

ORDINANCE NO. 99-81

FILED
1999 NOV 24 AM 9:51
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

AN ORDINANCE ESTABLISHING THE CEDAR HAMMOCK COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS U.S. Home Corporation. has petitioned the board of County Commissioners to establish the CEDAR HAMMOCK COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published notice conducted a public hearing on the petition as required by law and determined the following:

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. Establishment of the proposed district is not inconsistent with the local Comprehensive Plan of Collier County and is not inconsistent with the State Comprehensive Plan.
3. That 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. That the district is the best alternative available for delivering community development services and facilities to the area that will be serviced by the district.
5. That the community development services and facilities of the district will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. That the area will be served by the district is amenable to separate special district government; and

WHEREAS, it is the policy of the State, as provided in Section 190.002 (2) (c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be served by the district, to ensure that neither the establishment nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the district so established does not have any zoning or permitting powers governing development; and

WHEREAS, Section 190.044 (3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district; and that a district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of local general purpose government; and

WHEREAS, pursuant to Section 190.012, Florida Statutes, the district's special powers are subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and special districts having authority with respect to any area included therein.

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

SECTION ONE: 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 TWO: ESTABLISHMENT OF THE CEDAR HAMMOCK COMMUNITY DEVELOPMENT DISTRICT.

The Cedar Hammock Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference herein.

SECTION THREE: DESIGNATION OF INITIAL BOARD MEMBERS

The following five persons are herewith designated to be the initial members of the Board of Supervisors:

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Peter Comeau
10491 Six Mile Cypress Parkway
Suite 101
Ft. Myers, FL 33912 2. Constantine Bonitez
10491 Six Mile Cypress Parkway
Suite 101
Ft. Myers, FL 33912 5. Joe Grimes
10491 Six Mile Cypress Parkway
Suite 101
Ft. Myers, FL 33912 | <ul style="list-style-type: none"> 3. Jeff Ledward
6249 Presidential Court
Suite "B"
Ft. Myers, FL 33906 4. John F. Stanley
2600 Airport Road South
Naples, FL 34104 |
|---|--|

SECTION FOUR: DISTRICT NAME

The community development district herein established shall henceforth be known as the Cedar Hammock Community Development District.

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

The Cedar Hammock Community Development District shall be governed by the provision of Chapter 190, Florida Statutes.

SECTION SIX: CONFLICT AND SEVERABILITY

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

SECTION SEVEN: INCLUSION IN CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION EIGHT: EFFECTIVE DATE:

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 23rd day of November, 1999.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: *Pamela S. MacKie*
PAMELA S. MAC KIE, Chairwoman

ATTEST:

By: *Dwight E. Brock, DC*
DWIGHT E. BROCK, Clerk
Attest as to Chairman's
signature only.

Approved as to Form
and Legal Sufficiency

Heidi Ashton
Heidi Ashton
Assistant County Attorney

SL/pk/f/comp plan/ORD.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

EXHIBIT "A"

**DESCRIPTION
OF
A PARCEL OF LAND
LYING IN**

**SECTION 3, TOWNSHIP 50, RANGE 26 EAST
COLLIER COUNTY, FLORIDA
(CEDAR HAMMOCK)**

A TRACT OR PARCEL OF LAND, SITUATED IN THE STATE OF FLORIDA, COUNTY OF COLLIER, LYING IN SECTION 3, TOWNSHIP 50 SOUTH, RANGE 26 EAST, AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; THENCE N. 88° 56' 52" E. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 FOR 2567.09 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE N. 88° 56' 52" E. ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3 FOR 2441.77 FEET TO THE WEST LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1945, PAGES 177 AND 178, COLLIER COUNTY PUBLIC RECORDS; THENCE N. 00° 51' 56" E. ALONG THE WEST LINE OF SAID PARCEL FOR 2778.41 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 3; THENCE S. 89° 19' 38" W. ALONG SAID SOUTH LINE FOR 1827.03 FEET TO THE SOUTHEAST CORNER OF THE WEST ONE HALF OF THE WEST ONE HALF OF THE NORTHEAST QUARTER OF SAID SECTION 3; THENCE N. 00° 17' 56" E. ALONG THE EAST LINE OF SAID FRACTION OF SECTION FOR 704.31 FEET; THENCE S. 89° 34' 06" W. FOR 652.88 FEET TO THE WEST LINE OF SAID FRACTION OF SECTION; THENCE N. 00° 07' 06" E. ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3 FOR 1974.83 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF DAVIS BOULEVARD (S.R. 84) (150 FEET WIDE) AND AN INTERSECTION WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 3224.04 FEET AND TO WHICH INTERSECTION A RADIAL LINE BEARS N. 13° 45' 10" W.; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 05° 30' 05" FOR 309.56 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 2789.79 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 40° 27' 49" FOR 1970.21 FEET; THENCE S. 30° 16' 56" W. ALONG SAID RIGHT-OF-WAY LINE FOR 1618.28 FEET TO THE NORTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE N. 89° 19'

38° E. ALONG SAID NORTH LINE FOR 643.12 FEET TO THE NORTHEAST CORNER OF SAID FRACTION OF SECTION; THENCE S. 00° 27' 35" E. ALONG THE EAST LINE OF SAID FRACTION OF SECTION FOR 1403.17 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION OF SECTION; THENCE S. 89° 08' 20" W. ALONG THE SOUTH LINE OF SAID FRACTION OF SECTION FOR 646.45 FEET TO THE WEST LINE OF SAID SECTION 3; THENCE S. 00° 39' 04" E. ALONG SAID WEST LINE FOR 1405.28 TO THE POINT OF BEGINNING.

PARCEL CONTAINS 417.32 ACRES, MORE OR LESS.

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

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

BEARINGS ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF DAVIS BOULEVARD (S.R. 84), AS BEARING S. 30° 16' 56" W.

DESCRIPTION PREPARED ON JANUARY 22, 1999.

FILE: 1263.03

SHEET 2 OF 2

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 99-81

Which was adopted by the Board of County Commissioners on the 23rd day of November, 1999, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 23rd day of November, 1999.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Karen Schoch,
Deputy Clerk

RESOLUTION NO. 99- 448

**A RESOLUTION RELATING TO THE CEDAR HAMMOCK
COMMUNITY DEVELOPMENT DISTRICT BY
CONSENTING TO THE DISTRICT'S EXERCISE OF
SPECIAL POWERS RELATING TO PARKS AND
RECREATION AND SECURITY.**

WHEREAS, the Cedar Hammock Community Development District was established by Collier County Ordinance No. 99-81 which became effective on November 24, 1999; and

WHEREAS, the Board of Supervisors of the Cedar Hammock Development District ("District") has requested the consent of Collier County to exercise certain additional special powers pursuant to Section 190.012(2), Florida Statutes; and

WHEREAS, the District's Board of Supervisors has requested that Collier County consent to the exercise of special powers relating to parks and recreation and security; and

WHEREAS, Collier County has reviewed the District Board of Supervisors' request.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

1. The Cedar Hammock Community Development District is governed by the provisions of Chapter 190, Florida Statutes. Additionally, the Board of County Commissioners of Collier County, Florida, hereby consents to the Board of Supervisors of the Cedar Hammock Community Development District exercising the following special powers in accordance with Section 190.012(2), Florida Statutes, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for:
 - (a) Parks and facilities for indoor and outdoor recreational, cultural and educational uses.
 - (b) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the District boundaries.

3. Consent to exercise the above powers by the Board of County Commissioners in no way implies that Collier County has any obligation or responsibility to ensure that these special powers are exercised by the District nor any liability in regards to the District's exercise of these special powers.
4. This Resolution shall become effective upon an affirmative vote of a majority of the County Commission at a duly noticed public hearing.

PASSED AND ADOPTED by the Board of County Commissioners of Collier County, Florida, this 14th day of December, 1999

ATTEST:

DWIGHT E. BROCK, Clerk

By: *Ellie Hoffman*

Deputy Clerk

Attest as to Chairman's
signature only.

Approved as to form
and legal sufficiency:

Heidi F. Ashton

Heidi F. Ashton

Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *Pamela S. Mac'Kie*

Pamela S. Mac'Kie, Chairwoman