

**ORDINANCE NO. 18-02**

AN ORDINANCE ESTABLISHING THE BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; AUTHORIZING THE EXERCISE OF SPECIAL POWERS; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, North Brook Holdings, LLC has petitioned the Board of County Commissioners to establish the BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT (the "District") pursuant to Chapter 190, Florida Statutes; and

WHEREAS, North Brook Holdings, LLC, has also 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; 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, the 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, are 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 must be in accordance with the general law as set forth in §§190.006 -190.041, Florida Statutes, 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 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 will be activities of the District.

9. 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**

The community development district herein established will be known as BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT.

**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: AUTHORIZATION FOR EXECISE OF SPECIAL POWERS**

The Lee County Board of County Commissioners consent to and authorize the District to exercise the additional special powers set forth in Florida Statutes

§190.012(2)(a) and (d). Specifically, upon establishment, the 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 FOUR: ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT**

The Brightwater Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference.

**SECTION FIVE: DESIGNATION OF INITIAL BOARD MEMBERS**

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

1. Michael Lawson      c/o Metro Development Group, LLC  
2502 N. Rocky Point Drive, Suite 1050  
Tampa, FL 33607
2. Doug Draper          c/o Metro Development Group, LLC  
2502 N. Rocky Point Drive, Suite 1050  
Tampa, FL 33607
3. Lori Price             c/o Metro Development Group, LLC  
2502 N. Rocky Point Drive, Suite 1050  
Tampa, FL 33607
4. Sean O'Connor        c/o Metro Development Group, LLC  
2502 N. Rocky Point Drive, Suite 1050  
Tampa, FL 33607
5. Ted Sanders            c/o Metro Development Group, LLC  
2502 N. Rocky Point Drive, Suite 1050  
Tampa, FL 33607

**SECTION SIX: STATUTORY PROVISIONS GOVERNING DISTRICT**

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

**SECTION SEVEN: NOTICE TO SUBSEQUENT PURCHASERS**

Any and all agreements for the sale of property within the boundaries of the Brightwater Community Development District must include the disclosure statement required in Florida Statutes §190.048 for the initial sale of the property. This requirement applies to the initial seller of a parcel as well as all subsequent sellers, successors and assigns, for the life of the Brightwater Community Development District.

**SECTION EIGHT: MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions in the Ordinance may be modified as a result of consideration that may arise during Public Hearing. Such modification(s) shall be incorporated in the final version of this Ordinance.

**SECTION NINE: CONFLICT OF 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 TEN: EFFECTIVE DATE**

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

Commissioner Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Kiker. The vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED THIS 16<sup>th</sup> day of January, 2018.

ATTEST:  
LINDA DOGGETT, CLERK

By: *Linda Doggett*  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: *Cecil Pendergrass*  
Cecil Pendergrass, Chair  
Commissioner Cecil L Pendergrass  
Lee County Board of County Commissioners  
District 2

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY:

By: *John J. Fredyma*  
John J. Fredyma  
Senior Assistant County Attorney  
Lee County Attorney's Office

Attachment: Exhibit A – Legal Description