

**ORDINANCE NO. 3094**

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ESTABLISHING THE COLONIAL COUNTRY CLUB COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; CONFIRMING THE DISTRICT CHARTER SET FORTH IN FLORIDA STATUTES SECTIONS 190.006-190.041, PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Pulte Home Corporation has petitioned the City Council of the City of Fort Myers to establish the Colonial Country Club Community Development District; and,

WHEREAS: The City Council, after proper published notice, conducted a local public information-gathering hearing as required by law and finds as follows:

1. The petition is complete in that it meets the requirements of Florida Statutes, Section 190.005(1)(a), and all statements contained within the petition are true and correct.
2. The City staff and City Attorney have reviewed and approved the petition for establishment of the proposed district.
3. The costs to the City 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, City of Fort Myers 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

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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 in the City Clerk's Office. The statement of estimated regulatory costs of the petitioner on district establishment is adequate.

4. Establishment by ordinance of the proposed district, created by general law and whose charter is Florida Statutes Section 190.006 - Section 190.041, is not inconsistent with the City of Fort Myers Comprehensive Plan and is not inconsistent with 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 developable 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 serviced by the district.
7. The community development systems, facilities and services of the district will not be incompatible 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 City Council for consent to exercise one or more of the powers granted by charter in Florida Statutes, Section 190.012 (2), the exercise of which has been reviewed and assessed as of the effective date of this ordinance. Nothing herein constitutes

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consent by the City of the exercise by the district of any one of the special powers set forth in Florida Statutes, Section 190.012(2).

- 10. That upon the effective date of this Ordinance, the proposed Colonial Country Club Community Development District shall be duly and legally established and created, authorized to exist and to exercise all of its general and special powers limited by its general law charter; and that consent by the City of Fort Myers in any future ordinance to any special power in Florida Statutes, Section 190.012(2), does not in any way revisit the question of establishment of the district and its authority and power to exercise its limited powers under law.
- 11. All notice requirements of law were met and complete notice was timely given.

BE IT ENACTED BY THE CITY COUNCIL OF CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. DISTRICT NAME. The community development district herein established shall henceforth be known as Colonial Country Club Community Development District.

SECTION 2. AUTHORITY FOR ORDINANCE. This Ordinance is adopted pursuant to Florida Statutes Section 190.005, and other applicable provisions of law governing city ordinances.

SECTION 3. ESTABLISHMENT OF COLONIAL COUNTRY CLUB COMMUNITY DEVELOPMENT DISTRICT. Colonial Country Club Community Development District, created by law, is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by referenced.

SECTION 4. DESIGNATION OF INITIAL BOARD MEMBERS. The following five (5) persons are herewith designated to be the initial members of the Board of Supervisors:

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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 2nd day of December, A.D., 2002.

YEA T Hall
Tammara Hall

YEA Veronica S. Shoemaker
Veronica S. Shoemaker

YEA Ann M. Knight
Ann M. Knight, Ed.D.

YEA Michael Flanders
Michael Flanders

Randall P. Henderson, Jr.
Council Members

APPROVED this 2nd day of December, A.D., 2002, at 5:19 o'clock p.m.

Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 2nd day of December, A.D., 2002.

Marie Adams
Marie Adams, CMC
City Clerk

I DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL THEREOF ON FILE IN MY OFFICE. WITNESS MY HAND AND SEAL OF SAID CITY THIS 3rd DAY OF December, A.D. 2002

Marie Adams
CITY CLERK, CITY OF FORT MYERS, FLORIDA

ORDINANCE NO. 3094**EXHIBIT A**

A parcel of land lying in Sections 34 and 35, Township 44 South, Range 25 East and Sections 2, 3, 10 and 11, Township 45 South, Range 25 East, Lee County, Florida, which parcel is more particularly described as follows:

Commencing at the southeast corner of Section 34, Township 44 South, Range 25 East, thence run S88°21'53"W along the south line of said section for 2475.52 feet to an intersection with the easterly line of Interstate 75 (State Road 93) and the true point of beginning; thence run N14°49'51"W along said easterly line a distance of 691.78 feet to an intersection with the southeasterly line of Six Mile Cypress Preserve; thence N25°00'29"E along said line a distance of 1,410.37 feet to a point; thence N43°45'29"E a distance of 295.00 feet to a point; thence S82°44'31"E a distance of 268.00 feet to a point; thence N34°11'39"E a distance of 328.06 feet to a point; thence N40°14'31"W a distance of 232.00 feet to a point; thence N33°30'29"E a distance of 1,435.00 feet to a point; thence N75°15'29"E a distance of 620.00 feet to a point; thence N35°45'29"E a distance of 1,127.82 feet to a point; thence N56°15'44"E a distance of 690.61 feet to an intersection with the south line of Colonial Boulevard (State Road 884); thence S89°38'27"E along said south line a distance of 539.91 feet to a point; thence S45°21'33"W a distance of 42.43 feet to a point; thence S00°21'33"W along the east line of a road right-of-way as described in Official Record Book 2581 beginning at Page 4060 of the Lee County records a distance of 721.50 feet to a point of curvature; thence running with a curve to the right through a central angle of 41°49'26" an arc distance of 766.46 feet a chord bearing of S21°16'16"W a distance of 749.55 feet to a point on the east line of Treeline Boulevard (to be realigned) as described in Official Record Book 1529 beginning at Page 412 of the Lee County records; thence S00°58'02"E along said east line a distance of 1,048.01 feet; thence continue S01°00'06"E along said east line a distance of 2642.68 feet to an intersection with the south line of Section 34, Township 44 South, Range 25 East; thence S00°02'17"E along said east line of Treeline Boulevard a distance of 68.31 feet to a point; thence leaving said east line and running N89°25'36"E a distance of 114.67 feet to a point on the west line of new proposed alignment for said Treeline Boulevard; thence run the following courses and distances along said west line, S01°10'24"W a distance of 245.53 feet to a point; thence running around a curve to the left through a central angle of 37°40'00" an arc distance of 1,314.81 feet a chord bearing of S17°39'36"E a distance of 1,291.26 feet to a point; thence S36°29'36"E a distance of 266.36 feet to a point; thence around a curve to the right through a central angle of 43°02'49" an arc distance of 751.31 feet a chord bearing of S14°58'12"E a distance of 733.76 feet to a point; thence S06°33'12"W a distance of 1,166.54 feet to a point; thence running around a curve to the left through a central angle of 05°08'56" an arc distance of 251.63 feet a chord bearing of S03°58'44"W a distance of 251.54 feet to an intersection with the centerline of a water management easement as described in Official Record Book 2558 beginning on Page 2002 of the Lee County records; thence along said centerline the following courses; thence S78°02'48"W a distance of 62.14 feet to a point; thence S60°38'04"W a distance of 117.49 feet to a point; thence S20°42'13"W a distance of 118.75 feet to a point; thence S36°30'44"W a distance of 109.13 feet to a point; thence S06°52'49"E a distance of 109.55 feet to a point; thence S23°40'29"W a distance of 475.63 feet to a point; thence S34°14'49"W a distance of 127.19 feet to a point; thence S67°03'34"W a distance of 478.36 feet to a point; thence S45°27'12"W a distance of 398.60 feet to a point; thence running around a curve to the right through a central angle of 84°17'37" an arc distance of 882.72 feet a chord bearing of S87°36'01"W a distance of 805.24 feet to a point; thence N50°15'11"W a distance of

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144.85 feet to a point; thence S89°37'18"W a distance of 354.32 feet to a point; thence running around a curve to the right through a central angle of 46°03'48" an arc distance of 571.84 feet a chord bearing of N67°18'19"W a distance of 556.51 feet to a point; thence running around a curve to the left through a central angle of 63°11'11" an arc distance of 253.65 feet a chord bearing of N75°49'31"W a distance of 240.99 feet to an intersection with the easterly right-of-way line of Interstate 75; thence N14°49'51"W along said easterly line a distance of 2,333.30 feet to an intersection with the south line of the Northeast Quarter (NE ¼) of Section 3, Township 45 South, Range 25 East; thence N14°49'51"W a distance of 2,679.87 feet to the point of beginning.