

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

**DATE CRITICAL
Blue Sheet No. 20020242**

1. REQUESTED MOTION:

ACTION REQUESTED: To adopt and enact an ordinance, with staff recommended conditions, to establish a Uniform Community Development District (UCDD) to be known as the Verandah West Community Development District ordinance.

WHY ACTION IS NECESSARY: An ordinance adopted by the BOCC is the exclusive means to establish a 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: 04 (Community Development)
COMMISSION DISTRICT #5 5:00 #3

3. MEETING DATE:
03-26-2002

4. AGENDA:

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:
5 Minutes

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 Land Use

BY: John J. Fredyma
John J. Fredyma, Asst. County Atty

7. BACKGROUND:

Verandah Development LLC has petitioned the Lee County Board of County Commissioners to adopt an ordinance establishing a Community Development District 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 . . ."

(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>CH 3/12/02</i>	<i>3/13/02</i>	<i>3/13</i>	<i>3/13</i>	<i>DD 3-14-02</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
3/13/02 1:30pm

RECEIVED BY
COUNTY ADMIN.
3/12 1:30
COUNTY ADMIN.
FORWARDED TO:
3/14 2:00

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 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 Verandah West Community Development District is located on approximately 777.95 contiguous acres, more or less, of land located wholly within unincorporated Lee County. The land area is bounded on the north by State Road 80; on the south by the Orange River; on the east by Buckingham Road; and on the west by the Orange River. The property is located in Sections 25 and 36, Township 43 South, Range 25 East, and Sections 29, 30, 31 and 32, Township 43 South, Range 26 East. The Verandah West Community Development 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; streetlights; conservation areas; and other projects within and outside the district boundary for which a Development Order may be issued.

The creation of the Verandah West Community Development 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 Verandah West Community Development 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. Dennis Church
 - b. Vincent O. Barraco
 - c. Jim Carroll
 - d. Barbara M. Gurak
 - e. William W. Wier
3. Names the district: Verandah West Community Development District

The proposed ordinance is scheduled for consideration by the Executive Regulatory Oversight Committee on March 13, 2002.

Planning Staff has recommended approval of the Petition, but has included a requested condition that should be made part of the Board's approval, should the Board decide to endorse the request:

Any and all agreements for the sale of property within the boundaries of the Verandah West 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 Verandah West Community Development District.

A copy of the Petition is available for review at the Department of Community Development.

Attachments:

1. Proposed Ordinance establishing the Verandah West Community Development District
2. Lee County Planning Staff's Analysis dated December 6, 2001
3. Verandah Community Development District Petition, Exhibits and Attachments
4. FAIS Form

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE VERANDAH WEST COMMUNITY DEVELOPMENT DISTRICT; NAMING THE DISTRICT; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; ESTABLISHING AND DESCRIBING THE EXTERNAL BOUNDARIES OF THE COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE INITIAL POWERS OF THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE STATUTORY PROVISIONS GOVERNING THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING ADDITIONAL CONDITIONS IMPOSED ON THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Verandah Development LLC has petitioned the Lee County Board of County Commissioners to establish THE VERANDAH WEST COMMUNITY DEVELOPMENT DISTRICT, a Uniform Community Development District (UCDD), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes; and

WHEREAS, the Lee County 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 §190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.
2. The Lee County 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 ordinance, is as economically viable as establishing the district. Methodology is set forth in the economic impact statement on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

4. Establishment of the proposed district, whose charter is must be consistent with §§190.006 - 190.041, Florida Statutes, was created by general law, is not inconsistent with the local Comprehensive Plan of Lee County or the State Comprehensive Plan.

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 §190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the proposed Verandah West 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 AND LEGAL DESCRIPTION

The community development district herein established will be known as the Verandah West Community Development District. A copy of the legal description of the community development district is attached as Exhibit "A" and incorporated herein by reference.

SECTION TWO: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to §190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

**SECTION THREE: ESTABLISHMENT OF
COMMUNITY DEVELOPMENT DISTRICT**

The Verandah West Community Development District is hereby established within the boundaries of the real property located in Lee County, Florida, and described in Exhibit "A" attached hereto and incorporated by reference.

**SECTION FOUR: DESIGNATION OF INITIAL MEMBERS
OF THE BOARD OF SUPERVISORS**

The following five persons are designated to be the initial members of the Board of Supervisors:

- | | | |
|----|--------------------|---|
| 1. | Dennis Church | 4429 Tarpon Avenue
Bonita Springs, FL 34134 |
| 2. | Vincent O. Barraco | 6729 Kestrel Circle
Fort Myers, FL 33912 |
| 3. | Jim Carroll | 17490 Stepping Stone Drive
Fort Myers, FL 33912 |
| 4. | Barbara M. Gurak | 3780 Fieldstone Boulevard
#306
Naples, FL 34109 |
| 5. | William W. Wier | 27180 Belle Rio Drive
Bonita Springs, FL 34134 |

**SECTION FIVE: INITIAL POWERS OF
THE COMMUNITY DEVELOPMENT DISTRICT**

Upon the effective date of this Ordinance, the proposed Verandah West Community Development District will be duly and legally authorized to exist and exercise all of its powers in accordance with §§190.011 and 190.012(1), Florida Statutes, subject to any conditions imposed herein; and has the right to seek consent from Lee County for the grant of authority to exercise additional special powers in accordance with §190.012(2), Florida Statutes.

**SECTION SIX: STATUTORY PROVISIONS GOVERNING
THE COMMUNITY DEVELOPMENT DISTRICT**

The Verandah West Community Development District will be governed by the provisions of Chapter 190, Florida Statutes,

**SECTION SEVEN: ADDITIONAL CONDITIONS IMPOSED ON THE
COMMUNITY DEVELOPMENT DISTRICT**

The Verandah West Community Development District will also be subject to the following additional conditions:

1. Any and all agreements for the sale of property within the boundaries of the Verandah West 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 Verandah West Community Development District.

SECTION EIGHT: 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 NINE: EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Office of the Secretary of the Florida Department 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:

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

DULY PASSED AND ADOPTED THIS _____ day of _____, 2002.

ATTEST:
CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

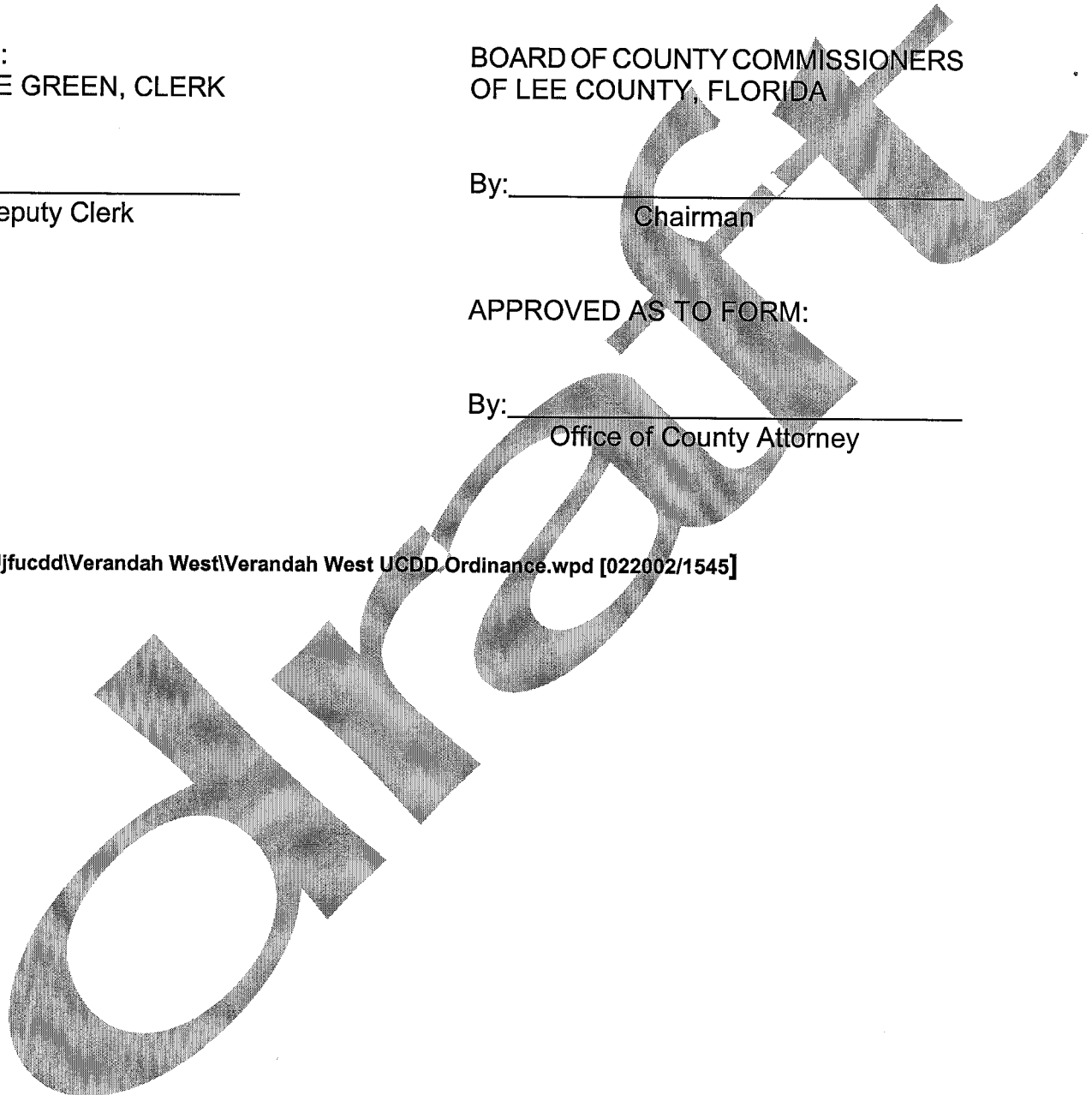
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of County Attorney

S:\LU\JJF\Jfucdd\Verandah West\Verandah West UCDD.Ordinance.wpd [022002/1545]



July 12, 2001

DESCRIPTION**VERANDAH WEST
PARCEL IN
SECTION 25 AND 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST
AND
SECTION 29, 30, 31 AND 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

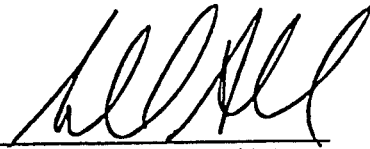
A tract or parcel of land lying in Sections 25 and 36, Township 43 South, Range 25 East, and Sections 29, 30, 31 and 32, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southwest corner of the Northeast Quarter (NE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, Township 43 South, Range 25 East; run S 89° 08' 18" W along the south line of the Northwest Quarter (NW-1/4) of the Northeast Quarter (NE-1/4) of said Section 36 for 1324.04 feet; thence run N 00° 50' 29" W along the west line of said fraction for 740.15 feet to an intersection with the south line of Palm Beach Boulevard (State Road No. 80); thence run N 71° 36' 06" E along said south line for 1465.40 feet; thence run S 18° 23' 54" E for 10.00 feet; thence run S 71° 36' 06" W for 49.43 feet; thence run southerly, southeasterly and easterly along the arc of a curve to the left of radius 350.00 feet (chord bearing S 56° 17' 11" E) (chord 397.61 feet) (delta 69° 13' 26") for 422.87 feet to a point of tangency; thence run N 89° 06' 06" E for 45.96 feet; thence run N 71° 36' 06" E for 57.64 feet; thence run S 19° 48' 46" E for 523.96 feet; thence run N 70° 11' 14" E for 685.45 feet; thence run N 00° 43' 19" W for 292.55 feet; thence run N 70° 11' 14" E for 44.14 feet; thence run S 76° 24' 31" E for 187.84 feet; thence run N 72° 41' 10" E for 217.40 feet; thence run N 08° 37' 27" W for 213.75 feet; thence run N 73° 17' 15" E for 164.76 feet; thence run N 16° 21' 11" W for 462.79 feet to an intersection with said south line of Palm Beach Boulevard; thence run N 71° 36' 06" E along the south line of Palm Beach Boulevard for 574.19 feet to a point of curvature; thence run northeasterly along an arc of said curve to the right of radius 5589.55 feet (chord bearing N 72° 17' 37" E) (chord 135.00 feet) (delta 01° 23' 02") for 135.00 feet; thence run N 17° 00' 52" W for 20.00 feet; thence run easterly along said south line along the arc of a curve to the right of radius of 5609.55 feet (chord bearing N 73° 59' 12" E) (chord 196.03 feet) (delta 02° 00' 09") for 196.05 feet; thence run N 67° 44' 10" E along said south line for 299.35 feet; thence run N 77° 10' 13" E along said south line for 961.79 feet to an intersection with the westerly line of lands described in Official Record Book 1200 beginning at Page 710 of the Public Records of Lee County, Florida; thence run S 12° 49' 47" E along said west line for 175.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 125.00 feet; thence run N 12° 49' 47" W along the east line of said parcel for 175.00 feet to an intersection with the south line of said Palm Beach Boulevard; thence run N 77° 10' 13" E along said south line for 1781.13 feet to an intersection with the west line of lands described in Official Record Book 1418 beginning at Page 2194 of said public records; thence run S 12° 49' 47" E along said west line for

155.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 95.00 feet to an intersection with the west line of lands described in Official Record Book 655 beginning at Page 407 of said public records; thence run S 01° 29' 33" E along said west line for 865.78 feet to an intersection with the north line of a Florida Power & Light Company Transmission Line Easement; thence run N 89° 02' 25" E along said north line for 865.80 feet; thence leaving said easement line run S 00° 57' 35" E for 284.52 feet; thence run N 72° 14' 31" W for 159.74 feet; thence run S 17° 45' 29" W for 54.87 feet; thence run S 15° 56' 31" E for 496.97 feet; thence run S 36° 01' 16" E for 73.71 feet; thence run S 07° 49' 37" E for 130.25 feet; thence run S 19° 52' 21" W for 141.71 feet; thence run S 25° 14' 53" E for 155.22 feet; thence run S 08° 38' 21" E for 138.47 feet; thence run S 32° 03' 07" E for 137.14 feet; thence run S 68° 38' 44" E for 195.04 feet; thence run S 29° 41' 01" W for 453.37 feet; thence run S 10° 36' 57" E for 161.15 feet; thence run S 83° 34' 25" E for 339.97 feet; thence run S 49° 29' 21" E for 339.97 feet; thence run S 32° 26' 49" E for 1076.04 feet; thence run N 82° 45' 03" E for 601.24 feet; thence run S 07° 14' 57" E for 172.86 feet; thence run S 54° 59' 22" E for 132.10 feet; thence run S 15° 26' 48" E for 290.90 feet; thence run S 25° 29' 37" E for 257.92 feet; thence run S 09° 39' 49" E for 171.40 feet; thence run S 23° 42' 48" E for 160.85 feet; thence run S 02° 11' 02" W for 223.27 feet; thence run N 87° 48' 58" W for 1164.34 feet; thence run S 00° 04' 13" E for 852.37 feet; thence run N 87° 48' 58" W for 497.77 feet; thence run S 00° 04' 13" E for 540.88 feet; thence run S 89° 45' 59" W for 40.00 feet; thence run S 00° 14' 01" E for 40.00 feet to an intersection with the south line of said Section 32, Township 43 South, Range 26 east; thence run S 89° 45' 59" W along said south line for 172.45 feet to the Mean High Water Line of the Orange River; thence run northwesterly along said Mean High Water Line for 12,598 feet more or less to an intersection with the west line of the Southeast Quarter (SE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, 987.65 feet to the Point of Beginning.

Containing 777.95 acres, more or less.

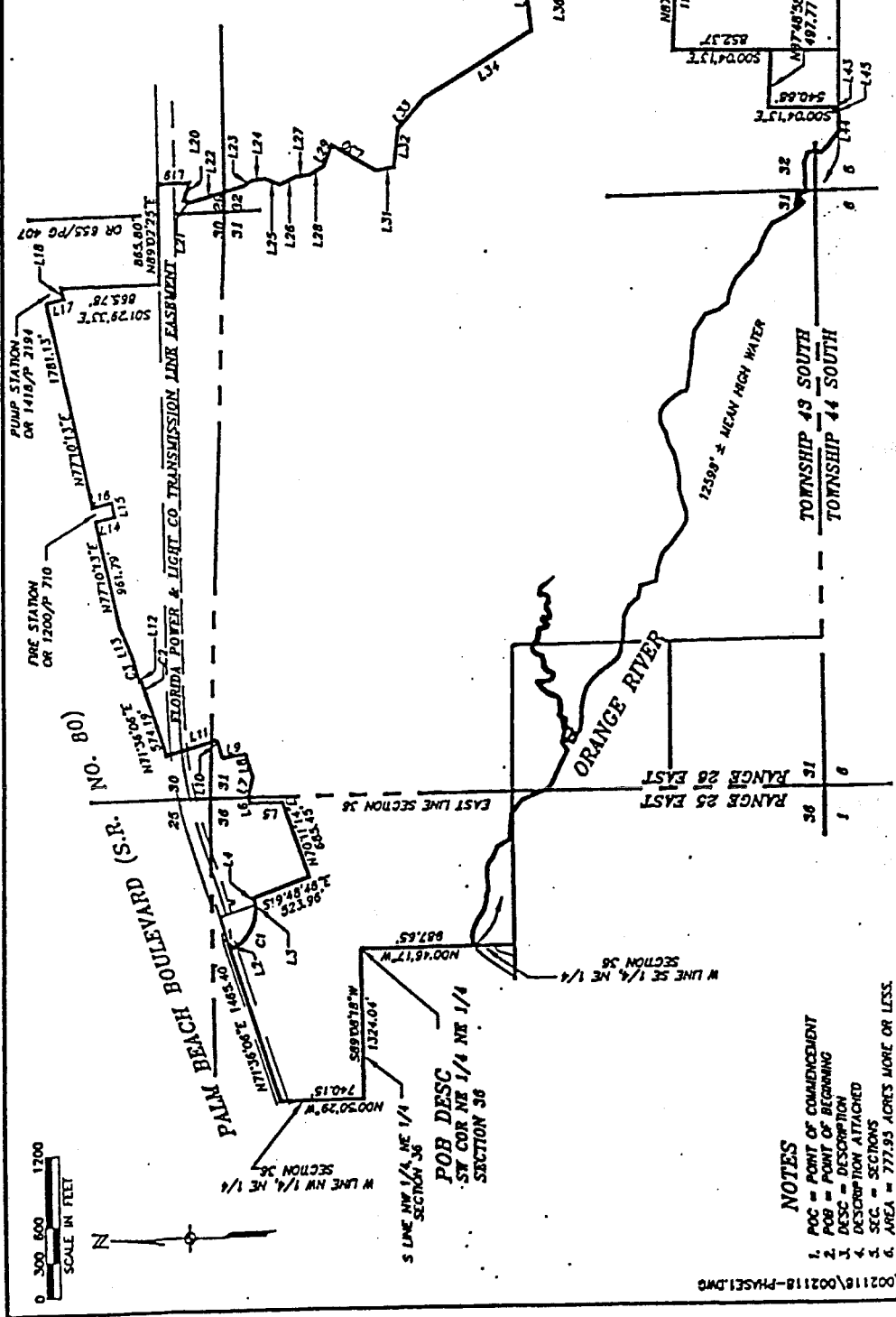
Bearings hereinabove mentioned are plane coordinate for the Florida West Zone, NAD 1983 (1990 Adjustment).



Michael A. Ward (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 5301

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S 18°13'34" E	10.00	L24	S 07°49'17" E	130.25
L2	S 71°35'06" W	48.43	L25	S 19°32'21" W	141.71
L3	N 83°06'08" E	45.96	L26	S 23°14'53" E	155.22
L4	N 71°38'06" E	52.64	L27	S 09°38'21" E	158.47
L5	N 69°43'19" W	292.55	L28	S 27°13'07" E	137.14
L6	N 70°11'14" E	44.14	L29	S 68°36'44" E	195.04
L7	S 76°24'31" E	182.84	L30	S 29°41'01" W	453.37
L8	N 22°41'10" E	212.40	L31	S 10°36'57" E	161.15
L9	N 08°37'22" W	213.75	L32	S 10°36'57" E	161.15
L10	N 23°17'15" E	164.76	L33	S 83°34'24" E	339.97
L11	N 18°21'11" W	482.79	L34	S 49°29'21" E	339.97
L12	N 17°00'52" W	20.00	L35	S 87°26'59" E	1076.04
L13	N 67°44'10" E	299.35	L36	S 07°14'57" E	801.24
L14	S 12°19'47" E	175.00	L37	S 54°59'28" E	132.10
L15	N 27°10'13" E	125.00	L38	S 15°28'48" E	290.90
L16	N 12°49'47" W	153.00	L39	S 25°29'37" E	252.87
L17	S 12°49'47" E	153.00	L40	S 09°39'49" E	171.40
L18	N 27°10'13" E	84.00	L41	S 23°37'49" E	160.85
L19	S 09°37'49" E	28.43	L42	S 02°11'02" W	223.87
L20	N 17°14'31" W	159.74	L43	S 69°45'59" W	40.00
L21	S 17°45'28" W	54.87	L44	S 00°45'01" E	40.00
L22	S 15°56'31" E	486.87	L45	S 89°45'59" W	172.45
L23	S 36°10'16" E	23.71			

CURVE	RADIUS	DELTA	DIRECTION	CHORD	LENGTH
C1	350.00	89°13'76"	S 59°17'11" E	397.81	422.87
C2	5509.55	0°12'102"	N 21°37'37" E	135.00	135.00
C3	5609.55	0°10'092"	N 21°39'12" E	198.03	198.03



THIS IS A SURVEY

MICHAEL A. WARD (FOR THE FIRM 18-642)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 5301

DATE SIGNED: 7/12/2001

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

2158 JOHNSON STREET
P.O. BOX 1550
FORT MITCHELL, FLORIDA 32602-1550
PHONE: (904) 334-0046
FAX: (904) 334-3681
E.B. 7642 & L.B. 7642

JOHNSON
ENGINEERING

PARCEL IN
SEC. 25 & 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST &
SEC. 29, 30, 31 & 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

SKETCH TO ACCOMPANY DESCRIPTION
VERANDAH WEST

- NOTES
1. POC = POINT OF COMMENCEMENT
 2. POB = POINT OF BEGINNING
 3. T = TURN
 4. DESC = DESCRIPTION
 5. SEC = SECTIONS
 6. AREA = 777.95 ACRES MORE OR LESS.

DATE	PROJECT NO.	FILE NO.	SHEET
JUNE 12, 2001	20002118	25-43	" = 1200"

PLANNING DIVISION

M E M O R A N D U M



LEE COUNTY

S O U T H W E S T F L O R I D A

to: John Fredyma, Assistant County Attorney
from: Paul O'Connor, AICP, Director of Planning
subject: Petition to Establish Verandah West Community Development District
date: December 6, 2001

01 DEC - 6 AM 10:33
RECEIVED BY
LEE CO. ATTORNEY

Planning staff has completed its review of the petition to establish the Verandah West Uniform Community Development District. Attached is the staff report being issued by the Lee County Division of Planning supporting the establishment of the UCDD. In addition, six copies of the petition, supplied by the petitioner, are also being sent to your office for distribution, as well as a duplicate of staff's current file on the petition for your use.

Planning staff is requesting that notice of any scheduled hearings or meetings concerning this petition be forwarded to us.

ANALYSIS OF
THE VERANDAH WEST
PETITION TO ESTABLISH A
UNIFORM COMMUNITY
DEVELOPMENT DISTRICT

Prepared for
BOARD OF COUNTY COMMISSIONERS

by
LEE COUNTY DIVISION OF PLANNING

December 6, 2001



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INTRODUCTION

State Road 80, 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

State Road 80, L.L.C., hereafter called "Petitioner", is a Florida limited liability company with its principal place of business located at 3451 Bonita Bay Boulevard, Suite 202, Bonita Springs, Florida, 34134 and whose manager is Resource Conservation Properties, Inc., with Katherine Green as the general manager.

The Petitioner has petitioned the Board of County Commissioners of Lee County to adopt an ordinance establishing a Uniform Community Development District pursuant to the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes. The Uniform Community Development District Act was originally adopted in 1980. The act sets forth the procedure for the establishment of such a district and the district's powers and duties.

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 seven hundred and seventy-seven (777.95±) acres of land located in Lee County, Florida and lying within Sections 25 and 36, Township 43 South, Range 25 East and Sections 29, 30, 31, and 32, Township 43 South, Range 26 East. The land area is bounded on the West by large tracts of undeveloped land, on the North

by S.R. 80, on the East by large tracts of undeveloped property and on the South by the Orange River. A map showing the land area to be served by the District is attached as "Exhibit 1" to the petition.

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.

Any additional powers available to the district under s. 190.012(2) F.S., such as parks, fire prevention and control, security structures and so on, may not be exercised by the district without specific consent from the County.

Accordingly, if the County adopts the ordinance and establishes the district, the Verandah West 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 August 28, 2001. Supplemental material was furnished together with the Petition in order to assist the Commission and its staff in reviewing the petition. Much of that supplemental material has 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 7, 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: 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 1.1.5 of the Lee Plan, the Suburban 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: Staff agrees with the Petitioner's expert engineer that the area of 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. Currently the subject area is included as a portion of a residential rezoning application, called The Verandah, under staff review. The Verandah rezoning proposal includes approximately 1,456 acres of land, making this petition to establish the Verandah West Uniform Community Development District only the western portion of the proposed community. Planning staff requested an explanation from the managing member of the petitioner regarding this issue. The manager provided the following written comments dated November 28, 2001 (see Attachment 1) in response to staff's question:

"The Verandah West CDD does not encompass the entire Verandah community, only the first half (roughly) that will be developed. In several years when we get closer to developing the eastern portion of the community, we will either expand the Verandah West CDD or create a new CDD for that portion of the community. In either case, we will come back to Lee County for approval."

Due to the intentions of the petitioner to either include the eastern portion of the proposal in the Verandah West CDD as the eastern portion gets closer to

development, or to petition for the establishment of a new CDD for the eastern half of the proposal, staff finds the petition consistent with Factor #3.

Concerning Factor #4: Planning staff has reviewed the three fundamental alternatives available for managing and financing those basic systems, facilities and services for the Verandah West 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 the Lee County Utilities future 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 contract with Lee County Utilities for operating and maintenance. 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 Verandah West 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 Verandah West Community Development District.

RECOMMENDATION

Planning staff recommends that the Board of County Commissioners adopt and enact the Ordinance establishing the Verandah West 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:

Dennis Church
Vincent O. Barraco
Jim Carroll
Barbara M. Gurak
William W. Wier

3. It establishes the name of the district which shall be: The Verandah West 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.



The Bonita Bay Group

November 28, 2002

Ms. Brandy Gonzalez
Planning Department
Lee County Government
PO Box 398
Fort Myers, FL 33902

Re: Verandah West Community Development District

Dear Ms. Gonzalez:

I am writing to confirm our telephone conversation this morning regarding the Verandah West CDD petition.

The Verandah West CDD does not encompass the entire Verandah community, only the first half (roughly) that will be developed. In several years when we get closer to developing the eastern portion of the community, we will either expand the Verandah West CDD or create a new CDD for that portion of the community. In either case, we will come back to Lee County for approval.

Thank you for calling, and I appreciate your timely review of the petition. If you have further questions, the attorney representing us in the CDD establishment, Ken van Assenderp, can answer in more detail. Feel free to call him in Tallahassee at (850) 222-7206.

Sincerely,

Katherine C. Green
General Manager, Verandah

Copy: Ken van Assenderp

**BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA**

RE: PROPOSED ORDINANCE PURSUANT
TO SECTION 190.005(2), FLORIDA
STATUTES TO ESTABLISH ON
PROPERTY PROPOSED IN THE PETITION
THE VERANDAH WEST COMMUNITY
DEVELOPMENT DISTRICT:

**PETITION FOR ESTABLISHMENT BY COUNTY
ORDINANCE OF A COMMUNITY DEVELOPMENT DISTRICT
ON PROPERTY PROPOSED IN THE PETITION**

Petitioner, STATE ROAD 80, LLC, by and through its undersigned attorney, petitions the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA (the "Commission"), to adopt an ordinance: establishing, on the proposed property, and recognizing, the community development district ("District") created and chartered by Uniform General Law, the Uniform Community Development District Act of Florida, chapter 190, Fla. Stat., (2000 and hereafter); acknowledging the uniform district charter expressed in Sections 190.006-190.041, Fla. Stat., and as referenced by section 190.004(4), Fla. Stat., and section 189.4031(2), Fla. Stat.; establishing on the property proposed in this petition the District and designating the initial district Board of Supervisors; and, designating the proposed land area within the District may manage and finance its basic infrastructure, systems, facilities, services, improvements and projects. In support whereof Petitioner submits:

1. Petitioner, STATE ROAD 80, LLC, is a Florida limited liability company, has its principal place of business at 3451 Bonita Bay Boulevard, Suite 202, Bonita Springs, Florida

34134, and is a member-managed company whose manager is Resource Conservation Properties, Inc., and Katherine Green is general manager.

2. The land area to be serviced by the District is located wholly in unincorporated Lee County. The land area is bounded on the north by State Road 80; the east by Buckingham Road; the south by the Orange River; and, on the west by the Orange River, and comprises approximately 777.95 contiguous acres, more or less. A map showing the location of the land area proposed to be serviced by the District is attached as Exhibit "1".

3. A metes and bounds legal description of the proposed external boundaries of the District is attached as Exhibit "2". There is no real property within the proposed boundaries of the District which is to be excluded from the jurisdiction of the District.

4. Attached as Exhibit "3" is documentation constituting written consent to the establishment of the District by the owners of one hundred percent (100%) of the real property to be included in the land area proposed to be serviced by the District.

5. The five (5) persons designated to serve as the initial members of the Board of Supervisors of the District, who are citizens of the United States residents of the State of Florida and who shall serve in that office until replaced by elected members as provided in section 190.006, Fla. Stat., are:

a. Dennis Church, Director of Community Development and Acquisitions Planning, 4429 Tarpon Avenue, Bonita Springs, Florida 34134

b. Vincent O. Barraco, St. Project Manager, 6729 Kestrel Circle, Fort Myers, Florida 33912

c. Jim Carroll, Director of Finance, 17490 Stepping Stone Drive, Fort Myers, Florida 33912

d. Barbara M. Gurak, Director of Land Sales, 3780 Fieldstone Boulevard, #306, Naples, Florida 34109

e. William W. Wier, General Manager of The Brooks, 27180 Belle Rio Drive, Bonita Springs, Florida 34134

6. The proposed name of the District is the "Verandah West Community Development District."

7. A map of the land area proposed for the establishment by ordinance of the state created and chartered District, showing current major trunk water mains, sewer interceptors, utilities and outfalls, if any, is attached as Exhibit "4".

8. The proposed timetable and the estimated related costs of construction and provision of District systems, facilities and services which are contemplated by Petitioner to be proposed to the District Board of Supervisors, if the District is established, and based upon available data which are subject to change, is attached as Exhibit "5".

9. Lee County ("County") has adopted all mandatory elements of its Local Government Comprehensive Plan ("Plan") in accordance with requirements of chapter 163, Fla. Stat., and Lee County has completed its revised plan for minimum criterion review pursuant to *chapter 9J-5, Florida Administrative Code*, by adoption of County Ordinance No. 00-08 ("2001 Plan"), as amended. County Ordinance No. 89-02 and all amendments as enacted by ordinances 90-09, 90-43, 90-44, 91-10, 91-19, 92-35, 92-41, 92-47, 92-48, 92-51, 93-05, 93-25, 94-23, 94-29, 94-30, 95-27, 96-19, 97-05, 97-13, 97-17, 97-22, 98-02, 98-09, 98-26, 99-02, 99-15, 99-16, 99-17, 99-18, 99-19, 00-08 & 00-22, designate the legal description of the land area proposed to be serviced by the District as suburban.

Attached as Exhibit "6-A" is a copy of the suburban designation as set forth in the text of the Future Land Use Element of the 2000 Plan. Attached as Exhibit "6-B" is a copy of the Future Land Use map showing the future general distribution, location and extent of public and private uses of land contemplated by the local government comprehensive plan of Lee County for the land area proposed to be serviced by the District. Additionally, a copy of the entire 2000 Plan, as amended, has been placed on file with the staff of the Commission for its review and consideration. Exhibit "6-C" is a copy of a letter from the Florida Department of Community Affairs reflecting that the 2000 Plan is in compliance.

10. A Statement of Estimated Regulatory Costs ("SERC") of the Commission's granting this Petition, and the establishment on the property proposed in the petition by County Commission ordinance of the state uniform and exclusive created and chartered District pursuant thereto, in accordance and in compliance with sections 190.005(1)(a)(8) and 120.541, Fla. Stat., is attached as Exhibit "7".

11. Petitioner contemplates a petition by the District, if established to obtain consent of the County, as provided by section 190.012(2), Fla. Stat., to exercise some or all the powers granted therein the District by the general law charter including parks and facilities for recreational, cultural and educational uses, see section 190.012(2)(a), Fla. Stat., and security and related facilities, chapter 190.012(2)(d), Fla. Stat.

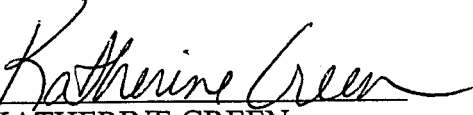
WHEREFORE, Petitioner requests respectfully the Commission to:

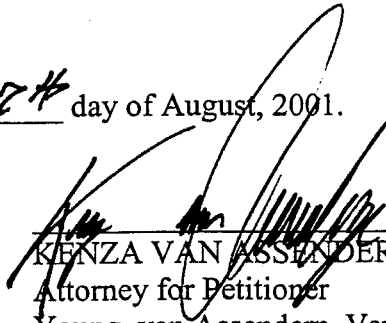
A. Direct its staff to notice, as soon as practicable, a local, public, non-emergency and information-gathering ordinance hearing pursuant to the requirements of section 190.005(2)(c), Fla. Stat., on the subject of whether to grant this Petition for the establishment on the proposed land area of the state chartered and created Verandah West Community Development District and to enact the ordinance establishing the District on the proposed property.

B. Grant this Petition and adopt the ordinance to establish the District in conformity herewith: to designate expressly in the ordinance the land area to be served by the District, the name of the District and the initial members of the Board of Supervisors of the District and to recognize expressly in the ordinance, by statutory citation, that the uniform and exclusive general law charter of the District was created by the Florida Legislature in section 190.006-190.041, Fla. Stat., as confirmed in section 190.004(4), Fla. Stat., and confirmed further in section 189.4031(2), Fla. Stat. Recognize the impending Petition from the District, if established, for consent by the Commission to exercise certain enumerated special powers granted to the District by its exclusive uniform charter under section 190.012(2), Fla. Stat., and that such potential exercise has been reviewed and assessed to the date of the ordinance. Providing finally that with regard to any future specific consent by the county to the exercise by the District of any of such

special granted powers in its general law charter, the legal existence and authority of the District, as created by state law and as established on the proposed property by this ordinance, shall have been decided upon establishment.

RESPECTFULLY SUBMITTED this 22nd day of August, 2001.

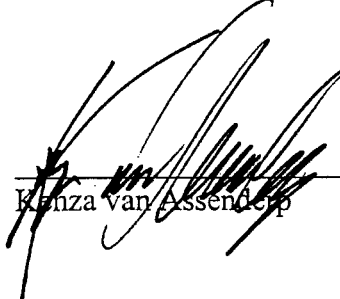

KATHERINE GREEN
General Manager, Verandah
Bonita Bay Group, Inc.
3451 Bonita Bay Blvd., Suite 202
Bonita Springs, FL 34134
Telephone: (941) 495-1000


KENZA VAN ASSENDERP
Attorney for Petitioner
Young, van Assenderp, Varnadoe
& Anderson, P.A.
225 South Adams Street - Suite 200
Tallahassee, FL 32302-1833
(850) 222-7206

k:\folden\bonita bay properties\verandah\Petition for Establishment by County Ordinance of a District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition of Establishment of the Verandah West Community Development District was furnished to the Lee County Attorney's Office this 27th day of August, 2001, by Federal Express to John Fredyma, Assistant County Attorney, Lee County's Attorney's Office, 2115 Second Street, 6th Floor, Ft. Myers, FL 33901


Kenza van Assendelft

**BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA**

RE: PROPOSED ORDINANCE PURSUANT
TO SECTION 190.005(2), FLORIDA
STATUTES TO ESTABLISH ON
PROPERTY PROPOSED IN THE PETITION
THE VERANDAH WEST COMMUNITY
DEVELOPMENT DISTRICT

FIRST AMENDMENT TO PETITION

Petitioner, by and through undersigned attorney, hereby amends that certain Petition to Establish the Verandah West Community Development District submitted to Lee County on 27 August 2001, to provide that (calling attention to paragraph one (1) of page one (1) of the Petition) the name of the Petitioner is changed from "~~State Road 80, L.L.C.~~" to "Verandah Development L.L.C." Otherwise, paragraph one (1) including the addresses, type of management, name and address of manager and the manager's representative, and all other items contained in the original Petition remain correct and are not hereby amended.

RESPECTFULLY SUBMITTED and certified to have been served by email and facsimile upon Mr. John Fredyma with the Lee County Attorney's Office this 20th day of February 2002.



KENZA VAN ASSENDERP

Attorneys for Petitioner

Young, van Assenderp, Varnadoe &
Anderson, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301
Tel: (850) 222-7206
Fax: (850) 561-6834

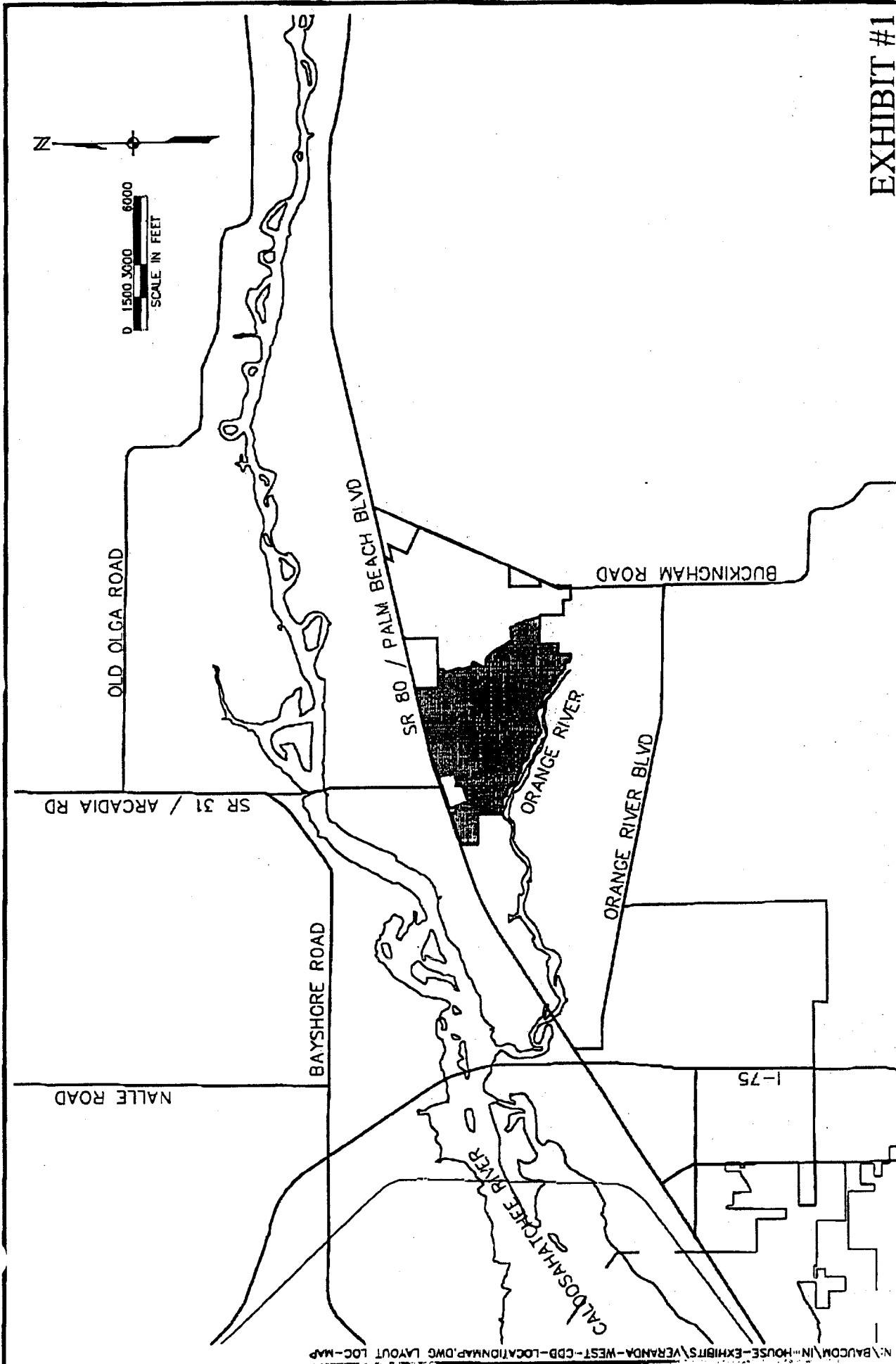


EXHIBIT #1

VERANDAH WEST
LOCATION MAP

215B JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (941) 334-0046
 FAX (941) 334-3661
 E.B. #842 & L.B. #842

JOHNSON
ENGINEERING



DATE	7-13-01	PROJECT NO.	20002119	FILE NO.	43-25-43	SCALE	6000	SHEET	1 OF 1
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N:\BAUCOM\IN-HOUSE-EXHIBITS\VERANDAH-WEST-CBD-LOCATIONMAP.DWG LAYOUT LOC-MAP



July 12, 2001

DESCRIPTION**VERANDAH WEST
PARCEL IN
SECTION 25 AND 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST
AND
SECTION 29, 30, 31 AND 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

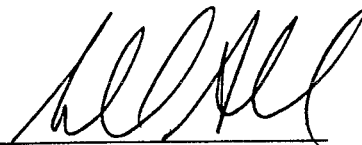
A tract or parcel of land lying in Sections 25 and 36, Township 43 South, Range 25 East, and Sections 29, 30, 31 and 32, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southwest corner of the Northeast Quarter (NE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, Township 43 South, Range 25 East run S 89° 08' 18" W along the south line of the Northwest Quarter (NW-1/4) of the Northeast Quarter (NE-1/4) of said Section 36 for 1324.04 feet; thence run N 00° 50' 29" W along the west line of said fraction for 740.15 feet to an intersection with the south line of Palm Beach Boulevard (State Road No. 80); thence run N 71° 36' 06" E along said south line for 1465.40 feet; thence run S 18° 23' 54" E for 10.00 feet; thence run S 71° 36' 06" W for 49.43 feet; thence run southerly, southeasterly and easterly along the arc of a curve to the left of radius 350.00 feet (chord bearing S 56° 17' 11" E) (chord 397.61 feet) (delta 69° 13' 26") for 422.87 feet to a point of tangency; thence run N 89° 06' 06" E for 45.96 feet; thence run N 71° 36' 06" E for 57.64 feet; thence run S 19° 48' 46" E for 523.96 feet; thence run N 70° 11' 14" E for 685.45 feet; thence run N 00° 43' 19" W for 292.55 feet; thence run N 70° 11' 14" E for 44.14 feet; thence run S 76° 24' 31" E for 187.84 feet; thence run N 72° 41' 10" E for 217.40 feet; thence run N 08° 37' 27" W for 213.75 feet; thence run N 73° 17' 15" E for 164.76 feet; thence run N 16° 21' 11" W for 462.79 feet to an intersection with said south line of Palm Beach Boulevard; thence run N 71° 36' 06" E along the south line of Palm Beach Boulevard for 574.19 feet to a point of curvature; thence run northeasterly along an arc of said curve to the right of radius 5589.55 feet (chord bearing N 72° 17' 37" E) (chord 135.00 feet) (delta 01° 23' 02") for 135.00 feet; thence run N 17° 00' 52" W for 20.00 feet; thence run easterly along said south line along the arc of a curve to the right of radius of 5609.55 feet (chord bearing N 73° 59' 12" E) (chord 196.03 feet) (delta 02° 00' 09") for 196.05 feet; thence run N 67° 44' 10" E along said south line for 299.35 feet; thence run N 77° 10' 13" E along said south line for 961.79 feet to an intersection with the westerly line of lands described in Official Record Book 1200 beginning at Page 710 of the Public Records of Lee County, Florida; thence run S 12° 49' 47" E along said west line for 175.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 125.00 feet; thence run N 12° 49' 47" W along the east line of said parcel for 175.00 feet to an intersection with the south line of said Palm Beach Boulevard; thence run N 77° 10' 13" E along said south line for 1781.13 feet to an intersection with the west line of lands described in Official Record Book 1418 beginning at Page 2194 of said public records; thence run S 12° 49' 47" E along said west line for

155.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 95.00 feet to an intersection with the west line of lands described in Official Record Book 655 beginning at Page 407 of said public records; thence run S 01° 29' 33" E along said west line for 865.78 feet to an intersection with the north line of a Florida Power & Light Company Transmission Line Easement; thence run N 89° 02' 25" E along said north line for 865.80 feet; thence leaving said easement line run S 00° 57' 35" E for 284.52 feet; thence run N 72° 14' 31" W for 159.74 feet; thence run S 17° 45' 29" W for 54.87 feet; thence run S 15° 56' 31" E for 496.97 feet; thence run S 36° 01' 16" E for 73.71 feet; thence run S 07° 49' 37" E for 130.25 feet; thence run S 19° 52' 21" W for 141.71 feet; thence run S 25° 14' 53" E for 155.22 feet; thence run S 08° 38' 21" E for 138.47 feet; thence run S 32° 03' 07" E for 137.14 feet; thence run S 68° 38' 44" E for 195.04 feet; thence run S 29° 41' 01" W for 453.37 feet; thence run S 10° 36' 57" E for 161.15 feet; thence run S 83° 34' 25" E for 339.97 feet; thence run S 49° 29' 21" E for 339.97 feet; thence run S 32° 26' 49" E for 1076.04 feet; thence run N 82° 45' 03" E for 601.24 feet; thence run S 07° 14' 57" E for 172.86 feet; thence run S 54° 59' 22" E for 132.10 feet; thence run S 15° 26' 48" E for 290.90 feet; thence run S 25° 29' 37" E for 257.92 feet; thence run S 09° 39' 49" E for 171.40 feet; thence run S 23° 42' 48" E for 160.85 feet; thence run S 02° 11' 02" W for 223.27 feet; thence run N 87° 48' 58" W for 1164.34 feet; thence run S 00° 04' 13" E for 852.37 feet; thence run N 87° 48' 58" W for 497.77 feet; thence run S 00° 04' 13" E for 540.88 feet; thence run S 89° 45' 59" W for 40.00 feet; thence run S 00° 14' 01" E for 40.00 feet to an intersection with the south line of said Section 32, Township 43 South, Range 26 east; thence run S 89° 45' 59" W along said south line for 172.45 feet to the Mean High Water Line of the Orange River; thence run northwesterly along said Mean High Water Line for 12,598 feet more or less to an intersection with the west line of the Southeast Quarter (SE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, 987.65 feet to the Point of Beginning.

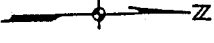
Containing 777.95 acres, more or less.

Bearings hereinabove mentioned are plane coordinate for the Florida West Zone, NAD 1983 (1990 Adjustment).



Michael A. Ward (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 5301

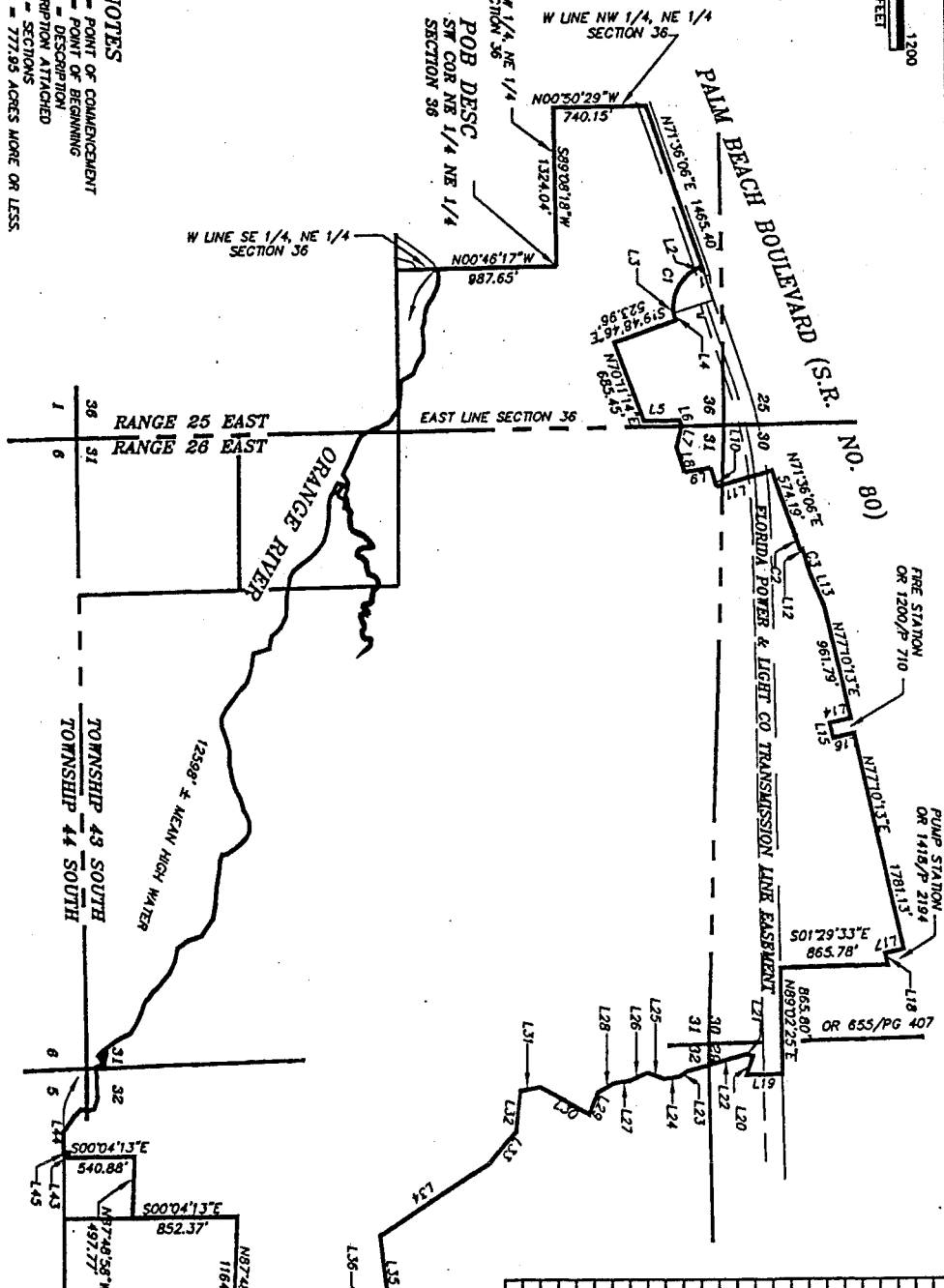
D 300 600 1200
SCALE IN FEET



J:\002118\002118-PHASE1.DWG

- NOTES**
1. POC - POINT OF COMMENCEMENT
 2. POC - POINT OF BEGINNING
 3. DESC - DESCRIPTION
 4. DESCRIPTION ATTACHED
 5. SEC - SECTIONS
 6. AREA = 777.95 ACRES MORE OR LESS.

PARCEL IN
SEC. 25 & 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST &
SEC. 29, 30, 31 & 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA



LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S 18°23'54" E	10.00	L24	S 07°49'37" E	130.25
L2	S 71°36'06" W	49.43	L25	S 19°52'21" W	141.71
L3	N 89°06'06" E	43.96	L26	S 25°42'53" E	155.22
L4	N 71°36'06" E	57.64	L27	S 08°38'22" E	138.47
L5	N 00°43'19" W	292.35	L28	S 32°03'07" E	137.14
L6	N 70°11'42" E	441.4	L29	S 68°38'44" E	193.04
L7	S 76°24'31" E	187.84	L30	S 29°41'07" W	453.37
L8	N 72°41'10" E	217.40	L31	S 10°36'52" E	161.15
L9	N 08°37'27" W	213.75	L32	S 83°14'25" E	339.97
L10	N 16°21'11" W	462.79	L33	S 49°28'22" E	339.97
L11	N 17°00'36" W	202.00	L34	S 32°26'48" E	1078.04
L12	N 17°00'36" W	202.00	L35	S 32°26'48" E	1078.04
L13	N 67°44'10" E	299.35	L36	S 07°44'57" E	172.86
L14	S 12°48'42" E	175.00	L37	S 54°39'22" E	132.10
L15	N 72°10'15" E	125.00	L38	S 15°26'48" E	280.80
L16	N 12°48'42" W	175.00	L39	S 25°28'37" E	257.82
L17	S 12°48'42" E	155.00	L40	S 09°39'49" E	171.40
L18	N 77°10'15" E	93.00	L41	S 23°42'48" E	160.85
L19	S 00°57'35" E	284.52	L42	S 02°11'02" W	223.27
L20	N 72°41'31" W	159.74	L43	S 02°11'02" W	223.27
L21	S 17°45'28" W	54.87	L44	S 89°45'58" W	40.00
L22	S 15°56'31" E	496.97	L45	S 00°14'07" E	40.00
L23	S 36°01'16" E	73.71	L46	S 89°45'58" W	172.45

THIS IS A SURVEY

MICHAEL A. WARD (FOR THE FIRM LB-642)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 5301
DATE SIGNED: 7/16/2001

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-3561
E.B. 1642 & L.B. 1642

DATE	PROJECT NO.	TITLE NO.	SCALE	SHEET
JUNE 12, 2000	200002118	25-43	1" = 1200'	SHEET 1

SKETCH TO ACCOMPANY DESCRIPTION
VERANDAH WEST

Exhibit "3"

LANDOWNER'S CONSENT TO ESTABLISHMENT OF DISTRICT

State Road 80, L.L.C, by and through its authorized representative, Gary M. Sandor, Vice President of its Managing Member, Resource Conservation Properties, Inc. with its principal place of business at 3451 Bonita Bay Boulevard, S.W., Bonita Springs, Florida 34134, is the owner or controller of certain property located in Lee County and more particularly described as follows:

See Exhibits "1" & "2" of the "Petition to Establish the Verandah West Community Development District" incorporated herein by reference.

By signing below Gary M. Sandor, as owner, or controller of 100% of the proposed land to be included in the VERANDAH WEST COMMUNITY DEVELOPMENT DISTRICT ("District"), as evidenced in the deed records of Lee County and/or as evidenced by documentation attached hereto and incorporated herein by reference, hereby gives full consent to the establishment of the District by Lee County ordinance in accordance with section 190.005, Florida Statutes, and consents to the inclusion of its property within the proposed boundaries of said District.

IN WITNESS WHEREOF, I hereunto set my hand on this 12th day of July, 2001.

STATE ROAD 80, LLC, A Florida Limited Liability Company

By: [Signature] Gary M. Sandor, Vice President of its Managing Member, Resource Conservation Properties, Inc.

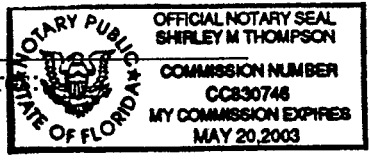
FLORIDA LEE COUNTY

The foregoing instrument was acknowledged before me this 12th day of July, 2001, by Gary M. Sandor for State Road 80, LLC

Personally known [X] Produced Identification Type of Identification Produced

[Signature] Notary Public Shirley M. Thompson

My commission expires [Notary Seal]



(Printed Name of Notary Public)

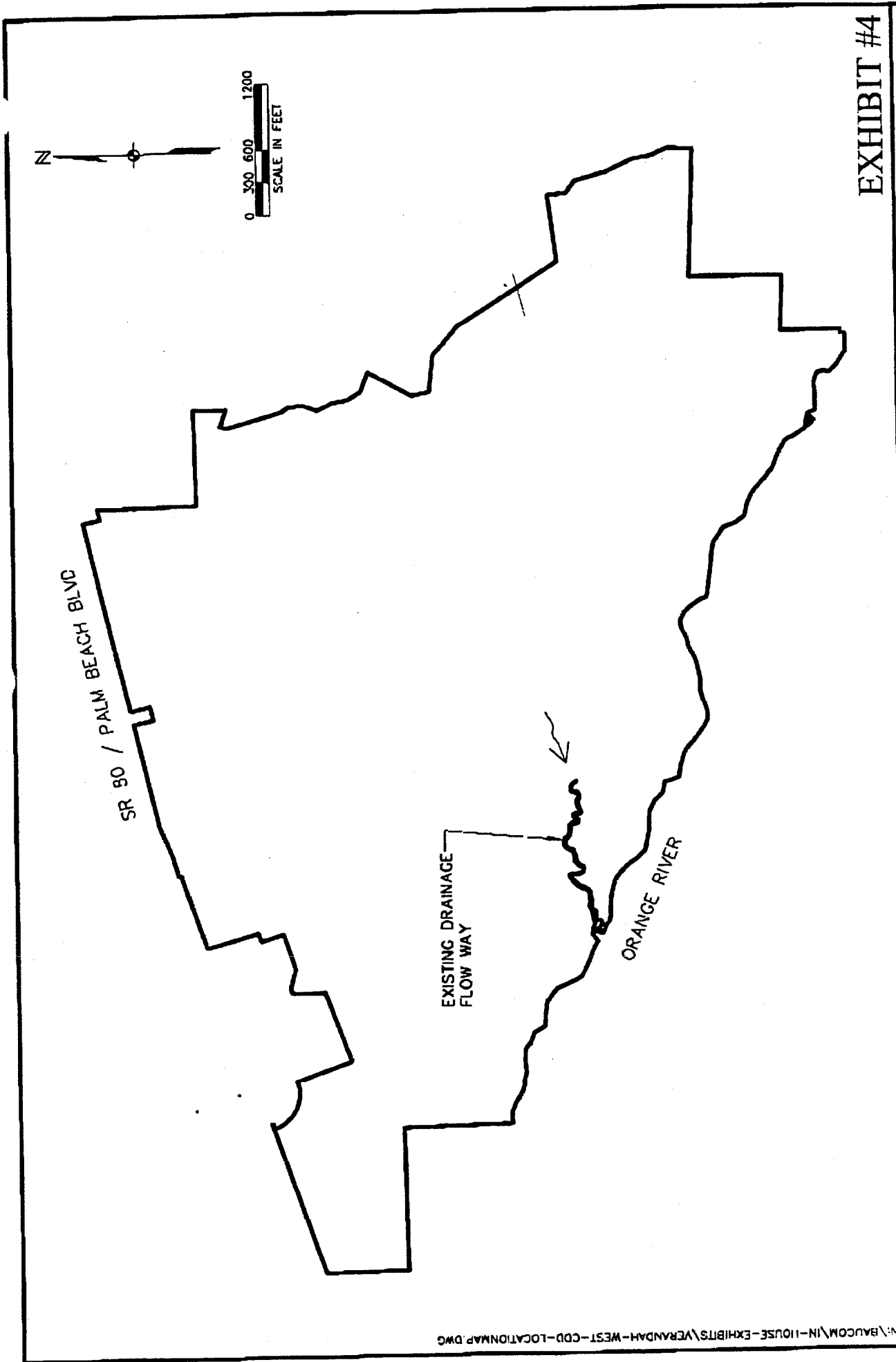


EXHIBIT #4

EXISTING WATER, SEWER & DRAINAGE

2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (941) 334-0046
 FAX (941) 334-3661
 E.B. #642 & L.B. #642



DATE	7-13-01	PROJECT NO.	20002118	FILE NO.	43-25-43	SCALE	1200	SHEET	1 OF 1
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EXHIBIT 5

**VERANDAH WEST
PROBABLE COSTS AND ESTIMATED TIMETABLE**

INFRASTRUCTURE*						
Item	2001	2002	2003	2004	Total	
Roadway	\$1,900,000	\$9,500,000	\$4,800,000	\$2,800,000	\$19,000,000	
Utilities	1,100,000	5,500,000	2,800,000	1,600,000	11,000,000	
Earthwork	1,100,000	5,500,000	2,800,000	1,600,000	11,000,000	
Water Management	1,700,000	8,500,000	4,300,000	2,500,000	17,000,000	
Landscaping and Irrigation	400,000	2,000,000	1,000,000	600,000	4,000,000	
Electrical Service and Roadway Lighting	270,000	1,400,000	700,000	330,000	2,700,000	
Wetland Mitigation	200,000	1,000,000	500,000	300,000	2,000,000	
Wetland and Lake Acquisition (237.7 ac @ \$20,000/ac)	754,000	2,000,000	1,000,000	1,000,000	4,754,000	
Road R/W Acquisition (70.1 ac @ \$20,000/ac)	402,000	700,000	200,000	100,000	1,402,000	
Off-Site Impacts	430,000	2,200,000	1,100,000	570,000	4,300,000	
Miscellaneous	500,000	2,500,000	1,300,000	700,000	5,000,000	
Subtotal	8,756,000	40,800,000	20,500,000	12,100,000	82,156,000	
Professional Fees and Permitting (15%)	1,313,000	6,120,000	3,075,000	1,815,000	12,323,000	
10% Contingency (off the above subtotal)	876,000	4,080,000	2,050,000	1,210,000	8,216,000	
TOTAL PRIMARY	\$10,945,000	\$51,000,000	\$25,625,000	\$15,125,000	\$102,695,000	

- Estimated costs of construction are for those special powers permitted under Section 190.012(1), Florida Statutes (1999 and hereafter) only. Until such determination is or may be made, upon petition of the Board of Supervisors of the District, no further estimate of costs will be prepared.
- The estimates for all basic infrastructures is set forth in subsections (1 & 2) of Section 190.012.
- Currently it is anticipated water and sewer will be provided by Lee County.
- The probable costs estimated herein do not include anticipated capital carrying cost interest reserves or other applicable CDD expenditures that may be incurred.
- This estimate does not include special powers of parks and recreation and security.

EXHIBIT 6-A

SUBURBAN LAND USE DESIGNATION

POLICY 1.1.5:

The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category.⁽¹⁾ Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

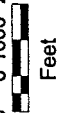
⁽¹⁾ *The standard density range for Urban Community (Policy 1.1.4) is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

A Portion of Future Land Use Map Map 1 Exhibit 6-B

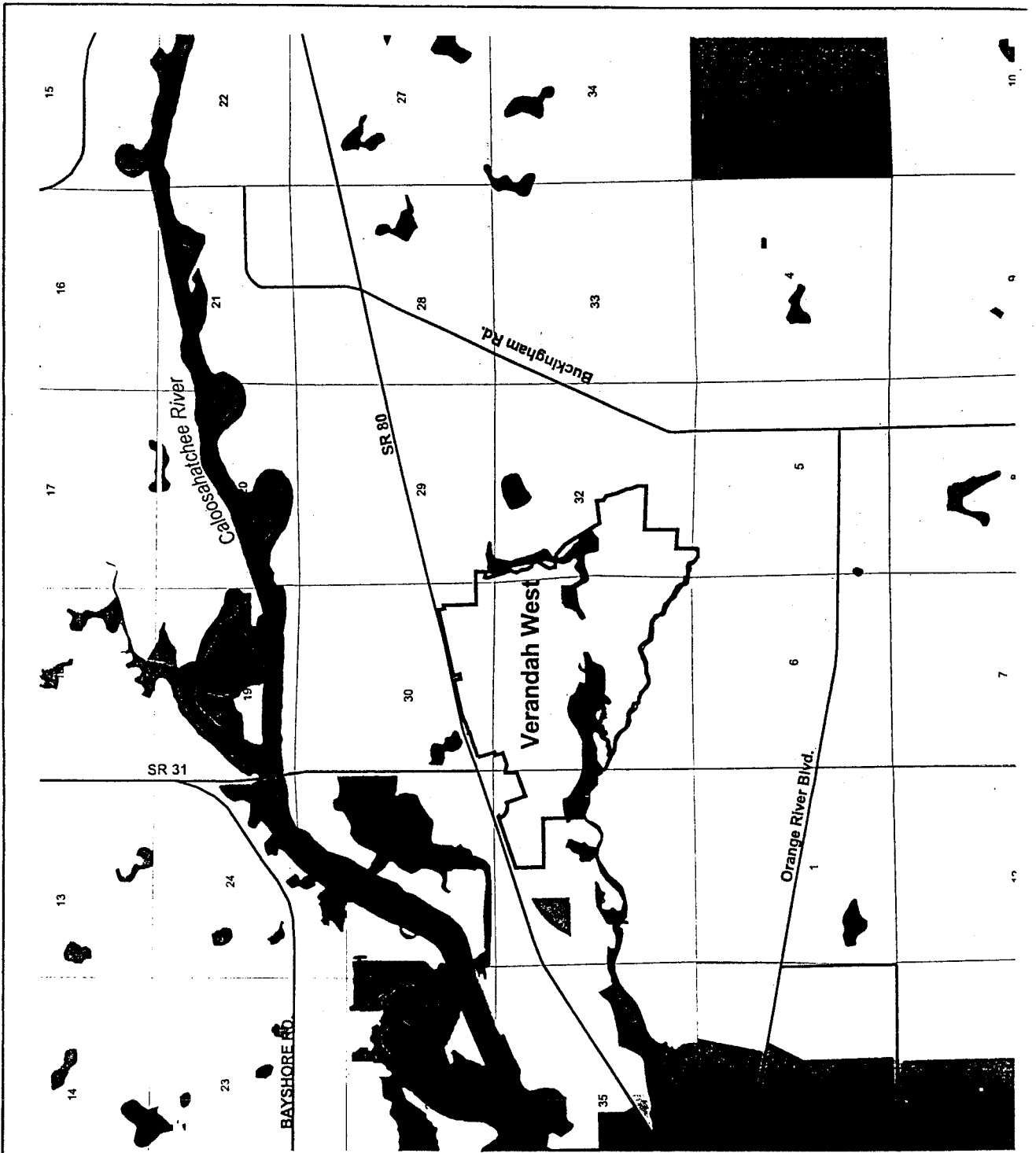
- Future Urban Areas:**
 - Central Urban
 - Urban Community
 - Suburban
 - Outlying Suburban
 - Public Facilities
- Non-Urban Areas:**
 - Rural
 - Rural Community Preserve
 - Outer Islands
- Non-Urban Areas:**
 - Upland Conservation Lands
- Wetlands:**
 - Wetlands
 - Wetland Conservation Lands



1000 0 1000 2000



Source: Future land use from
Lee County Property-Appraiser's
office GIS system.



R 20 E R 21 E R 22 E R 23 E R 24 E R 25 E R 26 E R 27 E




- UNDEVELOPED AREAS:
 - 1. OPEN SPACE
 - 2. FOREST
 - 3. WETLANDS
 - 4. WILDLIFE
 - 5. RECREATION
 - 6. OTHER
 - 7. OTHER
 - 8. OTHER
 - 9. OTHER
 - 10. OTHER
 - 11. OTHER
 - 12. OTHER
 - 13. OTHER
 - 14. OTHER
 - 15. OTHER
 - 16. OTHER
 - 17. OTHER
 - 18. OTHER
 - 19. OTHER
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 - 42. OTHER
 - 43. OTHER
 - 44. OTHER
 - 45. OTHER
 - 46. OTHER
 - 47. OTHER
 - 48. OTHER
 - 49. OTHER
 - 50. OTHER
- DEVELOPED AREAS:
 - 1. RESIDENTIAL
 - 2. COMMERCIAL
 - 3. INDUSTRIAL
 - 4. OFFICE
 - 5. PUBLIC
 - 6. OTHER
- WATERWAYS:
 - 1. RIVERS
 - 2. CREEKS
 - 3. LAKES
 - 4. CANALS
 - 5. OTHER
- ROADS:
 - 1. HIGHWAYS
 - 2. STATE
 - 3. COUNTY
 - 4. LOCAL
 - 5. OTHER
- UTILITIES:
 - 1. POWER
 - 2. GAS
 - 3. WATER
 - 4. OTHER
- LANDS:
 - 1. FEDERAL
 - 2. STATE
 - 3. COUNTY
 - 4. LOCAL
 - 5. OTHER
- WETLANDS:
 - 1. WETLANDS
 - 2. OTHER
- WILDLIFE:
 - 1. WILDLIFE
 - 2. OTHER
- RECREATION:
 - 1. RECREATION
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 - 47. OTHER
 - 48. OTHER
 - 49. OTHER
 - 50. OTHER

FUTURE LAND USE MAP

MAP 1

Page 1 of 4


 SCALE: 1" = 1/2 MILE
 COUNTY OF SAN DIEGO
 DIVISION OF PLANNING

T 12 S
T 11 S
T 10 S



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
 Governor

STEVEN M. SEIBERT
 Secretary

December 21, 2000

The Honorable Doug St. Cerny
 Chairman, Lee County Board
 of County Commissioners
 Post Office Box 398
 Fort Myers, Florida 33902

Dear Chairman St. Cerny:

The Department has completed its review of the adopted Comprehensive Plan Amendment for Lee County, adopted by Ordinance No. 00-22 on November 1, 2000, (DCA No. 00-2.), and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a Notice of Intent to find the plan amendment In Compliance. The Notice of Intent has been sent to the Fort Myers News Press for publication on December 26, 2000.

Please note that a copy of the adopted Lee County Comprehensive Plan Amendment, the Department's Objections, Recommendations and Comments Report dated September 11, 2000, and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, Second Floor, Fort Myers, Florida 33901.

The Department's Notice of Intent to find the plan In Compliance shall be deemed to be a final order if no timely petition challenging the plan amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect.

If this In Compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
 Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
 Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
 2796 Overseas Highway, Suite 212
 Marathon, FL 33050-2227

COMMUNITY PLANNING
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100

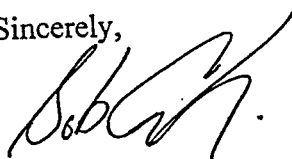
EMERGENCY MANAGEMENT
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100

HOUSING & COMMUNITY DEVELOPMENT
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100

The Honorable St. Cerny
December 21, 2000
Page Two

If you have any questions, please contact Bernard O. Piawah, Planning Manager, at (850)
487-4545.

Sincerely,



Bob Cambric, AICP
Growth Management Administrator
Bureau of Local Planning

BC/bop

Enclosure: Notice of Intent

cc: ✓ Mr. Paul O'Connor, AICP, Lee County Planning Division Director
Mr. Wayne E. Daltry, AICP, Executive Director, Southwest Florida
Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND
LEE COUNTY
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 00-2-NOI-3601-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Lee County, adopted by Ordinance No. 00-22 on November 1, 2000, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Lee County Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, Second Floor, Fort Myers, Florida 33901.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the Lee County Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.


 12/19/00
Charles Gauthier, AICP
Chief, Bureau of Local Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

EXHIBIT "7"

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the state created and chartered **Verandah West Community Development District** ("District"). The land proposed for the District is approximately 777.95 acres of land located in unincorporated 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 establishment 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 Verandah West Community Development District

The District will comprise of approximately 777.95 acres within unincorporated Lee County, Florida. The District is designed to provide infrastructure systems, services, and facilities along with certain ongoing operations and maintenance to the Verandah Community (the "Development"). The portion of the community development proposed to be within the Verandah West Community Development is planned for approximately 786 residential units, comprising 538 single-family units and 248 multi-family units.

A Community Development District ("CDD") is an independent unit of special and single purpose local government created and chartered 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, e.g., the county in which the CDD lies. A CDD does not have the permitting, zoning or police powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as the Verandah community. The scope of this SERC is limited to evaluating the consequences 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 for rules and rulemaking (which pursuant to section 190.005 (1)(a)8, Fla. Stat., by way of section 190.005(2)(c), Fla. Stat., applying the estimated regulatory costs statement to ordinance establishment) 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 ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

As noted above, the portion of the community development proposed to be within the Verandah West Community Development District is designed for up to approximately 786 residential units. Establishment of the District would provide storm water management, mitigation and conservation and landscaping, systems, facilities and services to all of the proposed property through the District operations in the exercise of District general and specific powers. It is not anticipated that anyone outside the Development would be affected by the ordinance establishing the state created and chartered District, although the State of Florida and the County would be required to honor and apply with the general law establishment of the District by county ordinance. The number of people includes residents within the District some of whom are landowners (including the Developer). The number of entities required to comply with the ordinance are the State, the County and the District itself upon establishment.

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 the proposed establishment of the District. The District as proposed on the property set-forth in the petition will encompass under 1,000 acres; therefore, the County is the establishing entity under 190.005 (2) F.S. The modest costs to various State entities to implement the proposed ordinance relate strictly to the receipt and processing of various reports that the 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 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 in the Lee County ("County") and consists of less than 1,000 acres. The County and its staff will process, analyze, and review the petition and its attachments and related information and then conduct public hearings (the EROC Hearing and the County Establishment Hearing) and vote upon the petition to establish the District. There is no charter to create which would otherwise require substantial time, effort and cost of the County and its staff. Therefore, these activities will absorb some but only a few resources. The costs to review and consider the petition, its attachments

and related information dealing with the six (6) statutory establishment factors will however, be offset by the processing fee required under section 190.005 (2) F.S., of up to \$15,000.00 as set forth in section 190.05(1)(b)2,F.S., as determined by the County.

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 Development itself. Second, the petition and related filings itself provides much of the information needed for a staff review. Third, existing 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 petitions for land uses and zoning changes that are far more complex than is the petition to establish a CDD.

The annual costs to the County, because of the establishment of the District, are also very small. The District is an independent unit of specialized and single purpose 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 ordinance establishing the CDD 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 systems facilities and services to serve the lands comprising the Verandah 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 other 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.

The term "transactional costs" means those costs incurred by state and local government agencies reviewing reports and receiving information from the District as well as by land owners, both present and future, who receive notices from the District and eventually qualified electors who live within the District and who will vote for election of District Board of Supervisors whose members manage District projections. Table 1 provides an outline of the various District systems, facilities and services and how they are to be managed, owned and funded.

**Table 1. Verandah West Community Development District
Proposed Facilities and Services**

FACILITY	FUNDED BY	O&M	OWNERSHIP
Roadway	D/CDD	HOA/CDD	HOA/CDD
Utilities	D	LCU	LCU
Storm Water Management & Irrigation	CDD	CDD	CDD
Wetland Mitigation	D	D	D
	CDD	CDD	CDD

D=Developer; CDD=Community Development District; LCU=Lee County Utilities; HOA=Homeowner's or Community Association

The petitioner has estimated the design and development costs for managing and financing the provision of 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 \$102,695,000. The District may levy non-ad valorem special assessment and issue revenue bonds to fund the provision of these facilities. These bonds would be repaid through non ad valorem assessments levied on all properties in the District that may meet the lienability requirements of law in regard to the law of non-ad valorem special assessments as applied to the District's capital improvement program as outlined in Table 2.

Accordingly, 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 by the District of its systems, 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 special and peculiar benefits, as apportioned reasonably and fairly, that flow to the property within the District from the systems, facilities and services that the District will provide to the property. In addition, state law requires all non-ad valorem special assessments levied by the District to be disclosed under various sets of laws both by the District and by the seller of property to prospective purchasers within the boundaries of the District.

The District is an alternative means to manage (with related financing powers) necessary community development systems, facilities and services constituting infrastructure, improvements or projects. The District is a highly specialized single purpose local

government as an alternative way to manage the delivery of such infrastructure. The District has financing powers to pay for these management functions. There are alternative ways to manage and finance the provision of such infrastructure to the property constituting the community development within the jurisdiction of the District. The District is a public alternative. There are other public alternatives including independent Districts that may be created by special act so long as pursuant to the general law provisions consistent with state policy in section 189.404.F.S. Other public alternatives include the county or the city where the land proposed for the state chartered District is located. If the land is located within a county, a general purpose local government and a political subdivision of the state, the county can manage the delivery of the infrastructure and finance it through such financing mechanisms as municipal service taxing units (for ad valorem taxation) and municipal service benefit units (for types of non-ad valorem special assessments or non-lienable service charges). Another alternative is creation by the county by home rule ordinance of a dependent district to that both the function of management and the related function of financing the management would be by the dependent district (the financing through the auspices of the dependent district could involve ad valorem taxation, non-ad valorem special assessments or non-lienable service charges or fees). If the land area proposed for the District is within the jurisdiction of a municipality, then the municipality may decide under its charter powers to create a dependent district to manage the delivery of the infrastructure with related financing by ad valorem taxes, non-ad valorem special assessments or non-lienable charges and fees. There are also private alternatives for the management of the delivery of such basic infrastructure to the property constituting a community development. These private management alternatives include the developer itself and any related developer business entities and organizations such as partnerships or limited liability companies. In these instances, the management of the infrastructure would be financed by developer equity or other private sources. Other private alternatives include such non-profit entities as homeowner associations in which case the management would be by a selected board of homeowners consisting of homeowners in order to deliver the infrastructure but primarily on common areas. The financing of the management of the infrastructure would be by homeowner assessments (which are not government levies of any type and which are not enforced by government enforcement capabilities). In comparison to other public alternatives to manage and finance infrastructure, and also in comparison to private alternatives for such management and financing, the District through notice and continuing disclosure of its management decisions and related public financing and though its enhancement of the intrinsic value of the property with less costly overhead enables the District to put in higher quality infrastructure at marginally less cost, especially when tax exempt financing is used.

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 timely a higher level of quality service from the public provision of systems, facilities and services 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 properly managed provision of infrastructure systems, facilities and services constitutes the basis for the observation that growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that only these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is a unique form of governance created by state general law as a growth management tool which allows District landowners, through landowner voting and ultimately qualified elector voting for resident qualified elector membership elected boards, as applicable, to determine the type, quality and expense of the District systems, facilities and services their property receives, provided they meet the County's overall requirements.

The cost impact on the ultimate landowners in the Development is not the total cost for the District to provide infrastructure systems 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
Roadway	\$ 19,000,000
Utilities	11,000,000
Earthwork	11,000,000
Water Management	17,000,000
Landscape & Irrigation	4,000,000
Electrical Service & Roadway Lighting	2,700,000
Wetland Mitigation	2,000,000
Wetland & Lake Acquisition	4,754,000
Road R/W Acquisition	1,402,000
Off-Site Impacts	4,300,000
Miscellaneous	<u>5,000,000</u>
SUBTOTAL	\$ 82,156,000
Professional Fees & Permitting	12,323,000
Contingency (10% off above subtotal)	<u>8,216,000</u>
GRAND TOTAL	\$102,695,000

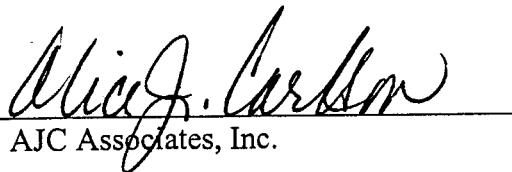
5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be little impact on small businesses from the establishment of the state created District on the property proposed in the petition. If anything, the impact may be positive because, among other things, the District Board of Supervisors must bid competitively certain contracts and negotiate competitively certain consulting contracts. These requirements afford small businesses the opportunity to bid or to negotiate competitively on District work. Also, the District adds intrinsic value to the property which the county has already enhanced by working with the developer on the county entitlements. It is the management by the District in a pinpointed focused way in the provision of infrastructure subject to county entitlements that enhances the intrinsic value of the property. This makes the entire community development more attractive to small businesses. The county has an estimated population that is greater than 75,000 according to the Lee County Government website. Therefore, Lee County is not a "small" county according to section 120.52, F.S. and the proposed land areas on which the state created District would be established is not within a municipality.

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:


AJC Associates, Inc.

07/22/01

APPENDIX A

LIST OF REPORTING REQUIREMENTS

Report	Florida Statute Cite	Date
Annual Financial Audit	11.45	12 months after end of fiscal year
Annual Financial Report (AFR)	218.32	by March 31
TRIM Compliance Report	200.068	130 days after
Form 1 – Limited Financial Disclosure	112.3144	by July 1
Public Depositor	215	by November 15
Proposed Budget	218.34	by September 1
Public Facilities Report	189.415	March 1
Public Meetings Schedule	189.417	beginning of fiscal year
Bond Report	218.38	When issued
Registered Agent	189.417	30 days after

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

NAME OF ORDINANCE: **VERANDAH WEST COMMUNITY DEVELOPMENT DISTRICT**

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

To enact a Uniform Community Development District (UCDD) under Chapter 190, Florida Statutes, to be known as the Verandah West Community Development District.

B. Narrative Summary of Ordinance (Several Sentence Summary)

The ordinance establishes a UCDD to manage and finance the basic infrastructure systems, facilities and services of a development area to be known as the Verandah West Community Development District.

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

Department of Community Development

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

Verandah West Community Development
District

**II. Fiscal Impact on County Agencies/County Funds
(This section to be completed by Division of Budget Services)**

A. What is estimated Demand?
(Develop Indicators)

N/A

B. What is estimated Workload?
(Develop Indicators)

N/A

C. What are the 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				

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. through D. above.

No significant impact. The ordinance authorizes establishing a UCDD (Uniform Community Development District) which will manage and finance basic infrastructure and service needs for the district.