

By Senator Saunders

37-934-03

See HB 421

1 A bill to be entitled
2 An act relating to Lee County and the City of
3 Cape Coral; providing for the annexation of
4 various County-administered enclaves by
5 interlocal agreement between the city and
6 county, subject to approval by referendum;
7 providing for procedures for adoption of the
8 agreement and for a referendum; providing for
9 authority for assumption of municipal service
10 duties and transfer of infrastructure;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. The City of Cape Coral and Lee County are
16 authorized to enter into an interlocal agreement subject to
17 referendum approval for the orderly municipal annexation of
18 various County-administered enclaves located within the City
19 of Cape Coral. The following described areas are as follows:

20
21 A. Two contiguous parcels of land located in
22 Section 17, Township 44 South, Range 23 East,
23 described as: the east half of the west half of
24 the west half of the southeast quarter of the
25 southwest quarter (E 1/2 W 1/2 W 1/2 SE 1/4 SW
26 1/4), and the west half of the west half of the
27 west half of the southeast quarter of the
28 southwest quarter (W 1/2 W 1/2 W 1/2 SE 1/4 SW
29 1/4) of said Section 17, Township 44 South,
30 Range 23 East, as parcels of Greater Pine
31 Island Water Company.

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B. Five contiguous parcels of land located in Section 10, Township 44 South, Range 23 East, described as:

1. Begin 1514.07 feet North and 143 feet West of the Southeast corner of Section 10, Township 44 South, Range 23 East; thence south 168.23 feet; thence West 100 feet; thence North 168.23 feet; thence East 100 feet to the Point of Beginning as described in Parcel 113, Lee County Case No. 71-1137.

2. From the Southeast corner of Section 10, Township 44 South, Range 23 East, run North 1514.07 feet to the Centerline Proposed Subdivision road; thence west along centerline 543 feet to Point of Beginning; thence South 168.25 feet; thence west 100 feet; thence north 168.23 feet; thence east 100 feet to the Point of Beginning; less 25 foot easement on north for road right-of-way and 20 feet on south for drainage easement as described in Parcel 114, Lee County Case No. 71-1137.

3. Begin 1514.07 foot north and 243 feet west of southeast corner of Section 10, Township 44 South, Range 23 East; thence south 168.23 feet; thence west 100 feet; thence north 168.23 feet; thence east 100 feet to the Point of Beginning

1 as described in Parcel 115, Lee County Case No.
2 71-1137.

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4 4. Begin 1514.07 feet north and 343 feet west
5 of the southeast corner of Section 10, Township
6 44 South, Range 23 East; thence south 168.23
7 feet; thence west 100 feet; thence north 168.23
8 feet; thence east 100 feet to the Point of
9 Beginning as described in Parcel 116, Lee
10 County Case No. 71-1137.

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12 5. Begin 1514.07 feet north and 443 feet west
13 of southeast corner of Section 10, Township 44
14 South, Range 23 East; thence south 168.23 feet;
15 thence west 100 feet; thence north 168.23 feet;
16 thence east 100 feet to the Point of Beginning
17 as described in Parcel 117, Lee County Case No.
18 71-1137.

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20 NOTE: Above five parcels known as Whispering
21 Pines.

22
23 C. Two contiguous parcels of land located in
24 Section 19, Township 43 South, Range 23 East,
25 described as:

26
27 1. The east half of the southeast quarter of
28 the northwest quarter of the southwest quarter;
29 and the west half of the southwest quarter of
30 the northeast quarter of the southwest quarter
31 of Section 19, Township 43 South, Range 23 East

1 as described in Parcel "C", Lee County Case No.
2 71-251.
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4 2. The east half of the southwest quarter of
5 the northeast quarter of the southwest quarter;
6 and the west half of the southeast quarter of
7 the northeast quarter of the southwest quarter
8 of Section 19, Township 43 South, Range 23 East
9 as described in Parcel "D", Lee County Case No.
10 71-251.
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12 D. A parcel of land located in Section 8,
13 Township 44 South, Range 24 East, described as
14 the east 1080 feet of the north 1/4 (N 1/4) of
15 Section 8, Township 44 South, Range 24 East.
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17 NOTE: The above described east 1080 feet of the
18 North 1/4 (N 1/4) of Section 8, Township 44
19 South, Range 24 East includes within its limits
20 the following individually and otherwise or
21 elsewhere described excluded parcels:
22
23 1. Beginning 40 feet South and 690 feet West
24 of the Northeast corner of Section 8, Township
25 44 South, Range 24 East; thence run west for
26 390 feet; thence South for 1317.5 feet; thence
27 East for 390 feet; thence North for 1306.8 feet
28 to the point of beginning as described in
29 parcel "E", Lee County Case No. 71-251.
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1 2. Forty-two lots located within Pondella
2 Heights according to a plat recorded in
3 Official Records Book 11, page 52 and Official
4 Records Book 12, page 25, Public Records of Lee
5 County, Florida, as described in Parcels No. 3,
6 13, 14, 23, 24, 25, 26, 27, 28, 29, 40, 41, 42,
7 43, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57,
8 61, 62, 67, 68, 70, 72, 74, 75, 76, 77, 78, 87,
9 90, 91, 92, 99, and 128, Lee County Case No.
10 71-1137.

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12 E. A parcel of land located in Section 5,
13 Township 44 South, Range 24 East, described as:
14 From the Southeast corner of Section 5,
15 Township 44 South, Range 24 East; run Northerly
16 along the East line of said Section 5 for 33.17
17 feet to the North line of Pondella Road; thence
18 run West parallel to and 33 feet from the
19 centerline of Pondella Road for 720 feet to the
20 Point of Beginning. Thence continue West along
21 the North side of Pondella for 180 feet; thence
22 run North on a perpendicular to Pondella for
23 312 feet, thence run Westerly parallel to
24 Pondella for 180 feet; thence run North and
25 perpendicular to Pondella for 1005.2 feet;
26 thence run East and perpendicular to Pondella
27 for 360 feet; thence run South along a
28 perpendicular to Pondella for 1317.2 to the
29 Point of Beginning as described in Parcel "F",
30 Lee County Case No. 71-251.

1 F. A tract or parcel of land situated in the
2 State of Florida, County of Lee, being a part
3 of Section 20 and Section 29, Township 44
4 South, Range 23 East, and further bounded and
5 described as follows:
6
7 Beginning at the southeast corner of the
8 northwest one quarter (NW 1/4) of said Section
9 29; Thence S89°34'12"W along the south line of
10 said northwest one quarter (NW 1/4) for 1627.86
11 feet; Thence N00°25'48"W for 283.17 feet;
12 Thence N10°06'26"E for 526.78 feet; Thence
13 N88°00'44"E for 25.27 feet; Thence N11°37'39"W
14 for 126.79 feet; Thence N40°10'46"W for 78.86
15 feet; Thence N32°09'21"W for 125.00 feet;
16 Thence S57°50'39"W for 152.19 feet; Thence
17 N04°59'57"W for 723.70 feet; Thence N26°25'24"E
18 for 262.19 feet; Thence N14°52'17"E for 495.94
19 feet; Thence N28°44'22"W for 307.15 feet;
20 Thence N22°45'14"E for 111.36 feet to an
21 intersection with a curve concave to the
22 northwest having a radius of 65.00 feet and
23 which intersection a radial line bears
24 S29°16'46"W; Thence Easterly, Northeasterly,
25 and Northerly along said curve through a
26 central angle of 140°26'17" for 159.32 feet;
27 Thence N37°19'25"E along a line not tangent to
28 said curve for 145.06 feet; Thence N72°32'22"W
29 for 766.49 feet; Thence S79°31'57"W for 125.20
30 feet; Thence N13°44'06"W for 88.04 feet to the
31 beginning of a curve concave to the east having

1 a radius of 100.00 feet; Thence Northerly along
2 said curve through a central angle of 14°01'19"
3 for 24.47 feet; Thence S76°15'54"W along a line
4 not tangent to said curve for 62.98 feet to an
5 intersection with a curve concave to the
6 southwest having a radius of 119.75 feet and to
7 which intersection a radial line bears
8 N76°15'54"E; Thence Northwesterly along said
9 curve through a central angle of 81°21'07" for
10 170.03 feet to a parcel of reverse curve
11 concave to the northeast having a radius of
12 209.09 feet; Thence Northwesterly along said
13 curve through a central angle of 95°46'09" for
14 349.49 feet; Thence N89°19'04"W along the
15 extension of a line radial to said curve for
16 75.00 feet to an intersection with the west
17 line of the southwest one quarter (SW 1/4) of
18 the aforesaid Section 20; Thence N00°40'56"E
19 along said west line for 1951.10 feet, to the
20 southwest corner of the northwest one quarter
21 (NW 1/4) of said Section 20; Thence N00°40'04"E
22 along the west line of said northwest one
23 quarter (NW 1/4) for 1030.13 feet; Thence
24 N00°08'86"W for 1305.34 feet to the southerly
25 right-of-way line of Pine Island Road; Thence
26 S89°59'19"E along said right-of-way line for
27 168.64 feet; Thence S00°16'07"E for 1305.45
28 feet; to the aforesaid south line of the north
29 one half (N 1/2) of the northwest one quarter
30 (NW 1/4) of Section 20; Thence S89°57'21"E
31 along said south line for 1545.20 feet; Thence

1 S01°28'16"E along the east line of said
2 northwest one quarter (NW 1/4) of Section 20
3 for 1339.76 feet; Thence S01°28'16"E along the
4 east line of the aforesaid southwest one
5 quarter (SW 1/4) of Section 20 for 2656.31
6 feet; Thence S00°09'12"E along the east line of
7 the aforesaid northwest one quarter (NW 1/4) of
8 Section 29 for 2898.67 feet to the Point of
9 Beginning.

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11 G. Twenty-nine contiguous parcels located
12 within Sections 20 and 21, Township 44 South,
13 Range 23 East; individually described as
14 follows:

15
16 1. Lot 14, Tract D of that certain subdivision
17 known as Saddlewood Farms, as recorded in
18 Official Records Book 1290, page 245 and 246
19 and more particularly described as follows: The
20 south one half (S 1/2) of the southwest one
21 quarter (SW 1/4) of the northeast one quarter
22 (NE 1/4) of the southeast one quarter (SE 1/4)
23 of Section 20, Township 44 South, Range 23
24 East, Lee County, Florida.

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26 2. The south half of Lot 13, Tract D,
27 Saddlewood Farms Official Records Book, page
28 245 and 246, public records of Lee County,
29 Florida more particularly described as follows:
30 The south half (S 1/2) of the north one half (N
31 1/2) of the southwest one quarter (SW 1/4) of

1 the northeast one quarter (NE 1/4) of the
2 southeast one quarter (SE 1/4) of Section 20,
3 Township 44 South, Range 23 East, Lee County,
4 Florida.
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6 3. The north half of Lot 13, Tract D,
7 Saddlewood Farms Official Records Book, page
8 245 and 246, public records of Lee County,
9 Florida more particularly described as follows:
10 The north half (N 1/2) of the north one half (N
11 1/2) of the southwest one quarter (SW 1/4) of
12 the northeast one quarter (NE 1/4) of the
13 southeast one quarter (SE 1/4) of Section 20,
14 Township 44 South, Range 23 East, Lee County,
15 Florida.
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17 4. The west half (W 1/2) of the west one half
18 (W 1/2) of the northwest one quarter (NW 1/4)
19 of the northeast one quarter (NE 1/4) of the
20 southeast one quarter (SE 1/4) of Section 20,
21 Township 44 South, Range 23 East, Lee County,
22 Florida. Being the west half of Lot 12, Tract
23 D, Saddlewood Farms Subdivision as shown as
24 plat recorded in Official Records Book 1290,
25 page 246 of the Public Records of Lee County,
26 Florida.
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28 5. The east half (E 1/2) of the west one half
29 (W 1/2) of the northwest one quarter (NW 1/4)
30 of the northeast one quarter (NE 1/4) of the
31 southeast one quarter (SE 1/4) of Section 20,

1 Township 44 South, Range 23 East, Lee County,
2 Florida. Being the west half of Lot 12, Tract
3 D, Saddlewood Farms Subdivision as shown as
4 plat recorded in Official Records Book 1290,
5 page 246 of the Public Records of Lee County,
6 Florida.

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8 6. Lot 11, Tract D of that certain subdivision
9 known as Saddlewood Farms, Inc. more
10 particularly described as the east one half (E
11 1/2) of the northwest one quarter (NW 1/4) of
12 the northeast one quarter (NE 1/4) of the
13 southeast one quarter (SE 1/4) of Section 20,
14 Township 44 South, Range 23 East, Lee County,
15 Florida.

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17 7. Lot 5, Tract D of that certain subdivision
18 known as Saddlewood Farms, more particularly
19 described as the west one half (W 1/2) of the
20 southwest one quarter (SW 1/4) of the southeast
21 one quarter (SE 1/4) of the northeast one
22 quarter (NE 1/4) of Section 20, Township 44
23 South, Range 23 East, Lee County, Florida.

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25 8. Lot 6, Tract D of that certain subdivision
26 known as Saddlewood Farms, more particularly
27 described as the east one half (E 1/2) of the
28 southwest one quarter (SW 1/4) of the southeast
29 one quarter (SE 1/4) of the northeast one
30 quarter (NE 1/4) of Section 20, Township 44
31 South, Range 23 East, Lee County, Florida.

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2 9. Lot 4, Tract D of that certain subdivision
3 known as Saddlewood Farms, as recorded in
4 Official Records Book 1290, page 245 and 246
5 and more particularly described as the south
6 one half (S 1/2) of the northwest one quarter
7 (NW 1/4) of the southeast one quarter (SE 1/4)
8 of the northeast one quarter (NE 1/4) of
9 Section 20, Township 44 South, Range 23 East,
10 Lee County, Florida.

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12 10. Lot 3, Tract D of that certain subdivision
13 known as Saddlewood Farms, as recorded in
14 Official Records Book 1290, page 245 and 246
15 and more particularly described as the north
16 one half (N 1/2) of the northwest one quarter
17 (NW 1/4) of the southeast one quarter (SE 1/4)
18 of the northeast one quarter (NE 1/4) of
19 Section 20, Township 44 South, Range 23 East,
20 Lee County, Florida.

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22 11. Lot 10, Tract D of that certain
23 subdivision known as Saddlewood Farms, as
24 recorded in Official Records Book 1290, page
25 245 and 246 and more particularly described as
26 the west one half (W 1/2) of the northeast one
27 quarter (NE 1/4) of the northeast one quarter
28 (NE 1/4) of the southeast one quarter (SE 1/4)
29 of Section 20, Township 44 South, Range 23
30 East, Lee County, Florida.

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- 1 12. Lot 7, Tract D, unrecorded subdivision
2 Saddlewood Farms, as recorded in Official
3 Records Book 1290, page 246 in the west one
4 half (W 1/2) of the southeast one quarter (SE
5 1/4) of the southeast one quarter (SE 1/4) of
6 the northeast one quarter (NE 1/4) of Section
7 20, Township 44 South, Range 23 East, Lee
8 County, Florida.
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10 13. The north half of Lot 9, Tract D of that
11 certain subdivision known as Saddlewood Farms,
12 more particularly described as the east one
13 half (E 1/2) of the northeast one quarter (NE
14 1/4) of the northeast one quarter (NE 1/4) of
15 the southeast one quarter (SE 1/4) of Section
16 20, Township 44 South, Range 23 East, Lee
17 County, Florida.
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19 14. The south half of Lot 9, Tract D of that
20 certain subdivision known as Saddlewood Farms,
21 more particularly described as the east one
22 half (E 1/2) of the northeast one quarter (NE
23 1/4) of the northeast one quarter (NE 1/4) of
24 the southeast one quarter (SE 1/4) of Section
25 20, Township 44 South, Range 23 East, Lee
26 County, Florida.
27
28 15. Lot 1, Tract D of that certain subdivision
29 known as Saddlewood Farms, as recorded in
30 Official Records Book 1290, page 245 and 246,
31 and more particularly described as follows: The

1 east one half (E 1/2) of the northeast one
2 quarter (NE 1/4) of the southeast one quarter
3 (SE 1/4) of the northwest one quarter (NW 1/4)
4 of Section 20, Township 44 South, Range 23 East
5 plus
6
7 Lot 9, Tract C of that certain subdivision
8 known as Saddlewood Farms, more particularly
9 described as the south one half (S 1/2) of the
10 southwest one quarter (SW 1/4) of the southwest
11 one quarter (SW 1/4) of the northwest one
12 quarter (NW 1/4) of Section 21, Township 44
13 South, Range 23 East, Lee County, Florida plus
14
15 Lot 8, Tract D of that certain subdivision
16 known as Saddlewood Farms, as recorded in
17 Official Records Book 1290, page 245 and 246
18 and more particularly described as follows: the
19 east one half (E 1/2) of the southeast one
20 quarter (SE 1/4) of the southeast one quarter
21 (SE 1/4) of the northeast one quarter (NE 1/4)
22 of Section 20, Township 44 South, Range 23
23 East, Lee County Florida.
24
25 16. Lot 8, Tract C of that certain subdivision
26 known as Saddlewood Farms, as more particularly
27 described as the north one half (N 1/2) of the
28 southwest one quarter (SW 1/4) of the southwest
29 one quarter (SW 1/4) of the northwest one
30 quarter (NW 1/4) of Section 21, Township 44
31 South, Range 23 East, Lee County, Florida.

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17. Lot 5, Tract C of that certain subdivision known as Saddlewood Farms, as more particularly described as the south one half (S 1/2) of the northwest one quarter (NW 1/4) of the southwest one quarter (SW 1/4) of the northwest one quarter (NW 1/4) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

18. Lot 4, Tract C of that certain subdivision known as Saddlewood Farms, as more particularly described as the north one half (N 1/2) of the northwest one quarter (NW 1/4) of the southwest one quarter (SW 1/4) of the northwest one quarter (NW 1/4) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

19. Lot 11, Tract C of that certain subdivision known as Saddlewood Farms, as more particularly described as the north one half (N 1/4) of the northeast one quarter (NE 1/4) of the northwest one quarter (NW 1/4) of the southwest one quarter (SW 1/4) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

20. Lot 10, Tract C of that certain subdivision known as Saddlewood Farms, as more particularly described as the south one half (S 1/2) of the southeast one quarter (SE 1/4) of the southwest one quarter (SW 1/4) of the

1 northwest one quarter (NW 1/4) of Section 21,
2 Township 44 South, Range 23 East, Lee County,
3 Florida.
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5 21. The south half of Lot 7, Tract C, of that
6 certain subdivision known as Saddlewood Farms,
7 more particularly described as the north one
8 half (N 1/2) of the southeast one quarter (SE
9 1/4) of the southwest one quarter (SW 1/4) of
10 the northwest one quarter (NW 1/4) of Section
11 21, Township 44 South, Range 23 East, Lee
12 County, Florida.
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14 22. The north half of Lot 7, Tract C, of that
15 certain subdivision known as Saddlewood Farms,
16 more particularly described as the north one
17 half (N 1/2) of the southeast one quarter (SE
18 1/4) of the southwest one quarter (SW 1/4) of
19 the northwest one quarter (NW 1/4) of Section
20 21, Township 44 South, Range 23 East, Lee
21 County, Florida.
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23 23. The south half of Lot 6, Tract C, of that
24 certain subdivision known as Saddlewood Farms,
25 more particularly described as the south one
26 half (S 1/2) of the northeast one quarter (NE
27 1/4) of the southwest one quarter (SW 1/4) of
28 the northwest one quarter (NW 1/4) of Section
29 21, Township 44 South, Range 23 East, Lee
30 County, Florida.
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1 24. The north half of Lot 6, Tract C, of that
2 certain subdivision known as Saddlewood Farms,
3 more particularly described as the south one
4 half (S 1/2) of the northeast one quarter (NE
5 1/4) of the southwest one quarter (SW 1/4) of
6 the northwest one quarter (NW 1/4) of Section
7 21, Township 44 South, Range 23 East, Lee
8 County, Florida.

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10 25. The East 543 feet of the west one half (W
11 1/2) of the northeast one quarter (NE 1/4) of
12 the northwest one quarter (NW 1/4) of Section
13 21, Township 44 South, Range 23 East, Lee
14 County, Florida. Less the easternmost 213
15 feet.

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17 26. The East 213 feet of the west one half (W
18 1/2) of the northeast one quarter (NE 1/4) of
19 the northwest one quarter (NW 1/4) of Section
20 21, Township 44 South, Range 23 East, Lee
21 County, Florida.

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23 27. The north one half (N 1/2) of the
24 northeast one quarter (NE 1/4) of the southwest
25 one quarter (SW 1/4) of the northwest one
26 quarter (NW 1/4) of Section 21, Township 44
27 South, Range 23 East, Lee County, Florida.

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29 28. Lot 2, Tract D of that certain subdivision
30 known as Saddlewood Farms, as recorded in
31 Official Records Book 1290, page 246.

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2 29. Lots 15 and 16, Tract D of that certain
3 subdivision known as Saddlewood Farms, best
4 described as follows: the southeast one quarter
5 (SE 1/4) of the northeast one quarter (NE 1/4)
6 of the southeast one quarter (SE 1/4) of
7 Section 20, Township 44 South, Range 23 East,
8 Lee County, Florida.
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10 Section 2. The interlocal agreement for the proposed
11 annexation of the described County-administered enclaves as
12 developed by the City of Cape Coral and Lee County shall be
13 filed with the clerk of the city and the clerk of the courts
14 for the county, and a duly advertised public hearing shall be
15 held by both the city and the county, respectively, prior to
16 the adoption of the interlocal agreement by the city council
17 and the county commission. No changes to the terms and
18 conditions of the interlocal agreement may be made by either
19 the city or the county once filed with the respective clerks
20 prior to the public hearings for consideration of the adoption
21 of the interlocal agreement.

22 Section 3. (1) Subsequent to the adoption of the
23 interlocal agreement between the city and the county, and
24 prior to the implementation of the proposed annexation by the
25 city of the described county enclaves, a referendum shall be
26 held by the city in the City of Cape Coral and within the
27 proposed described enclave areas to be annexed for the
28 ratification and approval of the interlocal agreement by the
29 registered electorates therein.

30 (2) The interlocal agreement shall be presented
31 separately to the registered voters residing within the city

1 and the registered voters residing within the proposed annexed
2 areas as further described in section 1 of this act. The
3 procedures for conducting the referendum shall be pursuant to
4 the requirements as set out in section 171.0413(2), Florida
5 Statutes, as amended from time to time. Upon a majority vote
6 in favor of the interlocal agreement by the registered voters
7 of the City of Cape Coral and a majority vote of the combined
8 registered voters residing in all county enclaves to be
9 annexed, the interlocal agreement shall be deemed to be
10 ratified and approved and shall become effective as provided
11 for in the interlocal agreement but otherwise not more than 1
12 year following the referendum. The referendum for
13 ratification and approval of the interlocal agreement for
14 annexation may be conducted by the city at any regular
15 election following the adoption of the interlocal agreement by
16 the city and the county.

17 Section 4. (1) For the areas subsequently annexed
18 into the city by interlocal agreement, the city shall assume
19 all of the municipal service duties of Lee County pursuant to
20 the terms and conditions of the approved interlocal agreement.

21 (2) The transfer from the county to the city of county
22 municipal service infrastructure located within the annexed
23 areas shall be pursuant to the terms and conditions of the
24 approved interlocal agreement.

25 Section 5. Should any law or part of a law be in
26 conflict with this act, such law is superseded to the extent
27 of the conflict.

28 Section 6. This act shall take effect upon becoming a
29 law.

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