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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2016 - 11

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA,
PROVIDING FOR AND APPROVING THE
AUTHORITY OF THE MAYOR TO EXECUTE AN
INTERLOCAL AGREEMENT WITH LEE COUNTY
FOR THE CONTINUATION OF THE UNIVERSITY
LANDSCAPING OPERATION AND MAINTENANCE
SPECIAL IMPROVEMENT UNIT TO PROVIDE AN
ENHANCED LEVEL OF LANDSCAPING ALONG
CERTAIN PORTIONS OF CORKSCREW ROAD,
ESTERO PARKWAY AND BEN HILL GRIFFIN
PARKWAY WITHIN THE VILLAGE LIMITS;
PROVIDING FOR A TERM AND AN EFFECTIVE
DATE.**

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

WHEREAS, the University Landscaping MSBU was established for the purpose of installing and maintaining landscaping on certain portions of Corkscrew Road, Ben Hill Griffin Parkway and Estero Parkway, which landscaping would be over and above the County’s “core level” of landscaping; and

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

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

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

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.**
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- 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;
74

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.**
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83 This Ordinance shall become immediately effective upon its adoption by the Village
84 Council.
85

86 **PASSED** on first reading this 7th day of September, 2016.
87
88

