

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 01-09

AN ORDINANCE ESTABLISHING THE VASARI COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.005(2), FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT OF THE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE CITY OF BONITA SPRINGS MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Taylor Woodrow Communities at Vasari, LLC, has petitioned the City Council of the City of Bonita Springs, Florida (the "City") to establish the Vasari Community Development District; and

WHEREAS, the City Council of the City (the "City Council"), after proper published noticed, 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 Section 190.005(2), Florida Statutes; and all statements contained within the petition are true and correct.

2. The Planning Department of Lee County, Florida, on behalf of the City, has reviewed and approved the petition for establishment of the district on the property proposed in the petition.

3. The costs to the City 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, the City 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 any other alternative management entity which may make 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 of estimated regulatory costs on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

4. Establishment of the district on the proposed land, whose charter is found in Sections 190.006 to 190.041, Florida Statutes, as created by general law, is not inconsistent with the applicable local Comprehensive Plan or the State Comprehensive Plan.

5. The area of land within the 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 district, once established on the proposed property, may petition the City Council for consent to exercise one or more of the powers granted by charter in Section 190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the Vasari Community Development District will be duly and legally authorized to exist and exercise on the proposed property all of its general and special powers as limited by law; and has the right to seek consent from the City 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.

**THE CITY OF BONITA SPRINGS HEREBY ORDAINS:**

**SECTION ONE: DISTRICT NAME**

The community development district herein established will be known as the Vasari Community Development District.

**SECTION TWO: AUTHORITY FOR ORDINANCE**

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

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

The Vasari Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference. The City agrees that the District may undertake projects outside District boundaries pursuant to interlocal agreement or that are required by development approvals and permits applicable to the lands within the District boundaries. In furtherance thereof, the Developer of the land within the District may assign its obligations under such development approvals and permits to the District, subject to any consent requirements by the agency issuing the said development approvals and permits.

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

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

- |                                                                              |                                                                                   |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 1. Michele Ellis Harrison<br>2116 Winding Oaks Way<br>Naples, Florida 34109  | 2. Lawrence Frederick Dawes<br>9809 Airport Pulling Road<br>Naples, Florida 34109 |
| 3. Douglas Lee Schwartz<br>9809 Airport Pulling Rd.<br>Naples, Florida 34109 | 4. Sandra May Jorgensen<br>7120 South Beneva Road<br>Sarasota, Florida 34238      |

5. David Thomas Ivin  
7120 South Beneva Road  
Sarasota, Florida 34238

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Vasari Community Development District will be governed by its state-created general law charter in the provisions of Chapter 190, Florida Statutes. In addition, the Developer of the land within the boundaries of Vasari Community Development District, and any successors or assigns, shall include the disclosure statement contained in Section 190.048, Florida Statutes, to subsequent land purchase agreements.

SECTION SIX: CONFLICT OF SEVERABILITY


In the event this Ordinance conflicts with any other City 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 SEVEN: EFFECTIVE DATE

The effective date of this ordinance shall be thirty (30) days from its adoption date.

**DULY PASSED AND ENACTED** by the City Council of the City of Bonita Springs, Florida this 20th day of June, 2001.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Vote: Arend	Aye	Piper	Absent
Edsall	Aye	Wagner	Aye
Nelson	Aye	Warfield	Aye
Pass	Aye		

Date filed with City Clerk: 6/21/01

EXHIBIT 2

DESCRIPTION OF A PARCEL OF LAND  
LYING IN  
SECTION 1, T-48-S. R-25-E  
&  
SECTION 6, T-48-S. R-26-E  
LEE COUNTY, FLORIDA

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE LYING IN SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, AND SECTION 6, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 3"X3" CONCRETE MONUMENT STAMPED "PRM 2052" MARKING THE SOUTHEAST CORNER OF SAID SECTION 1 AND THE SOUTHWEST CORNER OF SAID SECTION 6;  
THENCE S.88°58'46"W., ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER (SE1/4) OF SAID SECTION 1 FOR 2,647.30 FEET TO A RAILROAD SPIKE MARKING THE SOUTH QUARTER (1/4) CORNER OF SAID SECTION 1;  
THENCE N.01°13'46"W., ALONG THE NORTH-SOUTH QUARTER (1/4) SECTION LINE OF SAID SECTION 1 FOR 2,652.36 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE1/4) OF SAID SECTION 1;  
THENCE N.89°05'50"E., ALONG THE EAST-WEST QUARTER (1/4) SECTION LINE, FOR 1,321.77 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1;  
THENCE N.01°16'17"W., ALONG THE WEST LINE OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1 FOR 1,319.30 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1;  
THENCE N.88°55'21"E., ALONG THE NORTH LINE OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1 FOR 1,320.70 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1 AND THE NORTHWEST CORNER OF THE SOUTHWEST ONE QUARTER (SW1/4) OF THE NORTHWEST ONE QUARTER (NW1/4) OF SAID SECTION 6;  
THENCE N.89°15'35"E., ALONG THE SOUTH LINE OF SOUTHWEST ONE QUARTER (SW1/4) OF THE NORTHWEST ONE QUARTER (NW1/4) OF SAID SECTION 6 FOR 1,494.03 FEET TO THE WEST RIGHT OF WAY LINE OF INTERSTATE 75 (I-75) (324' WIDE);  
THENCE S.15°26'57"E., ALONG SAID WEST RIGHT OF WAY LINE FOR 395.21 FEET;  
THENCE S.12°36'03"E., ALONG SAID WEST RIGHT OF WAY LINE FOR 899.24 FEET;


THENCE S.11°27'18"E., ALONG SAID WEST RIGHT OF WAY LINE FOR  
1,281.43 FEET TO THE POINT OF CURVATURE  
THENCE 875.09 FEET ALONG SAID WEST RIGHT OF WAY LINE AND ALONG  
THE ARC OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS  
OF 5,891.58 FEET, THROUGH A CENTRAL ANGLE OF 08°30'37", AND BEING  
SUBTENDED BY A CHORD WHICH BEARS OF S.15°42'37"E., FOR 874.29 FEET;  
THENCE S.19°57'55"E., ALONG SAID WEST RIGHT OF WAY LINE FOR 658.75  
FEET TO THE SOUTH LINE OF THE SOUTHWEST ONE QUARTER (SW1/4) OF  
SAID SECTION 6;  
THENCE S.89°41'01"W., ALONG SAID SOUTH LINE FOR 2,420.55 FEET TO THE  
POINT OF BEGINNING.

PARCEL CONTAINS 375.83 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS BASED ON THE SOUTH LINE OF THE SOUTHEAST ONE  
QUARTER (SE1/4) OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, AS  
BEARING S.88°58'46"W.

RWA SURVEYING, INC.  
LAND SURVEYORS AND MAPPERS  
3050 NORTH HORSESHOE DRIVE  
SUITE 270  
NAPLES, FLORIDA 34104  
(941) 649-1509

BY:  DATE: 3/29/06  
RICHARD V. NESTLER, PROFESSIONAL LAND SURVEYOR, LS# 4786  
CERTIFICATE OF AUTHORIZATION # LB 6952

NOT VALID UNLESS EMBOSSED WITH PROFESSIONAL SEAL  
REF: LIVINGSTON OAKS Exhibit Two.DOC  
REVISED 3-29-01