

LEE COUNTY RESOLUTION NO. 05-11-10

A RESOLUTION CONSENTING TO THE EXERCISE, BY RIVER HALL COMMUNITY DEVELOPMENT DISTRICT (f/k/a HAWK'S HAVEN COMMUNITY DEVELOPMENT DISTRICT), OF CERTAIN SPECIAL POWERS GRANTED TO THE DISTRICT IN SECTION 190.012 (2) (a) AND (d), FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the River Hall Community Development District, f/k/a Hawk's Haven Community Development District (District) has been created by law and established pursuant to Rule 42-YY-1 adopted under Chapter 190 by the Florida Land and Water Adjudicatory Commission; and

WHEREAS, the District became effective on April 21, 2005, and is active and in good legal standing; and

WHEREAS, pursuant to Section 190.012, Florida Statutes, part of the District charter grants to the community development district numerous special powers, but provides that the County must consent to the exercise by the District of those special powers in Section 190.012 (2), Florida Statutes, before the District may exercise them; and

WHEREAS, on August 1, 2005, the River Hall Community Development District petitioned the Board of County Commissioners of Lee County, Florida for consent to exercise the special powers granted by Section 190.012 (2)(a) and (d), Florida Statutes; and

WHEREAS, staff review of the operations and functions of the River Hall Community Development District and all related information confirms there is no change of circumstances or conditions since the District was established, and as such consent to the exercise of the special powers set forth in the petition is appropriate; and

WHEREAS, the Board of County Commissioner of Lee County, Florida has confirmed that the district government has the capability of providing these additional powers; and

WHEREAS, the consent to exercise the powers is not inconsistent with, will always be subject to and will comply with the Lee County Comprehensive Plan and all related regulations governing the use of land served by the District; and

WHEREAS, the Board of County Commissioners desires to consent to the exercise by River Hall Community Development Districts of these additional special powers.

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

SECTION ONE: AUTHORITY FOR RESOLUTION

This Resolution is adopted pursuant to Section 190.012 (2), Florida Statutes.

SECTION TWO: CONSENT TO THE EXERCISE OF OPTIONAL SPECIAL POWERS

The Lee County Board of County Commissioners hereby consents to the exercise by the River Hall Community Development District of the additional special powers granted in Section 190.012 (2)(a) and (d), Florida Statutes, as part of its statutory charter.

More specifically, the District is granted by its charter and this resolution, so long as it is in compliance with, and subject to, the County plans, permits, and regulations, the power 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; and for security, including, but not limited to, requisite personnel and equipment.

SECTION THREE: STATUTORY PROVISIONS CONSTITUTING THE CHARTER DISTRICT

The charter of the River Hall Community Development District is set forth in Sections 190.006 - 190.041, Florida Statutes.

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event this resolution conflicts with other ordinance or resolutions of Lee County or applicable law, the more restrictive will apply. If any phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall will be deemed a separate, distinct, and independent provision and such holding will not affect the validity of the remaining portion.

SECTION FIVE: EFFECTIVE DATE

This resolution will become effective upon passage.

The foregoing resolution was offered by Commissioner Janes who moved its adoption. The motion was seconded by Commissioner Hall, and, being put to a vote the vote was as follows:

ROBERT JANES Aye
DOUGLAS ST. CERNY Aye
RAY JUDAH Aye
TAMMY HALL Aye
JOHN ALBION Aye

PASSED AND DULY ADOPTED by the Board of County Commissioners of Lee County, Florida, this 1st day of November, 2005.

ATTEST:
CHARLIE GREEN, CLERK

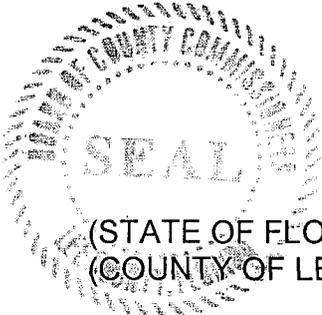
By: *Dina Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *D. Hall* for
Douglas St. Cerny, Chairman

APPROVED AS TO FORM

By: *Kevin [Signature]*
Office of the County Attorney



(STATE OF FLORIDA)
(COUNTY OF LEE)

I, Charlie Green, Clerk of Courts in and for the Twentieth Judicial Circuit, do hereby certify that the foregoing is a true original of:

RESOLUTION NO. 05-11-10

which was adopted by the Board of County Commissioners of Lee County, Florida during Regular Session on the 1st day of November, 2005.

Charlie Green,
Clerk of Courts and Clerk
Ex-Officio to the Board
of County Commissioners

By: _____
Deputy Clerk