

THE FULL TEXT OF THE RULE IS AS FOLLOWS:

LELY COMMUNITY DEVELOPMENT DISTRICT

42K-1.001 Creation. Lely Community Development District is hereby created.

Specific Authority: Section 120.53(1) and 190.005, Florida Statutes (F.S.)

Law Implemented: Section 190.005, F.S.

History-Now _____

42K-1.002 Boundary. The boundaries of the District are as follows:

DESCRIPTION: All that part of Sections 21, 27, 28, 33 and 34, Township 50 South, Range 26 East and part of Section 3, Township 51 South, Range 26 East, Collier County, Florida, and being more particularly described as follows:

Begin at the southwest corner of said Section 28; thence along the west line of said Section 28, North 02°47'55" East 1226.36 feet to a point on the boundary of that land described in O.R. Book 542, page 765; thence along the boundary of said land in the following three (3) described courses; 1) South 87°12'05" East 855.84 feet; 2) North 02°47'40" East 1702.00 feet; 3) North 38°47'47" West 1456.15 feet to a point on the west line of said Section 28; thence along the west line of said Section 28, North 02°45'16" East 1177.76 feet to the northwest corner of said Section 28 and the southerlymost corner of that land described in

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O. N. Book 1244, page 983; thence along the easterly line of said land in the following two (2) described courses; 1) North 26°13'32" East 345.51 feet; 2) North 32°20'11" West 236.05 feet to a point on the west line of said Section 21; thence along said west line North 02°58'09" East 181.54 feet; thence leaving said line South 33°13'52" East 243.49 feet; thence southeasterly 291.20 feet along the arc of a circular curve concave northeasterly having a radius of 690.00 feet through a central angle of 24°10'50" and being subtended by a chord which bears South 45°19'17" East 289.04 feet; thence South 57°24'42" East 1289.45 feet; thence easterly 563.65 feet along the arc of a circular curve concave northerly having a radius of 1230.00 feet through a central angle of 26°15'22" and being subtended by a chord which bears South 70°32'23" East 558.74 feet; thence South 83°40'04" East 1300.00 feet; thence southeasterly 1187.52 feet along the arc of a circular curve concave southwesterly having a radius of 1260.00 feet through a central angle of 54°00'00" and being subtended by a chord which bears South 56°40'04" East 1144.06 feet; thence South 29°40'04" East 1073.38 feet; thence southeasterly 415.41 feet along the arc of a circular curve concave northeasterly having a radius of 1940.00 feet through a central angle of 12°16'07" and being subtended by a chord which bears South 35°48'08" East 414.62 feet; thence South 41°56'11" East 47.84 feet; thence North 48°03'49" East 90.00 feet; thence northerly 122.72 feet along the arc of a circular curve concave westerly having a radius of 125.00 feet through a central angle of 56°15'00" and being subtended by a chord which bears North 19°56'19" East 117.85 feet; thence North 08°11'11" West 70.00 feet; thence North 53°11'11" West 70.71 feet thence North

08°11'11" West 200.00 feet; thence North 81°48'49" East 170.00 feet; thence South 08°11'11" East 100.00 feet; thence South 81°48'49" West 35.00 feet; thence South 08°11'11" East 220.00 feet; thence southerly 206.17 feet along the arc of a circular curve concave westerly having a radius of 210.00 feet through a central angle of 56°15'00" and being subtended by a chord which bears South 19°56'19" West 197.99 feet; thence South 48°03'49" West 90.00 feet; thence South 41°56'11" East 581.34 feet; thence southeasterly, easterly and northeasterly 35.94 feet along the arc of a circular curve concave northerly having a radius of 25.00 feet through a central angle of 82°22'19" and being subtended by a chord which bears South 83°07'21" East 32.93 feet; thence North 55°41'30" East 518.58 feet; thence northeasterly 439.82 feet along the arc of a circular curve concave northwesterly having a radius of 560.00 feet through a central angle of 45°00'00" and being subtended by a chord which bears North 33°11'30" East 428.61 feet; thence North 10°41'30" East 208.40 feet; thence northeasterly 393.40 feet along the arc of a circular curve concave southeasterly having a radius of 715.00 feet through a central angle of 31°31'30" and being subtended by a chord which bears North 26°27'15" East 388.46 feet; thence North 42°13'00" East 136.91 feet; thence northeasterly, northerly and northwesterly 37.43 feet along the arc of a circular curve concave westerly having a radius of 25.00 feet through a central angle of 85°47'21" and being subtended by a chord which bears North 00°40'41" West 34.03 feet to a point of reverse curvature; thence northwesterly 88.85 feet along the arc of a circular curve concave northeasterly having a radius of 1405.00 feet through a central angle of 03°37'24" and being subtended by a chord which

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thence North $41^{\circ}45'39''$ West 88.84 feet; thence along a non-
perpendicular line North $50^{\circ}03'03''$ East 160.00 feet; thence South
 $39^{\circ}56'57''$ East 86.63 feet; thence southeasterly 484.36 feet along
the arc of a circular curve concave northeasterly having a radius
of 1067.38 feet through a central angle of $26^{\circ}00'00''$ and being
subtended by a chord which bears South $52^{\circ}56'57''$ East 480.22
feet; thence South $65^{\circ}56'57''$ East 1470.00 feet; thence easterly
309.59 feet along the arc of a circular curve concave northerly
having a radius of 765.00 feet through a central angle of
 $23^{\circ}11'13''$ and being subtended by a chord which bears South
 $77^{\circ}32'34''$ East 307.48 feet; thence South $89^{\circ}08'10''$ East 616.58
feet; thence easterly 170.84 feet along the arc of a circular
curve concave northerly having a radius of 779.00 feet through a
central angle of $12^{\circ}33'54''$ and being subtended by a chord which
bears North $84^{\circ}34'53''$ East 170.49 feet to a point of reverse
curvature; thence easterly 163.38 feet along the arc of a
circular curve concave southerly having a radius of 745.00 feet
through a central angle of $12^{\circ}33'54''$ and being subtended by a
chord which bears North $84^{\circ}34'53''$ East 163.05 feet; thence South
 $89^{\circ}08'10''$ East 16.92 feet; thence easterly 163.38 feet along the
arc of a circular curve concave southerly having a radius of
745.00 feet through a central angle of $12^{\circ}33'54''$ and being
subtended by a chord which bears South $82^{\circ}51'13''$ East 163.05 feet
to a point of reverse curvature; thence easterly 170.84 feet
along the arc of a circular curve concave northerly having a
radius of 779.00 feet through a central angle of $12^{\circ}33'54''$ and
being subtended by a chord which bears South $82^{\circ}51'13''$ East
170.49 feet; thence South $89^{\circ}08'10''$ East 235.00 feet to a point
on the proposed westerly right-of-way line of C.R. 951, Isle of

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STATE OF MISSISSIPPI
DEPARTMENT OF STATE
OFFICE OF THE CLERK
GENERAL ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

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I do hereby certify:

- (1) The time limitations prescribed by subsection 120.54(11)(a), F.S. have been complied with; and
 - (2) There is no administrative determination under paragraph 120.54(4), F.S., pending on any rule covered by this certification; and
 - (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(21)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;
 - (a) Are filed not more than 90 days after the notice;
 - or
 - (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending;
 - or
 - (c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or
 - (d) Are filed within 21 days after the date of the receipt of all material authorized to be submitted at the hearing; or
 - (e) Are filed within 21 days after the date the information was received by this agency.
- There are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the agency by and upon their filing with the Department of State.

	Specific Enabling Authority	Law Being Implemented, Integrated or Made Specific
42K-1.001	120.53(1) and 190.005, F.S.	190.005, F.S.
42K-1.002	120.53(1) and 190.005, F.S.	190.004 and 190.005, F.S.
42K-1.003	120.53(1) and 190.005, F.S.	190.006(1), F.S.

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Under the provisions of paragraph 120.54(13)(a), F.S., the rule takes effect 20 days from the date filed with the Department of State or a later date as set out below:

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Effective: _____

for Jessie B. Siker
Paul Bradshaw, Interim Secretary
Florida Land and Water Adjudicatory
Commission

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Number of Pages Certified

SUMMARY OF RULE

The purpose of this rule is to establish the Lely Community Development District in the unincorporated area of Collier County, pursuant to the requirement of the Uniform Community Development District Act of 1980, as amended, and particularly section 190.005, Florida Statutes (F.S.). The petition requests that the Commission establish a uniform community development district, the charter of which has been created by the Florida Legislature, with respect to 1,583 acres of land, constituting approximately half of a 2,892.5 acre new community development, on which lands, pursuant to appropriate development approvals, including a Development Order and Planned Unit Development Ordinance issued by Collier County, a community with ultimate estimated population of 20,356 is being developed. This community is known as the Lely Community, which is a planned and mixed-use Development of Regional Impact located in southeast Collier County. The southern portion of the community on which the district is to be established will have 5,592 dwelling units, a 50 acre resort hotel, 2 golf courses, and 160,000 square feet of retail office space. The entire community is bounded on the north by proposed Green Acres Drive and the proposed right-of-way of Grand Lely Drive approximately 8,000 feet north of U.S. 41; bounded on the south by U.S. 41; bounded on the west by Naples Manor, Lely High School and pastureland; and bounded on the east by County Road 951. This rule creates the Lely Community Development District, establishes the boundary of the district, and names the five initial members of the district's Board of Supervisors.

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STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION
CHAPTERS 120, 1.001, 1.002, 1.003
THE LELY COMMUNITY DEVELOPMENT DISTRICT

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STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE:

Chapter 190, Florida Statutes (F.S.), provides that a Community Development District the size of 1,000 acres or more may be established by rule, adopted under Chapter 120, F.S., by the Florida Land and Water Adjudicatory Commission. The Lely Community Development District has applied to establish a community development district pursuant to Chapter 190, F.S. Granting of community development district status to Lely authorizes the use of the district's financing and management mechanisms to develop a community which is a planned and mixed-use development of Regional Impact located in southeast Collier County. The southern portion of the community will have 5,592 dwelling units, a 50 acre resort hotel, 2 golf courses, and 100,000 square feet of retail office space. District status confers the power to plan, construct, operate, and maintain certain basic services such as water supply, sewer, water management, roads, bridges, culverts, and street lights.

SUMMARY OF HEARINGS

The Commission staff published a Notice of Proposed rulemaking scheduling a public hearing for December 11, 1990, if requested. No hearing was requested, therefore, no testimony was received.

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On December 18, 1990, the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission voted unanimously to adopt the proposed rule without any amendments. There was no public testimony for or against the rule.

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thence run along said proposed right-of-way line in the following three (3) described courses being parallel with and 25 feet westerly of the existing right-of-way of C.R. 951; 1) South 00°51'41" West 2434.47 feet; 2) southerly 1695.32 feet along the arc of a circular curve concave westerly having a radius of 2789.93 feet through a central angle of 34°48'58" and being subtended by a chord which bears South 18°16'10" West 1669.36 feet; 3) South 35°40'39" West 5513.54 feet to a point on the northwesterly line of that land described in O. R. Book 124, page 459; thence leaving said right-of-way line and along the northeasterly line of said land, North 54°20'24" West 194.98 feet; thence along the northwesterly line of said land, South 35°40'39" West 219.95 feet to a point on the northeasterly right-of-way line of U.S. 41, Tamiami Trail; thence along said right-of-way line North 54°20'24" West 325.00 feet to the southerlymost corner of that land described in O. R. Book 1173, page 789; thence along the southeasterly line of said land, North 35°40'39" East 275.00 feet; thence along the northeasterly line of said land, North 54°20'24" West 170.00 feet; thence along the northwesterly line of said land, South 35°40'39" West 275.00 feet to a point on the northeasterly right-of-way line of U.S. 41, Tamiami Trail; thence along said right-of-way line, North 54°20'24" West 959.12 feet; thence continue along said right-of-way line North 54°25'09" West 3328.63 feet to a point on the north and south 1/4 section line of said Section 33; thence along said north and south 1/4 section line North 02°43'23" East 3282.44 feet to the north 1/4 corner of said Section 33; thence along the south line of said Section 28, North 89°33'01" West 2626.87 feet to the Point of Beginning; containing 1538.77 acres

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I, JIM SMITH, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Rule Chapter 42K-1, Florida Administrative Code, rules and regulations of the Land and Water Adjudicatory Commission, Lely Community Development District, filed pursuant to Chapter 120, Florida Statutes, together with the Certification of Administrative Rules, Summary of Rule, Statement of Facts and Circumstances Justifying the Rule, and the Summary of Hearings, and became effective on January 10, 1991, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
15th day of January,
A.D. 1991.



Jim Smith

Jim Smith
Secretary of State

NOTARIAL PUBLIC
TALLAHASSEE COUNTY
JAMES C. GIBSON