

ORDINANCE NO. 18-21

AN ORDINANCE ESTABLISHING ESPLANADE LAKE CLUB 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 MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Taylor Morrison of Florida, Inc., has petitioned the Board of County Commissioners to establish ESPLANADE LAKE CLUB 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 Lee 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 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 Esplanade Lake Club Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law, 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 Esplanade Lake Club 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

Esplanade Lake Club 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:

Name: Drew Miller
Address: Taylor Morrison
551 North Cattlemen Road, Suite 200
Sarasota, Florida 34232

Name: Adam Painter
Address: Taylor Morrison
551 North Cattlemen Road, Suite 200
Sarasota, Florida 34232

Name: Karen Goldstein
Address: Taylor Morrison
551 North Cattlemen Road, Suite 200
Sarasota, Florida 34232

Name: Tony Burdett
Address: Taylor Morrison
551 North Cattlemen Road, Suite 200
Sarasota, Florida 34232

Name: Chris Nirenberg
Address: Taylor Morrison
551 North Cattlemen Road, Suite 200
Sarasota, Florida 34232

SECTION FIVE: POWERS OF THE DISTRICT

The powers and functions of the Esplanade Lake Club Community Development District are described in Chapter 190, 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

Esplanade Lake Club 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 Esplanade Lake Club Community Development District must include the disclosure statement required in Section 190.048, Florida Statutes, 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 Esplanade Lake Club 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 provisions and such holding will not affect the validity of the remaining portion.

SECTION TEN: EFFECTIVE DATE

This Ordinance will take effect upon its filing with the Office of the Secretary of the Department of State.

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

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED THIS 18th day of September, 2018.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Joyce Townsend
Deputy Clerk

By: [Signature]
Cecil L Pendergrass, Chair



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

By: [Signature]
Office of County Attorney

EXHIBIT "A"

PARCEL 1

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 11, 12 AND 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTIONS 7 AND 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11 RUN N89°43'01"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11 FOR 2,244.43 FEET TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 3165, AT PAGE 1800, LEE COUNTY RECORDS; THENCE RUN S01°00'21"E ALONG SAID NORTHERLY PROLONGATION AND CONTINUING ALONG SAID EASTERLY LINE OF LANDS FOR 125.03 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF ALICO ROAD, BEING 125 FEET SOUTH AS MEASURED PERPENDICULAR TO THE CENTER LINE THEREOF, AS DESCRIBED IN A DEED RECORDED IN INSTRUMENT NO. 2015000025953, LEE COUNTY RECORDS AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN ALONG SAID SOUTH RIGHT OF WAY LINE FOLLOWING THREE (3) COURSES: S89°43'01"E FOR 2,243.03 FEET; N88°58'52"E FOR 2,674.00 FEET AND N89°27'22" E FOR 1,065.43 FEET; THENCE RUN S00°32'38" E FOR 408.17 FEET; THENCE RUN S17°15'51" W FOR 835.69 FEET; THENCE RUN S16°27'38" E FOR 126.05 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 50.00 FEET (DELTA 94°29'05") (CHORD BEARING S63°42'10" E) (CHORD 73.42 FEET) FOR 82.45 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN EASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 615.00 FEET (DELTA 25°21'45") (CHORD BEARING N81°44'10" E) (CHORD 270.02 FEET) FOR 272.24 FEET TO A POINT OF TANGENCY; THENCE RUN S85°34'57" E FOR 257.22 FEET TO A POINT OF CURVATURE; THENCE RUN EASTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 335.00 FEET (DELTA 20°59'28") (CHORD BEARING N83°55'19" E) (CHORD 122.05 FEET) FOR 122.73 FEET TO A POINT OF TANGENCY; THENCE RUN N73°25'35" E FOR 101.88 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 1,250.00 FEET (DELTA 07°35'07") (CHORD BEARING S12°46'52" E) (CHORD 165.36 FEET) FOR 165.48 FEET TO A POINT OF TANGENCY; THENCE RUN S16°34'25" E FOR 31.50 FEET; THENCE RUN N73°25'35" E FOR 291.52 FEET TO A POINT OF CURVATURE; THENCE RUN EASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 718.50 FEET (DELTA 15°43'39") (CHORD BEARING N81°17'24" E) (CHORD 196.61 FEET) FOR 197.22 FEET TO A POINT OF TANGENCY; THENCE RUN N89°09'13" E FOR 229.65 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 20.00 FEET (DELTA 90°00'00") (CHORD BEARING S45°50'47" E) (CHORD 28.28 FEET) FOR 31.42 FEET TO A POINT OF TANGENCY; THENCE RUN S00°50'47" E FOR 20.40 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 400.00 FEET (DELTA 23°15'15") (CHORD BEARING S12°28'24" E) (CHORD 161.23 FEET) FOR 162.34 FEET TO A POINT OF TANGENCY; THENCE RUN S24°08'02" E FOR 109.25 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 300.00 FEET (DELTA 23°15'15") (CHORD BEARING S12°28'24" E) (CHORD 120.92 FEET) FOR 121.76 FEET TO A POINT OF TANGENCY; THENCE RUN S00°50'47" E FOR 690.09 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 550.00 FEET (DELTA 25°57'46") (CHORD BEARING S13°49'40" E) (CHORD 247.10 FEET) FOR 249.22 FEET TO A POINT OF TANGENCY; THENCE RUN S26°48'32" E FOR 85.62 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 450.00 FEET (DELTA 25°57'46") (CHORD BEARING S13°49'40" E) (CHORD 202.17 FEET) FOR 203.91 FEET TO A POINT OF TANGENCY; THENCE RUN S00°50'47" E FOR 2,423.60 FEET; THENCE RUN N89°09'13" W FOR 893.46 FEET; THENCE RUN N20°03'48" W FOR 267.98 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 2,150.00 FEET (DELTA 35°48'07") (CHORD BEARING N02°09'45"W) (CHORD 1,321.71 FEET) FOR 1,343.46 FEET; THENCE RUN S89°09'13"W ALONG A NON-TANGENT LINE FOR 563.00 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 2,000.00 FEET (DELTA 06°22'28") (CHORD BEARING S04°16'59"W) (CHORD 222.39 FEET) FOR 222.51 FEET TO A POINT OF TANGENCY; THENCE RUN S01°05'46"W FOR 292.24 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 2,000.00 FEET (DELTA 06°33'04") (CHORD BEARING S04°22'18"W) (CHORD 228.56 FEET) FOR 228.68 FEET TO A POINT OF TANGENCY; THENCE RUN S07°38'50"W FOR 351.57 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 3345, AT PAGE 815, LEE COUNTY RECORDS; THENCE RUN S88°10'32"W ALONG THE NORTHERLY LINE OF SAID LANDS AND CONTINUING ALONG THE WESTERLY PROLONGATION THEREOF FOR 1,980.90 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 3165, AT PAGE 1800, LEE COUNTY RECORDS; THENCE RUN ALONG THE NORTHERLY AND EASTERLY LINE OF SAID LANDS THE FOLLOWING FIFTEEN (15) COURSES: N21°30'12"W FOR 81.17 FEET; S88°02'24"W FOR 612.22 FEET; N87°09'14"W FOR 469.81 FEET; N19°42'33"W FOR 157.74 FEET; N88°10'13"W FOR 1,363.08 FEET; N77°09'26"W FOR 573.01 FEET; N24°28'51"W FOR 150.17 FEET; N88°53'18"W FOR 216.95 FEET; N19°01'18"W FOR 249.76 FEET; N40°48'12"W FOR 322.81 FEET; S88°47'46"W FOR 376.79 FEET; N00°16'17"W FOR 606.52 FEET; N00°39'26"W FOR 1,432.24 FEET; N04°19'45"E FOR 1,091.78 FEET AND N01°00'21"W FOR 832.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 33,930,196 SQUARE FEET OR 778 930 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE CENTERLINE OF ALICO ROAD (RIGHT OF WAY WIDTH VARIES), BEING SOUTH 89°27'22" WEST, AND RELATE TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: (Lee)

COUNTY ORDINANCE #(18-21)
(e.g.,93-001)

PRIMARY KEYFIELD

DESCRIPTOR: (Special Districts)

SECONDARY KEYFIELD

DESCRIPTOR: (Local Government)

OTHER KEYFIELD

DESCRIPTOR: (Government Agencies)

ORDINANCE DESCRIPTION: (Esplanade Lake Club CDD)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1:(N/A); AMENDMENT #2:()

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: (N/A); REPEAL #3: ();
REPEAL #2: (); REPEAL #4: ();

(Others repealed: list all that apply):

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| (FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: ()

KEYFIELD 1 CODE: ()

KEYFIELD 2 CODE: ()

KEYFIELD 3 CODE: ()

Rev. 6/29/93
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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 19, 2018

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Joyce Townsend

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 18-21, which was filed in this office on September 19, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED

By jtownsend at 2:31 pm, Sep 19, 2018