

**NOTICE OF ESTABLISHMENT OF
PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Chapter 190, Florida Statutes, as amended and the adoption of Rule 42P-1.001 through 42P-1.003, F.A.C. by the Florida Land and Water Adjudicatory Commission, effective December 14, 1993, the Pelican Marsh Community Development District was established as a community development district. The property within the boundaries of the Pelican Marsh Community Development District is described on the attached Exhibit "A".

THE PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS ON THE PROPERTY IN THE DISTRICT. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF THE PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED BY LAW.

PELICAN MARSH COMMUNITY
DEVELOPMENT DISTRICT

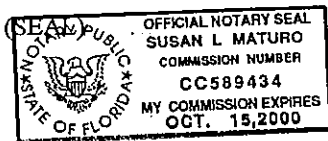
By: *Ed Oates*
Print Name: Ed Oates
Its: Vice-Chairman

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Ed Oates, Vice Chairman of the Pelican Marsh Community Development District, a unit of special purpose government organized and existing under the laws of the State of Florida, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 16th day of August, 1999.

Susan L. Maturo
NOTARY PUBLIC
SUSAN L. MATURO
Printed Name
Commission No. _____
My Commission Expires: _____



PELICAN MARSH COMMUNITY
DEVELOPMENT DISTRICTCHAPTER 42P-1
PELICAN MARSH COMMUNITY
DEVELOPMENT DISTRICT

42P-1.001 Creation.
42P-1.002 Boundary.
42P-1.003 Supervisors.

42P-1.001 Creation. Pelican Marsh Community Development District is hereby created.
Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.005 FS. History—New 12-14-93.

42P-1.002 Boundary. The boundaries of the district are as follows:

PARCEL IN
SECTIONS 25, 27, 34, 35 & 36
T.48S., R.25E
COLLIER COUNTY, FLORIDA

A tract or parcel lying in Sections 25, 27, 34, 35 and 36, Township 48 South, Range 25 East, Collier County, Florida, which tract or parcel is described as follows:

BEGINNING at the southwest corner of Section 27, Township 48 South, Range 25 East, Collier County, Florida; thence along the west line of said Section 27 and the easterly right-of-way line of U.S. 41 North 00°38'20" West 2623.40 feet to the west ¼ corner of said Section 27; thence continue along the west line of said Section 27 and said right-of-way North 00°39'12" West 827.69 feet; thence leaving said line North 89°20'45" East 3844.57 feet to the westerly right-of-way line of proposed Goodlette-Frank Road as recorded in Plat Book 13, page 58, Public Records of Collier County, Florida;

thence along said westerly right-of-way line in the following four (4) described courses;

1) South 05°34'48" East 3545.96 feet to the south line of said Section 27;

2) South 05°33'10" East 2642.17 feet;

3) Southerly 620.87 feet along the arc of a circular curve concave westerly having a radius of 2799.93 feet through a central angle of 12°42'18" and being subtended by a chord which bears South 00°47'59" West 619.60 feet;

4) South 07°09'08" West 1675.64 feet to the boundary line of the plat of Pine Ridge Second Extension as recorded in Plat Book 10, page 86 of the Public Records of Collier County, Florida;

thence along the boundary of said Pine Ridge Second Extension in the following eight (8) described courses;

1) South 89°50'58" West 88.21 feet;

2) North 31°34'00" West 120.19 feet;

3) North 05°37'10" West 956.47 feet;

4) South 74°46'39" West 379.98 feet;

5) South 12°04'43" East 23.53 feet;

6) South 87°09'43" West 272.40 feet;

7) Northwesterly 1854.45 feet along the arc of a non-tangential circular curve concave southwesterly having a radius of 1640.26 feet through a central angle of 64°46'40" and being

subtended by a chord which bears North 48°50'02" West 1757.26 feet;

8) North 81°13'22" West 737.85 feet; thence leaving said plat boundary North 00°03'39" West 707.85 feet; thence South 89°33'32" East 336.81 feet; thence North 00°26'28" East 180.64 feet; thence northerly 37.60 feet along the arc of a circular curve concave easterly having a radius of 130.00 feet through a central angle of 16°34'19" and being subtended by a chord which bears North 08°43'37" East 37.47 feet; thence North 17°00'47" East 181.41 feet; thence northwesterly 654.92 feet along the arc of a circular curve concave southwesterly having a radius of 395.00 feet through a central angle of 94°59'52" and being subtended by a chord which bears North 30°29'09" West 582.44 feet thence North 77°59'05" West 144.30 feet; thence northwesterly 418.87 feet along the arc of a circular curve concave northeasterly having a radius of 800.00 feet through a central angle of 29°59'57" and being subtended by a chord which bears North 62°59'06" West 414.10 feet thence North 47°59'08" West 100.03 feet; thence westerly 615.18 feet along the arc of a circular curve concave southerly having a radius of 826.09 feet through a central angle of 42°40'04" and being subtended by a chord which bears North 69°19'10" West 601.07 feet; thence South 89°20'48" West 204.55 feet to the west line of said Section 34, and the east right-of-way line of U.S. 41; thence along said line North 00°39'20" West 665.92 feet to the Point of Beginning; containing 577.38 acres more or less; subject to easements and restrictions of record; AND TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL; BEGINNING at the northwest corner of said Section 35; thence along the north line of said Section 35 North 89°45'35" East 5231.69 feet to the west right-of-way line of Airport-Pulling Road (C.R. 31); thence along said westerly right-of-way line South 00°31'47" East 5258.31 feet to the south line of said Section 35; thence along said south line South 89°39'22" West 2541.65 feet to the south ¼ corner of said Section 35; thence continue along said south line South 89°39'32" West 2641.33 feet to the southwest corner of said Section 35; thence along the south line of said Section 34 South 89°51'02" West 391.57 feet to the boundary line of a parcel described in O.R. Book 524, page 121 of the Public Records of Collier County, Florida; thence along the boundary of said parcel North 01°03'33" West 295.29 feet; thence continue along the boundary of said parcel South 89°51'02" West 443.28 feet to the easterly right-of-way line of proposed Goodlette-Frank Road as recorded in Plat Book 13, page 58 of the Public Records of Collier County, Florida; thence along said easterly right-of-way line North 07°09'08" East 1729.52 feet; thence continue along said easterly right-of-way line northerly 577.63 feet along the arc of a circular curve concave westerly having a radius of 2929.93 feet through a central angle of 11°17'45" and being subtended by a chord which bears North 01°30'16" East 576.70 feet to the southwesterly corner of a parcel described in O.R.

Book 1048, page 1800; thence along the southerly line of said parcel along a non-tangential line South 89°47'25" East 562.07 feet to the southeasterly corner of said parcel being a point on the easterly line of said Section 34; thence along the easterly line of said parcel described in O.R. Book 1048, page 1800 also being the east line of said Section 34, North 01°03'33" West 50.01 feet to the east ¼ of said Section 34; thence along the easterly line of said parcel described in O.R. Book 1048, page 1800 also being the east line of said Section 34 North 01°03'33" West 50.01 feet; thence leaving said section line along the north line of said parcel, North 89°47'25" West 569.06 feet to the easterly right-of-way line of proposed Goodlette-Frank Road as recorded in Plat Book 13, page 58 of the Public Records of Collier County, Florida; thence along said right-of-way line North 05°33'10" West 2600.08 feet to a point on the north line of said Section 34; thence leaving said right-of-way line and along the north line of said Section 34 South 89°31'31" East 772.91 feet to the Point of Beginning; containing 707.09 acres more or less; subject to easements and restrictions of record; AND TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL BEGINNING at the northeast corner of said Section 36; thence along the east line of said Section, South 02°12'03" East 2671.63 feet to the east ¼ corner of said Section 36; thence continue along the east line of said Section 36 South 02°06'28" East 2519.08 feet to a point on the northerly right-of-way line of Vanderbilt Beach Road; thence along said northerly right-of-way line North 89°39'39" West 2855.35 feet; thence continue along said line North 89°43'59" West 2544.87 feet to a point on the easterly right-of-way line of Airport-Pulling Road (C.R. 31); thence along said easterly right-of-way line North 00°31'47" West 4490.03 feet to the southwest corner of the east 15 feet of the west 115 feet of the

south 80 feet of the north 619.49 feet of said Section 36; thence along the south line of said land North 89°28'13" East 15.00 feet; thence along the east line of said land North 00°31'47" West 80.00 feet; thence along the north line of said land South 89°28'13" West 15.00 feet to the east right-of-way line of Airport Road (C.R. 31); thence along said right-of-way North 00°31'47" West 539.49 feet to the north line of said Section 36; thence along said north line North 89°27'57" East 3914.28 feet to the southwest corner of the east ½ of the east ½ of said Section 25; thence along the west line of the east ½ of the east ½ of said Section 25 North 01°54'09" West 2668.19 feet; thence continue along the west line of the east ½ of the east ½ of said Section 25 North 01°57'16" West 2567.06 feet to a point on the southerly right-of-way line of Immokalee Road (C.R. 846); thence along said right-of-way North 89°14'36" East 1325.57 feet to the east line of said Section 25; thence along said east line of Section 25 South 02°06'59" East 2569.75 feet to the east ¼ corner of Section 25; thence continue along said east line of Section 25 South 02°00'46" East 2670.97 feet to the Point of Beginning; containing 789.67 acres more or less; total parcel contains 2074.14 acres more or less; subject to easements and restrictions of record; bearings are based on the State Plane Coordinates 1983 datum 1990 adjustment, the north line of Section 35, being North 89°45'35" East.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New 12-14-93.

42P-1.003 Supervisors. The following five persons are designated as the initial members of the Board of Supervisors: John Pistor; Carol Girardin; Pamela McKie, Edward J. Oates, and John Abbott. *Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.006(1) FS. History—New 12-19-93.*

State of Florida



Department of State Division of Elections

I, JIM SMITH, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Rule Chapter 42P-1, Florida Administrative Code, rules and regulations of the Land and Water Adjudicatory Commission, Pelican Marsh Community Development District, filed pursuant to Chapter 120, Florida Statutes, as shown by the records of this office.



DSDS B07 (7-91)

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
19th. day of May,
A.D., 1994.

Jim Smith

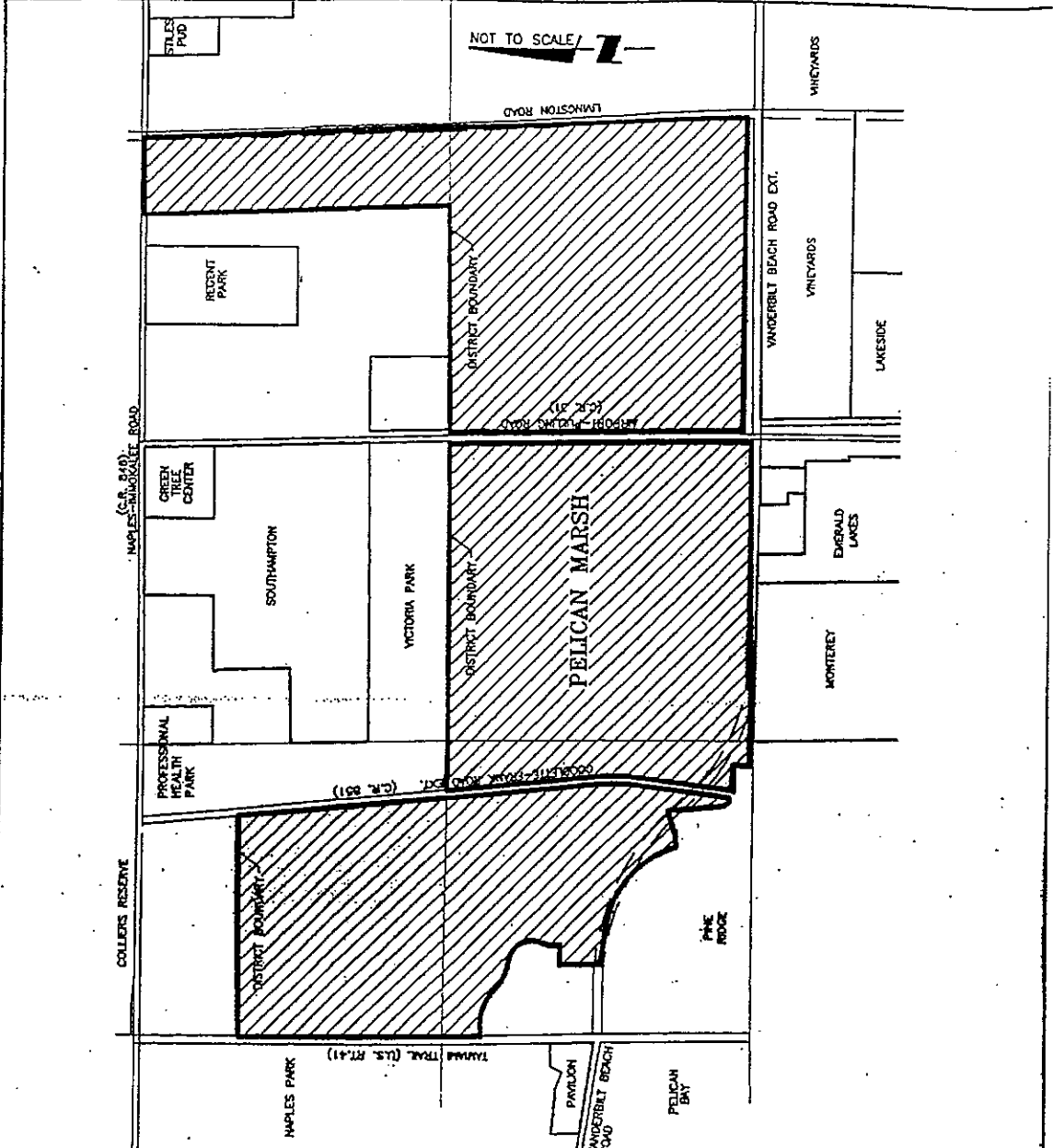
Jim Smith
Secretary of State


Book 1048, page 1800; thence along the southerly line of said parcel along a non-tangential line South 89°47'25" East 562.07 feet to the southeasterly corner of said parcel being a point on the easterly line of said Section 34; thence along the easterly line of said parcel described in O.R. Book 1048, page 1800 also being the east line of said Section 34, North 01°03'33" West 50.01 feet to the east ¼ of said Section 34; thence along the easterly line of said parcel described in O.R. Book 1048, page 1800 also being the east line of said Section 34 North 01°03'33" West 50.01 feet; thence leaving said section line along the north line of said parcel, North 89°47'25" West 569.06 feet to the easterly right-of-way line of proposed Goodlette-Frank Road as recorded in Plat Book 13, page 58 of the Public Records of Collier County, Florida; thence along said right-of-way line North 05°33'10" West 2600.08 feet to a point on the north line of said Section 34; thence leaving said right-of-way line and along the north line of said Section 34 South 89°31'31" East 772.91 feet to the Point of Beginning; containing 707.09 acres more or less; subject to easements and restrictions of record; AND TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL BEGINNING at the northeast corner of said Section 36; thence along the east line of said Section, South 02°12'03" East 2671.63 feet to the east ¼ corner of said Section 36; thence continue along the east line of said Section 36 South 02°06'28" East 2519.08 feet to a point on the northerly right-of-way line of Vanderbilt Beach Road; thence along said northerly right-of-way line North 89°39'39" West 2855.35 feet; thence continue along said line North 89°43'59" West 2544.87 feet to a point on the easterly right-of-way line of Airport-Pulling Road (C.R. 31); thence along said easterly right-of-way line North 00°31'47" West 4490.03 feet to the southwest corner of the east 15 feet of the west 115 feet of the

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[NEXT PAGE IS p. 668-43]



PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT DISTRICT BOUNDARY AND PROPERTIES SERVED		EXHIBIT 2
 WILSON, MILLER, BARTON & PEEK, INC. <small>ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS</small> 3200 Bailey Lane, Naples, Florida 33942 (813) 649-4040 Fax (813) 643-5716	COUNTY: COLLIER DATE: 11-4-93	
	W.O.#: 16106 REV:	
	PROJ.#: 0136 FILE#: 0000	
	DRAWN: PGT/730 SHEET 2 OF 3	

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, IN SUPPORT OF WESTINGHOUSE COMMUNITIES OF NAPLES, INC.'S PETITION TO ESTABLISH THE PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT; AND TO AUTHORIZE THE COUNTY MANAGER AND COUNTY ATTORNEY TO TAKE PROPER AND REASONABLE ACTION NECESSARY TO SUPPORT THE PETITION.

WHEREAS, Chapter 190, Florida Statutes, provides for establishment of a Uniform Community Development District pursuant to rulemaking triggered by petition to the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission (FLAWAC); and

WHEREAS, Westinghouse Communities of Naples, Inc. has petitioned the Governor and Cabinet to establish a community development district in Collier County on lands generally described as:

"an approximate 2,075 acre tract located in Collier County, Florida bounded on the north by unimproved land, residential subdivisions and Immokalee Road (C.R. 846); bounded on the east by unimproved land and the proposed Livingston Road extension; bounded on the south by Vanderbilt Beach Road (C.R. 862), the proposed Vanderbilt Beach Road extension, and the Pine Ridge subdivision; and bounded on the west by North Tamiami Trail (U.S. 41)."

WHEREAS, establishment of the proposed district government does not, and by law shall not, affect the rights, authority and duty of Collier County to regulate land use and growth on the above-referenced property; and

WHEREAS, simultaneously with the filing of the petition with the Governor and Cabinet, Westinghouse Communities of Naples, Inc. on February 26, 1993, submitted the petition to Collier County for its review, along with a processing fee of \$15,000.00; and

WHEREAS, the exercise of its power and functions by such a community development district government shall comply with, shall not function inconsistent with, shall be compatible with, and shall be subject to all laws, policies, regulations and ordinances, including those of the Collier County Water-Sewer District and Collier County which govern the existing and future

State of FLORIDA
County of COLLIER

I HEREBY CERTIFY THAT this is a true and correct copy of a document on file in Book of Minutes and Records of Collier County

Witness my hand and official seal this
23rd day of May 1994.

DWIGHT E. BROCK, CLERK OF COURTS

By: Louise Chesson D.C.

use of the land on which the proposed district shall be established, as provided in Chapter 190, Florida Statutes; and

WHEREAS, the exercise by the board of supervisors of such a community development district shall be subject to all procedural requirements including noticed meetings, government-in-the-sunshine, ethics and conflicts of interest, and various limitations on the powers, functions and duties of the district; and

WHEREAS, Westinghouse Communities of Naples, Inc., as the controlling constituent in the proposed community development district, has committed to the Board of County Commissioners to ask the community development district board of supervisors as its first substantive act to enter into a satisfactory interlocal agreement with Collier County and the Collier County Water-Sewer District; and

WHEREAS, the Memorandum of Agreement Between Westinghouse And Collier County inducing Collier To Support The Establishment Of A Community Development District is attached hereto as an Exhibit and is incorporated herein by reference; and

WHEREAS, the adoption of this Resolution of support, shall not under any circumstances, prejudice or preempt any land use decisions currently in effect or to be decided in the future by Collier County.

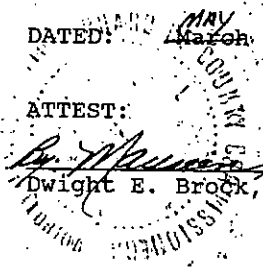
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, that, having considered and reviewed the subject Petition and the representations and acknowledgements of Westinghouse Communities of Naples, Inc., its representatives and counsel, and after public hearing on the matter, the Board finds and determines (1) that establishment of the proposed community development district in this particular instance appears to be good policy in the best interest of Collier County and its citizens; (2) is in the best interests of the citizens of Collier County to support the establishment of the proposed district; and (3) that it is in the best interest of the County, and its citizens, and the Board so instructs the County

Manager and County Attorney, to take such actions as are proper and reasonable to support the proposed district establishment.

This Resolution adopted after motion, second and majority vote favoring same.

DATED: ~~MAY~~ ^{MAY} ~~March~~ ^{March} 4, 1993.

ATTEST:

 Dwight E. Brock, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Burt L. Saunders
Burt L. Saunders, Chairman

Approved as to form and legal sufficiency:

Richard D. [Signature]
Assistant County Attorney

PELICAN MARSH

UNIFORM COMMUNITY DEVELOPMENT DISTRICT

AMENDED PETITION

APRIL, 1993

COLLIER COUNTY, FLORIDA

Pelican Marsh UCDD Amended Petition

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STATE OF FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

RE: Rulemaking, pursuant to)
Section 190.005(1), Florida)
Statutes, as amended, and)
Rule 42-1, F.A.C., to establish)
a Uniform Community Development)
District)
_____)
)
)

A M E N D E D
PETITION FOR RULEMAKING TO ESTABLISH
A UNIFORM COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Westinghouse Communities of Naples, Inc., a Florida corporation, files this Amended Petition to the Petition of February 26, 1993 to the Florida Land and Water Adjudicatory Commission (hereinafter, "Commission") pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (1991), as amended, and Rule 42-1, F.A.C., to adopt a rule to establish a Uniform Community Development District (hereinafter, "District") and to designate the land area for which the District would manage and finance basic systems, facilities, services and improvements as follows:

1. Petitioner, Westinghouse Communities of Naples Inc., is a Florida corporation, with its principal place of business at 801 Laurel Oak Drive, Suite 500, Naples, Florida 33963.

2. The land area to be served by the District is an approximate 2,075 acre tract located in Collier County, Florida bounded on the north by unimproved land, residential subdivisions

and Immokalee Road (C.R. 846); bounded on the east by unimproved land and the proposed Livingston Road extension; bounded on the south by Vanderbilt Beach Road (C.R. 862), the proposed Vanderbilt Beach Road extension, and the Pine Ridge subdivision; and bounded on the west by North Tamiami Trail (U.S. 41). A map showing the location of the land area to be serviced by the District is attached as Exhibit 1.

3. A metes and bounds legal description of the external boundaries of the District is attached as Exhibit 2. There is no real property within the boundaries of the District which is to be excluded from the District.

4. Attached as Exhibits 3A and 3B, respectively, is documentation constituting written consent to the establishment of the District by the owners and optionee of one hundred (100%) percent of the real property to be included in the land serviced by the District.

5. The five persons designated to serve as the initial members of the Board of Supervisors of the District, who shall serve in that office until replaced by elected members, as provided in Section 190.006, Florida Statutes (1991), as amended, are:

(a) John Pistor, retired County Commissioner of Collier County, whose address is 221 Polynesia Court, Marco Island, Florida 33937.

(b) Carol Girardin, whose address is Briant & Girardin, 3033 Riviera Drive, Naples, Florida 33940.

(c) Pamela McKie, Esq., whose address is Cummings & Lockwood, 3001 Tamiami Trail, North, Naples, Florida 33940

(d) Edward J. Oates, whose address is 1321 Solana Road, Naples, Florida 33940

(e) John Abbott, Sr. Vice President, whose address is BancFlorida, Special Assets, 5801 Pelican Bay Boulevard, Naples, Florida 33963.

6. The proposed name of the District is the Pelican Marsh Uniform Community Development District.

7. Although there are no major trunk water mains and sewer interceptors within the boundaries of the District as described in Exhibit 2, the County owns and maintains wastewater forcemains, effluent transmission mains and water transmission mains within two (2) roadway corridors that segment the District which were constructed to provide service to the property within the proposed District and which currently transverse and abut the property to be serviced by the District. These are illustrated on Exhibits 4A and 4B, respectively. There does exist upon the property an outfall known as the Pine Ridge Canal Outfall, depicted on Exhibit 4C, which will be serviced by the District. Petitioner has no knowledge of any such facilities as may be proposed by the District as referenced in Rule 42-1.008(1)(b), FAC, because the proposed District is not yet established. Subject to change, Petitioner

contemplates asking the Board of Supervisors of the District, when established, to provide proposed facilities. The details and specifics of such facilities have not yet been determined.

8. A description of the proposed systems, facilities, services and improvements together with proposed timetables and related estimates of construction costs, based upon available data, are attached as Exhibit 5.

9. Collier County has adopted all mandatory elements of its Local Government Comprehensive Plan in accordance with requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as amended in 1986. Collier County has also completed its revised plan for minimum criterion review pursuant to Rule 9J-5, F.A.C., by Ordinance 89-05, which is currently in effect. Ordinance 89-05 designates the land area within the legal description of the land to be serviced by the proposed District as "Urban Residential", "Activity Center", and "Future Activity Center". Exhibit 6-A is a copy of the Future Land Use Map of the Collier County Comprehensive Plan currently in effect pursuant to Ordinance 89-05, a copy of which has been placed on file with the Florida Land and Water Adjudicatory Commission. A copy of the entire Collier County Comprehensive Plan, as amended, has been placed on file with the Florida Land and Water Adjudicatory Commission. Exhibit 6-B is a copy of a letter from the Florida Department of Community Affairs, dated July 22, 1992, reflecting that the Plan is in compliance.

10. The Florida Legislature, in Special Act 88-499, re-established the Collier County Water-Sewer District (hereinafter, "Water-Sewer District"). The land to be served by the District (Exhibit 2 of this Petition) is within the Water-Sewer District. The Acknowledgment attached hereto as Exhibit 7, by which Petitioner makes certain acknowledgments and agreements regarding the relationship of the District and Water-Sewer District, is hereby incorporated within the Petition. Petitioner proposes that one of the first official substantive acts of the Board of Supervisors of the District be to enter into an Interlocal Agreement with the Water-Sewer District. The Interlocal Agreement shall, among other things, provide as follows:

(a) The Water-Sewer District shall be the permanent purveyor of water, wastewater and irrigation service to the properties within the District.

(b) The District shall and will be obligated to convey, in accordance with standard County procedures, all water, sewer and irrigation facilities to the County and its Water-Sewer District without cost to the County or its Water-Sewer District, and that such facilities will not and shall not serve as security for any form of financing or bond indebtedness prior to said conveyance. If it shall become necessary to supplement the Water-Sewer District irrigation service with ground water from the District, an appropriate rate adjustment shall be made. The District shall design, permit and construct all water, wastewater and irrigation

facilities to Water-Sewer District standards and, immediately upon completion of such facilities and approval thereof by the Water-Sewer District, dedicate all of the water, wastewater and irrigation facilities constructed by or on behalf of the District to the Water-Sewer District free from any liens or encumbrances pursuant to procedures then in effect. As used in this Agreement, the term "water, wastewater and irrigation facilities" shall include, but not be limited to, all lines, laterals, mains, tanks, lift stations, pump stations, treatment and distribution facilities and other apparatus constructed by or on behalf of the District for the treatment and transmission of potable water, wastewater and irrigation water; provided, however, the term shall not mean or refer to any water, wastewater or irrigation lines or other apparatus constructed within the boundaries of any individual residential or commercial platted lots or golf courses intended to solely serve the individual residential or commercial platted lots or golf course.

(c) The Water-Sewer District currently has master plans for the provision of water, wastewater and irrigation service throughout the Water-Sewer District over the next fifteen years. The plans specifically include expansions to the North County Regional Wastewater Treatment Plant to 7.5 MGD in 1993, to 12.5 MGD in 1998, and to 17.5 MGD in 2005. Annual reviews of these and subsequent expansions will be made in accordance with FAC 17-600.405, which requires yearly reviews of available plant capacity

and requires that utilities begin the design, construction and planning stages at specified levels of plant capacity usage. The Water-Sewer District currently provides irrigation water via effluent from the wastewater treatment plant. This may be supplemented in the future by a proposed canal irrigation system utilizing waters of the Golden Gate Canal and aquifer storage and recovery technology. The Water-Sewer District is currently constructing a new water treatment plant to add 8 MGD of capacity to the system. Subsequent expansions using reverse osmosis technology are scheduled in 1994 and 1999. Additionally, a new water plant is proposed after the year 2000, based upon demands. Aquifer Storage and Recovery Technology is currently being tested to provide adequate peak capacity subsidies.

(d) In recognition of the importance to the District to avoid interruptions and delays in the delivery of water, wastewater and irrigation service within the District and of the ability of the District to assist in concurrency matters and in the event the Water-Sewer District is unable to provide water, wastewater or irrigation service to those properties lying within the District, the District and Water-Sewer District may agree in writing that the District can construct on behalf of the Water-Sewer District regional treatment, transmission and distribution facilities to service the lands lying within the District boundaries at a site or within easements provided by the Water-Sewer District and if such site or easements are not available, the District can acquire same

on behalf of the Water-Sewer District in accordance with Collier County Ordinance Nos. 90-86 and 90-87, as amended. The Agreement may also include, among other things, the following matters:

(i) The District shall plan, design, permit and construct the regional facilities in accordance with terms, conditions and specifications established by the Water-Sewer District.

(ii) The District shall construct the regional facilities at a site or within easements provided by the Water-Sewer District or, if such site or easements are not available, the District may acquire a site or easements on behalf of the Water-Sewer District.

(iii) Upon completion of construction, the regional facilities and, if applicable, any site or easements upon which the facilities are constructed, shall be conveyed to the Water-Sewer District free of any liens or encumbrances pursuant to procedures then in effect.

(iv) In return for constructing the regional facilities and, if applicable, acquiring any sites or easements on behalf of the Water-Sewer District, the District shall receive impact fee credits, to the extent permitted by law, in an amount equal to the actual costs of planning, designing, permitting and constructing the regional facilities and actual acquisition costs of acquiring any necessary sites or easements. The parties shall agree upon alternative methods

of reimbursement to the extent that impact fee credits cannot be awarded to fully reimburse the District for such costs. Any and all impact fee credits awarded to the District may be assigned to any one or more real property owners within the District. District shall notify the County of any and all assignees of the impact fee credits.

(v) If the District and Water-Sewer District agree to have the District plan, design, permit and construct the regional facilities and the Water-Sewer District desires that such facilities have a greater treatment capacity than is necessary to serve the requirements of the District, the Water-Sewer District shall advance directly to the District the funds attributable to the planning, design, permitting and construction of such excess capacity as and when such funding shall be required by the District.

(e) As an alternative to the regional facility described in Subsection (d) above, the District may, but shall not be obligated to, plan, design, permit and construct interim water, wastewater and/or irrigation facilities (hereinafter called "interim facility(ies)") within the boundaries of the District in accordance with the terms and conditions described below. The planning, design and permitting of the interim facility(ies) by the District may be undertaken based upon the District engineer's sole reasonable opinion as to the necessity of such action. Before construction of an interim facility(ies) may commence, however, the

Board of Commissioners acting as Ex Officio the Governing Board of the Collier County Water-Sewer District (hereinafter, "County Commission") must review and approve such construction at a public hearing. The hearing shall be held as soon as reasonably possible after the District has requested such a hearing. At the hearing, the County Commission shall consider the testimony and evidence of the engineers for the District and Water-Sewer District staff as well as any other testimony and evidence which any interested party may wish to present. Based upon such testimony and evidence, the County Commission shall promptly take the following action: (i) decide whether the construction of interim facility(ies) is necessary to avoid a delay or interruption of any water, wastewater or irrigation service to current or future users within the District within the next twenty-four (24) month period; (ii) if the construction of interim facility(ies) is not deemed to be necessary for the above-stated purpose, the County Commission shall state its reason or reasons for such determination; or (iii) if the construction of interim facility(ies) is deemed to be necessary for the above-stated purpose but, for reasons stated by the County Commission, immediate commencement of such construction is not deemed necessary, the County Commission shall specifically state the date when such construction may commence. The interim facility(ies) may be either purchased or leased by the District and shall be installed, if approved by the County Commission, at the District's expense. After construction of the interim

facility(ies) has been so approved by the County Commission and completed by or on behalf of the District, the interim facility(ies) shall remain in the ownership or leasehold of the District and shall be managed and operated by the District. The District shall be permitted to use, as and when needed, all water, wastewater and irrigation facilities within the District which had been previously conveyed to the Water-Sewer District as required in Subsection (b) above in connection with its operation of the interim facility(ies). Such use shall be in accordance with and subject to any County ordinances in effect from time to time which govern such use, provided that in no event shall the District be required to pay the County or Water-Sewer District more than nominal charges for such use. Any interim facility(ies) constructed by the District shall be for temporary use only until the Water-Sewer District has repaired or expanded its regional facility to accommodate the water, wastewater and irrigation needs of the District. If, at any time during the construction or operation of the interim facility(ies), the Water-Sewer District determines that it is able to provide adequate water, wastewater or irrigation services within the District to the current and projected future users anticipated to connect in the next twenty-four (24) months without interruption or delay, the District shall immediately cease all further construction upon or operation of the interim facility(ies), as the case may be. The ability of the Water-Sewer District to again provide adequate water, wastewater

and irrigation services within the District to current and future users without interruption or delay within the next twenty-four (24) month period shall be determined by the County Commission at a public hearing. At such hearing, testimony and evidence may be presented in favor of and against the ability of the Water-Sewer District to provide adequate water, wastewater and irrigation services. In the event the County Commission determines that the Water-Sewer District is able to again serve the District's users from its regional facilities as described above and, as a result of such determination, construction or operation of the interim facility(ies) is ordered by the County Commission to be discontinued, the District shall promptly, at its expense, connect those properties served by the District on an interim basis to the Water-Sewer District's facilities and disassemble and remove the interim facility(ies). The District may levy special assessments, as authorized by Section 190.011(14), Florida Statutes (1991), for the cost of planning, designing, permitting, construction, disassemblage and removal of the interim facility(ies) and for the cost of acquiring the site and easements, if applicable, upon which the interim facility(ies) were constructed. The District shall not levy impact fees or system development charges for connection to the District's interim facility(ies).

(f) The District acknowledges that County impact fees for water, sewer, and irrigation service are required to be paid at the time a building permit application is made and that these impact

fees are required to be paid even though the District may be providing interim service. Petitioner, Westinghouse Communities of Naples, Inc., as the primary land owner and prime developer of the Pelican Marsh community, shall record a restrictive covenant, which runs with the land, that shall include among other things the following notice:

NOTICE: The Collier County Water-Sewer District ("County") is the permanent water, sewer and irrigation service provider within the District. The County charges impact fees for such services which must be paid at the time a building permit application is made. Should the facilities for such services not be available through the County for current or future residents of Pelican Marsh, the Pelican Marsh Community Development District or a developer may, but shall not be obligated to, provide interim water, wastewater and/or irrigation facilities. The impact fees charged by Collier County are in addition to any fees, charges or other levies the District or a developer may charge users for interim water, sewer, or irrigation service should it be providing such service. Any interim facility(ies) shall be discontinued when the County has the ability to provide adequate water, wastewater or irrigation services within the District to current and future users.

(g) None of the foregoing provisions within Section 10 shall be construed to relieve the Water-Sewer District of its legal

rights and obligations to supply users within the District with adequate water, wastewater and irrigation services from its regional facilities or to prohibit the District from exercising any authorized powers under Chapter 190, Florida Statutes (1991), including management and financing powers, other than as expressly provided therein to the contrary.

11. A statement of estimated economic impact of the granting of this Amended Petition and the establishment of the District by rule pursuant thereto, in accordance with Section 190.005(1)(b)1, Florida Statutes (1991), as amended, and Rule 42-1.008(1)(c), F.A.C., is attached as Exhibit 8.

12. Prior to the filing of this Petition, the Petitioner submitted a copy of this Petition, together with the required filing fee of \$15,000.00 to Collier County on February 26, 1993. These actions were undertaken upon compliance with Section 190.005(1)(b)1, Florida Statutes (1991), as amended, and other applicable statutory authority, to afford Collier County the opportunity to decide whether to conduct the optional hearing and to make any related decisions about the establishment of the District under Section 190.005(1)(c), Florida Statutes (1991).

WHEREFORE, Petitioner respectfully requests the Commission to:

A. Direct its Secretary to forward this Amended Petition to the Director of the Florida Division of Administrative Hearings

with a formal request that the Director notice and assign a Hearing Officer to conduct the local public information-gathering hearing pursuant to the uniform procedures set forth in Section 190.005(1)(d), Florida Statutes (1991), as amended, and Rule 42-1.008(2), 42-1.009(1)(b)1, 42-1.011, and 42-1.012, F.A.C., and to prepare a report based upon that local hearing and transmit that report with the record of the hearing to the Commission, pursuant to Section 190.005(1), Florida Statutes (1991), as amended, and Rules 42-1.012(4) and 42-1.013, F.A.C.

B. Upon receipt of the record of the hearing and the report of the Hearing Officer, direct the Secretary to notice and conduct a rule making hearing pursuant to Section 190.005(1)(e), Florida Statutes (1991), as amended, and Rule 42-1.014, F.A.C.

C. Grant the Amended Petition and adopt the rule to establish the District and to designate the land area to be serviced by the District, pursuant to Sections 190.005(1)(e) and 190.005(1)(f), Florida Statutes (1991), as amended, and Rule 42-1.014, F.A.C.

Respectfully submitted this 16th day of April, 1993.

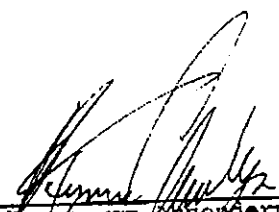
SIGNED, SEALED AND
DELIVERED IN THE
PRESENCE OF:

WITNESSES:

Robert W. McPhee
FIRST WITNESS

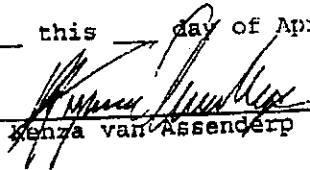
Carri A. Kelley
SECOND WITNESS

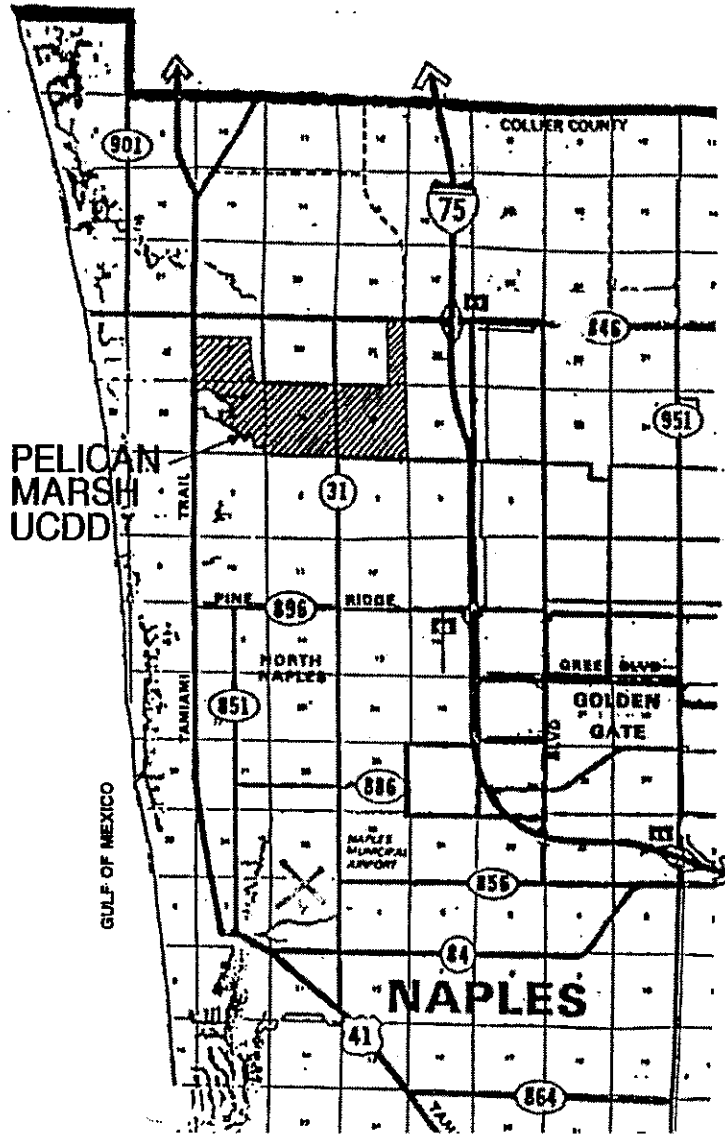
Louis H. Hoegsted
Louis H. Hoegsted, Executive
Vice President
Westinghouse Communities
of Naples, Inc.
801 Laurel Oak Drive, Suite 500,
Naples, Florida 33963
(813) 597-6061
Petitioner


Kenza van Assenderp
Young, van Assenderp, Varnadoc
and Benton, P.A.
Post Office Box 1833
Tallahassee, Florida 32302
(904) 222-7206
Attorneys for Petitioner,
Westinghouse Communities of
Naples, Inc.

Sandra W. Parrett
FIRST WITNESS
Gail R. May
SECOND WITNESS

I HEREBY CERTIFY that a copy of the foregoing has been mailed
to _____ this _____ day of April, 1993.

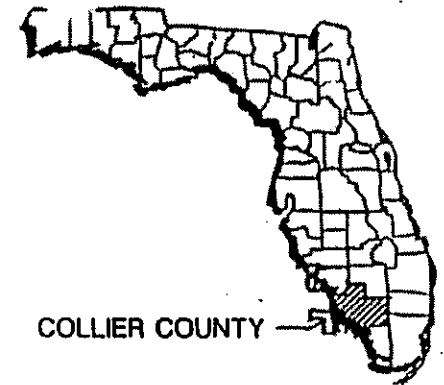

Kenza van Assenderp



PETITIONERS COMPOSITE EXHIBIT "A-1"

PROJECT LOCATION

WESTINGHOUSE COMMUNITIES OF NAPLES, INC.
DECEMBER 1st



COMMUNITY VICINITY

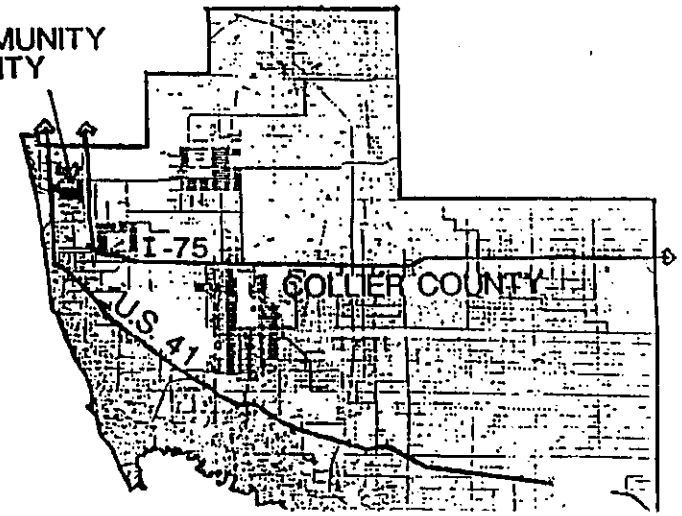


EXHIBIT 1

PELICAN MARSH COMMUNITY
DEVELOPMENT DISTRICTCHAPTER 42P-1
PELICAN MARSH COMMUNITY
DEVELOPMENT DISTRICT

42P-1.001 Creation.
42P-1.002 Boundary.
42P-1.003 Supervisors.

42P-1.001 Creation. Pelican Marsh Community Development District is hereby created.
Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.005 FS. History—New 12-14-93.

42P-1.002 Boundary. The boundaries of the district are as follows:

PARCEL IN
SECTIONS 25, 27, 34, 35 & 36
T.48S., R.25E
COLLIER COUNTY, FLORIDA

A tract or parcel lying in Sections 25, 27, 34, 35 and 36, Township 48. South, Range 25 East, Collier County, Florida, which tract or parcel is described as follows:

BEGINNING at the southwest corner of Section 27, Township 48 South, Range 25 East, Collier County, Florida; thence along the west line of said Section 27 and the easterly right-of-way line of U.S. 41 North 00°38'20" West 2623.40 feet to the west ¼ corner of said Section 27; thence continue along the west line of said Section 27 and said right-of-way North 00°39'12" West 827.69 feet; thence leaving said line North 89°20'45" East 3844.57 feet to the westerly right-of-way line of proposed Goodlette-Frank Road as recorded in Plat Book 13, page 58, Public Records of Collier County, Florida;

thence along said westerly right-of-way line in the following four (4) described courses;

1) South 05°34'48" East 3545.96 feet to the south line of said Section 27;

2) South 05°33'10" East 2642.17 feet;

3) Southerly 620.87 feet along the arc of a circular curve concave westerly having a radius of 2799.93 feet through a central angle of 12°42'18" and being subtended by a chord which bears South 00°47'59" West 619.60 feet;

4) South 07°09'08" West 1675.64 feet to the boundary line of the plat of Pine Ridge Second Extension as recorded in Plat Book 10, page 86 of the Public Records of Collier County, Florida;

thence along the boundary of said Pine Ridge Second Extension in the following eight (8) described courses;

1) South 89°50'58" West 88.21 feet;

2) North 31°34'00" West 120.19 feet;

3) North 05°37'10" West 956.47 feet;

4) South 74°46'39" West 379.98 feet;

5) South 12°04'43" East 23.53 feet;

6) South 87°09'43" West 272.40 feet;

7) Northwesterly 1854.45 feet along the arc of a non-tangential circular curve concave southwesterly having a radius of 1640.26 feet through a central angle of 64°46'40" and being

subtended by a chord which bears North 48°50'02" West 1757.26 feet;

8) North 81°13'22" West 737.85 feet; thence leaving said plat boundary North 00°03'39" West 707.85 feet; thence South 89°33'32" East 336.81 feet; thence North 00°26'28" East 180.64 feet; thence northerly 37.60 feet along the arc of a circular curve concave easterly having a radius of 130.00 feet through a central angle of 16°34'19" and being subtended by a chord which bears North 08°43'37" East 37.47 feet; thence North 17°00'47" East 181.41 feet; thence northwesterly 654.92 feet along the arc of a circular curve concave southwesterly having a radius of 395.00 feet through a central angle of 94°59'52" and being subtended by a chord which bears North 30°29'09" West 582.44 feet thence North 77°59'05" West 144.30 feet; thence northwesterly 418.87 feet along the arc of a circular curve concave northeasterly having a radius of 800.00 feet through a central angle of 29°59'37" and being subtended by a chord which bears North 62°59'06" West 414.10 feet thence North 47°59'08" West 100.03 feet; thence westerly 615.18 feet along the arc of a circular curve concave southerly having a radius of 826.09 feet through a central angle of 42°40'04" and being subtended by a chord which bears North 69°19'10" West 601.07 feet; thence South 89°20'48" West 204.55 feet to the west line of said Section 34, and the east right-of-way line of U.S. 41; thence along said line North 00°39'20" West 665.92 feet to the Point of Beginning; containing 577.38 acres more or less; subject to easements and restrictions of record; AND TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL; BEGINNING at the northwest corner of said Section 35; thence along the north line of said Section 35 North 89°45'35" East 5231.69 feet to the west right-of-way line of Airport-Pulling Road (C.R. 31); thence along said westerly right-of-way line South 00°31'47" East 5258.31 feet to the south line of said Section 35; thence along said south line South 89°39'22" West 2541.65 feet to the south ¼ corner of said Section 35; thence continue along said south line South 89°39'32" West 2641.33 feet to the southwest corner of said Section 35; thence along the south line of said Section 34 South 89°51'02" West 391.57 feet to the boundary line of a parcel described in O.R. Book 524, page 121 of the Public Records of Collier County, Florida; thence along the boundary of said parcel North 01°03'33" West 295.29 feet; thence continue along the boundary of said parcel South 89°51'02" West 443.28 feet to the easterly right-of-way line of proposed Goodlette-Frank Road as recorded in Plat Book 13, page 58 of the Public Records of Collier County, Florida; thence along said easterly right-of-way line North 07°09'08" East 1729.52 feet; thence continue along said easterly right-of-way line northerly 577.63 feet along the arc of a circular curve concave westerly having a radius of 2929.93 feet through a central angle of 11°17'45" and being subtended by a chord which bears North 01°30'16" East 576.70 feet to the southwesterly corner of a parcel described in O.R.

Book 1048, page 1800; thence along the southerly line of said parcel along a non-tangential line South 89°47'25" East 562.07 feet to the southeasterly corner of said parcel being a point on the easterly line of said Section 34; thence along the easterly line of said parcel described in O.R. Book 1048, page 1800 also being the east line of said Section 34, North 01°03'33" West 50.01 feet to the east ¼ of said Section 34; thence along the easterly line of said parcel described in O.R. Book 1048, page 1800 also being the east line of said Section 34 North 01°03'33" West 50.01 feet; thence leaving said section line along the north line of said parcel, North 89°47'25" West 569.06 feet to the easterly right-of-way line of proposed Goodlette-Frank Road as recorded in Plat Book 13, page 58 of the Public Records of Collier County, Florida; thence along said right-of-way line North 05°33'10" West 2600.08 feet to a point on the north line of said Section 34; thence leaving said right-of-way line and along the north line of said Section 34 South 89°31'31" East 772.91 feet to the Point of Beginning; containing 707.09 acres more or less; subject to easements and restrictions of record; **AND TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL BEGINNING** at the northeast corner of said Section 36; thence along the east line of said Section, South 02°12'03" East 2671.63 feet to the east ¼ corner of said Section 36; thence continue along the east line of said Section 36 South 02°06'28" East 2519.08 feet to a point on the northerly right-of-way line of Vanderbilt Beach Road; thence along said northerly right-of-way line North 89°39'39" West 2855.35 feet; thence continue along said line North 89°43'59" West 2544.87 feet to a point on the easterly right-of-way line of Airport-Pulling Road (C.R. 31); thence along said easterly right-of-way line North 00°31'47" West 4490.03 feet to the southwest corner of the east 15 feet of the west 115 feet of the

south 80 feet of the north 619.49 feet of said Section 36; thence along the south line of said land North 89°28'13" East 15.00 feet; thence along the east line of said land North 00°31'47" West 80.00 feet; thence along the north line of said land South 89°28'13" West 15.00 feet to the east right-of-way line of Airport Road (C.R. 31); thence along said right-of-way North 00°31'47" West 539.49 feet to the north line of said Section 36; thence along said north line North 89°27'57" East 3914.28 feet to the southwest corner of the east ¼ of the east ½ of said Section 25; thence along the west line of the east ½ of the east ½ of said Section 25 North 01°54'09" West 2668.19 feet; thence continue along the west line of the east ½ of the east of said Section 25 North 01°57'16" West 2567.06 feet to a point on the southerly right-of-way line of Immokalee Road (C.R. 846); thence along said right-of-way North 89°14'36" East 1325.57 feet to the east line of said Section 25; thence along said east line of Section 25 South 02°06'59" East 2569.75 feet to the east ¼ corner of Section 25; thence continue along said east line of Section 25 South 02°00'46" East 2670.97 feet to the Point of Beginning; containing 789.67 acres more or less; total parcel contains 2074.14 acres more or less; subject to easements and restrictions of record; bearings are based on the State Plane Coordinates 1983 datum 1990 adjustment, the north line of Section 35, being North 89°45'35" East.

Specific Authority 120.33(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New 12-14-93.

42P-1.003 Supervisors. The following five persons are designated as the initial members of the Board of Supervisors: John Pistor; Carol Girardin; Pamela McKie, Edward J. Oates, and John Abbott. *Specific Authority 120.33(1), 190.005 FS. Law Implemented 190.005(1) FS. History—New 12-19-93.*

[NEXT PAGE IS p. 668-43]



Department of State
Division of Elections

I, JIM SMITH, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Rule Chapter 42P-1, Florida Administrative Code, rules and regulations of the Land and Water Adjudicatory Commission, Pelican Marsh Community Development District, filed pursuant to Chapter 120, Florida Statutes, as shown by the records of this office.

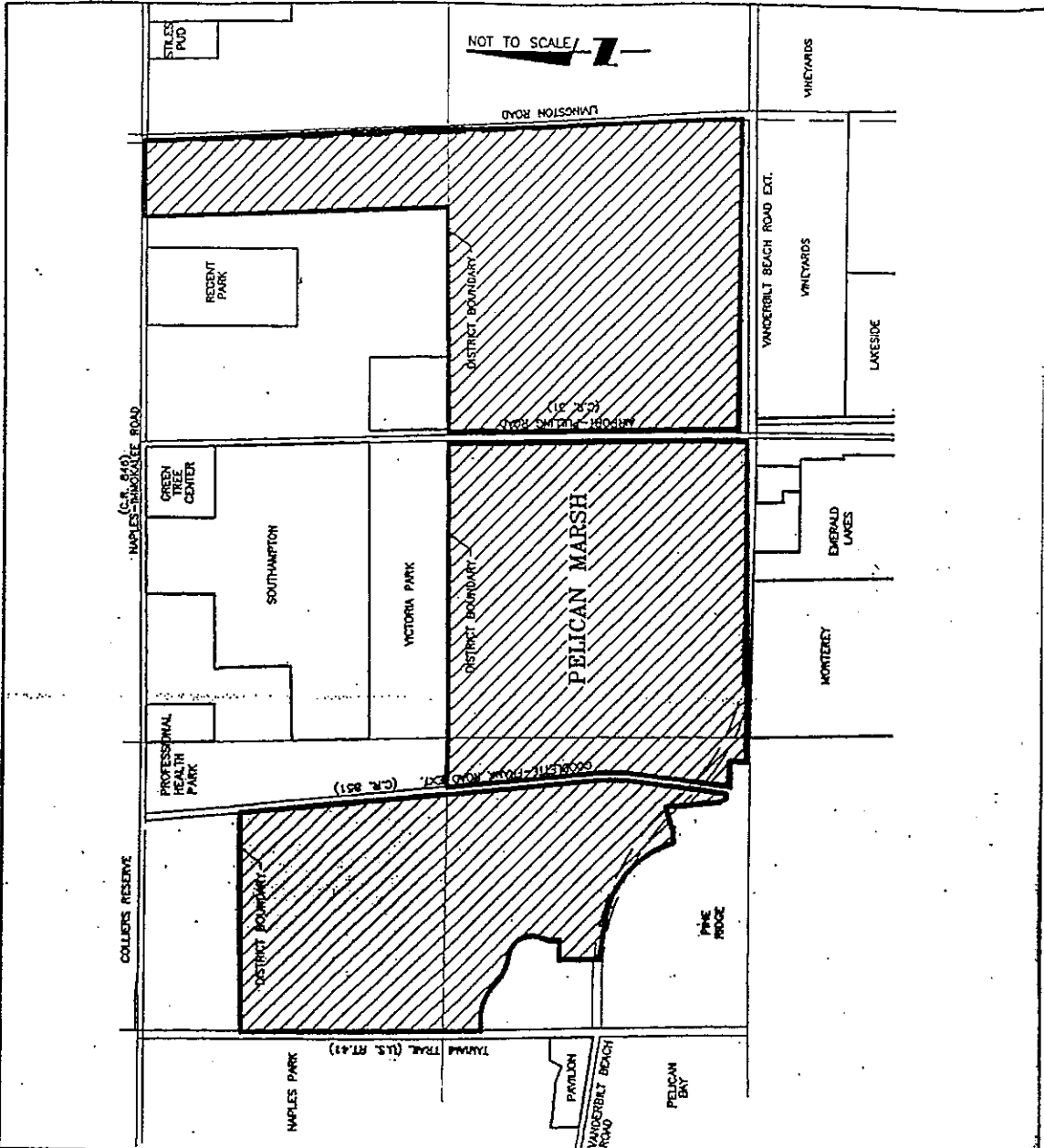
Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
19th. day of May,
A.D., 1994.

Jim Smith

Jim Smith
Secretary of State



DSDE 807 (7-91)



**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
DISTRICT BOUNDARY AND PROPERTIES SERVED**

EXHIBIT

ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS
WILSON, MILLER, BARTON & PEEK, INC.
3200 Bailey Lane, Naples, Florida 33942
(813) 649-4040 Fax (813) 643-5716

COUNTY:	COLLIER	DATE:	11-4-93
W.O.#:	16106	REV:	
PROJ.#:	0136	FILE#:	0000
DRAWN:	PGT/730	SHEET	2 OF 3

2

RESOLUTION 94-11

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT REQUESTING THE CONSENT OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, TO EXERCISE THOSE ADDITIONAL POWERS SET FORTH IN SECTION 190.012(2)(a), AND (d), FLORIDA STATUTES

WHEREAS, the Florida Land and Water Adjudicatory Commission adopted a Rule creating the Bayside Improvement Community Development District which was effective November 24, 1993; and

WHEREAS, the Board of Supervisors of the Pelican Marsh Community Development District at a meeting held December 20, 1993 considered the advisability of exercising those additional power specified in Section 190.012(2), Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT, COLLIER COUNTY, FLORIDA:

1. That it is requested that the Board of County Commissioners of Collier County, Florida, give its consent to the Board of Supervisors of the Pelican Marsh Community Development District to exercise the following additional specified powers set forth in Section 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.

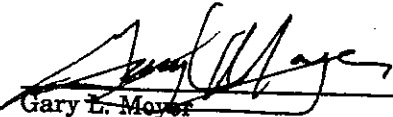
Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the District boundaries.

2. This Resolution shall become effective upon its passage.

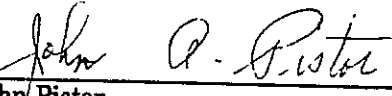
PASSED AND ADOPTED THIS 20TH DAY OF DECEMBER, 1993.

ATTEST:

BOARD OF SUPERVISOR OF
PELICAN MARSH COMMUNITY
DEVELOPMENT DISTRICT



Gary L. Meyer
Secretary



John Pistor
Chairman



RESOLUTION NO. 94-154-A

A RESOLUTION AUTHORIZING THE PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT TO EXERCISE SPECIAL POWERS RELATING TO PARKS AND RECREATION AND SECURITY PURSUANT TO SECTION 190.012(2)(a)(d), FLORIDA STATUTES.

WHEREAS, the Pelican Marsh Community Development District was established by Rule of the Florida Land and Water Adjudicatory Commission; and

WHEREAS, the Board of Supervisors of the Pelican Marsh Community Development District ("District") has requested the consent of Collier County to exercise certain additional special powers pursuant to Section 190.012(2), Florida Statutes; and

WHEREAS, the District's Board of Supervisors has requested that Collier County consent to the exercise of special powers relating to parks and recreation and security; and

WHEREAS, Collier County has reviewed the District Board of Supervisors' request at a public hearing.

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

1. The Board of County Commissioners of Collier County, Florida, hereby consents to the Board of Supervisors of the Pelican Marsh Community Development District exercising the following special powers in accordance with Section 190.012(2), Florida Statutes, 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.

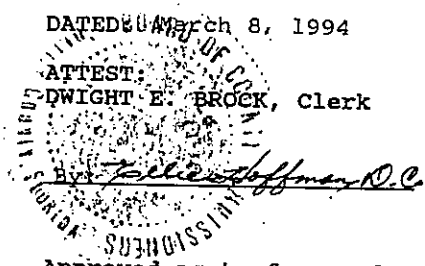
b. Security, including, but not limited to, guard houses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not

2. Consent to exercise the above powers by the Board of County Commissioners in no way implies that Collier County has any obligation or responsibility to ensure that these special powers are exercised by the District nor any liability in regards to the District's exercise of these special powers.

Passed and duly adopted after motion, second and majority vote favoring same by the Board of County Commissioners of Collier County, Florida, this 8th day of March, 1994.

DATED & ~~U~~ March 8, 1994

ATTEST:
DWIGHT E. BROCK, Clerk



Approved as to form and legal sufficiency:

Richard D. Yovanovich
Richard D. Yovanovich
Assistant County Attorney

rdy/tw/11203

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Timothy J. Constantine
TIMOTHY J. CONSTANTINE, Chairman

State of FLORIDA
County of COLLIER

I HEREBY CERTIFY THAT this is a true and correct copy of a document on file in Board Minutes and Records of Collier County WITNESS my hand and official seal this 19th day of May, 1994.

DWIGHT E. BROCK, CLERK OF COURTS

Lucas Chessis D.C. D.C.

State of Florida



Department of State Division of Elections

I, JIM SMITH, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Rule Chapter 42P-1, Florida Administrative Code, rules and regulations of the Land and Water Adjudicatory Commission, Pelican Marsh Community Development District, filed pursuant to Chapter 120, Florida Statutes, as shown by the records of this office.



DSDE 807 (7-91)

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
19th. day of May,
A.D., 1994.

Jim Smith

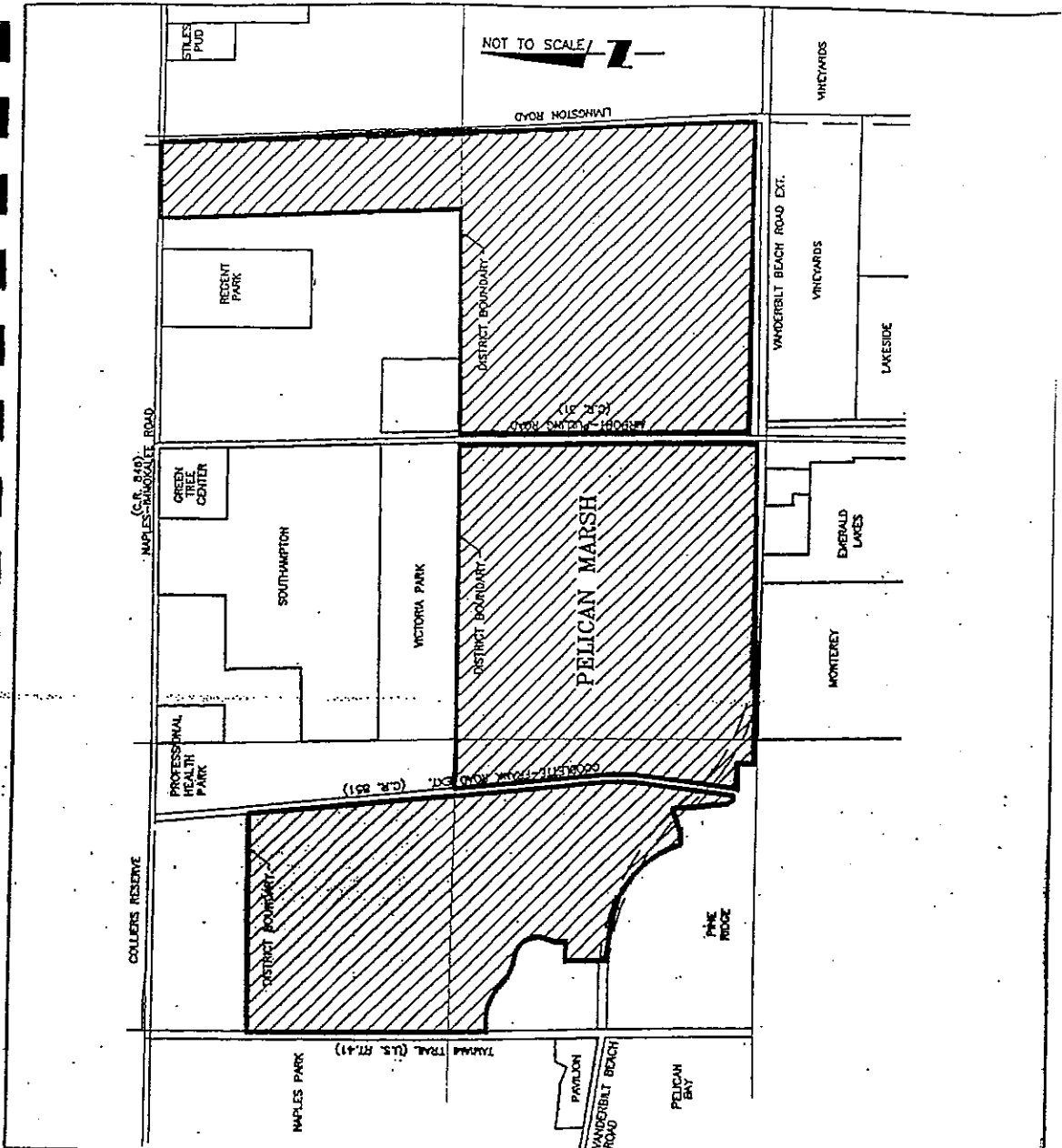
Jim Smith
Secretary of State

Book 1048, page 1800; thence along the southerly line of said parcel along a non-tangential line South 89°47'25" East 562.07 feet to the southeasterly corner of said parcel being a point on the easterly line of said Section 34; thence along the easterly line of said parcel described in O.R. Book 1048, page 1800 also being the east line of said Section 34, North 01°03'33" West 50.01 feet to the east 1/4 of said Section 34; thence along the easterly line of said parcel described in O.R. Book 1048, page 1800 also being the east line of said Section 34 North 01°03'33" West 50.01 feet; thence leaving said section line along the north line of said parcel, North 89°47'25" West 569.06 feet to the easterly right-of-way line of proposed Goodlette-Frank Road as recorded in Plat Book 13, page 58 of the Public Records of Collier County, Florida; thence along said right-of-way line North 05°33'10" West 2600.08 feet to a point on the north line of said Section 34; thence leaving said right-of-way line and along the north line of said Section 34 South 89°31'31" East 772.91 feet to the Point of Beginning; containing 707.09 acres more or less; subject to easements and restrictions of record; AND TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL BEGINNING at the northeast corner of said Section 36; thence along the east line of said Section, South 02°12'03" East 2671.63 feet to the east 1/4 corner of said Section 36; thence continue along the east line of said Section 36 South 02°06'28" East 2519.08 feet to a point on the northerly right-of-way line of Vanderbilt Beach Road; thence along said northerly right-of-way line North 89°39'39" West 2855.35 feet; thence continue along said line North 89°43'59" West 2544.87 feet to a point on the easterly right-of-way line of Airport-Pulling Road (C.R. 31); thence along said easterly right-of-way line North 00°31'47" West 4490.03 feet to the southwest corner of the east 15 feet of the west 115 feet of the

south 80 feet of the north 619.49 feet of said Section 36; thence along the south line of said land North 89°28'13" East 15.00 feet; thence along the east line of said land North 00°31'47" West 80.00 feet; thence along the north line of said land South 89°28'13" West 15.00 feet to the east right-of-way line of Airport Road (C.R. 31); thence along said right-of-way North 00°31'47" West 539.49 feet to the north line of said Section 36; thence along said north line North 89°27'57" East 3914.28 feet to the southwest corner of the east 1/2 of the east 1/2 of said Section 25; thence along the west line of the east 1/2 of the east 1/2 of said Section 25 North 01°54'09" West 2668.19 feet; thence continue along the west line of the east 1/2 of the east of said Section 25 North 01°57'16" West 2567.06 feet to a point on the southerly right-of-way line of Immokalee Road (C.R. 846); thence along said right-of-way North 89°14'36" East 1325.57 feet to the east line of said Section 25; thence along said east line of Section 25 South 02°06'59" East 2569.75 feet to the east 1/4 corner of Section 25; thence continue along said east line of Section 25 South 02°00'46" East 2670.97 feet to the Point of Beginning; containing 789.67 acres more or less; total parcel contains 2074.14 acres more or less; subject to easements and restrictions of record; bearings are based on the State Plane Coordinates 1983 datum 1990 adjustment, the north line of Section 35, being North 89°45'35" East.
Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New 12-14-93.

42P-1.003 Supervisors. The following five persons are designated as the initial members of the Board of Supervisors: John Pistor; Carol Girardin; Pamela McKie, Edward J. Oates, and John Abbott.
Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.006(1) FS. History—New 12-19-93.

[NEXT PAGE IS p. 668-43]



PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT DISTRICT BOUNDARY AND PROPERTIES SERVED		EXHIBIT 2
<small>ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS</small> <small>LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS</small>		
WILSON, MILLER, BARTON & PEEK, INC. 3200 Bailey Lane, Naples, Florida 33942 (813) 649-4040 Fax (813) 643-5716		
COUNTY: COLLIER W.O.#: 16106 PROJ.#: 0136 DRAWN: PGT/730	DATE: 11-4-93 REV: FILE#: 0000 SHEET 2 OF 3	
<small>Nov 16, 1993 - 15:59:51 D:\DWG\013603\DRW\PM\EXHIBIT2.dwg</small>		