

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 04-07

AN ORDINANCE AMENDING ORDINANCE NO. 00-14, ENACTED BY THE CITY OF BONITA SPRINGS, FLORIDA ON NOVEMBER 15, 2000 ESTABLISHING THE PARKLANDS WEST COMMUNITY DEVELOPMENT DISTRICT, AMONG OTHER MATTERS, TO CONTRACT THE EXTERNAL BOUNDARIES OF THE DISTRICT AND DESCRIBE THE REVISED EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on November 15, 2000, the City Council enacted Ordinance No. 00-14 (the "Prior Ordinance") establishing the Parklands West Community Development District (the "District") as a community development district pursuant to Chapter 190, Florida Statutes (the "Act") and its external boundaries, among other matters. The external boundaries of the District currently contain approximately 314.83 acres of real property located entirely within the jurisdictional boundaries of the City.

WHEREAS, pursuant to Section 190.046(1) of the Act, the Board of Supervisors of the District has submitted a petition (the "Petition") to the City requesting that the boundaries of the District be contracted, so that thereafter approximately 312.57 acres of real property will be located within the external boundaries of boundaries of the District. The Petition also requests that the City amend the Prior Ordinance to reflect the revised boundaries of the District.

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

1. The Petition is complete in that it meets the requirements of Section 190.046(1), Florida Statutes and all statements contained within the Petition are true and correct.
2. The Planning Department of Lee County, Florida, on behalf of the City, has reviewed and approved the Petition for the contraction of the District boundaries.
3. The land to be deleted from within the District does not exceed 50% of the acres initially located within the District and the Board of Supervisors of the District has not previously petitioned the City for the expansion or contraction of the District's boundaries.

4. The costs to the City and government agencies from contraction of the District are nominal. There is no adverse impact on competition or employment from District contraction. The persons affected by the contraction are the future landowners, present landowners, the City and its taxpayers and the State of Florida. There is a net economic benefit flowing to these persons from District boundary contraction as the District will manage and finance the statutory services identified to the area to be included in the District. The impact of District contraction and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including as assessment of less costly and less intrusive methods and of probable costs and benefits of not approving the contraction, is as economically viable as approving the contraction. The statement of estimated regulatory costs for this Petition is adequate.

5. Contraction of the District's boundaries is not inconsistent with any applicable elements or portion of the State of Florida's comprehensive plan or of the effective City comprehensive plan.

6. The area of land within the proposed revised boundaries of the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable with the balance of the District as one functional interrelated community.

7. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.

8. 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.

9. The area that will be served by the District following contraction of the District's boundaries is amenable to separate special district government.

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

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: AUTHORITY FOR ORDINANCE.

This Ordinance is adopted pursuant to Section 190.046(1), Florida Statutes and other applicable provisions of law governing City ordinances.

SECTION TWO: GRANT OF PETITION; AMENDMENT TO PRIOR

ORDINANCE TO ESTABLISH NEW EXTERNAL BOUNDARIES OF THE DISTRICT.

The City hereby grants the Petition. Section 3 of the Prior Ordinance is hereby amended to contract the external boundaries of the District by deleting Exhibit A to the Prior Ordinance in its entirety and replacing it with Exhibit A attached hereto.

SECTION THREE: CONFLICT OF SEVERABILITY.

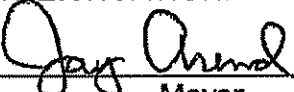
In the event this Ordinance conflicts with any other City ordinance or other applicable law, the more restrictive will apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct, and independent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

SECTION FOUR: EFFECTIVE DATE.

Except as expressly amended hereby, the Prior Ordinance remains in full force and effect. This ordinance shall take effect thirty (30) days from the date of adoption.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 5th day of May, 2004.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM: _____



City Attorney

Vote:

Arend	Aye	Nelson	Aye
Edsall	Aye	Piper	Aye
Grantt	Aye	Wagner	Aye
Joyce	Aye		

Date filed with City Clerk: _____

5-6-04

BBLs
SURVEYORS & MAPPERS INC.
1502-A RAILHEAD BLVD.
NAPLES, FLORIDA 34110
TELEPHONE: 239-597-1315
FAX: 239-597-5207

LEGAL DESCRIPTION
PARKLANDS WEST CDD

A PORTION OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE S.00°59'02"E., ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 150.02 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING THE NORTHWESTERLY CORNER OF PALMIRA GOLF AND COUNTRY CLUB, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 68 AT PAGES 59 THROUGH 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89°52'41"E., ALONG THE NORTHERLY LINE OF SAID PALMIRA GOLF AND COUNTRY CLUB, A DISTANCE OF 2,629.95 FEET TO THE NORTHEASTERLY CORNER OF SAID PALMIRA GOLF AND COUNTRY CLUB; THENCE S.00°53'52"E., ALONG THE EASTERLY LINE OF SAID PALMIRA GOLF AND COUNTRY CLUB, A DISTANCE OF 1,239.59 FEET; THENCE N.86°40'01"W., A DISTANCE OF 74.60 FEET; THENCE S.49°53'26"W., A DISTANCE OF 120.56 FEET; THENCE S.40°06'34"E., A DISTANCE OF 265.44 FEET TO SAID EASTERLY LINE; THENCE S.00°53'52"E., ALONG SAID EASTERLY LINE, A DISTANCE OF 1,061.92 FEET; THENCE N.88°46'24"W., A DISTANCE OF 84.27 FEET; THENCE S.04°22'50"W., A DISTANCE OF 50.08 FEET; THENCE S.88°46'24"E., A DISTANCE OF 51.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S.43°46'24"E., AND A CHORD LENGTH OF 21.21 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 23.56 FEET TO THE END OF SAID CURVE; THENCE S.01°13'36"W., A DISTANCE OF 142.81 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 640.00 FEET, A CENTRAL ANGLE OF 10°53'28", A CHORD BEARING OF S.06°40'18"W., AND A CHORD LENGTH OF 121.47 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 121.65 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 25°33'53", A CHORD BEARING OF S.00°39'54"E., AND A CHORD LENGTH OF

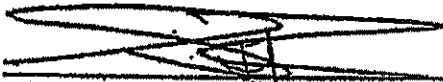
227.88 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 229.79 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 852.71 FEET, A CENTRAL ANGLE OF 20°22'26", A CHORD BEARING OF S.03°36'45"E., AND A CHORD LENGTH OF 301.62 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 303.22 FEET TO THE END OF SAID CURVE; THENCE S.06°34'32"W., A DISTANCE OF 150.57 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 817.50 FEET, A CENTRAL ANGLE OF 19°03'04", A CHORD BEARING OF S.02°57'00"E., AND A CHORD LENGTH OF 270.57 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 271.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 41°01'23", A CHORD BEARING OF S.08°02'10"W., AND A CHORD LENGTH OF 63.07 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 64.44 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 122°42'15", A CHORD BEARING OF S.32°48'16"E., AND A CHORD LENGTH OF 96.53 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 117.79 FEET TO THE END OF SAID CURVE AND SAID EASTERLY LINE; THENCE S.00°53'52"E., ALONG SAID EASTERLY LINE, A DISTANCE OF 165.71 FEET;; THENCE S.83°47'47"W., A DISTANCE OF 31.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 367.00 FEET, A CENTRAL ANGLE OF 12°43'32", A CHORD BEARING OF N.89°50'27"W., AND A CHORD LENGTH OF 81.34 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 81.51 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 21.25 FEET, A CENTRAL ANGLE OF 86°01'04", A CHORD BEARING OF S.53°30'47"W., AND A CHORD LENGTH OF 28.99 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 31.90 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE TO THE LEFT, HAVING: A RADIUS OF 282.50 FEET, A CENTRAL ANGLE OF 01°06'40", A CHORD BEARING OF S.09°56'55"W., AND A CHORD LENGTH OF 5.48 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 5.48 FEET TO THE END OF SAID CURVE; THENCE S.84°10'58"E., A DISTANCE OF 131.89 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 252.50 FEET, A CENTRAL ANGLE OF 05°18'25", A CHORD BEARING OF S.00°35'22"E., AND A CHORD LENGTH OF 23.38 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 23.39 FEET TO THE END OF SAID CURVE; THENCE S.02°03'50"W., A DISTANCE OF 235.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1,837.00 FEET, A CENTRAL ANGLE OF 09°57'43", A CHORD BEARING OF S.02°55'01"E., AND A CHORD LENGTH OF 318.99 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 319.40 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 868.00 FEET, A CENTRAL ANGLE OF 16°39'16", A CHORD BEARING OF

S.00°25'45"W., AND A CHORD LENGTH OF 251.42 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 252.31 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 26°47'15", A CHORD BEARING OF S.04°38'15"E., AND A CHORD LENGTH OF 69.49 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 70.13 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 195.00 FEET, A CENTRAL ANGLE OF 17°08'00", A CHORD BEARING OF S.09°27'52"E., AND A CHORD LENGTH OF 58.09 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 58.31 FEET TO THE END OF SAID CURVE AND SAID EASTERLY LINE; THENCE S.00°53'52"E., ALONG SAID EASTERLY LINE, A DISTANCE OF 67.94 FEET TO THE SOUTHEASTERLY CORNER OF SAID PALMIRA GOLF AND COUNTRY CLUB; THENCE S.89°57'43"W., ALONG THE SOUTHERLY LINE OF SAID PALMIRA GOLF AND COUNTRY CLUB, A DISTANCE OF 2,621.84 FEET TO THE SOUTHWESTERLY CORNER OF SAID PALMIRA GOLF AND COUNTRY CLUB; THENCE N.00°59'26"W., ALONG THE WESTERLY LINE OF SAID PALMIRA GOLF AND COUNTRY CLUB, A DISTANCE OF 2,660.17 FEET; THENCE N.00°59'02"W., ALONG SAID WESTERLY LINE, A DISTANCE OF 2,562.31 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 312.57 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO PALMIRA GOLF AND COUNTRY CLUB, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 68 AT PAGES 59 THROUGH 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.



02/05/04

STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)

BBL SURVEYORS & MAPPERS INC., (L.B. #6753)

221 LEGAL AID DESCRIPTIONS 0364 PARK WEST CDD LWF

PROOFED BY MAC SEB

(SEE ATTACHED SKETCH - W HALF SEC 4 CDD SKETCH)