

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

Blue Sheet 20020231

1. REQUESTED MOTION:

ACTION REQUESTED: Hold a Public Hearing to consider approval of an Ordinance to create the Dewberry Lane Special Improvement Operations and Maintenance Municipal Service Benefit Unit.

WHY ACTION IS NECESSARY: Public hearing is a legal requirement in the consideration of the creation of a Municipal Service Benefit Unit.

WHAT ACTION ACCOMPLISHES: Provides an opportunity for public input. Satisfies the legal requirements of the Florida Statutes to proceed with the creation of an Operation and Maintenance MSBU for the purpose of road maintenance and providing street lighting.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT # 03 *5:00 #3*

3. MEETING DATE:
04-23-2002

4. AGENDA:

CONSENT
 ADMINISTRATIVE
 APPEALS

PUBLIC
 WALK ON
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE 125.g
 ORDINANCE
 ADMIN. 3-15
 CODE
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____
B. DEPARTMENT _____
C. DIVISION Public Resources/MSTBU

BY: Denise Sabatini
DS 3/26/02

7. BACKGROUND: Dewberry Lane is located in the Cherry Estates Subdivision of Lee County. Property Owners have submitted the required petitions requesting the Board of County Commissioners to create an Operations and Management Municipal Services Benefit Unit (MSBU) for street lighting and road maintenance. The estimate assessment for the first year is \$38,335.00 and the estimate assessment for the second year is \$8,335.00. This unit will consist of 66 parcels. The assessment methodology will be per lot. The first invoice will be sent immediately following the Public Hearing that creates this Benefit Unit. This invoice will cover expenses until the next billing, which will use the Uniform Collection Method for Non-Ad Valorem taxes for the 2003 – 2004 tax year. Delinquent amounts will be carried over to the tax roll.

- Exhibit**
- "A": Legal Description
 - "B": Proof of Publication
 - "C": Notice of Intent
 - "D": Tentative Assessment Roll
- Attachments**
- A: Statistical Sheet
 - B: Letter to Property Owners
 - C: Map

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
<i>3-24-02</i>	N/A	N/A	N/A	<i>3-26-02</i>	OA <i>3-26-02</i>	OM <i>3-27-02</i>	Risk <i>3-27</i>	GC <i>3-27-02</i>	<i>3-28-02</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

REC'D.
by CO. ATTY.
3/26/02
10:41 AM
CO. ATTY'S OFFICE
FORWARDED TO:
11:35 AM

RECEIVED BY
COUNTY ADMIN.
3/26/02
2:55 pm
3/28 11:00

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE CREATING THE DEWBERRY LANE SPECIAL IMPROVEMENT OPERATION AND MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPE(S) OF SERVICE WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR A FUND; PROVIDING FOR REVERTER; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, residents within the boundaries described below presented to the Board of County Commissioners of Lee County, a petition expressing their desire to form a municipal service taxing or benefit unit; and

WHEREAS, the Board of County Commissioners of Lee County held a public hearing to establish this municipal service taxing or benefit unit; and

WHEREAS, all persons having an interest in the municipal service taxing or benefit unit and the public at large were given an opportunity to be heard at such hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION 1.

CREATION OF THE UNIT, PURPOSE AND BOUNDARIES

Pursuant to the powers granted to the Board of County Commissioners of Lee County, Florida, hereinafter referred to as the "Board", by the Constitution of the State of Florida and the Florida Statutes, in particular, Section 125.01, Florida Statute, the Board hereby creates a municipal service taxing or benefit unit to be known as Dewberry Lane Special Improvement Operation and Maintenance Municipal Service Benefit Unit. Unless expressly mandated by State Statute, any and all procedures, administrative or otherwise, which were required to be followed prior to the enactment of this ordinance shall be waived or considered directory in nature and noncompliance with the procedure shall have no effect upon the validity of this ordinance, constitutional or otherwise.

The purpose of the Dewberry Lane Special Improvement Operation and Maintenance Municipal Service Benefit Unit shall be to provide road maintainance and streetlighting located within the boundaries of the Unit as provided by funding from the annual budget of the MSTBU, which shall be determined in Public Meetings.

The boundaries of the Unit shall be as follows:

SEE ATTACHED LEGAL DESCRIPTION WHICH IS LABELED

"EXHIBIT "A" HEREBY INCORPORATED BY REFERENCE.

SECTION 2.

THE GOVERNING BODY

The Board of County Commissioners shall be the governing body of Dewberry Lane Special Improvement Operation and Maintenance Municipal Service Benefit Unit created pursuant to this Ordinance. The Board of County Commissioners may appoint an Advisory Committee, composed of five (5) property owners within the boundaries of the Municipal Service Taxing and Benefit Unit. The method of appointment and term of office shall be set by the Board of County Commissioners.

SECTION 3.

THE GENERAL POWERS

The governing body shall have all the powers necessary or convenient to carry out the purpose of this ordinance and such additional rights and powers as are provided by the Constitution of the State of Florida and the laws of the State of Florida as granted to counties. The governing body shall also have all powers not otherwise prohibited by law and these powers shall include but are not limited to the power to:

1. Sue or be sued, complain or defend in the name of the County.
In any and all courts or administrative agencies;
2. Acquire by grant, purchase, gift, devise, exchange or in any other lawful manner any property, real or personal, or any estate or interest therein upon such terms and conditions as the governing body shall determine;
3. Enter into contracts with any public, private or municipal firm, person or corporation for the furnishing of the improvements,

- within the boundaries of this Unit;
4. Levy and collect special charges, special assessments, or taxes within the Unit:
 5. Borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law;
 6. Levy and collect without referendum ad valorem taxes for the providing of municipal services within the Unit; and
 7. Adopt rules and regulations governing the Unit.

SECTION 4.

There is hereby created a fund to be known as “Dewberry Lane Special Improvement Operation and Maintenance Municipal Service Benefit Unit” from which the costs of any municipal service may be paid, either in whole or in part. This fund shall contain all special charges, special assessments, taxes, interest, and other monies collected or otherwise obtained pursuant to this ordinance or any subsequent resolution thereto.

SECTION 5.

LEVYING SPECIAL ASSESSMENTS; LIENS; ENFORCEABILITY

A) Any special assessment levied pursuant to this ordinance shall be levied only after a Notice of Intent to Adopt a proposed Resolution to Assess shall be published in a newspaper of general circulation within Lee County at least twenty (20) days prior to the public hearing on the proposed resolution.

The method of apportioning the special assessment among the parcels of land within the unit shall be based upon a finding by the Board that the chosen method of apportionment is a fair and reasonable distribution of the cost of the municipal service improvement in proportion the special benefit which each parcel of land will receive.

B) The special assessment shall be due and payable and interest and penalties for late payment shall accrue thereon from such date as the Board shall provide. The special assessments may be collected pursuant to the Uniform Collection and Enforcement of Non-Ad Valorem assessment methodology in accordance with Florida Statute 197.3632.

C) An assessment roll shall be prepared and shall be attached to the proposed resolution. This assessment roll shall consist of all record legal titleholders of parcels of land within the boundaries of the unit and shall state the apportioned assessment for that parcel of land.

D) Should the uniform assessment collection method not be used, the assessment made by the Board as provided for herein shall constitute a lien against all parcels of land so assessed. Upon failure of any property owner to pay any apportioned assessment when due and payable, the Board shall cause to be brought the necessary legal proceedings to enforce payment thereof with all accrued interest and penalties, together with all legal costs incurred including reasonable attorney's fees, to be assessed as part of the cost. In that event of a default on payment of any assessment when due and payable or any accrued interest on the assessment, the entire assessment with interest and penalties shall immediately become due and payable and subject to foreclosure. The foreclosure proceedings may be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law and suits to foreclose mortgages; or, in the alternative, said proceedings may be instituted and prosecuted by any other

lawful process or procedure then available for the enforcement of the lien pursuant to any general law of the State relative to the enforcement of the municipal lien. Enforcement of this lien through foreclosure proceedings or otherwise shall not be construed as the Board's exclusive remedy.

The Board may prosecute any claim, legal or equitable, which it may have against the owner of the special assessed parcel of land who has defaulted on his payment of the assessment.

(E) The property owner, whose property has been assessed, shall have the right to petition the Board for correction of any inaccuracy in the assessment or its apportionment within ten (10) days of the adoption of the Resolution to Assess. After the lapse of 10 (ten) days from the date of the adoption of the Resolution to Assess, including amendments thereto, all assessments made shall be deemed conclusive unless the property owner has filed the petition for administrative review. Failure to exercise this right for an administrative remedy within the time permitted shall be deemed a waiver of the property owner's right to object to the assessment or its apportionment.

SECTION 6

REVERTER

By the creation of this MSBU, Dewberry Lane Special Improvement Operation and Maintenance Municipal Service Benefit Unit consisting of the effected properties within the Unit, shall be the responsible entity for the providing road maintenance and streetlighting within the boundaries of the Unit.

If the MSBU or MSTU created under the provisions of this Ordinance is ever terminated or ceased for any reason, the responsibility for the providing of road maintenance and streetlighting within the Unit shall revert automatically to the individual

property owners within the Dewberry Lane Special Improvement Operation and Maintenance Municipal Service Benefit Unit in the same form and manner as existed prior to the creation of the MSBU or MSTU pursuant to this Ordinance.

SECTION 7

SEVERABILITY

The provisions of this ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court or competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included therein.

SECTION 8.

ALTERNATIVE OR SUPPLEMENTAL AUTHORITY

This ordinance shall not be construed as repealing or superseding any other ordinance or law and is to be construed as alternative or supplemental authority for the exercise of powers provided for herein.

SECTION 9.

EFFECTIVE DATE

This Ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

THE FOREGOING ORDINANCE was offered by Commissioner _____ who moved it to adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

ROBERT JANES _____
DOUGLAS R. ST. CERNY _____
RAY JUDAH _____
ANDREW COY _____
JOHN ALBION _____

DONE AND ADOPTED THIS _____ DAY OF _____, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____

By: _____
Robert Janes, Chairman
APPROVED AS TO FORM:
By: _____
Office of the County Attorney

EXHIBIT "A"

DEWBERRY LANE SPECIAL IMPROVEMENT OPERATION AND

MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT

LEGAL DESCRIPTION

Lots 0040 through 0700 Block D of the Cherry Estates, Unrecorded Subdivision, located
in Lee County, Florida

Exhibit "B"

NEWS-PRESS

Published every morning - Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Kieanna Henry
who on oath says that he/she is the
Asst. Legal Clerk of the News-Press, a daily newspaper,
published at Fort Myers, in Lee County, Florida; that the
attached copy of advertisement, being a
Display
in the matter of Notice of Intent
in the _____ Court
was published in said newspaper in the issues of
April 2, 2002

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kieanna Henry

Sworn to and subscribed before me this

2nd day of April 2002 by

Kieanna Henry
personally known to me or who has produced

_____ as identification, and who did or did not take an oath.

Notary Public *Brenda Leighton*

Print Name _____

My commission Expires:



Brenda Leighton
MY COMMISSION # CC808905 EXPIRES
February 14, 2003
BONDED THRU TROY FAIN INSURANCE, INC.



NOTICE OF INTENT TO CREATE A MUNICIPAL SERVICE BENEFIT UNIT TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 23rd day of April, 2002, 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 creation of a County Ordinance pursuant to Article VIII, Section 1, of the State Constitution, Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE CREATING THE DEWBERRY LANE SPECIAL IMPROVEMENT OPERATION AND MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPE(S) OF SERVICE WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR A FUND; PROVIDING FOR REVERTER; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Copies of the ordinance are on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department and the Office of Public Resources both located in the Courthouse Office Building, 2115 Second Street, Fort Myers, Florida.

The area to be encompassed by the unit is described in the map below. The nature of the operation and maintenance Municipal Service Benefit Unit consists of street lighting and road maintenance. The estimated cost for the first year is \$38,335.00 and the estimated cost for the second year is \$8,335.00. This unit consists of 66 parcels. The method of assessment will be per lot.

Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed ordinance. All objections to the ordinance creating the unit shall be in writing and filed with the County MSTBU Services on or before the time or the adjourned time of the hearing. Upon consideration of the objection and the ordinance, the Board shall consider the ordinance as it deems appropriate or necessary. The adoption of the ordinance shall 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 Board action on the ordinance.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the County Commission at (941) 335-2259 at least seven days prior to the date of the hearing.

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 will be needed for the appeal. Whoever appeals may need a verbatim record of the proceeding, including the testimony and evidence upon which the appeal is to be based.

The ordinance shall take effect immediately upon its adoption by the Board of County Commissioners.

The text of this Notice is pursuant to and in conformance with Section 125.66 Florida Statutes 2002.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

P.O. Sekulski
REF.DO40202-79

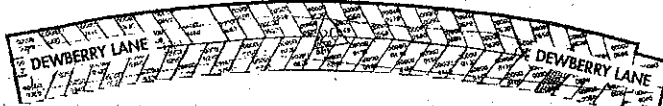


EXHIBIT "C"

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**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

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

APPROVED AS TO FORM:

By: _____
Assistant County Attorney

P.O. # Direct Voucher 586663

PUBLISHING DATE: 04/02/02

SIZE: 2 x 12 Display Ad

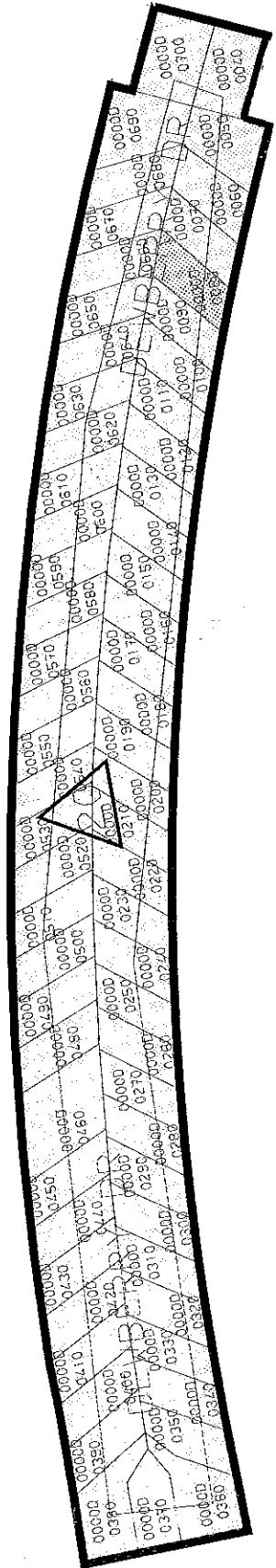


EXHIBIT "D"

ASSESSMENT ROLL

02-46-22-20-0000D.0080				CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 8
***** OWNER *****				***** SITE *****
MILLER VERLEN O + JUDY A TR				
5695 N 2ND ST			3683	DEWBERRY LN
KALAMAZOO	MI	49009	St James City	33956

02-46-22-20-0000D.0040				CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 PT O F LOT 4 DESC OR 1806 PG 4
***** OWNER *****				***** SITE *****
EBERT RICHARD C TR				
3859 PHOENIX DR			2831	YORK RD
ST JAMES CITY	FL	33956	St James City	33956

02-46-22-20-0000D.0050				CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 5 LESS 18 SQ FT M/L A
***** OWNER *****				***** SITE *****
BENNINGTON GEORGE S + JANE E				
3653 DEWBERRY LN			3653	DEWBERRY LN
ST JAMES CITY	FL	33956	St James City	33956

02-46-22-20-0000D.0060				CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 6
***** OWNER *****				***** SITE *****
WOLTHUIS MARK G +				
575 TREASURE ISL			3663	DEWBERRY LN
MATTAWAN	MI	49071	St James City	33956

ASSESSMENT ROLL

02-46-22-20-0000D.0070

CHERRY ESTATES BLK D UNREC
BLK D OR 687 PG 853
LOT 7

***** OWNER *****
ALLEN STEVEN L + JILL M

***** SITE *****

201 3RD ST

3673 DEWBERRY LN

PARMA

MI 49269

St James City

33956

02-46-22-20-0000D.0090

CHERRY ESTATES BLK D UNREC
BLK D OR 687 PG 853
LOT 9

***** OWNER *****
FEIGER DOROTHY J TR

***** SITE *****

17041 SWEET LAKE RD

3693 DEWBERRY LN

LAKE ANN

MI 49650

St James City

33956

02-46-22-20-0000D.0100

CHERRY ESTATES BLK D UNREC
BLK D OR 687 PG 853
LOT 10

***** OWNER *****
RAIFSNIDER CLAYTON + MARGO

***** SITE *****

915 BACON AV

3703 DEWBERRY LN

PORTAGE

MI 49002

St James City

33956

02-46-22-20-0000D.0110

CHERRY ESTATES BLK D UNREC
BLK D OR 687 PG 853
LOT 11

***** OWNER *****
BROWN ROBERT L +

***** SITE *****

3713 DEWBERRY LANE

3713 DEWBERRY LN

ST JAMES CITY

FL 33956

St James City

33956

ASSESSMENT ROLL

02-46-22-20-0000D.0120		CHERRY ESTATES BLK D UNREC	
		BLK D OR 687 PG 853	
		LOT 12	
***** OWNER *****		***** SITE *****	
IMAI TAMOTSU + JOHANNA TR			
509 N EASTWOOD AVE		3723 DEWBERRY LN	
MT PROSPECT	IL 60056	St James City	
			33956

02-46-22-20-0000D.0130		CHERRY ESTATES BLK D UNREC	
		BLK D OR 687 PG 853	
		LOT 13	
***** OWNER *****		***** SITE *****	
HARTWELL JAMES H + JEAN K			
1624 2ND ST SE		3733 DEWBERRY LN	
RUSKIN	FL 33570	St James City	
			33956

02-46-22-20-0000D.0140		CHERRY ESTATES BLK D UNREC	
		BLK D OR 687 PG 853	
		LOT 14	
***** OWNER *****		***** SITE *****	
BIXENMAN JAMES L			
675 HWY 27 NORTH		3743 DEWBERRY LN	
DUNDEE	FL 33838	St James City	
			33956

02-46-22-20-0000D.0150		CHERRY ESTATES BLK D UNREC	
		BLK D OR 687 PG 853	
		LOT 15	
***** OWNER *****		***** SITE *****	
RUDOLPH JOHN W + ROXANNE M			
6662 EAST RD		3753 DEWBERRY LN	
THREE OAKS	MI 49128	St James City	
			33956

ASSESSMENT ROLL

02-46-22-20-0000D.0160	
	CHERRY ESTATES BLK D UNREC
	BLK D OR 687 PG 853
	LOT 16
***** OWNER *****	***** SITE *****
MILLIKIN ROBERT W + WANDA	
3763 DEWBERRY LANE	3763 DEWBERRY LN
ST JAMES CITY FL 33956	St James City
	33956

02-46-22-20-0000D.0170	
	CHERRY ESTATES BLK D UNREC
	BLK D OR 687 PG 853
	LOT 17
***** OWNER *****	***** SITE *****
BOTELER FITZHUGH L + ARLENE	
3773 DEWBERRY LN	3773 DEWBERRY LN
ST JAMES CITY FL 33956	St James City
	33956

02-46-22-20-0000D.0180	
	CHERRY ESTATES BLK D UNREC
	BLK D OB 687 PG 853
	LOT 18
***** OWNER *****	***** SITE *****
WILLIS JOSEPH G + MARILYN D	
3783 DEWBERRY LN	3783 DEWBERRY LN
ST JAMES CITY FL 33956	St James City
	33956

02-46-22-20-0000D.0190	
	CHERRY ESTATES BLK D UNREC
	BLK D OR 687 PG 853
	LOT 19
***** OWNER *****	***** SITE *****
CARGILL LLOYD R 1/2 INT TR +	
3066 N 104TH AVE	3793 DEWBERRY LN
HART MI 49420	St James City
	33956

ASSESSMENT ROLL

02-46-22-20-0000D.0200	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 20
***** OWNER ***** OVIEDO MICHAEL A +	***** SITE *****
3803 DEWBERRY LN	3803 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0210	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 21
***** OWNER ***** HEIMERL C A JR + TERESA A TR	***** SITE *****
3813 DEWBERRY LANE	3813 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0220	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 22
***** OWNER ***** LAPPIN ALBERT W + ALICE M TR	***** SITE *****
3823 DEWBERRY LN	3823 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0230	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 23
***** OWNER ***** ROSTKOWSKI JOSEPH T + BERNICE	***** SITE *****
9625 REECK RD	3833 DEWBERRY LN
ALLEN PARK MI 48101	St James City 33956

ASSESSMENT ROLL

02-46-22-20-0000D.0240	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 24
***** OWNER ***** BILLS RICHARD E + ANITA F	***** SITE *****
220 FAIRLAND AVE	3843 DEWBERRY LN
MIO MI 48647	St James City 33956

02-46-22-20-0000D.0250	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 25
***** OWNER ***** SPATZ EUGENE	***** SITE *****
3853 DEWBERRY LN	3853 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0260	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 26
***** OWNER ***** MATHIEU ARMAND O + BONNIE	***** SITE *****
77 ROCKY SHORE LN	3863 DEWBERRY LN
OAKLAND ME 04963	St James City 33956

02-46-22-20-0000D.0270	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 27
***** OWNER ***** WILLIS JOSEPH G + MARILYN D	***** SITE *****
5739 S CARR RD	3873 DEWBERRY LN
FRUITPORT MI 49415	St James City 33956

ASSESSMENT ROLL

02-46-22-20-0000D.0280	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 28
***** OWNER ***** GRACIN RICHARD J + LINDA J	***** SITE *****
8361 COLONY DR	3883 DEWBERRY LN
ALGONAC MI 48001	St James City 33956

02-46-22-20-0000D.0290	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 29
***** OWNER ***** BLUE BERNARD + CHARLENE A	***** SITE *****
278 ERIC AVE	3893 DEWBERRY LN
MUSKEGON MI 49444	St James City 33956

02-46-22-20-0000D.0300	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 30
***** OWNER ***** PLETCHER MURIEL F TR	***** SITE *****
3903 DEWBERRY LN	3903 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0310	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 31
***** OWNER ***** STANLEY DONALD W + CAROLYN TR	***** SITE *****
PO BOX 61	3913 DEWBERRY LN
LONG LAKE MI 48743	St James City 33956

ASSESSMENT ROLL

02-46-22-20-0000D.0320	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 32
***** OWNER ***** MYERS JOHN P +	***** SITE *****
3923 DEWBERRY LN	3923 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0330	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 33
***** OWNER ***** DOBBINS MILDRED EST	***** SITE *****
3933 DEWBERRY LN	3933 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0340	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 34
***** OWNER ***** ORNE EDWARD + LYNDA L	***** SITE *****
7015A N GREENBAY AV	3943 DEWBERRY LN
GLENDALÉ WI 53209	St James City 33956

02-46-22-20-0000D.0350	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 35
***** OWNER ***** BAILEY LINNEA N	***** SITE *****
3953 DEWBERRY LN	3953 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

ASSESSMENT ROLL

02-46-22-20-0000D.0360	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 36
***** OWNER ***** BRAUND LYLE K	***** SITE *****
3963 DEWBERRY LN	3963 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0370	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 37
***** OWNER ***** ABRAHAM JAMES D + CHRISTINE S	***** SITE *****
3839 ELLENDALE RD	3970 DEWBERRY LN
MORELAND HILLS OH 44022	St James City 33956

02-46-22-20-0000D.0380	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 38
***** OWNER ***** PALMER GERALD S + MARION E	***** SITE *****
3966 DEWBERRY LN	3966 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0390	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 39
***** OWNER ***** BARRY TREBOR C	***** SITE *****
P O BOX 181	3954 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

ASSESSMENT ROLL

02-46-22-20-0000D.0400		CHERRY ESTATES BLK D UNRE C BLK D OR 687 PG 853 LOT 40
***** OWNER *****	***** SITE *****	
ALDROW DENTON C TR C/O MARCIA E STEAD 3323 PLEASANT AV	3944 DEWBERRY LN	
HAMBURG NY 14075	St James City	33956
02-46-22-20-0000D.0410		CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 41
***** OWNER *****	***** SITE *****	
MERVAU JARELD + FRANCES	5466 RUSSELL	3934 DEWBERRY LN
CEDAR SPRINGS MI 49319	St James City	33956
02-46-22-20-0000D.0420		CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 42
***** OWNER *****	***** SITE *****	
BOWSER HARLEY O + ELLEN L	3924 DEWBERRY LN	3924 DEWBERRY LN
SAINT JAMES C FL 33956	St James City	33956
02-46-22-20-0000D.0430		CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 43
***** OWNER *****	***** SITE *****	
THORSEN ZITA M L/E	3914 DEWBERRY LN	3914 DEWBERRY LN
ST JAMES CITY FL 33956	St James City	33956

ASSESSMENT ROLL

02-46-22-20-0000D.0440		CHERRY ESTATES UNREC BLK D OR 687 PG 853 LOT 44
***** OWNER *****	***** SITE *****	
MARINO WILLIAM A + JANET L		
3904 DEWBERRY LN	3904 DEWBERRY LN	
ST JAMES CITY FL 33956	St James City	33956
02-46-22-20-0000D.0450		CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 45
***** OWNER *****	***** SITE *****	
WILLIS GORDON G + DELORES M		
4431 WEST HALLETT	3894 DEWBERRY LN	
HILLSDALE MI 49242	St James City	33956
02-46-22-20-0000D.0460		CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 46 + 47
***** OWNER *****	***** SITE *****	
SARVIS W W + CHAROLETTE M		
1221 N ANDREWS AVE	3884 DEWBERRY LN	
FORT LAUDERDALE FL 33311	St James City	33956
02-46-22-20-0000D.0480		CHERRY ESTATES UNREC BLK D OR 687 PG 853 LOT 48
***** OWNER *****	***** SITE *****	
MANZ GILBERT J JR + PATRICIA H		
5850 S 18TH ST	3864 DEWBERRY LN	
MILWAUKEE WI 53221	St James City	33956

ASSESSMENT ROLL

02-46-22-20-0000D.0490		CHERRY ESTATES BLK D UNREC	
		BLK D OR 687 PG 853	
		LOT 49	
***** OWNER *****		***** SITE *****	
DOYLE BARBARA BLACK			
10536 WOODLAND RIDGE W		3854 DEWBERRY LN	
FT WAYNE	IN 46804	St James City	
			33956

02-46-22-20-0000D.0500		CHERRY ESTATES BLK D UNREC	
		BLK D OR 687 PG 853	
		LOT 50	
***** OWNER *****		***** SITE *****	
DOYLE R E + BARBARA B			
10536 WOODLAND RIDGE W		3844 DEWBERRY LN	
FT WAYNE	IN 46804	St James City	
			33956

02-46-22-20-0000D.0510		CHERRY ESTATES BLK D UNREC	
		BLK D OR 687 PG 853	
		LOT 51	
***** OWNER *****		***** SITE *****	
DOUGLAS WM M + DORIS			
1199 S SHELDON RD UNIT 70J		3834 DEWBERRY LN	
PLYMOUTH	MI 48170	St James City	
			33956

02-46-22-20-0000D.0520		CHERRY ESTATES BLK D UNREC	
		BLK D OR 687 PG 853	
		LOT 52	
***** OWNER *****		***** SITE *****	
NILES JAMES E SR TR 1/2 INT +			
6985 S GLAZIER BEACH RD		3824 DEWBERRY LN	
CEDAR	MI 49621	St James City	
			33956

ASSESSMENT ROLL

02-46-22-20-0000D.0530	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 53
***** OWNER ***** LINNEKIN J S + RUTH M	***** SITE *****
3814 DEWBERRY LN	3814 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0540	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 54
***** OWNER ***** TABER RANDY W + SUSAN K	***** SITE *****
4001 ANDERSON DR	3804 DEWBERRY LN
ALBION MI 49224	St James City 33956

02-46-22-20-0000D.0550	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 55
***** OWNER ***** CULLERS PAUL E + JOYCE E	***** SITE *****
5359 KARAFIT RD	3794 DEWBERRY LN
CELINA OH 45822	St James City 33956

02-46-22-20-0000D.0560	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 56
***** OWNER ***** DACK DOUGLAS W + JANET M	***** SITE *****
2815 ZION RD	3784 DEWBERRY LN
RIVES JUNCTION MI 49277	St James City 33956

ASSESSMENT ROLL

02-46-22-20-0000D.0570	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 57
***** OWNER ***** KEMP WILLIAM J + MARGARET M TR	***** SITE *****
968 EAST SAGINAW HWY	3774 DEWBERRY LN
GRAND LEDGE MI 48837	St James City 33956

02-46-22-20-0000D.0580	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 58
***** OWNER ***** GORDON DOUGLAS E + GERALDINE	***** SITE *****
3764 DEWBERRY LN	3764 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0590	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 59
***** OWNER ***** EVERETT LOYDE K + PHYLLIS	***** SITE *****
6481 MARGARET DR	3754 DEWBERRY LN
INDIAN RIVER MI 49749	St James City 33956

02-46-22-20-0000D.0600	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT: 60
***** OWNER ***** SKINDER MICHAEL + NADINE	***** SITE *****
5671 RIVERSIDE DR	3744 DEWBERRY LN
CAPE CORAL FL 33904	St James City 33956

ASSESSMENT ROLL

02-46-22-20-0000D.0610	CHERRY ESTATES BLK D UNREC
	BLK D OR 687 PG 853
	LOT 61
***** OWNER *****	***** SITE *****
WILCOX ALMA S	
1001 DONNICK ST	3734 DEWBERRY LN
MINONK IL 61760	St James City
	33956

02-46-22-20-0000D.0620	CHERRY ESTATES BLK D UNREC
	BLK D OR 687 PG 853
	LOT 62
***** OWNER *****	***** SITE *****
FANCHER ERWIN W	
3724 DEWBERRY LANE	3724 DEWBERRY LN
ST JAMES CITY FL 33956	St James City
	33956

02-46-22-20-0000D.0630	CHERRY ESTATES BLK D UNREC
	BLK D OR 687 PG 853
	LOT 63
***** OWNER *****	***** SITE *****
ANDERSON LAUREL L	
3714 DEWBERRY LN	3714 DEWBERRY LN
ST JAMES CITY FL 33956	St James City
	33956

02-46-22-20-0000D.0640	CHERRY ESTATES BLK D UNREC
	BLK D OR 687 PG 853
	LOT 64
***** OWNER *****	***** SITE *****
WRIGHT G L + LENA M LIFE EST	
1302 LETDALE CT	3704 DEWBERRY LN
LUDINGTON MI 4943121	St James City
	33956

ASSESSMENT ROLL

02-46-22-20-0000D.0650	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 65
***** OWNER *****	***** SITE *****
STADLBERGER FAMILY TRUST C/O K + GRACE STADLBERGER 3694 DEWBERRY LN	3694 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0660	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 66
***** OWNER *****	***** SITE *****
BLAIR RONALD + KATHLEEN	
526 FULTON ST	3684 DEWBERRY LN
MEDFORD MA 02155	St James City 33956

02-46-22-20-0000D.0670	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 67
***** OWNER *****	***** SITE *****
DUNCAN JAMES L + DORLA A	
3674 DEWBERRY LN	3674 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

02-46-22-20-0000D.0680	CHERRY ESTATES BLK D UNREC BLK D OR 687 PG 853 LOT 68
***** OWNER *****	***** SITE *****
SCHIPFERLING T G + JEANNE	
3664 DEWBERRY LN	3664 DEWBERRY LN
ST JAMES CITY FL 33956	St James City 33956

ASSESSMENT ROLL

02-46-22-20-0000D.0690

CHERRY ESTATES BLK D UNREC
BLK D OR 687 PG 853
LOT 69

***** OWNER *****
EBERT RICHARD TR

***** SITE *****

3859 PHOENIX DR

3654 DEWBERRY LN

ST JAMES CITY FL 33956

St James City

33956

02-46-22-20-0000D.0700

CHERRY ESTATES BLK D UNREC
BLK D OR 687 PG 853
LOT 70

***** OWNER *****
SYKES LORENE B

***** SITE *****

P O BOX 575

2841 YORK RD

ST JAMES CITY FL 33956

St James City

33956

*** END OF REPORT ***

ATTACHMENT "A"

STATISTICAL REPORT

MSBU Dewberry Special Improvement Unit (MSBU)
TYPE OF BENEFIT: Street Lights and Road Maintenance
LOCATION OF DISTRICT: Dewberry Lane from York to End of Street
METHOD OF PAYMENT: Equivalent Residential Unit

FORMAL PETITION RESULTS

Residential Units 66

	Number	%
Total # of Parcels	66	100%
Required Number of Signatures	34	52%
Actual Number of Notarized Signatures	42	64%

ATTACHMENT "B"

941-335-2186

April 2, 2002

Dear Property Owner:

Notice is hereby given that a Public Hearing will be held by the Board of County Commissioners at the Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, on April 23, 2002, at 5 P.M., to consider adopting an Ordinance to create a Municipal Service Benefit Unit for Dewberry Lane. The title of the Ordinance is as follows:

AN ORDINANCE CREATING THE DEWBERRY LANE SPECIAL IMPROVEMENT OPERATION AND MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPE(S) OF SERVICE WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR A FUND; PROVIDING FOR REVERTER; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A copy of the proposed ordinance is on file with the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department on 2115 Second Street and the Office of Public Resources located in the Lee County Administration Building, 2115 Second Street, Fort Myers, Florida.

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 prior to the Public Hearing will become a part of the Public Record. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed County Ordinance. 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, the record must include the testimony and evidence upon which any such appeal is to be based.

The purpose of the DEWBERRY LANE SPECIAL IMPROVEMENT OPERATION AND MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT is to provide street lighting and road maintenance. The Board of County Commissioners will appoint a five member Advisory Committee to work with County staff to determine your budget each year. The meetings will be held in public and your input will assist the Committee in establishing the level of service you wish to present to the Board of County Commissioners during the annual budget process.

The first invoice (\$580.83) will be sent immediately following the Public Hearing that creates this Benefit Unit. This invoice will cover expenses until the next billing. The next billing and subsequent billings will use the Uniform Collection Method for Non-Ad Valorem taxes and commence on the 2003 tax roll. Delinquent amounts will be carried over to the tax roll.

Sincerely,

Denise Sabatini
MSTBU Coordinator

ATTACHMENT "C"

