

BARBARA T. SCOTT, CLERK  
CHARLOTTE COUNTY  
OR BOOK 1817 PAGE 2050  
RECORDED 08/23/00 @ 03:04 PM  
FILE NUMBER 750300  
RECORDING FEE 33.00

ORDINANCE  
NUMBER 2000-025

AN ORDINANCE OF THE CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA ("THE CODE"), BY AMENDING CHAPTER 4-3.5, ARTICLE V, OF THE CODE TO EXPAND THE BOUNDARIES OF THE RIVERWOOD COMMUNITY DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO THE PETITION FOR AMENDMENT TO CHAPTER 4-3.5, ARTICLE V OF THE CODE TO EXPAND THE BOUNDARIES OF THE RIVERWOOD COMMUNITY DEVELOPMENT DISTRICT; EXPANDING THE BOUNDARIES OF THE RIVERWOOD COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE LAND ADDED TO THE RIVERWOOD COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, a Petition for Amendment to Chapter 4-3.5, Article V, of the Code of Laws and Ordinances of Charlotte County, Florida ("the Code") to expand the boundaries of the Riverwood Community Development District, was submitted to the Charlotte County Board of County Commissioners (the "Board") by Riverwood Community Development District, on June 9, 2000; and

WHEREAS, the proposed land to be added to the Riverwood Community Development District comprises approximately 22.65 acres, all located within Charlotte County, thus vesting jurisdiction with the Board the decision whether to expand the boundaries of Riverwood Community Development District pursuant to Chapter 190, Florida Statutes; and

FILE 848998 OR BOOK 1946 PAGE 1928 RECORDED 10/02/01 @ 02:11 PM  
CHARLOTTE COUNTY, BARBARA T. SCOTT, CLERK  
FEES \$51.00

10/01/01: Rerecorded to include missing Exhibit A.

IMAGED GK IMAGED KB

15100  
IMAGED  
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#15  
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pgs ★ 11  
7

WHEREAS, notice has been given through an advertisement in the *Sarasota Herald Tribune, Charlotte/AM* newspaper, at least ten days prior to the hearing conducted by the Board on the Petition for Amendment to Chapter 4-3.5, Article V, of the Code; and

WHEREAS, the Board did conduct a public hearing to consider the Petition for Amendment to Chapter 4-3.5, Article V, of the Code, on August 8, 2000; and

WHEREAS, the Board has made findings of facts and conclusions of law hereinafter set forth with regard to the Petition for Amendment to Chapter 4-3.5, Article V, of the Code; and

WHEREAS, the Board, having considered all of the foregoing and been fully advised and informed of the premises, has determined that it is in the best interest of the citizens of Charlotte County to approve the Petition for Amendment to Chapter 4-3.5, Article V, of the Code.

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

**SECTION 1:** Chapter 4-3.5, Article V, of the Code shall be amended by the addition of the following as Section 4-3.5-65:

Section 4-3.5-65. Findings of Fact for Expansion.

The Board of County Commissioners of Charlotte County, Florida, hereby makes the following FINDINGS OF FACT:

(a.) Riverwood Community Development District submitted a Petition ("the Petition") for Amendment to this Chapter 4-3.5, Article V, of the Code, pursuant to Chapter 190, Florida Statutes, to Charlotte County on June 9, 2000.

(b.) The Petition contains all of the information required by Chapter 190, Florida Statutes.

(c.) Notice of the public hearing to consider the Petition containing the time and place for the hearing, describing the area to be included in the expanded boundaries of Riverwood Community Development District, including a map showing the area to be added to the Riverwood Community Development District, was published in the *Sarasota Herald, Charlotte/AM* newspaper on July 28, 2000.

(d.) The property that will comprise the expanded boundaries of the Riverwood Community Development District is less than ten percent (10%) of the land initially included within the district and is located entirely within the boundaries of Charlotte County, Florida.

(e.) The Board held a public hearing on the Petition on August 8, 2000.

(f.) The Board has reviewed the Petition and found all the statements therein to be true and correct.

(g.) The expansion of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the Charlotte County Comprehensive Plan.

(h.) The approximately 22.65 acres of the proposed boundary expansion of the Riverwood Community Development District has been approved for development to be served by the same infrastructure as the existing District property.

(i.) The Riverwood Community Development District proposes to acquire from the owner of the expansion land, if it meets the District's standards, certain infrastructure, including, but not limited to, the surface water management system; potable

water distribution lines and facilities; sewer and wastewater collection lines and facilities; non-potable water distribution and irrigation lines and facilities; streets, sidewalks and lighting; parks and facilities for indoor and outdoor recreational, cultural and educational uses; fire prevention and control facilities; security, including, but not limited to, guardhouses, fences and gates; and electronic intrusion-detection systems, as applicable for the expansion land. The proposed services and facilities are compatible with the services provided by Charlotte County.

(j.) The contribution of the infrastructure by the owner of the proposed expansion land and conveyance to the Riverwood Community Development District of the facilities and services, without cost to the Riverwood Community Development District, is the best alternative available for delivering the proposed community development services and facilities to the expansion land that will be served by the District.

(k.) The property comprising the proposed boundary expansion of Riverwood Community Development District is all contained within the Riverwood Development of Regional Impact, making the expansion area amenable to separate special-district government.

**SECTION 2:** Chapter 4-3.5, Article V, of the Code shall be amended by the addition of the following as Section 4-3.5-66:

Section 4-3.5-66. Conclusions of Law for Expansion.

The Board of County Commissioners of Charlotte County hereby makes the following CONCLUSIONS OF LAW:

After having considered the Petition, the recommendations of the County's own professional staff, at public hearing and based on the above Findings of Fact, the Board hereby concludes that:

(a.) The Board is the exclusive entity with the power to expand the boundaries of the Riverwood Community Development District pursuant to Section 190.005(2)(e), Florida Statutes.

(b.) The expansion of the boundaries of the Riverwood Community Development District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the Charlotte County Comprehensive Plan.

(c.) The approximately 22.65 acres of the proposed boundary expansion of the Riverwood Community Development District does not exceed ten percent (10%) of the land initially included within the district, is sufficiently compact, and is sufficiently contiguous to be developable as one functional, interrelated community.

(d.) The proposed boundary expansion of the Riverwood Community Development District is the best alternative available for delivering community development services and facilities to the expansion area that will be served by the Riverwood Community Development District.

(e.) The proposed community development services, including, without limitation, the surface water management system; potable water distribution system; sewer and wastewater collection and treatment system; non-potable water distribution and irrigation system; streets, sidewalks and lighting system; parks and facilities for indoor and outdoor recreational, cultural and educational uses; fire prevention and control facilities; security, including but not limited to, guardhouses, fences and gates, and electronic

intrusion-detection systems, will be compatible with the capacity and uses of existing local and regional community development services and facilities.

(f.) The expansion area to be served by the Riverwood Community Development District is amenable to special-district government.

**SECTION 3:** Chapter 4-3.5, Article V, of the Code shall be amended by the addition of the following as Section 4-3.5-67:

Section 4-3.5-67. Order for Expansion

The Board of County Commissioners of Charlotte County hereby enters the following ORDER:

(a.) The Petition for Amendment to this Chapter 4-3.5, Article V, of the Code is hereby ordered approved.

(b.) The boundaries of the District known as the Riverwood Community Development District shall be expanded to include the expansion property more particularly described on Exhibit "A" attached hereto and incorporated herein.

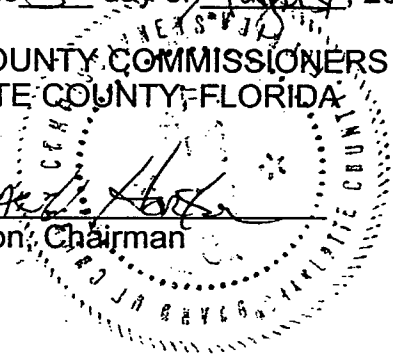
**SECTION 4.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions of sections of the Ordinance which shall remain in full force and effect.

**SECTION 5.** This ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 8th day of August, 2000.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By Mac V. Horton  
Mac V. Horton, Chairman



ATTEST:

Barbara T. Scott, Clerk of  
Circuit Court and Ex-Officio  
Clerk to the Board of County  
Commissioners

By Agnes Dackik  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

Renee Francis Lee for  
Renee Francis Lee, County Attorney  
RFB

p:\wpdata\public\sue\ord\riverwd.exp  
August 9, 2000 LR00-180

# EXHIBIT "A"

## WILSON MILLER

PLANNERS, ENVIRONMENTAL CONSULTANTS, ENGINEERS,  
SURVEYORS, LANDSCAPE ARCHITECTS, CONSTRUCTION MANAGERS

### DESCRIPTION:

All that part of Section 28, Township 40 South, Range 21 East, Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 28, thence S.89°46'08"E. along the North line of said Section 1913.63 feet to a point on a curve; thence Southeasterly 335.61 feet along the arc of a non-tangential circular curve concave to the Northeast, point bearing S.26°20'38"W. from the radius of said curve, having a radius 750.00 feet, through a central angle of 25°38'19" and being subtended by a chord which bears S.76°28'31"E. 332.82 feet; thence S.37°15'00"E. for 723.83 feet, thence S.21°04'06"W. 100.00 feet; thence N.47°55'54"W. 125.49 feet; thence S.42°04'06"W. 260.00 feet; thence S.47°55'54"E. 125.50 feet; thence S.72°04'06"W. 734.39 feet; thence N.47°55'54"W. 458.31 feet to the Point of Beginning; thence S.42°04'06"E. 150.00 feet; thence N.47°55'54"W. 71.70 feet; thence N.77°55'54"W. 60.00 feet; thence S.12°04'06"W. 265.31 feet to a point on a curve; thence Southwesterly 668.68 feet along the arc of a circular curve concave to the Southeast, point bearing N.04°38'19"E. from the radius point of said curve, having a radius of 232.00 feet, through a central angle of 165°08'26" and being subtended by a chord which bears S.12°04'06"W. 460.10 feet; thence S.12°04'06"W. 438.52 feet; thence N.47°55'54"W. 651.26 feet; thence N.12°04'06"E. 685.90 feet; thence N.72°04'06" E. 685.90 feet; thence S.47°55'54"E 192.95 feet to the Point of Beginning.

parcel contains 12.12 acres, more or less;

EXCEPTING THEREFROM the following

Lots 976, 977, 978 and 979 being part of PLAN NO. 1 OF A PART OF WARD TWO, EL JOBE-AN according to the Plat thereof as recorded in Plat Book 2, Page 39;

subject to easements, restrictions, reservations and rights-of-way of record;

Prepared by:

WILSON, MILLER, BARTON & PEEK, INC.

Alan W. Sadowski  
Alan W. Sadowski, Professional Surveyor & Mapper  
Florida Registration No. 4800

4-7-97  
Date

Not valid unless embossed with the Professional's seal.

W.O.: F0300-001-021 APSLD  
REF.: A-0300-256  
DATE: 4-5-97

WILSON, MILLER, BARTON & PEEK, INC.

OR BOOK 1946 PAGE 1935



# WILSON, MILLER, BARTON & PEEK, INC.

ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS  
 4571 Colonial Boulevard Fort Myers, Florida 33912 (941) 939-1020 Fax (941) 939-7479

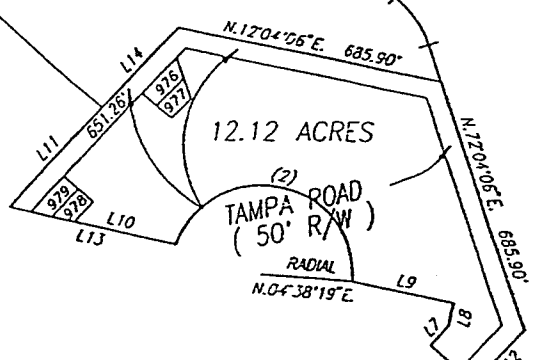


SCALE IN FEET  
 0  
 200  
 400



POINT OF COMMENCEMENT  
 12.12 ACRE PARCEL

29  
 20  
 28  
 21



PLAN No. 2 OF A PART OF  
 WARD TWO, EL JOBE-AN  
 (PLAT BOOK 2, PG. 43)

PLAN No. 1 OF A PART OF  
 WARD TWO, EL JOBE-AN  
 (PLAT BOOK 2, PG. 39)

POINT OF BEGINNING  
 12.12 ACRE PARCEL

WEEKSONIA AVENUE  
 (80' R/W)

### LINE TABLE

LINE	BEARING	DISTANCE
L1	S. 12°04'06" W.	100.00'
L2	N. 47°55'54" W.	125.49'
L3	S. 42°04'06" W.	260.00'
L4	S. 47°55'54" E.	125.50'
L5	N. 47°55'54" W.	458.31'
L6	S. 42°04'06" W.	150.00'
L7	N. 47°55'54" W.	71.76'
L8	N. 77°55'54" W.	60.00'
L9	S. 12°04'06" W.	265.31'
L10	S. 12°04'06" W.	438.52'
L11	N. 47°55'54" W.	358.31'
L12	S. 47°55'54" E.	192.95'
L13	S. 12°04'06" W.	438.52'
L14	N. 47°55'54" W.	292.55'

### CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	750.00'	25°38'19"	335.61'	170.66'	332.82'	S. 76°28'31" E.
2	232.00'	165°08'26"	668.68'	1779.07'	460.10'	S. 12°04'06" W.

SEE ATTACHED FOR DESCRIPTION

\*\*\* THIS IS NOT A SURVEY \*\*\*

Δ REV NO.	REVISION	DATE	DRAWN BY	EMP. NO.	CHECKED BY	EMP. NO.
DATE:	CLIENT: RIVERWOOD LAND COMPANY, LP					
4-5-97	4100 RIVERWOOD DRIVE, PORT CHARLOTTE, FLORIDA 33953					
HORIZONTAL SCALE:	TITLE: SKETCH OF DESCRIPTION					
1" = 400'	ADDITION TO RIVERWOOD INCREMENT ONE BOUNDARY					
VERTICAL SCALE:	LOCATED IN SECTION 28, T-40-S, R-21-E, CHARLOTTE COUNTY, FLORIDA					
SEC: TWP: RGE:	FIELD BOOK PAGE:					
26-40-21	CROSS REFERENCE FILE NO.:					
FIELD BOOK:	WM382 0300#601.DWG 03000038.AWS	WORK ORDER NO.:	PROJECT NO.:	SHEET NUMBER:	FILE NO.:	
			0300	1 of 1	A-0300-256	

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parcel contains 10.53 acres, more or less;

subject to easements, restrictions, reservations and rights-of-way of record;

Prepared by:

WILSON, MILLER, BARTON & PEEK, INC.

*Alan W. Sadowski*

Alan W. Sadowski, Professional Surveyor & Mapper  
Florida Registration No. 4800

*A-25-97*

Date

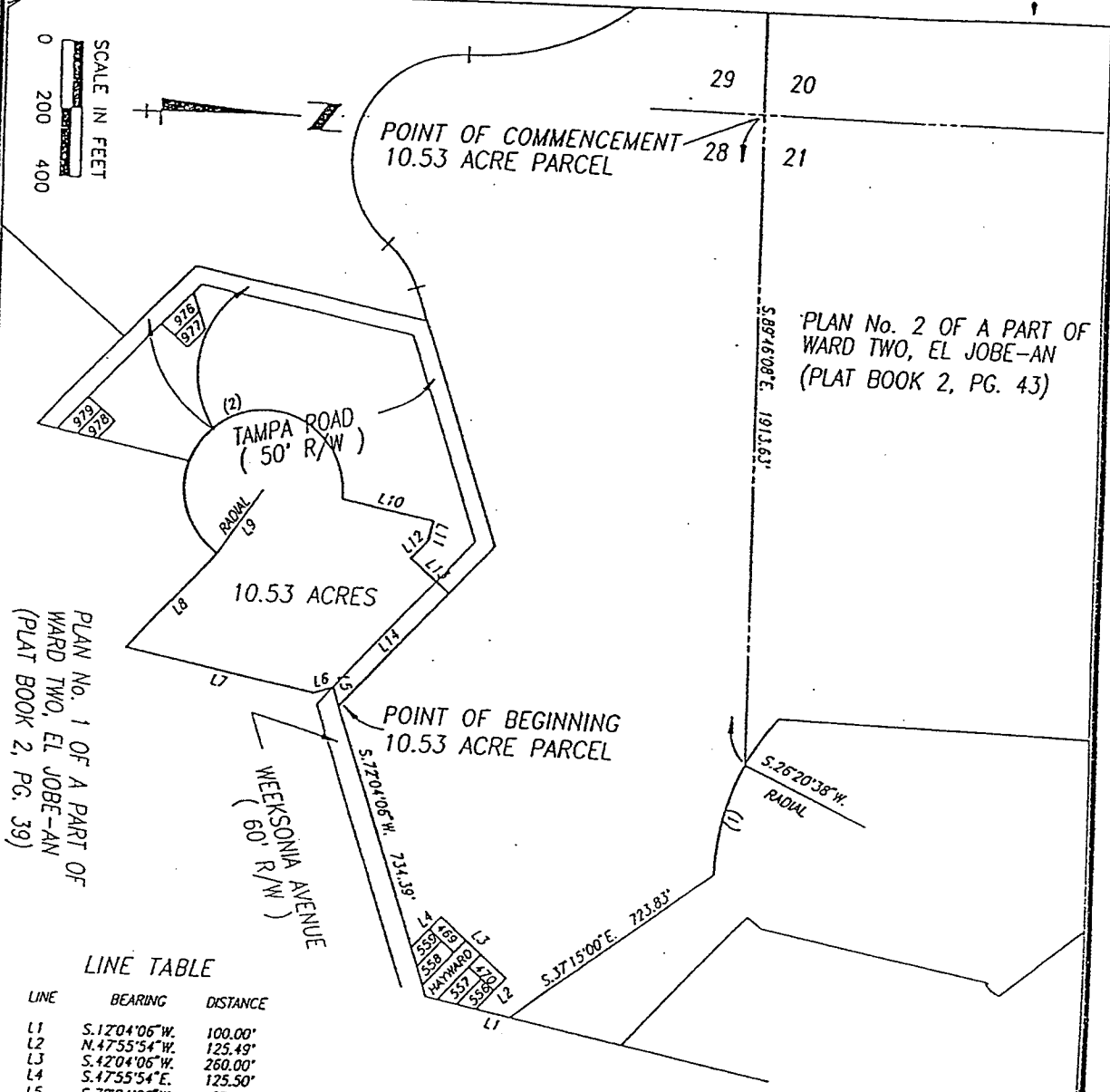
Not valid unless embossed with the Professional's seal.

W.O.: F0300-001-021 APSLD  
REF.: A-0300-261  
DATE: 4-23-97

OR BOOK 1946 PAGE 1937

# WILSON, MILLER, BARTON & PEEK, INC.

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 4571 Colonial Boulevard Fort Myers, Florida 33912 (941) 939-1020 Fax (941) 939-7479



PLAN No. 1 OF A PART OF  
 WARD TWO, EL JOBE-AN  
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PLAN No. 2 OF A PART OF  
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L5	S.72°04'06"W.	57.74'
L6	S.17°55'54"E.	60.00'
L7	S.12°04'06"W.	558.88'
L8	N.47°55'54"W.	380.78'
L9	S.55°21'41"E.	232.00'
L10	N.12°04'06"E.	265.31'
L11	S.77°55'54"E.	60.00'
L12	S.47°55'54"E.	71.70'
L13	N.12°04'06"E.	150.00'
L14	S.47°55'54"E.	458.31'

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OR BOOK 1946 PAGE 1938