

1 VILLAGE OF ESTERO, FLORIDA

2  
3 ORDINANCE NO. 2022-04

4  
5 AN ORDINANCE ESTABLISHING CORKSCREW  
6 CROSSING COMMUNITY DEVELOPMENT DISTRICT;  
7 PROVIDING A DISTRICT NAME; SETTING FORTH THE  
8 AUTHORITY FOR ADOPTING THE ORDINANCE;  
9 ESTABLISHING THE EXTERNAL BOUNDARIES OF THE  
10 DISTRICT; DESIGNATING THE INITIAL MEMBERS OF  
11 THE BOARD OF SUPERVISORS; ESTABLISHING THE  
12 GOVERNING DISTRICT CHARTER AS FLORIDA  
13 STATUTES CHAPTER 190; PROVIDING FOR NOTICE TO  
14 SUBSEQUENT PURCHASERS; PERTAINING TO  
15 MODIFICATIONS THAT MAY ARISE FROM  
16 CONSIDERATION AT PUBLIC HEARING; PROVIDING  
17 FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE  
18 DATE.

19  
20 WHEREAS, Lee County Homes Associates IV, LLLP, a Florida limited liability limited  
21 partnership, has petitioned the Village Council of the Village of Estero, Florida to establish  
22 Corkscrew Crossing Community Development District; and

23  
24 WHEREAS, the Village Council, after proper published notice, conducted a local public  
25 information-gathering ordinance hearing as required by law and finds as follows:

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27 1. The petition is complete in that it meets the requirements of Section 190.005(1)(a),  
28 Florida Statutes; and all statements contained within the petition are true and correct.

29  
30 2. The costs to the Village of Estero and government agencies from establishment of  
31 the district are nominal. There is no adverse impact on competition or employment from district  
32 establishment. The persons affected by establishment are the future landowners, present  
33 landowners, Village of Estero and its taxpayers, and the State of Florida. There is a net economic  
34 benefit flowing to these persons from district establishment as the entity to manage and finance  
35 the statutory services identified. The impact of district establishment and function on competition  
36 and the employment market is marginal and generally positive, as is the impact on small business.  
37 None of the reasonable public or private alternatives, including an assessment of less costly and  
38 less intrusive methods and of probable costs and benefits of not adopting the ordinance, are as  
39 economically viable as establishing the district. Methodology is set forth in the economic impact  
40 statement on file. The statement of estimated regulatory costs of this petition on district  
41 establishment is adequate.

42  
43 3. Establishment of the proposed district, whose charter must be in accordance with  
44 the general law as set forth in Sections 190.006 -190.041, Florida Statutes, is not inconsistent with  
45 the local Comprehensive Plan of Village of Estero or the State Comprehensive Plan.  
46

47 4. The area of land within the proposed district is of sufficient size, is sufficiently  
48 compact and is sufficiently contiguous to be developed as one functional interrelated community.  
49

50 5. The district is the best alternative available for delivering community development  
51 services and facilities to the area that will be served by the district.  
52

53 6. The community development services and facilities of the district will be  
54 compatible with the capacity and uses of existing local and regional community development  
55 services and facilities.  
56

57 7. The area that will be served by the district is amenable to separate special district  
58 government.  
59

60 8. The proposed district, once established, may petition the Village Council for  
61 consent to exercise one or more of the powers granted by charter in Section 190.012(2), Florida  
62 Statutes.  
63

64 9. Upon the effective date of this Ordinance, the proposed Corkscrew Crossing  
65 Community Development District will be duly and legally authorized to exist and exercise all of  
66 its general and special powers as limited by law; and has the right to seek consent from Village of  
67 Estero for the grant of authority to exercise special powers in accordance with F.S. 190.012(2),  
68 without question as to the district's continued right, authority and power to exercise its limited  
69 powers as established by this ordinance.  
70

71 10. All notice requirements of law were met and complete notice was timely given.  
72

73 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE  
74 VILLAGE OF ESTERO, FLORIDA:  
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76 **Section One: District Name**  
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78 The community development district herein established will be known as Corkscrew  
79 Crossing Community Development District.  
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81 **Section Two: Authority For Ordinance**  
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83 This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other  
84 applicable provisions of law governing the Village of Estero ordinances.  
85

86 **Section Three: Establishment Of Community Development District**  
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88 Corkscrew Crossing Community Development District is hereby established within the  
89 boundaries of the real property described in Exhibit "A" attached hereto and incorporated by  
90 reference.  
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92

93                    **Section Four:    Designation Of Initial Board Members**

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

- 97  
98                    1.        N. Maria Menendez  
99                                1600 Sawgrass Corporate Parkway, Suite 400  
100                                Sunrise, Florida 33323  
101  
102                    2.        Larry Portnoy  
103                                1600 Sawgrass Corporate Parkway, Suite 400  
104                                Sunrise, Florida 33323  
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106                    3.        John Asher  
107                                11809 Drake Lane  
108                                Naples, Florida 34120  
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110                    4.        Richard Norwalk  
111                                1600 Sawgrass Corporate Parkway, Suite 400  
112                                Sunrise, Florida 33323  
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114                    5.        Craig Callis  
115                                11809 Drake Lane  
116                                Naples, Florida 34120  
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118                    **Section Five:    Powers Of The District**

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120                    The powers and functions of the Corkscrew Crossing Community Development District  
121 are described in Chapter 190, Florida Statutes. Consent is hereby given to the District’s Board of  
122 Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend,  
123 equip, operate, and maintain systems and facilities for: (1) security, including but not limited to,  
124 guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, as  
125 authorized and described by Section 190.012(2)(d), Florida Statutes.  
126

127                    **Section Six:      Statutory Provisions Governing District**

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129                    Corkscrew Crossing Community Development District will be governed by the provisions  
130 of Chapter 190, Florida Statutes.  
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132                    **Section Seven:    Notice To Subsequent Purchasers**

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134                    Any and all agreements for the sale of property within the boundaries of the Corkscrew  
135 Crossing Community Development District must include the disclosure statement required in  
136 Florida Statutes §190.048 for the initial sale of the property. This requirement applies to the initial  
137 seller of a parcel as well as all subsequent sellers, successors and assigns, for the life of the  
138 Corkscrew Crossing Community Development District.

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**Section Eight: Modification**

It is the intent of the Village Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

**Section Nine: Conflict And Severability**

In the event this Ordinance conflicts with any other Village of Estero ordinance or other applicable law, the more restrictive will apply. If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining portion.

**Section Ten: Effective Date**

This Ordinance becomes effective upon adoption.

DULY PASSED ON FIRST READING this 15th day of June, 2022.

DULY PASSED AND ADOPTED BY THE VILLAGE COUNCIL ON SECOND READING AND PUBLIC HEARING this 6th day of July, 2022.

By: Carol Sacco  
Carol Sacco, Village Clerk

By: Katy Errington  
Katy Errington, Mayor

Reviewed for legal sufficiency:

By: Nancy Stroud  
Nancy Stroud, Esq., Village Land use Attorney

Exhibit A: Legal Description

Vote:	AYE	NAY
Mayor Errington	<u>X</u>	_____
Vice Mayor McLain	<u>X</u>	_____
Councilmember Ribble	<u>X</u>	_____
Councilmember Fiesel	<u>X</u>	_____
Councilmember Boesch	<u>X</u>	_____
Councilmember Ward	<u>X</u>	_____
Councilmember Wilson	<u>X</u>	_____

## LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTIONS 19, 30 AND 31, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID SECTION 31 SOUTH 89°16'01" WEST, A DISTANCE OF 2,632.34 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 31; THENCE ALONG SAID WEST LINE NORTH 00°33'14" WEST, A DISTANCE OF 2,654.44 FEET TO A POINT ON THE SOUTH LINE OF WILDCAT RUN, PLAT BOOK 36, PAGES 30 THROUGH 43, LEE COUNTY FLORIDA; THENCE ALONG SAID SOUTH LINE NORTH 89°25'55" EAST, A DISTANCE OF 1,316.52 FEET TO THE SOUTHEAST CORNER OF WILDCAT RUN, PLAT BOOK 36, PAGES 30 THROUGH 43, LEE COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF WILDCAT RUN, PLAT BOOK 36, PAGES 30 THROUGH 43, LEE COUNTY, FLORIDA FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES; NORTH 00°33'07" WEST, A DISTANCE OF 2,647.49 FEET; THENCE NORTH 01°12'26" WEST, A DISTANCE OF 4,789.01 FEET; THENCE NORTH 61°46'42" EAST, A DISTANCE OF 1,480.55 FEET TO THE NORTHWEST CORNER OF PRESERVE AT CORKSCREW, INSTRUMENT #2012000094503, LEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF PRESERVE AT CORKSCREW, INSTRUMENT #2012000094503, LEE COUNTY, FLORIDA SOUTH 01°10'12" EAST, A DISTANCE OF 190.04 FEET; THENCE CONTINUE ALONG SAID WEST LINE SOUTH 01°11'25" EAST, A DISTANCE OF 5284.15 FEET TO THE SOUTHWEST CORNER OF PRESERVE AT CORKSCREW, INSTRUMENT #2012000094503, LEE COUNTY, FLORIDA AND ALSO BEING THE NORTHWEST CORNER OF BELLA TERRA UNIT TWO, PLAT BOOK 81, PAGES 1 THROUGH 36, LEE COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE FOR THE REMAINING COURSES AND DISTANCES SOUTH 00°32'05" EAST, A DISTANCE OF 2,649.60 FEET; THENCE SOUTH 00°32'13" EAST, A DISTANCE OF 2,646.76 FEET TO THE POINT OF BEGINNING.

*PROPERTY CONTAINING 395.6 ACRES, MORE OR LESS.*