

LEE COUNTY ORDINANCE NO. 05-16

AN ORDINANCE ESTABLISHING THE CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT; NAMING THE DISTRICT; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; ESTABLISHING AND DESCRIBING THE EXTERNAL BOUNDARIES OF THE COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE INITIAL POWERS OF THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE STATUTORY PROVISIONS GOVERNING THE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING ADDITIONAL CONDITIONS IMPOSED ON THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2005 SEP 19 PM 1:39

FILED

WHEREAS, D.R. Horton, Inc., a Delaware Corporation, authorized to business in the State of Florida, has petitioned the Lee County Board of County Commissioners to establish the CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT, a Uniform Community Development District (UCDD), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes; and

WHEREAS, the Lee County 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 §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, is 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 is consistent with §§190.006 - 190.041, Florida Statutes, was created by general law, 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 §190.012(2), Florida Statutes.

9. Upon the effective date of this Ordinance, the proposed Catalina at Winkler Preserve 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 AND LEGAL DESCRIPTION

The community development district herein established will be known as the Catalina at Winkler Preserve Community Development District. A copy of the legal description of the community development district is attached as Exhibit "A" and incorporated herein by reference.

SECTION TWO: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to §190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

**SECTION THREE: ESTABLISHMENT OF
COMMUNITY DEVELOPMENT DISTRICT**

The Catalina at Winkler Preserve Community Development District is hereby established within the boundaries of the real property located in Lee County, Florida, and described in attached Exhibit "A."

**SECTION FOUR: DESIGNATION OF INITIAL MEMBERS
OF THE BOARD OF SUPERVISORS**

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

1. Christian Guasman 1192 East Newport Center Drive
Suite 150
Deerfield Beach, FL 33442

2. Lisa Sands 13880 Treeline Avenue So., Suite 3
Fort Myers, FL 33913

3. Jonathon M. Pentecost 13880 Treeline Avenue So., Suite 3
Fort Myers, FL 33913

4. Bill Pricket 13880 Treeline Avenue So., Suite 3
Fort Myers, FL 33913

5. Monty LeCrone 13880 Treeline Avenue So., Suite 3
Fort Myers, FL 33913

**SECTION FIVE: INITIAL POWERS OF
THE COMMUNITY DEVELOPMENT DISTRICT**

Upon the effective date of this Ordinance, the proposed Catalina at Winkler Preserve Community Development District will be duly and legally authorized to exist and exercise all of its powers in accordance with §§190.011 and 190.012(1), Florida Statutes, subject to any conditions imposed herein; and has the right to seek consent from Lee County for the grant of authority to exercise additional special powers in accordance with §190.012(2), Florida Statutes.

**SECTION SIX: STATUTORY PROVISIONS GOVERNING
THE COMMUNITY DEVELOPMENT DISTRICT**

The Catalina at Winkler Preserve Community Development District will be governed by the provisions of Chapter 190, Florida Statutes,

**SECTION SEVEN: ADDITIONAL CONDITIONS IMPOSED ON THE
COMMUNITY DEVELOPMENT DISTRICT**

The Catalina at Winkler Preserve Community Development District will also be subject to the following additional conditions:

1. Any and all agreements for the sale of property within the boundaries of the Catalina at Winkler Preserve 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 the property as well as all subsequent sellers, successors and assigns for the life of the Catalina at Winkler Preserve Community Development District.

SECTION EIGHT: CONFLICT AND 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 NINE: EFFECTIVE DATE

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

THE FOREGOING ORDINANCE was offered by Commissioner John E. Albion, who moved its adoption. The motion was seconded by Commissioner Ray Judah and, being put to a vote, the vote was as follows:

ROBERT P. JANES	Absent
DOUGLAS R. ST. CERNY	Aye
RAY JUDAH	Aye
TAMMY HALL	Aye
JOHN E. ALBION	Aye

DULY PASSED AND ADOPTED THIS 13th DAY OF SEPTEMBER, 2005.

ATTEST:
CHARLIE GREEN, CLERK

By: Michele G. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Vice-Chairman



APPROVED AS TO FORM:

By: [Signature]
Office of the County Attorney
John J. Fredyma
Assistant County Attorney

DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Northeast Corner of said Section 10 run $S01^{\circ}19'12''E$ along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10 for 1,231.02 feet to the Northeast Corner of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run $S88^{\circ}44'24''W$ along the North line of said Record Plat for 1,290.25 feet; thence run $S88^{\circ}45'10''W$ still along said North line for 426.89 feet; thence run $N01^{\circ}14'50''W$ for 140.00 feet; thence run $N88^{\circ}45'10''E$ for 269.22 feet; thence run $N00^{\circ}57'53''W$ for 713.42 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 220.00 feet (delta $39^{\circ}31'16''$) (chord bearing $N20^{\circ}43'31''W$) (chord 148.76 feet) for 151.75 feet; thence run $N00^{\circ}57'53''W$ along a non-tangent line for 80.00 feet; thence run $S89^{\circ}02'07''W$ for 269.71 feet; thence run $N00^{\circ}57'53''W$ for 165.00 feet to an intersection with the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10; thence run $N89^{\circ}02'07''E$ along said North line for 1,760.96 feet to the POINT OF BEGINNING.

Containing 43.17 acres, more or less.

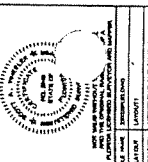
Bearings hereinabove mentioned are based on the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10 to bear $N89^{\circ}02'07''E$.

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

Barraco
and Associates, Inc.
CIVIL, SURVEYING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
WWW.BARRACO.NET
221 S. UNIVERSITY
FORT MYERS, FL 33905
PH: (813) 335-1111
FAX: (813) 335-1112
FLORIDA CERTIFICATE OF AUTHORIZATION
PROFESSIONAL NUMBER - SURVEYING: LS-4848

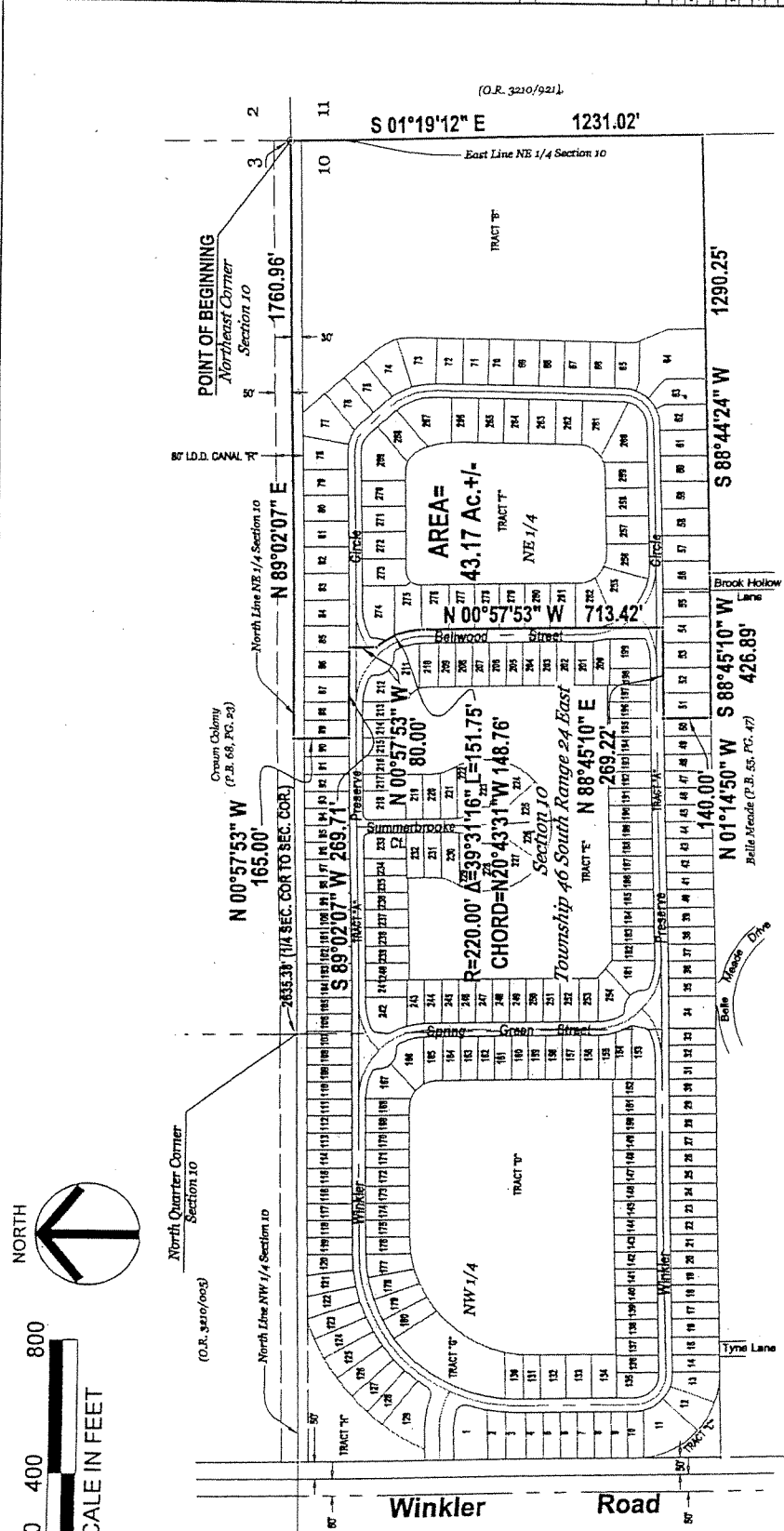
D.R. HORTON
1700 EAST HAVENPORT CENTER DRIVE
DEERFIELD BEACH, FL 33442
PH: (561) 432-7384
FAX: (561) 432-7384
WWW.DRHORTON.COM
PROJECT DESCRIPTION

WINKLER PRESERVE
RESIDENTIAL DEVELOPMENT
NAME OF DEVELOPER
WINKLER PRESERVE
NAME OF REAL ESTATE COMPANY
LEE COUNTY, FLORIDA
PROJECT NUMBER



ALD CODE	1000000000
LAYOUT	LAYOUT
LOCATION	UNDEVELOPED QUARTER SECTION
PLAT DATE	PLAT DATE
PLAT NUMBER	PLAT NUMBER
BOOK	BOOK
PAGE	PAGE
FILE NAME	FILE NAME
PLAT NUMBER	PLAT NUMBER
PLAT NUMBER	PLAT NUMBER
PLAT NUMBER	PLAT NUMBER

SKETCH TO ACCOMPANY DESCRIPTION
PROJECT NUMBER: 1000000000
DATE: 10-15-14
1 OF 2



- NOTES:
- 1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
 - 2. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
 - 3. PG. - DENOTES PAGE.
 - 4. D.B. - DENOTES DEED BOOK, LEE COUNTY PUBLIC RECORDS.
 - 5. BEARINGS AS SHOWN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10 TO BEAR N 89°02'07\" E.
 - 6. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

[Signature]
DATE SIGNED: *4/25/15*

SCOTT A. WHEELER (FOR THE FIRM - LB-8940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.


DESCRIPTION

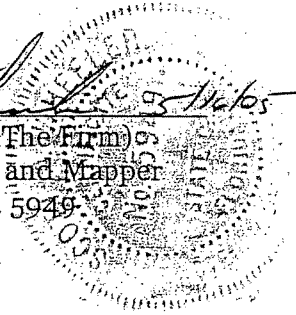
Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the North Quarter Corner of said Section 10 run N89°02'07"E along the North line of the Northeast Quarter (NE 1/4) of said Section 10 for 8.42 feet; thence run S00°57'53"E for 165.01 feet; thence run S19°50'56"W for 85.54 feet to a point on a non-tangent curve; thence run southerly along an arc of curve to the right of radius 220.00 feet (delta 39°31'30") (chord bearing S20°39'48"E) (chord 148.77 feet) for 151.77 feet to a point of tangency; thence run S00°54'02"E for 670.79 feet; thence run S20°24'34"W for 52.02 feet; thence run S01°14'50"E for 140.00 feet to an intersection with the North line of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run S88°45'10"W along the North line of said Record Plat for 1.85 feet; thence run S88°44'24"W still along said North line for 1,269.80 feet to an intersection with the east right of way line of Winkler Road (100' wide); thence run N01°17'21"W along said right of way line for 1,252.26 feet to and intersection with the North line of the Northwest Quarter (NW 1/4) of said Section 10; thence run N89°05'58"E along said North line for 1,269.57 feet to the POINT OF BEGINNING.
Containing 36.82 acres, more or less.

Bearings hereinabove mentioned are based on the North line of the Northwest Quarter (NW 1/4) of said Section 10 to bear N89°05'58"E.


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

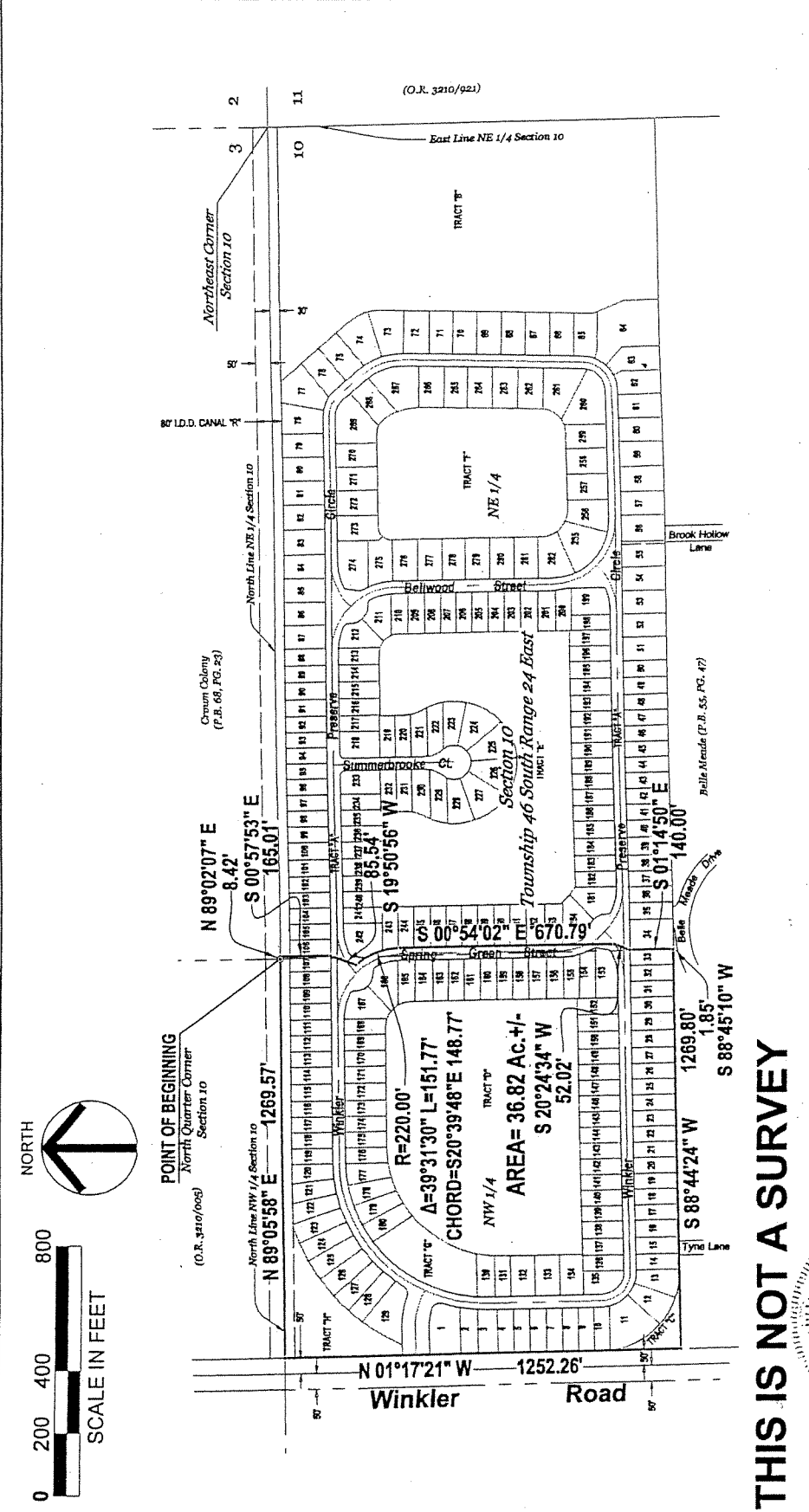


Barraco and Associates, Inc.
 CIVIL ENGINEERING - LAND SURVEYING
 LAND PLANNING - LANDSCAPE DESIGN
 WWW.BARRACO.NET
 2721 WOODRIDGE BOULEVARD
 SUITE 200
 FORT MYERS, FL 33907
 PHONE 888-796-7300
 FLORIDA CERTIFICATE NO. 59948
 PROFESSIONAL SEAL - SURVEYING LICENSE
 STATE OF FLORIDA

D.R. HORTON
 THE EAST WESTPORT CENTER DRIVE
 DEERFIELD BEACH, FLORIDA 33442
 PROJECT LOCATION
 PROJECT DESCRIPTION
 PROJECT NO. 02107

WINKLER PRESERVE
 RESIDENTIAL DEVELOPMENT
 PHASE 1B SURVEYING
 COMMUNITY DEVELOPMENT
 TOWNSHIP OF EAST LEE
 COUNTY OF LEON, FLORIDA
 PROJECT MANAGER
 JAMES R. WHEELER

DATE:	5/16/05
LOCATION:	PHASE 1B SURVEYING
SCALE:	AS SHOWN
PROJECT NO.:	02107
DATE OF SURVEY:	5/16/05
DRAWN BY:	JAMES R. WHEELER
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DATE CHECKED:	
FILE NO.:	
SCALE:	AS SHOWN
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NOTES:
 1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
 2. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
 3. PG. - DENOTES PAGE.
 4. D.B. - DENOTES DEED BOOK, LEE COUNTY PUBLIC RECORDS.
 5. BEARINGS AS SHOWN ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10 TO BEAR N 89°05'58" E.
 6. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

SCOTT A. WHEELER (FOR THE FIRM - LB-6640)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 65948

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

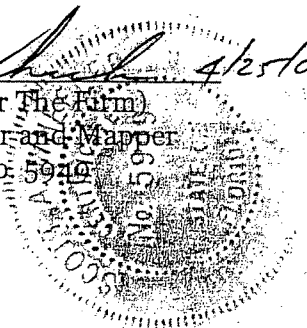
Commencing at the Northeast Corner of said section 10 run $S89^{\circ}02'07''W$ along the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10 for 1,760.96 feet to the POINT OF BEGINNING.

From said Point of Beginning run $S00^{\circ}57'53''E$ for 165.00 feet; thence run $N89^{\circ}02'07''E$ for 269.71 feet; thence run $S00^{\circ}57'53''E$ for 80.00 feet to a point on a non-tangent curve; thence run southerly along an arc of curve to the right of radius 220.00 feet (delta $39^{\circ}31'16''$) (chord bearing $S20^{\circ}43'31''E$) (chord 148.76 feet) for 151.75 feet to a point of tangency; thence run $S00^{\circ}57'53''E$ for 713.42 feet; thence run $S88^{\circ}45'10''W$ for 269.22 feet; thence run $S01^{\circ}14'50''E$ for 140.00 feet to an intersection with the North line of the Record Plat of Belle Meade as recorded in Plat Book 55, Page 47, Lee County records; thence run $S88^{\circ}45'10''W$ along said North line for 916.75 feet; thence run $N01^{\circ}14'50''W$ for 140.00 feet; thence run $N20^{\circ}24'34''E$ for 52.02 feet; thence run $N00^{\circ}54'02''W$ for 670.79 feet to a point of curvature; thence run northerly along an arc of curve to the left of radius 220.00 feet (delta $39^{\circ}31'30''$) (chord bearing $N20^{\circ}39'48''W$) (chord 148.77 feet) for 151.77 feet; thence run $N19^{\circ}50'56''E$ along a non-tangent line for 85.54 feet; thence run $N00^{\circ}57'53''W$ for 165.01 feet to an intersection with the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10; thence run $N89^{\circ}02'07''E$ along said North line for 866.00 feet to the POINT OF BEGINNING.

Containing 31.28 acres, more or less.

Bearings hereinabove mentioned are based on the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 10 to bear $N89^{\circ}02'07''E$.

Scott A. Wheeler 4/25/05
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5920



Barraco
 REAL ESTATE AND ARCHITECTURE, LLC
 CIVIL ENGINEERING - LAND SURVEYING - ARCHITECTURE
 LAND PLANNING - LANDSCAPE ARCHITECTURE
 WWW.BARRACCO.FL
 2711 MAGNOLIA BLVD., SUITE 200
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 PHONE: (813) 939-8800
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 EMAIL: BARRACCO@BARRACCO.FL

D.R. HORTON
 110 EAST HAWORTH CENTER DRIVE
 SUITE 100
 GORFIELD BLVD. (FLORIDA 304)
 FORT MYERS, FL 33904
 PHONE: (813) 939-8800
 FAX: (813) 939-8801
 EMAIL: DRHORTON@HORTON.COM
 PRODUCT DEVELOPMENT

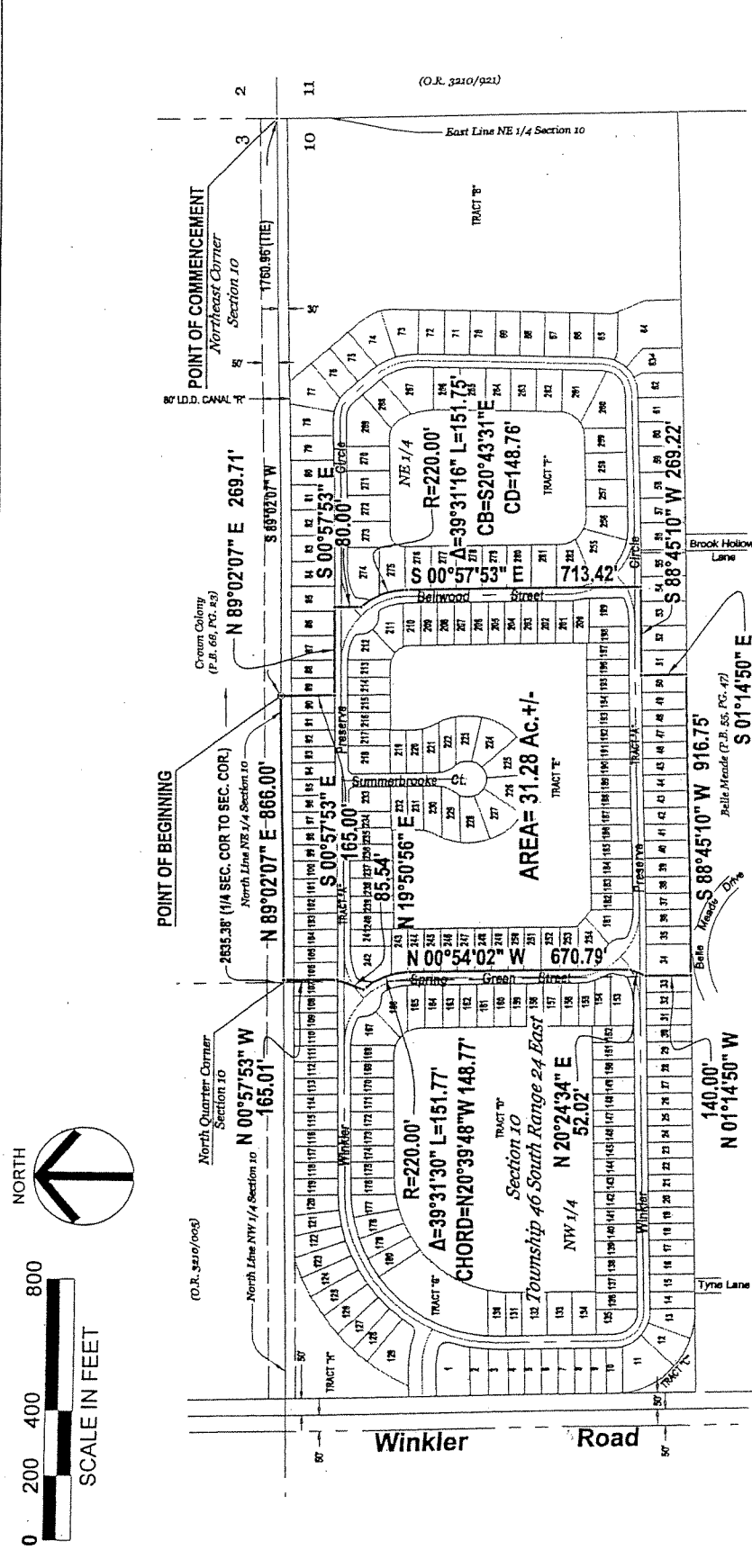
WINKLER PRESERVE
 RESIDENTIAL DEVELOPMENT

PART OF SECTION 10 IS MADE UP WITH LEE COUNTY, FLORIDA.

POINT OF BEGINNING
 (O.R. 3210/921)

SEE THE BARRACCO PLAN FOR THE PROPERTY LOTS AND TRACTS AND THE BARRACCO PLAN FOR THE PROPERTY LOTS AND TRACTS.

TRACT NO.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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- NOTES:**
1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
 2. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
 3. FG. - DENOTES OFFICIAL PAGE.
 4. D.B. - DENOTES DEED BOOK, LEE COUNTY PUBLIC RECORDS.
 5. BEARINGS AS SHOWN ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10 TO BEAR N 89°02'07" E.
 6. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

DATE SIGNED: 4/25/15

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5949

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Charlie Green
Clerk of Circuit Court
Lee County, Florida

STATE OF FLORIDA

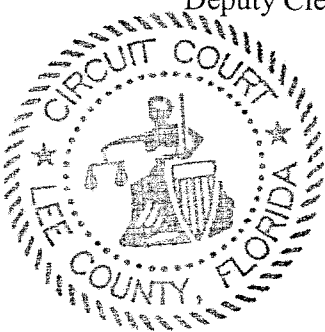
COUNTY OF LEE

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. 05-16, adopted by the Board of Lee County Commissioners, at their meeting held on the 13th day of September, 2005.

Given under my hand and seal, at Fort Myers, Florida, this 15th day of September, 2005.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By *Michelle B. Cooper*
Deputy Clerk



STATE OF FLORIDA DEPARTMENT OF STATE

Division of Library and Information Services

I, Glenda E. Hood, Secretary of State of the State of Florida, do hereby certify that the attached is a true and correct copy of Lee County Ordinance No. 05-16, which was filed in this office September 19, 2005, pursuant to Section 125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
19th. day of September, A.D., 2005.



Glenda E. Hood

Secretary of State

DSDE 99 (3/03)