

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

Blue Sheet No. 20061523

1. ACTION REQUESTED/PURPOSE: Approve Resolution of Intent electing to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments levied in the Unincorporated Area of Lee County.

2. WHAT ACTION ACCOMPLISHES: Florida Statute 197.3632 requires the Board to approve a Resolution of Intent prior to January 1, for the option to use the Uniform Method of Collection for Non-Ad Valorem Special Assessments on the following November tax bill.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 06

5:00 #1

Meeting Date: 12-12-2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public 5:00 P.M.
- Walk-On

7. Requirement/Purpose: (specify)

- Statute 197.3632
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

- Commissioner** County-wide
- Department** Public Resources
- Division** MSTBU
- By:** Libby Walker

9. Background: The office of MSTBU has collected Non-Ad Valorem Special Assessments, using the Uniform Method of Collection (Tax Roll) as authorized by Florida Statute 197.3632. Utilization of this method has been favorably received by the property owners. In the coming year, we would like to consider the Uniform Method of Collection for created and/or completed projects.

The Public Hearing will consider allowing the Special Assessments for the following newly created and/or completed projects to the collected using the Uniform Collection Method for Non-Ad Valorem Special Assessments:

- Harbor Road MSBU
- Western Acres MSBU
- Gasparilla Beach Renourishment MSBU
- Briarcrest Sewer MSBU
- San Carlos Island Drainage
- Emily Lane MSBU

Approving the Resolution of Intent will allow staff to proceed with Florida Statutes requirements.

Exhibit: A. Notice of Intent
B. Legal Descriptions

Attachments: 1. Letter to Property Appraiser
2. Maps

10. Review for Scheduling

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgmt	
	NA	NA	NA	S. [Signature] 11/20/06	CT 11/20/06	OP 11/20/06	MT 11/20/06	Mgmt 11/20/06	AS 11/21/06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: 11/20/06 11:45
11/20/06 12:15 CT
COUNTY ADMIN FORWARDED TO: 11/21/06 4:03 MP. PR

Rec. by CoAtty
Date: 11/20/06
Time: 11:15 AM
Forwarded To: 11/20/06 11:30 AM

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED IN THE UNINCORPORATED AREA OF THE COUNTY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the "Board") of Lee County, Florida (the "County") is contemplating the imposition of special assessments for the provision of (i) water and wastewater services and facilities, (ii) road paving and maintenance services, and (iii) capital improvements including neighborhood park improvements, beautification and maintenance of rights-of-way, subdivision wall construction and maintenance, canal and channel dredging, subdivision entranceway construction and maintenance, and street lighting; and

WHEREAS, the Board intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing (i) water and wastewater services and facilities, (ii) road paving and maintenance services, and (iii) capital improvements including neighborhood park improvements, beautification and maintenance of rights-of-way, subdivision wall construction and maintenance, subdivision entranceway construction and maintenance, canal and channel dredging, and street lighting to property within the unincorporated area of the County as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing fiscal year October 1, 2007 and for each year thereafter in the same manner as provided for ad valorem taxes; and

WHEREAS, the Board held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A;

NOWHEREFORE BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, as follows:

1. Commencing with the Fiscal year beginning on October 1, 2007, and with the tax statement mailed for such Fiscal Year, the County intends to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632, Florida Statutes, and wastewater services and facilities, (ii) road paving and maintenance services, and (iii) capital improvements including neighborhood park improvements, beautification and maintenance of rights-of-way, subdivision wall construction and maintenance, subdivision entranceway construction and maintenance, canal and channel dredging, and street lighting. Such non-ad valorem assessments shall be levied within the unincorporated area of the County. A legal description of such area subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

2. The County hereby determines that the levy of the assessments is needed to fund the cost of (i) water and wastewater services and facilities, (ii) road paving and maintenance services, and (iii) capital improvements, including neighborhood park improvements, beautification and maintenance of rights-of-way, subdivision wall construction and maintenance, subdivision entranceway construction and maintenance, canal and channel dredging, and street lighting within the unincorporated area of the County.

3. Upon adoption, the County Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Lee County Tax Collector, and the Lee County Property Appraiser by March 1, 2007.

4. This Resolution shall be effective upon adoption.

DULY ADOPTED this 12th day of December, 2006.

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"
Notice of Intent

LEE COUNTY
NOTICE OF INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF
A NON-AD VALOREM ASSESSMENT

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN to all owners of lands located within the boundaries of the, **HARBOR ROAD MSBU, WESTERN ACRES MSBU, GASPARILLA BEACH RENOURISHMENT MSBU, BRIARCREST SEWER MSBU, SAN CARLOS ISLAND DRAINAGE MSBU, AND EMILY LANE MSBU** that the Lee County Government intends to use the uniform ad valorem method within the unincorporated area of Lee County for collecting the non-ad valorem assessments levied by the Lee County Government as set forth in section 197.3632, Florida Statutes, and that the Board of County Commissioners will hold a public hearing on Tuesday, the 12th day of December 2006, at 5:00 O'clock, PM, in the County Commissioners Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida.

The purpose of the public hearing is to consider the adoption of a Resolution for the first time commencing Fiscal Year October, 1 2007 and annually thereafter using the uniform ad valorem method of collecting non-ad valorem assessments levied by the Lee County Government as provided in Section 197.3632, Florida Statutes. Such Resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy.

Copies of this Notice and the proposed Resolution are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the Resolution during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.

Interested parties may appear at the public hearing to be heard regarding the use of the uniform ad valorem method of collecting such non-ad valorem assessments.

If any person decides to appeal any decision made with respect to any matter considered at this public hearing such person will need a record of proceedings and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY.

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 of the
Board of County Commissioners of Lee
County, Florida

APPROVED AS TO FORM:

By: Andrea R. Frank
Office of the County Attorney

DISPLAY AD TO RUN:
November 21, 2006
Ad Size: 2 x 5
Direct Voucher
Account #803664

Exhibit "B"
Legal Description

Exhibit "B"

Legal Description for Harbor Drive

Section 04, Township 44, Range 22, Area 00

Block 1, Lots: 0000 – 0010

Block 2, Lots: 0000 – 0010

Block 5, Lot: 0000

Block 6, Lot: 0000

Section 05, Township 44, Range 22, Area 01

Block 1, Lots: 0010 – 003B

Block 2, Lots: 0010 – 0040

Block 3, Lots: 0010 – 0040

Block 4, Lots: 001A – 001G

Block 13, Lots: 0010 – 0040

Block 14, Lots: 0010 – 3280

Block 15, Lots: 0010 – 3370

Block 16, Lots: 001A – 1169

Block 17, Lots: 001A – 5000

Block 18, Lots: 0010 – 004B

Block 21, Lots: 0010 – 4000

Block 22, Lots: 0030 – 1370

Block 23, Lots: 0010 – 0620

Section 08, Township 44, Range 22, Area 01

Block A, Lots: 0410 – 0770

Block B, Lots: 0010 – 0500

Block G, Lots: 0000 – 0340

Block H, Lot: 0000

Block 26, Lot: 0010

Section 08, Township 44, Range 22, Area 02

Block 1, Lot: 0260

Section 08, Township 44, Range 22, Area 03

Block 1, Lots: 0270 – 0410

Block 2, Lots: 0010 – 0100

Section 08, Township 44, Range 22, Area 04

Block 7, Lot: 0010

Section 08, Township 44, Range 22, Area 05

Block 0, Lots: 0810 – 1200

Legal Description for Harbor Drive con't.

Section 09, Township 44, Range 22, Area 00

Block 2, Lot: 1010
Block 3, Lot: 0000
Block 4, Lot: 0000
Block 5, Lot: 0000
Block 6, Lot: 0000
Block 7, Lot: 0000
Block 13, Lots: 0000 – 2000

Section 09, Township 44, Range 22, Area 05

Block 0, Lots: 0010 – 1560

Section 32, Township 43, Range 22, Area 00

Block 4, Lots: 0000 – 1000
Block 5, Lot: 2650

Section 32, Township 43, Range 22, Area 02

Block A, Lots: 0010 – 0140
Block B, Lots: 0010 – 0480
Block C, Lots: 0010 – 0480
Block D, Lots: 0010 – 0260
Block E, Lots: 0010 – 0110
Block F, Lots: 0010 – 0040
Block G, Lots: 0010 – 0040
Block H, Lots: 0010 & 0030
Block I, Lots: 0010 – 0030
Block J, Lots: 0010 – 0040
Block K, Lots: 0010 – 0110
Block L, Lots: 0010 – 0160
Block M, Lots: 0010 – 0100
Block N, Lots: 0020 – 0090

Section 32, Township 43, Range 22, Area 06

Block 0, Lots: 0870 & 2390 – 2870

Section 33, Township 43, Range 22, Area 00

Block 1, Lots: 0010 – 0020

WESTERN ACRES IMPROVEMENT UNIT
(Legal Description)

A tract or parcel of land lying the South half (S ½) of Sections 9, 10 and 11, Township 43 South, Range 24 East, Lee County, Florida which tract or parcel is more particularly described as follows: Beginning at the Southeast corner Section 9, Township 43 South, Range 24 East; thence run S. 89°45'20" W. along the South line of said Section 9 for 757.02 feet; thence run N: 25°58'00" W. along the Southeasterly line of lands described in Official Record Book 1999 at page 1346 of the Lee County Records for 449.20 feet; thence run S. 64°02'00" W. along the Southwesterly line of said lands for 466.69 feet; thence run N. 25°58'00" W. for 466.70 feet; thence run S. 64°02'00" W. for 853.31 feet to an intersection with Northeasterly line of the Tamiami Trail (U.S. 41) (200 feet wide); thence run N. 25°58'00" W. along said Northeasterly line for 1455.60 feet; thence run N. 25°55'00" W. along said Northeasterly line for 382.10 feet; thence run S. 89°43'40" E. for 9965.64 feet to an intersection with the Westerly line of the former SAL Railroad right-of-way; thence run S. 10°57'40" E. along said Westerly line for 1939.30 feet; thence run N. 88°52'10" W. along the South line of Section 11 for 1803.60 feet to the corner common to Sections 10 and 11; thence run N. 89°27'40" W. along the South line of said Section 10 for 2637.57 feet to the South Quarter corner of said Section 10; thence run S. 89°55'10" W. along said South line for 2744.46 feet to the Point of Beginning.

LEGAL DESCRIPTION

San Carlos on the Gulf Sub Division

Block 1 Plat Book 6

Page 6

Lots 1, 3 – 16, 19, 21 – 25, 26 – 29, 35, 36
Lots Part 31 + 32
Lot 32 N 30 Feet + Lot 33 S 45 Feet
Lot 34 Less OR 4397/1211
Sly Por of Lot 34 + N 15 Feet of Lot 33
Lot 37 as Described in OR 1293/1176
Lot 38 as Described in OR 1255/955 Less OR 2742/3175
Lots 39 + 40 + Part Lot 38 as Described in OR 2742/3177 + Vacated Property
Lot 17 Less N 15 Feet of W 100 Feet
Lot 18 + N 15 Feet of W 100 Feet of Lot 17
Lot 20 + Part Lot 19
N 75 Feet of S 150 Feet of Lot 25
Lot 25 as Described in OR 1303/1432
Lot Part 25 N 70 Feet
Part Lot 25 as Described in 1326/28
Part Lot 25 as Described in 1432/1164
Lot 30 + Part Lot 31

LEGAL DESCRIPTION

San Carlos on the Gulf Sub Division (continued)

Block 2 Plat Book 6 Page 6

Lots 1, 2, 4 - 14
Lots 3 + 23 + Beg SE Cor

Block 3 Plat Book 6 Page 6

Lots 1 - 4, 11 - 15, 8, 10
Lot 5 + E ½ of Lot 6
Part of Lot 6 + All Lot 7

Block 4 Plat Book 6 Page 6

Lots 17 - 21
Lot 22 as Described in OR 1198/1688
Lot 26A Parl in S E ¼ Sec 13 Twp 46 R 24 as Described in OR 1210/1420

Block 7 Plat Book 6 Page 6

Lots 8, 9, 10, 21, 22,
Lots 2 Thru 4 + W ½ Lot 5 + S 40 Feet of Lot 6
Lot 6 N 50 Feet + Lot 25 N. 50 Feet
Lots 7 + 24
Lots 11 - 13 + 18 - 20 + Vac St
Lots 14 - 17 + Adjoining Vacated S. St.

PLUS

San Carlos on Gulf Re Sub Division

Block 7 Plat Book 8 Page 58

Lot 1

Block A Plat Book 8 Page 58

All Block A + Part Lot 1 Block 1 as Described in)R 2215/4739

**LEGAL DESCRIPTION
GASPIRILLA BEACH RENOURSHMENT**

All non government parcels with Gulf shoreline front footage on Gasparilla Island from the southern most point, north to 17th Street including the parcel abutting 17th street to the north, as identified in OR Book 2037 PG 2664.

**BRIARCREST CIRCLE SEWER PROJECT
LEGAL DESCRIPTION**

Briarcrest subdivision, as described in Plat Book 42, Page 41, Lots 1-80.

Legal Description

Emily Lane Condo OR 1724, PG 1128:

Units 2, 3 & 4, 4A through 41

Units 43 through 83

Units 85 through 86

Unit 87 Part of Unit 88 Description in OR 1798 PG 2537

**Attachment 1:
Letter to Property Appraiser**

Bob Janes
District One

November 14, 2006

Douglas R. St. Cerny
District Two

Mr. Ken Wilkinson
Lee County Property Appraiser
P.O. Box 1546
Fort Myers, FL 33902

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

Dear Mr. Wilkinson:

David M. Owen
County Attorney

The MSTBU office has worked successfully with your office to place non-ad valorem special assessments on the Tax Roll since 1999. This past year we did not complete any new projects to be added to the Tax Roll.

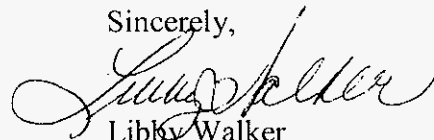
Diana M. Parker
County Hearing Examiner

Currently we are preparing a Resolution of Intent for Board approval to proceed with placing new non-ad valorem special assessments on the November, 2007 tax bill. We anticipate completing the following six projects for inclusion on the November roll.

Harbor Drive MSBU
Western Acres MSBU
Gasparilla Beach Renourishment MSBU
Briarcrest Sewer MSBU
San Carlos Island Drainage
Emily Lane MSBU

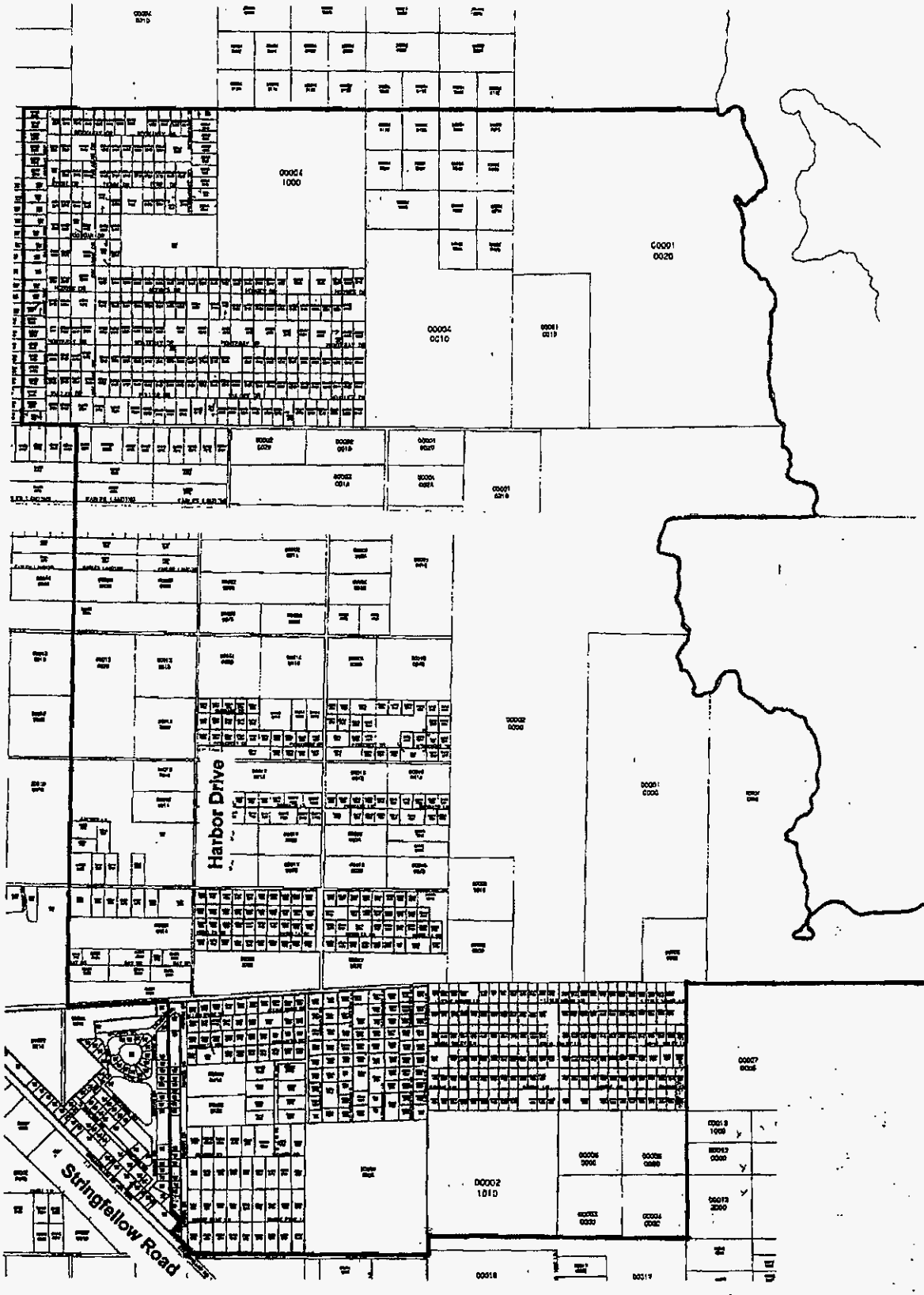
As in the past, our office will continue to work with your office to assure a smooth and successful implementation of this process.

Sincerely,



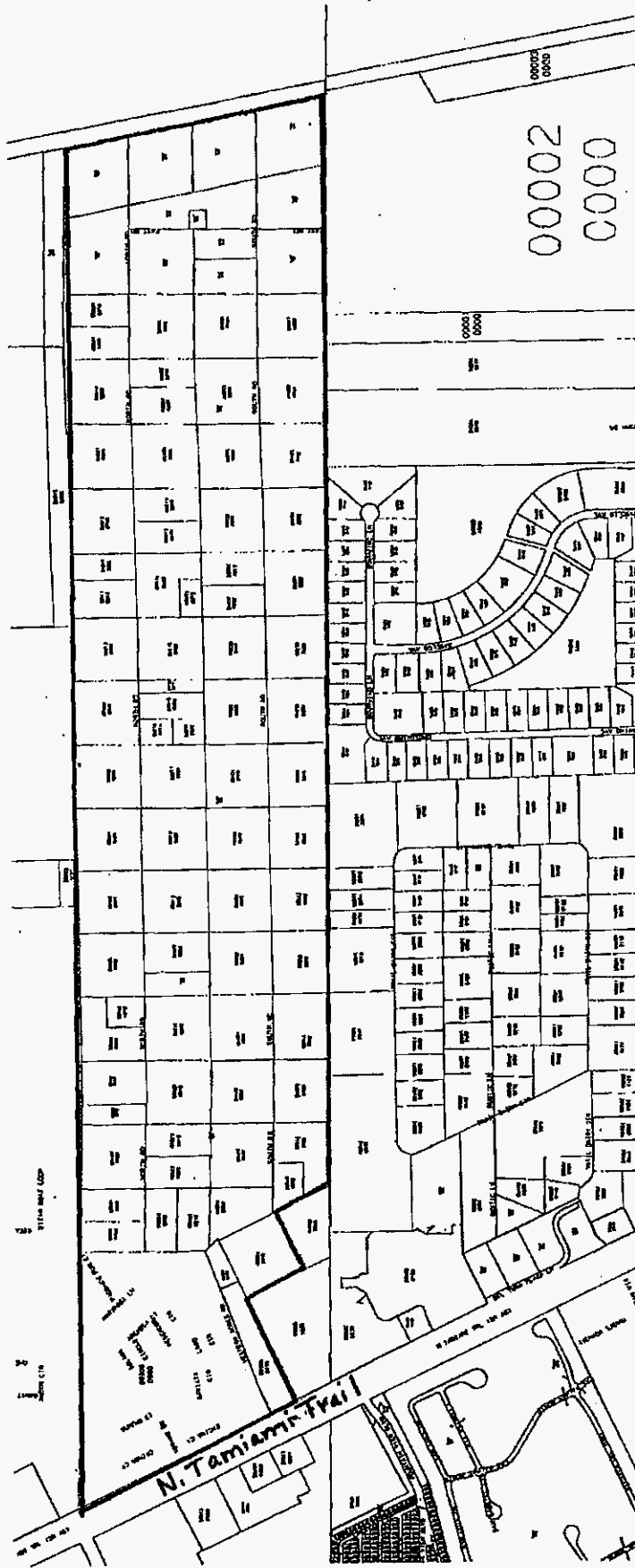
Libby Walker
Director, Public Resources

**Attachment 2:
Maps**



Boundaries for Proposed
 "Harbor Drive Road Paving MSBU"

Western Acres Road Paving MSBU

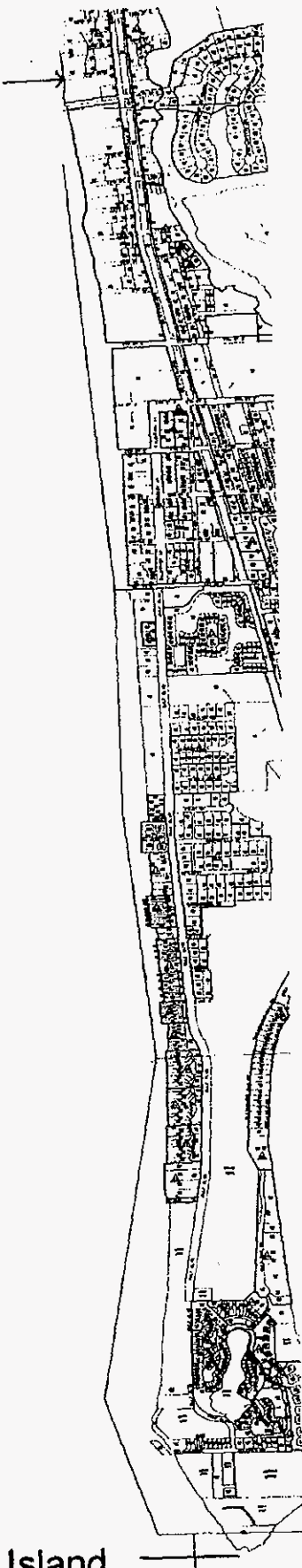


Shore front property
Beginning at 17th Street W.

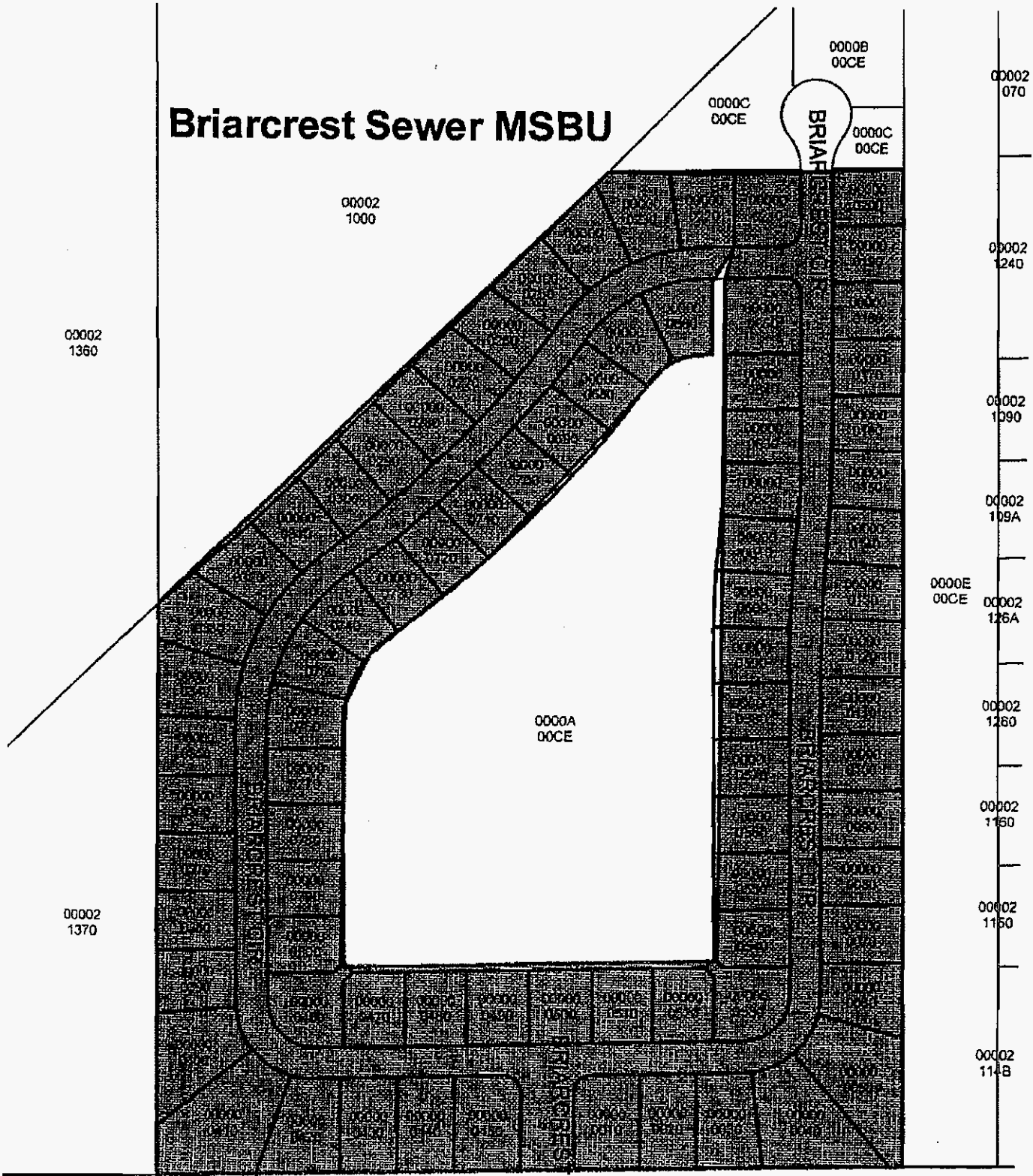
Gulf of Mexico

Gasparilla Island

Tip of Island



Briarcrest Sewer MSBU



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1360

00002
1000

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070

00002
1240

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1090

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126A

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1260

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1150

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1150

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114B

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1370

BRIARCLIFF RD

BRIARCREST CIR

BRIARCLIFF RD

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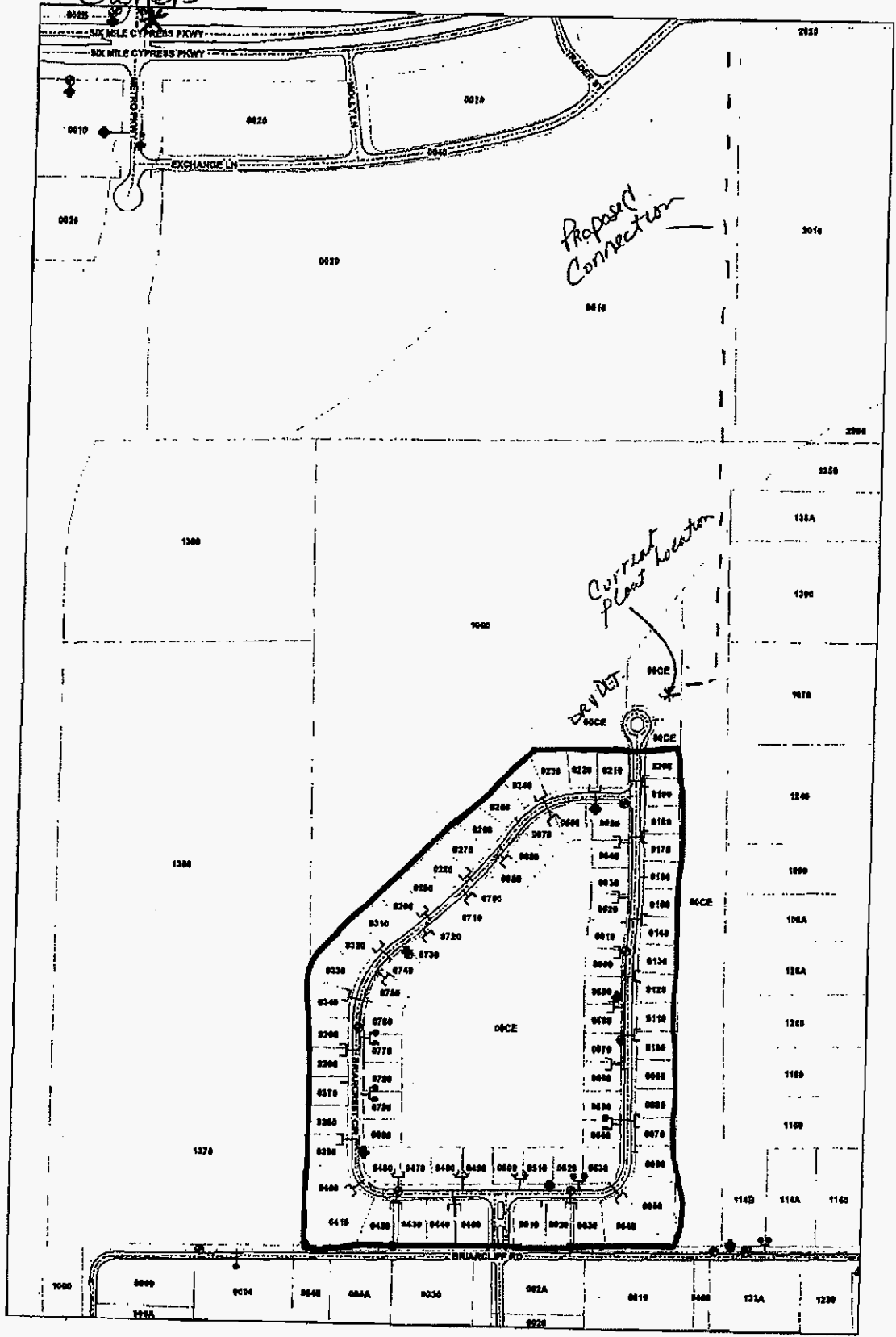
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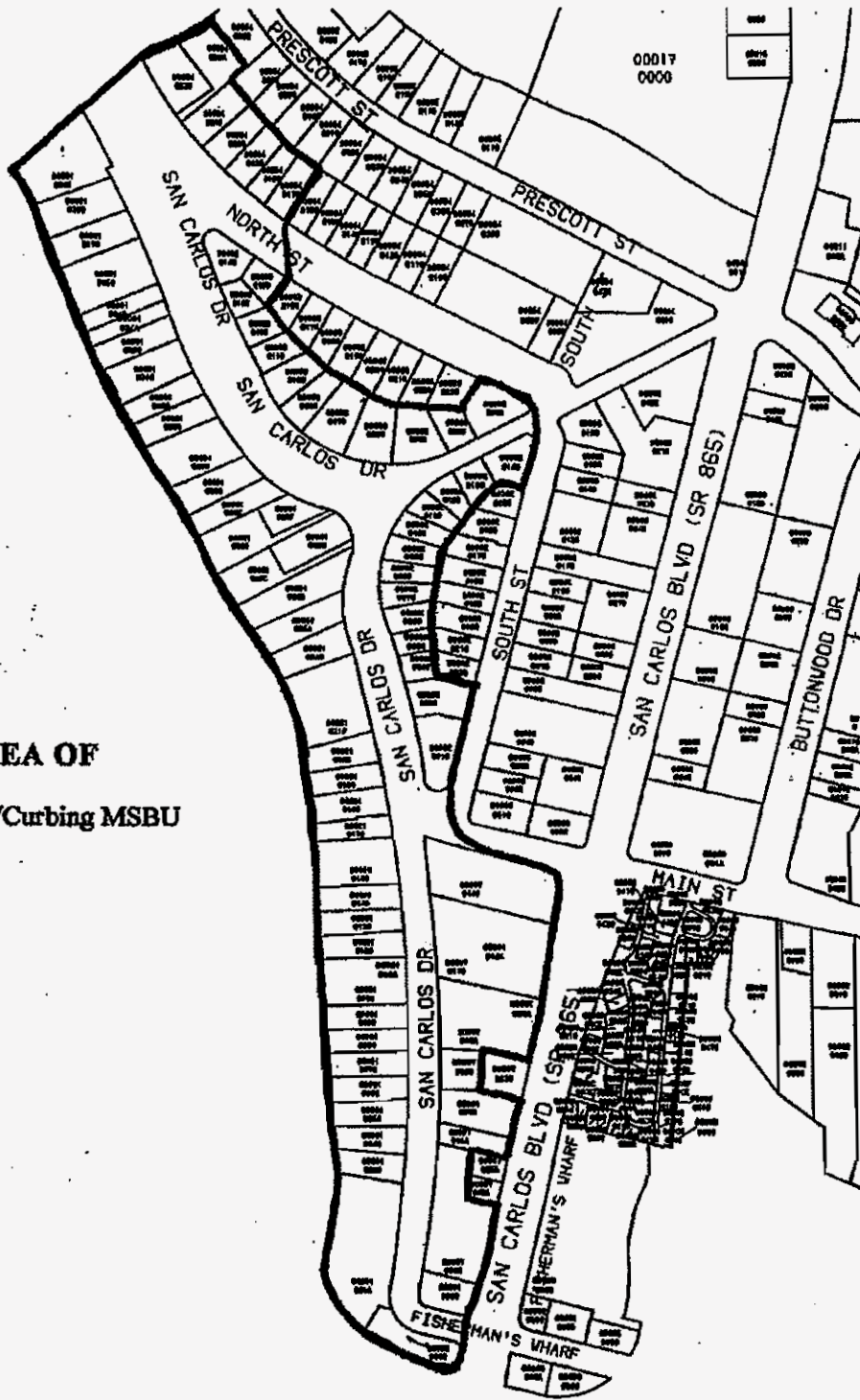
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SEWER MS13U BRIARCREST CIRCLE

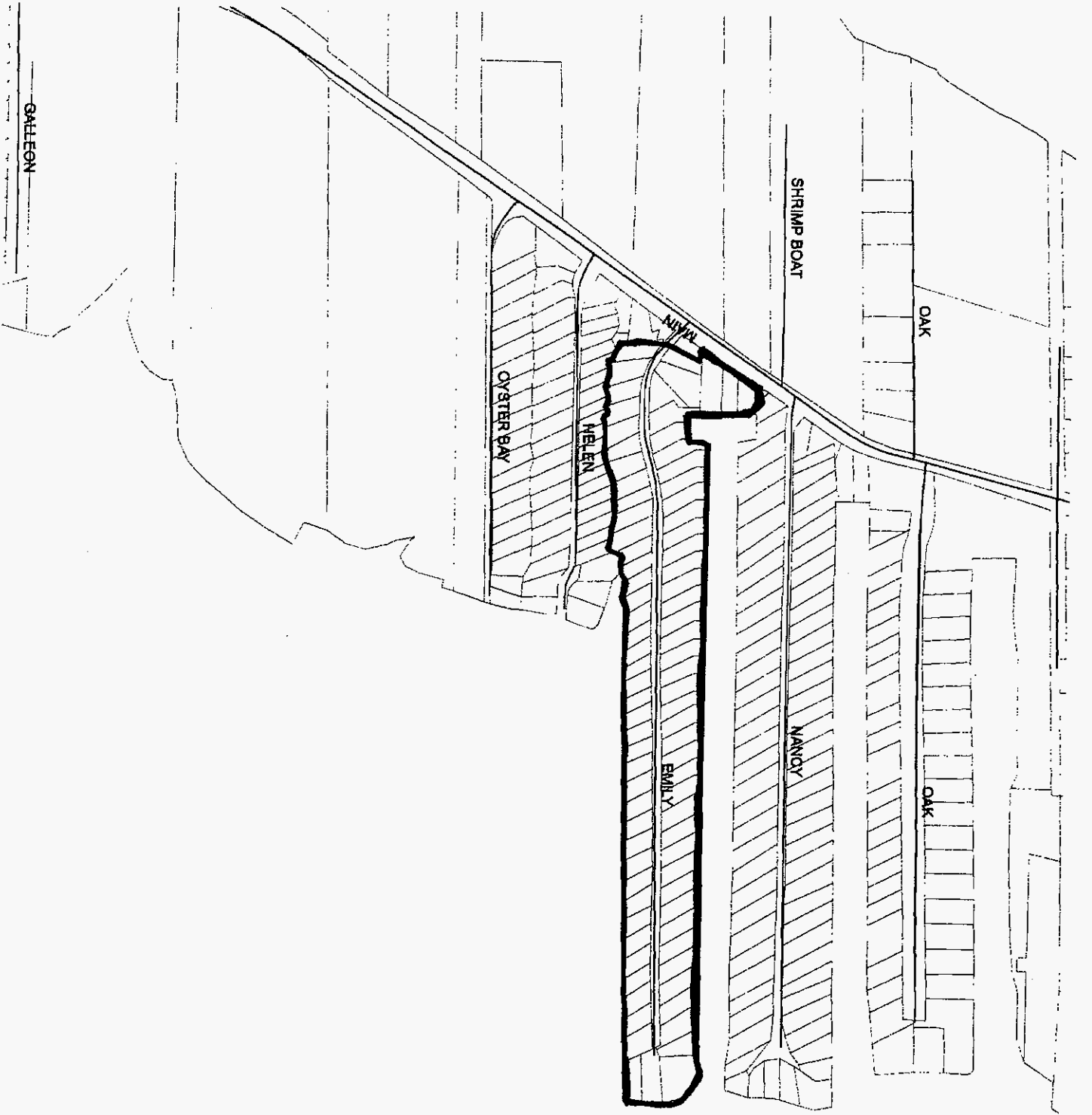
80 Property Owners



**PROPOSED AREA OF
San Carlos Drive Drainage/Curbing MSBU**



7



Emily Lane MSBU