

ORDINANCE 48 - 06

AN ORDINANCE OF THE CITY COUNCIL OF CAPE CORAL, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT TO BE KNOWN AS THE BELLA VIDA COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, D. R. Horton, Inc. (Petitioner), having obtained written consent to the establishment of the Bella Vida Community Development District (The "District") by the owners of one-hundred percent (100%) of the real property to be included in the District, petitioned the City Council (the "Council") of the City of Cape Coral, Florida (the "City"), to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the petition at a duly noticed public hearing; and

WHEREAS, upon consideration of the record established at that hearing, the Council determined that the statements within the Petition are true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District, that the community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities, and that the area that will be served by the District is amenable to separate special-district governance; and

WHEREAS the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

WHEREAS, the establishment of the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area described in the petition; and

WHEREAS, the Board has determined that the initial members of the District's Board of Supervisors set forth in Section 5 of this ordinance are residents of the State of Florida and citizens of the United States of America.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA HEREBY ORDAINS THIS ORDINANCE:

Section 1. Authority. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

Section 2. District Name. There is hereby created a community development district situated entirely within the city limits of the City of Cape Coral, Florida, which shall be known as the "Bella Vida Community Development District", and which shall be referred to in this ordinance as the "District".

Section 3. District External Boundaries. The external boundaries of the District are described in Appendix A attached hereto, said boundaries encompassing 165.49 acres, more or less.

Section 4. District Powers and Functions. The powers and functions of the District are described in Chapter 190, Florida Statutes.

Section 5. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: Matt Depaola
Address: 12771 Westlinks Drive, Suite # 9
Fort Myers, FL 33913

Name: Anthony J. Palumbo
Address: 1192 East Newport Center Drive, Suite 150
Deerfield Beach, Florida 33442

Name: Jonathon Pentecost
Address: 12771 Westlinks Drive, Suite # 9
Ft. Myers, Florida 33913

Name: Matthew Hulber
Address: 12771 Westlinks Drive, Suite # 9
Ft. Myers, Florida 33913

Name: Greg Pettibon
Address: 12771 Westlinks Drive, Suite # 9
Ft. Myers, Florida 33913

Section 6. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance, which shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Cape Coral City Council.

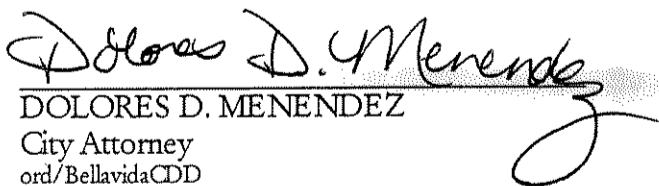
ADOPTED AT A REGULAR COUNCIL MEETING THIS 24th DAY OF April, 2006.

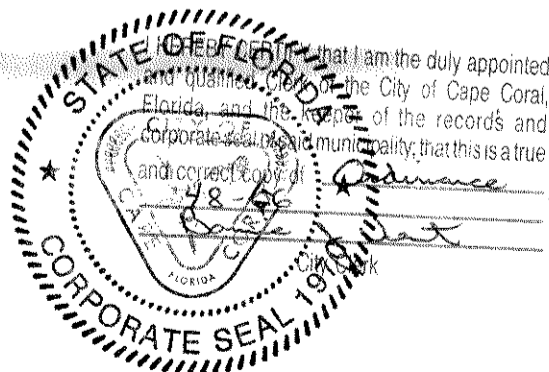

ERIC P. FEICHTHALER, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 1st DAY OF May, 2006.


BONNIE J. VENT, CITY CLERK

APPROVED AS TO FORM:


DOLORES D. MENENDEZ
City Attorney
ord/BellavidaCDD



APPENDIX A

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST
CITY OF CAPE CORAL, LEE COUNTY, FLORIDA

A TRACT OF LAND SITUATED IN CAPE CORAL UNIT 86 ACCORDING TO PLAT BOOK 24, PAGES 144 THROUGH 161 OF THE PUBLIC RECORDS OF LEE COUNTY, LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

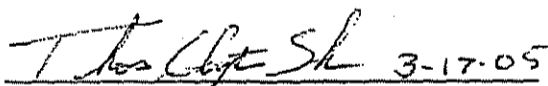
COMMENCING AT THE NORTHWESTERLY CORNER OF SAID SECTION 21, THENCE RUN N 89°04'55"E ALONG THE NORTHERLY LINE OF SAID SECTION 21 FOR 60.00 FEET TO THE NORTHWESTERLY CORNER OF SAID CAPE CORAL UNIT 86; THENCE RUN S00°07'30"E ALONG THE WESTERLY LINE OF SAID CAPE CORAL UNIT 86 FOR 100.01 FEET TO THE TRUE POINT OF BEGINNING; THENCE RUN N.89°04'55"E. FOR 1950.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN ALONG SAID CURVE HAVING A RADIUS OF 700.00 FEET AND A CENTRAL ANGLE OF 43°46'26" (CHORD=S69°01'52"E, 521.89 FEET) FOR 534.80 FEET TO A NON-TANGENT INTERSECTION WITH A LINE THAT BEARS S00°29'41"W; THENCE RUN S.00°29'41"W. ALONG SAID LINE FOR 293.76 FEET; THENCE RUN S.00°00'00"E. FOR 243.47 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST; THENCE RUN ALONG SAID CURVE HAVING A RADIUS OF 1200.00 FEET AND A CENTRAL ANGLE OF 20°56'54" (CHORD=S10°28'27"E, 436.30 FEET) FOR 438.74 FEET TO A NON-TANGENT INTERSECTION WITH A LINE WHICH BEARS S.20°21'01"E; THENCE RUN S.20°21'01"E. ALONG SAID LINE FOR 437.41 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF DEL PRADO EXTENSION (140 FOOT R/W), BEING ALSO A POINT ON A CURVE CONCAVE TO THE SOUTHEAST; THENCE RUN ALONG SAID NORTHWESTERLY RIGHT-OF-WAY ON SAID CURVE HAVING A RADIUS OF 7070.00 FEET AND A CENTRAL ANGLE OF 07°53'28" (CHORD=S46°51'49"W, 972.97 FEET) FOR 973.74 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE RUNNING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING TWO COURSES: S.42°55'05"W. FOR 1509.16 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN ALONG SAID CURVE HAVING A RADIUS OF 1430.00 FEET AND A CENTRAL ANGLE OF 42°05'46" (CHORD=S63°57'58"W, 1027.17 FEET) FOR 1050.65 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID CAPE CORAL UNIT 86, BEING ALSO THE EASTERLY RIGHT-OF-WAY LINE OF GARDEN BOULEVARD (100 FOOT R/W); THENCE RUN ALONG SAID WESTERLY LINE AND SAID EASTERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING TWO COURSES: N.00°02'02"W. FOR 1200.29 FEET AND N.00°07'30"W. FOR 2552.87 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 165.49 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, AS BEARING S.00°07'30"E.

PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED MARCH 17, 2005.

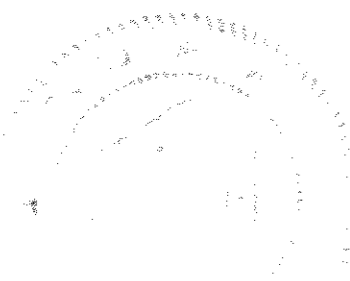

THOMAS C. SHAW, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION No. 4672

SHEET 1 OF 2

S:\Jobs-16xx\1630\SURVEYING\DESCRIPTIONS\PARCEL_DESC.doc

6640 Willow Park Drive, Suite B, Naples, Florida 34109 • (239) 597-2061 • Fax (239) 597-3082





SKETCH TO ACCOMPANY DESCRIPTION

OF A
 PARCEL OF LAND
 LYING IN
 SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST
 CITY OF CAPE CORAL, LEE COUNTY, FLORIDA



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°04'55" E	60.01'
L2	S 00°07'30" E	100.01'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	700.00'	43°46'26"	534.80'	521.89'	S69°01'52"E
C2	1200.00'	20°56'54"	438.74'	436.30'	S10°28'27"E
C3	7070.00'	07°53'28"	973.74'	972.97'	S46°51'49"W
C4	1430.00'	42°05'46"	1050.65'	1027.17'	S63°57'58"W

SYMBOL LEGEND

- C1 INDICATES CURVE 1 OF THE CURVE TABLE
- L1 INDICATES LINE 1 OF THE LINE TABLE
- P.O.C. INDICATES POINT OF COMMENCEMENT
- P.C.B. INDICATES POINT OF BEGINNING

NOTES:

1. SEE ACCOMPANYING SHEET 1 & 2 OF J FOR LEGAL DESCRIPTION.
2. BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, AS BEARING S.00°07'30"E.

THIS IS NOT A SURVEY

Thomas C. Shaw 3-17-05

THOMAS C. SHAW
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA CERTIFICATION NO. 4672

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED MARCH 17, 2005.

PREPARED BY:

Banks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING
 8640 WILLOW PARK DRIVE - SUITE "B"
 NAPLES, FLORIDA 34109
 (239) 587-2061
 FLORIDA SURVEYING BUSINESS CERTIFICATION NO 6690

FUTURE DE NAVARRA PARKWAY

N89°04'55"E 1950.93'

NORTH CORNER SECTION 21

P.O.B.

P.O.C.
 NORTHWEST CORNER SECTION 21,
 TOWNSHIP 43 SOUTH, RANGE 24 EAST.

S00°29'41"W 243.47'
 293.76' 500'00'00"E

S20°21'01"E 437.41'

N00°07'30"W 2552.67'

GARDEN BOULEVARD
 (100' RIGHT-OF-WAY)

N00°02'02"W 1200.29'

EASTERLY RIGHT-OF-WAY LINE

DEL PRADO EXTENSION
 (100' RIGHT-OF-WAY)

NORTHWEST CORNER SECTION 21
 S42°55'05"W 1508.16'

10' DRAINAGE & PUBLIC UTILITY EASEMENT