

ORDINANCE NO. 2016 - 28

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE FRONTERRA COMMUNITY DEVELOPMENT DISTRICT LOCATED IN UNINCORPORATED COLLIER COUNTY AND CONTAINING APPROXIMATELY 33.21 ACRES; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE FRONTERRA COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL BOARD MEMBERS; PROVIDING FOR THE DISTRICT NAME; PROVIDING FOR STATUTORY PROVISIONS GOVERNING THE DISTRICT; PROVIDING FOR CONSENT TO SPECIAL POWERS; PROVIDING FOR PETITIONER'S COMMITMENTS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CCC Fronterra, LLC, a Florida limited liability company has petitioned the Board of County Commissioners (Board) of Collier County, Florida, a political subdivision of the State of Florida, to establish the FRONTERRA 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) Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete and meets the requirements of Section 190.005, 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.

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, Florida Statutes, 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.

WHEREAS, pursuant to Section 190.012(2)(a) and (d), Florida Statutes, upon the establishment of the proposed community development district, the District Board of Supervisors have sought 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 FRONTERRA COMMUNITY DEVELOPMENT DISTRICT

The Fronterra 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. David Genson
2600 Golden Gate Parkway
Naples, FL 34105 | 2. Brian Goguen
2600 Golden Gate Parkway
Naples, FL 34105 |
| 3. Hal Eisenacher
135 San Lorenzo Avenue, Suite 740
Coral Gables, FL 33146 | 4. Diana Ibarria
135 San Lorenzo Avenue, Suite 740
Coral Gables, FL 34146 |
| 5. Mike Levak
135 San Lorenzo Avenue, Suite 740
Coral Gables, FL 33146 | |

SECTION FOUR: DISTRICT NAME

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

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

The Fronterra 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 Fronterra Community Development District will be duly and legally authorized to exist and exercise all of its powers as set forth in Section 190.012(1), Florida Statutes, and as otherwise provided by law. The Board hereby consents to the exercise by the Board of Supervisors of the District of the special powers set



forth in Section 190.012(2)(a) and (d), Florida Statutes, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses and (2) 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.

SECTION SEVEN: PETITIONER’S COMMITMENTS

The adoption of this Ordinance is predicated upon the material inducements contained in the foregoing recitals setting forth Petitioner’s Commitments, re-stated as follows: (1) elect one resident of the District to the five member Board of Supervisors at such time as residents begin occupying homes in the District, and (2) record a Notice of Assessments containing the specific terms and conditions of any special assessments imposed to secure bonds issued by the District, which notice shall be recorded immediately after any such bond issuance. The Board shall retain any and all rights and remedies available at law and in equity to enforce Petitioner’s Commitments against Petitioner, its successors and assigns.

SECTION EIGHT: 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 NINE: 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 TEN: 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 27th day of September, 2016.

ATTEST: DWIGHT E. BROCK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 


By: 

Attest as to Chairman's Deputy Clerk

DONNA FIALA, CHAIRMAN

signature only.

Approved as to form and legality:


Jeffrey A. Klatzkow
County Attorney



3200 Bailey Lane, Suite 200, Naples FL

LEGAL DESCRIPTION
Of part of Section 34,
Township 49 South, Range 26 East,
Collier County, Florida
(Fronterra CDD Boundary)
Revised 06/24/16

All of that part of part of Section 34, Township 49 South, Range 26 East, Collier County, Florida, being more particularly described as follows;
Commencing at the Southwest corner of Lot 1, according to the plat of Alligator Alley Commerce Center Phase Two, Plat Book 49, pages 60-64, of the public records of Collier County, Florida;
Thence along the east line of the west 1/2 of the southeast 1/4 of said Section 34, North 00°26'06" West 318.94 feet to the POINT OF BEGINNING;
Thence leaving said west line South 89°33'54" West 566.00 feet;
Thence South 00°26'06" East 54.00 feet;
Thence 39.27 feet along the arc of a non-tangential circular curve concave southeast having a radius of 25.00 feet through a central angle of 90°00'01" and being subtended by a chord which bears South 44°33'54" West 35.36 feet;
Thence South 00°26'06" East 21.27 feet;
Thence 52.90 feet along the arc of a circular curve concave east having a radius of 135.00 feet through a central angle of 22°27'01" and being subtended by a chord which bears South 11°39'37" East 52.56 feet to a point of reverse curvature;
Thence 106.97 feet along the arc of a circular curve concave west having a radius of 273.00 feet through a central angle of 22°27'01" and being subtended by a chord which bears South 11°39'37" East 106.29 feet;
Thence South 00°26'06" East 31.38 feet;
Thence 38.97 feet along the arc of a circular curve concave northeast having a radius of 25.00 feet through a central angle of 89°18'21" and being subtended by a chord which bears South 45°05'17" East 35.14 feet to a point on the north right-of-way line of Davis Boulevard (State Road 84);
Thence along said north line North 89°44'27" West 190.63 feet;
Thence leaving said north line North 00°26'06" West 2,388.76 feet to the south right-of-way line of I-75 (State Road 93);
Thence along said south line South 69°00'50" East 406.89 feet;
Thence continue along said south line South 63°27'29" East 389.61 feet to the east line of the west 1/2 of the southeast 1/4 of said Section 34;
Thence along said west line South 00°26'06" East 1,753.27 feet to the POINT OF BEGINNING.

Containing 33.21 acres more or less.
Subject to easements and restrictions of record.
Bearings are based on the north line of said Davis Boulevard being North 89°44'27" West.

Certificate of authorization #LB-7866.

Stantec Consulting Services, Inc.
Registered Engineers and Land Surveyors

By: John P. Maloney Date: June 24, 2016
John P. Maloney, Professional Surveyor and Mapper #LS4493

Ref: 2C-1155
Not valid unless embossed with the Professional's seal.



PENINSULA ENGINEERING
2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com
Website: www.pen-eng.com
Florida Certificate of Authorization #28275

OWNER/CLIENT/CONSULTANT:
CCC FRONTERRA, LLP

PROJECT:
FRONTERRA CDD

TITLE:
METES AND BOUNDS DESCRIPTION

SEC: 34 TWP: 49S RGE: 26E
Designed by:
Drawn by:
Date: JUNE 2016
Drawing Scale:
Project Number: P-BCNI-002
File Number: P-BCNI-002-002-X06-2A
X06-2A
Sheet Number: 1 of 1



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 29, 2016

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Martha Vergara, BMR Senior Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2016-28, which was filed in this office on September 29, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb