

**MEMORANDUM**  
FROM THE  
**OFFICE OF COUNTY ATTORNEY**

DATE: November 22, 2006

To: Distribution Below

FROM: 

Robert D. Spickerman  
Assistant County Attorney

RE: **Verona Community Development District (Ordinance No. 06-14)**  
**LU-06-03-2462(A)**  
**Cypress Shadows Community Development District (Ordinance No. 06-15)**  
**LU-06-02-2428.B.**

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On September 21, 2006, the Lee County Board of County Commissioners adopted Lee County Ordinance Nos. 06-14 and 06-15, the Verona Community Development District and the Cypress Shadows Community Development District Ordinances. Lee County Ordinance Nos. 06-14 and 06-15 carry an effective date as follows:

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

Ordinance Nos. 06-14 and 06-15 were filed in the Office of the Secretary of the Florida Department of State on September 21, 2006; it is now effective.

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

RDS/tmv  
Attachment

cc: David M. Owen, County Attorney  
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 Lange, 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  
Shirley Carney, Public Resources  
Audrey Vance, Esq., City Atty, City of Bonita Springs

Billie Jacoby, Admin. Specialist, DCD, Zoning  
Timothy R. Qualls, Young, Van Assenderp, P.A.  
Gerald L. Knight, Billing, Cochran, Heath, Lyles,  
Mauro & Anderson, P.A.



STATE OF FLORIDA  
DEPARTMENT OF STATE  
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH  
Governor

SUE M. COBB  
Secretary of State

September 21, 2006

2006 OCT 17 AM 11:13  
RECEIVED BY  
LEE CO. ATTORNEY

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

Attention: Lisa L. Pierce, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated September 19, 2006 and certified copies of Lee County Ordinance Nos. 06-14 through 06-16, which were filed in this office on September 21, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/bpn

2006 SEP 26 AM 9:51

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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ORDINANCE NO. 06-14

AN ORDINANCE ESTABLISHING VERONA 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, Whispering Lakes I, LLC, a Florida limited liability company, and Whispering Lakes II, LLC, a Florida limited liability company, have petitioned the Board of County Commissioners to establish the VERONA 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 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 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.

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 Section 190.012(2), Florida Statutes.

9. Upon the effective date of this Ordinance, the proposed Verona 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**

The community development district herein established will be known as Verona 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**

Verona 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. AJ Garcia, 15100 N.W. 67<sup>th</sup> Avenue, Suite 210, Miami Lakes, FL 33014
2. Odalys Paez, 15100 N.W. 67<sup>th</sup> Avenue, Suite 210, Miami Lakes, FL 33014
3. Gerry Suarez, 15100 N.W. 67<sup>th</sup> Avenue, Suite 210, Miami Lakes, FL 33014
4. Jorge Feria, 15100 N.W. 67<sup>th</sup> Avenue, Suite 210, Miami Lakes, FL 33014
5. Jose Milan, 15100 N.W. 67<sup>th</sup> Avenue, Suite 210, Miami Lakes, FL 33014

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT**

Verona 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 Verona 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 Verona 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 ST. CERNY	Aye
RAY JUDAH	Aye
TAMMARA HALL	Aye
JOHN E. ALBION	Aye

DULY PASSED AND ADOPTED THIS 12<sup>th</sup> day of September, 2006.

ATTEST:

CHARLIE GREEN, CLERK

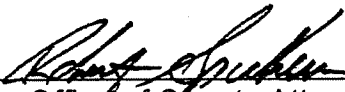
BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairwoman

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Office of County Attorney



# LEGAL DESCRIPTION

**PARCEL 1**

A tract or parcel of land lying in Sections 4 & 9, Township 45 South, Range 27 East, Lee County, Florida and being part of lands described in Deed Recorded in Official Record Book 3487 at Page 4491, and 4492, Lee County Records. Said tract or parcel being more particularly described as follows:

From the South quarter corner (S1/4) of said Section 4 and the **POINT OF BEGINNING** run S87°41'18"W along the south line of said Section 4 for 189.91 feet to the Southeast corner of Lot 21, Block "A", of Bethany Trace Phase 1A, as recorded in Plat Book 55, Pages 83-85, of the Public Records of Lee County, Florida; thence run N02°17'35"W along East line of said Lot 21 and the Plat limits as recorded in said Plat Book 55, Page 85 for 171.97 feet to the northerly Right-of-Way line of Bethany Home Drive (60 feet wide) and a point on a non-tangent curve; thence from said point run northwesterly along an arc of curve to the right of radius 30.00 feet (delta 24°53'07") (chord bearing N58°40'06"W) (chord 12.93 feet) for 13.03 feet to a point on the southeasterly line of Lot 8, Block "E" of said Bethany Trace Phase 1A; thence run N42°54'05"E along said southeasterly line of said Lot 8 for 200.22 feet to the northeast corner of said Lot 8; thence run N53°58'00"W along northeasterly line of said Lot 8 for 46.81 feet; thence run N00°48'08"W along the rear lot lines of lots 7 to 1 of said Block "E" for 868.28 feet to an intersection with the south line of a proposed Right-of-Way for Sunrise Boulevard Extension (100 feet wide) and a 100 feet south of the south Right-of-Way line of a 100 foot wide canal for Willow Lakes Estates as shown in Plat Book 28, Page 79, Lee County Records; thence run S87°39'35"W along said southerly Right-of-Way line for 110.10 feet to an intersection with the east Right-of-Way line for Richmond Avenue (60 foot wide); thence run N00°52'10"W along said East Right-of-Way line for 100.03 feet to an intersection with the north Right-of-Way line for said Sunrise Boulevard and the south line of said Plat; thence run N87°39'35"E along the north line of said proposed Right-of-Way for Sunrise Boulevard extension for 200.24 feet; thence run N87°41'45"E along the North line of said proposed Right-of-Way for 1,283.31 feet to the northeast corner of the southwest quarter (SW1/4) of the southeast quarter (SE1/4) of said Section 4; thence run S00°49'16"E along the east line of said Southwest Quarter (SW1/4) for 50.02 feet thence run N87°41'45"E along Centerline of said proposed Right-of-Way for 278.60 feet to a point of curvature; thence run easterly along an arc of curve to the left of radius 1,000 feet (delta 28°00'38") (chord bearing N73°41'26"E)(chord 484.02 feet) for 488.88 feet to a point of reverse curvature; thence run easterly along an arc of curve to the right of radius 1,000 feet (delta 29°40'31") (chord bearing N74°31'23"E) (chord 512.16 feet) for 517.93 feet;

P(3)SM, L.L.C.

PROFESSIONAL SURVEYORS & MAPPERS

3900 N.W. 79th AVENUE, SUITE #235 DORAL, FL. 33166 PHONE:(305) 463-0912 FAX:(305) 463-0913

L.B. No. 7335

**SKETCH AND LEGAL DESCRIPTION**

DATE:	DRAWN BY	SCALE:	F.B. / PG.	JOB No.	SHEET:
12-22-05	JP	N/A	N/A	0512-00100	3 of 8

## LEGAL DESCRIPTION

thence run N89°04'20"E for 44.57 feet to an intersection with the East line of the Southeast quarter of Section 4; thence run S00°12'24"E for 1,501.13 feet along the East line of said Section 4 and the West line of Lehigh Acres Unit 11 as recorded in Plat Book 15, Page 217 to run S01°44'31"E along the West line of a Canal for Lehigh Acres Unit 1 as recorded in Plat Book 18, Page 2 for 1,342.68 feet to the Northeast corner of Lehigh Acres Unit 3 as recorded in Plat Book 27, Page 182; thence run S87°50'45"W along the North line of a 100.00 foot wide Canal as recorded in said plat for 1,276.39 feet to the Northwest corner of said plat; thence run S01°25'40"E along the west line of a 100 foot wide canal as recorded in said Plat for 1,340.16 feet to the southwest corner of said Plat Book 27, Page 182; thence run S87°57'59"W along the North line of a 100 foot wide canal as recorded in Plat Book 27, Page 181 for 1,283.41 feet to the center of said Section 9 and the northwest corner of Lehigh Acres Unit 2 of Plat Book 27, Page 181; thence run N01°07'50"W along the West Line of the Northeast Quarter of said Section 9 for 2,673.86 feet to the **POINT OF BEGINNING**. Containing 8,706,763 Square Feet or 199.88 Acres, more or less.

AND

### PARCEL 2

Lot 21, Block 11, Lot 26, Block 12, and Parcel "A" Lehigh Acres, Unit 3, Section 9, Township 45 South, Range 27 East, Lee County, Florida, as recorded in Plat Book 27, Page 182, in the Public Records of Lee County, Florida. Said lots and parcel being described as follows:

From the Southeast corner of said Lot 26, Block 12, and the **POINT OF BEGINNING**; thence run S87°50'45"W along the north Right-of-Way line for Cane Street East (60 foot wide) as recorded in said Plat, for 151.57 feet to the northeast corner of said Lot 21, Block 11; thence run S01°25'48"E along the west Right-of-Way line for Charwood Avenue (60 foot wide) as recorded in said Plat for 116.68 feet to the southeast corner of said Lot 21; thence run S88°34'12"W for 125.00 feet to the southwest corner of said Lot 21 and the east line reserved for a canal; thence run N01°25'40"W along said east line for 190.74 feet to a point of curvature; thence run northeasterly along an arc of curve to the right of radius 50.00 feet (delta 89°16'55")(chord bearing N43°12'40"E)(chord 70.27 feet) for 77.91 feet; thence run N87°50'45"E for 225.63 feet to the northeast corner of said Lot 26, Block 12; thence run S02°08'53"E for 125.00 feet to the **POINT OF BEGINNING**. Containing 48,440 Square feet or 1.11 Acres, more or less.

P(3)SM, L.L.C.

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L.B. No. 7335

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DATE:	DRAWN BY	SCALE:	F.B. / PG.	JOB No.	SHEET:
12-22-05	JP	N/A	N/A	0512-00100	4 of 8