

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

**DATE CRITICAL
Blue Sheet No. 20041305**

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution supporting the contraction of Gateway Services Community Development District boundaries by the Florida Land and Water Adjudicatory Commission.

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 contract the boundaries of a UCDD that is greater than 1,000 acres.

WHAT ACTION ACCOMPLISHES: Supports the boundary contraction of a successful independent special district and frees the Ben Hill Griffin right-of-way from the vestiges of Gateway Services CDD control.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 5

9:30

3. MEETING DATE:

10-26-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC 9:30 A.M.
- WALK ON
- TIME REQUIRED:**
5 minutes

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE FS §190.046
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION
- BY: *Dawn E. Perry-Lehnert*
Dawn E. Perry-Lehnert
Assistant County Attorney

7. BACKGROUND:

Gateway Services District is a uniform community development district created by law and established by FAC Rule 42F-1 as adopted by the Florida Land and Adjudicatory Commission on May 22, 1986.

The District currently has 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: stormwater-management; potable water supply; sewer and wastewater management; bridges or culverts; district roads; and other projects within or without the district boundary for which a development order is issued.

In accordance with FS s. 190.046(1)(d), Gateway Services Community Development District has petitioned the Florida Land and Water Adjudicatory Commission (FLWAC) to amend FAC Rule 42F-1 to reduce the overall acreage of the District.

(continued on next page)

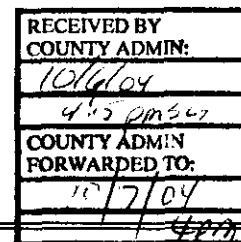
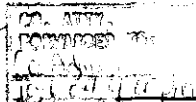
8. MANAGEMENT RECOMMENDATIONS:

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	<i>[Signature]</i>	OA	OM	RISK	GC	<i>[Signature]</i>
					<i>OK 10/7</i>	<i>OK 10/7</i>	<i>OK 10/7</i>	<i>OK 10/7</i>	<i>OK 10-7</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER



Blue Sheet #: 20041305

Page No.: 2

Subject: Adopt a Resolution supporting the contraction of Gateway Services Community Development District boundaries by the Florida Land and Water Adjudicatory Commission.

The District currently covers approximately 4,501 acres of land. The District proposes a net decrease of approximately 12.28 acres from the acreage located in both unincorporated Lee County and the City of Fort Myers, Florida. If the petition is granted, the District will encompass approximately 4,488.58 acres.

The Gateway Services Community Development District's request for a boundary contraction is consistent with the Lee County Comprehensive Plan. All development activity within the boundaries of the District will be subject to the Lee Plan and all related land development regulations.

The County has verbally confirmed that neither the County, nor the contracted parcel, will be responsible for the payment of the numerous bond issues for transportation, water, sewer and stormwater improvements or special assessments. Written confirmation of this fact is forthcoming from the District's attorney.

In accordance with FS s. 190.046(1)(d)3, the County's consideration is limited to consideration of the contents of the petition and whether the petition should be supported. The Lee County Planning Department has reviewed the petition and prepared the attached staff report. This report recommends that the Board adopt a resolution supporting contraction of the District boundaries.

Attachments:

1. Gateway Services UCDD Petition, Exhibits, Attachments and Amendment.
2. Planning Staff Analysis dated September 29, 2004.
3. Proposed resolution in support of contracting the boundaries of the Gateway Services UCDD.

**PETITION TO AMEND
THE BOUNDARY OF THE
GATEWAY SERVICES
COMMUNITY
DEVELOPMENT DISTRICT**

Submitted by: Jonathan T. Johnson
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Chasity H. O'Steen
Florida Bar No. 0659681
HOPPING GREEN & SAMS, P.A.
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Tallahassee, Florida 32314
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**BEFORE THE FLORIDA LAND AND
WATER ADJUDICATORY COMMISSION
STATE OF FLORIDA**

**IN RE: Petition for a Rule to Contract
 Boundary of Gateway Services
 Community Development District**

**PETITION TO AMEND THE BOUNDARY OF THE
GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, the GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT (the "District"), a unit of special-purpose local government established by the Florida Land and Water Adjudicatory Commission (the "Commission") pursuant to the provisions of Chapter 190, Florida Statutes, hereby petitions the Commission pursuant to the "Uniform Community Development District Act of 1980", Chapter 190, Florida Statutes, and specifically section 190.046(1), Florida Statutes, to adopt an amendment to Chapter 42F-1, Florida Administrative Code, to remove approximately 12 acres from the boundary of the District. In support of this Petition, the District states:

1. Location and Size. The District is located within the unincorporated area of Lee County, Florida (the "County"), and a portion of the District is located within the incorporated area of the City of Fort Myers. **Exhibit 1** depicts the general location of the existing District. The District currently covers approximately 4,501 acres of land. It is located generally south of Colonial Boulevard, southwest of State Road 82, north and east of the proposed Arborwood Community Development District, north of Daniels Parkway and east of the Six Mile Cypress Slough Preserve. The current metes and bounds description of the external boundary of the District is set forth in **Exhibit 2**. The metes and bounds description for the lands to be excluded

from the contracted boundary of the District are set forth in **Exhibit 3** (the “Excluded Land”). After amendment, the District will encompass approximately 4,488.58 acres with a net decrease of approximately 12 acres from the total acreage of the District. The metes and bounds description of the proposed District boundary is set forth in **Exhibit 4**.

2. Landowner Consent. The property to be contracted out of the boundary of the District is owned by the County. Pursuant to section 190.003(13), Florida Statutes (2003), Petitioner is not required to obtain the consent of the County, which is a governmental entity not included within the definition of a landowner. However, Petitioner has obtained the consent of the County to the contraction of the boundary of the District. The consent of the County is provided in **Exhibit 5**.

The favorable action of the Board of Supervisors of the District constitutes consent for all other lands pursuant to section 190.046(1)(e), Florida Statutes, as is evidenced by the District’s submission of this Petition.

3. Future Land Uses. The designation of future general distribution, location and extent of the public and private land uses proposed for the lands to be excluded from the District by the future land use plan element of the local Comprehensive Plans are shown on **Exhibit 6**. Amendment of the District boundary in the manner proposed is consistent with the adopted local Comprehensive Plan.

4. Statement of Estimated Regulatory Costs. **Exhibit 7** is the statement of estimated regulatory costs (the “SERC”), which has been prepared in accordance with the requirements of section 120.541, Florida Statutes. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

5. Filing Fee. Prior to the filing of this Petition, Petitioner has submitted a copy of this Petition with Exhibits to the City of Fort Myers, Florida, and to Lee County, Florida, with the filing fee of \$1,500 required pursuant to section 190.046(d)2., Florida Statutes (2003).

6. This Petition to amend the boundary of the Gateway Services Community Development District should be granted for the following reasons:

a. Amendment of the boundary of the District and all land uses and services planned within the District as amended are not inconsistent with applicable elements or portions of the adopted State Comprehensive Plan or the effective local Comprehensive Plan.

b. The area of land within the District as amended is part of a planned community. The District as amended will continue to be of sufficient size and sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The community development services and facilities of the District as amended will provide for greater enhancement of the area remaining within the District without causing any undue hardship or burdens upon the Excluded Land or the immediately surrounding incorporated areas of the City of Fort Myers and unincorporated areas of Lee County.

d. The area to be served by the District as amended will continue to be amendable to separate special-district government.

WHEREFORE, Petitioner respectfully requests that the Florida Land and Water Adjudicatory Commission to:

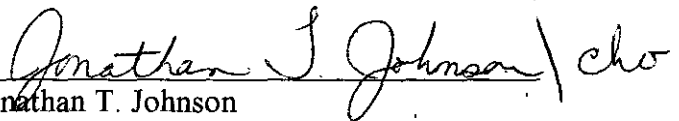
a. Forward this Petition to the Division of Administrative Hearings, requesting that an Administrative Law Judge be appointed to conduct a hearing as required by section 190.046(1)(g), Florida Statutes (2003);

b. Receive a report and record of the hearing from the Administrative Law Judge as to whether the Petition satisfies the provisions of section 190.005(1)(e), Florida Statutes (2003); and

c. Adopt an amendment to Chapter 42F-1 of the Florida Administrative Code, pursuant to Chapters 120 and 190, Florida Statutes (2003), granting this Petition and contracting the boundary of the Gateway Services Community Development District.

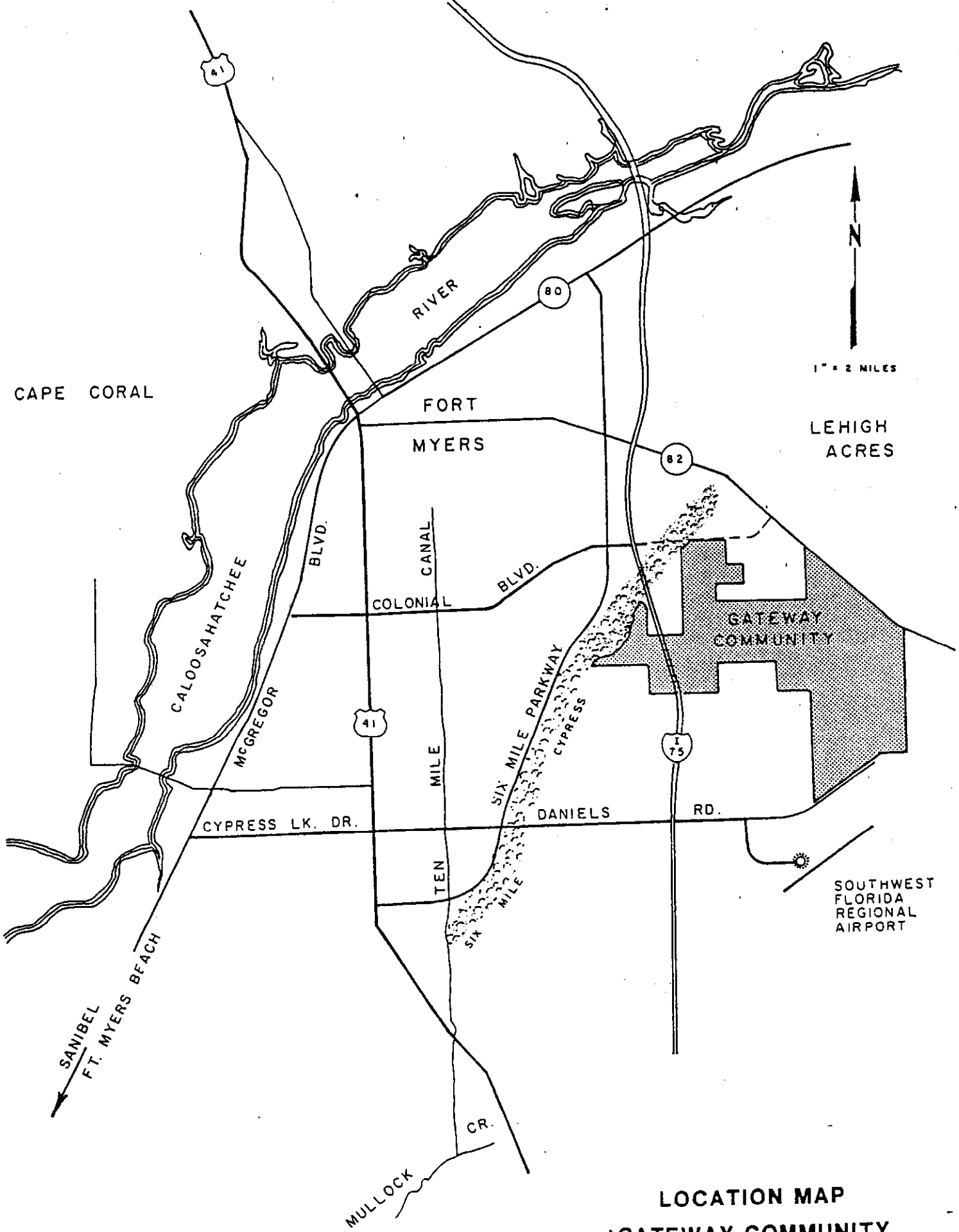
RESPECTFULLY SUBMITTED this 2nd day of June, 2004.

HOPPING GREEN & SAMS, P.A.

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Attorneys for Petitioner



**LOCATION MAP
GATEWAY COMMUNITY**

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 35, TOWNSHIP 44 SOUTH RANGE 25 EAST,
AND SECTIONS 1,2,3,11 AND 12 TOWNSHIP 45 SOUTH, RANGE 25 EAST,
AND SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
AND SECTIONS 5,6,7,8,17,18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA
(EXISTING DISTRICT BOUNDARY)

PARCEL "A"

A TRACT OR PARCEL OF LAND LYING IN SECTION 35 TOWNSHIP 44 SOUTH, RANGE 25 EAST, SECTIONS 1, 2, 11 AND 12, TOWNSHIP 45 SOUTH, RANGE 25 EAST; SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST AND IN SECTIONS 5, 6, 7, 8, 17, 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35 RUN N 00°47'42" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION FOR 2643.18 FEET TO THE QUARTER CORNER ON THE WEST LINE OF SAID SECTION; THENCE RUN N 00°43'47" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION FOR 1361.42 FEET; THENCE RUN N 35°45'29" E FOR 947.82 FEET; THENCE RUN N 56°15'44" E FOR 690.61 FEET TO THE SOUTH LINE OF THE COLONIAL BOULEVARD RIGHT-OF-WAY (STATE ROAD 884) (250 FEET WIDE); THENCE RUN S 89°38'27" E ALONG SAID SOUTH LINE FOR 539.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°38'27" E ALONG SAID SOUTH LINE FOR 2224.05 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION; THENCE RUN S 02°16'01" E ALONG SAID WEST LINE FOR 1168.38 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE RUN N 89°54'24" E ALONG THE SOUTH LINE OF SAID SECTION FOR 1324.86 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 03°20'25" E FOR 1284.37 FEET TO THE QUARTER CORNER ON THE EAST LINE OF SAID SECTION; THENCE RUN S 00°01'59" E ALONG SAID EAST LINE FOR 2635.65 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE RUN N 89°28'42" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 1 FOR 2642.98 FEET TO THE QUARTER CORNER ON SAID NORTH LINE; THENCE RUN S 89°57'06" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 1 FOR 2523.38 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE RUN N 00°57'01" W ALONG THE WEST LINE OF SAID SECTION 31 FOR 2644.12 FEET TO THE QUARTER CORNER ON SAID WEST LINE; THENCE RUN N 00°35'02" W ALONG SAID WEST LINE OF SAID SECTION 31 FOR 1705.47 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF IMMOKALEE ROAD (STATE ROAD 82) (200 FEET WIDE); THENCE RUN S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 6215.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 31; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1227.27 FEET TO AN INTERSECTION WITH A LINE COMMON TO SAID SECTIONS 5 AND 6; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1535.36 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 5824.88 FEET (DELTA 18°13'21") (CHORD BEARING S 55°14'10" E) (CHORD 1844.76 FEET) FOR 1852.55 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHWESTERLY LINE S 64°20'50" E FOR 22.21 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF (W ½) OF SAID SECTION 5; THENCE RUN S 00°06'33" E ALONG SAID EAST LINE FOR 2271.81 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 5 AND 8; THENCE RUN S 01°02'00" E ALONG THE EAST LINE OF THE WEST HALF (W ½) OF SAID SECTION 8 FOR 3028.35 FEET; THENCE RUN N 89°33'57" E FOR 605.03 FEET; THENCE RUN S 01°02'02" E FOR 1800.10 FEET; THENCE S 89°33'57" W FOR 605.03 FEET; THENCE RUN S 01°02'00" E FOR 500.03 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 8 AND 17; THENCE RUN S 01°00'12" E ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17 FOR 926.76 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A FLORIDA POWER & LIGHT COMPANY SUBSTATION SITE AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1606 AT PAGE 1286, LEE COUNTY RECORDS; THENCE RUN N 37°57'04" W ALONG SAID NORTHEASTERLY LINE FOR 361.70 FEET;

THENCE RUN S 52°02'56" W ALONG THE NORTHWESTERLY LINE OF SAID SITE FOR 361.70 FEET; THENCE RUN S 37°57'04" E ALONG THE SOUTHWESTERLY LINE OF SAID SITE FOR 741.48 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF DANIELS ROAD EXTENSION (200 FEET WIDE) AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1644 AT PAGE 1739, LEE COUNTY RECORDS; THENCE RUN N 68°38'13" E ALONG SAID NORTHWESTERLY LINE FOR 64.84 FEET TO AN INTERSECTION WITH SAID EASTERLY LINE OF SAID NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17; THENCE RUN S 01°00'12" E ALONG SAID EAST LINE FOR 1238.52 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 89°30'38" W ALONG THE SOUTH LINE OF SAID FRACTION AND A NORTH LINE OF THE SOUTHWEST FLORIDA REGIONAL AIRPORT FOR 2110.83 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID DANIELS ROAD EXTENSION; THENCE RUN S 54°00'05" W THROUGH SAID SECTIONS 17, 18, AND 19 ALONG THE SOUTHEASTERLY LINE OF A ROAD RIGHT-OF-WAY (200 FEET WIDE) FOR 7032.17 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 19; THENCE RUN N 00°55'36" W ALONG SAID WEST LINE FOR 1477.45 FEET TO THE NORTHWEST CORNER OF SAID SECTION; THENCE RUN N 00°54'13" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 18 FOR 2643.95 FEET TO THE QUARTER CORNER OF SAID WEST LINE; THENCE RUN N 00°39'39" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 18 FOR 2647.35 FEET TO THE NORTHWEST CORNER OF SAID SECTION; THENCE RUN N 00°57'26" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 7 FOR 2645.34 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 7 AND 12; THENCE RUN S 89°55'12" W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 12 FOR 2524.67 FEET TO THE WEST LINE OF THE EAST 2524.14 FEET OF SAID NORTHEAST QUARTER (NE ¼); THENCE RUN N 01°05'33" W ALONG SAID WEST LINE FOR 2646.07 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE RUN S 89°56'14" W ALONG SAID SOUTH LINE FOR 2663.19 FEET TO THE SOUTHWEST CORNER OF SAID SECTION, PASSING THROUGH THE QUARTER CORNER ON THE SOUTH LINE OF SAID SECTION AT 69.26 FEET; THENCE RUN S 89°03'50" W ALONG THE SOUTH LINE OF SAID SECTION 2 FOR 3096.18 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°13'02") (CHORD BEARING S 15°09'16" W) (CHORD 1324.12 FEET) FOR 1338.58 FEET TO A POINT OF TANGENCY; THENCE RUN S 29°45'46" W FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1487.50 FEET (DELTA 28°50'26") (CHORD BEARING S 15°20'33" W) (CHORD 740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE RUN S 00°55'22" W FOR 166.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE RUN S 88°33'56" W ALONG SAID LINE FOR 125.11 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE RUN N 00°55'22" E FOR 171.23 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1612.50 FEET (DELTA 28°50'26") (CHORD BEARING N 15°20'33" E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N 29°45'46" E FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET (DELTA 33°36'51") (CHORD BEARING N 12°57'22" W) (CHORD 1445.75 FEET) FOR 1466.69 FEET TO A POINT OF TANGENCY; THENCE N 03°51'03" W FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2800.06 FEET (DELTA 10°24'15") (CHORD BEARING N 01°21'04" E) (CHORD 507.76 FEET) FOR 508.45 FEET TO A POINT OF TANGENCY; THENCE N 06°33'12" E FOR 1166.54 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET (DELTA 43°02'49") (CHORD BEARING N 14°58'12" W) (CHORD 733.76 FEET) FOR 751.31 FEET TO A POINT OF TANGENCY; THENCE N 36°29'36" W FOR 266.36 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2000.00 FEET (DELTA 37°40'00") (CHORD BEARING N 17°39'36" W) (CHORD 1291.27 FEET) FOR 1314.81 FEET TO A POINT OF TANGENCY; THENCE N 01°10'24" E FOR 245.33 FEET; THENCE S 89°25'36" W LEAVING SAID WEST LINE FOR 114.67 FEET TO A POINT ON THE EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) AS DESCRIBED IN OFFICIAL RECORD BOOK 1529 BEGINNING AT PAGE 412 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE N 00°02'17" W FOR 68.31 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST; THENCE N 01°00'06" W ALONG SAID EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED)

FOR 2642.68 FEET; THENCE N 00°58'02" W ALONG SAID EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) FOR 1048.01 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S 47°49' 01" E; SAID POINT ALSO BEING ON THE EAST LINE OF A ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 2581 BEGINNING AT PAGE 4060 OF THE LEE COUNTY RECORDS; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET (DELTA 41°49'26") (CHORD BEARING N 21°16'16" E) (CHORD 749.56 FEET) FOR 766.46 FEET TO A POINT OF TANGENCY; THENCE N 00°21'33" E ALONG SAID EAST LINE FOR 721.50 FEET; THENCE N 45°21'33" E FOR 42.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,390 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S88°57'32"W.

TOGETHER WITH:

DESCRIPTION
SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

PARCEL "B"

A TRACT OR PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3 RUN N 88°37'17" E ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 3 FOR 2477.68 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (I-75) (STATE ROAD NO. 93) (324 FEET WIDE) AND THE POINT OF BEGINNING; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 677.94 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 3; THENCE RUN S 00°49'05" E ALONG SAID EAST LINE FOR 1299.77 FEET TO THE NORTHWEST CORNER OF THE WEST HALF (W ½) OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION; THENCE RUN N 88°12'52" E ALONG THE NORTH LINE OF SAID FRACTION FOR 323.06 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE OF STATE ROAD NO. 93; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY LINE FOR 2.67 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID FRACTION; THENCE RUN S 00°37'05" E ALONG SAID EAST LINE FOR 650.21 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN N 88°09'46" E ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE ¼) OF SAID SECTION 3 FOR 163.88 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY LINE; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 1474.99 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 22800.31 FEET (CHORD BEARING S 13°33'28" E) (CHORD 1013.23 FEET) (DELTA 02°32'47") FOR 1013.31 FEET TO A POINT ON A NON-TANGENT LINE; THENCE RUN N 82°23'52" W FOR 122.32 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 22685.31 FEET (CHORD BEARING N 13°36'38" W) (CHORD 966.55 FEET) (DELTA 02°26'29") FOR 966.63 FEET TO A POINT OF TANGENCY; THENCE RUN N 14°49'52" W FOR 542.01 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (CHORD BEARING N 54°04'24" W) (CHORD 316.30 FEET) (DELTA 78°29'05") FOR 342.45 FEET TO A POINT OF TANGENCY; THENCE RUN S 86°41'03" W FOR 1133.06 FEET; THENCE RUN N 02°10'37" W FOR 387.06 FEET; THENCE RUN N 87°40'37" W FOR 838.00 FEET; THENCE RUN N 01°19'23" E FOR 243.00 FEET; THENCE RUN S 88°09'46" W FOR 190.18 FEET TO AN INTERSECTION WITH THE

SOUTHEASTERLY LINE OF SIX MILE CYPRESS PRESERVE, AS RECORDED IN OFFICIAL RECORD BOOK 1741 AT PAGE 1241 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FIFTEEN (13) COURSES ALONG SAID SOUTHEASTERLY LINE;

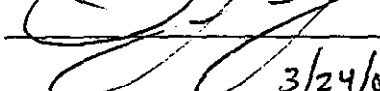
N 15°42'08" E FOR 184.34 FEET;
N 20°55'23" E FOR 222.23 FEET;
N 45°09'19" E FOR 183.23 FEET;
N 31°07'36" E FOR 305.01 FEET;
N 32°55'08" E FOR 155.78 FEET;
N 17°03'28" E FOR 110.45 FEET;
N 26°26'47" E FOR 300.81 FEET;
N 18°42'17" E FOR 150.86 FEET;
N 04°51'19" W FOR 340.19 FEET;
N 12°09'34" E FOR 251.79 FEET;
N 27°12'34" E FOR 210.15 FEET;
N 14°53'31" E FOR 323.53 FEET;
N 35°18'42" E FOR 275.49 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 3; THENCE RUN N 88°37'17" E ALONG SAID NORTH LINE FOR 530.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 111.14 ACRES, MORE OR LESS.

TOTAL AREA FOR BOTH PARCELS 4,501.14 ACRES, MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 3 TO BEAR N 88°37'17" W WHICH BEARING IS DERIVED FROM PLANE COORDINATE FOR THE FLORIDA WEST ZONE (1979 ADJUSTMENT).

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Community Engineering Services, Inc. LB #6572
Key West Professional Center
1342 Colonial Boulevard, Suite C-24
Fort Myers, FL 33908

Signed: 
Date: 3/24/04

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTIONS 2 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(ARBORWOOD TREELINE GSD 1-23-2004)

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTIONS 2 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE S 89°03'32" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 2 FOR 2645.22 FEET; THENCE S 89°04'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 2 FOR 451.46 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°12'53") (CHORD BEARING S 15°09'21" W) (CHORD 1324.02 FEET) FOR 1338.47 FEET TO A POINT OF TANGENCY; THENCE S 29°45'48" W FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1487.50 FEET (DELTA 28°50'26") (CHORD BEARING S 15°20'35" W) (CHORD 740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE S 00°55'22" W FOR 166.15 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE S 88°35'19" W ALONG SAID LINE FOR 125.10 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE N 00°55'22" E FOR 171.24 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1612.50 FEET (DELTA 28°50'26") (CHORD BEARING N 15°20'35" E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N 29°45'48" E FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET (DELTA 33°36'51") (CHORD BEARING N 12°57'22" E) (CHORD 1445.75 FEET) FOR 1466.69 FEET TO A POINT OF TANGENCY; THENCE N 03°51'03" W FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2800.06 FEET (DELTA 05°12'07") (CHORD BEARING N 01°14'59" W) (CHORD 254.14 FEET) FOR 254.22 FEET; THENCE S 88°38'56" E FOR 125.00 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2675.06 FEET (DELTA 05°12'07") (CHORD BEARING S 01°14'59" E) (CHORD 242.79 FEET) FOR 242.87 FEET TO A POINT OF TANGENCY; THENCE S 03°51'03" E FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 04°23'58") (CHORD BEARING S 01°39'04" E) (CHORD 201.51 FEET) FOR 201.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.28 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S 89°03'32"W.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Community Engineering Services, Inc. LB #6572
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33912

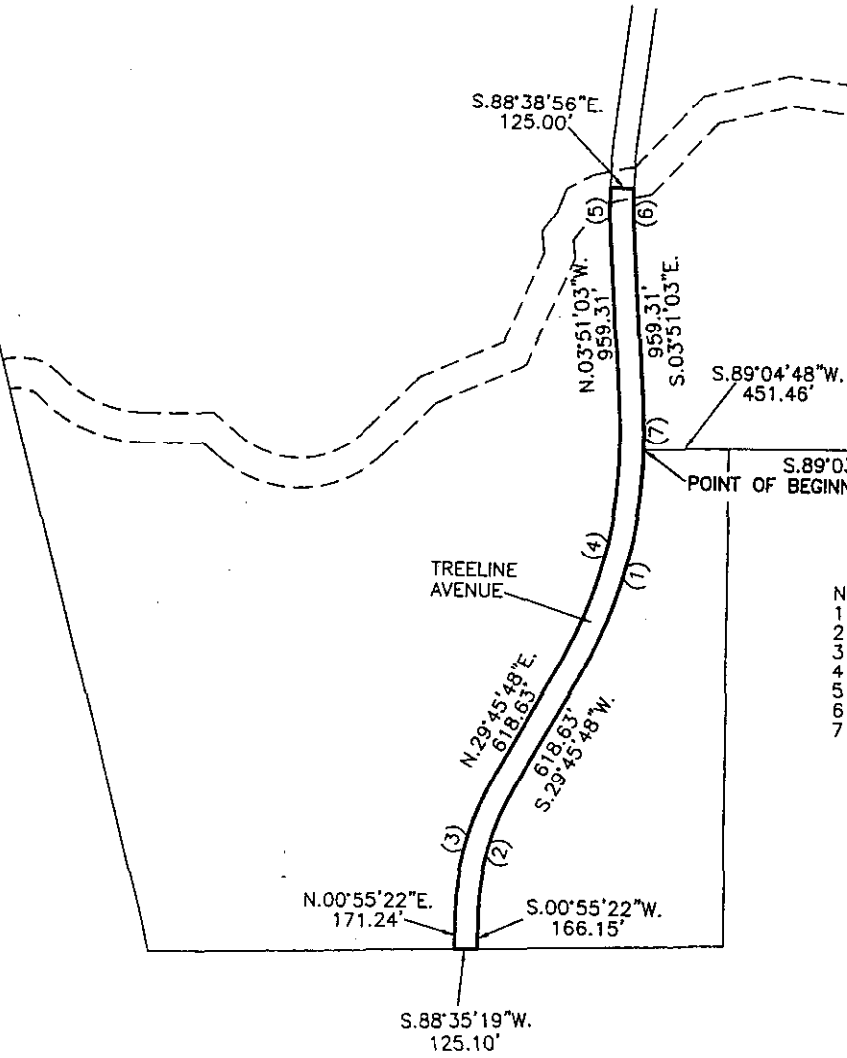
Signed: _____

Date: _____

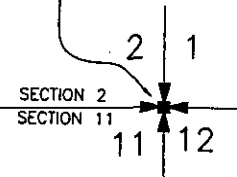
1/28/04



SKETCH
OF
ARBORWOOD TREELINE PARCEL
SITUATED IN SECTION 2 & 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



POINT OF COMMENCEMENT
SOUTHEAST CORNER OF
SECTION 2



CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	2625.00'	29°12'53"	1338.47'	1324.02'	S.15°09'21"W.
2	1487.50'	28°50'26"	748.75'	740.87'	S.15°20'35"W.
3	1612.50'	28°50'26"	811.67'	803.13'	N.15°20'35"E.
4	2500.00'	33°36'51"	1466.69'	1445.75'	N.12°57'22"E.
5	2800.06'	05°12'07"	254.22'	254.14'	N.01°14'59"W.
6	2675.06'	05°12'07"	242.87'	242.79'	S.01°14'59"E.
7	2625.00'	04°23'58"	201.56'	201.51'	S.01°39'04"E.

*** THIS IS NOT A SURVEY ***

BY: *[Signature]* DATE SIGNED: 1/28/04
DENNIS J. O'CONNELL, INC. PROFESSIONAL SURVEYING AND MAPPING L.S.# 5430

ARBORWOOD TREELINE GSD 12-15-2003

TITLE: SKETCH OF DESCRIPTION			
COMMUNITY ENGINEERING SERVICES, INC. CIVIL ENGINEERING SURVEYING PROJECT MANAGEMENT			
EB-0006613		LB 6572	
1343 Colonial Boulevard Suite C-24 Fort Myers, Florida 33907 Telephone (941) 936-9777 Fax (941) 936-0064			
FILE NO.	PROJECT NO.	SHEET	
ARBORWOOD TREELINE GSD 12-15-2003.DWG	1353	1 OF 1	
DATE	DRAWN BY	SCALE	PLotted BY
3	DJO	1" = 800'	DJO

REVISED: 01-23-2004 ADJUST R/W DJO

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
AND SECTIONS 1,2,3,11 AND 12 TOWNSHIP 45 SOUTH, RANGE 25 EAST,
AND SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
AND SECTIONS 5,6,7,8,17,18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA
(NEW DISTRICT BOUNDARY)
(REVISED 01-26-2004)

PARCEL "A"

A TRACT OR PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST, SECTIONS 1, 2, 11 AND 12, TOWNSHIP 45 SOUTH, RANGE 25 EAST; SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST AND IN SECTIONS 5, 6, 7, 8, 17, 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35 RUN N 00°47'42" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION FOR 2643.18 FEET TO THE QUARTER CORNER ON THE WEST LINE OF SAID SECTION; THENCE RUN N 00°43'47" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION FOR 1361.42 FEET; THENCE RUN N 35°45'29" E FOR 947.82 FEET; THENCE RUN N 56°15'44" E FOR 690.61 FEET TO THE SOUTH LINE OF THE COLONIAL BOULEVARD RIGHT-OF-WAY (STATE ROAD 884) (250 FEET WIDE); THENCE RUN S 89°38'27" E ALONG SAID SOUTH LINE FOR 540.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°38'27" E ALONG SAID SOUTH LINE FOR 2223.90 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 35; THENCE RUN S 02°16'01" E ALONG SAID WEST LINE FOR 1168.38 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE RUN N 89°54'24" E ALONG THE SOUTH LINE OF SAID FRACTION FOR 1324.86 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 03°20'25" E FOR 1284.37 FEET TO THE QUARTER CORNER ON THE EAST LINE OF SAID SECTION 35; THENCE RUN S 00°01'59" E ALONG SAID EAST LINE FOR 2635.65 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE RUN N 89°28'42" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 1 FOR 2642.98 FEET TO THE QUARTER CORNER ON SAID NORTH LINE; THENCE RUN S 89°57'06" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 1 FOR 2523.38 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1; THENCE RUN N 00°57'01" W ALONG THE WEST LINE OF SAID SECTION 31 FOR 2644.12 FEET TO THE QUARTER CORNER ON SAID WEST LINE; THENCE RUN N 00°35'02" W ALONG SAID WEST LINE OF SAID SECTION 31 FOR 1705.47 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF IMMOKALEE ROAD (STATE ROAD 82) (200 FEET WIDE); THENCE RUN S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 6215.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 31; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1227.27 FEET TO AN INTERSECTION WITH A LINE COMMON TO SAID SECTIONS 5 AND 6; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1535.36 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE ALONG THE ARC OF A CURVE TO THE LEFTHAVING A RADIUS OF 5824.88 FEET (DELTA 18°13'21") (CHORD BEARING S 55°14'10" E) (CHORD 1844.76 FEET) FOR 1852.55 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHWESTERLY LINE S 64°20'50" E FOR 22.21 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF (W ½) OF SAID SECTION 5; THENCE RUN S 00°06'33" E ALONG SAID EAST LINE FOR 2271.81 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 5 AND 8; THENCE RUN S 01°02'00" E ALONG THE EAST LINE OF THE WEST HALF (W ½) OF SAID SECTION 8 FOR 3028.35 FEET; THENCE RUN N 89°33'57" E FOR 605.03 FEET; THENCE RUN S 01°02'02" E FOR 1800.10 FEET; THENCE S 89°33'57" W FOR 605.03 FEET; THENCE RUN S 01°02'00" E FOR 500.03 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 8 AND 17; THENCE RUN S 01°00'12" E ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17 FOR 926.76 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A FLORIDA POWER & LIGHT COMPANY SUBSTATION SITE AS

DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1606 AT PAGE 1286, LEE COUNTY RECORDS; THENCE RUN N 37°57'04" W ALONG SAID NORTHEASTERLY LINE FOR 361.70 FEET; THENCE RUN S 52°02'56" W ALONG THE NORTHWESTERLY LINE OF SAID SITE FOR 361.70 FEET; THENCE RUN S 37°57'04" E ALONG THE SOUTHWESTERLY LINE OF SAID SITE FOR 741.48 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF DANIELS ROAD EXTENSION (200 FEET WIDE) AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1644 AT PAGE 1739, LEE COUNTY RECORDS; THENCE RUN N 68°38'13" E ALONG SAID NORTHWESTERLY LINE FOR 64.84 FEET TO AN INTERSECTION WITH SAID EASTERLY LINE OF SAID NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17; THENCE RUN S 01°00'12" E ALONG SAID EAST LINE FOR 1238.52 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 89°30'38" W ALONG THE SOUTH LINE OF SAID FRACTION AND A NORTH LINE OF THE SOUTHWEST FLORIDA REGIONAL AIRPORT FOR 2110.83 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID DANIELS ROAD EXTENSION; THENCE RUN S 54°00'05" W THROUGH SAID SECTIONS 17, 18, AND 19 ALONG THE SOUTHEASTERLY LINE OF A ROAD RIGHT-OF-WAY (200 FEET WIDE) FOR 7032.17 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 19; THENCE RUN N 00°55'36" W ALONG SAID WEST LINE FOR 1477.45 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19; THENCE RUN N 00°54'13" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 18 FOR 2643.95 FEET TO THE QUARTER CORNER OF SAID WEST LINE; THENCE RUN N 00°39'39" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 18 FOR 2647.35 FEET TO THE NORTHWEST CORNER OF SAID SECTION 18; THENCE RUN N 00°57'26" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 7 FOR 2645.00 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 7 AND 12; THENCE RUN S 89°55'48" W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 12 FOR 2524.10 FEET TO THE WEST LINE OF THE EAST 2524.14 FEET OF SAID NORTHEAST QUARTER (NE ¼); THENCE RUN N 01°05'49" W ALONG SAID WEST LINE FOR 2646.14 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE RUN S 89°55'59" W ALONG SAID SOUTH LINE FOR 2663.14 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 1, PASSING THROUGH THE QUARTER CORNER ON THE SOUTH LINE OF SAID SECTION AT 69.26 FEET; THENCE RUN S 89°03'32" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 2 FOR 2645.22 FEET; THENCE RUN S 89°04'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 2 FOR 451.46 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2625.00 FEET (DELTA 04°23'58") (CHORD BEARING N 01°39'04" W) (CHORD 201.51 FEET) FOR 201.56 FEET TO A POINT OF TANGENCY; THENCE RUN N 03°51'03" W FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2675.06 FEET (DELTA 5°12'07") (CHORD BEARING N 01°14'59" W) (CHORD 242.79 FEET) FOR 242.87 FEET; THENCE RUN N 88°38'56" W FOR 125.00 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2800.06 FEET (DELTA 05°12'08") (CHORD BEARING N 03°57'08" E) (CHORD 254.15 FEET) FOR 254.23 FEET TO A POINT OF TANGENCY; THENCE RUN N 06°33'12" E FOR 1166.54 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET (DELTA 43°02'48") (CHORD BEARING N 14°58'12" W) (CHORD 733.76 FEET) FOR 751.31 FEET TO A POINT OF TANGENCY; THENCE RUN N 36°29'36" W FOR 266.36 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2000.00 FEET (DELTA 37°40'00") (CHORD BEARING N 17°39'36" W) (CHORD 1291.27 FEET) FOR 1314.81 FEET TO A POINT OF TANGENCY; THENCE RUN N 01°10'24" E FOR 245.53 FEET; THENCE S 89°25'36" W FOR 114.69 FEET; THENCE N 00°02'17" W FOR 68.12 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SECTION 35; THENCE N 01°00'06" W FOR 2642.68 FEET; THENCE N 00°58'02" W FOR 1048.01 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET (DELTA 41°49'26") (CHORD BEARING N 21°16'16" E) (CHORD 749.56 FEET) FOR 766.46 FEET TO A POINT OF TANGENCY; THENCE N 00°21'33" E FOR 721.50 FEET; THENCE N 45°21'33" E FOR 42.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 4377.44 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S 89°03'50" W.

TOGETHER WITH:

DESCRIPTION
SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

PARCEL "B"

A TRACT OR PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3 RUN N 88°37'17" E ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 3 FOR 2477.68 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (I-75) (STATE ROAD NO. 93) (324 FEET WIDE) AND THE **POINT OF BEGINNING**; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 677.94 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 3; THENCE RUN S 00°49'05" E ALONG SAID EAST LINE FOR 1299.77 FEET TO THE NORTHWEST CORNER OF THE WEST HALF (W ½) OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION; THENCE RUN N 88°12'52" E ALONG THE NORTH LINE OF SAID FRACTION FOR 323.06 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE OF STATE ROAD NO. 93; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY LINE FOR 2.67 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID FRACTION; THENCE RUN S 00°37'05" E ALONG SAID EAST LINE FOR 650.21 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN N 88°09'46" E ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE ¼) OF SAID SECTION 3 FOR 163.88 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY LINE; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 1474.99 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 22800.31 FEET (CHORD BEARING S 13°33'28" E) (CHORD 1013.23 FEET) (DELTA 02°32'47") FOR 1013.31 FEET TO A POINT ON A NON-TANGENT LINE; THENCE RUN N 82°23'52" W FOR 122.32 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 22685.31 FEET (CHORD BEARING N 13°36'38" W) (CHORD 966.55 FEET) (DELTA 02°26'29") FOR 966.63 FEET TO A POINT OF TANGENCY; THENCE RUN N 14°49'52" W FOR 542.01 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 250.00 FEET (CHORD BEARING N 54°04'24" W) (CHORD 316.30 FEET) (DELTA 78°29'05") FOR 342.45 FEET TO A POINT OF TANGENCY; THENCE RUN S 86°41'03" W FOR 1133.06 FEET; THENCE RUN N 02°10'37" W FOR 387.06 FEET; THENCE RUN N 87°40'37" W FOR 838.00 FEET; THENCE RUN N 01°19'23" E FOR 243.00 FEET; THENCE RUN S 88°09'46" W FOR 190.18 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SIX MILE CYPRESS PRESERVE, AS RECORDED IN OFFICIAL RECORD BOOK 1741 AT PAGE 1241 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING THIRTEEN (13) COURSES ALONG SAID SOUTHEASTERLY LINE;

N 15°42'08" E FOR 184.34 FEET;
N 20°55'23" E FOR 222.23 FEET;
N 45°09'19" E FOR 183.23 FEET;
N 31°07'36" E FOR 305.01 FEET;
N 32°55'08" E FOR 155.78 FEET;
N 17°03'28" E FOR 110.45 FEET;
N 26°26'47" E FOR 300.81 FEET;

N 18°42'17" E FOR 150.86 FEET;
N 04°51'19" W FOR 340.19 FEET;
N 12°09'34" E FOR 251.79 FEET;
N 27°12'34" E FOR 210.15 FEET;
N 14°53'31" E FOR 323.53 FEET;
N 35°18'42" E FOR 275.49 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 3; THENCE RUN N 88°37'17" E ALONG SAID NORTH LINE FOR 530.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 111.14 ACRES, MORE OR LESS.

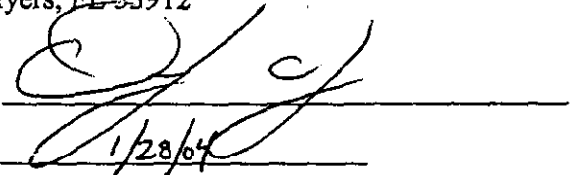
BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 3 TO BEAR N 88°37'17" E WHICH BEARING IS DERIVED FROM PLANE COORDINATE FOR THE FLORIDA WEST ZONE (1979 ADJUSTMENT).

TOTAL AREA FOR ALL PARCELS 4488.58 ACRES, MORE OR LESS.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Community Engineering Services, Inc. LB #6572
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33912

Signed: _____

Date: _____



**CONSENT AND JOINDER TO
PETITION TO CONTRACT
THE GATEWAY SERVICES DISTRICT**

The undersigned is the owner of a portion of the property to be contracted out of the Gateway Services Community Development District (f/k/a Gateway Services District) pursuant to this Petition. The property owned by the undersigned is more fully described in Exhibit "A", attached hereto and incorporated herein.

The undersigned understands and acknowledges that the Board of Supervisors of the Gateway Services Community Development District (the "Petitioner"), created by Rule Chapter 42F-1, F.A.C. of the Florida Land and Water Adjudicatory Commission, effective May 22, 1986, has submitted a Petition for a Rule to Contract the Gateway Services District, in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which constitute a portion of the proposed Contraction Parcels, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.046(5)(e), Florida Statutes, the Petitioner is required to include the written consent of all the landowners whose land is to be contracted from the District.

The undersigned hereby consents to the contraction and agrees to further execute any documentation necessary or convenient to evidence this Consent and Joinder during the Petition process for the contraction of the District.

The undersigned acknowledges that the Consent will remain in full force and effect until the District is contracted or two years from the date hereof, which ever shall first occur.

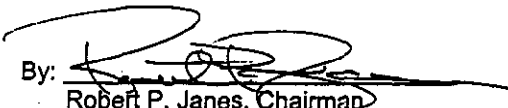
The undersigned hereby represents and warrants that he/she is a duly authorized representative of the owner, and has the authority to execute this Consent and Joinder on behalf of the owner.

Executed this 11th day of September 2002.

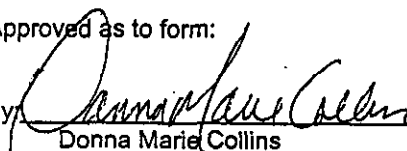
ATTEST:
CHARLIE GREEN, CLERK

OWNER:
BOARD OF COMMISSIONERS OF
LEE COUNTY, FLORIDA

By: 
Deputy Clerk

By: 
Robert P. Janes, Chairman

Approved as to form:

By: 
Donna Marie Collins
County Attorney's Office



S:\LUDMCDMCMISC\Gateway Services District - Consent & Joinder.wpd

State of Florida
County of Lee

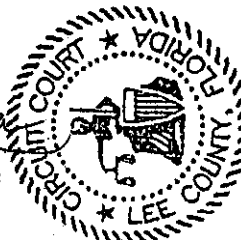
I, Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 11th day of September, A.D. 2002

CHARLIE GREEN, CLERK

By: 
Deputy Clerk

EXHIBIT "1"
Page 1 of 10



JOHNSON ENGINEERING, INC.

BONITA SPRINGS
FORT MYERS
NAPLES
FORT CHARLOTTE

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

2158 JOHNSON STREET
TELEPHONE (941) 334-0046
FAX (941) 334-3661
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

June 29, 1999

DESCRIPTION

PROPOSED TREELINE BOULEVARD IN SECTIONS 2 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

CARL E. JOHNSON
1911-1968

A tract or parcel of land lying in Sections 2 and 11, Township 45 South, Range 25 East, Lee County, Florida, being described as follows:

From the southeast corner of said Section 2 run S 89° 03' 49" W along the south line of said Section for 3096.27 feet to a point of curvature and the Point of Beginning.

From said Point of Beginning run southerly along an arc of said curve to the right of radius 2625.00 feet (chord bearing S 15° 09' 16" W) (chord 1324.13 feet) (delta 29° 13' 02") for 1338.59 feet to a point of tangency; thence run S 29° 45' 48" W for 618.63 feet to a point of curvature; thence run southerly along an arc of said curve to the left of radius 1487.50 feet (chord bearing S 15° 20' 35" W) (chord 740.87 feet) (delta 28° 50' 26") for 748.75 feet to a point of tangency; thence run S 00° 55' 22" W for 166.09 feet to an intersection with the south line of the Northwest Quarter (NW-1/4) of said Section 11; thence run S 88° 33' 56" W along said south line for 125.11 feet; thence run N 00° 55' 22" E for 171.23 feet to a point of curvature; thence run northerly along an arc of said curve to the right of radius 1612.50 feet (chord bearing N 15° 20' 35" E) (chord 803.13 feet) (delta 28° 50' 26") for 811.67 feet to a point of tangency; thence run N 29° 45' 48" E for 618.63 feet to a point of curvature; thence run northerly along an arc of said curve to the left of radius 2500.00 feet (chord bearing N 12° 57' 22" E) (chord 1445.75 feet) (delta 33° 36' 51") for 1466.69 feet to a point of tangency; thence run N 03° 51' 03" W for 959.31 feet to a point of curvature; thence run northerly along an arc of said curve to the right of radius 2800.06 feet (chord bearing N 01° 21' 05" E) (chord 507.76 feet) (delta 10° 24' 15") for 508.45 feet to a point of tangency; thence run N 06° 33' 12" E for 1166.54 feet to a point of curvature; thence run northerly along an arc of said curve to the left of radius 1000.00 feet (chord bearing N 14° 58' 12" W) (chord 733.76 feet) (delta 43° 02' 48") for 751.31 feet to a point of tangency; thence run N 36° 29' 36" W for 266.36 feet to a point of curvature; thence run northerly along an arc of said curve to the right of radius 2000.00 feet (chord bearing N 17° 39' 36" W)

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
GARY R. BULL
DAN W. DICKEY
JOSEPH W. EBNER
ARCHIE T. GRANT, JR.
CHRIS D. HAGAN
KENTON R. KEILING
W. BRITT POMEROY
ANDREW D. TILTON
MARK G. WENTZEL
KEVIN M. WINTER

ASSOCIATES
LONNIE V. HOWARD
MICHAEL L. LOHR
PATRICIA H. NEWTON
BARRY E. SYREN

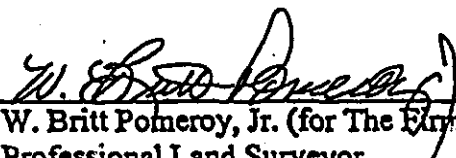
EXHIBIT A
Page 1 of 9

EXHIBIT "1"
Page 2 of 10

(chord 1291.27 feet) (delta 37° 40' 00") for 1314.81 feet to a point of tangency; thence run N 01° 10' 24" E for 245.53 feet; thence run N 89° 25' 36" E for 100.05 feet; thence run S 01° 10' 24" W for 248.58 feet to a point of curvature; thence run southerly along an arc of said curve to the left of radius 1900.00 feet (chord bearing S 17° 39' 36" E) (chord 1226.70 feet) (delta 37° 40' 00") for 1249.07 feet to a point of tangency; thence run S 36° 29' 36" E for 266.36 feet to a point of curvature; thence run southerly along an arc of said curve to the right of radius 1100.00 feet (chord bearing S 14° 58' 12" E) (chord 807.14 feet) (delta 43° 02' 48") for 826.44 feet to a point of tangency; thence run S 06° 33' 12" W for 1166.54 feet to a point of curvature; thence run southerly along an arc of said curve to the left of radius 2700.06 feet (chord bearing S 01° 21' 05" W) (chord 489.62 feet) (delta 10° 24' 15") for 490.30 feet to a point of tangency; thence run S 03° 51' 03" E for 959.31 feet to a point of curvature; thence run southerly along an arc of said curve to the right of radius 2599.95 feet (chord bearing S 01° 38' 43" E) (chord 200.12 feet) (delta 04° 24' 40") for 200.17 feet to a point on a non-tangent line and an intersection with the south line of said Section 2; thence run N 89° 03' 49" E along said south line for 25.01 feet to the Point of Beginning.

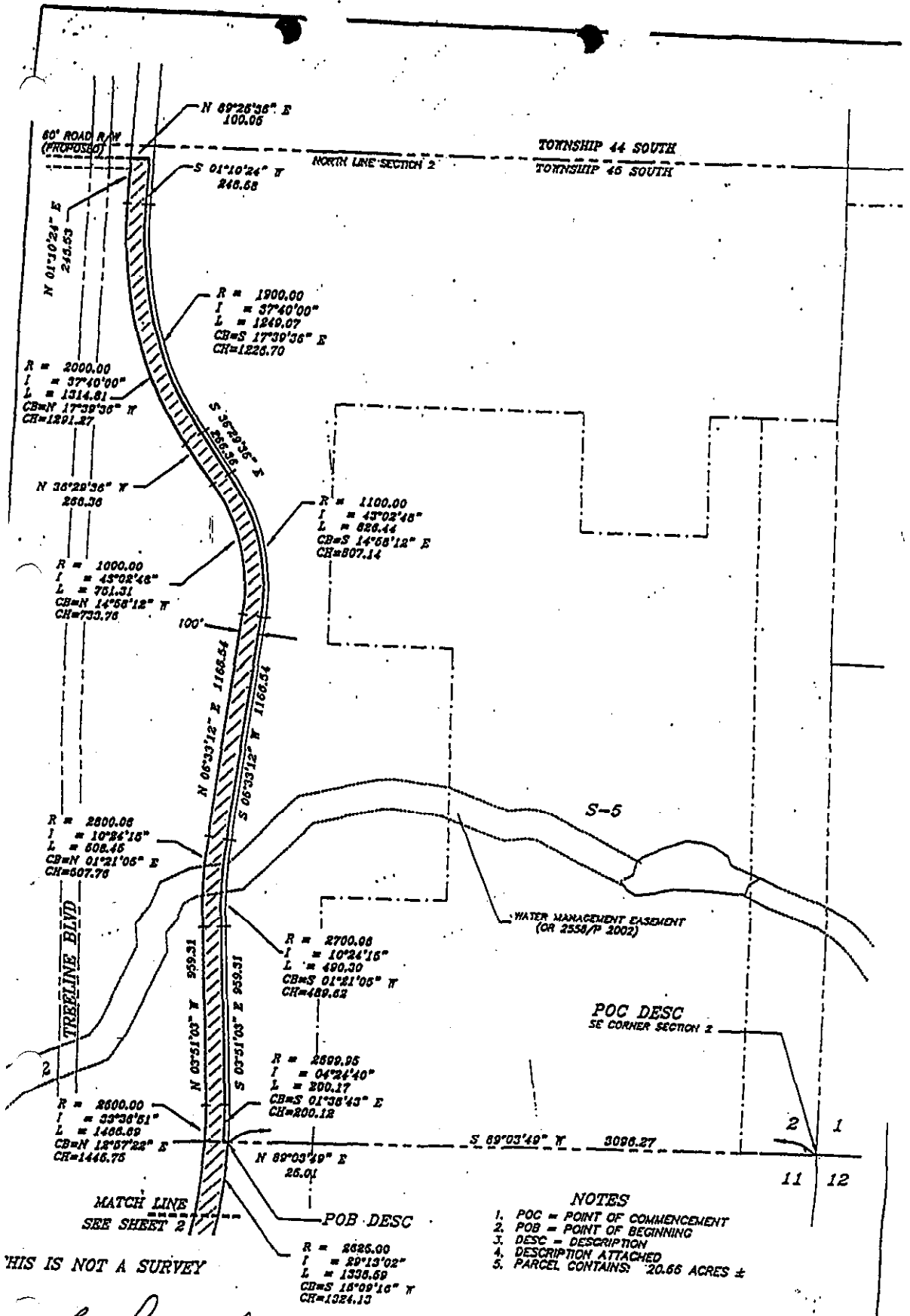
Parcel contains 20.66 acres.

Bearings hereinabove mentioned are based on the South line of Section 2, Township 45 South, Range 25 East to bear S 89° 03' 49" W.


 W. Britt Polmeroy, Jr. (for The Firm LB-642)
 Professional Land Surveyor
 Florida Certificate No. 4448

19991557\Des-062999

EXHIBIT A
 Page 2 of 9
 EXHIBIT "1"
 Page 3 of 10



THIS IS NOT A SURVEY

W. Britt Pomeroy
BRITT POMEROY (FOR THE FIRM I/LB#642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4448

EXHIBIT "1"
Page 4 of 10

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL IN SECTIONS 2 & 11
TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

- NOTES
1. POC = POINT OF COMMENCEMENT
 2. POB = POINT OF BEGINNING
 3. DESC = DESCRIPTION
 4. DESCRIPTION ATTACHED
 5. PARCEL CONTAINS: 20.66 ACRES ±

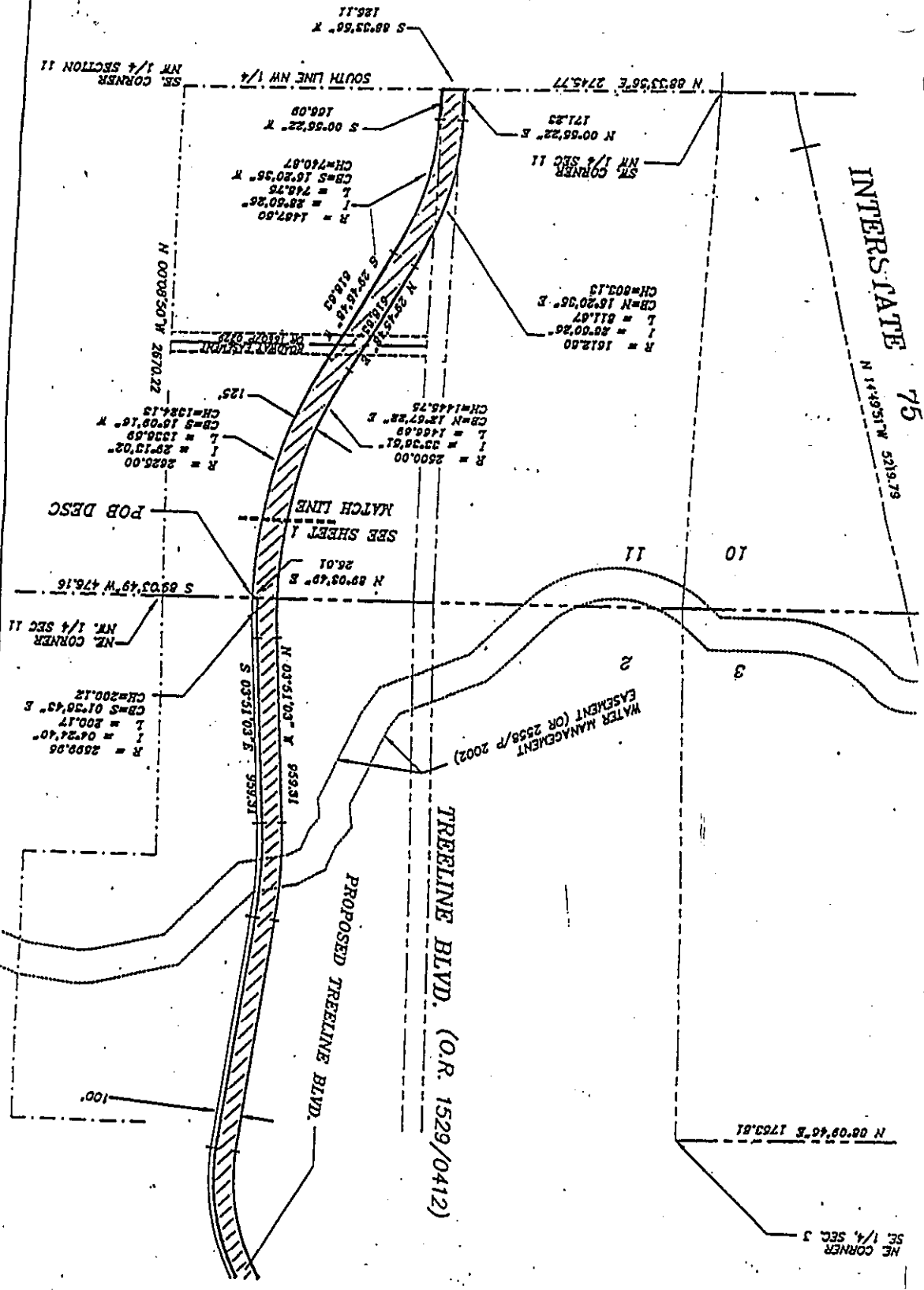
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS, AND ECOLOGISTS
1124 GARDEN STREET, SUITE 201, BOCA RATON, FLORIDA 33432-1538, PHONE (305) 364-0044

MAY 1999	19991537	02-45-25	1"=800'	1 OF 2
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DESS

Page 5 of 10
 EXHIBIT "1" PARCEL IN SECTIONS 2 & 11
 TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEWIS COUNTY, FLORIDA
 SKETCH TO ACCOMPANY DESCRIPTION
 JOHNSON ENGINEERING, INC.
 ENGINEERS, SURVEYORS, AND ECOLOGISTS
 THIS WORK WAS FIRST DONE FOR THE STATE OF FLORIDA IN 1977-1978. PROJECT FILE # 37-0044



JOHNSON ENGINEERING, INC.

BONITA SPRINGS
FORT MYERS
NAPLES
PORT CHARLOTTE

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGIST

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TELEPHONE (941) 334-0046
FAX (941) 334-3661
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

June 29, 1999

CARL E. JOHNSON
1911-1988

DESCRIPTION

PROPOSED TREELINE BOULEVARD IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST AND SECTION 2, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 35, Township 45 South, Range 25 East and Section 2, Township 45 South, Range 25 East, Lee County, Florida, being described as follows:

From the southeast corner of said Section 2 run S 89° 03' 49" W along the south line of said Section for 3096.27 feet to the Point of Beginning.

From said Point of Beginning continue S 89° 03' 49" W along said south line for 25.01 feet to a point on a non-tangent curve; thence run northerly along an arc of said curve to the left of radius 2600.00 feet (chord bearing N 01° 38' 43" W) (chord 200.12 feet) (delta 04° 24' 40") for 200.17 feet to a point of tangency; thence run N 03° 51' 03" W for 959.31 feet to a point of curvature; thence run northerly along an arc of said curve to the right of radius 2700.06 feet (chord bearing N 01° 21' 05" E) (chord 489.62 feet) (delta 10° 24' 15") for 490.30 feet to a point of tangency; thence run N 06° 33' 12" E for 1166.54 feet to a point of curvature; thence run northerly along an arc of said curve to the left of radius 1100.00 feet (chord bearing N 14° 58' 12" W) (chord 807.14 feet) (delta 43° 02' 48") for 826.44 feet to a point of tangency; thence run N 36° 29' 36" W for 266.36 feet to a point of curvature; thence run northerly along an arc of said curve to the right of radius 1900.00 feet (chord bearing N 17° 39' 36" W) (chord 1226.70 feet) (delta 37° 40' 00") for 1249.07 feet to a point of tangency; thence run N 01° 10' 24" E for 248.58 feet; thence run S 89° 25' 36" W for 100.05 feet; thence run N 01° 10' 24" E for 1075.82 feet to a point of curvature; thence run northerly along an arc of said curve to the right of radius 1062.50 feet (chord bearing N 20° 02' 18" E) (chord 687.10 feet) (delta 37° 43' 48") for 699.67 feet to a point of tangency; thence run N 38° 54' 12" E for 297.98 feet to a point of curvature; thence run northerly along an arc of said curve to the left of radius 950.00 feet (chord bearing N 15° 41' 13" E) (chord 748.99 feet) (delta 46° 25' 59") for 769.89 feet to a point of tangency; thence run N 07° 31' 47" W for 470.58 feet

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
GARY R. BULL
DAN W. DICKEY
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ASSOCIATES
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MICHAEL L. LOHR
PATRICIA H. NEWTON
BARRY E. SYREN

EXHIBIT "1"

Page 6 of 10

EXHIBIT A

Page 5 of 9

to a point of curvature; thence run northerly along an arc of said curve to the right of radius 1125.00 feet (chord bearing N 18° 16' 14" E) (chord 979.28 feet) (delta 51° 36' 02") for 1013.17 feet to a point of tangency; thence run N 44° 04' 15" E for 191.71 feet to a point of curvature; thence run northerly along an arc of said curve to the left of radius 987.50 feet (chord bearing N 22° 12' 54" E) (chord 735.24 feet) (delta 43° 42' 42") for 753.38 feet to a point of tangency; thence run N 00° 21' 33" E for 310.79 feet to an intersection with the south line of Colonial Boulevard (S.R. 884) (250 feet wide); thence run S 89° 38' 27" E along said south line for 125.00 feet; thence run S 00° 21' 33" W for 310.79 feet to a point of curvature; thence run southerly along an arc of said curve to the right of radius 1112.50 feet (chord bearing S 22° 12' 54" W) (chord 828.31 feet) (delta 43° 42' 42") for 848.74 feet to a point of tangency; thence run S 44° 04' 15" W for 191.71 feet to a point of curvature; thence run southerly along an arc of said curve to the left of radius 1000.00 feet (chord bearing S 18° 16' 14" W) (chord 870.47 feet) (delta 51° 36' 02") for 900.60 feet to a point of tangency; thence run S 07° 31' 47" E for 470.58 feet to a point of curvature; thence run southerly along an arc of said curve to the right of radius 1075.00 feet (chord bearing S 15° 41' 13" W) (chord 847.55 feet) (delta 46° 25' 59") for 871.19 feet to a point of tangency; thence run S 38° 54' 12" W for 297.98 feet to a point of curvature; thence run southerly along an arc of said curve to the left of radius 937.50 feet (chord bearing S 20° 02' 18" W) (chord 606.26 feet) (delta 37° 43' 48") for 617.36 feet to a point of tangency; thence run S 01° 10' 24" W for 1321.35 feet to a point of curvature; thence run southerly along an arc of said curve to the left of radius 1875.00 feet (chord bearing S 17° 39' 36" E) (chord 1210.56 feet) (delta 37° 40' 00") for 1232.64 feet to a point of tangency; thence run S 36° 29' 36" E for 266.36 feet to a point of curvature; thence run southerly along an arc of said curve to the right of radius 1125.00 feet (chord bearing S 14° 58' 12" E) (chord 825.48 feet) (delta 43° 02' 48") for 845.22 feet to a point of tangency; thence run S 06° 33' 12" W for 1166.54 feet to a point of curvature; thence run southerly along an arc of said curve to the left of radius 2675.06 feet (chord bearing S 01° 21' 05" W) (chord 485.09 feet) (delta 10° 24' 15") for 485.76 feet; to a point of tangency; thence run S 03° 51' 03" E for 959.31 feet to a point of curvature; thence run southerly along an arc of said curve to

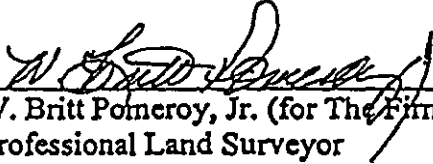
EXHIBIT "1"

EXHIBIT A Page 7 of 10
Page 6 of 9

the right of radius 2625.00 feet (chord bearing S 01° 39' 09" E)
(chord 201.39 feet) (delta 04° 23' 49") for 201.44 feet to the
Point of Beginning.

Parcel contains 19.12 acres.

Bearings hereinabove mentioned are based on the South line of Section 2,
Township 45 South, Range 25 East to bear S 89° 03' 49" W.



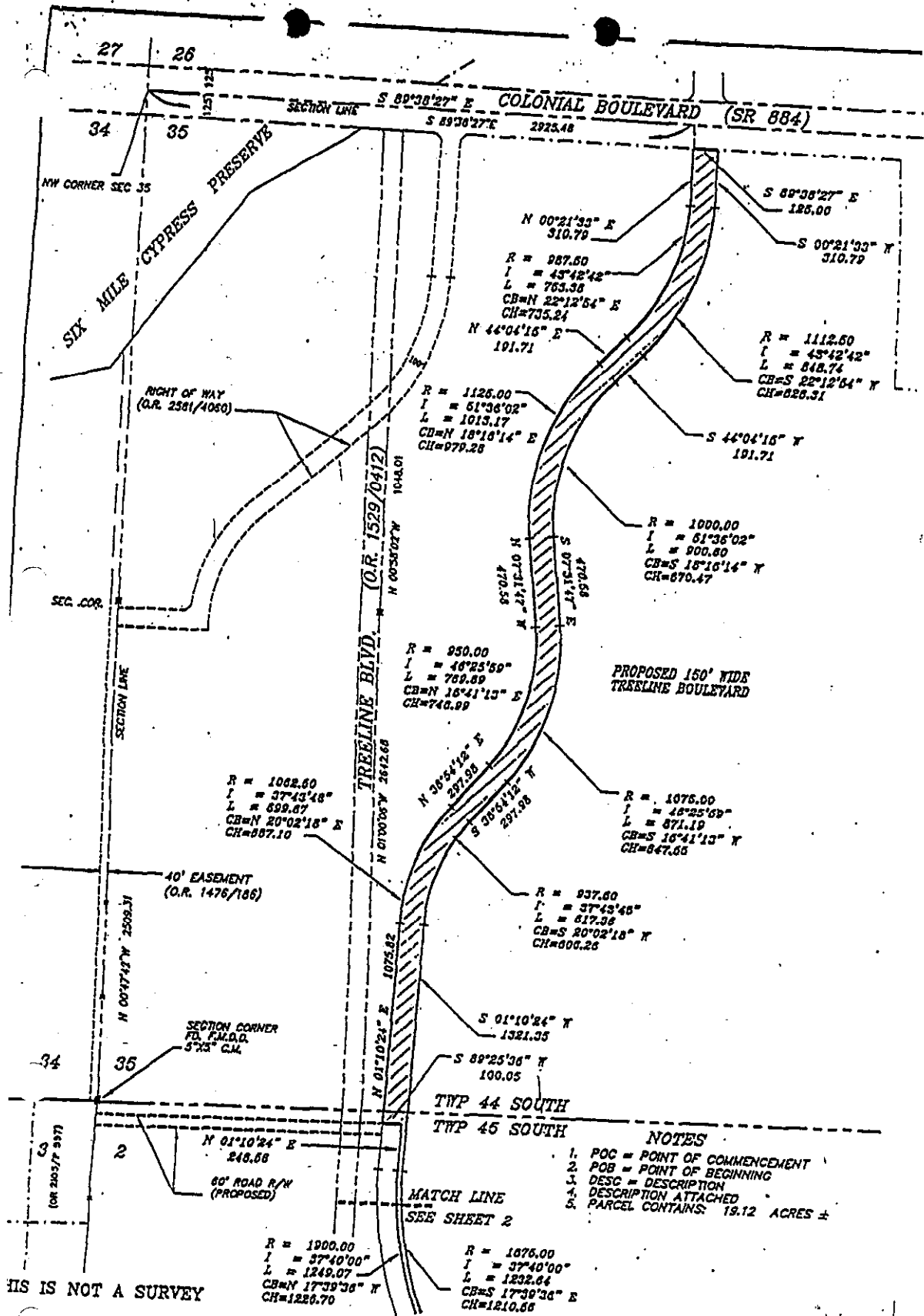
W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

19991513\Des-062999

EXHIBIT "1"

Page 8 of 10

EXHIBIT A
Page 7 of 9



- NOTES**
1. POC = POINT OF COMMENCEMENT
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 4. DESCRIPTION ATTACHED
 5. PARCEL CONTAINS 19.12 ACRES ±

THIS IS NOT A SURVEY

Britt Poweroy
BRITT POWEROY (FOR THE FIRM LB#642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4448

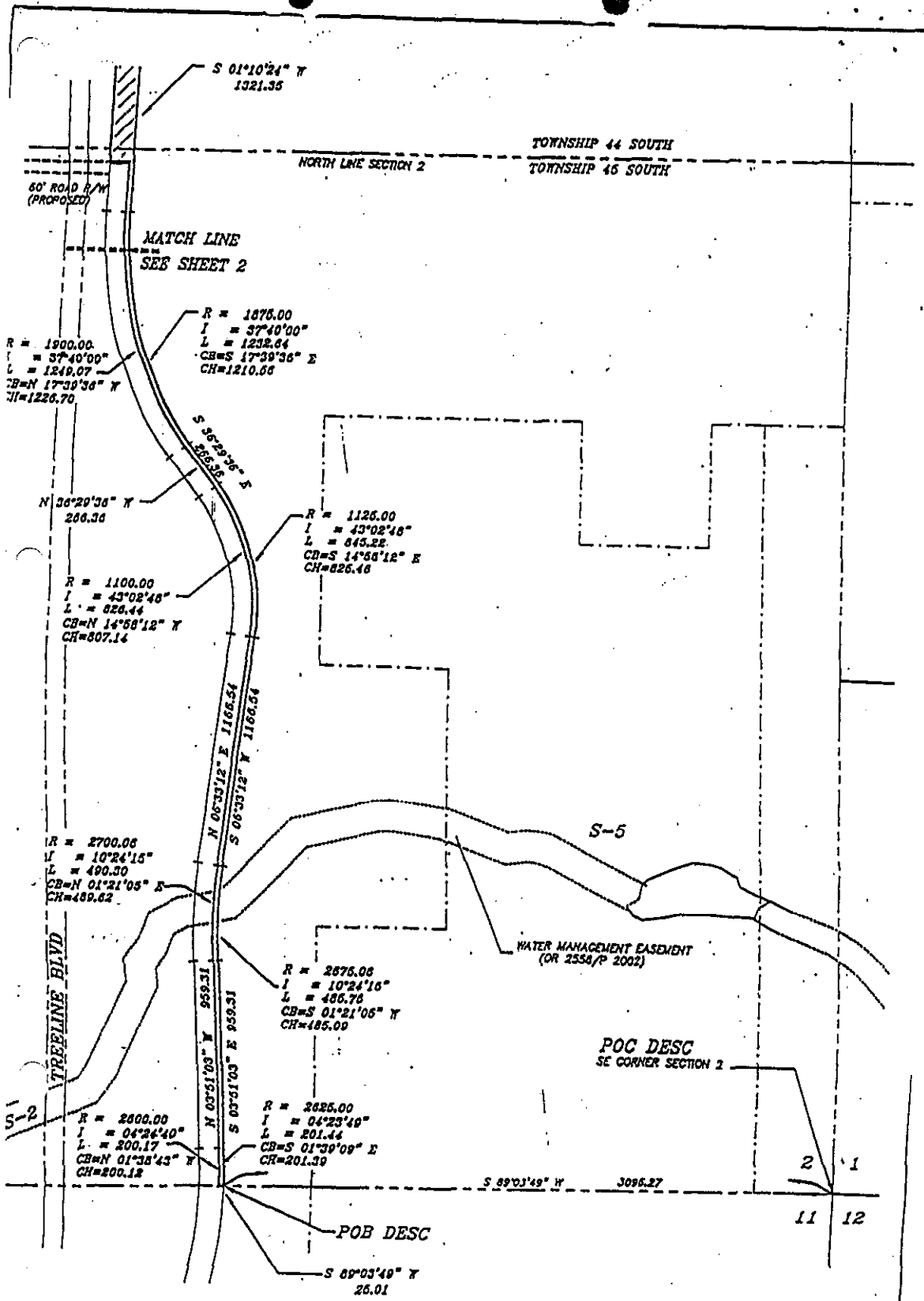
EXHIBIT "1"
Page 9 of 10

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL IN SEC 35, TWP 44 S, RGE 25 E &
SECTION 2, TWP. 45 S, RGE 25 E
LEE COUNTY, FLORIDA

SIGNED: *h-29-99*
VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS, AND ECOLOGISTS
1129 JOHNSON STREET, FORT WORTH, TEXAS 76102, FORT LAUDERDALE, FLORIDA 33322-1350, PHONE (817) 341-0244

JUNE 29, 1999	1991557	35-44-25	1"=400'
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THIS IS NOT A SURVEY

EXHIBIT "1"
Page 10 of 10

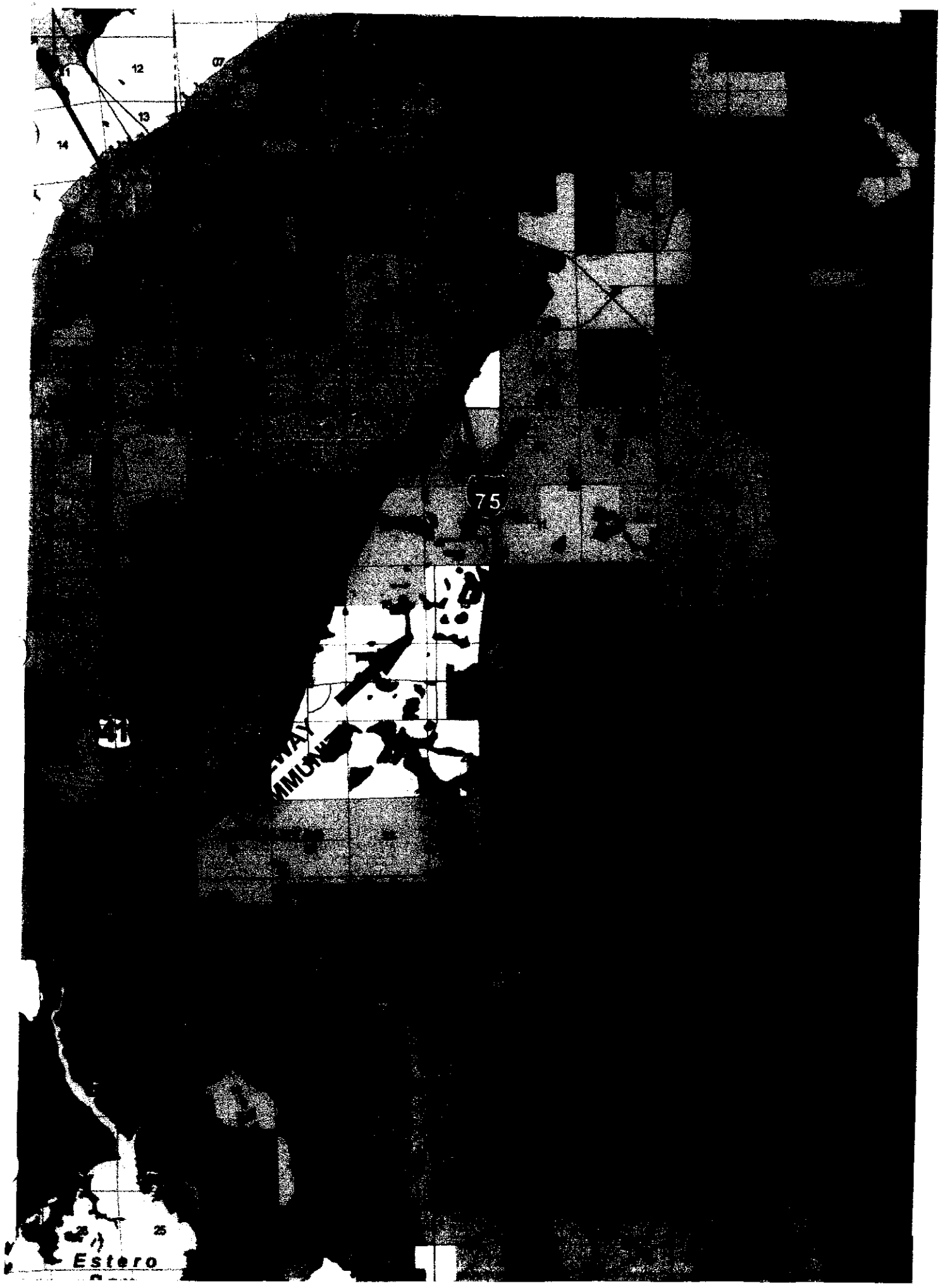
BRITT POMEROY (FOR THE FIRM - LB#642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4448

I SIGNED:

IS VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL IN SEC 35, TWP 44 S, RGE 25 E &
SECTION 2, TWP 45 S, RGE 25 E
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
 ENGINEERS, SURVEYORS, AND ECOLOGISTS
 2188 JOHNSON STREET, POST OFFICE BOX 1350, FORT WORTH, TEXAS 76101-1350, PHONE (817) 331-0244
 JUNE 29 1988



1

12

07

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







75

WAY
MUNICIPAL

ESTERO

25

FUTURE URBAN AREAS

-  Intensive Development
-  Central Urban
-  Urban Community
-  Suburban
-  Outlying Suburban
-  Industrial Development
-  Public Facilities
-  University Community

INTERCHANGE AREAS

-  Industrial Interchange
-  General Interchange
-  General Commercial Interchange
-  Industrial Commercial Interchange
-  University Village Interchange
-  General Commercial Interchange







NEW COMMUNITY

-  New Community

AIRPORT AREAS

-  Airport Commerce
-  Airport

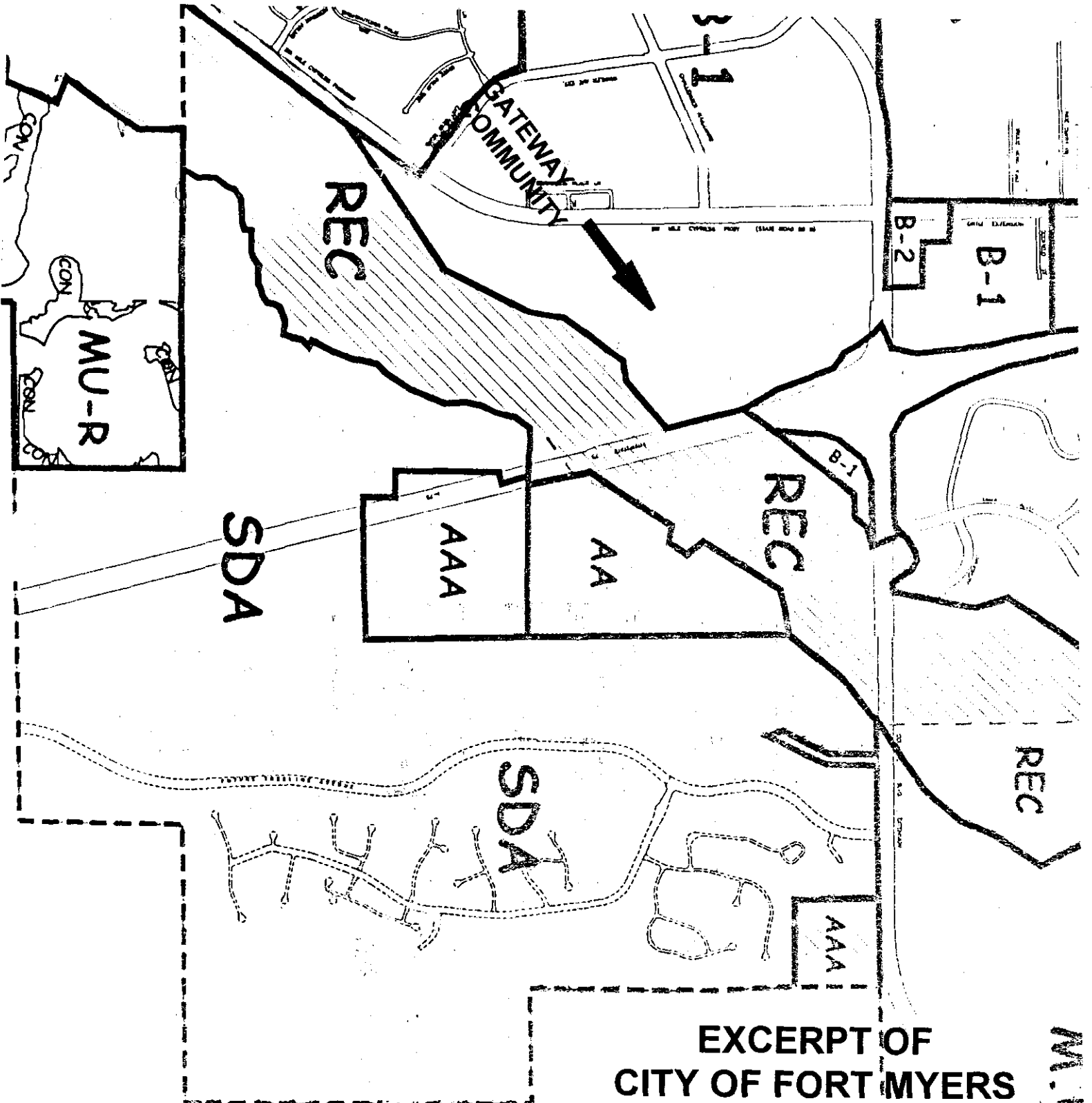
NON-URBAN AREAS

-  Rural
-  Rural Community Preserve
-  Outer Island
-  Open Lands
-  Density Reduction/Groundwater Resource
-  Conservation Lands - Uplands

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

-  Wetlands
-  Conservation Lands - Wetlands

Chapter XIII of this plan contains an administrative process, including a field check, to precisely define the boundaries of a wetland area, and to correct any such boundaries that are based on clear factual error.









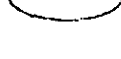
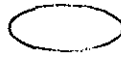








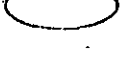
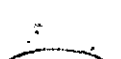
**EXCERPT OF
CITY OF FORT MYERS
FUTURE LAND USE MAP
Effective: March 19, 2004**

M.V.



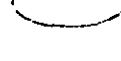
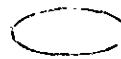


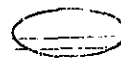
LEGEND

LOW-DENSITY SINGLE-FAMILY

-  **AAA**
(Max density 1.36 residential units/acre)
-  **AA**
(Max density 3.45 residential units/acre)
-  **A**
(Max density 6.22 residential units/acre)
-  **MEDIUM-DENSITY SINGLE-FAMILY, A-1**
(Max density 7.26 residential units/acre)
-  **MEDIUM-DENSITY SINGLE-FAMILY/DUPLEX, A-1D**
(Max density 7.26 residential units/acre)
-  **MEDIUM-DENSITY MULTI-FAMILY, A-2**
(Max density 12 residential units/acre)
-  **HIGH-DENSITY MULTI-FAMILY, A-3**
(Max density 16 residential units/acre)
-  **PROFESSIONAL OFFICE P.O.**
(Max density 16 residential units/acre
≤1.0 Floor Area Ratio
(except Central Business District))
-  **MIXED USE M.U.**
(Max density 25 residential units/acre)
-  **MIXED USE RESIDENTIAL MU-R**
(Max density 3 residential units/acre)

-  **NEIGHBORHOOD REDEVELOPMENT DISTRICT NR-1**
(Max density 5.06 residential units/acre)
-  **GENERAL COMMERCIAL B-1**
≤1.0 Floor Area Ratio
(except Central Business District)
-  **INTENSIVE COMMERCIAL B-2**
≤1.0 Floor Area Ratio
(except Central Business District)
-  **LIGHT INDUSTRIAL I-1**
≤1.0 Floor Area Ratio
(except Central Business District)
-  **HEAVY INDUSTRIAL I-2**
≤1.0 Floor Area Ratio
(except Central Business District)
-  **RECREATION AND OPEN SPACE, REC**
-  **CONSERVATION LANDS COM**
(Max density 1 residential building unit/20 acres)
-  **SPECIAL DEVELOPMENT AREA SDA**

DOWNTOWN REDEVELOPMENT AREA

-  **URBAN CORE U-CORE**
(50 units/acre)
-  **URBAN CENTER U-CTR**
(20 units/acre)
-  **URBAN GENERAL U-GEN**
(6 units/acre)
-  **CIVIC CIVIC**
-  **CIVIC RECREATION CIV-REC**
-  **DISTRICT OVERLAY DIST** (P.O. or underlying F.L.U. District)
-  **PARKING STRUCTURE OVERLAY P.S.**

2011-10-24-11:04 AM

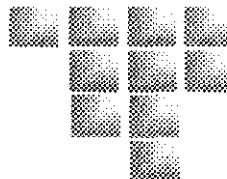
GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT

**Statement of Estimated Regulatory Costs
For the Petition to Contract the Gateway Services Community Development District**

Prepared By:

**Fishkind & Associates, Inc.
11869 High Tech Avenue
Orlando, Florida 32817**

**F I S H K I N D
& A S S O C I A T E S**



May 25, 2004

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to contract the Gateway Services Community Development District ("District") a community development district established pursuant to Chapter 190, Florida Statutes. As part of such petition, the scope of this SERC is subject to the limitations set out in Section 190.046 (1)(a)-(d), Section 190.005 (1)(a)8, and Section 120.541, Florida Statutes (2003) F.S.

1.2 Overview of the Gateway Services Community Development District

The Gateway Services Community Development District was established by Rule Chapter 42F-1. The District has functioned as a highly amenitized, master planned community since its establishment. The District is designed by state law to provide community infrastructure, services, and facilities, along with their operations and maintenance, thereby conferring benefits to the lands within the District. The District currently comprises approximately 4,501 +/- acres of land. The District is located within the unincorporated area of Lee County, Florida, and a portion of the District is located within the incorporated area of the City of Fort Myers. The proposed contraction area consists of approximately 12.28 +/- acres. The contraction parcel consists of right-of-way which has been deeded to Lee County for the future construction of Treeline Boulevard. The funding of the future road construction will be undertaken by a separate community development district (Arborwood CDD). After the contraction the District would consist of approximately 4,489 +/- acres.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (2003), 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, and the City of Fort Myers is not defined as a small city 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 rule, together with a general description of the types of individuals likely to be affected by the rule.

The entities that are likely to be required to comply with the rule include the State of Florida ("State"), Lee County ("County"), City of Fort Myers ("City"), and the District. The types of individuals likely to be affected by the rule are landowners within the contracted District and the landowner of the contracted parcel.

The current number of equivalent residential units (landowners) planned for the Gateway Services CDD is 7,515. The contraction parcel does not contain any potential equivalent residential units.

All of the landowners remaining within the District after the proposed contraction will not be impacted financially by the contraction and they will continue to enjoy the full benefit of the infrastructure in place within the District.

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

3.1 Costs to Governmental Agencies of Implementing and Enforcing the Rule

The State of Florida and Lee County will incur minimal costs to implement and enforce the proposed amendment to Rule Chapter 42F-1, which is the Florida Administrative Code ("Rule") contracting the District. Since the contracted District will consist of more than 1,000 acres, it is the Governor and members of the Cabinet, constituting the Florida Land and Water Adjudicatory Commission ("Commission") that must evaluate and decide upon the proposed amendment to the Rule.

As units of local government, CDDs must file all reports required by units of local government in Florida. The District does indeed file these reports, and will continue to do so after contraction. These include, but are not necessarily limited to the list provided in Appendix A.

In addition, CDDs are governed by the provisions of Section 189.412, Florida Statutes, and must participate in the Special District Information Program conducted by the Department of Community Affairs. The Department charges a fee of \$175 per year to each CDD to offset the Department's costs.

The review and collation of all of these reports absorbs some resources of the State and its various agencies. However, since the District is already filing its reports, there is no additional cost involved.

Since the District is in Lee County, and the City of Fort Myers, the County and the City may review the petition to contract the District. There will be modest staff costs for this review.

These costs are modest for a number of reasons. First, review of the petition to contract the District is limited by statute to the financial and operational aspects of the District, and the review does not include analysis of the Gateway development project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, Lee County and the City of Fort Myers 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. Finally, Lee County and the City of Fort Myers routinely process similar petitions for land uses and zoning changes which are far more complex than is the petition to contract a community development district.

Furthermore, any costs should be fully offset by the \$1,500 filing fee paid to the County and the \$1,500 filing fee paid to the City. Thus, the net cost to the County and the City to review the proposed ordinance is very small, if it exists at all.

3.2 Impact on State and Local Revenues

Adoption of the proposed rule to contract the District will have no negative impact on State or local revenues. The District is an independent unit of local government with limited powers. It is designed by law to provide community facilities and services to serve the Gateway 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 the past and future debt obligations incurred by the District to construct its infrastructure are not debts of the State of Florida or any other 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 rule.

Transactional costs to the State and local agencies in reviewing the petition to contract the District have been previously discussed. Beyond those administrative costs, there will be no cost incurred by the State of Florida, any of its agencies, or local governments.

The Gateway Services District is designed to plan, finance, operate, and maintain community infrastructure and services to serve the Gateway community. The District imposes special assessments on properties within its boundaries to finance the infrastructure funded by the District and to defray the costs of operating and maintaining that infrastructure and associated community facilities.

The area being contracted out of the District contains no infrastructure funded by District bonds, nor are there any operations or maintenance fees attendant to such infrastructure allocated to the contraction parcel. Existing infrastructure and the cost/benefits associated with it will continue to be shared in its entirety only by the landowners, both current and potential, and the developer of the contracted District. Therefore, if the petition to contract the District is approved there will be no change in the capital assessment on any individual equivalent residential unit.

State law requires that prospective property owners be notified that these District levies exist. Anyone purchasing property subject to the District's levies does so voluntarily and with full information. Contraction of the District does not change these requirements for those who choose, voluntarily, to be governed by the rule.

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 change in the impact on small businesses due to the contraction of the District. The District must competitively bid or competitively negotiate all of its contracts. This affords small businesses the opportunity to bid on District work.

Lee County has an estimated population (not incarcerated) in 2003 that is greater than 75,000. Therefore the County is not defined as a "small" county under Section 120.52, F.S. Fort Myers has an estimated population (not incarcerated) in 2003 that is greater than 10,000. Therefore the City is not defined as a "small" city under Section 120.52, F.S.

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 costs and benefits. Inputs were received from the Developer's Engineer and other professionals associated with the Developer.


It might be useful at this time to consider whether the proposed contraction of the District will fundamentally impact on the original decision that the District was the best alternative to provide community facilities and services to the project. There will be no change in the character or amount of infrastructure being provided to the remaining landowners in the District; therefore it is our opinion that the factors that went into the decision that the District was the best alternative has not been fundamentally altered.

Fishkind & Associates certifies that this SERC meets the requirements for a SERC as set out in Section 120.541, F.S.

We have developed over 25 SERCs. Below is a listing of five of these.

- Urban Orlando Community Development District
- Marshall Creek Community Development District
- Cedar Hammock Community Development District
- Mediterra South Community Development District
- Brooks Community Development District

Prepared by:



Carey Gatland
Fishkind & Associates, Inc.

**APPENDIX A
LIST OF REPORTING REQUIREMENTS**

REPORT	FLORIDA STATUTE CITE	DATE
Annual Financial Audit	190.008/218.39	12 mos. after end of fiscal year
Annual Financial Report (AFR)	190.008/218.32	12 mos. after end of fiscal year
TRIM Compliance Report	200.068	30 days after adoption of resolution establishing property tax levy
Form 1 – Limited Financial Disclosure	112.3144	by July 1
Public Depositor	280.17	by November 30
Proposed Budget	190.008	by October 1
Public Facilities Report	189.415	within 1 yr of creation; annual updates thereafter
Public Meetings Schedule	189.417	quarterly, semiannually or annually
Bond Report	218.38	when issued; within 120 days after delivery of the bonds
Registered Agent	189.416	within 30 days after first meeting

PLANNING DIVISION
M E M O R A N D U M




to: Dawn Lehnert, Assistant County Attorney
from: Paul O'Connor, AICP, Director of Planning
subject: Gateway Services UCDD
date: September 29, 2004

2004 OCT - 1 PM 12:35
RECEIVED BY
LEE CO. ATTORNEY

Planning staff has completed its review of the petition to amend the boundaries of the Gateway Services Community Development District. Attached is the staff report being issued by the Lee County Division of Planning recommending approval of the contraction of the UCDD as provided under Section 190.046, F.S.

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



ANALYSIS OF THE
PETITION TO CONTRACT
THE GATEWAY SERVICES
UNIFORM COMMUNITY
DEVELOPMENT DISTRICT

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

September 29, 2004

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INTRODUCTION

The Gateway Services District has petitioned the Governor and members of the Cabinet, constituting the Florida Land and Water Adjudicatory Commission, to adopt a rule to delete approximately 12.28 acres from the district. The existing district was established May 22, 1986 by the Commission. The petition is a request to contract land from the Uniform Community Development District (UCDD) and to re-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 42F-1, Florida Administrative Code.

In accordance with F.S. 190.046(1)(d)2, prior to filing such a petition, the petitioner shall “submit a copy of the petition to the county and each municipality the boundaries of which are contiguous with, or contain all or a portion of the land within the external boundaries of the district.” In accordance with 190.046 (1)(d)3. “the county and each municipality shall have the option of holding a public hearing as provided by s. 190.005(1)(c). However, such a public hearing shall be limited to consideration of the contents of the petition and whether the petition for amendment should be supported by the county or municipality.” Staff is recommending that the Board of County Commissioners hold such a hearing to consider the relationship of this petition to the six factors established by the Act. The Board of County Commissioners may then express their support of, or objection to the granting of the petition.

BACKGROUND

The Gateway Services District, hereafter called "Petitioner", is a single and special purpose local government created by state law pursuant to section 190.004(4) F.S., with district offices located at 210 N. University Drive, Suite 301, Coral Springs, Florida 33071 and whose Chairman of its Board of Supervisors is Peter Doragh.

The Petitioner has petitioned the Governor and members of the Cabinet, constituting the Florida Land and Water Adjudicatory Commission to adopt a rule contracting land from the Gateway Uniform Community Development District pursuant to the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes.

The Petitioner proposes to contract a Uniform Community Development District from approximately four thousand five hundred and one (4,501±)

acres of land to four thousand four hundred and eighty eight (4,488±) acres of land located both in unincorporated Lee County and in the City of Fort Myers, Florida. The District lies within the following areas: Section 35, Township 44 South, Range 25 East; and Sections 1,2,3,11 and 12, Township 45 South, Range 25 East; and Section 31, Township 44 South, Range 26 East; and Sections 5,6,7,8,17,18 and 19, Township 45 South, Range 26 East. The parcel proposed for contraction lies wholly within the City of Fort Myers. In accordance with section 190.046(1)(d)2 the petitioner has submitted a petition to the county. Also in accordance with the Act, Lee County may conduct a public hearing to consider the relationship of the petition to the factors discussed below. The 12± acres proposed for contraction is bounded on the West and South by vacant land within the Arborwood CDD, and on the East by vacant land within the Gateway Services CDD. A description showing the land area to be contracted from the District is attached as “Exhibit 3” of the petition.

Supporting the rule to contract the district by the Florida Land and Water Adjudicatory Commission would be supporting the district’s petition to eliminate the management and financing of certain basic infrastructure, through its board of supervisors, for a portion of the existing district. 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.

Accordingly, if the Florida Land and Water Adjudicatory Commission adopts the rule to contract the subject land area from the district, the remaining land area of the Gateway Services Community Development District will continue to be an infrastructure management tool. The district will remain a financing tool, providing financial incentives for long-range service benefits to the current and subsequent landowners.

THE PETITION

The statutes require that a petition for contraction 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;
- a statement of estimated regulatory costs.

Such a petition was received from the Petitioner by Lee County on June 2, 2004. Supplemental material was furnished together with the Petition in order to assist the Commission and its staff in reviewing the petition. Much of that supplemental material has 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, the County, at its public hearing, should consider the relationship of the petition to the following six factors. After consideration, the County can adopt a Resolution expressing its support of, or objection to the petition.

The Florida Land and Water Adjudicatory Commission, in addition to the record of the local hearing, to be held by the Petitioner, and any resolutions adopted by local general purpose governments, is also required to consider the following six factors in making a determination to grant or deny a petition for the establishment or contraction of a portion of a community development district. The six factors are:

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.

In addition to these six factors, the contraction of a district should also consider the following:

1. What services and facilities, if any, are currently provided by the district to the area being removed.
2. The designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land use element of the adopted local government comprehensive plan.

The obligation of the Board of County Commissioners is to consider all of these factors using the information in the petition and its attachments, any other documents and information that have been filed, and any information presented before the commission at the public hearing. The key decisions to be made by the Board in support of this petition is simply whether it is a reasonable thing to do in view of the factors which the law requires the 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. All governmental planning, environmental, and land development laws, regulations, and ordinances still 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 initial 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 Factor #2: Staff concludes that the contraction of the subject area 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.

The establishment of the district was consistent with Objective 1.6 of the Lee Plan, the New Community future land use category, which states New

Communities must have the following characteristics: “2. The land can be served with all necessary facilities and services at no expense to the county. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective.”

While the proposed contraction does not change the fact that the land still must be served with all necessary facilities at no expense to the county, it does remove the existing district achieving this. The contraction parcel is right-of-way that has been deeded to Lee County for the construction of Treeline Boulevard. At this time, it is staff's understanding that roadway construction will be funded by the Arborwood UCDD which is adjacent to the subject parcel to the west and south.

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 be developable as one functional interrelated community on the site.

Concerning Factor #4: Planning staff has reviewed the alternatives available for managing and financing basic systems, facilities and services for the remaining district and concludes that the district remains an alternative for delivering services and facilities.

Concerning Factor #5: Staff has reviewed the issue of the capacity and uses of any existing local and regional community development services and facilities. 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 the remaining area is amenable to separate special district government.

Additional Analysis

The contraction of a district should also consider the following:

1. Services and facilities currently provided by the district to the area being removed:

Exhibit 7, the statement of estimated regulatory costs, provides that the area being contracted from the district contains no infrastructure

funded by district bonds and there are no fees in relation to such infrastructure allocated to the contraction parcel.

2. The designation of the future land use of the adopted local government comprehensive plan:

The area proposed for contraction is under the jurisdiction of the City of Fort Myers and therefore the future land use has been designated by the City's adopted comprehensive plan.

RECOMMENDATION

Planning staff recommends that the Board of County Commissioners adopt a resolution supporting the amendment to Chapter 42F-1 of the Florida Administrative Code contracting the boundary of the Gateway Services Community Development District for the 12± acre area.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, IN SUPPORT OF GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT'S PETITION TO CONTRACT/REMOVE APPROXIMATELY 12 ACRES FROM THE BOUNDARY OF THE DISTRICT; AND TO AUTHORIZE THE COUNTY MANAGER AND COUNTY ATTORNEY TO TAKE PROPER AND REASONABLE ACTION NECESSARY TO SUPPORT THE PETITION.

WHEREAS, Chapter 190, Florida Statutes, provides for establishment of a Uniform Community Development District pursuant to rulemaking triggered by petition to the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission (FLAWAC); and

WHEREAS, Gateway Services Community Development District has petitioned the Governor and Cabinet to remove approximately 12 acres from the boundary of the District in Lee County on lands generally described in the attached Exhibit A; and

WHEREAS, prior to the filing of the petition with the Governor and Cabinet, Gateway Services Community Development District submitted the petition to Lee County, on June 2, 2004, along with a processing fee of \$1,500.00; and

WHEREAS, under Section 190.046(1)(d)3, Florida Statutes, Lee County may hold an optional public hearing to consider whether the petition for amendment of the boundaries should be supported by the County; and

WHEREAS, the exercise of its power and functions by a community development district government must by law comply with, not function inconsistent with, must be compatible with, and subject to, all laws, policies, regulations and ordinances of Lee County governing the existing and future use of the land on which the district is established, as provided in Chapter 190, Florida Statutes; and

WHEREAS, the general and special powers of a community development district as exercised by the Board of Supervisors, are subject to all procedural requirements including noticed meetings, government-in-the-sunshine, ethics and conflicts of interest, and various limitations on the powers, functions and duties of the district; and

WHEREAS, the adoption of this Resolution of Support, will not under any circumstances, prejudice or preempt any land use decisions currently in effect or to be decided in the future by Lee County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, that, having considered and reviewed the subject Petition and the representations and acknowledgments of Gateway Services Community Development District, its representatives and counsel, and after noticed public hearing on the matter, the Board finds and determines that: (1) contracting approximately 12 acres from the boundary of the District is in the best interest of Lee County and its citizens; (2) it is in the best interests of the citizens of Lee County to support the contraction or acreage reduction; and (3) it is in the best interest of the County, and its citizens, and the Board to instruct the County Manager and County Attorney, to take such actions as are proper and reasonable to support the proposed contraction and to take steps to file this Resolution in the record of the rulemaking process.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner _____, seconded by Commissioner _____, and, upon being put to a vote, the result was as follows:

John E. Albion
Robert P. Janes
Douglas St. Cerny
Ray Judah
Andrew W. Coy

Duly passed and adopted this _____ day of _____ 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

Charlie Green, Clerk

By: _____
Andrew Coy, Chairman

APPROVED as to form and legal sufficiency:

Dawn E. Perry-Lehnert
Assistant County Attorney