

**ORDINANCE NO. 19-10**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; AMENDING CHAPTER 2-23 OF THE MANATEE COUNTY CODE OF LAWS ESTABLISHING THE PALM AIRE MUNICIPAL SERVICE TAXING UNIT (MSTU) TO FUND LANDSCAPING SERVICES; DESCRIBING THE BOUNDARIES OF THE MSTU; AUTHORIZING THE ANNUAL LEVY OF AD VALOREM TAXES WITHIN SUCH MSTU TO PROVIDE FOR LANDSCAPING SERVICES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Pursuant to Article VIII, section I of the Florida Constitution, and sections 125.01 and 126.66, Florida Statutes, the Board of County Commissioners of Manatee County, Florida, has all powers of local self-government to perform county and municipal functions and to render services in a manner not inconsistent with general law, and such power may be exercised by the enactment of county ordinances and resolutions; and

**WHEREAS**, Section 125.01(1)(q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service taxing unit (“MSTU”) for any part or all of the unincorporated areas within its boundaries, within which the County may levy ad valorem taxes to provide essential facilities and municipal services, which includes landscaping services in County rights-of-way; and

**WHEREAS**, the owners of properties within the boundaries of the portion of the unincorporated area described herein (the “Palm Aire Area”) have historically indicated their support for the establishment of a MSTU to provide for the maintenance and upkeep of existing landscaping, and the replacement and enhancement of landscaping, along and located within County rights-of-way within the Palm Aire Area (the “Palm Aire MSTU”); and

**WHEREAS**, the County has historically operated the Palm Aire MSTU pursuant to Ordinance No. 02-50, and intends by adoption of this Ordinance to amend and restate in its entirety, and codify, Ordinance No. 02-50, to provide a more precise depiction of the boundaries of the Palm Aire MSTU; and

**WHEREAS**, it is in the best interest of the public health, safety and welfare of the County to establish the Palm Aire MSTU for the Palm Aire Area as provided in this Ordinance.

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in, Article VIII of the Florida Constitution and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. The findings contained in the recitals above are true and correct.
2. The purpose of this Ordinance is to create the Palm Aire MSTU to fund the cost of maintenance and upkeep of existing landscaping, and the replacement and enhancement of landscaping, along and located within County rights-of-way within the Palm Aire MSTU pursuant to Section 125.01(1)(q), Florida Statutes.
3. Such services constitute essential facilities and municipal services within the meaning of Section 125.01(1)(q), Florida Statutes.
4. The County has determined that certain costs associated with such landscaping services can be properly attributed to the Palm Aire Area based upon the location of the services, operations, and capital facilities provided.
5. Pursuant to Section 200.065(5), Florida Statutes, the maximum millage rate the County can adopt, including any millage levied within a municipal service taxing unit, absent a minimum supermajority vote is the rolled-back rate based upon the amount of taxes which would have been levied in the prior year if the maximum millage rate had been adopted, as adjusted for change in the per capita Florida personal income.
6. Chapter 2-23 of the Manatee County Code of Laws (the "Code") sets forth the MSTUs established within the County.
7. It is in the interest of the public health, safety and welfare to adopt the amendments to Chapter 2-23 of the Code, as set forth in this Ordinance, to establish the Palm Aire MSTU for the purposes stated herein.

Section 3. Amendment of Chapter 2-23 of the Code. Chapter 2-23 of the Code is hereby amended to add the provisions set forth in Exhibit I to this Ordinance.

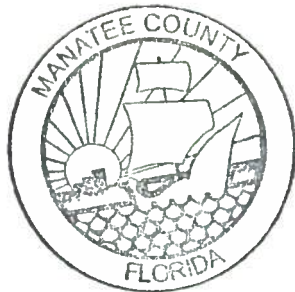
Section 4. Amendment and Restatement of Ordinance No. 02-50. This Ordinance amends and restates Ordinance No. 02-50 in its entirety, such that upon adoption of this Ordinance and enactment of the Code amendments set forth herein, the subject matter of this Ordinance shall be governed solely by this Ordinance and such Code amendments.

Section 5. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Code.

Section 6. 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 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 26<sup>th</sup> of February 2019.



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

By: Stephen R. Johnson  
Chairperson

**ATTEST: ANGEL COLONNESO  
Clerk of the Circuit Court  
and Comptroller**

By: Robin P. [Signature]  
Deputy Clerk

Exhibit I  
Amendment to Chapter 2-23  
Municipal Service Taxing Districts or Units  
Manatee County Code of Laws

**Sec. 2-23-49. – Palm Aire MSTU Established; boundaries.**

The Palm Aire Municipal Service Taxing Unit (“Palm Aire MSTU”) is hereby created and established consisting of the unincorporated area of the county described in Exhibit A.

**Sec. 2-23-50. - Governing body.**

The Board of County Commissioners shall serve as the governing body of the Palm Aire MSTU.

**Sec. 2-23-51. - Services which governing body may furnish unit.**

The governing body of the Palm Aire MSTU shall have the power and authority to cause to be provided or furnished within said unit services for the maintenance and upkeep of existing landscaping, and the replacement and enhancement of landscaping, along and located within County rights-of-way within the Palm Aire MSTU.

**Sec. 2-23-52. - Determination of governing body to furnish services.**

The governing body of the Palm Aire MSTU shall have the power and authority to make an annual determination as to the extent to which the above-identified municipal services are to be furnished by the county within the unit during the next fiscal year of the county and determine the amount which will be expended therefore by the county.

**Sec. 2-23-53. - Power of governing body to levy taxes accordingly.**

The governing body of the Palm Aire MSTU shall have the power and authority to make an annual determination of the amount of ad valorem taxes which must be levied and collected by the county within the unit to pay for all of the services as being or to be provided or furnished by the county within the unit.

**Sec. 2-23-54. - Power of governing body to appropriate funds, levy taxes, service charges, etc.**

The governing body of the Palm Aire MSTU shall have the power and authority to make annual appropriations of monies for the operation of the unit and for the providing or furnishing of the services by the county, and the power and authority to determine and levy ad valorem taxes, to the extent and in the manner authorized by law, solely within the unit for the purpose of providing and paying for said services.

**Sec. 2-23-55. - Accounting procedures.**

All taxes apportioned to, levied or collected within and expended for the benefit of the Palm Aire MSTU, shall be maintained and accounted for in separate accounts or funds for the unit, with proper accounting records maintained to identify all receipts expenditures and cash balances for the unit.

**Sec. 2-23-56. – Limitation on Amendments.**

Sections 2-23-49 through 2-23-55 and this section may be amended in accordance with the provisions of Chapter 125, Florida Statutes.

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Exhibit "A"  
Boundaries of Palm Aire MSTU

# Exhibit "A"

## Description and Sketch

(NOT A SURVEY)

Description: Palm-Aire Municipal Services Taxing Unit, being a portion of Sections 22, 27, 28, 33 & 34 in Township 35 South, Range 18 East, Manatee County, Florida, with all referenced Plats, Condominium Books, Road Plat and Official Records being recorded in the Public Records of said County, and being more specifically described as follows:

BEGIN at the Northwest corner of Lot 1 of the PALM-AIRE AT SARASOTA UNIT NO.7, PHASE IV, Plat Book 22, Page 197; thence easterly along the northerly boundaries of the following two (2) plats: (1) said PALM-AIRE AT SARASOTA UNIT NO.7, PHASE IV; (2) PALM-AIRE AT SARASOTA UNIT NO. 7, PHASES II & III, Plat Book 21, Page 177 to the easterly boundary of said PALM-AIRE AT SARASOTA UNIT NO. 7, PHASES II & III; thence southerly along the easterly boundary of said plat to the easterly boundary of PALM-AIRE AT SARASOTA UNIT NO. 7 PHASE I, Plat Book 20, Page 161; thence southerly and westerly along the easterly and southerly boundary of said PALM-AIRE AT SARASOTA UNIT NO. 7 PHASE I to the easterly right-of-way of WHITFIELD AVENUE recorded in Official Records Book 984, Page 257; thence southerly along said easterly right-of-way to the northerly boundary of FAIRWAY SIX, UNIT I, Plat Book 21, Page 135; thence easterly along the northerly boundaries of the following Plat and Condominium Book: (1) said FAIRWAY SIX, UNIT I; (2) WOODLAKE VILLAS AT PALM AIRE PHASES VI, VII & XI, Condominium Book 20, Page 131 to the westerly boundary of ARBOR LAKES "B", Plat Book 30, Page 59; thence southerly and easterly along the westerly and southerly boundary of said ARBOR LAKES "B" to the easterly line of said Section 27; thence southerly along said easterly line of Section 27 to the section corner common with said Sections 27, 26, 34 & 35; thence southerly along the easterly line of said Section 34 to the northerly right-of-way of UNIVERSITY PARKWAY, Road Plat Book 11, Page 22; thence westerly along said northerly right-of-way to the westerly boundary of PALM WEST, Plat Book 26, Page 9; thence northerly and easterly along the westerly and northerly boundary of said PALM WEST to the westerly boundary of ROSEWOOD AT THE GARDENS SECTION 1, Plat Book 24, Page 192; thence northerly and easterly along the westerly and northerly boundary of said ROSEWOOD AT THE GARDENS SECTION 1; thence easterly along the northerly boundaries of the following two (2) Condominium Books: (1) GARDENS AT PALM-AIRE COUNTRY CLUB, SECTION II, Condominium Book 19, Page 44; (2) GARDENS AT PALM-AIRE COUNTRY CLUB, SECTION I, Condominium Book 16, Page 109 to the westerly boundary of PALM AIRE AT SARASOTA UNIT 6, Plat Book 19, Page 199; thence northerly along the westerly boundary of said PALM AIRE AT SARASOTA UNIT 6 to the southerly boundary of a tract of land described in "EXHIBIT A" of a Warranty Deed in Official Records Book 2417, Page 4615; thence westerly and northerly along the southerly and westerly boundary of said parcel to the southerly boundary of DESOTO WOODS, Plat Book 30, Page 170; thence westerly and northerly along the southerly and westerly boundary of said DESOTO WOODS to the southerly boundary of PALM AIRE AT SARASOTA 7B, Condominium Book 7, Page 58; thence westerly along the southerly boundary of said PALM AIRE AT SARASOTA 7B to the southerly boundary of DESOTO PINES SUBDIVISION, Plat Book 22, Page 69; thence westerly along the southerly boundary of said DESOTO PINES SUBDIVISION to the easterly boundary of DESOTO LAKES COUNTRY CLUB COLONY UNIT 5, Plat Book 19, Page 40; thence southerly, westerly, and northerly along the easterly, southerly and westerly boundary of said DESOTO LAKES COUNTRY CLUB COLONY UNIT 5 to the southerly boundary of DESOTO LAKES COUNTRY CLUB COLONY UNIT 4, Plat Book 17, Page 67; thence westerly and northerly along the southerly and westerly boundary of said DESOTO LAKES COUNTRY CLUB COLONY UNIT 4 to the



Todd E. Boyle, RSM
   
 Florida Registered Professional Surveyor & Mapper, 6047
   
 Date: 10/19/2018

Description - Sheets 1 & 2  
 Key Map - Sheet 3  
 Sketch - Sheets 4 - 19

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 Palm Aire MSTU

Sheet: 1 OF 19

Sections 22, 27, 28, 33  
 & 34, Township 35 South  
 Range 18 East

Drawing Date: 10/10/18

# Exhibit "A"

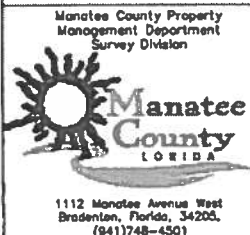
## Description and Sketch

(NOT A SURVEY)

southerly boundary of DESOTO LAKES COUNTRY CLUB COLONY UNIT 1 SECTION B, Plat Book 13, Page 14; thence westerly along the southerly boundaries of the following Plat and Official Record: (1) said DESOTO LAKES COUNTRY CLUB COLONY UNIT 1 SECTION B (2) "Reservation for Park" recorded in Official Records Book 1132, Page 3934 to the easterly right-of-way of LOCKWOOD RIDGE ROAD recorded in Official Records Book 1569, Page 5002; thence northerly along said easterly right-of-way to the northerly boundary of said "Reservation for Park"; thence easterly along the northerly boundaries of said "Reservation for Park" and said DESOTO LAKES COUNTRY CLUB COLONY UNIT 1 SECTION B to the westerly boundary of DESOTO LAKES COUNTRY CLUB COLONY UNIT 2 SECTION B, Plat Book 13, Page 42; thence northerly and easterly along the westerly and northerly boundary of said DESOTO LAKES COUNTRY CLUB COLONY UNIT 2 SECTION B to the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of Section 28; thence northerly along the easterly line of said Section 28 to the southerly boundary of NO.4 PALM-AIRE AT DESOTO LAKES COUNTRY CLUB APTS., Condominium Book 4, Page 53; thence westerly and northerly along the southerly and westerly boundary of said NO.4 PALM-AIRE AT DESOTO LAKES COUNTRY CLUB APTS. to the intersection of the westerly boundary of said plat and the easterly line of said Section 28; thence northerly along the easterly line of said Section 28 to the section corner common with said Sections 21, 22, 27 & 28; thence northerly along the westerly line of said Section 22 to the southerly right-of-way of the aforementioned WHITFIELD AVENUE; thence easterly along said southerly right-of-way to the Northwest corner of NO.9B PALM-AIRE AT SARASOTA, Condominium Book 9, Page 157; thence northerly to the Southwest corner of Lot 78 of the aforementioned PALM-AIRE AT SARASOTA UNIT NO.7, PHASE IV; thence northerly along the westerly boundaries of Lots 78, 6, 5, 4, 3, 2 & 1 of said plat to the POINT OF BEGINNING.

**Notes:**

1. This Description and Sketch does not certify of warranty: title, zoning, easements, or freedom of encumbrances.
2. Subject to easements, dedications and restrictions of record not provided to the surveyor and mapper.
3. Not valid without the signature and original raised seal of a Florida licensed surveyor & mapper. This is not a survey.



Description - Sheets 1 & 2  
 Key Map - Sheet 3  
 Sketch - Sheets 4 - 19

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 Palm Aire MSTU

Sheet: 2 OF 19

Sections 22, 27, 28, 33  
 & 34, Township 35 South  
 Range 18 East

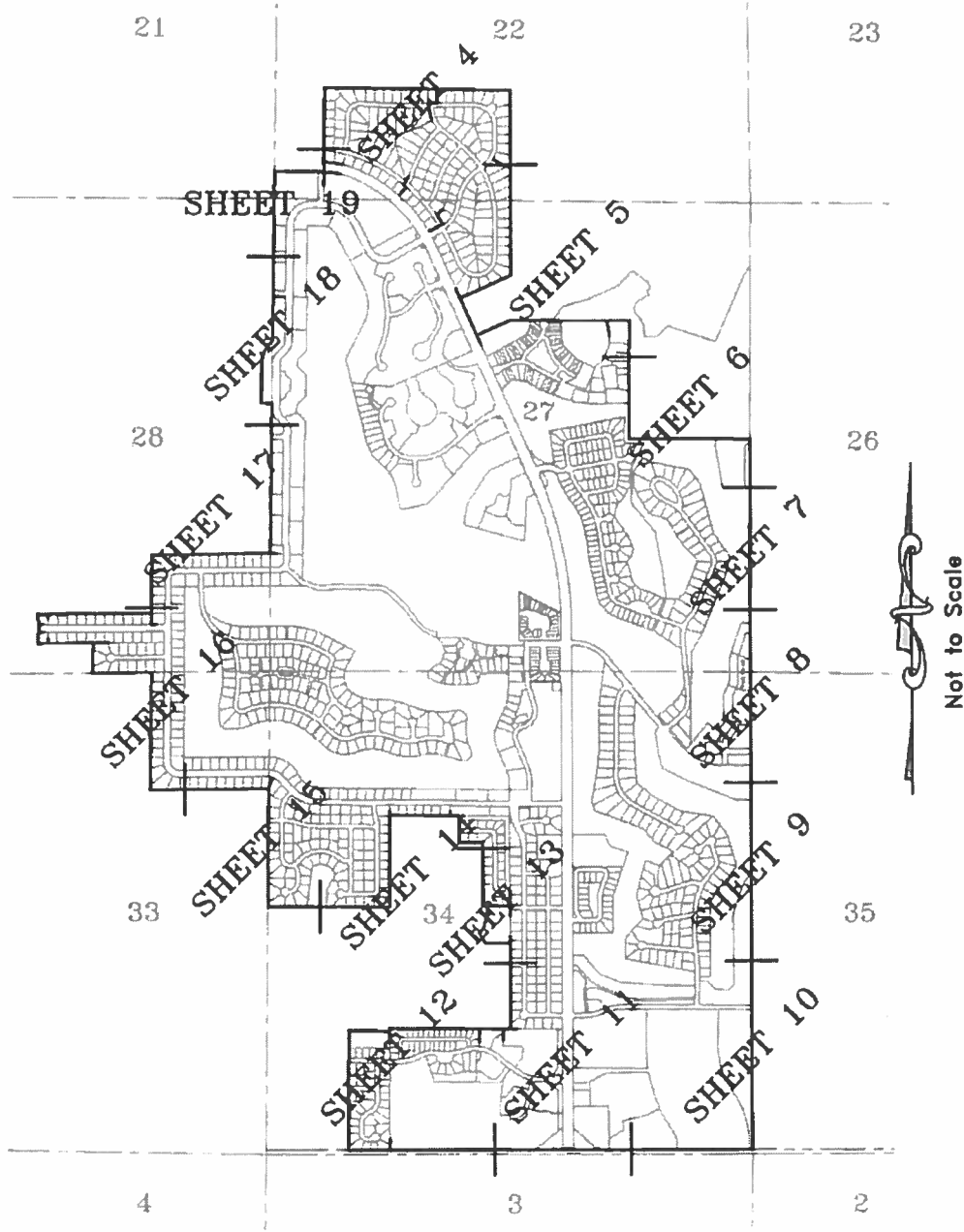
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# Exhibit "A"

## Description and Sketch

(NOT A SURVEY)



Not to Scale

Description - Sheets 1 & 2  
 Key Map - Sheet 3  
 Sketch - Sheets 4 - 19

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 Palm Aire MSTU

Sheet: 3 OF 19

Sections 22, 27, 28, 33  
 & 34, Township 35 South,  
 Range 18 East

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# Exhibit "A"

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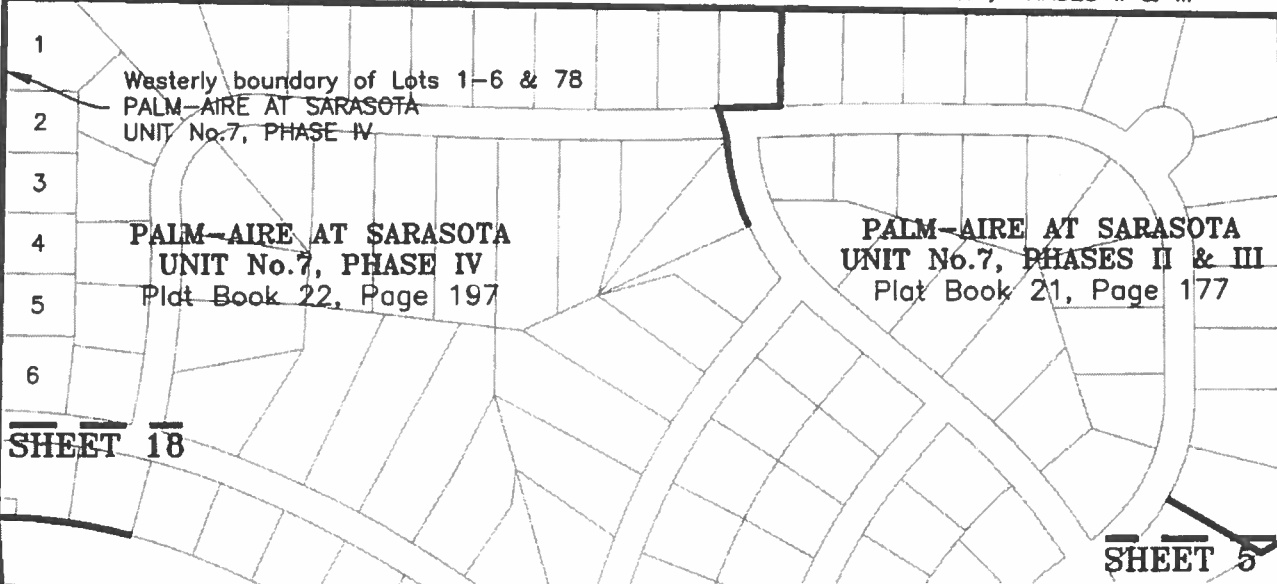


### POINT OF BEGINNING

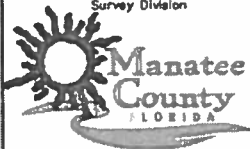
Northwest corner of Lot 1,  
PALM-AIRE AT SARASOTA  
UNIT No.7, PHASE IV

Northerly boundary of  
PALM-AIRE AT SARASOTA  
UNIT No.7, PHASE IV

Northerly boundary of  
PALM-AIRE AT SARASOTA  
UNIT No.7, PHASES II & III



Manatee County Property  
Management Department  
Survey Division



1112 Manatee Avenue West  
Bradenton, Florida, 34205,  
(941)748-4501

Description - Sheets 1 & 2  
Key Map - Sheet 3  
Sketch - Sheets 4 - 19

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Palm Aire MSTU

Sheet: 4 OF 19

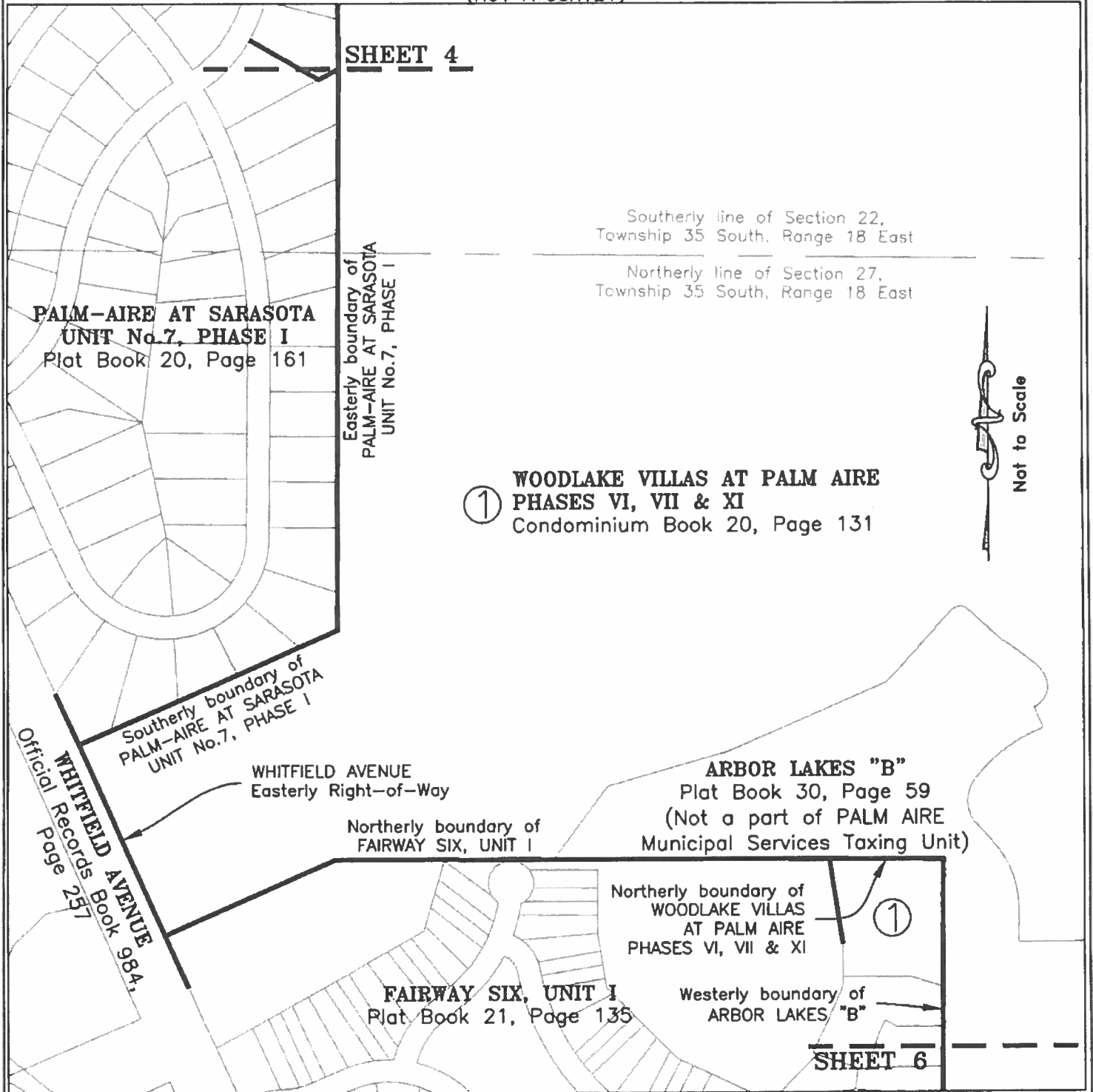
Sections 22, 27, 28, 33  
& 34, Township 35 South  
Range 18 East

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# Exhibit "A"

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① **WOODLAKE VILLAS AT PALM AIRE  
PHASES VI, VII & XI**  
Condominium Book 20, Page 131

Official Records, Page 257  
**WHITFIELD AVENUE**  
Book 984.

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Palm Aire MSTU

Sheet: 5 OF 19

Sections 22, 27, 28, 33  
& 34, Township 35 South,  
Range 18 East

Drawing Date: 10/10/18

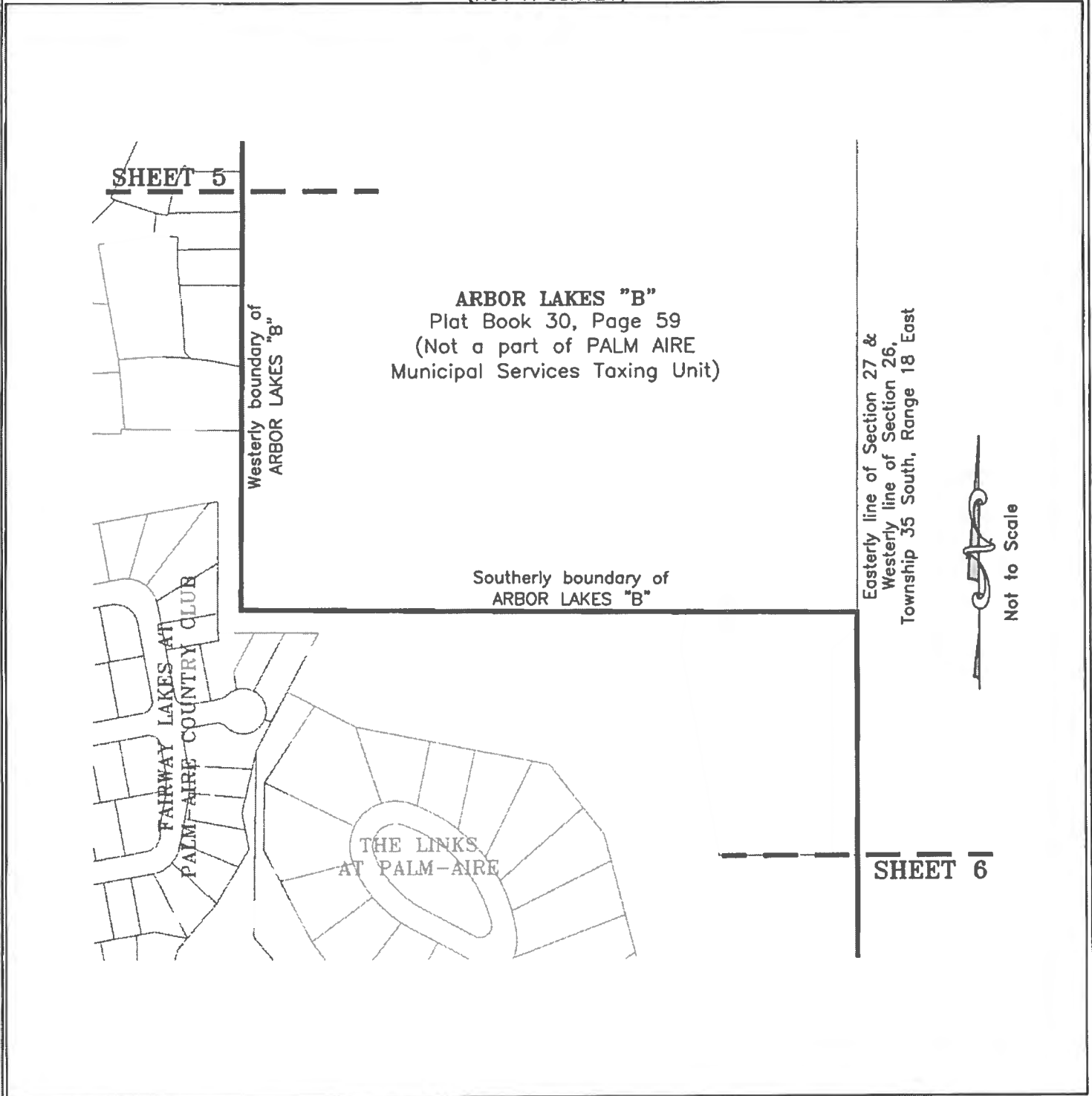
Description - Sheets 1 & 2  
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Sketch - Sheets 4 - 19



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Manatee County Property  
Management Department  
Survey Division



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Description - Sheets 1 & 2  
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Palm Aire MSTU

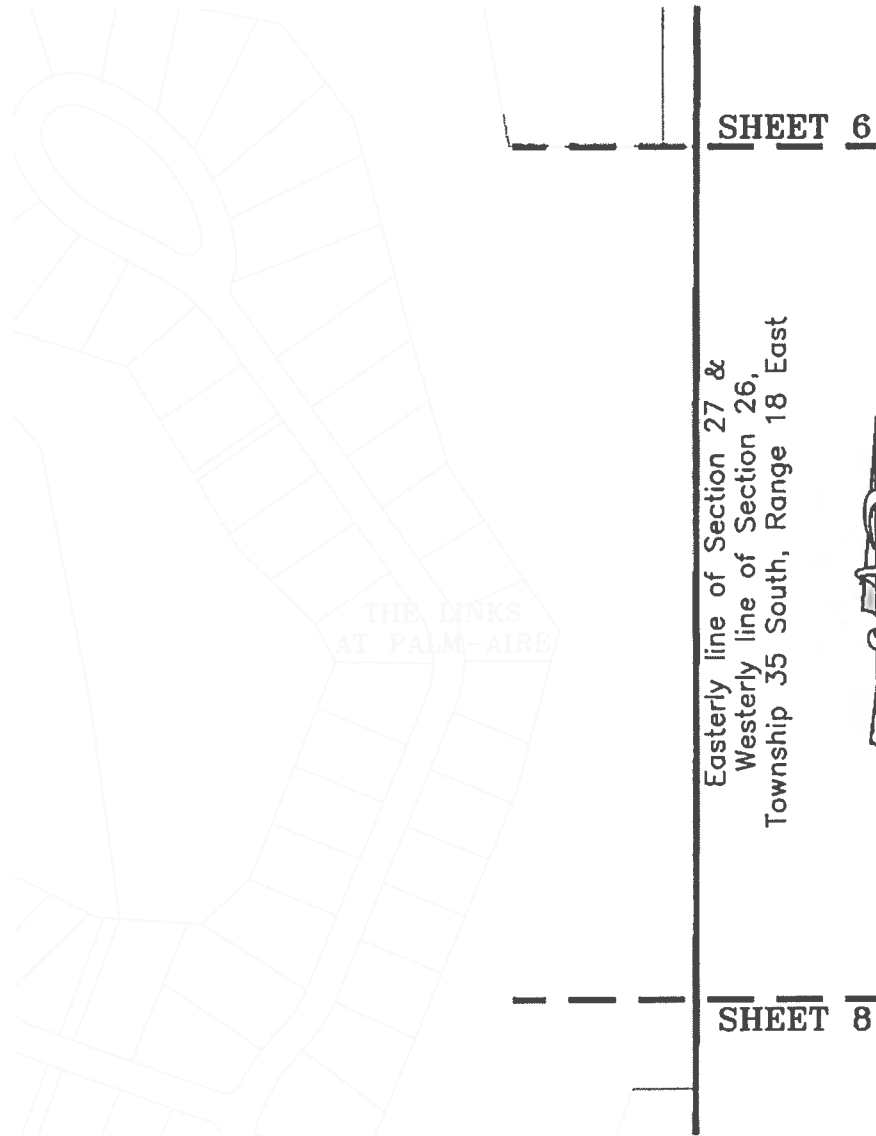
Sheet: 6 OF 19

Sections 22, 27, 28, 33  
& 34, Township 35 South,  
Range 18 East

Drawing Date: 10/10/18

# Exhibit "A" Description and Sketch

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THE LINKS  
AT PALM-AIRE

SHEET 6

Easterly line of Section 27 &  
Westerly line of Section 26,  
Township 35 South, Range 18 East

Not to Scale

SHEET 8

Manatee County Property  
Management Department  
Survey Division



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Description - Sheets 1 & 2  
Key Map - Sheet 3  
Sketch - Sheets 4 - 19

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Palm Aire MSTU

Sheet: 7 OF 19

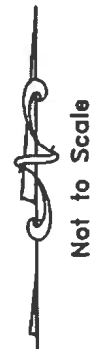
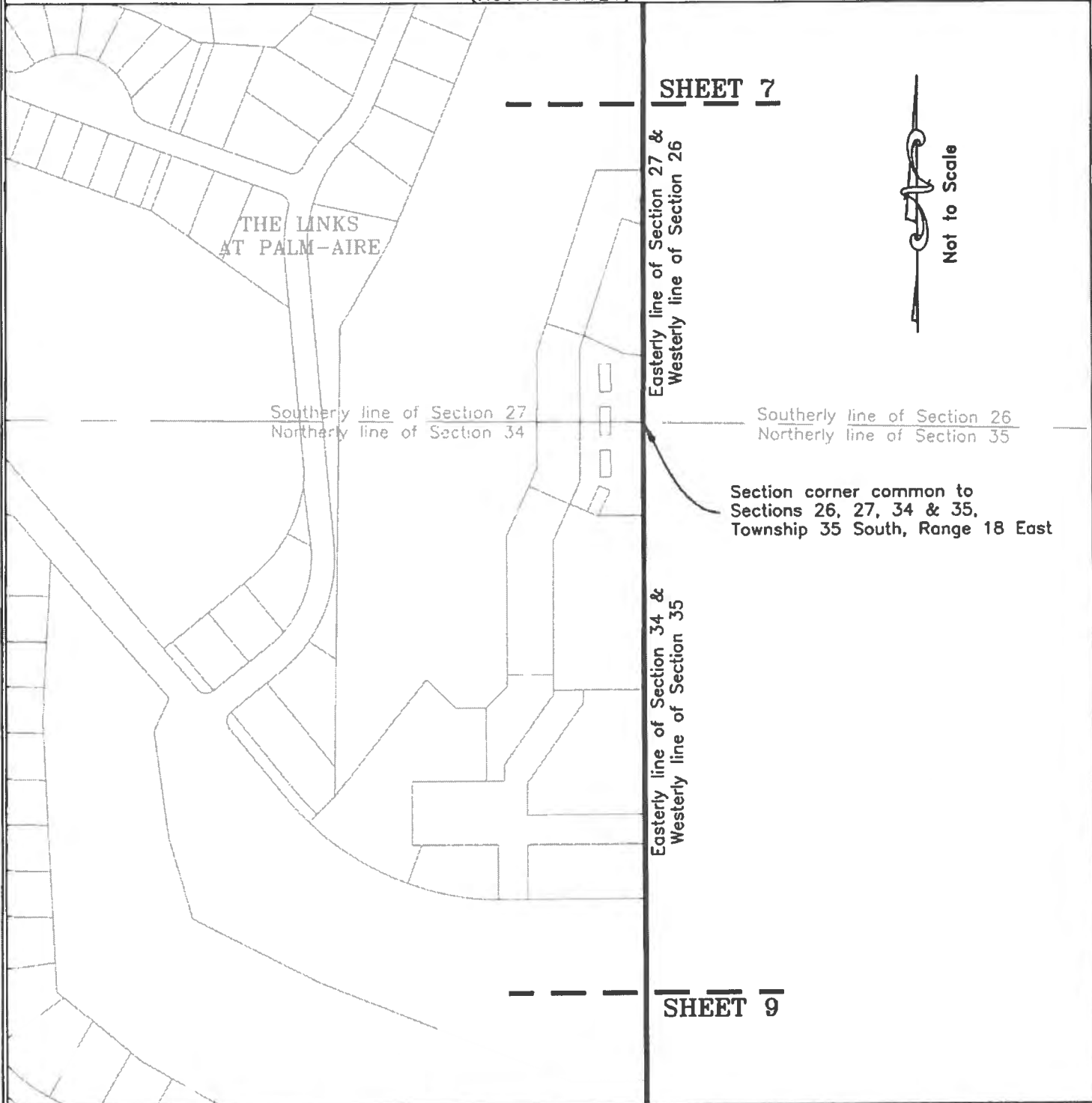
Sections 22, 27, 28, 33  
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Range 18 East

Drawing Date: 10/10/18

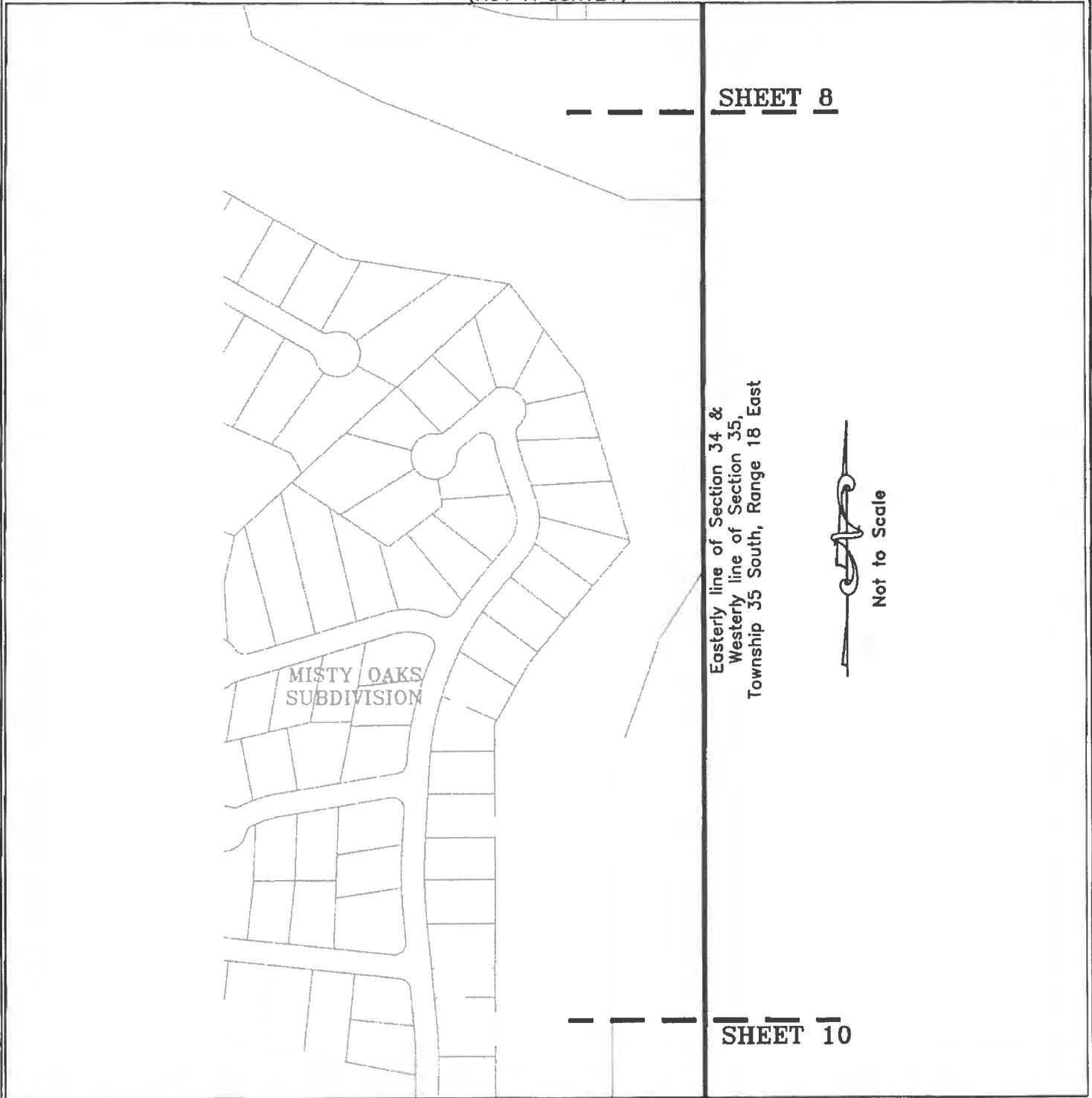
# Exhibit "A"

## Description and Sketch

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# Exhibit "A" Description and Sketch (NOT A SURVEY)



SHEET 8

Easterly line of Section 34 &  
Westerly line of Section 35,  
Township 35 South, Range 18 East



Not to Scale

SHEET 10

# Exhibit "A"

## Description and Sketch

(NOT A SURVEY)

**SHEET 9**

MISTY OAKS  
SUBDIVISION



Easterly line of Section 34 &  
Westerly line of Section 35,  
Township 35 South, Range 18 East

Northerly right-of-way of  
UNIVERSITY PARKWAY

**SHEET 11**

**UNIVERSITY PARKWAY**  
Road Plat Book 11, Page 22

Manatee County Property  
Management Department  
Survey Division



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Description - Sheets 1 & 2  
Key Map - Sheet 3  
Sketch - Sheets 4 - 19

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Palm Aire MSTU

Sheet: 10 OF 19  
Sections 22, 27, 28, 33  
& 34, Township 35 South  
Range 18 East

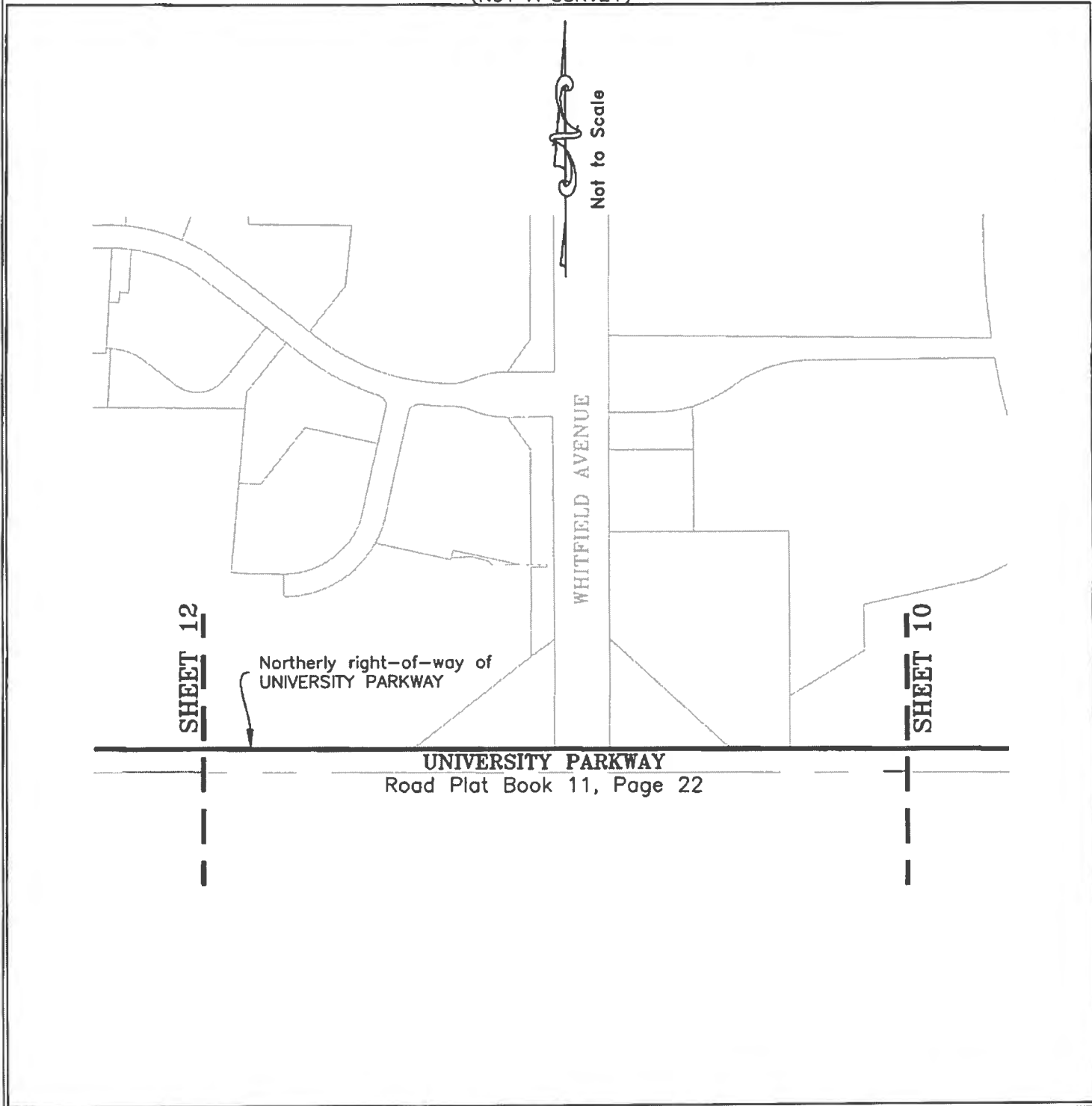
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# Exhibit "A"

## Description and Sketch

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Manatee County Property  
Management Department  
Survey Division



1112 Manatee Avenue West  
Bradenton, Florida, 34205  
(813) 748-4501

Description - Sheets 1 & 2  
Key Map - Sheet 3  
Sketch - Sheets 4 - 19

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Palm Aire MSTU

Sheet: 11 OF 19

Sections 22, 27, 28, 33  
& 34, Township 35 South  
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Drawing Date: 10/10/18

# Exhibit "A"

## Description and Sketch

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**SHEET 13**



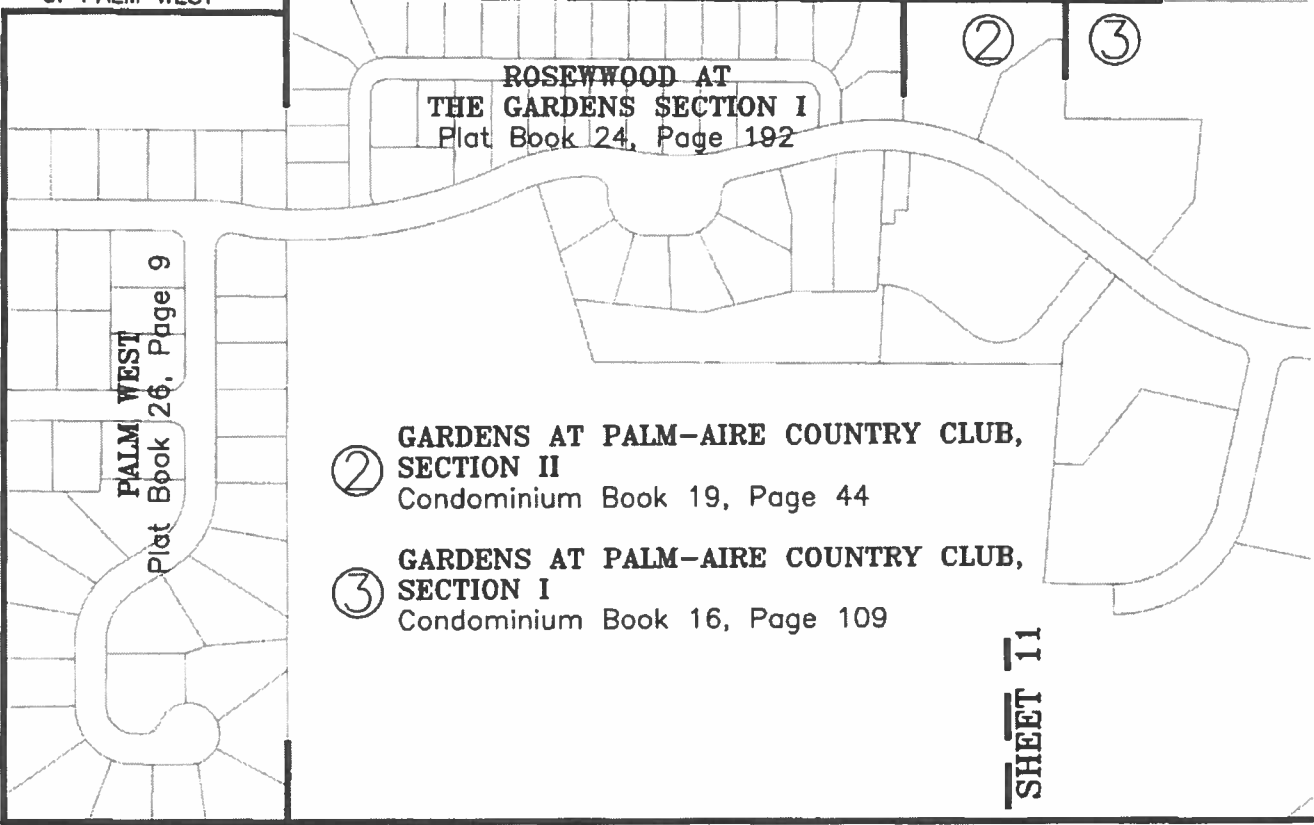
Westerly boundary of  
PALM AIRE AT SARASOTA  
UNIT 6

PALM AIRE AT SARASOTA  
UNIT 6  
Plat Book 19, Page 199

Westerly boundary of  
ROSEWOOD AT THE GARDENS  
SECTION I

Northerly boundary  
of PALM WEST

Northerly Boundaries of  
ROSEWOOD AT THE GARDENS SECTION I,  
GARDENS AT PALM-AIRE COUNTRY CLUB, SECTION II &  
GARDENS AT PALM-AIRE COUNTRY CLUB, SECTION I



- ② GARDENS AT PALM-AIRE COUNTRY CLUB,  
SECTION II  
Condominium Book 19, Page 44
- ③ GARDENS AT PALM-AIRE COUNTRY CLUB,  
SECTION I  
Condominium Book 16, Page 109

**SHEET 11**

Northerly right-of-way of  
UNIVERSITY PARKWAY

**UNIVERSITY PARKWAY**  
Road Plat Book 11, Page 22



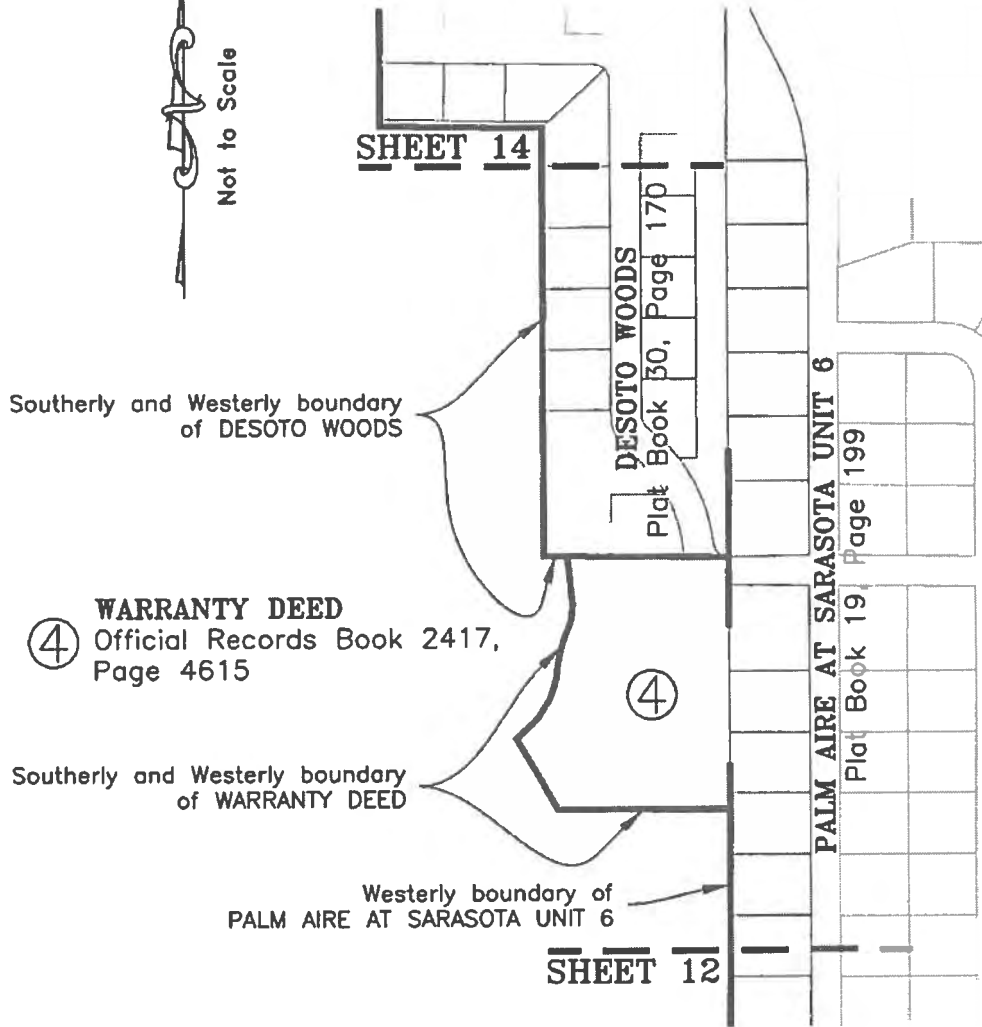
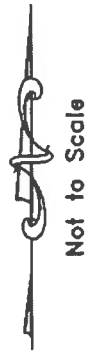
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Sketch - Sheets 4 - 19

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Sheet: 12 OF 19
Sections 22, 27, 28, 33 & 34, Township 35 South Range 18 East
Drawing Date: 10/10/18

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Manatee County Property  
Management Department  
Survey Division



1112 Manatee Avenue West  
Bradenton, Florida, 34205,  
(941)748-4501

Description - Sheets 1 & 2  
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Palm Aire MSTU

Sheet: 13 OF 19

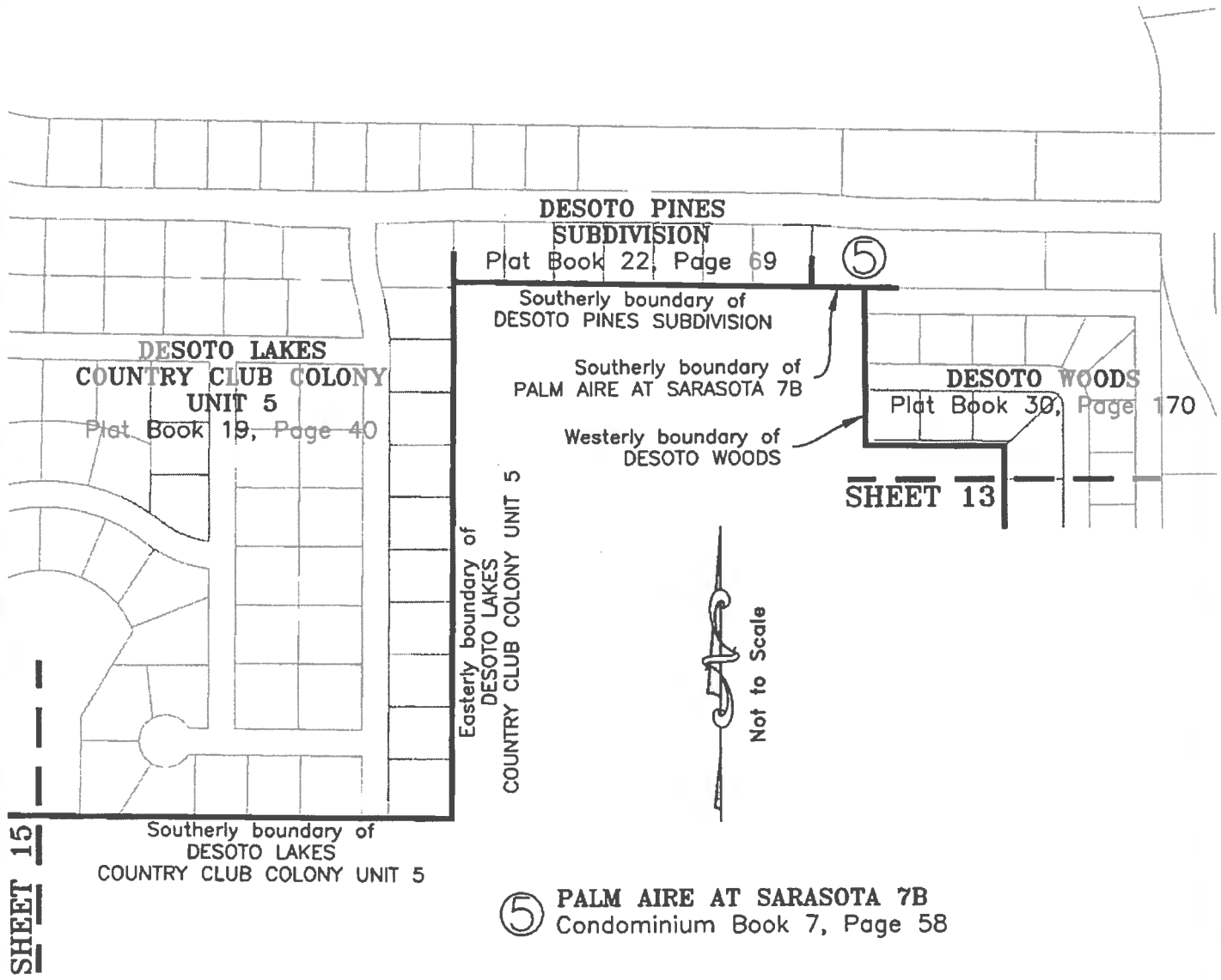
Sections 22, 27, 28, 33  
& 34, Township 35 South,  
Range 18 East

Drawing Date: 10/10/18

# Exhibit "A"

## Description and Sketch

(NOT A SURVEY)



**SHEET 15**

**SHEET 13**

**5** PALM AIRE AT SARASOTA 7B  
Condominium Book 7, Page 58



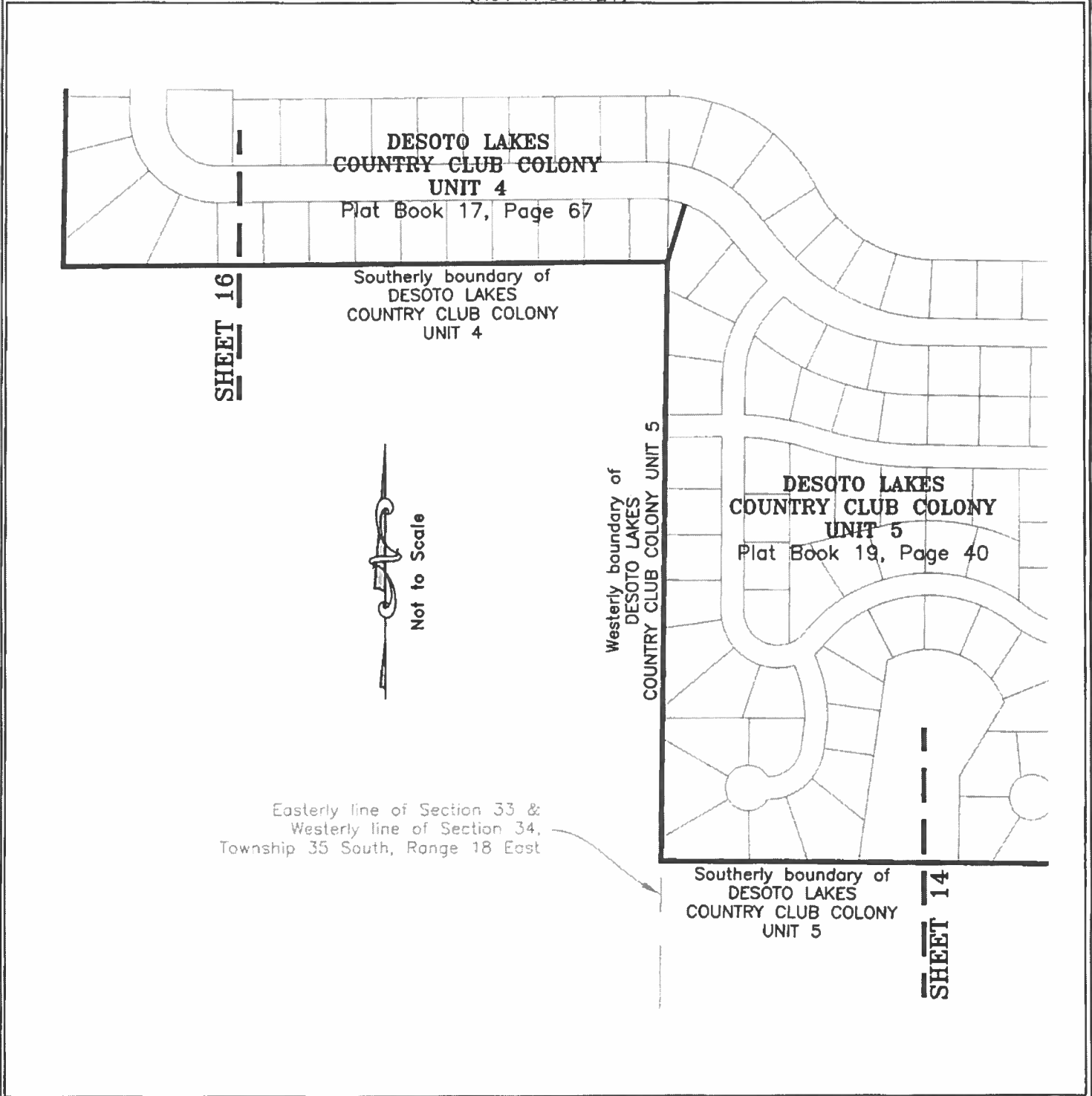
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Sheet: 14 OF 19
Sections 22, 27, 28, 33 & 34, Township 35 South Range 18 East
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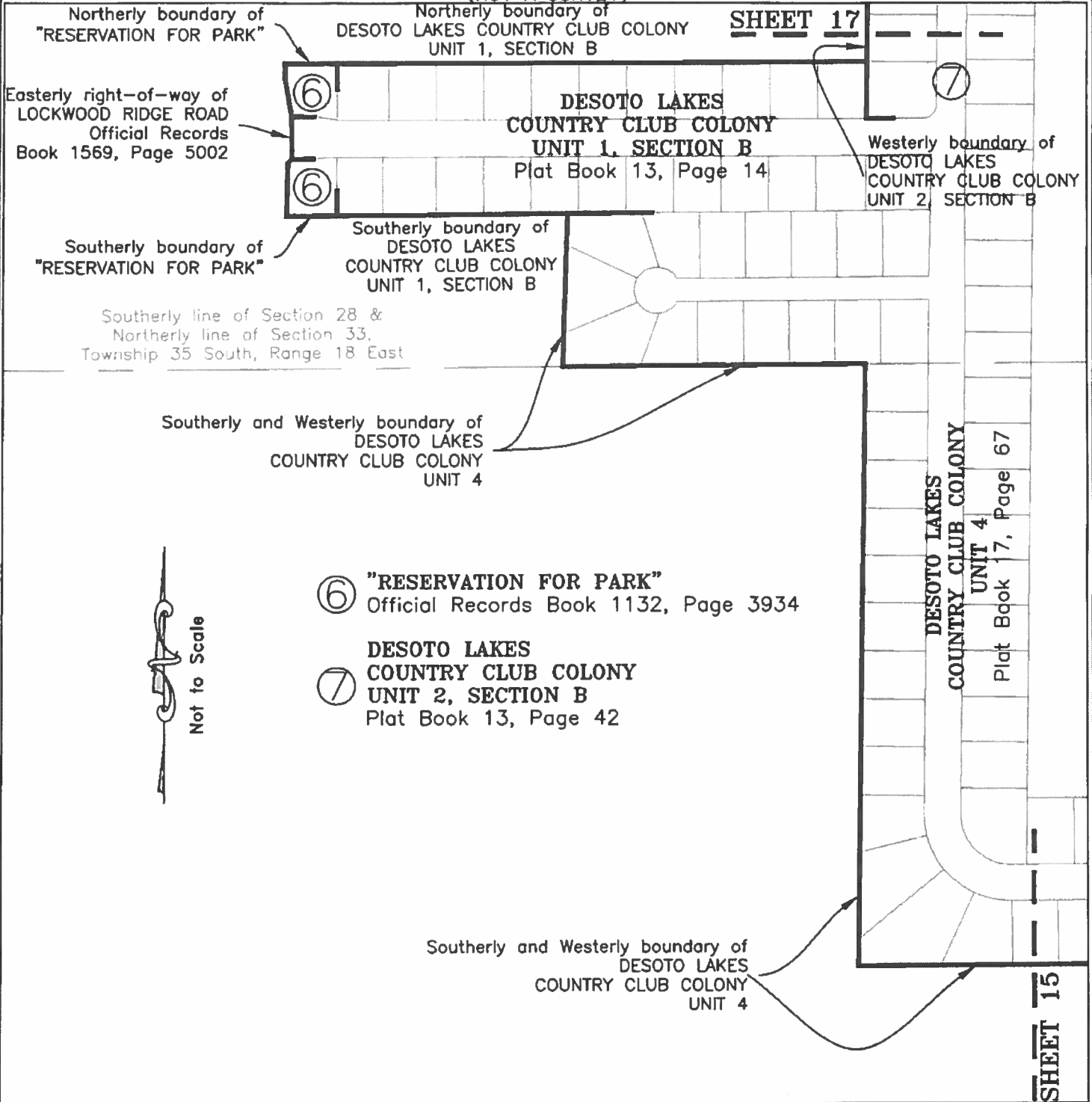
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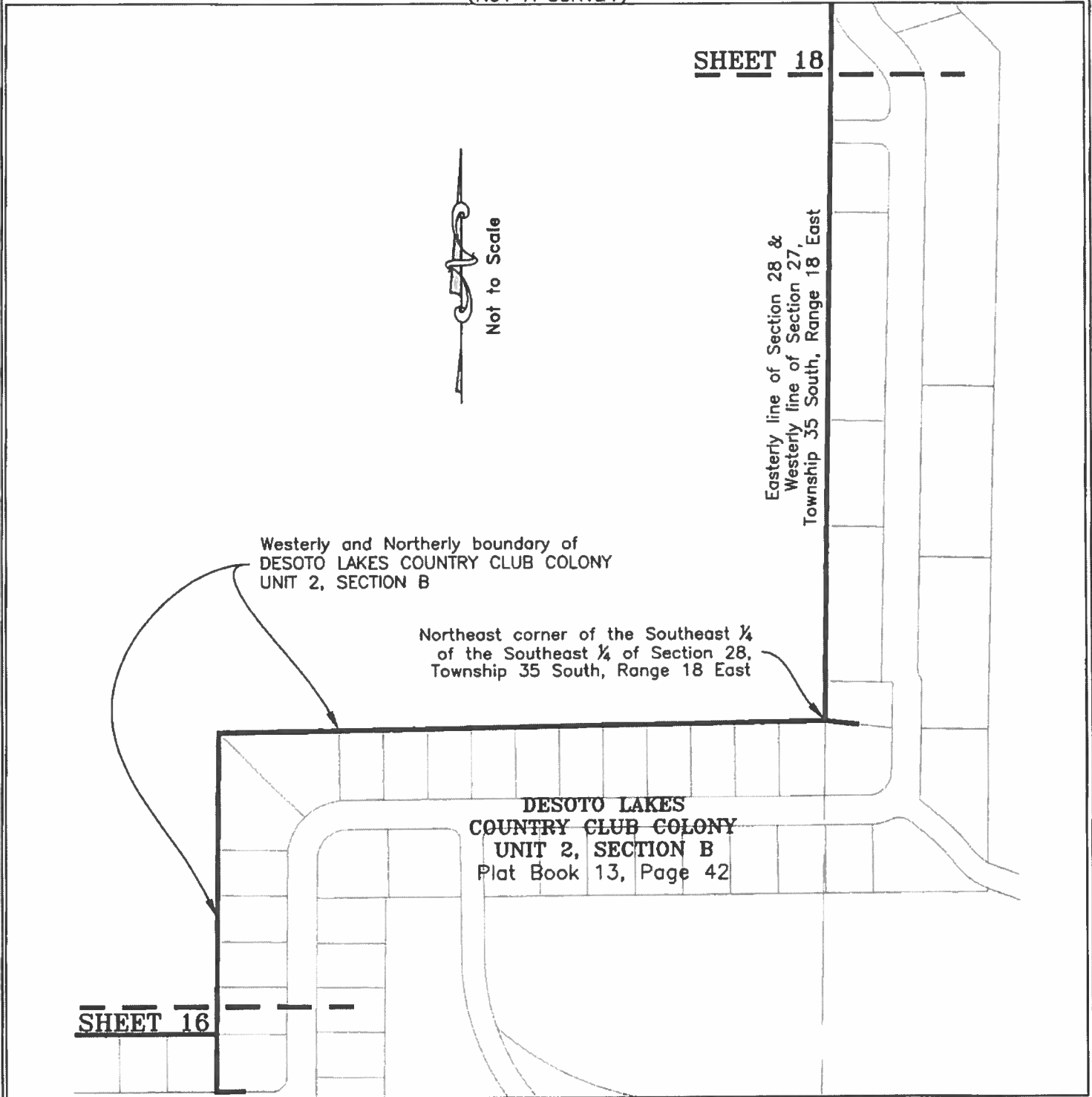
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## Description and Sketch

(NOT A SURVEY)

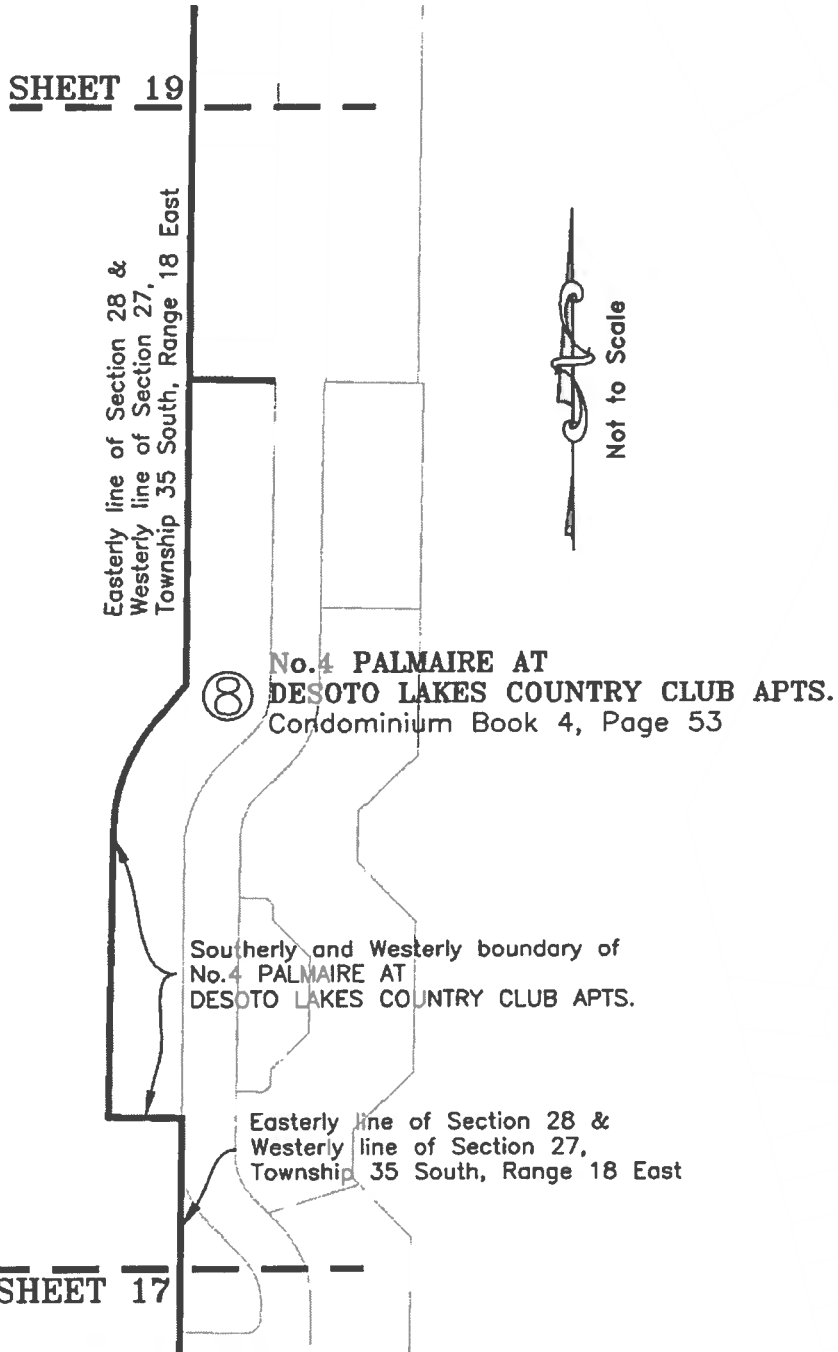


<p>Manatee County Property Management Department Survey Division</p> <p>1112 Manatee Avenue West Bradenton, Florida, 34205. (941)748-4501</p>	<p>Description - Sheets 1 &amp; 2 Key Map - Sheet 3 Sketch - Sheets 4 - 19</p>	<p>Drawing Path: S:\SURVEY \2018 jobs\20180605_ Palm Aire MSTU</p> <p>Sheet: 17 OF 19</p> <p>Sections 22, 27, 28, 33 &amp; 34, Township 35 South, Range 18 East</p> <p>Drawing Date: 10/10/18</p>
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# Exhibit "A"

## Description and Sketch

(NOT A SURVEY)



Manatee County Property  
Management Department  
Survey Division



1112 Manatee Avenue West  
Bradenton, Florida, 34205  
(813)748-4501

Description - Sheets 1 & 2  
Key Map - Sheet 3  
Sketch - Sheets 4 - 19

Drawing Path: S:\SURVEY  
\2018 jobs\20180605\_  
Palm Aire MSTU

Sheet: 18 OF 19

Sections 22, 27, 28, 33  
& 34, Township 35 South,  
Range 18 East

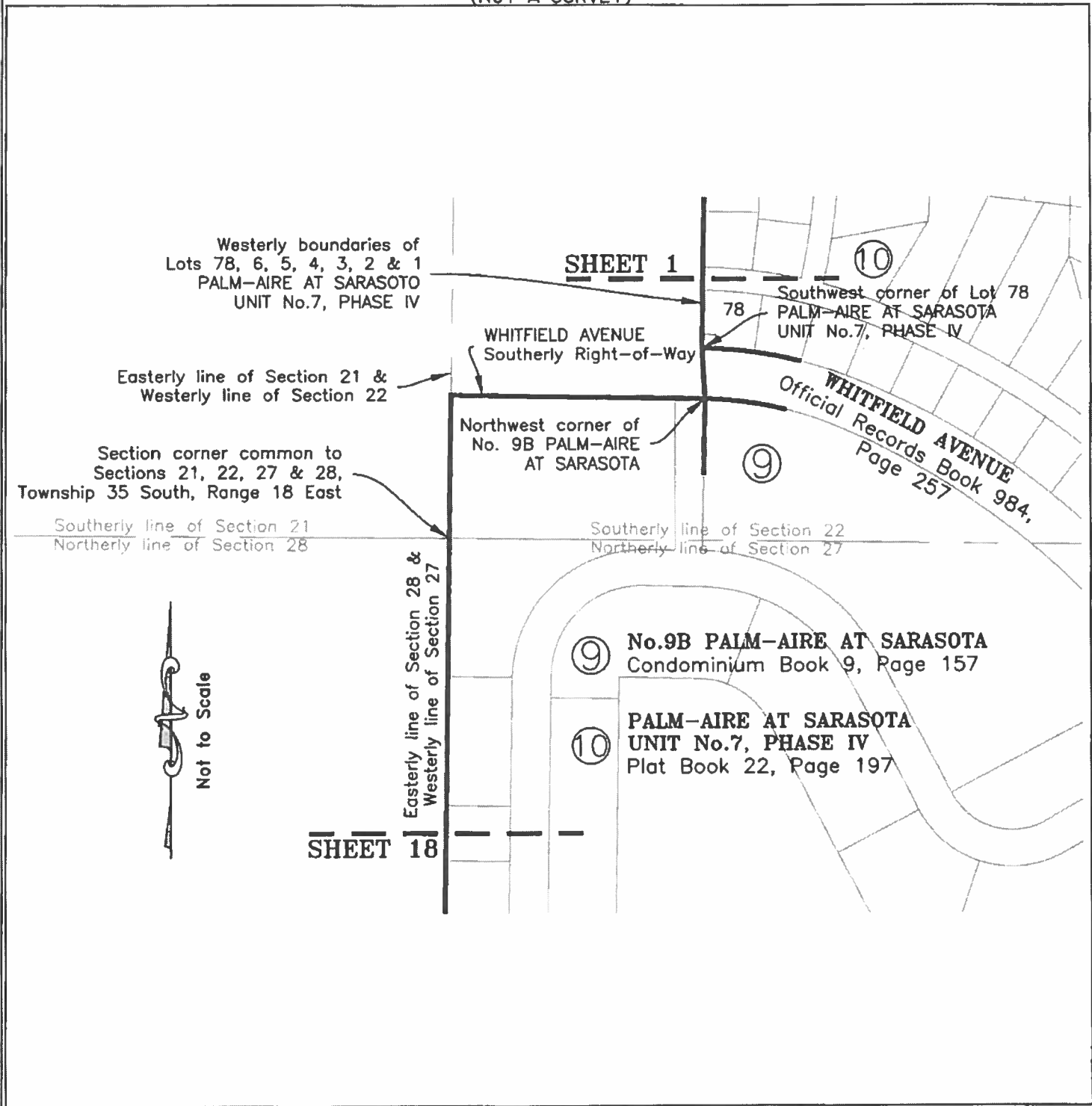
Drawing Date: 10/10/18



# Exhibit "A"

## Description and Sketch

(NOT A SURVEY)



# BRADENTON HERALD

Bradenton.com

## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
663152	0004080928	This ad has PDF Ad Content Use VP button to Vi		\$312.96	2	6.00 In

**Attention:**

MC BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY FINANCIAL MANAGEMENT DEPT.  
1112 MANATEE AVE W. SUITE 939  
BRADENTON, FL 34205

**THE STATE OF FLORIDA  
COUNTY OF MANATEE**

Before the undersigned authority personally appeared CHRISTY HABONY, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Public Notice**, was published in said newspaper in the issue(s) of

1 Insertion(s)

Published On:  
February 14, 2019

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Chambers of the Board of Manatee County Administrative Complex, 1112 Manatee Avenue West, first floor, Bradenton, Florida, during its regular meeting of February 26, 2019, at 9:00 a.m., or soon thereafter, to consider, act upon, enact or reject the following Ordinance:

**ORDINANCE NO. 19-10**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; AMENDING CHAPTER 2-23 OF THE MANATEE COUNTY CODE OF LAWS ESTABLISHING THE PALM AIRE MUNICIPAL SERVICE TAXING UNIT (MSTU) TO FUND LANDSCAPING SERVICES; DESCRIBING THE BOUNDARIES OF THE MSTU; AUTHORIZING THE ANNUAL LEVY OF AD VALOREM TAXES WITHIN SUCH MSTU TO PROVIDE FOR LANDSCAPING SERVICES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he or she will need a record of the proceedings and for such purpose, she or he may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

The proposed Ordinance is available for public inspection at the offices of the Manatee County Financial Management Department, 1112 Manatee Avenue West, 9<sup>th</sup> Floor, Bradenton, FL 34205, during regular business hours. A reasonable charge may be made for the provision of copies.

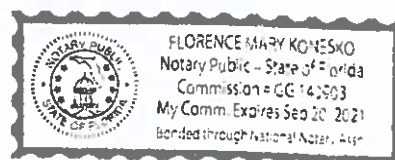
**Americans with Disabilities:** The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds; FAX 745-3790.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for

*Christy Habony*

(Signature of Affiant)

Sown to and subscribed before me this  
14th day of February in the year of 2019



*[Signature]*

SEAL & Notary Public



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

March 4, 2019

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

Attention: Robin Toth

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of **Manatee County Ordinance 19-10, which was filed in this office on March 4, 2019.**

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**From:** [ords@municode.com](mailto:ords@municode.com)  
**To:** [tammy.larsen@mymanatee.org](mailto:tammy.larsen@mymanatee.org); [Robin Toth](#)  
**Subject:** Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 107  
**Date:** Thursday, March 7, 2019 11:35:59 AM  
**Attachments:** [ATT00001.bin](#)  
[ATT00002.bin](#)

---

\*\*\*\*THIS IS AN AUTOMATICALLY GENERATED EMAIL\*\*\*\*

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 107

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 19-10	2/26/2019	3/7/2019	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

**From:** Ords Admin  
**To:** [Robin.Toth](mailto:Robin.Toth)  
**Subject:** RE: Manatee County, FL Code of Ordinances - 1981(10428) OrdLink/OrdBank  
**Date:** Thursday, March 7, 2019 7:20:09 AM  
**Attachments:** [image002.png](#)

---

We have received your files.

Thank you and have a nice day,  
Ords Administrator  
[ords@municode.com](mailto:ords@municode.com)

1-800-262-2633

P.O. Box 2235

Tallahassee, FL 32316

When available, please send all documents in WORD format to [Ords@municode.com](mailto:Ords@municode.com). However, if WORD format is not available, we welcome any document format including PDF.

*NB*

**municode**

[Web](#) | [Legal](#) | [Pay](#)

**From:** Robin Toth <[robin.toth@ManateeClerk.com](mailto:robin.toth@ManateeClerk.com)>

**Sent:** Wednesday, March 06, 2019 9:37 AM

**To:** Ords Admin <[ords@municode.com](mailto:ords@municode.com)>

**Subject:** Ordinance 19-10

Attached is Manatee County Ordinance 19-10, adopted 2/26/19.

**NOTE:** The attached, WORD format of this ordinance is in two parts. This is the best we can do for the WORD format.

Robin Toth  
Board Records Deputy Clerk  
For Angelina "Angel" Colonnese  
Manatee County Clerk of the Circuit Court and Comptroller  
[www.manateeclerk.com](http://www.manateeclerk.com)  
**941-741-4018, Ext. 4179**  
[Robin.toth@manateeclerk.com](mailto:Robin.toth@manateeclerk.com)

February 26, 2019 - Regular Meeting  
Agenda Item #37

Approved in Open Session 2/26/19  
Manatee County  
Board of County Commissioners

Subject

Ordinance 19-10 Amending Chapter 2-23 of the County Code to Clarify the Boundaries of the Palm Aire Municipal Service Taxing Unit

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Jan Brewer, Director, Financial Management Department, 745-3730

Action Requested

Adopt Ordinance No. 19-10 amending Chapter 2-23 of the Manatee County Code of Laws.

Enabling/Regulating Authority

Chapter 125, Florida Statutes

Background Discussion

- The Palm Aire Municipal Service Taxing Unit (MSTU) was originally adopted in 1991 pursuant to Ordinance 91-59 for the purpose of funding maintenance and upkeep of the existing landscaping and the replacement and enhancement of landscaping along and located within County rights-of-way within the MSTU
- In 2002, the County amended and restated Ordinance No. 91-59 by adoption of Ordinance No. 02-50
- Neither Ordinance was codified in the County's Code Of Ordinances as required pursuant in Florida Statute 125.68
- Ordinance 02-50 references a description of the MSTU that does not satisfy the requirements of the Property Appraiser. The Property Appraiser cannot proceed with appraisals on or near this property without accurately described and drawn boundary lines
- The original Ordinance 91-59 that formed the Palm Aire MSTU did not contain the metes and bounds legal description; instead, it referenced a list of subdivision and properties as they existed at that time. Since then, many of those original parcels have been further split. It is important to obtain the proper metes and bounds legal description for the MSTU so that all the properties in the area are coded to the correct tax levy district
- Ordinance No. 19-10 amends and restates Ordinance 02-50 and expressly provides for the amendment of Chapter 2-23 of the Code of Ordinances to codify the provisions governing the MSTU as required pursuant to Florida Statute 125.68. Exhibit A is a professionally rendered sketch and description which meets industry standards of using landmarks (metes and bounds) as well as plat markings.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney  
Clague

Instructions to Board Records

Please send a copy of the codified Ordinance to [budget@mymanatee.org](mailto:budget@mymanatee.org), [alan.stearns@manateepao.com](mailto:alan.stearns@manateepao.com), and [william.clague@mymanatee.org](mailto:william.clague@mymanatee.org).

Deliver originals to Board Records, the Financial Management Department and the Property Appraisers Officer )to the attention of Alan Stearns).

**Distributed 2/28/19 RT**

Cost and Funds Source Account Number and Name  
N/A

Amount and Frequency of Recurring Costs  
N/A

Attachment: [ORDINANCE 19-10.pdf](#)

Attachment: [Ordinance 19-10 - Exhibit A.pdf](#)

Attachment: [Public Hearing Notice of 2019 Amendment to Palm Aire MSTU.pdf](#)

Attachment: [Executive Summary - Palm Aire MSTU Boundaries.pdf](#)

Attachment: [RLS-2018-0601.pdf](#)

Attachment: [Affidavit of Publication.2.14.19.pdf](#)

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### ORDINANCE NO. 19-10

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; AMENDING CHAPTER 2-23 OF THE MANATEE COUNTY CODE OF LAWS ESTABLISHING THE PALM AIRE MUNICIPAL SERVICE TAXING UNIT (MSTU) TO FUND LANDSCAPING SERVICES; DESCRIBING THE BOUNDARIES OF THE MSTU; AUTHORIZING THE ANNUAL LEVY OF AD VALOREM TAXES WITHIN SUCH MSTU TO PROVIDE FOR LANDSCAPING SERVICES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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## **SUMMARY OF CHANGES (Executive Summary)**

### **PALM AIRE MSTU – Revision of Boundaries**

On February 23, 2018, The Property Appraiser initiated updating the boundary maps of all CRA's, TIF's, Non-Ad valorem District's and Ad Valorem District Boundaries such as the PALM AIRE MSTU and Unincorporated MSTU.

The original Ordinance 91-59 that formed the Palm Aire MSTU did not contain the metes and bounds legal description instead it references a list of subdivisions and properties as they existed at that time. Since then many of those original parcels have been further split out into 30 or more new subdivisions. It is important to obtain the proper metes and bounds legal description for the MSTU so that all the properties in the area are coded to the correct tax levy district.

It is a requirement of the current Ordinance 02-50, that any changes to the ordinance should be done with a Notice of Intent of Public Hearing and official mailing be made to each one of the residents of the MSTU. This mailing is to be made prior to the Public Hearing and a Notice of Public Hearing be advertised in a local newspaper ten days prior to the hearing.

This New Ordinance 19-10 presents the revised boundaries of the PALM Aire MSTU and these are the summary of changes in the ordinance to be presented on 2/26/19:

Tax District Coding is been made in the following parcels:

- Two parcels are being removed from the Palm-Aire District effective on the 2019 tax roll are:

1. PARID 1878808529 - A wholly exempt property owned by the City of Bradenton.
2. PARID 1920400031 - A vacant unplatted parcel owned by Island Investment Properties Inc. and Erop Corporation and valued at \$170 in 2018.

- The following 5 parcels were found to be missing from the 2018 tax roll and will be added to the Palm-Aire District effective on the 2019 tax roll:

1. PARID 1920640404 - A vacant residential common area owned by GOLF POINTE AT PALM-AIRE COUNTRY CLUB ASSOCIATION INC
2. PARID 1920640503 - A vacant residential common area owned by GOLF POINTE AT PALM-AIRE COUNTRY CLUB ASSOCIATION INC
3. PARID 1920641006 - A vacant residential common area owned by GOLF POINTE AT PALM-AIRE COUNTRY CLUB ASSOCIATION INC
4. PARID 1920641154 - A vacant residential common area owned by GOLF POINTE AT PALM-AIRE COUNTRY CLUB ASSOCIATION INC
5. PARID 1956204209 - A vacant residential common area owned by ORLEANS HOMEBUILDERS

As a note: Vacant residential common areas are valued at \$0 because their value is inherent in the market values of the properties that have use of the common area.

Per the Property Appraiser, the entire 2019 change in just, assessed and taxable value of the Palm-Aire District due to the new formalized boundary description will be approximately a reduction of \$170.

## Sheila Ballesteros

---

**From:** William Clague  
**Sent:** Wednesday, December 5, 2018 4:41 PM  
**To:** Sheila Ballesteros  
**Cc:** Mitchell Palmer; Alex Nicodemi; Jan Brewer; Juliet Shepard  
**Subject:** Palm Aire MSTU Ordinance Amendment, Boundary Limits; RLS-2018-0601  
**Attachments:** Palm Aire MSTU Ordinance v1.doc

Sheila:

Pursuant to the above Request for Legal Services you have asked this Office to draft an ordinance to adopt a revised exhibit describing the boundaries of the Palm Aire Municipal Service Taxing Unit (MSTU). The following facts are relevant to our response:

1. The MSTU was originally adopted in 1991 pursuant to Ordinance No. 91-52 for the purpose of funding "maintenance and upkeep of existing landscaping, and the replacement and enhancement of landscaping, along and located within County rights-of-way within the MSTU". In 2002, the County amended and restated Ordinance No. 91-52 by adoption of Ordinance No. 02-50. It appears that neither ordinance was ever codified in the County's Code of Ordinances as required pursuant to Florida Statute 125.68.
2. The County has adopted and codified other MSTU's in Chapter 2-23 of the County's Code of Ordinances. Unlike those code provisions, Ordinance No. 02-50 includes provisions (a) authorizing the establishment of an advisory board for the MSTU, and (b) requiring mailed notice to all property owners for any "substantial" amendment to Ordinance No. 02-50.
3. Because Ordinance No. 02-50 references a description of the MSTU that does not satisfy the requirements of the Property Appraiser, you have asked this Office to prepare a draft ordinance to replace the existing description with a revised description.

I provide the following in response to the RLS:

- a. Attached is a draft ordinance that amends and restates Ordinance No. 02-50. Note that it expressly provides for the amendment of Chapter 2-23 of the Code of Ordinances to codify the provisions governing the MSTU. Such codification is required pursuant to Florida Statute 125.68.
- b. With the exception of the matters addressed below, the new code provisions set forth in the draft ordinance follow the more recent practices of this Office and the County, rather than expressly readopting the language of Ordinance No. 02-50.
- c. I have flagged language in Section 2-23-50 that restates the optional advisory board language from Ordinance No. 02-50. I have also flagged Section 2-23-56 that restates the requirement for mailed notice to property owners, also from Ordinance No. 02-50. Both of these provisions are not in keeping with current County practices. Nevertheless, they are consistent with the historic practice with respect to this MSTU. Please review these and let me know if staff wishes to retain them.
- d. The language in Ordinance No. 02-50 requiring mailed notice may, depending on the content of the final draft of the new ordinance, require that the County mail notice to individual owners within the MSTU (in addition to advertising the ordinance in accordance with Florida Statute 125.66). I will need to consult further with you as to the contents of the final draft before I can advise you of whether mailed notice is required.

Please review the draft ordinance and let me know when you are prepared to discuss it. Subject to the resolution of the issues identified above, I have no objection from a legal standpoint to the ordinance being scheduled for consideration by the Board. I express no opinion as to the business judgment of enacting the ordinance.

This concludes my response to the RLS.

William Clague, Chief Assistant County Attorney  
Manatee County Attorney's Office  
1112 Manatee Avenue West  
Bradenton, FL 34205  
(941)745-3750  
william.clague@mymanatee.org

February 26, 2019 - Regular Meeting

Agenda Item #2

Subject

9:15 A.M. - ITEM #37 - Ordinance 19-10 Amending Chapter 2-23 of the County Code to Clarify the Boundaries of the Palm Aire Municipal Service Taxing Unit

Briefings

None

Contact and/or Presenter Information

Action Requested

Enabling/Regulating Authority

Background Discussion

See Item 37 for supporting materials.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Cost and Funds Source Account Number and Name

Amount and Frequency of Recurring Costs

8:44

IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.

Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name SUSAN ROMINE

Address 6211 TIMBERLAKE DR

Phone (Optional) \_\_\_\_\_

Email SUSANROMINE@SMU.COM

Representing PALM AIRE COMMUNITIES

Public Hearing matter on which you want to speak: COUNCIL OR 19-10

Please check one for each #:

1. Optional: Are you in favor:  \*  
opposed:

\* Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.

2A. Speaking as an individual? Yes   
OR

2B. If you are speaking as an official representative of a group: \*\*

Name of Group: PALM AIRE COMMUNITIES  
COUNCIL

\*\* You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.

3. Do you have a visual presentation or other evidence to be submitted to the Board?

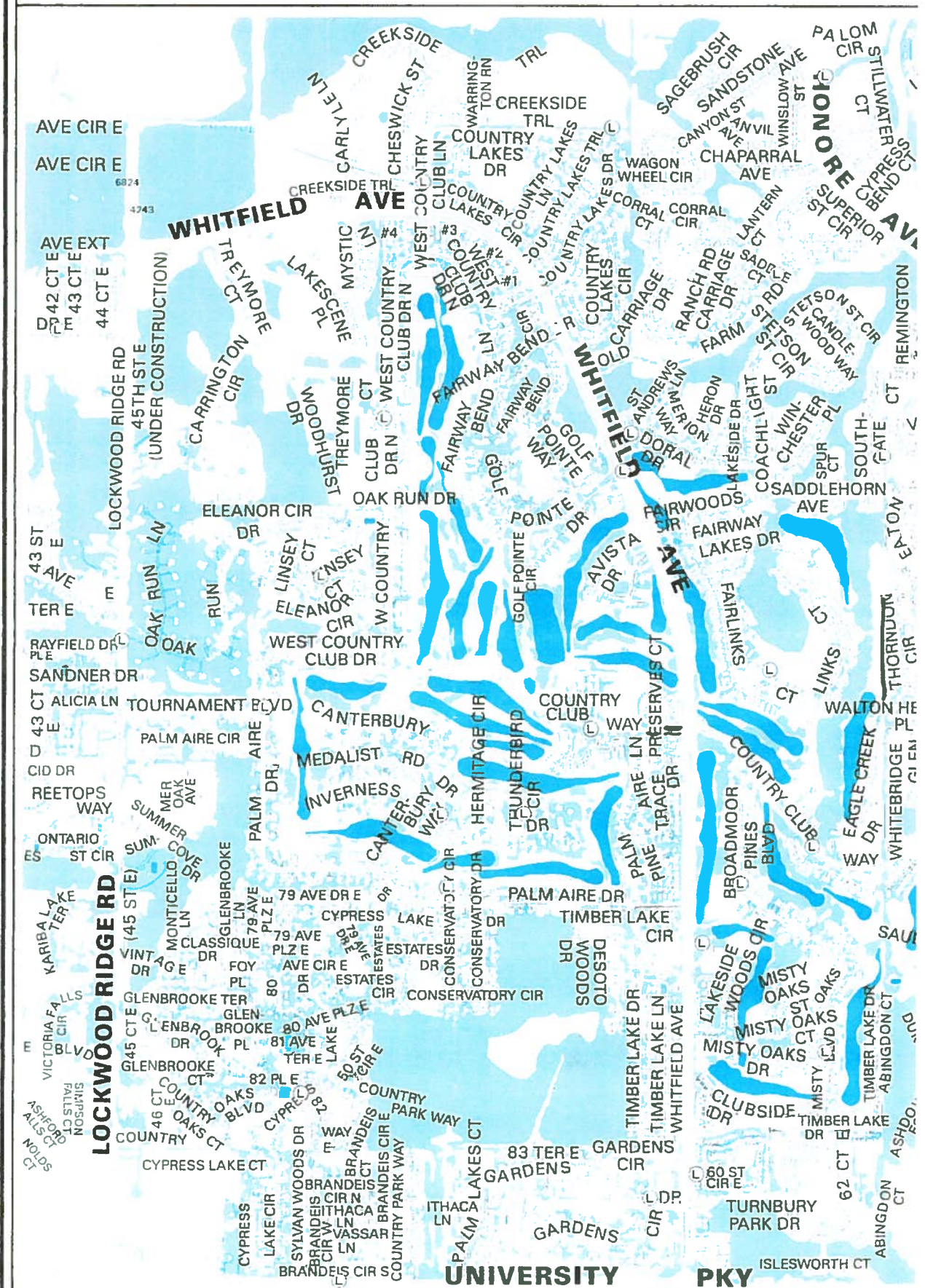
Yes  No

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

Yes  No



# PALM-AIRE COMMUN



Bloomington No. 5137  
BCC  
37. Palm Aire MSTA  
S. Romine  
2/26/19