

A
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Class
of Board

AN ORDINANCE AMENDING ORDINANCE NO. 93-39, AS AMENDED, RELATING TO THE DOVE POINTE COMMUNITY DEVELOPMENT DISTRICT: CHANGING THE NAME OF THE DISTRICT TO THE HERITAGE GREENS COMMUNITY DEVELOPMENT DISTRICT BY AMENDING THE FOLLOWING SECTIONS: SECTION TWO - ESTABLISHMENT OF THE DOVE POINTE COMMUNITY DEVELOPMENT DISTRICT; SECTION FOUR - DISTRICT NAME; AND SECTION FIVE - STATUTORY PROVISIONS GOVERNING DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Dove Pointe Community Development District was established on July 20, 1993, by Ordinance No. 93-39 which became effective on July 28, 1993; and

WHEREAS, Ordinance No. 93-39 was amended by Ordinance No. 93-70 which authorized the exercise of special powers which became effective on October 8, 1993; and

WHEREAS, the Board of Supervisors of the Dove Pointe Community Development District has requested the Board of County Commissioners of Collier County to amend Ordinance No. 93-39, as amended, to change the name of the District to the Heritage Greens Community Development District to match the name of the Planned Unit Development zoning for the lands encompassed by the District's boundaries.

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

SECTION ONE.

Ordinance No. 93-39, as amended, the Dove Pointe Community Development District Ordinance, Section Two is hereby amended to read as follows:

SECTION TWO - ESTABLISHMENT OF THE ~~DOVE POINTE~~ HERITAGE GREENS COMMUNITY DEVELOPMENT DISTRICT

The ~~Dove Pointe~~ Heritage Greens 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 TWO.

Ordinance No. 93-39, as amended, the Dove Pointe Community Development District Ordinance, Section Four is hereby amended to read as follows:

SECTION FOUR: DISTRICT NAME

The community development district herein established shall henceforth be known as the ~~Dove Pointe~~ Heritage Greens Community Development District.

SECTION THREE.

Ordinance No. 93-39, as amended, the Dove Pointe Community Development District Ordinance, Section Five is hereby amended to read as follows:

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

The ~~Dove Pointe~~ Heritage Greens Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes.

Additionally, the Board of County Commissioner of Collier County, Florida, hereby consents to the Board of Supervisors of the ~~Dove Pointe~~ Heritage Greens Community Development District exercising the following special powers in accordance with Section 190.012(2), Florida Statutes, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for:

- (a) Parks and facilities for indoor and outdoor recreational, cultural and educational uses.
- (b) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the District boundaries.

Consent to exercise the above powers by the Board of County Commissioners in no way implies that Collier County has any obligation or responsibility to ensure that these special powers are exercised by the District nor any liability in regards to the District's exercise of these special powers.

SECTION FOUR. 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 FIVE. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

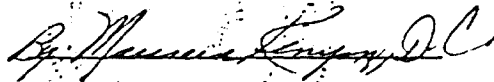
The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION SIX. EFFECTIVE DATE.

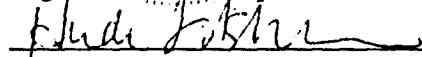
This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 5th day of November, 1996.

ATTEST:
DWIGHT E. BROCK, Clerk



Approved as to form and
legal sufficiency.



Assistant County Attorney

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BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: 
John C. Norris, Chairman

Exhibit A

Metes and Bounds Legal Description

A parcel of land lying in Section 28, Township 48 South, Range 26 East, Collier County, Florida, said parcel of land being more particularly described as follows:

Commencing at the northeast corner of said Section 28; thence South 03°05'19" East along the easterly line of the northeast quarter (NE1/4) of said Section 28 for a distance of 100.08 feet to an intersection with the southerly right-of-way line of Immokalee Road (C.R. 846); thence South 89°10'00" West along said southerly right-of-way line for a distance of 1980.13 feet to the POINT OF BEGINNING of the herein described parcel of land;

thence South 03°04'06" East for a distance of 1576.35 feet;
thence North 89°09'31" East for a distance of 1980.67 feet to an intersection with the said easterly line of the northeast quarter (NE1/4) of Section 28;
thence South 03°05'19" East along said easterly line for a distance of 998.38 feet to the southeast corner of the northeast quarter (NE1/4);
thence South 03°05'44" East along the easterly line of the southeast quarter (SE1/4) of said Section 28 for a distance of 2674.92 feet to the southeast corner of said Section 28;
thence South 89°11'00" West along the southerly line of the said southeast quarter (SE1/4) of Section 28 for a distance of 2642.14 feet to the southwest corner of the said southeast quarter (SE1/4) of Section 28;
thence North 03°04'55" West along the westerly line of the east half (E1/2) of said Section 28 for a distance of 3342.98 feet to the southeast corner of the east half (E1/2) of the northeast quarter (NE1/4) of the southeast quarter (SE1/4) of the northwest quarter (NW1/4);
thence South 89°10'17" West along the southerly line of said fraction for a distance of 330.19 feet to an intersection with the westerly line of said fraction;
thence North 03°04'51" West along said westerly line for a distance of 668.55 feet to an intersection with the northerly line of said fraction;
thence North 89°10'11" East along said northerly line for a distance of 330.18 feet to an intersection with the said westerly line the east half (E1/2) of Section 28;
thence North 03°04'55" West along said westerly line for a distance of 1237.04 feet to an intersection with the said southerly line of Immokalee Road (C.R. 846);
thence North 89°10'00" East along said southerly line for a distance of 661.06 feet to the POINT OF BEGINNING;

Containing 251.521 acres of land, more or less.
Subject to easements and restrictions of record.

STATE OF FLORIDA)
COUNTY OF COLLIER)


I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth
Judicial Circuit, Collier County, Florida, do hereby certify that the
foregoing is a true copy of:

ORDINANCE NO. 96-67

Which was adopted by the Board of County Commissioners on the 5th day
of November, 1996, during Regular Session.

WITNESS my hand and the official seal of the Board of County
Commissioners of Collier County, Florida, this 7th day of November,
1996.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Maureen Kenyon
Deputy Clerk

