

ORDINANCE NO. 2020-19

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE TAMARINDO COMMUNITY DEVELOPMENT DISTRICT LOCATED IN UNINCORPORATED COLLIER COUNTY AND CONTAINING APPROXIMATELY 106.44+/- ACRES; PROVIDING FOR THE AUTHORITY FOR ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE TAMARINDO 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 TARAMINDO 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 TAMARINDO COMMUNITY DEVELOPMENT DISTRICT.

The Tamarindo 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 "Tamarindo Community Development District."

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

The Tamarindo 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

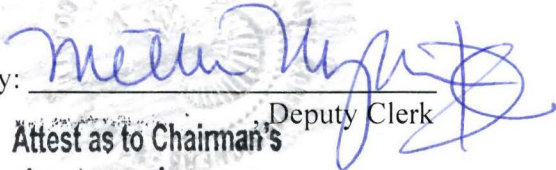
The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate 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 14th day of July, 2020.

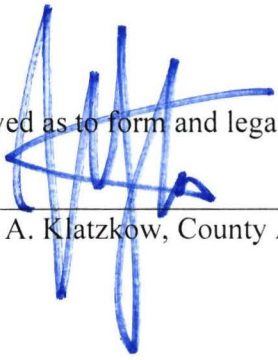
ATTEST:
CRYSTAL K. KINZEL, CLERK

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

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY FLORIDA

By: 
Burt L. Saunders, Chairman

Approved as to form and legality:


Jeffrey A. Klatzkow, County Attorney

This ordinance filed with the
Secretary of State's Office the
21st day of July, 2020
and acknowledgement of that
filing received this 21st day
of July, 2020

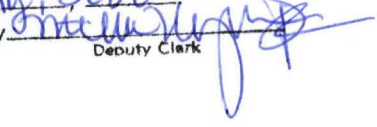
By: 
Deputy Clerk

Exhibit "A"
Legal Description

A PARCEL OF LAND LYING IN SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; THENCE N89°01'58"E FOR 664.25 FEET ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23 TO AN INTERSECTION WITH THE WEST LINE OF TRACT "F1" OF THE PLAT OF ESPLANADE AT HACIENDA LAKES AS RECORDED IN PLAT BOOK 55, PAGE 1, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

THENCE S01°14'38"W FOR 675.75 FEET ON SAID WEST LINE OF TRACT "F1" TO THE SOUTHWEST CORNER OF SAID TRACT "F1";

THENCE S01°14'14"W ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 23 FOR 675.73 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION;

THENCE S89°42'08"W ON THE SOUTH LINE OF SAID FRACTION FOR 662.30 FEET TO AN INTERSECTION WITH EAST LINE OF A PARCEL OF LAND AS RECORDED IN OFFICIAL RECORDS BOOK 4466, PAGE 3476, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

THENCE THE FOLLOWING FIVE BEARINGS AND DISTANCES ON THE EAST AND SOUTH LINES OF SAID PARCEL:

1. S01°09'56"W FOR 617.91 FEET;
2. N89°34'54"W FOR 300.19 FEET;
3. S01°09'09"W FOR 435.95 FEET;
4. N89°34'09"W FOR 150.16 FEET;
5. N89°38'05"W FOR 210.56 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF (E-1/2) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N01°05'19"E ON SAID WEST LINE FOR 43.72 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF (S-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°48'02"W ON SAID NORTH LINE FOR 15.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF PARCEL 1 AS RECORDED IN OFFICIAL RECORDS BOOK 4970, PAGE 3362, SAID PUBLIC RECORDS;

THENCE THE FOLLOWING FOUR BEARINGS AND DISTANCES ON THE SOUTH, WEST AND NORTH LINES OF SAID PARCEL 1:

[CONTINUED ON FOLLOWING PAGE]

1. S01°05'19"W ON SAID EAST LINE FOR 303.80 FEET;
2. N89°37'28"W FOR 645.47 FEET;
3. N01°01'07"E FOR 302.01 FEET
4. S89°47'35"E FOR 30.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID PARCEL OF LAND RECORDED IN IN OFFICIAL RECORDS BOOK 4466, PAGE 3476, SAID PUBLIC RECORDS;

THENCE THE FOLLOWING FIVE BEARINGS AND DISTANCES ON THE WEST LINE OF SAID PARCEL:

1. N01°01'01"E FOR 218.98 FEET;
 2. N52°35'40"E FOR 646.23 FEET;
 3. N40°29'08"W FOR 30.05 FEET;
 4. N49°40'54"E FOR 22.10 FEET;
 5. THENCE N36°22'15"E FOR 436.44 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S89°42'08"W ON SAID SOUTH LINE FOR 785.71 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE N01°01'01"E FOR 332.01 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S89°32'04"W FOR 994.18 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S00°54'12"W FOR 329.09 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE N89°42'08"E FOR 331.15 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S00°56'29"W FOR 660.13 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE N89°57'42"W FOR 330.68 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S00°54'12"W FOR 329.09 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

[CONTINUED ON FOLLOWING PAGE]

THENCE N89°47'35"W ON THE SOUTH LINE OF SAID FRACTION FOR 230.44 FEET TO AN INTERSECTION WITH A LINE 100 FEET EAST OF (AS MEASURED ON A PERPENDICULAR) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 23;

THENCE N00°51'53"E ON SAID PARALLEL LINE FOR 1642.03 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°22'01"E FOR 894.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N00°58'45"E FOR 662.08 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST (NE-1/4) OF THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°01'58"E FOR 996.40 FEET TO THE NORTHWEST CORNER OF THE EAST HALF (E-1/2) OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE S01°05'30"W ON THE WEST LINE OF SAID FRACTION FOR 328.19 FEET TO AN INTERSECTION WITH A LINE 328.19 FEET SOUTH OF (AS MEASURED ON A PERPENDICULAR) AND PARALLEL WITH THE NORTH LINE OF SAID FRACTION;

THENCE N89°01'53"E ON SAID PARALLEL LINE FOR 663.85 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE EAST HALF (E-1/4) OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N01°10'38"E ON SAID EAST LINE FOR 328.19 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 106.44 ACRES, MORE OR LESS.

LESS THAT PART OF THE ABOVE DESCRIBED PROPERTY CONTAINED IN DEED RECORDED IN O.R. BOOK 321, PAGE 259, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST TO BEAR NORTH 89°01'58" EAST.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

July 21, 2020

Ms. Ann P. Jennejohn, BMR Senior Deputy Clerk
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Attn: Martha Vergara, BMR & VAB Senior Deputy Clerk

Dear Ms. Jennejohn:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2020-19, which was filed in this office on July 21, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb