



**ORDINANCE NO. 02-42**

AN ORDINANCE ESTABLISHING THE TUSCANY RESERVE COMMUNITY DEVELOPMENT DISTRICT; ADOPTING FINDINGS OF FACT; PROVIDING FOR AUTHORITY; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; RECOGNIZING GOVERNING LAWS; CONSENTING TO THE EXERCISE OF CERTAIN SPECIAL POWERS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

2002 AUG -5 PM 2:17

FILED

**RECITALS**

WHEREAS, Panther Developments, L.L.C. has petitioned the Board of County Commissioners (Board) of Collier County, Florida, a political subdivision of the State of Florida, to establish the TUSCANY RESERVE COMMUNITY DEVELOPMENT DISTRICT (District); and

WHEREAS, the Board of County Commissioners, after proper published notice conducted a public hearing on the petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e), as required by Section 190.005(2)(c), Florida Statutes.

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. Establishment of the proposed District is not inconsistent with any applicable element or portion of the local comprehensive plan of Collier County, known as the Collier County Growth Management Plan, or the State Comprehensive Plan.
3. 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.
4. The District is the best alternative available for delivering community development services and facilities to the area that will be serviced by the District.
5. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. The area that will be served by the District is amenable to separate special-district government; and

WHEREAS, it is the policy of the State, as provided in Section 190.002 (2) (c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be served by the district, to ensure that neither the establishment nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the district so established does not have any zoning or permitting powers governing development; and

WHEREAS, Section 190.004 (3), Florida Statutes, provides that all governmental

district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of local general purpose government.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

**SECTION ONE: FINDINGS OF FACT.**

The foregoing Recitals are hereby adopted as if fully set forth here as findings of facts which are determined by the Board to be true and correct.

**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 THE TUSCANY RESERVE COMMUNITY DEVELOPMENT DISTRICT.**

The Tuscany Reserve Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference herein.

**SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS.**

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

- |  |   |
|--|---|
| 1. Barry Sifen<br>24301 Walden Center Drive<br>Bonita Springs, FL 34134      | 3. David Salko<br>24301 Walden Center Dr.<br>Bonita Springs, FL 34134 |
| 2. Edwin Stackhouse<br>24301 Walden Center Drive<br>Bonita Springs, FL 34134 | 4. Ken Plonski<br>24301 Walden Center Dr.<br>Bonita Springs, FL 34134 |
| 5. Wendy Beville<br>24301 Walden Center Drive<br>Bonita Springs, FL 34134    |   |

**SECTION FIVE: DISTRICT NAME.**

The community development district herein established shall henceforth be known as the "Tuscany Reserve Community Development District."

**SECTION SIX: STATUTORY PROVISIONS GOVERNING DISTRICT.**

The Tuscany Reserve Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes, and all other applicable general and local law.

**SECTION SEVEN: CONSENT TO GENERAL POWERS & RECOGNITION OF RIGHTS REGARDING FUTURE SPECIAL POWERS.**

The uniform charter of the Tuscany Reserve CDD is as set forth in Florida Statutes Sections 190.006 - 190.041, which allows the CDD to exercise powers granted by law under Sections 190.011. The Board specifically consents to the District's exercise of these statutory general powers. The Board further recognizes the District's right to seek consent from Collier County in the future for additional, special powers in accordance with Section 190.012(2), Florida Statutes.

**SECTION EIGHT: CONFLICT AND SEVERABILITY. :**

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase 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.

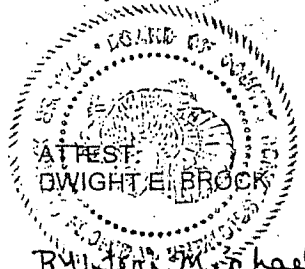
**SECTION NINE: INCLUSION IN CODE OF LAWS AND ORDINANCES.**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

**SECTION TEN: EFFECTIVE DATE.**

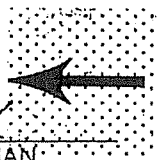
This Ordinance becomes effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 30<sup>th</sup> day of JULY, 2002.



BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY: [Signature]  
JAMES N. COLLETTA, CHAIRMAN



**SIGN  
HERE**

BY: [Signature]  
Deputy Clerk

Attest as to Chairman's  
signature only.

Approved as to Form  
And Legal Sufficiency:

[Signature]  
PATRICK G. WHITE,  
Assistant County Attorney

This ordinance filed with the  
Secretary of State's Office the  
5<sup>th</sup> day of Aug, 2002  
and acknowledgement of that  
filing received this 9<sup>th</sup> day  
of Aug, 2002

By: [Signature]  
Deputy Clerk

EXHIBIT "A"  
TUSCANY RESERVE CDD  
METES AND BOUNDS

LEGAL DESCRIPTION

Parcel A: North one-half of the Northeast one-quarter of Section 12, Township 48 South, Range 25 East, Collier County, Florida, LESS: The portion conveyed to Collier County, A Political Subdivision, by Warranty Deed recorded June 22, 2000, in Official Records' Book 2689, Page 3368.

together with:

Parcel B: All of Section 7, Township 48 South, Range 26 East, Collier County, Florida, lying West of Interstate Highway 75, Right-of-way.

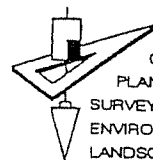
PARCEL A and PARCEL B: TOGETHER BEING MORE PARTICULARLY DESCRIBED AS:

A parcel of land lying in Section 7, Township 48 South, Range 26 East, and in Section 12, Township 48 South, Range 25 East, in Collier County Florida, and being more particularly described as follows:

BEGINNING at Northwest Corner of Section 7, Township 48 South, Range 26 East run thence along the North boundary of the Northwest one-quarter ( $\frac{1}{4}$ ) of said Section 7, S.89°52'09"E. 2420.80 feet to a point on the Westerly right-of-way line of Interstate Highway 75 (324' Right-of-way); thence along said Westerly right-of-way line for the following three (3) courses 1) S.19°30'43"E. 2329.79' feet to a point of curvature; 2) Southerly, 1892.87 feet along the arc of a curve to the right having a radius of 5567.58 feet and a central angle of 19°28'46" (chord bearing S.09°46'20"E., 1883.77 feet); 3) S.00°01'57"E. 1243.42' feet to a point on the South boundary of the Southeast one-quarter ( $\frac{1}{4}$ ) of said Section 7; thence along said South boundary N.89°10'15"W., 844.32 feet; thence along the South boundary of the Southwest one-quarter ( $\frac{1}{4}$ ) of said Section 7, N.89°10'25"W., 2627.43 feet to the Southwest corner of said Section 7; thence along the West boundary of the Southwest one-quarter ( $\frac{1}{4}$ ) of said Section 7, N.00°32'28"W., 2623.13 feet; thence along the West boundary of the Northwest one-quarter ( $\frac{1}{4}$ ) of said Section 7, N.00°30'23"W., 1314.18 feet; thence along the Southerly boundary of the North one-half ( $\frac{1}{2}$ ), of the Northeast one-quarter ( $\frac{1}{4}$ ), of said Section 12, Township 48 South, Range 25 East, S.89°21'50"W., 2599.53 feet to a point on the Easterly right-of-way line of Livingston Road; thence along said Easterly right-of-way line N.00°24'47"W., 1316.68 feet to a point on the North boundary of the North one-half ( $\frac{1}{2}$ ) of the Northeast one-quarter ( $\frac{1}{4}$ ) of said Section 12; thence along said North boundary, N.89°25'08"E., 2597.37 feet to the POINT OF BEGINNING.

Containing 461.29 acres, more or less.

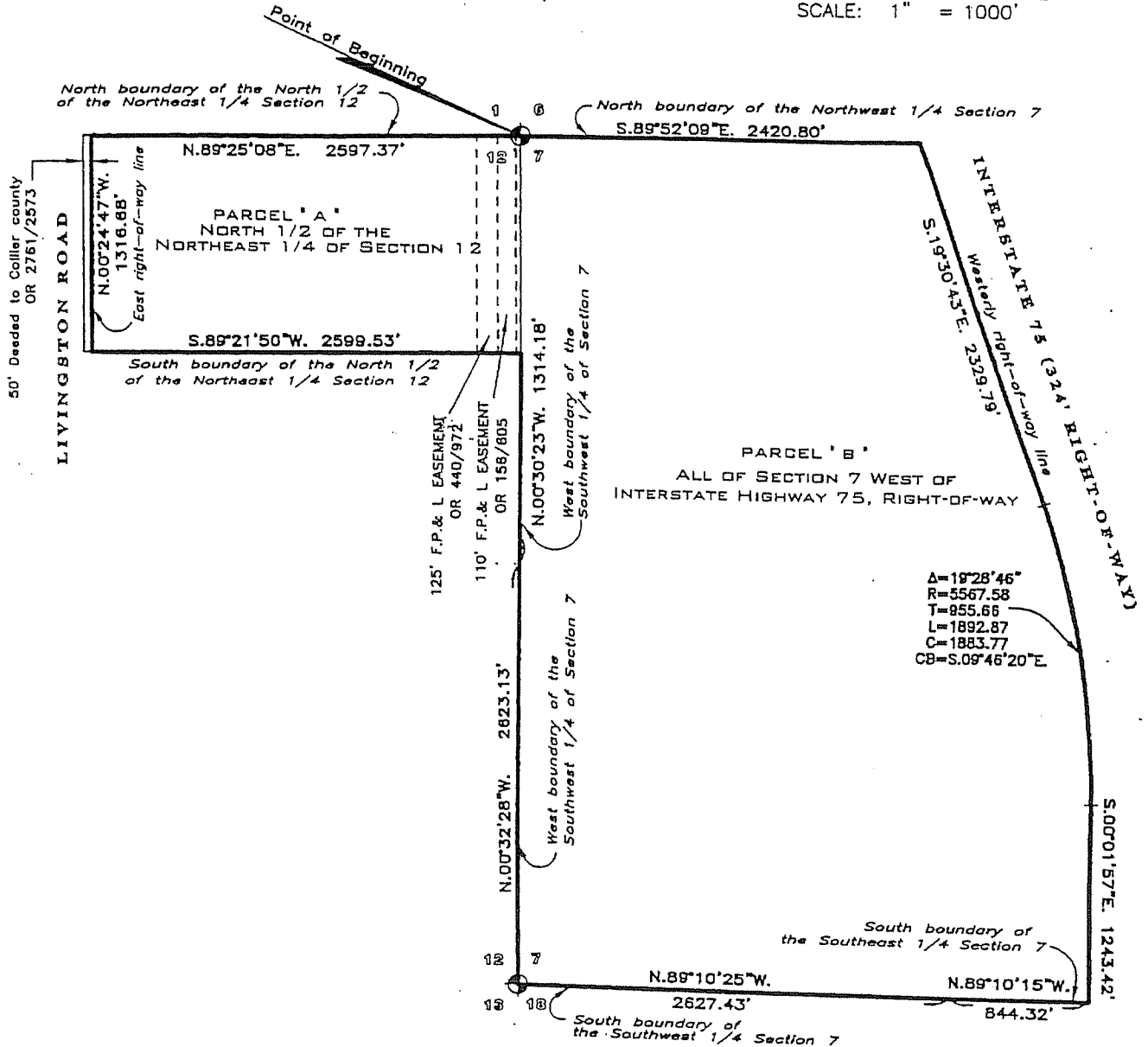
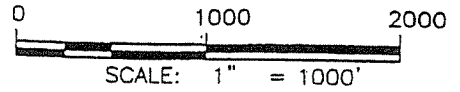
PREPARED BY: HEIDT & ASSOCIATES, Inc.  
Tampa ♦ Fort Myers



CIVIL ENGINEERING  
PLANNING  
SURVEYING  
ENVIRONMENTAL PERMITTING  
LANDSCAPE ARCHITECTURE

Fort Myers Office  
3800 Colonial Parkway, #200  
Fort Myers, Florida 33912  
Phone: 239-482-7275  
FAX: 239-482-2103

EXHIBIT "A"



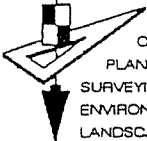
$\Delta = 19^{\circ}28'46''$   
 $R = 5567.58$   
 $T = 955.66$   
 $L = 1892.87$   
 $C = 1883.77$   
 $CB = S.09^{\circ}46'20''E.$

**LEGEND**

OR — OFFICIAL RECORDS BOOK  
 F.P.L.— FLORIDA POWER AND LIGHT CO.

CERTIFICATE OF AUTHORIZATION NO. LB 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
 Tampa \* Fort Myers



CIVIL ENGINEERING  
 PLANNING  
 SURVEYING  
 ENVIRONMENTAL PERMITTING  
 LANDSCAPE ARCHITECTURE

Fort Myers Office  
 3800 Colonial Blvd, Suite 200  
 Fort Myers, Florida 33912  
 Phone: 239-482-7275  
 FAX: 239-482-2103

**SKETCH OF LEGAL DESCRIPTION FOR  
 TUSCANY RESERVE**

Prepared For: **WCI COMMUNITIES INC.**

Dwn. RH	Ck. -	DWG: CDD_LGL
Date: 4/19/02	Order No.: WST-TR	

SECTION 7 TOWNSHIP 48 S RANGE 26 E  
 SECTION 12 TOWNSHIP 48 S RANGE 26 E  
 COLLIER COUNTY, FLORIDA