

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

**DATE CRITICAL  
Blue Sheet No. 20051478**

**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 Portico Community Development District.

**2. WHAT ACTION ACCOMPLISHES:** Adopts an ordinance to establish the Portico Community Development District pursuant to the petitioned request of Taylor Woodrow Communities at Portico, L.L.C. 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 #6**

**5. Meeting Date:**  
October 25, 2005 at 9:30 a.m.

<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>			<b>8. Request Initiated:</b>	
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	<input type="checkbox"/> Chapter 190, F.S.			<b>Commissioner</b>	
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance				<b>Department</b>	County Atty's Office
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code				<b>Division</b>	Land Use
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Other				<b>By:</b>	<i>John J. Fredyma</i>
<input type="checkbox"/> Walk-On						John J. Fredyma, Asst. Cty Atty

**9. Background:** Taylor Woodrow Communities at Portico, L.L.C., a Florida limited liability company, has petitioned the Lee County Board of County Commissioners to adopt an ordinance establishing a Uniform 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.	
					RK 10/11	or 10/21/05	10/21/05	10/12/05	

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

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

RECEIVED BY
COUNTY ADMIN:
10-11-05
4:54
COUNTY ADMIN
FORWARDED TO:
10-11-05
5:00 A.T.

The proposed Portico Community Development District is located on approximately 589 acres, more or less, of land located in Lee County. The land area is bounded on the West by Buckingham 320 Residential Planned Development (RPD), on the East by the Hawks Haven RPD, on the South by the Buckingham 320 RPD and Lehigh Acres, and on the North by vacant land and the Hawks Haven RPD. The property is located in Sections 33 and 34, Township 43 South, Range 26 East. Portico 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 Portico 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 Portico 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. Thomas R. Spence
  - b. Jeffrey M. Riopelle
  - c. Marc I. Spencer
  - d. Michelle M. Campbell
  - e. Ann S. Cohen
3. Names the district: Portico Community Development District

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

**Attachments:**

- 1. Proposed Ordinance establishing the Portico Community Development District**
- 2. Lee County Planning Staff's Analysis dated August 19, 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 PORTICO 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, Taylor Woodrow Communities at Portico, L.L.C., has petitioned the Lee County Board of County Commissioners to establish THE PORTICO 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 Portico 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 Portico 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 Portico 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. Thomas R. Spence                      877 Executive Drive Center West  
Suite 205  
St. Petersburg, Florida 33702-2472
  
2. Jeffrey M. Riopelle                      877 Executive Drive Center West  
Suite 205  
St. Petersburg, Florida 33702-2472
  
3. Marc I. Spencer                      877 Executive Drive Center West  
Suite 205  
St. Petersburg, Florida 33702-2472
  
4. Michelle M. Campbell                      877 Executive Drive Center West  
Suite 205  
St. Petersburg, Florida 33702-2472
  
5. Ann S. Cohen                      877 Executive Drive Center West  
Suite 205  
St. Petersburg, Florida 33702-2472

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

Upon the effective date of this Ordinance, the proposed Portico 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 Portico 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 Portico 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 Portico 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 Portico 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 County Attorney

# Hopping Green & Sams

Attorneys and Counselors

August 17, 2005

Ms. Brandy Gonzalez  
Lee County Department of Community  
Development- Division of Planning  
Post Office Box 398  
Fort Myers, Florida 33902-0398

RE: Portico Community Development District Petition

Ms. Gonzalez:

Please find enclosed the requested chart indicating the facilities the Petitioner presently expects the proposed District to finance, construct, acquire or install, as well as the ultimate expected owner and entity responsible for operation and maintenance for the Portico Community Development District. As we discussed, this item should be included as an addition to the current Exhibit 7 to the Petition. Should you require anything further or have any questions, please do not hesitate to contact me.

Sincerely,



Paula M. Sparkman

PMS:lk

Enclosure

cc: Tom Spence  
Rita Iacino

**RECEIVED**  
AUG 18 2005

COMMUNITY DEVELOPMENT



**Portico  
Community Development District**

**Proposed Infrastructure Plan**

<b><u>Description</u></b>	<b><u>Ownership</u></b>	<b><u>Operation and Maintenance</u></b>
Drainage	CDD	CDD
Conservation	CDD	CDD
Water and Sanitary Sewer Infrastructure	Lee County	Lee County
Offside Roadway and Utility Improvement	Lee County	Lee County

# EXHIBIT A



SINCE 1946



## PORTICO BOUNDARY

### PARCEL LYING IN SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33 RUN NORTH 89°18'19" EAST ALONG THE NORTHERLY LINE OF SAID SECTION FOR A DISTANCE OF 924.94 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF BUCKINGHAM ROAD (STATE ROAD 80-S); THENCE SOUTH 24°23'10" WEST ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 203.15 FEET; THENCE SOUTH 89°10'16" WEST, FOR A DISTANCE OF 22.11 FEET TO THE POINT OF BEGINNING.

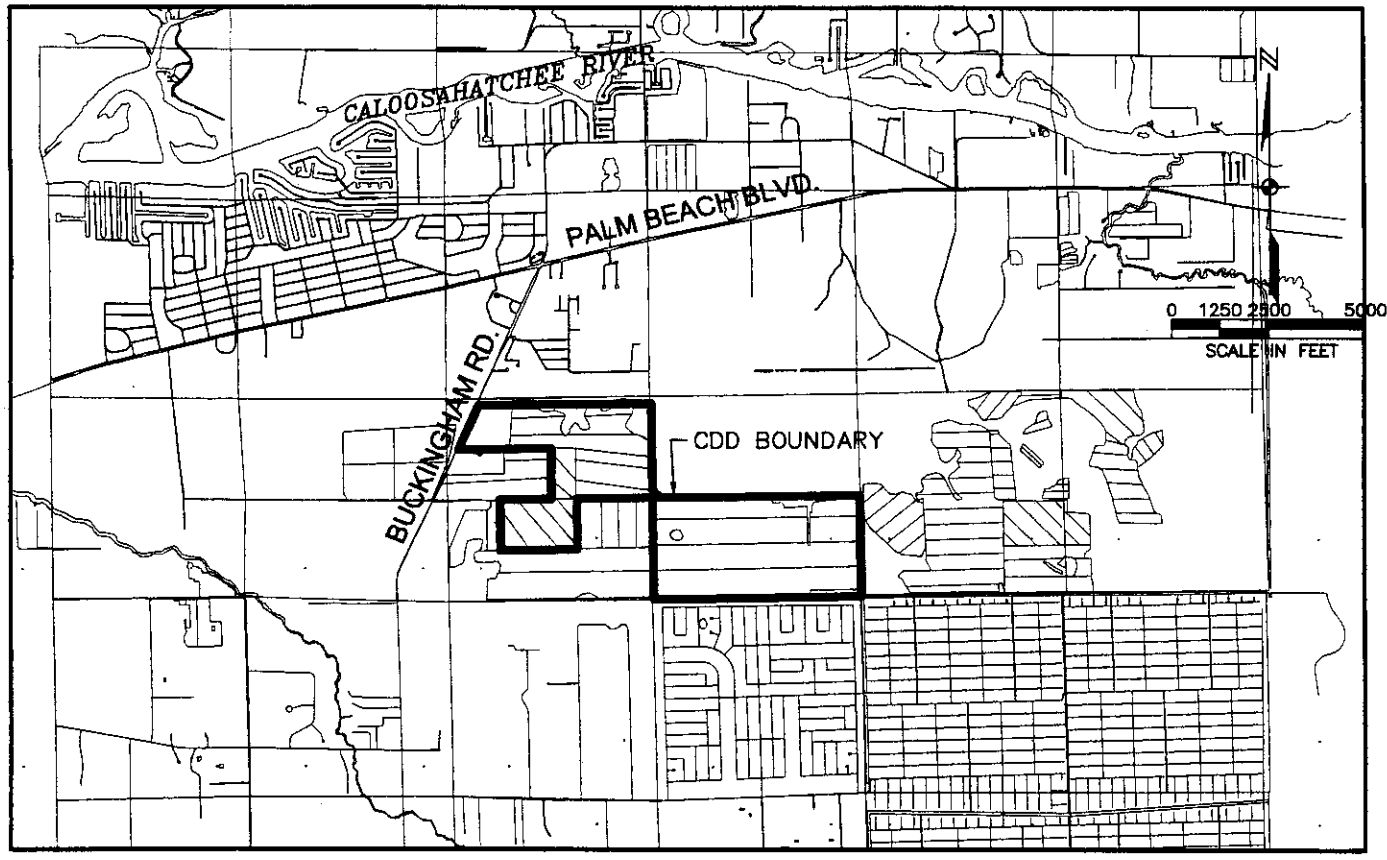
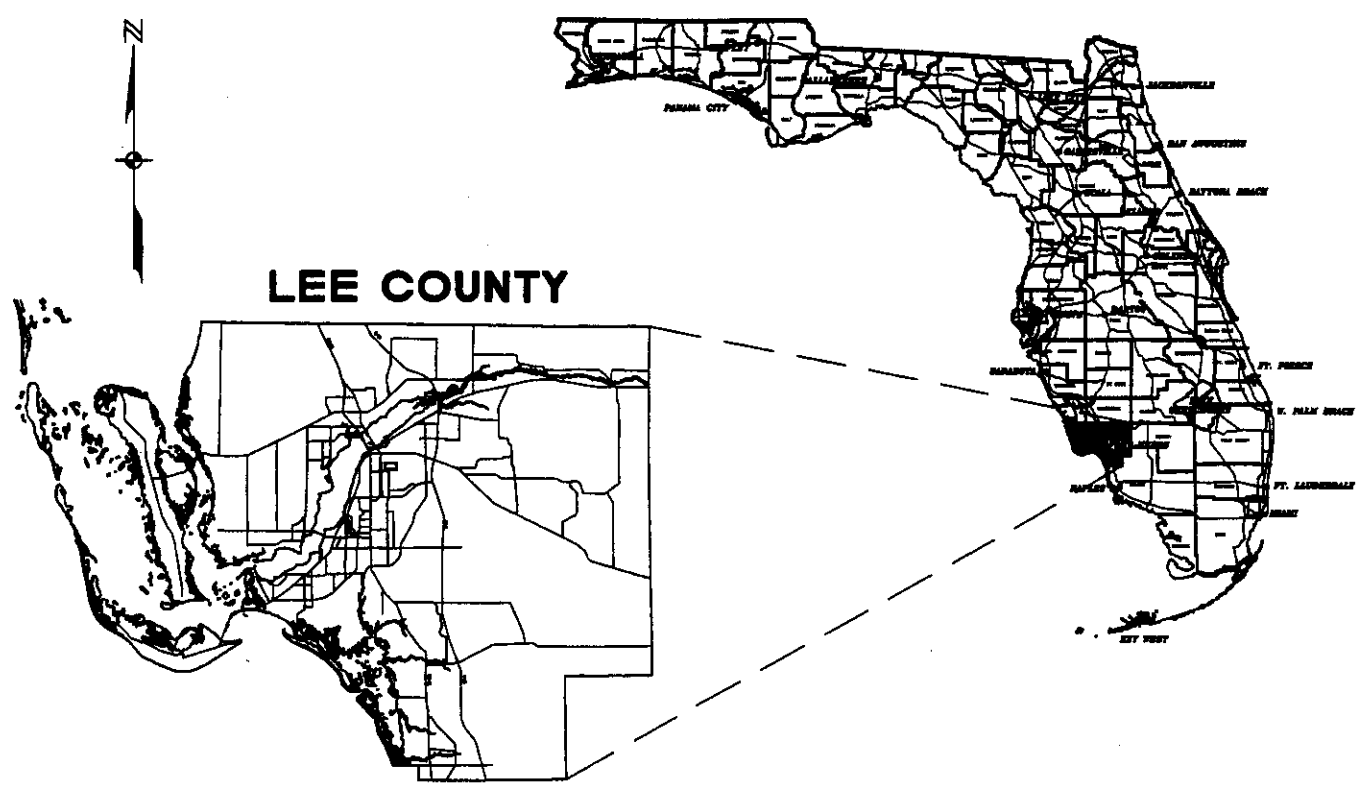
FROM SAID POINT OF BEGINNING RUN NORTH 89°10'16" EAST, FOR A DISTANCE OF 4,489.91 FEET; THENCE SOUTH 00°50'15" EAST, FOR A DISTANCE OF 2,250.05 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 240.00 FEET (DELTA 06°55'14") (CHORD BEARING SOUTH 48°34'00" EAST) (CHORD 28.97 FEET) FOR A DISTANCE OF 28.99 FEET; THENCE SOUTH 45°06'23" EAST, FOR A DISTANCE OF 156.71 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 240.00 FEET (DELTA 21°30'24") (CHORD BEARING SOUTH 34°21'11" EAST) (CHORD 89.56 FEET) FOR A DISTANCE OF 90.09 FEET; THENCE NORTH 89°15'30" EAST, FOR A DISTANCE OF 5,100.79 FEET; THENCE SOUTH 00°59'28" EAST, FOR A DISTANCE OF 2,654.48 FEET; THENCE SOUTH 89°04'55" WEST, FOR A DISTANCE OF 5,290.35 FEET; THENCE NORTH 00°47'28" WEST, FOR A DISTANCE OF 2,670.74 FEET; THENCE SOUTH 88°59'10" WEST, FOR A DISTANCE OF 1,980.78 FEET; THENCE SOUTH 00°41'08" EAST, FOR A DISTANCE OF 1,333.22 FEET; THENCE SOUTH 89°02'54" WEST, FOR A DISTANCE OF 1,988.34 FEET; THENCE NORTH 00°56'52" WEST, FOR A DISTANCE OF 1,331.03 FEET; THENCE NORTH 88°59'10" EAST, FOR A DISTANCE OF 1,334.18 FEET; THENCE NORTH 00°39'01" WEST, FOR A DISTANCE OF 1,321.78 FEET; THENCE SOUTH 89°09'28" WEST, FOR A DISTANCE OF 2,391.80 FEET; THENCE NORTH 24°23'10" EAST, FOR A DISTANCE OF 1,263.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,663,578 SQUARE FEET OR 589.15 ACRES, MORE OR LESS.

S:/044590/PORTICO-BOUNDARY-DESCRIPTION.DOC



# LEE COUNTY



LATITUDE 26°41'46", LONGITUDE -81°43'02"

N:\20044590\drawing\CDD-exhibit\4590-general location map.dwg (Cover) WEB May 17, 2005 - 11:37am

# JOHNSON ENGINEERING

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

## LOCATION MAP EXHIBIT 1

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
MAY, 2005	20044590	33-43-26	As Shown	1

# MEMORANDUM

FROM  
THE DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
DIVISION OF PLANNING

2005 AUG 24 AM 11:43  
RECEIVED BY  
LEE CO. ATTORNEY

DATE: August 23, 2005

TO: John Fredyma, Assistant County  
Attorney

FROM:



**Paul O'Connor, Director**

**RE: Portico UCDD**

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

Please note that the petitioner has provided staff with an addition to Exhibit 7 of the petition. Attached is a letter from the petitioner's representative that includes a chart for the proposed infrastructure plan. The chart should be placed behind the existing Exhibit 7. Due to this additional information, it will not be necessary to substitute the original petition with the revised petition forwarded by your office to the Planning Division with a memo dated July 18, 2005. As you described in the memo, text was deleted from paragraph 9 of the petition removing the statement "as well as the ultimate expected owner and entity responsible for maintenance." Due to the attached addition to exhibit 7, the text of paragraph 9 will not need to be deleted.

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

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

*Prepared for*  
*BOARD OF COUNTY COMMISSIONERS*

*by*  
*LEE COUNTY DIVISION OF PLANNING*

*August 19, 2005*

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## INTRODUCTION

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

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

## BACKGROUND

Taylor Woodrow Communities at Portico, L.L.C., hereafter called "Petitioner", is a Florida limited liability company with its principal place of business located at 8430 Enterprise Circle, Suite 100, Bradenton, Florida, 34202-4108 and whose manager is Taylor Woodrow Homes Florida, Inc.

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 five hundred and eighty nine (589±) acres of land located in Lee County, Florida and lying within Sections 33 and 34, Township 43 South, Range 26 East. The property is located South of Palm Beach Boulevard (S.R. 80) and East of Buckingham Road 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 of the petition. The land area is bounded on the West by the Buckingham 320 RPD, on the North by vacant land and the Hawks Haven RPD, on the East by the Hawks Haven RPD, and on the South by the Buckingham 320 RPD and Lehigh Acres. 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 Portico 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 16, 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 8, staff agrees with the statement of estimated regulatory costs that there is no adverse impact on small businesses. In fact there could be positive impacts due to the opportunity for small businesses to bid on work within the district. Staff also concurs with the methodology employed in the statement of estimated regulatory costs.

**Concerning Factor #2:** Staff concludes that the creation and establishment of the district is not inconsistent with any applicable element or portion of either the state comprehensive plan or the Lee County local government comprehensive plan, the Lee Plan. In fact, the establishment of the district is affirmatively consistent with Section 187.201(21)(b)(2) F.S., which encourages restructuring political jurisdiction with the goal of greater efficiency. It is also consistent with Policy 1.1.6 of the Lee Plan, the Outlying Suburban future land use category. The request is consistent with Objective 2.2, Development Timing, which directs “new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.”

**Concerning Factor #3:** Planning staff has determined that the area of the land within the proposed district is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as one functional interrelated community on the site.

**Concerning Factor #4:** Planning staff has reviewed the three fundamental alternatives available for managing and financing those basic systems, facilities and services for the Portico development area. One alternative is for Lee County government to directly provide those services by creating a dependent district or, by directly managing the infrastructure but financing it through a Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU). The other alternative is purely private, through a homeowners’ association, or through a private company or utility established by the landowners. The third alternative, the Uniform Community Development District, coincides the public policy interests and duties of local government with the private marketing interests and duties of private landowners.

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

**Concerning Factor #5:** Staff has reviewed the issue of the capacity and uses of any existing local and regional community development services and facilities. Currently the subject area is located within Lee County Utilities water and sewer service areas. The establishment of the District will not create a conflict with this utility because it is the intent of the District to construct and then turn over ownership to Lee County Utilities for operating and maintenance. Other services and facilities such as water management will be funded and maintained by the district. There are no other Uniform Community Development District services or facilities being provided to the property.

Staff has determined that the community development services and facilities of the district will not be incompatible with the capacity and uses of the existing local and regional services and facilities which deal with community development.

**Concerning Factor #6:** Staff has reviewed the area in question and has determined that it is amenable to separate special district government.

### **ADDITIONAL ANALYSIS**

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

Any and all agreements for the sale of property within the boundaries of the Portico 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 Portico Community Development District.

### **RECOMMENDATION**

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

Thomas R. Spence  
Jeffrey M. Riopelle  
Marc I. Spencer  
Michelle M. Campbell  
Ann S. Cohen

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

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

NAME OF ORDINANCE: **PORTICO 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 Portico 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 Portico 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:**

**PORTICO 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	
	Existing	New	Existing	New
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.

**BEFORE THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS**

**PETITION TO ESTABLISH THE PORTICO  
COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Taylor Woodrow Communities at Portico, L.L.C., a Florida limited liability company, (hereafter "Petitioner"), hereby petitions the Lee County Board of County Commissioners pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District (hereinafter "District") with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within Lee County, Florida ("County"). **Exhibit 1** depicts the general location of the project. The proposed District covers approximately 589 acres of land. It is located on a site, which is bordered on the west by Buckingham Road and the Buckingham 320, bordered on the north by a vacant 75 acre parcel and Hawk's Haven, bordered on the south by Buckingham 320, and bordered on the east by Hawk's Haven. The metes and bounds description of the external boundaries of the District is set forth in **Exhibit 2**.

2. Excluded Parcels. There is no land within the external boundaries of the proposed District, which is to be excluded from the proposed District.

3. Landowner Consent. Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent of the real property located within the proposed District. Documentation of this consent is contained in **Exhibit 3**.

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

Name: Thomas R. Spence  
Address: 877 Executive Center Drive West, Suite 205  
St. Petersburg, Florida 33702-2472

Name: Jeffrey M. Riopelle  
Address: 877 Executive Center Drive West, Suite 205  
St. Petersburg, Florida 33702-2472



Name: Marc I. Spencer  
Address: 877 Executive Center Drive West, Suite 205  
St. Petersburg, Florida 33702-2472

Name: Michelle M. Campbell  
Address: 877 Executive Center Drive West, Suite 205  
St. Petersburg, Florida 33702-2472

Name: Ann S. Cohen  
Address: 877 Executive Center Drive West, Suite 205  
St. Petersburg, Florida 33702-2472

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 Portico Community Development District.

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

7. Future Land Uses. The future general distribution, location, and extent of the public and private land uses proposed for the District are depicted in **Exhibit 5**. The proposed development within the proposed District currently contemplates the construction of approximately 1178 single-family residential units. Development is projected to occur over an estimated ten year period. The proposed land uses for lands contained within the proposed District are consistent with the County's approved Future Land Use Plan.

8. Major Water and Wastewater Facilities and Outfalls. **Exhibit 6** depicts the pre-development drainage patterns and existing and proposed major trunk water mains, sewer interceptors and outfalls, if any, for the lands to be included within the proposed District.

9. District facilities and services. **Exhibit 7** identifies the type of facilities Petitioner presently expects the proposed District to finance, construct, acquire or install. The estimated costs of these facilities are shown in **Exhibit 7**. At present, these improvements are estimated to be made, constructed and installed in three phases over the time period from 2005 through 2012. Actual construction timetables and expenditures will likely vary, due in part to the effects of

future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

10. Statement of Estimated Regulatory Costs. **Exhibit 8** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of section 120.541, Florida Statutes. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

11. Authorized Agent. The Petitioner is authorized to do business in Florida. The authorized agent for the Petitioner is Thomas R. Spence, whose address is 877 Executive Center Drive West, Suite 205, St. Petersburg, FL 33702-2472. **See Exhibit 9 - Authorization of Agent.** Copies of all correspondence and official notices should also be sent to:

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

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

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

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

c. The establishment of the proposed District will prevent the general body of taxpayers in Lee County from bearing the burden for installation of the infrastructure and the maintenance of the above-described facilities within the development encompassed by the proposed District. The proposed District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional

burden on the general population of the local general-purpose government. Establishment of the proposed 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 proposed 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 proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District services and facilities.

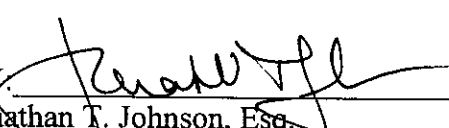
e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Lee County Board of County Commissioners to:

- a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes (2004);
- b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes;
- c. grant such other relief as appropriate.

RESPECTFULLY SUBMITTED, this 6<sup>th</sup> day of June, 2005.

HOPPING GREEN & SAMS, P.A.

BY:   
Jonathan T. Johnson, Esq.  
Florida Bar No. 986460  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500  
Attorney for Petitioner



**PORTICO BOUNDARY**

**PARCEL LYING IN  
SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA**

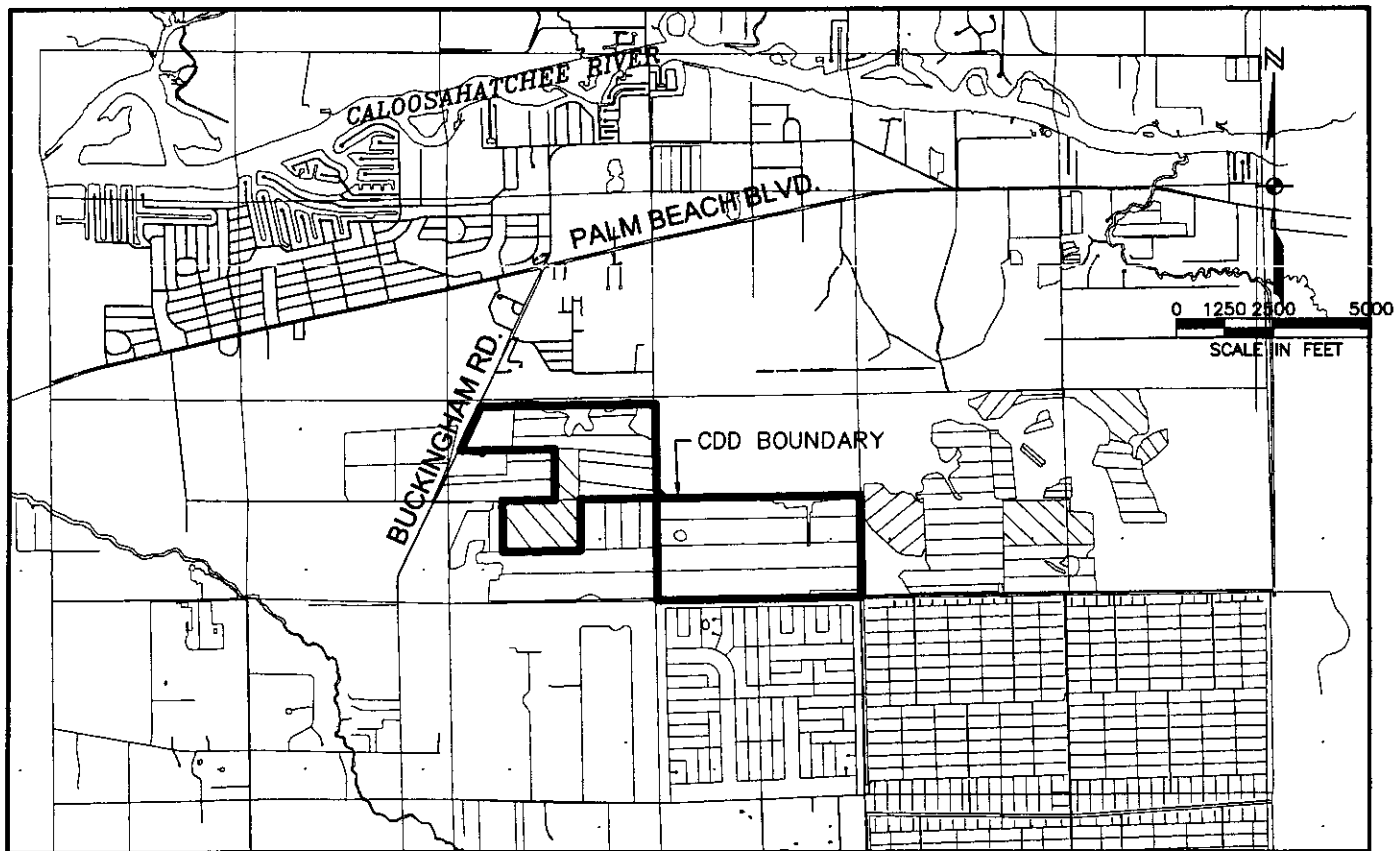
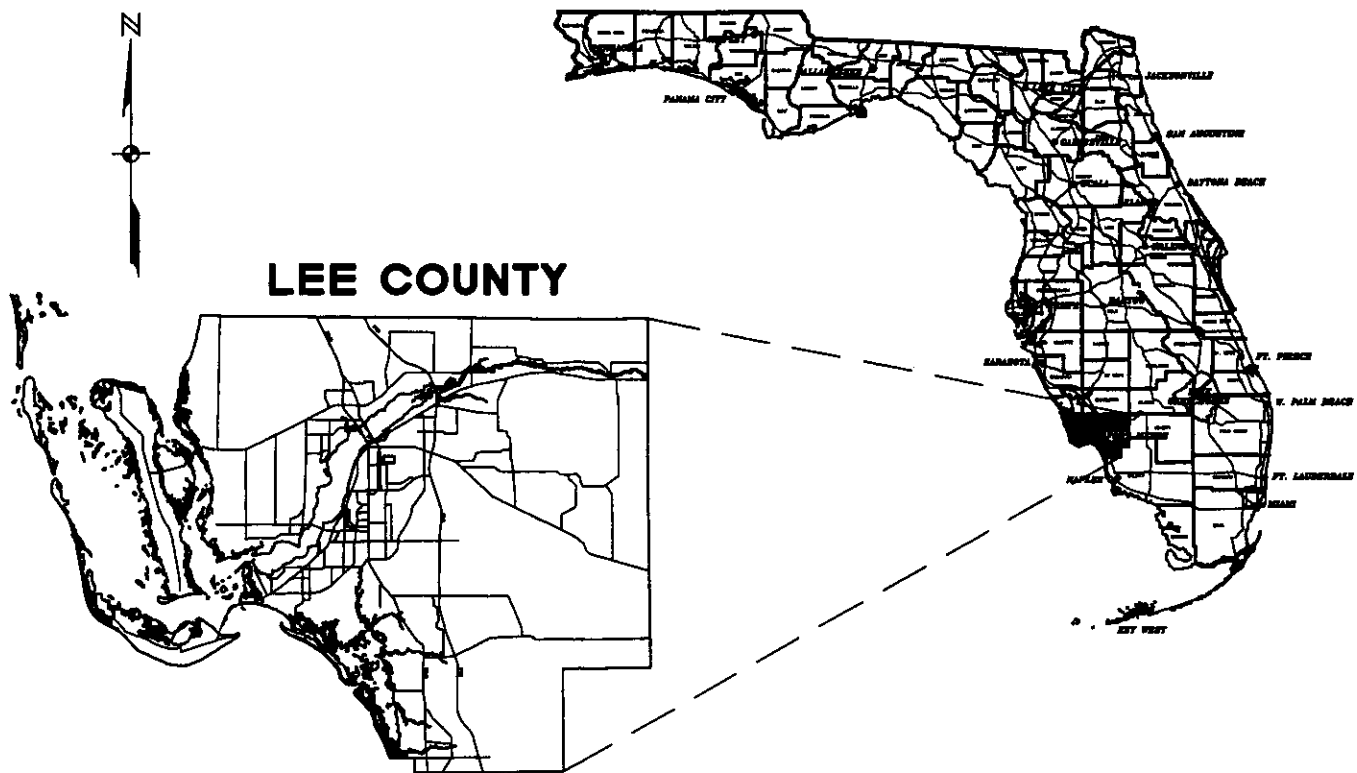
A TRACT OR PARCEL OF LAND LYING IN THE SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33 RUN NORTH 89°18'19" EAST ALONG THE NORTHERLY LINE OF SAID SECTION FOR A DISTANCE OF 924.94 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF BUCKINGHAM ROAD (STATE ROAD 80-S); THENCE SOUTH 24°23'10" WEST ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 203.15 FEET; THENCE SOUTH 89°10'16" WEST, FOR A DISTANCE OF 22.11 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN NORTH 89°10'16" EAST, FOR A DISTANCE OF 4,489.91 FEET; THENCE SOUTH 00°50'15" EAST, FOR A DISTANCE OF 2,250.05 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 240.00 FEET (DELTA 06°55'14") (CHORD BEARING SOUTH 48°34'00" EAST) (CHORD 28.97 FEET) FOR A DISTANCE OF 28.99 FEET; THENCE SOUTH 45°06'23" EAST, FOR A DISTANCE OF 156.71 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 240.00 FEET (DELTA 21°30'24") (CHORD BEARING SOUTH 34°21'11" EAST) (CHORD 89.56 FEET) FOR A DISTANCE OF 90.09 FEET; THENCE NORTH 89°15'30" EAST, FOR A DISTANCE OF 5,100.79 FEET; THENCE SOUTH 00°59'28" EAST, FOR A DISTANCE OF 2,654.48 FEET; THENCE SOUTH 89°04'55" WEST, FOR A DISTANCE OF 5,290.35 FEET; THENCE NORTH 00°47'28" WEST, FOR A DISTANCE OF 2,670.74 FEET; THENCE SOUTH 88°59'10" WEST, FOR A DISTANCE OF 1,980.78 FEET; THENCE SOUTH 00°41'08" EAST, FOR A DISTANCE OF 1,333.22 FEET; THENCE SOUTH 89°02'54" WEST, FOR A DISTANCE OF 1,988.34 FEET; THENCE NORTH 00°56'52" WEST, FOR A DISTANCE OF 1,331.03 FEET; THENCE NORTH 88°59'10" EAST, FOR A DISTANCE OF 1,334.18 FEET; THENCE NORTH 00°39'01" WEST, FOR A DISTANCE OF 1,321.78 FEET; THENCE SOUTH 89°09'28" WEST, FOR A DISTANCE OF 2,391.80 FEET; THENCE NORTH 24°23'10" EAST, FOR A DISTANCE OF 1,263.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,663,578 SQUARE FEET OR 589.15 ACRES, MORE OR LESS.

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LATITUDE 26°41'46", LONGITUDE -81°43'02"

**JOHNSON**  
ENGINEERING

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

**LOCATION MAP  
EXHIBIT 1**

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
MAY, 2005	20044590	33-43-26	As Shown	1

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

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

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

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

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

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

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

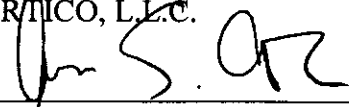
Executed this 19th day of May, 2005.

Witnessed:

  
Print Name: Alicen McLane

  
Print Name: RITA JANE IACINO

TAYLOR WOODROW COMMUNITIES  
AT PORTICO, L.L.C.

By:   
Print Name: Ann S. Cohen  
Its: Vice President

# EXHIBIT A



SINCE 1946



## PORTICO BOUNDARY

### PARCEL LYING IN SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

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**CERTIFICATE OF INCUMBENCY AND AUTHORITY**

**TAYLOR WOODROW COMMUNITIES AT PORTICO, L.L.C.**

I, MARC I. SPENCER, hereby certify as follows:

1. I am the Assistant Secretary of Taylor Woodrow Communities At Portico, L.L.C., a Florida limited liability company (the "LLC").
2. The LLC is duly organized and existing under the laws of the State of Florida.
3. The members (the "Members") of the member-managed LLC are:

Taylor Woodrow Homes Florida Inc., a Florida corporation  
TWCF, Inc., a Florida corporation

A printout from the Florida Division of Corporations' website is attached as Exhibit "B".

4. The LLC is the owner of certain real property located in Lee County, Florida, commonly known as "Portico" and more particularly described on Exhibit "A" attached to this Certificate (the "Property").
5. There is no provision in the LLC's Articles of Organization or Operating Agreement limiting the power of the LLC to pass the resolutions set forth below and said resolutions have been adopted in conformity with the provision of the LLC's Articles of Organization and Operating Agreement.
6. Pursuant to a written consent signed by the Members of the LLC, the following resolutions were duly adopted, have not been altered, amended, rescinded or repealed and are now in full force and effect:

"RESOLVED that the LLC hereby consents to the establishment of the Portico Community Development District (the "CDD") that will include certain land portions within the real property owned by the LLC in Lee County, Florida, commonly known as Portico.

RESOLVED that the Officers of the LLC, together with any representatives appointed by the Officers, are authorized to execute and deliver on behalf of the LLC any and all instruments, including without limitation, deed(s), certifications, consents and agreements that may be required in connection with the establishment of the CDD.

RESOLVED that all acts, transactions, or agreements undertaken prior hereto by any of the Officers or representatives of the LLC in connection with the foregoing matters are hereby ratified, confirmed and adopted by the LLC."



7. The current officers of the LLC are:

President	Thomas R. Spence
Vice President	Brian F. Watson
Vice President	Ann S. Cohen
Secretary	Ann S. Cohen
Treasurer	Ann S. Cohen
Assistant Treasurer	Kathleen Maloney
Marc I. Spencer	Assistant Secretary

IN WITNESS WHEREOF, I hereunto subscribe my name on June 6, 2005.



---

MARC I. SPENCER  
Assistant Secretary


STATE OF FLORIDA  
COUNTY OF PINELLAS

This instrument was acknowledged before me on June 6, 2005, by Marc I. Spencer, Assistant Secretary of Taylor Woodrow Communities At Portico, L.L.C., a Florida limited liability company, on behalf of said limited liability company. He is personally known to me.



---

Notary Public – State of Florida

NOTARY PUBLIC-STATE OF FLORIDA  
 Rita Jane Iacino  
Commission #DD376706  
Expires: DEC. 20, 2008  
Bonded Thru Atlantic Bonding Co., Inc.

**EXHIBIT "A"****PORTICO BOUNDARY****PARCEL LYING IN  
SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA**

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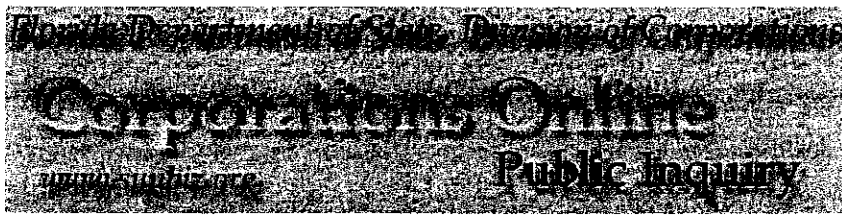


EXHIBIT "B"

## Florida Limited Liability

### TAYLOR WOODROW COMMUNITIES AT PORTICO, L.L.C.

**PRINCIPAL ADDRESS**  
 8430 ENTERPRISE CIRCLE  
 SUITE 100  
 BRADENTON FL 34202-4108 US

**MAILING ADDRESS**  
 8430 ENTERPRISE CIRCLE  
 SUITE 100  
 BRADENTON FL 34202-4108 US

**Document Number**  
 L04000045023

**FEI Number**  
 201251943

**Date Filed**  
 06/15/2004

**State**  
 FL

**Status**  
 ACTIVE

**Effective Date**  
 NONE

**Total Contribution**  
 0.00

## Registered Agent

Name & Address
SPENCER, MARCI 877 EXECUTIVE CENTER DR. W. SUITE 205 ST. PETERSBURG FL 33702-2472

## Manager/Member Detail

Name & Address	Title
TAYLOR WOODROW HOMES FLORIDA INC. 8430 ENTERPRISE CIRCLE, SUITE 100  BRADENTON FL 34202-4108 US	MGRM
TWCF, INC. 8430 ENTERPRISE CIRCLE, SUITE 100  BRADENTON FL 34202-4108 US	MGRM

## Annual Reports

Report Year	Filed Date
2005	04/30/2005

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

No Events  
No Name History Information

## Document Images

Listed below are the images available for this filing.

04/30/2005 -- ANNUAL REPORT
06/15/2004 -- Florida Limited Liability

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

**Corporations Inquiry**

**Corporations Help**

2004  
1970 DS  
2720



**THIS INSTRUMENT PREPARED BY:**  
**Ronald W. Smalley, Esquire**  
**Post Office Box 280**  
**Fort. Myers, FL 33902**

**INSTR # 6354350**  
**OR BK 04362 Pgs 3733 - 3741; (9pgs)**  
**RECORDED 07/13/2004 11:00:55 AM**  
**CHARLIE GREEN, CLERK OF COURT**  
**LEE COUNTY, FLORIDA**  
**DEED DOC 111,349.70**  
**DEPUTY CLERK T Baer**

**WARRANTY DEED**

THIS INDENTURE, made this 9<sup>th</sup> day of July, 2004 between **JESSIE CATHERINE HUNTER a/k/a CATHERINE HUNTER, a single person, JILL LUCKEY, MARCIA MOLLER, LISA HUNTER a/k/a LISA HOLLER, a single person and GRAEME R. HUNTER**, whose mailing address is 3181 Buckingham Road, Fort Myers, FL 33905, of the County of Lee, and State of Florida, Grantors, and **TAYLOR WOODROW COMMUNITIES AT PORTICO, L.L.C. a Florida Limited Liability Company**, whose mailing address is 8430 Enterprise Circle, Suite 100, Bradenton, FL 34202, County of Manatee, State of Florida, Grantee,

WITNESSETH that the said Grantors, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee, its assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

See Exhibit "A" attached hereto and by reference made a part hereof.

Subject to Permitted Exceptions described in Exhibit "B" attached hereto and by reference made a part hereof and taxes for the year 2004 and all subsequent years.

- Parcel Identification Nos. 33-43-26-00-00002.0000
- 33-43-26-00-00002.0020
- 33-43-26-00-00002.0030
- 34-43-26-00-00001.0000

The real property described herein is not the homestead property nor is it attached to the homestead property of: Grantor, Jill Luckey, who resides in Springville, Alabama; Grantor, Marcia Moller, who resides in Marshall, Texas; or Grantor, Graeme R. Hunter, who resides at 5240 Fairfield Drive, Fort Myers, Florida.

Portions of the real property described herein are the homesteads of Grantor, Jessie Catherine Hunter a/k/a Catherine Hunter, a single person, and of Grantor, Lisa Hunter a/k/a Lisa Holler, a single person.

And the said Grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

WITNESS:

[Signature]  
Witness Signature

A.P. DeSalvo  
Print/Type Witness Name

[Signature]  
Witness Signature

RONALD W SMALLEY  
Print/Type Witness Name

Jessie Catherine Hunter  
JESSIE CATHERINE HUNTER a/k/a  
CATHERINE HUNTER

STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 9<sup>th</sup> day of July, 2004, by JESSIE CATHERINE HUNTER a/k/a CATHERINE HUNTER, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

[Signature]  
Notary Public



Ronald W. Smalley  
MY COMMISSION # DD009839 EXPIRES  
April 10, 2005  
BONDED THRU TROY FAIR INSURANCE, INC.

\_\_\_\_\_  
Print/Type Name of Notary

Commission No. \_\_\_\_\_

[Signature]  
Witness Signature

A.P. DeSalvo  
Print/Type Witness Name

[Signature]  
Witness Signature

RONALD W SMALLEY  
Print/Type Witness Name

Jill Luckey  
JILL LUCKEY

STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 9<sup>th</sup> day of July, 2004, JILL LUCKEY who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

[Signature]  
Notary Public



Ronald W. Smalley  
MY COMMISSION # DD009839 EXPIRES  
April 10, 2005  
BONDED THRU TROY FAH INSURANCE, INC.

Print/Type Name of Notary

Commission No. \_\_\_\_\_

[Signature]  
Witness Signature

A.P. DeSalvo  
Print/Type Witness Name

[Signature]  
Witness Signature

RONALD W. SMALLLEY  
Print/Type Witness Name

[Signature]  
MARCIA MOLLER

STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 9<sup>th</sup> day of July, 2004, by MARCIA MOLLER who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

[Signature]  
Notary Public



Ronald W. Smalley  
MY COMMISSION # DD009839 EXPIRES  
April 10, 2005  
BONDED THRU TROY FAH INSURANCE, INC.

Print/Type Name of Notary

Commission No. \_\_\_\_\_

[Signature]  
Witness Signature

[Signature]  
LISA HUNTER a/k/a LISA HOLLER

A.P. DeSalvo  
Print/Type Witness Name

[Signature]  
Witness Signature

RONALD W SMALLEY  
Print/Type Witness Name

STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 9<sup>th</sup> day of July, 2004, by LISA HUNTER a/k/a LISA HOLLER, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

[Signature]  
Notary Public



Ronald W. Smalley  
MY COMMISSION # DD009839 EXPIRES  
April 10, 2005  
BONDED THRU TROY FAJIN INSURANCE, INC

\_\_\_\_\_  
Print/Type Name of Notary

Commission No. \_\_\_\_\_

[Signature]  
Witness Signature

[Signature]  
GRAEME R. HUNTER

A.P. DeSalvo  
Print/Type Witness Name

[Signature]  
Witness Signature

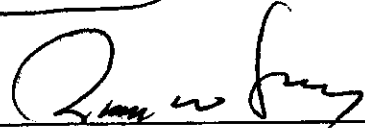
RONALD W SMALLEY  
Print/Type Witness Name



STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 9<sup>th</sup> day of July, 2004, by GRAEME R. HUNTER, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

  
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print/Type Name of Notary

Commission No. \_\_\_\_\_



Ronald W. Smoley  
MY COMMISSION # DD009839 EXPIRES  
April 10, 2005  
BONDED THRU TROY FAIN INSURANCE, INC

**EXHIBIT "A"**

**REAL PROPERTY**

**PARCEL 1:**

The South one-half (1/2) of Section 34, Township 43 South, Range 26 East, and the West one-half (1/2) of the Northwest quarter (1/4) of the Southeast quarter (1/4) and the Northeast quarter (1/4) and the Northeast quarter (1/4) of the Southwest quarter (1/4) and all that portion of the North one-half (1/2) of the Northwest quarter (1/4) lying East of State Road No. 80-S (Buckingham Road) all in Section 33, Township 43 South, Range 26 East, less and except all that part thereof as described in that certain Trustee Deed dated October 3, 1980 and recorded in O.R. Book 1468, page 1179, Public Records of Lee County, Florida.

And less and except the following parcel:

A tract or parcel of land lying in the Northwest Quarter (1/4) of Section 33, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel is further described as follows:

Commence at the Northwest corner of said Section 33; thence run North 89°18'48" East along the North line of said Section 33 for 871.09' more or less to its intersection with the centerline of Buckingham Road; thence run South 24°24'46" West along said centerline of Buckingham Road for 989.50'; thence run South 70°50'14" East for 30.126' to a point on the Southeasterly r/w line of said Buckingham Road and the P.O.B. of the parcel herein described:

From said P.O.B. run North 24°24'46" East along said r/w line for 200.00'; thence run South 70°50'14" East for 228.00'; thence run South 18°02'17" West for 183.00'; thence run South 89°19'33" West for 47.724'; thence run North 70°50'14" West for 205.00' to the P.O.B.

NOTE: The bearings as mentioned herein are based on an assumed bearing of North 24°24'46" East on the centerline of Buckingham Road;

And less and except the following parcel:

A tract or parcel of land lying in the Northwest Quarter (1/4) of Section 33, Township 43 South, Range 26 East, Lee County, Florida, said parcel is further described as follows:

Commence at the Northwest corner of said Section 33; thence run North 89°18'48" East along the North line of said Section 33 for 871.09' more or less to its intersection with the centerline of Buckingham Road; thence run South 24°24'46" West along said centerline of Buckingham Road for 989.50'; thence run South 70°50'14" East for 30.126' to a point on the Southeasterly r/w line of said Buckingham Road and the P.O.B. of the parcel herein described:

From said P.O.B. continue South 70°50'14" East for 205.00'; thence run North 89°19'33" East for 47.724'; thence run North 18°02'17" East for 183.00'; thence run South 56°35'54.5" East for 325.05'; thence run South 00°51'46.5" East for 342.39' more or less to a point on the South line of the North one-half (1/2) of the Northwest Quarter (1/4) of said Section 33; thence run South 89°08'13.5" West along said South line of the North one-half (1/2) of the Northwest Quarter (1/4) of Section 33 for 767.781' more or less to a point on the aforementioned Southeasterly r/w line

of Buckingham Road; thence run North 24°24'46" East along said r/w line for 467.303' more or less to the P.O.B.

NOTE: The bearings as mentioned herein are based on an assumed bearing of North 24°24'46" East on the centerline of Buckingham Road.

**PARCEL 2:**

A tract or parcel of land lying in the Northwest Quarter (1/4) of Section 33, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel is further described as follows:

Commence at the Northwest corner of said Section 33; thence run North 89°18'48" East along the North line of said Section 33 for 871.09' more or less to its intersection with the centerline of Buckingham Road; thence run South 24°24'46" West along said centerline of Buckingham Road for 989.50'; thence run South 70°50'14" East for 30.126' to a point on the Southeasterly r/w line of said Buckingham Road and the P.O.B. of the parcel herein described:

From said P.O.B. run North 24°24'46" East along said r/w line for 200.00'; thence run South 70°50'14" East for 228.00'; thence run South 18°02'17" West for 183.00'; thence run South 89°19'33" West for 47.724'; thence run North 70°50'14" West for 205.00' to the P.O.B.

NOTE: The bearings as mentioned herein are based on an assumed bearing of North 24°24'46" East on the centerline of Buckingham Road.

**PARCEL 3:**

A tract or parcel of land lying in the Northwest Quarter (1/4) of Section 33, Township 43 South, Range 26 East, Lee County, Florida, said parcel is further described as follows:

Commence at the Northwest corner of said Section 33; thence run North 89°18'48" East along the North line of said Section 33 for 871.09' more or less to its intersection with the centerline of Buckingham Road; thence run South 24°24'46" West along said centerline of Buckingham Road for 989.50'; thence run South 70°50'14" East for 30.126' to a point on the Southeasterly r/w line of said Buckingham Road and the P.O.B. of the parcel herein described:

From said P.O.B. continue South 70°50'14" East for 205.00'; thence run North 89°19'33" East for 47.724'; thence run North 18°02'17" East for 183.00'; thence run South 56°35'54.5" East for 325.05'; thence run South 00°51'46.5" East for 342.39' more or less to a point on the South line of the North one-half (1/2) of the Northwest Quarter (1/4) of said Section 33; thence run South 89°08'13.5" West along said South line of the North one-half (1/2) of the Northwest Quarter (1/4) of Section 33 for 767.781' more or less to a point on the aforementioned Southeasterly r/w line of Buckingham Road; thence run North 24°24'46" East along said r/w line for 467.303' more or less to the P.O.B.

NOTE: The bearings as mentioned herein are based on an assumed bearing of North 24°24'46" East on the centerline of Buckingham Road.

**PARCEL 4:**

A tract or parcel of land lying in Section 34, Township 43 South, Range 26 East, Lee County, Florida being a part of an Ingress/Egress Easement as described in Deed Book 278 at page 235, Public Records of Lee County, Florida, which tract or parcel is described as follows:

From the Southwest corner of the North Half (N ½) of said Section 34, run N 00°50'15" W along the west line of said Section 34 also being the west line of an Ingress/Egress Easement as described in said Deed Book 278 at page 235 for 206.07 feet to an intersection with a non-tangent curve; thence run southeasterly along said curve, departing said section line, to the right of radius 240.00 feet (delta 06°55'14") (chord bearing S 48°34'00" E) (chord 28.97 feet) for 28.99 feet to a point of tangency; thence run S 45°06'23" E for 156.71 feet to a point of curvature; thence run southeasterly along an arc of said curve to the right of radius 240.00 feet (delta 21°30'24") (chord bearing S 34°21'11" E) (chord 89.56 feet) for 90.09 feet to an intersection with the south line of the North Half (N ½) of said Section 34; thence run S 89°15'30" W along said south line for 180.28 feet to the Point of Beginning.

NOTE: Bearings hereinabove mentioned are based on plane coordinates for the Florida West Zone NAD 1983 (1990 Adjustment) wherein the west line of Section 34, Township 43 South, Range 26 East bears N 00°50'15" W.

**EXHIBIT "B"**

**PERMITTED TITLE EXCEPTIONS**

Lee County Ordinance No. 86-14 recorded November 30, 1990 in O.R. Book 2189, page 3281; and amended by Ordinance No. 86-38 in O.R. Book 2189, page 3334, Public Records of Lee County, Florida (Mandatory Garbage Collection).

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

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

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

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

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

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

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

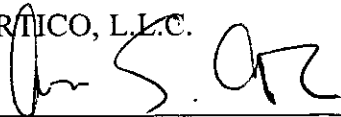
Executed this 19th day of May, 2005.

Witnessed:

  
Print Name: Alicen McLane

  
Print Name: RITA JANE IACINO

TAYLOR WOODROW COMMUNITIES  
AT PORTICO, L.L.C.

By:   
Print Name: Ann S. Cohen  
Its: Vice President

# EXHIBIT A



SINCE 1946



## PORTICO BOUNDARY

### PARCEL LYING IN SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33 RUN NORTH 89°18'19" EAST ALONG THE NORTHERLY LINE OF SAID SECTION FOR A DISTANCE OF 924.94 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF BUCKINGHAM ROAD (STATE ROAD 80-S); THENCE SOUTH 24°23'10" WEST ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 203.15 FEET; THENCE SOUTH 89°10'16" WEST, FOR A DISTANCE OF 22.11 FEET TO THE POINT OF BEGINNING.

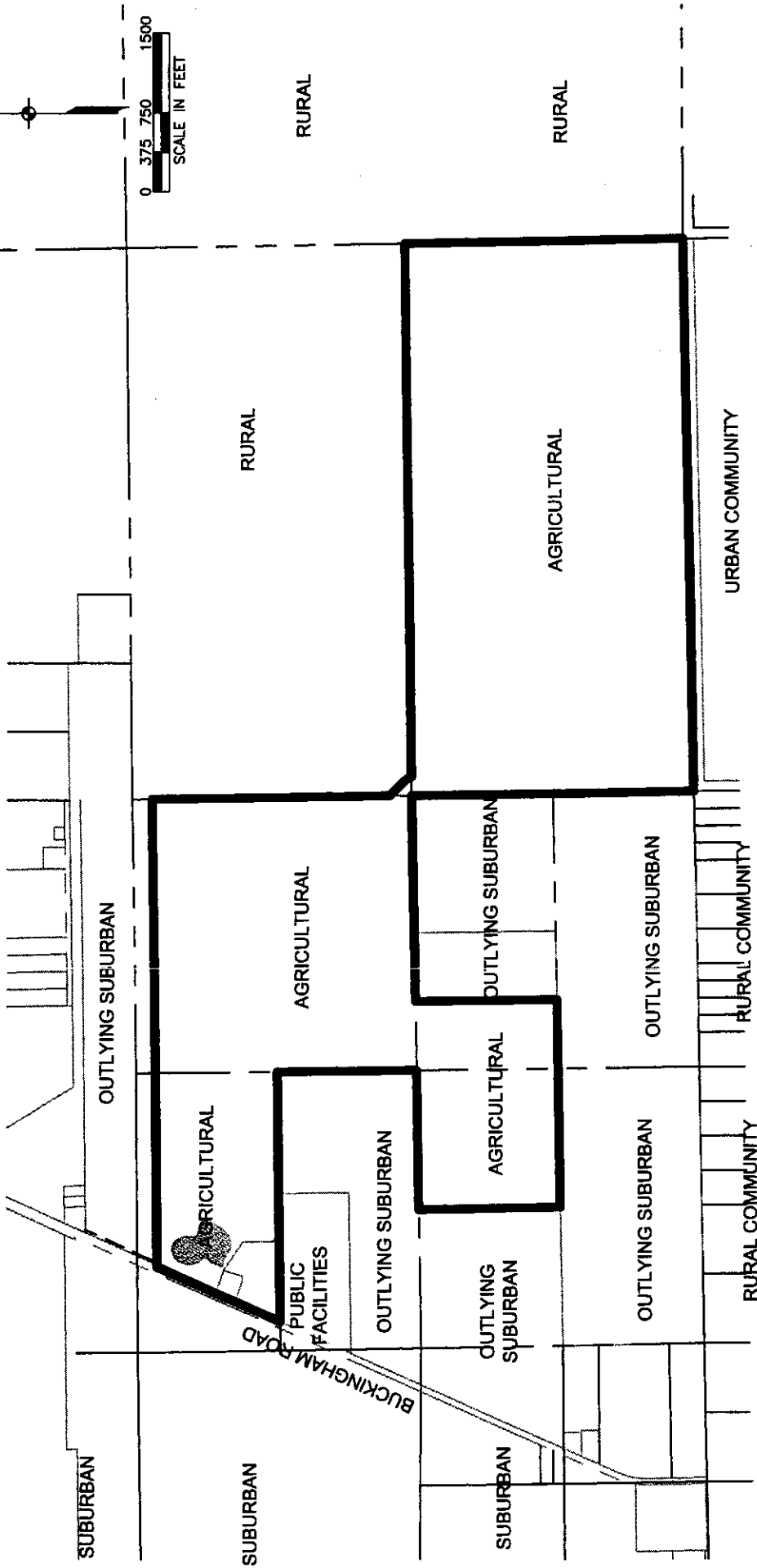
FROM SAID POINT OF BEGINNING RUN NORTH 89°10'16" EAST, FOR A DISTANCE OF 4,489.91 FEET; THENCE SOUTH 00°50'15" EAST, FOR A DISTANCE OF 2,250.05 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 240.00 FEET (DELTA 06°55'14") (CHORD BEARING SOUTH 48°34'00" EAST) (CHORD 28.97 FEET) FOR A DISTANCE OF 28.99 FEET; THENCE SOUTH 45°06'23" EAST, FOR A DISTANCE OF 156.71 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 240.00 FEET (DELTA 21°30'24") (CHORD BEARING SOUTH 34°21'11" EAST) (CHORD 89.56 FEET) FOR A DISTANCE OF 90.09 FEET; THENCE NORTH 89°15'30" EAST, FOR A DISTANCE OF 5,100.79 FEET; THENCE SOUTH 00°59'28" EAST, FOR A DISTANCE OF 2,654.48 FEET; THENCE SOUTH 89°04'55" WEST, FOR A DISTANCE OF 5,290.35 FEET; THENCE NORTH 00°47'28" WEST, FOR A DISTANCE OF 2,670.74 FEET; THENCE SOUTH 88°59'10" WEST, FOR A DISTANCE OF 1,980.78 FEET; THENCE SOUTH 00°41'08" EAST, FOR A DISTANCE OF 1,333.22 FEET; THENCE SOUTH 89°02'54" WEST, FOR A DISTANCE OF 1,988.34 FEET; THENCE NORTH 00°56'52" WEST, FOR A DISTANCE OF 1,331.03 FEET; THENCE NORTH 88°59'10" EAST, FOR A DISTANCE OF 1,334.18 FEET; THENCE NORTH 00°39'01" WEST, FOR A DISTANCE OF 1,321.78 FEET; THENCE SOUTH 89°09'28" WEST, FOR A DISTANCE OF 2,391.80 FEET; THENCE NORTH 24°23'10" EAST, FOR A DISTANCE OF 1,263.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,663,578 SQUARE FEET OR 589.15 ACRES, MORE OR LESS.

S:/044590/PORTICO-BOUNDARY-DESCRIPTION.DOC



0 375 750 1500  
SCALE IN FEET



# JOHNSON ENGINEERING

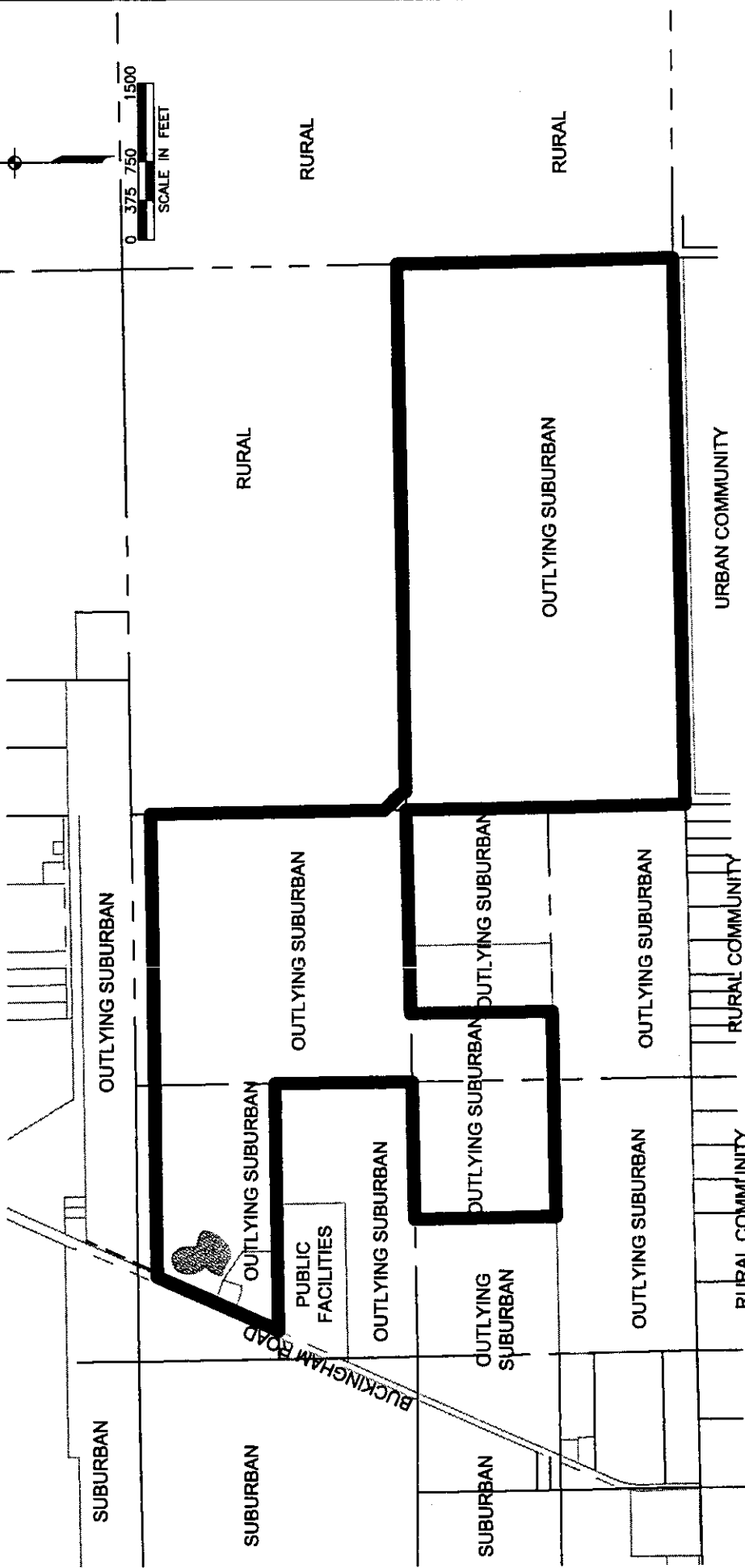
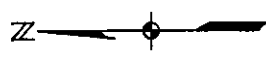
2158 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0048  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

## EXISTING LAND USES

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
MAY, 2005	2004-4590	33-43-26	AS SHOWN	1

PORTICO





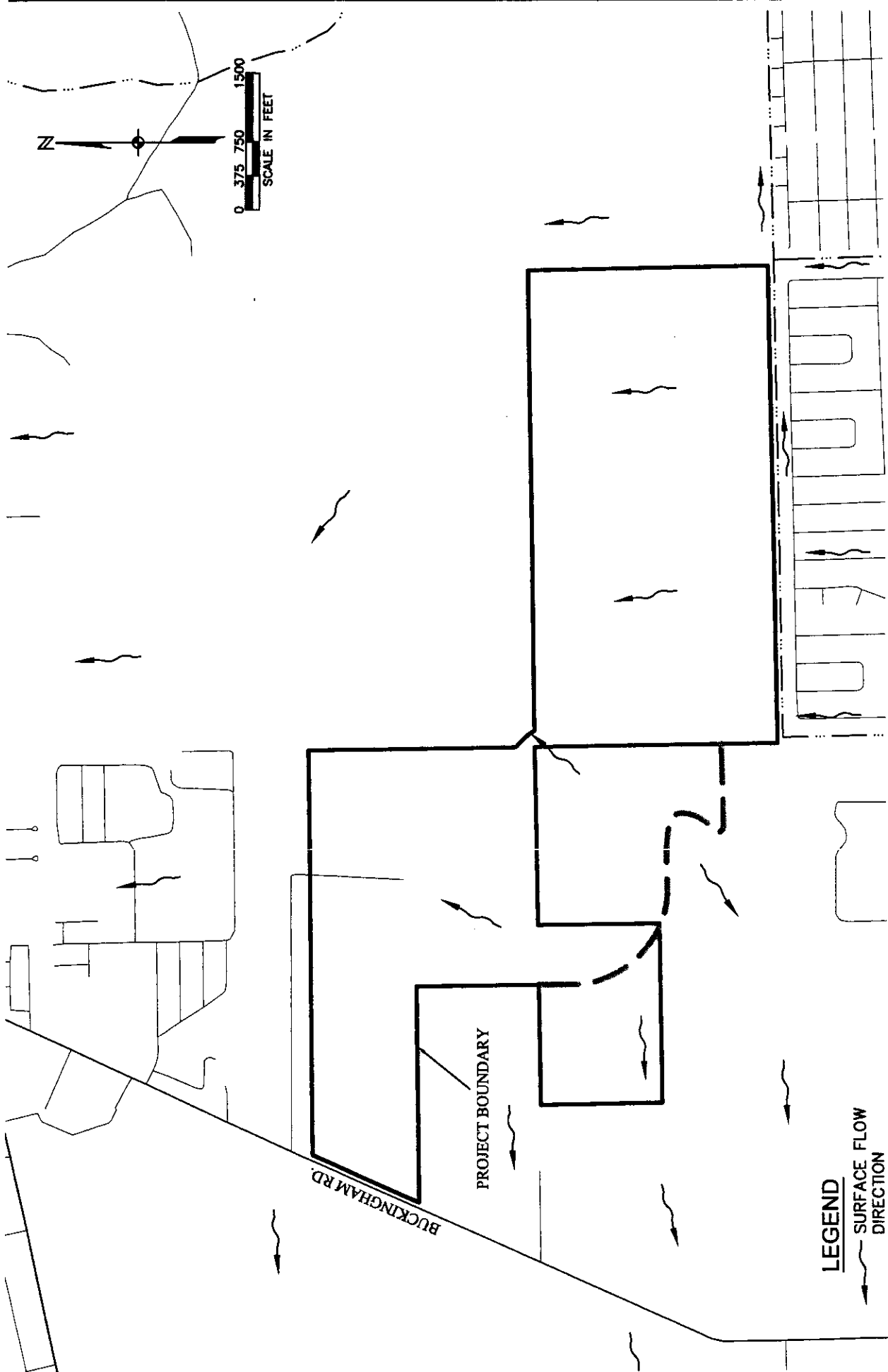
2158 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33902-1550  
 PHONE (239) 334-0048  
 FAX (239) 334-3861  
 E.B. #642 & L.B. #642

**JOHNSON**  
**ENGINEERING**

PORTICO

**FUTURE LAND USES**

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
MAY, 2005	2004-4590	33-43-28	AS SHOWN	1



**JOHNSON**  
ENGINEERING

2158 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902--1550  
PHONE (239) 334-0048  
FAX (239) 334-3861  
E.B. #842 & L.B. #842

<b>EXISTING DRAINAGE PLAN</b>			
DATE	PROJECT NO.	FILE NO.	SCALE
MAY, 2005	20044590	33-43-26	AS SHOWN
			SHEET
			1

PORTICO

**Portico  
Community Development District**

**Preliminary Opinion of Probable Cost**

<b>Description</b>	<b>PHASE 1</b>	<b>PHASE 2</b>	<b>PHASE 3</b>	<b>TOTAL</b>
Drainage and Conservation	\$7,075,462	\$4,729,244	\$3,923,061	<b>\$15,727,766</b>
Water and Sanitary Sewer Infrastructure	\$3,787,554	\$2,492,122	\$2,691,328	<b>\$8,971,004</b>
Off-Site Roadway and Utility Improvements	\$348,600	\$0	\$0	<b>\$348,600</b>
Professional Services and Permit Fees	\$1,058,564	\$355,275	\$355,275	<b>\$1,769,114</b>
<b>SUB-TOTAL</b>	<b>\$12,270,179</b>	<b>\$7,576,641</b>	<b>\$6,969,664</b>	
			<b>GRAND TOTAL</b>	<b>\$26,816,483</b>

<b>PROPOSED CONSTRUCTION START DATE</b>	<b>AUGUST 2005</b>	<b>AUGUST 2006</b>	<b>AUGUST 2007</b>
<b>DURATION</b>	<b>5 Years</b>	<b>5 Years</b>	<b>5 Years</b>

# Hopping Green & Sams

Attorneys and Counselors

August 17, 2005

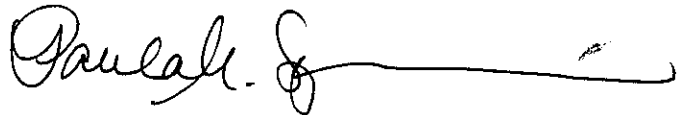
Ms. Brandy Gonzalez  
Lee County Department of Community  
Development- Division of Planning  
Post Office Box 398  
Fort Myers, Florida 33902-0398

RE: Portico Community Development District Petition

Ms. Gonzalez:

Please find enclosed the requested chart indicating the facilities the Petitioner presently expects the proposed District to finance, construct, acquire or install, as well as the ultimate expected owner and entity responsible for operation and maintenance for the Portico Community Development District. As we discussed, this item should be included as an addition to the current Exhibit 7 to the Petition. Should you require anything further or have any questions, please do not hesitate to contact me.

Sincerely,



Paula M. Sparkman

PMS:lk

Enclosure

cc: Tom Spence  
Rita Iacino

**RECEIVED**  
AUG 18 2005

**COMMUNITY DEVELOPMENT**

**Portico  
Community Development District**

**Proposed Infrastructure Plan**

<u>Description</u>	<u>Ownership</u>	<u>Operation and Maintenance</u>
Drainage	CDD	CDD
Conservation	CDD	CDD
Water and Sanitary Sewer Infrastructure	Lee County	Lee County
Offside Roadway and Utility Improvement	Lee County	Lee County

**STATEMENT OF ESTIMATED REGULATORY COSTS**

**FOR**

**PORTICO  
COMMUNITY DEVELOPMENT DISTRICT**

PREPARED BY:

**RIZZETTA & COMPANY, INC.**

3434 Colwell Avenue

Suite 200

Tampa, Florida 33614

(813) 933-5571

May 23, 2005

**RIZZETTA & COMPANY**  
INCORPORATED

---

**PORTICO  
COMMUNITY DEVELOPMENT DISTRICT**

**STATEMENT OF ESTIMATED REGULATORY COSTS**

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PORTICO COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF ESTIMATED REGULATORY COSTS

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**I. INTRODUCTION**

**1. PURPOSE AND SCOPE**

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

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

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

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



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

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

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

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

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

**2. PORTICO COMMUNITY DEVELOPMENT DISTRICT**

The proposed District will contain approximately 587 acres. The petitioner is seeking authority, as outlined in Section 190.012 F.S., for the District to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructure that includes, but is

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not limited to: water management and control, water supply, sewer, wastewater management, bridges or culverts, district roads and street lights, parking improvements, signage, conservation and/or mitigation areas, parks and recreational facilities, or any other project, with or without the boundaries of the District, required by a development order issued by a local government or subject of an agreement between the District and a governmental entity.

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

**II. STATUTORY ITEMS:**

Section 120.541(2), F.S. (2004), defines the elements a Statement of Estimated Regulatory Costs must contain, as follows:

- (1) A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance;
- (2) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state and local revenues;
- (3) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance;
- (4) An analysis of the impact on small businesses as defined by Section 288.703, F.S. and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.;
- (5) Any additional information that the agency determines may be useful.

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

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

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

**A. THE STATE OF FLORIDA**

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

**B. LEE COUNTY**

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

**C. CURRENT PROPERTY OWNERS**

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

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D. FUTURE PROPERTY OWNERS

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

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

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

1. Lee County (The "Agency")

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

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

2. State of Florida

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

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

3. The District.

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

**B. IMPACT ON STATE AND LOCAL REVENUES**

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

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

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

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

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

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

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

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

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

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

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**4. AN ANALYSIS OF THE IMPACT ON SMALL BUSINESSES AS DEFINED BY SECTION 288.703, F.S., AND AN ANALYSIS OF THE IMPACT ON SMALL COUNTIES AND SMALL CITIES AS DEFINED BY SECTION 120.52 F.S.**

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

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

A CDD does not discriminate in terms of the size of businesses that can be located within the boundaries or transact business with the District.

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

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

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

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

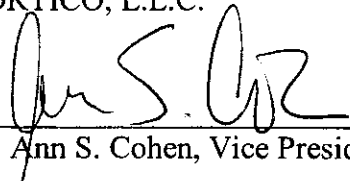
Certain data utilized in this report was provided by the developer/petitioner and represents the best information available at this time. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other community development districts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

## Authorization of Agent

This letter shall serve as a designation of THOMAS R. SPENCE to act as agent for TAYLOR WOODROW COMMUNITIES AT PORTICO, L.L.C., a Florida limited liability company, with regard to any and all matters pertaining to the Petition to the Lee County Board of County Commissioners to establish a Community Development District pursuant to Chapter 190, Florida Statutes. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

TAYLOR WOODROW COMMUNITIES  
AT PORTICO, L.L.C.

DATE: May 19, 2005


By:   
Ann S. Cohen, Vice President

STATE OF FLORIDA  
COUNTY OF PINELLAS

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared ANN S. COHEN, Vice President of TAYLOR WOODROW COMMUNITIES AT PORTICO, L.L.C., who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal in the County of Pinellas and State of Florida this 19th day of May, 2005.

  
\_\_\_\_\_  
Notary Public

NOTARY PUBLIC-STATE OF FLORIDA  
 Rita Jane Iacino  
Commission # DD376706  
Expires: DEC. 20, 2008  
Bonded Thru Atlantic Bonding Co., Inc.

Personally known:  X   
Produced Identification: \_\_\_\_\_  
Type of Identification: \_\_\_\_\_  
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