

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20051722

1. ACTION REQUESTED/PURPOSE: Adopt a Resolution supporting the expansion of River Hall Community Development District boundaries by the Florida Land and Water Adjudicatory Commission.

2. WHAT ACTION ACCOMPLISHES: A Resolution adopted by the BOCC is the only means of expressing support or objection to the granting of a petition to expand the boundaries of a UCDD of greater than 1,000 acres. Adoption of the proposed resolution shows support for the expansion of an existing independent special district and provides an alternative method to manage and finance basic services within the expanded area of the Community Development District.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: 12

9:30 PH1

5. Meeting Date:

12-13-2005

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	190.046
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	
<input checked="" type="checkbox"/> Public @ 9:30 a.m.	<input type="checkbox"/> Other	
<input type="checkbox"/> Walk-On		

Commissioner	
Department	County Attorney
Division	Land Use
By:	<i>[Signature]</i>
	Dawn E. Perry-Lehnert
	Assistant County Attorney

9. Background:

River Hall Community Development District is a uniform community development district created by law and established by FAC Rule 42YY-1 as adopted by the Florida Land and Water Adjudicatory Commission on April 21, 2005.

The District currently has 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: stormwater management, portable water supply, sewer and wastewater management, bridges or culverts, district roads, and other projects within or without the district boundary for which a development order is issued.

In accordance with FS s. 190.046(1)(d), River Hall has petitioned the Florida Land and Water Adjudicatory Commission to amend FAC Rule 42YY-1 to expand the external boundaries of River Hall Community Development District to include an additional 32 acres within Lee County. Adding a total of approximately 32 acres is less than a 1% increase based upon a total initial acreage of 1926.03 acres and is less than the 250-acre maximum set forth in FS s. 190.046(1)(f).

(Continued on Page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgt.	
				<i>[Signature]</i>	RK 4/30	11/30/05	11/30/05	11/30/05	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

[Handwritten notes]

RECEIVED BY
COUNTY ADMIN:
11-30-05
8:48
COUNTY ADMIN
FORWARDED TO:
[Signature]

The River Hall District's request for boundary expansion is consistent with the Lee County Comprehensive Plan. All development activity within the boundaries of the District will be subject to the Lee Plan and all related land development regulations.

In accordance with FS s. 190.046(1)(d)3, the County's consideration is limited to consideration of the contents of the petition and whether the petition should be supported. The Lee County Planning Division has reviewed the petition and prepared the attached staff report. This report recommends that the Board adopt a resolution consenting to the expansion of the District.

Attachments: Division of Planning, Staff Analysis

Petition, Exhibits, and Attachments (available for review at Lee Cares)

Proposed Resolution in support of expanding the external boundaries of the River Hall Community Development District

ANALYSIS OF THE RIVER HALL UNIFORM COMMUNITY DEVELOPMENT DISTRICT PETITION TO EXPAND BOUNDARIES

**Prepared for
Board of County Commissioners
by
Lee County Division of Planning
November 22, 2005**

The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment and amendment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district may petition for. The River Hall Community Development District has petitioned the Governor and members of the Cabinet, constituting the Florida Land and Water Adjudicatory Commission, to amend the District to add approximately 32 acres to the district. The River Hall Community Development District (previously known as Hawks Haven) was established by the Florida Land and Water Adjudicatory Commission through Rule 42YY-1, Florida Administrative Code on April 21, 2005.

In accordance with F.S. 190.046(1)(d)2, prior to filing such a petition, the petitioner shall "submit a copy of the petition to the county and each municipality the boundaries of which are contiguous with, or contain all or a portion of the land within the external boundaries of the district." In accordance with 190.046 (1)(d)3, "the county and each municipality shall have the option of holding a public hearing as provided by s. 190.005(1)(c)." However, such a public hearing shall be limited to consideration of the contents of the petition and whether the petition for amendment should be supported by the county or municipality.

The River Hall Community Development District, as well as the added lands, are contained wholly within Lee County. Currently the District covers approximately 1,926.03 acres of land. The amendment proposes new boundaries covering approximately 1,958.43 acres of land. The lands to be added have a future land use designation of Rural.

The current property within the district is located in Lee County, Florida, lying within Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East. The land area is bounded on the West by the Hawk's Preserve subdivision, the Portico RPD, and the Buckingham 320 RPD, on the North by State Road 80, undeveloped property, and the Oak Creek subdivision, on the East by conservation lands, and on the South by lots in Lehigh Acres. The subject petition specifically involves land adjacent to the northern boundary of the district located in Section 25, Township 43 South, Range 26 East. The land being added to the District is a parcel of land that was recently added to the existing River Hall residential planned development through an amendment approved in September 2005.

When established in April 2005, the District was 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 within or without the district boundary for which a Development Order is issued. In addition, on November 1, 2005, the District was granted the ability to exercise the optional special powers for parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and, for security, including, but not limited to, guard houses, fences and gates, electronic-intrusion detection systems, and patrol cars as listed under F.S. Section 190.012(2)(a) and (d).

A petition to amend the District boundaries was received by Lee County from the District on October 31, 2005. Lee County Planning staff has reviewed the petition and finds it to be sufficient. In accordance with F.S. 190.046(1)(d)3, Lee County has the option of holding a public hearing. At the subject hearing the focus of the inquiry will not be the appropriateness of the established district, rather, the focus will be consideration of the contents of the petition and whether the petition for amendment should be supported. Staff has reviewed the factors set forth in 190.046 Florida Statutes involving the expansion or contraction of a district and can find no change in circumstance or condition which would be inconsistent with consenting to the boundary amendment.

Planning staff recommends that the Board of County Commissioners adopt a resolution supporting the petition to expand the River Hall Community Development District in accordance with Section 190.046(1), F.S.

**Petition to Expand
the Boundaries of
River Hall
Community Development District**

October 28, 2005

**Submitted by:
STRALEY ROBIN & WILLIAMS
Attorneys at Law
100 East Madison Street
Suite 300
Tampa, Florida 33602
Telephone: 813-223-9400
Facsimile: 813-223-5043**

**BEFORE THE FLORIDA LAND AND
WATER ADJUDICATORY COMMISSION**

IN RE: Amend Rule to Expand)
the River Hall Community)
Development District)
_____)

Case No. _____

**PETITION TO EXPAND THE RIVER HALL
COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, River Hall Community Development District, (the "**Petitioner**") hereby petitions the Florida Land and Water Adjudicatory Commission, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code, to expand the River Hall Community Development District (the "**District**"). In support of this Petition, Petitioner states as follows:

1. Location and Size. The District as it currently exists, contains approximately 1926.03 acres, and seeks to add approximately 30 acres of property adjacent to the District. The expanded District is located entirely within the unincorporated area of Lee County, Florida, and will contain approximately 1,958.43 acres. **Exhibit "A"** depicts the general location of the project. The metes and bounds description of the external boundaries of the expanded District are set forth in **Exhibit "B"**. The legal description for the area to be added to the District is attached as **Exhibit "C"**. [Section 190.005(1)(a)1, Florida Statutes]

2. Landowner Consent. Petitioner either has written consent to expand the District from the owners of the real property to be added to the District. Written consent to the

expansion of the District by 100% of the real property owners in the area to be added to the District is contained in **Exhibit “D”**. [Section 190.005(1)(a)2, Florida Statutes]

4. Board of Supervisors. The five persons designated to serve as the Board of Supervisors of the District are set forth in **Exhibit “E”**. All of the persons listed in **Exhibit “E”** are residents of the State of Florida, and citizens of the United States of America. [Section 190.005(1)(a)3, Florida Statutes]

5. Major Water, Wastewater and Outfall Facilities. The existing major trunk water mains, sewer interceptors and outfalls are shown on **Exhibit “F”**. [Section 190.005(1)(a)5, Florida Statutes]

7. District Facilities and Services. The proposed timetables and related estimates of cost to construct District services and facilities, and proposed infrastructure plan, based upon available data, are attached as composite **Exhibit “G”**. [Section 190.005(1)(a)6, Florida Statutes].

8. Future Land Uses. The future general distribution, location and extent of the public and private land uses within the District, according to the future land use element and map which are a part of the adopted Lee County Comprehensive Plan, are shown on **Exhibit “H”**. [Section 190.005(1)(a)7, Florida Statutes]

9. Statement of Estimated Regulatory Costs. The statement of estimated regulatory costs (the "**SERC**") is attached as **Exhibit “I”**. The SERC is based upon presently available date. The data and methodology used in preparing the SERC accompany it. [Section 190.005(1)(a)8, Florida Statutes; Section 120.541, Florida Statutes]

10. Authorized Agent. The agent for the Petitioner is Graydon Miars, Chairman of the Board of Supervisors, River Hall Community Development District whose address is 2401

River Hall Parkway, Alva, Florida 33920. Copies of all correspondence and official notices should be sent to the District's legal counsel:

Mark K. Straley, Esquire
Tracy J. Robin, Esquire
Straley Robin & Williams
100 East Madison Street, Suite 300
Tampa, Florida 33602-5311

11. Prior to the filing of this Petition, Petitioner submitted a copy of this Petition with Exhibits and paid the required filing fee of \$1,500 to Lee County, Florida. These actions were undertaken in accordance with Section 190.046(2), Florida Statutes.

12. This Petition to expand the River Hall Community Development District should be granted for the following reasons:

a. Expansion of the District and all land uses and services planned within the expanded District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the adopted Lee County Comprehensive Plan.

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

c. The expansion of the District will prevent the general body of taxpayers in Lee County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the expanded District. The expanded District is the best alternative for delivering community development services and facilities to the community without imposing an additional burden on the general population of the local

general-purpose government. Expansion of the District in conjunction with a comprehensively planned community allows for a more efficient use of resources.

d. The community development services and facilities of the expanded District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the expanded District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities.

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

WHEREFORE, Petitioner respectfully requests the Florida Land and Water Adjudicatory Commission to:

A. Receive a report and conclusion from the River Hall Board of Supervisors pursuant to 190.046(d)(4), Florida Statutes, as to whether the Petition satisfied the provisions of Section 190.005(1)(e), Florida Statutes; and

B. Amend Rule 42-YY-1.002 pursuant to Chapters 120 and 190, Florida Statutes, granting this Petition and expanding the River Hall Community Development District.

RESPECTFULLY SUBMITTED, this 28th day of October, 2005.

Respectfully submitted,

STRALEY ROBIN & WILLIAMS

By:  _____

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FLORIDA CERTIFICATE OF AUTHORIZATION
 ENGINEERING 7098 - SURVEYING LB-8840

PRE PARCEL 01 OR



2202 NORTH WEST SHORE BOULEVARD
 SUITE 120
 TAMPA, FLORIDA 33607

PHONE (813) 207-0128
 FAX (813) 784-8888

PROJECT DESCRIPTION

HAWK'S HAVEN

PART OF SECTIONS 27, 34, 35 AND 36
 TOWNSHIP 48 SOUTH
 RANGE 28 EAST
 LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY
 AND IS SUBJECT TO CHANGE
 TO ADDRESS ZONING ISSUES,
 ENVIRONMENTAL CONCERNS,
 REGULATORY COMMENTS,
 ENGINEERING DESIGN, FIELD
 VERIFICATION AND ANY OTHER
 POTENTIAL PLANNING ISSUE
 * NOT FOR CONSTRUCTION *

NOT VALID WITHOUT ENGINEER SEAL, SIGNATURE AND DATE
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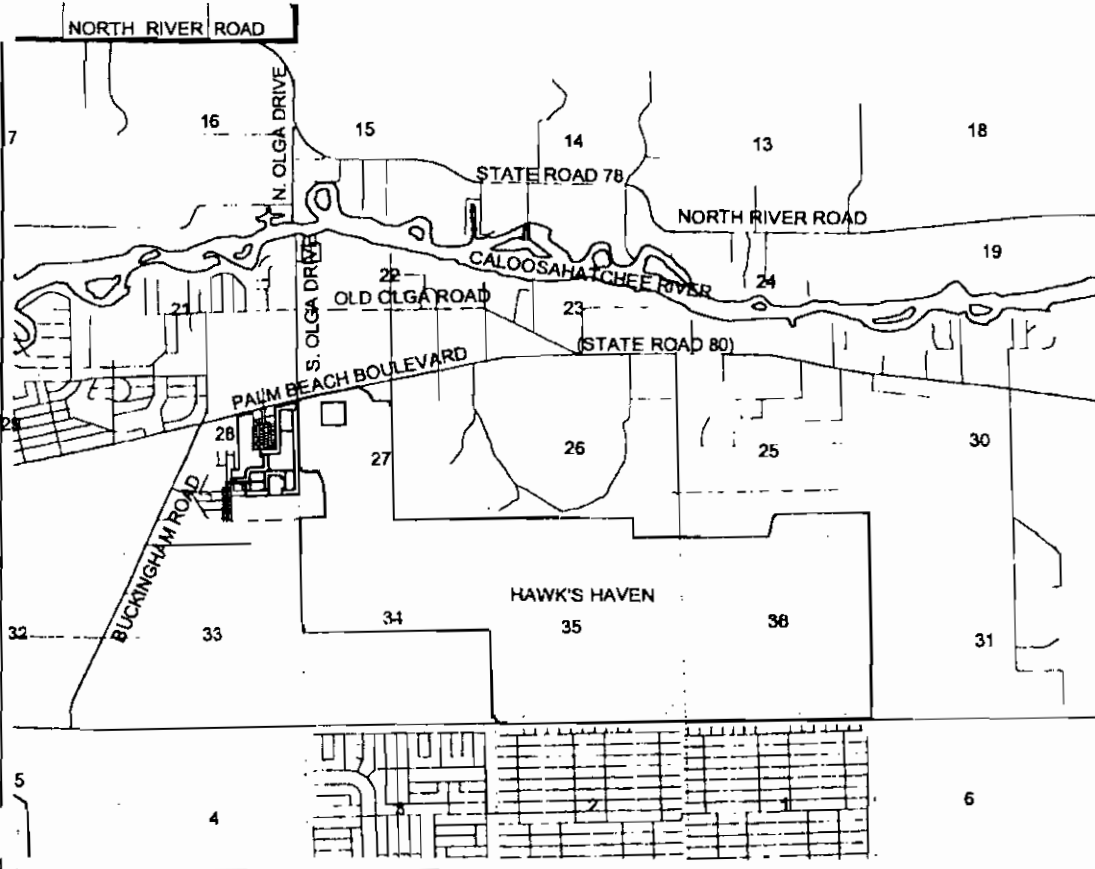
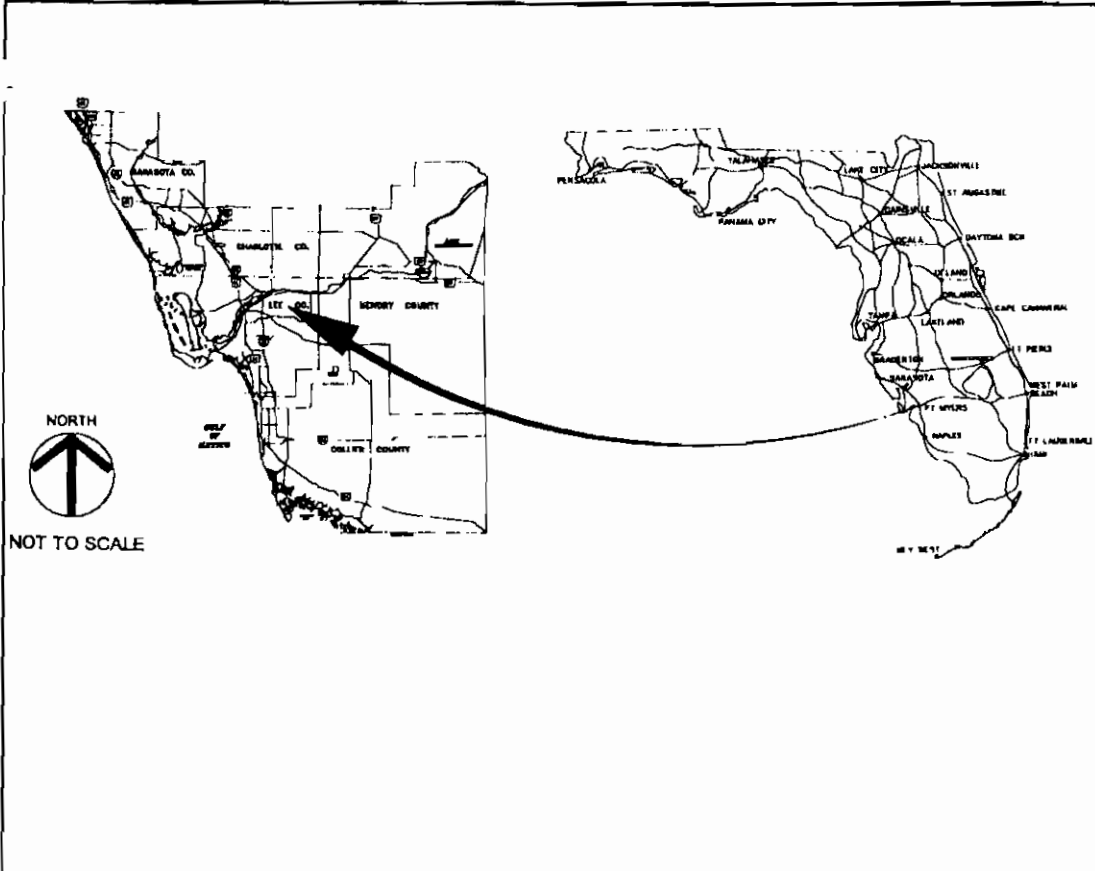
DATE	2/20/04
LAYOUT	LAYOUT 1
LOCATION	J. SIMMONS (2004)
PROJECT	WFD 4 18 2004 9:00AM
DESIGNED BY	JOHN STINE
DATE	
JUN 11	
JUN 12	
JUN 13	
JUN 14	
JUN 15	
JUN 16	

PLAN REVISIONS

PLAN STATUS
 HAWK'S HAVEN CDD

LOCATION MAP EXHIBIT A

PRECEDENCE / FILE NO.	SHEET NUMBER
21006 27-45-26	1 OF 1



NORTH

 NOT TO SCALE

River Hall CDD Legal Description

Exhibit B

DESCRIPTION

Parcel in
Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34 run $N00^{\circ}59'34''W$ along the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34 for 2,654.70 feet to the East Quarter Corner of said Section 34; thence run $S89^{\circ}15'30''W$ along the North line of the South Half (S $\frac{1}{2}$) of said Section 34 for 5,100.92 feet to a point on a non-tangent curve at the intersection with the Easterly line of lands described in a deed recorded in Official Record Book 4107, at Page 886, Lee County Records; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta $21^{\circ}30'24''$) (chord bearing $N34^{\circ}21'11''W$) (chord 89.56 feet) for 90.09 feet to a point of tangency; thence run $N45^{\circ}06'23''W$ along said Easterly line for 156.71 feet to a point of curvature; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta $06^{\circ}54'55''$) (chord bearing $N48^{\circ}33'50''W$) (chord 28.95 feet) for 28.97 feet to an intersection with the West line of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 34; thence run $N00^{\circ}49'55''W$ along said West line for 2,437.57 feet to the Southwest Corner of said Section 27; thence run $N00^{\circ}49'48''W$ along the West line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27 for 659.59 feet to the Southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27; thence run $N89^{\circ}06'39''E$ along the South line of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27 for 1,318.66 feet to the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27; thence run $N00^{\circ}50'33''W$ along the East line of said Fraction for 660.48 feet to the Northeast Corner of said Fraction; thence run $S89^{\circ}04'20''W$ along the North line of said Fraction for 659.26 feet to the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27; thence run $N00^{\circ}50'10''W$ along the East line of said Fraction for 660.23 feet to the Northeast Corner of said Fraction; thence run $S89^{\circ}02'22''W$ along the North line of said Fraction for 659.19 feet to an intersection with the West line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27; thence run $N00^{\circ}49'48''W$ along said West line for 659.85 feet to the West Quarter Corner of said Section 27; thence run $N00^{\circ}47'16''W$ along the West line of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 27 for 1,328.51 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run $N77^{\circ}10'14''E$ along said Southerly right of way line for 2,020.27 feet to an intersection with the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 27; thence run $S00^{\circ}50'17''E$ along said West line for 421.56 feet to the Southwest Corner of said Fraction, being designated as POINT "A"; thence run $N88^{\circ}54'52''E$ along the South line of said Fraction for 658.74 feet to an intersection with the West line of the East Half (E $\frac{1}{2}$) of said Section 27; thence run $S00^{\circ}51'17''E$ along said West line for 2,065.72 feet to an intersection with the Southwesterly line of Conservation Easement CE-5, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records; thence run along said Southwesterly line the following courses: $S89^{\circ}09'06''W$ for 37.27 feet to a point on a non-tangent curve; northwesterly along an arc of curve to the left of radius 544.11 feet (delta $28^{\circ}08'56''$) (chord bearing $N29^{\circ}19'43''W$) (chord 264.63 feet) for 267.31 feet to a point on a non-tangent curve;

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DESCRIPTION (Cont.)

northerly along an arc of curve to the right of radius 76.19 feet (delta 50°10'58") (chord bearing N18°17'17"W) (chord 64.62 feet) for 66.73 feet to a point on a non-tangent curve; and northerly along an arc of curve to the left of radius 294.98 feet (delta 04°38'23") (chord bearing N04°29'11"E) (chord 23.88 feet) for 23.89 feet; thence run S89°59'57"W along a non-tangent line for 290.94 feet to a point on a non-tangent curve and an intersection with the Southerly line of Conservation Easement CE-6, described in a deed recorded in Official Record Book 3492, at Page 568, Lee County Records; thence run along said Southerly line the following courses: southerly along an arc of curve to the left of radius 366.19 feet (delta 02°13'10") (chord bearing S03°58'21"W) (chord 14.18 feet) for 14.19 feet; S69°32'12"W along a non-tangent line for 112.75 feet to a point on a non-tangent curve; southwesterly along an arc of curve to the left of radius 175.00 feet (delta 102°58'00") (chord bearing S52°06'04"W) (chord 273.85 feet) for 314.49 feet; S88°44'23"W along a non-tangent line for 23.42 feet; S71°47'56"W for 48.67 feet; S07°58'00"W for 35.55 feet; S03°55'13"E for 56.03 feet; S23°32'56"W for 47.94 feet; S33°25'14"W for 36.18 feet; S12°58'58"W for 61.88 feet; N86°33'52"W for 89.92 feet; and S82°52'46"W for 49.35 feet; thence run S84°07'47"W along said Southerly line and the extension thereof for 87.43 feet to a point on a non-tangent curve; thence run southeasterly along an arc of curve to the left of radius 700.00 feet (delta 34°14'28") (chord bearing S52°26'02"E) (chord 412.14 feet) for 418.33 feet to a point of tangency; thence run S69°33'15"E for 283.26 feet to a point of curvature; thence run southeasterly along an arc of curve to the right of radius 550.00 feet (delta 53°24'45") (chord bearing S42°50'53"E) (chord 494.36 feet) for 512.72 feet to a point of tangency; thence run S16°08'30"E for 429.10 feet to a point of curvature; thence run southerly along an arc of curve to the left of radius 700.00 feet (delta 02°04'24") (chord bearing S17°10'43"E) (chord 25.33 feet) for 25.33 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide) and Florida Power & Light Co. Easement (100 feet wide), described in a deed recorded in Deed Book 230, at Page 106, Lee County Records; thence run N89°00'08"E along a non-tangent line and said Northerly right of way line for 112.79 feet to an intersection with the West line of the East Half (E 1/2) of said Section 27; thence run S00°51'17"E along said West line for 50.00 feet to an intersection to an intersection with the North line of the South 50 feet of said former Seaboard All Florida Railroad right of way (100 feet wide); thence run N89°00'08"E along said North line for 7,949.61 feet to an intersection with the West line of the Southwest Quarter (SW 1/4) of said Section 25; thence run N00°33'55"W along said West line for 50.00 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said right of way line for 5,295.61 feet to an intersection with the East line of the Southeast Quarter (SE 1/4) of said Section 25; thence run S01°39'28"E along said East line for 629.62 feet to the Northeast Corner of said Section 36 being designated as POINT "B"; thence run S00°16'51"E along the East line of the Northeast Quarter (NE 1/4) of said Section 36 for 2,647.36 feet to the East Quarter Corner of said Section 36; thence run S00°45'42"E along the East line of the Southeast Quarter (SE 1/4) of said Section 36 for 2,644.68 feet to the Southeast Corner of said Section 36; thence run S89°12'27"W along the South line of the Southeast Quarter (SE 1/4) of said Section 36 for 2,644.62 feet the South Quarter Corner of said Section 36; thence run S89°11'43"W along the South line of the Southwest Quarter (SW 1/4) of said Section 36 for 2,643.63 feet to the Southeast Corner of said Section 35; thence run S88°54'06"W along the South line of the Southeast Quarter (SE 1/4) of said Section 35 for 2643.62 feet to the South Quarter Corner of said Section 35; thence run

S88°53'41"W along the South line of the Southwest Quarter (SW 1/4) of said Section 35 for 2,642.70 feet to the POINT OF BEGINNING.

LESS and EXCEPT the following described parcels.

From the point designated as POINT "A" run S88°54'52"W along the South line of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 27 for 658.74 feet to the Northeast Corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 27 and POINT OF BEGINNING.

From said Point of Beginning run S00°49'17"E along the East line of said Fraction for 660.13 feet to the Southeast Corner of said Fraction; thence run S88°57'38"W along the South line of said Fraction for 658.93 feet to the Southwest Corner of said Fraction; thence run N00°48'16"W along the West line of said Fraction for 659.60 feet to the Northwest Corner of said Fraction; thence run N88°54'52"E along the North line of said Fraction for 658.74 feet to the POINT OF BEGINNING.

AND

LESS and EXCEPT the following described parcel.

From the point designated as POINT "B" run S88°44'46"W along the South line of the Southeast Quarter (SE 1/4) of said Section 25 for 2,674.22 feet to the South Quarter Corner of said Section 25, run S89°12'44"W along the South line of the Southwest Quarter (SW 1/4) of said Section 25 for 2,633.46 feet to the Southeast Corner of said Section 26 and POINT OF BEGINNING.

From said Point of Beginning run S89°14'15"W along the South line of the Southeast Quarter (SE 1/4) of said Section 26 for 1,327.50 feet to the Southwest Corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 26; thence run N00°23'46"W along the West line of said Fraction for 526.48 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run N89°00'08"E along said Southerly right of way line for 1,325.98 feet to an intersection with the East line of the Southeast Quarter (SE 1/4) of said Section 26; thence run S00°33'55"E along said East line for 531.91 feet to the POINT OF BEGINNING.

Containing a Total Area of 1958.43 Acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the west line of the Northwest Quarter (NW 1/4) of said Section 34 to bear N00°49'55"W.

L:\21988 - Hawks Haven\DESC\21988-exhibit b.doc

DESCRIPTION

Parcel in
Section 25, Township 43 South, Range 26 East
Lee County, Florida.

A tract or parcel of land lying in Section 25, Township 43 South, Range 26 East, Lee county, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter (SW-1/4) of said Section 25, run $N00^{\circ}33'55''W$ along the West line of said fraction for 531.91 feet to an intersection with the South line of the Former Seaboard All Florida Railroad Right of Way; thence run $N89^{\circ}00'08''E$ along said South line for 2629.60 feet to an intersection with the East line of said Southwest Quarter (SW-1/4); thence run $S00^{\circ}58'43''E$ along the East line of said fraction for 541.54 feet to the Southeast corner of said fraction; thence run $S89^{\circ}12'44''W$ along the South line of said fraction for 2633.46 feet to the Point of Beginning.

Containing 32.42 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the South line of the Southwest Quarter (SW-1/4) of said Section 25 to bear $S89^{\circ}12'44''W$.

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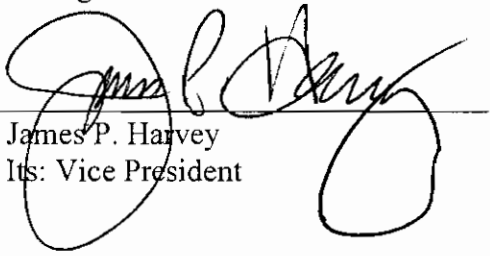
CONSENT

The undersigned, Hawk's Haven Golf Course Community Developers, LLC, a Delaware limited liability company, hereby consents to the expansion of the River Hall Community Development District, as more particularly described in the Petition to Expand the River Hall Community Development District which is being submitted herewith to the Florida Land and Water Adjudicatory Commission.

**HAWK'S HAVEN GOLF COURSE
COMMUNITY DEVELOPERS, LLC,** a
Delaware limited liability company

By: LANDMAR GROUP, LLC, a Delaware
limited liability company, its sole member

By: LANDMAR MANAGEMENT, LLC, a
Delaware limited liability company, its
manager

By: 
James P. Harvey
Its: Vice President

Board of Supervisors

Graydon Miars, Chairman
2401 River Hall Parkway
Alva, Florida 33920

Kevin McKyton, Vice Chairman
2202 N. Westshore Boulevard
Suite 125
Tampa, FL 33606

James Harvey, Supervisor
2202 N. Westshore Boulevard
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Tampa, FL 33606

Bruce Parker, Supervisor
2202 N. Westshore Boulevard
Suite 125
Tampa, FL 33606

Robert Nelson, Supervisor
2202 N. Westshore Boulevard
Suite 125
Tampa, FL 33606

EXISTING 24" WATERMAIN

EXISTING 30" RAW WATER MAIN

LEGEND

- 8" WATERMAIN
- 10" WATERMAIN
- 12" WATERMAIN

F.P.L. EASEMENT

OUT PARCEL



NOTE: MASTER UTILITY PLAN SUBJECT
 TO LEE COUNTY UTILITY APPROVAL

HAWK'S HAVEN

Community Development District Proposed Construction Timetable and Cost Estimates*

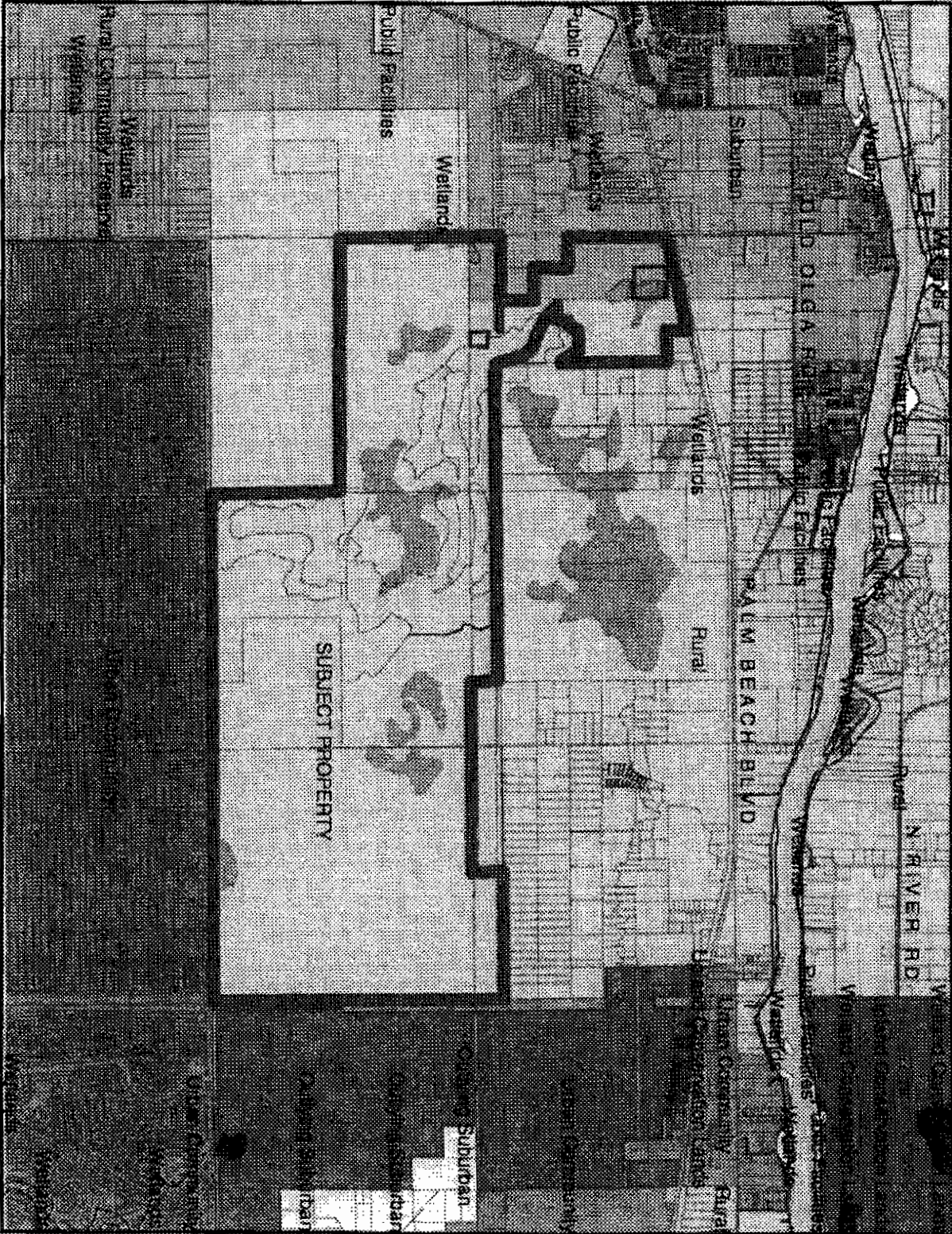
May 2004

	Construction Period					Total Project
	Phase I 2005-2006	Phase 2 2006-2009	Phase 3 2009-2011	Phase 4 2011-2013	Phase 5 2013-2014	
Land (ROW, Water Management, Conservation Areas)	9,300,000	6,150,000	5,250,000	5,250,000	4,800,000	30,750,000
Water and Sewer Facilities	4,500,000	3,000,000	3,000,000	3,000,000	1,600,000	15,100,000
Irrigation Facilities	1,000,000	650,000	600,000	600,000	350,000	3,200,000
Storm Water Management	6,000,000	4,000,000	3,375,000	2,000,000	1,000,000	16,375,000
Roadway	3,000,000	2,340,000	1,380,000	1,080,000	800,000	8,600,000
Off-site Roadway Improvements	114,000					114,000
Hardscape/Landscape	400,000	200,000	150,000	150,000	150,000	1,050,000
Community Center	2,000,000					2,000,000
Off-site Water and Sewer Facilities	720,000					720,000
Professional and Permit Fees	1,080,000	800,000	685,000	685,000	350,000	3,600,000
Total Costs	28,114,000	17,140,000	14,440,000	12,765,000	9,050,000	81,509,000

*There are no changes to the construction timetable and cost estimate anticipated.

HAWK'S HAVEN
Community Development District
Proposed Infrastructure Plan
May 2004

Facility	Construction	Ownership	Capital Financing	Operation and Maintenance
Roads & Street Lighting	CDD	Lee County/CDD	Special Assessment Revenue Bonds	Lee County/CDD Master Association
Water and Wastewater Irrigation	CDD	Lee County	Special Assessment Revenue Bonds	Lee County
Surface Water Management	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment
Landscape and Hardscape	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment
Park and Recreational Facilities	CDD	CDD	Special Assessment Revenue Bonds	CDD Maintenance Assessment



Barraco
and Associates, Inc.

10000 South Pine Street
Fort Myers, Florida 33907
Phone: 941-933-1111
Fax: 941-933-1112
www.barraco.com

EXHIBIT H
FUTURE LAND USE MAP
HAWK'S HAVEN CDD
LEE COUNTY, FLORIDA



2005 NOV 16 PM 3:57
RECEIVED BY
LEE CO. ATTORNEY

STATEMENT OF ESTIMATED REGULATORY COSTS
FOR
RIVER HALL
COMMUNITY DEVELOPMENT DISTRICT
EXPANSION OF DISTRICT BOUNDARIES

PREPARED BY:

RIZZETTA & COMPANY, INC.
3434 Colwell Avenue
Suite 200
Tampa, Florida 33614
(813) 933-5571

October 19, 2005

RIZZETTA & COMPANY
INCORPORATED

**RIVER HALL
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS**

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RIVER HALL COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS
EXPANSION OF DISTRICT BOUNDARIES

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 expand the boundaries of the River Hall 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."

In addition, the parameters for the review and evaluation of community development

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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. RIVER HALL COMMUNITY DEVELOPMENT DISTRICT

The River Hall Community Development District ("Existing District") was established on April 21, 2005, the petition to expand was filed in October of 2005, and the Existing District currently encompasses approximately 1946.03 acres. The petitioner is seeking authority, as outlined in Section 190.012 F.S., to expand the boundaries of the Existing District in order 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 not limited to: water

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management and control, water supply, sewer, wastewater management, bridges or culverts, District roads and street lights, transportation facilities, parking improvements, environmental remediation and cleanup, conservation areas, parks and recreational facilities, security, 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. The District seeks to annex approximately 30 acres of land ("Annexed Land") into the Existing District.

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

II. STATUTORY ITEMS:

Section 120.541(2), F.S. (2002), defines the elements a Statement of Estimated Regulatory Costs must contain, as follows:

- (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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RIVER HALL COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS
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The estimated regulatory impacts of the expansion of the boundaries 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-Existing District, D) current property owners-Annexed Land and E) 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 expansion of the District boundaries 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 expansion of the District boundaries and 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-EXISTING DISTRICT

The current property owners of the lands within the boundaries of the Existing

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District will not be affected by the expansion of the District boundaries to the extent that the District issues debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

D. CURRENT PROPERTY OWNERS-ANNEXED LAND

The current property owners of the lands within the boundaries of the Annexed Land will be affected by the expansion of the District boundaries to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

E. FUTURE PROPERTY OWNERS

The future property owners are those who will own property in the Annexed Land. These future property owners will be affected by the proposed expansion of the District boundaries to the extent that the District allocates 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

I. State of Florida (The "Agency")

Because the Existing District encompasses more than 1,000 acres, this petition is being submitted to the Florida Land and Water Adjudicatory Commission (i.e., the "Agency" under Section 120.541(2), F.S. (2003) for approval in accordance with Section 190.005(2), F.S. (2003). The Agency will incur certain one-time administrative costs involved with the review of this petition.

Once the District is expanded, the State of Florida will incur only nominal administrative costs to review the periodic reports required pursuant to Chapters 190 and 189, F.S. (2003). 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

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RIVER HALL COMMUNITY DEVELOPMENT DISTRICT
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the Special Districts Information Program to administer the reporting requirements of Chapter 189, F.S. (2003). Because the Existing District, as defined in Chapter 190, F.S. (2003), 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.

2. Lee County

Once the Existing District is expanded, 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 improvements are borne entirely by the District. The Existing 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, Lee County should not incur any costs. The Agency may, however, choose to review these documents. To offset these one time administrative costs, the petitioner will submit a filing fee of \$1,500 to Lee County.

3. The District.

The 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 Annexed Land 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.

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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 constitutes 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 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, expanding the boundaries of the River Hall 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 expand the boundaries of 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 Existing District. The revenue generated by payment of these assessments will be used to repay the bonds. The obligation to pay the assessments will "run with the land" and will be transferred to new property owners upon sale of any portions of the property.

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

All persons choosing to acquire property in the Annexed Land will be responsible for such assessments in addition to the taxes or assessments imposed by Lee County or

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other taxing authorities.

In exchange for the payment of these special assessments, there are potential 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.

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.

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

Furthermore, the District must operate according to Florida's "Sunshine" laws and must follow 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.

Expanding the boundaries 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, expanding the boundaries of a CDD should not have a negative impact on small cities or counties, because the cost to construct the infrastructure is borne

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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.

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RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, IN SUPPORT OF THE RIVER HALL COMMUNITY DEVELOPMENT DISTRICT PETITION TO EXPAND THE DISTRICT, AND TO AUTHORIZE THE COUNTY MANAGER AND COUNTY ATTORNEY TO TAKE PROPER AND REASONABLE ACTION NECESSARY TO SUPPORT THE PETITION.

WHEREAS, Chapter 190, Florida Statutes, provides for establishment and expansion of a Uniform Community Development District pursuant to rulemaking triggered by petition to the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission (FLAWAC); and

WHEREAS, Florida Administrative Code Rule 42YY-1 was adopted by FLAWAC on April 21, 2005, establishing River Hall Community Development District encompassing 1,926.03 acres; and

WHEREAS, River Hall Community Development District has petitioned the Governor and Cabinet to expand the District boundaries within unincorporated Lee County to include an additional 32 acres generally described as:

All that portion of land lying in the southwest quarter (SW 1/4) of Section 25, Township 43 south, Range 26 east, lying south of the former Seaboard Railroad, Lee County, Florida; and

WHEREAS, the proposed district boundary expansion does not, and by law may not, affect the rights, authority and duty of Lee County to regulate land use and growth on the District property; and

WHEREAS, prior to the filing of the petition with the Governor and Cabinet the River Hall Community Development District, on October 31, 2005, submitted the petition to Lee

County for its review, along with a processing fee of \$1,500.00; and

WHEREAS, under Section 190.046(d)(4), Florida Statutes, Lee County may notice and conduct an optional hearing on what position, if any, to take on the boundary expansion petition; and

WHEREAS, the exercise of its power and functions by a community development district government must by law comply with, not function inconsistent with, must be compatible with, and subject to, all laws, policies, regulations and ordinances of Lee County governing the existing and future use of the land on which the proposed district is established, as provided in Chapter 190, Florida Statutes; and

WHEREAS, the exercise of the board of supervisors of the general and special powers of a community development district is subject to all procedural requirements including noticed meetings, government-in-the-sunshine, ethics and conflicts of interest, and various limitations on the powers, functions and duties of the district; and

WHEREAS, the adoption of this Resolution of Support will not under any circumstances prejudice or preempt any land use decisions currently in effect or to be decided in the future by Lee County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, that, having considered and reviewed the subject Petition and the representations and acknowledgments of the River Hall Community Development District, its representatives and counsel, the Board finds and determines that:

- (1) expansion of the existing community development district in this particular instance is in the best interest of Lee County and its citizens; and

- (2) it is in the best interests of the citizens of Lee County to support the establishment of the proposed district expansion;
- (3) in order to provide appropriate protection for the citizens of Lee County that will reside within this District, the Board proposes that the following language be included in the enacting legislation for this District:

Any seller of property within the boundaries of the River Hall Community Development District, including their seller's successors and assigns, must include the disclosure statement contained in Section 190.048, Florida statutes, in the initial land purchase agreement as well as all subsequent purchase agreements. This condition will apply for the life of the Community Development District; and

- (4) the Board so instructs the County Manager and County Attorney to take such actions as are proper and reasonable to support the proposed district expansion and to take steps to file this Resolution in the record of the rulemaking process.

This Resolution adopted after motion, second and majority vote favoring same.

DATED:

ATTEST:

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

Charlie Green, Clerk

By: _____
Tammara Hall, Chairwoman

APPROVED as to form and
legal sufficiency:

Assistant County Attorney