

ORDINANCE TO BE KNOWN AS THE NAPLES HERITAGE
COMMUNITY DEVELOPMENT DISTRICT ORDINANCE; PROVIDING FOR
BOUNDINGS; PROVIDING FOR GRANT OF PETITION ESTABLISHING
THE DISTRICT; PROVIDING FOR EXTERNAL BOUNDARIES OF THE
DISTRICT; PROVIDING FOR A BOARD OF SUPERVISORS;
PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING AN
EFFECTIVE DATE; AND BY PROVIDING FOR INCLUSION IN CODE
OF LAWS AND ORDINANCES.

Oct 1 3 37 PM '96

FILED

WHEREAS, Section 190.005, Florida Statutes, provides for the establishment of a Uniform Community Development District; and

WHEREAS, U. S. Home Corporation, as owner of the subject lands, has petitioned the Board of County Commissioners to establish a Community Development District in Collier County; and

WHEREAS, the established government district does not, and by law shall not effect the rights, authority and duty of Collier County to regulate land use and growth on the above-referenced property; and

WHEREAS, U. S. Home Corporation on July 29, 1996 submitted the petition to Collier County for its review together with a processing fee of fifteen thousand dollars (\$15,000); and

WHEREAS, the exercise of the Community Development District's power and functions will comply with, and be compatible with, the laws, policies, regulations and ordinances including those of the Collier County Water-Sewer District in Collier County which governs the existing and future use of land on which the proposed district shall be established; and

WHEREAS, the exercise by the Board of Supervisors of such a Community Development District shall be subject to all procedural requirements including notice of meetings, government-in-the-sunshine, ethics and conflicts of interests, and various limitations on the powers, functions and duties of the District; and

WHEREAS, U. S. Home Corporation, as the controlling constituent in the proposed Community Development District, has committed to the Board of County Commissioners to ask the Community Development District Board of Supervisors as its first substantive act to enter into a satisfactory interlocal agreement with Collier County and the Collier County Water-Sewer District; and

WHEREAS, the adoption of this Ordinance shall not under any circumstances preempt any land use decisions currently in effect or to be decided in the future by Collier County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, THAT:

SECTION ONE: FINDINGS.

The Board of County Commissioners makes the following findings:

1. The creation of the District is consistent with any applicable element or portion of the State Comprehensive Plan and of the effective local government comprehensive plan.
2. 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.
3. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
4. 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.
5. The area that will be served by the District is amenable to separate special district government.

SECTION TWO: GRANT OF PETITION ESTABLISHING DISTRICT.

The Board hereby grants the petition for the establishment of the District pursuant to Section 190.005(2), Florida Statutes.

SECTION THREE: EXTERNAL BOUNDARIES OF THE DISTRICT.

The land area to be served by the Community Development District is five hundred and fifty-seven (557.0) contiguous acres of land which is bounded on the north by Davis Boulevard (State Road 84) and undeveloped lands, bounded on the south by a developing residential subdivision, bounded on the east by the Isle of Capri Road (C.R. 951) and bounded on the west by undeveloped lands. This land area is more particularly described in the attached Exhibit "A".

SECTION FOUR: DISTRICT NAME.

Name of the proposed district is the Naples Heritage Community Development District.

SECTION FIVE: BOARD OF SUPERVISORS MEMBERS.

The Board designates the following five persons to serve as the initial members of the Board of Supervisors:

- a) John J. Agnelli, 2700 South Horseshoe Drive, Naples, FL 34104;
- b) Alan Burns, 10491 Six Mile Cypress Parkway, Ft. Myers, FL 33912;
- c) Peter Comeau, 10491 Six Mile Cypress Parkway, Ft. Myers, FL 33912;
- d) John F. Stanley, 2660 Airport Road South, Naples, FL 34112;
and
- e) Ray Miller, 3200 Bailey Lane, Suite 200, Naples, FL 34104.

SECTION SIX: 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 SEVEN: EFFECTIVE DATE.

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

SECTION EIGHT: 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.

PASSED AND DULY ADOPTED by a vote of a majority of the Board of County Commissioners of Collier County, Florida, this 24 day of September, 1996.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: [Signature]
D.E.

By: *[Signature]*
JOHN C. NORRIS, Chairman

Approved as to form and
legal sufficiency:

[Signature]
Heidi F. Ashton
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
24 day of Sept, 1996 -
and acknowledgement of that
filing received this 24 day
of Sept, 1996
By: *[Signature]*
Deputy Clerk


EXHIBIT 2

LEGAL DESCRIPTION

NAPLES HERITAGE COMMUNITY DEVELOPMENT DISTRICT

Begin at the Northwest corner of Section 10, Township 50 South, Range 26 East and run N88°57'16"E along the North line of said Section 10 for 5008.28 feet to the West Right-Of-Way line of County Road 951; thence run S00°51'35"W, along said Right-Of-Way, for 1377.19 feet; thence run S88°37'27"W for 4971.94 feet to the West line of said Section 10; thence run S00°40'13"E, along said West line, for 3513.15 feet; thence run N89°34'24"W for 653.91 feet; thence run S00°41'08"E for 700.37 feet to the South line of Section 9, Township 50 South, Range 26 East; thence run N89°24'00"W, along the South line of said Section 9, for 1307.36 feet; thence run N00°43'07"W for 696.04 feet; thence run N89°35'44"W for 653.87 feet to the West line of the East one-half of said Section 9; thence run N00°46'52"W, along said West line, for 4856.27 feet to the Northwest corner of the Northeast one-quarter of said Section 9; thence run N00°48'29"W, along the West line of the East one-half of Section 4, Township 50 South, Range 26 East, for 24.89 feet to the South Right-Of-Way line of State Road 84; thence run along said Right-Of-Way and a curve concave Northwesterly for 2246.00 feet, said curve having a radius of 2939.79 feet, an included angle of 43°46'26", a chord of 2191.77 feet and a chord bearing of N52°11'04"E to a point of tangency; thence continue along said Right-Of-Way, N30°17'51"E for 1721.35 feet; thence run N89°18'18"E for 643.44 feet; thence run S00°28'01"E for 1403.93 feet; thence S89°07'52"W for 646.66 feet to the East line of said Section 4; thence run S00°40'12"E, along said East line, for 1405.88 feet to the Point Of Beginning, and containing 557.00 acres, more or less.

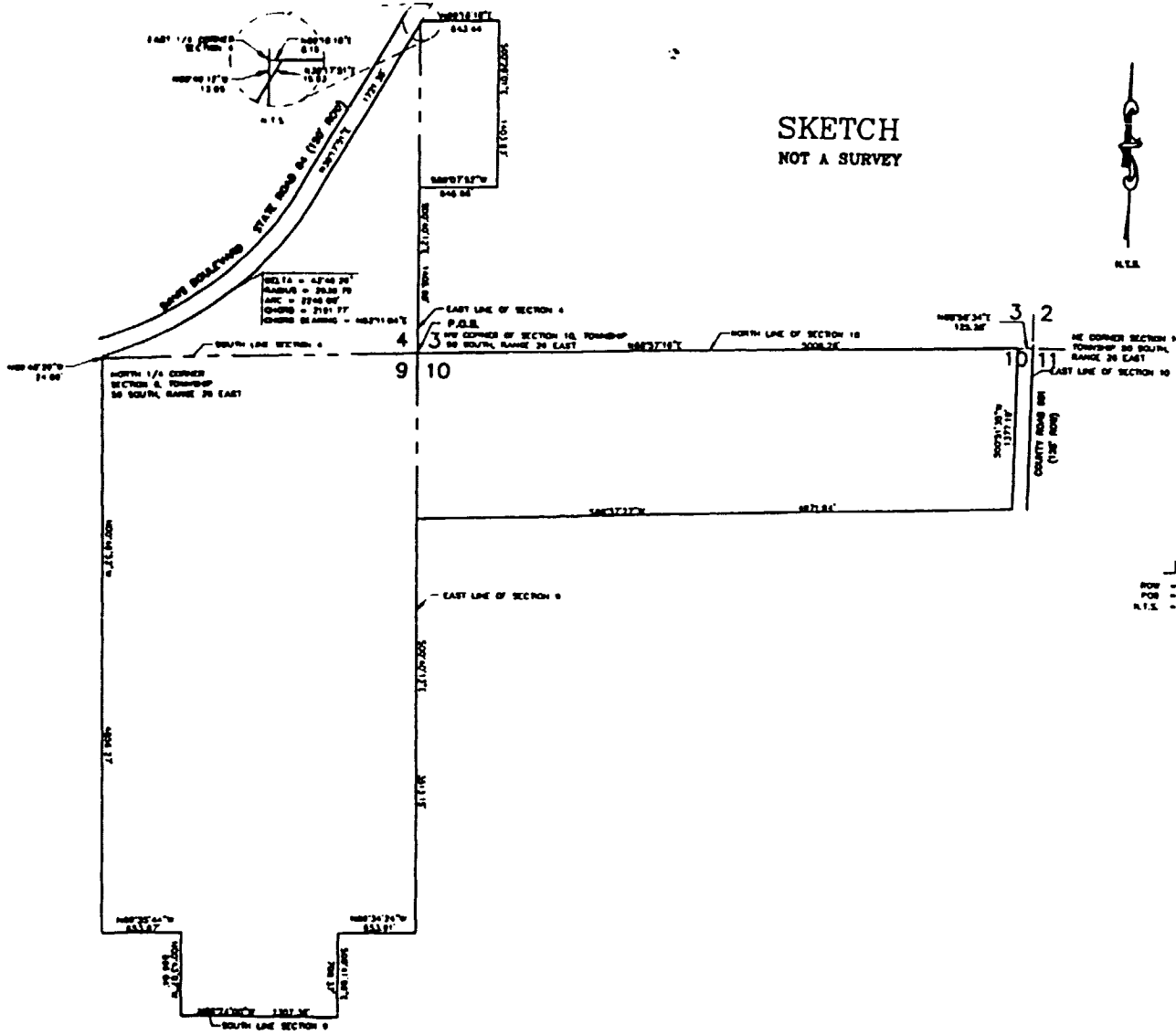
Prepared By:


William C. McAnly, P.L.S.
Registration Number 1543

Date:

4/22/96

EXHIBIT "A"



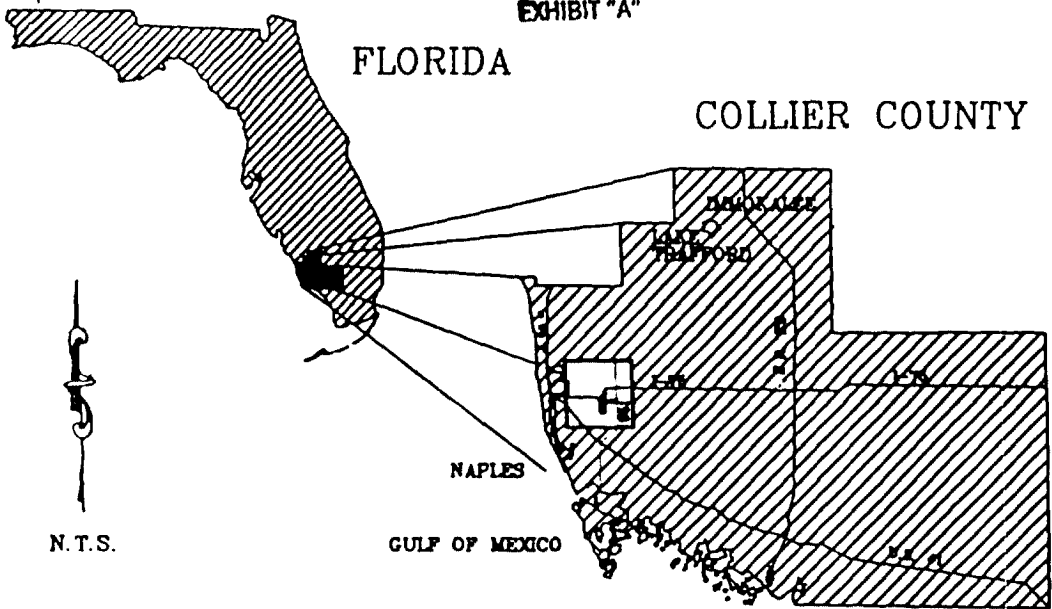
LEGEND
 ROW = RIGHT-OF-WAY
 POB = POINT OF BEGINNING
 N.T.S. = DOES NOT TO SCALE

EXHIBIT 2 - CONTINUED
 NAPLES HERITAGE COMMUNITY
 DEVELOPMENT DISTRICT
 SKETCH OF LEGAL DESCRIPTION
 S. 55.0 E. 34.1 80 S. E. 30 S. COLLIER COUNTY, FLA.
 CREAT. BY: [unclear] DATE: [unclear] WCM DATE: 4/11/98

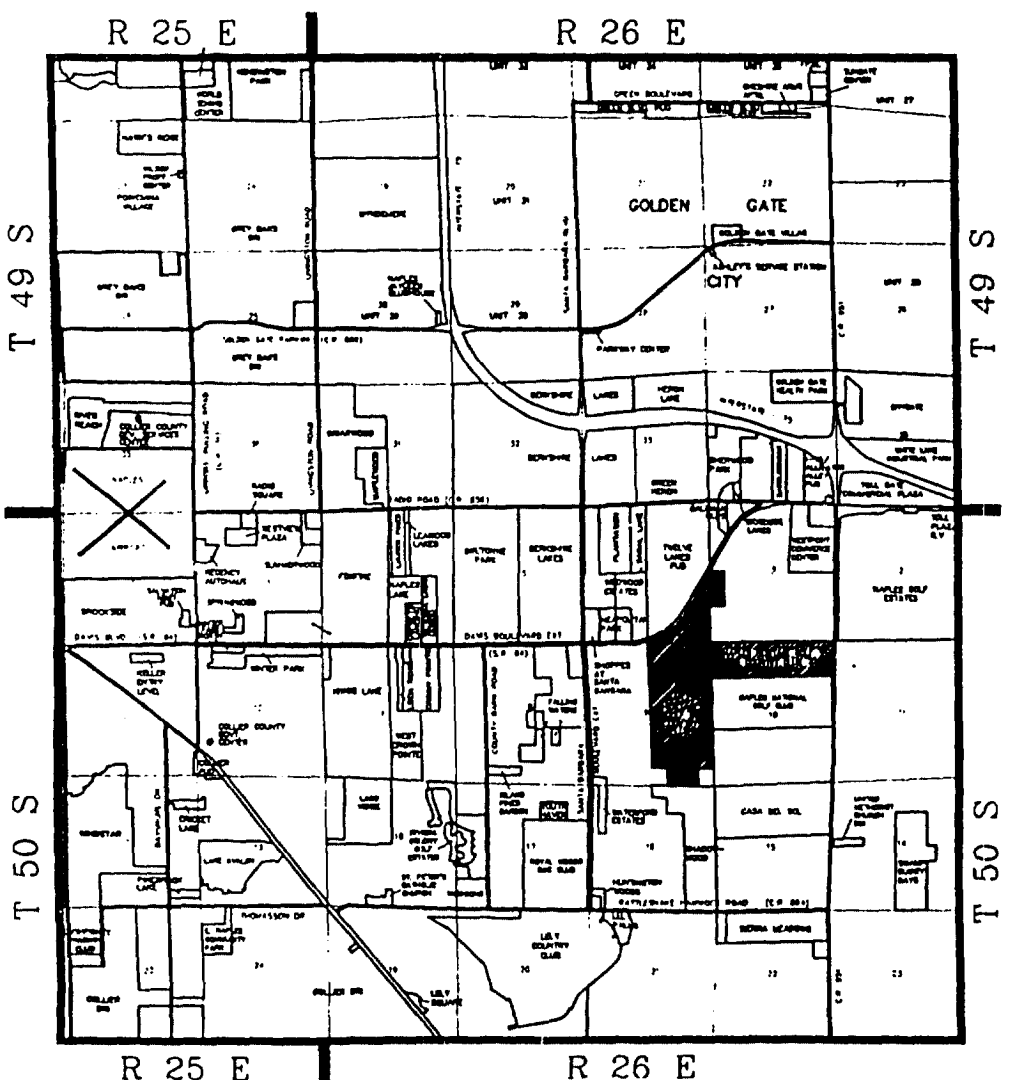
McANLY ENGINEERING AND DESIGN, INC.
 ENGINEERS, PLANNERS, LAND SURVEYORS
 8001 UNIVERSITY BLVD., SUITE 200
 NAPLES, FLORIDA 34104
 (813) 775-4775 FAX (813) 775-4428

NO.	REVISIONS	DATE

EXHIBIT "A"




N.T.S.



■ DENOTES AREA INCLUDED IN NAPLES HERITAGE C.D.D.

EXHIBIT 1
NAPLES HERITAGE COMMUNITY DEVELOPMENT DISTRICT
LOCATION MAP
 9 10 T 50 S R 26 E COLLIER COUNTY, FLA

McANLY ENGINEERING AND DESIGN, INC.
 ENGINEERING, PLANNING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE
 9101 TAMMING TRAIL EAST, SUITE 202
 NAPLES, FLORIDA 34108
 (813) 778-8723 FAX (813) 778-8224



#	REVISIONS	DATE

STATE OF FLORIDA)
COUNTY OF COLLIER)

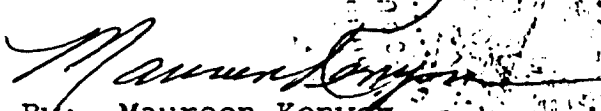
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 96-57

Which was adopted by the Board of County Commissioners on the 24th day of September, 1996, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 25th day of September, 1996.

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


By: Maureen Kenyon
Deputy Clerk

