

42N BAYSIDE IMPROVEMENT COMMUNITY DEVELOPMENT DISTRICT

CHAPTER 42N-1 BAYSIDE IMPROVEMENT COMMUNITY DEVELOPMENT DISTRICT

- 42N-1.001 Creation.
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42N-1.001 Creation.

Bayside Improvement Community Development District is hereby created. The Florida Land and Water Adjudicatory Commission in authorizing the adoption of this rule and in granting the petition for the establishment of the Bayside Improvement Community Development District has considered the matters set out for its consideration in Section 190.005(1)(e), Florida Statutes, including the factors in subparagraphs 1. through 6., of the section. At the same time, the Commission makes no finding or conclusion with regard to consistency of the creation or establishment of the district with any applicable element or portion of the State Comprehensive Plan or of the effective local government comprehensive plan.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.005 FS. History—New 8-14-91.

42N-1.002 Boundary.

The boundaries of the District are as follows:

REVISED DESCRIPTION PARCEL IN SECTIONS 7, 8, 9, 16, 17, 18 and 20, T. 47 S., R. 25 E. LEE COUNTY, FLORIDA

A tract or parcel lying in Sections 7, 8, 9, 16, 17, 18 and 20, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the northeast corner of said Section 20 run S 00° 35' 25" E for 2,659.47 feet to the southeast corner of the said northeast quarter (NE-1/4) of said Section 20; thence run S 00° 38' 52" E for 734.90 feet to an intersection with the approximate centerline of Spring Creek; thence run along said centerline of Spring Creek the following seventeen (17) described courses: (1) S 78° 50' 00" W for 181.31 feet; (2) N 34° 24' 12" W for 230.22 feet; (3) N 30° 59' 12" W for 174.93 feet; (4) N 24° 25' 16" E for 120.83 feet; (5) S 65° 47' 43" E for 219.32 feet; (6) N 18° 24' 43" E for 158.11 feet; (7) N 75° 11' 47" W for 351.71 feet; (8) N 65° 09' 33" W for 451.88 feet; (9) N 84° 18' 44" W for 351.75 feet; (10) N 66° 54' 31" W for 445.79 feet; (11) S 63° 24' 43" W for 134.16 feet; (12) S 03° 23' 22" E for 170.29 feet; (13) S 50° 30' 17" W for 220.23 feet; (14) N 84° 49' 43" W for 331.36 feet; (15) S 62° 13' 07" W for 214.71 feet; (16) S 22° 08' 36" W for 291.55 feet; (17) S 72° 15' 11" W for 131.22 feet to an intersection with the east line of the southwest quarter (SW-1/4) of said Section 20; thence run N 00° 50' 19" W along said east line of said Section 20 for 520.00 feet to the northeast corner of said fraction; thence run S 89° 58' 37" W along the north line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most easterly branch of said Spring Creek; thence run along said centerline for the following eight (8) described courses: (1) N 09° 13' 28" W for 137.34 feet; (2) N 29° 08' 22" W for 590.59 feet; (3) N 38° 31' 58" W for 278.03 feet; (4) N 65° 16' 43" W for 254.95 feet; (5) N 37° 18' 28" W for 286.01 feet; (6) N 32° 51' 05" E for 252.39 feet; (7) N 20° 11' 00" E for 236.69 feet; (8) N 27° 23' 47" W for 369.25 feet; N 89° 15' 43" E for 50.00 feet more or less to the easterly shore of said Spring Creek thence run along said easterly shore for 1220 feet more or less to an intersection with the north line of said Section 20; thence run N 89° 15' 13" E along said north line for 970 feet more or less to the northwest corner of the northeast quarter (NE-1/4) of said Section 20; thence run N 00° 31' 30" E along the west line of the east half (E-1/2) of said Section 17 for 2704.38 feet to the North right-of-way of a 30 foot wide road as recorded in Deed Book 305, Page 276, Public Records of Lee County, Florida, said north right-of-way being 30 feet northerly of and parallel to the south line of said North half (N-1/2) of Section 17; thence along said north right-of-way line N 89° 59' 08" W, 835.70 feet; thence along the lands known locally as Spring Creek Estates, an unrecorded plat, N 00° 00' 52" E, 510.00 feet; N 89° 59' 08" W, 885.06 feet to a point of curvature; along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33° 56' 23", chord of 227.66 feet and chord bearing S 73° 02' 41" W to a point on the curve; S 00° 00' 52" W, 167.10 feet; and S 31° 38' 0" W, 130.70 feet to the northeast corner of lands described in Official Record Book 1194, Page 1085; thence westerly along said lands and the waters of canal 106 feet more or less to the northeast corner of lands described in Official Record Book 1057, Page 38, thence southwesterly and westerly along said lands and said canal 400 feet more or less to the northwest corner of lands described in Official Record Book 1453, Page 495, thence southwesterly along the mean high water line of a canal, 45 feet more or less to the south line of said North half (N-1/2) of said Section 17, thence N 89° 59' 08" W, 136 feet more or less, to the East 1/4 corner of Section 18, Township 47 South, Range 25 East; thence S 89° 58' 17" W along the south line of said Lot 2, said line being the basis of bearing, for 1213.22 feet, said line being southerly property line, to a bulkhead line established by Paul T. O'Hargan, Florida Professional Land Surveyor #1936 and duly approved by the County of Lee on September 27, 1967 and the State of Florida on November 21, 1967; thence the following courses and distances along said bulkhead line: N 56° 00' 38" W, 265.00 feet, to a point of curvature; along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37° 20' 50", chord of 332.98 feet and a chord bearing N 37° 20' 13" W, to a point of tangency; N 18° 39' 48" W, 481.24 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet; central angle of 59° 50' 20", chord of 99.76 feet, and chord bearing N 48° 34' 58" W, to a point of tangency; N 78° 30' 08" W, 144.73 feet, to a point of curvature; and along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central

angle of 32° 21' 45", chord of 55.74 feet, and chord bearing N 62° 19' 15" W, to a point; thence run N 89° 59' 08" E leaving said bulkhead line on a line parallel to, and 990.00 feet distant, measured at right angles from, the south line of the aforementioned Government Lot 2 and its westerly extension thereof, for 241 feet, more or less, to the waters of Estero Bay; thence northerly along the waters of Estero Bay for 8300 feet more or less to an intersection with the north line of the south half (S-1/2) of Government Lot 2 of said Section 7; thence N 89° 32' 15" E along said north line for 545 feet more or less; thence S 08° 50' 45" E 199.50 feet; thence N 89° 32' 15" E 247.50 feet; thence N 89° 35' 27" E 666.22 feet; thence N 89° 32' 15" E 239.00 feet to the west right-of-way line of Coconut Road; thence S 01° 07' 45" E along said West right-of-way line for 488.63 feet; thence S 89° 16' 14" E along the south right-of-way line of Coconut Road for 5130.07 feet to the west line of said Section 9; thence along said west line N 00° 41' 48" W 30.00 feet; thence along said south right-of-way line of Coconut Road S 89° 35' 50" E 3164.37 feet to an intersection with the west right-of-way line of Tamiami Trail, US 41; thence S 00° 10' 56" W along said west right-of-way line for 621.81 feet to a point of curvature; thence southerly 1040.54 feet along an arc of a circular curve concave to the northeast, having a radius of 5797.58 feet, through a central angle of 10° 17' 00" and being subtended by a chord which bears S 04° 57' 34" E 1039.14 feet to a point of tangency; thence S 10° 06' 04" E 938.08 feet to an intersection with the south line of said Section 9; thence along said south line S 89° 32' 00" W for 708.94 feet to the northeast corner of the northwest quarter (NW-1/4) of Section 16; thence along the east line of said fraction S 00° 02' 54" W for 2643.98 feet to the southeast corner of said northwest quarter (NW-1/4) of said Section 16; thence N 89° 10' 38" E 538.06 feet; thence S 00° 06' 43" E 1085.91 feet; thence N 89° 06' 43" E 744.41 feet to a point on a non-tangential curve on the west right-of-way line of said Tamiami Trail, US 41; thence southerly 50.21 feet along said right-of-way line along the arc of a non-tangential circular curve concave to the east, having a radius of 5619.58 feet, through a central angle of 00° 30' 43" being subtended by a chord which bears S 00° 22' 04" E 50.21 feet to a point of tangency; thence S 00° 06' 43" E 49.81 feet; thence S 89° 06' 43" W 300.00 feet; thence S 00° 06' 43" E 1445.82 feet to the south line of said Section 16; thence S 89° 16' 54" W along said south line for 989.41 feet to the southwest corner of the southeast quarter (SE-1/4) of said Section 16; thence S 88° 38' 34" W along said south line of said Section 16 for 2627.98 feet to the Point of Beginning.

Contains 1,836 acres more or less.

LESS and EXCEPT the following described parcels:

Lands as described in Official Record Book 1713 at Page 1188;

Containing 5.70 acres, more or less.

ALSO

Lands as described in Official Record Book 1677 at Page 3516;

Containing 1.00 acre, more or less.

ALSO

Lands as described in Deed Book 305 at Page 276;

Containing 0.90 acre, more or less.

ALSO

A 50 foot wide roadway easement in Government Lots 2 and 3, Section 7, Township 47 South, Range 25 East, Lee County, Florida lying 25 feet each side of the following described centerline: Beginning at the southeast corner of the northeast quarter (NE-1/4) of said Section 7, run S 89° 40' 05" W along the south line of said fraction for 1091.46 feet to the southwest corner of lands described in Official Record Book 2175 at Page 4216 and the end of the herein described centerline;

Containing 1.25 acres, more or less.

ALSO

The Spring Creek Road right-of-way (50 feet wide) located in the southeast quarter (SE-1/4) of Section 8 and the northeast quarter (NE-1/4) of Section 17, Township 47 South, Range 25 East, Lee County, Florida lying 25 feet each side of the following described centerline: From the northwest corner of the southeast quarter (SE-1/4) of said Section 8 run S 00° 53' 27" E along the west line of said fraction for 25.01 feet to the intersection of the south right-of-way line of Coconut Road (50 feet wide right-of-way); thence run along said right-of-way S 89° 16' 14" E for 742.10 feet to the centerline of said Spring Creek Road and the Point of Beginning of the above described centerline. From said Point of Beginning, run S 00° 07' 17" W for 2610.37 feet to the north line of said Section 17; thence run S 00° 07' 58" W for 2676.17 feet to the end of the herein described centerline; Containing 6.07 acres more or less.

Containing 1821 net acres more or less;

Subject to easements, restrictions, reservations and rights-of-way of record. Bearings are based on the south line of Section 16, Township 47 South, Range 25 East, being S 88° 38' 34" W.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New 8-14-91, Amended 6-30-02.

42N-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Tom Peek, Jay Brett, Gene Soloman, Andy de Salvo and John Pistor.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.006(1) FS. History—New 8-14-91.