

COUNTY OF HENDRY, STATE OF FLORIDA

ORDINANCE NO. 2016- 11

RECORDED IN ORDINANCE BOOK XVIII , PAGE 183

AN ORDINANCE OF HENDRY COUNTY, FLORIDA AMENDING THE HENDRY COUNTY COMPREHENSIVE PLAN, ORDINANCE 91-05, AS AMENDED, SPECIFICALLY BY CHANGING THE FUTURE LAND USE MAP, MORE SPECIFICALLY BY CHANGING APPROXIMATELY 3,127+/- ACRES OF LAND DESIGNATED AS AGRICULTURE TO A NEW ELECTRICAL GENERATING FACILITY TO BE KNOWN AS THE HENDRY SOLAR ENERGY CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hendry County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Hendry County Board of County Commissioners adopted the Hendry County Comprehensive Plan on March 5, 1991; and

WHEREAS, Florida Power & Light Company (FPL) submitted an application to amend the Future Land Use Map and associated text to change 3,127 +/- acres from Agriculture to Electrical Generating Facility to be known as the Hendry Solar Energy Center; and

WHEREAS, the Hendry County Local Planning Agency conducted a public hearing on July 1, 2015, and considered the proposed amendment to the Comprehensive Plan pursuant to the authority granted to it by Section 163.3174, Florida Statutes, and recommended transmittal of said amendment by the Board of County Commissioners; and

WHEREAS, the Hendry County Board of County Commissioners conducted a public hearing on July 14, 2015, and approved transmittal of the amendment to the state land planning agency; and

WHEREAS, upon receipt of Hendry County's proposed amendment, various State agencies and the state land planning agency transmitted in writing to Hendry County their comments, pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, Hendry County, upon receipt of the written comments from the state land planning agency and various State agencies scheduled a required public hearing pursuant to Section 163.3184, Florida Statutes; to either adopt, adopt with changes or not adopt the proposed Plan amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hendry County:

SECTION ONE. COMPREHENSIVE PLAN AMENDMENT

The Hendry County Future Land Use Map is amended to change the following parcels from Agriculture to Electrical Generating Facility: 1 33 47 20 A00 0002.0000, 1 33 47 21 A00 0002.0000, 1 33 47 22 A00 0002.0000, 1 33 47 27 A00 0002.0000, 1 33 47 28 A00 0001.0000, 1 33 47 28 A00 0002.0000, 1 33 47 29 A00 0002.0000, 1 33 47 33 A00 0001.0000, 1 33 47 33 A00 0003.0000, 1 33 47 34 A00 0002.0000, 1 33 47 35 020 0000 002.0, for a total of 3,127+/- acres, as shown in Exhibits "A" and "B".

SECTION TWO. SEVERABILITY

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any court or competent jurisdiction

shall hold any of the provisions of this ordinance unconstitutional or otherwise invalid, the decision of such court shall not affect or impair any remaining provisions of this ordinance.

SECTION THREE. CONFLICTS OF LAW

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted Hendry County Ordinance or Florida Statutes, the more restrictive shall apply.

SECTION FOUR. CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made part of the Hendry County Code; and that the sections of this ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section," "article" or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator's designee, without need of a public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.


SECTION FIVE. EFFECTIVE DATE

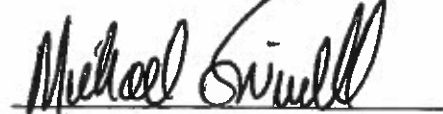
The effective date of this Plan amendment shall be 31 days after the state land planning agency notifies the County that the Plan amendment package is complete, however, if the Plan amendment is timely challenged, it will not become effective until the state land planning agency or the Administration Commission enters a final order determining the amendment to be in compliance.

Duly passed and adopted in Regular Session of the Board of County Commissioners of
Hendry County, Florida this 12th day of April, 2016.

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA

ATTEST:


Barbara Butler, Clerk


Michael Swindle, Chairman

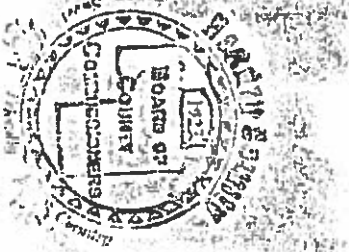
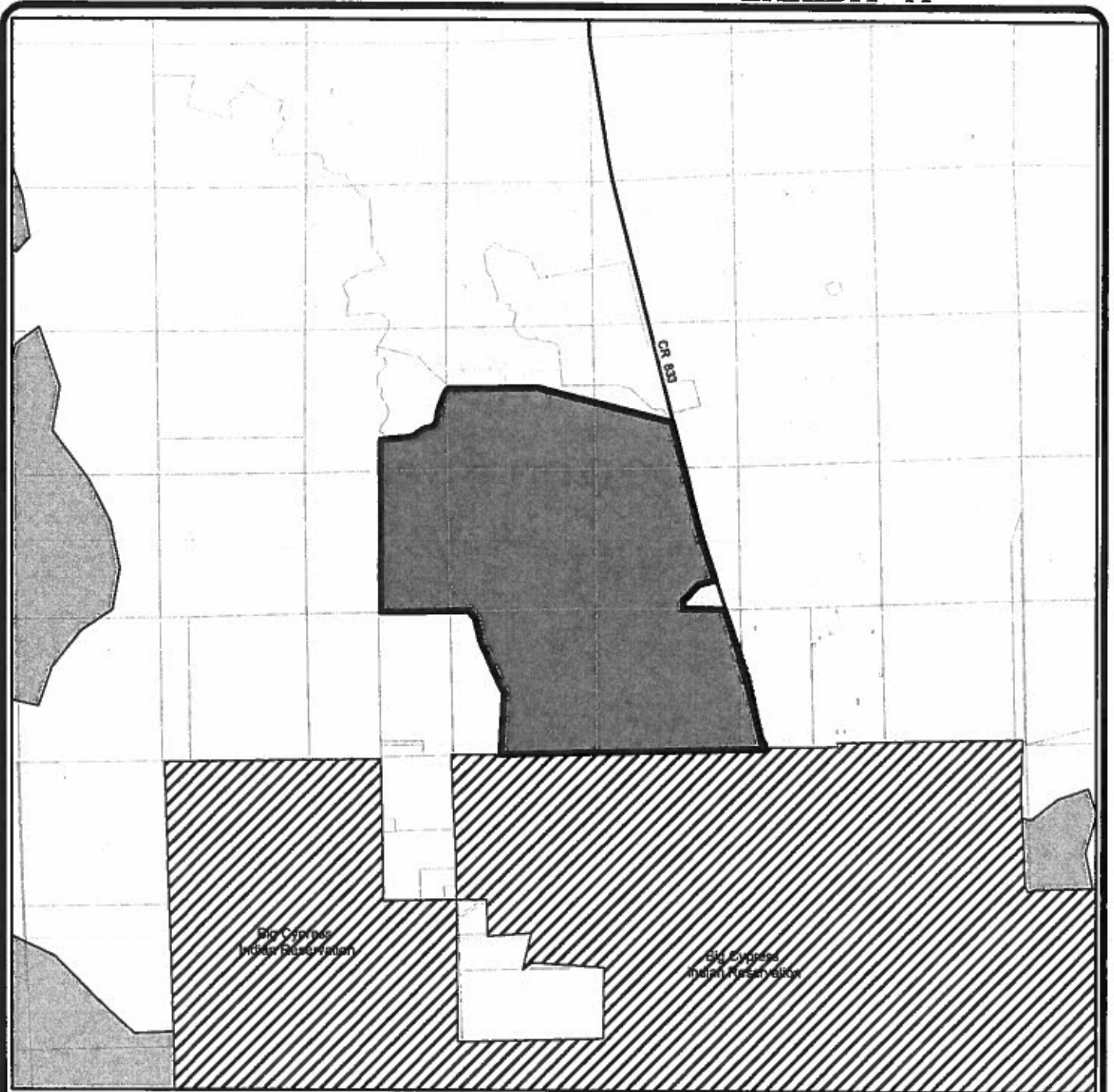








EXHIBIT "A"



Legend

-  FPL Subject Property
-  Big Cypress Indian Reservation
-  Hendry County Parcels
- Future Land Use**
-  Agriculture
-  Agriculture Conservation
-  Electrical Generating Facility



0 0.5 1 Miles



Exhibit O
 Proposed Future Land Use Map
 FP&L Comprehensive Plan Amendments
 Hendry County, Florida



ENGELHARDT, HAMMER & ASSOCIATES

Land Planning - GIS - Expert Testimony

P.O. Box 759, Odessa, FL 33556

Telephone (813) 889-8100, Fax (813) 926-0659

Sources:
 Hendry County Property Appraisers Parcel Data as of January 2015
 Hendry County Planning Department GIS Data as of January 22, 2015.

LEGAL DESCRIPTION

DESCRIPTION OF DEER RUN AT HENDRY COUNTY

A PARCEL OF LAND LYING WITHIN SECTIONS 20, 27, 28, 29, 33, 34 AND 35, ALL WITHIN TOWNSHIP 47 SOUTH, RANGE 33 EAST, TOGETHER WITH PORTIONS OF LINCOLN SQUARE PARK NO.2, BLOCKS 29, 36, 37, 44, 45, 52, 53, 60, 61, 68, 69,70, 75, 76, 77, & 78 OF SECTIONS B, C & D, PER PLAT BOOK 2, PAGES 23-25, RESPECTIVELY, LYING WEST OF THE TRUSTEE'S OF THE INTERNAL IMPROVEMENT FUND (TIIF) RESERVATION LINE HENDRY COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 29; THENCE S89°05'18"W ALONG THE SOUTH LINE OF SAID SECTION 29 A DISTANCE OF 2535.92 FEET; THENCE DEPARTING SAID SOUTH LINE N00°17'26"E A DISTANCE OF 6363.23 FEET; THENCE N84°09'26"E A DISTANCE OF 1038.05 FEET TO THE POINT OF A CURVE TO THE LEFT, CONCAVE NORTHERLY, HAVING A RADIUS OF 572.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 81.37 FEET THROUGH A CENTRAL ANGLE OF 08°09'03" TO THE POINT OF A NON-TANGENT LINE; THENCE S13°59'37"E A DISTANCE OF 442.48 FEET; THENCE S12°47'02"E A DISTANCE OF 3094.99 FEET; THENCE S12°59'36"E A DISTANCE OF 1833.36 FEET; THENCE S42°50'42"E A DISTANCE OF 1637.39 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 28; THENCE DEPARTING SAID SOUTH SECTION LINE S40°09'02"E A DISTANCE OF 278.23 FEET; THENCE S12°59'38"E A DISTANCE OF 867.53 FEET; THENCE S23°19'31"E A DISTANCE OF 1856.73 FEET; THENCE S36°36'21" E A DISTANCE OF 115.15 FEET; THENCE N40°20'04"E A DISTANCE OF 293.46 FEET; THENCE S82°24'14"E A DISTANCE OF 345.32 FEET; THENCE S59°57'04"E A DISTANCE OF 151.11 FEET; THENCE N30°02'56"E A DISTANCE OF 927.93 FEET; THENCE N53°07'22"W A DISTANCE OF 161.05 FEET; THENCE N15°53'11"W A DISTANCE OF 295.03 FEET; THENCE N08°27'18"E A DISTANCE OF 316.16 FEET; THENCE N72°25'24"E A DISTANCE OF 415.44 FEET; THENCE S82°04'38"E A DISTANCE OF 245.74 FEET; THENCE N03°09'04" E A DISTANCE OF 1217.71 FEET; THENCE N89°06'15"E A DISTANCE OF 6372.56 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 833 (A 100 FOOT WIDE RIGHT-OF-WAY, A.K.A. DEVIL'S GARDEN ROAD) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION NO. 07570(152)2605; THENCE S17°57'41"E ALONG THE WEST LINE OF SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1808.90 FEET; THENCE S00°42'16"E A DISTANCE OF 166.74 FEET; THENCE S18°21'11"E A DISTANCE OF 612.01 FEET TO THE POINT OF A CURVE TO THE RIGHT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 4197.18 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 360.38 FEET THROUGH A CENTRAL ANGLE OF 04°55'10" TO THE CURVES END; THENCE S13°26'01" E A DISTANCE OF 1986.21 FEET TO THE POINT OF A CURVE TO THE LEFT, CONCAVE WESTERLY, HAVING A RADIUS OF 2009.86 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 379.43 FEET THROUGH A CENTRAL ANGLE OF 10°49'00" TO THE CURVES END; THENCE S24°15'01"E A DISTANCE OF 213.07 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 35; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE S89°05'14"W ALONG SAID SOUTH SECTION LINE A DISTANCE OF 920.65 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 34; THENCE S89°06'42"W ALONG THE SOUTH LINE OF SAID SECTION 34 A DISTANCE OF 5344.74 FEET TO THE SOUTHEAST CORNER OF SECTION 33; THENCE ALONG SAID SOUTH LINE OF SAID SECTION 33 S89°06'42"W A DISTANCE OF 3577.96 FEET TO THE EAST LINE OF THE SEMINOLE TRIBE OF FLORIDA

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LEGAL DESCRIPTION

HOLDINGS, LTD, (A FLORIDA LIMITED PARTNERSHIP) LANDS; THENCE ALONG SAID EAST LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES (1) N03°35'47"E A DISTANCE OF 2295.23 FEET; (2) THENCE N36°36'15"W A DISTANCE OF 184.81 FEET; (3) THENCE N23°19'25"W A DISTANCE OF 1897.98 FEET; (4) THENCE N12°59'32"W A DISTANCE OF 837.25 FEET; (5) THENCE N40°08'56"W A DISTANCE OF 395.27 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 33, ALSO BEING THE SOUTH LINE OF SAID SECTION 28; THENCE ALONG SAID SOUTH SECTION LINE S89°30'40"W A DISTANCE OF 667.57 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

DESCRIPTION OF EVERGLADES PLANTATION

A PARCEL OF LAND LYING WITHIN SECTION 20, 21, 22, 27, 28, 29 & 33, TOWNSHIP 47 SOUTH, RANGE 33 EAST, HENDRY COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N89°30'40"E ALONG THE SOUTH LINE OF SAID SECTION 28 A DISTANCE OF 926.94 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE N42°50'42"W A DISTANCE OF 1637.39 FEET; THENCE N12°59'36"W A DISTANCE OF 1833.36 FEET; THENCE N12°47'02"W A DISTANCE OF 3094.99 FEET; THENCE N13°59'37"W A DISTANCE OF 442.48 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHERLY, HAVING A RADIUS OF 572.00 FEET; AND A RADIAL BEARING OF N13°59'37"W THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 250.96 FEET THROUGH A CENTRAL ANGLE OF 25°08'19" TO THE CURVES END; THENCE N50°52'04"E A DISTANCE OF 103.03 FEET TO THE POINT OF A CURVE TO THE RIGHT, CONCAVE SOUTHERLY, HAVING A RADIUS OF 600.00 FEET THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 250.27 FEET THROUGH A CENTRAL ANGLE OF 23°53'58" TO THE CURVES END; THENCE N74°46'02"E A DISTANCE OF 197.96 FEET TO THE POINT OF A CURVE TO THE LEFT, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 365.00 FEET THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 432.81 FEET THROUGH A CENTRAL ANGLE OF 67°56'22" TO THE CURVES END; THENCE N06°49'40"E A DISTANCE OF 139.31 FEET TO THE POINT OF A CURVE TO THE RIGHT, CONCAVE EASTERLY, HAVING A RADIUS OF 1146.00 FEET THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 219.12 FEET THROUGH A CENTRAL ANGLE OF 10°57'19" TO THE POINT OF A COMPOUND CURVE TO THE RIGHT, CONCAVE EASTERLY, HAVING A RADIUS OF 4394.39 FEET THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 715.96 FEET THROUGH A CENTRAL ANGLE OF 09°20'06" TO THE POINT OF A COMPOUND CURVE TO THE RIGHT, CONCAVE SOUTHERLY, HAVING A RADIUS OF 179.00 FEET THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 194.79 FEET THROUGH A CENTRAL ANGLE OF 62°21'03" TO THE CURVES END; THENCE N89°28'08"E A DISTANCE OF 3237.16 FEET TO A POINT ON THE SOUTH EASEMENT LINE OF A 330 FOOT WIDE FLORIDA, POWER AND LIGHT EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 143, PAGE 447 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA; THENCE S75°26'47"E ALONG SAID SOUTH EASEMENT LINE A

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LEGAL DESCRIPTION

DISTANCE OF 5118.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 833 (A 100 FOOT WIDE RIGHT-OF-WAY, A.K.A. DEVIL'S GARDEN ROAD) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION NO. 07570(152)2605; THENCE S13°55'11"E A DISTANCE OF 4236.46 FEET TO THE POINT OF A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 5779.58 FEET THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 407.69 FEET THROUGH A CENTRAL ANGLE OF 04°02'30" TO THE CURVES END; THENCE S17°57'41"E A DISTANCE OF 1415.64 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE S76°08'46"W A DISTANCE OF 600.00 FEET; THENCE S44°28'36"W A DISTANCE OF 866.10 FEET; THENCE S00°31'42"E A DISTANCE OF 200.00 FEET; THENCE S89°06'15"W A DISTANCE OF 4880.69 FEET; THENCE S03°09'04" W A DISTANCE OF 1217.71 FEET; THENCE N82°04'38"W A DISTANCE OF 245.74 FEET; THENCE S72°25'24"W A DISTANCE OF 415.44 FEET; THENCE S08°27'18"W A DISTANCE OF 316.16 FEET; THENCE S15°53'11" E A DISTANCE OF 295.03 FEET; THENCE S53°07'22"E A DISTANCE OF 161.05 FEET; THENCE S30°02'56"W A DISTANCE OF 927.93 FEET; THENCE N59°57'04"W A DISTANCE OF 151.11 FEET; THENCE N82°24'14"W A DISTANCE OF 345.32 FEET; THENCE S40°20'04"W A DISTANCE OF 293.46 FEET; THENCE N36°36'21" W A DISTANCE OF 115.15 FEET; THENCE N23°19'31"W A DISTANCE OF 1856.73 FEET; THENCE N12°59'38"W A DISTANCE OF 867.53 FEET; THENCE N40°09'02"W A DISTANCE OF 278.23 FEET TO THE POINT OF BEGINNING.