

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

**DATE CRITICAL
Blue Sheet No. 20051191**

1. ACTION REQUESTED/PURPOSE: Conduct a public hearing on September 13, 2005, at 9:30 a.m., or as soon thereafter as possible, and adopt an ordinance creating the Catalina at Winkler Preserve Community Development District.

2. WHAT ACTION ACCOMPLISHES: Adopts an ordinance to establish the Catalina at Winkler Preserve Community Development District pursuant to the petitioned request of D.R. Horton, Inc. Creates an independent special district that provides an alternative method to manage and finance basic services for community development.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: 04

PH 1

5. Meeting Date:

09-13-2005

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Statute	Chapter 190, F.S.	Commissioner	
<input type="checkbox"/>	Administrative		Ordinance		Department	County Atty's Office
<input type="checkbox"/>	Appeals		Admin. Code		Division	Land Use
<input checked="" type="checkbox"/>	Public		Other		By:	<i>John J. Fredyma</i>
<input type="checkbox"/>	Walk-On					John J. Fredyma, Asst. Cty Atty

9. Background: D.R. Horton, Inc., a Delaware corporation, has petitioned the Lee County Board of County Commissioners to adopt an ordinance establishing a Community Development District 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>8/19/05</i>	<i>8/22/05</i>	<i>8/22/05</i>	<i>8/22/05</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY
 700 W. WASHINGTON
 TALLAHASSEE, FL 32301
5/19/05 JMF

RECEIVED BY COUNTY ADMIN:	<i>[Signature]</i>
	<i>8-19-05</i>
	<i>205</i>
COUNTY ADMIN FORWARDED TO:	<i>[Signature]</i>
	<i>5/12-1/05</i>
	<i>[Signature]</i>

The proposed Catalina at Winkler Preserve Community Development District is located on approximately 111.27 acres, more or less, of land located wholly within unincorporated Lee County. The land area is bounded on the West by Winkler Road, on the East by a Nature Conservancy Preserve, on the South by the Belle Meade single-family subdivision, and on the North by the Crown Colony RPD. The property is located in Section 10, Township 46 South, Range 24 East. Catalina at Winkler Preserve Community Development 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; streetlights; conservation areas; and other projects within and outside the district boundary for which a Development Order may be issued.

The creation of the Catalina at Winkler Preserve Community Development 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 Catalina at Winkler Preserve Community Development 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. Christian Gausman
 - b. Lisa Sands
 - c. Jonathon M. Pentecost
 - d. Bill Pricket
 - e. Monty LeCrone
3. Names the district: Catalina at Winkler Preserve Community Development District

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

Attachments:

- 1. Proposed Ordinance establishing the Catalina at Winkler Preserve Community Development District**
- 2. Lee County Planning Staff's Analysis dated July 1, 2005**
- 3. Lee County Financial & Administrative Impact Statement (F.A.I.S.)**
- 4. Petition for Establishment of a Community Development District (copy)**

LEE COUNTY ORDINANCE NO. 05-_____

AN ORDINANCE ESTABLISHING THE CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT; NAMING THE DISTRICT; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; ESTABLISHING AND DESCRIBING THE EXTERNAL BOUNDARIES OF THE COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE INITIAL POWERS OF THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE STATUTORY PROVISIONS GOVERNING THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING ADDITIONAL CONDITIONS IMPOSED ON THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, D.R. Horton, Inc., a Delaware Corporation, authorized to business in the State of Florida, has petitioned the Lee County Board of County Commissioners to establish the CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT, a Uniform Community Development District (UCDD), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes; and

WHEREAS, the Lee County 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 §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 is consistent with §§190.006 - 190.041, Florida Statutes, was created by general law, 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 §190.012(2), Florida Statutes.

9. Upon the effective date of this Ordinance, the proposed Catalina at Winkler Preserve 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 AND LEGAL DESCRIPTION

The community development district herein established will be known as the Catalina at Winkler Preserve Community Development District. A copy of the legal description of the community development district is attached as Exhibit "A" and incorporated herein by reference.

SECTION TWO: AUTHORITY FOR ORDINANCE

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

SECTION THREE: ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT

The Catalina at Winkler Preserve Community Development District is hereby established within the boundaries of the real property located in Lee County, Florida, and described in attached Exhibit "A."

SECTION FOUR: DESIGNATION OF INITIAL MEMBERS OF THE BOARD OF SUPERVISORS

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

- | | | |
|----|-----------------------|--|
| 1. | Christian Guasman | 1192 East Newport Center Drive
Suite 150
Deerfield Beach, FL 33442 |
| 2. | Lisa Sands | 13880 Treeline Avenue So., Suite 3
Fort Myers, FL 33913 |
| 3. | Jonathon M. Pentecost | 13880 Treeline Avenue So., Suite 3
Fort Myers, FL 33913 |
| 4. | Bill Pricket | 13880 Treeline Avenue So., Suite 3
Fort Myers, FL 33913 |
| 5. | Monty LeCrone | 13880 Treeline Avenue So., Suite 3
Fort Myers, FL 33913 |

**SECTION FIVE: INITIAL POWERS OF
THE COMMUNITY DEVELOPMENT DISTRICT**

Upon the effective date of this Ordinance, the proposed Catalina at Winkler Preserve Community Development District will be duly and legally authorized to exist and exercise all of its powers in accordance with §§190.011 and 190.012(1), Florida Statutes, subject to any conditions imposed herein; and has the right to seek consent from Lee County for the grant of authority to exercise additional special powers in accordance with §190.012(2), Florida Statutes.

**SECTION SIX: STATUTORY PROVISIONS GOVERNING
THE COMMUNITY DEVELOPMENT DISTRICT**

The Catalina at Winkler Preserve Community Development District will be governed by the provisions of Chapter 190, Florida Statutes,

**SECTION SEVEN: ADDITIONAL CONDITIONS IMPOSED ON THE
COMMUNITY DEVELOPMENT DISTRICT**

The Catalina at Winkler Preserve Community Development District will also be subject to the following additional conditions:

1. Any and all agreements for the sale of property within the boundaries of the Catalina at Winkler Preserve 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 Catalina at Winkler Preserve Community Development District.

SECTION EIGHT: CONFLICT AND SEVERABILITY

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

SECTION NINE: EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Office of the Secretary of the Florida Department 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 SEPTEMBER, 2005.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney
John J. Fredyma
Assistant County Attorney

ANALYSIS OF
THE CATALINA
AT WINKLER PRESERVE
PETITION TO ESTABLISH A
UNIFORM COMMUNITY
DEVELOPMENT DISTRICT

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

July 1, 2005



Table of Contents

INTRODUCTION	1
BACKGROUND	1
THE PETITION	3
FACTORS TO BE CONSIDERED	3
STAFF ANALYSIS OF FACTORS	4
RECOMMENDATION	6

INTRODUCTION

D.R. Horton, Inc. 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

D.R. Horton, Inc., hereafter called "Petitioner", is a corporation with its principal place of business located at 301 Commerce Street, Fort Worth, Texas, 76102 and whose senior executive vice president is Samuel Fuller.

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 one hundred and eleven (111±) acres of land located in Lee County, Florida and lying within Section 10, Township 46 South, Range 24 East. The property is located on the east side of Winkler Road, south of Summerlin 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 by Winkler Road, on the east by state owned preserve lands, on the north by the Crown Colony RPD, and on the south by the Belle Meade single family subdivision. 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 Catalina at Winkler Preserve 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 April 15, 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 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 1.1.6 of the Lee Plan, the Outlying Suburban 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 Catalina at Winkler Preserve 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 Catalina at Winkler Preserve 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 Catalina at Winkler Preserve Community Development District.

RECOMMENDATION

Planning staff recommends that the Board of County Commissioners adopt and enact the Ordinance establishing the Catalina at Winkler Preserve 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:

Christian Gausman
Lisa Sands
Sharail Cluck
Bill Pricket
Monty LeCrone

3. It establishes the name of the district which shall be: The Catalina at Winkler Preserve 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.

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

NAME OF ORDINANCE: **CATALINA AT WINKLER PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

To enact a Uniform Community Development District (UCDD) under Chapter 190, Florida Statutes, to be known as the Catalina at Winkler Preserve Community Development District.

B. Narrative Summary of Ordinance (Several Sentence Summary)

The ordinance establishes a UCDD to manage and finance the basic infrastructure systems, facilities and services of a development area to be known as the Catalina at Winkler Preserve Community Development District.

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

Department of Community Development

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

**NAME OF ORDINANCE: CATALINA AT WINKLER PRESERVE
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?

	<u>1st Year \$'s</u>		<u>2nd Year \$'s</u>	
	<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 percentages 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 for creating said District. The District will be responsible for managing and financing basic infrastructure and service needs for the area.

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

PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, D.R. HORTON, INC., a Delaware corporation, (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 111.27 acres of land. The site is located in the area bounded on the West by Winkler Road, on the East by a Nature Conservancy Preserve, on the South by residential lands, and on the North by vacant land. 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 (2004). 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: Christian Gausman
Address: 1192 East Newport Center Drive, Suite 150, Deerfield Beach, FL 33442

Name: Lisa Sands
Address: 13880 Tree Line Ave. South, Suite 3, Ft. Myers, FL 33913

Name: Sharail Cluck
Address: 13880 Tree Line Ave. South, Suite 3, Ft. Myers, FL 33913

Name: Bill Prickett
Address: 13880 Tree Line Ave. South, Suite 3, Ft. Myers, FL 33913

Name: Monty LeCrone
Address: 13880 Tree Line Ave. South, Suite 3, Ft. Myers, FL 33913

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 the Catalina at Winkler Preserve 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 and out falls for the lands to be included within the proposed District. **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 between 2004 and 2006. 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 (2004). The SERC is based upon presently available data.

11. Authorized Agent. The Petitioner is authorized to do business in Florida. The authorized agent for both the Petitioner and Equity Investments, LLC is Paul Romanowski. 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 Catalina at Winkler Preserve 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 the 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.

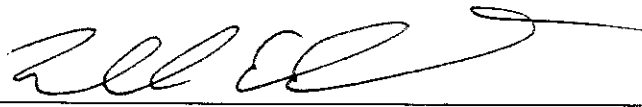
e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the County Commission of Lee County, Florida to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes (2004);

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes (2004); and

RESPECTFULLY SUBMITTED, this 30th day of March, 2005.

BY: 

Jonathan T. Johnson
Florida Bar No. 986460
Michael C. Eckert
Florida Bar No. 080314
HOPPING GREEN & SAMS, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301
(850) 222-7500 Telephone
(850) 224-8551 Facsimile

Hopping Green & Sams

Attorneys and Counselors

2005 AUG 19 AM 9:09
RECEIVED BY
LEE CO. ATTORNEY

August 18, 2005

Via Facsimile and Federal Express Delivery

John J. Fredyma
Lee County Attorney's Office
2115 2nd Street, 6th Floor
Fort Myers, Florida 33901

Re: *Amendment to Petition to Establish the Catalina at Winkler Preserve CDD*

Dear John:

Thank you for speaking with me this morning. Please accept this letter as an amendment to the Petition to Establish the Catalina at Winkler Preserve Community Development District filed with Lee County on or about April 15, 2005.

The purpose of this amendment is to substitute one of the individuals designated to serve as an initial member of the Board of Supervisors. The Petitioner hereby designates Jonathon M. Pentecost with an address of 13880 Treeline Avenue South, Suite 3, Ft. Myers, Florida 33913 to replace Sharail Cluck designated in the initial petition with an address of 13880 Treeline Avenue South, Suite 3, Ft. Myers, Florida 33913.

Please contact me if you have any questions or concerns. Thank you for your continuing cooperation and I look forward to seeing you on September 13th.

Sincerely,



Michael C. Eckert
Attorney for Petitioner

cc: Jonathon M. Pentecost
Anthony J. Palumbo

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
1400 LAKEWOOD BLVD., SUITE 100
FORT MYERS, FLORIDA 33902-3900
WWW.BARRACO.INC
TEL: (889) 488-4000
FAX: (889) 488-4100
FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEER NO. 19951 - SURVEYOR NO. 06940
P.L.L.C.

Land Solutions Inc.
6150 DAWKINS CENTER COURT
FORT MYERS, FLORIDA 33912
PHONE: (889) 488-4000
FAX: (889) 488-4100
WWW.LANDSOLUTIONS.NET
PROJECT DESCRIPTION

WINKLER PRESERVE
RESIDENTIAL DEVELOPMENT
PART OF SECTION 10
TOWNSHIP 28 NORTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

THIS IS A PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE
LAYOUTS AND DIMENSIONS ARE BASED ON
ON-FILE SURVEY DATA AND ARE NOT
SIGNIFICANTLY BASED UPON SURVEY
ENGINEERING, ENGINEERING AND
AND/OR OPPORTUNITIES
NOT FOR CONSTRUCTION.
NO WARRANTY IS MADE BY BARRACO AND ASSOCIATES, INC. FOR THE
ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER
HEREOF SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY
PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
DATE: 08/11/2011
DRAWN BY: J. BARRACO
CHECKED BY: J. BARRACO
SCALE: AS SHOWN
PROJECT NO.: 11-20-2011-01-000
SHEET NO.: 1 OF 1
DATE: 08/11/2011

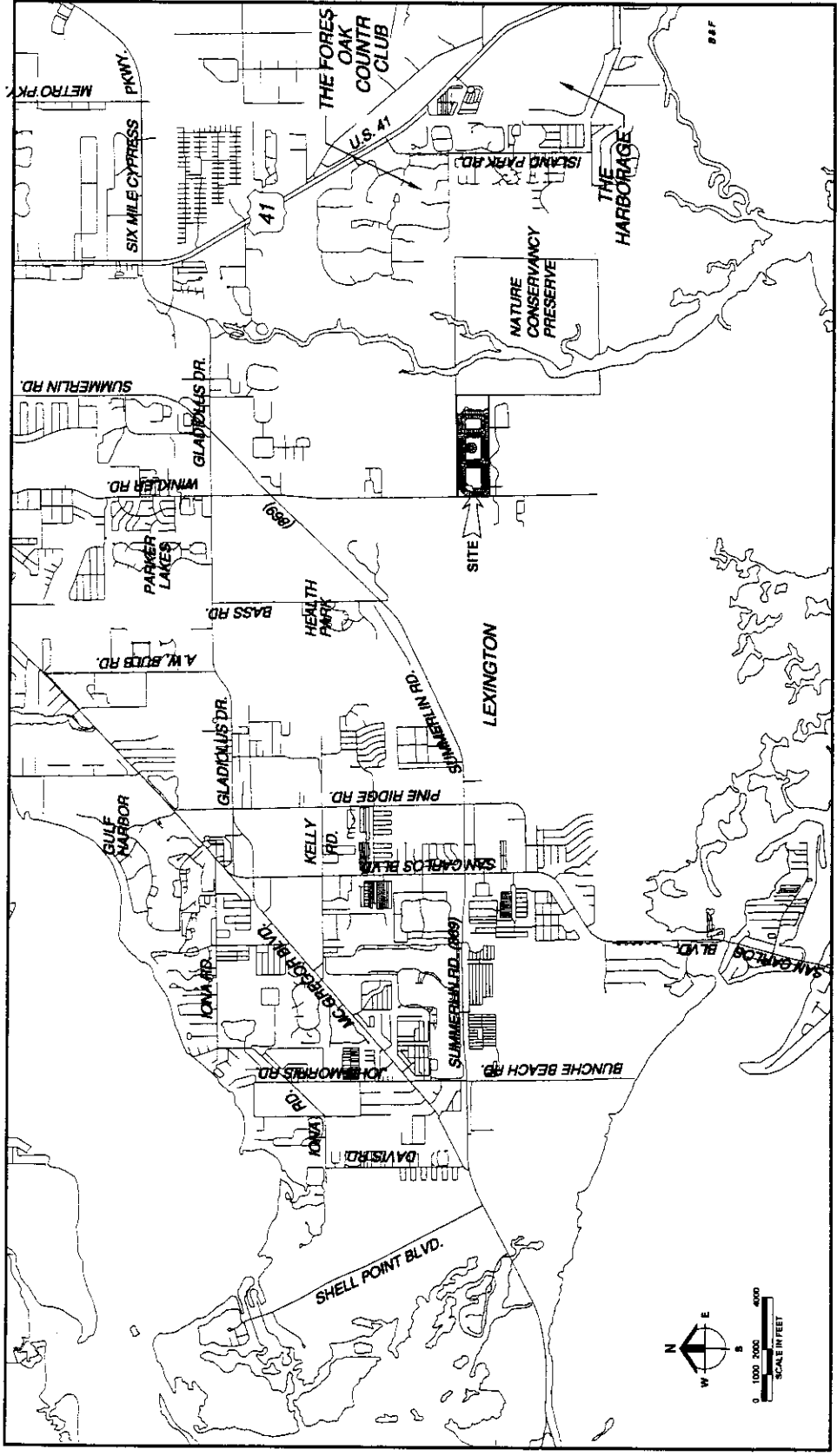
PLAN NUMBER
PREPARED BY: J. BARRACO
NOT FOR CONSTRUCTION
LOCATION
MAP

PROJECT FILE NO.
21856
SHEET NUMBER

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

LEE COUNTY, FLORIDA



DESCRIPTION


Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Northeast Corner of said Section 10 run $S01^{\circ}19'12''E$ along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10 for 1,231.02 feet to the Northeast Corner of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run $S88^{\circ}44'24''W$ along the North line of said Record Plat for 1,290.25 feet; thence run $S88^{\circ}45'10''W$ still along said North line for 426.89 feet; thence run $N01^{\circ}14'50''W$ for 140.00 feet; thence run $N88^{\circ}45'10''E$ for 269.22 feet; thence run $N00^{\circ}57'53''W$ for 713.42 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 220.00 feet (delta $39^{\circ}31'16''$) (chord bearing $N20^{\circ}43'31''W$)(chord 148.76 feet) for 151.75 feet; thence run $N00^{\circ}57'53''W$ along a non-tangent line for 80.00 feet; thence run $S89^{\circ}02'07''W$ for 269.71 feet; thence run $N00^{\circ}57'53''W$ for 165.00 feet to an intersection with the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10; thence run $N89^{\circ}02'07''E$ along said North line for 1,760.96 feet to the POINT OF BEGINNING.

Containing 43.17 acres, more or less.

Bearings hereinabove mentioned are based on the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10 to bear $N89^{\circ}02'07''E$.


Scott A. Wheeler (For The Firm),
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\22022 - Winkler Preserve Services During Const\DESC\22022sko3desc.doc

EXHIBIT 2

Barraco
 and Associates, Inc.
 CIVIL ENGINEERING - LAND SURVEYING
 LAND PLANNING - LANDSCAPE DESIGN
 WWW.BARRACO.NET
 2711 WASHINGTON BOULEVARD
 SUITE 100
 FORT MYERS, FL 33901
 PHONE: 888-881-1170
 FAX: 888-881-1170
 NATIONAL CERTIFICATE OF AUTHORIZATION
 EXPIRES 06/30/2010 - SURVEYING LICENSE

D.R. HORTON
 1105 EAST WINDSOR GLENVIEW DRIVE
 DEERFIELD BEACH, FLORIDA 33442
 PHONE: 561-993-1111
 WWW.DRHORTON.COM
 PROJECT NO. 08-017-01

WINKLER PRESERVE
 RESIDENTIAL DEVELOPMENT
 PART OF SECTION 10 WITH WINKLER TRACT NE 1/4
 LEE COUNTY, FLORIDA
 PROJECT SUBMITTER

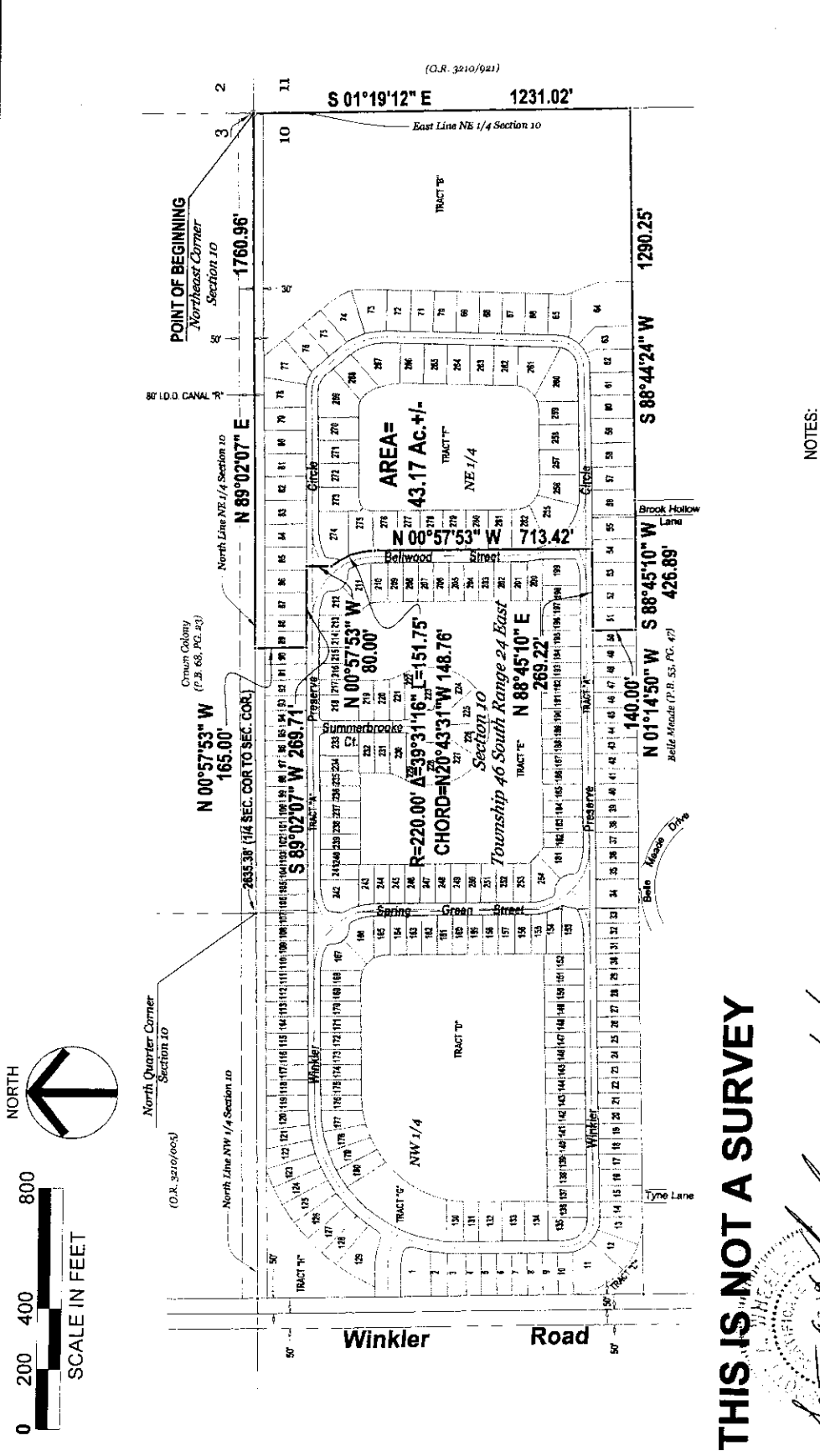
NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DATE SIGNED: _____
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5949

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

DATE SIGNED: _____
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5949

SCALE: 1" = 400'
 DATE: 10/11/08
 SHEET NO. 1 OF 2



- NOTES:**
1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
 2. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
 3. PG. - DENOTES PAGE.
 4. D.B. - DENOTES DEED BOOK, LEE COUNTY PUBLIC RECORDS.
 5. BEARINGS AS SHOWN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10 TO BEAR $N 89^{\circ}02'07'' E$
 6. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

Scott A. Wheeler
 DATE SIGNED: _____
 SCOTT A. WHEELER (FOR THE FIRM - LB 6940)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5949

4/2/08
 DATE SIGNED: _____
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.


DESCRIPTION

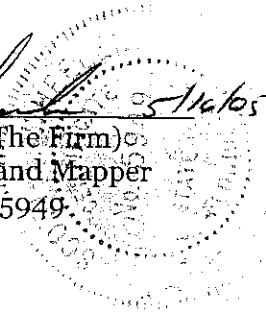
Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the North Quarter Corner of said Section 10 run N89°02'07"E along the North line of the Northeast Quarter (NE 1/4) of said Section 10 for 8.42 feet; thence run S00°57'53"E for 165.01 feet; thence run S19°50'56"W for 85.54 feet to a point on a non-tangent curve; thence run southerly along an arc of curve to the right of radius 220.00 feet (delta 39°31'30") (chord bearing S20°39'48"E) (chord 148.77 feet) for 151.77 feet to a point of tangency; thence run S00°54'02"E for 670.79 feet; thence run S20°24'34"W for 52.02 feet; thence run S01°14'50"E for 140.00 feet to an intersection with the North line of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run S88°45'10"W along the North line of said Record Plat for 1.85 feet; thence run S88°44'24"W still along said North line for 1,269.80 feet to an intersection with the east right of way line of Winkler Road (100' wide); thence run N01°17'21"W along said right of way line for 1,252.26 feet to and intersection with the North line of the Northwest Quarter (NW 1/4) of said Section 10; thence run N89°05'58"E along said North line for 1,269.57 feet to the POINT OF BEGINNING.
Containing 36.82 acres, more or less.

Bearings hereinabove mentioned are based on the North line of the Northwest Quarter (NW 1/4) of said Section 10 to bear N89°05'58"E.


Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949



Barraco
 CIVIL ENGINEERING - LAND SURVEYING
 and Associates, Inc.
 1100 UNIVERSITY BLVD., SUITE 200
 FORT MYERS, FLORIDA 33902-3000
 WWW.BARRACO.FL.COM
 PHONE: (888) 488-2800
 FAX: (239) 938-3188

D.R. HORTON
 1100 EAST NEWPORT CENTER DRIVE
 DEERFIELD BEACH, FLORIDA 33442
 PHONE: (561) 992-2100
 FAX: (561) 992-2101
 WWW.DRHORTON.COM

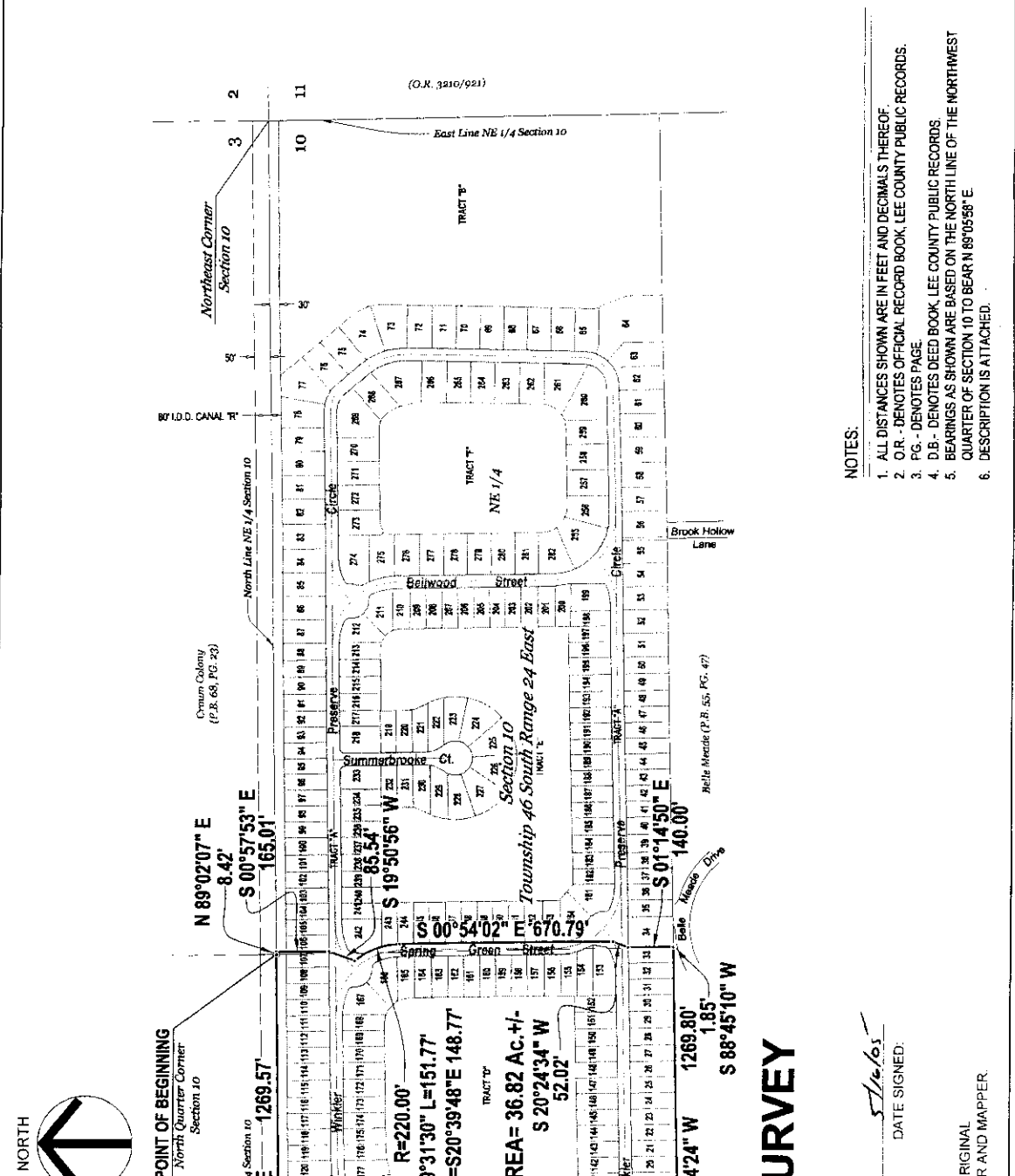
WINKLER PRESERVE
 RESIDENTIAL DEVELOPMENT
 NAME OF SECTION IS
 TOWNSHIP 46 SOUTH
 RANGE 24 EAST
 LEE COUNTY, FLORIDA
 PROJECT NUMBER: 2011-001
 DATE OF RECORDING:
 11/15/2011
 BOOK: 2011-001
 PAGE: 1

STATE OF FLORIDA
 SURVEYORS
 LICENSE NO. 12574
 EXPIRES 12/31/2014

DATE: 11/15/2011
 TIME: 10:30 AM
 LOCATION: TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA
 PROJECT: WINKLER PRESERVE
 CLIENT: D.R. HORTON

SCALE: 1" = 400'
 PLAN NUMBER: 11/15/2011-001-001

SKETCH TO ACCOMPANY DESCRIPTION
 PROJECT FILE NO. 11/15/2011-001-001
 SHEET NUMBER 1 OF 2



THIS IS NOT A SURVEY

DATE SIGNED: 5/16/05

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5949

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

- NOTES:
1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
 2. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
 3. P.G. - DENOTES PAGE.
 4. D.B. - DENOTES DEED BOOK, LEE COUNTY PUBLIC RECORDS.
 5. BEARINGS AS SHOWN ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10 TO BEAR N 89°05'58" E
 6. DESCRIPTION IS ATTACHED.

DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast Corner of said section 10 run S89°02'07"W along the North line of the Northeast Quarter (NE ¼) of said Section 10 for 1,760.96 feet to the POINT OF BEGINNING.

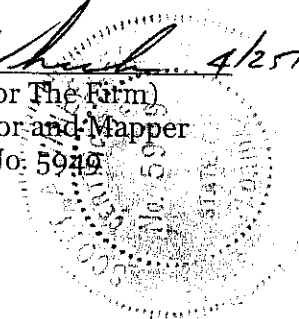
From said Point of Beginning run S00°57'53"E for 165.00 feet; thence run N89°02'07"E for 269.71 feet; thence run S00°57'53"E for 80.00 feet to a point on a non-tangent curve; thence run southerly along an arc of curve to the right of radius 220.00 feet (delta 39°31'16") (chord bearing S20°43'31"E) (chord 148.76 feet) for 151.75 feet to a point of tangency; thence run S00°57'53"E for 713.42 feet; thence run S88°45'10"W for 269.22 feet; thence run S01°14'50"E for 140.00 feet to an intersection with the North line of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run S88°45'10"W along said North line for 916.75 feet; thence run N01°14'50"W for 140.00 feet; thence run N20°24'34"E for 52.02 feet; thence run N00°54'02"W for 670.79 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 220.00 feet (delta 39°31'30") (chord bearing N20°39'48"W)(chord 148.77 feet) for 151.77 feet; thence run N19°50'56"E along a non-tangent line for 85.54 feet; thence run N00°57'53"W for 165.01 feet to an intersection with the North line of the Northeast Quarter (NE ¼) of said Section 10; thence run N89°02'07"E along said North line for 866.00 feet to the POINT OF BEGINNING.

Containing 31.28 acres, more or less.

Bearings hereinabove mentioned are based on the North line of the Northeast Quarter (NE 1/4) of said Section 10 to bear N89°02'07"E.

Scott A. Wheeler 4/25/05

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No: 5949



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

The undersigned is the owner of certain lands portions of which are more fully described on Exhibit A attached hereto and made a part hereof (the "Property").

The undersigned understands and acknowledges that D.R. Horton, Inc., ("Petitioner"), has submitted 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 8th day of June, 2005.


Witnessed:


Print Name: Thomas B. Montano

Asst. U.P. and Asst. Secretary


Print Name: JAMES PEEBLES
V.P.

D.R. Horton, Inc.


Print Name: Samuel R. Fuller
Its: Senior Executive Vice President

STATE OF TEXAS
COUNTY OF Tarrant

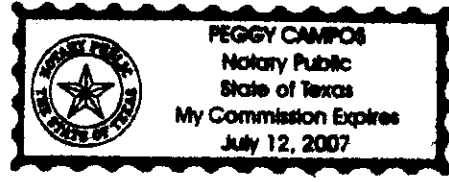
The foregoing instrument was acknowledged before me this 8th day of June,
2005, by Samuel R. Fuller, on behalf of D.R. Horton, Inc., who is personally
known to me, ~~or who has produced~~ _____ as identification
and who did (did not) take an oath.

Peggy Campos
Signature of Notary taking acknowledgment

Peggy Campos
Name of Notary taking acknowledgment
(typed, printed or stamped)

Paralegal
Title or rank

Serial number, if any



DESCRIPTION


Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the North Quarter Corner of said Section 10 run N89°02'07"E along the North line of the Northeast Quarter (NE 1/4) of said Section 10 for 8.42 feet; thence run S00°57'53"E for 165.01 feet; thence run S19°50'56"W for 85.54 feet to a point on a non-tangent curve; thence run southerly along an arc of curve to the right of radius 220.00 feet (delta 39°31'30") (chord bearing S20°39'48"E) (chord 148.77 feet) for 151.77 feet to a point of tangency; thence run S00°54'02"E for 670.79 feet; thence run S20°24'34"W for 52.02 feet; thence run S01°14'50"E for 140.00 feet to an intersection with the North line of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run S88°45'10"W along the North line of said Record Plat for 1.85 feet; thence run S88°44'24"W still along said North line for 1,269.80 feet to an intersection with the east right of way line of Winkler Road (100' wide); thence run N01°17'21"W along said right of way line for 1,252.26 feet to and intersection with the North line of the Northwest Quarter (NW 1/4) of said Section 10; thence run N89°05'58"E along said North line for 1,269.57 feet to the POINT OF BEGINNING.

Containing 36.82 acres, more or less.

Bearings hereinabove mentioned are based on the North line of the Northwest Quarter (NW 1/4) of said Section 10 to bear N89°05'58"E.


Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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 on Exhibit A attached hereto and made a part hereof (the "Property").

The undersigned understands and acknowledges that D.R. Horton, Inc. ("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.

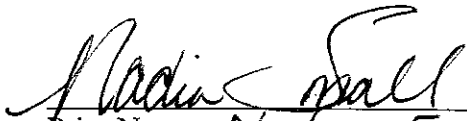
The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest 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.

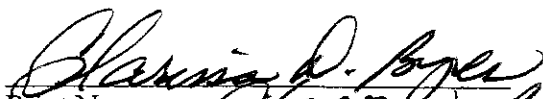
Executed this 30th day of DECEMBER, 2004.

Witnessed:

Equity Investments, LLC
(Landowner)


Print Name: NADIA SMALL


Print Name: DAVID SHAPIRO
Its: MANAGING MEMBER


Print Name: CHARISSA D. BYRNES

DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

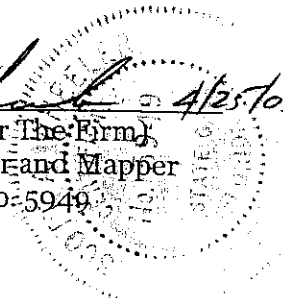
A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Northeast Corner of said Section 10 run $S01^{\circ}19'12''E$ along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10 for 1,231.02 feet to the Northeast Corner of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run $S88^{\circ}44'24''W$ along the North line of said Record Plat for 1,290.25 feet; thence run $S88^{\circ}45'10''W$ still along said North line for 426.89 feet; thence run $N01^{\circ}14'50''W$ for 140.00 feet; thence run $N88^{\circ}45'10''E$ for 269.22 feet; thence run $N00^{\circ}57'53''W$ for 713.42 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 220.00 feet (delta $39^{\circ}31'16''$) (chord bearing $N20^{\circ}43'31''W$)(chord 148.76 feet) for 151.75 feet; thence run $N00^{\circ}57'53''W$ along a non-tangent line for 80.00 feet; thence run $S89^{\circ}02'07''W$ for 269.71 feet; thence run $N00^{\circ}57'53''W$ for 165.00 feet to an intersection with the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10; thence run $N89^{\circ}02'07''E$ along said North line for 1,760.96 feet to the POINT OF BEGINNING.

Containing 43.17 acres, more or less.

Bearings hereinabove mentioned are based on the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10 to bear $N89^{\circ}02'07''E$.

Scott A. Wheeler 4/25/05
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949



DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida


A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

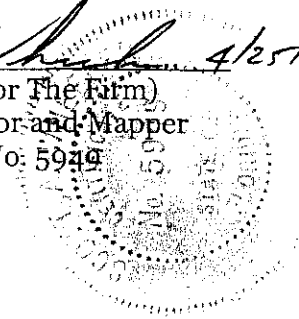
Commencing at the Northeast Corner of said section 10 run S89°02'07"W along the North line of the Northeast Quarter (NE 1/4) of said Section 10 for 1,760.96 feet to the POINT OF BEGINNING.

From said Point of Beginning run S00°57'53"E for 165.00 feet; thence run N89°02'07"E for 269.71 feet; thence run S00°57'53"E for 80.00 feet to a point on a non-tangent curve; thence run southerly along an arc of curve to the right of radius 220.00 feet (delta 39°31'16") (chord bearing S20°43'31"E) (chord 148.76 feet) for 151.75 feet to a point of tangency; thence run S00°57'53"E for 713.42 feet; thence run S88°45'10"W for 269.22 feet; thence run S01°14'50"E for 140.00 feet to an intersection with the North line of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run S88°45'10"W along said North line for 916.75 feet; thence run N01°14'50"W for 140.00 feet; thence run N20°24'34"E for 52.02 feet; thence run N00°54'02"W for 670.79 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 220.00 feet (delta 39°31'30") (chord bearing N20°39'48"W)(chord 148.77 feet) for 151.77 feet; thence run N19°50'56"E along a non-tangent line for 85.54 feet; thence run N00°57'53"W for 165.01 feet to an intersection with the North line of the Northeast Quarter (NE 1/4) of said Section 10; thence run N89°02'07"E along said North line for 866.00 feet to the POINT OF BEGINNING.

Containing 31.28 acres, more or less.

Bearings hereinabove mentioned are based on the North line of the Northeast Quarter (NE 1/4) of said Section 10 to bear N89°02'07"E.


Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No: 5949



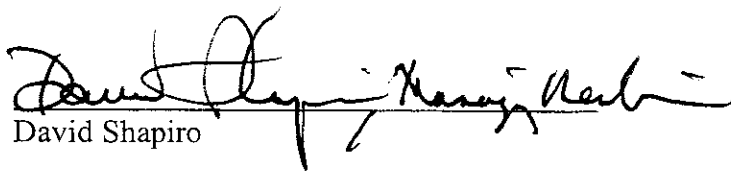
LIMITED LIABILITY COMPANY AFFIDAVIT

STATE OF FLORIDA

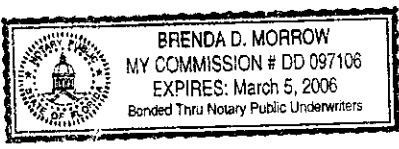
COUNTY OF PALM BEACH

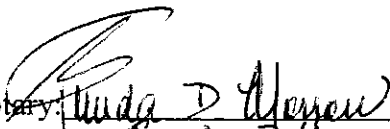
Before me, the undersigned authority, personally appeared DAVID SHAPIRO (the "Affiant"), who after being duly sworn, deposes and says as follows:

1. EQUITY INVESTMENTS, LLC, a Florida limited liability company (the "LLC") was organized under the laws of the State of Florida and is presently existing;
2. Affiant is the managing member of the LLC and is authorized to sign documents on behalf of the LLC.
3. The LLC has approved the formation of a Community Development District ("CDD") with respect to certain real property located in Lee County, Florida, more particularly described in **Exhibit "A"** attached hereto and made a part hereof (the "Property").
4. The LLC has the power and authority, in the name and on behalf of the LLC, to do and perform any and all actions and things that may be necessary or desirable or convenient in connection with the CDD.
5. The LLC acknowledges that any title insurance company insuring title to the Property may rely upon the truth and accuracy of the foregoing statements.


David Shapiro

Sworn to and subscribed before me this 17th day of January, 2005 by David Shapiro.




Notary: Brenda D. Morrow
Print Name: Brenda D. Morrow
Notary Public, State of Florida
My Commission expires: 03-05-06

Personally Known or Produced Identification
Type of Identification Produced _____

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

WPB-FS1\GILDANLA523041v01\F_P101_.DOC\12/13/04\54431.012100

SCHEDULE A

Parcel 1:

Lot 33, Seminole Gardens, according to the plat thereof as recorded in Plat Book 4, Page 65, of the Public Records of Lee County, Florida, Less and Except that part deeded to Lee County for road right of way as set forth in Warranty Deed recorded in Official Records Book 260, Page 434, Public Records of Lee County, Florida.

Parcel 2:

Lot 34, Seminole Gardens, according to the plat thereof as recorded in Plat Book 4, Page 65, of the Public Records of Lee County, Florida, Less and Except that part deeded to Lee County for road right of way as set forth in Warranty Deed recorded in Official Records Book 260, Page 434, Public Records of Lee County, Florida.

Parcel 3:

Lot 29 and 36, Seminole Gardens, according to the plat thereof as recorded in Plat Book 4, Page 65, of the Public Records of Lee County, Florida, Less and Except the West 25 feet of Lot 36, deeded to Lee County for road right of way in Deed recorded in Official Records Book 260, Page 434, Public Records of Lee County, Florida.

Parcel 4:

Lots 31 and 32, Seminole Gardens, according to the plat thereof as recorded in Plat Book 4, Page 65, Public Records of Lee County, Florida.

Parcel 5:

Lot 4, Seminole Gardens, according to the plat thereof as recorded in Plat Book 4, Page 65, Public Records of Lee County, Florida.

Parcel 6:

Lot 2, Seminole Gardens, according to the plat thereof as recorded in Plat Book 4, Page 65, Public Records of Lee County, Florida.

Parcel 7:

Lot 1, Seminole Gardens, according to the plat thereof as recorded in Plat Book 4, Page 65, Public Records of Lee County, Florida.

Parcel 8:

Lots 3 and 30, Seminole Gardens, according to the plat thereof as recorded in Plat Book 4, Page 65 of the Public Records of Lee County, Florida and Lot 35, Seminole Gardens, according to the plat thereof as recorded in Plat Book 4, Page 65, of the Public Records of Lee County, Florida; Less and Except that part deeded to Lee County for road right of way as set forth in Warranty Deed recorded in Official Records Book 260, Page 434, Public Records of Lee County, Florida.

CERTIFICATE OF ASSISTANT SECRETARY

The undersigned hereby certifies as follows:

1. He is a duly elected, qualified and acting Assistant Secretary of D.R. Horton, Inc., a Delaware corporation (the "Company"), is familiar with the facts herein certified and is duly authorized to certify the same.
2. The following is a true, correct and complete copy of resolutions related to the subject matter as adopted by the Consent of Executive Committee of the Board of Directors of the Company dated May 12, 2003 (the "Resolutions"). The Resolutions have not been amended, rescinded or modified and remain in full force and effect as of the date hereof.

Authority of Division President

WHEREAS, effective May 7, 1999, Paul Joseph Romanowski was elected to the office of Vice President of the Company and Division President (the "Division President") of the Company's South Florida Division (the "Division"), to serve until the next annual meeting of the directors of the Company and until his successor is duly elected and qualified or until his earlier death, resignation or removal.

NOW, THEREFORE, BE IT RESOLVED, that the Division President is hereby authorized and empowered, in the Division and in the name and on behalf of (A) the Company, (B) any partnership of which the Company is a general partner, manager or agent, and (C) any limited liability company of which the Company is a member, manager or agent (collectively the "Entities"), (i) subject to written approval by any one of the following officers of the Company: a) Chairman of the Board, b) Vice Chairman, President and Chief Executive Officer, c) Executive Vice President, Treasurer and Chief Financial Officer, or (d) the Region President of the Division (the "Approving Officers"), to execute and deliver contracts, agreements and other documents and instruments for the purchase of real property, and any improvements or appurtenances constructed thereon or affixed thereto, or any interest therein, including without limitation any right-of-way, easement, leasehold or other tangible or intangible property, right or interest, and any personal property relating or incident thereto, (ii) subject to written approval by any one of the Approving Officers, to execute and deliver contracts, agreements, deeds, conveyances or other obligations of the Entities, closing statements and other documents and instruments for the sale of improved or unimproved real property, or any interest or right therein, owned, leased or otherwise controlled by the Entities and (iii)

to execute and deliver office and model home leases and such other agreements, instruments or documents as the Approving Officers shall direct.

RESOLVED FURTHER, that in connection with the management of the Entities' business, the Division President is hereby authorized and empowered, in the name and on behalf of the Entities in the Division, to execute and deliver (i) contracts, agreements and other documents and instruments for the subdivision, development and/or improvement of real property, (ii) home sales contracts, sales person employment agreements and similar or equivalent agreements, documents or instruments and (iii) personal property leases for, among other things, office equipment and construction trailers.

RESOLVED FURTHER, that in connection with the management of the Entities' business in the Division, the Division President shall be authorized and empowered, in the name and on behalf of the Entities in the Division, to execute and deliver any and all documents and instruments necessary to sell and convey title to single-family homes.

IN WITNESS WHEREOF, the undersigned has set his hand on the 20th day of January, 2004.



Paul W. Buchschacher,
Assistant Secretary

15



This Instrument was prepared by:
Gregg S. Truxton, Esquire
Bolaños Truxton, P.A.
12800 University Drive, Suite #350
Fort Myers, Florida 33907

INSTR # 6424723
OR BK 04417 Pgs 4469 - 4472; (4pgs)
RECORDED 09/02/2004 01:57:47 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 35.50
DEED DOC 28,309.40
DEPUTY CLERK L Ambrosio

Parcel Identification Nos:
10-46-24-01-00033.0000

[Space above this line for recording]

SPECIAL WARRANTY DEED

4

THIS SPECIAL WARRANTY DEED is made this 1st day of September, 2004, by **Winkler Preserve, LLC**, a Florida limited liability company (hereinafter called the Grantor) to **D. R. Horton, Inc.**, a Delaware corporation (hereinafter called Grantee) whose address is 1192 East Newport Center Drive, Suite 150, Deerfield Beach, Florida 33442.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida to-wit:

See Exhibit "A" Attached Hereto For Legal Description

and this conveyance is subject to: (1) applicable zoning ordinances, regulations and governmental requirements; (2) real estate taxes and assessments of the year 2004, and subsequent years, and (3) those specific exceptions to title set forth on Exhibit "B" attached hereto;

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

LSM

IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Winkler Preserve, LLC
a Florida limited liability company

Gregg S. Truxton
Print Name: GREGG S. TRUXTON

By: [Signature]
W. Michael Kerver, Vice President

[Signature]
Print Name: SABINE M. FRANCISCO

11220-27 Metro Parkway
Fort Myers, Florida 33912

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 1st day of September, 2004, by W. Michael Kerver, Vice President of Winkler Preserve, LLC, a Florida limited liability company. He () is personally known to me or () has produced N/A as identification.

[Signature]
Notary Public, State of Florida at Large
Print Notary Name:

My commission expires:

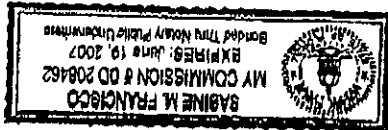


EXHIBIT "A"

Legal Description

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the North Quarter Corner of said Section 10 run $N89^{\circ} 02'07''E$ along the North line of the Northeast Quarter (NE 1/4) of said Section 10 for 8.42 feet; thence run $S00^{\circ} 57'53''E$ for 165.01 feet; thence run $S19^{\circ} 50'56''W$ for 85.54 feet to a point on a non-tangent curve; thence run southerly along an arc of curve to the right of radius 220.00 feet (delta $39^{\circ} 31'30''$) (chord bearing $S20^{\circ} 39'48''E$) (chord 148.77 feet) for 151.77 feet to a point of tangency; thence run $S00^{\circ} 54'02''E$ for 670.79 feet; thence run $S20^{\circ} 24'34''W$ for 52.02 feet; thence run $S01^{\circ} 14'50''E$ for 140.00 feet to an intersection with the North line of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run $S88^{\circ} 45'10''W$ along the North line of said Record Plat for 1.85 feet; thence run $S88^{\circ} 44'24''W$ still along said North line for 1,269.80 feet to an intersection with the east right of way line of Winkler Road (100' wide); thence run $N01^{\circ} 17'21''W$ along said right of way line for 1,252.26 feet to an intersection with the North line of the Northwest Quarter (NW 1/4) of said Section 10; thence run $N89^{\circ} 05'58''E$ along said North line for 1,269.57 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are based on the North line of the Northwest Quarter (NW 1/4) of said Section 10 to bear $N89^{\circ} 05'58''E$.

Exhibit "B"

1. Agreement to enter upon land for Mosquito Control Work, recorded in Official Records Book 404, Page 371, Public Records of Lee County, Florida.
2. Easement granted to Florida Cities Water Company by instrument recorded in Official Records Book 2215, Page 645, Public Records of Lee County, Florida.
3. Easement granted to Lee County by instrument recorded in Official Records Book 3799, Page 4642, of the Public Records of Lee County, Florida.
4. Deed of Conservation Easement recorded in Official Records Book 4317, Page 265, Public Records of Lee County, Florida.



This instrument was prepared by:
Gregg S. Truxton, Esquire
Dolans Truxton, P.A.
12800 University Drive, Suite #350
Fort Myers, Florida 33907

INSTR # 6424727
DR BK 04417 Pgs 4488 - 4484; (5pgs)
RECORDED 09/02/2004 01:59:28 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 44.00
DEED DOC 53,241.38
DEPUTY CLERK L Ambrosio

Parcel Identification Nos:
10-46-24-01-00001.0000

[Space above this line for recording]

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 15th day of September, 2004, by Winkler Preserve, LLC, a Florida limited liability company (hereinafter called the Grantor) to Equity Investments, LLC, a Florida limited liability company (hereinafter called Grantee) whose address is 777 South Flagler Drive, Suite 800 West, West Palm Beach, Florida 33401.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida to-wit:

See Exhibit "A" Attached Hereto For Legal Description

and this conveyance is subject to: (1) applicable zoning ordinances, regulations and governmental requirements; (2) real estate taxes and assessments of the year 2004, and subsequent years, and (3) those specific exceptions to title set forth on Exhibit "B" attached hereto;

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Winkler Preserve, LLC
a Florida limited liability company

Gregg S. Truxton
Print Name: GREGG S. TRUXTON

By: W. Michael Kerver
W. Michael Kerver, Vice President

Sabine M. Francisco
Print Name: SABINE M. FRANCISCO

11220-27 Metro Parkway
Fort Myers, Florida 33912

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 1st day of September, 2004, by W. Michael Kerver, Vice President of Winkler Preserve, LLC, a Florida limited liability company. He () is personally known to me or () has produced N/A as identification.

Sabine M. Francisco
Notary Public, State of Florida at Large
Print Notary Name:

My commission expires:



EXHIBIT "A"**Legal Description**

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast Corner of said section 10 run S89° 02'07"W along the North line of the Northeast Quarter (NE 1/4) of said Section 10 for 1,760.96 feet to the POINT OF BEGINNING.

From said Point of Beginning run S00° 57'53"E for 165.00 feet; thence run N89° 02'07"E for 269.71 feet; thence run S00° 57'53"E for 80.00 feet to a point on a non-tangent curve; thence run southerly along an arc of curve to the right of radius 220.00 feet (delta 39° 31'16") (chord bearing S20° 43'31"E) (chord 148.76 feet) for 151.75 feet to a point of tangency; thence run S00° 57'53"E for 713.42 feet; thence run S88° 45'10"W for 269.22 feet; thence run S01° 14'50"E for 140.00 feet to an intersection with the North line of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run S88° 45'10"W along said North line for 916.75 feet; thence run N01° 14'50"W for 140.00 feet; thence run N20° 24'34"E for 52.02 feet; thence run N00° 54'02"W for 670.79 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 220.00 feet (delta 39° 31'30") (chord bearing N20° 39'48"W) (chord 148.77 feet) for 151.77 feet; thence run N19° 50'56"E along a non-tangent line for 85.54 feet; thence run N00° 57'53"W for 165.01 feet to an intersection with the North line of the Northeast Quarter (NE 1/4) of said Section 10; thence run N89° 02'07"E along said North line for 866.00 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are based on the North line of the Northeast Quarter (NE 1/4) of said Section 10 to bear N89° 02'07"E.

Also:

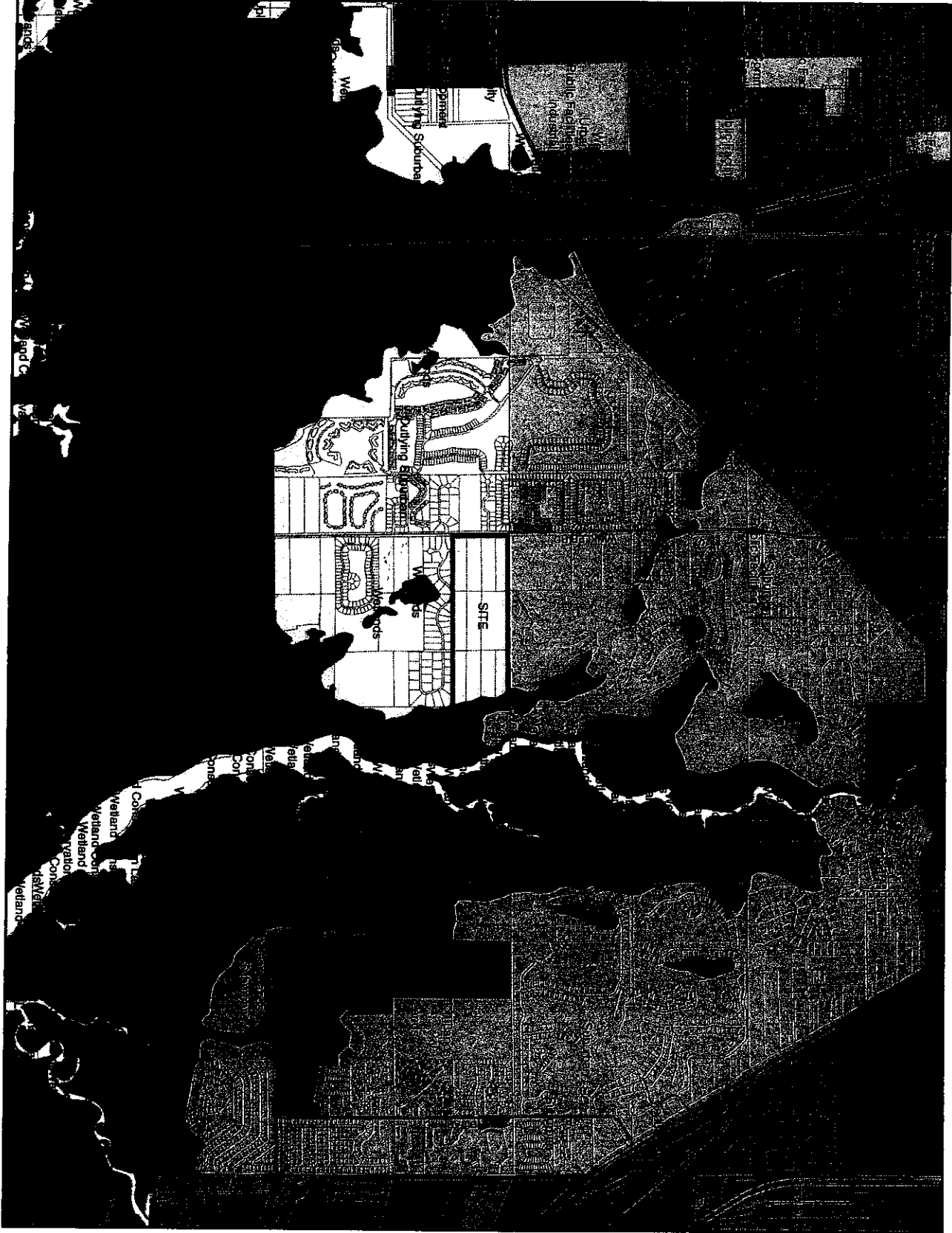
A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows: Beginning at the Northeast Corner of said Section 10 run S01° 19'12"E along the East line of the Northeast Quarter (NE 1/4) of said Section 10 for 1,231.02 feet to the Northeast Corner of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run S88° 44'24"W along the North line of said Record Plat for 1,290.25 feet; thence run S88° 45'10"W still along said North line for 426.89 feet; thence run N01° 14'50"W for 140.00 feet; thence run N88° 45'10"E for 269.22 feet; thence run N00° 57'53"W for 713.42 feet to a point of curvature; thence run northerly along an arc of

curve to the left of radius 220.00 feet (delta $39^{\circ} 31'16''$) (chord bearing $N20^{\circ} 43'31''W$) (chord 148.76 feet) for 151.75 feet; thence run $N00^{\circ} 57'53''W$ along a non-tangent line for 80.00 feet; thence run $S89^{\circ} 02'07''W$ for 269.71 feet; thence run $N00^{\circ} 57'53''W$ for 165.00 feet to an intersection with the North line of the Northeast Quarter (NE 1/4) of said Section 10; thence run $N89^{\circ} 02'07''E$ along said North line for 1,760.96 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are based on the North line of the Northeast Quarter (NE 1/4) of said Section 10 to bear $N89^{\circ} 02'07''E$.

Exhibit "B"

1. Agreement to enter upon land for Mosquito Control Work, recorded in Official Records Book 404, Page 371, Public Records of Lee County, Florida.
2. Easement granted to Florida Cities Water Company by instrument recorded in Official Records Book 2215, Page 645, Public Records of Lee County, Florida.
3. Easement granted to Lee County by instrument recorded in Official Records Book 3799, Page 4642, of the Public Records of Lee County, Florida.
4. Deed of Conservation Easement recorded in Official Records Book 4317, Page 265, Public Records of Lee County, Florida.



Barraco
and Associates, Inc.

Source: Lee County Property Appraiser

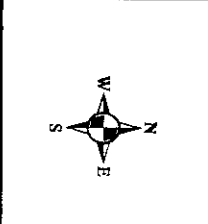
0 500 1,000 2,000 3,000

Feet

1/8" = 100'

As the responsibility of the user, verify the accuracy of the data.

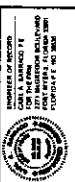
**FUTURE LAND USE MAP
WINKLER PRESERVE
LEE COUNTY, FLORIDA**



Barraco
and Associates, Inc.
CIVIL ENGINEERING, LAND SURVEYING
LAND PLANNING, LANDSCAPE DESIGN
www.barraco.net
2711 MAGNOLIA BLVD.
SUITE 100
FORT WORTH, TEXAS 76107
PHONE (817) 341-3170
FAX (817) 341-3179
E-MAIL: info@barraco.net

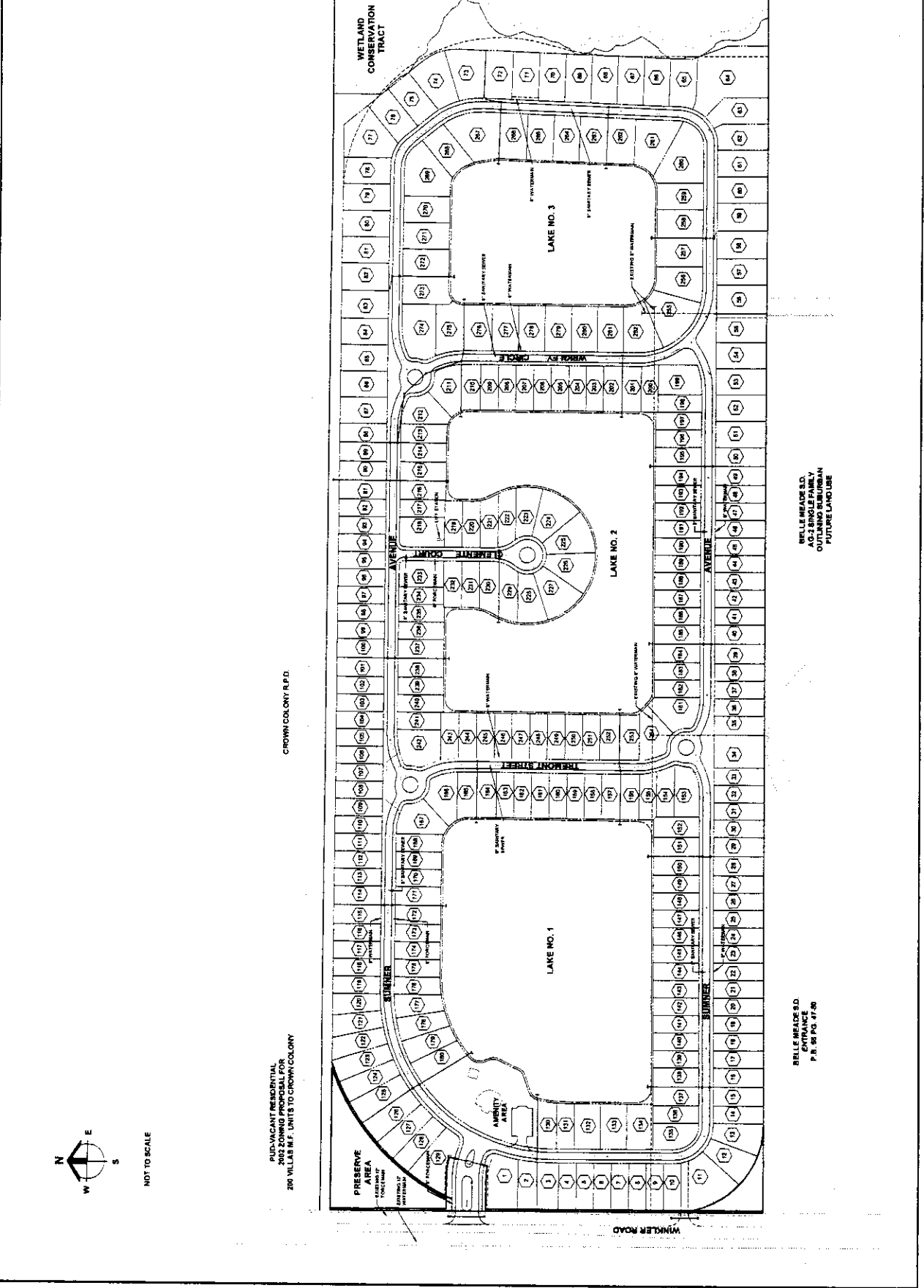
D.R. HORTON
1195 EAST HORTON CENTER DRIVE
SUITE 150
DEERFIELD BEACH, FLORIDA 33442
PHONE (888) 438-4634
FAX (888) 438-7367
WWW.DRHORTON.COM
PROJECT DESCRIPTION

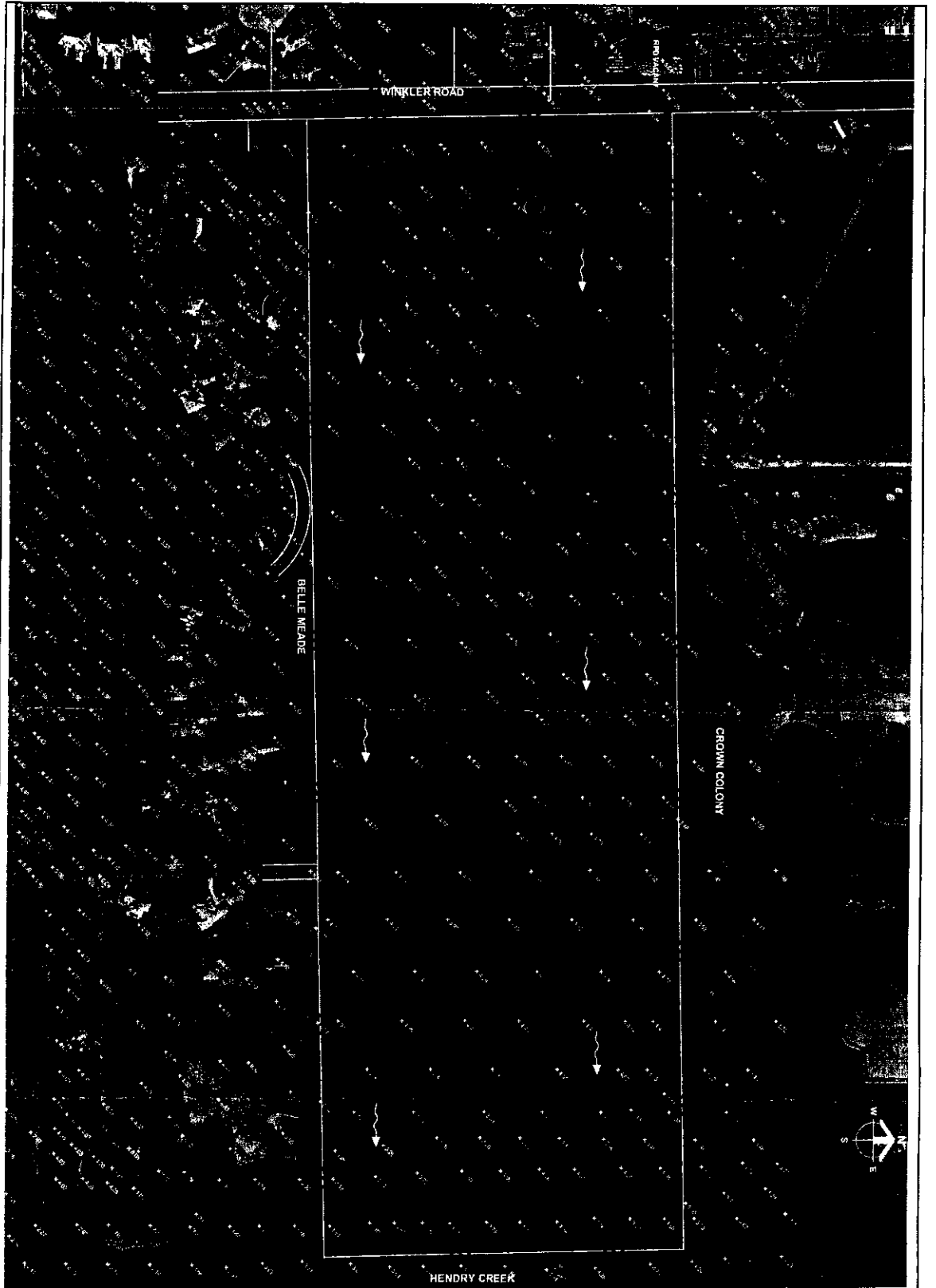
WINKLER PRESERVE
RESIDENTIAL DEVELOPMENT
PART OF SECTION 10
TOWNSHIP 48 SOUTH
RANGE 40 WEST
LEE COUNTY, FLORIDA
PROJECT NUMBER
NUMBER OF UNITS
TOTAL AREA
TOTAL AREA OF COMMON AREAS
TOTAL AREA OF OPEN SPACE
TOTAL AREA OF WATER
TOTAL AREA OF LANDSCAPE
TOTAL AREA OF UTILITIES
TOTAL AREA OF OTHER



DATE: 11/17/2010
LOCATION: 7217 DUNES BLVD.
PLAT DATE: 11/17/2010
PLAT BY: D.R. HORTON
REVISION: 1000 00A
SHEET: 1 OF 1
SCALE: AS SHOWN
DRAWN BY: J. J. HORTON
CHECKED BY: J. J. HORTON
APPROVED BY: J. J. HORTON

UTILITY EXHIBIT
PROJECT NUMBER
SHEET NUMBER
21656





Barraco
 and Associates, Inc.
 Civil Engineering - Landscape Arch.
 Land Planning - Landscape Design
 www.barraco.net
 221 W. ADAMS BLVD. SUITE 200
 TAMPA, FL 33606
 PHONE: 813.281.1111
 FAX: 813.281.1112
 ENGINEER NO. 9903 - STATE OF FLORIDA

D.R. HORTON

142 EAST WINTER GLENWAY
 SUITE 100
 TAMPA, FL 33606
 PHONE: 813.281.1111
 FAX: 813.281.1112
 ENGINEER NO. 9903 - STATE OF FLORIDA

WINKLER PRESERVE
 RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
 TOWNSHIP 28S
 RANGE 21E
 18th COUNTY, FLORIDA

PROJECT NUMBER
 21737

DATE
 11/11/11

SCALE
 AS SHOWN

PROJECT LOCATION
 18th COUNTY, FLORIDA

PROJECT NUMBER
 21737

DATE
 11/11/11

SCALE
 AS SHOWN

PROJECT LOCATION
 18th COUNTY, FLORIDA

PROJECT NUMBER
 21737

DATE
 11/11/11

SCALE
 AS SHOWN

PROJECT LOCATION
 18th COUNTY, FLORIDA

PROJECT NUMBER
 21737

DATE
 11/11/11

SCALE
 AS SHOWN

PROJECT LOCATION
 18th COUNTY, FLORIDA

PROJECT NUMBER
 21737

DATE
 11/11/11

SCALE
 AS SHOWN

PROJECT LOCATION
 18th COUNTY, FLORIDA

PROJECT NUMBER
 21737

DATE
 11/11/11

SCALE
 AS SHOWN

PROJECT LOCATION
 18th COUNTY, FLORIDA

PROJECT NUMBER
 21737

DATE
 11/11/11

EXHIBIT 6

Barraco
 Residential, Inc.
 2001 W. BARRACCO DRIVE
 FORT MYERS, FLORIDA 33902-2600
 TEL: 888.444.8888
 FAX: 888.444.8888
 WWW.BARRACCO.NET

D.R. HORTON
 1182 EAST HAVENWAY CENTER DRIVE
 DEERFIELD BEACH, FLORIDA 33442
 PHONE: (561) 978-8881
 FAX: (561) 978-8882
 WWW.DRHORTON.COM

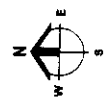
WINKLER PRESERVE
 RESIDENTIAL DEVELOPMENT
 PART OF SECTION 19
 TOWNSHIP 28S, RANGE 18EAST
 LEE COUNTY, FLORIDA



PROJECT NUMBER: 12123
 SHEET NO.: 21656
 DATE: 12/31/2011

NO.	DESCRIPTION
1	PRELIMINARY LAYOUT
2	FINAL LAYOUT
3	CONSTRUCTION PERMITS
4	CONSTRUCTION
5	AS-BUILT
6	FINAL

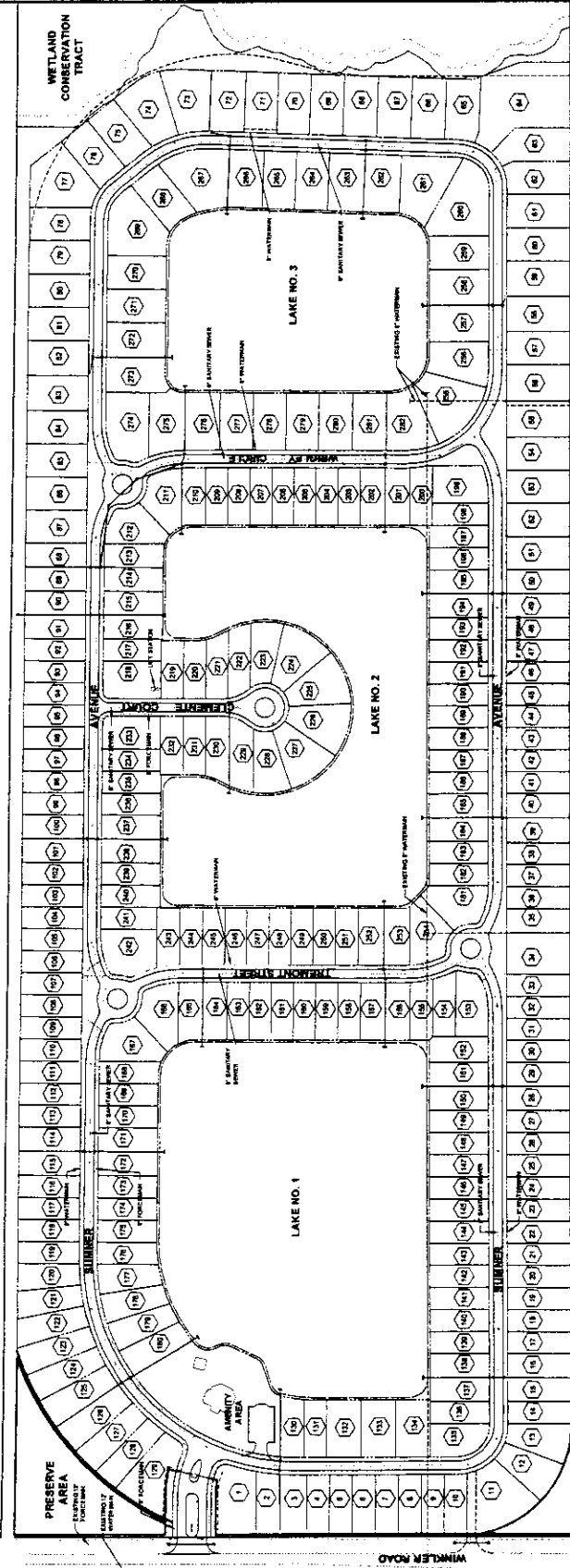
UTILITY EXHIBIT
 PROJECT FILE NO. 21656
 SHEET NAME



NOT TO SCALE

REPLACED RESIDENTIAL
 2002 ZONING PROPOSAL FOR
 200 VILLAS IN P. UNITS TO CROWN COLONY

CROWN COLONY R.F.D.



BELLE MEADE S.D.
 AG-1 SINGLE FAMILY
 CROWN COLONY WITH
 FUTURE LAND USE

BELLE MEADE S.D.
 AG-1 SINGLE FAMILY
 CROWN COLONY WITH
 FUTURE LAND USE

EXHIBIT 8

**CATALINA AT WINKLER PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

PROPOSED FACILITIES AND SERVICES

<u>Facility</u>	<u>Funded By</u>	<u>Constructed By</u>	<u>O&M</u>	<u>Ownership</u>
Master Stormwater / Surface Water Management System	CDD	CDD	CDD	CDD
Water Distribution System	CDD	CDD	Lee County	Lee County
Wastewater Collection System	CDD	CDD	Lee County	Lee County

CDD - Community Development District

EXHIBIT 9

**SUMMARY OF COST ESTIMATES
Catalina at Winkler Preserve Community Development District**

CATEGORY	ESTIMATED COST
Master Stormwater / Surface Water Management System	\$3,480,000
Water Distribution System	\$ 467,500
Wastewater Collection System	\$1,006,000
Professional Fees	\$ 175,000
TOTAL	\$5,182,500

STATEMENT OF ESTIMATED REGULATORY COSTS

FOR

**CATALINA AT WINKLER PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

PREPARED BY:

RIZZETTA & COMPANY, INC.

3434 Colwell Avenue

Suite 200

Tampa, Florida 33614

(813) 933-5571

December 1, 2004

RIZZETTA & COMPANY
INCORPORATED

CATALINA AT WINKLER PRESERVE
COMMUNITY DEVELOPMENT DISTRICT

STATEMENT OF ESTIMATED REGULATORY COSTS

TABLE OF CONTENTS

	<u>PAGE</u>
I. INTRODUCTION	
1. PURPOSE & SCOPE	1
2. CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT	2
II. STATUTORY ITEMS	3
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	
A. THE STATE OF FLORIDA	4
B. LEE COUNTY	4
C. CURRENT PROPERTY OWNERS	4
D. FUTURE PROPERTY OWNERS	5
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 & ENFORCING THE ORDINANCE	
1. LEE COUNTY	5
2. STATE OF FLORIDA	5
3. THE DISTRICT	6
B. IMPACT ON STATE AND LOCAL REVENUES	6
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	7
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.	8
5. ANY ADDITIONAL INFORMATION THAT THE AGENCY DETERMINES MAY BE USEFUL	8

CATALINA AT WINKLER PRESERVE 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 Catalina at Winkler Preserve 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."

CATALINA AT WINKLER PRESERVE 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. CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT

The proposed District will contain approximately 110 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,

CATALINA AT WINKLER PRESERVE 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.

CATALINA AT WINKLER PRESERVE 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 of 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.

CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

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,

CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

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

CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

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 Catalina at Winkler Preserve 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.

CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

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.

**Analysis Of Alternatives For Delivering Community
Development Services And Facilities
To The Area To Be Served By The Proposed
Catalina At Winkler Preserve Community Development District**

(Section 190.005(1)(e) 4, Florida Statutes)

Alternative	Description	Analysis
1. County Financing	<p>The County is responsible for the management of the construction of the roadways, sewer services, water services and all other infrastructure associated with the development. In addition, the County is responsible for maintenance of the roadways, utilities and common areas.</p>	<p>Regardless of the specific mechanism (i.e., MSTU / MSBU / Dependent District) employed, Lee County will incur costs associated with the financing and management of the construction. The source of the necessary construction funds would be the county's general revenue fund or issuance of additional debt. Therefore, these costs, along with annual maintenance costs, will be borne by all Lee County residents, not just property owners within the District. However, Lee County, as do many other counties, has a policy prohibiting the construction of "Subdivision level" infrastructure.</p>
2. Private Conventional Financing	<p>The cost of constructing the infrastructure is financed through conventional bank financing or a combination of private financing and equity financing.</p>	<p>Private financing is difficult to obtain and when available, is very expensive. This may result in housing that is less affordable or a decrease in the level of services provided. In addition, annual maintenance would likely be delegated to a homeowners association which does not have the same legal backing to enforce dues and assessments as does the CDD.</p>
3. Community Development District	<p>A combination of public and private entities establish a mechanism to finance, construct, maintain and manage community development services and facilities.</p>	<p>The District will incur the cost of issuing bonds necessary to finance the construction of the necessary infrastructure, will oversee and manage all phases of construction and will be responsible for the maintenance and management of the common areas on an ongoing basis. All costs associated with these activities will be borne only by property owners within the District that benefit from the construction of the improvements. No county general funds will be used and no costs will be incurred by any county resident outside of the District.</p>

RECOMMENDED ALTERNATIVE

Authorization of Agent

This letter shall serve as a designation of Paul Romanowski, whose address is 1192 East Newport Center Drive, Suite 150, Deerfield Beach Florida 33442, to act as agent for D.R. Horton, Inc. with regard to any and all matters pertaining to the Petition to Lee County, Florida, to establish the Catalina at Winkler Preserve Community Development District in Lee County, Florida, pursuant to Chapter 190, Florida Statutes. This authorization shall remain in effect until revoked in writing.

Executed this 11th day of January, 2005.

(LANDOWNER)

Candace Sharpsteen
By: Candace Sharpsteen
Title: Vice President, D.R. Horton, Inc.

STATE OF Broward
COUNTY OF Florida

The foregoing instrument was acknowledged before me this 11th day of January, 2005, by Candace Sharpsteen, Vice-President of D.R. Horton, Inc. He/she is known personally to me, and did/did not take an oath.

[Signature]
Signature of person taking acknowledgment

Rafael Roca
Name of officer taking acknowledgment
(typed, printed or stamped)

Secretary
Title or rank

Authorization of Agent

This letter shall serve as a designation of Paul Romanowski, whose address is 1192 E. Newport Center Drive, Suite 150 Deerfield Beach, FL 33442, to act as agent for Equity Investments, LLC., with regard to any and all matters pertaining to the Petition to Lee County, Florida, to establish the Catalina at Winkler Preserve Community Development District in Lee County, Florida, pursuant to Chapter 190, Florida Statutes. This authorization shall remain in effect until revoked in writing.

Executed this 30th day of December, 2004

(LANDOWNER)

David Shapiro, Management
By: DAVID SHAPIRO
Title: MANAGING MEMBER

STATE OF FLORIDA
COUNTY OF DEERFIELD BEACH

The foregoing instrument was acknowledged before me this 30th day of December, 2004 by DAVID SHAPIRO, MANAGING MEMBER of Equity Investments LLC. He/she is known personally to me, and did/did not take an oath.

Brenda D. Morrow
Signature of person taking acknowledgment

Name of officer taking acknowledgment
(typed, printed or stamped)

Notary
Title or rank

