



**AGENDA**  
**ARCADIA CITY COUNCIL**  
**CITY COUNCIL CHAMBERS**  
**23 NORTH POLK AVENUE, ARCADIA FL**  
**TUESDAY, JANUARY 5, 2016**  
**6:00 P.M.**

**INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL**

**PRESENTATION**

1. Proclamation – Martin Luther King Day (Mayor Coker)
2. Code Enforcement Reporting Program (Carl McQuay – Code Enforcement Officer)

**CONSENT AGENDA**

3. City Council Minutes for December 15, 2015 (Penny Delaney – City Clerk)
4. Special Event Permit - NAACP Parade (Terry Stewart – City Administration)

**ACTION ITEMS**

5. Clerical Position for Utility Department (A.J. Berndt – Utility Director)
6. Request for Certificate of Appropriateness at 114 N. Polk Avenue – Habitat for Humanity (Terry Stewart – City Administrator)
7. Request for Certificate of Appropriateness at 523 E. Magnolia Street – Eagle Fence Company for Robbyn Jennings (Terry Stewart – City Administrator)
8. Petition for Vacation of Right-of-Way (Jeff Schmucker – Central Florida Regional Planning Council)
9. Lee Avenue Water and Sewer Improvements (Terry Stewart – City Administrator)
10. Hanson Professional Services Contract – Council Guidance Requested (Terry Stewart – City Administrator)
11. McSwain Park Memorandum of Understanding (Terry Stewart – City Administrator)
12. Resolution 2016-001 Regarding Election of Mayor and Deputy Mayor (T.J. Wohl – City Attorney)
13. Ordinance No. 1011 Implementing the Provisions of Section 286.0115, *Florida Statutes*, to Establish a Procedure Governing Ex Parte Communications with Local Public Officials – Second and Final Reading (T.J. Wohl – City Attorney)
14. Ordinance No. 1012 Amending Section 50-101 to Include Inoperative Vehicles as a Nuisance – Second and Final Reading (T.J. Wohl – City Attorney)
15. Extension to Agreement for Representation and Fees with Swaine & Harris, P.A. (T.J. Wohl – City Attorney)
16. Emergency Repair of Storm Water and Roadway on Orange Avenue (Terry Stewart – City Administrator)

**COMMENTS FROM DEPARTMENTS**

17. City Marshal
18. City Attorney
19. City Administrator

**PUBLIC** (Please limit presentation to three minutes)

**MAYOR AND COUNCIL REPORTS**

**ADJOURN**

*NOTE: Any party desiring a verbatim record of the proceedings of this hearing for the purpose of appeal is advised to make private arrangements therefore.*

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

# AGENDA No. 1



# *Proclamation*

*WHEREAS*, Martin Luther King, Jr. devoted his life to civil rights and public service; and

*WHEREAS*, January 18, 2016, marks the observance of the Federal legal holiday, established by Public Law 94-144, to honor the birthday of Dr. King; and

*WHEREAS*, Dr. King recognized that everybody can be great because everybody can serve, and during his lifetime encouraged all Americans to serve their neighbors and their communities; and

*WHEREAS*, this day is not only for remembrance and celebration but for a Day of Service to strengthen communities and empower individuals by focusing on bringing people together and breaking down the barriers that have divided us as a nation; and

*WHEREAS*, thousands of Florida residents use Martin Luther King Day by performing community service that benefits communities and neighborhoods, and provide a fitting memorial to the life of Dr. Martin Luther King, Jr.;

*NOW, THEREFORE, BE IT PROCLAIMED*, the Mayor and Council for the City of Arcadia do hereby designate

***JANUARY 18, 2016***

*as*

***MARTIN LUTHER KING DAY***

*In the City of Arcadia and recognize it as a Day of Service throughout Florida.*

***SO DONE THIS 5<sup>TH</sup> DAY OF JANUARY, 2016***

**BY:**

  
Susan Coker, Mayor

**ATTEST:**

  
Penny Delaney, City Clerk

# AGENDA No. 2



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: January 5, 2016

---

DEPARTMENT: Code Enforcement

SUBJECT: New Code Enforcement Web Site/Mobile Application

---

RECOMMENDED MOTION:

Approval

---

SUMMARY: Demonstration/over view of GOREQUEST code enforcement reporting web site/mobile application

---

FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

ATTACHMENTS: ( ) Ordinance ( ) Resolution ( ) Budget (x) Other

---

Department Head: Carl A. McQuay

Date: 01/05/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

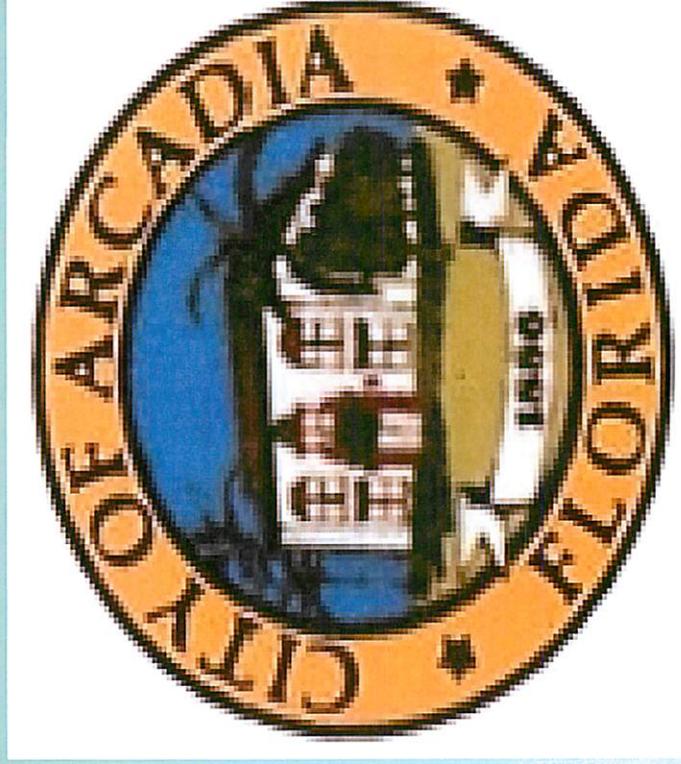
Date: 12-18-15

---

COUNCIL ACTION: (x) Approved as Recommended ( ) Disapproved  
( ) Tabled Indefinitely ( ) Tabled to Date Certain \_\_\_\_\_ ( ) Approved with Modifications

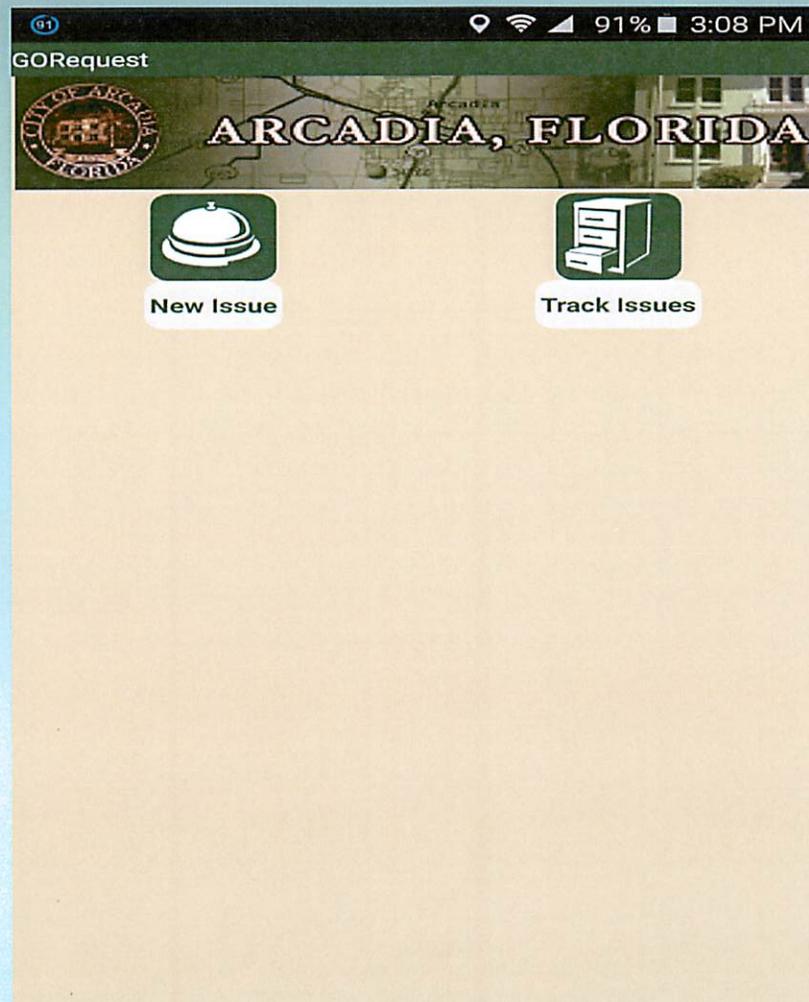
City of Arcadia  
Code Enforcement  
Complaint Reporting web site  
and Mobile Application

The City of Arcadia residents can now report Code Enforcement concerns by going to the City's web site and clicking on the appropriate link.



<http://www.arcadia-fl.gov>

The City of Arcadia also offers a mobile application that will allow a concerned citizen to report any concerns from their smart phone.



This application can be downloaded at your providers application store under GORequest.

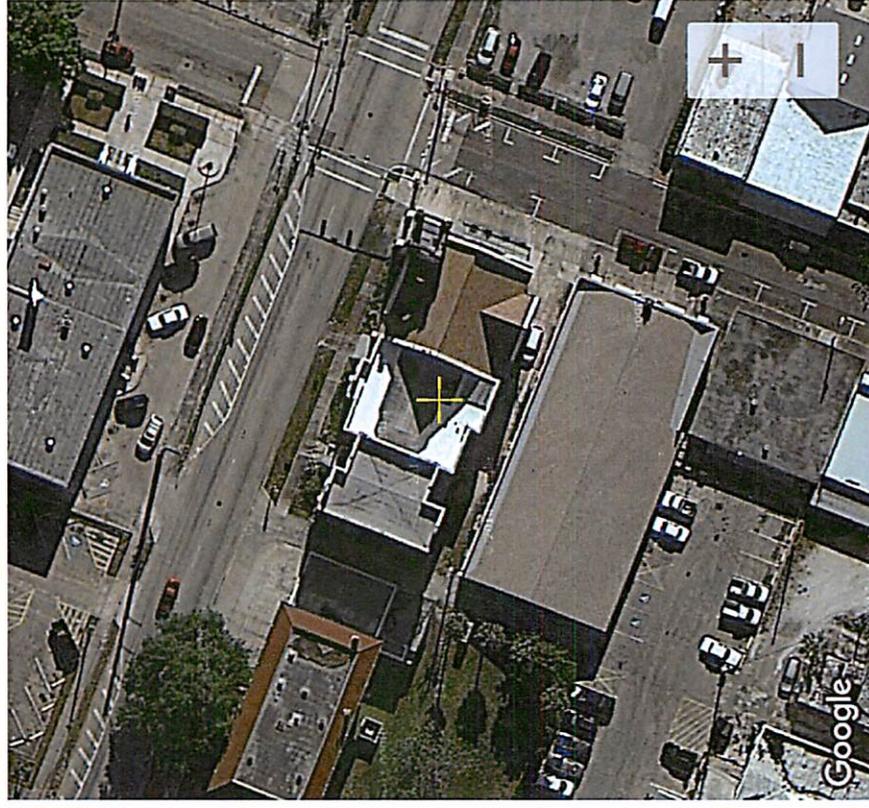
New Issue

**Add Photo**

**Select Issue**

Add comments

Add contact information

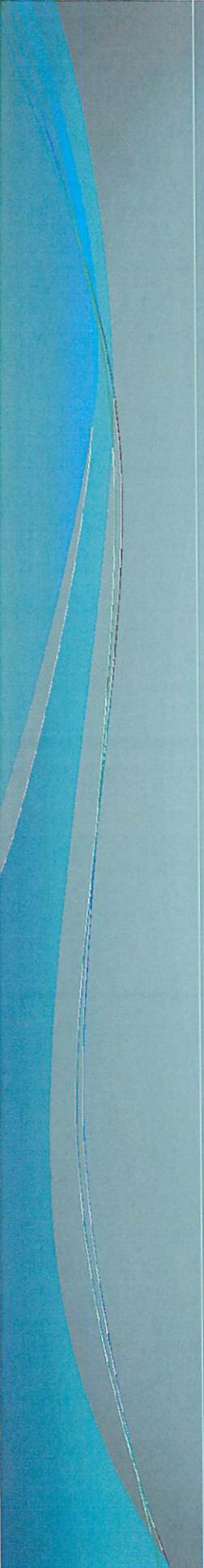


27 N Polk Ave, Arcadia  
 GPS accurate to 174 feet

Submit

\* - Required Field

Address of your  
 location 



The GoRequest application is linked to the Desoto County Property Appraiser 's web site, which will allow the citizen to give a more accurate address

# AGENDA No. 3



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: January 5, 2016

---

DEPARTMENT: Administration  
SUBJECT: Minutes from December 15, 2015

---

RECOMMENDED MOTION: Approval of December 15, 2015 Meeting Minutes as presented.

---

SUMMARY:

---

---

FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

---

ATTACHMENTS: ( ) Ordinance ( ) Resolution ( ) Budget (x) Other

---

Department Head: Penny Delaney Date: 12/17/15

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart  Date: 12-18-15

---

COUNCIL ACTION: ( ) Approved as Recommended ( ) Disapproved  
( ) Tabled Indefinitely ( ) Tabled to Date Certain \_\_\_\_\_ ( ) Approved with Modifications

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, DECEMBER 15, 2015  
6:00 P.M.**

*The following minutes reflect action items of the City Council of the City of Arcadia. For a verbatim copy of the minutes, you may contact City Administration to obtain a copy of the recorded meeting.*

**INVOCATION, PLEDGE CALL TO ORDER AND ROLL CALL**

The Mayor called the meeting to order at approximately 6:00 p.m. and Finance Director Beth Carsten which was followed by the pledge of allegiance. The following members and staff were present:

**Arcadia City Council**

Mayor Judy Wertz-Strickland  
Deputy Mayor Alice Frierson  
Councilmember S. Delshay Turner

Councilmember Joseph E. Fink  
Councilmember Susan Coker

**Arcadia City Staff**

City Administrator Terry Stewart  
City Clerk Penny Delaney  
Human Resource Manager Linda Lowe

Finance Director Beth Carsten  
Marshal Matthew Anderson  
Public Works Director Steve Underwood

Councilmember Fink stated that he was uncomfortable with continuing without settling the issue of the Mayor and Deputy Mayor of the City of Arcadia. He advised that he had provided Council with copies of the resolution that Council passed last year, from the year 2004 and also a copy of a portion of the Charter. Councilmember Fink was concerned that Council had by-passed the Charter. City Attorney Wohl stated that he was having a hard time understanding Councilmember Fink's interpretation. Councilmember Fink stated that Mr. Wohl's resolution stated, in Section 4, that the term of office should be from the date of the resolution which is September 16, 2014 which it was not because their term of office was two (2) weeks prior to that, until the end of the fiscal year 2015. Councilmember Fink asked why they did not follow the dictate of the Charter. City Attorney Wohl asked him what the Charter stated and Councilmember Fink replied that the Charter stated that if they were unable to have a selection of a new Mayor, then the person getting the largest number of votes in the regular or runoff election . . . City Attorney Wohl pointed out that a phrase had been skipped which stated that if they were unable to do so within five (5) days after taking the oath. He stated that last year they had an election and there were three (3) new council members. He advised that if, after that election of the three (3) new council members were sworn in, there had been an inability to elect a Mayor or Deputy Mayor, then they would go by what Paragraph Thirteen (13) of the Charter states. Mr. Wohl further stated that looking at the very first sentence of Section Thirteen

(13) of the Charter, it states that the Council shall elect from its members officers of the City who shall have the title of Mayor and Deputy Mayor, each of whom shall serve at the pleasure of the Council. City Attorney Wohl stated that when voting after the first nominations and appointing Mayor and Deputy Mayor after an election, Councilmember Fink was correct, but after that, they are serving at the pleasure of the Council and as the resolution states, they were voted to be put in that office through the end of the fiscal year 2015 or until their successors are appointed. Referring to the 2004 resolution, Mr. Wohl stated that although it seems to be tradition in the past, he was not quite sure what the point was of having the phrase “through the end of the fiscal year”. He felt it would probably be better just to state “shall be from the date of the resolution until their successors are appointed.” Mr. Wohl stated that although it would be burdensome and maybe somewhat ridiculous, Council could vote a new Mayor and Deputy Mayor in each week, each month, each meeting or however they wanted to do it because they serve at the pleasure of Council. Councilmember Fink made a motion to nominate Susan Coker as Mayor for this year and Deputy Mayor Frierson seconded the motion. No discussion followed and it was 3/2, approved with Mayor Wertz-Strickland and Councilmember Turner casting the dissenting votes. Councilmember Fink then made a motion to nominate Councilmember Turner as Deputy Mayor and Councilmember Turner declined the nomination. No other nominations were made. At this time, City Attorney Wohl asked for clarification on the previous motion regarding when it would take effect and Councilmember Fink stated it was to take effect immediately. Councilmember Wertz-Strickland then passed the gavel to the newly appointed Mayor, Susan Coker.

Mayor Coker then called the meeting to order. Lorenzo Dixon asked whether previous resolutions that have been passed supersede the Charter and the City Attorney replied that they do not. City Attorney Wohl clarified that Councilmember Frierson is still the Deputy Mayor. Roll call was then taken.

### **CONSENT AGENDA**

**Agenda Item 1 – City Council Minutes for December 1, 2015**

**Agenda Item 2 – City of Arcadia Municipal Airport November Report**

Councilmember Fink made a motion to accept the Consent Agenda as presented and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Clerk Delaney stated there was a typographical error in the December 1, 2015 minutes and it should have listed the vote as 5/0 and not as 4/0 due to Councilmember Fink abstaining from said vote. She asked if it could be approved with the correction and Councilmember Fink agreed to do so and he stated “with corrections”. Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **ACTION ITEMS**

**Agenda Item 3 – Ordinance No. 1011 Implementing the Provisions of Section 286-0115, Florida Statutes, to Establish a Procedure Governing Ex Parte Communications with Local Public Officials**

City Council Meeting Minutes

December 15, 2015

Page 2 of 8

Councilmember Fink made a motion to have Ordinance No. 1011 read by title only and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk then read Ordinance No. 1011 by title only. Councilmember Fink made a motion to send said ordinance off to second reading and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 4 – Ordinance No. 1012 Amending Section 50-101 to Include Inoperative Vehicles as a Nuisance**

Councilmember Fink made a motion to have Ordinance No. 1012 read by title only and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mayor Coker instructed the City Clerk to read Ordinance No. 1012 by title only and the City Clerk did so. Mayor Coker asked if there was any discussion and Charles Conklin, a City Resident, stated that he thought it was a good deal, but asked if it would be enforced and referenced a number of vehicles around town. City Attorney Wohl stated that the ordinance had the language that it would be prima facie evidence that it is an abandoned inoperative vehicle if it does not have a current tag or current registration. City Administrator Stewart advised Council that they would have, coming before them in January, a request for a workshop to explain the International Property Maintenance Code (IPMC). H explained that the Property Maintenance Standards Review Committee will be recommending the adoption of the code. Mr. Stewart stated the section of the code that deals with this specific item would be pulled and sent to the City Attorney to ensure there is no conflict. He explained that if there is language that might work better for this, it will be determined at that time whether to add the language or whether there will be a substantial change, but they would keep the Council informed of it. Councilmember Fink made a motion to send said ordinance to second reading and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 5 – State Revolving Fund Loan Program, Project No. WW-140110 Resolution No. 2015-13**

Finance Director Carsten explained this resolution had to do with the Department of Environmental Protection Loan to televise the sewer pipes. She stated this would allow the Mayor and the City Administrator to sign the paperwork to finalize the loan. City Administrator Stewart stated this involved a loan of One Million and 00/100 Dollars (\$1,000,000.00) total. He explained that it starts out as a loan, but the City will have Eight Hundred Fifty Thousand and 00/100 (\$850,000.00) in forgiveness on the loan, but it has to be described as a loan. Councilmember Fink made a motion to have the Resolution read by title only and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk read Resolution 2015-13 by title only. Councilmember Wertz-Strickland made a motion to accept the Revolving Fund Loan Program and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Administrator Stewart stated this was a resolution to authorize the Mayor and the City Administrator to exercise their responsibilities. He asked if the motion could be amended to adopt the resolution

to authorize actions. Councilmember Wertz-Strickland made a motion to approve Resolution 2015-13 which will authorize the Mayor and the City Administrator to represent the City in carrying out the responsibilities under the loan agreement and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **Agenda Item 6 – Street Sweeper Repairs**

City Administrator Stewart stated he had provided a summary explanation that detailed how this issue rests. He explained that the unit was in a sad state and had not received the maintenance that it needed. He stated it cost almost Eight Thousand and 00/100 Dollars (\$8,000.00) to get the unit in a condition where it could be fully assessed. Mr. Stewart asked Public Works Director Steve Underwood to step to the podium and confirm that it was in Fort Pierce and Mr. Underwood confirmed same. Mr. Underwood advised the amount to get it to where it could be assessed was Six Thousand Five Hundred and 00/100 Dollars (\$6,500.00). City Administrator Stewart advised the estimate to repair it was Twelve Thousand Five Hundred Eighty-Two and 00/100 Dollars (\$12,582.00) and that amount was in his authority to approve it, but the additional Six Thousand Five Hundred and 00/100 Dollars (\$6,500.00) would cause the total to exceed the amount he is authorized to approve for a project. Mr. Stewart stated they could seek other providers, but it would entail driving it to two (2) other cities with an additional cost of the City of One Thousand and 00/100 Dollars (\$1,000.00) to accomplish such. He explained there was a section of the purchasing rules for the City of Arcadia that states when it is in the best interest of the City that the City Council may elect to waive those requirements and authorize an expenditure exceeding the Fifteen and 00/100 Dollar (\$15,000.00) amount which is also the amount that requires a sealed bid. Mr. Stewart stated it was his judgment that it was in the best interest of the City not to expend that money to take the vehicle which will extend the time and the money. He asked for a motion to approve the repair at an additional Twelve Thousand Five Hundred Eighty-Two and 00/100 Dollars (\$12,582.00) and to waive the City's purchasing requirement necessitating additional quotes. Councilmember Wertz-Strickland made a motion to approve the additional repair of the City street sweeper in the amount of Twelve Thousand Five Hundred Eighty-Two and 00/100 Dollars (\$12,582.00) to Southern Sewer Equipment Sales and to waive City purchasing requirements for additional quotes and Councilmember Fink seconded the motion. Councilmember Fink then stated that after the parade, the street was terrible and he felt this was a necessity because they did not have the staff to go out and pick up those sorts of things. City Administrator Stewart advised they had received a best estimate of when the unit could be repaired and that would be at the end of January. He explained that they had a previous schedule of sweeping the streets on Wednesdays and after parades or for some current necessity. He stated they have an issue of cars being parked overnight on the downtown streets and the street sweeper cannot do an effective job. Mr. Stewart advised that he would be bringing something forward for Council's approval regarding the cars on the streets to at least get the downtown done without any problems. No discussion followed and it was unanimously, 5/0, approved.

Mayor Coker advised there was an addendum to the agenda regarding a meeting Council had with the Senior Advisors. She explained they had set some City goals and established certain things they wanted to accomplish in the coming year. She stated they were looking for a

motion to adopt the goals and objectives for the City of Arcadia. Councilmember Fink made a motion to adopt the goals as presented and Councilmember Wertz-Strickland seconded the motion. Mayor Coker reviewed the list of goals and she also expressed her desire to use the old City Hall building for City Hall business. No discussion followed and it was unanimously, 5/0, approved.

### **COMMENTS FROM DEPARTMENTS**

Marshal Anderson provided an update regarding the Shop with a Cop Program. He stated he was there to address any concerns the City Council or public may have and there were none.

City Attorney Wohl advised he had no reports and wished everyone a Merry Christmas.

Finance Director Carsten provided the financial report as of November 30, 2015. She advised that the revenues for all funds were at twenty-eight percent (28%) and the expenses were at thirteen point eight percent (13.8%). She advised Council would be seeing a budget amendment next month which will entail many of the things they had been deciding on and one will include the water plant loan amount, along with the sweeper.

City Administrator Stewart advised Council of the repairs needed for Orange Avenue and explained the reasons are the same as they were for the recent repairs of Mills Avenue. He explained it ran from Magnolia to around the area of the Hickson Funeral Home. He advised they had a ballpark figure of approximately Eighty Thousand and 00/100 Dollars (\$80,000.00). He advised they would move ahead with the repair. He explained he would like to get it done before the Martin Luther King Parade because he had learned that it was the route that the parade takes. Mr. Stewart stated that the parade impacted the time on the repair, but the main issue was safety. He explained that the State has a certain amount of responsibility which may impact the City's timeline. Mr. Stewart stated the County had put out a Request for Proposal (RFP) from persons to provide emergency utility work and he had spoken with the County Administrator and requested, and they agreed, to word it so that the City can piggyback or use their RFP for their provider. He advised he would get a hard price and try to bring it back before City Council at the first meeting in January. Councilmember Fink stated that since this was an emergency issue, he wondered if Mr. Stewart would want Council to deal with it in the form of a motion. City Administrator Stewart respectively declined because he did not have enough information to make Council feel comfortable with making a motion that would cover everything. He advised he would keep Council informed all along the way.

Mr. Stewart reminded Council that they had authorized, in this year's budget, the approval of One Million and 00/100 Dollars (\$1,000,000.00) worth of funds in order to repair roads. He provided an update on such by explaining they had identified roads that would be repaired and they were focusing on roads that do not have utility infrastructure under them. He explained the reason for doing so was to prevent paving a road and then having to rip it out in order to make utility repairs later. City Administrator Stewart further explained staff would be doing a RFP to get bids which will be on unit pricing with so much for lineal foot. He stated

firms will bid on it and it will be in the form of a sealed bid which will meet all the criteria of state statutes and City purchasing requirements which will come before Council for final approval. Mr. Stewart stated that in order to keep the One Million and 00/100 Dollars (\$1,000,000.00) that was set aside for road repair, when the budget adjustment is made he was going to request Council to take the money for the work that was done on Mills and the work that will be done on Orange to be taken out of street reserve or infrastructure reserve funds so the full One Million and 00/100 Dollars (\$1,000,000.00) will be kept to do work other than emergency repair. He also pointed out that the One Million and 00/100 Dollars (\$1,000,000.00) will not come close to doing everything that needs to be done. He addressed the pothole issue and stated that after speaking with Public Works Director Steve Underwood, they want to take some money and buy a piece of equipment that will enable them to perform hot patch pot hole repairs which are more effective and also bring a team on board to address the potholes on streets that are not being paved. Lastly, he stated he had attended the Holiday Tour of Homes and really enjoyed it.

## **PUBLIC**

Janie Watson, a City resident, thanked the City Council for their decision on agenda item four (4) regarding the inoperable vehicles and for the pothole repair. She then asked why City Council meetings did not include a Code Enforcement Report. City Administrator Stewart stated that a weekly report is provided to the City Council which includes code enforcement activity and he further stated that the reports are on the City's website.

Greg Smith declined speaking although he had filled out a speaker card.

Charles Conklin wished everyone a Merry Christmas and Happy New Year.

Tim Twohig, a Non-City resident, complimented the Christmas Parade, but suggested placing the horses toward the end of the parade for safety and cleanliness purposes. City Administrator Stewart agreed that the parade was great, but stated he had observed some safety issues as well.

## **MAYOR AND COUNCIL REPORTS**

Councilmember Wertz-Strickland stated the Regional Advocacy Team of which she is a part will be meeting to discuss public records advocacy, relocation of utilities and municipal elections. She also stated that she and others will be in Pasadena, California and responsible for the decorations on the Rose Bowl floats for Rotary International, Kiwanis International and Trader Joe.

Councilmember Fink referred back to Section 13 of the Charter and stated that he felt it needed work. He stated that City Council could not change those particular things themselves, but instead it should be sent to the people. He advised that before the three (3) new members of the Council were on board, Council had authorized a Charter Review Advisory Committee that went by the wayside due to the many changes of Administrators. He suggested they review what

the committee did and determine if there was any merit to it. There was discussion of possible referendum items and the ordinances associated with such to have the issue put before the people to see if they wish for anything to be changed regarding the charter. Mayor Coker advised she would like to read it. City Attorney Wohl stated he had all the information and he referred to some of the issues that were addressed.

Councilmember Fink stated he would like Council to consider changing what has been a policy regarding automatic restoration of rights to non-violent felons. He stated it limited the City Administrator the ability to hire someone who might be a convicted felon for a non-violent crime that might be a good worker. He felt the City Administrator should be given the latitude to hire anyone he sees fit. Councilmember Fink advised we were only one (1) of two (2) states in the entire union that does not restore automatic rights to non-violent convicted felons. He then wished the citizens and the best staff he had the opportunity to work with a merry Christmas and happy New Year.

Mayor Coker announced that JimSpace had opened earlier today and stated it was lovely, she also stated that the 1924 American LaFrance fire truck was delivered this morning to Daytona Beach for the start of the restoration process. She then wished everyone a merry Christmas and a happy new year.

City Administrator Stewart referred to a memorandum sent to City Council on December 11, 2015 regarding McSwain Park and the issue revolving around the necessity for a bathroom. He explained that when the project was originally brought forward, the water feature was identified as a fountain and did not require the installation of a bathroom. He further explained that the Health Department is the decider on this and they had stated it qualifies as a swimming pool and it must follow the rules of a swimming pool which requires bathrooms. He stated that was an additional cost and reminded Council that there was a contingency within the approval which amounted to Ten Thousand and 00/100 Dollars (\$10,000.00), but unfortunately that contingency was absorbed in the necessity to drill irrigation well. He explained there had been an assumption that the irrigation well that existed previously on the site would be sufficient, but unfortunately that well had been capped and filled with concrete. City Administrator Stewart stated that had cost Nine Thousand and 00/100 Dollars (\$9,000.00) of the Ten Thousand and 00/100 Dollars (\$10,000.00) that was there. He advised that the best estimate to get the restrooms done would fall somewhere around Thirty Thousand and 00/100 Dollars (\$30,000.00). He stated there was a realization on the part of the folks that were driving the project that the funds are not there with the City. He stated it will be their intent to try to raise the money to accomplish it. Mr. Stewart stated the Chamber of Commerce is requesting they be allowed to manage the bathroom portion of the project. He advised the project is scheduled to be completed around February 19, 2016, and if it has to go through the City's process, it will not be accomplished in that period of time. He explained it will require a Memorandum of Understanding (MOU) which will allow the Chamber of Commerce to manage the project on City property. Mr. Stewart asked Council to advise if they were comfortable with staff preparing a MOU to bring back to Council on the first meeting in January. He asked if staff had Council's authorization to prepare a Memorandum of Understanding to accomplish it. Councilmember

Fink stated he made a motion for such and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**ADJOURN**

Deputy Mayor Frierson made a motion to adjourn and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7.25 P.M.

ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

By:

ATTEST:

\_\_\_\_\_  
Susan Coker, Mayor

\_\_\_\_\_  
Penny Delaney, City Clerk

# AGENDA No. 4



CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: January 5, 2016

DEPARTMENT: Planning and Zoning

SUBJECT: Annual Martin Luther King Jr. Parade/Bizarre

RECOMMENDED MOTION:

Approval of Annual Martin Luther King Jr. Parade

SUMMARY: Annual Martin Luther King Jr. Parade scheduled for January 18, 2016 at 10:00 am. The parade route will begin at the intersection of Oak Street and Volusia Avenue. It will proceed West on Oak Street to South on Orange Avenue to West on Martin Luther King Jr. Street and terminate at the Louis C. Anderson Park. A bizarre with vendors will be setting up in Louis C. Anderson Park from 10:00 am. to 5 pm. All appropriate documents have been provided.

FISCAL IMPACT: \_\_\_\_\_

Capital Budget

Operating

Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head: Carl A. McQuay *CMQ*

Date: 01/05/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

Interim City Administrator: Terry Stewart *TS*

Date: 12-18-15

COUNCIL ACTION:  Approved as Recommended

Disapproved

Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_

Approved with Modifications

# **SPECIAL EVENTS**

A special event is defined as any event held in the City that is open and advertised to the public or which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the City right-of-ways or could affect public safety, and which is less than two weeks in duration. These events could be, but are not limited to:

<b>Festivals</b>	<b>Fairs</b>	<b>Carnivals</b>
<b>Flea Markets</b>	<b>Expos</b>	<b>Tent Sales</b>
<b>Walk-a-thons</b>	<b>Parades</b>	<b>Road Races</b>
<b>Tournaments</b>	<b>Pony Rides</b>	<b>Petting Zoos</b>
<b>Concerts</b>	<b>Car Shows</b>	<b>Boat Shows</b>
<b>Battles of the Bands</b>	<b>Fireworks Displays</b>	<b>Public Gatherings</b>

All special events require a **SPECIAL EVENTS PERMIT**. Event organizers shall obtain a Special Event Permit application from the City Administrator's office, to be returned to that office at least thirty (30) days prior to the anticipated date of the event. Any required documentation or attachments should be included with the application. The completed application must include legible information detailing:

- a) A narrative describing the approximate number of people expected to attend;
- b) Whether signs will be placed in the City right-of-ways;
- c) Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, ect.);
- d) Indicate whether additional electrical services will be required, and if so, where;
- e) Whether streets will be closed, or barricades erected;
- f) Include details of traffic control, emergency access and parking arrangements;
- g) Describe the provisions made for collection of trash, garbage, and recycling; and
- h) If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

The event sponsor will be responsible for any costs incurred by the City for set-up or clean-up of the event, and any security provided by on-duty law enforcement. The sponsor will have the option of providing its own security, at its own cost, through a private security company or off-duty officers.

All special events are subject to final approval by the City Administrator, Police Department, and possibly the City Council.

**INSURANCE** – The event organizer shall provide proof of liability insurance coverage naming the City as an additional insured on the Comprehensive General Liability Policy. An Indemnification and Hold Harmless Agreement must be signed by an authorized representative of the organizing group and submitted along with the Certificate of Insurance and application packet.

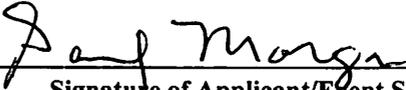
**FOOD – ALL food and beverage vendors shall provide copies of their State of Florida Health Department License. All food vendors whose cooking creates grease-laden vapors shall have a mounted certified fire extinguisher.**

**ALCOHOL – Will alcoholic beverages be sold or consumed on the premises? If yes, organizer or sponsor shall submit a copy of the Florida Alcoholic Beverages Permit 15 days prior to the event. You can download a One/Two/Three day alcohol sales permit from the State at <https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4002>**

**USE OF CITY PERSONNEL – If City personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.**

**By completing and submitting the attached application, I certify that:**

- **I have read and agree to abide by the terms and conditions set forth above;**
- **That I will be designated as the (sole) contact person for the event;**
- **That I will be responsible for applying for and attaching all required permits and documentation; and**
- **That I am responsible for any fees which may be incurred as a result of this event.**

  
\_\_\_\_\_  
Signature of Applicant/Event Sponsor

11/23/15  
\_\_\_\_\_  
Date

SAMUEL MONGARD  
\_\_\_\_\_  
PRINTED Name of Above

(863) 993-0939  
\_\_\_\_\_  
Contact Phone #

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



INDEMNIFICATION & HOLD HARMLESS

I, SAMUEL MORGAN, as PRESIDENT of  
(Printed Name) (Title or Office Held)

NAACP, DESOTO COUNTY, do hereby agree to hold the City of Arcadia,

its agents, and employees harmless and indemnify same from any civil actions or claims of any nature

made in connection with the event known as the MARTIN LUTHER KING CELEBRATION to  
(Name of Event)

be held at LOUIS C. ANDERSON PARK 11/18/16  
(Location) (Date)

By: [Signature]  
(Signature)

Printed Name: SAMUEL MORGAN

Entity Name: NAACP DESOTO COUNTY

Its: \_\_\_\_\_

Date: 11/23/15

STATE OF FLORIDA

COUNTY OF DESOTO

Sworn to and subscribed before me this 23 day of Nov, 2015, by  
SAMUEL MORGAN, as PRESIDENT,

who  is personally known to me or  has produced \_\_\_\_\_ as identification.

[Signature]  
NOTARY PUBLIC

Printed Name: \_\_\_\_\_

Commission No. \_\_\_\_\_

Commission Expires: \_\_\_\_\_

(SEAL)





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/04/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> MARSH USA INC. 120 E. BALTIMORE ST., STE. 1900 BALTIMORE, MD 21202 Attn: Charmaine Davis, tel. 202-263-7600	<b>CONTACT NAME:</b> PHONE (A/C, No. Ext): E-MAIL ADDRESS:		FAX (A/C, No):
	<b>INSURER(S) AFFORDING COVERAGE</b>		
377229-STAND-GAWU-15-16	<b>INSURER A :</b> Lexington Insurance Company		19437
<b>INSURED</b> NAACP National Association for the Advancement of Colored People Attn: Anson Asaka 4805 Mt. Hope Drive Baltimore, MD 21215-3297	<b>INSURER B :</b> N/A		N/A
	<b>INSURER C :</b> N/A		N/A
	<b>INSURER D :</b> N/A		N/A
	<b>INSURER E :</b>		
	<b>INSURER F :</b>		

**COVERAGES**                      **CERTIFICATE NUMBER:** CLE-005034501-02                      **REVISION NUMBER:** 5

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			014180682	11/12/2015	11/12/2016	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
 Re: Desoto County Branch #5098, January 18, 2016, Martin Luther King Jr., Celebration Parade from Downtown Arcadia to Louis C. Anderson Park.

**CERTIFICATE HOLDER**                      **CANCELLATION**

City of Arcadia 23 North Polk Avenue Arcadia, FL 34266	<b>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</b>  <b>AUTHORIZED REPRESENTATIVE</b> of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>
--	--



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: January 20, 2015

DEPARTMENT: Administration

SUBJECT: Waiver of Permit Fees for Standard Annual Parades

RECOMMENDED MOTION: Council Approval

SUMMARY: Request is to waive permit fees for the standard annual parades to include: the All Florida Championship Rodeo Association Parade, the Cinco De Mayo Parade, the Fourth of July/Independence Day Parade, the DeSoto County High School Homecoming Parade, the Veteran's Parade and the Chamber of Commerce Christmas Parade.

FISCAL IMPACT: \_\_\_\_\_

- Capital Budget
- Operating
- Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head: Penny Delaney

Date: 01/20/15

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

Interim City Administrator: Beth Carsten

Date: 01/20/15

COUNCIL ACTION:  Approved as Recommended  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_

- Disapproved
- Approved with Modifications

*Waiver of fees.*

*Application still required per Carl*

# AGENDA No. 5



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: 1-05-16

---

DEPARTMENT: Utility Department  
SUBJECT: Clerical Position for Utility Department

---

**RECOMMENDED MOTION:** Approve adding a new clerical position (Utility Clerk) for the Utility Department.

---

**SUMMARY:** A.J. Berndt is requesting approval to add a Utility Clerk position for the Utility Department. Currently the Utility Department is comprised of the Water Plant, Waste Water Plant, and System's Water / Waste Department. The Utility Clerk position would help each department run more efficiently. Inventory, monthly lab analysis paperwork, computer work, and purchasing supplies would be a few examples of the responsibilities for the addition of this new position. This additional position would help the Utility Director to be more affective in managing each department.

FISCAL IMPACT: None  Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

---

Department Head: A.J. Berndt *ag* Date: *12-17-15*

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: *[Signature]* Date: *12-17-15*

---

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

## **CITY OF ARCADIA, FLORIDA**

### **ADMINISTRATIVE CLERK**

Department: Utilities

Salary Range: \$10.00 - \$15.00 hour

FLSA Status: Non exempt

This position is subject to the City's Drug and Alcohol Free Workplace Policy which includes, but is not limited to, pre-employment testing, post-accident testing, reasonable suspicion resting, return to duty testing, and follow-up testing.

#### **WORK OBJECTIVE:**

Performs administrative clerical duties for the Utility Department to include Water Treatment Plant, Waste Water Treatment Plant, Water, and Sewer. Performs typing and various clerical duties of average difficulty.

#### **MINIMUM QUALIFICATIONS**

Education: High School Diploma or equivalent; knowledge of administrative and clerical procedures and office equipment; ability of proper English usage, spelling, punctuation and grammar; must have the skills and abilities to interpret information to co-workers and the general public; will have basic computer skills in MS Word, Word Perfect, MS Office and Excel. Must have a current Drivers License and prefer up to two (2) years experience in office setting demonstrative ability to perform the essential functions of the work.

#### **ESSENTIAL FUNCTIONS**

The essential functions, as outlined herein, are intended to be representative of the tasks performed within this classification. The omission of an essential function does not preclude management from assigning duties not listed if such duties are a logical assignment to the position.

- Answers telephone, screen and direct calls
- Take and relay messages
- Provide information to callers
- Deal with queries from the public and co-workers
- Ensure knowledge of staff movements in and out of organization
- Prepare correspondence and documents, record maintenance, filing, preparing documents and letters, preparing spreadsheets, charts, and tables of some complexity
- Monitor visitor access to various areas assigned and maintain security awareness
- Control inventory
- Performs related duties as directed

## **KNOWLEDGE, SKILLS, AND ABILITIES**

- Excellent verbal and written communication skills
- Professional personal presentation
- Customer Service orientated
- Attention to detail
- Dependable and Reliable
- Adhere to City policies and procedures
- Represent the City in an ethical and professional manner

## **PHYSICAL REQUIREMENTS**

The City of Arcadia is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act (42 U.S.C. 12101 et.seq.), the City of Arcadia will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer. The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

Tasks involve the ability to work in and office and field environment; to stand, stoop, reach, bend, kneel, squat, and walk on uneven terrain. Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light to moderate weights (up to 30 pounds). Tasks may involve extended periods of time at a keyboard or workstation. Work is performed in a variety of office conditions with exposure to disagreeable environmental factors. Tasks will require visual abilities and oral communications ability. Tasks require the ability to operate a vehicle to travel to various locations.

## **ENVIRONMENTAL REQUIREMENTS**

Work may be performed in both indoor and outdoor environments. Person(s) in this position may be exposed to moderate noise levels, dust, and varying weather conditions.

EEO, Veteran's Preference and Drug Free Workplace

**I have read and understand this position description. I am able perform the essential functions of this position.**

\_\_\_\_\_  
Incumbent Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Date

# AGENDA No. 6



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: January 5, 2016

---

DEPARTMENT: Planning and Zoning  
SUBJECT: Certificate of Appropriateness

---

RECOMMENDED MOTION:  
Approval

---

SUMMARY: The applicant, Arcadia-Desoto Habitat for Humanity, is requesting permission to place a shed on the property located at 114 N. Polk Avenue. The property lies within the boundaries of the historic district. The Historical Preservation Commission approved the application on 12/08/2015.

---

FISCAL IMPACT: NONE  Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

---

Department Head: Administration

Date: 01/05/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Interim: Terrance Stewart

Date: 12-18-15

---

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

**CERTIFICATE OF APPROPRIATENESS**  
**CHAPTER 69, HISTORIC PRESERVATION**

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archaeological, or historic interest or value are a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of the City of Arcadia.

The purpose of this Chapter is to:

1. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history.
2. Safeguard the city's historic, prehistoric and cultural heritage, as Embodied and reflected in such historic structures, sites, and districts.
3. Stabilize and improve property values, and enhance the visual aesthetic character of the city.
4. Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

It is hereby declared that the owner Arcadia Desoto Habitat for Humanity of parcel ID/street address 114 N. POIK Avenue of Arcadia, FL has come before the City Council today to request a Certificate of Appropriateness for the described demolition/rehabilitation/reconstruction/alteration/new construction that is attached. It has been found by the City of Arcadia City Council that the owner has met all of the requirements of Chapter 69 and hereby issue this Certificate of Appropriateness dated this 5 day of January, 2016.

CITY OF ARCADIA, FLORIDA

\_\_\_\_\_  
Susan Coker,  
Mayor

ATTEST:

\_\_\_\_\_  
Penny Delaney  
City Clerk

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
HISTORIC PRESERVATION**

**ACTION BY HISTORIC PRESERVATION COMMISSION**

**The Historic Preservation Commission shall review the application for conformity with the following criteria and shall recommend issuance of the Certificate of Appropriateness to the City of Arcadia City Council unless:**

- 1. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;**
- 2. In the case of the construction of a new improvement upon a historic site, or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within such district;**
- 3. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of this chapter and/or to the objectives and design criteria of any historic preservation plan approved for said district;**
- 4. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contract to the general welfare of the people of the city and state; or**
- 5. In the case of a request for a demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.**

The Historic Preservation Commission has voted to recommend   ✓   or not recommend \_\_\_\_\_ issuance of the Certificate of Appropriateness by a vote of   4   to   0   at their regular meeting on the   8   day of December, 2015.

**Special notes or requirements recommended by the Historic Preservation Commission:**

RECEIPT DATE 11/17/15 No. 522067

RECEIVED FROM Habitat for Humanity \$165.00

Sixty five + 00/100 DOLLARS

FOR RENT  FOR CA App 114 N. Polk

ACCOUNT	
PAYMENT.	165.00
BAL. DUE	0

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

Check # 4826

FROM TO

BY C. Blatts

47

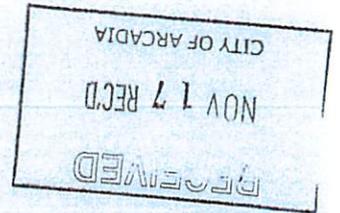


**CERTIFICATE OF APPROPRIATENESS**  
(Historic Preservation Commission)

City of Arcadia Florida  
Community Development  
23 Polk Avenue North  
Arcadia, FL 34266  
(863) 494-4114

City Website: [arcadia-fl.gov](http://arcadia-fl.gov)

Date Stamp



File No.: 15 - 12 CA

Fee: \$165.<sup>00</sup>

check # 4826

R# 522067

The City's Historic Preservation Ordinance (No. 955) requires all proposed development activity within Arcadia's Historic Preservation District be controlled through a Certificate of Appropriateness application. The Historic Preservation Ordinance can be found under Chapter 60 of the Arcadia Code of Ordinances. Please note an application approved by the City of Arcadia is required for submittal along with your Building Permit application materials administered by the DeSoto County Building Department.

**APPLICANT'S INFORMATION**

(Agent or Contractor)

Name: Jane Breylinger  
Arcadia-DeSoto Habitat  
For Humanity

Organization: \_\_\_\_\_

Address: 10 S DeSoto Ave #208

City: Arcadia

State: FL Zip Code: 34266

Telephone No.: ( 863 ) 494-4118

Email: desotohabitat@embargo.com

**PROPERTY OWNER'S INFORMATION**

(Leave Blank if Same as Applicant)

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

**I. Type of Building Structure and Development Activity Proposed**

- New Construction
- Manufactured
- Mobile
- Addition
- Demolition
- Shed
- Ground Sign
- Fence
- Deck
- Re-roofing

**II. Property Information**

Parcel Address (if assigned): 114 N Polk Ave

Parcel Identification Number: 25-37-24-0012-0240-0280

Subdivision, Block and Lot Nos.: \_\_\_\_\_

III. Zoning Information and Development Standards (for New Building Structures only)

Zoning Map Designation: C-1

Lot Size (sq. ft.): \_\_\_\_\_ Lot Length: \_\_\_\_\_ Lot Width: \_\_\_\_\_

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

_____ Front Yard	_____ Front Yard
(if corner lot) _____ Secondary Front Yard	(if corner lot) _____ secondary Front Yard
_____ Side Yard	_____ Side Yard
_____ Side Yard	_____ Side Yard
_____ Rear Yard	_____ Rear Yard
_____ 10' Between Buildings (Per Code 110-631)	_____ Between Buildings

IV. Site Plan and Property Improvement Materials – Please provide a copy of any property survey, site development plans, drawings, renderings, engineered plans, photos, vender specification sheets for prefabricated materials.

- Yes, please list attached exhibits: \_\_\_\_\_
- None, I intend to utilize City provided site plan sheet. I understand that I am required to include ALL property information, proposed improvements, and other such project delineations that may be necessary to confirm code compliance and to ensure there are no utility services conflicts.

I understand that an incomplete application will be returned and will delay permit review.

<p>Planning and Zoning Review:</p> <p><input checked="" type="radio"/> Approved</p> <p><input type="radio"/> Denied</p> <p> Zoning Inspector Signature</p> <p>Date: <u>11/18/15</u></p>	<p>Utility Systems Review:</p> <p><input checked="" type="radio"/> Approved</p> <p><input type="radio"/> Denied</p> <p> Utility Inspector Signature</p> <p>Date: <u>11/18/15</u></p>	<p>Notes, Restrictions, and Permit Coordination:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
--	---	--

**5.09.06  
Accessory Structure Development Standards**

REQUIREMENT	RESIDENTIAL ZONING DISTRICTS	NONRESIDENTIAL ZONING DISTRICTS*
Location	Rear Yard Only	- - - -
Setbacks		
From Any Lot Line	5	- - - -
From Any Street Line	15	- - - -
From Any Main Building or Other Accessory Structure	10	- - - -
Minimum Building Separation Between an Accessory Dwelling and Industrial Buildings & Structures (feet)	- - - -	15
Maximum Building Height (feet)	2 stories (24)	- - - -
Maximum Building Height for a Private Garage (feet)	1 story	
Maximum Lot Coverage	35%	35%
* Lots having accessory dwellings, where permitted, shall be provided with the yards which are required in R-4 districts for such use.		

(Original Code References: Sec. 110-631, Location in Required Yards; Setbacks and Sec. 110-632, Yards for Accessory Dwellings).

## SAMPLE SITE PLAN - ZONING CERTIFICATE APPLICATION

### Site Plan Requirements

1. Applications which lack essential setback measurements for proposed improvements cannot be processed for technical utility and zoning compliance review – incomplete applications will be returned to you for completion.
2. Provide site plan information and project details in a clear, legible format. If we are unable to understand or read project details, it may contribute to unnecessarily extending permit review processing time.
3. Reference your survey and plat information to ensure your improvements are within areas of legal ownership, and utility and service access are within approved easements and public right-of-ways.
- Desoto County Property Appraiser property search website at: [www.desotopa.com/GIS/Search\\_F.asp](http://www.desotopa.com/GIS/Search_F.asp)
4. Exceeding height allowances or proposed encroachments into required yard setbacks (extending beyond zoning envelope or build-to lines) will require a zoning variance application -- and may not be supported by the City.

#### General Information to Provide on Site Plan

- North arrow
- Street names
- Property lines
- Right-of-ways
- Utility easements
- Identify primary building structures or points of reference
- Show measurement details in feet/inches

#### Fences and Walls

- Types of material
- Height of structure
- Location and linear runs of all fence lines

#### Sheds and Detached Covered Structures

- Placement in yard
- Footprint
- Height
- Length
- Width

#### Driveways, Sidewalks and Other Curb-Cuts

- Types of all surface stabilizing material
- Location, including length and width of infrastructure area
- Impervious surface coverage estimate
- Detailed cross-section depicting sub grade soils, base materials, and binder or surface courses

#### Sample Site Plan Notes Depicting Improvements

##### Zoning Code Standards

R1-B zoning district  
 Building Height: 35'  
 Lot Size: 100' x 75'  
 Yard Setbacks:  
 Front yard: 25 feet  
 Side yard: 7 ½ feet  
 Rear yard: 20' feet

##### Carport

Size: 16' x 20'  
 Height: 12 feet  
 Yard Setbacks:  
 Front yard: 26 feet  
 Side yard: 22 feet

##### Shed

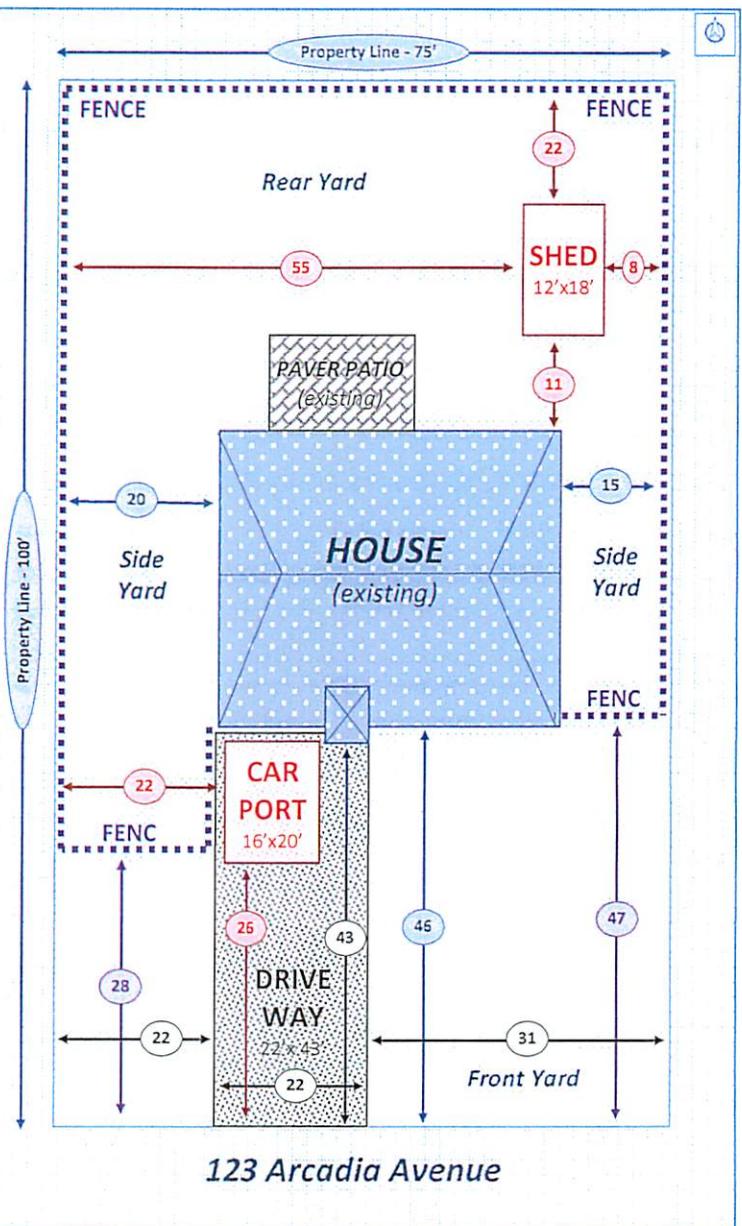
Size: 12' x 18'  
 Height: 15 feet  
 Yard Setbacks:  
 Rear: 22 feet  
 Side: 8 feet

##### Driveway

Size: 22' x 43'  
 Depth: 6 inches  
 Yard Setbacks:  
 West side yard: 22 feet  
 East side yard: 31 feet

##### Fence

Type: chain link  
 Height: 4 feet  
 Yard Setbacks:  
 West front yard: 28 feet  
 East front yard: 47 feet  
 Side yards: On property line  
 Rear: On property line



# SITE PLAN INFORMATION SHEET: ZONING CERTIFICATE APPLICATION

## I. Site Plan Requirements

1. Applications which lack essential information required by the City's Code of Ordinances cannot be processed for technical utility and zoning compliance review and will be returned to you for completion.
2. Provide site plan information and project details in a clear, legible format. If we are unable to understand or read project details, it may contribute to unnecessarily extending permit review processing time.
3. Reference your survey and plat information to ensure your improvements are within areas of legal ownership, and utility and service access are within approved easements and public right-of-ways.
  - DeSoto County Property Appraiser property search website at: [www.desotopa.com/GIS/Search\\_F.asp](http://www.desotopa.com/GIS/Search_F.asp)
4. Exceeding height allowances or proposed encroachments into required yard setbacks (extending beyond zoning envelope or build-to lines) will require a zoning variance application -- and may not be supported by the City.

### General Information to Provide on Site Plan

- ◆ North arrow
- ◆ Street names
- ◆ Property lines
- ◆ Right-of-ways
- ◆ Utility easements
- ◆ Identify primary building structures or points of reference
- ◆ Show measurement details in feet/inches

### Fences and Walls

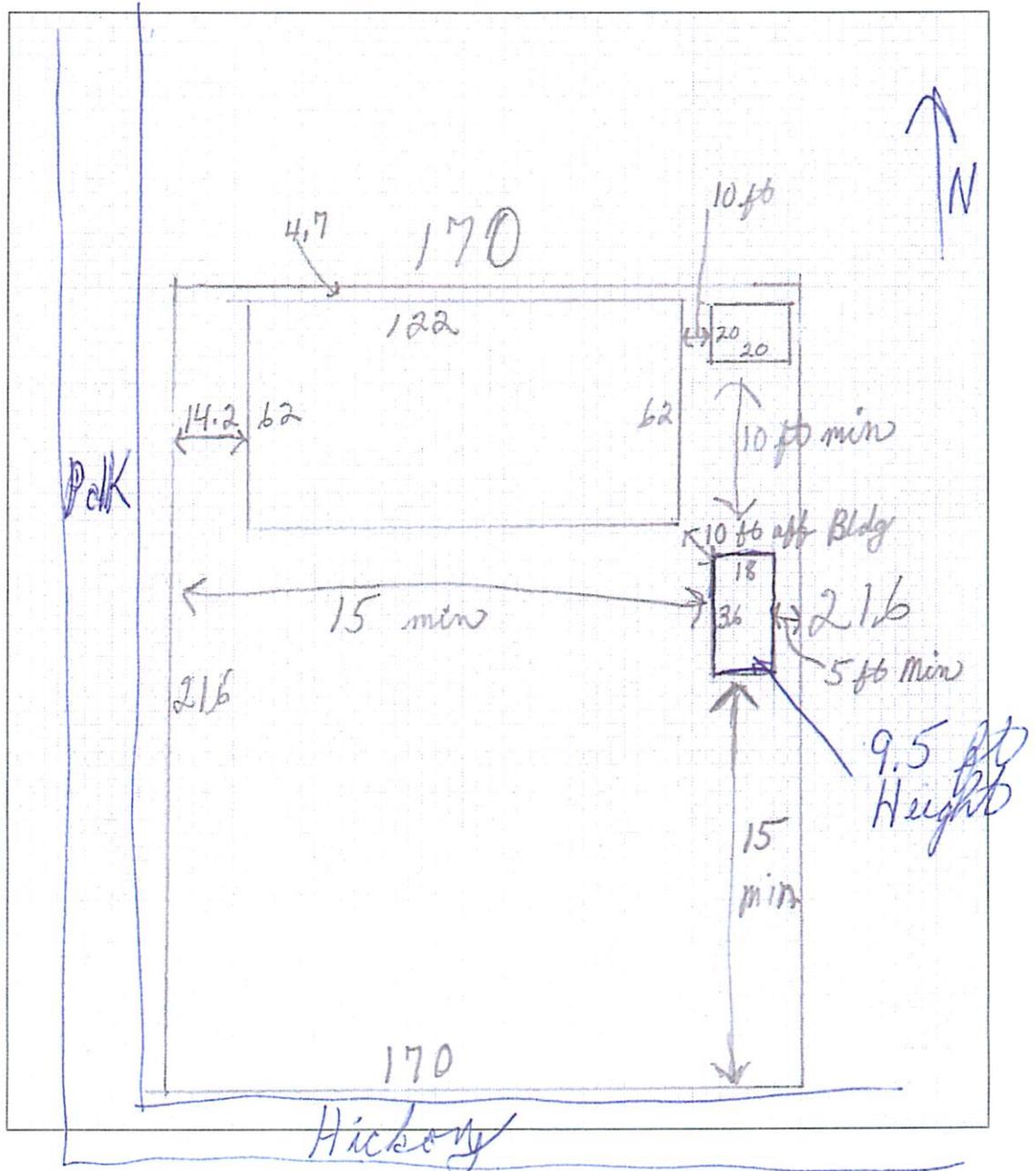
- ◆ Types of material
- ◆ Height of structure
- ◆ Location and linear runs of all fence lines

### Sheds and Detached Covered Structures

- ◆ Placement in yard
- ◆ Footprint
- ◆ Height
- ◆ Length
- ◆ Width

### Driveways, Sidewalks and Other Curb-Cuts

- ◆ Types of all surface stabilizing material
- ◆ Location, including length and width of infrastructure area
- ◆ Impervious surface coverage estimate
- ◆ Detailed cross-section depicting sub grade soils, base materials, and binder or surface courses





25-37-24-0012-0240-0280  
 ARCADIA-DESOTO COUNTY HABITAT  
 0.8556AC | 8/18/2011 - \$170,000 - IJ

### DeSoto County Property Appraiser

Newt Keen - Arcadia, Florida - 863-993-4866

0 28 56 84 ft

**PARCEL: 25-37-24-0012-0240-0280 - STORES 1 S (001100)**

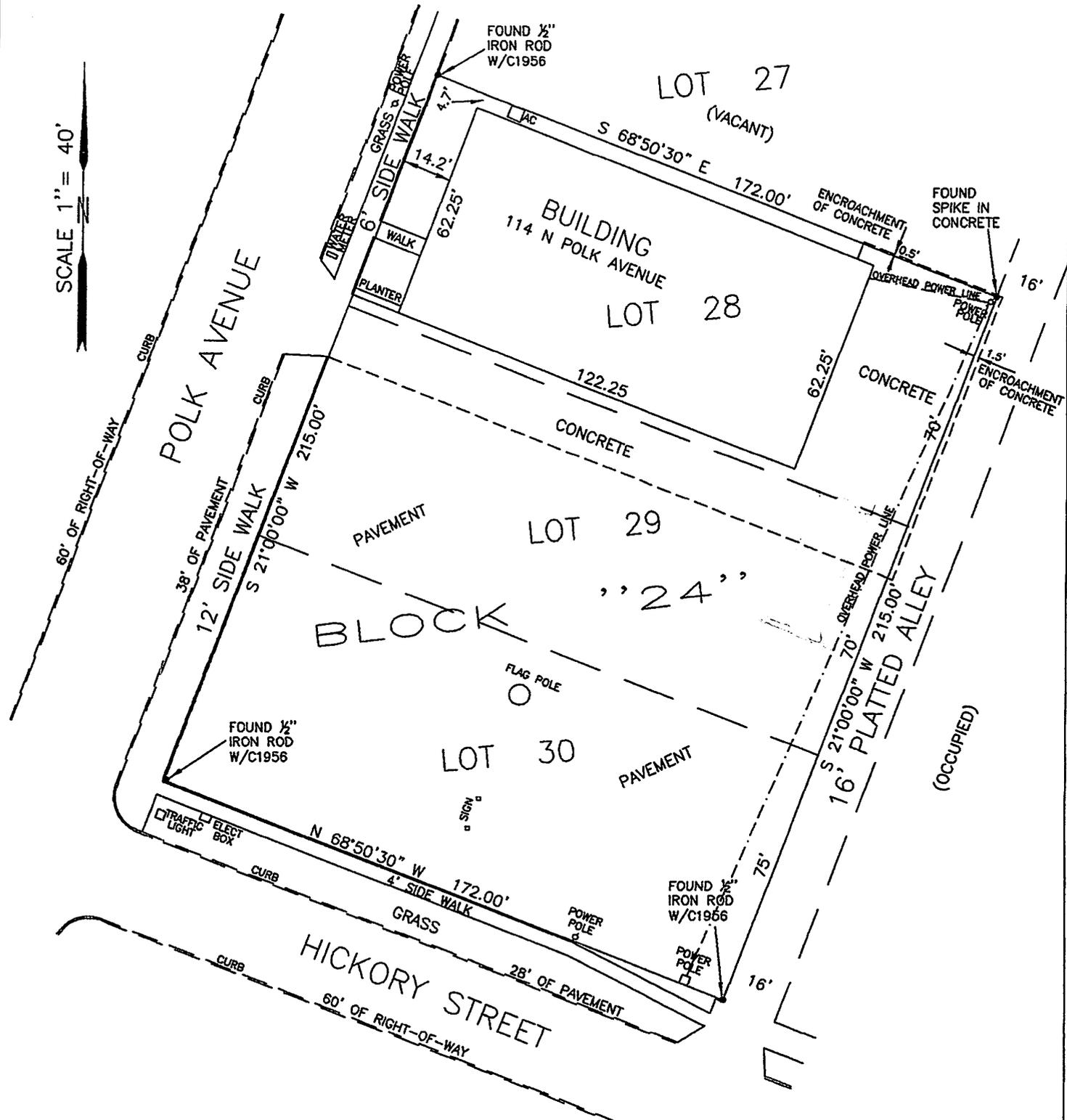
TOWN OF ARCADIA O S LOTS 28 29 & 30 BLK 24 IN SEC 36-37-24

Name: ARCADIA-DESOTO COUNTY HABITAT	LandVal	\$74,648.00
Site: 114 N POLK AVE	BldgVal	\$178,370.00
FOR HUMANITY INC	ApprVal	\$271,498.00
Mail: 10 S DESOTO AVE STE 200	JustVal	\$271,498.00
ARCADIA, FL 34266-0000	Assd	\$271,498.00
Sales Info	Exmpt	\$179,727.00
	County:	\$0.00   City: \$0.00
	Taxable	Other: \$0.00   School: \$0.00



This information, updated: 11/12/2015, was derived from data which was compiled by the DeSoto County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, its use, or its interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office. The assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem assessment purposes.

SCALE 1" = 40'



DESCRIPTION: LOTS 28, 29 AND 30, BLOCK 24, ORIGINAL SURVEY TOWN OF ARCADIA, as per map or plat thereof recorded in the office of the Clerk of the Circuit Court in and for DeSoto County, Florida, Plat Book 1, Page 67.

CERTIFIED TO: Arcadia-DeSoto County Habitat for Humanity;  
 The First State Bank of Arcadia, Its Successors and/or Assigns;  
 Arcadia Abstract & Title Company, Inc.  
 Stewart Title Guaranty Company.

Notes: The undersigned and DESOTO LAND SURVEYING, LLC., do not guarantee or assume any liability for any easements, rights-of-way, setbacks, reservations, restrictions, agreements, similar matter of subsurface utilities not physically visible on site or shown on a recorded plat, of which this survey is described as a part and recorded in the Clerk of Circuit Court, Government Jurisdiction or wetlands, if any, have not been located. This survey was prepared without benefit of abstract of title and all matters of title should be referred to an Attorney of Law. This survey is not valid unless imprinted with an embossed surveyor's seal. The date signed only reflects date of signature and of survey. No liability will be taken for usage of this survey by any party not specifically named hereon. This survey does not reflect or determine



# ZONING CERTIFICATE APPLICATION (MINOR STRUCTURES)

City of Arcadia Florida  
Community Development  
23 Polk Avenue North  
Arcadia, FL 34266  
(863) 494-4114

Date Stamp

Fee: \$65.<sup>00</sup>

R# \_\_\_\_\_

City Website: [arcadia-fl.gov](http://arcadia-fl.gov)

File No.: 15 - 42 ZC

The Zoning regulations are used for controlling land use, height, setbacks, and similar concerns with occupying land. A zoning certificate authorizes the use of property and building structures, they are typically required when a building permit is not needed for certain minor, low intensity development activity. They are also called "Certificates," as they certify the use or building structure complies with the zoning regulations contained in the Arcadia Land Development Code.

### APPLICANT'S INFORMATION

(Agent or Contractor)

Name: Jane Breylinger  
Arcadia-DeSoto Habitat for  
Humanity  
Organization: \_\_\_\_\_  
Address: 105 DeSoto Ave #200  
City: Arcadia  
State: FL Zip Code: 34266  
Telephone No.: (863) 494-4118  
Email: desotohabitat@embarqmail.com

### PROPERTY OWNER'S INFORMATION

(Leave Blank if Same as Applicant)

Name: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_  
Email: \_\_\_\_\_

### I. Type of Development Activity Proposed (Check all development activities)

<input type="radio"/> Fence	<input checked="" type="radio"/> Shed (250 sq.ft to 1,000 sq. ft.)	<input type="radio"/> Car Port	<input type="radio"/> Roofed, Pole Barn (no sides)	<input type="radio"/> Deck
<input type="radio"/> Driveway (Under 1,000 sq. ft.)	<input type="radio"/> Culvert	<input type="radio"/> Curb Cut	<input type="radio"/> Paved Area/Patio (Under 1,000 sq. ft.)	Other _____

### II. Property Information

Parcel Address (if assigned): 114 N. Polk Ave  
Parcel Identification Number: 25-37-24-0012-0240-0280

**III. Land Use and Utility Standards**

Is the property located within a Historic District:  No  Yes (if yes, please see staff for HPC application)

Zoning Map Designation: C-1

Lot Size (sq. ft.): \_\_\_\_\_ Lot Length: \_\_\_\_\_ Lot Width: \_\_\_\_\_

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

\_\_\_\_\_ Front Yard  
 (if corner lot) \_\_\_\_\_ Secondary Front Yard  
 \_\_\_\_\_ Side Yard  
 \_\_\_\_\_ Side Yard  
 \_\_\_\_\_ Rear Yard  
 \_\_\_\_\_ 10' Between Buildings  
 (Per Code 110-631)

\_\_\_\_\_ Front Yard  
 (if corner lot) \_\_\_\_\_ secondary Front Yard  
 \_\_\_\_\_ Side Yard  
 \_\_\_\_\_ Side Yard  
 \_\_\_\_\_ Rear Yard  
 \_\_\_\_\_ Between Buildings

**IV. Site Plan and Property Improvement Materials** – Please provide a copy of any property survey, site development plans, drawings, renderings, engineered plans, photos, and vender specification sheets for prefabricated materials. Please indicate all attached exhibits that you are submitting (check all that apply):

<input type="radio"/> Property Survey	<input type="radio"/> Site Plan	<input type="radio"/> Building Elevation	<input type="radio"/> Drawings
<input type="radio"/> Engineered Plans	<input type="radio"/> Photos	<input type="radio"/> Vender Spec. Sheets	Other _____

None. I intend to utilize City provided site plan sheet.

I understand that I am required to include ALL property information, proposed improvements, and other such project delineations that may be necessary to confirm code compliance and to ensure there are no utility services conflicts.

Planning and Zoning Review: <input type="radio"/> Approved <input type="radio"/> Denied _____ Zoning Inspector Signature Date: _____	Utility Systems Review: <input type="radio"/> Approved <input type="radio"/> Denied _____ Utility Inspector Signature Date: _____	Notes, Restrictions, and Permit Coordination: _____ _____ _____ _____
---	--	---



10 S DeSoto Ave. Room 200 Arcadia, Florida 34266  
Phone: 863-494-4118 Fax: 863-494-0962  
E-Mail: [desotohabitat@embarqmail.com](mailto:desotohabitat@embarqmail.com)  
Web: [www.desotohabitat.com](http://www.desotohabitat.com)

December 8, 2015

City of Arcadia, Fl

Dear Historical Preservation Committee:

On behalf of the Board of Directors of Arcadia-DeSoto Co. Habitat for Humanity Inc. I am asking permission to make an addition to our property located at 114 N. Polk Ave. The Habitat ReStore has been in operation and bringing business to our downtown area for the last three years at this location. Because of the increased sales at this location we would like to erect an 18 X 36 building adjacent to the existing building. This building will meet all setbacks and will installed properly.

The building will be set along the alley, forming an "L" shape with the current building and will block the view of the back of our building. The back (alley side) of our business is a work area during the day and unfortunately some individuals believe they can donate their unusable furniture there at night. This can appear messy, so we believe the additional building will add to the appearance when parking in our lot.

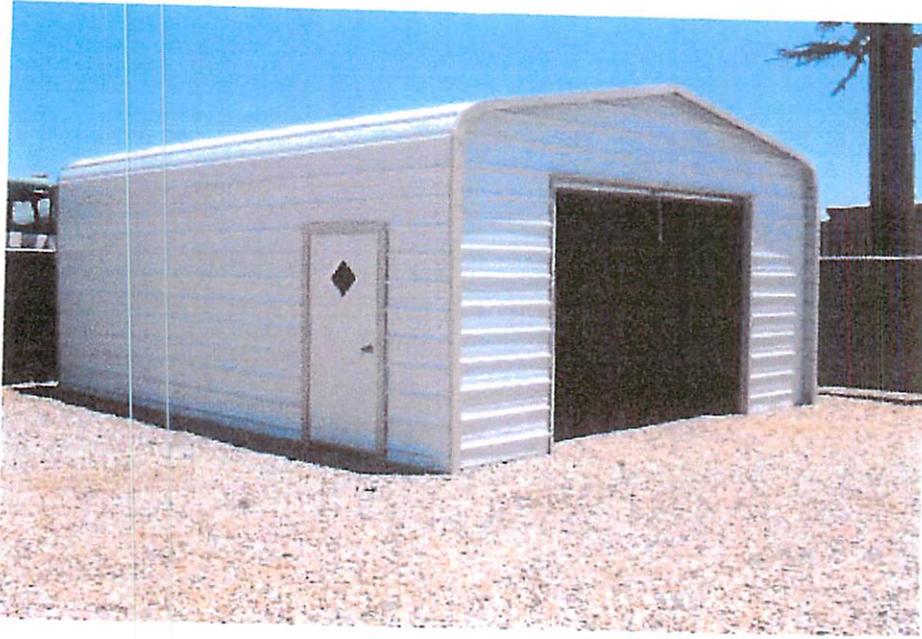
We appreciate your support as we grow together.

Sincerely,

A handwritten signature in cursive script that reads "Jane Breylinger".

Jane Breylinger  
Executive Director  
863-446-1715





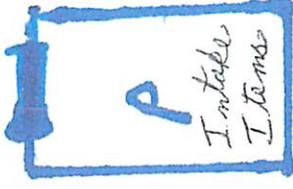
This building is 18 X 36 with the garage door opening facing the back of our store.

Sold  
Items

Truck Parking

Work areas

ReStore



Flag

# AGENDA No. 7



**CERTIFICATE OF APPROPRIATENESS**  
**CHAPTER 69, HISTORIC PRESERVATION**

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archaeological, or historic interest or value are a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of the City of Arcadia.

The purpose of this Chapter is to:

1. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history.
2. Safeguard the city's historic, prehistoric and cultural heritage, as Embodied and reflected in such historic structures, sites, and districts.
3. Stabilize and improve property values, and enhance the visual aesthetic character of the city.
4. Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

It is hereby declared that the owner Robbyn Jennings of parcel ID/street address 523 E. Magnolia Avenue of Arcadia, FL has come before the City Council today to request a Certificate of Appropriateness for the described demolition/rehabilitation/reconstruction/alteration/new construction that is attached. It has been found by the City of Arcadia City Council that the owner has met all of the requirements of Chapter 69 and hereby issue this Certificate of Appropriateness dated this 5 day of January, 2016.

CITY OF ARCADIA, FLORIDA

\_\_\_\_\_  
Susan Coker  
Mayor

ATTEST:

\_\_\_\_\_  
Penny Delaney  
City Clerk

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
HISTORIC PRESERVATION

ACTION BY HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission shall review the application for conformity with the following criteria and shall recommend issuance of the Certificate of Appropriateness to the City of Arcadia City Council unless:

1. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
2. In the case of the construction of a new improvement upon a historic site, or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within such district;
3. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of this chapter and/or to the objectives and design criteria of any historic preservation plan approved for said district;
4. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contract to the general welfare of the people of the city and state; or
5. In the case of a request for a demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

The Historic Preservation Commission has voted to recommend  or not recommend \_\_\_\_\_ issuance of the Certificate of Appropriateness by a vote of 3 to 1 at their regular meeting on the 8 day of December, 2015.

Special notes or requirements recommended by the Historic Preservation Commission:

**RECEIPT**

DATE 11/24/15

No. 522079

RECEIVED FROM Eagle Fence Co.

\$165.00

One hundred Sixty five + 00/100 DOLLARS

FOR RENT

FOR ZC + CA for Robin Jennings

ACCOUNT	
PAYMENT	<u>165.00</u>
BAL. DUE	<u>0</u>

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM 523 E. Magnolia TO

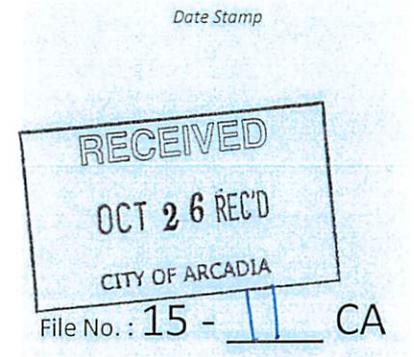
BY [Signature]



**CERTIFICATE OF APPROPRIATENESS**  
(Historic Preservation Commission)

City of Arcadia Florida  
Community Development  
23 Polk Avenue North  
Arcadia, FL 34266  
(863) 494-4114

City Website: [arcadia-fl.gov](http://arcadia-fl.gov)



Fee: \$165.<sup>00</sup>  
**CASH#**  
R# 522079

The City's Historic Preservation Ordinance (No. 955) requires all proposed development activity within Arcadia's Historic Preservation District be controlled through a Certificate of Appropriateness application. The Historic Preservation Ordinance can be found under Chapter 60 of the Arcadia Code of Ordinances. Please note an application approved by the City of Arcadia is required for submittal along with your Building Permit application materials administered by the DeSoto County Building Department.

**APPLICANT'S INFORMATION**  
(Agent or Contractor)

Name: Eagle Fence Co., Inc.

Organization: \_\_\_\_\_

Address: 2693 N.W. Pine Creek Ave.

City: Arcadia

State: FL Zip Code: 34266

Telephone No.: (863) 993-3844

Email: florida.fenceman@yahoo.com

**PROPERTY OWNER'S INFORMATION**  
(Leave Blank if Same as Applicant)

Name: Robin Jennings

Organization: \_\_\_\_\_

Address: 523 E. Magnolia St.

City: Arcadia

State: FL Zip Code: 34266

Telephone No.: (863) 444-0102

Email: \_\_\_\_\_

**I. Type of Building Structure and Development Activity Proposed**

- New Construction     Manufactured     Mobile     Addition     Demolition
- Shed     Ground Sign     Fence     Deck     Re-roofing

**II. Property Information**

Parcel Address (if assigned): \_\_\_\_\_

Parcel Identification Number: \_\_\_\_\_

Subdivision, Block and Lot Nos.: \_\_\_\_\_

**III. Zoning Information and Development Standards (for New Building Structures only)**

Zoning Map Designation: \_\_\_\_\_

Lot Size (sq. ft.): \_\_\_\_\_ Lot Length: \_\_\_\_\_ Lot Width: \_\_\_\_\_

Zoning Code Yard Setbacks:

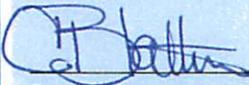
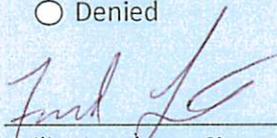
Proposed Accessory Structure Setbacks:

	_____ Front Yard		_____ Front Yard
(if corner lot)	_____ Secondary Front Yard	(if corner lot)	_____ secondary Front Yard
	_____ Side Yard		_____ Side Yard
	_____ Side Yard		_____ Side Yard
	_____ Rear Yard		_____ Rear Yard
	_____ 10' _____ Between Buildings (Per Code 110-631)		_____ Between Buildings

**IV. Site Plan and Property Improvement Materials – Please provide a copy of any property survey, site development plans, drawings, renderings, engineered plans, photos, vender specification sheets for prefabricated materials.**

- Yes, please list attached exhibits: \_\_\_\_\_
- None, I intend to utilize City provided site plan sheet. I understand that I am required to include ALL property information, proposed improvements, and other such project delineations that may be necessary to confirm code compliance and to ensure there are no utility services conflicts.

**I understand that an incomplete application will be returned and will delay permit review.**

<p>Planning and Zoning Review:</p> <p><input checked="" type="radio"/> Approved</p> <p><input type="radio"/> Denied</p> <p> _____ Zoning Inspector Signature</p> <p>Date: <u>11/20/15</u></p>	<p>Utility Systems Review:</p> <p><input checked="" type="radio"/> Approved</p> <p><input type="radio"/> Denied</p> <p> _____ Utility Inspector Signature</p> <p>Date: <u>11/23/15</u></p>	<p>Notes, Restrictions, and Permit Coordination:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
--	---	--

# DESOTO LAND SURVEYING, LLC

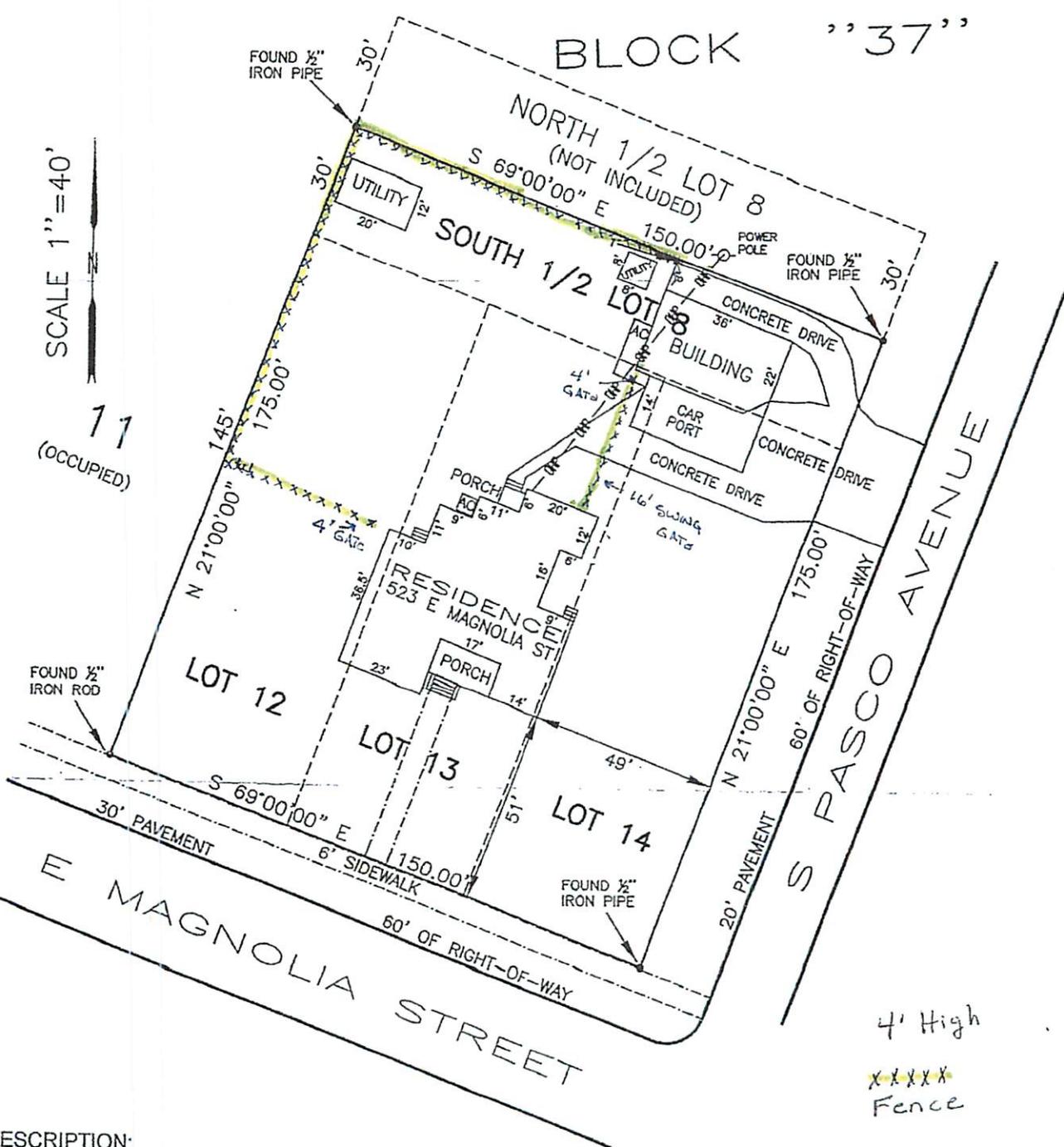
3300 NW COKER STREET - ARCADIA, FL 34266 - 863-990-5519 - LB#7796

NOTE: BOUNDARY SURVEY AND SHOW IMPROVEMENTS. BEARINGS SHOWN ARE BASED ON AN ASSUMED MERIDIAN ALONG THE WEST LINE OF BLOCK 37, (21°00'00"W).

LEGEND: N=NORTH; S=SOUTH; E=EAST; W=WEST; °=DEGREE; '=MINUTE; ''=SECOND; '=FEET; #=NUMBER; W/C=WITH CAP; A= ARC LENGTH; R= RADIUS; D= DELTA ANGLE; PC= POINT OF CURVATURE; PT= POINT OF TANGENCY; POB= POINT OF BEGINNING; OHPL= OVERHEAD POWER; AC= AIR CONDITIONER.

FLOOD NOTE: FEMA MAP COMMUNITY No. 120073, PANEL 0178 C DATED NOVEMBER 6, 2013 SHOWS PROPERTY IN ZONE X.

SCALE 1"=40'  
11  
(OCCUPIED)



**DESCRIPTION:**

THE SOUTH 1/2 OF LOT 8 AND ALL OF LOTS 12, 13 AND 14, BLOCK 37, ORIGINAL SURVEY OF THE TOWN OF ARCADIA, as per map or plat thereof recorded in the Office of the Clerk of the Circuit Court in and for DeSoto County, Florida, in Plat Book 1, Page 67.

**CERTIFIED TO:**

Robbyn Jennings;  
Michigan Mutual, Inc. dba MiMutual Mortgage, ISAOA/ATIMA.;  
Arcadia Abstract & Title Company, Inc.;  
Stewart Title Guaranty Company.

Robbyn Jennings  
523 E. Magnolia St.  
Arcadia, FL 34266

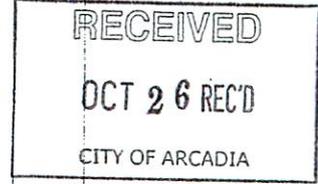
Attention: Christine



ZONING CERTIFICATE APPLICATION (MINOR STRUCTURES)

City of Arcadia Florida
Community Development
23 Polk Avenue North
Arcadia, FL 34266
(863) 494-4114

Date Stamp



Fee: \$65.00

R# \_\_\_\_\_

City Website: arcadia-fl.gov

File No.: 14 - 40 ZC

The Zoning regulations are used for controlling land use, height, setbacks, and similar concerns with occupying land. A zoning certificate authorizes the use of property and building structures, they are typically required when a building permit is not needed for certain minor, low intensity development activity. They are also called "Certificates," as they certify the use or building structure complies with the zoning regulations contained in the Arcadia Land Development Code.

APPLICANT'S INFORMATION (Agent or Contractor)

PROPERTY OWNER'S INFORMATION (Leave Blank if Same as Applicant)

Name: Eagle Fence Co, Inc

Name: Robin Jennings

Organization: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: 2693 N.W. Pine Creek Ave.

Address: 523 E. Magnolia St.

City: Arcadia

City: Arcadia

State: FL Zip Code: 34266

State: FL Zip Code: 34266

Telephone No.: (863) 993-3844

Telephone No.: (863) 444-0102

Email: floridafenceman@yahoo.com

Email: \_\_\_\_\_

I. Type of Development Activity Proposed (Check all development activities)

- Fence (checked), Shed, Car Port, Roofed, Pole Barn, Deck, Driveway, Culvert, Curb Cut, Payed Area/Patio, Other

II. Property Information

Parcel Address (if assigned): \_\_\_\_\_

Parcel Identification Number: \_\_\_\_\_

Zoning Map Designation: \_\_\_\_\_

Lot Size (sq. ft.): \_\_\_\_\_ Lot Length: \_\_\_\_\_ Lot Width: \_\_\_\_\_

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

\_\_\_\_\_ Front Yard  
 (if corner lot) \_\_\_\_\_ Secondary Front Yard  
 \_\_\_\_\_ Side Yard  
 \_\_\_\_\_ Side Yard  
 \_\_\_\_\_ Rear Yard  
 \_\_\_\_\_ 10' Between Buildings  
 (Per Code 110-631)

\_\_\_\_\_ Front Yard  
 (if corner lot) \_\_\_\_\_ secondary Front Yard  
 \_\_\_\_\_ Side Yard  
 \_\_\_\_\_ Side Yard  
 \_\_\_\_\_ Rear Yard  
 \_\_\_\_\_ Between Buildings

**IV. Site Plan and Property Improvement Materials** – Please provide a copy of any property survey, site development plans, drawings, renderings, engineered plans, photos, and vender specification sheets for prefabricated materials. Please indicate all attached exhibits that you are submitting (check all that apply):

- Property Survey       Site Plan       Building Elevation       Drawings
- Engineered Plans       Photos       Vender Spec. Sheets      Other \_\_\_\_\_
- None. I intend to utilize City provided site plan sheet.

I understand that I am required to include ALL property information, proposed improvements, and other such project delineations that may be necessary to confirm code compliance and to ensure there are no utility services conflicts.

**Planning and Zoning Review:**

**Utility Systems Review:**

**Notes, Restrictions, and Permit Coordination:**

- Approved
- Denied

- Approved
- Denied

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
Zoning Inspector Signature

\_\_\_\_\_  
Utility Inspector Signature

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# DESOTO LAND SURVEYING, LLC

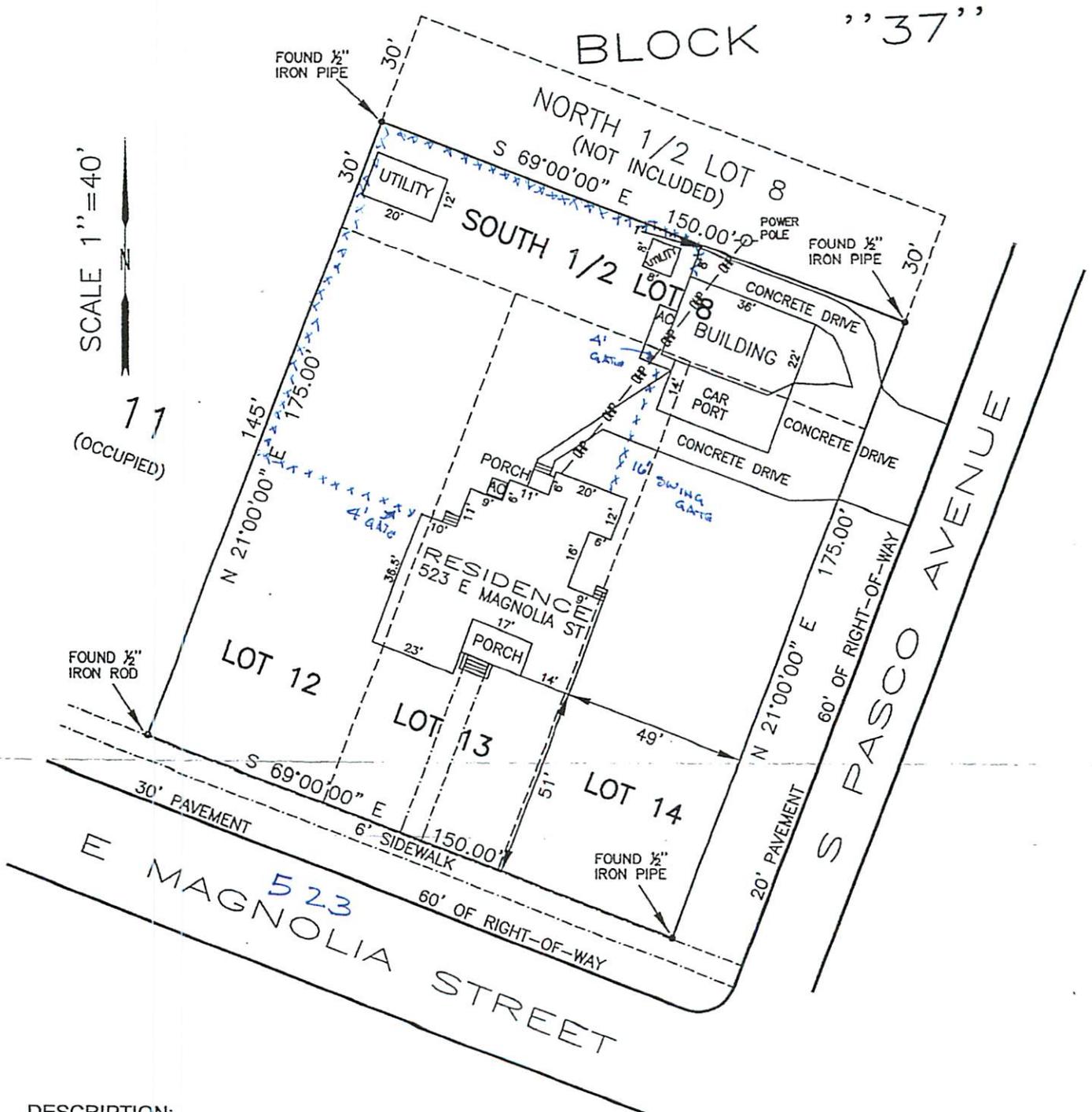
803-44-0102

3300 NW COKER STREET - ARCADIA, FL 34266 - 863-990-5519 - LB#7796

NOTE: BOUNDARY SURVEY AND SHOW IMPROVEMENTS. BEARINGS SHOWN ARE BASED ON AN ASSUMED MERIDIAN ALONG THE WEST LINE OF BLOCK 37, (21°00'00"W).

LEGEND: N=NORTH; S=SOUTH; E=EAST; W=WEST; °=DEGREE; '=MINUTE; ''=SECOND; '=FEET; #=NUMBER; W/C=WITH CAP; A= ARC LENGTH; R= RADIUS; D= DELTA ANGLE; PC= POINT OF CURVATURE; PT= POINT OF TANGENCY; POB= POINT OF BEGINNING; OHPL= OVERHEAD POWER; AC= AIR CONDITIONER.

FLOOD NOTE: FEMA MAP COMMUNITY No. 120073, PANEL 0178 C DATED NOVEMBER 6, 2013 SHOWS PROPERTY IN ZONE X.

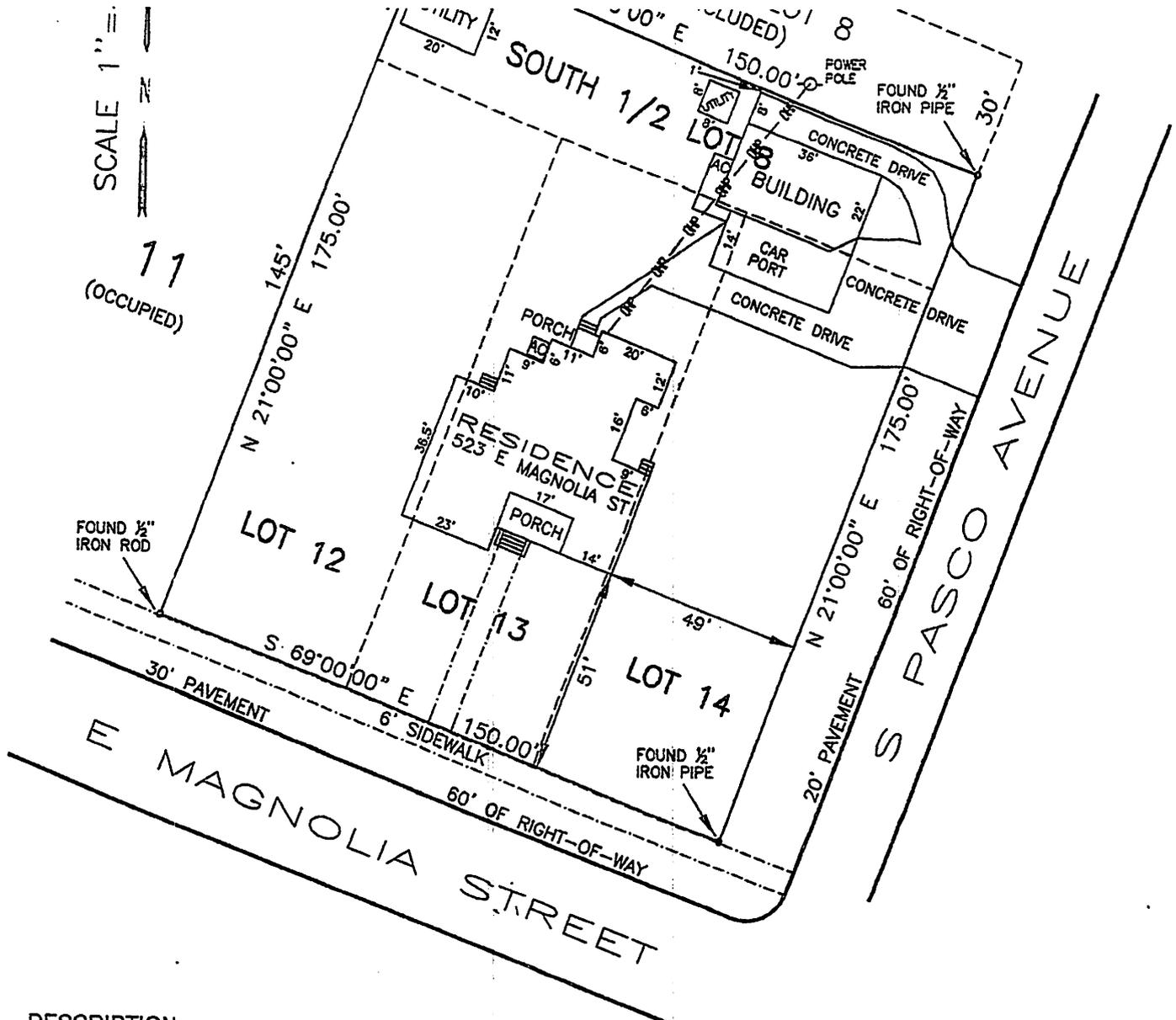


### DESCRIPTION:

THE SOUTH 1/2 OF LOT 8 AND ALL OF LOTS 12, 13 AND 14, BLOCK 37, ORIGINAL SURVEY OF THE TOWN OF ARCADIA, as per map or plat thereof recorded in the Office of the Clerk of the Circuit Court in and for DeSoto County, Florida, in Plat Book 1, Page 67.

### CERTIFIED TO:

Robbyn Jennings;  
Michigan Mutual, Inc. dba MiMutual Mortgage, ISAOA/ATIMA.;  
Arcadia Abstract & Title Company, Inc.;  
Stewart Title Guaranty Company.



SCALE 1" = 11' (OCCUPIED)

**DESCRIPTION:**

THE SOUTH 1/2 OF LOT 8 AND ALL OF LOTS 12, 13 AND 14, BLOCK 37, ORIGINAL SURVEY OF THE TOWN OF ARCADIA, as per map or plat thereof recorded in the Office of the Clerk of the Circuit Court in and for DeSoto County, Florida, in Plat Book 1, Page 67.

**CERTIFIED TO:**

Robbyn Jennings;  
 Michigan Mutual, Inc. dba MiMutual Mortgage, ISAOA/ATIMA.;  
 Arcadia Abstract & Title Company, Inc.;  
 Stewart Title Guaranty Company.

Notes: The undersigned and DESOTO LAND SURVEYING, LLC., do not guarantee or assume any liability for any easements, rights-of-way, setbacks, reservations, restrictions, agreements, similar matter of subsurface utilities not physically visible on site or shown on a recorded plat, of which this survey is described as a part and recorded in the Clerk of Circuit Court, Government Jurisdiction or wetlands, if any, have not been located. This survey was prepared without benefit of abstract of title and all matters of title should be referred to an Attorney of Law. This survey is not valid unless imprinted with an embossed surveyor's seal. The date signed only reflects date of signature and of survey. No liability will be taken for usage of this survey by any party not specifically named hereon. This survey does not reflect or determine ownership.

**Professional Opinion Statement:**

This sketch graphically depicts the results of a field survey made under my responsible direction and complies with the minimum technical standards for land surveys as promulgated by the State of Florida Board of Professional Surveyors and Mappers as contained within Chapter 5J-17.052, Florida Administrative Code, subject to notes and/or notations hereon.

*Lawrence E. Douglas*  
 Lawrence E. Douglas, Florida Registration Certificate Number 4410 Professional Survey Date: 9-9-2015

Original Survey Field Work Completed: 9-8-2015 Sketch originally Signed: 9-9-2015

# AGENDA No. 8



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: January 5, 2016

---

DEPARTMENT: Planning and Zoning  
SUBJECT: Petition for Vacation of Right-of-Way

---

RECOMMENDED MOTION:

---

SUMMARY: Petition to vacate a 16 foot wide unopened alley right-of-way located between South Volusia Avenue and South Hillsborough Avenue, south of Magnolia Street (State Road 70).

---

---

FISCAL IMPACT: \_\_\_\_\_  
 Capital Budget  
 Operating  
 Other

---

ATTACHMENTS:  Ordinance  Resolution  Budget  Other – Staff Report

---

Department Head:

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terrance Stewart

Date: 12-18-15

---

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

**RESOLUTION 2016-02**

**A RESOLUTION VACATING THE SIXTEEN (16) FOOT WIDE, UNOPENED ALLEY RIGHT-OF-WAY LOCATED BETWEEN SOUTH VOLUSIA AVENUE AND SOUTH HILLSBOROUGH AVENUE, LYING SOUTH OF LOTS 1, 2, 3, 4, 5 AND 6 AND NORTH OF LOTS 7 AND 18 OF BLOCK 49, AND LYING EAST OF LOT 7 AND EAST OF THE NORTH-HALF OF LOT 8 AND WEST OF LOT 18 AND WEST OF THE NORTH-HALF OF LOT 19 OF BLOCK 49, IN THE CITY OF ARCADIA, FLORIDA; PROVIDING FOR A COPY TO BE FURNISHED TO DESOTO COUNTY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Arcadia, Florida has been conferred authority to vacate any street or alley or part of street or alley by virtue of section 177.101 of the Florida Statutes (2015) as amended and supplemented; and

**WHEREAS**, the Petitioner and owner(s) of the properties which contain the subject unpaved and unimproved alley right-of-way, Gordon Martin, and with agreement of all property owners adjacent to the alley right-of-way, requests the City Council of the City of Arcadia, Florida, to forever vacate and abandon the alley right-of-way located on the property described in Section 1 herein; and

**WHEREAS**, the Notice of Intent to seek vacation of alley right-of-way within the City of Arcadia was duly published in the Arcadian on December 27, 2015, for the purpose of hearing objections to the vacating of said alley right-of-way at the January 5, 2016 City of Arcadia public meeting; and

**WHEREAS**, utility provider, Florida Power & Light Co. has indicated that they possess and maintain utilities within the alley right of way as described in Section 1 herein, and therefore request an easement to utilize and occupy the area presently occupied by FPL structures and facilities; and

**WHEREAS**, the City Council, after having made a thorough study of the changing conditions in the neighborhood, being apprised of the existing facts, taking into consideration the other streets and alleys whereby property owners have access to their property, have determined that it is in the best interest of the City of Arcadia and its residents that the said alley right-of-way shall be forever vacated and abandoned.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA:**

**Section 1. Vacation of Alley Right-of-Way.** The alley right-of-way described as follows:

The sixteen (16) foot wide unopened alley right-of-way located between South Volusia Avenue and South Hillsborough Avenue, lying south of Lots 1, 2, 3, 4, 5

and 6 and north of Lots 7 and 18 of Block 49, and lying east of Lot 7 and east of the north-half of Lot 8 and west of Lot 18 and west of the north-half of Lot 19 of Block 49 in the City of Arcadia, Florida, is hereby vacated and abandoned.

**Section 2.** **Copy Furnished to DeSoto County.** A copy of this Resolution shall be furnished to the DeSoto County Board of County Commissioners in accordance with subsection 177.101(5) of the Florida Statutes (2015).

**Section 3.** **Effective Date.** This Resolution shall become effective immediately upon its passage.

**Section 4.** A certified copy of this Resolution shall be duly recorded in the public records of DeSoto County, Florida.

**INTRODUCED AND PASSED** by the City Council of the City of Arcadia, Florida, this 5<sup>th</sup> day of January, 2016.

**CITY OF ARCADIA, FLORIDA**

\_\_\_\_\_  
**Susan Coker, Mayor**

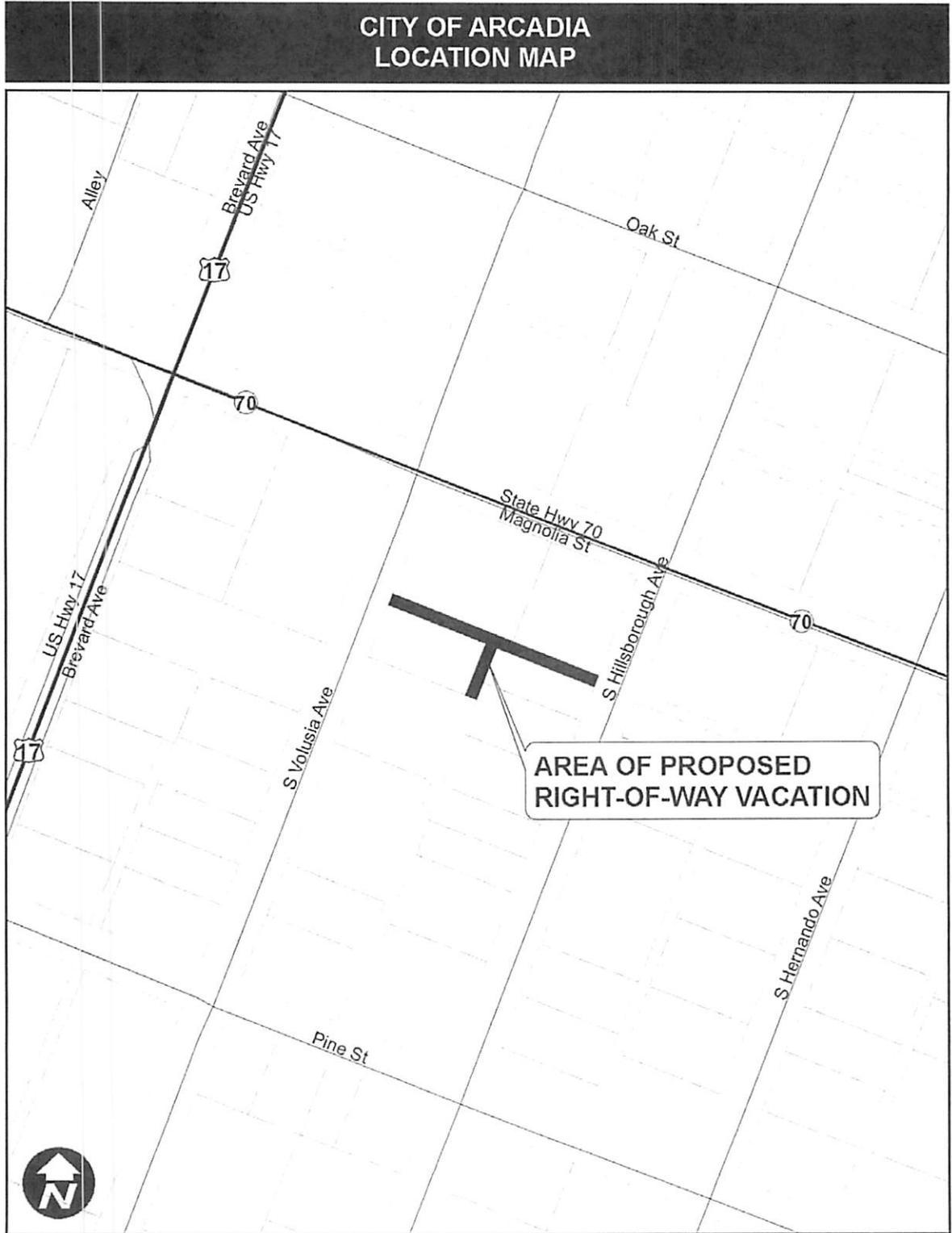
**ATTEST:**

\_\_\_\_\_  
**Penny Delaney, City Clerk**

**Approved as to form:**

\_\_\_\_\_  
**Thomas J. Wohl, City Attorney**

RESOLUTION 2016-02





**CITY OF ARCADIA**  
**PETITION FOR RIGHT-OF-WAY VACATION**  
**OVERVIEW REPORT**  
January 5, 2016

---

**TO:** City of Arcadia, City Council

**FROM:** Jeff Schmucker, Senior Planner, Central Florida Regional Planning Council

**SUBJECT:** **Resolution 2016-02:**  
Vacation of a 16 foot wide unopened alley right-of-way located between South Volusia Avenue and South Hillsborough Avenue, lying south of Lots 1, 2, 3, 4, 5 and 6 and north of Lots 7 and 18 of Block 49, and lying east of Lot 7 and east of the north-half of Lot 8 and west of Lot 18 and west of the north-half of Lot 19 of Block 49, in the City of Arcadia, Florida.

**AGENDA AND HEARING DATE:**

- January 5, 2016 – City Council Meeting (Public Hearing)

**ATTACHMENTS:**

- Petition for Vacation of Right-of-Way (Application):
  - Signatures of all property owners abutting alleyway acknowledging no objection.
  - Boundary survey with legal description of proposed right-of-way to be vacated.
  - Letter from property owner (James Bushouse) acknowledging agreement with vacation of right-of-way.
  - Letters of no objection from utility, cable, and communication companies.
  - Certified mail return receipts notifying owners of record of impacted parcels
- Aerial Photo Map of proposed alleyway to be vacated

**PROCEDURES FOR VACATION OF RIGHT-OF-WAY:**

Below for references are the procedures set forth by the City of Arcadia Unified Land Development Code (ULDC) to vacate right-of-way within the City of Arcadia.

Section 11.08.00 of the City's ULDC addresses the vacation of roads, alleys, streets, and easements. Such petitions are reviewed by City staff and the City Attorney. A public hearing is then held before the City Council regarding the petition.

The following must occur or be provided in the processing of a right-of-way vacation petition:

- A legal description of the street, road, alleyway or easement to be vacated, along with a map or plat indicating the street, road, alleyway or easement thereon. (Section 11.08.01.A.)
- A list of the names and addresses of all property owners abutting upon the described lands and a statement of what effect, if any, the vacation of such street, alleyway, easement or road may have upon other property owners in the area. (Section 11.08.01.B.)
- The applicant shall mail a copy of the petition to each abutting property owner or other owner of record of lots or parcels that may be affected by the vacation, by certified mail with return receipt requested. The return receipts shall be filed with the City Clerk, prior to the setting of the public hearing to be held upon the petition. (Section 11.04.06.A.)
- Letters from appropriate officials of each utility company and cable TV company operating in the general area, stating their objections, if any, to the vacation. If there are no objections, the letter shall so state. (Section 11.08.01.C.)
- Letters of objection or no objection from all owners of record of lots or parcels of land that would be affected by the vacation, including the legal description of the properties owned by such abutting property owners or other affected property owners. (Section 11.08.01.E.)
- The City Attorney shall examine the petition for completeness and notify the City Administrator, or his or her designee, in writing as to his or her opinion thereon. (Section 11.08.02.)
- Once the above items are complete, the City Clerk shall publish notice of the public hearing one (1) time in a newspaper of general circulation in the County at least two (2) weeks prior to the date of such public hearing, and the City Clerk shall also mail notice of the public hearing to all affected property owners.
- In addition to the filing fee, all costs and expenses of surveys and preparation of plats, costs of publication, mailing expenses, recording costs, legal expenses and other costs and expenses incurred in the processing of the petition to vacate by the applicant and/or the City shall be paid by applicant prior to setting the public hearing and placing the petition on the City Council agenda. (Section 11.08.01.F.)
- Any action of the City Council vacating any road, street, alleyway or easement shall be evidenced by a resolution duly adopted and entered upon the minutes of the City Council. (Section 11.08.04.A.)

- Notice of the adoption of such resolution of the City Council shall be published one time within 30 days following its adoption in one issue of a newspaper of general circulation published in the county. (Section 11.04.06.C.)
- The proof of publication of notice of the public hearing, the resolution as adopted, and the proof of publication of the notice of the adoption of such resolution shall be recorded in the deed records of the county by the City Clerk. (Section 11.08.04.C.)
- Title to vacated space outline in Section 11.08.07.

**FINDINGS OF FACT:**

The Petition for Right-of-Way Vacation is to be reviewed by City Staff, the City Attorney, and consistent with the City’s ULDC, regarding the vacation of roads, alleys, streets, and easements.

Below are findings of fact determined during the review.

- The applicant has provided legal description of the alleyway to be vacated, along with a map or plat indicating the alleyway thereon.
- The applicant has provided a list of the names and addresses of all property owners abutting upon the described lands and has mailed a copy of the petition to each by certified mail with return receipt requested.
- The applicant has requested and received letters from appropriate officials of each utility company and cable TV company operating in the general area, stating no objection to the petition.
- The City Attorney has reviewed the application for completeness and has found no objection to the petition.
- Florida Power & Light Co. has indicated they have utilities within the alley and therefore request an easement for those utilities.
- Notice of the petition has been published in a newspaper of general circulation two weeks prior to the date of the public hearing.

**CITY COUNCIL MOTION OPTIONS:**

Options for motions are listed below.

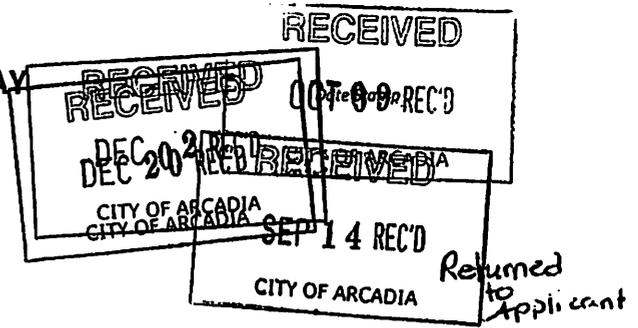
1. I move the City Council **approve Resolution 2016-02.**
2. I move the City Council **approve Resolution 2016-02 with changes.**
3. I move the City Council **deny Resolution 2016-02.**



VACATION OF RIGHT-OF-WAY APPLICATION

City of Arcadia Florida
Community Development
23 Polk Avenue North
Arcadia, FL 34266
(863) 494-4114

City Website: arcadia-fl.gov



Fee: \$1,000.00
Check # 1001
R# 058646

File No. : 15 - 01 VR

Arcadia owns numerous right-of-way properties which have been platted as part of a subdivision design for roadways, alleys, walking trails, utilities and other access or service ways. In certain instances when no clear public need exists for utilization of these right-of-ways, the City may permit private property owners to reconfigure, swap or vacate these public properties for private enjoyment. An application checklist and procedure form should be used to help you understand application and processing requirements for seeking the vacation of platted public right-of-ways.

Form with two columns: APPLICANT'S INFORMATION and AGENT'S INFORMATION. Includes fields for Name, Organization, Address, City, State, Zip Code, Telephone No., and Email.

I. Property Information of Subject ROW and Adjacent Properties

Predominant Land Uses of Properties Adjacent to ROW: Residential

Subdivision and Block: Town of Arcadia OS lots 1, 2, 3, 4 & lot 7, N 1/2 8 & W 1/4 4 B1449

List Parcel Identification Numbers of all Properties Adjacent to ROW:

- 25-37-24-0012-0490-0080
25-37-24-0012-0490-0040
25-37-24-0012-0490-0190
25-37-24-0012-0490-0180

List Address Numbers of all Properties Adjacent to ROW:

216 E. Magnolia St.

116 S. Hillsborough Ave.

112 S. Hillsborough Ave

123 S. Volusia Ave.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. Provide Statement of Need for ROW Vacation**

Vacate Row to construct apartment complex.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. List Known Public or Private Utility Provider Assets within the ROW to be Vacated**

None

\_\_\_\_\_  
\_\_\_\_\_

**IV. List Known Private Improvements (fences, pools, drives, sheds, or structures) within the ROW to be Vacated**

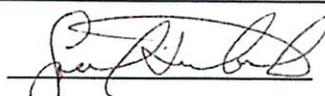
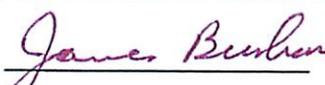
None

\_\_\_\_\_  
\_\_\_\_\_

<b>Planning Recommendation:</b>	<b>Utility Systems Recommendation:</b>	<b>Public Works Recommendation:</b>
<input type="radio"/> Approved	<input type="radio"/> Approved	<input type="radio"/> Approved
<input type="radio"/> Denied	<input type="radio"/> Denied	<input type="radio"/> Denied
_____ Zoning Signature	_____ Utility Signature	_____ Director's Signature
Date: _____	Date: _____	Date: _____

To: City of Arcadia  
 Re: Vacate Alleyway

By signing this document, the corresponding property owner acknowledges that they have no objection to vacating the alleyway that is contiguous with their property.

<p>1 Strap #: 25-37-24-0012-0490-0120          S-T-R: 25-37S-24E          Prop Address: 116 Hillsborough Ave S          Arcadia FL 34266          Owner(s): FAIRCLOTH GOLDEN          KENNEDY ANDREA          JT/ROS          Mail Address: 116 S Hillsborough Ave          Arcadia FL 34266</p>	<p>Just Value: \$56,125.00          Assessed Value: \$55,592.00          Land Use Code: 1          Use Desc: SINGLE FAM          Zoning: CITY          Last Sale: \$65,000.00 on          4/15/2003</p>	<p>Bldg HTD Sq Ft: 1409          Bldg TOT Sq Ft: 1448          Total Land Area: 0.24 Acres          10649 Sq Ft          Last Sale Price/Acre: \$265,848.70          Last Sale Price/Bldg Sq Ft: \$44.69          Last Sale Price/Land Sq Ft: \$6.10</p>	<p>          Signed          10/8/2015          Date</p>
<p>2 Strap #: 25-37-24-0012-0490-0190          S-T-R: 25-37S-24E          Prop Address: 112 Hillsborough Ave S          Arcadia FL 34266          Owner(s): BUSHOUSE JAMES &amp;          JUANITA          Mail Address: 216 E Magnolia Ave          Arcadia FL 34266</p>	<p>Just Value: \$42,647.00          Assessed Value: \$42,647.00          Land Use Code: 1          Use Desc: SINGLE FAM          Zoning: CITY          Last Sale: \$34,000.00 on          4/28/2014</p>	<p>Bldg HTD Sq Ft: 1694          Bldg TOT Sq Ft: 1657          Total Land Area: 0.16 Acres          7100 Sq Ft          Last Sale Price/Acre: \$208,589.00          Last Sale Price/Bldg Sq Ft: \$20.52          Last Sale Price/Land Sq Ft: \$4.79</p>	<p>          Signed          9/28/15          Date</p>
<p><del>3 Strap #: 25-37-24-0012-0490-0000          S-T-R: 25-37S-24E          Prop Address: 123 Volusia Ave S          Arcadia FL 34266          Owner(s): HINESLEY GAIL DAWN          Mail Address: 123 S Volusia Ave          Arcadia FL 34266</del></p>	<p><del>Just Value: \$62,068.00          Assessed Value: \$62,068.00          Land Use Code: 1          Use Desc: SINGLE FAM          Zoning: CITY          Last Sale: \$145,000.00 on          4/30/2007</del></p>	<p><del>Bldg HTD Sq Ft: 2048          Bldg TOT Sq Ft: 2336          Total Land Area: 0.41 Acres          17749 Sq Ft          Last Sale Price/Acre: \$355,828.20          Last Sale Price/Bldg Sq Ft: \$61.21          Last Sale Price/Land Sq Ft: \$8.17</del></p>	<p><del>NOT APPLICABLE          Signed          Date</del></p>
<p>4 Strap #: 25-37-24-0012-0490-0040          S-T-R: 25-37S-24E          Prop Address: 216 Magnolia St E          Arcadia FL 34266          Owner(s): BUSHOUSE JAMES &amp;          JUANITA L          Mail Address: PO Box 1852          Arcadia FL 34265</p>	<p>Just Value: \$121,041.00          Assessed Value: \$121,041.00          Land Use Code: 12          Use Desc: OFFICE BUI          Zoning: CITY          Last Sale: \$80,000.00 on          11/4/2013</p>	<p>Bldg HTD Sq Ft: 2586          Bldg TOT Sq Ft: 2939          Total Land Area: 0.41 Acres          18000 Sq Ft          Last Sale Price/Acre: \$193,610.80          Last Sale Price/Bldg Sq Ft: \$27.22          Last Sale Price/Land Sq Ft: \$4.44</p>	<p>          Signed          9/28/15          Date</p>
<p>5 Strap #: 25-37-24-0012-0490-0010          S-T-R: 25-37S-24E          Prop Address: 117 Volusia Ave S          Arcadia FL 34266          Owner(s): MARTIN GORDON M &amp;          MARY P TR          Mail Address: 207 E Magnolia St          Arcadia FL 34266</p>	<p>Just Value: \$9,000.00          Assessed Value: \$9,000.00          Land Use Code: 0          Use Desc: VACANT          Zoning: CITY          Last Sale: \$23,500.00 on          6/19/2009</p>	<p>Bldg HTD Sq Ft: 0          Bldg TOT Sq Ft: 10650          Total Land Area: 0.24 Acres          10650 Sq Ft          Last Sale Price/Acre: \$96,114.52          Last Sale Price/Bldg Sq Ft: \$2.21          Last Sale Price/Land Sq Ft: \$2.21</p>	
<p>6 Strap #: 25-37-24-0012-0490-0010          S-T-R: 25-37S-24E          Prop Address: 210 Magnolia St E          Arcadia FL 34266          Owner(s): MARTIN GORDON TR</p>	<p>Just Value: \$25,000.00          Assessed Value: \$25,000.00          Land Use Code: 0          Use Desc: VACANT          Zoning: CITY          Last Sale: \$35,000.00 on          4/27/2009</p>	<p>Bldg HTD Sq Ft: 0          Bldg TOT Sq Ft: 25199          Total Land Area: 0.58 Acres          25199 Sq Ft          Last Sale Price/Acre: \$60,501.30          Last Sale Price/Bldg Sq Ft: \$1.39</p>	



12/1/2015

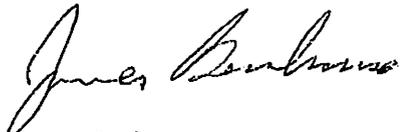
To: City of Arcadia

From: James Bushouse

Re: Alleyway Vacate

Please be advised that agree to close the alleyway from Volusia to Hillsborough as described in the application package for Gordon Martin.

Signed,

 12/1/15  
James Bushouse



**LETTER OF NO OBJECTION**  
(Revised)

November 23, 2015

City of Arcadia  
c/o Mr. Mac Martin  
207 E. Magnolia Street  
Arcadia, FL 34266

**SUBJECT: PROPOSED VACATE OF ALL THAT PART OF A 16.00 FOOT WIDE PLATTED ALLEY LYING SOUTH OF LOTS 1, 2, 3, 4, 5, AND 6, AND LYING NORTH OF LOTS 7 AND 18, BLOCK 49, ORIGINAL SURVEY OF THE TOWN OF ARCADIA, FLORIDA, AS RECORDED IN PLAT BOOK 1, PAGE 67; AND, ALL THAT PART OF A 16.00 FOOT WIDE PLATTED ALLEY LYING EAST OF LOT 7 AND LYING EAST OF THE NORTH ½ OF LOT 8, AND LYING WEST OF LOT 18 AND LYING WEST OF THE NORTH ½ OF LOT 19, BLOCK 49, ORIGINAL SURVEY OF THE TOWN OF ARCADIA, FLORIDA, AS RECORDED IN PLAT BOOK 1, PAGE 67 IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA; ALSO BEING KNOWN AS TAX PARCEL IDENTIFICATION NUMBER 25-37-24-0012-0490-0010, 25-37-24-0012-0490-0070 AND 25-37-34-0012-0490-0180; RESPECTIVELY; PRN 762902**

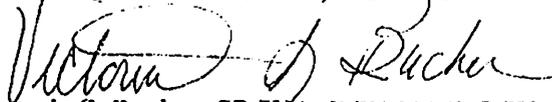
Dear Mr. Martin:

Please be advised that Embarq Florida, Inc. D/B/A CenturyLink ("CenturyLink") has no objection to the proposed vacation and abandonment of those portions of that certain alley described above and being more particularly shown on the attached map. The parcels affected by this vacation have an address of 210 E. Magnolia Street, 117 S. Volusia Avenue, and 112 S Hillsborough Avenue, Arcadia, Desoto County, Florida.

Should there be any questions or concerns, please contact me at 407-814-5318 or by email at [Victoria.bucher@centurylink.com](mailto:Victoria.bucher@centurylink.com).

Sincerely,

EMBARQ FLORIDA, INC., D/B/A CENTURYLINK

  
Victoria S. Bucher, SR/WA, R/W-NAC, R/W-AMC  
Negotiator - East Region  
Network Real Estate

C: M. Scharer, CenturyLink

33 North Main Street  
Winter Garden, FL 34787  
Tel: 407-814-5318  
[Victoria.bucher@centurylink.com](mailto:Victoria.bucher@centurylink.com)  
[www.centurylink.com](http://www.centurylink.com)



September 22, 2015

City of Arcadia  
c/o Mac Martin  
207 East Magnolia St.  
Arcadia, FL 34266

**Re: Petition to Vacate Easement  
located between S Volusia Ave & S Hillsborough Ave.**

Dear Mr. Martin,

After review your request to vacate the Easement, it has been determined that Comcast Cable does not object to the request to vacate the easement in question. Please know that Comcast does have existing underground facilities in the area.

Should you have any questions or concerns, please feel free to contact me. I can be reached at (941) 730-0600.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Drackett', written in a cursive style.

Bruce Drackett  
Project Manager

Return to:  
Florida Power & Light Co.  
Attn: Nick McCullers  
941-423-4816

---

## AGREEMENT TO GRANT EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, the undersigned has applied to the County of Desoto, Florida, for the vacation of a certain street or alley commonly known as \_\_\_\_\_, as recorded in 1 Book 22, Page C-5 P. 56 of the Public Records of Desoto County, Florida, in, on and under which said street or alley there exists structures and facilities owned by Florida Power & Light Company, a Florida corporation ("FPL"); and

WHEREAS, FPL is willing to waive any objection to the application of the undersigned for such street or alley vacation provided that the undersigned grants to FPL an easement on its usual form permitting FPL to utilize and occupy the area presently occupied by FPL's structures and facilities; and

WHEREAS, the undersigned is willing to grant to FPL such easement as soon as the undersigned has a valid legal right to do so and the undersigned is desirous of binding himself or itself to the ultimate grant of such easement;

NOW, THEREFORE, in consideration of the aforesaid premises, the waiver of objection, as aforesaid, by FPL, and the sum of One Dollar (\$1.00) and other good and valuable considerations, the undersigned, intending to bind himself or itself, and his or its heirs, personal representatives, successor and assigns, does hereby agree to and for the benefit of FPL and its successors and assigns, as follows:

1. Immediately upon the legal effectuation of the vacation of the aforementioned street or alley and the vesting of legal title therein and thereto in the undersigned, the undersigned shall execute and deliver an easement to FPL and its successors and assigns in form and substance as appears on the easement instrument designated as Exhibit "A" attached hereto and by this reference made a part hereof.

2. No additional consideration, either monetary or non-monetary, shall be required of FPL for the execution and delivery by the undersigned of said easement.

3. In the event the undersigned shall fail to execute and deliver said easement, as aforesaid, FPL shall, without notice or demand of the undersigned, (a) be entitled to record this Agreement among the Public Records of Desoto County, Florida, in order to evidence its interest in said vacated street or alley and its right to continue to occupy the same with its structures and facilities, including the right to reconstruct, inspect, alter, improve, enlarge, add to, change the nature or physical characteristics of, replace, remove or relocate such structures or facilities or any part of the same, and (b) be entitled to bring an action against the undersigned for specific performance of the undersigned's agreement to execute and deliver said easement and the undersigned agrees to pay all court costs and attorneys' fees incurred by FPL in the bringing and prosecution of said action for specific performance.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed as of the 6 day of October, 2015.

Signed, sealed and delivered in the presence of:

[Signature]  
Print Name: Gordon M. Martin

\_\_\_\_\_  
(Corp. Name)  
[Signature]  
Print Name: Mary Peterson Martin

[Signature]  
Print Name: Tosha Morales

[Signature]  
Print Name: Gordon Martin

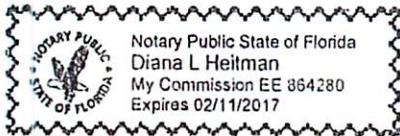
Diana L. Heitman  
Diana L. Heitman  
STATE OF FLORIDA )

**ACKNOWLEDGMENT**

)ss:  
COUNTY OF Desoto )

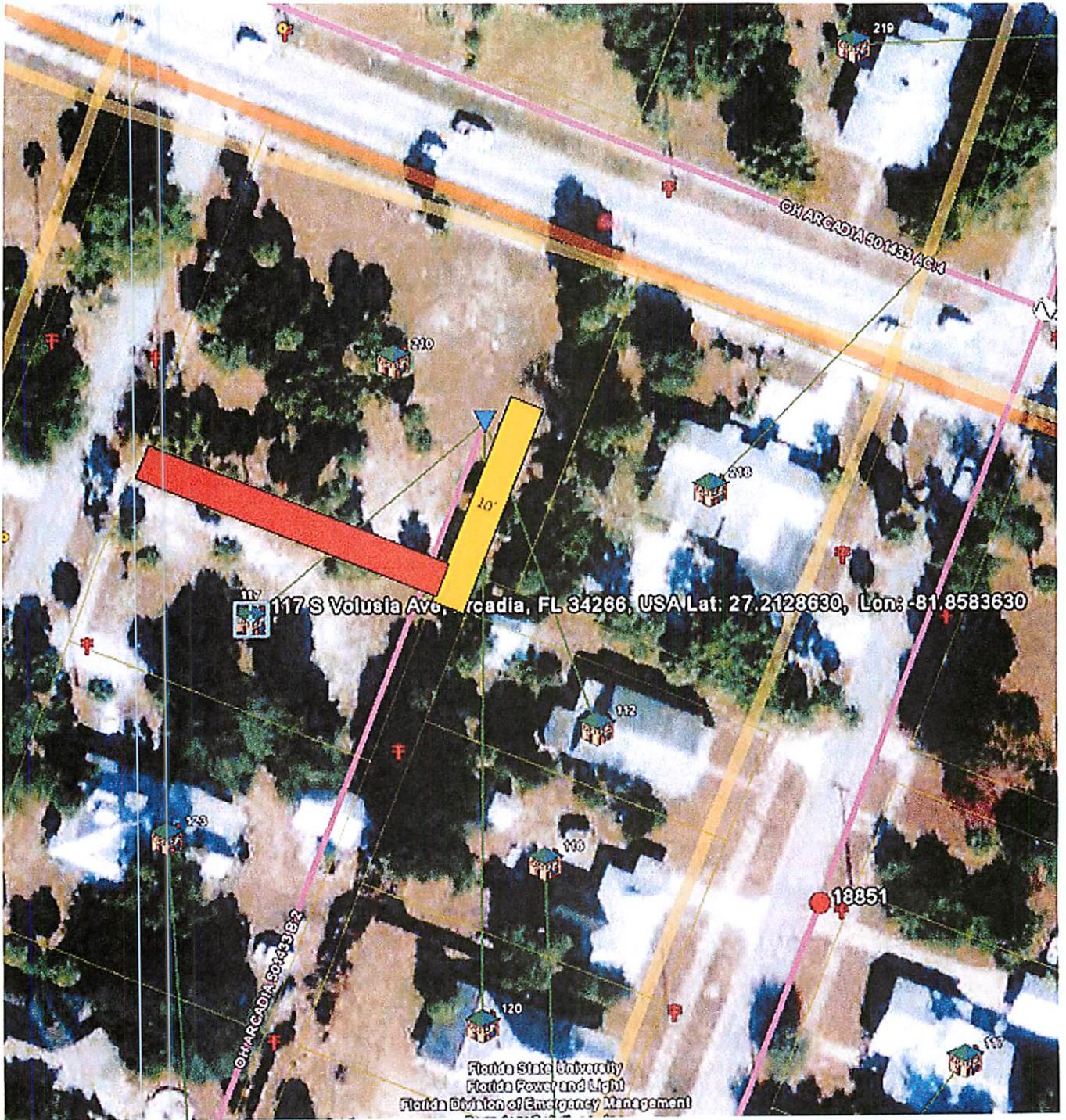
On this 6th day of October, 2015, before me, the undersigned notary public, personally appeared Gordon Martin and Mary Peterson Martin, personally known to me to be the person who subscribed to the foregoing instrument or who has produced \_\_\_\_\_, as identification, and acknowledged that he/she executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]  
NOTARY PUBLIC, STATE OF FLORIDA

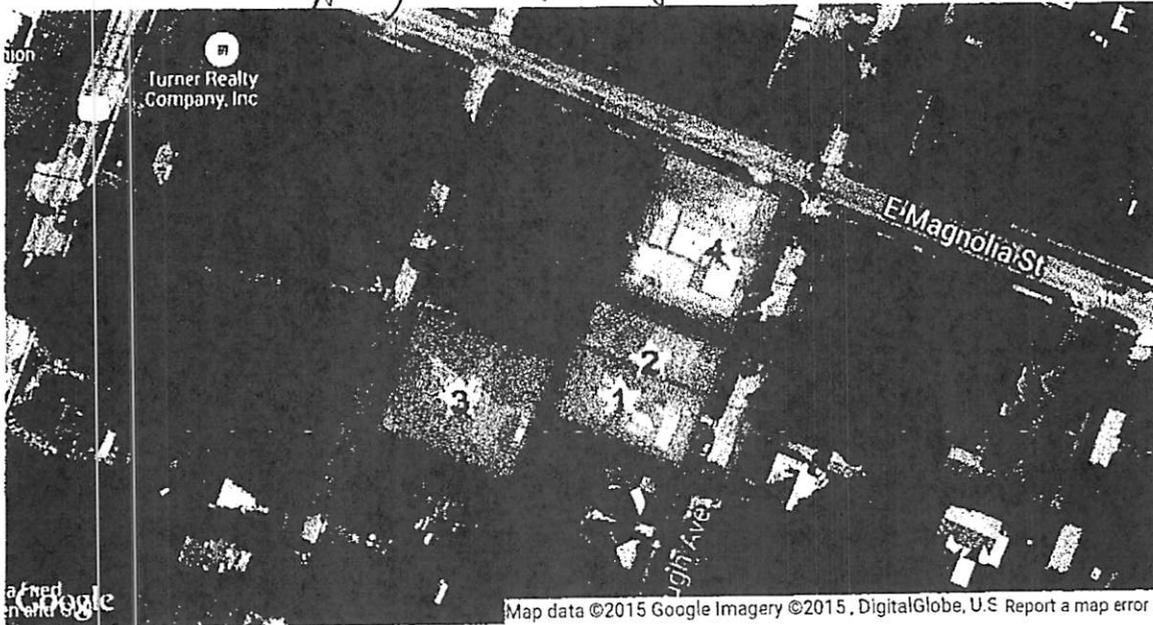
Print Name: Diana L. Heitman  
Commission No.: EE 864280  
My Commission Expires: 2/11/17



Nick McCullers | Technical Specialist II  
Florida Power & Light

2245 Murphy Court | North Port, FL 34289

# Adjacent Properties to ROW



<p><b>1</b> Strap #: 25-37-24-0012-0490-0190</p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 116 Hillsborough Ave S Arcadia FL 34266</p> <p>Owner(s): FAIRCLOTH GOLDEN KENNEDY ANDREA JT/ROS</p> <p>Mail Address: 116 S Hillsborough Ave Arcadia FL 34266</p>	<p>Just Value: \$56,125.00</p> <p>Assessed Value: \$55,592.00</p> <p>Land Use Code: 1</p> <p>Use Desc: SINGLE FAM</p> <p>Zoning: CITY</p> <p>Last Sale: \$65,000.00 on 4/15/2003</p>	<p>Bldg HTD Sq Ft: 1409</p> <p>Bldg TOT Sq Ft: 1448</p> <p>Total Land Area: 0.24 Acres 10849 Sq Ft</p> <p>Last Sale Price/Acre: \$265,848.70</p> <p>Last Sale Price/Bldg Sq Ft: \$44.89</p> <p>Last Sale Price/Land Sq Ft: \$6.10</p>
<p><b>2</b> Strap #: 25-37-24-0012-0490-0180</p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 112 Hillsborough Ave S Arcadia FL 34266</p> <p>Owner(s): BUSHOUSE JAMES &amp; JUANITA</p> <p>Mail Address: 216 E Magnolia Ave Arcadia FL 34266</p>	<p>Just Value: \$42,647.00</p> <p>Assessed Value: \$42,647.00</p> <p>Land Use Code: 1</p> <p>Use Desc: SINGLE FAM</p> <p>Zoning: CITY</p> <p>Last Sale: \$34,000.00 on 4/28/2014</p>	<p>Bldg HTD Sq Ft: 1694</p> <p>Bldg TOT Sq Ft: 1657</p> <p>Total Land Area: 0.16 Acres 7100 Sq Ft</p> <p>Last Sale Price/Acre: \$208,589.00</p> <p>Last Sale Price/Bldg Sq Ft: \$20.52</p> <p>Last Sale Price/Land Sq Ft: \$4.79</p>
<p><b>3</b> Strap #: 25-37-24-0012-0490-0080</p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 123 Volusia Ave S Arcadia FL 34266</p> <p>Owner(s): HINESLEY GAIL DAWN</p> <p>Mail Address: 123 S Volusia Ave Arcadia FL 34266</p>	<p>Just Value: \$62,068.00</p> <p>Assessed Value: \$62,068.00</p> <p>Land Use Code: 1</p> <p>Use Desc: SINGLE FAM</p> <p>Zoning: CITY</p> <p>Last Sale: \$145,000.00 on 4/30/2007</p>	<p>Bldg HTD Sq Ft: 2048</p> <p>Bldg TOT Sq Ft: 2338</p> <p>Total Land Area: 0.41 Acres 17749 Sq Ft</p> <p>Last Sale Price/Acre: \$355,828.20</p> <p>Last Sale Price/Bldg Sq Ft: \$61.21</p> <p>Last Sale Price/Land Sq Ft: \$8.17</p>
<p><b>4</b> Strap #: 25-37-24-0012-0490-0040</p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 216 Magnolia St E Arcadia FL 34266</p> <p>Owner(s): BUSHOUSE JAMES &amp; JUANITA L</p> <p>Mail Address: PO Box 1652 Arcadia FL 34265</p>	<p>Just Value: \$121,041.00</p> <p>Assessed Value: \$121,041.00</p> <p>Land Use Code: 12</p> <p>Use Desc: OFFICE BUI</p> <p>Zoning: CITY</p> <p>Last Sale: \$80,000.00 on 11/4/2013</p>	<p>Bldg HTD Sq Ft: 2586</p> <p>Bldg TOT Sq Ft: 2939</p> <p>Total Land Area: 0.41 Acres 18000 Sq Ft</p> <p>Last Sale Price/Acre: \$193,610.80</p> <p>Last Sale Price/Bldg Sq Ft: \$27.22</p> <p>Last Sale Price/Land Sq Ft: \$4.44</p>



<p><b>1</b> Strap #: <a href="#">25-37-24-0012-0490-0190</a></p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 116 Hillsborough Ave S Arcadia FL 34266</p> <p>Owner(s): FAIRCLOTH GOLDEN KENNEDY ANDREA JT/ROS</p> <p>Mall Address: 116 S Hillsborough Ave Arcadia FL 34266</p>	<p>Just Value: \$56,125.00</p> <p>Assessed Value: \$55,592.00</p> <p>Land Use Code: 1</p> <p>Use Desc: SINGLE FAM</p> <p>Zoning: CITY</p> <p>Last Sale: \$65,000.00 on 4/15/2003</p>	<p>Bldg HTD Sq Ft: 1409</p> <p>Bldg TOT Sq Ft: 1448</p> <p>Total Land Area: 0.24 Acres 10649 Sq Ft</p> <p>Last Sale Price/Acre: \$265,848.70</p> <p>Last Sale Price/Bldg Sq Ft: \$44.89</p> <p>Last Sale Price/Land Sq Ft: \$6.10</p>
<p><b>2</b> Strap #: <a href="#">25-37-24-0012-0490-0180</a></p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 112 Hillsborough Ave S Arcadia FL 34266</p> <p>Owner(s): BUSHOUSE JAMES &amp; JUANITA</p> <p>Mall Address: 216 E Magnolia Ave Arcadia FL 34266</p>	<p>Just Value: \$42,647.00</p> <p>Assessed Value: \$42,647.00</p> <p>Land Use Code: 1</p> <p>Use Desc: SINGLE FAM</p> <p>Zoning: CITY</p> <p>Last Sale: \$34,000.00 on 4/28/2014</p>	<p>Bldg HTD Sq Ft: 1694</p> <p>Bldg TOT Sq Ft: 1657</p> <p>Total Land Area: 0.16 Acres 7100 Sq Ft</p> <p>Last Sale Price/Acre: \$208,589.00</p> <p>Last Sale Price/Bldg Sq Ft: \$20.52</p> <p>Last Sale Price/Land Sq Ft: \$4.79</p>
<p><b>3</b> Strap #: <a href="#">25-37-24-0012-0490-0080</a></p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 123 Volusia Ave S Arcadia FL 34266</p> <p>Owner(s): HINESLEY GAIL DAWN</p> <p>Mall Address: 123 S Volusia Ave Arcadia FL 34266</p>	<p>Just Value: \$62,068.00</p> <p>Assessed Value: \$62,068.00</p> <p>Land Use Code: 1</p> <p>Use Desc: SINGLE FAM</p> <p>Zoning: CITY</p> <p>Last Sale: \$145,000.00 on 4/30/2007</p>	<p>Bldg HTD Sq Ft: 2048</p> <p>Bldg TOT Sq Ft: 2336</p> <p>Total Land Area: 0.41 Acres 17749 Sq Ft</p> <p>Last Sale Price/Acre: \$355,828.20</p> <p>Last Sale Price/Bldg Sq Ft: \$61.21</p> <p>Last Sale Price/Land Sq Ft: \$8.17</p>
<p><b>4</b> Strap #: <a href="#">25-37-24-0012-0490-0040</a></p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 216 Magnolia St E Arcadia FL 34266</p> <p>Owner(s): BUSHOUSE JAMES &amp; JUANITA L</p> <p>Mall Address: PO Box 1652 Arcadia FL 34265</p>	<p>Just Value: \$121,041.00</p> <p>Assessed Value: \$121,041.00</p> <p>Land Use Code: 12</p> <p>Use Desc: OFFICE BUI</p> <p>Zoning: CITY</p> <p>Last Sale: \$80,000.00 on 11/4/2013</p>	<p>Bldg HTD Sq Ft: 2586</p> <p>Bldg TOT Sq Ft: 2939</p> <p>Total Land Area: 0.41 Acres 18000 Sq Ft</p> <p>Last Sale Price/Acre: \$193,610.80</p> <p>Last Sale Price/Bldg Sq Ft: \$27.22</p> <p>Last Sale Price/Land Sq Ft: \$4.44</p>
<p><b>5</b> Strap #: <a href="#">25-37-24-0012-0490-0070</a></p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 117 Volusia Ave S Arcadia FL 34266</p> <p>Owner(s): MARTIN GORDON M &amp; MARY P TR</p> <p>Mall Address: 207 E Magnolia St Arcadia FL 34266</p>	<p>Just Value: \$9,000.00</p> <p>Assessed Value: \$9,000.00</p> <p>Land Use Code: 0</p> <p>Use Desc: VACANT</p> <p>Zoning: CITY</p> <p>Last Sale: \$23,500.00 on 6/19/2009</p>	<p>Bldg HTD Sq Ft: 0</p> <p>Bldg TOT Sq Ft: 10650</p> <p>Total Land Area: 0.24 Acres 10650 Sq Ft</p> <p>Last Sale Price/Acre: \$96,114.52</p> <p>Last Sale Price/Bldg Sq Ft: \$2.21</p> <p>Last Sale Price/Land Sq Ft: \$2.21</p>
<p><b>6</b> Strap #: <a href="#">25-37-24-0012-0490-0010</a></p> <p>S-T-R: 25-37S-24E</p> <p>Prop Address: 210 Magnolia St E Arcadia FL 34266</p> <p>Owner(s): MARTIN GORDON TR</p>	<p>Just Value: \$25,000.00</p> <p>Assessed Value: \$25,000.00</p> <p>Land Use Code: 0</p> <p>Use Desc: VACANT</p> <p>Zoning: CITY</p> <p>Last Sale: \$35,000.00 on 4/27/2009</p>	<p>Bldg HTD Sq Ft: 0</p> <p>Bldg TOT Sq Ft: 25199</p> <p>Total Land Area: 0.58 Acres 25199 Sq Ft</p> <p>Last Sale Price/Acre: \$60,501.30</p> <p>Last Sale Price/Bldg Sq Ft: \$1.39</p>

*A*  
Subject  
Property



Gordon Mac Martin <mac.martin@floridaoutdoorproperties.com>

## Response to Sunshine State One Call ticket 244508669

1 message

irth\_host@callsunshine.com <irth\_host@callsunshine.com>  
To: landpanther@gmail.com

Thu, Sep 3, 2015 at 2:51 PM

The following facility operators have responded for this locate request:

Ticket 244508669  
FL : DE SOTO County, ARCADIA City  
S VOLUSIA AVE

CENTURYLINK  
- No Conflict - utility is outside of the requested work site

COMCAST CABLE TV  
- Clear No Facilities

FLORIDA POWER & LIGHT-DESOTO  
- Clear No Facilities

The most up-to-date response status can always be gathered at  
<http://www.online811.com/IRTHOneCall/> or by calling 1 - (800) 852 - 8057.

BUSHOUSE JAMES & JUANITA  
216 E MAGNOLIA ST  
TOWN OF ARCADIA O'S E1/2 LOT 4 LESS S 6 FT & ALL LOTS 5 & 6 LESS S 3 FT BLK 49 IN SEC 31/37/25  
INST:201314005901

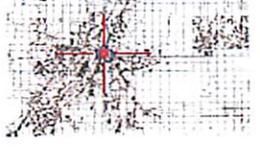
BUSHOUSE JAMES & JUANITA  
112 S HILLSBOROUGH AVE, ARCADIA, FL  
TOWN OF ARCADIA O'S LOT 18 BLK 49 & ALSO THE S 6 FT OF E1/2 OF LOT 4 TOGETHER WITH THE S 3 FT  
OF LOTS 5 & 6 IN SEC 31/37/25 INST:201414002201

FAIRCLOTH GOLDEN KENNEDY ANDREA JT/ROS  
116 S HILLSBOROUGH AVE  
ARCADIA, FL 34266-0000  
TOWN OF ARCADIA O'S LOT 19 & N1/2 LOT 20 BLK 49 IN SEC 31/37/25 OR 532/2284



25-37-24-0012-0490-0070  
 MARTIN GORDON M & MARY P TR  
 0.244AC | 6/19/2009 - \$23,500 - I/U

<b>DeSoto County Property Appraiser</b> Newt Keen - Arcadia, Florida - 863-993-4866		0    62    124    186 ft
<b>PARCEL: 25-37-24-0012-0490-0070 - VACANT (000000)</b>		
TOWN OF ARCADIA O S LOT 7 & N1/2 LOT 8 BLK 49 IN SEC 31/37/25		
Name:	MARTIN GORDON M & MARY P TR	LandVal \$9,000.00
		BldgVal \$0.00
Site:	117 S VOLUSIA AVE	ApprVal \$9,000.00
Mail:	207 E MAGNOLIA ST	JustVal \$9,000.00
	ARCADIA, FL 34266-0000	Assd \$9,000.00
Sales Info		Exmpt \$0.00
		County: \$9,000.00   City: \$9,000.00
		Other: \$9,000.00   School: \$9,000.00
		Taxable





This information, updated: 8/13/2015, was derived from data which was compiled by the DeSoto County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, its use, or its interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office. The assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem assessment purposes.

*Zoned R-3  
 Already.*



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Address	
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery
James Bushouse 216. E. Magawick Arcadia FL 34266	Kerry Seikans	
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type	
	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery	
	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery	
	2. Article Number (Transfer from carrier label) 9590 9403 0707 5196 2406 60 7015 1730 0001 3957 5136 Restricted Delivery (over \$500)	
PS Form 3811, April 2015 PSN 7530-02-000-9053		Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Address	
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery
James Bushouse 112 S. Hillsborough Arcadia FL 34266		
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type	
	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery	
	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery	
	2. Article Number (Transfer from carrier label) 9590 9403 0707 5196 2406 77 7015 1730 0001 3957 5143 Restricted Delivery (over \$500)	
PS Form 3811, April 2015 PSN 7530-02-000-9053		Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Address	
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery
Golden faircloth 116. S. South Hillsborough Arcadia FL 34266		12/1/15
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type	
	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery	
	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery	
	2. Article Number (Transfer from carrier label) 9590 9403 0707 5196 2406 53 7015 1730 0001 3957 5129 Restricted Delivery (over \$500)	
PS Form 3811, April 2015 PSN 7530-02-000-9053		Domestic Return Receipt

# CITY OF ARCADIA AERIAL PHOTO MAP



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

# AGENDA No. 9



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date:

January 5, 2016

DEPARTMENT: Utilities

SUBJECT: Lee Avenue Water and Sewer Improvements

RECOMMENDED MOTION:

**Motion to approve Specific Authorization Number 22 to the Hazen and Sawyer agreement for engineering, design bidding and construction services on the Lee Avenue Water and Sewer Improvements project in the amount of \$40,000.**

SUMMARY:

The city previously applied for a grant of \$1,000,000 with the State of Florida for the Lee Avenue Water and Sewer Improvements project. The State only granted \$250,000 so the project has been broken down into phases. Engineering services are required to accomplish this first phase and that is the reason for this request.

Some of the engineering work established within this phase will be usable for the subsequent phases. Roadway rebuilding will also be a part of the project.

FISCAL IMPACT: \$40,000

- Capital Budget
- Operating
- Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head: AJ Berndt *ag 12-18-15*

Date: 12/18/15

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart *[Signature]*

Date: 12/18/15

COUNCIL ACTION:  Approved as Recommended

Disapproved

Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_

Approved with Modifications

# **SPECIFIC AUTHORIZATION NO. 22**

## **City of Arcadia Lee Avenue Water and Sewer Improvements Phase I**

THIS DOCUMENT, executed this \_\_\_\_ day of \_\_\_\_\_, 2016, is a Specific Authorization to the Agreement for Professional Services dated September 7, 2010 (hereinafter called the "AGREEMENT"), between the City of Arcadia, a Florida municipal corporation (hereinafter called "OWNER") and Hazen and Sawyer, P.C. (hereinafter called "ENGINEER").

WHEREAS, the AGREEMENT provides that the OWNER may authorize the ENGINEER, by Specific Authorization, to perform professional services;

WHEREAS, the OWNER desires the ENGINEER to provide engineering services associated with providing design and construction services for replacement of the water, sewer, and pavement along Lee Avenue from Waldren to Bay Street, approximately 4,500 LF. Replacement will include 8-in gravity sewer, upsizing water main from 6" to 8" and roadway repairs with asphalt overlays. This will be performed in a phased manner with initial phase estimated to be approximately 1,200 LF from North of Hickory to Imogene, Phase II will include utilities and roadway from Imogene to Waldren, approximately 1,000 and Phase III will be from Hickory S to Bay St., approximately 2,300 LF. Phase I is being performed under a Florida Legislative Appropriation Grant through FDEP.

### **SCOPE OF SERVICES**

Therefore, the ENGINEER has agreed to provide engineering design and construction services for the rehabilitation of the Lee Avenue Project area which shall include engineering design, bidding assistance and construction administration for the Phase I project area. All work will be performed on a wage plus multiplier basis and is anticipated to include the following tasks:

#### **Task Group 1 – Engineering Administration and Design Services**

ENGINEER will perform the following tasks:

- ENGINEER will provide overall project administration and coordination associated with the project, which includes:
  - Assisting OWNER with meeting FDEP funding requirements
  - Monthly progress reports and invoices
  - Coordinating internal team
  - Coordinating with the OWNER
- ENGINEER will procure the services of a licensed professional surveyor to perform topographic and boundary survey of Lee Ave from Hickory and Imogene to locate property boundaries and easements, manholes, valve boxes, hydrants, water meters, clean outs, edge of pavement and other utilities that are visible within proposed construction right-of-way.

ENGINEER shall prepare engineering design plans with 90% and 100% submittals that include for the replacement of approximately 1,200 LF of sanitary sewer, associated manholes, laterals, cast iron water mains, water services to meter box, valves, hydrants, curbs and pavement restoration. Location of sanitary laterals will not be shown on plans.

- ENGINEER shall develop specifications that include Front End documents provided by City, FDEP requirements, summary of work, proposed pay items, and technical specifications based on DeSoto County standards and FDEP requirements. This is anticipated to include required specifications from Division 1, 2, 3, and 15.
- ENGINEER shall provide construction cost estimate based on quantity take-off of proposed Phase I work.
- ENGINEER will coordinate with FDEP and SWFWMD to verify that associated work is exempt from permitting.

### **Task Group 2 – Bidding and Contractor Selection**

ENGINEER will assist OWNER with development of bid package and solicitation of bids for Phase I improvements, which include the following:

- Pre-Bid Meeting: ENGINEER will attend a Pre-Bid Conference and provide summary of proposed project and respond to question by potential bidders.
- Bidder Assistance: ENGINEER will assist OWNER with preparation of advertisement for bids, maintaining a log of plan holders and distribute bid documents to interested parties electronically, and distribute Addenda to each plan holder as necessary.
- Respond to Bidder Requests for Information (RFI's): ENGINEER will respond to written Bidder RFI's received during the bid period in the form or written Addenda issued to all plan holders.
- Review Bids: ENGINEER will review the qualifications of the apparent lowest qualified bidder and evaluate the value and completeness of their bid in order to make a recommendation for award of the project by the OWNER.

### **Task Group 3 – Construction Services**

During construction of the project, the ENGINEER will provide construction phase services for Phase I Improvements, which include the following:

- Meeting: The ENGINEER will attend a pre-construction meeting with the selected CONTRACTOR and provide meeting notes in electronic format .
- Submittal Review: The ENGINEER will receive submittals from the CONTRACTOR and provide review of submittals. The ENGINEER'S review will be for conformance with the design concept and contract requirements. The ENGINEER will prepare and maintain a log of all submittals

received, action taken and date returned. This scope includes the effort necessary to review approximately 10 submittals, including re-submittals.

- Request For Information (RFIs): The ENGINEER will receive and respond to up two RFISs from CONTRACTOR.
- Construction Site Visits: The ENGINEER will provide weekly site visits (total of 40 hours) during active construction to verify work is being completed in accordance with the design documents. It is assumed that an active construction period of 8 weeks will be required. Color Photographs will be taken during construction visits to document work prior, during and after completion of project. Due to the shortened construction period, construction progress meetings will be combined with site visits. Site visits will review materials and equipment being used to determine if work is proceeding in accordance with the contract documents and to provide further protection for OWNER against defects and deficiencies in the CONTRACTOR'S work. Pay applications will also be reviewed during this time. It is assumed OWNER will provide full time inspector during active construction.
- Substantial Completion: Upon request of the CONTRACTOR for substantial completion status, the ENGINEER will evaluate work and make recommendation for substantial completion to be approved by the OWNER. If found to be substantially complete, the ENGINEER, with input from the OWNER's personnel, will then generate an official punch list for final completion list and transmit the punch list to the CONTRACTOR to complete in order to be considered for final completion
- Final Completion: Once the ENGINEER verifies that the punch list items have been completed, the ENGINEER will conduct a review of the completed work and make recommendation for final completion to be approved by the OWNER. Subsequent to an acceptable final completion recommendation, the ENGINEER will recommend, in writing, final payment to the CONTRACTOR and give written notice to the OWNER and CONTRACTOR that the work is completed.
- Record Drawing Review: ENGINEER will review final survey and record drawings provided by CONTRACTOR for completeness and provide comments if necessary.

If accepted by the ENGINEER, specific services to be performed are to commence upon receipt of an oral or written request to perform General Consulting Services from the City Administrator, provided any such oral notification is confirmed to ENGINEER in writing within seventy-two (72) hours. Services to be rendered under this Specific Authorization are provided in accordance with Articles 3 and 4 of the AGREEMENT. Payment of invoices rendered pursuant to this Specific Authorization shall constitute OWNER's acceptance of the services provided.

## **ASSUMPTIONS**

The following are assumptions made in regards to the development of this scope and the effort required to complete the project:

1. This effort will not include hydraulic modeling for the potable, sanitary, or stormwater system
2. No storm water infrastructure will be replaced.
3. FDEP and SWFWMD will provide permit exemptions for the proposed work.

4. Survey does not include locates of subsurface infrastructure.
5. Contractor will be responsible for providing final survey and record drawings in CAD.

**TIME SCHEDULE**

Services described herein will commence upon receipt by Hazen and Sawyer of this executed Specific Authorization. It is anticipated that the work for this project will be completed and submitted in accordance within an agreed upon schedule by OWNER and in accordance with FDEP work plan. Construction completion shall be prior to June 30, 2017.

**COMPENSATION**

The ENGINEER shall be paid in accordance with the Direct Labor Costs Times a Factor as set forth in Article 5.1.1 of the AGREEMENT. A budget of \$40,000 for services under this Specific Authorization will not be exceeded without the OWNER’s written approval.

**OTHER PROVISIONS**

All applicable portions of Sections 3 through 6 of the AGREEMENT not specifically modified herein shall remain in full force and effect and are incorporated by reference herein.

IN WITNESS WHEREOF the parties hereto have made and executed this Specific Authorization as of the day and year entered by the last party executing this Specific Authorization written below.

**WITNESS:**

**ENGINEER**  
*Hazen and Sawyer*

By: \_\_\_\_\_

By: \_\_\_\_\_  
Damann Anderson, PE  
Vice President

**APPROVED AS TO FORM AND  
CORRECTNESS:**

**OWNER**  
**CITY OF ARCADIA**  
(Approved by City Council at  
\_\_\_\_\_ meeting)

\_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Penny Delainey  
City Recorder

By: \_\_\_\_\_  
Susan Coker  
Mayor

# AGENDA No. 10



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date:

Jan. 5, 2016

DEPARTMENT: Administration  
SUBJECT: Hanson Contract action

RECOMMENDED MOTION:

**Motion to instruct the City Administrator to either, 1. Prepare the Hanson contract for renewal or; 2. Prepare an RFQ to select a provider**

SUMMARY:

The contract with our Airport Consultants Hanson, will expire in April 2016. Depending on Council's desired course of action staff will need the time between now and then to prepare. If Council chooses to renew the Hanson contract then we will be well ahead of the curve in preparing that for approval. However, should the Council wish to open it up to other providers through and RFQ, then staff will need to immediately begin work on that effort. The City Administrator is asking for Council guidance on its preferred course of action.

FISCAL IMPACT: None  Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director (As to Budget Requirements) \_\_\_\_\_ Date: \_\_\_\_\_

City Attorney (As to Form and Legality) \_\_\_\_\_ Date: \_\_\_\_\_

City Administrator: Terry Stewart  \_\_\_\_\_ Date: 12/21/15

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

# AGENDA No. 11



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date:

Jan. 5, 2016

DEPARTMENT: Administration

SUBJECT: MOU for McSwain Park Restrooms

RECOMMENDED MOTION:

Motion to approve a Memorandum of Understanding (MOU) between the City of Arcadia and the Desoto County Chamber of Commerce for the purpose of authorizing the Chamber to manage a project to fund and construct a bathroom facility within the area of the current McSwain Park construction project.

SUMMARY:

The city had previously approved a construction project for McSwain Park that provides for a recreational water feature. That feature had previously been identified as a fountain. The Health Department has ruled it to be classed as a swimming pool and therefore must meet the requirements of a pool. One of those requirements is the need for restroom facilities. The water feature cannot be opened without it. However, no restrooms are included in the current project.

The city's project is scheduled to be completed by February 19, 2016. Due to purchasing rules and associated time lines, it is unreasonable to expect selection, contracting and construction of the needed restrooms to be completed anywhere near that date. It seems the only way restrooms might be built by then is to enable a third party to fund it and to select and manage a contractor. The Chamber of Commerce is offering to undertake this responsibility. An MOU will frame the relationship and responsibilities of the arrangement.

FISCAL IMPACT: None  Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director (As to Budget Requirements) \_\_\_\_\_ Date: \_\_\_\_\_

City Attorney (As to Form and Legality) \_\_\_\_\_ Date: \_\_\_\_\_

City Administrator: Terry Stewart  \_\_\_\_\_ Date: 12/21/15

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

# AGENDA No. 12



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: January 5, 2016

---

DEPARTMENT: Legal  
SUBJECT: Election of Mayor and Deputy Mayor

---

**RECOMMENDED MOTION: Motion to accept Resolution 2016-001 as presented.**

---

SUMMARY: At the December 15, 2015 City Council Meeting, Councilmember Coker was elected as Mayor and Deputy Mayor Frierson will continue to serve in the capacity of Deputy Mayor.

---

---

FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

ATTACHMENTS: ( ) Ordinance (X) Resolution ( ) Budget ( ) Other

---

Project Coordinator- Date:  
Finance Director (As to Budget Requirements) Date:  
City Attorney (As to Form and Legality) T.J. Wohl Date: 12/17/15  
City Administrator: Date:

---

COUNCIL ACTION: ( ) Approved as Recommended ( ) Disapproved  
( ) Tabled Indefinitely ( ) Tabled to Date Certain \_\_\_\_\_ ( ) Approved with Modifications

**RESOLUTION 2016-001**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, PROVIDING FOR THE CITY COUNCIL'S ELECTION OF COUNCIL MEMBERS TO HAVE THE TITLE OF MAYOR AND DEPUTY MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 13 of the Charter of the City of Arcadia, Florida provides that the City Council shall elect from its members, officers of the City Council who shall have the title of Mayor and Deputy Mayor, each of whom shall serve at the pleasure of the City Council; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA:**

**SECTION 1.** The recital contained in the preamble to this Resolution is incorporated by reference herein.

**SECTION 2.** At the December 15, 2015 City Council meeting, Susan Coker of the City Council of the City of Arcadia, Florida was elected Mayor of the City of Arcadia, Florida and shall continue to serve in such capacity until her successor is elected pursuant to Section 13 of the Charter of the City of Arcadia, Florida.

**SECTION 3.** Alice Frierson continues to serve as the Deputy Mayor of the City of Arcadia, Florida and shall continue to serve in such capacity until her successor is elected pursuant to Section 13 of the Charter of the City of Arcadia, Florida.

**SECTION 4.** Pursuant to Section 13 of the Charter of the City of Arcadia, Florida said electees are charged with all powers, duties, functions and responsibilities of their respective offices as set forth in the Charter and Ordinances of the City of Arcadia, Florida.

**SECTION 5.** This Resolution shall take effect as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA**, in regular session this 5th day of January, 2016.

ATTEST:

CITY OF ARCADIA, FLORIDA

\_\_\_\_\_  
Penny Delaney, City Clerk

\_\_\_\_\_  
Susan Coker, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Wohl, City Attorney

# AGENDA No. 13



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: January 5, 2016

---

DEPARTMENT: Legal

SUBJECT: Ordinance No. 1011 Implementing the Provisions of Section 286.0115, *Florida Statutes*, to Establish a Procedure Governing Ex Parte Communications with Local Public Officials

---

**RECOMMENDED MOTION: Motion to Approve the Second and Final Reading of Ordinance No. 1011**

---

SUMMARY:

Precipitated by Councilman Fink's encounter with a potential re-zoning applicant, at the September 15, 2015 City Council meeting, City Council approved my request to provide options concerning an ordinance dealing with quasi-judicial proceedings and ex parte communications.

City Council was provided a Memorandum on this issue at the November 17, 2015 City Council meeting. The Memorandum provided several options as to how the City Council could address ex parte communications in the future. City Council directed the City Attorney to draft an ordinance allowing ex parte communications in all quasi-judicial proceedings and establishing disclosure processes.

For Council's consideration, attached is proposed Ordinance No. 1011 Implementing the Provisions of Section 286.0115, *Florida Statutes*, To Establish a Procedure Governing Ex Parte Communications with Local Public Officials.

---

FISCAL IMPACT: \_\_\_\_\_  Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

---

Department Head: Penny Delaney Date: \_\_\_\_\_

Finance Director (As to Budget Requirements) Date: \_\_\_\_\_

City Attorney (As to Form and Legality) T.J. Wohl Date: 12/17/15

City Administrator: Terry Stewart Date: \_\_\_\_\_

---

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

**ORDINANCE NO. 1011**

**AN ORDINANCE OF CITY OF ARCADIA, FLORIDA IMPLEMENTING THE PROVISIONS OF SECTION 286.0115, FLORIDA STATUTES, TO ESTABLISH A PROCEDURE GOVERNING EX PARTE COMMUNICATIONS WITH LOCAL PUBLIC OFFICIALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, members of the public should be able to voice their opinions to local public officials; and

WHEREAS, local public officials are sometimes required to conduct quasi-judicial hearings; and

WHEREAS, *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991), created a presumption of prejudice if a decision maker is contacted about a quasi-judicial decision in any forum other than a public hearing; and

WHEREAS, Section 286.0115(1), *Florida Statutes*, authorizes the City of Arcadia, Florida (the "City") to adopt an ordinance which removes the presumption of prejudice from an ex-parte communication by establishing disclosure procedures; and

WHEREAS, the City desires to implement Section 286.0115(1), *Florida Statutes*, by establishing a process to disclose ex parte communications with local public officials regarding quasi-judicial matters.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Findings. The City Council of the City of Arcadia, Florida (hereinafter, the "Council") hereby adopts and incorporates by reference herein all of the findings set forth above as findings of the Council.

**SECTION 2.** Amendment of the Code of Ordinances. Chapter 2, Article IV, Division 6 of the Code of Ordinances of the City of Arcadia is hereby created to read:

**Section 2-160. Quasi-Judicial Proceedings**

**(a) Definitions.**

- (1) *Local public official* means any elected or appointed public official holding a City office who recommends or takes quasi-judicial action as a member of a council, board, or commission. The term does not include a member of the board or commission of any state agency or authority.

- (2) *Ex-parte communications* mean communications made in the absence of one or more of the affected parties.
- (3) *Quasi-judicial act* means the action of local public officials applying regulations or rules to facts determined through a decision-making process.
- (4) *Legislative act* means the formulation of policy and adoption of a regulation or rule through which that policy is implemented.

**(b) Ex Parte Communications.**

Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official representing the City the merits of any matter on which action may be taken by any council or board on which the local public official is a member. Adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials:

- (1) The subject and substance of any ex parte communication with a local public official representing the City which relates to quasi-judicial action pending before the official, as well as the identity of the person, group or entity with whom the communication took place, is disclosed and made a part of the record before final action is taken on the matter.
- (2) A local public official representing the City may read a written communication from any person. A written communication that relates to quasi-judicial action pending before such official shall be made a part of the record before final action is taken on the matter.
- (3) A local public official representing the City may conduct investigations, make site visits and receive expert opinions regarding quasi-judicial action pending before him or her, provided that such activities and the existence of such investigations, site visits, or expert opinions is made a part of the record before final action is taken on the matter.
- (4) Disclosure made pursuant to paragraphs (b)(1-3) above must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.

**SECTION 3. Codification.** The publisher of the City's Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Section 2 above into the Code of Ordinances.

**SECTION 4. Severability.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**SECTION 5. Effective Date.** This ordinance shall be effective immediately upon final passage by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Arcadia, Florida, on this 5th day of January, 2016.

City of Arcadia, Florida

\_\_\_\_\_  
Susan Coker, Mayor

Attest:

By: \_\_\_\_\_  
Penny Delaney, City Clerk

Passed on First Reading: December 15, 2015

Passed on Second Reading: January 5, 2016

Approved as to Form:

\_\_\_\_\_  
Thomas J. Wohl, City Attorney

# AGENDA No. 14



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: January 5, 2016

---

DEPARTMENT: Legal

SUBJECT: Ordinance No. 1012 Amending Section 50-101 to Include Inoperative Vehicles as a Nuisance

---

**RECOMMENDED MOTION: Motion to Approve the Second and Final Reading of Ordinance No. 1012**

---

SUMMARY:

At the November 17, 2015 City Council meeting, Council requested the City Attorney draft an ordinance to regulate inoperative vehicles.

For Council's consideration, attached is proposed Ordinance No. 1012 adding subsection (q) to Section 50-101 of the Code of Ordinances to include inoperative vehicles as a nuisance. Subsections (q)(1-2) are suggested exceptions. Council may consider additional exceptions, e.g. no more than one (1) inoperative vehicle provided it is properly covered and not blocking any right-of-way.

---

FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

ATTACHMENTS: (X) Ordinance ( ) Resolution ( ) Budget ( ) Other

---

Department Head: Penny Delaney Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) T.J. Wohl Date: 12/17/15

City Administrator: Terry Stewart Date:

---

COUNCIL ACTION: ( ) Approved as Recommended ( ) Disapproved  
( ) Tabled Indefinitely ( ) Tabled to Date Certain \_\_\_\_\_ ( ) Approved with Modifications

**ORDINANCE NO. 1012**

**AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; AMENDING SECTION 50-101 OF THE CITY OF ARCADIA CODE OF ORDINANCES TO INCLUDE INOPERATIVE VEHICLES AS NUISANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article IV of Chapter 50 of the Code of Ordinances of the City of Arcadia regulates nuisances; and

**WHEREAS**, the accumulation and/or storage of inoperative vehicles that are not within an enclosed building are detrimental to the health, safety and welfare of the inhabitants of the City of Arcadia and should be declared nuisance; and

**WHEREAS**, it appears to be in the best interest of the citizens of the City of Arcadia that Article IV of Chapter 50 of the Code of Ordinances be amended as set forth herein,

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Arcadia, Florida:

**SECTION 1.** Findings. The Council hereby adopts and incorporates by reference herein all of the findings set forth above as findings of the Council.

**SECTION 2.** Amendment of the Code of Ordinances. Section Sec. 50-101 of the Code of Ordinances of the City of Arcadia is hereby amended by adding the following thereto:

“(q) Any inoperative vehicle, which is defined as any car, truck, trailer, recreational vehicle and the like which is not readily able to be driven or otherwise used or operated in its designated capacity, including junked vehicles, abandoned vehicles and discarded vehicles. However, an inoperative vehicle may not be declared a nuisance within the intent and meaning of this section if one of the following exceptions applies:

- (1) The inoperative vehicle is kept or stored in an enclosed building; or
- (2) The inoperative vehicle is located on a legally permitted junkyard, automobile salvage yard, or sanitary landfill as defined and regulated by the City of Arcadia.

The absence of a license plate for the current year and/or the absence of a current vehicle registration shall be prima facie evidence that such vehicle is abandoned, junked or discarded. The presence of a current license plate or registration shall not in and of itself exempt any vehicle from becoming in violation of this section.”

**SECTION 3. Codification.** The publisher of the City's Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Section 2 above into the Code of Ordinances.

**SECTION 4. Severability.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**SECTION 5. Effective Date.** This ordinance shall be effective immediately upon final passage by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Arcadia, Florida, on this 5th day of January, 2016.

City of Arcadia, Florida

\_\_\_\_\_  
Susan Coker, Mayor

Attest:

By: \_\_\_\_\_  
Penny Delaney, City Clerk

Passed on First Reading: December 15, 2015

Passed on Second Reading: January 5, 2016

Approved as to Form:

\_\_\_\_\_  
Thomas J. Wohl, City Attorney

# AGENDA No. 15



CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: January 5, 2016

DEPARTMENT: Legal  
SUBJECT: Extension to Agreement for Representation and Fees with Swaine & Harris, P.A.

**RECOMMENDED MOTION: Motion to Approve Extension to Agreement for Representation and Fees with Swaine & Harris, P.A. as City Attorney through December 31, 2016.**

SUMMARY:

The current Agreement for Representation and Fees with Swaine & Harris, P.A. ("Agreement") has expired. Paragraph 5 of the Agreement provides that it may be extended, from year to year, by City Council.

The proposed Extension only extends the term of the Agreement. There are no price or cost adjustments.

However, unlike prior Extensions, the enclosed *proposed* Extension contemplates an expiration date of December 31, 2016 rather than November 14, 2016.

FISCAL IMPACT:  Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_  
Finance Director (As to Budget Requirements) \_\_\_\_\_ Date: \_\_\_\_\_  
City Attorney (As to Form and Legality) \_\_\_\_\_ Date: \_\_\_\_\_  
City Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

COUNCIL ACTION:  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_  Approved with Modifications

**EXTENSION TO  
AGREEMENT FOR REPRESENTATION AND FEES**

This is an Extension to the Agreement between the **CITY OF ARCADIA**, a Florida municipal corporation, whose mailing address is P.O. Box 351, Arcadia, FL 34265 (herein called "City") and **SWAINE & HARRIS, P.A.**, Attorneys at Law, 425 South Commerce Avenue, Sebring, Florida 33870 (herein called "Attorneys").

**WHEREAS**, the parties entered into an Agreement for Representation and Fees on June 18, 2013, an Extension to Agreement for Representation and Fees on November 5, 2013, and an Extension to to Agreement for Representation and Fees on November 3, 2014 (herein called the "Agreement");

**WHEREAS**, the term of the Agreement expired November 14, 2015; and

**WHEREAS**, the parties wish to extend the Agreement,

**IT IS THEREFORE AGREED BY AND BETWEEN** the parties that the Agreement is extended as follows:

1. The term of the Agreement is hereby extended retroactively from November 15, 2015 to December 31, 2016.
2. All other provisions of the Agreement shall remain unchanged and in full force and effect.

**AGREED TO** this 5th day of January, 2016.

**CITY OF ARCADIA, FLORIDA**

**SWAINE & HARRIS, P.A.**

By: \_\_\_\_\_  
Susan Coker, Mayor

By: \_\_\_\_\_  
Thomas J. Wohl, Partner

**ATTEST:**

\_\_\_\_\_  
City Clerk

(corporate seal)

## **AGREEMENT FOR REPRESENTATION AND FEES**

**THIS IS AN AGREEMENT** between the **CITY OF ARCADIA**, a Florida municipal corporation, whose mailing address is P.O. Box 351, Arcadia, FL 34265 (herein called "City") and **SWAINE & HARRIS, P.A.**, Attorneys at Law, 425 South Commerce Avenue, Sebring, Florida 33870 (herein called "Attorneys").

### **WITNESSETH**

In consideration of the services agreed to be performed by Attorneys and the fees to be paid by the City, the parties agree as follows:

1. The City hereby retains Attorneys to perform all necessary legal work for the City, except for certain limited legal matters in which the City will be represented by an attorney specializing in that area of law.

2. Attorneys hereby accept such employment and agree to render and perform such legal services and furnish all advice relevant to such legal matters for the City. The services will be performed by attorneys licensed to practice in the State of Florida, and by paralegals or legal assistants (non-lawyers working under the direct supervision of an attorney) with specialized training or experience in such legal matters.

3. City hereby agrees to pay Attorneys, as compensation for the services to be performed, the professional time spent by attorneys, paralegals and legal assistants at the rate of \$150.00 per hour for attorneys and \$85.00 per hour for paralegals and legal assistants (hereinafter "the Rate"). Attorneys will provide legal consultation and advice to the City and its principals at the Rate for duties under the scope of regular services, which will include:

- A. Serve as the legal advisor to the Mayor and City Council during the conduct of City Council meetings;
- B. Serve as legal advisor to the City's several Boards, Committees and Commissions during the conduct of these meetings;
- C. Advise the Mayor, City Council, Boards, Committees and Commissions, City Marshall, City Administrator, City Clerk and other officers of the City in regard to all legal matters arising in the performance of their several duties which will include, but not be limited to, Special Master Code Enforcement proceedings;
- D. Prepare and/or review all Ordinances, Resolutions, Contracts and other documents as requested;
- E. Perform such other duties in accordance with City Ordinances or as may be required by the City Council; and
- F. Coordinate and provide direction and oversight with regard to the legal affairs of the City including, but not limited to, recommending and coordinating the engagement of special counsel when needed as determined by the City Council.

This Agreement does not include lobbying before the State of Florida or its Agencies. In addition, duties outside the scope of regular services include:

- A. Representing the City in all cases in the several courts to which the City may be a party, whether as a plaintiff or defendant including, but not limited to, court proceedings related to code enforcement;
- B. Employing additional legal counsel;
- C. Preparation for anticipated and conduct of all civil litigation and appeals beyond City hearings;
- D. Preparation for the issuance and sale of City bonds;
- E. Assignments as mutually agreed as outside the Retainer;
- F. Addressing issues regarding employment disputes; and
- G. Addressing issues regarding pension plans.

Nothing in this Agreement shall prevent the City from contracting with Attorneys for duties outside the scope of regular services. Compensation for such services outside of the scope of regular services shall also be at the Rate.

4. In addition to the Rate, the City shall pay Attorneys all sums in the nature of costs which Attorneys have paid or will be required to pay during their representation of City. These expenses may include, but shall not be limited to, court costs, computer research time, deposition costs, long distance telephone calls, reproduction costs, service of process, cost of publication, witness fees, expert witnesses fees, and all other expenses Attorneys consider reasonably necessary for the proper representation of the City. Compensation for any travel time exceeding three (3) trips from Sebring to Arcadia shall be at the rate of \$75.00 per hour. Mileage for travel shall be at the rate of \$0.55 per mile.

5. The term of this contract shall begin retroactively to May 15, 2013 and end November 14, 2013, unless terminated earlier by either party. Either party may terminate this agreement by giving ninety (90) days written notice to the other party. This agreement may be extended, from year to year, by a majority of the City Council.

6. All papers, records, documents, exhibits, or other items delivered to Attorneys by City shall be returned to City at the conclusion of representation in each particular matter, at the request of City. All papers produced by Attorneys and all research and other work done by Attorneys shall remain the property of Attorneys.

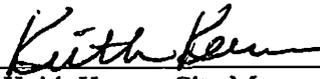
7. The parties hereby acknowledge that two identical complete agreements are being executed, one to be retained in the possession of each party, either of which shall constitute and be considered an original for all purposes.

DATED this 18<sup>th</sup> day of June, 2013.

**SWAINE & HARRIS, P.A.**

By:   
Thomas J. Wohl

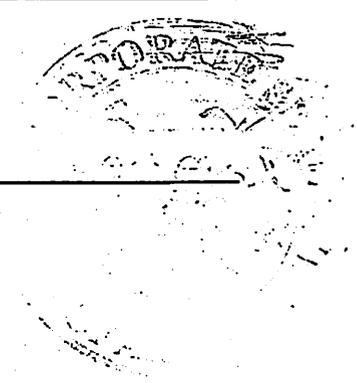
**CITY OF ARCADIA**

By:   
Keith Keene, City Mayor

ATTEST:

  
Gia Lancaster, City Clerk

(corporate seal)



# AGENDA No. 16



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date:

Jan. 5, 2016

---

DEPARTMENT: Public Works

SUBJECT: Emergency Repair of Storm Water and Roadway on Orange Avenue

---

RECOMMENDED MOTION:

**Motion to approve emergency repairs to Orange Avenue between SR 70 East south to the Higson Funeral home at 142 South Orange, including replacement of storm water pipes, boxes and drains along with complete asphalt road surfacing in the amount of \$91,203.00, adding a 10% contingency for a total of \$100,323.30, and further to validate the emergency purchase designation of the City Administrator.**

---

SUMMARY:

Orange Avenue between SR 70 East and the Higson Funeral Home at 142 South Orange Ave. began to deteriorate due to sinkholes created by leaking storm water pipes. Staff has placed cones as barricades to keep vehicles off of those areas and initiated a damage assessment. The roadway has continued to quickly deteriorate to the point that it was necessary to block the road to all but local traffic and was a clear and present danger to traffic. The situation was determined to qualify as an emergency purchase with the single quote and the City Administrator authorized staff to proceed with the project. City Council was notified of this action via e-mail and verbally at the council meeting of 12/15/15. At that meeting, City Council was informed that this item would be placed on the 01/5/16 agenda for final council authorization.

---

FISCAL IMPACT: \$100,323.30

- Capital Budget
- Operating
- Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

---

Department Head: Steve Underwood

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

A handwritten signature in black ink, appearing to be "Terry Stewart", is written over the name.

Date: 12/22/15

---

COUNCIL ACTION:  Approved as Recommended

Disapproved

Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_

Approved with Modifications

## **Terry Stewart**

---

**From:** Steve Underwood  
**Sent:** Wednesday, December 16, 2015 9:40 AM  
**To:** Terry Stewart  
**Cc:** Beth Carsten  
**Subject:** FW: Quote-Road Repair ( S. Orange Ave. )  
**Attachments:** Quote-Road Repair ( S. Orange Ave. in ).pdf

Terry,

Here is the quote for the orange avenue repair. Also I would like to say it is my recommendation that we add a 10% contingency to the total of the project amount for unforeseen circumstances that might arise as they did on the mills avenue project.

Steve

---

**From:** Mary warren [delmar@desoto.net]  
**Sent:** Wednesday, December 16, 2015 9:28 AM  
**To:** Steve Underwood  
**Subject:** Quote-Road Repair ( S. Orange Ave. )

Good morning Steve,  
Please see correction.

Thank you,  
Mary Warren (Corp. Sec.)

Consolidated Productions Groups, Inc.  
1403 SE. Ohio Ave  
Arcadia, Fla. 34266  
Ph. (863) 993-3660  
Fax (863) 993-4244  
delmar@desoto.net