

ORDINANCE NO. 03- 26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO OPERATION OF GOLF CARTS IN THE VILLAGES OF MARION COUNTY; PROVIDING DEFINITIONS; PROVIDING FOR THE OPERATION OF GOLF CARTS ON ORADS OR STREETS IN THE VILLAGES OF MARION COUNTY; PROVIDING FOR HOURS OF OPERATION, EQUIPMENT AND AGE OF OPERATION; PROVIDING FOR ENFORCEMENT; PROVIDING FO RINCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the citizens of the Villages of Marion County have requested the Board of County Commissioners to authorize the operation of golf carts upon the roads and streets within said development pursuant to Section 316.212, F.S.; and

WHEREAS, the Board of County Commissioners desires to authorize the operation of golf carts upon the roads and streets within the development known as the Villages of Marion County; and

WHEREAS, the Board of County Commissioners has determined that golf carts may be safely operated on the roads and streets within the Villages of Marion County; and

WHEREAS, the adoption of this ordinance will promote the health, safety, and welfare of the citizens of Marion County, Florida.

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Marion County, Florida, as follows:

SECTION 1. DEFINITIONS. As used in this ordinance, the term *golf cart* shall be defined as provided in Section 316.003(68), F.S. as the same may be amended from time to time.

SECTION 2. OPERATION OF GOLF CARTS. The Board of County Commissioners hereby authorizes the operation of golf carts on the roads and streets in the unincorporated area of Marion County known as the Villages of Marion County. Appropriate signs shall be posted indicating that such operation is allowed.

SECTION 3. HOURS OF OPERATION, EQUIPMENT AND AGE OF OPERATION.

All golf carts may be operated upon the roads and streets of the development known as the Villages of Marion County provided such golf carts meet the minimum equipment standards established by the Florida Statutes. Golf carts may be operated between the hours before sunrise and after sunset if equipped with, at a minimum, headlights, brake lights, turn signals, and a windshield. Golf carts that do not meet the minimum equipment standards for operation between the hours before sunrise and after sunset shall only be permitted to operate between sunrise and sunset. A golf cart may not be operated on public roads or streets by any person under the age of 14.

SECTION 4. ENFORCEMENT. This ordinance shall be enforced in accordance with Section 316.212(7), F.S.

SECTION 5. INCLUSION IN CODE. It is the intention of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Marion County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 6. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 7. EFFECTIVE DATE. A certified copy of this ordinance as enacted shall be filed by the Clerk of the Board with the Office of the Secretary of State of Florida within ten (10) days after enactment, and this ordinance shall take effect upon receipt of official acknowledgment from the Secretary of State that this ordinance has been filed with such office.

DULY ADOPTED this 2nd day of December, 2003.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**



ANDY KESSELRING, CHAIRMAN

ATTEST:



DAVID R. ELLSPERMANN, CLERK

RECEIVED NOTICE FROM SECRETARY
OF STATE ON DECEMBER 11, 2003
THAT ORDINANCE WAS FILED ON
DECEMBER 8, 2003.

FN
Rec
TP
Doc
Inl
Cl

17.08
2.88
2020

THIS INSTRUMENT PREPARED BY/RETURN TO:
Craig W. Little
McLain & Burnsed, P.A.
Post Office Box 1299
The Villages, Florida 32158

GRANT OF EASEMENT AND MAINTENANCE AGREEMENT

THIS GRANT OF EASEMENT AND MAINTENANCE AGREEMENT (hereinafter referred to as "Easement") is granted and entered into this 19 day of September, 2003, by MORSE-SEMBLER VILLAGES PARTNERSHIP #2, a Florida general partnership, whose post office address is 5858 Central Avenue, St. Petersburg, Florida 33707, and hereinafter referred to as "Grantor", in favor of VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 3, a unit of special purpose government created pursuant to Chapter 190, Florida Statutes, whose post office address is 3231 Wedgewood Lane, The Villages, Florida 32162, hereinafter the "Grantee".

RECITALS

1. The Grantor is the owner of the property described in *Exhibit "A"*.
2. At this time, (a) the Grantor wishes to grant to the Grantee, together with successors, assignees and licensees of Grantee, a nonexclusive, perpetual, private easement for the purposes of installation, construction and maintenance of golf cart paths and tunnels over and upon the property described in *Exhibit "A"*, along with the rights of ingress and egress, over and upon the lands described in *Exhibit "A"*, and (b) the Grantee wishes to assume maintenance responsibility for the improvements constructed by the Grantee within the lands described in *Exhibit "A"*.

NOW, THEREFORE, in consideration of the mutual covenants given by each to the other, and other valuable considerations, the parties AGREE as follows:

GRANT: The Grantor hereby grants unto the Grantee, a nonexclusive, perpetual, private easement for the purposes of installation, construction and maintenance of golf cart paths and tunnels over and upon the property described in *Exhibit "A"*, along with the rights of ingress and egress, over and upon the lands described in *Exhibit "A"*. The burden of this easement shall run with the ownership of the property described in *Exhibit "A"*.

2. MAINTENANCE: In consideration of the Grant of Easement described above, the Grantee agrees to maintain the improvements constructed by the Grantee within the property described in *Exhibit "A"*.

3. The above easement and maintenance obligation describes the entire rights conveyed by this Agreement and neither party shall have any right other than as specifically set forth herein.

SUMTER COUNTY, FLORIDA
GLORIA HAYWARD, CLERK OF CIRCUIT COURT
DOC \$0.70

09/19/2003 #2003-18817
01:10:00PM B-1118 P-564

★

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

WITNESSES:

GRATOR:

Morse-Sembler Villages Partnership #2,
a Florida general partnership

BY: Sembler Family Partnership #27, Ltd., a Florida
limited partnership, its General Partner

By: Sembler Retail, Inc., a Florida corporation,
its General Partner

By: Brent Sembler
Brent Sembler, Vice President

BY: Shopping Center Development, L.L.C., a Florida
limited liability company, its General Partner

By: The Villages of Lake-Sumter, Inc., a Florida
corporation, its Managing Member

By: Martin L. Ozorio
Martin L. Ozorio, Vice President

SUMTER COUNTY, FLORIDA
CLERK OF CIRCUIT COURT
DOC #0.70

Steven M. Roy
Name: STEVEN M. ROY
Meg Yawn
Name: Meg Yawn

Steven M. Roy
Name: STEVEN M. ROY
Meg Yawn
Name: Meg Yawn

WITNESSES:

GRANTEE:

Village Community Development District #3

David Orwein
Name: DAVID ORWEIN
Allison Jones
Print Name: Allison Jones

By: Stephen F. Drake
Name: Stephen F. Drake
Title: Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing was acknowledged before me this 19 day of September, 2003,
by BRENT SEMBLER, the Vice President of and on behalf of Sembler Retail, Inc., a Florida
corporation, a general partner of Sembler Family Partnership #27, Ltd., a Florida limited
partnership, a general partner of Morse-Sembler Villages Partnership #2, a Florida general
partnership, who did not take an oath.

Meg Yawn
NOTARY PUBLIC-STATE OF FLORIDA
(Signature of Notary) Meg Yawn

(Print Name of Notary Public)

(Serial/Commission Number)

Personally known ☒ or Produced Identification _____

Type of Identification Produced _____

STATE OF FLORIDA
COUNTY OF LAKE

[SEAL]



09/19/2003 #2003-18817
01:10:09PM B-1118 P-565

The foregoing was acknowledged before me this 19 day of September, 2003,
by MARTIN L. DZURO, the Vice President of and on behalf of The Villages of Lake-Sumter,
Inc., a Florida Corporation, the managing member of Shopping Center Development, L.L.C., a
Florida limited liability company, a general partner of Morse-Sembler Villages Partnership #2,
a Florida general partnership, who did not take an oath.

Meg Yawn
NOTARY PUBLIC-STATE OF FLORIDA
(Signature of Notary)

[SEAL]

Meg Yawn
(Print Name of Notary Public)



(Serial/Commission Number)

Personally known ☒ or Produced Identification _____

Type of Identification Produced _____

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing was acknowledged before me this 19 day of September, 2003,
by Stephen J. Drake, the Chairman of and on
behalf of Village Community Development District #3, a unit of special purpose government
created pursuant to Chapter 190, Florida Statutes, who did not take an oath.

Meg Yawn
NOTARY PUBLIC-STATE OF FLORIDA
(Signature of Notary)

[SEAL]

Meg Yawn
(Print Name of Notary Public)



(Serial/Commission Number)

Personally known ☒ or Produced Identification _____

Type of Identification Produced _____

UNOFFICIAL
COPY

Online Notary Seal - New Contract with County #011007A/Grant of Easement and Maintenance Agreement, wpa/November 8, 2003

SUMTER COUNTY, FLORIDA
CLERK OF CIRCUIT COURT
DOC #0.70

09/19/2003 #2003-18817
01:10:00PM B-1118 P-566

SKETCH FOR DESCRIPTION
(NOT A FIELD SURVEY)

EXHIBIT **A**

A PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 10 SOUTH RANGE 23 EAST,
SUNTER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST SOUTHEASTERLY CORNER OF TRACT "C", VILLAGES OF SUMNER UNIT NO. 67, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGES 49 THROUGH 49C, INCLUSIVE, PUBLIC RECORDS OF SUMNER COUNTY, ILLINOIS, BEING ON THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466, SAID RIGHT OF WAY LINE BEING 50.00 FEET NORTH OF THE CENTERLINE THEREOF; THENCE THE NEXT FIVE (5) COURSES ALONG THE EASTERLY BOUNDARY OF SAID TRACT "C", BEING ALSO THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 101, N43°00'25"W, 36.05 FEET; THENCE N00°45'05"E, 218.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 740.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°25'10", AN ARC DISTANCE OF 186.29 FEET; THENCE N13°42'21"W, 544.26 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 360.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°16'49", AN ARC DISTANCE OF 84.56 FEET; THENCE S68°21'35"E, 39.22 FEET; THENCE S47°57'01"E, 33.35 FEET; THENCE S00°27'15"W, 104.08 FEET; THENCE S15°16'46"E, 226.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 780.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°04'53", AN ARC DISTANCE OF 218.24 FEET; THENCE S00°45'05"W, 239.63 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466, SAID NORTHERLY RIGHT OF WAY LINE BEING 50.00 FEET FROM THE CENTERLINE THEREOF; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, N89°11'31"W, 15.01 FEET TO THE POINT OF BEGINNING.

~~CONTAINING 0.75 ACRES OR MORE, OR LESS~~

LINE TABLE		
LINE	LENGTH	BEARING
L1	36.05'	N43°08'25"W
L2	39.22'	S88°21'35"E
L3	33.75'	S47°57'01"E
L4	15.01'	N89°11'31"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD ENG.	CHORD
C1	185.25'	740.00'	14°25'26"	N06°27'38" W	185.82'
C2	54.86'	880.00'	3°16'40"	S12°01'57" E	54.95'
C3	218.24'	780.00'	10°01'53"	N07°15'52" W	217.83'

8/18/43
DATE

HOLLAND & BARRETT, PROFESSIONAL ENGINEERS
REGISTERED PROFESSIONAL ENGINEERS NO. 13815

GENERAL NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS SKETCH PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

MONTHLY RENT OF TRAY LINE

C.R. 466

POINT OF BEGINNING
MOST SOUTHEASTERLY
CORNER OF TRACT "A"



09/19/2003 2:03-18817
01:10:00PM 2-1118 p-567

2007-07-20

SUTTER COUNTY, FLORIDA
SILORIA HAYWARD, CLERK OF

COUNTY ROAD NO. 101

S:\BUNTERSITE\PLANSTUNNEL\XTUNNEL-11_EASEMENT_R1A.dwg, 08/28/2009 11:47:51 AM, KB

Displaying Image 4 of 4
[<< Prev] 1 2 3 4

Close



OFFICE OF
COUNTY ATTORNEY
MARION COUNTY
601 SE 25th Avenue

Ocala, Florida 34471



Voice: (352)620-3330
Fax: (352) 620-3790
E-Mail: Jeff.Fowler@marioncountyfl.org

County Attorney
Gordon B. Johnston
Assistant County Attorneys
Thomas D. MacNamara
R.J. (Jeff) Fowler

December 19, 2003

Liz Cloud, Chief
Bureau of Administrative Code
Florida Department of State
The Collins Building
107 West Gaines Street
Tallahassee, Florida 32399-0250

Re: Correction of Scriveners Error,
Marion County Ordinance 03-26

Dear Ms. Cloud:

I would like to correct a scrivener's error contained Ordinance 03-26. Attached please find a certified copy of page 1 of such ordinance which contains a correction on line 3 to change Section 312.212 to 316.212.

Please include this letter with the corrected page in the file with Ordinance 03-26.

Thank you for your assistance in this matter and please send me a response that you have received this correction.

If I can be of further assistance in this matter, please let me know.

Sincerely,

R.J. Fowler
Assistant County Attorney

RJF/ket
Attachment

cc: Gordon B. Johnston
David Ellspermann
Madeline Williamson

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WHEREAS, the Board of County Commissioners has determined that golf carts may be safely operated on the roads and streets within the Villages of Marion County; and

WHEREAS, the adoption of this ordinance will promote the health, safety, and welfare of the citizens of Marion County, Florida.

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SECTION 2. OPERATION OF GOLF CARTS. The Board of County Commissioners hereby authorizes the operation of golf carts on the roads and streets in the unincorporated area of Marion County known as the Villages of Marion County. Appropriate signs shall be posted indicating that such operation is allowed.



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLEND A E. HOOD
Secretary of State

December 23, 2003

Honorable David R. Ellspermann
Clerk to Board of Commissioners
Marion County
Post Office Box 1030
Ocala, Florida 34478-1030

Dear Mr. Ellspermann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 19, 2003 and corrected certified copy of page 1 to be attached to Marion County Ordinance No. 03-26, which was received in this office on December 23, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp

RECEIVED DEC 29 2003