
TOWN OF FORT MYERS BEACH, FLORIDA

**LAGUNA SHORES DREDGING ASSESSMENT AREA
INITIAL ASSESSMENT RESOLUTION**

ADOPTED JUNE 16, 2008

TABLE OF CONTENTS

PAGE

ARTICLE I DEFINITIONS AND CONSTRUCTION

SECTION 1.01.	DEFINITIONS	1
SECTION 1.02.	INTERPRETATION	6
SECTION 1.03.	LEGISLATIVE FINDINGS	6

ARTICLE II NOTICE AND PUBLIC HEARING

SECTION 2.01.	ESTIMATED CAPITAL COST	11
SECTION 2.02.	ASSESSMENT ROLL	11
SECTION 2.03.	PUBLIC HEARING	11
SECTION 2.04.	NOTICE BY PUBLICATION	12
SECTION 2.05.	NOTICE BY MAIL	12

ARTICLE III ASSESSMENTS

SECTION 3.01.	DESCRIPTION OF PROPOSED ASSESSMENT AREA	13
SECTION 3.02.	IMPOSITION OF ASSESSMENTS	13
SECTION 3.03.	WATER ACCESS UNIT ASSIGNMENTS	13
SECTION 3.04.	INITIAL PREPAYMENT OPTION	14
SECTION 3.05.	COMPUTATION OF ASSESSMENTS FOR TAX ROLL PURPOSES	15
SECTION 3.06.	ADDITIONAL PREPAYMENT OPTION	16
SECTION 3.07.	REALLOCATION UPON FUTURE SUBDIVISION	16

ARTICLE IV GENERAL PROVISIONS

SECTION 4.01.	METHOD OF COLLECTION	17
SECTION 4.02.	SEVERABILITY	17
SECTION 4.03.	EFFECTIVE DATE	17

APPENDIX A - FORM OF NOTICE TO BE PUBLISHED
APPENDIX B - FORM OF NOTICE TO BE MAILED
APPENDIX C - DESCRIPTION OF PARCELS IN THE LAGUNA SHORES
DREDGING ASSESSMENT AREA

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2008-28**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO DREDGING ACTIVITIES; DESCRIBING THE REAL PROPERTY TO BE LOCATED WITHIN THE PROPOSED LAGUNA SHORES DREDGING ASSESSMENT AREA; DETERMINING THAT SUCH REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE DREDGING ACTIVITIES; ESTABLISHING THE METHOD OF ASSESSING THE CAPITAL COSTS OF THE DREDGING ACTIVITIES AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

**ARTICLE I
DEFINITIONS AND CONSTRUCTION**

SECTION 1.01. DEFINITIONS. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

"Adjusted Prepayment Amount" means the amount required to prepay the Assessment for each Tax Parcel located in the Assessment Area, as computed pursuant Section 3.04(C) hereof.

"Assessment" means an annual special assessment imposed against real property located within the Assessment Area to fund the Capital Cost of Dredging Activities to

serve the Assessment Area and related expenses, computed in the manner described in Section 3.05 hereof.

"Assessment Area" means the proposed Laguna Shores Dredging Assessment Area described in Section 3.01 hereof.

"Assessment Coordinator" means the person designated by the Town Manager to be responsible for coordinating Assessments, or such person's designee.

"Assessment Roll" means a non-ad valorem assessment roll relating to the Capital Cost of the Dredging Activities and related expenses.

"Capital Cost" means all or any portion of the expenses that are properly attributable to the Dredging Activities and imposition of the related Assessments under generally accepted accounting principles; and including reimbursement to the Town for any funds advanced for Capital Cost, including but not limited to engineering fees, architect fees, planning fees, permitting fees and materials and labor costs, and interest on any interfund or intrafund loan for such purposes. To the extent an estimate of the Capital Cost is used for purposes of providing maximum cost amounts in the notices provided pursuant to Section 2.05 hereof, such costs shall be adjusted to actual costs once they are finalized for purposes of computing amounts under Article III hereof.

"Collection Cost" means the estimated cost to be incurred by the Town during any Fiscal Year in connection with the collection of Assessments.

"Collection Cost Component" means the amount computed for each Tax Parcel pursuant to Section 3.05(B) hereof.

"Condominium" means a condominium created by a declaration of condominium, pursuant to Chapter 718, Florida Statutes.

"Condominium Unit Parcel" means a Tax Parcel constituting a Condominium "unit" (as defined in Section 718.103, Florida Statutes).

"Debt Component" means the amount computed for each Tax Parcel pursuant to Section 3.05(A) hereof.

"Dredging Activities" means the removal, dewatering and disposal of sediment, including but not limited to, the dredging activities as outlined and authorized in the FDEP Permit, No. 36-0194642-003, as the same may be supplemented and amended from time to time, between FDEP and the Town, dated May 10, 2006, for construction of a boating access channel within Big Carlos Pass to improve water access to Buccaneer Lagoon and Big Carlos Pass.

"Excluded Parcel" means any Platted Lot or Parcel of Record for which a dock permit has been denied by the FDEP, and would continue to be denied after the Dredging Activities were constructed, evidence of which shall be provided by the property owner as required by the Town.

"FDEP" means the Florida Department of Environmental Protection.

"Final Assessment Resolution" means the resolution described in Section 2.07 of the Ordinance that imposes Assessments within the Assessment Area.

"Fiscal Year" means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the Town.

"Government Property" means real property owned by the United States of America or any agency thereof, the State of Florida or any agency thereof, a county, a special district or a municipal corporation, or any of their respective agencies or political subdivisions.

"Initial Prepayment Amount" means the amount computed pursuant Section 3.04(A) hereof for each Tax Parcel located in the Assessment Area to prepay the Assessment in full.

"Internal Loan" means the loan from legally available funds of the Town's budget issued or incurred to finance any portion of the Capital Cost of the Dredging Activities the repayment of which, in whole or in part, will be made from proceeds of the Assessments.

"Local Improvement" means a capital improvement constructed or installed by the Town for the special benefit of a localized area, for which special assessments are imposed pursuant to the Ordinance.

"Ordinance" means Ordinance No. 2008-07 enacted by the Town Council on June 16, 2008, as amended and supplemented from time to time.

"Parcel of Record" means an unplatted parcel of record or a subdivided Platted Lot in existence on the effective date of this Resolution.

"Platted Lot" means a building lot described on a map or plat recorded in the Lee County Official Records on or prior to the effective date of this Resolution.

"Property Appraiser" means the Lee County Property Appraiser.

"State" means the State of Florida.

"Statutory Discount Amount" means the amount computed for each Tax Parcel pursuant to Section 3.05(C) hereof.

"Tax Parcel" means a parcel of real property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Town" means the Town of Fort Myers Beach, a municipal corporation duly organized and validly existing under Chapter 95-494, Laws of Florida and other applicable laws of the State.

"Town Attorney" means the Town's Attorney, or such person's designee.

"Town Clerk" means the official custodian of all Town records and papers of an official character, or such person's designee.

"Town Council" means the Town Council of the Town.

"Town Interest Rate" means the interest rate per annum set forth in Section 1.03(M) hereof.

"Uniform Assessment Collection Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

"Water Access Unit" means a dock, landing, ramp, slip, bay, wharf or other structure for receiving ships and other water craft, which will serve as the standard unit to be used in calculating the Assessments as a proxy to the expected special benefit derived

from the Dredging Activities, as determined for each Tax Parcel in accordance with Section 3.03 hereof.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.03. LEGISLATIVE FINDINGS. It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, and Chapter 95-494, Florida Law, the Town Council has all powers of local self-government to perform municipal functions and to render municipal services except when prohibited by law and such power may be exercised by the enactment of legislation in the form of Town ordinances.

(B) The Town Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the Town Council may legislate on any subject matter on which the Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, is not relevant to imposition of assessments related to Local Improvements within the Town.

(C) The Town Council has enacted the Ordinance to provide for the creation of Assessment Areas and authorize the imposition of Assessments to fund the construction of Local Improvements to serve the real property located therein.

(D) The Dredging Activities constitute a Local Improvement, as defined in the Ordinance.

(E) The Town Council desires to create the Assessment Area to fund construction of the Dredging Activities.

(F) The construction of such Dredging Activities will improve water access to Buccaneer Lagoon and Big Carlos Pass for all abutting real property, thereby providing a special benefit to such real property located within the Assessment Area.

(G) With the exception of one parcel which contains a Condominium, the Assessment Area includes property for which applicable land use planning and zoning categories permit construction of single-family dwelling units. Currently, only one Water Access Unit is permitted per single-family dwelling units. In order to provide a fair and reasonable method of allocating the Capital Cost of the Dredging Activities, each Tax Parcel will determine its share of the Capital Cost based on the number of Water Access Units it contains.

(H) Parcels that are Condominiums constitute a unique form of real property ownership comprised of Condominium Unit Parcels, which may have an appurtenant undivided share in one or more common elements (as defined in Chapter 718.103, Florida Statutes). It is therefore fair and reasonable to attribute the Water Access Units of

any common elements to the Condominium Unit Parcels to which such common elements are appurtenant.

(I) Due to their current or planned use, the Excluded Parcels will not derive a special benefit from the Dredging Activities and are therefore not included in the Assessment Area.

(J) A Condominium referred to as "Island's End" is adjacent to the Dredging Activities. This Condominium does not currently have Water Access Units and therefore, will not derive a special benefit from the Dredging Activities. Accordingly, this Condominium is excluded from the Assessment Area. If the owners of this Condominium construct Water Access Units in the future, then they may derive a special benefit from the Dredging Activities. Upon any future construction by the owners of this Condominium of Water Access Units, the Town shall review the timing and current status of the Dredging Activities and may require contributions to be made in order to fairly and equitably apportion the Capital Cost of the Dredging Activities based on the relative amount of special benefit received by this Condominium in accordance with the methodology set forth in this Initial Resolution.

(K) The Town has heretofore provided funds to pay for certain costs associated with the Dredging Activities including, but not limited to, the development of engineering studies. Such costs shall not be included in the Capital Cost of the Dredging Activities and the Town shall forgo reimbursement for such costs.

(L) The Town desires to reduce the burden of the Assessment for property owners in the Assessment Area by contributing approximately forty percent (40%) of the

funds necessary to complete the Dredging Activities in a lump sum from other legally available funds. The amount of Capital Cost paid for by the Town's contribution will exceed any incidental special benefit derived by other property owners that are not otherwise part of the Assessment Area.

(M) In order to reduce the financial impact the Assessment will have on the real property owners in the Assessment Area, the Town has decided to loan the remaining sixty percent (60%) of the funds necessary to complete the Dredging Activities from other legally available funds instead of obtaining an external bank loan or other finance vehicle. Such financing shall be considered an Internal Loan from the Town to the real property owners and shall be repaid to the Town as provided herein. The Town has decided that the maximum interest rate that will be charged for the Internal Loan is 3.87% per annum, based on the Town's historical average interest rate earned on investments made over the last year.

(N) In order to further reduce the immediate financial impact the Assessments will have on the property owners in the Assessment Area and allow sufficient time for the Town to receive final bids for the Dredging Activities so that the actual Capital Costs attributable to such Dredging Activities may be determined, the Town will not collect prepayments until the final bids are received and will not bill the Assessments until the tax bill mailed in November 2009.

(O) The Town Council hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Dredging Activities by fairly and reasonably allocating the cost to specially benefited real

property, based upon the number of Water Access Units attributable to each parcel or classification of property in the manner described herein.

**ARTICLE II
NOTICE AND PUBLIC HEARING**

SECTION 2.01. ESTIMATED CAPITAL COST. The estimated Capital Cost for the Dredging Activities is \$475,000. The Capital Cost of the Dredging Activities will be funded through the imposition of Assessments against real property located in the Assessment Area in the manner set forth in Article III hereof.

SECTION 2.02. ASSESSMENT ROLL. The Assessment Coordinator is hereby directed to prepare a final estimate of the Capital Cost of the Dredging Activities and to prepare the preliminary Assessment Roll in the manner provided in the Ordinance. The Assessment Coordinator shall apportion the Capital Cost among the parcels of real property within the Assessment Area as reflected on the Tax Roll in conformity with Article III hereof. The estimate of Capital Cost and the Assessment Roll shall be maintained on file in the office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each Tax Parcel can be determined by use of a computer terminal available to the public.

SECTION 2.03. PUBLIC HEARING. A public hearing will be conducted by the Town Council at 6:30 P.M., or as soon thereafter as the matter can be heard, on July 14, 2008, at 2523 Estero Boulevard, Town of Fort Myers Beach, Florida, to consider (A)

creation of the Assessment Area, (B) imposition of the Assessments, and (C) collection of the Assessments pursuant to the Uniform Assessment Collection Act.

SECTION 2.04. NOTICE BY PUBLICATION. Upon completion of the materials required by Section 2.02 hereof, the Assessment Coordinator shall publish a notice of the public hearing authorized by Section 2.03 hereof in the manner and the time provided in Section 2.05 of the Ordinance. Such notice shall be in substantially the form attached hereto as APPENDIX A.

SECTION 2.05. NOTICE BY MAIL. Upon completion of the materials required by Section 2.02 hereof, the Assessment Coordinator shall, at the time and in the manner specified in Section 2.06 of the Ordinance, provide first class mailed notice of the public hearing authorized by Section 2.03 hereof to each real property owner proposed to be assessed at the address indicated on the Tax Roll. Such notice shall be in substantially the form attached hereto as APPENDIX B.

ARTICLE III ASSESSMENTS

SECTION 3.01. DESCRIPTION OF PROPOSED ASSESSMENT AREA.

The Town Council proposes to create the Laguna Shores Dredging Assessment Area including those parcels described in APPENDIX C attached hereto. The Assessment Area is proposed for the purpose of improving the use and enjoyment of real property by funding certain Dredging Activities to provide improved water access to Buccaneer Lagoon and Big Carlos Pass.

SECTION 3.02. IMPOSITION OF ASSESSMENTS. Assessments shall be imposed against real property located within the Assessment Area. The Assessment will be included on the ad valorem tax bill to be mailed in November 2009. When imposed, the Assessment shall constitute a lien upon the Tax Parcels located in the Assessment Area, pursuant to the Ordinance.

SECTION 3.03. WATER ACCESS UNIT ASSIGNMENTS. The number of Water Access Units attributable to each Tax Parcel within the Assessment Area shall be calculated as follows:

(A) Single-Family Parcels. Since current land use planning and zoning categories limit single-family parcels to only one Water Access Unit, it is fair and reasonable to assign each such unit one (1) Water Access Unit, unless such single-family parcel is an Excluded Parcel.

(B) Condominium Unit Parcels. Since current land use planning and zoning categories allow Condominiums multiple Water Access Units, it is fair and reasonable to assign each Condominium Unit Parcel an amount of Water Access Units determined by dividing (1) the number of Water Access Units attributable to the common elements related to such Condominium Unit Parcel, by (2) the total number of Condominium Unit Parcels benefitting from such common elements.

SECTION 3.04. INITIAL PREPAYMENT OPTION.

(A) Upon adoption of the Final Assessment Resolution, the Initial Prepayment Amount for each Tax Parcel located within the Assessment Area shall be shall be the amount determined by (1) dividing the total number of Water Access Units attributable to such Tax Parcel by the total number of Water Access Units attributable to Tax Parcels within the Assessment Area, and (2) multiplying the result by the estimated Capital Cost of the Dredging Activities.

(B) Following receipt of the bids for the Dredging Activities, the Assessment Coordinator shall provide first class mailed notice to the owner of each Tax Parcel subject to the Assessment (other than those Tax Parcel's owned by the Town) describing the owner's option to prepay the Assessment. On or prior to the date specified in such notice, the owner of each Tax Parcel subject to the Assessment shall be entitled to prepay the Assessment. The Town Council, in its sole discretion, may elect to accept prepayments pursuant to this Section 3.04 on any date prior to issuance of the Internal Loan.

(C) Following the initial prepayment period described in Section 3.04(B) above, the Adjusted Prepayment Amount shall initially be set equal to the Initial Prepayment Amount for each Tax Parcel, other than those Tax Parcels as to which the Assessment has been prepaid.

SECTION 3.05. COMPUTATION OF ASSESSMENTS FOR TAX ROLL PURPOSES. The Assessment for Tax Roll purposes shall be computed for each Tax Parcel in the manner set forth in this Section 3.05.

(A) DEBT COMPONENT. The "Debt Component" for each Tax Parcel shall be computed as the amount which is payable with respect to the Internal Loan as follows: (1) the principal amount equals the Adjusted Prepayment Amount, and (2) the interest amount shall be calculated utilizing the Town Interest Rate.

(B) COLLECTION COST COMPONENT. The "Collection Cost Component" shall be computed for each Tax Parcel by (1) dividing (a) the Adjusted Prepayment Amount for such Tax Parcel, by (b) the sum of the aggregate Adjusted Prepayment Amount, and (2) multiplying the result by the Collection Cost.

(C) STATUTORY DISCOUNT AMOUNT. The "Statutory Discount Amount" shall be computed for each Tax Parcel as the amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments, such amount to be calculated by deducting (1) the sum of (a) the Debt Component and (b) the Collection Cost Component, from (2) the amount computed by dividing (a) the sum of (i) the Debt Component and (ii) the Collection Cost Component, by (b) the factor of 0.96.

(D) ASSESSMENT. The Assessment for each Tax Parcel shall be computed as the sum of (1) the Debt Component, (2) the Collection Cost Component, and (3) the Statutory Discount Amount.

SECTION 3.06. ADDITIONAL PREPAYMENT OPTION. Following the date specified in the notice provided pursuant to Section 3.04(B) hereof, or such later date as the Town Council may allow in its sole discretion, the owner of each Tax Parcel subject to the Assessments shall be entitled to prepay all future unpaid Assessments upon payment of an amount equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount, computed at the Town Interest Rate.

SECTION 3.07. REALLOCATION UPON FUTURE SUBDIVISION. If a Tax Parcel includes more than one Platted Lot or Parcel of Record, the Assessment imposed against such Tax Parcel may be reallocated among the Platted Lots or Parcels of Record upon (1) application of the owner and (2) assignment of a distinct ad valorem property tax identification number to each Platted Lot or Parcel of Record or any combination of Platted Lots or Parcels of Record by the Property Appraiser.

**ARTICLE IV
GENERAL PROVISIONS**

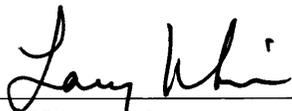
SECTION 4.01. METHOD OF COLLECTION. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act; provided, however, that any Assessments imposed against Government Property shall be collected pursuant to Section 4.04 of the Ordinance.

SECTION 4.02. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 4.03. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 16th day of June, 2008.

**TOWN OF FORT MYERS BEACH,
FLORIDA**



Larry Kiker, Mayor

ATTEST:



Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM AND
CORRECTNESS:



Anne Dalton, Town Attorney

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

[INSERT SMALL MAP OF ASSESSMENT AREA]

**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS
IN THE LAGUNA SHORES DREDGING ASSESSMENT AREA**

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will conduct a public hearing to consider creation of the Laguna Shores Dredging Assessment Area, as shown above, and imposition of special assessments to fund certain Dredging Activities to improve water access to Buccaneer Lagoon and Big Carlos Pass. The hearing will be held at 6:30 P.M., or as soon thereafter as the matter can be heard, on July 14, 2008, at 2523 Estero Blvd., Town of Fort Myers Beach, Florida 33931, for the purpose of receiving public comment on the proposed Laguna Shores Dredging Assessment Area and collection of the assessments on the ad valorem tax bill. All affected real property owners have a right to appear at the hearing and to file written objections with the Town Clerk anytime prior to the public hearing. If a person decides to appeal any decision made by the Town Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the ADA Coordinator at [_____] at least seven days prior to the date of the hearing.

The assessment for each parcel of real property will be based upon the total number of water access units assigned on the date the assessment is imposed. A more specific description of the dredging activities and the method of computing the assessment for each parcel of real property are set forth in the Initial Assessment Resolution adopted by the Town Council on June 16, 2008. Copies of the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at the offices of the Town Clerk located at 2523 Estero Blvd., Town of Fort Myers Beach, Florida 33931.

If not otherwise prepaid, the assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. The Town Council intends to collect all of the assessments on the ad valorem tax bill to be mailed in November 2009. Failure to pay the assessments will cause a tax certificate to be issued against the real property which may result in a loss of title.

If you have any questions, please contact the Town's Assessment Coordinator at

_____.

TOWN OF FORT MYERS BEACH, FLORIDA

APPENDIX B

FORM OF NOTICE TO BE MAILED

TOWN OF FORT MYERS BEACH, FLORIDA
2523 Estero Blvd.
Fort Myers Beach, Florida 33931
[239/765-0202]

_____, 2008

[Property Owner Name]
[Street Address]
[Town, State and zip]

Re: Parcel Number [Insert Number]
Laguna Shores Dredging Assessment Area

Dear Property Owner:

The Town of Fort Myers Beach is considering creation of the Laguna Shores Dredging Assessment Area for the funding of certain dredging activities to improve water access to Buccaneer Lagoon and Big Carlos Pass. The cost of the dredging activities will be funded by assessments against real property within the Assessment Area. The assessment for each parcel of real property is based upon the total number of water access units (i.e. docks, slips, etc.) assigned on the date the assessment is imposed. A more specific description of the assessment program is included in the Initial Assessment Resolution adopted by the Town Council on June 16, 2008. Copies of the Initial Assessment Resolution and the preliminary Assessment Roll are available for your review at the offices of the Town Clerk located at 2523 Estero Blvd, Town of Fort Myers Beach, Florida. Information regarding the assessment for your specific real property, including the number of water access units, is attached to this letter.

The Town intends to finance this project internally. However, you may choose to prepay your assessment in full (\$_____ per water access unit) to cover your share of the capital cost) and avoid the additional interest cost. Please do not send payment now. If the assessments are imposed, you will receive a separate notice of the date and place for payment.

The assessment will include your share of the principal, interest, and amounts related to collection of the assessments. The maximum annual assessment is estimated to be \$_____ per parcel unit. However, the actual annual assessment cannot be determined until the bids for the project are obtained and the assessment may be lower. The Town intends to include the assessment on your ad valorem tax bill with the payment on the bill

to be mailed in November 2009. Failure to pay your assessments will cause a tax certificate to be issued against the real property which may result in a loss of title.

The Town of Fort Myers Beach will hold a public hearing at 6:30 P.M., or as soon thereafter as the matter can be heard, on July 14, 2008, at 2523 Estero Blvd., Town of Fort Myers Beach, Florida, for the purpose of receiving comments on the proposed Assessment Area and the assessments, including collection on the ad valorem tax bill. You are invited to attend and participate in the public hearing or to file written objections with the Town Clerk anytime prior to the public hearing.

If you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the ADA Coordinator at [_____] at least seven days prior to the date of the hearing.

Questions regarding your assessment and the process for collection may be directed to the Town's Assessment Coordinator at [_____].

TOWN OF FORT MYERS BEACH, FLORIDA

*** * * * * SEND NO MONEY NOW. THIS IS NOT AN INVOICE * * * * ***

**LAGUNA SHORES DREDGING
ASSESSMENT AREA**

[Property Owner Name]
Parcel Number [Insert Number]

Total number of water access units attributed to property: [Insert Number]

Amount to make full payment before loan:
(no financing costs included) [Insert Amount]

Maximum payment on tax bill:
(includes financing costs) [Insert Amount]

Expected date of bill: November 2009

*** * * * * SEND NO MONEY NOW. THIS IS NOT AN INVOICE * * * * ***

APPENDIX C

**DESCRIPTION OF PARCELS IN THE
LAGUNA SHORES DREDGING
ASSESSMENT AREA**

(see attached parcel map)

SECTION: 3
TOWNSHIP: 47 S
RANGE: 27 E

2005 LEE COUNTY AERIAL PHOTOGRAPH

0 300 600
SCALE FEET



Benefiting Properties

SCALE: 1" = 600'

A total of 103 parcels will benefit 168 individual properties from the proposed dredging improvements.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

December 04, 2006 11:28:05 a.m.
Drawing: FMB-3MASTER.DWG (HW)



HANS WILSON & ASSOC., INC.
1938 Hill Ave. Fort Myers, Florida 33901
Tel: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

12/04/06

Town of Fort Myers Beach

SHEET