



ORDINANCE NO. 02-42

AN ORDINANCE ESTABLISHING THE TUSCANY RESERVE COMMUNITY DEVELOPMENT DISTRICT; ADOPTING FINDINGS OF FACT; PROVIDING FOR AUTHORITY; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; RECOGNIZING GOVERNING LAWS; CONSENTING TO THE EXERCISE OF CERTAIN SPECIAL POWERS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2002 AUG -5 PM 2:17

FILED

RECITALS

WHEREAS, Panther Developments, L.L.C. has petitioned the Board of County Commissioners (Board) of Collier County, Florida, a political subdivision of the State of Florida, to establish the TUSCANY RESERVE COMMUNITY DEVELOPMENT DISTRICT (District); and

WHEREAS, the Board of County Commissioners, after proper published notice 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 Section 190.005 (1) (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 the State, as provided 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 served 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; and that a

district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of local general purpose government.

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

SECTION ONE: FINDINGS OF FACT.

The foregoing Recitals are hereby adopted as if fully set forth here as findings of facts which are determined by the Board to be true and correct.

SECTION TWO: 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 THREE: ESTABLISHMENT OF THE TUSCANY RESERVE COMMUNITY DEVELOPMENT DISTRICT.

The Tuscany Reserve 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 FOUR: DESIGNATION OF INITIAL BOARD MEMBERS.

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

- | | | | |
|----|---|----|--|
| 1. | Barry Sifen
24301 Walden Center Drive
Bonita Springs, FL 34134 | 3. | David Salko
24301 Walden Center Dr.
Bonita Springs, FL 34134 |
| 2. | Edwin Stackhouse
24301 Walden Center Drive
Bonita Springs, FL 34134 | 4. | Ken Plonski
24301 Walden Center Dr.
Bonita Springs, FL 34134 |
| 5. | Wendy Beville
24301 Walden Center Drive
Bonita Springs, FL 34134 | | |

SECTION FIVE: DISTRICT NAME.

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

SECTION SIX: STATUTORY PROVISIONS GOVERNING DISTRICT.

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

SECTION SEVEN: CONSENT TO GENERAL POWERS & RECOGNITION OF RIGHTS REGARDING FUTURE SPECIAL POWERS.

The uniform charter of the Tuscany Reserve CDD is as set forth in Florida Statutes Sections 190.006 - 190.041, which allows the CDD to exercise powers granted by law under Sections 190.011. The Board specifically consents to the District's exercise of these statutory general powers. The Board further recognizes the District's right to seek consent from Collier County in the future for additional, special powers in accordance with Section 190.012(2), Florida Statutes.

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.

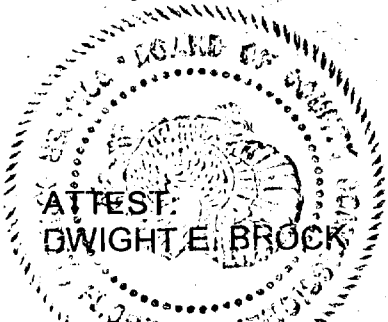
SECTION NINE: INCLUSION IN CODE OF LAWS AND ORDINANCES.

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 becomes effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 30th day of JULY, 2002.



BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY:


JAMES N. COLLETTA, CHAIRMAN

BY: Teri Michaels D. C.
Deputy Clerk

**Attest as to Chairman's
signature only.**

Approved as to Form
And Legal Sufficiency:



PATRICK G. WHITE,
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
5th day of Aug., 2002
and acknowledgement of that
filing received this 9th day
of Aug., 2002

By: Ellie Hoffman
Deputy Clerk

**SIGN
HERE**

EXHIBIT "A"
TUSCANY RESERVE CDD
METES AND BOUNDS

LEGAL DESCRIPTION

Parcel A: North one-half of the Northeast one-quarter of Section 12, Township 48 South, Range 25 East, Collier County, Florida, LESS: The portion conveyed to Collier County, A Political Subdivision, by Warranty Deed recorded June 22, 2000, in Official Records Book 2689, Page 3368.

together with:

Parcel B: All of Section 7, Township 48 South, Range 26 East, Collier County, Florida, lying West of Interstate Highway 75, Right-of-way.

PARCEL A and PARCEL B: TOGETHER BEING MORE PARTICULARLY DESCRIBED AS:

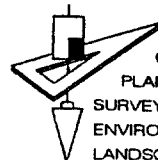
A parcel of land lying in Section 7, Township 48 South, Range 26 East, and in Section 12, Township 48 South, Range 25 East, in Collier County Florida, and being more particularly described as follows:

BEGINNING at Northwest Corner of Section 7, Township 48 South, Range 26 East run thence along the North boundary of the Northwest one-quarter ($\frac{1}{4}$) of said Section 7, S.89°52'09"E. 2420.80 feet to a point on the Westerly right-of-way line of Interstate Highway 75 (324' Right-of-way); thence along said Westerly right-of-way line for the following three (3) courses 1) S.19°30'43"E. 2329.79' feet to a point of curvature; 2) Southerly, 1892.87 feet along the arc of a curve to the right having a radius of 5567.58 feet and a central angle of 19°28'46" (chord bearing S.09°46'20"E., 1883.77 feet); 3) S.00°01'57"E. 1243.42' feet to a point on the South boundary of the Southeast one-quarter ($\frac{1}{4}$) of said Section 7; thence along said South boundary N.89°10'15"W., 844.32 feet; thence along the South boundary of the Southwest one-quarter ($\frac{1}{4}$) of said Section 7, N.89°10'25"W., 2627.43 feet to the Southwest corner of said Section 7; thence along the West boundary of the Southwest one-quarter ($\frac{1}{4}$) of said Section 7, N.00°32'28"W., 2623.13 feet; thence along the West boundary of the Northwest one-quarter ($\frac{1}{4}$) of said Section 7, N.00°30'23"W., 1314.18 feet; thence along the Southerly boundary of the North one-half ($\frac{1}{2}$), of the Northeast one-quarter ($\frac{1}{4}$), of said Section 12, Township 48 South, Range 25 East, S.89°21'50"W., 2599.53 feet to a point on the Easterly right-of-way line of Livingston Road; thence along said Easterly right-of-way line N.00°24'47"W., 1316.68 feet to a point on the North boundary of the North one-half ($\frac{1}{2}$) of the Northeast one-quarter ($\frac{1}{4}$) of said Section 12; thence along said North boundary, N.89°25'08"E., 2597.37 feet to the POINT OF BEGINNING.

Containing 461.29 acres, more or less.

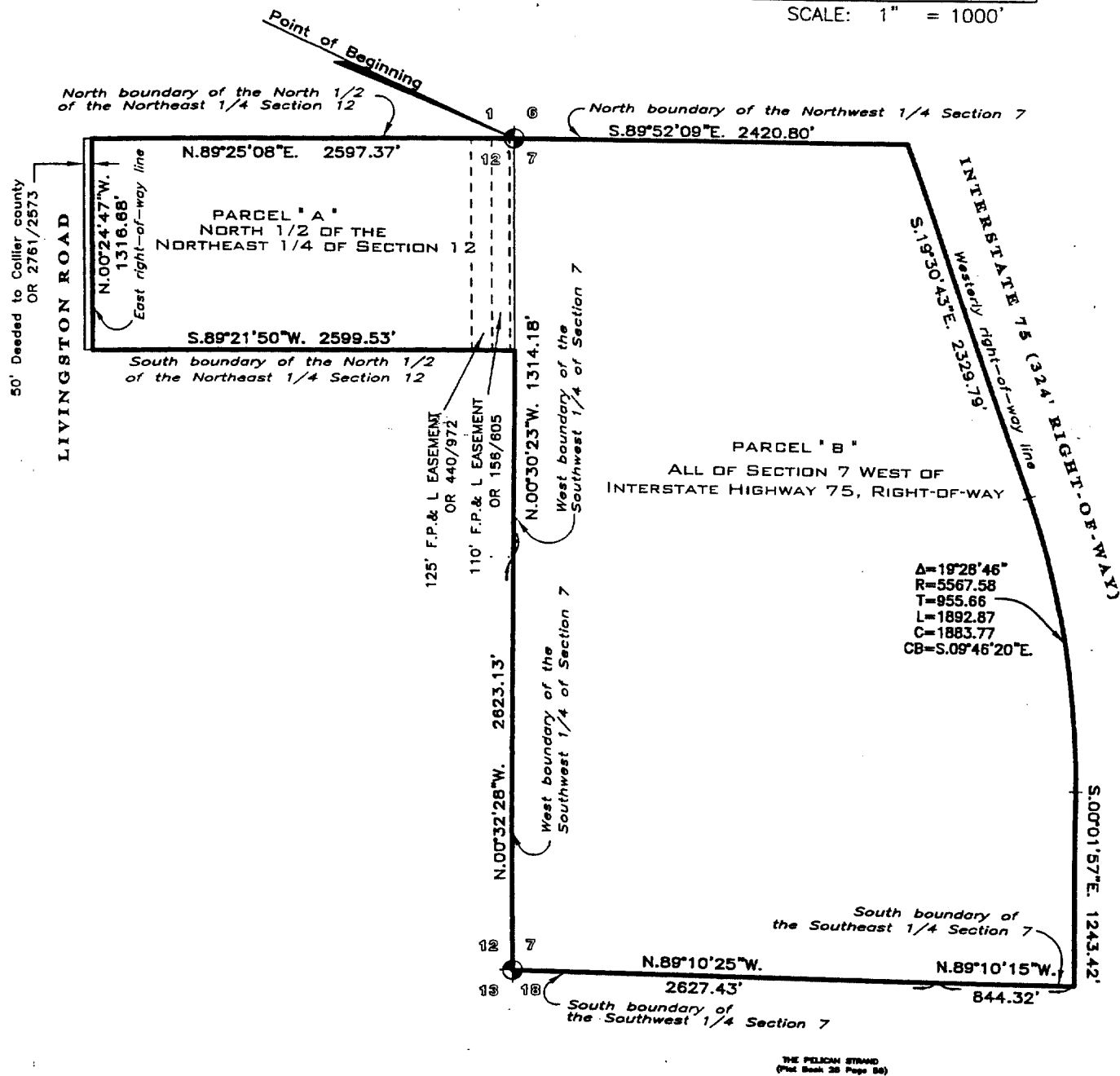
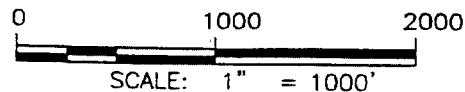
PREPARED BY: HEIDT & ASSOCIATES, Inc.

Tampa ♦ Fort Myers



CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

Fort Myers Office
3800 Colonial Parkway, #200
Fort Myers, Florida 33912
Phone: 239-482-7275
FAX: 239-482-2103



LEGEND

OR — OFFICIAL RECORDS BOOK
F.P.L. — FLORIDA POWER AND LIGHT CO.

CERTIFICATE OF AUTHORIZATION NO. LB 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**
Tampa • Fort Myers



CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

Fort Myers Office
3800 Colonial Blvd, Suite 200
Fort Myers, Florida 33912
Phone: 239-482-7275
FAX: 239-482-2103

SKETCH OF LEGAL DESCRIPTION FOR TUSCANY RESERVE

Prepared For: **WCI COMMUNITIES INC.**

Dwn. RH	Ck. —	DWG: CDD_LGL
Date: 4/19/02		Order No.: WST-TR

SECTION 7 TOWNSHIP 48 S RANGE 26 E
SECTION 12 TOWNSHIP 48 S RANGE 25 E
COLLIER COUNTY, FLORIDA

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
NORMAN J. TREBILCOCK, A.I.C.P., P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

TUSCANY RESERVE COMMUNITY DEVELOPMENT DISTRICT

Background and Credentials of Planner

My name is Donald Wayne Arnold, AICP. I am a professional urban planner. I am a Principal with the firm Q. Grady Minor & Associates and have over 14 years of experience in planning and permitting related to land development activities. I have previously been employed as a professional planner by local and State governments, including Palm Beach County, Collier County and South Florida Water Management District. I have been actively involved in Developments of Regional impact, growth management plan amendments, property rezonings, land development code amendments, site development plans, and land feasibility studies. I hold dual degrees in urban planning: a Bachelor of Science Degree in Urban-Regional Planning from Southwest Missouri State University, and a Master of Urban Planning from the University of Kansas.

I have served as an expert in urban planning in a variety of local, regional and state growth management planning issues and have testified in numerous hearings including Florida Administrative Hearings, local planning and zoning boards/commissions, Hearing Examiners, Local Planning Agency, board of zoning appeals, Circuit Court, and County Commissions.

Based on my education and professional experience, I will address planning aspects and consequences of the proposed new Tuscan Reserve Community Development District. I have assisted in the preparation of the Petition, its required exhibits and additional information related to the planning consideration of establishing the District. Below is a summary of the planning consequences of establishing the proposed Community Development District in Collier County. My assessment of the six statutory factors that must be met in order to establish a Community Development District is discussed below.

Project Description

Tuscan Reserve comprises approximately 461 acres within northern Collier County, Florida, bounded on the west by Livingston Road and the Mediterra Development, bounded on the east by Interstate 75, bounded on the south by the Strand Development and bounded on the north by Lee County and Vasari Country Club. The property is located within the Urban Residential Subdistrict of the Collier County Future Land Use Map. The Urban Residential Subdistrict is described as follows:

The property is currently planned for a residential master planned golf course community with 309 residential units, but will not exceed a maximum of 799 residential units. The master planned community will include both single family and multi-family dwelling unit types, with an associated village center, an eighteen-hole championship golf course, a clubhouse and other golf and residential amenities. Therefore, this residential development would be characterized as a very low density (less than one unit per acre) development.

The project has direct access to Livingston Road, a County arterial roadway.

The Six Statutory Factors: Section 190.005 (1)(e)1-6, F.S.

Section 190.005(2)(c), Florida Statutes, provides that the County Commission shall consider the record of the public hearing and the following factors in making its determination to grant or deny a petition for the establishment of a community development district.

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether 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. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. Whether the area that will be served by the district is amenable to separate special-district government.

Factor One

1. **Whether all statements contained within the petition have been found to be true and correct.**

In my professional planning opinion, the Petition and its attached exhibits satisfy the requirements of the statute and contain information that is both true and correct. Therefore, factor one in my opinion is satisfied from a planning perspective.

Local Specialized Problem: None.

Factor Two

- 2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.**

Regarding Factor Number Two, I have done a considerable amount of analysis of both the State Comprehensive Plan and the Collier County Comprehensive Plan because this factor questions whether creation and establishment of the District is consistent with any applicable element or portion of the State Comprehensive Plan or the Collier County Comprehensive Plan.

Discussion: The State Plan.

The State Comprehensive Plan is set forth in Chapter 187, Florida Statutes. I have analyzed this State Plan with the assumption that the proposed District will exercise all of its powers set forth in, Sections 190.001 through 190.046, Florida Statutes.

I reviewed all twenty-six subjects, twenty-six goals and several related policies under each goal in the State Plan from this perspective. Subjects, goals and policies of the State Plan that were not related to the development, nor to the creation and establishment of the District to serve the development were not evaluated. I have identified and evaluated those subjects, goals and policies, that do relate to the creation and establishment of a Community Development District. As a professional planner, I have opined as to the consistency of proposed District with each related goal, objective and policy of the plan.

I have determined that there are four state goals and related policies applicable to the establishment of the proposed Tuscan Reserve Community Development District. I have analyzed from a planning perspective each subject and goal and then identified various specific policies under each of them which related to the proposed District, once again, applying all of these factors to the assumption that the District would exercise all of its powers of Section 190.011 and 190.012, Florida Statutes.

Subject and Goal 16 LAND USE

- (a) Goal - In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.**

Subject Number 16 and its related goal are applicable because the subject of development being directed to areas having, or programmed to have funded land and water resources, and necessary infrastructure capacity to serve growth in an environmentally responsible manner relates directly to the Community Development District purpose of economical and adequate service delivery through District provided capital infrastructure improvements.

The Tuscan Reserve Community Development is in an area of Collier County that has available access to regional water and sewer services, and roadway networks to serve a project of this scale. The District is located in the Urban Residential Subdistrict of Collier County and will meet all applicable natural resources regulations. The creation of the District is consistent with this goal.

Local Specialized Problem: None

Policy 16(b)1. Promote state programs, investments, and development and redevelopment activities, which encourage efficient development and occur in areas which, will have the capacity to service new population and commerce.

Establishment of the District is consistent with this Policy. Chapter 190, F.S., establishes that a District purpose is to provide necessary capital infrastructure to service projected growth without overburdening other governments and taxpayers.

Local Specialized Problem: None

Policy 16(b)2. Develop a system of incentives and disincentives, which encourage separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.

A District is a form of local government which, when established, is required by law to provide service capacity in areas designated for urban services, and to provide such services in an environmentally sensitive manner. The Establishment of the proposed District is consistent with policy 16(b)2 the State Plan.

Local Specialized Problem: None

Policy 16(b)3. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

Establishment of the District is consistent with this Policy. Through the creation of the District, the Tuscan Reserve community will be developed as a master planned residential community with on-site recreational amenities designed to serve the residents of the District.

Subject and Goal 18 PUBLIC FACILITIES

(a) Goal - Florida shall protect the substantial investments in public facilities that already exist and shall plan and provide for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

Subject 18 and its related Goal and policies would be directly implemented through the establishment of the proposed District through the responsible provision of services and facilities when needed to those property owners within the District. The establishment of the District will be consistent with this subject and goal.

Local Specialized Problem: None

Policy 18(b)3.-Allocate the costs of new public facilities on the basis of the benefits received by the existing and future residents.

Facilities and services provided by the District are paid for through assessments and user fees by those property owners who benefit from those facilities and services. In my planning opinion, I believe that the proposed District is consistent with, and will implement, policy 18(b)3.

Local Specialized Problem: None

Policy 18(b)4.- Create a partnership among state government, local governments, and the private sector which would identify and build needed public facilities and allocated the costs of such facilities among the partners in proportion to the benefits accruing to each of them.

The state legislature determined that a District is a legitimate alternative method of paying for and managing community development. A District must be consistent with the plans of the State and local governments. Establishment of the District, consistent with this legislative intent, is consistent with Policy 18(b)4.

Local Specialized Problem: None

Policy 18(b)5. Encourage local government financial self-sufficiency in providing public facilities.

The proposed District, if established, would be a special-purpose local government, and would be self-sufficient in the provision of infrastructure, services and facilities given that it would not draw upon other County resources. The establishment of the proposed District would not be inconsistent with this policy.

Local Specialized Problem: None

Policy 18(b)6. Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities.

The special-purpose District will have limited powers to design, fund and construct services and facilities necessary to accommodate the project's service demands. The proposed District is consistent with this policy

Local Specialized Problem: None

Policy 18(b)7. Encourage the development, use, and coordination of capital improvement plans by all levels of government.

The District is subject to the reporting provisions of Section 189.415, Florida Statutes, which in paragraph (6) states, "For purposes of the preparation or revision of local government comprehensive plans required pursuant to s. 163.3161, a district public facilities report may be used and relied upon by the local general purpose government or governments within which the special district is located. This statutory provision is directed at fostering coordination between special districts and general-purpose governments. The proposed District, if established, will implement this policy, and is therefore consistent with the policy.

Local Specialized Problem: None

Subject and Goal 21 GOVERNMENTAL EFFICIENCY

(a) Goal - Florida governments shall economically and efficiently provide the amount and quality of services required by the public.

Chapter 190.002 finds that an independent district can be a solution to the state's planning, management, and financing needs by providing timely, efficient, effective and economic means of service delivery. The proposed District will provide services in an economical and efficient manner and is consistent with Goal 21.

Local Specialized Problem: None

Policy 21(b)1. Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit.

Once the Community Development District is formed, it will function as a form of local government and the Statute permits the District to enter into interlocal agreements with other local governments. The Collier County Growth Management Plan, Intergovernmental Coordination Element and Public Facilities Element provide for the coordination and cooperation of all governmental entities, including Community Development Districts. Because the Statute requires consistency with the local government growth management plan, and the District must cooperate with local governments, it is my opinion that the proposed Tuscan Reserve Community Development District, will be consistent with Policy 21 (b) 1 of the State Comprehensive Plan.

Local Specialized Problem: None

Policy 21(b)2. Allow the creation of independent special taxing districts, which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts, which do not meet these standards.

This policy directly addresses why a Community Development District is a beneficial method of funding community development services. A Community Development District provides the infrastructure and community services through the sale of various types of bonds, for which the obligation to repay the bond is borne by only those who directly receive the benefits provided by

the Community Development District. The general taxpayer has no obligation to pay for services within the District.

The Community Development District must be established according to the standards specified in Florida Statutes and must be consistent with local government plans. The proliferation of independent districts is restricted by the various factors required to establish a Community Development District. The proposed Community Development District in my professional planning opinion is consistent with Policy 21(b)2.

Local Specialized Problem: None

Policy 21(b)5. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.

As stated previously, a District is required under Florida Statutes to prepare reports and public records with respect to its facilities and operations which are made available to owners within the Community Development District, as well as prospective purchasers. These records are also filed with the County as public records and may be utilized by the local government. This cooperative requirement of sharing information as well as the requirement to be consistent with the State and local government plans furthers the proposed Community Development District's consistency with Policy 21(b)5.

Local Specialized Problem: None

Policy 21(b)9. Encourage greater efficiency and economy at all levels of government through adoption and implementation of effective records management, information management, and evaluation procedures.

Florida Statutes, Chapter 190, requires that Community Development Districts perform extensive record keeping and management, and they are subject to the Florida Sunshine Law. In my professional planning opinion, these requirements of the Community Development District fulfill the requirements of Policy 21(b)9, and the establishment of the District is consistent with this policy.

Local Specialized Problem: None.

Subject and Goal 26 PLAN IMPLEMENTATION

(a) Goal - Systematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.

As discussed previously, a Community Development District has a statutory requirement to report information concerning District operations. Further, because a District is a special purpose government, it must advertise its regularly scheduled meetings, ensuring the opportunity for public comment. The proposed District, if established, in my opinion, is consistent with and would further this goal.

Local Specialized Problem: None

Policy 26(b)2. Ensure that every level of government has the appropriate operational authority to implement the policy directives established in the plan.

The fact that a District established pursuant to Chapter 190, Florida Statutes, must not be inconsistent with any applicable portion of the State Comprehensive Plan, a District is granted the defacto operational authority to implement policies of the Plan. The establishment of the proposed District is consistent with Policy 26(b)2.

Local Specialized Problem: None

Policy 26(b)3. Establish effective monitoring, incentive, and enforcement capabilities to see that the requirements established by regulatory programs are met.

A District is not exempted from any applicable local, regional or state growth management regulatory programs, thus the establishment of the proposed Tuscany Reserve Community Development District is not inconsistent with this policy.

Local Specialized Problem: None

Policy 26(b)8. Encourage the continual cooperation among communities, which have a unique natural area, irrespective of political boundaries, to bring the private and public sectors together for establishing an orderly, environmentally, and economically sound plan for future needs and growth.

The District is required to operate openly (in the sunshine), encouraging public participation, and as stated previously, reporting of the District's facilities and services status to the County government provides a mechanism for cooperation between the general purpose and special purpose governmental entities. The establishment of the proposed District is consistent with this policy.

Local Specialized Problem: None

COLLIER COUNTY LOCAL GOVERNMENT COMPREHENSIVE PLAN

The adopted Collier County Local Government Growth Management Plan is set forth in the following Collier County Ordinances, as amended. This Plan is currently in force and effective in Collier County.

Capital Improvement Element	Ord. 2000-31
Transportation Element	Ord. 2000-32
Public Facilities Element B Ord. 97-58	Ord. 97-57, 2000-27
Housing Element	Ord. 2000-27
Recreation and Open Space Element	Ord. 97-53
Conservation and Coastal Management Element	Ord. 2000-27
Future Land Use Element	Ord. 2001-12
Intergovernmental Coordination Element	Ord. 2000-26

Under the Florida Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended, the Plan consists of various elements, sub-elements and appendices. I reviewed each Plan element with respect to the powers granted to a Community Development District under Section 190, Florida Statutes. As a professional planner, I have reviewed the Plan in order to determine whether there is any specific inconsistency between the proposed Community Development District Plan and the Collier County Growth Management Plan.

I used a similar methodology to that utilized for the consistency review with the State Plan. All goals, objectives, and policies of the Plan were reviewed; however those that were in my professional opinion not related to the establishment the proposed District were disregarded. Those goals, objectives and policies that are relevant to the creation of the proposed Community Development District have been evaluated.

The establishment of the Community Development District to provide the governmental services attendant to Tuscany Reserve complies fully with the goals, objectives and policies of the Collier County Growth Management Plan.

CAPITAL IMPROVEMENT ELEMENT.

Objective 1.2: Provide public facilities in order to maintain adopted level of service standards that are within the ability of the County to fund, or within the County's authority to require others to provide. Existing facility deficiencies measured against the adopted level of service standards will be eliminated with revenues generated by ad valorem taxes and intergovernmental revenues received based on economic activity. Future development will bear a proportionate cost of facility improvements necessitated by growth. Future development's payments may take the form of impact fees, dedication of land, provision of public facilities, and future payments of user fees, special assessments and taxes.

The Tuscany Reserve project will be independent of County-subsidized facilities and services and will pay its proportionate share of infrastructure costs through payment of impact fees, property taxes and special assessments. The establishment of the proposed District is consistent with this policy.

Local Specialized Problem: None

PUBLIC FACILITIES ELEMENT - POTABLE WATER SUBELEMENT

Policy 1.2.6: Where Community Development Districts, or other similar special districts are established to provide a tool for developers to finance infrastructure or other purposes, wholly or partially within the Collier County Water-Sewer District, water service shall be connected to the regional system, and internal facilities shall be conveyed when acceptable to the Collier County Water-Sewer District for operation and ownership in accordance with Collier County Ordinance 88-76, the Utilities Standards and Procedures Ordinance, adopted September 27, 1988 or its latest revision, and District construction and operating policies.

Tuscany Reserve will provide and maintain potable water infrastructure to support the proposed development within the District boundaries and will connect the system to Collier County consistent with the Collier County Utilities Ordinance. The establishment of the proposed District is consistent with this Policy.

Local Specialized Problem: None

INTERGOVERNMENTAL COORDINATION ELEMENT

Goal 1, Objective 1.1, and Policy 1.1.1: Provide for the continual exchange of information and the use of any intergovernmental coordination mechanisms to resolve differences and to achieve compatible and coordinated plans.

Tuscany Reserve has coordinated with both public and private sector agencies in the delivery of services, such as Collier County Utilities, independent fire control districts, Collier County Department of Transportation, and Florida Power and Light to insure the services are coordinated and non-duplicative. Tuscany Reserve Community Development District will continue to coordinate plans with the various governmental agencies as it develops. The establishment of the proposed District is consistent with this goal and associated objective.

FUTURE LAND USE ELEMENT

Objective 5 and Policy 5.1: In order to provide sound planning, ensure compatibility of land uses and further the implementation of the Future Land Use Element. All rezonings must be consistent with this Growth Management Plan.

Tuscany Reserve will be a residential master planned community, which will utilize the Planned Unit Development zoning district alternative to establish the development program, and the establishment of the Community Development District to provide governmental and infrastructure services. The project site is located in an area designated as Urban Residential Subdistrict on the County's Future Land Use Map. The intent of the Urban Residential Subdistrict is set forth previously in my Report. This proposed master planned project is consistent with this objective and policy.

Local Specialized Problem: None

The establishment of the proposed Tuscany Reserve Community Development District, pursuant to Chapter 190, Florida Statutes, is not inconsistent with the goals objectives and policies of the Collier County Growth Management Plan.

Based upon the aforementioned findings, the creation and establishment of the proposed District would not be inconsistent with any goals, policies, sections or portions of the Plan, even if it were to exercise any and all of its statutory powers. In fact, the proposed District would further the Plan generally, as well as, many of its specific components.

Further, the creation and establishment of the proposed District would not be inconsistent with those parts of the Plan, which do not relate to the creation and establishment of a District.

Factor Three

3. Whether 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.

The proposed Tuscan Reserve Community Development District is of sufficient size and sufficiently compact to be developed as a functional interrelated community. The project's size is 461.29± acres. This land area is large enough in land area to allow for the efficient provision of infrastructure systems, facilities and services. A project of this size and scope is most appropriately master planned to demonstrate how the various components of the overall project relate both internally and externally.

The project is appropriately compact in size in that it will permit residential development and the required infrastructure support to be extended throughout the proposed District boundaries as one functional interrelated community.

The properties within the proposed Tuscan Reserve Community Development District are contiguous, with the exception of those properties planned to be separated by internal access roads and drives. This contiguous relationship will permit the District to function as a functional interrelated community.

The term "functional interrelated community" is undefined in Chapter 190, F.S. In my professional planning opinion, the term, "functional interrelated community" means that the "community" or CDD area has common characteristics in the sense of permitted land uses for example that can be master planned because of the land use relationships, as well as the contiguity of the community and its overall size. The proposed District will utilize the planned unit development concept to demonstrate the interrelatedness of the entire project, whereby not only the internal and external land use relationships have been shown, but the basic infrastructure to serve the entire community is master planned. This master planned community is consistent with and furthers the larger community's goals as outlined in the discussion on the Collier County Growth Management Plan.

Local Specialized Problem: None

Factor Four

4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

There are several alternative ways to provide basic infrastructure and services to the lands proposed to be serviced by the proposed Community Development District. Generally, there are three common methods of providing services to a community, which include privately funded and maintained services, publicly provided systems and those that could be operated via a public special purpose Community Development District. Private provision of services and maintenance

can be appropriate; however, with limitations, in that long-term funding must be assured to support infrastructure for the life of the community, as is required through the issuance of bonds to support a Community Development District. Another limitation is in the overall size and scope of the community. Where privately funded improvements may be practical for properties that are limited in the scope and buildout potential, projects having a scope and duration commensurate with the proposed Community Development District require a long-term commitment for service provision.

The provision of services by the public can have limitations, especially where the community is a master planned and interrelated community that may desire services more appropriately directed at its property owners. The responsibility of a local government is to provide the basic infrastructure support for all communities within its Governmental boundary. A master planned community that may wish to achieve a higher than basic standard will not be well suited to provision of services through common general government funding alternatives.

The Community Development District option is a preferred alternative to the two former mentioned funding sources (Private and General Public) in that the provision of services may be commensurate with the desired level of service of the community, while resulting in no burden to those properties outside the District. The Community Development District cannot overburden the existing facilities because of the required concurrency management requirements found in the Collier County Growth Management Plan, Land Development Code and Chapter 190, F.S.

Local Specialized Problem: None

Factor Five

5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

Chapter 190, F.S. requires that all actions and implementation of any or all Community Development District powers are governed by and must not be inconsistent with the Collier County Growth Management Plan. One of the fundamental requirements of Chapter 163, F.S. is that local government comprehensive plans must identify capital facilities required to support expected growth and that standards must be adopted to insure that minimum established levels of service for these facilities can be maintained.

This requirement insures that the impacts of development are created concurrent with the available capacity of necessary capital infrastructure. Development may not occur unless there are adequate public facilities available to support it.

These requirements insure compliance with County land development regulations and adequate public facility requirements. Collier County has not identified any inadequate public facilities that will affect the proposed District. Conversely, no infrastructure support problems are anticipated as a result of the proposed District.

Local Specialized Problem: None

Factor Six

6. Whether the area that will be served by the district is amenable to separate special-district government.

Factor six deals with whether the area that will be serviced by the District is amenable to separate special-district government.

As discussed in the prior factor analysis, the land area is of sufficient size, and is sufficiently compact and sufficiently contiguous to be functional as an inter-related community. The project area is also located in an area where other large-scale master planned communities have been developed utilizing the community development district. In my opinion the land area for the District is amenable to special district government because the land area proposed to be established as a District has the need for the services that may be provided by the District. The District would also benefit from the provision of District services in that the services will be tailored to the specific needs of the District while consistent with the goals, objectives and policies of the local growth management plan.

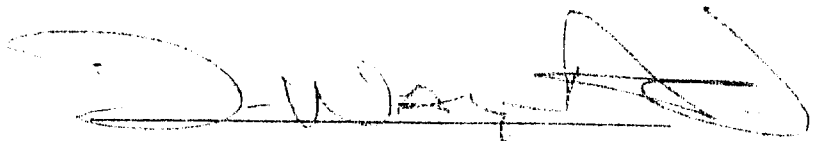
Local Specialized Problem: None

Summary

Long term and sustained adequacy and efficiency of infrastructure are important, and I note that among the three alternatives discussed, the proposed District would more closely and efficiently manage services and facilities given that the District's sole responsibility is the community development's infrastructure needs, both immediate and in the long term. Further, a District can be more responsive to the property owners of the community development and other affected parties, than can be provided by the alternatives, which either have a broader public accountability, or more narrowed interests.

The proposed Tuscany Reserve Community Development District is the most appropriate means of providing community development systems, services and facilities because it will be functionally involved in the overall physical master planning of the development, most equitably distributes the cost and responsibilities to the users of the systems, services and facilities, provides for long term maintenance, and provides a greater assurance that the residents served by the Tuscany Reserve Community Development will have a sustained level of service to meet their quality of life objectives.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. W. [unclear]", written over a horizontal line.

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. 2002-42

Which was adopted by the Board of County Commissioners on the 30th day of July, 2002, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 1st day of August, 2002.

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

Teri Michaels

By: Teri Michaels
Deputy Clerk

