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HB 0421, Engrossed 1

2003 Legislature

A bill to be entitled

An act relating to Lee County and the City of Cape Coral; providing for the annexation of various County-administered enclaves by interlocal agreement between the city and county, subject to approval by referendum; providing for procedures for adoption of the agreement and for a referendum; providing for authority for assumption of municipal service duties and transfer of infrastructure; providing an effective date.

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

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

A. Two contiguous parcels of land located in Section 17, Township 44 South, Range 23 East, described as: the east half of the west half of the west half of the southeast quarter of the southwest quarter (E 1/2 W 1/2 W 1/2 SE 1/4 SW 1/4), and the west half of the west half of the west half of the southeast quarter of the southwest quarter (W 1/2 W 1/2 W 1/2 SE 1/4 SW 1/4) of said Section 17, Township 44 South, Range 23 East, as parcels of Greater Pine 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 as described in Parcel 115, Lee County Case No. 71-1137.



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4. Begin 1514.07 feet north and 343 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 116, Lee County Case No. 71-1137.

5. Begin 1514.07 feet north and 443 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 as described in Parcel 117, Lee County Case No. 71-1137.

NOTE: Above five parcels known as Whispering Pines.

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

1. The east half of the southeast quarter of the northwest quarter of the southwest quarter; and the west half of the southwest quarter of the northeast quarter of the southwest quarter of Section 19, Township 43 South, Range 23 East as described in Parcel "C", Lee County Case No. 71-251.

2. The east half of the southwest quarter of the northeast quarter of the southwest quarter; and the



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west half of the southeast quarter of the northeast quarter of the southwest quarter of Section 19, Township 43 South, Range 23 East as described in Parcel "D", Lee County Case No. 71-251.

D. A parcel of land located in Section 8, Township 44 South, Range 24 East, described as the east 1080 feet of the north 1/4 (N 1/4) of Section 8, Township 44 South, Range 24 East.

NOTE: The above described east 1080 feet of the North 1/4 (N 1/4) of Section 8, Township 44 South, Range 24 East includes within its limits the following individually and otherwise or elsewhere described excluded parcels:

1. Beginning 40 feet South and 690 feet West of the Northeast corner of Section 8, Township 44 South, Range 24 East; thence run west for 390 feet; thence South for 1317.5 feet; thence East for 390 feet; thence North for 1306.8 feet to the point of beginning as described in parcel "E", Lee County Case No. 71-251.

2. Forty-two lots located within Pondella Heights according to a plat recorded in Official Records Book 11, Page 52 and Official Records Book 12, Page 25, Public Records of Lee County, Florida, as described in



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Parcels No. 3, 13, 14, 23, 24, 25, 26, 27, 28, 29, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 61, 62, 67, 68, 70, 72, 74, 75, 76, 77, 78, 87, 90, 91, 92, 99, and 128, Lee County Case No. 71-1137.

E. A parcel of land located in Section 5, Township 44 South, Range 24 East, described as: From the Southeast corner of Section 5, Township 44 South, Range 24 East; run Northerly along the East line of said Section 5 for 33.17 feet to the North line of Pondella Road; thence run West parallel to and 33 feet from the centerline of Pondella Road for 720 feet to the Point of Beginning. Thence continue West along the North side of Pondella for 180 feet; thence run North on a perpendicular to Pondella for 312 feet, thence run Westerly parallel to Pondella for 180 feet; thence run North and perpendicular to Pondella for 1005.2 feet; thence run East and perpendicular to Pondella for 360 feet; thence run South along a perpendicular to Pondella for 1317.2 to the Point of Beginning as described in Parcel "F", Lee County Case No. 71-251.

F. A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 20 and Section 29, Township 44 South, Range 23 East, and further bounded and described as follows:



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Beginning at the southeast corner of the northwest one quarter (NW¼) of said Section 29; Thence S89°34'12"W along the south line of said northwest one quarter (NW¼) for 1627.86 feet; Thence N00°25'48"W for 283.17 feet; Thence N10°06'26"E for 526.78 feet; Thence N88°00'44"E for 25.27 feet; Thence N11°37'39"W for 126.79 feet; Thence N40°10'46"W for 78.86 feet; Thence N32°09'21"W for 125.00 feet; Thence S57°50'39"W for 152.19 feet; Thence N04°59'57"W for 723.70 feet; Thence N26°25'24"E for 262.19 feet; Thence N14°52'17"E for 495.94 feet; Thence N28°44'22"W for 307.15 feet; Thence N22°45'14"E for 111.36 feet to an intersection with a curve concave to the northwest having a radius of 65.00 feet and which intersection a radial line bears S29°16'46"W; Thence Easterly, Northeasterly, and Northerly along said curve through a central angle of 140°26'17" for 159.32 feet; Thence N37°19'25"E along a line not tangent to said curve for 145.06 feet; Thence N72°32'22"W for 766.49 feet; Thence S79°31'57"W for 125.20 feet; Thence N13°44'06"W for 88.04 feet to the beginning of a curve concave to the east having a radius of 100.00 feet; Thence Northerly along said curve through a central angle of 14°01'19" for 24.47 feet; Thence S76°15'54"W along a line not tangent to said curve for 62.98 feet to an intersection with a curve concave to the southwest having a radius of 119.75 feet and to which intersection a radial line bears N76°15'54"E; Thence Northwesterly along said



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curve through a central angle of 81°21'07" for 170.03 feet to a parcel of reverse curve concave to the northeast having a radius of 209.09 feet; Thence Northwesterly along said curve through a central angle of 95°46'09" for 349.49 feet; Thence N89°19'04"W along the extension of a line radial to said curve for 75.00 feet to an intersection with the west line of the southwest one quarter (SW¼) of the aforesaid Section 20; Thence N00°40'56"E along said west line for 1951.10 feet, to the southwest corner of the northwest one quarter (NW¼) of said Section 20; Thence N00°40'04"E along the west line of said northwest one quarter (NW¼) for 1030.13 feet; Thence N00°08'86"W for 1305.34 feet to the southerly right-of-way line of Pine Island Road; Thence S89°59'19"E along said right-of-way line for 168.64 feet; Thence S00°16'07"E for 1305.45 feet; to the aforesaid south line of the north one half (N½) of the northwest one quarter (NW¼) of Section 20; Thence S89°57'21"E along said south line for 1545.20 feet; Thence S01°28'16"E along the east line of said northwest one quarter (NW¼) of Section 20 for 1339.76 feet; Thence S01°28'16"E along the east line of the aforesaid southwest one quarter (SW¼) of Section 20 for 2656.31 feet; Thence S00°09'12"E along the east line of the aforesaid northwest one quarter (NW¼) of Section 29 for 2898.67 feet to the Point of Beginning.



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

1. Lot 14, Tract D of that certain subdivision known as Saddlewood Farms, as recorded in Official Records Book 1290, page 245 and 246 and more particularly described as follows: The south one half (S½) of the southwest one quarter (SW¼) of the northeast one quarter (NE¼) of the southeast one quarter (SE¼) of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

2. The south half of Lot 13, Tract D, Saddlewood Farms Official Records Book, Page 245 and 246, public records of Lee County, Florida more particularly described as follows: The south half (S½) of the north one half (N½) of the southwest one quarter (SW¼) of the northeast one quarter (NE ¼) of the southeast one quarter (SE¼) of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

3. The north half of Lot 13, Tract D, Saddlewood Farms Official Records Book, Page 245 and 246, public records of Lee County, Florida more particularly described as follows: The north half (N½) of the north one half (N½) of the southwest one quarter (SW¼) of the northeast one quarter (NE ¼) of the southeast one





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quarter (SE $\frac{1}{4}$ ) of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

4. The west half (W $\frac{1}{2}$ ) of the west one half (W $\frac{1}{2}$ ) of the northwest one quarter (NW  $\frac{1}{4}$ ) of the northeast one quarter (NE  $\frac{1}{4}$ ) of the southeast one quarter (SE $\frac{1}{4}$ ) of Section 20, Township 44 South, Range 23 East, Lee County, Florida. Being the west half of Lot 12, Tract D, Saddlewood Farms Subdivision as shown as plat recorded in Official Records Book 1290, page 246 of the Public Records of Lee County, Florida.

5. The east half (E $\frac{1}{2}$ ) of the west one half (W $\frac{1}{2}$ ) of the northwest one quarter (NW  $\frac{1}{4}$ ) of the northeast one quarter (NE  $\frac{1}{4}$ ) of the southeast one quarter (SE $\frac{1}{4}$ ) of Section 20, Township 44 South, Range 23 East, Lee County, Florida. Being the west half of Lot 12, Tract D, Saddlewood Farms Subdivision as shown as plat recorded in Official Records Book 1290, page 246 of the Public Records of Lee County, Florida.

6. Lot 11, Tract D of that certain subdivision known as Saddlewood Farms, Inc. more particularly described as the east one half (E $\frac{1}{2}$ ) of the northwest one quarter (NW $\frac{1}{4}$ ) of the northeast one quarter (NE  $\frac{1}{4}$ ) of the southeast one quarter (SE $\frac{1}{4}$ ) of Section 20, Township 44 South, Range 23 East, Lee County, Florida.



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7. Lot 5, Tract D of that certain subdivision known as Saddlewood Farms, more particularly described as the west one half (W½) of the southwest one quarter (SW¼) of the southeast one quarter (SE¼) of the northeast one quarter (NE ¼) of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

8. Lot 6, Tract D of that certain subdivision known as Saddlewood Farms, more particularly described as the east one half (E½) of the southwest one quarter (SW¼) of the southeast one quarter (SE¼) of the northeast one quarter (NE ¼) of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

9. Lot 4, Tract D of that certain subdivision known as Saddlewood Farms, as recorded in Official records Book 1290, page 245 and 246 and more particularly described as the south one half (S½) of the northwest one quarter (NW¼) of the southeast one quarter (SE¼) of the northeast one quarter (NE ¼) of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

10. Lot 3, Tract D of that certain subdivision known as Saddlewood Farms, as recorded in Official records Book 1290, page 245 and 246 and more particularly described as the north one half (N½) of the northwest one quarter (NW¼) of the southeast one quarter (SE¼)



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of the northeast one quarter (NE ¼) of Section 20,  
Township 44 South, Range 23 East, Lee County, Florida.

11. Lot 10, Tract D of that certain subdivision known  
as Saddlewood Farms, as recorded in Official records  
Book 1290, page 245 and 246 and more particularly  
described as the west one half (W½) of the northeast  
one quarter (NE¼) of the northeast one quarter (NE¼)  
of the southeast one quarter (SE ¼) of Section 20,  
Township 44 South, Range 23 East, Lee County, Florida.

12. Lot 7, Tract D, unrecorded subdivision Saddlewood  
Farms, as recorded in Official records Book 1290, page  
246 in the west one half (W½) of the southeast one  
quarter (SE¼) of the southeast one quarter (SE¼) of  
the northeast one quarter (NE ¼) of Section 20,  
Township 44 South, Range 23 East, Lee County, Florida.

13. The north half of Lot 9, Tract D of that certain  
subdivision known as Saddlewood Farms, more  
particularly described as the east one half (E½) of  
the northeast one quarter (NE¼) of the northeast one  
quarter (NE¼) of the southeast one quarter (SE¼) of  
Section 20, Township 44 South, Range 23 East, Lee  
County, Florida.

14. The south half of Lot 9, Tract D of that certain  
subdivision known as Saddlewood Farms, more



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particularly described as the east one half (E½) of the northeast one quarter (NE¼) of the northeast one quarter (NE¼) of the southeast one quarter (SE¼) of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

15. Lot 1, Tract D of that certain subdivision known as Saddlewood Farms, as recorded in Official Records Book 1290, Page 245 and 246, and more particularly described as follows: The east one half (E½) of the northeast one quarter (NE¼) of the southeast one quarter (SE¼) of the northwest one quarter (NW ¼) of Section 20, Township 44 South, Range 23 East plus

Lot 9, Tract C of that certain subdivision known as Saddlewood Farms, more particularly described as the south one half (S½) of the southwest one quarter (SW¼) of the southwest one quarter (SW¼) of the northwest one quarter (NW¼) of Section 21, Township 44 South, Range 23 East, Lee County, Florida plus

Lot 8, Tract D of that certain subdivision known as Saddlewood Farms, as recorded in Official Records Book 1290, Page 245 and 246 and more particularly described as follows: the east one half (E½) of the southeast one quarter (SE¼) of the southeast one quarter (SE¼) of the northeast one quarter (NE¼) of Section 20, Township 44 South, Range 23 East, Lee County Florida.



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16. Lot 8, Tract C of that certain subdivision known as Saddlewood Farms, as more particularly described as the north one half (N½) of the southwest one quarter (SW¼) of the southwest one quarter (SW¼) of the northwest one quarter (NW¼) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

17. Lot 5, Tract C of that certain subdivision known as Saddlewood Farms, as more particularly described as the south one half (S½) of the northwest one quarter (NW¼) of the southwest one quarter (SW¼) of the northwest one quarter (NW¼) 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 (N½) of the northwest one quarter (NW¼) of the southwest one quarter (SW¼) of the northwest one quarter (NW¼) 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 (N½) of the northeast one quarter (NE¼) of the northwest one quarter (NW¼) of the southwest one quarter (SW¼) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.



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20. Lot 10, Tract C of that certain subdivision known as Saddlewood Farms, as more particularly described as the south one half (S½) of the southeast one quarter (SE¼) of the southwest one quarter (SW¼) of the northwest one quarter (NW¼) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

21. The south half of Lot 7, Tract C, of that certain subdivision known as Saddlewood Farms, more particularly described as the north one half (N½) of the southeast one quarter (SE¼) of the southwest one quarter (SW¼) of the northwest one quarter (NW¼) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

22. The north half of Lot 7, Tract C, of that certain subdivision known as Saddlewood Farms, more particularly described as the north one half (N½) of the southeast one quarter (SE¼) of the southwest one quarter (SW¼) of the northwest one quarter (NW¼) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

23. The south half of Lot 6, Tract C, of that certain subdivision known as Saddlewood Farms, more particularly described as the south one half (S½) of the northeast one quarter (NE¼) of the southwest one



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quarter (SW $\frac{1}{4}$ ) of the northwest one quarter (NW $\frac{1}{4}$ ) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

24. The north half of Lot 6, Tract C, of that certain subdivision known as Saddlewood Farms, more particularly described as the south one half (S $\frac{1}{2}$ ) of the northeast one quarter (NE $\frac{1}{4}$ ) of the southwest one quarter (SW $\frac{1}{4}$ ) of the northwest one quarter (NW $\frac{1}{4}$ ) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

25. The East 543 feet of the west one half (W $\frac{1}{2}$ ) of the northeast one quarter (NE  $\frac{1}{4}$ ) of the northwest one quarter (NW $\frac{1}{4}$ ) of Section 21, Township 44 South, Range 23 East, Lee County, Florida. Less the easternmost 213 feet.

26. The East 213 feet of the west one half (W $\frac{1}{2}$ ) of the northeast one quarter (NE $\frac{1}{4}$ ) of the northwest one quarter (NW $\frac{1}{4}$ ) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.

27. The north one half (N $\frac{1}{2}$ ) of the northeast one quarter (NE $\frac{1}{4}$ ) of the southwest one quarter (SW $\frac{1}{4}$ ) of the northwest one quarter (NW  $\frac{1}{4}$ ) of Section 21, Township 44 South, Range 23 East, Lee County, Florida.



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

29. Lots 15 and 16, Tract D of that certain subdivision known as Saddlewood Farms, best described as follows: the southeast one quarter (SE $\frac{1}{4}$ ) of the northeast one quarter (NE $\frac{1}{4}$ ) of the southeast one quarter (SE $\frac{1}{4}$ ) of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

Section 2. The interlocal agreement for the proposed annexation of the described County-administered enclaves as developed by the City of Cape Coral and Lee County shall be filed with the clerk of the city and the clerk of the courts for the county, and a duly advertised public hearing shall be held by both the city and the county, respectively, prior to the adoption of the interlocal agreement by the city council and the county commission. No changes to the terms and conditions of the interlocal agreement may be made by either the city or the county once filed with the respective clerks prior to the public hearings for consideration of the adoption of the interlocal agreement.

Section 3. (1) Subsequent to the adoption of the interlocal agreement between the city and the county, and prior to the implementation of the proposed annexation by the city of the described county enclaves, a referendum shall be held by the city in the City of Cape Coral and within the proposed described





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enclave areas to be annexed for the ratification and approval of the interlocal agreement by the registered electorates therein.

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

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

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

Section 5. This act shall take effect upon becoming a law.



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