

ORDINANCE NO.07-21

AN ORDINANCE ESTABLISHING THE MIRADA 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 CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Mirada Real Estate Development, LLC, f/k/a Ascot Preserve, LLC, has petitioned the Board of County Commissioners to establish MIRADA 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 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 Mirada 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 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 Mirada 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**

Mirada 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. Vanessa Richter  
1768 Maple Avenue  
Fort Myers, FL 33901
2. Annette Brennan  
2831 Mizzen Way  
Naples, FL 34109
3. Steven Kushner  
7060 Hendry Creek Drive  
Fort Myers, FL 33908
4. Shawn Olmsted  
12392 Crooked Creek Lane  
Fort Myers, FL 33913
5. Nancy Whann  
424 SE 19<sup>th</sup> Lane  
Cape Coral, FL 33990

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT**

Mirada Community Development District will be governed by the provisions of Chapter 190, Florida Statutes.

**SECTION SIX: NOTICE TO SUBSEQUENT PURCHASERS**

Any and all agreements for the sale of property within the boundaries of the Mirada 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 Mirada Community Development District.

**SECTION SEVEN 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 EIGHT: EFFECTIVE DATE**

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

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

ROBERT P. JANES	Aye
BRIAN BIGELOW	Aye
RAY JUDAH	Absent
TAMMARA HALL	Aye
FRANK MANN	Aye

DULY PASSED AND ADOPTED THIS 26th day of June, 2007.

ATTEST:  
CHARLIE GREEN, CLERK

By: Marcia Wilson  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: [Signature]  
Robert P. Janes, Chair

APPROVED AS TO FORM:

By: [Signature]  
Robert D. Spickerman State of Florida  
Office of County Attorney County of Lee



I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 10th day of July, A.D. 2007

CHARLIE GREEN, CLERK

By: Marcia Wilson  
Deputy Clerk

Parcel in  
Section 33, Township 45 South, Range 24 East  
Lee County, Florida


A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Section 33 run  $N01^{\circ}02'40''W$  along the West line of the Southwest Quarter (SW 1/4) of said Section 33 for 1324.77 feet to the Northwest corner of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of said Section 33 and the POINT OF BEGINNING.

From said Point of Beginning continue  $N01^{\circ}02'40''W$  along said West line for 997.99 feet to the Southwest corner of the Record Plat of "Gladiolus Preserve", Plat Book 73, Page 58, Lee County Records; thence run  $N88^{\circ}54'35''E$  along the South line of said Record Plat for 2,570.28 feet to an intersection with the West right of way line of Bass Road, also being the West line of the East 75 feet of said Southwest Quarter (SW 1/4); thence run  $S01^{\circ}03'37''E$  along said West right of way line for 996.98 feet to an intersection with the North line of said South Half (S 1/2) of the Southwest Quarter (SW 1/4); thence run  $S88^{\circ}53'14''W$  along said North line for 2,570.56 feet to the POINT OF BEGINNING.

Containing 58.86 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/99 adjustment) and are based on the West line of the Southwest Quarter (SW 1/4) of said Section 33 to bear  $N01^{\circ}02'40''W$ .

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

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CHARLIE GREEN: CLERK OF COURT

June 28, 2007

Liz Cloud  
Department of State  
Bureau of Administrative Code  
The RA Gray Building  
500 South Bronough St.  
Tallahassee, FL 32399-0250

RE: Ordinance No. 07-21  
Lee County, Florida

Dear Ms. Cloud:

Enclosed is a certified copy of Ordinance No. 07-21, adopted by the Board of Lee County Commissioners on June 26, 2007.

Please use the enclosed envelope when sending your acknowledgment to our office. Thank you for your cooperation.

Sincerely,

Charlie Green, Clerk

*Marcia Wilson*

Marcia Wilson  
Deputy Clerk

Enclosure

# LeeClerk.ORG

CHARLIE GREEN: CLERK OF COURT

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 07-21, adopted by the Board of Lee County Commissioners, at their meeting held on the 26 day of June, 2007 and same filed in the Clerk's Office.

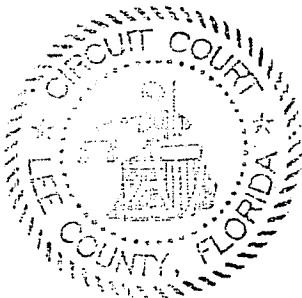
Given under my hand and seal, at Fort Myers, Florida, this 28 day of June 2007.

CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida

By:

Marcia Wilson

Deputy Clerk







## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

June 29, 2007

Honorable Charlie Green  
Clerk of Court  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attn: Marcia Wilson, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 28, 2007 and certified copy of Lee County Ordinance No. 07-21, which was filed in this office on June 29, 2007.

Sincerely,

Liz Cloud  
Program Administrator

LC/bh

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DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
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850.245.6270 • FAX: 850.245.6282

**Charlie Green**  
Clerk of Circuit Court  
Minutes Department  
P.O. Box 2469  
Fort Myers, Florida 33902-2469

O R D I N A N C E

Clerk of Court  
Attn: Minutes Office  
P.O. Box 2469  
Fort Myers, FL 33902-2469

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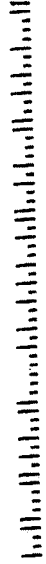


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