



# LEE COUNTY SOUTHWEST FLORIDA

## BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 335-2236

Facsimile (941) 335-2606

Bob Janas  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stifwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing Examiner

January 17, 2002

William Hyde, Esq.  
Gunster Yoakley  
215 South Monroe Street, Ste. 830  
Tallahassee, FL 32301

Re: CFM Community Development District  
Herons Glen  
File LU-1103M.2.

Dear Mr. Hyde:

Enclosed for your file is a fully executed copy of Ordinance 02-01 in reference to the above.

If you have any questions, please do not hesitate to contact this office.

Yours truly,

*Patricia Rosentreter*  
Patricia Rosentreter, Sec'y to  
Dawn E. Perry-Lehnert  
Assistant County Attorney

:pr  
enclosure

cc: Brandy Gonzalez, Planning  
Dave Hyyti, Herons Glen

NATURE SAVER™ FAX MEMO 01616		Date	1/31/02	#of pages	10
To	Pete Pimentel		From	Dave Hyyti	
Co./Dept.	will have copies for you on 15 <sup>th</sup>		Co.		
Phone #	unless you need sooner. Let me know		Phone #		
Fax #	(561)630-4923		Fax #	Dave	

S:\LUDPLDPLLTR\Herons Glen-Hyde.wpd

ORDINANCE NO. 02-01

AN ORDINANCE ESTABLISHING THE CFM COMMUNITY DEVELOPMENT DISTRICT; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; 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 NOTICE TO SUBSEQUENT PROPERTY OWNERS; PROVIDING FOR CONFLICT, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Coolidge-Ft. Myers Realty, L.P. has petitioned the Board of County Commissioners to establish the CFM COMMUNITY DEVELOPMENT DISTRICT; 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 Section 190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.
2. The Executive Regulatory Oversight Committee has reviewed and approved the petition for establishment of the proposed district.
3. 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. 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.
4. Establishment of the proposed district is not inconsistent with the local Comprehensive plan of Lee County or the State Comprehensive Plan. The District charter is established as Section 190.006-190.041, Florida Statutes.
5. 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.
6. The district is a viable alternative 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 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 Section 190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the proposed CFM 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.

11. 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 CFM 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 county ordinances.

**SECTION THREE**

**ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT**

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

**SECTION FOUR**

**DESIGNATION OF INITIAL BOARD MEMBERS**

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

- 1. Kenneth Meadvin, 2121 Embarcadero Way, N. Fort Myers, FL 33917
- 2. Denise Bishop, 16106 Flagg Pond Lane, N. Fort Myes, FL 33917
- 3. Douglas Cordello, 1421 Viking Court, Cape coral, FL 33904
- 4. Donald Metrione, 8280 Boonesboro Rd., N. Ft. Myers, FL 33917
- 5. Les Alderman, 6118 Deer Run, Ft. Myers, FL 33908

**SECTION FIVE**

**STATUTORY PROVISIONS GOVERNING DISTRICT**

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

**SECTION SIX**

**NOTICE TO SUBSEQUENT PROPERTY OWNERS**

Any and all agreements for the sale of property within the boundaries of the CFM 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 CFM Community Development District.

**SECTION SEVEN**

**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 EIGHT**

**EFFECTIVE DATE**

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

THE FOREGOING ORDINANCE was offered by Commissioner Ray Judah, who moved its adoption. The motion was seconded by Commissioner John E. Albion and, being put to a vote, the vote was as follows:

ROBERT JANES	<u>Aye</u>
DOUGLAS ST. CERNY	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
ANDREW W. COY	<u>Absent</u>
JOHN E. ALBION	<u>Aye</u>

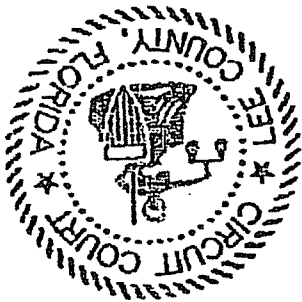
DULY PASSED AND ADOPTED THIS 8th DAY OF January, 2002.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Michelle A. Keimie  
Deputy Clerk

BY: [Signature]  
Chairman



APPROVED AS TO FORM:

BY: [Signature]  
Office of County Attorney



# WilsonMiller

New Directions In Planning, Design & Engineering

## LEGAL DESCRIPTION PARCEL-A CFM COMMUNITY DEVELOPMENT DISTRICT

A parcel of land being a portion of Sections 2,3,4,5 and 10, Township 43 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of the aforementioned Section 3; thence, along the North line of the Northeast one-quarter of said Section 3, N89°57'30"W, 355.01 feet to an intersection with the Westerly right-of-way line of the former S.A.L. Railroad; thence S11°11'01"E along said West line of S.A.L. Railroad 1337.89 feet to the POINT OF BEGINNING; thence S11°11'01"E along said West line of S.A.L. Railroad 2852.62 feet; thence S89°48'47"W, 775.85 feet; thence S00°02'36"W, 2460.47 feet; thence N89°56'45"W, 2153.08 feet; thence N00°02'36"E, 2451.41 feet; thence S89°48'47"W, 4368.87 feet; thence S00°11'13"E, 332.91 feet; thence S89°48'47"W, 3845.26 feet to a point on the East right-of-way of U.S. Highway #41; thence N26°03'40"W along said East line of U.S. Highway #41, 370.00 feet; thence N89°48'47"E along the South line of lands described in Deed Book 224, at page 437 of the Public Records of Lee County, Florida, 2273.50 feet; thence N00°11'07"W, 205.00 feet; thence N89°48'53"E, 25.00 feet; thence N00°11'07"W, 650.00 feet; thence N89°48'53"E, 35.48 feet; thence N00°11'07"W, 125.00 feet; thence S89°48'53"W, 39.71 feet; thence along the arc of a non-tangent curve concave to the Northeast, having for its elements a radius of 236.25 feet, a central angle of 31°56'42", a chord of 130.02 feet, a chord bearing of N16°09'28"W, an arc distance of 131.72 feet; thence N00°11'07"W, 600.00 feet; thence S89°48'53"W, 60.00 feet; thence N00°11'07"W, 335.37 feet to a point on a prolongation in the East line of Section No. 1 Unit No. 2, Lakeville, according to a plat thereof recorded in Deed Book 298, at Pages 303 through 306 of said Public Records, which point is 40.00 feet North of the Northeast corner of said Section No. 1 Unit No. 2; thence N89°48'47"E along the South line of Del Vera Country Club, Unit 1 as recorded in Plat Book 46, at Pages 7 through 25 of aforesaid Public Records, and along the South line of Del Vera Country Club Unit 2 as recorded in Plat Book 50, Pages 69 through 78 of said Public Records, 1169.23 feet; thence S24°38'57"W, 635.36 feet; thence S90°00'00"E, 1218.47 feet; thence S12°32'29"E, 1168.11 feet; thence N68°10'05"E, 889.08 feet; thence N28°55'43"E, 977.17 feet; thence N89°48'47"E, 1113.64 feet; thence N00°38'09"W, 144.39 feet; thence N31°25'13"E, 68.72 feet; thence N22°30'59"E, 105.00 feet; thence S80°03'05"E, 42.52 feet; thence S10°50'29"E, 83.92 feet; thence S60°59'16"E, 400.24 feet; thence along the arc of a non-tangent curve concave to the North, having for its elements a radius of 180.00 feet, a central angle of 161°12'10", a chord of 355.17, a chord bearing of S86°06'56"E, an arc distance of 506.43 to a point of reverse curvature; thence along the arc of a curve concave to the Southeast, having for its elements a radius of 80.00 feet, a central angle of 51°57'51", a chord of 70.09 feet, a chord bearing of N39°15'55"E, an arc distance of 72.56 feet; thence N65°14'50"E, 136.05 feet; thence along the arc of a curve concave to the South, having for its elements a radius of 235.00 feet, a central angle of 33°58'19", a chord of 137.30 feet, a chord bearing of N82°14'00"E, an arc distance of 139.34 feet; thence S80°46'51"E, 409.78 feet; thence along the arc of a non-tangent curve concave to the Northeast, having for its elements a radius of 185.00 feet, a central angle of 70°48'42", a chord of 214.36 feet, a chord bearing of S62°40'13"E, an arc distance of 228.64 feet; thence N09°13'09"E, 634.85 feet; thence S73°23'28"E, 160.89 feet; thence along the arc of a curve concave to the Northeast, having for its elements a radius of 880.00 feet, a central angle of 16°39'33", a chord of 254.97 feet, a chord bearing of S81°43'14"E, an arc distance of 255.87 feet; thence N89°57'00"E, 1056.42 feet; thence N00°03'00"W, 277.00 feet; thence along the arc of a curve concave to the West, having for its elements a radius of 2602.75 feet, a central angle of 06°37'37", a chord of 300.87 feet, a chord bearing of N03°21'51"W, an arc distance of 301.04 feet to a point of reverse curvature; thence along the arc of a curve concave to the Southeast, having for its elements a radius of 55.55 feet, a central angle of 92°27'18", a chord of 80.22 feet, a chord bearing of N39°32'59"E, an arc distance of 89.64; thence N84°32'59"E, 62.00 feet; thence N60°56'11"E, 287.47 feet; thence N78°48'59"E, 127.73 feet to the POINT OF BEGINNING.

LESS AND EXCEPT (PARCEL B):

EXHIBIT A

122501-17624 Ver. 011-GRASHFORD  
CAM12  
02899-103-002-SLGL-5132

Naples Fort Myers Sarasota Bradenton Tampa Tallahassee

4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912-1062 941-939-1020 ☎ 941-939-7479 📠

www.wilsonmiller.com

WilsonMiller, Inc. — FL Lic. # LC-C000170 CA 43

# WilsonMiller

New Directions In Planning, Design & Engineering

COMMENCE at the Northeast corner of the aforementioned Section 3; thence, along the North line of the Northeast one-quarter of said Section 3, N89°57'30"W, 355.01 feet to an intersection with the Westerly right-of-way line of the former S.A.L. Railroad; thence S11°11'01"E along said West line of S.A.L. Railroad 1337.89 feet; thence S11°11'01"E along said West line of S.A.L. Railroad 2852.62 feet; thence S89°48'47"W, 775.85 feet; thence S00°02'36"W, 2460.47 feet; thence N89°56'45"W, 2153.08 feet; thence N00°02'36"E, 2451.41 feet; thence S89°48'47"W, 3544.51 feet to the POINT OF BEGINNING; thence continuing S89°48'47"W, 20.03 feet; thence along the arc of a non-tangent curve concave to the Northeast, having for its elements a radius of 175.00 feet, a central angle of 107°13'04", a chord of 281.74 feet, a chord bearing of N33°17'53"W, an arc distance of 327.48 feet; thence N21°49'55"W, 44.34 feet; thence N68°10'05"E, 120.09; thence N20°19'43"W, 5.00 feet; thence N68°10'05"E, 180.00 feet; thence S21°49'55"E, 126.63 feet; thence along the arc of a non-tangent curve concave to the Northwest, having for its elements a radius of 175.00 feet, a central angle of 121°37'24", a chord of 305.56 feet, a chord bearing of S25°43'17"W, an arc distance of 371.48 feet to the POINT OF BEGINNING.

## LESS AND EXCEPT (PARCEL C):

All that part of Section 4, Township 43 South, Range 24 East, Lee County, Florida, being more particularly described as follows:


COMMENCING at the Southwest Corner of Tract "E" of "Del Vera Country Club Unit 2", according to the plat thereof as recorded in Plat Book 50 at pages 69 through 78 of the Public records of Lee County, Florida; also lying in a part of Section 4, Township 43 South, Range 24 East, Lee County, Florida; Thence S.89°48'47"W. for 297.76 feet; Thence S.00°11'13"E. for 346.04 feet to the POINT OF BEGINNING of the parcel herein described; Thence S.90°00'00"E. for 85.00 feet; Thence S.00°00'00"E. for 160.00 feet; Thence N.90°00'00"W. for 85.00 feet; Thence N.00°00'00"E. for 160.00 feet to the POINT OF BEGINNING.

Said Parcel A contains 475.02 acres more or less

Bearings are based on the North line of the Northeast one quarter of Section 3 as being N89°57'30"W.

Prepared by:

WilsonMiller, Inc.

  
 Stephen P. Ereik, Professional Surveyor & Mapper  
 Florida Registration No. LS3273

12/28/2001  
 Date

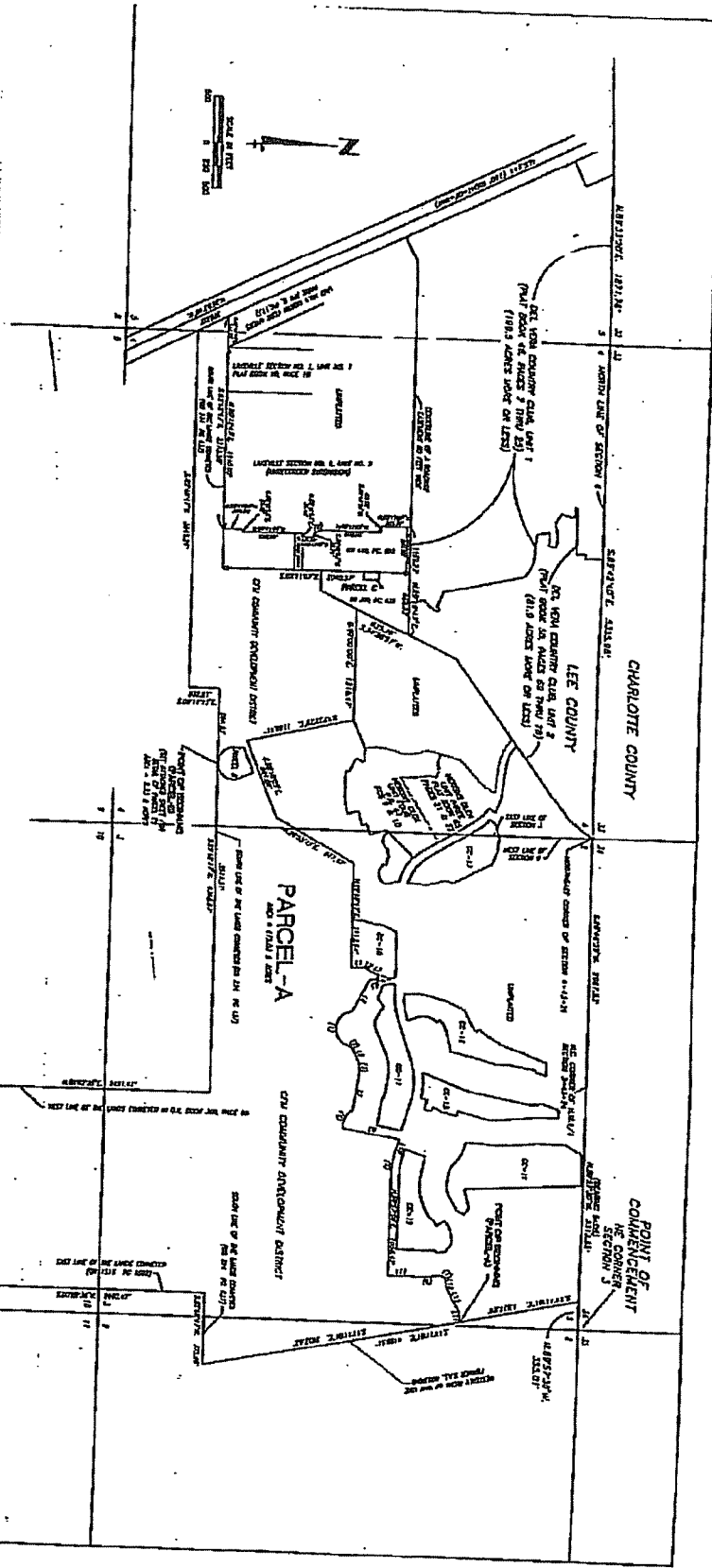
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

P.I.N.: 02898-103-002 MASLD

Ref.: D-2898-107, A-2898-137

Date: August 21, 2001

Rev Date: December 28, 2001 (Remove Maintenance Building Tract)



**CURVE TABLE**

Station	Curve	Radius	Chord	Delta	Area
10+00	100'	100'	100'	90°	7854
10+50	100'	100'	100'	90°	7854
11+00	100'	100'	100'	90°	7854

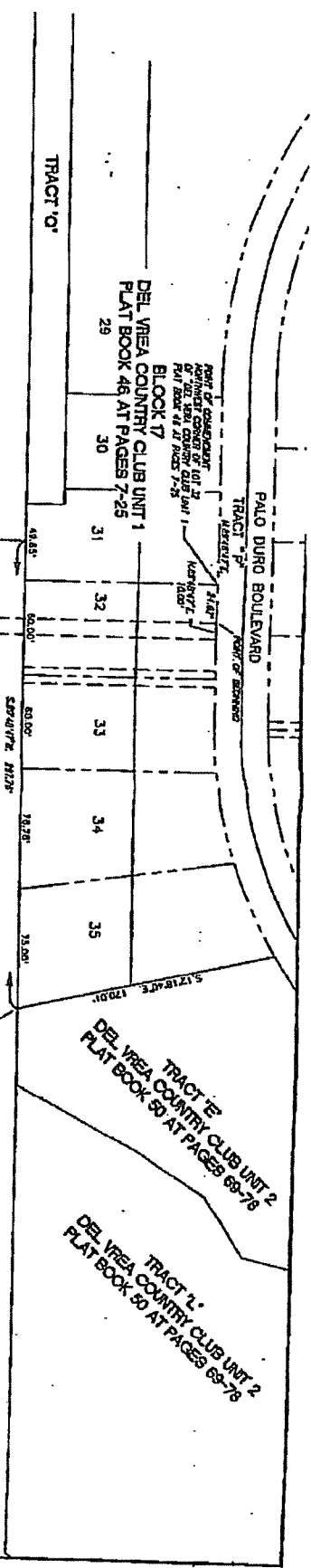
**LINE TABLE**

Station	Bearing	Distance
10+00	N 89° 59' 59" W	100.00
10+50	N 89° 59' 59" W	100.00
11+00	N 89° 59' 59" W	100.00

Client	Wilson, Miller, Barton & Peck, Inc.
Project	CONDOMINIUM DEVELOPMENT
Location	SECTION 14 AND 15, TOWNSHIP 36N, RANGE 12E, LEE COUNTY, NC
Surveyor	STEPHANIE MEKALET
Date	1/31/02

SKETCH ONLY THIS IS NOT A SURVEY  
SEE ATTACHED FOR LEGAL DESCRIPTION





NOT PLATTED

NOT PLATTED

DATE OF RECORD OF MARTINEZ BUILDING TRACT AND RECREATION TRACT

REVISION	DATE	PREPARED BY	DATE REC.
REVISION	DATE	PREPARED BY	DATE REC.

**WILSON MILLER**

LAND SURVEYING & ENGINEERING  
 4311 South Bayshore Blvd. Suite 100  
 Fort Myers, Florida 33907  
 (813) 435-1234  
 www.wilsonmiller.com

TITLE: 10' ACCESS EASEMENT LYING IN PART OF LOT 32, BLOCK 17 DEL VERA COUNTRY CLUB UNIT 1, PLAT BOOK 46 AT PAGES 7 THROUGH 25, ALSO LYING IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 24 EAST.

SEE ATTACHED FOR DESCRIPTION  
 THIS IS NOT A SURVEY - SKETCH ONLY

REVISION	DATE	PREPARED BY	DATE REC.
REVISION	DATE	PREPARED BY	DATE REC.

CLIENT	PROJECT NO.	DRAWING NUMBER
COOLIDGE FORT MYERS REALTY, L.P.	02898-001-005	B-2898-79

DATE	BY	DATE	BY
5/19/98		5/19/98	

DATE	BY	DATE	BY
5/19/98		5/19/98	

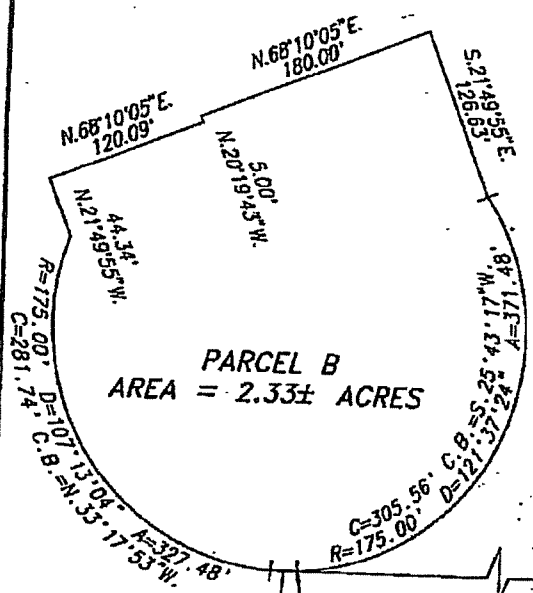
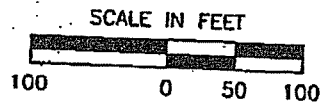
POINT OF COMMENCEMENT  
NE CORNER  
SECTION 3

34	35
3	2

N.89°57'30"W.  
355.01'

WESTERLY RIGHT-OF-WAY LINE  
FORMER S.A.L. RAILROAD

S.11°11'01"E.  
4190.51'



POINT OF BEGINNING

\* SKETCH ONLY - NOT A SURVEY \*  
SEE ATTACHED FOR LEGAL DESCRIPTION

FOR: COOLIDGE-FORT MYERS REALTY, L.P.

Aug 21, 2001 - 15:08:27 CRASHFORD\CA\SUR\02898\HGRONS\07740701.dwg

SKETCH OF DESCRIPTION  
PARCEL B  
CFM COMMUNITY DEVELOPMENT DISTRICT

**Wilson Miller**

DRAWN BY: 1386	CHEKED BY: 1146	CAD FILE: 028980701.DWG	PH: 02898-103-007	TASK: MAPPING	SHEET 1	DRAWING INDEX NO:	REV:
-------------------	--------------------	----------------------------	----------------------	------------------	------------	-------------------	------