



Commence at a concrete monument marking the point of intersection of the North line of Section 36, Township 35 South, Range 16 East and the Westerly Right-of-way of Gulf of Mexico Drive (S.R. 780); thence South 31° 39' 50" East along said Westerly Right-of-way, 1941.22 feet to a concrete monument for a Point of Beginning; thence continue South 31° 39' 50" East, along said Westerly Right-of-way of Gulf of Mexico Drive 392.42 feet to a concrete monument; thence South 58° 15' 40" West parallel to the Northerly Right-of-way of Davies Place, a 50-foot street, as shown on Plat of Summerset Beach, recorded in Plat Book 4, Page 121, of the Public Records of Manatee County, Florida and 209.37 feet therefrom, 553.69 feet, more or less, to the intersection of said line and the waters of Gulf of Mexico; thence Northwesterly along said waters, 392.4 feet, more or less to the intersection of said waters and a line bearing South 58° 15' 40" West from the Point of Beginning; thence North 58° 15' 40" East, along said line parallel to said North line of Davies Place and 183.05 feet therefrom to the Point of Beginning; lying in U.S. Government Lot 2, Section 36, Township 35 South, Range 16 East, Manatee County, Florida: LESS the Southeasterly ten (10) feet thereof.

SUBJECT TO Easements, Restrictions and Reservations of Record, Taxes and Assessments for 1981 and subsequent years and Governmental Laws, Ordinances, Rules and Regulations.

This conveyance is being made to the Grantee in consideration of the approval by the Grantee of the rezoning of the property described in Exhibit "A" hereto to the "NPD" zoning district, the approval by the Grantee of the transfer of seventy-five (75) living units to the property described in Exhibit "A", the approval by the Grantee of an Outline Development Plan, as amended, for a Negotiated Planned Unit Development on the property described in Exhibit "A" and the right of the Grantor to subsequently develop the property described in Exhibit "A" in accordance therewith. Therefore, the fee simple title to the property described above and conveyed hereby shall automatically revert to the Grantor in the event all, any or any portion of the foregoing approvals, the enabling Ordinances or Resolutions on which they were based or the proposed Negotiated Planned Unit Development are finally adjudicated to be illegal, unconstitutional or otherwise invalid or improper, either on substantive or procedural grounds or combination thereof or otherwise, by a court of competent and final jurisdiction in an action or proceeding commenced by any third party or parties (including without limitation an individual Town Commissioner or Commissioners acting in their individual capacities or any other governmental body, agency or authority), which action or proceeding is commenced within two (2) years from the date of this conveyance.

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, remainder and easements thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever, except as otherwise provided herein.

GRANTOR makes no representations or warranties as to the title to any portions of the herein conveyed property or easements lying below the Mean High Tide Line.

The said GRANTOR does hereby fully warrant (except as otherwise provided herein) the title to said property and will defend the same against the lawful claims of all persons whomsoever (except as otherwise provided herein).

GRANTOR resides with his spouse on other property and the above described property being conveyed is not the homestead of the Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year above written.

Signed, sealed and delivered in the presence of:

*[Signature]*  
Helen G. Read

*[Signature]* (SEAL)  
JEROME V. ANSEL

STATE OF FLORIDA  
COUNTY OF SARASOTA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared JEROME V. ANSEL, to me known to be the person described in and who executed the foregoing instrument, and he acknowledged before me that he executed the same as his free act and deed for the purposes therein set forth.

WITNESS my hand and official seal in the County and State last aforesaid this 6th day of March, 1981.

*Helen G. Read*  
Notary Public

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES OCT. 2 1981  
BONDED THRU GENERAL INS. UNDERWRITERS

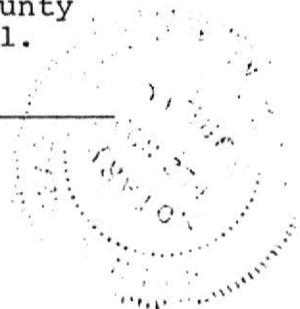


Exhibit "A"

A PORTION OF U.S. GOVERNMENT LOT #2 AND #3 OF FRACTIONAL SECTION #16, AND A PORTION OF U.S. GOVERNMENT LOT #4 OF FRACTIONAL SECTION #17, TOWNSHIP 36 SOUTH, RANGE 17 EAST, AND A PORTION OF ISLAND BEACH SUB-DIVISION, ALL LYING AND BEING IN SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A POINT AT THE INTERSECTION OF THE EASTERLY LINE OF SAID SECTION 17, WITH THE WESTERLY RIGHT-OF-WAY LINE OF GULF OF MEXICO DRIVE, (S.R. 789, 100' WIDE); SAID POINT LYING S 46° 45' 04" E, 94.35' FROM THE NORTHEASTERLY CORNER OF THE LANDS OF COLONY BEACH CLUB, AS RECORDED IN CONDOMINIUM BOOK #7, PAGES 12 THRU 12-F, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE S 46° 45' 04" E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 609.15' TO THE POINT OF BEGINNING; THENCE CONTINUE S 46° 45' 04" E, ALONG SAID RIGHT-OF-WAY LINE 1170.1'; THENCE S 43° 14' 56" W, 943' MORE OR LESS TO THE WATERS OF THE GULF OF MEXICO; THENCE NORTHWESTERLY ALONG SAID WATERS, 1170' MORE OR LESS TO THE INTER-SECTION OF A LINE LYING S 43°14' 56" W OF THE POINT OF BEGINNING; THENCE N 43°14' 56" E, 950' MORE OR LESS TO THE POINT OF BEGINNING; TOGETHER WITH ANY AND ALL RIPARIAN RIGHTS APPERTAINING THERETO AND CONTAINING 25.41 ACRES, MORE OR LESS.

RECORDED  
MAR 10 2 17 PM '91

MAR 10 2 17 PM '91

FILED AND RECORDED

791756

MEMORANDUM

DATE: March 24, 1997

TO: Town Commission  
FROM: Griff Roberts, Town Manager  
SUBJECT: History of Ansel-North Parcel

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The attached history of the Ansel-North Parcel was requested by the Planning & Zoning Board at a recent meeting. A copy is being forwarded to you as well for your information.



GHR/dhs  
Attachment

# MEMORANDUM



TO: Planning and Zoning Board  
THRU: Griff Roberts  
FROM: Dan Gaffney  
DATE: March 19, 1997  
RE: Joan M. Durante Community Park and INS District Descriptions

During the February meeting of the Planning and Zoning Board, staff was asked to provide a description of the INS District Uses, and a history of the Ansel-North parcel, currently zoned OS - Open Space and used for the Joan M. Durante Community Park. The following provides an executive summary of the information requested for your review and consideration.

## HISTORY OF THE ANSEL-NORTH PARCEL

- 1981: Town Ordinance 81-1, adopted and approved March 6, 1981 provided for the following:
- (a) rezoned and redesignated the Park Shore/Water Club lands to NPD - Negotiated Planned Development District;
  - (b) approved an Outline Development Plan for the Water Club lands for 354 dwelling units, including the "transfer of seven (7) living units" from the Ansel-North property.<sup>1</sup>
  - (c) designated the Ansel-North property "for open space or for specified Town purposes," and deeded same to the Town.
- 1986: The vacant unused Ansel-North parcel is rezoned from R-1 (Residential 1/acre) to OS - Open Space.
- 1989: The Future Land Use Map of the Comprehensive Plan redesignates the Ansel-North parcel as O.S. - Open Space.

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<sup>1</sup> The transfer of seven (7) living units from the Park represents a transfer of density, and not the more commonly used transfer of development rights (TDR). As a result, only a transfer of residential density occurred, not a transfer of all development rights from the property.

- 1994:** The site plan for the Joan M. Durante Community Park is approved as open space with accessory uses and structures.
- 1996:** The site plan for the Joan M. Durante Community Park is amended to enhance wetlands restoration on site.

### **DESCRIPTION OF INS DISTRICT AND DISTRICT POLICIES**

As noted in the enclosed description of zoning districts and district policies, the **Community Facility Institutional District (INS)** is established for lands accommodating public and semi-public facilities. This district allows for public parks or government-related buildings and services as permitted uses, subject to site plan review and approval by the Planning and Zoning Board and Town Commission. Educational Centers, Civic Centers and Cultural Centers are special exception uses in INS districts which require not only site plan review and approval by the Planning and Zoning Board and Town Commission, but also additional review of specific criteria by the Planning and Zoning Board, to ensure that the use will be in the public interest and adverse impacts are mitigated. A special exception use, if approved by the Planning and Zoning Board, does not run with the land, but would expire 12 months after the use is discontinued.

The uses proposed for the Cultural/Community Center would be considered a permissible special exception use in the INS district. Procedurally, the Future Land Use Map of the Comprehensive Plan and the Zoning Map would first need to be amended to designate the property as **INS**.

Next, a site plan **and** a special exception use application would need to be processed. While the site plan must be reviewed and approved by both the Planning and Zoning Board **and** Town Commission, the special exception use is subject to approval **only** by the Planning and Zoning Board, as outlined below:

### **PROCEDURAL REQUIREMENTS**

- Future Land Use Map amendment
- Zoning Map amendment
- Site plan **and** special exception use approved by Planning and Zoning Board
- Site plan approved by Town Commission

If I can be of any further assistance in this matter, please do not hesitate to contact me.

durante.ins

§ 158.009 DESCRIPTION OF DISTRICTS AND DISTRICT POLICIES.

(A) Open Space District (OS) - Established for those areas which are identified as environmentally sensitive publicly owned open spaces on the adopted Open Space Master Plan and/or the Comprehensive Plan. These environmentally sensitive areas shall remain in their natural state with little or no disturbance from man.

(B) Community Facility Institutional District (INS) - Established for lands accommodating public and semipublic facilities such as schools, government buildings, civic centers, worship centers, parks and recreation areas, cemeteries, fire, police, marine facilities, nursing homes, and emergency operation center facilities. Public facilities and utilities will be located to best maximize the efficiency of services provided, minimize costs, and minimize impacts on the natural environment.

(C) Island Preserve Residential District (R-1IP) - Established for islands surrounding the core of the barrier island. These areas shall not exceed a development intensity of one dwelling unit per five acres. This policy recognizes the inaccessibility of the area to the mainland, including the lack of any transportation linkage by land and therefore the total lack of any needed emergency services to the respective islands. Development shall be adequately supported by public services and facilities which shall be provided by the developer prior to construction of any habitable structures.

(D) Single-Family Low-Density Estate Residential District (R-1SF) - Established for single-family low-density residential estate development, including community residential homes with six or fewer residents plus staff per dwelling unit, at a density of one per acre and shall

**DISTRICT**  
**(Maximum Gross Residential Density)**

(OS) Open Space District

PURPOSE

The purpose of this district is to delineate environmentally sensitive town- or county-owned open spaces.

(INS) Community Facility Institutional District

The purpose of this district is to delineate those areas suitable for public and semipublic facilities.

PERMITTED USES WITHOUT SITE PLAN REVIEW

1. Bird and wildlife sanctuaries and nature areas.
2. Public open areas for passive recreational activities.
3. Essential services.

1. Essential services.

PERMITTED USES WITH SITE PLAN REVIEW

1. Supporting facilities for public passive recreational activities.

1. Churches, synagogues and other houses of worship.
2. Government buildings and services, such as fire stations, public works buildings, and emergency operation center facilities and libraries.
3. Public parks and recreation areas.
4. Town-owned or town-operated marine facilities.

ACCESSORY USES

1. Accessory uses customarily incident to a permitted use or permitted with a site plan review use.

1. Off-street parking and loading facilities.
2. Other accessory uses customarily incident to a use permitted with site plan review or special exception use.
3. Private noncommercial dish antennas.

SPECIAL EXCEPTION USES

1. Windwalls.

1. Continuing education centers.
2. Civic centers.
3. Nursing homes.
4. Nonprofit cultural centers.
6. Cemeteries.
6. Worship centers.
7. Private clubs.
8. Windwalls.

## MEMORANDUM

DATE: February 26, 1999

TO: Bruce St Denis, Town Manager  
FROM: Donna H. Spencer, Administrative Assistant 3   
SUBJECT: Land Acquisition - Ansel Tracts North and South

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**Ansel Tract 1** (a/k/a North Parcel) consists of:

- 5564, 5560, 5555 Gulf of Mexico Drive
- Gulf Bay Road
- Gulf Bay Road

This property was exchanged with the town in a transfer of density in 1981. The town received the large tract of undeveloped land in exchange for 75 units of added density in a negotiated planned unit development (NPD). The 75 units were added to the site of the Promenade, the Water Club and the future site of Water Club II increasing the density from 279 units to 354.

The transfer of density created public opposition that depicted the results of transfer as highly impacting traffic and citizens in portions of the island. However, when Water Club II is completed the actual total density of the NPD will be 286 utilizing only 7 of the 75 transferred units. In effect if the transfer of density had not occurred, the commercial property could have been developed into a commercial center similar to The Centre Shops or Sea View Shopping Center at Whitney Beach which could have impacted traffic and driving time greatly.

It also associated an image of shady "back door" politics with the transfer of density which has had a lasting impact for some factions on the Key. This image prevented the negotiation of 18+ acres to the Town for an additional transfer of density. Instead, the Town purchased the South Ansel Tract.

**Ansel Tract II** (a/k/a Ansel Tract South) was purchased in 1990 consists of:

- Five Commercial Lots  
5490, 5480, 5470, 5460, and 5550 Gulf of Mexico Drive; and,
- Two Residential Lots  
711 and 710 Gulf Bay Road

The 13.892 acres of residential property includes 8.021 upland and 5.871 wetland area was purchased with Land Acquisition Funds in May 1990.

Source of Funds:

Land Acquisition Fund	\$ 1,601,410.95
Ansel Donation	<u>120,000.00</u>
	\$ 1,721,410.95

Use of Funds:

Land	\$ 1,713,886.43
Appraisal and taxes	<u>7,524.52</u>
Total Cost	\$ 1,721,410.95

In July 1990, the town purchased the Ansel commercial lots that front the residential section the town purchased in May 1990 with Utility Fund monies.

Source of Funds:

Utility Fund	\$ 1,203,908.40
Ansel Donation	<u>520,000.00</u>
	\$ 1,723,908.40

Use of Funds:

Land	\$ 1,720,000.00
Appraisal and taxes	<u>3,908.40</u>
Total Cost	\$ 1,723,908.40

Mr. Ansel's donations were accepted by the town as part of the purchase agreement recognizing the differences in his and town appraisals for these properties as well as to provide an opportunity for tax benefit.

Please let me know if additional information is required.