

ORDINANCE NO. 98-14

AN ORDINANCE ESTABLISHING UNIVERSITY SQUARE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE COUNTY MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Minola, Inc. has petitioned the Board of County Commissioners to establish UNIVERSITY SQUARE COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published noticed, 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 Executive Regulatory Oversight Committee and the Local Planning Agency have reviewed and approved the petition for establishment of the proposed district.
3. The Local Planning Agency reviewed the petition and ordinance on July 27, 1998 and found, by a vote of 5-0, that it is consistent with the Lee Plan.
4. 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 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 this petition on district establishment is adequate.
5. Establishment of the proposed district, whose charter is Section 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.

6. 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.

7. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

8. 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.

9. The area that will be served by the district is amenable to separate special district government.

10. 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.

11. Upon the effective date of this Ordinance, the proposed University Square 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.

12. 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 University Square 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**

University Square 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. Jay Bishop  
82 Fountain Circle  
Naples, Florida 34119
2. Donald C. Fink  
14987 Rivers Edge Cart, Unit 237  
Fort Myers, Florida 33908
3. Leila Salibi  
6811 North Woodbridge Drive  
Pompano Beach, Florida 33067
4. Peter R. Comeau  
22661 Fountain Lakes Boulevard  
Estero, Florida 33928
5. Kay Shortway  
4324 Pond Apple Drive North  
Naples, Florida 34119

These persons will serve in that office until replaced by elected members in accordance with Section 190.006, Florida Statutes.

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT**

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

**SECTION SIX: 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 SEVEN: EFFECTIVE DATE**


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

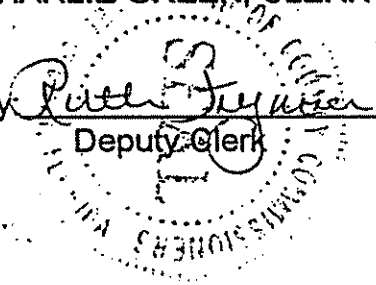
THE FOREGOING ORDINANCE was offered by Commissioner Douglas St. Cerny, who moved its adoption. The motion was seconded by Commissioner Andrew Coy and, being put to a vote, the vote was as follows:

John E. Manning	Absent
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

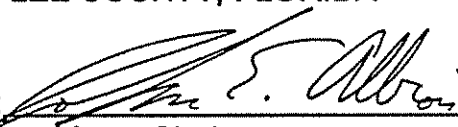
DULY PASSED AND ADOPTED THIS 4th day of August, 1998.

ATTEST:  
CHARLIE GREEN, CLERK

By:   
 Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By:   
 Vice - Chairman

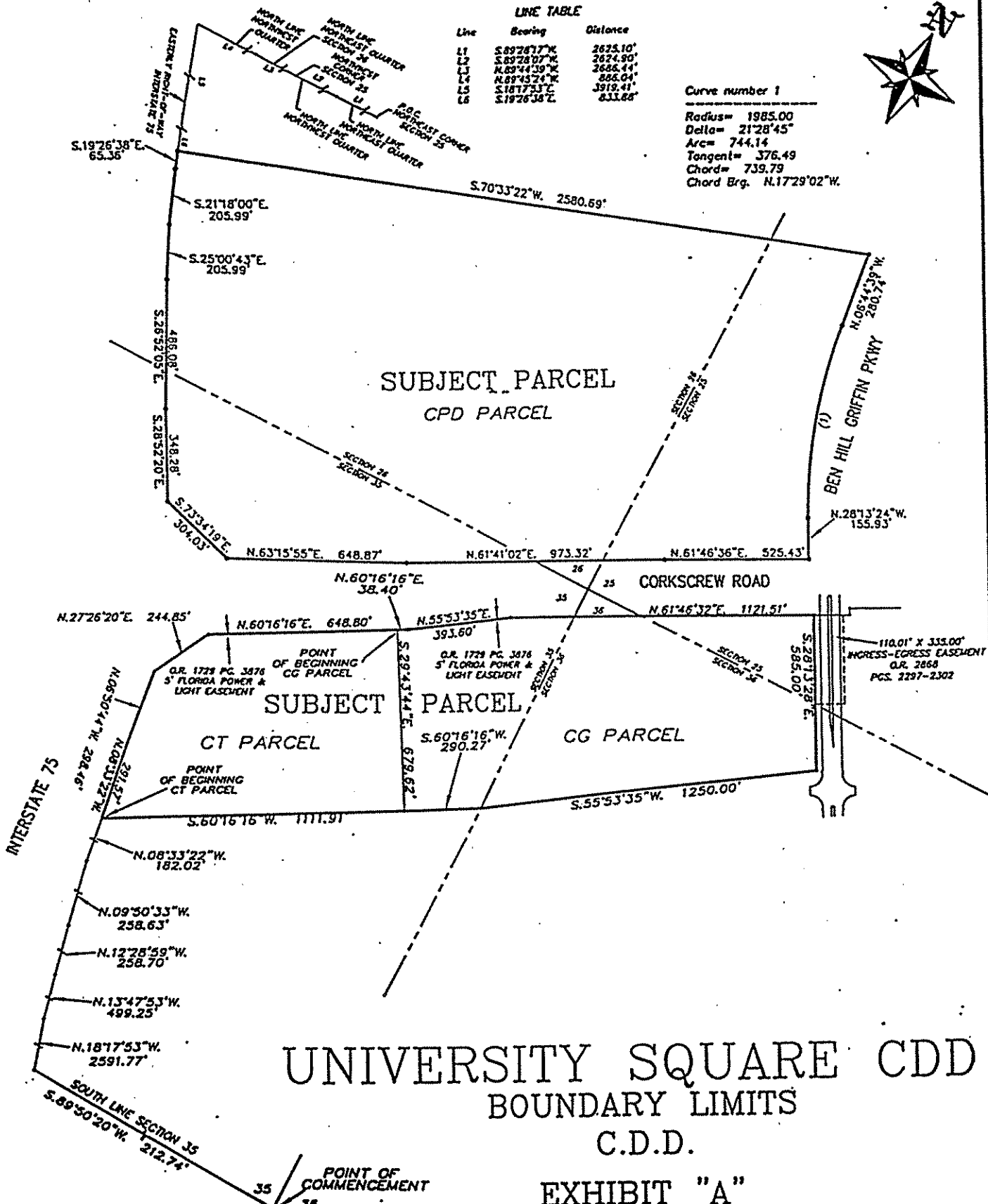
APPROVED AS TO FORM:

By:   
 Office of County Attorney

LINE TABLE

Line	Bearing	Distance
L1	S.89°28'17"W	2625.10'
L2	S.89°28'07"W	2674.90'
L3	N.69°44'39"W	2686.44'
L4	N.89°45'24"W	886.04'
L5	S.18°17'33"E	3919.41'
L6	S.19°26'38"E	833.88'

Curve number 1  
 Radius= 1985.00  
 Delta= 21°28'45"  
 Arc= 744.14  
 Tangent= 376.49  
 Chord= 739.79  
 Chord Brg. N.17°29'02"W.



**Banks Engineering, Inc.**

ENGINEERING, SURVEYING & LAND PLANNING

3000 BEN HILL GRIFFIN PARKWAY - SUITE 304  
 FORT MYERS, FLORIDA 33907

**MIROMAR**

FORT MYERS, LEE COUNTY, FLORIDA

DATE PROJECT NO. REVISIONS DRAWN CHECKED SCALE FILE NO. 01-4-91

10-11-98

**DESCRIPTION OF  
A PARCEL OF LAND  
LYING IN  
SECTION 26 & 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA**

THAT PORTION OF SECTIONS 26 AND 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LOCATED NORTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD AND EASTERLY OF I-75 (STATE ROAD NO. 93) BEING MORE PARTICULARLY AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S89°28'17"W, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, FOR A DISTANCE OF 2625.10 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 25; THENCE RUN S89°28'07"W ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25, FOR A DISTANCE OF 2624.90 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25; THENCE RUN N89°44'39"W ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FOR A DISTANCE OF 2686.44 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 26; THENCE RUN S89°45'24"W ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 26, FOR A DISTANCE OF 886.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF I-75 (STATE ROAD NO. 93) AS THE SAME IS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR THE STATE ROAD NO. 93 (I-75), LEE COUNTY, SECTION 12075-2402, SHEET 7 OF 9, LAST REVISED 1/16/81; THENCE RUN S18°17'53"E ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3919.41 FEET; THENCE RUN S 19°26'38"E ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 833.88 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S19°26'38"E ALONG SAID RIGHT-OF-WAY LINE; FOR A DISTANCE OF 65.36 FEET; THENCE RUN S21°18'00"E ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 205.99 FEET; THENCE RUN S25°00'43"E ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 205.99 FEET; THENCE RUN S26°52'05"E ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 486.08 FEET; THENCE RUN S28°52'20"E, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 348.28 FEET; THENCE RUN S73°34'19"E ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 304.03 FEET; THENCE RUN N63°15'55"E ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 648.87 FEET TO A POINT OF THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD (COUNTY ROAD NO. 850); THENCE RUN S61°41'02"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 973.32 FEET; THENCE RUN N61°46'36"E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 525.43 FEET; THENCE RUN N28°13'24"W FOR A DISTANCE OF 155.93 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1985.00 FEET, THROUGH A CENTRAL ANGLE OF 21°28'45", SUBTENDED BY A CHORD OF 739.79 FEET AT A BEARING OF N17°29'02"W FOR A DISTANCE OF 744.14 FEET TO THE END OF SAID CURVE; THENCE RUN N06°44'39"W FOR A DISTANCE OF 280.76 FEET; THENCE RUN S70°33'22"W FOR A DISTANCE OF 2580.69 FEET TO THE POINT OF BEGINNING, CONTAINING 75.008 ACRES MORE OR LESS.

# Banks Engineering, Inc.

10501 Six Mile Cypress Parkway - Suite 104  
Fort Myers, Florida 33912  
Ph: (941) 939-5490  
Fax: (941) 939-2523

DESCRIPTION  
OF  
A PARCEL OF LAND  
LYING IN  
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA  
(CT PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

STARTING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE S.89°50'20"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 35 FOR 213.14 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF INTERSTATE 75 (I-75); THENCE N.18°17'53"W. ALONG SAID RIGHT-OF-WAY FOR 2591.77 FEET; THENCE N. 13°47'53"W. ALONG SAID RIGHT-OF-WAY FOR 499.25 FEET; THENCE N.12°28'59"W. ALONG SAID RIGHT-OF-WAY FOR 258.70 FEET; THENCE N.09°50'33"W. ALONG SAID RIGHT-OF-WAY FOR 258.63 FEET; THENCE N.08°33'22"W. ALONG SAID RIGHT-OF-WAY FOR 182.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N.08°33'22"W. ALONG SAID RIGHT-OF-WAY FOR 291.57 FEET; THENCE N.06°50'44"W. ALONG SAID RIGHT-OF-WAY FOR 298.46 FEET; THENCE N.27°26'20"E. ALONG SAID RIGHT-OF-WAY FOR 244.85 FEET; THENCE N.60°16'16"E. ALONG SAID RIGHT-OF-WAY FOR 684.80 FEET; THENCE S.29°43'44"E. FOR 679.62 FEET; THENCE S.60°16'16"W. FOR 1111.91 TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 15.00 ACRES MORE OR LESS.

SAID PARCEL SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS BASED ON THE SOUTH LINE OF SAID SECTION 35 AS BEARING S.89°50'20"W.

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

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DESCRIPTION  
OF  
A PARCEL OF LAND  
LYING IN  
SECTIONS 25, 35 & 36, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA  
(CG PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 25, 35 & 36, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

STARTING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE S.89°50'20"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 35 FOR 213.14 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF INTERSTATE 75 (I-75); THENCE N.18°17'53"W. ALONG SAID RIGHT-OF-WAY FOR 2591.77 FEET; THENCE N. 13°47'53"W. ALONG SAID RIGHT-OF-WAY FOR 499.25 FEET; THENCE N.12°28'59"W. ALONG SAID RIGHT-OF-WAY FOR 258.70 FEET; THENCE N.09°50'33"W. ALONG SAID RIGHT-OF-WAY FOR 258.63 FEET; THENCE N.08°33'22"W. ALONG SAID RIGHT-OF-WAY FOR 473.59 FEET; THENCE N.06°50'44"W. ALONG SAID RIGHT-OF-WAY FOR 298.46 FEET; THENCE N.27°26'20"E. ALONG SAID RIGHT-OF-WAY FOR 244.85 FEET; THENCE N.60°16'16"E. ALONG SAID RIGHT-OF-WAY FOR 684.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.60°16'16"E. ALONG SAID RIGHT-OF-WAY FOR 38.40 FEET; THENCE N.55°53'35"E. ALONG SAID RIGHT-OF-WAY FOR 393.60 FEET TO AN INTERSECTION WITH THE PROPOSED RIGHT-OF-WAY LINE OF CORKSCREW ROAD AND INTERSTATE 75 (I-75) AND SAID EXISTING RIGHT-OF-WAY LINE; THENCE N.61°46'32"E. ALONG SAID PROPOSED RIGHT-OF-WAY LINE OF INTERSTATE 75 (I-75) AND CORKSCREW ROAD FOR 1121.51; THENCE S.28°13'28"E. FOR 585.00 FEET; THENCE S.55°53'35"W. FOR 1250.00 FEET; THENCE S.60°16'16"W. FOR 290.27 FEET; THENCE N.29°43'44"W. FOR 679.62 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 23.24 ACRES MORE OR LESS.

SAID PARCEL SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

BEARINGS BASED ON THE SOUTH LINE OF SAID SECTION 35 AS BEARING S.89°50'20"W.