

ORDINANCE NO. 2016 - 34

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE ORANGE BLOSSOM GROVES COMMUNITY DEVELOPMENT DISTRICT LOCATED IN UNINCORPORATED COLLIER COUNTY AND CONTAINING APPROXIMATELY 89.98 ACRES; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE ORANGE BLOSSOM GROVES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE DESIGNATION OF THE 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, RP Orange Blossom Owner, LLC, a Delaware limited liability company has petitioned the Board of County Commissioners (Board) of Collier County, Florida, a political subdivision of the State of Florida, to establish the ORANGE BLOSSOM GROVES 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 and meets the requirements of Section 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.

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.

WHEREAS, pursuant to Section 190.012 (2)(d), Florida Statutes, upon the establishment of the proposed community development district, the District Board of Supervisors have sought 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 ORANGE BLOSSOM GROVES COMMUNITY DEVELOPMENT DISTRICT

The Orange Blossom Groves 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. | Mark Taylor
3066 Tamiami Trail North,
Suite 201
Naples, FL 34103 | 2. | Jim Reinders
3066 Tamiami Trail North,
Suite 201
Naples, FL 34103 |
| 3. | Brian O'Donnell
3066 Tamiami Trail North,
Suite 201
Naples, FL 34103 | 4. | Ken Bloom
3066 Tamiami Trail North,
Suite 201
Naples, FL 34103 |
| 5. | Karen Welks
3066 Tamiami Trail North,
Suite 201
Naples, FL 34103 | | |

SECTION FOUR: DISTRICT NAME

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

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

The Orange Blossom Groves 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

Upon the effective date of this Ordinance, the Orange Blossom Groves Community Development District will be duly and legally authorized to exist and exercise all of its powers as set forth in Section 190.012(1), Florida Statutes, and as otherwise provided by law.

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)(d), Florida Statutes, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except 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 recitals setting forth Petitioner's Commitments, re-stated as follows: (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.

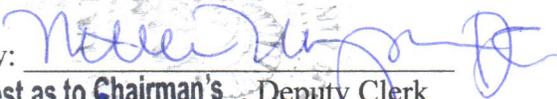
SECTION TEN: EFFECTIVE DATE

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 15th day of November, 2016.

ATTEST: DWIGHT E. BROCK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Attest as to Chairman's, Deputy Clerk
signature only.
Approved as to form and legality:

By: 
DONNA FIALA, CHAIRMAN


Jeffrey A. Klatzkow
County Attorney

This ordinance filed with the
Secretary of State's Office the
17th day of November, 2016
and acknowledgement of that
filing received this 17th day
of November, 2016
By: 
Deputy Clerk

EXHIBIT "A"

DESCRIPTION

Parcel in
Section 24, Township 48 South, Range 27 East and
Section 19, Township 48 South, Range 28 East,
Collier County, Florida

A tract or parcel of land lying in Section 24, Township 48 South, Range 27 East and Section 19, Township 48 South, Range 28 East, Collier County, Florida said tract or parcel of land being more particularly described as follows:

Beginning at the Northwest Corner of Tract "C" of the record plat of "ORANGE BLOSSOM RANCH PHASE 1B" as recorded in Plat Book 45, Page 67, of the Public Records of Collier County Florida, run along the Westerly and Southerly line of said record plat the following twenty-two (22) courses: S01°08'55"E for 49.76 feet to a point on a non-tangent curve; Southerly along an arc of a curve to the right of radius 208.00 feet (delta 62°28'11") (chord bearing S11°00'14"W) (chord 215.72 feet) for 226.78 feet to a point of reverse curvature; Southerly along an arc of a curve to the left of radius 145.00 feet (delta 42°42'40") (chord bearing S20°53'00"W) (chord 105.60 feet) for 108.09 feet to a point of tangency; S00°28'20"E for 411.78 feet; S89°31'40"W for 140.00 feet; S00°28'20"E for 204.45 feet; N89°31'40"E for 26.94 feet; S00°28'20"E for 140.00 feet; S00°48'03"W for 135.03 feet; N89°31'40"E for 299.00 feet; N00°28'20"W for 250.00 feet; N89°31'40"E for 45.00 feet; S00°28'20"E for 250.00 feet; N89°31'40"E for 446.11 feet to a point of curvature; Easterly along an arc of a curve to the right of radius 262.50 feet (delta 36°22'17") (chord bearing S72°17'12"E) (chord 163.85 feet) for 166.63 feet; S70°19'00"E for 354.38 feet; S68°57'50"E for 185.00 feet; N21°02'10"E for 30.99 feet; S68°57'50"E for 368.98 feet to a point of curvature; Easterly along an arc of a curve to the left of radius 145.00 feet (delta 53°52'50") (chord bearing N84°05'45"E) (chord 131.39 feet) for 136.36 feet to a point of reverse curvature; Easterly along an arc of a curve to the right of radius 208.00 feet (delta 100°04'18") (chord bearing S72°48'31"E) (chord 318.84 feet) for 363.29 feet and N89°31'46"E for 26.07 feet to an intersection with the West right of way line of the North Golden Gate Canal, (80' wide right of way), as shown on the record plats of North Golden Gate Units 4 thru 7; thence run S00°30'08"E along said West line right of way line for 1,007.41 feet; thence run S89°30'45"W for 400.90 feet; thence run N58°31'30"W for 1,010.00 feet; thence run N88°17'02"W for 645.91 feet; thence run S81°45'30"W for 230.00 feet; thence run N47°05'10"W for 686.83 feet; thence run N31°29'30"W for 300.00 feet; thence run N50°28'29"W for 630.00 feet; thence run N39°58'30"W for 255.00 feet; thence run N00°24'23"W for 825.00 feet to an intersection with the South right of way line of Oil Well Road, (County Road 858), (200' wide right of way), as described in a deed recorded in Official Records Book 4279, at Page 1221, Collier County Records, also being the South line of the North 75 feet of said Section 24; thence run along said South right of way line the following two (2) courses: N89°35'37"E for 750.16 feet and N88°50'05"E for 609.19 feet to the POINT OF BEGINNING.

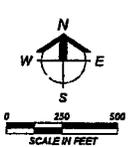
Containing 89.98 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida East Zone (1983/NSRS 2007) and are based on the North line of Northeast Quarter (NE 1/4) of Section 24 to bear N88°50'05"E.

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\23218 - Orange Blossom Ronto\Surveying\Description\23218SK11.doc

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

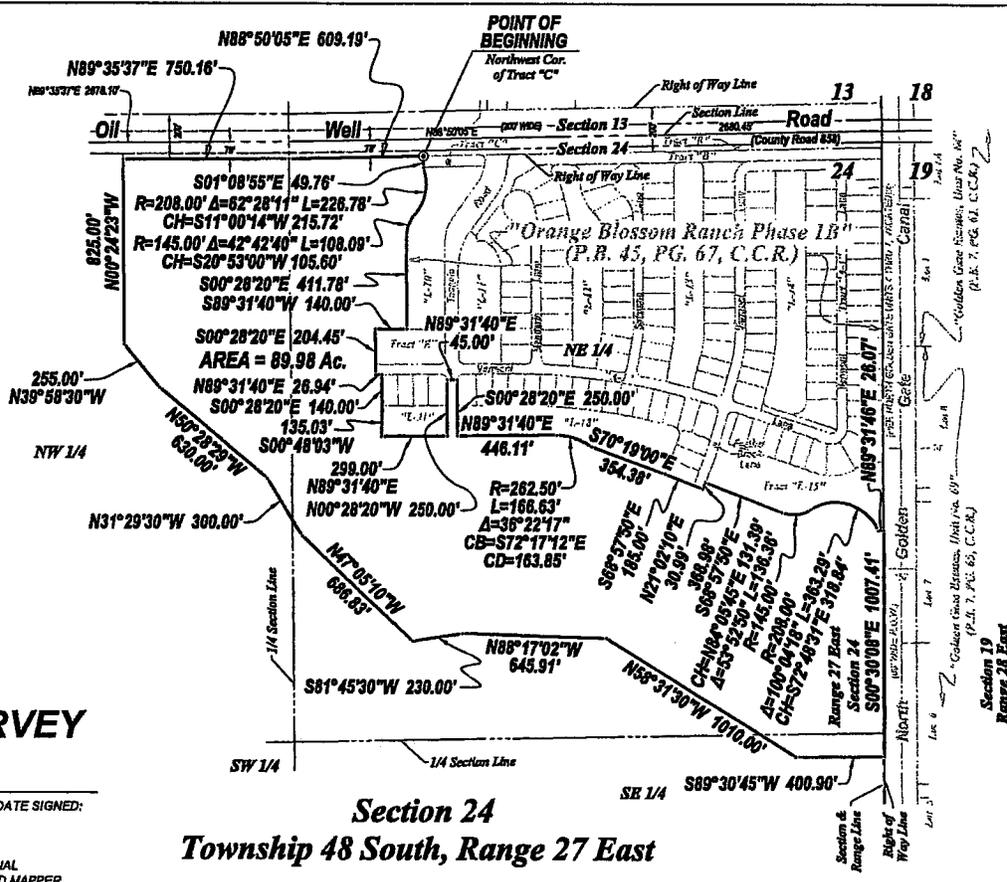


- NOTES:**
- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
 - D.E. - DENOTES DRAINAGE EASEMENT.
 - I.E. - DENOTES IRRIGATION EASEMENT.
 - L.B.E. - DENOTES LANDSCAPE BUFFER EASEMENT.
 - L.M.E. - DENOTES LAKE MAINTENANCE EASEMENT.
 - O.R. - DENOTES OFFICIAL RECORD BOOK, COLLIER COUNTY PUBLIC RECORDS.
 - (P) - DENOTES PLAT.
 - P.B. - DENOTES PLAT BOOK.
 - PG. - DENOTES PAGE.
 - P.U.E. - DENOTES PUBLIC UTILITY EASEMENT.
 - O.U.E. - DENOTES ORANGE TREE UTILITY COMPANY EASEMENT.
 - BEARINGS AS SHOWN ARE STATE PLANE FLORIDA EAST ZONE (NAD 1983 (NSRS 2007)) ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 24, TO BEAR N88°50'05"E.
 - DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED:
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5949

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



Section 24
Township 48 South, Range 27 East

Barraco
 Land Administration, Inc.
 2711 EAST HIGHWAY 1 AND SUITE 400
 LANDSCAPE ARCHITECTURE
 www.barraco.net
 8871 ALDENWOOD BLVD SUITE 100
 FORT MYERS FLORIDA 33907
 PHONE (888) 441-1187
 FAX (888) 441-1187
 LICENSED SURVEYOR IN FLORIDA
 PROFESSIONAL REG. NO. 61, C.C.R.# 7

ORANGE BLOSSOM GROVE C.D.D.

A Parcel of Land in
 Section 24,
 Township 48 South,
 Range 27 East and
 Section 19,
 Township 48 South,
 Range 28 East,
 Collier County, Florida

EXHIBIT "A"

SKETCH TO ACCOMPANY DESCRIPTION

DATE: 11/11/11
 SHEET: 2 OF 2



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 17, 2016

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Martha Vergara, BMR Senior Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2016-34, which was filed in this office on November 17, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb