

## CITY OF BONITA SPRINGS, FLORIDA

## ORDINANCE NO. 01 - 04

AN ORDINANCE ESTABLISHING MEDITERRA NORTH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.005(2), FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT OF THE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE CITY OF BONITA SPRINGS MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Long Bay Partners, LLC, has petitioned the City Council of the City of Bonita Springs, Florida (the "City") to establish MEDITERRA NORTH COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the City Council of the City (the "City Commission"), after proper published noticed, 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(2), Florida Statutes; and all statements contained within the petition are true and correct.
2. The Planning Department of Lee County, Florida, on behalf of the City, has reviewed and approved the petition for establishment of the district on the property proposed in the petition.
3. The costs to the City 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, the City 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 any other alternative management entity which may make an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the ordinance, is as economically viable as establishing the district. Methodology is set forth in the economic impact statement of estimated regulatory costs on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

4. Establishment of the proposed district, whose charter is Section 190.006 - 190.041, Florida Statutes, is created by general law and is not inconsistent with the applicable local Comprehensive Plan or the State Comprehensive Plan.

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 the best alternative available 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 on the proposed property, may petition the City Commission 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 Mediterra North Community

Development District will be duly and legally authorized to exist and exercise on the proposed property all of its general and special powers as limited by law; and has the right to seek consent from the City 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.

**THE CITY OF BONITA SPRINGS HEREBY ORDAINS:**

**SECTION ONE: DISTRICT NAME**

The community development district herein established will be known as Mediterra North 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 City ordinances.

**SECTION THREE: ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT**

Mediterra North Community Development District is hereby 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. Ed Rodgers  
Bonita Bay Properties, Inc.  
3451 Bonita Bay Blvd. S.W.  
Suite 202  
Bonita Springs, FL 34134-4395
2. Margaret Emblidge  
Bonita Bay Properties, Inc.  
3451 Bonita Bay Blvd. S.W.  
Suite 202  
Bonita Springs, FL 34134-4395
3. Charley Nevaril  
Bonita Bay Properties, Inc.  
3451 Bonita Bay Blvd. S.W.  
Suite 202  
Bonita Springs, FL 34134-4395
4. Tim Tonachio  
Bonita Bay Properties, Inc.  
3451 Bonita Bay Blvd. S.W.  
Suite 202  
Bonita Springs, FL 34134-4395
5. Grady Miars  
Bonita Bay Properties, Inc.  
3451 Bonita Bay Blvd. S.W.  
Suite 202  
Bonita Springs, FL 34134-4395

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Mediterra North 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 Mediterra North 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**

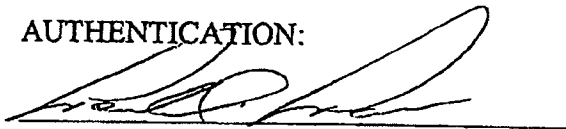
In the event this Ordinance conflicts with any other City ordinance or other applicable law, the more restrictive will apply. If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent 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.

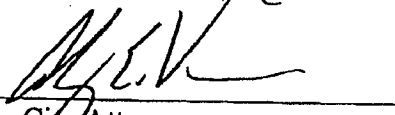
**DULY PASSED AND ENACTED** by the City Council of the City of Bonita Springs, Florida this 21<sup>st</sup> day of February, 2001.

AUTHENTICATION:

  
Mayor

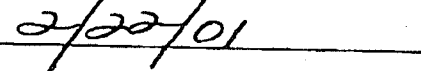
  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

  
Date

Vote:	Arend	Aye	Piper	Aye
	Edsall	Aye	Wagner	Aye
	Nelson	Aye	Warfield	Aye
	Pass	Aye		

Date filed with City Clerk: 

**WilsonMiller**

New Directions In Planning, Design &amp; Engineering

EXHIBIT A

**Mediterra North CDD**  
**Part of Sections 1 and 2 of Township 48 South,**  
**Range 25 East, Lee County, Florida**

All that part of Sections 1 and 2 of Township 48 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Beginning at the southwest corner of said Section 2;

thence North 01°03'16" West 1186.43 feet to the southeasterly right-of-way line of Old U.S. 41;

thence along said line, North 31°17'51" East 2682.22 feet to a point on the south line of an easement described in O.R. Book 1108, page 732, Public Records of Lee County, Florida;

thence along said line, North 88°48'03" East 1211.40 feet to the north and south ¼ section line of said Section 2;

thence along said line, South 01°08'51" East 803.77 feet to the north line of the northwest ¼ of the southeast ¼ of Section 2;

thence along said line, North 88°49'49" East 1323.85 feet to the northeast corner of the northwest ¼ of the southeast ¼ of said Section 2;

thence along the east line of the northwest ¼ of the southeast ¼ of Section 2, South 01°09'59" East 1328.28 feet to the north line of the southeast ¼ of the southeast ¼ of Section 2;

thence along said line, North 88°55'01" East 1324.99 feet to the east line of the southeast ¼ of Section 2;

thence along said line, North 01°12'10" West 1329.85 feet to the east ¼ corner of Section 2;

thence along the west line of the south ½ of the northwest ¼ of said Section 1, North 01°11'32" West 1328.50 feet to the northwest corner of the north ½ of the south ½ of the northwest ¼ of Section 1;

thence along the north line of the south ½ of the northwest ¼ of Section 1, North 89°19'11" East 1990.49 feet;

thence leaving said line, South 01°14'00" East 400.02 feet;

thence North 89°19'11" East 584.93 feet to a point on the west right of way line of Livingston Road;

thence along said right of way line in the following eight described courses;

1) southerly 18.93 feet along the arc of a circular curve concave to the west having a radius of 2008.48 feet through a central angle of 00°32'24" and being subtended by a chord which bears South 10°25'38" West 18.93 feet to a point of reverse curvature;

2) southerly 439.83 feet along the arc of a circular curve concave to the east having a radius of 2158.48 feet through a central angle of 11°40'31" and being subtended by a chord which bears South 04°51'34" West 439.07 feet;

3) North 89°10'44" East 9.98 feet;

4) South 01°13'58" East 463.59 feet;

5) southerly 210.24 feet along the arc of a circular curve concave to the east having a radius of 2148.48 feet through a central angle of 05°36'24" and being subtended by a chord which bears South 04°02'10" East 210.16 feet to a point of reverse curvature;

6) southerly 197.84 feet along the arc of a circular curve concave to the west having a radius of 2018.48 feet through a central angle of 05°36'57" and being subtended by a chord which bears South 04°01'54" East 197.76 feet;

7) South 88°46'35" West 10.00 feet;

8) South 01°13'25" East 2244.76 feet to a point on the south line of said Section 1;

thence along the south line of the southwest quarter of Section 1 South 88°58'39" West 2546.95 feet;

thence along the south line of Section 2, South 88°57'42" West 5302.86 feet to the southwest corner of Section 2 and the Point of Beginning of the parcel herein described;

Subject to easements and restrictions of record.

Containing 521.1 acres more or less.

Naples Fort Myers Sarasota Bradenton Tampa

3200 Bailey Lane, Suite 200 Naples, Florida 34105-8507 941-649-4040 941-643-5716


www.wilsonmiller.com

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

**WilsonMiller**

Bearings are based on the south line of Section 2, Township 48 South, Range 25 East, Lee County, Florida being South 88°57'42" West.  
Certificate of authorization #LB-43.

WilsonMiller, Inc.  
Registered Engineers and Land Surveyors

By:   
John E. Boutwell, P.S.M. #3934

Date 11-07-00

Ref. 4K-439

Not valid unless embossed with the Professional's seal.  
Revised 11/1/2000