



# PERSSON, COHEN & MOONEY, P.A.

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Reply to: Lakewood Ranch

## MEMORANDUM

TO: Board of Commissioners,  
Lehigh Acres Municipal Services Improvement District  
David E. Lindsay, District Manager

FROM: Maggie D. Mooney

DATE: February 18, 2020

RE: Acquisition of the Streetlight Powers of the Lehigh Acres Streetlighting Unit and  
Potential Processes to Address Boundary Differences.

On January 31, 2019, my office prepared a Memorandum ("July Memorandum") to the Board of Commissioners that responded to specific questions posed by the Board relating to the authority of the Lehigh Acres Municipal Services Improvement District ("District") to enter into an interlocal agreement with Lee County's Lehigh Acres Streetlight Unit ("Unit") for the transfer of the Unit's operation, administration and management functions over streetlight services within the District's boundaries. See attached, Exhibit 1. The July Memorandum laid out the process for the District to pursue the streetlighting powers held by the Unit and made certain assumptions about the jurisdictional boundaries of the Unit. Specifically, the July Memorandum was prepared with the belief the entire Unit was located within the District's jurisdictional boundary. On December 11, 2019, our office was provided additional information about the Unit's boundaries and the location of approximately 500-600 acres of Unit properties lying outside of the District's boundaries. A map of depicting the differences in boundaries between the District and the Unit was prepared by District staff and is attached as Exhibit 2.

Lakewood Ranch  
6853 Energy Court  
Lakewood Ranch, Florida 34240

Venice  
236 Pedro Street  
Venice, Florida 34285

Since becoming aware of the difference in boundaries, District staff has clarified that approximately 507 acres (or 325 parcels) fall within the Unit's boundaries but outside of the District's jurisdictional boundaries. Of the 507 acres, approximately 371 acres contain non-exempt/taxable acreage, as the remaining 136 acres are either exempt parcels or roads. Consequently, questions have arisen as to what impact, if any, does the difference in boundaries create with respect to the District's ability to acquire the Unit's streetlighting powers and how does the District pursue the acquisition of streetlighting powers moving forward.

**1. Lee County Created the Unit and Established Its Boundaries and Lee County Retains Authority to Adjust the Unit's Boundaries.**

As outlined in the July Memorandum, the Unit was established by Lee County Ordinance 92-08 (as codified in Section 27-281, of Lee County Code of Ordinances ("Code")). Lee County Ordinance 92-08 has been amended several times by ordinances dated June 13, 2000, March 13, 2007, and January 26, 2010, which included modifications to the boundaries of the Unit. The Unit is a dependent district of the Lee County and as such the Lee County Board of Commissioners (BOCC) has authority to expand or contract the Unit's boundaries through the adoption of an ordinance. Under applicable Florida laws, Lee County's adoption of an ordinance amending the Unit's boundaries can be accomplished at a regular or special meeting through a regular (non-land use) ordinance adoption process that only requires giving notice of the county's intent to adopt an ordinance (through published notice at least 10 days prior holding a meeting to hear the ordinance) and then approval of that ordinance by the BOCC at the publicly noticed meeting. See, Fla. Stat. § 125.66 (2). Accordingly, contracting the Unit's boundaries through Lee County's ordinance adoption process is not difficult but would require a metes and bounds description that adjusts the District's and Unit's boundaries to make them coterminous.

Lee County's agreement to contract the Unit's existing boundaries would be the simplest way for the District to pursue the streetlighting power held by the Unit. While this may be the most desirable approach for the District, coordination with Lee County Administration will be necessary as this approach may raise revenue reimbursement issues for Lee County. Specifically, if the Unit has collected ad valorem revenue from the 325 taxable parcels that fall outside of the District's boundaries for streetlighting infrastructure, the County may face pressure from the 325 parcel owners that paid into streetlighting district for refunds. As a tax refund/reimbursements are generally disfavored by most local governments, this approach may require County staff time and effort, and Lee County may or may not be willing to entertain a request to contract the Unit's boundaries.

However, if Lee County does agree to contract the Unit's boundaries, then the District would not need to make any changes or modifications to its existing enabling legislation (Chapters 2015-202 and 2017-306, Laws of Florida). Once the County contracts the Unit's boundaries, a referendum relating to the District's acquisition of streetlighting powers could be held at a general election following the agreement of Lee County and the processes previously outlined in the July Memorandum. Further, if the District obtained referendum to obtain streetlighting powers at a general election, then Lee County would still need to be involved in facilitating the transfer of the Unit's streetlighting power, infrastructure and revenue and obligations to the District, and the County would be responsible for dissolving the Unit as required by applicable Florida law. See, Fla. Stat. §189.071.

## **2. The Florida Legislature Created the District's Boundaries and Can Adjust the District's Boundaries.**

The District's enabling legislation (Chapters 2015-202 and 2017-306, Laws of Florida) sets forth the District's powers and jurisdiction. The District's jurisdictional boundaries were initially established in Chapter 2015-202, Laws of Florida, and then subsequently expanded by Chapter 2017-306, Laws of Florida. While the expansion of the District's boundaries can be accomplished through the Florida Legislature (with a metes and boundaries property description of the added lands), it is relevant to note that the Governor's Office requires either consent of the landowner(s) or a referendum of the landowners to add lands to an existing local government's jurisdiction. David Ramba, the District's lobbyist, indicated that in 2017, the District had the consent of a large landowner to include the landowner's property within the District's boundaries, thereby making the District's previous boundary expansion compliant with this requirement. To further expand the District's boundaries to include the Unit's 325 taxable parcels (that are currently outside of the District), the District will need to either obtain the consent of all 325 parcel owners or conduct a referendum of those parcel owners. If a referendum is held, then the District will need the approval of a majority of the voting 325 parcel owners to consent to the inclusion of their property within the District's boundaries.

Accordingly, it is relevant to note that the consent or referendum approval by the Unit's 325 parcel owners (lying outside the District) would need to occur before the District can pursue a referendum of the District's electors relating to the District's acquisition of the streetlighting power. Unlike the power referendum questions which are required to occur at general elections, a separate referendum of the Unit's 325 parcel owners could be pursued by the District at any time; however, the date and means of holding such a referendum of the Unit's 325 parcel owners would need to be agreed to by the Lee County Supervisor of Elections. Additionally, it is recommended that a referendum of the Unit's 325 parcel owners (lying outside the District) also be coordinated with Lee County in furtherance of intergovernmental cooperation. As previously mentioned above and in the July Memorandum, a future referendum relating to District's streetlighting powers and a future transfer of the Unit's power, infrastructure, assets and dissolution will require Lee County cooperation.

## **3. The District's Options to Address the Differences in Boundaries.**

Based upon the foregoing, the District can address the difference between the District's and Unit's jurisdictional boundaries by either: (1) working with Lee County to contract the Unit's boundaries to match the District's boundaries through the County ordinance adoption process, or (2) by expanding the District's boundaries to include all of the Unit's boundaries through a process that will require the Unit's 325 parcel owners consent (in writing or by referendum) to become part of the District, followed by an amendment by the Florida Legislature to the District's boundary description set forth in Chapter 2017-206, Laws of Florida.

Should the Commission have any questions or concerns regarding this Memorandum and the attached Exhibits, please do not hesitate to contact me to discuss.



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**MEMORANDUM**

TO: Board of Commissioners,  
Lehigh Acres Municipal Services Improvement District  
David E. Lindsay, District Manager

FROM: Maggie D. Mooney, R. David Jackson, and Regina Kardash

DATE: July 31, 2019

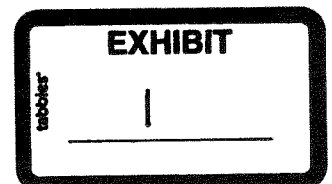
RE: The District's Authority to Contract for Streetlight Powers.

At the July 22, 2019 meeting, the Board of Commissioners requested that our office research the Lehigh Acres Municipal Services Improvement District's ("District's") ability to enter into an interlocal agreement with Lee County's Lehigh Acres Streetlight Unit ("Unit") that transfers the Unit's operation, administration and management functions over streetlight services to the District, and provides for the Unit to compensate the District for such services through the transfer of the Unit's collected ad valorem revenues.

**Short Answer:** Currently, there are several impediments to the District entering into an interlocal agreement with the Unit to assume the operation and maintenance powers over the streetlight services within Lehigh Acres. Specifically, (1) the Unit's enabling Ordinance appears only to allow the Unit to contract for *improvements* and does not appear to contemplate the transfer of administration, maintenance or operational powers over streetlights from the Unit to another government; and (2) the District's Special Act provides specific steps that must be followed to assume the streetlight service authority and the legislation provides for the specific termination of the Unit and the transfer of all of the Unit's powers and assets to the District.

Lakewood Ranch  
6853 Energy Court  
Lakewood Ranch, Florida 34240

Venice  
236 Pedro Street  
Venice, Florida 34285



In evaluating the authority of the Unit and the District to enter into an interlocal agreement that provides for the Unit's collection of revenue for the streetlight services and the District's administration, operation and maintenance over streetlight services within the Lehigh Acres community, we evaluated both the Lee County Ordinance 92-08, as amended, and the District's Enabling Legislation (Chapters 2015-202 and 2017-216). Our analysis and opinion as to the challenges under both the County Ordinance and Enabling Legislation is set forth below.

**1. Lee County Ordinance 92-08 Does Not Appear To Authorize the Unit to Transfer Its Streetlight Powers to the District.**

The Unit was established by Lee County Ordinance 92-08, which set forth that the Unit is to be governed by the Lee County Board of County Commissioners (BOCC) as a Municipal Service Taxing or Benefit Unit ("MSTBU") pursuant to Chapter 125, Florida Statutes. The purpose of the Unit as stated in this ordinance is to provide streetlights and maintenance of the streetlights within certain defined boundaries. Section 3 of the ordinance specifies the "General Powers" for the Unit which include the power to "(l)evy and collect special charges, special assessments, or taxes within the Unit," "(l)evy and collect without referendum ad valorem taxes for the providing of municipal services within the Unit" and to "(a)dopt rules and regulations governing the Unit." The ordinance also creates a fund under Section 4 that is to "contain all special charges, special assessments, taxes, interest, and other monies collected" pursuant to the ordinance and from which the costs of providing the service are to be paid. Specific procedures for levying special assessments related to the Unit are set forth in Section 5 of the ordinance and for levying ad valorem taxes in Section 7. In addition, the ordinance specifies that the BOCC can appoint an advisory committee composed of five residents who reside within the defined boundaries of the Unit. For your convenience, a copy of Lee County Ordinance 92-08 is attached to this memorandum.

Lee County Ordinance 92-08 has been amended on four different occasions by ordinance. Lee County Ordinances 00-11, 07-30, and 10-01 and it appears that each amendment modified the legal description for the boundaries of the Unit. A copy of Exhibit A to Lee County Ordinance 10-01, which sets forth the current boundaries of the Unit, is also attached to this memorandum. Lee County Ordinance 07-04 also amended Ordinance 92-08 to add to the stated purpose of the Unit to provide the following services within the boundaries of the Unit: "Streetlights, maintenance of streetlights, and installation and maintenance of decorative seasonal banners and holiday lighting on the streetlight poles."

Under Lee County Ordinance 92-08, Section 3., Paragraph 3., the Unit is specifically granted the power to enter into contracts with any public, private or municipal firm, person or corporation for the furnishing of the improvements within the boundaries of the Unit. Therefore, the Unit may contract with another entity to specifically provide improvements related to street lighting within its boundaries. Nothing contained in the subsequent Ordinances alters or amends this specific authority of the Unit.

If the Lee County Board of County Commissioners desired to do so, it could delegate further contractual authority for the Unit to be able to contract for maintenance, operational and planning authority for streetlights within its boundaries. Previous ordinance amendments have been focused on the territory of the Unit, but have not amended the powers and duties of the MSTBU. However, as discussed below, in order for the Unit to enter into an interlocal agreement with the District to assume responsibility for the streetlights, the District's Special Act criteria must be addressed as well.

**2. The District's Enabling Legislation (Chapter 2015-202, Laws of Florida) Does Not Contemplate the Ongoing Continuation of the Unit Once Streetlight Powers Are Approved by Referendum For Assumption by the District.**

The District possesses certain powers pursuant to Section 3 of its 2015 Special Act (Chapter 2015-202, Laws of Florida). Notably, Subsection (2)(f) of Section 3 of the 2015 Special Act provides the District with all of the authority, powers, and duties to provide services related to streetlights within the boundaries of the District, subject to certain requirements. The minimum conditions that must be met for the District to acquire the power to provide streetlight services are set forth in Subsection (3) of Section 3 of the 2015 Special Act and include the following:

- 1.) The District shall first enter into an interlocal agreement with Lee County. For the streetlight powers, the Special Act requires that the interlocal agreement with Lee County must provide for the dissolution of the Lehigh Acres Streetlight Unit ("Unit") and the transfer of all equipment, facilities, leases, contracts, and obligations of the Unit to the District ; and
- 2.) A favorable referendum vote of the District's qualified electors residing within the District must approve the referendum question authorizing the District to implement the streetlight power in accordance with the interlocal entered into with Lee County.

Accordingly, in order for the District to acquire the power to provide the streetlight services, which are currently provided by the Unit, within the boundaries of the District, the District must first meet the minimum requirements listed above. This would certainly require the cooperation of Lee County for the District to enter into the proper interlocal agreement as described above. Assuming an agreement with the County can be reached, the electors approve the referendum, and the County dissolves the Unit and transfers the assets of the Unit to the District, the District would also need to adopt an appropriate assessment methodology to fund the streetlight services.

The collaborative existence of both the Unit and the District with respect to having an interlocal agreement on the funding, operation and maintenance of the streetlight services within the District is not specifically provided for in the Special Act. To the contrary, as it is currently written the legislation contemplates that there will only be one entity administering the streetlight operations, maintenance, administration, planning and funding functions within Lehigh Acres. Consequently, it is our opinion that the District does not currently have the power under the Special Act to operate in conjunction with the Unit pursuant to an interlocal agreement as proposed. Notwithstanding this opinion, the District's Special Act could be modified to specifically authorize such a relationship by interlocal agreement.

Therefore, both the Unit and the District have impediments to the successful implementation of an interlocal agreement for the operation and maintenance of streetlights within their boundaries. The legislation creating the District and the Lee County ordinance delegating authority to the Unit would both have to be addressed prior to either having the legal authority to enter into an interlocal for the purpose of overseeing the streetlights.

Should the Commission desire any further information regarding this matter, please do not hesitate to contact our office.

LEE COUNTY ORDINANCE NO. 10-01

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 92-08 AS AMENDED BY ORDINANCE NOS. 00-11, 07-04, AND 07-30 RELATING TO THE LEHIGH ACRES STREET LIGHTING UNIT; AMENDING SECTION ONE PROVIDING FOR THE BOUNDARIES TO BE INCLUDED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a charter county and political subdivision of the State of Florida, and holds all powers granted to counties pursuant to the Florida Constitution and state statutes; and

WHEREAS, the Lee County Board of County Commissioners had previously adopted Ordinance No. 92-08 as amended by Lee County Ordinance Nos. 00-11, 07-04, and 07-30 relating to the creation of the Lehigh Acres Street Lighting Unit; and

WHEREAS, the Board of County Commissioners of Lee County now desires to further amend Lee County Ordinance No. 92-08, as amended, in order to provide for an updated legal description of the Lehigh Acres Street Lighting Unit.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR LEE COUNTY, FLORIDA, THAT:

**SECTION ONE:**

This Ordinance amends Lee County Ordinance 92-08, as amended, as set forth herein. The amendments and revisions set forth in the following sections are hereby adopted.

**SECTION TWO: CREATION OF THE UNIT AND BOUNDARIES**

Section One of Lee County Ordinance 92-08, as amended, is hereby amended to add the following legal description:

SEE ATTACHED LEGAL DESCRIPTION WHICH IS  
LABELED EXHIBIT A HEREBY INCORPORATED  
BY REFERENCE.

**SECTION THREE: SEVERABILITY**

The provisions of this Ordinance are severable, and it is the intention to confer to the whole or any part of this Ordinance the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such an unconstitutional provision not been included herein.



SECTION FOUR: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive requirements shall apply.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect immediately upon its filing with the Office of the Secretary of the Florida Department of State.

(Balance of Page Intentionally Left Blank)

The foregoing Ordinance was offered by Commissioner Mann, who moved its adoption. The motion was seconded by Commissioner Judah, and being put to a vote, the vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Absent
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED THIS 26th day of January, 2010.

ATTEST:

CHARLIE GREEN  
CLERK OF THE COURT

By: Marcia Wilson  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: W. Hall  
Chair

APPROVED AS TO FORM:

By: Scott S. [Signature]  
Office of the County Attorney

## **EXHIBIT A**

### **Lehigh Street Lighting District**

#### **43-27**

The SE ¼ of Section 36, Township 43 South, Range 27 East;

#### **44-26**

Section 1, Township 44 South, Range 26 East;  
Section 2, Township 44 South, Range 26 East;  
Section 3, Township 44 South, Range 26 East;  
Section 11, Township 44 South, Range 26 East;  
Section 12, Township 44 South, Range 26 East;  
Section 13, Township 44 South, Range 26 East;  
The East ½ of Section 14, Township 44 South, Range 26 East;  
The East ½ of Section 19, Township 44 South, Range 26 East lying South of  
Buckingham Road;  
Section 20, Township 44 South, Range 26 East, lying South of Buckingham  
Road;  
Section 21, Township 44 South, Range 26 East, lying Southeast of Buckingham  
Road;  
Section 22, Township 44 South, Range 26 East;  
Section 23, Township 44 South, Range 26 East;  
Section 24, Township 44 South, Range 26 East;  
Section 25, Township 44 South, Range 26 East;  
Section 26, Township 44 South, Range 26 East;  
Section 27, Township 44 South, Range 26 East;  
Section 28, Township 44 South, Range 26 East;  
Section 29, Township 44 South, Range 26 East;  
Section 30, Township 44 South, Range 26 East LESS the NW ¼;  
Section 31, Township 44 South, Range 26 East lying Northeast of SR82;  
Section 32, Township 44 South, Range 26 East;  
Section 33, Township 44 South, Range 26 East;  
Section 34, Township 44 South, Range 26 East;  
Section 35, Township 44 South, Range 26 East;  
Section 36, Township 44 South, Range 26 East;

#### **44-27**

Sections 1 through 36, Township 44 South, Range 27 East;

#### **45-26**

Section 1, Township 45 South, Range 26 East;  
Section 2, Township 45 South, Range 26 East;  
Section 3, Township 45 South, Range 26 East;  
Section 4, Township 45 South, Range 26 East lying Northeast of SR82;  
Section 5, Township 45 South, Range 26 East lying Northeast of SR82;  
Section 9, Township 45 South, Range 26 East lying Northeast of SR82;  
Section 10, Township 45 South, Range 26 East lying Northeast of SR82;  
Section 11, Township 45 South, Range 26 East lying Northeast of SR82;

Section 12, Township 45 South, Range 26 East;  
Section 13, Township 45 South, Range 26 East lying Northeast of SR82;  
Section 14, Township 45 South, Range 26 East lying Northeast of SR82;

**45-27**

Section 1, Township 45 South, Range 27 East;  
Section 2, Township 45 South, Range 27 East;  
Section 3, Township 45 South, Range 27 East;  
Section 4, Township 45 South, Range 27 East;  
Section 5, Township 45 South, Range 27 East;  
Section 6, Township 45 South, Range 27 East;  
Section 7, Township 45 South, Range 27 East;  
Section 8, Township 45 South, Range 27 East;  
Section 9, Township 45 South, Range 27 East;  
Section 10, Township 45 South, Range 27 East;  
Section 11, Township 45 South, Range 27 East;  
Section 12, Township 45 South, Range 27 East;  
Section 13, Township 45 South, Range 27 East;  
Section 14, Township 45 South, Range 27 East;  
Section 15, Township 45 South, Range 27 East;  
Section 16, Township 45 South, Range 27 East;  
Section 17, Township 45 South, Range 27 East;  
Section 18, Township 45 South, Range 27 East;  
Section 19, Township 45 South, Range 27 East;  
Section 20, Township 45 South, Range 27 East;  
Section 21, Township 45 South, Range 27 East;  
Section 22, Township 45 South, Range 27 East;  
Section 23, Township 45 South, Range 27 East;  
Section 24, Township 45 South, Range 27 East;  
Section 25, Township 45 South, Range 27 East;  
Section 26, Township 45 South, Range 27 East;  
Section 27, Township 45 South, Range 27 East lying northeast of SR82;  
Section 28, Township 45 South, Range 27 East lying Northeast of SR82;  
Section 29, Township 45 South, Range 27 East lying Northeast of SR82;  
Section 34, Township 45 South, Range 27 East lying Northeast of SR82;  
Section 35, Township 45 South, Range 27 East lying Northeast of SR82;  
Section 36, Township 45 South, Range 27 East;

All lying and being in Lee County, Florida.

AN ORDINANCE CREATING THE LEHIGH ACRES STREETLIGHTING UNIT; DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPE(S) OF SERVICE WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE UNIT; RESCINDING THE LEE COUNTY RESOLUTIONS OF JUNE 14, 1967; JULY 12, 1967 AND JUNE 4, 1975, AUTHORIZING A MILLAGE CAP OF THREE-FOURTHS OF ONE MILL PER YEAR; PROVIDING FOR A FUND; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lee County Resolutions of June 14, 1967, July 12, 1967 and June 4, 1975, provided for the creation of the Lehigh Acres Streetlighting Unit and limited the millage to a cap of three-fourths of one mill per year; and,

WHEREAS, the Board of County Commissioners of Lee County have determined that it is in the public interest and to the public benefit to create the Lehigh Acres Streetlighting Unit as a Chapter 125, Florida Statutes, Municipal Service Taxing or Benefit Unit; and

WHEREAS, the Board of County Commissioners of Lee County held a public hearing to establish this municipal service taxing or benefit unit; and

WHEREAS, all persons having an interest in the municipal service taxing or benefit unit and the public at large were given an opportunity to be heard at such hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION 1.CREATION OF THE UNIT, PURPOSE AND BOUNDARIES

Pursuant to the powers granted to the Board of County Commissioners of Lee County, Florida, hereinafter referred to as the "Board", by the Constitution of the State of Florida and the Florida Statutes, in particular, Section 125.01, Florida Statute, the Board hereby creates a municipal service taxing or benefit unit to be known as the Lehigh Acres Streetlighting Unit. Unless expressly mandated by State Statute, any and all procedures, administrative or otherwise, which were required to be followed prior to the enactment of this ordinance shall be waived or considered directory in nature and noncompliance with the procedure shall have no effect upon the validity of this ordinance, constitutional or otherwise.

The purpose of the Lehigh Acres Streetlighting Unit shall be to provide the following municipal services within the boundaries of the unit: Streetlighting and maintenance of the streetlights.

The boundaries of the Unit shall be as follows:

SEE ATTACHED LEGAL DESCRIPTION WHICH IS LABELED  
"EXHIBIT "A" HEREBY INCORPORATED BY REFERENCE.

## SECTION 2.

### THE GOVERNING BODY

The Lee County Board of County Commissioners shall be the governing body of the Municipal Service Benefit or Taxing Unit created pursuant to this Ordinance. The Board of County Commissioners may appoint an Advisory Committee, composed of five (5) residents who shall reside within the boundaries of the Municipal Service Taxing and Benefit Unit. The method of appointment and term of office shall be set by the Board of County Commissioners.

## SECTION 3.

### THE GENERAL POWERS

The governing body shall have all the powers necessary or convenient to carry out the purpose of this ordinance and such additional rights and powers as are provided by the Constitution of the State of Florida and the laws of the State of Florida as granted to counties. The governing body shall also have all powers not otherwise prohibited by law and these powers shall include but are not limited to the power to:

1. Sue or be sued, complain or defend in the name of the County in any and all courts or administrative agencies;
2. Acquire by grant, purchase, gift, device, exchange or in any other lawful manner any property, real or personal, or any estate or interest therein upon such terms and conditions as the governing body shall determine;

3. Enter into contracts with any public, private or municipal firm, person or corporation for the furnishing of the improvements within the boundaries of that Unit;
4. Levy and collect special charges, special assessments, or taxes within the Unit;
5. Borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law;
6. Levy and collect without referendum ad valorem taxes for the providing of municipal services within the Unit; and
7. Adopt rules and regulations governing the Unit.

#### SECTION 4.

There is hereby created a fund to be known as the Lehigh Acres Streetlighting Unit from which the costs of any municipal service may be paid, either in whole or in part. This fund shall contain all special charges, special assessments, taxes, interest, and other monies collected or otherwise obtained pursuant to this ordinance or any subsequent resolution thereto.



SECTION 5.LEVYING SPECIAL ASSESSMENTS; LIENS; ENFORCEABILITY

(A) Any special assessment levied pursuant to this ordinance shall be levied only after a Notice of Intent to Adopt Proposed Resolution to Assess has been published in a newspaper of general circulation within Lee County at least fifteen (15) days prior to the public hearing on the proposed resolution.

The method of apportioning the special assessment among the parcels of land within the unit shall be based upon a finding by the Board that the chosen method of apportionment is a fair and reasonable distribution of the cost of the municipal service improvement in proportion to the special benefit which each parcel of land will receive. The assessment roll may be amended at the public hearing.

(B) The special assessment shall be due and payable and interest and penalties for late payment shall accrue thereon from such date as the Board shall provide.

(C) An assessment roll shall be prepared and shall be attached to the proposed resolution. This assessment roll shall consist of all record legal titleholders of parcels of land within the boundaries of the unit and shall state the apportioned assessment for that parcel of land.

(D) The assessment made by the Board as provided for herein shall constitute a lien against all parcels of land so assessed. Upon failure of any property owner to pay any apportioned assessment when due and payable, the Board shall cause to be brought the necessary legal proceedings to enforce payment thereof with all accrued interest and penalties, together with all legal costs incurred including reasonable attorney's fees, to be assessed as part of the cost. In the event of a default on payment of any assessment when due and payable or any accrued interest on the assessment, the entire assessment with interest and penalties shall immediately become due and payable and subject to foreclosure. The foreclosure proceedings may be prosecuted to a sale and conveyance of the property involved in said proceedings as provided by law and suits to foreclose mortgages; or, in the alternative, said proceedings may be instituted and prosecuted by any other lawful process or procedure then available for the enforcement of the lien pursuant to any general law of the State relative to the enforcement of the municipal lien. Enforcement of this lien through foreclosure proceedings or otherwise shall not be construed as the Board's exclusive remedy.

The Board may prosecute any claim, legal or equitable, which it may have against the owner of the specially assessed parcel of land who has defaulted on his payment of the assessment.

(B) The property owner, whose property has been assessed, shall have the right to petition the Board for correction of any inaccuracy in the assessment or its apportionment within ten (10) days of the adoption of the Resolution to Assess. After the lapse of ten (10) days from the date of the adoption of the Resolution to Assess, including amendments thereto, all assessments made shall be deemed conclusive unless the property owner has filed the petition for administrative review. Failure to exercise this right for an administrative remedy within the time permitted shall be deemed a waiver of the property owner's right to object to the assessment or its apportionment.

#### SECTION 6.

##### RESCINDING THE LEE COUNTY RESOLUTIONS OF JUNE 14, 1967:

##### JULY 12, 1967 AND JUNE 4, 1975

The Lee County Resolutions of June 14, 1967, July 12, 1967 and June 4, 1975, creating the Lehigh Acres Streetlighting Unit which had a millage cap of three-fourths of one mill per year (boundaries described in Appendix A) is hereby rescinded in its entirety.

#### SECTION 7.

##### LEVYING AD VALOREM TAXES

Ad valorem taxes levied pursuant to this ordinance shall be levied and a budget prepared and adopted by this Board in the same manner as the Board prepares and adopts annual County budgets and levies taxes as provided by law.

SECTION 8.SEVERABILITY

The provisions of this ordinance are severable and it is the intention to confer the whole or any part, the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court or competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 9.ALTERNATIVE OR SUPPLEMENTAL AUTHORITY

This ordinance shall not be construed as repealing or superseding any other ordinance or law except as specifically set out in Section 6., above, and is to be construed as alternative or supplemental authority for the exercise of the County's powers provided for herein.

SECTION 10.EFFECTIVE DATE

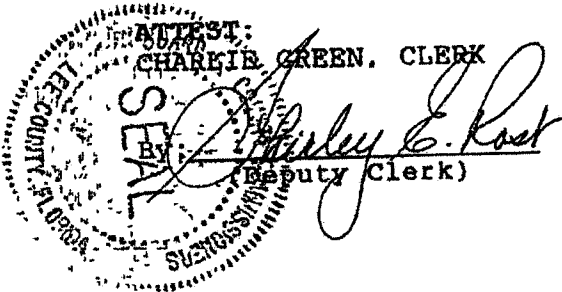
This Ordinance shall take effect upon receipt of acknowledgement of its filing by the Office of the Secretary of State, State of Florida.

THE FOREGOING ORDINANCE was offered by  
 Commissioner Manning who moved it to adoption. The motion  
 was seconded by Commissioner Judah and, upon being  
 put to a vote, the vote was as follows:

DOUGLAS R. ST. CERNY	<u>AYE</u>
VICKI LOPEZ-WOLFE	<u>ABSENT</u>
DONALD SLISHER	<u>ABSENT</u>
JOHN E. MANNING	<u>AYE</u>
RAY JUDAH	<u>AYE</u>

DONE AND ADOPTED THIS 15th day of January,

1992.



BOARD OF COUNTY COMMISSIONERS  
 OF LEE COUNTY, FLORIDA

By: [Signature]

Chairman

APPROVED AS TO FORM:

By: [Signature]

Office of the  
 County Attorney

EXHIBIT A  
LEHIGH ACRES STREETLIGHTING UNIT

Township 44 South, Range 26 East

All of Sections 1 and 2; the northwest 1/4 of the southeast 1/4 of Section 10; all of Sections 11, 12 and 13; the east 1/2 of Sections 14 and 23; all of Sections 24 and 25; the northeast 1/4 and the south 1/2 of Section 26; the south 1/2 of Sections 27, 28 and 29; that part lying east of the R/W of existing U.S. Government road in Section 33; and all of Sections 34, 35 and 36.

Township 45 South, Range 26 East

All of Sections 1, 2 and 3; that part lying east of R/W of existing U.S. Government road in Section 4; that part lying east of R/W of the existing U.S. Government road and north of State Road #82 in Section 9; that part lying north of State Road #82 in Sections 10 and 11; all except the R/W of the County Road in Section 12; all that part lying north of the State Road #82 less the R/W of the County Road in Section 13; and all that part lying north of State Road #82 in Section 14.

Township 43 South, Range 27 East

The southeast 1/4, and the west 1/2 of the southeast 1/4 of the northeast 1/4, and the northeast 1/4 of the southeast 1/4 of the northeast 1/4 of Section 36.

Township 44 South, Range 27 East

The south 1/2 and the north 1/2 of the north 1/2 of Section 1; the east 1/2 and the east half of the northwest 1/4 and the southwest 1/4 of the northwest 1/4 of Section 2; southeast 1/4 and the southwest 1/4 and the west 1/2 of the northwest 1/4 of Section 3; all of Section 4 except the south 1/2 of the southwest 1/4; the east 1/2 and the southwest 1/4 of Section 5; all of Section 6; and south 1/2 and the north 1/2 of the northeast 1/4 and the northeast 1/4 of the northwest 1/4 of Section 7; the south 1/2 and the northwest 1/4 of the northwest 1/4 of Section 8; south 1/2 and east 1/2 of the northeast 1/4 of Section 9; the west 1/2 and the east 1/2 less northeast 1/4 of the southwest 1/4 of the southeast 1/4 of Section 10; and ~~all of Sections 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,~~ 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36.

EXHIBIT A--CONTINUED  
 LEHIGH ACRES STREETLIGHTING UNIT  
 Page 2

Township 45 South, Range 27 East

The southeast 1/4 of the northwest 1/4 and the east 3/4 of the north 1/2 of the southwest 1/4 and the north 1/2 of the southwest 1/4, of the southwest 1/4, and the east 3/4 of the south 1/2 of the southwest 1/4 of the southwest 1/4, and the west 1/2 of the southwest 1/4 of the southwest 1/4 of the Southwest 1/4, and the northwest 1/4 of the northwest 1/4 and the northeast 1/4 of the northwest 1/4 and the southwest 1/4 of the northwest 1/4 of Section 5; and the east 1/2 of the northeast 1/4 of Section 6.

Township 44 South, Range 26 East

Lots 1 and 3, Block 38, and also that tract known as "E" of that certain subdivision known as Buckingham Park, recorded in Plat Book 9 at Pages 99-101, public records of Lee County, Florida, said land all being in Section 21, Township 44 South, Range 26 East, Lee County, Florida. Subject, however, to an easement for a drainage canal recorded in Miscellaneous Book 32 at Page 335 of the public records of Lee County, Florida.

All that part of Section 22, Township 44 South, Range 26 East, lying South of Homestead Road as shown on plat of Buckingham Park Entrance Roads recorded in Plat Book 9 at Pages 97 and 98 of the public records of Lee County, and lying South and East of Block 37 Buckingham Park South section according to plat recorded in public records. Plat Book 9, Pages 99 to 101 inclusive, subject however, to an easement for a drainage canal recorded in Miscellaneous Book 32 at Page 335 of said public records.

1. All that part of the East Half of Section 20, Township 44 South, Range 26 East, Lee County, Florida lying South of South right of way of Buckingham Road, less and except that tract or parcel lying Northeast of the center line of the existing drainage canal, also
2. That part of Section 21, Township 44 South, Range 26 East, Lee County, Florida. Southwesterly of the center line of the existing drainage canal, also
3. The Northeast quarter of Section 29, Township 44 South, Range 26 East, Lee County, Florida, less Southerly 100 feet thereof.

All of the above containing 412.50 acres, more or less, together with all improvements located thereon.

EXHIBIT A--CONTINUED  
LEHIGH ACRES STREETLIGHTING UNIT  
Page 3

Parcel D and Lot 28, and Northerly 40 feet of Lot 29, Block 39, Buckingham Park, according to Plat Book 9, Pages 99-101, of the Public Records of Lee County, Florida, together with that portion of the East Half of Section 20, Township 44 South, Range 26 East lying South of right of way of Buckingham Road and Northeast of the center line of the existing drainage canal, containing 129.30 acres, more or less.

Tract B and Lots 8-A, 9 and 16, Block 36, Buckingham Park, according to Plat Book 9, Pages 92 and 93, of the Public Records of Lee County, Florida, containing 214.29 acres, more or less.

Lot 3, Block 40, Buckingham Park Subdivision, South Section, as shown in Plat Book 9, Pages 99 to 101, inclusive, of the Public Records of Lee County, Florida, containing 1.8 acres, more or less.

Lot 4, Block 40, Buckingham Park Subdivision, South Section, as shown in Plat Book 9, Pages 99 to 101, inclusive, of the Public Records of Lee County, Florida, containing 1.6 acres, more or less.

Lot 5, Block 40, Buckingham Park Subdivision, South Section, as shown in Plat Book 9, Pages 99 to 101, inclusive, of the Public Records of Lee County, Florida, containing 1.5 acres, more or less, together with all improvements located thereon.

Lot 6, Block 40, Buckingham Park Subdivision, South Section, as shown in Plat Book 9, Pages 99 to 101, inclusive, of the Public Records of Lee County, Florida, containing 1.55 acres, more or less.

Lot 7, Block 40, Buckingham Park Subdivision, South Section, as shown in Plat Book 9, Pages 99 to 101, inclusive, of the Public Records of Lee County, Florida, containing 1.55 acres, more or less.

Lot 8, Block 40, Buckingham Park Subdivision, South Section, as shown in Plat Book 9, Pages 99 to 101, inclusive, of the Public Records of Lee County, Florida, containing 1.55 acres, more or less.

Lot 9, Block 40, Buckingham Park Subdivision, South Section, as shown in Plat Book 9, Pages 99 to 101, inclusive, of the Public Records of Lee County, Florida, containing 1.53 acres, more or less, together with all improvements located thereon.



EXHIBIT A--CONTINUED  
LEHIGH ACRES STREETLIGHTING UNIT  
Page 4

Lot 10, Block 40, Buckingham Park Subdivision, South Section, as shown in Plat Book 9, Pages 99 to 101, inclusive, of the Public Records of Lee County, Florida, containing 1.55 acres more or less.

The NW 1/4 of Section 29, the NE 1/4 of Section 30, and that part of the E 1/2 of Section 19, and the W 1/2 of Section 20, lying South of Buckingham Road, all in Township 44 South, Range 26 East, Lee County, Florida, containing 664.09 acres, more or less.

West 1/2 of Section 23, containing 324.82 acres, more or less.

Northwest 1/4 of Section 26, containing 161.22 acres, more or less.

North 1/2 of Section 27, containing 325.56 acres, more or less.

North 1/2 of Section 28 East of Buckingham Government Road and the South 100 feet of the North 1/2 of Section 28 West of Buckingham County Road, containing 88.74 acres more or less.

The South 100 feet of the North 1/2 of Section 29, containing 12.12 acres more or less.

The South 1/2 and the South 100 feet of the North 1/2 of Section 30, containing 319.74 acres, more or less.

All of Section 31 North of Highway 82, containing 393.58 acres, more or less.

All of Section 32, containing 637.87 acres, more or less.

All of Section 33, lying West of Buckingham County Road, containing 508.88 acres, more or less.

TOWNSHIP 45 SOUTH, RANGE 26 EAST

All of Section 4 North of Highway 82, and West of Buckingham County Road, containing 520.04 acres, more or less.

All of Section 5 North of Highway 82, containing 318.83 acres, more or less.

All of Section 6 North of Highway 82, containing 3.92 acres, more or less.

EXHIBIT A--CONTINUED  
LEHIGH ACRES STREETLIGHTING UNIT  
Page 5

All of Section 9 North of Highway 82, and West of Buckingham County Road, containing 25.86 acres, more or less.

TOWNSHIP 44 SOUTH, RANGE 27 EAST

The Southwest 1/4 of Section 2, containing 159.67 acres, more or less.

The North 854 feet of the East 466 feet of the Southeast 1/4 of the Northeast 1/4 of Section 7, containing 9.14 acres, more or less.

The Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 10, containing 10 acres, more or less.

South 1/2 of Northwest 1/4 and South 1/2 of Northeast 1/4 and Southeast 1/4 of Section 31, containing 320 acres, more or less.

The Northwest 1/4 of the Northeast 1/4 and the East 5/8 of the Northwest 1/4 of Section 9, containing 140 acres, more or less.

The South 1/2 of the North 1/2 of Section 1, containing 160 acres, more or less.

The Northwest 1/4 of the Northwest 1/4 of Section 31, containing 40 acres, more or less.

TOWNSHIP 45 SOUTH, RANGE 27 EAST

The West 1/2 of the Northwest 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of Section 6, containing 220.00 acres, more or less.

East 1/2 and Southwest 1/4 and the Southeast 1/4 of Northwest 1/4 of Section 7, containing 520 acres, more or less.

West 1/2 and the West 1/2 of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 8, containing 440 acres, more or less.

All of Section 2, containing 640 acres, more or less.

All of Section 11, containing 640 acres, more or less.

All of Section 14, containing 640 acres, more or less.

EXHIBIT A--CONTINUED  
LEHIGH ACRES STREETLIGHTING UNIT  
Page 6

TOWNSHIP 43 SOUTH, RANGE 27 EAST

The Northeast 1/4 of the Northeast 1/4 and the Southwest 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4, of Section 36, containing 90 acres, more or less.

A description of the lands to be added to the East County Water Control District situated in Lee County, Florida.

TOWNSHIP 43 SOUTH, RANGE 27 EAST

West 1/2 of Southwest 1/4 of Section 31.

The Southwest 1/4 of the Northeast 1/4, the Northwest 1/4, the East 1/2 of the Southwest 1/4 and the West 1/2 of the Southeast 1/4, the Southeast 1/4 of the Southeast 1/4 of Section 31.

All the above containing 480.43 acres, more or less.

TOWNSHIP 44 SOUTH, RANGE 27 EAST

West 3/8 of Northwest 1/4 of Section 9.

Northwest 1/4 of Section 5.

South 1/2 of Southwest 1/4 of Section 4.

West 1/2 of Northwest 1/4 and Southeast 1/4 of Northwest 1/4 and Southwest 1/4 of Northeast 1/4 of Section 7.

The North 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of Section 31.

All the above containing 740.00 acres, more or less.

TOWNSHIP 45 SOUTH, RANGE 27 EAST

All of Section 3 except the West 1/2 of the Northwest 1/4; all of Sections 10, 15 and 22; that part of Sections 27 and 34 lying North of State Highway 82.

The South 1/2 of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 4.

EXHIBIT A--CONTINUED  
LEHIGH ACRES STREETLIGHTING UNIT  
Page 7

The East 1/2 of the Northwest 1/4; the Northwest 1/4 of the Northwest-1/4; the Northwest-1/4 of the Southwest 1/4; the East 1/2 of the Northeast 1/4 of the Southwest 1/4; the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4; the East 1/2 of the Northeast 1/4; the Southwest 1/4 of the Northeast 1/4 all in Section 4.

The Northwest 1/4 of the Northeast 1/4 of Section 4. Less the South 1/2 of the South 1/2 of the Northwest 1/4 of the Northeast 1/4.

The Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 6.

The Northeast 1/4 of the Southwest 1/4; the East 1/2 of the Northwest 1/4 of the Southwest 1/4; and the South 1/2 of the Northwest 1/4, excepting therefrom the following described parcel: Beginning at the Southwest Corner of Government lot 5, thence running North 466.7 feet to a point; thence East 466.7 feet to a point; thence South 466.7 feet to a point; thence West 466.7 feet to the Point of Beginning, all in Section 6.

The North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 6.

The North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 6.

TOWNSHIP 45 SOUTH, RANGE 27 EAST

All of Sections 1, 12, 13, 24 and 25; and all of Section 36, except that portion thereof constituting the right-of-way for State Road 82.

The Southeast 1/4 of the Northeast 1/4 and the Southeast 1/4 of Section 9; all of Sections 16 and 21; and all of Sections 28 and 29 lying North of State Road 82.

All of the above containing 9,193.87 acres, more or less.

Total acreage this report 10,414.30 acres, more or less.

A description of the lands to be added to the East County Water Control District situated in Lee County, Florida.

EXHIBIT A--CONTINUED  
 LEHIGH ACRES STREETLIGHTING UNIT  
 Page 8

TOWNSHIP 43 SOUTH, RANGE 26 EAST

The Southeast quarter of the Northeast quarter of the Northeast quarter and Northeast quarter of the Southeast quarter of the Northeast quarter of Section 25, Township 43 South, Range 26 East.

The Northeast quarter of the Northeast quarter of the Northeast quarter in Section 25, Township 43 South, Range 26 East.

TOWNSHIP 43 SOUTH, RANGE 27 EAST

From the Southeast corner of Government Lot 5; Section 19, Township 43 South, Range 27 East, which is also the South one-quarter corner of said Section 19, go North  $89^{\circ}32'09''$  West 941.16 feet along the South boundary of said Section 19 to the point of beginning of the lands hereinafter described: From said point of beginning go North  $00^{\circ}33'49''$  West 961.01 feet to the Southerly U.S. Government easement line of the Caloosahatchee River; thence North  $00^{\circ}33'48''$  West 90.00 feet, more or less, to the actual South shore of the Caloosahatchee River; thence Southerly and Westerly along the meanders of said river to a point which lies North  $00^{\circ}33'48''$  West of a point on the South boundary of said Section 19, said latter point being 623.7 feet from the point of beginning as measured along the South boundary of Section 19; thence South  $00^{\circ}33'48''$  East 50.00 feet to the Southerly U.S. Government easement line of the Caloosahatchee River; thence South  $00^{\circ}33'48''$  East 578.75 feet to the South line of Section 19; thence South  $89^{\circ}32'09''$  East along the South line of Section 19 to the point of beginning.

West half of: Beginning at the Northwest corner of Section 30, Township 43 South, Range 27 East; thence running South 654 feet to center of State Road No. 25 (now known as State Road No. 80) thence Southerly  $82^{\circ}15'00''$  East 3,342 feet; thence Southerly  $84^{\circ}15'00''$  East 694.00 feet; thence North 1,239 feet to the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 30; thence West to the point of beginning.

Less: The East 35.8 feet of the parcel in Section 19, Township 43 South, Range 27 East, and the West 118.4 feet of the parcel in Section 30, Township 43 South, Range 27 East, said parcels as described in Deed recorded in Official Record Book 95, page 135-136, of the public records of Lee County, Florida.

EXHIBIT A--CONTINUED  
LEHIGH ACRES STREETLIGHTING UNIT  
Page 9

A tract or parcel of land lying in the West half of Section 30, Township 43 South, Range 27 East, in Lee County, Florida, described as follows: From a concrete monument marking the Southeast corner of Lot 5 of Unit No. 2 Pine Creek Acres, as recorded in Plat Book 10 at page 74 of the public records of Lee County, run South 00°56'00" East parallel to and 2,418.00 feet, measured on a perpendicular, from the West line of said Section 30 for 2,531.80 feet to the point of beginning, said point of beginning being 710.00 feet, measured on a perpendicular from the center line of the former Seaboard Airline Railroad, from said point of beginning run North 00°56'00" West for 468.7 feet, thence run West parallel to said center line for 678.00 feet more or less to the waters of Hickey's Creek; thence run Southerly and Easterly along this meanders of said creek to an intersection with a line parallel to and 710.00 feet, measured on a perpendicular, from said center line of said railroad; thence run East on said parallel line for 567.00 feet more or less to a point of beginning.

The following described lands in the West half of Section 30, Township 43 South, Range 27 East: From a concrete monument marking the Southeast corner of Lot 5, Unit 2, Pine Creek Acres, according to plat thereof as recorded in Plat Book 10 at page 74, public records of Lee County, Florida, run West along the South line of said Lot 5 to the Southwest corner of said lot; thence North along the West line of said Lot 5 to the South line of Pine Boulevard, as shown on aforesaid plat of Pine Creek Acres; thence Northwesterly along the South line of said Pine Boulevard of a concrete monument marking the Northeast corner of Lot 92 of said Unit 2, Pine Creek Acres; thence Southerly along the East line of said Pine Creek Acres Unit 2 to the center line of Hickey's Creek; thence Southeasterly following the center line of said Hickey's Creek to a point which is 1,178 feet North of the center line of the former SAL Railway and said point being the Northwest corner of lands conveyed to Paul W. Grubbs and wife, Naomi G. Grubbs, by deed recorded in Deed Book 274 at page 463, public records of Lee County, Florida; thence East parallel to the center line of SAL Railway 678.00 feet, more or less, to a point which is 2,418.00 feet East, measured on a perpendicular from the West line of said Section 30; thence North 00°56'00" West 2,063.10 feet to the point of beginning.

EXHIBIT A--CONTINUED  
 LEHIGH ACRES STREETLIGHTING UNIT  
 Page 10

The Northeast quarter of the Northeast quarter of the Northeast quarter, and the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 31, Township 43 South, Range 27 East:

Begin at the Southwest corner of Section 30, Township 43 South, Range 27 East, for a point of beginning and run North 00°53'00" West, along the West line of said Section 30 to its intersection with the centerline of Hickey's Creek; thence Easterly and Southerly along the centerline of said Creek to its intersection with the Northerly right of way line of the old SAL Railroad (100 foot right of way); thence Easterly along said Northerly right of way line, 660.00 feet; thence Northerly 660.00 feet; thence Westerly and parallel to the said Railroad right of way line to the intersection with a line parallel to and 2,418.00 feet from the West line of the Northwest quarter of said Section 30; thence North 00°56'00" West along the said line parallel to the West line of the Northwest quarter Section 30 to a point that is South 00°56'00" East, 223.86 feet from the Southerly right of way line of State Road 80; thence North 89°35'20" East, 166.20 feet; thence North 00°24'40" West, 203.00 feet to the Southerly right of way line of said State Road 80; thence South 82°54'00" East, along said right of way line 137.61 feet; thence South 00°24'40" East, 237.58 feet; thence North 89°35'20" East, 209.19 feet; thence South 00°24'40" East, 918.16 feet; thence North 89°35'20" East, 420.00 feet; thence North 00°24'40" West, 1069.39 feet to the Southerly right of way line of State Road 80; thence Southeasterly along the arc of a curve to the right, having a radius of 17,113.74 feet and a delta angle of 01°46'00"; an arc distance of 188.21 feet to the end of said curve; thence continue along said right-of-way line South 81°08'00" East, 456.59 feet to its intersection with the East line of the Northwest quarter of the Northeast quarter of said Section 30; thence South 00°24'40" East along the East line of the West one-half of the Northeast quarter of said Section 30 to a point 129.00 feet South 00°24'40" East from the Northwest corner of the Southeast quarter of the Northeast quarter; thence South 89°41'55" East, and parallel to the North line of the said Southeast quarter of the Northeast quarter of said Section 30, 337.00 feet; thence North 00°24'40" West to the right of way line of State Road 80; thence South 81°08'00" East along said right of way line to its intersection with the East line of said Section 30; thence South 00°08'33" East, along the East line of said Section 30 to the Southeast corner of the Northeast quarter; thence continue South 00°32'10" East, 2,643.68 feet to the Southeast corner of said Section; thence

EXHIBIT A--CONTINUED  
 LEHIGH ACRES STREETLIGHTING UNIT  
 Page 11

South 89°58'04" West, along the South line of Section 30, 2,637.54 feet to the Southwest corner of the Southeast quarter; thence continue North 89°55'20" West, 2,643.03 feet to the Southwest corner of said Section 30 and the point of beginning, less a strip of land 100.00 feet wide and lying in the South one-half of said Section 30, and being the old SAL Railroad right-of-way, less the West 200.00 feet of said Section 30 lying South of Hickey's Creek, plus the following described parcel: In Section 30, Township 43 South, Range 27 East, begin at the intersection of the centerline of Hickey's Creek with the North line of the SAL Railroad right-of-way; thence Easterly, 660.00 feet along the North line of said right of way; thence Northerly 660.00 feet; thence Westerly and parallel to the said Railroad right of way line to the intersection with a line parallel to and 2,418.00 feet from the West line of the Northwest quarter of said Section 30; thence South 00°56'00" East, along said line parallel to the West line of the Northwest quarter of Section 30 to its intersection with the centerline of Hickey's Creek; thence Southeasterly along said centerline to the Point of Beginning.

Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 29, 30, 33, 34, 35, 36, 39 and 40 Unit No. 1, Pine Creek Acres, according to the map or plat thereof on file and recorded in the office of the Clerk of Circuit Court of Lee County, Florida, in Plat Book 10 at Page 13.

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 29, 30, 31, 32, 33 and 34, Unit No. 2, Pine Creek Acres, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 10 at page 74.

Beginning at the point of intersection of the south right of way line of State Road No. 80 (Palm Beach Boulevard) with the West line of said Section 30 run South 82°54'00" East along said South right of way line (75 feet from the centerline) for 450.2 feet to the northwesterly corner of Lot 9 of said Unit No. 1; thence run South 07°6'00" West along the westerly line of said Lot 9 for 200.00 feet; thence run South 82°54'00" East along the southerly line of Lots 9 and 10 for 100 feet; thence run South 07°06'00" West along the westerly line of Lot 11 for 200.00 feet to the Southwest corner of said lot; thence run South 57°38'00" West for 60.73 feet on a straight line to an intersection with a line 421.8 feet easterly from and parallel with the West line of said Section 30, said point of intersection being the Northeast corner of Lot 92 of Unit No. 2



EXHIBIT A--CONTINUED  
 LEHIGH ACRES STREETLIGHTING UNIT  
 Page 12

Pine Creek Acres; thence run South 00°56'00" East along said parallel line and the East boundary of said Unit No. 2 for 997.36 feet; thence run South 85°36'00" East for 29.13 feet; thence run South 04°24'00" West for 310.00 feet more or less to the waters of Hickey's Creek; thence run westerly along said creek to a point on the West line of said Section 30; thence run North 00°56'00" West along said section line for 1,902 feet more or less to the point of beginning.

Beginning at the intersection of the centerline of Hickey's Creek and a Southerly extension of the East boundary of the property conveyed to Paul W. and Naomi G. Grubbs by deed recorded in Deed Book 274, at Page 463, Public Records of Lee County, Florida; thence North and West along the centerline of Hickey's Creek to the intersection of said centerline with the South boundary of the property conveyed to Grubbs, thence East along said South boundary to the Southeast corner of the Grubbs property, thence South to the point of beginning, said parcel being in Section 30, Township 43 South, Range 27 East.

That parcel known as the old Seaboard Airline Railroad right of way in Section 30, Township 43 South, Range 27 East, said right of way being 100.00 feet wide and having a centerline parallel to and 599.26 feet from the South boundary of said section.

TOWNSHIP 45 SOUTH, RANGE 27 EAST

Commencing at the Northeast corner Government Lot 4 of Section 3, Township 45 South, Range 27 East in Lee County, Florida; thence run south 631.60 feet to the point of beginning of the tract herein described, thence continue South 315.90 feet; thence West 660.00 feet, thence run North 315.90 feet, thence East 660.00 feet to the point of beginning.

Commencing at the Northwest corner Government Lot 4 of Section 3, Township 45 South, Range 27 East in Lee County, Florida, thence run South 631.60 feet to the point of beginning of tract hereby described, thence continue East 660.00 feet, thence South 315.90 feet, thence West 660.00 feet, thence North 315.90 feet to the point of beginning.

Starting at the Northeast corner of Government Lot 4 of Section 3, Township 45 South, Range 27 East, in Lee County, Florida, thence run South 157.9 feet to the point of beginning of the

EXHIBIT A--CONTINUED  
LEHIGH ACRES STREETLIGHTING UNIT  
Page 13

tract herein described, thence continue South 315.80 feet, thence West 330.00 feet, thence North 315.80 feet, thence East 330.00 feet to the point of beginning.

The North half of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 4, Township 45 South, Range 27 East.

The Northeast quarter of the Northeast quarter of the Northwest quarter in Section 6, Township 45 South, Range 27 East.

The Northwest quarter of the Northwest quarter; and the South half of the Northeast quarter of the Northwest quarter of Section 6, Township 45 South, Range 27 East.

The North half of the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 6, Township 45 South, Range 27 East.

The East one-half of the Northeast quarter of Section 8, Township 45 South, Range 27 East.

All of Sections 23 and 26 and all of Section 35 lying North of a line 100.00 feet North of and parallel to the survey line of State Road 82 in Township 45 South, Range 27 East.

The Northwest quarter of the Southeast quarter of Section 4, Township 45 South, Range 27 East.

Commencing at the West Quarter Corner of Section 5, Township 45 South, Range 27 East; thence along the quarter Section line North  $89^{\circ}07'37''$  East, a distance of 25.00 feet to the point of beginning of land herein described; thence continue North  $89^{\circ}07'37''$  East, a distance of 665.83 feet; thence South  $02^{\circ}00'20''$  East, a distance of 1,315.41 feet; thence South  $89^{\circ}08'14''$  West, a distance of 667.32 feet to the East right of way line of Alabama Road; thence along said right of way line North  $01^{\circ}56'26''$  West a distance of 1,315.26 feet to the point of beginning, said tract of land containing 20.12 acres, more or less.

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**From:** Maggie Mooney  
**Sent:** Tuesday, February 18, 2020 9:25 AM  
**To:** Amanda Gilmore  
**Subject:** FW: Emailing - LAMSID\_Streetlight Boundary Comp.pdf  
**Attachments:** LAMSID\_Streetlight Boundary Comp.pdf

Maggie D. Mooney, Esq.  
O: (941) 306-4730  
Email: [mmooney@swflgovlaw.com](mailto:mmooney@swflgovlaw.com)

**From:** Dave Lindsay <DLindsay@la-msid.com>  
**Sent:** Wednesday, December 11, 2019 9:30 AM  
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**Cc:** Mike Cook <MCook@la-msid.com>; Carla Brantley <CBrantley@la-msid.com>  
**Subject:** Emailing - LAMSID\_Streetlight Boundary Comp.pdf

Maggie and Commissioners: Attached is a map of the intersection of the LA-MSID map and the Lee County Streetlighting boundary map along with streetlight locations. The creme color indicated the area of common boundaries. The pink hatched areas are lands inside the streetlighting boundaries, but outside of LA-MSID's boundaries. The blue lines are LA-MSID's boundaries and white areas inside of those lines are lands inside of LA-MSID's boundaries, but outside of the Streetlighting boundaries.

Our challenge is legally creating the new boundaries of Our lighting unit and Maggie will guide us through that. Lee County will have to agree to the new boundary. Overall, this is a step in the process that we will have to navigate through, during any agreement negotiation.

