

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

**DATE CRITICAL  
Blue Sheet No. 20041672**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Direct a non-emergency ordinance amending Lee County Ordinance #04-17 and authorizing the Copper Oaks Community Development District to exercise additional special powers to public hearing on January 11 or 25, 2005 at 9:30 a.m. or as soon thereafter as may be heard; Provide direction to county staff as to whether the proposed ordinance requires review by the Executive Regulatory Oversight Committee prior to public hearing.

**WHY ACTION IS NECESSARY:** Copper Oaks Community Development District has petitioned the Board for consent to exercise additional powers provided for under F.S. §190.012 (2)(a) and (d) pertaining to recreation and security systems.

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

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 3

*A12B*

**3. MEETING DATE:**

*12-21-2004*

**4. AGENDA:**

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

STATUTE Chap. 190, F.S.

ORDINANCE

ADMIN. CODE

OTHER

**6. REQUESTOR OF INFORMATION:**

A. COMMISSIONER

B. DEPARTMENT County Attorney

C. DIVISION *Legal*

BY: Dawn E. Perry-Lehnert

Assistant County Attorney

**7. BACKGROUND:**

Copper Oaks Community Development District is a Uniform Community Development District established in accordance with F.S. Chapter 190 by adoption of Ordinance No. 04-17 on September 28, 2004.

Currently, the Copper Oaks Community Development District is comprised of 48.79± acres and 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: water management; water supply; sewer and wastewater management; bridges and culverts; district roads; and other projects within or without the District boundary for which a development order is issued.

(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>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

CO. ATTY.  
FORWARDED TO:  
Co. Admin  
12/10/04 2:42 PM

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
12/9/04  
2:46 PM  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
12/9/04  
4:18 PM

**Subject:** Direct a non-emergency ordinance amending Lee County Ordinance #04-17 and authorizing the Copper Oaks Community Development District to exercise additional special powers

In accordance with F.S. Chapter 190, the Copper Oaks Community Development District has petitioned the Board of County Commissioners to conduct a public hearing for the purpose of adopting a non-emergency ordinance to authorize the Copper Oaks Community Development District to exercise additional special powers specifically set forth in F.S. §190.012 (2) (a) and (d) pertaining to recreational facilities and security systems.

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

At the public hearing, inquiry will focus on whether or not a change has occurred since the creation of the District that would render authorization of additional powers inappropriate. Staff has reviewed the factors set forth in F.S. §190.005 (1) (e) and finds no new information relevant to those factors that is inconsistent with the consent to exercise additional special powers for recreation and security.

The Petitioner is requesting an expedited hearing date, which can be accomplished only in the absence of review by the Executive Oversight Regulatory Committee (EROC). The next EROC hearing date is January 12, 2005. If EROC review is required, then the hearing on this petition should be directed to January 25, 2005.

Planning staff recommends that the Board of County Commissioners grant the Copper Oaks Community Development District petition for special powers by adopting the proposed ordinance.

**Attachments**

1. Staff Report
2. Petition
3. Proposed Ordinance

**ANALYSIS OF THE COPPER OAKS UNIFORM COMMUNITY DEVELOPMENT DISTRICT  
PETITION TO PROVIDE ADDITIONAL POWERS**

**Prepared for  
Board of County Commissioners  
by  
Lee County Division of Planning  
December 1, 2004**

The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment and amendment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district may petition for. The Copper Oaks Community Development District was established by the Lee County Board of County Commissioners through Ordinance No. 04-17 on September 28, 2004, with an effective date of October 1, 2004.

The Copper Oaks Community Development District, hereafter called "District", has petitioned the Lee County Board of County Commissioners to adopt an ordinance consenting to the exercise of certain optional special powers.

The District has its offices located at 10300 N.W. 11<sup>th</sup> Manor, Coral Springs, Florida, 33071. The Chairman of the Board of Supervisors is Hector Garcia. The property within the district is located in Lee County, Florida, lying within Section 26, Township 46, Range 25 East. The land area is bounded on the West by Three Oaks Parkway, on the North by the Gardens at Estero RPD, and on the East and South by undeveloped property.

When approved, the District was granted the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for the following basic infrastructure: water management; water supply, sewer, and waste water management; bridges or culverts; district roads; and other projects within or without the district boundary for which a Development Order is issued.

A petition to grant additional powers was received by Lee County from the District on October 29, 2004. Lee County Planning staff has reviewed the petition and finds it to be sufficient. At this time, the District has petitioned the Board of County Commissioners to conduct a hearing for the purpose of adopting an ordinance amending Ordinance 04-17 that will consent to the exercise by the District of the additional powers specifically granted in and set forth in Section 190.012 (2)(a) and (d), Florida Statutes. These powers give the District the ability to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and, for security, including, but not limited to, guard houses, fences and gates, electronic-intrusion detection systems, and patrol cars. The statutes specifically prohibit the district from exercising any police powers, but the district may contract with the appropriate governmental agency for an increased level of such services within the district boundary.

At the subject hearing the focus of the inquiry will not be the appropriateness of the established district, rather, the focus will be on whether any matter has changed since the district was created and established which would render the consent to the exercise of additional powers inappropriate. Staff has reviewed the six factors set forth in 190.005 (1) (e) Florida Statutes in connection with the operation of the District since October 1, 2004 and can find no change in circumstance or condition relevant to those factors which would

be inconsistent with consenting to the exercise of these granted powers. In addition staff finds that granting these powers will afford benefits to the people owning property within the district.

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

Planning staff recommends that the Lee County Board of County Commissioners adopt an ordinance amending Ordinance 04-17 which grants the Copper Oaks Community Development District the ability to exercise the optional special powers as listed under F.S. Section 190.012(2)(a) and (d).

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

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

---

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

The COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT ("Petitioner" or "District"), by and through its undersigned attorney, petitions the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ("County") to adopt an ordinance or resolution consenting to the exercise of certain special powers granted to the District by the District's charter and as expressed in the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes (2003). In support of this Petition, Petitioner states as follows:

1. Petitioner has its District offices located at 10300 N.W. 11<sup>th</sup> Manor, Coral Springs, Florida, 33071. The Chairman of the Board of Supervisors is Hector Garcia and its Manager is Rich Hans of Severn Trent Environmental Services.
2. The land area within which the special powers are to be exercised and for which the County's consent is petitioned is within the boundaries and jurisdiction of the County as provided in Lee County Ordinance No. 04-17, establishing the District, adopted by Lee County on September 28, 2004, and effective October 1, 2004, attached hereto as Exhibit "1".

3. The Petition for Establishment, attachments and related information, as well as county staff analysis and county commission review, addressed the potential exercise by the District of those special powers granted in 190.012(2)(a) and (d), Florida Statutes, on the date the District was established, as evidenced at paragraph nine of Exhibit "1".

4. Attached as Exhibit "2" is Resolution 2005-13 adopted by the Board of Supervisors at its meeting on October 19, 2004 wherein the Board approved the request by the District that the County consent to the exercise of those special powers herein petitioned for pursuant to Section 190.012(2)(a) and (d), Florida Statutes.

5. There have been no substantive changes since the passage of County Ordinance No. 04-17 in facts, circumstances, or conditions that would affect the determination of the County regarding the District exercising the petitioned for special powers. Attached as composite Exhibit "3" are affidavits by the District's Manager, Engineer, and Financial Consultants, attesting to the fact that no substantive changes have occurred since the establishment of the District and that the consent to the exercise of certain powers granted by the state in Section 190.012 (2)(a) and (d), Florida Statutes, is applicable and appropriate.

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

A. Direct its staff to take the necessary steps to provide statutory notice with respect to the adoption of an ordinance or resolution by the County to consent for the District to exercise its certain special powers granted by the District's state law charter contained at sections 190.006 - 190.041, Florida

Statutes, said special powers specifically being, to plan, establish, acquire, operate, and maintain additional systems and facilities for;


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

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

in accordance with Section 190.012(2)(a) and (d), Florida Statutes.

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

RESPECTFULLY SUBMITTED this 29 day of October, 2004.

  
DENNIS E. LYLES, ESQ. (Fla Bar No.: 182291)  
Attorney for Petitioner  
Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A.  
888 S.E. Third Avenue, Suite 301  
Fort Lauderdale, FL 33316  
(954) 764-7150

ORDINANCE NO. 04-17

AN ORDINANCE ESTABLISHING THE COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190; PROVIDING FOR NOTICE TO SUBSEQUENT PURCHASERS; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the Board of County Commissioners, after proper published notice, conducted a local public information-gathering ordinance hearing as required by law and finds as follows:

1. The petition is complete in that it meets the requirements of Section 190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.

2. The Executive Regulatory Oversight Committee has reviewed and approved the petition for establishment of the proposed district.

3. The costs to the County and government agencies from establishment of the district are nominal. There is no adverse impact on competition or employment from district establishment. The persons affected by establishment are the future landowners, present landowners, Lee County and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from district establishment as the entity to manage and finance the statutory services identified. The impact of district establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the rule, is as economically viable as establishing the district. Methodology is set forth in the economic impact statement on file. The statement of estimated regulatory costs submitted with this petition to support establishment of the district is adequate.



4. Establishment of the proposed district, whose charter must be in accordance with the general law set forth in Section 190.006 - 190.041, Florida Statutes, is not inconsistent with the local Comprehensive Plan of Lee County or the State Comprehensive Plan.

5. The area of land within the proposed district is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.

6. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

7. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.

8. The area that will be served by the district is amenable to separate special district government.

9. The proposed district, once established, may petition the Board of County Commissioners for consent to exercise one or more of the powers granted by charter in Section 190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the proposed Copper Oaks Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law; and has the right to seek consent from Lee County for the grant of authority to exercise special powers in accordance with F.S. 190.012(2), without question as to the district's continued right, authority and power to exercise its limited powers as established by this ordinance.

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

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

**SECTION ONE: DISTRICT NAME**

The community development district herein established will be known as Copper Oaks Community Development District.

**SECTION TWO: AUTHORITY FOR ORDINANCE**

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

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

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

**SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS**

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

- |    |                |  |
|----|----------------|--|
| 1. | Hector Garcia  | 12900 SW 128 <sup>th</sup> Street, Suite 200<br>Miami, Florida 33186     |
| 2. | Michael Peredo | 12900 SW 128 <sup>th</sup> Street, Suite 200<br>Miami, Florida 33186     |
| 3. | Jerry Aguirre  | 12900 SW 128 <sup>th</sup> Street, Suite 200<br>Miami, Florida 33186     |
| 4. | Kirt Reinert   | 27299 Riverview Center Blvd., Suite 102<br>Bonita Springs, Florida 34134 |
| 5. | Stephen Boling | 27299 Riverview Center Blvd., Suite 102<br>Bonita Springs, Florida 34134 |

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT**

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

**SECTION SIX: NOTICE TO SUBSEQUENT PURCHASERS**

Any and all agreements for the sale of property within the boundaries of the Copper Oaks Community Development District must include the disclosure statement required in

FS §190.048 for the initial sale of the property. This requirement applies to the initial seller of a parcel as well as all subsequent sellers, successors and assigns, for the life of the Copper Oaks Community Development District.

**SECTION SEVEN: CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other Lee County ordinance or other applicable law, the more restrictive will apply. If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining portion.

**SECTION EIGHT: EFFECTIVE DATE**

This Ordinance becomes effective upon filing with the Florida Secretary of State.

THE FOREGOING ORDINANCE was offered by Commissioner Judah, who moved its adoption. The motion was seconded by Commissioner Coy and, being put to a vote, the vote was as follows:

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

DULY PASSED AND ADOPTED THIS 28<sup>th</sup> day of September, 2004

ATTEST:  
CHARLIE GREEN, CLERK

By: Michele S. Cooper  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: [Signature]  
Chairman



APPROVED AS TO FORM:

By: [Signature]  
Dawn E. Perry-Lehnert  
Office of County Attorney

# Banks Engineering, Inc.

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

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

(48.79 ACRE PARCEL)

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

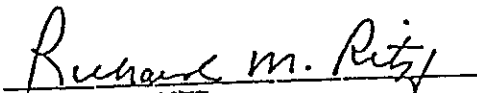
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE N.89°40'25"E. ALONG THE SOUTH LINE OF SAID SECTION FOR 80.01 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF CORLICO ROAD (80.00 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1739, AT PAGE 778 OF THE PUBLIC RECORDS OF SAID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

PARCEL CONTAINS 48.79 ACRES MORE OR LESS

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

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

DESCRIPTION PREPARED 09-03-03

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

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EXHIBIT A

SHEET 1 OF 2

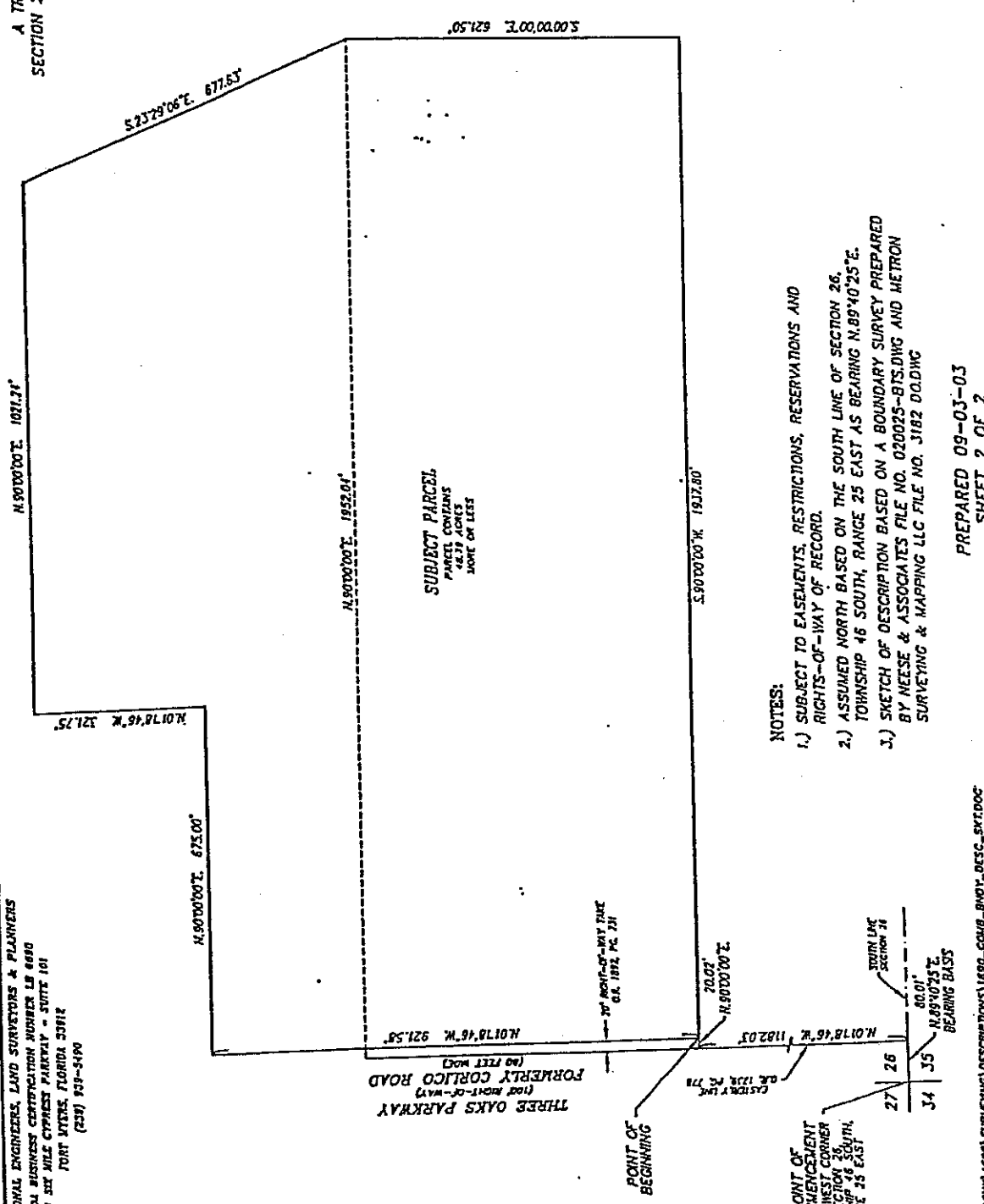
# SKETCH OF DESCRIPTION

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



1" = 250'

LEGEND:  
P.C. INDICATES PAGE  
NO. INDICATES NUMBER  
O.R. INDICATES OFFICIAL RECORDS BOOK  
P.I. INDICATES POINT OF INTERSECTION



SUBJECT PARCEL  
PARCEL CONTAINS  
48.79 ACRES  
NONE OR LESS

SEE SHEET 1 FOR COMPLETE  
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION  
IS NOT A BOUNDARY SURVEY

*Richard M. Ritz*  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4006

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

- NOTES:
- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
  - 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N.89°40'25\"/>

PREPARED 09-03-03  
SHEET 2 OF 2

EXHIBIT A

**Hanks Engineering, Inc.**  
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890  
16511 3RD MILE EXPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33912  
(239) 939-5490

POINT OF BEGINNING  
THREE OAKS PARKWAY  
FORMERLY CORICO ROAD  
(100 FEET WIDE)  
N.0178'46\"/>

S:\J0851\165X1\16800\SURVEYING\DESCRIP\NOV1\1680\_C04B\_S04Y\_DESC\_SKT.DWG  
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RESOLUTION 2005-13

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT REQUESTING THE CONSENT OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, TO EXERCISE THOSE ADDITIONAL POWERS SET FORTH IN SECTION 190.12(2)(a) AND (d), FLORIDA STATUTES (2004)

WHEREAS, the Lee County Board of County Commissioners adopted Ordinance No. 04-17 establishing the Copper Oaks Community Development District on September 28, 2004;  
and

WHEREAS, the Board of Supervisors of the Copper Oaks Community Development District, at a meeting held October 19, 2004, determined that it was in the best interest of the District and future residents of homes to be constructed within the District for the Board of Supervisors to request the consent of the Board of County Commissioners of Lee County, Florida to the exercise of certain additional powers specified in Section 190.012(2), Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT:

1. That Board of County Commissioners of Lee County, Florida, is hereby requested to give its consent to the Board of Supervisors of the Copper Oaks Community Development District to exercise the following additional specified powers set forth in Sections 190.012(2)(a), and (d), Florida Statutes (2004), to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for:

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


**EXHIBIT "2"**

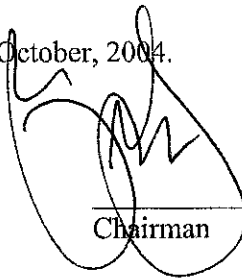
Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general purpose government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

2. That the proper District officials are hereby authorized and directed to submit a Petition on behalf of the District to the Board of County Commissioners of Lee County, Florida requesting the consent of the County to the exercise of such powers.

3. This Resolution shall take effect immediately.

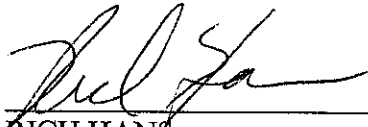
PASSED AND ADOPTED this 19th day of October, 2004.

  
\_\_\_\_\_  
Rich Hans  
Secretary

  
\_\_\_\_\_  
Chairman

**AFFIDAVIT OF RICH HANS AS TO THE  
CURRENT STATUS OF THE COPPER OAKS  
COMMUNITY DEVELOPMENT DISTRICT**

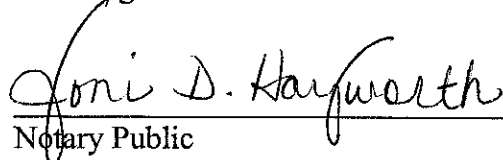
1. My name is Rich Hans. I am the District Manager for the Copper Oaks Community Development District ("District").
2. I was involved in the establishment of the District.
3. I reviewed the potential exercise by the District of all of its charter powers, including the special powers in section 190.012 (2)(a) and (d), Florida Statutes (2003), during the District establishment process.
4. I have seen the property within the District's jurisdiction and have reviewed the activities of the District to date in my capacity as District Manager, and have noted no change in fact, circumstances or conditions that would change my conclusions in light of the six factors in Section 190.005(1)(e),1-6, Florida Statutes. Therefore, I am of the opinion that consent to the exercise of these charter powers is appropriate.
5. FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
RICH HANS  
Severn Trent Services, Inc.  
District Manager

STATE OF FLORIDA     }  
COUNTY OF BROWARD }

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of October, 2004, by Rich Hans, as District Manager of the **COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT**. He is personally known to me or has produced \_\_\_\_\_ as identification and who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his knowledge.

[SEAL]

  
\_\_\_\_\_  
Notary Public  
Commission:

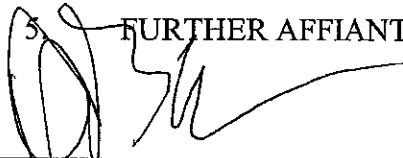
JONI D. HAYWORTH  
NOTARY PUBLIC - STATE OF FLORIDA  
COMMISSION # CC983311  
EXPIRES 11/24/2004  
BONDED THRU ASA 1-888-NOTARY1

EXHIBIT "3"



**AFFIDAVIT OF CARLOS BALLBE AS TO THE  
CURRENT STATUS OF THE COPPER OAKS  
COMMUNITY DEVELOPMENT DISTRICT**

1. My name is Carlos Ballbe. I am the District Engineer for the Copper Oaks Community Development District ("District").
2. I was involved in the establishment of the District.
3. I reviewed the potential exercise by the District of all of its charter powers, including the special powers in section 190.012 (2)(a) and (d), Florida Statutes (2003), during the District establishment process.
4. I have seen the property within the District's jurisdiction and have reviewed the activities of the District to date in my capacity as District Engineer, and have noted no change in fact, circumstances or conditions that would change my conclusions in light of the six factors in Section 190.005(1)(e),1-6, Florida Statutes. Therefore, I am of the opinion that consent to the exercise of these charter powers is appropriate.


5.  FURTHER AFFIANT SAYETH NOT.


\_\_\_\_\_  
CARLOS BALLBE  
Keith & Ballbe, Inc.  
District Engineer

STATE OF FLORIDA        }  
COUNTY OF \_\_\_\_\_ }

The foregoing instrument was acknowledged before me this 19 day of October, 2004, by Carlos Ballbe, as District Engineer of the **COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT**. He is personally known to me or has produced \_\_\_\_\_ as identification and who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his knowledge.

[SEAL]

 Richard P. Hans  
Commission #DD179275  
Expires: Jan 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

  
\_\_\_\_\_  
Notary Public  
Commission:

**AFFIDAVIT OF ED BULLEIT AS TO THE  
CURRENT STATUS OF THE COPPER OAKS  
COMMUNITY DEVELOPMENT DISTRICT**

1. My name is Ed Bulleit. I am the District Financial Consultant for the Copper Oaks Community Development District ("District").

2. I was involved in the establishment of the District.

3. I reviewed the potential exercise by the District of all of its charter powers, including the special powers in section 190.012 (2)(a) and (d), Florida Statutes (2003), during the District establishment process.

4. I have seen the property within the District's jurisdiction and have reviewed the activities of the District to date in my capacity as District Financial Consultant, and have noted no change in fact, circumstances or conditions that would change my conclusions in light of the six factors in Section 190.005(1)(e),1-6, Florida Statutes. Therefore, I am of the opinion that consent to the exercise of these charter powers is appropriate.

5. FURTHER AFFIANT SAYETH NOT.



ED BULLEIT  
Prager, Sealy & Co., LLC  
District Financial Consultant

STATE OF FLORIDA        }  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of October, 2004, by Ed Bulleit, as District Financial Consultant of the **COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT**. He is ~~personally known to me~~ or has produced driver's license as identification and who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his knowledge.

[SEAL]

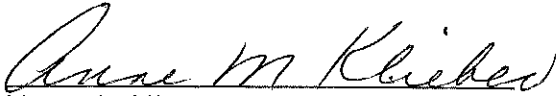
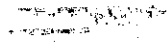
  
Notary Public  
Commission:

EXHIBIT "3"

  
Anne M. Klieber  
Notary Public, State of Florida  
My Comm Expires August 6, 2007  
No. DD236745

ORDINANCE NO. \_\_\_\_

AN ORDINANCE CONSENTING TO AND AUTHORIZING THE EXERCISE OF CERTAIN OPTIONAL POWERS BY THE COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT AS SET FORTH IN F.S. §190.012(2)(a) AND (d); PROVIDING FOR ORDINANCE AUTHORITY; AUTHORIZATION FOR EXERCISE OF OPTIONAL POWERS; PROVIDING FOR CONFLICT, SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Copper Oaks Community Development District was established in accordance with F.S. §190.005(2) pursuant to Lee County Ordinance 04-17 adopted by the Board of County Commissioners on September 28, 2004; and

WHEREAS, on October 29, 2004 the Copper Oaks Community Development District petitioned the Board for authorization to exercise the optional special powers identified in F.S. §190.012(2)(a) and (d); and

WHEREAS, F.S. §190.012(2) provides that an established community development district can exercise a number of additional special powers desirable in the management of the district only after the Board of County Commissioners consents the exercise of these powers; and

WHEREAS, the District specifically requests permission to plan, exercise, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for indoor and outdoor recreational, cultural and educational uses, as well as security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars when authorized by proper governmental entities; and

WHEREAS, staff review of the operations and functions of the Copper Oaks Community Development District and all related information indicates there is no rationale basis to refuse authority for the exercise of additional powers set forth in the District's petition; and

WHEREAS, the Board of County Commissioners has confirmed that the District government has the capability to provide the additional services represented by the special powers the District seeks to exercise; and

WHEREAS, the requested additional powers are not inconsistent, and will always be subject to, the Lee County Comprehensive Plan, and all related development regulations and fire activities of the District; and

WHEREAS, the Board of County Commissioners desire to consent to and authorize the Copper Oaks Community Development District's exercise of these additional special powers.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

**SECTION ONE: ORDINANCE AUTHORITY**

This ordinance is adopted in accordance with F.S. §190.012 and other applicable provisions of Florida law governing county ordinances.

**SECTION TWO: AUTHORIZATION FOR EXERCISE OF OPTIONAL POWERS**

The Lee County Board of County Commissioners consent to and authorize the Copper Oaks Community Development District to exercise the additional special powers set forth in F.S. §190.012(2)(a) and (d).

Specifically, the District is authorized to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

1. Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.
2. Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection system, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general purpose governmental agencies for an increased level of such services within the District's boundaries.

**SECTION THREE: STATUTORY PROVISIONS GOVERNING DISTRICT**

The Copper Oaks Community Development District will continue to be governed by the provisions of Florida Statutes, Chapter 190 and Lee County Ordinance 04-17.

**SECTION FOUR: CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other Lee County Ordinance or other applicable law, the more restrictive will apply. If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining portion.

**SECTION FIVE: EFFECTIVE DATE**

This Ordinance will become effective upon filing with the Office of the Secretary of State.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY \_\_\_\_\_  
TAMMY HALL \_\_\_\_\_  
JOHN E. ALBION \_\_\_\_\_  
ROBERT P. JANES \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

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