

Lee County Board of County Commissioners
Agenda Item Summary

DATE CRITICAL
Blue Sheet No. 20041641

1. **REQUESTED MOTION:**

ACTION REQUESTED: Adopt and enact an ordinance known as the Lucaya Community Development District Ordinance.

WHY ACTION IS NECESSARY: An ordinance adopted by the BOCC is the exclusive means to establish a Uniform Community Development District (UCDD) of less than 1,000 acres in size.

WHAT ACTION ACCOMPLISHES: Creates an independent special district that provides an alternative method to manage and finance basic services for community development.

2. **DEPARTMENTAL CATEGORY:**
COMMISSION DISTRICT # 3

9:30

3. **MEETING DATE:**

12-21-2004

4. **AGENDA:**

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

CONSENT

STATUTE

Chapter 190,
F.S.

ADMINISTRATIVE

ORDINANCE

APPEALS

ADMIN. CODE

X PUBLIC

OTHER

WALK ON

TIME REQUIRED:

6. **REQUESTOR OF INFORMATION:**

A. COMMISSIONER

B. DEPARTMENT County Attorney's Office

C. DIVISION *Henry*

BY: *Joan C. Henry*
Assistant County Attorney

7. **BACKGROUND:**

Taylor Woodrow Homes - Southwest Florida Division, LLC, has petitioned the Lee County Board of County Commissioners to adopt an ordinance establishing a Uniform Community Development District (UCDD) in accordance with the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes ("Act"). Section 190.005(2) sets forth the "exclusive and uniform method for the establishment of a Community Development District of less than 1,000 acres in size." This establishment "shall be pursuant to an ordinance adopted by the County Commission having jurisdiction over the majority of the land in the area in which the district is to be located . . ."

A community development district is a local unit of special purpose government created in accordance with the Act and limited to the performance of those specialized functions authorized by the Act for the delivery of urban community development services. The Act provides an alternative streamlined method for financing the construction, maintenance and operation of major infrastructures necessary for community (continued on second page)

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA	OM	RISK	GC	<i>[Signature]</i>
					<i>RK 12/7/04</i>	<i>12/7/04</i>	<i>12/7/04</i>	<i>12/7/04</i>	<i>12-8-04</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
12/7/04 10:20 am

RECEIVED BY
COUNTY ADMIN: *RK*
12/7/04
10:05 am
COUNTY ADMIN
FORWARDED TO:
12/8/04
11:30 am

development. Once a community development district has been established, it serves as an infrastructure management tool that ultimately relieves existing county taxpayers of the financial burden of providing urban services to the landowners in the district.

The proposed Lucaya CDD is located on approximately 98.7 acres of land located in unincorporated Lee County (Fort Myers). The land area is bounded on the north McGregor Boulevard, on the south by Harlem Heights; and on the east by conservation lands and Hampton Lakes Subdivision; and on the west by Lee County conservation lands. The property is located in Section 29, Township 45 South, Range 24 East. The Lucaya District will be granted the power to finance, fund, plan, establish, acquire, construct or re-construct, enlarge or extend, equip, operate and maintain systems and facilities for the following basic infrastructure: water management; water supplies; sewer and wastewater management; bridges or culvert; district roads; and other projects within and outside the district boundary for which a Development Order may be issued. Additional powers for recreation and security systems may be requested sometime in the future.

The creation of the Lucaya District is not a development order within the meaning of Chapter 380, F.S. All county planning, environmental and land development laws, regulations and ordinances will apply to the development of land within the proposed Lucaya District, and the District can take no action that is inconsistent with those regulations.

In accordance with Section 190.005(1)(f), F.S., the proposed ordinance:

1. Establishes the external boundaries of the district.
2. Names the five persons designated to be the initial members of the Board of Supervisors. These members are as follows:
 - a. Douglas L. Schwartz
 - b. Michael D. Dady
 - c. Alan B. Smith
 - d. Marc I Spencer
 - e. C. Alexander Bratt
3. Names the district. (Lucaya Community Development District)

The petition and ordinance were reviewed by EROC and approved to go forward.

Attachments:

1. Proposed ordinance establishing the Lucaya Community Development District
2. Planning Staff Analysis dated October 12, 2004.
3. Petition, Exhibits and Attachments
4. FAIS

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING THE LUCAYA 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, Taylor Woodrow Homes - Southwest Florida Division, LLC, has petitioned the Board of County Commissioners to establish the LUCAYA 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 ordinance, is as economically viable as establishing the district. Methodology is set forth in the economic impact statement on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

4. Establishment of the proposed district, whose charter must be in accordance with the general law as set forth in Sections 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 Lucaya 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 Lucaya 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**

Lucaya 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. | Douglas L. Schwartz | 2950 Immokalee Road, Suite 2
Naples, FL 34110 |
| 2. | Michael D. Dady | 2950 Immokalee Road, Suite 2
Naples, FL 34110 |
| 3. | Alan B. Smith | 11021 Corsia Trieste Way
Bonita Springs, FL 34135 |
| 4. | Marc I. Spencer | 877 Executive Center Drive, W., Ste. 205
St. Petersburg, FL 33702-2472 |
| 5. | C. Alexander Bratt | 8430 Enterprise Circle, Suite 100
Bradenton, FL 34202-4108 |

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Lucaya 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 Lucaya Community Development District must include the disclosure statement required in Florida

Statutes §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 Lucaya Community Development District.

SECTION SEVEN CONFLICT OF SEVERABILITY

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

SECTION EIGHT: EFFECTIVE DATE

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

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

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

DULY PASSED AND ADOPTED THIS _____ day of _____, 2004.

ATTEST:

CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

By: _____

Deputy Clerk

By: _____

Chairman

APPROVED AS TO FORM:

By: _____

Joan C. Henry
Office of County Attorney

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



to: Joan Henry, Assistant County Attorney
from: Paul O'Connor, AICP, Director of Planning
subject: Lucaya UCDD
date: October 12, 2004

Planning staff has completed its review of the petition to establish the Lucaya Uniform Community Development District. Attached is the staff report being issued by the Lee County Division of Planning recommending approval of the establishment of the UCDD with the basic systems, facilities and services provided under Section 190.012(1), F.S. Please note that Exhibit 8 and 9 have been updated by the petitioner and are attached. All of the accompanying petitions have been updated with the latest exhibits.

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

Lucaya Community Development District
Exhibit 8
Proposed Infrastructure Plan

Facility	Construction	Ownership	Capital Financing	Operation and Maintenance
Street Lighting	CDD	CDD	Special Assessment Revenue Bonds	Lee County/CDD Master Association
Water and Wastewater Irrigation	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment
Surface Water Management	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment
Landscape and Hardscape	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment
Perimeter Landscaping/Signage	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment

Lucaya
Community Development District
Proposed Construction Timetable and Cost Estimates
Exhibit 9

	Phase 1 2005	Phase 2 2006	Phase 3 2007	Total Project
Land (Water Management, Conservation Areas)	7,245,000			7,245,000
Water and Sewer Facilities	1,900,000	400,000	262,000	2,562,000
Irrigation Facilities	400,000	125,000	75,000	600,000
Storm Water Management	1,663,000	800,000	400,000	3,863,000
Off-site Roadway Improvements	90,000			90,000
Hardscape/Landscape	200,000	50,000	50,000	300,000
Professional and Permit Fees	400,000	150,000	100,000	650,000
Total Costs	11,898,000	1,525,000	887,000	15,310,000

ANALYSIS OF
THE LUCAYA
PETITION TO ESTABLISH A
UNIFORM COMMUNITY
DEVELOPMENT DISTRICT

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

October 12, 2004

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INTRODUCTION

Taylor Woodrow Homes - Southwest Florida Division, L.L.C. has petitioned the Board of County Commissioners of Lee County, Florida to adopt an ordinance to establish a Uniform Community Development District (UCDD) and to 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 42-1, Florida Administrative Code. The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district, after its establishment, may petition for.

If approved the district will be 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 inside or outside the district boundary for which a Development Order is issued.

BACKGROUND

Taylor Woodrow Homes - Southwest Florida Division, L.L.C., hereafter called "Petitioner", is a corporation registered to do business in the State of Florida with its principal place of business located at 8430 Enterprise Circle, Suite 100, Bradenton, Florida, 34202-4108 and whose President is Douglas Schwartz.

F.S. 190.005(2) sets forth the "exclusive and uniform method for the establishment of a community development district of less than 1,000 acres in size." This establishment "shall be pursuant to an ordinance adopted by the county commission having jurisdiction over the majority of the land in the area in which the district is to be located granting a petition for the establishment of a community development district."

The Petitioner proposes to establish a Uniform Community Development District on approximately ninety eight (98±) acres of land located in Lee County, Florida and lying within Section 29, Township 45 South, Range 24 East. The property is located to the South of McGregor Boulevard between A&W Bulb Road to the east and Pine Ridge Road to the west in Iona/McGregor. A map showing the land area to be served by the District and a metes and bounds description of the external boundaries of the District is set forth in Exhibits 1 and 2 to the petition. The land area is bounded on the North by McGregor Boulevard, on the South by the Edisto Lakes multi-family development, Heights Elementary School, and conservation lands, on the East by the Hampton Lakes subdivision and conservation lands, and on the West by conservation lands.

Adopting the ordinance and granting the petition would authorize the district, through its board of supervisors, to manage and finance certain basic infrastructure for the benefit of the landowners in the community. 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.

In order to provide the basic systems, facilities and services, the district has certain management and financing powers. However, these powers may be exercised only if the district complies with certain strict and detailed procedural requirements. These include: ethics in government; disclosure; conflict of interest requirements; noticed meetings; government-in-the-sunshine conduct; accounting and reporting requirements to various local and state agencies; consultants competitive negotiations procedures; competitive bidding procedures; and others. In addition to complying with these many procedural requirements, the district still may not manage and finance any of these services and facilities without a showing that development of the properties complies with all legitimate policies, constraints, authorities, controls or conditions on the development of the land, whether local, regional, state or federal in nature, and whether in the form of policies, laws, rules, regulations or ordinances. The district itself is not considered "development." Rather, the district is an alternative mechanism to assure the County and the landowners of the particular land in question that basic systems, facilities and services will be managed and financed in an efficient and economical way.

In order to provide these services, the district is also given certain eminent domain powers, within the very tight constraints summarized above, as well as the authority to require service charges, fees or taxes for the various services rendered, ranging from installation of capital facilities to long-term maintenance and repair. Without the County's consent by resolution, the aforementioned eminent domain power is limited to the boundaries of the district. The district may also issue non-ad valorem special assessment bonds, revenue and other user bonds, and general obligation bonds. However, no general obligation bonds can be issued without a referendum and without a showing that it will not exceed 35 percent of the assessed valuation of the property within the district.

Accordingly, if the County adopts the ordinance and establishes the district, the Lucaya Community Development District will then be an infrastructure management tool. This pinpointed responsibility can benefit the landowners with timely, efficient, reliable and flexible services. It serves as a concurrency management tool for the County, the landowners, the developer and, ultimately, the residents. In addition, the district would be a financing tool providing financial incentives for long-range and high quality service benefits to initial and subsequent landowners without burdening Lee County and its taxpayers.

Finally, such a district may not outlive its practical utility and usefulness. If it ceases to function it will automatically be disbanded by state law. If at any time during its existence

Lee County determines by a non-emergency ordinance that it can provide any one of the district services in a more economical manner, over the long term, at lower cost with higher quality, Lee County may then take that service away from the district and provide the service itself.

THE PETITION

The statutes require that a petition 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;
- the consent of the property owners;
- the designation of the initial members of the board of supervisors;
- the proposed name of the district;
- a map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence;
- the proposed timetable and estimated cost of constructing the proposed services;
- the designation of the future general distribution, location, and extent of public and private uses of land; and,
- a statement of estimated regulatory costs.

Such a petition was received from the Petitioner by Lee County on June 23, 2004. In order to assist the Commission and its staff in reviewing the petition, supplemental materials were requested and were furnished by the Petitioner. The Petition and supplemental materials have 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. Chapter 190, Lee County is required to consider the following six factors in making a determination to grant or deny a petition for the establishment of a community development district:

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.

The obligation of the Board of County Commissioners is to consider the six factors using the information in the petition and its attachments, and any other documents and information that have been filed. The key decisions to be made by the Board in establishing a district is simply whether it is a reasonable thing to do in view of the six factors which the law requires Lee 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. In accordance with F.S. Section 190.004(3) the creation of a community development district is not a development order as defined in Chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances 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 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 petition Exhibit 10, staff agrees with the statement of estimated regulatory costs that there is no adverse impact on small businesses. In fact there could be positive impacts due to the opportunity for small businesses to bid on work within the district. Staff also concurs with the methodology employed in the statement of estimated regulatory costs.

Concerning Factor #2: Staff concludes that the creation and establishment of the district 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. In fact, the establishment of the district is affirmatively consistent with Section 187.201(21)(b)(2) F.S., which encourages restructuring political jurisdiction with the goal of greater efficiency. It is also consistent with Policy 1.1.4 of the Lee Plan, the Urban Community future land use category. The request is consistent with Objective 2.2, Development Timing, which directs “new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.”

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 three fundamental alternatives available for managing and financing those basic systems, facilities and services for the Lucaya development area. One alternative is for Lee County government to directly provide those services by creating a dependent district or, by directly managing the infrastructure but financing it through a Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU). The other alternative is purely private, through a homeowners' association, or through a private company or utility established by the landowners. The third alternative, the Uniform Community Development District, coincides the public policy interests and duties of local government with the private marketing interests and duties of private landowners.

Planning staff has reviewed these three alternatives with regard to the site and concludes that the establishment of a Uniform Community Development District is one of the best alternatives available for delivering community development services and facilities to the area that will be served by the district. Staff has further concluded that establishment of the district is compatible with the function of existing units of local government or that any issues have been or may be adequately addressed by interlocal agreement.

Concerning Factor #5: Staff has reviewed the issue of the capacity and uses of any existing local and regional community development services and facilities. Currently the subject area is located within Lee County Utilities future water and sewer service areas. It is the intent of the District to construct, own, and operate utility infrastructure within the district and obtain utility services from Lee County Utilities. Other services and facilities such as water management and landscaping will be funded and maintained by the district as well. There are no other Uniform Community Development District services or facilities being provided to the property.

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 it is amenable to separate special district government.

ADDITIONAL ANALYSIS

As in previous reviews, staff has a concern that future purchasers of property or dwelling units within the proposed UCDD are aware that the property they are purchasing will be subject to additional assessments for public services and facilities, beyond those taxes and assessments levied by local governments. Section 190.048, Florida Statutes, contains a provision that requires that a buyer of an "initial" parcel, or the buyer of an "initial" residential unit within a UCDD be notified that the property or dwelling unit being purchased is subject to special assessments from the district. Second and third buyers of property or dwelling units, however, would not be notified that the property is subject to these special assessments. Staff believes that all future purchasers of property within a UCDD should be made aware that they will be subject to additional district assessments. Staff therefore recommends that the disclosure statement provided in Section 190.048, Florida Statutes apply to all subsequent sales within the UCDD, and not just to the initial sale. Staff recommends the inclusion of the following language in the adopting ordinance of the proposed district:

Any and all agreements for the sale of property within the boundaries of the Lucaya Community Development District must include the disclosure statement required in Section 190.048, Florida Statutes, for the initial sale of the property. This requirement applies to the initial seller of the property as well as all subsequent sellers, successors and assigns for the life of the Lucaya Community Development District.

RECOMMENDATION

Planning staff recommends that the Board of County Commissioners adopt and enact the Ordinance establishing the Lucaya Uniform Community Development District. In accordance with Section 190.005(1)(f), F.S., the Ordinance enacts the following:

1. It establishes the external boundaries of the district which are set forth in ordinance Attachment A;
2. It names the five persons designated to be the initial members of the board of supervisors who shall be:

Douglas L. Schwartz
Michael D. Dady
Alan B. Smith
Marc I. Spencer
C. Alexander Bratt

3. It establishes the name of the district which shall be: The Lucaya Community Development District.
4. It establishes the inclusion of the disclosure statement of Section 190.048, F.S. to subsequent land purchase agreements within the boundaries of the district.

**BEFORE THE COUNTY COUNCIL OF
LEE COUNTY, FLORIDA**

PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, TAYLOR WOODROW HOMES – SOUTHWEST FLORIDA DIVISION, L.L.C., a Florida limited liability company, (hereafter “Petitioner”), hereby petitions the County Commission of Lee County, Florida, pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, Florida Statutes, to establish a Community Development District (hereafter “District”) with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within unincorporated Lee County, Florida. **Exhibit 1** depicts the general location of the project. The proposed District covers approximately 98.7 acres of land. The site is located in the area bounded on the West by Lee County conservation lands, on the East by Lee County conservation lands and Hampton Lakes subdivision, on the South by Harlem Heights and on the North by McGregor Boulevard. The metes and bounds description of the external boundaries of the District is set forth in **Exhibit 2**.
2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District that are to be excluded from the District.
3. Landowner Consent. Petitioner has obtained written consent to establish the District from the Landowners of one hundred percent (100%) of the real property located within the District in accordance with Section 190.005, Florida Statutes. Documentation of this consent is contained in **Exhibit 3**.

4. Initial Board Members. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name: Douglas L. Schwartz
Address: 2950 Immokalee Road, Suite 2
Naples, FL 34110

Name: Michael D. Dady
Address: 2950 Immokalee Road, Suite 2
Naples, FL 34110

Name: Alan B. Smith
Address: 11021 Corsia Trieste Way
Bonita Springs, FL 34135

Name: Marc I. Spencer
Address: 877 Executive Center Dr. W., Suite 205
St. Petersburg, FL 33702-2472

Name: C. Alexander Bratt
Address: 8430 Enterprise Circle, Suite 100
Bradenton, FL 34202-4108

All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is Lucaya Community Development District.

6. Existing Land Uses. The existing land uses within and abutting the proposed District are depicted on **Exhibit 4.**

7. Future Land Uses. The future general distribution, location, and extent of the public and private land uses proposed within the District are shown on **Exhibit 5.**

8. Major Water and Wastewater Facilities. **Exhibit 6** shows the pre-development drainage patterns of the lands to be included within the proposed District. **Composite Exhibit 7**

shows the existing and proposed sanitary sewer and water distribution systems for the lands to be included within the District.

9. District Facilities and Services. **Exhibit 8** describes the type of facilities Petitioner presently expects the District to finance, construct, acquire and/or install, as well as the anticipated owner and entity responsible for maintenance. These facilities will serve the residential development within the District. The estimated costs of constructing the infrastructure serving land within the proposed District are identified in **Exhibit 9**. At present, these improvements are estimated to be made, acquired, constructed, and/or installed in three (3) phases from 2004 - 2008. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

10. Statement of Estimated Regulatory Costs. **Exhibit 10** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes (2003). The SERC is based upon presently available data.

11. Authorized Agent. The Petitioner is authorized to do business in Florida. The authorized agent for the Petitioner is Douglas L. Schwartz. See **Exhibit 11**. Copies of all correspondence and official notices should also be sent to:

Jonathan T. Johnson
HOPPING GREEN & SAMS, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314

12. This petition to establish the Lucaya Community Development District should be granted for the following reasons:

a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or County Comprehensive Plan.

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

c. The establishment of the District will prevent the general body of taxpayers in the County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District's services and facilities.

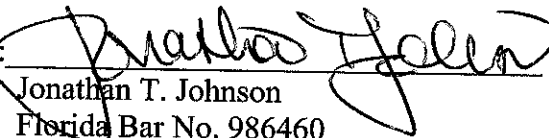
e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests Lee County, Florida to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes (2003); and

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes.

RESPECTFULLY SUBMITTED, this 11th day of June, 2004.

BY: 
Jonathan T. Johnson
Florida Bar No. 986460
HOPPING GREEN & SAMS, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301
(850) 222-7500 Telephone
(850) 224-8551 Facsimile

Barraco and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2900
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7895 - SURVEYING LB-6940

PREPARED FOR



Taylor Woodrow

TAYLOR WOODROW COMMUNITIES
2950 IMMOKALEE ROAD
SUITE 2
NAPLES, FLORIDA 34110

PHONE (239) 592-0055
FAX (239) 592-5386

WWW.TAYLORWOODROW.COM
CB-C058372

PROJECT DESCRIPTION

LUCAYA CDD

MCGREGOR BOULEVARD

PART OF SECTION 29
TOWNSHIP 45 SOUTH
RANGE 24 EAST
FORT MYERS
LEE COUNTY, FLORIDA

PROJECT ENGINEER

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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FILE NAME	CDD A1.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21989\DWG\EXHIBITS\1
PLOT DATE	FRI 6-4-2004 - 4:21 PM
PLOT BY	TODD VANA
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

NO.	DESCRIPTION

PLAN STATUS

EXHIBIT ONLY
NOT FOR CONSTRUCTION

LOCATION
MAP
EXHIBIT 1

PROJECT / FILE NO.	SHEET NUMBER
21989	1 OF 1

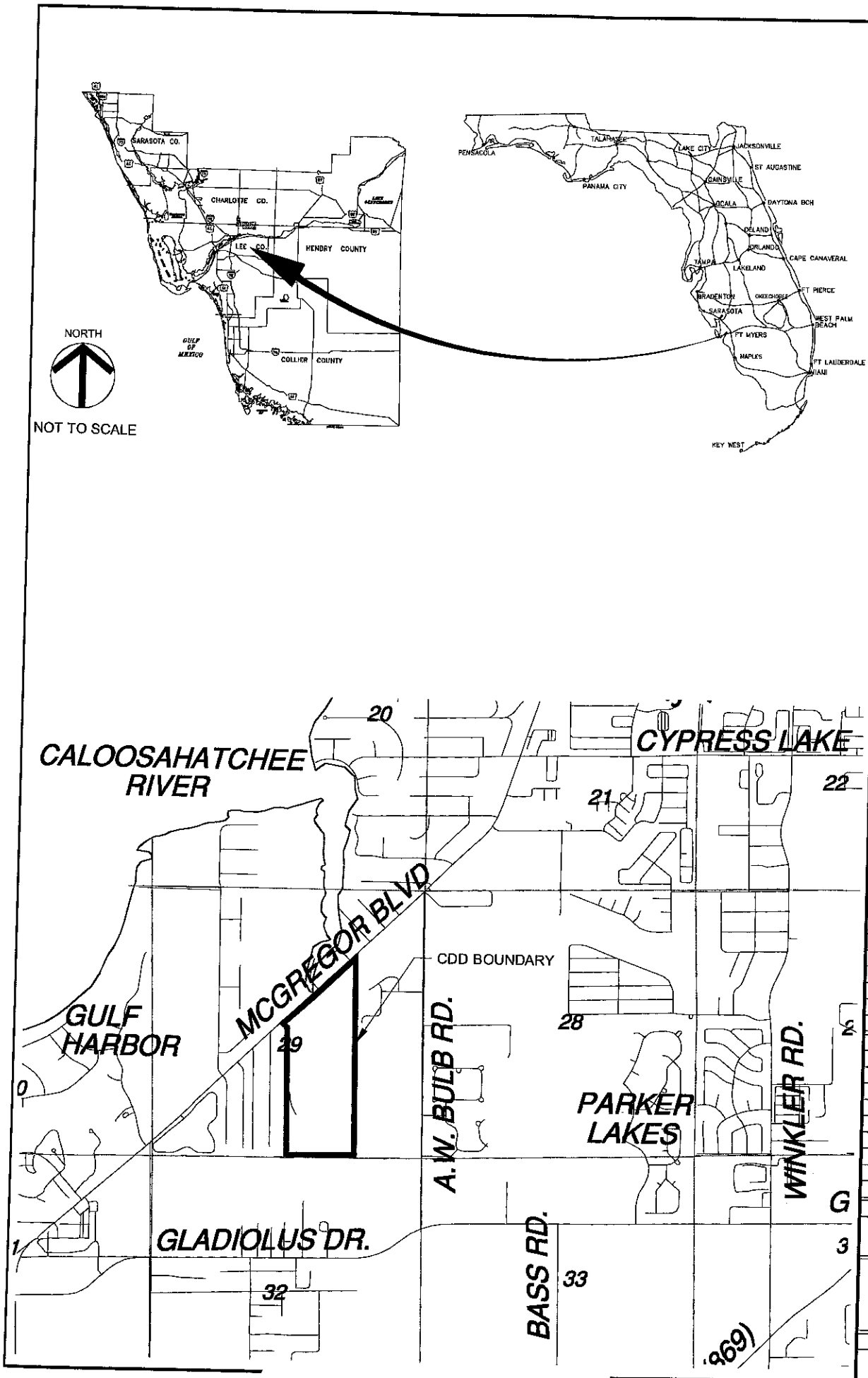


EXHIBIT 1

LUCAYA CDD

Exhibit 2

DESCRIPTION

Parcel in
Section 29, Township 45 South, Range 24 East
Lee County, Florida

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 (ONE-QUARTER) OF THE SOUTHEAST 1/4 (ONE-QUARTER) OF THE AFORESAID SECTION 29;

THENCE NORTH 00°59'17" WEST ALONG THE EAST LINE OF SAID FRACTION A DISTANCE OF 2,608.94 FEET TO THE INTERSECTION WITH THE EAST-WEST 1/4 (ONE-QUARTER) SECTION LINE;

THENCE NORTH 00°57'17" WEST ALONG THE EAST LINE OF THE WEST 1/2 (ONE-HALF) OF THE NORTHEAST 1/4 (ONE-QUARTER) OF SAID SECTION 29 A DISTANCE OF 1,263.13 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF MCGREGOR BLVD;

THENCE SOUTH 45°47'17" WEST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE A DISTANCE OF 1,166.75 FEET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 47°14'24" WEST A DISTANCE OF 741.69 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 44°32'44" EAST A DISTANCE OF 111.80 FEET TO AN INTERSECTION WITH THE NORTH-SOUTH 1/4 (ONE-QUARTER) SECTION LINE OF SAID SECTION 29;

THENCE ALONG SAID 1/4 SECTION LINE SOUTH 01°03'31" EAST A DISTANCE OF 2,493.58 FEET TO THE SOUTH 1/4 (ONE-QUARTER) OF SAID SECTION 29;

THENCE NORTH 89°11'17" EAST ALONG THE SOUTH LINE OF THE WEST 1/2 (ONE-HALF) OF THE SOUTHEAST 1/4 (ONE-QUARTER) OF SAID SECTION 29 A DISTANCE OF 1,322.26 FEET TO THE POINT OF THE BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING 98.89 ACRES, MORE OR LESS.

L:\21929 - Asbury Due Diligence \SURVEY\DESC\21929S01_AS PROVIDEDDESC.DOC

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

Consent and Joinder of Landowners
for Establishment of a Community Development District

The undersigned is the owner of certain lands portions of which are more fully described in Exhibit A hereto (the "Property").

The undersigned understands and acknowledges that Petitioner intends to submit a petition to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As an owner of lands that are intended to constitute the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, Florida Statutes, Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

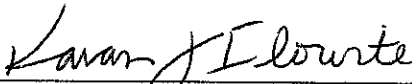
The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, consent to establishment of the Community Development District in substantially this form.

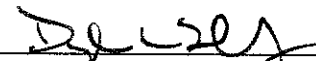
The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

Executed this 4th day of June, 2004.

Witnessed:

TAYLOR WOODROW HOMES –
SOUTHWEST FLORIDA DIVISION,
L.L.C.


Print Name: KARAN J. Ilowite

By: 
Douglas L. Schwartz, President



Print Name: Hebeu O'R

EXHIBIT A

LUCAYA CDD

DESCRIPTION

Parcel in
Section 29, Township 45 South, Range 24 East
Lee County, Florida

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 (ONE-QUARTER) OF THE SOUTHEAST 1/4 (ONE-QUARTER) OF THE AFORESAID SECTION 29;

THENCE NORTH 00°59'17" WEST ALONG THE EAST LINE OF SAID FRACTION A DISTANCE OF 2,608.94 FEET TO THE INTERSECTION WITH THE EAST-WEST 1/4 (ONE-QUARTER) SECTION LINE;

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THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 44°32'44" EAST A DISTANCE OF 111.80 FEET TO AN INTERSECTION WITH THE NORTH-SOUTH 1/4 (ONE-QUARTER) SECTION LINE OF SAID SECTION 29;

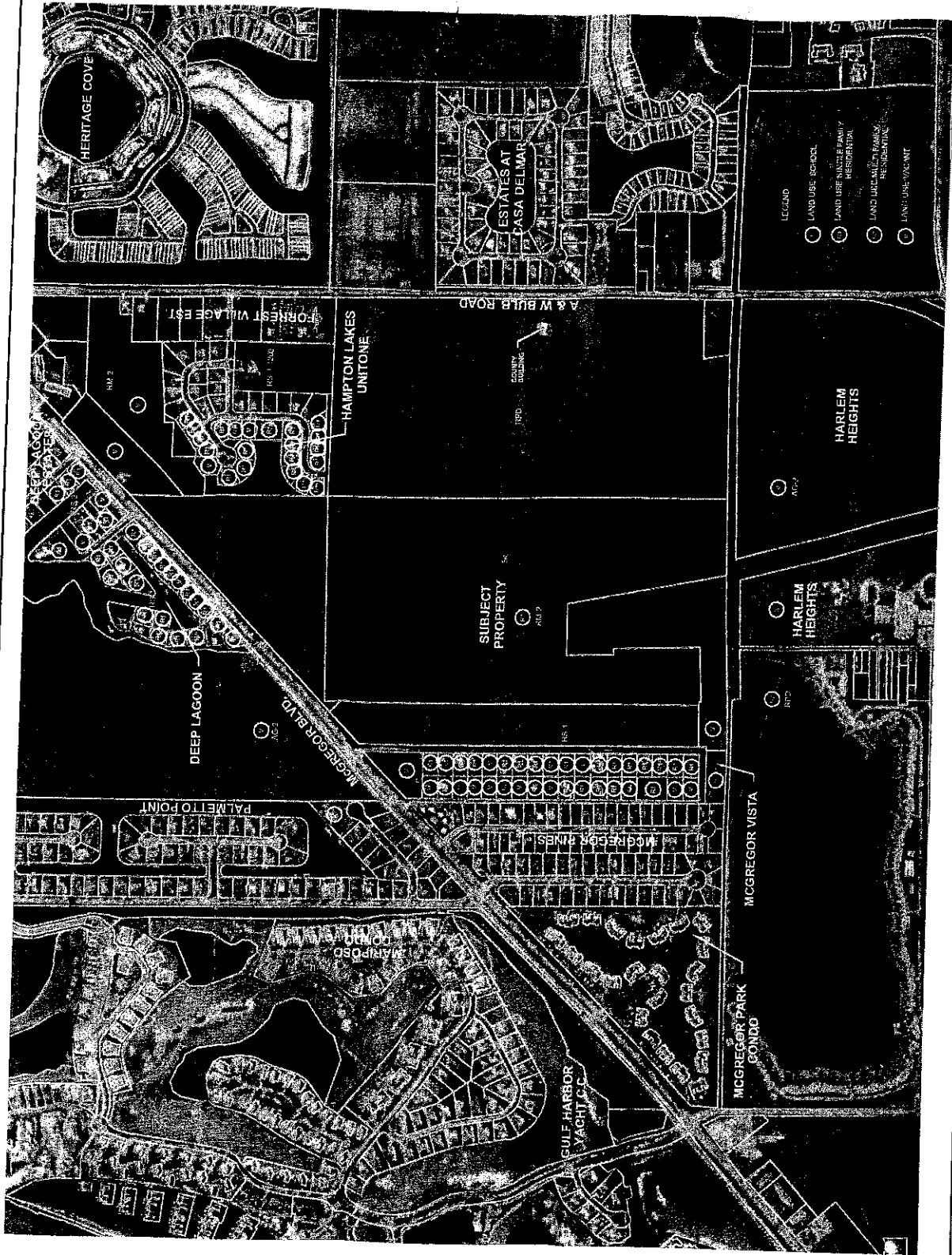
THENCE ALONG SAID 1/4 SECTION LINE SOUTH 01°03'31" EAST A DISTANCE OF 2,493.58 FEET TO THE SOUTH 1/4 (ONE-QUARTER) OF SAID SECTION 29;

THENCE NORTH 89°11'17" EAST ALONG THE SOUTH LINE OF THE WEST 1/2 (ONE-HALF) OF THE SOUTHEAST 1/4 (ONE-QUARTER) OF SAID SECTION 29 A DISTANCE OF 1,322.26 FEET TO THE POINT OF THE BEGINNING OF THE PARCEL HEREIN DESCRIBED.

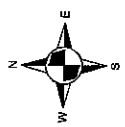
CONTAINING 98.89 ACRES, MORE OR LESS.

L:\21929 - Asbury Due Diligence \SURVEY\DESC\21929S01_AS PROVIDEDDESC.DOC

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169



Taylor Woodrow
 TRAILER SALES & SERVICE
 2803 TAMPA AVENUE
 SUITE 2
 NAPLES, FLORIDA 34110
 PHONE: (813) 982-0005
 FAX: (813) 982-0006
 WWW.TAYLORWOODROW.COM
 CH-000001



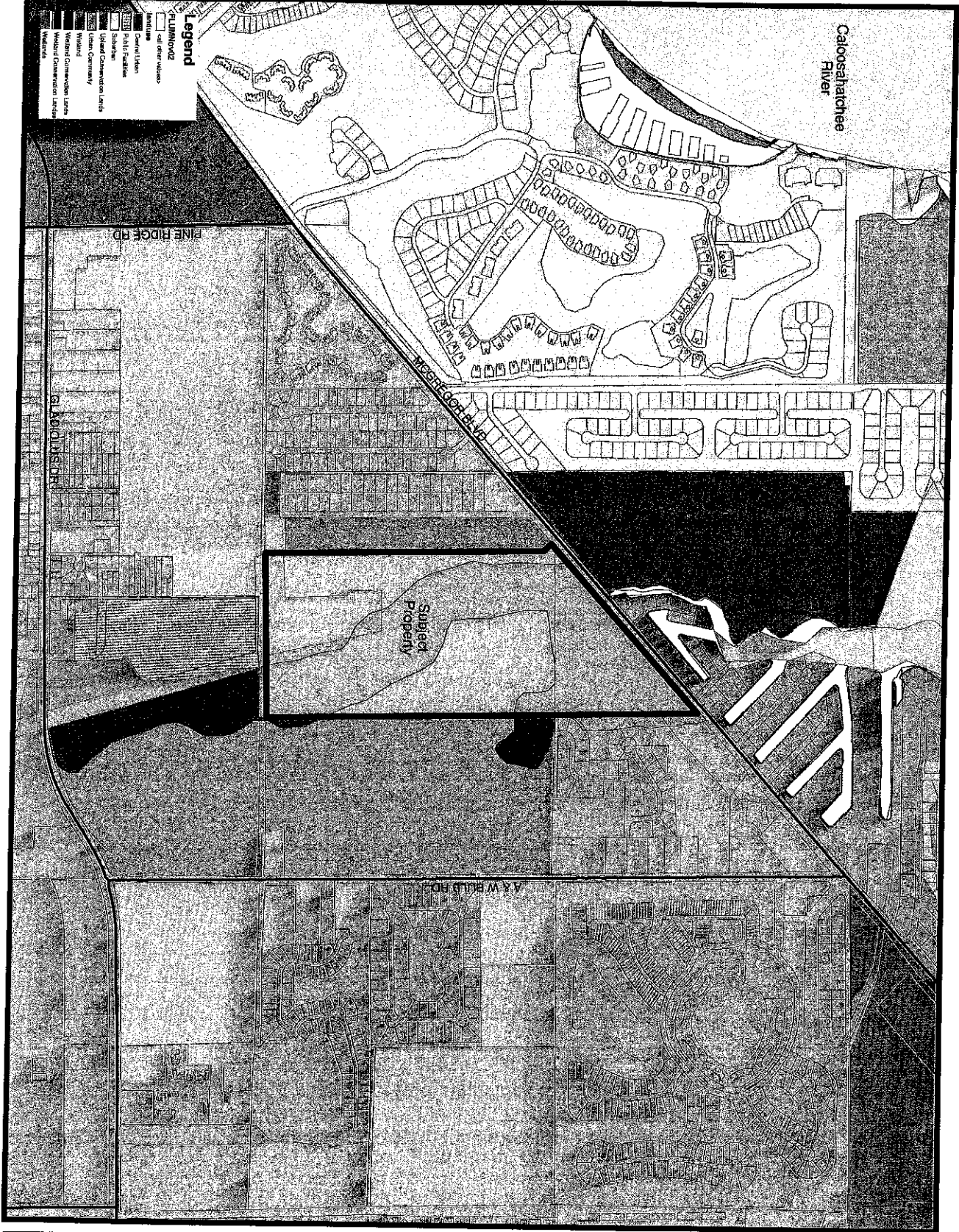
AERIAL PHOTOGRAPH
 LUCAYA CDD
 LEE COUNTY, FLORIDA

0 200 400 600
 SCALE IN FEET

Barraco
 REAL ESTATE GROUP, INC.
 4000 BARRACCO DRIVE, SUITE 100
 NAPLES, FLORIDA 34109
 PHONE: (813) 982-0005
 FAX: (813) 982-0006
 WWW.BARRACOREALTY.COM

EXHIBIT 5

J:\21889GIS\2192521989FLU.Mxd



Legend
Unimproved Land
Other Vacant Land
Central Urban
Public Facilities
Suburban
Urban Conservation Lands
Urban Community
Wetland
Wetland Conservation Lands
Wetlands

Scale: 1 inch = 100 feet

Source: Lee County Property Appraiser

Map prepared by Barraco and Associates, Inc.

Future Land Use Map LUCAYA CDD Lee County, Florida



Taylor Woodrow

THE DEVELOPMENT CONSULTANTS
10001 UNIVERSITY BLVD, SUITE 200
FORT LAUDERDALE, FL 33328
TEL: (760) 796-8800
WWW.TAYLORWOODROW.COM

B-traco
 BTRACO Associates, Inc.
 CIVIL ENGINEERING, LAND SURVEYING
 AND PLANNING - LANDSCAPE ARCHITECTURE

WWW.BTRACO.NET
 2771 INGRESOR BOULEVARD
 PORT ORCHIE DRIVE #200
 PORT ORCHIE, FLORIDA 32080
 PHONE (239) 461-3170
 FAX (239) 461-3190

FLORIDA CERTIFICATE OF AUTHORIZATION
 ENGINEERING TRS - SURVEYING LB-9840

REGISTERED
Taylor Woodrow

TAYLOR WOODROW COMMUNITIES
 2800 INGRESOR BOULEVARD
 NAPLES, FLORIDA 34110
 PHONE (239) 492-2009
 FAX (239) 492-2006

WWW.TAYLORWOODROW.COM
 CS-00000272

PROJECT DESCRIPTION

**LUCAYA
 CDD**

INGRESOR BOULEVARD

PART OF SECTION 28
 TOWNSHIP OF SOUTH
 RANGE 41 WEST
 COUNTY OF LEE
 FLORIDA

PROJECT NUMBER

PLAN DATE

PLANNED BY

DESIGNED BY

CHECKED BY

APPROVED BY

DATE

SCALE

PROJECT NUMBER

EXHIBIT ONLY
 NOT FOR CONSTRUCTION

**A SBURY CDD
 MASTER SITE PLAN
 EXHIBIT 6**

PROJECT FILE NO. 21987

SHEET NUMBER 1 OF 1

- NOTES:**
1. CHANGE SITE NUMBER AND LAND USE CLASSIFICATION AS PER PLAN.
 2. PROVIDE ALL NECESSARY UTILITY LOCATIONS AND DEPT. APPROVALS FOR ALL UTILITIES AND SERVICES TO BE PROVIDED IN THIS AREA. PROVIDE ALL NECESSARY UTILITY LOCATIONS AND DEPT. APPROVALS FOR ALL UTILITIES AND SERVICES TO BE PROVIDED IN THIS AREA.
 3. PROVIDE ALL NECESSARY UTILITY LOCATIONS AND DEPT. APPROVALS FOR ALL UTILITIES AND SERVICES TO BE PROVIDED IN THIS AREA.
 4. UTILITY INFORMATION:
 WATER - LEE COUNTY (TRUCKEE STREET)
 SANITARY - LEE COUNTY (TRUCKEE STREET)
 SEWER - LEE COUNTY (TRUCKEE STREET)
 TELEPHONE - LEE COUNTY (TRUCKEE STREET)
 CABLE TV - LEE COUNTY (TRUCKEE STREET)
 ELECTRIC - LEE COUNTY (TRUCKEE STREET)
 PHONE - LEE COUNTY (TRUCKEE STREET)

INGRESOR BOULEVARD

EXISTING DRAINAGE

EXISTING DRAINAGE

CDD BOUNDARY

EXISTING DRAINAGE

EXISTING DRAINAGE

EXISTING DRAINAGE

EXISTING DRAINAGE

EXISTING DRAINAGE

EXISTING DRAINAGE

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EXISTING DRAINAGE

EXISTING DRAINAGE

EXISTING DRAINAGE

EXHIBIT 6

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

2271 INGRESOR BOULEVARD
PORT OFFICE BLDG 2000
FORT MYERS, FLORIDA 33902-2800
PHONE (889) 848-3470
FAX (889) 848-3470
WWW.BARRACO.COM

FLORIDA CERTIFICATE OF QUALIFICATION
ENGINEERING 7296 - SURVEYING LICENSE

Taylor Woodrow

TAYLOR WOODROW COMMUNITIES
SUITE 2
2640 INNAVALE ROAD
INNAVALE, FLORIDA 33910
PHONE (889) 842-0000
FAX (889) 834-6886
WWW.TAYLORWOODROW.COM
GL-000872

PROJECT DESCRIPTION

LUCAYA

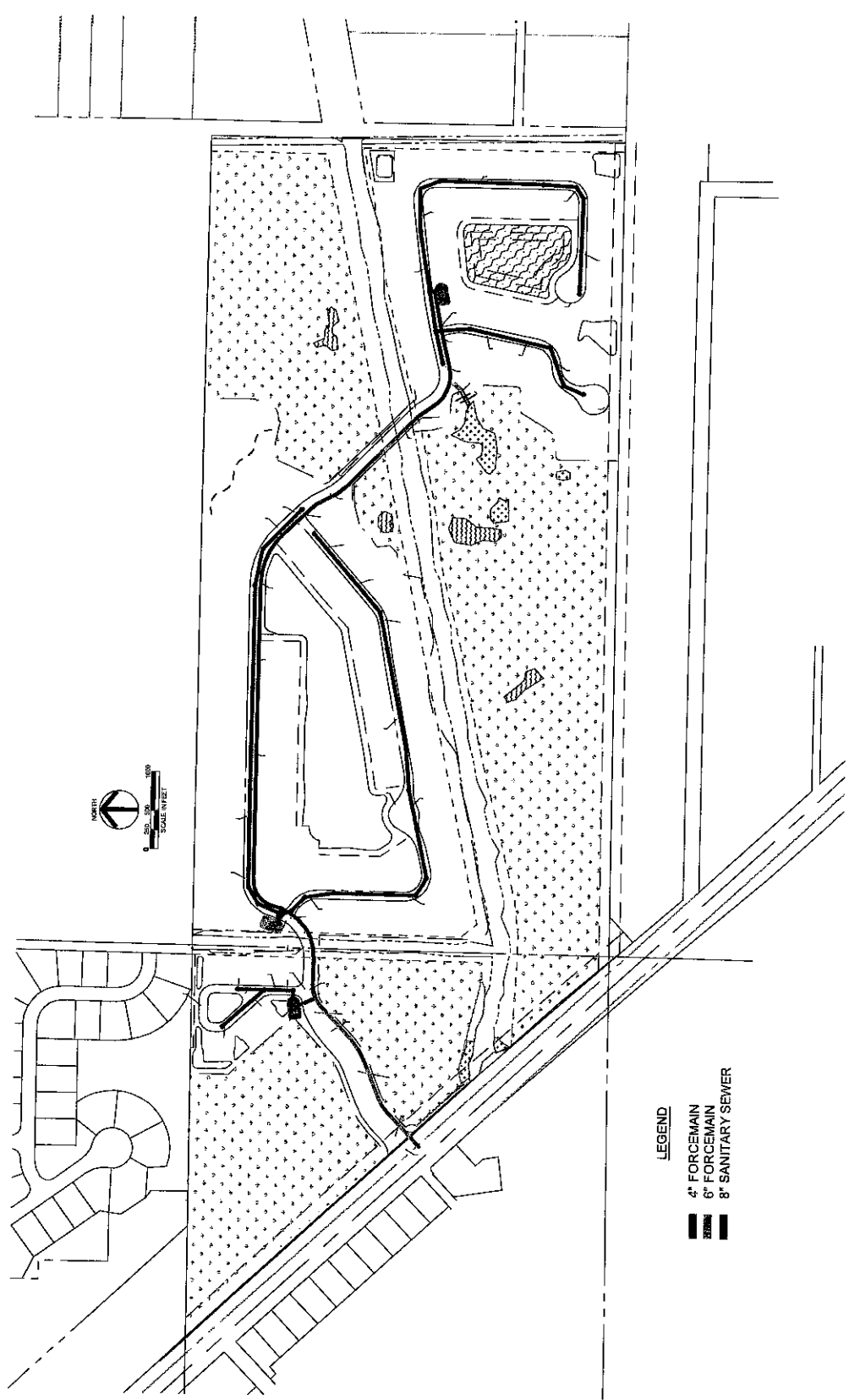
INGRESOR BOULEVARD
PART OF SECTION 28
TOWNSHIP 42 SOUTH
RANGE 18 WEST
FORT MYERS
LEE COUNTY, FLORIDA

FILE NAME	CD3 12.DWG
LOCATION	LAYOUT 11
DATE	12/20/00
DESIGNED BY	DRG 11
CHECKED BY	DRG 11
INCHES	1/4" = 1'-0"
FEET	1" = 1'-0"
METERS	1:30.48

PROJECT / FILE NO.	21881
SHEET NUMBER	1 OF 1

PLAN STATUS
FOR CONSTRUCTION
NOT FOR CONSTRUCTION

CONCEPTUAL MASTER
WASTE WATER PLAN
EXHIBIT 7B



LEGEND

- 4" FORCE MAIN
- 6" FORCE MAIN
- 8" SANITARY SEWER

EXHIBIT 7
(Page 1 of 2)

FILE NAME	CDD F 0105
LAYOUT	LAND USE
LOCATION	2271 INGLEWOOD BOULEVARD
PLAT DATE	FRI. 04-13-2004 11:52:24A
PLAT NO.	15003 AAAA
AGE	AREA
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AREA2	
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AREA100	

LEGEND
8" WATERMAIN
10" WATERMAIN
CDD BOUNDARY

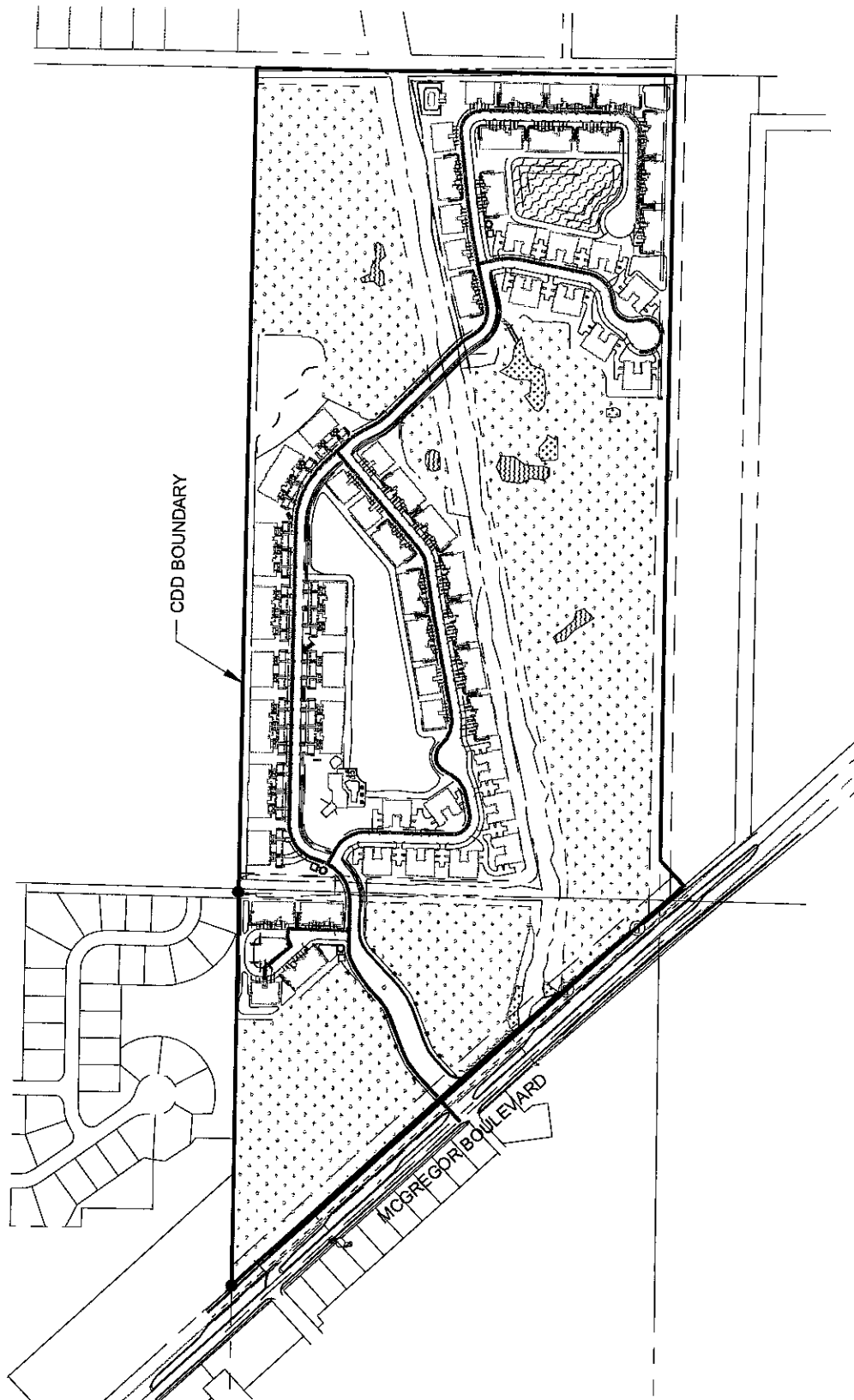


EXHIBIT 7
(Page 2 of 2)

Lucaya Community Development District
Exhibit 8
Proposed Infrastructure Plan

Facility	Construction	Ownership	Capital Financing	Operation and Maintenance
Street Lighting	CDD	CDD	Special Assessment Revenue Bonds	Lee County/CDD Master Association
Water and Wastewater Irrigation	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment
Surface Water Management	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment
Landscape and Hardscape	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment
Perimeter Landscaping/Signage	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment

Lucaya
Community Development District
Proposed Construction Timetable and Cost Estimates
Exhibit 9

	Phase 1 2005	Phase 2 2006	Phase 3 2007	Total Project
Land (Water Management, Conservation Areas)	7,245,000			7,245,000
Water and Sewer Facilities	1,900,000	400,000	262,000	2,562,000
Irrigation Facilities	400,000	125,000	75,000	600,000
Storm Water Management	1,663,000	800,000	400,000	3,863,000
Off-site Roadway Improvements	90,000			90,000
Hardscape/Landscape	200,000	50,000	50,000	300,000
Professional and Permit Fees	400,000	150,000	100,000	650,000
Total Costs	11,898,000	1,525,000	887,000	15,310,000

STATEMENT OF ESTIMATED REGULATORY COSTS
FOR
LUCAYA
COMMUNITY DEVELOPMENT DISTRICT

PREPARED BY:

RIZZETTA & COMPANY, INC.
3434 Colwell Avenue
Suite 200
Tampa, Florida 33614
(813) 933-5571

June 4, 2004

RIZZETTA & COMPANY
INCORPORATED

LUCAYA
COMMUNITY DEVELOPMENT DISTRICT

STATEMENT OF ESTIMATED REGULATORY COSTS

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LUCAYA COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

I. INTRODUCTION

1. PURPOSE AND SCOPE

This Statement of Estimated Regulatory Costs has been prepared as a component of the petition filed with the Board of County Commissioners of Lee County, Florida to establish the Lucaya Community Development District ("District") in accordance with Chapter 190.005, Florida Statutes ("F.S."). Specifically, Section 190.005(1)(a) 8, F.S., requires, as part of the petition, a Statement Of Estimated Regulatory Costs prepared pursuant to Section 120.541 F.S.

A community development district ("CDD") is established under the Uniform Community Development District Act of 1980, Chapter 190 of the Florida Statutes, as amended (the "Act"). A CDD is a local unit of special-purpose government that is limited to the performance of those specialized functions authorized by the Act. Those specialized functions consist of the planning, financing, constructing and maintaining of certain public infrastructure improvements and community development services. As an independent special district, the CDD's governing body establishes its own budget and, within the scope of its authorized powers, operates independently of the local general-purpose governmental entity (i.e., the county or the city) whose boundaries include the CDD.

However, a CDD cannot regulate land use or issue development orders; those powers reside with the local general-purpose government. The Legislature has, in Section 190.004(3), F.S., made this clear by stating:

"The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Local Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government."

LUCAYA COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

In addition, the parameters for the review and evaluation of community development district petitions are clearly set forth in Section 190.002(2) (d), F.S., as follows:

"That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service-delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant."

Therefore, the scope of this Statement of Estimated Regulatory Costs is limited to an evaluation of those factors pertinent to the establishment of a CDD as defined by the Legislature and outlined in Section 120.541(2), F.S.

The purpose of Chapter 190, F.S. is to provide another tool to government and private landowners in their efforts to comply with comprehensive plans which require adequate public facilities and services as a pre-condition for future development. See Section 163.3177(10) (h) (the "concurrency" requirement), F.S.

The CDD is a special purpose unit of local government that is established for the purpose of providing an alternative mechanism for financing the construction of public infrastructure. A CDD must be structured to be financially independent as intended by the Legislature. The cost of any additional public improvements to be constructed or any additional services to be provided by the county as a result of this development will be incurred whether the infrastructure is financed through a CDD or any other alternative financing method. These costs have already been evaluated by all appropriate agencies during the approval process for the development. The annual operations and administrative costs of the CDD will be borne entirely by the District and will not require any subsidy from the State of Florida, Lee County or the City of Ft. Myers, nor will it place any additional economic burden on those persons not residing within the District.

2. LUCAYA COMMUNITY DEVELOPMENT DISTRICT

The proposed District will contain approximately 98.94 acres. If established, a CDD is empowered, as outlined in Section 190.012 F.S., to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructure that may include, but is not limited to: water management and control, water supply, sewer, wastewater management,

RIZZETTA & COMPANY
INCORPORATED

LUCAYA COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

bridges or culverts, District roads and street lights, transportation facilities, parking improvements, environmental remediation and cleanup, conservation areas, or any other project, within or without the boundaries of the District, required by a development order issued by a local government or subject of an agreement between the District and a governmental entity.

If approved, the District will be authorized to finance these types of infrastructure improvements through special or non-ad valorem assessment revenue bonds. Repayment of these bonds will be through special or non-ad valorem assessments levied against all benefited properties within the District. On-going operation and maintenance for District owned facilities is expected to be funded through maintenance assessments levied against all benefited properties within the District.

II. STATUTORY ITEMS:

Section 120.541(2), F.S. (2002), defines the elements a Statement of Estimated Regulatory Costs must contain, as follows:

- (a) A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance;
- (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 ordinance, 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 government entities, required to comply with the requirements of the ordinance;
- (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.;
- (e) Any additional information that the agency determines may be useful.

RIZZETTA & COMPANY
INCORPORATED

LUCAYA COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

The estimated regulatory impacts for the establishment of the District are summarized below.

1. A GOOD FAITH ESTIMATE OF THE NUMBER OF INDIVIDUALS AND ENTITIES LIKELY TO BE REQUIRED TO COMPLY WITH THE ORDINANCE, TOGETHER WITH A GENERAL DESCRIPTION OF THE TYPES OF INDIVIDUALS LIKELY TO BE AFFECTED BY THE ORDINANCE.

The individuals and entities likely to be required to comply with the ordinance or affected by the proposed action (i.e., adoption of the ordinance) can be categorized, as follows: A) The State of Florida and its residents, B) Lee County and its residents, C) current property owners and D) future property owners.

A. THE STATE OF FLORIDA

The State of Florida and its residents and general population will not incur any compliance costs related to the establishment and on-going administration of the District and will only be affected to the extent that the State incurs those nominal administrative costs outlined in Section 2. A. 2 below. The cost of any additional administrative services provided by the state as a result of this development will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

B. LEE COUNTY

Lee County and its residents not residing within the boundaries of the District will not incur any compliance costs related to the on-going administration of the CDD other than any one-time administrative costs outlined in Section 2. A. 1 below. Once the District is established, these residents will not be affected by adoption of the ordinance. The cost of any additional administrative services provided by the county as a result of this development will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

C. CURRENT PROPERTY OWNERS

The current property owners of the lands within the boundaries of the proposed District will be affected by the proposed ordinance to the extent that the District issues debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

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D. FUTURE PROPERTY OWNERS

The future property owners are those who will own property in the proposed District. These future property owners will be affected by the proposed ordinance to the extent that the District issues debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

2. A GOOD FAITH ESTIMATE OF THE COST TO THE AGENCY, AND TO ANY OTHER STATE AND LOCAL ENTITIES, OF IMPLEMENTING AND ENFORCING THE PROPOSED ORDINANCE, AND ANY ANTICIPATED EFFECT ON STATE AND LOCAL REVENUES

A. COSTS TO GOVERNMENTAL AGENCIES OF IMPLEMENTING AND ENFORCING THE ORDINANCE

1. Lee County.

Because the proposed CDD encompasses less than 1,000 acres, this petition is being submitted to Lee County (i.e., the "Agency" under Section 120.541(2), Florida Statutes) for approval in accordance with Section 190.005(2) Florida Statutes. The Agency may incur certain one-time administrative costs involved with the review of this petition.

Once the proposed District is established, Lee County will not incur any quantifiable on-going costs resulting from the on-going administration of the District. As previously stated, the CDD operates independently from the county and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District. The proposed District will submit, for informational purposes, its annual budget, financial report, audit and public financing disclosures to the County. Since there are no legislative requirements for review or action, any costs incurred by Lee County are within its control. The Agency may, however, choose to review these documents. To offset these one time administrative costs, the petitioner will submit a filing fee of \$15,000 to Lee County.

2. State of Florida.

Once the District is established, the State of Florida will incur only nominal administrative costs to review the periodic reports required pursuant to Chapters 190,

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189, F.S., and other law. These reports include the annual financial report, annual audit and public financing disclosures. To offset these costs, the Legislature has established a maximum fee of \$175 per District per year to pay the costs incurred by the Special Districts Information Program to administer the reporting requirements of Chapter 189, F.S. Because the proposed District, as defined in Chapter 190, F.S., is designed to function as a self-sufficient special-purpose governmental entity, it is responsible for its own management. Therefore, except for the reporting requirements outlined above, or later established by law, no additional burden is placed on the State once the District has been established.

3. The District.

The proposed District will also incur costs for operations and maintenance of its facilities and for its administration. These costs will be completely paid for from annual assessments against all properties within the District benefiting from its facilities and its services

B. IMPACT ON STATE AND LOCAL REVENUES

It is anticipated that approval of this petition will not have any negative effect on state revenues. There is however, the potential for an increase in state sales tax revenue resulting from a stimulated economy although it is not possible to estimate this increase with any degree of certainty. In addition, local ad valorem tax revenues may be increased due to long-lasting increases in property values resulting from the District's construction of infrastructure and on-going maintenance services. Similarly, private development within the District, which will be facilitated by the District's activities, should have a positive impact on property values and therefore ad valorem taxes.

In addition, impact fee and development permit revenue is expected to be generated by private development within the District and, accordingly, should also increase local revenues.

Lastly, some express a concern that a District obligation could become a state or county obligation thereby negatively effecting state or local revenues. This cannot occur as Chapter 190 specifically addresses this issue and expressly states: "It is further the purpose and intent of the Legislature that no debt or obligations of a district constitute a burden on any local general-purpose government without its consent." Section 190.002(3), F.S. "A default on the bonds or obligations of a

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district shall not constitute a debt or obligation of a local general-purpose government or the state. "Section 190.016(15), F.S.

In summary, establishment of the proposed Lucaya Community Development District will not create any significant economic costs for the State of Florida or for Lee County.

3. A GOOD FAITH ESTIMATE OF THE TRANSACTIONAL COSTS LIKELY TO BE INCURRED BY INDIVIDUALS AND ENTITIES, INCLUDING LOCAL GOVERNMENT ENTITIES, REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

The transactional costs associated with adoption of an ordinance to establish the District are primarily related to the financing of infrastructure improvements. The District will determine what infrastructure it considers prudent to finance through the sale of bonds. Once the decision is made to issue bonds it is expected that assessments will be levied against benefited property owners within the proposed District. The revenue generated by payment of these assessments will be used to repay the bonds. The obligation to pay the assessments will "run with the land" and will be transferred to new property owners upon sale of any portions of the property.

To fund the cost of maintaining infrastructure that the District maintains, operation and maintenance assessments may be imposed on the District property owners. As with the special assessments for infrastructure acquisition and construction, the property owner will be responsible for payment of these assessments on the basis of the amount of benefited property owned.

All persons choosing to acquire property in the District will be responsible for such assessments in addition to the taxes or assessments imposed by Lee County.

In exchange for the payment of these special assessments, there are benefits to be derived by the future property owners. Specifically, these persons can expect to receive a higher level of services because they, the property owners, will elect the members of the Districts' Board of Supervisors. Further, the District is limited in jurisdiction and responsibility to this single development. Therefore, the District should be extremely responsive to the needs of the property owners within the District.

LUCAYA COMMUNITY DEVELOPMENT DISTRICT
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4. 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.

Establishment of the proposed District should not have any negative impact on small businesses. Any business, large or small, has the option of locating in a community development district provided the local governmental authority has issued the appropriate land use approvals. Those that choose this option will be subjected to the financial obligations imposed by the District and will accrue the benefits resulting from being in the District.

Furthermore, the District must operate according to Florida's "Sunshine" laws and must follow competitive bidding requirements for certain goods and services it will purchase. As a result, small businesses should be better able to compete for District business serving the lands to be included within the District.

Establishment of the District should have a positive impact on the small businesses of the local economy. As outlined above, success of the development should generate increased employment and stimulate economic activity in the area through increased construction expenditures related to infrastructure and private development, thus providing enhanced opportunity for small businesses.

Lee County is not a small county for purposes of this requirement.

In addition, establishment of a CDD should not have a negative impact on small cities or counties, because the cost to construct the infrastructure is borne entirely by the property owners within the District.

5. ANY ADDITIONAL INFORMATION THAT THE AGENCY DETERMINES MAY BE USEFUL

Certain data utilized in this report was provided by the developer/petitioner and represents the best information available at this time. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other CDDs in various stages of existence.

Authorization of Agent

This letter shall serve as a designation of DOUGLAS L. SCHWARTZ to act as agent for TAYLOR WOODROW HOMES – SOUTHWEST FLORIDA DIVISION, L.L.C., a Florida limited liability company, with regard to any and all matters pertaining to the Petition to establish the Lucaya Community Development District pursuant to Chapter 190, Florida Statutes. This authorization shall remain in effect until revoked in writing.

TAYLOR WOODROW HOMES –
SOUTHWEST FLORIDA DIVISION,
L.L.C.

DATE: June 4, 2004

By: 
Douglas L. Schwartz, President

STATE OF FLORIDA


COUNTY OF COLLIER

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared DOUGLAS L. SCHWARTZ, President of TAYLOR WOODROW HOMES – SOUTHWEST FLORIDA DIVISION, L.L.C., a Florida limited liability company, who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal in the County of Collier and State of Florida this 4th day of June, 2004.



Heather J. Allen
MY COMMISSION # DD239611 EXPIRES
August 31, 2007
BONDED THRU TROY FAIN INSURANCE, INC.


Heather J. Allen Notary Public
Personally known: X

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

LUCAYA COMMUNITY DEVELOPMENT DISTRICT

II. FISCAL IMPACT ON COUNTY AGENCIES/COUNTY FUNDS.

A. What is estimated Demand? (Develop Indicators) N/A

B. What is estimated Workload? (Develop Indicators) N/A

C. What are estimated costs?

	1st Year \$'s		2nd Year \$'s	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel	N/A		N/A	
Fringe	N/A		N/A	
Operating	N/A		N/A	
Capital Outlay	N/A		N/A	
Total	N/A		N/A	

D. List the anticipated revenues to cover costs identified in II, C, above. If a fee is to be charged, answer the following:

1. What is the basis (rationale) for the fee?

N/A

2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered?

N/A

E. Give a brief narrative analysis of the information contained in II. A through D, above.

No significant impact. The ordinance authorizes establishment of a UCDD (Uniform Community Development District) which will manage and finance basic infrastructure and service needs for the District.