

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

Blue Sheet No. 20031154

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 #4

3. MEETING DATE:

12-09-2003

4. AGENDA:

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

6. REQUESTOR OF INFORMATION:

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

- STATUTE
- _____ ORDINANCE
- _____ ADMIN. CODE
- _____ OTHER

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

[Signature]
11-25-03

7. BACKGROUND: 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. Cottage Point Waterline MSBU
4. Country/Triple Crown Waterline MSBU
5. Bal Isle Sewer MSBU
6. Charlee Road MSBU
7. NE Hurricane Bay O&M MSBU
8. Palm Frond Sewer 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 <i>11/25/03</i>				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i> 11-25-03	N/A	N/A	N/A	<i>[Signature]</i> 11/25/03	<i>[Signature]</i> 11/25/03	<i>[Signature]</i> 11/25	<i>[Signature]</i> 11/25/03	<i>[Signature]</i> 11/25	<i>[Signature]</i> 11/25/03

10. COMMISSION ACTION:

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

Rec. by CoAtty
Date: **11-25-03**
Time: **4:35**
Forwarded To:
[Signature]
11-25-03

RECEIVED BY
COUNTY ADMIN: *[Signature]*
11/25 4:30
COUNTY ADMIN
FORWARDED TO:
[Signature]
11/25 5:00

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 fiscal year October 1, 2004 and for each year thereafter 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, 2004, 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

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 within the unincorporated area of the County.

3. Upon adoption, the County Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Lee County Tax Collector, and the Lee County Property Appraiser by March 1, 2004.
4. This Resolution shall be effective upon adoption.

DULY ADOPTED this 9th day of December 2003.

ATTEST:
CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
John Albion, Chairman

(SEAL)

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

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

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN to all owners of lands located within the boundaries of the NE HURRICANE BAY DREDGE MSBU, UNIVERSITY LANDSCAPING CAPITAL MSBU, COTTAGE POINT WATERLINE MSBU, COUNTRY/TRIPLE CROWN WATERLINE MSBU, BAL ISLE SEWER MSBU, CHARLEE ROAD MSBU, NE HURRICANE BAY O&M MSBU and PALM FROND SEWER MSBU that the Lee County Government intends to use the uniform ad valorem method within the unincorporated area of Lee County for collecting the non-ad valorem assessments levied by the Lee County Government as set forth in section 197.3632, Florida Statutes, and that the Board of County Commissioners will hold a public hearing on Tuesday, the 9th day of December 2003, at 5:00 o'clock, pm, in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida.

The purpose of the public hearing is to consider the adoption of a Resolution for the first time commencing Fiscal Year October 1, 2004 and annually thereafter using the uniform ad valorem method of collecting non-ad valorem assessments levied by the Lee County Government as provided in section 197.3632, Florida Statutes. Such Resolution 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 this Notice and the proposed Resolution are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the Resolution during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.

Interested parties may appear 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 made with respect to any matter considered 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.

If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:

Charlie Green, Ex-Officio Clerk
to 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:
Nov. 11, 2003, Nov. 17, 2003
Nov. 24, 2003, Dec. 1, 2003

DIRECT VOUCHER
Account #803664
Size: 4X5 ~~2X5~~

**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. 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.

**4. BAL ISLE SEWER MSBU
LEGAL DESCRIPTION**

Parcels 0010 through 0280 located in Town & River Estates, Block E as recorded in Plat Book 24, Pages 60 & 61.

**5. 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.

**6. CHARLEE ROAD MSBU
LEGAL DESCRIPTION**

The North 830 feet of the South 1660 feet of Section 6, Township 43 South, Range 23 East, Lee County, Florida. Less and except the Right of Way for Burnt Store Road (S.R. 765).

Also less and except:

Courtside Landings Land Condominium according to the Declaration of Condominium recorded in Official Record Book 3093, page 3733, Public Records of Lee County, Florida. (06-43-23-28-00000.000A and 06-43-23-28-00000.00CE)

Also less and except:

Marlin Run Condominium according to the Declaration of Condominium recorded in Official Record Book 2446, page 226, Public Records of Lee County, Florida. (06-43-23-12-00000.00CE).

Also less and except:

A parcel of land being a part of Lot 10 CHARLEE RANCELTTES (UNRECORDED) lying in Section 6, Township 43 South, Range 23 East, Lee County, Florida being more particularly described as follows: Commence at the Southeast corner of Section 6, thence on the East line thereof; North 0 degrees 41 minutes 43 seconds East, a distance of 830.68 feet; thence South 88 degrees 22 minutes 18 seconds West 68.06 feet to the West Right of Way line of Burnt Store Road (S.R. 765) and the Point of Beginning; thence continue South 88 degrees 22 minutes 18 seconds West 523.54 feet; thence North 0 degrees 42 minutes 25 seconds East, 140 feet; thence North 88 degrees 22 minutes 18 seconds East, 253.53 feet; thence South 0 degrees 42 minutes 25 seconds West 110 feet; thence North 88 degrees 22 minutes 18 seconds East 270.00 feet; thence South 0 degrees 41 minutes 43 seconds West, 30.82 feet to the Point of Beginning. (06-43-23-00-00004.012C)

**7. NE HURRICANE BAY O&M 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.

8. PALM FROND SEWER MSBU

Palm Frond Condos as identified in OR Book 1598, Page 479, less the areas noted as common elements.

Also, area as identified in OR Book 3653, Pages 4875 & 4876.