

# FLORIDA LAND AND WATER ADJUDICATORY COMMISSION AGENDA

February 16, 2005

1. Approval of the minutes of the meeting held December 7, 2004.
2. Consideration of a Petition to Contract the Gateway Services Community Development District in Lee County, Florida. Petitioner: Gateway Services Community Development District, FLWAC Case No. CDD-04-006.

On June 2, 2004, the Gateway Services Community Development District submitted a petition to contract the existing boundaries of the District (petition was supplemented on August 10, 2004). The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundaries to contract approximately 12 acres. The District currently covers approximately 4,501 acres of land and after contraction, the District will encompass approximately 4,488.58 acres. The property to be contracted out of the District is owned by Lee County. Petitioner has obtained the consent of Lee County to the contraction of the boundaries of the District. Pursuant to section 190.046(1)(e), F. S., the filing of the Petition, as supplemented, for contraction by the District Board of Supervisors constitutes consent of the landowners within the District other than of landowners whose land is proposed to be removed from the District. The contraction parcel consists of right-of-way which has been deeded to Lee County for the future construction of Treeline Avenue. The funding of the future road construction will be undertaken by a separate community development district (Arborwood Community Development District).

Upon request of the Secretary, the Department of Community Affairs (DCA) reviewed the petition from the standpoint of their programs and responsibilities, and the requirements of section 190.005(1)(e), F.S. The DCA submitted a letter on September 15, 2004, finding no potential inconsistencies with Chapter 163, Florida Statutes.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on November 2, 2004, in Fort Myers, Florida. The DOAH Administrative Law Judge submitted a Report to the Commission on November 23, 2004, making affirmative conclusions on all six factors, pursuant to section 190.005(1)(e), F.S.

Pursuant to Chapter 120, F.S., notices of proposed rulemaking were published in the *Florida Administrative Weekly*. No public hearings were requested and no written comments were received as a result of the notice of proposed rule development or the notice of proposed rule.

## **Recommendation:**

Approve the proposed final rule and authorize the Secretary to file for final rule adoption.

## **Back-Up:**

Petition submitted by the Gateway Services Community Development District on June 2, 2004, and supplemented on August 10, 2004.

DCA's comment letter received on September 15, 2004.

DOAH's Report submitted on November 23, 2004.

Proposed Final Rule.