



ORDINANCE NO. 2004-37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE WENTWORTH ESTATES COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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 COLLIER COUNTY FLORIDA

Recitals

WHEREAS, V.K. Development Corporation (Petitioner) has petitioned the Board of County Commissioners (Board) of Collier County, Florida, a political subdivision of the State of Florida, to establish the WENTWORTH ESTATES COMMUNITY DEVELOPMENT DISTRICT (District); and

WHEREAS, the Board of County Commissioners, after proper published notice has conducted a public hearing on the petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e), as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete in that it meets the requirements of Sections 190.005 (1)(e) 2., and 190.005(2)(a), Florida Statutes; and all statements contained within the petition are true and correct.
2. Establishment of the proposed District is consistent with any applicable element or portion of the local comprehensive plan of Collier County, known as the Collier County Growth Management Plan or the State Comprehensive Plan.
3. The area of land within the proposed District is of sufficient size, is sufficiently compact and contiguous to be developable as one functional interrelated community.
4. 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. 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. The area that will be served by the District is amenable to separate special-district government; and

WHEREAS, Petitioner has committed to the Board that the Petitioner, its successors and assigns, shall (1) elect one resident of the District to the five member Board of Supervisors at such time as residents begin occupying homes in the District and (2) record a Notice of Assessments containing the specific terms and conditions of any special assessments imposed to secure bonds issued by the District, which notice shall be recorded immediately after any such bond issuance (these commitments shall hereinafter be collectively referred as "Petitioner's Commitments"); and

WHEREAS, it is the policy of this State, as provided for in Section 190.002 (2)(c), 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 serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under chapter 380 and that the district so established does not have any zoning or permitting powers governing development; and

WHEREAS, Section 190.004 (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. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code; as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government; and

WHEREAS, pursuant to Section 190.012, Florida Statutes, upon the establishment of the proposed community development district, the District Board of Supervisors will have the right to seek consent from Collier County for the grant of authority to exercise special powers without question as to the continued right authority and power to exercise its limited powers as established by this Ordinance.

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 WENTWORTH ESTATES COMMUNITY DEVELOPMENT DISTRICT.

The Wentworth Estates 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. Lydia Kiser
200 S. Orange Avenue #1900
Orlando, FL 32801 | 4. Chris Hagan
2158 Johnson Street
Ft. Myers, FL 33902-1550 |
| 2. Justin Rowan
200 S. Orange Avenue #1900
Orlando, FL 32801 | 5. David Tricker
200 Vista Lane
Naples, FL 34119 |
| 3. Steve Morrison
2158 Johnson Street
Ft. Myers, FL 33902-1550 | |

SECTION FOUR: DISTRICT NAME

The community development district herein established shall henceforth be known as the "Wentworth Estates Community Development District."

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

The provisions of Chapter 190, Florida Statutes, and all other applicable general and local law shall govern the Wentworth Estates Community Development District.

SECTION SIX: CONSENT TO SPECIAL POWERS:

Upon the effective date of this Ordinance, the Wentworth Estates Community Development District shall 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 the Collier County Board of County Commissioners for the grant of authority to exercise special powers in accordance with Section 190.012(2), Florida Statutes, without question as to the district's continued right, authority and power to exercise its limited powers as established by this Ordinance. The District Board's authority to exercise special powers may include the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: (i) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and (ii) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries; all as authorized and described by Section 190.012 (2)(a) through (d), Florida Statutes.

SECTION SEVEN: PETITIONER'S COMMITMENTS

The adoption of this ordinance is predicated upon the material inducements contained in the foregoing Recital setting forth Petitioner's Commitments, re- stated as follows: that the Petitioner, its successors and assigns, shall (1) elect one resident of the District to the five member Board of Supervisors at such time as residents begin occupying homes in the District, and (2) record a Notice of Assessments containing the specific terms and conditions of any special assessments imposed to secure bonds issued by the District, which notice shall be recorded immediately after any such bond issuance. The Board shall retain any and all rights and remedies available at law and in equity to enforce Petitioner's Commitments against Petitioner, its successors and assigns.

SECTION EIGHT: 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 phase 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 NINE: 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 work "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION TEN: EFFECTIVE DATE

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

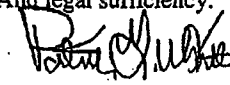
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 8th day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

 EST. DWIGHT E. BROCK
Patrick G. White
Deputy Clerk
signature (1)

BY: 
DONNA FIALA, CHAIRMAN

Approved as to form
And legal sufficiency:


PATRICK G. WHITE
Assistant County Attorney

DESCRIPTION**EXHIBIT A****PARCEL 1****Description of Part of Sections 29, 30 and 31, Township 50 South, Range 26 East, Collier County, Florida**

Beginning at the northwest corner of said Section 30; thence along the north line of said Section 30, North 88°23'16" East, 2491.52 feet; thence continue along the north line of said Section 30 North 88°13'29" East 1636.98 feet to the southwesterly right-of-way of Tamiami Trail (US 41) (200' right-of-way); thence along said right-of-way South 39°03'42" East 2333.04 feet; thence leaving said right-of-way South 38°17'43" West 581.30 feet; thence North 89°34'42" West 348.55 feet; thence South 02°48'31" West 308.99 feet; thence South 88°28'28" West 30.00 feet to the east quarter corner of said Section 30; thence along the north line of those lands described in Official Records Book (OR Book) 105, pages 595-597 and OR Book 105, Pages 592-594, Public Records of Collier County, Florida, South 87°14'44" West 683.13 feet; thence along the west line of said land described in OR Book 105, pages 592-594 South 00°20'37" West 672.63 feet; thence along the south line of said lands North 87°26'41" East 654.42 feet to the west line of Myrtle Cove Acres Unit No. 1 as recorded in Plat Book 3, page 38, Public Records of Collier County, Florida; thence along the west line of said Unit No. 1 South 02°45'35" West 1919.99 feet to the southeast corner of said Section 30; thence along the east line of said Section 31, South 02°45'30" West 2335.35 feet; thence South 83°30'57" West 1549.05 feet; thence North 56°10'37" West 816.27 feet; thence North 89°29'19" West 558.68 feet; thence North 01°35'00" East 1675.69 feet; thence North 89°27'15" West 508.31 feet; thence South 70°33'22" West 1109.51 feet; thence due West 357.35 feet to the west line of said Section 31; thence along the west line of said Section 31, North 00°19'55" East 412.36 feet to the northwest corner of said Section 31; thence along the west line of said Section 30, North 00°20'37" East 2685.56 feet to the west quarter corner of said Section 30; thence continue along the west line of said Section 30, North 00°22'18" East 2687.69 feet to the said Point of Beginning;

Less and except the following described parcel of land:

A parcel of land situated in Section 30, Township 50 South, Range 26 East, Collier County, Florida being more particularly described as follows:

Commence at the Northwest corner of Section 30, Township 50 South, Range 26 East, Collier County, Florida for a Point of Beginning and run North 88°23'16" East along the north line of said Section 30, a distance of 2030.79 feet to an intersection with the west line of a 110-foot right-of-way as recorded in Official Records Book 192, page 513 of the Public Records of Collier County, Florida; thence run South 01°36'32" West along said west line, a distance of 1038.85 feet to a point on a curve being concave southerly and having a radius of 524.71 feet, a central angle of 19°50'21" and a chord bearing and distance of North 88°17'59" West, 180.78 feet, respectively; thence run westerly along said curve, an arc distance of 181.69 feet; thence run along a non-tangential line South 86°32'53" West, a distance of 226.34 feet to the point of curvature of a curve being concave southerly and having a radius of 649.22 feet, a central angle of 17°58'25" and a chord bearing and distance of South 77°33'41" West, 202.83 feet, respectively; thence run westerly along said curve, an arc distance of 203.66 feet; thence run along a non-tangential line South 62°38'23" West, a distance of 134.14 feet; thence run South 17°06'51" West, a distance of 49.03 feet; thence run South 00°32'01" West, a distance of 710.96 feet; thence run North 79°28'24" West, a distance of 78.01 feet to a point on a curve being concave southerly and having a radius of 410.07 feet, a central angle of 61°25'19" and a chord bearing and distance of South 77°42'06" West, 418.85 feet, respectively; thence run westerly along said curve, an arc distance of 439.60 feet to a point on a non-tangential curve being concave southeasterly and having a radius of 307.09 feet, a central angle of 14°54'19" and a chord bearing and distance of South 41°24'48" West, 79.66 feet, respectively; thence run southwesterly along said curve, an arc distance of 79.89 feet to the point of reverse curvature of a curve being concave northwesterly and having a radius of 46.70 feet, a central angle of 53°09'03" and a chord bearing and distance of South 60°32'10" West, 41.78 feet, respectively; thence run southwesterly along said curve, an arc distance of 43.32 feet; thence run along a non-tangential line South 85°14'02" West, a distance of 143.73 feet to a point on a curve being concave northeasterly and having a radius of 203.40 feet, a central angle of 51°36'36" and a chord bearing and distance of North 70°50'20" West, 177.08 feet, respectively; thence run northwesterly along said curve, an arc distance of 183.21 feet to a point on a non-tangential reverse curve being concave southeasterly and having a radius of 205.00 feet, a central angle of 75°21'41" and a chord bearing and distance of South 70°42'43" West, 250.62 feet, respectively; thence run southwesterly along said curve, an arc distance of 269.64 feet; thence run North 56°58'08" West, a distance of 30.60 feet; thence run South 46°44'30" West, a distance of 41.78 feet; thence run South 90°00'00" West, a distance of 10.00 feet; thence run North 88°51'11" West, a distance of 31.19 feet; thence run North 80°45'12" West, a distance of 50.56 feet to an intersection with the west line of said Section 30; thence run North 00°22'18" East along said west line, a distance of 2047.80 feet to the said Point of Beginning.

1 of 2

Containing 28,802,253.34 square feet or 661.21 acres of land, more or less.

EXHIBIT A - Cont..

ALSO INCLUDING THE FOLLOWING:

PARCEL 2

Description of Part of Section 32, Township 50 South, Range 26 East, Collier County, Florida:

Beginning at the southwest corner of said Section 32; thence along the west line of said Section 32, North 02°48'47" East, 2394.57 feet; thence leaving said west line North 59°56'01" East 2041.35 feet to the boundary of the plat of Trail Acres Unit 2, Plat Book 4, page 62, Collier County, Florida; thence along said plat boundary South 39°03'07" East 1309.16 feet; thence continue along said plat boundary North 50°55'09" East 762.41 feet; thence leaving said plat boundary South 39°04'51" East 430.46 feet; thence North 50°58'21" East 199.96 feet to the boundary of the plat of Trail Acres Unit 3, Plat Book 3, page 94, Collier County, Florida; thence along said plat boundary South 39°01'39" East 962.19 feet; thence continue along said plat boundary South 87°34'19" East 1003.95 feet to the east line of said Section 32; thence leaving said plat boundary and along said east line, South 02°32'54" West 1912.12 feet to the southeast corner of said Section 32; thence along the south line of said Section 32, North 89°40'29" West 2625.95 feet to the south quarter corner of said Section 32; thence continue along the south line of said Section 32, North 89°40'08" West 2625.60 feet to the said Point of Beginning;

Containing 313.76 acres, more or less.

Subject to easements and restrictions of record.

Bearings are based on the south line of said Section 31 being North 89°41'53" West.

ALSO INCLUDING THE FOLLOWING:

PARCEL 3 (an easement interest only in Parcel 3)

A parcel of land situated in Section 31, Township 50 South, Range 26 East, Collier County, Florida and being more particularly described as follows:

Commence at the southeast corner of Section 31, Township 50 South, Range 26 East, Collier County, Florida and run North 02°48'47" East along the east line of said Section 31, a distance of 1899.79 feet to the Point of Beginning; thence run South 89°53'46" West, a distance of 409.72 feet to the point of curvature of a curve being concave northeasterly and having a radius of 355.00 feet, a central angle of 73°29'53" and a chord bearing and distance of North 53°21'18" West, 424.80 feet, respectively; thence run northwesterly along said curve, an arc distance of 455.39 feet to the point of tangency of said curve; thence run North 16°36'21" West, a distance of 497.55 feet to the point of curvature of a curve being concave southwesterly and having a radius of 445.00 feet, a central angle of 18°47'05" and a chord bearing and distance of North 25°59'54" West, 145.24 feet, respectively; thence run northwesterly along said curve, an arc distance of 145.90 feet; thence run North 83°30'57" East, a distance of 122.06 feet to a point on a curve being concave southwesterly and having a radius of 555.00 feet, a central angle of 12°40'55" and a chord bearing and distance of South 22°56'49" East, 122.59 feet, respectively; thence run southeasterly along said curve, an arc distance of 122.84 feet to the point of tangency of said curve; thence run South 16°36'21" East, a distance of 497.55 feet to the point of curvature of a curve being concave northeasterly and having a radius of 245.00 feet, a central angle of 73°29'53" and a chord bearing and distance of South 53°21'18" East, 293.17 feet, respectively; thence run southeasterly along said curve, an arc distance of 314.28 feet to the point of tangency of said curve; thence run North 89°53'46" East, a distance of 415.33 feet to an intersection with said east line of Section 31; thence run South 02°48'47" West along said east line, a distance of 110.14 feet to the said Point of Beginning.

Containing 157,195.12 square feet or 3.61 acres of land, more or less.

Total acreage of Parcels 1, 2 and 3 is 978.58 acres of land, more or less.

2 of 2