

LEE COUNTY ORDINANCE NO. 03-10

AN ORDINANCE ESTABLISHING THE HABITAT COMMUNITY DEVELOPMENT DISTRICT; NAMING THE DISTRICT; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; ESTABLISHING AND DESCRIBING THE EXTERNAL BOUNDARIES OF THE COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE INITIAL POWERS OF THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE STATUTORY PROVISIONS GOVERNING THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING ADDITIONAL CONDITIONS IMPOSED ON THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2003 APR 14 PM 1:44

FILED

WHEREAS, Habitat Lakes, LLC, has petitioned the Lee County Board of County Commissioners to establish the HABITAT COMMUNITY DEVELOPMENT DISTRICT, a Uniform Community Development District (UCDD), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes; and

WHEREAS, the Lee County Board of County Commissioners, 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 §190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.
2. The Lee County Executive Regulatory Oversight Committee has reviewed and approved the petition for establishment of the proposed district.
3. The costs to the County 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, Lee County 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, is 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.

4. Establishment of the proposed district, whose charter is consistent with §§190.006 - 190.041, Florida Statutes, was created by general law, is not inconsistent with the local Comprehensive Plan of Lee County or the State Comprehensive Plan.

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

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

7. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.

8. The area that will be served by the district is amenable to separate special district government.

9. The proposed district, once established, may petition the Board of County Commissioners for consent to exercise one or more of the powers granted by charter in §190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the proposed Habitat Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law; and has the right to seek consent from Lee County for the grant of authority to exercise special powers in accordance with F.S. 190.012(2), without question as to the district's continued right, authority and power to exercise its limited powers as established by this ordinance.

11. All notice requirements of law were met and complete notice was timely given.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: DISTRICT NAME AND LEGAL DESCRIPTION

The community development district herein established will be known as the Habitat Community Development District. A copy of the legal description of the community development district is attached as Exhibit "A" and incorporated herein by reference.

SECTION TWO: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to §190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

**SECTION THREE: ESTABLISHMENT OF
COMMUNITY DEVELOPMENT DISTRICT**

The Habitat Community Development District is hereby established within the boundaries of the real property located in Lee County, Florida, and described in Exhibit "A" attached hereto and incorporated by reference.

**SECTION FOUR: DESIGNATION OF INITIAL MEMBERS
OF THE BOARD OF SUPERVISORS**

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

1. Antonio Gonzalez, P.E., PLS 782 NW 42nd Avenue #630
Miami, FL 33126

2. Carlos Montero 1717 North Bayshore Drive
Apt. #1457
Miami, FL 33132

3. Michael Montero, Esq. 1885 SW 18th Street
Miami, FL 33145

4. Felix Pardo c/o Felix Pardo and Associates, Inc.
5545 SW 8th Street #205
Miami, FL 33126

5. Reynaldo Mayor 780 NW 42nd Avenue #616
Miami, FL 33126

**SECTION FIVE: INITIAL POWERS OF
THE COMMUNITY DEVELOPMENT DISTRICT**

Upon the effective date of this Ordinance, the proposed Habitat Community Development District will be duly and legally authorized to exist and exercise all of its powers in accordance with §§190.011 and 190.012(1), Florida Statutes, subject to any conditions imposed herein; and has the right to seek consent from Lee County for the grant of authority to exercise additional special powers in accordance with §190.012(2), Florida Statutes.

**SECTION SIX: STATUTORY PROVISIONS GOVERNING
THE COMMUNITY DEVELOPMENT DISTRICT**

The Habitat Community Development District will be governed by the provisions of Chapter 190, Florida Statutes,

**SECTION SEVEN: ADDITIONAL CONDITIONS IMPOSED ON THE
COMMUNITY DEVELOPMENT DISTRICT**

The Habitat Community Development District will also be subject to the following additional conditions:

1. Any and all agreements for the sale of property within the boundaries of the Habitat Community Development District must include the disclosure statement required in Section 190.048, Florida Statutes, for the initial sale of the property. This requirement applies to the initial seller of the property as well as all subsequent sellers, successors and assigns for the life of the Habitat Community Development District.

SECTION EIGHT: CONFLICT AND SEVERABILITY

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

SECTION NINE: EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Office of the Secretary of the Florida Department of State.

THE FOREGOING ORDINANCE was offered by Commissioner Robert P. Janes, who moved its adoption. The motion was seconded by Commissioner Andrew W. Coy and, being put to a vote, the vote was as follows:

ROBERT P. JANES	AYE
DOUGLAS R. ST. CERNY	AYE
RAY JUDAH	AYE
ANDREW W. COY	AYE
JOHN E. ALBION	AYE

DULY PASSED AND ADOPTED THIS 8TH DAY OF APRIL, 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Michelle G Cooper
Deputy Clerk

By: Ray Judah
Chairman

APPROVED AS TO FORM:

By: John Whedynur
Office of County Attorney



Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 20, 29 AND 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

EXHIBIT-2 (CDD PARCEL – 961.07 ACRES, MORE OR LESS)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 20, 29 AND 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

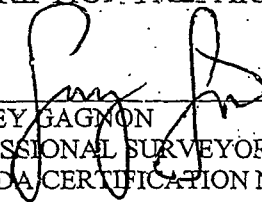
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST; THENCE N.89°19'57"E. ALONG THE NORTH LINE OF SAID SETION FOR 2634.97 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 32; THENCE N.01°08'41"W. ALONG THE EAST LINE OF THE WEST HALF (1/2) OF SAID SECTION 29 FOR 2641.21 FEET; THENCE CONTINUE N.01°08'41"W. ALONG SAID EAST LINE FOR 2641.21 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 29; THENCE N.01°09'39"W. ALONG THE EAST LINE OF THE WEST HALF (1/2) OF SAID SECTION 20 FOR 595.30 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE N.86°32'32"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 2641.52 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID SECTION 20; THENCE S.01°09'13"E. ALONG SAID EAST LINE FOR 725.67 FEET TO THE NORTHEAST CORNER OF SAID SECTION 29; THENCE S.01°05'47"E. ALONG THE EAST LINE OF SAID SECTION 29 FOR 2640.31 FEET; THENCE CONTINUE S.01°05'47"E. ALONG SAID EAST LINE FOR 2640.30 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S.00°42'05"E. ALONG THE EAST LINE OF SAID SECTION 32 FOR 2638.41 FEET; THENCE CONTINUE S.00°42'05"E. ALONG SAID EAST LINE FOR 1990.64 FEET; THENCE S.89°06'24"W. FOR 2641.80 FEET; THENCE S.00°40'39"E. FOR 647.76 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 32; THENCE S.89°07'51"W. ALONG SAID SOUTH LINE FOR 2644.83 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE N.00°30'10"W. ALONG THE WEST LINE OF SAID SECTION 32 FOR 2646.68 FEET; THENCE N.00°31'59"W. ALONG SAID WEST LINE FOR 2649.87 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

PARCELS CONTAIN 961.07 ACRES, MORE OR LESS.

ASSUMED NORTH BASED ON THE NORTH LINE OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST, AS BEARING N.89°19'57"E.

DESCRIPTION PREPARED 08-26-02

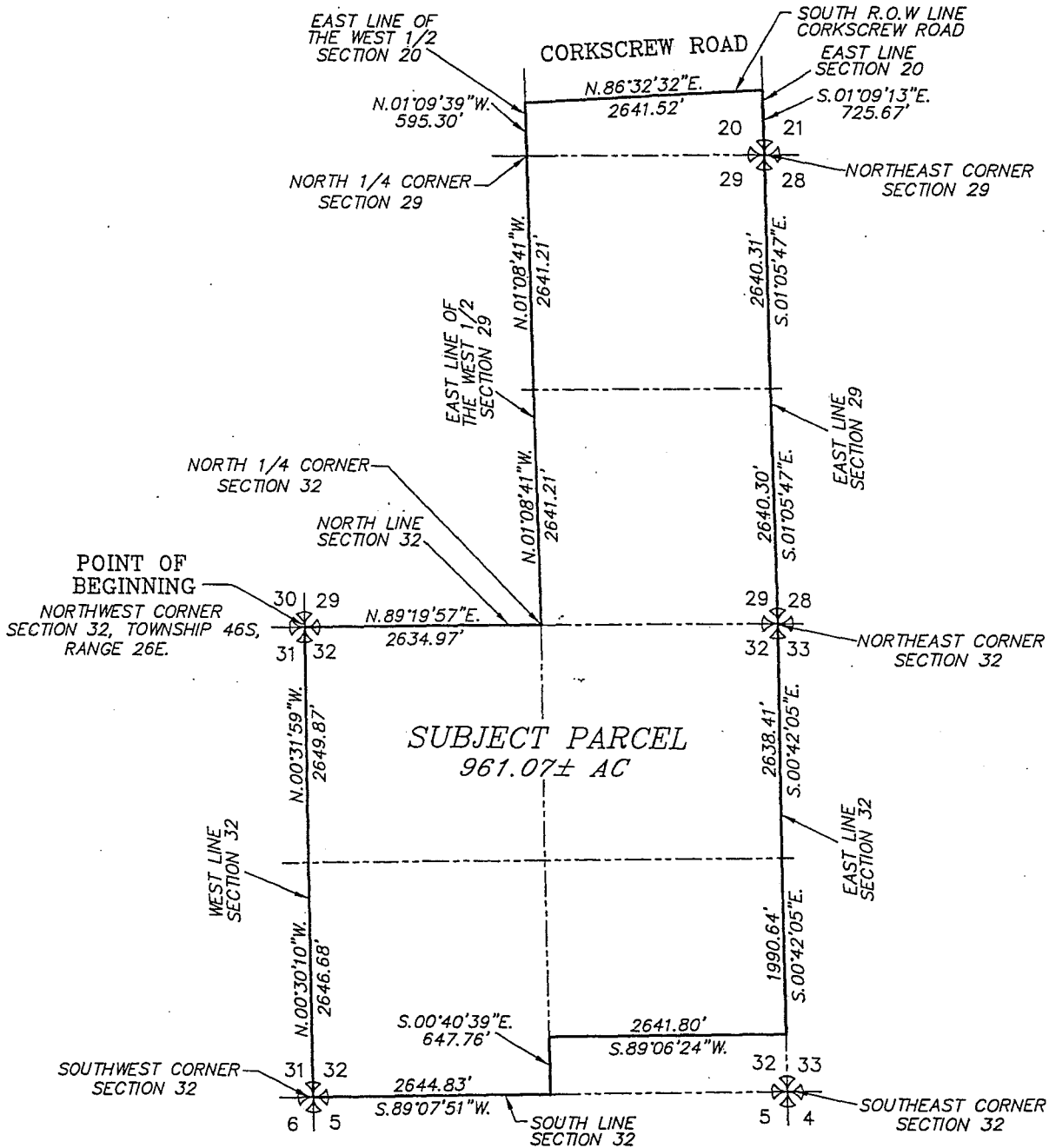

JEFFREY GAGON 08-26-02
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 6337

2003 APR 14 PM 1:44
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
FILED

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SKETCH TO ACCOMPANY DESCRIPTION

OF
A PARCEL OF LAND
LYING IN
SECTIONS 20, 29 & 32, TOWNSHIP 46 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA



*THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY*

Handwritten signature and date: 08-26-02
JEFFREY GAGNON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 6337

LEGEND

- O.R. OFFICIAL RECORDS BOOK
- PGS. PAGES
- SR STATE ROAD
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- R.O.W. RIGHT OF WAY.

Banks Engineering, Inc.
ENGINEERING, SURVEYING & LAND PLANNING
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6590
10501 SIX MILE CYPRESS PARKWAY - SUITE 104
FORT MYERS, FLORIDA 33912
(941) 939-6490

PREPARED 08-26-02
SHEET 2 OF 2

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

D:\CS\1580-LEGAL-CDD\dwg_082602.dwg, 08/26/2002 09:55:20 PM, Jeff Gagnon

Charlie Green
Clerk of Circuit Court
Lee County, Florida

STATE OF FLORIDA

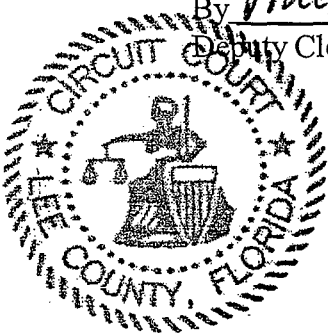
COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 03-10, adopted by the Board of Lee County Commissioners, at their meeting held on the 8th day of April, 2003.

Given under my hand and seal, at Fort Myers, Florida, this 11th day of April, 2003.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By Michelle S Cooper
Deputy Clerk



FILED
2003 APR 14 PM 1:44
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

STATE OF FLORIDA DEPARTMENT OF STATE

Division of Elections

I, Glenda E. Hood, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Lee County Ordinance No. 03-10, which was filed in this office on April 14, 2003, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
15th., day of April, A.D., 2003.



Glenda E. Hood

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida, appears in small letters across the face of this 8 1/2 X 11 document.