1	VILLAGE OF ESTERO, FLORIDA					
2						
3	ORDINANCE NO. 2017-08					
4						
5	AN ORDINANCE OF THE VILLAGE COUNCIL OF THE					
6	VILLAGE OF ESTERO, FLORIDA, PROVIDING FOR					
7	AND APPROVING THE AUTHORITY OF THE MAYOR					
8	TO EXTEND PARTICIPATION IN INTERLOCAL					
9	AGREEMENT WITH LEE COUNTY FOR THE					
10	CONTINUATION OF THE UNIVERSITY					
11	LANDSCAPING OPERATION AND MAINTENANCE					
12	SPECIAL IMPROVEMENT UNIT TO PROVIDE AN					
13	ENHANCED LEVEL OF LANDSCAPING ALONG					
14 15	CERTAIN PORTIONS OF CORKSCREW ROAD,					
15 16	ESTERO PARKWAY AND BEN HILL GRIFFIN PARKWAY WITHIN THE VILLAGE LIMITS;					
10 17	PARKWAY WITHIN THE VILLAGE LIMITS; PROVIDING FOR AN EXTENDED TERM AND AN					
18	EFFECTIVE DATE.					
19	EFFECTIVE DATE.					
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	1 3 //					
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, <i>unless</i> the Village Council consents by ordinance, either annually or					
12	for a term of years, to the continuation of the University Landscaping MSBU to the extent so					

located within the Village;

41 42

43 44 WHEREAS, the County and Village desire to accomplish the continued assessment through September 30, 2018, for the installation and maintenance of landscaping and vegetation over and above the County's "core level" on those portions of Corkscrew Road, Ben Hill Griffin Parkway and Estero Parkway as may now be located within the incorporated boundary of the Village.

WHEREAS, the Village approved Village of Estero, Florida, Ordinance No. 2016-11, to consent to initial continued participation in the University Landscaping MSBU through December 31, 2017, the terms and conditions of which are incorporated herein by reference; and

WHEREAS, on August 31, 2016, the County and the Village approved a companion Interlocal Agreement accepting administration of the University Landscaping MSBU by the County on behalf of the Village through December 31, 2017, including any extensions, the terms and conditions of which are incorporated herein by reference.

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

## Section 1. Recitals.

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

## Section 2. Authority.

1. As a result of the adoption of this Ordinance the Mayor of the Village of Estero is hereby authorized to execute any necessary extension of the August 31, 2016 Interlocal Agreement between the Village and the County to facilitate the County's continuation in assessing the non-ad valorem assessment, collecting the same and administering the University Landscaping MSBU.

2. The intended result of this Ordinance is the continued operation of the University Landscaping MSBU for those benefitted properties now located within the municipal boundary of the Village through September 30, 2018.

3. This Ordinance is adopted pursuant to the requirements of Florida Statutes §125.01(q), to consent to the continuation of the University Landscaping MSBU to the extent benefitted properties and certain roadways are located within the Village;

## Section 3. Term.

This Ordinance is adopted to extend the term of the August 31, 2016 Interlocal Agreement between the Village and the County through September 30, 2018. Further, this

89 90	Ordinance may be extended by a subsequent amendment and affirmative vote of the Village Council.					
91						
92 93	Section 4. Effective Da	te.				
94	This Ordinance shall become immediately effective upon its adoption by the Village					
95	Council.		autory care	ture upon no unoprion ey inc a mage		
96						
97 98	<b>PASSED</b> on the first reading this $2^{nd}$ day of August, 2017.					
99	PASSED AND ADO	APTEN RV 1	r <b>ue v</b> ii i	ACE COUNCIL of the Village of Estero		
100	<b>PASSED AND ADOPTED BY THE VILLAGE COUNCIL</b> of the Village of Estero, Florida this 4 <sup>th</sup> day of October, 2017.					
101	1 londa tilis 4 day of Octob	<u>ici</u> , 2017.				
102	Attest:			VILLAGE OF ESTERO, FLORIDA		
103				^		
104	,			()		
105	By: <u>Kathy Hall</u> , MMC	l.		By: Mayor James R. Boesch, Mayor		
106	Kathy Hall, MMC	, Village Cler	k	James R. Boesch, Mayor		
107						
108						
109	Reviewed for legal sufficiency:					
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111	Ill will b	// md k				
112	By: Ment-Counde					
113	Burt Saunders, Esq., Village Attorney					
114						
115	<b>V</b> -4	A 3.75	31437			
116	Vote:	AYE	NAY			
117 118	Mayor Boesch Vice Mayor Ribble		1000	_		
110	Councilmember Levitan			_		
120	Councilmember McLain	<u> </u>		_		
120	Councilmember Errington		***************************************	_		
121	Councilmember Batos			_		
123	Councilmember Wilson			_		
	Commentation without					