

SEP 29 1986

AN ORDINANCE ESTABLISHING THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; SPECIFYING CONSENT TO POWERS UNDER SECTION 190.012(2), FLORIDA STATUTES; PROVIDING THAT THE COUNTY MAY NOT AND SHALL NOT EXPAND, MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES, OTHER THAN AS ABOVE REFERENCED IN SECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

SEP 22 3 01 PM '86

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James C. Siles

CLERK OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

WHEREAS, PORT OF THE ISLANDS, INC., has petitioned the Board of County Commissioners to establish the PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published notice, conducted a local public information-gathering ordinance hearing as required by law and finds as follows:

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.) The costs to the County and government agencies from establishment of the district are nominal. There is no adverse impact on competition or employment from district establishment. The persons affected by establishment are the future landowners, present landowners, Collier County and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from district establishment as the entity to manage and finance the statutory services identified. The economic impact statement of the petitioner on district establishment is adequate.

3.) 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, Chapter 85-57, Laws of Florida.

01/24/05

4.) 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.

5.) 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.

6.) 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.

7.) That the area that will be served by the district is amendable to separate special district government.

8.) That upon the effective date of this ordinance, the proposed Port Of The Islands Community Improvement District shall be duly and legally authorized to exist and to exercise all of its general and special powers as limited by law; and that consent by Collier County in this or any future ordinance to any special power in Section 190.012(2), Florida Statutes, does not in any way revisit the question of establishment of the district and its authority and power to exercise its limited powers under law.

9.) All notice requirements of law were met and complete notice was timely given.

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

SECTION ONE: Authority For Ordinance.

This Ordinance is adopted pursuant to required notice and procedures and authority of Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

SECTION TWO: Establishment Of The Port Of The Islands Community Improvement District.

The Port Of The Islands Community Improvement District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference.

SECTION THREE: Designation Of Initial Board Members.

The following five persons are herewith designated to be the initial members of the board of supervisors:

William H. Clark
E. Scott Hightower
Charles F. Ray
Thomas M. Taylor
George L. Varnadoe

SECTION FOUR: District Name.

The community development district herein established shall henceforth be known as PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT.

SECTION FIVE: Statutory Provisions Governing District.

Port of the Islands Community Improvement District shall be governed by the provisions of Chapter 190, Florida Statutes, and Collier County shall not adopt any ordinance which will expand, modify or delete any provisions of Chapter 190, Florida Statutes.

SECTION SIX: Special District Powers.

Pursuant to Section 190.012(2), Florida Statutes, the Port of the Islands Community Improvement District shall have the special powers to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- (a) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.
- (b) Fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.
- (c) School buildings and related structures, which may be leased, sold, or donated to the school district, for use in the educational system when authorized by the district school board.
- (d) 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.

- (e) Control and elimination of mosquitoes and other arthropods of public health importance.

4.) 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.

5.) 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.

6.) 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.

7.) That the area that will be served by the district is amendable to separate special district government.

8.) That upon the effective date of this ordinance, the proposed Port Of The Islands Community Improvement District shall be duly and legally authorized to exist and to exercise all of its general and special powers as limited by law; and that consent by Collier County in this or any future ordinance to any special power in Section 190.012(2), Florida Statutes, does not in any way revisit the question of establishment of the district and its authority and power to exercise its limited powers under law.

9.) All notice requirements of law were met and complete notice was timely given.

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

SECTION ONE: Authority For Ordinance.

This Ord.

is adopted pursuant to required notice and

PASSED AND DULY ADOPTED by the Board of County Commissioners
of Collier County, Florida, this 16th day of September, 1986.

ATTEST:
JAMES C. GILES, Clerk

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: Virginia Magri
Virginia Magri
Deputy Clerk

By: John A. Pistor
JOHN A. PISTOR, Chairman

Approved as to form and
legal sufficiency:

David J. Mourick
David J. Mourick
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
22nd day of Sept, 1986
and acknowledgement of that
filing received this 16th day
of Sept, 1986

By: Luise L. Hesonis
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the Twentieth
Judicial Circuit, do hereby certify that the foregoing is a true
original of:

ORDINANCE NO. 86-64

which was adopted by the Board of County Commissioners during
Regular Session on the 16th day of September, 1986.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 17th day of
September, 1986.

JAMES C. GILES, Clerk
Clerk of Courts and Clerk
Ex-Officio to the Board of
County Commissioners.

By: Virginia Magri
Virginia Magri, Deputy Clerk

EXHIBIT "A"

The East one-half (1/2) of Section Four (4) and the East one-half of Section Nine in Township 52 South, Range 28 East, in Collier County, Florida, less and except that portion thereof constituting the right-of-way of U.S. Highway 41 (Tamiami Trail) and LESS AND EXCEPT that certain canal right-of-way for the Fahka Union Outfall Canal which traverses the property in North and South direction.