

ORDINANCE NO. 22-02

AN ORDINANCE ESTABLISHING CORAL BAY OF LEE COUNTY 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; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Forestar (USA) Real Estate Group, Inc., a Delaware corporation, has petitioned the Board of County Commissioners to establish CORAL BAY OF LEE COUNTY 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 Coral Bay of Lee County 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 Coral Bay of Lee County 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

Coral Bay of Lee County 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. Christian Cotter
2. Mary Moulton
3. Ted Gadoury
4. Jake Hollinger
5. Ashley Koza

SECTION FIVE: POWERS OF THE DISTRICT

The powers and functions of the Coral Bay of Lee County Community Development District are described in Chapter 190, Florida Statutes. Additionally, and with respect to Section 190.012(2), Florida Statutes, consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, both as authorized and described by Section 190.012(2), Florida Statutes.

SECTION SIX: STATUTORY PROVISIONS GOVERNING DISTRICT

Coral Bay of Lee County Community Development District will be governed by the provisions of Chapter 190, Florida Statutes.

SECTION SEVEN: NOTICE TO SUBSEQUENT PURCHASERS

Any and all agreements for the sale of property within the boundaries of the Coral Bay of Lee County 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 Coral Bay of Lee County Community Development District.

SECTION EIGHT: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION NINE: 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 TEN: EFFECTIVE DATE

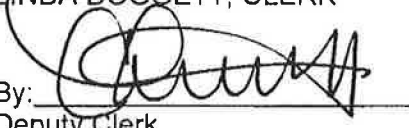
This Ordinance becomes effective upon filing with the Florida Secretary of State.

Commissioner Hamman made a motion to adopt the foregoing ordinance, seconded by Commissioner Sandelli. The vote was as follows:

Kevin Ruane	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Absent

DULY PASSED AND ADOPTED THIS 15th day of February, 2022.

ATTEST:
LINDA DOGGETT, CLERK

By: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Cecil Pendergrass, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By: 
Office of County Attorney

2022 FEB 17 PM 1:27



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF A PARCEL OF LAND LYING IN
SECTION 28, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA.

A TRACT OF PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 28 TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE ALONG THE QUARTER SECTION LINE S 89°44'52" W A DISTANCE OF 3921.74 FEET, ALONG THE QUARTER SECTION LINE; THENCE N 00°07'52" W A DISTANCE OF 1595.37 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 1488.47 FEET, WITH A RADIUS OF 1080.00 FEET, WITH A DELTA ANGLE 78°57'57", WITH A CHORD BEARING OF N 38°04'01" E, WITH A CHORD LENGTH OF 1373.43 FEET; THENCE N 88°35'04" E A DISTANCE OF 424.31 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE CONTINUE ALONG THE QUARTER SECTION LINE S 89°49'26" E A DISTANCE OF 2426.56 FEET TO THE WESTERLY RIGHT OF WAY OF DE NAVARRA PARKWAY AS RECORDED IN INSTRUMENT NUMBER 2013000219305; THENCE S 00°10'50" W A DISTANCE OF 399.21 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 332.83 FEET, WITH A RADIUS OF 886.30 FEET, WITH A DELTA ANGLE 21°30'59", WITH A CHORD BEARING OF S 10°18'02" W, WITH A CHORD LENGTH OF 330.88 FEET; THENCE WITH A COMPOUND CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 69.03 FEET, WITH A RADIUS OF 99.04 FEET, WITH A DELTA ANGLE 39°56'06", WITH A CHORD BEARING OF S 49°22'04" W, WITH A CHORD LENGTH OF 67.64 FEET; THENCE S 66°12'28" W A DISTANCE OF 27.74 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 57.30 FEET, WITH A RADIUS OF 105.50 FEET, WITH A DELTA ANGLE 31°07'13", WITH A CHORD BEARING OF S 49°07'37" W, WITH A CHORD LENGTH OF 56.60 FEET; THENCE S 33°34'00" W A DISTANCE OF 84.60 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH ARC LENGTH OF 204.58 FEET, WITH A RADIUS OF 950.22 FEET, WITH A DELTA ANGLE 12°20'09", WITH A CHORD BEARING OF S 39°44'05" W, WITH A CHORD LENGTH OF 204.19 FEET; THENCE S 40°23'04" E A DISTANCE OF 100.19 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 128.22 FEET, WITH A RADIUS OF 1050.22 FEET, WITH A DELTA ANGLE 06°59'43", WITH A CHORD BEARING OF N 42°45'33" E, WITH A CHORD LENGTH OF 128.14 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 129.61 FEET, WITH A RADIUS OF 125.00 FEET, WITH A DELTA ANGLE 59°24'30", WITH A CHORD BEARING OF N 68°57'56" E, WITH A CHORD LENGTH OF 123.88 FEET; THENCE WITH A COMPOUND CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 141.60 FEET, WITH A RADIUS OF 1274.50 FEET, WITH A DELTA ANGLE 06°21'56", WITH A CHORD BEARING OF S 78°08'51" E WITH A CHORD LENGTH OF 141.52 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 143.84 FEET, WITH A RADIUS OF 512.50 FEET, WITH A DELTA ANGLE 16°04'49", WITH A CHORD BEARING OF S 83°00'18" E, WITH A CHORD LENGTH OF 143.36 FEET; THENCE S 45°43'31" E A DISTANCE OF 5.71 FEET; THENCE N 88°57'09" E A DISTANCE OF 23.24 FEET TO THE QUARTER SECTION LINE; THENCE CONTINUE ALONG THE EAST LINE OF SAID SECTION S 00°19'44" E A DISTANCE OF 1630.03 FEET; WHICH IS THE POINT OF BEGINNING.

SHEET 1 OF 3

• SERVING THE STATE OF FLORIDA •

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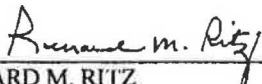
EXHIBIT A

SAID PARCEL CONTAINING 217.824 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEARING S.89°49'26"E.

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

DESCRIPTION PREPARED: AUGUST 03, 2021



RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED: 08-03-21

SKETCH TO ACCOMPANY DESCRIPTION

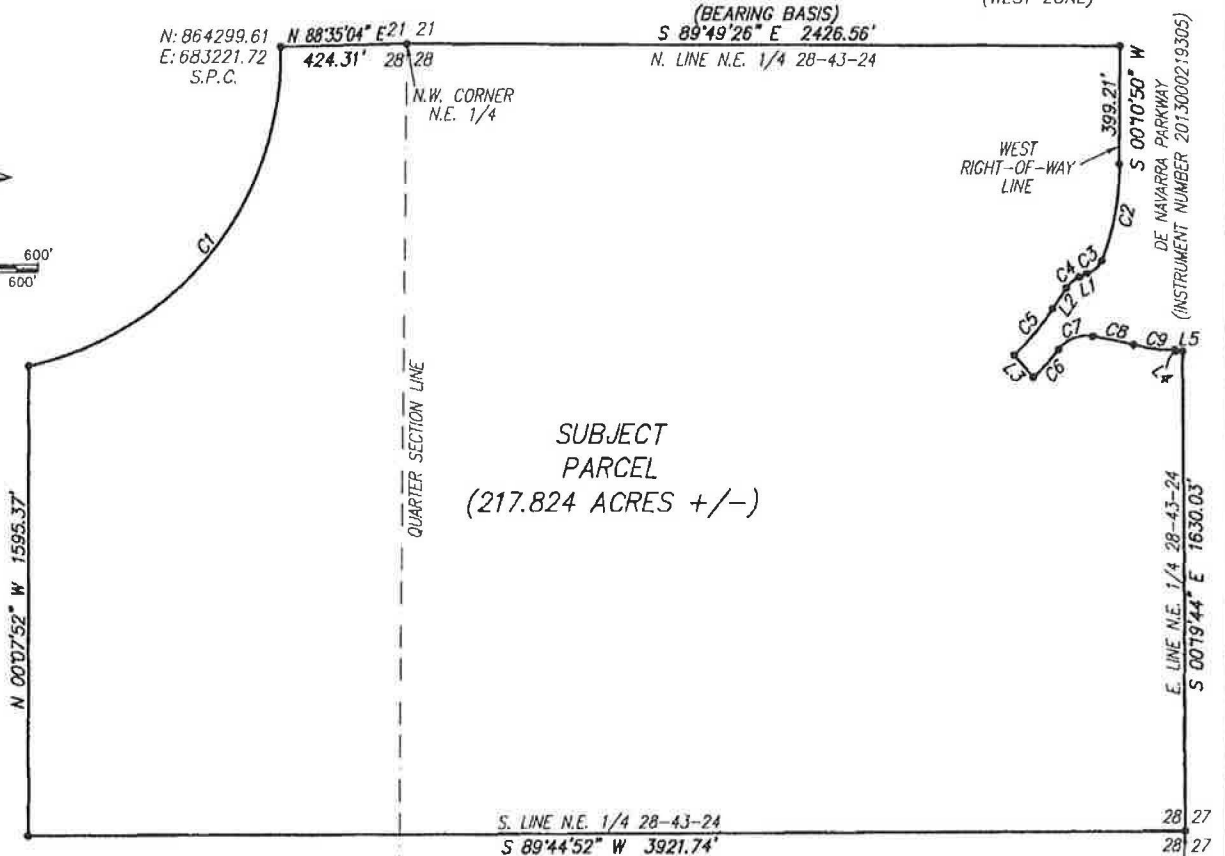
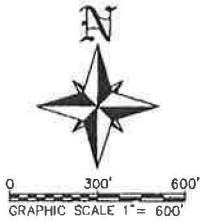
OF A
PARCEL OF LAND
LYING IN
SECTION 28, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 66°12'28" W	27.74'
L2	S 33°34'00" W	84.60'
L3	S 40°23'04" E	100.19'
L4	S 45°43'31" E	5.71'
L5	N 88°57'09" E	23.24'

LEGEND

- LB LICENSED BUSINESS
- L1 LINE 1 OF LINE TABLE
- C1 CURVE 1 OF CURVE TABLE
- EB ENGINEERING BUSINESS
- S.P.C. STATE PLANE COORDINATE (WEST ZONE)



SUBJECT
PARCEL
(217.824 ACRES +/-)

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1080.00'	78°57'57"	1488.47'	1373.43'	N 38°04'01" E
C2	886.30'	21°30'59"	332.83'	330.88'	S 10°18'02" W
C3	99.04'	39°56'06"	69.03'	67.64'	S 49°22'04" W
C4	105.50'	31°07'13"	57.30'	56.60'	S 49°07'37" W
C5	950.22'	12°20'09"	204.58'	204.19'	S 39°44'05" W
C6	1050.22'	6°59'43"	128.22'	128.14'	N 42°45'33" E
C7	125.00'	59°24'30"	129.61'	123.88'	N 68°57'56" E
C8	1274.50'	6°21'56"	141.60'	141.52'	S 78°08'51" E
C9	512.50'	16°04'49"	143.84'	143.36'	S 83°00'18" E

POINT OF BEGINNING
SOUTHEAST CORNER OF THE
NORTHEAST QUARTER OF
SECTION 28, TOWNSHIP 43 SOUTH,
RANGE 24 EAST
N: 861640.22
E: 686300.23
S.P.C.

NOTES:

SEE SHEET 1 AND 2 OF 3 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

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

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4009

PREPARED AUGUST 03, 2021

THIS IS NOT A SURVEY

BANKS
ENGINEERING

10311 SIX MILE CYPRESS PARKWAY, SUITE 101
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PHONE (239) 939-5490 FAX (239) 939-2923
ENGINEERING LICENSE # EB 8149
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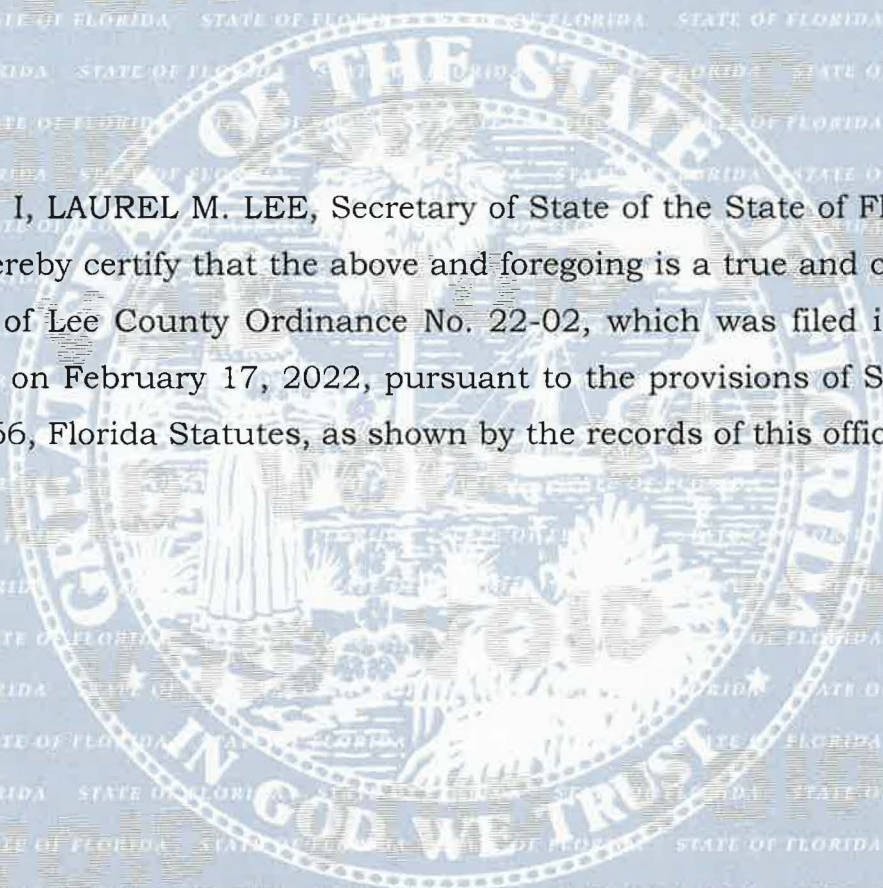
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

SKETCH TO ACCOMPANY DESCRIPTION
CORAL BAY
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
08-03-21	J084DR	CORAL-BAY		DRB	RMR	1"=30'	3	3	27-43-24 28-43-24

STATE OF FLORIDA DEPARTMENT OF STATE

I, LAUREL M. LEE, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Lee County Ordinance No. 22-02, which was filed in this office on February 17, 2022, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.



**Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
21st of February, A.D., 2022.**



Laurel M Lee
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.