

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

Blue Sheet No. 20020735

1. REQUESTED MOTION:

ACTION REQUESTED: Schedule a Public Hearing for August 13, 2002, at 5:00 P.M. to consider Ordinance amending the legal description of the Riverdale Shores Improvement District.

WHY ACTION IS NECESSARY: It is a legal requirement for the Board to consider the amendment of an existing MSTU.

WHAT ACTION ACCOMPLISHES: Allows staff to prepare and advertise the Public Hearing.

2. DEPARTMENTAL CATEGORY: 06

COMMISSION DISTRICT #: 5

C6J

3. MEETING DATE:

07-09-2002

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE 125.00
- ORDINANCE
- ADMIN. CODE 3-15
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Public Resources
- C. DIVISION MSTBU Services
- BY: Denise Sabatini

DS 6/26/02

7. BACKGROUND:

Riverdale Shores Improvement Unit was created by Ordinance 80-23 for the purpose of maintaining landscaping to the entrance on Buckingham Road and maintaining the drainage throughout the development. It was created with the expectation that this would be developed in phases as a single community. It developed differently. The final phase is being developed separately as a gated community, which is different from the original plans. The primary entrance and exit for the new community will be on Palm Beach Blvd. Therefore, this action is a request to amend the legal description to reflect what has actually happened by severing the new community from the Riverdale Shores Improvement Unit now that the area is in the final phase of development. Property Owners of the Riverdale Shores Improvement Unit will continue to contribute to their own MSTU and will still receive the benefits of the landscaping of their entrance and any remaining drainage maintenance. The new development will be responsible for the drainage outfall for the entire community. The landscaping for the new development will be its own responsibility.

8. MANAGEMENT RECOMMENDATIONS: Approve

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>Appn 6/27</i>				G County Manager
					PA	OM	Risk	GC	
<i>[Signature]</i> <i>6-27-02</i>				<i>S. J. [Signature]</i> <i>6-27-02</i>	<i>CA</i> <i>6/27/02</i>	<i>[Signature]</i> <i>6/27/02</i>	<i>[Signature]</i> <i>06/27/02</i>	<i>[Signature]</i> <i>6-27-02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

REC'D.
by CO. ATTY.
6/27/02
24 MAY
CO. ATTY.
FORWARDED TO
6/27/02
12:00 PM

RECEIVED BY
COUNTY CLERK
6/27/02
10am CA
6/27/02
335

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 80-23 RELATING TO THE RIVERDALE SHORES IMPROVEMENT UNIT; AMENDING SECTION TWO PROVIDING FOR THE BOUNDARIES TO BE INCLUDED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a charter county and political subdivision of the State of Florida, and holds all powers granted to counties pursuant to the Florida Constitution and state statutes; and

WHEREAS, the Lee County Board of County Commissioners had previously adopted Ordinance No. 80-23 relating to the creation of the Riverdale Shores Improvement Unit; and

WHEREAS, the Board of County Commissioners of Lee County now desires to amend Lee County Ordinance No. 80-23 in order to provide for an amended legal description.

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

SECTION ONE:

This Ordinance amends Lee County Ordinance 80-23 as set forth herein. The amendments and revisions set forth in the following sections are hereby adopted.

SECTION TWO: CREATION OF THE UNIT AND BOUNDARIES

Section Two of Lee County Ordinance 80-23 is hereby amended to change the legal description to:

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

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are severable, and it is the intention to confer to the whole or any part of this Ordinance 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 of the other remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such an unconstitutional provision not been included herein.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon receipt of notice from the Florida Department of State of its filing with that office.

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

Robert 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
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney