

ORDINANCE NO. 2023 33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE CAYMAS COMMUNITY DEVELOPMENT DISTRICT LOCATED IN UNINCORPORATED COLLIER COUNTY AND CONTAINING APPROXIMATELY 767.687+/- ACRES; PROVIDING FOR THE AUTHORITY FOR ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE CAYMAS COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE DESIGNATION OF INITIAL BOARD MEMBERS; PROVIDING FOR THE DISTRICT NAME; PROVIDING 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. [PL20230000377]

INSTR 6426269 OR 6266 PG 2091
RECORDED 7/10/2023 9:34 AM PAGES 9
CLERK OF THE CIRCUIT COURT AND COMPTROLLER
COLLIER COUNTY FLORIDA
REC-\$78.00

WHEREAS, Gregory L. Urbancic, Esq., of Coleman, Yovanovich & Koester, P.A., representing SD San Marino, LLC, has petitioned the Board of County Commissioners of Collier County, Florida (“Board”), a political subdivision of the State of Florida, to establish the Caymas Community Development District (“District”); and

WHEREAS, the Board, 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 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; 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 sections 190.012(2)(a) and (2)(d), Florida Statutes, in connection with the establishment of the proposed community development district, the petition further seeks the 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 BOUNDARIES FOR THE CAYMAS COMMUNITY DEVELOPMENT DISTRICT.

The Caymas 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. | Erica Lolli 2639 Professional Circle #101 Naples, FL 34119 | 2. | Chris Johnson 2639 Professional Circle, #101 Naples, FL 34119 |
| 3. | Drew Kowalczyk 2639 Professional Circle #101 Naples, FL 34119 | 4. | Keith Gelder 2639 Professional Circle, #101 Naples, FL 34119 |
| 5. | John Ferry 2639 Professional Circle #101 Naples, FL 34119 | | |

SECTION FOUR: DISTRICT NAME

The community development district herein established shall henceforth be known as the “Caymas Community Development District.”

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

The Caymas 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 Caymas 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. Further, the Board hereby consents to the exercise by the Board of Supervisors of the District of the special powers set forth in sections 190.012(2)(a) and (2)(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 educational uses; and (ii) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when 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 Recitals 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 27th day of JUNE, 2023.

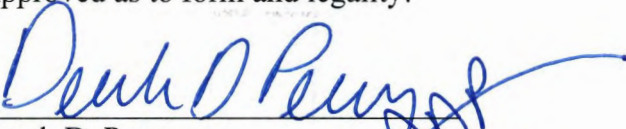
ATTEST:
CRYSTAL R. KINZIE, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

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

By: 
Rick LoCastro, Chairman

Approved as to form and legality:


Derek D. Perry
Assistant County Attorney
DDP
5/13/23

Attachments:

Exhibit "A" – Sketch and Legal Description of the District Boundaries


This ordinance filed with the Secretary of State's Office the 3rd day of July, 2023 and acknowledgement of that filing received this 6th day of July, 2023
By: 
Deputy Clerk

Exhibit “A”

RHODES & RHODES LAND SURVEYING, INC.

28100 BONITA GRANDE DRIVE, SUITE 107
BONITA SPRINGS, FL 34135
PHONE (889) 405-8166 FAX (889) 405-8163

CDD LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING IN SECTIONS 11, 12, 13, AND 14, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

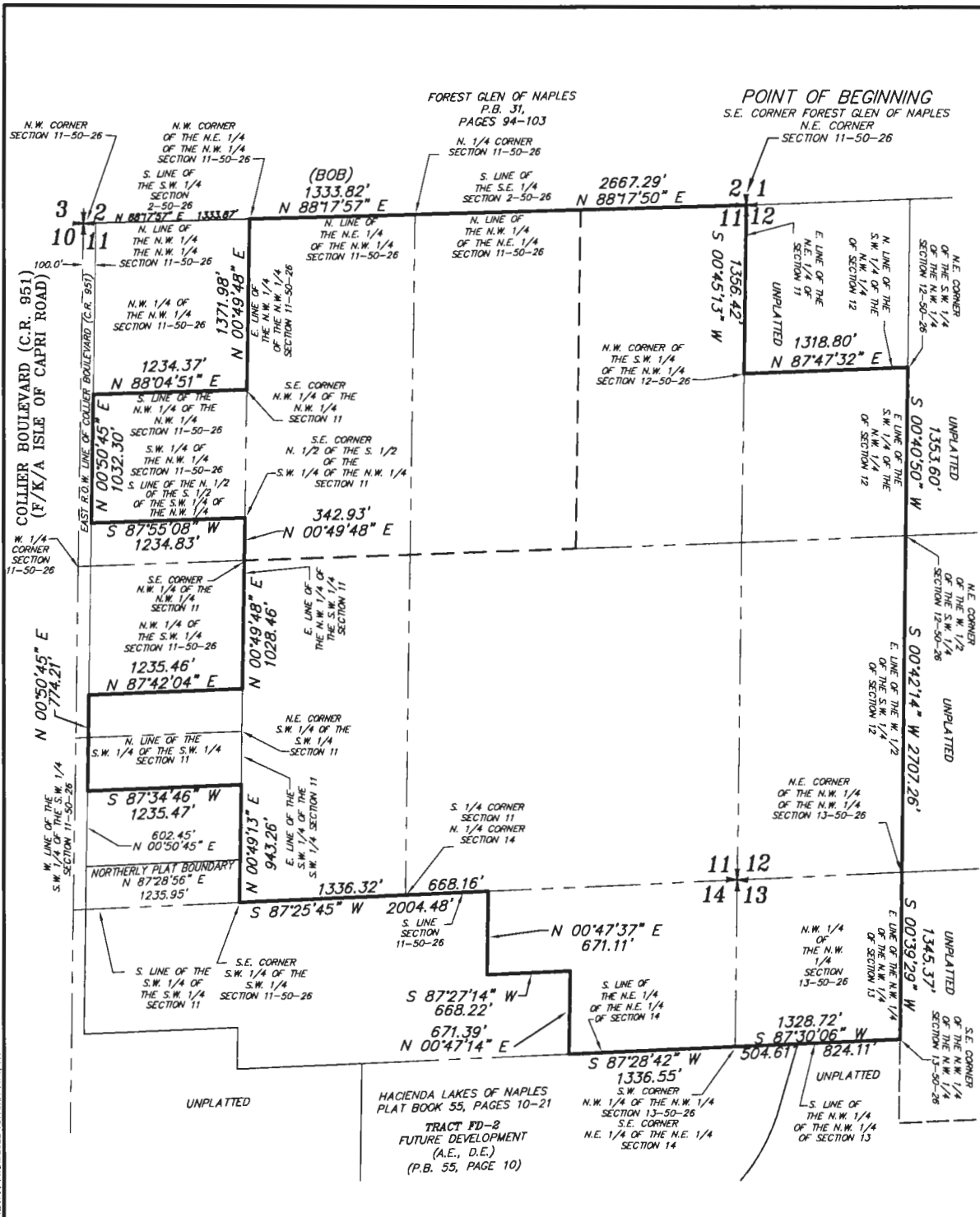
BEGINNING AT THE SOUTHEAST CORNER OF FOREST GLEN OF NAPLES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGES 94 THROUGH 103 (INCLUSIVE) OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; THENCE SOUTH 00°45'13" WEST, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 11, A DISTANCE OF 1,356.42 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 26 EAST, SAID COLLIER COUNTY, FLORIDA; THENCE NORTH 87°47'32" EAST, ALONG NORTH LINE OF SAID FRACTION, A DISTANCE OF 1,318.80 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE SOUTH 00°40'50" WEST, ALONG THE EAST LINE OF SAID FRACTION, A DISTANCE OF 1,353.60 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 12; THENCE SOUTH 00°42'14" WEST, ALONG THE EAST LINE OF LAST SAID FRACTION, A DISTANCE OF 2,707.26 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 50 SOUTH, RANGE 26 EAST, SAID COLLIER COUNTY, FLORIDA; THENCE SOUTH 00°39'29" WEST, ALONG LAST SAID FRACTION, A DISTANCE OF 1,345.37 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE SOUTH 87°30'06" WEST, ALONG LAST SAID FRACTION, A DISTANCE OF 824.11 FEET TO A POINT ON THE BOUNDARY OF HACIENDA LAKES OF NAPLES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGES 10 THROUGH 21 (INCLUSIVE) OF THE PUBLIC RECORDS OF SAID COLLIER COUNTY, FLORIDA; THENCE RUN THE FOLLOWING SEVEN (7) COURSES ALONG THE BOUNDARY OF SAID PLAT; COURSE NO. 1: CONTINUE SOUTH 87°30'06" WEST, ALONG THE SOUTH LINE OF LAST SAID FRACTION, A DISTANCE OF 504.61 FEET TO THE SOUTHWEST CORNER LAST SAID FRACTION, THE SAME BEING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 SECTION 14, TOWNSHIP 50 SOUTH, RANGE 26 EAST, SAID COLLIER COUNTY, FLORIDA; COURSE NO. 2: SOUTH 87°28'42" WEST, ALONG THE SOUTH LINE OF LAST SAID FRACTION, A DISTANCE OF 1,336.55 FEET; COURSE NO. 3: NORTH 00°47'14" EAST, 671.39 FEET; COURSE NO. 4: SOUTH 87°27'14" WEST, 668.22 FEET; COURSE NO. 5: NORTH 00°47'37" EAST, 671.11 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 11; COURSE NO. 6: SOUTH 87°25'45" WEST, ALONG THE SOUTH LINE OF SAID SECTION 11, A DISTANCE OF 668.16 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 11, ALSO BEING THE NORTH 1/4 CORNER OF SAID SECTION 14; COURSE NO. 7: CONTINUE SOUTH 87°25'45" WEST, ALONG THE SOUTH LINE OF SAID SECTION 11, A DISTANCE OF 1,336.32 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 11; THENCE NORTH 00°49'13" EAST, ALONG THE EAST OF LAST SAID FRACTION AND ALONG THE BOUNDARY OF LAST SAID PLAT AND ITS NORTHERLY PROLONGATION THEREOF, A DISTANCE OF 943.26; THENCE SOUTH 87°34'46" WEST, A DISTANCE OF 1,235.47 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLIER BOULEVARD (COUNTY ROAD 951); THENCE NORTH 00°50'45" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 774.21 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTH 87°42'04" EAST, A DISTANCE OF 1,235.46 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 11; THENCE NORTH 00°49'48" EAST, ALONG THE EAST LINE OF LAST SAID FRACTION, A DISTANCE OF 1,028.46 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11; THENCE CONTINUE NORTH 00°49'48" EAST, ALONG THE EAST LINE OF LAST SAID FRACTION, A DISTANCE OF 342.93 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11; THEN SOUTH 87°55'08" WEST, ALONG THE SOUTH LINE OF LAST SAID FRACTION, A DISTANCE 1,234.83 FEET TO A POINT OF THE EAST RIGHT-OF-WAY LINE OF SAID COLLIER BOULEVARD (COUNTY ROAD 951); THENCE NORTH 00°50'45" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1,032.30 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11, THENCE NORTH 88°04'51" EAST, ALONG THE SOUTH LINE OF LAST SAID FRACTION, A DISTANCE OF 1,234.37 FEET TO THE SOUTHEAST CORNER OF LAST SAID FRACTION; THENCE NORTH 00°49'48" EAST, ALONG THE EAST LINE OF LAST SAID FRACTION, A DISTANCE OF 1,371.98 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11, THE SAME BEING A POINT ON THE BOUNDARY OF AFORESAID FOREST GLEN OF NAPLES PLAT; THENCE RUN THE FOLLOWING TWO (2) COURSES ALONG THE BOUNDARY OF SAID PLAT; COURSE NO. 1: NORTH 88°17'57" EAST, ALONG THE NORTH LINE OF LAST SAID FRACTION, A DISTANCE OF 1,333.82 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 11; COURSE NO. 2: NORTH 88°17'50'

RHODES & RHODES LAND SURVEYING, INC.

*23100 BONITA GRANDE DRIVE, SUITE 107
BONITA SPRINGS, FL 34135
PHONE (839) 406-8166 FAX (839) 406-8169*

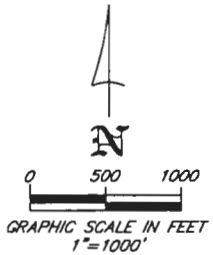
EAST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 11, A DISTANCE OF 2,667.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 33,440,428 SQUARE FEET OR 767.687 ACRES, MORE OR LESS.



ABBREVIATIONS

- BOB = BASIS OF BEARING
- PSM = PROFESSIONAL SURVEYOR & MAPPER
- LB# = LICENSED BUSINESS NUMBER
- P.B. = PLAT BOOK
- A.E. = ACCESS EASEMENT
- D.E. = DRAINAGE EASEMENT



NOTES

1. BEARINGS ARE BASED ON THE NORTHERLY BOUNDARY OF HACIENOA LAKES OF NAPLES, RECORDED IN PLAT BOOK 55, PAGE 10 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA AS BEING NORTH 87°28'56" EAST AND RELATE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM FOR FLORIDA ZONE EAST, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT (NAD83/90).
2. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

BY: JOHN SCOTT RHODES PSM #5739

| | | |
|--|---|---|
| SKETCH FOR DESCRIPTION | | PSM: JSR drawn: RWC checked: MMR view: BNDY project#: 2022-817 sheet #: 3 of 3 |
| CDD BOUNDARY SKETCH | | |
| RHODES & RHODES LAND SURVEYING, INC. LICENSE #LB 6897 | date: NOVEMBER 30, 2022 scale: 1" = 1000' cadd file: 2022-817 CDD COMBINED SKETCH | |
| 28100 BONITA GRANDE DRIVE SUITE 107 BONITA SPRINGS, FL 34135 (239) 405-8166 (239) 405-8163 FAX | | |

NOT A SURVEY

Z:\San Marina (cadd dev)\san marina willow run combined\CDD-2022-817 CDD combined sketch.dwg, BNDY.Y, 11/20/2022, 10:16:07 AM, 1:1

CAD



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 5, 2023

Crystal K. Kinzel, Clerk of Court
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Ms. Kinzel,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2023-33, which was filed in this office on July 3, 2023.

If you have any questions or need further assistance, please contact me at (850) 245-6271 or Anya.Owens@DOS.MyFlorida.com.

Sincerely,

Anya C. Owens
Administrative Code and Register Director

ACO/wlh

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