

ORDINANCE NO. 04- 27



FILED  
2004 APR 30 PM 1:32  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE VERONA WALK 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, DiVosta Homes L.P., a Delaware Limited Partnership, has petitioned the Board of County Commissioners (Board) of Collier County, Florida, a political subdivision of the State of Florida, to establish the VERONA WALK 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 VERONA WALK COMMUNITY DEVELOPMENT DISTRICT.**

The Verona Walk 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. Mike Rosen<br>270 Tradewinds Avenue<br>Naples, FL 34108 | 3. Jeff Murray<br>2384 Leafshine Lane<br>Naples, FL 34119      |
| 2. Chris Schmitz<br>541 Rookery Place<br>Jupiter, FL 33458 | 4. Al Primevera<br>1009 Nottingham Drive<br>Naples, FL 34109   |
|  | 5. Reid Schermer<br>6052 Towncenter Circle<br>Naples, FL 34119 |

**SECTION FOUR: DISTRICT NAME**

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

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT**

The Verona Walk 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 Verona Walk 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 AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 27<sup>th</sup> day of April, 2004.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

ATTEST: DWIGHT E. BROCK

*By: Maurine Kempf*  
4/27/04 Deputy Clerk  
Attest as to Chairman's signature only.

BY: *Donna Fiala*  
DONNA FIALA, CHAIRMAN

Approved as to form and legal sufficiency:

*Patrick G. White*  
Patrick G. White,  
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 30<sup>th</sup> day of April, 2004 and acknowledgement of that filing received this 10<sup>th</sup> day of May 2004  
By: *Maurine Kempf*  
Deputy Clerk

GH/mk/v;\comp plan/ORD.

## EXHIBIT A

Description of part of Sections 26, 34 and 35,  
Township 50 South, Range 26 East, Collier County, Florida  
(VeronaWalk Community Development District)

All that part of Sections 26, 34 and 35, Township 50 South, Range 26 East, Collier County, Florida, being more particularly described as follows;  
Commencing at the northeast corner of said Section 26;  
Thence along the east line of said Section 26 South 00°14'00" East 30.00 feet to the Point of Beginning of the parcel herein described;

Thence continue along said line South 00°14'00" East 2606.72 feet to the east ¼ corner of said Section 26;  
Thence continue along said line South 00°14'36" East 1614.70 feet;  
Thence leaving said section line South 64°48'50" West 219.05 feet;  
Thence southwesterly, 254.56 feet along the arc of a non-tangential circular curve concave to the northwest, having a radius of 730.00 feet, through a central angle of 19°58'46" and being subtended by a chord which bears South 50°41'35" West 253.27 feet;  
Thence South 60°40'58" West 1167.94 feet;  
Thence southwesterly, 290.77 feet along the arc of a circular curve concave to the northwest, having a radius of 1060.00 feet, through a central angle of 15°43'01" and being subtended by a chord which bears South 68°32'29" West 289.86 feet;  
Thence South 76°23'59" West 239.18 feet;  
Thence southwesterly, 186.65 feet along the arc of a circular curve concave to the southeast, having a radius of 440.00 feet, through a central angle of 24°18'20" and being subtended by a chord which bears South 64°14'49" West 185.26 feet;  
Thence South 12°46'30" West 260.99 feet;  
Thence South 23°07'39" West 19.91 feet;  
Thence South 41°44'40" West 398.87 feet;  
Thence North 61°26'28" West 229.89 feet;  
Thence southwesterly, 368.63 feet along the arc of a non-tangential circular curve concave to the southeast, having a radius of 2079.99 feet, through a central angle of 10°09'16" and being subtended by a chord which bears South 41°09'32" West 368.15 feet to a point of compound curvature;  
Thence southwesterly, 289.24 feet along the arc of a circular curve concave to the southeast, having a radius of 1907.24 feet, through a central angle of 08°41'21" and being subtended by a chord which bears South 31°24'42" West 288.96 feet;  
Thence South 27°08'26" West 37.52 feet;  
Thence South 86°58'08" East 188.17 feet;  
Thence South 24°44'59" East 97.63 feet;  
Thence South 27°07'58" West 159.97 feet;  
Thence South 74°02'37" West 249.39 feet;  
Thence South 79°03'56" West 20.96 feet;  
Thence South 27°08'26" West 303.10 feet;  
Thence South 59°24'24" West 11.32 feet;  
Thence South 76°25'50" West 58.00 feet;  
Thence South 27°08'26" West 565.60 feet;  
Thence southwesterly and westerly, 425.33 feet along the arc of a circular curve concave to the northwest, having a radius of 360.00 feet, through a central angle of 67°41'38" and being subtended by a chord which bears South 60°59'15" West 401.02 feet to a point of reverse curvature;  
Thence southwesterly, 134.28 feet along the arc of a circular curve concave to the southeast, having a radius of 240.00 feet, through a central angle of 32°03'24" and being subtended by a chord which bears South 78°48'22" West 132.53 feet;

Description of part of Sections 26, 34 and 35,  
Township 50 South, Range 26 East, Collier County, Florida  
(VeronaWalk Community Development District)  
Continued:

Thence South 00°37'53" West 151.97 feet;  
Thence North 89°22'07" West 110.00 feet'  
Thence South 63°27'56" West 783.22 feet;  
Thence South 71°25'27" West 507.06 feet to a point lying 60 feet east of the west line of said  
Section 35;

Thence along said line North 00°50'06" East 474.23 feet;  
Thence continue along said line North 00°52'55" East 2619.36 feet;  
Thence South 89°33'56" East 40.00 feet to a point lying 100 feet east of the west line of said  
Section 26;

Thence along said line North 00°50'24" East 2633.11 feet;  
Thence continue along said line North 00°50'18" East 2604.58 feet to a point lying 30 feet south  
of the north line of said Section 26;  
Thence along said line, South 89°37'03" East 2541.99;  
Thence continue along said line South 89°37'26" East 2642.08 feet to the Point of Beginning of  
the parcel herein described;  
Containing 754.3 acres more or less

**ALONG WITH**

Commencing at the northeast corner of said Section 34;  
Thence along the east line of said Section 34 South 00°52'55" West 674.12 feet;  
Thence leaving said section line North 89°07'05" West 40.00 feet to the Point of Beginning of the parcel  
herein described;

Thence South 00°52'55" West 1110.23 feet to a point on the north line of that land recorded in  
Official Record Book 1970, page 1667 Public Records of Collier County, Florida;  
Thence along said line North 89°07'05" West 539.68 feet;  
Thence leaving said line North 35°39'05" East 175.97 feet;  
Thence northeasterly 1066.66 feet along the arc of a tangential circular curve concave to the  
northwest having a radius of 2964.93 feet through a central angle of 20°36'46" and being  
subtended by a chord which bears North 25°20'42" East 1060.92 feet to the Point of Beginning of  
the parcel herein described.  
Containing 5.7 acres more or less

Containing 760 net acres more or less  
Subject to easements and restrictions of record  
Bearings are based on the east line of said Section 26 being South 00°14'00" East.

By Marcus L. Berman  
Marcus L. Berman, P.S.M. LS # 5086

Certificate of Authorization # LB-43

Ref. 3E-21

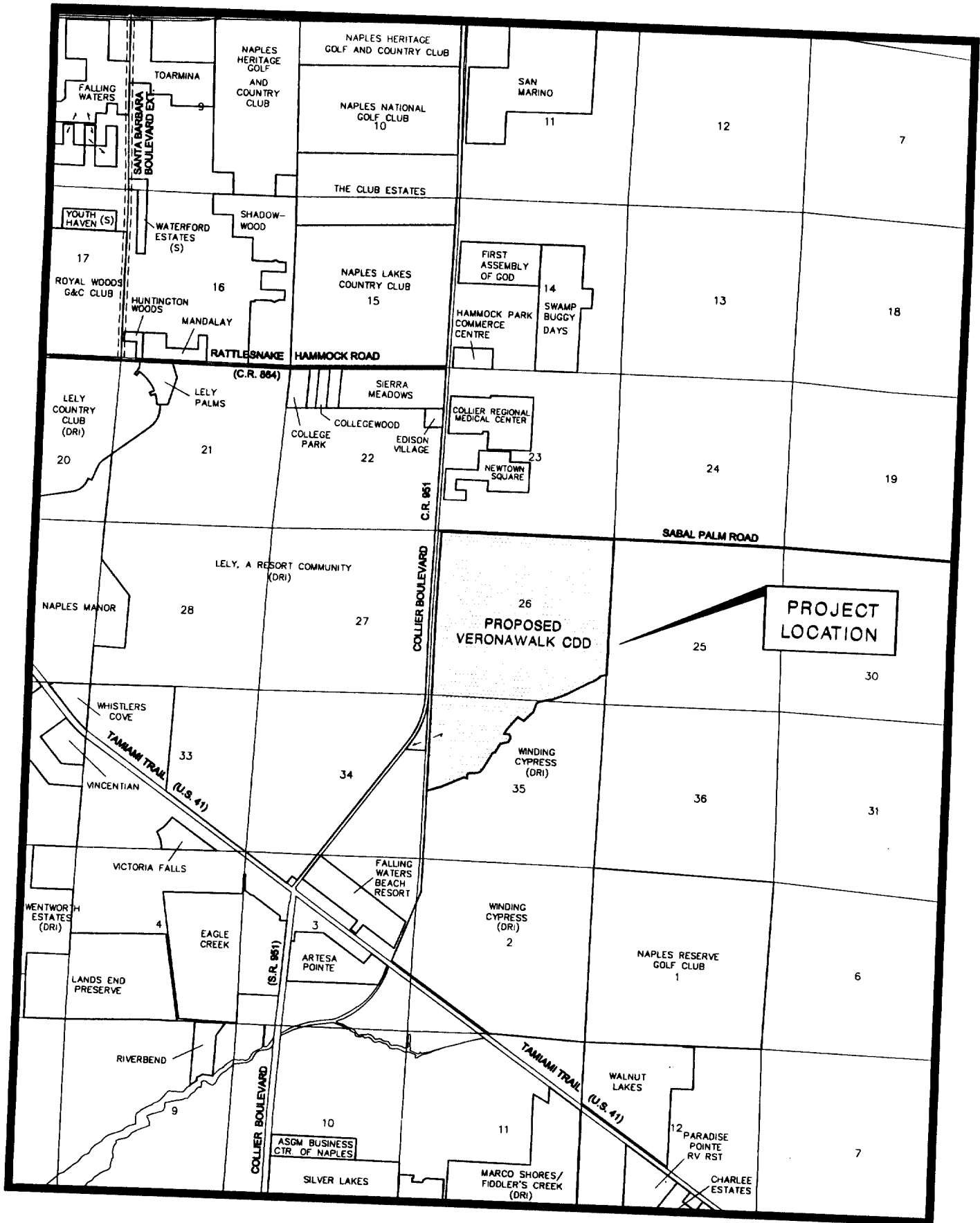
Date: September 21, 2001

Revised: February 21, 2002

Revised: June 6, 2002

Revised: August 12, 2002

Revised: June 3, 2003



**LOCATION MAP**

STATE OF FLORIDA)

COUNTY OF COLLIER)

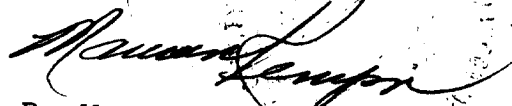
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2004-27

Which was adopted by the Board of County Commissioners on the 27th day of April, 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 April, 2004.

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



By: Maureen Kenyon,  
Deputy Clerk