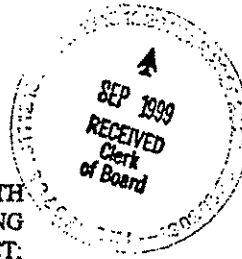


ORDINANCE NO. 99- 67



AN ORDINANCE ESTABLISHING THE MEDITERRA SOUTH COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Long Bay Partners, L.L.C. has petitioned the board of County Commissioners to establish the MEDITERRA SOUTH COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published notice conducted a public hearing on the petition as required by law and determined the following:

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. Establishment of the proposed district is not inconsistent with the local Comprehensive Plan of Collier County and is not inconsistent with the State Comprehensive Plan.
3. That the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. That the district is the best alternative available for delivering community development services and facilities to the area that will be serviced by the district.
5. That 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.
6. That the area will be served by the district is amenable to separate special district government; and

WHEREAS, it is the policy of the State, as provided in Section 190.002 (2) of the Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be served by the district, to ensure that neither the establishment nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the district so established does not have any zoning or permitting powers governing development; and

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TALLAHASSEE  
FLORIDA

WHEREAS, Section 190.044 (3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district; and that a district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of local general purpose government; and

WHEREAS, pursuant to Section 190.012, Florida Statutes, the district's special powers are subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and special districts having authority with respect to any area included therein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

**SECTION ONE: 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 TWO: ESTABLISHMENT OF THE MEDITERRA SOUTH COMMUNITY DEVELOPMENT DISTRICT.**

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

**SECTION THREE: DESIGNATION OF INITIAL BOARD MEMBERS**

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

- |   |   |
|---|---|
| 1. Ed Rogers<br>Bonita Bay Properties, Inc.<br>3451 Bonita Bay<br>Boulevard, SW, Suite 202<br>Bonita Springs, FL 34134-4395         | 3. Charley Nevaril<br>Bonita Bay Properties, Inc.<br>3451 Bonita Bay Boulevard,<br>SW, Suite 202<br>Bonita Springs, FL 34134-4395 |
| 2. Margaret Emblidge<br>Bonita Bay Properties, Inc.<br>3451 Bonita Bay Boulevard,<br>SW, Suite 202<br>Bonita Springs, FL 34134-4395 | 4. Tim Tonachio<br>Bonita Bay Properties, Inc.<br>3451 Bonita Bay<br>Boulevard, SW, Suite 202<br>Bonita Springs, FL 34134-4395    |
| 5. Grady Miars<br>Bonita Bay Properties, Inc.<br>3451 Bonita Bay Boulevard,<br>SW, Suite 202<br>Bonita Springs, FL 34134-4395       |   |

**SECTION FOUR: DISTRICT NAME**

The community development district herein established shall henceforth be known as the Mediterra South Community Development District.

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT**

The Meditera South Community Development District shall be governed by the provision of Chapter 190, Florida Statutes.

**SECTION SIX: CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

**SECTION SEVEN: INCLUSION IN CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

**SECTION EIGHT: EFFECTIVE DATE:**

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 14th day of September, 1999.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

ATTEST:

*Dwight E. Brock*  
DWIGHT E. BROCK, Clerk

Attest as to Chairman's  
signature only.

Approved as to Form  
and Legal Sufficiency

*Heidi Ashton*  
Heidi Ashton  
Assistant County Attorney

BY:

*Pamela S. MacKie*  
PAMELA S. MAC'KIE, Chairwoman

This ordinance filed with the  
Secretary of State's Office the  
14th day of Sept., 1999  
and acknowledgement of that  
filing received this 20th day  
of Sept., 1999  
By *Debra J. Baker*  
Deputy Clerk

SL/mk/E/comp plan/ORD.

Exhibit "A"

MEDITERRA SOUTH CDD

PIPER PARCEL (Collier County)

The north half (N $\frac{1}{2}$ ) of the west half (W $\frac{1}{2}$ ) of the west half (W $\frac{1}{4}$ ) of Section 11,  
Township 48 South, Range 25 East, Collier County, Florida  
Containing 80.57 acres more or less.

and;

KHACHANE PARCEL

North  $\frac{1}{4}$  of the north  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 11, Township  
48 South, Range 25 East, Collier County, Florida  
Containing 10.09 acres more or less.

and;

KHACHANE PARCEL

North  $\frac{1}{4}$  of the south  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 11, Township  
48 South, Range 25 East, Collier County, Florida  
Containing 10.09 acres more or less.

and;

MONTANUS PARCEL

The south  $\frac{1}{2}$  of the north  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 11;  
Township 48 South, Range 25 East, Collier County, Florida.  
Containing 10.09 acres more or less.

and;

STAPLETON PARCEL

The south  $\frac{1}{2}$  of the south  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 11,  
Township 48 South, Range 25 East, saving and reserving the west 50 feet thereof for  
roadway purposes for ingress and egress of grantors and grantees and adjacent property  
owners.

Containing 10.09 acres more or less.

and;

DYNABEL PARCEL

The Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , less the South 30 feet thereof, of Section 11,  
Township 48 South, Range 25 East, Collier County, Florida.

and;

DYNABEL PARCEL continued

The Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ; The Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ ; The  
Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; and the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; Less the North

Containing 195 acres more or less.  
and:

FIDELITY PARCEL

The North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$ , of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 11,  
Township 48 South, Range 25 East, Collier County, Florida  
Containing 5 acres more or less.

VOGEL PARCEL

The Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 11, Township 48 South, Range 25 East, Collier County, Florida. Containing 80.40 Acres more or less.

LIVINGSTON PARCEL

A parcel of land located in Sections 11, 12 and 13, Township 48 South, Range 25 East, Collier County, Florida, being more particularly described as follows:  
 Beginning at the southeast corner of the southwest  $\frac{1}{4}$  of Section 12, Township 48 South, Range 25 East, Collier County Florida;  
 thence run North  $00^{\circ}52'07''$  West along the east line of said southwest  $\frac{1}{4}$  of Section 12, for a distance of 2631.75 feet to the center of said Section 12;  
 thence continue North  $00^{\circ}52'07''$  West along the east line of the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 12, for a distance of 1316.77 feet to the northeast corner of the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 12;  
 thence run South  $88^{\circ}54'06''$  West along the south line of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 12, for a distance of 662.28 feet to the southwest corner of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 12;  
 thence run North  $00^{\circ}50'22''$  West along the west line of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 12, for a distance of 658.71 feet to the northwest corner of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 12;  
 thence run North  $88^{\circ}55'45''$  East along the north line of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 12, for a distance of 661.95 feet to the northeast corner of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 12;  
 thence run North  $00^{\circ}52'07''$  West along the east line of the northwest  $\frac{1}{4}$  of said Section 12, for a distance of 658.39 feet to the northeast corner of the northwest  $\frac{1}{4}$  of said Section 12;  
 thence run South  $88^{\circ}57'20''$  West along the north line of the northwest  $\frac{1}{4}$  of said Section 12, for a distance of 2646.45 feet to the northwest corner of the northwest  $\frac{1}{4}$  of said Section 12;  
 thence run South  $00^{\circ}45'07''$  East along the west line of the northwest  $\frac{1}{4}$  of said Section 12, for a distance of 1319.36 feet to the northeast corner of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of Section 11, Township 48 South, Range 25 East;

thence run South 88°54'42" West along the north line of the southeast ¼ of the northeast ¼ of said Section 11, for a distance of 1325.63 feet to the northwest corner of the southeast ¼ of the northeast ¼ of said Section 11;  
 thence run South 00°45'23" East along the west line of the southeast ¼ of the northeast ¼ of said Section 11, for a distance of 1320.39 feet to the southwest corner of the southeast ¼ of the northeast ¼ of said Section 11;  
 thence run South 0°45'04" East along the west line of the northeast ¼ of the southeast ¼ of said Section 11, for a distance of 1321.73 feet to the southwest corner of the northeast ¼ of the southeast ¼ of said Section 11;  
 thence run South 88°46'37" West along the north line of the southwest ¼ of the southeast ¼ of said Section 11, for a distance of 1325.33 feet to the northwest corner of the southwest ¼ of the southeast ¼ of said Section 11;  
 thence run South 00°45'39" East along the west line of the southwest ¼ of the southeast ¼ of said Section 11, for a distance of 1323.80 feet to the southwest corner of the southeast ¼ of said Section 11;  
 thence run North 88°41'15" East along the south line of the southeast ¼ of said Section 11, for a distance of 2650.25 feet to the northwest corner of Section 13, Township 48 South, Range 25 East;  
 thence run South 00°43'28" East along the west line of the northwest ¼ of said Section 13, for a distance of 675.60 feet to the southwest corner of the northwest ¼ of the northwest ¼ of the northwest ¼ of said Section 13;  
 thence run North 88°38'13" East along the south line of the northwest ¼ of the northwest ¼ of the northwest ¼ of said Section 13, for a distance of 664.12 feet to the southeast corner of the northwest ¼ of the northwest ¼ of the northwest ¼ of said Section 13;  
 thence run North 00°41'49" West along the east line of the northwest ¼ of the northwest ¼ of the northwest ¼ of said Section 13, for a distance of 675.07 feet to the northeast corner of the northwest ¼ of the northwest ¼ of the northwest ¼ of said Section 13;  
 thence run North 88°41'00" East along the south line of the southwest ¼ of Section 12, Township 48 South, Range 25 East, for a distance of 1993.31 feet to the Point of Beginning.  
 Less and excepting therefrom the Northwest ¼ of the Northwest ¼ of the Northwest ¼ of said Section 13.  
 Containing 472 acres more or less.  
 and;

#### ZEHNER PARCEL

The Northeast ¼ of the Northeast ¼ of Section 11, Township 48 South, Range 25 East, Collier County, Florida, O.R. Book 2211, page 606  
 Containing 40 acres more or less.  
 and;

**WILSON 10 AC. PARCEL**

The North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 11,  
Township 48 South, Range 25 East, Collier County, Florida  
Containing 10 acres more or less.  
and;

**AMSTER PARCEL**

The South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 11,  
Township 48 South, Range 25 East, Collier County, Florida  
Containing 10 acres more or less.  
and;

**PAGE PARCEL**

The North  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 11,  
Township 48 South, Range 25 East, Collier County, Florida  
Containing 10 acres more or less.

STATE OF FLORIDA)  
COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth  
Judicial Circuit, Collier County, Florida, do hereby certify that the  
foregoing is a true copy of:

ORDINANCE NO. 99-67

Which was adopted by the Board of County Commissioners on  
14th day of September, 1999, during Regular Session.

WITNESS my hand and the official seal of the Board of County  
Commissioners of Collier County, Florida, this 15th day of September,  
1999.

DWIGHT E. BROCK  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners

*Ellie Hoffman*  
By: Ellie Hoffman,  
Deputy Clerk

FILED  
1999 SEP 16 AM 10:17  
DEPT. OF STATE  
TALLAHASSEE, FLORIDA

