

ORDINANCE NO. 3377

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ESTABLISHING THE TREELINE PRESERVE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; CONFIRMING THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 THROUGH 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Treeline Preserve Developers, LLC, a Florida Limited Liability Company, has petitioned the City Council, City of Fort Myers, to establish the Treeline Preserve Community Development District; and,

WHEREAS: The City Council, after proper published notice, conducted a local public information-gathering hearing as required by law and finds as follows:

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. The City staff and City Attorney have reviewed and approved the petition for establishment of the proposed district.
3. Establishment by ordinance of the proposed district, created by general law and whose charter is Sections 190.006 through 190.041, Florida Statutes, is not inconsistent with the City of Fort Myers Comprehensive Plan and is not inconsistent with the State Comprehensive Plan.
4. 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.
5. The district is the best alternative available for delivering community development services and facilities to the area that

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will be serviced by the district.

6. The community development systems, facilities and services of the district will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

7. The area that will be served by the district is amenable to separate special district government.

8. The proposed district, once established, may petition the City Council for consent to exercise one or more of the powers granted by charter in Section 190.012 (2), Florida Statutes, the exercise of which has been reviewed and assessed as of the effective date of this ordinance. Nothing herein constitutes consent by the City of the exercise by the district of any one of the special powers set forth in Section 190.012(2), Florida Statutes.

9. That upon the effective date of this ordinance, the proposed Treeline Preserve Community Development District shall be duly and legally established and created, authorized to exist and to exercise all of its general and special powers limited by its general law charter; and that consent by the City of Fort Myers in any future ordinance to any special power in Section 190.012(2), Florida Statutes, does not in any way revisit the question of establishment of the district and its authority and power to exercise its limited powers under law.

10. All notice requirements of law were met and complete notice was timely given.

BE ENACTED BY THE CITY COUNCIL OF CITY OF FORT MYERS, FLORIDA, that:

SECTION 1: DISTRICT NAME. The community development district herein established shall henceforth be known as Treeline Preserve

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Community Development District.

SECTION 2: AUTHORITY FOR ORDINANCE. This ordinance is adopted pursuant to Section 190.005, Florida Statutes, and other applicable provisions of law governing city ordinances.

SECTION 3: ESTABLISHMENT OF TREELINE PRESERVE COMMUNITY DEVELOPMENT DISTRICT. Treeline Preserve Community Development District, created by law, is hereby established within the boundaries of the real property described in Exhibit 1 attached hereto and incorporated by referenced.

SECTION 4: DESIGNATION OF INITIAL BOARD MEMBERS. The following five (5) persons are herewith designated to be the initial members of the Board of Supervisors:

- a. Vanessa Richter
- b. Nancy Whann
- c. Annette Brennan
- d. Shawn Olmstead
- e. Steven Kushner

SECTION 5: STATUTORY PROVISIONS CONSTITUTING TREELINE PRESERVE DISTRICT CHARTER. Treeline Preserve Community Development District is a single and special purpose local government whose charter is in the general law, Sections 190.006 through 190.041, Florida Statutes.

SECTION 7: CONFLICT AND SEVERABILITY. In the event this ordinance conflicts with any other ordinance of the City of Fort Myers or other applicable law, the more restrictive shall apply as long as not inconsistent with or prohibited by Section 190, Florida Statutes. If any phase 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.

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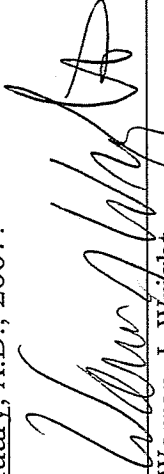
SECTION 8: EFFECTIVE DATE.

This ordinance shall become

effective immediately upon adoption.

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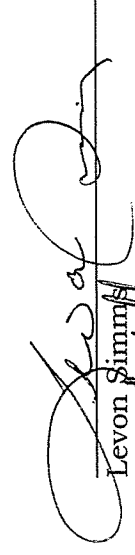
PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 16th day of January, A.D., 2007.



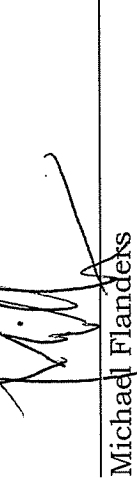
Warren J. Wright



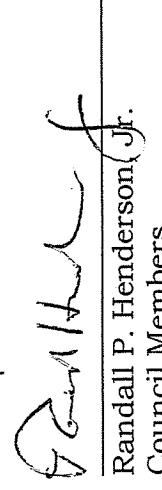
Veronica S. Shoemaker



Levon Simms

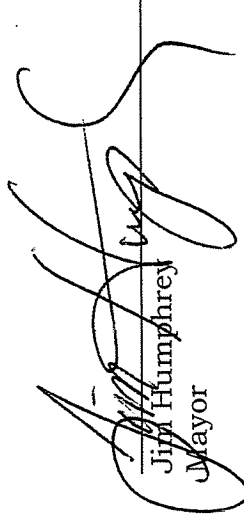


Michael Flanders



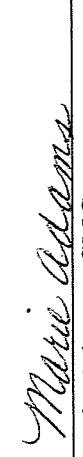
Randall P. Henderson, Jr.
Council Members

APPROVED this 16th day of January, A.D., 2007, at
7:35 o'clock p.m.



Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 16th day of January,
A.D., 2007.



Marie Adams, CMC
City Clerk

I DO HEREBY CERTIFY THAT THE ABOVE
AND FOREGOING IS A TRUE AND CORRECT
COPY OF THE ORIGINAL THEREOF ON FILE
IN MY OFFICE. WITNESS MY HAND AND
SEAL OF SAID CITY THIS 16th DAY
OF January, A.D. 2007.



Nancy J. Herbert
DEPUTY CITY CLERK, CITY OF FORT MYERS, FLORIDA.

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EXHIBIT 1

TREELINE PRESERVE COMMUNITY DEVELOPMENT DISTRICT

LEGAL DESCRIPTION

Parcel 1

A tract or parcel of land lying in that portion of Section 25, Township 44 South, Range 25 East, Lee County, Florida, being described as follows:

Commencing at the northeast corner of the Northwest Quarter (NW¹/₄) of said Section 25, run S00°38'15"E along the east line of said Northwest Quarter (NW¹/₄), for 780.09 feet; thence leaving said east line run S89°21'45"W, for 40.00 feet to the point of beginning:

From said point of beginning run S00°38'15"E along a line 40.00 feet westerly of and parallel with said east line of the Northwest Quarter (NW¹/₄) for 1,656.52 feet to the northerly line of those lands described in Official Record Book 2422, Page 2776, of the Public Records of Lee County, Florida; thence S88°46'36"W along said northerly line, 850.93 feet to a point of intersection with the northeasterly right-of-way line of State Road No. 82 (Immokalee Road) (200 foot right-of-way) as shown on Florida Department of Transportation right-of-way map, Section No. 1207-101; thence N46°07'56"W along said northeasterly right-of-way line, 2,297.54 feet to the beginning of a curve; thence northwesterly along the arc of a curve to the left (radius 5,011.07 feet) (delta 01°49'58") (chord bearing N47°03'29"W) (chord 160.29 feet), for 160.29 feet to a point of intersection with the west line of the Northwest Quarter (NW¹/₄) of said Section 25; thence N01°05'51"W along said west line, 320.2 feet to a point of intersection with the southerly right-of-way line of Buckingham Road as shown on a Lee County Department of Transportation specific purpose survey dated April 8, 1992, and as described in Official Record Book 3036, Page 3257, of said public records and a point on a curve; thence easterly along said southerly right-of-way line and the arc of a curve to the right (radius 743.51 feet) (delta 40°19'32") (chord bearing N68°35'54"E) (chord 512.56 feet), for 523.29 feet; thence N88°45'47"E, 1,488.99 feet to the northwest corner of those lands described in Official Record Book 4148, Page 3142; thence S00°38'15"E along the west line of said lands 580.00 feet; thence N88°45'47"E along the south line of said lands, 640.00 feet to the point of beginning.

The above describes an area of approximately 89.55 acres of land.

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TOGETHER WITH:

Parcel 2

A tract or parcel of land lying in that portion of Section 25, Township 44 South, Range 25 East, Lee County, Florida, being described as follows:

Commencing at the northeast corner of the Northwest Quarter (NW¹/₄) of said Section 25, run S00°38'15"E along the east line of the Northwest Quarter (NW¹/₄) of said section, for 2,542.20 feet to the southerly line of those lands described in Official Record Book 2422, Page 2776, of the Public Records of Lee County, Florida and the point of beginning;

From said point of beginning run N88°46'36"E along said southerly line, 382.30 feet to a point of intersection with the northwesterly right-of-way line of Lee Boulevard (250 feet right-of-way) as shown on Lee County Department of Transportation Right-of-Way Map Project Number 4026 and a point on a non-tangential curve; thence southwesterly along said northwesterly right-of-way line and the arc of a curve to the left (radius 1,557.39 feet) (delta 17°14'53") (chord bearing S52°29'59"W) (chord 467.06 feet), for 468.83 feet; thence S43°52'32"W, 364.41 feet to a point of intersection with the northeasterly right-of-way line of State Road 82 (Immokalee Road) (200 foot right-of-way) as shown on Florida Department of Transportation Right-of-Way Map, Section No. 1207-101; thence N46°07'47"W along said northeasterly right-of-way line, 753.37 feet to a point of intersection with said southerly line of lands described in Official Record Book 2422, Page 2776; thence N88°46'36"E along said southerly line, 784.19 feet to the point of beginning.

The above describes an area of approximately 6.72 acres of land.

Bearings herein above mentioned are state plane for the Florida west zone (NAD 1983/90 adjustment) and are based on the east line of the Northwest Quarter (NW¹/₄) of Section 25 to bear S00°38'15"E.