

ORDINANCE NO. 2020- 12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE ENBROOK COMMUNITY DEVELOPMENT DISTRICT LOCATED IN UNINCORPORATED COLLIER COUNTY AND CONTAINING APPROXIMATELY 65.80+/- ACRES; PROVIDING FOR THE AUTHORITY FOR ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE ENBROOK COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE DESIGNATION OF INITIAL BOARD MEMBERS; PROVIDING FOR THE DISTRICT NAME; PROVIDING FOR STATUTORY PROVISIONS GOVERNING THE DISTRICT; PROVIDING FOR CONSENT TO SPECIAL POWERS; PROVIDING FOR PETITIONER'S COMMITMENTS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, D.R. Horton, Inc. has petitioned the Board of County Commissioners (Board) of Collier County, Florida, a political subdivision of the State of Florida, to establish the ENBROOK COMMUNITY DEVELOPMENT DISTRICT (District); and

WHEREAS, the Board of County Commissioners, after proper published notice has 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) Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete in that it meets the requirements of Sections 190.005, 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 this State, as provided for 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 serviced 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. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government; and

WHEREAS, pursuant to Section 190.012 (2)(a) and (2)(d), Florida Statutes, upon the establishment of the proposed community development district, the District Board of Supervisors have sought the right to consent from Collier County for the grant of authority to exercise special powers without question as to the continued right authority and power to exercise its limited powers as established by this Ordinance.

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

SECTION ONE: 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 TWO: ESTABLISHMENT OF THE ENBROOK COMMUNITY DEVELOPMENT DISTRICT.

The Enbrook 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 THREE: DESIGNATION OF INITIAL BOARD MEMBERS

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

- | | | | |
|----|----------------|----|------------------|
| 1. | James Ratz | 3. | Ashley Koza |
| 2. | Rebecca Sarver | 4. | J. Wayne Everett |
| 5. | Landon Thomas | | |

SECTION FOUR: DISTRICT NAME

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

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

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

SECTION SIX: CONSENT TO SPECIAL POWERS

The Board hereby consents to the exercise by the Board of Supervisors of the District of the special powers set forth in Section 190.012(2)(a) and (d), Florida Statutes, to plan establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: (i) parks and facilities for indoor and outdoor recreational, cultural, and education uses and (ii) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, as authorized by proper governmental agencies, provided however that the District may not exercise any police power, but may



contract with the appropriate local general purpose government agencies for an increased level of such services within the District boundaries.

SECTION SEVEN: PETITIONER’S COMMITMENTS

The adoption of this Ordinance is predicated upon the material inducements contained in the foregoing Recital setting forth Petitioner’s Commitments, re-stated as follows: that the Petitioner, its successors and assigns, shall (1) elect one resident of the District to the five member Board of Supervisors at such time as residents begin occupying homes in the District, and (2) record a Notice of Assessments containing the specific terms and conditions of any special assessments imposed to secure bonds issued by the District, which notice shall be recorded immediately after any such bond issuance. The Board shall retain any and all rights and remedies available at law and in equity to enforce Petitioner’s Commitments against Petitioner, its successors and assigns.

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 shall become effective upon filing with the Florida Department of State.



PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 10th day of March, 2020.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: *Olivia Cannon*
Deputy Clerk
Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY FLORIDA

By: *Burt L. Saunders*
Burt L. Saunders, Chairman

Approved as to form and legality:

[Signature]
Sally A. Ashkar
Assistant County Attorney *SA 2/5/20*

This ordinance filed with the Secretary of State's Office the 13th day of March 2020 and acknowledgement of that filing received this 13th day of March 2020
By: *Olivia Cannon*
Deputy Clerk



PROPERTY DESCRIPTION

ALL THAT PART OF SECTION 10, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID FRACTION, SOUTH 01°57'46" WEST, A DISTANCE OF 684.81 FEET; THENCE RUN ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 10, NORTH 88°13'01" WEST, A DISTANCE OF 1,389.16 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 10; THENCE RUN ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 10, NORTH 87°12'47" WEST, A DISTANCE OF 728.18 FEET TO A POINT ON THE BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1927, PAGE 924, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY, NORTH 02°26'10" EAST, A DISTANCE OF 671.07 FEET TO A POINT ON THE BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3908, PAGE 2101, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) SOUTH 88°16'21" EAST, A DISTANCE OF 1,039.50 FEET; 2) THENCE, NORTH 00°43'19" EAST, A DISTANCE OF 1,820.15 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MANATEE ROAD (COUNTY ROAD 31); THENCE RUN ALONG SAID RIGHT-OF-WAY, SOUTH 87°17'55" EAST, A DISTANCE OF 1,091.83 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 10; THENCE RUN ALONG SAID EAST LINE, SOUTH 07°56'12" WEST, A DISTANCE OF 1,389.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 65.88 ACRES MORE OR LESS.

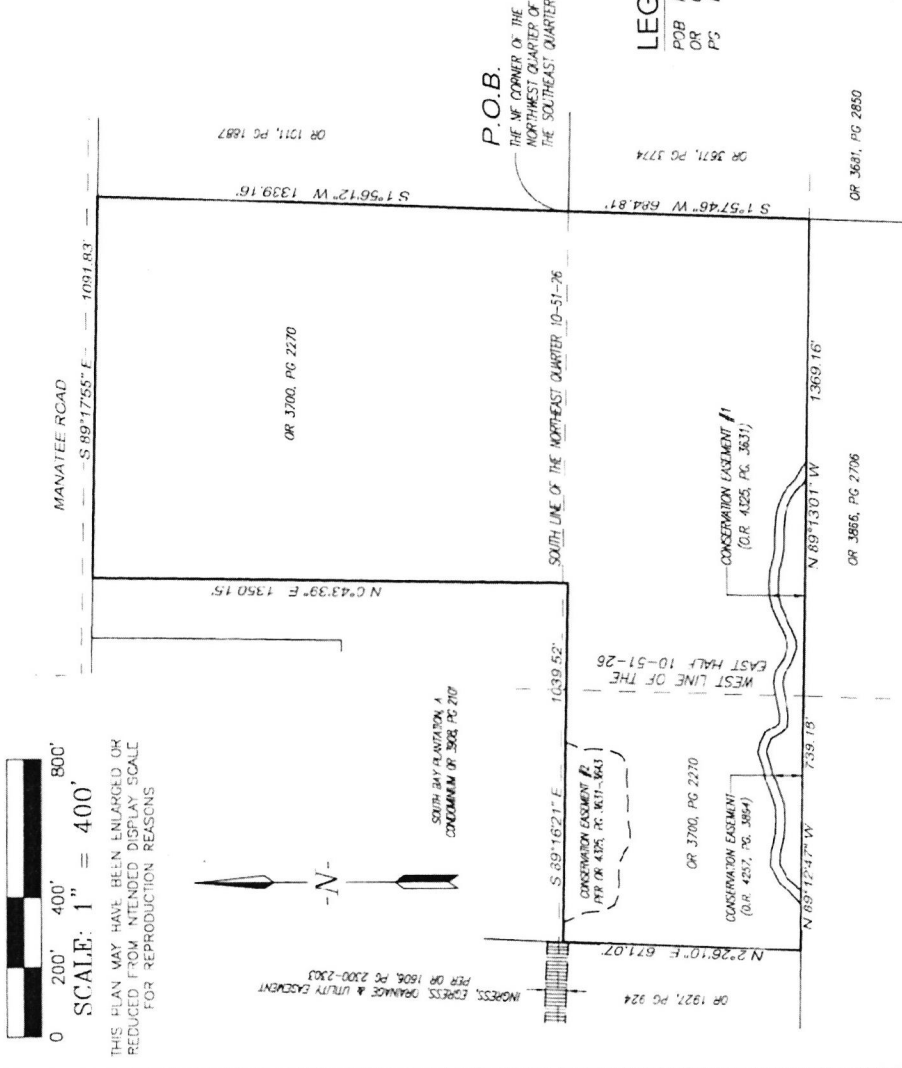
NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE; 1983 DATUM WITH 1990 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FDOT NETWORK AND REFER TO THE SOUTH LINE OF MANATEE ROAD (COUNTY ROAD NO. 31) COLLIER COUNTY, FLORIDA AS BEING S 89°17'55" E.
2. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE DIGITAL SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SURVEY MAP ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

LEGEND

POB POINT OF BEGINNING
OR OFFICIAL RECORDS BOOK
P# PAGE(S)

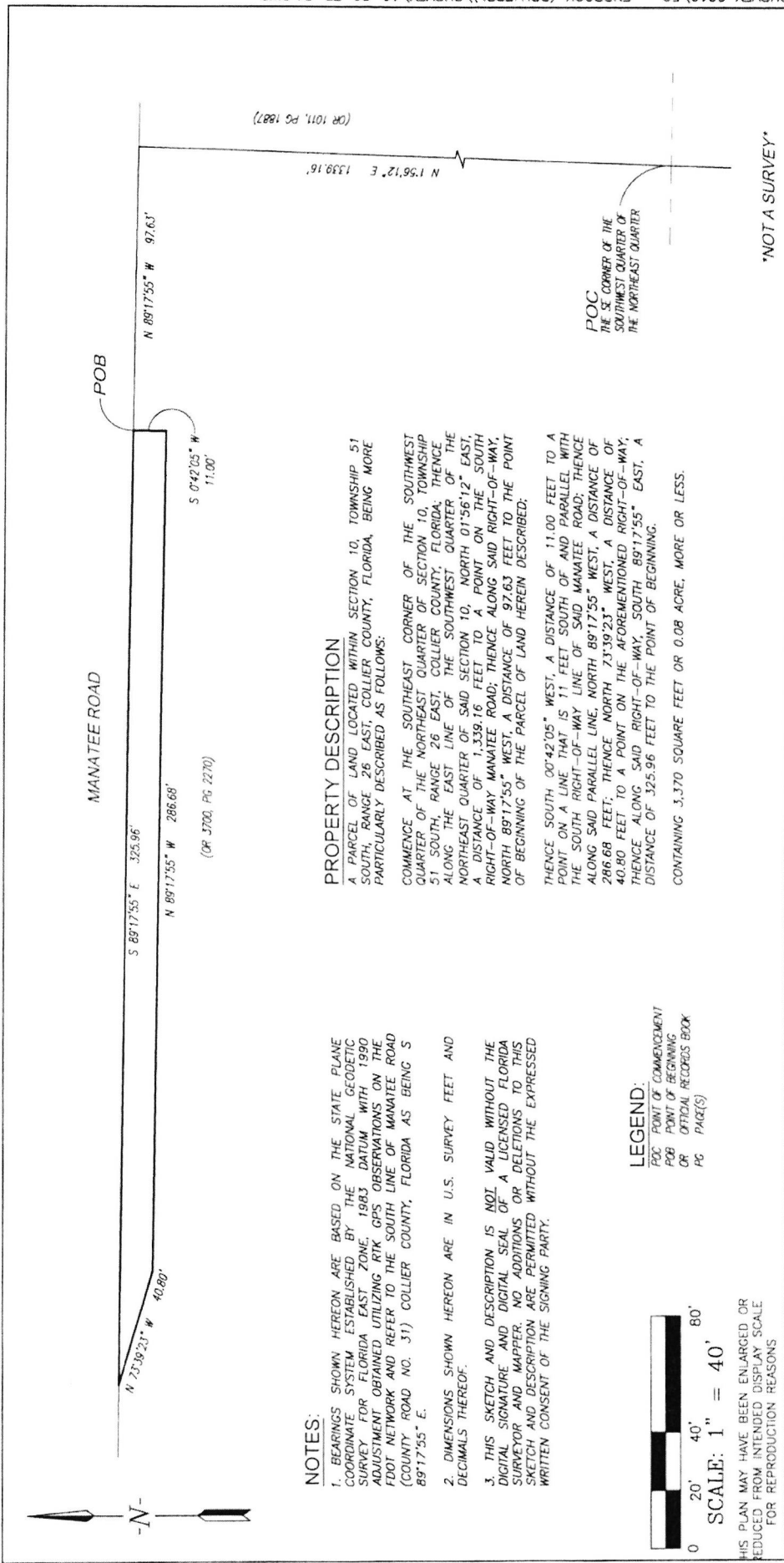
* THIS IS NOT A SURVEY *



DRAWN BY	KJG	SKETCH AND DESCRIPTION	ENBROOK
CHECKED BY	D-S	DATE SIGNED	_____
JOB CODE	DRHJEPL	DONALD L. SWANEY, R. P.S.M. FL LICENSE #761 FOR THE FIRM	
SCALE	1" = 400'	SECTION 10, TOWNSHIP 51 SOUTH, RANGE 26 EAST COLLIER COUNTY, FLORIDA	
DATE	2 OCTOBER 2019	* THIS IS NOT A SURVEY *	
FILE	19-50-51	O. Grady Minor and Associates, P.A. 3800 Via Del Rey Bonita Springs, Florida 34134	
SHEET	1 of 1	Civil Engineers • Land Surveyors • Planners • Landscape Architects Cert. of Auth. EB 9005151 Cert. of Auth. LB 0005151 Business: LC 26000286 Fort Myers: 239.690.4380 www.GradyMinor.com	



Less and except



NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FOOT NETWORK AND REFER TO THE SOUTH LINE OF MANATEE ROAD (COUNTY ROAD NO. 31) COLLIER COUNTY, FLORIDA AS BEING S 89°17'55" E.
- DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
- THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE DIGITAL SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

LEGEND:
 POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING
 OR OFFICIAL RECORDS BOOK
 PG PAGE(S)

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED WITHIN SECTION 10, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, NORTH 01°56'12" EAST, A DISTANCE OF 1,339.16 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY MANATEE ROAD; THENCE ALONG SAID RIGHT-OF-WAY, NORTH 89°17'55" WEST, A DISTANCE OF 97.63 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;
 THENCE SOUTH 00°42'05" WEST, A DISTANCE OF 11.00 FEET TO A POINT ON A LINE THAT IS 11 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID MANATEE ROAD; THENCE ALONG SAID PARALLEL LINE, NORTH 89°17'55" WEST, A DISTANCE OF 286.68 FEET; THENCE NORTH 73°39'23" WEST, A DISTANCE OF 40.80 FEET TO A POINT ON THE AFOREMENTIONED RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 89°17'55" EAST, A DISTANCE OF 325.96 FEET TO THE POINT OF BEGINNING.
 CONTAINING 3.370 SQUARE FEET OR 0.08 ACRE, MORE OR LESS.

THIS PLAN MAY HAVE BEEN ENLARGED OR REDUCED FROM INTENDED DISPLAY SCALE FOR REPRODUCTION REASONS

<p>GradyMinor</p> <p>Civil Engineers • Land Surveyors • Planners • Landscape Architects</p> <p>3000 Via Del Rey Bonita Springs, Florida 34134 Business LC 26000266 Fort Myers: 239.690.4380</p> <p>www.GradyMinor.com</p>		<p>DATE SIGNED</p> <p>DONALD L. SANTIENY, III, P.S.M. FL LICENSE #19761 FOR THE FIRM</p>
<p>SKETCH AND DESCRIPTION</p> <p>ENBROOK</p> <p>A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA</p>		<p>*NOT A SURVEY*</p>
<p>DRAWN BY: KJG</p> <p>CHECKED BY: DLS</p> <p>JOB CODE: DRHJEPPL</p> <p>SCALE: 1" = 40'</p> <p>DATE: 12 JULY 2019</p> <p>FILE: 19-50-TR-R1</p> <p>SHEET: 1 of 1</p>	<p>O. Grady Minor and Associates, P.A. 3000 Via Del Rey Bonita Springs, Florida 34134</p>	





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 13, 2020

Ms. Teresa Cannon, BMR Senior Deputy Clerk II
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3299 Tamiami Trail, Suite #401
Naples, Florida 34112-5324

Dear Ms. Cannon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2020-12, which was filed in this office on March 13, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb