

ORDINANCE NO. 06-23

AN ORDINANCE ESTABLISHING PORTOFINO SPRINGS COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; 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 PURCHASERS; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Prime Homes at Portofino Springs, Ltd. has petitioned the Board of County Commissioners to establish PORTOFINO SPRINGS 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 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 Sections 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 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.

9. Upon the effective date of this Ordinance, the proposed Portofino Springs 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.

10. 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 Portofino Springs 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**

Portofino Springs 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. Linda Socolow  
5555 Anglers Avenue #16B  
Ft. Lauderdale, FL 33312
2. Alessandra Stevens  
5555 Anglers Avenue #16B  
Ft. Lauderdale, FL 33312
3. John Nelson  
5555 Anglers Avenue #16B  
Ft. Lauderdale, FL 33312
4. Lorraine Vanella  
5555 Anglers Avenue #16B  
Ft. Lauderdale, FL 33312
5. Geovanna Fortier  
5555 Anglers Avenue #16B  
Ft. Lauderdale, FL 33312

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT**

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

## **SECTION SIX: NOTICE TO SUBSEQUENT PURCHASERS**

Any and all agreements for the sale of property within the boundaries of the Portofino Springs 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 Portofino Springs 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 with the Florida Secretary of State. Commissioner Judah made a motion to adopt the foregoing ordinance, seconded by Commissioner St. Cerny. The vote was as follows:

ROBERT P. JANES	Absent
DOUGLAS ST. CERNY	Aye
RAY JUDAH	Aye
TAMMARA HALL	Aye
DISTRICT 5	Vacant

DULY PASSED AND ADOPTED THIS 14<sup>th</sup> day of November, 2006.

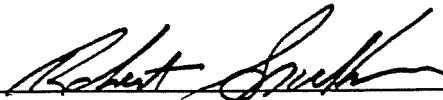
ATTEST:  
CHARLIE GREEN, CLERK

By:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By:   
Chairwoman

APPROVED AS TO FORM:

By:   
Office of County Attorney

# Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors  
2515 Northbrooke Plaza Drive-Suite 200  
Naples, Florida 34119  
(239) 597-2061  
Fax (239) 597-3082

DESCRIPTION OF A PARCEL OF LAND  
LYING IN  
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA  
(PORTOFINO SPRINGS)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING A PART OF LOT 2 OF HEALTHPARK FLORIDA EAST, A SUBDIVISION RECORDED IN PLAT BOOK 68 AT PAGES 17 THROUGH 22, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:

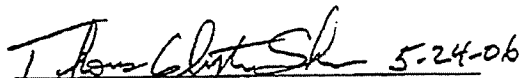
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE N 88°58'18" E ALONG THE NORTH LINE OF SAID LOT FOR 1,083.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE S 01°06'26" E ALONG THE EAST LINE OF SAID LOT 2 FOR 824.68 FEET; THENCE S 31°10'27" W FOR 202.33 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF PARK ROYAL DRIVE (72 FEET WIDE); THENCE N 58°49'33" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 445.34 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 711.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°14'38" FOR 325.67 FEET; THENCE N 01°02'25" W FOR 313.59 FEET; THENCE S 88°53'34" W FOR 295.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2 AND THE EAST RIGHT-OF-WAY LINE OF BASS ROAD (150 FEET WIDE); THENCE N 01°02'25" W ALONG SAID EAST LINE FOR 339.83 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 16.98 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF PARK ROYAL DRIVE AS BEARING N.58°49'33"W. AS PER THE RECORD PLAT OF HEALTHPARK EAST.

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

DESCRIPTION PREPARED MAY 22, 2006.

 5-24-06  
THOMAS C. SHAW  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 4672

SHEET 1 OF 2

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Fort Myers Office  
10511 Six Mile Cypress Pkwy, Suite #101  
Fort Myers, Florida 33912  
(239) 939-5490  
Fax (239) 939-2523

Sarasota Office  
1144 Tallevast Road Suite #115  
Sarasota, Florida 34243  
(941) 360-1618  
Fax (941) 360-6918

Port Charlotte Office  
12653 SW CR 769 Suite B  
Lake Suzy, Florida 34269  
(941) 625-1165  
Fax (941) 625-1149

POINT OF BEGINNING  
NORTHWEST CORNER  
OF LOT 2

LAGUNA LAKES  
(PLAT BOOK 74, PAGES 1-8)

N.88°58'18"E. 1083.75'

SKETCH TO ACCOMPANY DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

BASS ROAD (150 WIDE)  
(PLAT BOOK 47, PAGES 1-9)  
(O.R. 2413, PG. 2522)

N.01°02'25"W. 345.66'

N.01°02'25"W. 339.83'

WEST LINE OF LOT 2

30' DRAINAGE EASEMENT

CROSS ACCESS EASEMENT  
O.R. 4076, PG. 4740

UTILITY & DRAINAGE EASEMENT

NOT A PART  
(O.R. 4076, PAGE 4739)

PORTION OF LOT 2  
HEALTHPARK FLORIDA EAST  
(PLAT BOOK 68, PAGES 17-22)

CROSS ACCESS EASEMENT  
(O.R. 4076, PG. 4740)

N.01°02'25"W. 313.59'

S.01°06'25"E. 824.88'

EAST LINE OF LOT 2

LOT 1  
HEALTHPARK FLORIDA EAST  
(PLAT BOOK 68, PGS. 17-22)

MONTERREY APARTMENT HOMES @ HEALTH PARK

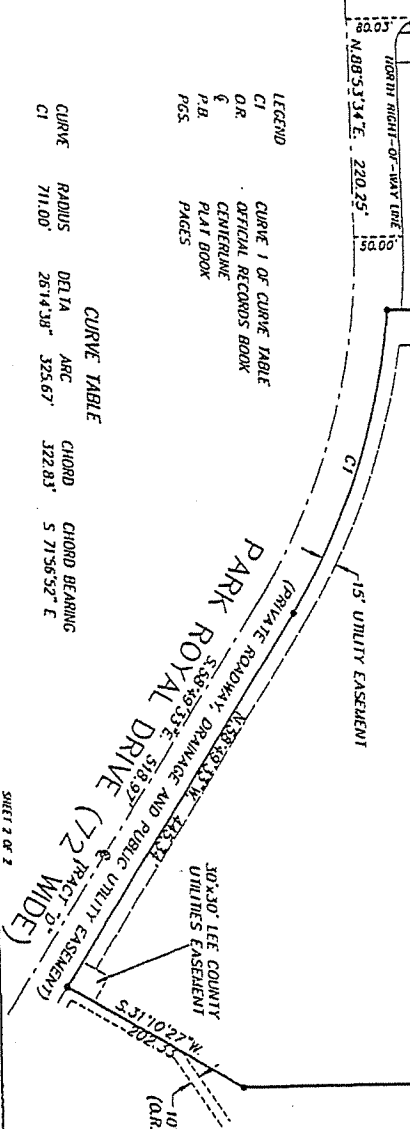


LEGEND

CI	CURVE 1 OF CURVE TABLE
OR	OFFICIAL RECORDS BOOK
Q	CENTERLINE
P.B.	PLAT BOOK
PGS.	PAGES

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
CI	711.00'	26°14'38"	325.67'	322.83'	S 71°56'52" E



DESCRIPTION: (PORTION OF LOT 2)  
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING A PORTION OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING A PORTION OF LOT 2, HEALTHPARK FLORIDA EAST, A SUBDIVISION RECORDED IN PLAT BOOK 68 AT PAGES 17 THROUGH 22, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2, BEING 18 8839'18" E ALONG THE NORTH LINE OF SAID LOT FOR 1083.75 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, BEING 5 01078" E ALONG THE EAST LINE OF SAID LOT 2 FOR 824.88 FEET, BEING 5 01078" W FOR 202.33 FEET TO THE SOUTH-EAST CORNER OF SAID LOT 2 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF PARK ROYAL DRIVE (72 FEET WIDE), BEING 18 8839'18" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 443.50 FEET TO THE BEGINNING OF A CURVE, 10 711.00 FEET RADIUS, BEING 26°14'38" S ALONG SAID CURVE TO THE POINT OF BEGINNING OF A CURVE, BEING 18 8839'18" W FOR 115.90 FEET, BEING 71°56'52" W FOR 325.67 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2 AND THE EAST RIGHT-OF-WAY LINE OF BASS ROAD (150 FEET WIDE), BEING 18 8839'18" W ALONG SAID WEST LINE FOR 1083 FEET TO THE POINT OF BEGINNING.  
PARCEL CONTAINS 16.88 ACRES, MORE OR LESS.  
BEARINGS ARE BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF PARK ROYAL DRIVE AS BEARING 188°09'31" E AS PER THE RECORD PLAT OF HEALTHPARK EAST.  
PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

\*\*\*THIS IS NOT A SURVEY\*\*\*

THOMAS C. SHAW  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 4672  
-THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL PAPERED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER  
-PREPARED MAY 22, 2006.  
PREPARED BY:  
Frank's Engineering  
ENGINEERING, SURVEYING & LAND PLANNING  
254 SONNENBROCK PEARL DRIVE, SUITE 200  
MYRTLE BEACH, SC 29577  
TEL: (843) 337-2041  
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690





STATE OF FLORIDA  
DEPARTMENT OF STATE  
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH  
Governor

SUE M. COBB  
Secretary of State

November 22, 2006

Honorable Charlie Green  
Clerk of Court  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 20, 2006 and certified copies of Lee County Ordinance Nos. 06-21 through 06-24, which were filed in this office on November 21, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/bpn

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DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

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850.488.4894

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850.488.9879

RECORDS MANAGEMENT SERVICES  
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282