

UCD 2023- 00005

**PETITION TO AMEND THE
BOUNDARIES OF
ESPLANADE LAKE CLUB
COMMUNITY
DEVELOPMENT DISTRICT**

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COMMUNITY DEVELOPMENT

Submitted by:

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**BEFORE THE COUNTY COMMISSION OF
LEE COUNTY, FLORIDA**

**PETITION TO AMEND THE BOUNDARIES OF
ESPLANADE LAKE CLUB COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Esplanade Lake Club Community Development District, a unit of special-purpose local government established pursuant to the provisions of Chapter 190, Florida Statutes, and Lee County Ordinance No. 18-21, as amended by Ordinance No. 20-10, and located entirely within the boundaries of Lee County, Florida (“District”), hereby petitions the Lee County Board of County Commissioners, pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, Florida Statutes, and specifically Sections 190.046 and 190.005, Florida Statutes, to adopt an amendment to Ordinance No. 18-21 to add approximately 46.027 acres to the District. In support of this petition, the District states:

1. Location and Size. The District is located entirely within Lee County, Florida (“County”). **Exhibit 1** depicts the general location of the existing District. The District currently covers approximately 797.081 acres of land and is located south of Alico Road, north of Miromar Lakes Parkway and east of Ben Hill Griffin Parkway. The current metes and bounds description of the external boundary of the District is set forth in **Exhibit 2**. The metes and bounds of the lands to be added to the District (“Expansion Parcels”) which comprise approximately 46.293 acres are set forth in **Exhibit 3**. Subsequent to the proposed amendment of the District, the District will encompass approximately 843.374 acres in total. **Exhibit 4** contains the metes and bounds description of the District boundary, as amended (“Amended District”). **Exhibit 5** depicts the general location of the Amended District.

2. Excluded Parcels. There are no parcels within the external boundary of the Amended District which are to be excluded.

3. Landowner Consent. Petitioner has obtained written consent to amend the boundary of the District from the owners of one hundred percent of property subject to the proposed amendment. Documentation of this consent is contained in **Exhibit 6**. The favorable action by the Board of Supervisors of the District, as reflected in Resolution 2023-23 at **Exhibit 7**, constitutes consent for all other lands pursuant to Section 190.046(1)(f), Florida Statutes.

4. Board Members. The five persons designated by the Ordinance as the original Board of Supervisors met and scheduled an election of the landowners as required by Section 190.006, Florida Statutes. The current members of the Board of Supervisors of the District are Charles Cook, Brian Keller, Rebekah Norton, Valerie McChesney, and a vacant seat.

5. Future Land Uses. The designation of future general distribution, location, and extent of the public and private land uses proposed for the Amended District by the future land use plan elements of the local government comprehensive plan are shown on **Exhibit 8**. Amendment of the District in the manner proposed is consistent with the adopted local government comprehensive plan.

6. Major Water and Wastewater Facilities. **Exhibit 9** shows the existing and proposed major trunk water mains and sewer interceptors and outfalls to be included within the Amended District, as well as the proposed drainage patterns for lands within the Amended District. **Exhibit 9** also includes a letter from Lee County Utilities confirming the availability of water and wastewater service for the lands within the Amended District.

7. District Facilities and Services. **Exhibit 10** describes the type of facilities District presently expects to finance, construct, acquire and/or install, as well as the anticipated owner and entity responsible for maintenance. The estimated costs of constructing the infrastructure serving lands within the Amended District are also identified in **Exhibit 10**. Currently, these improvements are estimated to be made, acquired, constructed, and/or installed between 2023 and 2025. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

8. Statement of Estimated Regulatory Costs. **Exhibit 11** is the statement of estimated regulatory costs (“SERC”) prepared in accordance with the requirements of Section 120.541, Florida Statutes. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

9. Landowner Deed. Copies of the warranty deeds which include the lands located within the Expansion Parcels is provided in **Exhibit 12**.

10. Certificate of Petition and Agent Authorization. **Exhibit 13** is an affidavit of the Chairman of the District’s Board of Supervisors, affirming that the contents of the Petition were reviewed and are true and correct to the best of the Chairman’s knowledge, and authorizing Wesley Haber to act as the District’s agents in all matters related to the Petition. Copies of all correspondence should be sent to:

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11. Chapter 190, Florida Statutes Requirements Are Met. This petition to amend the boundary of the District should be granted for the following reasons:

a. Amendment of the District's boundary and all land uses and services planned within the Amended District are not inconsistent with applicable elements or portions of the adopted state comprehensive plan or the effective local government comprehensive plan.

b. The area of land within the Amended District is part of a planned community. The Amended District will continue to be of sufficient size and sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. Existence of the Amended District will prevent the general body of taxpayers in the County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the Amended District. The Amended District is the best alternative for delivering community development services and facilities to the Amended District without imposing an additional burden on the general population of the County. Amendment of the District to include such lands within a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the Amended District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

e. The area to be served by the Amended District is amenable to separate special-district government.

WHEREFORE, the District respectfully requests that the Board of County Commissioners of Lee County:

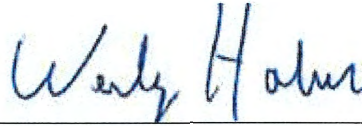
a. Schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes; and

b. Grant the petition and amend Ordinance No. 18-21 to amend the boundary of the District pursuant to Chapter 190, Florida Statutes.

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RESPECTFULLY SUBMITTED, this 14th day of November, 2023.

KUTAK ROCK LLP

A handwritten signature in blue ink that reads "Wesley S. Haber". The signature is written in a cursive style and is positioned above a horizontal line.

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