

LEE COUNTY RESOLUTION NO. 18-04-06

A RESOLUTION RELATED TO AN UNINCORPORATED AREA OF LEE COUNTY, FLORIDA: CREATING A MUNICIPAL SERVICE BENEFIT UNIT (MSBU) TO BE KNOWN AS THE "SUNSET COVE CHANNEL DREDGE MUNICIPAL SERVICE BENEFIT UNIT" AND ESTABLISHING THE BOUNDARIES OF SAID UNIT; DEFINING THE PURPOSE OF PROVIDING FOR THE ACQUISITION, CONSTRUCTION OF VARIOUS ESSENTIAL MUNICIPAL SERVICES, FACILITIES AND IMPROVEMENTS; ESTABLISHING THE ESTIMATED PROJECT COST TO BE \$393,395; ESTABLISHING THE PROPOSED METHOD OF ASSESSMENT TO BE ON A NON-AD VALOREM PER PARCEL BASIS AND UTILIZING COLLECTION WHICH MAY BE, IN PART, PURSUANT TO THE UNIFORM COLLECTION ACT, INCLUDING INTEREST AND OTHER TERMS OF SPECIAL ASSESSMENT; PROVIDING FOR POWERS TO BENEFIT THE UNIT, THE EFFECT OF ADOPTION OF THE RESOLUTION AND AN EFFECTIVE DATE.

WHEREAS, Section 125.01(1)(q), Florida Statutes, grants the Board of County Commissioners of a charter county the power to establish a municipal service benefit unit for any part or all of the unincorporated areas of the County within which may be provided fire protection, law enforcement, beach erosion control, recreation services and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation and other essential facilities; and

WHEREAS, the Board of County Commissioners of Lee County, Florida (the "*Board*"), on November 24, 1998, enacted Ordinance No. 98-25 (the "*Ordinance*"), which provides for the creation by resolution of municipal service benefit units within the County to provide essential municipal services, facilities and improvements in the unincorporated area of Lee County, Florida (the "*County*"); and

WHEREAS, the County has identified the unit boundaries, published and mailed notice, as required by the Ordinance, of a meeting of the Board to hear the proposed benefit unit and to consider adoption of a resolution creating such unit, the proof of publication, and a copy of such mailed notice, of which are attached hereto respectively; and

WHEREAS, a public hearing was held on this date and objections and comments of all interested persons have been heard and considered as required by the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. CREATION OF "SUNSET COVE CHANNEL DREDGE MUNICIPAL SERVICE BENEFIT UNIT"

There is hereby created and established the Sunset Cove Channel Dredge Municipal Services Benefit Unit (the "*Unit*") under the authority of §125.01, Florida Statutes, and pursuant to the provisions of the Ordinance. The Unit will consist of all real property in the unincorporated area of Lee County, Florida outlined on Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. PURPOSE FOR CREATION OF THE UNIT

The Unit is created for the principal purpose of acquiring, constructing or otherwise providing and maintaining various essential municipal services, facilities and improvements within the Unit.

SECTION 3. THE PROJECT AND ESTIMATED COST

The Board hereby determines that the channel dredging improvements (the "*Project*"), within the boundaries of said Unit is in the best interests of the County and the property owners in the Unit. The estimated Cost (as such term is defined in the Ordinance) of the Project is \$393,395. The Board hereby finds that the formation and completion of the Project within the Unit is an improvement which will primarily benefit those lots and/or parcels of property within the Unit in a manner that is in addition to or different from the benefit that the general public will enjoy. The Cost of the Project will be assessed in accordance with the terms of the Ordinance. All funds borrowed, from either an internal County source or from an external source, and expended during the Project, are to be reimbursed with the long-term financing obtained upon the completion of the Project.

SECTION 4. PROPOSED METHOD OF ASSESSMENT

The proposed method of assessment to be made upon benefited property within the Unit will be by a non-ad valorem per parcel basis. Each parcel of property within the Unit will be assessed in proportion to the benefit the parcel derives from the Project, as per the preliminary assessment roll (attached).

SECTION 5. INTEREST RATE AND TERMS OF SPECIAL ASSESSMENTS

All special assessments will be payable in annual principal installments and interest in conformity with the financing agreement the County has at the time the final resolution confirming the preliminary assessment roll. The interest rate will be as identified in the financial agreement plus one percent. No prepayments of special assessments will be accepted prior to adoption of the final resolution confirming the preliminary assessment roll.

Upon adoption of such confirming resolution, special assessments may be prepaid in full, without interest, other than interest included as a cost during construction of the related improvement, at the office of MSTBU Services within 30 days of adoption of such confirming resolution. Special assessments may be collected pursuant to the Uniform Assessment Collection Act contained in Florida Statutes Chapter 197 in Ten (10) equal annual principal installments, with interest at the resulting rate as the Project may be financed, subject to the provision of Section 4.01 of the Ordinance.

SECTION 6. POWERS

For the purpose of providing the services described in this Resolution within the Unit, the County will have all the authority and powers provided in the Ordinance and Chapter 125, Florida Statutes. Should a parcel, as described in the legal description attached hereto, be subdivided after adoption of the final resolution, the assessment will remain with the parent parcel, unless the MSTBU Coordinator is notified prior to the subdivision. Upon notification, the MSTBU may reallocate any remaining assessment due among parcels involved in the subdivision.

SECTION 7. EFFECT OF ADOPTION OF RESOLUTION

The adoption of this Resolution will be the final adjudication of the issues presented hereby unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of adoption of this Resolution.

SECTION 8. EFFECTIVE DATE

This Resolution will take effect immediately upon its adoption.

Commissioner Mann made a motion to adopt the foregoing Resolution, seconded by Commissioner Manning. The vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 3rd day of April, 2018.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

BY: Joyce Townsend
Deputy Clerk

BY: Cecil Pendergrass
Cecil Pendergrass, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Shirley K. Hogue
Office of the County Attorney

Attachment: Exhibit "A" – Property included within the Unit

STRAP	SITEADDR	SITECITY	SITEZIP	NAME	LEGAL
1645240500000001A	533 BAYSIDE DR	FORT MYERS	33919	WOOLSEY THOMAS S + LOIS G	SUNSET COVE PB 10 PG 107 PT LOT 1 DESC IN OR 1297 PG 0397
16452405000410000	600 SUNNYSIDE CT	FORT MYERS	33919	NEESE EDDIE E	SUNSET COVE PB 10 PG 107 LOT 41
16452405000250000	5820 SILVERY LN	FORT MYERS	33919	LENNON STEVEN M + APRIL M	SUNSET COVE PB 10 PG 107 LOT 25
16452405000400000	604 SUNNYSIDE CT	FORT MYERS	33919	STOHLMEIER THOMAS	SUNSET COVE PB 10 PG 107 LOT40 LESS OR 308 PG 754
1645240500000001D	541 BAYSIDE DR	FORT MYERS	33919	RICHARD JOHN W TR	SUNSET COVE PB 10 PG 107 PT LOT 1 AS DESC OR 0162 PG 0455
16452405000360000	5846 SUNNYSIDE LN	FORT MYERS	33919	STOHLMEIER THOMAS + MARIA	SUNSET COVE PB 10 PG 107 LOT 36
16452405000320000	5835 SUNNYSIDE LN	FORT MYERS	33919	GEAR DEBORAH	SUNSET COVE PB 10 PG 107 LOT 32
16452405000020000	547 BAYSIDE DR	FORT MYERS	33919	DUPRE FRANKIE G	SUNSET COVE PB 10 PG 107 LOT 2
16452405000350000	5856 SUNNYSIDE LN	FORT MYERS	33919	SIMONSEN HEIDI D	SUNSET COVE PB 10 PG 107 LOT 35
16452405000240000	5828 SILVERY LN	FORT MYERS	33919	MIGLIORE ANTHONY D II &	SUNSET COVE PB 10 PG 107 LOT 24
16452405000030000	555 BAYSIDE DR	FORT MYERS	33919	CLINTON CHRIS S + KATHERINE A	SUNSET COVE PB 10 PG 107 LOT 3
16452405000230000	5838 SILVERY LN	FORT MYERS	33919	BANK OF THE OZARKS	SUNSET COVE PB 10 PG 107 LOT 23
16452405000040000	561 BAYSIDE DR	FORT MYERS	33919	TROMBLEY PATRICIA A TR +	SUNSET COVE PB 10 PG 107 LOT 4
16452405000330000	5847 SUNNYSIDE LN	FORT MYERS	33919	STRICKLAND MICHAEL G + SUSAN M	SUNSET COVE PB 10 PG 107 LOT 33 LESS OR 3512 PG 2974
16452405000340000	5851 SUNNYSIDE LN	FORT MYERS	33919	CULLIMORE TRACY OWEN TR +	SUNSET COVE PB 10 PG 107 LOT 34 + OR 3512 PG 2974
16452405000050000	569 BAYSIDE DR	FORT MYERS	33919	ENNIS IRENE T W	SUNSET COVE PB 10 PG 107 LOT 5

16452405000310000	5829 SUNNYSIDE LN	FORT MYERS	33919	BAQUERO WASHINGTON D + MARIA	SUNSET COVE PB 10 PG 107 LOT 31
09452405000680000	5804 RIVERSIDE LN	FORT MYERS	33919	HOEK CHRISTOPHER + ROSEMARY H	SUNSET COVE PB 10 PG 107 LOT 68 + OR 2002/311
09452405000670000	5810 RIVERSIDE LN	FORT MYERS	33919	LOGAN KEMPTON P + JONI L	SUNSET COVE PB 10 PG 107 LOT 67
16452405000540000	602 TRAVERS AVE	FORT MYERS	33919	SHIERLING WILLIAM G + KATHLEEN	SUNSET COVE PB 10 PG 107 LOT 54
16452405000630000	5844 RIVERSIDE LN	FORT MYERS	33919	DUSSEAU JOHN J	SUNSET COVE PB 10 PG 107 LOT 63
16452405000660000	5820 RIVERSIDE LN	FORT MYERS	33919	RUBIN MICHAEL R + FELINDA T	SUNSET COVE PB 10 PG 107 LOT 66
16452405000550000	5807 RIVERSIDE LN	FORT MYERS	33919	SMITH MICHAEL W + NANCY J	SUNSET COVE PB 10 PG 107 LOT 55
16452405000530000	610 TRAVERS AVE	FORT MYERS	33919	HALGRIM ROBERT P JR	SUNSET COVE PB 10 PG 107 LOT 53
16452405000570000	5823 RIVERSIDE LN	FORT MYERS	33919	ASPINWALL GARY R	SUNSET COVE PB 10 PG 107 LOT 57
16452405000520000	618 TRAVERS AVE	FORT MYERS	33919	JOSLYN PAUL J + SARAH	SUNSET COVE PB 10 PG 107 LOT 52
16452405000210000	5848 SILVERY LN	FORT MYERS	33919	HOLT LINDY	SUNSET COVE PB 10 PG 107 LOTS 21 + 22
16452405000080000	593 BAYSIDE DR	FORT MYERS	33919	HARDY PHILLIP W + PATRICIA M	SUNSET COVE PB 10 PG 107 LOT 8
16452405000500000	5810 SUNNYSIDE LN	FORT MYERS	33919	HAYDEN THOMAS J 1/2INT TR +	SUNSET COVE PB 10 PG 107 LOTS 50 + 51
16452405000460000	625 SUNNYSIDE CT	FORT MYERS	33919	ARNALL ROBERT M + ANN M	SUNSET COVE PB 10 PG 107 LOT 46 + PT OF LT 45 DESC OR 2087/1862
16452405000620000	5852 RIVERSIDE LN	FORT MYERS	33919	WILES MARK T TR	SUNSET COVE PB 10 PG 107 LOT 62
16452405000090000	595 BAYSIDE DR	FORT MYERS	33919	URBONAS WALTER J + NANCY	SUNSET COVE PB 10 PG 107 LOT 9
16452405000140000	5845 SILVERY LN	FORT MYERS	33919	HART THOMAS B + JANET G	SUNSET COVE PB 10 PG 107 LOT 14
16452405000450000	619 SUNNYSIDE CT	FORT MYERS	33919	PRATHER F A JR + CECELIA W	SUNSET COVE PB 10 PG 107 LT 45 LESS OR 2087/1862

16452405000600000	5845 RIVERSIDE LN	FORT MYERS	33919	BARBOUR ENTERPRISES LIMITED	SUNSET COVE PB 10 PG 107 LOT 60
16452405000440000	615 SUNNYSIDE CT	FORT MYERS	33919	MAILLOUX CAROLE	SUNSET COVE PB 10 PG 107 LOT 44
16452405000270000	650 TRAVERS AVE	FORT MYERS	33919	DEUTSCH BANK NATL TRUST CO TR	SUNSET COVE PB 10 PG 107 LOTS 27 + 28
16452405000480000	5820 SUNNYSIDE LN	FORT MYERS	33919	LECLAIR NEIL	SUNSET COVE PB 10 PG 107 LOTS 48 + 49
16452405000590000	5837 RIVERSIDE LN	FORT MYERS	33919	SABO LLC	SUNSET COVE PB 10 PG 107 LOT 59
16452405000290000	5813 SUNNYSIDE LN	FORT MYERS	33919	WILMOT ALDEN H + CAROLYN D	SUNSET COVE PB 10 PG 107 LOT 29
16452405000610000	5853 RIVERSIDE LN	FORT MYERS	33919	PRECHEL OLIVER +	SUNSET COVE PB 10 PG 107 LOT 61
16452405000430000	607 SUNNYSIDE CT	FORT MYERS	33919	AMBROSIO THOMAS A	SUNSET COVE PB 10 PG 107 LOT 43 LESS S 13.18 FT
16452405000100000	603 BAYSIDE DR	FORT MYERS	33919	BEEDLE DONALD R + MARGUERITE A	SUNSET COVE PB 10 PG 107 LOT 10
16452405000120000	623 BAYSIDE DR	FORT MYERS	33919	JEWITT JEFFREY J + MARY A	SUNSET COVE PB 10 PG 107 LOT 12
16452405000300000	5821 SUNNYSIDE LN	FORT MYERS	33919	DOXIE DANIEL KEITH + GAIL	SUNSET COVE PB 10 PG 107 LOT 30
16452405000130000	12340 MCGREGOR BLVD	FORT MYERS	33919	PORUBSKY WILLIAM P	SUNSET COVE PB 10 PG 107 LOT 13
1645240500000001B	525 BAYSIDE DR	FORT MYERS	33919	BREMER JAMES & ANDREA	SUNSET COVE PB 10 PG 107 PT LOT 1 AS DESC OR 1201 PG 1794
16452405000260000	5812 SILVERY LN	FORT MYERS	33919	WHITE CHRISTOPHER ALLEN &	SUNSET COVE PB 10 PG 107 LOT 26
16452405000370000	5838 SUNNYSIDE LN	FORT MYERS	33919	MORSE FRANK R	SUNSET COVE PB 10 PG 107 LOT 37
16452405000060000	575 BAYSIDE DR	FORT MYERS	33919	MINTZER MARK A + VIRGINIA M	SUNSET COVE PB 10 PG 107 LOT 6
16452405000070000	583 BAYSIDE DR	FORT MYERS	33919	RINALDI KAREN TR +	SUNSET COVE PB 10 PG 107 LOT 7
16452405000390000	608 SUNNYSIDE CT	FORT MYERS	33919	FAIRHOMES PEARL PROPERTIES LLC	SUNSET COVE PB 10 PG 107 LOT 39 + PT DESC OR 308 PG 754

16452405000650000	5828 RIVERSIDE LN	FORT MYERS	33919	PRESBREY THOMAS G + LAURIE S	SUNSET COVE PB 10 PG 107 LOT 65
16452405000560000	5815 RIVERSIDE LN	FORT MYERS	33919	CHRISTIAN STEPHEN M +	SUNSET COVE PB 10 PG 107 LOT 56
16452405000640000	5836 RIVERSIDE LN	FORT MYERS	33919	JAIN KUNWAR S S + USHA TR	SUNSET COVE PB 10 PG 107 LOT 64
16452405000110000	611 BAYSIDE DR	FORT MYERS	33919	OSWALD WILLIAM B JR	SUNSET COVE PB 10 PG 107 LOT 11
16452405000580000	5829 RIVERSIDE LN	FORT MYERS	33919	MELLOR WILLIAM + PATRICIA L/E	SUNSET COVE PB 10 PG 107 LOT 58
16452405000470000	633 SUNNYSIDE CT	FORT MYERS	33919	ARONLD RICHARD W + ANNETTE P	SUNSET COVE PB 10 PG 107 LOT 47
1645240500000001C	517 BAYSIDE DR	FORT MYERS	33919	MINAHAN JUDITH C TR	SUNSET COVE PB 10 PG 107 PT LT 1 AS DESC OR 1220 PG 1888
16452405000420000	601 SUNNYSIDE CT	FORT MYERS	33919	BALLANTINE DEAN TR	SUNSET COVE PB 10 PG 107 LOT 42 + S 13.18 FT LOT 43
16452405000380000	620 SUNNYSIDE CT	FORT MYERS	33919	MUNDEN KEVIN S + JENNIFER J TR	SUNSET COVE PB 10 PG 107 LOT 38



Sunset Cove

