

file

ORDINANCE NO. 02-033

AN ORDINANCE ESTABLISHING THE LAGUNA LAKES COMMUNITY DEVELOPMENT DISTRICT; 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 CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Transeastern Laguna Lakes LLC has petitioned the Board of County Commissioners to establish Laguna Lakes COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published noticed, 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 Executive Regulatory Oversight Committee has reviewed and approved the petition for establishment of the proposed district.

3. 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 rule, 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.

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

5. 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.

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

7. 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.

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

9. 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.

10. Upon the effective date of this Ordinance, the proposed Laguna Lakes 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 FS 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.

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

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

SECTION ONE: DISTRICT NAME

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

SECTION TWO: AUTHORITY FOR ORDINANCE

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

SECTION THREE: ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT

Laguna Lakes 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. | Arthur Falcone | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 2. | Neil Elsner | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 3. | Cora DiFiore | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |
| 4. | Marc Schneiderman | Transeastern Homes
3300 University Drive
Coral Springs, FL 33065 |

5. Jan Ickovic

Transeastern Homes
3300 University Drive
Coral Springs, FL 33065

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

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

SECTION SIX: NOTICE TO SUBSEQUENT PURCHASERS

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

SECTION SEVEN: CONFLICT AND SEVERABILITY

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

SECTION EIGHT: EFFECTIVE DATE

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

THE FOREGOING ORDINANCE was offered by Commissioner Janes, who moved its adoption. The motion was seconded by Commissioner Coy and, being put to a vote, the vote was as follows:

ROBERT JANES	<u>Aye</u>
DOUGLAS ST. CERNY	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
ANDREW W. COY	<u>Aye</u>
JOHN E. ALBION	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 26th day of November, 2002

ATTEST:
CHARLIE GREEN, CLERK

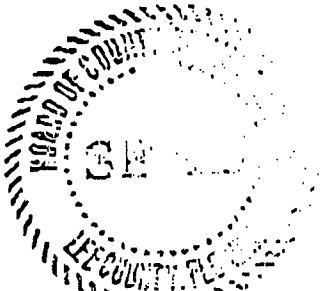
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Michele S. Cooper
Deputy Clerk

By: John E. Albion
Vice - Chairman

APPROVED AS TO FORM:

By: David E. [Signature]
Office of County Attorney



S:\DPL\BCCD\Laguna Lakes\Laguna Lakes CDD Ordinance.wpd DPL

EXHIBIT "A"

Page 1 of 2

Schedule A

Barraco
and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Consultants

August 8, 2001

Description

Parcel in
Section 33, Township 45 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

From the southeast corner of the southeast quarter (SE-1/4) of said Section 33, run N 01° 06' 34" W along the east line of said fraction for 1326.16 feet to the southeast corner of the north half (N-1/2) of said southeast quarter (SE-1/4) and the Point of Beginning.

From said Point of Beginning run S 88° 57' 39" W along the south line of said north half (N-1/2) for 2627.16 feet to an intersection with the easterly right-of-way line of Bass Road (50 feet wide); thence run N 01° 03' 37" W along said easterly right-of-way line for 2597.14 feet to an intersection with the southerly right-of-way line of Gladiolus Drive (140 wide); thence run N 88° 55' 27" E along said southerly right-of-way line for 2626.42 feet to an intersection with the east line of the northeast quarter (NE-1/4) of said Section 33; thence run S 01° 02' 33" E along said east line for 1272.65 feet to the southeast corner of the south half (S-1/2) of said northeast quarter (NE-1/4); thence run S 01° 06' 34" E along the east line of the southeast quarter (SE-1/4) of said Section 33 for 1326.16 feet to the Point of Beginning.

Subject to a Florida Power and Light Company easement recorded in Official Record Book 385 at Page 501, Lee County records and the right-of-way for former IDD Canal B-1 lying over and across the easterly 50 feet.

Containing 156.64 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the east line of the northeast quarter (NE-1/4) of said Section 33 to bear S 01° 02' 33" E. All distances shown are shown grid distances with a scale factor of 0.99942.

Scott A. Wheeler 1/23/01
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

21556
desc B-8-01

ADD CUU2-00066

AUG 28 2002

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (941) 461-3170 • Fax (941) 461-3169

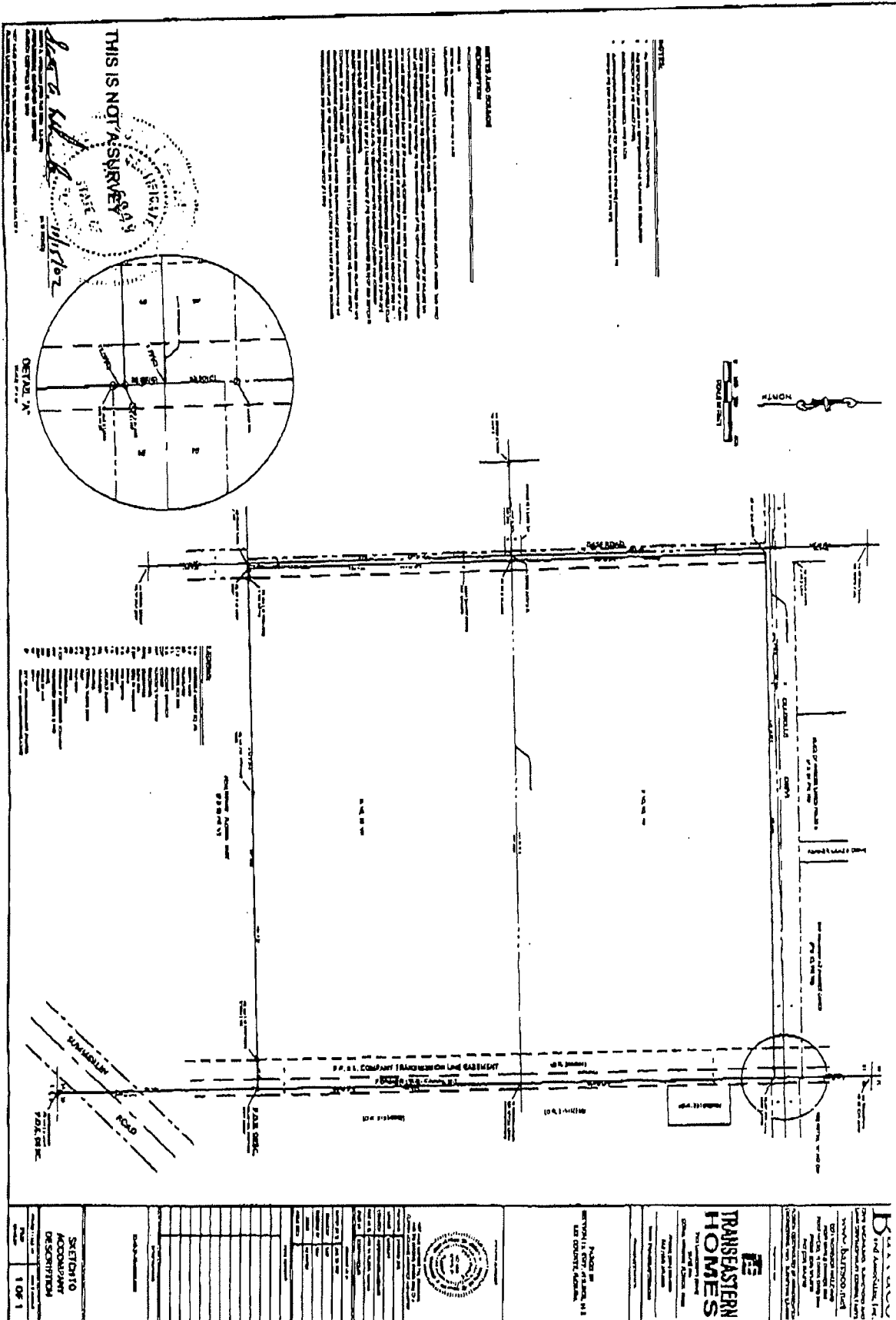


EXHIBIT "A"
Page 2 of 2

PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
Attorneys at Law



1833 Hendry Street
Post Office Drawer 1507
Fort Myers, Florida 33902
Telephone: (239) 336-6235

TELECOPIER TRANSMITTAL COVER SHEET

DATE: January 6, 2003

TELECOPIER NUMBER: (239) 334-3539

DELIVER TO: Mary Clare LeBlanc 954-755-6701

FROM: Tina Boone, Secretary to Neale Montgomery

FILE NO: Laguna Lakes CDD 67266.001

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 8

PLEASE CONTACT SENDER IMMEDIATELY IF LESS THAN THE REQUIRED NUMBER OF PAGES ARRIVE OR IF TRANSMISSION ERROR OCCURS.

SPECIAL INSTRUCTIONS: The Lee County Lee Cares office received this back from the State so I am faxing it to you and I am also putting a hard copy in the mail. Thanks.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED AS RECIPIENT. IF THE READER IS NOT THE INTENDED RECIPIENT, BE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LOCATED ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.