

LEE COUNTY ORDINANCE NO. 18-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, RELATING TO THE DISSOLUTION OF THE LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT, A UNIFORM COMMUNITY DEVELOPMENT DISTRICT ESTABLISHED PURSUANT TO FLORIDA STATUTES CHAPTER 190 AND THE REPEAL OF LEE COUNTY ORDINANCE NO. 06-21; 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. 06-21; 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 Section 10 Joint Ventures, LLP, and Florida Statutes Chapter 190, on November 14, 2006, the Lee County Board of County Commissioners ("*Board*") adopted Lee County Ordinance No. 06-21 to establish a Uniform Community Development District to be known as the Laguna Estates Community Development District ("*District*"); and

WHEREAS, the subject District is comprised of approximately 585± acres located in Section 10, Township 44 South, Range 27 East, Lehigh Acres, Lee County, Florida, a description of which is contained in Lee County Ordinance No. 06-21; and

WHEREAS, the District's Financial Report of the Fiscal Year Ended September 30, 2013, issued June 24, 2014 ("*Financial Report*"), being the last known financial report for the District, stated the assets of the District equaled its liabilities as of the close of the most recent fiscal year; and

WHEREAS, the Financial Report also stated the District's combined ending fund balance was \$0.00; and

WHEREAS, the Financial Report further stated the District had no capital assets and no outstanding debt for its governmental activities; and

WHEREAS, on February 17, 2017, the Florida Department of Economic Opportunity ("*DEO*") was notified by William J. Rizzetta, 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 March 9, 2017, 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 31, 2017, 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 Laguna Estates Community Development District ("Notice"), dated April 13, 2017; 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. 06-21.

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 Laguna Estates Community Development District, dated April 13, 2017, 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. 06-21

Pursuant to §189.062(4), Florida Statutes, the Board, as the entity that created the District, repeals fully Lee County Ordinance No. 06-21, the enabling laws that first created the District on November 14, 2006, such that hereafter it will be of no further force or effect.

Notice of the repeal of Lee County Ordinance No. 06-21 will forthwith be provided to the DEO.

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 were 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 re-lettered 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 re-lettered 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. Such modifications will 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 Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Hamman. The vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 17th day of April, 2018.

ATTEST:
LINDA DOGGETT, CLERK

BY: Melinda Butler
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Cecil Pendergrass
Cecil Pendergrass, Chair

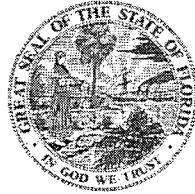


APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

John W. Koger
Office of the County Attorney

RECEIVED

By MButler at 2:16 pm, Apr 18, 2018



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 18, 2018

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

Attention: Melissa Butler

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 18-15, which was filed in this office on April 18, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb