

ORDINANCE NO. 23-32

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO RYE CROSSING COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; AMENDING THE BOUNDARIES OF THE DISTRICT PURSUANT TO SUBSECTION 190.046(1), FLORIDA STATUTES, BY ADDING APPROXIMATELY 152.30 ACRES OF LAND; AMENDING SUBSECTION 2-8-79 OF THE MANATEE COUNTY CODE OF ORDINANCES TO DESCRIBE THE AMENDED BOUNDARIES OF THE DISTRICT AS EXPANDED; PROVIDING FOR RELIANCE UPON REPRESENTATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature has enacted and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

**WHEREAS**, a community development district serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law, specifically Chapter 190, Florida Statutes, for the use and enjoyment of the general public, and only property owners within the district are assessed through the district for these improvements within the district boundaries; and

**WHEREAS**, Subsection 190.046(1), Florida Statutes, authorizes the Board of County Commissioners to adopt an ordinance granting a petition for amendment expanding the boundaries of a community development district established by county ordinance; and

**WHEREAS**, Rye Crossing Community Development District ("District") has been created by law and established pursuant to Manatee County Ordinance No. 22-38, adopted on May 5, 2022, effective as filed with the Secretary of State of Florida on May 9, 2022; and

**WHEREAS**, Ordinance No. 22-38 described the boundaries of the District, which included approximately 39.65 acres of land; and

**WHEREAS**, based on the information provided by the District board of supervisors, the District is active and in good legal standing, and the Board of County Commissioners of Manatee County, Florida ("Board"), has relied thereon in adopting this Ordinance; and

**WHEREAS**, the District board of supervisors (“Petitioner”) has filed a petition with the Board to adopt an ordinance amendment expanding the boundaries of the District pursuant to Subsection 190.046(1), Florida Statutes; and

**WHEREAS**, the petition designated approximately 152.30 acres of land to be added to the District, as described therein; and

**WHEREAS**, pursuant to Paragraph 190.046(1)(g), Florida Statutes, as amended, the filing of the petition for ordinance amendment by the Petitioner constitutes consent of the landowners within the District; and

**WHEREAS**, Nancy E. Rutland, an individual, and Thomas H. Rutland, an individual, are the owners of approximately 152.297 acres of land proposed to be added to the District and have consented in writing to the addition of said lands to the District; and

**WHEREAS**, the Board has conducted a public hearing on the petition in accordance with the requirements and procedures of Paragraph 190.046(1)(b) and Section 125.66, Florida Statutes, as amended; and

**WHEREAS**, the Board has considered the record of the public hearing and the factors set forth in Paragraph 190.005(1)(e), Florida Statutes, as amended, in making its determination to grant or deny the petition for ordinance amendment expanding the boundaries of the District; and

**WHEREAS**, the Board has relied upon the representations made in the petition and other documents attached thereto as exhibits in adopting this Ordinance; and

**WHEREAS**, the District established under Ordinance No. 22-38, as amended by this ordinance, as an independent special district and a local unit of special purpose government and shall continue to be governed by Chapter 190, Florida Statutes, and all other applicable federal, state, and local laws within the amended boundaries described and depicted in **Exhibit “A,”** attached hereto and incorporated herein; and

**WHEREAS**, amendment of the boundaries of the District will protect, promote, and enhance the public health, safety, and welfare of the County and its inhabitants, including the inhabitants of the District.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:**

Section 1. Legislative findings. The Board of County Commissioners of Manatee County, Florida, hereby adopts the “WHEREAS” clauses stated above as legislative findings in support of this Ordinance.

Section 2. Authority. This Ordinance is adopted pursuant to Paragraph 190.046(1)(b) and Section 125.66, Florida Statutes, as amended, and other applicable provisions of law governing county ordinances.

Section 3. Intent and purpose. It is the intent and purpose of this Ordinance to amend the boundaries of the District pursuant to Chapter 190, Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws.

Section 4. Expanding of boundaries. The boundaries of the District are hereby expanded pursuant to Subsection 190.046(1), Florida Statutes, by adding approximately 152.297 acres of land to the geographic boundaries and control of the District and expanding the boundaries of the District to a total of approximately 191.950 acres of land, are described and depicted in **Exhibit "A."**

Section 5. Amending Subsection 2-8-79 of the Manatee County Code of Ordinances. Subsection 2-8-79 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-8-53. Rye Crossing Community Development District.

(b) *Boundaries.* The boundaries of the district are described in the metes and bounds description attached to Ord. No. 22-38 as **Exhibit "A."**

Section 6. Reliance upon representations. The expansion of the boundaries of the District is specifically based upon the representations made in the Petition to Amend Manatee County Ordinance No. 22-38 to amend the external boundaries District through expansion dated August 26, 2022, signed by Christian Cotter, chairman of the District, which was filed with Manatee County, Florida, and is attached hereto as **Composite Exhibit "B."**

Section 7. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 5 of this Ordinance into the Code.

Section 8. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 9. Effective date. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.


**PASSED AND ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 2<sup>nd</sup> day of February in 2023



**BOARD OF COUNTY  
COMMISSIONERS OF MANATEE  
COUNTY, FLORIDA**

By:   
Chairperson

**ATTEST: ANGELINA COLONESSO, CLERK  
OF THE CIRCUIT COURT AND  
COMPTROLLER**

By:  Deputy Clerk

# EXHIBIT "A" SHEET 1 OF 2

IN SECTION 13 TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.  
DESCRIPTION & SKETCH  
(THIS IS NOT A FIELD SURVEY)

## LEGAL DESCRIPTION (RYE CROSSING CDD)

(PREPARED BY THE UNDERSIGNED SURVEYOR)

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS;  
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE ALONG THE EAST LINE OF SAID SECTION 13, N.00°41'24"E., 1700.89' TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2511, PAGE 7743, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID LANDS, N.88°25'41"W., 2745.38' TO THE POINT OF BEGINNING OF LAND BEING DESCRIBED: THENCE CONTINUE N.88°25'41"W., 1751.63' TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF NORTH RYE ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 1648, PAGE 6963, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (BEING A VARIABLE WIDTH PUBLIC RIGHT OF WAY), SAID POINT ALSO BEING ON A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 3869.72' AND A DELTA ANGLE OF 02°54'40", WHOSE CHORD BEARS N.01°43'42"E.; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHERLY AND COUNTER CLOCKWISE DIRECTION, A DISTANCE OF 196.62'; THENCE LEAVING SAID CURVE ON A NON TANGENT LINE, N.00°34'22"E., 203.52'; THENCE S.88°25'45"E., 1010.83'; THENCE N.02°25'57"E., 1091.57'; THENCE N.57°47'08"E., 423.72'; THENCE N.50°35'25"E., 538.88'; THENCE S.02°26'27"W., 2080.82' TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 1,727,204.79 SQUARE FEET, OR 39.65 ACRES, MORE OR LESS.

R.J. RHODES ENGINEERING, INC.  
STATE OF FLORIDA, LB NO. 6924

**STEVEN E.  
BURKHOLDER**

Digitally signed by STEVEN  
E. BURKHOLDER

Date: 2021.09.13 16:04:45  
-04'00'



BY: \_\_\_\_\_  
STEVEN E. BURKHOLDER, P.L.S., VICE PRESIDENT  
PROFESSIONAL LAND SURVEYOR, FLORIDA CERTIFICATE LS 4521

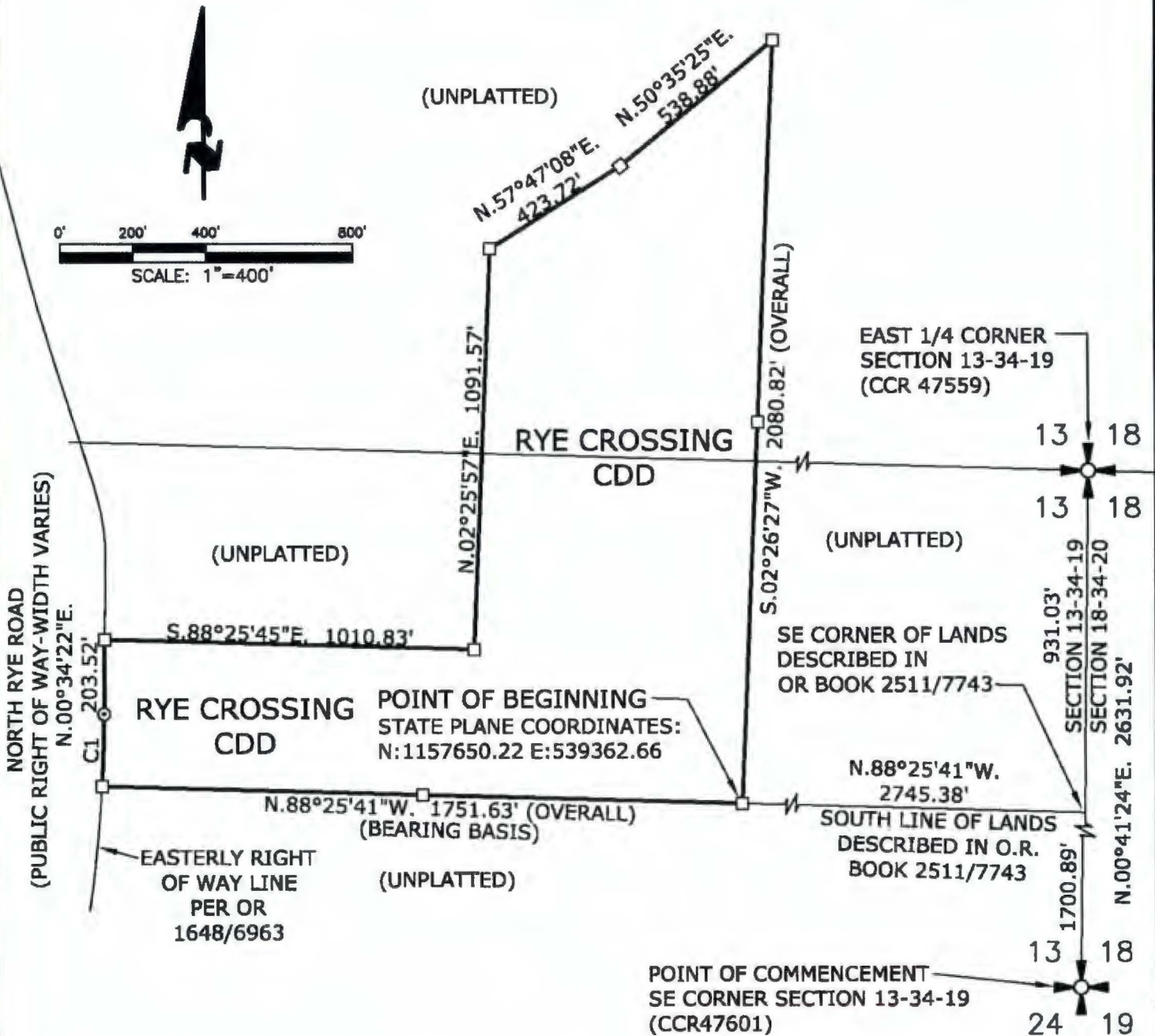
NOT FULL & COMPLETE NOR VALID UNLESS ACCOMPANIED BY SHEET 2 OF 2  
(THIS DOCUMENT HAS NOT BEEN AUTHORIZED NOR VALID UNLESS SIGNED IN INK WITH EMBOSSED SEAL AFFIXED HERETO, OR ACCOMPANIED BY AN AUTHENTICATED ELECTRONIC DIGITAL SIGNATURE & DATE, AND ANY COPIES OF THIS DOCUMENT ARE FOR INFORMATIONAL PURPOSES ONLY)  
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**R.J. RHODES ENGINEERING, INC.**  
FLORIDA LB #6924, FLORIDA EB#8120  
CIVIL ENGINEERING & SURVEYING  
325 INTERSTATE BOULEVARD SARASOTA, FL. 34240  
PHONE: 941-924-1600

# EXHIBIT "A" SHEET 2 OF 2

IN SECTION 13 TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.  
**DESCRIPTION & SKETCH**  
 (THIS IS NOT A FIELD SURVEY)

| CURVE | RADIUS   | DELTA ANGLE | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|----------|-------------|------------|--------------|---------------|
| C1    | 3869.72' | 2°54'40"    | 196.62'    | 196.60'      | N.01°43'42"E. |



**R.J. RHODES ENGINEERING, INC.**

FLORIDA LB #6924, FLORIDA EB#8120  
 CIVIL ENGINEERING & SURVEYING  
 325 INTERSTATE BOULEVARD SARASOTA, FL. 34240  
 PHONE: 941-924-1600

NOT FULL & COMPLETE NOR VALID  
 UNLESS ACCOMPANIED BY SHEET 1  
 OF 2

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LEGEND

- Official Records Book
Page(s)
Planned Road
Planned Concrete Monument
Concrete
Culvert
Culvert Dimension
Final Date Junction Blk.
Locust Business
Sign
Survey Power Pole
Cap Marker
Survey Stake
Downward Facing Arrow
Curved Corner Marker
Curved Corner Radius
Earpur Dimension
Dead Dimension

VICINITY MAP



NOT TO SCALE

(Lands of Thomas H. Rutland)
Description: (First American Title Insurance Company Consent for the Insurance Commitment Number: HCS-108108-CAS1)
The Land related to herein is shown as situated in the County of Manatee, State of Florida, and is described as follows:

PARCEL A
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 13 TOWNSHIP 34 SOUTH RANGE 18 EAST MANATEE COUNTY FLORIDA THENCE NORTH 00°00'00" WEST ALONG SAID EAST LINE OF SAID SECTION 13 A DISTANCE OF 100.00 FT. FOR A POINT OF BEGINNING THENCE CONTINUE NORTH 00°00'00" WEST ALONG SAID EAST LINE OF SECTION 13 A DISTANCE OF 1801.13 FT. THENCE S 89°12'00" W 874.00 FT. THENCE SOUTH 00°00'00" WEST ALONG SAID EAST LINE OF SECTION 13 A DISTANCE OF 148.21 FT. TO THAT CERTAIN PARCEL AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1834 PAGE 744. PUBLIC RECORDS OF MANATEE COUNTY FLORIDA THENCE S 77°02'12" W ALONG SAID NORTHERLY LINE A DISTANCE OF 823.17 FT. TO THE POINT OF BEGINNING BEING AND LYING IN SECTION 13 TOWNSHIP 34 SOUTH RANGE 18 EAST MANATEE COUNTY FLORIDA.

PARCEL B
EASEMENT RIGHTS FOR ACCESS SHOWN AS EXHIBIT 'B' AS CONTAINED IN THAT CERTAIN WARRANTY DEED BY AND BETWEEN ANDREW C. RUTLAND AND UNRECORDED WEDON AS GRANTOR AND THOMAS H. RUTLAND AS GRANTEE, FILED JUNE 13, 2007 RECORDED IN OFFICIAL RECORDS BOOK 3968 PAGE 7417, OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA.

(Lands of Andrew C. Rutland I, LLC)
Description: (First American Title Insurance Company Consent for the Insurance Commitment Number: HCS-108108S-CAS1)
The Land related to herein is shown as situated in the County of Manatee, State of Florida, and is described as follows:

PARCEL A
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 13 TOWNSHIP 34 SOUTH RANGE 18 EAST MANATEE COUNTY FLORIDA THENCE NORTH 00°00'00" WEST ALONG SAID EAST LINE OF SAID SECTION 13 A DISTANCE OF 100.00 FEET TO THE NORTHERLY LINE OF THAT CERTAIN PARCEL AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1834 PAGE 744. PUBLIC RECORDS OF MANATEE COUNTY FLORIDA FOR A POINT OF BEGINNING THENCE RUN THE FOLLOWING COURSE ALONG SAID NORTHERLY LINE 17 DEGREES 40 MINUTES 00 SECONDS WEST 3364.48 FEET THENCE N 89 DEGREES 18 MINUTES 18 SECONDS WEST 82.30 FEET THENCE N 81 DEGREES 40 MINUTES 40 SECONDS WEST 100.00 FEET THENCE S 89 DEGREES 18 MINUTES 18 SECONDS WEST 100.00 FEET TO THE INTERSECTION WITH THE EASTERN RIGHT-OF-WAY OF RYE ROAD THENCE RUN THE FOLLOWING COURSE ALONG SAID EASTERN RIGHT-OF-WAY N 10 DEGREES 33 MINUTES 53 SECONDS EAST 180.17 FEET THENCE 10 DEGREES 40 MINUTES 00 SECONDS EAST 100.00 FEET TO THE POINT OF BEGINNING BEING AND LYING IN SECTION 13 TOWNSHIP 34 SOUTH RANGE 18 EAST MANATEE COUNTY FLORIDA.

LESS AND EXCEPT
PARCEL A
ANDREW C. RUTLAND, LLC PARCEL (D.R. 1788, Pg. 6846)

PARCEL B
A PARCEL OF LAND LYING IN SECTION 13 TOWNSHIP 34 SOUTH RANGE 18 EAST MANATEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 13 THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID SECTION 13 A DISTANCE OF 100.00 FEET FOR A POINT OF BEGINNING THENCE CONTINUE NORTH 00°00'00" WEST ALONG SAID EAST LINE OF SECTION 13 A DISTANCE OF 1801.13 FT. THENCE SOUTH 00°00'00" WEST ALONG SAID EAST LINE OF SECTION 13 A DISTANCE OF 148.21 FT. TO THAT CERTAIN PARCEL AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1834 PAGE 744. PUBLIC RECORDS OF MANATEE COUNTY FLORIDA THENCE S 77°02'12" W ALONG SAID NORTHERLY LINE A DISTANCE OF 823.17 FT. TO THE POINT OF BEGINNING BEING AND LYING IN SECTION 13 TOWNSHIP 34 SOUTH RANGE 18 EAST MANATEE COUNTY FLORIDA.

ADJACENT NOTES
1. Easements, rights-of-way and both base, easement, appurtenant and other similar matters from First American Title Insurance Company Consent for the Insurance Commitment Number: HCS-108108-CAS1 with an effective date of April 22, 2021 and issued by First American Title Insurance Company.

2. This survey is subject to all other valid improvements, rights and near the boundaries thereon as shown herein, and that nothing herein is intended to prejudice any such improvements, rights and near the boundaries thereon, unless so indicated.

3. Bearings shown herein are based on the East boundary of the Northeast 1/4 of Section 13, Township 34 South, Range 18 East, Manatee County, Florida, having a true bearing of S 07°47'17" W, 2011, and issued by the Florida Engineering Management Agency. Lines shown herein from adjacent unrecorded lots are shown herein only as the State Plane Coordinate System. North American Horizontal Datum of 1983 (NAD 83) (2011 Adjustment) for the State Plane of Florida.

4. This survey is intended to be depicted at 1" = 200' or smaller.

5. All dimensions unless otherwise noted are survey dimensions.

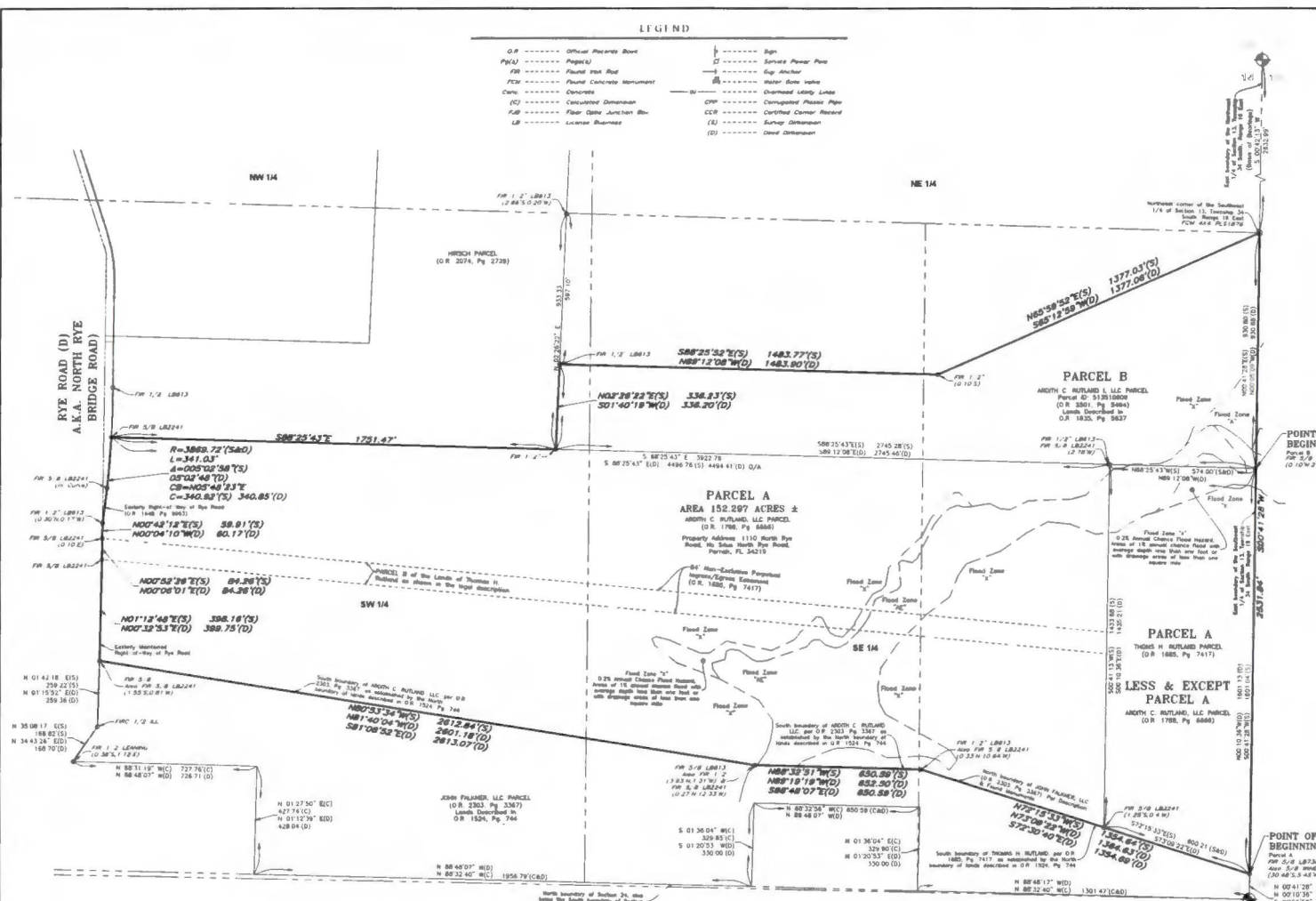
6. Additions or Deletions to survey are subject to the approval of the surveyor or parties as prohibited without the written consent of the surveying party or parties.

7. The subject parcel lies in Flood Zones "A", "AP" and "X" according to Flood Insurance Rate Maps. Map No. 130602118E to Manatee County Community Map 130118, Manatee County, Florida, dated March 17, 2014 and issued by the Florida Engineering Management Agency. Lines shown herein from adjacent unrecorded lots are shown herein only as the State Plane Coordinate System. North American Horizontal Datum of 1983 (NAD 83) (2011 Adjustment) for the State Plane of Florida.

8. Use of this survey for purposes other than intended, without written authorization, will be at the user's sole risk and without liability to the surveyor. Nothing herein shall be construed to give any rights or benefits to anyone other than those specified herein.

9. The Lands of Thomas H. Rutland, Parcel A and B are contiguous to the northern boundary lines and with the Florida Railroad as shown on Health Rye Bridge Road. There is a public right-of-way, including gas, water, telephone or power lines.

10. The Lands of Andrew C. Rutland I, LLC, Parcel A and B are contiguous to the southern boundary lines and with the Florida Railroad as shown on Health Rye Bridge Road. There is a public right-of-way, including gas, water, telephone or power lines.



SCHEDULE B - SECTION 8

(Lands of Thomas H. Rutland)
First American Title Insurance Company
Paradise (d) Real Estate Group, Inc. a Division Company
Thomas H. Rutland
Legal-Insurance, P.A.
Lingary Law Firm, P.A.

Schedule B-4, Title Exception Notes (First American Title Insurance Company Consent for Title Insurance Commitment Number: HCS-108108-CAS1, dated April 22, 2021)

Notes 1 - 2: Not a Matter of Survey

Note 3: Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land (Refer to this Boundary Survey)

Notes 4 - 8: Not a Matter of Survey

(Lands of Andrew C. Rutland I, LLC)
First American Title Insurance Company
Paradise (d) Real Estate Group, Inc. a Division Company
Thomas H. Rutland
Legal-Insurance, P.A.
Lingary Law Firm, P.A.

Schedule B-4, Title Exception Notes (First American Title Insurance Company Consent for Title Insurance Commitment Number: HCS-108108S-CAS1, dated April 22, 2021)

Notes 1 - 2: Not a Matter of Survey

Note 4: Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land (Refer to this Boundary Survey)

Notes 4 - 8: Not a Matter of Survey

SURVEYOR'S CERTIFICATION

First American Title Insurance Company
Paradise (d) Real Estate Group, Inc. a Division Company
Thomas H. Rutland
Legal-Insurance, P.A.
Lingary Law Firm, P.A.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, duly promulgated and adopted by ALTA and NSPS, and estimates were 1: 2.3 x 10, 13.4 x 14 of table A thereof. The field work was completed on April 22, 2021.

GEORGETOWN SURVEYING, INC.

David A. Williams
Florida Professional Surveyor and Mapper # 6423

Table with columns: DATE, DESCRIPTION, AMOUNT. Includes entries for PROJECT: Rutland Property, PREPARED BY: ALTA and Limited Topographic, CHECKED BY: MGH, and other survey-related items.

SURVEYORS CERTIFICATION

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RECORDED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DATE OF LAST FIELD SURVEY: June 14, 2021

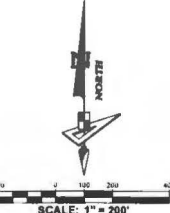
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RECORDED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

ALTA/NSPS Land Title Survey Boundary Survey PREPARED FOR: Fulestar LOCATED IN: Section 13, Township 34 S., Range 19 E. Manatee County, Florida

GeoPoint Surveying, Inc.

11116 Lake Street Tampa, Florida 33619 Phone: (813) 248-9068 Fax: (813) 248-2100 www.geopointsurveying.com License Number: 087564

SHEET NUMBER 01 OF 02



SCALE: 1" = 200'



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

February 2, 2023

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, FL 34206

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 23-32, which was filed in this office on February 2, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/rra