

## **LEE COUNTY ORDINANCE NO. 05-27**

AN ORDINANCE ESTABLISHING THE VERANDAH EAST 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 EAST 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 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.

3. Establishment of the proposed district, whose charter is 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.

4. 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.

5. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

6. 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.

7. The area that will be served by the district is amenable to separate special district government.

8. 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.

9. Upon the effective date of this Ordinance, the proposed Verandah East 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.

10. 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 East 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 East 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<br>Bonita Springs, FL 34134       |
| 2. | Vincent O. Barraco | 6729 Kestrel Circle<br>Fort Myers, FL 33912          |
| 3. | Jim Carroll        | 17490 Stepping Stone Drive<br>Fort Myers, FL 33912   |
| 4. | Marsha Stachler    | 41904 Bonaire Circle<br>Fort Myers, FL 33908         |
| 5. | Timothy S. Becker  | 2643 Hunters Ridge Drive<br>Bonita Springs, FL 34135 |

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

Upon the effective date of this Ordinance, the proposed Verandah East 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 East 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 East 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 East 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 East 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 John E. Albion, who moved its adoption. The motion was seconded by Commissioner Ray Judah and, being put to a vote, 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 6TH DAY OF DECEMBER, 2005.

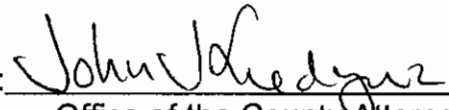
ATTEST:  
CHARLIE GREEN, CLERK

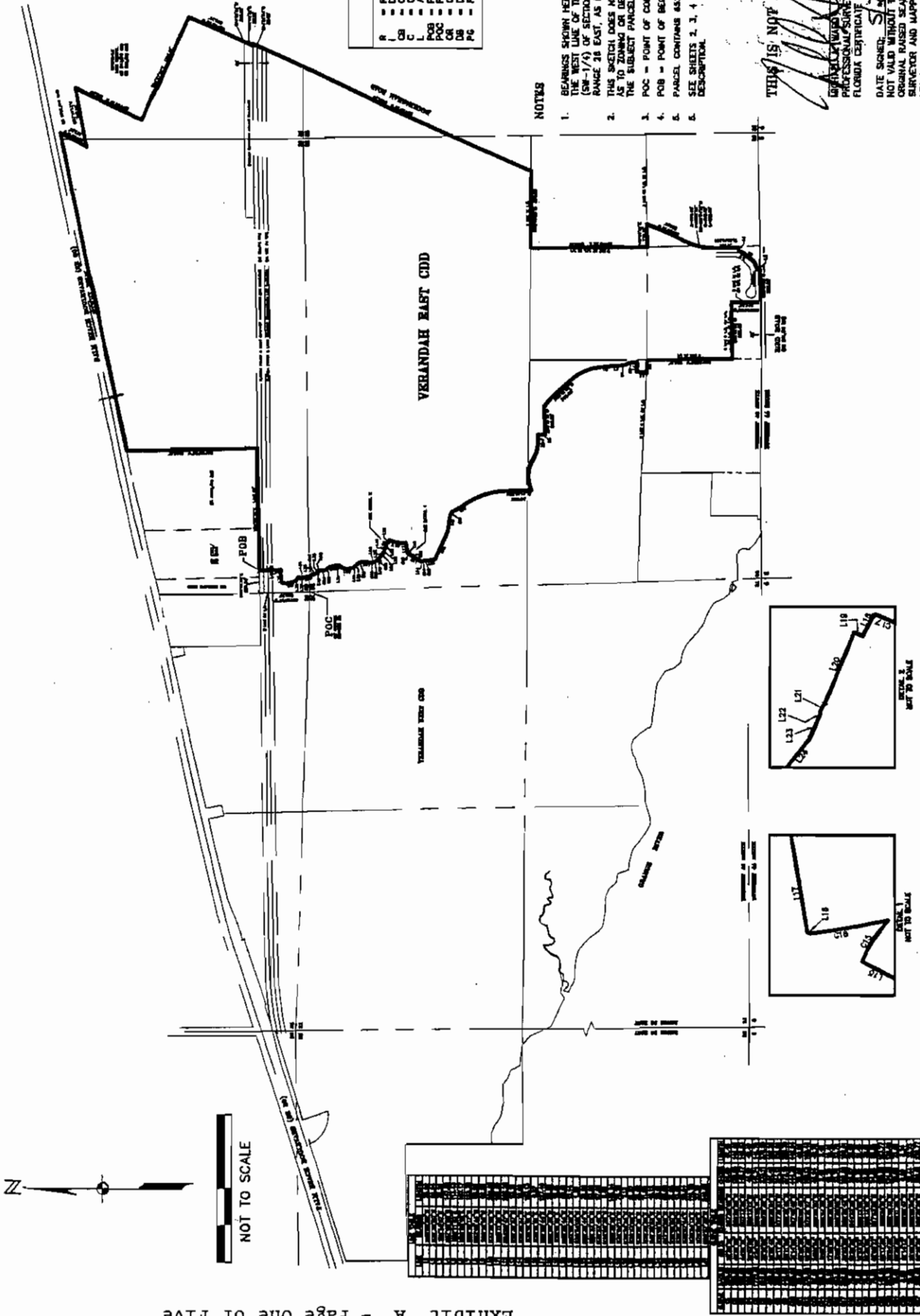
BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Mackale G. Cooper  
Deputy Clerk

By:   
Chairwoman

APPROVED AS TO FORM:

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



**LEGEND**

R	—	RADIUS ANGLE
CB	—	CHORD BEARING
C	—	CHORD
L	—	ARC LENGTH
POB	—	POINT OF BEGINNING
POC	—	POINT OF COMMENCEMENT
CR	—	CURVE RECORD BOOK
DB	—	DEED BOOK
PG	—	PAGE

**NOTES**

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, AS BEARING N 01° 30' 33" W. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
2. POC = POINT OF COMMENCEMENT
3. SEE SHEETS 2, 3, 4 AND 5 FOR LEGAL DESCRIPTION.
4. PARCEL CONTAINS 632.56 ACRES MORE OR LESS.
5. P.O.B. = POINT OF BEGINNING

THIS IS NOT A SURVEY

*[Signature]*  
 DATE SIGNED: 5/27/05  
 I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AS SHOWN ON THESE SHEETS.  
 PROFESSIONAL SURVEYOR AND MAPPER,  
 FLORIDA CERTIFICATE NO. 5201

DATE SIGNED: 5/27/05  
 I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AS SHOWN ON THESE SHEETS.  
 PROFESSIONAL SURVEYOR AND MAPPER,  
 FLORIDA CERTIFICATE NO. 5201

**VERANDAH EAST CDD  
 (REVISED)**

2158 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33802-1550  
 PHONE (239) 334-0048  
 FAX (239) 334-3681  
 E.B. #642 & L.B. #642

**JOHNSON  
 ENGINEERING**

PARCEL LAYING IN  
 SECTIONS 28, 29, 32 & 33  
 TOWNSHIP 43 SOUTH, RANGE 26 EAST  
 LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2005	20044600	32-43-26	NOT TO SCALE	1 OF 5



April 26, 2005

**VERANDAH EAST CDD**  
**(REVISED)****PARCEL LYING IN**  
**SECTIONS 28, 29, 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST**  
**LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Sections 28, 29, 32 and 33, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

From the southwest corner of Section 29, Township 43 South, Range 26 East run N 01° 29' 31" W along the west line of the Southwest Quarter (SW-1/4) of said section for 589.75 feet to an intersection with the north line of a Florida Power and Light Company Transmission Line Easement as recorded in Deed Book 230, page 106, in the Public Records of Lee County, Florida; thence run N 89° 02' 25" E along said north line and the south line of lands described in Official Record Book 3217, page 3959 and the south line of lands described in Official Record Book 1763, page 3164, of said public records for 265.34 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 02' 25" E along said line and along the south line of lands described in Official Record Book 2449, page 953, of said public records for 1,416.03 feet; thence run N 01° 29' 33" W along the east line of said lands described in Official Record Book 2449, page 953 for 1,502.56 feet to an intersection with the southeasterly right-of-way line of Palm Beach Boulevard (State Road 80); thence run N 77° 10' 13" E (75.00 feet southeasterly of and parallel with the centerline of State Road 80) along said southeasterly right-of-way line for 3,785.98 feet; thence run S 24° 33' 10" W along the westerly line of lands described in Official Record Book 1797, page 1141, of said public records for 377.20 feet; thence run N 77° 10' 13" E along the southerly line of said lands for 700.86 feet; thence run S 24° 33' 10" W along the westerly line of lands described in Official Record Book 643, page 499 and Official Record Book 646, page 663, of said public records for 882.33 feet; thence run S 65° 27' 20" E along the southerly line of said lands for 1,320.81 feet to an intersection with the northwesterly right-of-way line of Buckingham Road (100 feet wide); thence run S 24° 32' 53" W along said right-of-way line for 576.76 feet; thence continuing along said right-of-way line, run S 24° 29' 54" W for 220.89 feet to an intersection with a line 50.00 feet north of (as measured on a perpendicular) and parallel with the centerline of said Florida Power and Light Company Transmission Line Easement; thence run N 89° 02' 25" E along said line for 22.15 feet; thence run S 24° 29' 54" W along said northwesterly right-of-way line of Buckingham Road (60 feet wide) for 88.69 feet; thence run S 24° 23' 10" W continuing along said northwesterly right-of-way line for 3,484.76 feet to an intersection with the north line of the Southeast Quarter (SE-1/4) of said Section 32; thence run N 89° 46' 39" W along said north line for 893.56 feet; thence run S 00° 41' 52" E along the west line of the Northeast Quarter (NE-1/4) of said

Southeast Quarter (SE-1/4) for 1,343.62 feet; thence run N 89° 36' 23" E along the south line of said fraction for 270.55 feet to an intersection with said westerly right-of-way line of Buckingham Road (60 feet wide); thence run S 24° 23' 10" W along said right-of-way line for 533.98 feet to a point of curvature; thence run southerly along an arc of said curve to the left, having a radius of 730.00 feet (delta 25° 37' 58") (chord bearing S 11° 34' 12" W) (chord 323.87 feet) for 326.59 feet to a point of tangency; thence run S 01° 14' 47" E along the westerly right-of-way line of Buckingham Road (60 feet wide) for 292.11 feet; thence run S 88° 59' 59" W along a line 240.00 feet north of and parallel with (as measured on a perpendicular) the north right-of-way line of Bird Road (50 feet wide) for 38.99 feet to an intersection with a non-tangent curve; thence run southwesterly (25.00 feet southeasterly and concentric with a proposed right-of-way 50 feet wide) along an arc of said curve to the right, having a radius of 200.00 feet (delta 23° 20' 16") (chord bearing S 27° 50' 42" W) (chord 80.90 feet) for 81.46 feet to a point of tangency; thence run S 39° 30' 50" W for 90.84 feet to a point of curvature; thence run southwesterly (25.00 feet southeasterly and concentric with said proposed right-of-way) along an arc of said curve to the right, having a radius of 200.00 feet (delta 40° 51' 59") (chord bearing S 59° 56' 50" W) (chord 139.65 feet) for 142.65 feet to an intersection with a non-tangent line; thence run S 01° 14' 47" E parallel with said westerly right-of-way line of Buckingham Road for 32.26 feet to an intersection with the north right-of-way of Bird Road; thence run S 88° 59' 59" W along the northerly right-of-way line of Bird Road as described in Deed Book 242, page 118, of said public records for 380.56 feet; thence run N 00° 34' 58" W along the west line of the Southeast Quarter (SE-1/4) of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of said Section 32 for 327.62 feet; thence run S 89° 09' 03" W along the south line of the North Half (N-1/2) of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of said section for 659.45 feet; thence run N 00° 28' 09" W along the west line of the Southeast Quarter (SE-1/4) of said section for 1,018.10 feet; thence run N 87° 48' 58" W along the north line of the South Half (S-1/2) of the Southwest Quarter (SW-1/4) of said section for 147.62 feet; thence run N 02° 11' 02" E for 113.43 feet; thence run N 89° 55' 48" E for 107.17 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 195.00 feet (delta 44° 01' 21") (chord bearing N 07° 13' 26" W) (chord 146.17 feet) for 149.83 feet to a point of reverse curvature; thence run northerly along an arc of said curve to the right, having a radius of 100.00 feet (delta 26° 03' 50") (chord bearing N 16° 12' 12" W) (chord 45.10 feet) for 45.49 feet; thence run N 03° 10' 17" W for 123.30 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 1,772.51 feet (delta 04° 34' 59") (chord bearing N 06° 02' 11" W) (chord 141.74 feet) for 141.78 feet to an intersection with a non-tangent curve; thence run northwesterly along an arc of said curve to the left, having a radius of 615.00 feet (delta 35° 19' 02") (chord bearing N 24° 51' 32" W) (chord 373.11 feet) for 379.09 feet; thence run N 42° 31' 02" W for 265.63 feet to a point of curvature; thence run northwesterly along an arc of said curve to the left, having a radius of 465.01 feet (delta 19° 59' 43") (chord



bearing N 52° 30' 54" W) (chord 161.46 feet) for 162.28 feet; thence run S 86° 19' 16" W for 313.52 feet; thence run N 03° 40' 44" W for 80.00 feet; thence run S 86° 19' 16" W for 62.65 feet to a point of curvature; thence run westerly along an arc of said curve to the right, having a radius of 385.00 feet (delta 32° 17' 34") (chord bearing N 77° 31' 57" W) (chord 214.13 feet) for 216.99 feet to a point of reverse curvature; thence run westerly along an arc of said curve to the left, having a radius of 440.00 feet (delta 50° 11' 04") (chord bearing N 86° 28' 42" W) (chord 373.19 feet) for 385.39 feet to an intersection with a non-tangent line; thence run N 02° 11' 14" W for 267.84 feet to a point of curvature; thence run northerly along an arc of said curve to the left, having a radius of 825.00 feet (delta 31° 14' 52") (chord bearing N 17° 48' 40" W) (chord 444.38 feet) for 449.94 feet; thence run N 33° 26' 06" W for 209.05 feet to a point of curvature; thence run northwesterly along an arc of said curve to the left, having a radius of 50.00 feet (delta 46° 45' 20") (chord bearing N 56° 48' 46" W) (chord 39.68 feet) for 40.80 feet to a point of tangency; thence run N 80° 11' 26" W for 152.50 feet to a point of curvature; thence run westerly along an arc of said curve to the right, having a radius of 375.00 feet (delta 15° 20' 39") (chord bearing N 72° 31' 07" W) (chord 100.13 feet) for 100.43 feet to a point of tangency; thence run N 64° 50' 47" W for 293.20 feet; thence run N 10° 36' 57" W for 93.21 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 82.06 feet (delta 34° 41' 54") (chord bearing N 09° 49' 00" W) (chord 48.94 feet) for 49.70 feet to a point of reverse curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 186.80 feet (delta 00° 45' 05") (chord bearing N 26° 47' 25" W) (chord 2.45 feet) for 2.45 feet; thence run N 10° 36' 57" W for 16.66 feet; thence run N 29° 41' 01" E for 163.13 feet to an intersection with a non-tangent curve; thence run southeasterly along an arc of said curve to the right, having a radius of 50.00 feet (delta 17° 40' 15") (chord bearing S 59° 39' 05" E) (chord 15.36 feet) for 15.42 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the right, having a radius of 453.00 feet (delta 03° 00' 20") (chord bearing N 10° 35' 09" W) (chord 23.76 feet) for 23.76 feet; thence run N 29° 41' 01" E for 0.97 feet; thence run N 81° 00' 44" E for 127.40 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the right, having a radius of 325.00 feet (delta 35° 03' 58") (chord bearing N 08° 32' 43" E) (chord 195.82 feet) for 198.91 feet; thence run N 62° 09' 30" W for 28.86 feet; thence run N 29° 41' 01" E for 10.01 feet; thence run N 68° 38' 44" W for 88.51 feet; thence run N 62° 09' 30" W for 12.14 feet; thence run S 30° 34' 08" W for 1.39 feet; thence run N 68° 38' 44" W for 32.92 feet; thence run N 52° 23' 15" W for 53.80 feet to a point of curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 75.00 feet (delta 15° 59' 32") (chord bearing N 44° 23' 28" W) (chord 20.87 feet) for 20.93 feet; thence run N 36° 23' 42" W for 67.95 feet to a point of curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 75.00 feet (delta 16° 23' 07") (chord bearing N 28° 12' 09" W) (chord 21.38 feet) for 21.45 feet; thence run N 20° 00' 36" W for 5.05 feet to a point of curvature; thence run northerly along

an arc of said curve to the right, having a radius of 75.00 feet (delta 23° 36' 52") (chord bearing N 08° 12' 10" W) (chord 30.69 feet) for 30.91 feet; thence run N 03° 36' 16" E for 106.24 feet to a point of curvature; thence run northerly along an arc of said curve to the left, having a radius of 75.00 feet (delta 42° 40' 27") (chord bearing N 17° 43' 58" W) (chord 54.58 feet) for 55.86 feet; thence run N 39° 04' 12" W for 70.36 feet; thence run N 29° 34' 24" W for 7.13 feet to a point of curvature; thence run northerly along an arc of said curve to the right, having a radius of 145.00 feet (delta 66° 17' 30") (chord bearing N 03° 34' 21" E) (chord 158.56 feet) for 167.77 feet; thence run N 36° 43' 06" E for 21.57 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the left, having a radius of 223.22 feet (delta 35° 04' 36") (chord bearing N 09° 48' 21" W) (chord 134.53 feet) for 136.66 feet; thence run N 36° 01' 16" W for 39.62 feet to a point of curvature; thence run northerly along an arc of said curve to the right, having a radius of 75.00 feet (delta 55° 39' 36") (chord bearing N 08° 11' 28" W) (chord 70.03 feet) for 72.86 feet; thence run N 19° 38' 20" E for 11.85 feet to a point of curvature; thence run northerly along an arc of said curve to the left, having a radius of 5.00 feet (delta 61° 14' 13") (chord bearing N 10° 58' 47" W) (chord 5.09 feet) for 5.34 feet; thence run N 41° 35' 53" W for 48.12 feet to a point of curvature; thence run northwesterly along an arc of said curve to the right, having a radius of 75.00 feet (delta 25° 45' 59") (chord bearing N 28° 42' 54" W) (chord 33.44 feet) for 33.73 feet; thence run N 15° 49' 54" W for 25.91 feet; thence run N 17° 58' 55" W for 88.96 feet; thence run N 10° 46' 00" W for 31.95 feet; thence run N 28° 31' 28" W for 13.92 feet; thence run N 39° 07' 44" E for 29.04 feet to an intersection with a non-tangent curve; thence run northerly along an arc of said curve to the right, having a radius of 202.62 feet (delta 62° 25' 39") (chord bearing N 19° 39' 26" W) (chord 210.01 feet) for 220.77 feet; thence run N 78° 54' 13" E for 116.78 feet; thence run S 79° 59' 06" E for 37.36 feet; thence run N 00° 57' 35" W for 248.06 feet to the Point of Beginning.

Containing 652.58 acres, more or less.

Bearings hereinabove mentioned are based on the west line of the Southwest Quarter (SW-1/4) of Section 29, Township 43 South, Range 26 East, Lee County, Florida, as bearing N 01° 29' 31" W.

20044600 Verandah East CDD Revised Legal Description 042605



FLORIDA DEPARTMENT OF STATE  
**David E. Mann**  
 Secretary of State  
 DIVISION OF LIBRARY AND INFORMATION SERVICES

December 13, 2005

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

Attention: Michele G. Cooper, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 7, 2005 and certified copies of Lee County Ordinance Nos. 05-27 and 05-28, which were filed in this office on December 8, 2005.

Sincerely,

Liz Cloud  
 Program Administrator

LC/kcs

RECEIVED  
 MINUTES OFFICE  
 2005 DEC 19 PM 3:36