

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Approve final Resolution ratifying the completion of the Construction of median Landscaping for the University Overlay MSBU.

2. WHAT ACTION ACCOMPLISHES: Allows staff to initiate assessments to the property owners for the repayment of loan.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 06 <i>5:00 #3</i>		5. Meeting Date: <i>05-24-2005</i>	
6. Agenda: <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input checked="" type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)		8. Request Initiated: Commissioner _____ Department _____ Division <u>Public Resources</u> By: <u>Libby Walker</u>
	<input checked="" type="checkbox"/> Statute	<u>125.g</u>	
	<input checked="" type="checkbox"/> Ordinance	<u>98-25</u>	
	<input type="checkbox"/> Admin. Code	_____	
<input type="checkbox"/> Other	_____		

9. Background: On April 12, 1997 the county entered into the University Overlay Agreement with the property owners on Corkscrew Road (I75 – Ben Hill Griffin), Alico Road (I75 – Ben Hill Griffin), and Ben Hill Griffin Parkway (formerly Treeline Avenue). The agreement required the construction of ROW landscaping within the Overlay area. Resolution 00-03-41 and amended by Resolution 03-01-23, created the MSBU for an anticipate cost of \$2,750,000. The property owners worked with the County to design and install landscaping and irrigation in the median on Ben Hill Griffin Parkway and Corkscrew Road. The approved design by the property owners resulted in a total project cost of \$2,580,180.

The landscaping included over 600 trees, nearly 22,000 shrubs, and 13 wells. By utilizing direct purchase of the tree material, the County ensured only the highest quality and saved the property owners a minimum of \$70,000 (24% of tree cost). The irrigation was designed to ensure water conservation by watering plant material only (no turf irrigation) and utilizing water efficient technology.

Approval of this final resolution will allow staff to finalize the project, proceed with the long term financing, and initiate the collection of special assessments from the property owners.

- Exhibits: "A" – Assessment Roll
 "B" - Notice Of Intent
 "C" - Notice to Property Owners

Attachments: "A" Consolidation of Strap #'s for Miromar Lakes CDD & University CDD

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
	N/A	N/A	N/A		Analyst	Risk	Grants	Mgt.	
					<i>CA 5/9/05</i>	<i>MS 5/9/05</i>	<i>CA 5/9/05</i>	<i>MS 5/11/05</i>	<i>[Signature]</i>

11. Commission Action:
- Approved
 - Deferred
 - Denied
 - Other

Rec. by CoAtty
 Date: *5/11/05*
 Time: *11:00*
 Forwarded to: *[Signature]*

RECEIVED BY
 COUNTY ADMIN: *CA*
5-24-05 MS
11:50
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
5-12-05
3pm

THIS INSTRUMENT PREPARED BY:
Lee County M.S.T.B.U. Services
P.O. Box 398
Ft. Myers, FL 33902

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 UNIVERSITY OVERLAY LANDSCAPE CAPITAL 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 March 28, 2000 adopted Resolution 00-03-41 establishing the University Overlay Landscape Capital Municipal Service Benefit Unit as amended on January 14, 2003 by Resolution 03-01-23 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 December 14, 2004, adopted Resolution No. 04-12-21 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 FINAL COMPLETION OF PROJECT. The Board hereby ratifies and confirms the completion of the Project at a total cost not to exceed (as such term is defined in the Ordinance) of \$2,580,180.55, 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 as amended to be assessed against such lot or parcel of property with respect to the Project on a front footage 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 collected by the Uniform Collections Act and/or the Alternative Method of Collections in accordance with Sections 4.01 and 4.02 of the Ordinance. All special assessments shall be payable in equal annual principal installments with interest rate not expected to exceed 7.5% 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 recorded and 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	_____
TAMMY HALL	_____
JOHN ALBION	_____

DULY PASSED AND ADOPTED THIS 24th DAY OF MAY, 2005.

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

Exhibit "A"

UNIVERSITY OVERLAY LANDSCAPING CAPITAL MSBU
ASSESSMENT ROLL

Project Cost w/o
Financing \$ 2,320,280.55
Project Cost with
Financing \$ 2,580,180.55
Total Assessed FF 53,645

STRAP	NAME/SITE ADDRESS	LEGAL	FRONTAGE	CONSOLI- DATED BILLING FOR CDDs	ASSESSMENT IF PAID IN FULL BY 6/24/05	ASSESSMENT IF FINANCED	MAXIMUM (annual) OUT OF POCKET
0246250000010020	KLEMAN REAL ESTATE NEEDS ACCESS DETERMINED	PAR OF LAND LYING IN SW 1/4 OF SEC OR 3522/3430 LYING N + W OF ROADS LESS R/W OR 4096 PG 3180	803		\$ 34,731.76	\$ 38,822.15	\$ 12,445.55
0246250000010030	KLEMAN REAL ESTATE INVESTMENTS CORNER LOT	PAR LYING IN SW 1/4 OF SEC LOCATED AT NW CORNER OF ALICO + BEN HILL GRIFFIN LESS R/W OR 4096 PG 3180	220		\$ 9,515.55	\$ 10,581.41	\$ 3,409.74
0246250000011010	GLEVIN 275 LLC + RIGHT OF WAY	PARL LOC IN SW 1/4 OF SEC DESC IN OR 3925/2680 LESS OR 3990/3411 + R/W OR 4355/2364	50		\$ 2,162.63	\$ 2,404.87	\$ 774.94
1146250000010010	CLEVELAND CLINIC FOUNDATION BEN HILL GRIFFIN PKWY	IN THE N 1/2 OF NW 1/4 LESS ROW OR 3726 PG 2467	2588		\$ 111,937.48	\$ 124,475.86	\$ 40,110.93
1146250000010020	SUNTRUST BANK SW FL 17100 BEN HILL GRIFFIN PKWY	FR NW COR SEC 11 E1920FT TH S 1058FT TO P O B DESC OR 2737/1099	216		\$ 9,342.54	\$ 10,389.02	\$ 3,347.74
1146250000010030	SOUTHTRUST BANK N A 17500 BEN HILL GRIFFIN PKWY	FR NW COR E 1920FT S1019FT SLY 1403FT W75FT TO P O B DESC OR 2884 PG 575	216		\$ 9,342.54	\$ 10,389.02	\$ 3,347.74

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1146250000010070	UNIVERSITY CLUB APARTMENTS 17101- 191 COLLEGE CLUB LOOP	PARL LYING IN SEC 10 + 11 DESC IN OR 3956/4074	800		\$ 34,537.62	\$ 38,406.26	\$ 12,375.98
1146250000010080	JG GULF COAST TOWN CENTER LLC ACCESS UNDETERMINED	PARL LOC IN W 1/2 OF SECT LYING W OF BEN HILL GRIFFIN DESC IN OR 4161/4145	3524		\$ 152,138.22	\$ 169,179.57	\$ 54,516.20
1146250000010110	TARGET CORP ACCESS UNDETERMINED	PARL LOC IN W 1/2 OF SECT LYING W OF BEN HILL GRIFFIN DESC IN OR4550/4308	38		\$ 1,640.54	\$ 1,824.30	\$ 587.86
1346250000010010	TIITF STATE OF FLORIDA 10501 FGCU BLVD S	IN SW 1/4 OF SEC OR 2497/1564 FL GULF COAST UNIV	3827		\$ 165,219.34	\$ 183,725.95	\$ 59,203.60
1146250000010040	MIROMAR LAKES LLC ACCESS UNDETERMINED	PARCEL LYING E AND W OF BEN HILL GRIFFIN PKWY DESC OR 3165 PG 1800 LESS SPLITS + LESS OR 4535/4064	MLCDD 5759				
114625060000J00CE	PULTE HOME CORP RESERVED	MIROMAR LAKES UNIT 4 PB 70 PGS 48-51 TRACT J	MLCDD 376				
1446250000010020	MIROMAR LAKES LLC RESERVED	PARCEL LYING ON BOTH SIDES OF BEN HILL GRIFFIN PKWY DESC OR 3165 PG 1800 LESS SPLITS	MLCDD 4707				
14462501000A100CE	MIROMAR LAKES LLC RIGHT OF WAY	MIROMAR LAKES UNIT ONE DESC IN PB 67 PGS 60-73 TRACTS A-1 THRU A-3 LESS PT UNIT III	MLCDD 110				

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14462501000C10000	MIROMAR LAKES LLC COMMON ELEMENT	MIROMAR LAKES UNIT ONE DESC IN PB 67 PGS 60-73 TRACT C-1	MLCDD	18			
14462501000F20000	MIROMAR LAKES LLC COMMON ELEMENT	MIROMAR LAKES UNIT ONE DESC IN PB 67 PGS 60-73 TRACT F-2	MLCDD	872			
14462501000F40000	MIROMAR LAKES LLC COMMON ELEMENT	MIROMAR LAKES UNIT ONE DESC IN PB 67 PGS 60-73 TRACT F-4	MLCDD	970			
14462502000B200CE	MIROMAR LAKES LLC RESERVED	MIROMAR LAKES UNIT TWO PB 70 PGS 1-2 TRACT B-2	MLCDD	1216			
14462502000L10000	MIROMAR LAKES LLC SUBMERGED	MIROMAR LAKES UNIT TWO PB 70 PGS 1-2 TRACT L-1	MLCDD	439			
14462502000L20000	MIROMAR LAKES LLC SUBMERGED	MIROMAR LAKES UNIT TWO PB 70 PGS 1-2 TRACT L-2	MLCDD	236			
144625060000B00CE	PULTE HOME CORP RESERVED	MIROMAR LAKES UNIT 4 PB 70 PGS 48-51 TRACTS B	MLCDD	100			
144625060000I00CE	PULTE HOME CORP RESERVED	MIROMAR LAKES UNIT 4 PB 70 PGS 48-51 TRACT I	MLCDD	1217			

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1446250700000000CE	VALENCIA AT MIROMAR LAKES COMMON ELEMENT	VALENCIA AT MIROMAR LAKES BEACH AND GOLF CLUB AS DESC OR 3577/3239 +3610/3203 +3657/899 +3669/657 +3747/1690 +3765/4468 +3806/ 955 +3833/2075 +3843/208 +3888/ 2824 +3943/4736+4076/880+4094/2 854 +4122/4816+ 417	MLCDD	480			
23462500000010000	MIROMAR LAKES LLC BEN HILL GRIFFIN PKWY	PARCEL LYING IN SW 1/4 OF SECT SOUTH OF TREELINE RD	MLCDD	1022			
23462500000010050	MIROMAR LAKES LLC ACCESS UNDETERMINED	PARCEL LYING IN THE SW 1/4 OF SECT DESC OR 3165 PG 1800 LESS OR 4208/1136	MLCDD	396			
23462500000010060	MIROMAR LAKES CDD 19701 BEN HILL GRIFFIN PKWY	PARCEL LYING IN S 1/2 OF SECT NE OF TREELINE BLVD DESC OR 3165 PG 1800	MLCDD	538			
23462500000011010	MIROMAR LAKES LLC RESERVED	PARCEL LYING IN THE SW 1/4 OF SECT DESC IN OR 3380 PG 794 AKA AREA B	MLCDD	2437			
23462500000011020	KINGSGATE ASSOCIATES II LTD RESERVED	PARCEL LYING IN THE SW 1/4 OF SECT DESC IN OR 4208 PG 1136	MLCDD	330			
23462500000011040	MIROMAR LAKES LLC RESERVED	PARCEL LYING IN THE SW 1/4 OF SECT DESC IN OR 3380 PG 797 AKA AREA D LESS OR 4161/3976 + OR 4236/1965	MLCDD	409			

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2346250000011050	MIROMAR LAKES CDD RESERVED	PARCEL LYING IN THE SW 1/4 OF SECT DESC IN OR 3165 PG 1800 C2 CONSERVATION AREA	503	MLCDD			
2346250000011070	SAN MARINO AT MIROMAR LAKES RESERVED	PARCEL LYING IN SW 1/4 OF SECT DESC IN OR 4169 PG 2277	941	MLCDD			
2346250000011080	LUTHERAN CHURCH MISSOURI SYNOD 19800 BEN HILL GRIFFIN PKWY	PARL LYING IN THE SW 1/4 OF SECT DESC IN OR 4161/3976	472	MLCDD			
2346250000011090	METHODIST CHURCH INC ACCESS UNDETERMINED	PARL LYING IN SW 1/4 OF SECT DESC IN OR 4236/1965	884	MLCDD			
14462501000A40000	MIROMAR LAKES LLC COMMON ELEMENT	MIROMAR LAKES UNIT ONE DESC IN PB 67 PGS 60-73 TRACT A-4	100	MLCDD	24,532	\$ 1,059,096.15	\$ 1,177,727.96
2546250000011190	CORKSCREW PROPERTY LLC 11241- 261 MIROMAR SQUARE BLVD	PAR LOC IN THE NW 1/4 OF THE SECT LYING SLY OF CORKSCREW AS DESC IN OR 3804 PG 2900	354	UCDD			
25462527000M40000	MIROMAR OUTLET PARKING EAST LC 10850 MIROMAR OUTLET DR	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 LOT M-4	211	UCDD			
25462527000M50000	MIROMAR OUTLET PARKING EAST LC 10870 MIROMAR OUTLET	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 LOT M-5	680	UCDD			

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25462527000M60000	MIROMAR OUTLET PARKING EAST LC ACCESS UNDETERMINED	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 LOT M-6	UCDD	530				
25462527000O20000	URIKA II INC 10860 MIROMAR OUTLET DR	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 LOT O-2	UCDD	175				
26462527000M30000	MIROMAR OUTLET PARKING EAST LC ACCESS UNDETERMINED	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 LOT M-3	UCDD	790				
26462527000O10000	BANK OF AMERICA NA 10840 MIROMAR OUTLET DR	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 LOT O-1	UCDD	265				
35462500000010010	MIROMAR SQUARES LLC 10800 CORKSCREW RD	PARL IN LYING SLY OF CORKSCREW RD OR 2868/2279 LESS OR 4403 PG 2337	UCDD	500				
35462500000010020	INTERNATIONAL DESIGN CENTER CORKSCREW RD	PARL LYING SLY OF CORKSCREW RD DESC IN OR 4403 PG 2337	UCDD	856				
36462500000010010	MIROMAR SQUARES LLC 21250 STONEBROOK GOLF BLVD	PAR LYING SLY OF CORKSCREW RD OR 2868/2279 LESS OR 3804 PG 2900	UCDD	521				
264625270000A0000	UNIVERSITY SQUARE CDD ACCESS UNDETERMINED	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 TRACT A	UCDD	648	5,530	\$ 238,741.31	\$ 265,483.27	\$ 85,548.97
23462500000010020	MIROMAR LAKES LLC 19801 BEN HILL GRIFFIN PKWY	PAR LYING IN THE SW 1/4 OF SEC EAST OF TREELINE AVE DESC OR 2851 PG 3172		468		\$ 20,204.51	\$ 22,467.66	\$ 7,239.95

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23462500000010030	MIROMAR LAKES LLC 19901 BEN HILL GRIFFIN PKWY	PARL LYING IN MULTI SECS 23+24 ELY OF TREELINE AV DESC OR 2887/633	402		\$ 17,355.15	\$ 19,299.15	\$ 6,218.93
23462500000010040	JOHN E + ALIESE PRICE 19601 BEN HILL GRIFFIN PKWY	FR SE LINE OF TREELINE DR N603FT TO CURVE TO LEFT 140FT FT N421FT TO POB OR2962/2112	1264		\$ 54,569.44	\$ 60,681.89	\$ 19,554.05
254625090000R10010	TAQ LLC TR ACCESS UNDETERMINED	STONEBROOK SUBD PB 63 PGS 1-50 POR OF CLUBHOUSE TRACT DESC IN OR 4150 PG 2212	100		\$ 4,317.20	\$ 4,800.78	\$ 1,547.00
254625090000R103CE	U S HOME CORPORATION ACCESS UNDETERMINED	STONEBROOK SUBD PB 63 PGS 1-50 POR OF CLUBHOUSE TRACT	68		\$ 2,935.70	\$ 3,264.53	\$ 1,051.96
254625160000R100CE	FLORIDA DEVELOPMENT RIGHT OF WAY	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TRACTS R- 1 + R-5	100		\$ 4,317.20	\$ 4,800.78	\$ 1,547.00
2546251600GC10000	FLORIDA DEVELOPMENT COMMON ELEMENT	GRANDE OAK S/D PB 67 PGS 15-36 TRACTS GC-1 THRU GC-4 + TRACT GC GRANDE OAK TR 6 PB 71 PGS 71-73 LESS OR 3356/4028	3515		\$ 151,749.67	\$ 168,747.50	\$ 54,376.97
25462520000000010	STRUCOT LLC 20280 GRANDE OAK SHOPPES BLVD	SHOPPES AT GRANDE OAK PB 69 PGS 31-34 LOT 1	237		\$ 10,231.77	\$ 11,377.85	\$ 3,666.38
25462520000000020	PLANET OF THE PETS LLC 20290 GRANDE OAK SHOPPES BLVD	SHOPPES AT GRANDE OAK PB 69 PGS 31-34 LOT 2	218		\$ 9,411.50	\$ 10,465.71	\$ 3,372.45

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25462520000000030	CORKSCREW EAST ENERGY LLC 20300 GRANDE OAK SHOPPES BLVD SHOPPES AT GRANDE OAK PB 69 PGS 31-34 LOT 3	225		\$ 9,713.71	\$ 10,801.76	\$ 3,480.74
25462520000000040	MCDONALDS CORP 20310 GRANDE OAK SHOPPES BLVD SHOPPES AT GRANDE OAK PB 69 PGS 31-34 LT 4	245		\$ 10,577.15	\$ 11,761.92	\$ 3,790.14
25462520000000050	KEYSER JAMES 20320 GRANDE OAK SHOPPES BLVD SHOPPES AT GRANDE OAK PB 69 PGS 31-34 LT 5	360		\$ 15,541.93	\$ 17,282.82	\$ 5,569.19
254625200000R00CE	REGENCY REALTY GROUP INC RIGHT OF SHOPPES AT GRANDE OAK WAY PB 69 PGS 31-34 TRACT R	160		\$ 6,907.52	\$ 7,681.25	\$ 2,475.20
26462500000011020	UNIVERSITY HIGHLAND OR 2829/1590 AND 1586 AND LP EVERBLADES PKWY OR 2901/859	3839		\$ 165,737.41	\$ 184,302.04	\$ 59,389.24
364625090000A0000	STONEBROOK CDD STONEYBROOK SUBD PB 63 RESERVED PGS 1-50 TRACT A	100		\$ 4,317.20	\$ 4,800.78	\$ 1,547.00

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

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 24th day of MAY 2005, at 5:00 p.m. in the 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 UNIVERSITY OVERLAY LANDSCAPE CAPITAL 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 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 (2004).

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:
May 3, 2005
Ad Size: 2 x 5 Display
Direct Voucher

May 3, 2005

RE: University Overlay Landscape Capital 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, May 24, 2005 at 5:00 p.m., concerning the University Overlay Landscape Capital 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 UNIVERSITY OVERLAY LANDSCAPE CAPITAL 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 University Overlay Landscape Capital Municipal Service Benefit Unit has been completed and the assessments are based on the final project costs. The project cost was estimated to be \$2,750,000.00 and the revised final cost is \$2,580,181. The method of assessment is on a front footage basis.

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 interest, (b) repay your assessment over the next three years by paying one-third (1/3rd) of your principal upon receiving your bill, and making all subsequent payments of one-third 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, as amended, 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 University Overlay Landscape Capital MSBU

To prepay your University Overlay Landscape Capital Assessment, **PAYMENT IN FULL must** be post marked by June 21, 2005 or paid in person in the MSTBU Office located at 2115 Second Street, Fort Myers, FL by Friday, June 24, 2005. Interest will become effective on all assessments not paid in full by June 24, 2005.

If you wish to prepay, your assessment is \$ _____. **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, 2005 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 \$ _____, 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.

Please remit this portion with payment for proper credit

UNIVERSITY OVERLAY LANDSCAPE CAPITAL MSBU

Strap Number: «StrapNumber»

PREPAYMENTS MUST BE PAID IN FULL, POSTMARKED BY June 21, 2005 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 June 24, 2005

ANY PAYMENT RECEIVED AFTER June 24th WILL BE CREDITED AGAINST THE HIGHER ASSESSMENT RATE WHICH INCLUDES THE FINANCIAL CHARGES.

Prepayment Amount Due: \$ _____
Due Date: June 24, 2005
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

Consolidation of Miromar Lakes CDD and University CDD Assessments

STRAP NUMBER	NAME/SITE
11-46-25-00-00001.0040	MIROMAR LAKES LLC
11-46-25-06-0000J.00CE	PULTE HOME CORP
14-46-25-00-00001.0020	MIROMAR LAKES LLC
14-46-25-01-000A1.00CE	MIROMAR LAKES LLC
14-46-25-01-000C1.0000	MIROMAR LAKES LLC
14-46-25-01-000F2.0000	MIROMAR LAKES LLC
14-46-25-01-000F4.0000	MIROMAR LAKES LLC
14-46-25-02-000B2.00CE	MIROMAR LAKES LLC
14-46-25-02-000L1.0000	MIROMAR LAKES LLC
14-46-25-02-000L2.0000	MIROMAR LAKES LLC
14-46-25-06-0000B.00CE	PULTE HOME CORP
14-46-25-06-00001.00CE	PULTE HOME CORP
14-46-25-07-00000.00CE	VALENCIA AT MIROMAR LAKES
23-46-25-00-00001.0000	MIROMAR LAKES LLC
23-46-25-00-00001.0050	MIROMAR LAKES LLC
23-46-25-00-00001.0060	MIROMAR LAKES CDD
23-46-25-00-00001.1010	MIROMAR LAKES LLC
23-46-25-00-00001.1020	KINGSGATE ASSOC II LTD
23-46-25-00-00001.1040	MIROMAR LAKES LLC
23-46-25-00-00001.1050	MIROMAR LAKES CDD
23-46-25-00-00001.1070	SAN MARINO AT MIROMAR
23-46-25-00-00001.1080	LUTHERN CHURCH MISSOURI
23-46-25-00-00001.1090	METHODIST CHURCH INC
14-46-25-01-000A4.0000	MIROMAR LAKES LLC
25-46-25-00-00001.1190	CORKSCREW PROPERTY LLC
25-46-25-27-000M4.0000	MIROMAR OUTLET PARKING EAST
25-46-25-27-000M5.0000	MIROMAR OUTLET PARKING EAST
25-46-25-27-000M6.0000	MIROMAR OUTLET PARKING EAST
25-46-25-27-000O2.0000	URIKA II INC 10860
26-46-25-27-000M3.0000	MIROMAR OUTLET PARKING EAST
26-46-25-27-000O1.0000	BANK OF AMERICA NA
35-46-25-00-00001.0010	MIROMAR SQUARES LLC
35-46-25-00-00001.0020	INTERNATIONAL DESIGN
36-46-25-00-00001.0010	MIROMAR SQUARES LLC 21250
26-46-25-27-0000A.0000	UNIVERSITY SQUARE CDD

ATTACHMENT "A"