

LEE COUNTY ORDINANCE NO. 02-25

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 98-08 AS AMENDED, RELATING TO THE HERONS GLEN RECREATION DISTRICT, AMENDING SECTION 4 RELATING TO THE BOARD OF SUPERVISORS AUTHORITY TO ADJUST TERMS OF OFFICE FOR SUPERVISORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a majority of the electors in the Herons Glen Recreation District area have signed a petition requesting the establishment of a Recreation District pursuant to Chapter 418, Part II, Florida Statutes, and

WHEREAS, the Herons Glen Recreation District is comprised of a portion of the Del Vera Development of Regional Impact, and

WHEREAS, the Del Vera Development of Regional Impact was approved by Lee County as County Case No 88-3-18-DRI, as amended (the "DRI"), and

WHEREAS, the Del Vera DRI is comprised of two development areas currently known as Herons Glen and Nantucket Village; and

WHEREAS, Herons Glen contains an 18 hole golf course, club house, practice facilities, restaurant, pro shop, tennis courts, shuffleboard courts, pool, and associated facilities (the "Herons Glen Golf and Country Club") which are the major recreational facilities serving the residents of Herons Glen; and

WHEREAS, the residents of Herons Glen wish to purchase the recreational facilities located within Herons Glen,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:

## SECTION 1.

This Ordinance amends Lee County Ordinance 98-08 as amended, as set forth herein. The amendments and revisions set forth in the following sections are hereby adopted. Additions are illustrated by underlined words.

## SECTION 2.

Section 4 of Lee County Ordinance 98-08 is hereby amended as follows:

SECTION 4. The District shall be governed by a five-member Board of Supervisors elected from the residents of the District. Supervisors shall serve for staggered three-year terms. The initial election of supervisors for the District shall occur on or after May 11, 1998. Two members of the initial Board shall serve three-year terms, two shall serve two-year terms, and one shall serve a one-year term. Thereafter, each Supervisor shall serve a full three-year term, beginning April 1 of the year in which he or she is elected, except that the Board of Supervisors shall have the authority and power to adjust the term of office for Supervisors from time to time, as necessary to accommodate revisions to election schedules. Members of the Board of Supervisors shall serve without compensation. Each property owner or resident in the District shall have the right to vote in the election. The costs of District elections shall be borne by the District. Any vacancy on the Board of Supervisors shall be filled for the unexpired term by the appointment of the remaining Supervisors or a successor from among the qualified residents of the District.

## SECTION 3. SEVERABILITY

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part, the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court will not effect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent

that this ordinance would have been adopted had such an unconstitutional provision not been included herein.

SECTION 4. CONSTRUCTION OF TERMS

The revisions as adopted by this ordinance shall control in the event there is a conflict with respect to the terms of the ordinance and preceding provisions. Only the revisions as adopted herein shall modify Lee County Ordinance 98-08, as amended. All other terms and conditions of Lee County Ordinance No. 98-08, as amended shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE

This Ordinance will take effect immediately upon receipt of official notice of its filing with the office of Secretary of the Florida Department of State.

The foregoing Ordinance was offered by Commissioner Albion, who moved its adoption. The motion was seconded by Commissioner St. Cerny and, being put to a vote, the vote was as follows:

BOB JANES	<u>Absent</u>
DOUGLAS ST. CERNY	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
ANDREW W. COY	<u>Absent</u>
JOHN E. ALBION	<u>Aye</u>

DULY PASSED AND ADOPTED this 27th day of August, 2002.

CHARLIE GREEN, CLERK  
LEE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS

By: *Anna S. Pierce*  
Deputy Clerk

By: *Raymond*  
Vice-Chairman

APPROVED AS TO FORM:

LEE COUNTY ATTORNEY'S OFFICE

By: *[Signature]*  
Assistant County Attorney



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



FLORIDA DEPARTMENT OF STATE  
**Jim Smith**  
Secretary of State  
DIVISION OF ELECTIONS

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

September 5, 2002

Honorable Charlie Green  
Clerk of Circuit Court  
Lee County ~  
Post Office Box 2469  
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 3, 2002 and certified copies of Lee County Ordinance Nos. 02-25 and 02-26, which were filed in this office on September 4, 2002.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

RECEIVED  
MINUTES OFFICE  
2002 SEP -9 AM 10:52

**DIVISIONS OF FLORIDA DEPARTMENT OF STATE**

Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing

**MEMBER OF THE FLORIDA CABINET**



**FLORIDA DEPARTMENT OF STATE**

**Jim Smith**

Secretary of State

**DIVISION OF ELECTIONS**

**HISTORIC PRESERVATION BOARDS**

Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board

**RINGLING MUSEUM OF ART**

September 16, 2002

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

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 12, 2002 and certified corrected pages to Lee County Ordinance No. 02-25, which were received in this office on September 13, 2002.

Sincerely,

*Liz Cloud* <sup>AK</sup>

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

RECEIVED  
MINUTES OFFICE  
2002 SEP 18 AM 11:11

**BUREAU OF ADMINISTRATIVE CODE**

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270  
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: [election@mail.dos.state.fl.us](mailto:election@mail.dos.state.fl.us)