

ORDINANCE NO. 04-25

AN ORDINANCE ESTABLISHING THE LUCAYA 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.

RECEIVED
MAY 11 2015
CLERK OF COUNTY COMMISSIONERS
LEEE COUNTY, FLORIDA

WHEREAS, Taylor Woodrow Homes - Southwest Florida Division, LLC, has petitioned the Board of County Commissioners to establish the LUCAYA 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 ordinance, 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 must be in accordance with the general law as set forth in Sections 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 Lucaya 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 Lucaya 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**

Lucaya 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. | Douglas L. Schwartz | 2950 Immokalee Road, Suite 2
Naples, FL 34110 |
| 2. | Michael D. Dady | 2950 Immokalee Road, Suite 2
Naples, FL 34110 |
| 3. | Alan B. Smith | 11021 Corsia Trieste Way
Bonita Springs, FL 34135 |
| 4. | Marc I. Spencer | 877 Executive Center Drive, W., Ste. 205
St. Petersburg, FL 33702-2472 |
| 5. | C. Alexander Bratt | 8430 Enterprise Circle, Suite 100
Bradenton, FL 34202-4108 |

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Lucaya 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 Lucaya

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 Lucaya Community Development District.

SECTION SEVEN CONFLICT OF 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 Albion, who moved its adoption. The motion was seconded by Commissioner Judah and, being put to a vote, the vote was as follows:

ROBERT P. JANES	Aye
DOUGLAS R. ST. CERNY	Aye
RAY JUDAH	Aye
TAMMY HALL	Aye
JOHN E. ALBION	Aye

DULY PASSED AND ADOPTED THIS 21st day of December, 2004.

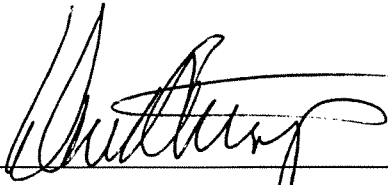
ATTEST:

CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS

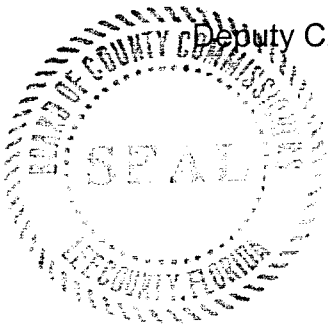
OF LEE COUNTY, FLORIDA

By: Michèle S. Cooper

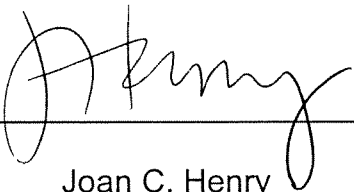
By: 

Douglas R. St. Cerny, Chairman

Deputy Clerk



APPROVED AS TO FORM:

By: 

Joan C. Henry
Office of County Attorney

LUCAYA CDD

DESCRIPTION

Parcel in
Section 29, Township 45 South, Range 24 East
Lee County, Florida

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 (ONE-QUARTER) OF THE SOUTHEAST 1/4 (ONE-QUARTER) OF THE AFORESAID SECTION 29;

THENCE NORTH 00°59'17" WEST ALONG THE EAST LINE OF SAID FRACTION A DISTANCE OF 2,608.94 FEET TO THE INTERSECTION WITH THE EAST-WEST 1/4 (ONE-QUARTER) SECTION LINE;

THENCE NORTH 00°57'17" WEST ALONG THE EAST LINE OF THE WEST 1/2 (ONE-HALF) OF THE NORTHEAST 1/4 (ONE-QUARTER) OF SAID SECTION 29 A DISTANCE OF 1,263.13 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF MCGREGOR BLVD;

THENCE SOUTH 45°47'17" WEST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE A DISTANCE OF 1,166.75 FEET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 47°14'24" WEST A DISTANCE OF 741.69 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 44°32'44" EAST A DISTANCE OF 111.80 FEET TO AN INTERSECTION WITH THE NORTH-SOUTH 1/4 (ONE-QUARTER) SECTION LINE OF SAID SECTION 29;

THENCE ALONG SAID 1/4 SECTION LINE SOUTH 01°03'31" EAST A DISTANCE OF 2,493.58 FEET TO THE SOUTH 1/4 (ONE-QUARTER) OF SAID SECTION 29;

THENCE NORTH 89°11'17" EAST ALONG THE SOUTH LINE OF THE WEST 1/2 (ONE-HALF) OF THE SOUTHEAST 1/4 (ONE-QUARTER) OF SAID SECTION 29 A DISTANCE OF 1,322.26 FEET TO THE POINT OF THE BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING 98.89 ACRES, MORE OR LESS.

L:\21929 - Asbury Due Diligence \SURVEY\DESC\21929S01_AS PROVIDEDDESC.DOC

STATE OF FLORIDA DEPARTMENT OF STATE

Division of Library and Information Services

I, Glenda E. Hood, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Lee County Ordinance No. 04-25, which was filed in this office on December 23, 2004, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
6th., day of January, A.D., 2005.



Glenda E. Hood

Secretary of State

DSDE 99 (3/03)