



ORDINANCE NO. 04- 53

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA ESTABLISHING THE QUARRY COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING STATUTORY PROVISIONS GOVERNING THE DISTRICT; PROVIDING FOR CONSENT TO SPECIAL POWERS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Centex Real Estate Corporation (Centex Homes), has petitioned the Board of County Commissioners (Board) of Collier County, Florida, a political subdivision of the State of Florida, to establish the QUARRY COMMUNITY DEVELOPMENT DISTRICT (District); and

WHEREAS, the Board of County Commissioners, after proper published notice has 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 Sections 190.005 (1)(e) 2., and 190.005(2)(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 this State, as provided for 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 serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under chapter 380 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 planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government; and

WHEREAS, pursuant to Section 190.012, Florida Statutes, upon the establishment of the proposed community development district, the District Board of Supervisors will have the right to seek consent from Collier County for the grant of authority to exercise special powers without question as to the continued right authority and power to exercise its limited powers as established by this Ordinance.

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

SECTION ONE: 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 TWO: ESTABLISHMENT OF THE QUARRY COMMUNITY DEVELOPMENT DISTRICT.

The Quarry 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 THREE: DESIGNATION OF INITIAL BOARD MEMBERS

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

- | | | | |
|----|--------------------------------------------------------------------|----|-------------------------------------------------------------------|
| 1. | Tom Wegwert, Chair
4367 Mourning Dove Drive
Naples, FL 34119 | 3. | Jeff Riopelle
21694 Sungate Ct.
Estero, FL 33928 |
| 2. | John T. Landress
15101 Iona Lakes Drive
Ft. Myers, FL 33908 | 4. | Douglas S. Cohen
12600 Walden Run Drive
Ft. Myers, FL 33913 |
| 5. | Mike S. McLeod
728 Old Trail Drive
Naples, FL 34103 | | |

SECTION FOUR: DISTRICT NAME

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

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

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

SECTION SIX: CONSENT TO SPECIAL POWERS:

Upon the effective date of this Ordinance, the Quarry Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law; and has the right to seek consent from the Collier County Board of County Commissioners for the grant of authority to exercise special powers in accordance with Section 190.012(2), Florida Statutes, without question as to the district's continued right, authority and power to exercise its limited powers as established by this Ordinance. The District Board's authority to exercise special powers may include the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: (i) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and (ii) 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; all as authorized and described by Section 190.012(2), Florida Statutes.

SECTION SEVEN: 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 EIGHT: 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 NINE: EFFECTIVE DATE

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

PASSED ON DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 27th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST: DWIGHT E. BROCK

BY: Donna Fiala
DONNA FIALA, CHAIRMAN

By: Yvonne R. Brockhoff, D.C.
Deputy Clerk

Attest as to Chairman's
signature only.

Approved as to form
And legal sufficiency

Patrick G. White

Patrick G. White,
Assistant County Attorney

Mk/gh/f:\compplan/ORD.

This ordinance filed with the
Secretary of State's Office the
30 day of July, 2004
and acknowledgement of that
filing received this 4 day
of AUGUST, 2004
By: Yvonne R. Brockhoff
Deputy Clerk

LEGAL DESCRIPTION

THE QUARRY CDD BOUNDARY

Being part of Sections 13, 14, 23 & 24,
 Township 48 South, Range 26 East,
 Collier County, Florida.

Being part of Sections 13, 14, 23 & 24, Township 48 South, Range 26 East, Collier County, Florida and being more particularly described as follows;

Commencing at the Southwest Corner of Said Section 23

Thence along the south line of said Section 23 South 89°58'23" East 2,641.45 feet;

Thence leaving said south line North 00°15'09" West 100.00 feet to a point on the North line of a 100' canal Right-of-Way and the POINT OF BEGINNING;

Thence 59.51 feet along the arc of a circular curve concave west having a radius of 118.00 feet through central angle of 28°53'50" and being subtended by a chord which bears North 18°36'13" West 58.88 feet to a point of reverse curvature;

Thence 34.42 feet along the arc of a circular curve concave northeast, having a radius of 150.00 feet through a central angle of 13°08'54" subtended by a chord which bears North 26°28'41" West 34.35 feet to a point of reverse curvature;

Thence 147.29 feet along the arc of a circular curve concave southwest, having a radius of 330.00 feet through a central angle of 25°34'24" subtended by a chord which bears North 32°41'26" West 146.07 feet;

Thence North 45°28'37" West 104.04 feet;

Thence 61.03 feet along the arc of a circular curve concave northeast having a radius of 220.00 feet through central angle of 15°53'40" and being subtended by a chord which bears North 37°31'47" West 60.83 feet to a point of reverse curvature;

Thence 129.44 feet along the arc of a circular curve concave southwest, having a radius of 380.00 feet through a central angle of 19°31'03" subtended by a chord which bears North 39°20'29" West 128.82 feet to a point of reverse curvature;

Thence 34.44 feet along the arc of a circular curve concave east, having a radius of 25.00 feet through a central angle of 78°55'30" subtended by a chord which bears North 09°38'15" West 31.78 feet;

Thence North 53°37'55" West 60.48 feet;

Thence 151.86 feet along the arc of a non-tangential circular curve concave west having a radius of 270.00 feet through a central angle of 32°13'36" and being subtended by a chord which bears North 12°14'56" East 149.87 feet to a point of reverse curvature;

Thence 148.93 feet along the arc of a circular curve concave east, having a radius of 830.00 feet through a central angle of 10°16'52" subtended by a chord which bears North 01°16'34" East 148.73 feet to a point of reverse curvature;

Thence 243.73 feet along the arc of a circular curve concave west, having a radius of 1,970.00 feet through a central angle of 07°05'19" subtended by a chord which bears North 02°52'21" East 243.57 feet;

Thence South 89°19'41" West 201.14 feet;

Thence North 07°40'28" West 559.75 feet;

Thence North 81°39'32" East 226.39 feet;

Thence North 00°43'28" East 516.79 feet;

Thence North 87°12'19" East 13.62 feet;

Thence North 77°07'12" East 78.83 feet;

Thence North 02°34'15" West 68.59 feet;

Thence North 23°26'54" East 29.53 feet;

Thence North 01°24'05" East 42.24 feet;

Thence North 48°26'28" West 77.89 feet;

Thence North 36°55'08" West 26.16 feet;

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Naples/Corporate Office 3200 Bailey Lane, Suite 200 • Naples, Florida 34105 • 239.649.4040 • Fax 239.643.5716

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Thence North 27°46'40" East 44.86 feet;
 Thence North 24°39'05" East 43.81 feet;
 Thence North 47°37'59" East 50.78 feet;
 Thence North 15°33'57" West 53.93 feet;
 Thence North 82°37'59" West 107.97 feet;
 Thence South 89°20'02" West 1,851.51 feet;
 Thence South 81°43'26" West 107.89 feet;
 Thence 82.22 feet along the arc of a circular curve concave north having a radius of 650.00 feet through central angle of 07°14'50" and being subtended by a chord which bears South 85°20'51" West 82.16 feet;
 Thence North 00°39'58" West 80.00 feet;
 Thence South 89°20'02" West 162.83 feet;
 Thence North 00°50'56" West 2,660.08 feet;
 Thence North 00°49'48" West 2,769.21 feet;
 Thence North 89°19'06" East 5,194.38 feet;
 Thence North 00°14'15" West 178.48 feet;
 Thence South 69°32'56" East 147.88 feet;
 Thence North 58°22'15" East 168.51 feet;
 Thence North 81°57'44" East 274.12 feet;
 Thence South 11°43'52" East 260.76 feet;
 Thence East 2.25 feet;
 Thence South 10°03'14" West 5.93 feet;
 Thence South 05°47'09" West 34.82 feet;
 Thence South 46°17'23" East 80.74 feet;
 Thence South 51°53'08" East 52.67 feet;
 Thence South 27°16'09" East 78.59 feet;
 Thence South 84°40'08" East 41.33 feet;
 Thence North 67°41'56" East 39.40 feet;
 Thence South 61°49'13" East 32.38 feet;
 Thence South 46°48'46" East 29.28 feet;
 Thence South 50°27'46" West 71.60 feet;
 Thence South 68°04'23" West 43.25 feet;
 Thence South 29°26'14" West 37.66 feet;
 Thence South 64°55'10" East 21.23 feet;
 Thence South 19°35'55" East 69.14 feet;
 Thence South 05°34'00" East 39.59 feet;
 Thence South 02°04'15" West 44.00 feet;
 Thence South 27°48'56" West 34.63 feet;
 Thence South 34°32'27" West 44.64 feet;
 Thence North 89°06'52" West 42.06 feet;
 Thence South 34°30'25" East 51.95 feet;
 Thence South 40°19'55" East 31.37 feet;
 Thence South 47°19'26" East 11.68 feet;
 Thence South 58°18'10" East 55.59 feet;
 Thence South 56°07'10" West 50.89 feet;
 Thence South 67°25'28" West 41.78 feet;
 Thence South 69°50'33" West 5.89 feet;
 Thence South 82°24'45" West 83.46 feet;
 Thence North 85°55'13" West 42.31 feet;
 Thence South 68°05'19" West 58.98 feet;
 Thence South 32°15'38" West 47.14 feet;
 Thence South 15°10'07" West 78.54 feet;
 Thence South 31°13'44" East 62.97 feet;
 Thence South 43°47'24" East 68.99 feet;
 Thence South 12°51'36" East 101.72 feet;
 Thence South 36°51'18" East 61.04 feet;

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Thence South 30°50'11" East 70.13 feet;
Thence South 59°50'18" East 70.08 feet;
Thence North 76°14'45" East 38.91 feet;
Thence North 67°36'06" East 46.16 feet;
Thence South 83°49'57" East 46.17 feet;
Thence North 78°30'32" East 80.67 feet;
Thence South 88°48'49" East 55.05 feet;
Thence South 69°57'28" East 29.76 feet;
Thence North 70°20'39" East 19.00 feet;
Thence South 76°35'16" East 103.34 feet;
Thence South 45°26'21" West 7.38 feet;
Thence South 11°12'58" East 83.95 feet;
Thence South 25°41'25" West 8.79 feet;
Thence South 06°13'28" West 48.61 feet;
Thence South 44°19'00" West 46.84 feet;
Thence South 20°38'10" West 93.95 feet;
Thence South 52°48'51" West 41.71 feet;
Thence South 40°09'09" West 126.19 feet;
Thence South 44°34'13" West 113.13 feet;
Thence South 22°36'41" West 81.98 feet;
Thence South 05°52'18" West 103.42 feet;
Thence South 09°29'37" West 60.45 feet;
Thence South 08°27'54" West 127.24 feet;
Thence South 00°12'04" East 94.03 feet;
Thence South 06°02'37" East 84.06 feet;
Thence South 17°39'09" East 90.55 feet;
Thence South 16°01'05" East 90.96 feet;
Thence South 05°31'25" West 91.74 feet;
Thence South 31°52'34" East 79.38 feet;
Thence South 25°08'02" East 140.39 feet;
Thence South 18°56'55" East 90.29 feet;
Thence South 55°37'56" East 91.90 feet;
Thence South 85°47'47" East 139.70 feet;
Thence North 77°06'57" East 137.64 feet;
Thence South 58°35'46" East 107.41 feet;
Thence North 74°55'18" East 109.48 feet;
Thence South 89°22'24" East 63.07 feet;
Thence North 78°46'06" East 91.85 feet;
Thence South 84°58'44" East 84.66 feet;
Thence North 09°26'58" West 80.34 feet;
Thence North 27°17'11" West 93.77 feet;
Thence North 28°06'33" West 68.87 feet;
Thence North 37°21'28" West 64.82 feet;
Thence North 24°04'09" West 96.63 feet;
Thence North 48°59'14" West 100.57 feet;
Thence North 47°05'33" West 93.34 feet;
Thence North 34°03'21" West 66.48 feet;
Thence North 05°10'22" West 83.74 feet;
Thence North 03°57'21" East 55.66 feet;
Thence North 17°02'51" West 76.92 feet;
Thence North 01°47'43" West 49.47 feet;
Thence North 04°39'37" West 40.49 feet;
Thence North 28°25'27" East 63.82 feet;
Thence North 28°41'00" East 74.78 feet;
Thence North 59°27'17" East 54.96 feet;
Thence North 13°03'39" East 61.55 feet;

Thence North 45°37'55" East 71.79 feet;
Thence North 38°38'27" East 51.84 feet;
Thence North 37°55'25" East 76.57 feet;
Thence North 50°05'19" East 80.52 feet;
Thence North 15°52'58" East 51.63 feet;
Thence North 59°37'32" East 113.89 feet;
Thence North 51°49'15" East 42.27 feet;
Thence South 77°17'52" East 76.99 feet;
Thence South 77°16'59" East 53.51 feet;
Thence South 71°21'47" East 81.64 feet;
Thence South 41°51'56" East 72.16 feet;
Thence South 61°46'25" East 37.64 feet;
Thence South 28°52'28" East 81.80 feet;
Thence South 09°50'47" East 75.03 feet;
Thence South 01°10'31" West 92.15 feet;
Thence South 26°43'58" West 100.82 feet;
Thence South 45°45'56" West 62.97 feet;
Thence South 53°29'06" East 49.41 feet;
Thence South 23°31'31" East 197.42 feet;
Thence South 07°45'31" East 89.63 feet;
Thence South 16°10'18" West 144.30 feet;
Thence South 37°43'29" East 62.59 feet;
Thence South 58°07'39" East 61.21 feet;
Thence North 81°46'58" East 27.01 feet;
Thence South 67°53'24" East 59.99 feet;
Thence South 60°26'45" East 42.88 feet;
Thence South 64°51'24" East 37.49 feet;
Thence South 62°42'13" East 43.09 feet;
Thence South 56°31'39" East 69.42 feet;
Thence South 10°33'53" East 33.93 feet;
Thence South 78°01'20" East 109.19 feet;
Thence South 81°28'14" East 105.72 feet;
Thence South 52°39'58" East 99.28 feet;
Thence South 23°35'24" East 94.01 feet;
Thence South 07°54'35" West 41.20 feet;
Thence South 82°26'17" East 40.54 feet;
Thence South 31°47'35" West 117.82 feet;
Thence North 73°43'21" West 62.45 feet;
Thence South 86°42'40" West 147.29 feet;
Thence North 89°06'46" West 105.90 feet;
Thence South 84°09'18" West 111.06 feet;
Thence South 89°13'39" West 84.55 feet;
Thence South 14°49'26" West 38.11 feet;
Thence South 21°54'21" West 94.75 feet;
Thence South 22°58'28" East 80.19 feet;
Thence South 27°23'58" West 57.43 feet;
Thence South 45°35'03" West 53.40 feet;
Thence South 24°38'04" West 76.19 feet;
Thence South 65°50'42" West 75.83 feet;
Thence South 80°12'46" West 76.83 feet;
Thence South 84°12'06" West 130.66 feet;
Thence North 85°48'11" West 56.16 feet;
Thence North 88°12'43" West 81.40 feet;
Thence North 23°04'22" West 78.34 feet;
Thence North 11°21'11" West 88.70 feet;
Thence North 17°09'14" East 105.65 feet;

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Thence North 04°35'29" East 131.17 feet;
Thence North 80°04'39" West 64.47 feet;
Thence North 77°46'12" West 96.11 feet;
Thence South 83°01'00" West 122.88 feet;
Thence South 88°10'55" West 100.23 feet;
Thence North 87°58'05" West 93.92 feet;
Thence North 87°28'52" West 165.64 feet;
Thence South 74°22'35" West 74.86 feet;
Thence North 87°18'31" West 324.78 feet;
Thence North 88°00'01" West 300.94 feet;
Thence South 03°21'36" East 200.41 feet;
Thence South 02°52'20" East 2,162.25 feet;
Thence South 08°12'01" East 253.94 feet; Thence continue along said line South 08°12'01"
East 69.11 feet;
Thence South 72°08'43" West 147.48 feet;
Thence 75.04 feet along the arc of a circular curve concave north having a radius of 60.00 feet
through central angle of 71°39'28" and being subtended by a chord which bears North
72°01'33" West 70.24 feet;
Thence North 36°11'48" West 58.90 feet;
Thence South 53°48'12" West 91.45 feet;
Thence South 02°00'24" East 353.42 feet;
Thence South 56°54'36" East 20.00 feet;
Thence 21.44 feet along the arc of a non-tangential circular curve concave east having a
radius of 35.00 feet through a central angle of 35°05'48" and being subtended by a chord which
bears South 15°32'30" West 21.11 feet;
Thence South 02°00'24" East 272.35 feet;
Thence South 19°35'07" East 43.32 feet;
Thence 71.57 feet along the arc of a circular curve concave west having a radius of 50.00 feet
through central angle of 82°00'42" and being subtended by a chord which bears South
21°25'14" West 65.61 feet;
Thence South 62°25'35" West 169.18 feet;
Thence 22.05 feet along the arc of a circular curve concave northwest having a radius of
125.00 feet through central angle of 10°06'19" and being subtended by a chord which bears
South 67°28'45" West 22.02 feet;
Thence South 01°33'42" East 1,649.37 feet to a point on the North line of a 100' canal Right-of-
way;
Thence along said line North 89°58'37" West 129.32 feet;
Thence continue along said line North 89°58'13" West 2,638.89 feet;
Thence continue along said line North 89°58'23" West 0.49 feet to the POINT OF BEGINNING.

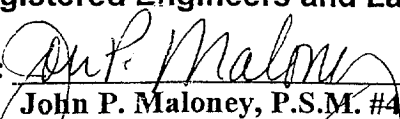
Containing 958.63 Acres more or less.

Subject to easements and restrictions of record.

Bearings are based on the south line of Said Section 23 being South 89°58'23" East.

CERTIFICATE OF AUTHORIZATION #LB-43.

WilsonMiller, Inc.
Registered Engineers and Land Surveyors

By:  Date: April 29, 2004

John P. Maloney, P.S.M. #4493

Ref. 4L-1622

Not valid unless embossed with the Professional's seal.

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. 2004-53

Which was adopted by the Board of County Commissioners on the 27th day of July, 2004, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 28th day of July, 2004.

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

Heidi R. Rockhold, D.C.
By: Heidi R. Rockhold,
Deputy Clerk

