

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 08-49**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE LAGUNA SHORES DREDGING ASSESSMENT AREA OF THE TOWN; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town Council (the "Town Council") of the Town of Fort Myers Beach, Florida (the "Town") has imposed special assessments against benefitted properties within the Town to fund the cost of dredging activities; and

**WHEREAS**, the Town Council intends to use the uniform method for collecting non-ad valorem special assessments for the cost of certain dredging activities within the incorporated area of the Town as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected in November 2009, in the same manner as provided for ad valorem taxes; and

**WHEREAS**, the Town Council 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.

**NOW, THEREFORE IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:**

1. Commencing with the Fiscal Year beginning on October 1, 2009, and with the tax statement mailed for such Fiscal Year the Town Council intends to use the uniform method of collection non-ad valorem assessments authorized in Section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of dredging activities related to the Laguna Shores Dredging Assessment Area created pursuant to Resolution Number 08-44 adopted by the Town Council on October 20, 2008. Such non-ad valorem assessments shall be levied against benefitted properties within the Laguna Shores Dredging Assessment Area, a legal description of which is attached as EXHIBIT B hereto and incorporated herein by reference.

2. The Town Council hereby determines that the levy of the assessments is needed to fund the cost of dredging activities within the Laguna Shores Dredging Assessment Area, described in EXHIBIT B.

3. Upon adoption, the Town 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 January 10, 2009.

4. Upon adoption, the Town Manager and Town Clerk are hereby authorized to enter into any necessary agreements with the Lee County Property Appraiser and Lee County Tax Collector as contemplated by Section 197.3632(2), Florida Statutes, in order to utilize the uniform method of collection contemplated herein.

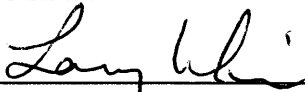
5. This Resolution shall be effective upon adoption.

The foregoing resolution was adopted by the Town Council upon a motion by Council Member List and seconded by Council Member Raymond and, upon being put to a vote, the results were as follows:


Larry Kiker, Mayor	<u>aye</u>	Herb Acken, Vice Mayor	<u>aye</u>
Tom Babcock	<u>aye</u>	Jo List	<u>aye</u>
Bob Raymond	<u>aye</u>		

**DULY ADOPTED** this 15th day of December, 2008.

**TOWN OF FORT MYERS BEACH,  
FLORIDA**

  
\_\_\_\_\_  
Larry Kiker, Mayor

ATTEST:

  
\_\_\_\_\_  
Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Anne Dalton, Town Attorney

PROOF OF PUBLICATION

NEWS-PRESS

Published every morning - Daily and Sunday

Fort Myers, Florida

Affidavit of Publication

TOWN OF FORT MYERS BEACH

RECEIVED BY

STATE OF FLORIDA COUNTY OF LEE

Before the undersigned authority, personally appeared

Kathy Allebach

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

Notice of Action

In the matter of

Intent to use uniform method of Collecting Non-Ad Valorem Assessments

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

November 10, 17, 24, December 1, 2008

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.

[Handwritten signature of Kathy Allebach]

Sworn to and subscribed before me this

1st day of December 2008 by

Kathy Allebach

personally known to me or who has produced

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

Notary Public

[Handwritten signature of Janet E. Cobb]

Print Name

My commission



NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

The Town of Fort Myers Beach, Florida (the "Town") hereby provides notice, pursuant to Section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied for the first time within the Laguna Shores Dredging Assessment Area established by Resolution Number 08-44 adopted by the Town on October 20, 2008, for the cost of dredging activities commencing for the Fiscal Year beginning on October 1, 2009. The Town will consider the adoption of a resolution electing to use the uniform method of collecting such assessments authorized by Section 197.3632, Florida Statutes, at a public hearing to be held at 6:30 p.m., or as soon thereafter as the matter can be heard, on December 15, 2008 at 2523 Estero Boulevard, Town of Fort Myers Beach, Florida 33931. 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 the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Town Clerk's office. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the Town with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at 239/765-0202.

DATED this 10th day of November, 2008.

By Order of: Michelle D. Mayher Town Clerk TOWN OF FORT MYERS BEACH, FLORIDA Nov 10, 17, 24 Dec 1 No. 1320500

## **EXHIBIT B**

### **LEGAL DESCRIPTION**

Parcels abutting the waterways known as Big Carlos Pass and Buccaneer Lagoon located in Laguna Shores Unit 1, Block 1 as described in Plat Book 9, Pages 29, 30 and 84; Laguna Shores Unit 2 as described in Plat Book 9, Page 84; and Marina Towers & Yacht Club Condo as described in Official Record Book 1112, Page 2146, all as recorded in the Lee County, Florida Public Records. Certain parcels abutting the waterways known as Big Carlos Pass and Buccaneer Lagoon described in Official Record Book 1922, Page 0148; Official Record Book 1279, Page 581; Official Record Book 1252, Page 1981; and Official Record Book 1275, Page 314 of the Lee County, Florida Public Records.