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AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, REPEALING PUBLIC IMPROVEMENTS AND PROJECTS PROVISIONS OF THE LEE COUNTY CODE PREVIOUSLY ADOPTED BY REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village's adoption of same.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following municipal service benefit and taxing units were established and amended by ordinances adopted by the Lee County Board of County Commissioners, pursuant to Chapter 125, Florida Statutes. The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code. To the extent authorized by law and without affecting the existence of the Lee County municipal service benefit or taxing units listed below and without affecting the ordinances adopted by the Lee County Board of County Commissioners that established or amended below, the following sections of the Code of Laws and Ordinances, of the Village of Estero, Florida are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code chapter 27, Public Improvements and Projects, Sec. 27-61. Creation of the unit and boundaries.

46 Sec. 27-62. The governing body; Sec. 27-63. Types of services; Sec. 27-64. Power to
47 levy service charges; special assessments of taxes within the unit; Sec. 27-65. General powers;
48 and Sec. 27-66.
49

50 Property not subject to ad valorem taxation are hereby rescinded and repealed as
51 ordinances of the Village of Estero. Specific district provisions enumerated in Subdivision 1.
52 - Cherry/Blueberry Improvement Unit; Subdivision 2. - San Carlos Island Streetlighting Unit;
53 Subdivision 3. - County-Wide Municipal Service Taxing Unit; Subdivision 4. - Palm Beach
54 Boulevard Improvement Unit; Subdivision 5. - Whiskey Creek Club Estates; Subdivision 6. -
55 Corkscrew Road; Subdivision 7. - Winkler Safe Neighborhood District MSTU; Subdivision 8.
56 - Cherry Estates Operation and Maintenance Special Improvement Municipal Services Benefit
57 Unit; Subdivision 9. - Old Pelican Bay Channel/Canal Operation and Maintenance Special
58 Improvement Municipal Services Benefit Unit; Subdivision 10. - University Landscaping
59 Operation and Maintenance Special Improvement Unit; Subdivision 11. - Tanglewood
60 Improvement Unit; Subdivision 12. - LeHigh Acres Streetlighting Unit; Subdivision 13. -
61 Anchorage Way/Intracoastal Operation and Maintenance Municipal Service Benefit Unit;
62 Subdivision 14. - Dewberry Lane Special Improvement Operation and Maintenance Municipal
63 Service Benefit Unit; Subdivision 15. - Northeast Hurricane Bay Municipal Service Taxing
64 Unit; Subdivision 16. - Upper Captiva Municipal Service Taxing Unit; Subdivision 17. - Mid-
65 Metro Industrial Park Operation and Maintenance Special Improvement Unit; Subdivision 18.
66 - Gasparilla Island Municipal Service Taxing Unit; Subdivision 19. - McGregor Isles Operation
67 and Maintenance Special Improvement Unit; and Subdivision 20. - River Forest Streetlighting
68 Operation and Maintenance Municipal Service Benefit Unit.
69

70 The adoption of this Ordinance does not affect the validity or the establishment of any
71 existing municipal service benefit or taxing unit that exists and assess ad valorem or special
72 assessments within the Village upon the effective date of this Ordinance, or the validity of such
73 provisions within the Code of Laws and Ordinances of Lee County, Florida. Moreover, the
74 Village hereby ratifies, consents, and confirms the establishment, creation and existence of all
75 existing municipal service or benefit units within the Village of Estero established by Lee
76 County, including and consenting to all amendments thereto by Lee County consistent with
77 Section 125.01(1)(q), Florida Statutes.
78

79 **Section 2. Effective Date.**
80

81 This ordinance shall become effective immediately upon adoption.
82

83 **PASSED** on first reading this 9th day of January, 2019.
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85 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
86 Florida this 23rd day of January, 2019.
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Attest:

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: James R. Boesch
James R. Boesch, Mayor

Reviewed for legal sufficiency:

By: Burt Saunders
Burt Saunders, Esq., Village Attorney

Vote:	AYE	NAY
Mayor Boesch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Mayor Ribble	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Batos	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Errington	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Levitan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember McLain	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>