

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 05 – 11

AN ORDINANCE ESTABLISHING BONITA VILLAGE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.005(2), FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT OF THE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE CITY OF BONITA SPRINGS MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bonita Village LLC, a Florida limited liability company, (hereinafter the “Petitioner”), has petitioned the City Council of the City of Bonita Springs, Florida (the “City”) to establish BONITA VILLAGE COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the City Council of Bonita Springs, after proper published noticed, 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 190.005(2), Florida Statutes; and all statements contained within the petition are true and correct.
2. The Bonita Spring’s Planning Director has reviewed and approved the petition for establishment of the district on the property proposed in the petition.
3. The costs to the City and government agencies from establishment of the district are nominal. There is no adverse impact on competition or employment from district establishment. The persons affected by establishment 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 establishment as the entity to manage and finance the statutory services identified. The impact of district establishment 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 any other alternative management entity which may make an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the ordinance, is as economically viable as establishing the district. Methodology is set forth in the economic impact statement of estimated regulatory costs on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

4. Establishment of the proposed district, whose charter is Section 190.006 - 190.041, Florida Statutes, is created by general law and is not inconsistent with the applicable local Comprehensive Plan or the State Comprehensive Plan.

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

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

7. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.

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

9. The proposed district, once established on the proposed property, 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.

10. Upon the effective date of this Ordinance, the proposed Bonita Village Community Development District will be duly and legally authorized to exist and exercise on the proposed property all of its general and special powers as limited by law; and has the right to seek consent from the City for the grant of authority to exercise special powers in accordance with F.S. 190.012(2), without question as to the district's continued right, authority and power to exercise its limited powers as established by this Ordinance.

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

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: DISTRICT NAME

The community development district herein established will be known as Bonita Village Community Development District.

SECTION TWO: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing City ordinances.

SECTION THREE: ESTABLISHMENT OF COMMUNITY DEVELOPMENT DISTRICT

Bonita Village Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference. The City agrees that the District may undertake projects outside District boundaries pursuant to interlocal agreement or that are required by development approvals

and permits applicable to the lands within the District boundaries. In furtherance thereof, the Developer of the land within the District may assign its obligations under such development approvals and permits to the District, subject to any consent requirements by the agency issuing the said development approvals and permits.

SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS

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

1. Rick Armalavage
2240 Venetian Court
Naples, FL 34109
239-514-4646
2. Sean Weeks
8850 Terrene Court
Bonita Springs, FL 34135
239-947-3001
3. DeWayne Talley
27841 Hickory Blvd
Bonita Springs, FL 34134
239-707-9393
4. Hugo Papa
8805 Tamiami Trail North
Suite 122
Naples, FL 34108
239-430-7007
5. Vin DePasquale
801 12th Ave South
Suite 300
Naples, FL 34102
239-261-4191

SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT

Bonita Village Community Development District will be governed by its state-created general law charter in the provisions of Chapter 190, Florida Statutes. In addition, the Developer of the land within the boundaries of Bonita Village Community Development District, and any successors or assigns, shall include the disclosure statement contained in Section 190.048, Florida Statutes, to subsequent land purchase agreements.

SECTION SIX: 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 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 SEVEN: EFFECTIVE DATE

The effective date of this ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 6th day of July, 2005.

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: 7-12-05