

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

Blue Sheet No. 20020072

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt Resolution of Final Assessment for the Iona Shores Waterline MSBU.

WHY ACTION IS NECESSARY: The Board is required by Ordinance to adopt Resolution of Final Assessment

WHAT ACTION ACCOMPLISHES: Allows staff to finalize project and prepare and assess property owners for the project cost.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5:00 #9

3. MEETING DATE: 03-12-2002

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

CONSENT
 ADMINISTRATIVE
 APPEALS

STATUTE 125.01
 ORDINANCE 98-25
ADMIN. CODE

A. COMMISSIONER
B. DEPARTMENT
C. DIVISION MSTBU/Public Resources

PUBLIC
WALK ON
TIME REQUIRED:

OTHER

BY: Walker *[Signature]*

7. BACKGROUND:

Iona Shores MSBU was created by Resolution No. 00-11-14 on November 14, 2000 for the purpose of constructing and installing a waterline system for the property owners on Bain Rd, Dennis, Brewster, and Chatham Drives.

The estimated cost of the Iona Shores MSBU project was \$176,172 with the final cost estimated to be \$147,083.50, a thirty percent savings. The methodology is on an equivalent unit basis and the final assessment is \$4,596 per unit. The savings on this project are due to a combination of favorable interest rates, a successful bid process for the construction, and reserves budgeted which were not needed. The savings to the property owner is \$1,553.

- Exhibit A – Assessment Roll
- B – Property Owner Letter
- C - Proof of Publication

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>Apr 2/18</i>				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i> 2-14-02	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i> 2-15-02	CA 2/15/02	OM 2/18/02	JP 2/18	NY 2-18-02	<i>[Signature]</i> 2-20-02

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

REC'D.
By CO. ATTY.
2/15/02
2:45pm
CO. ATTY.
FORWARDED TO:
MSTBU
2/15/02 9:30

RECEIVED BY
COUNTY ADMIN.
2/15 140p
COUNTY ADMIN.
FORWARDED TO:
2/20 830

2

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, RATIFYING THE COMPLETION OF THE ACQUISITION AND CONSTRUCTION OF ASSESSABLE IMPROVEMENTS CONSTITUTING A PROJECT AS HEREIN DESCRIBED IN THE IONA SHORES WATERLINE MUNICIPAL SERVICES BENEFIT UNIT; CONFIRMING A PRELIMINARY ASSESSMENT ROLL WITH RESPECT TO SUCH UNIT; PROVIDING FOR THE PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING THE NOT TO EXCEED INTEREST RATE SUCH ASSESSMENTS WILL BEAR; DIRECTING LEE COUNTY TO NOTIFY THE PROPERTY OWNERS OF THEIR FINAL ASSESSMENT AND RIGHT TO PREPAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida (the "Board"), enacted Ordinance No. 98-25, on November 23, 1998 (the "Ordinance"), which Ordinance provides, among other things, for the establishment of municipal service benefit units in the unincorporated area of Lee County, Florida (the "County") and for the levying of special assessments upon benefited property for the acquisition and construction of essential improvements and facilities within such municipal service benefit unit;

WHEREAS, the Board, on November 14, 2000 adopted Resolution 00-11-14 establishing the Iona Shores Waterline Municipal Service Benefit Unit for the purpose of acquiring, constructing or otherwise providing and maintaining various essential municipal services, facilities and improvements within such Unit, and providing a description of the proposed project;

WHEREAS, the Board, on December 11, 2001, adopted Resolution No. 01-12-15 electing to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments;

WHEREAS, the Project has been completed and, pursuant to the terms of the Ordinance, a Preliminary Assessment Roll establishing a preliminary assessment of benefits from the assessable improvements/services (the

"Preliminary Assessment Roll") has been prepared and filed with the County Manager, a copy of which is attached hereto as Exhibit A; and

WHEREAS, pursuant to the provisions of the Ordinance, the County is required to confirm the Preliminary Assessment Roll after hearing objections of all interested parties; and

WHEREAS, notice of a public hearing has been published and, as required by the terms of the Ordinance, mailed to each property owner proposed to be assessed of their opportunity to be heard, a copy of such notice and the proof of publication of which are attached hereto as Exhibits B and C, respectively; and

WHEREAS, a public hearing was held on this date, objections and comments of all interested persons have been heard and considered as required by the terms of the Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the Ordinance 98-25, Chapter 125, Florida Statutes, and other applicable provisions of law.

SECTION 2. RATIFICATION OF SUBSTANTIAL COMPLETION OF PROJECT. The Board hereby ratifies and confirms the completion of the Project at a total cost (as such term is defined in the Ordinance) of \$147,083.50 with the closing interest rate determined 3 days prior to the closing on the loan.

SECTION 3. CONFIRMATION OF PRELIMINARY ASSESSMENT ROLL. The Board hereby finds and determines (a) that each lot or parcel of property set forth on the Preliminary Assessment Roll will be benefited in an amount at least equal to the amount proposed by such Preliminary Assessment Roll to be assessed against such lot or parcel of property with respect to the Project and (b) that no such proposed special assessment exceeds the just, right and fair share of the Cost of the Project to be borne by such lot or parcel of property. Accordingly, the Preliminary Assessment Roll Attached hereto

as Exhibit A, is hereby confirmed as required by the terms of the Ordinance (the Preliminary Assessment Roll as amended and confirmed is herein referred to as the "Final Assessment Roll"). The special assessments made as a result of the Final Assessment Roll will be final and conclusive as to each lot or parcel assessed unless proper steps are initiated within 20 days in a court of competent jurisdiction to secure relief.

SECTION 4. PAYMENT OF SPECIAL ASSESSMENTS; ESTABLISHMENT OF INTEREST RATE. The interest rate on the special assessments levied and imposed in regard to the Project shall be one percent greater than the interest rate the County is able to borrow at time of financing. All special assessments shall be payable in equal annual principal installments with total interest rate not to exceed 8.0% per year, subject to the provisions of Section 4.01 of the Ordinance. The special assessments shall be paid or prepaid, as the case may be, in accordance with the terms of the Final Approving Resolution and the Ordinance. All special assessments and installments thereof shall constitute a lien upon the property so assessed of the same nature and to the same extent as the lien for general County taxes falling due in the same year or years in which such special assessments or installments thereof fall due. Such liens shall be superior in dignity to all other liens, titles and claims, until paid.

SECTION 5. COUNTY TO NOTIFY PROPERTY OWNERS.

The County is hereby directed to notify all record owners of property contained in the Assessment Roll of the final assessment against their property, the dates and amounts of installments of special assessment, the terms of payment of such special assessment and the interest rate such special assessment will otherwise bear, as provided herein and in the Ordinance.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 05FEB02
 SUBJECT PROPERTY : 36-45-23-01-00007.0000
 VARIANCE DISTANCE : (ft)
 PARCELS AFFECTED : 32

32

Iona

 36-45-23-01-00007.0000

IONA SHORES UNIT 1
 PB 9 PG 110 LOT 7

***** OWNER *****
 DISTELRATH KAREN A

***** SITE *****

12747 CHATHAM DR

12747 CHATHAM DR

FORT MYERS FL 33908

Fort Myers

33908

 36-45-23-00-00005.0010

PARL IN N W 1/4 OF N W 1/4
 AS DESC IN OR 1045 PG 14
 89

***** OWNER *****
 MANSUR JUDITH A

***** SITE *****

15110 BAIN RD

15110 BAIN RD

FT MYERS FL 33908

Fort Myers

33908

 36-45-23-00-00005.0020

PARL IN NW 1/4 OF NW 1/4
 SEC 36 TWP 45 R 23 DESC I
 N OR 777 P 251

***** OWNER *****
 BALLANTINE DEAN

***** SITE *****

PO BOX 248

15140 BAIN RD

FT MYERS FL 33902

Fort Myers

33908

 36-45-23-00-00005.0030

PARL IN N W 1/4 OF N W 1/4
 AS DESC IN OR 0777 PG 02
 51

***** OWNER *****
 BALLANTINE DEAN

***** SITE *****

P O BOX 248

15130 BAIN RD

FT MYERS FL 33902

Fort Myers

33908

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 05FEB02
 SUBJECT PROPERTY : 36-45-23-01-00007.0000
 VARIANCE DISTANCE : (ft)
 PARCELS AFFECTED : 32

36-45-23-00-00007.0010

THAT PT OF PARL IN NW 1/4
 OF NW 1/4 DESC IN OR 0203
 PG 0535 DESIGNATED 7.001
 ***** SITE *****

***** OWNER *****
 PULLIAM WILLIAM H + DIANE S

15160 BAIN RD

15170 BAIN RD

FT MYERS

FL 33908

Fort Myers

33908

36-45-23-00-00008.0000

FROM PT ON S LI GOVT LOT 1
 WHICH IS 1320 FT W OF SE
 COR LOT 1 RUN NWLY AT AN
 ***** SITE *****

***** OWNER *****
 PULLIAM WILLIAM H + DIANE S

15160 BAIN RD

15160 BAIN RD

FT MYERS

FL 33908

Fort Myers

33908

36-45-23-01-00001.0000

IONA SHORES UNIT 1
 PB 9 PG 110 LOT 1

***** OWNER *****
 FRANCIA FLORENE JOYCE +

***** SITE *****

2516 VERNER RD

12740 IONA RD

LAWRENCEVILLE

GA 30043

Fort Myers

33908

36-45-23-01-00005.0000

IONA SHORES UNIT 1
 PB 9 PG 110 LOTS 5 +
 6

***** OWNER *****
 LOCKETT HAROLD J + LAURA C

***** SITE *****

12711 CHATHAM DRIVE

12711 CHATHAM DR

FT MYERS

FL 33908

Fort Myers

33908

EXHIBIT "B"
NOTICE TO PROPERTY OWNERS

**PREPAYMENT INVOICE
FOR IONA SHORES WATERLINE MSBU**

To prepay your Iona Shores Waterline Assessment, **PAYMENT IN FULL must** be post marked by April 8, 2002 or paid in person in the MSTBU Office located at 2115 Second Street, Fort Myers, FL by Friday, April 12, 2002. Interest will become effective on all assessments not paid in full by April 12, 2002.

If you wish to prepay, your assessment is \$3,794.65. **If you choose not to prepay your assessment, do not make any payment at this time**, your first assessment bill will be on the November 2002 tax bill. If you choose to pay your assessment over time, your assessment including finance charges, closing costs and capitalized interest is estimated to be \$ 4,596.36, subject to the interest rate at closing. Interest will be calculated on the unpaid balance. Your assessment is based on an equivalent residential unit. Any savings the County is able to obtain during the closing on the loan will be passed on to the property owners.

Please remit this portion with payment for proper credit

IONA SHORES WATERLINE MSBU

«FirstName» «LastName»
«Address1»
«City», «State» «PostalCode»

Strap Number: «StrapNumber»

PREPAYMENTS MUST BE PAID IN FULL, POSTMARKED BY April 8, 2002 OR PAID IN PERSON IN THE MSTBU OFFICE LOCATED ON THE 1st FLOOR OF THE LEE COUNTY ADMINISTRATION BUILDING, 2115 SECOND STREET, FORT MYERS, BY April 12, 2002

ANY PAYMENT RECEIVED AFTER April 12th WILL BE CREDITED AGAINST THE HIGHER ASSESSMENT RATE WHICH INCLUDES THE FINANCIAL CHARGES.

Prepayment Amount Due: \$3,794.65
Due Date: April 12, 2002
Check No.: _____

Make check payable to the Board of County Commissioners and remit to:

MSTBU Services
P.O. Box 398
Fort Myers, FL 33902-0398

**EXAMPLE OF A FIXED PRINCIPAL SCHEDULE
IONA SHORES WATERLINE MSBU**

PRINCIPAL: \$4,596.36
 INTEREST: 7.5%
 TERM: 15 years

Please Note: Interest Rate may change pending Bond or Loan rate at closing.

YEAR	PRINCIPAL	INTEREST	PAYMENT	BALANCE
				\$4,596.36
2002	\$306.42	\$344.73	\$651.15	\$4,289.94
2003	\$306.42	\$321.75	\$628.17	\$3,983.51
2004	\$306.42	\$298.76	\$605.19	\$3,677.09
2005	\$306.42	\$275.78	\$582.21	\$3,370.66
2006	\$306.42	\$252.80	\$559.22	\$3,064.24
2007	\$306.42	\$229.82	\$536.24	\$2,757.82
2008	\$306.42	\$206.84	\$513.26	\$2,451.39
2009	\$306.42	\$183.85	\$490.28	\$2,144.97
2010	\$306.42	\$160.87	\$467.30	\$1,838.54
2011	\$306.42	\$137.89	\$444.31	\$1,532.12
2012	\$306.42	\$114.91	\$421.33	\$1,225.70
2013	\$306.42	\$91.93	\$398.35	\$919.27
2014	\$306.42	\$68.95	\$375.37	\$612.85
2015	\$306.42	\$45.96	\$352.39	\$306.42
2016	\$306.42	\$22.98	\$329.41	\$0.00
TOTAL	\$4,596.36	\$2,757.82	\$7,354.18	

NEWS-PRESS

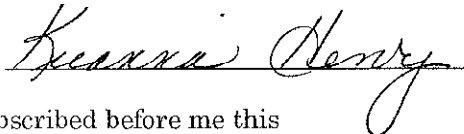
Published every morning - Daily and Sunday
Fort Myers, Florida

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
Resolution
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.



Sworn to and subscribed before me this

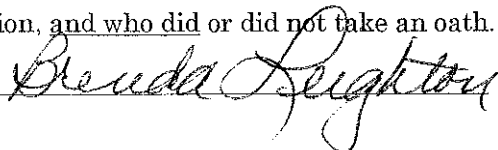
19th day of February 2002 by

Kieanna Henry

personally known to me or who has produced

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

Notary Public



Print Name _____

My commission Expires:



Brenda Leighton
MY COMMISSION # CC808905 EXPIRES
February 14, 2003
BONDED THRU TROY FAIR INSURANCE, INC.



NOTICE OF INTENT TO ENACT A COUNTY RESOLUTION

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 12th day of March 2002, at 5:00 P.M. in the County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Resolution pursuant to Article VIII, Section 1, of the State Constitution, Chapter 125, Florida Statutes, and the Lee County Ordinance No. 98-25. The title of the proposed Resolution is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, RATIFYING THE COMPLETION OF THE ACQUISITION AND CONSTRUCTION OF ASSESSABLE IMPROVEMENTS CONSTITUTING A PROJECT AS HEREIN DESCRIBED IN THE IONA SHORES WATERLINE MUNICIPAL SERVICES BENEFIT UNIT; CONFIRMING A PRELIMINARY ASSESSMENT ROLL WITH RESPECT TO SUCH UNIT; PROVIDING FOR THE PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING THE NOT TO EXCEED INTEREST RATE SUCH ASSESSMENTS WILL BEAR; DIRECTING LEE COUNTY TO NOTIFY THE PROPERTY OWNERS OF THEIR FINAL ASSESSMENT AND RIGHT TO PREPAY; AND PROVIDING AN EFFECTIVE DATE.

Copies of this Resolution 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 Administration Building, 2115 Second Street, Fort Myers, Florida.

Pursuant to Ordinance No. 98.25, all objections to the confirmation of the preliminary assessment roll shall be made in writing, and filed with the MSTBU Coordinator, as designee of the County Manager, at or before the time or adjourned time of the hearing.

The Board of County Commissioners shall meet and receive the objections in writing of all interested persons at the public hearing referenced above. The special assessments made as a result of the confirmation of the preliminary assessment roll will be final and conclusive to each lot or parcel assessed unless proper steps have been initiated within 20 days in a court of competent jurisdiction to secure relief.

Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed 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 record must include the testimony and evidence upon which any such appeal is to be based.

If you have a disability that will require special assistance or accommodation for your attendance at the public meeting please call the Lee County Division of Public Resources at 335-2269 at least seven days prior to the meeting.

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.D021902-59

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA