

## REGULAR PLANNING AND ZONING BOARD MEETING

**Date:** Monday, December 8, 2014  
**Time:** 5:30 p.m.  
**Place:** Town Hall Commission Chambers  
409 Fennell Blvd., Lady Lake

ALL INTERESTED PERSONS ARE CORDIALLY INVITED TO ATTEND THIS PUBLIC MEETING

### AGENDA

**CALL TO ORDER:** John Gauder, Chairperson

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**OPEN FORUM**

**NEW BUSINESS:**

1. **Approval of Minutes** – November 10, 2014 Meeting
2. **Ordinance No. 2014-11** – A Request for Voluntary Contraction (De-Annexation) of the Town Boundary by De-Annexing +/- 3.18 Acres of Real Property – Located South of Lake Griffin Road and East of Dular Road at 224 Moore Place (Wendy Then)
3. **Resolution No. 2014-102** – A Resolution Granting a Variance to Authorize the Removal of Two Historic Trees in Accordance with Chapter 10, Section 10-4).F), of the Town of Lady Lake Land Development Regulations, on Property Owned by Brian W. Warwick, Janet R. Varnell, and Ellen R. Robards – Located at 316 La Grande Blvd., within the Plaza Professional Center (Wendy Then)

**CHAIRPERSON/MEMBERS' REPORT**

**ADJOURN**

**NOTE:** THIS BOARD IS ADVISORY. ALL RECOMMENDATIONS ARE FORWARDED TO THE TOWN COMMISSION.

This public hearing is being conducted in a handicapped accessible location. Any handicapped person requiring an interpreter for the hearing impaired or the visually impaired should contact the Clerk's Office at least five (5) calendar days prior to the meeting and an interpreter will be provided. To access a Telecommunication Device for Deaf Persons (TDD), please call (352) 751-1565. Any handicapped person requiring special accommodation at this meeting should contact the Clerk's Office at least five (5) calendar days prior to the meeting.

Advice to the Public: If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he may need a verbatim record of the proceedings including the testimony and evidence, a record of which is not provided by the Town of Lady Lake. (F.S. 286-0105) Please be advised that one or more members of any other Town Board or Committee may be in attendance of this meeting.



1 *annual basis. Modifications to update the 5-year capital improvement schedule may be*  
2 *accomplished by ordinance and may not be deemed to be amendments to the local Comprehensive*  
3 *Plan."*

4  
5 Ms. Then stated the Town must annually update the Five-Year Schedule of Capital Improvements  
6 pursuant to *Florida Statutes*. She stated the purpose of the Capital Improvements Element and the  
7 Improvement Schedules is to identify the capital improvements that are needed to implement the  
8 Comprehensive Plan and ensure that adopted Level of Service (LOS) standards are achieved and  
9 maintained for concurrency related facilities.

10  
11 Ms. Then stated these facilities include: water, water supply, sewer, solid waste, drainage, parks and  
12 recreation, public schools, transportation and mass transit. While the Town does not have financial  
13 responsibility or accountability regarding some of these public facilities, there is still the  
14 requirement to incorporate the five year capital improvement schedules from other entities.

15  
16 Ms. Then reviewed Exhibit "A" of the Proposed Capital Improvement included in the packet. She  
17 asked Mr. Carroll if he had any updates on Elementary "O".

18  
19 Growth Management Director Thad Carroll stated that as the school board funds have been  
20 depleted, they have moved some of those projects off the schedule as a result of various housing  
21 starts and impact fee suspensions. He stated Elementary "O" is not funded in the five year plan at  
22 this time.

23  
24 Corrections, updates, and modifications concerning costs, revenues, or the dates of construction of  
25 any facility or project identified in the Comprehensive Plan/Capital Improvement Program are not  
26 considered amendments and may be accomplished by local ordinance.

27  
28 Category descriptions of capital improvements are as follows:

29  
30 A) Category A (Concurrency, Mandatory) - Public facilities and services for which a level of  
31 service must be adopted for concurrency determination as mandated by Chapter 163 of the Florida  
32 Statutes. These facilities include water, sanitary sewer, solid waste, drainage, under ownership and  
33 operation authority of Lady Lake or a private utility. Map references and public requests are  
34 required within the Public Facilities Element thereof pursuant to policy 8-1.1.2. All Category A  
35 facilities must be supported by data and analysis accomplished within an element of the  
36 Comprehensive Plan as mandated by Chapter 163, F.S.

37  
38 B) Category B (Non-Concurrency, Mandatory) - Public facilities and services exempt from  
39 concurrency determination but which are inventoried and analyzed within a mandatory element of  
40 the Comprehensive Plan required by Chapter 163, F.S. These facilities include parks and  
41 recreation, roads, housing and conservation improvements, including governmental services and  
42 facilities necessary to administer and implement the Comprehensive Plan.

43  
44 C) Category C (Non-Concurrency, Non-Mandatory) - Public facilities that are exempt from  
45 concurrency requirements (i.e., level of service standards) and which are not analyzed and identified  
46 within a mandatory element of the Comprehensive Plan are classified as Category C. Such  
47 municipal services include, but are not limited to law enforcement, fire protection, library services,  
48 and public buildings.

49  
50 D) Category D (Non-Mandatory, Concurrency) - Per the Community Planning Act of 2011, the  
51 Public School Facilities Element is no longer mandatory. The Town of Lady Lake has opted to

1 retain and update this optional element and require concurrency per its existing interlocal agreement  
2 with the Lake County School District.  
3

4 Ms. Then stated staff recommends approval of Ordinance No. 2014-10 as presented to the Planning  
5 and Zoning Board for their recommendation to forward to the Town Commission. She stated this  
6 ordinance serves to update to the Capital Improvements Schedule as required under F.S.  
7 163.3177(3) (b). The attached "Exhibit A" reflects the proposed improvements for the Five Year  
8 Planning Period 2014/15 – 2018/19. Also attached is Ordinance No. 2013-15 to document the prior  
9 5-year Capital Improvement Schedule 2013/14 - 2017/18, which is being replaced by this  
10 ordinance.  
11

12 Ms. Then asked if there were any comments or questions.  
13

14 Mr. Carroll stated the Town had to wait to complete their Improvement Plan until after they  
15 received word from Lake County, FDOT and the School Board on their Improvement Plans.  
16

17 The members of the Technical Review Committee individually reviewed the application for  
18 Ordinance No. 2014-10 and provided all comments by Tuesday, November 4, 2014. The TRC  
19 report was included in the packet. The Town Commission is scheduled to consider Ordinance No.  
20 2014-10 for first reading on Monday, December 1, 2014, and for second/final reading on Monday,  
21 December 15, 2014.  
22

23 Chairperson Gauder asked if there was anyone in the audience who wished to speak on this matter.  
24 There was no one.  
25

26 *Upon a motion by Member Monteleone, and a second by Member McKenzie, the Planning and*  
27 *Zoning Board recommended transmittal and approval of Ordinance No. 2014-10 to the Town*  
28 *Commission for consideration by the following roll call vote:*  
29

30	<b>MCKENZIE</b>	<b>YES</b>
31	<b>MONTELEONE</b>	<b>YES</b>
32	<b>PIERSON</b>	<b>YES</b>
33	<b>GAUDER</b>	<b>YES</b>

34  
35  
36 **CHAIRPERSON/MEMBERS' REPORT:**  
37

38 There were no comments or reports.  
39

40 **ADJOURN:**  
41

42 *With nothing further to discuss, the meeting was adjourned at 5:38 p.m.*  
43  
44  
45

46  
47 \_\_\_\_\_  
48 Julia Wolfe, Staff Assistant to Town Clerk

46  
47 \_\_\_\_\_  
48 John Gauder, Chairperson

49  
50 Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk



## PLANNING & ZONING BOARD AGENDA ITEM

REQUESTED BOARD MEETING DATE: December 8, 2014

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**SUBJECT:** Ordinance No. 2014-11 – A Request for Voluntary Contraction (Deannexation) of the Town Boundary by Deannexing 3.18 Acres More or Less of Real Property, Generally Located South of Lake Griffin Road and East of Dulgar Road at 224 Moore Place (Alternate Key 1279160).

**DEPARTMENT:** Growth Management

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### RECOMMENDED MOTIONS:

1. Motion to forward Ordinance 2014-11 to the Town Commission with the Recommendation of Approval.
2. Motion to forward Ordinance 2014-11 to the Town Commission with the Recommendation of Denial.

Staff is in support of Motion Number 1.

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### SUMMARY

Applicants, Richard and Christine Stine, owners of property addressed as 224 Moore Place, have filed a request to voluntarily deannex their property from the Town of Lady Lake, which includes 3.18 ± acres of property. The nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via Dulgar Road/Moore Place is .25 miles. The applicants have provided a letter of justification, dated November 20, 2014, outlining their reasons for the request to deannex (see attached).

The Town annexed a portion of the subject property by Ordinance # 84-18-(120) on December 3, 1984 and the remainder by Ordinance 90-28 on November 5, 1990. In 1990, the previous owners of this property requested to be annexed in because one of the owners was in poor health and was concerned about ambulance response. The property was sold to the Stines in 2003 and they had requested at that time that the property be deannexed in 2004 because they were paying Town taxes but receiving no Town services. The Town denied the request in 2004 in fear that they would be setting precedent for subsequent deannexation requests; additionally, there were plans to extend water and sewer service as this was expected to be an area of large growth for the Town of Lady Lake. Another concern at the time they had made their prior request to deannex was that there would have to be a referendum vote to deannex the property. It has since been determined by the Town Attorney, Derek Schroth, that no referendum vote is required as there is only one person in the area instead of the 15% of qualified voters required to request that it go on a referendum.

This property fails to meet the following criteria of Florida Statute 171.043 and is therefore eligible for municipal contraction. Reasons as to how the property fails to meet the standard are noted in bold text:

2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries; **The subject parcel has two residents and the property is 3.18 acres, this density does not achieve two persons per acre.**

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; **The subject property and the adjacent properties are equal, and in a majority of instances greater than, one acre in size.**

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size. **In accordance with the definition below, the subject property and adjacent properties are not used intensively to qualify under this definition.**

*F.S. 131.031 (10) "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.*

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; **There are no municipal services of water and sewer lines to the east, unincorporated lands, of the property, nor are there areas developed for urban purposes anticipated to be developed.**

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2). **Urban purposes are not in existence along 60% of the external boundary. There are no abutting adjacent properties to the subject property; currently, adjacency is only being met via a water body.**

Regarding services provided to the Stine property, water and sewer is not currently serving the property; should these utilities ever be extended along Lake Griffin Road the lines would not be within the 200 feet required by the Land Development Regulations to connect. Also, the Stines are getting no police services from the Town as the Lady Lake officers do not patrol near their property. Additionally, code enforcement officers have been confused in the past, under the belief that the subject property was unincorporated. Upon evaluation of the aforementioned facts and circumstances, staff is in agreement with the applicants that the property exhibits characteristics that are consistent with unincorporated areas.

The Future Land Use and Zoning of the property and adjacent properties are as follows:

**Future Land Use**

<b>Subject Property</b>	Lady Lake – Rural High Density 1 dwelling unit per acre
<b>Future Land Use of Adjacent Properties</b>	
<b>West</b>	Lady Lake – Single Family Low Density, up to 3 du/acre
<b>East</b>	Lake County – Urban Low
<b>North</b>	Lake County – Urban Low
<b>South</b>	Lake County – Urban Low

**Zoning**

<b>Subject Property</b>	Agriculture Residential AG-1
<b>Zoning of Adjacent Properties</b>	
<b>West</b>	Lady Lake – Residential 3 du/ac (RS-3)
<b>East</b>	Lake County – Rural Residential (R-1)
<b>North</b>	Lake County – Rural Residential (R-1)
<b>South</b>	Lake County – Rural Residential (R-1)

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At the November 17, 2014 **Town Commission** meeting, after discussion, it was the consensus of the Commissioners that they would be in favor of this de-annexation.

**The Technical Review Committee (TRC)** reviewed the application for deannexation and Ordinance 2014-11 via independent, there were no comments received. It was determined that the application was complete and ready for transmittal to the P&Z Board.

The **Town Commission** is scheduled to consider Ordinance 2014-11 at First Reading on Monday, December 15, 2014. Second and Final Reading of the ordinance is scheduled for Monday, January 5, 2014.

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**FISCAL IMPACT: \$ Tax revenue is \$679.00**

**Capital Budget**  
 **Operating**  
 **Other**

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**ATTACHMENTS:**     **Ordinance**     **Resolution**     **Budget Resolution**

**Other -**

**Support Documents/Contracts Available for Review in Manager's Office**

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12-2-14

DEPARTMENT HEAD *[Signature]*

Submitted 12/2/14

Date

FINANCE DEPARTMENT

Approved as to Budget Requirements

Date

TOWN ATTORNEY

Approved as to Form and Legality Date

TOWN MANAGER *[Signature]*

Approved Agenda Item for: *[Signature]* Date 12/2/14

- BOARD ACTION:     Approved as Recommended     Disapproved
- Tabled Indefinitely         Continued to Date Certain
- Approved with Modification

1  
2  
3 **ORDINANCE NO. 2014- 11**

4 **AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LADY LAKE ,**  
5 **FLORIDA, FOR THE VOLUNTARY CONTRACTION (DEANNEXATION) OF THE**  
6 **TOWN BOUNDARY BY DEANNEXING 3.18 ACRES MORE OR LESS OF REAL**  
7 **PROPERTY, GENERALLY LOCATED SOUTH OF LAKE GRIFFIN ROAD AND**  
8 **EAST OF DULGAR ROAD, MORE PARTICULARLY AND LEGALLY DESCRIBED**  
9 **IN EXHIBIT A, ATTACHED HERETO AND FULLY INCORPORATED HEREIN BY**  
10 **THIS REFERENCE; PROVIDING FOR REDEFINITION OF TOWN BOUNDARY TO**  
11 **CONTRACT THE SUBJECT PROPERTY FROM THE TOWN OF LADY LAKE;**  
12 **PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND**  
13 **RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

14 **WHEREAS,** Chapter 171, *Florida Statutes*, provides the exclusive method of municipal  
15 annexation or contraction in order to ensure sound urban development and efficient provision of  
16 urban services; and

17  
18 **WHEREAS,** Richard and Christine Stine, own property identified by Lake County Tax  
19 Parcel ID Number: 06-18-24-039200022660 (approximately 3.18 acres) hereafter the "Subject  
20 Property," such property described in Exhibit A, attached hereto and incorporated herein by this  
21 reference, contiguous to the corporate limits of the TOWN OF LADY LAKE; and

22  
23 **WHEREAS,** the TOWN OF LADY LAKE, annexed the Subject Property by Ordinance  
24 # 84-18-(120) on December 3, 1984 and also by Ordinance 90-28 on November 5, 1990; and

25  
26 **WHEREAS,** the Town wishes to deannex the Subject Property as illustrated in Exhibit  
27 A, consistent with Chapter 171.052, F.S. Criteria for Contraction of Municipal Boundaries; and

28  
29 **WHEREAS,** the Subject Property is not developed for urban purposes; and

30  
31 **WHEREAS,** the Subject Property does not lie between the Town and an area to be  
32 served by the Town water or sewer service; and

33  
34 **WHEREAS,** the Subject Property is not adjacent on at least 60 percent of the combined  
35 external boundaries to the municipal boundary and areas developed for urban purposes; and

36  
37 **WHEREAS,** the Subject Property is better served by Lake County for zoning and land  
38 development regulation; and

39  
40 **WHEREAS,** the contraction of the Subject Property will not result in a portion of the  
41 Town becoming noncontiguous with the rest of the municipality; and

42  
43 **WHEREAS,** in the best interest of the public health, safety, and welfare of the citizens of  
44 The Town of Lady Lake, the TOWN COMMISSION of the TOWN OF LADY LAKE desires to  
45 contract the Subject Property from the municipal boundaries of the TOWN OF LADY LAKE;  
46 and

1  
2       **WHEREAS**, upon adoption of this Ordinance, the municipal boundary lines of the Town  
3 of Lady Lake referenced in Town of Lady Lake Charter, Article II, Section 2.01, shall be  
4 redefined to exclude the subject real property.  
5

6       **NOW, THEREFORE, THE TOWN COMMISSION OF THE TOWN OF LADY LAKE,**  
7 **FLORIDA HEREBY ORDAINS, AS FOLLOWS:**  
8

9       **Section 1. Recitals.** The foregoing recitals are true and correct and are fully incorporated  
10 herein by this reference.  
11

12       **Section 2. Contraction of Subject Properties.** The Subject Property and adjacent as  
13 illustrated in Exhibit A shall be and is hereby deannexed from the TOWN OF LADY LAKE,  
14 Florida. The Subject Property shall be excluded from the existing boundaries of the Town of  
15 Lady Lake, Florida, from the effective date of this ordinance.  
16

17       **Section 3. Town Boundaries Redefined; Town of Lady Lake Charter Amended.**  
18 Pursuant to Section 166.031(3), *Florida Statutes*, and Section 171.091, *Florida Statutes*, the  
19 Town of Lady Lake Charter is hereby amended to redefine the corporate boundaries of the  
20 TOWN OF LADY LAKE to exclude the Subject Property described in Exhibit A of this  
21 Ordinance. The Town Clerk shall file the revised Town of Lady Lake Charter, Article II, Section  
22 2.01, with the Department of State within thirty (30) days from the effective date of this  
23 Ordinance. The Town Clerk shall also file this Ordinance with the Clerk of the Circuit Court of  
24 Lake County, the County Manager of Lake County, and the Department of State within seven (7)  
25 days of the effective date.  
26

27       **Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions.** All ordinances  
28 and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed to  
29 the extent of the conflict.  
30

31       **Section 5. Severability.** If any section, subsection, sentence, clause, phrase, word or  
32 provision of this Ordinance is for any reason held invalid or unconstitutional by any court of  
33 competent jurisdiction, whether for substantive, procedural, or any other reason, such portion  
34 shall be deemed a separate, distinct and independent provision, and such holding shall not affect  
35 the validity of the remaining portions of this Ordinance.  
36

37       **Section 6. Effective Date.** This Ordinance shall become effective immediately upon  
38 adoption by the TOWN COMMISSION of the TOWN OF LADY LAKE, Florida, and pursuant  
39 to the Town Charter.  
40

41  
42 **PASSED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, in the regular session of  
43 the Town Commission of the Town of Lady Lake, Lake County, Florida, upon the Second/Final  
44 Reading.  
45  
46

**TOWN OF LADY LAKE, FLORIDA**

\_\_\_\_\_  
Ruth Kussard, Mayor

ATTEST:

\_\_\_\_\_  
Kristen Kollgaard, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Derek Schroth, Town Attorney

DRAFT

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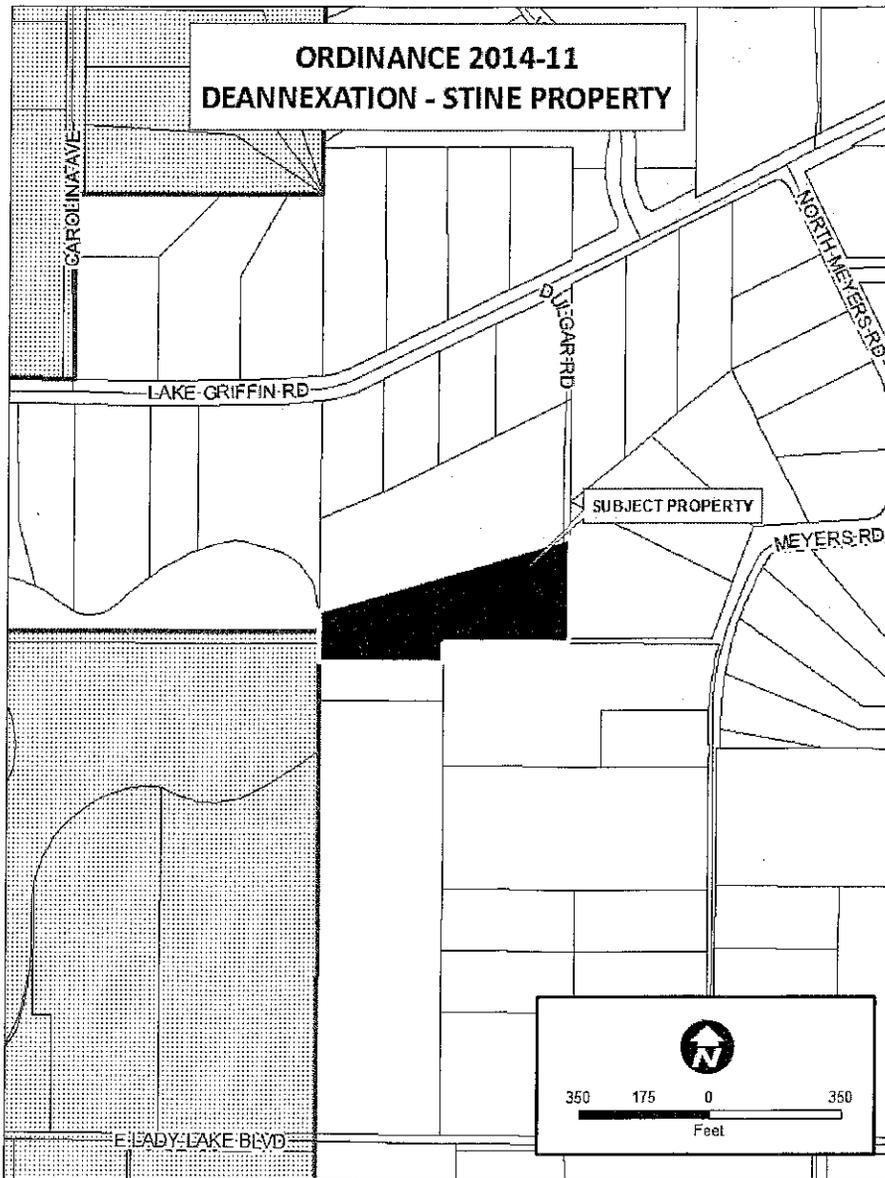
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**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

**Section 16, Township 18 South, Range 24 East**

BEG AT SE COR OF W 1/2 OF NW 1/4 OF SE 1/4, RUN N 00DEG 03MIN W 282 FT, S 73DEG 28MIN 46SEC W TO W LINE OF NW 1/4 OF SE 1/4 & PT A, RETURN TO POB, RUN W ALONG SAID S LINE OF NW 1/4 OF SE 1/4 TO E LINE OF W 1/4 OF NW 1/4 OF SE 1/4, S 50 FT, W TO W LINE OF NW 1/4 OF SE 1/4, N TO PT A ORB 2324 PG 2050



# ORDINANCE 2014-11 DEANNEXATION - STINE PROPERTY

LAKE GRIFFIN RD

DULGAR RD

NORTH MEYERS RD

SUBJECT PROPERTY

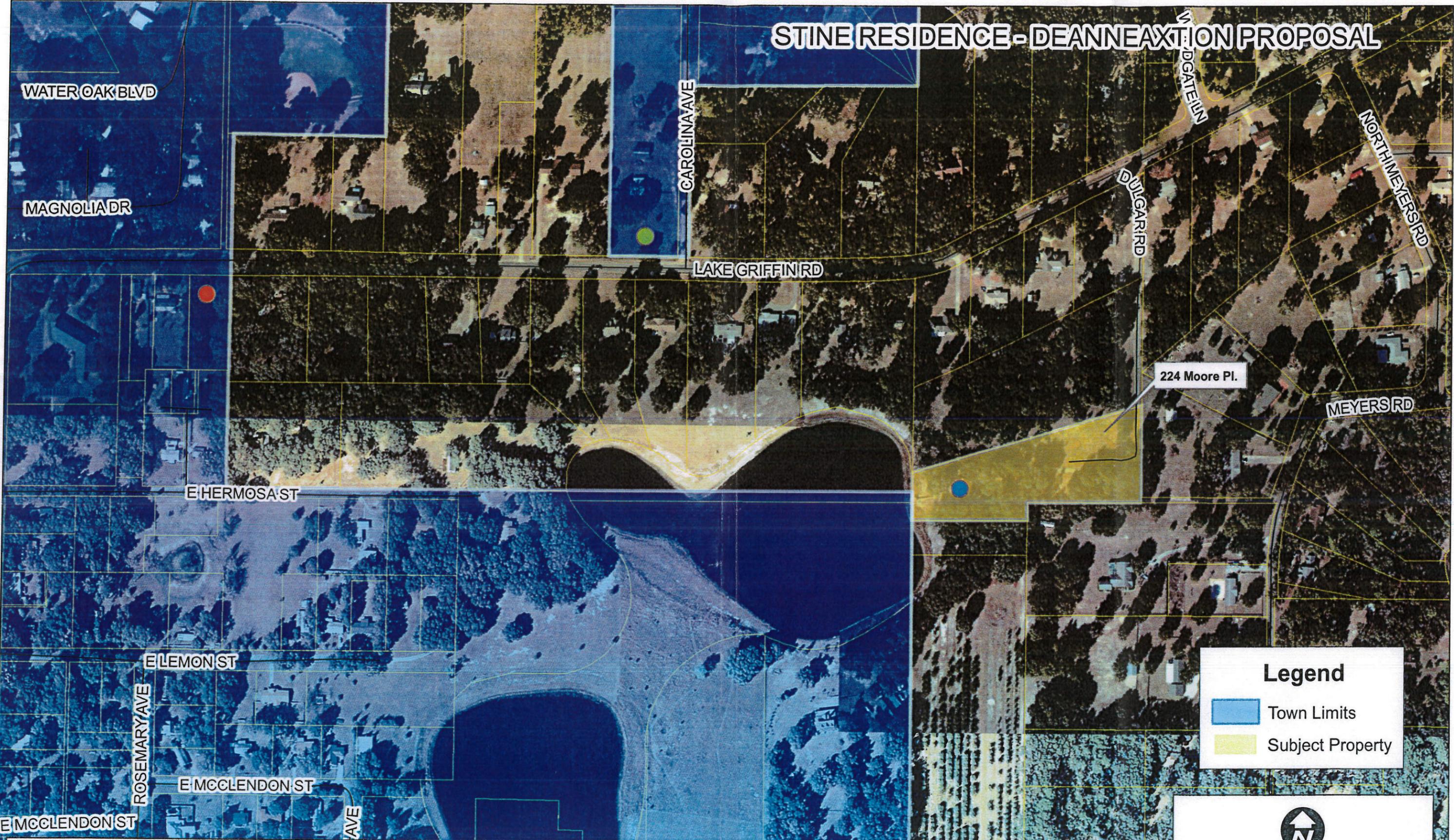
MEYERS RD



300 150 0 300

Feet

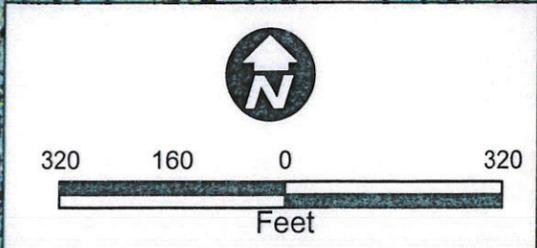
# STINE RESIDENCE - DEANNE AXTION PROPOSAL



224 Moore Pl.

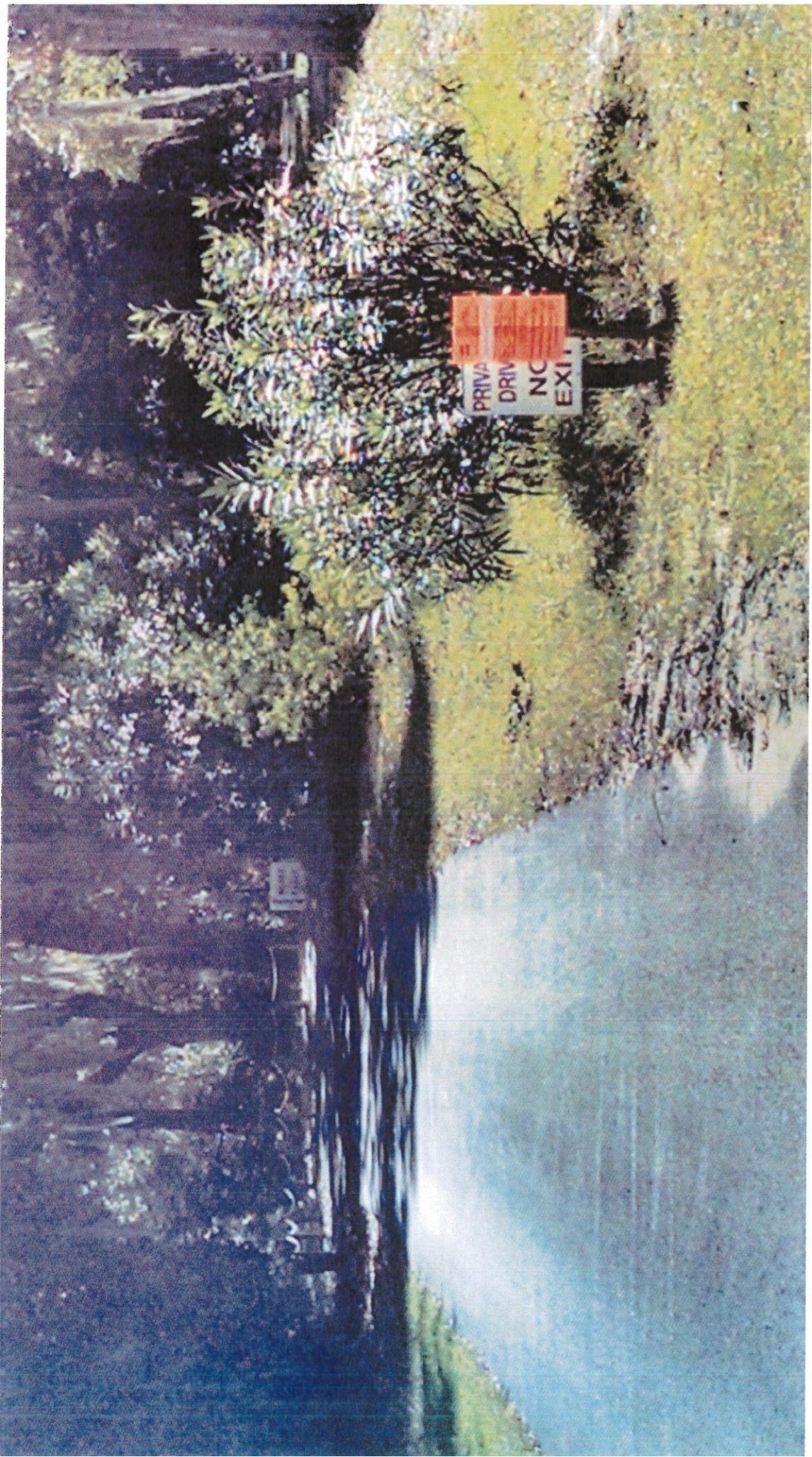
**Legend**

- Town Limits
- Subject Property

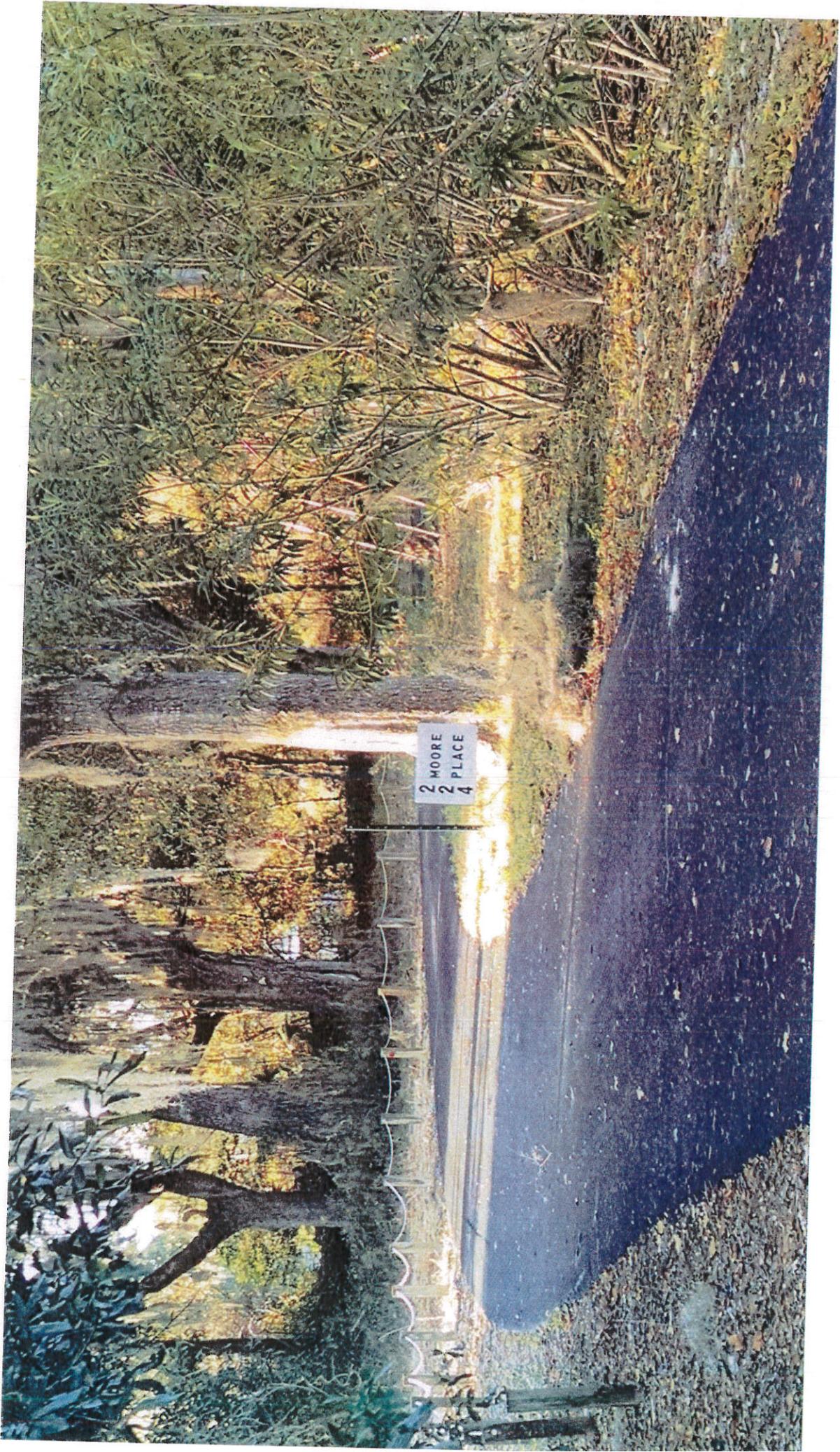


PROPERTY IS +/- 3,500 FEET (0.66 MILES) FROM NEAREST TOWN RESIDENCE ON SOUTH SIDE OF LAKE GRIFFIN ROAD VIA THE ROADWAY - RED DOT  
 PROPERTY IS +/- 2,300 FEET (0.44 MILES) FROM NEAREST TOWN RESIDENCE ON NORTH SIDE OF LAKE GRIFFIN ROAD VIA THE ROADWAY - GREEN DOT  
 THE HOME IS +/- 1,320 FEET (0.25 MILES) FROM LAKE GRIFFIN ROAD VIA DULGAR ROAD AND MOORE PLACE (DRIVEWAY) - BLUE DOT

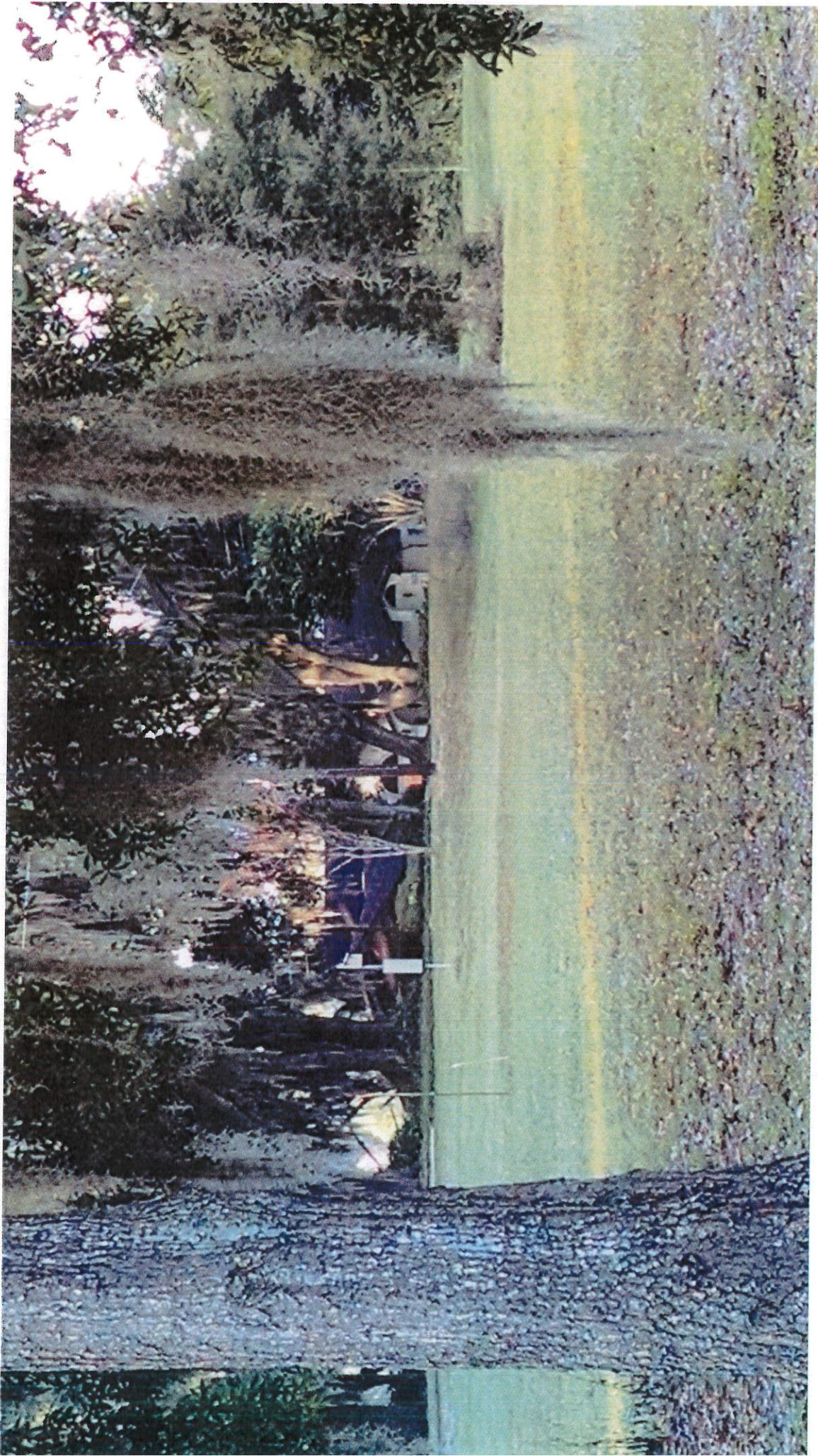
Source: Esri, DeLorme, USDA, USGS, AEX, GeoEye, Getmapping, Aeracrid, IGN, IGP, and the GIS User Community



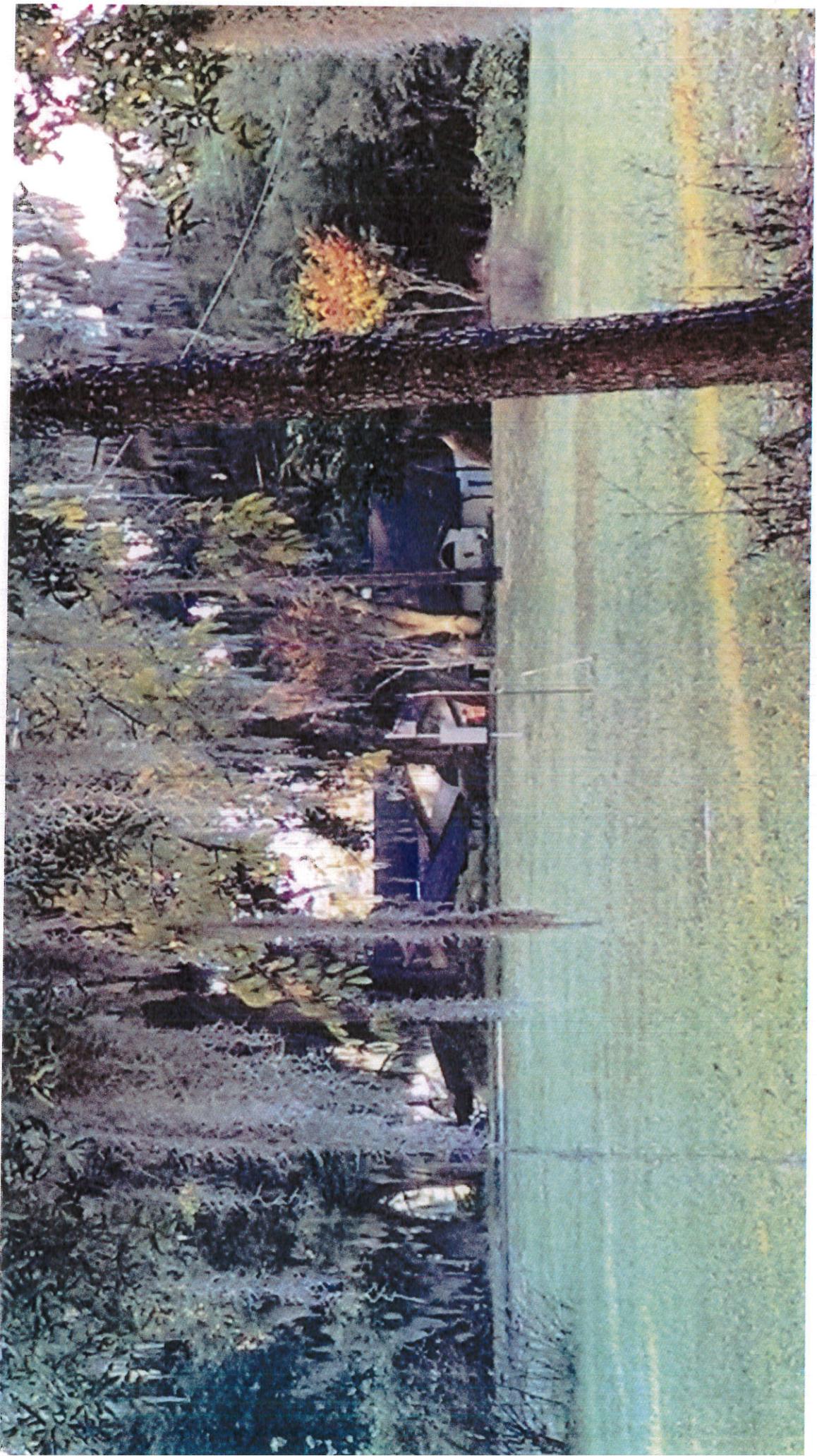




2 MOORE  
2 PLACE  
4







November 20, 2014

The Town of Lady Lake  
Attn: Kristen Kollaard, CMC

The following are reasons for our request for de-annexation from the Town of Lady Lake:

FOR THE PAST 11 YEARS WE HAVE PAID TAXES TO THE TOWN OF LADY LAKE WITHOUT RECEIVING THE SERVICES THAT OTHER TOWN RESIDENTS RECEIVE.

A DISCUSSION COULD BE MADE THAT THE ORIGINAL ANNEXATION INTO THE TOWN OF LADY LAKE WAS FAULTY. A REAL ESTATE LAWYER SAID OUR PROPERTY IS NOT CONTIGUOUS WITH ANY OTHER TOWN PROPERTY. PROPERTY LINE AT LAKE RUNS PARALLEL, NOT PIE SHAPED. HE CALLED IT A FLAG POLE ANNEXATION. OTHERS CALL IT A SATELLITE ANNEXATION.

WE ALWAYS FELT WE WERE ISOLATED FROM LADY LAKE. WE ARE SURROUNDED BY COUNTY PROPERTIES.

OUR LOCATION IS 3/4 OF A MILE BEYOND THE TOWN LIMITS ON LAKE GRIFFIN ROAD. WE ARE BEYOND THE PATROL LIMITS FOR LADY LAKE POLICE. IN 11 YEARS WE HAVE NEVER SEEN A LADY LAKE POLICE PATROL NEAR OUR ROAD.

WE PROVIDE OUR OWN WATER AND SEWAGE DISPOSAL. OUR UNDERSTANDING IS THAT LADY LAKE HAS NO PLANS TO EXTEND WATER/ SEWAGE LINE IN OUR DIRECTION. OUR RESIDENCE IS 1,275 FEET FROM THE INTERSECTION OF LAKE GRIFFIN ROAD AND MOORE PLACE.

TRASH PICK-UP: EXTENSIVE DAMAGE TO OUR CONCRETE AND ASPHALT DRIVE. WE MOVED THE PICK UP AWAY FROM THE HOUSE BUT THEN WE HAD DAMAGE TO LIVE OAK TREES FROM THE TRUCK BACKING UP. WE RESOLVED THE PROBLEM BY PERSONALLY TRANSPORTING OUR TRASH 1/4 MILE TO LAKE GRIFFIN ROAD FOR PICK UP. THE COUNTY HAS BEEN PICKING UP OUR TRASH SINCE 2004.

REQUESTS FOR LADY LAKE ANIMAL CONTROL SERVICE WAS CHALLENGED, (WILD PIG DIGGING UP BACK YARD). WE WERE TOLD WE ARE NOT IN CITY LIMITS AND SHOULD CALL THE COUNTY.



Richard and Christine Stine  
224 Moore Place  
Lady Lake, FL 32159

**TOWN OF LADY LAKE**  
**ANNEXATION APPLICATION**

*Deannexation*

Alternate Key Number 1279160

1. Owner's Name: Richard & Christine Stine  
Mailing Address: 224 Moore Place Lady Lake, FL 32159  
Email Address: \_\_\_\_\_  
Telephone #: (352) 753-2909
2. Applicant's Name: Richard & Christine Stine  
Mailing Address: 224 Moore Place Lady Lake, FL 32159  
Email Address: \_\_\_\_\_  
Telephone #: (352) 753-2909
3. Applicant is: Owner  Agent \_\_\_ Purchaser \_\_\_ Lessee \_\_\_ Optionee \_\_\_
4. Property Address/Location: See attached Property Record Card
5. Legal Description of Property to be ~~annexed~~ <sup>Deannexed</sup>: See attached Property Record Card
6. The property is located in the vicinity of the following streets: \_\_\_\_\_  
Lake Griffin Road and Dulgar Road/Moore Place
7. Area of the property: \_\_\_\_\_ Square feet 3.18 Acres
8. Utilities: Central Water \_\_\_ Central Sewer \_\_\_ Well  Septic Tank
9. Existing County zoning of property: N/A
10. Requested zoning of property: Lake County TBD
11. Number, square footage and present use of the existing structures on the property:  
Three Structures - Shed, Home, and Detached Garage (See PRC for SqFt)
12. Proposed use of the property: Residential
13. Has any land use application been filed within the last year in connection with this property? \_\_\_ Yes  No. If yes, briefly describe the nature of the request and the date this was done:  
\_\_\_\_\_

14. Attach a list of the owner's names and mailing addresses for all property lying within a one hundred fifty (150) foot radius surrounding the property legally described in this application.

Applications shall include a legal description of the property, proof of ownership and authorization from the owner if represented by an agent or contract purchaser.

I certify that the statements in this application are true to the best of my knowledge.

See AFFIDAVIT

Signature of Applicant

PLEASE SUBMIT THE APPLICATION, ACCOMPANIED BY THE APPROPRIATE REVIEW FEES AND EIGHT (8) COPIES OF ALL APPLICABLE INFORMATION DOCUMENTATION AS REQUIRED BY THE LADY LAKE LAND DEVELOPMENT REGULATIONS, ADOPTED AUGUST 15, 1994 TO THE GROWTH MANAGEMENT DEPARTMENT. ADDITIONAL COPIES OF APPLICATION AND PLANS WILL BE REQUIRED PRIOR TO CONSIDERATION AT THE PLANNING AND ZONING BOARD AND TOWN COMMISSION MEETINGS.

Office Use:

Date Application Received: 11/2/14

Received by: T. Carroll

Annexation and Rezoning

Fees Paid: POSTAGE

**NOTE**

All applications shall be signed by the owner of the property, or some person duly authorized by the owner to sign. This authority authorizing a person other than the owner to sign must be attached.

**APPLICANT'S AFFIDAVIT**

**STATE OF FLORIDA  
COUNTY OF LAKE**

Before me, the undersigned authority personally appeared Richard  
Stine, who being by me first duly sworn on oath, deposes and  
says:

- (1) That he affirms and certifies that he understands and will comply with all ordinances, regulations, and provisions of the Town of Lady Lake, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the Town of Lady Lake, Florida, and are not returnable.
- (2) That the submittal requirements for the application have been completed and attached hereto as part of this application.
- (3) That the applicant desires DeAnnexation with a \_\_\_\_\_ zoning classification to allow: \_\_\_\_\_
- (4) That the sign cards will be posted two (2) weeks prior to the Planning and Zoning Board hearing and will remain posted until final determination by the Town Commission after which time the sign cards are to be removed.
- (5) That the applicant acknowledges the obligation to enter into an agreement acceptable to the Town for the extension of municipal water and sewer services as a condition of the annexation.

Richard Stine  
Affiant (Applicant's Signature)

The foregoing instrument was acknowledged before me this 2 day of December  
2014, by Richard Stine, who is personally known to me or who has produced  
FLDL as identification and who did (did not) take an oath.

Christie Louise Gosneigh  
Notary Public



Christie Louise Gosneigh  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF146804  
Expires 8/9/2018

**OWNER'S AFFIDAVIT**

**STATE OF FLORIDA  
COUNTY OF LAKE**

Before me, the undersigned authority personally appeared Richard Stine,  
who being by me first duly sworn on oath, deposes and says:

- (1) That he is the fee-simple owner of the property legally described on page one of this application.
- (2) That he desires approval for <sup>DEANNEXATION</sup> ~~annexation~~ with \_\_\_\_\_ zoning classification to allow \_\_\_\_\_
- (3) That he has appointed \_\_\_\_\_ to act as agent in his behalf to accomplish the above. The Owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his stead.

Richard Stine  
Affiant (Owner's Signature)

The foregoing instrument was acknowledged before me this 2 day of December 20 14, by Richard Stine, who is personally known to me or who has produced FLDL as identification and who did (did not) take an oath.

Christie Louise Gosneigh  
Notary Public



Christie Louise Gosneigh  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF146804  
Expires 8/9/2018

**NOTE**

All applications shall be signed by the owner of the property, or some person duly authorized by the owner to sign. This authority authorizing a person other than the owner to sign must be attached.

WATER, RECLAIMED WATER AND WASTEWATER CONNECTION MATRIX FOR A NEW DEVELOPMENT				
Type of Development*	Inside of Existing Utilities Service Area		Outside of Existing Utilities Service Area But within the 2010 Service Area	
	Connect	Not Connect	Connect	Not Connect
Industrial*** Establishment:	Within 1/4 mile of system	X		X
	More than 1/4 mile from system	X		X

**Notes:**

- X = The development is required to connect as a condition for acquiring the building permit.
- A = Site is located in rural residential area.
- B = These single-family residential units and developments can obtain a permit from the Town of Lady Lake to operate on a private system with an agreement to connect to the regional system when available. All properties affected per these requirements will be required to have language placed in their deeds disclosing that the property owner must make future connections to the Town's regional system when utilities become available. System availability occurs when a line and/or lift station exist in a public easement or right-of-way and plant has sufficient capacity. Permits shall be conditioned upon demonstration of compliance with applicable federal, state, and local permit requirements. The final determination for the type of commercial establishment which can obtain a permit shall be at the discretion of the Town.

\*When determining distance from system, the route to the parcel or subdivision shall have accessibility through a public easement or public right-of-way.

\*\*Upon review of supporting documentation and engineering studies as to why the required connection to Town Utility(ies) is not practical, financially or beneficially to the Town or surrounding properties, Town Manager, or his designee, may grant a waiver to the connection matrix.

\*\*\*The Town has the option to allow a small industrial development to be on a septic tank or private treatment plant if it meets requirements, constructs dry lines and agrees to connect to the Town system when available. System availability occurs when a line and/or lift station exist in a public easement or right-of-way and plant has sufficient capacity.

\*\*\*\*A site zoned agricultural or has agricultural uses may be exempt from connecting to central services. Proposals shall be reviewed by Public Works and Growth Management with final determination made by the Town Manager.

(Ord. No. 2010-10, § 1(Exh. A), 6-7-2010)

APPENDIX "B"

WATER AND SEWER CONNECTION MATRIX

WATER, RECLAIMED WATER AND WASTEWATER CONNECTION MATRIX FOR A NEW DEVELOPMENT		Inside of Existing Utilities Service Area		Outside of Existing Utilities Service Area But within the 2010 Service Area	
Type of Development*		Connect	Not Connect	Connect	Not Connect
		Single-family:	Within 200' of system	X	
	More than 200' from system		A, B		A, B
Subdivisions:	Within 1/4 mile of system:				
	More than 25 units	X		X	
	Less than 25 units	X			B
PUD:	More than 1/4 mile from system:		B		B
	More than 25 units		B		B
	Less than 25 units				
Institutional** Commercial Establishment:	Within 1/4 mile of system:	X		X	
	More than 1/4 mile from system	X		X	
	Within 1/4 mile of system:				
	Greater than 10,000 sq. ft. or 1,250 gpd	X		X	
	Less than 10,000 sq. ft. or 1,250 gpd	X			B
	More than 1/4 mile from system:				
	Greater than 10,000 sq. ft. or 1,250 gpd		B		B
	Less than 10,000 sq. ft. or 1,250 gpd		B		B

## Kris Kollgaard

---

**From:** Derek Schroth [dschroth@bowenschroth.com]  
**Sent:** Tuesday, October 28, 2014 4:33 PM  
**To:** Kris Kollgaard  
**Subject:** Dennannexation

Good Afternoon Kris:

Below is the statute. Essentially, the owners need to request the annexation through a "petition." The Town then has to determine whether to propose an ordinance deannexing. Based on what you told me, I think the owners meet the criteria under Section 171.043 Florida Statutes. However, staff will need to do a report under 171.051 (2). Thank you.

Derek

**171.051** Contraction procedures.—Any municipality may initiate the contraction of municipal boundaries in the following manner:

- (1) The governing body shall by ordinance propose the contraction of municipal boundaries, as described in the ordinance, and provide an effective date for the contraction.
- (2) A petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the clerk of the municipal governing body, may propose such an ordinance. The municipality to which such petition is directed shall immediately undertake a study of the feasibility of such proposal and shall, within 6 months, either initiate proceedings under subsection (1) or reject the petition, specifically stating the facts upon which the rejection is based.
- (3) After introduction, the contraction ordinance shall be noticed at least once per week for 2 consecutive weeks in a newspaper of general circulation in the municipality, such notice to describe the area to be excluded. Such description shall include a statement of findings to show that the area to be excluded fails to meet the criteria of s. 171.043, set the time and place of the meeting at which the ordinance will be considered, and advise that all parties affected may be heard.
- (4) If, at the meeting held for such purpose, a petition is filed and signed by at least 15 percent of the qualified voters resident in the area proposed for contraction requesting a referendum on the question, the governing body shall, upon verification, paid for by the municipality, of the sufficiency of the petition, and before passing such ordinance, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction, or the governing body may vote not to contract the municipal boundaries.
- (5) The governing body may also call for a referendum on the question of contraction on its own volition and in the absence of a petition requesting a referendum.
- (6) The referendum, if required, shall be held at the next regularly scheduled election, or, if approved by a majority of the municipal governing body, at a special election held prior to such election, but no sooner than 30 days after verification of the petition or passage of the resolution or ordinance calling for the referendum.
- (7) The municipal governing body shall establish the date of election and publish notice of the referendum election at least once a week for the 2 consecutive weeks immediately prior to the election in a newspaper of general circulation in the area proposed to be excluded or in the municipality. Such notice shall give the time and places for the election and a general description of the area to be excluded, which shall be in the form of a map clearly showing the area proposed to be excluded.

(8) Ballots or mechanical voting devices shall offer the choices "For deannexation" and "Against deannexation," in that order.

(9) A majority vote "For deannexation" shall cause the area proposed for exclusion to be so excluded upon the effective date set in the contraction ordinance.

(10) A majority vote "Against deannexation" shall prevent any part of the area proposed for exclusion from being the subject of a contraction ordinance for a period of 2 years from the date of the referendum election.

History.—s. 1, ch. 74-190; s. 17, ch. 90-279.

171.052 Criteria for contraction of municipal boundaries.—

(1) Only those areas which do not meet the criteria for annexation in s. 171.043 may be proposed for exclusion by municipal governing bodies. If the area proposed to be excluded does not meet the criteria of s. 171.043, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

(2) The ordinance shall make provision for apportionment of any prior existing debt and property.

History.—s. 1, ch. 74-190.

Sincerely,

DEREK A. SCHROTH  
BOWEN & SCHROTH, P.A.  
600 Jennings Ave.  
Eustis, Florida 32726  
Telephone: (352) 589-1414  
Facsimile: (352) 589-1726  
Florida Bar No. 0352070  
Web Site: [www.bowenschroth.com](http://www.bowenschroth.com)

*Florida Bar Board Certified in City, County and Local Government Law.*



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*Please note if this communication pertains to the City of Eustis or the Town of Lady Lake and its operations: Under Florida law (Florida Statute 668.6076) e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.*

## Kris Kollgaard

---

**From:** Derek Schroth [dschroth@bowenschroth.com]  
**Sent:** Wednesday, November 12, 2014 1:38 PM  
**To:** Kris Kollgaard  
**Subject:** RE: Dennannexation

Good Afternoon Kris:

A referendum is not required unless there is a petition for a referendum filed by 15 of the voters effected. See AGO 2004-24: <http://www.myfloridalegal.com/ago.nsf/Opinions/9B858EC27D9C4E7585256E890052B23E>

Only those voters in area to be deannexed have to sign the petition to deannex.

Sincerely,

DEREK A. SCHROTH  
BOWEN & SCHROTH, P.A.  
600 Jennings Ave.  
Eustis, Florida 32726  
Telephone: (352) 589-1414  
Facsimile: (352) 589-1726  
Florida Bar No. 0352070  
Web Site: [www.bowenschroth.com](http://www.bowenschroth.com)

---

**From:** Kris Kollgaard [mailto:kkollgaard@ladylake.org]  
**Sent:** Wednesday, November 12, 2014 1:26 PM  
**To:** Derek Schroth  
**Subject:** RE: Dennannexation  
**Importance:** High

Hi Derek,

Just a couple of questions on this. At the 2004 meeting Leslie stated that the Town would have to put the deannexation on a referendum and take it to the voters (see page 8 2<sup>nd</sup> paragraph of the attached minutes). In looking at the statute 171.051(6) it states The referendum, if required.... My question is would we have to have a referendum on this?

Also I have attached a map and I just want to check to see if signatures for the petition would have to be obtained from the homes along the southwest side of the Lake Hermosa, since they are qualified voters of the Town.

Thanks Derek

**Kristen Kollgaard**  
**Town Manager/Town Clerk**  
**Town of Lady Lake**  
409 Fennell Blvd.  
Lady Lake FL 32159  
PH: (352) 751-1545  
FAX: (352) 751-1510  
[kkollgaard@ladylake.org](mailto:kkollgaard@ladylake.org)

Effective Oct 7, 2013 the Town Hall hours of operation will be Mon - Thurs, 7:30am - 6:00 pm

**Please Note:** Under Florida law (Fla. Stat. 668.6076 - effec. 07-01-06), e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

---

**From:** Derek Schroth [<mailto:dschroth@bowenschroth.com>]

**Sent:** Tuesday, October 28, 2014 4:33 PM

**To:** Kris Kollgaard

**Subject:** Dennannexation

Good Afternoon Kris:

Below is the statute. Essentially, the owners need to request the annexation through a "petition." The Town then has to determine whether to propose an ordinance deannexing. Based on what you told me, I think the owners meet the criteria under Section 171.043 Florida Statutes. However, staff will need to do a report under 171.051 (2). Thank you.

Derek

171.051 Contraction procedures.—Any municipality may initiate the contraction of municipal boundaries in the following manner:

(1) The governing body shall by ordinance propose the contraction of municipal boundaries, as described in the ordinance, and provide an effective date for the contraction.

(2) A petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the clerk of the municipal governing body, may propose such an ordinance. The municipality to which such petition is directed shall immediately undertake a study of the feasibility of such proposal and shall, within 6 months, either initiate proceedings under subsection (1) or reject the petition, specifically stating the facts upon which the rejection is based.

(3) After introduction, the contraction ordinance shall be noticed at least once per week for 2 consecutive weeks in a newspaper of general circulation in the municipality, such notice to describe the area to be excluded. Such description shall include a statement of findings to show that the area to be excluded fails to meet the criteria of s. 171.043, set the time and place of the meeting at which the ordinance will be considered, and advise that all parties affected may be heard.

(4) If, at the meeting held for such purpose, a petition is filed and signed by at least 15 percent of the qualified voters resident in the area proposed for contraction requesting a referendum on the question, the governing body shall, upon verification, paid for by the municipality, of the sufficiency of the petition, and before passing such ordinance, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction, or the governing body may vote not to contract the municipal boundaries.

(5) The governing body may also call for a referendum on the question of contraction on its own volition and in the absence of a petition requesting a referendum.

(6) The referendum, if required, shall be held at the next regularly scheduled election, or, if approved by a majority of the municipal governing body, at a special election held prior to such election, but no sooner than 30 days after verification of the petition or passage of the resolution or ordinance calling for the referendum.

(7) The municipal governing body shall establish the date of election and publish notice of the referendum election at least once a week for the 2 consecutive weeks immediately prior to the election in a newspaper of general circulation in the area proposed to be excluded or in the municipality. Such notice shall give the time and places for the election and a general description of the area to be excluded, which shall be in the form of a map clearly showing the area proposed to be excluded.

(8) Ballots or mechanical voting devices shall offer the choices "For deannexation" and "Against deannexation," in that order.

(9) A majority vote "For deannexation" shall cause the area proposed for exclusion to be so excluded upon the effective date set in the contraction ordinance.

(10) A majority vote "Against deannexation" shall prevent any part of the area proposed for exclusion from being the subject of a contraction ordinance for a period of 2 years from the date of the referendum election.

History.—s. 1, ch. 74-190; s. 17, ch. 90-279.

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(1) Only those areas which do not meet the criteria for annexation in s. 171.043 may be proposed for exclusion by municipal governing bodies. If the area proposed to be excluded does not meet the criteria of s. 171.043, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

(2) The ordinance shall make provision for apportionment of any prior existing debt and property.

History.—s. 1, ch. 74-190.

Sincerely,

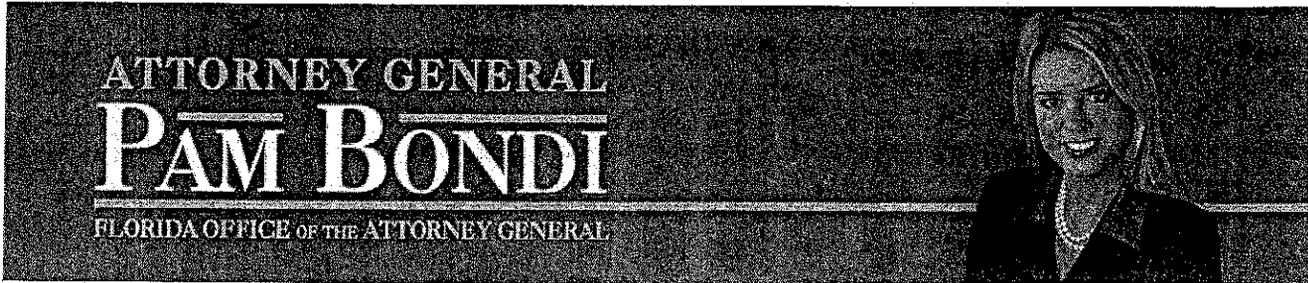
DEREK A. SCHROTH  
BOWEN & SCHROTH, P.A.  
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## Advisory Legal Opinion - AGO 2004-24

[Print Version](#)

Number: AGO 2004-24

Date: April 30, 2004

Subject: Annexation/contraction, additional requirements

Mr. Charles J. Cino  
Flagler Beach City Attorney  
Post Office Box 70  
Flagler Beach, Florida 32136

RE: MUNICIPALITIES-BOUNDARIES-ANNEXATION-CONTRACTION-REFERENDUM  
-authority of municipality to impose additional requirements for  
annexation of municipal boundaries; authority to call referendum on  
issue of contraction. ss. 171.044, 171.051, Ch. 171, Fla. Stat.

Dear Mr. Cino:

On behalf of the Flagler Beach City Commission, you ask substantially  
the following questions:

1. May a municipality by city charter amend the procedures for annexing property prescribed by Chapter 171, Florida Statutes?
2. When may the city commission, on its own volition, call for a referendum on the question of contraction?

*Question One*

Article VIII, section 2(c), Florida Constitution, provides in pertinent part that "[m]unicipal annexation of unincorporated territory . . . and exercise of extra-territorial powers by municipalities shall be as provided by general or special law." Thus any annexation must be effected either directly by the Legislature by special law or by a municipality in accordance with the authorization and procedures provided by a general law. [1] Section 166.021, Florida Statutes, reflects this mandate. The statute in subsection (3)(a) sets forth the home rule powers of municipalities and recognizes the authority of municipalities to enact legislation on any subject matter upon which the Legislature may act except "[t]he subjects of annexation, merger, and exercise of extraterritorial power, which require general or special law pursuant to s. 2(c), Art. VIII of the State Constitution." (e.s.)

The provisions of general law governing municipal annexation are set forth in Chapter 171, Florida Statutes, the Municipal Annexation or Contraction Act, which was enacted "to set forth procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits and to set forth criteria for determining when annexations or contractions may take place so as to . . . [e]stablish uniform legislative standards throughout the state for the adjustment of municipal boundaries." [2] To accomplish this purpose, the act provides general law standards and procedures for adjusting the boundaries of Florida municipalities and acts as a preemption to the state regarding legislation in this area. [3]

The courts and this office have stated that the power to extend municipal boundaries must be exercised in strict accordance with the statutes conferring such authority. For example, in *SCA Services of Florida, Inc. v. City of Tallahassee* [4] the court construed sections 171.021 and 171.022, Florida Statutes, in concluding that "it is apparent that the legislature intended to provide a clearly defined and exclusive method by which an annexation could be accomplished." (e.s.)

In Attorney General Opinion 77-133 this office stated that a municipality is precluded, absent express general or special law authorization, from enacting any annexation procedures contrary to Chapter 171, Florida Statutes, regardless of whether such procedures would be less stringent or more stringent than those provided in Chapter 171. Subsequently in Attorney General 81-22 this office concluded that the municipality could annex unincorporated property only in accordance with the procedures provided in Chapter 171. Thus, this office stated that a city charter could not require an ordinance providing for the voluntary annexation of property to be submitted to a referendum on such annexation when section 171.044, Florida Statutes, providing for voluntary annexations, does not require such an approving referendum. [5]

In light of the above, I am of the opinion that a municipality may not by city charter amend the procedures for annexing property prescribed by Chapter 171, Florida Statutes. Thus, a municipality may not require an ordinance providing for a voluntary annexation to be submitted for referendum when the statute providing for voluntary annexation does not provide for such a referendum. [6]

#### Question Two

As discussed in Question One, Chapter 171, Florida Statutes, was enacted "to set forth procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits and to set forth criteria for determining when annexations or contractions may take place so as to: . . . [e]stablish uniform legislative standards throughout the state for the adjustment of municipal boundaries." [7] The act provides general law standards and procedures for adjusting the boundaries of Florida municipalities and acts as a preemption to the state of such legislation. Pursuant to the act, only those areas that do not meet the

criteria for annexation set forth in section 171.043, Florida Statutes, may be proposed for exclusion by municipal governing bodies. [8]

The procedures for contracting municipal boundaries are set forth in section 171.051, Florida Statutes. Pursuant to the statute, the governing body of a municipality may propose a contraction of the city's boundaries by ordinance and provide an effective date for the contraction. [9] A method is also established for qualified voters in the area desiring to be excluded from the municipality to initiate a petition for contraction. [10] A contraction ordinance must be published after its introduction to provide notice to interested persons. The notice must describe the area to be excluded and must appear in a newspaper of general circulation in the municipality at least once per week for two consecutive weeks. The description included in the notice must include a statement of findings to show that the area to be excluded fails to meet the criteria of section 171.043, Florida Statutes. In addition, the notice must include the time and place of the meeting at which the contraction ordinance will be considered and advise all parties affected that they may be heard. [11]

Section 171.051(4), Florida Statutes, provides certain procedures to be utilized at a meeting held for the purpose of considering a contraction ordinance. Under that section, if a petition is filed and signed by at least 15 percent of the qualified voters residing in the area proposed for contraction requesting a referendum on the question, the governing body of the city shall, upon verification of the sufficiency of the petition, and *before passing such an ordinance*, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction. Subsection (5) of the statute provides that the governing body "may also call for a referendum on the question of contraction on its own volition and in the absence of a petition requesting a referendum."

Section 171.051, Florida Statutes, therefore, prescribes the procedures to be utilized in contracting a municipality's boundaries. It provides for the governing body of the municipality to directly propose an ordinance providing for contraction or to do so in response to a petition filed by 15 percent of the voters in the area desiring to be excluded. After notice of the proposed ordinance is published, the statute requires that a hearing on the proposed ordinance be held, at which time a petition may be filed by voters within the area to be contracted requesting a referendum on the issue. In the absence of such a petition being filed, the governing body of the municipality may, on its own volition, decide to call a referendum on the issue.

Thus, the statute contemplates that the governing body, after a proposed ordinance has been noticed and a hearing conducted without the affected voters petitioning for a referendum, may on its own volition hold a referendum on the issue of contraction.

Sincerely,

Charlie Crist  
Attorney General

CC/tjw

-----

[1] *But see* Art. VIII, s. 11(1)(c), (5) and (6), Fla. Const., giving Dade County jurisdiction over its municipal annexations.

[2] Section 171.021(2), Fla. Stat.

[3] *See* s. 171.022(2), Fla. Stat., stating that the provisions of any special act or municipal charter relating to the adjusting of municipal boundaries in effect on October 1, 1974 (the effective date of Ch. 171, Fla. Stat), are repealed except as provided in Ch. 171. And *see* s. 171.0413(4), Fla. Stat., declaring the annexation procedure set forth in s. 171.0413 to be a uniform method for the adoption of an ordinance of annexation by the governing body of any municipality "[e]xcept as otherwise provided in this law." This office has construed the foregoing proviso as referring to s. 171.044, Fla. Stat., which provides for an alternative procedure for voluntary annexation without a referendum. *See* Op. Att'y Gen. Fla. 81-22 (1981), and *Capella v. City of Gainesville*, 377 So. 2d 658 (Fla.1979), and s. 171.0413(4), Fla. Stat., which repeals all existing provisions of special laws which establish municipal annexation procedures except that any provisions of special laws which prohibit annexation of territory that is separated from the annexing municipality by a body of water or watercourse shall not be repealed.

[4] 418 So. 2d 1148, 1150 (Fla. 1st DCA 1982). *And see* *McGeary v. Dade County*, 342 So. 2d 549 (Fla. 3d DCA 1977).

[5] *Compare* s. 171.0413(2), Fla. Stat., providing for involuntary annexations and requiring that following final adoption of the ordinance of annexation by the governing body of the annexing municipality, the ordinance shall be submitted to a vote of the registered voters of the area to be annexed. The governing body of the annexing municipality may also choose to submit the ordinance of annexation to a separate vote of the registered electors of the annexing municipality.

[6] As noted *supra*, s. 177.044, Fla. Stat., providing for voluntary annexation does not require an approving referendum. The provisions of s. 177.044(4), Fla. Stat., are supplemental to any other procedures provided by general or special law except that the section does not apply to municipalities in counties with charters which provide an exclusive method of municipal annexation. Flagler County, however, is not a charter county and you have not advised this office of any special law relating to Flagler Beach addressing annexation.

[7] Section 171.021, Fla. Stat. *And see* s. 171.022(1), Fla. Stat., stating that "[i]t is further the purpose of this act to provide viable and usable general law standards and procedures for adjusting the

boundaries of municipalities in this state."

[8] Section 171.052(1), Fla. Stat. And see s.171.043, Fla. Stat., prescribing the character of property to be annexed and requiring such things as contiguity to the municipality's boundaries, compactness, and that part or all of the area be developed for urban purposes. Thus, property which fits the requirements of s. 171.043 may not be excluded from a municipality.

[9] Section 171.051(1), Fla. Stat. And see s. 171.031(2), Fla. Stat., defining "Contraction" as "the reversion of real property within municipal boundaries to an unincorporated status."

[10] Section 171.051(2), Fla. Stat., provides that a petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the municipal clerk, may propose such an ordinance. The municipality is required to immediately undertake a feasibility study of the proposal and within 6 months either initiate proceedings under section 171.051(1) or reject the petition, specifying the reasons for such rejection.

[11] Section 171.051(3), Fla. Stat.

---

Florida Toll Free Numbers:

- Fraud Hotline 1-866-966-7226

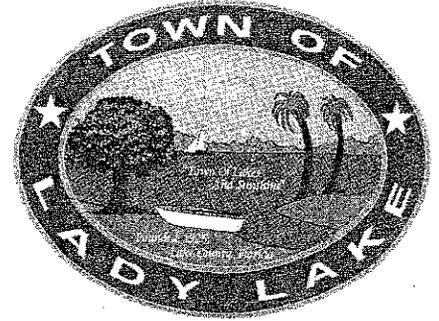
- Lemon Law 1-800-321-5366

Municipal Complex, 409 Fennell Boulevard, Lady Lake, Florida 32159 USA

352-751-1500

FAX 352-751-1510

www.ladylake.org



November 24, 2014

RE: Deannexation Ordinance 2014-11 – Stine Property – 224 Moore Place

Dear Property Owner:

This is to notify you that applications have been filed with the Town of Lady Lake, by Richard and Christine Stine, to de-annex property located on Moore Place, approximately 750 feet south of the intersection of Lake Griffin Road. The de-annexation application involves 3.18 +/- acres of property from incorporated Town of Lady Lake back into unincorporated Lake County. The property is an occupied residence at the present time, and is eligible for de-annexation as it is consistent with the criteria as per Florida Statute Chapter 171.052.

Public hearing dates on the petition are scheduled as follows:

PLANNING AND ZONING BOARD - Monday, December 8, 2014 at 5:30 p.m.

TOWN COMMISSION MEETING - Monday, December 15, 2014 at 6:00 p.m.

TOWN COMMISSION MEETING- Monday, January 5, 2015 at 6:00 p.m.

You are invited to attend these public hearings to be held in the Town Hall Commission Chambers, 409 Fennell Boulevard, Lady Lake, Florida. The petitions may be inspected at Town Hall during regular business hours (7:30 a.m. to 6 p.m., Monday - Thursday) in the Growth Management Department. Any person wishing to appeal a decision of this public body should ensure themselves that a verbatim record of the proceedings is made. If you have any questions regarding this matter, please call me at (352) 751-1521 or via email at [tcarroll@ladylake.org](mailto:tcarroll@ladylake.org).

Sincerely,

Thad Carroll, AICP  
Growth Management Director

Legal Description:

**Section 16, Township 18 South, Range 24 East**

BEG AT SE COR OF W 1/2 OF NW 1/4 OF SE 1/4, RUN N 00DEG | 03MIN W 282 FT, S 73DEG 28MIN 46SEC W TO W LINE OF NW 1/4 OF SE 1/4 & PT A, RETURN TO POB, RUN W ALONG SAID S LINE OF NW 1/4 OF SE 1/4 TO E LINE OF W 1/4 OF NW 1/4 OF SE 1/4, S 50 | FT, W TO W LINE OF NW 1/4 OF SE 1/4, N TO PT A | ORB 2324 PG 2050 |



1 to approve Ordinance No. 2014-08 by a vote of 5-0. He stated that Martin Dzuro is present if there  
2 are any questions.

3  
4 Mayor Kussard asked if there were any questions from the Commissioners or the audience, and  
5 hearing none, asked for a vote.

6  
7 ~~Upon a motion by Commissioner Vincent and a second by Commissioner Richards, the~~  
8 ~~Commission approved Ordinance No. 2014-08 Second/Final Reading Central Florida~~  
9 ~~Lodging, LLC Minor Amendment to the Tri-County Villages Development of Regional Impact~~  
10 ~~(DRI), Adopting a Ninth Amendment to the Amended Development Order, by the following roll~~  
11 ~~call vote:~~

12	<del>HOLDEN</del>	<del>YES</del>
13	<del>VINCENT</del>	<del>YES</del>
14	<del>HANNAN</del>	<del>YES</del>
15	<del>RICHARDS</del>	<del>YES</del>
16	<del>KUSSARD</del>	<del>YES</del>

17  
18 **N. TOWN MANAGER'S REPORT:**

19  
20 **9. Discussion Regarding De-Annexation Request for the Property Located at 224 Moore**  
21 **Place (Kris Kollgaard)**

22  
23 Town Manager Kris Kollgaard reported that Richard and Christine Stine, property owners of 224  
24 Moore Place, have spoken with staff regarding the possibility of de-annexing their property from  
25 the Town of Lady Lake. Mr. Carroll passed out a map showing the location of the property in  
26 relation to the Town limits.

27  
28 Ms. Kollgaard gave some background on this, stating that in 1990, the previous owners of this  
29 property requested to be annexed in because one of the owners was in poor health and was  
30 concerned about ambulance response. The Town annexed the property in 1990 using the only  
31 contiguous property which was Lake Hermosa. She stated that the property was sold to the Stines  
32 years later and they requested that the property be de-annexed in 2004 because they were paying  
33 Town taxes but receiving no Town services. The Town denied the request in 2004 because they  
34 were afraid they would be setting precedent, and there were plans to extend water and sewer plants  
35 at that time and this was expected to be a large growth area. Another concern at that time was that  
36 there would have to be a referendum vote to de-annex the property.

37  
38 Ms. Kollgaard stated that staff recently met with the Stines at their property. She reviewed the map;  
39 stating the nearest Town residence on the south side via Lake Griffin Road is .66 miles away; the  
40 nearest residence Lake Griffin Road on the north side is .44 miles, and from Lake Griffin Road via  
41 Dulgar Road and via Moore Place is .25 miles.

42  
43 Ms. Kollgaard stated she has spoken with the Town Attorney and no referendum vote is required as  
44 there is only one person in the area instead of the 15% of qualified voters required to request that it  
45 go on a referendum. She stated the Stines would have to fill out an application and the Town would  
46 have to go through the ordinance process with the Planning and Zoning Board reviewing it and two  
47 public hearings and an advertisement. Two properties across the lake would have to be noticed.

48  
49 Ms. Kollgaard stated that water and sewer would not be an issue because the Stines would still not  
50 be within the 200 feet required by the LDRs to connect even if the Town expanded out there. She

1 stated they are getting no services from the Town and Lady Lake officers do not patrol there, also  
2 they would respond if they were called. Ms. Kollgaard stated that even code enforcement officers  
3 have been confused in the past, thinking this is county property. She stated she is not normally in  
4 favor of de-annexation, but because this property is so far out, she is in this case. She stated she  
5 would like to get the Commission's consensus on whether they would like to move forward with  
6 this prior to the Stines starting the whole ordinance process. Ms. Kollgaard stated the Stines are  
7 present tonight if there are any questions.

8  
9 Commissioner Hannan asked what this de-annexation would cost the Town.

10  
11 Ms. Kollgaard replied that the Town would lose the tax revenue which is \$679.00 for this year, and  
12 the charge for the advertisement for the ordinance would be passed on to the Stines.

13  
14 After discussion, it was the consensus of the Commissioners that they would be in favor of this de-  
15 annexation.

16  
17 **O. MAYOR/COMMISSIONER'S REPORT:**

18  
19 ~~Commissioner Richards commented that he attended the Taste of Lady Lake, and although there~~  
20 ~~were no large crowds at any given time, people were coming and going and it appeared well~~  
21 ~~attended.~~

22  
23 ~~Commissioner Vincent, Mayor Kussard, and Ms. Kollgaard commented that they attended at~~  
24 ~~different times and enjoyed it, and observed that everyone else seemed to be enjoying it as well.~~

25  
26 ~~Commissioner Holden stated he heard nice comments about the event.~~

27  
28 **P. PUBLIC COMMENTS<sup>iv</sup>**

29  
30 ~~Mayor Kussard asked if anyone in the audience would like to speak on any item. There were no~~  
31 ~~comments.~~

32  
33 **Q. ADJOURN:** ~~There being no further discussion, the meeting was adjourned at 6:39 p.m.~~

34  
35  
36  
37  
38 \_\_\_\_\_  
39 Kristen Kollgaard, Town Clerk

Ruth Kussard, Mayor

40 \_\_\_\_\_  
Minutes transcribed by Nancy Slaton, Deputy Town Clerk

<sup>i</sup> Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

<sup>ii</sup> This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.

<sup>iii</sup> All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

<sup>iv</sup> This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda and it is open to any concern or comments that the public may have.



## PLANNING & ZONING BOARD AGENDA ITEM

REQUESTED BOARD MEETING DATE: December 8, 2014

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**SUBJECT:** Resolution No. 2014-102 - A Resolution Granting a Variance to Authorize the Removal of Two Historic Trees In Accordance With Chapter 10, Section 10-4).F)., Of The Town Of Lady Lake Land Development Regulations, On Property Owned By Brian W. Warwick, Janet R. Varnell, And Ellen R. Robards, Located At 316 La Grande Blvd., Within The Plaza Professional Center (Alternate Key 3808678).

**DEPARTMENT:** GROWTH MANAGEMENT

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### STAFF RECOMMENDED MOTION:

1. Motion to forward Resolution 2014-102 to the Town Commission with the Recommendation of Approval.
2. Motion to forward Resolution 2014-102 to the Town Commission with the Recommendation of Denial.

Staff is in support of Motion Number 1.

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### SUMMARY

On February 3, 2014, applicant, Fran Dann-Akin, on behalf of property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, submitted an application for a variance in accordance with Chapter 10, Section 10-4).f). of the Land Development Regulations (LDRs) which states that on all properties, the removal of historic trees shall require a variance from the Planning and Zoning Board and then Town Commission.

Originally, the variance proposal was for the removal of one historic tree on the property. At the March 17, 2014 Commission Meeting, the Town Commission requested that an alternative plan be presented to determine whether that tree could be saved if the building or parking configuration where changed. At the April 7th Meeting, again Resolution 2014-02 was continued to the April 21st Meeting. Finally, at the May 5, 2014 meeting, the item was tabled indefinitely to a date uncertain.

At this time the property owners, Brian W. Warwick, Janet R. Varnell, and Ellen Robards, have submitted an alternative proposal for the development of a new building in the

Plaza Professional Center, which proposes the removal of two (2) historic trees. In lieu of the prior proposal to remove one historic tree, the property owners have elected to propose a change of the location of the building which requires the removal of a 45" Live Oak and a 42" Live Oak. The owners also reassessed the size of the prior tree finding that it is a tree with a 60" diameter.

Brian Warwick, property owner, has submitted a revised Justification Statement as to why the removal of the trees is necessary (Please see Justification Statement attached). When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of this Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property lies in Section 07 Township 18 South Range 24 East, Lady Lake Florida. The Future Land Use Map designation for the site is Commercial General-Retail Sales & Services (RET) and is zoned Planned Commercial (CP). The subject property is located at 316 La Grande Blvd. within the Plaza Professional Center (Alternate Key 3808678); within the town limits of the Town of Lady Lake, Florida. The application is complete and ready for review by the Planning & Zoning Board for their recommendation.

Notices to inform the surrounding property owners (19) within 150' of the subject property of the proposed variance were mailed by certified mail return receipt on Wednesday, November 26, 2014. In addition, the property was posted on Monday, December 1, 2014.

**Note:**

Upon approval, if granted, of this variance resolution, the applicant will have to undergo the with Site Plan application process for approval of any improvements proposed. All landscaping buffer requirements and plantings would have to be satisfied during this process.

**Past Actions:**

At the November 18, 2014 special meeting of the **Town Commission**, It was the consensus of the Commission that they were in favor of advancement of the Conceptual Presentation of Alternative Historic Tree Removals for the Plaza Professional Center as presented.

The **Technical Review Committee** reviewed the application for Resolution 2014-102 and returned no comments regarding this application on Monday, December 1, 2014. The application is ready to proceed to the Planning and Zoning Board.

**Public Hearings:**

The **Town Commission** will review the application for Resolution 2014-102 for final consideration at its regular meeting on Monday, December 15, 2014 at 6:00 p.m.

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FISCAL IMPACT: \$ 0

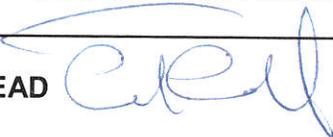
- Capital Budget
- Operating
- Other

---

ATTACHMENTS:  Ordinance(s)  Resolution  Budget Resolution

Other

Support Documents/Contracts Available for Review in Manager's Office

12-2-2014  
DEPARTMENT HEAD 

Submitted

12/2/14

Date

FINANCE DEPARTMENT

Approved as to Budget Requirements

Date

TOWN ATTORNEY

Approved as to Form and Legality

Date

TOWN MANAGER 

Approved Agenda Item for:

12/8/14

Date

12/2/14

---

BOARD ACTION:  Approved as Recommended  Disapproved

Tabled Indefinitely

Continued to Date Certain

Approved w/Modification



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**TOWN OF LADY LAKE  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
Ruth Kussard, Mayor

ATTEST:

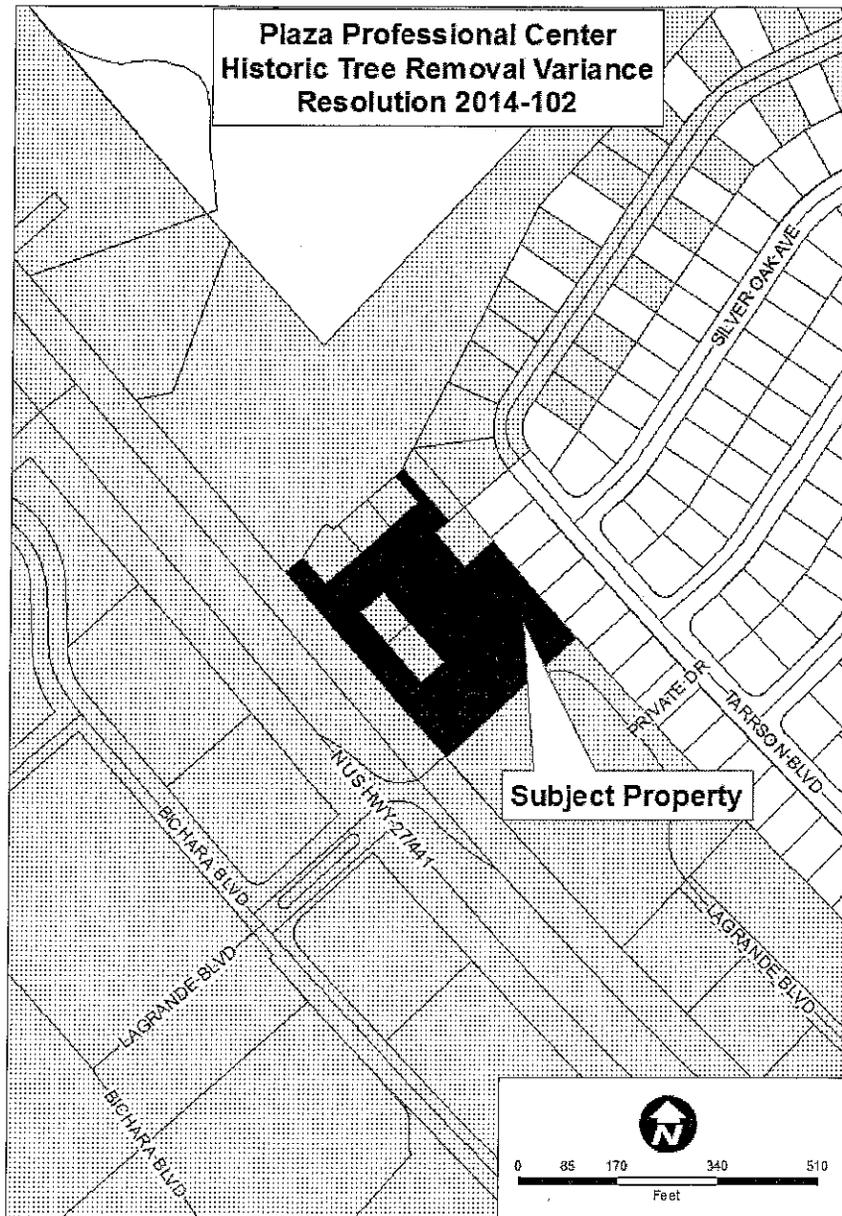
\_\_\_\_\_  
Kristen Kollgaard, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Derek Schroth, Town Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

1  
2  
3  
4 FROM S'LY COR OF LOT 457 ORANGE BLOSSOM GARDENS UNIT 4 PB 26 PG 55, RUN S 41-21-30  
5 E 75 FT FOR POB, CONT S 41-21-30 E 38.32 FT TO THE BEGINNING OF A CURVE CONCAVE NE'Y  
6 & HAVING A RADIUS OF 11059.20 FT, THENCE SE'LY ALONG THE ARC OF SAID CURVE THRU  
7 A CENTRAL ANGLE OF 0-56-38, AN ARC LENGTH OF 182.19 FT, THENCE S 47-41-53 W 300 FT TO  
8 A POINT ON NE'LY R/W LINE OF US HWY 441, SAID POINT BEING ON A CURVE CONCAVED  
9 NE'LY & HAVING A RADIUS OF 11359.20 FT & A RADIAL BEARING OF S 47D-41-53 W, THENCE  
10 NW'LY ALONG THE ARC OF SAID CURVE & SAID NE'LY R/W LINE THRU A CENTRAL ANGLE  
11 OF 0-56-38, AN ARC LENGTH OF 187.13 FT TO THE END OF SAID CURVE, THENCE N 41-21-30 W  
12 ALONG SAID NE'LY R/W LINE 232.65 FT, N 48-38-30 E 36.02 FT, S 41-21-30 E 60 FT, N 48-38-30 E  
13 208.93 FT, N 41-21-30 W 60.02 FT, N 48-38-30 E 20.12 FT, S 41-21-30 E 119.33 FT, S 48-38-30 W 30 FT,  
14 S 41-21-30 E 75 FT, N 48-38-30 E 65 FT TO POB--LESS FROM S'LY COR OF LOT 457 ORANGE  
15 BLOSSOM GARDENS UNIT 4 RUN S 48-30-30 W 199 FT, S 41-21-34 E 17.32 FT FOR POB, CONT S  
16 41-21-34 E 157 FT, S 48-38-26 W 50.84 FT, N 41-21-34 W 157 FT, N 48-38-26 E 50.84 FT TO POB--  
17 ORB 2684 PG 22 |  
18



**Plaza Professional Center  
Historic Tree Removal Variance  
Resolution 2014-102**

**Subject Property**



Source: Esri  
Aerogrid, IGC

## **AMENDED HISTORIC TREE VARIANCE APPLICATION**

**Parcel No. 3808678 – Brian W. Warwick, et al.**

The real property in question is located within the La Plaza Grande Professional Center. The lot in question is the last remaining office space to be developed. The deed to this parcel specifies that a commercial building of “up to 4,286 square feet” is to be constructed on this site. In fact, the owners have been paying maintenance costs to the owner’s association for several decades based upon a building size of 4,286 square feet.

### **I. Initial Tree Variance Application**

Within the last year, these owners requested a Historic Tree Variance to remove a 60” live oak tree from the property to accommodate a building and parking area to be located on the East side of the property. However, when it became clear that the Council was not going to allow removal of this tree, the owner indefinitely tabled the request. As a result of the inability to remove this first tree, the owners lost the sale of the property at considerable cost. Thereafter, additional surveys were completed and new site plans drawn to accommodate two smaller buildings on the property. However, this alternative location still requires the removal of two smaller historic trees.

### **II. Alternative Tree Variance Application**

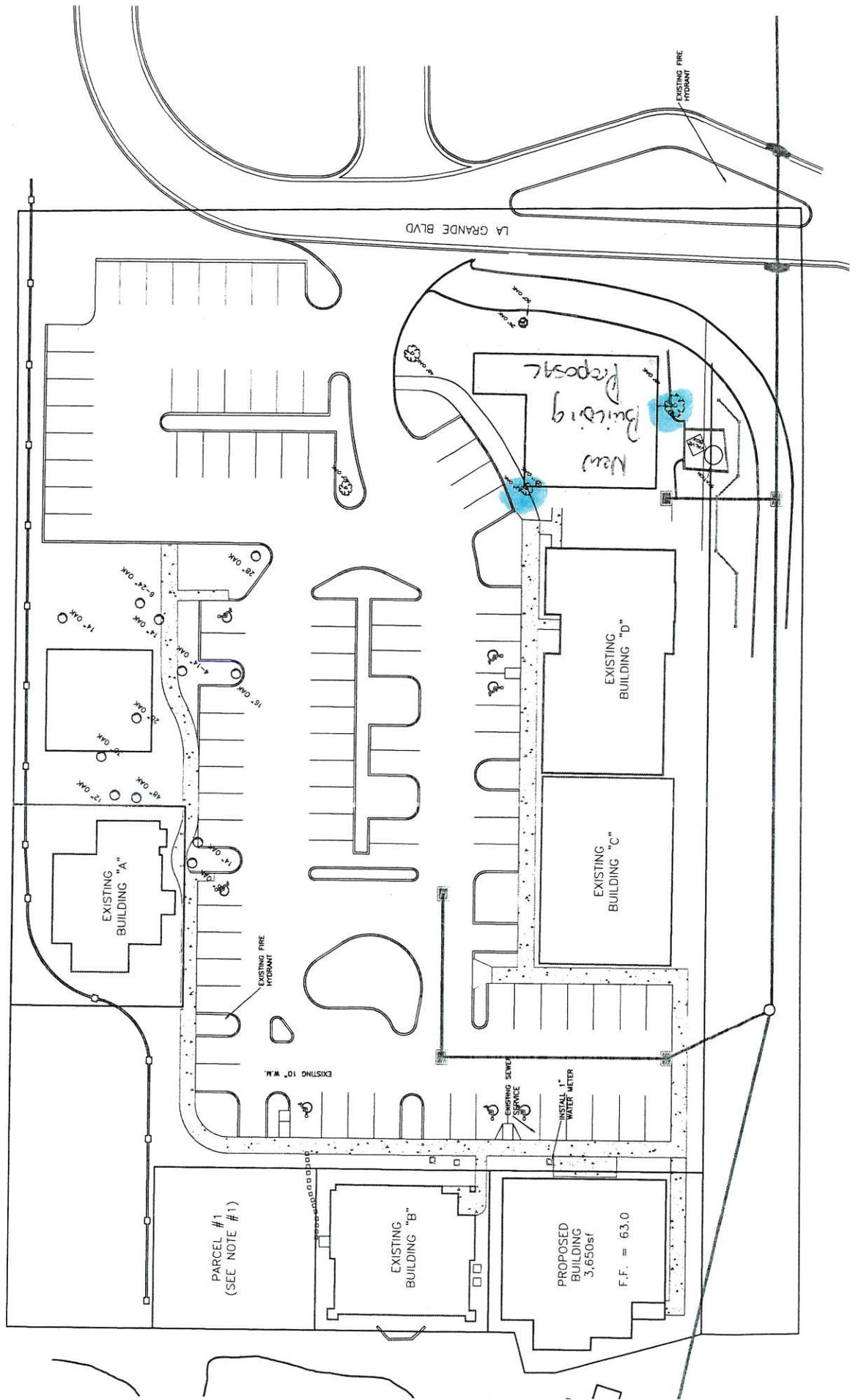
The owners are now requesting an alternative Historic Tree Variance to remove two Historic Trees; (1) a 45” live oak tree; and (2) a 42” live oak tree that lie directly within the building pad of the new proposed office space in the alternative location on the west side of the property. Because there shall remain many other historic trees within the parcel, the removal of these trees will not have a significant impact.

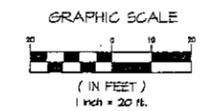
The La Plaza Grande Professional Center subdivision was created and given approval nearly 30 years ago. It is so highly populated with historic trees that it bears more resemblance to a natural tree stand than a commercial professional office subdivision. Removal of these two trees will have very little impact on the subdivision because there are more large historical trees in the tiny subdivision than any other professional office in the area. In fact, the existing trees will actually benefit from the increased available sunlight occasioned by the removal of the subject trees.

The current canopy of the trees in the subdivision already covers the vast majority of the parking lot and common areas. The proximity of the trees and their root structures to the building footprint will cause substantial harm to the trees. Removing the concrete parking area that currently surrounds the trees at issue, digging the footings for the foundation and pouring the new slab over the root structure will damage existing roots and make the tree unstable and dangerous. More importantly, the building cannot be built under the tree because it simply will not fit.

The Other Factors to be considered weigh in favor of granting the variance:

1. **Diminution in Value of Surrounding properties.** As stated above, the existing trees already within the subdivision provide for an extensive canopy which shades the entire parking lot and the majority of common areas. Removing the trees in question will actually allow the existing trees more sunlight and water so that they will continue to flourish. Building the final buildings, adding additional parking, and completing the subdivision will be beneficial for all owners within the subdivision. Thus, there will be no diminution in value to the surrounding properties if the trees in question are removed.
2. **Permit would be a benefit to the public interest.** The Town of Lady Lake approved a building site within the La Plaza Grande Professional Center nearly 30 years ago. The completion of the building(s) on this location will bring additional revenue and business to the city and will allow the other residents of the professional center to finalize their subdivision and the parking area can finally be turned over to the association. Accordingly, the granting of this permit would be beneficial to the public interest.
3. **Denial would result in unnecessary hardship to the owner.** As explained above, the owner paid fair market value for a building to be built within an established subdivision that was deeded for a 4,286 square foot commercial office building. This alternative plan allows for the retention of the extremely large 60" live oak tree which the Town was concerned with previously. Failure to grant the variance would result in the owners having to essentially forfeit the property as there is simply not adequate space for the building, the parking and the trees.
4. **Use must not be contrary to the spirit of the code.** The Historic Tree Variance is intended to retain historic trees when possible. The parcel in question has more historic trees located within the property such that the removal of these two trees will not significantly reduce the canopy. Instead, by removing these two trees, the larger live oak tree that was the subject of the previous application can be saved as well as many other historic trees within the parcel. Therefore, this application is consistent with the spirit of the code rather than contrary to it.
5. **Financial damages is not the only reason for the permit.** The dangers associated with the overhanging limbs and the damage to the trees that will be caused to the root system from the construction process shows that financial damages are not the only reason for the requested variance.
6. **Physical hardships may be considered.** This Variance request does not involve any physical disabilities of the applicant.



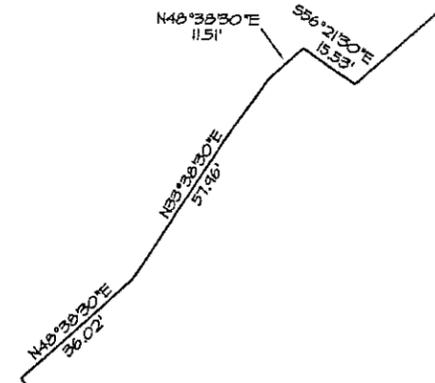


**NOTES:**

- 1) BEARINGS ARE BASED ON THE SOUTHEASTERLY LINE OF THE PARCEL DESCRIBED HEREON, HAVING A RADIAL BEARING OF S. 47°45'58" W, ASSUMED MERIDIAN.
- 2) UNDERGROUND IMPROVEMENTS, IF ANY, WERE NOT LOCATED.
- 3) INTERIOR IMPROVEMENTS, IF ANY, AS SHOWN.
- 4) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP OR ANY OTHER INSTRUMENT OF RECORD BY THIS FIRM.
- 5) CERTIFICATION LIMITED TO PARTIES NAMED HEREON.
- 6) THE LANDS SHOWN HEREON APPEAR TO LIE WITHIN ZONE 'X' & 'A' AREAS AS PER THE NATIONAL FLOOD INSURANCE PROGRAMS FLOOD INSURANCE RATE MAP (FIRM), PANEL 154 OF 150, MAP NUMBER 1206410054 E, EFFECTIVE DATE, DECEMBER 18, 2012.
- 7) REPRODUCTIONS OF THIS PLAT ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 8) BOUNDARY INFORMATION SHOWN HEREON HAS BEEN TAKEN FROM SITE PLAN PREPARED BY PARKER & GRANT, JOB NO. 86028, DATED, 3-7-06. THIS IS NOT A BOUNDARY SURVEY. ADDITIONAL IMPROVEMENTS EXIST, NOT SHOWN AT CLIENT'S OR HIS/HER AGENT'S REQUEST.

**ABBREVIATIONS:**

- N = NORTH
- S = SOUTH
- E = EAST
- W = WEST
- FD = FOUND
- RLS = REGISTERED LAND SURVEYOR
- LB = LICENSED BUSINESS
- CONC. = CONCRETE
- ELEC. = ELECTRIC
- TV = TELEVISION
- Δ = DELTA
- R = RADIUS
- L = LENGTH
- C = CHORD
- CB = CHORD BEARING



**CURVE-1**  
 $\Delta = 00^\circ56'38''$   
 $R = 11359.20'$   
 $L = 187.13'$   
 $C = 187.13'$   
 $CB = N41^\circ44'44''W$

**CURVE-2**  
 $\Delta = 00^\circ56'38''$   
 $R = 11059.20'$   
 $L = 182.21'$   
 $C = 182.21'$   
 $CB = S41^\circ44'44''E$

**DESCRIPTION:**  
 FOR A POINT OF BEGINNING, BEGIN AT SOUTHWEST CORNER OF LOT 430, ORANGE BLOSSOM GARDENS UNIT 4, AS RECORDED IN PLAT BOOK 26, PAGE 55, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE S. 41°21'30" E, 183.52 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 11059.20 FEET; THENCE SOUTHEASTERLY ALONG AND WITH THE ARC OF SAID CURVE, A CHORD BEARING AND DISTANCE OF S. 41°44'44" E, 182.21 FEET; THENCE S. 41°44'44" W, RADIAL 300.00 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 11359.20 FEET; THENCE NORTHWESTERLY ALONG AND WITH THE ARC OF SAID CURVE, A CHORD BEARING AND DISTANCE OF N. 41°44'44" W, 187.13 FEET; THENCE N. 41°21'30" W, 232.65 FEET; THENCE N. 48°38'30" E, 36.02 FEET; THENCE N. 33°38'30" E, 57.56 FEET; THENCE N. 48°38'30" E, 11.51 FEET; THENCE S. 56°21'30" E, 15.33 FEET; THENCE N. 48°38'30" E, 15.47 FEET; THENCE S. 41°21'30" E, 18.33 FEET; THENCE N. 48°38'30" E, 35.00 FEET TO THE POINT OF BEGINNING.

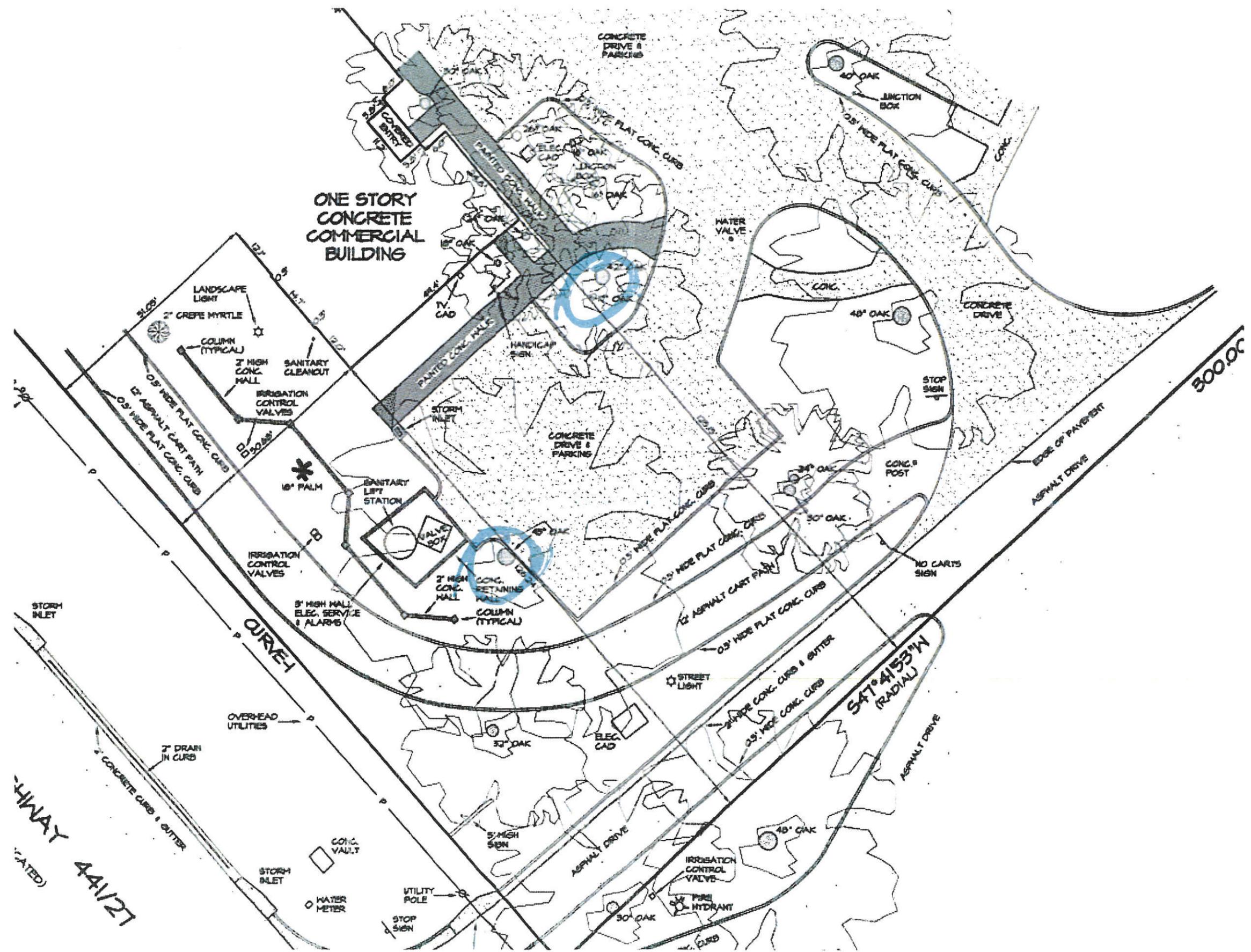


**CERTIFICATION:**  
 I HEREBY CERTIFY THAT THIS SURVEY AND PLAT CONFORMS TO THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-11, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 412.021, FLORIDA STATUTES.

DOUGLAS G. WADE  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA CERTIFICATE NO. 4685

PHONE 352/733-6511	FAX 352/733-6374
<b>WSI</b> PROFESSIONAL SURVEYING & MAPPING WADE SURVEYING, INC. LP-6314	
1508 TRACY AVENUE	LARY LAKE, FLORIDA 32839
<b>PARTIAL HORIZONTAL AS-BUILT SURVEY</b> certified to: <b>BURNSED OFFICE PARK</b>	
DATE OF FIELD SURVEY: 06/06/14	DATE OF THIS PLAT: 07-18-24
SCALE OF DRAWING: 1" = 20'	DATE OF THIS PLAT: 14-322
A PARCEL OF LAND LYING SOUTHWESTERLY OF ORANGE BLOSSOM GARDENS, UNIT 4, PLAT BOOK 26, PAGES 55 & 56, LAKE COUNTY, FLORIDA.	

DATE	R.W.R.	DATE	06/09/14
BY	V.C.	REVISION NO.	D-0489
NO.	24474114-02	SHEET	1 OF 1







**LADY LAKE** PLANNING & ZONING BOARD  
LADY LAKE, FLORIDA 32709

This Property Will Be Considered For

**VARIANCE**

Petition No. 2014-002  
 Petitioner: Barbara L. Westbrook et al  
 Present Zone: Residential (RS)  
 Action Requested: Review of the Historic  
TRUCK

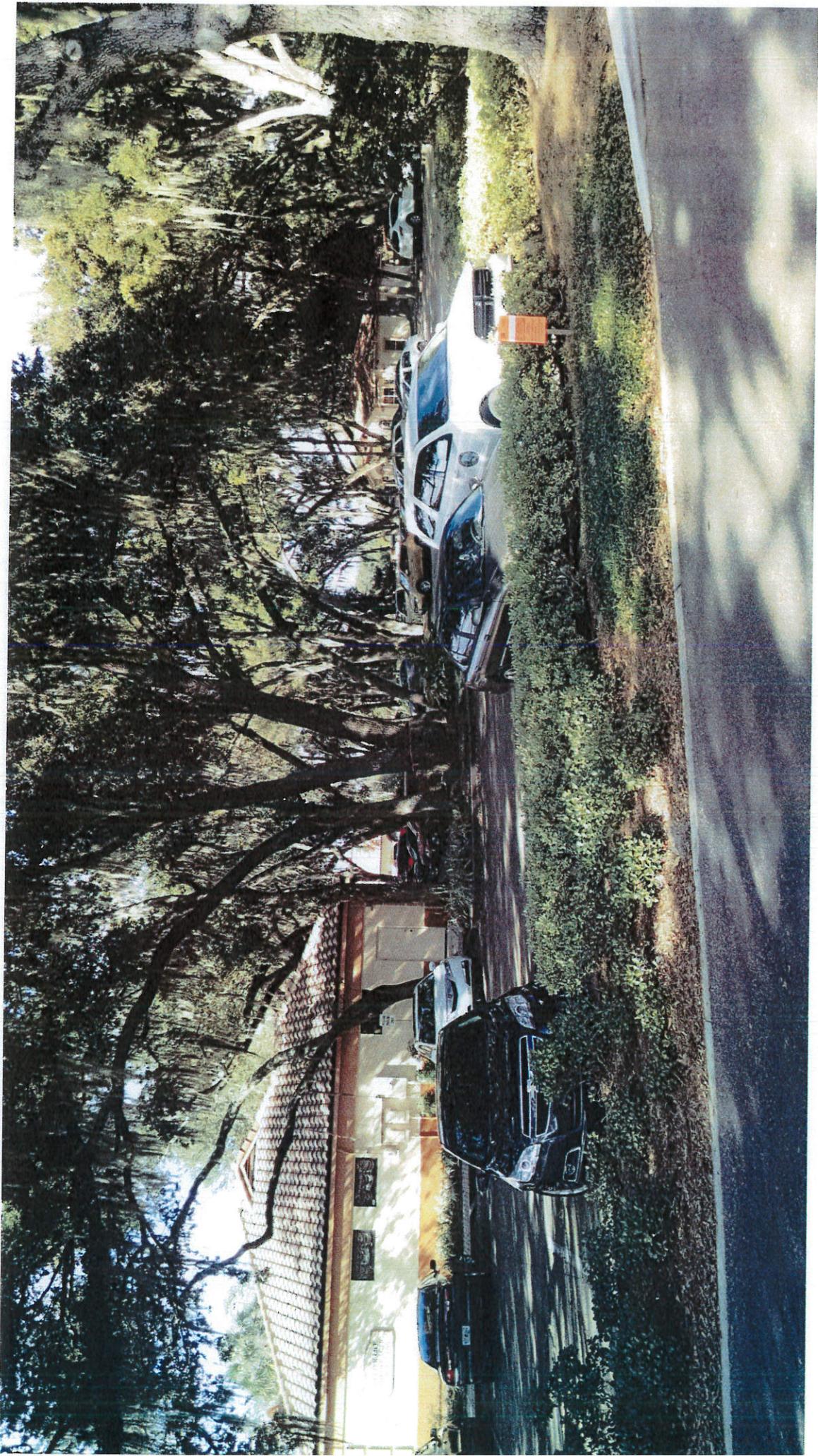
Will be heard in the Town Hall  
 Commission Chambers at  
 400 Forest Blvd., Lady Lake, Florida

Planning & Zoning: Monday, December 8, 2014  
5:30 pm

Commission Meeting: N/A

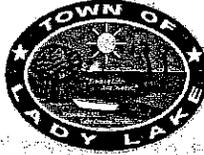
Commission Meeting: Monday, December 15, 2014  
6:00 pm

FOR INFORMATION: 754-1511









**SPECIAL TOWN COMMISSION – CONCEPTUAL WORKSHOP AGENDA ITEM**

**REQUESTED MEETING DATE: November 18, 2014**

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**SUBJECT:** Resolution 2014-102 - Conceptual Presentation of alternative Historic Tree removals for the Plaza Professional Center (AK 3808678), tabled from May 5, 2014 meeting.

**DEPARTMENT:** GROWTH MANAGEMENT

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**STAFF RECOMMENDED MOTION:**

Staff is not providing a recommendation at this time as to which alternative should be pursued, as a formal application has not been filed for the request. Further, both proposals require a variance; therefore, which tree or trees should be removed would be the discretion of the Town Commission and how they would rather see the property developed. Given the many trees that do exist in the office park and the effort made to find an alternative, staff does recommend that one option be chosen for tree removal.

---

**SUMMARY**

At this time the property owners, Brian W. Warwick, Janet R. Varnell, and Ellen Robards, have submitted an alternative proposal for the development of a new building in the Plaza Professional Center, which proposes the removal of two (2) historic trees. In lieu of the prior proposal to remove one historic tree, the property owners have elected to propose a change of the location of the building which requires the removal of a 45" Live Oak and a 42" Live Oak. The owners also reassessed the size of the prior tree finding that it is a tree with a 60" diameter.

At this time, Mr. Warwick on behalf of the other property owners is seeking direction as to whether he should resume the application for Resolution 2014-102, for the removal of one (1) historic tree; or, if he should proceed with the alternative proposal for two (2) historic trees. At this time, documentation is limited regarding the new proposal, as a formal application again has not been filed. Mr. Warwick has stated that he intends to summarize his alternative proposal and exhibit photos of the alternative trees at the meeting on November 18, 2014. The tree locations have been provided in the packet.

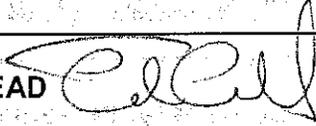
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FISCAL IMPACT: \$ 0

- Capital Budget
- Operating
- Other

ATTACHMENTS:  Ordinance(s)  Resolution  Budget Resolution  
 Other  
 Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD



Submitted

11/12/14

Date

FINANCE DEPARTMENT

Approved as to Budget Requirements

Date

TOWN ATTORNEY

Approved as to Form and Legality

Date

TOWN MANAGER



Approved Agenda Item for:

11/19/18

Date

11/12/1

 BOARD ACTION:

CONSENSUS TO MOVE FORWARD 3-1 (RICHARDS)

Approved as Recommended  Disapproved

Tabled Indefinitely

Continued to Date Certain

Approved w/Modification

CC: THAD - G.M.

*It was the consensus of the Commission that they were in favor of advancement of the Pain & Spine Centers of Florida MJSP 08/14-002, with a Tier 1 traffic study, as presented.*

**5. Conceptual Presentation of the Texas Roadhouse Proposal of a New High Turnover (Sit-Down) Restaurant of 281 Seats with Approximately 7,163 Sq. Ft. of Building**

This item was tabled to a meeting in December at the applicant's request.

**6. Resolution No. 2014-102 – Conceptual Presentation of Alternative Historic Tree Removals for the Plaza Professional Center – Tabled from the May 5, 2014 Meeting (Thad Carroll)**

Growth Management Director Thad Carroll gave the background summary from the agenda item cover sheet which is on file in the Town Clerk's office. He stated that the property owners, Brian W. Warwick, Janet R. Varnell, and Ellen Robards, have submitted an alternative proposal for the development of a new building in the Plaza Professional Center, which proposes the removal of two historic trees. Mr. Carroll stated that in lieu of the prior proposal to remove one historic tree, the property owners have elected to propose a change of the location of the building which requires the removal of a 45" live oak and a 42" live oak as they are too close to the golf cart path. The owners also reassessed the size of the prior tree finding that it is a tree with a 60" diameter.

Mr. Carroll stated that at this time, the property owners are seeking direction as to whether they should resume the application for Resolution No. 2014-102 for the removal of one historic tree, or if they should proceed with the alternative proposal for two historic trees. Documentation is limited regarding the new proposal, as a formal application again has not been filed. He stated that Janet Varnell is present today to summarize the owners' alternative proposal and exhibit photos of the alternative trees. The tree locations have been provided in the packet.

Ms. Varnell introduced herself, and her mother, Ellen Robards. She stated that her husband presented at the last meeting and at that time, the newspapers represented them as tree killers when they applied to remove the one large historic tree. Ms. Varnell explained that she and her family have lived in the area all her life and are stewards of the environment, and have shepherded the forests and wildlife in the area and have tried to preserve trees on their 42 acre horse farm, which includes 10 acres of the state wildflower and 30 undisturbed acres. She stated that ten years ago, she and her husband, and her mother, purchased this lot and they had a buyer who wanted to build a medical office on the property a few months ago. Ms. Varnell passed photos of different views of the property to the Commissioners, as well as the property nearest La Plaza Grande, pointing out where the new, smaller 2,700 sq. ft. building is proposed to be built. She stated the original proposal was for a 4,300 sq. ft. building, but now they are proposing to break it up into two parcels and save the largest historic tree, but take down two smaller historic trees. Ms. Varnell stated that her sister, Fran Dann-Akin, has now found another buyer which is why they have come back to the Commission.

Mayor Kussard asked for clarification on the pictures of which trees are being proposed to be taken down, and this was clarified.

Commissioner Richards asked why the building is not being built on the several thousand sq. ft. of clear area on the property.

Ms. Varnell stated it was her understanding that it was a parking issue.

Ed Abshier of Abshier Engineering stated that this piece did not have enough parking and this was the only area which allowed sufficient parking. He pulled out a set of plans from 1990 showing parking in the area.

Commissioner Richards stated that the Commission reviews requests for parking waivers all the time, and he wondered why the building was not being built in the clear area rather than parking spaces as the parking could be dove-tailed around the building, etc. He stated that with thousands of square feet of open land, he does not see why the historic trees need to be taken down.

Mr. Abshier stated that at the last meeting, the Commission suggested there could be a reduction in parking, but that there is not enough room to put sufficient parking elsewhere on the property, as only 14 spaces plus one golf cart space could fit, and they would be about 25 spaces short if the building was put in the clear area.

Commissioner Richards stated he does not see the need for that much parking.

Ms. Varnell replied that the area has changed over the years, and there has been greater occupancy of the buildings in the area, and parking will be an issue. She stated she wants to be a good neighbor and make sure there is sufficient parking even though they are selling the property, because it could be dangerous without it and if it was installed in amongst the trees. Ms. Varnell read from the ordinance regarding historical trees where it states that they must do what they can to preserve them, but not that they cannot take them out. She stated they have gone above and beyond to do what it took to save the trees by having plans drawn and re-drawn, having lost buyers, and she asked that the Commission not make them lose this sale.

*It was the consensus of the Commission that they were in favor of advancement of the Conceptual Presentation of Alternative Historic Tree Removals for the Plaza Professional Center as presented, with the exception of Commissioner Richards who was not in favor.*

Ms. Varnell asked for clarification of the consensus.

Mayor Kussard replied that currently the vote was 3 to 1 in favor of moving forward, and even if Commissioner Hannan voted against it, the vote would still be 3 to 2 in favor to move forward.

Ms. Varnell thanked the Commission very much, stating she would be happy to do anything necessary to address any questions regarding parking before the final Town Commission meeting.

~~6. ADJOURN: There being no further discussion, the meeting was adjourned at 3:32 p.m.~~

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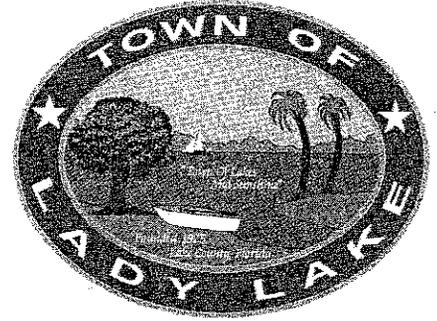
Kristen Kollgaard, Town Clerk

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Ruth Kussard, Mayor

Municipal Complex, 409 Fennell Boulevard, Lady Lake, Florida 32159 USA

352-751-1500 FAX 352-751-1510 www.ladylake.org



November 26, 2014

RE: Variance Resolution 2014-102 - Amended

Dear Property Owner:

This is to notify you that a revised application has been filed requesting a variance in accordance with the provisions of Chapter 10, Section 4(f) entitled Site Development and Tree Removal of the Lady Lake Land Development Regulations which states a resolution granting a variance must be authorized by the Planning and Zoning Board, and then, the Town Commission for the removal of a historic tree.

Applicant, Fran Dann-Akin, on behalf of property owners Brian W. Warwick, Janet R. Varnell, and Ellen Robards, proposes the removal of a 45" live oak tree; and a 42" live oak tree to accommodate the construction of a new office building at the La Plaza Grande Professional Center Site. The applicant states that due to the fact that these historic trees lie directly within the proposed building pad, they are required to be removed. Additionally, the applicant has indicated that the proximity of the trees and their root structures to the building footprint will cause substantial harm to the trees. Removing the concrete parking area that currently surrounds the trees at issue, digging the footings for the foundation and pouring the new slab over the root structure will damage existing roots and make the trees unstable and dangerous.

The general location of the property is 316 La Grande Blvd., within the La Plaza Grande Professional Center (Alternate Key 3808678) within the town limits of the Town of Lady Lake, Florida.

Public hearing dates on the petitions are scheduled for the following dates:

PLANNING AND ZONING BOARD- Monday, December 8, 2014 at 5:30 p.m.

COMMISSION MEETING- Monday, December 15, 2014 at 6:00 p.m.

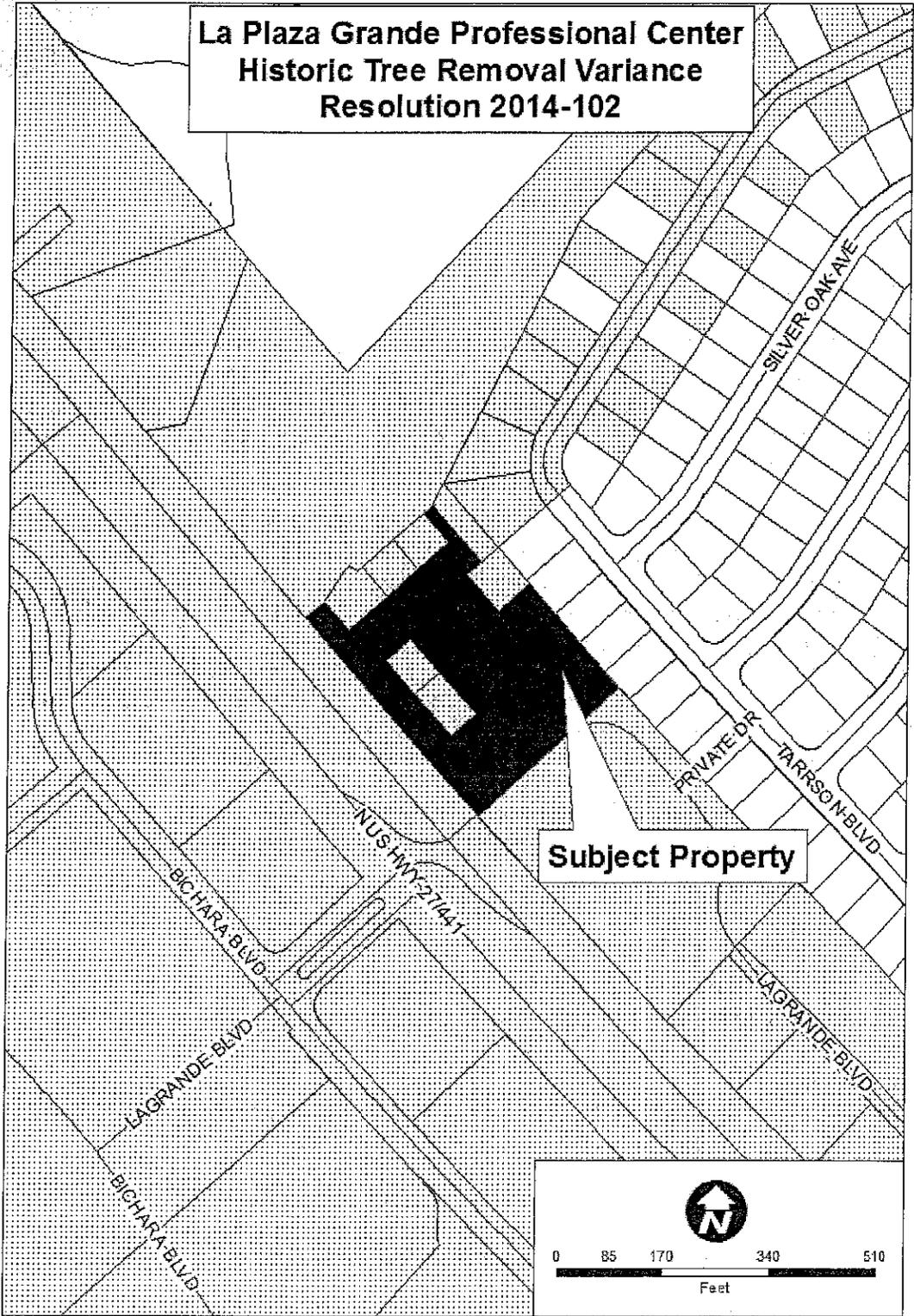
You are invited to attend these public hearings to be held in the Town Hall Commission Chambers, 409 Fennell Boulevard, Lady Lake, Florida. The petitions may be inspected at Town Hall during regular business hours in the Growth Management Department.

Any person wishing to appeal a decision of this public body should ensure themselves that a verbatim record of the proceedings is made. If you have any questions regarding this matter, please call Town Planner Wendy Then at (352) 751-1582 or via email at [WThen@ladylake.org](mailto:WThen@ladylake.org).

Sincerely,

Thad Carroll, AICP  
Growth Management Director

**La Plaza Grande Professional Center  
Historic Tree Removal Variance  
Resolution 2014-102**



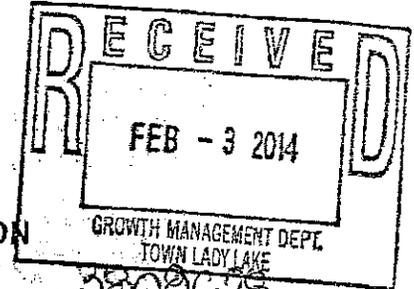
**Subject Property**



0 85 170 340 510

Feet

TOWN OF LADY LAKE  
HISTORIC TREE VARIANCE APPLICATION



3808678

Tax Identification # C20=069

1. Owner's name: Brian Warwick, Janet Warwick, Ellen Edwards  
Mailing Address: 20 La Plaza Grande Blvd., The Villages, FL  
Telephone/Email: 352-753-8600
2. Applicant's Name: Fran Dann-Akin  
Mailing Address: Foxfire Realty  
127 Hwy 27/441, Lady Lake, FL 32159  
Telephone/Email: 352-266-7795 Fran@VillagesCommercialProperties.com
3. Contact Person for Posting: Fran Dann-Akin  
Mailing Address: Foxfire Realty  
127 Hwy Hwy 27/441, Lady Lake, FL 32159  
Telephone/Email: 352-266-7795 Fran@VillageCommercialProperties.com
4. Applicant is: Owner:  Agent  Purchaser  Lessee  Optionee
5. Property Address/Location: 00 La Plaza Grande Blvd, The Villages  
32159
6. Legal Description: See Attached
7. The variance requested is as follows: Removal of trees as indicated  
in tree survey.
8. The variance is necessary for the following reasons: Insureability  
and safety of perspective building.
9. Is your situation due to unique circumstances not created by you or your predecessor in title? Explain such circumstances: Yes.  
Tree was in existance prior to development of  
Burnsed Office Park. This is the last remaining  
parcel to be built on, which is why this tree has  
not previously been removed, despite the maturity  
of the tree over the last 27 years. This tree  
was not contemplated in the original site plan.  
Therefore owner should not be unfairly burdened  
with the costs and risks occasioned by this tree.

10. Do special conditions and circumstances exist which are peculiar to your land or structure and which are not applicable to other lands or structures in the same district? Explain such conditions or circumstances: yes

The tree in question would hang directly over any structure to be built. Initial surveys ~~by~~ have indicated tree would be a risk

11. Would literal interpretation of the provisions of the Code deprive you of rights commonly enjoyed by other property owners in the same district? Explain such rights: yes

It would prevent the land owners from building on property as originally contemplated by the site development plan of 3-17-86.

12. A variance, as requested, will not permit, establish or enlarge any use or structure that is not permitted in the district. Does your request meet this criterion?

Yes

13. Have any land use applications been filed within the last year in connection with this property? Yes  No. If yes, briefly describe the nature of the request:

This application must be accompanied by proof of ownership and authorization from the owner, if represented by an agent or contract purchaser. It must also include a drawing showing the exact locations and dimensions of all existing and proposed buildings and additions, required setbacks, existing easements and clearly delineate the specific variance requested.

I certify that the statements in this application are true to the best of my knowledge.

Fran Dann-Akin

Fran Dann-Akin

Signature of Applicant

PLEASE SUBMIT THE APPLICATION, ACCOMPANIED BY THE APPROPRIATE REVIEW FEES AND FORTY-TWO (42) COPIES OF ALL APPLICABLE INFORMATION DOCUMENTATION AS REQUIRED BY THE LADY LAKE LAND DEVELOPMENT REGULATION, ADOPTED AUGUST 15, 1994 TO THE GROWTH MANAGEMENT DEPARTMENT. ADDITIONAL COPIES OF APPLICATION AND PLANS WILL BE REQUIRED PRIOR TO CONSIDERATION AT THE PLANNING AND ZONING BOARD AND TOWN COMMISSION MEETINGS.

Office Use:

Date Application Received: 02-3-2014

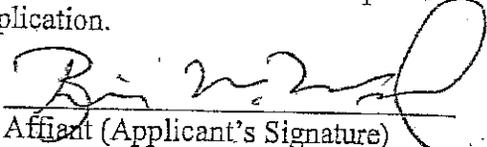
Received by: WThen

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF LAKE

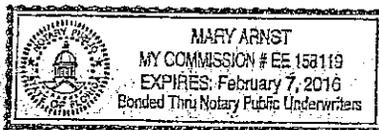
Before me, the undersigned authority personally appeared Brian Warwick, who being by me first duly sworn on oath, deposes and says:

- (1) That he affirms and certifies that he understands and will comply with all ordinances, regulations, and provisions of the Town of Lady Lake, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the Town of Lady Lake, Florida, and are not returnable.
- (2) That he desires approval for:  
Tree Variance
- (3) That the submittal requirements for the application have been completed and attached hereto as part of this application.

  
Affiant (Applicant's Signature)

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of January, 2014, by Brian Warwick who is personally known to me or who has produced personally known as identification and who did (did not) take an oath.

Mary Arnst  
Notary Public

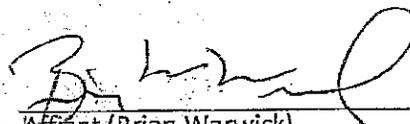


OWNER'S AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF LAKE

Before me, the undersigned authority personally appeared Brian Warwick, Janet R. Varnell and Ellen Robards, who being by me first duly sworn on oath, deposes and says:

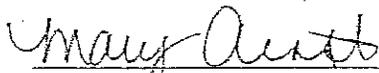
- (1) That he is the fee-simple owner of the property legally described on page one of this application.
- (2) That he desires approval for: Historic Tree Removal Variance.
- (3) That he has appointed Fran Dann-Akin to act as agent in his behalf to accomplish the above. The Owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his stead.

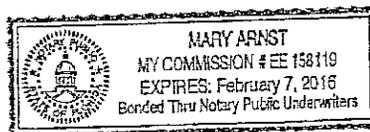
  
Affiant (Brian Warwick)

  
Affiant (Janet R. Varnell)

  
Affiant (Ellen Robards)

The foregoing instrument was acknowledged before me this 20 day of January 2014, by Brian Warwick, Janet Varnell and Ellen Robards who is personally known to me or who has produced as identification and who did (did not) take an oath.

  
Notary Public



NOTE

All applications shall be signed by the owner of the property, or some person duly authorized by the owner to sign. This authority authorizing a person other than the owner to sign must be attached.

GFN: 2004142683  
Bk 02684 Pgs 0022 - 23; (3pgs)  
DATE: 10/26/2004 09:34:59 AM  
JAMES C. WATKINS, CLERK OF COURT  
LAKE COUNTY  
RECORDING FEES 27.00  
DEED DOC 1,505.00

This Document Prepared By and Return to:  
Robert Q. Williams  
Williams, Smith & Summers, P.A.  
380 West Alfred Street  
Tavares, FL 32778

Parcel ID Number: 07-18-24-0001-000-02300

# Warranty Deed

This Indenture, Made this 21st day of October, 2004 A.D. Between Kenneth F. Cohn, D.D.S.

of the County of Lake, State of Florida, grantor, and Brian W. Warwick and Janet R. Varnell, husband and wife, as to an undivided one-half (1/2) interest, and Ellen R. Robards, a single woman, as to an undivided one-half (1/2) interest, with the two one-half (1/2) interests being held as joint tenants with right of survivorship whose address is: 20 La Grande Boulevard, The Villages, FL 32159

of the County of Lake, State of Florida, grantees.

Witnesseth that the GRANTOR, for and in consideration of the sum of -----TEN DOLLARS (\$10)----- DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEEES and GRANTEEES' heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Lake, State of Florida to wit: See Exhibit "A" attached hereto.

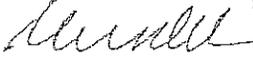
Neither grantor nor anyone dependent upon grantor resides upon the subject real property, which does not constitute the homestead of grantor within the meaning of the laws and constitution of the State of Florida.

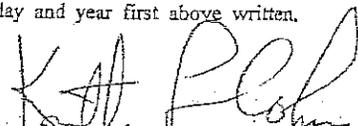
Transferred herewith to Grantee is the right to construct improvements on the property in the amount not previously used in the construction of a building transferred to Ross M. Valdez, as Trustee of the Ross M. Valdez Family Trust under trust dated February 18, 1998, hereafter "Valdez" and recorded in O.R. Book 2062, Page 0158, Public Records of Lake County, Florida. These building rights were originally acquired by Grantor's Predecessor in title in the deed recorded in O.R. Book 1076, Page 632, Public Records of Lake County, Florida. the deed gave the Grantor therein the right to construct 7826 square feet in accordance with the Declaration of Restrictions recorded in O.R. Book 923, Page 858, Public Records of Lake County, Florida. Those rights were transferred to Grantor herein by Mesne conveyances. The building transferred to "Valdez" contained  
(Continued on Attached)

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

  
Printed Name: Robert Q. Williams

  
Kenneth F. Cohn, D.D.S. (Seal)

**Warranty Deed - Page 2**

Parcel ID Number: 07-18-24-0001-000-02300

approximately 3542 square feet, leaving the right to construct approximately 4284 square feet, which right is hereby transferred to Grantee, without warranty of any kind, including, without limitation, any warranty as to the exact number of square feet being transferred.

*EXHIBIT A*

PARCEL "1":  
COMMENCE AT THE MOST SOUTHERLY CORNER OF LOT 457 OF ORANGE BLOSSOM GARDENS, UNIT 4, AS RECORDED IN PLAT BOOK 26, PAGE 55, IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN THENCE S.41 21'30"E. 75.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING CONTINUE S.41 21'30"E. 38.32 FEET TO THE BEGINNING OF A CURVE CONCAVED NORTHEASTERLY AND HAVING A RADIUS OF 11,059.20 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 56'38" AN ARC LENGTH OF 182.19 FEET; THENCE S.47 41'53"W. 300.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27/441, SAID POINT BEING ON A CURVE CONCAVED NORTHEASTERLY AND HAVING A RADIUS OF 11,359.20 FEET AND A RADIAL BEARING OF S.47 41'53"W.; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHEASTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 00 56'38" AN ARC LENGTH 187.13 FEET TO THE END OF SAID CURVE; THENCE N.41 21'30"W. ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE 232.65 FEET; THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE RUN N.48 38'30"E. 36.02 FEET; THENCE S.41 21'30"E. 60.00 FEET; THENCE N.48 38'30"E. 208.93 FEET; THENCE N.41 21'30"W. 60.02 FEET; THENCE N.48 38'30"E. 20.12 FEET; THENCE S.41 21'30"E. 119.33 FEET; THENCE S.48 38'30"W. 30.00 FEET; THENCE S.41 21'30"E. 75.00 FEET; THENCE N.48 38'30"E. 65.00 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT PARCEL "2" DESCRIBED AS FOLLOWS: A TRACT OF LAND SITUATED IN THAT PART OF GOVERNMENT LOT 3, SECTION 7, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LYING NORTHEAST OF U.S. HIGHWAY NO. 27/441 (200 FEET WIDE), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY CORNER OF LOT 457, ORANGE BLOSSOM GARDENS, UNIT NO. 4, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 26, PAGES 55 AND 56, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE RUN S.48 38'30"W. ALONG A PROJECTION OF THE SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 457 A DISTANCE OF 199.00 FEET; THENCE S.41 21'34"E. 17.32 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, CONTINUE S.41 21'34"E. 70.50 FEET; THENCE S.48 38'26"W. 50.84 FEET; THENCE N.41 21'34"W. 70.50 FEET; THENCE N.48 38'26"E. 50.84 FEET TO THE POINT OF BEGINNING, ALSO LESS PARCEL "3" DESCRIBED AS FOLLOWS: A TRACT OF LAND SITUATE IN THAT PART OF GOVERNMENT LOT 3, SECTION 7, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LYING NORTHEAST OF U.S. HIGHWAY NO. 441/27 (200 FEET WIDE), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY CORNER OF LOT 457, ORANGE BLOSSOM GARDENS, UNIT NO. 4, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 26, PAGES 55 AND 56, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN S.48 38'30"W. ALONG A PROJECTION OF THE SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 457, A DISTANCE OF 199.00 FEET; THENCE S.41 21'34"E., 87.82 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, CONTINUE S.41 21'34"E., 86.50 FEET; THENCE S.48 38'26"W., 50.84 FEET; THENCE N.41 21'34"W., 86.50 FEET; THENCE N.48 38'26"E., 50.84 FEET TO THE POINT OF BEGINNING

### Property Record Card

#### General Information

Alternate Key:	3808678	Parcel:	07-18-24- 000100002300
Owner Name:	WARWICK BRIAN W ET AL	Millage:	00LL (Lady Lake) : 17.6629
Owner Address:	20 LA GRANDE BLVD LADY LAKE, FL 32159	Property Location:	LADY LAKE FL 32159

**Legal Description:**

FROM S'LY COR OF LOT 457 ORANGE BLOSSOM GARDENS UNIT 4 PB 26 |  
 PG 55, RUN S 41-21-30 E 75 FT FOR POB, CONT S 41-21-30 E |  
 38.32 FT TO THE BEGINNING OF A CURVE CONCAVE NE'Y & |  
 HAVING A |  
 RADIUS OF 11059.20 FT, THENCE SE'LY ALONG THE ARC OF |  
 SAID |  
 CURVE THRU A CENTRAL ANGLE OF 0-56-38, AN ARC |  
 LENGTH OF |  
 182.19 FT, THENCE S 47-41-53 W 300 FT TO A POINT ON |  
 NE'LY |  
 RW LINE OF US HWY 441, SAID POINT BEING ON A CURVE |  
 CONCAVED |  
 NE'LY & HAVING A RADIUS OF 11359.20 FT & A RADIAL |  
 BEARING OF |  
 S 47D-41-53 W, THENCE NW'LY ALONG THE ARC OF SAID |  
 CURVE & |  
 SAID NE'LY RW LINE THRU A CENTRAL ANGLE OF 0-56-38, |  
 AN ARC |  
 LENGTH OF 187.13 FT TO THE END OF SAID CURVE, THENCE |  
 N |  
 41-21-30 W ALONG SAID NE'LY RAW LINE 232.65 FT, N 48-38- |  
 30 E |  
 36.02 FT, S 41-21-30 E 60 FT, N 48-38-30 E 208.93 FT, N |  
 41-21-30 W 60.02 FT, N 48-38-30 E 20.12 FT, S 41-21-30 E |  
 119.33 FT, S 48-38-30 W 30 FT, S 41-21-30 E 75 FT, N |  
 48-38-30 E 65 FT TO POB--LESS FROM S'LY COR OF LOT 457 |  
 ORANGE BLOSSOM GARDENS UNIT 4 RUN S 48-30-30 W 199 |  
 FT, S |  
 41-21-34 E 17.32 FT FOR POB, CONT S 41-21-34 E 157 FT, S |  
 48-38-26 W 50.84 FT, N 41-21-34 W 157 FT, N 48-38-26 E 50.84 |  
 FT TO POB-- |  
 ORB 2684 PG 22 |

#### Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Just Value
1	VACANT COMMERCIAL (1000)	0	0		4284	SF	\$0.00	\$155,081.00
2	VACANT COMMERCIAL (1000)	0	0		89203.09	SF	\$0.00	\$9.00

#### Miscellaneous Improvements

There is no improvement information to display.

#### Sales History

O.R. Book / Page	Sale Date	Instrument	Q/U	Vac./Imp.	Sale Price
<u>2062 / 175</u>	1/18/2002	WD	Q	V	\$126,000.00
<u>2684 / 22</u>	10/21/2004	WD	Q	V	\$215,000.00
<u>3715 / 549</u>	8/2/2008	QC	M	V	\$100.00

**Value**

<b>Total Just Value:</b>	=	\$155,090.00
<b>Assessed Value:</b>	=	\$155,090.00
<b>Total Exempt Value:</b>	=	\$0.00
<b>Total Taxable Value:</b>	=	\$155,090.00
<b>Millage Rate:</b>	=	0.0176629
<b>Base Ad-Valorem Tax:</b>	=	\$2,739.35
<b>Non-Exempt School Levies:</b>	=	\$0.00
<b>Estimated Ad-Valorem Tax:</b>	=	\$2,739.35

\* The just values are NOT certified values and therefore are subject to change before being finalized for ad valorem assessment purposes. The amounts shown may not include all exemptions. The estimated tax totals do not reflect Non-Ad Valorem assessments. (Fire Fees, Solid Waste, etc.) Please consult the Tax Collector for actual taxation amounts.

**Truth In Millage (TRIM) Notice**

- Notice of Proposed Property Taxes & Proposed or Adopted Non-Ad Valorem Assessments