

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, ESTABLISHING THE CC COMMUNITY DEVELOPMENT DISTRICT LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF CAPE CORAL, FLORIDA, CONTAINING APPROXIMATELY 130.27 ACRES, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE CC 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 SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, CCTC Fee Owner, LLC, a Delaware limited liability company, has petitioned the City Council (“Council”) of the City of Cape Coral, Florida, a Florida municipal corporation, to establish the CC COMMUNITY DEVELOPMENT DISTRICT (“District”); and

WHEREAS, the Council, 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 the City of Cape Coral, Florida, 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 served 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 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 Community Planning Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION ONE: 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 TWO: ESTABLISHMENT OF THE CC COMMUNITY DEVELOPMENT DISTRICT

The CC 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. David Levinson
222 Lakeview Avenue, Suite 1130
West Palm Beach, FL 33401
2. Simone Levinson
222 Lakeview Avenue, Suite 1130
West Palm Beach, FL 33401
3. James Zboril
222 Lakeview Avenue, Suite 1130
West Palm Beach, FL 33401
4. Evan Lahr
222 Lakeview Avenue, Suite 1130
West Palm Beach, FL 33401
5. Angela Molano
222 Lakeview Avenue, Suite 1130
West Palm Beach, FL 33401

SECTION FOUR: DISTRICT NAME

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

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

The CC 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 CC Community Development District will be duly and legally authorized to exist and exercise all of the powers as set forth in Section 190.012(1), Florida Statutes, and as otherwise provided by law.

The Council hereby consents to the exercise by the Board of Supervisors of the District of special powers set forth in Sections 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 parks and facilities for indoor and outdoor recreational, cultural, and educational uses, as well as 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 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: SEVERABILITY

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 EIGHT: EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 16th DAY OF August, 2023.



JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER aye
STEINKE excused
SHEPPARD aye
HAYDEN aye


CUMMINGS aye
WELSH aye
LONG aye
COSDEN aye

ATTESTED TO AND FILED IN MY OFFICE THIS 28th DAY OF August, 2023.



KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:




ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Establish CC Community Development District 

EXHIBIT "A"

DESCRIPTION:

PARCEL 1

A TRACT OR PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 23 EAST, IN LEE COUNTY, FLORIDA, AND LOTS 65 THROUGH 80, BLOCK 3686, CAPE CORAL UNIT 50, AS RECORDED IN PLAT BOOK 17, PAGES 155 THROUGH 162 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 16; THENCE N 87°42'20" E ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 16, 334.95 FEET; THENCE N 00°03'31" E ALONG THE EAST LINE OF THE WEST HALF, OF THE WEST HALF OF THE SOUTHWEST QUARTER (1/4), OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 16, 966.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°03'31" E, 641.30 FEET; THENCE S 89°47'58" E, 333.98 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF (1/2) OF THE WEST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 16, ALSO BEING THE WEST LINE OF BLOCK 3685, CAPE CORAL UNIT 50; THENCE N 00°02'02" E ALONG SAID EAST LINE, 994.10 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHEAST QUARTER (1/4); THENCE S 89°23'43" W ALONG SAID NORTH LINE, 245.84 FEET TO A POINT ON THE EAST LINE OF SAID LOT 80; THENCE N 00°01'40" E ALONG THE EAST LINE OF SAID LOT 80, 81.60 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF S.W. 4TH STREET (70 FEET WIDE); THENCE N 89°47'49" W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID S.W. 4TH STREET, 645.08 FEET TO THE NORTHWEST CORNER OF LOT 65; THENCE S 00°01'40" W, 125.21 FEET TO THE SOUTHWEST CORNER OF SAID LOT 65; THENCE S 89°47'49" E, 223.76 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE SOUTHEAST QUARTER (1/4), THENCE S 00°05'00" W ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (1/4), 1589.18 FEET; THENCE S 89°56'29" E 334.25 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LOTS 65 THROUGH 80, BLOCK 3686, CAPE CORAL UNIT 50, AS RECORDED IN PLAT BOOK 17, PAGES 155 THROUGH 162, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT PARCEL DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS INSTRUMENT #2018000008049 AND STIPULATED FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS INSTRUMENT #2018000280223, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 2

THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4), LESS THE WEST 320 FEET THEREOF, AND THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), SECTION 16, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LESS ROAD RIGHT-OF-WAY FOR S.R. #78 ALONG THE SOUTH LINE OF SAID WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) AND LESS THE FOLLOWING DESCRIBED PARCEL TO WIT:

BEGINNING AT A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 23 EAST; THENCE RUN NORTH 89°23'43" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW 1/4), 2679.63 FEET, TO A CONCRETE MONUMENT AT THE NORTHEAST CORNER THEREOF, THENCE RUN SOUTH 00°05'00" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW 1/4), 37.67 FEET; THENCE RUN NORTH 89°47'58" WEST, 2679.44 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS THE SOUTH 100.00 FEET OF THE NORTH 294.71 FEET OF THE WEST 320.00 FEET OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 16.

PARCEL 3

THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

LESS THE SOUTH 554.03' THEREOF.

LESS ANY PART THEREOF LYING IN RIGHT-OF-WAY STATE ROAD 78.

AND

PARCEL 4

LOTS 65 THROUGH 70, AND LOTS 73 THROUGH 80, BLOCK 3686, UNIT 50, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 155, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

LOTS 8, 9 AND 10, BLOCK 3685, UNIT 50, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 155, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 5

THE EAST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA. LESS RIGHT OF WAY OF STATE ROAD 78 ALSO KNOWN AS PINE ISLAND ROAD.

TOGETHER WITH:

THE WEST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16 TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA. LESS RIGHT OF WAY OF STATE ROAD 78 ALSO KNOWN AS PINE ISLAND ROAD.

AND

LOTS 52, 53 AND 54, BLOCK 3917, UNIT 54, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGES 79-91, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CONTAINING A TOTAL OF 130.27 +/- ACRES