

LEE COUNTY ORDINANCE NO. 12-02

AN ORDINANCE CREATING THE OLD PELICAN BAY CHANNEL/CANAL OPERATION AND MAINTENANCE SPECIAL IMPROVEMENT MUNICIPAL SERVICES BENEFIT UNIT (UNIT); DEFINING THE PURPOSE AND BOUNDRIES; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPES(S) OF SERVICE WHICH MAY BE RENDERED AND CREATION OF A FUND; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR REVERTER; SEVERABILITY; ALTERNATE OR SUPPLEMENTAL AUTHORITY 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 benefit unit; and

WHEREAS, the County has published and mailed notice of a meeting of the Board to hear the proposed benefit unit and to consider adoption of an Ordinance creating such a unit, a copy of such notice and the proof of publication of which are attached hereto as Exhibit "A" and Exhibit "B" respectively; and

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

WHEREAS, all persons having an interest in the municipal service 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 Statutes, the Board hereby creates a Municipal Service Benefit Unit to be known as the Old Pelican Bay Channel/Canal Operation and Maintenance Special Improvement 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 Old Pelican Bay Channel/Canal Operation and Maintenance Special Improvement Municipal Service Benefit Unit shall be to provide:

1. Maintenance to all improvements and repairs for the Old Pelican Bay Channel/Canal as completed by the Old Pelican Bay Channel/Canal Capital Improvement Municipal Service Benefit Unit including signage and safety features;
2. Maintenance for all common element seawalls for Old Pelican Bay Channel/Canal.

The Boundaries of the Unit shall be as follows:

SEE ATTACHED LEGAL DESCRIPTION WHICH IS LABELED EXHIBIT "C" HERE BY INCORPORATED BY REFERENCE AND A MAP OF THE MSBU WHICH IS LABELED EXHIBIT "D".

SECTION 2.

THE GOVERNING BODY

The Board of County Commissioners shall be the governing body of the Old Pelican Bay Channel/Canal 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 Benefit Unit, each serving a two year term with alternating expiration dates. The method of appointment 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 non ad valorem taxes and ad valorem taxes for the providing of municipal services within the Unit; and
7. Adopt rules and regulations governing the Unit.

SECTION 4

FUND

There is hereby created a fund to be known as the "Old Pelican Bay Channel/Canal Operation and Maintenance Municipal Service Benefit Unit" from which the costs of specified municipal services 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 ten (10) days prior to the public hearing of 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 costs of the municipal service improvements in proportion to the special benefit received by each parcel of land. The assessment roll may be amended at the public hearing.

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.

C. An assessment roll shall be prepared and shall be attached to the proposed ordinance. 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. This assessment roll shall be labeled as Exhibit "E".

D. 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 attorneys' 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 ten (10) 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.

F. At the Board's direction the Uniform method for the levy, collection, and enforcement of Non Ad Valorem Special Assessments will be used for the collection of the above described special assessment.

SECTION 6

LEVYING TAXES

Non Ad Valorem taxes levied pursuant to this Ordinance shall be levied and a budget prepared and adopted by this Board in the same manner as the Board prepares and adopts annual County budgets and levied taxes as provided by law.

SECTION 7.

REVERTER

By the creation of this MSBU, the Old Pelican Bay Channel/Canal Operation and Maintenance Municipal Service Benefit Unit, consisting of the effected properties within the Unit, shall be the responsible entity for the providing of the operations and maintenance of:

1. Maintenance to all improvements and repairs for the Old Pelican Bay Channel/Canal as completed by the Old Pelican Bay Channel/Canal Capital Improvement Municipal Service Benefit Unit including signage and safety features; and

2. Maintenance for all common element seawalls for Old Pelican Bay Channel/Canal.

If the MSBU created under the provisions of this Ordinance is ever terminated or ceased for any reason, the responsibility for the operations and maintenance of the Old Pelican Bay Channel/Canal Operation and Maintenance Municipal Service Benefit Unit shall revert automatically to the property owners within the Old Pelican Bay Channel/Canal Operation and Maintenance Municipal Service Benefit Unit.

SECTION 8.

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 9.

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 10.

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 Judah who moved it to adoption. The motion was seconded by Commissioner Mann and, upon being put to a vote, the vote was as follows:

JOHN MANNING	Aye
BRIAN BIGELOW	Absent
RAY JUDAH	Aye
TAMMY HALL	Aye
FRANK MANN	Aye

DONE AND ADOPTED THIS 14TH DAY OF FEBRUARY, 2012.

ATTEST:

CHARLIE GREEN, CLERK

By: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: J. Manning
Chair

APPROVED AS TO FORM:

By: Scott S. Smith
Office of the County Attorney



EXHIBIT "A"

**NOTICE OF INTENT TO ENACT COUNTY
ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 14th day of February 2012, at 9.30 A.M. in the County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the adoption of a County Ordinance pursuant to Article VIII, Section 1, of the State Constitution and Chapter 125, Florida Statutes. The title of the proposed Ordinance is as follows:

AN ORDINANCE CREATING THE OLD PELICAN BAY CHANNEL/CANAL OPERATION AND MAINTENANCE SPECIAL IMPROVEMENT MUNICIPAL SERVICES BENEFIT UNIT (UNIT); DEFINING THE PURPOSE AND BOUNDRIES; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPES(S) OF SERVICE WHICH MAY BE RENDERED AND CREATION OF A FUND; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR REVERTER; SEVERABILITY; ALTERNATE OR SUPPLEMENTAL AUTHORITY 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 Ordinance consists of operating and maintaining several municipal services. The proposed method of assessment will be an Equal Assessment Unit (EAU) basis.

Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinance. In the event you are unable to attend the public hearing, 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 with such amendments 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 Resolution.

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 (239) 533-2737 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 upon filing in the Office of the Secretary of State, State of Florida.

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

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: _____
County Attorney's Office

P.O. # Direct Voucher

PUBLISHING DATE: January 24, 2012
2" X 5" ad

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

Jessica Braband

who on oath says that he/she is the

Legal Assistant 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 to enact County Ordinance

In the court was published in said newspaper in
 the issues of

January 24, 2012

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.

Sworn to and subscribed before me this 24th day of
 January 2012.

by **Jessica Braband**

personally known to me or who has produced

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

Notary Public

Print Name **Shawnmarie Pitts**

My commission Expires: **3/15/13**

NOTARY PUBLIC-STATE OF FLORIDA
 Shawnmarie Pitts
 Commission #DD870574
 Expires: MAR. 15, 2013
 BONDED THRU ATLANTIC BONDING CO., INC.

LEE COUNTY
 SOUTHERN FLORIDA

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 A MUNICIPAL SERVICE BENEFIT UNIT**

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 BE RENDERED AND CREATION OF A FUND; PROVIDING FOR THE POWER TO LEVY SERVICE
 CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR REVERTER;
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The text of this Notice is pursuant to and in conformance with Section 125.66
 Florida Statutes.

BOARD OF COUNTY COMMISSIONERS
 OF LEE COUNTY, FLORIDA

P.O. Herrera

Ref #D012412-41

EXHIBIT "C"

OLD PELICAN BAY DREDGING CIP MSBU

LEGAL DESCRIPTION

OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65

LOT 12 + DOCK SPACE #25
LOT 11 + DOCK #23
LOT 13 + DOCK SPACE #26
LOT 10 + DOCK SPACE #18
LOT 2 & BOAT DOCKS #28 & #28A
LOT 8 + DOCK SPACE #13
LOT 6 + DOCK #21
LOT 3 & DOCK #27
LOT 9 + DOCKS #14 + #20

OLD PELICAN BAY III-A REPLT DESC IN PB 66 PGS 62-63

LOT 17 DOCK #17
LOT 18 + DOCK SPACE #12
POR OF LOT 15 + POR OF LOT 14 DESC IN OR 3334/2591 + DOCK SPACE #22
LOT 16 + POR OF LOT 15 DESC OR 3334/2591 + DOCK SPACE #19
LOT 4 + DOCK SPACES #15 + #16
POR OF LOT 14 + LOT 13 AS DESC IN OR 3334/2591 DOCK SPACE #24

OLD PELICAN BAY S/D II PB 40 PG 86 LOTS 16 - 28

PARL IN E 1/2 LESS SIESTA ISLES UTS + 4.001 THRU 4.006 + 4.101 THRU 4.103

PARL IN GOVT LOT 3 DESC IN OR 1522 PG 1193

EXHIBIT "D"

OLD PELICAN BAY DREDGING O&M MSBU

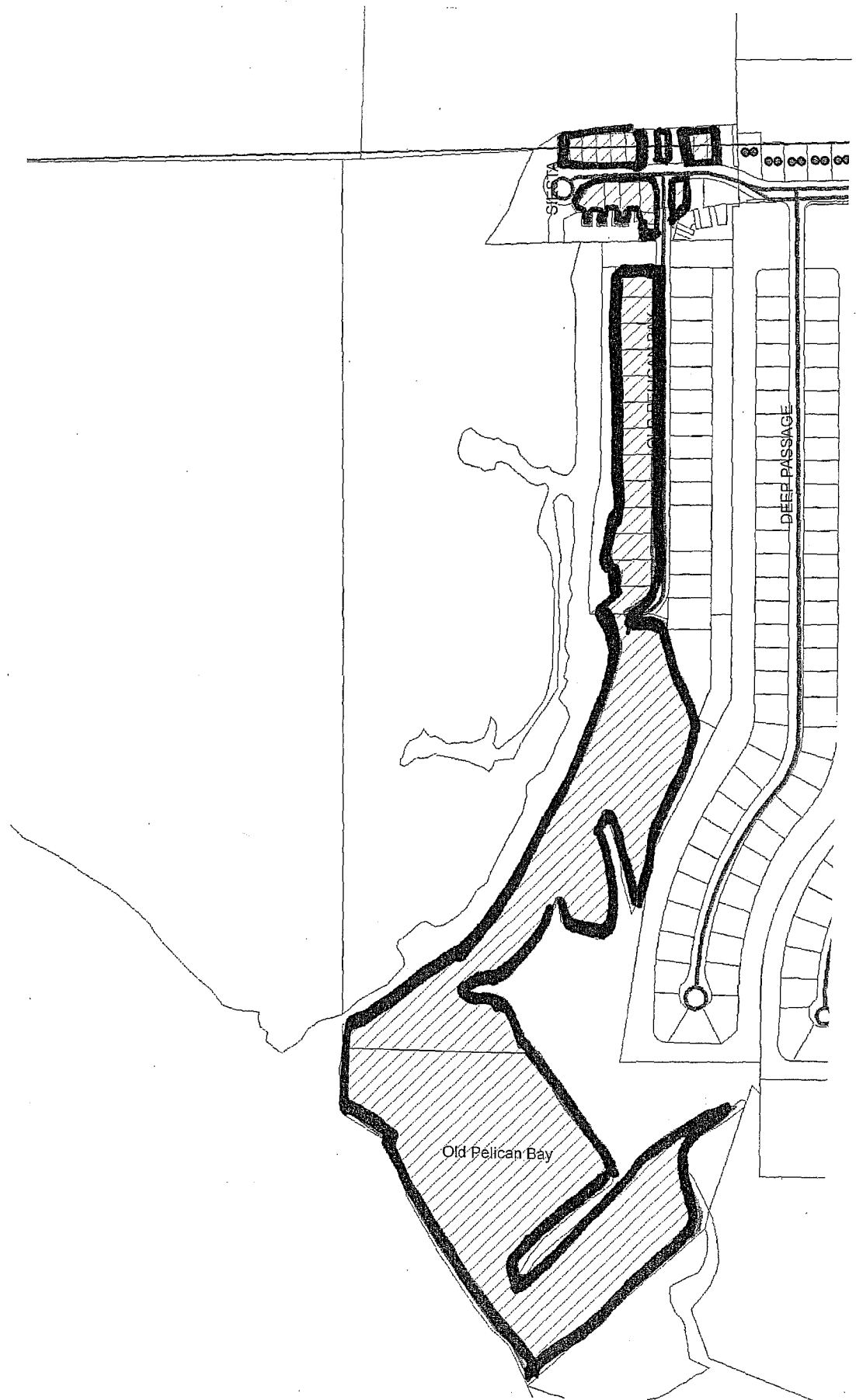


EXHIBIT "E"**OLD PELICAN BAY CHANNEL/CANAL DREDGE O & M Assessment Roll MSBU**

STRAP	SITE ADDRESS	SITE CITY	SITE ZIP	O_NAME	LEGAL DESCRIPTION	SA UNITS	1ST YEAR BUDGET	2ND YR EST BUDGET
13462324000000120	12226 SIESTA DR	FORT MYERS BEACH	33931	EBENGER MARY BETH	OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65 LOT 12 + DOCK SPACE # 25	1	\$265.10	\$265.10
13462323000000140	12221 SIESTA DR	FORT MYERS BEACH	33931	WOZNIAK JAMES A	OLD PELICAN BAY III-A REPLT DESC IN PB 66 PGS 62-63 POR OF LOT 14 + LOT 13 AS DESC IN OR 3334/2591 DOCK # 24	1	\$265.10	\$265.10
13462311000000170	18090 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	WASHINGTON LIDIA TR	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 17	1	\$265.10	\$265.10
13462324000000020	12202 SIESTA DR	FORT MYERS BEACH	33931	BURKE THOMAS S	OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65 LOT 2 & BOAT DOCKS # 28 & # 28A	2	\$530.20	\$530.20
13462324000000080	12218 SIESTA DR	FORT MYERS BEACH	33931	HEMED IRIT	OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65 LOT 8 + DOCK SPACE # 13	1	\$265.10	\$265.10

EXHIBIT "E"**OLD PELICAN BAY CHANNEL/CANAL DREDGE O & M Assessment Roll MSBU**

STRAP	SITE ADDRESS	SITE CITY	SITE ZIP	O_NAME	LEGAL DESCRIPTION	SA UNITS	1ST YEAR BUDGET	2ND YR EST BUDGET
13462311000000180	18110 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	MCELHENY KEN + LESLIE	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 18	1	\$265.10	\$265.10
13462311000000220	18150 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	AUPPERLE RICHARD P JR + BONNIE	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 22	1	\$265.10	\$265.10
13462311000000250	18180 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	GARGANO ANTHONY TR	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 25	1	\$265.10	\$265.10
13462323000000170	12215 SIESTA DR	FORT MYERS BEACH	33931	STOCKER JOHN + KAREN	OLD PELICAN BAY III-A REPLT DESC IN PB 66 PGS 62-63 LOT 17 DOCK # 17	1	\$265.10	\$265.10
13462311000000200	18130 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	STILWELL SANDRA TR	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 20	1	\$265.10	\$265.10

EXHIBIT "E"**OLD PELICAN BAY CHANNEL/CANAL DREDGE O & M Assessment Roll MSBU**

STRAP	SITE ADDRESS	SITE CITY	SITE ZIP	O_NAME	LEGAL DESCRIPTION	SA UNITS	1ST YEAR BUDGET	2ND YR EST BUDGET
13462311000000160	18080 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	THOMAS JACK E	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 16	1	\$265.10	\$265.10
13462324000000060	12210 SIESTA DR	FORT MYERS BEACH	33931	463 MIDDLE COUNTRY RD LLC	OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65 LOT 6 + DOCK # 21	1	\$265.10	\$265.10
13462324000000030	12204 SIESTA DR	FORT MYERS BEACH	33931	BURKE LAWRENCE G	OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65 LOT 3 & DOCK # 27	1	\$265.10	\$265.10
13462311000000190	18120 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	WALLACE GARY F + TERRY L	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 19	1	\$265.10	\$265.10
13462324000000090	12220 SIESTA DR	FORT MYERS BEACH	33931	GREESON JAMES T + BONITA J	OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65 LOT 9 + DOCKS # 14 + # 20	2	\$530.20	\$530.20

EXHIBIT "E"**OLD PELICAN BAY CHANNEL/CANAL DREDGE O & M Assessment Roll MSBU**

STRAP	SITE ADDRESS	SITE CITY	SITE ZIP	O_NAME	LEGAL DESCRIPTION	SA UNITS	1ST YEAR BUDGET	2ND YR EST BUDGET
13462323000000180	12209 SIESTA DR	FORT MYERS BEACH	33931	LUCIA TERRY R	OLD PELICAN BAY III-A REPLT DESC IN PB 66 PGS 62-63 LOT 18 + DOCK SPACE # 12	1	\$265.10	\$265.10
13462311000000210	18140 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	MONTCLAIR FAIRWAY ESTATES	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 21	1	\$265.10	\$265.10
13462311000000230	18160 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	P AND L U S HOLDINGS LP	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 23	1	\$265.10	\$265.10
13462311000000240	18170 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	URBAN DAVID T + KIM R	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 24	1	\$265.10	\$265.10
13462311000000260	18200 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	HALL CHRISTOPHER W + JONI	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 26	1	\$265.10	\$265.10

EXHIBIT "E"**OLD PELICAN BAY CHANNEL/CANAL DREDGE O & M Assessment Roll MSBU**

STRAP	SITE ADDRESS	SITE CITY	SITE ZIP	O_NAME	LEGAL DESCRIPTION	SA UNITS	1ST YEAR BUDGET	2ND YR EST BUDGET
13462324000000110	12224 SIESTA DR	FORT MYERS BEACH	33931	METZ DOROTHY A	OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65 LOT 11 + DOCK # 23	1	\$265.10	\$265.10
13462311000000270	18210 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	WARFEL DAMON + NANETTE	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 27	1	\$265.10	\$265.10
13462311000000280	18220 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	VON HARTEN ERNEST C F + B C	OLD PELICAN BAY S/D II PB 40 PG 86 LOT 28	1	\$265.10	\$265.10
13462300000041000	18251 OLD PELICAN BAY DR	FORT MYERS BEACH	33931	MEADOR CHARLES R JR TR	PARL IN E 1/2 LESS SIESTA ISLES UTS + 4.001 THRU 4.006 + 4.101 THRU 4.103	22	\$5,832.20	\$5,832.20
13462300000030010	GOVT LOT	FORT MYERS BEACH	33931	MEADOR CHARLES R JR TR	PARL IN GOVT LOT 3 DESC IN OR 1522 PG 1193	3	\$795.30	\$795.30

EXHIBIT "E"**OLD PELICAN BAY CHANNEL/CANAL DREDGE O & M Assessment Roll MSBU**

STRAP	SITE ADDRESS	SITE CITY	SITE ZIP	O_NAME	LEGAL DESCRIPTION	SA UNITS	1ST YEAR BUDGET	2ND YR EST BUDGET
13462323000000040	12206 SIESTA DR	FORT MYERS BEACH	33931	BRILL ALEXANDER	OLD PELICAN BAY III-A REPLT DESC IN PB 66 PGS 62-63 LOT 4 + DOCK SPACES # 15 + # 16	2	\$530.20	\$530.20
13462323000000150	12219 SIESTA DR	FORT MYERS BEACH	33931	ZUPANOVICH JOHN + DEBORAH	OLD PELICAN BAY III-A REPLT DESC IN PB 66 PGS 62-63 POR OF LOT 15 + POR OF LOT 14 DESC IN OR 3334/2591 + DOCK SPACE # 22	1	\$265.10	\$265.10
13462324000000130	12228 SIESTA DR	FORT MYERS BEACH	33931	KOWALSKI JOSEPH S + DANIELLA	OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65 LOT 13 + DOCK SPACE # 26	1	\$265.10	\$265.10
13462323000000160	12217 SIESTA DR	FORT MYERS BEACH	33931	ZINO JEAN A TR	OLD PELICAN BAY III-A REPLT DESC IN PB 66 PGS 62-63 LOT 16 + POR OF LOT 15 DESC OR 3334/2591 + DOCK SPACE # 19	1	\$265.10	\$265.10
13462324000000100	12222 SIESTA DR	FORT MYERS BEACH	33931	LEBEAU DAVID D TR	OLD PELICAN BAY III-C REPLAT DESC IN PB 69 PGS 64 + 65 LOT 10 DOCK SPACE # 18	1	\$265.10	\$265.10

Attachment "A"

STATISTICAL REPORT

MSBU: Old Pelican Bay Channel/Canal Dredging O & M MSBU
TYPE OF BENEFIT: Channel/Canal Dredging
LOCATION OF DISTRICT: Old Pelican Bay Sub-Division: Sec 46, Twmsp 23, Range 13
METHOD OF PAYMENT: Equal Assessment Unit

FORMAL PETITION RESULTS

1ST YEAR ASSESSMENT: \$265.10
EST. 2ND YEAR ASSESSMENT \$265.10

	Number	%
Total # of Parcels	30	100%
Required Number of Signatures	16	50% + 1
Actual Number of Notarized Signatures	18	60%

ATTACHMENT "B"



John E. Manning
District One

Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

January 24, 2012

Dear Property Owner:

On Tuesday, February 14, 2012, 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 Old Pelican Bay Channel/Canal Dredging Operation and Maintenance Municipal Service Benefit Unit.

The Ordinance to be considered is titled as follows:

AN ORDINANCE CREATING THE OLD PELICAN BAY CHANNEL/CANAL OPERATION AND MAINTENANCE SPECIAL IMPROVEMENT MUNICIPAL SERVICES BENEFIT UNIT (UNIT); DEFINING THE PURPOSE AND BOUNDRIES; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPES(S) OF SERVICE WHICH MAY BE RENDERED AND CREATION OF A FUND; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR REVERTER; SEVERABILITY; ALTERNATE OR SUPPLEMENTAL AUTHORITY AND PROVIDING FOR AN EFFECTIVE DATE.

The purpose of the OLD PELICAN BAY CHANNEL/CANAL DREDGING OPERATION AND MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT is to provide a mechanism to maintain the following services for the Old Pelican Bay Area in Lee County on San Carlos Island as outlined in the enclosed map:

1. Maintenance to all improvements and repairs for the Old Pelican Bay Channel/Canal as completed by the Old Pelican Bay Channel/Canal Capital Improvement Municipal Service Benefit Unit including signage and safety features;
2. Maintenance for all common element seawalls for Old Pelican Bay Channel/Canal.

The Board of County Commissioners will appoint a five (5) 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 amount for the EAU for the first year budget is \$265.10. The proposed method of assessment is on an Equal Assessment Unit basis to be billed as a non-ad valorem special assessment. Payments will be billed as a non-ad valorem special assessment on your annual tax bill. Failure to pay the special

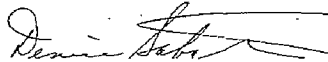
assessment may cause a tax certificate to be issued against the property, which may result in the loss of title.

Should the proposed Unit be created, the Board of County Commissioners of Lee County, Florida (the "Board") shall act as its governing body. At the public hearing on the creation of the Unit, the Board will hear further public input regarding apportionment of special assessments within the Unit.

The adoption of the Ordinance 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 (239) 533-2120. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Public Resources Office at (239) 533-2737 at least seven days prior to the date of the hearing.

Sincerely,



Denise Sabatini
MSTBU Coordinator
Enclosure: Map

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
lee-county.com

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 22, 2012

Honorable Charlie Green
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Ms. Marcia Wilson, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 16, 2012 and certified copies of Lee County Ordinance Nos. 12-02 and 12-03, which were filed in this office on February 17, 2012.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

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