

ORDINANCE TO BE KNOWN AS THE NAPLES HERITAGE COMMUNITY DEVELOPMENT DISTRICT ORDINANCE; PROVIDING FOR BOUNDINGS; PROVIDING FOR GRANT OF PETITION ESTABLISHING THE DISTRICT; PROVIDING FOR EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR A BOARD OF SUPERVISORS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND BY PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES.

Oct 1 3 27 PM '96

FILED

WHEREAS, Section 190.005, Florida Statutes, provides for the establishment of a Uniform Community Development District; and

WHEREAS, U. S. Home Corporation, as owner of the subject lands, has petitioned the Board of County Commissioners to establish a Community Development District in Collier County; and

WHEREAS, the established government district does not, and by law shall not effect the rights, authority and duty of Collier County to regulate land use and growth on the above-referenced property; and

WHEREAS, U. S. Home Corporation on July 29, 1996 submitted the petition to Collier County for its review together with a processing fee of fifteen thousand dollars (\$15,000); and

WHEREAS, the exercise of the Community Development District's power and functions will comply with, and be compatible with, the laws, policies, regulations and ordinances including those of the Collier County Water-Sewer District in Collier County which governs the existing and future use of land on which the proposed district shall be established; and

WHEREAS, the exercise by the Board of Supervisors of such a Community Development District shall be subject to all procedural requirements including notice of meetings, government-in-the-sunshine, ethics and conflicts of interests, and various limitations on the powers, functions and duties of the District; and

WHEREAS, U. S. Home Corporation, as the controlling constituent in the proposed Community Development District, has committed to the Board of County Commissioners to ask the Community Development District Board of Supervisors as its first substantive act to enter into a satisfactory interlocal agreement with Collier County and the Collier County Water-Sewer District; and

WHEREAS, the adoption of this Ordinance shall not under any circumstances preempt any land use decisions currently in effect or to be decided in the future by Collier County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, THAT:

SECTION ONE: FINDINGS.

The Board of County Commissioners makes the following findings:

1. The creation of the District is consistent with any applicable element or portion of the State Comprehensive Plan and of the effective local government comprehensive plan.
2. The area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
3. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
4. 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.
5. The area that will be served by the District is amenable to separate special district government.

SECTION TWO: GRANT OF PETITION ESTABLISHING DISTRICT.

The Board hereby grants the petition for the establishment of the District pursuant to Section 190.005(2), Florida Statutes.

SECTION THREE: EXTERNAL BOUNDARIES OF THE DISTRICT.

The land area to be served by the Community Development District is five hundred and fifty-seven (557.0) contiguous acres of land which is bounded on the north by Davis Boulevard (State Road 84) and undeveloped lands, bounded on the south by a developing residential subdivision, bounded on the east by the Isle of Capri Road (C.R. 951) and bounded on the west by undeveloped lands. This land area is more particularly described in the attached Exhibit "A".

SECTION FOUR: DISTRICT NAME.

Name of the proposed district is the Naples Heritage Community Development District.

SECTION FIVE: BOARD OF SUPERVISORS MEMBERS.

The Board designates the following five persons to serve as the initial members of the Board of Supervisors:

- a) John J. Agnelli, 2700 South Horseshoe Drive, Naples, FL 34104;
- b) Alan Burns, 10491 Six Mile Cypress Parkway, Ft. Myers, FL 33912;
- c) Peter Comeau, 10491 Six Mile Cypress Parkway, Ft. Myers, FL 33912;
- d) John F. Stanley, 2660 Airport Road South, Naples, FL 34112;  
and
- e) Ray Miller, 3200 Bailey Lane, Suite 200, Naples, FL 34104.

SECTION SIX: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more

restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall become effective upon filing with the Secretary of State.

SECTION EIGHT: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

PASSED AND DULY ADOPTED by a vote of a majority of the Board of County Commissioners of Collier County, Florida, this 24 day of September, 1996.

ATTEST:  
DWIGHT E. BROCK, Clerk

*By: [Signature]*  
Approved as to form and legal sufficiency:

*Heidi F. Ashton*  
Heidi F. Ashton  
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS  
OF COLLIER COUNTY, FLORIDA

By: *[Signature]*  
JOHN C. NORRIS, Chairman

This ordinance filed with the Secretary of State's Office the 1<sup>st</sup> day of OCT, 1996 and acknowledgement of that filing received this 4<sup>th</sup> day of OCT, 1996  
By: *[Signature]*  
Deputy Clerk

Schedule "A"

**Parcel 1:**

North 1/2 of West 1/2 of West 1/2 of Southwest 1/4 of Section 3, Township 50 South, Range 26 East, Collier County, Florida, lying southerly of Davis Boulevard (S.R. 84), LESS 75 square feet (+/-) deeded to the State of Florida and described as:

Beginning at the West 1/4 corner of said Section 3, run N 89°18'10"E along the East-West 1/4 Section line a distance of 9.52 feet; thence S 30°16'15"W a distance of 18.50 feet to a point on the West line of said Section 3; thence N 00°41'45"W a distance of 15.86 feet to the point of beginning.

**Parcel 2:**

Southeast 1/4 of Section 4, Township 50 South, Range 26 East, Collier County, Florida, lying southerly of Davis Boulevard (S.R.84); and

**Parcel 3:**

East 1/2 of Section 9, Township 50 South, Range 26 East, Collier County, Florida, LESS:

Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 9; and LESS

Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 9.

**Parcel 4:**

North 1/2 of the North 1/2 of Section 10, Township 50 South, Range 26 East, Collier County, Florida, LESS the easterly 125 feet thereof.



YOUNG, VAN ASSENDERP & VARNADOE, P. A.  
ATTORNEYS AT LAW

REPLY TO:

**NAPLES**

R. BRUCE ANDERSON  
TASHA O. BUFORD  
DAVID L. COOK\*  
DAVID B. ERWIN  
C. LAURENCE KEESEY  
ANDREW I. SOLIS  
KENZA VAN ASSENDERP  
GEORGE L. VARNADOE  
ROY C. YOUNG

\*BOARD CERTIFIED REAL ESTATE LAWYER

WILLIAM J. ROBERTS  
OF COUNSEL

November 22, 1996

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Mr. James P. Ward  
Assistant District Manager  
**NAPLES HERITAGE COMMUNITY DEVELOPMENT  
DISTRICT**  
10300 N.W. 11th Manor  
Coral Springs, FL 33071

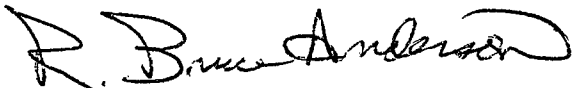
RE: Naples Heritage Community Development District

Dear Jim:

Please find enclosed Collier County Ordinance No. 97-71, approving the exercise of special powers applicable to the Naples Heritage Community Development District. Please call me if you have any questions regarding the enclosed.

Thank you.

Sincerely yours,



R. Bruce Anderson

RBA/lkm

enclosure as stated

cc: Peter Comeau (w/enclosure)  
H. Kenza van Assenderp, Esq. (w/enclosure)

3\*RBA\JWTRSM.LTR

