

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20041165

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt and enact an ordinance known as the Copper Oaks Community Development District Ordinance.

WHY ACTION IS NECESSARY: An ordinance adopted by the BOCC is the exclusive means to establish a Uniform Community Development District (UCDD) of less than 1,000 acres in size.

WHAT ACTION ACCOMPLISHES: Creates an independent special district that provides an alternative method to manage and finance basic services for community development.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3

9:30

3. MEETING DATE:

09-28-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE Chapter 190, F.S.
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney's Office
- C. DIVISION *[Signature]*
BY: Dawn E. Perry-Lehnert
Assistant County Attorney

7. BACKGROUND:

Southern Homes of Estero, LLC, has petitioned the Lee County Board of County Commissioners to adopt an ordinance establishing a Uniform Community Development District (UCDD) in accordance with the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes ("Act"). Section 190.005(2) sets forth the "exclusive and uniform method for the establishment of a Community Development District of less than 1,000 acres in size." This establishment "shall be pursuant to an ordinance adopted by the County Commission having jurisdiction over the majority of the land in the area in which the district is to be located . . ."

A community development district is a local unit of special purpose government created in accordance with the Act and limited to the performance of those specialized functions authorized by the Act for the delivery of urban community development services. The Act provides an alternative streamlined method for financing the construction, maintenance and operation of major infrastructures necessary for community (continued on second page)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	RISK	GC	
N/A	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

FORWARDED TO:
[Stamp]

RECEIVED BY
COUNTY ADMIN:
9/7/04
4:20 pm 967
COUNTY ADMIN
FORWARDED TO:
9/9/04
240

Subject: Adopt and enact an ordinance known as the Copper Oaks Community Development District Ordinance.

development. Once a community development district has been established, it serves as an infrastructure management tool that ultimately relieves existing county taxpayers of the financial burden of providing urban services to the landowners in the district.

The proposed Copper Oaks CDD is located on approximately 48 acres of land located in Estero. The land area is bounded on the north by Gardens of Estero Subdivision, on the west by Three Oaks Parkway, and on the south and east by a vacant 75± acre parcel owned by the Lee County School Board. The property is located in Section 26, Township 46 South, Range 25 East. The Copper Oaks District will be granted the power to finance, fund, plan, establish, acquire, construct or re-construct, enlarge or extend, equip, operate and maintain systems and facilities for the following basic infrastructure: water management; water supplies; sewer and wastewater management; bridges or culvert; district roads; and other projects within and outside the district boundary for which a Development Order may be issued. Additional powers for recreation and security systems may be requested sometime in the future.

The creation of the Copper Oaks District is not a development order within the meaning of Chapter 380, F.S. All county planning, environmental and land development laws, regulations and ordinances will apply to the development of land within the proposed Copper Oaks District, and the District can take no action that is inconsistent with those regulations.

In accordance with Section 190.005(1)(f), F.S., the proposed ordinance:

1. Establishes the external boundaries of the district.
2. Names the five persons designated to be the initial members of the Board of Supervisors. These members are as follows:
 - a. Hector Garcia
 - b. Michael Peredo
 - c. Jerry Aguirre
 - d. Kirt Reinert
 - e. Stephen Boling
3. Names the district. (Copper Oaks Community Development District)

The petition and ordinance were reviewed by EROC and approved to go forward.

Attachments:

1. Proposed ordinance establishing the Copper Oaks Community Development District.
2. Planning Staff Analysis dated August 3, 2004.
3. Copper Oaks Petition, Exhibits, Attachments and Amendment.
4. FAIS

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING THE COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT; 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 CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Southern Homes of Estero, LLC has petitioned the Board of County Commissioners to establish COPPER OAKS 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 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 submitted with this petition to support establishment of the district is adequate.

4. Establishment of the proposed district, whose charter must be in accordance with the general law set forth in Section 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 Copper Oaks 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 Copper Oaks 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**

Copper Oaks 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. | Hector Garcia | 12900 SW 128 th Street, Suite 200
Miami, Florida 33186 |
| 2. | Michael Peredo | 12900 SW 128 th Street, Suite 200
Miami, Florida 33186 |
| 3. | Jerry Aguirre | 12900 SW 128 th Street, Suite 200
Miami, Florida 33186 |
| 4. | Kirt Reinert | 27299 Riverview Center Blvd., Suite 102
Bonita Springs, Florida 34134 |
| 5. | Stephen Boling | 27299 Riverview Center Blvd., Suite 102
Bonita Springs, Florida 34134 |

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Copper Oaks 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 Copper Oaks Community Development District must include the disclosure statement required in FS §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 Copper Oaks Community Development District.

SECTION SEVEN: 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 EIGHT: EFFECTIVE DATE

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

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

JOHN E. ALBION _____
ROBERT JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
ANDREW W. COY _____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2004

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Dawn E. Perry-Lehnert
Office of County Attorney

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(48.79 ACRE PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

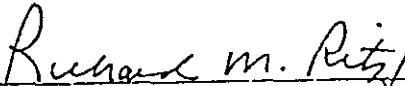
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE N.89°40'25"E. ALONG THE SOUTH LINE OF SAID SECTION FOR 80.01 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF CORLICO ROAD (80.00 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1739, AT PAGE 778 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.01°18'46"W. ALONG SAID EASTERLY LINE FOR 1182.03 FEET; THENCE N.90°00'00"E. FOR 20.02 FEET TO THE POINT OF BEGINNING; THENCE N.01°18'46"W. FOR 921.58 FEET; THENCE N.90°00'00"E. FOR 675.00 FEET; THENCE N.01°18'46"W. FOR 321.75 FEET; THENCE N.90°00'00"E. FOR 1021.24 FEET; THENCE S.23°29'06"E. FOR 677.63 FEET; THENCE S.00°00'00"E. FOR 621.50 FEET; THENCE S.90°00'00"W. FOR 1937.80 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 48.79 ACRES MORE OR LESS

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

ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA AS BEARING N.89°40'25"E.

DESCRIPTION PREPARED 09-03-03


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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EXHIBIT A

SHEET 1 OF 2

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 (239) 939-5490

SKETCH OF DESCRIPTION

OF
 A TRACT OR PARCEL OF LAND LYING IN
 SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA
 (48.79 ACRE PARCEL)



LEGEND:

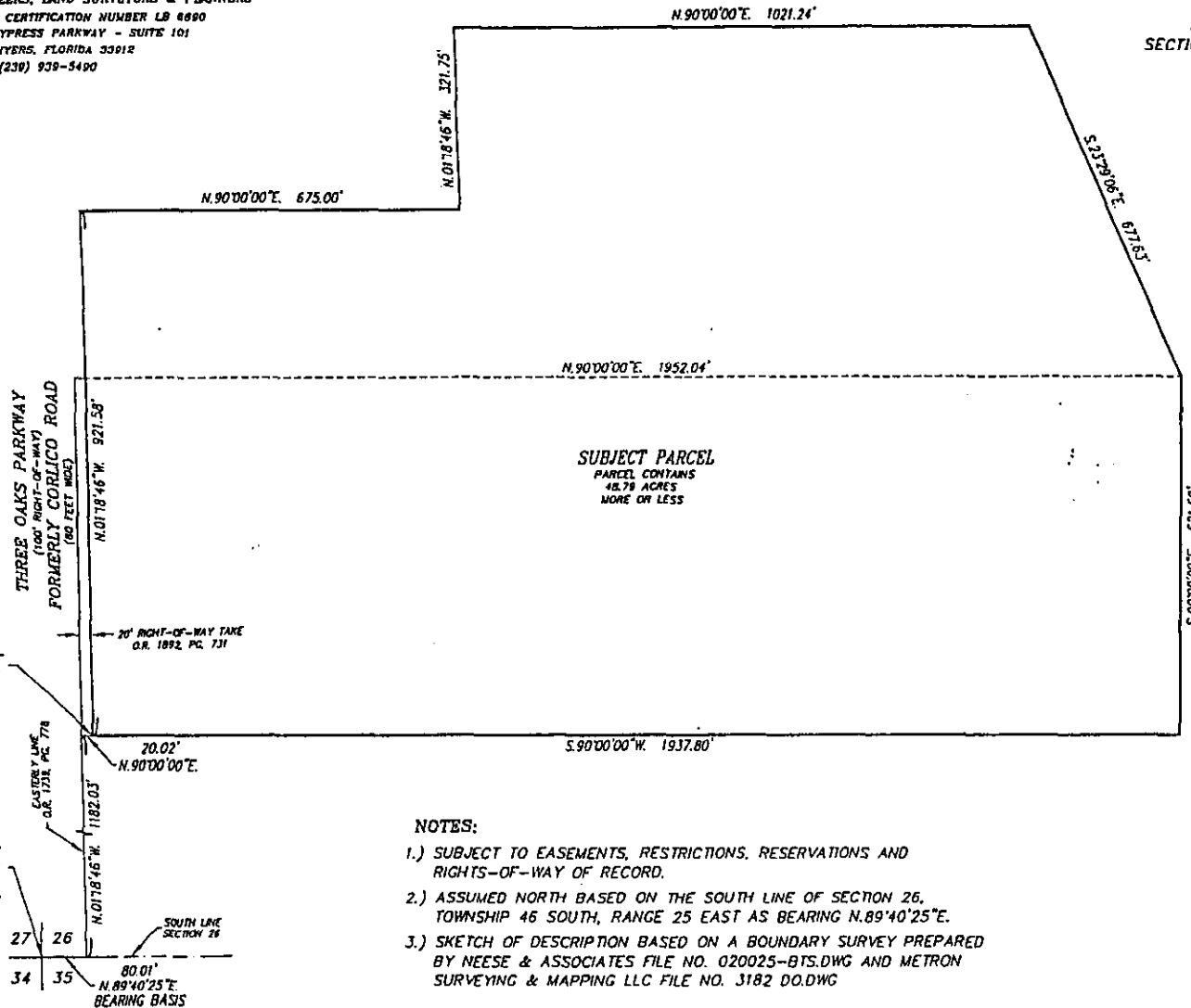
- PG. INDICATES PAGE
- NO. INDICATES NUMBER
- O.R. INDICATES OFFICIAL RECORDS BOOK
- P.I. INDICATES POINT OF INTERSECTION

SEE SHEET 1 FOR COMPLETE
 METES AND BOUNDS DESCRIPTION.
**THIS SKETCH OF DESCRIPTION
 IS NOT A BOUNDARY SURVEY**

Richard M. Ritz
 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4008

- THIS SKETCH OF DESCRIPTION IS NOT VALID
 WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SUBJECT PARCEL
 PARCEL CONTAINS
 48.79 ACRES
 MORE OR LESS



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N.89°40'25\"/>

ANALYSIS OF
THE COPPER OAKS
PETITION TO ESTABLISH A
UNIFORM COMMUNITY
DEVELOPMENT DISTRICT

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

August 3, 2004

Table of Contents

INTRODUCTION	1
BACKGROUND	1
THE PETITION	3
FACTORS TO BE CONSIDERED	3
STAFF ANALYSIS OF FACTORS	4
RECOMMENDATION	6

INTRODUCTION

Southern Homes of Estero, L.L.C. has petitioned the Board of County Commissioners of Lee County, Florida to adopt an ordinance to establish a Uniform Community Development District (UCDD) and to designate the land area within which the UCDD may manage and finance basic infrastructure systems, facilities and services pursuant to the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes and Rule 42-1, Florida Administrative Code. The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment of such a district, the district's powers and duties for public improvements and community facilities, and additional special powers that the district, after its establishment, may petition for.

If approved the district will be granted the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for the following basic infrastructure: water management; water supply, sewer, and waste water management; bridges or culverts; district roads; and other projects inside or outside the district boundary for which a Development Order is issued.

BACKGROUND

Southern Homes of Estero, L.L.C., hereafter called "Petitioner", is a Florida limited liability company with its principal place of business located at 12900 S.W. 128th Street, Suite 100, Miami, Florida, 33186 and whose manager is Southern Homes of Broward, Inc., with Hector Garcia as the president.

F.S. 190.005(2) sets forth the "exclusive and uniform method for the establishment of a community development district of less than 1,000 acres in size." This establishment "shall be pursuant to an ordinance adopted by the county commission having jurisdiction over the majority of the land in the area in which the district is to be located granting a petition for the establishment of a community development district."

The Petitioner proposes to establish a Uniform Community Development District on approximately forty eight (48±) acres of land located in Lee County, Florida and lying within Section 26, Township 46, Range 25 East. The property is located to the North of Corkscrew Road, to the east of Three Oaks Parkway, and to the West of I-75 in Estero. A map showing the land area to be served by the District and a metes and bounds description of the external boundaries of the District is set forth in Exhibits 1 and 2 to the petition. The land area is bounded on the West by Three Oaks Parkway, on the North by the Gardens at Estero RPD, and on the East and South by undeveloped property. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

Adopting the ordinance and granting the petition would authorize the district, through its board of supervisors, to manage and finance certain basic infrastructure for the benefit of

the landowners in the community. This infrastructure, or basic systems, facilities and services, under Section 190.012(1), F.S., includes four basic types: water supply; sewers and wastewater management; water control and management (drainage); and, roads, bridges and streetlights, as well as "other projects" as specified under Section 190.012(1)(f), Florida Statutes.

In order to provide the basic systems, facilities and services, the district has certain management and financing powers. However, these powers may be exercised only if the district complies with certain strict and detailed procedural requirements. These include: ethics in government; disclosure; conflict of interest requirements; noticed meetings; government-in-the-sunshine conduct; accounting and reporting requirements to various local and state agencies; consultants competitive negotiations procedures; competitive bidding procedures; and others. In addition to complying with these many procedural requirements, the district still may not manage and finance any of these services and facilities without a showing that development of the properties complies with all legitimate policies, constraints, authorities, controls or conditions on the development of the land, whether local, regional, state or federal in nature, and whether in the form of policies, laws, rules, regulations or ordinances. The district itself is not considered "development." Rather, the district is an alternative mechanism to assure the County and the landowners of the particular land in question that basic systems, facilities and services will be managed and financed in an efficient and economical way.

In order to provide these services, the district is also given certain eminent domain powers, within the very tight constraints summarized above, as well as the authority to require service charges, fees or taxes for the various services rendered, ranging from installation of capital facilities to long-term maintenance and repair. Without the County's consent by resolution, the aforementioned eminent domain power is limited to the boundaries of the district. The district may also issue non-ad valorem special assessment bonds, revenue and other user bonds, and general obligation bonds. However, no general obligation bonds can be issued without a referendum and without a showing that it will not exceed 35 percent of the assessed valuation of the property within the district.

Accordingly, if the County adopts the ordinance and establishes the district, the Copper Oaks Community Development District will then be an infrastructure management tool. This pinpointed responsibility can benefit the landowners with timely, efficient, reliable and flexible services. It serves as a concurrency management tool for the County, the landowners, the developer and, ultimately, the residents. In addition, the district would be a financing tool providing financial incentives for long-range and high quality service benefits to initial and subsequent landowners without burdening Lee County and its taxpayers.

Finally, such a district may not outlive its practical utility and usefulness. If it ceases to function it will automatically be disbanded by state law. If at any time during its existence Lee County determines by a non-emergency ordinance that it can provide any one of the district services in a more economical manner, over the long term, at lower cost with higher

quality, Lee County may then take that service away from the district and provide the service itself.

THE PETITION

The statutes require that a petition be filed containing the following information:

- a metes and bounds description of the external boundaries of the district and the impact of the proposed district on property within the external boundaries of the district which is excluded from the district;
- the consent of the property owners;
- the designation of the initial members of the board of supervisors;
- the proposed name of the district;
- a map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence;
- the proposed timetable and estimated cost of constructing the proposed services;
- the designation of the future general distribution, location, and extent of public and private uses of land; and,
- a statement of estimated regulatory costs.

Such a petition was received from the Petitioner by Lee County on April 9, 2004. In order to assist the Commission and its staff in reviewing the petition, supplemental materials were requested and were furnished by the Petitioner. The Petition and supplemental materials have been incorporated into this analysis. Planning staff's review of the petition finds the submittal to be sufficient.

FACTORS TO BE CONSIDERED

In accordance with F.S. 190, Lee County is required to consider the following six factors in making a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.

2. Whether the creation of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether 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. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. Whether the area that will be served by the district is amenable to separate special-district government.

The obligation of the Board of County Commissioners is to consider the six factors using the information in the petition and its attachments, any other documents and information that have been filed, including the expert documents. The key decisions to be made by the Board in establishing a district is simply whether it is a reasonable thing to do in view of the six factors which the law requires Lee County to analyze.

It should be noted that these factors are not specific criteria nor are they legal permit requirements or standards. Neither are they the basis for rendering any kind of final order or judgement. In accordance with F.S. 190.004(3) the creation of a community development district is not a development order with the meaning described in Chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to the development of the land within a community development district.

STAFF ANALYSIS OF FACTORS

Planning staff has reviewed the petition and accompanied materials. Following is staff's determination of the petition's applicability to each of the six factors.

Concerning Factor #1: Staff concludes that all statements contained within the petition are true and correct. This determination applies to the petition and all of its Exhibits. Concerning petition Exhibit 10, staff agrees with the statement of estimated regulatory costs that there is no adverse impact on small businesses. In fact there could be positive impacts due to the opportunity for small businesses to bid on work within the district. Staff also concurs with the methodology employed in the statement of estimated regulatory costs.

Concerning Factor #2: Planning staff was initially concerned with the relatively small size of this proposed Uniform Community Development District. The 48± acre site would be the smallest Uniform Community Development District in the County. Staff was concerned that such a relatively small area could be considered of sufficient size to be developed as one functional interrelated community. The Petitioner submitted two examples of districts on the east coast of Florida that are smaller in area. Staff looked into these districts and confirmed that they were established and are still active. Staff also contacted the Florida Department of Community Affairs on this issue. Council and Staff for the DCA offered no objection to the establishment of the district.

Staff concludes that the creation and establishment of the district is not inconsistent with any applicable element or portion of either the state comprehensive plan or the Lee County local government comprehensive plan, the Lee Plan. In fact, the establishment of the district is affirmatively consistent with Section 187.201(21)(b)(2) F.S., which encourages restructuring political jurisdiction with the goal of greater efficiency. It is also consistent with Policy 1.1.4 of the Lee Plan, the Urban Community future land use category. The request is consistent with Objective 2.2, Development Timing, which directs “new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.”

Concerning Factor #3: Planning staff has determined that the area of the land within the proposed district is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as one functional interrelated community on the site.

Concerning Factor #4: Planning staff has reviewed the three fundamental alternatives available for managing and financing those basic systems, facilities and services for the Copper Oaks development area. One alternative is for Lee County government to directly provide those services by creating a dependent district or, by directly managing the infrastructure but financing it through a Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU). The other alternative is purely private, through a homeowners' association, or through a private company or utility established by the landowners. The third alternative, the Uniform Community Development District, coincides the public policy interests and duties of local government with the private marketing interests and duties of private landowners.

Planning staff has reviewed these three alternatives with regard to the site and concludes that the establishment of a Uniform Community Development District is one of the best alternatives available for delivering community development services and facilities to the area that will be served by the district. Staff has further concluded that establishment of the district is compatible with the function of existing units of local government or that any issues have been or may be adequately addressed by interlocal agreement.

Concerning Factor #5: Staff has reviewed the issue of the capacity and uses of any existing local and regional community development services and facilities. Currently the subject area is located within Lee County Utilities water and sewer service areas. The

establishment of the District will not create a conflict with this utility because it is the intent of the District to construct and then turn over ownership to Lee County Utilities for operating and maintenance. Other services and facilities such as water management will be funded and maintained by the district. There are no other Uniform Community Development District services or facilities being provided to the property.

Staff has determined that the community development services and facilities of the district will not be incompatible with the capacity and uses of the existing local and regional services and facilities which deal with community development.

Concerning Factor #6: Staff has reviewed the area in question and has determined that it is amenable to separate special district government.

ADDITIONAL ANALYSIS

As in previous reviews, staff has a concern that future purchasers of property or dwelling units within the proposed UCDD are aware that the property they are purchasing will be subject to additional assessments for public services and facilities, beyond those taxes and assessments levied by local governments. Section 190.048, Florida Statutes, contains a provision that requires that a buyer of an "initial" parcel, or the buyer of an "initial" residential unit within a UCDD be notified that the property or dwelling unit being purchased is subject to special assessments from the district. Second and third buyers of property or dwelling units, however, would not be notified that the property is subject to these special assessments. Staff believes that all future purchasers of property within a UCDD should be made aware that they will be subject to additional district assessments. Staff therefore recommends that the disclosure statement provided in Section 190.048, Florida Statutes apply to all subsequent sales within the UCDD, and not just to the initial sale. Staff recommends the inclusion of the following language in the adopting ordinance of the proposed district:

Any and all agreements for the sale of property within the boundaries of the Copper Oaks 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 Copper Oaks Community Development District.

RECOMMENDATION

Planning staff recommends that the Board of County Commissioners adopt and enact the Ordinance establishing the Copper Oaks Uniform Community Development District. In accordance with Section 190.005(1)(f), F.S., the Ordinance enacts the following:

1. It establishes the external boundaries of the district which are set forth in ordinance Attachment A;

2. It names the five persons designated to be the initial members of the board of supervisors who shall be:

Hector Garcia
Michael Peredo
Kirt Reinert
Stephen Boling
Jerry Aguirre

3. It establishes the name of the district which shall be: The Copper Oaks Community Development District.
4. It establishes the inclusion of the disclosure statement of Section 190.048, F.S. to subsequent land purchase agreements within the boundaries of the district.

IN RE: AN ORDINANCE TO ESTABLISH)
THE COPPER OAKS)
COMMUNITY DEVELOPMENT DISTRICT)

PETITION

Southern Homes of Estero, LLC ("Petitioner"), a Florida limited liability company, hereby submits this Petition to the Board of County Commissioners of Lee County, Florida, pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, to establish a Community Development District (the "District") with respect to the land described herein. In support of this Petition, Petitioner states as follows:

1. Location and Size. The proposed District is located on Three Oaks Parkway in unincorporated Lee County, Florida and contains approximately 48 acres. Exhibit 1 depicts the general location of the project. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2.

2. Landowner Consent. Attached hereto as Exhibit 3 and made a part hereof is the written consent of the owner of 100% of the real property to be included within the District.

3. Name. The proposed name of the District to be established is Copper Oaks Community Development District (the "District").

4. Initial Board Members. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name: Hector Garcia
Address: 12900 SW 128th Street Suite #200
Miami, FL 33186

Name: Michael Peredo
Address: 12900 SW 128th Street Suite #200
Miami, FL 33186

Name: Kirt Reinert
Address: 27299 Riverview Center Blvd. Suite #102
Bonita Springs, FL 34134

Name: Stephen Boling
Address: 27299 Riverview Center Blvd. Suite #102
Bonita Springs, FL 34134

Name: Jerry Aguirre
Address: 12900 SW 128th Street Suite #200
Miami, FL 33186

All of the above listed persons are residents of the State of Florida and citizens of the United States of America.

5. Existing Land Uses. The existing land uses within and abutting the proposed District are depicted in Exhibit 4. Generally, the property is bounded by AG-2 Agricultural and RPD Planned Development District. The property to the west is comprised of existing single family homes called Villages at Country Creek. The adjacent property to the northwest is zoned AG-2 Agricultural. The adjacent property to the northeast is zoned RPD, Future Urban Community Land Use, and is called Gardens of Estero. The adjacent property to the east is zoned AG-2 and is an existing lake. The adjacent property to the south is vacant and zoned AG-2 for Future Urban Community Land Use. The lands within the proposed District are zoned RPD, Future Urban Community Land Use, and are undeveloped.

6. Future Land Uses. The future general distribution, location and extent of the public and private land uses proposed within the District are shown on Exhibit 5. These proposed land uses are consistent with the state comprehensive plan and applicable local government comprehensive plan. All of the proposed land uses within the District are subject to the approved Longwood Villas RPD, Resolution No. Z-03-18, as amended. The development contemplates the construction of

approximately 291 total units, 129 single family and 162 multifamily residential units. Exhibit 6 shows the proposed development plan for the lands within the District.

7. Major Water and Wastewater Facilities. Exhibit 7 shows the existing major trunk water mains and sewer connections. Potable Water is supplied by an 8" water main loop connected to a 12" water main in Three Oaks Parkway. Wastewater is collected by a gravity system discharging into a lift station. From the lift station the sewer is conveyed into an existing 12" water main in Three Oaks Parkway. Exhibit 7 also depicts the major outfall canals and drainage basins for the lands within the proposed District. Runoff from the project is collected in a closed system discharging into two detention lakes. Discharge from the project is via control structure into the adjacent existing waterway.

8. District Facilities and Services. The Petitioner presently intends for the District to participate in the funding and construction of certain road improvements as contemplated in the development order. These road improvements to Three Oaks Parkway include landscaping, irrigation, and lighting. The District will also fund and construct a 2.2 acre parcel as Native Open Space within the project that will be planted with indigenous vegetation. Exhibit 8 describes the type of services and facilities Petitioner presently expects the District to fund, construct and install. The estimated costs of construction are also set forth in Exhibit 8. The proposed timetable for construction is shown in Exhibit 9. These are good faith estimates but are subject to change. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Statement of Estimated Regulatory Costs. Exhibit 10 is a Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.

10. Petitioner and Authorized Agent. The Petitioner is Southern Homes of Estero, LLC, whose address is 12900 S.W. 128th Street, Suite 200, Miami, Florida 33186. Copies of all correspondence and official notices should also be sent to the authorized agent for the Petitioner:

Dennis E. Lyles, Esq.
Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A.
888 S.E. 3rd Avenue, Suite 301
Ft. Lauderdale, Florida 33316
Phone: 954-764-7150 Fax: 954-764-7279
Email: dlyles@bchlm.com

11. This Petition to establish the Copper Oaks Community Development District should be granted for the following reasons:

a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with any applicable element or portion of the state comprehensive plan or the effective local government comprehensive plan.

b. The area of land within the proposed District is part of a unified plan of development that has been or will be approved by Lee County. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The proposed District will be the best alternative available for delivering community development services and facilities to the area to be served without financially impacting persons residing outside the District. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the District will be compatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities in the future.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Board of County Commissioners of Lee County, Florida, to:

a. Hold a public hearing to consider the establishment of the Copper Oaks Community Development District in accordance with the requirements of Section 190.005(2)(b), Florida Statutes; and

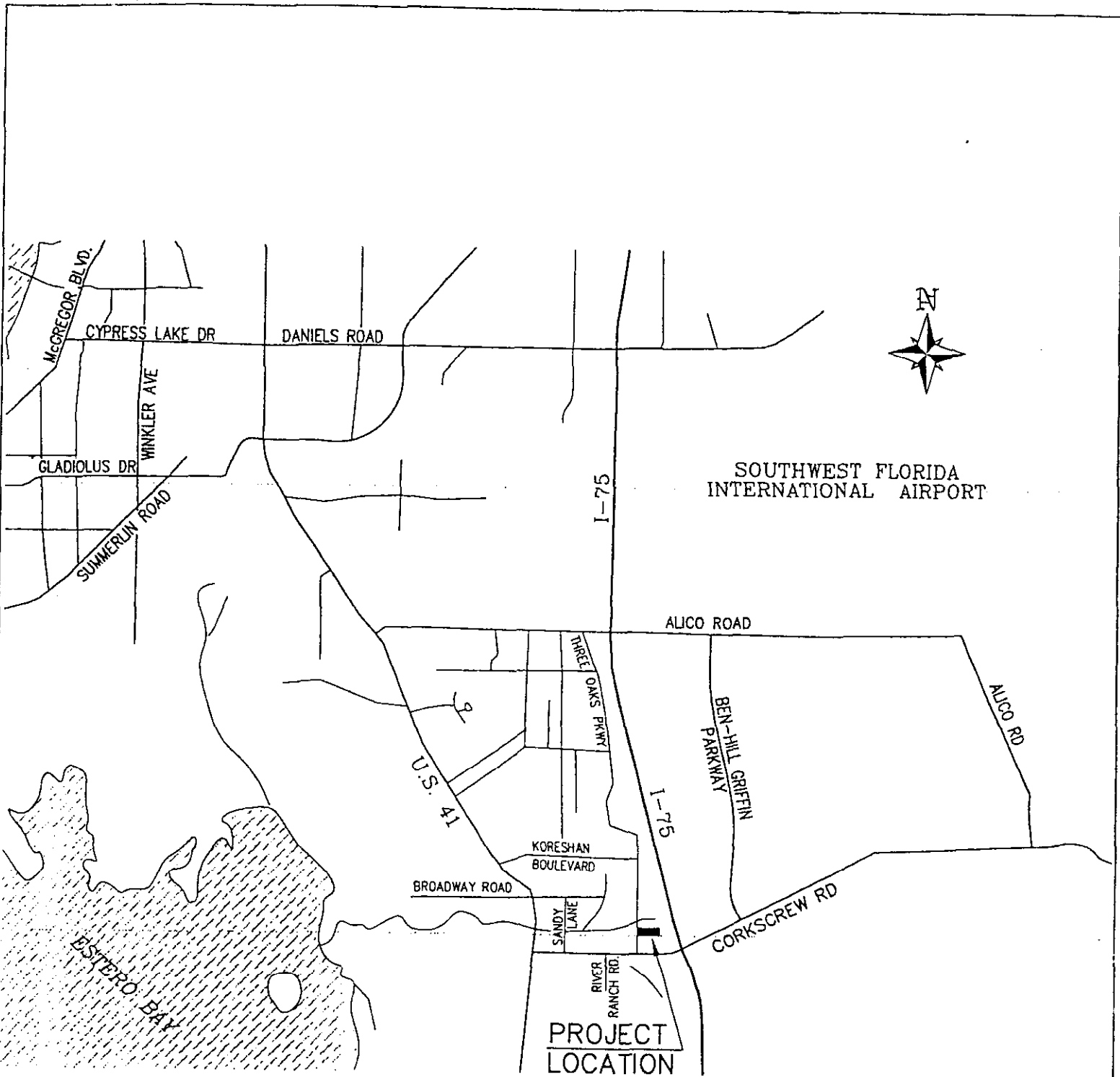
b. Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the Copper Oaks Community Development District.

RESPECTFULLY SUBMITTED, this 26 day of March, 2004.

SOUTHERN HOMES OF ESTERO, LLC, a
Florida limited liability company

By:  SOUTHERN HOMES OF
BROWARD, INC., Manager

By: _____
Hector Garcia
Its: President



STRAP NUMBER: 26-46-25-00-00001.5000
 ADDRESS: THREE OAKS PARKWAY, ESTERO, FL 33928

Banks Engineering, Inc. Professional Engineers, Planners & Land Surveyors FORT MYERS ♦ NAPLES ♦ SARASOTA 10511 SIX MILE CYPRESS PARKWAY - SUITE 101 FORT MYERS, FLORIDA 33912 PHONE: (239) 939-3490 FAX: (239) 939-2523 ENGINEERING LICENSE # EB 8469 SURVEY LICENSE # LB 8890	SITE LOCATION SKETCH LONGWOOD VILLAS LEE COUNTY, FLORIDA									
	DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
09/11/03	1656	LOC	TLH	TLH	PTP	NTS	1	1	T 46 - R 25	26

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(48.79 ACRE PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

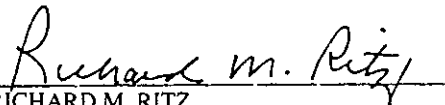
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE N.89°40'25"E. ALONG THE SOUTH LINE OF SAID SECTION FOR 80.01 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF CORLICO ROAD (80.00 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1739, AT PAGE 778 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.01°18'46"W. ALONG SAID EASTERLY LINE FOR 1182.03 FEET; THENCE N.90°00'00"E. FOR 20.02 FEET TO THE POINT OF BEGINNING; THENCE N.01°18'46"W. FOR 921.58 FEET; THENCE N.90°00'00"E. FOR 675.00 FEET; THENCE N.01°18'46"W. FOR 321.75 FEET; THENCE N.90°00'00"E. FOR 1021.24 FEET; THENCE S.23°29'06"E. FOR 677.63 FEET; THENCE S.00°00'00"E. FOR 621.50 FEET; THENCE S.90°00'00"W. FOR 1937.80 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 48.79 ACRES MORE OR LESS

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

ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA AS BEARING N.89°40'25"E.

DESCRIPTION PREPARED 09-03-03


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

S:\Jobs\Tax\1690-SURVEYING\DESCRIPTIONS\1690-COMB-BNDY-DENR-SKEL.dwg
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Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 (239) 939-5490

SKETCH OF DESCRIPTION

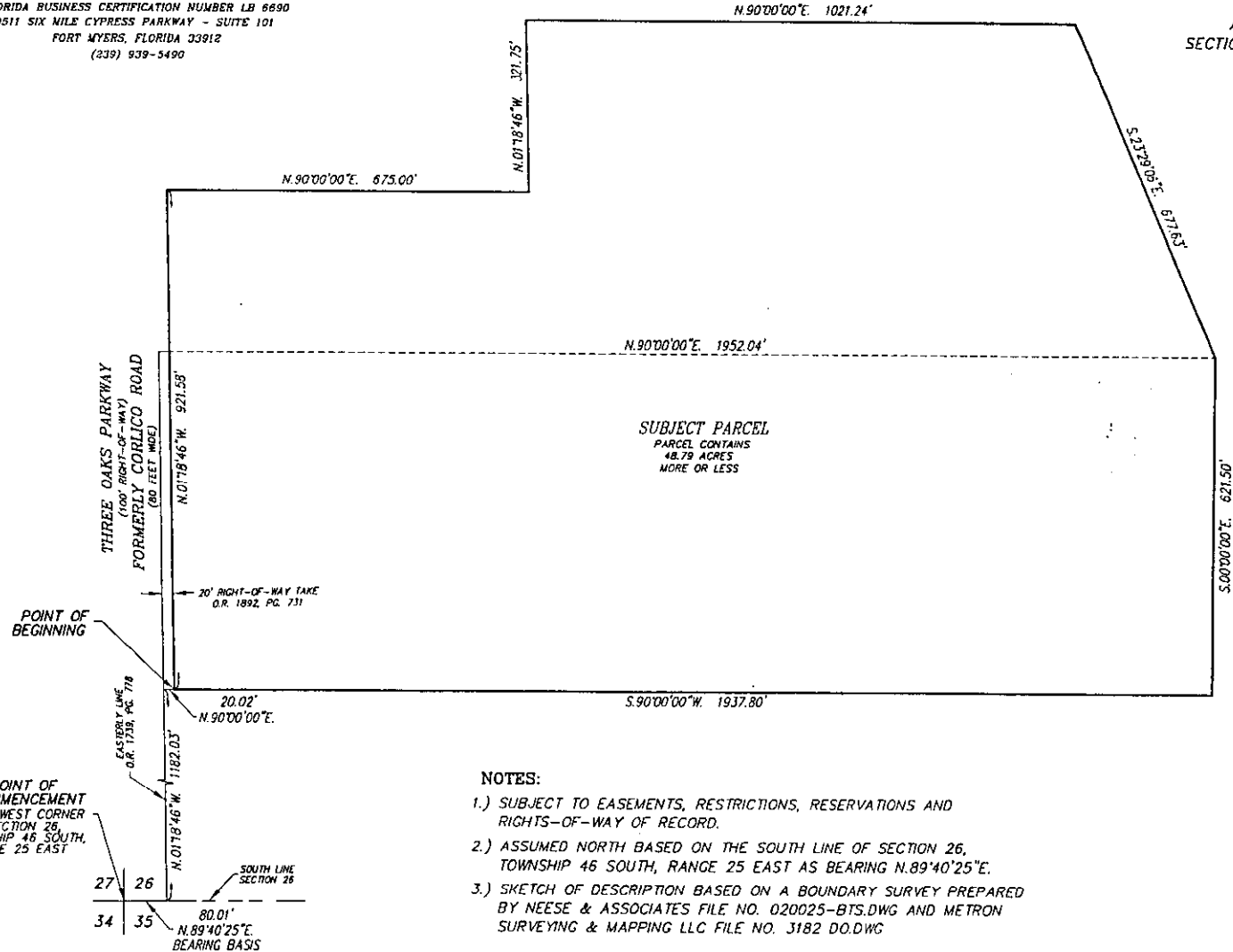
OF
 A TRACT OR PARCEL OF LAND LYING IN
 SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA
 (48.79 ACRE PARCEL)



1" = 250'

LEGEND:

- PG. INDICATES PAGE
- NO. INDICATES NUMBER
- O.R. INDICATES OFFICIAL RECORDS BOOK
- P.I. INDICATES POINT OF INTERSECTION



SUBJECT PARCEL
 PARCEL CONTAINS
 48.79 ACRES
 MORE OR LESS

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N.89°40'25\"/>

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.
 THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Richard M. Ritz
 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED 09-03-03
 SHEET 2 OF 2

EXHIBIT 3

**AFFIDAVIT OF OWNERSHIP AND CONSENT
TO THE CREATION OF THE
COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT**

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

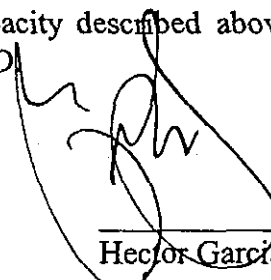
On this 19th day of May, 2004, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Hector Garcia, who, after being duly sworn, deposes and says:

1. Affiant, Hector Garcia, an individual, is the President of Southern Homes of Broward, Inc., Manager of Southern Homes of Estero II, LLC, a Florida limited liability company.
2. Southern Homes of Estero II, LLC is the owner of the following described property, to wit:

See Exhibit "A" attached hereto (the "Property")

3. Affiant, Hector Garcia, hereby represents that he has full authority to execute all documents and instruments on behalf of the Corporation, including the Petition before the Board of County Commissioners of Lee County, Florida, to enact an ordinance to establish the Copper Oaks Community Development District (the "Proposed CDD").
4. The property represents all of the real property to be included in the Proposed CDD.
5. Affiant, Hector Garcia, on behalf of Southern Homes of Estero II, LLC, as the sole owner of the property in the capacity described above, hereby consents to the establishment of the proposed CDD.

FURTHER AFFIANT SAYETH NOT.



Hector Garcia

Subscribed and sworn to before me this 19 day of May, 2004, by Hector Garcia, who personally appeared before me, and is personally known.

Notary: Virginia Ann Desicco
Print Name: Virginia Ann Desicco
Notary Public in and for the State of Florida
#00816038
Expires May 4, 2008
Bonded Troy Fain - Insurance, Inc. 800-345-7019

EXHIBIT A

Owner: Southern Homes of Estero II, LLC

A tract or parcel of land situated in the State of Florida, County of Lee, being part of section 26, Township 46 South, Range 25 East Being further described as follows:

Commencing at the Southwest corner of Section 26;

Thence N 89°40'25" E along the South line of said Section 26 for 80.01 feet;

Thence N 01°18'46" W for 1,803.69 feet;

Thence S 90°00'00" E for 20.02 feet to the point of beginning;

Thence N 01°18'46" W for 299.92 feet;

Thence N 90°00'00" E for 675 feet;

Thence N 01°18'46" W for 321.75 feet;

Thence N 90°00'00" E for 1,021.24 feet;

Thence S 23°29'06" E for 677.63 feet;

Thence S 90°00'00" W for 1,952.04 feet to the point of beginning.

**AFFIDAVIT OF OWNERSHIP AND CONSENT
TO THE CREATION OF THE
COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT**

STATE OF FLORIDA)

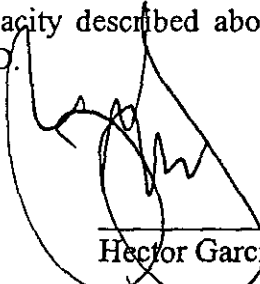
COUNTY OF MIAMI-DADE)

On this 19th day of May, 2004, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Hector Garcia, who, after being duly sworn, deposes and says:

6. Affiant, Hector Garcia, an individual, is the President of Southern Homes of Broward, Inc., Manager of Southern Homes of Estero, LLC, a Florida limited liability company.
7. Southern Homes of Estero, LLC is the owner of the following described property, to wit:

See Exhibit "A" attached hereto (the "Property")
8. Affiant, Hector Garcia, hereby represents that he has full authority to execute all documents and instruments on behalf of the Corporation, including the Petition before the Board of County Commissioners of Lee County, Florida, to enact an ordinance to establish the Copper Oaks Community Development District (the "Proposed CDD").
9. The property represents all of the real property to be included in the Proposed CDD.
10. Affiant, Hector Garcia, on behalf of Southern Homes of Estero, LLC, as the sole owner of the property in the capacity described above, hereby consents to the establishment of the proposed CDD.

FURTHER AFFIANT SAYETH NOT.



Hector Garcia

Subscribed and sworn to before me this 19 day of May, 2004, by Hector Garcia, who personally appeared before me, and is personally known.

Notary: Virginia Ann Decicco
Print Name: Virginia Ann Decicco
Notary Public, State of Florida
Commission # 00916038
Expires May 4, 2008
Bonded Troy Fahn - Insurance, Inc. 800-395-7019

EXHIBIT A

Owner: Southern Homes of Estero, LLC

A tract or parcel of land situated in the State of Florida, County of Lee, being part of section 26, Township 46 South, Range 25 East, being more particularly described as follows:

Starting at a concrete monument marking the southwest corner of said Section 26, thence North $89^{\circ} 40' 25''$ East along the south line of said Section 26 for 80.01 feet to an intersection with the easterly right-of-way line to Three Oaks parkway f/k/a/ Corlico Road as described in Official Records Book 1739, page 778, thence North $01^{\circ} 18' 46''$ West along said right-of-way line for 1182.03 feet to the Point of Beginning of the herein described parcel; thence continue North $01^{\circ} 18' 46''$ West along side right-of-way line for 621.66 feet; thence East for 1972.06 feet; thence South for 621.50 feet; thence West for 1957.82 feet to the Point of Beginning.

LESS AND EXCEPT the following parcel of land:

Commence at a concrete monument marking the Southwest quarter of Section 26, Township 46 South, Range 25 East, Lee County, Florida, thence North $89^{\circ} 40' 25''$ East for 80.01 feet to an intersection with the easterly right-of-way line of Three Oaks Parkway f/k/a Corlico Parkway as described in Official Records Book 1739, page 778, thence North $01^{\circ} 18' 46''$ West along said right-of-way line for 1182.03 feet to the Point of beginning of the herein described parcel; thence continue North $01^{\circ} 18' 46''$ West for 621.66 feet; thence East for 20.02 feet; thence South $01^{\circ} 18' 46''$ East for 621.66 feet; thence West for 20.02 feet back to the Point of Beginning. (Deeded to Lee County in O.R. Book 1892, page 731).

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
 FLORIDA BUSINESS CERTIFICATION NUMBER LA 6890
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 (239) 939-5490

SKETCH OF DESCRIPTION

OF
 A TRACT OR PARCEL OF LAND LYING IN
 SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA
 (48.79 ACRE PARCEL)



1" = 250'

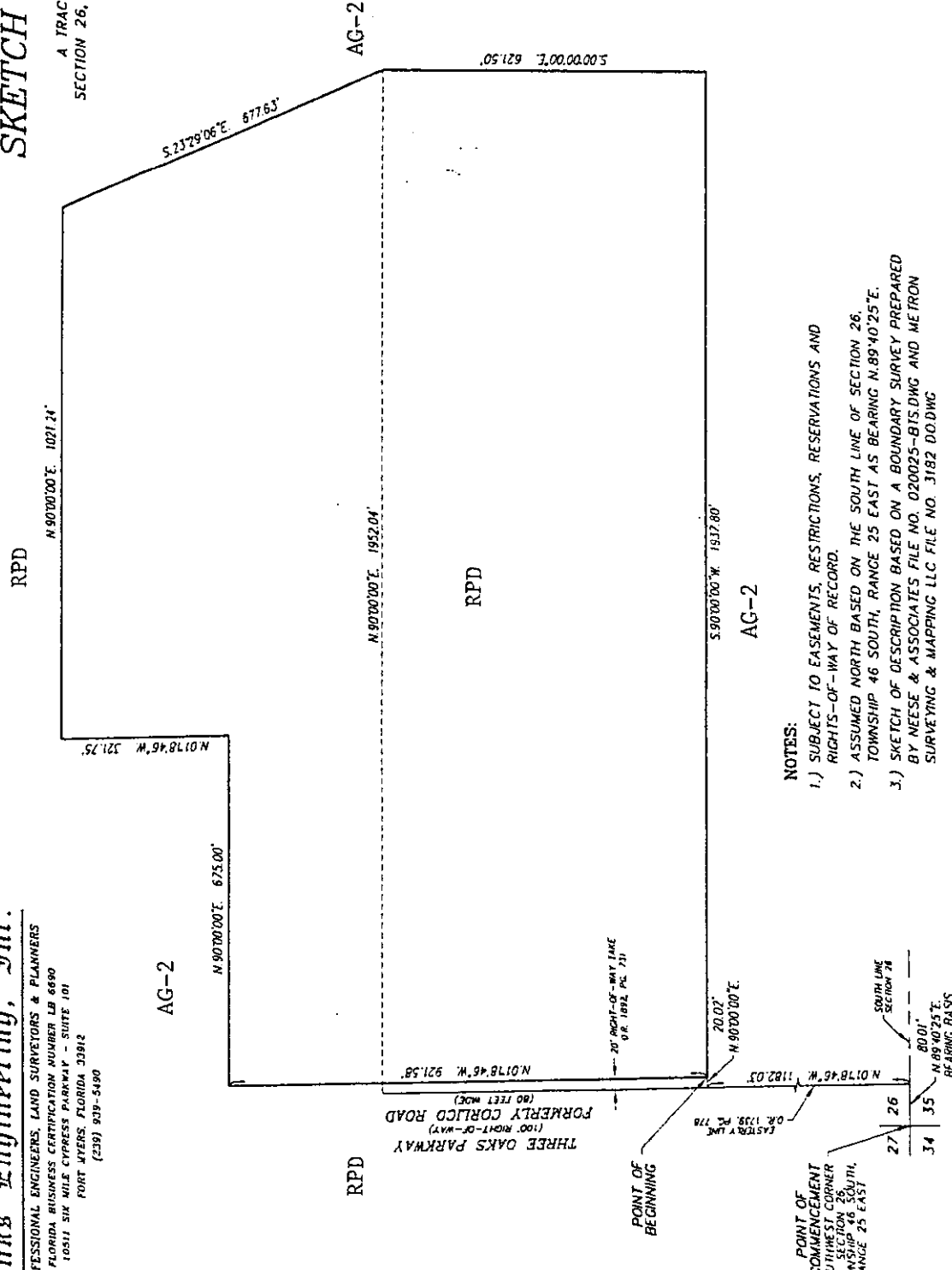
LEGEND:

- PG. INDICATES PAGE
- NO. INDICATES NUMBER
- O.R. INDICATES OFFICIAL RECORDS BOOK
- P.I. INDICATES POINT OF INTERSECTION

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Richard M. Ritz
 RICHARD M RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 40086

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



- NOTES:**
- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
 - 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N.89°40'25"E.
 - 3.) SKETCH OF DESCRIPTION BASED ON A BOUNDARY SURVEY PREPARED BY NEESE & ASSOCIATES FILE NO. 020025-BIS.DWG AND METRON SURVEYING & MAPPING LLC FILE NO. 3182 00.DWG

PREPARED 09-03-03
 SHEET 2 OF 2

S:\JOBS\1684\1690\SURVEYING\DESCRIPTIONS\1690_COMB_BRIDY_DESC_SKT.DOC
 S:\JOBS\1684\1690\SURVEYING\DESCRIPTIONS\1690_COMB_BRIDY_DESC_SKT.DWG

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
 10511 SIX HILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 (239) 939-5490

SKETCH OF DESCRIPTION

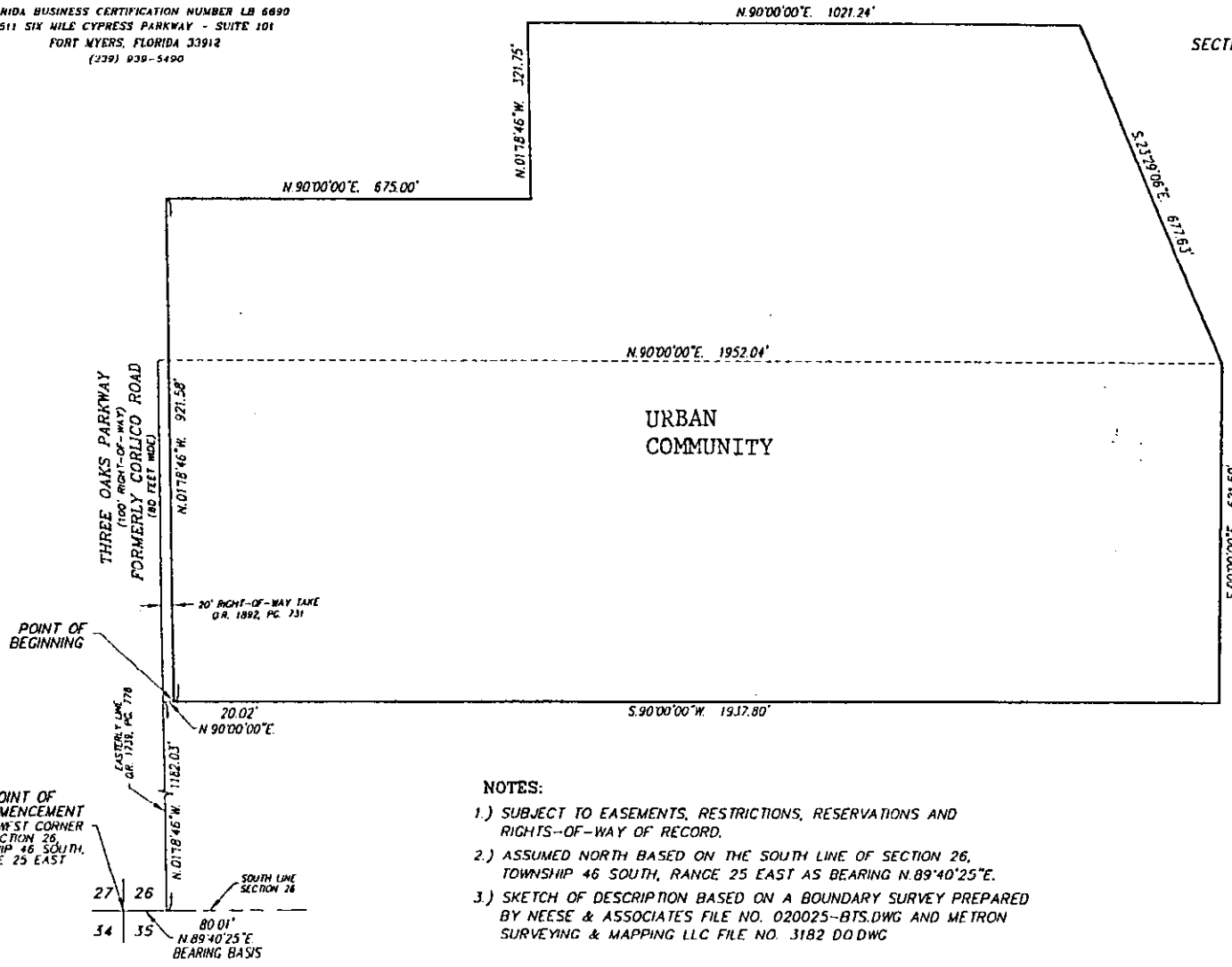
OF
 A TRACT OR PARCEL OF LAND LYING IN
 SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA
 (48.79 ACRE PARCEL)



1" = 250'

LEGEND:

- PG. INDICATES PAGE
- NO. INDICATES NUMBER
- O.R. INDICATES OFFICIAL RECORDS BOOK
- P.I. INDICATES POINT OF INTERSECTION



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N.89°40'25\"/>

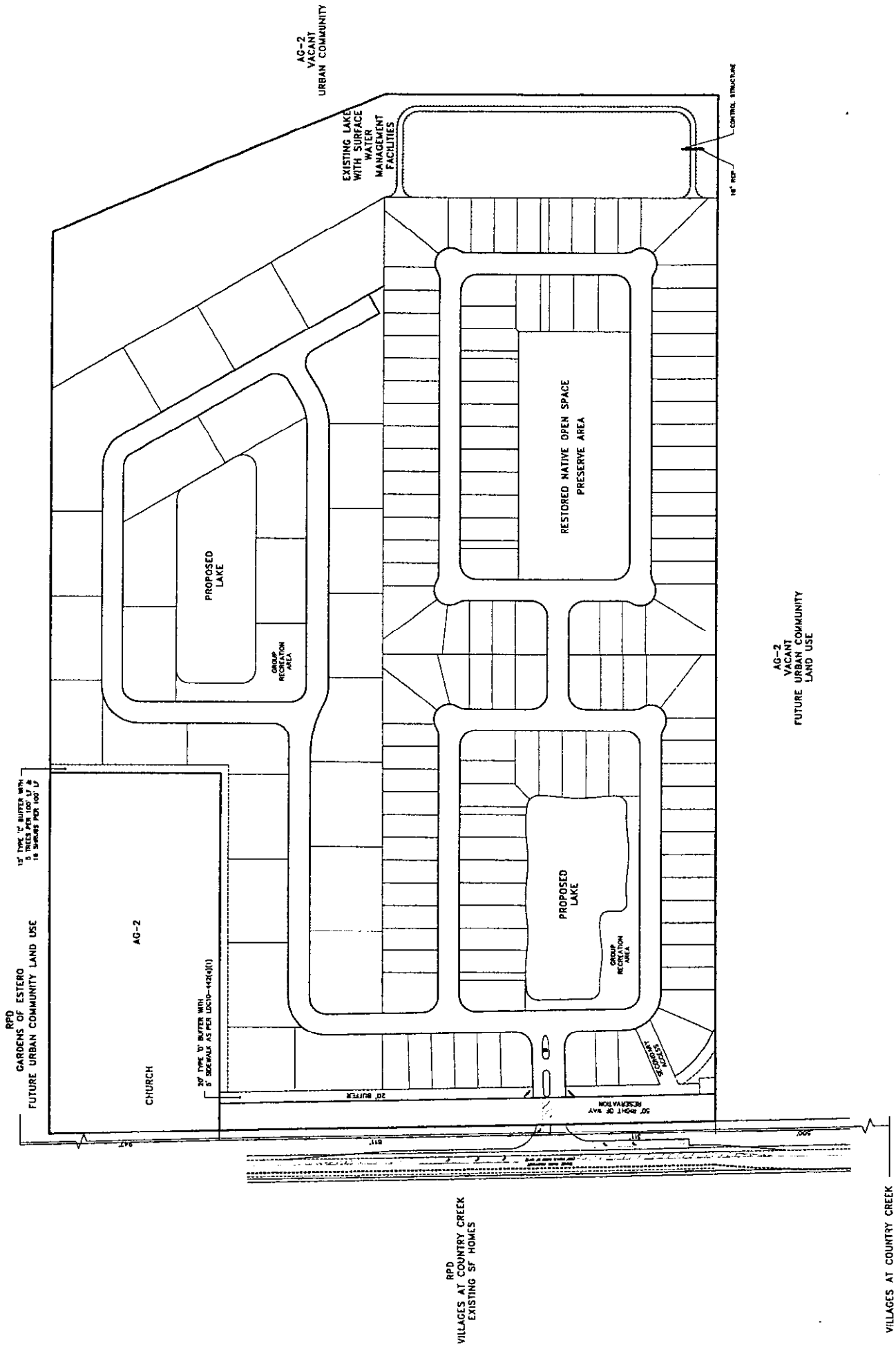
SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Richard M. Ritz
 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4039

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED 09-03-03
 SHEET 2 OF 2

EXHIBIT 6



15' TIME 10' BUFFER WITH
5' SIDEWALK FOR PER LOT=442(1)
18' SIDEWALK FOR PER LOT=17

RPD
GARDENS OF ESTERO
FUTURE URBAN COMMUNITY LAND USE

AG-2

CHURCH

20' BUFFER

EXISTING LAKE
WITH SURFACE
WATER
MANAGEMENT
FACILITIES

AG-2
VACANT
URBAN COMMUNITY

GROUP
RECREATION
AREA

PROPOSED
LAKE

PROPOSED
LAKE

GROUP
RECREATION
AREA

RESTORED NATIVE OPEN SPACE
PRESERVE AREA

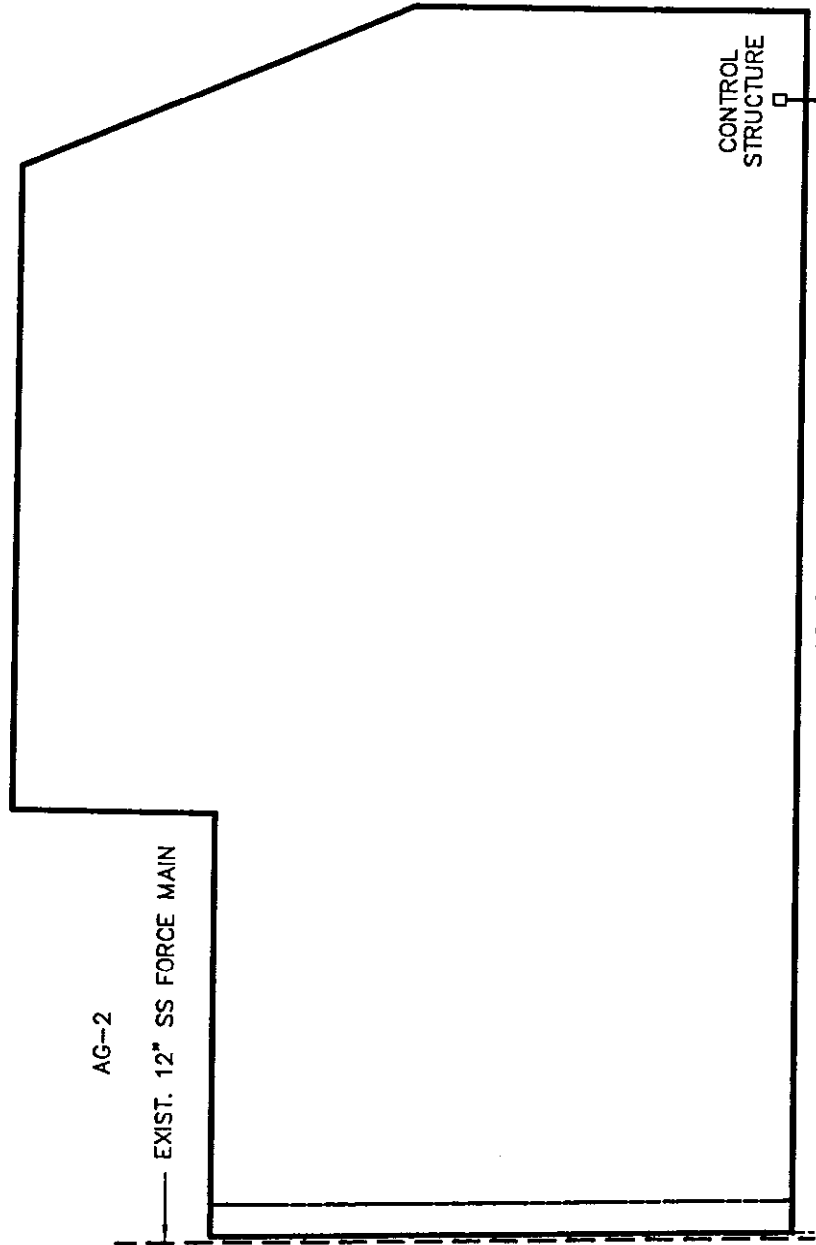
18' ROP
CONTROL STRUCTURE

AG-2
VACANT
URBAN COMMUNITY
FUTURE
LAND USE

RPD
VILLAGES AT COUNTRY CREEK
EXISTING SF HOMES

RPD
VILLAGES AT COUNTRY CREEK

RPD
GARDENS OF ESTERO
FUTURE URBAN COMMUNITY LAND USE



AG-2
VACANT
URBAN COMMUNITY

AG-2
VACANT
URBAN COMMUNITY
LAND USE

AG-2

EXIST. 12" SS FORCE MAIN

THREE OAKS PARKWAY

EXIST. 12" WATER MAIN

RPD
VILLAS AT COUNTRY CREEK
EXISTING SF HOMES

R/W LINE

CONTROL
STRUCTURE

EXHIBIT 8
KEITH & BALLBÉ, INC.
 Consulting Engineers
 2201 West Prospect Road, Suite 100
 Fort Lauderdale, Florida 33309
 Phone (954) 489-9801 Fax (954) 489-9802

February 20, 2004

PROJECT NAME:
COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT

PROJECT NUMBER:
23-12-57

**SUMMARY OF DEVELOPMENT COST ESTIMATE FOR INFRASTRUCTURE,
 OFF-SITE IMPROVEMENTS, WATER MANAGEMENT & LANDSCAPING**

LONGWOOD TOWNHOMES

ITEM NO.	DESCRIPTION	AMOUNT
I	<u>ON-SITE INFRASTRUCTURE:</u>	
	Water Distribution System =	\$225,000.00
	Sewage Collection System =	\$225,000.00
	Water Management/Earthwork/Drainage System =	\$1,000,000.00
	<u>TOTAL ON-SITE INFRASTRUCTURE =</u>	<u>\$1,450,000.00</u>
II	<u>OFF-SITE IMPROVEMENTS</u>	
	<u>TOTAL OFF-SITE IMPROVEMENTS =</u>	<u>\$0.00</u>
III	<u>SOFT COST:</u>	
	Permit fees @ 4%:	\$58,000.00
	Bond fees @ 1.5%:	\$21,750.00
	Professional Fees @ 10%:	\$145,000.00
	Testing & Misc. @ 2%:	\$29,000.00
	Construction layout and as-built (2%)	\$29,000.00
	<u>TOTAL SOFT COST =</u>	<u>\$282,750.00</u>

IV	<u>LANDSCAPING & IRRIGATION =</u>	<u>\$75,000.00</u>
V	<u>HARDSCAPE (ENTRY FEATURES) =</u>	<u>\$50,000.00</u>
VI	<u>NATIVE OPEN SPACE =</u>	<u>\$50,000.00</u>
VII	<u>CONTINGENCIES (Items 1 thru VII) =</u>	<u>\$190,775.00</u>
VIII	<u>OFF-SITE MITIGATION FEE =</u>	<u>\$50,000.00</u>

TOTAL DEVELOPMENT COST ESTIMATE FOR INFRASTRUCTURE, OFF-SITE IMPROVEMENTS, WATER MANAGEMENT & LANDSCAPING	\$2,148,525.00
---	-----------------------

KEITH & BALLBÉ, INC.

Consulting Engineers

2201 West Prospect Road, Suite 100

Fort Lauderdale, Florida 33309

Phone (954) 489-9801 Fax (954) 489-9802

February 20, 2004

PROJECT NAME:
COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT

PROJECT NUMBER:
23-12-57

SUMMARY OF DEVELOPMENT COST ESTIMATE FOR INFRASTRUCTURE, OFF-SITE IMPROVEMENTS, WATER MANAGEMENT & LANDSCAPING

LONGWOOD VILLAS

ITEM NO.	DESCRIPTION	AMOUNT
I	<u>ON-SITE INFRASTRUCTURE:</u>	
	Water Distribution System =	\$300,000.00
	Sewage Collection System =	\$500,000.00
	Water Management/Earthwork/Drainage System =	\$1,500,000.00
	<u>TOTAL ON-SITE INFRASTRUCTURE =</u>	<u>\$2,300,000.00</u>
II	<u>OFF-SITE IMPROVEMENTS</u>	
	Northbound turn lane, southbound turn land and Road widening of Three Oaks Parkway =	\$125,000.00
	Miscellaneous culverts, swale grading, sidewalk =	\$30,000.00
	<u>TOTAL OFF-SITE IMPROVEMENTS =</u>	<u>\$155,000.00</u>
III	<u>SOFT COST:</u>	
	Permit fees @ 4%:	\$98,200.00
	Bond fees @ 1.5%:	\$36,825.00
	Professional Fees @ 10%:	\$245,500.00
	Testing & Misc. @ 2%:	\$49,100.00
	Construction layout and as-built (2%)	\$49,100.00
	<u>TOTAL SOFT COST =</u>	<u>\$478,725.00</u>

IV	<u>LANDSCAPING & IRRIGATION =</u>	<u>\$75,000.00</u>
V	<u>HARDSCAPE (ENTRY FEATURES) =</u>	<u>\$75,000.00</u>
VI	<u>NATIVE OPEN SPACE =</u>	<u>\$75,000.00</u>
VII	<u>CONTINGENCIES (Items 1 thru VII) =</u>	<u>\$315,872.50</u>
VIII	<u>OFF-SITE MITIGATION FEE =</u>	<u>\$75,000.00</u>

TOTAL DEVELOPMENT COST ESTIMATE FOR INFRASTRUCTURE, OFF-SITE IMPROVEMENTS, WATER MANAGEMENT & LANDSCAPING	\$3,549,597.50
---	-----------------------

Exhibit 9
Development Schedule Copper Oaks C.D.D.
Project Number 23-12-57

ID	Task Name	Duration	Start	Finish
1	Longwood Villas	0d	3/1/2004	3/1/2004
2	Bidding And Negotiation	25d	3/1/2004	4/2/2004
3	Earthwork Operations	120d	4/1/2004	9/15/2004
4	On-Site Infrastructure	150d	5/3/2004	11/26/2004
5	Off-Site Improvements	30d	7/5/2004	8/13/2004
6	Landscape & Irrigation	30d	10/1/2004	11/11/2004
7	Harscape	30d	10/1/2004	11/11/2004
8	Native Open Space	30d	10/1/2004	11/11/2004
10	Longwood Townhomes	0d	4/1/2004	4/1/2004
11	Bidding and Negotiation	25d	4/1/2004	5/5/2004
12	Earthwork Operations	90d	5/3/2004	9/3/2004
13	On-Site Infrastructure	150d	6/3/2004	12/29/2004
14	Landscape & Irrigation	30d	11/1/2004	12/10/2004
15	Harscape	30d	11/1/2004	12/10/2004
16	Native open Space	30d	11/1/2004	12/10/2004

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs (“SERC”) supports the petition to form the **Copper Oaks Community Development District** (“District”). The proposed District will comprise approximately 48 acres of land located in Lee County, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002 (2) (d), F.S. (governing District formation or alteration) as follows:

“That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added).”

1.2 Overview of the Copper Oaks Community Development District

The proposed District will comprise of approximately 48 acres within the Lee County, Florida. The District is designed to provide infrastructure, services, and facilities along with certain ongoing operations and maintenance of the Copper Oaks development (the “Development”). The Development is planned for approximately 291 residential units.

A Community Development District (“CDD”) is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in large, planned community developments. CDD’s provide a “solution to the state’s planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers.” Section 190.002 (1) (a) F.S.

A CDD is not a substitute for the local, general purpose, government unit, i.e., the City or County in which the CDD lies. A CDD does not have the permitting, zoning or police powers possessed by general purpose governments. A community development district is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as Copper Oaks. The scope of this SERC is limited to evaluating the consequences of approving the proposal to establish the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541 (2), F.S. (1997), defines the elements a statement of estimated regulatory costs must contain:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. (Lee County is not defined as a small county for purposes of this requirement.)

(e) Any additional information that the agency determines may be useful.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

As noted above, the Development is designed for up to approximately 291 residential units. Formation of the District would provide water, sewer, stormwater drainage, native open space, entry features, landscaping and irrigation, and offsite improvements benefiting all of these residences through the proposed District facilities. It is not anticipated that anyone outside the Development would be affected by the rule creating the District, although the State of Florida and the County would be required to comply with the rule.

3.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed rule, or in the case of Districts under 1000 acres, an ordinance of the general purpose government establishing the District, and any anticipated effect on state and local revenues.

3.1 Costs to Governmental Agencies of Implementing and Enforcing Rule

State Government Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The District as proposed will encompass under 1,000 acres, therefore the County is the establishing entity under 190.005 (1) F.S. The modest costs to various State entities to implement and enforce the proposed rule relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.412, F.S., the proposed district must pay an annual fee to the State of Florida Department of Community Affairs, which offsets such costs.

Lee County

The proposed land for the District is located in Lee County, Florida and consists of less than 1,000 acres. The County and its staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources. The costs to review the record of the local hearing, the transcript of the hearing, and the resolutions adopted by the local general-purpose government will be offset by the filing fee required under 190.005 (1), F.S.

These costs to the County are modest for a number of reasons. First, according to Chapter 190, F.S., review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, local governments already possess the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by the required filing fee. Finally, local governments routinely process similar petitions for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to the County, because of the establishment of the District, are also very small. The proposed District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County.

3.2 Impact on State and Local Revenues

Adoption of the proposed rule will have no negative impact on State and local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the Copper Oaks development project. It has its own sources of revenue. No State or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida, the County, or any unit of local government. In accordance with State law, debts of the District are strictly its own responsibility.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. The stormwater management system, entry features, landscaping and irrigation system, open space areas, and offsite improvements will be funded by the District. The District will also fund the water distribution and wastewater collection system to be owned and maintained by the County. The District will also fund offsite mitigation credits required for the development of this community.

**Table 1. Copper Oaks Community Development District
Proposed Facilities and Services**

FACILITY	FUNDED BY	O&M	OWNERSHIP
Offsite-Three Oaks Parkway	CDD	COUNTY	COUNTY
Offsite-Mitigation	CDD	BCMB	BCMB
Native Open Space	CDD	CDD	CDD
Utilities	CDD	COUNTY	COUNTY
Stormwater Management System	CDD	CDD	CDD
Entry Features, Landscaping And Irrigation	CDD	CDD	CDD

CDD=Copper Oaks Community Development District; COUNTY=Lee County; BCMB=Big Cypress Mitigation Bank

The petitioner has estimated the design and development costs for providing the capital facilities as outlined in Table 1. The cost estimates are shown in Table 2 below. Total design and development costs for these facilities are estimated to be approximately **\$5,698,123**. The District may issue special assessment or other revenue bonds to fund the development of these facilities. These bonds would be repaid through non ad valorem assessments levied on all properties in the District that may benefit from the District's capital improvement program as outlined in Table 2.

Prospective future landowners in the Development may be required to pay non ad valorem assessments levied by the District to secure any debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments for debt service, the District may also levy a non ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. However, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of

the affected property choose to accept the non ad valorem assessments as a tradeoff for the services and facilities that the District will provide. In addition, state law requires all assessments levied by the District to be disclosed by the seller to all prospective purchasers of property within the District.

Notwithstanding the foregoing, it is expected that any District infrastructure financing secured by special assessments shall be structured so that the assessments securing the financing on each single family lot are required by the District to be paid by the landowner/developer prior to or contemporaneously with the time such landowner/developer conveys such single family residential unit in the District to the initial purchaser thereof and any assessments imposed by the District for operations and maintenance expense shall be paid by the landowner/developer and not by individual homeowners in the District.

A Community Development District "CDD" provides the property owners with the option of having higher levels of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, City/County provision, or through developer equity and/or bank loans.

In considering these costs it shall be noted that occupants of the lands to be included within the Development will receive three major classes of benefits.

First, those residents and businesses in the Development will receive a higher level of public services sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services will be completed concurrently with development of lands within the Development. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting and ultimately electoral voting for resident elected boards, if applicable, to determine the type, quality and expense of the District services they receive, provided they meet the City's overall requirements.

The cost impact on the ultimate landowners in the Development is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative financing mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly low.

Table 2. Cost Estimate for District Facilities

CATEGORY	COST
Offsite Improvements:	
A. Three Oaks Parkway	\$ 155,000
B. Mitigation Fees	\$ 125,000
Water and Sewer Utilities	\$ 1,250,000
Earthwork and Stormwater Management System	\$ 2,500,000
Entry Features, Landscaping & Irrigation	\$ 275,000
Native Open Space	\$ 125,000
Permitting, Professional Fees, etc.	\$ 761,475
Contingencies	<u>\$ 506,648</u>
Total Estimated Costs	\$ 5,698,123

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

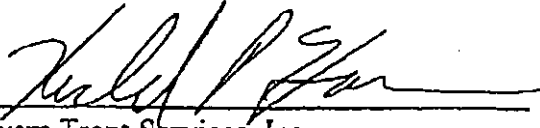
There will be little impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid all of its contracts. This affords small businesses the opportunity to bid on District work.

The County has an estimated population greater than 75,000 according to the most recent decennial census. Therefore the County is not defined as a "small" county according to Section 120.52, F.S.

6.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

Prepared by:


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May 25, 2004

Paul O'Connor, AICP
 Director, Dept. of Community Development
 Division of Planning, Lee County
 P.O. Box 398
 Ft. Myers, FL 33902-0398

Re: Copper Oaks CDD

Dear Mr. O'Connor:

Enclosed per your request is information on the size of the proposed CDD as it relates to other CDDs.

We trust that this adequately responds to your request contained in your letter of April 30. Please let us know if we can be of further assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert D. Pritt", is written over the typed name.

Robert D. Pritt

Enc.

Cc: Dawn E. Perry-Lehnert, Assistant County Attorney
 Dennis E. Lyles, Esq.

To: Lee County, Florida

From: Ed Bulleit; (813) 639-9881

Re: Copper Oaks Community Development District

Date: May 24, 2004

As underwriter to the Copper Oaks Community Development District (the "District"), Prager, Sealy & Co., LLC (Prager Sealy) would like to present the following information regarding community development districts (CDDs). Over the years, the creation of CDDs has proven to be beneficial to local governments, developers, and residents alike. There currently are over 190 active CDDs in the state of Florida.

Community development districts are special purpose taxing and development districts created in 1980 through the passage of Florida State Statute 190 (Chapter 190). Chapter 190 was intended to encourage planned community development through the issuance of tax-exempt bonds, which would in turn lower the cost of residential housing. Community development districts have been able to respond to pressures of growth that have strained the economic and growth management capacities of Florida's local governments.

The Chapter 190 legislation allows for the financing and maintenance of long-term infrastructure. Many local governments in Florida have used CDDs to finance a variety of services including roadways, water supply, sewer, stormwater management, grading and utilities. With the approval of the local government, CDDs can also provide recreational improvements, fire protection, school buildings, and security facilities.

Local governments have benefited from the use of community development districts because they have spurred development in areas that might not otherwise have been developed. CDDs provide a stable financing source for new public projects. They also allow new offsite improvements to be built without the use of County funds nor the use of County bonding capacity. Furthermore, financing infrastructure through a CDD assures a project is funded since the bond proceeds are provided upfront and are deposited into a trust account. Finally, CDDs tend to

Lee County, Florida
 Re: Copper Oaks CDD
 May 24, 2004
 Page 2 of 3

increase the tax base for the County and place no financial burden on residents living outside the CDD.

Typically residents living in CDDs receive higher quality improvements and amenities. These higher quality improvements result in higher levy of property values as well. Since community development districts are professionally managed and its meetings are advertised and held in the "sunshine", they tend to be better than a typical homeowners association.

Prager Sealy has been involved in over 160 CDDs throughout the state, including large planned developments such as Celebration, Villages, Capital Region and Meadow Pointe. Although these community development districts are large in comparison to the proposed Copper Oaks CDD, we have also financed improvements for smaller sized districts -- as small as 28.69 gross acres -- as noted below:

<u>Issuer Issued</u>	<u>Gross Acres Par Amount</u>		<u>Net Acres</u>	<u>When</u>
Cypress Cove CDD	28.69			
Griffin Lakes CDD	33.62	7.88	2002	4,730,000
Hypoluxo / Haverhill CDD	63.87		2003	1,485,000
Wyndam Park CDD	75.28		2004	2,800,000
Sausalito Bay CDD	103.64		2002	2,945,000
Islands at Doral CDD	108.86		2003	9,140,000
Lexington CDD	145.11	54.90	2003	2,590,000
Portofino Shores CDD	182.32	116.11	2003	5,085,000
Briger CDD	287.66	141.11	2003	6,565,000
Portofino Isles CDD	294.59	141.00		

The smallest community development district yielded 147 residential units.

<u>Issuer</u>	<u>Units</u>
StoneLake CDD	147
Cypress Cove CDD	196
Huntington CDD	201
Harbour Lake Estates	214
Griffin Lakes CDD	274
Hypoluxo / Haverhill CDD	341
Wyndam Park CDD	351
Sausalito Bay CDD	427
Islands at Doral CDD	429
Lexington CDD	519
Portofino Shores CDD	579
Briger CDD	664

Lee County, Florida
Re: Copper Oaks CDD
May 24, 2004
Page 3 of 3

As noted above, CDDs can be used for both large and small-scale developments.

Given the extent to which pressures on growth in Florida have taxed the capacities of local government, communities view districts as an important financing mechanism for responding to service needs. Local governments in Florida have relied on community development districts to accommodate the infrastructure needs associated with rapid growth. Specifically, Sarasota County has instituted a comprehensive plan, the Sarasota 2050 Plan, which identifies community development districts as the preferred financing technique for infrastructure needs (Policy #VOS2.10).

We hope this information is helpful. Please feel free to contact me should you have any questions.

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE**

NAME OF ORDINANCE: Copper Oaks CDD

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

Establishment of the Copper Oaks Community Development District.

B. Narrative Summary of Ordinance (Several Sentence Summary)

Ordinance creates a new community development district, which is a special unit of local government. The primary purpose of the District is to provide infrastructure for the development.

C. Principal Division(s) or Department(s) Affected (List)

N/A

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE:
COPPER OAKS COMMUNITY DEVELOPMENT DISTRICT**

II. Fiscal Impact on County Agencies/County Funds.

A. What is estimated Demand?

N/A

B. What is estimated Workload?

N/A

C. What are estimated costs?

	1st Year \$'s		2nd Year \$'s	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel	N/A		N/A	
Fringe	N/A		N/A	
Operating	N/A		N/A	
Capital Outlay	N/A		N/A	
Total	N/A		N/A	

D. List the anticipated revenues to cover costs identified in II, C, above. If a fee is to be charged, answer the following:

1. What is the basis (rationale) for the fee?

N/A

2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered?

N/A

E. Give a brief narrative analysis of the information contained in II, A-D, above.

Minimal financial impact - Authorizes establishment of a Community Development District in response to the petition to request. The District will be responsible for managing & financing basic infrastructure and service needs for the District.