

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

**DATE CRITICAL  
Blue Sheet No. 20050586**

**1. ACTION REQUESTED/PURPOSE:** Adopt and enact an ordinance known as the Sail Harbour Community Development District Ordinance.

**2. WHAT ACTION ACCOMPLISHES:** Allows for public input.

**3. MANAGEMENT RECOMMENDATION:** Approve

**4. Departmental Category:**  
COMMISSION DISTRICT #3 **PH #4**

**5. Meeting Date:** **08-02-2005**

**6. Agenda:** **7. Requirement/Purpose: (specify)**

<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	Chapter 190, F.S.
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Other	
<input type="checkbox"/> Walk-On		

**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
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
<b>7-19-05</b>
<b>3:45</b>
COUNTY ADMIN FORWARDED TO: ..

7/19/05

**Blue Sheet #: 20050586**

**Page No.: 2**

**Subject: Adopt and enact an ordinance known as the Sail Harbour Community Development District Ordinance.**

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 Gladius 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)

Attachments:

1. Proposed ordinance establishing the Sail Harbour Community Development District
2. Planning Staff Analysis dated April 5, 2005
3. Petition, Exhibits and Attachments
4. FAIS

**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.



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ANALYSIS OF  
THE SAIL HARBOUR  
PETITION TO ESTABLISH A  
UNIFORM COMMUNITY  
DEVELOPMENT DISTRICT

*Prepared for*  
*BOARD OF COUNTY COMMISSIONERS*

*by*  
*LEE COUNTY DIVISION OF PLANNING*

*April 5, 2005*

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## INTRODUCTION

Sail Harbour, 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

Sail Harbour, L.L.C., hereafter called "Petitioner", is a Florida limited liability company with its principal place of business located at 4227 Northlake Boulevard, Palm Beach Gardens, Florida, 33410 and whose manager is Michael Aranda.

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 forty six (46±) acres of land located in Lee County, Florida and lying within Section 33, Township 45 South, Range 24 East and Section 4, Township 46 South, Range 24 East. The property is between Gladiolus Drive and Summerlin Road, west of Bass Road. 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 West and North by undeveloped property and on the East and South by the Healthpark DRI. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

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 ~~Copper~~ Oaks 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 January 21, 2005. 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. 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, including the expert documents. 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. 190.004(3) the creation of a community development district is not a development order with the meaning described 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 6, 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 Sail Harbour 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 water and sewer service areas. The establishment of the District will not create a conflict with this utility because it is the intent of the District to construct and then turn over ownership to Lee County Utilities for operating and maintenance. Other services and facilities such as water management will be funded and maintained by the district. 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 Sail Harbour 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 Sail Harbour Community Development District.

## *RECOMMENDATION*

Planning staff recommends that the Board of County Commissioners adopt and enact the Ordinance establishing the Sail Harbour 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:  

Phillip Sawdon  
Michael F. Aranda  
Blair Hensley  
Zach Young  
Matt Abott
3. It establishes the name of the district which shall be: The Sail Harbour 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.





PETITION BY

**SAIL HARBOUR, L.L.C**

FOR THE PASSING OF

AN  
ORDINANCE

TO ESTABLISH THE

**SAIL HARBOUR  
COMMUNITY DEVELOPMENT DISTRICT**

IN

LEE COUNTY, FLORIDA

JANUARY 12, 2005

**SAIL HARBOUR  
COMMUNITY DEVELOPMENT DISTRICT**

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**PETITION FOR ORDINANCE**

**FOR**

**SAIL HARBOUR  
COMMUNITY DEVELOPMENT DISTRICT**

JANUARY 12, 2005

Prepared by

*Special District Services, Inc.*  
11000 Prosperity Farms Road, Suite 104  
Palm Beach Gardens, Florida 33410

561-630-4922 – Tele  
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## PETITION

Petitioner, **Sail Harbour, L.L.C.** (“Petitioner”), hereby petitions the Lee County Commission to establish a Community Development District (“District”) with respect to the land described herein and in support of the Petition, Petitioner states:

1. The proposed District is located within the unincorporated area of Lee County. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 46+ acres of land. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2. There is no real property within the external boundaries of the proposed District, which is to be excluded from the District.

2. Attached to this Petition as Exhibit 3 and made a part hereof is the written consent to the establishment of the District by the owners of 100% of the real property to be included in the District.

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

Phillip Sawdon	16170 Bayside Point E. # 1703	Fort Myers, Fl 33908
Michael F. Aranda	3615 SW Thistlewood Lane	Palm City, Fl 34990
Blair Hensley	290 E. Fort Dade Avenue	Brooksville, Fl 34601
Zach Young	3613 Prestwick Circle	P. Bch Gardens, Fl 33418
Matt Abott	4335 Lake Tahoe Circle	W. Palm Beach, Fl 33409

4. The proposed name of the District to be established is Sail Harbour Community Development District (“SHCDD”).

5. There are no existing major trunk water mains, sewer interceptors or outfalls currently existing on the site, except a water main running north and east to Health Park Circle.

6. The proposed timetable for the construction of District services is shown on Exhibit 4A and the estimated cost of constructing the services, based on available data, is shown on Exhibit 4B. These are good faith estimates but are not binding on the Petitioner or the District and are subject to change. Exhibit 4C is a Master Utility Plan.

7. Petitioner is in the process of developing the project as a residential community. The proposed uses for the land within the District are **473 condominium town-homes**. The proposed uses for the land included within the proposed District are in compliance with Lee County Future Land Use Element. The County Master Plan and Future Land Use Element designate the land contained within the proposed District as

Urban Community. The future general distribution, location and extent of public and private uses of land proposed for the area within the District are shown on Exhibit 5.

8. Exhibit 6 is a Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.

9. The District is seeking and hereby requests the right to exercise all powers provided for in Section 190.06 through 190.041, Florida Statutes including the special powers provided by Section 190.012(1), Florida Statutes and Sections including Sections 190.012(2)(a), and (d) and Section 190.012(3), Florida Statutes.

10. The Petitioner is Sail Harbour, L.L.C. whose address is 4227 Northlake Blvd., Palm Beach Gardens, Florida 33410.

11. The property within the proposed District is amenable to operating as an independent special district 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 Lee County Comprehensive Development Master Plan, as amended.

b. The area of land within the proposed District is part of a unified plan of development for which a development plan has been or will be approved by Lee County. The land encompassing the proposed District is of sufficient size and is sufficiently compact and continuous to be developed as one functional inter-related community.

c. The community development services of the District will be compatible with the capacity and use of existing local and regional community development services and facilities.

d. The proposed District will be the best alternative available for delivering community development services to the area to be served because the District provides a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside the District and provides a responsible perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities in the future.

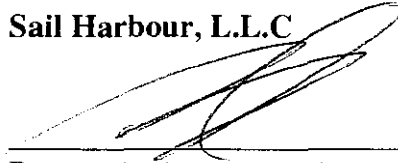
**WHEREFORE**, Petitioner respectfully requests the Lee County Commission to:

1. Hold a public hearing as required by Section 190.005(2) (b), Florida Statutes to consider the establishment of the **Sail Harbour Community Development District** and;

2. Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the **Sail Harbour Community Development District**.

Respectfully submitted this 10 day of Jan, 2005.

**Sail Harbour, L.L.C**



By: Michael F. Aranda, Operating Manager  
4227 Northlake Boulevard  
Palm Beach Gardens, FL 33410

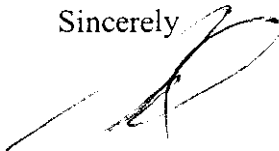
BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY  
PO BOX 398  
Fort Myers, Fl 33902-0398

GENTLEMEN;

This letter will serve as authorization for Special District Services Inc. to act as our agent for the Petition for the Ordinance to create the Sail Harbour Community Development District, in Lee County Florida.

Special District Services Inc. is officially our agent for creating Sail Harbour Community Development District and has the authority to answer any and all questions or inquiries made on the this project related to the Sail Harbour Community Development District.

Sincerely

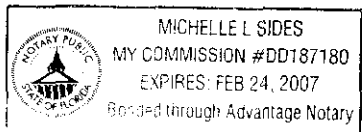


SAIL HARBOUR, LLC

By: MICHAEL F. ARANDA  
Operating Manager

Subscribed and sworn to me this 17 day of March,  
2005 Michael F. Aranda who personally appeared before me and is  
personally known.

Notary Michelle L. Sides  
Print Name Michelle L. Sides  
My Commission Expires: 2-24-07



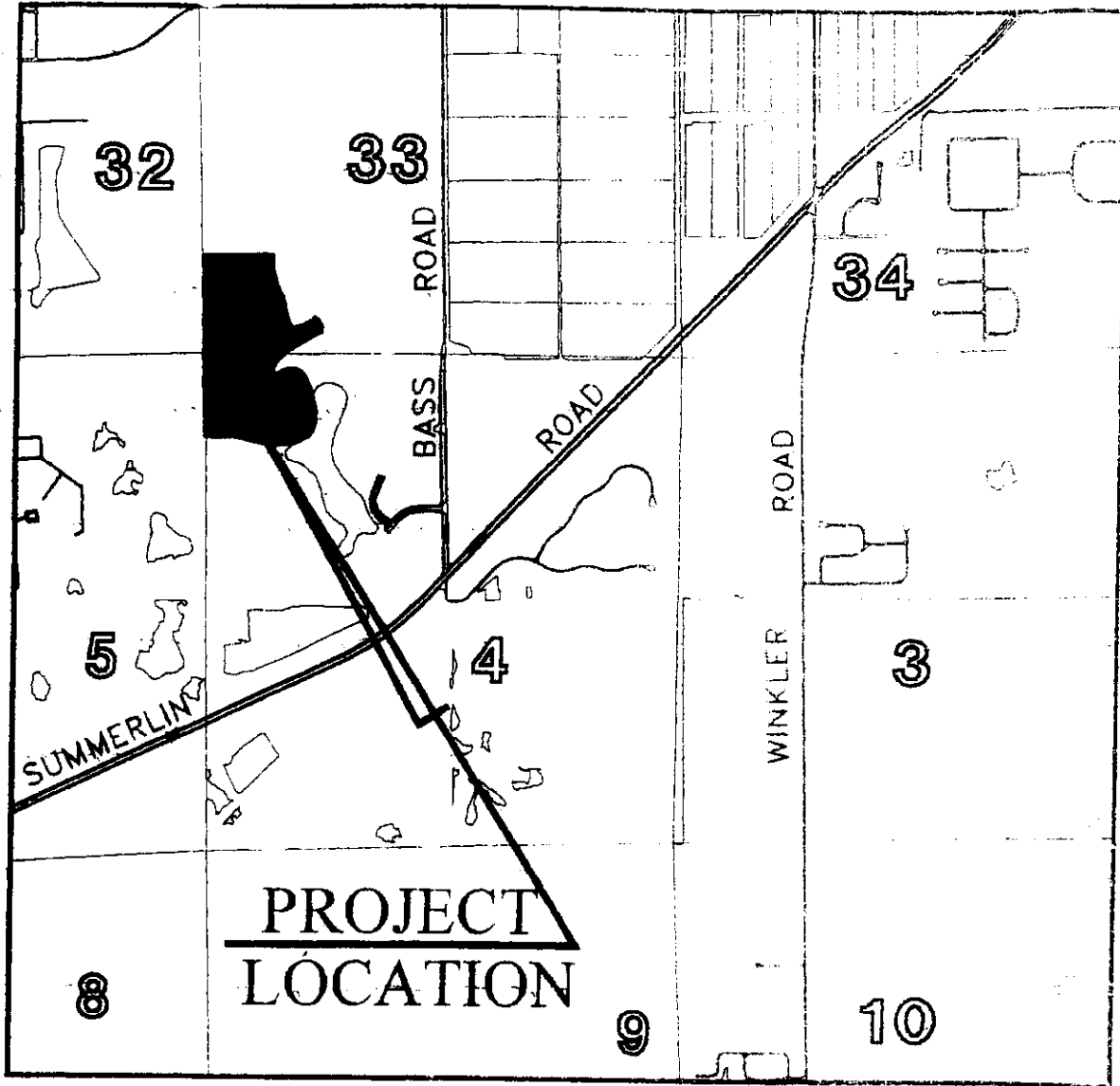
**EXHIBITS**  
**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT**

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Exhibit 2	Legal Description
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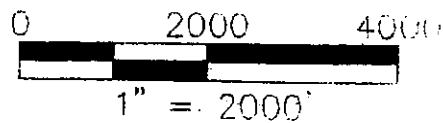




**EXHIBIT 1**  
**GENERAL LOCATION OF THE PROJECT**  
**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT**



**LOCATION MAP**



**EXHIBIT 2**  
**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 southwestery 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; southwestery 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 southwestery 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.



**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT**

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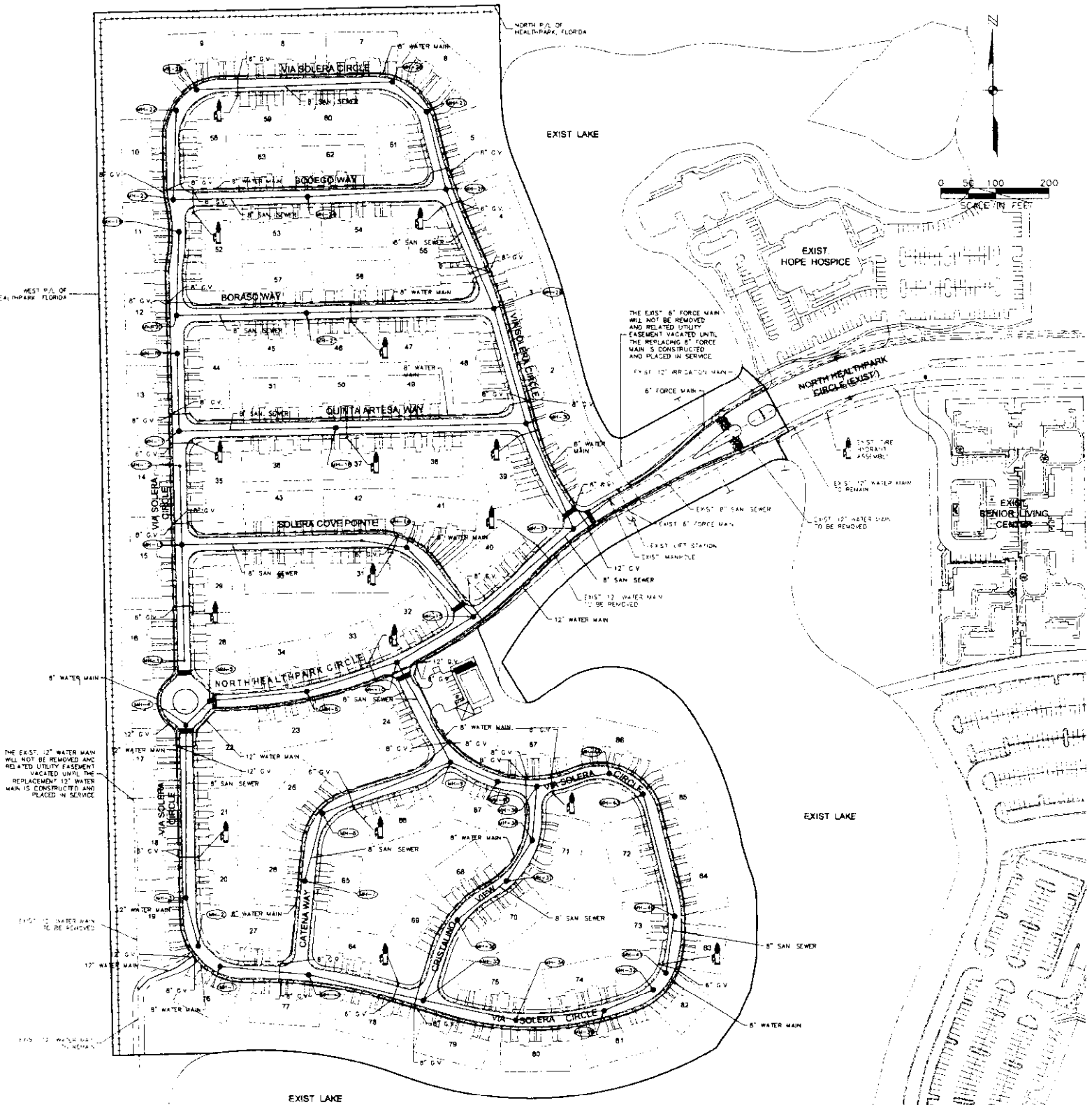
**EXHIBIT 4A**  
**ESTIMATED INFRASTRUCTURE CONSTRUCTION TIME TABLE**  
**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT**

<b><u>IMPROVEMENT</u></b>	<b><u>START DATE</u></b>	<b><u>COMPLETE DATE</u></b>
EARTHWORK	JULY 2004	JANUARY 2005
WASTEWATER SYSTEM	JANUARY 2005	MAY 2005
WATER SUPPLY SYSTEM	JANUARY 2005	MAY 2005
SURFACE WATER MGMT	JANUARY 2005	MAY 2005
LANDSCAPING	MARCH 2005	SEPTEMBER 2005



**EXHIBIT 4B**  
**CONSTRUCTION COSTS ESTIMATES**  
**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT**

LAND	\$1,986,600
EARTHWORK	\$1,775,924
WASTEWATER SYSTEM	\$ 813,995
WATER SUPPLY SYSTEM	\$ 616,548
SURFACE WATER MANAGEMENT	\$ 928,456
LANDSCAPING	\$1,103,274
<b>TOTAL ESTIMATED PROJECT COSTS</b>	<b>\$7,224,797</b>



**JOHNSON ENGINEERING**

2158 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33902-1550  
 PHONE (239) 334-0045  
 FAX (239) 334-3561  
 E.B. #642 & L.B. #642

Kevin M. Winter, PE  
 Cert. No. 41267

Master Utility Plan				
DATE	PROJECT NO	FILE NO	SCALE	SHEET
JULY, 2003	20033872	33-45-74	As Shown	5

EXHIBIT 4C





**EXHIBIT 5**  
**PUBLIC AND PRIVATE USE MAP**  
**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT**



FUTURE URBAN AREAS	INTERCHANGE AREAS	NEW COMMUNITY	NON-URBAN AREAS
		<b>AIRPORT AREAS</b>	

Check all of the plan against an administrative package, including a final check, to possibly define the boundaries of a wetland area, and to correct any such boundaries that are based on clear factual error.



**EXHIBIT 6**

**SAIL HARBOUR  
COMMUNITY DEVELOPMENT DISTRICT**

**Statement of Estimated Regulatory Costs**

JANUARY 12, 2005

Prepared by

***Special District Services, Inc.***  
11000 Prosperity Farms Road, Suite 104  
Palm Beach Gardens, Florida 33410

561-630-4922 – Tele  
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561-630-4923 – Fax

# STATEMENT OF ESTIMATED REGULATORY COSTS

## **1.0 Introduction**

### **1.1 Purpose and Scope**

This Statement of Estimated Regulatory Costs (“SERC”) supports the petition to establish the Sail Harbour Community Development District (“District”). The District comprises approximately 46+ acres of land located in the unincorporated area of Lee County, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2) (d), F.S. (governing District establishment) as follows:

“That the process of establishing such a district pursuant to uniform general law shall 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 (emphasis added).”

### **1.2 Overview of Sail Harbour Community Development District**

The District is designed to provide district infrastructure, services, and facilities along with their operations and maintenance to a master planned residential development containing 473 condominium townhouse dwelling units within the boundaries of the District.

### **1.3 Requirements for Statement of Estimated Regulatory Costs**

Section 120.541(2), F.S. (1997), defines the elements a statement of estimated regulatory costs must contain:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the ordinance. As used in this paragraph, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. Lee County is not defined as a small County for purposes of this requirement.

(e) Any additional information that the agency determines may be useful.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.

“Note: the references to “rule” in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an “ordinance” under section 190.005(2) (a), Florida Statutes.”

**2.0 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 Sail Harbour Community Development District serves land that comprises a 46+-acre development to be made up of an estimated 473 townhouse condominiums. The estimated population of the residential portion of the District is 1,183. It is anticipated that the majority of the property owners in the District will be individuals and families.

**3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.**

There is no state agency promulgating any rule relating to this project that is anticipated to effect state or local revenues.

**3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

Because the results of adopting the ordinance is establishment of a local special purpose government, there will be no enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

State Governmental Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District. The District as established on the proposed land, will encompass under 1,000 acres, therefore, Lee County is the establishing entity under 190.005(2), F.S. The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities.

Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.412, F.S., the District must pay an annual fee to the State of Florida Department of Community Affairs which offsets such costs.

### Lee County

There will be only modest costs to the County for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, the County already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, the County routinely process similar petitions though for entirely different subjects, for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to Lee County, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County, or any monitoring expenses the County may incur if it establishes a monitoring program for this District. However, the Petitioner has included a payment of **\$15,000** to offset any expenses the County may incur in the processing of this Petition, or in the monitoring of this District.

### **3.2 Impact on State and Local Revenues**

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any other of local government. In accordance with State law, debts of the District are strictly its own responsibility.

### **4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.**

Table 1 provides an outline of the various facilities and services the proposed District may provide.

**Table 1**

**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT**

**Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED BY</b>	<b>O&amp;M BY</b>	<b>OWNERSHIP BY</b>
EARTHWORK	CDD	N/A	CDD
WASTEWATER SYSTEM	CDD	County	County
WATER SUPPLY SYSTEM	CDD	County	County
SURFACE WATER MGMT.	CDD	POA/CDD	CDD
LANDSCAPING	CDD	POA/CDD	CDD

The petitioner has estimated the costs for providing the capital facilities outlined in Table 1. The cost estimates are shown in Table 2 below. Total costs for those facilities, which may be provided, are estimated to be approximately **\$7,224,797**. The District may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non ad valorem special assessments levied on all properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non ad valorem special assessments by various names for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

Furthermore, locating in the District by new property owners is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non ad valorem special assessments by various names and user fees as a tradeoff for the benefits and facilities that the District provides.

A Community Development District ("CDD") provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a property association, County provision, or through developer equity and/or bank loans.

In considering these costs it shall be noted that owners of the lands to be included within the District will receive three major classes of benefits.

First, landowners in the District will receive a higher long-term sustained level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting, to determine the type, quality and expense of District services they receive, provided they meet the County's overall requirements.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative management mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly low.

**Table 2**  
**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT**  
**Cost Estimate for District Facilities**

Category	Cost Estimates
Land	\$1,986,600
Earthwork	\$1,775,924
Waste Water System	\$ 813,995
Water Supply System	\$ 616,548
Surface Water Management	\$ 928,456
Landscaping	\$1,103,274
<b>TOTAL</b>	<b>\$7,224,797</b>

**Table 3**  
**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT**  
**Estimated Construction Timetable For District Facilities**

Category	Completion Date
Earthwork	January 2005
Waste Water System	May 2005
Water Supply System	May 2005
Surface Water Management	May 2005
Landscaping	September 2005

**5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.**

There will be no impact on small businesses because of the establishment of the District. Lee County has an estimated population in 2005 that is greater than 10,000; therefore the County is not defined as a “*small*” County according to Section 120.52, F.S, and there will accordingly be no impact on a small County because of the formation of the District.

**6.0 Any additional useful information.**

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner’s Engineer and other professionals associated with the Petitioner.

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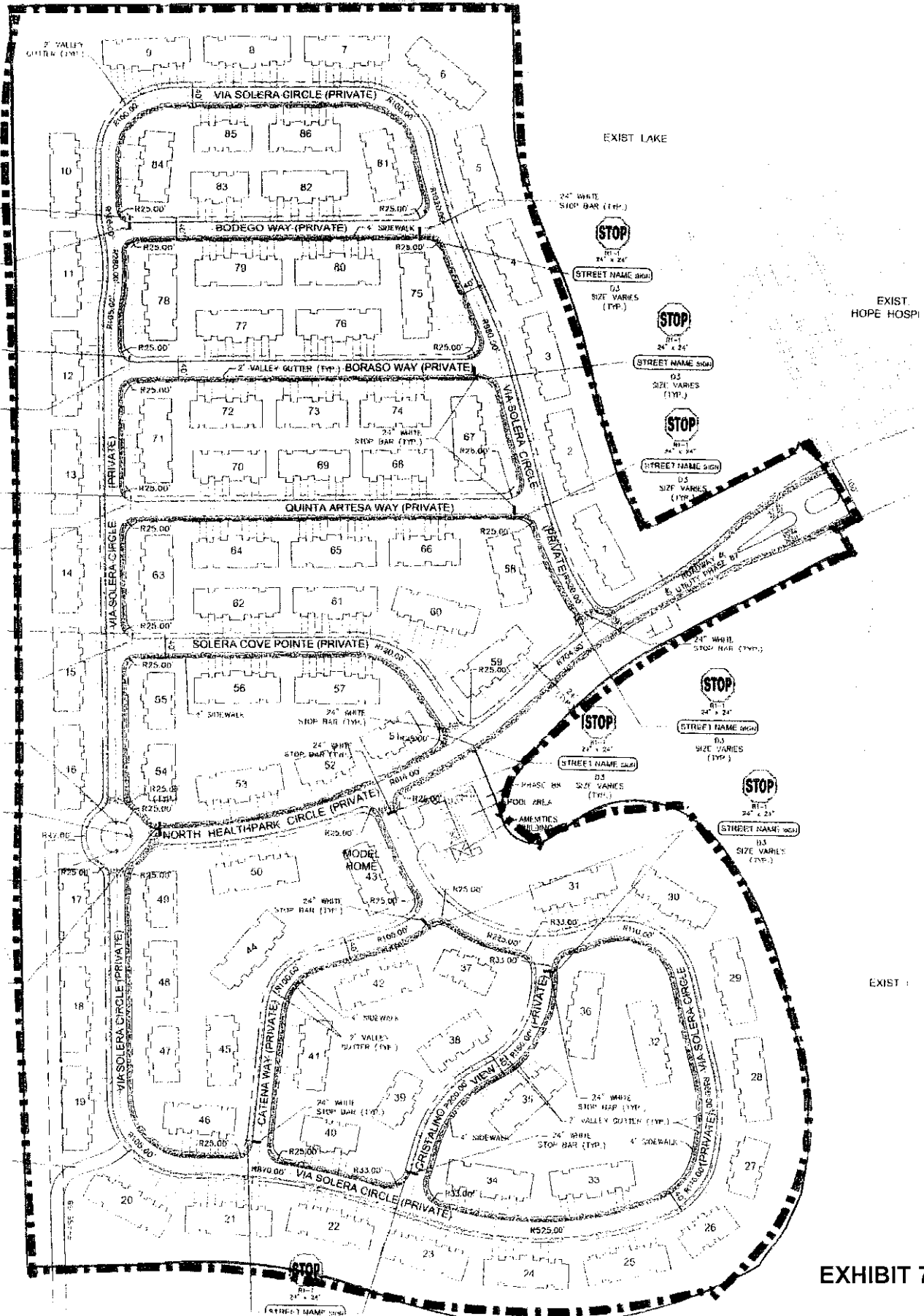


**APPENDIX A  
LIST OF REPORTING REQUIREMENTS**

<b>REPORT</b>	<b>FL. STATUTE CITATION</b>	<b>DUE DATE</b>
Annual Financial Audit	11.45	within 45 days of audit completion, but no later than 12 months after end of fiscal year
Annual Financial Report	218.32	within 45 days of financial audit completion, but no later than 12 months after end of fiscal year; if no audit required, by 4/30
TRIM Compliance Report	2005.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1: Statement of Financial	112.3145	within 30 days of accepting interest the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.415	within one year of special district's creation; then annual notice of any changes; and updated report every 5 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.417	quarterly, semiannually, or annually
Bond Report	218.38	when issued
Registered Agent	189.416	within 30 days after first meeting of governing board
Proposed Budget	189.418	prior to end of current fiscal year
Public Depositor Report	280.17	annually by 11/30



# EXHIBIT 7 DISTRICT BOUNDARIES MAP SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT



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

NAME OF ORDINANCE: SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

**Establishment of the Sail Harbour Community Development District.**

B. Narrative Summary of Ordinance (Several Sentence Summary)

**Ordinance creates a new community development district, which is a special unit of local government. The primary purpose of the District is to provide infrastructure for the development.**

C. Principal Division(s) or Department(s) Affected (List)

**N/A**

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

**ESTABLISHMENT OF SAIL HARBOUR 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.

Minimal financial impact. Authorizes establishment of a community development district in response to the petition to request. The District will be responsible for delivering community development services and facilities per Section 190.012 Florida Statutes.