

ORDINANCE NO. 04-20

AN ORDINANCE ESTABLISHING THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190; PROVIDING FOR NOTICE TO SUBSEQUENT PURCHASERS; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Colonial Homes, Inc., has petitioned the Board of County Commissioners to establish MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published notice, conducted a local public information-gathering ordinance hearing as required by law and finds as follows:

1. The petition is complete in that it meets the requirements of Section 190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.
2. The Executive Regulatory Oversight Committee has reviewed and approved the petition for establishment of the proposed district.
3. The costs to the County and government agencies from establishment of the district are nominal. There is no adverse impact on competition or employment from district establishment. The persons affected by establishment are the future landowners, present landowners, Lee County and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from district establishment as the entity to manage and finance the statutory services identified. The impact of district establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the rule, is as economically viable as establishing the district. Methodology is set forth in the economic impact statement on file. The statement of estimated regulatory costs submitted with this petition to support establishment of the district is adequate.

4. Establishment of the proposed district, whose charter must be in accordance with the general law set forth in Section 190.006 - 190.041, Florida Statutes, is not inconsistent with the local Comprehensive Plan of Lee County or the State Comprehensive Plan.

5. The area of land within the proposed district is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.

6. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

7. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.

8. The area that will be served by the district is amenable to separate special district government.

9. The proposed district, once established, may petition the Board of County Commissioners for consent to exercise one or more of the powers granted by charter in Section 190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the proposed Moody River Estates Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law; and has the right to seek consent from Lee County for the grant of authority to exercise special powers in accordance with F.S. 190.012(2), without question as to the district's continued right, authority and power to exercise its limited powers as established by this ordinance.

11. All notice requirements of law were met and complete notice was timely given.

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

#### **SECTION ONE: DISTRICT NAME**

The community development district herein established will be known as Moody River Estates Community Development District.

#### **SECTION TWO: 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 THREE: ESTABLISHMENT OF  
COMMUNITY DEVELOPMENT DISTRICT**

Moody River Estates Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference.

**SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS**

The following five persons are designated to be the initial members of the Board of Supervisors:

- |    |                  |   |
|----|------------------|---|
| 1. | Tony Persichilli | Colonial Homes<br>12601 West Lines Drive, Unit #7<br>Fort Myers, FL 33913 |
| 2. | John Mirable     | Colonial Homes<br>12601 West Lines Drive, Unit #7<br>Fort Myers, FL 33913 |
| 3. | Scott Clark      | Colonial Homes<br>12601 West Lines Drive, Unit #7<br>Fort Myers, FL 33913 |
| 4. | Cleve Mortiz     | Colonial Homes<br>12601 West Lines Drive, Unit #7<br>Fort Myers, FL 33913 |
| 5. | Manny Hermina    | Colonial Homes<br>12601 West Lines Drive, Unit #7<br>Fort Myers, FL 33913 |

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING DISTRICT**

Moody River Estates Community Development District will be governed by the provisions of Chapter 190, Florida Statutes.

**SECTION SIX: NOTICE TO SUBSEQUENT PURCHASERS**

Any and all agreements for the sale of property within the boundaries of the Moody River Estates Community Development District must include the disclosure statement required in FS §190.048 for the initial sale of the property. This requirement applies to the

initial seller of a parcel as well as all subsequent sellers, successors and assigns, for the life of the Moody River Estates Community Development District.

**SECTION SEVEN: CONFLICT AND SEVERABILITY**

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

**SECTION EIGHT: EFFECTIVE DATE**

This Ordinance becomes effective upon filing with the Florida Secretary of State.

THE FOREGOING ORDINANCE was offered by Commissioner Judah, who moved its adoption. The motion was seconded by Commissioner Coy and, being put to a vote, the vote was as follows:

|                   |            |
|-------------------|------------|
| JOHN E. ALBION    | <u>Aye</u> |
| ROBERT JANES      | <u>Aye</u> |
| DOUGLAS ST. CERNY | <u>Aye</u> |
| RAY JUDAH         | <u>Aye</u> |
| ANDREW W. COY     | <u>Aye</u> |

DULY PASSED AND ADOPTED THIS 9<sup>TH</sup> day of November, 2004

ATTEST:  
CHARLIE GREEN, CLERK

By: Michelle L. Cooper  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: John E. Albion  
Chairman

APPROVED AS TO FORM:

By: Dawn E. Perry-Lehnert  
Dawn E. Perry-Lehnert  
Office of County Attorney

**MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT  
SECTIONS 9, 10, 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY,  
FLORIDA**

DESCRIPTION: A parcel of land lying in Sections 9, 10, 15, of Township 44 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 44 South, Range 24 East, thence run N.00°30'28" E., 30.00 feet to the POINT OF BEGINNING said point being on the North Right-of-Way line of Skyline Drive; thence along said North right-of-way line N.88°55'40"W., 925.28 feet to a point of curvature; thence Northwesterly, 309.83 feet along the arc of a curve to the right having a radius of 385.00 feet and a central angle of 46°06'32" (chord bearing N.65°52'24"W., 301.54 feet) to a point of compound curvature; thence Northerly, 52.45 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 100°10'44" (chord bearing N.07°16'14"E., 46.02 feet) to a point of reverse curvature; thence Northeasterly, 517.74 feet along the arc of a curve to the left having a radius of 1450.00 feet and a central angle of 20°27'29" (chord bearing N.47°07'52"E., 514.99 feet); thence N.53°05'53"W., 525.00 feet; thence N.41°00'00"E., 535.00 feet; thence N.31°43'57"E., 416.34 feet to a point on a curve; thence Northeasterly, 187.19 feet along the arc of a curve to the right having a radius of 1200.00 feet and a central angle of 08°56'16" (chord bearing N.40°11'52"E., 187.00 feet) to a point of tangency; thence N.44°40'00"E., 363.52 feet to a central angle of 45°55'00" (chord bearing N.21°42'30"E., 748.92 feet) to a point of compound curvature; thence Northerly, 96.87 feet along the arc of a curve to the left having a radius of 300.00 feet and a central angle of 18°30'00" (chord bearing N.10°30'00"W., 96.45 feet) to a point of reverse curvature; thence Northerly, 115.19 feet along the arc of a curve to the right having a radius of 300.00 feet and a central angle of 22°00'00" (chord bearing N.08°45'00"W., 114.49 feet) to a point of tangency; thence N.02°15'00"E., 275.83; thence S.89°43'02"E., 66.08 feet; thence along the South boundary of Hidden Acres according to the plat thereof as recorded in Plat Book 30, Page 71 of the Public Records of Lee County, Florida, S.89°17'03"E., 2493.78 feet to a point on the West right-of-way line of Moody Road; thence along said West right-of-way line S.00°36'02"E., 1355.37 feet; thence N.89°19'18"E., 586.76 feet; thence S.50°02'35"E., 92.13 feet; thence S.00°35'54"E., 40.00 feet; thence S.89°19'18"W., 410.00 feet; thence S.00°35'54"E., 184.86 feet; thence N.89°19'18"E., 593.50 feet to a point of curvature; thence Easterly, 263.60 feet along the arc of a curve to the left having a radius of 400.00 feet and a central angle of 37°45'27" (chord bearing N.70°26'34"E., 258.85 feet) to a point of tangency; thence N.51°33'51"E., 173.51 feet; thence N.89°19'18"E., 200.17 feet; thence S.01°40'27"W., 370.31 feet to a point on the South line of the Northwest one-quarter of the Southeast one-quarter of said Section 10; thence along said South line S.89°19'18"W., 1407.57 feet to a point of intersection with the West right-of-way line of said Moody Road; thence along said West right-of-way line S.00°36'02"E., 1277.35 feet to a point of curvature; thence Southwesterly, 47.13 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 90°00'16" (chord bearing S.44°24'06"W., 42.43 feet) to a point of tangency; thence along the North right-of-way line of said Skyline Drive S.89°24'14"W., 1203.74 feet; thence S.00°27'38"E., 1385.40 feet; thence N.89°24'14"E., 660.00 feet to a point on the West line of Skyline Woods according to the plat thereof as recorded in Plat Book 39, Page 66 of the Public Records of Lee County, Florida; thence along said West line S.00°27'38"E., 756.82 feet to a point on the North line of Buttonwood Harbor according to the plat thereof as recorded in Plat Book 44, Page 86 of the Public Records of Lee County, Florida; thence along the boundary of Buttonwood Harbor for the following three (3) courses: 1) S.89°21'35"W., 1321.24 feet; 2) S.00°43'36"E., 536.89 feet; 3) S.89°22'01"W., 650.45 feet to a point on the East boundary of said Section 15; thence along said East boundary N.00°43'36"W., 2620.55 feet to the POINT OF BEGINNING.

Prepared By:  
Heidt & Associates Inc  
3800 Colonial Blvd #200  
Fort Myers, Florida 33912

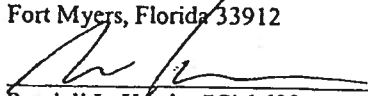
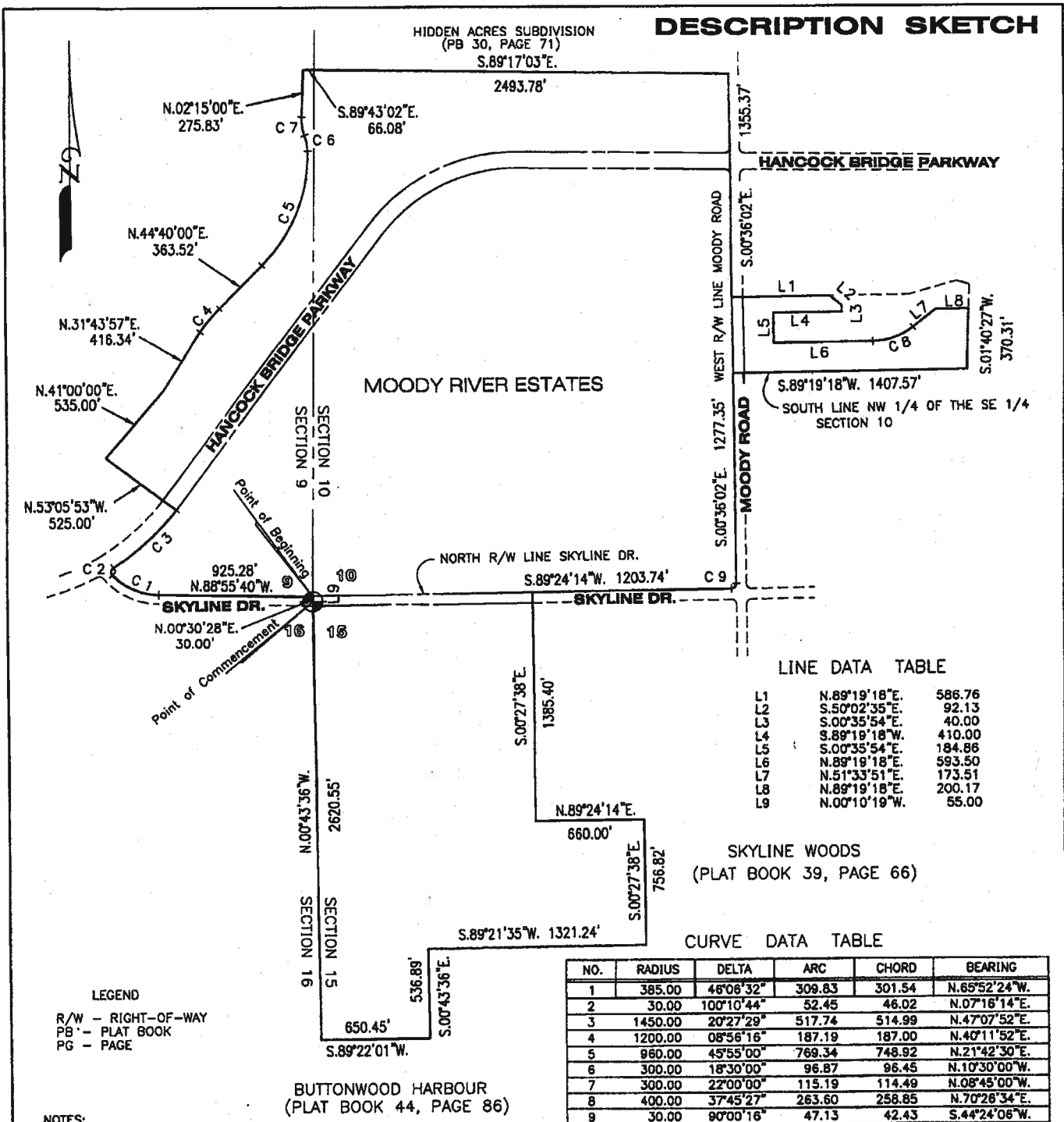
  
Randall L. Hendra PSM 6091  
Florida Professional Surveyor and Mapper

EXHIBIT A  
PAGE 1 of 4

**DESCRIPTION SKETCH**



**LINE DATA TABLE**

|    |               |        |
|----|---------------|--------|
| L1 | N.89°19'18"E. | 586.76 |
| L2 | S.50°02'35"E. | 92.13  |
| L3 | S.00°35'54"E. | 40.00  |
| L4 | S.89°19'18"W. | 410.00 |
| L5 | S.00°35'54"E. | 184.86 |
| L6 | N.89°19'18"E. | 593.50 |
| L7 | N.51°33'51"E. | 173.51 |
| L8 | N.89°19'18"E. | 200.17 |
| L9 | N.00°10'19"W. | 55.00  |

**SKYLINE WOODS  
(PLAT BOOK 39, PAGE 66)**

**CURVE DATA TABLE**

| NO. | RADIUS  | DELTA      | ARC    | CHORD  | BEARING       |
|-----|---------|------------|--------|--------|---------------|
| 1   | 385.00  | 46°06'32"  | 309.83 | 301.54 | N.65°52'24"W. |
| 2   | 30.00   | 100°10'44" | 52.45  | 46.02  | N.07°16'14"E. |
| 3   | 1450.00 | 20°27'29"  | 517.74 | 514.99 | N.47°07'52"E. |
| 4   | 1200.00 | 08°56'16"  | 187.19 | 187.00 | N.40°11'52"E. |
| 5   | 960.00  | 45°55'00"  | 769.34 | 748.92 | N.21°42'30"E. |
| 6   | 300.00  | 18°30'00"  | 96.87  | 96.45  | N.10°30'00"W. |
| 7   | 300.00  | 22°00'00"  | 115.19 | 114.49 | N.08°45'00"W. |
| 8   | 400.00  | 37°45'27"  | 263.60 | 258.85 | N.70°28'34"E. |
| 9   | 30.00   | 90°00'16"  | 47.13  | 42.43  | S.44°24'06"W. |

(NOT A SURVEY)

RANDALL L. HENDRA PSM # 6091

CERTIFICATE OF AUTHORIZATION NO. LB 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
Tampa + Fort Myers



CIVIL ENGINEERING  
PLANNING  
SURVEYING  
ENVIRONMENTAL PERMITTING  
LANDSCAPE ARCHITECTURE

Fort Myers Office  
3800 Colonial Blvd, Suite 200  
Fort Myers, Florida 33912  
Phone: 239-482-7275  
FAX: 239-482-2103

SKETCH OF LEGAL DESCRIPTION FOR  
MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT  
SECTION 9,10,15,16, TOWNSHIP 44 SOUTH, RANGE 24 EAST

Prepared For: **COLONIAL HOMES INC.**

SHEET 2 OF 2

|  |                   |                |
|--|-------------------|----------------|
| Dwn. RH  | Ck. -             | DWG: CDD_LEGAL |
| Date: 2-17-04  | Order No.: COL-MR |                |
| SECTION 9,10,15,16 TOWNSHIP 44 S RANGE 25 E<br>LEE COUNTY, FLORIDA |                   |                |

**MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT  
LESS AND EXCEPT ROAD PARCELS  
LEE COUNTY, FLORIDA**

**ROAD RIGHT-OF-WAY LESS AND EXCEPT PARCEL # 1 (Skyline Drive)**

DESCRIPTION: A parcel of land lying in Sections 9, 10, and 15, of Township 44 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 44 South, Range 24 East, thence run N.00°30'28" E., 35.00 feet to the POINT OF BEGINNING; thence along the North boundary of Skyline Drive N.89°24'14"E., 1321.00 feet; thence S.00°27'38"E., 65.00 feet to a point on the South right-of-way line of Skyline Drive; thence along said South right-of-way line for the following three (3) courses: 1) S.89°24'13"W., 670.88 feet; 2) N.00°47'51"W., 5.00 feet; 3) S.89°24'13"W., 650.44 feet; thence N.00°07'16"W., 60.00 feet to the POINT OF BEGINNING.

Containing 1.897 acres, more or less.

**ROAD RIGHT-OF-WAY LESS AND EXCEPT PARCEL # 2 (Hancock Bridge Parkway)**

DESCRIPTION: A parcel of land lying in Sections 9, and 10, of Township 44 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 44 South, Range 24 East, thence run N.00°30'28" E., 30.00 feet to a point on the North Right-of-Way line of Skyline Drive; thence along said North right-of-way line N.88°55'40"W., 925.28 feet to a point of curvature; thence Northwesterly, 309.83 feet along the arc of a curve to the right having a radius of 385.00 feet and a central angle of 46°06'32" (chord bearing N.65°52'24"W., 301.54 feet) to a point of compound curvature; thence Northerly, 52.45 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 100°10'44" (chord bearing N.07°16'14"E., 46.02 feet) to a point of reverse curvature; thence Northeasterly, 517.74 feet along the arc of a curve to the left having a radius of 1450.00 feet and a central angle of 20°27'29" (chord bearing N.47°07'52"E., 514.99 feet) to the Point of Beginning; thence N.53°05'53"W., 100.00 feet to a point on the Northwest right-of-way line of Hancock Bridge Parkway; thence along said Northwest right-of-way line N.36°54'06"E., 2078.08 feet to a point of curvature; thence Northeasterly, 1031.35 feet along the arc of a curve to the right having a radius of 1100.00 feet and a central angle of 53°43'12" (chord bearing N.63°45'42"E., 993.99 feet) to a point of tangency; thence S.89°22'42"E., 1253.94 feet to a point of curvature; thence Northeasterly, 47.76 feet along the arc of a curve to the left having a radius of 30.00 feet and a central angle of 91°13'20" (chord bearing N.45°00'38"E., 42.88 feet); thence S.00°36'02"E., 160.04 feet to a point of cusp; thence along the Southerly right-of-way line of said Hancock Bridge Parkway, Northwesterly, 46.48 feet along the arc of a curve to the left having a radius of 30.00 feet and a central angle of 88°46'40" (chord bearing N.44°59'22"W., 41.97 feet) to a point of tangency; thence N.89°22'42"W., 1257.36 feet to a point of curvature; thence Southwesterly, 937.59 feet along the arc of a curve to the left having a radius of 1000.00 feet and a central angle of 53°43'12" (chord bearing S.63°45'42"W., 903.62 feet) to a point of tangency; thence S.36°54'06"W., 2078.08 feet to the POINT OF BEGINNING.

Containing 9.991 acres, more or less.

**ROAD RIGHT-OF-WAY LESS AND EXCEPT PARCEL # 3 (Moody Road)**

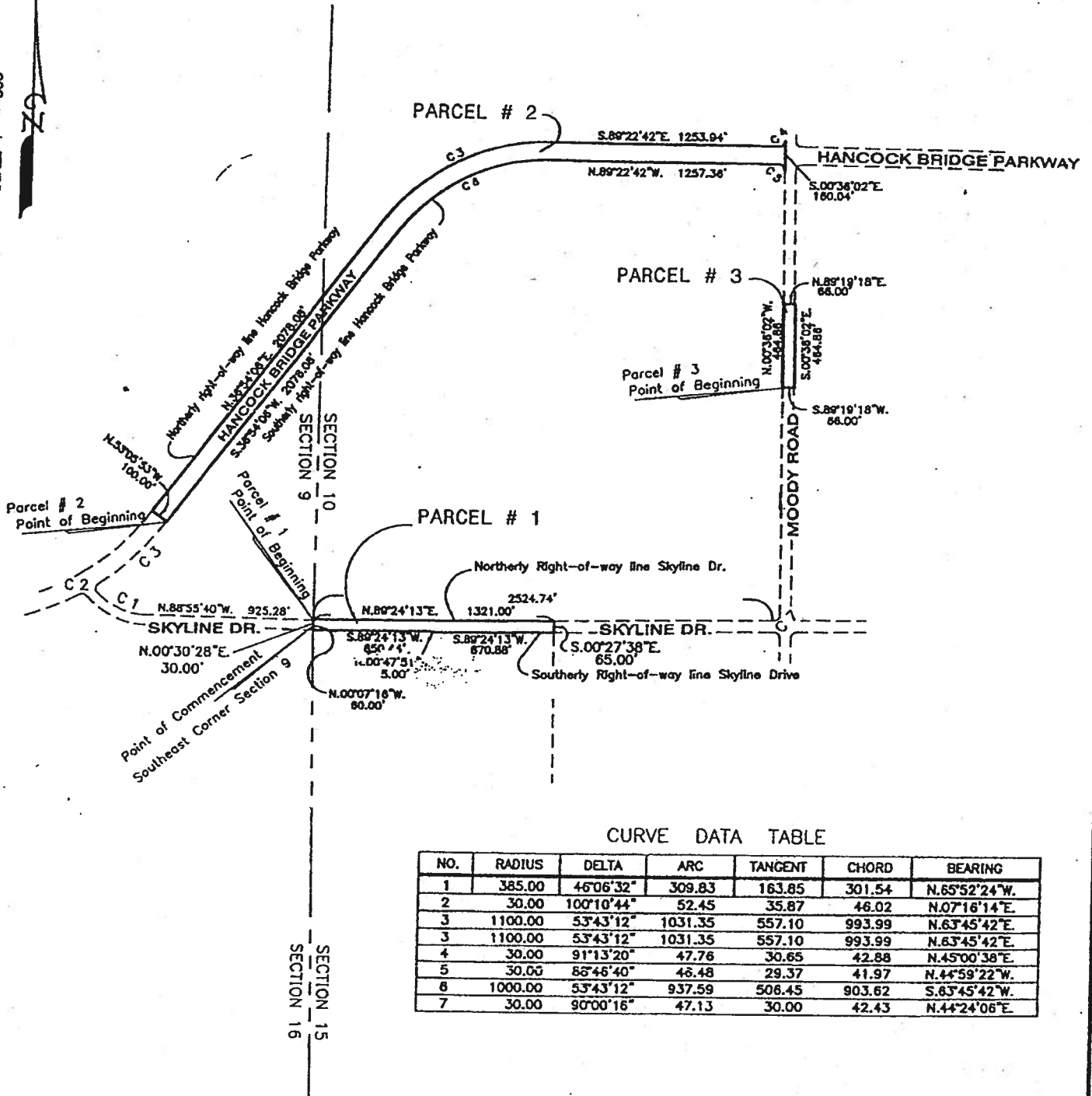
DESCRIPTION: A parcel of land lying in Section 10, of Township 44 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 44 South, Range 24 East, thence run N.00°30'28"E., 35.00 feet; thence N.89°24'14"E., 2524.74 feet to a point of curvature; thence Northeasterly, 47.13 feet along the arc of a curve to the left having a radius of 30.00 feet and a central angle of 90°00'16" (chord bearing N.44°24'06"E., 42.43 feet) to a point of tangency; thence N.00°36'02"W., 1277.35 feet to the POINT OF BEGINNING; thence N.00°36'02"W., 464.86 feet; thence N.89°19'18"E., 66.00 feet; thence S.00°36'02"E., 464.86 feet; thence S.89°19'18"W., 66.00 feet to the POINT OF BEGINNING.

Containing 0.704 acres, more or less.

# DESCRIPTION SKETCH

SCALE 1" = 800'



CURVE DATA TABLE

| NO. | RADIUS  | DELTA      | ARC     | TANGENT | CHORD  | BEARING       |
|-----|---------|------------|---------|---------|--------|---------------|
| 1   | 385.00  | 46°06'32"  | 309.83  | 163.85  | 301.54 | N.65°52'24"W. |
| 2   | 30.00   | 100°10'44" | 52.45   | 35.87   | 46.02  | N.07°16'14"E. |
| 3   | 1100.00 | 53°43'12"  | 1031.35 | 557.10  | 993.99 | N.63°45'42"E. |
| 3   | 1100.00 | 53°43'12"  | 1031.35 | 557.10  | 993.99 | N.63°45'42"E. |
| 4   | 30.00   | 91°13'20"  | 47.76   | 30.65   | 42.88  | N.45°00'38"E. |
| 5   | 30.00   | 86°46'40"  | 46.48   | 29.37   | 41.97  | N.44°59'22"W. |
| 6   | 1000.00 | 53°43'12"  | 937.59  | 506.45  | 903.62 | S.63°45'42"W. |
| 7   | 30.00   | 90°00'16"  | 47.13   | 30.00   | 42.43  | N.44°24'06"E. |

NOTES:

- BEARINGS ARE BASED ON THE EAST BOUNDARY OF THE SOUTHWEST 1/4 OF SECTION 9 AS BEING N.00°30'28"E.
- See Sheet 1 of 2 for Legal Description.

(NOT A SURVEY)

*[Signature]*  
 RANDALL L. HENDRA PSM # 6091

CERTIFICATE OF AUTHORIZATION NO. LS 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
 Tampa ♦ Fort Myers



CIVIL ENGINEERING  
 PLANNING  
 SURVEYING  
 ENVIRONMENTAL PERMITTING  
 LANDSCAPE ARCHITECTURE

Fort Myers Office  
 3800 Colonial Blvd, Suite 300  
 Fort Myers, Florida 33912  
 Phone: 239-482-7275  
 FAX: 239-482-2103

SKETCH OF LEGAL DESCRIPTION FOR  
 MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT  
 ROAD RIGHT-OF-WAY LESS AND EXCEPT PARCELS

Prepared For: COLONIAL HOMES INC.

EXHIBIT A  
 PAGE 4 of 4

|  |                   |                |
|--|-------------------|----------------|
| Dwn. RH  | Ck. -             | DWC: COD LEGAL |
| Date: 2-17-04  | Order No.: COL-NR |                |
| SECTION 9,10,15, TOWNSHIP 44 S RANGE 24 E<br>LEE COUNTY, FLORIDA |                   |                |



Exhibit 2 A

**MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT  
LESS AND EXCEPT ROAD PARCELS  
LEE COUNTY, FLORIDA**

**ROAD RIGHT-OF-WAY LESS AND EXCEPT PARCEL # 1 (Skyline Drive)**

**DESCRIPTION:** A parcel of land lying in Sections 9, 10, and 15, of Township 44 South, Range 25 East, Lee County, Florida, and being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 44 South, Range 25 East, thence run N.00°30'28" E., 35.00 feet to the POINT OF BEGINNING; thence along the North boundary of Skyline Drive N.89°24'14"E., 1321.00 feet; thence S.00°27'38"E., 65.00 feet to a point on the South right-of-way line of Skyline Drive; thence along said South right-of-way line for the following three (3) courses: 1) S.89°24'13"W., 670.88 feet; 2) N.00°47'51"W., 5.00 feet; 3) S.89°24'13"W., 650.44 feet; thence N.00°07'16"W., 60.00 feet to the POINT OF BEGINNING.

Containing 1.897 acres, more or less.

**ROAD RIGHT-OF-WAY LESS AND EXCEPT PARCEL # 2 (Hancock Bridge Parkway)**

**DESCRIPTION:** A parcel of land lying in Sections 9, and 10, of Township 44 South, Range 25 East, Lee County, Florida, and being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 44 South, Range 25 East, thence run N.00°30'28" E., 30.00 feet to a point on the North Right-of-Way line of Skyline Drive; thence along said North right-of-way line N.88°55'40"W., 925.28 feet to a point of curvature; thence Northwesterly, 309.83 feet along the arc of a curve to the right having a radius of 385.00 feet and a central angle of 46°06'32" (chord bearing N.65°52'24"W., 301.54 feet) to a point of compound curvature; thence Northerly, 52.45 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 100°10'44" (chord bearing N.07°16'14"E., 46.02 feet) to a point of reverse curvature; thence Northeasterly, 517.74 feet along the arc of a curve to the left having a radius of 1450.00 feet and a central angle of 20°27'29" (chord bearing N.47°07'52"E., 514.99 feet) to the Point of Beginning; thence N.53°05'53"W., 100.00 feet to a point on the Northwest right-of-way line of Hancock Bridge Parkway; thence along said Northwest right-of-way line N.36°54'06"E., 2078.08 feet to a point of curvature; thence Northeasterly, 1031.35 feet along the arc of a curve to the right having a radius of 1100.00 feet and a central angle of 53°43'12" (chord bearing N.63°45'42"E., 993.99 feet) to a point of tangency; thence S.89°22'42"E., 1253.94 feet to a point of curvature; thence Northeasterly, 47.76 feet along the arc of a curve to the left having a radius of 30.00 feet and a central angle of 91°13'20" (chord bearing N.45°00'38"E., 42.88 feet); thence S.00°36'02"E., 160.04 feet to a point of cusp; thence along the Southerly right-of-way line of said Hancock Bridge Parkway, Northwesterly, 46.48 feet along the arc of a curve to the left having a radius of 30.00 feet and a central angle of 88°46'40" (chord bearing N.44°59'22"W., 41.97 feet) to a point of tangency; thence N.89°22'42"W., 1257.36 feet to a point of curvature; thence Southwesterly, 937.59 feet along the arc of a curve to the left having a radius of 1000.00 feet and a central angle of 53°43'12" (chord bearing S.63°45'42"W., 903.62 feet) to a point of tangency; thence S.36°54'06"W., 2078.08 feet to the POINT OF BEGINNING.

Containing 9.991 acres, more or less.

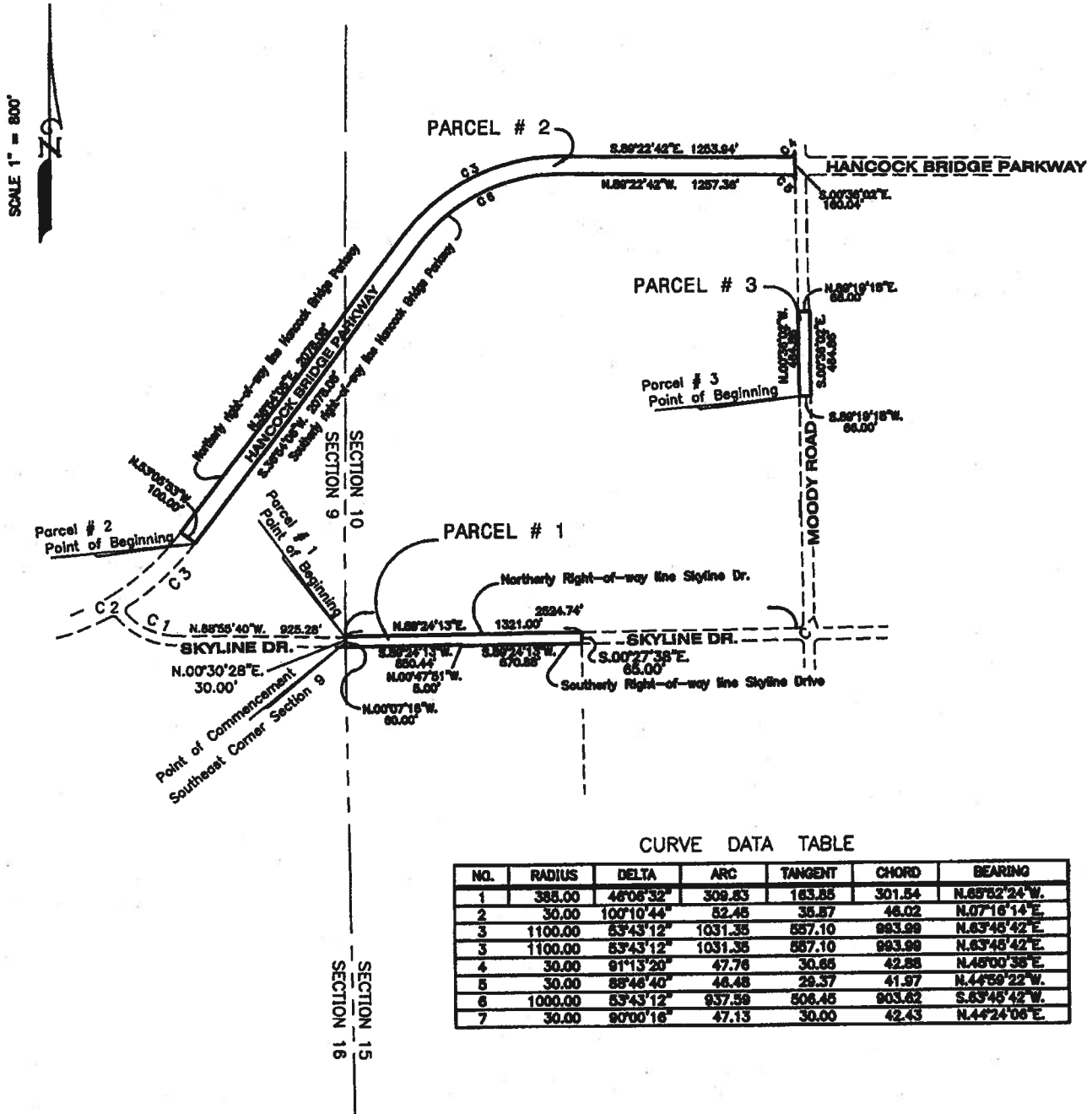
**ROAD RIGHT-OF-WAY LESS AND EXCEPT PARCEL # 3 (Moody Road)**

**DESCRIPTION:** A parcel of land lying in Section 10, of Township 44 South, Range 25 East, Lee County, Florida, and being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 44 South, Range 25 East, thence run N.00°30'28"E., 35.00 feet; thence N.89°24'14"E., 2524.74 feet to a point of curvature; thence Northeasterly, 47.13 feet along the arc of a curve to the left having a radius of 30.00 feet and a central angle of 90°00'16" (chord bearing N.44°24'06"E., 42.43 feet) to a point of tangency; thence N.00°36'02"W., 1277.35 feet to the POINT OF BEGINNING; thence N.00°36'02"W., 464.86 feet; thence N.89°19'18"E., 66.00 feet; thence S.00°36'02"E., 464.86 feet; thence S.89°19'18"W., 66.00 feet to the POINT OF BEGINNING.

Containing 0.704 acres, more or less.

**DESCRIPTION SKETCH**



**CURVE DATA TABLE**

| NO. | RADIUS  | DELTA      | ARC     | TANGENT | CHORD  | BEARING       |
|-----|---------|------------|---------|---------|--------|---------------|
| 1   | 388.00  | 48°08'32"  | 309.83  | 183.85  | 301.54 | N.65°32'24"W. |
| 2   | 30.00   | 100°10'44" | 52.45   | 35.87   | 46.02  | N.07°16'14"E. |
| 3   | 1100.00 | 83°43'12"  | 1031.35 | 557.10  | 993.99 | N.63°45'42"E. |
| 3   | 1100.00 | 83°43'12"  | 1031.35 | 557.10  | 993.99 | N.63°45'42"E. |
| 4   | 30.00   | 91°13'20"  | 47.76   | 30.65   | 42.88  | N.48°00'38"E. |
| 5   | 30.00   | 85°46'40"  | 46.48   | 29.37   | 41.97  | N.44°59'22"W. |
| 6   | 1000.00 | 83°43'12"  | 957.59  | 506.45  | 903.62 | S.63°45'42"W. |
| 7   | 30.00   | 80°00'16"  | 47.13   | 30.00   | 42.43  | N.44°24'08"E. |

**NOTES:**

- BEARINGS ARE BASED ON THE EAST BOUNDARY OF THE SOUTHWEST 1/4 OF SECTION 9 AS BEING N.00°30'28"E.
- See Sheet 1 of 2 for Legal Description.

(NOT A SURVEY)

RANDALL L. HENDRA PSM # 8091

CERTIFICATE OF AUTHORIZATION NO. LB 148  
 PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
 Tampa ♦ Fort Myers

CIVIL ENGINEERING  
 PLANNING  
 SURVEYING  
 ENVIRONMENTAL PERMITTING  
 LANDSCAPE ARCHITECTURE

Fort Myers Office  
 3800 Colonial Blvd, Suite 200  
 Fort Myers, Florida, 33912  
 Phone: 239-482-7275  
 FAX: 239-482-2103

SKETCH OF LEGAL DESCRIPTION FOR  
 MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT  
 ROAD RIGHT-OF-WAY LESS AND EXCEPT PARCELS

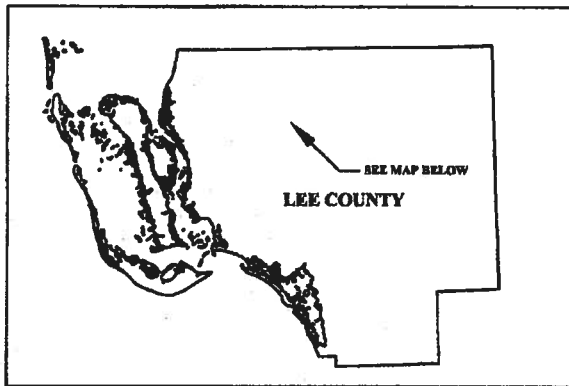
Prepared For: COLONIAL HOMES INC.

SHEET 2 OF 2

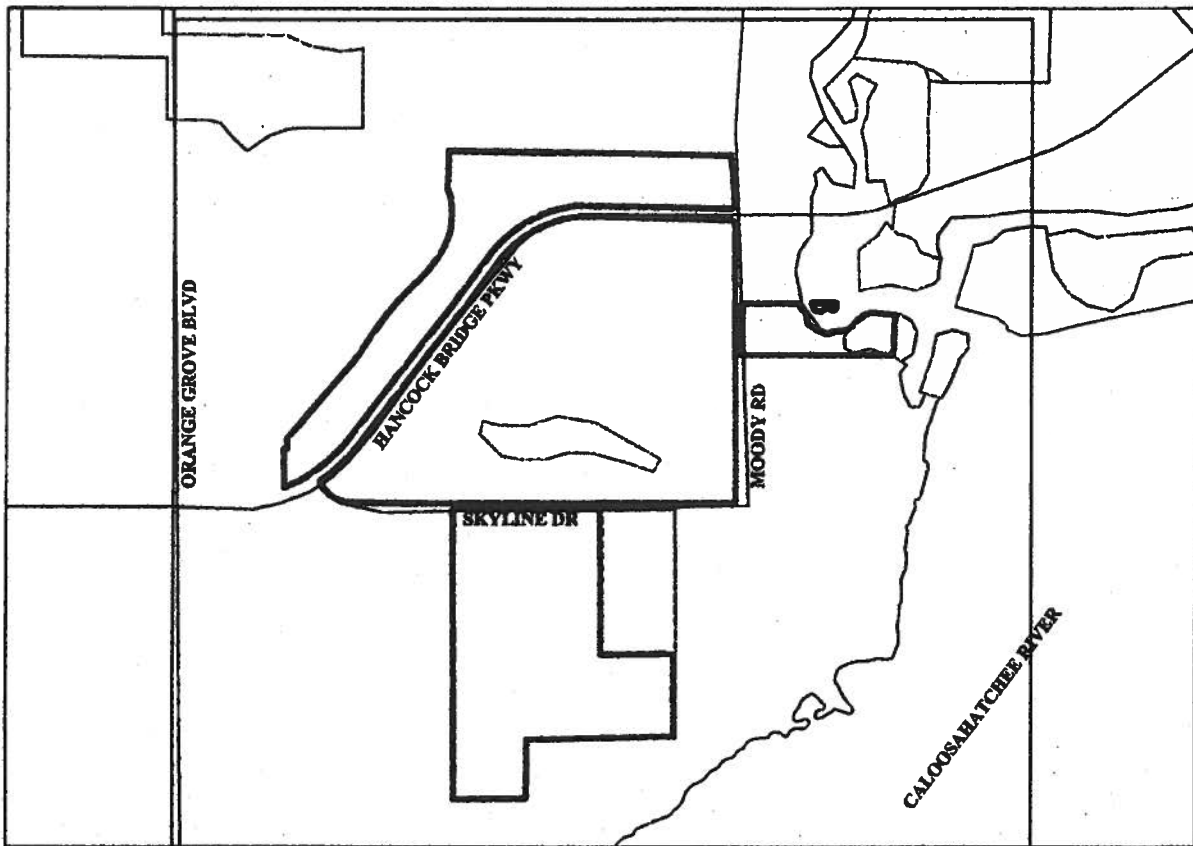
Dwn. RH Ck. -  
 Date: 2-17-04  
 DWG: CDL-LESL  
 Order No.: COL-MR

SECTION 9, 10, 15, TOWNSHIP 44 S RANGE 25 E  
 LEE COUNTY, FLORIDA

**MOODY RIVER ESTATES**  
PETITIONERS EXHIBIT  
**FUTURE LAND USE MAP**  
**LEE COUNTY (FEBRUARY 2003)**  
**A PORTION OF ENTIRE MAP**



- INTENSIVE DEVELOPMENT
- SUBURBAN
- PUBLIC FACILITIES
- CONSERVATION
- CENTRAL SUBURBAN



Engineering Business Certificate of Authorization No.: 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
Tampa ♦ Fort Myers



CIVIL ENGINEERING  
PLANNING  
SURVEYING  
ENVIRONMENTAL PERMITTING  
LANDSCAPE ARCHITECTURE

**Fort Myers Office**  
3800 COLONIAL BLVD., #200  
FORT MYERS, FLORIDA 33912  
PHONE: 239-482-7275  
FAX: 239-482-2103

**Charlie Green**  
**Clerk of Circuit Court**  
**Lee County, Florida**

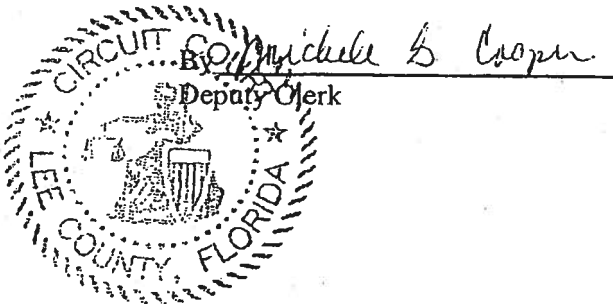
STATE OF FLORIDA

COUNTY OF LEE

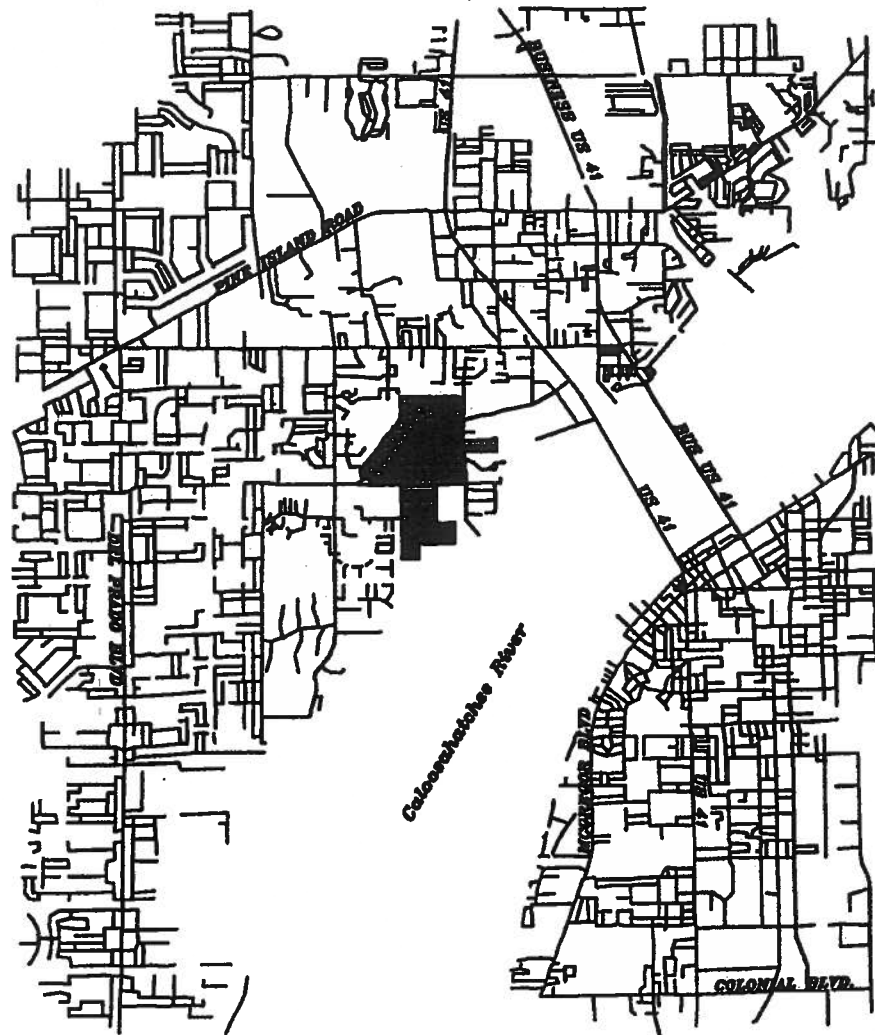
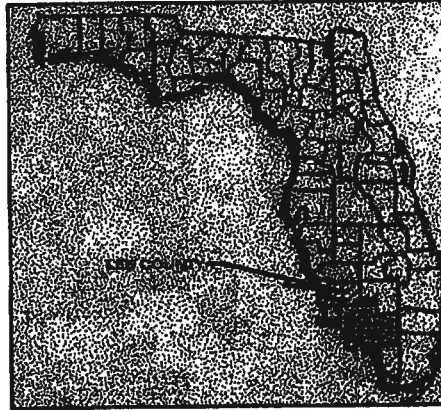
I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 04-20, adopted by the Board of Lee County Commissioners, at their meeting held on the 9th day of November, 2004.

Given under my hand and seal, at Fort Myers, Florida, this 12th day of November, 2004.

CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida



**MOODY RIVER ESTATES CDD**  
PETITIONERS COMPOSITE EXHIBIT 1-A  
**PROJECT LOCATION**



Engineering Business Certificate of Authorization No.: 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
Tampa + Fort Myers



CIVIL ENGINEERING  
PLANNING  
SURVEYING  
ENVIRONMENTAL PERMITTING  
LANDSCAPE ARCHITECTURE

**Fort Myers Office**  
3600 COLONIAL BLVD., #200  
FORT MYERS, FLORIDA 33912  
PHONE: 239-482-7275  
FAX: 239-482-2103

Exhibit 2

**MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT  
SECTIONS 9, 10, 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY,  
FLORIDA**

DESCRIPTION: A parcel of land lying in Sections 9, 10, 15, of Township 44 South, Range 25 East, Lee County, Florida, and being more particularly described as follows:

COMMENCING at the Southeast corner of Section 9, Township 44 South, Range 25 East, thence run N.00°30'28" E., 30.00 feet to the POINT OF BEGINNING said point being on the North Right-of-Way line of Skyline Drive; thence along said North right-of-way line N.88°55'40"W., 925.28 feet to a point of curvature; thence Northwesterly, 309.83 feet along the arc of a curve to the right having a radius of 385.00 feet and a central angle of 46°06'32" (chord bearing N.65°52'24"W., 301.54 feet) to a point of compound curvature; thence Northerly, 52.45 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 100°10'44" (chord bearing N.07°16'14"E., 46.02 feet) to a point of reverse curvature; thence Northeasterly, 517.74 feet along the arc of a curve to the left having a radius of 1450.00 feet and a central angle of 20°27'29" (chord bearing N.47°07'52"E., 514.99 feet); thence N.53°05'53"W., 525.00 feet; thence N.41°00'00"E., 535.00 feet; thence N.31°43'57"E., 416.34 feet to a point on a curve; thence Northeasterly, 187.19 feet along the arc of a curve to the right having a radius of 1200.00 feet and a central angle of 08°56'16" (chord bearing N.40°11'52"E., 187.00 feet) to a point of tangency; thence N.44°40'00"E., 363.52 feet to a point of curvature; thence Northerly, 769.34 feet along the arc of a curve to the left having a radius of 960.00 feet and a central angle of 45°55'00" (chord bearing N.21°42'30"E., 748.92 feet) to a point of compound curvature; thence Northerly, 96.87 feet along the arc of a curve to the left having a radius of 300.00 feet and a central angle of 18°30'00" (chord bearing N.10°30'00"W., 96.45 feet) to a point of reverse curvature; thence Northerly, 115.19 feet along the arc of a curve to the right having a radius of 300.00 feet and a central angle of 22°00'00" (chord bearing N.08°45'00"W., 114.49 feet) to a point of tangency; thence N.02°15'00"E., 275.83; thence S.89°43'02"E., 66.08 feet; thence along the South boundary of Hidden Acres according to the plat thereof as recorded in Plat Book 30, Page 71 of the Public Records of Lee County, Florida, S.89°17'03"E., 2493.78 feet to a point on the West right-of-way line of Moody Road; thence along said West right-of-way line S.00°36'02"E., 1355.37 feet; thence N.89°19'18"E., 586.76 feet; thence S.50°02'35"E., 92.13 feet; thence S.00°35'54"E., 40.00 feet; thence S.89°19'18"W., 410.00 feet; thence S.00°35'54"E., 184.86 feet; thence N.89°19'18"E., 593.50 feet to a point of curvature; thence Easterly, 263.60 feet along the arc of a curve to the left having a radius of 400.00 feet and a central angle of 37°45'27" (chord bearing N.70°26'34"E., 258.85 feet) to a point of tangency; thence N.51°33'51"E., 173.51 feet; thence N.89°19'18"E., 200.17 feet; thence S.01°40'27"W., 370.31 feet to a point on the South line of the Northwest one-quarter of the Southeast one-quarter of said Section 10; thence along said South line S.89°19'18"W., 1407.57 feet to a point of intersection with the West right-of-way line of said Moody Road; thence along said West right-of-way line S.00°36'02"E., 1277.35 feet to a point of curvature; thence Southwesterly, 47.13 feet along the arc of a curve to the right having a radius of 30.00 feet and a central angle of 90°00'16" (chord bearing S.44°24'06"W., 42.43 feet) to a point of tangency; thence along the North right-of-way line of said Skyline Drive S.89°24'14"W., 1203.74 feet; thence S.00°27'38"E., 1385.40 feet; thence N.89°24'14"E., 660.00 feet to a point on the West line of Skyline Woods according to the plat thereof as recorded in Plat Book 39, Page 66 of the Public Records of Lee County, Florida; thence along said West line S.00°27'38"E., 756.82 feet to a point on the North line of Buttonwood Harbor according to the plat thereof as recorded in Plat Book 44, Page 86 of the Public Records of Lee County, Florida; thence along the boundary of Buttonwood Harbor for the following three (3) courses: 1) S.89°21'35"W., 1321.24 feet; 2) S.00°43'36"E., 536.89 feet; 3) S.89°22'01"W., 650.45 feet to a point on the East boundary of said Section 15; thence along said East boundary N.00°43'36"W., 2620.55 feet to the POINT OF BEGINNING.

Prepared By:  
Heidt & Associates Inc  
3800 Colonial Blvd # 200  
Fort Myers, Florida 33912

---

Randall L. Hendra PSM 6091  
Florida Professional Surveyor and Mapper