

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20021332

1. **REQUESTED MOTION:**

ACTION REQUESTED: Conduct a Public Hearing to consider approval of Resolution of Intent electing to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments levied in the Unincorporated Area of Lee County.

WHY ACTION IS NECESSARY: Florida Statute 197.3635 requires the Board to approve a Resolution of Intent prior to January 1, for the option to use the Uniform Method of Collection for Non-Ad Valorem Special Assessments on the following November tax bill.

WHAT ACTION ACCOMPLISHES: Allows staff to proceed with the Florida Statute requirements for the option to utilize the Uniform Method of Collection for Non-Ad Valorem Special Assessments.

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

5:00 #2

3. **MEETING DATE:**

01-28-2003

4. **AGENDA:**

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

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER County-wide
 - B. DEPARTMENT Public Resources
 - C. DIVISION MSTBU
- BY: Libby Walker *[Signature]*

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

7. **BACKGROUND:** Over the past four years the office of MSTBU has begun to collect Non-Ad Valorem Special Assessments, using the Uniform Method of Collection (Tax Roll) as authorized by Florida Statute 197.3635. Utilization of this method has been favorably received by the property owners. In the past, we transitioned some of the previous existing MSBU's as well as newly created MSBU's to the Tax Roll. In the coming year, we would like to consider the Uniform Method of Collection for recently created and/or completed projects.

The Public Hearing will consider allowing the Special Assessments for the following newly created and/or completed projects to be collected using the Uniform Collection Method for Non-Ad Valorem Special Assessments:

1. NE Hurricane Bay Dredge MSBU
2. University Landscaping Capital MSBU
3. University Landscaping Operation & Maintenance SIU
4. Cottage Point Waterline MSBU
5. Anchorage Way MSBU
6. Dewberry
7. Country/Triple Crown Waterline MSBU

Approving the Resolution of Intent will allow staff to proceed with Florida Statutes requirements.

Exhibit: A. Notice of Intent
B. Legal Descriptions

Attachments: A. Letter to Property Appraiser

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 |
|---|------------------------------|----------------------|------------|----------------------|----------------------|----------------|------------------------------------|--------------------------------|
| <i>[Signature]</i> 11-19-02 15 11/20/02 | N/A 15 | N/A 15 | | 5-11/19/02 | CA 11/20/02 | OM 11/20/02 | Risk 11/20/02 GC 11/20/02 | <i>[Signature]</i> 11-21-02 |

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED *to 1/28/03*
- OTHER CONTINUED

on 12/10/02

Rec. by CoAtty
Date: 11/19/02
Time: 3:55 pm
Forwarded To:
Budget
11/19/02 4:00 pm

RECEIVED BY
COUNTY ADMIN.
11-19-02
4:40
FORWARDED TO: HS
11/21/02

RESOLUTION

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED IN THE UNINCORPORATED AREA OF THE COUNTY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the "Board") of Lee County, Florida (the "County") is contemplating the imposition of special assessments for the provision of (i) water and wastewater services and facilities, (ii) road paving and maintenance services, and (iii) capital improvements including neighborhood park improvements, beautification and maintenance of rights-of-way, subdivision wall construction and maintenance, canal and channel dredging, subdivision entranceway construction and maintenance, and street lighting; and

WHEREAS, the Board intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing (i) water and waste water services and facilities, (ii) road paving and maintenance services, and (iii) capital improvements including neighborhood park improvements, beautification and maintenance of rights-of-way, subdivision wall construction and maintenance, subdivision entranceway construction and maintenance, canal and channel dredging, and street lighting to property within the unincorporated area of the County as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2003, in the same manner as provided for ad valorem taxes; and

WHEREAS, the Board held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, as follows:

1. Commencing with the Fiscal Year beginning on October 1, 2003, and with the tax statement mailed for such Fiscal Year, the County intends to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632, Florida Statutes, and wastewater services and facilities, (ii) road paving and maintenance services, and (iii) capital improvements including neighborhood park improvements, beautification and maintenance of rights-of-way, subdivision wall construction and maintenance, subdivision entranceway construction and maintenance, canal and channel dredging, and street lighting. Such non-ad valorem assessments shall be levied within the unincorporated area of the County. A legal description of such area subject to the assessment is attached hereto as Exhibit B and incorporated by reference.
2. The County hereby determines that the levy of the assessments is needed to fund the cost of (i) water and wastewater services and facilities, (ii) road paving and maintenance services, and (iii) capital improvements, including

**NOTICE BY LEE COUNTY BOARD OF COUNTY COMMISSIONERS OF
INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION
OF A NON-AD VALOREM ASSESSMENT**

Notice is hereby given to all owners of lands located within the boundaries of the **NE HURRICANE BAY DREDGE MSBU, UNIVERSITY LANDSCAPING CAPITAL MSBU, UNIVERSITY LANDSCAPING OPERATION & MAINTENANCE SIU, COTTAGE POINT WATERLINE MSBU, ANCHORAGE WAY MSBU, DEWBERRY MSBU, COUNTRY / TRIPLE CROWN WATERLINE MSBU** that Lee County Government intends to use the uniform method of collecting non-ad valorem special assessments within the unincorporated area of Lee County levied by the Lee County Board of County Commissioners as set forth in section 197.3632, Florida Statutes, and that the Board of County Commissioners will hold a public hearing on January 28, 2003, at 5:00 p.m. in the Chamber Room of the Old Courthouse, 2120 Main Street, Fort Myers, Florida.

The purpose of the public hearing is to consider the adoption of a Resolution authorizing Lee County Government to use the uniform ad valorem method of collecting non-ad valorem assessments levied by the Lee County Board of County Commissioners as provided in section 197.3632, Florida Statutes. Such Resolutions will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed forms of resolution, which contains the legal description of the real property subject to the levy, are on file at the office of the County Clerk of Lee County, and the Public Resources Office located at 2115 Second Street, Fort Myers, Florida.

The Lee County Board of County Commissioners is considering adopting a non-ad valorem assessment for Fiscal Year beginning October 1, 2003 and for each year thereafter or until discontinued for a year. This non ad-valorem assessment is levied for the first time.

All interested parties may appear in person or through counsel at the public hearing to be heard regarding the use of the uniform ad valorem method of collecting such non-ad valorem assessments. If any person decides to appeal any decision by the Board with respect to any matter relating to the consideration of the resolutions at this public hearing such person

will need a record of proceedings and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the County Commission at (239) 335-2269 at least seven days prior to the date of the hearing.

DATED this 28th day of January, 2003.

Clerk of the Circuit Court, Ex Officio
Clerk of the Board of County Commissioners of
Lee County, Florida

APPROVED AS TO FORM

By: _____
Office of the County Attorney

PUBLISH:
Fort Myers News-Press

Publication dates:
Dec. 30, 2002, Jan. 6, 2003
Jan. 13, 2003, Jan. 20, 2003

DIRECT VOUCHER
Account #803664
Size: 4X5

“Exhibit A”

NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

The Board of County Commissioners of Lee County, Florida (the “Board”) hereby provides notice, pursuant to section 197.3632(3) (a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the unincorporated area of Lee County, for the cost of providing (i) water and wastewater services and facilities; (ii) road paving and maintenance services; and (iii) capital improvements including neighborhood park improvements, beautification and maintenance of right-of-way, subdivision wall construction and maintenance, subdivision entranceway construction and maintenance, canal and channel dredging, and street lighting commencing for the Fiscal Year beginning October 1, 2003. The Board will consider the adoption of resolutions electing to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 5:00 p.m., December 10, 2002 in the Chamber Room of the Old Courthouse, 2120 Main Street, Fort Myers, Florida. Such resolutions will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed forms of resolution, which contains the legal description of the real property subject to the levy, are on file at the office of the County Clerk of Lee County, and the Public Resources Office located at 2115 Second Street, Fort Myers, Florida. All interested persons are invited to attend the hearing in person or through counsel, and are invited to be heard concerning the adoption of the proposed resolution.


In the event any person decides to appeal any decision by the Board with respect to any matter relating to the consideration of the resolutions at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the County Commission at (239) 335-2269 at least seven days prior to the date of the hearing.

DATED this 18th day of November, 2002.

Clerk of the Circuit Court, Ex Officio
Clerk of the Board of County Commissioners of
Lee County, Florida

APPROVED AS TO FORM

By:



Office of the County Attorney

AD TO RUN:
Nov. 20, 2002, Nov. 27, 2002
Dec. 4, 2002, Dec. 9, 2002

DIRECT VOUCHER
Account #803664
Size: 2X5

"EXHIBIT B"

1. NE HURRICANE BAY CANAL DREDGING MSBU LEGAL DESCRIPTION

A tract or parcel of land lying in the East One-Half (E ½) of the Northeast Quarter (NE ¼), Section 7, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the one-inch diameter axle marking the Southwest corner of the Northeast Quarter (NE ¼) of said Section 7 run North 89° 25' 00" East along the South line of said Northeast Quarter for 1384.52 feet to the Southeast corner of lands described in deed recorded in Official Record Book 701, at page 380, Lee County records and the Point of Beginning.

From said Point of Beginning run North 00° 48' 27" West along the East line of said lands for 125.00 feet to the South right-of-way of Pine Ridge Road (100 feet wide); thence run North 89° 25' 00" East along said right-of-way for 1298.40 feet to the East line of said Northeast Quarter (NE ¼), thence run South 00° 50' 30" East along said East line for 125.01 feet to the Southeast corner of said fraction, thence run South 89° 25' 00" West along the South line of said Northeast Quarter (NE ¼) for 1298.48 feet to the Point of Beginning.

EXCEPTING THEREFROM the Easterly 73 feet thereof and less the Westerly 565 feet.

SUBJECT TO easements, restrictions and reservations of record and taxes for the year 1993.

2. UNIVERSITY LANDSCAPING CAPITAL MSBU LEGAL DESCRIPTION

(From Lee County/University Window Overlay Property Owners's Agreement 4/9/97)

Area within 100 feet on both sides of the right-of-way on the following road segments; Ben Hill Griffin Road (formerly Treeline Boulevard) from Alico Road to Corkscrew Road; Alico Road from I-75 to Ben Hill Griffin Road; Corkscrew Road from I-75.

3. UNIVERSITY LANDSCAPING OPERATION & MAINTENANCE SIU LEGAL DESCRIPTION

(From Lee County/University Window Overlay Property Owners's Agreement 4/9/97)

Area within 100 feet on both sides of the right-of-way on the following road segments; Ben Hill Griffin Road (formerly Treeline Boulevard) from Alico Road to Corkscrew Road; Alico Road from I-75 to Ben Hill Griffin Road; Corkscrew Road from I-75.

“EXHIBIT B” (cont’d)

**4. COTTAGE POINT WATERLINE MSBU
LEGAL DESCRIPTION**

Parcels 0030 and 0010 located in Cottage Point Subdivision, Block H as recorded in Plat Book 9, Page 133.

Cottage Point parcels 0020 through 0450 in Block G, as identified in Deed Book 259, Page 224.

Cottage Point parcels 0670 through 0830 in Block G, as identified in Deed Book 259, Page 224.

**5. ANCHORAGE WAY / INTRACOASTAL MSBU
LEGAL DESCRIPTION**

Lots 1-12, in Intracoastal Harbour Subdivision as identified in Plat Book 45, pages 35-37 and Lots 1-10 in the Shadows Subdivision as identified in Plat Book 32, page 12, public records of Lee County, Florida, and a tract or parcel of land lying in Sections 25 and 36, Township 45 South, Range 23 East, Lee County, Florida which tract or parcel is described as follows: From the railroad spike marking the Southeast corner of Government Lot 1, said Section 36, run North along the Easterly line of said lot for 25 feet to an intersection with the Northerly line of Iona Loop Road (50 feet wide); thence run West along said Northerly line parallel with the South line of said lot for 161.5 feet to concrete monument; thence continue West along said Northerly line for 200 feet; thence run North along the centerline of a roadway 60 feet wide for 1093.10 feet to the center point of a roadway turnaround of radius 65 feet; thence run N 55° 06' 56" W for 65 feet to a point on the circumference of said turnaround and the point of beginning of the herein described parcel. From said Point of Beginning run S 55° 06' 56" E for 65 feet to the center point of said turnaround; thence run N 87° 31' 39" W for 65 feet to a point on the circumference of said turnaround; thence run West for 170.24 feet to an intersection with a line parallel with and 596.68 feet West of the East line of said Government Lot 1; thence run North along said parallel line for 207.64 feet to a concrete monument marking the intersection with the North line of said Section 36; thence run N 00° 10' 45" W for 75 feet more or less to the waters of the Caloosahatchee River; thence run Northeasterly along said waters for 190 feet more or less to an intersection with a line bearing North, passing through the Point of Beginning; thence run South along said line for 290 feet more or less to the Point of Beginning. SUBJECT TO and TOGETHER with the hereinabove described roadway and roadway turnaround. Bearings hereinabove mentioned are from assuming the East line of said Lot 1 to bear North.

“EXHIBIT B” (cont’d)

**6. DEWBERRY MSBU
LEGAL DESCRIPTION**

Lots 0040 through 0700, Block D of the Cherry Estates, Unrecorded Subidivision, located in Lee County, Florida.

**7. COUNTRY / TRIPLE CROWN WATERLINE MSBU
LEGAL DESCRIPTION**

Lots 0010 through 0170 as described in Plat Book 30, Page 28 and Lots 0010 through 0030 as described in Plat Book 30, Page 88 and Lots 0180 through 0220 as described in Plat Book 30, Page 88 and, Lots 0250 and 0260 as described in Plat Book 30, Page 88 and Lots 0040 through 0120 as described in Plat Book 30, Page 89 and Lots 0150 through 0170 as described in Plat Book 30, Page 89 and Lots 0230 and 0240 as described in Plat Book 30, Page 89 and Lot 0140 as described in Plat Book 30, Page 89 plus part of Tract A as described in OR Book 1767, Page 0659 and Lot 0130 as described in Plat Book 30, Page 89 plus part of Tract A as described in OR Book 1767, Page 0659 and Lot 0030 as described in OR Book 3178, Page 1248 and Lot 003A as described in OR Book 1912, Page 3388 and Lot 003B as described in OR Book 2751, Page 2600 and Lot 003E as described in OR Book 2745, Page 1085 and Lot 003F as described in OR Book 2804, Page 325 and Lot 005A as described in OR Book 1860, Page 1790 and Lot 005B as described in OR Book 2386, Page 2783 and Lot 005C as described in OR Book 1574, Page 1297 and Lot 005D as described in OR Book 1805, Page 3667 and Lot 005F as described in OR Book 2779, Page 3357 and a parcel of land as described in OR Book 514, Page 539.



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 335-2186

Bob Janes
District One

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District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

November 19, 2002

Mr. Ken Wilkinson
Lee County Property Appraiser
P.O. Box 1546
Fort Myers, FL 33902

Dear Mr. Wilkinson:

For the past four years, the MSTBU office has worked successfully with your office to place non-ad valorem special assessments on the Tax Roll. This has been received favorably by the property owners. It allows them a longer time period in which to pay, without being penalized and it also gives them the opportunity of reviewing a discount for early payment.

Currently, I am preparing a Resolution of Intent for Board approval to proceed with placing new non-ad valorem special assessments on the November 2003 tax bill. As in the past, our office will continue to work with your office to assure a smooth and successful implementation of this process.

Sincerely,

Denise Sabatini
MSTBU Coordinator

Enclosure: Blue sheet to schedule
Resolution