

RESOLUTION RELATING TO THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA: CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "BURGUNDY FARMS ROAD PAVING CIP MUNICIPAL SERVICE BENEFIT UNIT" FOR THE PURPOSE OF PROVIDING FOR THE ACQUISITION, CONSTRUCTION OF VARIOUS ESSENTIAL MUNICIPAL SERVICES, FACILITIES AND IMPROVEMENTS; DESCRIBING THE BOUNDARIES OF SAID UNIT, ALL WITHIN THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA; AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF A PROJECT WITHIN THE UNIT AND THE LEVYING OF SPECIAL ASSESSMENTS TO FINANCE SUCH PROJECT; ESTABLISHING THE ESTIMATED COST TO BE \$489,532 AND THE PROPOSED METHOD OF ASSESSMENT TO BE ON A PER FRONT FOOTAGE BASIS; ESTABLISHING THAT THIS NON AD-VALOREM ASSESSMENT WILL BE COLLECTED, IN PART, PURSUANT TO THE UNIFORM COLLECTION ACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, §125.01(1)(q), Florida Statutes, grants the Board of County Commissioners of a charter county the power to establish a municipal service benefit unit for any part or all of the unincorporated areas of the County within which may be provided fire protection, law enforcement, beach erosion control, recreation services and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation and other essential facilities; and

WHEREAS, the Board of County Commissioners of Lee County, Florida (the "Board"), on November 24, 1998, enacted Ordinance No. 98-25 (the "Ordinance"), which Ordinance provides for the creation by resolution of municipal service benefit units within the County to provide essential municipal services, facilities and improvements in the unincorporated area of Lee County, Florida (the "County"); and

WHEREAS, the County has identified the unit boundaries, published and mailed notice, as required by the Ordinance, of a meeting of the Board to hear the proposed benefit unit and to consider adoption of a resolution creating such unit, a copy of such notice to property owners within the unit and the proof of publication are attached hereto as Exhibits "A" and "B," respectively; and

WHEREAS, a public hearing was held on this date and objections and comments of all interested persons have been heard and considered as required by the Ordinance.

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. CREATION OF "BURGUNDY FARMS ROAD PAVING MUNICIPAL SERVICE BENEFIT UNIT".

There is hereby created and established the Burgundy Farms Road Paving CIP Municipal Services Benefit Unit (the "Unit") under the authority of §125.01, Florida Statutes, and pursuant to the provisions of the Ordinance. The Unit will consist of all real property in the unincorporated area of Lee County, Florida, outlined in the preliminary assessment role attached hereto as Exhibit "C."

SECTION 2. PURPOSE FOR CREATION OF UNIT.

The Unit is created for the principal purpose of acquiring, constructing or otherwise providing and maintaining various essential municipal services, facilities and improvements within the Unit.

SECTION 3. THE PROJECT.

The Board hereby determines that the road paving improvements (the "Project"), within the boundaries of said Unit are in the best interests of the County and the property owners in the Unit. The estimated Cost (as such term is defined in the Ordinance) of the Project is \$489,532. The Board hereby finds that the formation and completion of the Project within the Unit is an improvement which will primarily benefit those lots and/or parcels of property within the Unit in a manner that is in addition to or different from the benefit that the general public will enjoy. The Cost of the project will be assessed in accordance with the terms of the Ordinance. All funds borrowed, from either an internal County source or from an external source, and expended during the Project are to be reimbursed with the long-term finance obtained upon the completion of the Project.

SECTION 4. PROPOSED METHOD OF ASSESSMENT.

The proposed method of assessment to be made upon benefited property within the Unit is by a PER FRONT FOOTAGE BASIS. Each parcel of property within the Unit will be assessed in proportion to the benefit the parcel derives from the Project.

SECTION 5. INTEREST RATE AND TERMS OF SPECIAL ASSESSMENTS.

All special assessments will be payable in annual principal installments and interest in conformity with the financing agreement the County has at the time the final resolution confirming the preliminary assessment roll is made. The interest rate will be as identified in the financial agreement plus one percent. No prepayments of special assessments may be accepted prior to adoption of the final resolution confirming the preliminary assessment roll in attached Exhibit "C." Upon adoption of such confirming resolution, special assessments may be prepaid in full, without interest, other than interest included as a cost during construction of the related improvement, at the office of MSTBU Services within 30 days of adoption of such confirming resolution. Special assessments may be collected pursuant to the Uniform Assessment Collection Act in ten (10) equal annual principal installments with interest at the above described rate, subject to the provision of §4.01 of the Ordinance.

SECTION 6. POWERS.

For the purpose of providing the services within the Unit described in this Resolution, the County will have all the authority and powers provided in the Ordinance and Chapter 125, Florida Statutes. Should a parcel, as described in the legal description contained in the preliminary assessment roll in attached Exhibit "C" be subdivided after adoption of the final resolution, the assessment will remain with the parent parcel, unless the MSTBU Coordinator is notified prior to the subdivision. Upon notification, the MSTBU Coordinator may re-allocate any remaining assessment due among parcels involved in the subdivision.

SECTION 7. EFFECT OF ADOPTION OF RESOLUTION.

The adoption of this Resolution will be the final adjudication of the issues presented hereby unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of adoption of this Resolution.

SECTION 8. EFFECTIVE DATE.

This Resolution will take effect immediately upon its adoption.

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

John Manning	<u>Aye</u>
Cecil Pendergrass	<u>Aye</u>
Larry Kiker	<u>Aye</u>
Brian Hamman	<u>Aye</u>
Frank Mann	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 4th DAY OF DECEMBER, 2018.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Joyce Townsend
Deputy Clerk

BY: Brian Hamman
Vice Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: John Deegan
Office of County Attorney

- Exhibit "A" – Notice to Property Owners within the Unit
- Exhibit "B" - Proof of publication
- Exhibit "C" – Preliminary Assessment Roll and
Legal Description of Properties within the Unit

(101218/0915)

EXHIBIT A



BOARD OF COUNTY COMMISSIONERS

John Manning
District One

(239) 533-2308

Cecil L Pendergrass
District Two

November 1, 2018

Larry Kiker
District Three

Brian Hamman
District Four

NAME
ADDRESS
CITY, ST, ZIP

Frank Mann
District Five

Strap No.:

Roger Desjarlais
County Manager

Dear Property Owner:

Richard Wm. Wesch
County Attorney

On Tuesday, December 4, 2018 at 9:30 A.M., in the County Commissioner Meeting Room of the Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, a public hearing will be held regarding the creation of the Burgundy Farms Road Paving CIP Municipal Service Benefit Unit. The Resolution to be considered is titled as follows:

Donna Marie Collins
Hearing Examiner

A RESOLUTION RELATING TO THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA: CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "BURGUNDY FARMS ROAD PAVING CIP" MUNICIPAL SERVICES BENEFIT UNIT" FOR THE PURPOSE OR PROVIDING FOR THE ROAD PAVING; PRESCRIBING THE BOUNDARIES OF SAID UNIT, ALL WITHIN THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA: AUTHORIZING THE ROAD PAVING OF BURGUNDY FARMS ROAD A PROJECT WITHIN THE UNIT AND THE LEVYING OF SPECIAL ASSESSMENTS TO FINANCE SUCH A PROJECT; ESTABLISHING THE ESTIMATED COST TO BE \$489,532 AND PROPOSED METHOD OF ASSESSMENT TO BE ON A FRONT FOOTAGE ASSESSMENT; ESTABLISHING THAT THIS NON-AD VALOREM ASSESSMENT MAY BE COLLECTED, IN PART, PURSUANT TO THE UNIFORM COLLECTION ACT; AND PROVIDING AN EFFECTIVE DATE.

The area to be encompassed by the proposed Unit shall consist of real property located in Section 23, Township 46, Range 26 in Lee County, as depicted in the attached map.

The estimated cost of the Road Paving Project is \$489,532, which shall be paid as a special assessment on the properties within the Unit, which are specially benefited by the Project. The proposed method of assessment for purposes of paying the costs of the project is on a front footage basis to be billed at the completion of project. Property owners can elect to pay the assessment in full within 30 days of notification of completion (and not pay the cost of issuance fees) or finance the total cost of the project for a ten year period. Those property owners that chose to finance the assessment it will be appear as a non-ad valorem special assessment on your annual property taxes. It is anticipated that the assessment on the property taxes will begin **November 2020**. The total front footage is 10,440 the estimated per front footage cost is \$46.89. Attached is a listing of the estimated total cost per each of the properties per strap number. The final assessment will be based on actual cost and the final *interest rates will not be determined until the signing of the loan documents at completion of the project*. Failure to pay the special assessment may cause a tax certificate to be issued against the property, which may result in the loss of title.

Should the proposed Units be created, the Board of County Commissioners of Lee County, Florida (the "Board") shall act as its governing body, and acting on behalf of the Unit, will obtain the necessary financing and contract for the acquisition and construction of the Project. The property owners within the unit will be responsible for all actual costs associated with the project. In the event the project fails to be completed, the property owners within the unit will be responsible for all costs expanded related to the project.


At the public hearing on the creation of the Unit, the Board will hear further public input regarding the acquisition and construction of the Project and establishment and apportionment of special assessments within the Unit.

The adoption of the resolution creating the Unit will be the final adjudication of the issues presented thereby unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of adoption of such resolution. You are advised that any person wishing to appeal any decision of the Board with respect to any matter considered will need a record and may wish to ensure that a verbatim record is made.

This Public Hearing is an opportunity for you to express your opinion or you may wish to write a letter to the sender at P.O. Box 398, Fort Myers, Florida 33902. All correspondence received within twenty (20) days of this notice will become a part of the Public Record. If you have any questions, please call 533-2308. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact Joan LaGuardia, with County Administration at (239) 533-2221 at least seven days prior to the date of the hearing.

If you have any questions or would like information on the MSTBU Grant Program, please give me a call at 239-533-2308.

Sincerely,



Lori Borman, MSTBU Coordinator
Lee County Management & Budget
PO Box 398
Ft Myers FL 33902
Email: bormanla@leegov.com

Attachment: Map

Burgundy Farms Road Paving

00002 0140	002 024A	
00002 0230		00002 0130
00002 0120		00002 0010
00002 0220		00002 0110
00002 0260		00002 0100
00002 0000		
00002 0020		00002 0090
00002 0250		00002 0070
00002 025A		
00002 0210		00002 007A
00002 0080		00002 0200
00002 0060		00002 0050
00002 0190		00002 0040
00002 0030		00002 018A
00002 0170		00002 0180
00002 015A		00002 016A
00002 0150		00002 0160

BURGUNDY-FARMS-RD

CORKSCREW-RD



LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY RESOLUTION

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on **Tuesday**, the **4th** day of **December, 2018**, at **9:30 a.m.**, or as soon thereafter as may be heard, in the County Commissioners Meeting Room, 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 and Ordinance. The title of the proposed County Resolution is as follows:

A RESOLUTION RELATING TO THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA: CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "BURGUNDY FARMS ROAD PAVING CIP MUNICIPAL SERVICES BENEFIT UNIT" FOR THE PURPOSE OR PROVIDING FOR THE PAVING OF A ROADWAY; PRESCRIBING THE BOUNDARIES OF SAID UNIT, ALL WITHIN THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA: AUTHORIZING THE PAVING OF ROAD A PROJECT WITHIN THE UNIT AND THE LEVYING OF SPECIAL ASSESSMENTS TO FINANCE SUCH A PROJECT; ESTABLISHING THE ESTIMATED COST TO BE \$489,532 AND PROPOSED METHOD OF ASSESSMENT TO BE ON A FRONT FOOTAGE ASSESSMENT; ESTABLISHING THAT THIS NON AD-VALOREM ASSESSMENT MAY BE COLLECTED, IN PART, PURSUANT TO THE UNIFORM COLLECTION ACT; AND PROVIDING AN EFFECTIVE DATE.

Copies of this Notice and the proposed Resolution are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, and at the Office of Management & Budget, MSTBU, located in the County Administration Building, 2115 Second Street, Fort Myers, FL. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the enactment of the proposed Resolution.

Anyone wishing to appeal the Board's decision(s) with respect to any matter considered at this meeting will need a record of the proceedings. Generally, a verbatim record, including all testimony and evidence upon which the appeal is to be based, will be necessary.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314; Florida Relay Service 711, or adarequests@leegov.com, at least five business days in advance.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Linda Doggett, Clerk of Court
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By: _____
Office of the County Attorney

EXHIBIT C

STRAP	SITEADDR	SITECITY	SITEZIP	FOOTAGE	PER FOOT	TOTAL	LEGAL
23462600000020040	19731 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	PARL IN W1/2 OF SE1/4 AS DESC IN OR2434/1128 AKA LT 10 BURGUNDY FARMS UNREC
23462600000020230	19090 BURGUNDY FARMS RD	ESTERO	33928	331	46.89	15521	PARL IN W 1/2 OF N E 1/4 AS DESC IN OR 1521 PG 306 AKA LOT 27
23462600000020130	19091 BURGUNDY FARMS RD	ESTERO	33928	331	46.89	15521	PARL IN NW 1/4 OF NE 1/4 SEC 23 T46 R26 DESC IN OR 1501 PG 414
2346260000002018A	19791 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	PARL IN W 1/2 OF SE 1/4 DESC IN OR 1792 PG 1421 LOT 8 BURGUNDY FARMS
23462600000020030	19790 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	PARL IN SE 1/4 OF SEC 23 T 46 R 26 DESC IN OR 1511 PG 2133
23462600000020140	19030 BURGUNDY FARMS RD	ESTERO	33928	330	46.89	15474	PARL IN NW 1/4 OF NE 1/4 SEC 23 T46 R26 DESC IN OR 1514 PG 554
23462600000020120	19140 BURGUNDY FARMS RD	ESTERO	33928	324	46.89	15192	PARL IN NW 1/4 OF NE 1/4 SEC 23 T46 R26 DESC IN OR 1511 PG 801
23462600000020170	19850 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	PARL IN W 1/2 OF S E 1/4 AS DESC IN OR 1518 PG 320 AKA LOT 5
23462600000020110	19201 BURGUNDY FARMS RD	ESTERO	33928	327	46.89	15333	PARL IN NW 1/4 OF NE 1/4 SEC 23 T46 R26 DESC IN OR 1513 PG 2003
23462600000020010	19141 BURGUNDY FARMS RD	ESTERO	33928	324	46.89	15192	PARL IN W 1/2 OF NE 1/4 DESC OR 1481 PG 1251
23462600000020260	19250 BURGUNDY FARMS RD	ESTERO	33928	164	46.89	7690	N 1/2 OF PARL IN W 1/2 OF NE 1/4 DESC IN OR 1754 PG 1181 PT LOT 21
23462600000020090	19311 BURGUNDY FARMS RD	ESTERO	33928	327	46.89	15333	PARL SW 1/4 OF NE 1/4 DESC IN OR 1489 PG 1827
23462600000020020	19310 BURGUNDY FARMS RD	ESTERO	33928	327	46.89	15333	PARL IN W 1/2 OF NE 1/4 DESC OR 1481 PG 1259
23462600000020100	19261 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	PARL IN SW 1/4 OF NE 1/4 DESC IN OR 1511 PG 815
23462600000020250	19360 BURGUNDY FARMS RD	ESTERO	33928	164	46.89	7690	N 1/2 OF PARL IN W 1/2 OF NE 1/4 DESC IN OR 1754 PG 1178 PT LOT 17
23462600000020150	19930 BURGUNDY FARMS RD	ESTERO	33928	329	46.89	15427	PARL IN W1/2 OF SE1/4 AS DESC OR 1523/1916 LESS OR 2015/1439 AKA LOT 1
23462600000020070	19381 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	PARL IN SW 1/4 OF NE 1/4 DESC IN OR 1488 PG 1174 LESS PAR 2.007A + 2.007B
23462600000020160	19931 BURGUNDY FARMS RD	ESTERO	33928	329	46.89	15427	S 1/2 OF SE 1/4 OF SW 1/4 OF SE 1/4 AKA LT 2 UNREC BURGUNDY FARMS
23462600000020000	19270 BURGUNDY FARMS RD	ESTERO	33928	164	46.89	7690	W 1/2 OF E 1/2 LESS RD RW + LESS PARLS 2.001 THRU 2.026
2346260000002025A	19390 BURGUNDY FARMS RD	ESTERO	33928	164	46.89	7690	S 1/2 OF PARL IN W 1/2 OF NE 1/4 DESC IN OR 1754 PG 1175 PT LOT 17
2346260000002007A	19431 BURGUNDY FARMS RD	ESTERO	33928	327	46.89	15333	W 1/2 OF THE S 1/4 OF E 1/2 OF W 1/2 OF NE 1/4
23462600000020190	19730 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	PARL IN W 1/2 OF S E 1/4 AS DESC IN OR 1518 PG 328 AKA LOT 9
23462600000020080	19560 BURGUNDY FARMS RD	ESTERO	33928	327	46.89	15333	PARL IN NW 1/4 OF SE 1/4 SEC 23 T46 R26 DESC IN OR 1492 PG 1613
2346260000002024A	19031 BURGUNDY FARMS RD	ESTERO	33928	330	46.89	15474	PARL IN W1/2 OF NE1/4 AS DESC IN OR2215/2139 AKA PT LT30 BURGUNDY FARMS UNREC
23462600000020180	19851 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	PARL IN W 1/2 OF S E 1/4 AS DESC IN OR 1788 PG 4186 LOT 6 LESS 23.018A
23462600000020220	19200 BURGUNDY FARMS RD	ESTERO	33928	327	46.89	15333	PARL IN W 1/2 OF N E 1/4 AS DESC IN OR 1516 PG 1002 AKA LOT 23
23462600000020210	19430 BURGUNDY FARMS RD	ESTERO	33928	327	46.89	15333	PARL IN W 1/2 OF N E 1/4 AS DESC IN OR 1516 PG 1002 AKA LOT 15
23462600000020050	19641 BURGUNDY FARMS RD	ESTERO	33928	630	46.89	29541	PARL IN W1/2 OF SE1/4 AKA LOT 12 BURGUNDY FARMS UNR DESC IN OR2322/0911
23462600000020200	19561 BURGUNDY FARMS RD	ESTERO	33928	327	46.89	15333	PARL IN W 1/2 OF S E 1/4 AS DESC IN OR 1523 PG 1910 AKA LOT 14
23462600000020060	19640 BURGUNDY FARMS RD	ESTERO	33928	630	46.89	29541	PARL IN SE 1/4 OF SEC 23 T46 R26 DESC IN OR 1492 PG 1621
2346260000002016A	19911 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	N 1/2 OF SE 1/4 OF SW 1/4 OF SE 1/4 AKA LOT 4 UNREC BURGUNDY FARMS
2346260000002015A	19910 BURGUNDY FARMS RD	ESTERO	33928	328	46.89	15380	PARL IN W1/2 OF SE1/4 AKA LOT 3 BURGUNDY FARMS UNREC
				10440	46.89	489532	