

LEE COUNTY ORDINANCE NO. 22-23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, RELATING TO THE DISSOLUTION OF THE COPPERHEAD COMMUNITY DEVELOPMENT DISTRICT, A UNIFORM COMMUNITY DEVELOPMENT DISTRICT ESTABLISHED PURSUANT TO FLORIDA STATUTES CHAPTER 190 AND THE REPEAL OF LEE COUNTY ORDINANCE NO. 07-23; PROVIDING FOR NOTICE OF THE DISTRICT BEING DECLARED INACTIVE; NO ASSUMPTION OF INDEBTEDNESS OR OWNERSHIP OF DISTRICT ASSETS; THE REPEAL OF LEE COUNTY ORDINANCE NO. 07-23; CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the petitioned request of Copperhead, LLC, and Florida Statutes Chapter 190, on August 7, 2007, the Lee County Board of County Commissioners ("*Board*") adopted Lee County Ordinance No. 07-23 to establish a Uniform Community Development District to be known as the Copperhead Community Development District ("*District*"); and

WHEREAS, the subject District is comprised of approximately 289.11± acres located in Section 6, Township 45 South, Range 27 East, Lee County, Florida, a description of which is contained in Lee County Ordinance No. 07-23; and

WHEREAS, on February 5, 2021, the Florida Department of Economic Opportunity ("*DEO*") was notified by Dennis E. Lyles, the registered agent for the District, that the District had taken no action for two or more years and that the District no longer had a governing body or a sufficient number of governing body members to constitute a quorum for two or more years; and

WHEREAS, when such notification occurs, §189.062, Florida Statutes, requires DEO to declare the District "inactive;" and

WHEREAS, on February 25, 2022, the requisite Notice of Proposed Declaration of Inactive Status was published in a newspaper of general circulation in Lee County, Florida, requiring any party objecting to the inactive status to file an objection pursuant to Chapter 120, Florida Statutes, within 21 days of the aforesaid publication; and

WHEREAS, on March 21, 2022, DEO, having determined that no objections were filed, changed the District's status from "active" to "inactive," and issued the Notice of Declaration of Inactive Status of the Copperhead Community Development District ("*Notice*"), dated April 8, 2022; and

WHEREAS, DEO provided the Board with a copy of the above-referenced Notice; and

WHEREAS, pursuant to §189.062(4), Florida Statutes, the Board, as the entity that created the District, is required to dissolve the District by repealing the District's enabling laws, that being Lee County Ordinance No. 07-23.

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

**SECTION ONE: RECEIPT OF NOTICE OF THE DISTRICT DECLARED INACTIVE**

The Board acknowledges receipt of Notice of Declaration of Inactive Status of the Copperhead Community Development District, dated April 8, 2022, from the State Department of Economic Opportunity, declaring the District to be "inactive."

**SECTION TWO: NO ASSUMPTION OF INDEBTEDNESS OR OWNERSHIP OF ASSETS OF THE DISTRICT**

Pursuant to §§ 189.072 and 189.076, to the extent there is any indebtedness or any other assets remaining, the County will not assume any indebtedness of the District nor accede to ownership of any District asset, real or personal.

**SECTION THREE: REPEAL OF LEE COUNTY ORDINANCE NO. 07-23**

Pursuant to §189.062(4), Florida Statutes, the Board, as the entity that created the District, repeals fully Lee County Ordinance No. 07-23, the enabling laws that first created the District on August 7, 2007, such that hereafter it will be of no further force or effect.

**SECTION FOUR: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of other lawfully adopted ordinances or statutes, the most restrictive requirements will apply.

**SECTION FIVE: SEVERABILITY**

If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, it is the Board's intention that such portion will become a separate provision and will not affect the remaining provisions of the ordinance. The Board further declares that this ordinance would have been adopted if such unconstitutional provision was not included.

**SECTION SIX: CODIFICATION AND SCRIVENER'S ERRORS**

The Board intends that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

**SECTION SEVEN: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

**SECTION EIGHT: EFFECTIVE DATE**

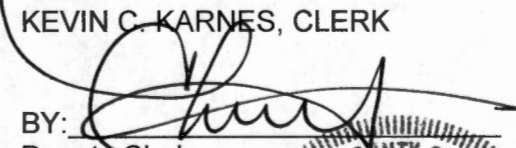
This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Hamman made a motion to adopt the foregoing ordinance, seconded by Commissioner Greenwell. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

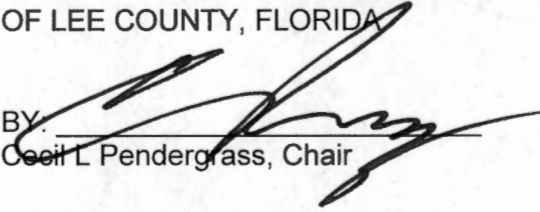
DULY PASSED AND ADOPTED this 6<sup>th</sup> day of September 2022.

ATTEST:  
KEVIN C. KARNES, CLERK

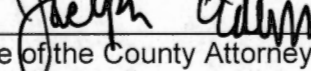
BY:   
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Cecil L Pendergrass, Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY:

BY:   
Office of the County Attorney



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

September 8, 2022

Honorable Kevin Karnes  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attn: Chris Jagodzinski

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 22-23, which was filed in this office on September 7, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh

**RECEIVED**

*By Chris Jagodzinski at 4:50 pm, Sep 08, 2022*