

ORDINANCE NO. 3243**AN ORDINANCE
To Be Entitled:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ESTABLISHING THE PASEO COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; CONFIRMING THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS: Stock Development, LLC, a Florida limited liability company, has petitioned the City Council of the City of Fort Myers, Florida, to establish the Paseo Community Development District; and

WHEREAS: The City Council, after proper published noticed, conducted a local public information-gathering 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 City staff and City Attorney have reviewed and approved the petition for establishment of the proposed district.
3. The costs to the City 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, City of Fort Myers 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

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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 rule, 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 the petitioner on district establishment is adequate.

4. Establishment by ordinance of the proposed district, created by general law and whose charter is Sections 190.006 - 190.041, Florida Statutes, is not inconsistent with the City of Fort Myers Comprehensive Plan and is not inconsistent with the State Comprehensive Plan.
5. The area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
6. The district is the best alternative available for delivering community development services and facilities to the area that will be serviced by the district.
7. The community development systems, facilities and services of the district will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
8. The area that will be served by the district is amenable to separate special district government.
9. The proposed district, once established, may petition the City Council for consent to exercise one or more of the powers granted by charter in Section 190.012(2), Florida Statutes, the exercise of which has been reviewed and assessed as of the effective date of this ordinance.
10. That upon the effective date of this ordinance, the proposed

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Paseo Community Development District shall be duly and legally established and created, authorized to exist and to exercise all of its general and special powers limited by its general law charter; and that consent by the City of Fort Myers in any future ordinance to any special power in Section 190.012(2), Florida Statutes, does not in any way revisit the question of establishment of the district and its authority and power to exercise its limited powers under law.

- 11. All notice requirements of law were met and complete notice was timely given.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. DISTRICT NAME. The community development district herein established shall henceforth be known as Paseo Community Development District.

SECTION 2. AUTHORITY FOR ORDINANCE. This Ordinance is adopted pursuant to Section 190.005, Florida Statutes, and other applicable provisions of law governing city ordinances.

SECTION 3. ESTABLISHMENT OF PASEO COMMUNITY DEVELOPMENT DISTRICT. Paseo Community Development District, created by law, is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference.

SECTION 4. DESIGNATION OF INITIAL BOARD MEMBERS. The following five persons are herewith designated to be the initial members of the Board of Supervisors:

- a. Brad Black
20093 Saraceno Drive
Estero, Florida 33928
- b. Gary Moll
4680 13th Avenue SW
Naples, Florida 34116

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- c. Jill Rogers
1920 The Lane
Naples, Florida 34109
- d. Tom Masters
4401 Pond Apple Drive
Naples, Florida 34119
- e. Bob Imig
4371 Bay Beach Lane, #311
Fort Myers Beach, Florida 33931

SECTION 5. STATUTORY PROVISIONS CONSTITUTING PASCO DISTRICT CHARTER. Pasco Community Development District is a single and special purpose local government whose charter is in the general law, Florida Statutes, Sections 190.006 - 190.041.

SECTION 6. CONFLICT AND SEVERABILITY. In the event this ordinance conflicts with any other ordinance of the City of Fort Myers or other applicable law, the more restrictive shall apply as long as not inconsistent with or prohibited by Chapter 197, Florida Statutes. 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 7. EFFECTIVE DATE. This ordinance shall become effective upon receipt of notice from the Secretary of State that this ordinance has been filed with the Secretary of State and a copy filed in the City Clerk's Office.

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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 15th day of November, A.D., 2004.

Aye


Frankie Jennings

Aye


Veronica S. Shoemaker

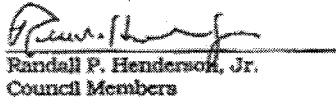
Aye


Ann M. Knight, Ed.D.

Aye


Michael Flanders

Aye


Randall P. Henderson, Jr.
Council Members



APPROVED this 15th day of November, A.D., 2004, at 6:53 o'clock p.m.


Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 15th day of November, A.D., 2004.


Marie Adams, CMC
City Clerk

ORDINANCE NO. 3243**EXHIBIT "A"**

PARCEL IN SECTIONS 9 AND 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY FLORIDA. A tract or parcel of land lying in Sections 9 and 10, Township 45 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

PARCEL 1

The South Half (S ½) of Section 9, Township 45 South, Range 25 East, lying and being in Lee County, Florida. Less and except the south 30 feet thereof, and less and except the portion of the subject property taken by order of taking as recorded in Official Records Book 2137, Page 1110, of the Public Records of Lee County, Florida.

PARCEL 2

The South One-Half (S ½) of the Southwest One-Quarter (SW ¼), of the Southwest One-Quarter (SW ¼), of Section 10, Township 45 South, Range 25 East, Lee County, Florida.

PARCEL 3

The Northeast Quarter (NE ¼) of Section 9, Township 45 South, Range 25 East, Lee County, Florida, less and except a parcel deeded to Lee County as recorded in Official Records Book 1482, Page 801, of the Public Records of Lee County, Florida.

Together with an easement recorded in Official Records Book 2315, Page 242, over, upon and under the following described property:

The south 60 feet of the west 690 feet of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) in Section 10, Township 45 South, Range 25 East, Lee County, Florida;

And

The north 5 feet, of the east 30 feet, of the North Half (N ½) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 10, Township 45 South, Range 25 East, Lee County, Florida.

PARCEL 4

A tract of land lying in the Northwest One-Quarter (NW ¼), of Section 9, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southeast corner of said Northwest One-Quarter (NW¼); Thence South 88°48'54" West, along the south line of said Northwest One-Quarter (NW ¼), 1,144.97 feet to the Six Mile Cypress Preserve as described in Official Records Book 1666, Page 3669, Lee County, Public Records; thence along the east line of said Six Mile Cypress Preserve the following courses: Thence North 42°27'53" East, 89.83 feet; thence north 69° 31'50" East, 105.28 feet; Page 2 thence South 76°21'58" East, 268.05 feet; thence North 17°28'25" East, 620.57 feet; thence North 64°29'06" West, 374.25 feet; thence North 16°19'00" West, 116.00 feet; thence North 16°37'00" East, 137.00 feet; thence North 42°54'00" East, 198.00 feet; thence North 35°11'22" East, 391.20 feet; thence North 10°11'22" East, 145.26 feet; thence North 45°48'00" East, 116.00 feet; thence North 32°50'00" East, 333.00 feet; thence North 23°38'00" East 158.00 feet; thence North 54°15'00" East, 138 feet, to the east line of said

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Northwest One Quarter (NW ¼); thence South 01°17'12" East, leaving said Six Mile Cypress Preserve, 2,204.66 feet, to the POINT OF BEGINNING. Together with all right, title and interest in the mutual easement as recorded in Official Records Book 2234, Pages 3800, of the Public Records of Lee County, Florida.

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