

LEE COUNTY ORDINANCE NO. 98-18

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 98-08, RELATING TO THE HERONS GLEN RECREATION DISTRICT, AMENDING SECTION 2 AND SECTION 4; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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 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 2 of Lee County Ordinance No. 98-08 is hereby amended as following:

SECTION 2. The Board makes the following findings:

- a. The recitals stated above are incorporated herein as findings.
- b. A majority of the electors in the District area have signed a petition requesting the establishment of a Recreation District pursuant to Chapter 418, Part II, Florida Statutes.
- c. Lee County has no capital improvement plan for recreational facilities within the District.
- d. The creation of the District is the best alternative available for delivering certain recreational services to the District.
- e. The District is amenable to separate special district government.
- f. All of the territory in the District will be generally benefitted by the long-term maintenance and operation of the recreational amenities within the District.
- g. The health and well-being of the public within the District will be generally benefitted by the establishment of the District.
- h. The creation of the District serves a public purpose.
- l. The District shall be an independent special district

SECTION 3.

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. ~~Until such time as the developer turns over the Herons Glen Homeowners Association to the property owners in the District, at least, but no more than, two (2) of the members elected to the District board shall be from resident candidates proposed by the developer.~~ 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. 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 of a successor from among the qualified residents of the District.

SECTION 4. 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 5. EFFECTIVE DATE

This Ordinance will take effect immediately upon its filing with the office of Secretary of the Florida Department of State and upon a majority vote of the property owners in the District.

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

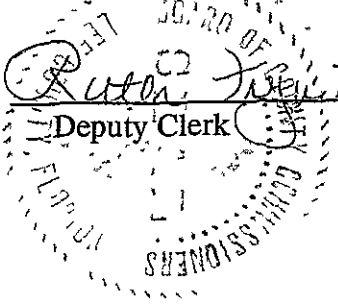
JOHN E. MANNING	<u>Absent</u>
DOUGLAS ST. CERNY	<u>Aye</u>
RAY JUDAH	<u>Absent</u>
ANDREW W. COY	<u>Aye</u>
JOHN E. ALBION	<u>Aye</u>

DULY PASSED AND ADOPTED this 13th day of October, 1998.

CHARLIE GREEN, CLERK
LEE COUNTY, FLORIDA

By:  _____

Deputy Clerk



BOARD OF COUNTY COMMISSIONERS

By:  _____

John E. Manning, Chairman
Albion, Vice-

APPROVED AS TO FORM:

LEE COUNTY ATTORNEY'S OFFICE

By:  _____

Melody A. Bowers
Assistant County Attorney