



ORDINANCE NO. 01- 44

AN ORDINANCE ESTABLISHING THE PINE AIR LAKES COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Airport Road Limited Partnership has petitioned the board of County Commissioners to establish the PINE AIR LAKES COMMUNITY DEVELOPMENT DISTRICT (District); and

WHEREAS, the Board of County Commissioners, after proper published notice conducted a public hearing on the petition as required by law and determined the following:

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. Establishment of the proposed District is not inconsistent with the local Comprehensive Plan of Collier County and is not inconsistent with the State Comprehensive Plan.
3. That 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. That 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. That 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. That the area will be served by the District is amenable to separate special district government; and

WHEREAS, it is the policy of the State, as provided in Section 190.007 (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 served 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

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 DEPARTMENT OF STATE  
 TALLAHASSEE, FLORIDA

WHEREAS, Section 190.044 (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; and that a district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of local general purpose government.

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 PINE AIR LAKES COMMUNITY DEVELOPMENT DISTRICT.**

The Pine Air Lakes Community Development District (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 of the District:

- |  |  |
|--|--|
| 1. Janet Aronoff<br>626 Gulfshore Boulevard South<br>Naples, Florida 34102   | 3. Norman Ross<br>2525 Gulf of Mexico Drive<br>Apartment 6-D<br>Long Boat Key, Florida 34228 |
| 2. Marcia Ross<br>2525 Gulf of Mexico Drive<br>Apartment 6-D<br>Long Boat Key, Florida 34228                               | 4. Tom M. High<br>2599 13 <sup>th</sup> Street, North<br>Naples, Florida 34103               |
| 5. Katherine R. English<br>1610 Fort Denaud Road<br>LaBelle, Florida 33935<br>P.O. Drawer 1507<br>Ft. Myers, Florida 33902 |  |

**SECTION FOUR: DISTRICT NAME**

The community development district herein established shall henceforth be known as the Pine Air Lakes Community Development District.

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT**

The Pine Air Lakes Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes.

**SECTION SIX: 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 SEVEN: 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 EIGHT: 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 31 day of July, 2001.

ATTEST:  
DWIGHT E. BROCK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

*[Signature]*  
Deputy Clerk  
Attest as to Chairman's  
signature only.

BY: *[Signature]*  
JAMES D. CARTER, Ph.D., CHAIRMAN

Approved as to Form  
and Legal Sufficiency:

*[Signature]*  
Patrick G. White,  
Assistant County Attorney

This ordinance filed with the  
Secretary of State's Office the  
6<sup>th</sup> day of August, 2001  
and acknowledgement of that  
filing received this 9<sup>th</sup> day  
of August, 2001  
By: *[Signature]*, D.C.  
Deputy Clerk

State of FLORIDA  
County of COLLIER

I HEREBY CERTIFY THAT this is a true and  
correct copy of a document on file in  
Board Minutes and Records of Collier County  
WITNESS my hand and official seal this  
20<sup>th</sup> day of May, 2002.

DWIGHT E. BROCK, CLERK OF COURTS  
By: *[Signature]* D.E.

EXHIBIT A

**Pine Air Lakes  
Legal Description**

A parcel or tract of land lying in Section 11, Township 49 South, Range 25 East, Collier County, Florida, being described as follows:

Commencing at the Northeast corner of said Section 11, run S 00°27'47" W along the East line of said Section 11 a distance of 1318.86 feet; thence S 88°47'13" W 100.04 feet to the POINT OF BEGINNING and the westerly right-of-way line of County Road No. 31; thence continue S 88°47'13" W 2654.06 feet; thence S 01°05'27" E 1316.71 feet; thence S 01°05'18" E 1316.78 feet; thence N 88°51'31" E 1341.42 feet; thence N 00°18'58" W 329.45 feet; thence N 88°50'57"E 1245.82 feet to the Westerly right-of-way line of County Road No. 31; thence N 00°27'18" E along said right-of-way line 989.28 feet; thence N 00°27'40" E along said right-of-way line 1318.80 feet to the POINT OF BEGINNING:

Said parcel or tract containing 148.99 acres, more or less.

Bearings based on a bearing of N 00°27'47" E on the East line of the NE ½ of Section 11, Township 49 South, Range 25 East, Collier County, Florida.

This description meets the Minimum Technical Standards as set forth by the Florida Board of Land Surveyors, pursuant to Chapter 472.027, Florida Statutes.

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TALLAHASSEE, FLORIDA