

ORDINANCE NO. 04-812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, READOPTING ORDINANCE NO. 04-796 CONCERNING RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI NO. 236; PROVIDING FOR FINDINGS OF FACT; RESTATING AND CLARIFYING ORDINANCE NO 04-796 BY IDENTIFYING EXHIBIT "A," THE MASTER DEVELOPMENT PLAN WITH A MASTER DEVELOPMENT PLAN MAP, AND BY ATTACHING AS EXHIBIT "B" A LEGAL DESCRIPTION REFERENCED IN ORDINANCE NO. 04-796; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, the City may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, on March 1, 2004, Ordinance No. 04-796, concerning Riviera Dunes, a Development of Regional Impact, DRI No. 236, was approved and adopted by the City Council; and,

WHEREAS, the Master Development Plan Map was attached to Ordinance No. 04-796, but not identified in the body of the Ordinance; and,

WHEREAS, Exhibit B to Ordinance No. 04-796, a legal description of real property, is referenced in the body of Ordinance No. 04-796 but was inadvertently omitted; and

WHEREAS, the City Council now desires to restate and clarify Ordinance 04-796 by identifying Exhibit "A," the Master Development Plan Map, and by attaching Exhibit "B", the legal description; and,

WHEREAS, after holding a duly noticed public hearing on June 21, 2004, the City Council has determined that this Ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Palmetto, Florida, as follows:

Section 1. Findings of Fact. The above-referenced WHEREAS clauses are adopted herein as findings of fact.

Section 2. Restatement. Ordinance No. 04-796 is hereby restated in its entirety and incorporated in this Ordinance as if fully rewritten herein.

Section 3. Amendment. Ordinance No. 04-796, Section 1 is hereby amended to read in its entirety as follows:

Section 1. Findings of Fact. *The City Council hereby makes the following findings of fact:*

- A. *All of the recitals are adopted as findings of fact.*
- B. *The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.*
- C. *The owner of the not yet developed or sold property and the Development is W. Riviera Partners, LC.*
- D. *The authorized agent for the Developer is Linda J. Svenson.*
- E. *The Master Development Plan map is attached hereto and incorporated herein as Exhibit "A."*
- F. *The real property which is the subject of this Development Order is legally described on Exhibit "B", attached hereto and incorporated herein.*

Section 4. Amendment. Ordinance No. 04-796 is hereby amended by attaching Exhibit "B," a legal description of the real property which is the subject of Ordinance No. 04-796. A copy of Exhibit "B" is attached to this Ordinance and identified as Exhibit "B."

Section 5. Repeal Of Ordinance. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 6. Severability. It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal,

unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 7. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 13 upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Council and passing of the Ordinance by at least four (4) votes.

APPROVED AND ADOPTED, in open session with a quorum present and voting, this 2nd day of August, 2004.

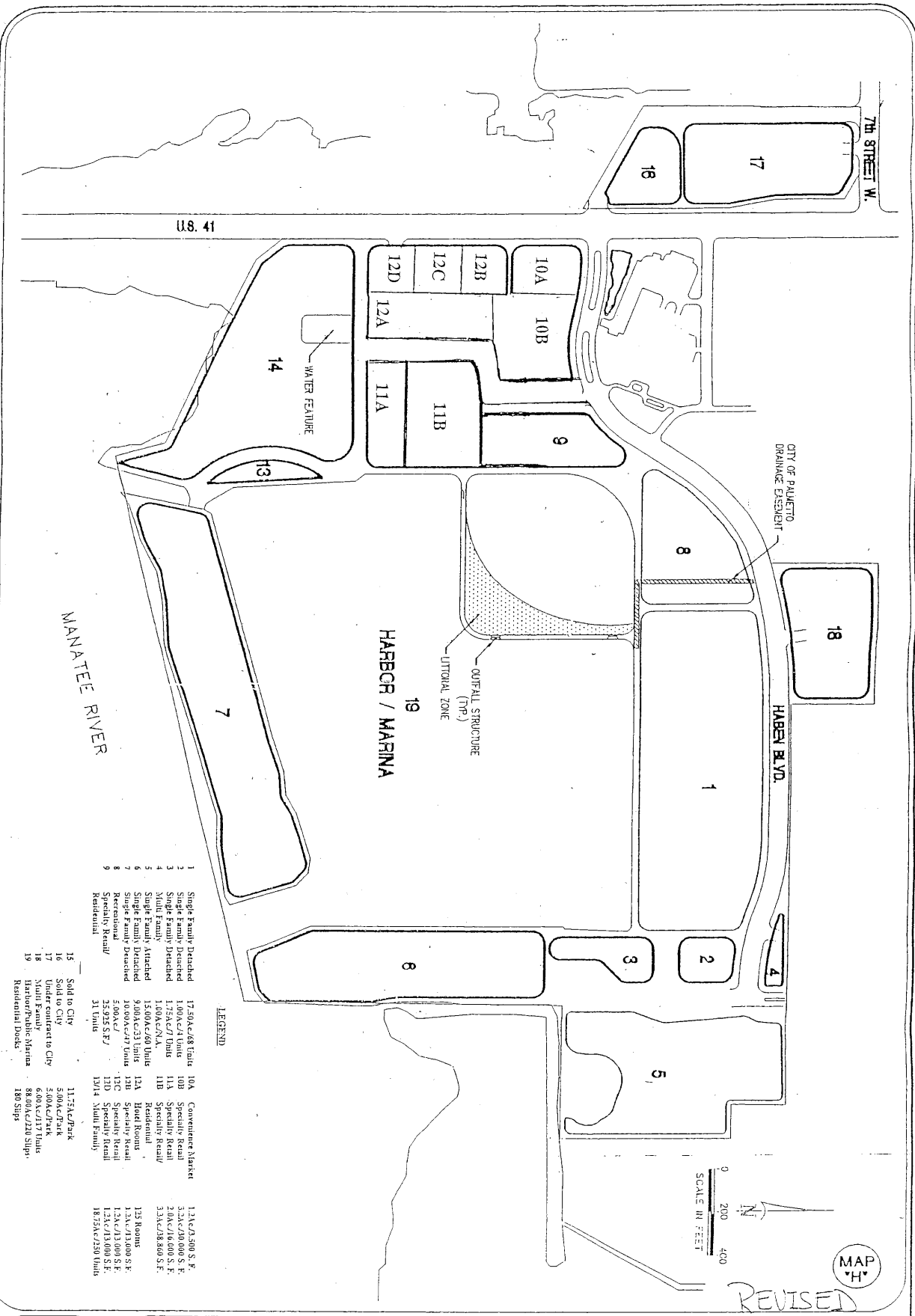
First Reading:	June 21, 2004
Publication:	July 23, 2004
Second Reading and Public Hearing:	August 2, 2004

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COUNCIL OF
THE CITY OF PALMETTO

By: Lawrence E. Bustle
LAWRENCE E. BUSTLE, MAYOR

ATTEST: J. E. FREE, JR.
City Clerk

By: J. E. Free, Jr.
City Clerk/Deputy Clerk



LEGEND

1	Single Family Detached	1750K/C48 Triale	10A	Convenience Market	12A/C/3500 S.F.
2	Single Family Detached	1,000K/C41 Unit	10B	Specialty Retail	32A/C/2000 S.F.
3	Single Family Detached	1,75A/C/71 Dns	11A	Specialty Retail	20K/C/1000 S.F.
4	Multi-Family	100K/C/A.A.	11B	Specialty Retail	32A/C/2800 S.F.
5	Single Family Attached	1500K/C/60 Unit	12A	Residential	125 Rooms
6	Single Family Attached	900K/C/47 Unit	12B	Residential	12A/C/13000 S.F.
7	Single Family Detached	10,000K/C/47 Unit	12C	Specialty Retail	12A/C/13000 S.F.
8	Recreational	5,000K/C/	12D	Specialty Retail	12A/C/13000 S.F.
9	Specialty Retail/ Residential	353925 S.F./ 31 Units	12A/C/250 Unit		1875A/C/250 Unit
10	Sold to City				
11	Sold to City				
12	Under contract to City				
13	Multi-Family				
14	Hardcore/Publie Marina				
15	Residential Docks				
16	11,75A/C/Park				
17	500K/C/Park				
18	600K/C/17 Unit				
19	850K/C/220 Ship				
	180 Ship				



PARCEL A

Exhibit "B"

BEGIN AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00°33'40" W ALONG THE WEST LINE OF SECTION 24, 574.82 FEET; THENCE S 40°33'36" E, 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/S.R. 55; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, N 00°00'25" E, 1117.61 FEET TO ITS INTERSECTION WITH A LINE BEARING S 89°27'02" E FROM THE POB; THENCE N 00°02'04" E, 656.58 FEET; THENCE N 10°59'44" W, 7.30 FEET; THENCE N 10°50'28" W, 196.50 FEET; THENCE N00°02'33" E, 300.00 FEET; THENCE N 59°59'28" W, 131.41 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 7th STREET; THENCE N89°27'14" W ALONG SAID SOUTHERLY RIGHT-OF-WAY OF 7th STREET, 299.99 FEET; THENCE S 00°32' 20" W, 1220.94 FEET TO THE POINT OF BEGINNING.

LESS:

COMMENCE AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE 'CIVIC CENTER PARCEL) SAID POINT BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF US HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE S 89°58'43" W, 130.26 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF AFORMENTIONED U.S. HIGHWAY 301/41 FOR A POINT OF BEGINNING; THENCE S 89°59'19" W, 125.00 FEET; THENCE N 00°02'04" E PARALLEL TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301 217.92 FEET; THENCE N 65°59'14" W, 366.00 FEET TO THE WEST LINE OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE S 00°32'20" W ALONG SAID WESTERLY LINE OF SECTION 13, 404.58 FEET TO THE SOUTHWEST CORNER OF SECTION 13 (ALSO BEING THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST); THENCE S 00°33'40" W ALONG THE WESTERLY LINE OF SECTION 24 574.82 FEET; THENCE S 40°33'36" E 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE AFORMENTIONED U.S. HIGHWAY 301/41; THENCE N 00°00'25" E, 1117.61 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO A POINT BEING S 89°-27-02 E, 493.00 FEET FROM THE NORTHWEST CORNER OF SECTION 24-34S-17E; THENCE N 00°02'04" E ALONG THE WESTERLY RIGHT-OF-WAY OF U.S.HIGHWAY 301/41, 42.27 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY FLORIDA,

II. PARCEL 'B' (BEING NORTH OF HABEN BOULEVARD):

BEGIN AT THE NORTHEAST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER" PARCEL); THENCE RUN S 00°10'42" W, ALONG THE EAST LINE OF THE ABOVE REFERENCED "CIVIC CENTER" PARCEL, 465.37 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PRMCF (THE "HABEN BOULEVARD EXTENSION"); THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES: N 76°04'37" E, 80.36 FEET TO A POINT OF CURVATURE; THENCE 558.13 FEET ALONG THE ARC A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2190.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°47'50" E, 600.00 FEET TO A POINT OF CURVATURE; THENCE 339.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 942.00 FEET AND A CENTRAL ANGLE OF 20°37'20" , TO A POINT OF REVERSE CURVATURE; THENCE 298.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 19°54'13"; TO A POINT OF COMPOUND CURVATURE; THENCE 46.17 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 75°34'57"; THENCE N 00°28'54" E, 100.73 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, RUN N 89°29'11" W, 1258.00 FEET; THENCE N 00°00'15" W, 363.50 FEET, THENCE N 89°23'50" W, 629.23 FEET TO THE POB.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA

EXHIBIT

III. PARCEL C

COMMENCE AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°27'02" E, 493.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF WAY OF U.S. HIGHWAY 301/S.R.55; THENCE RUN S 00°00'25" W, 1117.61 FEET ALONG SAID RIGHT-OF-WAY; THENCE S 40°33'36" E, 199.80 FEET FOR A POINT OF BEGINNING; THENCE N 00°01'28" E, 1267.87 FEET; THENCE N 00°03'41" E, 43.82 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 (SAID SOUTHWEST CORNER BEING THE POB OF SAID PARCEL), THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES N 89°59'19" E 100.00 FEET; THENCE 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET AND A CENTRAL ANGLE OF 10°59'56"; THENCE S 79°01'33" E, 123.57 FEET; THENCE 593.41 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 67°59'59"; THENCE N 33°03'07" E, 246.55 FEET; THENCE 368.65 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 960.00 FEET AND A CENTRAL ANGLE OF 22°00'07"; THENCE 167.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 460.00 FEET AND A CENTRAL ANGLE OF 20°52'28"; THENCE S 13°20'16" E, 1.99 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, (THE "HABEN BOULEVARD EXTENSION" PARCEL); THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID HABEN BOULEVARD EXTENSION THE FOLLOWING COURSES; THENCE N 75°55'53" E, 101.94 FEET THENCE 536.70 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2106.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°30'28" E, 600.00 FEET; THENCE 308.39 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 20°35'38", TO A POINT OF REVERSE CURVATURE, THENCE 341.49 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 492.00 FEET AND A CENTRAL ANGLE OF 20°48'15"; THENCE N 89°39'34" E, 106.37 FEET; THENCE N 00°20'26" E, 208.80 FEET TO THE END OF SAID HABEN BOULEVARD EXTENSION PARCEL; THENCE S 89°29'11" E ALONG THE SOUTHERLY BOUNDARY OF THAT PARCEL DESCRIBED IN ORB 370 PAGE 303 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, 433.84 FEET; THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARIES OF THAT PARCEL DESCRIBED AS "PARCEL 1" IN ORB 1435 PAGE 6874 (ALSO IN ORB 1180 PAGE 537) THE FOLLOWING TWO COURSES; S 00°23'51" W, 234.00 FEET; THENCE S 89°21'41" E, 154.00 FEET; THENCE S 00°00'53" W, 734.60 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE N 89°21'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, 599.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE S 00°38'10" W ALONG THE EAST LINE OF U.S. GOVERNMENT LOT 3, 1354.95 FEET; THENCE S 76°20'28" W, 2500.08 FEET; THENCE N 15°09'23" W, 225.00 FEET; THENCE N 64°04'34" W 891.58 FEET; THENCE N 40°33'36" W, 143.46 FEET TO THE POINT OF BEGINNING.

LESS:

Exhibit "B"

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE CIVIC CENTER 'PARCEL), SAID POINT BEGINNING, BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04 FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA

IV. PARCEL C-1

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE CIVIC CENTER 'PARCEL), SAID POINT BEGINNING, BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04 FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF BEGINNING.

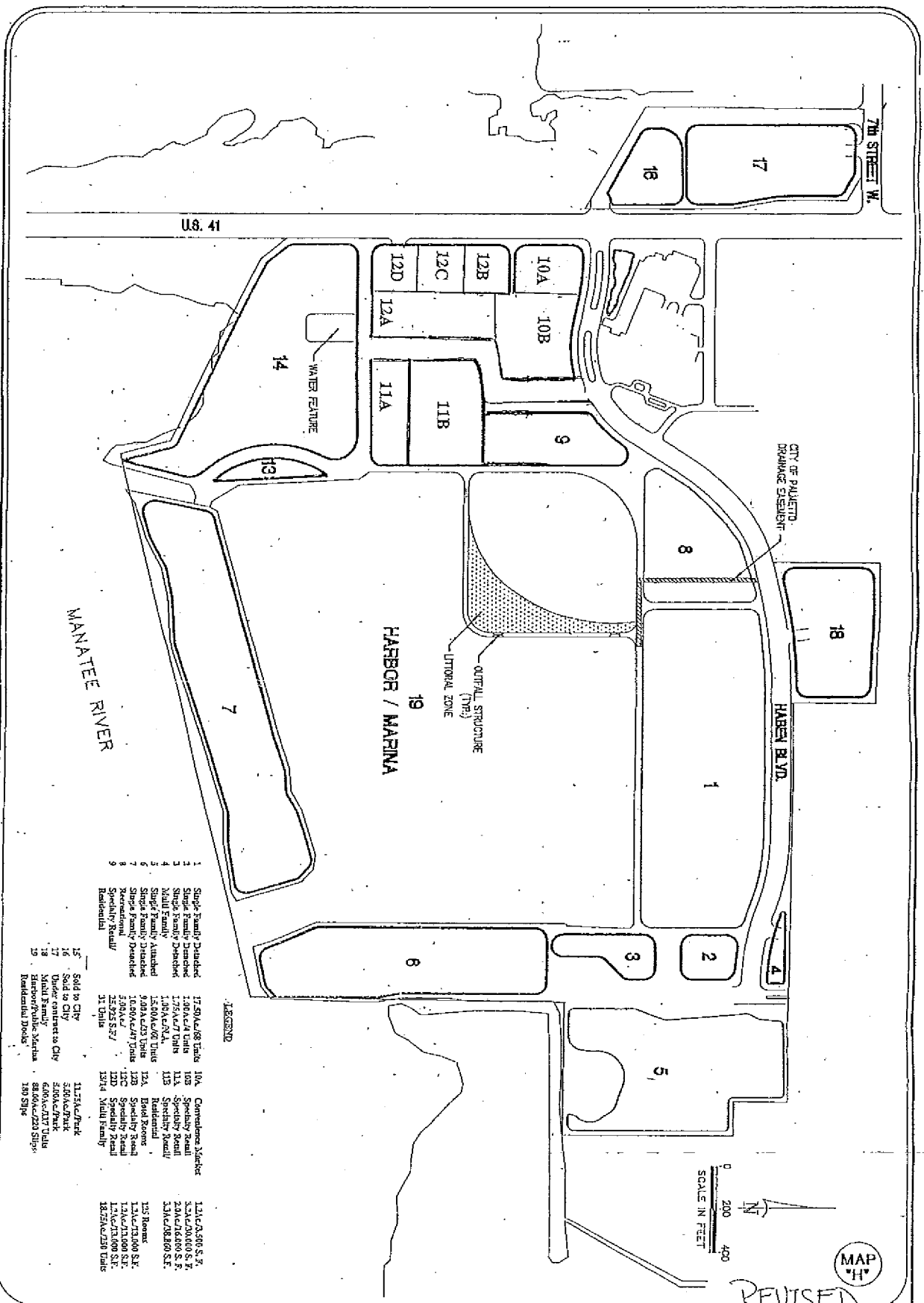
THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA,

V. PARCEL D

TOGETHER WITH NON-EXCLUSIVE EASEMENTS SET FORTH IN TRUSTEE'S DEED BY AND BETWEEN BARNETT BANK OF MANATEE COUNTY, NA, AS TRUSTEE, AND MANATEE COUNTY CIVIC CENTER AUTHORITY, RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1788, AND SET FORTH IN RIGHT-OF-WAY RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN MANATEE GATEWAY NO.1, A JOINT VENTURE, AND BARNETT BANK OF MANATEE COUNTY AS TRUSTEE, AND THE MANATEE COUNTY CIVIC CENTER AUTHORITY RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1801. ALL OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSES OF INGRESS, EGRESS, DRAINAGE, AND UTILITIES, PEDISTRIAN WALKWAYS, AND OVERHEAD ARCHITECTURAL CONNECTION, OVER, UNDER, AND ACROSS THE LANDS DESCRIBED IN SAID INSTRUMENTS.

VI. PARCEL E

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR A PERIOD OF 25 YEARS FROM SEPTEMBER 12, 1991, WAS SET FORTH IN SOVEREIGN SUBMERGED LANDS EASEMENT GRANTED BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA IN FAVOR OF MANATEE GATEWAY I, A JOINT VENTURE, A FLORIDA GENERAL PARTERSHIP, AND RECORDED IN OFFICIAL RECORD BOOK 1378, PAGE 1557, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSE OF AN ACCESS



RIVIERA DUNES
CITY OF PALMETTO, FLORIDA
MASTER DEVELOPMENT PLAN

EXHIBIT "A"