

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 07-02

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 04-16, ENACTED BY THE CITY OF BONITA SPRINGS, FLORIDA ON NOVEMBER 3, 2004 ESTABLISHING THE VILLAGEWALK OF BONITA SPRINGS COMMUNITY DEVELOPMENT DISTRICT, TO EXPAND THE EXTERNAL BOUNDARIES OF THE DISTRICT AND DESCRIBE THE REVISED EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on November 3, 2004, the City Council enacted Ordinance No. 04-16 (the "Prior Ordinance") establishing the Villagewalk of Bonita Springs Community Development District (the "District") as a community development district pursuant to Chapter 190, Florida Statutes (the "Act") and its external boundaries. The external boundaries of the District currently contain approximately 425.95 acres of real property located entirely within the jurisdictional boundaries of the City.

WHEREAS, pursuant to Section 190.046(1) of the Act, the Board of Supervisors of the District has submitted a petition (the "Petition") to the City requesting that the boundaries of the District be expanded, so that thereafter approximately 648.79 acres of real property will be located within the external boundaries of boundaries of the District. In accordance with Florida Statutes § 190.046(1)(g), because the total area of the District is over 500 acres, City Council must review the petition as if it is to establish a new District.

WHEREAS, the City Council, 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 Florida Statutes §190.046(1) and all statements contained within the Petition are true and correct.
2. The Bonita Springs Planning Department has reviewed and approved the Petition for the expansion of the District boundaries.
3. The land to be expanded into the District does not exceed 50% of the acres initially located within the District and the Board of Supervisors of the District has not previously petitioned the City for the expansion or contraction of the District's boundaries.
4. The costs to the City and government agencies for expansion of the District are nominal. There is no adverse impact on competition or employment from District expansion. The persons affected by the contraction 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 boundary expansion as the District will manage and finance the statutory services identified to the area to be included in the District. The

impact of District expansion and function on competition and the employment market is generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including as assessment of less costly and less intrusive methods and of probable costs and benefits of not approving the expansion, is as economically viable as approving the expansion. The statement of estimated regulatory costs for this Petition is adequate.

5. Expansion of the District's boundaries is not inconsistent with any applicable elements or portion of the State of Florida's comprehensive plan or of the effective City comprehensive plan.
6. The area of land within the proposed revised boundaries of the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable with the balance of the District as one functional interrelated community.
7. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
8. 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.
9. The area that will be served by the District following expansion of the District's boundaries is amenable to a combined special district government.
10. 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 Villagewalk of Bonita Springs Community Development District.

SECTION TWO: AUTHORITY FOR ORDINANCE

This Ordinance is amending and restating Bonita Springs Ordinance No. 04-16, adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing City ordinances.

SECTION THREE: RE- ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT AFTER EXPANSION

Villagewalk of Bonita Springs Community Development District is hereby re-

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. Michael D. Rosen
270 Tradewinds Avenue
Naples, FL 34108
2. Chris Schmitz
541 Rookery Place
Jupiter, FL 33458
3. Jeff Murray
2384 Leafshine Lane
Naples, FL 34119
4. Al Primevera
1009 Nottingham Drive
Naples, FL 34109
5. Reid Schermer
6052 Towncenter Circle
Naples, FL 34119

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Villagewalk of Bonita Springs 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 Villagewalk of Bonita Springs 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.

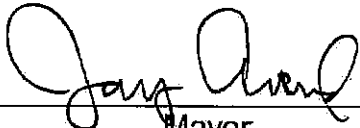
SECTION SIX: CONFLICT OF SEVERABILITY

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.

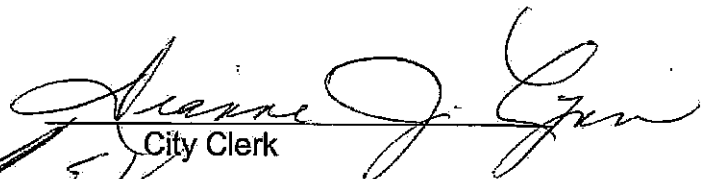
SECTION SEVEN: EFFECTIVE DATE

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

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Arend	Aye	McCourt	Aye
Ferreira	Aye	Nelson	Aye
Grantt	Aye	Simons	Nay
Joyce	Aye		

Date filed with City Clerk: 1-19-07

EXHIBIT A, LEGAL DESCRIPTION, IS IN EXHIBIT 2C OF PETITION

LEGAL DESCRIPTION
LYING IN
SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

EXHIBIT 2C

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE,
LYING IN SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3;
THENCE N.89°52'12"E. ALONG THE NORTH LINE OF THE WEST HALF OF SAID SECTION 3, FOR
2,629.72 FEET TO THE NORTHEAST CORNER OF SAID WEST HALF;
THENCE N.89°52'32"E. ALONG THE NORTH LINE OF THE EAST HALF OF SAID SECTION 3, FOR
2,629.85 FEET TO THE NORTHEAST CORNER OF SAID SECTION 3;
THENCE S.00°37'08"E. ALONG THE EAST LINE OF SAID SECTION 3, FOR 5,385.34 FEET TO THE
SOUTHEAST CORNER OF SAID SECTION 3;
THENCE S.89°56'26"W. ALONG THE SOUTH LINE OF THE EAST HALF OF SAID SECTION 3, FOR
2,621.22 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF;
THENCE S.89°56'22"W. ALONG THE SOUTH LINE OF THE WEST HALF OF SAID SECTION 3, FOR
2,621.14 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 3;
THENCE N.00°48'10"W. ALONG THE WEST LINE OF SAID SECTION 3, FOR 5,379.37 FEET TO THE
POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

CONTAINING 28,261,155 SQUARE FEET OR 648.79 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY
(WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

BEARINGS ARE ASSUMED AND BASED ON THE NORTH LINE OF THE WEST HALF (W 1/2) OF
SECTION 3, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AS BEING
N.89°52'12" E.

RWA, INC.
LAND SURVEYORS AND MAPPERS
1542 CARSON STREET
FORT MYERS, FLORIDA 33901
(239) 278-5224
FLORIDA CERTIFICATE OF AUTHORIZATION #6952

BY:


RICHARD V. NESTLER, PROFESSIONAL SURVEYOR & MAPPER LS# 4786

DATE:

10/5/06

NOT VALID UNLESS EMBOSSED WITH THE PROFESSIONAL'S SEAL.

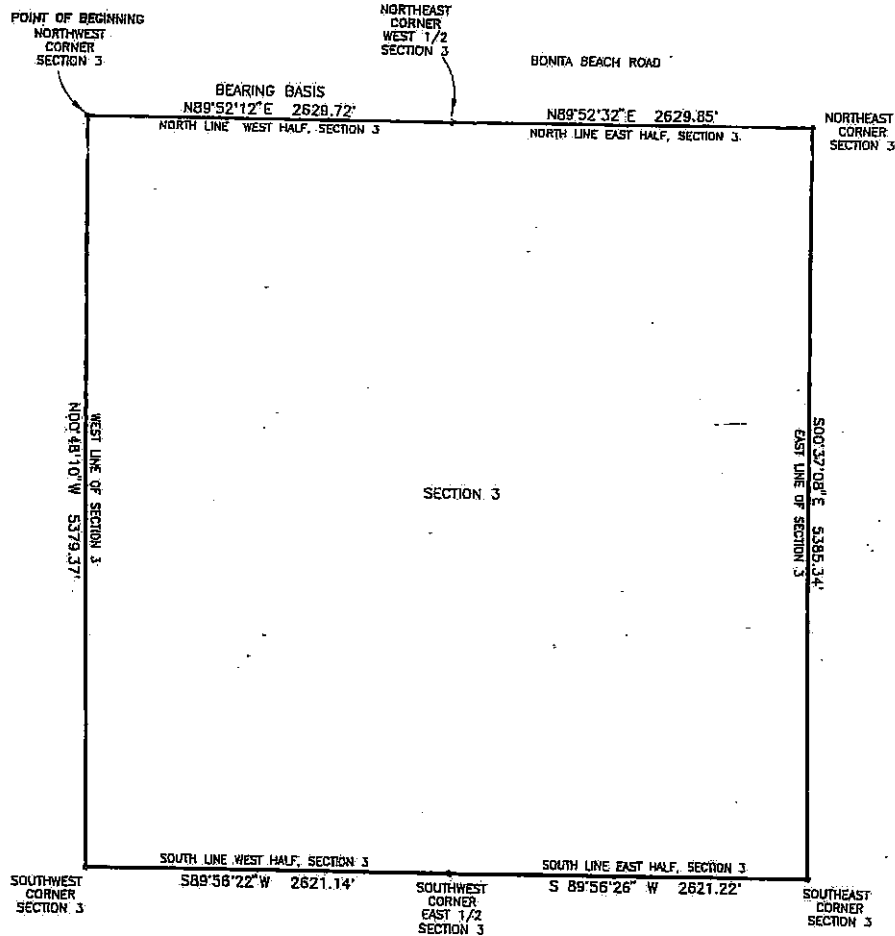
Ref. 05-0018-05-SK1 CDD Rev #2
10-04-06

EXHIBIT 2C

** THIS IS NOT A SURVEY **



0 500 1000
GRAPHIC SCALE
1" = 1000'



SEE SHEET 1 OF 2 FOR DESCRIPTION

RWA INC.
CONSULTING

Engineers,
Surveyors & Mappers,
Planners, Project Managers

1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-9224
FAX: (239) 278-5419
Florida Certificate of Authorization # 9952

DATE:
10-04-06

SCALE:
1"=1000'

DRAWN BY:
PTN

CHECKED BY:
RVN

SEC: DWG: RGS:
3 48 26

CLIENT: VILLAGEWALK OF BONITA SPRINGS
COMMUNITY DEVELOPMENT DISTRICT

TITLE:

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT NUMBER: 05-0018

SHEET NUMBER: 2 OF 2

FILE NUMBER: 05-SK1