

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

Blue Sheet No. 20021247

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt and enact an ordinance known as the Laguna Lakes Community Development District Ordinance.

WHY ACTION IS NECESSARY: An ordinance adopted by the BOCC is the exclusive means to establish a Uniform Community Development District (UCDD) of less than 1,000 acres in size.

WHAT ACTION ACCOMPLISHES: Creates an independent special district that provides an alternative method to manage and finance basic services for community development.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #

5:00 #6

3. MEETING DATE:

11-26-2002

4. AGENDA:

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

10 **TIME REQUIRED:**

5. REQUIREMENT/PURPOSE:

(Specify)

STATUTE Chapter 190,F.S

ORDINANCE

ADMIN. CODE

OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT County Attorney

C. DIVISION

BY: Dawn E. Perry-Lehnert *[Signature]*

7. BACKGROUND:

Transeastern Laguna Lakes LLC has petitioned the Lee County Board of County Commissioners to adopt an ordinance establishing a Uniform Community Development District (UCDD) 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

(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
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA	OM	RISK	GC	<i>[Signature]</i>
					<i>RR 11/1</i>	<i>11/14/02</i>	<i>11/14/02</i>	<i>11-9-02</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED TO:
Co. Admin

RECEIVED BY
COUNTY ADMIN. *AT*
11-7-02
2:20
11/14 2002 *OS*

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.

The proposed Laguna Lakes CDD is located on approximately 157 acres of land. The land area is bounded on the north by Gladiolus Drive; on the south by Health Park DRI; on the east by undeveloped property; and on the west by Bass Road. The property is located in Section 33 Township 45 South, Range 24 East. The Laguna Lakes 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; and other projects within and outside the district boundary for which a Development Order may be issued. Additional powers for recreation and security systems will be requested sometime in the future.

The creation of the Laguna Lakes 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 Laguna Lakes 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. Arthur Falcone
 - b. Neil Eisner
 - c. Cora DiFiore
 - d. Marc Schneiderman
 - e. Jan Ickovic
3. Names the district. (Laguna Lakes Community Development District)

The petition and ordinance are being reviewed by EROC on November 13, 2002.

Attachments:

1. Proposed ordinance establishing the Laguna Lakes Community Development District
2. Planning Staff Analysis dated September 18, 2002
3. Laguna Lakes CDD Petition, Exhibits, Attachments and Amendment
4. FAIS

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING THE LAGUNA LAKES COMMUNITY DEVELOPMENT DISTRICT; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Transeastern Laguna Lakes LLC has petitioned the Board of County Commissioners to establish Laguna Lakes COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published noticed, 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 Section 190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.

2. The 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 rule, 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 Section 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 Section 190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the proposed Laguna Lakes 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 FS 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

The community development district herein established will be known as Laguna

Lakes Community Development District.

SECTION TWO: AUTHORITY FOR ORDINANCE

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

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

Laguna Lakes Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference.

SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS

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

- | | | |
|----|-------------------|--|
| 1. | Arthur Falcone | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 2. | Neil Eisner | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 3. | Cora DiFiore | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 4. | Marc Schneiderman | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 5. | Jan Ickovic | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Laguna Lakes Community Development District will be governed by the provisions of Chapter 190, Florida Statutes.

SECTION SIX: NOTICE TO SUBSEQUENT PURCHASERS

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

SECTION SEVEN: 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 EIGHT: EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Florida Secretary 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 JANES _____
DOUGLAS 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

ANALYSIS OF
THE LAGUNA LAKES
PETITION TO ESTABLISH A
UNIFORM COMMUNITY
DEVELOPMENT DISTRICT

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

September 18, 2002

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INTRODUCTION

Transeastern Laguna Lakes, L.L.C. has petitioned the Board of County Commissioners of Lee County, Florida to adopt an ordinance to establish a Uniform Community Development District (UCDD) and to designate the land area within which the UCDD may manage and finance basic infrastructure systems, facilities and services pursuant to the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes and Rule 42-1, Florida Administrative Code. The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district, after its establishment, may petition for.

If approved the district will be granted the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for the following basic infrastructure: water management; water supply, sewer, and waste water management; bridges or culverts; district roads; and other projects inside or outside the district boundary for which a Development Order is issued.

BACKGROUND

Transeastern Laguna Lakes, L.L.C., hereafter called "Petitioner", is a Florida limited liability company with its principal place of business located at 3300 North University Drive, Coral Springs, Florida, 33065 and whose President (Sole Member) is Arthur Falcone.

The Petitioner has petitioned the Board of County Commissioners of Lee County to adopt an ordinance establishing a Uniform Community Development District pursuant to the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes. The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment of such a district and the district's powers and duties.

F.S. 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 granting a petition for the establishment of a community development district."

The Petitioner proposes to establish a Uniform Community Development District on approximately one hundred and fifty-seven (157±) acres of land located in Lee County, Florida and lying within Section 33, Township 45, Range 24 East, on the Southeast corner of Bass Road and Gladiolus Drive, Fort Myers, Florida. A map showing the land area to be served by the District is attached as Exhibit 1 to the petition and a metes and bounds description of the external boundaries of the District is set forth in Exhibit 2 to the petition.

The land area is bounded on the West by Bass Road and undeveloped land, on the North by Gladiolus Drive and the Parker Lakes residential subdivision, on the East by undeveloped property and on the South by the Health Park DRI. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

Adopting the ordinance and granting the petition would authorize the district, through its board of supervisors, to manage and finance certain basic infrastructure for the benefit of the landowners in the community. This infrastructure, or basic systems, facilities and services, under Section 190.012(1), F.S., includes four basic types: water supply; sewers and wastewater management; water control and management (drainage); and, roads, bridges and streetlights, as well as "other projects" as specified under Section 190.012(1)(f), Florida Statutes.

In order to provide the basic systems, facilities and services, the district has certain management and financing powers. However, these powers may be exercised only if the district complies with certain strict and detailed procedural requirements. These include: ethics in government; disclosure; conflict of interest requirements; noticed meetings; government-in-the-sunshine conduct; accounting and reporting requirements to various local and state agencies; consultants competitive negotiations procedures; competitive bidding procedures; and others. In addition to complying with these many procedural requirements, the district still may not manage and finance any of these services and facilities without a showing that development of the properties complies with all legitimate policies, constraints, authorities, controls or conditions on the development of the land, whether local, regional, state or federal in nature, and whether in the form of policies, laws, rules, regulations or ordinances. The district itself is not considered "development." Rather, the district is an alternative mechanism to assure the County and the landowners of the particular land in question that basic systems, facilities and services will be managed and financed in an efficient and economical way.

In order to provide these services, the district is also given certain eminent domain powers, within the very tight constraints summarized above, as well as the authority to require service charges, fees or taxes for the various services rendered, ranging from installation of capital facilities to long-term maintenance and repair. Without the County's consent by resolution, the aforementioned eminent domain power is limited to the boundaries of the district. The district may also issue non-ad valorem special assessment bonds, revenue and other user bonds, and general obligation bonds. However, no general obligation bonds can be issued without a referendum and without a showing that it will not exceed 35 percent of the assessed valuation of the property within the district.

Any additional powers available to the district under s. 190.012(2) F.S., such as parks, fire prevention and control, security structures and so on, may not be exercised by the district without specific consent from the County.

Accordingly, if the County adopts the ordinance and establishes the district, the Laguna Lakes Community Development District will then be an infrastructure management tool. This pinpointed responsibility can benefit the landowners with timely, efficient, reliable and flexible services. It serves as a concurrency management tool for the County, the landowners, the developer and, ultimately, the residents. In addition, the district would be a financing tool providing financial incentives for long-range and high quality service benefits to initial and subsequent landowners without burdening Lee County and its taxpayers.

Finally, such a district may not outlive its practical utility and usefulness. If it ceases to function it will automatically be disbanded by state law. If at any time during its existence Lee County determines by a non-emergency ordinance that it can provide any one of the district services in a more economical manner, over the long term, at lower cost with higher quality, Lee County may then take that service away from the district and provide the service itself.

THE PETITION

The statutes require that a petition be filed containing the following information:

- a metes and bounds description of the external boundaries of the district and the impact of the proposed district on property within the external boundaries of the district which is excluded from the district;
- the consent of the property owners;
- the designation of the initial members of the board of supervisors;
- the proposed name of the district;
- a map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence;
- the proposed timetable and estimated cost of constructing the proposed services;
- the designation of the future general distribution, location, and extent of public and private uses of land; and,
- a statement of estimated regulatory costs.

Such a petition was received from the Petitioner by Lee County on May 21, 2002. In order to assist the Commission and its staff in reviewing the petition, supplemental materials were requested and were furnished by the Petitioner. The Petition and supplemental

materials have been incorporated into this analysis. Planning staff's review of the petition finds the submittal to be sufficient.

FACTORS TO BE CONSIDERED

In accordance with F.S. 190, Lee County is required to consider the following six factors in making a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the creation of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. Whether the area that will be served by the district is amenable to separate special-district government.

The obligation of the Board of County Commissioners is to consider the six factors using the information in the petition and its attachments, any other documents and information that have been filed, including the expert documents. The key decisions to be made by the Board in establishing a district is simply whether it is a reasonable thing to do in view of the six factors which the law requires Lee County to analyze.

It should be noted that these factors are not specific criteria nor are they legal permit requirements or standards. Neither are they the basis for rendering any kind of final order or judgement. In accordance with F.S. 190.004(3) the creation of a community development district is not a development order with the meaning described in Chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to the development of the land within a community development district.

STAFF ANALYSIS OF FACTORS

Planning staff has reviewed the petition and accompanied materials. Following is staff's determination of the petition's applicability to each of the six factors.

Concerning Factor #1: Staff concludes that all statements contained within the petition are true and correct. This determination applies to the petition and all of its Exhibits. Concerning petition Exhibit 7, staff agrees with the statement of estimated regulatory costs that there is no adverse impact on small businesses. In fact there could be positive impacts due to the opportunity for small businesses to bid on work within the district. Staff also concurs with the methodology employed in the statement of estimated regulatory costs.

Concerning Factor #2: Staff concludes that the creation and establishment of the district is not inconsistent with any applicable element or portion of either the state comprehensive plan or the Lee County local government comprehensive plan, the Lee Plan. In fact, the establishment of the district is affirmatively consistent with Section 187.201(21)(b)(2) F.S., which encourages restructuring political jurisdiction with the goal of greater efficiency. It is also consistent with Policy 1.1.4 of the Lee Plan, the Urban Community future land use category. The request is consistent with Objective 2.2, Development Timing, which directs "new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created."

Concerning Factor #3: Planning staff has determined that the area of the land within the proposed district is of sufficient size, is sufficiently compact, and sufficiently contiguous to the developable as one functional interrelated community on the site.

Concerning Factor #4: Planning staff has reviewed the three fundamental alternatives available for managing and financing those basic systems, facilities and services for the Laguna Lakes development area. One alternative is for Lee County government to directly provide those services by creating a dependent district or, by directly managing the infrastructure but financing it through a Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU). The other alternative is purely private, through a homeowners' association, or through a private company or utility established by the landowners. The third alternative, the Uniform Community Development District, coincides the public policy interests and duties of local government with the private marketing interests and duties of private landowners.

Planning staff has reviewed these three alternatives with regard to the site and concludes that the establishment of a Uniform Community Development District is one of the best alternatives available for delivering community development services and facilities to the area that will be served by the district. Staff has further concluded that establishment of

the district is compatible with the function of existing units of local government or that any issues have been or may be adequately addressed by interlocal agreement.

Concerning Factor #5: Staff has reviewed the issue of the capacity and uses of any existing local and regional community development services and facilities. Currently the subject area is located within the Lee County Utilities future water and sewer service areas. The establishment of the District will not create a conflict with this utility because it is the intent of the District to construct and then turn over ownership to Lee County Utilities for operating and maintenance. It is also the District's intent to construct roadways and then turn over ownership to Lee County DOT for operating and maintenance. Other services and facilities such as water management, parks and recreation, landscaping and wetland mitigation will be funded and maintained by the district. There are no other Uniform Community Development District services or facilities being provided to the property.

Staff has determined that the community development services and facilities of the district will not be incompatible with the capacity and uses of the existing local and regional services and facilities which deal with community development.

Concerning Factor #6: Staff has reviewed the area in question and has determined that it is amenable to separate special district government.

ADDITIONAL ANALYSIS

As in previous reviews, staff has a concern that future purchasers of property or dwelling units within the proposed UCDD are aware that the property they are purchasing will be subject to additional assessments for public services and facilities, beyond those taxes and assessments levied by local governments. Section 190.048, Florida Statutes, contains a provision that requires that a buyer of an "initial" parcel, or the buyer of an "initial" residential unit within a UCDD be notified that the property or dwelling unit being purchased is subject to special assessments from the district. Second and third buyers of property or dwelling units, however, would not be notified that the property is subject to these special assessments. Staff believes that all future purchasers of property within a UCDD should be made aware that they will be subject to additional district assessments. Staff therefore recommends that the disclosure statement provided in Section 190.048, Florida Statutes apply to all subsequent sales within the UCDD, and not just to the initial sale. Staff recommends the inclusion of the following language in the adopting ordinance of the proposed district:

Any and all agreements for the sale of property within the boundaries of the Laguna Lakes 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 Laguna Lakes Community Development District.

RECOMMENDATION

Planning staff recommends that the Board of County Commissioners adopt and enact the Ordinance establishing the Laguna Lakes Uniform Community Development District. In accordance with Section 190.005(1)(f), F.S., the Ordinance enacts the following:

1. It establishes the external boundaries of the district which are set forth in ordinance Attachment A;
2. It names the five persons designated to be the initial members of the board of supervisors who shall be:

Arthur Falcone
Neil Eisner
Cora DiFiore
Marc Schneiderman
Jan Ickovic
3. It establishes the name of the district which shall be: The Laguna Lakes Community Development District.
4. It establishes the inclusion of the disclosure statement of Section 190.048, F.S. to subsequent land purchase agreements within the boundaries of the district.

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE**

NAME OF ORDINANCE: Laguna Lakes Community Development District

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

Create the Laguna Lakes Community Development District.

B. Narrative Summary of Ordinance (Several Sentence Summary)

Ordinance creates a new community development district. This allows additional funding opportunities to provide the necessary infrastructure to support the development without cost to the county.

C. Principal Division(s) or Department(s) Affected (List)

None

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE:**

Laguna Lakes Community Development District

**II. Fiscal Impact on County Agencies/County Funds.
(This section to be completed by Division of Budget Services)**

- A. What is estimated Demand? (Develop Indicators) N/A
- B. What is estimated Workload? (Develop Indicators) N/A
- C. What are estimated costs?

	<u>1st Year \$'s</u>		<u>2nd Year \$'s</u>	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel	N/A		N/A	
Fringe	N/A		N/A	
Operating	N/A		N/A	
Capital Outla	N/A		N/A	
 Total	 N/A		 N/A	

- D. List the anticipated revenues to cover costs identified in II, C, above. If a fee is to be charged, answer the following:
 - 1. What is the basis (rationale) for the fee? N/A
 - 2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered? N/A
- E. Give a brief narrative analysis of the information contained in II, A-D, above.

No significant impact. The Ordinance authorizes establishing a UCDD (Uniform Community Development District) which will manage and finance basic infrastructure and service for the district.

/ajb @ 10/11/01

PETITION FOR ESTABLISHMENT
OF THE LAGUNA LAKES
COMMUNITY DEVELOPMENT DISTRICT

ADD 2002-00066

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY, FLORIDA

RE: PROPOSED ORDINANCE PURSUANT TO
SECTION 190.005 (2), FLORIDA STATUTES,
TO ESTABLISH THE LAGUNA LAKES
COMMUNITY DEVELOPMENT DISTRICT

**PETITION FOR ESTABLISHMENT OF A
COMMUNITY DEVELOPMENT DISTRICT**

TRANSEASTERN LAGUNA LAKES LLC, (hereinafter "Petitioner") by and through its undersigned attorney, hereby petitions the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA (hereinafter "Commission") to adopt an ordinance establishing and recognizing a Uniform Community Development District pursuant to the Uniform Community Development District Act of Florida, Section 190, Florida Statutes, (2001), as amended, and to designate the land area within which the District may manage and finance basic infrastructure, systems, facilities and services, as presented in its Charter; and designating the initial District Board of Supervisors. In support thereof, Petitioner submits:

1. Location and Size. The proposed District is located entirely within Lee County, Florida. Exhibit 1 depicts the general location of the project. The proposed district covers approximately 157 acres of land. The site is located in Section 33, Township 45 South, Range 24 East, on the Southeast corner of Bass Road and Gladiolus Drive, Fort Myers, Florida. A metes and bounds description of the external boundaries of the District is set forth in Exhibit 2.

2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District, which are to be excluded from the District.

3. Landowner Consent. At the time of filing this Petition, all of the land to be included in the District is owned by Transeastern Laguna Lakes, LLC. Petitioner has obtained written consent to establish the District in accordance with Section 190.005, F.S. Documentation of this consent is contained in Exhibit 3.

4. Initial Board Members. The five persons designated to serve as the initial members of the Board of Supervisors of the proposed District are as follows:

- | | |
|-------------------|--|
| Arthur Falcone | Transeastern Homes, 3300 University Drive,
Coral Springs, FL. 33065 |
| Neil Eisner | Transeastern Homes, 3300 University Drive,
Coral Springs, FL. 33065 |
| Cora DiFiore | Transeastern Homes, 3300 University Drive,
Coral Springs, FL. 33065 |
| Marc Schneiderman | Transeastern Homes, 1403 Glen Eagle Boulevard
Naples, FL. 34104 |
| Jan Ickovic | Transeastern Homes, 3300 University Drive,
Coral Springs, FL. 33065 |

All of the above-listed persons are residents of the State of Florida, and citizens of the United States of America.

5. Name. The proposed name of the District is the "LAGUNA LAKES COMMUNITY DEVELOPMENT DISTRICT."

6. Major Water and Wastewater Facilities. Exhibit 4 shows the major trunk water mains and wastewater interceptors within the currently undeveloped lands proposed to be included in within the District.

ADD 2002-00066

7. Future Land Uses. The future general distribution, location, and extent of the public and private land uses proposed for the District by future land use plan element of the County's Future Land Use Plan is identified on Exhibit 5. Development is projected to occur over an estimated two-year period. The proposed land uses for the lands contained within the proposed District are consistent with the approved Lee County Future Land Use Plan.

Lee County ("County") has adopted all mandatory elements of its Local Government Comprehensive Plan ("Lee Plan") in accordance with requirements of chapter 163, Fla. Stat., (2001) and Lee County has completed its revised plan for minimum criterion review pursuant to *chapter 9J-5, Florida Administrative Code*, by adoption of County Ordinance 02-02 through 02-06, as amended. County Ordinances No. 89-02 and all amendments thereto, as enacted by County Ordinance, designate the legal description of the land to be serviced by the proposed District as Urban Community.

A copy of the entire Lee Plan is on file with County Staff so that accordingly, only a copy of the most pertinent portions of the future Land Use Element is attached hereto as Exhibit 5A. Exhibit 5B is a copy of a letter from the Florida Department of Community Affairs reflecting that the Lee Plan is in compliance. Attached as Exhibit 5C is the Notice of Intent by the Department of Community Affairs to find the Lee Plan in compliance.

8. Proposed Timetable and Estimated costs for District Facilities and Services. The proposed timetable and the related estimated costs of construction of the proposed District systems, facilities and services which are contemplated by Petitioners and which

may be adopted by the District's Board of Supervisors, when established, and based upon available data, which are subject to change, is attached as Exhibit 6.

9. Statement of Estimated Regulatory Costs. Exhibit 7 is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes (2001). The SERC is based upon presently available data. The data and methodology used in preparing the SERC, accompany it.

10. Authorized Agent. The Petitioner, TRANSEASTERN LAGUNA LAKES, L.L.C., a Florida Limited Liability Company, is authorized to do business in Florida. The authorized agent for the Petitioner is:

Neale Montgomery, Esq.
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
P.O. Drawer 1507
Ft. Myers, FL 33902-1507

See Exhibit 8 – Authorization of Agent. Copies of all correspondence and official notices should go to the Authorized Agent.

11. This petition to establish the LAGUNA LAKES COMMUNITY DEVELOPMENT DISTRICT should be granted for the following reasons:

A. Establishment of the District and all land used and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the Lee County Comprehensive Plan.

B. The area of land within the proposed District is part of a planned community. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

ADD 2002-00066

C. The establishment of the District will prevent the general body of taxpayers in Lee County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities with the development encompassed by the District. The District is the best alternative for delivering community development service and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

D. The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District's services and facilities.

E. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Board of County Commissioners of Lee County, Florida to:

1. Direct its staff to schedule a public hearing in accordance with the requirements of Section 190.005 (2) (b). Florida Statutes (2001);
2. Grant the petition and adopt an ordinance to establish the District pursuant to Chapter 190, Florida Statutes; grant the petition and adopt the ordinance to establish the proposed district; designate the land area to be served by the District; designate the name

of the District to exercise powers under Section 190.012(2) Florida Statutes; and finally provide that, with regard to any future specific consent by the county to exercise any other powers which may be authorized by general law, the legal existence and authority of the proposed District shall have already been decided by this ordinance.

RESPECTFULLY SUBMITTED this 7th day of May, 2002.

By: Neale Montgomery
Neale Montgomery
Pavese, Haverfield, Dalton,
Harrison & Jensen, L.L.P.
1833 Hendry Street
P.O. Drawer 1507
Fort Myers, FL 33902-1507
Representatives for the Petitioner

ADD 2002-00066

EXHIBIT "1"
Sketch of Location of Land Area to be Serviced

EXHIBIT "2"
Metes and Bounds Legal Description & Sketch

EXHIBIT "3"
Documentation of Consent of 100% of Landowners
To Establishment of District

EXHIBIT "4"
Maps of locations of Water Mains, Sewer Interceptors and Outfalls

EXHIBITS "5A - C"
Documentation concerning Land Use

- A Lee County Comprehensive Plan (portion)
- B DCA Letter Certifying Compliance
- C Notice of Intent by DCA

EXHIBIT "6"
Documentation of Proposed timetables for
Construction of District Services and Estimated
Cost of Constructing the Proposed Services

EXHIBIT "7"
Statement of Estimated Regulatory Costs

EXHIBIT "8"
Authorization of Agent

EXHIBIT "1"

ADD 2002-00066



CALOOSAHATCHEE RIVER

COLLEGE PARKWAY

McGREGOR BOULEVARD

SUMMERLIN ROAD

GLADIOLUS DRIVE



BASS ROAD

PROJECT LOCATION 2002-00066

Barraco and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS

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FLORIDA CERTIFICATES OF AUTHORIZATION
 ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR



TRANSEASTERN HOMES

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 CORAL SPRINGS, FLORIDA 33065

PHONE (954) 346-9700
 FAX (954) 346-9704


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PROJECT DESCRIPTION

LAGUNA LAKES

SECTION 33, TOWNSHIP 45 S., RANGE 24 E.
 LEE COUNTY, FLORIDA

PROJECT ENGINEER



ENGINEER OF RECORD:
 ANDREW D. FITZGERALD, P.E.
 FOR THE FIRM
 2271 MCGREGOR BOULEVARD
 FORT MYERS, FLORIDA 33901
 FLORIDA P.E. NO. 56778

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PLAN REVISIONS

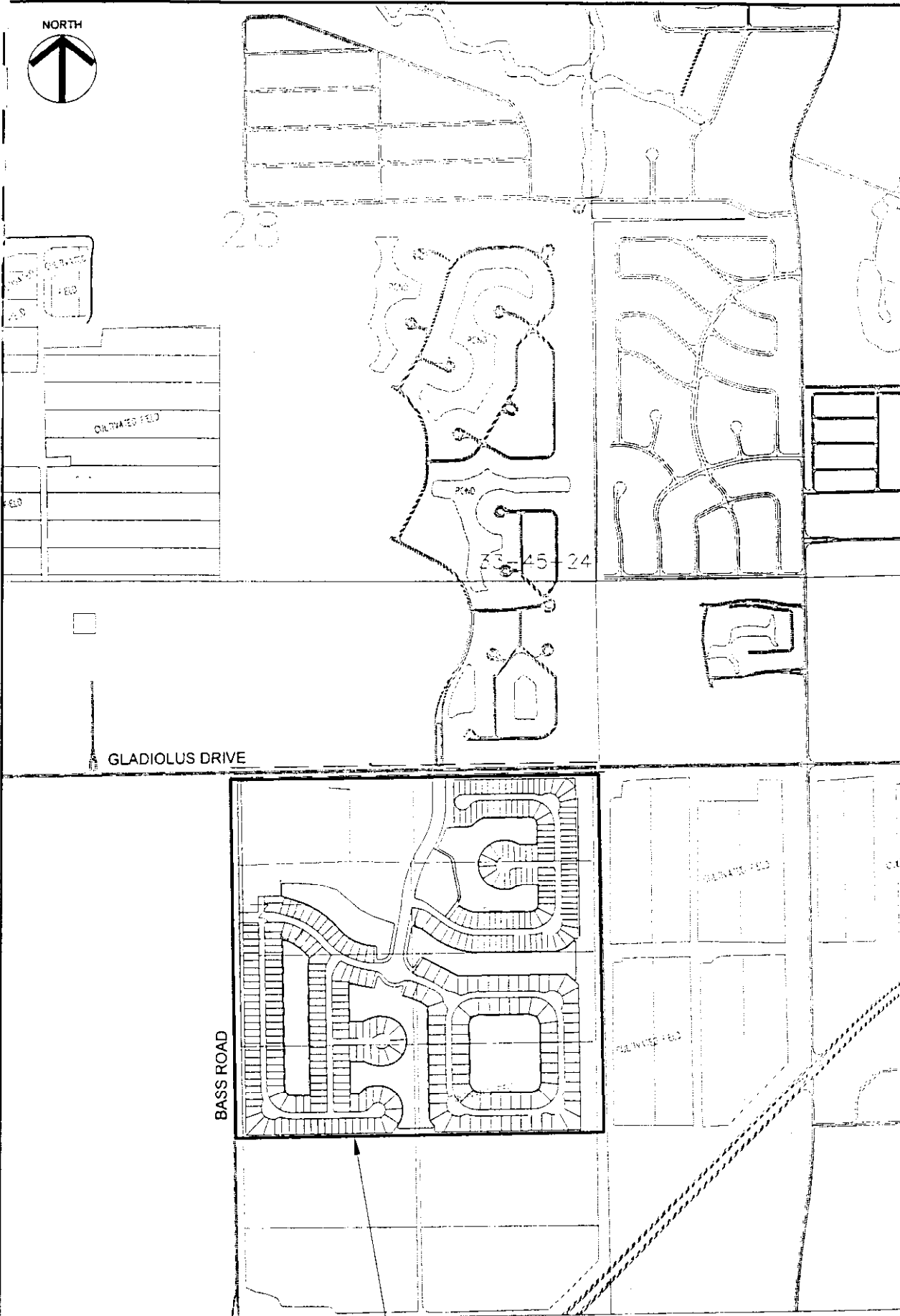
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PLAN STATUS

APPROVAL SUBMITTAL PLANS
 NOT FOR CONSTRUCTION

VICINITY MAP

PROJECT / FILE NO	SHEET NUMBER
21556 33-45-24	1



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PROJECT DESCRIPTION

**LAGUNA
LAKES**

SECTION 33, TOWNSHIP 15 S., RANGE 24 E.
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
ANDREW D. FITZGERALD, P.E.
FOR THE FIRM
2271 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 56776

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PLAN REVISIONS

PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

LOCATION MAP

PROJECT LOCATION 2002-00066

PROJECT / FILE NO	SHEET NUMBER
21556 33-45-24	2

EXHIBIT "2"

ADD 2002-00066

August 8, 2001

Description

Parcel in
Section 33, Township 45 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

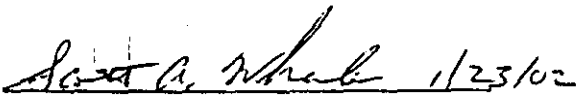
From the southeast corner of the southeast quarter (SE-1/4) of said Section 33, run N 01° 06' 34" W along the east line of said fraction for 1326.16 feet to the southeast corner of the north half (N-1/2) of said southeast quarter (SE-1/4) and the Point of Beginning.

From said Point of Beginning run S 88° 57' 39" W along the south line of said north half (N-1/2) for 2627.16 feet to an intersection with the easterly right-of-way line of Bass Road (50 feet wide); thence run N 01° 03' 37" W along said easterly right-of-way line for 2597.14 feet to an intersection with the southerly right-of-way line of Gladiolus Drive (140 wide); thence run N 88° 55' 27" E along said southerly right-of-way line for 2626.42 feet to an intersection with the east line of the northeast quarter (NE-1/4) of said Section 33; thence run S 01° 02' 33" E along said east line for 1272.65 feet to the southeast corner of the south half (S-1/2) of said northeast quarter (NE-1/4); thence run S 01° 06' 34" E along the east line of the southeast quarter (SE-1/4) of said Section 33 for 1326.16 feet to the Point of Beginning.

Subject to a Florida Power and Light Company easement recorded in Official Record Book 385 at Page 501, Lee County records and the right-of-way for former IDD Canal B-1 lying over and across the easterly 50 feet.

Containing 156.64 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the east line of the northeast quarter (NE-1/4) of said Section 33 to bear S 01° 02' 33" E. All distances shown are shown grid distances with a scale factor of 0.99942.


Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

ANN 2002-00066

21556
desc 8-8-01

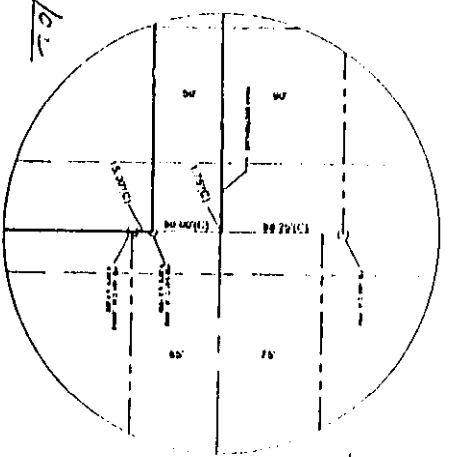
Schedule A

- NOTES:**
1. This drawing is prepared for the purpose of showing the location of the proposed structure on the site.
 2. The location of the structure is shown by a dashed line.
 3. The location of the existing structure is shown by a solid line.
 4. The location of the proposed driveway is shown by a solid line.
 5. The location of the proposed parking area is shown by a solid line.
 6. The location of the proposed walkway is shown by a solid line.
 7. The location of the proposed utility lines is shown by a solid line.
 8. The location of the proposed landscaping is shown by a solid line.
 9. The location of the proposed retaining wall is shown by a solid line.
 10. The location of the proposed fence is shown by a solid line.
 11. The location of the proposed gate is shown by a solid line.
 12. The location of the proposed sign is shown by a solid line.
 13. The location of the proposed lighting is shown by a solid line.
 14. The location of the proposed security system is shown by a solid line.
 15. The location of the proposed alarm system is shown by a solid line.
 16. The location of the proposed fire alarm system is shown by a solid line.
 17. The location of the proposed fire extinguisher is shown by a solid line.
 18. The location of the proposed fire escape is shown by a solid line.
 19. The location of the proposed fire door is shown by a solid line.
 20. The location of the proposed fire window is shown by a solid line.



Robert A. Skelton
11/23/02
 CIVIL ENGINEER
 REGISTERED PROFESSIONAL ENGINEER
 LICENSE NO. 11234
 STATE OF CALIFORNIA
 1000 J STREET, SUITE 100, SACRAMENTO, CALIFORNIA 95811
 TEL: (916) 441-1111 FAX: (916) 441-1112
 WWW: WWW.RASKELTON.COM

THIS IS NOT A SURVEY



LEGEND:

—	Proposed Structure
- - -	Existing Structure
—	Proposed Driveway
—	Proposed Parking Area
—	Proposed Walkway
—	Proposed Utility Lines
—	Proposed Landscaping
—	Proposed Retaining Wall
—	Proposed Fence
—	Proposed Gate
—	Proposed Sign
—	Proposed Lighting
—	Proposed Security System
—	Proposed Alarm System
—	Proposed Fire Alarm System
—	Proposed Fire Extinguisher
—	Proposed Fire Escape
—	Proposed Fire Door
—	Proposed Fire Window

ADD 2002-00066

EXHIBIT "3"

ADD 2002-00066

EXHIBIT B

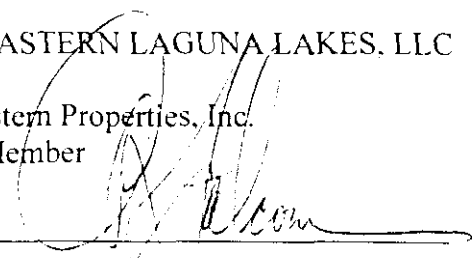
EVIDENCE OF WRITTEN CONSENT OF PETITIONER'S AND OWNER'S
CONSENT TO ESTABLISHMENT OF LAGUNA LAKES COMMUNITY
DEVELOPMENT DISTRICT

Transeastern Laguna Lakes, LLC, a Florida limited liability company ("Petitioner") hereby certifies that it is the owner of certain real property located in Lee County, Florida ("County"), more particularly described on Schedule A hereto ("Property"). By signing below, Petitioner hereby gives its full consent to the establishment by the County of the Laguna Lakes Community Development District ("District") in accordance with Section 190.005, Florida Statutes and to the inclusion of the Property within the boundaries of the proposed District. The Property comprises 100% of the property to be included within the boundaries of the proposed District.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 29th day of April, 2002.

TRANEASTERN LAGUNA LAKES, LLC


Transeastern Properties, Inc.
Sole Member

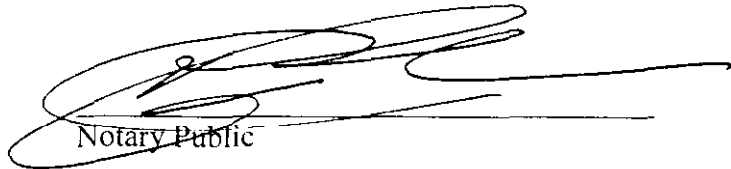
By: 

Arthur Falcone
President

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 29th day of April, 2002, by Arthur Falcone, the President of the Sole Member of Transeastern Laguna Lakes, LLC, who is personally known to me.

 Jan Ickovic
My Commission CC787428
Expires November 1, 2002


Notary Public

ADD 2002-00066

EXHIBIT "4"

ADD 2002-00066

ADD 2002-00066



0 250 500

SCALE IN FEET

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PREPARED FOR

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CORAL SPRINGS, FLORIDA 33065

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FAX (954) 346-9704

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PROJECT DESCRIPTION

LAGUNA LAKES

SECTION 33, TOWNSHIP 45 S., RANGE 24 E.
LEE COUNTY, FLORIDA

PROJECT ENGINEER



ENGINEER OF RECORD:
ANDREW D. FITZGERALD, P.E.
FOR THE FIRM
2271 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 56776

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DESIGN BY	JOHN JELENIEWSKI
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PLAN REVISIONS

NO.	DATE	DESCRIPTION

PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

EXISTING UTILITY EXHIBIT

PROJECT / FILE NO	SHEET NUMBER
21556 33-45-24	3

EXIST. 10" FORCE MAIN (TYP.)

EXIST. 16" WATERMAIN (TYP.)

EXIST. OVERHEAD ELECTRIC (TYP.)

GLADIOLUS DRIVE

EXIST. 16" WATERMAIN (TYP.)

FP&L EASEMENT

BASS ROAD


EXIST. PROPERTY BOUNDARY (TYP.)

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 FAX (954) 346-9704
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PROJECT DESCRIPTION
LAGUNA LAKES
 SECTION 13, TOWNSHIP 45 S, RANGE 24 E,
 LEE COUNTY, FLORIDA

PROJECT ENGINEER
 ANDREW C. FITZGERALD, P.E.
 FOR THE FILE
 2271 MCGREGOR BOULEVARD
 FORT MYERS, FLORIDA 33901
 FLORIDA P.E. NO. 56778

ENGINEER OF RECORD


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KRFA6		

PLAN REVISIONS

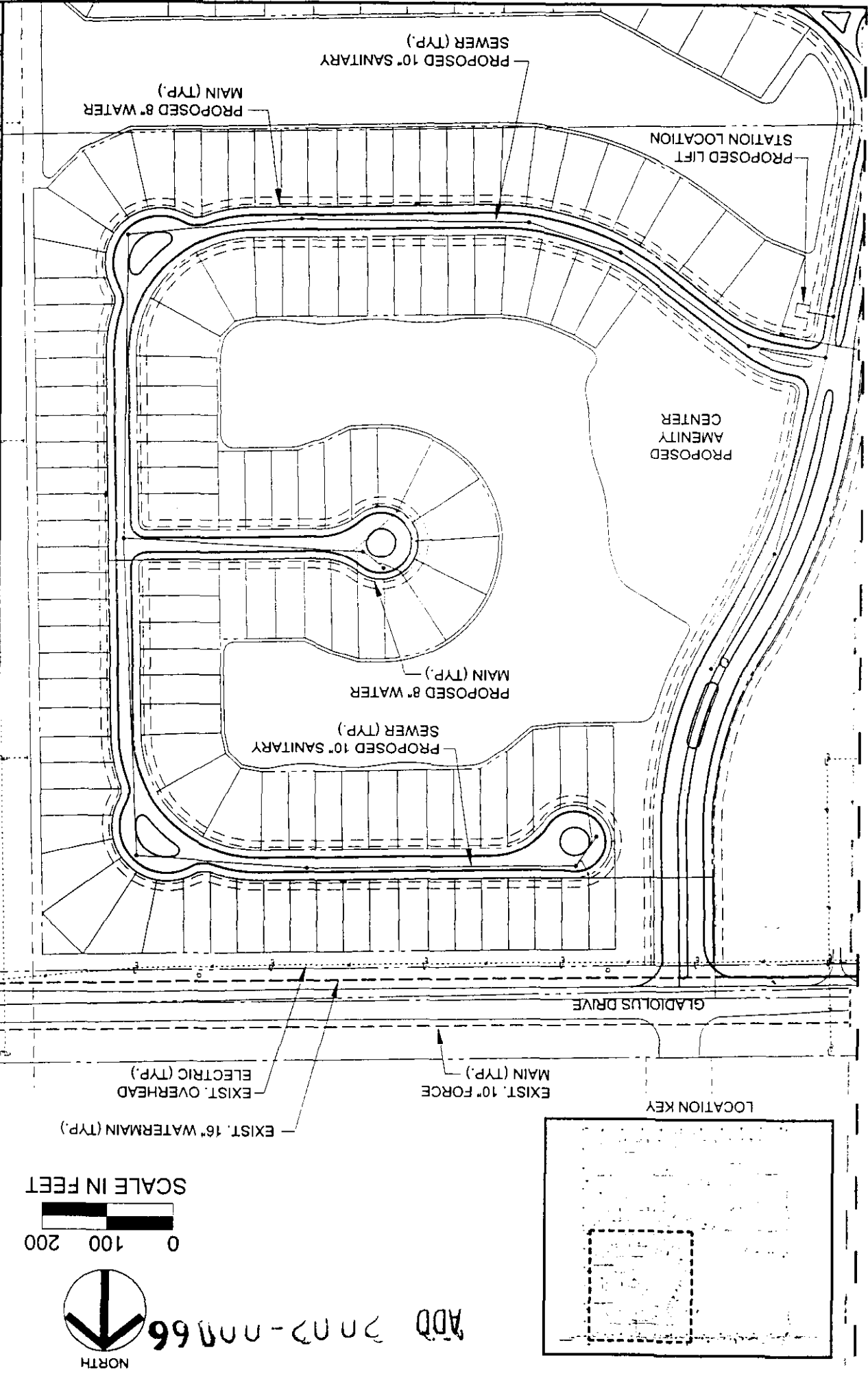
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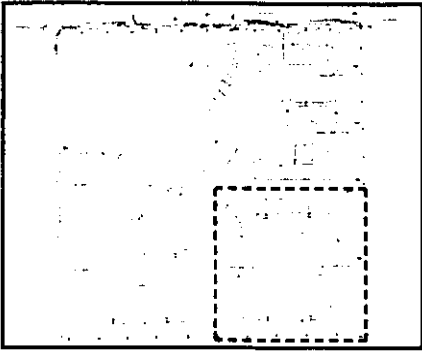
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 PROPOSED LAYOUT

SHEET NUMBER
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 33-45-24

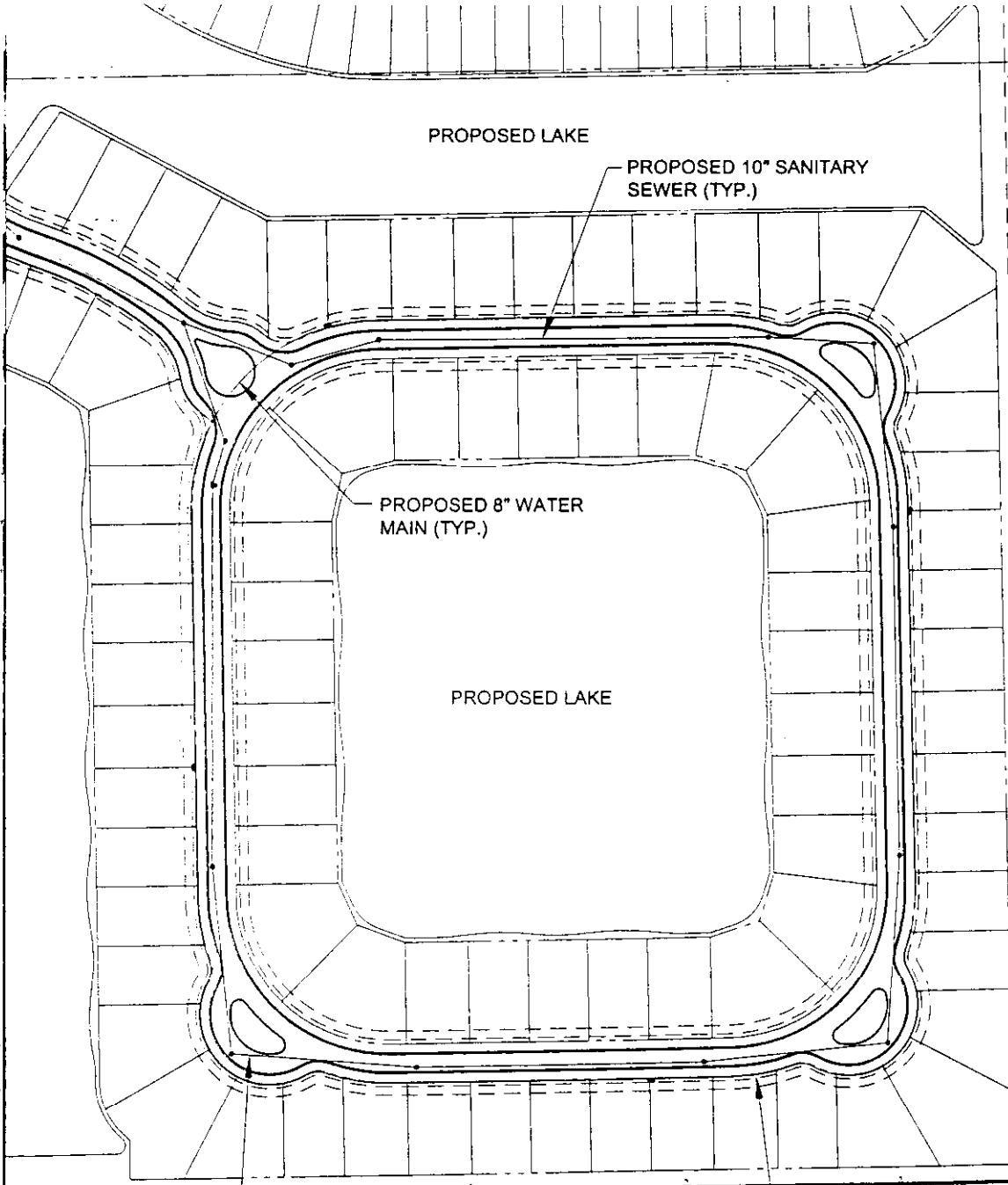
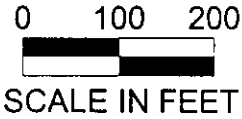
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LOCATION KEY

ADD 2002-00066



PROPOSED LAKE

PROPOSED 10" SANITARY SEWER (TYP.)

PROPOSED 8" WATER MAIN (TYP.)

PROPOSED LAKE

PROPOSED 10" SANITARY SEWER (TYP.)

PROPOSED 8" WATER MAIN (TYP.)

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ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

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FAX (954) 346-3704

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PROJECT DESCRIPTION

**LAGUNA
LAKES**

SECTION 33, TOWNSHIP 45 S., RANGE 24 E.
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
ANDREW J. FITZGERALD, P.E.
FOR THE FIRM
2271 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 56778

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PLAN REVISIONS

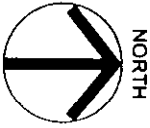
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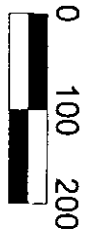
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**POD "B"
PROPOSED
LAYOUT**

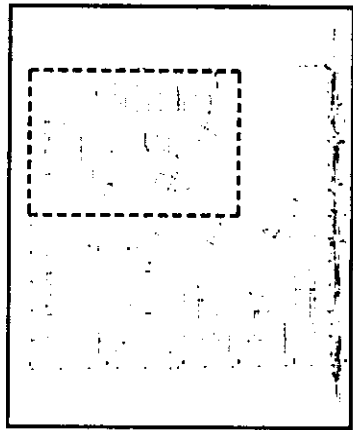
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21556 33-45-24	5



NORTH

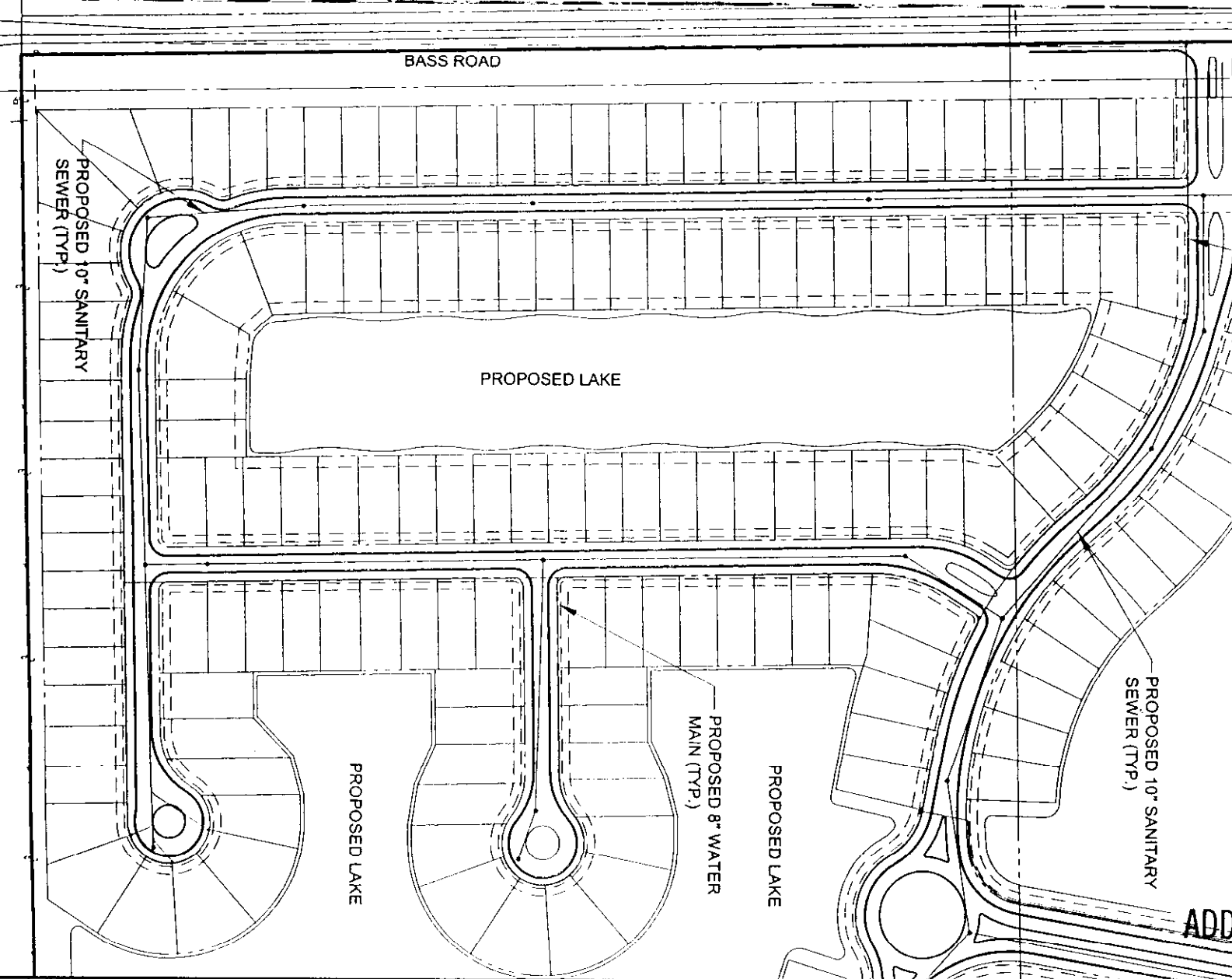


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LOCATION KEY

ADD 2002-00066



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FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7996 SUPERVISING LR-8940

PREPARED FOR



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CORAL SPRINGS, FLORIDA 33065

PHONE (954) 346-9700

FAX (954) 346-9704

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PROJECT DESCRIPTION

**LAGUNA
LAKES**

SECTION J1 TOWNSHIP 45 S, RANGE 24 E,
LEE COUNTY, FLORIDA

PROJECT ENGINEER



ENGINEER OF RECORD
ANDREW J. FITZGERALD, P.E.
2271 MCGREGOR BOULEVARD
FORT WYERS, FLORIDA 33907
FLORIDA P.E. NO. 99778

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XREF6:
PLAN REVISIONS

PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

POD "C"
PROPOSED
LAYOUT

PROJECT / FILE NO. 215586
33-45-24 SHEET NUMBER 6

EXHIBIT "5A"

ADD 2002-00066

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)

POLICY 1.1.6: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75 and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre). (Amended by Ordinance 91-19)

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New mineral extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned

EXHIBIT "5B"

ADD 2002-00066



Admin

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

ADD 2002 March 8 2002

LEE COUNTY
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The Honorable Bob Janes
Chairman, Lee County Board of County Commission
P. O. Box 398
Fort Myers, Florida 33901

Dear Chairman Janes:

The Department of Community Affairs (Department) has completed its review of the Comprehensive Plan Amendment adopted by (Ordinance No. 02-02 through 02-06, DCA No. 02-1) for Lee County as adopted on January 10, 2002, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a Notice of Intent to find the plan amendment, In Compliance. The Notice of Intent has been sent to the Fort Myers News Press for publication on March 11, 2002.

The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect.

Please note that a copy of the adopted Lee County Comprehensive Plan Amendment, and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500, Munroe Street, 2nd Floor, Fort Myers, Florida 33901.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2/09/02 Received Time 12 May 3.
Marathon, FL 33050-2444
(305) 289-2402

COMMUNITY PLANNING
rd Oak Boulevard
8:23AM FL 32399-2100
(950) 414-2458

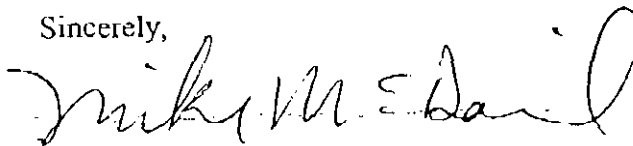
EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9910

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

The Honorable Bob Janes
March 8, 2002
Page Two

If you have any questions, please contact Bernard O. Piawah, Planning Manager, or Roger Wilburn, Community Program Administrator, at (850) 487-4545.

Sincerely,



Mike McDaniel
Growth Management Administrator

MM/bp

ADD 2002-00066

Enclosure: 'Notice of Intent

cc: Mr. Wyane Daltry, Executive Director, Southwest Florida Regional Planning Council
Mr. Paul O'Connor, Lee County Planning Director

Received Time May. 3. 8:23AM

EXHIBIT "5C"

100 2002-00066

STATE OF FLORIDA
 DEPARTMENT OF COMMUNITY AFFAIRS
 NOTICE OF INTENT TO FIND
 LEE COUNTY
 COMPREHENSIVE PLAN AMENDMENT
 IN COMPLIANCE
 DOCKET NO. 02-1- NOI-3601-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Lee County, adopted by Ordinance Nos. 02-02 through 02-06 on January 10, 2002, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Lee County Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, 2nd Floor, Fort Myers, Florida 33901.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the Lee County Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.

Charles Gauthier 3/5/02
 Charles Gauthier, AICP
 Chief, Bureau of Local Planning
 Department of Community Affairs
 Division of Community Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

Received Time May. 3. 8:23AM

EXHIBIT "6"

ADD 2002-00066

ADD 2002-00066

EXHIBIT

LAGUNA LAKES COMMUNITY DEVELOPMENT DISTRICT

SUMMARY OF OPINION OF PROBABLE COSTS AND ESTIMATED TIMETABLE
FOR THE DISTRICT INFRASTRUCTURE

INFRASTRUCTURE	(costs in thousands of dollars)				
	2002	2003	2004	2005	
PRIMARY					
Roadway	775	200	-	-	975
Water & Sewer	2000	675	-	-	2675
Earthwork	1450	500	-	-	1950
Water Management			-	-	0
Landscaping & Irrigation	650	235	-	-	885
Security			-	-	0
Electrical Service & Lighting	500	275	-	-	775
Wetland Mitigation	50		-	-	50
Parks & Recreation	500	100	-	-	600
Professional Fees & Permitting	1183	300	-	-	1483
Miscellaneous	600	250	-	-	850
Contingency					
TOTAL PRIMARY	7708	2535	-	-	10243

EXHIBIT "7"

ADD 2002-00066

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to form the Laguna Lakes Community Development District ("District"). The District comprises approximately 157 proposed acres of land located in Lee County, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), F.S. (governing District formation or alteration) as follows:

"That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

1.2 Overview of the Laguna Lakes Community Development District

The District is designed to provide community infrastructure, services, and facilities along with their operations and maintenance to the Laguna Lakes development.

The development plan for the proposed lands within the District includes the construction of a maximum of 707 residential dwelling units. The community will consist of low density, residential and recreational uses priced at an affordable level and developed at the highest quality possible.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (1997), defines the elements a statement of estimated regulatory costs must contain:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of

equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. Lee County is not defined as a small county for purposes of this requirement.

(e) Any additional information that the agency determines may be useful.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.”

2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

As noted above, the Laguna Lakes Community Development is a residential community designed for up to 707 total residential units. Formation of the District would put all of these households under the jurisdiction of the District.

3.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state and local revenues.

3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

State Governmental Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The District has fewer than 1,000 acres, therefore Lee County is the establishing entity under 190.005 (2). F.S. The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of report is inconsequential. Additionally, pursuant to section 189.412, F.S., the proposed district must pay an annual fee to the State of Florida Department of Community Affairs which offsets such costs.

The proposed land for the District is in Lee County and consists of fewer than 1,000 acres. Lee County and its staff will process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources.

These costs to the County are modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, local governments already possess the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, potential costs are off-set by the required filing fee. Finally, local governments routinely process similar petitions for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to Lee County, because of the establishment of the District, are also very small. The proposed District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County.

3.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on State or local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the Laguna Lakes development project. It has its own sources of revenue. No State or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any unit of local government. In accordance with State law, debts of the District are strictly its own responsibility.

4.0 **A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.**

Table 1 provides an outline of the various facilities and services the proposed District may provide. The drainage and roadway will all be funded by the District. The District will also fund the acquisition of land to be owned and maintained by the District. The County will own and operate the roadway system.

**Table 1. Laguna Lakes Community Development District
Proposed Facilities and Services**

FACILITY	FUNDED BY	O&M BY	OWNERSHIP BY
Roadways	CDD	County	County
Water Management	CDD	CDD	CDD
Water and Sewer Utilities	CDD	County	County
Parks and Recreation	CDD	CDD	CDD
Landscaping	CDD	CDD	CDD
Wetland Mitigation	CDD	CDD	CDD

The petitioner has estimated the design and development costs for providing the capital facilities outlined in Table 2. The cost estimates are shown in Table 2 below. Total design and development costs for these facilities are estimated to be approximately \$10,243,000. The District may issue special assessment or other revenue bonds to fund the development of these facilities. These bonds would be repaid through non ad valorem assessments levied on all properties in the District that may benefit from the District's capital improvement program as outlined in Table 2.

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

Furthermore, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the numerous benefits and facilities that the District provides.

A Community Development District ("CDD") provides residents with the option of having higher levels of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, County provision, or through developer equity and/or bank loans.

In considering these costs it shall be noted that occupants of the lands to be included within the District will receive three major classes of benefits.

First, those residents and businesses in the District will receive a higher level of public services and amenities sooner than would otherwise be the case.

[Handwritten signature]
AUG 10 2007

ADD 2002-00066

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting and ultimately electoral voting for resident elected boards, to determine the type, quality and expense of District services they receive, provided they meet the County's overall requirements.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative financing mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly low.

Table 2. Cost Estimate for District Facilities

CATEGORY	COST
Roadways	\$975,000
Water Management	\$1,950,000
Water and Sewer Utilities	\$2,675,000
Parks and Recreation	\$600,000
Landscaping	\$885,000
Wetland/Mitigation	\$50,000
Professional Fee & Other	\$2,333,000
TOTAL	\$10,243,000

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be no impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid all of its contracts. This affords small businesses the opportunity to bid on District work.

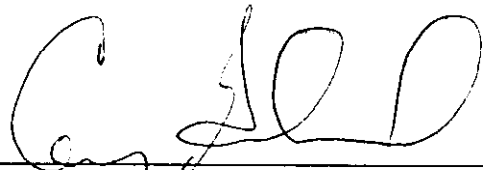
Lee County has an estimated population (not incarcerated) in 2001 that is greater than 75,000. Therefore the County is not defined as a "small" county according to Section 120.52, F.S.

ADD 2002-00066

6.0 Any additional useful information

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Developer's Engineer and other professionals associated with the Developer.

Prepared by:



Fishkind & Associates, Inc.

ADD 2002-00066

**APPENDIX A
LIST OF REPORTING REQUIREMENTS**

REPORT	FLORIDA STATUTE CITE	DATE
Annual Financial Audit	11.45	12 months after end of fiscal year
Annual Financial Report (AFR)	218.32	by March 31
TRIM Compliance Report	200.068	130 days after
Form 1 - Limited Financial Disclosure	112.3144	by July 1
Public Depositor	215	by November 15
Proposed Budget	218.34	by September 1
Public Facilities Report	189.415	March 1
Public Meetings Schedule	189.417	beginning of fiscal year
Bond Report	218.38	When issued
Registered Agent	189.417	30 Days after

ADD 2002-00066

EXHIBIT "8"

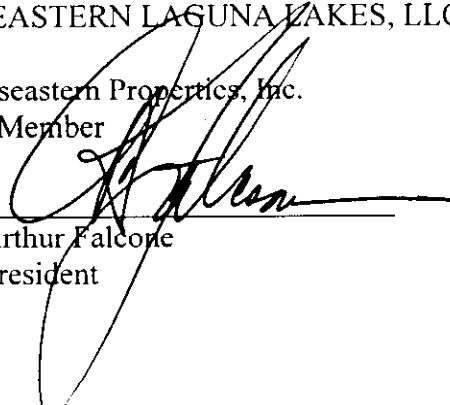
ADD 2002-00066

AUTHORIZATION TO REPRESENT

Please be advised that NEALE MONTGOMERY of PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, LLP is hereby authorized to represent TRANSEASTERN LAGUNA LAKES, L.L.C. in all aspects of the petition to Lee County for the establishment of the Laguna Lakes Community Development District.

TRANSEASTERN LAGUNA LAKES, LLC

By: Transeastern Properties, Inc.
Sole Member

By: 
Arthur Falcone
President

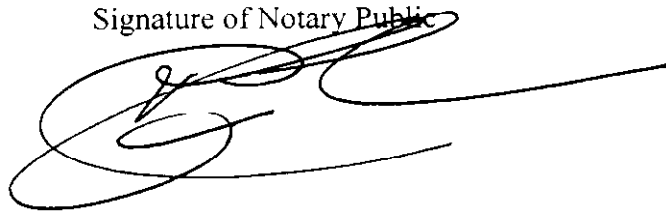
STATE OF FLORIDA

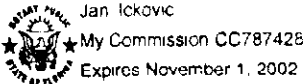
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 3rd day of May, 2002, by Arthur Falcone as President of Transeastern Properties, Inc., Sole Member of Transeastern Laguna Lakes, LLC on behalf of the Company, who is personally known to me.

(Notary Seal)

Signature of Notary Public





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