

ORDINANCE NO. 3319

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ESTABLISHING THE WATERFORD LANDING 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 THROUGH 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Straley Robin & Williams has petitioned the City Council, City of Fort Myers, to establish the Waterford Landing Community Development District; and,

WHEREAS: The City Council, after proper published notice, 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. Establishment by ordinance of the proposed district, created by general law and whose charter is Sections 190.006 through 190.041, Florida Statutes, is not inconsistent with the City of Fort Myers Comprehensive Plan and is not inconsistent with 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 developable as one functional interrelated community.
5. The district is the best alternative available for delivering community development services and facilities to the area that

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will be serviced by the district.

6. 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.
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 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. Nothing herein constitutes consent by the City of the exercise by the district of any one of the special powers set forth in Section 190.012(2), Florida Statutes.
9. That upon the effective date of this ordinance, the proposed Waterford Landing 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.
10. All notice requirements of law were met and complete notice was timely given.

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

SECTION 1: DISTRICT NAME. The community development district herein established shall henceforth be known as Waterford Landing

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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 WATERFORD LANDING COMMUNITY DEVELOPMENT DISTRICT. Waterford Landing 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 referenced.

SECTION 4: DESIGNATION OF INITIAL BOARD MEMBERS. The following five (5) persons are herewith designated to be the initial members of the Board of Supervisors:

- a. Jan Ickovic
3300 University Drive, Suite 100
Coral Springs, Florida 33605
- b. Mark Schneiderman
9400 Gladiolus Drive
Fort Myers, Florida 33908
- c. Joseph Crank
9400 Gladiolus Drive
Fort Myers, Florida 33908
- d. Linda Sloman
9400 Gladiolus Drive
Fort Myers, Florida 33908
- e. Mary Anne Crowell
9400 Gladiolus Drive
Fort Myers, Florida 33908

SECTION 5: STATUTORY PROVISIONS CONSTITUTING WATERFORD LANDING DISTRICT CHARTER. Waterford Landing Community Development District is a single and special purpose local

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government whose charter is in the general law, Sections 190.006 through 190.041, Florida Statutes.


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 Section 190, 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.

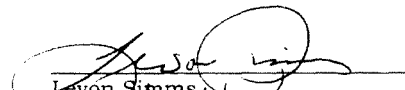
SECTION 7: EFFECTIVE DATE. This ordinance shall become effective immediately upon adoption.


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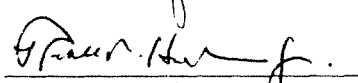
PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 6th day of March, A.D., 2006.

Aye 
Warren J. Wright

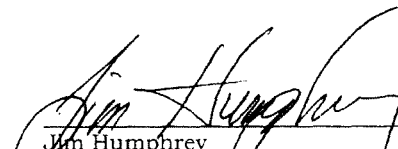
Aye 
Veronica S. Shoemaker

Aye 
Levon Simms

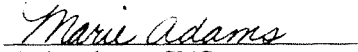
Aye 
Michael Flanders

Aye 
Randall P. Henderson, Jr.
Council Members

APPROVED this 6th day of March, A.D., 2006, at 6:49 o'clock p.m.


Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 6th day of March, A.D., 2006.


Marie Adams, CMC
City Clerk