

Lee County Board of County Commissioners
Agenda Item Summary

DATE CRITICAL
Blue Sheet No. 20031486

1. **REQUESTED MOTION:**

ACTION REQUESTED: Direct consideration of a Resolution supporting the establishment of the ^{DMC} Arborwood Community Development District by the Florida Land and Water Adjudicatory Commission to public hearing on January 27, 2004 at 9:30 am or as soon thereafter as it may be heard.

WHY ACTION IS NECESSARY: A Resolution adopted by the BOCC is the only means of expressing support or objection to the granting of a petition to establish a UCDD of greater than 1,000 acres.

WHAT ACTION ACCOMPLISHES: Supports the creation of an independent special district that will provide an alternative method to manage and finance basic services within the community development district.

2. **DEPARTMENTAL CATEGORY:**
COMMISSION DISTRICT #

C12A

3. **MEETING DATE:**

01-06-2004

4. **AGENDA:**

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

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

- STATUTE 195.005(1)(c)
- ORDINANCE
- ADMIN. CODE
- OTHER

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
 - B. DEPARTMENT County Attorney
 - C. DIVISION Land Use
- BY: Dawn E. Perry
Dawn E. Perry-Lehnert
Asst. County Attorney

7. **BACKGROUND:** Worthington Holdings Southwest, LLC has petitioned the Florida Land and Water Adjudicatory Commission (FLWAC) to adopt a rule to establish a Uniform Community Development District (UCDD) in accordance with the Uniform Community Development District Act of Florida Chapter 190, Florida Statutes. Under Section 190.005(1), the exclusive method for establishing a community development district encompassing 1,000 acres or more is through rule adoption by the FLWAC. This section also provides the County with an opportunity to consider the petition at a public hearing and to adopt a resolution in support or objection to the FLWAC grant of the petition.

(continued on next 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		<p>Approved 12/23/03</p> <table border="1"> <tr> <td>OA</td> <td>OM</td> <td>RISK</td> <td>GC</td> </tr> <tr> <td>RK 12/18/03</td> <td>12/23/03</td> <td>12/17/03</td> <td>12/18/03</td> </tr> </table>				OA	OM	RISK	GC	RK 12/18/03	12/23/03	12/17/03	12/18/03	
OA	OM	RISK	GC														
RK 12/18/03	12/23/03	12/17/03	12/18/03														

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. 1777
FORWARDED
TO CO. ADMIS.
12/18/03 8 AM

12/18/03
12/23/03

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

The proposed Arborwood CDD encompasses approximately 2,479.13 acres and is located within the City of Fort Myers (Sections 2, 3, 10, 11, 12, 13, 14, 15 and 23, Township 45 South, Range 25 East). The community development district property is bounded on the west by I-75 and the Airport Woods development; on the north by Colonial Country Club and Sun City; on the east by Gateway; and on the south by Airside Plaza, Southwest Regional Commerce and Trade Center, various undeveloped parcels and Daniels Parkway.

If the FLWAC grants the Petition, the Arborwood Community Development District will be established with the power to finance, 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 waste water management; bridges or culverts; district roads; and other projects within and outside the district boundary for which a development order may be issued. Additional powers may be requested in the future.

Creation of the Arborwood Community Development District does not constitute a development order within the meaning of F.S. Chapter 380. All City of Fort Myers planning, environmental, and land development laws and regulations will apply to the development of land within the proposed Arborwood District. And, the District can take no action that is inconsistent with the applicable regulations.

Lee County Division of Planning has reviewed the Petition and backup materials in light of the six factors set forth in F.S. Section 190.005(1)(e). A copy of staff's analysis relating to each of these factors is attached to this bluesheet. As a result of their review the Division of Planning recommends that the Board adopt a resolution to be presented to the FLWAC in its consideration of the Petition to establish the Arborwood Community Development District.

Attachments:

- Division of Planning, Staff Analysis to follow
- Petition, Exhibits and Attachments (available for review at Lee Cares)