

April 21, 2006

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ORDINANCE  
Number 2006 - 045

AN ORDINANCE ESTABLISHING ARTICLE IX, SECTION 4-3.5-93 THROUGH SECTION 4-3.5-98 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, CREATING THE WATERFORD ESTATES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, TOUSA Homes, Inc., d/b/a Engle Homes Southwest Florida, a Florida corporation, submitted a petition to the Charlotte County Board of County Commissioners to establish the Waterford Estates Community Development District as authorized by and provided for in Chapter 190, Florida Statutes (2003); and

WHEREAS, the Board of County Commissioners has determined that the petition contains all of the matters required by Chapter 190 for the establishment of a community development district.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

SECTION 1. There is hereby established Article IX of the Code of Laws and Ordinances of Charlotte County, Florida, containing Section 4-3.5-93 through Sec. 4-3.5-98 of such Code which shall provide as follows:

**ARTICLE IX. WATERFORD ESTATES COMMUNITY DEVELOPMENT DISTRICT**

**Sec. 4-3.5-93. BACKGROUND.**

(a) TOUSA Homes, Inc., d/b/a Engle Homes Southwest Florida, a Florida corporation, submitted a petition to the Charlotte County Board of County Commissioners ("Board") pursuant to Chapter 190, *Florida Statutes*, to establish the Waterford Estates Community Development District ("CDD").

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
OR BOOK 2957 PGS 1395-1401 7 pg(s)  
INSTR # 1545390  
Doc Type GOV, Recorded 05/02/2006 at 01:00 PM  
Rec. Fee: \$61.00  
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CERTIFIED TRUE COPY  
OF THE ORIGINAL  
BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT  
CHARLOTTE COUNTY, FLORIDA  
BY: *Shirley L. Bahler*  
DEPUTY CLERK

Star logo with handwritten text "minutes" and a checkmark.

1 (b) On April 18, 2006, the Board held a public hearing on the petition.

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3 (c) Notice of the public hearing, containing the time and place for the  
4 hearing, describing the area to be included in the CDD, including a map showing  
5 the area to be covered by the CDD, was timely given.  
6

7  
8 **Sec. 4-3.5-94. FINDINGS.**  
9

10 (a) In accordance with Subsection 190.005(2) (c), the findings of the  
11 Board set forth in this Section 4-3.5-94 are based upon the petition and the record  
12 of the public hearing.  
13

14 (b) The land area to be served by the CDD contains approximately  
15 193.4 acres more or less and is located wholly within Charlotte County.  
16

17 (c) The petition contains all of the information required by Chapter 190,  
18 and all statements in the petition are true and correct.  
19

20 (d) Establishment of the CDD is consistent with applicable elements or  
21 portions of the state comprehensive plan or the Charlotte County Comprehensive  
22 Plan.  
23

24 (e) The approximately 193.4 acres of land within the CDD are of  
25 sufficient size, sufficiently compact, and sufficiently contiguous to be developable  
26 as one functional, interrelated community.  
27

28 (f) The CDD is the best alternative available for delivering community  
29 development services and facilities to the land area to be served by the CDD.  
30

31 (g) The community development services and facilities of the CDD will  
32 be compatible with the capacity and uses of existing local and regional  
33 community development services and facilities.  
34

35 (h) The land area that will be served by the CDD is amenable to  
36 separate special district government.  
37

38  
39 **Sec. 4-3.5-95. ESTABLISHMENT OF COMMUNITY DEVELOPMENT**  
40 **DISTRICT.**  
41

42 Pursuant to Section 190.005(2), *Florida Statutes*, the Waterford Estates  
43 Community Development District is hereby established and shall be known as  
44 the Waterford Estates Community Development District (or CDD herein).  
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46

1           **Sec. 4-3.5-96. LOCATION.**

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3           The land area in the CDD is generally located between Carmalita Street  
4 and Airport Road west of I-75. The boundaries and legal description of the land  
5 area in the CDD are set forth in Exhibit "A" attached hereto and by reference  
6 made a part hereof.

7  
8           **Sec. 4-3.5-97. GOVERNANCE.**

9  
10          The CDD will be governed by the provisions of Chapter 190, *Florida*  
11 *Statutes*. The following five (5) persons shall be the initial board of supervisors:

12  
13                   Name:       Vanessa Richter  
14                   Address:   Engle Homes Southwest Florida  
15                                12550 New Brittany Blvd., #101  
16                                Fort Myers, FL 33907

17  
18                   Name:       Lynn Gaudet  
19                   Address:   Engle Homes Southwest Florida  
20                                12550 New Brittany Blvd., #101  
21                                Fort Myers, FL 33907

22  
23                   Name:       Bret South  
24                   Address:   Engle Homes Southwest Florida  
25                                12550 New Brittany Blvd., #101  
26                                Fort Myers, FL 33907

27  
28                   Name:       Tim Regan  
29                   Address:   Engle Homes Southwest Florida  
30                                12550 New Brittany Blvd., #101  
31                                Fort Myers, FL 33907

32  
33                   Name:       Doug Klick  
34                   Address:   Engle Homes Southwest Florida  
35                                12550 New Brittany Blvd., #101  
36                                Fort Myers, FL 33907

37  
38           **Sec. 4-3.5-98. POWERS.**

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40          Upon the effective date of this Article, the CDD shall lawfully exist and  
41 shall be duly and legally authorized to exercise all powers in accordance with  
42 Sections 190.011 and 190.012(1) *Florida Statutes*.

43  
44          **SECTION 2. SEVERABILITY.** In the event this ordinance conflicts with  
45 any other provision of the Charlotte County Code or other applicable law, the  
46 more restrictive shall apply. If any subsection, sentence, clause, phrase, or

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portion of this ordinance is for any reason 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 remainder of the ordinance.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect upon its filing in the Office of the Secretary of State, State of Florida.

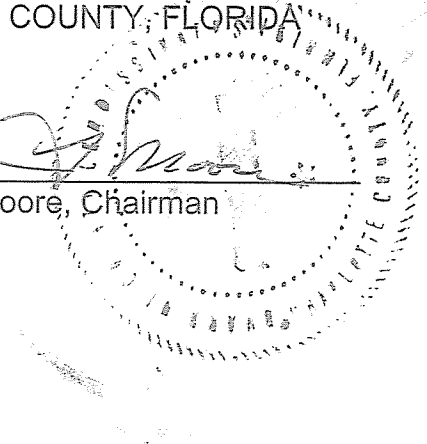
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PASSED AND DULY ADOPTED this 18 day of April, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Thomas G. Moore  
Thomas G. Moore, Chairman



ATTEST:  
Barbara T. Scott, Clerk of Circuit  
Court and Ex-Officio Clerk to the  
Board of County Commissioners

By: Anne L. Pfahler  
Deputy Clerk

APPROVED AS TO FORM AND  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney

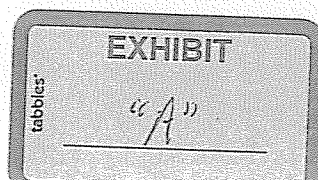
RB  
LR2006-260

p:\wpdata\public\karen\Ord\Waterford Estates.CDD Ordinance  
LR2006-260

## LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 8, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PORTION OF LOT 13, ALL OF LOTS 14 THROUGH 20, 31 THROUGH 34, 46, 47, 51, 52, 61, 62 AND A PORTION OF LOTS 48, 49 AND 50, ALL OF CLAY'S SUBDIVISION, RECORDED IN PLAT BOOK 1 PAGE 14, CHARLOTTE COUNTY, FLORIDA, SAID PORTIONS AND EXCEPTIONS THEREOF MORE PARTICULARLY DESCRIBED IN OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 03061814, SAID LANDS BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 8, SAID POINT HAVING A PLANE COORDINATE VALUE OF NORTH 941623.71 AND EAST 648669.47, BASED ON NORTH AMERICAN DATUM OF 1983/1990, FLORIDA WEST ZONE; THENCE S.00°20'50"W. ALONG THE EAST LINE OF SAID SECTION FOR 876 FEET MORE OR LESS TO THE APPROXIMATE CENTER OF A CREEK (DRAINAGE CANAL); THENCE SOUTHEASTLY ALONG SAID CENTER LINE FOR 1397 FEET MORE OR LESS TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LOT 50; THENCE S.89°59'29"W. ALONG SAID LINE FOR 448 FEET MORE OR LESS TO A CORNER COMMON TO SAID LOTS 50, 51 AND 62; THENCE S.00°12'51"W. ALONG THE EAST LINE OF SAID LOT 62 FOR 596.15 FEET TO AN INTERSECTION WITH A LINE 50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION, BEING THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 64 PAGE 282 OF SAID CHARLOTTE COUNTY; THENCE N.89°59'46"W. ALONG SAID LINE FOR 1334.03 FEET TO AN INTERSECTION WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION. SAID POINT HAVING A PLANE COORDINATE VALUE OF NORTH 939088.13 AND EAST 645986.04, BASED ON NORTH AMERICAN DATUM OF 1983/1990, FLORIDA WEST ZONE; THENCE N.00°04'51"E. ALONG SAID QUARTER SECTION LINE FOR 1241.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 52; THENCE N.89°58'43"E. ALONG THE NORTH LINE OF SAID LOT FOR 683.46 FEET; THENCE N.00°08'51"E. ALONG THE WEST LINE OF SAID LOT 46 FOR 646.00 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE N.89°57'57"E. ALONG THE NORTH LINE OF SAID LOT FOR 654.22 FEET TO A CORNER COMMON TO SAID



LOTS 46, 47 AND 34; THENCE N.00°12'57"E. ALONG THE WEST LINE OF SAID LOTS 34 AND 31 FOR 1329.29 FEET TO A CORNER COMMON TO SAID LOTS 31, 18 AND 19; THENCE S.89°51'25"W. ALONG THE SOUTH LINE OF SAID LOTS 19 AND 20 FOR 1341.54 FEET TO THE SOUTHWEST CORNER OF SAID LOT 20 AND TO AN INTERSECTION WITH SAID NORTH-SOUTH QUARTER SECTION LINE; N.00°05'01"E. ALONG SAID LINE FOR 1161.54 FEET TO THE SOUTHWEST CORNER OF A 210 FOOT SQUARE LESS AND EXCEPT PARCEL OF LAND DESCRIBED IN OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER 03061814; THENCE N.89°27'34"E. ALONG THE SOUTH LINE OF SAID LESS AND EXCEPT PARCEL FOR 210.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE N.00°05'01"E. ALONG THE EAST LINE OF SAID PARCEL FOR 210.01 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 13; THENCE N.89°27'34"E. ALONG THE NORTH LINE OF SAID LOTS 13, 14, 15 AND 16 FOR 2479.67 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID SECTION; THENCE S.00°21'01"W. ALONG SAID EAST LINE FOR 2075.67 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF A MAINTAINED RIGHT-OF-WAY THAT LIES WITHIN THE ABOVE DESCRIBED LANDS, SAID RIGHT-OF-WAY BEING A VARIABLE WIDTH RIGHT-OF-WAY KNOWN AS CARMALITY STREET, RECORDED IN RIGHT-OF-WAY BOOK 6, PAGE 1 OF SAID CHARLOTTE COUNTY;

BEARINGS BASED ON THE SOUTH LINE OF SECTION 22 TOWNSHIP 41 SOUTH, RANGE 23 EAST AS BEARING N.86°17'54"E.