

**Lee County Board of County Commissioners  
Agenda Item Summary**

**DATE CRITICAL  
Blue Sheet No. 20021208**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Direct an ordinance creating the Cascades Estero Community Development District to public hearing on December 10, 2002 at 5:00 p.m.

**WHY ACTION IS NECESSARY:** Cascades by Levitt and Sons, LLC has petitioned the Board to establish the Cascades Estero Community Development District.

**WHAT ACTION ACCOMPLISHES:** Allows response to Cascades by Levitt and Sons, LLC's petition by providing a forum to evaluate the appropriateness of the request.

**2. DEPARTMENTAL CATEGORY:** 04 (Community Development)  
**COMMISSION DISTRICT #5** *C12A*

**3. MEETING DATE:** November 5, 2002

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:**  
5 Minutes

**5. REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE Ch. 190, F.S.
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

**A. COMMISSIONER**  
**B. DEPARTMENT** County Atty's Office  
**C. DIVISION** Land Use  
**BY:** *John J. Fredyma*  
John J. Fredyma, Asst. Cty Atty

**7. BACKGROUND:** Cascades by Levitt and Sons, LLC has petitioned the Lee County Board of County Commissioners to adopt an ordinance establishing a Community Development District in accordance with the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes ("Act"). Section 190.005(2) sets forth the "exclusive and uniform method for the establishment of a Community Development District of less than 1,000 acres in size." This establishment "shall be pursuant to an ordinance adopted by the County Commission having jurisdiction over the majority of the land in the area in which the district is to be located . . ."

A community development district is a local unit of special purpose government created in accordance with the Act and limited to the performance of those specialized functions authorized by the Act for the delivery of urban community development services. The Act provides an alternative streamlined method for financing the construction, maintenance and operation of major infrastructures necessary for community development. Once a community development district has been established, it serves as an infrastructure management tool that ultimately relieves existing county taxpayers of the financial burden of providing urban services to the landowners in the district.

(continued on second page)

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
				<i>Levitt</i>	<i>cfm 10/24</i>				
				<i>Levitt</i>	OA	OM	RISK	GC	<i>10-24-02</i>
				<i>Levitt</i>	<i>RK 10/23</i>	<i>10/24</i>	<i>10/24/02</i>	<i>10/23/02</i>	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
*10/23/02 9AM*

RECEIVED BY  
COUNTY ADMIN. *RK*  
*10/23 8:50*  
COUNTY ADMIN.  
FORWARDED TO: *OS*

The proposed Cascades Estero Community Development District is located on approximately 162.3 acres of land located wholly within the jurisdictional boundaries of Lee County. The land area is bounded on the north by Koreshan Boulevard; on the south by Broadway Street East; on the east by the Rookery Pointe Subdivision; and on the west by the Cypress Bend RV Resort and Seaboard Coast Line (f/k/a C.S.X.) Railroad. The property is located in Sections 27 and 28, Township 46 South, Range 25 East. The Cascades Estero Community Development District will be granted the power to finance, fund, plan, establish, acquire, construct or re-construct, enlarge or extend, equip, operate and maintain systems and facilities for the following basic infrastructure: water management; water supplies; sewer and wastewater management; bridges or culvert; district roads; streetlights; conservation areas; and other projects within and outside the district boundary for which a Development Order may be issued.

The creation of the Cascades Estero Community Development District is not a development order within the meaning of Chapter 380, F.S. All county planning, environmental and land development laws, regulations and ordinances will apply to the development of land within the proposed Cascades Estero Community Development District, and the District can take no action that is inconsistent with those regulations.

In accordance with Section 190.005(1)(f), F.S., the proposed ordinance:

1. Establishes the external boundaries of the district.
2. Names the five persons designated to be the initial members of the Board of Supervisors. These members are as follows:
  - a. Elliott M. Weiner
  - b. Alfred G. West
  - c. Tom Damiano
  - d. Harry T. Sleek
  - e. Jeffery Hoyos
3. Names the district: Cascades Estero Community Development District

The proposed ordinance is scheduled for consideration by the Executive Regulatory Oversight Committee on November 13, 2002.

A copy of the Petition is available for review at the Department of Community Development.

Attachment: Proposed Ordinance establishing the Cascades Estero Community Development District (Draft 1)

**LEE COUNTY ORDINANCE NO. 02- \_\_**

AN ORDINANCE ESTABLISHING THE CASCADES ESTERO 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 AN ADDITIONAL CONDITION IMPOSED ON THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Cascades by Levitt and Sons, LLC has petitioned the Lee County Board of County Commissioners to establish the CASCADES ESTERO 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 Cascades Estero 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 Cascades Estero 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 Cascades Estero 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. | Elliott M. Weiner | 7777 Glades Road, Suite 410<br>Boca Raton, FL 33434 |
| 2. | Alfred G. West    | 7777 Glades Road, Suite 410<br>Boca Raton, FL 33434 |
| 3. | Tom Damiano       | 7777 Glades Road, Suite 410<br>Boca Raton, FL 33434 |
| 4. | Harry T. Sleek    | 7777 Glades Road, Suite 410<br>Boca Raton, FL 33434 |
| 5. | Jeffery Hoyos     | 7777 Glades Road, Suite 410<br>Boca Raton, FL 33434 |

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

Upon the effective date of this Ordinance, the proposed Cascades Estero 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 Cascades Estero Community Development District will be governed by the provisions of Chapter 190, Florida Statutes,

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

The Cascades Estero Community Development District will also be subject to the following additional condition:

1. Any and all agreements for the sale of property within the boundaries of the Cascades Estero 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 Cascades Estero 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 \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

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

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of County Attorney

**DESCRIPTION SKETCH**

(Not a Boundary Survey)

**LEGAL DESCRIPTION**

**CASCADES AT ESTERO - OVERALL BOUNDARY**

A parcel of land lying in Section 27 and Section 28, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 28; run thence S.89°14'28"E., along the North line of said Northeast 1/4, 18.92 feet; thence along the South Right-of-Way line (150 feet wide) of Korshan Boulevard as recorded in Official Records Book 2183, Page 3484 of the Public Records of Lee County, Florida for the following four courses: 1) S.86°13'11"E., 739.30 feet to a point on a curve; 2) Easterly, 1244.23 feet along the arc of a curve to the left having a radius of 11,575.00 feet and a central angle of 06°09'32" (chord bearing S.89°17'23"E., 1243.63 feet) to a point of tangency; 3) N.87°37'51"E., 1825.31 feet to a point of curvature; 4) Easterly, 148.25 feet along the arc of said curve to the right having a radius of 16,925.00 feet and a central angle of 00°30'07" (chord bearing N.87°52'55"E., 148.24 feet) to a point on the East line of the North 1/2 of the Northwest 1/4 of said Section 27; thence S.00°38'50"E., along said East line, 1235.47 feet to a point on the South line of the North 1/2 of the Northwest 1/4 of said Section 27; thence S.88°24'32"W., along said South line, 827.43 feet to a point on the East line of the West 1/2 of the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 27; thence S.00°43'42"E., along said East line, 1252.16 feet to a point on the proposed North Right-of-Way line of Broadway East; thence along said proposed North Right-of-Way line for the following two (2) courses: 1) S.87°48'27"W., 741.88 feet; 2) S.89°12'05"W., 580.09 feet to a point on the West line of the East 1/2 of the East 1/2 of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 27; thence N.00°49'15"W., along said West line, 610.95 feet to a point on the South line of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 27; thence S.89°01'30"W., along said South line, 330.68 feet; thence S.88°21'53"W., along the South line of the Northerly 637.34 feet of the West 1/2 of the West 1/2 of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 27, 165.36 feet; thence N.89°56'55"W., along the South line of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 28, 597.20 feet to a point on the East Right-of-Way line (130-foot Right-of-Way) of Seaboard Coast Line Railway as recorded in Deed Book 66, Page 374 of the Public Records of Lee County, Florida and to a point on a curve; thence along said East Right-of-Way line for the following two courses: 1) Northerly, 1030.23 feet along the arc of said curve to the left having a radius of 2929.90 feet and a central angle of 20°08'48" (chord bearing N.22°28'25"W., 1024.93 feet) to a point of tangency; 2) N.32°32'49"W., 658.87 feet to a point on the West line of the Northeast 1/4 of the Northeast 1/4 of said Section 28; thence N.00°42'39"W., along said West line, 426.84 feet to the POINT OF BEGINNING.

Containing 162.34 acres, more or less.

**SURVEYOR'S NOTES**

1. Reproductions of this drawing are not valid without the original signature and raised seal of Florida Licensed Surveyor and Mapper.
2. This sketch does not represent a Boundary Survey.
3. Subject to easements, reservations, and restrictions of record.
4. Bearings shown hereon are based upon fixing the North Line of the Northwest 1/4 of Section 27, Township 46 South, Range 25 East, Lee County, Florida, as N.87°37'51"E.

SEE SHEET 2 OF 2 FOR DESCRIPTION SKETCH.

**SURVEYOR'S CERTIFICATE**

This certifies that a sketch of the hereon described property was made under my supervision and meets the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

*Judith H. McCorrister*

Judith H. McCorrister  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6021

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NO. LB 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
Tampa • Fort Myers

CIVIL ENGINEERING  
PLANNING  
SURVEYING  
ENVIRONMENTAL PERMITTING  
LANDSCAPE ARCHITECTURE

Fort Myers Office  
3800 Colonial Boulevard, #200  
Fort Myers, Florida 33912  
Phone: 239-482-7275  
FAX: 239-482-2103

**CASCADES AT ESTERO - OVERALL BOUNDARY**

Revised:  
Prepared For: **Levitt and Sons, Inc.**

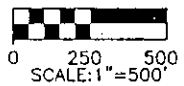
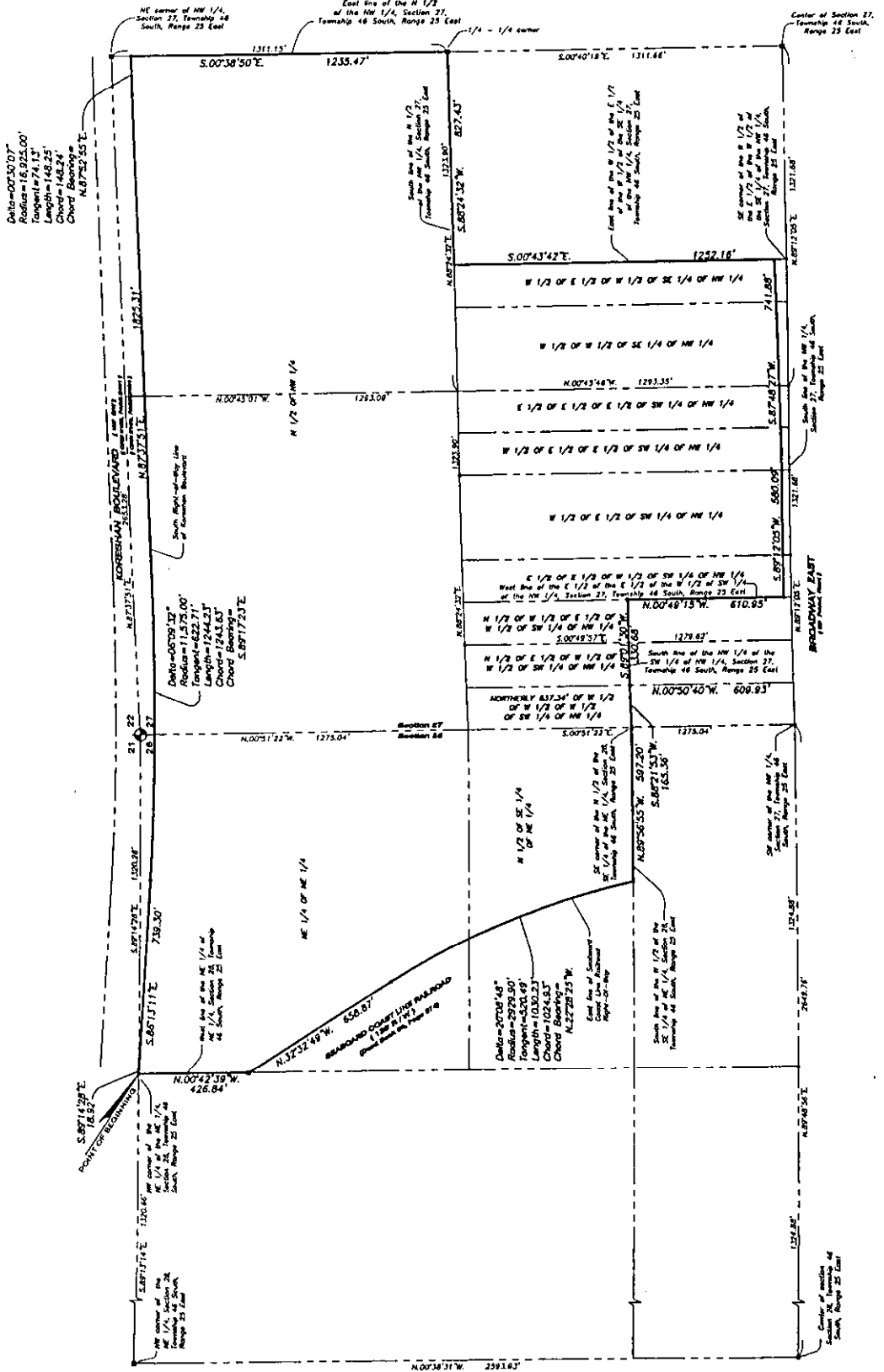
**SHEET 1 OF 2**

Dwn. JHM	Ck. _____	DWG: CAS_ALL_SKETCH.DWG
Date: 05-31-02	Order No.: LEV-11-058	
SECTIONS 27 & 28, TOWNSHIP 46S, RANGE 25E LEE COUNTY, FLORIDA		



# DESCRIPTION SKETCH

(Not a Boundary Survey)



SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION.  
SEE SHEET 1 OF 2 FOR SURVEYOR'S NOTES.

CERTIFICATE OF AUTHORIZATION NO. LB 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
Tampa ♦ Fort Myers

**CIVIL ENGINEERING**  
PLANNING  
SURVEYING  
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LANDSCAPE ARCHITECTURE

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3800 Colonial Boulevard, #200  
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Phone: 239-482-7275  
FAX: 239-482-2103

**CASCADES AT ESTERO - OVERALL BOUNDARY**

Revised:  
Prepared For: **Levitt and Sons, Inc.**

OWN: JHM	CK:	DWG: CAS_ALL_SKETCH.DWG
Date: 05-31-02	Order No.: LEV-II-058	
SECTIONS 27 & 28, TOWNSHIP 46S, RANGE 25E LEE COUNTY, FLORIDA		

**SHEET 2 OF 2**