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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022-04

AN ORDINANCE ESTABLISHING CORKSCREW CROSSING COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190; PROVIDING FOR NOTICE TO SUBSEQUENT PURCHASERS; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Lee County Homes Associates IV, LLLP, a Florida limited liability limited partnership, has petitioned the Village Council of the Village of Estero, Florida to establish Corkscrew Crossing Community Development District; and

WHEREAS, the Village Council, after proper published notice, conducted a local public information-gathering ordinance hearing as required by law and finds as follows:

1. The petition is complete in that it meets the requirements of Section 190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.

2. The costs to the Village of Estero and government agencies from establishment of the district are nominal. There is no adverse impact on competition or employment from district establishment. The persons affected by establishment are the future landowners, present landowners, Village of Estero and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from district establishment as the entity to manage and finance the statutory services identified. The impact of district establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the ordinance, are as economically viable as establishing the district. Methodology is set forth in the economic impact statement on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

3. Establishment of the proposed district, whose charter must be in accordance with the general law as set forth in Sections 190.006 -190.041, Florida Statutes, is not inconsistent with the local Comprehensive Plan of Village of Estero or the State Comprehensive Plan.

47 4. The area of land within the proposed district is of sufficient size, is sufficiently
48 compact and is sufficiently contiguous to be developed as one functional interrelated community.
49

50 5. The district is the best alternative available for delivering community development
51 services and facilities to the area that will be served by the district.
52

53 6. The community development services and facilities of the district will be
54 compatible with the capacity and uses of existing local and regional community development
55 services and facilities.
56

57 7. The area that will be served by the district is amenable to separate special district
58 government.
59

60 8. The proposed district, once established, may petition the Village Council for
61 consent to exercise one or more of the powers granted by charter in Section 190.012(2), Florida
62 Statutes.
63

64 9. Upon the effective date of this Ordinance, the proposed Corkscrew Crossing
65 Community Development District will be duly and legally authorized to exist and exercise all of
66 its general and special powers as limited by law; and has the right to seek consent from Village of
67 Estero for the grant of authority to exercise special powers in accordance with F.S. 190.012(2),
68 without question as to the district's continued right, authority and power to exercise its limited
69 powers as established by this ordinance.
70

71 10. All notice requirements of law were met and complete notice was timely given.
72

73 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE
74 VILLAGE OF ESTERO, FLORIDA:
75

76 **Section One: District Name**
77

78 The community development district herein established will be known as Corkscrew
79 Crossing Community Development District.
80

81 **Section Two: Authority For Ordinance**
82

83 This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other
84 applicable provisions of law governing the Village of Estero ordinances.
85

86 **Section Three: Establishment Of Community Development District**
87

88 Corkscrew Crossing Community Development District is hereby established within the
89 boundaries of the real property described in Exhibit "A" attached hereto and incorporated by
90 reference.
91
92

93 **Section Four: Designation Of Initial Board Members**
94

95 The following five persons are designated to be the initial members of the Board of
96 Supervisors:

- 97
98 1. N. Maria Menendez
99 1600 Sawgrass Corporate Parkway, Suite 400
100 Sunrise, Florida 33323
101
102 2. Larry Portnoy
103 1600 Sawgrass Corporate Parkway, Suite 400
104 Sunrise, Florida 33323
105
106 3. John Asher
107 11809 Drake Lane
108 Naples, Florida 34120
109
110 4. Richard Norwalk
111 1600 Sawgrass Corporate Parkway, Suite 400
112 Sunrise, Florida 33323
113
114 5. Craig Callis
115 11809 Drake Lane
116 Naples, Florida 34120
117

118 **Section Five: Powers Of The District**
119

120 The powers and functions of the Corkscrew Crossing Community Development District
121 are described in Chapter 190, Florida Statutes. Consent is hereby given to the District’s Board of
122 Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend,
123 equip, operate, and maintain systems and facilities for: (1) security, including but not limited to,
124 guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, as
125 authorized and described by Section 190.012(2)(d), Florida Statutes.
126

127 **Section Six: Statutory Provisions Governing District**
128

129 Corkscrew Crossing Community Development District will be governed by the provisions
130 of Chapter 190, Florida Statutes.
131

132 **Section Seven: Notice To Subsequent Purchasers**
133

134 Any and all agreements for the sale of property within the boundaries of the Corkscrew
135 Crossing Community Development District must include the disclosure statement required in
136 Florida Statutes §190.048 for the initial sale of the property. This requirement applies to the initial
137 seller of a parcel as well as all subsequent sellers, successors and assigns, for the life of the
138 Corkscrew Crossing Community Development District.

139 **Section Eight: Modification**

140
141 It is the intent of the Village Council that the provisions of this Ordinance may be modified
142 as a result of consideration that may arise during Public Hearing(s). Such modifications shall be
143 incorporated into the final version.

144
145 **Section Nine: Conflict And Severability**

146
147 In the event this Ordinance conflicts with any other Village of Estero ordinance or other
148 applicable law, the more restrictive will apply. If any phase or portion of this Ordinance is held
149 invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a
150 separate, distinct and independent provision and such holding will not affect the validity of the
151 remaining portion.

152
153 **Section Ten: Effective Date**

154
155 This Ordinance becomes effective upon adoption.

156
157 DULY PASSED ON FIRST READING this 15th day of June, 2022.

158
159 DULY PASSED AND ADOPTED BY THE VILLAGE COUNCIL ON SECOND
160 READING AND PUBLIC HEARING this 6th day of July, 2022.

161
162
163
164 By: _____ By: _____
165 Carol Sacco, Village Clerk Katy Errington, Mayor

166
167
168 Reviewed for legal sufficiency:

169
170
171 By: _____
172 Nancy Stroud, Esq., Village Land use Attorney

173
174 Exhibit A: Legal Description

175			
176	Vote:	AYE	NAY
177	Mayor Errington	_____	_____
178	Vice Mayor McLain	_____	_____
179	Councilmember Ribble	_____	_____
180	Councilmember Fiesel	_____	_____
181	Councilmember Boesch	_____	_____
182	Councilmember Ward	_____	_____
183	Councilmember Wilson	_____	_____