

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20050585

1. ACTION REQUESTED/PURPOSE: Direct a non-emergency ordinance creating the Sail Harbour Community Development District to public hearing on August 2, 2005 at 9:30 a.m., or as soon thereafter as it may be heard, in the Commission Chambers.

2. WHAT ACTION ACCOMPLISHES: Allows for public input.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category:

C12A

5. Meeting Date:

05-31-2005

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute Chapter 190, F.S.
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner
 Department County Attorney
 Division Land Use
 By: *[Signature]*
Joan C. Henry
 Assistant County Attorney

9. Background:

Sail Harbour, 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 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.

(continued on second page)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	<i>P-19-05</i>
				<i>[Signature]</i>	<i>5/18/05</i>	<i>5/18/05</i>	<i>5/19/05</i>	<i>5/19/05</i>	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:	<i>[Signature]</i>
5-18-05	
4:10	
COUNTY ADMIN FORWARDED TO:	<i>[Signature]</i>
5/19/05	
4:30pm	

CG. ATTY. FORWARDED TO CG. ADMIN.
<i>5/19/05 4:10</i>

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Subject: Direct a non-emergency ordinance creating the Sail Harbour Community Development District to public hearing on August 2, 2005 at 9:30 a.m., or as soon thereafter as it may be heard, in the Commission Chambers.

The proposed Sail Harbour CDD is located on approximately 46 acres of land located in unincorporated Lee County (Fort Myers). The property is located between Gladious Drive and Summerlin Road, west of Bass Road. The property is located in Section 33, Township 45 South, Range 24 East. The Sail Harbour 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 Sail Harbour 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 Sail Harbour 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. Phillip Sawdon
 - b. Michael F. Aranda
 - c. Blair Hensley
 - d. Zach Young
 - e. Matt Abott
3. Names the district. (Sail Harbour Community Development District)

PLEASE NOTE: F.S. §125.66 does not require a 5:00 p.m. public hearing to provide for adoption of this ordinance. However, if it is the Board's preference, this public hearing may be scheduled for consideration on the August 2, 2005, 5:00 p.m. public hearing agenda.

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

Attachment:

Proposed ordinance establishing the Sail Harbour Community Development District

ORDINANCE NO. 05-____

AN ORDINANCE ESTABLISHING THE SAIL HARBOUR 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, Sail Harbour, LLC, has petitioned the Board of County Commissioners to establish the SAIL HARBOUR 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 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.

3. 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.

4. 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.

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

6. 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.

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

8. 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.

9. Upon the effective date of this Ordinance, the proposed Sail Harbour 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.

10. 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 Sail Harbour 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

Sail Harbour 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. Phillip Sawdon 16170 Bayside Point E. #1703
Fort Myers, FL 33908
2. Michael F. Aranda 3615 S.W. Thistlewood Lane
Palm City, FL 34990
3. Blair Hensley 290 E. Fort Dade Avenue
Brooksville, FL 34601
4. Zach Young 3613 Prestwick Circle
Palm Beach Gardens, FL 33418
5. Matt Abott 4335 Lake Tahoe Circle
West Palm Beach, FL 33409

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Sail Harbour 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 Sail Harbour 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 Sail Harbour 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 _____
TAMMY HALL _____
JOHN E. ALBION _____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2005.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Douglas R. St. Cerny, Chairman

APPROVED AS TO FORM:

By: _____
Joan C. Henry
Assistant County Attorney
Lee County Attorney's Office

LEGAL DESCRIPTION
SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT

A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East and Section 4, Township 46 South, Range 24 East, Lee County, Florida being all of Tracts "U", "W", "Y" and Part of Tract "T" as shown on the plat of Phase I-F, HealthPark Florida West as recorded in Plat Book 53 at Pages 81 through 90 and part of Tract "G" as shown on the Plat of HealthPark Florida West as recorded in Plat Book 47 at Pages 1 through 9, Public Records of Lee County, Florida which tract or parcel is described as follows:

From the northwest corner of Tract "Y" as shown on said Phase I-F, HealthPark Florida West Plat run N 88°53'53" E along the north line of said Tract "Y" for 770.68 feet to the northeast corner of said tract; thence run S 00°55'23" E along the east line of said Tract "Y" and along the east line of said Tract "W" for 172.99 feet passing through the southeast corner of said Tract "Y" at 160.00 feet; thence run the following courses and distances along the east line of said Tract "W": southeasterly along the arc of a curve to the left of radius 350.00 feet (chord bearing S 11°32'25"E) (chord 128.97 feet) (delta 21°14'04") for 129.71 feet to a point of tangency; S 22°09'27" E for 171.24 feet to a point of curvature; southeasterly along the arc of said curve to the right of radius 640.00 feet (chord bearing S 18°15'10" E) (chord 87.17 feet) (delta 07°48'35") for 87.24 feet to a point of tangency; S 14°20'52" E for 169.54 feet to a point of curvature; southeasterly along the arc of said curve to the left of radius 350.00 feet (chord bearing S 23°19'53"E) (chord 109.31 feet) (delta 17°58'02") for 109.75 feet to a point of compound curvature; thence run southeasterly along arc of a curve departing the east line of said Tract "W" to the left of radius 25.00 feet (chord bearing S 75°22'35"E) (chord 34.14 feet) (delta 86°07'22") for 37.58 feet to a point of tangency; thence run N 61°34'44" E for 226.04 feet to a point of curvature; thence run northeasterly along the arc of said curve to the left of radius 30.00 feet (chord bearing N 32°55'21"E) (chord 28.76 feet) (delta 57°16'47") for 29.99 feet to a point of cusp on the common line between Tract "V" and Lot 9 as shown on said Phase 1F, HealthPark Florida West Plat; thence run S 47°48'20" E along the common line of said Tract "V" and Lot 9 for 51.71 feet to an intersection with the north line of Tract "T" being the north line of HealthPark Circle (100 feet wide); thence run S 28°26'16" E departing said north right-of-way line for 100.00 feet to an intersection with the south line of said Tract "T" being the south right-of-way line of HealthPark Circle; thence run S 61°33'44" W along said south right-of-way line for 27.65 feet to the northeast corner of Tract "U" as shown on said Phase 1F, HealthPark Florida West Plat; thence run S 28°26'16" E along the easterly line of said Tract "U" for 45.38 feet to an intersection with the curve northerly line of Tract "F" as shown on said HealthPark Florida West Plat; thence run the following courses and distances along the northerly and westerly lines of said Tract "F" run southwesterly along the arc of a curve to the left of radius 45.00 feet (chord bearing S 83°19'51" W) (chord 33.38 feet) (delta 43°32'15") for 34.19 feet to a point of tangency; S 61°33'44" W for 286.00 feet to a point of curvature; southwesterly along the arc of said curve to the left of radius 637.00 feet (chord bearing S 45°44'00"W) (chord 347.50 feet) (delta 31°39'27") for 351.96 feet to a point of compound curvature; southeasterly along the arc of said curve to the left of radius 52.00 feet (chord bearing S 31°08'25") (chord 91.00 feet) (delta 122°05'24") for 110.81 feet to a point of compound curvature; northeasterly along the arc of said curve to the left of radius 40.50 feet (chord bearing N 71°17'32"E) (chord 23.04 feet) (delta 33°02'42") for 23.35 feet to a point of tangency; N 54°46'11" E for 56.65 feet to a point of curvature; southeasterly along the arc of said curve to the right of radius 158.00 feet (chord bearing S 89°17'29" E) (chord 185.47 feet) (delta 71°52'40") for 198.21 feet to a point of tangency; S 53°21'09" E for 5.50 feet to a point of curvature; southeasterly along the arc of said curve to the right of radius 2005.00 feet (chord bearing S 43°25'09"E) (chord 69.00 feet) (delta 19°51'59") for 69.35 feet to a point of compound curvature; southeasterly along the arc of said curve to the right of radius 580.00 (chord bearing S 23°48'30" E) (chord 195.00 feet) (delta 19°21'18") for 195.93 feet to a point of tangency; S 14°07'51" E for 49.81 feet; S 10°21'17" E for 26.36 feet; S 16° 37'54" E for 43.05 feet; S 20°47'32"E for 21.44 feet; S 11°52'52"E for 30.85 feet; S 01°35'19"E for 51.70 feet; S 00°24'03" W for 74.49 feet; S 10°16'47" W for 60.50 feet; S 23°56'15" W for 54.45 feet; S 35°19'58" W for 57.03 feet; S 32°28'55" W for 17.37 feet to an intersection with a non-tangent curve; thence departing said tract line run southwesterly along the arc of said curve to the right of radius 673.68 feet (chord bearing S 84°54'49" W) (chord 590.64 feet) (delta 52°00'00") for 611.41 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the left of radius 733.60 feet (chord bearing N 83°03'41" W) (chord 354.32 feet) (delta 27°57'00") for 357.86 feet; thence run S 88°38'41" W for 194.27 feet to an intersection with the west line of said Plat of HealthPark Florida West also being the west line of said Section 4; thence run N 01°21'19" W along said west line for 649.67 feet to the southwest corner of said Section 33; thence run N 01°02'04" W along the west line of said Section 33 also being the west line of said plat and the west line of said Tract "Y" for 1,324.87 feet to the Point of Beginning.

Parcel contains 46.33 acres, more or less.

SUBJECT TO easements, restrictions and reservations of records.

Bearings hereinabove mentioned are based on the Plat of HealthPark Florida West as recorded in Plat Book 47 at Pages 1 through 9, Public Records of Lee County, Florida wherein west line of Section 33, Township 45 South, Range 24 East bears N 01°02'04"W.