

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

**DATE CRITICAL
Blue Sheet No. 20051479**

1. ACTION REQUESTED/PURPOSE: Conduct a public hearing on October 25, 2005, at 9:30 a.m., or as soon thereafter as possible, and adopt an ordinance creating the Verandah East Community Development District.

2. WHAT ACTION ACCOMPLISHES: Adopts an ordinance to establish the Verandah East Community Development District pursuant to the petitioned request of Verandah Development, LLC. 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

9:30 PH #5

5. Meeting Date:

October 25, 2005 at 9:30 a.m.

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

9. Background: Verandah Development, LLC, 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>[Signature]</i>	RK 10/11	10/12/05	10/13/05	10/13/05	<i>[Signature]</i> -13

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CB. ATTY.
 FORWARDED
 TO CO. ATTY.
10/11/05 4PM

RECEIVED BY
 COUNTY ADMIN:
 10-11-05
 4:40
 COUNTY ADMIN
 FORWARDED TO:
 10-11-05
 5:00 P.M.

The proposed Verandah East Community Development District is located on approximately 652 acres of land located in Lee County. The land area is bounded on the north by Palm Beach Boulevard (a/k/a State Road 80); on the south by single-family and vacant lands; on the east by Buckingham Road; and on the west by the Verandah West UCDD. The property is located in Sections 28, 29, 32, and 33, Township 43 South, Range 26 East. The Verandah East 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 Verandah East 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 Verandah East 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. Dennis Church
 - b. Vincent O. Barraco
 - c. Jim Carroll
 - d. Marsha Stachler
 - e. Timothy S. Becker
3. Names the district: Verandah East Community Development District

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

Attachments:

1. **Proposed Ordinance establishing the Verandah East Community Development District**
2. **Lee County Planning Staff's Analysis dated August 9, 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 VERANDAH EAST 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, Verandah Development, LLC, has petitioned the Lee County Board of County Commissioners to establish THE VERANDAH EAST 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 Verandah East 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 Verandah East 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 Verandah East Community Development District is hereby established within the boundaries of the real property located in Lee County, Florida, and described in Exhibit "A" attached hereto and incorporated by reference.

**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. | Dennis Church | 4429 Tarpon Avenue
Bonita Springs, FL 34134 |
| 2. | Vincent O. Barraco | 6729 Kestrel Circle
Fort Myers, FL 33912 |
| 3. | Jim Carroll | 17490 Stepping Stone Drive
Fort Myers, FL 33912 |
| 4. | Marsha Stachler | 41904 Bonaire Circle
Fort Myers, FL 33908 |
| 5. | Timothy S. Becker | 2643 Hunters Ridge Drive
Bonita Springs, FL 34135 |

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

Upon the effective date of this Ordinance, the proposed Verandah East 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 Verandah East 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 Verandah East 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 Verandah East 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 Verandah East 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 OCTOBER, 2005.

ATTEST:
CHARLIE GREEN, CLERK

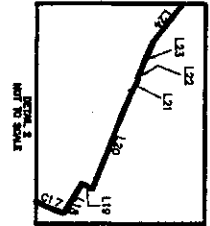
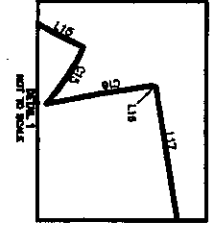
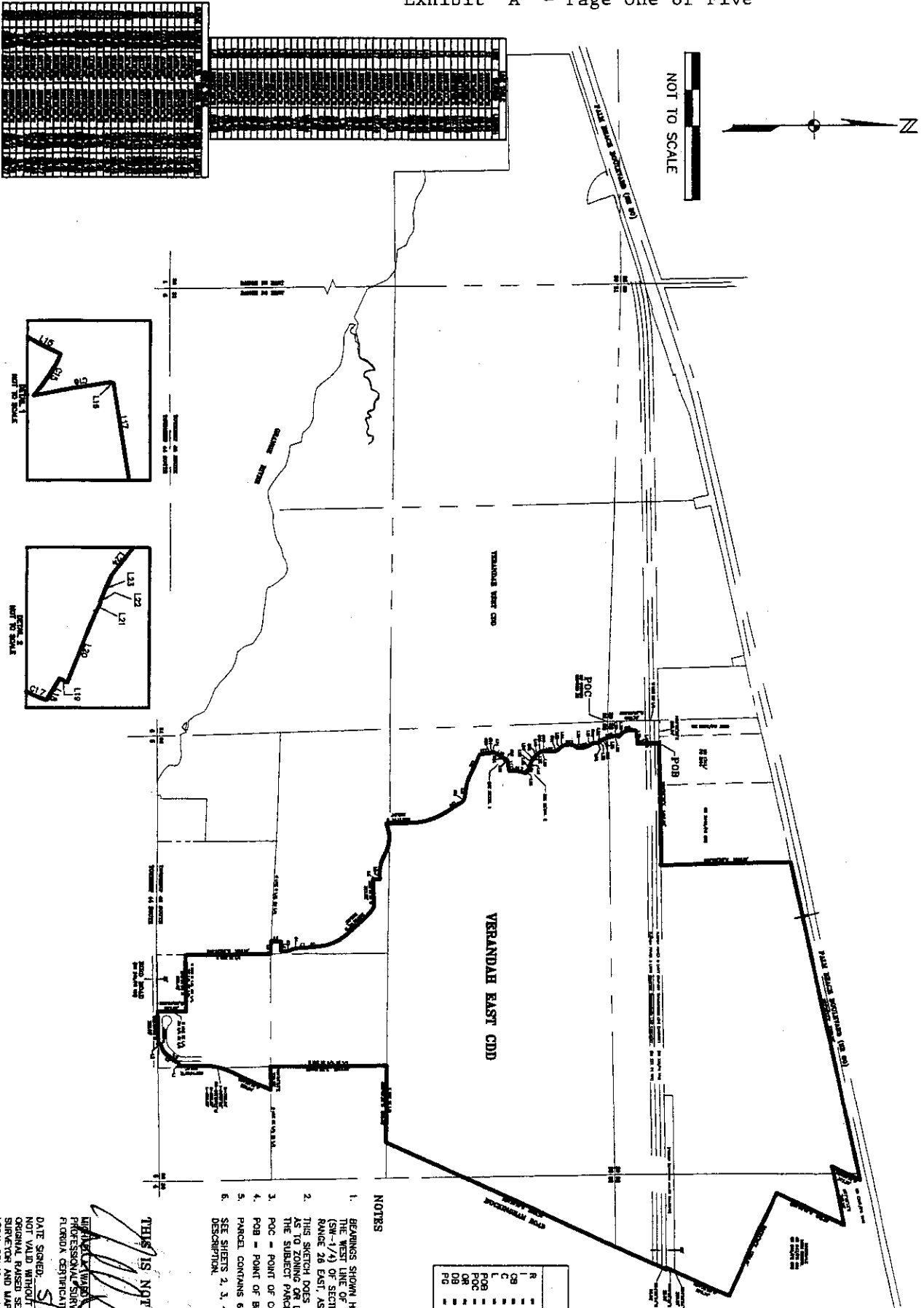
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

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



LEGEND	
R	RADIUS
Δ	DELTA ANGLE
CB	CHORD BEARING
L	CHORD LENGTH
A	ARC LENGTH
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
DB	DEED BOOK
PB	PLAT BOOK
PAGE	PAGE

- NOTES**
1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, AS BEARING N 01° 29' 33" W.
 2. THIS SKETCH DOES NOT HAVE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
 3. POC = POINT OF COMMENCEMENT
 4. POB = POINT OF BEGINNING
 5. PARCEL CONTAINS 652.58 ACRES MORE OR LESS.
 6. SEE SHEETS 2, 3, 4 AND 5 FOR LEGAL DESCRIPTION.

THIS IS NOT A SURVEY

DATE SIGNED: 5/27/05

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, NOT VALID WITHOUT LEGAL DESCRIPTION SHEETS 2, 3, 4 AND 5.

THOMAS W. WARD (REG. NO. 1984-442)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 7581

JOHNSON ENGINEERING

PARCEL LYING IN SECTIONS 28, 29, 32 & 33 TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA

2158 JOHNSON STREET
 P.O. BOX 1550
 FORT WALTER, FLORIDA 33902-1550
 PHONE (239) 334-0046
 FAX (239) 334-3861
 E.B. #642 & L.B. #642

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2005	20044600	32-43-26	NOT TO SCALE	1 OF 5

VERANDAH EAST CDD (REVISED)

April 26, 2005

VERANDAH EAST CDD
(REVISED)**PARCEL LYING IN**
SECTIONS 28, 29, 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 28, 29, 32 and 33, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

From the southwest corner of Section 29, Township 43 South, Range 26 East run N 01° 29' 31" W along the west line of the Southwest Quarter (SW-1/4) of said section for 589.75 feet to an intersection with the north line of a Florida Power and Light Company Transmission Line Easement as recorded in Deed Book 230, page 106, in the Public Records of Lee County, Florida; thence run N 89° 02' 25" E along said north line and the south line of lands described in Official Record Book 3217, page 3959 and the south line of lands described in Official Record Book 1763, page 3164, of said public records for 265.34 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 02' 25" E along said line and along the south line of lands described in Official Record Book 2449, page 953, of said public records for 1,416.03 feet; thence run N 01° 29' 33" W along the east line of said lands described in Official Record Book 2449, page 953 for 1,502.56 feet to an intersection with the southeasterly right-of-way line of Palm Beach Boulevard (State Road 80); thence run N 77° 10' 13" E (75.00 feet southeasterly of and parallel with the centerline of State Road 80) along said southeasterly right-of-way line for 3,785.98 feet; thence run S 24° 33' 10" W along the westerly line of lands described in Official Record Book 1797, page 1141, of said public records for 377.20 feet; thence run N 77° 10' 13" E along the southerly line of said lands for 700.86 feet; thence run S 24° 33' 10" W along the westerly line of lands described in Official Record Book 643, page 499 and Official Record Book 646, page 663, of said public records for 882.33 feet; thence run S 65° 27' 20" E along the southerly line of said lands for 1,320.81 feet to an intersection with the northwesterly right-of-way line of Buckingham Road (100 feet wide); thence run S 24° 32' 53" W along said right-of-way line for 576.76 feet; thence continuing along said right-of-way line, run S 24° 29' 54" W for 220.89 feet to an intersection with a line 50.00 feet north of (as measured on a perpendicular) and parallel with the centerline of said Florida Power and Light Company Transmission Line Easement; thence run N 89° 02' 25" E along said line for 22.15 feet; thence run S 24° 29' 54" W along said northwesterly right-of-way line of Buckingham Road (60 feet wide) for 88.69 feet; thence run S 24° 23' 10" W continuing along said northwesterly right-of-way line for 3,484.76 feet to an intersection with the north line of the Southeast Quarter (SE-1/4) of said Section 32; thence run N 89° 46' 39" W along said north line for 893.56 feet; thence run S 00° 41' 52" E along the west line of the Northeast Quarter (NE-1/4) of said

Southeast Quarter (SE-1/4) for 1,343.62 feet; thence run N 89° 36' 23" E along the south line of said fraction for 270.55 feet to an intersection with said westerly right-of-way line of Buckingham Road (60 feet wide); thence run S 24° 23' 10" W along said right-of-way line for 533.98 feet to a point of curvature; thence run southerly along an arc of said curve to the left, having a radius of 730.00 feet (delta 25° 37' 58") (chord bearing S 11° 34' 12" W) (chord 323.87 feet) for 326.59 feet to a point of tangency; thence run S 01° 14' 47" E along the westerly right-of-way line of Buckingham Road (60 feet wide) for 292.11 feet; thence run S 88° 59' 59" W along a line 240.00 feet north of and parallel with (as measured on a perpendicular) the north right-of-way line of Bird Road (50 feet wide) for 38.99 feet to an intersection with a non-tangent curve; thence run southwesterly (25.00 feet southeasterly and concentric with a proposed right-of-way 50 feet wide) along an arc of said curve to the right, having a radius of 200.00 feet (delta 23° 20' 16") (chord bearing S 27° 50' 42" W) (chord 80.90 feet) for 81.46 feet to a point of tangency; thence run S 39° 30' 50" W for 90.84 feet to a point of curvature; thence run southwesterly (25.00 feet southeasterly and concentric with said proposed right-of-way) along an arc of said curve to the right, having a radius of 200.00 feet (delta 40° 51' 59") (chord bearing S 59° 56' 50" W) (chord 139.65 feet) for 142.65 feet to an intersection with a non-tangent line; thence run S 01° 14' 47" E parallel with said westerly right-of-way line of Buckingham Road for 32.26 feet to an intersection with the north right-of-way of Bird Road; thence run S 88° 59' 59" W along the northerly right-of-way line of Bird Road as described in Deed Book 242, page 118, of said public records for 380.56 feet; thence run N 00° 34' 58" W along the west line of the Southeast Quarter (SE-1/4) of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of said Section 32 for 327.62 feet; thence run S 89° 09' 03" W along the south line of the North Half (N-1/2) of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of said section for 659.45 feet; thence run N 00° 28' 09" W along the west line of the Southeast Quarter (SE-1/4) of said section for 1,018.10 feet; thence run N 87° 48' 58" W along the north line of the South Half (S-1/2) of the Southwest Quarter (SW-1/4) of said section for 147.62 feet; thence run N 02° 11' 02" E for 113.43 feet; thence run N 89° 55' 48" E for 107.17 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 195.00 feet (delta 44° 01' 21") (chord bearing N 07° 13' 26" W) (chord 146.17 feet) for 149.83 feet to a point of reverse curvature; thence run northerly along an arc of said curve to the right, having a radius of 100.00 feet (delta 26° 03' 50") (chord bearing N 16° 12' 12" W) (chord 45.10 feet) for 45.49 feet; thence run N 03° 10' 17" W for 123.30 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 1,772.51 feet (delta 04° 34' 59") (chord bearing N 06° 02' 11" W) (chord 141.74 feet) for 141.78 feet to an intersection with a non-tangent curve; thence run northwesterly along an arc of said curve to the left, having a radius of 615.00 feet (delta 35° 19' 02") (chord bearing N 24° 51' 32" W) (chord 373.11 feet) for 379.09 feet; thence run N 42° 31' 02" W for 265.63 feet to a point of curvature; thence run northwesterly along an arc of said curve to the left, having a radius of 465.01 feet (delta 19° 59' 43") (chord

bearing N 52° 30' 54" W) (chord 161.46 feet) for 162.28 feet; thence run S 86° 19' 16" W for 313.52 feet; thence run N 03° 40' 44" W for 80.00 feet; thence run S 86° 19' 16" W for 62.65 feet to a point of curvature; thence run westerly along an arc of said curve to the right, having a radius of 385.00 feet (delta 32° 17' 34") (chord bearing N 77° 31' 57" W) (chord 214.13 feet) for 216.99 feet to a point of reverse curvature; thence run westerly along an arc of said curve to the left, having a radius of 440.00 feet (delta 50° 11' 04") (chord bearing N 86° 28' 42" W) (chord 373.19 feet) for 385.39 feet to an intersection with a non-tangent line; thence run N 02° 11' 14" W for 267.84 feet to a point of curvature; thence run northerly along an arc of said curve to the left, having a radius of 825.00 feet (delta 31° 14' 52") (chord bearing N 17° 48' 40" W) (chord 444.38 feet) for 449.94 feet; thence run N 33° 26' 06" W for 209.05 feet to a point of curvature; thence run northwesterly along an arc of said curve to the left, having a radius of 50.00 feet (delta 46° 45' 20") (chord bearing N 56° 48' 46" W) (chord 39.68 feet) for 40.80 feet to a point of tangency; thence run N 80° 11' 26" W for 152.50 feet to a point of curvature; thence run westerly along an arc of said curve to the right, having a radius of 375.00 feet (delta 15° 20' 39") (chord bearing N 72° 31' 07" W) (chord 100.13 feet) for 100.43 feet to a point of tangency; thence run N 64° 50' 47" W for 293.20 feet; thence run N 10° 36' 57" W for 93.21 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 82.06 feet (delta 34° 41' 54") (chord bearing N 09° 49' 00" W) (chord 48.94 feet) for 49.70 feet to a point of reverse curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 186.80 feet (delta 00° 45' 05") (chord bearing N 26° 47' 25" W) (chord 2.45 feet) for 2.45 feet; thence run N 10° 36' 57" W for 16.66 feet; thence run N 29° 41' 01" E for 163.13 feet to an intersection with a non-tangent curve; thence run southeasterly along an arc of said curve to the right, having a radius of 50.00 feet (delta 17° 40' 15") (chord bearing S 59° 39' 05" E) (chord 15.36 feet) for 15.42 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the right, having a radius of 453.00 feet (delta 03° 00' 20") (chord bearing N 10° 35' 09" W) (chord 23.76 feet) for 23.76 feet; thence run N 29° 41' 01" E for 0.97 feet; thence run N 81° 00' 44" E for 127.40 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the right, having a radius of 325.00 feet (delta 35° 03' 58") (chord bearing N 08° 32' 43" E) (chord 195.82 feet) for 198.91 feet; thence run N 62° 09' 30" W for 28.86 feet; thence run N 29° 41' 01" E for 10.01 feet; thence run N 68° 38' 44" W for 88.51 feet; thence run N 62° 09' 30" W for 12.14 feet; thence run S 30° 34' 08" W for 1.39 feet; thence run N 68° 38' 44" W for 32.92 feet; thence run N 52° 23' 15" W for 53.80 feet to a point of curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 75.00 feet (delta 15° 59' 32") (chord bearing N 44° 23' 28" W) (chord 20.87 feet) for 20.93 feet; thence run N 36° 23' 42" W for 67.95 feet to a point of curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 75.00 feet (delta 16° 23' 07") (chord bearing N 28° 12' 09" W) (chord 21.38 feet) for 21.45 feet; thence run N 20° 00' 36" W for 5.05 feet to a point of curvature; thence run northerly along

an arc of said curve to the right, having a radius of 75.00 feet (delta 23° 36' 52") (chord bearing N 08° 12' 10" W) (chord 30.69 feet) for 30.91 feet; thence run N 03° 36' 16" E for 106.24 feet to a point of curvature; thence run northerly along an arc of said curve to the left, having a radius of 75.00 feet (delta 42° 40' 27") (chord bearing N 17° 43' 58" W) (chord 54.58 feet) for 55.86 feet; thence run N 39° 04' 12" W for 70.36 feet; thence run N 29° 34' 24" W for 7.13 feet to a point of curvature; thence run northerly along an arc of said curve to the right, having a radius of 145.00 feet (delta 66° 17' 30") (chord bearing N 03° 34' 21" E) (chord 158.56 feet) for 167.77 feet; thence run N 36° 43' 06" E for 21.57 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 223.22 feet (delta 35° 04' 36") (chord bearing N 09° 48' 21" W) (chord 134.53 feet) for 136.66 feet; thence run N 36° 01' 16" W for 39.62 feet to a point of curvature; thence run northerly along an arc of said curve to the right, having a radius of 75.00 feet (delta 55° 39' 36") (chord bearing N 08° 11' 28" W) (chord 70.03 feet) for 72.86 feet; thence run N 19° 38' 20" E for 11.85 feet to a point of curvature; thence run northerly along an arc of said curve to the left, having a radius of 5.00 feet (delta 61° 14' 13") (chord bearing N 10° 58' 47" W) (chord 5.09 feet) for 5.34 feet; thence run N 41° 35' 53" W for 48.12 feet to a point of curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 75.00 feet (delta 25° 45' 59") (chord bearing N 28° 42' 54" W) (chord 33.44 feet) for 33.73 feet; thence run N 15° 49' 54" W for 25.91 feet; thence run N 17° 58' 55" W for 88.96 feet; thence run N 10° 46' 00" W for 31.95 feet; thence run N 28° 31' 28" W for 13.92 feet; thence run N 39° 07' 44" E for 29.04 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the right, having a radius of 202.62 feet (delta 62° 25' 39") (chord bearing N 19° 39' 26" W) (chord 210.01 feet) for 220.77 feet; thence run N 78° 54' 13" E for 116.78 feet; thence run S 79° 59' 06" E for 37.36 feet; thence run N 00° 57' 35" W for 248.06 feet to the Point of Beginning.

Containing 652.58 acres, more or less.

Bearings hereinabove mentioned are based on the west line of the Southwest Quarter (SW-1/4) of Section 29, Township 43 South, Range 26 East, Lee County, Florida, as bearing N 01° 29' 31" W.

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

2005 AUG 15 AM 11:11
RECEIVED BY
LEE CO. ATTORNEY

DATE: August 12, 2005

TO: John Fredyma, Assistant County Attorney

FROM: 

Paul O'Connor, Director

RE: Verandah East UCDD

Planning staff has completed its review of the petition to establish the Verandah East Uniform Community Development District. Attached is the staff report being issued by the Lee County Division of Planning recommending approval of the establishment of the UCDD with the basic systems, facilities and services provided under Section 190.012(1), F.S.

Also attached is revised Exhibit 6 provided by the petitioner. The revised exhibit does not include recreation and parks as an item in the opinion of probable costs. A separate petition must be filed by the existing district after its establishment to obtain consent to exercise those powers listed in Chapter 190.012(2) Florida Statutes.

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

ANALYSIS OF
THE VERANDAH EAST
PETITION TO ESTABLISH A
UNIFORM COMMUNITY
DEVELOPMENT DISTRICT

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

August 9, 2005



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INTRODUCTION

Verandah Development, L.L.C. has petitioned the Board of County Commissioners of Lee County, Florida to adopt an ordinance to establish a Uniform Community Development District (UCDD) and to designate the land area within which the UCDD may manage and finance basic infrastructure systems, facilities and services pursuant to the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes and Rule 42-1, Florida Administrative Code. The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district, after its establishment, may petition for.

If approved the district will be granted the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for the following basic infrastructure: water management; water supply, sewer, and waste water management; bridges or culverts; district roads; and other projects inside or outside the district boundary for which a Development Order is issued.

BACKGROUND

Verandah Development, L.L.C., hereafter called "Petitioner", is a Florida limited liability company with its principal place of business located at 9990 Coconut Road, Suite 200, Bonita Springs, Florida, 34134 and whose manager is Resource Conservation Properties, Inc., with Katherine Green as the vice president.

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 six hundred and fifty two (652±) acres of land located in Lee County, Florida and lying within Sections 28, 29, 32, and 33, Township 43 South, Range 26 East. The property is located to the West of Buckingham Road and South of Palm Beach Boulevard (S.R.80) in the Fort Myers Shores Planning Community. 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 the Verandah West UCDD, on the North by Palm Beach Boulevard, on the East by Buckingham Road, and on the South by single family and vacant lands. 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 Verandah East Community Development District will then be an infrastructure management tool. This pinpointed responsibility can benefit the landowners with timely, efficient, reliable and flexible services. It serves as a concurrency management tool for the County, the landowners, the developer and, ultimately, the residents. In addition, the district would be a financing tool providing financial incentives for long-range and high quality service benefits to initial and subsequent landowners without burdening Lee County and its taxpayers.

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

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

THE PETITION

The statutes require that a petition be filed containing the following information:

- a metes and bounds description of the external boundaries of the district and the impact of the proposed district on property within the external boundaries of the district which is excluded from the district;
- the consent of the property owners;
- the designation of the initial members of the board of supervisors;
- the proposed name of the district;
- a map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence;
- the proposed timetable and estimated cost of constructing the proposed services;
- the designation of the future general distribution, location, and extent of public and private uses of land; and,
- a statement of estimated regulatory costs.

Such a petition was received from the Petitioner by Lee County on June 24, 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. 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 7, 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 1.1.5 of the Lee Plan, the 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 Verandah East 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 Developer 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 Verandah East 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 Verandah East Community Development District.

RECOMMENDATION

Planning staff recommends that the Board of County Commissioners adopt and enact the Ordinance establishing the Verandah East 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:

Dennis Church
Vincent O. Barraco
Jim Carroll
Marsha Stachler
Timothy S. Becker

3. It establishes the name of the district which shall be: The Verandah East 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.

Exhibit 6

TABLE 2

Opinion of Probable Costs for the District Infrastructure

<u>ITEM</u>	<u>COST</u>	<u>ESTIMATED COMPLETION DATE</u>
Infrastructure		
Utilities	\$6,500,000	2009
Water Management	\$8,500,000	2007
Perimeter Landscaping	\$1,500,000	2007
Wetland Mitigation	\$600,000	2007
Off-Site Improvements	\$800,000	2006
Technical Fees	\$1,800,000	2009
Subtotal:	\$19,700,000	
Land Acquisitions		
Water Management	\$7,500,000	2009
Preserve	\$7,500,000	2005
Subtotal:	\$15,000,000	
Grand Totals:	\$34,700,000	

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

NAME OF ORDINANCE: **VERANDAH EAST 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 Verandah East 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 Verandah East 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:**

VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT

II. Fiscal Impact on County Agencies/County Funds.

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

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

C. What are estimated costs?

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

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

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

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

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

No financial impact.

Authorizes establishment of a Community Development District in response to the petition to request. The District will be responsible for managing and financing basic infrastructure and service needs for the District.

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY, FLORIDA

RE: PROPOSED ORDINANCE PURSUANT TO
SECTION 190.005 (2), FLORIDA STATUTES,
TO ESTABLISH THE VERANDAH EAST
COMMUNITY DEVELOPMENT DISTRICT

**PETITION FOR ESTABLISHMENT OF A
COMMUNITY DEVELOPMENT DISTRICT**

VERANDAH DEVELOPMENT, LLC (hereinafter "Petitioner") by and through its undersigned attorney, hereby petitions the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA (hereinafter "Commission") to adopt an ordinance establishing and recognizing a Uniform Community Development District pursuant to the Uniform Community Development District Act of Florida, Section 190, Florida Statutes, (2003), as amended, and to designate the land area within which the District may manage and finance basic infrastructure, systems, facilities and services, as presented in its Charter; and designating the initial District Board of Supervisors. In support thereof, Petitioner submits:

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 652.58 acres of land. The land to be served by the District is located in Sections 28, 29, 32, and 33, Township 43 South, Range 26 East. A metes and bounds description of the external boundaries of the District is set forth in Exhibit 2.

2. Excluded Parcels. There is no real property within the proposed boundaries to be excluded from the District.

3. Landowner Consent. At the time of filing this Petition, all of the land to be included in the District is owned by Verandah Development, LLC, Petitioner has obtained written consent to establish the District in accordance with Section 190.005, F.S. Documentation of this consent is contained in Exhibit 3.

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

- | | | |
|----|--------------------|--|
| 1. | Dennis Church | 4429 Tarpon Avenue
Bonita Springs, FL 34134 |
| 2. | Vincent O. Barraco | 6729 Kestrel Circle
Fort Myers, FL 33912 |
| 3. | Jim Carroll | 17490 Stepping Stone Drive
Fort Myers, FL 33912 |
| 4. | Marsha Stachler | 41904 Bonaire Circle
Fort Myers, FL 33908 |
| 5. | Timothy S. Becker | 2643 Hunters Ridge Dr.
Bonita Springs, FL 34135 |

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 "VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT."

6. Major Water and Wastewater Facilities. Exhibit 4 shows the major trunk water mains and wastewater interceptors within the currently undeveloped lands proposed to be included in within the District.

7. Future Land Uses. The future general distribution, location, and extent of the public and private land uses proposed for the District by future land use plan element of the County's Future Land Use Plan is identified on Exhibit 5. Development is projected to occur over an estimated four-year period. The proposed land uses for the lands contained within the proposed District are consistent with the approved Lee County Future Land Use Plan.

Lee County ("County") has adopted all mandatory elements of its Local Government Comprehensive Plan ("Lee Plan") in accordance with requirements of chapter 163, Fla. Stat., (2003) and Lee County has completed its revised plan for minimum criterion review pursuant to *chapter 9J-5, Florida Administrative Code*, by adoption of County Ordinance 02-02 through 02-06, as amended. County Ordinances No. 89-02 and all amendments thereto, as enacted by County Ordinance, designate the legal description of the land to be serviced by the proposed District as Suburban and Conservation Lands.

A copy of the entire Lee Plan is on file with County Staff so that accordingly, only a copy of the most pertinent portions of the future Land Use Element is attached hereto as Exhibit 5A. Exhibit 5B is a copy of a letter from the Florida Department of Community Affairs reflecting that the Lee Plan is in compliance.

8. Proposed Timetable and Estimated costs for District Facilities and Services. The proposed timetable and the related estimated costs of construction of the proposed District systems, facilities and services which are contemplated by Petitioners and which may be adopted by the District's Board of Supervisors, when established, and based upon available data, which are subject to change, is attached as Exhibit 6.

9. Statement of Estimated Regulatory Costs. Exhibit 7 is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes (2003). The SERC is based upon presently available data. The data and methodology used in preparing the SERC, accompany it.

10. Authorized Agent. The Petitioner, Verandah Development, LLC, a Florida Corporation, is authorized to do business in Florida. The authorized agent for the Petitioner is:

Neale Montgomery, Esq.
The Pavese Law Firm
P.O. Drawer 1507
Ft. Myers, FL 33902-1507

See Exhibit 8 – Authorization of Agent. Copies of all correspondence and official notices should go to the Authorized Agent.

11. This petition to establish the VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT should be granted for the following reasons:

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

B. The area of land within the proposed District is part of a planned community. The community 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 Lee County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities with the development encompassed by the District. The District is the best alternative for delivering community development service 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 Board of County Commissioners of Lee County, Florida to:

1. Direct its staff to schedule a public hearing in accordance with the requirements of Section 190.005 (2) (b). Florida Statutes (2003);
2. Grant the petition and adopt an ordinance to establish the District pursuant to Chapter 190, Florida Statutes; grant the petition and adopt the ordinance to establish the proposed district; designate the land area to be served by the District; designate the name of the District; and finally provide that, with regard to any future specific consent by the county to exercise any other powers which may be authorized by general law, the legal existence and authority of the proposed District shall have already been decided by this ordinance.

RESPECTFULLY SUBMITTED this 24th day of June, 2005.

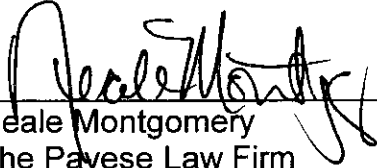
By: 
Neale Montgomery
The Pavese Law Firm
1833 Hendry Street
P.O. Drawer 1507
Fort Myers, FL 33902-1507
Representatives for the Petitioner

EXHIBIT "1"
Sketch of Location of Land Area to be Serviced

EXHIBIT "2"
Metes and Bounds Legal Description & Sketch

EXHIBIT "3"
**Documentation of Consent of 100% of Landowners
To Establishment of District**

EXHIBIT "4"
Maps of locations of Water Mains, Sewer Interceptors and Outfalls

EXHIBIT "5"
Future Land Use Map

EXHIBITS "5A/5B"

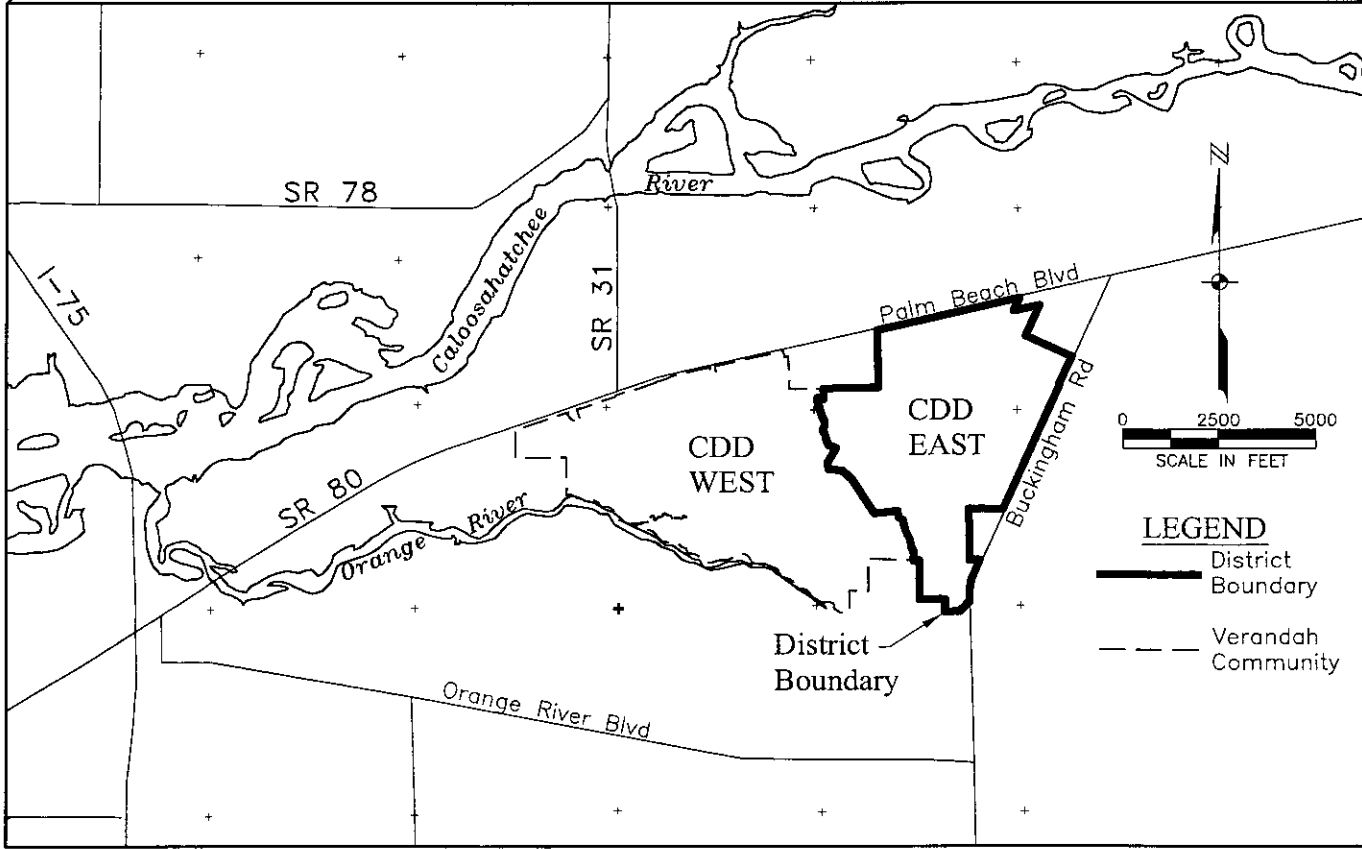
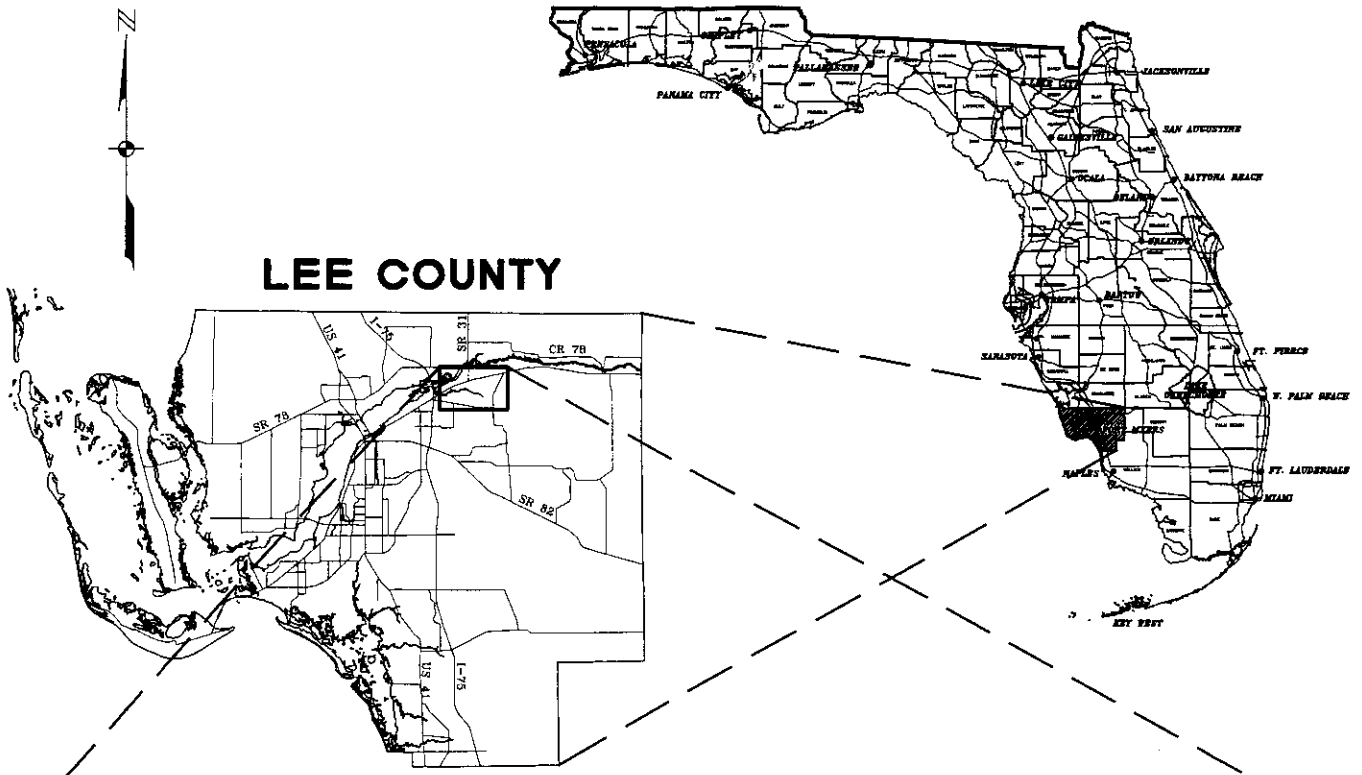
- A Lee County Comprehensive Plan (portion)
- B DCA Letter Certifying Compliance

EXHIBIT "6"
**Documentation of Proposed timetables for
Construction of District Services and Estimated
Cost of Constructing the Proposed Services**

EXHIBIT "7"
Statement of Estimated Regulatory Costs

EXHIBIT "8"
Authorization of Agent

J:\20055216\State_Submittal\055216-FIG1.dwg (Cover) ml12 May 17, 2005 - 6:44pm



JOHNSON
ENGINEERING

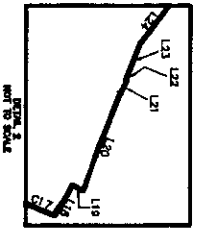
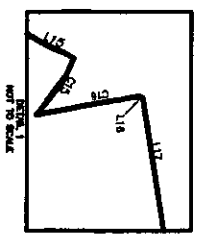
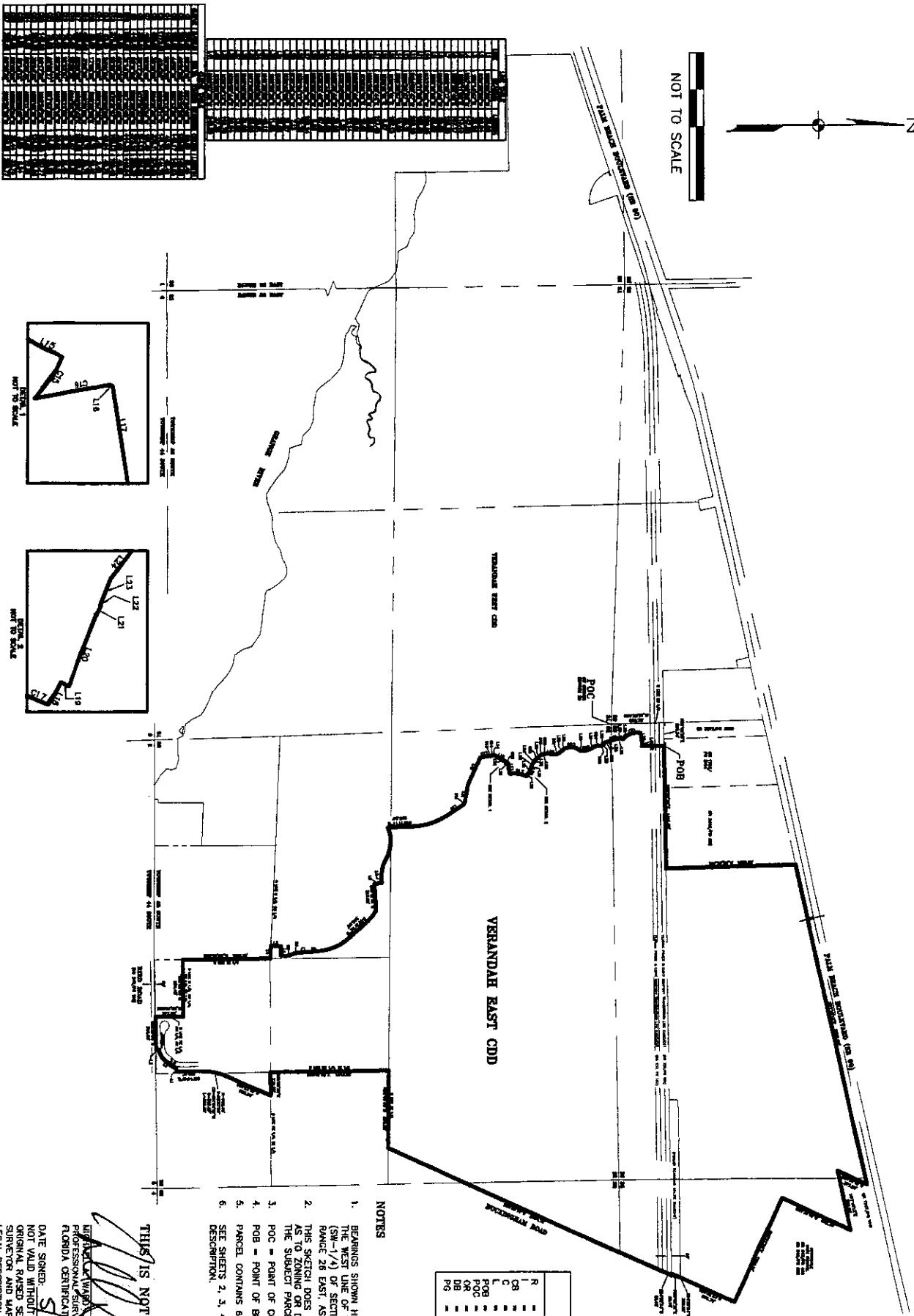
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-3661
E.B. #642 & L.B. #642

Verandah East CDD
District Location

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
3/10/05	20055216	31-43-26	As Shown	Fig 1



NOT TO SCALE



LEGEND	
R	RADIUS
I	DELTA ANGLE
CB	CHORD BEARING
C	CHORD
L	ARC LENGTH
LOB	POINT OF BEGINNING
POB	POINT OF BEGINNING
OR	OFFICIAL RECORD BOOK
DB	DEED BOOK
PG	PAGE

- NOTES**
1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 28 EAST, AS BEARING N 01° 29' 33.7\"/>
 - 2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
 - 3. POB = POINT OF BEGINNING
 - 4. POB = POINT OF COMMENCEMENT
 - 5. PARCEL CONTAINS 652.58 ACRES MORE OR LESS.
 - 6. SEE SHEETS 2, 3, 4 AND 5 FOR LEGAL DESCRIPTION.

THIS IS NOT A SURVEY

[Signature]
 JUDY L. WARD (FOR THE FIRM LB-642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5201

DATE SIGNED: **5/27/05**
 NOTED AND WITHIN THE SIGNATURE AND THE ORIGINAL PLANS BY THE SURVEYOR AND MAPPER NOT VALID WITHOUT LEGAL DESCRIPTION SHEETS 2, 3, 4 AND 5.

PARCEL LYING IN
 SECTIONS 28, 29, 32 & 33
 TOWNSHIP 43 SOUTH, RANGE 26 EAST
 LEE COUNTY, FLORIDA

JOHNSON
 ENGINEERING

2158 JOHNSON STREET
 P.O. BOX 15550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (239) 334-0046
 FAX (239) 334-3661
 E.B. #642 & L.B. #642

VERANDAH EAST CDD
 (REVISED)

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2005	20044600	32-43-26	NOT TO SCALE	1 OF 5



April 26, 2005

VERANDAH EAST CDD
(REVISED)

PARCEL LYING IN
SECTIONS 28, 29, 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 28, 29, 32 and 33, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

From the southwest corner of Section 29, Township 43 South, Range 26 East run N 01° 29' 31" W along the west line of the Southwest Quarter (SW-1/4) of said section for 589.75 feet to an intersection with the north line of a Florida Power and Light Company Transmission Line Easement as recorded in Deed Book 230, page 106, in the Public Records of Lee County, Florida; thence run N 89° 02' 25" E along said north line and the south line of lands described in Official Record Book 3217, page 3959 and the south line of lands described in Official Record Book 1763, page 3164, of said public records for 265.34 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 02' 25" E along said line and along the south line of lands described in Official Record Book 2449, page 953, of said public records for 1,416.03 feet; thence run N 01° 29' 33" W along the east line of said lands described in Official Record Book 2449, page 953 for 1,502.56 feet to an intersection with the southeasterly right-of-way line of Palm Beach Boulevard (State Road 80); thence run N 77° 10' 13" E (75.00 feet southeasterly of and parallel with the centerline of State Road 80) along said southeasterly right-of-way line for 3,785.98 feet; thence run S 24° 33' 10" W along the westerly line of lands described in Official Record Book 1797, page 1141, of said public records for 377.20 feet; thence run N 77° 10' 13" E along the southerly line of said lands for 700.86 feet; thence run S 24° 33' 10" W along the westerly line of lands described in Official Record Book 643, page 499 and Official Record Book 646, page 663, of said public records for 882.33 feet; thence run S 65° 27' 20" E along the southerly line of said lands for 1,320.81 feet to an intersection with the northwesterly right-of-way line of Buckingham Road (100 feet wide); thence run S 24° 32' 53" W along said right-of-way line for 576.76 feet; thence continuing along said right-of-way line, run S 24° 29' 54" W for 220.89 feet to an intersection with a line 50.00 feet north of (as measured on a perpendicular) and parallel with the centerline of said Florida Power and Light Company Transmission Line Easement; thence run N 89° 02' 25" E along said line for 22.15 feet; thence run S 24° 29' 54" W along said northwesterly right-of-way line of Buckingham Road (60 feet wide) for 88.69 feet; thence run S 24° 23' 10" W continuing along said northwesterly right-of-way line for 3,484.76 feet to an intersection with the north line of the Southeast Quarter (SE-1/4) of said Section 32; thence run N 89° 46' 39" W along said north line for 893.56 feet; thence run S 00° 41' 52" E along the west line of the Northeast Quarter (NE-1/4) of said

Southeast Quarter (SE-1/4) for 1,343.62 feet; thence run N 89° 36' 23" E along the south line of said fraction for 270.55 feet to an intersection with said westerly right-of-way line of Buckingham Road (60 feet wide); thence run S 24° 23' 10" W along said right-of-way line for 533.98 feet to a point of curvature; thence run southerly along an arc of said curve to the left, having a radius of 730.00 feet (delta 25° 37' 58") (chord bearing S 11° 34' 12" W) (chord 323.87 feet) for 326.59 feet to a point of tangency; thence run S 01° 14' 47" E along the westerly right-of-way line of Buckingham Road (60 feet wide) for 292.11 feet; thence run S 88° 59' 59" W along a line 240.00 feet north of and parallel with (as measured on a perpendicular) the north right-of-way line of Bird Road (50 feet wide) for 38.99 feet to an intersection with a non-tangent curve; thence run southwesterly (25.00 feet southeasterly and concentric with a proposed right-of-way 50 feet wide) along an arc of said curve to the right, having a radius of 200.00 feet (delta 23° 20' 16") (chord bearing S 27° 50' 42" W) (chord 80.90 feet) for 81.46 feet to a point of tangency; thence run S 39° 30' 50" W for 90.84 feet to a point of curvature; thence run southwesterly (25.00 feet southeasterly and concentric with said proposed right-of-way) along an arc of said curve to the right, having a radius of 200.00 feet (delta 40° 51' 59") (chord bearing S 59° 56' 50" W) (chord 139.65 feet) for 142.65 feet to an intersection with a non-tangent line; thence run S 01° 14' 47" E parallel with said westerly right-of-way line of Buckingham Road for 32.26 feet to an intersection with the north right-of-way of Bird Road; thence run S 88° 59' 59" W along the northerly right-of-way line of Bird Road as described in Deed Book 242, page 118, of said public records for 380.56 feet; thence run N 00° 34' 58" W along the west line of the Southeast Quarter (SE-1/4) of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of said Section 32 for 327.62 feet; thence run S 89° 09' 03" W along the south line of the North Half (N-1/2) of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of said section for 659.45 feet; thence run N 00° 28' 09" W along the west line of the Southeast Quarter (SE-1/4) of said section for 1,018.10 feet; thence run N 87° 48' 58" W along the north line of the South Half (S-1/2) of the Southwest Quarter (SW-1/4) of said section for 147.62 feet; thence run N 02° 11' 02" E for 113.43 feet; thence run N 89° 55' 48" E for 107.17 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 195.00 feet (delta 44° 01' 21") (chord bearing N 07° 13' 26" W) (chord 146.17 feet) for 149.83 feet to a point of reverse curvature; thence run northerly along an arc of said curve to the right, having a radius of 100.00 feet (delta 26° 03' 50") (chord bearing N 16° 12' 12" W) (chord 45.10 feet) for 45.49 feet; thence run N 03° 10' 17" W for 123.30 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 1,772.51 feet (delta 04° 34' 59") (chord bearing N 06° 02' 11" W) (chord 141.74 feet) for 141.78 feet to an intersection with a non-tangent curve; thence run northwesterly along an arc of said curve to the left, having a radius of 615.00 feet (delta 35° 19' 02") (chord bearing N 24° 51' 32" W) (chord 373.11 feet) for 379.09 feet; thence run N 42° 31' 02" W for 265.63 feet to a point of curvature; thence run northwesterly along an arc of said curve to the left, having a radius of 465.01 feet (delta 19° 59' 43") (chord

bearing N 52° 30' 54" W) (chord 161.46 feet) for 162.28 feet; thence run S 86° 19' 16" W for 313.52 feet; thence run N 03° 40' 44" W for 80.00 feet; thence run S 86° 19' 16" W for 62.65 feet to a point of curvature; thence run westerly along an arc of said curve to the right, having a radius of 385.00 feet (delta 32° 17' 34") (chord bearing N 77° 31' 57" W) (chord 214.13 feet) for 216.99 feet to a point of reverse curvature; thence run westerly along an arc of said curve to the left, having a radius of 440.00 feet (delta 50° 11' 04") (chord bearing N 86° 28' 42" W) (chord 373.19 feet) for 385.39 feet to an intersection with a non-tangent line; thence run N 02° 11' 14" W for 267.84 feet to a point of curvature; thence run northerly along an arc of said curve to the left, having a radius of 825.00 feet (delta 31° 14' 52") (chord bearing N 17° 48' 40" W) (chord 444.38 feet) for 449.94 feet; thence run N 33° 26' 06" W for 209.05 feet to a point of curvature; thence run northwesterly along an arc of said curve to the left, having a radius of 50.00 feet (delta 46° 45' 20") (chord bearing N 56° 48' 46" W) (chord 39.68 feet) for 40.80 feet to a point of tangency; thence run N 80° 11' 26" W for 152.50 feet to a point of curvature; thence run westerly along an arc of said curve to the right, having a radius of 375.00 feet (delta 15° 20' 39") (chord bearing N 72° 31' 07" W) (chord 100.13 feet) for 100.43 feet to a point of tangency; thence run N 64° 50' 47" W for 293.20 feet; thence run N 10° 36' 57" W for 93.21 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 82.06 feet (delta 34° 41' 54") (chord bearing N 09° 49' 00" W) (chord 48.94 feet) for 49.70 feet to a point of reverse curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 186.80 feet (delta 00° 45' 05") (chord bearing N 26° 47' 25" W) (chord 2.45 feet) for 2.45 feet; thence run N 10° 36' 57" W for 16.66 feet; thence run N 29° 41' 01" E for 163.13 feet to an intersection with a non-tangent curve; thence run southeasterly along an arc of said curve to the right, having a radius of 50.00 feet (delta 17° 40' 15") (chord bearing S 59° 39' 05" E) (chord 15.36 feet) for 15.42 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the right, having a radius of 453.00 feet (delta 03° 00' 20") (chord bearing N 10° 35' 09" W) (chord 23.76 feet) for 23.76 feet; thence run N 29° 41' 01" E for 0.97 feet; thence run N 81° 00' 44" E for 127.40 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the right, having a radius of 325.00 feet (delta 35° 03' 58") (chord bearing N 08° 32' 43" E) (chord 195.82 feet) for 198.91 feet; thence run N 62° 09' 30" W for 28.86 feet; thence run N 29° 41' 01" E for 10.01 feet; thence run N 68° 38' 44" W for 88.51 feet; thence run N 62° 09' 30" W for 12.14 feet; thence run S 30° 34' 08" W for 1.39 feet; thence run N 68° 38' 44" W for 32.92 feet; thence run N 52° 23' 15" W for 53.80 feet to a point of curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 75.00 feet (delta 15° 59' 32") (chord bearing N 44° 23' 28" W) (chord 20.87 feet) for 20.93 feet; thence run N 36° 23' 42" W for 67.95 feet to a point of curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 75.00 feet (delta 16° 23' 07") (chord bearing N 28° 12' 09" W) (chord 21.38 feet) for 21.45 feet; thence run N 20° 00' 36" W for 5.05 feet to a point of curvature; thence run northerly along

an arc of said curve to the right, having a radius of 75.00 feet (delta 23° 36' 52") (chord bearing N 08° 12' 10" W) (chord 30.69 feet) for 30.91 feet; thence run N 03° 36' 16" E for 106.24 feet to a point of curvature; thence run northerly along an arc of said curve to the left, having a radius of 75.00 feet (delta 42° 40' 27") (chord bearing N 17° 43' 58" W) (chord 54.58 feet) for 55.86 feet; thence run N 39° 04' 12" W for 70.36 feet; thence run N 29° 34' 24" W for 7.13 feet to a point of curvature; thence run northerly along an arc of said curve to the right, having a radius of 145.00 feet (delta 66° 17' 30") (chord bearing N 03° 34' 21" E) (chord 158.56 feet) for 167.77 feet; thence run N 36° 43' 06" E for 21.57 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 223.22 feet (delta 35° 04' 36") (chord bearing N 09° 48' 21" W) (chord 134.53 feet) for 136.66 feet; thence run N 36° 01' 16" W for 39.62 feet to a point of curvature; thence run northerly along an arc of said curve to the right, having a radius of 75.00 feet (delta 55° 39' 36") (chord bearing N 08° 11' 28" W) (chord 70.03 feet) for 72.86 feet; thence run N 19° 38' 20" E for 11.85 feet to a point of curvature; thence run northerly along an arc of said curve to the left, having a radius of 5.00 feet (delta 61° 14' 13") (chord bearing N 10° 58' 47" W) (chord 5.09 feet) for 5.34 feet; thence run N 41° 35' 53" W for 48.12 feet to a point of curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 75.00 feet (delta 25° 45' 59") (chord bearing N 28° 42' 54" W) (chord 33.44 feet) for 33.73 feet; thence run N 15° 49' 54" W for 25.91 feet; thence run N 17° 58' 55" W for 88.96 feet; thence run N 10° 46' 00" W for 31.95 feet; thence run N 28° 31' 28" W for 13.92 feet; thence run N 39° 07' 44" E for 29.04 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the right, having a radius of 202.62 feet (delta 62° 25' 39") (chord bearing N 19° 39' 26" W) (chord 210.01 feet) for 220.77 feet; thence run N 78° 54' 13" E for 116.78 feet; thence run S 79° 59' 06" E for 37.36 feet; thence run N 00° 57' 35" W for 248.06 feet to the Point of Beginning.

Containing 652.58 acres, more or less.

Bearings hereinabove mentioned are based on the west line of the Southwest Quarter (SW-1/4) of Section 29, Township 43 South, Range 26 East, Lee County, Florida, as bearing N 01° 29' 31" W.

EXHIBIT 3

**CONSENT AND JOINDER OF LANDOWNERS
TO
ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of one hundred percent (100%) of the lands more fully described in Exhibit A attached hereto and made a part hereof ("Property").

The undersigned understands and acknowledges that Verandah Development, LLC ("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 which are intended to constitute the community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.0005, Florida Statutes, the 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 which will include the Property within the lands to be 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, whichever shall occur first. 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.

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 8 day of December, 2004

Witnesses:

Sandy Nagorski
Witness Signature
SANDY Nagorski
Printed Name of Witness

Bonnie Thines
Witness Signature
BONNIE THINES
Printed Name of Witness

Verandah Development, LLC

By: Resource Conservation Properties, Inc.
as its Manager

By: Katherine C. Green

Print Name: Katherine C. Green

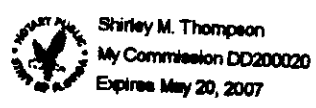
Title: Vice President

STATE OF FLORIDA)
COUNTY OF Lee)

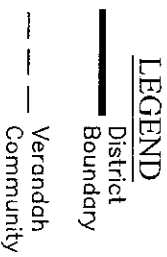
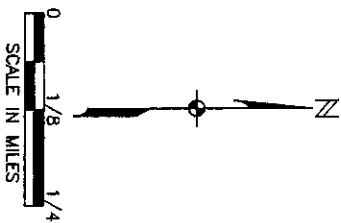
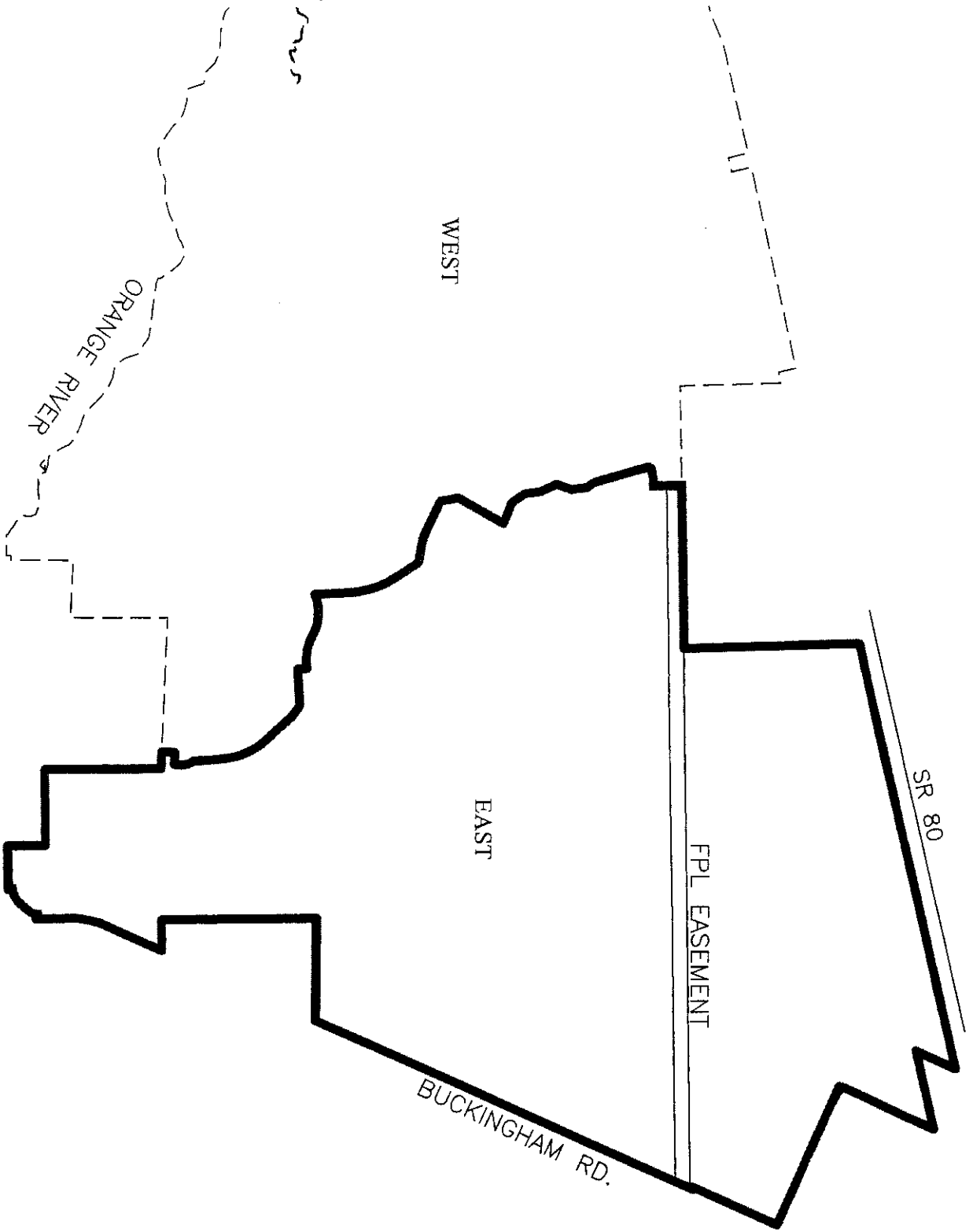
The foregoing instrument was acknowledged before me this 9th day of December, 2004, by Katharine C. Green, as Vice President of Resource Conservation Properties, Inc., Manager of Verandah Development, LLC on behalf of the company. She is personally known to me.

(SEAL)

Shirley M. Thompson
Notary Public



Shirley M. Thompson
Printed Name of Notary Public

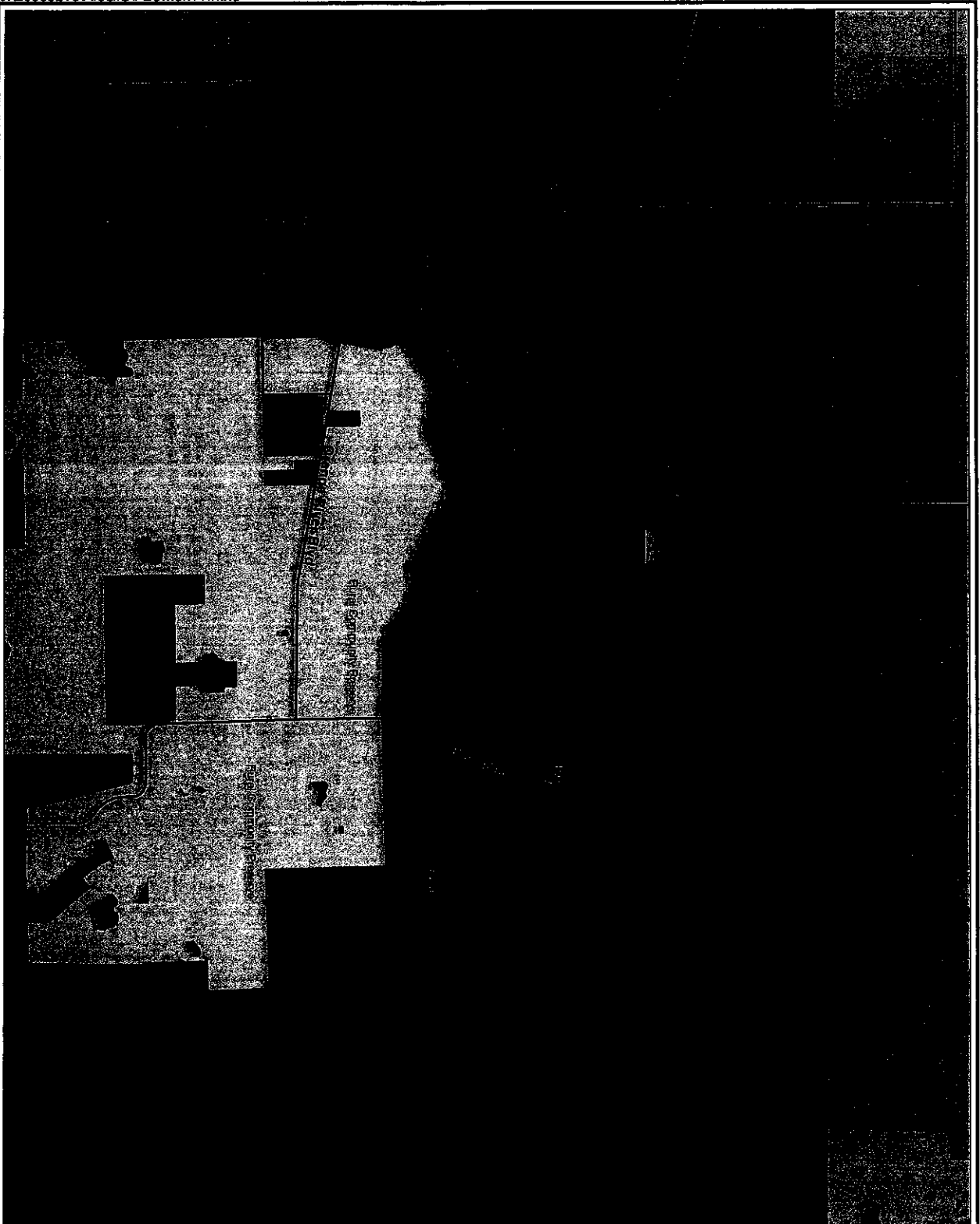


JOHNSON
ENGINEERING

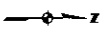
2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (941) 334-0046
 FAX (941) 334-3661
 E.B. #642 & L.B. #642

EXISTING WATER, SEWER &
 DRAINAGE

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
3/10/05	20055216	43-25-43	As Shown	Fig 2



0 2,000 4,000
SCALE IN FEET



- Legend**
- CDD-East
 - future land use
 - LAND USE**
 - Airport
 - Airport Commerce
 - Central Urban
 - Conservation Lands Upland
 - Conservation Lands Wetland
 - Density Reduction / Groundwater Resource
 - General Commercial Interchange
 - General Interchange
 - Industrial Commercial Interchange
 - Industrial Development
 - Industrial Interchange
 - Intensive Development
 - New Community
 - Open Lands
 - Outer Island
 - Outlying Suburban
 - Public Facilities
 - Rural
 - Rural Community Preserve
 - Suburban
 - University Community
 - University Village Interchange
 - Urban Community
 - Wetlands

Source: Future land use information from Lee County Property Appraiser GIS system.

Map 1 - Exhibit 6-B
Lee County, Florida

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-3661
E.B. #642 & L.B. #642

Future Land Use Map
Verandah East CDD

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05/17/05	2005216	00-00-00	As Shown	1 of 1

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)

POLICY 1.1.6: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75 and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre). (Amended by Ordinance 91-19)

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in

based on the special studies (see for example, Goal 17). Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 91-19, 94-30)

POLICY 1.4.4: Open Lands are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the planned development process is used to prevent adverse impacts on environmentally sensitive lands (as defined in Policy 77.1.1.4). (Added by Ordinance No. 94-30)

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) areas include upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities, private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.

Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan. (Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02)

POLICY 1.4.6: The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. 2020 lands designated as conservation are also subject to more stringent use provisions of the 2020 Program or the 2020 ordinances. (Added by Ordinance No. 98-09, Amended by Ordinance No. 02-02)

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state

File: CPA 2008
02

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

November 18, 2004

The Honorable Douglas St. Cerny
Lee County Board of County Commission
P. O. Box 398
Fort Myers Florida 33901

Dear Chairman St. Cerny:

The Department of Community Affairs (Department) has completed its review of the Comprehensive Plan Amendment for Lee County (DCA No. 04-1) adopted by Ordinance No. 04-016, on September 22, 2004, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a Notice of Intent to find the plan amendment in compliance. The Notice of Intent has already been sent to the Fort Myers News Press for publication on November 19, 2004.

The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect.

Please, be advised that Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent. Please, also note that a copy of the adopted Lee County Comprehensive Plan Amendment, and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, 2nd Floor, Fort Myers, Florida 33901.

If an affected person challenges this in compliance determination, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

The Honorable Douglas St. Cerny
November 18, 2004
Page Two

administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Bernard Piawah, Principal Planner, at (850) 922-1810.

Sincerely,



Charles Gauthier, AICP
Chief, Comprehensive Planning

CG/bp

Enclosure: Notice of Intent

cc: Mr. Paul O'Connor, Lee County Planning Director
Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND
LEE COUNTY
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 04-1-NOI-3601-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Lee County, adopted by Ordinance No. 04-16 on September 22, 2004, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Lee County Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, 2nd Floor, Ft. Myers, FL 33901.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the Lee County Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Charles Gauthier, AICP
Chief of Comprehensive Planning
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Exhibit 6

TABLE 2

Opinion of Probable Costs for the District Infrastructure

<u>ITEM</u>	<u>COST</u>	<u>ESTIMATED COMPLETION DATE</u>
<u>Infrastructure</u>		
Utilities	\$6,500,000	2009
Water Management	\$8,500,000	2007
Perimeter Landscaping	\$1,500,000	2007
Wetland Mitigation	\$600,000	2007
Off-Site Improvements	\$800,000	2006
Technical Fees	\$1,800,000	2009
Subtotal:	\$19,700,000	
<u>Land Acquisitions</u>		
Water Management	\$7,500,000	2009
Preserve	\$7,500,000	2005
Subtotal:	\$15,000,000	
<u>Grand Totals:</u>	<u>\$34,700,000</u>	

EXHIBIT “ 7 ”

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs (“SERC”) supports the petition to establish the state created and chartered **Verandah East Community Development District** (“District”). The land proposed for the District is approximately 652.6 acres of land located in unincorporated Lee County, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002 (2) (d), F.S. (governing District establishment or alteration) as follows:

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

1.2 Overview of the Verandah East Community Development District

The District will comprise of approximately 652.6 acres within unincorporated Lee County, Florida. The District is designed to provide infrastructure systems, services, and facilities along with certain ongoing operations and maintenance to the Verandah Community (the “Development”). The portion of the community development proposed to be within the Verandah East Community Development is planned for approximately 786 residential units, comprising 538 single-family units and 248 multi-family units.

A Community Development District (“CDD”) is an independent unit of special and single purpose local government created and chartered by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in large, planned community developments. CDD’s provide a “solution to the state’s planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers.” Section 190.002 (1) (a) F.S.

A CDD is not a substitute for the local, general purpose, government unit, e.g., the county in which the CDD lies. A CDD does not have the permitting, zoning or police powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as the Verandah community. The scope of this SERC is limited to evaluating the consequences approving the proposal to establish the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541 (2), F.S. (1997), defines the elements a statement of estimated regulatory costs for rules and rulemaking (which pursuant to section 190.005 (1)(a)8, Fla. Stat., by way of section 190.005(2)(c), Fla. Stat., applying the estimated regulatory costs statement to ordinance establishment) must contain:

- (a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.
- (c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.
- (d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. Lee County is not defined as a small county for purposes of this requirement.
- (e) Any additional information that the agency determines may be useful.
- (f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

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

As noted above, the portion of the community development proposed to be within the Verandah East Community Development District is designed for up to approximately 786 residential units. Establishment of the District would provide storm water management, mitigation and conservation and landscaping, systems, facilities and services to all of the proposed property through the District operations in the exercise of District general and specific powers. It is not anticipated that anyone outside the Development would be affected by the ordinance establishing the state created and chartered District, although the State of Florida and the County would be required to honor and apply with the general law establishment of the District by county ordinance. The number of people includes residents within the District some of whom are landowners (including the Developer). The number of entities required to comply with the ordinance are the State, the County and the District itself upon establishment.

3.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed rule, or in the case of Districts under 1000 acres, an ordinance of the general purpose government establishing the District, and any anticipated effect on state and local revenues.

3.1 Costs to Governmental Agencies of Implementing and Enforcing Rule

State Government Entities

There will be only modest costs to various State governmental entities to implement the proposed establishment of the District. The District as proposed on the property set-forth in the petition will encompass under 1,000 acres; therefore, the County is the establishing entity under 190.005 (2) F.S. The modest costs to various State entities to implement the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.412, F.S., the District must pay an annual fee to the State of Florida Department of Community Affairs, which offsets such costs.

Lee County

The proposed land for the District is in the Lee County ("County") and consists of less than 1,000 acres. The County and its staff will process, analyze, and review the petition and its attachments and related information and then conduct public hearings (the EROC Hearing and the County Establishment Hearing) and vote upon the petition to establish the District. There is no charter to create which would otherwise require substantial time, effort and cost of the County and its staff. Therefore, these activities will absorb some but only a few resources. The costs to review and consider the petition, its attachments and related information dealing with the six (6) statutory establishment factors will

however, be offset by the processing fee required under section 190.005 (2) F.S., of up to \$15,000.00 as set forth in section 190.05(1)(b)2,F.S., as determined by the County.

These costs to the County are modest for a number of reasons. First, according to Chapter 190, F.S., review of the petition to establish the District does not include analysis of the Development itself. Second, the petition and related filings itself provides much of the information needed for a staff review. Third, existing local governments already possess the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by the required filing fee. Finally, local governments routinely process petitions for land uses and zoning changes that are far more complex than is the petition to establish a CDD.

The annual costs to the County, because of the establishment of the District, are also very small. The District is an independent unit of specialized and single purpose local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County.

3.2 Impact on State and Local Revenues

Adoption of the proposed ordinance establishing the CDD will have no negative impact on State and local revenues. The District is an independent unit of local government. It is designed to provide community systems facilities and services to serve the lands comprising the Verandah development project. It has its own sources of revenue. No State or local subsidies are required or expected.

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

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

The term “transactional costs” means those costs incurred by state and local government agencies reviewing reports and receiving information from the District as well as by land owners, both present and future, who receive notices from the District and eventually qualified electors who live within the District and who will vote for election of District Board of Supervisors whose members manage District projections. Table 1 provides an outline of the various District systems, facilities and services and how they are to be managed, owned and funded.

**Table 1. Verandah East Community Development District
Proposed Facilities and Services**

FACILITY	FUNDED BY	O&M	OWNERSHIP
Roadway	D/CDD	HOA/CDD	HOA/CDD
Utilities	D	LCU	LCU
Storm Water Management & Irrigation	CDD	CDD	CDD
Wetland Mitigation	D	D	D
	CDD	CDD	CDD

D=Developer; CDD=Community Development District; LCU=Lee County Utilities;
HOA=Homeowner's or Community Association

The petitioner has estimated the design and development costs for managing and financing the provision of the capital facilities as outlined in Table 1. The cost estimates are shown in Table 2 below. Total design and development costs for these facilities are estimated to be approximately \$34,000,000. The District may levy non-ad valorem special assessment and issue revenue bonds to fund the provision of these facilities. These bonds would be repaid through non ad valorem assessments levied on all properties in the District that may meet the lienability requirements of law in regard to the law of non-ad valorem special assessments as applied to the District's capital improvement program as outlined in Table 2.

Accordingly, prospective future landowners in the Development may be required to pay non ad valorem assessments levied by the District to secure any debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments for debt service, the District may also levy a non ad valorem assessment to fund the operations and maintenance by the District of its systems, facilities and services. However, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non ad valorem assessments as a tradeoff for the special and peculiar benefits, as apportioned reasonably and fairly, that flow to the property within the District from the systems, facilities and services that the District will provide to the property. In addition, state law requires all non-ad valorem special assessments levied by the District to be disclosed under various sets of laws both by the District and by the seller of property to prospective purchasers within the boundaries of the District.

The District is an alternative means to manage (with related financing powers) necessary community development systems, facilities and services constituting infrastructure, improvements or projects. The District is a highly specialized single purpose local government as an alternative way to manage the delivery of such infrastructure. The

District has financing powers to pay for these management functions. There are alternative ways to manage and finance the provision of such infrastructure to the property constituting the community development within the jurisdiction of the District. The District is a public alternative. There are other public alternatives including independent Districts that may be created by special act so long as pursuant to the general law provisions consistent with state policy in section 189.404.F.S. Other public alternatives include the county or the city where the land proposed for the state chartered District is located. If the land is located within a county, a general purpose local government and a political subdivision of the state, the county can manage the delivery of the infrastructure and finance it through such financing mechanisms as municipal service taxing units (for ad valorem taxation) and municipal service benefit units (for types of non-ad valorem special assessments or non-liable service charges). Another alternative is creation by the county by home rule ordinance of a dependent district to that both the function of management and the related function of financing the management would be by the dependent district (the financing through the auspices of the dependent district could involve ad valorem taxation, non-ad valorem special assessments or non-liable service charges or fees). If the land area proposed for the District is within the jurisdiction of a municipality, then the municipality may decide under its charter powers to create a dependent district to manage the delivery of the infrastructure with related financing by ad valorem taxes, non-ad valorem special assessments or non-liable charges and fees. There are also private alternatives for the management of the delivery of such basic infrastructure to the property constituting a community development. These private management alternatives include the developer itself and any related developer business entities and organizations such as partnerships or limited liability companies. In these instances, the management of the infrastructure would be financed by developer equity or other private sources. Other private alternatives include such non-profit entities as homeowner associations in which case the management would be by a selected board of homeowners consisting of homeowners in order to deliver the infrastructure but primarily on common areas. The financing of the management of the infrastructure would be by homeowner assessments (which are not government levies of any type and which are not enforced by government enforcement capabilities). In comparison to other public alternatives to manage and finance infrastructure, and also in comparison to private alternatives for such management and financing, the District through notice and continuing disclosure of its management decisions and related public financing and though its enhancement of the intrinsic value of the property with less costly overhead enables the District to put in higher quality infrastructure at marginally less cost, especially when tax exempt financing is used.

In considering these costs it shall be noted that occupants of the lands to be included within the Development will receive three major classes of benefits. First, those residents and businesses in the Development will receive timely a higher level of quality service from the public provision of systems, facilities and services than would otherwise be the case. Second, a CDD is a mechanism for assuring that the community services will be completed concurrently with development of lands within the Development. This satisfies the revised properly managed provision of infrastructure systems, facilities and

services constitutes the basis for the observation that growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that only these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is a unique form of governance created by state general law as a growth management tool which allows District landowners, through landowner voting and ultimately qualified elector voting for resident qualified elector membership elected boards, as applicable, to determine the type, quality and expense of the District systems, facilities and services their property receives, provided they meet the County's overall requirements.

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

Table 2. Cost Estimate for District Facilities

CATEGORY	COST
<u>Infrastructure</u>	
Utilities	\$ 6,500,000
Water Management	8,500,000
Perimeter Landscaping	1,500,000
Recreation & Parks	200,000
Wetland Mitigation	600,000
Off-Site Impacts	800,000
Technical Fees	<u>1,800,000</u>
SUBTOTAL	\$19,900,000
<u>Land Acquisitions</u>	
Water Management	7,500,000
Preserve	<u>7,500,000</u>
SUBTOTAL	<u>\$15,000,000</u>
GRAND TOTAL	\$34,900,000

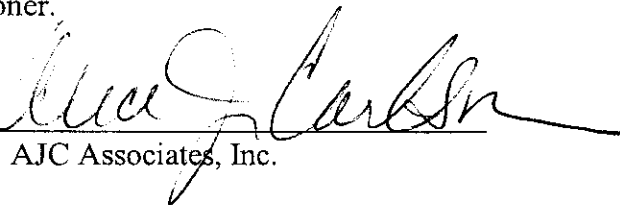
5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be little impact on small businesses from the establishment of the state created District on the property proposed in the petition. If anything, the impact may be positive because, among other things, the District Board of Supervisors must bid competitively certain contracts and negotiate competitively certain consulting contracts. These requirements afford small businesses the opportunity to bid or to negotiate competitively on District work. Also, the District adds intrinsic value to the property which the county has already enhanced by working with the developer on the county entitlements. It is the management by the District in a pinpointed focused way in the provision of infrastructure subject to county entitlements that enhances the intrinsic value of the property. This makes the entire community development more attractive to small businesses. The county has an estimated population that is greater than 75,000 according to the Lee County Government website. Therefore, Lee County is not a "small" county according to section 120.52, F.S. and the proposed land areas on which the state created District would be established is not within a municipality.

6.0 Any additional useful information.

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

Prepared by:


AJC Associates, Inc.

6/07/2005

APPENDIX A

LIST OF REPORTING REQUIREMENTS

Report	Florida Statute Cite	Date
Annual Financial Audit	11.45	12 months after end of fiscal year
Annual Financial Report (AFR)	218.32	by March 31
TRIM Compliance Report	200.068	130 days after
Form 1 – Limited Financial Disclosure	112.3144	by July 1
Public Depositor	215	by November 15
Proposed Budget	218.34	by September 1
Public Facilities Report	189.415	March 1
Public Meetings Schedule	189.417	beginning of fiscal year
Bond Report	218.38	When issued
Registered Agent	189.417	30 days after

AUTHORIZATION TO REPRESENT

Please be advised that NEALE MONTGOMERY of PAVESE LAW FIRM, LLP is hereby authorized to represent Verandah Development, LLC, in all aspects of the petition to Lee County for the establishment of the Verandah East Community Development District.

VERANDAH DEVELOPMENT, LLC

By: Resource Conservation Properties, Inc.,
as its Manager

By: Katherine C. Green

Name: Katherine C. Green

Title: Vice President

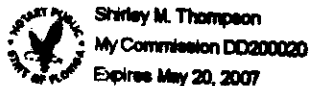
STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 9th day of December, 2004, by Katherine C. Green Vice President of Resource Conservation Properties, Inc., Manager of Verandah Development, LLC, on behalf of the Company, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(Notary Seal)

Shirley M. Thompson
Signature of Notary Public



Shirley M. Thompson

(Print, type or stamp commissioned name of Notary Public)

Commission No:

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