

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

Blue Sheet No. 20061569

1. ACTION REQUESTED/PURPOSE: Consider adoption of a County Resolution of "No Objection" to the establishment of an Independent Special District in Lee County and Charlotte County for development of the Babcock Ranch Community.

2. WHAT ACTION ACCOMPLISHES: Intended to inform our legislative delegation and the State legislature of the County Commission's position regarding establishment of an Independent Special District for infrastructure development for the Babcock Ranch Community.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: 12

A12C

5. Meeting Date: December 5, 2006

6. Agenda:

- Consent
- Administrative Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute 189.404(2)(e)4
- Ordinance
- Admin. Code
- Other Interlocal Agreement

8. Request Initiated:

Commissioner _____
Department _____ County Attorney
Division _____ Land Use

By: Timothy Jones
Timothy Jones
Chief Assistant County Attorney

9. Background: The Commission entered into a four-party Interlocal Agreement between Charlotte County, Lee County, Florida Department of Community Affairs and MSKP III, Inc., on March 13, 2006 and a Community Road Planning Agreement on May 23, 2006 (hereinafter, Agreements). The Agreements established a framework for review of the proposed development of the Babcock Ranch Community. The Agreements also addressed the possibility that an Independent Special District that includes parts of both Lee and Charlotte Counties within its boundaries would be created by Special Act of the legislature for the purpose of providing infrastructure for the Babcock Ranch Community. The Agreements provide that the parties will not object to the establishment of the Independent Special 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 | Grants | Mgt | |
| | | | | <i>Timothy Jones</i> | <i>MP</i> 11/21/06 | <i>MP</i> 11/21/06 | <i>MP</i> 11/21/06 | <i>MP</i> 11/21/06 | <i>MP</i> 11-21-06 |

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED TO:
County Admin
11/21/06 2:20 p.m.

RECEIVED BY
COUNTY ADMIN:
11-21-06 2:31
MP.
COUNTY ADMIN
FORWARDED TO:
11-21-06 4:30 MP.
PR.

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Subject: Babcock Ranch, Resolution to Establish Independent Special District

Applicable Florida Statutes require submission to the legislature of a resolution or official statement of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district is consistent with the approved local government plans of the local governing body and that the local government has no objection to the creation of the proposed district.

A copy of the resolution and a copy of the proposed House Bill to establish the District are attached.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, STATING NO OBJECTION TO THE ESTABLISHMENT OF AN INDEPENDENT SPECIAL DISTRICT FOR THE BABCOCK RANCH COMMUNITY.

RECITALS

WHEREAS, Babcock Property Holdings, LLC ("BPH"), as assignee of MSKP III, Inc., is the owner of the real estate to be developed as the Babcock Ranch Community ("BRC"); and,

WHEREAS, BPH intends to establish an Independent Special District for the BRC pursuant to Section 189.404(2)(e)4, Florida Statutes; and,

WHEREAS, said statute requires the County to provide a resolution stating that the proposed Independent Special District is consistent with the Lee County Comprehensive Plan; and,

WHEREAS, the said statute also requires the County to confirm that it has no objections to the creation of the district.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS of Lee County that:

1. The Board of County Commissioners hereby states that it has no objection to the establishment of an Independent Special District for the Babcock Ranch Community and finds that creation of the district is consistent with the Lee County Comprehensive Plan; and,

2. This resolution shall take effect upon recordation in the Official Records of Lee County, Florida.

Commissioner _____ made a motion to adopt the foregoing resolution, seconded by Commissioner _____. The vote was as follows:

| | |
|-----------------|-------|
| ROBERT P. JANES | _____ |
| BRIAN BIGELOW | _____ |
| RAY JUDAH | _____ |
| TAMMARA HALL | _____ |
| FRANK MANN | _____ |

DULY PASSED AND ADOPTED this ____ day of _____ 2006.

ATTEST:
CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Robert P. Janes
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney