

Date Critical

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20061464

1. **ACTION REQUESTED/PURPOSE:** Adopt and enact an ordinance known as the Portofino Vineyards 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:**

PH2

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

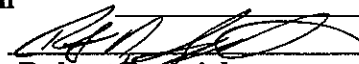
6. **Agenda:**

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

7. **Requirement/Purpose:** (specify)

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

8. **Request Initiated:**

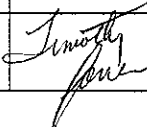
Commissioner _____
Department County Attorney
Division _____
By: 
Robert D. Spickerman
Assistant County Attorney

9. **Background:** Prime Homes at Portofino Vineyards, Ltd. 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 established, it serves as an infrastructure management tool that ultimately relieves existing county taxpayers of the financial burden of providing urban services to the landowners in the district.

(continued on 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	Plans	Mgr.	
					RK/11/11	07/11/06	11/10/06	11/10/06	HS 11/2/06

11. **Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN:
10/31/06
4:10 MP
COUNTY ADMIN
FORWARDED TO:
11/2/06 P. Law. 2:15

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

Blue Sheet #: 20061464
Page #: 2
Subject: Portofino Vineyards

The proposed Portofino Vineyards CDD is located on approximately 69 acres of land located between Three Oaks Parkway and I-75 in the San Carlos area. The land area is bounded on the north by vacant land; on the south by a multi-family development; on the east by I-75; and on the west by vacant land and single family homes. The property is located in Section 15, 22 and 23, Township 46 South, Range 25 East. The Portofino Vineyards Community Development District will be granted the power to finance, fund, plan, establish, acquire, construct or re-construct, enlarge or extend, equip, operate and maintain systems and facilities for the following basic infrastructure: water management; water supplies; sewer and wastewater management; bridges or culvert; district roads; 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 Portofino Vineyards Community Development District is not a development order within the meaning of Chapter 380, F.S. All county planning, environmental and land development laws, regulations and ordinances will apply to the development of land within the proposed Portofino Vineyards Community Development District, and the District can take no action that is inconsistent with those regulations.

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

1. Establishes the external boundaries of the district.
2. Names the five persons designated to be the initial members of the Board of Supervisors. These members are as follows:
 - a. Linda Socolow
 - b. Jeanette Maldonado
 - c. John Nelson
 - d. Lorraine Vanella
 - e. Geovanna Fortier
3. Names the district: Portofino Vineyards Community Development District

Attachments:

1. Proposed ordinance establishing the Portofino Vineyards Community Development District.
2. Planning Staff Analysis dated August 25, 2006.
3. Portofino Vineyards Petition, Exhibits, Attachments and Amendment.
4. FAIS.

cc: Joan LaGuardia, Communications Manager, DCD

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING PORTOFINO VINEYARDS 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, Pride Homes at Portofino Vineyards, Ltd. has petitioned the Board of County Commissioners to establish PORTOFINO VINEYARDS 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 Portofino Vineyards 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 Portofino Vineyards 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**

Portofino Vineyards 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. Linda Socolow
5555 Anglers Avenue #16B
Ft. Lauderdale, FL 33312
2. Jeanette Maldonado
5555 Anglers Avenue #16B
Ft. Lauderdale, FL 33312
3. John Nelson
5555 Anglers Avenue #16B
Ft. Lauderdale, FL 33312
4. Lorraine Vanella
5555 Anglers Avenue #16B
Ft. Lauderdale, FL 33312
5. Geovanna Fortier
5555 Anglers Avenue #16B
Ft. Lauderdale, FL 33312

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Portofino Vineyards 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 Portofino Vineyards 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 Portofino Vineyards 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

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTIONS 15, 22 & 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 15, 22 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE AFORESAID SECTION 22; THENCE RUN S.88°23'14"W. ALONG THE NORTH LINE OF SAID SECTION 22 FOR 104.96 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF THE THREE OAKS PARKWAY REALIGNMENT PROJECT (COUNTY PROJECT # CN-02-06); THENCE RUN S.14°13'19"E. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 1625.74 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 783.32 FEET ALONG THE ARC OF A CURVE CONCAVE WESTERLY, WITH A RADIUS OF 1200.00 FEET, A DELTA OF 37°24'02", A CHORD BEARING OF S.04°28'42"W. AND A CHORD DISTANCE OF 769.48 FEET TO A POINT OF TANGENCY; THENCE RUN S.23°10'43"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 38.83 FEET TO A POINT ON A CURVE; THENCE RUN SOUTHWESTERLY ALONG THE AFORESAID RIGHT-OF-WAY LINE FOR 50.07 FEET ALONG THE ARC OF A CURVE (NOT RADIAL TO THE PREVIOUSLY DESCRIBED LINE) CONCAVE NORTHERLY, WITH A RADIUS OF 30.00 FEET, A DELTA OF 95°36'18" (95°37'07" PER RIGHT-OF-WAY MAP), A CHORD BEARING OF S.68°59'13"W. AND A CHORD DISTANCE OF 44.45 FEET TO A POINT ON A NON-COMPOUND CURVE; THENCE RUN NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE FOR 119.77 FEET (120.03 FEET PER RIGHT-OF-WAY MAP) ALONG THE ARC OF A CURVE CONCAVE NORTHERLY, WITH A RADIUS OF 469.00 FEET; A DELTA OF 14°37'54" (14°39'51" PER RIGHT-OF-WAY MAP), A CHORD BEARING OF N.57°52'21"W. AND A CHORD DISTANCE OF 119.44 FEET (119.71 PER RIGHT-OF-WAY MAP) TO A POINT ON A CURVE ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (100 FEET WIDE); THENCE RUN NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 966.65 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, WITH A RADIUS OF 1025.00 FEET, A DELTA OF 54°02'04", A CHORD BEARING OF N.49°05'43"W. AND A CHORD DISTANCE OF 931.23 FEET TO A POINT OF TANGENCY; THENCE RUN N.76°06'45"W. ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 313.88 FEET; THENCE RUN N.26°14'39"E. FOR 124.11 FEET; THENCE RUN N.37°33'24"E. FOR 84.87 FEET; THENCE RUN N.23°18'32"E. FOR 218.36 FEET; THENCE RUN N.17°34'52"E. FOR 221.62 FEET; THENCE RUN N.12°01'41"E. FOR 230.68 FEET; THENCE RUN N.01°30'08"E. FOR 255.46 FEET; THENCE RUN N.05°41'05"W. FOR 530.19 FEET; THENCE RUN N.23°08'49"W. FOR 120.28 FEET; THENCE RUN N.39°13'50"W. FOR 128.89 FEET; THENCE RUN N.57°59'19"W. FOR 96.55 FEET; THENCE RUN N.65°27'58"W. FOR 336.91 FEET; THENCE RUN N.71°11'03"W. FOR 137.25 FEET; THENCE RUN N.79°10'17"W. FOR 96.62 FEET; THENCE RUN N.70°58'05"W. FOR 45.72 FEET; THENCE RUN N.60°30'15"W. FOR 219.67 FEET; THENCE RUN N.66°30'07"W. FOR 191.21 FEET; THENCE RUN N.64°44'50"W. FOR 177.69 FEET, SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (50.00 FEET FROM CENTERLINE); THENCE RUN NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE (NOT RADIAL TO THE PREVIOUSLY DESCRIBED LINE) FOR 55.75 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 1735.28 FEET, A DELTA OF 1°50'27", A CHORD BEARING OF N.30°05'08"E. AND A CHORD DISTANCE OF 55.75 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 193.03 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 810.00 FEET, A DELTA OF 13°39'14", A CHORD BEARING OF N.37°49'58"E. AND A CHORD DISTANCE OF 192.57 FEET TO

SHEET 1 OF 3

S:\Jobs\21xx\2187\SURVEY\Descriptions\2056SR_DESC.doc

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33912
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

A POINT OF TANGENCY; THENCE RUN N.44°39'35"E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 222.09 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE 382.06 FEET ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY, WITH A RADIUS OF 1030.00 FEET, A DELTA OF 21°15'10", A CHORD BEARING OF N.34°02'00"E. AND A CHORD DISTANCE OF 379.87 FEET TO A POINT ON A CURVE ON THE RIGHT-OF-WAY LINE OF THE AFORESAID REALIGNMENT OF THREE OAKS PARKWAY; THENCE RUN NORTHEASTERLY ALONG THE RIGHT-OF-WAY LINE OF SAID REALIGNMENT FOR 123.36 FEET (122.84 FEET PER RIGHT-OF-WAY MAP) ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 470.00 FEET, A DELTA OF 15°02'16" (14°58'31" PER RIGHT-OF-WAY MAP), A CHORD BEARING OF N.51°02'10"E. (N.51°04'03"E. PER RIGHT-OF-WAY MAP), AND A CHORD DISTANCE OF 123.00 FEET (122.49 FEET PER RIGHT-OF-WAY MAP) TO A POINT OF TANGENCY; THENCE RUN N.58°33'18"E. ALONG THE RIGHT-OF-WAY LINE OF SAID REALIGNMENT FOR 42.94 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID REALIGNMENT FOR 45.82 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHERLY, WITH A RADIUS OF 30.00 FEET, A DELTA OF 87°30'29", A CHORD BEARING OF S.77°41'27"E. AND A CHORD DISTANCE OF 41.49 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE OF SAID REALIGNMENT FOR 586.03 FEET ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY, WITH A RADIUS OF 1350.00 FEET, A DELTA OF 24°52'19", A CHORD BEARING OF S.46°22'22"E. AND A CHORD DISTANCE OF 581.44 FEET TO A POINT OF TANGENCY; THENCE RUN S.58°48'32"E. ALONG SAID RIGHT-OF-WAY OF SAID REALIGNMENT FOR 200.62 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY OF SAID REALIGNMENT FOR 933.83 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, WITH A RADIUS OF 1200.00 FEET, A DELTA OF 44°35'13", A CHORD BEARING OF S.36°30'56"E. AND A CHORD DISTANCE OF 910.44 FEET TO A POINT OF TANGENCY; THENCE RUN S.14°13'19"E. ALONG THE RIGHT-OF-WAY LINE OF SAID REALIGNMENT FOR 226.11 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 68.910 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE AFORESAID SECTION 22 AS BEING S.88°23'14"W.

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: Portofino Vineyards UCDD
date: August 25, 2006

2006 AUG 25 PM 3:22
RECEIVED BY
LEE CO. ATTORNEY

Planning staff has completed its review of the petition to establish the Portofino Vineyards 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 several pages of the petition have been updated by the petitioner and the revised petition is attached.

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

ANALYSIS OF
THE PORTOFINO VINEYARDS
PETITION TO ESTABLISH A
UNIFORM COMMUNITY
DEVELOPMENT DISTRICT

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

August 25, 2006



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INTRODUCTION

Prime Homes at Portofino Vineyards, Ltd. 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

Prime Homes at Portofino Vineyards, Ltd., hereafter called "Petitioner", is a Florida limited partnership with its principal place of business located at 5555 Anglers Avenue, Suite 16B, Fort Lauderdale, Florida, 33312 and whose general partner is Portofino Vineyards Builders, Inc., with Larry Abbo as the vice-president.

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

The Petitioner proposes to establish a Uniform Community Development District on approximately sixty nine (69±) acres of land located in Lee County, Florida and lying within Sections 15, 22, and 23, Township 46 South, Range 25 East. The property is located between Three Oaks Parkway and I-75 in the San Carlos area. A map showing the land area to be served by the District and a metes and bounds description of the external boundaries of the District is set forth in Exhibits 1 and 2 to the petition. The land area is bounded on the West by vacant land and single family homes, on the North by vacant land, on the East by I-75, and on the South by multi-family development. 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 Portofino Vineyards 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 May 8, 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, any other documents and information that have been filed. The key decisions to be made by the Board in establishing a district is simply whether it is a reasonable thing to do in view of the six factors which the law requires Lee County to analyze.

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

STAFF ANALYSIS OF FACTORS

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

Concerning Factor #1: Staff concludes that all statements contained within the petition are true and correct. This determination applies to the petition and all of its Exhibits. Concerning petition Exhibit 10, 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 Portofino Vineyards development area. One alternative is for Lee County government to directly provide those services by creating a dependent district or, by directly managing the infrastructure but financing it through a Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU). The other alternative is purely private, through a homeowners' association, or through a private company or utility established by the landowners. The third alternative, the Uniform Community Development District, coincides the public policy interests and duties of local government with the private marketing interests and duties of private landowners.

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

Concerning Factor #5: Staff has reviewed the issue of the capacity and uses of any existing local and regional community development services and facilities. Currently the subject area is located within Lee County Utilities water and sewer service areas. The establishment of the District will not create a conflict with this utility because it is the intent of the District to construct and maintain the utility infrastructure within the district and connect to Lee County Utilities at the boundary of the district land. Other services and facilities such as water management will be funded and maintained by the district as well. 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 Portofino Vineyards 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 Portofino Vineyards Community Development District.

RECOMMENDATION

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

Linda Socolow
Jeanette Maldonado

John Nelson
Lorraine Vanella
Geovanna Fortier

3. It establishes the name of the district which shall be: The Portofino Vineyards 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.

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RECEIVED BY
LEE CO. ATTORNEY

**PETITION TO ESTABLISH PORTOFINO VINEYARDS
COMMUNITY DEVELOPMENT DISTRICT**

May, 2006

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

**IN RE: AN ORDINANCE TO ESTABLISH THE PORTOFINO VINEYARDS
COMMUNITY DEVELOPMENT DISTRICT**

PETITION

PRIDE HOMES AT PORTOFINO VINEYARDS, LTD., a Florida limited partnership (“Petitioner”), hereby submits this Petition to the Board of County Commissioners of the Lee County, Florida, pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, to establish a Community Development District with respect to the land described herein. In support of this Petition, Petitioner states as follows:

1. Location and Size. The proposed District is located on Three Oaks Parkway in unincorporated Lee County, Florida, and contains approximately 69 acres. The general location of the proposed District is shown on **Exhibit 1** attached hereto. The metes and bounds description of the external boundaries of the proposed District is set forth in **Exhibit 2** attached hereto.

2. Landowner Consent. Attached hereto as **Exhibit 3** is the written consent of the owner of 100% of the real property to be included within the proposed District.

3. Name. The proposed name of the proposed District to be established is Portofino Vineyards Community Development District (the “District”).

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: Linda Socolow
Address: 5555 Anglers Avenue #16B
 Fort Lauderdale, Florida 33312

Name: Jeanette Maldonado
Address: 5555 Anglers Avenue #16B
 Fort Lauderdale, Florida 33312

Name: Lorraine Vanella
Address: 5555 Anglers Avenue #16B
 Fort Lauderdale, Florida 33312

Name: Geovanna Fortier
Address: 5555 Anglers Avenue #16B
 Fort Lauderdale, Florida 33312

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

5. Existing Land Uses. The lands within the proposed District are currently vacant and are designated Urban Community on the Lee County Future Land Use Map and zoned in the Lee County RPD zoning district.

6. Future Land Uses. The future general distribution, location and extent of the public and private land uses proposed within the proposed District are shown on **Exhibit 4** attached hereto. These proposed land uses are consistent with the state comprehensive plan and the Lee County Florida Comprehensive Plan. The proposed development of the lands within the proposed District contemplates the construction of 825 multi-family residential units. **Exhibit 5** attached hereto shows the proposed development plan for the lands within the District.

7. Major Water and Wastewater Facilities and Outfalls. **Exhibit 6** attached hereto shows the existing major trunk water mains and sewer connections serving the lands within the District. **Exhibit 6** also depicts the major outfall canals and drainage system for the lands within the proposed District.

8. District Facilities and Services. The Petitioner presently intends for the proposed District to participate in the funding and construction of the following described improvements:

- (a) Surface water management system;
- (b) Water distribution system;
- (c) Wastewater collection system; and
- (d) Rights of Way and Open Space Improvements.

Exhibit 7 attached hereto sets forth the estimated costs of construction of the improvements Petitioner presently expects the proposed District to fund, construct and install. The proposed timetable for construction is shown in **Exhibit 8** attached hereto. These are good faith estimates but are subject to change. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Statement of Estimated Regulatory Costs. A Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes, is attached hereto as **Exhibit 9**.

10. Petitioner and Authorized Agent. The Petitioner is Pride Homes at Portofino Vineyards, Ltd., a Florida limited partnership, whose address is 5555 Anglers Avenue #16B, Fort Lauderdale, Florida 33312. Copies of all correspondence and official notices should also be sent to the authorized agent for the Petitioner:

Dennis E. Lyles, Esq.
Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A.
888 S.E. 3rd Avenue, Suite 301
Fort Lauderdale, Florida 33316
Phone: 954-764-7150 / Fax: 954-764-7279
Email: dlyles@bchlm.com

11. This Petition to establish the Portofino Vineyards Community Development District should be granted for the following reasons:

a. Establishment of the proposed District and all land uses and services planned within the proposed District are not inconsistent with any applicable element or portion of the state comprehensive plan or the effective local government comprehensive plan.

b. The area of land within the proposed District is part of a unified plan of development that has been or will be approved by the Lee County, Florida. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The proposed District will be the best alternative available for delivering community development services and facilities to the area to be served without financially impacting persons residing outside the proposed District. Establishment of the proposed District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the proposed District will be compatible 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 services and facilities in the future.

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

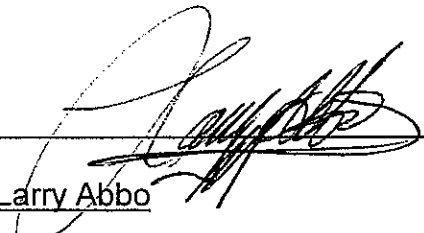
WHEREFORE, Petitioner respectfully requests the Board of County Commissioners of Lee County, Florida, to:

a. Hold a public hearing to consider the establishment of the Springs of Portofino Community Development District in accordance with the requirements of Section 190.005(2)(b), Florida Statutes; and

b. Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the PORTOFINO VINEYARDS Community Development District.

RESPECTFULLY SUBMITTED, this ___ day of _____, 2006

PRIME HOMES AT PORTOFINO VINEYARDS, LTD, BY PORTOFINO VINEYARDS BUILDERS, INC., ITS GENERAL PARTNER

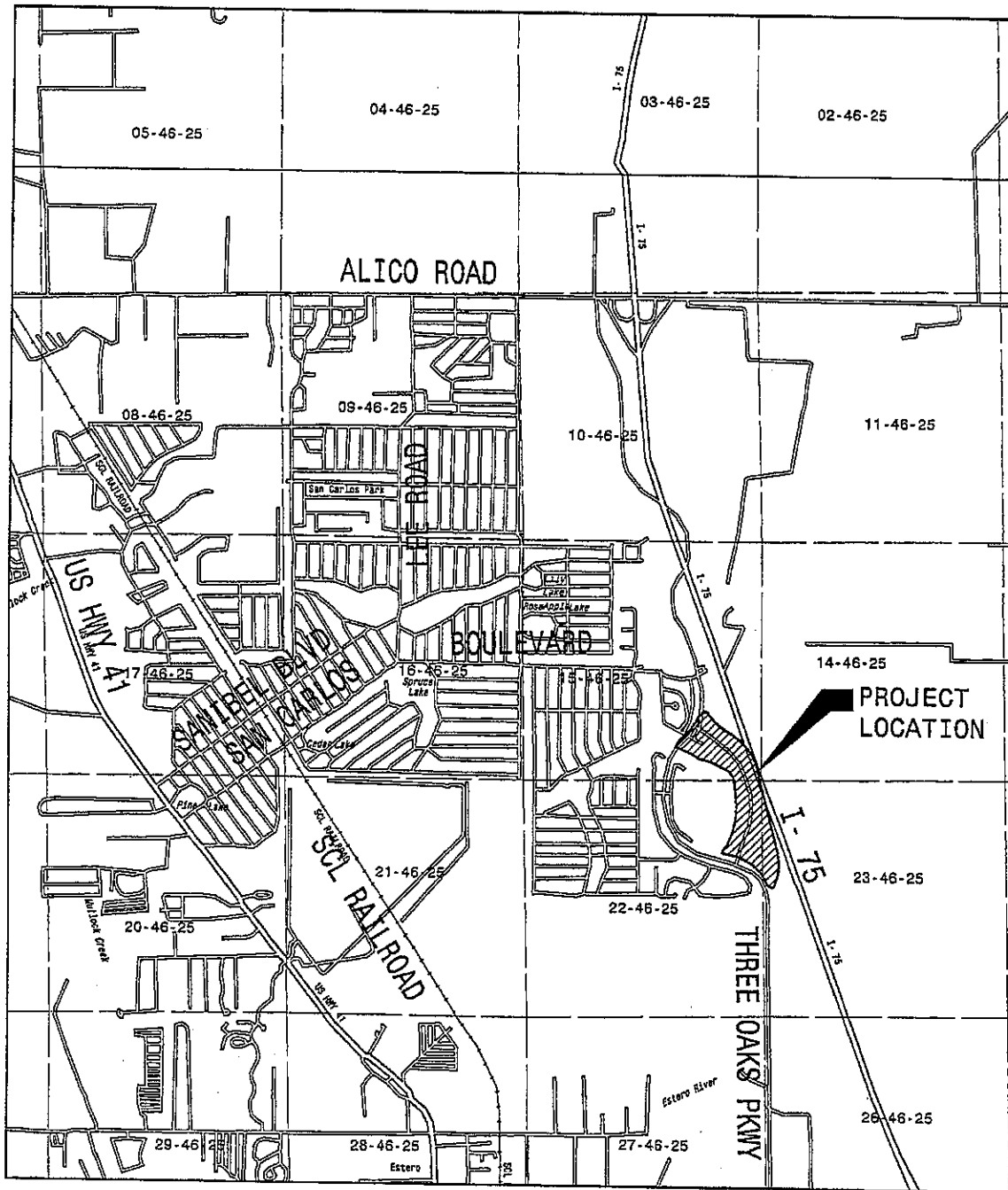


By: Larry Abbo
Title: Vice President

EXHIBIT 1

LOCATION SKETCH

SITE LOCATION MAP



SECTIONS 15, 22 & 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

PORTOFINO VINEYARDS C.D.D.

Wanka Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA
6640 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34109
PHONE: (239) 537-0291 FAX: (239) 537-3082
ENGINEERING LICENSE # EC 8149
SURVEY LICENSE # LS 8580

PROJECT LOCATION MAP

EXHIBIT 2

METES AND BOUNDS DESCRIPTION

EXHIBIT 3

**AFFIDAVIT OF OWNERSHIP AND CONSENT
TO THE CREATION OF PORTOFINO VINEYARDS
COMMUNITY DEVELOPMENT DISTRICT**

STATE OF FLORIDA)
COUNTY OF _____)

On this _____ day of _____, 2006, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, _____, who, after being duly sworn, deposes and says:

1. Affiant, Larry Abbo, an individual, is the Vice President of PORTOFINO VINEYARDS Builders, Inc., a Florida corporation, as general partner of Prime Homes at PORTOFINO VINEYARDS, Ltd., a Florida limited partnership;
2. Prime Homes at PORTOFINO VINEYARDS, Ltd. is the owner of the following described property, to wit:

See Exhibit "A" attached hereto (the "Property")


3. Affiant, Larry Abbo, hereby represents that he has full authority to execute all documents and instruments on behalf of the Corporation, including the Petition before the Board of County Commissioners of Lee County, Florida, to enact an ordinance to establish the PORTOFINO VINEYARDS Community Development District (the "Proposed CDD").
4. The property represents all of the real property to be included in the Proposed CDD.
5. Affiant, Larry Abbo, on behalf of Prime Homes at PORTOFINO VINEYARDS, Ltd. by PORTOFINO VINEYARDS Builders, Inc. its general partner, as the sole owner of the Property in the capacity described above, hereby consents to the establishment of the proposed CDD.

FURTHER AFFIANT SAYETH NOT.



Larry Abbo, Vice President

Subscribed and sworn to before me this 09 day of APRIL, 2006, by LARRY ABBO, who personally appeared before me, and is personally known.

Notary: 
Print Name: LINDA SOCOLOW
Notary Public, State of Florida



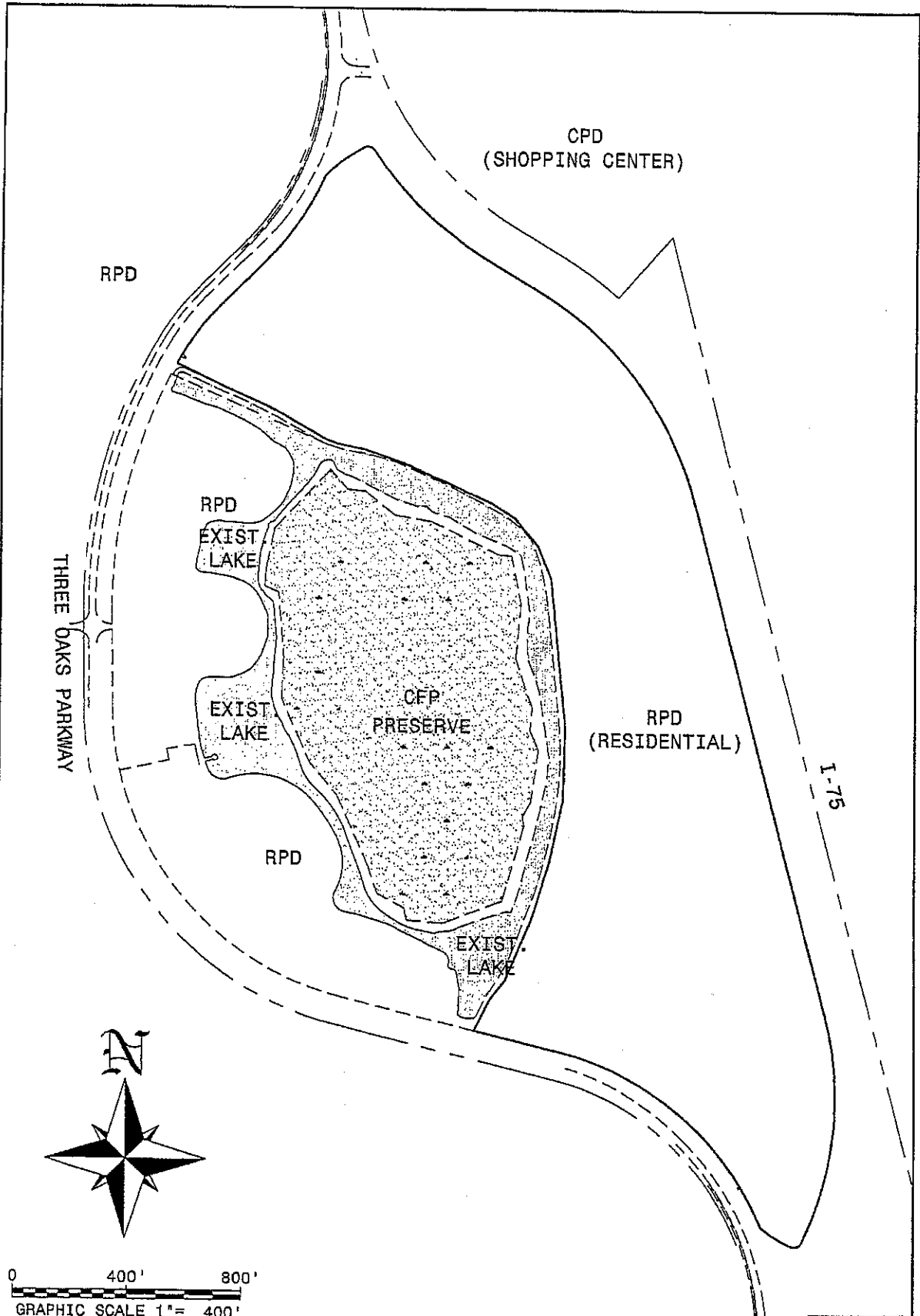
Linda Socolow
Commission #DD201844
Expires: May 17, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

Exhibit "A" to Affidavit

Legal description of Property

EXHIBIT 4

**FUTURE GENERAL DISTRIBUTION, LOCATION AND EXTENT OF THE PUBLIC
AND PRIVATE LAND USES PROPOSED WITHIN THE PROPOSED DISTRICT**




PORTOFINO VINEYARDS C.D.D. LAND USE MAP

Banks Engineering, Inc.

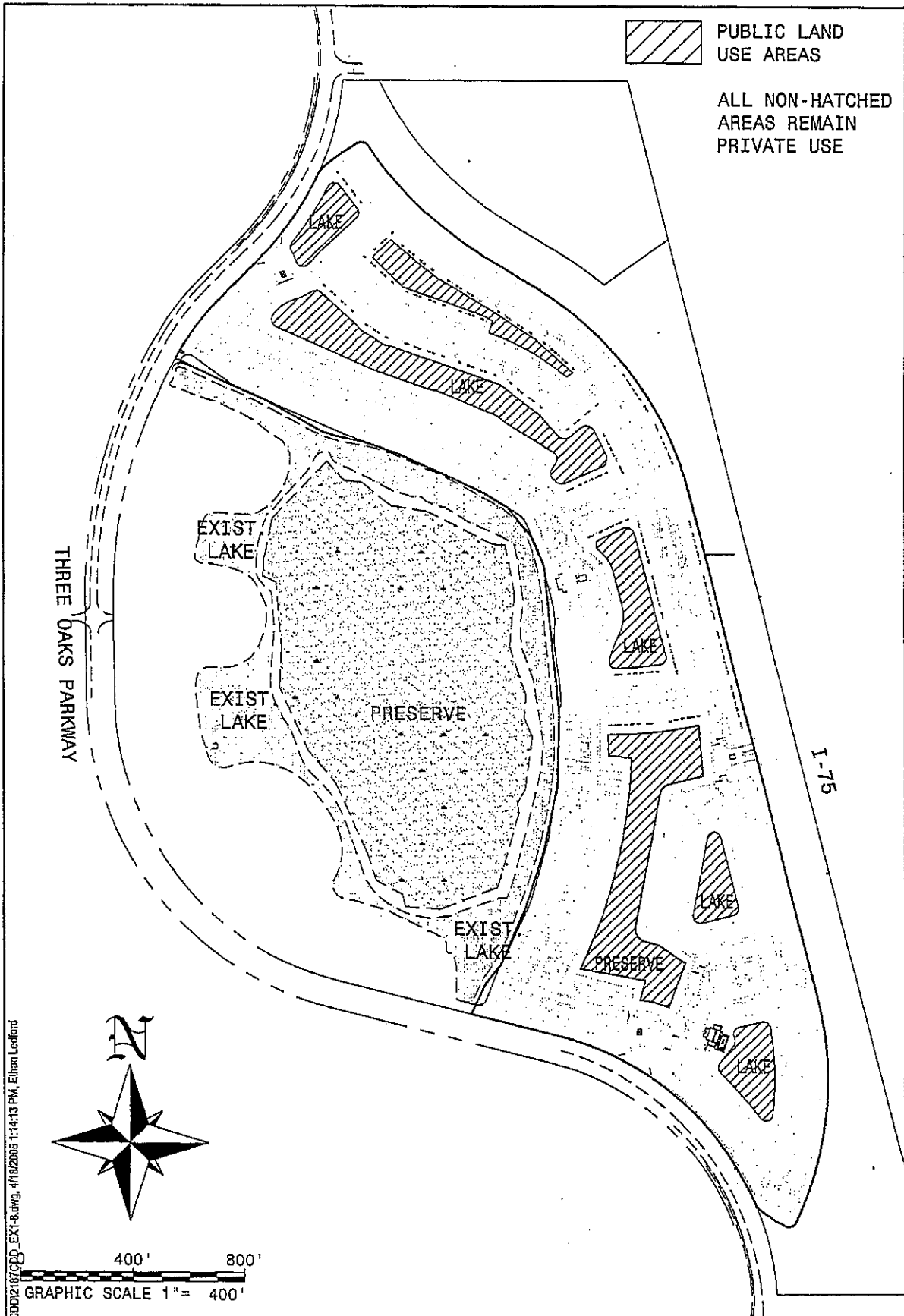
Professional Engineers, Planners & Land Surveyors
 FORT MYERS ♦ NAPLES ♦ SARASOTA
 6640 WILLOW PARK DRIVE, SUITE B
 NAPLES, FLORIDA 34108
 PHONE: (889) 827-1061 FAX: (889) 587-3082
 ENGINEERING LICENSE # 63 6428
 SURVEY LICENSE # LS 0560

EXHIBIT 5

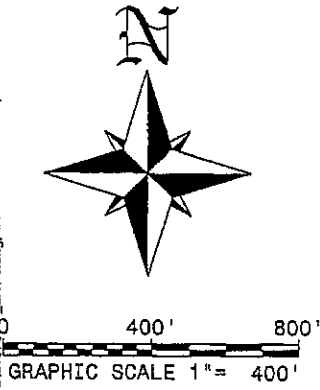
PROPOSED DEVELOPMENT PLAN

 PUBLIC LAND
USE AREAS

ALL NON-HATCHED
AREAS REMAIN
PRIVATE USE



S:\06\12\1\12\18\17\ENGINEERING\CDD\18\CCDD_EXI-8.dwg, 4/18/2016 1:14:13 PM, Eileen Ledford



PORTOFINO VINEYARDS C.D.D. DEVELOPMENT PLAN

Warkx Engineering, Inc.

Professional Engineers, Planners & Land Surveyors

FORT MYERS ♦ NAPLES ♦ SARASOTA

8440 WILLOW PARK DRIVE, SUITE B

NAPLES, FLORIDA 34105

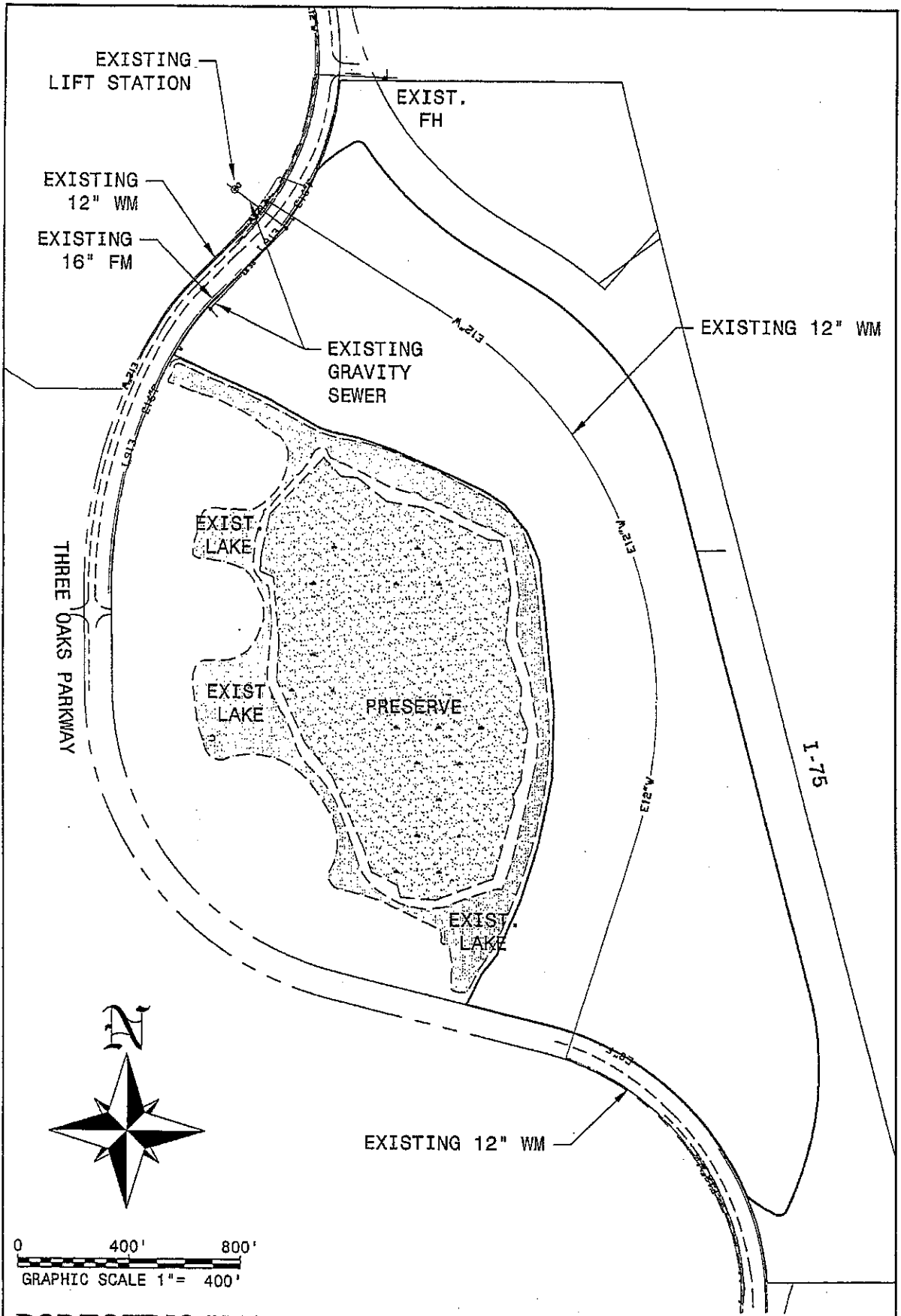
PHONE: (239) 587-2081 FAX: (239) 587-2082

ENGINEERING LICENSE # EB 6488

SURVEY LICENSE # LB 6592

EXHIBIT 6

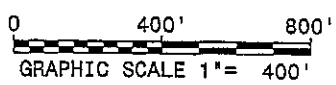
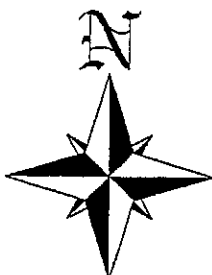
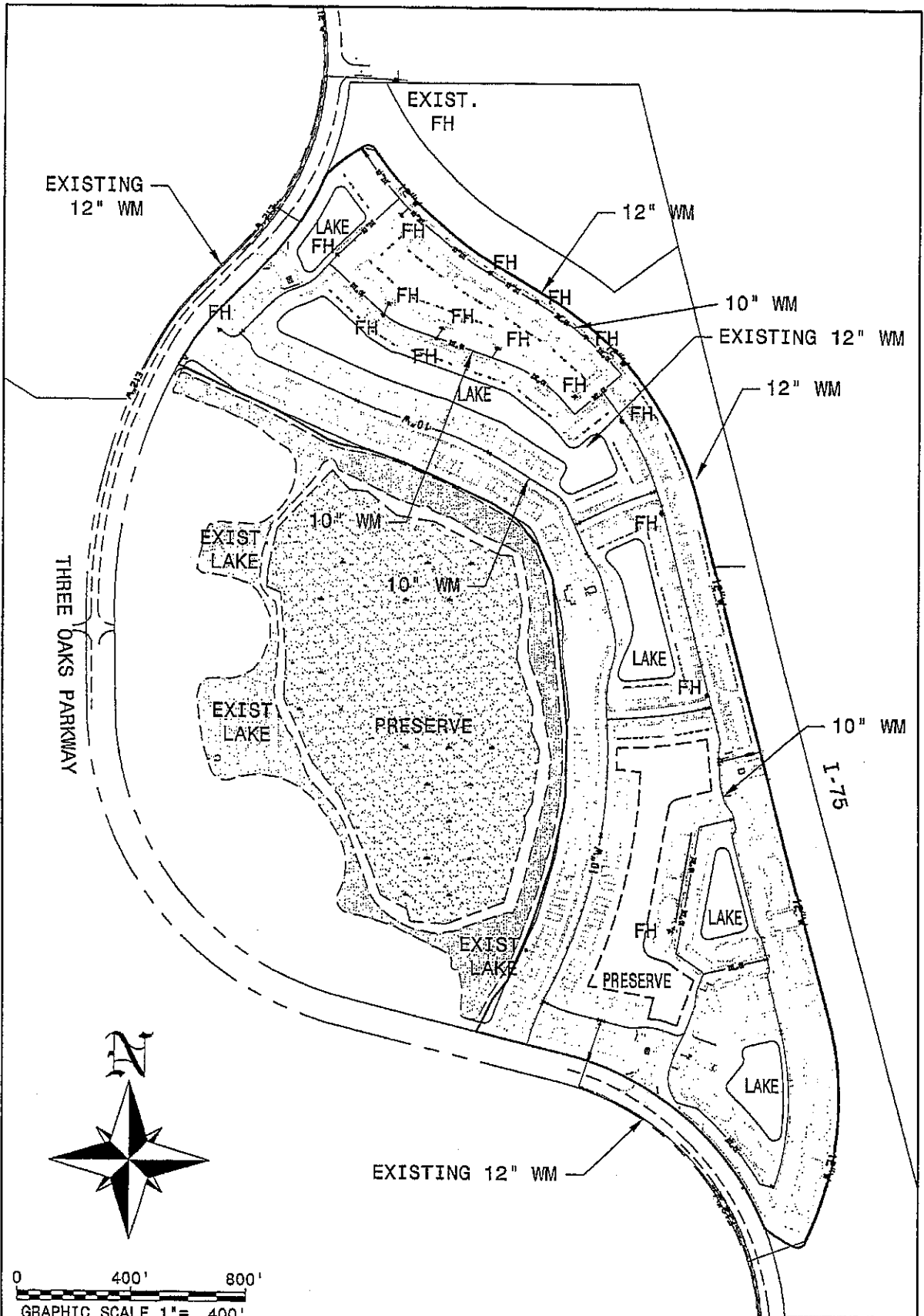
MAJOR TRUNK WATER MAINS, SEWER INTERCEPTORS AND OUTFALLS



PORTOFINO VINEYARDS C.D.D. EXISTING UTILITY PLAN

Banks Engineering, Inc.

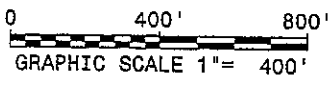
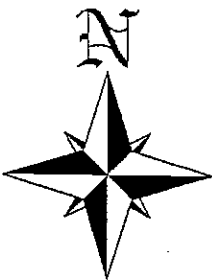
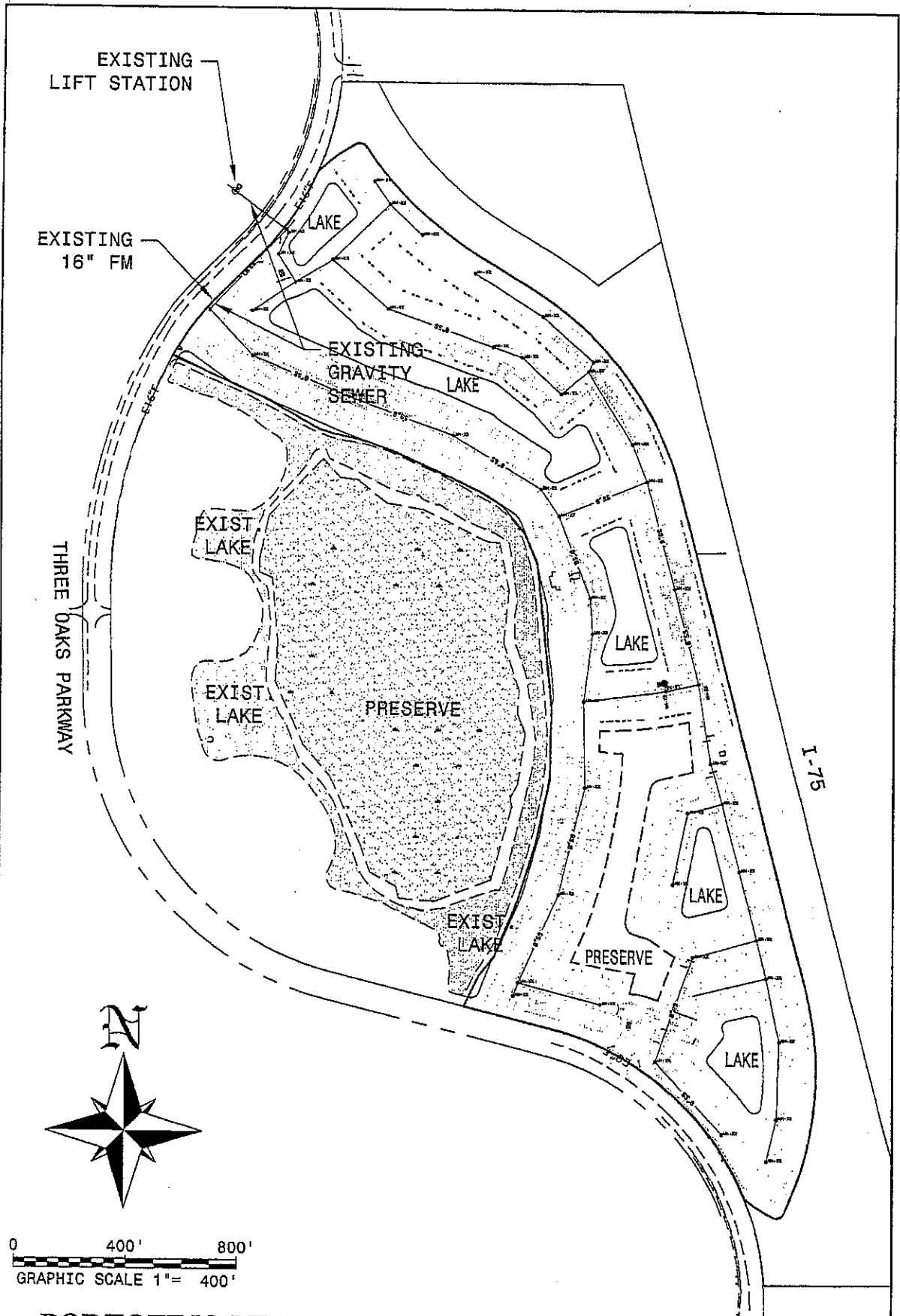
Professional Engineers, Planners & Land Surveyors
 FORT MYERS • NAPLES • SARASOTA
 8940 WILLOW PARK DRIVE, SUITE B
 NAPLES, FLORIDA 34109
 PHONE: (239) 597-2041 FAX: (239) 597-2042
 ENGINEERING LICENSE # EB 8439
 SURVEY LICENSE # LB 4830



PORTOFINO VINEYARDS C.D.D. POTABLE WATER PLAN

Wanks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
 FORT MYERS • NAPLES • SARASOTA
 8840 WILLOW PARK DRIVE, SUITE #
 NAPLES, FLORIDA 34108
 PHONE: (239) 587-2661 FAX: (239) 587-5568
 ENGINEERING LICENSE # 18 6418
 SURVEY LICENSE # 18 6480



PORTOFINO VINEYARDS C.D.D. WASTEWATER PLAN

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors

FORT MYERS ♦ NAPLES ♦ SARASOTA

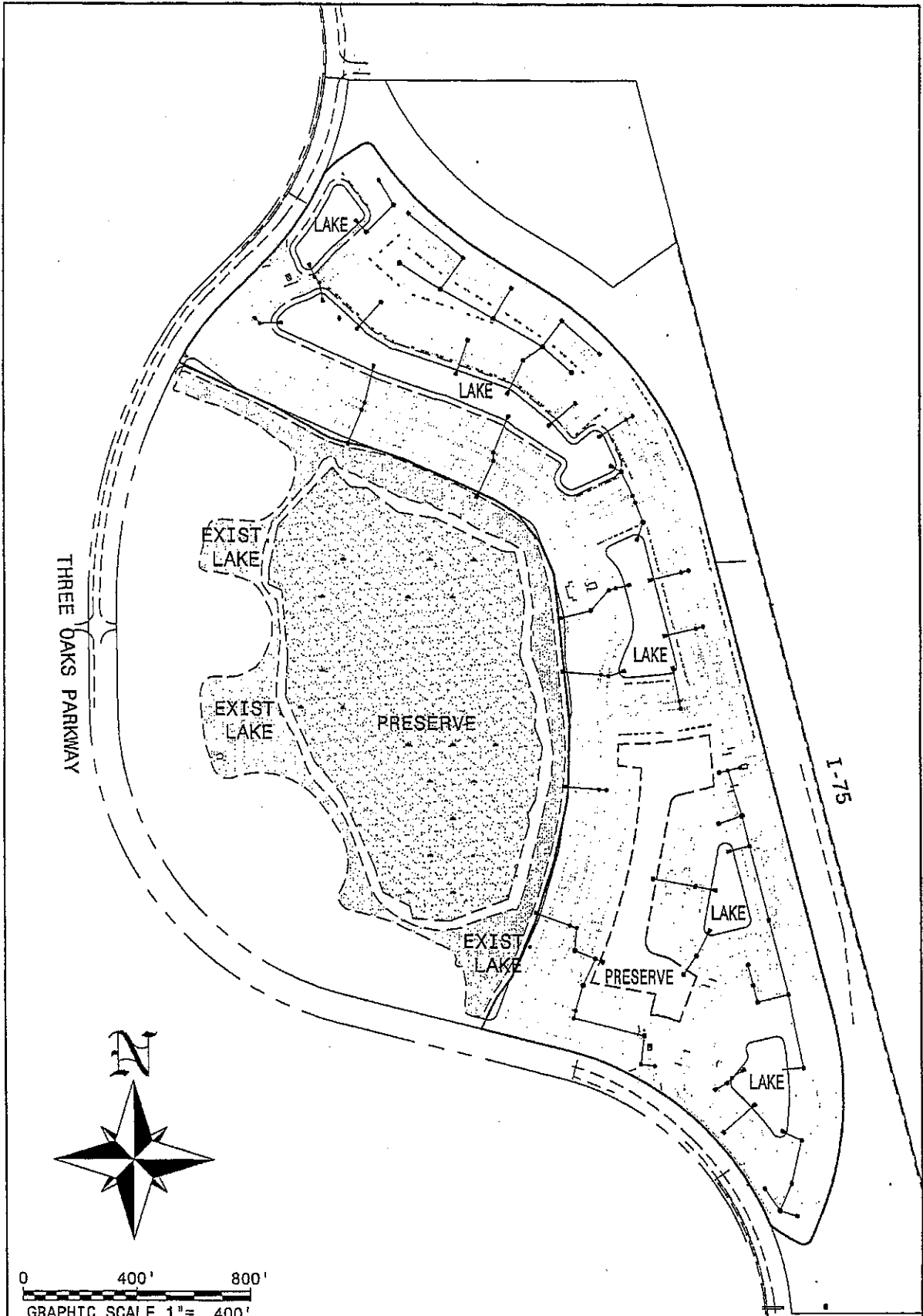
8340 WILLOW PARK DRIVE, SUITE B

NAPLES, FLORIDA 34109

PHONE: (833) 597-2061 FAX: (833) 597-2062

ENGINEERING LICENSE # EB 6448

SURVEY LICENSE # LA 8399



PORTOFINO VINEYARDS C.D.D. STORMWATER PLAN

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
 FORT MYERS ♦ NAPLES ♦ SARASOTA
 6840 WILLOW PARK DRIVE, SUITE 8
 NAPLES, FLORIDA 34108
 PHONE: (239) 597-5081 FAX: (239) 597-3082
 ENGINEERING LICENSE # EB 6443
 SURVEY LICENSE # LS 9680

EXHIBIT 7

ESTIMATED COSTS OF DISTRICT IMPROVEMENTS

Surface Water Management	\$ 8,615,000.00
Water Distribution	\$ 1,077,000.00
Wastewater Collection	\$ 1,077,000.00
Rights of Way and Open Space Improvements	<u>\$ 431,000.00</u>
Total Estimated Costs	\$11,200,000.00

EXHIBIT 8

PROPOSED TIMETABLE FOR CONSTRUCTION OF DISTRICT IMPROVEMENTS

	<u>Start Date</u>	<u>Completion Date</u>
Stormwater Management	October, 2006	December, 2008
Water Distribution	October, 2006	December, 2008
Wastewater Collection	October, 2006	December, 2008
Roadway Improvements	October, 2006	December, 2008

EXHIBIT 9

STATEMENT OF ESTIMATED REGULATORY COSTS

EXHIBIT 9

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to form the **Portofino Vineyards Community Development District** ("District"). The proposed District comprises approximately 69 acres of land located within unincorporated Lee County (the "**County**"), Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002 (2) (d), F.S. (governing District formation or alteration) as follows:

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

1.2 Overview of the Portofino Vineyards Community Development District

The proposed District comprises approximately 69 acres within the County. The District is designed to provide community infrastructure, services, and facilities along with certain ongoing operations and maintenance to the Portofino Vineyards Community Development District. The development plan for the proposed lands within the District includes the construction of approximately 825 multifamily residential units.

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

A CDD is not a substitute for the local, general purpose, government unit, i.e., the County in which the CDD lies. A CDD does not have permitting, zoning or police powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as the proposed Development

herein. The scope of this SERC is limited to evaluating the consequences of approving the proposal to establish the Portofino Vineyards Community Development District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541 (2), F.S. (1997), defines the elements a statement of estimated regulatory costs must contain:

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

As noted above, the Development described herein is an anticipated Planned Development Project designed for up to 825 total residential units. Formation of the District would put all of these households and commercial use under the jurisdiction of the District. It is not anticipated that anyone outside the District would be affected by the rule creating the District, although the State of Florida and Lee County would be required to comply with the rule.

(b) A good faith estimate of the cost to the agency¹, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

State Government Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The District as proposed is within Lee County and consists of less than 1,000 acres, therefore Lee County is the establishing entity under 190.005 (1) F.S. The modest costs to various State entities to implement and enforce the proposed rule relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 169.412, F.S., the proposed district must pay an annual fee to the State of Florida Department of Community Affairs, which offsets such costs.

¹ For the purposes of this SERC, the term "agency" means Lee County and the term "rule" means the ordinance(s) which Lee County will enact in connection with the creation of the District.

Lee County

The proposed land for the District is in Lee County and consists of less than 1,000 acres. Lee County and its staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources. The costs to review the record of the local hearing, the transcript of the hearing, and the resolutions adopted by the local general-purpose government will be offset by the filing fee required under 190.005 (1)(b), F.S.

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

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

Impact on State and Local Revenues

Adoption of the proposed rule will have no negative impact on State and local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the planned Development. It has its own sources of revenue. No State or local subsidies are required or expected.

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

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

Table 1 provides an outline of the various facilities and services the proposed District may provide. The proposed district intends to fund the stormwater management system, the water distribution and wastewater collection system, and rights of way and open space improvements.

**Table 1. Portofino Vineyards Community Development District
Proposed Facilities and Services**

FACILITY	FUNDED BY	O&M	OWNERSHIP
Stormwater Management	CDD	CDD	CDD
Water Distribution	CDD	COUNTY	COUNTY
Wastewater Collection	CDD	COUNTY	COUNTY
Rights of Ways and Open Space Improvements	CDD	CDD	CDD

CDD = COMMUNITY DEVELOPMENT DISTRICT; COUNTY = LEE COUNTY

The petitioner has estimated the design and development costs for providing the capital facilities as outlined in Table 1. The cost estimates are shown in Table 2 below. Total design and development costs for these facilities are estimated to be approximately \$11,200,000. The District may issue special assessment or other revenue bonds to fund the development of these facilities. These bonds would be repaid through non ad valorem assessments levied on all properties in the District that may benefit from the District's capital improvement program outlined in Table 2.

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. However, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the numerous benefits and facilities that the District provides. In addition, state law requires all assessments levied by the District to be disclosed by the seller to all prospective purchasers of property within the District.

A Community Development District ("CDD") provides residents with the option of having higher levels of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, City/County provision, or through developer equity and/or bank loans.

In considering these costs it shall be noted that occupants of the lands to be included within the District will receive three major classes of benefits.

First, those residents and businesses in the District will receive a higher level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, Senate Bill 360, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting and ultimately electoral voting for resident elected boards, to determine the type, quality and expense of the District services they receive, provided they meet the County's overall requirements.

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

Table 2. Cost Estimate for District Facilities

CATEGORY	COST
Stormwater Management	\$ 8,615,000
Water Distribution	\$ 1,077,000
Wastewater Collection	\$ 1,077,000
Rights of Ways and Open Space Improvements	\$ 431,000
Total Estimated Costs	\$11,200,000

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

There will be little impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid many of its contracts. This affords small businesses the opportunity to bid on District work.

Lee County has an estimated population in 2000 that is greater than 75,000. Therefore the County is not defined as a "small" County according to Section 120.52, F.S.

(e) Any additional information that the agency determines may be useful.

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

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

There have been no good faith written proposals submitted to the agency as described in Section 120.541(1)(a), Florida Statutes.

Prepared by: Richard Hans
Governmental Management Services-South Florida, LLC
May 3, 2006

APPENDIX A
Reporting Requirements

Florida Special District Handbook

APPENDIX A: REPORTING REQUIREMENTS AT A GLANCE

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
<small>AUDITOR GENERAL - LOCAL GOVERNMENT SECTION Room 401, Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida 32399-1450</small>			
Annual Financial Audit Report	Section 218.39, F.S. Chapter 10.550, <i>Rules of the Auditor General</i> , Handbook Section 2 - 4	<p>All special districts with either revenues or expenditures of more than \$100,000.00.</p> <p>All special districts with revenues or expenditures/expenses between \$50,000.00 and \$100,000.00 that have not been subjected to a financial audit for the two preceding fiscal years.</p> <p>A dependent special district that is a component unit of a county or municipality may provide for an annual financial audit by being included in the audit of that county or municipality. In such instances, that audit report must clearly state that the special district is a component unit of the county or municipality.</p>	Annually within 45 days after delivery of the audit report to the governmental entity, but no later than 12 months after fiscal year end. Two copies of the annual financial audit report must be submitted to the Auditor General.

Abbreviations: F.A.C. = Florida Administrative Code; F.S. = Florida Statutes

Florida Special District Handbook

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
DEPARTMENT OF COMMUNITY AFFAIRS, SPECIAL DISTRICT INFORMATION PROGRAM 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100			
Creation Documents and Amendments, including Codified Act, if applicable	Section 189.418, F.S. Handbook Section 1 - 4	All special districts.	Within 30 days after adoption / approval.
Written Status Statement	Section 189.418, F.S. Handbook Section 1 - 4	All special districts.	Within 30 days after adoption / approval of creation document.
Dissolution Documents	Section 189.4042, F.S. Handbook Section 1 - 4	All special districts.	Within 30 days of the dissolution effective date.
Merger Documents	Section 189.418, F.S. Section 189.4042, F.S. Handbook Section 1 - 4	All special districts.	Within 30 days of the merger's effective date.
Special District Map and Amendments	Section 189.418, F.S. Handbook Section 1 - 4	All special districts.	Within 30 days after adoption / approval.
Special District Fee Invoice (\$175.00) and Update Form	Section 189.427, F.S. Rule 9B-50.003, F.A.C. Handbook Section 1 - 3	All special districts.	Annually, by the due date on the Form (sent to all special districts around October 1).
Registered Agent and Office Initial Designation	Section 189.416, F.S. Section 189.418, F.S. Handbook Section 1 - 4	All special districts.	Within 30 days after the first governing board meeting.
Registered Agent and Office Changes	Section 189.416, F.S. Section 189.418, F.S. Handbook Section 1 - 4	All special districts.	Upon making the change.
Disclosure of Public Financing	Section 190.009, F.S.	All Community Development Districts.	At all times public financing is imposed.

Abbreviations: F.A.C. = Florida Administrative Code; F.S. = Florida Statutes

Florida Special District Handbook

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
<i>DEPARTMENT OF FINANCIAL SERVICES, BUREAU OF ACCOUNTING 200 East Gaines Street, Tallahassee, Florida 32399-0354</i>			
Annual Financial Report with a copy of the Annual Financial Audit Report attached, if required	Section 189.418, F.S. Section 218.31, F.S. Section 218.32, F.S. Handbook Section 2 - 3	All Housing Authorities; All independent special districts; All dependent special districts that are not component units of a local governmental entity.	Annually within 12 months of fiscal year end (9/30) and 45 days of audit completion. If no audit is required, file by April 30.
<i>DEPARTMENT OF FINANCIAL SERVICES, BUREAU OF COLLATERAL MANAGEMENT 200 East Gaines Street, Tallahassee, Florida 32399-0345</i>			
Public Depositor Annual Report to the Chief Financial Officer (Form DFS-J1-1009)	Section 280.17, F.S. Handbook Section 3 - 5	All special districts.	Annually by November 30.
Public Deposit Identification and Acknowledgment Form (Form DFS-J1-1295)	Section 280.17, F.S. Handbook Section 3 - 5	All special districts.	Execute at the time of opening the account and keep on file. Submit only in case of default of the qualified public depository.

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Florida Special District Handbook

<i>DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF RETIREMENT</i> Bureau of Local Retirement Systems, Cedars Executive Center, Building C, 2639-C North Monroe Street, Tallahassee, Florida 32399-1560			
Actuarial Impact Statement for Proposed Plan Amendments	Section 112.63, F.S. Rule Chapter 60T-1.001, F.A.C. Handbook Section 2 - 6	Any special district proposing benefit changes to its defined benefit retirement plan.	When considering plan changes.
Defined Contribution Report	Section 112.63, F.S. Rule Chapter 60T-1.004, F.A.C. Handbook Section 2 - 6	Special districts with defined contribution plans.	Within 60 days of the reporting period's ending date.
Actuarial Valuation Report	Section 112.63, F.S. Rule Chapter 60T-1, F.A.C. Handbook Section 2 - 6	Special districts with defined benefit retirement plans.	At least every three years, within 60 days of completion.
<i>DEPARTMENT OF REVENUE, PROPERTY TAX ADMINISTRATION PROGRAM, TRIM COMPLIANCE SECTION</i> P.O. Box 3000, Tallahassee, Florida 32315-3000			
Truth-in-Millage Form DR421	Section 200.068, F.S. Handbook Section 3 - 3	Special districts that can levy taxes but will not do so during the year.	Annually by November 1.
Truth-in-Millage Compliance Package Report	Section 200.068, F.S. Handbook Section 3 - 3	Special districts levying property taxes.	No later than 30 days following the adoption of the property tax levy ordinance/resolution.
<i>COMMISSION ON ETHICS</i> P.O. Drawer 15709, Tallahassee, Florida 32317-5709			
Quarterly Gift Disclosure (Form 9)	112.3148, F.S. Handbook Section 3 - 1	Everyone required to file Form 1, receiving a gift worth over \$100.00, unless the person did not receive any gifts during the calendar quarter.	By the last day of the calendar quarter following any calendar quarter in which a reportable gift was received.

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Florida Special District Handbook

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
<i>LEGISLATURE</i> <i>PRESIDENT OF THE SENATE (Florida Capitol, Suite 409, Tallahassee, Florida 32399-1100)</i> <i>SPEAKER OF THE HOUSE OF REPRESENTATIVES (Florida Capitol, Suite 420, Tallahassee, Florida 32399-1300) and EACH APPROPRIATE STANDING COMMITTEE OF THE LEGISLATURE</i>			
Agency Rule Report	Section 120.74, F.S. Handbook Section 1 - 4	Certain Special Districts with adopted rules (see Handbook Section 1 - 4, page 20).	Initial by October 1, 1997, then by October 1 of every other year thereafter.
<i>SPECIAL DISTRICT'S GOVERNING BOARD MEETING MINUTE RECORDER</i>			
Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers (Form 8B)	Section 112.3143, F.S. Handbook Section 3 - 1	Special District Local Officers with Voting Conflicts.	Within 15 days after the vote occurs.
<i>SPECIAL DISTRICT'S GOVERNING BOARD MEMBERS (EACH MEMBER)</i>			
Actuarial Valuation Report	See Department of Management Services, Division of Retirement.		
Annual Financial Audit Report	See Auditor General, Local Government Section.		

Abbreviations: F.A.C. = Florida Administrative Code; F.S. = Florida Statutes

Florida Special District Handbook

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
SPECIAL DISTRICTS / LOCAL GOVERNING AUTHORITY (IES) / LOCAL GENERAL-PURPOSE GOVERNMENT(S) (If municipality, file at the place they designate; if county (ies), file with the (each) clerk of the board of county commissioners)			
Budget or Tax Levy	Section 189.418, F.S. Handbook Section 2 - 2	All special districts.	When requested, provide to the local governing authority within the district's boundaries.
Public Facilities Initial Report	Section 163.3191, F.S. Section 189.415(2), F.S. Rule Chapter 9J-33, F.A.C. Handbook Section 1 - 6	Independent special districts (See Handbook Section 1 - 6, page 31).	Within one year of the special district's creation.
Public Facilities Annual Notice of Any Changes	Section 163.3191, F.S. Section 189.415(2), F.S. Rule Chapter 9J-33, F.A.C. Handbook Section 1 - 6	Independent special districts (See Handbook Section 1 - 6, page 31).	Annually. Contact each local general-purpose government for the due date.
Public Facilities Updated Report	Section 189.415(2)(a), F.S. Rule Chapter 9J-33, F.A.C. Handbook Section 1 - 6 Appendix B	Independent special districts (See Handbook Section 1 - 6, page 31).	Every five years, at least 12 months before the due date that each local general-purpose government must submit its Report to the Department of Community Affairs. See Appendix B.
Registered Agent and Office Initial Designation	Section 189.416, F.S. Section 189.418, F.S. Handbook Section 1 - 4	All special districts.	Within 30 days after the first governing board meeting.
Registered Agent and Office Changes	Section 189.416, F.S. Section 189.418, F.S. Handbook Section 1 - 4	All special districts.	Upon making the change.
Regular Public Meeting Schedule	Section 189.417, F.S. Section 189.418, F.S. Handbook Section 3 - 2	All special districts.	Quarterly, semiannually, or annually.

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Florida Special District Handbook

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
<i>SPECIAL DISTRICTS' LOCAL LEGISLATIVE DELEGATION</i>			
Draft Codified Charter as a Local Bill	Section 189.429, F.S. Handbook Section 1 - 4	All special districts with more than one Special Act.	December 1, 2004
<i>SPECIAL DISTRICTS' RESIDENTS AND PROSPECTIVE RESIDENTS AND RESIDENTIAL DEVELOPERS (GIVE SUFFICIENT NUMBER OF COPIES TO THE DEVELOPERS FOR DISTRIBUTION TO EACH PROSPECTIVE INITIAL PURCHASER OF PROPERTY)</i>			
Disclosure of Public Financing	Section 190.009, F.S.	All Community Development Districts.	At all times public financing is imposed.
<i>STATE BOARD OF ADMINISTRATION FINANCIAL OPERATIONS 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308</i>			
Investment Pool Systems Input Documentation	Handbook Section 3 - 6	All special districts investing funds with the State Board of Administration or Local Government Trust Fund.	At the time of making any changes or updates to the account.
Resolution for Investment of Surplus Funds	Section 218.407, F.S. Handbook Section 3 - 6	All special districts investing funds with the State Board of Administration or Local Government Trust Fund.	At the time of investing surplus funds.

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Florida Special District Handbook

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
<small>STATE BOARD OF ADMINISTRATION - DIVISION OF BOND FINANCE 1801 Hermitage Boulevard, Suite 200, P. O. Box 13300, Tallahassee, Florida 32317-3300</small>			
Advance Notice of Bond Sale	Section 218.38, F.S. Handbook Section 2 - 5	All special districts as applicable.	Before selling certain general obligation bonds & revenue bonds or closing on any similar long-term debt instruments.
Bond Information Form/Bond Disclosure Form (BF2003/2004A & B)	Section 189.418, F.S. Section 218.38, F.S. Handbook Section 2 - 5	All special districts as applicable. New bond issues only.	Within 120 days after delivery of general obligation bonds and revenue bonds.
Bond Verification Form (BF2005)	Handbook Section 2 - 5	All special districts as applicable.	Within 45 days of the Division of Bond Finance's request.
Final Official Statement (Bonds)	Section 218.38, F.S. Handbook Section 2 - 5	All special districts as applicable.	Within 120 days after delivery of the bonds, if prepared.
IRS Form 8038 (Bonds)	Section 159.345(1), F.S. Section 159.475(1), F.S. Section 159.7055, F.S. Handbook Section 2 - 5	Special districts issuing Industrial Development or Research and Development Bonds.	Submit with the Bond Information Form & Official Statement, if any is published.

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Florida Special District Handbook

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
SUPERVISOR OF ELECTIONS (LOCAL) In the County of the Reporting Person's Permanent Residence			
Statement of Financial Interests (Form 1)	Section 112.3145, F.S. Handbook Section 3 - 1	All "special district local officers" appointed to a special district or special district's board.	Within 30 days of accepting the appointment, then every year thereafter by July 1.
		All "special district local officers" elected to a special district's board.	During the qualifying period; then every year thereafter by July 1.
Final Statement of Financial Interests (Form 1F)	Section 112.3145, F.S. Handbook Section 3 - 1	All "special district local officers" who are required to file Form 1 and are leaving a public position.	Within 60 days of leaving a public position.
Quarterly Client Disclosure (Form 2)	Section 112.3145(4), F.S. Handbook Section 3 - 1	Certain special district local officers, depending upon their position, business or interests (See Handbook Section 3 - 1).	No later than the last day of the calendar quarter following the calendar quarter during which the representation was made.
Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses (Form 10)	Section 112.3148, F.S. Section 112.3149, F.S. Handbook Section 3 - 1	All special district local officers who file Form 1 and who received a reportable gift or expense.	Annually by July 1.
SUPERVISOR OF ELECTIONS (LOCAL) In the County in which the Special District of the Reporting Person has its Principal Office			
Interest In Competitive Bid for Public Business (Form 3A)	Section 112.313(12)(e), F.S. Handbook Section 3 - 1	Certain special district local officers (See Handbook Section 3 - 1).	Before or at the time of the submission of the bid.

Abbreviations: F.A.C. = Florida Administrative Code; F.S. = Florida Statutes

Prepared and Return to:
Barbara J. Ferrer, Esq.
Akerman Senterfitt
One Southeast Third Avenue, 28th Floor
Miami, Florida 33131-1704

150/ld

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed this 14 day of February, 2006, by VILLAGES OF CYPRESS ISLAND, LLLP, a Florida limited liability limited partnership whose post office address is 7661 S.W. 146 Street Palmetto Bay, Florida 33158, hereinafter called the Grantor, to PRIME HOMES AT PORTOFINO VINEYARDS, LTD., a Florida partnership, whose post office address is 21218 St. Andrews Blvd., Suite #510, Boca Raton, Florida 33433, hereinafter called the Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency 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, to wit:

See Exhibit "A" attached

Parcel Identification Number:

15-46-25-00-00005-1070

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever; SUBJECT, HOWEVER to the following:

Real estate taxes for the year 2006 and subsequent years; and

Easements, covenants, restrictions, conditions, limitations and reservations of record; existing zoning ordinances and other restrictions as may be imposed by applicable governmental authority, none of which are hereby reimposed.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said Property in fee simple; that it has good right and lawful authority to sell and convey said Property; and hereby warrants the title to said Property and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but against none other.

Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

IN WITNESS WHEREOF the Grantor has signed and sealed these presents to be effective the day and year first written above.

Signed, Sealed and Delivered
In the Presence of:

VILLAGES OF CYPRESS ISLAND, LLLP,
a Florida limited liability limited partnership


SIGNATURE OF WITNESS

By: Cypress Island Management, Inc. a Florida
corporation, its general partner

MARCIA COLLADO
PRINT NAME OF WITNESS

By: 
Julio J. Gonzalez, President


SIGNATURE OF WITNESS

[Corporate Seal]

Barbara Ferrer
PRINT NAME OF WITNESS

STATE OF FLORIDA)
)ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 14th day of February, 2006 by Julio J. Gonzalez, as President of Cypress Island Management, Inc., a Florida corporation, as general partner of Villages of Cypress Island, LLLP, a Florida limited liability limited Partnership, who is personally known to me or who has produced _____ as identification.


NOTARY PUBLIC
My Commission Expires:

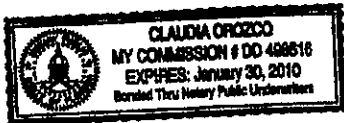


Exhibit "A"

A tract or parcel of land lying in Sections 15, 22 and 23, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northeast corner of the aforesaid Section 22; thence run S.88°23'14"W. along the North line of said Section 22 for 104.96 feet to the Point of Beginning, said point lying on the Westerly Right-of-Way line of the Three Oaks Parkway realignment project (County Project # CN-02-06); thence run S.14°13'19"E. along said Westerly Right-of-Way line for 1625.74 feet to a point of curvature; thence run Southwesterly along said Westerly Right-of-Way line for 783.32 feet along the arc of a curve concave Westerly, with a radius of 1200.00 feet, a delta of 37°24'02", a chord bearing of S.04°28'42"W. and a chord distance of 769.48 feet to a point of tangency; thence run S.23°10'43"W. along said Westerly right-of-way line for 38.83 feet to a point on a curve; thence run Southwesterly along the aforesaid Right-of-Way line for 50.07 feet along the arc of a curve (not radial to the previously described line) concave Northerly, with a radius of 30.00 feet, a delta of 95°36'18" (95°37'07" per Right-of-Way map), a chord bearing of S.68°59'13"W. and a chord distance of 44.45 feet to a point on a non-compound curve; thence run Northwesterly along said Right-of-Way line for 119.77 feet (120.03 feet per Right-of-Way map) along the arc of a curve concave Northerly, with a radius of 469.00 feet; a delta of 14°37'54" (14°39'51" per Right-of-Way map), a chord bearing of N.57°52'21"W. and a chord distance of 119.44 feet (119.71 per Right-of-Way map) to a point on a curve on the Northeasterly Right-of-Way line of Three Oaks Parkway (100 feet wide); thence run Northwesterly along said Northeasterly Right-of-Way line for 966.65 feet along the arc of a curve concave Southwesterly, with a radius of 1025.00 feet, a delta of 54°02'04", a chord bearing of N.49°05'43"W. and a chord distance of 931.23 feet to a point of tangency; thence run N.76°06'45"W. along said Northeasterly Right-of-Way line for 313.88 feet; thence run N.26°14'39"E. for 124.11 feet; thence run N.37°33'24"E. for 84.87 feet; thence run N.23°18'32"E. for 218.36 feet thence run N.17°34'52" E. for 221.62 feet; thence run N.12°01'41"E. for 230.68 feet; thence run N.01°30'08"E. for 255.46 feet; thence run N.05°41'05"W. for 530.19 feet; thence run N.23°08'49" W. for 120.26 feet; thence run N.39°13'50" W. for 128.89 feet; thence run N.57°59'19"W. for 96.55 feet; thence run N.65°27' 58" W. for 336.91 feet thence run N.71°11'03" W. for 137.25 feet; thence run N.79°10'17" W. for 96.62 feet; thence run N.70°58'05" W. for 45.72 feet; thence run N.60°30'15"W. for 219.67 feet; thence run N.66°30'07" W. for 191.21 feet; thence run N.64°44'50"W. for 177.69 feet, said point lying on the Easterly Right-of-Way line of Three Oaks Parkway (50.00 feet from centerline); thence run Northeasterly along said Easterly Right-of-Way line (not radial to the previously described line) for 55.75 feet along the arc of a curve concave Southeasterly, with a radius of 1735.28 feet, a delta of 01°50'27", a chord bearing of N.30°05'08"E. and a chord distance of 55.75 feet to a point of compound curvature; thence run Northeasterly along said Easterly Right-of-Way line for 193.03 feet along the arc of a curve concave Southeasterly, with a radius of 810.00 feet, a delta of 13°39'14", a chord bearing of N.37°49'58"E. and a chord distance of 192.57 feet to a point of tangency; thence run N.44°39'35" E. along said Easterly Right-of-Way line for 222.09 feet to a point of curvature; thence run Northeasterly along said Easterly Right-of-Way line for 382.06 feet along the arc of a curve concave Northwesterly, with a radius of 1030.00 feet, a delta of 21°15'10", a chord bearing of N.34°02'00"E. and a chord distance of 379.87 feet to a point on a curve on the right-of-way line of the aforesaid realignment of Three Oaks Parkway; thence run Northeasterly along the Right-of-Way line of said realignment for 123.36 feet (122.84 feet per Right-of-Way map) along the arc of a curve concave Southeasterly, with a radius of 470.00 feet, a delta of 15°02'16" (14°58'31" per Right-of-Way map), a chord bearing of N.51°02'10"E. (N.51°04'03"E. per Right-of-Way map), and a chord distance of 123.00 feet (122.49 feet per Right-of-Way map) to a point of tangency; thence run N.58°33'18"E. along the Right-of-Way line of said realignment for 42.96 feet to a point of curvature; thence run Southeasterly along said realignment for 45.82 feet along the arc of a curve concave Southerly, with a radius of 30.00 feet, a delta of 87°30'29", a chord bearing of S.77°41'27"E. and a chord distance of 41.49 feet to a point of reverse curvature;

Exhibit "A" (Continued)

thence run Southeasterly along said right-of-way line of said realignment for 586.03 feet along the arc of a curve concave Northeasterly, with a radius of 1350.00 feet, a delta of $24^{\circ}52'19''$, a chord bearing of $S.46^{\circ}22'22''$ E. and a chord distance of 581.44 feet to a point of tangency; thence run $S.58^{\circ}48'32''$ E. along said Right-of-Way line of said realignment for 200.62 feet to a point of curvature; thence run Southeasterly along said Right-of-Way line of said realignment for 933.83 feet along the arc of a curve concave Southwesterly, with a radius of 1200.00 feet, a delta of $44^{\circ}35'13''$, a chord bearing of $S.36^{\circ}30'56''$ E. and a chord distance of 910.44 feet to a point of tangency; thence run $S.14^{\circ}13'19''$ E. along the Right-of-Way line of said realignment for 226.11 feet to the Point of Beginning.

Together with easement rights granted by Temporary Drainage Construction Easement and Permanent Stormwater Drainage Easement Agreement by and between Three Oaks I Master Association, Inc. and Villages of Cypress Island, LLLP, a Florida limited liability limited partnership, dated December 14, 2004 and recorded December 27, 2004 in Official Records Book 4537, Page 960, of the Public Records of Lee County, Florida.



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8181

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

June 15, 2005

Linda Socolow
Prime Homebuilders
21218 St. Andrews Blvd. #510
Boca Raton, Fl. 33433

**RE: POTABLE WATER AND WASTEWATER AVAILABILITY
PORTOFINO THREE OAKS
Strap #: 15-46-25-00-00005.1070**

Dear Ms. Socolow:

Potable water lines and waste-water lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR WASTEWATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

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

**NAME OF ORDINANCE: PORTOFINO VINEYARDS
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 Portofino Vineyards 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 Portofino Vineyards 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:
Portofino Vineyards Community Development District**

I. FISCAL IMPACT ON COUNTY AGENCIES/COUNTY FUNDS.

A. What is estimated Demand? (Develop Indicators)

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

C. What are estimated costs?

	1st Year \$'s		2nd Year \$'s	
	Existing	New	Existing	New
Personnel				
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.