



city council agenda

Agenda
June 20, 2017 * 6:30 PM
City Council Meeting
City Hall Chambers

Lydia Pisano Mayor	Frank Kruppenbacher City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Lenny Mosse District 6	Sue Nielsen District 7
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Welcome

Welcome to the City of Belle Isle City Council meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofbelleislefl.org.

Meeting Procedures

Workshops are a working session and do not allow for public comment. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag - Lenny Mosse - District 6
3. Recognition of Leslie Johnson
4. Consent Items
 - a. Approval of the City Council regular session minutes of June 1, 2017
5. Additions, Deletions or Amendments to Agenda

6. Citizen's Comments

Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. **Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes.** Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you.

7. Unfinished Business - No report.
8. New Business
 - a. RESOLUTION NO. 17-10 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AUTHORIZING COUNCIL MEMBERS AND THE CITY MANAGER AS SIGNATORIES ON THE CITY CHECKING ACCOUNTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
 - b. RESOLUTION NO. 17-11 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET FOR INCREASED BUILDING PERMIT ACTIVITY WITHIN THE GENERAL GOVERNMENT DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." -Page 1 of 110

- c. RESOLUTION NO. 17-12 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO INCREASE THE BUDGETED EXPENDITURES FOR CAPITAL IMPROVEMENTS WITHIN THE STORMWATER FUND FOR THE LAKE CONWAY SHORES DRAINAGE IMPROVEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.
- d. Public Hearing 2017-04-028 - Pursuant to City of Belle Isle Land Development Code Sec. 50-33(2)(d), the City Council shall consider for approval an informal plat, submitted by applicant Hoffner Fruit, LLC consisting of one tax parcel referenced located at 4400 Hoffner Avenue, Belle Isle, FL 32812, Orange County also known as Parcel #20-23-30-0000-00-012.
- e. Approval of Contract for City Engineering Services
- f. Discuss/Approve Special Events Policy
- g. Approval of Interlocal Agreement with Greater Orlando Aviation Authority (GOAA)

9. Attorney's Report

10. City Manager's Report

- a. Projects update (report at meeting)

11. Mayor's Report

12. Chief's Report

13. Council Reports

- a. NAV Board update
- b. Appointment of Tree Board member Ruthie Harrell for District 4

14. Adjournment



city council minutes

MINUTES **June 1, 2017 * 9:00 a.m.** **City Council Workshop Session**

The Belle Isle City Council met in a City Council Workshop Session on June 1, 2017 at 9:00 a.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present:

Mayor Pisano
Vice Mayor Readey
Commissioner Gold
Commissioner Carugno
Commissioner Weinsier
Commissioner Lance
Commissioner Mosse
Commissioner Nielsen

Absent:

Attorney Kruppenbacher

Also present: City Manager Bob Francis, Chief Houston, Deputy Chief Grimm, Finance Manager Tracey Richardson and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website at www.cityofbelleislefl.org and at City Hall.

CALL TO ORDER

Mayor Pisano called the meeting to order at 9:05am.

BUDGET DISCUSSION

Mayor Pisano opened the discussion and said a representative from the Orange County Appraisers office will make a presentation and provide information on property values, revenue and the top ten businesses. He will also give a brief overview of the homestead exemption legislation that will be on the ballot for 2018.

Council discussed a few options on having all parcels in the City changed to the same zip code to increase revenue. Karl Shuck gave a brief summary of his previous efforts on zip code changes and said the City can start by sending a letter to the Post Office Regional Office in Tampa stating the City's intent to start the process.

City Manager Francis gave a brief summary of the budget and said at the current time the City does have a healthy reserve and he will recommend having the mileage stay the same despite the fact that the proposed homestead exemption may affect the revenue.

Mr. Francis spoke on the following,

- Removing all the equipment costs on the CIP and create an equipment replacement fund that will include all equipment purchases for the City over \$5,000. In addition, Council can add a percentage of the unappropriated ending fund balance to the fund every year.
- Mr. Francis requested having three to four additional workshops to allow Council to have more input on the budget before it is approved in September. He suggested the following tentative dates,
 - July 25th budget presentation by staff from 6-8pm
 - August 1st budget workshop from 6-7pm and follow with the City Council regular session
 - August 15th budget workshop from 6-7pm and follow with the City Council regular session
 - If needed, August 29th can be scheduled from 6-7pm
 - September 5th First Public Budget Hearing
 - September 19th Second Public Hearing and Adoption
 - Alternative date August 8th

Mayor Pisano presented a letter from Rick Singh, Orange County Property Appraiser listing the City's 2017 Estimate of Taxable Value for Real and Tangible Personal Property at \$684,175,783. Discussion ensued on possible revenue sources for the coming year.

Mayor Pisano introduced Mark Webster, Manager of Tax Roll Administration and Customer Service and Minnie DeLuca, Constituent Services Representative for the Orange County Appraisers Office. Mr. Webster provided a brief presentation and reported on the,

- Florida's Property Tax System
- Orange County / Belle Isle at a Glance
- HJR 7105, Additional Homestead

Discussion ensued on reasons why the City of Belle Isle is the preferred place to live, annexation possibilities and mileage rollback or increase options. Council further discussed on-going drainage issues throughout the City. Mr. Francis stated that he would be working on a much-needed Capital Facilities Plan to address funding for priority areas and a storm water management master plan moving forward.

Council spoke on the ongoing partnership with the Orange County NAV Board and the projects that maybe funded by the NAV Board to alleviate some of the current problems. Comm Lance spoke on some of the NAV Board's priorities that directly affect the City and protect Lake Conway. After discussion, Mr. Francis stated he will continue communication with the NAV Board on an ongoing basis to bridge the partnership between the City and the residents.

Mr. Francis spoke on the open and carryover CIP projects for 2016-2021 as follows,

- Replacement of the Code Enforcement Car
- City Hall Improvements which will probably be used for computer hardware
- Swan Beach Beautification will be completed next year
- Police Vehicles will be rotated in next year's budget
- Sidewalk repair and street resurfacing cost will be revisited and will include (overlook, Nela, Perkins, Idaho, Swann, Conway Circle, Nevada, Lake Drive, Gondola and Nela to Perkins. In addition, the City will be resurfacing Stockbridge, Gibson, Cay Circle and Delia. For 2016-2017 the City will revisit Delia Beach and McCawley Street. Council discussed having the drainage completed prior to the paving.
- Perkins Boat Dock repair will include fencing, dock and paving.
- Allocation of \$15,000 from the Bing Grant Fund (\$10,000 from District 5 and \$5,000 from District 3) to change the flower bed to a fountain at the roundabout on Nela Avenue.

Council discussed ideas that they would like to put forth as goals for next year. Discussion ensued and the following items were discussed.

- Traffic Study for the entire City
- Cameras at the four entry points into the City that would assist with public safety
- Widening of sidewalks for bike riders and walkers throughout the City
- Replacement of the Duke Energy wood street lighting poles and CRA possibilities
- Stripping or reflective lights on the road on the Nela Bridge
- Placement of a split rail fence at Venetian Park and at the Wallace property
- Uniformed signage in all City parks
- Installation of bollards at Cross lake
- Curb replacement throughout the City
- Windsor Place paving and drainage repair
- Clean up and maintenance of the "black muck" accumulating at the Lake Conway lake front properties
- Coordinate the Lake Conway MSTU street sweeping with the garbage pickup days to improve the quality of work
- Purchase of a Marine Patrol boat
- Replacement of Police Officer radios, computers and vehicles

- Install and use of environmental improvements such as solar energy
- Greener initiative with the City open space such as a community garden or compost bin give-away
- Council spoke of funding options for private HOA seawalls and boat docks
- Unique street signs, beautification and light poles at the City entrances
- City tree give-away program and Tree assessment of all trees in the City's major thorough fares
- Provide public education on lawn fertilizer usage and lake weeding
- Annexation of McCoy Road - 100 yards towards Regal Marine
- Coordination of Citizen Advisory Groups for City projects
- Creation of a city phone application
- Increase of the event budget which will include the Police Department events

Mayor Pisano reported that she is working on coordinating a town hall meeting with Congresswoman Demings for July 6th to discuss stronger laws on the Lake. She further reported that she has the opportunity to submit for a Mayors Grant and opened discussion. Council agreed to have the Mayor submit for an electronic board that will advertise City meetings and events.

ADJOURNMENT

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 12:15pm.

Yolanda Quiceno
CMC-City Clerk

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Section 1. The City Council hereby authorizes the following individuals as authorized signatories on the city checking accounts:

Commissioner Ed Gold Commissioner Harvey Readey

Commissioner Anthony Carugno Commissioner Lenny Mosse

Commissioner Jeremy Weinsier Commissioner Sue Nielsen

Commissioner Paul Robert Lance City Manager Bob Francis

Section 2. This Resolution shall take effect upon its adoption.

Adopted by the City Council on this 20th day of June, 2017 and superseding
previous resolutions authorizing signatories on the city checking accounts.

LYDIA PISANO, MAYOR

ATTEST:

YOLANDA QUICENO, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

TOM CALLAN, CITY ATTORNEY

STATE OF FLORIDA

COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF BELLE ISLE, FLORIDA, do hereby certify that
the above and foregoing Resolution 17-10 was duly and legally passed and adopted
by the Belle Isle City Council in session assembled, at which session a quorum
of its members were present on the _____ day of June, 2017.

Yolanda Quiceno, City Clerk

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Adopted by the City Council on this 20th day of June, 2017.

LYDIA PISANO, MAYOR

ATTEST:

YOLANDO QUICENO, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

TOM CALLAN, CITY ATTORNEY

STATE OF FLORIDA

COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Resolution No. 17-11 was duly and legally passed and adopted by the Belle Isle City Council in session assembled, at which session a quorum of its members were present on the

day of June, 2017.

Yolanda Quiceno, City Clerk

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WHEREAS, pursuant to Resolution 16-10, the City of Belle Isle has adopted the budget for fiscal year 2016-2017; and

WHEREAS, the City of Belle Isle desires to amend the budget using reserves in the Stormwater Fund to cover the cost of the Lake Conway Shores Drainage Improvement Project; and

Therefore, the City Council of the City of Belle Isle, Florida hereby
resolves:

FROM	TO
Stormwater Fund Reserves	103-541-00-6300
	Capital Improvements

Section 2. This Resolution shall take effect upon its adoption.

Adopted by the City Council on this 20th day of June, 2017.

LYDIA PISANO, MAYOR

ATTEST:

YOLANDA QUICENO, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

TOM CALLAN, CITY ATTORNEY

STATE OF FLORIDA

COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Resolution No. 17-12 was duly and legally passed and adopted by the Belle Isle City Council in session assembled, at which session a quorum of its members were present on the

day of June, 2017.

Yolanda Quiceno, City Clerk



L & S Diversified

Professional Surveyors and Mappers

When it is not
in our power to
follow what is true,
we ought to follow
what is most
probable.

~Rene Descartes

June 15, 2017

April Fischer, AICP
Fisher Planning and Development Services, Inc.
City Manager, City of Belle Isle
Via Email: aprilfisher73@gmail.com

Re: **Hoffner Fruit – Final Plat Approval**

Dear Mrs. Fisher,

Pursuant to your request, L&S Diversified has performed a review of the plat referenced above for conformity with Chapter 177, Florida Statutes and the City of Belle Isle Requirements.

L&S Diversified verified that the PRMs were set by field check performed on June 8th and all previous comments have been addressed.

Should you require any further information or clarification, please contact.

Sincerely,

Sherry L. Manor, PSM
President
L&S Diversified, LLC

Certifications

M/WBE
City of Orlando
Orange County
Osceola County
State of Florida
G.O.A.A.
F.D.O.T.

DBE
F.D.O.T.

LDB
G.O.A.A.

SSBE
Expressway Authority

L & S Diversified, LLC

Principal
Sherry Lee Manor, PSM

405 Lake Howell Rd.
Suite 1001
Maitland, FL 32751
Phone (407) 681-3836
Fax (407) 681-6541

www.LSsurveyor.com

PLAT BOOK

PAGE

HOFFNER FRUIT

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being the owner in fee simple of the lands described in the foregoing caption to this plat, does hereby dedicate said lands and plot for the uses and purposes therein expressed, including the plot notes. No part of said lands is dedicated to the City of Belle Isle or the public unless otherwise noted herein. All the streets and easements created by this dedication shall be subject to the laws of the State of Florida, and no portion of this dedication shall endorse, allow or sanction the violation of any code or ordinance of the City of Belle Isle or any statute or law.

IN WITNESS WHEREOF, the undersigned, HOFFNER FRUIT, LLC, a Florida limited liability company, has caused these presents to be executed and acknowledged by its undersigned KEVIN J SANZ thereunto duly authorized on this _____ day of _____, 2017

HOFFNER FRUIT, LLC, a Florida limited liability company

WITNESS: _____

Printed Name: _____

By: KEVIN J SANZ WITNESS: _____

Its: Manager Printed Name: _____

STATE OF _____ COUNTY OF _____

I HEREBY CERTIFY, that on _____ before me, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared KEVIN J SANZ, acting in his capacity as Manager of HOFFNER FRUIT, LLC, a Florida limited liability company, who is () personally known to me or () produced _____ as identification, and did/did not take on oath, the individual and officer described in and who executed the foregoing conveyance and acknowledged the execution thereof to be a free act and deed as such officer thereunto duly authorized, and the said conveyance is the act and deed of said company.

IN WITNESS WHEREOF, I have set my hand and seal on the above date.

Notary Public _____

Typed, Written or Stamped Name _____
Commission Expiration Date _____
and/or Serial No. _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that, on September 13, 2016 he completed the survey of the lands as shown in the foregoing plat or plan; that said plat was prepared under his direction and supervision and is a correct representation of the lands therein described and plotted or subdivided; that permanent reference monuments have been placed as shown thereon as required by Chapter 177, Florida Statutes; that said plat or subdivision meets all requirements as set forth in Chapter 177 and that said land is located in Section 20, Township 23 South, Range 30 East, Orange County, Florida.

ABRAHAM I. REMACHUK Date: _____
TINKLEPAUGH SURVEYING SERVICES INC. Florida Registration No. 6813
5125 ADAMSON STREET, SUITE 800 LICENSED BUSINESS No. 3778
ORLANDO, FLORIDA 32804

CERTIFICATE OF APPROVAL BY CITY OF BELLE ISLE PLANNING AND ZONING COMMISSION

THIS IS TO CERTIFY, that on _____ the Planning and Zoning Commission Chairman of the City of Belle Isle approved the foregoing plat.

Signed _____ Planning & Zoning Commission Chairman

Printed Name _____

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, that on _____ the City Council of the City of Belle Isle approved the foregoing plat.

Mayer, City of Belle Isle _____ City Clerk, City of Belle Isle

Printed Name _____ Printed Name _____

CERTIFICATE OF REVIEW BY REVIEWING SURVEYOR

THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY WITH CHAPTER 177, FLORIDA STATUTES.

City Surveyor _____ Date _____

CERTIFICATE OF APPROVAL BY COUNTY COMPTROLLER

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all requirements of Chapter 177, Florida Statutes, and was filed for record

on _____ File No. _____

County Comptroller _____
in and for Orange County, Florida
By: _____

HOFFNER FRUIT
LOCATED IN SECTION 20, TOWNSHIP 23 SOUTH, RANGE 30 EAST
CITY OF BELLE ISLE, ORANGE COUNTY, FLORIDA

DESCRIPTION

COMMENCING AT NORTH 1/4 CORNER OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 89°45'02" EAST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 20 A DISTANCE OF 660.11 FEET; THENCE RUN SOUTH 00°08'04" EAST, A DISTANCE OF 30.00 FEET; THENCE RUN SOUTH 00°08'06" EAST, A DISTANCE OF 9.11 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HOFFNER AVENUE PER ORDER OF TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 5493, PAGE 938. PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 88°58'35" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 175.12 FEET; THENCE RUN NORTH 89°45'02" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 22.10 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN SOUTH 00°08'04" EAST, A DISTANCE OF 301.07 FEET; THENCE RUN NORTH 89°51'56" EAST, A DISTANCE OF 264.27 FEET; THENCE RUN NORTH 00°08'04" WEST, A DISTANCE OF 68.05 FEET; THENCE RUN NORTH 89°55'50" EAST, A DISTANCE OF 151.18 FEET TO THE WEST RIGHT OF WAY LINE OF CONWAY ROAD PER SAID ORDER OF TAKING; THENCE RUN SOUTH 00°11'52" EAST, ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 198.49 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN SOUTH 89°55'50" WEST, A DISTANCE OF 37.80 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 175.50 FEET AND A CENTRAL ANGLE OF 27°44'27"; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 84.97 FEET TO A POINT OF REVERSE CURVATURE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 29.50 FEET AND A CENTRAL ANGLE OF 117°55'15"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 60.71 FEET; THENCE RUN SOUTH 00°14'58" EAST, A DISTANCE OF 178.97 FEET TO THE NORTH LINE OF WINDSOR PLACE PHASE II AS RECORDED IN PLAT BOOK 30, PAGE 81. PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 89°45'02" WEST, ALONG SAID NORTH LINE A DISTANCE OF 450.48 FEET TO THE EAST LINE OF SAID WINDSOR PLACE PHASE II; THENCE RUN NORTH 00°08'04" WEST, ALONG SAID EAST LINE A DISTANCE OF 620.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 232,036 SQUARE FEET OR 5.327 ACRES, MORE OR LESS.

NOTES

- BEARINGS ARE ASSUMED RELATIVE TO NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 30 EAST, AS BEING NORTH 89°45'02" EAST.
- ALL PLATTED PUBLIC UTILITY EASEMENTS SHALL PROVE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION, FLORIDA STATUTES 77.091 (28)
- SUBJECT TO DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS FOR HOFFNER CENTER RECORDED MARCH 17, 1994 IN OFFICIAL RECORDS BOOK 4712, PAGE 3582, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
- SUBJECT TO SHORT TERM LEASE BY AND BETWEEN PTC ENTERPRISES, INC., A FLORIDA CORPORATION AND WINN-DIXIE STORES, INC., A FLORIDA CORPORATION RECORDED IN OFFICIAL RECORDS BOOK 4712, PAGE 3593; NOTICE OF ASSIGNMENT OF TENANT'S INTEREST IN LEASES RECORDED DECEMBER 18, 2006 IN OFFICIAL RECORDS BOOK 9022, PAGE 2911; AND MEMORANDUM OF EXCLUSIVE PROPERTY MANAGEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 9022, PAGE 2363, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
- SUBJECT TO MORTGAGE AND SECURITY AGREEMENT EXECUTED BY PTC ENTERPRISES, INC. TO SOUTHRUST BANK OF ALABAMA RECORDED MARCH 17, 1994 IN OFFICIAL RECORDS BOOK 4712, PAGE 3598; ASSIGNMENT OF RENTS AND LEASES RECORDED MARCH 17, 1994 IN OFFICIAL RECORDS BOOK 4712, PAGE 3614; FINANCING STATEMENT RECORDED MARCH 17, 1994 IN OFFICIAL RECORDS BOOK 4712, PAGE 3623; SUBORDINATION, NON-DISTURBANCE AND ATTORNEYS AGREEMENT RECORDED MARCH 17, 1994 IN OFFICIAL RECORDS BOOK 4712, PAGE 3627; ASSIGNMENT OF MORTGAGE AND LOAN DOCUMENTS TO INDIANAPOLIS LIFE INSURANCE COMPANY RECORDED DECEMBER 1, 1994 IN OFFICIAL RECORDS BOOK 4826, PAGE 1797; UCC STATEMENT OF CHARGE RECORDED DECEMBER 1, 1994 IN OFFICIAL RECORDS BOOK 4826, PAGE 1801; AMENDED AND RESTATED MORTGAGE AND SECURITY AGREEMENT RECORDED DECEMBER 1, 1994 IN BOOK 4826, PAGE 1802; AMENDED AND RESTATED ASSIGNMENT OF RENTS AND LEASES RECORDED DECEMBER 1, 1994 IN OFFICIAL RECORDS BOOK 4826, PAGE 1828; SUBORDINATION, NON-DISTURBANCE AND ATTORNEYS AGREEMENT RECORDED DECEMBER 1, 1994 IN OFFICIAL RECORDS BOOK 4826, PAGE 3144; FINANCING STATEMENT RECORDED DECEMBER 8, 1994 IN OFFICIAL RECORDS BOOK 4829, PAGE 3168; 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LOCATED IN SECTION 20, TOWNSHIP 23 SOUTH, RANGE 30 EAST
CITY OF BELLE ISLE, ORANGE COUNTY, FLORIDA

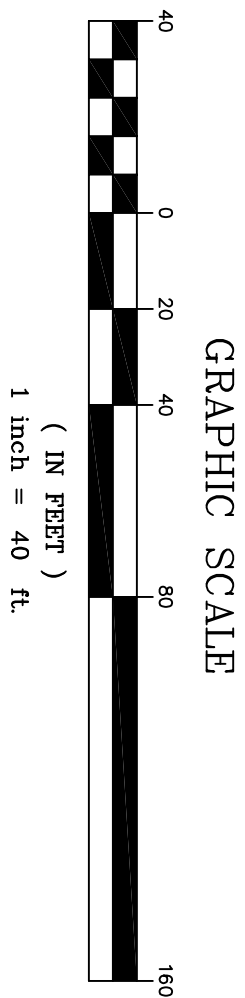


Diagram illustrating a cross-section of a road or embankment. The diagram shows a road surface, a shoulder, and a ditch. A scale bar indicates 1" = 40'.

[illegible]

- SET NAIL & DISK P.C.P. LB 3778 (UNLESS OTHERWISE NOTED)
- SET 4"x4" CONCRETE MONUMENT PRIM LB 3778 (UNLESS OTHERWISE NOTED)

SHEET 1 OF 2 -- COVER SHEET
SHEET 2 OF 2 -- LOT AND BOUNDARY GEOMETRY

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS AN OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED OR AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF A PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

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**CITY OF BELLE SLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: June 20, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Engineering Services Contract Approval

Background: The City advertised an Request for Qualifications for an Engineer of Record for the City of Belle Isle. The City received 3 proposals from qualified firms. A panel of three (City Manager, David Woods, a resident who is a civil engineer, and John Evertsen, a resident with a strong background in streets and stormwater) reviewed the proposals. The panel is recommending that Harris Engineering be approved by the Council as City Engineer. The Engineer will provide general engineering services including, but not necessarily limited to planning, design, cost estimation, bidding services, and construction administration for City of Belle Isle infrastructure, surveying, infrastructure modeling and analysis, funding assistance, participation in public meetings, and other related or follow-on functions that may be assigned. We would look at the City Engineer to start on average of 12-24 hours per month and start working with the City on, or about, July 6, 2017.

Staff Recommendation: Approve the Contract for Engineering Services

Suggested Motion: I move that we approve the contract for Engineering Services and appoint Harris Engineering as Engineer of Record for the City of Belle Isle.

Alternatives: Do not approve the contract

Fiscal Impact: The Fee Schedule is listed as Exhibit D of the Contract.

Attachments: Minutes of Proposal Opening, Contract, Harris Proposal,

**CITY OF BELLE ISLE
1600 NELA AVENUE
BELLE ISLE, FL 32809**

**MINUTES
June 7, 2017 * 5:05 p.m.
BID OPENING Engineering Services**

Present: Bob Francis, City Manager and Yolanda Quiceno, City Clerk

The Bid Opening was held in the Council Chambers, City Hall 1600 Nela Avenue, Belle Isle, FL 32809 at 5:05pm.

The City Manager asked if there were any more proposals to be received. There being none he opened with the following bids, in no particular order:

1. EXO Limited, Brad Alexander
2. Harris Civil Engineers, Joseph Harris
3. Florida Engineer Group (FEG), Jean Abi-Aoun, VP

All three packets were received at the specified time, complete and accepted. The City will start the process to evaluate and recommendation will be made at a later date.

There being no further business, City Manager Bob Francis closed the session at 5:10pm.

Yolanda Quiceno
CMC-City Clerk

AGREEMENT
CITY OF BELLE ISLE
AND
HARRIS CIVIL ENGINEERING, LLC

This Agreement is made and entered into this ____ day of June, 2017, by and between the **CITY OF BELLE ISLE, FLORIDA**, a Florida municipal corporation, with an address of 1600 Nela Avenue, Belle Isle, FL 32809, hereinafter "City", and **HARRIS CIVIL ENGINEERING, LLC**, a Florida Corporation licensed to do business in Florida with a business address of 1200 East Hillcrest Street, Suite 200, Orlando, FL 32803, hereinafter "Engineer".

WITNESSETH

WHEREAS, City has a requirement for City Engineer services and for other consulting civil engineering services; and

WHEREAS, Engineer is a corporate organization consisting of persons specially trained and experiences in civil engineering that are competent to perform the civil engineering services required by the City; and

WHEREAS, the City has given public notice of the professional services to be rendered pursuant to this agreement; and

WHEREAS, the selection of the Engineer has been made in accordance with the provisions of the Consultant's Competitive Negotiation Act, §287.055, F.S.

NOW, THEREFORE, City and Engineer, in consideration of the premises and mutual covenants contained herein set forth, hereby agree as follows:

- 1. Statement of Work.** Engineer shall employ engineers, draftsmen, technicians, clerical staff and professional Engineers, all properly skilled in the various aspects of the services to be furnished under this Agreement.
- 2. All Costs by Engineer:** Engineer shall, at its own risk and expense, perform the Work described above and, except as provided in this Contract, furnish all labor, equipment and materials required for the proper performance of the Work.
- 3. Qualified to Provide Work:** Engineer has represented, and by entering into this Contract now represents, that Engineer, and all person employed by Engineer assigned to work on this Contract, are fully qualified to perform the service to which they will be assigned in a skilled and workmanlike manner and, if required to be registered, licensed or bonded by the State of Florida, are so registered, licensed and bonded.
- 4. Contract Documents.** This Contract consists of the following documents: this Contract and all exhibits, Exhibit A (Statement of Qualifications/Proposal), Exhibit B (the RFQ) and Exhibit C (Scope of Work), Exhibit D (Fee Schedule). Exhibits A-D are attached to this Contract and incorporated by this reference.

5. Contract Term: This Contract becomes effective on July 6, 2017. The initial term of this Contract is from July 6, 2017 through June 30, 2022. Unless this Contract is terminated in accordance with its terms or extended, this contract ends June 30, 2022. This Agreement shall automatically be renewed for two successive two-year terms unless either party provides written notice to the other at least 90 days prior to the termination date that the party does not intend to extend this Agreement for an additional term. Contract termination does not extinguish or prejudice City's right to enforce this Contract with respect to any default by Engineer that has not been cured, and Contract termination does not extinguish City's liability for commitments as set forth in Paragraph 15.

6. Compensation:

a. Engineer shall be paid at the rates as set forth in "Exhibit D". Engineer is limited to 120 hours of service unless an increase is approved, in writing, by the City Manager to be paid in accordance with subsection (b) below. For any additional Projects as not described in the Scope of Work or added at a later time, the City and Engineer will negotiate a rate of compensation and agreed upon rates will be added to this Contract as an amendment.

b. Engineer shall submit monthly invoices to the City for Work performed. The invoices shall describe all Work performed and shall itemize and explain all expenses that this Contract requires City to pay and for which Engineer claims reimbursement. Each invoice also shall include the total amount invoiced to date by Engineer prior to the current invoice. Engineer shall send invoices to the City Manager by the 10th day of the month for work completed in the prior month. Payments shall be made within 30 days of the date of the invoice. Should the initial term of the Contract be prematurely terminated, payments will be made for work completed and accepted to date of termination.

7. Indemnification: ENGINEER SHALL DEFEND, SAVE, HOLD HARMLESS, AND INDEMNIFY THE CITY AND ITS OFFICERS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEYS FEES, RESULTING FROM, ARISING OUT OF, OR RELATING TO THE ACTIVITIES OF ENGINEER OR ITS OFFICERS, EMPLOYEES, SUBENGINEERS, OR AGENTS UNDER THIS CONTRACT. Engineer shall not be held responsible for any claims, suite, actions, losses, damages, liabilities, costs and expenses directly, solely, and proximately caused by the negligence of City.

8. Termination: This Contract may be terminated by either party by giving thirty (30) days written notice to the other party.

9. Independent Engineer Status:

a. Engineer shall perform all Work as an independent Engineer. The City reserves the right (i) to determine and modify the delivery schedule for the Work and (ii) to evaluate the quality of the Work Product, however, the City may not and will not control the means or manner of

Engineer's performance. Engineer is responsible for determining the appropriate means and manner of performing the Work.

b. Engineer understands and agrees that it is not an "officer" or "employee" of the City.

c. Engineer is responsible for all federal or state taxes applicable to compensation or payments paid to Engineer under this Contract and, unless Engineer is subject to backup withholding, City will not withhold from such compensation or payments any amount(s) to cover Engineer's federal or state tax obligations. Engineer is not eligible for any social security, unemployment insurance or workers' compensation benefits from compensation or payments paid to Engineer under this Contract, except as a self-employed individual.

10. Assignment and Subcontracts: Engineer shall not assign this Contract or subcontract any portion of the work without the written consent of City, which consent may be withheld in the City's sole discretion. Any attempted assignment or subcontract without written consent of City shall be void. Engineer shall be fully responsible for the acts or omissions of any assigns or sub-Engineers and of all persons employed by them, and the approval by City of any assignment or subcontract shall not create any Contractual relation between the assignee or sub-Engineer and City.

11. Governing Law; Venue; Consent to Jurisdiction. This Contract shall be governed by and construed in accordance with the laws of the State of Florida. Any claim, action, suit or proceeding between City and Engineer that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court of Orange County for the State of Florida or, if the claim, action, suit or proceeding must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Florida.

12 Merger Clause; Waiver. This Contract and attached exhibits, if any, constitute the entire agreement between the parties on the subject matter hereof. To the extent the terms of this Contract conflicts with the attached exhibits, the terms of this document control. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract. No waiver, consent, modification or change of terms of this Contract shall bind all parties unless in writing and signed by both parties and all necessary approvals have been obtained.

13 Amendments. No amendment to this Contract is effective unless it is in writing signed by the parties.

14 Confidentiality. Engineer will have access to certain information that is confidential and proprietary to the City (the "Confidential Information"). Engineer agrees that the Confidential Information is to be considered confidential and proprietary to the City and Engineer shall hold the same in confidence and shall not use the Confidential Information other than for the purposes of performing the Work under this Agreement. Engineer shall not disclose, publish or otherwise reveal any of the Confidential Information received from the City to any other party whatsoever except with the specific prior written authorization of

the City. The obligations with respect to Confidential Information shall survive termination of this Agreement.

15. Insurance. Engineer shall, at its own expense, at all times during the term of this contract, maintain in force:

1. A comprehensive general liability policy including coverage for contractual liability for obligations assumed under this contract, blanket contractual liability, products and completed operations and owner's and Engineer's protective insurance;

2. A professional errors and omissions liability policy; and

3. A comprehensive automobile liability policy including owned and non-owned automobiles.

The coverage under each liability insurance policy shall be equal to or greater than the limits for claims made under the Florida Tort Claims Act with minimum coverage of \$500,000 per occurrence (combined single limit for bodily injury and property damage claims) or \$500,000 per occurrence for bodily injury and \$100,000 per occurrence for property damage. Provided, however, that coverage for professional errors and omissions liability may be for a minimum coverage of \$100,000. The coverage limits are subject to change in accordance with any changes in limits under the Florida Tort Claims Act, or to the extent the City deems necessary to cover the City's liability in the absence of the Florida Tort Claims Act.

Liability coverage shall be provided on an "occurrence" basis. "Claims made" coverage will not be acceptable, except for the coverage required by (2) above. The City shall be named as an additional insured.

Certificates of insurance acceptable to the City shall be filed with City prior to the commencement of any work by Engineer. Each certificate shall state that coverage afforded under the policy cannot be cancelled or reduced in coverage until at least 30 days prior written notice has been given to City. A certificate which states merely that the issuing company "will endeavor to mail" written notice is unacceptable.

16. Ownership of Work Product.

a. Definitions. As used in this Section 16, and elsewhere in this Contract, the following terms have the meanings set forth below:

- (i) Drawings, specifications and other documents, including those in electronic form, prepared by the Engineer and the Engineer's consultants are Instruments of Service intended and authorized for use by the City.

- (ii) "Work Product" means all copies of such Instruments of Service provided by Engineer to City pursuant to the Work.

b. Original Works. The Engineer and the Engineer's consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain common law, statutory and other reserved rights in their work, including copyrights. All Work Product provided by Engineer pursuant to the Work, including derivative works and compilations, and whether or not such Work Product is considered a work made for hire or an employment to invent, shall be the exclusive property of City who may use them without the Engineer's further permission for any lawful purpose. Under no circumstances will the transfer of ownership of drawings, specifications, electronic data or other Instruments of Service be deemed to be a sale by the Engineer, and the Engineer makes no warranties, express or implied, of merchantability or of fitness for a particular purpose.

c. Third Party Works. Upon execution of this Contract, the Engineer grants to the City a nonexclusive license to reproduce the Engineer's Instruments of Service for purposes of constructing, using and maintaining the Project. The Engineer shall obtain similar nonexclusive licenses from the Engineer's consultants consistent with this Contract. Any unauthorized use of the Instruments of Service for any purpose other than the Project shall be at the City's sole risk and without liability to the Engineer or the Engineer's consultants. The City shall indemnify and hold harmless the Engineer, Engineer's consultants, and agents and employees of any of them from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of any unauthorized use of drawings, specifications, electronic data or other Instruments of Service.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Agreement and affixed their corporate seals, effective as the date set forth above.

CITY

HARRIS CIVIL ENGINEERING, LLC

BY: _____
Robert G. Francis, City Manager

BY: _____
Signature of Authorized Rep.

Printed Name/Title

ATTEST:

Yolanda Quiceno
City Clerk

EXHIBIT A
Statement of Qualifications

(Attached)

EXHIBIT B
Request for Qualifications
(Attached)

EXHIBIT C

**Scope of Work
for
City Engineering Services**

(Attached)

EXHIBIT C

**Scope of Work
for
City Engineering Services**

Project Understanding

Harris Civil Engineers, LLC will provide City Engineering Services for the City of Belle Isle on an as needed and as requested basis. The purpose for these services is to assist the City Administration, Planning, Public Works, and Council by providing consulting services on a broad range of City Engineering issues as outlined below.

- Serve as City Engineer of Record for the City of Belle Isle.
- Under the direction of the City Manager, oversee capital project design and construction. City reserves the right to solicit for engineering services for any individual capital or other city engineering project.
- Provide infrastructure impact analysis, as needed.
- Provide detailed design and construction specifications for successful bidding and construction coordination of infrastructure improvements and maintenance projects.
- Consult with state and federal agencies having jurisdictional authority over City project, as warranted.
- Perform engineering work pertaining to property acquisitions, condemnations, forfeiture activities, public improvements and improvement districts, public rights of way, easements, code enforcement, annexations, and matters related to special assessments and public utilities.
- Assist with budgeting, planning, and rate studies.
- Suggest and comment on engineering related ordinance modifications, construction standards, and specification modifications.
- Work with City staff to review or complete permits, applications, or agency notification.
- Work with City staff, organizations and funding agencies to help develop competitive and complete funding proposals.
- Serve as the City's project manager for public improvements prepared by other engineers.
- Review preliminary design drawings and design calculations for compliance with local, county and state requirements and sound engineering practices.
- Attend pre-application, pre-construction, Planning Commission and City Council meetings as requested by the City.
- Review final drawings and, after acceptance, stamp and sign the drawings.
- Periodically review project construction sites in an attempt to ensure compliance with plans and specifications.
- Review completed project sites, the as-built drawings, testing results, and as-built certifications.
- Review and formulate updates to City master plans and feasibility studies, as requested. Sub-consultants may be used, subject to written approval by the City, on design projects or where supplemental expertise is desired.
- Perform additional basic engineering and special services which cannot be fully described at this time, as requested by the City.

The City Engineer reports directly to the City Manager. City Engineer will have contact with City Council as a whole, not individual member of Council, including the Mayor. Much of the work occurs via telephone conferences and e-mail. Inquiries from the general public and/or press are outside the purview of the City Engineer. Any and all inquiries for the City Engineer's time shall be channeled through the City Manager, or the City Manager's designee, who must authorize such request prior to the City Engineer taking any action.

Projects Engineering Services (Special Assignments)

Harris Civil Engineers will provide consulting services under separate proposal for miscellaneous engineering projects, construction management, or inspection services as requested. When such services are requested, Harris will prepare a separate proposal for each assignment defining the consultant's work, budget, and schedule. Proposals will be submitted to the City for review, comment and approval. No work will be performed on special assignments until both parties agree to the work scope, budget, and schedule.

EXHIBIT D
FEE SCHEDULE

SCHEDULE OF HOURLY RATES

Effective October 1, 2015



PRINCIPAL	\$295.00
DIRECTOR OF ENGINEERING	\$230.00
ENGINEERING MANAGER	\$220.00
ENGINEER VI	\$180.00
ENGINEER V	\$150.00
ENGINEER IV	\$125.00
ENGINEER III	\$105.00
ENGINEER II	\$90.00
ENGINEER I	\$75.00
SENIOR PERMIT COORDINATOR	\$90.00
SENIOR DESIGNER / CAD TECHNICIAN	\$110.00
DESIGNER / CAD TECHNICIAN IV	\$90.00
CAD TECHNICIAN III	\$75.00
CAD TECHNICIAN II	\$65.00
CAD TECHNICIAN I	\$55.00
PERMIT COORDINATOR	\$60.00
GRAPHIC ARTIST	\$60.00
CLERICAL III	\$60.00
CLERICAL II	\$55.00
CLERICAL I	\$45.00
WORD PROCESSOR	\$50.00
IT MANAGER	\$90.00

SCHEDULE OF REIMBURSABLE FEES

Effective April 1 2017



I. IN-HOUSE REIMBURSABLES

MILEAGE

CURRENT IRS STANDARD

COPY - B/W 8.5x11	\$0.20/page
COPY - COLOR 8.5x11	\$0.50/page
COPY - B/W 11x17	\$0.40/page
COPY - COLOR 11x17	\$1.00/page
PLOTTING - BOND Black & White <12% ink coverage per page	\$0.35/sq.ft
PLOTTING - BOND Color <12% ink coverage per page	\$0.35/sq.ft
PLOTTING - BOND Black & White >12%-40% ink coverage per page	\$1.00/sq.ft
PLOTTING - BOND Color >12%-40% ink coverage per page	\$1.00/sq.ft
PLOTTING - BOND Black & White >40% ink coverage per page	\$1.75/sq.ft
PLOTTING - BOND Color >40% ink coverage per page	\$1.75/sq.ft

SCAN COPY - 8 1/2 X 11 or 11x17	\$0.55/page
SCAN COPY - LARGE FORMAT B&W or COLOR	\$1.75/sq.ft

PROJECT FILE CD	\$25.00 for 1st CD / DVD; \$10.00 thereafter for duplicates
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II. OUTSIDE VENDOR REIMBURSABLES

REPRODUCTION	actual cost plus 10%
LONG DISTANCE TELEPHONE	actual cost plus 10%
POSTAGE	actual cost plus 10%
COURIER	actual cost plus 10%
EXPRESS OVERNIGHT	actual cost plus 10%
MISCELLANEOUS REIMBURSABLES	actual cost plus 10%

Detail (back-up) of expenses will be provided only upon request.

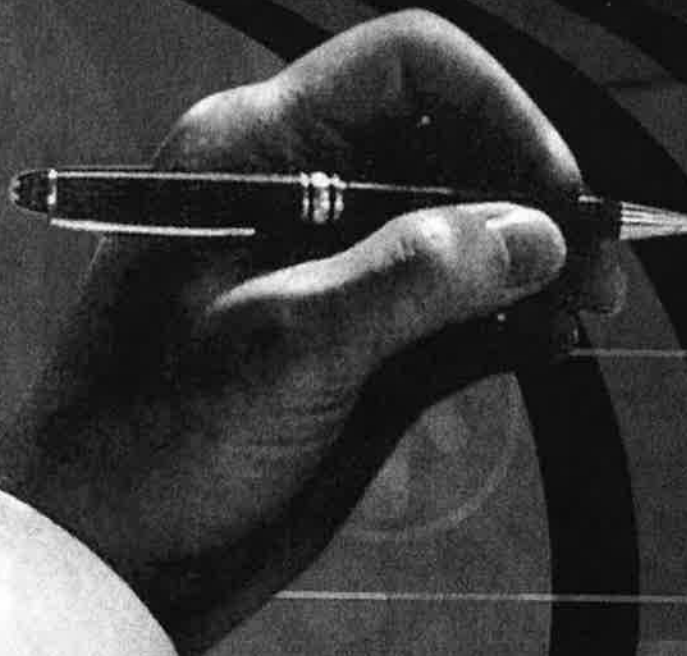
HARRIS

Harris Civil Engineers, LLC

ENGINEER OF RECORD SERVICE

FOR THE CITY OF BELLE ISLE

JUNE 7, 2017



June 7, 2017

Mr. Bob Francis, City Manager
City of Belle Isle
1600 Nela Avenue
Belle Isle, Florida 32809



RE: Qualifications for City Engineer of Record Services

Dear Mr. Francis:

On behalf of the Harris Civil Engineers. (HCE), I am pleased to submit this response to the request for qualifications for City Engineer of Record Services. The HCE team has the necessary expertise to provide exceptional quality and responsive service to the City of Belle Isle and has successfully completed a variety of civil engineering projects for many municipalities including:

Paradise Island, Bahamas (Continuing Services Provider)	
University of Central Florida (Continuing Services Provider)	
Valencia State College (Continuing Services Provider)	
City of Orlando	Orange County
City of Winter Park	Seminole County
Osceola County	Volusia County
Seminole State College	University of Florida

It appears that some of the areas of professional services that the City may require as part of this contract are stormwater collection and disposal design, sanitary sewer design and transportation/roadway design. David Taylor, PE will serve as the City's point of contact for any projects that may be assigned under this contract. Mr. Taylor has extensive experience in the planning and preliminary and final design of potable water, reuse water, wastewater collection and treatment systems, stormwater collection systems and hydraulic modeling of potable water/fire water distribution systems, reclaimed water irrigation systems, gravity flow and lift station/force main collection systems, site grading and drainage, and stormwater collection and storage.

We are confident that you will find that our assigned project team is made up of the appropriate, qualified and experienced personnel. As Principal-in-Charge, I can assure you that we will provide the City of Belle Isle with the highest quality professional services available.

We appreciate the opportunity to submit our qualifications and should you need additional information regarding HCE, our personnel, or our recommended sub-consultants, please do not hesitate to contact David Taylor or myself.

Regards,

HARRIS CIVIL ENGINEERS, LLC

A handwritten signature in cursive script, appearing to read "Joseph E. Harris".

Joseph E. Harris, PE, LEED AP
Principal

1200 East Hillcrest Street
Suite 200
Orlando, FL 32803
800.595.8185

Telephone: 407.629.4777
Fax: 407.629.7888
www.harriscivilengineers.com

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- Affirmative Action Statement
- License
- Community Involvement

PART 1 – AUTHORIZED NEGOTIATING PERSONNEL

The following persons are authorized to represent Harris Civil Engineers, LLC in negotiating and signing any agreement which may result from the proposal.

- Mr. Joseph Harris, PE, LEED AP
Sole Owner of Harris Civil Engineers, LLC
1200 Hillcrest Street, Suite 200
Orlando, Florida 32803
Phone/Direct Line: 407-428-2630
Email: joeh@harriscivilengineers.com
- Mr. David Taylor, PE
Project Manager, Harris Civil Engineers, LLC
1200 Hillcrest Street, Suite 200
Orlando, Florida 32803
Phone/Direct Line: 407-428-2639
Email: davidt@harriscivilengineers.com

PART 2 – QUALIFICATIONS

A. Name and qualifications of the individual who will serve as the City Engineer.

DAVID TAYOR, PE

Project Manager

QUALIFICATIONS

Years of Experience: 16

Years with HCE: 16

Education:

BSCE, Civil Engineering, Florida Institute of Technology, 1999

Registration:

State of Florida #60928, US Virgin Islands #7020

Affiliations:

American Society of Civil Engineers

BACKGROUND

Mr. Taylor has 13 years civil engineering experience in the planning and preliminary and final design of potable water, reuse water, wastewater collection and treatment systems, grading, drainage, and stormwater collection systems. His responsibilities have included planning, designing, analyzing, and hydraulic modeling of potable water/fire water distribution systems, reclaimed water irrigation systems, gravity flow and lift station/force main collection systems, site grading and drainage, and stormwater collection and storage.

RELEVANT EXPERIENCE

Paradise Island, Bahamas, Water Billing Development – As continuing services provided for Kerzner International, HCE assisted in developing a water and wastewater billing program for entire island. This included developing an impact fees program and developing the appropriate unit fee rates.

University of Central Florida Potable Water Supply Wells and Treatment Facility Redesign – As part of their growth management plan, HCE in partnership with a Geotechnical Engineering sub-consultant designed upgrades to the existing potable water supply wells and the water treatment system. The wells were expanded from 3 to 5. Harris sized the pumps and piping. The treatment system was a tray aerated system for the removal of Hydrogen Sulphide. HCE performed the design for the upgrades to this system.

University of Central Florida Campus Fire Protection System Improvements, Orlando, Florida— Project Engineer for transmission main improvements to the campus potable water system. Included over 2 miles of new mains. Performed extensive hydraulic modeling.

University of Central Florida Potable Water Booster Pump Station, Orlando, Florida— Project Engineer for the potable water booster station to serve and boost pressure to the UCF campus by the proposed Orange County system connection.

Paradise Island Master Lift Station and Force Main System Evaluation – As part of the Phase III Expansion of the Atlantis Resort on Paradise Island, HCE was tasked with evaluating the existing lift station and force main system for the entire island. HCE identified what lift stations needed to be upgraded, which needed to be rehabbed. The force main system was also evaluated for size and age. HCE produced construction drawings based on the report findings.

DAVID TAYLOR
continued

Paradise Island Water Distribution, Pumping and Storage System Evaluation – As part of the Phase III Expansion of the Atlantis Resort on Paradise Island, Bahamas, HCE evaluated the potable water distribution, pumping and storage systems. HCE generated multiple options for upgrades to the system. Ultimately it was decided that the most cost effective and engineering appropriate solution was to construct a treatment plant with pumping and storage

Belle Terre Parkway Boulevard 16-inch Water Transmission Main, Florida Water Services, Palm Coast, Palm Coast, Florida— Project Engineer for a 16 inch Potable Water Main addition to the existing Palm Coast potable water system along Belle Terre Parkway.

Water Conserv II, Western Reclaimed Water System Expansion, Orange County, Florida—Project Engineer for evaluating, upgrading, and H2ONET and EPANET alternative expansion scenarios for the existing reclaimed water system in Western Orange County.

Legacy Park Subdivision Off-Site Utilities, Osceola County, Florida— Project Manager for off-site utility improvements along Osceola Parkway near SR 535 to serve the proposed Legacy Master Plan area. Project included a 30' deep, 10' diameter triplex lift station with telemetry, SCADA controls, permanent generators, an air scrubber and approximately 1.5 miles of 20" force main. Connections from the potable water and reuse water mains within Osceola Parkway were another component. Challenges in this project included directional drilling under Osceola Parkway and directional drilling under wetlands and canals.

Tupperware World Headquarters, Utilities Relocation Project, Osceola County, Florida— Project Engineer for the relocation of utilities in conjunction with the SR 441 road widening project. Included design of new lift station approximately 30' deep with an 8' diameter wet well and backflow preventers.

GOAA Administrative Building, Orlando Florida— Served as project manager providing design of sanitary sewer system with a relocated master lift station using H2ONET, stormwater modeling using AdICPR and StormCAD and driveway design using AutoTURN. Duties included permitting (through City of Orlando, GOAA and FDEP) and extensive construction administration. Managed in-house personnel, budgets and schedule. Project site construction costs were estimated at approximately \$4 million.

- A. Names of professional persons who will assist the City Engineer in performing the work and a current résumé for each,

JOSEPH HARRIS, PE, LEED AP
PRINCIPAL

QUALIFICATIONS

Years of Experience: 39

Years with HCE: 31

Education:

MBA, Finance, Loyola College, 1982

BSCE, Civil Engineering University of Delaware, 1977

Registration:

Arizona #31476, California #55622, Florida #34517, Virgin Islands 768-E

Affiliations:

American Society of Civil Engineers

LEED Accredited Professional

BACKGROUND

Mr. Harris is a civil engineer with over 39 years experience and a principal with Harris Civil Engineers, LLC. Harris Civil Engineers, LLC is a civil engineering firm located in Orlando, Florida. They provide services for clients throughout the U.S., Latin America, South America, and the Caribbean. Their clients include Walt Disney Imagineering, Walt Disney World Co., Universal Studios, MCA, Ritz-Carlton, Hilton Hotels, and Kerzner International, St. Joe Corporation, Faison, Trammel Crow, MVCI, and Wyndham. The firm also has worked for the cities of Orlando, Maitland, Altamonte Springs, Ocoee, and Sanford, counties of Orange, Volusia, Osceola, and Seminole and the State of Florida.

He was graduated from the University of Delaware in 1977 with a BSCE and from Loyola College in 1982 with an MBA in Finance. He worked for Greiner Engineering throughout the eastern US for 9 years. He started Ivey, Harris & Walls, Inc. in 1986. The civil engineering section of IHW was spun off and renamed Harris Civil Engineers, LLC in 2003.

He has managed projects ranging from the design of retail strip centers, residential housing, shopping centers, shopping malls, office buildings, industrial facilities, resorts, master planned projects, theme parks, restaurants, railroads, airports, schools, universities, banks, service stations, and marinas. In addition, he has worked on projects for municipalities, counties, state agencies and the federal government.

Among Mr. Harris's retail projects include Millennia Mall, Festival Bay, and Waterford Lakes Town Center in Orlando. He was also involved in office development projects, including work for St. Joe Corporation, Flagler Development, Cabot, Cabot & Forbes, and Highwoods Properties.

Mr. Harris's projects include Disney's Swan and Dolphin Hotels, Pleasure Island, All-Star Resorts, Coronado Springs Hotel, Boardwalk Resort, and Wilderness Lodge for Disney. Recently, he directed the design of the Sugar Bay Plantation in St. Thomas and the first \$100 million renovation to Paradise Island Resort and Casino, in the Bahamas.

Mr. Harris also completed the 850-acre/\$125 million resort infrastructure for MCA/Universal City Development Partners in Orlando, Florida. The development included two theme parks, five hotels, golf course, and an entertainment center. The infrastructure project included master planning, through final design and construction administration.

JOSEPH HARRIS
Continued

Mr. Harris has provided infrastructure design on over 3,150 projects since 1977.

Mr. Harris has testified to civil engineering issues, including parking, vehicle turning and stacking, zoning, comprehensive plan issues, setbacks, buffers, drainage, flooding, water services, wastewater collection and pumping systems, fencing, grading, ramps and handicapped site access requirements, effluent distribution, permitting, and roadway. He has also been involved in transportation issues involving roadway design, sight and stopping distances, sidewalk, bike lane, and striping/signage.

Also, he has been an expert testifying on real estate development issues, professional engineering issues and underground utility issues. He has testified numerous times for private and public landowners in eminent domain cases.

RELEVANT EXPERIENCE

1991 to Present – Expert Services for Private Owners.

1988 - Orange County Engineering Department

- Employed as an expert witness for Cemetery Road eminent domain project.
- Also provided services for Orange County vs. Orange Acres

1990 - Disney Development Company

- Employed as an expert witness for the creation of the Celebration Community Development District.
- Testified as to adequacy of water, wastewater, drainage, and roadway.

1990 - Disney Development Company

- Employed as an expert witness for the creation of the Enterprise Community Development District.
- Testified as to adequacy of water, wastewater, drainage, and roadway.

1991 to present - Florida Department of Transportation District 5

- Employed as an expert witness for the eminent domain legal staff. Our services include exhibit preparation, opinions, depositions, trial testimony, and fee hearing preparation. Mr. Harris has worked on over 106 parcels. The larger projects included:

- All Florida Plumbing - Provided exhibits, depositions, and trial testimony. 1994
- Lake County Recycling - Provided exhibits and opinions.
- Freeman - Provided exhibits and depositions. 1995
- State Farm Insurance - Provided exhibits and depositions.
- Hart Land and Cattle - Provided exhibits and opinions.
- Lake County Pistol and Rifle - Provided exhibits and opinions.
- Publix Supermarket - Provided exhibits and opinions.
- Shoneys - 6 parcels on SR 441 - Provided exhibits and opinions.
- DOT v. Smallwood Sign Company - Parcels 105, 141 and 150 - Provided opinions.
- DOT v. Jerry Moyer
- DOT v. FJ and Associates
- DOT v. Gulfstream Partners
- DOT v. Country Time
- DOT v. Thomas
- DOT v. Country Time
- DOT v. Gulfstream Partners
- DOT v. Carlos Genero
- DOT v. Highland Golf
- DOT v. 27 Properties

JOSEPH HARRIS
continued

1996 to 2001 - Seminole County Engineering Department

- Employed as an expert witness for Howell Branch Road eminent domain project (two parcels, Seminole County v. Bud Mudd). 1996
- Employed as an expert witness for two parcels on SR 427
- Employed as an expert witness for three parcels on SR 434

1997 to 2000 - Hillsborough County Attorneys Office

- Employed as an expert witness for Bloomingdale Avenue eminent domain project.
- Employed as an expert witness for Linebaugh Avenue eminent domain project (Hillsborough County v. Spivey and Hillsborough County v. Florida Rock).

1996 to 1997 - duPont and Greenberg Traurig Attorneys

- Employed as an expert on drainage and flooding for Gator Slough Nursery v. duPont, Twentieth Circuit, Charlotte County, Florida, the Honorable Donald E. Pellechia presiding, provided exhibits, deposition, and trial testimony. 1997

2003 to 2004 - Mid-State Paving v. Island Club West

- Employed as an expert on site design, drainage, utilities, liner and grading for this arbitration case.

2006 to 2008 - Confidential v. Seven Eleven, et al.

- Employed as an expert on driveway design, permitting and sight distances.

2007 to 2013 - Swofford v. Seminole County

- Employed as an expert on survey, layout, graphical representation and distances.

2007 to Present - Lakeview HOA v. Maronda Homes

- Employed as an expert on subdivision design, drainage, grading, permitting and piping.

2009 to 2010 - Turnbaugh Construction v. BellSouth

- Employed as an expert on standard of care and management of utility conflicts

2009 to 2010 - Jones Brothers Construction v. Ch2mHill

- Employed as an expert on standard of care

2009 to 2012 - Glynwood HOA v. M/I Homes (four subdivisions)

- Employed as an expert on subdivision design, drainage, grading, permitting and piping.
- Potential standard of care issues.

2010 to 2011 - Levon Enterprises v. ABC Land Clearing

- Employed as an expert on site design, drainage, pavement and curb design.

2010 to 2012 - Blue Springs Investments v. Grandeville on Saxon, Ltd.

- Employed as an expert on site design, drainage, grading, permitting and piping.
- Potential standard of care issues.

2011 to 2013 - Wilson Garber and Small

- Walker Middle School
- Ocoee Elementary School
- DOT vs. Rees

2011 to 2013 - Astaldi v. King Engineering Associates

- Employed as a standard of care expert

2011 to Present - Alaqua HOA v. Taylor Morrison

- Drainage, underdrain, groundwater and pavement issues
- Employed as a standard of care expert

JOSEPH HARRIS
continued

2011 to 2013 – Astaldi v. Desoto County
- Employed as a standard of care expert

2011 to 2012 – Ditaranto v. Debary and PEC
- Employed as a drainage expert

2011– Clermont Ventures v. Interplan
- Employed as a standard of care expert

2013 to 2014 – Infrasource v. Atkins
- Employed as a standard of care expert

2013 to 2014 – The Quarter at Ybor HOA v. TBPM
- Wastewater piping expert

2015 to 2016 – Lauterner v. Surrey Homes
- Stormwater and Permitting expert

2015 to Present – The Oakes HOA v. MI Homes
- Civil Engineering expert

2016 to Present – Eagle Pointe neighbor v. CalAtlantic Homes
- Civil Engineering expert

2016 to Present – Palmer Lakes HOA v. CalAtlantic Homes
- Civil Engineering expert

2016 to Present – Copperstone HOA v. CalAtlantic Homes
- Civil Engineering expert

2016 to Present – Therrien v. Doust
- Civil Engineering expert

RICHARD LIS, PE, LEED AP
PROJECT ENGINEER

QUALIFICATIONS

Years of Experience: 30

Years with HCE: 19

Education:

BS Civil Engineering, Syracuse University, 1987

Registration:

Florida # 51215, Massachusetts # 36803

Affiliations:

LEED Certified Professional

American Society of Civil Engineers

BACKGROUND

Mr. Lis has 29 years of experience in all aspects of civil engineering design. Mr. Lis has experience working in both the public and private sectors. His experience includes design of residential, commercial, highways, bridges, utilities and public infrastructure projects. Mr. Lis' experience also includes stormwater management system permitting and utility permitting of projects with state and local regulatory agencies.

RELEVANT EXPERIENCE

UCF Campus Master Plan, Orlando, Florida— Prepared the four plan Elements of the 1995 Campus Master Plan. The firm subsequently completed the summary Master Plan document for the Board of Regents. The first comprehensive plan was developed for UCF under new state planning guidelines. The elements include recreation and open space; conservation; and utilities, including water, wastewater, solid waste, and drainage.

UCF Fire Mains, Orlando, Florida— Provided analysis of the existing campus water system, evaluation of fire protection water supply alternatives, hydraulic modelling, recommendations for improvements to the existing campus water system transmission and distribution system, interim operational recommendations, and design of interim improvements to improve fire water supply. Additionally, the firm designed the necessary water main improvements to provide adequate supply and pressures to the campus.

UCF Master Stormwater Plan Update, Orlando, Florida— Mr. Lis prepared the original Master Stormwater Plan in 1995 and secured all required permits from the St. Johns River Water Management District for the entire campus. The stormwater plan identified drainage basins, flow patterns, drainage calculations, proposed drainage facilities. The update modified the boundaries of the drainage basins to reflect current and proposed construction activity. The campus was re-permitted through the Water Management District

UCF Utility Infrastructure Master Plan, Orlando, Florida— Design services for the 50-acre medical campus at Lake Nona South. Assistance includes site development issues, master utility and drainage plan, and prepare preliminary sizing and layouts for utility and drainage lines.

Campus Asphalt and Resurfacing at UCF, Orlando, Florida— As Project Manager/Engineer, Richard provided civil engineering and construction administration service for the resurfacing of 11,000 L.F. of campus roadway along with various turn lane, parking lot and sidewalk upgrades. Richard provided civil engineering design, site evaluation of existing conditions, preparing construction plans, bidding assistance, coordination with Orange County Traffic Department roadway design and construction administration.

RICHARD LIS
Continued

Centerview Boulevard/Greenwald Way, Osceola County, Florida— As Project Engineer, Richard provided civil engineering and construction administration service for the design of a 2,800 L.F. of 4-lane divided urban section connector roadways. Richard's services included roadway design, drainage and grading design, and permitting the projects with the South Florida Water Management District and Osceola County. Construction Administration services included, bidding assistance, responding to RFI's and performing site visits.

Central Florida Boulevard Realignment, Orlando, Florida— As Project Manager, Mr. Lis was responsible for the civil engineering design of the realignment of Central Florida Boulevard from Alafaya Trail into the UCF Campus Gemini Boulevard. The purpose of the realignment was to move the Alafaya Trail intersection away from the University Boulevard intersection so that a signalized intersection could be constructed. Richard provided design for 2,000 L.F. of four-lane divided roadway realignment, signalized intersection improvements, stormwater management design and permitting with county and state agencies, and construction administration.

Gemini/Orion Boulevard Expansion, Orlando, Florida— As project engineer, Richard provided full site/civil engineering services for the expansion of Gemini Boulevard East and North Orion Boulevard. Richard designed the roadway from a 2 lane section to a 4 lane divided section with bike lanes. Richard designed over 4,000 feet of four-lane divided roadway, a traffic signal at Parking Garage C Richard provided roadway design, drainage and grading design, and permitting the project with the St. Johns River Water Management District. Construction Administration services included, bidding assistance, responding to RFI's and performing site visits to assure project was being constructed per the plans and specifications.

Gemini Boulevard South Realignment, Orlando, Florida— As Project Manager, Mr. Lis provide civil engineering and construction administration services for the realignment. of Gemini Boulevard South form University Boulevard to Garage B. This project included the design of 1,700 L.F. of roadway and revision of existing parking lots impacted by the road project. Design services included roadway design, drainage and grading design, and permitting the projects with the St. Johns River Water Management District. Construction Administration services included, bidding assistance, responding to RFI's and performing site visits.

Lake Nona Campus Roads UCF, Lake Nona, Florida— Campus Drive will be a two-lane urban section road with on street parking and service road will be an urban section street. HCE provided utility design for sanitary sewer, potable water, reclaimed water and stormwater along the roads and provide stub out along road per UCF's Master utility plan. In addition, HCE will coordinate with OUC for chilled water, power and roadway lighting

Libra Drive Widening at UCF, Orlando, Florida— Mr. Lis served as Project Manager for the expansion of Libra Drive from a 2 lane section to a 4 lane urban section with bike lanes. Richard provided civil engineering design of 3,300 feet of four-lane divided roadway with signal light upgrades. His design services included roadway design, drainage and grading design, utility relocation and permitting the project with the St. Johns River Water Management District. Construction Administration services included, bidding assistance, responding to RFI's and performing site visits.

Mary Louis Lane, Osceola County, Florida— Mr. Lis served as Project Engineer providing civil engineering and construction administration service. Richard provided civil engineering design for 3,900 L.F. of 2-lane divided urban section connector roadway. Design services included roadway design, drainage and grading design, and permitting the project with the South Florida Water Management District, Orange County and Osceola County. Construction Administration services included, bidding assistance, responding to RFI's and performing site visits.

RICHARD LIS
Continued

Osceola Parkway Extension, Osceola County, Florida— Mr. Lis served as Project Engineer. Richard provided complete civil engineering design and construction services for the 3,300 foot 4-lane divided urban section roadway. Richard also provided civil design for a service road to the southwest. The design included sewer and water utilities, as well as drainage and detention of storm water. Richard also coordinated the design of electrical and communication ductbanks and a natural gas main. Richard permitted the project with the Reed Creek Improvement District, SFWMD and FDEP.

OCC Lot Three Roads, Osceola County, Florida— Design of all street and storm water improvements for a heavy-duty pavement in a heavy commercial/industrial area. Design included all necessary storm water improvements and other utility expansions and relocations to service the commercial subdivision. All permitting through local, state and federal authorities, Right-of-way and easements acquisitions and project construction management and administration. Services included project administration of all design disciplines that included electrical, irrigation and landscape designs.

Sherry Drive Erosion Control, Orange County, Florida— Conducted a drainage analysis to determine measures to help counteract the erosion problems affecting a portion of the 15-mile long Little Wekiva River. Coordination between owner, agencies, geotechnical engineer, and surveyor to acquire information to meet common goals. Permitting through Orange County, and the St. Johns River Water Management District.

UCF Campus Paving, Orlando, Florida— Civil Designer and Draftsman for a major road resurfacing project covering Greek Park Drive, Gemini Blvd., and N. Orion Blvd. Project involved generating construction documents that designated the limits, methods of resurfacing, and restriping of the main roadway that circles the university campus.

ABDUL ALKADRY, PE
PROJECT ENGINEER

QUALIFICATIONS

Years of Experience: 27

Years with HCE: 9

Education:

Masters of Engineering, Transportation Engineering, Carleton University, Canada 1999

Bachelors of Engineering, Civil Engineering, American University of Beirut, Lebanon 1990

Registration:

Professional Engineer, Florida #66693, Missouri #2005022074, Lebanon #14405

Affiliations:

American Society of Civil Engineers

BACKGROUND

Mr. Alkadry's primary responsibilities are in civil engineering project management. His professional experience includes various aspects of land development including paving, grading and drainage design, utility systems design and coordination, construction project management and administration, specifications review & compilation, client and agency coordination, and permitting through various local, state and federal agencies. Mr. Alkadry held several positions with NY state Department of Transportation and The City of Cape Girardeau, Missouri before accepting a position with Harris Civil Engineers, LLC.

RELEVANT EXPERIENCE

OCC Lot 3 Stormwater- Design Osceola County, Florida— Provide civil engineering design and permitting services for a 30.5 acres commercial property in Osceola County. Civil engineering services include the design of the stormwater system and permitting through The South Florida Water Management District (SFWMD), The Army Corps of Engineers (COE) and Osceola County.

OCC Lot Three Roads— Design of all street and storm water improvements for a heavy-duty pavement in a heavy commercial/industrial area. Design included all necessary storm water improvements and other utility expansions and relocations to service the commercial subdivision. All permitting through local, state and federal authorities, Right-of-way and easements acquisitions and project construction management and administration. Services included project administration of all design disciplines that included electrical, irrigation and landscape designs.

OCC Lot 6 Stormwater- Design Osceola County, Florida— Provide civil engineering design and permitting services for a 13.5 acres commercial property in Osceola County. Civil engineering services include the design of the stormwater system and permitting through The South Florida Water Management District (SFWMD), The Army Corps of Engineers (COE) and Osceola County.

OCC Lot 8 Stormwater- Design Osceola County, Florida— Provide civil engineering design and permitting services for a 16.5 acres commercial property in Osceola County. Civil engineering services include the design of the stormwater system and permitting through The South Florida Water

Tupperware Heights Stormwater Master Plan, Orange County, Florida— Provided civil engineering and permitting services for a three lot 59 acres commercial subdivision in Orange County. Civil engineering services includes the design of a master stormwater system and permitting through South Florida Water management District and The US Army Corps of Engineers

Tupperware Heights Utility Master Plan- Design and construction, Orange County, Florida —Provide civil engineering design, permitting, construction bidding and administration services for a three lot 59 acres commercial subdivision in Orange County. Civil engineering services include the design of utility systems for sanitary sewer, water system, and reuse water and permitting through Orange County, Florida Department of Transportation, South Florida Water Management District and Florida Department of Environmental Protection.

ABDUL ALKADRY
continued

UCF Lake Claire Improvements, Orlando, Florida— Water, storm water and sanitary sewer system design for a new Park facility on campus. Park included relocation existing utility yard and water well pumping station, combining and expanding stormwater basins, beach volleyball courts, general purpose sports field, park shelters and trails. Civil design included all site grading, utility relocations, stormwater design, permitting through Saint Johns River Water Management District, University of Central Florida and Orange County Health Department. Services included project administration of all design disciplines that included electrical, irrigation and landscape designs. Services also included construction phase services.

UCF Minor Projects, Orlando, Florida— Pavement, water, storm water and sanitary sewer system design for several minor projects on campus such as Pond 4M modifications, South Campus lift station and the Gemini Boulevard and Libra Drive intersection. Civil design included all site grading, utility relocations, permitting and other necessary appurtenances.

UCF Central Florida Boulevard, Orlando, Florida— Rehabilitation of an existing urban four lane roadway. Design included all necessary pavement remedies and repairs and all permitting through local, state and federal authorities, Right-of-way and easements acquisitions and project construction management and administration.

UCF Libra Drive Widening, Orlando, Florida— Street and storm water improvements for the widening of an existing rural type two lane roadway to an urban four lane roadway. Design included all necessary storm water improvements and other utility expansions and relocations and all permitting through local, state and federal authorities, Right-of-way and easements acquisitions and project construction management and administration. Services included project administration of all design disciplines that included electrical, irrigation and landscape designs.

Deborah Gackenback
Permit Coordinator

QUALIFICATIONS

Years of Experience: 23

Years with HCE: 17

Education: Polk Community College, Baylor University, Seminole State College

BACKGROUND

Ms. Gackenback has 23 years of experience in the engineering industry to include land development and design, platting, and procedural requirements. Permitting experience includes most local Counties, many local Cities, FDEP, FDOT, ACOE, EPA, and the Florida Water Management Districts. Her responsibilities are to ensure all project permits are obtained and tracked to final certification. Her role is also one of a liaison and central contact person between HCE and the governmental regulatory agencies.

B. Familiarity with laws and regulations governing public Civil Engineering improvements.

Harris Civil Engineers, LLC has been engaged as an expert witness on many Eminent Domain cases. As such, HCE has extensive knowledge of the laws and regulations regarding municipal improvements. Among others, our municipal clients include FDOT (District 5), Orange County and Seminole County. HCE has been continuing civil engineering consultants for Orange County, Seminole County, City of Orlando, Winter Park, Paradise Island in the Bahamas (through Kerzner International), University of Central Florida (current) and University of Florida. HCE has also done work for the City of Kissimmee, Toho Water Authority, the City of Palm Coast and the School Boards of Orange, Seminole, Volusia and Brevard Counties. Our experience in civil improvements design and permitting has educated and continue to educate us in the laws and regulations of State, County and Local design. HCE works with several law firms that could assist in interpreting legal matters.

PART 3 – EXPERIENCE

Description of proposer's expertise in the following areas:

- 1) Civil, Electrical, Mechanical and Transportation Engineering;
 - (a) HCE has extensive civil design and planning experience.
 - (b) HCE would engage the services of one of the several MEP firms in the Central Florida area which we have long standing relationships with and who meet the requirements of this RFP. These could include EXP Consulting Engineers, TLC Engineering, Peninsula Engineering and C&S Companies.
- 2) Deep well groundwater pumps and water distribution systems;
 - (a) HCE has designed many water distribution systems, both large and small, for public and private Clients. HCE has designed systems in all of the local Counties and many local Cities.
 - (b) HCE has designed the deep well groundwater pumps for the University of Central Florida, Baha Mar Resort in the Bahamas and Paradise Islands in the Bahamas. HCE would engage the services of one of several Geotechnical Engineering firms in the Central Florida area which we have long standing relationships with and who meet the requirements of this RFP. These could include Universal Engineering Sciences, PSI Engineering and Ardaman Engineers.
- 3) Municipal ground/surface water rights acquisition and maintenance of;
 - (a) Working with the City, HCE would engage the services of one of the many law firms we have relationships with in the Central Florida area to assist us in these matters.
- 4) Pump station and gravity wastewater collection systems;
 - (a) HCE has designed many pump stations, collection systems and force main systems.
 - (b) HCE has designed sewer systems for private and public clients including City of Orlando, Toho Water Authority, Orange County, Seminole County, University of Central Florida, University of Florida and others.
 - (c) HCE has also designed non-traditional systems such as low pressure grinder systems, vacuum systems and advanced treatment septic systems.
- 5) Aerated lagoon wastewater treatment with land applied effluent disposal;
 - (a) While HCE has designed Aerated Lagoon WWTPs and land applied disposal in the past, these are not technologies that are widely used due to the large amounts of land required.
 - (b) HCE has experience in other more common types of treatment processes such as Activated Sludge plants (most like the Aerated Lagoon principal), Sequencing Batch Reactor plants and Membrane Bio Reactor plants.
- 6) WPCF and NPDES permit regulations and compliance;
 - (a) HCE has performed multiple projects where NPDES permits were required and acquired.
 - (b) Assuming that WPCF stands for Water Pollution Control Facilities (as opposed to the Water Pollution Control Federation), HCE has assisted municipalities in permitting designed upgrades to their plants. This includes City of Orlando
- 7) Municipal transportation systems involving state and federal highways;
 - (a) HCE has a long-standing relationship with the FDOT District 5.
 - (b) HCE has designed roadway systems for FDOT, Orange County, Seminole County as well as several other smaller municipalities.
- 8) Road maintenance techniques and applications;

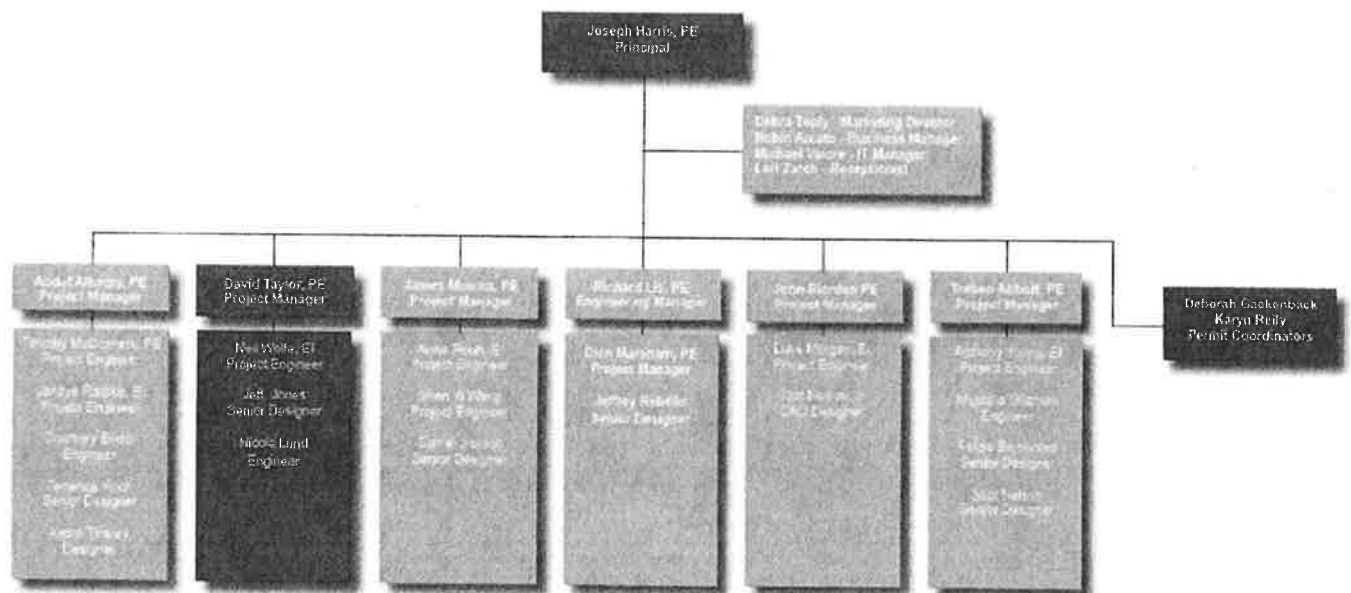
- (a) HCE would engage the services of one of our many General Contractors in the Central Florida area to assist in these matters.
- 9) Florida land use law/planning and development related infrastructure issues;
 - (a) HCE has extensive knowledge of the land planning process and have aided in the master planning of civil infrastructure for many clients, both municipal and private.
 - (b) Working with the City, HCE would engage the services of one of the many law firms we have relationships with in the Central Florida area to assist us in these matters.
- 10) Public improvement contracting and administration;
 - (a) HCE has extensive history with the preparation of RFP/RFQs, determining and soliciting qualified bidders, handling the administration of the bidding process and negotiating the contract with the successful bidders.
- 11) Contract law and intergovernmental agreements;
 - (a) Working with the City, HCE would engage the services of one of the many law firms we have relationships with in the Central Florida area to assist us in these matters.
- 12) Public Utility billing operations and maintenance;
 - (a) HCE has developed utility billing procedures for the University of Central Florida, Paradise Island in the Bahamas and Baker's Bay in the Bahamas
- 13) Public finance and infrastructure financing.
 - (a) HCE would engage the services of a legal and financial firm that is qualified to perform these functions.

Workload Capacity.

HCE has an extensive history of providing civil engineering design services to both public and private sector clients. HCE is sensitive to the needs of our Clients, and as such, we are very careful to insure that we can provide the highest level of quality and services. We do this by carefully reviewing our assigned team members project workloads to determine service thresholds. This threshold is determined by reviewing current work assignments against future projected work assignments. We will dedicate, at the onset of the project, sufficient time allocation for the design team to be able to undertake any level of planning or design work that could be expected during the project. In the event that additional staff is needed, HCE will guarantee those staff members are made available. We clearly understand that all deadlines must be met and that the quality of work meets your expectations.

Proposer's facilities and availability of support staff.

Harris Civil Engineers is located in downtown Orlando, Florida. The firm currently employees a staff of 32 professional civil engineers, designers/technicians and administrative staff. Harris Civil Engineers has served as an on call consultant to several public entities. We have successfully completed numerous projects under these contracts. Our professional services include: civil engineering, site development engineers, roadway design, transportation engineering, utility & drainage design, feasibility studies, water supply facilities design, wastewater facilities design, reuse system design, permitting and regulatory agency coordination. HCE has assigned a team lead by David Taylor, who has previously provided design services to the City. Should there be a need for additional staff, HCE has readily available several other team leaders that can also assist with any task that may be assigned.



A list of at least three references from government clients of similar size for whom similar services have recently been provided. (For all references, please include names, phone numbers, and description of work performed.)

1. University of Central Florida

Bill Martin, Director
407-823-5270
bill.martin@ucf.edu

HCE has held the University of Central Florida Continuing Services Contract for nearly 20 years. HCE has completed over 225 projects involving a multitude of services throughout the campus. These projects have ranged from site development for new buildings and various other structures, design of roads, parking lots, sports fields, drainage ponds, utilities, sidewalks and maintenance project, to permitting of utility systems through FDEP and stormwater systems through the St. Johns River Water Management District (SJRWMD). In addition, we have provided master planning services for UCF's stormwater system, potable water/firewater system, and various public spaces.

2. Tupperware Corporation

Thomas. Roehlk, Executive Vice President
407- 826-4514
tomroehlk@tupperware.com

HCE has been Osceola Corporate Center's (OCC) civil engineering consultant since 1986. HCE has been providing support to OCC for over 24 years to assist them in developing their 1,050+ acres. HCE has assisted OCC in developing numerous projects including, mixed-use, shopping centers, office buildings, roads, utility systems, and stormwater management systems. HCE developed OCC's master stormwater plan, which is the guideline that all stormwater management systems on the property are designed to. HCE continues to provide on-going civil engineering services for OCC projects.

3. SeaWorld Adventure Parks

Greg Bales, Vice President of Development
407-363-2121
greg.bales@seaworld.com

HCE has held a master agreement with SeaWorld Adventure Park for over 10 years. HCE has evaluated their master water and sewer systems, designed portions of back of house roadway and has provided extensive design work on their stormwater system.

A list of the tasks, responsibilities, and qualifications of any sub-consultants proposed to be used on a routine basis and proof of adequate professional liability insurance for any sub-consultants.

Certain projects may require services outside the capabilities of our in-house design team which have to be subcontracted out to a qualified firm. Harris Civil Engineers typically subcontracts the following types of work: geotechnical, survey, electrical and mechanical. HCE has held numerous contracts with other design firms and has a good working relationships with other design professionals. Below are some of the firms that HCE works with:

Mechanical, Electrical and Plumbing Firms

- EXP Engineering
- TLC Engineering
- CNS Mechanical

Geotechnical Engineering Firms

- Universal Engineering
- Intertek (PSI)
- Artamann & Associates

Surveying Firms

- Accuright Surveys of Orlando
- Southeastern Surveying
- Tinklepaugh Surveying Services

Traffic Consultants

- Traffic Planning & Design

HCE's team typically plays a major role in coordinating the different disciplines on many of our projects. Our staff will exercise every effort to make sure that all the design disciplines are kept up to speed on any site changes and will ensure that other design professionals on the team are updating the rest of the team on their progress. If HCE is tasked with project coordination, our team will review the finished documents for each submittal for any inaccuracies, conflicts or deviations from the design program prior to submitting the documents to the City for review.


Affirmation Action Statement

It is the policy of Harris Civil Engineers to assure that all applicants are evaluated, and the employees are treated during employment, or during consideration for employment, without regard to their race, creed, color, sex, age, national origin or disability. Such nondiscriminatory action shall include, but not be limited to, the following: employment, job assignment, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other form of compensation, and selection for training, including apprenticeship. The firm maintains a program of affirmative action to make known its policies in this regard to encourage all qualified persons to seek employment based on individual merit. This process includes positive steps to assure all minority groups and women full access to employment opportunities in the firm.

Harris Civil Engineers also prohibits discrimination and provides equal opportunity to qualified applicants for contracts and subcontracts. We will comply with all Federal, State and County requirements designed to guarantee that protected classes have equal access to contracting opportunities. We will use all good faith efforts to implement the Women and Minority-Owned Business Enterprise Program and to solicit active participation by certified M/W/DBE firms.

Harris Civil Engineers has consistently provided meaningful functions for Women and Minority-Owned Business Enterprises in the past and we will continue to do so for this project.

State of Florida
Board of Professional Engineers
Attests that
Harris Civil Engineers, LLC


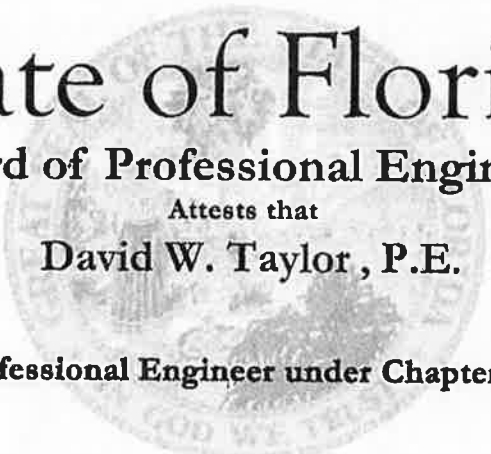


Is authorized under the provisions of Section 471.027, Florida Statutes, to offer engineering services to the public through a Professional Engineer, duly licensed under Chapter 471, Florida Statutes.

Expiration: 2/28/2019
Audit No: 228201902490 R

CA Lic. No: 9814

State of Florida
Board of Professional Engineers
Attests that
David W. Taylor, P.E.



Is licensed as a Professional Engineer under Chapter 471, Florida Statutes

Expiration: 2/28/2019
Audit No: 228201929724 R

P.E. Lic. No: 60928

State of Florida

Board of Professional Engineers

Attests that

Richard Alan Lis , P.E.



Is licensed as a Professional Engineer under Chapter 471, Florida Statutes

Expiration: 2/28/2019

Audit No: 228201905016 R

P.E. Lic. No:

51215

State of Florida

Board of Professional Engineers

Attests that

Abdulkader Alkadry , P.E.



Is licensed as a Professional Engineer under Chapter 471, Florida Statutes

Expiration: 2/28/2019

Audit No: 228201925429 R

P.E. Lic. No:

66693

State of Florida

Board of Professional Engineers

Attests that

Joseph Edward Harris , P.E.



Is licensed as a Professional Engineer under Chapter 471, Florida Statutes

Expiration: 2/28/2019

Audit No: 228201915886 R

P.E. Lic. No:

34517

Discussion of proposer's use of local resources and community involvement.

HCE has an extensive background in public involvement facilitation and experience in conducting open house sessions to solicit input from the surrounding residents, business owners and other users. These meetings have typically provided valuable information as to the extent of usership and the role that they play in meeting the needs of the City both now and in the future. Our approach to these meetings is one of structured informality whereby we inform the attendees of our site analysis findings and ultimate goals, but more importantly solicit public user input. Depending on the City's desired involvement with respect to solicit public input, HCE may schedule multiple meetings with various user groups to get more detailed information if possible. HCE is well versed in public involvement session, and will fully facilitate the meetings with as little or as much Staff involvement as desired by the City. As part of these meetings, HCE will provide all necessary background information (i.e. aerials, surveys, photo boards, GIS maps, etc) that will help to inform the public during the meetings.



**CITY OF BELLE SLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: June 20, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Special Events Policy

Background: The city council decided a Special Events committee should be formed and composed of key persons who are capable of ensuring the success of an event outlined in Chapter 26, Article II of the Belle Isle Municipal Code. The Special Events Committee is designated by the City Council with members selected at-large with the responsibility for reviewing and approving special events within the City. An effective committee should include people who are active and involved.

Staff Recommendation: To approve the Special Events Committee policy and to direct the City Manager to look for candidates for the Committee.

Suggested Motion: I move that we approve the Special Events Committee policy and to direct the City Manager to look for candidates for the Committee.

Alternatives: Do not approve the policy and continue to hold special events as done in the past.

Fiscal Impact: None to form the Committee. Council has allocated \$8,000 in the FY 2016-17 Budget for Special Events

Attachments: Special Events Committee Policy
BIMC Section 2-54 (Advisory Committees)
BIMC Chapter 26, Article II (Special Events)



City of Belle Isle Special Event Committee

INTRODUCTION: The purpose of this document is establish a Special Events Committee to outline the procedures required to hold a City of Belle Isle sponsored festival or special event on City property and to insure the events are carried out in accordance with the provision in Chapter 26, Article II of the Belle Isle Municipal Code.

COMMITTEE MEMBERS: The Special Events Committee is formed by the City Council under Section 2-54 of the Belle Isle Municipal Code. The Committee shall consist of a Chair, Vice-Chair, and 5 other members who will be appointed by the City Council. Members appointed by the Council may be at-large appointments. Members will serve three-year terms with the exception that the first appointments will be four 3-year terms and 3 2-year terms to provide for staggered terms and allow for continuity of membership.

PURPOSE: The Special Events Committee's purpose is to organize, plan and prepare for "special events" that the City can either host or attend. It should be emphasized that memberships on an Advisory Committee does not carry any administrative powers. The Advisory Committee cannot implement their recommendations without formal approval from the City Council. All expenditure of funds as well as legislative decisions are only made by the City Council (by motion or Resolution) prior to implementation.

SCOPE OF WORK:

1. Solicit input from citizens regarding their wants and requirements for public events and assist the City Council in evaluating the public's expectations for City sponsored events and participation in other events in the City of Belle Isle.
2. Develop short and long term goals, objectives and projects
3. Identify sources of financing/grants that will aid in achieving goals/objectives
4. Work with other community members or committees in developing plans that will further enhance the quality of life.
5. Work in conjunction with the City Manager in budgeting costs associated with Special Events issues and proposed programs for the Belle Isle Community
6. Coordinate with City Manager for the provision of government services for special events

7. Explore opportunities to enhance community involvement and accomplish committee goals in the City of Belle Isle.
8. Develop resolutions or motions for presentation, and provide presentations on events to the City Council in Regular Council Meetings for approval and funding.
9. Provide information and photos of completed projects for the City website and local media.
10. Work with other appointed committees to provide/obtain information necessary to achieve goals.
11. Discuss any other topic that the committee would like to bring before the City Council.

MEETING SCHEDULE: The Special Events Committee will meet on at a place and time convenient for the Committee to establish a quorum and for the public to attend. The Special Events Committee meeting cannot conflict with other regularly scheduled City Committee meetings. At no time should a quorum of the City Council present at any committee meeting deliberate a matter that will come before the Council at a later date.

The Special Events Committee Meetings will be considered by the City Council as Open & Public Meetings. "Special Meetings" can be called by the Chair, under the same guidelines as the City Council. Notices for "Special Meetings" must be posted in the same manner as City Council Special Meetings.

If the regularly scheduled monthly committee meeting date falls on a recognized National holiday, the monthly meeting can be cancelled or re-scheduled by the Chair at his/her discretion. The Chair is responsible for communicating with committee members if there are any changes in the meeting schedule as well as with the City Clerk to ensure that the website calendar is updated and a Special Meetings Notice is adequately posted.

The Special Events Committee Chair will designate a recording secretary. In the recording secretary's absence, the Chair will appoint a temporary replacement. The Committee Chair will prepare a meeting agenda which will be presented at the beginning of each meeting.

Committee members will submit agenda topics to the Chair at least 1 week in advance of the monthly meeting. The Committee Chair will be responsible for forwarding a copy of the Final Meeting Agenda to the City Clerk prior to the scheduled committee meeting.

The Committee Chair (with assistance from the recording secretary) will be responsible for forwarding a copy of the "approved" meeting minutes to the City Clerk along with an agenda copy for the same meeting. Public Comment Forms are public record and must be submitted along with the approved committee meeting minutes.

Meeting Structure:

1. Call to Order
2. Roll Call
3. Approval of the minutes of the previous meeting
4. Public Comments
5. Presentations, guest speakers
6. Agenda Topic Discussions by Committee Members
7. Other business that might come before the meeting
9. Adjourn

Project Request – The Committee will request approval of events by submitting a report with a letter recommending the event to the City Council. When a project scope has been completed, a report and corresponding recommendation letter will be presented to the City Council for approval. The Chair of the Special Events Committee will be responsible for generating the report and recommendation letter (within a Committee Meeting) and scheduling it with the City Clerk to appear on the Regular Council Meeting agendas. The report will contain the following minimum information:

1. Name of Project
2. Purpose of Project
3. Specific project information
4. Estimated timeline: Start Date and Completion Date
5. Preliminary sketch of project - before/after
6. Photos of project site
7. Cost estimates for materials and labor
8. Estimate of number of volunteers needed (detailed)
9. Source of funding for project
10. Estimate of continued maintenance costs (yearly or monthly) and funding sources

Committee Goal - It is the goal of the Special Events Committee, as implemented through related adopted policies and procedures, to recognize the substantial community benefits that result from special events. These events provide cultural enrichment, promote economic vitality, enhance community identity and pride, and provide opportunities for fundraising for the community's nonprofit agencies.

• **Sec. 2-54. - Advisory committees.**

(a)

Establishing advisory committees. The city council has the power to create any advisory committee which is not identified within the city Charter. Any advisory committee established by the council shall adhere to the regulations listed in this section. The term "advisory committee" shall mean any committee established by the council, not identified in the city Charter, and advisory in nature to the council. The council shall identify the duties and purpose of the advisory committee.

(b)

Membership.

(1)

Composition, nomination and approval. Advisory committees shall consist of at least three but not more than seven members as determined by the council. Each member of a committee shall be nominated by the member's commissioner and approved by the entire council. Each commissioner shall have the right to serve on the committee or may choose a resident of the commissioner's district to serve on the committee.

(2)

Chair and vice-chair. The members of an advisory committee shall elect a chair and vice-chair from among its membership. The chair and vice-chair shall each be elected for a one-year term. Each year thereafter, an election for a chair and vice-chair will be held during the anniversary month.

(3)

Mayor.

a.

The mayor may, if nominated, serve as a voting member of an advisory committee for the district in which the mayor lives.

b.

The mayor shall serve as a nonvoting ex officio member of any advisory committee on which the mayor is not a voting member.

c.

The city manager shall be responsible for informing the committee of its duties and purpose as identified by the council.

d.

It shall be the city manager's duty to ensure that any and all information, equipment and manpower necessary to accomplish the committee's duties and achieve its purpose are provided.

(4)

Terms. The terms of the individual members of an advisory committee shall be determined by the council. At the time the committee is established, the council shall set the term length and decide on the method of reappointment.

(5)

Vacancies.

a.

Should any seat on an advisory committee become vacant, the council shall nominate and approve the member in the same method described in subsection (b)(1) of this section.

b.

Should the chair no longer be able to serve or that seat become vacant, the vice-chair shall become chair.

c.

~~Should the vice-chair no longer be able to serve or that seat become vacant, the advisory committee shall elect a new vice-chair from its members.~~

(c)

Abolishing an advisory committee. The council has the power to abolish an advisory committee or restructure the advisory committee in accordance with the city's goals, objectives and policies.

- **ARTICLE II. - SPECIAL EVENTS**

- **Sec. 26-20. - Definitions.**

The following terms when used in this chapter shall have the meanings subscribed to them in this section, except where the context clearly indicates a different meaning:

Special event means any public or private event held within the city, in which it can be reasonably expected that services, such as additional police services, traffic control, crowd control, fire and/or emergency medical services, street closures, garbage cleanup, will be necessary to service the event beyond those that are regularly provided by the city or in which it can be anticipated that parking for the event is likely to impede the passage of emergency vehicles. Special events may include public or private events that involve the use of amplified sound, high intensity lighting, erection of temporary structures or displays, or other activities of such a nature that impinge upon any adjacent public, business or residential area. By way of example and without limitation, special events may include athletic events, contests, carnivals, concerts, religious events, walk-a-thons, competitions, festivals, block parties, street dances, parades, car shows, art/craft shows, bazaars, lake events, fireworks displays, motion and still photography productions or other similar activities which meet the definition provided herein.

Sidewalk means any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is improved.

Street means any place or way set aside or open to the general public for purposes of vehicular traffic, including any perm or shoulder parkway, right-of-way, or median strip thereof.

(Ord. No. 13-06, § 1, 4-2-2013)

- **Sec. 26-21. - Permit required.**

No person, corporation, partnership or other organization shall advertise, conduct, maintain, or sell or furnish tickets for any special event within the boundaries of the City of Belle Isle unless and until that person or entity has obtained a special event permit from the City of Belle Isle to conduct such event.

(Ord. No. 13-06, § 1, 4-2-2013)

- **Sec. 26-22. - Permit application.**

(a)

An application shall be made on a special event application form, provided by the City of Belle Isle. A completed special event application, together with descriptive plans for all arrangements and the applicable fee, if any, must be submitted at least 14 days prior to the scheduled commencement of the event.

(b)

The application for the special event permit shall set forth the following information, and such other information as may, from time-to-time, be reasonably required:

(1)

The name, mailing address and telephone number of the person or entity seeking to conduct the special event.

(2)

The name, mailing address and telephone number of the individual person who will be responsible for the conduct of the special event.

(3)

The date(s) the special event is to be conducted.

(4)

A description of the special event and of any activities that will occur during the event.

(5)

The times the special event will start and terminate.

(6)

A description of any and all recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices which will be utilized in connection with the special event.

(7)

The location(s) at which the special event will be conducted.

(8)

A site plan which shows, as applicable, the location of ingress and egress, on- and off-premises parking, fire lanes, aisle widths, all temporary structures to be erected, sanitation facilities and other physical features of the proposed site. The site plan does not need to be drawn to scale or certified by an engineer.

(9)

A designation of any public facilities or equipment proposed to be utilized.

(10)

A good faith and reasonable estimate of the number of people who are calculated or expected to attend and participate in the special event.

(Ord. No. 13-06, § 1, 4-2-2013)

• **Sec. 26-23. - Standards for issuance of permit.**

The city manager shall issue a permit as provided for hereunder when, from a consideration of the application and from other information as may otherwise be obtained, it appears that:

(1)

The conduct of the special event will not interrupt substantially the safe and orderly movement of other pedestrian or vehicular traffic in or contiguous to the location of the special event.

(2)

The concentration of persons, animals or vehicles (including, if applicable, watercraft) at the special event will not interfere unduly with the proper fire and police protection, or ambulance service to, areas contiguous to the area of the special event or other areas of the city.

(3)

Adequate sanitation and other required health facilities are or will be made available in or adjacent to the special event area.

(4)

There are sufficient parking places near the site of the special event to accommodate the approximate number of automobiles reasonably expected to be driven to the special event.

Within seven business days after receipt of a completed special event permit application, the city manager shall either approve the application or notify the applicant in writing that the application has been refused and the reasons for the denial of the special event permit shall be stated.

(Ord. No. 13-06, § 1, 4-2-2013)

- **Sec. 26-24. - Appeal procedure.**

Any applicant shall have the right to appeal a denial of a special event permit to the city council. The appeal to city council shall be made by filing a written notice with the city clerk who shall schedule the appeal for the next regularly scheduled meeting following receipt of the notice of appeal.

(Ord. No. 13-06, § 1, 4-2-2013)

- **Sec. 26-25. - Duties of permittee.**

(a)

All permittees are responsible for returning any public property to its original condition.

(b)

All litter, temporary structures, and ancillary equipment must be collected and removed from the special event area within 24 hours of the event's end. If the special event is held for more than one day, litter shall be collected and removed immediately following the closing of each day's activities.

(Ord. No. 13-06, § 1, 4-2-2013)

- **Sec. 26-26. - Insurance and bond.**

(a)

The applicant shall obtain adequate liability and property insurance for the event based upon and subject to periodic revisions.

(b)

A certificate of insurance shall be included with the application and the City of Belle Isle shall be named as "additional insured" on the certificate.

(c)

At its discretion, the City of Belle Isle may require an indemnity or performance security bond for the special event with the amount of the bond to be set by the city manager. The bond shall be with a corporate bonding company authorized to do business in the State of Florida, or a cash bond in the form of a cashier's check payable to the City of Belle Isle.

(d)

The bond shall be sufficient to indemnify the City of Belle Isle, its agents or employees against any and all claims arising out the preparations, conduct or aftermath of the event, including if necessary the cost of cleaning trash and debris from the special event site if the applicant fails to clean up the site as provided in section 26-25 above.

(Ord. No. 13-06, § 1, 4-2-2013)

- **Sec. 26-27. - Fees.**

A non-refundable fee to cover the administrative costs of processing the permit shall be paid to the City of Belle Isle at the time of filing the application. The permit fee shall be based upon estimated attendance and whether alcohol is served or consumed on any waterways, street, sidewalk or right-of-way pursuant to a fee schedule to be adopted from time to time by the city council.

(Ord. No. 13-06, § 1, 4-2-2013)

- **Sec. 26-28. - Police protection.**

The Belle Isle Chief of Police shall determine whether and to what extent additional police protection will be necessary for the special event for purposes of traffic control and public safety. The chief of police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections to be blocked and the need to detour or pre-empt ordinary citizen travel and use of the streets and sidewalks. If possible, without the disruption of ordinary police services or compromised public safety, the event will be policed by regularly scheduled on-duty personnel. If additional police protection or lake patrol for the special event is deemed necessary by the chief of police, the applicant shall be so informed and the applicant shall then have the duty to secure the police protection deemed necessary by the chief of police at the applicant's sole expense.

(Ord. No. 13-06, § 1, 4-2-2013)

- **Sec. 26-29. - Penalties; legal or equitable relief.**

(a)

Special events which are subject to this article and are being held without having obtained a permit as provided in this article are prohibited. Any violation shall be punished as provided by law.

(b)

The City of Belle Isle may seek legal or equitable relief against any person or entity violating the provisions of this article. To the extent not inconsistent with Florida Law, a violation of this article may be subject to an injunction, temporary or permanent, without the necessity of showing an actual irreparable harm.

(Ord. No. 13-06, § 1, 4-2-2013)

- **Sec. 26-30. - Exemption.**

A special event permit shall not be required for events sponsored by any federal, state or local governmental entity, including, without limitation, public schools.



**CITY OF BELLE SLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: June 20, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Interlocal Agreement with Greater Orlando Aviation Authority (GOAA)

Background: The City received a draft of an Interlocal Agreement (ILA) from GOAA on June 15th, requesting the Council review and execute the ILA for establishing airport protection zoning for the airports within or near our jurisdiction and GOAA further requests the City review and adopt Airport Protection Zoning Regulations as part of the BI Municipal Code.

In speaking with the attorney who crafted the documents, we need to adopt the ILA prior to June 30, but the ordinance can be adopted at a later time. Our adoption procedures would not allow for adoption of an ordinance at this meeting.

The City of Orlando and Osceola County are considering the ILA on June 19, GOAA is considering it on June 21 and Seminole County is considering it on June 27 with other jurisdiction to follow within the June 30 time frame.

Staff Recommendation: Approve the ILA and have the staff review the ordinance for adoption.

Suggested Motion: Motion: **I move that we approve the Interlocal Agreement with the Great Orlando Aviation Authority.** After the motion, then direct that the Airport Zoning Regulations be reviewed by the staff and Planning and Zoning Board at the next P&Z meeting and a report be submitted to the Council with recommendations.

Alternatives: Do not approve the ILA

Fiscal Impact: None

Attachments: ILA
Airport Zoning Regulations
F.S. 333.03 and 333.25

INTERLOCAL AGREEMENT
AMONG
ORANGE COUNTY, FLORIDA
AND
CITY OF ORLANDO, FLORIDA
AND
SEMINOLE COUNTY, FLORIDA
AND
OSCEOLA COUNTY, FLORIDA
AND
WINTER PARK, FLORIDA
AND
OVIEDO, FLORIDA
AND
BELLE ISLE, FLORIDA
AND
KISSIMMEE, FLORIDA
AND
THE GREATER ORLANDO AVIATION AUTHORITY
REGARDING
AIRPORT ZONING ORDINANCE

THIS INTERLOCAL AGREEMENT is made and entered into this ____ day of _____, 2017, by and among **Orange County, Florida**, a Charter County and political subdivision of the State of Florida (“Orange County”), the **City of Orlando, Florida** a municipal corporation created and existing under the laws of the State of Florida (“Orlando”), **Seminole County, Florida**, a Charter County and political subdivision of the State of Florida (“Seminole County”), **Osceola County, Florida**, a Charter County and political subdivision of the State of Florida (“Osceola County”), **Winter Park, Florida**, a municipal corporation created and existing under the laws of State of Florida (“Winter Park”), **Oviedo, Florida**, a municipal corporation existing under the laws of the State of Florida (“Oviedo”), **Belle Isle, Florida**, a municipal corporation existing under the laws of the State of Florida (“Belle Isle”), **Kissimmee, Florida**, a municipal corporation existing under the laws of the State of Florida (“Kissimmee”), and the **Greater Orlando Aviation Authority**, a public agency authorized by Ch. 98-492, Laws of Florida (“GOAA”); referred to herein collectively as the “Local Governments” and each as a “Local Government”.

RECITALS

WHEREAS, the Local Governments recognize their respective obligations, in the interest of the public health, safety and general welfare to prevent the creation of airspace hazards and the use of land that is incompatible with airport operations; and

WHEREAS, section 333.03, Florida Statutes (2016), requires every political subdivision that has an airport hazard area within its territorial limits, to adopt, administer, and enforce a set of airport protection zoning regulations; and

WHEREAS, section 333.03, Florida Statutes (2016) further requires that when an airport is owned or controlled by a political subdivision and if any other political subdivision has land upon which an obstruction may be constructed or altered which underlies any surface of the airport as provided in 14 C.F.R. part 77, subpart C, the political subdivisions adopt, administer, and enforce a set of airport protection zoning regulations; and

WHEREAS, sections 333.03 and 333.025, Florida Statutes (2016), require airport zoning protection regulations be adopted either by Interlocal Agreement or by ordinance, regulation, or resolution; and

WHEREAS, sections 333.03 and 333.025, Florida Statutes (2016), further require that such airport zoning protection regulations provide for a permitting process for the construction or alteration of any obstruction, including providing documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study submitted by each person applying for a permit and the criteria that must be considered when determining whether to issue or deny a permit; and

WHEREAS, the Local Governments have jurisdiction over all public airports within their limits and therefore have the power to prepare, adopt and enforce these regulations pursuant to Chapter 333, Florida Statutes, as amended, and such other authorities and provisions established in statutory or common law; and

WHEREAS, Chapter 163, Florida Statutes, provides that a joint exercise of power by public agencies may be made by Agreement in the form of an Interlocal Agreement; and

WHEREAS, each of the Parties have authority pursuant to Section 163.01, Florida Statutes (2016), to enter into Interlocal Agreements; and

WHEREAS, the Parties to this Interlocal Agreement desire to collaborate in the establishment of Airport Protection Zoning Regulations for Orlando International Airport, Orlando Executive Airport, and any other applicable airports within a Local Government's jurisdiction (collectively, the "Airports") an outline of which is attached hereto as **Exhibit "1"** and incorporated herein by this reference, in fulfillment of the foregoing statutory requirements.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, to include the mutual terms, conditions, promises and covenants hereinafter contained, the Parties agree as follows:

1. **Recitals.** The Recitals set forth above are true and correct and are incorporated herein and made a part of this Agreement.

2. **Authority.** This Agreement is a Florida Interlocal Cooperation Agreement negotiated, executed, and to be implemented expressly under the authority of the Florida Interlocal Act of 1969, as amended, section 163.01, Florida Statutes. The Local Governments hereby, and, accordingly, may exercise, jointly and bilaterally, those powers that each may exercise separately within the respective jurisdiction of each Local Government to prepare, adopt and enforce these regulations pursuant to Chapter 333, Florida Statutes, as amended. The Local Governments each hereby represents, warrants, and covenants to and with the other that this Interlocal Agreement has been validly approved by its respective governing body at a duly held public meeting, and that this Interlocal Agreement constitutes a legal, valid, and binding contract enforceable in accordance with the terms hereof.

3. **Duties of the Parties.** The Parties shall have the duty to adopt Airport Protection Zoning Regulations that contain substantially the same content as set forth in **Exhibit “1,”** attached hereto, and to perform their respective obligations pursuant to such Airport Protection Zoning Regulations all pursuant to Chapter 333, Florida Statutes, for the Airports.

4. **Force Majeure and Indemnification.**

(a) **Force Majeure.** In case any party hereto should be delayed in, or prevented from, performing or carrying out any of the agreements, covenants, and obligations made by and imposed upon said party by this Agreement, by reason of or through strike, stoppage in labor, failure of contractors or suppliers of materials and fuel, riot, fire, flood, ice, invasion, civil war, commotion, insurrection, military or usurped power, order of any Court granted in any bona fide adverse legal proceedings or action, order of any civil or military authority (either de facto or

dejure), explosion, act of God, or the public enemies or any cause reasonably beyond its control and not proximately attributable to its neglect; then and in such case or cases, all parties shall be relieved of performance under this Agreement for the duration of the period for which performance is delayed or prevented and shall not be liable to any other party for or on account of any loss, damage, injury, or expense resulting from or arising out of such delay or prevention; provided, however, that the party suffering such delay or prevention shall use due and practicable diligence to remove the cause or causes thereof; and provided, further, that no party shall be required by the foregoing provisions to settle a strike except when, according to its own best judgment, such a settlement seems advisable.

(b) Responsibility and Indemnification. Each Local Government, to the extent permitted by law, hereto expressly agrees to indemnify and save harmless and defend the other Local Government's against all claims, demands, cost or expense asserted by third parties and proximately caused by the negligence or willful misconduct of such indemnifying Local Government in connection with the operation of this Agreement.

5. Miscellaneous.

(a) Governing Law; Venue; Attorney's Fees and Costs.

(i) This Interlocal Agreement shall be governed by and construed in accordance with laws of the State of Florida.

(ii) Venue for any action arising out of or related to this Interlocal Agreement shall be in the Circuit Court for the Ninth Judicial Circuit in Orange County, Florida.

(iii) In the event a party deems it necessary to take legal action to enforce any provisions of this Interlocal Agreement, each party shall bear its own attorney's fees and costs at both the trial and appellate levels.

(b) Amendments. This Interlocal Agreement may be amended only by express written instrument approved by the governing body of the Local Governments, and executed by the authorized officers of each Local Government.

(c) Counterparts. This Interlocal Agreement and any amendments thereto may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

6. Notices. Written notices shall be given to the Local Governments at the following addresses or such other place or other person as each Local Government shall designate by similar notice:

GOAA: GREATER ORLANDO AVIATION AUTHORITY
One Jeff Fuque Boulevard
Orlando, Florida 32827-4399
Attn: Executive Director

Copy to: Marchena and Graham, P.A.
976 Lake Baldwin Lane, Suite 101
Orlando, Florida 32814
Attn: Marcos R. Marchena

Orlando: CITY OF ORLANDO
400 South Orange Avenue
Orlando, FL 32801
Attn: Chief Administrative Officer

Copy to: City Attorney
Office of Legal Affairs
400 South Orange Avenue
Orlando, Florida 32801

Orange County: ORANGE COUNTY, FLORIDA
Attn: County Administrator
P.O. Box 1393
Orlando, Florida 32801-1393

Copy to: County Attorney

Orange County Administration Center
201 South Rosalind Avenue
Orlando, Florida 32801

Seminole County: Seminole County
Attn: Planning and Development
1101 East 1st Street
Sanford, FL 32771

Copy to: County Attorney
Seminole County
1101 East 1st Street
Sanford, FL 32771

Osceola County: Osceola County
Attn: Community Development
2 Courthouse Square
Kissimmee, FL 34741

Copy to: County Attorney
Osceola County
2 Courthouse Square
Kissimmee, FL 34741

Winter Park: City of Winter Park
401 South Park Avenue
Winter Park, Florida 32789
Attn: City Administration

Copy to: City Attorney
City of Winter Park
401 South Park Avenue
Winter Park, Florida 32789

Oviedo: City of Oviedo
400 Alexandria Blvd.
Oviedo, FL 32765
Attn: City Administration

Copy to: City Attorney
City of Oviedo
1001 Heathrow Park Lane
Suite 4001
Lake Mary, FL 32746

Belle Isle: City of Belle Isle
Attn: Planning & Zoning
1600 Nela Ave.
Belle Isle, FL 32809

Copy to: City Attorney
City of Belle Isle
1600 Nela Ave.
Belle Isle, FL 32809

Kissimmee: City of Kissimmee

Planning/Zoning Division
101 Church Street
Kissimmee, Florida 34741

Copy to: City Attorney
City of Kissimmee
101 Church Street
Kissimmee, Florida 34741

7. **FAA Required Contract Provisions.** Local Government agrees that it will comply with applicable statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance; provided, however, that this provision only binds Local Government to the extent that it performs work or services for or on behalf of GOAA at GOAA facilities pursuant to the authority granted under this Interlocal Agreement. This provision is in addition to that required of Title VI of the Civil Rights Act of 1964.

8. **Effective Date.** This Agreement shall become effective as to each Local Government upon execution of this Interlocal Agreement.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized officers, and copies delivered to each Party, as of the day and year first above stated.

TWO WITNESSES:

**GREATER ORLANDO AVIATION
AUTHORITY**

(1) _____
Printed Name: _____

By: _____
Phillip N. Brown, A.A.E., Executive Director
Date: _____, 201__

(2) _____
Printed Name: _____

ATTEST:

Dayci S. Burnette-Snyder, Assistant Secretary

APPROVED AS TO FORM AND LEGALITY

On the _____ day of _____, 201__ for the use
and reliance of the Greater Orlando Aviation
Authority, only.

Marchena and Graham, P.A., Counsel

By: _____
Marchena and Graham, P.A.

ATTEST:

Clerk of the City Council

By: _____
Clerk

BELLE ISLE:

CITY OF BELLE ISLE, FLORIDA

By: City Council

By: _____
Print Name:
Belle Isle Mayor

Execution Date: _____, 20__

Exhibit "1"

Airport Zoning Regulations

[Insert Local Government]
Orlando International Airport (MCO)
Orlando Executive Airport (ORL)
[Insert Applicable Airports]

Greater Orlando Aviation Authority
Drafted by:
Christopher J. Wilson, Esq.
Marchena and Graham, P.A.
976 Lake Baldwin Lane, Suite 101
Orlando, Florida 32814
(407) 658-8566

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SECTION 1

[INSERT LOCAL GOVERNMENT] ZONING ORDINANCE

1.1 Title

These regulations will be known and cited as "Airport Zoning Regulations for [insert applicable airports] (collectively the "Regulations").

1.2 Authority

The [Insert Local Government] is a public body corporate having jurisdiction over all public airports within the [Insert Local Government]. The [Insert Local Government] has the power to prepare, adopt and enforce these regulations pursuant to Chapter 333, Florida Statutes, as amended. These regulations apply to all land within the [Insert Local Government], with exception of the property owned by the [Insert Local Airport Authority] and operated as a public use general aviation or commercial service airport. The [Insert Airport Authority] is required by Federal Aviation Administration regulations to protect the airspace surfaces being regulated herein and therefore there is not a need for [Insert Local Government] review or oversight which would be duplicative.

1.3 Findings

The [Insert Local Government] hereby finds that:

- A. The creation or establishment of an airport obstruction hazardous to the operation of aircraft reduces the navigable airspace available to the region served by the Airport;
- B. It is necessary, in the interest of the public health, public safety, and general welfare, to prevent the creation of airspace hazards and the use of land incompatible with Airport operations;
- C. The prevention of these hazards and incompatible land uses should be accomplished, to the extent legally possible, without compensation; and

- D. Preventing the creation or establishment of hazards and incompatible land uses, as well as the elimination, removal, alteration or mitigation of hazards and incompatible land uses are public purposes for which the [Insert Local Government] may raise and expend public funds.

1.4 Purpose

Based on the findings set forth in section 1, the purposes of these regulations are as follows:

- A. To promote the maximum safety of aircraft using the Airport;
- B. To promote the maximum safety of persons and property located near the Airport;
- C. To promote the full utility of the Airport to ensure the welfare and convenience of the citizens and visitors of [Insert Local Government];
- D. To provide limits on the height of structures and objects of natural growth within the 14 CFR Part 77 surface primary, horizontal, conical, approach and transitional, Terminal Instrument Procedures ("TERPS") surfaces, and other imaginary airport airspace surfaces (One Engine Inoperative-Obstacle Identification Surfaces as defined in AC 120-91 and ICAO Annex 6 ["OEI"], Threshold Siting Surface ["TSS"]), as defined herein, to ensure proper and sound development of the areas within these surfaces;
- E. To discourage new land uses, activities or construction incompatible with existing and planned airport operations or public health, safety and welfare; and
- F. To provide administrative procedures for the efficient and uniform review of land development proposals in the areas surrounding the Airport.

SECTION 2

DEFINITIONS AND RULES OF INTERPRETATION

2.1 Definitions

For the purpose of these Regulations, certain words and terms used herein are defined as follows:

- A. Aeronautical Study. A Federal Aviation Administration study, conducted in accordance with the standards of 14 CFR 77, subpart C, and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.
- B. Aircraft. Any fixed wing, blimp, airship or rotorcraft device capable of atmospheric flight and requiring a paved or turf landing or take-off area.
- C. Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose which, for the purposes of these Regulations, means Orlando International Airport and Orlando Executive Airport [and any other applicable airport].
- D. Airport Board of Adjustment. The [Insert Local Government] [Insert Designated Board], or such other board appointment by the [Insert Local Government], acting pursuant to the terms and provisions of Chapter 333, Florida Statutes, created to carry out the obligations set forth in section 6 below.
- E. Airport Elevation. The highest point of an Airport's usable landing area measured in feet above mean sea level.
- F. Airport Hazard. An obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.
- G. Airport Hazard Area. Any area of land or water upon which an Airport Hazard might be established.
- H. Airport Height Zone. Any area described herein or shown on the Airport Height Zoning Map indicating the height at which a proposal for development, construction, establishment,

enlargement or substantial alteration or repair of a structure requires an airport height zoning permit.

- I. Airport Height Zoning Map. A map depicting the Airport Height Zones, attached hereto and incorporated herein as Exhibit "A".
- J. Airport Land Use Compatibility Zoning. Airport zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of airports.
- K. Airport Layout Plan or ALP. A set of scaled drawings that provides a graphic representation of the existing and future development plan for the Airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the Airport.
- L. Airport Master Plan. A comprehensive plan of an airport which typically describes current and future plans for airport development designed to support existing and future aviation demand.
- M. Airport Obstruction. Any existing or proposed structure or object of natural growth that exceeds federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21, 77.23 and any other Federal Airspace obstruction related standards such as OEI, TERPS and TSS.
- N. Airspace Surface. Any surface established and described in these Regulations used to evaluate whether an application for an airport height zoning permit or any existing or proposed structure or object of natural growth complies with federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23; terminal instrument procedures as contained in Federal Aviation Administration Order 8260.3C and Order 8260.58A, TERPS, federal regulations for turbine powered aircraft as contained in 14 CFR § 121.189, OEI, and TSS.
- O. Airport Surveillance Radar (or ASR). A radar used for FAA air traffic management.
- P. Airport Zoning Director. The Director of Planning of the [Insert Local Government], or a designee of the [Insert Local Government]'s Director of Planning, who shall be responsible for administering and enforcing these Regulations.

- Q. Airspace Hazard. Any structure, object of natural growth or use of land which would exceed federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23, TERPS, OEI, TSS, and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering or landing or is otherwise hazardous to such taking off, maneuvering or landing of aircraft and for which no person has previously obtained a permit pursuant to these regulations.
- R. Authority. [Insert Local Airport Authority and if multiple add additional definition].
- S. Authority Board. The Board of the [Insert Local Airport Authority and if multiple add additional definition].
- T. Authority Planning Director. The Director of Planning of the Authority, or a designee of the Authority's Director of Planning, who shall be an ex-officio member of the Airport Board of Adjustment, shall review all applications submitted to the [Insert Local Government and if multiple enter specificity to differentiate planning directors] under this Ordinance and provide an analysis of same with recommendations for use by the Airport Zoning Director.
- U. Avigation Easement. The right to use the airspace over real property.
- V. [Insert Local Government]. The [Insert Local Government], Florida.
- W. County. [Insert Applicable County].
- X. Educational Facility. Any Structure, land, or use that includes a public or private kindergarten through 12th grade school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multitenant building.
- Y. Existing Nonconforming Use. Any structure, object of natural growth, or use of land that does not conform to the provisions of these Regulations or any amendments hereto as of the effective date of such regulation or amendment.

- Z. Federal Aviation Administration (or FAA). A federal agency charged with regulating air commerce to promote its safety, encouraging and developing civil aviation, air traffic control and air navigation and promoting the development of a national system of airports.
- AA. Non-Vertically Guided Instrument Runway. A runway having an existing, published, or planned instrument approach procedure utilizing air navigation facilities with only lateral [horizontal] guidance or area type navigation equipment, for which a straight-in non-vertically guided instrument approach procedure has been approved or planned on a FAA planning document or approved airport layout plan.
- BB. Object of Natural Growth. Any organism of the plant kingdom, including a tree.
- CC. Person. Any individual, firm, co-partnership, corporation, company, association, joint-stock association or body politic, including any trustee, receiver, assignee or other similar representative thereof.
- DD. Vertically Guided Instrument Runway. A runway having an existing, published, or planned instrument approach procedure utilizing air navigation facilities or an Instrument Landing System ("ILS") with lateral and vertical guidance or area type navigation equipment, for which a straight-in vertically guided instrument approach procedure has been approved or planned, and for which a vertically guided approach is planned or indicated on an FAA planning document or approved airport layout plan.
- EE. Real Property. A lot, parcel, tract of land, or water together with any structure, object of natural growth, or natural feature located thereon.
- FF. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- GG. Runway Protection Zone. Area at the end of a runway designed to enhance the protection of people and property on the ground; the dimensions of which are based on aircraft category and

visibility minimums defined in FAA Advisory Circular 150/5300-13A, Change 1, entitled Airport Design and in accordance with 14 CFR § 151.9(b).

HH. Structure. Any permanent or temporary object, including but not limited to buildings, antenna, towers, cellular towers, smoke stacks, utility or light poles, overhead transmission lines, advertising signs, billboards, poster panels, fences, construction cranes, derricks, draglines, boom-equipped machinery, balloons, kites, watercraft, retaining walls, and navigation aids including but not limited to VORTAC, LLWAS, ASOS, approach lighting systems and radar facilities, as FAA Navigation Aids are defined in section 3.7(c).

II. Terminal Instrument Procedures (or TERPS). Criteria for terminal instrument procedures for arriving and departing aircraft as established in FAA Order 8260.3C and Order 8260.58A, entitled United States Standards for Terminal Instrument Procedures, OEI, TSS.

2.2 Abbreviations

For the purpose of these regulations, certain abbreviations will have the following meanings:

- A. AGL. Above ground level.
- B. ALP. Airport layout plan.
- C. AMSL. Above mean sea level.
- D. CFR. Code of Federal Regulations.
- E. FAA. Federal Aviation Administration.
- F. FCC. Federal Communications Commission.
- G. FDOT. Florida Department of Transportation.

2.3 Rules of Interpretation

Unless the natural construction of the wording indicates otherwise, all words used in the present tense include the future tense; all words in the plural number include the singular number; all words in the singular number include the plural number and all words of the masculine gender include correlative

words of the feminine and neuter genders. Any reference herein to a rule, statute, regulation or other legal requirement or form shall also include any modification, amendment, alteration or replacement thereof subsequent to the effective date hereof.

SECTION 3

ZONING AND HEIGHTS REQUIRING PERMIT, AIRPORT SURFACES, AND PERMIT PROCEDURES

3.1 Zones and Heights Requiring Airport Height Zoning Permit

In order to regulate the height of permanent and temporary structures and objects of natural growth, this section establishes permitting requirements in certain zones based on height. These zones, and the heights established for each zone, provide for the independent review by the [Insert Local Government] of the height of land development proposals over which the [Insert Local Government] may have jurisdiction to regulate, as well as objects of natural growth. No structure or object of natural growth that would exceed two hundred (200) feet AGL, any federal obstruction standards or the height for the zone in which it is located or proposes to be located may be developed, constructed, established, enlarged, substantially altered or repaired, approved for construction, issued a natural resources permit or building permit, or planted, allowed to grow or be replanted, unless either the Airport Zoning Director has issued an airport height zoning permit in accordance with these regulations. The zones and heights are depicted on the Airport Height Zoning Map, attached hereto and incorporated herein as Exhibit "A".

3.2 Airport Height Zoning Permit Application Procedure

A request for an airport height zoning permit may be initiated by filing with the Airport Zoning Director a completed application for airport height zoning permit on a form prescribed by the [Insert Local Government] including a copy of the Form 7460-1 and/or FAA's online OE/AAA website tool, Notice of Proposed Construction or Alteration filed with the FAA, as required pursuant to 14 CFR §§ 77.5, 77.7, 77.9

and 77.11. An FAA airspace review determination resulting from the submittal of a Notice of Proposed Construction or Alteration does not preclude the requirement to obtain an airport height zoning permit from the [Insert Local Government]. An application for an airport height zoning permit must contain a site survey, with an FAA accuracy code of 1A, which certifies the site coordinates and elevations with an accuracy of +/- 20-feet horizontal and +/- 3-feet vertical (all site coordinates must be based on North American Datum of 1983 and National Geodetic Vertical Datum of 1988); site plans; drawings and other data as may be necessary to enable the Airport Zoning Director to determine whether or not the proposal will comply with these Regulations. A separate application for an airport height zoning permit must be submitted for permanent or temporary derricks, draglines, cranes and other boom-equipped machinery to be used during construction or installation at heights greater than the height of proposed structure. Applications for an airport height zoning permit must be signed by the owner or an authorized agent of the owner.

3.3 Pre-Application Conference Procedure

Prior to submittal of any application for an airport height zoning permit, a prospective applicant shall request a pre-application conference with the Airport Zoning Director and may include the Authority Planning Director. The pre-application conference is to advise the applicant of the information needed for submittal and the standards and other requirements so that issues can be identified and costly modifications avoided. Information provided as a result of the conference is for conceptual purposes only, is given solely as a means to assist the applicant, and does not take the place of the formal application review process.

3.4 Review of Airport Height Zoning Permit Application

Before an application for an airport height zoning permit will be considered, the applicant must submit to the Airport Zoning Director a copy of the final airspace review determination by the FAA of the applicant's Notice of Proposed Construction or Alteration. Upon receipt of a completed application and copy of the

final determination, the Airport Zoning Director shall forward same to the Authority Planning Director and to the FDOT Aviation Office, via certified mail return receipt requested or via a delivery service that provides evidence of delivery. FDOT shall have fifteen (15) days to review the application for technical consistency with Chapter 333, Florida Statutes, with said review period running concurrently with the review by the [Insert Local Government] and the Authority Planning Director. The Authority Planning Director shall produce an analysis and recommendation as to consistency with these regulations to the Airport Zoning Director. The Airport Zoning Director upon receipt of the application and analysis from the Authority Planning Director will review the application for consistency with the height limits for the airspace surfaces as set forth in this section 3 and the guidelines, procedures and criteria set forth in chapter 6, section 3, part 2 of FAA Order 7400.2k, entitled Procedures for Handling Airspace Matters, as provided in section 3.6 herein. Within a period of twenty-one (21) calendar days from receipt of a completed application, the Authority Planning Director's analysis, and final determination by the FAA, the Airport Zoning Director will either approve or disapprove the application. The Airport Zoning Director may consider an application for an airport height zoning permit concurrently with the development plan approval. An incomplete application will be deemed abandoned one hundred eighty (180) calendar days after filing, unless pursued in good faith. The Airport Zoning Director may grant one extension of one hundred eighty (180) days. The extension must be requested in writing and justifiable cause demonstrated.

3.5 Airspace Surfaces

There are hereby created and established certain airspace imaginary surfaces in order to evaluate whether any existing or proposed structure or object of natural growth complies with federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23 terminal instrument procedures as contained in FAA Order 8260.3C and Order 8260.58A, entitled United States Standards for Terminal Instrument Procedures and federal regulations for turbine powered aircraft as contained in 14

CFR § 121.189. The airspace surfaces are hereby specified for the most restrictive approach existing or planned for each runway and any planned extension of existing runways and include all of the land lying beneath the airspace surface, as applied to each airport. Except as otherwise provided in these regulations, no application for an airport height zoning permit may be approved; no structure may be developed, constructed, established, enlarged, substantially altered or repaired, approved for construction, or issued a natural resources permit or building permit; and no object of natural growth may be planted, allowed to grow or be replanted, in any airspace surface at a height above the height limit established herein for the airspace surface in which the structure or object of natural growth is located or proposed to be located. Such height limits will be computed from mean sea level elevation, unless otherwise specified. The 14 CFR Part 77C (primary, horizontal, conical approach and transitional) airspace surfaces have been analyzed by the [Local Airport Authority] and are illustrated on the map incorporated herein as Exhibit "A" and further defined as illustrated in FAA Order 7400.2k, entitled Procedures for Handling Airspace Matters, and are defined as follows, as applied to MCO and ORL [Insert Additional Airports]. Definitions of 14 CFR Part 77 and the Airspace Surfaces that are illustrated in Exhibit "A" are available at the [Insert Local Airport Authority]'s website.

3.6 Objects Affecting Navigable Airspace

Any existing or proposed structure or object of natural growth that exceeds the standards for identifying and evaluating aeronautical effect as defined in section 3, chapter 6, part 2 of FAA Order 7400.2, entitled Procedures for Handling Airspace Matters, is presumed to be a hazard to air navigation unless an obstruction evaluation study determines otherwise. Any structure or object of natural growth in violation of the aforementioned standard will be evaluated by the FAA and the Airport Zoning Director to determine if the structure has a substantial adverse effect on navigable airspace effecting airport operations. The Airport Zoning Director shall take into account the above presumption in approving or denying an application for an airport height zoning permit.

3.7 Supportive Screening Criteria

A. Antenna Installations. Antenna installations used to transmit over navigable airspace may produce a harmful electromagnetic interference (EMI) with navigation aids or radio communications or aircraft, airport or air traffic control facility. An antenna installation must comply with the permitting requirements of this section unless the antenna is to be co-located on an existing structure and:

1. The antenna does not increase the height of the existing structure;
2. The structure has a current no hazard determination on file with the FAA; and
3. The transmission of the antenna has been coordinated and approved by the Federal Communications Commission (FCC).

B. FAA Navigation Aids. The FAA owns and operates navigation aids at MCO, ORL, [insert additional or applicable airports] and off airport property. These include, but are not limited to, Airport Surveillance Radar (ASR), Terminal Doppler Radar (TDR), Low Level Wind Shear Alert System (LLWAS), Omnidirectional Range Beacon/Tactical Air Navigation System (VORTAC), and Automated Surface Observation System (ASOS). The FAA provides guidance on the required clear areas around navigational aids ("navaid"). Any structure or object of natural growth within the vicinity of an FAA navaid must be evaluated by the FAA for interference with the navaid. If the FAA determines that such proposed structure or object of natural growth will adversely affect the utilization of the navaid, the Airport Zoning Director shall take the determination into account when reviewing the application.

3.8 Criteria for Approval or Disapproval of Airport Height Zoning Permit Application

A. Criteria. In determining whether to issue or deny an Airport Height Zoning Permit, the [Insert Local Government] must consider:

1. The safety of persons on the ground and in the air;

2. The safe and efficient use of navigable airspace;
 3. The nature of the terrain and height of existing structures;
 4. The effect of the construction or alteration of an obstruction on the state licensing standards for a public-use airport contained in Chapter 330, Florida Statutes, and rules adopted thereunder;
 5. The character of existing and planned flight operations and developments at public-use airports;
 6. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA;
 7. The effect of the construction or alteration of an obstruction on the minimum descent altitude or the decision height at the affected airport; and
 8. The cumulative effect on navigable airspace of all existing obstructions and all known proposed obstructions in the area.
- B. Approval. A permit application for the construction or alteration of an obstruction may not be approved unless the applicant submits documentation showing both compliance with the federal requirement for notification of proposed construction or alteration and a valid aeronautical study, as defined in 14 CFR Part 77. A permit may not be approved solely on the basis that the FAA determined that such proposed structure or object of natural growth will not exceed federal obstruction standards and was not an airport hazard, as contained in 14 CFR Part 77, or any other federal aviation regulation(s). Upon consideration of the above requirements, as set forth in Section 333.025, Florida Statutes, and if the FAA has issued a determination that the proposed structure will not constitute an airspace hazard and the applicant has established by clear and convincing evidence provided to the Airport Zoning Director that the proposed structure or object of natural growth will not exceed the height limits established for the airspace surfaces as set

forth in section 3.5 and the standards referenced in sections 3.6 and 3.7, and will not otherwise constitute an airspace hazard, the Airport Zoning Director may approve an application for an airport height zoning permit. In the event of approval, the permit will be issued within fourteen (14) business days. No airport zoning height permit will be issued after the expiration date indicated on the FAA's final determination. Each airport height zoning permit will specify an expiration date as a condition. Development authorized by the permit must commence prior to the permit's expiration date and must continue without interruption in good faith until development is complete; otherwise it shall lapse. After a permit has been issued, no change, modification, alteration or deviation may be made from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit.

- C. Disapproval. The Airport Zoning Director will not approve an application for an airport height zoning permit if the FAA has issued a determination that the proposed structure would constitute an airspace hazard or the Airport Zoning Director has determined that the proposed structure or object of natural growth would exceed the height limits established for the airspace surfaces as set forth in section 3.5 or the standards referenced in sections 3.6, 3.7 or otherwise would constitute an airspace hazard. Any decision of the Airport Zoning Director disapproving an airport height zoning permit application may be appealed as prescribed in section 6.4 herein.

3.9 Hazard Marking and Lighting

If a structure or object of natural growth meets the specifications set forth in Advisory Circular 70-7460-1L, Change 1 or otherwise as recommended by the FAA, the Airport Zoning Director shall require, as a condition of approval of an application for an airport height zoning permit, the applicant to install prior to the issuance of a certificate of occupancy, and to operate and maintain, at the applicant's own expense, such marking and/or lighting on the permitted structure as may be necessary to indicate to aircraft pilots

the presence of the structure or object of natural growth. Such marking and lighting must conform to the specific standards in FAA Advisory Circular 70-7460-1L, Change 1, entitled Obstruction Marking and Lighting and Section 14-60.009, Florida Administrative Code.

3.10 Permit Required in Addition to Those Issued by Other Agencies

A permit required by these regulations is in addition to any other building, zoning, environmental or occupancy permits required by any other governmental agency or jurisdiction. Pursuant to Section 125.022, Florida Statutes, issuance of a airport height zoning permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3.11 Rules of Interpretation

An area located in more than one of the described airport height zones or airspace surfaces must comply with the most restrictive height limit or surface. In the event a conflict arises between an Airspace Surface and the regulations as set forth in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23; terminal instrument procedures as contained in FAA Order 8260.3c and Order 8260.58A entitled United States Standards for Terminal Instrument Procedures and federal regulations for turbine powered aircraft as contained in 14 CFR § 121.189, the most restrictive regulation will prevail, and any other FAA Advisory Circulars or guidelines relating to airspace.

SECTION 4

EXISTING NONCONFORMING USE

4.1 Existing Nonconforming Use

Any structure, object of natural growth, or use of land existing on the effective date of these regulations, which exceeds any height limit established herein or otherwise fails to comply with any provision of these regulations, is hereby declared to be an existing nonconforming use and in violation of these regulations.

4.2 Change of Existing Nonconforming Use

No existing nonconforming use may be enlarged, increased in height, expanded, replaced, substantially altered or repaired at a cost which exceeds fifty percent (50%) of the value of the existing nonconforming use, rebuilt, or allowed to grow higher or to be replanted, unless the Airport Zoning Director has issued an airport height zoning permit in conformance with these regulations.

4.3 Continuance of Existing Nonconforming Uses

- A. Existing Nonconforming Uses. Except as provided in sections 4.2 or 4.4 herein, nothing in these regulations will be construed to require removal, lowering, alteration, sound conditioning or other change to or interference with a nonconforming use in existence before the effective date of these Regulations. That continuation of any existing nonconforming use will be governed by the [Insert Local Government] airport zoning regulations in effect on the date of the creation of the existing nonconforming use, except as provided in sections 4.2 or 4.4 herein.
- B. Existing Nonconforming Educational Facilities. Except as provided in sections 4.4 herein, nothing in these Regulations will be construed to require removal, alteration, sound conditioning, or other change to or interference with the continued use, modification, or adjacent expansion of any educational facility in existence on or before July 1, 1993, or be construed to prohibit the construction of any new educational facility for which a site has been determined as provided in former Section 235.19, Florida Statutes as of July 1, 1993.

4.4 Abandoned or Deteriorated Existing Nonconforming Use

- A. Declaration of Abandoned or Deteriorated Existing Nonconforming Use. In the event the Airport Zoning Director determines an existing nonconforming use is abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, no permit will be issued that would allow such existing nonconforming use to exceed the applicable height limit or otherwise deviate from these regulations; and whether application is made for a permit under these regulations or not, the Airport Zoning Director may petition the Airport Board of Adjustment, upon due notice to the owner of the existing nonconforming use or the owner of the real property on which it is located, to compel the owner to lower, remove, reconstruct, equip, or otherwise alter the abandoned, destroyed, deteriorated, or decayed nonconforming use as may be necessary to conform to these regulations. Upon receipt of such petition, the Airport Board of Adjustment will conduct a public hearing pursuant to these regulations after due notice to the owner. If, after a public hearing, the Airport Board of Adjustment determines the existing nonconforming use to be abandoned, or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, the Airport Board of Adjustment may compel the owner, at the owner's own expense to lower, remove, reconstruct, equip, or otherwise alter the existing nonconforming use as may be necessary to conform to these regulations.
- B. Failure to Remove Abandoned or Deteriorated Existing Nonconforming Use. If the owner neglects or refuses to comply with such order within thirty (30) calendar days after notice thereof, the [Insert Local Government] may proceed to lower, remove, reconstruct, equip, or otherwise alter the structure or use and assess the cost and expense thereof on the structure or the real property whereon it is or was located.

SECTION 5

ADMINISTRATION, ENFORCEMENT, AND REMEDIES

5.1 Administration

The provisions of these regulations will be interpreted, administered, and enforced by the Airport Zoning Director, with input provided by the Authority Planning Director or other experts from the Authority. The duties of the Airport Zoning Director shall include that of hearing and deciding all permits and all other matters under these regulations except any of the duties or powers herein delegated to the Airport Board of Adjustment. The Airport Zoning Director shall coordinate the administration of these regulations with the Authority Planning Director and appropriate departments of the Authority, the FAA, the [Insert Local Government] and the FDOT.

5.2 Enforcement

In the event of a violation of these regulations or an order, ruling, or permit issued hereunder, the Airport Zoning Director shall request that the Code Enforcement Manager provide a citation in writing to the owner of the real property on which the violation is located. Such notice will indicate the nature of the violation and order the owner to lower, remove, reconstruct, equip, or otherwise alter the structure or object of natural growth in order to correct or abate the violation within a period of time set forth in the citation.

5.3 Remedies

- A. Penalty. Each violation of a regulation, order, ruling, or permit issued hereunder cited by the Airport Zoning Director constitutes a misdemeanor of the second degree punishable as provided in Florida Statutes. Each day a violation continues to exist will constitute a separate offense. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of these regulations, an order, ruling, or permit issued hereunder, upon conviction in the county court, will be fined not more than five hundred dollars (\$500.00) for each offense, or by imprisonment in the county jail for not more than sixty (60) days, or by both fine and imprisonment.

- B. Judicial Relief. In addition to the provisions of section 5.3(A), the General Counsel of the [Insert Local Government] is hereby authorized to institute in any court of competent jurisdiction an action on behalf of the [Insert Local Government] to prevent, restrain, correct, or abate any violation of these regulations, or of any order or ruling made in connection with the administration or enforcement of these regulations, and request that the court adjudge to the [Insert Local Government] such relief, by way of injunction or otherwise, which may be mandatory or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of these Regulations and any order or ruling made pursuant thereto.
- C. Cumulative Penalties. The remedies provided in this section are cumulative in nature such that seeking civil penalty pursuant to section 5.3(A) does not preclude the [Insert Local Government] from seeking alternative relief, including an order for abatement or injunctive relief pursuant to section 5.3(B), in the same or separate action.

SECTION 6

AIRPORT BOARD OF ADJUSTMENT

6.1 Appointment

The [Insert Local Government Board] will serve as the Airport Board of Adjustment within the jurisdictional limits of the [Insert Local Government]. The Authority Planning Director, or his designee, shall serve as an ex-officio, non-voting member and shall provide an analysis of each appeal along with a recommendation on behalf of the Authority. The Airport Board of Adjustment will have and exercise all the powers permitted by the provisions of Chapter 333, Florida Statutes, this section and all other laws governing its activities and procedures. [Insert Local Government] Council may establish such rules of procedure or other processes to assist the Airport Board of Adjustment in carrying out its obligation hereunder,

including but not limited to the creation of an appropriately qualified Hearing Officer or Hearing Master to receive and analyze the submission of evidence and to provide a report on same to the Airport Board of Adjustment. Such Hearing Officer or Hearing Master may be appropriately compensated, if permitted by applicable law. Such process may result in limitations on the public hearing process before the Airport Board of Adjustment, but only if the Hearing Officer or Hearing Master process has a full and open public hearing in taking evidence and testimony to be used in determining its recommendations to the Airport Board of Adjustment.

6.2 Administrative Assistance

The Airport Zoning Director and the Authority Planning Director will provide such technical, administrative, and clerical assistance as is required by the Airport Board of Adjustment to carry out its function under these regulations.

6.3 Powers and Duties

The Airport Board of Adjustment will have the following powers and duties:

- A. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Director in the application or enforcement of these Regulations.
- B. Abandoned or Deteriorated Uses. To hear and decide petitions to declare an existing nonconforming use abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed.

6.4 Appeals

Any applicant, land owner, or other lawful participant in such proceeding, who is affected by any decision of the Airport Zoning Director made in the administration of these regulations, or any governing body of a political subdivision, which is of the opinion that a decision of the Airport Zoning Director is an improper application of these Regulations, may appeal to the Airport Board of Adjustment. Such appeals must be filed no later than ten (10) calendar days after the date of notification of the decision appealed from by

filing with the Airport Zoning Director a notice of appeal specifying the grounds therefor. The Airport Zoning Director will transmit to the Airport Board of Adjustment copies of the record of the action appealed. An appeal stays all proceedings in furtherance of the action appealed from, unless the Airport Zoning Director certifies to the Airport Board of Adjustment after the notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would result in imminent peril to life and property. In such case, proceedings will not be stayed other than by order by the Airport Board of Adjustment or by a court of competent jurisdiction, or notice to the Airport Zoning Director, and on due cause shown.

6.5 Abandoned or Deteriorated Uses

Upon petition by the Airport Zoning Director, or upon its own motion, the Airport Board of Adjustment may review any existing nonconforming use to determine if it is abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated or decayed. Upon declaring an existing nonconforming use abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, the Airport Board of Adjustment will proceed in accordance with the provisions set forth in section 4.4 of these regulations.

6.6 Forms

Appeals and petitions will be made on forms provided by the [Insert Local Government] therefor, and all information required on said forms must be provided by the appellant or petitioner. Forms will be filed with the Airport Zoning Director, and the appellant or petitioner must pay for expenses incidental to the appeal or petition. No form will be accepted unless it contains all pertinent information and is accompanied by any required fee.

6.7 Calendar of Appeals

Appeals and petitions filed in proper form will be numbered serially, docketed and placed upon the calendar of the Airport Board of Adjustment. The calendar of appeals or petitions to be heard will be

posted conspicuously on the [Insert Local Government]'s notice board at [Insert Local Government Address], fifteen (15) calendar days before such hearing date.

6.8 Judicial Review

Judicial review of any decision of the Airport Board of Adjustment will be in the manner provided by Section 333.11, Florida Statutes.

SECTION 7 AMENDMENT

These regulations, including the Airport Height Zoning Map, may be amended by the [Insert Local Government] on its own motion, so long as said amendment is in conformance with the Interlocal Agreement and Chapter 333, Florida Statutes. Before adopting an amendment to these regulations, the [Insert Local Government] will give public notice and hold a public hearing as provided by Section 333.05, Florida Statutes.

SECTION 8 CONFLICT WITH OTHER LAWS OR REGULATIONS

In the event of conflict between these regulations and any other laws and regulations applicable to the same area, whether the conflict be with respect to the height of the structures or objects of natural growth, the use of land or any other matter, and whether such laws or regulations were adopted by the [Insert Local Government] or by some other political subdivision, the more stringent limitation or requirement will govern and prevail.

SECTION 9

SEVERABILITY

If any section, clause, provision or portion of these regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, said holding will not affect any other section, clause or portion of these regulations which is not itself declared by a court of competent jurisdiction to be invalid or unconstitutional.

SECTION 10

REPEAL OF CONFLICTING PROVISIONS

All previous ordinances, resolutions or motions of the [Insert Local Government] which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except as provided herein.

SECTION 11

AMENDMENT OF LAWS

All laws, ordinances, rules, regulations, advisory circulars or orders referenced in these regulations will include any applicable amendments thereto.

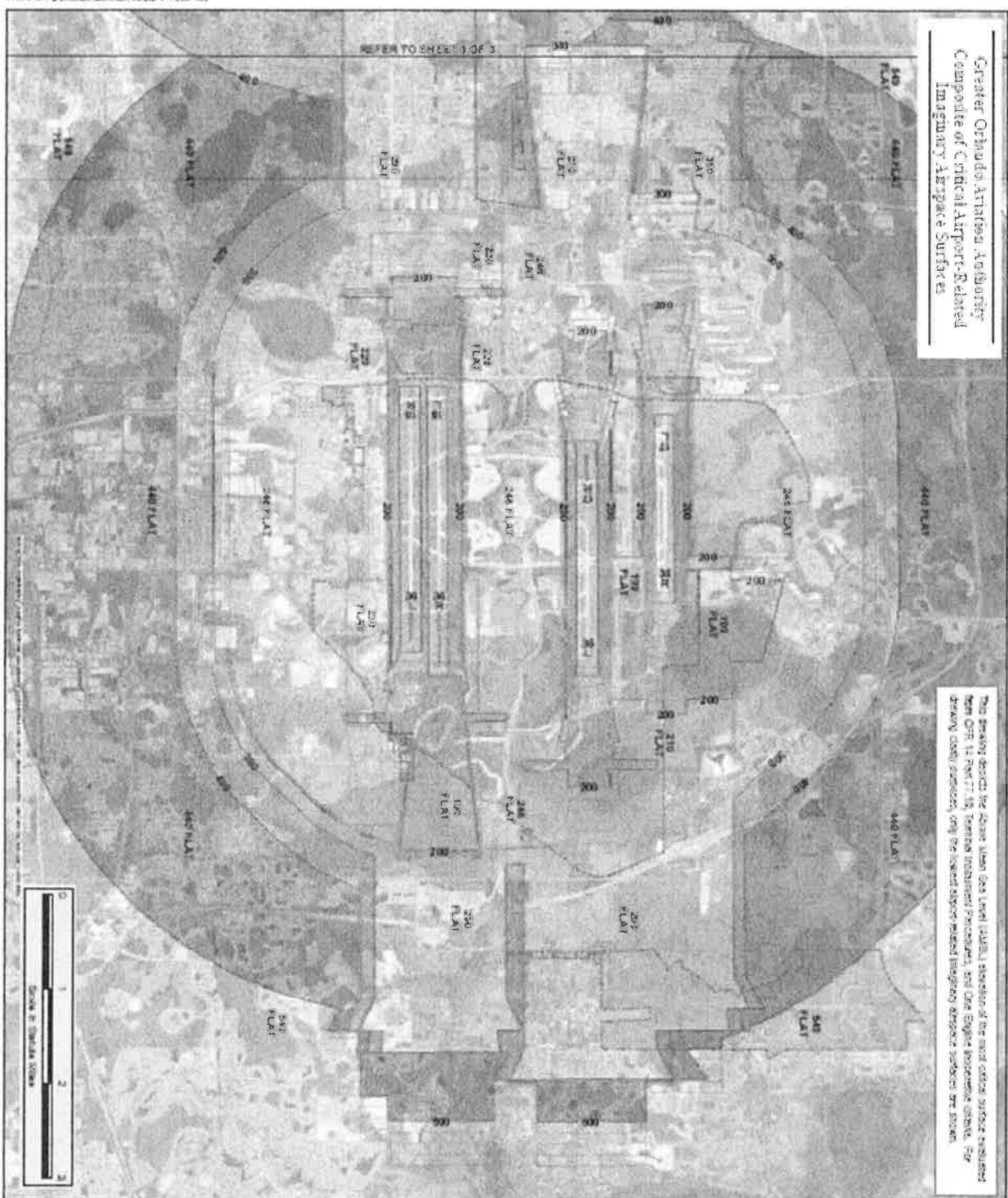
SECTION 12

EFFECTIVE DATE

These Airport Zoning Regulations will take effect and be enforced from and after this ____day of _____, 2017.

EXHIBIT "A"

EXHIBIT “A”
The “Airports”

[illegible]

<input type="checkbox"/>	100 to 150	<input checked="" type="checkbox"/> Future Business Expansion <input type="checkbox"/> WACC Frequency Decreasing Average Capital Structure = 1.0 & 10% Airport Location = per AISC.
<input type="checkbox"/>	150 to 200	
<input type="checkbox"/>	200 to 300	
<input type="checkbox"/>	300 to 400	
<input type="checkbox"/>	400 to 500	
<input type="checkbox"/>	500 to 600	
<input type="checkbox"/>	600 to 700	

[illegible][illegible]

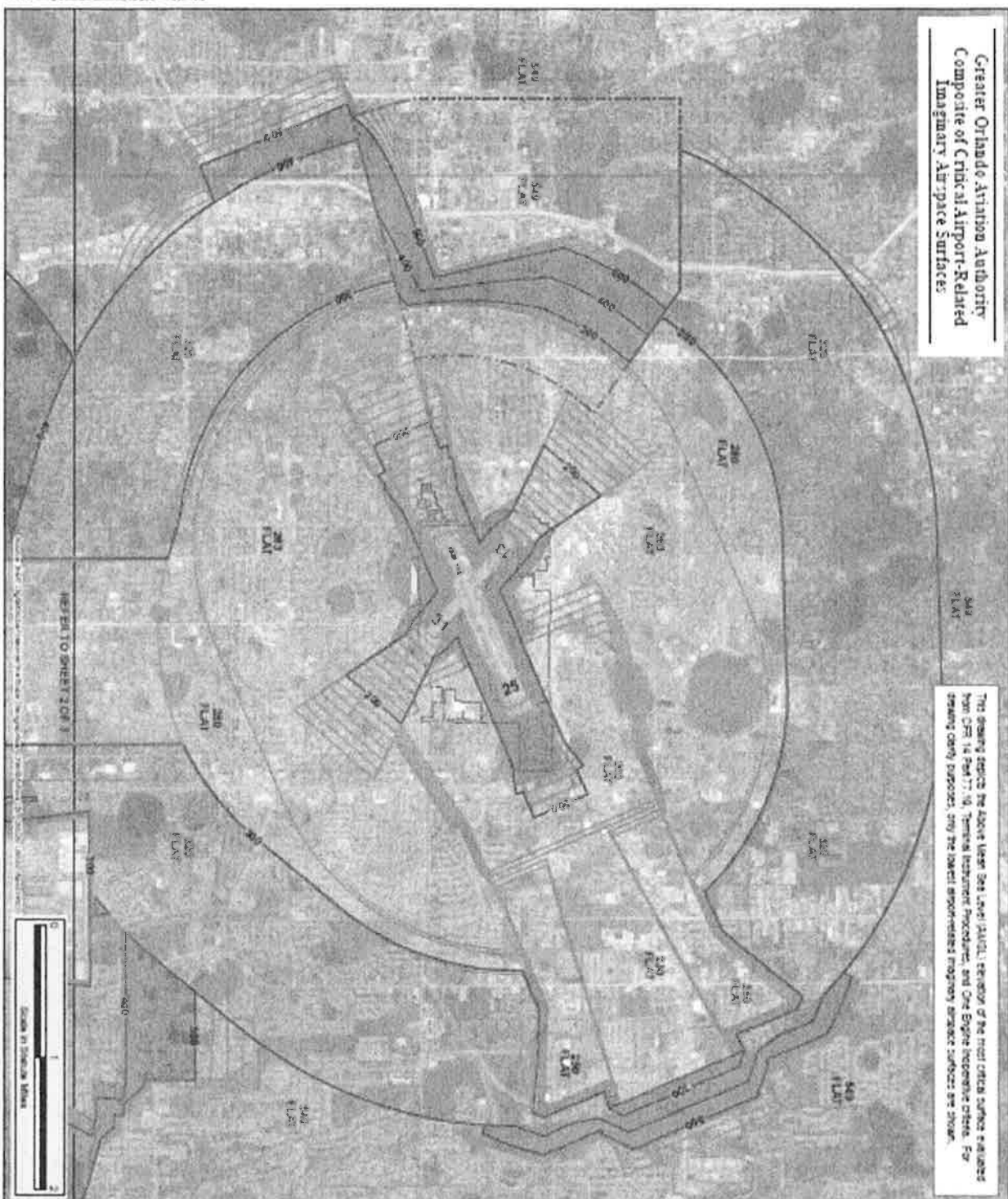
2. SURFACE CONDITIONS ARE INDICATED IN THE ABOVE LIST
SEE LIST (AUG. - NOV. 1981)

4. The results of the study are in conjunction with the report "Zoning Regulations Being Studied" contained in the previous report to the Board on the subject of the proposed rezoning of the property owned by the City and the Board of Health.

SURFACE TYPES

[illegible]

The drawing depicts the Robert L. Case, Sr. Level 1000, a portion of the most critical surface evaluated from CCRS. In Part 11-10, Technical Instrument Procedures, and One Engine Inoperative Criteria. For drawing clarity purposes, only the lowest elevations in gray are shown.



Parcel Boundary
 100' to 100'
 100' to 200'
 200' to 300'
 300' to 400'
 400' to 500'
 500' to 549'

Future Runway Extension
 100' to 100'
 100' to 200'
 200' to 300'
 300' to 400'
 400' to 500'
 500' to 549'

Cell Property Boundary
 100' to 100'
 100' to 200'
 200' to 300'
 300' to 400'
 400' to 500'
 500' to 549'

Countdown Zone
 100' to 100'
 100' to 200'
 200' to 300'
 300' to 400'
 400' to 500'
 500' to 549'

Airport Control Tower
 100' to 100'
 100' to 200'
 200' to 300'
 300' to 400'
 400' to 500'
 500' to 549'

The Commission also is interested in questions and comments relating to the proposed rule. Comments should be submitted by electronic mail to rulemaking@sec.gov or by regular mail to the Commission, 400 ...

10. The Commission has also been informed that the Government of India has been asked to provide information on the following:

2. Surface elevations are referenced to Ben Above Mean Sea Level (AMSL - NA81088)

4. This research is to be carried out in conjunction with the 'Slovakia Zoning Regulations' being submitted pursuant to the previous agreement between the Government of Slovakia and the OECD Party, expected to be published by October 2003. Further studies, the OECD will provide and may lead to a Q&E report by end of each financial period, which will provide greater details of the exact impact within each zone.

SURFACE TYPES

FOOTNOTES

[illegible]

* FROM 1985 AND 1987 TO 1994
* PURCHASING SUBSIDIARIES BASED ON 100% CONTRIBUTION TO REVENUE
* ENDED IN 1997 (CONTRACTED THROUGHOUT)



Chapter 333 AIRPORT ZONING

SECTION 03 Requirement to adopt airport zoning regulations.

333.03 Requirement to adopt airport zoning regulations.—

(1)(a) Every political subdivision having an airport hazard area within its territorial limits shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions prescribed in this section, airport protection zoning regulations for such airport hazard area.

(b) If an airport is owned or controlled by a political subdivision and if any other political subdivision has land upon which an obstruction may be constructed or altered which underlies any surface of the airport as provided in 14 C.F.R. part 77, subpart C, the political subdivisions shall either:

1. By interlocal agreement, adopt, administer, and enforce a set of airport protection zoning regulations; or
2. By ordinance, regulation, or resolution duly adopted, create a joint airport protection zoning board that shall adopt, administer, and enforce a set of airport protection zoning regulations. The joint airport protection zoning board shall have as voting members two representatives appointed by each participating political subdivision and a chair elected by a majority of the members so appointed. The airport manager or a representative of each airport in the affected participating political subdivisions shall serve on the board in a nonvoting capacity.

(c) Airport protection zoning regulations adopted under paragraph (a) must, at a minimum, require:

1. A permit for the construction or alteration of any obstruction;
2. Obstruction marking and lighting for obstructions;
3. Documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study submitted by each person applying for a permit;
4. Consideration of the criteria in s. 333.025(6), when determining whether to issue or deny a permit; and
5. That approval of a permit not be based solely on the determination by the Federal Aviation Administration that the proposed structure is not an airport hazard.

(d) The department shall be available to provide assistance to political subdivisions regarding federal obstruction standards.

(2) In the manner provided in subsection (1), political subdivisions shall adopt, administer, and enforce airport land use compatibility zoning regulations. Airport land use compatibility zoning regulations shall, at a minimum, address the following:

- (a) The prohibition of new landfills and the restriction of existing landfills within the following areas:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.
2. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft.
3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19. Case-by-case review of such landfills is advised.

(b) Where any landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.

(c) Where an airport authority or other governing body operating a public-use airport has conducted a noise study in accordance with 14 C.F.R. part 150, or where a public-use airport owner has established noise contours pursuant to another public study approved by the Federal Aviation Administration, the prohibition of incompatible uses, as established in the noise study in 14 C.F.R. part 150, Appendix A or as a part of an alternative Federal Aviation Administration-approved public study, within the noise contours established by any of these studies, except if such uses are specifically contemplated by such study with appropriate mitigation or similar techniques described in the study.

(d) Where an airport authority or other governing body operating a public-use airport has not conducted a noise study, the prohibition of residential construction and any educational facility, with the exception of aviation school facilities, within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

(e) The restriction of new incompatible uses, activities, or substantial modifications to existing incompatible uses within runway protection zones.

(3) Political subdivisions shall provide a copy of all airport protection zoning regulations and airport land use compatibility zoning regulations, and any related amendments, to the department's aviation office within 30 days after adoption.

(4) Subsection (2) may not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational facility or site in existence on July 1, 1993.

(5) This section does not prohibit an airport authority, a political subdivision or its administrative agency, or any other governing body operating a public-use airport from establishing airport zoning regulations more restrictive than prescribed in this section in order to protect the health, safety, and welfare of the public in the air and on the ground.

SECTION 025 Permit required for obstructions

333.025 Permit required for obstructions.—

- (1) A person proposing the construction or alteration of an obstruction must obtain a permit from the department, subject to subsections (2), (3), and (4). However, permits from the department will be required only within an airport hazard area where federal obstruction standards are exceeded and if the proposed construction or alteration is within a 10-nautical-mile radius of the airport reference point, located at the approximate geometric center of all usable runways of a public-use airport or military airport.
- (2) Existing, planned, and proposed facilities on public-use airports contained in an airport master plan, in an airport layout plan submitted to the Federal Aviation Administration, or in comparable military documents shall be protected from airport hazards.
- (3) A permit is not required for existing structures that received construction permits from the Federal Communications Commission for structures exceeding federal obstruction standards before May 20, 1975; a permit is not required for any necessary replacement or repairs to such existing structures if the height and location are unchanged.
- (4) If political subdivisions have, in compliance with this chapter, adopted adequate airport protection zoning regulations, placed such regulations on file with the department's aviation office, and established a permitting process, a permit for the construction or alteration of an obstruction is not required from the department. Upon receipt of a complete permit application, the local government shall provide a copy of the application to the department's aviation office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. To evaluate technical consistency with this subsection, the department shall have a 15-day review period following receipt of the application, which must run concurrently with the local government permitting process. Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed 18 consecutive months are exempt from the department's review, unless such review is requested by the department.
- (5) The department shall, within 30 days after receipt of an application for a permit, issue or deny a permit for the construction or alteration of an obstruction. The department shall review permit applications in conformity with s. 120.60.

- (6) In determining whether to issue or deny a permit, the department shall consider:
- (a) The safety of persons on the ground and in the air.
 - (b) The safe and efficient use of navigable airspace.
 - (c) The nature of the terrain and height of existing structures.
 - (d) The effect of the construction or alteration of an obstruction on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.
 - (e) The character of existing and planned flight operations and developments at public-use airports.
 - (f) Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.
 - (g) The effect of the construction or alteration of an obstruction on the minimum descent altitude or the decision height at the affected airport.
 - (h) The cumulative effects on navigable airspace of all existing obstructions and all known proposed obstructions in the area.
- (7) When issuing a permit under this section, the department shall require the owner of the obstruction to install, operate, and maintain, at the owner's expense, marking and lighting in conformance with the specific standards established by the Federal Aviation Administration.
- (8) The department may not approve a permit for the construction or alteration of an obstruction unless the applicant submits documentation showing both compliance with the federal requirement for notification of proposed construction or alteration and a valid aeronautical study. A permit may not be approved solely on the basis that the Federal Aviation Administration determined that the proposed construction or alteration of an obstruction was not an airport hazard.
- (9) The denial of a permit under this section is subject to administrative review pursuant to chapter 120.