

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

Blue Sheet No. 20041602

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve Resolution of Final Assessment for the Palm Frond Sewer Line Municipal Services Benefit Unit (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 #7

3. MEETING DATE:

01-11-2005

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- 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:

Palm Frond Sewer MSBU was created on August 12, 2003 by Resolution 03-08-38 for the connection of a collection system to the Lee County Utility system. The connection will service thirty-seven existing property owners.

The original project was estimated to cost \$86,508, with an estimated cost per Equivalent Residential Unit (ERU) of \$1,201. Due to local improvements in the area, the scope of the project was reduced and the final cost of the project is \$25,874.53. Administrative Code 3-25 allows the County to contribute up to 20% of certain project costs, which reduces the cost to the property owners by \$4,930.50 to \$20,944.03. The number of parcels include 36 existing residential units and a vacant parcel with a maximum density of 36 units, resulting in a total of 72 ERUs, with a final cost of \$290.89 per ERU.

Attachments:

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

- Attachment A – Legal Description

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> 12/27/04				<i>[Signature]</i> 12/27/04	<i>[Signature]</i> 12/27/04	<i>[Signature]</i> 12/27/04	<i>[Signature]</i> 12/27/04	<i>[Signature]</i> 12/27/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 12/27/04
Time: 8:40
Forwarded To: Co. Admin
12/27/04

RECEIVED BY
COUNTY ADMIN: *[Signature]*
12/27/04
1:18 pm SM
COUNTY ADMIN
FORWARDED TO:
12/27/04
10:15

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 PALM FROND SEWER LINE 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 12, 2003 adopted Resolution #03-08-38 establishing the Palm Frond Sewer Line 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 \$25,874.53, as will be adjusted with the closing interest rate, and of which the County will contribute \$4,930.50.

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 Residential 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 5.5% 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 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 11th DAY OF JANUARY, 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"

Palm Frond Sewerline MSBU Assessment Roll

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>ERU's</u>
DOUGLAS M KNUTSON 1268 14TH AVE N NAPLES FL 34102	10-44-24-00-00035.0000 ACCESS UNDET NORTH FORT MYERS FL 33903	S 330 FT OF N 991 FT OF E 998.5 FT OF NE 1/4 LESS 35.001 + LESS PH II	36
KAREN L MISIUNAS 1165 PALM AV #7C NORTH FORT MYERS FL 33903	10-44-24-26-00007.00C0 1165 PALM AVE #7C NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 7-C	1
THOMAS L NIEBRUGGE 1165 PALM AV #7D NORTH FORT MYERS FL 33903	10-44-24-26-00007.00D0 1165 PALM AV #7D NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 7-D	1
SALLI BAKER 613 SE 14TH TERR CAPE CORAL FL 33990	10-44-24-26-00007.00A0 1165 PALM AVE #7A NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 7-A	1
THEODORE G + NANCY J WALLACE 1165 PALM AV #7B NORTH FORT MYERS FL 33903	10-44-24-26-00007.00B0 1165 PALM AV #7B NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PH 479 UNIT 7-B	1
GERALD T DEAN + PIERCE-DEAN GLORIA H/W 4703 SW SANTA BARBARA PL #12 CAPE CORAL FL 33914	10-44-24-26-00004.00D0 1165 PALM AVE #4D NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 4-D	1
MARILYN C BARTON 1165 PALM AV #4A NORTH FORT MYERS FL 33903	10-44-24-26-00004.00A0 1165 PALM AV #4A NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 4-A	1
JOANNE STILES 1165 PALM AV #4B NORTH FORT MYERS FL 33903	10-44-24-26-00004.00B0 1165 PALM AV #4B NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 4-B	1
KOSTAS KARAVAS + KARAVAS GEORGE K T/C 4208 SE 1ST CT CAPE CORAL FL 33904	10-44-24-26-00004.00C0 1165 PALM AVE #4C NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 4-C	1
KAREN KING 1165 PALM AV # 1D NORTH FORT MYERS FL 33903	10-44-24-26-00001.00A0 1165 PALM AVE #1A NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 1-A	1
JACK W CHASTAIN 3351 MARINATOWN LN STE 100 NORTH FORT MYERS FL 33903	10-44-24-26-00001.00B0 1165 PALM AVE #1B NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 1-B	1
GERALDINE A SMITH 1165 PALM AV #1C NORTH FORT MYERS FL 33903	10-44-24-26-00001.00C0 1165 PALM AV #1C NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 1-C	1

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>ERU's</u>
KAREN KING 1165 PALM AV #1D NORTH FORT MYERS FL 33903	10-44-24-26-00001.00D0 1165 PALM AV #1D NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 1-D	1
LUTRELLE JOHNSON + BENDER CAROLYN J/T 2115 NE 1ST TER CAPE CORAL FL 33904	10-44-24-26-00002.00B0 1165 PALM AVE #2B NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 2-B	1
JAMES C KELLY L/E + REMAINDER FERNSTROM DAWN K + KELLY BARBARA S + KELLY KIMBERLY G T/C 1165 PALM AVE #2D NORTH FORT MYERS FL 33903	10-44-24-26-00002.00D0 1165 PALM AVE #2D NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 2-D	1
BRUCE J FAUX TR + FAUX BELINDA S TR FOR FAUX FAMILY TRUST 3300 NORTH KEY DR #6W NORTH FORT MYERS FL 33903	10-44-24-26-00002.00C0 1165 PALM AVE #2C NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 2-C	1
ANOSTASIO VUTSINAS 1165 PALM AVE #2A NORTH FORT MYERS FL 33903	10-44-24-26-00002.00A0 1165 PALM AVE #2A NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 2-A	1
CHARLES + YVONNE BENNETT + FAIRCHILD JOHN A J/T 1165 PALM AV #5B NORTH FORT MYERS FL 33903	10-44-24-21-00005.00B0 1165 PALM AV #5B NORTH FORT MYERS FL 33903	PALM FROND CONDO PH 1 OR 1598 PG 0479 UNIT 5-B	1
TERI K HOLMAN 1165 PALM AVE #5D NORTH FORT MYERS FL 33903	10-44-24-21-00005.00D0 1165 PALM AVE #5D NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I OR 1598 PG 0479 UNIT 5-D	1
GERALDINE CLEAR 1165 PALM AV #5C NORTH FORT MYERS FL 33903	10-44-24-21-00005.00C0 1165 PALM AV #5C NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I OR 1598 PG 0479 UNIT 5-C	1
KINGA L COOK 1165 PALM AV #5A NORTH FORT MYERS FL 33903	10-44-24-21.00005.00A0 1165 PALM AV #5A NORTH FORT MYERS FL 33903	PALM FROND CONDO PH 1 OR 1598 PG 0479 UNIT 5-A	1
HATSUKO TOMA CHANCEY 1165 PALM AV #8D NORTH FORT MYERS FL 33903	10-44-24-26-00008.00D0 1165 PALM AV #8D NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 8-D	1
WILLIAM J KELLY + KELLY ALICE F TR FOR KELLY FAMILY REV TRUST 4165 VIA ARAGON NORTH FORT MYERS FL 33903	10-44-24-26-00008.00A0 1165 PALM AVE #8A NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 8-A	1
HUGO M VILLAGRA 1165 PALM AV #8B NORTH FORT MYERS FL 33903	10-44-24-26-00008.00B0 1165 PALM AV #8B NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PH 479 UNIT 8-B	1

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>ERU's</u>
CLIFFORD O + BARBARA J WEST 1165 PALM AV #8C NORTH FORT MYERS FL 33903	10-44-24-26-00008.00C0 1165 PALM AV #8C NORTH FORT MYERS FL 33903	PALM FROND PH II OR 1598 PG 479 UNIT 8-C	1
NANCY F ANDERSON 1165 PALM AV #6C NORTH FORT MYERS FL 33903	10-44-24-21-00006.00C0 1165 PALM AV #6C NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 6 OR 1598 PG 479 UNIT C	1
WILLIAM HUGHSON 1165 PALM AV #6D NORTH FORT MYERS FL 33903	10-44-24-21-00006.00D0 1165 PALM AV #6D NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 6 OR 1598 PG 479 UNIT D	1
JACK CHASTAIN TR FOR APT 6A PALM FROND LAND TRUST 1165 PALM AVE #6A NORTH FORT MYERS FL 33903	10-44-24-21-00006.00A0 1165 PALM AVE #6A NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 6 OR 1598 PG 479 UNIT A	1
SANDRA J + ARTHUR F CARROLL 6 CHESTER RD SPRINGFIELD VT 05156	10-44-24-21-00006.00B0 1165 PALM AVE #6B NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 6 OR 1598 PG 479 UNIT B	1
MICHAEL P + ROSILYN D BARNABY 1165 PALM AV #3D NORTH FORT MYERS FL 33903	10-44-24-21-00003.00D0 1165 PALM AV #3D NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 3 OR 1598 PG 0479 UNIT D	1
KENNETH E + KATHRYN MARY OLSEN 1165 PALM AVE #3C NORTH FORT MYERS FL 33903	10-44-24-21-00003.00C0 1165 PALM AVE #3C NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 3 OR 1598 PG 0479 UNIT C	1
KAREN T BICKFORD 1165 PALM AVE #3A NORTH FORT MYERS FL 33903	10-44-24-21-00003.00A0 1165 PALM AVE #3A NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 3 OR 1598 PG 0479 UNIT A	1
AYRIS COMBS 1165 PALM AV #3B NORTH FORT MYERS FL 33903	10-44-24-21-00003.00B0 1165 PALM AV #3B NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 3 OR 1598 PG 0479 UNIT B	1
RUTH A SPIEKERMAN 1165 PALM AV #9D NORTH FORT MYERS FL 33903	10-44-24-21-00009.00D0 1165 PALM AV #9D NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 9 OR 1598 PG 479 UNIT D	1
JUAN M MORENO 1165 PALM AV #9A NORTH FORT MYERS FL 33903	10-44-24-21-00009.00A0 1165 PALM AV #9A NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 9 OR 1598 PG 479 UNIT A	1
DENISE F CHASTAIN J/T + CHASTAIN KARI N J/T 1165 PALM AV #9B NORTH FORT MYERS FL 33903	10-44-24-21-00009.00B0 1165 PALM AV #9B NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 9 OR 1598 PG 479 UNIT B	1
JACK CHASTAIN TR FOR 9C PALM FROND LAND TRUST 3351 MARINATOWN LN STE 100 NORTH FORT MYERS FL 33903	10-44-24-21-00009.00C0 1165 PALM AVE #9C NORTH FORT MYERS FL 33903	PALM FROND CONDO PH I BLDG 9 OR 1598 PG 479 UNIT C	1

Total Parcels: 37

Total ERU's: 72

"Exhibit B"

December 21, 2004

Name
Address
City, State, Zip

RE: Palm Frond Sewerline MSBU
Strap No.

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, January 11, 2005 at 5:00 p.m.**, concerning the Palm Frond Sewerline 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 PALM FROND SEWERLINE 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 Palm Frond Sewer line project has been completed and the assessments are based on the final project costs, less the county's contribution. The project cost was estimated to be \$86,508. Due to improvements in the area the scope of the project was reduced and the revised final cost is \$25,874.53. The method of assessment is on an Equivalent Residential Unit (ERU) basis.

As per Administrative Code 3-25, Lee County is contributing \$4,930.50 to the cost of the project, reducing the costs assessed to the property owners to \$20,944.03. The apportionment is based on 37 parcels, and 72 ERUs. The cost per ERU is \$290.89.

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 three years by paying one-third (1/3rd) of your principal with interest upon receiving your bill on the annual Tax 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 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

"Exhibit C"

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

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 11th day of January 2005, 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 PALM FROND SEWERLINE 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 (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

Attachment "A"

**PALM FROND SEWER LINE MSBU
LEGAL DESCRIPTION**

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.