

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

**DATE CRITICAL
Blue Sheet No. 20061201**

1. ACTION REQUESTED/PURPOSE: To adopt and enact a non-emergency ordinance to amend Lee County Ordinance 05-27, to authorize The Verandah East Community Development District to exercise special powers for parks (recreation) and security, to public hearing on October 3, 2006 at 9:30 a.m.

2. WHAT ACTION ACCOMPLISHES: The Verandah East Community Development District has petitioned the Board of County Commissioners for consent to exercise special powers for parks (recreation) and security under F.S. §190.012(2)(a) and (d).

3. MANAGEMENT RECOMMENDATION: Allows the Board to consider the petitioned request of The Verandah East Community Development District and provides a forum to evaluate the appropriateness of the request.

4. Departmental Category: 04

9:30 AM PH3

5. Meeting Date:

Tuesday, Oct. 3, 2006 @ 9:30 a.m.

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute Chap. 190, F.S.
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner
Department County Attorney's Office
Division Land Use
By: *John J. Fredyma*
 John J. Fredyma
 Assistant County Attorney

9. Background: The Verandah East Community Development District ("District") was established in accordance with F.S. Chapter 190 by adoption of Lee County Ordinance 05-27 on December 6, 2005. The District has petitioned the Lee County Board of County Commissioners to conduct a public hearing and adopt a non-emergency ordinance granting the District additional special powers for parks (recreation) and security as provided under Florida Statutes §190.012(2)(a) and (d), respectively.

Currently, the District is comprised of 652.58± acres and has the power to finance, build and operate systems and facilities for basic infrastructure such as water management, water supply and wastewater management, bridges and culverts, district roads and other projects within or outside the District boundary for which a development order is issued.

The District's request for additional special powers is consistent with the Lee County Comprehensive Plan (Lee Plan). All development activity within the District will be subject to the Lee Plan and all related land development regulations.

(Continued on the second page)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>Sample</i>	RK 9/13	MP 9/13/06	9/13/06	9/13/06	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
9/13/06 9:30 AM

RECEIVED BY
COUNTY ADMIN.
9/13/06 11:30 AM
COUNTY ADMIN
FORWARDED TO:
9-14-06
11 AM

At the public hearing, inquiry will focus on whether or not a change has occurred since the creation of the District that would render authorization of additional powers inappropriate. Under F.S. §190.012(2)(a) and (d), the District's petition is requesting that the Board of County Commissioners grant the District, through its board of supervisors, the ability to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural and educational facilities; and, for security, including, but not limited to, guard houses, fences and gates, electronic-intrusion detection systems, and patrol cars. The statute specifically prohibits the District from exercising any police powers, but the District may contract with the appropriate governmental agency for an increased level of such services within the District boundary.

Staff has reviewed the factors set forth in F.S. §190.005(1)(e) and finds no new information relevant to those factors that is inconsistent with the consent to exercise additional special powers for parks (recreation) and security.

Attachments:

1. FAIS Form
2. Draft Ordinance
3. Staff Report
4. Petition by District

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

**NAME OF ORDINANCE: REQUEST FOR SPECIAL POWERS
 OF VERANDAH EAST COMMUNITY
 DEVELOPMENT DISTRICT**

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

To adopt an ordinance amending Ordinance 05-27 which grants the Verandah East Community Development District the ability to exercise the optional special powers as listed under F.S. Section 190.012(2)(a) and (d).

B. Narrative Summary of Ordinance (Several Sentence Summary)

The petition is requesting that the Board of County Commissioners grant the District, through its board of supervisors, the ability to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational facilities; and, for security, including, but not limited to, guard houses, fences and gates, electronic-intrusion detection systems, and patrol cars. The statutes specifically prohibit the district from exercising any police powers, but the district may contract with the appropriate governmental agency for an increased level of such services without the district boundary.

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

None

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

VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT

II. Fiscal Impact on County Agencies/County Funds.

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

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

C. What are estimated costs?

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

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

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

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

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

No financial or administrative impact. This amending ordinance would grant the District additional, optional powers in accordance with Florida Statutes.

LEE COUNTY ORDINANCE NO. 06- _____

AN ORDINANCE CONSENTING TO AND AUTHORIZING THE EXERCISE OF CERTAIN OPTIONAL (SPECIAL) POWERS BY THE VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT AS SET FORTH IN FLORIDA STATUTE §190.12(2)(a) AND (d) RELATING TO PARKS AND SECURITY; PROVIDING FOR ORDINANCE AUTHORITY; AUTHORIZATION FOR EXERCISE OF OPTIONAL (SPECIAL) POWERS; STATUTORY PROVISIONS GOVERNING THE DISTRICT; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, The Verandah East Community Development District was established in accordance with Florida Statutes §190.005(2) pursuant to Lee County Ordinance No. 05-27, and adopted by the Lee County Board of County Commissioners on December 6, 2006; and

WHEREAS, The Verandah East Community Development District has requested the Lee County Board of County Commissioners for authorization to exercise the optional special powers identified in Florida Statutes §190.012(2)(a) and (d) relating to parks and security; and

WHEREAS, Florida Statutes §190.012(2)(a) and (d) provides that an established community development district can exercise a number of special powers desirable in the management of The Verandah East Community Development District only after the Lee County Board of County Commissioners consent to the exercise of these powers; and

WHEREAS, The Veranda East Community Development District specifically requests permission to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses, as well as security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; and

WHEREAS, staff review of the operations and functions of The Verandah East Community Development District and all related information indicates there is no rational basis to refuse authority for the exercise of additional powers set forth in the District's petition; and

WHEREAS, the Lee County Board of County Commissioners has confirmed that the District government has the capability to provide the additional services represented by the special powers the District seeks to exercise; and

WHEREAS, the requested additional powers are not inconsistent and will always be subject to the Lee County Comprehensive Land Use Plan and all related land development regulations and are activities of the District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: ORDINANCE AUTHORITY

This ordinance is adopted in accordance with Florida Statutes Chapter 190 and other applicable provisions of law governing County Ordinances.

SECTION TWO: AUTHORIZATION FOR EXERCISE OF OPTIONAL (SPECIAL) POWERS

The Lee County Board of County Commissioners consent to and authorize The Verandah East Community Development District to exercise the additional special powers set forth in Florida Statutes §190.012(2)(a) and (d).

Specifically, The Verandah East Community Development District is authorized to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for:

1. Parks and facilities for indoor and outdoor recreational, cultural and educational uses; and
2. Security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies, except that the district may not exercise any police power, but may contract with the appropriate local general-purpose governmental agencies for an increased level of such services within the district boundaries.

SECTION THREE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

The Verandah East Community Development District will continue to be governed by the provisions of Florida Statutes, Chapter 190.

SECTION FOUR: 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 FIVE: 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 _____
Tammara Hall _____
John E. Albion _____

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairwoman

APPROVED AS TO FORM:

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

PLANNING DIVISION

M E M O R A N D U M



LEE COUNTY

SOUTH WEST FLORIDA

to: John Fredyma, Assistant County Attorney
from: Paul O'Connor, AICP, Director of Planning
POC
subject: Verandah East Community Development District
date: July 31, 2006

2006 JUL 31 PM 3:50
RECEIVED BY
LEE CO. ATTORNEY

Planning staff has completed its review of the petition to exercise the special powers listed under F.S. Section 190.012(2)(a) and (d) made by the Verandah East Uniform Community Development District. Attached is the staff report being issued by the Lee County Division of Planning supporting the petition to exercise the special powers. In addition, page 3 of the petition has been revised and an authorization page, both supplied by the petitioner, are also being sent to your office for distribution.

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

**ANALYSIS OF THE VERANDAH EAST UNIFORM COMMUNITY DEVELOPMENT
DISTRICT PETITION TO PROVIDE ADDITIONAL POWERS**

Prepared for
Board of County Commissioners
by
Lee County Division of Planning
July 31, 2006

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 Verandah East Community Development District was established by the Lee County Board of County Commissioners through Ordinance No. 05-27 on December 6, 2005, with an effective date of December 8, 2005.

The Verandah East Community Development District, hereafter called "District", has petitioned the Lee County Board of County Commissioners to adopt an ordinance consenting to the exercise of certain optional special powers.

The District has its offices located at 15730 Red Fox Run, Fort Myers, Florida, 33912. The Chairman of the Board of Supervisors is James Carroll. The property within the district is located in Lee County, Florida, lying within Sections 28, 29, 32, and 33, Township 43 South, Range 26 East. The land area is bounded on the West by the Verandah West UCDD, on the North by Palm Beach Boulevard, on the East by Buckingham Road, and on the South by single family and vacant lands .

When approved, 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.

A petition to grant additional powers was received by Lee County from the District on June 15, 2006. Lee County Planning staff has reviewed the petition and finds it to be sufficient. At this time, the District has petitioned the Board of County Commissioners to conduct a hearing for the purpose of adopting an ordinance amending Ordinance 05-27 that will consent to the exercise by the District of the additional powers specifically granted in and set forth in Section 190.012(2)(a) and (d), Florida Statutes. These powers give the District the ability to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities 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. The statutes specifically prohibit the district from exercising any police powers, but the district may contract with the appropriate governmental agency for an increased level of such services within the district boundary.

At the subject hearing the focus of the inquiry will not be the appropriateness of the established district, rather, the focus will be on whether any matter has changed since the district was created and established which would render the consent to the exercise of additional powers inappropriate. Staff has reviewed the six factors set forth in 190.005 (1) (e) Florida Statutes in connection with the operation of the District since December 8, 2005 and can find no change in circumstance or condition relevant to those factors which would

be inconsistent with consenting to the exercise of these granted powers. In addition staff finds that granting these powers will afford benefits to the people owning property within the district.

The District's request for consent by the County to exercise additional powers granted by statutory charter is not inconsistent with, and shall always be subject to, the Lee County Comprehensive Plan and all of the County's related land development regulations.

Planning staff recommends that the Lee County Board of County Commissioners adopt an ordinance amending Ordinance 05-27 which grants the Verandah East Community Development District the ability to exercise the optional special powers as listed under F.S. Section 190.012(2)(a) and (d).

contained at sections 190.006-190.041, Florida Statutes, said special powers specifically being, to plan, establish, acquire, operate and maintain additional systems and facilities for:

Parks and facilities for indoor and outdoor recreation, cultural, and educational uses.

Security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the district boundaries.

as according to subsections (a & d) of section 190.012(2), Florida Statutes.

B. Thereafter, to grant this Petition and adopt an ordinance or resolution consenting to the exercise of the certain special powers as petitioned by the District.

REPECTFULLY SUBMITTED to the County this 15th day of Nov, 2006.

By: 

Charles Mann, Esq.
Pavese Law Firm
1833 Hendry Street
Fort Myers, FL 33902-1507
Representatives for the Petitioner

AUTHORIZATION TO REPRESENT

Please be advised that CHARLES MANN of PAVESE LAW FIRM, LLP is hereby authorized to represent VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT, a Florida independent special district established pursuant to Ch. 190, Fla. Stat., in all aspects of the petition to Lee County for the consent to exercise special powers.

VERANDAH EAST COMMUNITY
DEVELOPMENT DISTRICT

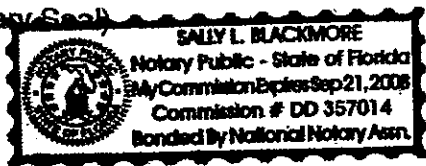
By: James O. Carroll
James O. Carroll, Chairman

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 25th day of May, 2006, by James O. Carroll as Chairman of the Board of Supervisors of the Verandah East Community Development District, on behalf of the District, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(Notary Seal)



Sally L. Blackmore
Signature of Notary Public

Sally L. Blackmore
(Print, type or stamp commissioned name of Notary Public)

Commission No:

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY, FLORIDA

RE: REQUEST FOR COUNTY CONSENT
(BY RESOLUTION PURSUANT TO SECTION 190.012(2),
FLORIDA STATUTES TO THE
EXERCISE BY THE VERANDAH EAST
COMMUNITY DEVELOPMENT DISTRICT
OF CERTAIN SPECIAL POWERS
GRANTED IN THE STATE-CREATED CHARTER)

2006 JUN 15 AM 9:54
RECEIVED BY
LEE CO. ATTORNEY

**PETITION FOR CONSENT TO EXERCISE
CERTAIN SPECIAL STATE-GRANTED CHARTER POWERS**

The VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT, (hereinafter "Petitioner" or "District") by and through its undersigned attorney, hereby petitions the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ("County") to adopt a resolution consenting to the exercise of certain special powers granted to the District by the District's charter (and as expressed in the Uniform Community Development District Act of Florida, chapter 190, Florida Statutes (2005) and hereafter). In support thereof, Petitioner submits:

1. Petitioner has its District offices located at Wrathell, Hunt and Associates, c/o Chuck Adams, Director of Operations, 15730 Red Fox Run, Fort Myers, Florida 33912 and its Chairman of the Board of Supervisors is James L. Carroll.
2. The land area within which the special powers are to be exercised, if consent is granted, is within the boundaries and jurisdiction of the County as provided in County Ordinance No. 05-27 establishing the District, as adopted by the County on the 6th day of

December, 2005, and filed with the Secretary of State on 8th day of December, 2005, and attached hereto as Exhibit "1."

3. The Petition for Establishment, as well as county staff and county commission review, addressed the potential exercise by the District of all special powers granted in 190.012(2), Florida Statutes as of the date the District was established, as evidenced at paragraph nine of the Ordinance attached as Exhibit "1."

4. Attached as Exhibit "2" is that certain portion of the minutes of the District Board of Supervisor's meeting on the 10th day of January, 2006 wherein the Board approved the exercise by the District of those special powers herein petitioned for pursuant to section 190.012(2), Florida Statutes (2005).

5. There have been no substantive changes since the passage of County Ordinance No. 05-27 in facts, circumstances, or conditions that would affect the determination of the County regarding the District exercising certain special powers. Attached as Exhibit "3" are affidavits by the District Manager, Engineer, and Financial Consultants, attesting to the fact that no substantive changes have occurred since the establishment of the District and that the consent to the exercise of certain powers granted by the state in section 190.012 (2), Florida Statutes (2005), is applicable and appropriate.

WHEREFORE, Petitioner respectfully requests the County to:

A. Direct its staff to do the things necessary to provide statutory notice with respect to the adoption of resolution by the County to consent for the District to exercise its certain special powers granted by the District's state law charter

contained at sections 190.006-190.041, Florida Statutes, said special powers specifically being, to plan, establish, acquire, operate and maintain additional systems and facilities for:

Parks and facilities for indoor and outdoor recreation, cultural, and educational uses.

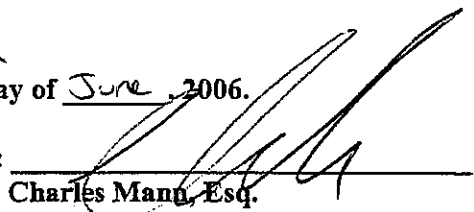
Security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by property governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general purpose government agencies for in increased level of such services within the district boundaries.

as according to subsections (a & d) of section 190.012(2), Florida Statutes.

B. Thereafter, to grant this Petition and adopt an ordinance or resolution consenting to the exercise of the certain special powers as petitioned by the District.

REPECTFULLY SUBMITTED to County this the 15th day of June, 2006.

By: _____


Charles Mang, Esq.
Pavese Law Firm
1833 Hendry Street
Fort Myers, FL 33902-1507
Representatives for the Petitioner

EXHIBIT

“1”

LEE COUNTY ORDINANCE NO. 05-27

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

WHEREAS, Verandah Development, LLC, has petitioned the Lee County Board of County Commissioners to establish THE VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT, a Uniform Community Development District (UCDD), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes; and

WHEREAS, the Lee County Board of County Commissioners, after proper published notice, conducted a local public information-gathering ordinance hearing as required by law and finds as follows:

1. The petition is complete in that it meets the requirements of §190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.

2. The costs to the County and government agencies from establishment of the district are nominal. There is no adverse impact on competition or employment from district establishment. The persons affected by establishment are the future landowners, present landowners, Lee County and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from district establishment as the entity to manage and finance the statutory services identified. The impact of district establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs

and benefits of not adopting the ordinance, is as economically viable as establishing the district. Methodology is set forth in the economic impact statement on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

3. Establishment of the proposed district, whose charter is consistent with §§190.006 - 190.041, Florida Statutes, was created by general law, is not inconsistent with the local Comprehensive Plan of Lee County or the State Comprehensive Plan.

4. The area of land within the proposed district is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.

5. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

6. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.

7. The area that will be served by the district is amenable to separate special district government.

8. The proposed district, once established, may petition the Board of County Commissioners for consent to exercise one or more of the powers granted by charter in §190.012(2), Florida Statutes.

9. Upon the effective date of this Ordinance, the proposed Verandah East Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law; and has the right to seek consent from Lee County for the grant of authority to exercise special powers in accordance with F.S. 190.012(2), without question as to the district's continued right, authority and power to exercise its limited powers as established by this ordinance.

10. All notice requirements of law were met and complete notice was timely given.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: DISTRICT NAME AND LEGAL DESCRIPTION

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

SECTION TWO: AUTHORITY FOR ORDINANCE

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

**SECTION THREE: ESTABLISHMENT OF
COMMUNITY DEVELOPMENT DISTRICT**

The Verandah East Community Development District is hereby established within the boundaries of the real property located in Lee County, Florida, and described in Exhibit "A" attached hereto and incorporated by reference.

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

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

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

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

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

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

The Verandah East Community Development District will be governed by the provisions of Chapter 190, Florida Statutes.

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

The Verandah East Community Development District will also be subject to the following additional conditions:

1. Any and all agreements for the sale of property within the boundaries of the Verandah East Community Development District must include the disclosure statement required in Section 190.048, Florida Statutes, for the initial sale of the property. This requirement applies to the initial seller of the property as well as all subsequent sellers, successors and assigns for the life of the Verandah East Community Development District.

SECTION EIGHT: CONFLICT AND SEVERABILITY

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

SECTION NINE: EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Office of the Secretary of the Florida Department of State.

THE FOREGOING ORDINANCE was offered by Commissioner John E. Albion, who moved its adoption. The motion was seconded by Commissioner Ray Judah and, being put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED THIS 6TH DAY OF DECEMBER, 2005.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Michele S. Cooper
Deputy Clerk

By: [Signature]
Chairwoman

APPROVED AS TO FORM:

By: [Signature]
Office of the County Attorney
John J. Fredyma
Assistant County Attorney



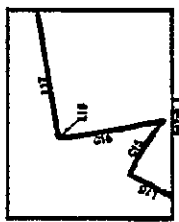
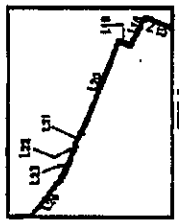
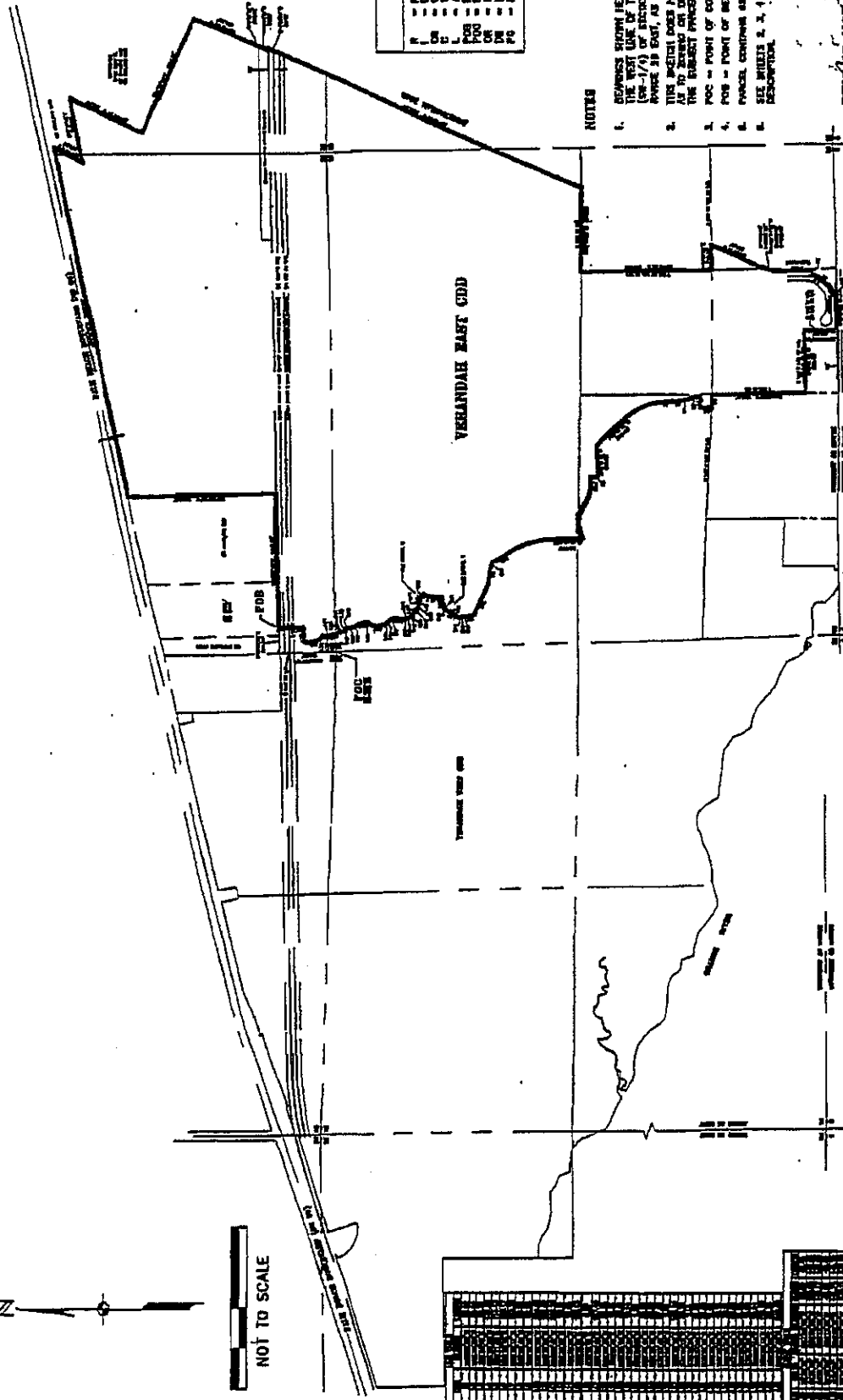
NOT TO SCALE

LEGEND	
F	FIELD MARK
CR	CURED MARKING
C	CORNER
L	AND LIGHTEN
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
OR	OFFICIAL RECORD BOOK
DM	DEED BOOK
PC	PAVE

- NOTES
1. DIMENSIONS SHOWN HEREON ARE BASED ON THE WEST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 28, TOWNSHIP 26 SOUTH, RANGE 26 EAST, AS SHOWN IN LOT 28 OF THE 1954 PLAT DOES NOT HAVE ANY REPRESENTATION ON THE SURVEY.
 2. POC = POINT OF COMMENCEMENT
 3. POB = POINT OF BEGINNING
 4. PARCELS CONTAINING AREAS ABOVE OR BELOW
 5. SEE SHEETS 2, 3, 4 AND 5 OF THIS SURVEY.

THIS IS NOT A SURVEY

DATE SURVEY: 5/27/05
 THE SURVEYOR'S NAME AND THE OFFICE NAME ARE AS SHOWN ON THE ORIGINAL SURVEY AND NOT NECESSARILY THE CURRENT SURVEYOR AND OFFICE. NOT VALID WITHOUT LEGAL DESCRIPTION FROM SHEETS 2, 3, 4 AND 5.



VERANDAH EAST CDD
 (REVISED)

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



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

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2005	Z0044800	32-43-26	NOT TO SCALE	1 OF 5

April 26, 2005

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

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

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

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

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

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

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

Containing 652.58 acres, more or less.

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

20044600 Verandah East CDD Revised Legal Description 042605



FLORIDA DEPARTMENT OF STATE
David E. Mann
 Secretary of State
 DIVISION OF LIBRARY AND INFORMATION SERVICES

December 13, 2005

Honorable Charlie Green
 Clerk of Circuit Court
 Lee County
 Post Office Box 2469
 Fort Myers, Florida 33902-2469

Attention: Michele G. Cooper, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 7, 2005 and certified copies of Lee County Ordinance Nos. 05-27 and 05-28, which were filed in this office on December 8, 2005.

Sincerely,

Liz Cloud
 Program Administrator

LC/kcs

RECEIVED
 MINUTES OFFICE
 DEC 19 PM 3:36

STATE LIBRARY OF FLORIDA
 R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
 FAX: (850) 488-2746 • TDD: (850) 922-4085 • <http://www.dos.state.fl.us>
 LEGISLATIVE LIBRARY SERVICE RECORDS MANAGEMENT SERVICES FLORIDA STATE ARCHIVES
 (850) 488-2812 • FAX: (850) 488-9879 (850) 487-2180 • FAX: (850) 413-7224 (850) 245-6700 • FAX: (850) 488-4894
 ADMINISTRATIVE CODE AND WEEKLY
 (850) 245-6270 • FAX: (850) 245-6282

EXHIBIT
"2"

**MINUTES OF ORGANIZATIONAL MEETING
VERANDAH EAST
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Verandah East Development District was held on Tuesday, January 10, 2006 at 11:00 a.m. at the offices of Bonita Bay Group, 9990 Coconut Road, Suite 200, Bonita Springs, Florida.

Present and constituting a quorum were:

James L. Carroll	Chairman
Vince O. Barraco	Supervisor
Timothy Becker	Supervisor
Marsha Stachler	Supervisor
Dennis Church	Supervisor

Also present were:

Chuck Adams	Wrathell, Hart, Hunt & Associates
Craig Wrathell	Wrathell, Hart, Hunt & Associates
Paul Martin	Bonita Bay Group
Katherine Green	Bonita Bay Group
Andrew Tilton	Johnson Engineering
Dan Cox	Attorney (<i>appearing telephonically</i>)
Danny Tyler	Nabors, Giblin & Nickerson (<i>appearing telephonically</i>)
William Reagan	Banc of America Securities

FIRST ORDER OF BUSINESS

Call to Order

Mr. Adams called to order the meeting of the Verandah East Community Development District at 11:00 a.m. on Tuesday, January 10, 2006 at the offices of Bonita Bay Group, 9990 Coconut Road, Suite 200, Bonita Springs, Florida.

Mr. Adams put on the record that the initial Landowners Election Meeting for the Verandah East C.D.D. was held prior to this meeting. The results of that Landowner Election indicated that Jim Carroll, Vince Barraco, Tim Becker, Marsha Stachler, and Dennis Church will be sitting as Board Members. Mr. Carroll and Mr. Barraco each received the highest number of votes, and that becomes important in the way that the statute works. Those two will receive four-year terms, and the remaining three will receive two-year terms.

g. Consider Fiscal Year 2006 Regular Meeting Schedule and Location

There was no action or discussion of this item.

h. Consider Resolution Requesting the Consent of the County Commissioners of Lee County, Florida, to Exercise those Additional Powers Set Forth in Section 190.12(2)(a) and (d), Florida Statutes (2004), as it Relates to Parks, Recreation and Security (Resolution 2006-8)

Mr. Adams stated that Resolution 2006-8 is a Resolution authorizing the staff to proceed with requesting additional powers as set forth in Section 190.12 of the Florida Statutes, explaining that when you create a District, there is a myriad of powers available to you as a District. However, only a portion of those come over automatically with the petition in the formation of the District. There are several powers that actually they have segregated, and require that the District go to the local municipality, whether it is the County or a city, and request to have those additional powers just to ensure that that local municipality is aware of the additional powers, isn't providing those services in some other manner or form so that the District doesn't place itself in a conflicting position with the other local government.

Mr. Adams noted that in this particular case, what normally is done is that if it is not included in the original petition for formation of the District, we will typically ask for parks and recreation powers and security powers. Those are typically a couple of services that these communities, particularly here in Southwest Florida, the high end gated communities are providing. Sometimes they are provided through a master association, and sometimes they are provided through the District.

In this particular case, it is not anticipated that either one of these will be a District responsibility immediately; however, for the limited amount of cost to go through the process, it is felt that it would be prudent to go in and ask for those two powers. At some point down the road, whether it is a developer decision with the District or a resident request through the master association, the District will be in a position already to be able to accept these additional services that the association may be currently providing, and we wouldn't be held back in having to go through the process of actually acquiring those additional powers at the time of need as we would already have those.

Mr. Adams stated that these powers will sit dormant initially, but at some point if the District wants to switch over that responsibility to the District, we will already have those powers in our basket, so to speak.

Mr. Adams noted that this is consistent with the request that Board members have seen in other Districts that they are on the Boards of, and Mr. Adams recommends approval of this Resolution.

On MOTION by Mr. Becker seconded by Ms. Stachler with all in favor Resolution 2006-8 requesting the consent of the Lee County Commissioners to exercise additional powers as set forth in Section 19012(2)(a) and (d) of the 2004 Florida Statutes as it relates to parks, recreation and security was approved.

- i. **Consider Resolution of the Board of Supervisors of the Verandah East Community Development District, of Lee County, Florida Relating to Acceptance of Responsibility for Ownership, Operation and Maintenance of the Surface Water Management System within the Boundaries of the Plat of Verandah Unit Sixteen; Providing an Effective Date (Resolution 2006-9)**

Mr. Adams advised that Resolution 2006-9 is a business item for the Board to consider having to do with the conveyance through plat of the responsibilities of the operation and maintenance of the surface water management system within the boundaries of plat of Verandah Unit 16. This was provided to the staff by the Development and Planning Department of the Bonita Bay Group, who are in a position to convey the operation and maintenance responsibilities of the water management system within Unit 16 of Verandah.

Mr. Adams noted that Mr. Cox has reviewed the plat, and has also prepared the Resolution.

Mr. Cox advised that these will come to the Board from time to time. The County requires as part of the plat process that the entity that is going to ultimately be responsible for certain components of the surface water management and conversations areas specifically that those responsibilities be acknowledged by some recorded format that we are going to be responsibility. These matters will be before the Board routinely as the project commences.

EXHIBIT

“3”

**AFFIDAVIT OF DISTRICT MANAGER AS TO THE
CURRENT STATUS OF THE VERANDAH EAST
COMMUNITY DEVELOPMENT DISTRICT**

1. My name is Chuck Adams. I am the District Manager for the Verandah East Community Development District ("District").
2. I was involved in the establishment of the District.
3. I reviewed the potential exercise by the District of all its charter powers, including the special powers in section 190.012(2), Florida Statutes (2005), during the District establishment process.
4. I have seen the property within the jurisdiction and have reviewed the activities of the District to date in my capacity as District Manager, and have noted no change in fact, circumstances or conditions that would change my conclusions in light of the six factors in section 190.005(1)(e) 1-6, Florida Statutes. Therefore, I am of the opinion to the exercise of these charter powers is appropriate.

FURTHER SAYETH NOT.



Chuck Adams, District Manager

SWORN TO AND SUBSCRIBED before me this 25th day of May, 2006.

Katherine V. Selchan

NOTARY PUBLIC

My Commission Expires:



Katherine V. Selchan
Commission #DD164110
Expires: Dec 22, 2006
Bonded Thru
Atlantic Bonding Co., Inc.

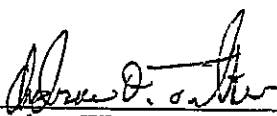
**AFFIDAVIT OF DISTRICT ENGINEER AS TO THE
CURRENT STATUS OF THE VERANDAH EAST
COMMUNITY DEVELOPMENT DISTRICT**

1. My name is Andrew Tilton. I am the Engineer for the Verandah East Community Development District ("District").
2. I was involved in the establishment of the District.
3. I reviewed the potential exercise by the District of all its charter powers, including the special powers in section 190.012(2), Florida Statutes (2005), during the District establishment process.
4. I have seen the property within the jurisdiction and have reviewed the activities of the District to date in my capacity as Engineer, and have noted no change in fact, circumstances or conditions that would change my conclusions in light of the six factors in section 190.005(1)(e) 1-6, Florida Statutes. Therefore, I am of the opinion to the exercise of these charter powers is appropriate.

FURTHER SAYETH NOT.

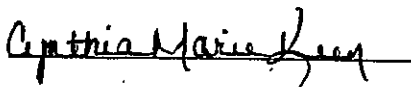
SIGNED/SEALED

MAY 24 2006



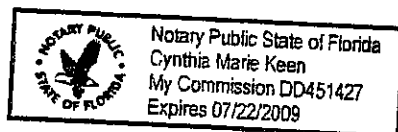
Andrew Tilton, District Engineer
Professional Engineer Number 33258
Johnson Engineering, Inc.
251 West Hickpochee Avenue
LaBelle, Florida 33935
863-612-0594
EB # 642

SWORN TO AND SUBSCRIBED before me this 24TH day of May, 2006.



NOTARY PUBLIC

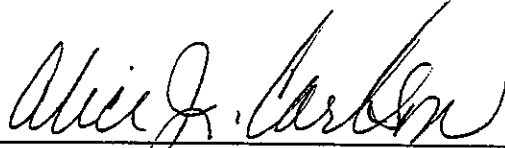
My Commission Expires:



**AFFIDAVIT OF ALICE J. CARLSON AS TO THE
CURRENT STATUS OF THE VERANDAH EAST
COMMUNITY DEVELOPMENT DISTRICT**

1. My name is Alice J. Carlson. I am the Financial Advisor for the Verandah East Community Development District ("District").
2. I was involved in the establishment of the District.
3. I reviewed the potential exercise by the District of all its charter powers, including the special powers in section 190.012(2), Florida Statutes (2005), during the District establishment process.
4. I have seen the property within the jurisdiction and have reviewed the activities of the District to date in my capacity as prepared of the Statement of Estimated Regulatory Costs, and have noted no change in fact, circumstances or conditions that would change my conclusions in light of the six factors in section 190.005(1)(e) 1-6, Florida Statutes. Therefore, I am of the opinion to the exercise of these charter powers is appropriate.

FURTHER SAYETH NOT.



Alice J. Carlson, District Financial Advisor and
Preparer of Statement of Estimated Regulatory Costs

SWORN TO AND SUBSCRIBED before me this 10th day of June, 2006.

 personally known to me

NOTARY PUBLIC

My Commission Expires:

