

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

**DATE:** November 6, 2006

**To:** Distribution Listed Below

**FROM:**

*John J. Fredyma*

John J. Fredyma  
Assistant County Attorney

**RE: ORDINANCE: VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT (CDD) -  
PETITION TO EXERCISE CERTAIN SPECIAL POWERS (ORDINANCE NO. 06-18)**

**Verandah East CDD - Special Powers - Ordinance No. 06-18**

On October 3, 2006, the Lee County Board of County Commissioners adopted Lee County Ordinance No. 06-18, the Verandah East CDD - Special Powers Ordinance. Lee County Ordinance No. 06-18 carries an effective date as follows:

"This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State."

Ordinance No. 06-18 was filed in the Office of the Secretary of the Florida Department of State on October 5, 2006; it is now effective.

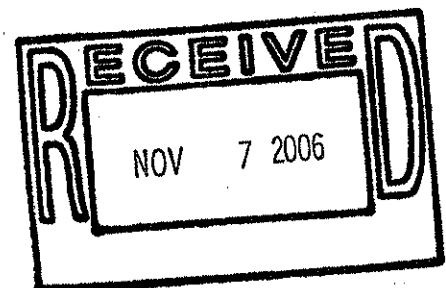
I believe you will find everything to be satisfactory, but please call if you have any questions.

JJF/mms

Attachment: *(Lee County Ordinance No. 06-18)*

cc: (w/ attachment)

David M. Owen, County Attorney  
Timothy Jones, Chief Assistant County Attorney, Land Use  
Donna Marie Collins, Assistant County Attorney  
Dawn E. Perry-Lehnert, Assistant County Attorney  
Robert D. Spickerman, Assistant County Attorney  
Charlie Green, Clerk of Courts  
Elizabeth Walker, Public Resources Coordinator (memo only)  
Mary Gibbs, Director, DCD  
Nettie Richardson, Principal Planner, DCD/Zoning  
Robert Stewart, Lee County Building Official  
Rick Roberts, Chief Code Enforcement Officer, DCD  
Diana Parker, Chief Hearing Examiner  
Charles Mann, Esq., Pavese Law Firm



**LEE COUNTY ORDINANCE NO. 06-18**

**AN ORDINANCE CONSENTING TO AND AUTHORIZING THE EXERCISE OF CERTAIN OPTIONAL (SPECIAL) POWERS BY THE VERANDAH EAST COMMUNITY DEVELOPMENT DISTRICT AS SET FORTH IN FLORIDA STATUTE §190.12(2)(a) AND (d) RELATING TO PARKS AND SECURITY; PROVIDING FOR ORDINANCE AUTHORITY; AUTHORIZATION FOR EXERCISE OF OPTIONAL (SPECIAL) POWERS; STATUTORY PROVISIONS GOVERNING THE DISTRICT; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, The Verandah East Community Development District was established in accordance with Florida Statutes §190.005(2) pursuant to Lee County Ordinance No. 05-27, and adopted by the Lee County Board of County Commissioners on December 6, 2006; and

**WHEREAS**, The Verandah East Community Development District has requested the Lee County Board of County Commissioners for authorization to exercise the optional special powers identified in Florida Statutes §190.012(2)(a) and (d) relating to parks and security; and

**WHEREAS**, Florida Statutes §190.012(2)(a) and (d) provides that an established community development district can exercise a number of special powers desirable in the management of The Verandah East Community Development District only after the Lee County Board of County Commissioners consent to the exercise of these powers; and

**WHEREAS**, The Veranda East Community Development District specifically requests permission to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses, as well as security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; and

**WHEREAS**, staff review of the operations and functions of The Verandah East Community Development District and all related information indicates there is no rational basis to refuse authority for the exercise of additional powers set forth in the District's petition; and

**WHEREAS**, the Lee County Board of County Commissioners has confirmed that the District government has the capability to provide the additional services represented by the special powers the District seeks to exercise; and

**WHEREAS**, the requested additional powers are not inconsistent and will always be subject to the Lee County Comprehensive Land Use Plan and all related land development regulations and are activities of the District.

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

**SECTION ONE: ORDINANCE AUTHORITY**

This ordinance is adopted in accordance with Florida Statutes Chapter 190 and other applicable provisions of law governing County Ordinances.

**SECTION TWO: AUTHORIZATION FOR EXERCISE OF OPTIONAL (SPECIAL) POWERS**

The Lee County Board of County Commissioners consent to and authorize The Verandah East Community Development District to exercise the additional special powers set forth in Florida Statutes §190.012(2)(a) and (d).

Specifically, The Verandah East Community Development District is authorized to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for:

1. Parks and facilities for indoor and outdoor recreational, cultural and educational uses; and
2. Security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies, except that the district may not exercise any police power, but may contract with the appropriate local general-purpose governmental agencies for an increased level of such services within the district boundaries.

**SECTION THREE: STATUTORY PROVISIONS GOVERNING THE DISTRICT**

The Verandah East Community Development District will continue to be governed by the provisions of Florida Statutes, Chapter 190.

**SECTION FOUR: 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 FIVE: EFFECTIVE DATE**

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

Commissioner John E. Albion made a motion to adopt the foregoing ordinance, seconded by Commissioner Ray Judah. The vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

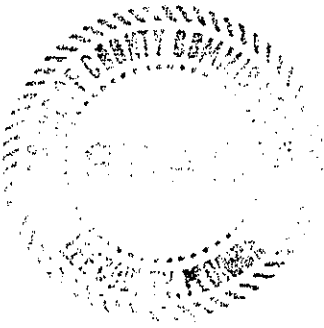
**DULY PASSED AND ADOPTED THIS 3RD DAY OF OCTOBER, 2006.**

ATTEST:  
CHARLIE GREEN, CLERK

By: *Lisa S. Pierce*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: *T. Hall*  
Tammara Hall  
Chairwoman



APPROVED AS TO FORM:

By: *John J. Fredyma*  
John J. Fredyma  
Assistant County Attorney  
Office of the County Attorney



file

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

JEB BUSH  
Governor

SUE M. COBB  
Secretary of State

October 5, 2006

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

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

Attention: Lisa L. Pierce, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 4, 2006 and certified copy of Lee County Ordinance No. 06-18, which was filed in this office on October 5, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/bpn

2006 OCT 10 AM 10:33  
RECEIVED BY  
MINUTES OFFICE

DIRECTOR'S OFFICE

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

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