

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020048

1. REQUESTED MOTION:

ACTION REQUESTED: Approve three Ordinances dissolving the Imperial Harbor Unit 6 Streetlighting MSBU, Bonita Springs Streetlighting MSTU, and the Bonita Springs Streetscaping MSTU.

WHY ACTION IS NECESSARY: The Units are all located within the City of Bonita Springs and the jurisdiction of the City Council. The Board of County Commissioners needs to rescind the creating Ordinances to remove the Board as the Governing Body and the provisions of the Creating Documents.

WHAT ACTION ACCOMPLISHES: Dissolves the three MSTBUs within the City of Bonita Springs effective Sept. 30, 2002, allowing for the City to Administer.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #:**

5:00 #6

3. MEETING DATE:

03-12-2002

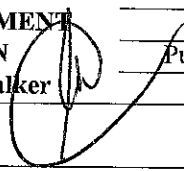
4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC 5:00
- WALK ON
- TIME REQUIRED:**

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE 125.01
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT
- C. DIVISION **Pub Res/MSTBU**
- BY: Walker 

7. BACKGROUND:

The Imperial Harbor MSBU, Bonita Springs Streetlighting MSTU, and Bonita Springs Streetscaping MSTU were created by Ordinances 85-2, 92-02, and 98-24 respectively. The Imperial Harbor and Bonita Springs Streetlighting Units were created for the purpose of operating and maintaining a streetlighting system. The Bonita Springs Streetscaping Unit was created for the operation and maintenance of streetlighting, landscaping, irrigation, and sidewalks.

All three MSTBUs are within the jurisdiction of the new City of Bonita Springs. Since the incorporation of the City, MSTBU Services has continued to provide for the administration of these units with the assistance of the City Manager's office. The City is now in a position to take the responsibility of these units, and has decided, rather than continue with separate MSTBUs, to absorb the services within the City's General Fund Budget beginning with Fiscal Year 2002-03. A Public Hearing is required to consider Ordinances to rescind creating Ordinances dissolving the MSTBUs effective September 30, 2002. Until Sept. 30, 2002 the MSTBU Office will continue to work with the City to administer the three MSTBUs.

Exhibits

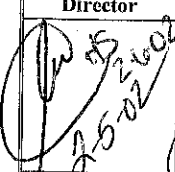

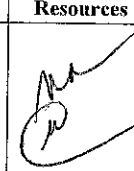
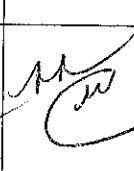
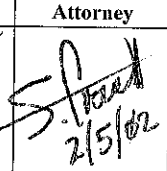
A- Legal Descriptions

Attachments

- A- Notice of Intent
- B- Letters to Property Owners
- C- Copy of Bonita Springs City Council Agenda Item (November 7, 2001)
- D- Ordinances 85-2, 92-02, 95-26, and 98-24

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
					OA	OM	Risk	GC
					CA 2/5/02	2/6/02	2/10	2/6

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 2/5/02
Time: 11:25 AM
Forwarded To:
ADM 1:40 PM
2/5/02 MW

REC. BY
COUNTY ADMIN.
2/5 3:30 PM
COUNTY ADMIN.
FORWARDED TO:
3/7 9:00

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE RESCINDING LEE COUNTY ORDINANCE NO. 85-2 RELATING TO THE IMPERIAL HARBOR SUBDIVISION UNIT 1 - 6 STREETLIGHTING MSBU; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED ORDINANCE.

WHEREAS, the Board of County Commissioners of Lee County, Florida enacted Ordinance Number 85-2 on January 23, 1985, which created the Imperial Harbor Subdivision Unit 1-6 Streetlighting MSBU; and

WHEREAS, the Board of County Commissioners of Lee County held public hearings to establish and amend this municipal service taxing or benefit unit; and

WHEREAS, all persons having an interest in the municipal service taxing or benefit unit and the public at large were given an opportunity to be heard at such hearings; and

WHEREAS, the Board of County Commissioners of Lee County, Florida sits as the governing body for the Municipal Services Benefit Unit (MSBU) that was created for the purpose of providing a streetlighting system within the boundaries of the unit; and

WHEREAS, the Boundaries of the Streetlighting District are wholly within the municipal boundaries and jurisdiction of the City of Bonita Springs; and

WHEREAS, the Board of County Commissioners now desire to rescind Ordinance Number 85-2 to dissolve the Imperial Harbor Subdivision Unit 1-6 Streetlighting MSBU;

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

SECTION ONE: PURPOSE AND BOUNDARIES

This ordinance rescinds Lee County Ordinance No. 85-2 with an effective date of September 30, 2002 dissolving the Imperial Harbor Subdivision Units 1-6 which provides for a streetlighting system within the boundaries of the attached, as described in Exhibit A, Legal Description.

SECTION TWO: EFFECTIVE DATE

This Ordinance, if adopted by the Board, shall take effect upon filing in the Office of the Secretary of State, State of Florida, with the dissolution effective date of September 30, 2002.

THE FOREGOING ordinance was offered by Commissioner _____, who moved it to adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

ROBERT P. JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2002.

ATTEST:

CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

EXHIBIT "A"

Legal Description Imperial Harbor Unit 6 Streetlighting Unit

Imperial Harbor Subdivision, Units 1-6 located in Section 27, Township 47 South, Range 25 East.

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE RESCINDING LEE COUNTY ORDINANCE NO. 92-02 AS AMENDED BY ORDINANCE NO. 95-26 RELATING TO THE BONITA SPRINGS STREETLIGHTING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED ORDINANCE.

WHEREAS, the Board of County Commissioners of Lee County, Florida enacted Ordinance Number 92-02 on January 15, 1992, which created the Bonita Springs Streetlighting District; and

WHEREAS, the Board of County commissioners of Lee County, Florida enacted Ordinance Number 95-26 on December 20, 1996, amended the Boniat Springs Streetlighting District; and

WHEREAS, the Board of County Commissioners of Lee County held public hearings to establish and amend this municipal service taxing or benefit unit; and

WHEREAS, all persons having an interest in the municipal service taxing or benefit unit and the public at large were given an opportunity to be heard at such hearings; and

WHEREAS, the Board of County Commissioners of Lee County, Florida sits as the governing body for the Municipal Services Taxing Unit (MSTU) that was created for the purpose of providing a streetlighting system within the boundaries of the unit; and

WHEREAS, the Boundaries of the Streetlighting District are wholly within the municipal boundaries and jurisdiction of the City of Bonita Springs; and

WHEREAS, the Board of County Commissioners now desire to rescind Ordinance Number 92-02 as amended by Ordinance 95-26 to dissolve the Bonita Springs Streetlighting District;

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

SECTION ONE: PURPOSE AND BOUNDARIES

This ordinance rescinds Lee County Ordinance No. 92-02 as amended by Ordinance 95-26 with an effective date of September 30, 2002 dissolving the Bonita Springs Streetlighting District which provides for a streetlighting system within the boundaries of the attached, as described in Exhibit A, Legal Description.

SECTION TWO: EFFECTIVE DATE

This Ordinance, if adopted by the Board, shall take effect upon filing in the Office of the Secretary of State, State of Florida, with the dissolution effective date of September 30, 2002.

THE FOREGOING ordinance was offered by Commissioner _____, who moved it to adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

ROBERT P. JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2002.

ATTEST:

CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.L.S.

LEGAL DESCRIPTION
SPANISH WELLS COMMUNITY ENTIRE BOUNDARY

A PARCEL OF LAND LOCATED IN SECTIONS 2 AND 3, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N 00°44'23" E, ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 2602.53 FEET; THENCE RUN N 00°45'49" W, ALONG THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 2199.35 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 664.14 FEET;
THENCE RUN S 01°32'20" E, FOR A DISTANCE OF 57.70 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 540.00 FEET;
THENCE RUN N 01°32'20" W, FOR A DISTANCE OF 42.70 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 250.00 FEET;
THENCE RUN N 01°32'20" W, FOR A DISTANCE OF 315.00 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 100.00 FEET;
THENCE RUN S 01°32'20" E, FOR A DISTANCE OF 357.70 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 755.91 FEET;
THENCE RUN N 00°40'28" W, FOR A DISTANCE OF 147.96 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 330.11 FEET;
THENCE RUN N 00°39'45" W, FOR A DISTANCE OF 189.78 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 261.12 FEET;
THENCE RUN S 01°09'00" E, FOR A DISTANCE OF 300.03 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE WEST WHOSE RADIUS POINT BEARS N 89°48'03" W, A DISTANCE OF 5579.65 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5579.65 FEET, THROUGH A CENTRAL ANGLE OF 04°22'00", SUBTENDED BY A CHORD OF 425.15 FEET AT A BEARING OF S 02°22'57" W, FOR A DISTANCE OF 425.25 FEET TO THE END OF SAID CURVE; THENCE RUN S 04°51'00" W, FOR A DISTANCE OF 101.34 FEET; THENCE RUN N 88°48'03" E, FOR A DISTANCE OF 600.16 FEET; THENCE RUN N 04°51'00" E, FOR A DISTANCE OF 38.05 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE TO THE WEST; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5929.65 FEET, THROUGH A CENTRAL ANGLE OF 02°00'09", SUBTENDED BY A CHORD OF 207.24 FEET AT A BEARING OF N 03°50'55" E, FOR A DISTANCE OF 207.25 FEET TO THE END OF SAID CURVE; THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 450.21 FEET; THENCE RUN N 01°32'20" W, FOR A DISTANCE OF 206.14 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE EAST, WHOSE RADIUS POINT BEARS N 47°09'49" E, A DISTANCE OF 450.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS

PAGE 1 OF 2

Attachment 1

(813) 947-1144 ■ FAX (813) 947-0375
3800 Via Del Rey ■ Bonita Springs, Florida 33923

OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 41°21'25", SUBTENDED BY A CHORD OF 317.81 FEET AT A BEARING OF N 22°09'28" W, FOR A DISTANCE OF 324.82 FEET TO THE END OF SAID CURVE; THENCE RUN N 01°28'40" W, FOR A DISTANCE OF 80.21 FEET; THENCE RUN N 88°31'25" E, FOR A DISTANCE OF 1459.78 FEET TO A POINT ON THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 3; THENCE RUN S 01°04'35" E, ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 1207.11 FEET; THENCE RUN N 88°48'01" E, FOR A DISTANCE OF 887.83 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SEMINOLE GULF RAILWAY (130' R.O.W.); THENCE RUN S 19°11'50" W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3088.56 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 (C.R. 887, S.R. 45, A 100' R.O.W.); THENCE RUN S 31°17'01" W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1272.99 FEET TO A POINT ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE RUN S 89°37'57" W, ALONG SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 1813.91 FEET; THENCE RUN S 89°38'22" W, ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 2633.64 FEET TO THE POINT OF BEGINNING, CONTAINING 600.96 ACRES, MORE OR LESS.

BEARINGS REFER TO THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 SOUTH, RANGE 25 EAST, AS BEING N 00°44'23" E.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.

Q. GRADY MINOR & ASSOCIATES, P.A.

SIGNED

2/17/95

Eric V. Sandoval

ERIC V. SANDOVAL

L.S. #5223

STATE OF FLORIDA

PAGE 2 OF 2

F:\SURVEY\SPH19.LGL

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE RESCINDING LEE COUNTY ORDINANCE NO. 98-24 RELATING TO THE BONITA SPRINGS STREETSCAPING SPECIAL IMPROVEMENT UNIT; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED ORDINANCE.

WHEREAS, the Board of County Commissioners of Lee County, Florida enacted Ordinance Number 98-24 on November 24, 1998, which created the Bonita Springs Streetscaping Special Improvement Unit; and

WHEREAS, the Board of County Commissioners of Lee County held public hearings to establish and amend this municipal service taxing or benefit unit; and

WHEREAS, all persons having an interest in the municipal service taxing or benefit unit and the public at large were given an opportunity to be heard at such hearings; and

WHEREAS, the Board of County Commissioners of Lee County, Florida sits as the governing body for the Municipal Services Taxing Unit (MSTU) that was created for the purpose of providing for pedestrian lights, maintenance of sidewalks, installation and maintenance of landscaping, maintenance of irrigation system, and;

WHEREAS, the Boundaries of the Special Improvement Unit are wholly within the municipal boundaries and jurisdiction of the City of Bonita Springs; and

WHEREAS, the Board of County Commissioners now desire to rescind Ordinance Number 98-24 to dissolve the Bonita Springs Streetscaping Special Improvement Unit;

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

SECTION ONE: PURPOSE AND BOUNDARIES

This ordinance rescinds Lee County Ordinance No. 98-24 with an effective date of September 30, 2002 dissolving the Bonita Springs Streetscaping Special Improvement Unit which provides for a pedestrian lighting, landscaping, irrigation and sidewalks within the boundaries of the attached, as described in Exhibit A, Legal Description.

SECTION TWO: EFFECTIVE DATE

This Ordinance, if adopted by the Board, shall take effect upon filing in the Office of the Secretary of State, State of Florida, with the dissolution effective date of September 30, 2002.

THE FOREGOING ordinance was offered by Commissioner _____, who moved it to adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

ROBERT P. JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2002.

ATTEST:

CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

DESCRIPTION

A tract or parcel of land lying in Sections 26 and 35, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southwest corner of Lot 13, Block 9, Heitman's Bonita Springs Townsite, a subdivision as recorded in Plat Book 6, page 24, in the Public Records of Lee County, Florida; thence run north along the west line of said Lot 13 and a northerly prolongation thereof to the southwest corner of Lot 37 of said Block 9; thence continue north along the west line of Lot 37, Block 9 of said subdivision to a point being the northwest corner of said Lot 37, said point also lying on the south right-of-way of Southland Drive; thence run east along said south right-of-way to the northwest corner of Lot 1, Block 9 of said subdivision; thence run north along a line being the northerly prolongation of the west line of said Lot 1, to the southwest corner of Lot 12, Block 8 of said subdivision; thence continue north along the west line of Lots 12, 11, 10, 9, 8, and 7 to the northwest corner of Lot 7, Block 8 of said subdivision; thence run west along a line being the westerly prolongation of the north line of said Lot 7 to the southeast corner of Lot 36, Block 8; thence continue west along the south line of Lots 36 and 35 to the southwest corner of Lot 35, Block 8 of said subdivision; thence run north along the west line of said Lot 35 to an intersection with the north line of the southerly 55 feet of said Lot 35 and Lot 36 of said subdivision; thence run east along said north line and an easterly prolongation thereof to the southwest corner of Lot 4, Block 8 of said subdivision; thence run north along the west line of Lots 4, 3, 2 and 1 of Block 8 and a northerly prolongation thereof and along the west line of Lots 4, 3, 2 and 1 of Block 7 and a northerly prolongation thereof to an intersection with the northeasterly right-of-way of Tennessee Street; thence run northwesterly along said northeasterly right-of-way to an intersection with the easterly right-of-way of the A.C.L. Railroad; thence run northerly along

Exhibit "A"

said easterly right-of-way and along the westerly line of a parcel of land described in Official Record Book 2452, page 2226, in the Public Records of Lee County, Florida to the northerly bank of Oak Creek; thence run southeasterly following the meander of said creek to a point where the easterly side of Front Street intersects said creek; thence run northeasterly along the easterly line of Front Street to an intersection with the south right-of-way of Kentucky Street; thence run east along said south line to an intersection with a line being the southerly prolongation of the west line of Lot 9, Block 6, of said Heitman's Bonita Springs Townsite; thence run north along said southerly prolongation and along the west line of Lots 9, 8, 7, 6, 5, 4, 3, 2 and 1, of said Block 6 to the northwest corner of said Lot 1; thence continue north along the northerly prolongation of the west line of said Lot 1 to an intersection with the southeast corner of Lot 9, Block 5 of said subdivision; thence run west along the south line of Lots 9, 10 and 11 to the southwest corner of said Lot 11; thence run north along the west line of said Lot 11, Block 5 to the northwest corner thereof; thence run east along the north line of Lots 11, 10 and 9 and an easterly prolongation thereof to the southwest corner of Lot 4 of said Block 5; thence run north along the west line of Lots 4, 3, 2 and 1 of said Block 5 to the northwest corner of said Lot 1; thence continue north along the northerly prolongation of the west line of said Lot 1, Block 5 to the southeast corner of Lot 13, Block 4 of said subdivision; thence continue north along the east line of Lots 13 and 14 to a point being the northeast corner of said Lot 14, said point also being the southeast corner of Lot 15 of said Block 4; thence run west along the south line of said Lot 15 to the southwest corner thereof; thence run northerly along the westerly line of Lots 15, 16, 17 and 18 to the northwest corner of said Lot 18, Block 4; thence run east along the north line of said Lot 18 and an easterly prolongation thereof to the southwest corner of Lot 5 of said Block 4; thence run north along the west line of Lots 5, 4, 3, 2 and 1 of said Block 4 to the northwest corner of said Lot 1; thence continue north along a northerly prolongation of the west line of said Lot 1, Block 4 to the southwest corner of Lot 12, Block 3 of said subdivision; thence run north along the west line of Lots 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1 of said Block 3 to the northwest corner of said Lot 1, Block 3; thence run east along the north line of said Lot 1, Block 3; thence with the west right-of-way of Old U.S. 41; thence run north along said west right-of-way to the southeast corner of Lot 12,

ATTACHMENT "A"

NEWS-PRESS

*Published every morning - Daily and Sunday
Fort Myers, Florida*

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Kieanna Henry
who on oath says that he/she is the
Asst. Legal Clerk of the News-Press, a daily newspaper,
published at Fort Myers, in Lee County, Florida; that the
attached copy of advertisement, being a

Display
In the matter of Notice of Intent to Enact A County
Ordinance
in the _____ Court
was published in said newspaper in the issues of
February 19, 2002

Affiant further says that the said News-Press is a paper of general
circulation daily in Lee, Charlotte, Collier, Glades and Hendry
Counties and published at Fort Myers, in said Lee County, Florida
and that said newspaper has heretofore been continuously published
in said Lee County, Florida, each day, and has been entered as a
second class mail matter at the post office in Fort Myers in said Lee
County, Florida, for a period of one year next preceding the first
publication of the attached copy of the advertisement; and affiant
further says that he/she has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in the said
newspaper.

Kieanna Henry

Sworn to and subscribed before me this

19th day of February 2002 by

Kieanna Henry
personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public *Brenda Leighton*

Print Name _____

My commission Expires:



Brenda Leighton
MY COMMISSION # CC080905 EXPIRES
February 14, 2003
BONDED THROUGH FARM INSURANCE, INC.

LEE COUNTY
SOUTHWEST FLORIDA

NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN that on Tuesday, the 12th day of March, 2002 at 5:00p.m., in the County Commissioner's Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of three County Ordinances pursuant to Article III, Section I, of the State Constitution and Chapter 125, Florida Statutes. The titles are as follows:

AN ORDINANCE RESCINDING LEE COUNTY ORDINANCE NO. 92-02 AS AMENDED BY ORDINANCE NO. 95-26 RELATING TO THE BONITA SPRINGS STREETLIGHTING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED ORDINANCE.

AN ORDINANCE RESCINDING LEE COUNTY ORDINANCE NO. 85-2 AS RELATING TO THE IMPERIAL HARBOR UNIT 6 MSBU; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED ORDINANCE.

AN ORDINANCE RESCINDING LEE COUNTY ORDINANCE NO. 98-24 AS RELATING TO THE BONITA SPRINGS STREETSCAPING MSBU; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED ORDINANCE.

1. A copy of these Ordinances are on file in the Office of the Clerk of Circuit Court of Lee County, Florida, Minutes Department and the Office of Lee Cares both located in the County Administration Building, 2115 Second Street, Fort Myers, Florida.

2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinances. If anyone decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceeding will be needed for the appeal. Whoever appeals may need to insure that a verbatim record of the proceeding is made, which record must include the testimony and evidence upon which any such appeal is to be based.

3. These Ordinances shall take effect immediately upon filing with the Office of the Secretary of State of Florida.

PLEASE BE GOVERNED ACCORDINGLY.

The text of this Notice is pursuant to and in conformance with Section 125.66, Florida Statutes (2002).

P.O. Sekulski
REF.D021902-54

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

ATTACHMENT "B"

941-335-2186

February 19, 2002

Dear Property Owner:

Lee County Board of County Commissioners has been the governing body for the Imperial Harbor Unit 6 MSBU since it was created in 1985. With the incorporation of Bonita Springs last year, the governing responsibilities will now need to be transferred to the City Council. In consideration of this the City Council voted on November 7, 2001, to dissolve the MSBU and absorb the operation and maintenance of your unit into the general fund budget, beginning with Fiscal Year 2002-03 (October, 2002).

To accomplish this transfer of responsibilities notice is hereby given that a Public Hearing will be held by the Board of County Commissioners at the Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, on March 12, 2002, at 5 P.M., to consider enacting a Resolution to Dissolve the Imperial Harbor Unit 6 MSBU effective September 30, 2002. The title of the Resolution is as follows:

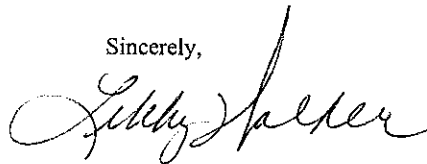
AN ORDINANCE RESCINDING LEE COUNTY ORDINANCE NO. 85-02
RELATING TO THE IMPERIAL HARBOR UNIT 6 MSBU; AND
PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED
ORDINANCE.

A copy of the proposed Resolution is on file with the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department and the Lee Cares Office, both located in the Lee County Administration Building, at 2115 Second Street, Fort Myers, Florida.

This Public Hearing is an opportunity for you to express your opinion or you may wish to write a letter to the sender at P. O. Box 398, Fort Myers, Florida 33902. All correspondence received within twenty (20) days prior to the Public Hearing will become a part of the Public Record. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed County Resolution. If anyone decides to appeal a decision made by the Board, with respect to any matter considered at this meeting, a record of the proceeding would be needed for the appeal. Whoever appeals may need to insure that a verbatim record of the proceeding is made, which, the record must include the testimony and evidence upon which any such appeal is to be based.

Lee County's Public Resources/MSTBU Services will continue to work with Barbara Barnes Buchanan, Assistant City Manager for Bonita Springs, for the administration of the MSBU Unit until September 30, 2002. Beginning on October 1, 2002, the administration of the services provided for by your Unit, will solely be under the jurisdiction of the City of Bonita Springs. Following the final audit of the Unit's County fund (February, 2003), any remaining funds will be transferred to the City.

Sincerely,



Libby Walker
Public Resources Manager

941-335-2186

February 19, 2002

Dear Property Owner:

Lee County Board of County Commissioners has been the governing body for the Bonita Springs Streetlighting MSTU since it was created in 1992. With the incorporation of Bonita Springs last year, the governing responsibilities will now need to be transferred to the City Council. In consideration of this, the City Council voted on November 7, 2001, to dissolve the MSBU and absorb the operation and maintenance of your unit into the general fund budget, beginning with Fiscal Year 2002-03 (October, 2002).

To accomplish this transfer of responsibilities notice is hereby given that a Public Hearing will be held by the Board of County Commissioners at the Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, on March 12, 2002, at 5 P.M., to consider enacting a Resolution to Dissolve the Bonita Springs Streetlighting MSTU effective September 30, 2002. The title of the Resolution is as follows:

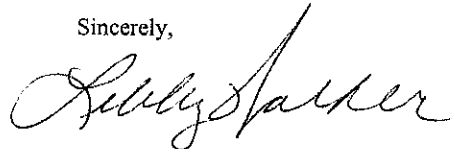
AN ORDINANCE RESCINDING LEE COUNTY ORDINANCE NO. 92-02
AS AMENDED BY ORDINANCE 95-26; RELATING TO THE BONITA
SPRINGS STREETLIGHTING DISTRICT; AND PROVIDING FOR AN
EFFECTIVE DATE FOR THE ADOPTED ORDINANCE.

A copy of the proposed Resolution is on file with the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department and the Lee Cares Office, both located in the Lee County Administration Building, at 2115 Second Street, Fort Myers, Florida.

This Public Hearing is an opportunity for you to express your opinion or you may wish to write a letter to the sender at P. O. Box 398, Fort Myers, Florida 33902. All correspondence received within twenty (20) days prior to the Public Hearing will become a part of the Public Record. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed County Resolution. If anyone decides to appeal a decision made by the Board, with respect to any matter considered at this meeting, a record of the proceeding would be needed for the appeal. Whoever appeals may need to insure that a verbatim record of the proceeding is made, which, the record must include the testimony and evidence upon which any such appeal is to be based.

Lee County's Public Resources/MSTBU Services will continue to work with Barbara Barnes Buchanan, Assistant City Manager for Bonita Springs, for the administration of the MSTU Unit until September 30, 2002. Beginning on October 1, 2002, the administration of the services provided for by your Unit, will solely be under the jurisdiction of the City of Bonita Springs. Following the final audit of the Unit's County fund (February, 2003), any remaining funds will be transferred to the City.

Sincerely,



Libby Walker
Public Resources Manager

941-335-2186

February 19, 2002

Dear Property Owner:

Lee County Board of County Commissioners has been the governing body for the Bonita Springs Streetscaping MSTU since it was created in 1998. With the incorporation of Bonita Springs last year, the governing responsibilities will now need to be transferred to the City Council. In consideration of this, the City Council voted on November 7, 2001, to dissolve the MSBU and absorb the operation and maintenance of your unit into the general fund budget, beginning with Fiscal Year 2002-03 (October, 2002).

To accomplish this transfer of responsibilities notice is hereby given that a Public Hearing will be held by the Board of County Commissioners at the Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, on March 12, 2002, at 5 P.M., to consider enacting a Resolution to Dissolve the Bonita Springs Streetscaping MSTU effective September 30, 2002. The title of the Resolution is as follows:

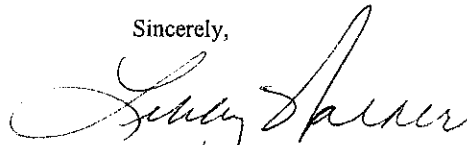
AN ORDINANCE RESCINDING LEE COUNTY ORDINANCE NO. 98-24
RELATING TO THE BONITA SPRINGS STREETSCAPING MSTU; AND
PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED
ORDINANCE.

A copy of the proposed Resolution is on file with the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department and the Lee Cares Office, both located in the Lee County Administration Building, at 2115 Second Street, Fort Myers, Florida.

This Public Hearing is an opportunity for you to express your opinion or you may wish to write a letter to the sender at P. O. Box 398, Fort Myers, Florida 33902. All correspondence received within twenty (20) days prior to the Public Hearing will become a part of the Public Record. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed County Resolution. If anyone decides to appeal a decision made by the Board, with respect to any matter considered at this meeting, a record of the proceeding would be needed for the appeal. Whoever appeals may need to insure that a verbatim record of the proceeding is made, which, the record must include the testimony and evidence upon which any such appeal is to be based.

Lee County's Public Resources/MSTBU Services will continue to work with Barbara Barnes Buchanan, Assistant City Manager for Bonita Springs, for the administration of the MSTU Unit until September 30, 2002. Beginning on October 1, 2002, the administration of the services provided for by your Unit, will solely be under the jurisdiction of the City of Bonita Springs. Following the final audit of the Unit's County fund (February, 2003), any remaining funds will be transferred to the City.

Sincerely,



Libby Walker
Public Resources Manager

BONITA SPRINGS CITY COUNCIL
AGENDA ITEM SUMMARY

Green SHEET No: 01-11-0061


REQUESTED MOTION:

Beginning fiscal year 2002-2003, dissolve the Bonita Streetlighting Unit, Bonita Streetscape Benefit Area and Imperial Harbor Streetlighting Unit. Absorb the operational and maintenance costs within the City of Bonita Springs general budget.

COUNCIL DISTRICT City Wide**MEETING DATE:** November 7, 2001**AGENDA**

CONSENT
 CITY MANAGER
 APPEALS
 PUBLIC

REQUIREMENT/PURPOSE
(Specify)

STATUTE § 197.3632
 ORDINANCE
 ADMIN. CODE
 OTHER

REQUESTOR OF INFORMATION:

Gary A. Price
City Manager

TIME REQUIRED:

BACKGROUND:

Prior to and since incorporation, Lee County has maintained the three MSTBU's in Bonita Springs. The following is approximated what is assessed annually from each entity:

Bonita Springs Streetlighting Unit	\$ 147,710.00
Imperial Harbor Streetlighting Unit	\$ 13,942.00
Bonita Springs Streetscaping Special Improvement Unit	\$ 54,742.00

The County has informed the City that it intends to no longer administer these three MSTBU's. While initiating the procedural requirements of Florida Statutes §197.3632 to place the improvement areas on the non ad valorem portion of the tax bill for the City of Bonita Springs is extensive, it does not compare to the extensive nature of administering the accounts. Therefore, in the spirit of government light, it is staff's recommendation that the City dissolves the three MSTBU's and instead of proceeding forward with creation of the special assessments, absorbs the costs of operation and maintenance within the City of Bonita Springs regular ad valorem budget. The total cost is expected to be around \$216,400.00, unless additional enhancements are made. If Council desires, the persons serving on the previous Boards from the County can be asked to assist the City with the advisory duties.

Attachments: Three budget worksheets with proposed revenue
Statistical Information on Bonita Springs MSTBU's

STAFF RECOMMENDATION:

The City should dissolve the three MSTBU's and absorb the costs of operation and maintenance within the City of Bonita Springs regular ad valorem budget.

REVIEWED BY:

CITY MANAGER: CITY ATTORNEY: CITY CLERK: **COUNCIL ACTION:**

APPROVED
 DENIED
 DEFERRED
 OTHER

ATTACHMENT "D"

LEE COUNTY ORDINANCE NO. 85-2

AN ORDINANCE CREATING THE IMPERIAL HARBOR SUBDIVISION, UNITS 1-6, STREETLIGHTING MUNICIPAL SERVICE TAXING OR BENEFIT UNIT; DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPE OF SERVICES WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR A FUND; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, residents within the boundaries described below presented to the Board of County Commissioners of Lee County, a petition expressing their desire to form a municipal service taxing or benefit unit; and,

WHEREAS, the Board of County Commissioners of Lee County held a public hearing on the proposed ordinance to establish this municipal service taxing or benefit unit; and

WHEREAS, all persons having an interest in the municipal service taxing or benefit unit and the public at large were given an opportunity to be heard.

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

SECTION 1.

CREATION OF THE UNIT, PURPOSE AND BOUNDARIES.

Pursuant to the powers granted to the Board of County Commissioners of Lee County, Florida, hereinafter referred to as the "Board", by the Constitution of the State of Florida and the Florida Statutes, in particular, Section 125.01, Fla. Stat., the Board hereby creates a municipal service taxing or benefit unit to be known as the IMPERIAL HARBOR SUBDIVISION, UNITS 1-6 STREETLIGHTING MUNICIPAL SERVICE TAXING OR BENEFIT UNIT. Unless expressly mandated by state statute, any and all procedures, administrative or otherwise, which were required to be followed prior to the enactment of this ordinance shall be waived or considered directory in nature and noncompliance with the procedure shall have no effect upon the validity of this ordinance, constitutional or otherwise.

The purpose of the IMPERIAL HARBOR SUBDIVISION, UNITS 1-6 MUNICIPAL SERVICE TAXING OR BENEFIT UNIT is to provide the following municipal services within the boundaries of the Unit: Streetlighting.

The boundaries of the Unit shall be as follows:

Imperial Harbor Subdivision, Units 1-6, located in Section 27, Township 47 South, Range 25 East

SECTION 2.

THE GOVERNING BODY

The Board shall be the governing body of the IMPERIAL HARBOR SUBDIVISION, UNITS 1-6, STREETLIGHTING MUNICIPAL SERVICE TAXING OR BENEFIT UNIT.

SECTION 3.

THE GENERAL POWERS

The governing body shall have all the powers necessary or convenient to carry out the purpose of this ordinance and such additional rights and powers as are provided by the Constitution of the State of Florida and the laws of the State of Florida as granted to counties. The governing body shall also have all powers not otherwise prohibited by law and these powers shall include but are not limited to the power to:

1. Sue or be sued, complain or defend in the name of the County, in any and all courts or administrative agencies;
2. Acquire by grant, purchase, gift, devise, exchange or in any other lawful manner any property, real or personal, or any estate or interest therein upon such terms and conditions as the governing body shall determine;
3. Enter into contracts with any public, private or municipal firm, person or corporation for the furnishing of the improvements within the boundaries of the Unit;
4. Levy and collect special charges, special assessments, or taxes within the Unit;

5. Borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law;
6. Levy and collect without referendum ad valorem taxes for the providing of municipal services within the Unit; and
7. Adopt rules and regulations governing the Unit.

SECTION 4.

IMPERIAL HARBOR SUBDIVISION, UNITS 1-6, STREETLIGHTING FUND.

There is hereby created a fund to be known as the IMPERIAL HARBOR SUBDIVISION, UNITS 1-6, STREETLIGHTING FUND from which the costs of any municipal service may be paid, either in whole or in part. This fund shall contain all special charges, special assessments, taxes, interest, and other monies collected or otherwise obtained pursuant to this ordinance or any subsequent resolution thereto.

SECTION 5.

LEVYING SPECIAL ASSESSMENTS; LIENS; ENFORCEABILITY

(A) Any special assessment levied pursuant to this ordinance shall be levied only after a Notice of Intent to Adopt a proposed Resolution to Assess has been published in a newspaper of general circulation within Lee County at least fifteen (15) days prior to the public hearing on the proposed resolution. The method of apportioning the special assessment among the parcels of land within the unit shall be based upon a finding by the Board that the chosen method of apportionment is a fair and reasonable distribution of the cost of the municipal service improvement in proportion to the special benefit which each parcel of land will receive. The assessment roll may be amended at the public hearing.

(B) The special assessment shall be due and payable and interest and penalties for late payment shall accrue thereon from such date as the Board shall provide.

(C) An assessment roll shall be prepared and shall be attached to the proposed resolution. This assessment roll shall consist of all record legal titleholders of parcels of land within the boundaries of the unit and shall state the apportioned assessment for that parcel of land.

(D) The assessment made by the Board as provided for herein shall constitute a lien against all parcels of land so assessed. Upon failure of any property owner to pay any apportioned assessment when due and payable, the Board shall cause to be brought the necessary legal proceedings to enforce payment thereof with all accrued interest and penalties, together with all legal costs incurred including reasonable attorney's fees, to be assessed as part of the cost. In the event of a default on payment of any assessment when due and payable or any accrued interest on the assessment, the entire assessment with interest and penalties shall immediately become due and payable and subject to foreclosure. The foreclosure proceedings may be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law and suits to foreclose mortgages; or, in the alternative, said proceedings may be instituted and prosecuted by any other lawful process or procedure then available for the enforcement of the lien pursuant to any general law of the State relative to the enforcement of the municipal lien. Enforcement of this lien through foreclosure proceedings or otherwise shall not be construed as the Board's exclusive remedy. The Board may prosecute any claim, legal or equitable, which it may have against the owner of the specially assessed parcel of land who has defaulted on his payment of the assessment.

(E) The property owner, whose property has been assessed, shall have the right to petition the Board for correction of any inaccuracy in the assessment or its apportionment within ten (10) days of the adoption of the Resolution to Assess. After the lapse of ten (10) days from the date of the adoption of the Resolution to Assess, including amendments

thereto, all assessments made shall be deemed conclusive unless the property owner has filed the petition for administrative review. Failure to exercise this right for an administrative remedy within the time permitted shall be deemed a waiver of the property owner's right to object to the assessment or its apportionment.

SECTION 6.

LEVYING AD VALOREM TAXES

Ad valorem taxes levied pursuant to this ordinance shall be levied and a budget prepared and adopted by this Board in the same manner as the Board prepares and adopts annual County budgets and levies taxes as provided by law. The levy of an ad valorem tax for the unit shall not exceed five mills per year.

SECTION 7.

SEVERABILITY

The provisions of this ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included therein.

SECTION 8.

ALTERNATIVE OR SUPPLEMENTAL AUTHORITY

This ordinance shall not be construed as repealing or superseding any other ordinance or law and is to be construed as alternative or supplemental authority for the exercise of powers provided for herein.

SECTION 9.

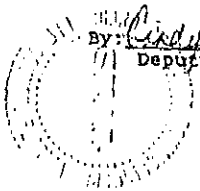
EFFECTIVE DATE

This ordinance shall be come effective upon action from the Secretary of State that the ordinance has been duly filed.

DONE AND ADOPTED this 23rd day of January, 19 85.

ATTEST:
CHARLIE GREEN, CLERK

By: Cindy R. Proia
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: B. H. Howard
Chairman 7-23-85

APPROVED AS TO FORM

By: James J. [Signature]
County Attorney

LEE COUNTY ORDINANCE NO. 92-02

AN ORDINANCE CREATING THE BONITA SPRINGS STREETLIGHTING UNIT; DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPE(S) OF SERVICE WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; RESCINDING THE LEE COUNTY RESOLUTION OF MAY 24, 1972, AUTHORIZING A MILLAGE CAP OF ONE HALF MILL PER YEAR; PROVIDING FOR A FUND; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lee County Resolution of May 24, 1972, provided for the creation of the Bonita Springs Streetlighting Unit and limited the millage to a cap of one half mill per year; and,

WHEREAS, the Board of County Commissioners of Lee County have determined that it is in the public interest and to the public benefit to create the Bonita Springs Streetlighting Unit as a Chapter 125, Florida Statutes, Municipal Service Taxing or Benefit Unit; and

WHEREAS, the Board of County Commissioners of Lee County held a public hearing to establish this municipal service taxing or benefit unit; and

WHEREAS, all persons having an interest in the municipal service taxing or benefit unit and the public at large were given an opportunity to be heard at such hearing.

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

SECTION 1.CREATION OF THE UNIT, PURPOSE AND BOUNDARIES

Pursuant to the powers granted to the Board of County Commissioners of Lee County, Florida, hereinafter referred to as the "Board", by the Constitution of the State of Florida and the Florida Statutes, in particular, Section 125.01, Florida Statute, the Board hereby creates a municipal service taxing or benefit unit to be known as the Bonita Springs Streetlighting Unit. Unless expressly mandated by State Statute, any and all procedures, administrative or otherwise, which were required to be followed prior to the enactment of this ordinance shall be waived or considered directory in nature and noncompliance with the procedure shall have no effect upon the validity of this ordinance, constitutional or otherwise.

The purpose of the Bonita Springs Streetlighting Unit shall be to provide the following municipal services within the boundaries of the unit: Streetlighting and maintenance of the streetlights.

The boundaries of the Unit shall be as follows:

SEE ATTACHED LEGAL DESCRIPTION WHICH IS LABELED
"EXHIBIT "A" HEREBY INCORPORATED BY REFERENCE.

SECTION 2.THE GOVERNING BODY

The Lee County Board of County Commissioners shall be the governing body of the Municipal Service Benefit or Taxing Unit created pursuant to this Ordinance. The Board of County Commissioners may appoint an Advisory Committee, composed of five (5) residents who shall reside within the boundaries of the Municipal Service Taxing and Benefit Unit. The method of appointment and term of office shall be set by the Board of County Commissioners.

SECTION 3.THE GENERAL POWERS

The governing body shall have all the powers necessary or convenient to carry out the purpose of this ordinance and such additional rights and powers as are provided by the Constitution of the State of Florida and the laws of the State of Florida as granted to counties. The governing body shall also have all powers not otherwise prohibited by law and these powers shall include but are not limited to the power to:

1. Sue or be sued, complain or defend in the name of the County in any and all courts or administrative agencies;
2. Acquire by grant, purchase, gift, devise, exchange or in any other lawful manner any property, real or personal, or any estate or interest therein upon such terms and conditions as the governing body shall determine;

3. Enter into contracts with any public, private or municipal firm, person or corporation for the furnishing of the improvements within the boundaries of that Unit;
4. Levy and collect special charges, special assessments, or taxes within the Unit;
5. Borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law;
6. Levy and collect without referendum ad valorem taxes for the providing of municipal services within the Unit; and
7. Adopt rules and regulations governing the Unit.

SECTION 4.

There is hereby created a fund to be known as the Bonita Springs Streetlighting Unit from which the costs of any municipal service may be paid, either in whole or in part. This fund shall contain all special charges, special assessments, taxes, interest, and other monies collected or otherwise obtained pursuant to this ordinance or any subsequent resolution thereto.

SECTION 5.LEVYING SPECIAL ASSESSMENTS; LIENS; ENFORCEABILITY

(A) Any special assessment levied pursuant to this ordinance shall be levied only after a Notice of Intent to Adopt Proposed Resolution to Assess has been published in a newspaper of general circulation within Lee County at least fifteen (15) days prior to the public hearing on the proposed resolution.

The method of apportioning the special assessment among the parcels of land within the unit shall be based upon a finding by the Board that the chosen method of apportionment is a fair and reasonable distribution of the cost of the municipal service improvement in proportion to the special benefit which each parcel of land will receive. The assessment roll may be amended at the public hearing.

(B) The special assessment shall be due and payable and interest and penalties for late payment shall accrue thereon from such date as the Board shall provide.

(C) An assessment roll shall be prepared and shall be attached to the proposed resolution. This assessment roll shall consist of all record legal titleholders of parcels of land within the boundaries of the unit and shall state the apportioned assessment for that parcel of land.

(D). The assessment made by the Board as provided for herein shall constitute a lien against all parcels of land so assessed. Upon failure of any property owner to pay any apportioned assessment when due and payable, the Board shall cause to be brought the necessary legal proceedings to enforce payment thereof with all accrued interest and penalties, together with all legal costs incurred including reasonable attorney's fees, to be assessed as part of the cost. In the event of a default on payment of any assessment when due and payable or any accrued interest on the assessment, the entire assessment with interest and penalties shall immediately become due and payable and subject to foreclosure. The foreclosure proceedings may be prosecuted to a sale and conveyance of the property involved in said proceedings as provided by law and suits to foreclose mortgages; or, in the alternative, said proceedings may be instituted and prosecuted by any other lawful process or procedure then available for the enforcement of the lien pursuant to any general law of the State relative to the enforcement of the municipal lien. Enforcement of this lien through foreclosure proceedings or otherwise shall not be construed as the Board's exclusive remedy.

The Board may prosecute any claim, legal or equitable, which it may have against the owner of the specially assessed parcel of land who has defaulted on his payment of the assessment.

(E) The property owner, whose property has been assessed, shall have the right to petition the Board for correction of any inaccuracy in the assessment or its apportionment within ten (10) days of the adoption of the Resolution to Assess. After the lapse of ten (10) days from the date of the adoption of the Resolution to Assess, including amendments thereto, all assessments made shall be deemed conclusive unless the property owner has filed the petition for administrative review. Failure to exercise this right for an administrative remedy within the time permitted shall be deemed a waiver of the property owner's right to object to the assessment or its apportionment.

SECTION 6.

RESCINDING THE LEE COUNTY RESOLUTION OF MAY 24, 1972

The Lee County Resolution of May 24, 1972, creating the Bonita Springs Streetlighting Unit which had a millage cap of one half mill per year (boundaries described in Appendix A) is hereby rescinded in its entirety.

SECTION 7.

LEVYING AD VALOREM TAXES

Ad valorem taxes levied pursuant to this ordinance shall be levied and a budget prepared and adopted by this Board in the same manner as the Board prepares and adopts annual County budgets and levies taxes as provided by law.

SECTION 8.SEVERABILITY

The provisions of this ordinance are severable and it is the intention to confer the whole or any part, the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court or competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 9.ALTERNATIVE OR SUPPLEMENTAL AUTHORITY

This ordinance shall not be construed as repealing or superseding any other ordinance or law except as specifically set out in Section 6., above, and is to be construed as alternative or supplemental authority for the exercise of the County's powers provided for herein.

SECTION 10.EFFECTIVE DATE

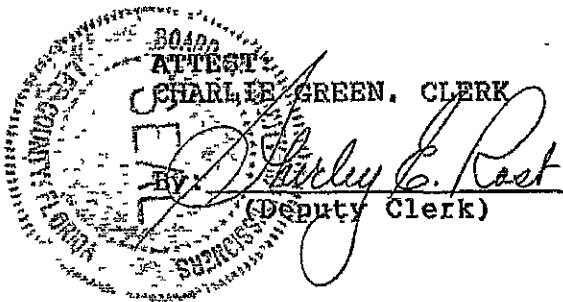
This Ordinance shall take effect upon receipt of acknowledgement of its filing by the Office of the Secretary of State, State of Florida.

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

DOUGLAS R. ST. CERNY	<u>AYE</u>
VICKI LOPEZ-WOLFE	<u>ABSENT</u>
DONALD SLISHER	<u>ABSENT</u>
JOHN E. MANNING	<u>AYE</u>
RAY JUDAH	<u>AYE</u>

DONE AND ADOPTED THIS 15th day of January,

1992.



BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

By: [Signature]
Chairman

APPROVED AS TO FORM:

By: [Signature]
Office of the
County Attorney

EXHIBIT A
BONITA SPRINGS STREETLIGHTING UNIT

-----In Township 47 South, Range 24 East:-----

The South one-fourth (S 1/4) of Section 24.
All of Section 25.

In Township 47 South, Range 25 East:

All of Sections 25 and 26
The South one-half (S 1/2) of Section 30.
All of Sections 31, 32, 33, 34, 35 and 36.

In Township 48 South, Range 25 East:

All of Sections 1, 2, 3 and 4.

LEE COUNTY ORDINANCE NO. 95-26

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 92-02; DELETING THE SPANISH WELLS RESIDENTIAL SUBDIVISION FROM THE BONITA SPRINGS STREETLIGHTING DISTRICT; REVISING THE BOUNDARIES OF THE DISTRICT; PROVIDING FOR EFFECT OF AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners on January 15, 1992, duly adopted Lee County Ordinance No. 92-02, relating to the creation and implementation of the Bonita Springs Streetlighting Unit; and,

WHEREAS, pursuant to Lee County Ordinance No. 92-02, the Board of County Commissioners is the governing body for the Bonita Springs Streetlighting District; and,

WHEREAS, a certain residential subdivision within the original unit, to wit: the Spanish Wells residential subdivision, by and through the Spanish Wells Homeowner Association, now desires to be deleted from the original streetlighting unit; and,

WHEREAS, it serves the public's purpose, and is in the public's interest to delete the Spanish Wells residential subdivision from the original Bonita Springs Streetlighting Unit as created by Lee County Resolution No. 92-02,

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

SECTION ONE

AMENDMENTS

Section 1. Creation of the Unit, Purpose and Boundaries of Lee County Ordinance No. 92-02, shall be amended at the third paragraph to read as follows:

The boundaries of the Unit shall be as follows:

See attached legal description which is labeled, "Revised Exhibit A", and which deletes the Spanish Wells residential subdivision from the Unit.

SECTION TWO

EFFECT OF AMENDMENTS

The amendment as outlined in Section One above is hereby adopted. All other terms, conditions and requirements of Lee County Ordinance No. 92-02 shall remain in full force and effect, with the exception of the adopted amendment to Section 1., which shall control.

SECTION THREE

EFFECTIVE DATE

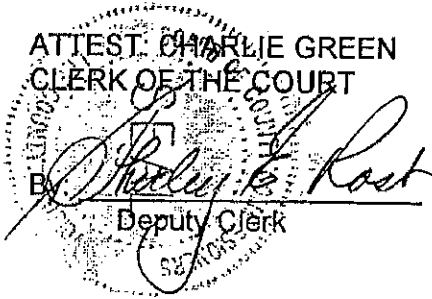
This Ordinance amending Lee County Ordinance No. 92-02 shall become effective upon notification from the Florida Secretary of State that this Ordinance has been duly filed with that office.

The foregoing Ordinance was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Coy and being put to a vote, the vote was as follows:

JOHN MANNING	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>ABSENT</u>
ANDREW COY	<u>AYE</u>
JOHN ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 20th day of December, 1995.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT
By: Shirley K. Rost
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairman

APPROVED AS TO FORM:

By: [Signature]
Office of the County Attorney

REVISED EXHIBIT A
BONITA SPRINGS STREETLIGHTING UNIT

In Township 47 South, Range 24 East:

The South one-fourth (S 1/4) of Section 24.
All of Section 25.

In Township 47 South, Range 25 East:

All of Sections 25 and 26.
The South one-half (S 1/2) of Section 30.
All of Sections 31, 32, 33, 34, 35 and 36.

In Township 48 South, Range 25 East:

All of Sections 1, 2, 3 and 4, less the following described area:

Attached legal description and sketch for the
Spanish Wells community
(Attachment 1.)

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.L.S.

LEGAL DESCRIPTION
SPANISH WELLS COMMUNITY ENTIRE BOUNDARY

A PARCEL OF LAND LOCATED IN SECTIONS 2 AND 3, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N 00°44'23" E, ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 2602.53 FEET; THENCE RUN N 00°45'49" W, ALONG THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 2199.35 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 664.14 FEET;
THENCE RUN S 01°32'20" E, FOR A DISTANCE OF 57.70 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 540.00 FEET;
THENCE RUN N 01°32'20" W, FOR A DISTANCE OF 42.70 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 250.00 FEET;
THENCE RUN N 01°32'20" W, FOR A DISTANCE OF 315.00 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 100.00 FEET;
THENCE RUN S 01°32'20" E, FOR A DISTANCE OF 357.70 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 755.91 FEET;
THENCE RUN N 00°40'28" W, FOR A DISTANCE OF 147.96 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 330.11 FEET;
THENCE RUN N 00°39'45" W, FOR A DISTANCE OF 189.78 FEET;
THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 261.12 FEET;
THENCE RUN S 01°09'00" E, FOR A DISTANCE OF 300.03 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE WEST WHOSE RADIUS POINT BEARS N 89°48'03" W, A DISTANCE OF 5579.65 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5579.65 FEET, THROUGH A CENTRAL ANGLE OF 04°22'00", SUBTENDED BY A CHORD OF 425.15 FEET AT A BEARING OF S 02°22'57" W, FOR A DISTANCE OF 425.25 FEET TO THE END OF SAID CURVE; THENCE RUN S 04°51'00" W, FOR A DISTANCE OF 101.34 FEET; THENCE RUN N 88°48'03" E, FOR A DISTANCE OF 600.16 FEET; THENCE RUN N 04°51'00" E, FOR A DISTANCE OF 38.05 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE TO THE WEST; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5929.65 FEET, THROUGH A CENTRAL ANGLE OF 02°00'09", SUBTENDED BY A CHORD OF 207.24 FEET AT A BEARING OF N 03°50'55" E, FOR A DISTANCE OF 207.25 FEET TO THE END OF SAID CURVE; THENCE RUN N 88°27'40" E, FOR A DISTANCE OF 450.21 FEET; THENCE RUN N 01°32'20" W, FOR A DISTANCE OF 206.14 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE EAST, WHOSE RADIUS POINT BEARS N 47°09'49" E, A DISTANCE OF 450.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS

PAGE 1 OF 2

Attachment 1

(813) 947-1144 ■ FAX (813) 947-0375
3800 Via Del Rey ■ Bonita Springs, Florida 33923

OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 41°21'25", SUBTENDED BY A CHORD OF 317.81 FEET AT A BEARING OF N 22°09'28" W, FOR A DISTANCE OF 324.82 FEET TO THE END OF SAID CURVE; THENCE RUN N 01°28'40" W, FOR A DISTANCE OF 80.21 FEET; THENCE RUN N 88°31'25" E, FOR A DISTANCE OF 1459.78 FEET TO A POINT ON THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 3; THENCE RUN S 01°04'35" E, ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 1207.11 FEET; THENCE RUN N 88°48'01" E, FOR A DISTANCE OF 887.83 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SEMINOLE GULF RAILWAY (130' R.O.W.); THENCE RUN S 19°11'50" W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3088.56 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 (C.R. 887, S.R. 45, A 100' R.O.W.); THENCE RUN S 31°17'01" W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1272.99 FEET TO A POINT ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE RUN S 89°37'57" W, ALONG SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 1813.91 FEET; THENCE RUN S 89°38'22" W, ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, FOR A DISTANCE OF 2633.64 FEET TO THE POINT OF BEGINNING, CONTAINING 600.96 ACRES, MORE OR LESS.

BEARINGS REFER TO THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 SOUTH, RANGE 25 EAST, AS BEING N 00°44'23" E.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.

Q. GRADY MINOR & ASSOCIATES, P.A.

SIGNED

2/17/95

Eric V. Sandoval

ERIC V. SANDOVAL

L.S. #5223

STATE OF FLORIDA

PAGE 2 OF 2

F:\SURVEY\SPH19.LGL

Charlie Green
Clerk Of Circuit Court
Lee County, Florida

STATE OF FLORIDA
COUNTY OF LEE

I, Charlie Green, Clerk of the Circuit Court, for Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that acknowledgment has been received from the Secretary of State on this 3rd day of January, 1996, at 8:03 a.m. of the filing of Lee County Ordinance No. 95-26 duly adopted by the Board of Lee County Commissioners, at their meeting held on the 20th day of December, 1995 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 3rd day of January, 1996.

CHARLIE GREEN, CLERK
Clerk of Circuit Court

By: Ruth J. [Signature]
Deputy Clerk

SPANISH WELLS COMMUNITY ENTIRE BOUNDARY

1800.56 ACRES +/-

CLAVE TABLE

CLAVE	LONG	BEARING	DATE	BY
1	120.00	N 00° 44' 21" W	1-4-25	Q. GRADY MINOR
2	120.00	S 89° 55' 39" E	1-4-25	Q. GRADY MINOR
3	120.00	N 00° 44' 21" W	1-4-25	Q. GRADY MINOR
4	120.00	S 89° 55' 39" E	1-4-25	Q. GRADY MINOR
5	120.00	N 00° 44' 21" W	1-4-25	Q. GRADY MINOR
6	120.00	S 89° 55' 39" E	1-4-25	Q. GRADY MINOR
7	120.00	N 00° 44' 21" W	1-4-25	Q. GRADY MINOR
8	120.00	S 89° 55' 39" E	1-4-25	Q. GRADY MINOR
9	120.00	N 00° 44' 21" W	1-4-25	Q. GRADY MINOR
10	120.00	S 89° 55' 39" E	1-4-25	Q. GRADY MINOR

LINE TABLE

LINE NO.	BEARING	DISTANCE	DATE	BY
1	N 00° 44' 21" W	120.00	1-4-25	Q. GRADY MINOR
2	S 89° 55' 39" E	120.00	1-4-25	Q. GRADY MINOR
3	N 00° 44' 21" W	120.00	1-4-25	Q. GRADY MINOR
4	S 89° 55' 39" E	120.00	1-4-25	Q. GRADY MINOR
5	N 00° 44' 21" W	120.00	1-4-25	Q. GRADY MINOR
6	S 89° 55' 39" E	120.00	1-4-25	Q. GRADY MINOR
7	N 00° 44' 21" W	120.00	1-4-25	Q. GRADY MINOR
8	S 89° 55' 39" E	120.00	1-4-25	Q. GRADY MINOR
9	N 00° 44' 21" W	120.00	1-4-25	Q. GRADY MINOR
10	S 89° 55' 39" E	120.00	1-4-25	Q. GRADY MINOR

LEGEND

OWNER/DEVELOPER

RECORDED IN:

MAP NO.:

SECTION:

TOWNSHIP:

RANGE:

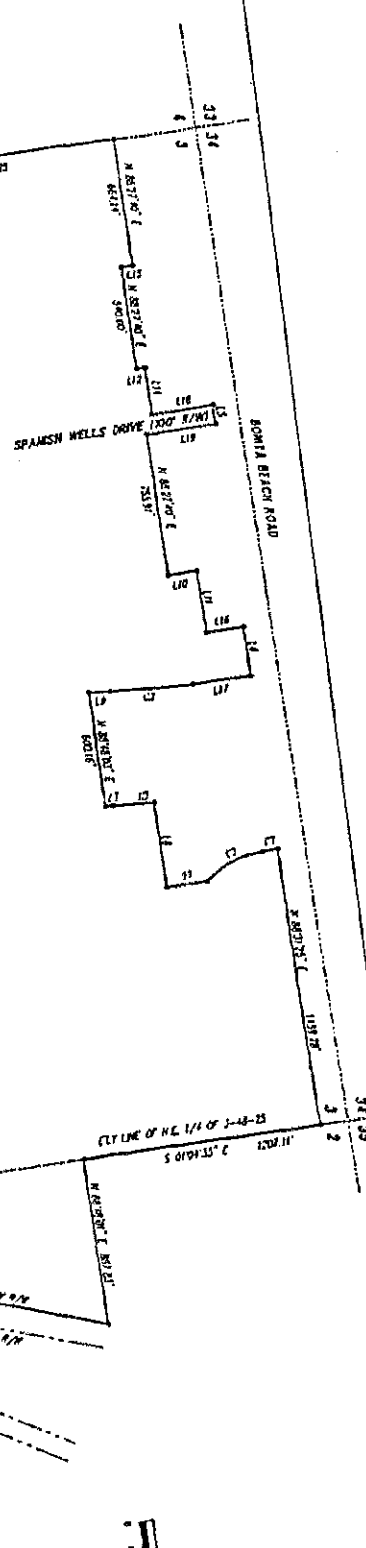
DATE:

SCALE:

Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS & LAND SURVEYORS & PLANNERS
 8001 W. BOWLING GREEN BLVD., SUITE 100
 BOCA RATON, FLORIDA 33433 (561) 991-1144

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 SPANISH WELLS COMMUNITY
 SECTION 3, TOWNSHIP 42 SOUTH,
 RANGE 17 WEST, COUSLAND COUNTY, FLORIDA

THIS SKETCH MAY HAVE BEEN
THIS IS NOT A SURV



LEE COUNTY ORDINANCE NO. 98-24

AN ORDINANCE CREATING THE BONITA SPRINGS STREETSCAPING SPECIAL IMPROVEMENT UNIT; DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPE(S) OF SERVICE WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR A FUND; PROVIDING FOR REVERTER; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, residents within the boundaries described below presented to the Board of County Commissioners of Lee County, a petition expressing their desire to form a municipal service taxing or benefit unit; and

WHEREAS, the Board of County Commissioners of Lee County held a public hearing to establish this municipal service taxing or benefit unit; and

WHEREAS, all persons having an interest in the municipal service taxing or benefit unit and the public at large were given an opportunity to be heard at such hearing.

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

SECTION 1.

CREATION OF THE UNIT. PURPOSE AND BOUNDARIES

Pursuant to the powers granted to the Board of County Commissioners of Lee County, Florida, hereinafter referred to as the "Board," by the Constitution of the State of Florida and the Florida Statutes, in particular, Section 125.01, Florida Statute, the Board hereby creates a

municipal service taxing or benefit unit to be known as the BONITA SPRINGS STREETSCAPING SPECIAL Improvement Unit. Unless expressly mandated by State Statute, any and all procedures, administrative or otherwise, which were required to be followed prior to the enactment of this ordinance shall be waived or considered directory in nature and noncompliance with the procedure shall have no effect upon the validity of this ordinance, constitutional or otherwise.

The purpose of the Bonita Springs Streetscaping Special Improvement Unit shall be to: 1) provide, operate and maintain pedestrian lights within the public rights-of-way 2) maintain sidewalks 3) provide and maintain landscaping and 4) provide for and maintain an irrigation system located within the boundaries of the Unit as provided by funding from the annual budget of the MSTBU, which shall be determined in Public Meetings.

The boundaries of the Unit shall be as follows:

SEE ATTACHED LEGAL DESCRIPTION WHICH IS LABELED EXHIBIT "A" HEREBY INCORPORATED BY REFERENCE.

SECTION 2.

THE GOVERNING BODY

The Board of County Commissioners shall be the governing body of the Bonita Springs Streetscaping Special Improvement Unit created pursuant to this Ordinance. The Board of County Commissioners may appoint an Advisory Committee, composed of five (5) property owners within the boundaries of the Municipal Service Taxing and Benefit Unit. The method of appointment and term of office shall be set by the Board of County Commissioners.

SECTION 3.

THE GENERAL POWERS

The governing body shall have all the powers necessary or convenient to carry out the purpose of this ordinance and such additional rights and powers as are provided by the Constitution of the State of Florida and the laws of the State of Florida as granted to counties. The governing body shall also have all powers not otherwise prohibited by law and these powers shall include but are not limited to the power to:

1. Sue or be sued, complain or defend in the name of the County. In any and all courts or administrative agencies;
2. Acquire by grant, purchase, gift, devise, exchange or in any other lawful manner any property, real or personal, or any estate or interest therein upon such terms and conditions as the governing body shall determine;
3. Enter into contracts with any public, private or municipal firm, person or corporation for the furnishing of the improvements, within the boundaries of this Unit;
4. Levy and collect special charges, special assessments, or taxes within the Unit;
5. Borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law;

6. Levy and collect without referendum ad valorem taxes for the providing of municipal services within the Unit; and adopt rules and regulations governing the Unit.

SECTION 4.

There is hereby created a fund to be known as the "Bonita Springs Streetscaping Special Improvement Unit Fund" from which the costs of any municipal service may be paid, either in whole or in part. This fund shall contain all special charges, special assessments, taxes, interest, and other monies collected or otherwise obtained pursuant to this ordinance or any subsequent resolution thereto.

SECTION 5.

LEVYING AD VALOREM TAXES WITHIN THE UNIT

Ad valorem taxes levied pursuant to this Ordinance shall be levied and a budget prepared and adopted by this Board after public hearing in the same manner as the Board prepares and adopts its annual County budget and levies taxes as provided by law. The levy of an ad valorem tax shall not exceed 1 mill per year.

SECTION 6

REVERTER

By the creation of this MSTBU, the Bonita Springs Streetscaping Special Improvement Unit, consisting of the effected properties within the Unit, shall be the responsible entity for the providing, operating and maintaining of pedestrian lights within the public rights-of-way, maintaining of sidewalks, providing and maintaining landscaping and providing for and maintaining of an irrigation system within the boundaries of the Unit.

) If the MSBU or MSTU created under the provisions of this Ordinance is ever terminated or ceased for any reason, the responsibility for the providing, operating and maintaining of pedestrian lights within the public rights-of-way, maintaining of sidewalks, providing and maintaining landscaping and providing for and maintaining an irrigation system within the Unit shall revert automatically to the individual property owners within the Bonita Springs Streetscaping Special Improvement Unit in the same form and manner as existed prior to the creation of the MSBU or MSTU pursuant to this Ordinance.

SECTION 7

SEVERABILITY

) The provisions of this ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court or competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included therein.

SECTION 8.

ALTERNATIVE OR SUPPLEMENTAL AUTHORITY

) This ordinance shall not be construed as repealing or superseding any other ordinance or law and is to be construed as alternative or supplemental authority for the exercise of powers provided for herein.

SECTION 9.

EFFECTIVE DATE

This Ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

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

DOUGLAS R. ST. CERNY	<u>Absent</u>
JOHN MANNING	<u>Absent</u>
RAY JUDAH	<u>Aye</u>
ANDREW COY	<u>Aye</u>
JOHN ALBION	<u>Aye</u>

DONE AND ADOPTED this 24th day of November, 1998.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Michelle B. Leimer
Deputy Clerk

By: Ray Judah
Ray Judah, Chairman

APPROVED AS TO FORM:

By: Melody A. Bawey
County Attorney's Office

DESCRIPTION

A tract or parcel of land lying in Sections 26 and 35, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southwest corner of Lot 13, Block 9, Heitman's Bonita Springs Townsite, a subdivision as recorded in Plat Book 6, page 24, in the Public Records of Lee County, Florida; thence run north along the west line of said Lot 13 and a northerly prolongation thereof to the southwest corner of Lot 37 of said Block 9; thence continue north along the west line of Lot 37, Block 9 of said subdivision to a point being the northwest corner of said Lot 37, said point also lying on the south right-of-way of Southland Drive; thence run east along said south right-of-way to the northwest corner of Lot 1, Block 9 of said subdivision; thence run north along a line being the northerly prolongation of the west line of said Lot 1, to the southwest corner of Lot 12, Block 8 of said subdivision; thence continue north along the west line of Lots 12, 11, 10, 9, 8, and 7 to the northwest corner of Lot 7, Block 8 of said subdivision; thence run west along a line being the westerly prolongation of the north line of said Lot 7 to the southeast corner of Lot 36, Block 8; thence continue west along the south line of Lots 36 and 35 to the southwest corner of Lot 35, Block 8 of said subdivision; thence run north along the west line of said Lot 35 to an intersection with the north line of the southerly 55 feet of said Lot 35 and Lot 36 of said subdivision; thence run east along said north line and an easterly prolongation thereof to the southwest corner of Lot 4, Block 8 of said subdivision; thence run north along the west line of Lots 4, 3, 2 and 1 of Block 8 and a northerly prolongation thereof and along the west line of Lots 4, 3, 2 and 1 of Block 7 and a northerly prolongation thereof to an intersection with the northeasterly right-of-way of Tennessee Street; thence run northwesterly along said northeasterly right-of-way to an intersection with the easterly right-of-way of the A.C.L. Railroad; thence run northerly along

Exhibit "A"

said easterly right-of-way and along the westerly line of a parcel of land described in Official Record Book 2452, page 2226, in the Public Records of Lee County, Florida to the northerly bank of Oak Creek; thence run southeasterly following the meander of said creek to a point where the easterly side of Front Street intersects said creek; thence run northeasterly along the easterly line of Front Street to an intersection with the south right-of-way of Kentucky Street; thence run east along said south line to an intersection with a line being the southerly prolongation of the west line of Lot 9, Block 6, of said Heitman's Bonita Springs Townsite; thence run north along said southerly prolongation and along the west line of Lots 9, 8, 7, 6, 5, 4, 3, 2 and 1, of said Block 6 to the northwest corner of said Lot 1; thence continue north along the northerly prolongation of the west line of said Lot 1 to an intersection with the southeast corner of Lot 9, Block 5 of said subdivision; thence run west along the south line of Lots 9, 10 and 11 to the southwest corner of said Lot 11; thence run north along the west line of said Lot 11, Block 5 to the northwest corner thereof; thence run east along the north line of Lots 11, 10 and 9 and an easterly prolongation thereof to the southwest corner of Lot 4 of said Block 5; thence run north along the west line of Lots 4, 3, 2 and 1 of said Block 5 to the northwest corner of said Lot 1; thence continue north along the northerly prolongation of the west line of said Lot 1, Block 5 to the southeast corner of Lot 13, Block 4 of said subdivision; thence continue north along the east line of Lots 13 and 14 to a point being the northeast corner of said Lot 14, said point also being the southeast corner of Lot 15 of said Block 4; thence run west along the south line of said Lot 15 to the southwest corner thereof; thence run northerly along the westerly line of Lots 15, 16, 17 and 18 to the northwest corner of said Lot 18, Block 4; thence run east along the north line of said Lot 18 and an easterly prolongation thereof to the southwest corner of Lot 5 of said Block 4; thence run north along the west line of Lots 5, 4, 3, 2 and 1 of said Block 4 to the northwest corner of said Lot 1; thence continue north along a northerly prolongation of the west line of said Lot 1, Block 4 to the southwest corner of Lot 12, Block 3 of said subdivision; thence run north along the west line of Lots 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1 of said Block 3 to the northwest corner of said Lot 1, Block 3; thence run east along the north line of said Lot 1 to an intersection with the west right-of-way of Old U.S. 41; thence run north along said west right-of-way to the southeast corner of Lot 12,

Block 1 of said Heitman's Bonita Springs Townsite; thence run west along the south line of said Lot 12 to a point being the southeast corner of the west 52 feet of said Lot 12; thence run north to a point being the northeast corner of the south 2 feet of the west 52 feet of Lot 11 of said Block 1; thence run west along the north line of the south 2 feet of the west 52 feet of said Lot 11 to the west line of said Lot 11; thence run south along the west line of Lots 11 and 12 of said Block 1 to the southwest corner of said Lot 12; thence run west along the westerly prolongation of the south line of said Lot 12 to the southeast corner of Lot 13, Block 1 of said subdivision; thence run west along the south line of said Lot 13 to the southwest corner thereof; thence continue west along the westerly prolongation of the south line of said Lot 13 to an intersection with the easterly right-of-way of the A. C. L. Railroad; thence run north along said easterly right-of-way to the northwest corner of Lot 6, Block "A", Spring Gardens, a subdivision as recorded in Plat Book 6, page 15, in the Public Records of Lee County, Florida; thence run east along the north line of said Lot 6, Block "A" to the southwest corner of the east 110 feet of Lot 5, Block "A" of said subdivision; thence run north along the west line of said east 110 feet to the north line of said Lot 5; thence run west along the north line of said Lot 5 to a point being the southwest corner of the east 115 feet of Lot 4 of said Block "A"; thence run north along the west line of said east 115 feet to the north line of said Lot 4; thence run west along said north line of said Lot 4 to a point being the southwest corner of the east 120 feet of Lot 3 of said Block "A"; thence run north along the west line of the east 120 feet of Lots 3, 2 and 1 to an intersection with the north line of said Lot 1, Block "A" of said subdivision; thence continue north along a prolongation of said westerly line to the north right-of-way of West Terry Street; thence run west along said north right-of-way to the southwest corner of Lot 19, Block "H", Rosemary Park No.1, a subdivision as recorded in Plat Book 5, page 75, in the Public Records of Lee County, Florida; thence run north along the west line of said Lot 19, Block "H" to the northwest corner thereof; thence run east along the north line of Lots 19 and 20, Block "H" to the northeast corner of said Lot 20, Block "H"; thence run north along the west line of Lots 17, 16, 13; 12 and 9, Block "H" to a point being the northwest corner of said Lot 9, said point also being the southeast corner of Lot 7, Block "H" of said subdivision; thence run west along the south line of said Lot 7 to the southwest corner thereof; thence run north