



AGENDA

CITY OF WEBSTER

Regular Council Meeting

Webster City Hall, 85 E. Central Avenue

May 18, 2023 - 6:00 P.M.

I. CALL TO ORDER

Pledge of Allegiance, Invocation
Roll Call and Determination of Quorum

Note. All public comment will be limited to 3 minutes per speaker. Anyone wishing to speak during citizen's forum or on an agenda item must fill out a speaker card and present it to the City Clerk prior to being recognized. All comments will be addressed after all speakers have spoken during citizen's forum or on a particular agenda item. There will be no back and forth conversations unless a member of council calls you back to the podium.

II. APPROVAL OF MINUTES

Regular Council Meeting – April 20, 2023
M _____ S _____ Roll Call Vote

III. CONSENT AGENDA

IV. CITIZENS FORUM

V. CORRESPONDENCE TO NOTE

Law Enforcement City Newsletter Report

VI. PUBLIC HEARINGS

Second Reading of Ordinance 2023-08 – Comprehensive Plan of Parcel ID's Q31-003 and Q31A001-Ginny Browning

M _____ S _____ Roll Call Vote to Read by Title Only

M _____ S _____ Roll Call Vote for Approval

Second Reading of Ordinance 2023-09 – Rezoning of Parcel ID's Q31-003 and Q31A001-Ginny Browning

M _____ S _____ Roll Call Vote to Read by Title Only

M _____ S _____ Roll Call Vote for Approval

First Reading of Ordinance 2023-10 – Annexation of Q19-060-Southern Properties Florida, LLC.

M _____ S _____ Roll Call Vote to Read by Title Only

M _____ S _____ Roll Call Vote for Approval

First Reading of Ordinance 2023-11 – Annexation of Q19-086-South Sumter Self Storage, LLC.

M _____ S _____ Roll Call Vote to Read by Title Only

M _____ S _____ Roll Call Vote for Approval

First Reading of Developers Agreement – Walton Acquisitions FL, LLC

M _____ S _____ Roll Call Vote to Read by Title Only

M _____ S _____ Roll Call Vote for Approval

VII. NEW BUSINESS

Market Property-City Manager Deanna Naugler and Jessica Duteau

VIII. CITY ATTORNEY'S REPORT AND REQUESTS

IX. MAYOR'S AND COUNCIL MEMBER'S REPORTS AND REQUESTS

X. STAFF REPORTS

Sheriff's Office

Planning and Development Services

City Manager

XI. ADJOURNMENT

M_____S_____ -Roll Call Vote.

PLEASE NOTE IN ACCORDANCE WITH FLORIDA STATUTE 286.105, ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. ALSO, IN ACCORDANCE WITH FLORIDA STATUTE 286.26; PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THE PROCEEDINGS SHOULD CONTACT THE OFFICE OF THE CITY CLERK; 85 E. CENTRAL AVENUE; WEBSTER, FLORIDA; (352) 793-2073; 48 HOURS IN ADVANCE.



MINUTES

CITY OF WEBSTER

City Hall, 85 E Central Avenue

April 20, 2023

Council Meeting

6:00 P.M.

I. CALL TO ORDER

Pledge of Allegiance and Invocation.

Mayor Pro-Tem Vigoa called the meeting of the City of Webster Council to order at 6:00p.m. Present were Mayor Pro-Tem Vigoa, Councilmember Cherry, Councilmember Malott, and Councilmember Dorsey. Mayor Yost was absent due to illness.

We have a quorum.

II. APPROVAL OF THE MINUTES

Councilmember Cherry made a motion for approval of the minutes for March 16, 2023, seconded by Councilmember Dorsey.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes

Councilmember Cherry-Yes

Councilmember Malott-Yes

Councilmember Dorsey-Yes

Motion passed 4-0

III. CONSENT AGENDA

Approval of Resolution 2023-04 State Revolving Loan-Planning Services for Regional Wastewater Plant. Councilmember Dorsey motioned for approval, seconded by Councilmember Malott.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes

Councilmember Cherry-Yes

Councilmember Malott-Yes

Councilmember Dorsey-Yes

Motion Passed 4-0

IV. CITIZENS FORUM

There were no citizen speaker cards at this time.

V. CORRESPONDENCE TO NOTE

There was no correspondence to note.

VI. PUBLIC HEARINGS

Second reading of Ordinance 2023-03—Annexation of Parcel ID's Q31-003 and Q31A001-Ginny Browning. Councilmember Dorsey motioned to read by title only, seconded by Mayor Pro-Tem Vigoa.

Vote was as follows:

- Mayor Pro-Tem Vigoa-Yes
- Councilmember Dorsey-Yes
- Councilmember Cherry-Yes
- Councilmember Malott-Yes

Motion passed 4-0

City Clerk Amy Flood read the ordinance by title only.

Councilmember Cherry motioned for approval of Ordinance 2023-03, seconded by Councilmember Dorsey.

Vote was as follows:

- Mayor Pro-Tem Vigoa-Yes
- Councilmember Dorsey-Yes
- Councilmember Cherry-Yes
- Councilmember Malott-Yes

Motion passed 4-0

Second reading of Ordinance 2023-04-Annexation of Parcel ID N25-016-Rodolfo Luisis. Councilmember Dorsey motioned to read by title only, seconded by Councilmember Malott.

City Clerk Amy Flood read the ordinance by title only.

County Planner Sue Farnsworth apprised council about the comprehensive plan amendment.

Vote was as follows:

- Mayor Pro-Tem Vigoa-Yes
- Councilmember Dorsey-Yes
- Councilmember Cherry-Yes
- Councilmember Malott-Yes

Motion passed 4-0

Councilmember Cherry motioned for approval of Ordinance 2023-04, seconded by Councilmember Malott.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

The first reading of Ordinance 2023-08-Comprehensive Plan-Parcel ID's Q31-003 and Q31A001-Ginny Browning. Councilmember Dorsey motioned to read by title only, seconded by Councilmember Malott.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

City Clerk Amy Flood read the ordinance by title only.

Councilmember Malott made a motion to approve Ordinance 2023-08, seconded by Councilmember Dorsey. County Planner Sue Farnsworth apprised council about Ordinance 2023-08.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

The first reading of Ordinance 2023-09-Rezoning-Parcel ID's Q31-003 and Q31A001-Ginny Browning. Councilmember Dorsey motioned to read by title only, seconded by Councilmember Malott.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

City Clerk Amy Flood read the ordinance by title only.

Councilmember Cherry made a motion to approve Ordinance 2023-09, seconded by Councilmember Dorsey. County Planner Sue Farnsworth apprised council about Ordinance 2023-09. City Manager Naugler reminded the public that they need to fill out speaker cards on each agenda item to speak.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

VII. NEW BUSINESS

Resident Judie Mueller asks the council to consider a percentage of green space, workshops for comprehensive plans, and notifying businesses about complete streets. City Manager Naugler informed the public that these items should have been under citizen forum.

Accountant Mike Brynjulson and Auditor Julie Davis spoke about the city audit.

Parcel ID Q31B006-Market Property was tabled until the May Council meeting.

Councilmember Dorsey motioned for a vote for additional parking for the Hobby Horse Daycare, seconded by Mayor Pro-Tem Vigoa.

Vote was as follows:

Mayor Pro-Tem Vigoa-No
Councilmember Dorsey-No
Councilmember Cherry-No
Councilmember Malott-No

Motion fails 4-0

Mr. Hugh Lee asked for forgiveness on a lien. Historically the City of Webster gives a 40% reduction. There will not be an additional reduction on the lien.

Councilmember Cherry motioned for approval to surplus city property, seconded by Mayor Pro-Tem Vigoa.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

Councilmember Cherry motioned for approval of acquiring Parcel ID Q31B088-Faiz Hoosain-Drainage Pond, seconded by Councilmember Malott.

City Manager Naugler was instructed to move forward with the purchase.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

Councilmember Dorsey made a motion to appoint Darrell Elliott to the Planning & Zoning board, seconded by Mayor Pro-Tem Vigoa.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

Councilmember Cherry made a motion to purchase a Library Box to be installed across the street from City Hall, seconded by Councilmember Mallott. City of Webster will sponsor one library box and Jessica Duteau will sponsor one.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

VIII. CITY ATTORNEY'S REPORT AND REQUESTS

IX. MAYOR'S AND COUNCIL MEMBER'S REPORTS AND REQUESTS

Councilmember Dorsey spoke about Florida Cracker donating a silo to install near the North well.

Mayor Pro-Tem Vigoa spoke about Betty Taylor, a former resident who passed away from a brain aneurysm, she would like a plaque attached to one of the swing frames on Central Avenue. Councilmember Dorsey made a motion to approve placing a plaque purchased by Mayor Pro-Tem Vigoa on the swing frame, seconded by Councilmember Malott.

Vote was as follows:

Mayor Pro-Tem Vigoa-Yes
Councilmember Dorsey-Yes
Councilmember Cherry-Yes
Councilmember Malott-Yes

Motion passed 4-0

Councilmember Dorsey spoke about a tree that is blocking the view when leaving Hewitt Park. Councilmember Dorsey spoke about speeding on 3rd Avenue.

X. STAFF REPORTS

City Manager Naugler spoke about letters of intent for commercial rezoning.

Mayor Pro-Tem Vigoa talked about workshops before meetings, Attorney Colbert advised that no more than one councilmember could be present.

County Planner Sue Farnsworth spoke about her retirement and that would be her last time attending meetings. Kathleen Brugnoli will be taking the lead for the City of Webster planning.

XI. ADJOURNMENT

Councilmember Malott motioned for adjournment, seconded by Councilmember Dorsey.

Vote was as follows:

- Mayor Pro-Tem Vigoa-Yes
- Councilmember Dorsey-Yes
- Councilmember Cherry-Yes
- Councilmember Malott-Yes

Motion passed 4-0

Meeting adjourned at 8:21 P.M.

Deanna Naugler, City Manager

Attest:

Amy Flood, City Clerk

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE CITY OF WEBSTER COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF WEBSTER COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY, APPROXIMATELY 37 ACRES (TAX PARCEL IDENTIFICATION NUMBERS Q31-003 and Q31A001), AND DESCRIBED IN THIS ORDINANCE FROM THE RURAL RESIDENTIAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE COMMERCIAL AND RURAL RESIDENTIAL FUTURE LAND USE DESIGNATIONS (CITY); PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ginny Browning, whose mailing address is PO Box 500177, Malabar, FL (Tax Parcel Identification Numbers Q31-003 and Q31A001), is the owner of the property which is the subject of this Ordinance; and

WHEREAS, the real property, totaling 37 acres MOL in size, is located on the northeast corner of SR 471 and NW 6th Ave; and

WHEREAS, Ginny Browning applied to the City of Webster, for annexation into the City with Commercial future land use on 27 acres and Rural Residential future land use on 10 acres; and

WHEREAS, the City Council of the City of Webster, Florida has taken, as implemented by City staff, all actions relating to the future land use amendment action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT.

(a). The City Council of the City of Webster hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum relating to the application relating to the proposed amendment to the *City of Webster Comprehensive Plan* pertaining to the subject property.

(b). The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Webster* and the proposed *Comprehensive Plan* amendment does not trigger any urban sprawl indicators and adoption of this amendment will discourage the proliferation of urban sprawl within the City of Webster.

(d). Public services are available to the real property which is the subject of this Ordinance.

(e). The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

SECTION 2. AMENDMENT TO FUTURE LAND USE MAP.

(a). The Future Land Use Plan Element of the *Comprehensive Plan of the City of Webster* and the City's Future Land Use Map are hereby amended by changing the land use designation from the Rural Residential (County) land use on 37 acres to, Commercial future land use designation on 27 acres and to Rural Residential future land use designation on ten acres, on the real property which is the subject of this Ordinance as set forth herein (Attachment B).

(b). The property which is the subject of this *Comprehensive Plan* amendment

is as described as follows:

Property to be assigned Rural Residential land use: IN SEC 31, TWP 21N, RNG 23E: THE SOUTH 626 FT OF THE EAST 643 FT OF THE SW ¼ OF THE NW ¼ INCLUSIVE OF ALL OF LONE OAK ADDITION TO WEBSTER, PB 2, PG 7.

And

Property to be assigned Commercial land use: IN SEC 31, TWP 21N, RNG 23E: SW 1/4 OF NW ¼; LESS BEG AT NW COR RUN S 70 YDS E 140 YDS N 70 YDS W 140 YDS TO BEG; AND LESS THE SOUTH 626 FT OF THE EAST 643 FT OF THE SW ¼ OF THE NW ¼.

SECTION 4. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 6. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER. It is the intention of the City Council of the City of Webster, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the City of Webster Comprehensive Plan and/or the Code of Ordinances of the City of Webster, Florida in terms of amending the Future Land Use Map of the City.

SECTION 7. EFFECTIVE DATE The small scale *Comprehensive Plan* amendment set forth herein shall not become effective, in accordance with Section 163.3187(5)(c), Florida Statutes, until 31 days after the enactment of this Ordinance. If challenged within 30 days after enactment, the small scale amendment set forth in this

Ordinance shall not become effective until the State land planning agency or the Administration Council, respectively, issues a final order determining that the subject small scale amendment is in compliance with controlling State law.

PASSED AND ENACTED this _____ day of _____, 2023.

**CITY COUNCIL OF THE CITY OF
WEBSTER, FLORIDA**

Bobby Yost, Mayor

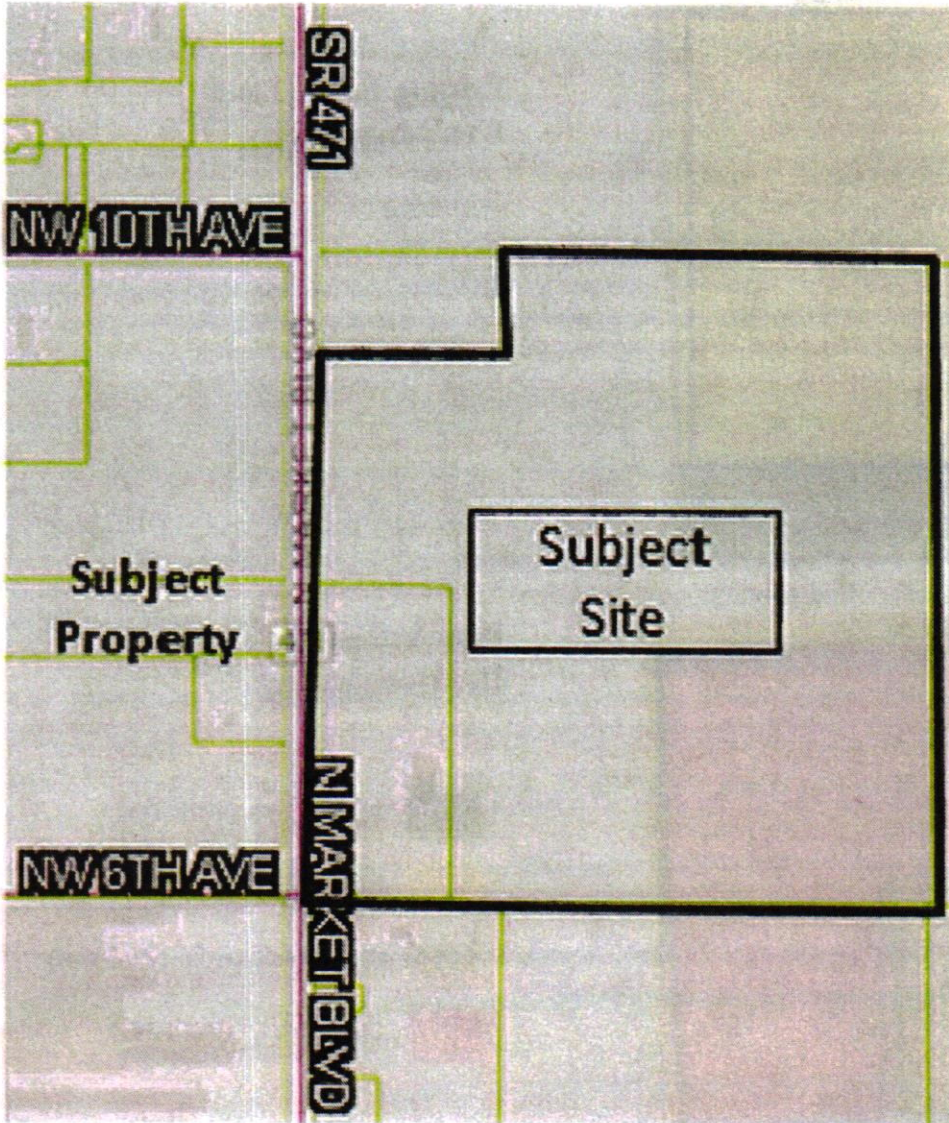
ATTEST:

Approved as to form and Legality:

**Amy Flood
City Clerk**

**William L. Colbert
City Attorney**

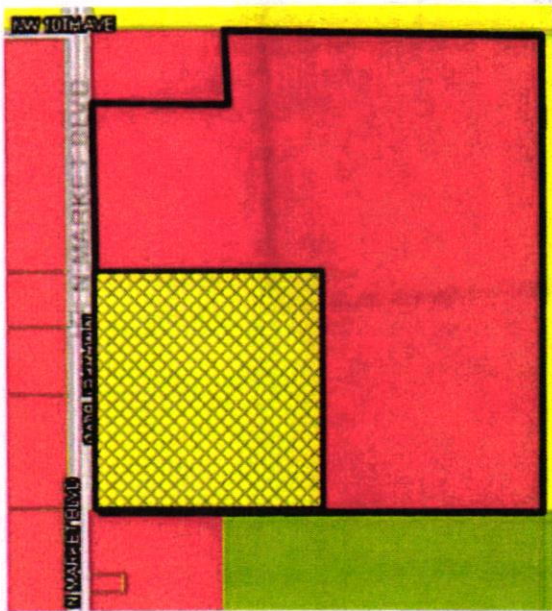
Attachment A
Location Map







**Attachment B
Future Land Use Map**



**Existing Future Land
Use Designations**



**Proposed Future Land
Use Designations**

-  Agriculture (Webster)
-  Rural Residential (County)
-  Rural Residential (Webster)
-  Commercial (Webster)

CASE SUMMARY:

The subject property is located on the east side of SR 471, north of CR 470 (Map 1). The property is in the process of annexation and retains a County Agricultural zoning and future land use assignment (Map 2). Annexation is scheduled for final hearing on April 20, 2023. This amendment will add the property onto the City of Webster Future Land Use Map. The owner is requesting Commercial and Rural Residential Future Land Use consistent with the conceptual plan provided. The application seeks to provide for commercial use, consistent with existing development in the Webster area, and residential development to maintain the residence that the applicant wishes to retain. The site is located within the Urban Development Area (UDA) as well as the Joint Planning Area (JPA).

CASE ANALYSIS:

By amending a portion of the land use to Rural Residential the owner/applicant looks to expand the area of their existing residential property. The remaining portion of property seeks a commercial land use consistent with surrounding Webster land uses in the area and will allow the owner/applicant's son the opportunity to create his own business there. The project site is within the Urban Development Area and the Webster Joint Planning Area where economic growth is encouraged. The proposed land use amendment does not demonstrate any of the characteristics of urban sprawl (Attachment A). The proposed project furthers the following policies of the Future Land Use and Economic Development Elements.

Policy 1.2.9 General Commercial

The "General Commercial" future land use category is applied to land suitable for commercial activity with access from an arterial or collector road. Residential uses may be allowed secondarily to a principle commercial use. Residential uses are limited to an owner/operator/manager unit, or dwellings integrated into a mixed-use commercial development (i.e. mixed-use structures, upper flats, and loft apartments). Central water and sewer shall be utilized when available.

The proposed commercial portion of the property is suitable for commercial uses. It fronts on N Market Blvd, an arterial road and has municipal water and sewer available.

Policy 1.3.7 Conversion of Agricultural Lands

Conversion of agricultural lands to a mixed-use, industrial, commercial or residential future land use category shall demonstrate the following:

The subject property has been in agricultural use for cattle grazing. The requested amendment will allow its conversion to commercial use on 27 acres of the site.

- a. The amendment will not result in urban sprawl as defined in Chapter 163, Part II, Florida Statutes;

The requested amendment does not trigger sprawl per Chapter 163 F.S.

- b. Availability of public infrastructure, including centralized water and sewer, to serve a more dense or intense use, or will be available at the time of development and is secured under a Developers Agreement;

Municipal water and sewer service is available to the site.

- c. The proposed use will complement the rural qualities of the community by supporting a diverse and efficient resource-based economy; and

The proposed amendment will allow development of a commercial use adjacent to existing commercial uses very close to the City's flea market district.

- d. The relationship of the proposed amendment site to the UDA boundary and other more densely or intensely designated or developed lands.

The subject property is inside the Urban Development Area and is adjacent to developed commercial properties.

Objective 8.1 Provide Quality Locations

Identify and establish suitable and functional locations for Industry and commerce that provide a full range of investment and development opportunities.

The change from strictly Rural Residential to Rural Residential and Commercial will allow for more business opportunities and economic growth in a Commercial node of Webster while allowing the landowner to continue their existing residential use in the southwest corner of the site.

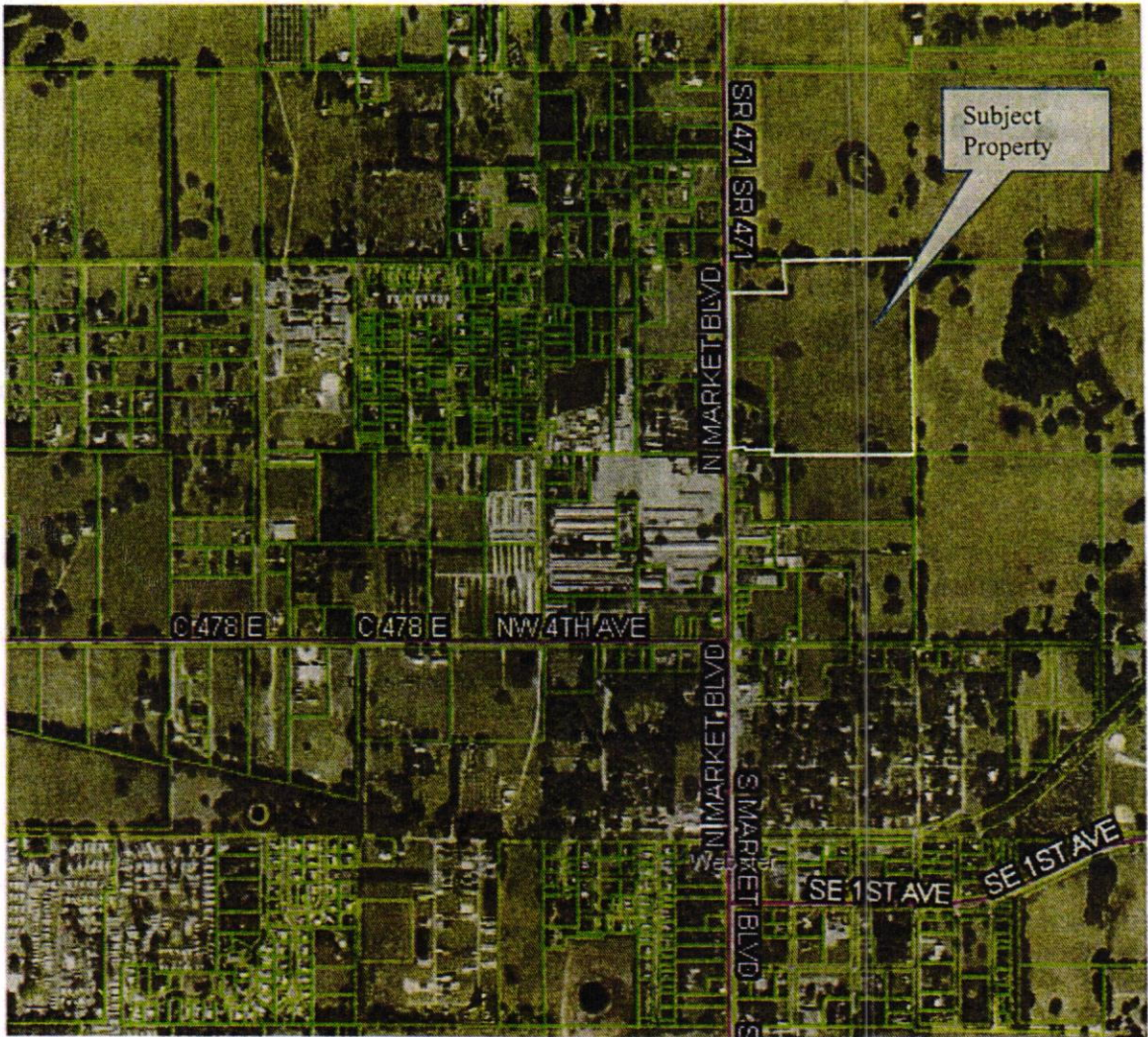
DEVELOPMENT SERVICES DEPARTMENT STAFF CONCLUSIONS:

Staff deems the application sufficient and in compliance with the requirements of the City of Webster Unified Comprehensive Plan and recommends

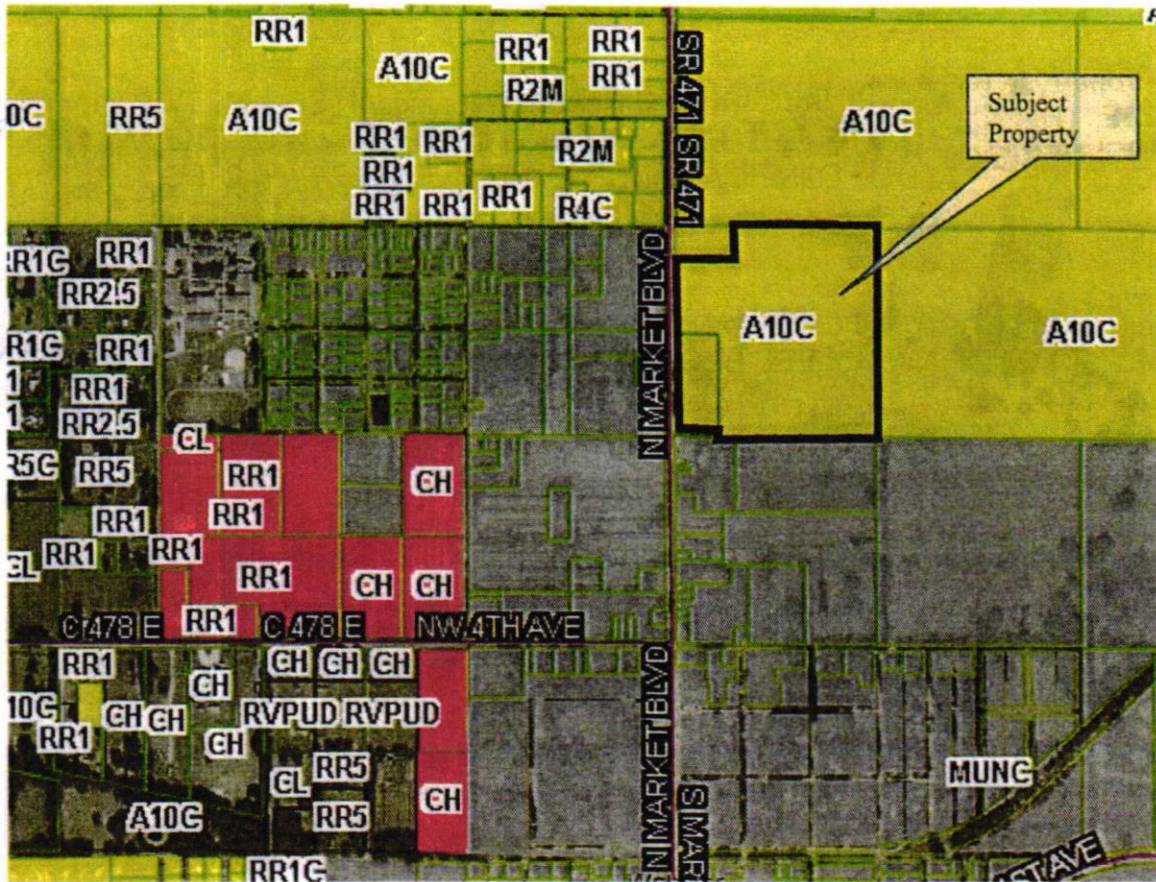
Approval:

MAP 1

General Location



MAP 2 Future Land Use & Zoning



ATTACHMENT A
LEGAL DESCRIPTION

Property to be assigned RR1C (Rural Residential) zoning: IN SEC 31, TWP 21N, RNG 23E: THE SOUTH 626 FT OF THE EAST 643 FT OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ INCLUSIVE OF ALL OF LONE OAK ADDITION TO WEBSTER, PB 2, PG 7.

And

Property to be assigned CH (Heavy Commercial) zoning: IN SEC 31, TWP 21N, RNG 23E: SW $\frac{1}{4}$ OF NW $\frac{1}{4}$; LESS BEG AT NW COR RUN S 70 YDS E 140 YDS N 70 YDS W 140 YDS TO BEG; AND LESS THE SOUTH 626 FT OF THE EAST 643 FT OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$.

ATTACHMENT B

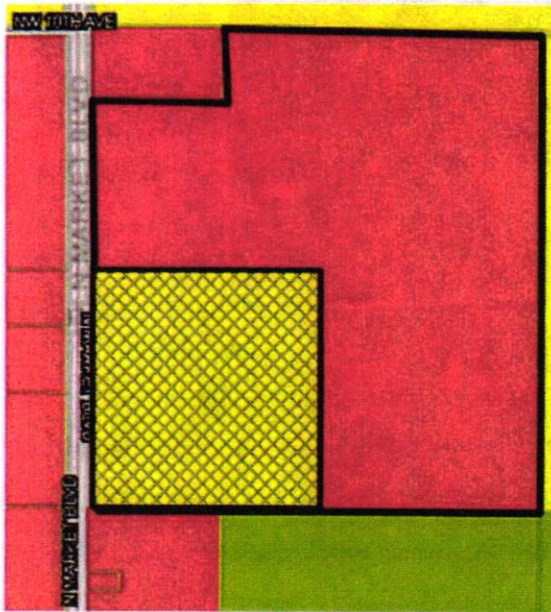
Location with Zoning







Attachment C Future Land Use



Existing Future Land Use Designations



Proposed Future Land Use Designations

-  Agriculture (Webster)
-  Rural Residential (County)
-  Rural Residential (Webster)
-  Commercial (Webster)

Attachment D

Urban Sprawl Analysis

The Community Planning Act (Florida Statutes Chapter 163) requires future land use amendments include an analysis to determine whether the proposed amendment contributes to urban sprawl. The proposed land use amendment does not display the sprawl indicators as identified in Florida Statutes Chapter 163.3177.9.a and listed below.

- I. *Promotes, allows, or designates for development substantially areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.*
The proposed project will provide new economic options in a compact manner.
- II. *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
The subject property is located in the City of Webster near developed areas.
- III. *Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*
The proposed development is not isolated, linear, or creating a ribbon pattern.
- IV. *Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*
The site has no significant natural resources that require protection.
- V. *Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.*
The subject site is adjacent to other commercial uses and rural residential uses.
- VI. *Fails to maximize use of existing public facilities and services.*
The project will be served by public utilities.
- VII. *Fails to maximize use of future public facilities and services.*
The project will be served by public utilities.
- VIII. *Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*
The project site is in the City of Webster and will not require a disproportionate increase in the cost, time, money or energy to serve.

- IX. Fails to provide a clear separation between rural and urban land uses.*
The project site is in a developing area that is becoming urbanized.
- X. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*
The subject property does not discourage infill or redevelopment.
- XI. Fails to encourage a functional mix of uses.*
The project does not discourage a functional mix of uses.
- XII. Results in poor accessibility among linked or related land uses.*
The project will not result in poor accessibility among related land uses.
- XIII. Results in the loss of significant amounts of functional open space.*
The project will not result in a significant lose of functional open space.

Further, a future land use amendment is required to meet four or more criteria listed in F.S. 163.3177.9.b. The proposed land use amendment meets the following four listed criteria:

- I. Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on that protects natural resources and ecosystems.* The proposed project will direct development to a property with little impact on protected natural resources.
- II. Promotes the efficient and cost-effective provision or extension of public infrastructure and services.* The project will be served by public utilities.
- III. Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit.* The proposed amendment does not impact suburban residential uses.
- IV. Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.* The proposed project will improve the balance of land uses in an urbanizing area.

The proposed land use change does not demonstrate any of the characteristics of urban sprawl as defined by the applicable State Statutes.

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 37 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBERS Q31-003 and Q31A001) WITHIN THE CITY LIMITS (MAP OF PROPERTY ATTACHED) TO CH AND RR1C ZONING DISTRICTS; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF A MAP BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ginny Browning, whose mailing address is PO Box 500177, Malabar, FL (Tax Parcel Identification Numbers Q31-003 and Q31A001), is the owner of the property which is the subject of this Ordinance; and

WHEREAS, the real property, totaling 37 acres MOL in size, is located on the northeast corner of SR 471 and NW 6th Ave; and

WHEREAS, Ginny Browning applied to the City of Webster, for annexation into the City with Heavy Commercial zoning on 27 acres and RR1C (Rural Residential 1-acre minimum lot size) zoning on 10 acres; and

WHEREAS, the City Council of the City of Webster, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT.

(a). The City Council of the City of Webster hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum relating to the application relating to the proposed rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.

(b). The subject property, which is 37 acres MOL in size, is located on the northeast corner of SR 471 and NW 6th Ave (Tax Parcel Numbers Q31-003 and Q31A001) (Attachment A).

(c). The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

SECTION 2. REZONING OF REAL PROPERTY/IMPLEMENTING ACTIONS.

(a). Upon enactment of this Ordinance the following described property, as depicted in the Attachment of this Ordinance, and totaling is 37 acres MOL in size, shall be rezoned from A10C (Agricultural-County) and RR5C (Rural Residential-County) zoning districts/classifications to CH (Heavy Commercial) zoning district/classification on 27 acres MOL and RR1C (Rural Residential) zoning district/classification on ten (10) acres MOL (Attachment B):

Property to be assigned RR1C (Rural Residential) zoning: IN SEC 31, TWP 21N, RNG 23E: THE SOUTH 626 FT OF THE EAST 643 FT OF THE SW ¼ OF THE NW ¼ INCLUSIVE OF ALL OF LONE OAK ADDITION TO WEBSTER, PB 2, PG 7.

And

Property to be assigned CH (Heavy Commercial) zoning: IN SEC 31, TWP 21N, RNG 23E: SW 1/4 OF NW 1/4; LESS BEG AT NW COR RUN S 70 YDS E 140 YDS N 70 YDS W 140 YDS TO BEG; AND LESS THE SOUTH 626 FT OF THE EAST 643 FT OF THE SW 1/4 OF THE NW 1/4.

(b). The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Webster as may be appropriate to accomplish the action taken in this Ordinance.

SECTION 3. INCORPORATION OF MAP. The map attached to this Ordinance as the Attachment B is hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

SECTION 4. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 6. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Webster* or the *Land Development Code of the City of Webster*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Webster by the City Manager, or designee.

SECTION 7. EFFECTIVE DATE This Ordinance shall take effect

immediately upon enactment; provided, however, that the rezoning of property herein set forth shall not take effect until Ordinance Number 2023-_____ relating to the Comprehensive Plan amendment becomes effective.

PASSED AND ENACTED this _____ day of _____, 2023.

**CITY COUNCIL OF THE CITY
OF WEBSTER, FLORIDA**

Bobby Yost, Mayor

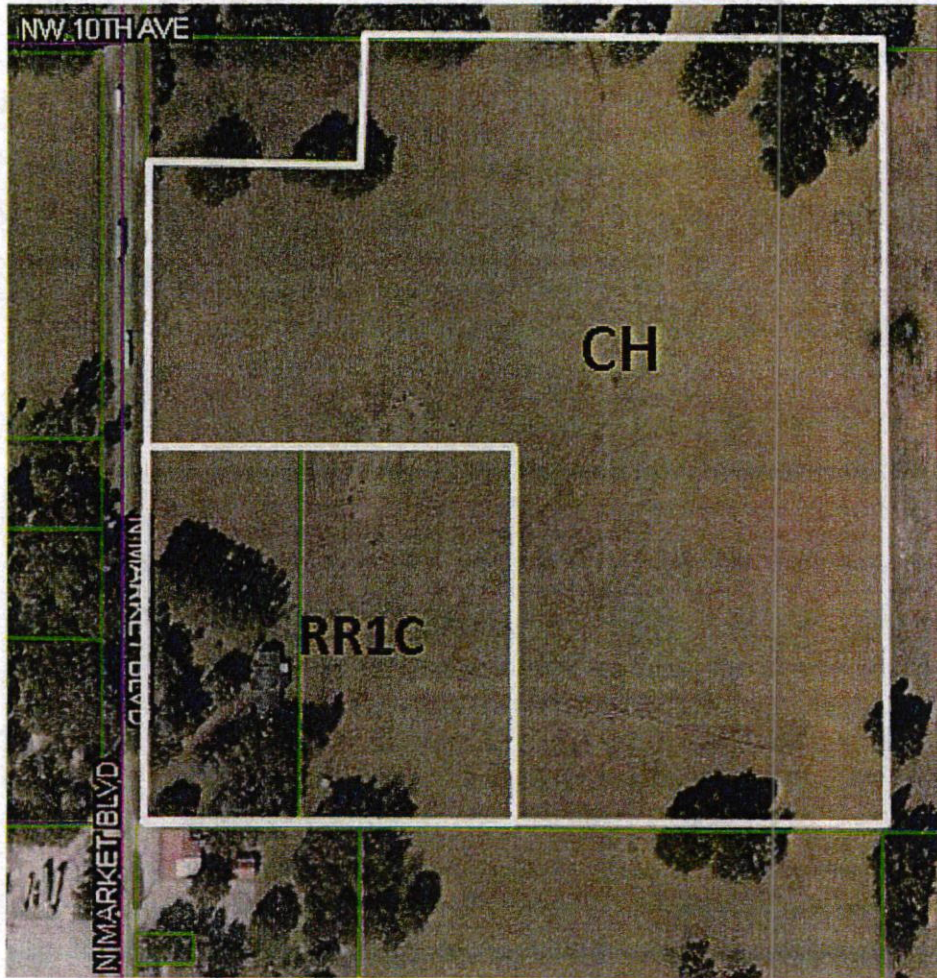
**ATTEST:
Legality:**

Approved as to form and

**Amy Flood
City Clerk**

**William L. Colbert
City Attorney**

Attachment B
Zoning Assignment



CITY OF WEBSTER REZONING

LOCAL PLANNING AGENCY

April 13, 2023

CITY OF WEBSTER CITY COUNCIL

April 20, 2023

May 18, 2023

CASE NO: R-23-002807

LANDOWNER: Ginny Browning

REQUESTED ACTION(s): Rezone 37 acres MOL from Agriculture (A10C - County) to Heavy Commercial (CH - Webster) and Rural Residential (RR1C - Webster)

PARCEL NO: Q31-003 and Q31A001

LEGAL DESCRIPTIONS: Attachment A

EXISTING ZONINGS: A10C (Agriculture – County) and RR5C (Rural Residential -County)

EXISTING USE: House and commercial building

GENERAL LOCATION: Southeast corner of CR 706 and SR 471 (Map 1)

SURROUNDING ZONING DESIGNATIONS AND USES:

The subject property is located on the east side of SR 471, north of CR 470 (Map 1). The property was recently annexed into the City of Webster and retains a County Agricultural zoning and future land use assignment (Map 2). The RR5C portion to the southwest includes the owner's home, which was built in 1967. The remaining acreage is Agriculturally zoned and currently vacant. Surrounding properties in the area are a mix of County or Webster jurisdiction with a variety of zonings including Agriculture, Rural Residential, and Heavy Commercial being most prevalent.

CASE SUMMARY AND ANALYSIS:

The applicant is requesting to rezone the parcels to Rural Residential (RR1C) and Heavy Commercial (CH) following annexation into the City. The rezoning will allow the residential area of the property to expand and include more land while the remaining land being rezoned will allow development of a business by the owner's son. The property is adjacent the flea market commercial district within a large node of commercial uses. This request is concurrent with small scale comprehensive plan amendment SS-22-07563.

The property is adjacent to existing Heavy Commercial zoned properties (north, west, and south)). Other adjacent properties are designated A10C on the zoning map (north, east, and south). An increase in intensity of use is also supported by the availability of central water and sewer services to the property.

REVIEW CRITERIA:

Sec. 13-313 {5} (3) a. of City of Webster Land Development Code provides the following criteria for consideration of LDC and zoning changes:

- 1}. Change of condition, or absence of changed conditions
The property is in an area of growth consisting of established businesses as well as vacant land with compatible zoning and land use to allow for future commercial development. The owner/applicant wishes to take advantage of the location and provide additional economic opportunities for the residents of Webster.

- 2}. Community need, or lack of community need.
The rezoning will allow commercial use within a growing area of other commercial uses.

- 3}. Benefits to the community.
The rezoning will allow a long-time landowner to maintain a family residence while providing for the communities needs of services and products as well as jobs by allowing for commercial development.

- 4}. The rights of private property owners.
This rezoning will provide the property owners the opportunity to do what they wish to do with their own property in a manner that will now impinge on neighbor's property rights.

DEVELOPMENT SERVICES DIVISION STAFF CONCLUSIONS:

Staff deemed the application sufficient and in compliance with the minimum requirements of the City of Webster Land Development Code and Unified Comprehensive Plan and recommends approval:

Map 1 Location Map



Attachment A

Entire Area:

IN SEC 31, TWP 21N, RNG 23E: SW 1/4 OF NW 1/4 LESS BEG AT NW COR RUN S 70 YDS E 140 YDS N 70 YDS W 140 YDS TO BEG.

To RR/RR5C:

IN SEC 31, TWP 21N, RNG 23E: THE SOUTH 626 FT OF THE EAST 643 FT OF THE SW 1/4 OF THE NW 1/4 INCLUSIVE OF ALL OF LONE OAK ADDITION TO WEBSTER, PB 2, PG 7.

To Com/CH:

IN SEC 31, TWP 21N, RNG 23E: SW 1/4 OF NW 1/4; LESS BEG AT NW COR RUN S 70 YDS E 140 YDS N 70 YDS W 140 YDS TO BEG; AND LESS THE SOUTH 626 FT OF THE EAST 643 FT OF THE SW 1/4 OF THE NW 1/4 .

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA, ANNEXING BY VOLUNTARY PETITION CERTAIN REAL PROPERTY TAX IDENTIFICATION PARCEL NUMBERS Q19-060 LOCATED CONTIGUOUS TO THE CITY OF WEBSTER IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*, TOGETHER WITH ASSOCIATED RIGHTS-OF-WAYS; REDEFINING THE BOUNDARIES OF THE CITY OF WEBSTER TO INCLUDE SAID PROPERTY; AMENDING THE BOUNDARIES OF THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.031, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICE OF SUMTER COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR LEGAL DESCRIPTION AND A MAP AND PROVIDING FOR THE INCORPORATION OF THAT EXHIBIT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND THE TAKING OF ADMINISTRATIVE ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Southern Properties Florida, LLC., applied for annexation of property into the City of Webster and is hereby determined to be the fee simple title owner of the real property described below; and

WHEREAS, the said applicant petitioned the City of Webster, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Webster; and

WHEREAS, the applicant is the fee simple title owner of all of said property being described by Tax Identification Parcel Numbers as follows:

Tax Identification Parcel Number	Owner
Q19-060	Southern Properties Florida, LLC.

WHEREAS, the City Council, upon the recommendation of City staff and the City Attorney, has determined that all of the property which is proposed to be annexed into the City of Webster is within an unincorporated area of Sumter County, is reasonably compact and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

WHEREAS, the City Council of the City of Webster, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

WHEREAS, the City Council of the City of Webster, Florida hereby determines that it is to the advantage of the City of Webster and in the best interests of the citizens of the City of Webster to annex the aforescribed property; and

WHEREAS, the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

WHEREAS, the provisions of Section 171.091, *Florida Statutes*, provide as follows:

Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and

Demographic Research along with a statement specifying the population census effect and the affected land area.

WHEREAS, the map and the legal description attached hereto as Exhibit "A" shows, describes, and depicts the property and associated rights-of-ways which are hereby annexed into the City of Webster said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.

(a). The recitals set forth above in the "whereas clauses" are hereby adopted as legislative findings of the City Council of the City of Webster.

(b). The property that is the subject of this Ordinance consists of the following parcel of land assigned the Tax Identification Parcel Number set forth above and being specifically described as set forth below, together with all abutting right-of-way if any such rights-of-ways are not currently located within the City Limits of the City, said property being situated in Sumter County, Florida, and said property is hereby annexed into and are hereby made a part of the City of Webster, Florida pursuant to the voluntary annexation provisions of Section 171.044, *Florida Statutes*:

LEGAL DESCRIPTION

All the above lands and real property being located in Sumter County, Florida. (See Exhibit "A").

(c). The property owner of the annexed property fully understands that all of the costs of routing and installing all utility services to the annexed property that may result and be incurred and the obligation to pay any and all applicable fees in any way

relating to connection to, and provision of services by, the City's utility systems shall be borne totally by the property owner.

(d). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, "[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State." This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties.

SECTION 2. EFFECT OF ANNEXATION.

Upon this Ordinance becoming effective, the property owner of the said property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owner of the City of Webster, Florida as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City of Webster, Florida and the provisions of said Chapter 171, *Florida Statutes*.

SECTION 3. ADMINISTRATIVE ACTIONS.

(a). Within 7 days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Sumter County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.

(b). The City Clerk shall ensure that the property annexed by this Ordinance is incorporated into the *City of Webster Comprehensive Plan* and the Official Zoning Map of the City of Webster in an expeditious manner and, in accordance with, and pursuant

to, the provisions of Under the authority of Section 166.031 (3), *Florida Statutes*, the City Clerk shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

SECTION 4. CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise to be invalid, unlawful, or unconstitutional.

SECTION 6. CODIFICATION.

The provisions of this Ordinance shall not be codified, but the annexed property shall be incorporated and included in all appropriate maps of the City Limits of the City of Webster by the City Clerk who is hereby directed to take any and all appropriate actions relative to the land use planning documents of the City pertaining to the property annexed pursuant to this Ordinance.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ENACTED this ____ day of _____, 2023.

**CITY COUNCIL OF THE CITY
OF WEBSTER, FLORIDA**

Bobby Yost, Mayor

**APPROVED AS TO FORM AND
LEGALITY:**

ATTEST:

Amy Flood, City Clerk

William L. Colbert, City Attorney

Exhibit A

Parcels: (Q19-060)

Parcel 1:

The Northerly 1037.40 feet of the following described parcel of land:

The Southwest 1/4 of the Southwest 1/4 and the South 1/2 of the Northwest 1/4 of the Southwest 1/4, Section 19, Township 21 South, Range 23 East, Sumter County, Florida.

LESS road right of way;

AND LESS the North 300 feet of the West 300 feet of the South 1/2 of the Northwest 1/4 of the Southwest 1/4;

AND LESS the East 417.42 of the West 989.17 feet of the South 233.71 feet of the Southwest 1/4 of the Southwest 1/4;

AND LESS the South 350.00 of the North 827.40 feet of the West 672.76 feet of the South 3/4 of the West 1/2 of the Southwest 1/4;

AND LESS the South 177.40 feet of the North 477.40 feet of the West 300 feet of the South 3/4 of the West 1/2 of the Southwest 1/4;

AND LESS the East 90 feet of West 390 feet of the North 477.40 feet of the South 3/4 of the West 1/2 of the Southwest 1/4;

AND LESS the North 477.40 feet of the East 282.76 feet of the West 672.76 feet of the South 3/4 of the West 1/2 of the Southwest 1/4.

All being in Sumter County, Florida.



PETITION FOR VOLUNTARY ANNEXATION
(Sec. 171.044, Florida Statutes)

TO: THE WEBSTER CITY COMMISSION
City of Webster
State of Florida

Come now the Owner or Legal Representative whose name(s) appear below:

Southern Properties Florida, LLC.
Robert Sanchez

being all of the owner(s) of the following described property:

SUMTER COUNTY
PARCEL NUMBER

Q19-060

and petition the City Commissioner for the City of Webster, Florida, to annex the described property into the City of Webster, and to redefine the City limits of the City of Webster in such manner as to include such property.

Petitioner(s) hereby state:

1. That the described real property is in an unincorporated area of Sumter County, Florida, which is, or will be, contiguous to the City of Webster at the time of final annexation, and;
2. That the real property sought to be annexed to the City of Webster is, or will be, reasonably compact within the meaning of the law at the time of final annexation, and;
3. That an annexation of the described real property will not result in the creation of an enclave, in violation of law at the time of final annexation.
4. I understand that all rules, regulations and taxation of the City will apply upon annexation into the City.

This petition has been executed on the 27th day of April, 2023.

OWNER(S) OR LEGAL REPRESENTATIVE

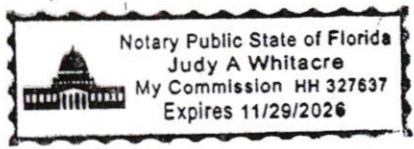
[Handwritten Signature]
Signature

[Handwritten Signature]
Witness

Signature

[Handwritten Signature]
Witness **Judy A. Whitacre**

This petition was acknowledged before me on 27th day of April, 2023. (Personally known to me) or identification provided _____.



[Handwritten Signature]
Notary Signature **Judy A. Whitacre**

OFFICIAL USE ONLY:

Received: City of Webster, Florida, on 1st day of May, 2023.

Present City Zoning May 11, 2023.

ORDINANCE NO. 2023-11

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA, ANNEXING BY VOLUNTARY PETITION CERTAIN REAL PROPERTY TAX IDENTIFICATION PARCEL NUMBERS Q19-060086 LOCATED CONTIGUOUS TO THE CITY OF WEBSTER IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*, TOGETHER WITH ASSOCIATED RIGHTS-OF-WAYS; REDEFINING THE BOUNDARIES OF THE CITY OF WEBSTER TO INCLUDE SAID PROPERTY; AMENDING THE BOUNDARIES OF THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.031, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICE OF SUMTER COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR LEGAL DESCRIPTION AND A MAP AND PROVIDING FOR THE INCORPORATION OF THAT EXHIBIT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND THE TAKING OF ADMINISTRATIVE ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, South Sumter Self Storage, LLC., applied for annexation of property into the City of Webster and is hereby determined to be the fee simple title owner of the real property described below; and

WHEREAS, the said applicant petitioned the City of Webster, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Webster; and

WHEREAS, the applicant is the fee simple title owner of all of said property being described by Tax Identification Parcel Numbers as follows:

Tax Identification Parcel Number	Owner
Q19-086	South Sumter Self Storage, LLC.

WHEREAS, the City Council, upon the recommendation of City staff and the City Attorney, has determined that all of the property which is proposed to be annexed into the City of Webster is within an unincorporated area of Sumter County, is reasonably compact and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

WHEREAS, the City Council of the City of Webster, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

WHEREAS, the City Council of the City of Webster, Florida hereby determines that it is to the advantage of the City of Webster and in the best interests of the citizens of the City of Webster to annex the aforescribed property; and

WHEREAS, the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

WHEREAS, the provisions of Section 171.091, *Florida Statutes*, provide as follows:

Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and

Demographic Research along with a statement specifying the population census effect and the affected land area.

WHEREAS, the map and the legal description attached hereto as Exhibit "A" shows, describes, and depicts the property and associated rights-of-ways which are hereby annexed into the City of Webster said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.

(a). The recitals set forth above in the "whereas clauses" are hereby adopted as legislative findings of the City Council of the City of Webster.

(b). The property that is the subject of this Ordinance consists of the following parcel of land assigned the Tax Identification Parcel Number set forth above and being specifically described as set forth below, together with all abutting right-of-way if any such rights-of-ways are not currently located within the City Limits of the City, said property being situated in Sumter County, Florida, and said property is hereby annexed into and are hereby made a part of the City of Webster, Florida pursuant to the voluntary annexation provisions of Section 171.044, *Florida Statutes*:

LEGAL DESCRIPTION

All the above lands and real property being located in Sumter County, Florida. (See Exhibit "A").

(c). The property owner of the annexed property fully understands that all of the costs of routing and installing all utility services to the annexed property that may result and be incurred and the obligation to pay any and all applicable fees in any way

relating to connection to, and provision of services by, the City's utility systems shall be borne totally by the property owner.

(d). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, "[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State." This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties.

SECTION 2. EFFECT OF ANNEXATION.

Upon this Ordinance becoming effective, the property owner of the said property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owner of the City of Webster, Florida as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City of Webster, Florida and the provisions of said Chapter 171, *Florida Statutes*.

SECTION 3. ADMINISTRATIVE ACTIONS.

(a). Within 7 days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Sumter County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.

(b). The City Clerk shall ensure that the property annexed by this Ordinance is incorporated into the *City of Webster Comprehensive Plan* and the Official Zoning Map of the City of Webster in an expeditious manner and, in accordance with, and pursuant

to, the provisions of Under the authority of Section 166.031 (3), *Florida Statutes*, the City Clerk shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

SECTION 4. CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise to be invalid, unlawful, or unconstitutional.

SECTION 6. CODIFICATION.

The provisions of this Ordinance shall not be codified, but the annexed property shall be incorporated and included in all appropriate maps of the City Limits of the City of Webster by the City Clerk who is hereby directed to take any and all appropriate actions relative to the land use planning documents of the City pertaining to the property annexed pursuant to this Ordinance.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ENACTED this _____ day of _____, 2023.

**CITY COUNCIL OF THE CITY
OF WEBSTER, FLORIDA**

Bobby Yost, Mayor

ATTEST:

**APPROVED AS TO FORM AND
LEGALITY:**

Amy Flood, City Clerk

William L. Colbert, City Attorney

Exhibit A

Parcels: (Q19-086)

THE NORTH 477.40 FEET OF THE EAST 282.76 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SW 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

THE EAST 90 FEET OF THE WEST 390 FEET OF THE NORTH 477.40 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

LESS AND EXCEPT:

THE NORTH 60.0 FEET OF THE NORTH 477.40 FEET OF THE EAST 60.0 FEET OF THE EAST 282.76 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

TOGETHER WITH, SUBJECT TO AND RESERVING TO GRANTOR FOR JOINT USE, THAT CERTAIN EASEMENT FOR INGRESS, EGRESS, ACCESS AND UTILITIES AS PROVIDED FOR IN THAT CERTAIN RECIPROCAL NON-EXCLUSIVE PERPETUAL ACCESS AND UTILITY EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 3741, PAGE 405, ON APRIL 16, 2020, AS AMENDED AND RESTATED BY AMENDED AND RESTATED RECIPROCAL NON-EXCLUSIVE PERPETUAL ACCESS AND UTILITY EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 4252, PAGE 524, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 50 FEET OF THE NORTH 502.40 FEET OF THE WEST 672.76 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; LESS RIGHT-OF-WAY FOR STATE ROAD NO. 471 ACROSS THE WEST SIDE THEREOF.

ALSO TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR INGRESS, EGRESS, MAINTENANCE AND CONSTRUCTION OF SIGNAGE CONTAINED IN THAT CERTAIN AMENDED AND RESTATED SIGN EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 4248, PAGE 753, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA.

All being in Sumter County, Florida.



PETITION FOR VOLUNTARY ANNEXATION
(Sec. 171.044, Florida Statutes)

TO: THE WEBSTER CITY COMMISSION
City of Webster
State of Florida

Come now the Owner or Legal Representative whose name(s) appear below:

South Sumter Self Storage LLC.
Benjamin Antonucci

being all of the owner(s) of the following described property:

SUMTER COUNTY
PARCEL NUMBER

Q19-086

and petition the City Commissioner for the City of Webster, Florida, to annex the described property into the City of Webster, and to redefine the City limits of the City of Webster in such manner as to include such property.

Petitioner(s) hereby state:

1. That the described real property is in an unincorporated area of Sumter County, Florida, which is, or will be, contiguous to the City of Webster at the time of final annexation, and:
2. That the real property sought to be annexed to the City of Webster is, or will be, reasonably compact within the meaning of the law at the time of final annexation, and;
3. That an annexation of the described real property will not result in the creation of an enclave, in violation of law at the time of final annexation.
4. I understand that all rules, regulations and taxation of the City will apply upon annexation into the City.

This petition has been executed on the 41th day of April, 2023.

OWNER(S) OR LEGAL REPRESENTATIVE

[Signature]
Signature

[Signature]
Witness

Signature

Witness

This petition was acknowledged before me on 4th day of April, 20 23. Personally known to me or identification provided _____.

[Signature]
Notary Signature

PETER A. ANTONUCCI
Notary Public, State of New York
No. 01AN4712125
Qualified in Genesee County
My Commission Expires July 31, 2026

OFFICIAL USE ONLY:

Received: City of Webster, Florida, on 3rd day of May, 20 23.

Present City Zoning May 11, 2023.

DEVELOPMENT AND UTILITY SERVICES AGREEMENT

THIS DEVELOPMENT AND UTILITY SERVICES AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2023, by and between the City of Webster, a municipal corporation of the State of Florida (“City”), and Walton Acquisitions FL, LLC, a Florida limited liability company (including, without limitation, any Assignee (defined below), hereinafter collectively referred to as “Developer”).

WITNESSETH:

WHEREAS, the Developer is the owner of certain real property located in the City of Webster, said real property being generally identified as parcel numbers Q17-007, Q18-007, Q19-001, Q19-002, and Q20-002 in the Public Records of Sumter County, Florida and more clearly described on the attached **Exhibit A** (the “Property”); and

WHEREAS, Developer submitted and City has approved a Conceptual Master Plan of Development to City in conjunction with simultaneous applications for a large scale comprehensive plan amendment and rezoning to Residential Planned Unit Development; and

WHEREAS, Developer intends to develop a residential development consisting of no more than 754 single-family residential units, as well as associated amenities depicted on the concept plan accompanying Developer’s RPUD (the “Project”);

WHEREAS, City owns and operates a central water system and a central sanitary sewer system in the City of Webster, Sumter County, Florida, and as such provides water and sewer services to properties and the occupants thereof within the City; and

WHEREAS, Developer desires to connect to the City’s central water system and sewer systems, and City desires to serve the Project, pursuant to the terms set forth herein; and

WHEREAS, Developer must develop the Project pursuant to the terms set forth herein and all applicable provisions of the City of Webster Code of Ordinances and Land Development Code and the Sumter County Code of Ordinances and Land Development Code, including but not limited to securing all necessary permits or approvals such as final site plan approval.

WHEREAS, Developer may assign all of its rights in whole or in part and delegate its obligations under this Agreement to third parties (“Assignee”). Immediately upon such assignment, Developer shall provide written notice to City and thereafter be released from any further obligations or liability hereunder.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties to this Agreement, and for other good and valuable considerations, the parties do hereby covenant and agree as follows:

1. **RECITALS**. The above stated recitals (whereas clauses) to this Agreement are hereby adopted and form a material part of this Agreement and the consideration hereof upon which the parties have relied.

2. **WEBSTER LAND DEVELOPMENT CODE.** Developer understands and agrees that the approval and development of the Project shall, at all times, be governed by, and developed in accordance with, the City of Webster, FL Land Development Code (“LDC”). In particular, Division 2 of the LDC sets forth the approval process required to be followed by Developer and Division 6 sets forth the Subdivision process that must be followed. The Project is deemed to be a Major Development as defined in Sec. 13-312 of the LDC.

3. **STRUCTURES AND ADDITIONS.** Developer may construct attached or detached single-family residential structures and accessory structures, of conventional construction and meeting the Florida Building Code, within the Project. Shipping containers may not be utilized as storage structures. Manufactured homes shall not be permitted.

4. **TERM.** The duration of this agreement shall be thirty (30) years, which may be extended by mutual consent of the City and the Developer. Any request for an extension shall be subject to the public hearing process necessary for the initial approval of the said agreement and the parties recognize that technology and tourism will change over the life of the Project. Accordingly, other structures or accessories similar to or which evolve from the above that are consistent with the Project or the intent of the Project and that replace or support the vehicles or structures approved by this Agreement shall be allowed at the Project without further approval.

5. **TRANSPORTATION FACILITIES; CONCURRENCY; OWNER CONTRIBUTIONS.**

(a) **Internal Publicly Dedicated Roadway Improvements.** All interior roads within the Project shall be constructed and paved by the Developer and provide for safe travel. All roads in the Project will be privately owned and maintained by the Developer and/or the Homeowners Association established by the Developer at its/their own expense. All such roads shall be designed and constructed in a manner that complies with the City of Webster and Sumter County Code(s) of Ordinances.

(b) **Traffic Study.** Developer shall provide a traffic impact analysis (a) prepared in accordance with a methodology agreed to by City and Sumter County; and (b) reviewed, approved and accepted City or County.

(c) **Mitigation.** The Traffic Study shall identify any Deficient Facilities. “Deficient Facilities” is intended to mean any public road, street or highway (collectively “Roadway Segments”), and intersections (“Intersections”) studied pursuant to the Traffic Study, of which capacity is inadequate (i.e., the Transportation Facilities will be operating at less than the adopted Level of Service (“LOS”) for such Transportation Facilities) as determined by the Traffic Study as of buildout of the Project, other than Transportation Facilities for which capacity is projected to be inadequate (based upon existing and projected future background traffic) prior to development of the Property. Developer will mitigate their proportionate share of Deficient Facilities by constructing, and dedicating of any required ROW for, such Deficient Facilities during Project development, if commenced.

6. **CENTRAL WATER DISTRIBUTION SYSTEM.**

(a) The Developer shall construct internal potable water lines within the Project.

(b) The Developer shall construct the water distribution system and shall connect the Project’s water distribution system to the City’s water system.

(c) The Developer may utilize existing on-site wells and drill new wells if needed for irrigation purposes or as otherwise agreed to by the parties. The Developer will secure all necessary permits for its use or construction of any well. No cross-connection of any well with City's water system shall be allowed.

(d) Any new water distribution, transmission, treatment, storage and production facilities, including all pipes, lines, meters, couplings, pumps, water mains, wells and appurtenant equipment necessary for City to provide potable and fire flow water service to the Project and located outside of the Project boundary ("Offsite Water Utilities") may, at City's reasonable option, be designed, permitted and/or constructed by Developer at the Developer's expense. However, Developer shall be entitled to credits pursuant to Section 8, below.

7. CENTRAL SEWER COLLECTION SYSTEM.

(a) The Developer shall construct the internal sewer lines within the Project.

(b) The Developer shall construct the sewer collection system and shall connect the Project's sewer collection system to the City's sewer system.

(c) Any new wastewater collection, transmission, treatment, storage or production facilities, including all pipes, lines, meters, force mains, pumps, couplings, lift stations, and appurtenant equipment necessary for City to provide wastewater service to the Project and located outside of the Project boundary ("Offsite Wastewater Utilities") may, at City's reasonable option, be designed, permitted and/or constructed by Developer at the Developer's expense. However, Developer shall be entitled to credits pursuant to Section 8, below.

(d) Actual sewer usage will be charged to the Project pursuant to the then-current Code of Ordinances and based on metered water usage.

8. DEDICATION; CREDITS FOR OFFSITE WATER AND WASTEWATER UTILITIES.

(a) Completion; Reporting. If any Offsite Water Utilities and/or Offsite Wastewater Utilities are designed, permitted or constructed at Developer's expense, then, upon completion of the design, permitting and construction of Offsite Water Utilities and Offsite Wastewater Utilities, Developer shall furnish to City a statement, certified as correct by Developer, itemizing in reasonable detail the actual costs of construction. Developer further grants to City the right and privilege within thirty (30) days from receipt of the final cost accounting, either by itself or its authorized agents or employees and at the City's sole cost and expense, to inspect the invoices, evidence of payments, and other books and records of Developer, to confirm the exact costs as reflected in the final accounting provided to City.

(b) Inspection; Dedication. If any Offsite Water Utilities and/or Offsite Wastewater Utilities are designed, permitted or constructed at Developer's expense, then City shall have the right to review and approve such designs, plans, permits or construction to ensure compliance with the City's Code of Ordinances and applicable specifications, not to be unreasonably withheld, conditioned or delayed. Upon completion of construction of such Offsite Water Utilities and Offsite Wastewater Utilities, City may inspect all such improvements to confirm compliance, following which Developer shall dedicate or convey all Offsite Water Utilities and Offsite Wastewater Utilities to City together with a maintenance bond for such utility facilities with a term of two (2) years or as otherwise agreed to by the parties.

(c) Developer Utility Credits. Developer shall be entitled to credits in lieu of reimbursement for costs expended by Developer on the design, permitting and construction activities described in Sections 6 and 7, above, concerning Offsite Water Utilities and Offsite Wastewater Utilities, which shall be applied as credits against fees or charges that would otherwise be payable by Developer for capacity charges, tap in fees, connection fees, installation fees, or water or sewer impact fees, or otherwise payable water or wastewater fees or capital charges (“Utility Charges”) based upon the City’s then-current Code of Ordinances and rate resolution for development within the Project. The number of credits due shall be calculated by dividing the verified Developer costs by the Utility Charges.

(d) Assignment. Utility credits granted under this Section may be assigned by the Developer to third parties. Immediately upon such assignment, Developer shall provide written notice to City. Following such notice, any remaining utility credits described in the foregoing paragraph shall inure to the benefit of the assignee and may be applied as set forth in this Section 8.

9. **PRIORITY**. The Developer shall be entitled to potable water and sanitary sewer capacity available upon the approval of its RPUD rezoning and this Agreement on a first come, first served basis.

10. **SUMTER COUNTY ROAD IMPACT FEES**. Road Impact Fees are assessed by and directed by Sumter County pursuant to Chapter 20, Article III, Sumter County Code of Ordinances.

11. **NOTICES**. Until further written notice by either party to the other, all notices necessary to the effectuation of any provision of this Agreement shall be delivered by certified mail, return receipt requested to the following addresses:

To City: City of Webster
Attn: City Manager
85 East Central Avenue
Webster, Florida 33597

With copy to: Stenstrom, McIntosh, Colbert & Whigham, PA
300 International Parkway, Suite 100
Lake Mary, FL 32745
Attn: William Colbert

To Developer: Walton Acquisitions FL, LLC
Attn: Legal
8800 N Gainey Center Dr., Suite 345
Scottsdale, AZ 85258

With a copy to: Akerman LLP
Attn: Christopher McCranie
50 N. Laura Street, Ste. 3100
Jacksonville, FL 32210

12. **FUTURE DEVELOPMENT**.

(a) The terms and conditions of this Agreement shall govern and control any future development or expansion of the Project by the Developer on or relative to any real estate contiguous to the Property.

(b) A site development permit application or platting application for the first phase of the Project (the "First Phase Application") shall be submitted within twenty-four (24) months of the Effective Date of this Agreement. The foregoing notwithstanding, the City Manager may extend this deadline for up to one (1) year if permitting has otherwise proceeded in good faith.

(c) The conceptual master plan of development shall expire on the date that is the later of ten (10) years from the date of (i) zoning approval or (ii) approval of the First Phase Application if construction of infrastructure has not been completed on the first phase of the project. The foregoing notwithstanding, the City Manager may extend this deadline for up to one (1) year if permitting and development have otherwise proceeded in good faith.

(d) Development densities and intensities shall comply with the Webster-Sumter County Unified Comprehensive Plan's Urban Residential Future Land Use District and the Residential Planned Unit Development Zoning and conceptual plan approved in connection with the Property.

13. SUCCESSORS IN INTEREST. The rights, privileges, obligations and covenants of the City and Developer shall survive the completion of the work contemplated by this Agreement. This Agreement shall be binding upon and shall inure to the benefit of Developer and the City, their respective assigns, successors by merger, consolidation, conveyance or otherwise.

14. CONTINGENCY. Notwithstanding any provision of this Agreement to the contrary, the obligations of Developer under this Agreement shall be contingent upon (a) the acquisition by Developer of all rights-of-way and easements necessary for the extension and construction of the water distribution and sewer collection system and (b) the obtaining of all other applicable permits from all other departments of the City, County, state or Federal governments necessary to the construction and installation of the water distribution and sewer collection systems. Developer agrees to utilize its best efforts to immediately undertake the acquisition of necessary rights-of-way and easements as well as to obtain all necessary permits from all applicable governmental agencies.

15. DEFAULT. If Developer cannot obtain necessary rights-of-ways and easements or all necessary permits, then the terms of this Agreement become null and void, and any monies deposited with the City shall be returned to Developer within fifteen (15) days of Developer's notification to the City that such rights-of-way, easements and/or permits cannot be obtained.

16. NON-PERFORMANCE; CATASTROPHE. In the event that performance of this Agreement by either party is prevented or interrupted as a consequence of any cause beyond the control of Developer or the City, including, but not limited to Acts of God, or the public enemy, or a national emergency, allocation of or other governmental restrictions upon the use or availability of labor or materials, rationing, civil insurrection, riot, pandemic, racial or civil rights disorder or demonstration, strike, embargo, flood, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, or other casualty, disaster or catastrophe, neither party shall be liable to the other for such non-performance.

17. ENTIRE AGREEMENT. This Agreement embodies the entire Agreement and understanding between the parties with respect to the subject matter hereto, and supersedes all prior agreements, representations and understandings, either oral, written or otherwise relating thereto. The terms of this Agreement shall be incorporated by this reference in the Building Permit whether specifically stated therein or not.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first above written in manner and form sufficient to bind them.

Signed, sealed, and delivered in the presence of:

City of Webster, a Florida municipal corporation

By: _____

Name: Deanna Naugler

Title: City Manager

Approved as to form and legality:

By: _____

Name: William L. Colbert

Title: City Attorney

Walton Acquisitions FL, LLC, a Florida limited liability company on behalf of itself in its capacity as owner and on behalf of all other owners in its capacity as manager, operator or agent, as applicable

By: **Walton International Group, Inc.**, a Nevada corporation
Its: Manager

By: _____

Name: _____

Title: _____

EXHIBIT A
LEGAL DESCRIPTION

That certain real property situated in Sumter County, Florida, more particularly described as follows:

Legal Description for Parcel Number Q17-007

The South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 17, Township 21 South Range 23 East, Sumter County, Florida.

Legal Description for Parcel Number Q18-007

The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, Township 21 South, Range 23 East, Sumter County, Florida

Legal Description for Parcel Number Q19-001

The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Less the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, of the Northeast $\frac{1}{4}$ of Section 19, township 21 South, Range 23 East, Sumter County, Florida

Legal Description for Parcel Number Q19-002

The Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 19, Township 21 South, Range 23 East, Sumter County, Florida.

Less the West 370.00 feet of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 19, Township 21 South, Range 23 East, Sumter County, Florida. Less right-of-way for County Road No. 48 Across the South Side thereof.

Legal Description for Parcel Number Q20-002

The North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 20, Township 21 South, Range 23 East, Sumter County, Florida.

Deanna Naugler

From: David W. Hall <dwhall@stenstrom.com>
Sent: Wednesday, March 29, 2023 1:48 PM
To: Deanna Naugler
Subject: RE: FW: NE 1st Ave, Webster

I agree with you – by virtue of FS 335.01, the Florida legislature has declared it to be a public road. The City does not have a compensation obligation.

From: Deanna Naugler <dnaugler@websterfl.com>
Sent: Wednesday, March 29, 2023 1:37 PM
To: David W. Hall <dwhall@stenstrom.com>
Subject: FW: FW: NE 1st Ave, Webster

David –

I received this response from Jessica Duteau. I am sure I know the answer, it is a city road and the city has no obligation to provide any type of compensation.

That being said, I will take it to the council to determine what they would like to do but wanted your legal opinion before doing so.

Thank you

From: Jessica Duteau <duteaurealty@gmail.com>
Sent: Wednesday, March 29, 2023 1:34 PM
To: Deanna Naugler <dnaugler@websterfl.com>; David W. Hall <dwhall@stenstrom.com>
Subject: Re: FW: NE 1st Ave, Webster

If you intend to pursue the "road" that will split the one parcel of the market. What is the offset to the Market?

The market nor I, view this as a road as you can probably guess.

What is the city offering as compensation to pursue this action of making it a road?

On Wed, Mar 29, 2023 at 1:32 PM Deanna Naugler <dnaugler@websterfl.com> wrote:

Jessica –

Can you please provide more details for which you are asking? Splitting for selling two separate lots and leaving the allocated roadway? Not sure what you are asking for.

Thank you.

From: Jessica Duteau <duteaurealty@gmail.com>
Sent: Wednesday, March 29, 2023 1:29 PM
To: Deanna Naugler <dnaugler@websterfl.com>
Cc: David W. Hall <dwhall@stenstrom.com>
Subject: Re: FW: NE 1st Ave, Webster

Thank you for letting me know. What is the offset for splitting the Market's property?

On Wed, Mar 29, 2023 at 1:17 PM Deanna Naugler <dnaugler@websterfl.com> wrote:

Jessica –

I just received the following email from the city attorney in reference to the city street that runs through parcel no Q31B006 with his findings.

Please let me know if you have any questions or would like to discuss in further detail.

Thank you,

Deanna

From: David W. Hall <dwhall@stenstrom.com>
Sent: Wednesday, March 29, 2023 12:16 PM
To: Deanna Naugler <dnaugler@websterfl.com>
Cc: William Colbert <WLColbert@stenstrom.com>; Victoria Williams <victoria@stenstrom.com>
Subject: NE 1st Ave, Webster

Deanna,

You have asked whether or not NE 1st Ave is a public road under the jurisdiction of the City of Webster.

The title search we completed did not indicate that there has been a taking at any time for roadway purposes involving the portion of NE 1st Ave that crosses that certain property owned by Sumter County Farmers Market I (and located within the City of Webster) and identified as Parcel #Q31B006 by the Sumter County Property Appraiser.

However, Florida Statutes, Sec. 335.01 deals with issues regarding the designation of public roadways and provides as follows:

335.01 Designation and systemization of public roads.—

(1) All roads which are open and available for use by the public and dedicated to the public use, according to law or by prescription, are hereby declared to be, and are established as, public roads.

And the Statute further provides:

(2) Public roads shall be divided into four systems:

- (a) The State Highway System;
- (b) The State Park Road System;
- (c) The county road system; and
- (d) The city street system.

NE. 1st Ave is a paved roadway, that is maintained the City of Webster and is open and available for use by the public and is dedicated to public use. Thus, it is my opinion that NE 1st Ave satisfies the criteria set forth in FS 335.01 for designation as a "public road" within the City Street System of the City of Webster and the City of Webster has the right and obligation to maintain and control such roadway.

I have attached a copy of FS 335.01 for your reference. I have also attached a copy of that portion of the City Street System of Webster which clearly identifies NE 1st Ave as being part of the Webster City Street System.

Please let me know if I can provide you with any additional or further information.

Best regards,

David Hall

Stenstrom, McIntosh, Colbert & Whigham, PA

300 International Parkway, Suite 100

Lake Mary, FL 32746

(407) 322-2171

(407) 330-2379 (fax)

dwhall@stenstrom.com

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Jessica Duteau, RSPS

Broker/Owner of Duteau Realty, Inc.

190 N. Market Blvd

Webster, FL. 33597

Direct: (352) 396-0584

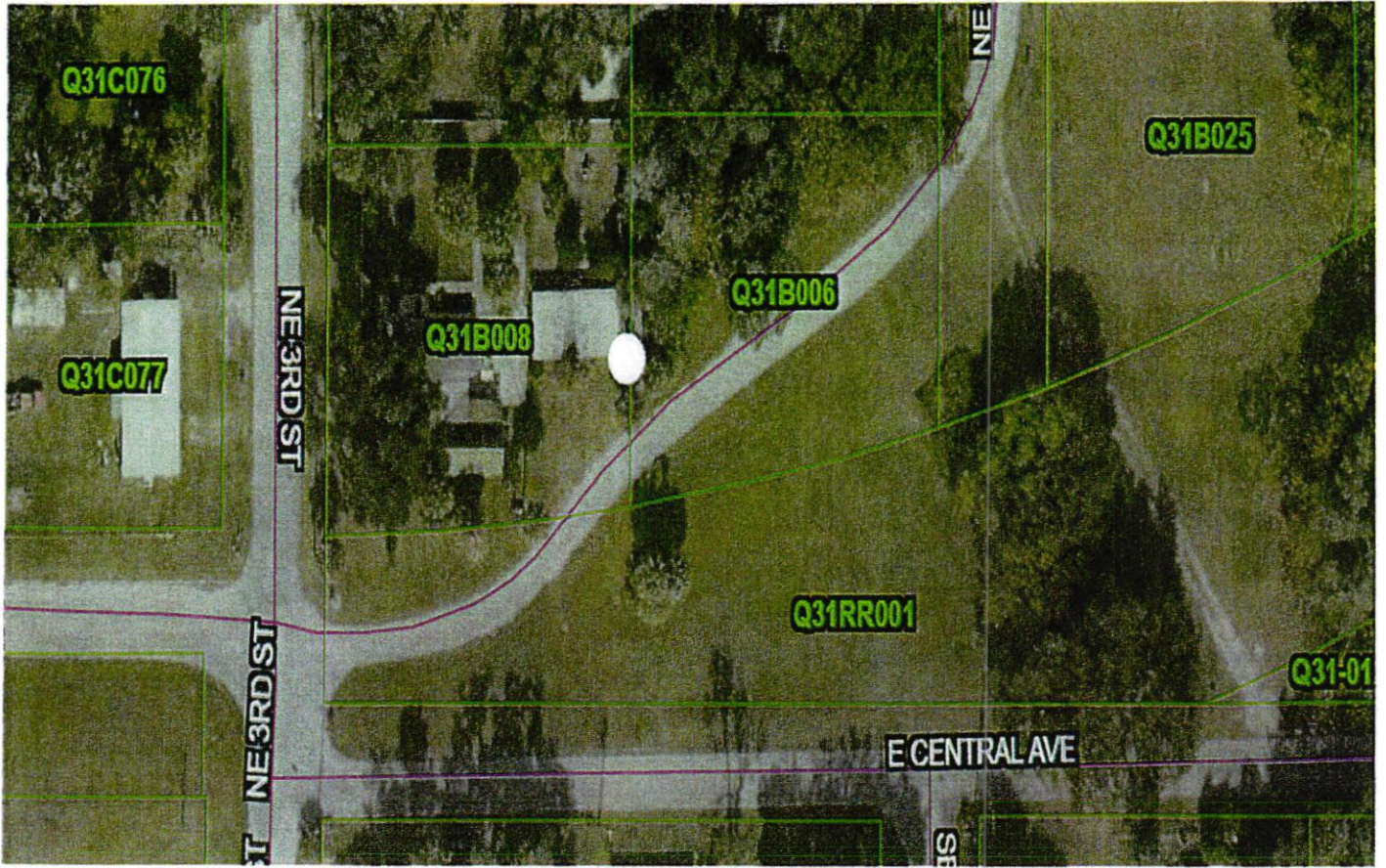
If you are receiving this email outside of your typical working hours, I hope you feel no pressure to read or respond until your schedule and workload permit.

--

Jessica Duteau, RSPS
Broker/Owner of Duteau Realty, Inc.
190 N. Market Blvd
Webster, FL. 33597

Direct: (352) 396-0584

If you are receiving this email outside of your typical working hours, I hope you feel no pressure to read or respond until your schedule and workload permit.



Deanna Naugler

From: Jessica Duteau <duteaurealty@gmail.com>
Sent: Wednesday, March 29, 2023 2:03 PM
To: Deanna Naugler; David W. Hall
Subject: Fwd:

Thank you for the update. I will attend the meeting, please be sure to put me on the agenda as well as the rep for the Market.

I have included pics to show the delineation of what the normal roads look like, versus this small portion.

See you on the 20th.

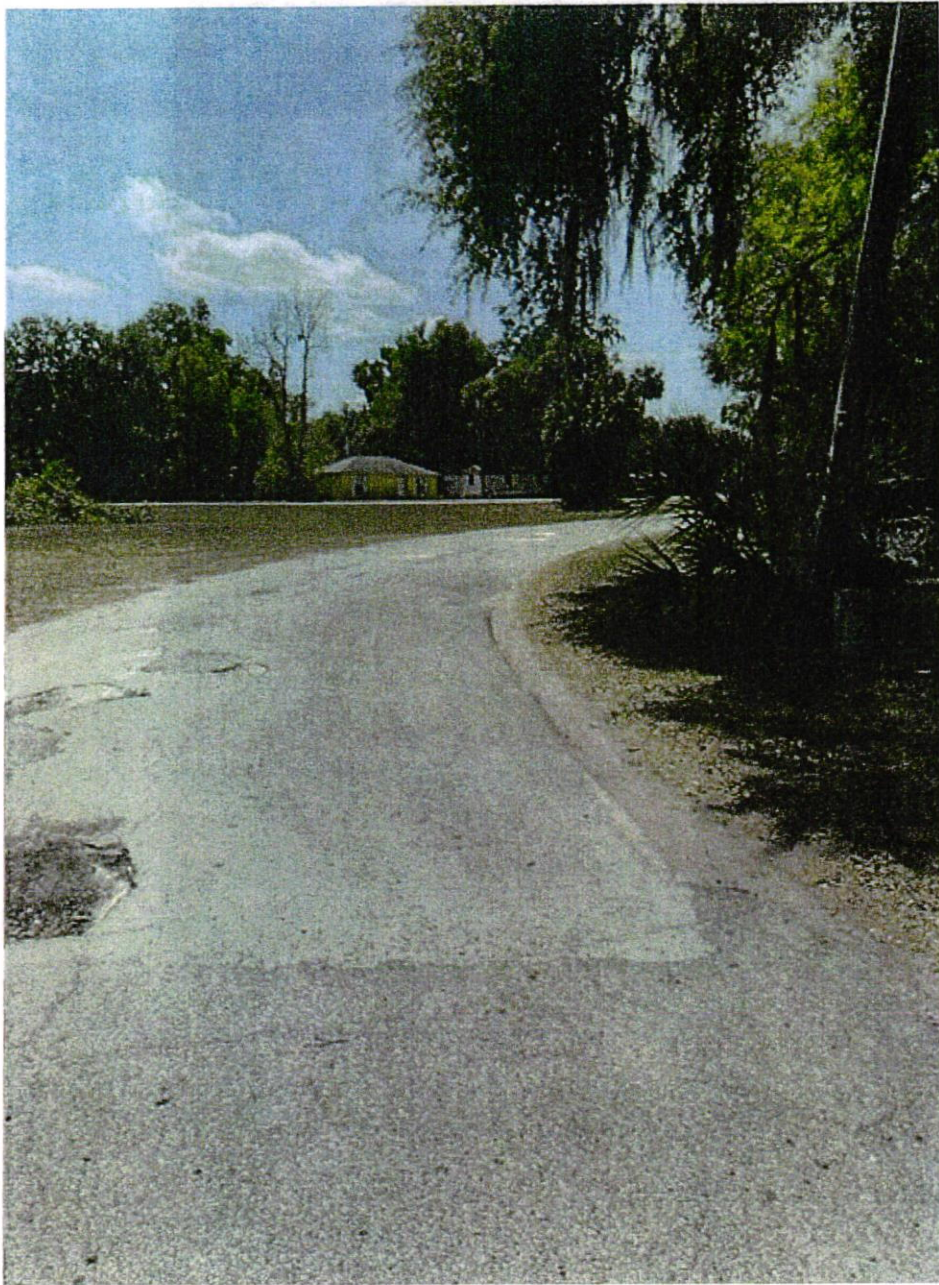
----- Forwarded message -----

From: Jessica duteau <duteaurealty@gmail.com>
Date: Wed, Mar 29, 2023 at 1:28 PM
Subject:
To: Jessica Duteau <duteaurealty@gmail.com>

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[Available until Apr 28, 2023](#)











Jessica Duteau
Broker
Duteau Realty Inc.
352-396-0584. Direct

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Jessica Duteau, RSPS
Broker/Owner of Duteau Realty, Inc.
190 N. Market Blvd
Webster, FL. 33597
Direct: (352) 396-0584

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