

RESOLUTION NO. 20-08-09

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 AS THE MARINA/CORAL CIRCLE CANAL DREDGE 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 24, 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 April 18, 2017, adopted Resolution 17-04-16 establishing the Marina/Coral Circle Canal Dredge 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 December 2nd, 2014, adopted Resolution No. 14-12-04 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 his/her 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 Lee County 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 project cost will not exceed (as such term is defined in the Resolution) \$387,632, and will be adjusted by the County's contribution of \$77,526 from the MSBU residual funds pursuant to Lee County's Administrative Code AC 3-25 and, as adjusted, with the closing interest rate, financing, and Tax Collector/Property Appraiser costs.

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 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 an equivalent residential unit basis (per parcel), 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 annual principal installments with interest in conformity with the term of the Loan Agreement between Lee County, FL and Synovus Bank, (May 21, 2020), subject to provision of Section 4.01 of the Ordinance. The current interest rate is estimated at 6.00%. 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 recorded and superior in dignity to all other liens, titles and claims, until paid.

SECTION 5. COUNTY TO NOTIFY PROPERTY OWNERS. The County has notified 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 Mann, who moved its adoption. The motion was seconded by Commissioner Pendergrass and, being put to a vote, the vote was as follows:

JOHN MANNING	<u>Absent</u>
CECIL L PENDERGRASS	<u>Aye</u>
RAY SANDELLI	<u>Aye</u>
BRIAN HAMMAN	<u>Aye</u>
FRANK MANN	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 4th DAY OF AUGUST, 2020.

ATTEST:
LINDA DOGGETT, CLERK

By: Melina Butler
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Brian Hamman
Chair



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

By: Richard M. Kirsch
Office of the County Attorney