

LEE COUNTY ORDINANCE NO. 05-28

AN ORDINANCE ESTABLISHING THE PORTICO COMMUNITY DEVELOPMENT DISTRICT; NAMING THE DISTRICT; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; ESTABLISHING AND DESCRIBING THE EXTERNAL BOUNDARIES OF THE COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE INITIAL POWERS OF THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE STATUTORY PROVISIONS GOVERNING THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING ADDITIONAL CONDITIONS IMPOSED ON THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2005 DEC -8 PM 2:59

FILED

WHEREAS, Taylor Woodrow Communities at Portico, L.L.C., has petitioned the Lee County Board of County Commissioners to establish THE PORTICO COMMUNITY DEVELOPMENT DISTRICT, a Uniform Community Development District (UCDD), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes; and

WHEREAS, the Lee County 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 §190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.

2. 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.

3. Establishment of the proposed district, whose charter is consistent with §§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.

4. 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.

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

6. 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.

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

8. 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 §190.012(2), Florida Statutes.

9. Upon the effective date of this Ordinance, the proposed Portico 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.

10. 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 AND LEGAL DESCRIPTION

The community development district herein established will be known as the Portico Community Development District. A copy of the legal description of the community development district is attached as Exhibit "A" and incorporated herein by reference.

SECTION TWO: AUTHORITY FOR ORDINANCE

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

**SECTION THREE: ESTABLISHMENT OF
COMMUNITY DEVELOPMENT DISTRICT**

The Portico Community Development District is hereby established within the boundaries of the real property located in Lee County, Florida, and described in Exhibit "A" attached hereto and incorporated by reference.

**SECTION FOUR: DESIGNATION OF INITIAL MEMBERS
OF THE BOARD OF SUPERVISORS**

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

- | | | |
|----|----------------------|--|
| 1. | Thomas R. Spence | 877 Executive Drive Center West
Suite 205
St. Petersburg, Florida 33702-2472 |
| 2. | Jeffrey M. Riopelle | 877 Executive Drive Center West
Suite 205
St. Petersburg, Florida 33702-2472 |
| 3. | Marc I. Spencer | 877 Executive Drive Center West
Suite 205
St. Petersburg, Florida 33702-2472 |
| 4. | Michelle M. Campbell | 877 Executive Drive Center West
Suite 205
St. Petersburg, Florida 33702-2472 |
| 5. | Ann S. Cohen | 877 Executive Drive Center West
Suite 205
St. Petersburg, Florida 33702-2472 |

**SECTION FIVE: INITIAL POWERS OF
THE COMMUNITY DEVELOPMENT DISTRICT**

Upon the effective date of this Ordinance, the proposed Portico Community Development District will be duly and legally authorized to exist and exercise all of its powers in accordance with §§190.011 and 190.012(1), Florida Statutes, subject to any conditions imposed herein; and has the right to seek consent from Lee County for the grant of authority to exercise additional special powers in accordance with §190.012(2), Florida Statutes.

**SECTION SIX: STATUTORY PROVISIONS GOVERNING
THE COMMUNITY DEVELOPMENT DISTRICT**

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

**SECTION SEVEN: ADDITIONAL CONDITIONS IMPOSED ON THE
COMMUNITY DEVELOPMENT DISTRICT**

The Portico Community Development District will also be subject to the following additional conditions:

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

SECTION EIGHT: 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 NINE: EFFECTIVE DATE

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

THE FOREGOING ORDINANCE was offered by Commissioner Ray Judah, who moved its adoption. The motion was seconded by Commissioner John E. Albion and being put to a vote, the vote was as follows:

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

DULY PASSED AND ADOPTED THIS 6TH DAY OF DECEMBER, 2005.

ATTEST:
CHARLIE GREEN, CLERK

By: Michele S. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairwoman



APPROVED AS TO FORM:

By: [Signature]
Office of County Attorney

EXHIBIT A



SINCE 1946



PORTICO BOUNDARY

PARCEL LYING IN SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33 RUN NORTH 89°18'19" EAST ALONG THE NORTHERLY LINE OF SAID SECTION FOR A DISTANCE OF 924.94 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF BUCKINGHAM ROAD (STATE ROAD 80-S); THENCE SOUTH 24°23'10" WEST ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 203.15 FEET; THENCE SOUTH 89°10'16" WEST, FOR A DISTANCE OF 22.11 FEET TO THE POINT OF BEGINNING.

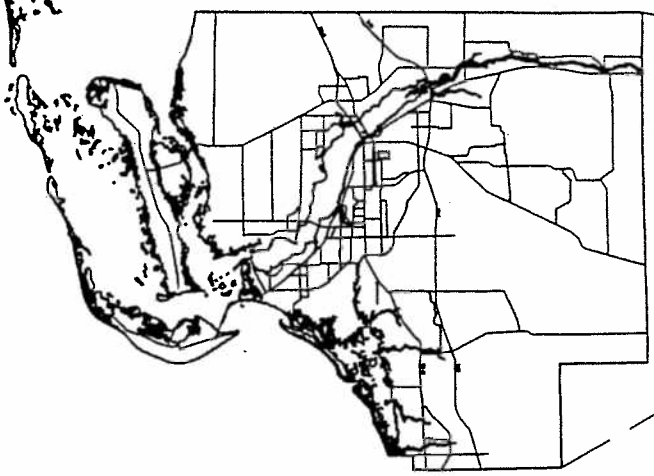
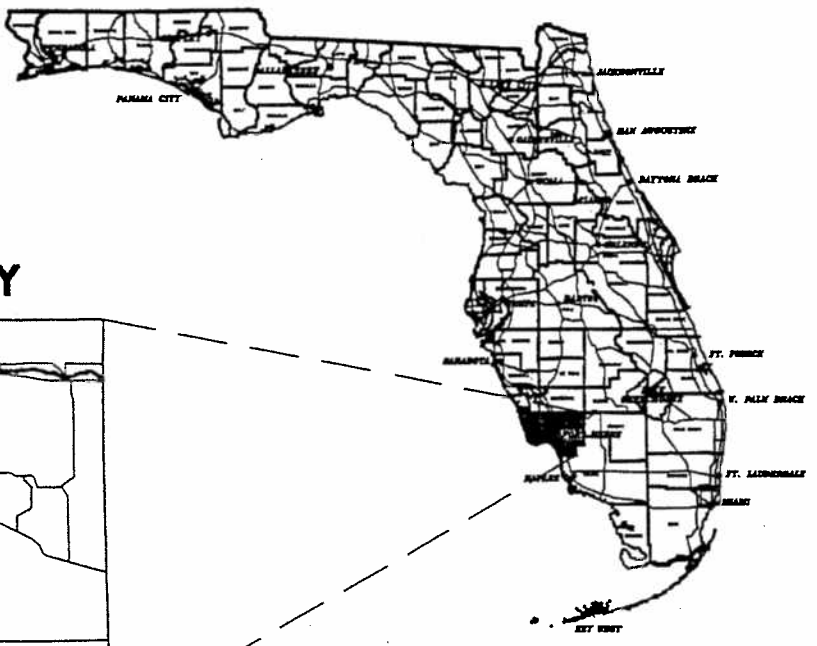
FROM SAID POINT OF BEGINNING RUN NORTH 89°10'16" EAST, FOR A DISTANCE OF 4,489.91 FEET; THENCE SOUTH 00°50'15" EAST, FOR A DISTANCE OF 2,250.05 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 240.00 FEET (DELTA 06°55'14") (CHORD BEARING SOUTH 48°34'00" EAST) (CHORD 28.97 FEET) FOR A DISTANCE OF 28.99 FEET; THENCE SOUTH 45°06'23" EAST, FOR A DISTANCE OF 156.71 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 240.00 FEET (DELTA 21°30'24") (CHORD BEARING SOUTH 34°21'11" EAST) (CHORD 89.56 FEET) FOR A DISTANCE OF 90.09 FEET; THENCE NORTH 89°15'30" EAST, FOR A DISTANCE OF 5,100.79 FEET; THENCE SOUTH 00°59'28" EAST, FOR A DISTANCE OF 2,654.48 FEET; THENCE SOUTH 89°04'55" WEST, FOR A DISTANCE OF 5,290.35 FEET; THENCE NORTH 00°47'28" WEST, FOR A DISTANCE OF 2,670.74 FEET; THENCE SOUTH 88°59'10" WEST, FOR A DISTANCE OF 1,980.78 FEET; THENCE SOUTH 00°41'08" EAST, FOR A DISTANCE OF 1,333.22 FEET; THENCE SOUTH 89°02'54" WEST, FOR A DISTANCE OF 1,988.34 FEET; THENCE NORTH 00°56'52" WEST, FOR A DISTANCE OF 1,331.03 FEET; THENCE NORTH 88°59'10" EAST, FOR A DISTANCE OF 1,334.18 FEET; THENCE NORTH 00°39'01" WEST, FOR A DISTANCE OF 1,321.78 FEET; THENCE SOUTH 89°09'28" WEST, FOR A DISTANCE OF 2,391.80 FEET; THENCE NORTH 24°23'10" EAST, FOR A DISTANCE OF 1,263.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,663,578 SQUARE FEET OR 589.15 ACRES, MORE OR LESS.

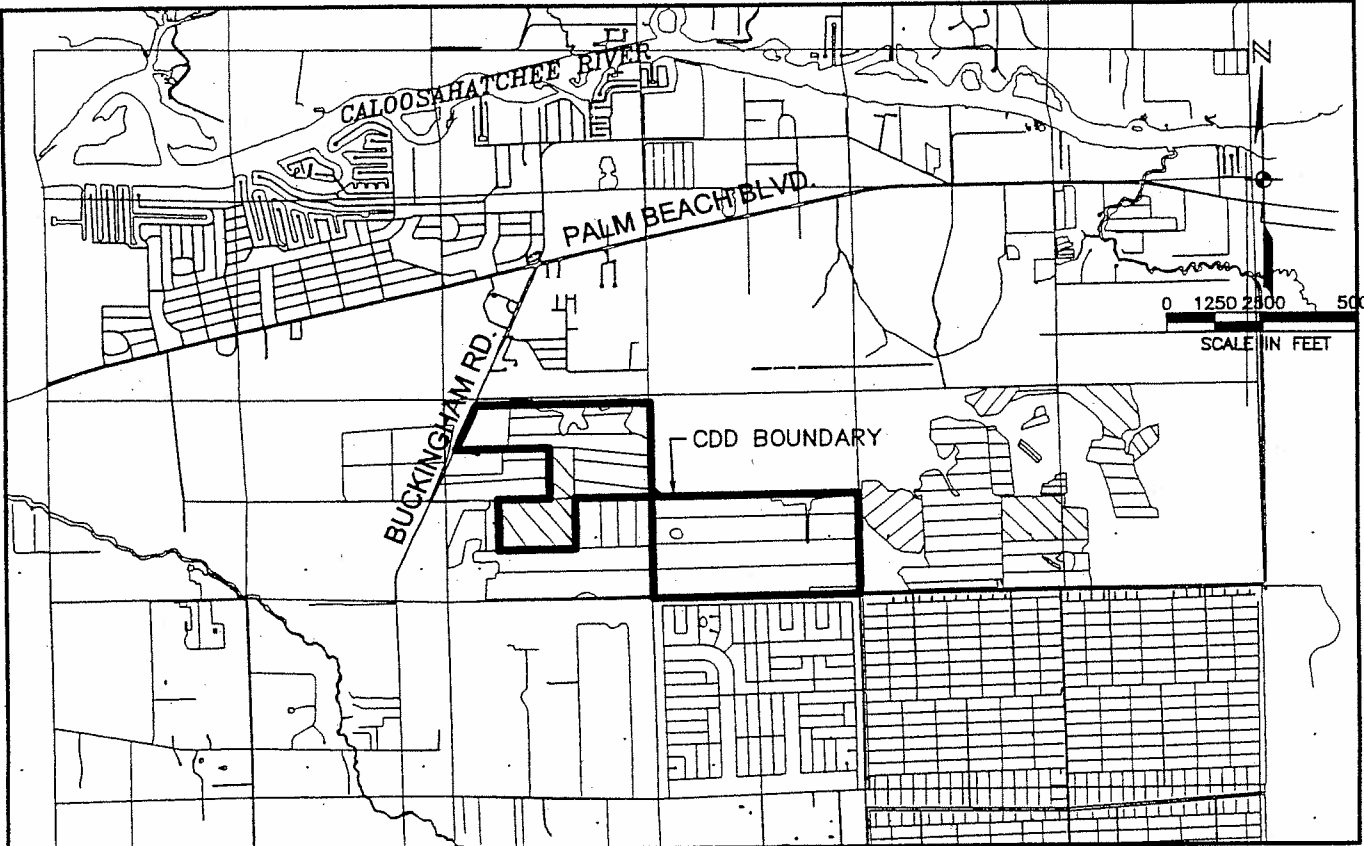
S:/044590/PORTICO-BOUNDARY-DESCRIPTION.DOC

N

LEE COUNTY



N:\20044590\drawing\CDD-exhibit\4590-general location map.dwg (Cover) WEB May 17, 2005 - 11:37am



LATITUDE 26°41'46", LONGITUDE -81°43'02"

JOHNSON
ENGINEERING

215B JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

LOCATION MAP
EXHIBIT 1

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
MAY, 2005	20044590	33-43-26	As Shown	1

State of Florida



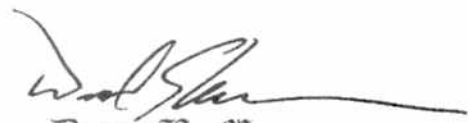
Department of State

Division of Library and Information Services

I, David E. Mann, Secretary of State of the State of Florida, do hereby certify that the attached is a true and correct copy of Lee County Ordinance No. 05-28, which was filed in this office December 8, 2005, pursuant to 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
14th. day of December, A.D., 2005.**




David E. Mann
Secretary of State