

LEE COUNTY ORDINANCE NO. 02-25

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 98-08 AS AMENDED, RELATING TO THE HERONS GLEN RECREATION DISTRICT, AMENDING SECTION 4 RELATING TO THE BOARD OF SUPERVISORS AUTHORITY TO ADJUST TERMS OF OFFICE FOR SUPERVISORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a majority of the electors in the Herons Glen Recreation District area have signed a petition requesting the establishment of a Recreation District pursuant to Chapter 418, Part II, Florida Statutes, and

WHEREAS, the Herons Glen Recreation District is comprised of a portion of the Del Vera Development of Regional Impact, and

WHEREAS, the Del Vera Development of Regional Impact was approved by Lee County as County Case No 88-3-18-DRI, as amended (the "DRI"), and

WHEREAS, the Del Vera DRI is comprised of two development areas currently known as Herons Glen and Nantucket Village; and

WHEREAS, Herons Glen contains an 18 hold golf course, club house, practice facilities, restaurant, pro shop, tennis courts, shuffleboard courts, pool, and associated facilities (the "Herons Glen Golf and Country Club") which are the major recreational facilities serving the residents of Herons Glen; and

WHEREAS, the residents of Herons Glen wish to purchase the recreational facilities located within Herons Glen,

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

SECTION 1.

This Ordinance amends Lee County Ordinance 98-08 as amended, as set forth herein. The amendments and revisions set forth in the following sections are hereby adopted. Additions are illustrated by underlined words.

SECTION 2.

Section 4 of Lee County Ordinance 98-08 is hereby amended as follows:

SECTION 4. The District shall be governed by a five-member Board of Supervisors elected from the residents of the District. Supervisors shall serve for staggered three-year terms. The initial election of supervisors for the District shall occur on or after May 11, 1998. Two members of the initial Board shall serve three-year terms, two shall serve two-year terms, and one shall serve a one-year term. Thereafter, each Supervisor shall serve a full three-year term, beginning April 1 of the year in which he or she is elected, except that the Board of Supervisors shall have the authority and power to adjust the term of office for Supervisors from time to time, as necessary to accommodate revisions to election schedules. Members of the Board of Supervisors shall serve without compensation. Each property owner or resident in the District shall have the right to vote in the election. The costs of District elections shall be borne by the District. Any vacancy on the Board of Supervisors shall be filled for the unexpired term by the appointment of the remaining Supervisors of a successor from among the qualified residents of the District.

SECTION 3. SEVERABILITY

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part, the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court will not effect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent

legislative intent that this ordinance would have been adopted had such an unconstitutional provision not been included herein.

SECTION 4. CONSTRUCTION OF TERMS

The revisions as adopted by this ordinance shall control in the event there is a conflict with respect to the terms of the ordinance and preceding provisions. Only the revisions as adopted herein shall modify Lee County Ordinance 98-08, as amended. All other terms and conditions of Lee County Ordinance No. 98-08, as amended shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE

This Ordinance will take effect immediately upon receipt of official notice of its filing with the office of Secretary of the Florida Department of State.

The foregoing Ordinance was offered by Commissioner Albion, who moved its adoption. The motion was seconded by Commissioner St. Cerny and, being put to a vote, the vote was as follows:

BOB JANES	<u>Absent</u>
DOUGLAS ST. CERNY	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
ANDREW W. COY	<u>Absent</u>
JOHN E. ALBION	<u>Aye</u>

DULY PASSED AND ADOPTED this 27th day of August, 2002.

CHARLIE GREEN, CLERK
LEE COUNTY, FLORIDA
By: *Anna S. Peice*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
By: *Ray Judah*
Vice-Chairman

APPROVED AS TO FORM:
LEE COUNTY ATTORNEY'S OFFICE
By: *[Signature]*
Assistant County Attorney

