



AGENDA
CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL
MONDAY, AUGUST 26, 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:

A. Economic Task Force Report

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:

1. Meeting held June 10, 2013
2. Meeting held February 25, 2013

B. PURCHASING ITEMS:

1. Purchase request by the Public Works Wastewater Division for the purchase of 100 new radios for the Supervisory Control and Data Acquisition (SCADA) system at the City's lift stations.

C. RESOLUTIONS:

1. Resolutions of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute multiple agreements with CenturyLink Sales Solutions, Inc. (aka CenturyLink) for telephone access services for a five year contract amount of \$90,900.00.

- A. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a five-year agreement with CenturyLink Sales Solutions, Inc. (aka CenturyLink) for telephone access services for a total amount of \$30,300.00; and providing an effective date.
 - B. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a five-year agreement with CenturyLink Sales Solutions, Inc. (aka CenturyLink) for telephone access services for a total amount of \$30,300.00; and providing an effective date.
 - C. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a five-year agreement with CenturyLink Sales Solutions, Inc. (aka CenturyLink) for telephone access services for a total amount of \$30,300.00; and providing an effective date.
- 2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a construction services agreement with Slack Construction, Inc. for work to renovate space in the Leesburg Municipal Service Center (LMSC) for use as an IT Data Center for a total amount of \$73,475.00; and providing an effective date.
 - 3. Resolution authorizing the execution of Amendment 1 to the fixed unit price agreement with Allied Universal Corporation extending the term through Fiscal Year 2015 for the annual purchase requirements of Liquid Sodium Hypochlorite (chlorine) supplies.

D. OTHER ITEMS:

5. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

- A. Second reading of an Ordinance amending Section 15-9 of the Code of Ordinances pertaining to restricted areas on certain waterways within the City.
- B. First reading of an Ordinance authorizing a one time waiver of Ordinance Number 07-81, adopted August 13, 2007, section 2-233 2.
- C. Resolution authorizing execution of a Settlement Agreement with Cutrale Citrus Juices, USA., Inc.
- D. First 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; providing a savings clause; repealing conflicting ordinances; and providing an effective date.
- E. First reading of an ordinance authorizing electronic signatures and notarizations on certain documents submitted to the city.

- F. First 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; providing a savings clause; repealing conflicting ordinances; and providing an effective date.
- G. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Himes Electric Company, Inc. for construction services to furnish and install an athletic field lighting system at the Susan Street Recreation Complex for a total cost of \$342,950.00; and providing an effective date.
- H. Resolution correcting a legal description scrivener's error for an Annexation Agreement for property annexed by David H. Baldauf, Trustee, Benderson 85-I Trust, adopted June 26, 2006 by Resolution 7664.
- I. A resolution of the City Commission of the City of Leesburg, Florida, adopting a moratorium on the issuance of adult electronic game center type of businesses for a period of one hundred and twenty days or until amendments to address protection to the public and other criteria; and providing an effective date.
- J. Resolution appointing Jim Redeski to the Police Pension Plan Trustee Board

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: August 26, 2013

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

Subject: Purchase request by the Public Works Department to purchase 100 digital radios for lift station communications on the SCADA system.

Staff Recommendation:

Staff recommends approval of the award and purchase of 100 radios to Hutton Comms, Inc. for a total cost of \$79,424.00.

Analysis:

The Public Works Department originally intended to replace 57 digital dual bandwidth radios at the same number of lift stations. The favorable pricing will allow them to replace 100 radios with the budgeted amount of \$85,000.00. The remaining radios are scheduled to be replaced during the 2014 fiscal year. Replacement of the existing radios with new digital radios will improve communications to the lift stations as the old analog technology is being discontinued and replacement radios are no longer available.

Additionally, on January 1, 2013, a Federal Communications Commission (FCC) mandate requires all public safety and business industrial land mobile radio systems operating in the 150-512 MHz radio bands must cease operating using 25 KHz efficiency technology. This mandate was issued to ensure more efficient use of the spectrum and greater spectrum access for public safety and non-public safety users. The replacement of these radios will allow the City to meet this mandate with respect to lift station radios.

Procurement Analysis:

On August 8, 2013, the Purchasing Division issued Invitation to Bid (ITB) 130651. The ITB was posted on-line at PublicPurchase.com as well as e-mailed to authorized distributors obtained from the radio manufacturer CalAmp.

On August 13, 2013, the City received five responses to the ITB. Those responses are summarized here. Staff recommend award of the purchase to Hutton Comms, Inc. having been deemed the lowest responsive and responsible bidder.

Local vendor preference was not a factor as none of the responding vendors qualified for either tier under the City's Local Vendor Preference policy.

Vendor Name / Location	Quantity*	Unit Cost	Freight	Extended Cost	Days Delivery
Hutton Comms, Inc. Carrollton, Texas	57	\$794.24	\$0.00	\$45,271.68	30
Curry Controls Company Lakeland, Florida	57	\$917.85	\$97.00	\$52,414.45	26
Mobile-One Venice, Florida	57	\$943.00	\$245.00	\$53,996.00	25
G & T Electronics Lee's Summit, Missouri	57	\$949.00	\$0.00	\$54,093.00	30
First Response Communications Rowlett, Texas	57	\$1,017.00	\$0.00	\$57,969.00	35-45

*A total of 100 radios will be purchased with the budgeted funds.

Options:

1. Approve the purchase to Hutton Comms, Inc.; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funds of \$85,000 are budgeted and available for this purpose in the 2013 fiscal year.

Submission Date and Time: 8/21/2013 2:11 PM

Department: <u>Public Works</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes ___ No <u>X</u> Advertised: ___ Not Required <u>X</u> Dates: _____ Attorney Review : Yes ___ No ___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>044-4099-535.64-10</u> Project No. <u>440006</u> WF No. <u>WF0811309 / 001</u> Budget <u>\$85,000.00</u> Available <u>\$85,000.00</u>
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AGENDA MEMORANDUM

Item No: 4.C.1.

Meeting Date: August 26, 2013

From: Mike Thornton, Purchasing Manager, for
Stan Carter, Director of Information Technology

Subject: Resolution authorizing execution of three telephone access agreements for a five-year term with CenturyLink Sales Solutions, Inc.

Staff Recommendation:

Staff recommends approval of the resolution authorizing execution of the agreements with CenturyLink Sales Solutions, Inc. (CenturyLink) for a period of five-years and a total amount of \$90,900.00.

Analysis:

Former City Manager Jay Evans engaged the services of the Florida League of Cities (League) to review the City's telephone costs. The consultants reviewed all the City's telephone charges and made several recommendations on money saving opportunities. One of their recommendations was to change providers for the City's phone services. The League representatives negotiated lower rates with CenturyLink for our Primary Rate Interface (PRI) lines and recommended the City switch our long distance provider to the State of Florida Department of Management Services (DMS).

The PRI lines the City uses are connected directly from the City's phone equipment to the phone company's central office. The City requires three PRI lines, or blocks, in order to accommodate the amount of incoming and outgoing telephone communications.

Options:

1. Approve the resolutions authorizing execution of the agreements with CenturyLink for a five year cost of \$90,900.00; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funds are budgeted each fiscal year for this expense. Execution of these agreements will result in a savings to the City when compared to current cost of the PRI service.

Submission Date and Time: 8/21/2013 2:11 PM

Department: <u>Information Technology</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM,</u> _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>Various</u> Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIVE-YEAR AGREEMENT WITH CENTURYLINK SALES SOLUTIONS, INC. (AKA CENTURYLINK) FOR TELEPHONE ACCESS SERVICES FOR A TOTAL AMOUNT OF \$30,300.00; 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 CENTURYLINK SALES SOLUTIONS, INC. whose address is Sales Administration, 665 Lexington Avenue, Mailstop: OHMANB0107, Mansfield, OH 44907 for PRI telephone services pursuant to vendor contract no. 130200634316.

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 26th day of August 2013.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIVE-YEAR AGREEMENT WITH CENTURYLINK SALES SOLUTIONS, INC. (AKA CENTURYLINK) FOR TELEPHONE ACCESS SERVICES FOR A TOTAL AMOUNT OF \$30,300.00; 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 CENTURYLINK SALES SOLUTIONS, INC. whose address is Sales Administration, 665 Lexington Avenue, Mailstop: OHMANB0107, Mansfield, OH 44907 for PRI telephone services pursuant to vendor contract no. 130200634357.

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 26th day of August 2013.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIVE-YEAR AGREEMENT WITH CENTURYLINK SALES SOLUTIONS, INC. (AKA CENTURYLINK) FOR TELEPHONE ACCESS SERVICES FOR A TOTAL AMOUNT OF \$30,300.00; 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 CENTURYLINK SALES SOLUTIONS, INC. whose address is Sales Administration, 665 Lexington Avenue, Mailstop: OHMANB0107, Mansfield, OH 44907 for PRI telephone services pursuant to vendor contract no. 130200634462.

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 26th day of August 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.2.

Meeting Date: August 26, 2013

From: Mike Thornton, Purchasing Manager for
Stan Carter, Director of Information Technology

Subject: Resolution authorizing execution of a construction services agreement for renovations in the Leesburg Municipal Services Center to create an IT Data Center

Staff Recommendation:

Staff recommends award of the bid and approval of the resolution authorizing execution of an agreement with Slack Construction, Inc. for a total contract cost of \$73,475.00.

Analysis:

The purpose of this project is to renovate an area within the Leesburg Municipal Services Center (LMSC) to be used as an IT Data Center. The Information Technology Department currently uses two locations as primary data centers, City Hall and the Electric Department Municipal Operations Center (MOC). Renovation of this space will allow combining the two data centers to a single location.

The City Hall data center location is inadequate for the following reasons:

- Too small to handle air flow and dissipate heat put out by servers.
- When AC goes out, we must begin server shutdown within about 10 minutes or servers will go into thermal shutdown and have been damaged in the past.
- Room will not accommodate backup AC due to size of room.
- Old section of the building. Floor not designed to carry the weight.
- UPS's not large enough to provide required shutdown time of systems, should generator fail.
- Upgrade of UPS's would add to existing heat issues, making upgrades unfeasible and requiring the moving of part of existing server racks to another location.
- Requires elevator to transport any equipment to/from the datacenter. In the past, has scratched the floors from weight of equipment.

The MOC data center location is inadequate for the following reasons:

- Has two AC units. When one goes out, remaining unit cannot maintain temperature low enough to prevent thermal shutdown.
- We have taken over all additional available expansion areas available in adjoining rooms.
- Room would require major upgrades to meet future requirements.
 - Upgraded AC units
 - Additional insulation

- No room for future expansion
- Shape of rooms does not facilitate proper air flow for heat dissipation
- Width of rooms does not accommodate modern server rack front/back access
- Electric Department would like some of the space back for records storage. As equipment is moved to LMSC, IT will be able to free up approximately 2/3 of existing MOC data center for that purpose.

Creating a consolidated data center at the LMSC is ideal for the following reasons:

- The LMSC building is on, and part of the redundant fiber ring with City Hall, PD, and MOC.
- The data center has an outside ramp to accommodate server racks being moved in or out. Racks, when fully configured, can weigh 1000 to 2000 pounds.
- There are high ceilings that are ideal for air volume to dissipate heat.
- High ceiling also easily accommodate overhead ladder racks for cabling, eliminating the requirement of raised flooring.
- The room already has a dedicated AC unit.
- Additional auxiliary AC units can be easily installed.
- High ceiling will accommodate future AC ducting for additional cooling if required in the future.
- Adequate generator capacity is available and is located adjacent to the room in the north parking lot.
- 1st Floor datacenter. Reduces costs for any additional infrastructure needed to be added at a different date.
- Additional electrical wiring to accommodate data center is cost effective due to the close proximity of the generator.
- Room is already being utilized by Communications Utility for communications switching and multiplexing and ongoing expenses such as electricity and AC maintenance will be shared.
- Room is sufficiently large enough to accommodate future equipment expansion.
- Room is in same building with IT staff that maintains the City's servers and network equipment, facilitating quick response time to problems as they arise, saving driving time across town.
- The room will easily accommodate DOE, NERC, FCIC, NCIC, and FDLE physical security requirements.
- There are no other facilities available within existing City buildings that so uniquely meet the City's data center requirements.

By consolidating data center server racks from City Hall and MOC and moving these racks to LMSC, no upgrades are required at City Hall and MOC data centers. Estimated savings are \$20,000. There will be additional savings in future years. As existing City Hall UPS's require replacement due to age, they can be downsized at an estimated one time savings of \$10,000. None of the upgrades to either of these data centers would adequately accommodate required future server rack expansion. The LMSC data center, once retrofitted, should meet the City's data center needs both now and into the future for at least the next 10 - 15 years.

The work to be performed generally includes interior renovations to close in existing windows, remove interior doors, install back-up HVAC systems, perform all electrical work including generator paralleling with the existing generator transfer switch.

Procurement Analysis:

On July 8, 2013 the Purchasing Division issued Invitation to Bid 130551 containing plans and specifications provided by the Public Works Department detailing renovations to an area in the LMSC to be used as the IT Data Center. The bid was advertised in The Daily Commercial On July 30, 2013 the City received 3 responses to the ITB. A summary of those bid responses is provided here and a Detailed Final Bid Tabulation is attached.

Contractor Name / Location	Total Bid Amount
Slack Construction, Inc., Ocala, FL	\$73,475.00
Ethridge Construction, Ocala, FL	\$82,900.00
Theobald Construction, St. Cloud, FL	\$88,000.00

Local vendor preference was not applicable as none of the responding contractors qualified for either tier under the City's local vendor preference.

Options:

1. Approve the resolution authorizing execution of the agreement with Slack Construction, Inc.; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

A total of \$100,000 is budgeted in the 2013 fiscal year General Fund Capital Improvement Project budget.

Submission Date and Time: 8/21/2013 2:11 PM

Department: <u>Information Technology</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> Dates: <u>July 7, 2013</u> Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> , _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>001-1633-513.64-10</u> Project No. <u>GFASSST</u> WF No. <u>WF0810499 / 007</u> Budget <u>\$100,000.00</u> Available <u>\$95,057.00</u>
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONSTRUCTION SERVICES AGREEMENT WITH SLACK CONSTRUCTION, INC. FOR WORK TO RENOVATE SPACE IN THE LEESBURG MUNICIPAL SERVICE CENTER (LMSC) FOR USE AS AN IT DATA CENTER FOR A TOTAL AMOUNT OF \$73,475.00; 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 **SLACK CONSTRUCTION, INC.** whose address is 2011 NE 8th Road, Ocala, FL 34470 for construction services for a building renovations to create an IT Data Center pursuant to Invitation to Bid 130551.

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 26th day of August 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.3.

Meeting Date: August 26, 2013

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

Subject: Resolution authorizing execution of Amendment 1 to the fixed unit price agreement with Allied Universal Corporation extending the term through Fiscal Year 2015 for the annual purchase requirements of Liquid Sodium Hypochlorite (chlorine) supplies.

Staff Recommendation:

Staff recommends adoption of the resolution authorizing the execution of contract amendment number one with Allied Universal Corporation (AUC). The estimated annual cost based on past consumption is \$141,491.00.

Analysis:

The City has a current competitively awarded contract with AUC to provide liquid sodium hypochlorite, better known as chlorine. The initial term of the existing fixed unit price agreement will expire on September 30, 2013. The agreement includes provisions for extending the agreement for up to an additional two years. The Public Works Department has requested an extension to the term of the agreement.

This amendment extends the term of the existing unit price agreement until September 30, 2015, and does not obligate additional funds.

The

Options:

1. Approve the attached resolution authorizing the execution of the contract amendment 1 with Allied Universal Corporation, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

This expense is budgeted on an annual basis in the Water and Wastewater Divisions. Staff will bring an expenditure approval before commission in October for approval following adoption of the 2013-2014 budget.

Submission Date and Time: 8/21/2013 2:11 PM

<p>Department: <u>Public Works</u> Prepared by: <u>Terry Pollard</u> Attachments: <u>Yes</u> <u>No</u> Advertised: <u>Not Required</u> <u>X</u> Dates: _____ Attorney Review : <u>Yes</u> <u>No</u> <u>X</u> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u>, _____ Deputy C.M. _____ Submitted by: _____ City Manager _____</p>	<p>Account No. <u>043-3051-533.52-10</u> <u>044-4051-535.52-10</u> <u>044-4052-535.52-13</u> Project No. <u>436013/447015</u> WF No. <u>0624263</u> Budget _____ Available _____</p>
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT 1 TO THE FIXED UNIT PRICE AGREEMENT WITH ALLIED UNIVERSAL CORPORATION EXTENDING THE TERM THROUGH FISCAL YEAR 2015 FOR THE ANNUAL PURCHASE REQUIREMENTS OF LIQUID SODIUM HYPOCHLORITE (CHLORINE) SUPPLIES.

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 first amendment to an existing agreement with ALLIED UNIVERSAL CORPORATION whose address is 3901 N.W. 115 Avenue, Miami, FL 33178 for annual Liquid Sodium Hypochlorite (chlorine) requirements pursuant to Invitation to Bid 100081

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 26th day of August 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 5A.
Meeting Date: August 26, 2013
From: DC Maudlin, Interim Director of Public Works
Subject: Ordinance altering the size and location of the no-wake zone in Venetian Cove

Staff Recommendation:

Staff recommends approval of an amendment to Section 15-9 of the Code of Ordinances altering the size and location of the no-wake zone in Venetian Cove.

Analysis:

The speed of marine traffic in Venetian Cove is currently restricted "no-wake" at all hours. Changes to established restricted areas are governed by Section 327.46 F.S. "Boating-Restricted Areas" and Chapter 68D-21 FAC, "Approval of Local Ordinances Establishing Boating Restricted Areas". The governing agency is Florida Fish and Wildlife (FF&WL) – Boating and Waterways Section. The US Army Corps of Engineers, Jacksonville District and US Coast Guard, Miami Field Office also have review responsibilities.

Establishing a no-wake zone within 500 feet of any public boat ramp or any fuel dispenser selling fuel to the general public is authorized by Section 327.46 F.S. The eastern most point of the proposed no-wake zone is 500 feet from the fuel dispenser at the Leesburg marina. The western most point is 300 feet from the public boat ramp. This proposal is within the criteria established by Section 327.46 F.S.

On June 6, 2013, staff conducted a test to measure the effect at the boat ramp and the marina of a boat moving at high speed just outside the proposed no-wake zone. The proposed no-wake zone was marked with buoys; the City's 22 ft, 200 hp boat made multiple passes, at full throttle just outside the proposed no-wake zone. Staff observed virtually no impact at the boat ramp and minor disturbance at the marina. Staff's opinion is adoption of this amendment will not impact boat ramp operations. Multiple boats operating at full speed may impact the most exposed slips at the marina. Some sort of wake attenuation system may be warranted.

The Leesburg Police Department, using the city boat, can enforce the no-wake zone within the Cove. In addition, this Ordinance includes delegation of enforcement authority to the Lake County Sheriff. The Ordinance was coordinated with the Sheriff's office.

Options:

1. Approve the amendment altering the no-wake zone in Venetian Cove.
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact: This amendment will have no direct fiscal impact. If, after implementation, a wave attenuation system is needed at the marina, purchase and installation of a system would cost approximately \$85,000.

Submission Date and Time: 8/21/2013 2:11 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. <u>BLM</u> , _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING §15 – 9 OF THE CODE OF ORDINANCES PERTAINING TO RESTRICTED AREAS ON CERTAIN WATERWAYS WITHIN THE CITY, TO ALTER THE DESCRIPTION OF THE RESTRICTED AREA WITHIN THE VENETIAN GARDENS COVE AND REDUCE THE SIZE OF THE NO WAKE ZONE IN THAT AREA; ADDING A SUBSECTION TO §15 – 9 TO DELEGATE TO THE LAKE COUNTY SHERIFF THE AUTHORITY, CONCURRENT WITH THE LEESBURG POLICE DEPARTMENT, TO ENFORCE §15 – 9; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes, the City Commission of Leesburg, Florida has the home rule power to adopt ordinances necessary for the protection of the health, safety and welfare of its citizens; and

WHEREAS, pursuant to §327.46, Fla. Stat., the City Commission has the power to adopt ordinances necessary to establish certain enumerated boating restrictions on waterways within its boundaries; and

WHEREAS, the City Commission finds that vessel speeds and wake should be restricted within the boundaries permitted per Section 327.46, Florida Statutes, from a municipally owned public boat ramp and fuel dispenser open to the general boating public to protect the health, safety and welfare of the citizens of Leesburg, Florida; and

WHEREAS, the City Commission desires to protect the health, safety and welfare of the public and maintain a high quality of life for the citizens of Leesburg, Florida,

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

SECTION I.

§15 – 9 of the Code of Ordinances of the City of Leesburg, Florida, is hereby amended as indicated below:

Sec. 15-9. - Restricted areas on certain waters within the city.

(a) Restricted areas designated. The following waterways within the corporate limits of the City of Leesburg are "restricted areas":

- (1) That area of Venetian Gardens Cove ~~from the entrance of same at Monkey Island on Big Lake Harris northward;~~ described below:

Beginning at a point on the easterly shoreline of Venetian Gardens Cove, said point having a coordinate of 28° 48.13686' North Latitude and -81° 52.22301' West Longitude, WGS 84 DATUM; thence run westerly to a point having a coordinate of 28° 48.12541' North Latitude and -81° 52.30711' West Longitude, WGS 84 DATUM; thence, run northwesterly to a point having a coordinate of 28° 48.28488' North Latitude and 81° 52.44563' West Longitude, WGS 84 DATUM, and also being on the northerly shoreline of Venetian Gardens Cove located on Big Lake Harris; thence, meandering along said shoreline northeasterly and southeasterly to the point of beginning.

- (2) That portion of the 9th Street Canal beginning at its entrance on Big Lake Harris at 28°47'34" North Latitude 81°52'50" West Longitude;
- (3) That portion of the Herlong Park Canal on Lake Griffin extending from the launch ramp northward to 28°48'54" North Latitude 81°52'07" West Longitude.

(b) Definitions.

- (1) **Restricted areas** are areas on waterways where the speed of vessels is limited to "slow down/minimum wake" or "idle speed/no wake."
- (2) **Wake** means visible track of turbulence and consequent lateral waves left by passage of a vessel through water.
- (3) **No wake** means that vessel speed which is the minimum required to maintain headway and does not produce a wake.
- (4) **Minimum wake** means that a vessel is operated at such a speed that the track of turbulence and lateral waves produced by the passage of the vessel through the water is of the lowest height possible above the surface of the water.
- (5) **Vessel wake** is the movement of waves created by the motion of the vessel. It is the track or path that the vessel leaves behind it.

(c) Civil penalty. Violations of the restrictions imposed by this section are non-criminal infractions. The civil penalty for any such infraction is thirty-five dollars (\$35.00). Any person cited for a violation shall be cited to appear ~~before county court~~ the Special Magistrate of the City of Leesburg in a Code Enforcement proceeding. Authority is granted to the Leesburg Police Department, and the Sheriff of Lake County, to enforce this Ordinance and to issue citations for violations.

(d) Restrictions applicable to 9th Street Canal restricted waterway area. The following restrictions shall apply to the 9th Street Canal restricted waterway area:

Beginning at 28°48'08" North Latitude and 81°28'42" West Longitude the speed of vessels proceeding in any direction shall be restricted to "idle speed/no wake."

Beginning at 28°47'59" North Latitude and 81°53'01" West Longitude the speed of vessels proceeding in any direction shall be restricted to "idle speed/no wake."

Beginning at 28°47'59" North Latitude and 81°52'54" West Longitude the speed of vessels proceeding in any direction shall be restricted to "slow speed/minimum wake."

Beginning at 28°47'52" North Latitude and 81°52'59" West Longitude the speed of vessels proceeding in any direction shall be restricted to "slow speed/minimum wake."

Beginning at 28°47'34" North Latitude and 81°52'50" West Longitude the speed of vessels proceeding in a northerly direction shall be restricted to "slow speed/minimum wake."

(e) Restrictions applicable to Venetian Gardens Cove restricted waterway area. The following restrictions shall apply to the Venetian Gardens Cove restricted waterway area:

The ~~entire~~ area of the Venetian Gardens Cove described above, and all intersecting canals, ~~lying northward of a line, commencing at the point on the westerly shore which lies closest to the shore of Monkey Island, and continuing in a straight line from said point of commencement to the closest point thereto lying on Monkey Island and continuing in a straight line to the easterly shore and terminus of such line,~~ is hereby designated an "idle speed/no wake" zone at all hours.

(f) Restrictions applicable to Herlong Park Canal restricted waterway area. The following restrictions shall apply in the Herlong Park Canal restricted waterway area:

Beginning at 28°48'54" North Latitude and 81°52'07" West Longitude the speed of vessels proceeding in a southerly direction shall be restricted to "slow speed/minimum wake."

Beginning at 28°48'52" North Latitude and 81°52'07" West Longitude the speed of vessels proceeding in a northerly direction shall be restricted to "slow speed/minimum wake" and the speed of vessels proceeding in a southerly direction shall be restricted to "idle speed/no wake."

(g) Posting of signs. Signs reflecting these restrictions shall be posted at each location.

(h) Discretion to be used in lawful manner. Upon written application by a person or organization, demonstrating a good and sufficient reason, the Chief of Police or the Public Works Department director may grant exceptions to the restrictions imposed

by this Ordinance, for specifically limited dates and times, during which an event is to be held which requires that vessels be permitted to exceed the restrictions of this Ordinance. As a condition of granting such an exception, the applicant may be required to have law enforcement officers present at the event, and if it is determined by the Chief of Police at any time that the event poses a danger to the public health, safety or welfare, the exception may be terminated whereupon the event must cease at once. The discretion granted to the Public Works Department director, and to the Chief of Police under this section, to grant exceptions, require the presence of police officers at a function, or terminate any permit exception issued under subsection (h) of this section, may be exercised for any purpose or in any manner which is lawful under the Constitution or laws of the United States or the state, but shall not be exercised in an arbitrary or capricious manner. Such discretion shall be exercised with regard to the protection of life, limb and property, and the preservation of the public safety, health and welfare, according to the judgment of the Public Works Department director and the Chief of Police based on the facts and circumstances of each case.

SECTION II.

All ordinances or part 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 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, 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 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

ATTEST:

CITY CLERK



AGENDA MEMORANDUM

Item No: 5B.

Meeting Date: August 26, 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

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: 8/21/2013 2:11 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. <u>BLM</u> , _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>041-1088-581-9101 & 042-2088-581-9101</u> Project No. _____ WF No. _____ Budget _____ Available _____
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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: _____
BETTY RICHARDSON, City Clerk



AGENDA MEMORANDUM

Item No: 5C.
Meeting Date: August 26, 2013
From: Jack Rogers, Gas Department Director
Subject: Resolution authorizing execution of a Settlement Agreement with Cutrale Citrus Juices USA., Inc.

Staff Recommendation:

Staff recommends approval of a Settlement Agreement with Cutrale Citrus Juice, USA, Inc.

Analysis:

The City of Leesburg and Cutrale Citrus Juice are parties to a Gas Transportation Agreement under which the City provides natural gas transportation services to Cutrale. It has come to the attention of the parties that Cutrale has been overcharged for those services for a period of five years due to a calculation error previously not known to either Cutrale or the City. As a result of that error the parties have entered into negotiations for the amount owed and the terms of the settlement. The parties agree that under the Settlement Agreement the amount to be paid to Cutrale by the City is \$1,056,029 in overcharges and \$123,979 in interest for a total of \$1,180,008. The agreement further states that under the terms of the agreement, no further claims will be asserted by Cutrale against the City for any sum paid by Cutrale prior to the date of this Settlement Agreement.

Options:

1. Approve the Settlement Agreement with Cutrale Citrus Juices, USA, Inc.; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

A budget adjustment will be necessary to appropriate \$1,180,008 from the Gas Fund Balance. See the attached cash graph for the effect this payment will have on the Cash balance.

Submission Date and Time: 8/21/2013 2:11 PM

Department: <u>Gas</u> Prepared by: <u>JR</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <u>Not Required</u> <input checked="" type="checkbox"/> Dates: _____ Attorney Review: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head <u>JR</u> Finance Dept. <u>BLM</u> Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>042-2088-532-4920</u> Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF LEESBURG AND CUTRALE CITRUS JUICES, USA, INC. FOR THE PURPOSE OF RESOLVING A DISPUTE OVER THE AMOUNT PAID PREVIOUSLY BY CUTRALE TO LEESBURG UNDER THE GAS TRANSPORTATION AGREEMENT BETWEEN THE TWO AND RELEASING LEESBURG FROM FURTHER LIABILITY FOR ANY CLAIMS PREDATING THE SETTLEMENT AGREEMENT, 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 and directed to execute a Settlement Agreement between the City of Leesburg and Cutrale Citrus Juices, USA, Inc., for the purpose of resolving a dispute over the amount paid previously by Cutrale to Leesburg under the Gas Transportation Agreement between the two and releasing Leesburg from further liability for any claims predating the settlement agreement.

THIS RESOLUTION shall take effect 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 26th day of August, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
DAVID KNOWLES, Mayor

Attest: _____
City Clerk



AGENDA MEMORANDUM

Item No: 5D.

Meeting Date: August 26, 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

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 plant 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head <u> BW </u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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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: _____
Mayor

ATTEST:

City Clerk

**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.

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 may be 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

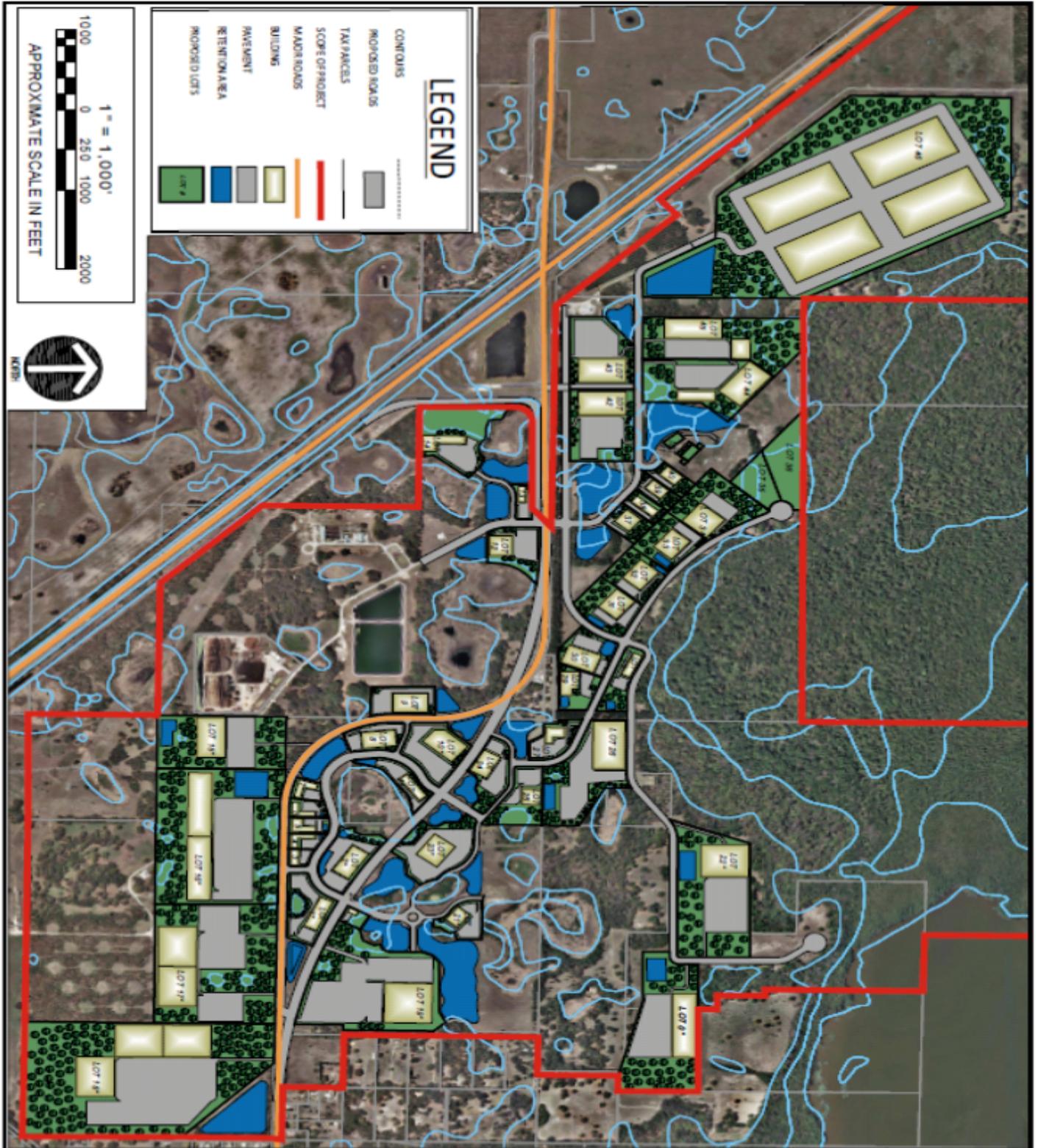
- a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
- b. If the development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



SHEET NO. A	 Planning & Zoning Division	CITY OF LEESBURG CR 470 INDUSTRIAL & TECHNOLOGY PARK	BUILDABLE AREA	DATE: 7/12/13
			OPTION A	SCALE: 1"=1000

Conceptual Master Park Plan Data- Option A

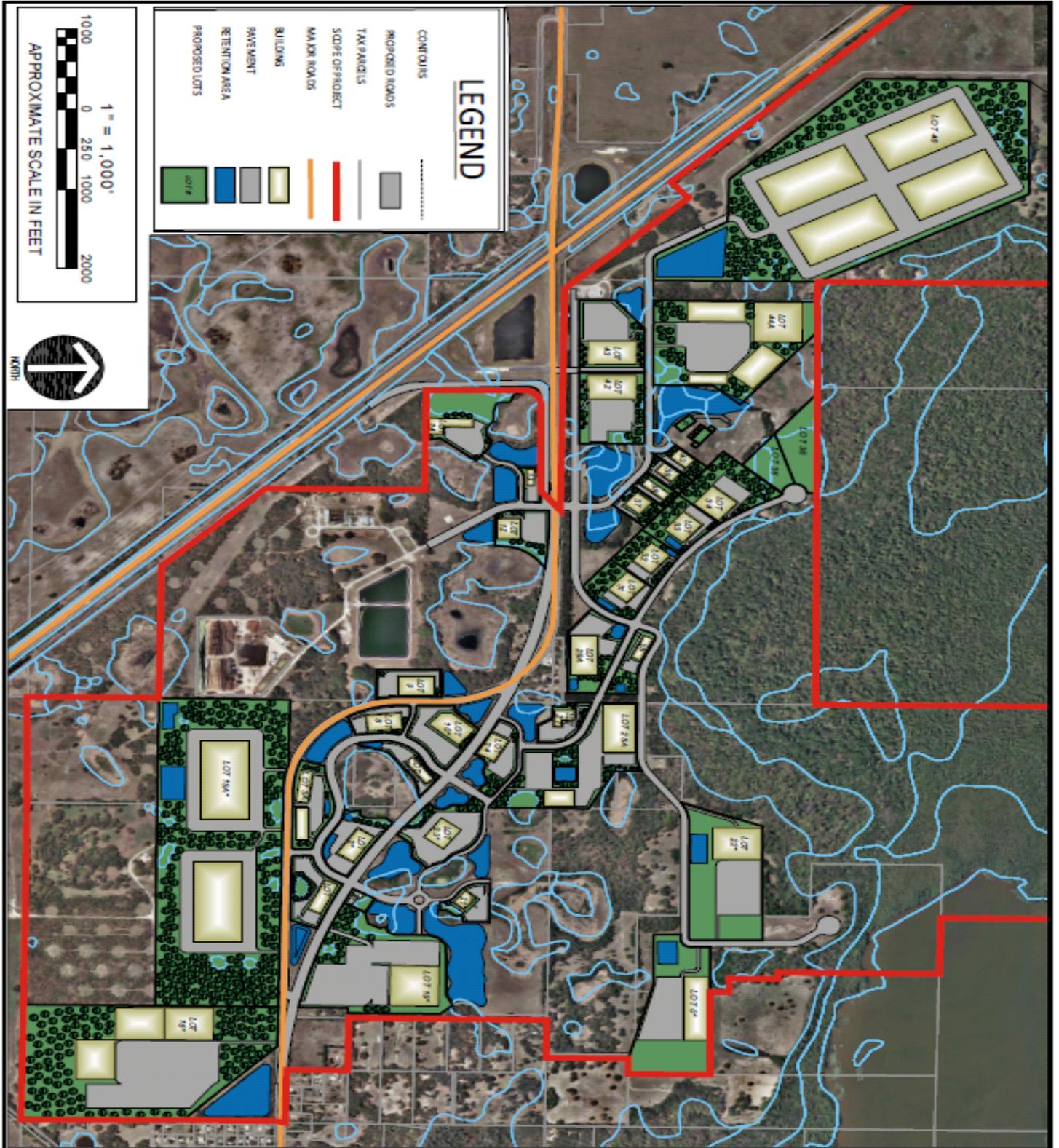
EXHIBIT B

BUILDABLE AREA
OPTION A - ALL LOTS
CITY OF LEESBURG
CR 470 INDUSTRIAL & TECHNOLOGY PARK
PROJECT DUK 0000-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					ISIR	Open Space
							Front Yard	Side Yard	Rear Yard	Height/Starline	ISIR		
0	Industrial	Public (P)	25.98	1,131,689	400000*	25,431	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
1	Industrial	Public (P)	7.30	317,988	145000*	21,541	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
2	Industrial	Public (P)	7.44	324,086	150000*	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
3	Industrial	Public (P)	1.15	50,094	16,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
4	Industrial	Public (P)	1.59	69,260	21,300	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
5	Industrial	Public (P)	1.93	84,071	28,500	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
6	Industrial	Public (P)	1.95	84,942	21,300	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
7	Industrial	Public (P)	1.72	74,923	26,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
8	Industrial	Public (P)	4.31	187,744	71,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
9	Industrial	Public (P)	5.23	227,819	87,500	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
10	Industrial	Public (P)	8.20	357,192	200000*	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
11	Industrial	Public (P)	3.83	166,835	70000*	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
12	Highway Commercial	Public (P)	6.25	272,250	60,000	30,812	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
13	Highway Commercial	Public (P)	1.81	78,844	15,000	244,778	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
14	Highway Commercial	Public (P)	12.77	556,261	60,000	4,514	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
15	Future Development	Public (P)	20.29	883,832	300000*	83,173	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
16	Future Development	Public (P)	50.02	2,178,871	800000*	36,995	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
17	Future Development	Public (P)	43.18	1,880,921	800000*	53,341	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
18	Future Development	Public (P)	75.00	3,267,000	1200000*	20,877	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
19	Office Space	Public (P)	33.37	1,453,697	500,000	13,647	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
20	Highway Commercial	Public (P)	1.14	49,658	5,700	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
21	Office Space	Public (P)	3.99	173,804	53,000	11,275	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
22	Industrial	Public (P)	27.50	1,197,900	400000*	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
23	Office Space	Public (P)	10.68	465,221	150,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
24	Office Space	Public (P)	6.07	264,409	60,000	54,040	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
25	Office Space	Public (P)	6.87	299,257	40,000	8,782	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
26	Office Space	Public (P)	17.85	777,546	200,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
27	Office Space	Public (P)	4.12	179,467	30,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
28	Industrial	Public (P)	4.33	188,615	30,000	37,776	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
29	Industrial	Public (P)	4.52	196,891	55,000	600	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
30	Industrial	Public (P)	5.71	248,728	87,500	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
31	Industrial	Public (P)	6.92	301,435	75,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
32	Industrial	Public (P)	6.07	264,409	75,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
33	Industrial	Public (P)	6.75	294,030	75,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
34	Industrial	Public (P)	10.93	476,111	100,000	34,016	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
35	Industrial	Public (P)	4.35	189,486	0	169,734	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
36	Industrial	Public (P)	7.33	319,295	0	229,205	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
37	Industrial	Public (P)	3.12	135,907	40,000	2,532	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
38	Industrial	Public (P)	2.19	95,396	30,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
39	Industrial	Public (P)	2.37	103,237	30,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
40	Industrial	Public (P)	2.35	102,366	30,000	0	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
41	Industrial	Public (P)	0.46	20,038	7,000	1,000	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
42	Highway Commercial	Public (P)	13.83	602,435	150,000	17,318	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
43	Highway Commercial	Public (P)	12.59	548,420	150,000	400	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
44	Industrial	Public (P)	16.76	730,066	200,000	95,788	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
45	Industrial	Public (P)	21.02	915,631	200,000	237,427	15/5 ft	20 ft	72 ft 0/6 Starline	80%	20%		
46	Future Development	Public (P)	139.15	6,061,374	2,000,000	431,534	15/5 ft	20 ft	72 ft 0/6 Starline	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 row floor building



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 (A.C)	Lot Area (SF)	Estimated Buildable Area (SF)	Wetland Area (SF)	Setback Requirements for Public (P) Zone					Open Space
							Front Yard	Side Yard	Rear Yard	Height/Stories	ISR	
0	Industrial	Public (P)	25.98	1,131,689	400,000*	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
1	Industrial	Public (P)	7.30	317,998	145,000*	25,421	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
2	Industrial	Public (P)	7.44	324,086	150,000*	21,541	30 ft	15.5 ft	20 ft	72 #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 #6 Stories	80%	20%
8	Industrial	Public (P)	4.31	187,744	71,000	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
9	Industrial	Public (P)	5.23	227,819	87,500	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
10	Industrial	Public (P)	8.20	357,192	200,000*	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
11	Industrial	Public (P)	3.83	166,335	70,000*	0	30 ft	15.5 ft	20 ft	72 #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 #6 Stories	80%	20%
13	Highway Commercial	Public (P)	1.81	79,844	15,000	0	30 ft	15.5 ft	20 ft	72 #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 #6 Stories	80%	20%
15A (15, 16 & 17)	Future Development	Public (P)	113.49	4,943,62.4	2,000,000*	124,682	30 ft	15.5 ft	20 ft	72 #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 #6 Stories	80%	20%
19	Office Space	Public (P)	33.37	1,453,697	500,000	53,341	30 ft	15.5 ft	20 ft	72 #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 #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 #6 Stories	80%	20%
22	Industrial	Public (P)	27.50	1,197,900	400,000*	0	30 ft	15.5 ft	20 ft	72 #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 #6 Stories	80%	20%
24	Office Space	Public (P)	6.07	264,409	60,000	0	30 ft	15.5 ft	20 ft	72 #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 #6 Stories	80%	20%
27	Office Space	Public (P)	4.12	179,467	30,000	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
28	Industrial	Public (P)	4.33	188,615	30,000	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
29A (29 & 30)	Industrial	Public (P)	10.23	445,619	140,000	30,276	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
31	Industrial	Public (P)	6.92	301,435	75,000	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
32	Industrial	Public (P)	6.07	264,409	75,000	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
33	Industrial	Public (P)	6.75	294,030	75,000	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
34	Industrial	Public (P)	10.93	476,111	100,000	34,016	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
35	Industrial	Public (P)	4.35	189,486	0	169,754	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
36	Industrial	Public (P)	7.33	319,295	0	229,205	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
37	Industrial	Public (P)	3.12	135,907	40,000	2,532	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
38	Industrial	Public (P)	2.19	95,296	30,000	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
39	Industrial	Public (P)	2.37	103,237	30,000	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
40	Industrial	Public (P)	2.35	102,366	30,000	0	30 ft	15.5 ft	20 ft	72 #6 Stories	80%	20%
41	Industrial	Public (P)	0.46	20,038	7,000	1,000	30 ft	15.5 ft	20 ft	72 #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 #6 Stories	80%	20%
43	Highway Commercial	Public (P)	12.59	549,420	150,000	400	30 ft	15.5 ft	20 ft	72 #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 #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 #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

- 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. **Site Design and Relationship to the Surrounding Community**

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. **Central Features and Community Spaces.**

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.).

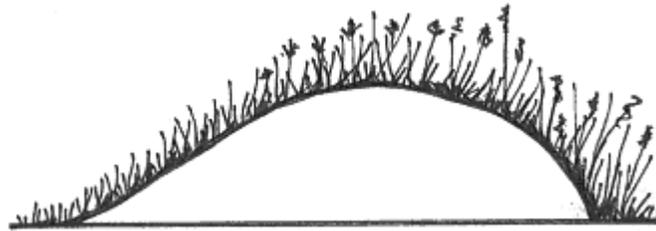


Campus design concept should provide a balanced design approach, incorporating significant landscaping and site design features. Parking should be buffered and predominately to the rear of buildings. Streets and other vehicle accesses should be heavily landscaped.

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







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













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 1/2 of SE 1/4 of NW 1/4, 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:

650 PAGE 2364

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, Florida.

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 Northeastly 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: 5E.

Meeting Date: August 26, 2013

From: Robert Sargent, Public Information Officer

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

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: 8/21/2013 2:11 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 _____
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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 signature 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

Betty M. Richardson, City Clerk



AGENDA MEMORANDUM

Item No: 5F.

Meeting Date: August 26, 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.

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: 8/21/13 2:11 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <input type="checkbox"/> BW _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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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 Betty Richardson

Note: The under lines are additions



AGENDA MEMORANDUM

Item No: 5G.

Meeting Date: August 26, 2013

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

Subject: Resolution authorizing execution of a construction services agreement with Himes Electric Company, Inc. to furnish and install athletic field lighting at the Susan Street Recreation Complex

Staff Recommendation:

Staff recommends approval of the resolution authorizing execution of the construction services agreement with Himes Electric Company, Inc. for a total cost of \$342,950.00.

Analysis:

The Susan Street Recreation Complex has four baseball/softball fields and one football/soccer field using lights that are in very poor condition. The existing light fixtures are mounted on wood poles that are in poor condition and need to be replaced.

The purpose of this Invitation to Bid is to contract with a qualified contractor to furnish a lighting system and install the system as well as remove the existing lighting system and all the components. There is \$300,000 budgeted in the 2013 Fiscal Year for this project.

It was unclear if the City would have sufficient funding to do all the baseball/softball fields and the football/soccer field. Staff determined it would be best to issue a bid to replace the lighting on the football/soccer field and baseball/softball fields 1 & 2. These athletic fields share poles for the light fixture mounting.

Part of this project includes the Electric Utility cost to replace underground primary wire feeding power to the complex. New pad-mounted transformers will also be required. The current lighting system uses pole-mounted transformers on the light poles with primary wire running right to the transformer and then feeding the light fixtures. This existing system is not ideal, but has worked over the years. The Electric Utility will replace the underground primary wire and place new pad-mounted transformers to feed the new lighting system. The Electric Utility has estimated this work to cost \$30,000 and will be paid out of the project budget. The contractor will be responsible for all electrical work on the lighting side of the transformer.

Procurement Analysis:

On June 9, 2013 the City issued Invitation to Bid (ITB) 130421 requesting interested and qualified firms to submit bid response to furnish and install an engineering lighting system at the Susan Street Recreation Complex. The bid called for bidders to submit a cost to replace the lighting on the

baseball/softball fields 1 & 2 and the football/soccer field. This would be the base bid. Bidders were further requested to submit bids on optional items should funding allow the purchase of the optional items. Optional items were to replace the lights on baseball/softball fields 3 & 4 and for remote control and monitoring of the lighting system.

On July 24, 2013, the City received six bids from five contractors. The bid responses were evaluated based on the Total Cost of Ownership (TCO) as stipulated in the ITB. The TCO is calculated by adding the purchase cost and 25-year cost to operate the lighting system. The reasoning behind using the TCO method of award is that it doesn't make good business sense to purchase an inexpensive system if it will cost more to operate over the estimated 25 year life of the lighting system. It was also stipulated that only those bidders submitting a base bid less than the budgeted amount of \$300,000 would be considered for award using the TCO. Only one contractor, Electric Services Incorporated submitted a base bid higher than the budget amount and was not considered for award.

The detailed bid tabulation is attached for your review. The summary of the base bid amounts and operating cost are provided here. The TCO was calculated using a formula provided in the ITB. Bidders were award of how the TCO would be calculated. The formula takes into account cost items such as electricity costs, electricity demand charges, cost of re-lamping and cost of repairs.

A	B	C	D (B + C)	E	F (B + E)
Vendor Name/Location	Base Bid Fields 1&2 / Football	Base Bid 25-Year Operating Cost	BASIS OF AWARD Total Cost of Ownership	Options: Fields 3 & 4 Remote Control	Total Purchase Cost (Does not include operating)
Himes Electric Company, Inc. Lutz, FL	\$196,950	\$284,170.28	\$481,120.28	\$133,900 \$12,100	\$342,950
Mid-State Electric – Bid 1 Ocala, FL	\$210,000	\$513,209.33	\$723,209.33	\$138,000 \$11,831.61	\$359,831.61
Mid-State Electric – Bid 2 Ocala, FL	\$174,500	\$513,209.33	\$687,709.33	\$118,500 \$11,831.61	\$304,831.61
Riley Electric Largo, FL	\$222,500	\$284,170.28	\$506,670.28	\$155,500 \$7,000	\$385,000
M. Gay Constructors Jacksonville, FL	\$212,700	\$284,170.28	\$496,870.28	\$137,000 \$7,200	\$356,900
Electric Services, Inc. Leesburg, FL	\$379,800	\$284,170.28	\$663,970.28	\$249,900 \$13,600	\$643,300

Staff obtained past performance surveys for Himes Electric Company, Inc. All surveys were returned with a rating of either very good or excellent. Staff has deemed Himes Electric Company, Inc. the lowest responsive and responsible bidder. They have proposed a Musco Lighting System when added to their bid price provides the lowest 25-year Total Cost of Ownership.

Options:

1. Approve the resolution authorizing execution of the agreement with Himes Electric Company, Inc.; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

A total of \$300,000.00 is in the Capital Projects budget for this project. This amount is sufficient to replace the lighting on fields 1 & 2 and the football field. The Interim City Manager has authorized using available Discretionary Sales Tax (LOOP) funds for the additional \$42,950.00 in order to replace the lighting for all fields including fields 3 & 4. The total purchase cost will be \$342,950.00. Additional LOOP funds will be used to pay for the estimated \$30,000.00 of work to be done by the Electric Utility. A budget adjustment will be necessary to appropriate the additional \$72,950.00 from the LOOP fund to complete this project.

The total project cost, paid to the contractor and the utility, is estimated to be \$372,950.00.

Submission Date and Time: 8/21/2013 2:11 PM

Department: <u>Public Works</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> Dates: <u>June 8, 2013</u> Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> <u>Revised 6/10/04</u>	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM,</u> Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>031-8125-572-6310</u> Project No. <u>310081</u> WF No. <u>WF0813838/1</u> Budget <u>\$300,000.00</u> Available <u>\$300,000.00</u>
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH HIMES ELECTRIC COMPANY, INC. FOR CONSTRUCTION SERVICES TO FURNISH AND INSTALL AN ATHLETIC FIELD LIGHTING SYSTEM AT THE SUSAN STREET RECREATION COMPLEX FOR A TOTAL COST OF \$342,950.00; 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 HIMES ELECTRIC COMPANY, INC. whose address is P.O. Box 516, Lutz, Florida 33548 to furnish and install athletic field lighting at the Susan Street Recreation Complex pursuant to Invitation to Bid 130421.

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 26th day of August 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 5H.

Meeting Date: August 26, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: Resolution correcting a legal description scrivener's error for an Annexation Agreement for property annexed by David H. Baldauf, Trustee, Benderson 85-I Trust, adopted June 26, 2006 by Resolution 7664.

Staff Recommendation

The Planning staff recommends approval of the corrective annexation agreement.

Analysis

This Annexation Agreement is being re-executed and re-recorded to correct an error in the legal description contained in the previous Annexation Agreement recorded on July 10, 2006 in Official Records Book 3206, Page 208, Public Records of Lake County, Florida. The legal that was attached to the original Annexation Agreement was in error because it described the Venetian Isle property that recently went through rezoning. This is creating a title issue for the closing on the Venetian Isle property.

Options:

1. Approve the requested corrective annexation agreement.
2. Disapprove the proposed corrective annexation agreement.

Fiscal Impact:

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

Submission Date and Time:

Department: Community Development Prepared by: Bill Wiley AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head <u> BW </u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ANNEXATION AGREEMENT BETWEEN THE CITY OF LEESBURG AND DAVID H. BALDAUF, TRUSTEE, BENDERSON 85-I TRUST, FOR THE PURPOSE OF CORRECTING A SCIVENER'S ERROR IN A PRIOR ANNEXATION AGREEMENT ADOPTED BY RESOLUTION 7664 WHICH CONTAINED AN ERRONEOUS LEGAL DESCRIPTION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leesburg previously entered into an Annexation Agreement with, David H. Baldauf, Trustee, Benderson 85-I Trust, which has been found to have contained an erroneous legal description including property not intended by the parties to be subject to that Agreement, and

WHEREAS, it is necessary and desirable that the City enter into a new Annexation Agreement with a correct legal description so as to clear any cloud on the title to the property erroneously included in the first Agreement,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA,

THAT the Mayor and City Clerk are authorized to execute an Annexation Agreement with David H. Baldauf, Trustee, Benderson 85-I Trust, for the purpose of re-executing and re-recording to correct an error in the legal description contained in that certain Annexation Agreement adopted by Resolution 7664 and recorded on July 10, 2006 in Official Records Book 3206, Page 208, Public Records of Lake County, Florida (the "Original Agreement"). By their execution below the parties agree (i) that the parcel of real property described in Exhibit "B" of the Original Agreement (the "Erroneously Described Parcel") was erroneously included in the Original Agreement recorded as provided above and (ii) as to the Erroneously Described Parcel, the Original Agreement is hereby terminated, released and shall be deemed void ab initio.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, on the 26th day of August, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
DAVID KNOWLES, Mayor

ATTEST: _____
City Clerk



AGENDA MEMORANDUM

Item No: 5I.

Meeting Date: August 26, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: A resolution of the City Commission of the City of Leesburg, Florida, adopting a moratorium on the issuance of adult electronic game center type of businesses for a period of one hundred and twenty days or until amendments to address protection to the public and other criteria; and providing an effective date.

Staff Recommendation:

Staff recommends approval of the moratorium on adult electronic game center type businesses for a period of one hundred and twenty days.

Analysis:

On April 10, Gov. Rick Scott signed a law aimed at closing storefront online gambling operations known as Internet or sweepstakes cafés across Florida. The measure was a reaction to the federal and state investigation into Allied Veterans that led to 57 arrests for illegal gambling, money laundering and racketeering. The bill alters the language used to describe slot machines and other gaming devices that players can use to win money. By changing the definition of a slot, lawmakers sought to close a loophole that had allowed Internet cafés to prosper in Florida. The changed law requires that the operator can play only using dollar coins. In recent weeks about 40 cafés have reopened complying with the law by offering retrofitted, coin-operated gaming devices and prizes. The office of Florida Attorney General has indicated that it would be up to local governments and their law enforcement agencies to determine whether the adult internet game center breaking the law.

These type activities (borderline gambling) have adversely impacted our low income and senior citizens in the community, therefore staff recommends amending the code to address these type businesses to protect the public. Because staff will need time to research and prepare the necessary amendments to the code for adult electronic game center type businesses regulations, we are requesting the referenced moratorium.

Options:

1. Approve the Resolution for a moratorium on adult electronic game center type businesses for one hundred and twenty days.
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: 8/21/13 2:11 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <input type="checkbox"/> BW _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, ADOPTING A MORATORIUM ON THE ISSUANCE OF ANY LAND USE CHANGE, LICENSE OR OTHER AUTHORIZATION FOR ANY ADULT ELECTRONIC GAME CENTER TYPE OF BUSINESSES FOR A PERIOD OF ONE HUNDRED AND TWENTY DAYS OR UNTIL AMENDMENTS TO ADDRESS PROTECTION TO THE PUBLIC AND OTHER CRITERIA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leesburg desires to promote business activity within the City; and

WHEREAS, the City of Leesburg is aware of violent crimes associated with adult electronic game center type businesses and,

WHEREAS, the City of Leesburg is committed to promoting healthy family oriented business activity within the City; and

WHEREAS, the City of Leesburg is concerned that adult electronic game center type businesses have been documented by the Florida Council on Compulsive Gambling to create gambling problems for the public that are losing control and losing significant amounts of money as demonstrated though statistics showing that patrons are 19% retired, 25% were either unemployed or disabled, 35% had committed illegal acts to finance their gambling, 92% were suffering from depression and 18% had serious suicidal indications, and 35% were older adults 55 years of age or older; and

WHEREAS, the City Commission desires to amend this type business regulations to protect the public from the problems associated with gambling and violent crimes and,

WHEREAS, the City Commission realizes that staff will need time to research and prepare the necessary amendments to the adult electronic game center type business regulations.,

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

THAT the City Commission hereby adopts a moratorium on any authorization or approval for new adult electronic game center type businesses for a period of one hundred and twenty days, or until amendments to address protection of the public and other criteria are developed by staff for consideration of the City Commission, whichever is greater. City staff is directed to formulate such new regulations as expeditiously as possible, and within the one hundred and twenty days provided herein if possible.

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 26th day of August, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor David Knowles

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 5J.
Meeting Date: August 26, 2013
From: Betty Richardson
Subject: Resolution appointing Jim Rediske to the Police Pension Trustee Board

Staff Recommendation:

Staff recommends the appointment of Jim Rediske to the Police Pension Trustee Board

Analysis:

The Police Pension Trustee Board consists of five regular members of which two members are City appointed position.

Trustee Chet Blackmon, a City Commission appointee, resigned so the Commission needs to fill the vacant position.

Mr. Jim Redeski has applied for the vacant Board position.

The position has been advertised in the Daily Commission without any other responses.

Options:

1. Appoint a regular member to the Police Pension Board to fill the current vacancy.
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

None

Submission Date and Time: 8/21/2013 2:11 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 _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG FINDING THERE IS A VACANCY ON THE POLICE OFFICER'S RETIREMENT TRUSTEE BOARD; APPOINTING JIM REDISKE TO FILL THE VACANCY WITH TERM TO EXPIRE DECEMBER 31, 2015; AND PROVIDING AN EFFECTIVE DATE.

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

THAT the City Commission of the City of Leesburg, Florida finds there is a vacancy for one City-appointed member on the Police Pension Board due to resignation of Chet Blackmon;

THAT the City Commission hereby appoints Jim Rediske as a regular member of the Police Pension Board to fill the vacancy, said term to expire December 31, 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 26th day of August 2013.

Mayor

ATTEST:

City Clerk