

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

**Blue Sheet No. 20020478**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Authorize a longer period for the use of \$358,004.71 in Road Impact Fee Credits issued to Lee Healthcare (aka Healthpark Florida) for mitigation for the Healthpark Development of Regional Impact in Impact Fee Credit Account Number 237160360 and change the expiration date of the credits from January 27, 2003 and May 25, 2003 to May 25, 2005; approve and accept agreement between Lee County and Healthpark regarding extension of the impact fee credit expiration date.

**WHY ACTION IS NECESSARY:** Per Lee County Land Development Code Section 2-275(a)(5), Road Impact Fee Credits will be canceled after ten years by the Building Official unless a longer period is specifically authorized by the Board. The expiration date for the issued Road Impact Fee Credits is prior to the completion of Phase I of the Healthpark Development of Regional Impact.

**WHAT ACTION ACCOMPLISHES:** Allows the Healthpark Development of Regional Impact the opportunity to use the credits within the buildout time frame for Phase I.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 3 C9A

**3. MEETING DATE:**

05-28-2002

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

- STATUTE
- ORDINANCE LDC 2-275
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Transportation
- C. DIVISION
- BY: Scott Gilbertson

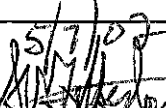
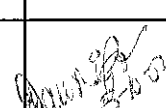
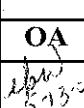
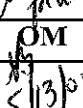

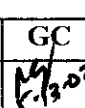
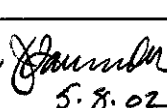
**7. BACKGROUND:**

Lee Memorial Hospital d/b/a Lee Healthcare Resources has requested an extension of the life of the road impact fee credits issued for the dedication of Bass Road right-of-way (see attached letter from Russell F. Schropp). The dedication of right-of-way was made in compliance with Condition II.D.(6) of the Healthpark Florida Development of Regional Impact. The total value of right-of-way dedication was \$1,137,434.71. Regarding Road Impact Fee Credits, the Lee County Land Development Code specifies in Section 2-275(a)(5) that "Unless a longer period is specifically authorized by the Board of County

(Continued)

**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
	N/A	N/A	N/A		OA 	OM 	RISK 	GC 	 5.8.02

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoActy  
Date: 5/8/02  
Time: 2:30pm  
Forwarded To:  
ADMIN  
9:15a 5/10/02

RECEIVED BY  
COUNTY ADMIN.  
5/10/02  
MSAM  
COUNTY ADMIN.  
FORWARDED TO:  
5/13/02

**Blue Sheet #:**

**Page No.:** 2

**Subject:** Healthpark Florida Road Impact Fee Credits

Commissioners, transferable credits must be used within ten years of the date created." It also states "Credits not used within ten years of issue will be canceled by the building official."

The Healthpark DRI originally was approved for buildout in 1997. The DRI has previously been granted time extensions for buildout to 2008 by the Board. Healthpark has executed the attached Agreement concerning the extension of the impact fee credit expiration. This Agreement provides the credits must be used in Roads Impact Fee District 4 and will expire, if not used, on May 25, 2005.

Staff recommends approval of an extension of the impact fee credit expiration date and acceptance of the Agreement.

**Attachments:**

1. Agreement
2. November 28, 2001 letter requesting extension
3. Letters of September 18 and October 1, 2002 regarding status and amount of impact fee credits in account #237160360.

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

**DATE:** April 30, 2002

**To:** Scott Gilbertson, Director  
Department of Transportation

**FROM:**   
Dawn E. Perry-Lehnert

**RE: Request for Impact Fee Credit Extension  
Lee Memorial Health Park  
ACCT #327160360  
File LU-082.H.**

Health Park has provided an executed Agreement concerning extension of the impact fee credit expiration date for \$358,004.71 in road impact fee credits. This Agreement complies with the intent of my memorandum to you of December 27, 2001.

Please process Health Park's request along with the executed agreement for Board approval. A draft bluesheet, similar to the original bluesheet, is attached for your consideration.

Should you have any questions concerning the above, please do not hesitate to contact me.

DPL/bas

cc: Andy Getch, DOT  
Russell Schropp, Esquire, Henderson, Franklin, Starnes & Holt, P.A.

**RECEIVED**  
MAY 01 2002

THIS INSTRUMENT PREPARED BY:

Dawn E. Perry-Lehnert, Esq.  
Lee County Attorney's Office  
Post Office Box 398  
Fort Myers, Florida 33902

Strap No.:

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**AGREEMENT**

This Agreement is between HealthPark Florida whose address is 9800 HealthPark Circle, Suite 405, Fort Myers, Florida 33908 and Lee County, a political subdivision of the State of Florida whose address is P.O. Box 398, Fort Myers, Florida 33902.

WHEREAS, HealthPark Florida was issued road impact fee credits in the amount of \$394,634.71 on January 27, 1993 and \$281,300.00 on May 25, 1993 (for a total of \$675,934.71 in impact fee credits in account number 237160360); and

WHEREAS, impact fee credit account number 237160360 currently contains \$358,004.71 in unused credits, which will expire as follows: \$76,704.71 on January 27, 2003 and \$281,300.00 on May 25, 2003; and

WHEREAS, HealthPark desires to extend the expiration date for the current impact fee credit balance to May 25, 2005; and

WHEREAS, §LDC 2-275(a)(5) provides, "unless a longer period is specifically authorized by the Board of County Commissioners, transferrable credits must be used within 10 years of the date created...credits not used within 10 years of issue will be canceled by the building official"; and

WHEREAS, the Department of Transportation is amenable to extension of the impact fee credit expiration date based upon certain conditions.

NOW, THEREFORE, in consideration of the mutual conditions and covenants expressed herein the parties agree as follows:

1. The recitals are true and correct and incorporated herein.
2. The County agrees to grant an extension to the expiration date for \$358,004.71 in road impact fee credits issued in 1993 to May 25, 2005,

based upon the conditions set forth in this Agreement.

3. HealthPark agrees to accept the extension with the understanding that:

(a) any credits remaining in account number 237160360 on the 10th anniversary, i.e., January 27, 2003 or May 25, 2003, of the credit issuance will remain transferable credits;

(b) all the credits will expire on May 25, 2005;

(c) credits may be used within roads impact fee District 4 or for improvements that will directly benefit District 4.

4. This Agreement constitutes the entire Agreement of the parties. Any amendment of this Agreement must be executed with the same formality.

5. This Agreement is binding on the parties and their successors. However, this provision does not allow transfer of the credits in a manner that does not comply with the conditions stated herein.

Dated: \_\_\_\_\_, 2002

Terrence M. Hidvike

Witness

TERRENCE M. HIDVIKE

Printed Name

April M. Melotte

Witness

APRIL M. MELOTTE

Printed Name

ATTEST:  
CHARLIE GREEN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

HEALTHPARK FLORIDA

By: Douglas A. Dodson

Douglas A. Dodson

Title: President

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of County Attorney

Leah

# HENDERSON FRANKLIN

ATTORNEYS AT LAW • FOUNDED 1924

## HENDERSON, FRANKLIN, STARNES & HOLT, P.A.

1715 Monroe Street (33901)  
Post Office Box 280  
Fort Myers, FL 33902-0280

Telephone: (941) 334-4121  
Facsimile: (941) 334-4100

Island Medical & Business Center  
1648 Periwinkle Way, Suite B  
Sanibel, FL 33957

Telephone: (941) 472-6700  
Facsimile: (941) 472-5129

LAURIE H. ANTON  
CHARLES J. BASINAIT  
J. MATTHEW BELCASTRO  
THOMAS P. CLARK  
RANDALL J. COHEN  
RICHARD A. COLLMAN  
MICHAEL J. CORSO  
HOLLY A. DAVIS  
CAROLYN DELIZIA  
CRAIG FERRANTE  
DAVID K. FOWLER  
ALBERT M. FRIERSON

STEVEN C. GODDARD  
THOMAS H. GUNDERSON  
GRACE GUTIERREZ  
ERNEST H. HATCH, JR.  
HEATHER W. HAWKINS  
STEPHEN L. HELGEMO  
HAROLD N. HUME, JR.  
CARLOS A. KELLY  
THERESA M. KOLISH  
JEFFREY D. KOTTKAMP  
JENNIFER L. KRATOCHVIL  
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ALANE C. LABODA  
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JASON R. MAUGHAN  
CORR C. MOLLOY  
DENIS H. NOAH  
JOHN A. NOLAND  
JAMES L. NULMAN  
MICHAEL A. POHL  
J. TERENCE PORTER  
JOHN F. POTANOVIC, JR.  
MICHAEL T. REESE  
ANDREW L. RINGERS, JR.

RUSSELL P. SCHROPP  
ROBERT C. SHEARMAN  
SETH S. SHEITELMAN  
DANIEL W. SHEPPARD  
RONALD W. SMALLEY  
EUGENE H. SMITH  
TRICIA A. SPIVEY  
VICKI L. SPROAT  
BRUCE M. STANLEY, SR.  
J. ERIC STIFFLER  
DOUGLAS B. SZABO  
RANDAL H. THOMAS  
GUY E. WHITESMAN

November 28, 2001

Scott Gilbertson, P.E.  
Department of Transportation  
P.O. Box 398  
Fort Myers FL 33902-0398

RE: Request for Extension of Impact Fee Credits  
Lee Memorial Hospital d/b/a Lee Healthcare Resources  
[HealthPark Florida]  
Account No. 237160360

Dear Scott:

Pursuant to Section 2-275, Lee County Land Development Code, please accept this letter as a request to extend the life of certain road impact fee credits issued for HealthPark Florida in 1993.

Presently, the above referenced impact fee credit account contains \$358,004.71 in unused credits. Of this amount, \$76,704.71 have an expiration date of January 27, 2003, and \$281,300.00 have an expiration date of May 25, 2003. Correspondence from the Lee County Impact Fee Coordinator documenting these figures is attached.

These credits were created as a result of dedications and improvements required or permitted by the HealthPark DRI to Bass Road. As originally approved, the HealthPark DRI was projected for buildout in 1997, but the development order has been amended twice to extend the buildout date, first to 2002 and later to 2008. Due to changes in the plan of development that has evolved at HealthPark over the years, credits have not been used as quickly within the project as anticipated. As part of the most recent DRI amendment, the buildout date for Phase I of the DRI was extended to December 31, 2004. In order to provide HealthPark with a fair opportunity to utilize the credits within the current buildout time frame for Phase I, HealthPark respectfully requests that the expiration date of the unused credits be extended for approximately two (2) years until May 25, 2005.

Section 2-275, LDC, provides that transferable credits have a useful life of 10 years "[u]nless a longer period is specifically authorized by the Board of County Commissioners." On behalf of

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NOV 29 2001

Scott Gilbertson  
page 2

HealthPark, I would respectfully request that this matter be scheduled for consideration by the Board at your earliest convenience.

Thank you for your kind attention to this matter. Please call me if you need anything further.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell P. Schropp", with a long horizontal flourish extending to the right.

Russell P. Schropp

/rs  
enc

cc: Doug Dodson  
Tim Jones, Esq.  
Sharon Reynolds

 **LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 941-479-8324

John E. Manning  
District One

September 18, 2000

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Mr. Russell P. Schropp  
Henderson Franklin Starnes & Holt, P.A.  
1715 Monroe St  
Ft Myers, Fla 33901

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

RE Healthpark Florida Impact Fee Account

James G. Yaeger  
County Attorney

Dear Russell,

Diana M. Parker  
County Hearing  
Examiner

The original \$461,500.00 in impact fee credits for Healthpark were approved on Jan 11, 1991 by the Director of DOT pending the sufficiency and recording of the deed. We received the final approval and recorded it on April 11, 1991. Since then additional credits in the amount of \$394,634.71 approved Jan 27, 1993 and \$281,300.00 approved on May 25, 1993 have been recorded.

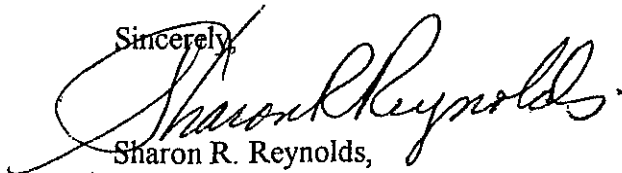
Usage in the amount of \$779,430.00 has also been recorded. Using fifo method of accounting, impact fees in the amount of \$76,704.71 have an expiration date of Jan, 27, 2003 and the \$281,300.00 on May 25, 2003.

Because these credits were issued prior to the latest rate adjustment they will be appreciated at the time of use in the % of change based on the use.

If you have any questions or if I can be of further assistance, please feel free to contact me.

I apologize for not getting back to you sooner with this information.

Sincerely,



Sharon R. Reynolds,  
Impact Fee Coordinator



HPF  
2/28/99

479-8324

October 1, 2000

RE: Impact Fee Credit Account

Stamp: OCT 1 2000

Dear

Below you will find the credit balance for the listed account. Please verify that this balance agrees with your records by signing below and returning in the enclosed envelope.

IMPACT FEE CREDIT ACCOUNT

ACCOUNT OWNER Lee Heathcare

ACCOUNT NUMBER 232160360

CREDIT TYPE Roads

BENEFIT DISTRICT 4

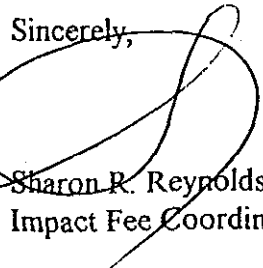
BALANCE AS OF October 1, 2000 \$ 35,800.47

YES, this is a correct balance \_\_\_\_\_

NO, this is not correct, please contact TERRY HIDIKI at 489-0023 to discuss discrepancy. SEE ATTACHED

Authorized agent for transfers/usage. JOHN T. BECKETT, CHAIRMAN

If you have any questions, or if I can be of assistance, please do not hesitate to contact me at the above number.

Sincerely,  
  
Sharon R. Reynolds,  
Impact Fee Coordinator