

LEE COUNTY ORDINANCE NO 98-08

CHARTER FOR HERONS GLEN RECREATION DISTRICT

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ESTABLISHING THE CHARTER, AND CREATING THE HERONS GLEN RECREATION DISTRICT UNDER CHAPTER 418, PART II, FLORIDA STATUTES, PROVIDING BOUNDARIES; PROVIDING FINDINGS, PROVIDING FOR A BOARD OF SUPERVISORS, PROVIDING POWERS, PROVIDING PUBLIC ACCESS, PROVIDING FOR ASSESSMENT RECORDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, a majority of the electors in the Herons Glen Recreation District area have signed a petition requesting the establishment of a Recreation District pursuant to Chapter 418, Part II, Florida Statutes, and

WHEREAS, the Herons Glen Recreation District is comprised of a portion of the Del Vera Development of Regional Impact, and

WHEREAS, the Del Vera Development of Regional Impact was approved by Lee County as County Case No 88-3-18-DRI, as amended (the "DRI"), and

WHEREAS, the Del Vera DRI is comprised of two development areas currently known as Herons Glen and Nantucket Village; and

WHEREAS, Herons Glen contains an 18 hole golf course, club house, practice facilities, restaurant, pro shop, tennis courts, shuffleboard courts, pool, and associated facilities (the "Herons Glen Golf and Country Club") which are the major recreational facilities serving the residents of Herons Glen; and

WHEREAS, the residents of Herons Glen wish to purchase the recreational facilities located within Herons Glen,

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

SECTION 1 There is hereby created the Herons Glen Recreation Drstnct (the "Drstnct"), the boundaries of which are more particularly described in Exhibit A attached hereto and made a part hereof. This ordinance, as it may be amended from time to time, shall constitute the Charter for the Drstnct as authorized in Chapter 418, part II, Florida Statutes,

SECTION 2. The Board makes the following findings

- a. The recitals stated above are incorporated herein as findings
- b. A majority of the electors in the Drstnct area have signed a petition requesting the establishment of a Recreation Drstnct pursuant to Chapter 418, Part II, Florida Statutes
- c. Lee County has no capital improvement plan for recreational facilities within the District.
- d. The creation of the District is the best alternative available for delivering certain recreational services to the District
- e. The District is amenable to separate special district government.
- f. All of the territory in the Drstnct will be generally benefitted by the long-term maintenance and operation of the recreational amenities within the District
- g. The health and well-being of the public within the Drstnct will be generally benefitted by the establishment of the District
- h. The creation of the District serves a public purpose

SECTION 3. The following definitions shall apply:

- a. "Developer" shall mean Coolidge-Ft Myers Realty Limited Partnership, its successors, or assigns
- b. "Elector" shall mean a person registered and qualified to vote in Lee County, Florida.

c "Herons Glen Golf and Country Club" shall mean the 18 hole golf course, club house, practice facilities, restaurant, pro shop, tennis courts, shuffleboard courts, pool, and adjacent Infrastructure, located within the Drstnct

d "HOA" shall mean the Herons Glen Homeowners Association

e "Owner" shall mean a person wrth an ownership interest greater than a leasehold rn real property located wrthrn the District.

f. "Recreational Facilities" shall mean the Herons Glen Golf and Country Club as defined herein, other facilities for recreational activities in the District open to the residents of the District and the general public, and any roads, sidewalks, trails, paths, parks, preserves, lighting, landscaping, drainage, irrigation, signage, water, sewer, and parking contained within and immediately adjacent to the recreational Facilities.

g "Resident" shall mean an owner who lives for at least a portion of the year (90 days) within the Drstnct.

SECTION 4 The District shall be governed by a five-member Board of Supervisors elected from the residents of the Drstnct. Until such time as the developer turns over the Herons Glen Homeowners Association to the property owners in the Drstnct, at least, but no more than, two (2) of the members elected to the Drstnct board shall be from resident candidates proposed by the developer Supervisors shall serve for staggered three-year terms The initial electron of supervisors for the District shall occur on or after May 11, 1998 Two members of the initial Board shall serve three-year terms, two shall serve two-year terms, and one shall serve a one-year term Thereafter, each supervisor shall serve a full three-year term. Members of the Board of Supervrsors shall serve without compensation Each property owner or resident in the Drstnct shall have the right to vote in the electron. The costs of

District elections shall be borne by the District. Any vacancy on the Board of supervisors shall be filled for the unexpired term by the appointment of the remaining supervisors or a successor from among the qualified residents of the District.

SECTION 5 The District shall have the powers to do the following:

- a to sue and be sued and to have a corporate seal,
- b to enter into contracts and agreements with other districts, persons, and entities,
- c to acquire, purchase, construct, improve, and equip recreational facilities of all types, including, but not limited to, real property, personal property and adjacent roads, sidewalks, trails, paths, parks, preserves, lighting, landscaping, drainage, irrigation, signage, water, sewer, and parking contained within the Recreational Facilities, and within the boundaries of the District, such acquisition may be by purchase, lease, gift, easement, license, assignment, or other conveyance,
- d to issue bonds for public or private purchase, secured by ad valorem taxes, by pledge of both such taxes and other revenues of the District, or by special assessments, if approved at a referendum held in the District, and to levy and collect ad valorem taxes and/or special assessments, without limitation on all real properties subject to County taxation within such District in order to pay the principal and interest on such bonds as the same respectively fall due or to accumulate a sinking fund for the payment of principal and interest. The referendum required by this Section may be held on the same day as any other referendum related to the District.
- e to operate and maintain recreational facilities or to enter into arrangements with others for such operation and maintenance pursuant to contract, lease, or otherwise,
- f to establish, charge, and collect fees for admission to or use of recreational

facilities and to apply such fees to the operation, maintenance, Improvement, enlargement, or acquisition of recreational facilities or to the payment of bonds or revenue bonds of the Drstnct,

g to issue revenue bonds for public or private purchase payable solely from the revenues to be derived from recreational facilities owned or operated by such District if approved a a referendum held IN such District

h to adopt and enforce reasonable rules for the use of the recreational facilities owned or operated by the District

i. to employ all personnel deemed necessary for the operatron and maintenance of the recreational facilities of the District, and

J to levy and collect special assessments or other revenues for the purchase, acquisition, repair, improvement, and construction of recreatrnal facilities within the District and for the operation of the Drstnct.

SECTION 6 The Drstnct Board of Supervisors shall develop a detailed plan for the expenditure and repayment of the proceeds of each bond issue The repayment portion of each plan shall specify the annual amount of bond repayment due from each property owner within the Drstnct The plan shall be approved by a majority of the property owners rn the Drstnct. No proposed bond shall be Issued unless the accompanying expenditure and repayment plan is approved by the property owners

SECTION 7 The facilities of the District shall be open to the residents of the District and to the extent required by Florida law, to the general public subject to reasonable fees, conditions, and rules prescribed by the Board of Supervisors

SECTION 8 All bond Issues shall be validated by appropriate court proceedings No debt of the District shall constrtute debt of Lee County, and Lee County shall not make any

fiscal nor legal representations with regard to any such Indebtedness

SECTION 9. The Drstnct shall employ independent fiscal and legal advisors

SECTION 10 The Drstnct Board of Supervrsors shall develop and approve annually an operating budget for the District

SECTION 11 The Property Appraiser's ownershrp records for Lee County shall be the official property ownership records for the District At the request of the Board of Supervrsors of the Drstnct, an ownership list shall be provided to the District showing all taxable property within the Drstnct and, if also requested, the assessed valuation of such taxabte propriétés The fax collectōr for the District shall be the Lee County Tax collector Taxes and assessments of the Drstnct shall be payable at the same time as, shall be secured by a lien on taxable property the same as, and shall have the same legal priority as County taxes and assessments Enforcement of any such tax or assessment liens shall be rn the same manner and by the same officials as enforcement of liens for Lee County taxes and assessments Taxes and assessments shall be subject to collection and enforcement by the District Board in the same manner available to the County for the collection and enforcement of taxes and assessments

SECTION 12 The Drstnct shall comply with Chapters 112, 119 (Public Records) and 286 (Sunshine), and all other applicable sections, Florida Statutes

SECTION 13 Thrs Ordinance shall be filed in the Minutes of the Board of county Commissioners and certified copies shall be filed wrth the County Clerk of Lee County and with the Property Appraiser of Lee County

SECTION 15. This Ordinance shall become effective upon its filing with the Florida Secretary of the State

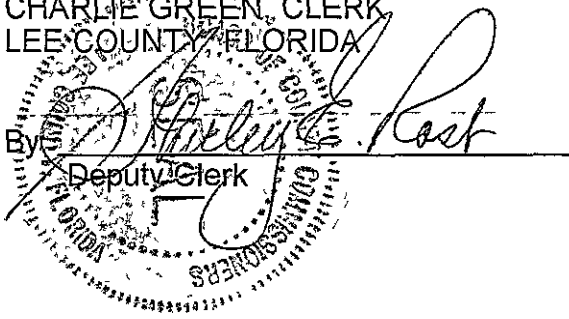
The foregoing Ordinance was offered by Commissioner Andrew Coy, who moved its adoption. The motion was seconded by Commissioner Ray Judah and, being put to a vote, the vote was as follows,

JOHN E MANNING	<u>ABSENT</u>
DOUGLAS ST CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW W. COY	<u>AYE</u>
JOHN E ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 28th day of April, 1998

CHARLIE GREEN, CLERK,
LEE COUNTY, FLORIDA

By *Charlie Green*
Deputy Clerk

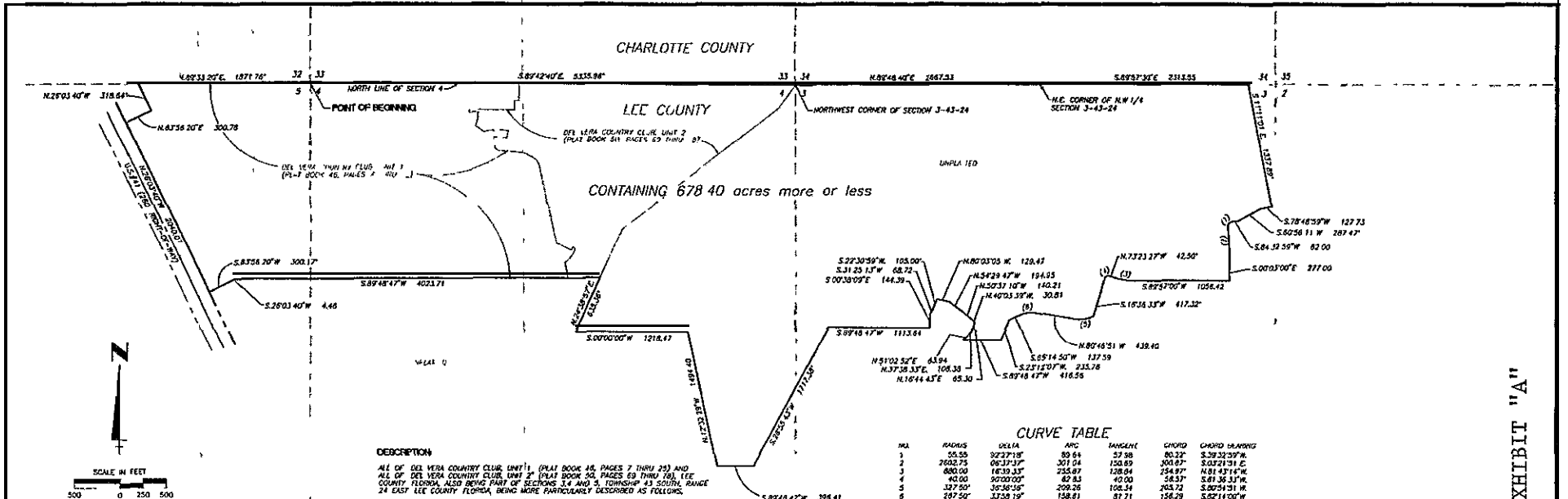


BOARD OF COUNTY COMMISSIONERS

By *John E Manning*
Chairman

LEE COUNTY ATTORNEY'S OFFICE
APPROVED AS TO FORM:

By *Melvin A. Baden*
County Attorney



DESCRIPTION

ALL OF DEL VERA COUNTRY CLUB UNIT 1 (PLAT BOOK 46, PAGES 7 THRU 25) AND ALL OF DEL VERA COUNTRY CLUB UNIT 2 (PLAT BOOK 50, PAGES 60 THRU 20), LEE COUNTY, FLORIDA, ALSO BEING PART OF SECTIONS 3, 4 AND 5, TOWNSHIP 43 SOUTH, RANGE 14 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINS AT THE NORTHWEST CORNER OF SAID SECTION 4. POINT ALSO BEING ON THE NORTH BOUNDARY LINE OF SAID DEL VERA COUNTRY CLUB UNIT 1. THENCE RUN SOUTH 89°14'40" EAST ALONG SAID BOUNDARY LINE OF DEL VERA COUNTRY CLUB UNIT 1 AND SAID NORTH BOUNDARY LINE OF DEL VERA COUNTRY CLUB UNIT 2 FOR 3313.96 FEET TO THE NORTHWEST CORNER OF SAID SECTION 3; THENCE NORTH 89°48'40" EAST ALONG THE NORTH LINE OF SAID SECTION 3 FOR 2867.83 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 34; THENCE CONTINUE ALONG SAID LINE, SOUTH 89°33'20" EAST FOR 2313.25 FEET; THENCE LEAVING SAID LINE, ALONG THE FOLLOWING THIRTY-FOUR (34) COURSES:

- (1) SOUTH 11°11'01" EAST 1537.89 FEET
- (2) SOUTH 2°48'59" WEST 1277.21 FEET
- (3) SOUTH 89°56'11" WEST 289.47 FEET
- (4) SOUTH 84°33'59" WEST 60.00 FEET TO A POINT ON A CURVE.
- (5) 89.84 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 53.55 FEET THROUGH A CENTRAL ANGLE OF 32°27'18" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 39°12'59" WEST FOR 80.28 FEET TO A POINT OF REVERSE CURVE.
- (6) 301.04 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2602.78 FEET THROUGH A CENTRAL ANGLE OF 0°51'37" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 82°15'51" EAST FOR 300.87 FEET.
- (7) SOUTH 00°03'00" EAST 277.00 FEET.
- (8) SOUTH 89°23'00" WEST 1006.42 FEET TO A POINT OF CURVATURE.
- (9) 200.82 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 800.00 FEET THROUGH A CENTRAL ANGLE OF 16°39'33" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 81°45'14" WEST FOR 254.97 FEET.
- (10) NORTH 23°23'27" WEST 42.50 FEET TO A POINT OF CURVATURE.
- (11) 63.83 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 81°36'33" WEST FOR 56.57 FEET.
- (12) SOUTH 10°16'38" WEST 111.24 FEET TO A POINT ON A CURVE.
- (13) 209.24 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 317.59 FEET THROUGH A CENTRAL ANGLE OF 39°16'30" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 80°54'51" WEST FOR 205.72 FEET.
- (14) NORTH 89°48'40" WEST 438.40 FEET TO A POINT OF CURVATURE.
- (15) 158.81 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 287.50 FEET THROUGH A CENTRAL ANGLE OF 33°50'18" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 42°14'47" WEST FOR 158.29 FEET.
- (16) SOUTH 63°14'50" WEST 137.59 FEET.
- (17) SOUTH 23°12'07" WEST 235.78 FEET.
- (18) SOUTH 89°48'40" WEST 416.35 FEET.
- (19) NORTH 51°02'52" EAST 63.94 FEET.
- (20) NORTH 18°44'43" EAST 108.38 FEET.
- (21) NORTH 16°44'43" EAST 65.30 FEET.
- (22) NORTH 40°31'59" WEST 30.81 FEET.
- (23) NORTH 02°27'18" WEST 192.21 FEET.
- (24) NORTH 54°26'47" WEST 164.85 FEET.
- (25) NORTH 89°23'00" WEST 126.42 FEET.
- (26) SOUTH 22°30'50" WEST 103.00 FEET.
- (27) SOUTH 11°25'13" WEST 88.29 FEET.
- (28) SOUTH 00°30'00" EAST 144.39 FEET.
- (29) SOUTH 89°48'40" WEST 113.64 FEET.
- (30) SOUTH 28°58'45" WEST 117.58 FEET.
- (31) SOUTH 89°48'40" WEST 398.41 FEET.
- (32) NORTH 12°25'13" WEST 198.40 FEET.
- (33) SOUTH 00°00'00" WEST 1218.47 FEET.
- (34) NORTH 2°38'57" EAST 439.35 FEET TO A POINT ON THE BOUNDARY OF SAID DEL VERA COUNTRY CLUB UNIT 1.

THENCE ALONG SAID BOUNDARY LINE OF UNIT 2 AND UNIT 1 THE FOLLOWING SEVEN (7) COURSES:

- (1) SOUTH 89°48'40" WEST 4023.71 FEET.
- (2) SOUTH 29°03'40" WEST 4.46 FEET.
- (3) SOUTH 83°56'20" WEST 300.17 FEET.
- (4) NORTH 03°56'20" WEST 300.17 FEET.
- (5) NORTH 83°56'20" EAST 300.78 FEET.
- (6) NORTH 29°03'40" WEST 316.84 FEET.
- (7) NORTH 89°33'20" EAST 1871.78 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS AND DISTANCES ON THE NORTH BOUNDARY LINE OF DEL VERA COUNTRY CLUB UNIT 1 AS BEARING N89°33'20" E

CURVE TABLE

STA.	RADIUS	DELTA	ARC	TANGENTS	CHORD	CHORD BEARING
1	53.55	32°27'18"	89.64	57.98	80.22	S.39°12'59"W
2	2602.78	0°51'37"	301.04	150.69	300.87	S.82°15'51"E
3	800.00	16°39'33"	254.97	126.64	254.97	N.81°45'14"W
4	40.00	90°00'00"	42.50	40.00	56.57	S.81°36'33"W
5	317.59	39°16'30"	209.26	106.34	205.72	S.80°54'51"W
6	287.50	33°50'18"	158.81	87.71	158.29	S.82°14'47"W

EXHIBIT "A"

PRINTED

FEB 17 1998

Wilson, Miller, Barton & Peck, Inc.
4824 Central Boulevard
P.O. Box 12012
Fort Myers, Florida 33912

By: *Alan W. Sadawski*
Alan W. Sadawski, Professional Surveyor and Mapper LSF 4800

THIS IS NOT A SURVEY - SKETCH ONLY

NO.	REVISION	DATE	BY	APP. BY	ACTIVITY	DATE	NO.	REVISION	DATE	BY	APP. BY	ACTIVITY	DATE	NO.	REVISION	DATE	BY	APP. BY	ACTIVITY	DATE

WILSON, MILLER, BARTON & PECK, INC.		CLIENT COOLIDGE OF FONT MYERS REALTY LP		DATE 2/16/98		TITLE SKETCH AND DESCRIPTION OF DEVELOPMENT DISTRICT ALL OF DEL VERA COUNTRY CLUB UNITS 1 & 2 AND PART OF SECTIONS 3, 4 & 5, TOWNSHIP 43, RANGE 14, LEE COUNTY, FLORIDA.	
1400 N. W. 10th St., Ft. Myers, FL 33901		1400 N. W. 10th St., Ft. Myers, FL 33901		1400 N. W. 10th St., Ft. Myers, FL 33901		1400 N. W. 10th St., Ft. Myers, FL 33901	
Tel: 941-939-3112		Fax: 941-939-3112		1400 N. W. 10th St., Ft. Myers, FL 33901		1400 N. W. 10th St., Ft. Myers, FL 33901	
1400 N. W. 10th St., Ft. Myers, FL 33901		1400 N. W. 10th St., Ft. Myers, FL 33901		1400 N. W. 10th St., Ft. Myers, FL 33901		1400 N. W. 10th St., Ft. Myers, FL 33901	