

TOWN OF FORT MYERS BEACH
ORDINANCE NO. 97 -7

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CONSENTING TO THE ESTABLISHMENT BY LEE COUNTY OF A MUNICIPAL SERVICE TAXING UNIT (MSTU) TO BE KNOWN AS THE LEE COUNTY PRESERVATION LANDS TAXING UNIT; RELATING TO LEE COUNTY ORDINANCE 97-08; PROVIDING AUTHORITY; CONSENT AND INCLUSION OF TOWN PROPERTY IN THE TAXING UNIT; THE TERM FOR WHICH SAID CONSENT IS GIVEN; EFFECTIVE IMMEDIATELY; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICT AND AN EFFECTIVE DATE

WHEREAS, the Town and County jointly desire to accomplish certain public health and welfare objectives relating to the acquisition, preservation and restoration of environmentally sensitive or critical lands within all of Lee County; and,

WHEREAS, Chapter 125 and Chapter 166, Florida Statutes, authorizes municipalities and counties to jointly provide health and welfare services in the best interests of all citizens of the county, to include the creation by a county of taxing units within the town with the town's specific consent; and,

WHEREAS, Lee County has duly adopted Lee County Ordinance 97-08, providing for a county-wide municipal service taxing unit to assist in the implementation of the county's Environmentally Critical and Sensitive Lands Acquisition and Restoration Program as presently codified in Lee County Ordinance 96-12, and hereby requests the Town's consent to such unit within the Town's boundaries; and,

WHEREAS, the Town finds that the adoption of this ordinance serves a public purpose;

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

SECTION ONE: AUTHORITY.

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: CONSENT AND INCLUSION OF TOWN PROPERTY IN THE TAXING UNIT.

The Town Council of the Town of Fort Myers Beach hereby formally consents to the establishment, by Lee County, of a municipal service taxing unit (MSTU) to be known as the Lee County Preservation Lands Taxing Unit as presently codified by Lee County Ordinance 97-08. The Town Council further consents to the inclusion in said taxing unit of all of the lands within the Town's boundaries, to include all described properties located within the jurisdictional boundaries of the Town of Fort Myers Beach.

SECTION THREE: THE TERM FOR WHICH SAID CONSENT IS GIVEN.

Any ad valorem millage to be levied by the Board of County Commissioners of Lee County as the Governing Board of the Preservation Lands Taxing Unit within the Taxing Unit properties authorized and consented to hereby in Section One, shall not exceed 0.5 mills per each taxing year for a period not to exceed seven (7) years commencing fiscal year 97/98. The provisions for which the foregoing consent is given shall be consistent with and not exceed the conditions as set out in Lee County Ordinance 97-08.

SECTION FOUR: EFFECTIVE IMMEDIATELY.

The foregoing consent shall be effective immediately upon its adoption by the Town Council.

SECTION FIVE: SEVERABILITY.

In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance, which shall remain in full force and effect.

SECTION SIX: CODIFICATION.

This ordinance shall be deemed an amendment to the Code of Ordinances of the Town of The Town of Fort Myers Beach.

SECTION SEVEN: CONFLICT.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

SECTION EIGHT: EFFECTIVE DATE.

This ordinance shall take effect immediately upon its adoption by the Town Council.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member m. Murphy and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>absent</u>
William (Rusty) Isler	<u>absent</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 19th day of May, 1997.

ATTEST:

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: Anita T. Cereceda
Anita T. Cereceda, Mayor

Approved as to form by:

 Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney