

**COUNTY OF HENDRY, STATE OF FLORIDA**

**ORDINANCE NO. 2016- 08**

**RECORDED IN ORDINANCE BOOK XVIII, PAGE 160**

**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 629+/- ACRES OF LAND DESIGNATED AS AGRICULTURE TO MULTI-USE DEVELOPMENT; 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, applicants, Michael A. Swindle, Rich & Sisters, LLC, Swindle Farms, LLC, and Thomas M. Woodward, Sr., Revocable Living Trust, and Suzanne F. Woodward Revocable Living Trust, submitted an application to amend the Future Land Use Map and associated text to change 629 +/- acres from Agriculture to Multi-Use Development; and

WHEREAS, the Hendry County Local Planning Agency conducted a public hearing on December 10, 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 January 12, 2016, 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 Multi-Use Development: 1 33 43 08 A00 0002.0000, 1 33 43 08 A00 0001.0000, 1 33 43 08 A00 0001.0100, 1 33 43 08 A00 0001.0200, for a total of 629+/- 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**

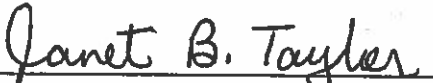
The effective date of this Plan amendment shall be 31 days after the state land planning agency notifies the County that the Plan amendment package is complete, however, if the Plan amendment is timely challenged, it will not become effective until the state land planning agency or the Administration 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 22<sup>nd</sup> day of March, 2016.

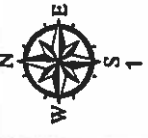
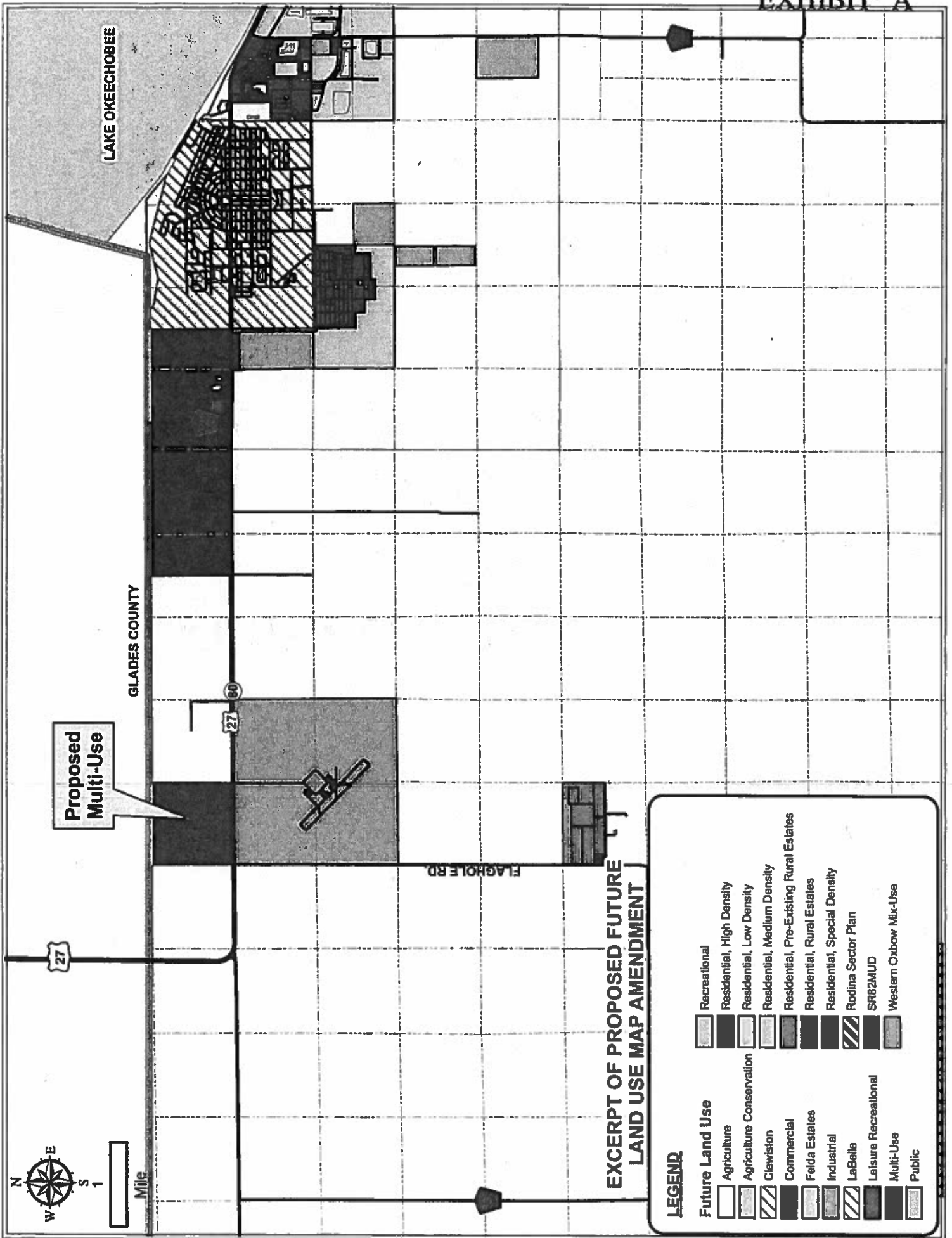
BOARD OF COUNTY COMMISSIONERS  
OF HENDRY COUNTY, FLORIDA

ATTEST:

  
\_\_\_\_\_  
Barbara Butler, Clerk

  
\_\_\_\_\_  
Janet B. Taylor, Vice-Chair





**EXCERPT OF PROPOSED FUTURE  
LAND USE MAP AMENDMENT**

**LEGEND**

Future Land Use	Symbol
Agriculture	[White box]
Agriculture Conservation	[Light gray box]
Clewiston	[Diagonal lines /]
Commercial	[Dark gray box]
Felda Estates	[Light gray box]
Industrial	[Dark gray box]
LaBelle	[Diagonal lines \]
Leisure Recreational	[Dark gray box]
Multi-Use	[Dark gray box]
Public	[Light gray box]
Recreational	[White box]
Residential, High Density	[Dark gray box]
Residential, Low Density	[Light gray box]
Residential, Medium Density	[Dark gray box]
Residential, Pre-Existing Rural Estates	[Dark gray box]
Residential, Rural Estates	[Light gray box]
Residential, Special Density	[Dark gray box]
Rodina Sector Plan	[Diagonal lines /]
SR62MUD	[Dark gray box]
Western Oxbow Mix-Use	[Light gray box]

## EXHIBIT "B"

Legal Description

O.R. 856, PAGE 1280

(HENDRY COUNTY PROPERTY APPRAISERS PARCEL IDENTIFICATION NUMBER 1-33-43-08-A00-0001.0200)

PARCEL OF LAND IN SECTION 31, TOWNSHIP 42 SOUTH, RANGE 33 EAST, GLADES COUNTY FLORIDA AND SECTION 8, TOWNSHIP 43 SOUTH, RANGE 33 EAST, HENDRY COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N0°25'05"E ALONG THE WEST LINE OF SAID SECTION 31 A DISTANCE OF 1117.30 FEET; THENCE S79°16'54"E A DISTANCE OF 1307.16 FEET; THENCE N56°25'30"E A DISTANCE OF 447.93 FEET; THENCE S79°40'29"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF NINE MILE CANAL, SAID RIGHT-OF-WAY LINE LYING 40 FEET SOUTHWEST OF, AS MEASURED AT RIGHT ANGLE AND PARALLEL TO THE CENTERLINE OF THE EXISTING CANAL, A DISTANCE OF 925.57 FEET; THENCE S0°27'33"W ALONG A LINE LYING 75.32 FEET WEST OF (AS MEASURED AT RIGHT ANGLE) AND PARALLEL TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 31, A DISTANCE OF 868.81 FEET TO A POINT WHICH LIES 80.00 FEET NORTH OF SOUTH LINE OF SAID SECTION 31; THENCE S89°50'46"E A DISTANCE OF 913.65 FEET; THENCE S0°09'37"E A DISTANCE OF 75.00 FEET TO AN INTERSECTION WITH THE TOWNSHIP LINE; THENCE N89°50'23"E ALONG THE NORTH LINE OF SAID SECTION 8 A DISTANCE OF 1255.70 FEET; THENCE S0°17'13"E A DISTANCE OF 5257.68 TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF US 27; THENCE S89°32'46"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1359.45 FEET TO AN INTERSECTION WITH THE WESTERLY BOUNDARY LINE OF SAID SECTION 8; THENCE N0°08'02"W ALONG SAID WEST LINE OF SECTION 8 A DISTANCE OF 5264.63 FEET TO THE NORTHWEST CORNER OF SAID SECTION 8; THENCE S89°50'23"W ALONG THE TOWNSHIP LINE A DISTANCE OF 750.25 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 31; THENCE CONTINUING S89°50'23"W ALONG SAID TOWNSHIP LINE A DISTANCE OF 2644.02 FEET TO THE SAID SOUTH-WEST CORNER OF SECTION 31 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

SUBJECT TO THE FOLLOWING DESCRIBED DRAINAGE EASEMENT "A";

**DRAINAGE EASEMENT "A"**  
DESCRIPTION

A STRIP OF LAND 30 FEET WIDE (EXCEPT IN THE VICINITY OF THE NORTHWEST CORNER OF SECTION 8) LYING IN SECTION 8, TOWNSHIP 43 SOUTH, RANGE 33 EAST, HENDRY COUNTY, FLORIDA AND SECTION 31, TOWNSHIP 42 SOUTH, RANGE 33 EAST, GLADES COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING THE NORTHWEST CORNER OF SAID SECTION 8; THENCE S0°08'02"E ALONG THE WEST LINE OF SAID SECTION 8 A DISTANCE OF 30.00 FEET; THENCE N89°50'23"E ALONG A LINE LYING 30.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL TO THE NORTH LINE OF SAID SECTION 8 A DISTANCE OF 1314.71 FEET; THENCE S0°17'34"E A DISTANCE OF 5227.83 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 (US 27); THENCE N89°32'46"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET; THENCE N0°17'43"W A DISTANCE OF 5257.68 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 8; THENCE S89°50'23"W ALONG SAID SECTION LINE A DISTANCE OF 1255.70 FEET; THENCE N0°08'37"W A DISTANCE OF 30.21 FEET; THENCE S89°50'23"W ALONG A LINE LYING 30.00 FEET NORTH OF (AS MEASURED A RIGHT ANGLES) AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 31 A DISTANCE OF 3452.89 FEET; THENCE N0°25'05"E A DISTANCE OF 1081.33 FEET;

THENCE N79°16'54"W A DISTANCE OF 30.49 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 31; THENCE S0°25'05"W ALONG SAID WEST LINE A DISTANCE OF 1117.30 FEET TO AN INTERSECTION WITH THE SAID SOUTH LINE OF SECTION 31; THENCE N89°50'23"E ALONG SAID SOUTH LINE A DISTANCE OF 3394.27 FEET TO THE SAID NORTHWEST CORNER OF SECTION 8 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 224.36 ACRES, MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAY OF RECORD.

LESS & EXCEPT

BEING A PARCEL OF LAND LYING WITHIN THE SOUTHWEST ONE-QUARTER OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 33 EAST, GLADES COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE TO THE NINE MILE CANAL, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N00°25'05"E ALONG THE WEST LINE OF SECTION 31 A DISTANCE OF 1117.30 FEET; THENCE S79°16'54"E A DISTANCE OF 1307.16 FEET; THENCE N56°25'30"E A DISTANCE OF 447.93 FEET; THENCE S79°40'29"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF NINE MILE CANAL, SAID RIGHT-OF-WAY LINE LYING 40 FEET SOUTHWEST OF, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF THE EXISTING CANAL, A DISTANCE OF 925.57 FEET; THENCE S00°27'33"W ALONG A LINE LYING 75.32 FEET WEST OF (AS MEASURED AT RIGHT ANGLE) AND PARALLEL TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 31, A DISTANCE OF 868.81 FEET TO A POINT WHICH LIES 80.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 31; THENCE S89°50'46"E A DISTANCE OF 913.65 FEET; THENCE S00°09'37"E A DISTANCE OF 75.00 FEET TO AN INTERSECTION WITH THE TOWNSHIP LINE; THENCE S89°50'23"W ALONG THE SAID TOWNSHIP LINE A DISTANCE OF 3483.19 FEET TO THE SAID SOUTH-WEST CORNER OF SECTION 31 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

ALSO LESS AND EXCEPT THAT PARCEL CONVEYED BY DEED RECORDED IN O.R. 759, PAGE 1456 (HENDRY COUNTY PROPERTY APPRAISERS PARCEL IDENTIFICATION NUMBER 1-08-43-33-A00-001.0200 (SPLIT OUT))

BEING A PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 43 SOUTH, RANGE 33 EAST, HENDRY COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8, THENCE N00°08'02"W ALONG THE WEST LINE OF SAID SECTION 8 A DISTANCE OF 138.73 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 27 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE CONTINUE N00°08'02"W ALONG THE WEST LINE OF SAID SECTION 8 A DISTANCE OF 5,264.63 FEET TO THE NORTH LINE OF SAID SECTION 8; THENCE N89°50'23"E ALONG THE SAID NORTH LINE A DISTANCE OF 75.00 FEET; THENCE S00°08'02"E ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 2,763.86 FEET; THENCE S89°51'58"W A DISTANCE OF 15.00 FEET; THENCE S00°08'02"E A DISTANCE OF 2,500.77 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 27; THENCE S89°31'58"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 27 A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

AND

O.R. 856, PAGE 1284

(HENDRY COUNTY PROPERTY APPRAISERS PARCEL IDENTIFICATION NUMBER 1-33-43-08-A00-0001.0100)

COMMENCING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 33 EAST, RUN THENCE S89°50'23"W ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 8 FOR A DISTANCE OF 1,659.49 FEET FOR POINT OF BEGINNING; THENCE RUN S0°18'37"E FOR A DISTANCE OF 5,235.31 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 27, THENCE RUN S89°32'46"W ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 248.94 FEET TO A POINT,

THENCE RUN S0°27'14"E FOR A DISTANCE OF 10.00 FEET TO A POINT, THENCE RUN S89°32'46"W ALONG SAID NORTH RIGHT-OF-WAY LINE OF STATE ROAD 27, FOR A DISTANCE OF 2,030.06 FEET TO A POINT, THENCE RUN N0°18'37"W FOR A DISTANCE OF 5,256.99 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF THE AFORESAID SECTION 8, THENCE RUN N89°50'23"E ALONG THE SECTION LINE FOR A DISTANCE OF 2,279.00 FEET TO A POINT OF BEGINNING, LYING IN AND COMPRISING A PART OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 33 EAST, HENDRY COUNTY, FLORIDA, AND CONTAINING 274.67 ACRES MORE OR LESS.

LESS PARCEL II:

A PARCEL OF LAND IN SECTION 8, TOWNSHIP 43 SOUTH, RANGE 33 EAST, HENDRY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 8, THENCE S 89°49'59"W ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 1,659.94 FEET; THENCE S0°08'39"E A DISTANCE OF 489.68 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING S0°08'39"E A DISTANCE OF 270.17 FEET; THENCE S89°53'02"W A DISTANCE OF 814.32 FEET; THENCE N0°08'39"W A DISTANCE OF 265.04 FEET; THENCE N89°31'22"E A DISTANCE OF 814.33 FEET TO THE SAID POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 5.00 ACRES MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED ACCESS EASEMENT

A STRIP OF LAND IN SECTION 8, TOWNSHIP 43 SOUTH, RANGE 33 EAST, HENDRY COUNTY, FLORIDA, BEING 20.00 FEET WIDE, AS MEASURED AT RIGHT ANGLES TO THE SIDELINES THEREOF, LYING TO THE WEST OF AND PARALLEL, ADJACENT, AND CONTIGUOUS TO THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 8; THENCE S89°49'59"W ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 1,659.94 FEET; THENCE S0°08'39"E A DISTANCE OF 759.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S0°08'39"E A DISTANCE OF 4,471.98 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 (U.S. 27) AND THE POINT OF TERMINUS OF THIS DESCRIPTION. SIDELINES TO BE SHORTENED OR EXTENDED SO AS TO FORM A CONTINUOUS STRIP THAT BEGINS ON A LINE THAT PASSES THROUGH THE POINT OF BEGINNING ON A BEARING OF S89°53'05"W AND ENDS ON SAID NORTH RIGHT OF WAY LINE OF U.S. 27.

AND

O.R. 808, PAGE 1144

(HENDRY COUNTY PROPERTY APPRAISERS PARCEL IDENTIFICATION NUMBER 1-33-43-08-A00-0001.0000

COMMENCING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 43, RANGE 33 SOUTH, 5,225.38 FEET TO THE ROAD RIGHT-OF-WAY WEST 1,659.49 FEET, NORTH 5,232.31 FEET TO NORTH BOUNDARY, NORTH 89°, EAST 1,659.49 FEET TO THE POINT OF BEGINNING, AS RECORDED IN THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, CONTAINING 199.27 ACRES, MORE OR LESS.

AND

O.R. 581, PAGE 515

(HENDRY COUNTY PROPERTY APPRAISERS PARCEL IDENTIFICATION NUMBER 1-33-43-08-A00-0002.0000

A PARCEL OF LAND IN SECTION 8, TOWNSHIP 43 SOUTH, RANGE 33 EAST, HENDRY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 8, THENCE S89°49'59"W ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 1,659.94 FEET; THENCE S0°08'39"E A DISTANCE OF 489.68 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING S0°08'39"E A DISTANCE OF 270.17 FEET; THENCE S89°53'02"W A DISTANCE OF 814.32 FEET; THENCE N0°08'39"W A DISTANCE OF



265.04 FEET; THENCE N89°31'22"E A DISTANCE OF 814.33 FEET TO THE SAID POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 5.00 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED ACCESS EASEMENT

A STRIP OF LAND IN SECTION 8, TOWNSHIP 43 SOUTH, RANGE 33 EAST, HENDRY COUNTY, FLORIDA, BEING 20.00 FEET WIDE, AS MEASURED AT RIGHT ANGLES TO THE SIDELINES THEREOF, LYING TO THE WEST OF AND PARALLEL, ADJACENT, AND CONTIGUOUS TO THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 8; THENCE S89°49'59"W ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 1,659.94 FEET; THENCE S0°08'39"E A DISTANCE OF 759.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S0°08'39"E A DISTANCE OF 4,471.98 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 (U.S. 27), AND THE POINT OF TERMINUS OF THIS DESCRIPTION. SIDELINES TO BE SHORTENED OR EXTENDED SO AS TO FORM A CONTINUOUS STRIP THAT BEGINS ON A LINE THAT PASSES THROUGH THE POINT OF BEGINNING ON A BEARING OF S89°53'02"W AND ENDS ON SAID NORTH RIGHT OF WAY LINE OF US 27.