

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

Blue Sheet No. 20041018

1. REQUESTED MOTION:

ACTION REQUESTED: Direct a non-emergency ordinance creating the Copper Oaks Community Development District to public hearing on September 28, 2004 at 9:30 a.m., or as soon thereafter as it may be heard, in the Commission Chambers.

WHY ACTION IS NECESSARY: Southern Homes of Estero, LLC has petitioned the Board to establish the Copper Oaks Community Development District.

WHAT ACTION ACCOMPLISHES: Allows response to the petition by providing a forum to evaluate the appropriateness of the request.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3

C12 C

3. MEETING DATE:

08-17-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- 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's Office
- C. DIVISION *Plan & Dev*
- BY: Dawn E. Perty-Lehnert
Assistant County Attorney

7. BACKGROUND:

Southern Homes of Estero, 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
					OA	OM	RISK	GC	
N/A	N/A	N/A	N/A	<i>Trinity Jones</i>	<i>8/5/04</i>	<i>8/5/04</i>	<i>8/5/04</i>	<i>8/5/04</i>	<i>8-5-04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

APPROVED

RECEIVED BY
COUNTY ADMIN: *PK*
8/17/04
9:50 a.m. sep
COUNTY ADMIN
FORWARDED TO: *R*
8/15/04
YPM

25

Blue Sheet #:

Page No.: 2

Subject: Direct a non-emergency ordinance creating the Copper Oaks Community Development District to public hearing on September 28, 2004 at 9:30 a.m., or as soon thereafter as it may be heard, in the Commission Chambers.

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 Copper Oaks CDD is located on approximately 48 acres of land located in Estero. The land area is bounded on the north by Gardens of Estero Subdivision, on the west by Three Oaks Parkway, and on the south and east by a vacant 75± acre parcel owned by the Lee County School Board. The property is located in Section 26, Township 46 South, Range 25 East. The Copper Oaks 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 may be requested sometime in the future.

The creation of the Copper Oaks 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 Copper Oaks 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. Hector Garcia
 - b. Michael Peredo
 - c. Jerry Aguirre
 - d. Kirt Reinert
 - e. Stephen Boling
3. Names the district. (Copper Oaks Community Development District)

PLEASE NOTE: F.S. §125.66 does not require a 5:00 p.m. public hearing to provide for adoption of this ordinance. However, if it is the Board's preference, this public hearing may be scheduled for consideration on the September 28, 2004, 5:00 p.m. public hearing agenda.

The proposed ordinance is scheduled for consideration by the Executive Regulatory Oversight Committee on September 8, 2004.

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

Attachment:

Proposed ordinance establishing the Copper Oaks Community Development District

ORDINANCE NO. __

AN ORDINANCE ESTABLISHING THE COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; 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 NOTICE TO SUBSEQUENT PURCHASERS; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Southern Homes of Estero, LLC has petitioned the Board of County Commissioners to establish COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the 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 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 submitted with this petition to support establishment of the

district is adequate.

4. Establishment of the proposed district, whose charter must be in accordance with the general law set forth in Section 190.006 - 190.041, Florida Statutes, 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 Copper Oaks Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law; and has the right to seek consent from Lee County for the grant of authority to exercise special powers in accordance with F.S. 190.012(2), without question as to the district's continued right, authority and power to exercise its limited powers as established by this ordinance.

11. All notice requirements of law were met and complete notice was timely given.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: DISTRICT NAME

The community development district herein established will be known as Copper Oaks 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

Copper Oaks 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. | Hector Garcia | 12900 SW 128 th Street, Suite 200
Miami, Florida 33186 |
| 2. | Michael Peredo | 12900 SW 128 th Street, Suite 200
Miami, Florida 33186 |
| 3. | Jerry Aguirre | 12900 SW 128 th Street, Suite 200
Miami, Florida 33186 |
| 4. | Kirt Reinert | 27299 Riverview Center Blvd., Suite 102
Bonita Springs, Florida 34134 |
| 5. | Stephen Boling | 27299 Riverview Center Blvd., Suite 102
Bonita Springs, Florida 34134 |

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Copper Oaks 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 Copper Oaks Community Development District must include the disclosure statement required in

FS §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 Copper Oaks 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:

JOHN E. ALBION _____
ROBERT JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
ANDREW W. COY _____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2004

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Dawn E. Perry-Lehnert
Office of County Attorney

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(48.79 ACRE PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

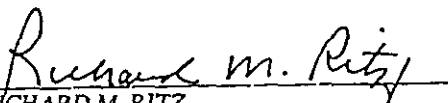
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE N.89°40'25"E. ALONG THE SOUTH LINE OF SAID SECTION FOR 80.01 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF CORLICO ROAD (80.00 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1739, AT PAGE 778 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.01°18'46"W. ALONG SAID EASTERLY LINE FOR 1182.03 FEET; THENCE N.90°00'00"E. FOR 20.02 FEET TO THE POINT OF BEGINNING; THENCE N.01°18'46"W. FOR 921.58 FEET; THENCE N.90°00'00"E. FOR 675.00 FEET; THENCE N.01°18'46"W. FOR 321.75 FEET; THENCE N.90°00'00"E. FOR 1021.24 FEET; THENCE S.23°29'06"E. FOR 677.63 FEET; THENCE S.00°00'00"E. FOR 621.50 FEET; THENCE S.90°00'00"W. FOR 1937.80 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 48.79 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA AS BEARING N.89°40'25"E.

DESCRIPTION PREPARED 09-03-03


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

S:\Jobs\16xx\1690\SURVEYING\DESCRIPTIONS\1690_COMB_BNDY_DESC_SKT.dwg
S:\Jobs\16xx\1690\SURVEYING\DESCRIPTIONS\1690_COMB_BNDY_DESC_SKT.dwg

EXHIBIT A

SHEET 1 OF 2

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6680
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 (239) 939-5490

SKETCH OF DESCRIPTION

OF
 A TRACT OR PARCEL OF LAND LYING IN
 SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA
 (48.79 ACRE PARCEL)



1" = 250'

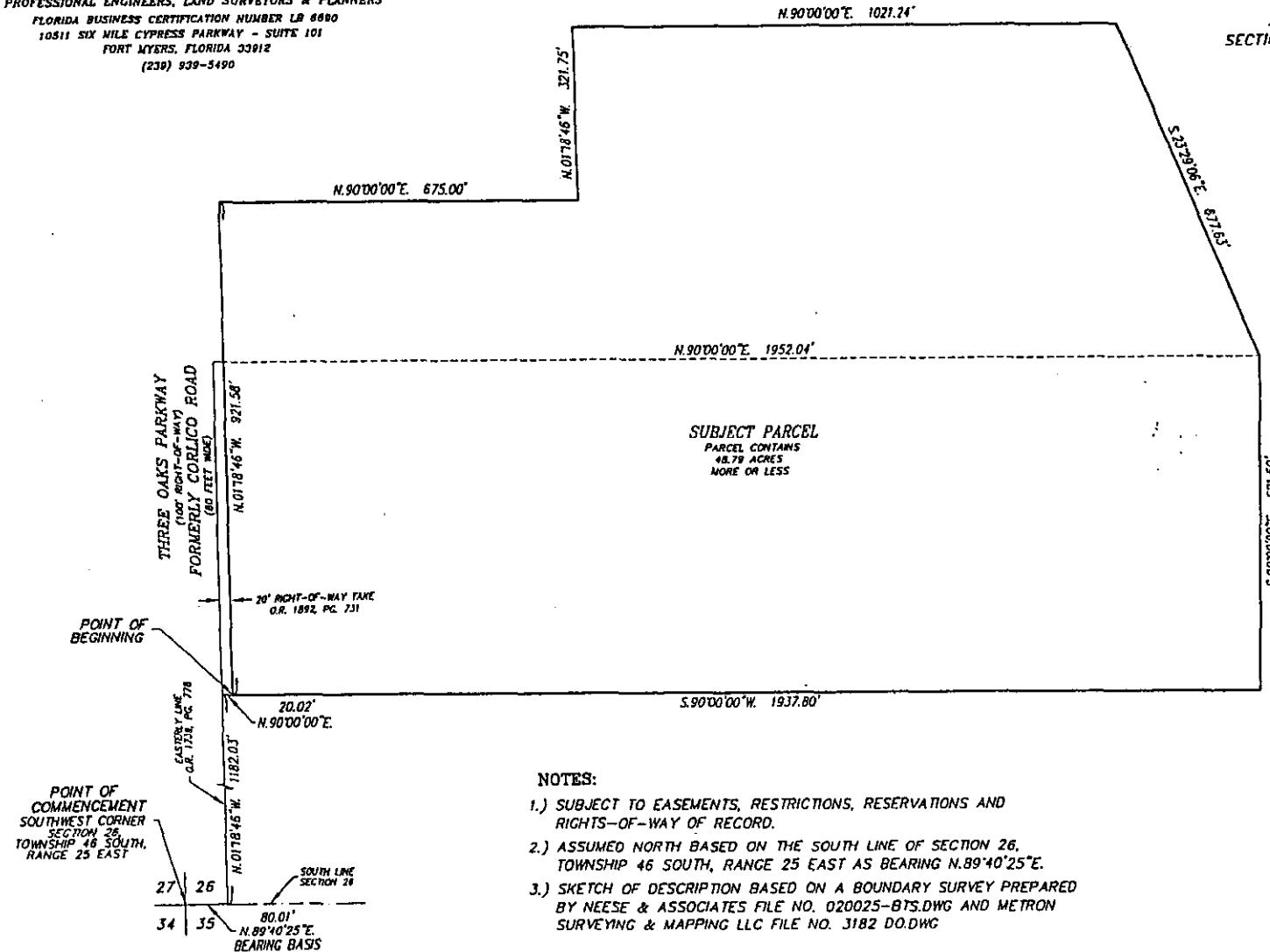
LEGEND:

- PG. INDICATES PAGE
- NO. INDICATES NUMBER
- O.R. INDICATES OFFICIAL RECORDS BOOK
- P.I. INDICATES POINT OF INTERSECTION

SEE SHEET 1 FOR COMPLETE
 METES AND BOUNDS DESCRIPTION.
**THIS SKETCH OF DESCRIPTION
 IS NOT A BOUNDARY SURVEY**

Richard M. Ritz
 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4000

- THIS SKETCH OF DESCRIPTION IS NOT VALID
 WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N.89°40'25\"E.
- 3.) SKETCH OF DESCRIPTION BASED ON A BOUNDARY SURVEY PREPARED BY NEESE & ASSOCIATES FILE NO. 020025-BTS.DWG AND METRON SURVEYING & MAPPING LLC FILE NO. 3182 D0.DWG

PREPARED 09-03-03
 SHEET 2 OF 2

S:\JOBS\16XX\1690\SURVEYING\DESCRIPTIONS\1690_COMB_BNDY_DESC_SKT.DOC
 S:\JOBS\16XX\1690\SURVEYING\DESCRIPTIONS\1690_COMB_BNDY_DESC_SKT.DWG

EXHIBIT A