

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

**DATE CRITICAL
Blue Sheet No. #20031374**

1. REQUESTED MOTION:

ACTION REQUESTED: To adopt and enact a non-emergency ordinance to amend Lee County Ordinance No. 02-13, to authorize The Verandah West Community Development District to exercise special powers for parks (recreation) and security., to public hearing on November 25, 2003 at 5:00 p.m.

WHY ACTION IS NECESSARY: The Verandah West Community Development District has petitioned the Board of County Commissioners for consent to exercise special powers for parks (recreation) and security under F.S. §190.012(2)(a) and (d).

WHAT ACTION ACCOMPLISHES: Allows the Board to consider the petitioned request of The Verandah West Community Development District and provides a forum to evaluate the appropriateness of the request.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT #5

5:00 #3

3. MEETING DATE:

11-25-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE Chap.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, Asst. Cty Atty

7. BACKGROUND: The Verandah West Community Development District ("District") was established in accordance with F.S. Chapter 190 by adoption of Lee County Ordinance 02-13 on March 26, 2002. The District has petitioned the Lee County Board of County Commissioners to conduct a public hearing and adopt a non-emergency ordinance granting the District additional special powers for parks (recreation) and security as provided under Florida Statutes §190.012(2)(a) and (d), respectively.

Currently, the District is comprised of 778± acres and has the power to finance, build and operate systems and facilities for basic infrastructure such as water management, water supply and wastewater management, bridges and culverts, district roads and other projects within or outside the District boundary for which a development order is issued.

(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>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
					OA	OM	RISK	GC	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
11/14/03 10AM

RECEIVED BY
COUNTY ADMIN
11/14/03
10:15am
COUNTY ADMIN
FORWARDED TO: *WY*

The District's request for additional special powers is consistent with the Lee County Comprehensive Plan (Lee Plan). All development activity within the District will be subject to the Lee Plan and all related land development regulations.

At the public hearing, inquiry will focus on whether or not a change has occurred since the creation of the District that would render authorization of additional powers inappropriate. Under F.S. §190.012(2)(a) and (d), the District's petition is requesting that the Board of County Commissioners grant the District, through its board of supervisors, the ability to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural and educational facilities; and, for security, including, but not limited to, guard houses, fences and gates, electronic-intrusion detection systems, and patrol cars. The statute specifically prohibits the District from exercising any police powers, but the District may contract with the appropriate governmental agency for an increased level of such services within the District boundary.

Staff has reviewed the factors set forth in F.S. §190.005(1)(e) and finds no new information relevant to those factors that is inconsistent with the consent to exercise additional special powers for parks (recreation) and security.

The proposed ordinance was reviewed and considered by the Lee County Executive Regulatory Oversight Committee on October 8, 2003.

Attachments:

1. FAIS Form
2. Draft Ordinance
2. Staff Report
3. Petition by District

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

**NAME OF ORDINANCE: REQUEST FOR SPECIAL POWERS
 OF VERANDAH WEST COMMUNITY
 DEVELOPMENT DISTRICT**

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

To adopt an ordinance amending Ordinance 02-13 which grants the Verandah West Community Development District the ability to exercise the optional special powers as listed under F.S. Section 190.012(2)(a) and (d).

B. Narrative Summary of Ordinance (Several Sentence Summary)

The petition is requesting that the Board of County Commissioners grant the District, through its board of supervisors, the ability to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational facilities; and, for security, including, but not limited to, guard houses, fences and gates, electronic-intrusion detection systems, and patrol cars. The statutes specifically prohibit the district from exercising any police powers, but the district may contract with the appropriate governmental agency for an increased level of such services without the district boundary.

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

None

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

**VERANDAH WEST COMMUNITY DEVELOPMENT DISTRICT
ADDITIONAL POWERS**

II. Fiscal Impact on County Agencies/County Funds.

A. What is estimated Demand? N/A

B. What is estimated Workload? N/A

C. What are estimated costs?

	1st Year \$'s		2nd Year \$'s	
	<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 Outlay	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.

Proposed ordinance authorizes the 1½ year old district to provide park and associated recreational facilities and enhanced security measures (authorized by appropriate government agencies) within District boundaries.

FILE



LEE COUNTY

SOUTHWEST FLORIDA

PLANNING DIVISION

M E M O R A N D U M

to: John Fredyma, Assistant County Attorney
from: Paul O'Connor, AICP, Director of Planning
subject: Petition to Establish Verandah West Community Development District
date: May 21, 2003

RECEIVED BY
COUNTY ATTORNEY
MAY 21 AM 4:08

Planning staff has completed its review of the petition to exercise the special powers listed under F.S. Section 190.012(2)(a) and (d) made by the Verandah West Uniform Community Development District. Attached is the staff report being issued by the Lee County Division of Planning supporting the petition to exercise the special powers. In addition, eleven copies of the petition, supplied by the petitioner, are also being sent to your office for distribution.

Planning staff is requesting that notice of any scheduled hearings or meetings concerning this petition be forwarded to us.

ANALYSIS OF THE VERANDAH
WEST UNIFORM COMMUNITY
DEVELOPMENT DISTRICT
PETITION TO PROVIDE
ADDITIONAL POWERS

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

May 21, 2003



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INTRODUCTION

The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment and amendment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district may petition for. The Verandah West Community Development District was established by the Lee County Board of County Commissioners on March 26, 2002, with an effective date of April 2, 2002.

The Verandah West Community Development District has petitioned the Lee County Board of County Commissioners to adopt an ordinance consenting to the exercise of certain optional special powers.

BACKGROUND

The Petitioner, the Verandah West Community Development District, was established pursuant to Chapter 190, Florida Statutes. The Verandah West Community Development District, hereafter called "District", has its district offices located at 210 North University Drive, Suite 702, Coral Springs, Florida, 33071. The Chairman of the Board of Supervisors is William Wier.

The property is located in Lee County, Florida, lying within Sections 25 and 36, Township 43 South, Range 25 East and Sections 29, 30, 31, and 32, Township 43 South, Range 26 East. The land area is bounded on the West by large tracts of undeveloped land, on the North by S.R. 80, on the East by large tracts of undeveloped property and on the South by the Orange River.

The subject property is a residential development that consists of approximately 1456 acres in its entirety. The existing Verandah West Community Development District and the current petition for special powers covers only the western portion of the entire development plan, approximately 778 acres of land. The current development plan for the entire community includes approximately 1,500 residential units, 160,000 square feet of retail, 25,000 square feet of office, and thirty six holes of golf, a clubhouse and other amenities. The project was rezoned from AG-2, CG, CC, C-1A, and PUD to Mixed Planned Development (MPD) by the Lee County Board of Commissioners on August 19, 2002. This zoning was approved through Zoning Resolution Z-01-057.

When approved, the District was 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 within or without the district boundary for which a Development Order is issued.

A petition to grant additional powers was received by Lee County from the District on January 8, 2003. That petition has not been amended. Lee County Planning staff has reviewed the petition and finds it to be sufficient. The District is petitioning to be granted the special powers

listed under F.S. Section 190.012(2)(a) and (d). The petition is requesting that the Board of County Commissioners grant the District, through its board of supervisors, the ability to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational facilities; and, for security, including, but not limited to, guard houses, fences and gates, electronic-intrusion detection systems, and patrol cars. The statutes specifically prohibit the district from exercising any police powers, but the district may contract with the appropriate governmental agency for an increased level of such services within the district boundary.

STAFF ANALYSIS

Planning staff has reviewed the petition and accompanying materials. Pursuant to Florida Statute Section 190.012 (2), a community development district may seek consent to exercise additional special powers granted by its general law charter.

At this time, the District has petitioned the Board of County Commissioners to conduct a hearing for the purpose of adopting an ordinance amending Ordinance 02-13 that will consent to the exercise by the District of the additional powers specifically granted in and set forth in Section 190.012 (2)(a) and (d), Florida Statutes. These powers give the District the ability to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and, for security, including, but not limited to, guard houses, fences and gates, electronic-intrusion detection systems, and patrol cars.

The District's request for consent by the County to exercise additional powers granted by statutory charter is not inconsistent with, and shall always be subject to, the Lee County Comprehensive Plan and all of the County's related land development regulations.

At the subject hearing the focus of the inquiry will not be the appropriateness of the district established and effective on April 2, 2002 by County ordinance No. 02-13 that is now functioning. Rather, the focus will be on whether any matter has changed since the district was created and established which would render the consent to the exercise of additional powers inappropriate. Staff has reviewed the six factors set forth in 190.005 (1) (e) Florida Statutes in connection with the operation of the District since April 2, 2002 and can find no change in circumstance or condition relevant to those factors which would be inconsistent with consenting to the exercise of these granted powers. In addition staff finds that granting these powers will afford benefits to the people owning property within the district.

It should be noted that the petition is not requesting, nor will the County be granting, the special powers for fire prevention and control, school buildings and related structures, control and elimination of mosquitos, or waste collection and disposal allowed by 190.012(2)(b), (c), (e) and (f) F.S. respectively.

RECOMMENDATION

Planning staff recommends that the Lee County Board of County Commissioners adopt an ordinance amending Ordinance 02-13 which grants the Verandah West Community Development District the ability to exercise the optional special powers as listed under F.S. Section 190.012(2)(a) and (d).

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

RE: PROPOSED COUNTY CONSENT,
(BY, RESOLUTION ORDINANCE
PURSUANT TO SECTION 190.012(2),
FLORIDA STATUTES, TO THE
EXERCISE BY THE VERANDAH WEST
COMMUNITY DEVELOPMENT DISTRICT
OF CERTAIN SPECIAL POWERS GRANTED
IN THE STATE-CREATED CHARTER

**PETITION FOR CONSENT TO EXERCISE
CERTAIN SPECIAL STATE-GRANTED CHARTER POWERS**

The VERANDAH WEST COMMUNITY DEVELOPMENT DISTRICT ("Petitioner" or "District"), by and through its undersigned attorney, petitions the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ("County") to adopt an ordinance or resolution consenting to the exercise of certain special powers granted to the District by the District's charter (and as expressed in the Uniform Community Development District Act of Florida, chapter 190, Florida Statutes (2001) and hereafter). In support thereof, Petitioner submits:

1. Petitioner has its District offices located at 210 North University Drive, Suite 702, Coral Springs, Florida 33071, and its Chairman of the Board of Supervisors is William W. Wier and its Manager is Severn Trent Environmental Services.

2. The land area within which the special powers the consent to exercise for which is petitioned for however, are to be exercised is within the boundaries and jurisdiction of the County as provided in County Ordinance No. 02-13 establishing the state created District, as adopted by the County on the 26th day of March, 2002, effective 2 April 2002, and attached hereto as Exhibit "1."

3. The Petition for Establishment, attachments, “white papers” and information, as well as county staff and county commission review, addressed the potential exercise by the District of all special powers granted in 190.012(2), Florida Statutes as of the date the District was established, as evidenced at paragraph nine of Exhibit “1.”

4. Attached as Exhibit “2” is that certain portion of the minutes of the District Board of Supervisor’s meeting on the 8th of April, 2002 wherein the Board approved the exercise by the District of those special powers herein petitioned for pursuant to section 190.012(2), Florida Statutes.

5. There have been no substantive changes since the passage of County Ordinance No. 02-13 in facts, circumstances, or conditions that would affect the determination of the County regarding the District exercising certain special powers. Attached as Exhibit “3” are affidavits by the District; Manager, Planner, Engineer, and Financial Consultants, attesting to the fact that no substantive changes have occurred since the establishment of the District and that the consent to the exercise of certain powers granted by the state in section 190.012 (2), Florida Statutes, is applicable and appropriate.

WHEREFORE, Petitioner respectfully requests the County to:

A. Direct its staff to do the things necessary to provide statutory notice with respect to the adoption of an ordinance or resolution by the County to consent for the District to exercise its certain special powers granted by the District’s state law charter contained at sections 190.006 - 190.041, Florida Statutes, said special powers specifically being, to plan, establish, acquire, operate, and maintain additional systems and facilities for:

Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.

Security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by property governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the district boundaries.

as according to subsections (a & d) of section 190.012(2), Florida Statutes.

B. Thereafter, to grant this Petition and adopt an ordinance or resolution consenting to the exercise of the certain special powers as petitioned by the District.

RESPECTFULLY SUBMITTED to County this the 13th day of December, 2002.



KEN VAN ASSENDERP, ESQ.

Florida Bar I.D. No.: 158829

Attorney for Petitioner:

Young, van Assenderp, Varnadoe & Anderson, P.A.

225 South Adams Street

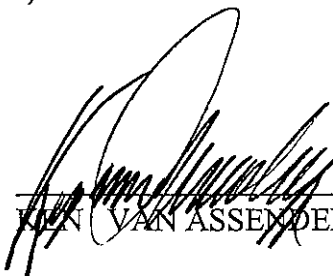
Suite 200

Tallahassee, Florida 32302-1833

(850) 222-7206

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one original and twelve (12) true and correct copies of the foregoing Petition for Consent to Exercise Certain Special State-Granted Charter Powers were served by express courier service this 13th day of December, 2002, for delivery the following day to: John Fredyma, Lee County Attorney, with a copy to Dawn Perry-Lehnert, Lee County Attorney Offices located at 2115 Second Street, Sixth Floor, Fort Myers, Florida 33901, and a copy to Paul O'Connor, Lee County Planning Department, 2455 Dr. Martin Luther King, Jr., Boulevard, Ft. Myers, FL 33901.



KEN VAN ASSENDERP, ESQUIRE

LEE COUNTY ORDINANCE NO. 02-13

AN ORDINANCE ESTABLISHING THE VERANDAH WEST 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 ADDITIONAL CONDITIONS IMPOSED ON THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FILED
2002 APR -2 AM 10:31
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, Verandah Development LLC has petitioned the Lee County Board of County Commissioners to establish THE VERANDAH WEST 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 Verandah West 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 FIVE: INITIAL POWERS OF
THE COMMUNITY DEVELOPMENT DISTRICT**

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

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

The Verandah West Community Development District will also be subject to the following additional conditions:

1. Any and all agreements for the sale of property within the boundaries of the Verandah West 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 Verandah West 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 Ray Judah, who moved its adoption. The motion was seconded by Commissioner John E. Albion and, being put to a vote, the vote was as follows:

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

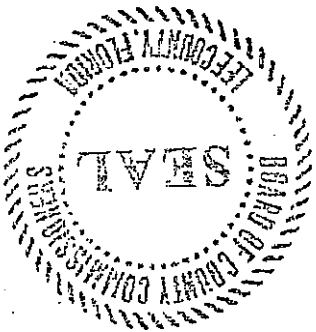
DULY PASSED AND ADOPTED THIS 26TH DAY OF MARCH, 2002.

ATTEST:
CHARLIE GREEN, CLERK

By: Ruth Janice
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairman



APPROVED AS TO FORM:

By: John Judah
Office of County Attorney

[LUJJFJFUCCDIVERANDAH WESTVERANDAH WEST UCDD ORDINANCE JJF]



July 12, 2001

DESCRIPTION

VERANDAH WEST
PARCEL IN
SECTION 25 AND 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST
AND
SECTION 29, 30, 31 AND 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

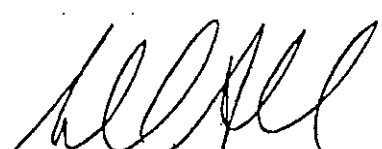
A tract or parcel of land lying in Sections 25 and 36, Township 43 South, Range 25 East, and Sections 29, 30, 31 and 32, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southwest corner of the Northeast Quarter (NE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, Township 43 South, Range 25 East run S 89° 08' 18" W along the south line of the Northwest Quarter (NW-1/4) of the Northeast Quarter (NE-1/4) of said Section 36 for 1324.04 feet; thence run N 00° 50' 29" W along the west line of said fraction for 740.15 feet to an intersection with the south line of Palm Beach Boulevard (State Road No. 80); thence run N 71° 36' 06" E along said south line for 1465.40 feet; thence run S 18° 23' 54" E for 10.00 feet; thence run S 71° 36' 06" W for 49.43 feet; thence run southerly, southeasterly and easterly along the arc of a curve to the left of radius 350.00 feet (chord bearing S 56° 17' 11" E) (chord 397.61 feet) (delta 69° 13' 26") for 422.87 feet to a point of tangency; thence run N 89° 06' 06" E for 45.96 feet; thence run N 71° 36' 06" E for 57.64 feet; thence run S 19° 48' 46" E for 523.96 feet; thence run N 70° 11' 14" E for 685.45 feet; thence run N 00° 43' 19" W for 292.55 feet; thence run N 70° 11' 14" E for 44.14 feet; thence run S 76° 24' 31" E for 187.84 feet; thence run N 72° 41' 10" E for 217.40 feet; thence run N 08° 37' 27" W for 213.75 feet; thence run N 73° 17' 15" E for 164.76 feet; thence run N 16° 21' 11" W for 462.79 feet to an intersection with said south line of Palm Beach Boulevard; thence run N 71° 36' 06" E along the south line of Palm Beach Boulevard for 574.19 feet to a point of curvature; thence run northeasterly along an arc of said curve to the right of radius 5589.55 feet (chord bearing N 72° 17' 37" E) (chord 135.00 feet) (delta 01° 23' 02") for 135.00 feet; thence run N 17° 00' 52" W for 20.00 feet; thence run easterly along said south line along the arc of a curve to the right of radius of 5609.55 feet (chord bearing N 73° 59' 12" E) (chord 196.03 feet) (delta 02° 00' 09") for 196.05 feet; thence run N 67° 44' 10" E along said south line for 299.35 feet; thence run N 77° 10' 13" E along said south line for 961.79 feet to an intersection with the westerly line of lands described in Official Record Book 1200 beginning at Page 710 of the Public Records of Lee County, Florida; thence run S 12° 49' 47" E along said west line for 175.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 125.00 feet; thence run N 12° 49' 47" W along the east line of said parcel for 175.00 feet to an intersection with the south line of said Palm Beach Boulevard; thence run N 77° 10' 13" E along said south line for 1781.13 feet to an intersection with the west line of lands described in Official Record Book 1418 beginning at Page 2194 of said public records; thence run S 12° 49' 47" E along said west line for

155.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 95.00 feet to an intersection with the west line of lands described in Official Record Book 655 beginning at Page 407 of said public records; thence run S 01° 29' 33" E along said west line for 865.78 feet to an intersection with the north line of a Florida Power & Light Company Transmission Line Easement; thence run N 89° 02' 25" E along said north line for 865.80 feet; thence leaving said easement line run S 00° 57' 35" E for 284.52 feet; thence run N 72° 14' 31" W for 159.74 feet; thence run S 17° 45' 29" W for 54.87 feet; thence run S 15° 56' 31" E for 496.97 feet; thence run S 36° 01' 16" E for 73.71 feet; thence run S 07° 49' 37" E for 130.25 feet; thence run S 19° 52' 21" W for 141.71 feet; thence run S 25° 14' 53" E for 155.22 feet; thence run S 08° 38' 21" E for 138.47 feet; thence run S 32° 03' 07" E for 137.14 feet; thence run S 68° 38' 44" E for 195.04 feet; thence run S 29° 41' 01" W for 453.37 feet; thence run S 10° 36' 57" E for 161.15 feet; thence run S 83° 34' 25" E for 339.97 feet; thence run S 49° 29' 21" E for 339.97 feet; thence run S 32° 26' 49" E for 1076.04 feet; thence run N 82° 45' 03" E for 601.24 feet; thence run S 07° 14' 57" E for 172.86 feet; thence run S 54° 59' 22" E for 132.10 feet; thence run S 15° 26' 48" E for 290.90 feet; thence run S 25° 29' 37" E for 257.92 feet; thence run S 09° 39' 49" E for 171.40 feet; thence run S 23° 42' 48" E for 160.85 feet; thence run S 02° 11' 02" W for 223.27 feet; thence run N 87° 48' 58" W for 1164.34 feet; thence run S 00° 04' 13" E for 852.37 feet; thence run N 87° 48' 58" W for 497.77 feet; thence run S 00° 04' 13" E for 540.88 feet; thence run S 89° 45' 59" W for 40.00 feet; thence run S 00° 14' 01" E for 40.00 feet to an intersection with the south line of said Section 32, Township 43 South, Range 26 east; thence run S 89° 45' 59" W along said south line for 172.45 feet to the Mean High Water Line of the Orange River; thence run northwesterly along said Mean High Water Line for 12,598 feet more or less to an intersection with the west line of the Southeast Quarter (SE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, 987.65 feet to the Point of Beginning.

Containing 777.95 acres, more or less.

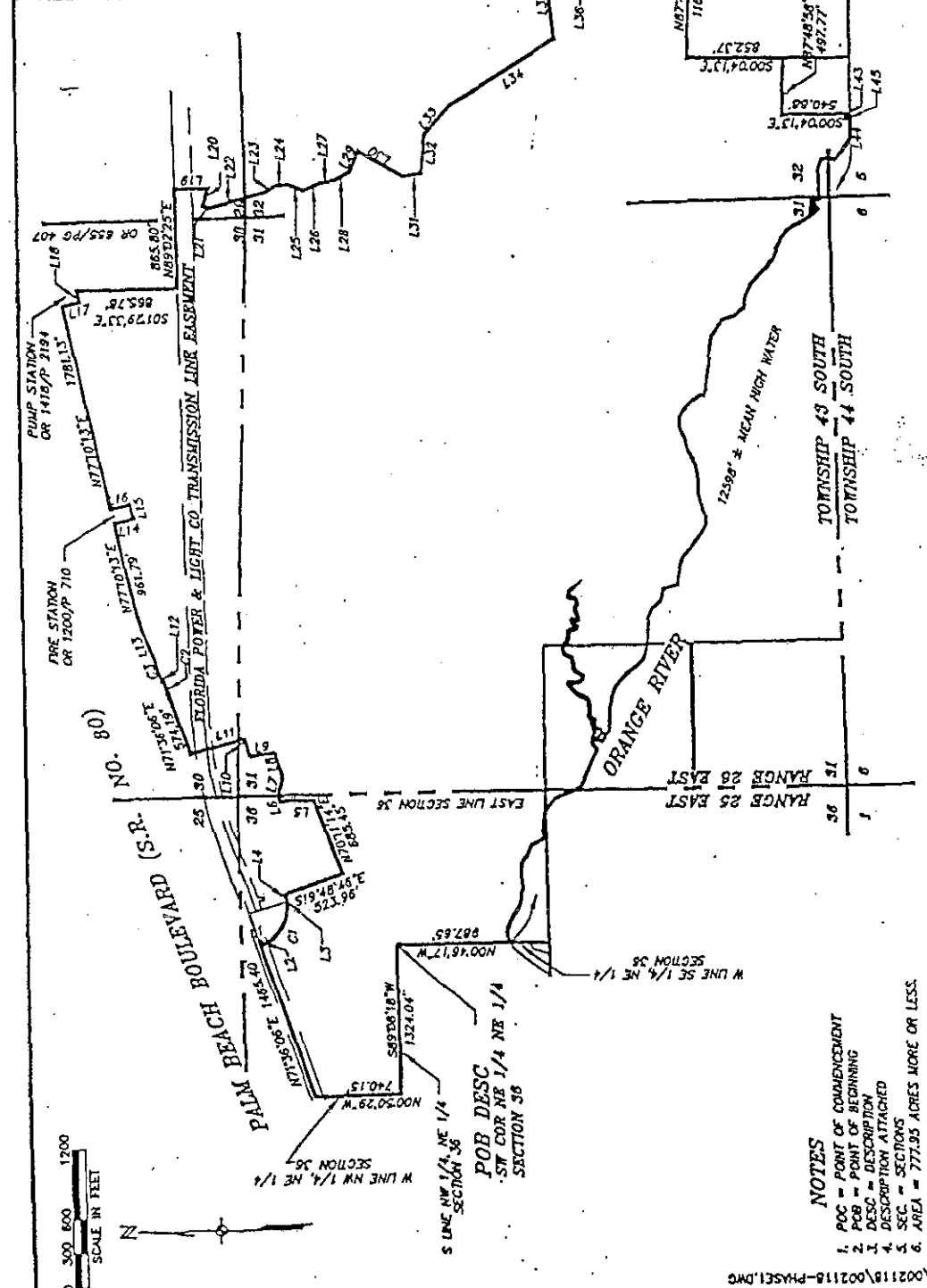
Bearings hereinabove mentioned are plane coordinate for the Florida West Zone, NAD 1983 (1990 Adjustment).



Michael A. Ward (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 5301

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S 187°33'4" E	10.00	L24	S 07°49'37" E	130.25
L2	S 71°36'06" W	49.43	L25	S 19°37'21" W	141.71
L3	N 89°08'06" E	45.98	L26	S 25°47'31" E	155.22
L4	N 71°36'06" E	57.64	L27	S 00°38'21" E	138.47
L5	N 02°43'19" W	292.35	L28	S 37°10'17" E	137.14
L6	N 70°17'14" E	44.14	L29	S 60°38'44" E	11
L7	S 26°24'31" E	187.84	L30	S 29°41'01" W	4
L8	N 77°41'10" E	217.40	L31	S 10°36'37" E	76
L9	N 08°37'27" W	213.75	L32	S 10°36'37" E	359.97
L10	N 23°17'15" E	164.76	L33	S 49°29'21" E	339.97
L11	N 16°27'15" W	482.29	L34	S 32°46'49" E	1076.04
L12	N 17°00'52" W	20.00	L35	N 87°45'03" E	601.24
L13	N 67°44'10" E	299.35	L36	S 07°49'37" E	172.66
L14	S 17°49'37" E	175.00	L37	S 84°59'22" E	132.10
L15	N 77°10'13" E	125.00	L38	S 15°26'46" E	290.90
L16	N 17°46'47" W	125.00	L39	S 23°29'37" E	252.92
L17	S 17°49'37" E	155.00	L40	S 09°32'49" E	171.40
L18	N 77°10'13" E	384.52	L41	S 23°42'48" E	160.65
L19	S 00°38'21" E	284.52	L42	S 07°11'07" W	223.27
L20	N 77°44'31" W	159.74	L43	S 89°34'59" W	40.00
L21	S 17°45'29" W	54.87	L44	S 00°14'01" E	40.00
L22	S 15°26'31" E	496.97	L45	S 89°34'59" W	172.45
L23	S 33°01'45" E	13.71			

CURVE	RADIUS	DELTA	DIRECTION	CHORD	LENGTH
C1	350.00	69°13'28"	S 56°17'11" E	397.61	422.87
C2	5509.55	01°23'02"	N 22°27'27" E	135.00	135.00
C3	5609.55	01°23'02"	N 21°59'12" E	136.03	136.05



THIS IS A SURVEY

MICHAEL A. WARD (FOR THE FIRM LD-642)
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 5301

DATE SIGNED: 7/12/2001

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

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 12, 2000	200002118	25-43	" = 1200'	1

2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (841) 334-0046
 FAX (841) 334-3661
 E.B. #642 & L.B. #642

JOHNSON
 ENGINEERING

PARCEL IN
 SEC. 25 & 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST &
 SEC. 29, 30, 31 & 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST
 LEE COUNTY, FLORIDA

- NOTES
1. POC = POINT OF COMMENCEMENT
 2. PCB = POINT OF BEGINNING
 3. DESC = DESCRIPTION
 4. DESCRIPTION ATTACHED
 5. SEC = SECTIONS
 6. AREA = 777.95 ACRES MORE OR LESS.

P:\002118\002118-PRASCI.DWG

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, KATHERINE HARRIS, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Lee County Ordinance No. 02-13, which was filed in this office on April 2, 2002, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
11th day of April, A.D., 2002.



Katherine Harris

Secretary of State

DSDE 99 (1-99)

**MINUTES OF MEETING
VERANDAH WEST
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Verandah West Community Development District was held on Monday, April 8, 2002, at 1:00 P.M. at Front Conference Room, 3451 Bonita Bay Boulevard, Bonita Springs, Florida.

Present and constituting a quorum were:

Dennis Church	Chairman
Vincent O. Barraco	Vice Chairman
Jim Carroll	Assistant Secretary
Barbara M. Gurak	Assistant Secretary
William W. Wier	Assistant Secretary

Also present were:

James Ward	Manager
Dan Cox	Attorney
Katherine Green	Bonita Bay Group

FIRST ORDER OF BUSINESS

Introduction

A. Call to Order

Mr. Ward called the meeting to order and called the roll. All members who were appointed in the petition are present with the exception of Supervisor Ms. Gurak.

B. Oath of Office

Mr. Ward, being a Notary Public of the State of Florida, administered the Oath of Office to the Supervisors and signed oaths are attached hereto and made a part of the public record.

C. Overview of District Responsibilities and Purpose

Introduction

Review of Statutory Requirements

Comments from the Public

Mr. Ward stated included as part of the initial package is the Form 1 Financial Disclosure Form. For those of you who currently sit on existing Boards for CDD's you will only need to amend your existing form to include Verandah

West. If you do not sit on another Board, fill it out and it is filed with the Supervisor of Elections in the county in which you reside. You are required under the law to file it within 30 days of your being seated on this Board.

The Statute was changed a few years ago that in the event you do not file it, the Supervisor can fine you for not doing so. The Collier County Supervisor has been fining Board members, so I encourage you to do this now. If you get fined, you cannot ask the District for reimbursement for your fines. It is a personal filing requirement as a matter of being elected a public official.

I will not go through what Chapter 190 is, we provided you a lot of background information in your package and if you have any questions we will be glad to answer them for you. For those of you who are new members to a Board, I will mention the Sunshine Law. It is a law in the State of Florida that indicates that no two Board members may do business outside of an open noticed public meeting, nor may you communicate with another member of the Board through your staff, or the public, about a matter that may foreseeably appear before you. That means if you think an item will come before the Board you cannot talk to another Board member, or communicate to that other Board member, through a member of the staff or public about what they may think about that issue, how they may vote on that matter, or anything related to it.

If you have any questions with respect to an issue call one of us and we will assist you with the process. Violations of the Sunshine Law are considered ethical violations under the Statute, which means they reflect on you as an individual and not on the Board. Most of the time, if you are ever charged with a Sunshine Law, you must defend yourself personally. The District cannot defend you because you are considered to be acting outside your scope and authority as a member of this Board. I have not really found any violations with CDD's, you usually find that at the municipal or local government level.

Mr. Carroll asked who normally brings charges against them?

Mr. Ward responded you usually have an individual who files a complaint with the State Attorney's office, who will investigate the matter. If they feel there is a warranted Sunshine Law violation, the State Attorney will file the charge against you.

Mr. Carroll asked if a disgruntled resident of the CDD feels we did something inappropriately, can they allege charges against you?

Mr. Ward responded they go to the State's Attorney's office and they investigate the charges and decide whether or not to file charges against you as an individual.

Mr. Cox stated of the Ethics Commission. The Ethics Commission is an entity to see if ethics complaints are warranted or not.

SECOND ORDER OF BUSINESS Election of Officers

Mr. Ward stated the Chairman and Vice Chairman must be members of the Board and Assistant Secretaries are those members not elected Chairman or Vice Chairman. I normally am elected Secretary and Treasurer for the District because they are administrative roles

A. Chairman - Resolution 2002-1

Mr. Carroll nominated Mr. Wier as Chairman and Mr. Barraco seconded the nomination; there being no further nominations, with all in favor Mr. Wier was elected Chairman as evidenced by Resolution 2002-1.

B. Vice Chairman - Resolution 2002-2

Mr. Wier nominated Mr. Barraco as Vice Chairman and Mr. Church seconded the nomination; there being no further nominations, with all in favor Mr. Barraco was elected Vice Chairman as evidenced by Resolution 2002-2.

C. Secretary - Resolution 2002-3

D. Treasurer - Resolution 2002-4

Mr. Carroll nominated Mr. Ward as Treasurer/Secretary and Mr. Wier seconded the nomination; there being no further nominations, with all in favor Mr. Ward was elected Treasurer / Secretary as evidenced by Resolutions 2002-3 and 2002-4.

E. Assistant Secretary(s) - Resolution 2002-5

Mr. Wier nominated Ms. Gurak, Mr. Carroll and Mr. Barraco as Assistant Secretaries and Mr. Carroll seconded the nomination; there being no further nominations, with all in favor Ms. Gurak, Mr. Carroll and Mr. Barraco were elected Assistant Secretaries as evidenced by Resolution 2002-5.

THIRD ORDER OF BUSINESS Retention of District Staff

A. Consideration of Contract for District Management Services - Resolution 2002-6

Mr. Ward stated this is my contract for services, which is included in your agenda package.

On MOTION by Mr. Wier seconded by Mr. Barraco with all in favor Resolution 2002-6 appointing Severn Trent Services as Manager in accordance with their contract was adopted.

B. Consideration of Appointment of District Counsel - Resolution 2002-7

Mr. Ward stated this is an agreement with Young, van Assenderp, Varnadoc & Anderson, P.A. to provide general legal counsel services and the appropriate resolution.

On MOTION by Mr. Carroll seconded by Mr. Wier with all in favor the firm of Young, van Assenderp, Varnadoc & Anderson, P.A. was appointed District Counsel in accordance with their engagement letter as evidenced by Resolution 2002-7.

C. Selection of Registered Agent and Office - Resolution 2002-8

Mr. Ward stated this is for the purpose of service of process in the event the District is sued. It names Kenza van Assenderp a partner with the firm at his office at 225 S. Adams Street, Suite 200, Tallahassee, Florida as the agent, and his business address is the office of the District for service of process issues.

On MOTION by Mr. Wier seconded by Mr. Barraco with all in favor Kenza van Assenderp was appointed as District Agent and his office as the registered office of the District as evidenced by Resolution 2002-8.

D. Request Authorization to Issue RFP for Engineering Services

Mr. Ward stated there is a process in Florida called the Consultants Competitive Negotiation Act. It requires governmental agencies, including Community Development Districts, to go through a process where we advertise for certain professionals, engineers, architects, and land-surveyors in a local newspapers. We accept proposals from those companies to provide us service. It is a non-priced based proposal and the Board will rank them when those

proposals come in, and based upon their areas of expertise, I will ask you authorize your staff to negotiate a contract with them which will then come back to you for future consideration.

The purpose of this item is to authorize your staff to go through the RFP process pursuant to Chapter 287.

On MOTION by Mr. Carroll seconded by Mr. Barraco with all in favor Staff was authorized to issue a RFP for Engineering services.

FOURTH ORDER OF BUSINESS Designation of Meeting and Hearing Dates

A. Designation of Regular Monthly Meeting Date, Time and Location

Mr. Ward stated items 4, A, B, C & D are meeting dates and times that we need to consider to the extent that the Board wants to have a regular monthly Board meeting date, time and location, which will be advertised regularly. In the early stages of a District there is no need to do this now, we can schedule it in the future. I recommend to continue this to the next meeting.

The Board concurred.

B. Designation of Initial Landowners Election Date, Time and Location

Mr. Ward stated the Statute also requires the initial landowners election date, time and location to elect the five permanent members of the Board within 90 days of the date of the establishment of the District. The day it is filed with the Secretary of the State, making the actual establishment date, will be within seven days of the date the commission adopted the ordinance.

Mr. Cox stated I have not yet received the actual validated filed ordinance yet; it is probably still in process.

Mr. Ward stated it takes about 30 days to advertise a landowners election.

It is agreed that the landowners meeting will be held on Wednesday, May 22, 2002, at 2:30 p.m., at the Front Conference Room of the Bonita Bay Group Center, 3451 Bonita Bay Boulevard, Bonita Springs, Florida.

On MOTION by Mr. Barraco seconded by Mr. Wier with all in favor, Staff was authorized to initiate the proceedings to hold the Landowners Election on Wednesday, May 22, 2002, 2:30 pm, at the Front Conference Room of the Bonita Bay Group Center, 3451 Bonita Bay Boulevard, Bonita Springs, Florida.

C. Consideration of Interim Budget, Funding Agreement, Funding Request No. 1 and Designation of Public Hearing on Budget - Resolution 2002-9

Mr. Ward stated you can have your public hearing no sooner than 60 days from the day you actually approve the budget for the purpose of setting your public hearing. It also includes an agreement between the developer, which will be Verandah Development, LLC and the District, indicating the developer's responsibility to fund the amount contained in the budget not to exceed those amounts. It does not require the developer to fund all of the budget in an amount not to exceed those amounts, only those amounts that are actually required to be spent at this point in time. We can schedule the public hearing for Wednesday, June 26th, at 2:30 pm, at the Front Conference Room of the Bonita Bay Group Center, 3451 Bonita Bay Boulevard, Bonita Springs, Florida.

On MOTION by Mr. Carroll seconded by Mr. Barraco with all in favor the public hearing was set for Wednesday, June 26th, at 2:30 pm, at the Front Conference Room of the Bonita Bay Group Center, 3451 Bonita Bay Boulevard, Bonita Springs, Florida; the interim budget, Funding Agreement and Funding Request No. 1 were approved; and Resolution 2002-9 was adopted.

D. Designation of Date of Public Hearing Expressing the District's Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non Ad Valorem Assessments

Mr. Ward stated this is the authorization for your Staff to advertise the notice of the District's Intent to Utilize the Uniform Method of Collection. Chapter 197 of the Statute allows governmental agencies in Florida to utilize the services of the property appraiser and tax collector in which the District is located to levy the non ad valorem assessments, whether it is for capital or operating purposes. The Board goes through a process where it advertises in a local newspaper of their intent to utilize the uniform method, and at that public hearing I will bring back a resolution asking you to adopt that resolution that sets in place a mechanism whereby we notify the property appraiser and tax collector that we are going to utilize their services. It does not require the District to do that; it only provides a mechanism to utilize it if the Board chooses to do so. We then enter into negotiations with the property appraiser and tax collector for agreement purposes which will codify the amount they will charge for utilization of their services.

This process merely allows us to do the advertising necessary to set the public hearing.

On MOTION by Mr. Carroll seconded by Mr. Barraco with all in favor Staff was authorized to advertise Chapter 197.3632 proceeding for public hearing was approved.

FIFTH ORDER OF BUSINESS Other Organizational Matters

A. Selection of District Depository

Mr. Ward stated Chapter 280 of the Florida Statute requires local governments to establish a qualified public depository to hold your public funds, which means they have to be qualified under state law.

On MOTION by Mr. Carroll seconded by Mr. Barraco with all in favor First Union was selected as the District Depository.

B. Consideration of Resolution 2002-10 Setting Forth Policy Regarding Support and Legal Defense of Board Members and District Staff

Mr. Ward stated we will obtain directors and officers liability insurance along with general liability insurance with respect to the District. The resolution indicates that if the District, or you individually, are sued the District commits that it will support and defend the Board members in any actions taken within the scope of authority under the Statute. In addition, the District has sovereign immunity limits under the Statute, which means if we are sued for an amount of \$1-2 million, they cannot do so under State Law unless we have insurance that covers that over the sovereign immunity limits of \$250,000/\$500,000 per incident/per accident. It does not protect you under Federal Law for Civil Rights violations.

On MOTION by Mr. Wier seconded by Mr. Carroll with all in favor Resolution 2002-10, Setting Forth Policy Regarding Support and Legal Defense of Board Members and District Staff was adopted.

C. Authorization to Publish Notice of Establishment

Mr. Ward stated Chapter 190 requires Districts to provide in the public records of the County in which the District is located a notice which has the legal description attached indicating the District exists and that we have the ability to

levy assessments. As land is sold within the boundaries of the District, the title companies will put an exception in the title policy that let's purchasers know that they are within the boundaries of the CDD and may be subject to assessments and/or taxes, as the case may be.

On MOTION by Mr. Carroll seconded by Mr. Wier with all in favor Staff was authorized to file the Notice of Establishment as required.

D. Consideration of Resolution 2002-11 Adopting Investment Guidelines

Mr. Ward stated this regards the alternative investment guidelines for the investment of public funds. Staff is recommending to use the 218.415 subsection 17 section of the Statute; we will change the resolution to indicate that the Statute may be amended from time to time. A few years ago the Statute was changed requiring governmental agencies in the investment of general funds to adopt specific investment guidelines. The alternative investment guideline section identifies four separate investment portfolios that you can use, as provided in your backup material. In lieu of doing that, it will require the Board to prepare a complete written policy on your authorized investments. For a District that is new and does not have any general funds, those four obligations are satisfactory. If we get to the point of actually doing financing for the District, the specific investments that will be authorized will be identified in the bond indentures that we do for your bond fund, so this only covers your general fund operations.

On MOTION by Mr. Wier seconded by Mr. Church with all in favor Resolution 2002-11 adopting investment guidelines was adopted.

E. Consideration of Resolution 2002-12 Requesting Optional Powers

1. Parks
2. Security

Mr. Ward stated there are specific powers you have when the District is established under Chapter 190. There is a provision in the Statute that allows Districts to have optional powers, which includes parks and security, solid waste control and a few other things. Resolution 2002-12 authorizes your staff to request from the local government, Lee County, the ability to exercise our optional powers under the Statute.

Mr. Cox stated the two powers we are interested in are for parks and facilities for indoor and outdoor recreational, cultural and educational uses; and security, including but not limited to guard houses, fences and gates. The resolution is to request the consent of the local governments to allow us to exercise these powers. The powers are actually granted by the Statute.

On MOTION by Mr. Carroll seconded by Mr. Barraco with all in favor Resolution 2002-12 Requesting Optional Powers for Parks and Security was adopted.

F. Appointment of Bond Team

- 1. Bond Counsel - Nabors, Giblin & Nickerson, P.A.**
- 2. Investment Banker**
- 3. Financial Advisor**
- 4. Retention of Trustee**
- 5. Engineer to Prepare Report for Special Assessments**

Mr. Ward stated enclosed in your agenda package is a Bond Counsel agreement with Nabors, Giblin & Nickerson. Mr. Tyler is the individual who handles the majority of the bond work for CDD's across the state. The firm's services will be related to the issuance of special assessment bonds the District may undertake in the future with respect to those financings. Specifically he will provide to you opinions that indicate that the District's debt is exempt from any Federal income taxes and therefore the buyers of those bonds will not include that on their tax returns.

The other letter is from Alice J. Carlson, who is president of AJC Associates. The firm will assist you in the preparation of your Special Assessment Methodology which is used to levy the assessments across the District with respect to your special assessment debt.

There are two other appointees we will get to at some point; your investment banker and your trustee, which I will bring back as part of the Bond Resolution. We will need an engineer to prepare a report for your Special Assessment Report. This Statute works beyond the 287 procedure for Consultants Competitive Negotiations Act. We do have the ability to retain an engineer for a short period of time to do study work, and things of that nature. We will need an engineer to prepare the cost estimates and an infrastructure analysis of what the District will be financing. I request you authorize your staff to enter into an agreement with Johnson Engineering for the purpose of preparation of that engineer's report related to your special assessments.

On MOTION by Mr. Carroll seconded by Mr. Barraco with all in favor the firm Nabor, Giblin & Nickerson, P.A. was appointed bond counsel in accordance with their engagement letter; AJC & Associates was appointed Financial Advisor in accordance with their engagement letter; and Staff was authorized to enter into negotiations with Johnson Engineering to prepare the Engineer's Report.

- G. Consideration of Certain Documents Related to the Issuance of District Bonds**
 - 1. Trust Indenture**
 - 2. Resolution authorizing the Issuance of Bonds**

Mr. Ward stated this will also be put on hold until we get to the point of actually doing some special assessment debt with you.

SIXTH ORDER OF BUSINESS

Other Business

- A. Supervisors Requests**
- B. Staff Reports**
 - 1. Attorney**
 - 2. Manager**
- C. Comments from the Public**

Mr. Ward stated these are standard form in the event the Board, or the public, wants to communicate to you; or you want to communicate to your Staff or them you, we include these items for your consideration. Obviously, this being your first meeting, we do not have anything to report in addition to what we have already gone through.

Mr. Cox stated the Sunshine Law violation is very important to keep in mind while performing your duties and not to talk to other Board members about things related to the District outside of meetings. Several members from other Districts Boards have said they either work for the developer of the project, or a contracting consultant with the developer and asked if it is a conflict of interest. The Statute provides a Code of Ethics for public employees stating it is not a conflict of interest as long as you continue to vote on the basis of competent substantial evidence and not in an arbitrary capricious manner. You vote based on the evidence that is presented to you. When information is presented to you we will back it up with sufficient facts to vote on or we will not recommend your approval of that item. I am available to talk with you at anytime if you have any questions.

April 8, 2002

Verandah West CDD

SEVENTH ORDER OF BUSINESS Adjournment

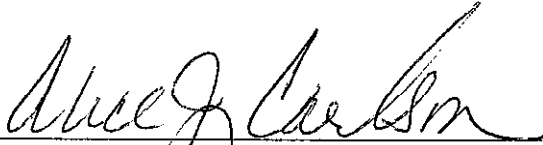
On MOTION by Mr. Barraco seconded by Mr. Carroll
with all in favor the meeting was adjourned at 1:50 p.m.

James P. Ward, Secretary
Chairman

William W. Wier,

**AFFIDAVIT OF ALICE J. CARLSON AS TO THE
CURRENT STATUS OF THE VERANDAH WEST
COMMUNITY DEVELOPMENT DISTRICT**

- 1. My name is Alice J. Carlson. I am the Financial Advisor for the Verandah West Community Development District ("District").
- 2. I was involved in the establishment of the District.
- 3. I reviewed the potential exercise by the District of all of its charter powers, including the special powers in section 190.012 (2), Florida Statutes (2001), during the District establishment process.
- 4. I have seen the property within the jurisdiction and have reviewed the activities of the District to date in my capacity as preparer of the Statement of Estimated Regulatory Costs, and have noted no change in fact, circumstances or conditions that would change my conclusions in light of the six factors in section 190.005 (1)(e) 1-6, Florida Statutes. Therefore, I am of the opinion that consent to the exercise of these charter powers is appropriate.
- 5. FURTHER AFFIANT SAYETH NOT.



Alice J. Carlson, District Financial Advisor and
Preparer of Statement of Estimated Regulatory Costs

SWORN TO AND SUBSCRIBED before me this 19 day of November, 2002.


NOTARY PUBLIC

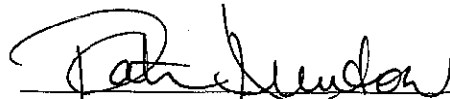
My Commission Expires:



Janet Marie Sclog
MY COMMISSION # CC938926 EXPIRES
May 21, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

**AFFIDAVIT OF PATRICIA NEWTON AS TO THE
CURRENT STATUS OF THE VERANDAH WEST
COMMUNITY DEVELOPMENT DISTRICT**

1. My name is Patricia Newton. I am the Planner for the Verandah West Community Development District ("District").
2. I was involved in the establishment of the District.
3. I reviewed the potential exercise by the District of all of its charter powers, including the special powers in section 190.012 (2), Florida Statutes (2001), during the District establishment process.
4. I have seen the property within the jurisdiction and have reviewed the activities of the District to date in my capacity as Planner, and have noted no change in fact, circumstances or conditions that would change my conclusions in light of the six factors in section 190.005 (1)(e) 1-6, Florida Statutes. Therefore, I am of the opinion that consent to the exercise of these charter powers is appropriate.
5. FURTHER AFFIANT SAYETH NOT.



Patricia Newton, District Planner

SWORN TO AND SUBSCRIBED before me this 11th day of December, 2002.



NOTARY PUBLIC

My Commission Expires:


2/11/05



JaneAnn Gifford
Commission # DD 000596
Expires Feb. 11, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

**AFFIDAVIT OF ANDREW D. TILTON AS TO THE CURRENT
STATUS OF THE VERANDAH WEST
COMMUNITY DEVELOPMENT DISTRICT**

1. My name is Andrew D. Tilton. I am the Engineer for the Verandah West Community Development District ("District").
2. I was involved in the establishment of the District.
3. I reviewed the potential exercise by the District of all of its charter powers, including the special powers in section 190.012(2), Florida Statutes (2001), during the District's establishment process.
4. I have seen the property within the jurisdiction and have reviewed the activities of the District to date in my capacity as Engineer, and have noted no change in fact, circumstances or conditions that would change my conclusions in the light of the six factors in section 190.005(1)(e) 1-6, Florida Statutes. Therefore, I am of the opinion that consent of the exercise of these charter powers is appropriate.
5. FURTHER AFFIANT SAYETH NOT.



Andrew D. Tilton, District Engineer

The above-signed individual is personally known to me.

SWORN TO AND SUBSCRIBED before me this 21st day of November, 2002



NOTARY PUBLIC

My Commission Expires: 10-19-2005



M. Susan Dragonette
Commission # DD 057725
Expires Oct. 19, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

**AFFIDAVIT OF JAMES WARD AS TO THE
CURRENT STATUS OF THE VERANDAH WEST
COMMUNITY DEVELOPMENT DISTRICT**

1. My name is James Ward. I am the District Manager for the Verandah West Community Development District ("District").
2. I was involved in the establishment of the District.
3. I reviewed the potential exercise by the District of all of its charter powers, including the special powers in section 190.012 (2), Florida Statutes (2001), during the District establishment process.
4. I have seen the property within the jurisdiction and have reviewed the activities of the District to date in my capacity as District Manager, and have noted no change in fact, circumstances or conditions that would change my conclusions in light of the six factors in section 190.005 (1)(e) 1-6, Florida Statutes. Therefore, I am of the opinion that consent to the exercise of these charter powers is appropriate.
5. FURTHER AFFIANT SAYETH NOT.

James P. Ward
James Ward, District Manager

SWORN TO AND SUBSCRIBED before me this 18th day of November, 2002.

Katherine V. Selchan
NOTARY PUBLIC

My Commission Expires: December 22, 2002



Katherine V. Selchan
Commission # CC 789318
Expires DEC. 22, 2002
BONDED THRU
ATLANTIC BONDING CO., INC.