ORDINANCE NO. 22-15

AN ORDINANCE ESTABLISHING DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; AUTHORIZING THE EXERCISE OF SPECIAL POWERS: 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 FUTURE EXPANSION WITH SUFFICIENTLY CONTIGUOUS LANDS: PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Pulte Home Company, LLC, a Michigan limited liability company, has petitioned the Board of County Commissioners to establish DEL WEBB OAK CREEK 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 more of the powers granted by charter in Section 190.012(2), Florida Statutes.

9. Upon the effective date of this Ordinance, the proposed Del Webb Oak Creek 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 additional 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 Del Webb Oak Creek 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

Del Webb Oak Creek 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. Scott Brookes 24311 Walden Center Drive, Suite 300 Bonita Springs, Florida 34134
- 2. Patrick Butler 24311 Walden Center Drive, Suite 300 Bonita Springs, Florida 34134

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- Mike Hueniken
 24311 Walden Center Drive, Suite 300
 Bonita Springs, Florida 34134
- 4. Naomi Robertson 24311 Walden Center Drive, Suite 300 Bonita Springs, Florida 34134
- 5. Laura Ray 24311 Walden Center Drive, Suite 300 Bonita Springs, Florida 34134

SECTION FIVE: POWERS OF THE DISTRICT

The powers and functions of the Del Webb Oak Creek 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

Del Webb Oak Creek Community Development District will be governed by the provisions of Chapter 190, *Florida Statutes*.

SECTION SEVEN: EXPANSION OF DISTRICT WITH SUFFICIENTLY CONTIGUOUS

Pursuant to Section 190.046(1)(h), Florida Statutes, within ten (10) years of the effective date of this Ordinance, the Del Webb Oak Creek Community Development District, or another petitioner, may petition the County for an amendment to expand the boundaries of the Del Webb Oak Creek Community Development District to include any or all of the sufficiently contiguous lands identified in Exhibit "B".

SECTION EIGHT: NOTICE TO SUBSEQUENT PURCHASERS

Any and all agreements for the sale of property within the boundaries of the Del Webb Oak Creek 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 Del Webb Oak Creek Community Development District.

SECTION NINE: 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 TEN: 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 ELEVEN: EFFECTIVE DATE

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

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

Kevin Ruane Cecil L Pendergrass Raymond Sandelli Brian Hamman District 5

Aye Aye Aye Aye Vacant

DULY PASSED AND ADOPTED THIS 21st day of June, 2022.

ATTEST: KEVIN KARNES, CLERK Deputy Clerk



BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

By Cecil L Pendergass, Chair

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

Damo By: Office of **County** Attorney

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Civil Engineers, Land Surveyors and Planners

DESCRIPTION

Parcel in Sections 17, 19 and 20, Township 43 South, Range 25 East Lee County, Florida

A tract or parcel of land lying in Sections 17, 19 and 20, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southwest corner said Section 17 run No0°06'34"W along the West line of the Southwest Quarter (SW 1/4) of said Section 17 for 1,802.86 to an intersection with the Southwesterly line of the Seaboard Coast Line Railroad as described in Deed Book 17, Pages 248 and 249, Lee County Records; thence run S45°46'33"E along said Southwesterly line for 4,463.79 feet to an intersection with the South line of the Northwest guarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 20; thence run N89°35'12"E along the South line of said Fraction for 14.23 feet to an intersection with the Westerly line of the Seaboard Coast Line Railroad, as described in Deed Book 12, Page 490, Lee County Records: thence run S45°46'33"E along said Westerly line for 1.076.58 feet to the Northerly most corner of lands described in deed recorded in Instrument Number 2016000122654, Lee County Records; thence run along the Northerly and Westerly line of said lands the following Twenty (20) courses: S48°02'19"W for 69.87 feet; S73°42'23"W for 58.90 feet; S63°11'42"W for 185.80 feet; S12°27'53"E for 47.23 feet: S06°44'59"E for 184.93 feet: S17°33'46"E for 175.53 feet: \$33°08'01"E for 172.66 feet; \$13°10'35"E for 191.90 feet; \$02°58'19"E for 101.11 feet; S28°41'23"E for 101.26 feet; S06°56'00"E for 65.29 feet; S04°34'47"E for 104.84 feet; S01°27'18"E for 68.32 feet; S03°53'00"W for 59.94 feet; S15°47'36"E for 66.07 feet; S35°27'33"E for 91.88 feet; S43°34'35"E for 56.55 feet; S66°01'27"E for 97.77 feet; S61°09'48"E for 63.94 feet and S27°45'14"E for 127.65 feet to an intersection with an Easterly line of lands described in Official Record Book 3718, Page 4367, Lee County Records; thence run Soo°14'42"W along said Easterly line for 123.18 feet to a point on a non-tangent curve and an intersection with the Northerly right of way line of Bayshore Road (State Road No. 78) as shown on F.D.O.T. Right of Way Map, Section No. 12060-2535; thence run Southwesterly along an arc of curve to the left of radius 2,914.79 feet (delta 44°22'33") (chord bearing S68°05'36"W) (chord 2,201.51 feet) for 2,257.52 feet to an intersection with the Westerly line of lands described in Official Record Book 1833, Page 1188 Lee County Records; thence run N44°05'41"W along said Westerly line for 2,874.75 feet to an intersection with South line of the Northwest Ouarter (NW 1/4) of said Section 20; thence run S89°35'46"W along the South line of said Fraction for 293.86 feet to the West Quarter corner of said Section 20; thence run S00°10'14"E along the East line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 19 for 1,335.96 feet to the Southeast corner of said Fraction; thence run S89°02'55"W along the South line of said Fraction for 298.24 feet to an intersection with the centerline of Williams Road; thence run N43°43'44"W along said centerline for 168.94 feet to a point of curvature; thence continuing along said

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Parraco

and Associates, Inc.

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DESCRIPTION (CONTINUED)

centerline run Northwesterly along the arc of said curve to the right of radius 3,125.43 feet (delta $04^{\circ}17'59$ ") (chord bearing N41°34'45"W) (chord 234.49 feet), for 234.55 feet to a point of tangency; thence continuing along said centerline run N39°25'45"W for 1,190.43 feet to an intersection with the West line of said Fraction; thence run N00°11'23"E along said West line for 101.73 feet to the Northwest corner of said Fraction; thence run N00°32'23"E along the West line of the East Half (E 1/2) of the Northeast Quarter of said Section 19 for 2,652.91 feet to the Northwest corner of said Fraction; thence run N88°20'13"E along the North line of the Northeast quarter (NE 1/4) of said Section 19 for 1,322.60 feet to the POINT OF BEGINNING.

Containing 446.37 acres, more or less.

LESS AND EXCEPT THE FOLLOWING TWO PARCELS:

PARCEL 1:

COMMENCING at the West Quarter corner of said Section 20 run N89°35'46"E along the North line of the South Half (S 1/2) of said Section 20 for 2,714.09 feet; thence run S00°24'14"E for 72.15 feet to the POINT OF BEGINNING.

From said Point of Beginning run S63°48'34"E for 360.87 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the right of radius 790.00 feet (delta 78°10'17") (chord bearing S24°43'26"E) (chord 996.16 feet) for 1,077.84 feet to a point of compound curvature; thence run Southwesterly along an arc of a curve to the right of radius 132.00 feet (delta 23°44'52") (chord bearing S26°14'09"W) (chord 54.32 feet) for 54.71 feet to a point of reverse curvature; thence run Southwesterly along an arc of a curve to the left of radius 268.00 feet (delta 20°16'46") (chord bearing S27°58'11"W) (chord 94.36 feet) for 94.86 feet to a point of tangency; thence run S17°49'48"W for 129.02 feet; thence run S19°12'35"E for 35.00 feet to a point on a non-tangent curve and an intersection with the Northwesterly right of way line of Bayshore Road (State Road No. 78) (F.D.O.T. Right of Way Map, Section No. 12060-2535); thence run Southwesterly along said Northwesterly right of way line along an arc of a curve to the left of radius 2,914.79 feet (delta 13°37'06") (chord bearing S63°53'00"W) (chord 691.17 feet) for 692.80 feet; thence run N30°15'33"W along a non-tangent line for 551.19 feet to a point of curvature; thence run Northerly along an arc of a curve to the right of radius 526.00 feet (delta 56°07'01") (chord bearing No2°12'02"W) (chord 494.83 feet) for 515.18 feet to a point of tangency; thence run N25°51'28"E for 58.54 feet; thence run N19°13'32"E for 420.02 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the right of radius 40.00 feet (delta 57°30'05") (chord bearing N47°58'35"E) (chord 38.48 feet) for 40.14 feet to a point of tangency; thence run N76°43'37"E for 19.29 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the left of radius 30.00 feet (delta 90°37'10") (chord bearing N31°25'02"E) (chord 42.66 feet) for 47.45 feet to a point of reverse curvature; thence run Northerly along an arc of a curve to the right of radius 167.50 feet (delta 40°04'59") (chord bearing N06°08'56"E) (chord 114.80 feet) for 117.18 feet to a point of tangency; thence run N26°11'26"E for 62.12 feet to the POINT OF BEGINNING.

Containing 27.88 acres, more or less.

PARCEL 2:

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DESCRIPTION (CONTINUED)

COMMENCING at the East Quarter Corner of said Section 20 run S89°35'46"W along the North line of the Southeast Quarter (SE 1/4) of said Section 20 for 1311.01 feet: thence run S00°24'14"E for 960.20 feet to the Point of Beginning. From said Point of Beginning run S00°00'42"W for 65.82 feet; thence run S40°26'55"E for 197.36 feet; thence run S04°13'23"E for 101.10 feet to a point on a non-tangent curve and an intersection with the Northerly right of way line of Bayshore Road (State Road No. 78) as shown on F.D.O.T. Right of Way Map, Section No. 12060-2535; thence run westerly along said Northerly right of way line and along an arc of a curve to the left of radius 2,914.79 feet (delta 11 °49'24") (chord bearing \$79°51'55"W) (chord 600.42 feet) for 601.49 feet to a point of reverse curvature; thence leaving said Northerly right of way line run northwesterly along an arc of a curve to the right of radius 50.00 feet (delta 131 °24'24") (chord bearing N40°20'35"W) (chord 91.14 feet) for 114.67 feet to a point of reverse curvature; thence run northerly along an arc of a curve to the left of radius 850.00 feet (delta 24°37'18") (chord bearing N13°02'58"E) (chord 362.47 feet) for 365.27 feet: thence run S89°59'18"E along a non-tangent line for 432.74 feet to the Point of Beginning.

Containing 4.54 acres, more or less.

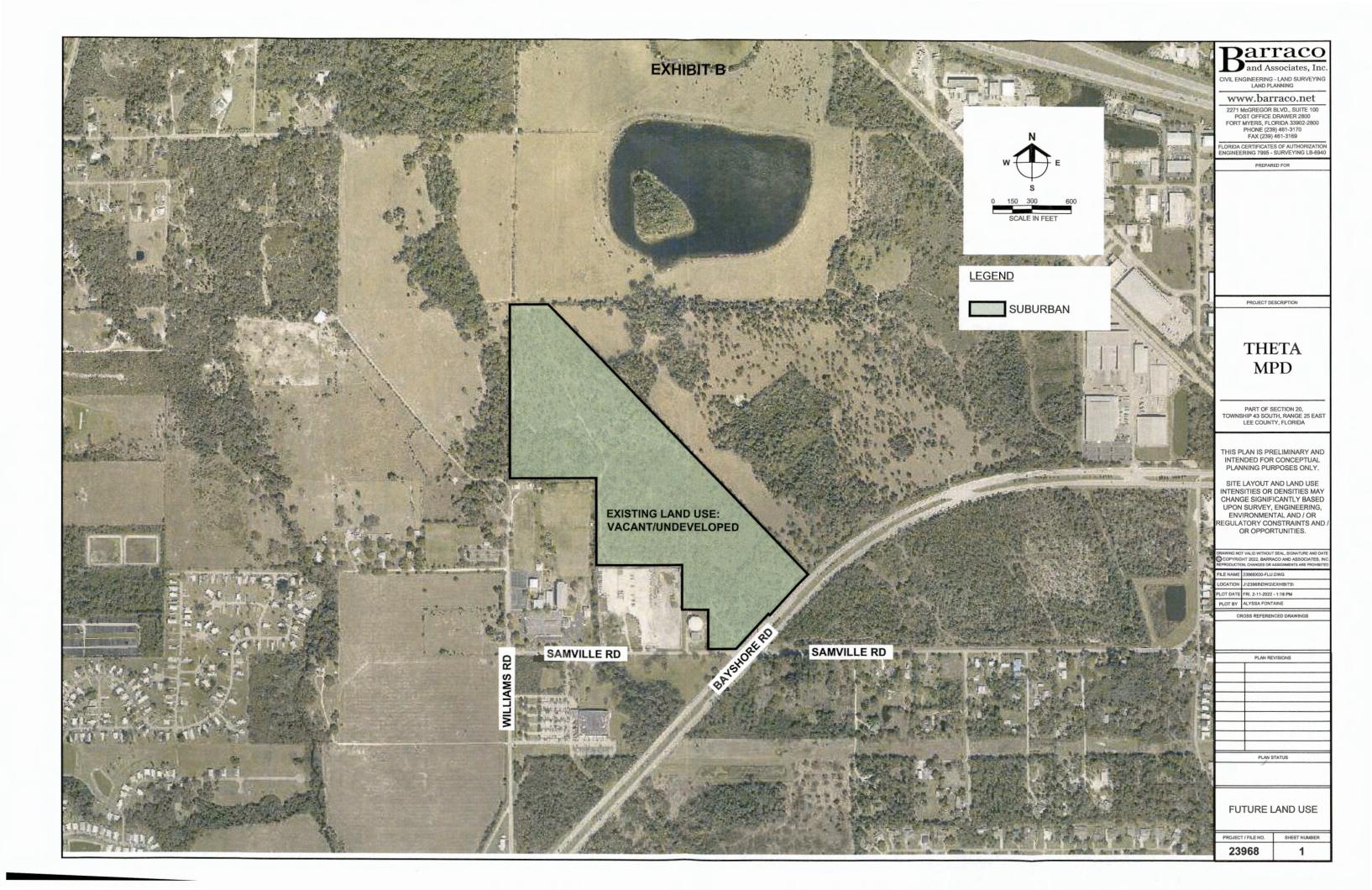
Containing a net area of 413.95 acres, more or less.

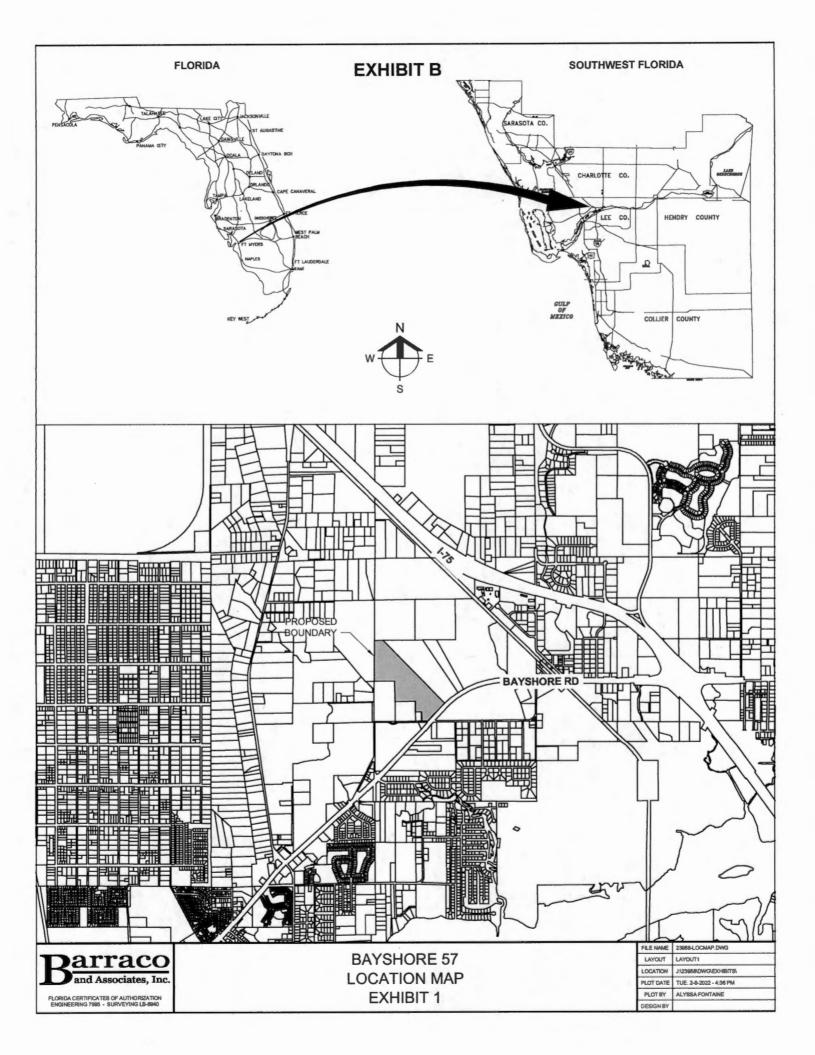
Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD1983)(NSRS 2011) and are based on the North line of the Northeast quarter (NE 1/4) of said Section 19 to bear N88°20'13"E.

by Scott A. Wheeler, PSM E Date: 2022.03.09 "minima" 13:33:22 -05'00

Scott A. Wheeler (For The Firm) Professional Surveyor and Mapper Florida Certificate No. 5949

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Civil Engineers, Land Surveyors and Planners

DESCRIPTION

Parcel in Section 20, Township 43 South, Range 25 East Lee County, Florida

A tract or parcel of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

BEGINNING at the West Quarter corner of said Section 20 run N89°35'46"E along the North line of the Southwest Ouarter (SW 1/4) of said Section 20 for 293.86 feet; thence run S44°05'41"E for 2,874.75 feet to a point on a non-tangent curve and intersection with the Northwesterly right of way line of Bayshore Road (State Road No. 78) as shown on F.D.O.T. Right of Way Map, Section No. 12060-2535; thence run along said Northwesterly right of way line the following four (4) courses: Southwesterly along an arc of a curve to the left of radius 2,914.79 feet (delta 03°14'50") (chord bearing S44°16'54"W) (chord 165.18 feet) for 165.20 feet to a point of tangency; S42°39'29"W for 264.79 feet; N47°20'31"W for 15.00 feet and S42°39'29"W for 365.66 feet to an intersection with the North right of way line of Samville Road, also being the North line of the South 25 feet of said Southwest Quarter (SW 1/4) of Section 20; thence run S89°34'56"W along said North right of way line for 213.42 feet to an intersection with the East line of the West 200 feet of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section 20; thence run Noo°03'38"W along said East line for 300.01 feet to an intersection with the North line of the South 325 feet of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section 20; thence run S89°34'56"W along said North line for 200.00 feet to an intersection with the West line of said Southeast Ouarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 20; thence run No0°03'38"W along said West line for 342.91 feet to the Northeast corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 20; thence run S89°35'07"W along the North line of said Fraction for 660.33 feet to an intersection with the East line of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 20; thence run No0°06'56"W along said East line for 667.95 feet to the Northeast corner of said Fraction; thence run S89°35'19"W along the North line of said Fraction for 660.97 feet to an intersection with the West line of the Southwest Ouarter (SW 1/4) of said Section 20; thence run No0°10'14"W along said West line for 1,335.96 feet to the POINT OF BEGINNING.

Containing 56.80 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD1983)(NSRS 2011) and are based on the North line of the Southwest Quarter (SW 1/4) of said Section 20 to bear N89°35'46"E

Digitally signed by Scott A. Wheeler, PSM Date: 2022.03.09 '13:35:01 -05'00

Scott A. Wheeler (For The Firm) Professional Surveyor and Mapper Florida Certificate No. 5949

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FLORIDA DEPARTMENT Of STATE

RON DESANTIS

Governor

CORD BYRD Secretary of State

June 27, 2022

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

Attn: Chris Jagodzinski

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 22-15, which was filed in this office on June 27, 2022.

Sincerely,

Anya Owens Program Administrator

ACO/wlh

RECEIVED

By Chris Jagodzinski at 12:37 pm, Jun 27, 2022

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM CODRS CODING FORM

PRIMARY KEYFIELD DESCRIPTOR: SECONDARY KEYFIELD	(e.g.,93-001) Special Districts
DESCRIPTOR:	Special Districts
SECONDARY KEYFIELD	
DESCRIPTOR:	Local Government
OTHER KEYFIELD DESCRIPTOR:	Government Agencies
ORDINANCE DESCRIPTIO	DN: Del Webb Oak Creek CDD
	(25 Characters Maximum Including Spaces)
AMENDMENT #1:	(List below the ordinances that are repealed
REPEAL #1:	N/A ; REPEAL #3:
REPEAL #2:	; REPEAL #4:
_	; REPEAL #4:
(Others Repeal	ed: List All That Apply):
_	ed: List All That Apply):