

Date Critical

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20061463

1. ACTION REQUESTED/PURPOSE: Adopt and enact an ordinance known as the Laguna Estates Community Development District Ordinance.

2. WHAT ACTION ACCOMPLISHES: Creates an independent special district that provides an alternative method to manage and finance basic services for community development. If adopted, the ordinance will create an independent Special District capable of financing and providing the basic services within the District boundary.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category:

PHI

5. Meeting Date: 11/14/06 @ 9:30 a.m.

6. Agenda:

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

7. Requirement/Purpose: (specify)

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

8. Request Initiated:

Commissioner _____
Department County Attorney
Division _____
By: Robert D. Spickerman
Robert D. Spickerman
Assistant County Attorney

9. Background: Section 10 Joint Venture, LLP has petitioned the Lee County Board of County Commissioners to adopt an ordinance establishing a Uniform Community Development District (UCDD) in accordance with the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes ("Act"). Section 190.005(2) sets forth the "exclusive and uniform method for the establishment of a Community Development District of less than 1,000 acres in size." This establishment "shall be pursuant to an ordinance adopted by the County Commission having jurisdiction over the majority of the land in the area in which the district is to be located . . ."

A community development district is a local unit of special purpose government created in accordance with the Act and limited to the performance of those specialized functions authorized by the Act for the delivery of urban community development services. The Act provides an alternative streamlined method for financing the construction, maintenance and operation of major infrastructures necessary for community development. Once a community development district has been

(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	Mgr.	
				<i>Tracy</i>	RK 11/1	WJ 11/1/06	11/1/06	11/1/06	HS 11/2/06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
10/31/06 2:30 pm

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COUNTY ADMIN:
10/31/06
4:10 mp
COUNTY ADMIN
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11/2/06 P. Res 2:15

established, it serves as an infrastructure management tool that ultimately relieves existing county taxpayers of the financial burden of providing urban services to the landowners in the district.

The proposed Laguna Estates CDD is located on approximately 585.95 acres of land located wholly within unincorporated Lee County. The land area is bounded on the north by East Easy Canal; on the south by Greenbriar Boulevard; on the east by Joel Boulevard; and on the west by Richmond Avenue. The property is located in Section 10, Township 44 South, Range 27 East. The Laguna Estates District will be granted the power to finance, fund, plan, establish, acquire, construct or re-construct, enlarge or extend, equip, operate and maintain systems and facilities for the following basic infrastructure: water management; water supplies; sewer and wastewater management; bridges or culvert; district roads; and other projects within and outside the district boundary for which a Development Order may be issued. Additional powers for recreation and security systems will be requested sometime in the future.

The creation of the Laguna Estates District is not a development order within the meaning of Chapter 380, F.S. All county planning, environmental and land development laws, regulations and ordinances will apply to the development of land within the proposed Laguna Estates District, and the District can take no action that is inconsistent with those regulations.

In accordance with Section 190.005(1)(f), F.S., the proposed ordinance:

1. Establishes the external boundaries of the district.
2. Names the five persons designated to be the initial members of the Board of Supervisors. These members are as follows:
 - a. Andres Garganta
 - b. Carlos Mallol
 - c. Natalie Wolf
 - d. Alexandra Krot
 - e. Wilma Hernandez
3. Names the district. (Laguna Estates Community Development District)

Attachments:

1. Proposed ordinance establishing the Laguna Estates Community Development District.
2. Planning Staff Analysis dated July 31, 2006.
3. Laguna Estates Petition, Exhibits, Attachments and Amendment.
4. FAIS.

cc: Joan LaGuardia, Communications Manager, DCD

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190; PROVIDING FOR NOTICE TO SUBSEQUENT PURCHASERS; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 10 Joint Venture, LLP has petitioned the Board of County Commissioners to establish LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the 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 Section 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 must be in accordance with the general law as set forth in Sections 190.006 -190.041, Florida Statutes, 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 Section 190.012(2), Florida Statutes.

9. Upon the effective date of this Ordinance, the proposed Laguna Estates 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

The community development district herein established will be known as Laguna Estates Community Development District.

SECTION TWO: AUTHORITY FOR ORDINANCE

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

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

Laguna Estates Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference.

SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS

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

1. Andres Garganta
10570 NW 27th Street
Suite 101
Miami, Florida 33172
2. Carlos Mallol
10570 NW 27th Street
Suite 101
Miami, FL 33172
3. Natalia Wolf
3137 NE 163 Street
N. Miami Beach, FL 33160
4. Alexandra Krot
680 Osceola Avenue
Winter Park, FL 32789
5. Wilma Hernandez
3141 Commerce Parkway
Miramar, FL 33025

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Laguna Estates Community Development District will be governed by the provisions of Chapter 190, Florida Statutes.

SECTION SIX: NOTICE TO SUBSEQUENT PURCHASERS

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

SECTION SEVEN CONFLICT OF 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 EIGHT: EFFECTIVE DATE

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

Commissioner _____ made a motion to adopt the foregoing ordinance, seconded by

Commissioner _____. The vote was as follows:

ROBERT P. JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
TAMMARA HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS _____ day of _____, 20__.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairwoman

APPROVED AS TO FORM:

By: _____
Office of County Attorney

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

LEGAL DESCRIPTION

ALL OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, LEE COUNTY, FLORIDA, LESS THE ROAD RIGHT-OF-WAY FOR JOEL BOULEVARD, BEING ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 10;
THENCE SOUTH $01^{\circ}33'01''$ EAST, ALONG THE EAST LINE OF SAID SECTION 10, 2588.36 FEET, TO THE EAST ONE-QUARTER CORNER THEREOF;
THENCE CONTINUE SOUTH $01^{\circ}33'01''$ EAST, ALONG THE EAST LINE OF SAID SECTION 10, 1485.02 FEET;
THENCE SOUTH $00^{\circ}00'14''$ EAST, 1103.27 FEET;
THENCE SOUTH $89^{\circ}22'14''$ WEST, ALONG THE SOUTH LINE OF SAID SECTION 10, 2609.52 FEET, TO THE SOUTH ONE-QUARTER CORNER THEREOF;
THENCE CONTINUE SOUTH $89^{\circ}22'14''$ WEST, ALONG THE SOUTH LINE OF SAID SECTION 10, 2639.29 FEET, TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTH $01^{\circ}28'06''$ WEST, ALONG THE WEST LINE OF SAID SECTION 10, 2575.84 FEET, TO THE WEST ONE-QUARTER CORNER THEREOF;
THENCE CONTINUE NORTH $01^{\circ}28'06''$ WEST, ALONG THE WEST LINE OF SAID SECTION 10, 2575.84 FEET, TO THE NORTHWEST CORNER THEREOF;
THENCE NORTH $89^{\circ}05'59''$ EAST, ALONG THE NORTH LINE OF SAID SECTION 10, 2635.44 FEET, TO THE NORTH ONE-QUARTER CORNER THEREOF;
THENCE CONTINUE NORTH $89^{\circ}05'59''$ EAST, ALONG THE NORTH LINE OF SAID SECTION 10, 2635.44 FEET, TO THE POINT OF BEGINNING.

CONTAINING 624.91 ACRES.

LESS COMMERCIAL TRACT 1, DESCRIBED AS FOLLOWS:

A TRACT OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10;
THENCE SOUTH $01^{\circ}33'01''$ EAST, ALONG THE EAST LINE OF SAID SECTION 10, FOR 1183.58 FEET, TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED:

THENCE CONTINUE SOUTH 01°33'01" EAST, ALONG THE EAST LINE OF SAID SECTION 10, FOR 1323.12 FEET;
THENCE SOUTH 89°24'16" WEST, 299.14 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT;
THENCE WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE, BEING CONCAVE TO THE SOUTHEAST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 580.88 FEET; A CENTRAL ANGLE OF 40°27'00"; A CHORD BEARING SOUTH 69°39'55" WEST FOR 401.63 FEET; ALONG AN ARC LENGTH OF 410.09 FEET, TO THE NON-TANGENT INTERSECTION WITH A LINE;
THENCE NORTH 44°59'59" WEST, 190.15 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT;
THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE, BEING CONCAVE TO THE NORTHWEST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 926.40 FEET; A CENTRAL ANGLE OF 37°35'35"; A CHORD BEARING NORTH 28°04'49" EAST FOR 596.99 FEET; ALONG AN ARC LENGTH OF 607.83 FEET, TO THE POINT OF CURVATURE OF A NON-TANGENT COMPOUND CURVE;
THENCE NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE, BEING CONCAVE TO THE WEST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 805.72 FEET; A CENTRAL ANGLE OF 36°19'32"; A CHORD BEARING NORTH 10°05'20" WEST FOR 502.32 FEET; ALONG AN ARC LENGTH OF 510.83 FEET, TO THE POINT OF CURVATURE OF A NON-TANGENT REVERSE CURVE;
THENCE NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE, BEING CONCAVE TO THE EAST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 100.00 FEET; A CENTRAL ANGLE OF 40°56'16"; A CHORD BEARING NORTH 07°43'38" WEST FOR 69.94 FEET; ALONG AN ARC LENGTH OF 71.45 FEET, TO A POINT OF REVERSE CURVATURE;
THENCE NORTHERLY, ALONG A CURVE, BEING CONCAVE OT THE WEST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 190.01 FEET; A CENTRAL ANGLE OF 27°48'04"; A CHORD BEARING NORTH 01°09'33" WEST FOR 91.30 FEET; ALONG AN ARC LENGTH OF 92.20 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT;
THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE, BEING CONCAVE TO THE NORTHWEST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 195.85 FEET; A CENTRAL ANGLE OF 53°38'54"; A CHORD BEARING NORTH 34°23'53" EAST FOR 176.76 FEET; ALONG AN ARC LENGTH OF 183.39 FEET, TO THE NON-TANGENT INTERSECTION WITH A LINE;
THENCE NORTH 89°38'01" EAST, 492.78 FEET, TO THE POINT OF BEGINNING.

SAID COMMERCIAL TRACT 1 CONTAINING 18.00 ACRES.

AND LESS COMMERCIAL TRACT 2 DESCRIBED AS FOLLOWS:

A TRACT OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10;
THENCE SOUTH 01°33'01" EAST, ALONG THE EAST LINE OF SAID SECTION 10, FOR 2631.72 FEET, TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED:

THENCE CONTINUE SOUTH $01^{\circ}33'01''$ EAST, ALONG THE EAST LINE OF SAID SECTION 10, FOR 1239.39 FEET;
THENCE SOUTH $89^{\circ}26'31''$ WEST, 501.09 FEET;
THENCE NORTH $00^{\circ}31'47''$ WEST, 208.04 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT;
THENCE NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE, BEING CONCAVE TO THE SOUTHWEST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 525.67 FEET; A CENTRAL ANGLE OF $45^{\circ}42'44''$; A CHORD BEARING NORTH $22^{\circ}44'22''$ WEST FOR 408.36 FEET; ALONG AN ARC LENGTH OF 419.39 FEET, TO THE NON-TANGENT INTERSECTION WITH A LINE;
THENCE NORTH $45^{\circ}23'52''$ WEST, 395.83 FEET;
THENCE NORTH $49^{\circ}13'07''$ EAST, 411.61 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT;
THENCE NORTHEASTERLY AND EASTERLY ALONG SAID CURVE, BEING CONCAVE TO THE SOUTHEAST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 455.88 FEET; A CENTRAL ANGLE OF $40^{\circ}23'22''$; A CHORD BEARING NORTH $69^{\circ}41'44''$ EAST FOR 314.75 FEET; ALONG AN ARC LENGTH OF 321.36 FEET, TO THE NON-TANGENT INTERSECTION WITH A LINE;
THENCE NORTH $89^{\circ}24'16''$ EAST, 301.23 FEET, TO THE POINT OF BEGINNING.

SAID COMMERCIAL TRACT 2 CONTAINING 18.00 ACRES.

AND LESS THE WEST 50 FEET, OF THE SOUTH ONE-HALF, OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, LEE COUNTY, FLORIDA, FOR RIGHT-OF-WAY FOR NORTH AVENUE.

CONTAINING 2.96 ACRES.

THE ABOVE DESCRIBED LAND CONTAINS 585.95 ACRES.

ROBERT J. BILLS
PROFESSIONAL SURVEYOR AND MAPPER No. 4698
STATE OF FLORIDA

PLANNING DIVISION
M E M O R A N D U M



to: Robert Spickerman, Assistant County Attorney
from: Paul O'Connor, AICP, Director of Planning
subject: Laguna Estates UCDD
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 establish the Laguna Estates Uniform Community Development District. Attached is the staff report being issued by the Lee County Division of Planning recommending approval of the establishment of the UCDD with the basic systems, facilities and services provided under Section 190.012(1), F.S. Please note that the following pages of the petition have been updated by the petitioner and are attached: Page 1 of the petition, a statement of qualification, the entire SERC, Exhibit 6, and a letter from the Florida Governmental Utility Authority.

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

ANALYSIS OF
THE LAGUNA ESTATES
PETITION TO ESTABLISH A
UNIFORM COMMUNITY
DEVELOPMENT DISTRICT

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

July 31, 2006



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INTRODUCTION

Section 10 Joint Venture, L.L.P. has petitioned the Board of County Commissioners of Lee County, Florida to adopt an ordinance to establish a Uniform Community Development District (UCDD) and to designate the land area within which the UCDD may manage and finance basic infrastructure systems, facilities and services pursuant to the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes and Rule 42-1, Florida Administrative Code. The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district, after its establishment, may petition for.

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

BACKGROUND

Section 10 Joint Venture, L.L.P., hereafter called "Petitioner", is a Florida limited liability partnership with its principal place of business located at 3141 Commerce Parkway, Miramar, Florida, 33025.

F.S. 190.005(2) sets forth the "exclusive and uniform method for the establishment of a community development district of less than 1,000 acres in size." This establishment "shall be pursuant to an ordinance adopted by the county commission having jurisdiction over the majority of the land in the area in which the district is to be located granting a petition for the establishment of a community development district."

The Petitioner proposes to establish a Uniform Community Development District on approximately five hundred and eighty six (586±) acres of land located in Lee County, Florida and lying within Section 10, Township 44 South, Range 27 East. The property is located between Richmond Avenue North and Joel Boulevard, south of Greenbriar Boulevard in Lehigh Acres. A map showing the land area to be served by the District and a metes and bounds description of the external boundaries of the District is set forth in Exhibits 1 and 2 to the petition. The land area is bounded on the West and North by undeveloped quarter acre lots, on the East by Joel Boulevard, and on the South by the East Easy Canal and undeveloped lots. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

Adopting the ordinance and granting the petition would authorize the district, through its board of supervisors, to manage and finance certain basic infrastructure for the benefit of the landowners in the community. This infrastructure, or basic systems, facilities and services, under Section 190.012(1), F.S., includes four basic types: water supply; sewers

and wastewater management; water control and management (drainage); and, roads, bridges and streetlights, as well as "other projects" as specified under Section 190.012(1)(f), Florida Statutes.

In order to provide the basic systems, facilities and services, the district has certain management and financing powers. However, these powers may be exercised only if the district complies with certain strict and detailed procedural requirements. These include: ethics in government; disclosure; conflict of interest requirements; noticed meetings; government-in-the-sunshine conduct; accounting and reporting requirements to various local and state agencies; consultants competitive negotiations procedures; competitive bidding procedures; and others. In addition to complying with these many procedural requirements, the district still may not manage and finance any of these services and facilities without a showing that development of the properties complies with all legitimate policies, constraints, authorities, controls or conditions on the development of the land, whether local, regional, state or federal in nature, and whether in the form of policies, laws, rules, regulations or ordinances. The district itself is not considered "development." Rather, the district is an alternative mechanism to assure the County and the landowners of the particular land in question that basic systems, facilities and services will be managed and financed in an efficient and economical way.

In order to provide these services, the district is also given certain eminent domain powers, within the very tight constraints summarized above, as well as the authority to require service charges, fees or taxes for the various services rendered, ranging from installation of capital facilities to long-term maintenance and repair. Without the County's consent by resolution, the aforementioned eminent domain power is limited to the boundaries of the district. The district may also issue non-ad valorem special assessment bonds, revenue and other user bonds, and general obligation bonds. However, no general obligation bonds can be issued without a referendum and without a showing that it will not exceed 35 percent of the assessed valuation of the property within the district.

Accordingly, if the County adopts the ordinance and establishes the district, the Laguna Estates Community Development District will then be an infrastructure management tool. This pinpointed responsibility can benefit the landowners with timely, efficient, reliable and flexible services. It serves as a concurrency management tool for the County, the landowners, the developer and, ultimately, the residents. In addition, the district would be a financing tool providing financial incentives for long-range and high quality service benefits to initial and subsequent landowners without burdening Lee County and its taxpayers.

Finally, such a district may not outlive its practical utility and usefulness. If it ceases to function it will automatically be disbanded by state law. If at any time during its existence Lee County determines by a non-emergency ordinance that it can provide any one of the district services in a more economical manner, over the long term, at lower cost with higher quality, Lee County may then take that service away from the district and provide the service itself.

THE PETITION

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

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

Such a petition was received from the Petitioner by Lee County on April 7, 2006. In order to assist the Commission and its staff in reviewing the petition, supplemental materials were requested and were furnished by the Petitioner. The Petition and supplemental materials have been incorporated into this analysis. Planning staff's review of the petition finds the submittal to be sufficient.

FACTORS TO BE CONSIDERED

In accordance with F.S. 190, Lee County is required to consider the following six factors in making a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the creation of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. Whether the area that will be served by the district is amenable to separate special-district government.

The obligation of the Board of County Commissioners is to consider the six factors using the information in the petition and its attachments, and any other documents and information that have been filed, including the expert documents. The key decisions to be made by the Board in establishing a district is simply whether it is a reasonable thing to do in view of the six factors which the law requires Lee County to analyze.

It should be noted that these factors are not specific criteria nor are they legal permit requirements or standards. Neither are they the basis for rendering any kind of final order or judgement. In accordance with F.S. 190.004(3) the creation of a community development district is not a development order with the meaning described in Chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to the development of the land within a community development district.

STAFF ANALYSIS OF FACTORS

Planning staff has reviewed the petition and accompanied materials. Following is staff's determination of the petition's applicability to each of the six factors.

Concerning Factor #1: Staff concludes that all statements contained within the petition are true and correct. This determination applies to the petition and all of its Exhibits. Concerning petition Exhibit 7, staff agrees with the statement of estimated regulatory costs that there is no adverse impact on small businesses. In fact there could be positive impacts due to the opportunity for small businesses to bid on work within the district. Staff also concurs with the methodology employed in the statement of estimated regulatory costs.

Concerning Factor #2: Staff concludes that the creation and establishment of the district is not inconsistent with any applicable element or portion of either the state comprehensive plan or the Lee County local government comprehensive plan, the Lee Plan. In fact, the establishment of the district is affirmatively consistent with Section 187.201(21)(b)(2) F.S., which encourages restructuring political jurisdiction with the goal of greater efficiency. It is also consistent with Policy 1.1.4 and Objective 1.5 of the Lee Plan, the Urban Community and Wetlands future land use categories. The request is consistent with Objective 2.2, Development Timing, which directs "new growth to those portions of the

Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.”

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

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

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

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

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

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

ADDITIONAL ANALYSIS

As in previous reviews, staff has a concern that future purchasers of property or dwelling units within the proposed UCDD are aware that the property they are purchasing will be

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

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

RECOMMENDATION

Planning staff recommends that the Board of County Commissioners adopt and enact the Ordinance establishing the Laguna Estates Uniform Community Development District. In accordance with Section 190.005(1)(f), F.S., the Ordinance enacts the following:

1. It establishes the external boundaries of the district which are set forth in ordinance Attachment A;
2. It names the five persons designated to be the initial members of the board of supervisors who shall be:

Andres Garganta
Carlos Malloi
Natalia Wolf
Alexandra Krot
Wilma Hernandez

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

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

**PETITION TO ESTABLISH THE LAGUNA ESTATES COMMUNITY
DEVELOPMENT DISTRICT**

Petitioner, SECTION 10 JOINT VENTURE, LLP (hereafter "Petitioner"), a Florida Limited Liability Partnership, hereby petitions the Lee County Board of County Commissioners, Lee County, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District (hereafter "District") with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within Lee County, Florida. **Exhibit 1** depicts the general location of the project. The proposed District covers approximately 585.95 acres of land. The site borders Joel Boulevard to the east, and runs north of East Easy Canal, west of Richmond Avenue N., and south of Greenbriar Boulevard, as generally depicted. The metes and bounds description of the external boundaries of the District is set forth in **Exhibit 2**.

2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District that are to be excluded from the District.

3. Landowner Consent. Petitioner has obtained written consent to establish the District from the Landowners of one hundred percent (100%) of the real property located within the District in accordance with Section 190.005, Florida Statutes (2005). Documentation of this consent is contained in **Exhibit 3**.

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

Name: Andres Garganta
Address: 10570 NW 27th Street
Suite 101
Miami, Florida 33172

Name: Carlos Mallol
Address: 10570 NW 27th Street,
Suite 101
Miami, FL 33172

Name: Natalia Wolf
Address: 3137 NE 163 Street
N. Miami Beach, FL 33160

Name: Alexandra Krot
Address: 680 Osceola Avenue
Winter Park, FL 32789

Name: Wilma Hernandez
Address: 3141 Commerce Parkway
Miramar, FL 33025

All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is the Laguna Estates Community Development District.

6. Future Land Uses. The future general distribution, location, and extent of the public and private land uses proposed within the District are shown on **Exhibit 4**.

7. Major Water and Wastewater Facilities. The pre-developed land at issue in this petition was formerly a borrow pit with no existing utilities or outfalls. However, **Exhibit 5** shows the proposed drainage patterns and outfalls of the lands to be included within the

proposed District. There are no existing sanitary sewer and water distribution systems for the lands to be included within the District.

8. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the District to finance, construct, acquire and/or install. These facilities will serve the residential development within the District. The estimated costs of constructing the infrastructure serving land within the proposed District are identified in **Exhibit 6**. At present, these improvements are estimated to be made, acquired, constructed, and/or installed between 2006 through 2011. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes (2005). The SERC is based upon presently available data.

10. Landowner Deed. As required by the County, **Exhibit 8** provides copies of a Quit Claim Deed and a Special Warranty Deed conveying title of the pre-developed land to the Petitioner.

11. Authorized Agent. The Petitioner is authorized to do business in Florida. The authorized agent for the Petitioner and the landowners is Jonathan T. Johnson. Copies of all correspondence and official notices should be sent to:

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

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

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

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

c. The establishment of the District will prevent the general body of taxpayers in the County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

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

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

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

- a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes (2005);
- b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes (2005); and

RESPECTFULLY SUBMITTED, this 16 day of February, 2006.

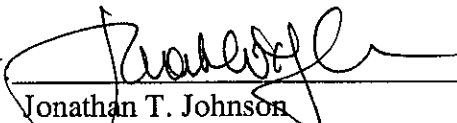
BY 
Jonathan T. Johnson
Florida Bar No. 986460
HOPPING GREEN & SAMS, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301
(850) 222-7500 Telephone
(850) 224-8551 Facsimile

EXHIBIT 1

SECTION 10 – LEHIGH
DETAILED LOCATION MAP

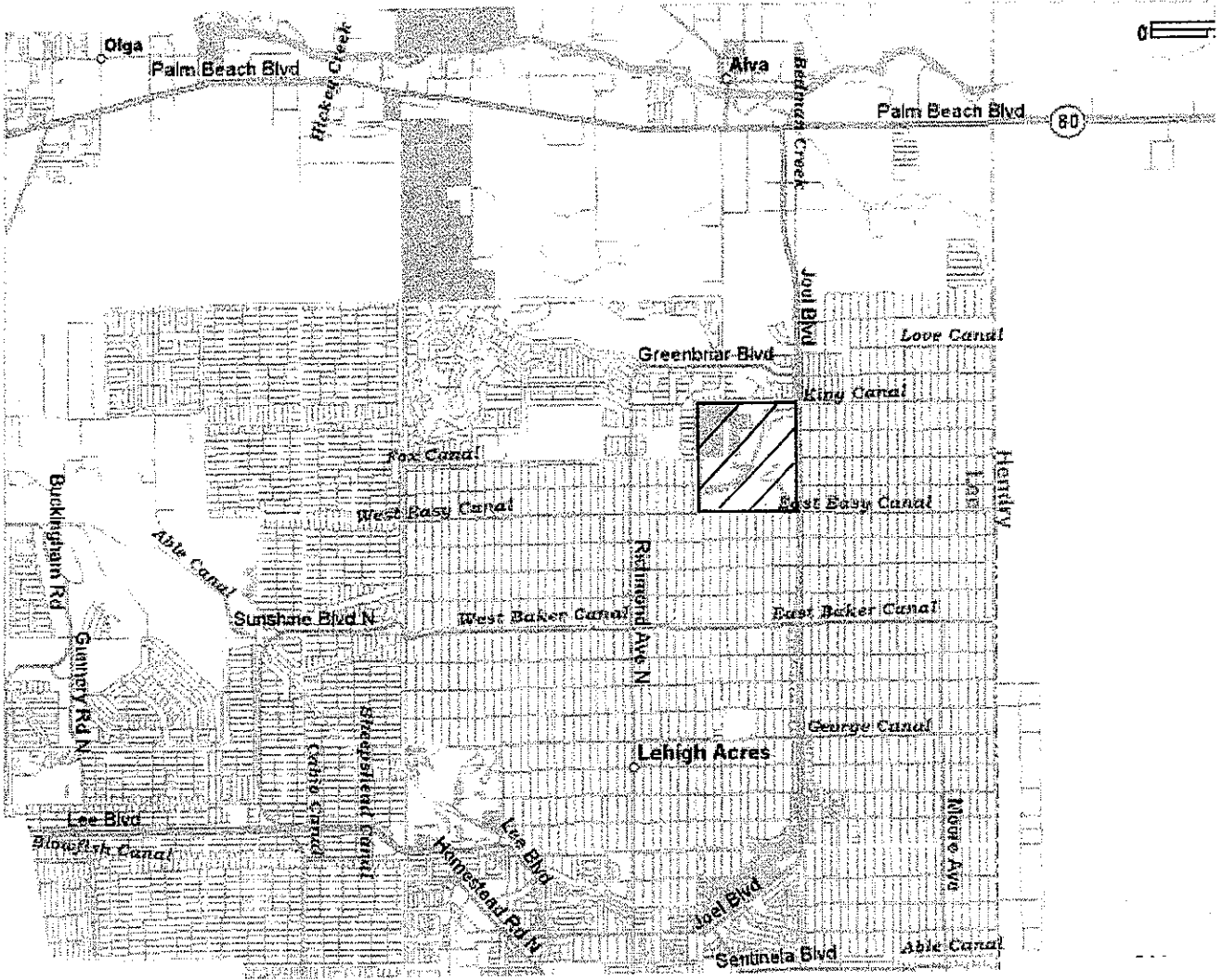


EXHIBIT 2

LEGAL DESCRIPTION

ALL OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, LEE COUNTY, FLORIDA, LESS THE ROAD RIGHT-OF-WAY FOR JOEL BOULEVARD, BEING ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 10;
THENCE SOUTH 01°33'01" EAST, ALONG THE EAST LINE OF SAID SECTION 10, 2588.36 FEET, TO THE EAST ONE-QUARTER CORNER THEREOF;
THENCE CONTINUE SOUTH 01°33'01" EAST, ALONG THE EAST LINE OF SAID SECTION 10, 1485.02 FEET;
THENCE SOUTH 00°00'14" EAST, 1103.27 FEET;
THENCE SOUTH 89°22'14" WEST, ALONG THE SOUTH LINE OF SAID SECTION 10, 2609.52 FEET, TO THE SOUTH ONE-QUARTER CORNER THEREOF;
THENCE CONTINUE SOUTH 89°22'14" WEST, ALONG THE SOUTH LINE OF SAID SECTION 10, 2639.29 FEET, TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTH 01°28'06" WEST, ALONG THE WEST LINE OF SAID SECTION 10, 2575.84 FEET, TO THE WEST ONE-QUARTER CORNER THEREOF;
THENCE CONTINUE NORTH 01°28'06" WEST, ALONG THE WEST LINE OF SAID SECTION 10, 2575.84 FEET, TO THE NORTHWEST CORNER THEREOF;
THENCE NORTH 89°05'59" EAST, ALONG THE NORTH LINE OF SAID SECTION 10, 2635.44 FEET, TO THE NORTH ONE-QUARTER CORNER THEREOF;
THENCE CONTINUE NORTH 89°05'59" EAST, ALONG THE NORTH LINE OF SAID SECTION 10, 2635.44 FEET, TO THE POINT OF BEGINNING.

CONTAINING 624.91 ACRES.

LESS COMMERCIAL TRACT 1, DESCRIBED AS FOLLOWS:

A TRACT OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10;
THENCE SOUTH 01°33'01" EAST, ALONG THE EAST LINE OF SAID SECTION 10, FOR 1183.58 FEET, TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED:

THENCE CONTINUE SOUTH 01°33'01" EAST, ALONG THE EAST LINE OF SAID SECTION 10, FOR 1323.12 FEET;
THENCE SOUTH 89°24'16" WEST, 299.14 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT;
THENCE WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE, BEING CONCAVE TO THE SOUTHEAST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 580.88 FEET; A CENTRAL ANGLE OF 40°27'00"; A CHORD BEARING SOUTH 69°39'55" WEST FOR 401.63 FEET; ALONG AN ARC LENGTH OF 410.09 FEET, TO THE NON-TANGENT INTERSECTION WITH A LINE;
THENCE NORTH 44°59'59" WEST, 190.15 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT;
THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE, BEING CONCAVE TO THE NORTHWEST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 926.40 FEET; A CENTRAL ANGLE OF 37°35'35"; A CHORD BEARING NORTH 28°04'49" EAST FOR 596.99 FEET; ALONG AN ARC LENGTH OF 607.83 FEET, TO THE POINT OF CURVATURE OF A NON-TANGENT COMPOUND CURVE;
THENCE NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE, BEING CONCAVE TO THE WEST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 805.72 FEET; A CENTRAL ANGLE OF 36°19'32"; A CHORD BEARING NORTH 10°05'20" WEST FOR 502.32 FEET; ALONG AN ARC LENGTH OF 510.83 FEET, TO THE POINT OF CURVATURE OF A NON-TANGENT REVERSE CURVE;
THENCE NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE, BEING CONCAVE TO THE EAST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 100.00 FEET; A CENTRAL ANGLE OF 40°56'16"; A CHORD BEARING NORTH 07°43'38" WEST FOR 69.94 FEET; ALONG AN ARC LENGTH OF 71.45 FEET, TO A POINT OF REVERSE CURVATURE;
THENCE NORTHERLY, ALONG A CURVE, BEING CONCAVE OT THE WEST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 190.01 FEET; A CENTRAL ANGLE OF 27°48'04"; A CHORD BEARING NORTH 01°09'33" WEST FOR 91.30 FEET; ALONG AN ARC LENGTH OF 92.20 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT;
THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE, BEING CONCAVE TO THE NORTHWEST, AND HAVING FOR IT'S ELEMENTS: A RADIUS OF 195.85 FEET; A CENTRAL ANGLE OF 53°38'54"; A CHORD BEARING NORTH 34°23'53" EAST FOR 176.76 FEET; ALONG AN ARC LENGTH OF 183.39 FEET, TO THE NON-TANGENT INTERSECTION WITH A LINE;
THENCE NORTH 89°38'01" EAST, 492.78 FEET, TO THE POINT OF BEGINNING.

SAID COMMERCIAL TRACT 1 CONTAINING 18.00 ACRES.

AND LESS COMMERCIAL TRACT 2 DESCRIBED AS FOLLOWS:

A TRACT OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE CONTINUE SOUTH $01^{\circ}33'01''$ EAST, ALONG THE EAST LINE OF SAID SECTION 10, FOR 1239.39 FEET;
THENCE SOUTH $89^{\circ}26'31''$ WEST, 501.09 FEET;
THENCE NORTH $00^{\circ}31'47''$ WEST, 208.04 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT;
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THENCE NORTH $45^{\circ}23'52''$ WEST, 395.83 FEET;
THENCE NORTH $49^{\circ}13'07''$ EAST, 411.61 FEET, TO THE NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT;
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THENCE NORTH $89^{\circ}24'16''$ EAST, 301.23 FEET, TO THE POINT OF BEGINNING.

SAID COMMERCIAL TRACT 2 CONTAINING 18.00 ACRES.

AND LESS THE WEST 50 FEET, OF THE SOUTH ONE-HALF, OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, LEE COUNTY, FLORIDA, FOR RIGHT-OF-WAY FOR NORTH AVENUE.

CONTAINING 2.96 ACRES.

THE ABOVE DESCRIBED LAND CONTAINS 585.95 ACRES.

ROBERT J. BILLS
PROFESSIONAL SURVEYOR AND MAPPER No. 4698
STATE OF FLORIDA

EXHIBIT 3

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

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

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

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

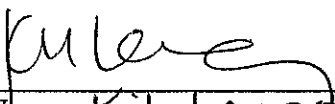
The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of a Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during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

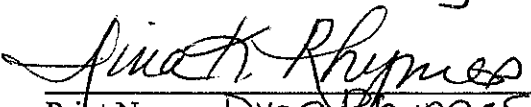
The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest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


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

Executed this 21 day of November, 2005

Witnessed:


Print Name: Kit Leung


Print Name: Dina Rhymes

By: 
Print Name: CARLOS M MOLINA
Its: Managing Partner

LEGAL DESCRIPTION

ALL OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, LEE COUNTY, FLORIDA, LESS THE ROAD RIGHT-OF-WAY FOR JOEL BOULEVARD, BEING ALSO DESCRIBED AS FOLLOWS:

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CONTAINING 2.96 ACRES.

THE ABOVE DESCRIBED LAND CONTAINS 585.95 ACRES.

ROBERT J. BILLS
PROFESSIONAL SURVEYOR AND MAPPER No. 4698
STATE OF FLORIDA

Certification of
Meeting and Authorization of Partners
of Section 10 Joint Venture LLP

The undersigned, Carlos M. Mallol ("Mallol") and Natalia Wolf ("Wolf") certify as follows:

1. Identification.

a) CAS Group, Inc. ("CAS") and Sky Property Venture LLC ("Sky") are all of the Partners (collectively the "Partners") of Section 10 Joint Venture LLP (the "Partnership").

b) Mallol is the President of CAS which is the Managing Venturer of the Partnership.

c) Wolf is a Manager/Member of Sky.

2. Property. The Partnership is the fee simple owner of All of Section 10, Township 44 South, Range 27 East, Lehigh Acres, Florida (the "Land").

3. **Authorized Representative.** The Partnership hereby authorized Carlos M. Mallol, on behalf of the Partnership, to take all actions and execute all documents, necessary or desirable for the purpose of:

(a) Making application for, and taking all actions and executing all documents related to obtaining such zoning approvals and conditions as Mallol may deem appropriate with respect to the Land;

(b) Making application for, and taking all actions in connection with, any governmental approvals or authorizations related to the development of the Land, including platting the Land or portions thereof;

(c) Entering into development agreements with any governmental agency or utility provider, including negotiating the terms of, and executing and delivering any such agreement related to the development of the Land or any portion thereof;

(d) Negotiating the terms of, executing and delivering agreements with third parties for site work improvements, road improvements and utility installations related to the development of the Land;

(e) Taking any actions and executing and delivering on behalf of the Partnership, as the authorized representative of the Partnership, in furtherance of any of the foregoing.

(f) Executing any document on behalf of the Partnership pursuant to the foregoing authorities as the "Authorized Representative" of the Partnership or as President fo

CAS, the Managing Venturer of the Partnership,, in either capacity with full authority to bind the Partnership for the purposes and on the terms and conditions set forth in any such document.

Executed by the Partners on this 8 day of September 2005

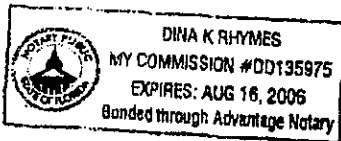
[Signature] 9/8/05
Carlos M. Mallol, President Date
of CAS Group, Inc.

Wolf 9/8/05
Natalia Wolf, Date
Member/Manager of
Property Venture LLC

STATE OF FLORIDA
COUNTY OF Florida

The foregoing instrument was acknowledged before me this 8th day of Sept., 2005, by Carlos M. Mallol, President of CAS Group, Inc., a Florida Corporation, Partner of Section 10 Joint Venture LLP, a Florida limited liability partnership, on behalf of the partnership and corporation. He/She is: (check one)

- personally known to me; or
- have produced _____, as identification.



[Complete if Notary]

[Signature]
Signature of person taking acknowledgment

DINA K RHYMES
(Typed, printed or stamped name of acknowledged)
Notary Public, State of Florida at Large
Serial Number:
My Commission Expires:

STATE OF FLORIDA
COUNTY OF Dade

The foregoing instrument was acknowledged before me this 8 day of September, 2005, by **Natalia Wolf**, as **Manager/Member** of Sky Property Venture LLC, a Florida limited liability company, Partner of Section 10 Joint Venture LLP, a Florida limited liability partnership, on behalf of the partnership and company. He/She is: (check one)

personally known to me; or
 have produced _____, as identification.

Felix Gurevich
Signature of person taking acknowledgment

[Complete if Notary]

(Typed, printed or stamped name of acknowledger)

Notary Public, State of Florida at Large

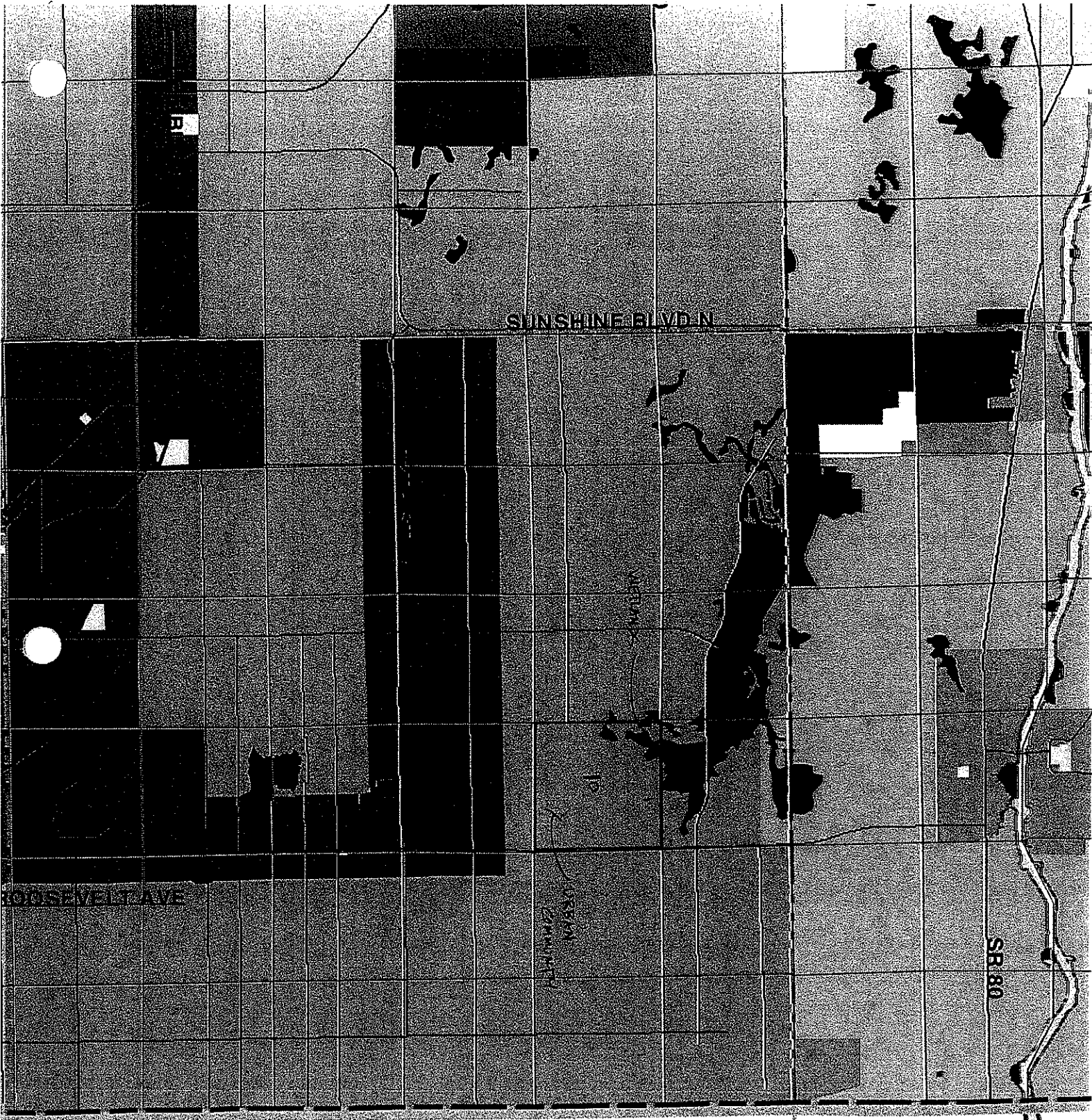
Serial Number: DL192049

My Commission Expires: MAR 10, 2007



Felix Gurevich
Commission #DL192049
Expires: Mar 10, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

EXHIBIT 4

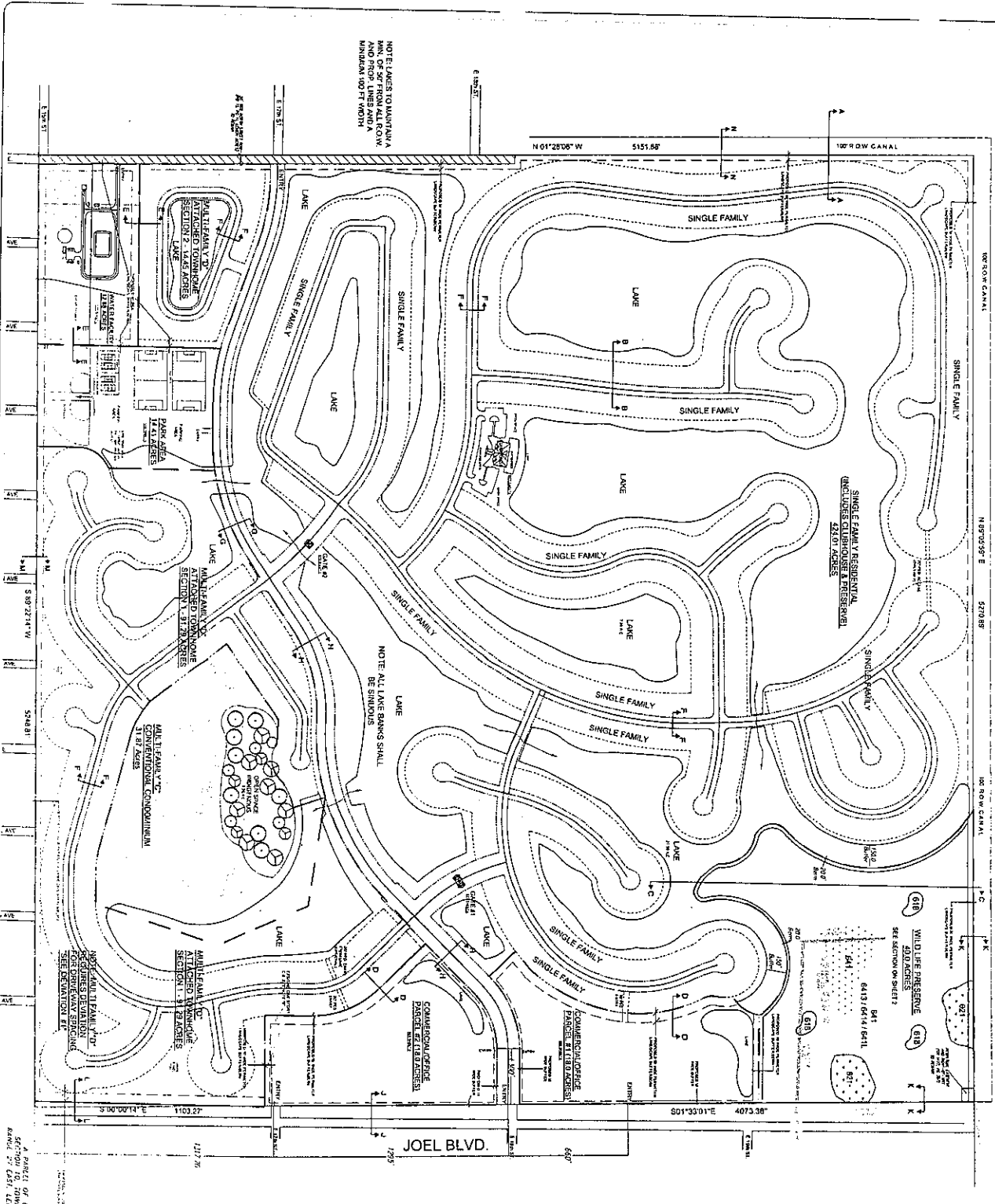


SUNSHINE BLVD N

ROOSEVELT AVE

SR 80

EXHIBIT 5



NOTE: LINES TO MAINTAIN A MIN. OF 5 FT FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH

NOTE: ALL LAKE BANKS SHALL BE SIMULTANEOUS

A PART OF A 1,400 ACRES IN SECTION 10, TOWNSHIP 44 S, RANGE 27 EAST, LEE COUNTY, FLORIDA

- 1) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 2) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 3) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 4) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
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- 9) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 10) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
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- 12) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 13) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 14) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 15) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 16) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 17) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 18) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 19) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.
- 20) THE DEVELOPER SHALL MAINTAIN A MINIMUM OF 5 FEET FROM ALL ROW AND PRIOR LINES AND A MINIMUM 100 FT WIDTH.

<p>SCALE: 1" = 250'</p> <p>DATE: 05060240</p> <p>C-1005</p> <p>EXHIBIT 6-J</p>	<p>DESIGNED BY: DEM</p> <p>DRAWN BY: DEM</p> <p>CHECKED BY: DEM</p> <p>DATE: 05-15-2005</p> <p>DANIEL C. MCKEE, P.E.</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>STATE OF FLORIDA</p> <p>NO. 35547</p>	<p>ConsulTech</p> <p>Development Services, Inc.</p> <p>Consulting Engineers Land Planners Surveyors</p> <p>2411 S.W. 10th Street, Suite 3410</p> <p>Miami, Florida 33135</p> <p>Phone: (305) 441-1272 Fax: (305) 441-1273</p> <p>WWW.CONSULTTECH.COM</p>	<p>SECTION 10 JOINT VENTURE, L.L.P.</p> <p>3141 COMMERCE PARKWAY</p> <p>MIRAMAR, FLORIDA 33025</p> <p>(954) 438 4300</p>	<p>"SECTION 10 LEHIGH"</p> <p>CTE Project # 05060240</p> <p>LEE COUNTY, FLORIDA</p> <p>SECTION 10, TOWNSHIP 44 S, RANGE 27 E</p> <p>MASTER CONCEPT PLAN</p>	<table border="1"> <thead> <tr> <th>DATE</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr> <td>05/15/05</td> <td>REVISED PER LEE COUNTY COMMENTS</td> </tr> <tr> <td>05/15/05</td> <td>REVISED PER LEE COUNTY COMMENTS</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	REVISIONS	05/15/05	REVISED PER LEE COUNTY COMMENTS	05/15/05	REVISED PER LEE COUNTY COMMENTS						
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05/15/05	REVISED PER LEE COUNTY COMMENTS																

EXHIBIT 6

LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT

Estimated Costs

ITEM		TOTAL
Roads, Sidewalks, Landscaping	\$	22,300,000
Utilities	\$	11,600,000
Stormwater Management	\$	3,220,000
Recreation	\$	3,400,000
Engineering, Surveying, Permitting, etc.	\$	9,660,000
Total	\$	50,180,000

EXHIBIT 7

STATEMENT OF ESTIMATED REGULATORY COSTS

FOR

**LAGUNA ESTATES
COMMUNITY DEVELOPMENT DISTRICT**

Prepared By:

RIZZETTA & COMPANY, INC.

3434 Colwell Avenue

Suite 200

Tampa, Florida 33614

(813) 933-5571

December 12, 2005

RIZZETTA & COMPANY
INCORPORATED

**LAGUNA ESTATES
COMMUNITY DEVELOPMENT DISTRICT**

STATEMENT OF ESTIMATED REGULATORY COSTS

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LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

I. INTRODUCTION

1. PURPOSE AND SCOPE

This Statement of Estimated Regulatory Costs has been prepared as a component of the petition filed with the Board of County Commissioners of Lee County, Florida, to establish the Laguna estates 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.

LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

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

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

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

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

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

2. LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT

The proposed District will contain approximately 624.91 acres. The petitioner is seeking authority, as outlined in Section 190.012 F.S., for the District to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructure that includes: stormwater management, district roads, sidewalks, landscaping, utilities, recreational

LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

facilities, or any other project, with or without the boundaries of the District, required by a development order issued by a local government or subject of an agreement between the District and a governmental entity.

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

II. STATUTORY ITEMS:

Section 120.541(2), F.S. (2005), 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.

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

- 1. A GOOD FAITH ESTIMATE OF THE NUMBER OF INDIVIDUALS AND ENTITIES LIKELY TO BE REQUIRED TO COMPLY WITH THE ORDINANCE, TOGETHER**

LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

**WITH A GENERAL DESCRIPTION OF THE TYPES OF INDIVIDUALS LIKELY TO
BE AFFECTED BY THE ORDINANCE**

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

A. THE STATE OF FLORIDA

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

B. LEE COUNTY

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

C. CURRENT PROPERTY OWNERS

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

LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

D. FUTURE PROPERTY OWNERS

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

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

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

1. Lee County (The "Agency")

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

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

2. State of Florida

Once the District is established, the State of Florida will incur only nominal administrative costs to review the periodic reports required pursuant to Chapters 190 and 189, F.S. These reports include the annual financial report, annual audit and public financing disclosures. To offset these costs, the Legislature has established a

LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

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

3. The District

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

B. IMPACT ON STATE AND LOCAL REVENUES

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

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

Lastly, some express a concern that a District obligation could become a state or county obligation thereby negatively effecting state or local revenues. This cannot occur as Chapter 190 specifically addresses this issue and expressly states: "It is further the purpose and intent of the Legislature that no debt or obligation of a district shall constitute a burden on any local general-purpose government without its consent." Section 190.002(3), F.S. "A default on the bonds or obligations of a district shall not constitute a debt or obligation of a local general-purpose government or the state. Section 190.016(15), F.S.

LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS

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

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

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

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

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

**LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS**

CITIES AS DEFINED BY SECTION 120.52 F.S.

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

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

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

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

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

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

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

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

EXHIBIT 8

4



THIS INSTRUMENT PREPARED BY:
Richard M. Sepler, Esquire
2997 Day Avenue
Miami, Florida 33133

INSTR # 6820510
RR BK 64733 Pgs 3819 - 3822 (4 pgs)
RECORDED 06/01/2005 02:00:34 PM
FILED IN SPAIN CLERK OF COURT
LEE COUNTY, FLORIDA
TALLAHASSEE, FLORIDA
WWW.COURTCLERK.COM

Parcel No:

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed the 16th day of May, 2005, by BONITA 10750, LTD., a U.S. Virgin Islands corporation, having its principal place of business at #30 Kongens Gade, St. Thomas, V.I. 00802, hereinafter called the Grantor, to SECTION 10 JOINT VENTURE LLP, a Florida Limited Partnership, whose post office address is 3141 Commerce Parkway, Miramar, FL 33025, hereinafter called the grantee:

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Lee County, Florida, as follows:

All of Section 10, Township 44 South, Range 27 East, Lehigh Acres, Lee County, Florida

Subject to conditions, limitation, easements, restriction, ordinances, sub-surface claims for mineral, oil and gas as set forth in the records of Lee County, Florida

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

AND the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby only specially warrants the title to said land from the date of acquisition by the grantor and will defend the same against the lawful claims of all persons whomsoever from that date forward; until the date below set forth and that said land is free of all mortgages excepting a Mortgage in favor of D.W. Walters Enterprises, Inc., a Florida corporation, the same of which is to be satisfied from proceeds of closing, and free of all entry rights for oil, gas and minerals except the claim of Indigo Group, Inc. which is to be satisfied with proceeds at closing.

IN WITNESS WHEREOF the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

BONITA 10750, LTD., a U.S. Virgin Islands corporation

Print Above Name: Nikolaus R. Carbow

VERNON A. BALL, President

Print Above Name: Richard M. Sepler

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was sworn to, subscribed and acknowledged before me this 16 day of May, 2005, by VERNON A. BALL, President of BONITA 10750, LTD., a U.S. Virgin Islands corporation, who is personally known to me or has produced a driver's license for identification and did not take an oath.

By:
NOTARY PUBLIC, State of Florida

Richard M. Sepler
My Commission DD088080
Expires October 21, 2006



Return to:

This Instrument Prepared By:
Robert F. Apgar, Esquire
Post Office Box 10809
Daytona Beach, FL 32120-0809

INSTR # 6820513
ON BS 04/23 PM 3:28 (100)
RECORDED 06/01/2005 02:00:34 PM
CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.00
USED BY A. 70
DEPUTY CLERK D. Schaefer

Parcel No.

Grantee(s) S.S. #:

QUIT CLAIM DEED
(Subsurface Interest)

This Quit Claim Deed, executed this 3rd day of May, 2005, by INDIGO GROUP INC. a corporation existing under the laws of Florida and having its principal place of business at 1530 Cornerstone Blvd., Suite 100, Daytona Beach, Florida 32117, first party, to Section 10 Joint Venture LP, a Florida corporation, whose address is 3141 Commerce Parkway, Micanopy, FL 32182, second party: limited liability partnership

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the said first party, for and in consideration of the sum of \$10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to wit:

The Southeast 1/4 LESS the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4; Northeast 1/4 of the Northeast 1/4; the Northwest 1/4, all in Section 10, Township 44 South, Range 27 East, Lee County, Florida.

This deed is given to extinguish all oil, gas and mineral rights, together with any and all other rights, of the first party as to the lands herein described, as referred to in that certain Warranty Deed from Consolidated Naval Stores Company (predecessor in title to Consolidated-Tomoka Land Co.) to Lee County Land and Title Company, dated November 6, 1957, recorded in Deed Book 277, page 240, and Harry H. Blumberg and Mildred R. Blumberg, dated October 8, 1951, recorded in ~~OR~~ Book 212, page 466, and Lee Ratner and Esther Ratner, dated May 11, 1955, recorded in Misc. Book 40, page 522, all in the Public Records of Lee County, Florida..

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

IN WITNESS WHEREOF, the said first party has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

Christine G. Byrne

Christine A. Byrne
Printed Name

Maura Gay

Maura Gay
Printed Name

STATE OF FLORIDA

COUNTY OF VOLUSIA

INDIGO GROUP, INC.

By: Bruce W. Teeters
Bruce W. Teeters, President

(Corporate Seal)



I hereby certify that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared BRUCE W. TEETERS well known to me to be the President of the corporation named as first party in the foregoing deed, and that he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily on behalf of the corporation. He is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of May, 2005.

Tammy J. Girvin
Notary Public, State of Florida

My Commission Expires:



Tammy J. Girvin
MY COMMISSION # DD166004 EXPIRES
November 18, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

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

NAME OF ORDINANCE: **LAGUNA ESTATES COMMUNITY DEVELOPMENT DISTRICT**

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

To enact a Uniform Community Development District (UCDD) under Chapter 190, Florida Statutes, to be known as the Laguna Estates Community Development District.

B. Narrative Summary of Ordinance (Several Sentence Summary)

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

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

Department of Community Development

**LEE COUNTY, FLORIDA
 FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
 PROPOSED COUNTY ORDINANCE:
 Laguna Estates Community Development District**

I. 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				
Fringe	N/A		NA	
Operating				
Capital Outlay				
Total				

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. through D., above.

No financial or administrative impact. Authorizes creation of a Community Development District in response to a petition to request establishment. The District will be responsible for managing and financing basic infrastructure and service needs for the District.