

ORDINANCE NO. 98-15

AN ORDINANCE ESTABLISHING STONEYBROOK COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE COUNTY MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, U.S Home Corporation has petitioned the Board of County Commissioners to establish STONEYBROOK COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published noticed, 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 reviewed and approved the petition and ordinance for establishment of the proposed district.
3. The Local Planning Agency reviewed the petition and ordinance on July 27, 1998 and found, by a vote of 5-0, that it is consistent with the Lee Plan.
4. 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 of this petition on district establishment is adequate.

5. Establishment of the proposed district, whose charter is Section 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.

6. 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.

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

8. 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.

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

10. 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, and the County in reaching its conclusion, considered the potential exercise by the District of all powers provided in Section 190.012(1)-(3), Florida Statutes.

11. Upon the effective date of this Ordinance, the proposed Stoneybrook 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.

12. 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 Stoneybrook 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

Stoneybrook 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. Alan Burns U.S. Home Corp., 10491 Six Mile Cypress Parkway, Fort Myers, FL 33912
2. Peter Comeau U.S. Home Corp., 10491 Six Mile Cypress Parkway, Fort Myers, FL 33912
3. Steve Kushner 1375 Jackson Street, Suite 202, Fort Myers, FL 33901
4. Bruce Lawson U.S. Home Corp., 10491 Six Mile Cypress Parkway, Fort Myers, FL 33912
5. Jeff Leward 6249 Presidential Court, Suite B, P.O. Box 06576, Fort Myers, FL 33906

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Stoneybrook Community Development District will be governed by the provisions of Chapter 190, Florida Statutes. Sections 190.006 through 190.041, Florida Statutes, as amended, constitute its general law charter.

SECTION SIX: 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 SEVEN: EFFECTIVE DATE


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

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

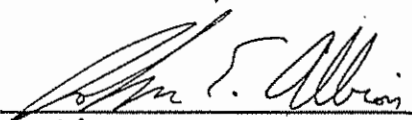
JOHN E. MANNING	Absent
DOUGLAS ST. CERNY	Aye
RAY JUDAH	Aye
ANDREW W. COY	Aye
JOHN E. ALBION	Aye

DULY PASSED AND ADOPTED THIS 4th day of August, 1998.

ATTEST:
CHARLIE GREEN, CLERK

By: 
Deputy Clerk


BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Vice-Chairman

APPROVED AS TO FORM:

By: 
Office of County Attorney

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTIONS 25, 35 & 36, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 25, 35 AND 36 TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S89°50'20"W ALONG THE SOUTH LINE OF SAID SECTION 35 FOR 212.74 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE THE FOLLOWING FIVE (5) COURSES ALONG SAID RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE N18°17'53"W FOR 2,592.47 FEET; THENCE N13°50'10"W FOR 498.64 FEET; THENCE N12°28'59"W FOR 258.70 FEET; THENCE N09°50'33"W FOR 258.63 FEET; THENCE N08°33'22"W FOR 182.01 FEET; THENCE DEPARTING FROM SAID RIGHT-OF-WAY LINE N60°16'16"E FOR 1,402.18 FEET; THENCE N55°53'35"E FOR 1,250.00 FEET; THENCE N28°13'28"W FOR 585.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE N61°46'32"E FOR 135.01 FEET; THENCE N28°13'28"W FOR 25.00 FEET; THENCE N61°46'32"E FOR 4,465.85 FEET; THENCE THE FOLLOWING SEVEN (7) COURSES ALONG THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2406 AT PAGE 49 PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S01°05'07"E FOR 618.05 FEET; THENCE S61°46'31"W FOR 1,531.00 FEET TO A POINT OF INTERSECTION WITH A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 330.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N70°18'37"E; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°29'53" FOR 192.93 FEET; THENCE S13°48'30"W FOR 46.73 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85°28'19" FOR 44.75 FEET TO THE BEGINNING OF A RESERVE CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 730.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°53'52" FOR 419.15 FEET; THENCE N88°54'53"E ALONG A LINE NON TANGENT TO SAID CURVE FOR 1,384.27 FEET; THENCE S01°05'07"E PARALLEL WITH AND 60.00 FEET WESTERLY OF (AS MEASURED ON A PERPENDICULAR) THE EAST LINE OF SECTION 25 OF SAID TOWNSHIP 46 SOUTH, RANGE 25 EAST FOR 667.75 FEET; THENCE S00°33'14"E PARALLEL WITH AND 60.00 FEET WESTERLY OF (AS MEASURED ON A PERPENDICULAR) THE EAST LINE OF SECTION 36 OF SAID TOWNSHIP 46 SOUTH, RANGE 25 EAST FOR 2,640.72 FEET; THENCE S00°27'46"E PARALLEL WITH AND 60.00 FEET WESTERLY OF (AS MEASURED ON A PERPENDICULAR) THE EAST LINE OF SAID SECTION 36 FOR 2,643.91 FEET; THENCE S89°21'17"W ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 2,578.17 FEET TO THE SOUTH QUARTER CORNER; THENCE CONTINUE ALONG SOUTH SECTION LINE N88°39'22"W FOR 2,631.68 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 36 AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 805.74 ACRES, MORE OR LESS.

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

BEARINGS ARE BASED ON THE SOUTH LINE OF SAID SECTION 35 AS BEARING N89°50'20"W.

EXHIBIT "A"

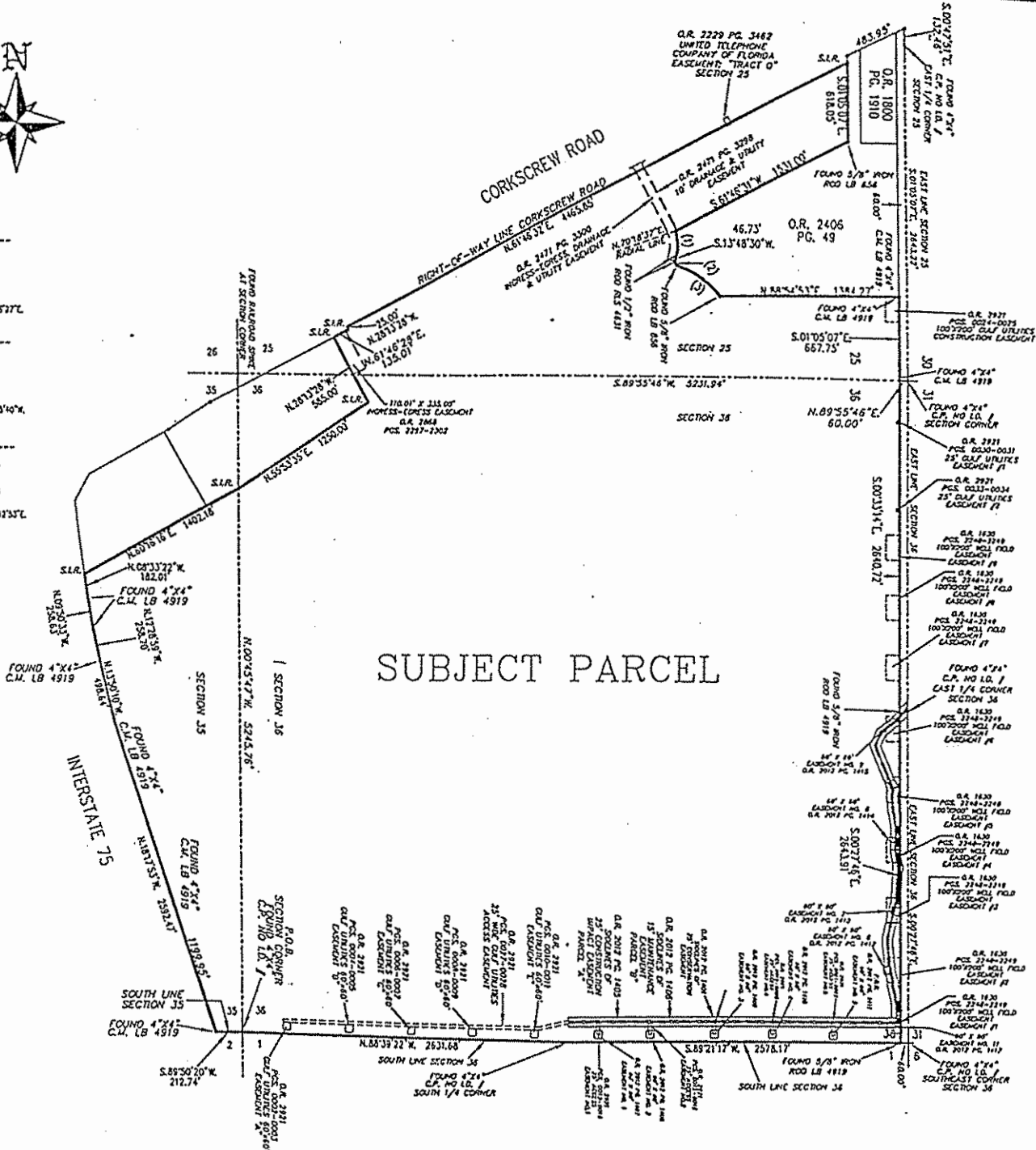


CURVE DATA

Curve number 1
 Radius= 330.00
 Delta= 37°29'37"
 Arc= 182.33
 Tangent= 18.31
 Chord= 182.28
 Chord Brg. S.02°56'27"E

Curve number 2
 Radius= 30.00
 Delta= 83°21'19"
 Arc= 14.75
 Tangent= 27.72
 Chord= 40.72
 Chord Brg. N.78°53'40"W

Curve number 3
 Radius= 730.00
 Delta= 37°53'32"
 Arc= 418.19
 Tangent= 215.53
 Chord= 415.41
 Chord Brg. S.50°12'35"E



STONEYBROOK BOUNDARY LIMITS C.D.D. EXHIBIT "A"

Banks Engineering, Inc.
 ENGINEERING, SURVEYING & LAND PLANNING
 10001 SIX MILE CYPRESS PARKWAY - SUITE 104
 FORT MYERS, FLORIDA 33912
 (813) 939-0490

U.S. HOMES CORPORATION
 FORT MYERS, LEE COUNTY, FLORIDA

DATE	PROJECT NO.	DESIGNED	DRAWN	CHECKED	SCALE	SHT. 1 OF 1	FILE NO. (S-T-1)
4-7-98	EXHIBIT CDD	JPG	JPG	JPG	1"=100'		36-18-23

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

August 10, 1998

Honorable Charlie Green
Clerk to Board of County Commissioners
Lee County
Minutes Office
Post Office Box 2469
Fort Myers, Florida 33902-2469

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated August 7, 1998 and certified copy of Lee County Ordinance Nos. 98-14 and 98-15, which were filed in this office on August 10, 1998.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

RECEIVED AUG 12 1998

BUREAU OF ADMINISTRATIVE CODE

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