

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

Blue Sheet No. 20040705

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Conduct a Public Hearing to adopt a Resolution of Final Assessment for the Cottage Point 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, prepare and assess property owners for the project cost.

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

*5:00 #5*

**3. MEETING DATE:**

*06-22-2004*

**4. AGENDA:**

- \_\_\_\_\_ CONSENT
- \_\_\_\_\_ ADMINISTRATIVE
- \_\_\_\_\_ APPEALS
- PUBLIC - 5:00 PM
- \_\_\_\_\_ WALK ON
- \_\_\_\_\_ TIME REQUIRED:

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

- STATUTE 125.01
- ORDINANCE 98-25
- \_\_\_\_\_ ADMIN. CODE
- \_\_\_\_\_ OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER Co. Wide
- B. DEPARTMENT Public Resources
- C. DIVISION MSTBU Services
- BY: Libby Walker

**7. BACKGROUND:** Cottage Point Waterline MSBU was created by Resolution No. 02-08-42 on August 13, 2002 for the purpose of constructing a potable water line system for the property owners on Point Breeze, Cajuput, and Windcrest Drives in South Fort Myers. The estimated cost of the project was \$201,061 with the original estimate per Equivalent Assessment Unit (EAU) to be \$3,408. The final project cost is to be \$247,829, pending the interest rate at closing. The increase in the cost is due to a higher construction cost and the cost to obtain the right of way for the waterline.

On August 5, 2003 the Board approved Administrative Code 3-25 allowing the County to fund up to 20% (\$45,413) of certain project costs. The contribution reduces the cost to the property owners to \$202,416. In addition the Cottage Point Recreation Association voted and requested to be included in the project, increasing the number of EAUs to 60, resulting in the cost per EAU to be \$3,373.60, pending the final interest rate. In addition, should a property owner pay the assessment prior to the loan closing, the cost to the property owner will be \$3,016.73, as the property owners will not be charged the financing/closing costs.

**Attachments:**

- Exhibit A – Assessment Roll
- Exhibit B – Notice to Property Owners
- Exhibit C – Proof of Publication

Attachment A - Legal Description

Attachment B – Minutes from March 11, 2004 Meeting (Cottage Point Rec Assoc)

**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			G County Manager
					OA	OM	Risk	GC
<i>[Signature]</i>	<i>m/a</i>	<i>m/a</i>	<i>m/a</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by Co. Atty:  
Date: *6/8/04*  
Time: *4:00 PM*  
Forwarded to: *[Signature]*  
*6/8/04*

RECEIVED BY  
COUNTY ADMIN: *PA*  
*6/8/04*  
COUNTY ADMIN  
FORWARDED TO: *PA*  
*6-10-04*  
*9 AM*

*PA/BA*

**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 COTTAGE POINT 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 August 13, 2002 adopted Resolution 02-08-42 establishing the Cottage Point 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 November 23, 1999, adopted Resolution No. 99-11-32 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 \$202,416, as adjusted with the closing interest rate.

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 as amended 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 on Equivalent Assessment Unit basis, 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. All special assessments shall be payable in equal annual principal installments with interest rate not to exceed 9.0% 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.

The foregoing Resolution 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 P. JANES \_\_\_\_\_  
DOUGLAS ST.CERNY \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_  
ANDREW COY \_\_\_\_\_  
JOHN ALBION \_\_\_\_\_

DULY PASSED AND ADOPTED THIS 22nd DAY OF June, 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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

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

APPROVED AS TO FORM:

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

**Cottage Point Waterline MSBU**

Date of Report: June 07, 2004  
 Equivalent Assessment (EAU) Units: 60  
 Cost per EAU: \$3373.60

**Final Assessment Roll**

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>
NEWCOMB PAUL RAYMOND + H/W 10081 FOREST RIVER LANE FT MYERS FL 33908	<b>02-46-23-01-0000H.0010</b> 13020 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT BLK H PB 9 PG 133 WEST 100 FT OF LT 1 DESC OR 3108 PG 2060
<del>WHITNEY EDWARD A + JOYCE P 13010 POINT BREEZE DR FORT MYERS FL 33908</del>	<del><b>02-46-23-01-0000H.001A</b> 13010 POINT BREEZE DR FORT MYERS FL 33908</del>	<del>COTTAGE POINT SUBD BLK H PB 9 PG 133 EAST 100 FT OF LOT 1</del>
NEWCOMB PAUL R + CARMEL B 10081 FOREST RIVER LN FT MYERS FL 33908	<b>02-46-23-01-0000H.0030</b> 13021 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT SUBD BLK H PB 9 PG 133 WEST 100 FT OF LOT 3 DESC OR 2885 PG 2454
<del>STEVENS MARIA D + 18550 SAN CARLOS BLVD FT MYERS BCH FL 33931</del>	<del><b>02-46-23-01-0000H.003A</b> 13011 POINT BREEZE DR FORT MYERS FL 33908</del>	<del>COTTAGE POINT SUBD BLK H PB 9 PG 133 EAST 100 FT OF LT 3 DESC OR 2789 PG 2225</del>
LAVORGNA ANTHONY N + CATHERINE 16809 WINDCREST DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0020</b> 16809 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT DB 259 PG 224 LOT 2
MILLIGAN CARL E + CLARA F 174 PLEASANT ST OXFORD ME 04270	<b>02-46-23-02-0000G.0030</b> 16817 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 3
KLOHS GEORGE + 16825 WINDCREST DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0040</b> 16825 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 4
DELL STEVEN E 16833 WINDCREST DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0050</b> 16833 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 5
FURA KENNETH C + CAROL J 4632 CAMBRIA-WILSON RD LOCKPORT NY 14094	<b>02-46-23-02-0000G.0060</b> 16841 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 6
NEWCOMB PAUL R + CARMEL B 10081 FOREST RIVER LN FORT MYERS FL 33908	<b>02-46-23-02-0000G.0070</b> 16849 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 7
DUNGAN ANN M 297 DONORA BLVD FORT MYERS BEACH FL 33931	<b>02-46-23-02-0000G.0080</b> 16857 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 8
DROUHARD NATALIE 16865 WINDCREST DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0090</b> 16865 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 9
BONWELL GARY ROSS + PATRICIA 16865 WINDCREST DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0100</b> 16873 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 10.
CONLAN DANIEL J + MARGARET A 16881 WINDCREST DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0110</b> 16881 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK G DB 259/224 LOT 11
PRITCHARD ELLEN L 16889 WINDCREST DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0120</b> 16889 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK G DB 259 PG 224 LOT 12
GARBIN STANKO + ZORKA 1014 N BLACK HORSE PIKE BLACKWOOD NJ 08012	<b>02-46-23-02-0000G.0130</b> 16897 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK G DB 259 PG 224 LOT 13

<b><u>OWNER NAME AND ADDRESS</u></b>	<b><u>STRAP AND LOCATION</u></b>	<b><u>LEGAL DESCRIPTION</u></b>
NORRIS ROBERT EARL + LOIS M 16905 WINDCREST DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0140</b> 16905 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 14
NEWCOMB PAUL R + CARMEL 10081 FOREST RIVER LN FORT MYERS FL 33908	<b>02-46-23-02-0000G.0150</b> 16913 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 15
NEWCOMB PAUL R + CARMEN B 10081 FOREST RIVER LN FORT MYERS FL 33908	<b>02-46-23-02-0000G.0160</b> 16921 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 16
NEWCOMB PAUL R + CARMEN B 10081 FOREST RIVER LN FORT MYERS FL 33908	<b>02-46-23-02-0000G.0170</b> 16929 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 17
NEWCOMB PAUL + CARMEL 10081 FOREST RIVER LN FORT MYERS FL 33908	<b>02-46-23-02-0000G.0180</b> 16937 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 18
ODONNELL MICHAEL J 16945 WINDCREST DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0190</b> 16945 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 19
GRIGAT ALBERT A 521 E WILSON AV LOMBARD IL 60148	<b>02-46-23-02-0000G.0200</b> 16953 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOTS 20 + 21
WINDSHEIMER ALMA 16920 WINDCREST DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0220</b> 16920 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 22
MURRAY EDWARD J 314 JANET DARIEN IL 60561	<b>02-46-23-02-0000G.0230</b> 13040 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 23
NEWCOMB PAUL R + 10081 FOREST RIVER LN FORT MYERS FL 33908	<b>02-46-23-02-0000G.0240</b> 13090 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 24
NEWCOMB PAUL R + 10081 FOREST RIVER LN FORT MYERS FL 33908	<b>02-46-23-02-0000G.0250</b> 13100 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 25
NEWCOMB PAUL R + 10081 FOREST RIVER LN FT MYERS FL 33908	<b>02-46-23-02-0000G.0260</b> 13110 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 26
GIBBONS RUTH M + 13120 POINT BREEZE DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0270</b> 13120 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 27
WOOD JENNIFER E 13140 POINT BREEZE DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0280</b> 13130 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 28
WOOD ANDREW L + JENNIFER 13140 POINT BREEZE DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0290</b> 13140 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 29
FULKERSON BRUCE W 13150 POINT BREEZE DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0300</b> 13150 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 30
COTE FRANCIS L + NORMA JEAN 13160 POINT BREEZE DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0310</b> 13160 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 31
COULTER VELMA JEAN 118 DUNCAN DR BUTLER PA 16001	<b>02-46-23-02-0000G.0320</b> 13170 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 32

<b><u>OWNER NAME AND ADDRESS</u></b>	<b><u>STRAP AND LOCATION</u></b>	<b><u>LEGAL DESCRIPTION</u></b>
EVERLY DONALD D + PHYLLIS M 102 EVERLY LN CHICHORA PA 16025	<b>02-46-23-02-0000G.0330</b> 13180 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 33
NOYES EDWIN H + CATHERINE M 4240 ADAMS CIR WAYNE MI 48184	<b>02-46-23-02-0000G.0340</b> 13190 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259/224 LOT 34
FOSE LEROY N + LOIS M 13200 POINT BREEZE DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0350</b> 13200 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G PB 9 PG 133 LOT 35
REED DWIGHT I + NATALIE F 397 BACKKINGDOM RD MEXICO ME 04257	<b>02-46-23-02-0000G.0360</b> 13171 CAJUPUT DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 36
SLINGSBY SUZANNE 2102 ST CROIX AV FORT MYERS FL 33905	<b>02-46-23-02-0000G.0370</b> 13161 CAJUPUT DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 37
JARVIS VIRGINIA A 13151 CAJUPUT DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0380</b> 13151 CAJUPUT DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 38
GILLIS RUTH E 13141 CAJUPUT DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0390</b> 13141 CAJUPUT DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 39
PLOWMAN DENNIS W 13131 CAJUPUT DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0400</b> 13131 CAJUPUT DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 40
KEATING DAVID J + JULIE A 13121 CAJUPUT DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0410</b> 13121 CAJUPUT DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 41
SPENCER LARRY D 13140 POINT BREEZE DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0420</b> 13111 CAJUPUT DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB259 PG 224 LOTS 42 + 43
GRIM JOHN S TR 16880 WINDCREST DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0440</b> 16880 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G OR 259 PG 224 LOT 44
NEWCOMB PAUL R + 10081 FOREST RIVER LN FORT MYERS FL 33908	<b>02-46-23-02-0000G.0450</b> 16896 WINDCREST DR FT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 45
CANAN DOROTHY L/E 13201 POINT BREEZE DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0670</b> 13201 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 67
BUCK ISABEL L TR L/E 13191 POINT BREEZE DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0680</b> 13191 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 68
BALLOU MARY LEE TR 13181 POINT BREEZE DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0690</b> 13181 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 69
CIESINSKI HENRY T + DIANNE A P O BOX 2986 FORT MYERS BEACH FL 33932	<b>02-46-23-02-0000G.0700</b> 13171 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 70
CIESINSKI HENRY T + DIANNE A P O BOX 2986 FORT MYERS BEACH FL 33932	<b>02-46-23-02-0000G.0710</b> 13161 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 71
MILLIGAN EARL + 13151 POINT BREEZE DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0720</b> 13151 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 72
MOUNTAIN WILLIAM S + MARCIA 16895 BLOOMROSE WILLIAMSBURG OH 45176	<b>02-46-23-02-0000G.0730</b> 13141 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 73



<b><u>OWNER NAME AND ADDRESS</u></b>	<b><u>STRAP AND LOCATION</u></b>	<b><u>LEGAL DESCRIPTION</u></b>
COOK DARLENE F 7794 TEMPLIN RD BLANCHESTER OH 45107	<b>02-46-23-02-0000G.0750</b> 13121 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOTS 74 + 75 + 76
GRUSHON HELEN C TR + 6414 ELBROOK AVE CINCINNATI OH 45237	<b>02-46-23-02-0000G.0770</b> 13101 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 77
MOSER GARLIN + NADINE PO BOX 66 MADISONVILLE TN 37354	<b>02-46-23-02-0000G.0780</b> 13091 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 78
NEWCOMB PAUL R + 10081 FOREST RIVER LN FORT MYERS FL 33908	<b>02-46-23-02-0000G.0790</b> 13081 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 79
TOBAC GEORGE L SR 13071 POINT BREEZE DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0800</b> 13071 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 80
ROVERE PAMELA LEE 13061 POINT BREEZE DR FORT MYERS FL 33908	<b>02-46-23-02-0000G.0810</b> 13061 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 81
KEEFE THOMAS J SR 4930 MT VERNON BLVD HAMBURG NY 14075	<b>02-46-23-02-0000G.0820</b> 13051 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 82
CURTIS CAROL F 13041 POINT BREEZE DR FT MYERS FL 33908	<b>02-46-23-02-0000G.0830</b> 13041 POINT BREEZE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOTS 83 + 84
COTTAGE POINT REC ASSOC INC C/O DARLENE F COOK BANDY 13121 POINT BREEZE DR FORT MYERS FL 33908	<b>02-46-23-02-00000.00CE</b> 13100 CAJUPUT DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK G DB 259 PG 224 LOTS 46 - 49 INCL

**“Exhibit B”**

June 1, 2004

RE: Cottage Point Waterline MSBU

Dear Property Owner:

Notice is hereby given that a Public Hearing will be held by the Board of County Commissioners in the Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, on **Tuesday, June 22, 2004 at 5:00 p.m.**, concerning the Cottage Point Waterline Municipal Service Benefit Unit. The purpose of the meeting will be to consider the adoption of a Resolution entitled:

**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 COTTAGE POINT 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.**

The Cottage Point Waterline project has been completed and the assessments are based on the final project costs. The final cost is estimated to be \$247,829. The method of assessment is on an Equivalent Residential Unit (ERU) basis. As per Administrative Code 3-25, Lee County is contributing \$45,413 to the cost of the project, reducing the costs assessed to the property owners to \$202,416. The apportionment is based on 60 parcels, and 60 equivalent residential units.

The Board of County Commissioners will be meeting as an Equalizing Board to hear any and all complaints as to the special assessment and shall adjust and equalize the special assessments on a basis of justice and right. When so equalized and approved by Resolution, such special assessments shall stand confirmed and remain legal, valid and binding first liens upon the property against which such special assessments are made, until paid.

Should the proposed Resolution to Assess be adopted, you will have several options for payment; (a) within thirty (30) days after the Public Hearing approving the Resolution to Assess, you may pay your assessment **in full** without finance costs, (b) repay your assessment over the next fifteen years by paying one-fifteenth (1/15<sup>th</sup>) of your principal upon receiving your bill on the annual Tax Bill, and making all subsequent payments of one-fifteenth of the principal plus interest on the unpaid balance on an annual basis as billed; or (c) you may payoff your assessment at any time during the year with the accrued interest. A copy of a typical payment schedule payment is attached for your information.

The Resolution confirming the Preliminary Assessment Roll will provide for the terms on which payments of special assessments may be made and will provide the rate of interest the special assessments, which are not prepaid, will bear. Delinquent special assessments shall be collected as provided for by the Uniform Collection Method for Non-Ad Valorem Taxes.

The special assessments made as a result of the confirmation of the preliminary assessment roll will be final and conclusive as to each lot or parcel of property assessed unless proper steps are initiated within 20 days of confirmation of the preliminary assessment roll in a court of competent jurisdiction to secure relief. You are advised that any person wishing to appeal any decision of the Board with respect to any matter considered would need a record and may need to ensure that a verbatim record is made.

This public hearing is an opportunity for you to express your opinion. Any objection received in writing to this office will be submitted for the record during the public hearing. Should you have any questions you may contact us at this office. If you have a disability that will require special assistance or accommodation for your attendance at the public meeting please call the office of Public Resources at 335-2269 at least seven days prior to the meeting.

Very truly yours,



Libby Walker  
Director, Public Resources

**PREPAYMENT INVOICE  
FOR COTTAGE POINT WATERLINE MSBU**

To prepay your Cottage Point Waterline Assessment, **PAYMENT IN FULL must** be post marked by July 19, 2004 or paid in person in the MSTBU Office located at 2115 Second Street, Fort Myers, FL by Friday, July 23, 2004. Interest will become effective on all assessments not paid in full by July 23, 2004.

If you wish to prepay, your assessment is \$3,016.73. **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, 2004 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 \$ 3,373.60, subject to the interest rate at closing. Additionally annual 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.

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Please remit this portion with payment for proper credit

**COTTAGE POINT WATERLINE MSBU**

«Strap\_Number»

«Owner\_Name»

«Mailing\_Address»

«City», «State» «Zip»

**PREPAYMENTS MUST BE PAID IN FULL, POSTMARKED BY July 19, 2004 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 JULY 23, 2004.**

**ANY PAYMENT RECEIVED AFTER JULY 23RD WILL BE CREDITED AGAINST THE HIGHER ASSESSMENT RATE WHICH INCLUDES THE FINANCIAL CHARGES.**

**Prepayment Amount Due:** \$3,016.73  
**Due Date:** July 23, 2004  
**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  
for PROPOSED COTTAGE POINT WATER MSBU**

PRINCIPAL: \$3,373.60  
 ESTIMATED INTEREST: 8.75%  
 TERM: 15 years

**Please Note: Interest Rate to be determined prior to loan closing.**

YEAR	PRINCIPAL	INTEREST	PAYMENT	BALANCE
				<b>\$3,373.60</b>
2003	\$224.91	\$295.19	\$520.10	\$3,148.69
2004	\$224.91	\$275.51	\$500.42	\$2,923.79
2005	\$224.91	\$255.83	\$480.74	\$2,698.88
2006	\$224.91	\$236.15	\$461.06	\$2,473.97
2007	\$224.91	\$216.47	\$441.38	\$2,249.07
2008	\$224.91	\$196.79	\$421.70	\$2,024.16
2009	\$224.91	\$177.11	\$402.02	\$1,799.25
2010	\$224.91	\$157.43	\$382.34	\$1,574.35
2011	\$224.91	\$137.76	\$362.66	\$1,349.44
2012	\$224.91	\$118.08	\$342.98	\$1,124.53
2013	\$224.91	\$98.40	\$323.30	\$899.63
2014	\$224.91	\$78.72	\$303.62	\$674.72
2015	\$224.91	\$59.04	\$283.94	\$449.81
2016	\$224.91	\$39.36	\$264.27	\$224.91
2017	\$224.91	\$19.68	\$244.59	\$0.00
<b>TOTAL</b>	\$3,373.60	\$2,361.52	\$5,735.12	

“Exhibit C”

**NOTICE OF INTENT TO ENACT A  
COUNTY RESOLUTION**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 22nd day of June 2004, at 5:00 p.m. in the Old Lee 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 COTTAGE POINT 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 Public Resources, 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 Public Resources Director, 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 office 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 (2003).

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Charlie Green, Ex-Officio Clerk of  
the Board of County Commissioners  
of Lee County, Florida

APPROVED AS TO FORM:

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

DISPLAY AD TO RUN:  
June 1, 2004  
Ad Size: 2 x 5 Display  
Direct Voucher

**“Attachment A”**

**Legal Description  
for  
Cottage Point Waterline MSBU**

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

Cottage Point parcels 0020 through 0490 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.



"Attachment B"

March 24, 2004

Libby Walker, Director  
P.O. Box 398  
Ft. Myers, Florida 33902

*Send Club House  
secretary  
as requested  
for Room  
A202*

FILED  
2004 MAR 26 AM 9:40

RE: Water tap for Cottage Point Recreational  
Association Club House

Dear Director Walker:

As per our conversation of Monday, March 22, 2004, I am enclosing a copy of the secretaries minutes of the March 8th meeting. The majority of the members present voted to have a water tap to the club house installed.

It is our understanding that this would not be an assessment and that we would pay for the tap in full, without interest at the designated time.

We appreciated your attendance at the meeting with Gulf Coast Underground and for your getting us "on board" at this late date.

Sincerely,

*Darlene F. Cook-Bandy*

Darlene F. Cook-Bandy,  
Treasurer

DFB:DFCB

cc: Lois Fose, Secretary

Cottage Point Recreation Association  
March 11, 2004

The meeting was called to order by President Lee Fose with eighteen members present.

Secretary and Treasurer's reports were read and accepted.

OLD BUSINESS:

Nat Reed thanked everyone who helped with the yard sale which brought in over \$800.00. Darlene suggested we still consider having one again next year.

The By-Law changes were read for the third time by Darlene Bandy. A motion was made by Ed Whitney and seconded by Don Bandy to accept them as read. Motion passed. This being the third and final reading of the changes they now become the new By-Laws.

Darlene Bandy asked what she should do about the insurance that was due. A discussion on rather to carry it or not due to the high cost followed. Questions on what we would be liable for if we didn't carry it and someone got hurt on the property were asked. Not having answers to these questions it was voted on to pay the insurance for this year and gather the information needed for next year. The motion was made by Don Bandy and seconded by Dorothy Canan.

NEW BUSINESS:

The business of the water line being connected to the clubhouse was discussed. A motion was made by Don Bandy, seconded by Dorothy Canan, to have it done now rather than waiting to have it done later. Motion passed.

Helen Grushon made a motion, seconded by Isabel Buck,

to fix the lights in the kitchen. Motion passed.

The nominating committee presented their list of officers for next year to be voted on as follows:

President....Lois Norris

Vice President...Lee Fose

Secretary....Lois Fose

Treasurer....Darlene Bandy

Trustees....1-Year....Eddie Mulligan

2-Year....Isabel Buck and Helen Grushon

3-Year....Joyce Whitney, Mary Ballou and Cathy  
Noyes

There were no additional nominations from the floor.

Motion made by Helen Grushon, seconded by Ed Whitney,  
to accept these people as our new officers.

Respectfully Submitted,

Lois Fose

