G. The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan (to be incorporated as part of these conditions). Approval by the Planning Commission and City Commission of the referenced required Master Plan shall be required prior to any development of the property. Changes to the Master Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.

18. CONCURRENCY

As submitted, the proposed zoning change does not appear to result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (site plan and building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

A. Utilities

1) Projected Capacities

a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.

b. If the development requires construction of new distribution mains, since existing facilities in the service area are not adequate, the developer will be required to construct such facilities to provide service. The developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.

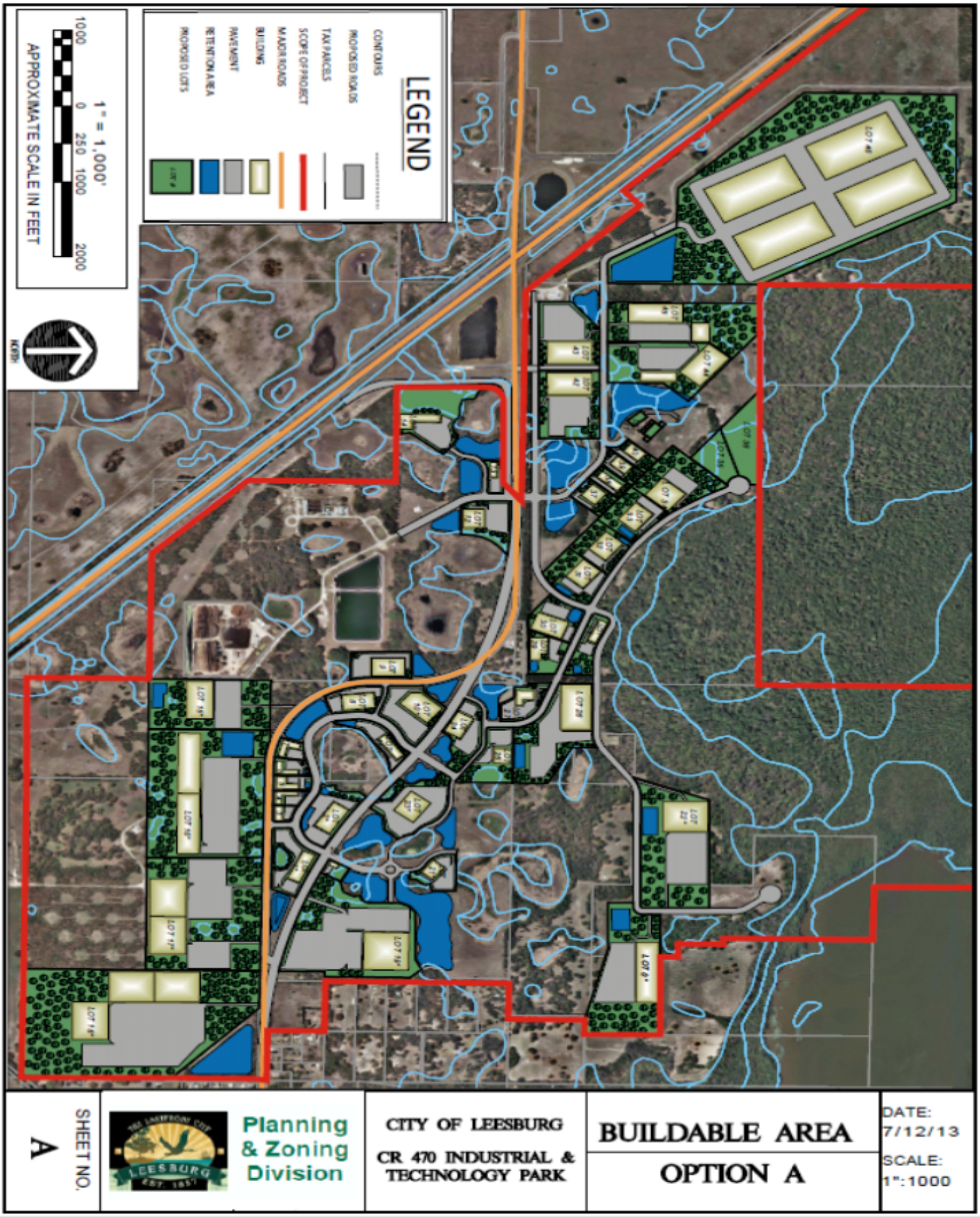
B. Commitment of Capacity

There are no previous commitments of any existing or planned excess capacity.

C. Ability to Provide Services

The City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.

Conceptual Master Park Plan Design with Wetlands - Option A **EXHIBIT B**



BUILDABLE AREA
OPTION A - ALL LOTS

CITY OF LEESBURG

CR 470 INDUSTRIAL & TECHNOLOGY PARK

PROJECT DUK4000.CE

Lot No.	Proposed Type of Development	City Zoning Type	Lot Area (AC)	Lot Area (SF)	Estimated Buildable Area (SF)	Wetland Area (SF)	Setback Requirements for Public (P) Zone					
							Front Yard	Side Yard	Rear Yard	Height/Stories	ISR	Open Space
0	Industrial	Public (P)	25.98	1,131,689	400000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
1	Industrial	Public (P)	7.30	317,988	145000*	25,421	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
2	Industrial	Public (P)	7.44	324,086	150000*	21,541	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
3	Industrial	Public (P)	1.15	50,094	16,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
4	Industrial	Public (P)	1.59	69,260	21,300	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
5	Industrial	Public (P)	1.93	84,071	28,500	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
6	Industrial	Public (P)	1.95	84,942	21,300	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
7	Industrial	Public (P)	1.72	74,923	26,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
8	Industrial	Public (P)	4.31	187,744	71,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
9	Industrial	Public (P)	5.23	227,819	87,500	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
10	Industrial	Public (P)	8.20	357,192	200000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
11	Industrial	Public (P)	3.83	166,835	70000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
12	Highway Commercial	Public (P)	6.25	272,250	60,000	30,812	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
13	Highway Commercial	Public (P)	1.81	78,844	15,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
14	Highway Commercial	Public (P)	12.77	556,261	60,000	244,778	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
15	Future Development	Public (P)	20.29	883,832	300000*	4,514	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
16	Future Development	Public (P)	50.02	2,178,871	800000*	83,173	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
17	Future Development	Public (P)	43.18	1,880,921	800000*	36,995	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
18	Future Development	Public (P)	75.00	3,267,000	1200000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
19	Office Space	Public (P)	33.37	1,453,597	500,000	53,341	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
20	Highway Commercial	Public (P)	1.14	49,658	5,700	20,577	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
21	Office Space	Public (P)	3.99	173,804	53,000	13,647	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
22	Industrial	Public (P)	27.50	1,197,900	400000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
23	Office Space	Public (P)	10.68	465,221	150,000	11,275	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
24	Office Space	Public (P)	6.07	264,409	60,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
25	Office Space	Public (P)	6.87	299,257	40,000	54,040	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
26	Office Space	Public (P)	17.85	777,546	200,000	8,782	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
27	Office Space	Public (P)	4.12	179,467	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
28	Industrial	Public (P)	4.33	188,615	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
29	Industrial	Public (P)	4.52	196,891	55,000	37,776	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
30	Industrial	Public (P)	5.71	248,728	87,500	600	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
31	Industrial	Public (P)	6.92	301,435	75,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
32	Industrial	Public (P)	6.07	264,409	75,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
33	Industrial	Public (P)	6.75	294,030	75,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
34	Industrial	Public (P)	10.93	476,111	100,000	34,016	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
35	Industrial	Public (P)	4.35	189,486	0	169,734	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
36	Industrial	Public (P)	7.33	319,295	0	229,205	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
37	Industrial	Public (P)	3.12	135,907	40,000	2,532	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
38	Industrial	Public (P)	2.19	95,396	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
39	Industrial	Public (P)	2.37	103,237	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
40	Industrial	Public (P)	2.35	102,366	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
41	Industrial	Public (P)	0.46	20,038	7,000	1,000	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
42	Highway Commercial	Public (P)	13.83	602,435	150,000	17,318	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
43	Highway Commercial	Public (P)	12.59	548,420	150,000	400	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
44	Industrial	Public (P)	16.76	730,066	200,000	95,788	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
45	Industrial	Public (P)	21.02	915,631	200,000	237,427	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
46	Future Development	Public (P)	139.15	6,061,374	2,000,000	431,534	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%

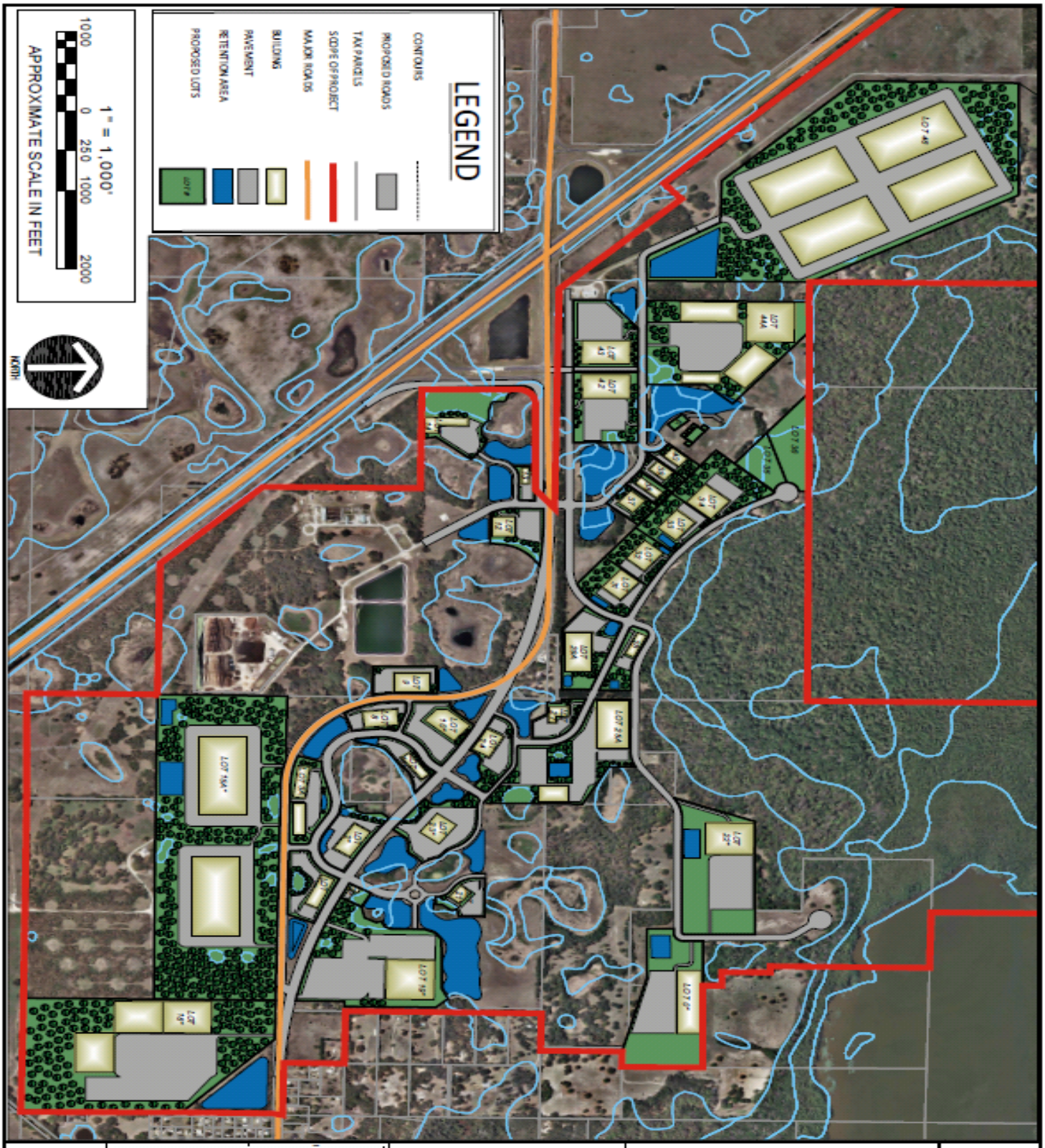
TOTAL LOT AREA= 662.3 AC (28,849,516 SF)
ESTIMATED BUILDABLE AREA=212.3 AC (9,248,800 SF)

*Note: * denotes buildable area is based on two floor building*

Conceptual Master Park Plan Data- Option A

EXHIBIT B

Conceptual Master Park Plan Design with Wetlands - Option B **EXHIBIT B**



SHEET NO. B

Planning & Zoning Division

CITY OF LEESBURG

CR 470 INDUSTRIAL & TECHNOLOGY PARK

BUILDABLE AREA

OPTION B

DATE: 7/12/13

SCALE: 1":1000

BUILDABLE AREA
OPTION B - CONSOLIDATED LOTS

CITY OF LEESBURG
CR 470 INDUSTRIAL & TECHNOLOGY PARK

PROJECT DUK4000.CE

Lot No.	Proposed Type of Development	City Zoning Type	Lot Area (AC)	Lot Area (SF)	Estimated Buildable Area (SF)	Wetland Area (SF)	Setback Requirements for Public (P) Zone					
							Front Yard	Side Yard	Rear Yard	Height/Stories	ISR	Open Space
0	Industrial	Public (P)	25.98	1,131,689	400,000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
1	Industrial	Public (P)	7.30	317,988	145,000*	25,421	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
2	Industrial	Public (P)	7.44	324,086	150,000*	21,541	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
3A (3, 4, 5, 6 & 7)	Industrial	Public (P)	8.34	363,290	100,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
8	Industrial	Public (P)	4.31	187,744	71,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
9	Industrial	Public (P)	5.23	227,819	87,500	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
10	Industrial	Public (P)	8.20	357,192	200,000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
11	Industrial	Public (P)	3.83	166,835	70,000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
12	Highway Commercial	Public (P)	6.25	272,250	60,000	30,812	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
13	Highway Commercial	Public (P)	1.81	78,844	15,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
14	Highway Commercial	Public (P)	12.77	556,261	60,000	244,778	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
15A (15, 16 & 17)	Future Development	Public (P)	113.49	4,943,624	2,000,000*	124,682	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
18	Future Development	Public (P)	75.00	3,267,000	1,200,000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
19	Office Space	Public (P)	33.37	1,453,597	500,000	53,341	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
20	Highway Commercial	Public (P)	1.14	49,658	5,700	20,577	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
21	Office Space	Public (P)	3.99	173,804	53,000	13,647	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
22	Industrial	Public (P)	27.50	1,197,900	400,000*	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
23	Office Space	Public (P)	10.68	465,221	150,000	11,275	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
24	Office Space	Public (P)	6.07	264,409	60,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
25A (25 & 26)	Office Space	Public (P)	24.72	1,076,803	260,000	62,822	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
27	Office Space	Public (P)	4.12	179,467	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
28	Industrial	Public (P)	4.33	188,615	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
29A (29 & 30)	Industrial	Public (P)	10.23	445,619	140,000	38,376	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
31	Industrial	Public (P)	6.92	301,435	75,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
32	Industrial	Public (P)	6.07	264,409	75,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
33	Industrial	Public (P)	6.75	294,030	75,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
34	Industrial	Public (P)	10.93	476,111	100,000	34,016	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
35	Industrial	Public (P)	4.35	189,486	0	169,734	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
36	Industrial	Public (P)	7.33	319,295	0	229,205	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
37	Industrial	Public (P)	3.12	135,907	40,000	2,532	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
38	Industrial	Public (P)	2.19	95,396	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
39	Industrial	Public (P)	2.37	103,237	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
40	Industrial	Public (P)	2.35	102,366	30,000	0	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
41	Industrial	Public (P)	0.46	20,038	7,000	1,000	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
42	Highway Commercial	Public (P)	13.83	602,435	150,000	17,318	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
43	Highway Commercial	Public (P)	12.59	548,420	150,000	400	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%
44A (44 & 45)	Industrial	Public (P)	37.78	1,645,697	500,000	333,215	31 ft	15/5 ft	21 ft	73 ft/6 Stories	80%	20%
46	Future Development	Public (P)	139.15	6,061,374	2,000,000	431,534	30 ft	15/5 ft	20 ft	72 ft/6 Stories	80%	20%

TOTAL LOT AREA= 662.3 AC (28,849,516 SF)
ESTIMATED BUILDABLE AREA=212.3 AC (9,248,800 SF)

*Note: * denotes buildable area is based on two floor building*

Conceptual Master Park Plan Data- Option B

EXHIBIT B

Design Guideline Requirements **Exhibit C**

A. The following design standards are intended to be used as a design aid by developers proposing large commerce park developments and as an evaluation tool by city staff in the review process.

1. **Design standards--Aesthetic character**.

a. Facades and exterior walls.

Intent: Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large buildings and provide visual interest that will be consistent with the community's identity, character, and scale. The intent is to encourage a more human scale that citizens of the City of Leesburg will be able to identify with their community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.

Standard : Developments with facades facing public roads or adjacent residential districts over one hundred (100) feet in linear length shall incorporate wall projections or recesses a minimum of three (3) foot depth and a minimum of thirty-five (35) contiguous feet within each one hundred (100) feet of facade length which shall extend over twenty (20) percent of the facade. Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least sixty (60) percent of the facade.

b. Detail features.

Intent: Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

Standard: Building facades shall include a repeating pattern that shall include no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty-five (35) feet, either horizontally or vertically.

1. Color change.
2. Texture change.
3. Material module change (brick, stone etc.).
4. Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib.

c. Roofs.

Intent: Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of adjoining neighborhoods.

Standard: Roof lines shall be varied with a change in height every one hundred (100) linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan process.

d. Materials and colors.

Intent: Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

Standard:

1. Predominant exterior building materials shall be high quality materials including brick or stone and at least one of the following, without limitation:
   i. Stucco
   ii. Wood
   iii. Metal
   iv. Decorative concrete masonry units
2. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
3. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
4. Predominant exterior building materials as well as accents for building exteriors facing public streets, residential and public parking areas should not include the following unless covered with at least thirty-five percent (35%) full-width brick, decorative concrete masonry units or stone (not including window and door areas and related trim areas), with the balance being any type of approved material and/or textured stucco finish:
   i. Decorative concrete masonry units
   ii. Tilt-up concrete panels
   iii. Pre-fabricated steel panels

e. Entryways.

Intent: Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards identify desirable entryway design features.

Standard: Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

1. Canopies or porticos
2. Architectural towers
3. Recesses/projections
4. Arcades
5. Varied height raised corniced parapets
6. Peaked roof forms
7. Arches
8. Outdoor patios
9. Display windows
10. Architectural details such as tile work and moldings which are integrated into the building structure and design
11. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

2. <u>Site Design and Relationship to the Surrounding Community</u>

a. Entrances.

Intent: Large buildings should feature multiple entrances with smaller entrances along the abutting public or private right-of-way and shall feature gateways or pedestrian mall at the intersection corner. Multiple building entrances reduce

walking distances from cars, facilitate pedestrian access from parking lots, and provide convenience where certain entrances offer access to individual uses, or identified departments in a large building. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

Standard: All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one (1) pedestrian entrance per side. Where a principal building directly faces a row of smaller retail stores along the border of more than two (2) abutting public or private rights-of-way, there shall be only two (2) entrances required. The corner entrance shall be designed to provide a gateway or pedestrian mall that provides pedestrian access to the larger uses in the interior of the site. The number of entrances for the buildings shall be addressed at the preliminary development plan stage. Where additional uses will be located in the principal building each such use shall have at least one (1) exterior pedestrian entrance which shall conform to the above requirements.

b. Parking lot orientation.

Intent: Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance. Parking lots should be oriented between the larger principle buildings and the smaller buildings required along the perimeters of the site adjacent to public streets and off site uses.

Standard: No more than thirty (30) percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by perimeter smaller buildings development.

c. Back and sides.

Intent: The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts. Any back or side of a building visible from a public right-of-way, public parking or a residential area shall be built in accordance with 1. Design guidelines--Aesthetic character. The Community Development Director may waive this requirement as part of the development plan review process if there are special or unique circumstances.

Standard: The minimum setback for any building facade shall be in accordance with the Land Development Code. Where the facade faces adjacent residential uses an earthen berm shall be installed, no less than six (6) feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of ten (10) feet on center. Additional landscaping may be required by the Community Development Director to effectively buffer adjacent land use as deemed appropriate. All additional landscape requirements of the landscape and tree protection code or of other sections of these guide lines shall apply.

d. Outdoor storage, trash collection, and loading areas.

Intent: Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties, residential areas and/or public streets, should be screened, recessed or enclosed.

While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one (1) building is located on a site and such buildings are not more than forty (40) feet apart, or on those sides of buildings that do not have pedestrian entrances. Joint use of loading and screening areas by multiple users will be encouraged where ever possible.

Standard:

1. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.
2. Outdoor storage areas and heavy equipment or aerial equipment parking areas should be located away from C.R. 470. Aerial equipment (bucket trucks, cherry pickers, etc.) must be parked/stored with the aerial device in the down position.
2. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within fifty (50) feet of any public or street, public sidewalk, or internal pedestrian way.
3. No delivery, loading, trash removal or compaction, exterior activities and large vehicle movement or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property.
4. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, bay doors and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. Backflow preventors, fire department connections, and mechanical equipment (including wall-mounted electrical panels) within 100 feet of C.R. 470 must be screened from view with landscaping or other screening approved by the Community Development Director.
5. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with decorative walls and/or solid fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

e. Pedestrian flows.

Intent: Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

Standard:

1. Sidewalks at least six (6) feet in width shall be provided along all sides of the lot that abut a public or private right-of-way, excluding major highways. The Community Development Director may waive this requirement as part of the development plan review process if there are special or unique circumstances.
2. Continuous internal pedestrian walkways, no less than six (6) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty (50) percent of their length.
3. Sidewalks, no less than six (6) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least three (3) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
4. Internal pedestrian walkways provided in conformance with subsection e. above, shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.
5. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

f. Signage.
1. A master signage plan will be required at the time of site plan approval.
2. Entry monument signs identifying the Commerce Park shall be permitted for any approved entrance on C.R.470. At proposed street intersections, monument signs identifying the internal business shall be permitted. Monument signs identifying multiple businesses within the park shall be preferred.
3. No electronic message signage or billboards shall be permitted.
4. Signage shall comply with the City of Leesburg sign code for Industrial Uses.

3. <u>Central Features and Community Spaces.</u>

Intent: Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pickup points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. The features and spaces should enhance the building and the center as integral parts of the community fabric.

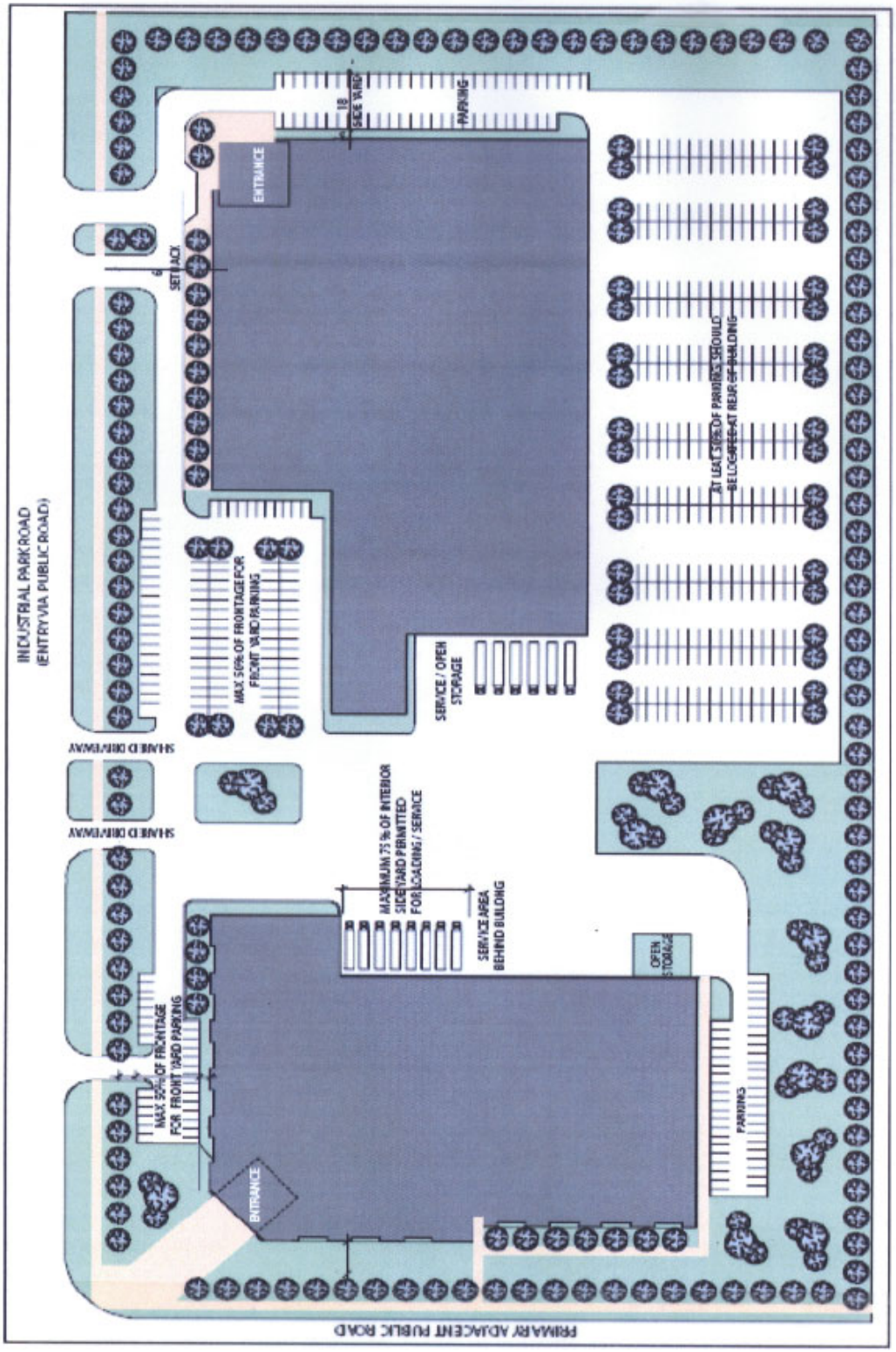
Standard: Each business establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the city staff, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. Although the City of Leesburg does not currently maintain a public bus system, Lake County does offer limited service to commercial areas; therefore, areas should be provided or designed to accommodate bus service and the growing number of private bus services (i.e., senior citizen, nursing home/assisted living facilities, etc.).

Conceptual Sample Park Sites Plan Elements Design **EXHIBIT D**

Campus design concept should provide a balanced design approach, incorporating significant landscaping and site design features. Parking should be buffered and predominately to the rear of buildings. Streets and other vehicle accesses should be heavily landscaped.

Conceptual Sample Park Individual Site Plan Elements Design **Exhibit D**

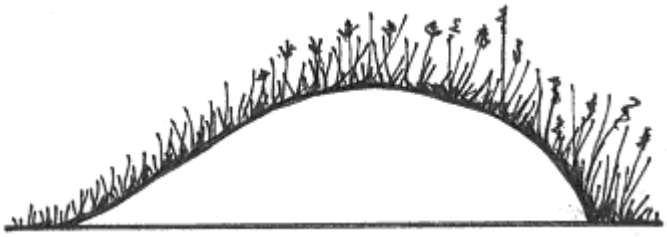
Design features include shared driveway, service area screening, reduced parking area at frontage and landscape buffering.



Aerial View Conceptual Sample Park Individual Site Plan Elements Design Exhibit D

Conceptual Fence / Wall With Landscaping **EXHIBIT E**

Earthen Berm If Required **EXHIBIT E**



Desirable shape for a berm

The transition between the existing grade and the slope of the berm should be gradual. Soft contouring should make the berm appear as a natural part of the landscape. Berms should appear to be gradually emerging from the original grade rather than rising as an abrupt bump. Extra soil may need to be added at the base or the height of the berm to get a more natural effect. The tops of the berms should also be softly contoured rather than having a sharp peak. Moreover, grass berms with flatter crowns are easier to mow. Mowing grass on slopes that are too steep may result in an undesirable "scalped" look.

Note: This photo is not to scale only visual representation

Conceptual Streetscape Intersection Landscaping **EXHIBIT E**

Sample Building Architectural / Landscaping Design Elements **EXHIBIT F**

Sample Building Architectural / Landscaping Design Elements **EXHIBIT F**

Sample Building Architectural / Landscaping Design Elements **EXHIBIT F**

Sample Building Architectural / Landscaping Design Elements **EXHIBIT F**

Sample Building Architectural / Landscaping Design Elements **EXHIBIT F**

Sample COMMERCIAL Building Architectural / Landscaping Design EXHIBIT F

COMMERCIAL

Sample COMMERCIAL Building Architectural / Landscaping Design EXHIBIT F

COMMERCIAL

RZ 13-48
EXHIBIT G
LEGAL DESCRIPTION CR 470 PROPERTY

Parcel No. 1 BOOK 1093 PAGE 0478

The Southeast 1/4; the East 1/2 of the Southwest 1/4; the South 1/2 of the Northwest 1/4 of the Southwest 1/4 and the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4, all in Section 16, Township 20 South, Range 24, East, in Lake County, Florida, LESS the right of way for County Road 470.

Parcel No. 2

That part of the Southwest 1/4 of the Northwest 1/4 lying Southwesterly of County Road 470, and the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 16, Township 20 South, Range 24 East, in Lake County, Florida. And, the Northeast 1/4, less all that part of the Northeast 1/4 of the Northeast 1/4 lying Northeasterly of County Road #470, also less the right of way of County Road #470; that part of the North 1/2 of the Southeast 1/4 lying Northeasterly of the right of way of the Sunshine State Parkway; and the North 1/2 of the Northwest 1/4 lying Northeasterly of the right of way of the Sunshine State Parkway, less the right of way of County Road 470; all in Section 17, Township 20 South, Range 24 East, in Lake County, Florida.

1203:EXH1:010991

Alternate Keys: 1029759, 1308413, 1088003, 1295955, 3378661 and 3860764

And:

Parcel 1: The SW 1/4 of the NW 1/4; the W 1/2 of the SE 1/4 of the NW 1/4; the N 1/2 of the SW 1/4; the W 1/2 of the SW 1/4 of the SW 1/4; the SE 1/4 of the SW 1/4 of the SW 1/4; and the N 1/2 of the NW 1/4 of Section 9; and the E 1/2 of the NW 1/4; the S 1/4 of the SW 1/4 of the NE 1/4, less road; the N 3/4 of the W 1/2 of the NE 1/4; the SW 1/4 of the NW 1/4 Northerly and Easterly of State Road 470; Section 16; and begin at the NE corner of the NW 1/4 of NW 1/4 of Section 16, run South along East line of said NW 1/4 of NW 1/4 for 84.82 feet; run thence Northwesterly to a point on the North line of said NW 1/4 of NW 1/4 that is 85.46 feet West of the P.O.B., run thence East along line of NW 1/4 of NW 1/4 85.46 feet to the P.O.B. All of the above land situate, lying and being in Township 20 South, Range 24 East, in Lake County Florida.

Parcel 2: From the Southeast corner of Section 9, Township 20 South, Range 24 East, Lake County, Florida, run thence North 89 degrees 42 minutes 20 seconds West for 854.60 feet to the point of beginning, run thence North 0 degrees 01 minutes 10 seconds East parallel to the East line of said Section for 837.20 feet, thence South 89 degrees 42 minutes 20 seconds East, parallel to South line of said Section for 192.56 feet; thence North 0 degrees 18 minutes 20 seconds West for 3144.70 feet to the North line of the South 1/2 of the Northeast 1/4 of said Section; thence North 89 degrees 44 minutes 00 seconds West for 1272.66 feet; thence South 0 degrees 01 minutes 10 seconds West for 1698.32 feet, thence South 89 degrees 42 minutes 20 seconds East for 78.73 feet, thence South 0 degrees 01 minutes 10 seconds West for 495.83 feet, thence South 89 degrees 42 minutes 20 seconds East, for 174.90 feet, thence South 0 degrees 01 minutes 10 seconds West for 950.30 feet, thence South 89 degrees 42 minutes 20 seconds East for 794.29 feet, thence South 0 degrees 01 minutes 10 seconds West for 900 feet to South line of said Section, thence South 89 degrees 42 minutes 20 seconds East for 50 feet to the point of beginning.

Parcel 3: The Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 9, Township 20 South, Range 24 East, in Lake County, Florida.

Parcel 4: The North 1/2 of the South 1/2 of the Southwest 1/4 of the Northeast 1/4 in Section 16, Township 20 South, Range 24 East, in Lake County, Florida.

Parcel 5: The South 900.00 feet of the Southeast Quarter of Section 9, Township 20 South, Range 24 East, Lake County, Florida, LESS the East 904.60 feet thereof. Also: The Southeast Quarter of the Southwest Quarter (SE 1/4 of the SW 1/4) of Section 9, Township 20 South, Range 24 East, Lake County, Florida.

Parcel 6: From the S 1/4 corner of Section 9, Township 20 South, Range 24 East, run North 0 degrees 01'10" East along the North-South Mid-section line 900 feet to the point of beginning; run thence South 89 degrees 42'20" East parallel with the South line of SE 1/4; said Section 9 a distance of 955.71 feet, thence North 0 degrees 01'10" East 950.30 feet, thence North 89 degrees 42'20" West 174.90 feet, thence North 0 degrees 01'10" East 495.83 feet, thence North 89 degrees 42'20" West 78.73 feet, thence North 0 degrees 01'10" East 1630 feet, more or less, to the North line of SW 1/4 of NE 1/4, Section 9, run thence North 89 degrees 44' West along North line of said SW 1/4 of NE 1/4 a distance of 702.08 feet, more or less, to the West line of said SW 1/4 of NE 1/4, thence South 0 degrees 01'10" West 3080.63 feet to the point of beginning. E 1/2 of SE 1/4 of NW 1/4, Section 9, Township 20 South, Range 24 East.

W ½ of SE ¼ of NW ¼, Section 9, Township 20 South, Range 24 East.

LESS those portions of Parcel 1, Parcel 2, Parcel 4, and Parcel 5, lying within the following described lands:

A part of the West 1/2 of the Northeast 1/4 of Section 16, Township 20 South, Range 24 East and a part of the South 60 feet of the Southeast 1/4 of Section 9, Township 20 South, Range 24 East, Lake County, Florida, described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of Section 16, Township 20 South, Range 24 East, Lake County, Florida, run N 88 degrees 56'31" West along the South line of said Northeast 1/4 a distance of 1326.51 feet to the Southeast corner of the West 1/2 of the Northeast 1/4 of said Section 16; thence N 00 degrees 49'29" E. 50.00 feet along the East line of the West 1/2 of the Northeast 1/4 of said Section 16 to the North line of the right of way line of C-470 and the point of beginning; thence continue along said line N 00 degrees 49'29" E. 2632.95 feet to the Northeast corner of said West 1/2 of the Northeast 1/4; thence S 89 degrees 02'23"E 471.96 feet along the North line of the Northeast 1/4 of said Section 16 to intersect the Southerly extension of a monumented line; thence N 00 degrees 55'16" E 60.00 feet along said line to a concrete monument; thence N 89 degrees 02'23"W 532.06 feet, parallel with and 60 feet North of the North line of the Northeast 1/4 of said Section 16, to intersect the Northerly extension of the West line of the East 60 feet of the West 1/2 of the Northeast 1/4 of said Section 16; thence along said line S 00 degrees 49'29" W. 686.82 feet to a 5/8" iron road; thence S 43 degrees 39'54"W. 174.58 feet to a 5/8" iron road; thence S 13 degrees 50'41"W. 125.21 feet to a 5/8" iron rod; thence S 26 degrees 56'46"E 118.42 feet to a 5/8" iron rod; thence S 41 degrees 29'48"E. 136.25 feet to a 5/8" iron rod on the West line of the East 60 feet of the West 1/2 of the Northeast 1/4 of Section 16; thence S 00 degrees 49'29"W. 940.50 feet along said line to intersect the North line of the South 660.00 feet of the West 1/2 of the Northeast 1/4 of said Section 16; thence S 00 degrees 49'29"W. 940.50 feet along said line to intersect the North line of South 660.00 feet of the West 1/2 of the Northeast 1/4 of said Section 16; thence N 88 degrees 56'31"W. 65.00 feet along said line to intersect the West line of the East 125.00 feet of the West 1/2 of the Northeast 1/4 of said Section 16; thence S 00 degrees 49'29"W. 610.01 feet along said line to said North right of way line of C-470; thence S 88 degrees 56'31"E. 125.00 feet along said right of way to the point of beginning.

Alternate Keys: 1035333, 1038332, 1038341, 1068461, 1294070, 1774853, 3020863 and 3340868

And:

NW ¼ of NW ¼ Section 16, Township 20 South, Range 24 East in Lake County, Florida, less and except the right-of-way for State Road No. 470.

ALSO LESS: Begin at the NE corner of the NW ¼ of the NW ¼ of Section 16, Township 20 South, Range 24 East, Lake County, Florida, run South along East line of said NW ¼ of NW ¼ for 84.82 feet; run thence Northwesterly to a point on the North line of said NW ¼ of NW ¼ that is 85.46 feet West of the Point of Beginning, run thence East along North line of said NW ¼ of NW ¼ 85.46 feet to the Point of Beginning.

Alternate Key: 1044146

And:

The West 1/2 of the NW 1/4 of Section 8, Township 20 South, Range 24 East, Lake County, Florida.

Alternate Key: 1087856

And:

The East 3/4 of the North 1/2 of Section 8, Township 20 South, Range 24 East, Lake County, Florida.

Alternate Key: 1087864

And:

The N.W. 1/4 of the N.E. 1/4, and the N.E. 1/4 of the N.E. 1/4, all lying in Section 21, Township 20 South, Range 24 East, in Lake County, Florida, lying North and Northwest of the Seaboard Coast Line Railroad.*

Alternate Key: 1088071

And:

That part of Section 21, Township 20 South, Range 24 East, in Lake County, Florida described as follows: The N.W. 1/4; and the S.W. 1/4 of the N.E. 1/4, all lying Northeast of the Florida Turnpike and North and Northwest of the Seaboard Coast Line Railroad, and that portion of the S.E. 1/4 lying between the Northwesterly right-of-way line of State Road No. 48 and the Southeasterly right-of-way line of the Seaboard Coast Line Railroad; and the S.W. 1/4 lying Northeast of the centerline of the turnpike and North and Northwest of State Road No. 48, less right-of-way for the Seaboard Coast Line Railroad.*

Alternate Key: 1088101

And:

Those parts of Section 6 and 7, East of the Sunshine State Parkway and North of State Road 470, Township 20 South, Range 24 East, Lake County, Florida; ALSO: Beginning at a point on the North right-of-way line of State Road No. 470, S 89°50'14" E, 93.68 feet along said right-of-way from the West boundary of the SW 1/4 of Section 8, Township 20 South, Range 24 East; thence N 42°53'17" W, 137.41 feet to a point on the West boundary line of the SW 1/4 of Section 8 of said Township and Range, said point being N 0°06'01" E, 169.10 feet from the SW corner of said Section; thence N 0°06'01" E along the West boundary line of the SW 1/4 of Section 8 of said Township and Range 2,476.36 feet; thence S 89°53'59" E, 250.00 feet; thence S 0°06'01" W parallel to the West boundary line of the SW 1/4 of Section 8 of said Township and Range 2,577.04 feet to a point on the North right-of-way line of SR 470; thence N 89°50'14" W along said right-of-way 156.32 feet to the point of beginning;

LESS AND EXCEPT THE FOLLOWING PARCELS:

Beginning at the point of intersection of the North right-of-way line of State Road No. 470 with the East right-of-way line of the Sunshine State Parkway, said point being in the SE 1/4 of Section 7, Township 20 South, Range 24 East; thence N 42°52'30" W along said right-of-way line of the Sunshine State Parkway, 1,450.00 feet; thence N 47°06'43" E, 270.00 feet, said direction being straight across the right-of-way of Florida Power Corporation and perpendicular to the edges thereof; thence S 42°53'17" E, 1,684.95 feet, to a point on the North right-of-way line of SR 470, said point being 50.00 feet from and at right angle to the center line of said road and said center line also being the South boundary of the SW 1/4 of Section 8 of said Township and Range; thence N 89°50'14" W, along said right-of-way line and parallel with said center line and said South boundary, 93.68 feet; thence N 89°39'14" W, along said right-of-way line and parallel with said center line and the South boundary of Section 7 of said Township and Range, 249.63 feet to the point of beginning.

LESS AND EXCEPT:

PARCEL A: The South 198 feet of the North 1/2 of NE 1/4 of NW 1/4 of Section 7, Township 20 South, Range 24 East, Lake County, Florid.

PARCEL B: The South 1/2 of the NE 1/4 of the NW 1/4 of Section 7, Township 20 South, Range 24 East, Lake County, Florida, LESS right-of-way for Sunshine State Parkway.

PARCEL C: That part of the North 1/2 of the SE 1/4 of the NW 1/4 of Section 7, Township 20 South, Range 24 East, Lake County, Florida, lying East of the Sunshine State Parkway.

THE GRANTORS DO HEREBY RESERVE UNTO THEMSELVES, their personal representatives, heirs, successors, and assigns, an easement for ingress and egress, in common with the Grantee, their heirs, personal representatives, successors and assigns, which easement shall be perpetual in, upon, over, and through the following described real property in Lake County, Florida, to-wit:

Beginning at the intersection of the North right of way line of State Road 470 and the Northeasterly right of way of the Sunshine State Parkway, running thence Northwesterly along the Northeasterly right of way of the Sunshine State Parkway to the West Section line of Section 6, Township 20 South, Range 24 East; thence run North along said West boundary of Section 6 to the Southwesterly boundary of the Florida Power Corporation right of way (approximately sixty feet); thence run Southeasterly along the Southwesterly right of way of Florida Power Corporation right of way to State Road 470; thence run Westerly along the North right of way line of State Road 470 to the Point of Beginning.

Alternate Key: 1294053

And:

The South 198 feet of the North 1/2 of the NE 1/4 of the NW 1/4 of Section 7, Township 20 South, Range 24 East, Lake County, Florida. AND The South 1/2 of the NE 1/4 of the NW 1/4 of Section 7, Township 20 South, Range 24 East, Lake County, Florida, LESS right of way for Sunshine State Parkway. AND That part of the North 1/2 of the SE 1/4 of the NW 1/4 of Section 7, Township 20 South, Range 24 East, Lake County, Florida, lying East of the Sunshine State Parkway.

Alternate Keys: 1294061 and 1741637

And:

Lots 9 and 10, LESS the Southeasterly 40 feet of Lot 9, Block 131, according to the Plat of Groveland (formerly Taylorville), recorded in Plat Book 2, pages 7 and 8, Public Records of Lake County, Florida.

Alternate Keys: 1296056 and 3374291

And:

PARCEL"C":

Abandoned 50-ft. right-of-way of Seaboard Coast Line's former Okahumpka-Croom main line tract, lying in the North 3/4 of Section, North of the centerline of the Florida Turnpike, all in Section 21, Township 20 South, Range 24 East, Lake County, Florida,

and

Begin at the intersection of the westerly right-of-way line of State Road 48 with the South Line of the N.E. 1/4, run West along said South line to Easterly line of the abandoned railroad right-of-way; Northeasterly along said right-of-way 536.74 feet; S.42°43'34"E., to Westerly right-of-way line of S.R. 48; Southwesterly along said right-of-way 499.94 feet to the Point of Beginning, in Section 21, Township 20 South, Range 24 East, Lake County, Florida,

and

Beginning at the intersection of the Northwesterly right-of-way line of the abandoned Seaboard Coast Line Railroad right-of-way and the West line of the East 225 feet of the S.W. 1/4 of the N.E. 1/4 of Section 21, Township 20 South, Range 24 East, run S.00°04'40"E. along said West line 71.24 feet to the Southerly right-of-way line of said railroad; thence S.44°47'52"W., 110 feet; thence S.24°02'20"E., 191.11 feet, more or less, to the Northerly right-of-way line of State Road 48; thence Southwesterly along said right-of-way line 1262.45 feet; thence N.42°43'34"W., 107.9 feet to the said Northwesterly railroad right-of-way line; thence Northeasterly along said Northwesterly right-of-way line 1400 feet, more or less, to the Point of Beginning, Lake County, Florida.*

Alternate Keys: 1701244, 2610808 and 3675101

And:

FEE SIMPLE RIGHT-OF-WAY

A PARCEL OF LAND LYING IN THE SOUTH HALF OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" x 6" CONCRETE MONUMENT INSCRIBED 8,9,16 & 17 MARKING THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 24 EAST; THENCE RUN NORTH 89°24'15" WEST, ALONG THE SOUTH LINE OF SECTION 8, A DISTANCE OF 2649.34 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 00°31'36" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 50.00 FEET FOR A **POINT OF BEGINNING**; SAID POINT LYING ON THE NORTH EXISTING RIGHT OF WAY OF STATE ROAD 470; THENCE RUN NORTH 89°23'48" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 2315.46 FEET; THENCE RUN NORTH 84°15'10" WEST, ALONG SAID NORTH EXISTING RIGHT OF WAY LINE, A DISTANCE OF 213.34 FEET; THENCE DEPARTING SAID NORTH EXISTING RIGHT OF WAY LINE, RUN NORTH 42°26'19" WEST, A DISTANCE OF 152.54 FEET; THENCE RUN SOUTH 89°23'48" EAST, A DISTANCE OF 232.57 FEET; THENCE RUN NORTH 00°32'45" EAST, A DISTANCE OF 36.20 FEET; THENCE RUN SOUTH 90°00'00" EAST, A DISTANCE OF 2399.39 FEET TO THE AFOREMENTIONED EAST LINE; THENCE CONTINUE SOUTH 90°00'00" EAST, A DISTANCE OF 134.25 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 105.00 FEET AND A CENTRAL ANGLE OF 90°35'45"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 166.03 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 00°35'45" WEST, A DISTANCE OF 88.47 FEET TO THE AFOREMENTIONED NORTH EXISTING RIGHT OF WAY LINE; THENCE RUN NORTH 89°24'15" WEST, ALONG SAID NORTH EXISTING RIGHT OF WAY LINE, A DISTANCE OF 240.10 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11.366 ACRES, MORE OR LESS

RESERVING UNTO THE GRANTOR ALL RIGHTS OF ACCESS, EGRESS, INGRESS, LIGHT, AIR AND VIEW BETWEEN THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1090, PAGE 1971 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND STATE ROAD 470 ALONG THE FOLLOWING DESCRIBED LINE:

A LINE LYING WITHIN THE SOUTH HALF OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" x 6" CONCRETE MONUMENT INSCRIBED 8,9,16 & 17 MARKING THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 24 EAST; THENCE RUN NORTH 89°24'15" WEST, ALONG THE SOUTH LINE OF SECTION 8, A DISTANCE OF 2649.34 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 8; THENCE RUN NORTH 89°23'48" WEST, ALONG THE SOUTH LINE OF SECTION 8, A DISTANCE OF 2649.36 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE RUN NORTH 00°32'45" EAST, ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 70.00 FEET TO THE NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF COUNTY ROAD 470; THENCE RUN SOUTH 89°23'48" E, ALONG SAID NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 111.73 FEET; THENCE RUN SOUTH 84°15'10" EAST, ALONG SAID NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 223.07 FEET TO THE INTERSECTION OF SAID NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE AND THE NORTH EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 470 FOR **A POINT OF BEGINNING**, THENCE RUN SOUTH 89°23'48" EAST, ALONG SAID NORTH EXISTING RIGHT OF WAY LINE, A DISTANCE OF 2315.46 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE AND CONTINUING ALONG SAID NORTH EXISTING RIGHT OF WAY LINE, RUN SOUTH 89°24'15" EAST, A DISTANCE OF 128.16 FEET TO THE **POINT OF TERMINUS**.

AND

FEE SIMPLE RIGHT OF WAY

A PARCEL OF LAND LYING IN THE NORTH HALF OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE FROM A NAIL AND DISC (LB 6895) MARKING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 24 EAST; THENCE RUN SOUTH 00°43'36" WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 50.00 FEET TO THE SOUTH EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 470; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°23'48" EAST, ALONG SAID SOUTH EXISTING RIGHT OF WAY LINE, A DISTANCE OF 1985.91 FEET FOR A **POINT OF BEGINNING**; THENCE CONTINUE SOUTH 89°23'48" EAST, ALONG SAID SOUTH EXISTING RIGHT OF WAY LINE, A DISTANCE OF 112.00 FEET; THENCE DEPARTING SAID SOUTH EXISTING RIGHT OF WAY LINE, RUN SOUTH 00°36'12" WEST, A DISTANCE OF 100.00 FEET; THENCE RUN SOUTH 89°23'48" EAST, A DISTANCE OF 551.61 FEET; THENCE RUN SOUTH 89°24'50" EAST, A DISTANCE OF 1080.15 FEET; THENCE RUN SOUTH 83°10'16" EAST, A DISTANCE OF 243.37 FEET; THENCE RUN SOUTH 00°37'26" WEST, A DISTANCE OF 83.48 FEET; THENCE RUN NORTH 83°10'16" WEST, A DISTANCE OF 247.84 FEET; THENCE RUN NORTH 89°24'50" WEST, A DISTANCE OF 1075.81 FEET; THENCE RUN NORTH 89°23'48" WEST, A DISTANCE OF 541.47 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 122.00 FEET AND A CENTRAL ANGLE OF 90°00'00"; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 191.64 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 00°36'12" EAST, A DISTANCE OF 61.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 3.972 ACRES, MORE OR LESS

RESERVING UNTO THE GRANTOR ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW ALONG THE FOLLOWING DESCRIBED LINE:

A LINE LYING IN THE NORTH HALF OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE FROM A NAIL AND DISC (LB 6895) MARKING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 24 EAST; THENCE RUN SOUTH 00°43'36" WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 50.00 FEET TO THE SOUTH EXISTING RIGHT OF WAY LINE OF COUNTY ROAD 470; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°23'48" EAST, ALONG SAID SOUTH EXISTING RIGHT OF WAY LINE, A DISTANCE OF 2649.68 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°24'50" EAST, ALONG SAID SOUTH EXISTING RIGHT OF WAY LINE, A DISTANCE OF 1195.87 FEET; THENCE RUN SOUTH 80°50'24" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 127.51 FEET; THENCE DEPARTING SAID SOUTH EXISTING RIGHT OF WAY LINE, RUN SOUTH 00°37'26" WEST, A DISTANCE OF 107.46 FEET FOR A **POINT OF BEGINNING;** THENCE RUN NORTH 83°10'16" WEST, A DISTANCE OF 243.37 FEET; THENCE RUN NORTH 89°24'50" WEST, A DISTANCE OF 1080.15 FEET; THENCE RUN NORTH 89°23'48" WEST, A DISTANCE OF 551.61 FEET; THENCE RUN NORTH 00°36'12" EAST, A DISTANCE OF 100.00 FEET TO THE **POINT OF TERMINUS.**

Alternate Keys: 1741661 and 3409973

And:

PARCEL"D":
That part of Section 20, Township 20 South, Range 24 East, in Lake County, Florida, lying Northeast of the Northeasterly right-of-way line of the Florida Turnpike.*

Alternate Key: 3777575

Less:

A portion of the Southeast 1/4 of Section 17, Township 20 South, Range 24 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 17, thence along the East line of the Southeast 1/4 of said Section 17, North 00°46'06" East, 1712.72 feet; thence North 89°13'54" West, 40.00 feet to the Point of Beginning; thence continue North 89°13'54" West 980.00 feet; thence North 00°46'06" East, 717.97 feet; thence North 43°00'24" East, 526.59 feet to a point 25.00 feet Southwesterly of the centerline of the Main Access Road, for the City of Leesburg; thence parallel with said centerline the following three (3) courses and distances; (1) South 46°59'36" East, 108.69 feet to the point of curvature of a curve concave Northeast, having a radius of 225.00 feet, a chord of 31.42 feet that bears South 50°59'50" East and a central angle of 08°00'29"; (2) Southeasterly along the arc of said curve a distance of 31.45 feet to the point of tangency; (3) South 55°00'05" East, 629.98 feet to a point 40.00 feet West of said East line of the Southeast 1/4, Section 17; thence parallel with said East line, South 00°46'06" West, 660.94 feet to the Point of Beginning.

Alternate Key: 3860764 (C&C Peat)

AGENDA MEMORANDUM

Item No: 5C.

Meeting Date: September 9, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending the Code of Ordinances Chapter 25 Land Development Code Sec. 25-279 Changes in approved master development plans

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Staff Recommendation:
The Planning staff and Planning Commission recommend approval of the referenced amendment to the Code of Ordinances Chapters Chapter 25 Land Development Code Sec. 25-279-Changes in approved master development plans.

Analysis:
The City Commission directed staff to develop a strategy to promote economic development in the CR 470 corridor specifically for the City owned property and to incorporate recommendations suggested by the Duke Energy Site Readiness Program. One important aspect of the study was to eliminate obstacles to development of City owned properties so that a prospective company would have a quick development schedule with minimal risks. Prospective companies don't want to go through a rezoning process with the associated public hearings and 120 day delays. Those communities with site ready properties with zoning in place will have the competitive advantage for consideration of prospective companies.

In order to accomplish this goal, staff has prepared the following amendment to the Land Development Code which is necessary for the City Commission to expedite economic development on City owned properties in the Leesburg C.R.470 Industrial and Technology Park.

Options:

1. Approve the recommended amendments to the Code of Ordinances Chapter 25 Land Development Code.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:
There should be no fiscal impact to the City with these proposed changes.
Submission Date and Time: 9/4/13 5:28 PM

Department: Community Development **Prepared by:** Bill Wiley, AICP **Attachments:** Yes_X_ No _____ **Advertised:**_____Not Required _____ **Dates:**_____ **Attorney Review :** Yes_X_ No ____ _____ **Revised 6/10/04**	**Reviewed by: Dept. Head** __BW_____ **Finance Dept.** _____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** _____ **Project No.** _____ **WF No.** _____ **Budget** _____ **Available** _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 25, ARTICLE IV, ZONING, SECTION 25-279 CHANGES IN APPROVED MASTER DEVELOPMENT PLANS BY ADDING AN EXCEPTION FOR PROPERTIES OWNED BY THE CITY OF LEESBURG; PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

Chapter 25 Zoning of the Code of Ordinances of the City of Leesburg, Florida, is hereby amended as follows:

ARTICLE IV. ZONING DISTRICT CODE

Sec. 25-279. - Changes in approved master development plans.

Changes in approved master development plans may be submitted under three (3) categories: minor change, minor modification and major modification except for properties owned by the City of Leesburg which shall require a resolution by the City Commission for approval of changes. This section details the provisions to changes in an approved planned development district. Table 4.1 is a summary of the following regulations.

SECTION II.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

Assisted living facility means a facility, as defined in Florida Statutes, which provides housing, food services, and one or more personal service for four or more adults, not related to the owner or administrator by blood or marriage, or provides extended congregate care, limited nursing services, or limited mental health services. For the purpose of calculating the maximum development potential, 3.0 beds shall be equivalent to one dwelling unit.

SECTION IV.

This ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor David Knowles

Attest: _____
City Clerk

Note: The **under lines** are additions

AGENDA MEMORANDUM

Item No: 5D.

Meeting Date: September 9, 2013

From: Robert Sargent, Public Information Officer

Subject: Ordinance authorizing electronic signatures and notarizations on certain documents submitted to the city

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Staff Recommendation:
Staff recommends approval of the ordinance authorizing electronic signatures and notarizations on certain documents submitted to the city.

Analysis:
For decades, the City of Leesburg has required formal signatures and notarizations on paper documents submitted for various municipal proposals and applications. The applicants often are required to sign and notarize multiple copies – all that need to be mailed or delivered in person to City offices.

The City is now capable of managing this work on computers, allowing documents to be submitted electronically via e-mail or digital media. This modernization provides tremendous convenience to applicants and saves considerable cost of printing and delivering documents to the City.

Leesburg also benefits by saving the cost of copying countless printed documents and later storing them in a warehouse to meet State of Florida public records retention requirements. Electronic documents are easier for City staff to work with and provide for faster and more efficient review of applications and documents that can be stored more securely and conveniently on computer media storage.

While Leesburg currently manages many documents electronically, the City still requires printed paper versions to accommodate written signatures and notarizations from applicants. This ordinance allows for acceptance of digital signatures and notarizations on electronic documents commonly used by many governments today. The ordinance establishes submission requirements for electronic documents and methods to ensure applicants' authenticity.

Accepted electronic documents include:

1. Applications for rezoning, conditional use permit, variance, planned unit development and other changes in the permitted use of a parcel of real property.

2. Applications for site plan approval.

3. Applications for building permit or other permit related to the improvement of real property.

4. Applications, preliminary plats, and other documents pertaining to the subdivision of a parcel of real property.

5. Documents such as but not limited to boundary surveys, affidavits, engineering drawings, and sketches of legal descriptions.

6. Responses to any solicitation to bid, request for proposal, or other invitation issued by the Purchasing Division to obtain bids or solicitations for goods or services to be provided to the City.

Options:

1. Approve the ordinance authorizing digital signatures and notarizations on certain electronic documents submitted to the city.
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Approval of the proposed ordinance will improve staff efficiency and save office material costs associated with the review of applications and other documents.

Submission Date and Time: 9/4/2013 5:28 PM

Department: _____ **Prepared by:** _____ **Attachments:** Yes____ No _____ **Advertised:**_____**Not Required** _____ **Dates:**_____ **Attorney Review :** Yes___ No ____ _____ **Revised 6/10/04**	**Reviewed by: Dept. Head** _____ **Finance Dept.** _____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** _____ **Project No.** _____ **WF No.** _____ **Budget** _____ **Available** _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, PROVIDING FOR ACCEPTANCE OF ELECTRONIC SIGNATURES AND ELECTRONIC NOTARIZATION ON CERTAIN DOCUMENTS SUBMITTED TO THE CITY, PROVIDING DEFINITIONS, SPECIFYING THE ACCEPTABLE MANNER OF AFFIXING ELECTRONIC SIGNATURES AND NOTARIZATION TO DOCUMENTS, SPECIFYING THE SECURITY PROVISIONS REQUIRED FOR SUBMITTAL OF ELECTRONIC DOCUMENTS TO ASSURE THE IDENTITY OF THE PERSONS AFFIXING SIGNATURES THERETO, AUTHORIZING THE CITY MANAGER TO MODIFY OR EXPAND THE LIST OF DOCUMENTS WHICH MAY BE SUBMITTED TO THE CITY WITH ELECTRONIC SIGNATURES AND TO MODIFY THE LIST OF "CERTIFICATE AUTHORITIES" WHICH MAY PROVIDE CERTIFICATES VERIFYING THE IDENTITY OF PERSONS SIGNING ELECTRONIC DOCUMENTS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is becoming a common practice for governments at the local, state and federal levels to accept documents filed electronically, and bearing electronic signatures and notarization, and

WHEREAS, §§668.001 through 668.06, Fla. Stat., allow any municipality to specify whether or not it will accept electronically filed and signed documents, and to prescribe the conditions under which it will do so, and

WHEREAS, acceptance of documents filed and signed electronically is beneficial to citizens and businesses interacting with local governments by permitting them to submit documents by electronic mail rather than hand delivery, overnight delivery or mailing, and is environmentally friendly in that it eliminates the need for the presentation of multiple paper copies of documents, and

WHEREAS, the City Commission therefore deems it to be in the best interests of the health, safety, welfare and convenience of the citizens and businesses with which the City of Leesburg interacts, to establish a mechanism for acceptance of certain documents filed electronically and bearing electronic signatures,

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.
§2 – 7 of the Code of Ordinances of the City of Leesburg, Florida, is hereby created to read as set forth below:

Sec. 12 – 7. Electronic Signatures.

The City of Leesburg will accept electronic signatures on documents submitted to it electronically, in accordance with the requirements and specifications of this Section.
A. Definitions.

The following terms, when utilized in this ordinance, shall have the meanings shown below:

1. "Public Key Infrastructure" shall mean a set of hardware, software, people, policies, and procedures needed to create, manage, store, distribute and revoke digital certificates.
2. "Certificate Authority (CA)" shall mean a third party who issues electronic credentials to engage in transactions utilizing an Electronic Digital Signature through the use of a Certificate.
3. "Certificate" shall mean an electronic document, using the Public Key Infrastructure, that uses a digital signature to bind together a public key with an identity that identifies the CA, identifies the subscriber, contains the subscriber's public key, and is digitally signed by the CA.
4. "Digital Signature" shall mean a type of electronic signature that transforms a message using an asymmetric cryptosystem such that a recipient of the initial message and the signer's public key can determine accurately whether the initial message or the document has been altered since their creation, and whether they were created using the private key which corresponds to the signer's public key.
5. "Electronic Seal" is a unique digital signature used on conjunction with the requirements of the Florida Board of Engineers, to permit an engineer to authenticate electronic plans or rendering. Because the electronic seal is password protected, it is accessible only to its designated engineer.
6. "Electronic Notarization" is a unique digital signature used in conjunction with the requirements of §117.021, Fla. Stat., and rules promulgated under the authority of that statute, used by a Notary Public to authenticate an electronic notarial act. Because the Electronic Notarization is password protected, it is accessible only to its designated Notary Public.
7. "Electronic Signature" shall mean any letters, characters, or symbols, manifested by electronic or similar means, executed or adopted by a party, with intent to authenticate a writing. A writing is electronically signed if an electronic signature is logically associated with such writing.

A. Documents Which May Be Submitted Electronically.

The City will accept the following documents submitted electronically, and bearing electronic signatures and notarizations:

1. Applications for rezoning, conditional use permit, variance, planned unit development and other changes in the permitted use of a parcel of real property;
2. Applications for site plan approval.
3. Applications for building permit or other permit related to the improvement of real property.
4. Applications, preliminary plats and other documents pertaining to the subdivision of a parcel of real property.
5. Any documents included within any of the foregoing applications, such as but not limited to boundary surveys, affidavits, engineering drawings, and sketches of legal descriptions.
6. The City may request in its sole discretion additional documentation related to the foregoing, to be submitted, signed or sealed electronically.
7. The City Manager is authorized to specify additional documents which may or must be submitted in electronic format with electronic signature, and the City Clerk shall maintain a list of all documents which are required or authorized to be submitted to the City in such format.

B. Requirements for Submitting Electronic Documents.

1. Any person submitting electronic documents to the City which include a Digital Signature shall apply for and receive electronic credentials from a CA which issues these credentials according to the State of Florida guidelines for use of Public Key Infrastructure.
2. Such persons must also comply with any requirements of their respective professional governing boards pertaining to electronic signatures, electronic seals, or electronic notarization.
3. Such persons must also adhere to all other submittal requirements promulgated by the City Manager for the particular type of document being submitted, provided that the City Manager may not promulgate any such requirement which conflicts with any provision of this ordinance.
4. To facilitate field inspections, anyone submitting building plans to the City electronically must, within no more than 3 business days following electronic submittal, furnish the Community Development Department with not less than three copies of a complete paper set of all plans. No building permit will be issued until these paper plans have been provided.

C. Affixing Digital Signatures and Electronic Notarization to Documents.

1. Anyone affixing a Digital Signature or Electronic Notarization to a document submitted to the City must affix his or her Digital Signature so that it is visible on the document itself (along with an Electronic Seal on those documents on which a seal is required).
2. When the document is submitted to the City the submitter shall provide contemporaneously his or her Certificate so that the City may verify that the document was signed and submitted by the person purporting to do so.
3. City staff shall, upon receipt of a document submitted with a Digital Signature, Electronic Seal or Electronic Notarization, verify that the Digital

Signature, Electronic Seal or Electronic Notarization is valid and unaltered, by accessing the Certificate by way of the Certificate icon on the signature, seal or notarization.

4. City staff shall also verify that any additional requirements for the Digital Signature, Electronic Notarization, or Electronic Seal, as prescribed by the governing board of the profession of the person submitting either, are present, such as the P.E. number of an engineer or the commission expiration date of the Notary Public.

D. City Manager to Specify Acceptable Certificate Authorities.

The City Manager shall specify by written list, to be maintained in the office of the City Clerk, those Certificate Authorities who are acceptable to the City for the purpose of issuing Certificates to persons submitting Digital Signatures, Electronic Seals and Electronic Notarizations to the City. The City Manager may add to or subtract from that list at any time, provided however that the City Manager shall not violate or exceed any term of this ordinance in so doing.

E. Retention of Documents Submitted Electronically.

The City may retain in electronic form, without printing and retaining paper copies, any document submitted to it electronically and bearing a Digital Signature, Electronic Seal, or Electronic Notarization. These electronic records shall be considered and treated in the same manner as any other records of the City, and unless exempted under Florida Statutes, shall be considered public records.

F. Effect of Digital Signature.

Except to the extent provided by law, and when submitted in compliance with applicable law and the provisions of this Ordinance: (i) any Digital Signature shall have the same force and effect as a manual signature; (ii) any Electronic Seal shall have the same force and effect as a raised or rubber stamped seal on a document; and (iii) any Electronic Notarization shall have the same force and effect as the manual signature and affixed, raised or rubber stamp seal of a Notary Public.

G. Special Provisions for Bid Responses.

For responses to any solicitation to bid, request for proposal, or other invitation issued by the Purchasing Division to obtain bids or solicitations for goods or services to be provided to the City, clicking the “Submit Response” or similar button or process attached to or logically associated with the response within the City’s online bid management system shall constitute an electronic siguature for purposes of that response as to any form or section calling for a signature, and shall constitute an affirmative agreement to any statement contained in the solicitation that requires a definite confirmation or acknowledgement. The Purchasing Department may also accept original signatures transmitted and received via facsimile or other electronic transmission of a document (e.g. PDF or similar format) as true and valid signatures for all purposes related to the response. Any such facsimile or electronic signature shall constitute the final agreement of the party submitting the response and conclusive proof of such

agreement. Documents and signatures so submitted must be of sufficient quality to be legible either electronically or when printed as a hard copy.

SECTION II.

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, only to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION III.

If any portion of this Ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION IV.

This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG, FLORIDA

BY _____
David Knowles, Mayor

ATTEST

_____
City Clerk

AGENDA MEMORANDUM

Item No: 5E.

Meeting Date: September 9, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: Resolution to initiate negotiations of an Interlocal Service Boundary Agreement with Lake County, and the Cities of Tavares and Fruitland Park for an Interlocal Service Boundary Agreement – North (ISBA) process

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Staff Recommendation

The Planning staff recommends approval of the Initiating Resolution to start the negotiations process for an ISBA for north Leesburg.

Analysis

The City of Leesburg on August 12, 2013 completed the process pursuant to Chapter 171.203, Florida Statutes for negotiating an ISBA agreement for south Leesburg with Lake County, the City of Groveland, the City of Mascotte, the City of Clermont, the City of Minneola, and the Town of Howey-In-The-Hills. In order to complete the process for the remainder of the city, it is necessary to initiate negotiations of an Interlocal Service Boundary Agreement with Lake County, and the Cities of Tavares and Fruitland Park for north Leesburg. The attached Initiating Resolution serves as the City's notification of the initiation process to the referenced communities.

Options:

1. Approve the attached Responding Resolution; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

There is no immediate fiscal impact as a result of this action.

Submission Date and Time:

Department: Community Development **Prepared by:** Bill Wiley AICP **Attachments:** Yes_X__ No _____ **Advertised:**_____**Not Required** _____ **Dates:**_____ **Attorney Review :** Yes_X__ No ____ _____ **Revised 6/10/04**	**Reviewed by: Dept. Head** __BW___ **Finance Dept.** _____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** _____ **Project No.** _____ **WF No.** _____ **Budget** _____ **Available** _____

RESOLUTION _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, INITIATING THE PROCESS PURSUANT TO §171.203, FLORIDA STATUTES FOR NEGOTIATING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT; INVITING LAKE COUNTY, AND THE CITIES OF TAVARES AND FRUITLAND PARK TO PARTICIPATE; IDENTIFYING AN UNINCORPORATED AREA OF LAND TO BE DISCUSSED; IDENTIFYING ISSUES TO BE NEGOTIATED; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted Part II of Chapter 171, Florida Statutes as an alternative for local governments regarding annexation of real property into a municipality; and

WHEREAS, in part, the intent of the Legislature is to "encourage intergovernmental coordination in planning, service delivery, and boundary adjustments"; and

WHEREAS, the City is authorized by §171.203 to participate in negotiations with other local governments;

WHEREAS, the City of Leesburg desires to initiate negotiations of a Interlocal Service Boundary Agreement with Lake County, and the Cities of Tavares and Fruitland Park concerning an unincorporated area of real property and service delivery for that unincorporated area;

BE IT RESOLVED by the City Commission of the City of Leesburg, Florida, as follows:

1. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.

2. The City of Leesburg invites Lake County, and the Cities of Tavares and Fruitland Park, per the provisions of Chapter 171.203, F.S.

3. The City of Leesburg identifies for discussion the unincorporated area of real property depicted in **Exhibit A** which is attached hereto and incorporated herein.

4. The issues for negotiation are as follows:

   a. Designation of all or a portion of the unincorporated area depicted in Exhibit A as a Municipal service area;
   b. A process and schedule for annexation of an area within the designated municipal service area;
   c. Providing the following services to the unincorporated area depicted in Exhibit A:
      i. Water
      ii. Wastewater
      iii. Emergency rescue and medical

5. The City Clerk shall send a certified copy of this Resolution by United States certified mail to the County Manager of Lake County, Florida, the City Manager of the following cities: City of Tavares and City of Fruitland Park, all in Lake County, Florida.

THIS RESOLUTION shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 9th day of September, 2013.

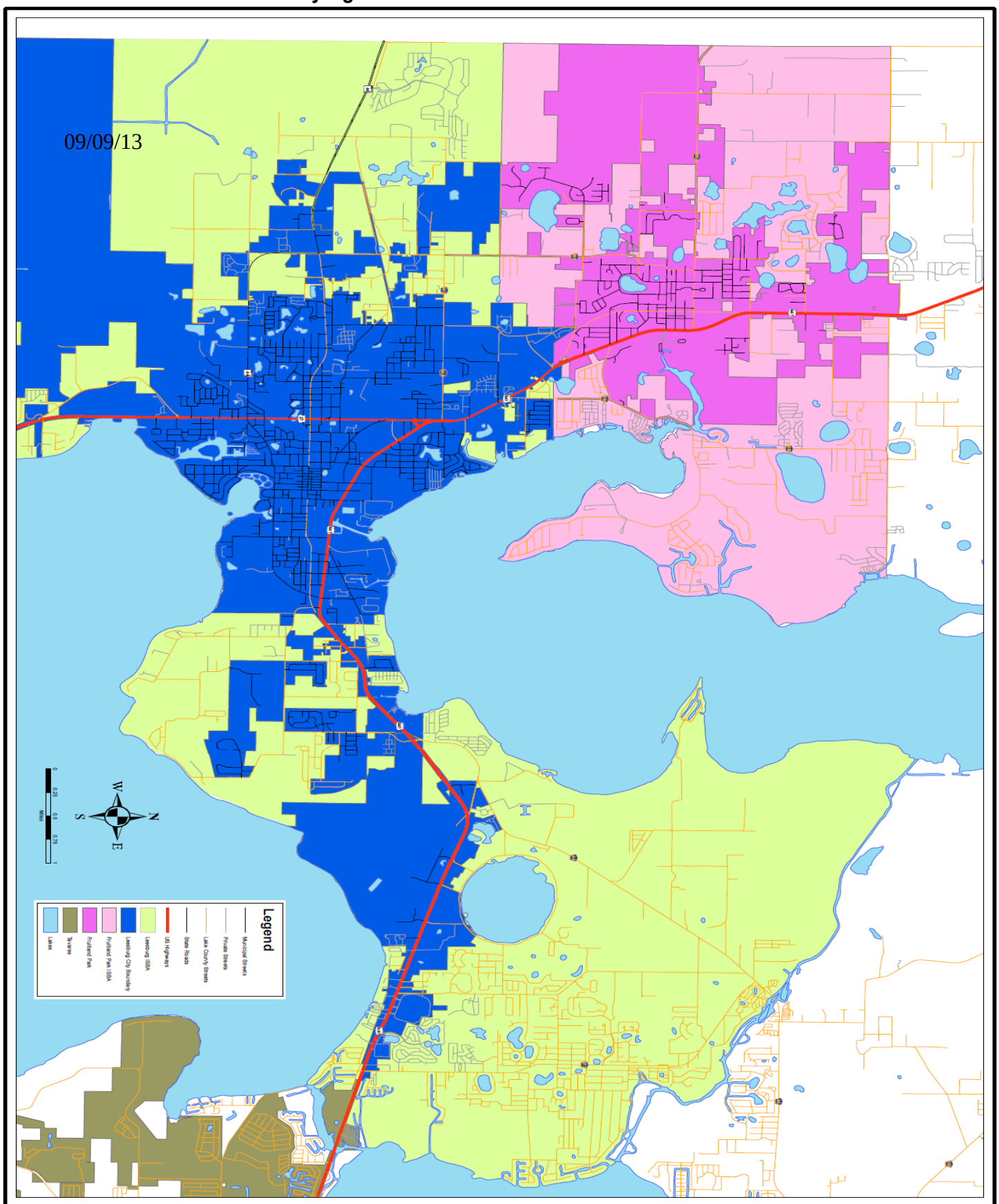
THE CITY OF LEESBURG, FLORIDA

_____
David Knowles, Mayor

ATTEST:

_____
City Clerk

Interlocal Service Boundary Agreement Area **Exhibit A**



SHEET 1

Date: 8/19/2013
Compiled by: J. Meier

DISCLAIMER: The data displayed on this map are from a variety of sources. This map is not a survey and should

Interlocal Service Boundary

Geographical Information System

Revisions
Date Description

AGENDA MEMORANDUM

Item No: 5.F.1.

Meeting Date: September 9, 2013

From: Jim Lemberg – Manager, Communications Utility

Subject: Resolution authorizing execution of a customer order for collocation service with Level 3 Communications LLC.

Staff Recommendation:
Staff recommends approval of a resolution authorizing a Customer Order with Level 3 Communications for collocation service.

Analysis:
The Communications Utility is preparing to undertake its next significant network development, a ring running between network nodes in Leesburg, Tavares, Orlando and Clermont. The node in Orlando will be located at Level 3's gateway facility. This customer order is for collocation service that will allow the Utility to locate some of its network equipment at that facility.

Options:
1. Approve the resolution authorizing the Customer Order, or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
The monthly charge for the collocation service will be $1,514.00, and the nonrecurring installation charge will be $1,000.00. Those charges will likely not begin until approximately December 2013. Those amounts have been included in the Utility's FY2013-14 budget.

Submission Date and Time: 9/4/2013 5:28 PM

Department: IT/Communications **Prepared by:** JIM LEMBERG **Attachments:** Yes X No ____ **Advertised:** ____ Not Required X **Dates:** n/a **Attorney Review :** Yes X No ____ **Revised 6/10/04**	**Reviewed by: Dept. Head** ____ **Finance Dept.** BLM, **Deputy C.M.** ____ **Submitted by:** **City Manager** ____	**Account No.** 045-5026-539.34-10 **Project No.** n/a **WF No.** n/a **Budget** $337,566 **Available** $337,566

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CUSTOMER ORDER FOR COLLOCATION SERVICE WITH LEVEL 3 COMMUNICATIONS LLC; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute a Customer Order with LEVEL 3 COMMUNICATIONS LLC, whose address is 1025 ELDORADO BOULEVARD, BROOMFIELD, COLORADO 80021, for collocation service.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the ninth day of September 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 5.F.2.

Meeting Date: September 9, 2013

From: Jim Lemberg – Manager, Communications Utility

Subject: Resolution authorizing execution of a customer order for wavelength service and high speed Internet service with Level 3 Communications LLC.

Staff Recommendation:
Staff recommends approval of a resolution authorizing a Customer Order with Level 3 Communications for wavelength service and high speed Internet service.

Analysis:
The Communications Utility is preparing to undertake its next significant network development, a ring running between network nodes in Leesburg, Tavares, Orlando and Clermont. The node in Orlando will be located at Level 3's gateway facility. This customer order is for two wavelength services between: (i) that gateway facility and the Tavares network node; and (ii) that gateway facility and the Clermont network node. This customer order is also for high speed Internet service.

Options:
1. Approve the resolution authorizing the Customer Order, or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
The monthly charges for the wavelength service and high speed Internet service will total $19,000.00, and the nonrecurring installation charge will be $6,000.00. Those charges will likely not begin until approximately December 2013. Those amounts have been included in the Utility's FY 2013-14 budget.

Submission Date and Time: 9/4/2013 5:28 PM

Department: IT/Communications **Prepared by:** JIM LEMBERG **Attachments:** Yes X No ____ **Advertised:** ____ Not Required X **Dates:** n/a **Attorney Review :** Yes X No ____ **Revised 6/10/04**	**Reviewed by: Dept. Head** ____ **Finance Dept.** ____ **Deputy C.M.** ____ **Submitted by:** **City Manager** ____	**Account No.** 045-5026-539.34-10 **Project No.** n/a **WF No.** n/a **Budget** $337,566 **Available** $337,566

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CUSTOMER ORDER FOR WAVELENGTH SERVICE AND HIGH SPEED INTERNET SERVICE WITH LEVEL 3 COMMUNICATIONS LLC; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute a Customer Order with LEVEL 3 COMMUNICATIONS LLC, whose address is 1025 ELDORADO BOULEVARD, BROOMFIELD, COLORADO 80021, for wavelength service and high speed Internet service.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the ninth day of September 2013.

_____
Mayor

ATTEST:

_____
City Clerk

AGENDA MEMORANDUM

Item No: 5.F.3.

Meeting Date: September 9, 2013

From: Jim Lemberg – Manager, Communications Utility

Subject: Resolution authorizing execution of an Addendum to Master Service Agreement with Level 3 Communications LLC.

Staff Recommendation:
Staff recommends approval of a resolution authorizing an Addendum to Master Service Agreement with Level 3 Communications that provides the commercial terms and conditions under which the City may place orders for collocation services.

Analysis:
The Communications Utility is preparing to undertake its next significant network development, a ring running between network nodes in Leesburg, Tavares, Orlando and Clermont. The node in Orlando will be located at Level 3's gateway facility. This agreement provides the commercial terms and conditions under which the City may place a customer order to collocate some of its network equipment at that facility.

Options:
1. Approve the resolution authorizing the Addendum, or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:
The Addendum has no fiscal impact.

Submission Date and Time:__9/4/2013 5:28 PM____

Department: __IT/Communications_____ **Prepared by:** __**JIM LEMBERG**_____ **Attachments:** Yes_X___ No _____ **Advertised**:_____**Not Required** __X____ **Dates:**_____**n/a**_____ **Attorney Review :** Yes_X__ No ____ _____ **Revised 6/10/04**	**Reviewed by: Dept. Head** _____ **Finance Dept.** _____ **Deputy C.M.** _____ **Submitted by:** **City Manager** _____	**Account No.** ____n/a_____ **Project No.** ____n/a_____ **WF No.** ____n/a_____ **Budget** ____n/a_____ **Available** ____n/a_____

RESOLUTION NO._____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ADDENDUM TO THE MASTER SERVICE AGREEMENT WITH LEVEL 3 COMMUNICATIONS LLC, PROVIDING COMMERICAL TERMS AND CONDITIONS UNDER WHICH ORDERS FOR COLLOCATION SERVICE MAY BE PLACED; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute in substantially the form attached an Addendum to Master Service Agreement with LEVEL 3 COMMUNICATIONS LLC, whose address is 1025 ELDORADO BOULEVARD, BROOMFIELD, COLORADO 80021, providing commercial terms and conditions under which City may place orders for collocation services.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the ninth day of September 2013.

_____
Mayor

ATTEST:

_____
City Clerk