

By Senator Rossin

35-1363-98

See HB

1 A bill to be entitled
2 An act relating to Lee County and the City of
3 Fort Myers; providing for the annexation of the
4 enclaves known as "Dunbar" and "Belle Vue" by
5 interlocal agreement between the city and
6 county, subject to approval by referendum;
7 providing for procedures for adoption of the
8 agreement and for a referendum; providing for
9 authority for assumption of municipal service
10 duties and transfer of infrastructure;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. The City of Fort Myers and Lee County are
16 authorized to enter into an interlocal agreement subject to
17 referendum approval for the orderly municipal annexation of
18 the following further described areas located within a 1-mile
19 radius of the City of Fort Myers city limits:

20 (1) The unincorporated enclave commonly known as
21 "Dunbar"; and

22 (2) The unincorporated enclave considered to be
23 another portion of the Dunbar enclave, but commonly known as
24 "Belle Vue."

25 Section 2. The areas proposed to be annexed are
26 described as follows:

27 (1) The "Dunbar" enclave includes the following
28 described lands located south of S.R. 82:

29
30 Tracts or parcels of land lying in Sections 17,
31 19, 20, 29 and 30, Township 44 South, Range 25

1 East, Lee County, Florida which tract or parcel
2 are described as follows:

3
4 SECTION 17

5 All of George D. Williams Subdivision as
6 recorded in Plat Book 4 at Page 1 of the Lee
7 County Records

8 LESS AND EXCEPT:

9 Lots 19, 24, 25 and 26

10 AND

11 Lot 29 and the West 115 feet of Lot 30 of
12 Sunnyside Farms Subdivision as recorded in Plat
13 Book 3 at Page 72 of the Lee County Records

14 AND

15 Lot 32 and the South 74 feet of Lot 17 of
16 Sunnyside Farms Subdivision as recorded in Plat
17 Book 3 at Page 72 of the Lee County Records

18
19 SECTION 19

20 Beginning at the intersection of the East
21 right-of-way (ROW) line of Ford Street and the
22 South ROW line of Dr. Martin Luther King Jr.
23 Boulevard (State Road No. 82) run East along
24 the South line of said road to the Westerly
25 line of Henderson Avenue; thence run South
26 along said West line to the Westerly
27 prolongation of the South line of Lots 1
28 through 10, Block D of Carver Park; thence run
29 East along said South line to the Southeast
30 corner of Lot 4, Block E said Carver Park as
31 recorded in Plat Book 8 at Page 88 of the Lee

1 County Records; thence run North along the East
2 line of said Lot 4 to the South line of said
3 Martin Luther King Jr. Boulevard; thence run
4 East along said South line to the Northeast
5 corner of Lot 2, Block 1 Kaune's Subdivision as
6 recorded in Plat Book 1 at Page 60 of said
7 public records; thence run South along the East
8 line of said Lot 2 and East line of said Lot
9 25, said Kaune's Subdivision; thence run East
10 along the North line of Conn Avenue to the
11 Southeast corner of Lot 18, Block 1, said
12 Kaune's Subdivision; thence run North to an
13 intersection with the South line of said
14 Boulevard; thence run East along said South
15 line to the East line of Section 19; thence run
16 South along said East line to the South line of
17 Edison Avenue; thence run West along said South
18 line to the East line of Highlands Avenue;
19 thence run South along said East line to the
20 North line of Franklin Street; thence run East
21 along the North line of Franklin Street to an
22 intersection with the East line of Section 19;
23 thence run South along said East line to the
24 South line of Canal Street; thence run West
25 along said South line of Canal Street to the
26 East line of Ford Street; thence run North
27 along said East line to the South line of
28 Franklin Street; thence run East along said
29 South line to the West line of Henderson
30 Avenue; thence run North along said West line
31 to the South line of Edison Avenue; thence run

1 West along said South line to the East line of
2 Ford Street; thence run North along said East
3 line to the Point of Beginning.

4
5 SECTION 20

6 Beginning at the intersection of the South line
7 of Dr. Martin Luther King Jr. Boulevard and the
8 West line of Section 20, Township 44 South,
9 Range 25 East run South to an intersection with
10 the North line of Harlem Lakes Subdivision as
11 recorded in Plat Book 13 at Page 136 of the Lee
12 County Records; thence run East along the North
13 line of Lot 12, Block 1, said Harlem Lakes
14 Subdivision to the Northeasterly corner of said
15 Lot 12; thence run Southeasterly along the
16 Northeasterly line of said Lot 12 to the North
17 line of Fairview Avenue; thence run East along
18 the North line of said Fairview Avenue to the
19 Southeast corner of Lot 5, said Block 1; thence
20 run North along the East line of Lot 5 and
21 Northerly prolongation thereof to an
22 intersection with the South line of Martin
23 Luther King Jr. Boulevard; thence run Easterly
24 along said South line to the Northeast corner
25 of lands described in Official Record Book 2209
26 at Page 4434, said public records, 280 feet
27 Easterly of the East line of Flint Drive;
28 thence run South along the East line of said
29 lands and the Southerly prolongation thereof to
30 the Southeast corner of lands described in
31 Official Record Book 2352 at Page 4744, said

1 public records; thence run West along the South
2 line of said lands to the East line of Flint
3 Drive; thence run South along said East line
4 for 100 feet; thence run East for 280 feet;
5 thence run South for 162 feet; thence run West
6 for 280 feet to the East line of Flint Drive;
7 thence run South along said East line for 100
8 feet; thence run East for 280 feet; thence run
9 South 350 feet to the Southeast corner of lands
10 described in Official Record Book 1150 at Page
11 66, said public records; thence run West for
12 280 feet to the East line of said Flint Drive;
13 thence run South along said East line to the
14 North line of Edison Avenue; thence run West
15 along said North line to an intersection with
16 the West line of said Section 20; thence run
17 North along said West line to the Point of
18 Beginning.

19
20 SECTION 29

21 Lots 1 through 8, Block 1, Southside Gardens as
22 recorded in Plat Book 3 at Page 18, Lee County,
23 Records

24 AND

25 Lot 1 and the West 220 feet of Lot 2, Block 2
26 and the South 183 feet of the 196 feet of Lot 8
27 all in Block 2,

28 AND

29 Lots 2, 3, 4, 5 and 8, Block 3; Lots 2, 3, 6, 7
30 and 8, Block 4; Lots 3 and 6, Block 5; Lots 2
31 through 8, Block 6; the West half (W-1/2) of

1 Lot 1, Block 8, Lots 2 through 8, Block 10;
2 Lots 5 and 6, Block 11 and Lots 2 and 3, Block
3 12;
4 AND
5 All of Resubdivision of Lot 5, Block E,
6 Southside Gardens as recorded in Plat Book 6 at
7 Page 8, said public records;

8
9 SECTION 30

10 Beginning at the Northeast corner of Section 30
11 run South along said East line to the Southeast
12 corner of said Section 30; thence run West
13 along the South line of said Section to the
14 intersection with the East line of the Seminole
15 Gulf Railroad; thence run North along said East
16 line to an intersection with the North line of
17 Tara Lee Street; thence run Easterly along said
18 North line to the Southwest corner of lands
19 described in Official Record Book 2123 at Page
20 2935, Lee County Records; thence run North
21 along the West line of said lands to the
22 Northwest corner of said lands; thence run
23 Easterly along the North line of said lands and
24 the Easterly prolongation thereof to the East
25 line of Metro Parkway; thence run South along
26 said East line to the Southwest corner of Lot
27 27, East Stadler Farms as recorded in Plat Book
28 5 at Page 6 of the Lee County Records; thence
29 run East along the South line of Lot 27 to the
30 Southeast corner of the West half (W-1/2) of
31 Lot 28, said East Stadler Farms; thence run

1 North along said Seat line to an intersection
2 with the South line of Lot 21, said East
3 Stadler Farms; thence run West along said South
4 line and the Westerly prolongation thereof to
5 the East line of the Seminole Gulf Railway;
6 thence run North along said East line to the
7 South line of Hanson Street; thence run East
8 along said South line to the West line of Work
9 Drive; thence run North along said West line to
10 the South line of the North half (N-1/2) of
11 Lots 13 and 14, East Stadler Farms; thence run
12 West along said South line to the East line of
13 Ford Street; thence run North along said East
14 line to the South line of Lot 4, said East
15 Stadler Farms; thence run East along said South
16 line of Lots 3 and 4, said East Stadler Farms
17 to the West line of Work Drive; thence run
18 North along said West line to an intersection
19 with the Westerly prolongation of the South
20 line of lands described in Official Record Book
21 2359 at Page 2587, said public records; thence
22 run East along the South line of said lands to
23 an intersection with the West line of Highland
24 Circle; thence run North, East and Northerly
25 along the West line of Highland Circle to the
26 Northeast corner of lands described in Official
27 Record Book 2359 at Page 2587, said public
28 records; thence run West along the South line
29 of said lands for 120 feet; thence run North
30 for 100 feet; thence run West to the East line
31 of Work Drive; thence run North along said East

1 line to an intersection with the North line of
2 said Section 30; thence run East along said
3 North line to the Point of Beginning.

4 (2) The "Belle Vue" enclave includes the following
5 described lands located north of S.R. 82:

6
7 Tracts or parcels of lands lying in Sections 8,
8 9, 16 and 17, Township 44 South, Range 25 East,
9 Lee County, Florida which tracts or parcels are
10 described as follows:

11
12 SECTION 8

13 All that part of the Southeast quarter (SE-1/4)
14 of Section 8 lying East of Marsh Avenue and
15 South and West of Arlington Subdivision as
16 recorded in Plat Book 16 at Pages 38 and 39,
17 Lee County Records.

18 All that part of the Southwest quarter (SW-1/4)
19 of Section 8 lying South of Billy's Creek;

20
21 SECTION 9

22 All of Lots 21, 24, 25 and 28 of N.S. Blunt's
23 Five Acre Farms as recorded in Plat Book 4 at
24 Page 66 of the Lee County Records lying South
25 of Billy's Creek

26 AND

27 All of Sherwood Forest Subdivision as recorded
28 in Plat Book 10 at Page 35 of said public
29 records.

30
31 SECTION 16

1 All of Green Acres Subdivision as recorded in
2 Plat Book 5 at Page 72 of the Lee County
3 Records
4 AND
5 The North half (N-1/2) of the Southwest quarter
6 (SW-1/4) of the Northeast quarter (NE-1/4) of
7 said Section 16;
8 AND
9 The West half (W-1/2) of the Southwest quarter
10 (SW-1/4) of the Southwest quarter (SW-1/4) of
11 the Northeast quarter (NE-1/4) of said Section
12 16;
13 AND
14 The North half (N-1/2) of the Northeast quarter
15 (NE-1/4) of the Northwest quarter (NW-1/4) of
16 the Southeast quarter (SE-1/4) of said Section
17 16.
18
19 SECTION 17
20 All of the North half (N 1/2) of said Section
21 17.
22 LESS AND EXCEPT:
23 East Palm Subdivision as recorded in Plat Book
24 29 at Page 95 of the Lee County Records.
25
26 LESS AND EXCEPT:
27 The West 410 feet of the North 360 feet of the
28 West half (W-1/2) of the Northeast quarter
29 (NE-1/4) of the Northeast quarter (NE-1/4)
30 LESS
31 The West 30 feet.

1
2 Section 3. The interlocal agreement for the proposed
3 annexation of the Dunbar and Belle Vue enclaves as developed
4 by the City of Fort Myers and Lee County shall be filed with
5 the clerk of the city and the clerk of the courts for the
6 county, and a duly advertised public hearing shall be held by
7 both the city and the county respectively, prior to the
8 adoption of the interlocal agreement by the city council and
9 the county commission. No changes to the terms and conditions
10 of the interlocal agreement may be made by either the city or
11 the county once filed with the respective clerks prior to the
12 public hearings for consideration of the adoption of the
13 interlocal agreement.

14 Section 4. (1) Subsequent to the adoption of the
15 interlocal agreement between the city and the county, and
16 prior to the implementation of the proposed annexation by the
17 city of the described "Dunbar" and "Belle Vue" enclaves, a
18 referendum shall be held by the city in the City of Fort Myers
19 and within the proposed, described enclave areas to be annexed
20 for the ratification and approval of the interlocal agreement
21 by the registered electorates therein.

22 (2) The interlocal agreement shall be presented
23 separately to the registered voters residing within the city
24 and the registered voters residing within the proposed annexed
25 areas as further described in section 2 of this act. The
26 procedures for conducting the referendum shall be pursuant to
27 the requirements as set out at s. 171.0413(2), Florida
28 Statutes. Upon a majority vote in favor of the interlocal
29 agreement by the registered voters of the City of Fort Myers
30 and a majority vote of the combined registered voters residing
31 in both the "Dunbar" and "Belle Vue" areas, the interlocal

1 agreement shall be deemed to be ratified and approved, and
2 shall become effective as provided for in the interlocal
3 agreement, but otherwise for not more than 1 year following
4 the referendum. The referendum for ratification and approval
5 of the interlocal agreement for annexation may be conducted by
6 the city at any regular election following the adoption of the
7 interlocal agreement by the city and the county.

8 Section 5. (1) For the areas subsequently annexed by
9 the city by interlocal agreement, the city shall assume all of
10 the municipal service duties of Lee County pursuant to the
11 terms and conditions of the approved interlocal agreement.

12 (2) The transfer from the county to the city of county
13 municipal service infrastructure located within the annexed
14 areas shall be pursuant to the terms and conditions of the
15 approved interlocal agreement.

16 Section 6. This act shall take effect upon becoming a
17 law.