

1 VILLAGE OF ESTERO, FLORIDA

2
3 ORDINANCE NO. 2016 - 11

4
5 AN ORDINANCE OF THE VILLAGE COUNCIL OF
6 THE VILLAGE OF ESTERO, FLORIDA,
7 PROVIDING FOR AND APPROVING THE
8 AUTHORITY OF THE MAYOR TO EXECUTE AN
9 INTERLOCAL AGREEMENT WITH LEE COUNTY
10 FOR THE CONTINUATION OF THE UNIVERSITY
11 LANDSCAPING OPERATION AND MAINTENANCE
12 SPECIAL IMPROVEMENT UNIT TO PROVIDE AN
13 ENHANCED LEVEL OF LANDSCAPING ALONG
14 CERTAIN PORTIONS OF CORKSCREW ROAD,
15 ESTERO PARKWAY AND BEN HILL GRIFFIN
16 PARKWAY WITHIN THE VILLAGE LIMITS;
17 PROVIDING FOR A TERM AND AN EFFECTIVE
18 DATE.
19

20 WHEREAS, pursuant to Florida Statutes Chapter 125 the Board of County
21 Commissioners of Lee County adopted County Ordinance Number 00-04 on March 28, 2000
22 ("*County's Ordinance*"), the terms of which are incorporated herein by reference, which
23 ordinance created the non-ad valorem based municipal service benefit unit known as the
24 University Landscaping Operation and Maintenance Special Improvement Unit ("*University*
25 *Landscaping MSBU*"); and
26

27 WHEREAS, the University Landscaping MSBU was established for the purpose of
28 installing and maintaining landscaping on certain portions of Corkscrew Road, Ben Hill
29 Griffin Parkway and Estero Parkway, which landscaping would be over and above the
30 County's "core level" of landscaping; and
31

32 WHEREAS, the Village was incorporated as the newest municipality in Lee County
33 on December 31, 2014, with the a Village Council as the governing body; and
34

35 WHEREAS, as a result of the aforesaid incorporation of the Village, portions of
36 County-owned and maintained Corkscrew Road, Ben Hill Griffin Parkway and Estero
37 Parkway are now located within the boundary of the Village; and
38

39 WHEREAS, also as a result of the incorporation of the Village, Florida Statutes
40 §125.01(q) requires the termination of that portion of University Landscaping MSBU now
41 located within Estero, *unless* the Village Council consents by ordinance, either annually or
42 for a term of years, to the continuation of the University Landscaping MSBU to the extent so
43 located within the Village; and
44

45 **WHEREAS**, the County and Village desire to accomplish the continued assessment
46 for the installation and maintenance of landscaping and vegetation over and above the
47 County's "core level" on those portions of Corkscrew Road, Ben Hill Griffin Parkway and
48 Estero Parkway as may now be located within the incorporated boundary of the Village.
49

50 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
51 Florida:

52
53 **Section 1.** **Recitals.**

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55 The foregoing recitals are true and correct and incorporated herein by this reference.
56

57 **Section 2.** **Authority.**

- 58
59
60 1. The Mayor of the Village of Estero is hereby authorized to execute an Interlocal
61 Agreement between the Village and the County to facilitate the County's
62 continuation in assessing the non-ad valorem assessment, collecting the same and
63 administering the University Landscaping MSBU, a copy of which Interlocal
64 Agreement is attached hereto and incorporated herein by reference.
65
66 2. The intended result of this Ordinance is the continued operation of the University
67 Landscaping MSBU for those benefitted properties now located within the
68 municipal boundary of the Village.
69
70 3. This Ordinance is adopted pursuant to the requirements of Florida Statutes
71 §125.01(q), to consent to the continuation of the University Landscaping MSBU
72 to the extent benefitted properties and certain roadways are located within the
73 Village;
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75 **Section 3.** **Term.**

76
77 This Ordinance is adopted for a term of three years, commencing December 31, 2014,
78 and running through and including December 31, 2017. Further, this Ordinance may be
79 extended by a subsequent amendment and affirmative vote of the Village Council.
80

81 **Section 4.** **Effective Date.**

82
83 This Ordinance shall become immediately effective upon its adoption by the Village
84 Council.
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86 **PASSED** on first reading this 7th day of September, 2016.
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88

89 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
90 Florida, this 21st day of September, 2016.

91
92 Attest:

VILLAGE OF ESTERO, FLORIDA

93
94
95 By: Kathy Hall
96 Kathy Hall, MMC, Village Clerk

By: Nicholas Batos
Nicholas Batos, Mayor

97
98
99 Reviewed for legal sufficiency:

100
101 By: Burt H. Saunders
102 Burt Saunders, Esq., Village Attorney
103
104

105	Vote:	AYE	NAY
106	Mayor Batos	<u>✓</u>	<u> </u>
107	Vice Mayor Levitan	<u>✓</u>	<u> </u>
108	Councilmember Boesch	<u>✓</u>	<u> </u>
109	Councilmember Brown	<u>✓</u>	<u> </u>
110	Councilmember Errington	<u>✓</u>	<u> </u>
111	Councilmember Ribble	<u>✓</u>	<u> </u>
112	Councilmember Wilson	<u>✓</u>	<u> </u>