

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: October 12, 2004

To: Distribution Below

FROM: 

Dawn E. Perry-Lehnert
Assistant County Attorney

RE: ORDINANCE: Copper Oaks Community Development District (ORD 04-17)

On September 28, 2004, the Lee County Board of County Commissioners adopted Lee County Ordinance No. 04-17, the Copper Oaks Community Development District Ordinance. Lee County Ordinance No. 04-17 carries an effective date as follows:

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

Ordinance No. 04-17 was filed in the Office of the Secretary of the Florida Department of State on October 1, 2004; it is now effective.

I believe you will find everything to be satisfactory, but please call if you have any questions.

DPL/tlb
Attachment

cc: Robert W. Gray, as County Attorney (w/o)
Timothy Jones, Chief Asst. County Attorney
Donald D. Stilwell, County Manager (w/ orig. memo)
James Lavender, Director, Public Works Adm.
Regina Smith, Director, Economic Dev.
Mary Gibbs, Director, Dept. of Community Dev.
Sue Gilpin, Budget Services
Charlie Green, Clerk of Courts (w/o)
Libby Walker, Public Resources Coordinator
Pam Houck, Dir. of Zoning, Dev. Services Div.
Paul O'Connor, Director, Planning Division
Secretary to County Commissioners
Kathy Geren, Public Resources
Audrey Vance, Esq., City Atty, City of Bonita Springs
Robert D. Pritt, Esquire
Dennis E. Lyles, Esquire



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

RECEIVED
MINUTES OFFICE

2004 OCT 11 AM 11:44

October 4, 2004

Honorable Charlie Green
Clerk of Circuit Court
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

RECEIVED BY
LEE CO. ATTORNEY
2004 OCT 11 PM 1:30

Attention: Michelle G. Cooper, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 29, 2004 and certified copy of Lee County Ordinance No. 04-17, which was filed in this office on October 1, 2004.

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

FILE

RECEIVED
MINUTES OFFICE
2004 OCT 11 AM 11:55

STATE LIBRARY OF FLORIDA
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
FAX: (850) 488-2746 • TDD: (850) 922-4085 • <http://www.dos.state.fl.us>
 LEGISLATIVE LIBRARY SERVICE RECORDS MANAGEMENT SERVICES FLORIDA STATE ARCHIVES
(850) 488-2812 • FAX: (850) 488-9879 (850) 487-2180 • FAX: (850) 413-7224 (850) 245-6700 • FAX: (850) 488-4894
 ADMINISTRATIVE CODE AND WEEKLY
(850) 245-6270 • FAX: (850) 245-6282

ORDINANCE NO. 04-17

AN ORDINANCE ESTABLISHING THE COPPER OAKS 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, Southern Homes of Estero, LLC has petitioned the Board of County Commissioners to establish COPPER OAKS 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 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 submitted with this petition to support establishment of the district is adequate.

4. Establishment of the proposed district, whose charter must be in accordance with the general law set forth in Section 190.006 - 190.041, Florida Statutes, 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 Copper Oaks 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.

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 Copper Oaks 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**

Copper Oaks 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. | Hector Garcia | 12900 SW 128 th Street, Suite 200
Miami, Florida 33186 |
| 2. | Michael Peredo | 12900 SW 128 th Street, Suite 200
Miami, Florida 33186 |
| 3. | Jerry Aguirre | 12900 SW 128 th Street, Suite 200
Miami, Florida 33186 |
| 4. | Kirt Reinert | 27299 Riverview Center Blvd., Suite 102
Bonita Springs, Florida 34134 |
| 5. | Stephen Boling | 27299 Riverview Center Blvd., Suite 102
Bonita Springs, Florida 34134 |

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Copper Oaks 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 Copper Oaks Community Development District must include the disclosure statement required in

FS §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 Copper Oaks 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 Judah, who moved its adoption. The motion was seconded by Commissioner Coy and, being put to a vote, the vote was as follows:

JOHN E. ALBION	Aye
ROBERT JANES	Aye
DOUGLAS ST. CERNY	Aye
RAY JUDAH	Aye
ANDREW W. COY	Aye

DULY PASSED AND ADOPTED THIS 28th day of September, 2004

ATTEST:
CHARLIE GREEN, CLERK

By: Michele L. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairman



APPROVED AS TO FORM:

By: [Signature]
Dawn E. Perry-Lehnert
Office of County Attorney

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(48.79 ACRE PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

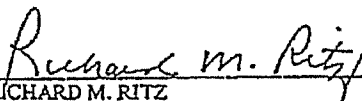
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE N.89°40'25"E. ALONG THE SOUTH LINE OF SAID SECTION FOR 80.01 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF CORLICO ROAD (80.00 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1739, AT PAGE 778 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.01°18'46"W. ALONG SAID EASTERLY LINE FOR 1182.03 FEET; THENCE N.90°00'00"E. FOR 20.02 FEET TO THE POINT OF BEGINNING; THENCE N.01°18'46"W. FOR 921.58 FEET; THENCE N.90°00'00"E. FOR 675.00 FEET; THENCE N.01°18'46"W. FOR 321.75 FEET; THENCE N.90°00'00"E. FOR 1021.24 FEET; THENCE S.23°29'06"E. FOR 677.63 FEET; THENCE S.00°00'00"E. FOR 621.50 FEET; THENCE S.90°00'00"W. FOR 1937.80 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 48.79 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA AS BEARING N.89°40'25"E.

DESCRIPTION PREPARED 09-03-03


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

S:\Jobs\16x16\09\SURVEYING\DESCRIPTIONS\1690_COMB_BNDY_DESC_SK1.dwg
S:\Jobs\16x16\09\SURVEYING\DESCRIPTIONS\1690_COMB_BNDY_DESC_SK1.dwg

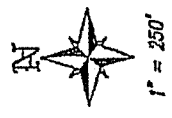
EXHIBIT A

SHEET 1 OF 2

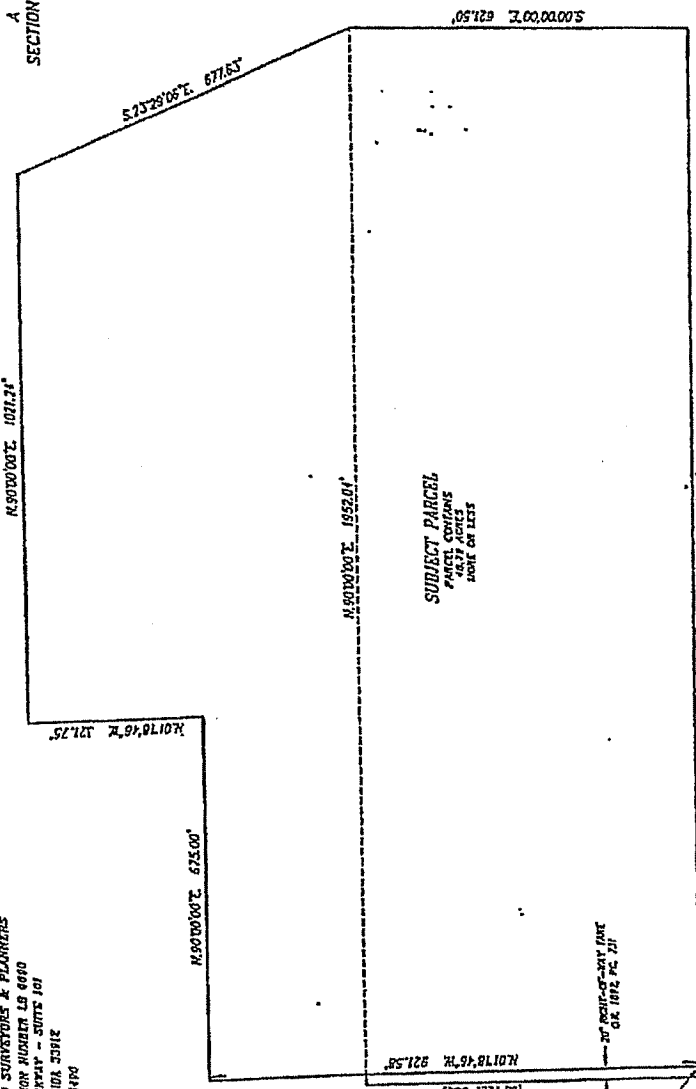
SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
(40.79 ACRE PARCEL)

Frank Engineering, Inc.
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6680
10311 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(889) 939-8484



LEGEND:
PG. INDICATES PAGE
NO. INDICATES NUMBER
O.R. INDICATES OFFICIAL RECORDS BOOK
P.L. INDICATES POINT OF INTERSECTION



SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.
**THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY**

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4008

- THIS SKETCH OF DESCRIPTION IS NOT VALID
UNTIL THE COMPLETE METES AND BOUNDS
DESCRIPTION HAS BEEN PREPARED AND MAPPED
BY A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTES:
1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N. 89°40'25\"/>

PREPARED 09-03-03
SHEET 2 OF 2

EXHIBIT A

POINT OF COMMENCEMENT
SOUTHWEST CORNER
SECTION 26 SOUTH
TOWNSHIP 46 SOUTH
RANGE 25 EAST

27 26 25
J4 J3 J2

20.00'
N. 90°00'00\"/>

S:\WORKS\16501\16501 SURVEYING\DESCRIPTIONS\16501_COURT_HURRY_OBSC_SKETCH
S:\WORKS\16501\16501 SURVEYING\DESCRIPTIONS\16501_COURT_HURRY_OBSC_SKETCH