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LEE COUNTY ORDINANCE NO. 86-14

AN ORDINANCE RELATING TO GARBAGE AND SOLID WASTE COLLECTION WITHIN LEE COUNTY; CREATING MUNICIPAL SERVICE BENEFIT UNITS AND A SPECIAL DISTRICT UNIT TO INCLUDE INCORPORATED AREAS OF THE COUNTY; TO BE KNOWN AS SOLID WASTE AND MANDATORY COLLECTION UNITS FOR SERVICE AREAS; PROVIDING FOR THE PURPOSE OF DISPENSING OF SOLID WASTE AND THE BOUNDARIES; ESTABLISHING A GOVERNING BODY WITH POWERS AND DUTIES; PROVIDING FOR RESIDENTIAL AND COMMERCIAL COLLECTION; MANDATING SERVICES AND PAYMENT FOR SAME; LEVING SPECIAL ASSESSMENTS AND COLLECTION; PROHIBITING UNLAWFUL DISPOSAL; PENALTIES, SEVERABILITY, SUPPLEMENTAL AUTHORITY AND EFFECTIVE DATE.

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WHEREAS, the Board of County Commissioners of Lee County, Florida finds that there is an inordinate amount of littering of and illegal dumping on the public right-of-way and private lands of Lee County, with garbage and waste generated within the residential and non-residential units of the County, resulting in the necessity for more stringent regulation of Garbage and Solid Waste collection practices within the County; and,

WHEREAS, Lee County has determined that a substantial number of commercial entities and residents in the County do not subscribe to a garbage or trash collection disposal service; and,

WHEREAS, the Courts of the State of Florida have determined that levies of fees for garbage and waste collection similar to those levied herein by Lee County are and can be levied as special assessments; and,

WHEREAS, it has been determined that it is necessary for the Board to exercise its authority under Florida Statute

● RECORD VERIFIED - CHARUE GRIFFIN, CLERK ●
● BY G. SHERWOOD, D.C. ●

Section 125.01(1)(q)(r) and 125.01(5)(a)(b) to create six (6) municipal service benefit units and Special District Benefit Units for garbage and waste collection in the unincorporated and a portion of the incorporated area of the County from funds derived from Special Assessments within such units and/or Districts only; and.

WHEREAS, it has been determined that it is necessary for the promotion of common interest and good of the people of the County to provide for the effectuation in financing of garbage and waste collection and disposal and it is necessary to the health, welfare and safety of the citizens and residents and commercial operations within the unincorporated and a portion of the incorporated area that the service be regulated through the use of a franchise for a particular service area in which the residential unit or commercial property is located; and,

WHEREAS, the County has determined that it is the most appropriate method to implement Municipal Service Benefit Units and Special District Benefit Unit by the levy of Special Assessments against residential units within the Benefit Units for the collection and disposal of garbage and waste reflecting the benefits of the provisions of such service.

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

SECTION 1. CREATION, PURPOSE, DECLARATION OF BENEFIT

There is to be established hereby municipal service benefit units pursuant to the authority granted in Section 125.01(1)(q)(r) Florida Statutes. There is further hereby

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established a Special District to provide garbage and waste collection within portions of the incorporated area of the County. Said municipal service benefit units and Special District Benefit Unit shall be known as Lee County Solid Waste and Mandatory Collection Unit Service Areas No. 1 to No. 6, respectively. Benefit Unit Service Areas No. 1 to 6 shall consist of a specific portion of all of the unincorporated area of Lee County, Florida, as described in the description for each of said (6) benefit units, as set forth in Exhibit "A" attached hereto and incorporated herein. Each of said municipal service benefit units shall consist of the specifically described portion of all unincorporated area of Lee County. Benefit Unit Service Areas No. 7 and 8, are created as a Special District pursuant to F.S. 125.01(5)(a)(b) and includes both incorporated and unincorporated areas in order to provide for the levy of special assessments within such District to finance the service of garbage and solid waste collection therein. It is the intent of this Ordinance that the legal descriptions of the service areas included within the Benefit Units correspond to the areas covered by the Solid Waste Collection Service Franchises granted Contractors pursuant to 61-2397, Laws of Florida.

As of October 1, 1988, all areas as described in this Ordinance that are within the incorporated limits of any municipality can be excluded at the option of the municipality.

And further, it is the purpose of these units to promote the common interest of the people of the County, to provide for

the effectuation of garbage and waste collection and disposal through the levy of a special assessment against residential units, and which, because of varying needs and benefits of commercial operators, commercial operators cannot be made subject to a special assessment; and to promote the health and welfare and safety of the citizens and residents of the collection service units by providing adequate garbage and waste collection and disposal through the regulated services of a franchisee contractor.

SECTION 2. STATEMENT OF COUNTY INTENT

It is the intent of the County to require all persons within the unincorporated areas of the County and Special Districts to have their Solid Waste collected and disposed of in a proper, sanitary and efficient manner; to provide all persons with a sanitary and efficient manner; to provide all persons with a sanitary and efficient means of having their Solid Waste collected and disposed of; to eliminate illegal dumping; to provide an effective method of collecting the cost for the services rendered; and to promote the health, safety, and welfare of the citizens of the County.

It is hereby declared and determined by the County that the Solid Waste collection and disposal services provided pursuant to this Ordinance and corresponding franchise contracts including, but not limited to, the accomplishment of the intent stated herein, shall and do constitute a benefit to each Commercial and Residential Service Unit, equal to, or in excess of, the cost of providing such Solid Waste collection and

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disposal service and which such service benefit said residential property values.

Except as provided in Section 6(7) herein, it is the intent of the County that collection and hauling of Solid Waste is to be done only by those authorized by the County and that disposal shall be done only at County designated Solid Waste Facilities.

SECTION 3. DEFINITIONS:

For the purpose of this Ordinance, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent to the context, words used in the present tense, include the future, words in the plural include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely discretionary.

1. Board shall mean the Board of County Commissioners of Lee County, Florida.
2. Benefit Unit refers to each of the eight (8) Municipal Service Benefit Units and Special District Units existing under Section 1 hereof, unless specifically indicated to the contrary.
3. Commercial Collection Service means service to include but not limited to Commercial Property which properties are all hotels, motels, parks containing mobile homes, trailers, manufactured housing and recreational vehicles, commercial (wholesale/retail), manufacturing, industrial and institutional

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enterprises of all types licensed to do business in Lee County. Commercial properties shall be all properties other than those listed in paragraph 14 below, including condominiums consisting of more than 4 units.

4. Container shall mean and include any detachable container designed or intended to be mechanically dumped into a packer type garbage truck used by contractors and varying in size. Such container is to be maintained so as to be leak proof and rodent resistant.
5. Contractor means those firms authorized by Franchise Contract with the County to provide solid waste collection services.
6. County shall mean Lee County, Florida.
7. Customer shall mean all persons, corporations, partnerships, or other entities owning residential units or commercial property within a benefit unit that is within a contractor's service area and all other persons subscribing to the garbage and waste service as provided by the contractor and terms of this ordinance.
8. Extraordinary Waste shall include items of such bulk or weight so as to prevent two (2) persons from lifting it or require extraordinary management that include but are not limited to abandoned automobiles and boats, waste oil, sludges, septic tank pumpage.

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tree trunks greater than 4 inches in diameter.

9. Garbage shall mean animal, fruit and vegetable waste, either alone or in combination with other putrescible matter resulting from the handling, storage, sale, preparation, cooking, serving or consumption of foods; which are subject to decomposition or decay. These wastes and the containers in which such items are packaged shall be contained to prevent the generation of noxious gases and odors, the breeding of flies and other insects and the feeding of rodents.
10. Garbage Receptacle shall mean and include any steel, plastic, or galvanized receptacle. Receptacles shall be of the design that allows for easy lifting with two (2) handles and of not more than 35 gallons capacity. These receptacles are to have tight fitting lids, plastic lids, plastic bags of heavy mil construction are also considered garbage receptacles. Receptacles generally pertain to residential use.
11. Hazardous Waste shall mean wastes that are inherently dangerous to handle or dispose of. These wastes include radioactive substances, toxic chemicals, biological wastes, flammable wastes, explosives and certain items found in the home to include, but not limited to pool chlorine and paint thinner.
12. Horticultural Trash or Garden Trash shall mean solid waste that is an accumulation of lawn, grass, or shrubbery cuttings, work clippings and dry leaf

rakings, palm fronds, small tree branches not exceeding four (4) feet in length and four (4) inches in diameter, bushes or shrubs, green leaf cuttings, fruits or other matter usually created as refuse in the care of lawns and yards except large branches, trees, or bulky and non-containerized material not susceptible to normal loading and collection in packer type sanitation equipment used for regular collection from domestic households (limbs from tree trimmings not exceeding four (4) feet in length and four (4) inches in diameter may be placed at the curbside for residential pick up).

13. Industrial Waste) shall mean any solid waste accumulations of metal, metal products, minerals, chemicals, rocks, building rubble, cement, asphalt, tar, oil, grease, glass, crockery, rubber, rubber tires, bottles, cans, lumber, sawdust, waste from animal packing or slaughter houses and other materials which may be created by an industrial, construction, or manufacturing operation.
14. Residential Collection Service shall mean service to residential dwelling units which shall include the following property types, together with the use codes employed by the office of the Lee County Property Appraiser.

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<u>Property Type</u>	<u>User Code</u>
Single Family	01
Mobile Home	02
Miscellaneous Residential (migrant camps, boarding homes, etc.)	07
Multi-family -- less than 10 units	08
Condominia -- less than 4 units	04

15. Refuse shall be interchangeable with the term "solid waste". To avoid confusion, refuse will not be used in this text.
16. Rubbish is a general term for solid waste excluding food waste and ashes taken from residences, commercial establishments, and institutions.
17. Service Area refers to the territorial boundaries of the unincorporated and incorporated area of Lee County as covered by a garbage and solid waste franchise contract granted by the Board of County Commissioners pursuant to 61-2397, Laws of Florida.
18. Assessment Fee may include: collection of garbage fee, disposal and/or landfill fee and the cost of administration.
19. Sludge means any solid or semi-solid or liquid generated from any water or wastewater treatment plant, air pollution control facility, septic tank, grease trap, portable toilet and related operations, or any such waste having similar characteristics or effect.

20. Solid Waste means any garbage, rubbish, industrial waste, horticultural trash extraordinary waste or other semi-solid material resulting from domestic, commercial, industrial, agricultural, or governmental operations including refuse and special waste, excluding hazardous waste, sludge, septic tank pumpage, asphalt, tar, oil and grease.
21. Special Waste or Junk means any solid waste that requires additional management but which may be lifted by two persons and includes tires, white goods such as refrigerators or stoves, furniture such as sofas and mattresses, television sets, lawn mowers, shopping carts and bicycles.
22. Unsanitary nuisance is the commission of any act or the keeping, maintaining, propagation, existence or the permission of anything by an individual, municipality, organization, corporation, or other legal entity by which health or life may be threatened or impaired or by which directly or indirectly disease may be caused. The following conditions defined as nuisances injurious to health include: untreated and improperly treated human waste, garbage, offal, dead animals or dangerous waste materials from manufacturing processes harmful to human or animal life and are pollutant gases and noisome odors which are harmful to health, or to human and animal life; also the creation, maintenance or causing of any

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condition capable of breeding flies, mosquitos, or other arthropods, and rodents capable of physical harm and transmitting diseases directly or indirectly to humans.

SECTION FOUR. CREATION OF THE UNIT, PURPOSE AND BOUNDARIES

Pursuant to Section 1 hereof and the powers granted to the Board by the Constitution of the State of Florida and the Florida Statutes, in particular Section 125.01, Florida Statutes, the Board hereby creates effective 1 July, 1986 Municipal Service Benefit Units and a Special District Benefit Unit to be known collectively as the Solid Waste and Mandatory Collection Units Areas No. 1 to 8, respectively. Each Unit as described by Exhibit "A" attached hereto and incorporated herein. With the exception of the notice required by Section 125.66, Florida Statutes, and any other procedure required by State Statute prior to the enactment of an ordinance, any and all procedures, administrative or otherwise, which were required to be followed prior to the enactment of this ordinance shall be considered directory in nature and noncompliance with these procedures shall have no effect upon the validity of this ordinance constitutionally or otherwise.

The purpose of each Unit is to promote the common interests of the people of the County and to provide for the collection and disposal of solid waste through the levying of Special Assessments and a Service Charge as provided for herein and to promote the health, welfare, and safety of the citizens and residents of the Unit by providing adequate collection and

disposal of solid waste through the regulated services of one or more franchises, agents or contractors or as provided in Section 6(7) hereof. These existing garbage and solid waste franchise contracts are hereby extended until 1995, with the terms and conditions of this Ordinance to become a part thereof. This provision extending said franchise contracts shall become effective when such contracts are duly amended and executed. The extension contract amendments shall be executed within 30 days from the effective date of this Ordinance.

The boundaries of the Municipal Service Benefit units shall be the unincorporated lands of Lee County, Florida as described herein. The boundary of the Special District and its Benefit Unit shall contain those incorporated lands of Lee County as described and incorporated herein.

SECTION FIVE. GOVERNING BODY

The Board shall be the governing body of the units hereby created.

SECTION SIX. GENERAL POWERS

The governing body shall have all the powers necessary or convenient to carry out the purposes 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 the counties. The governing body shall also have all powers not otherwise prohibited by law and these powers shall include, but are not limited 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 qualified private, public, or municipal firm, person, or corporation for the furnishing of solid waste services within the boundaries of the unit;
4. Levy and collect without referendum, special assessments, or service charges as required for the collection of solid waste within the unit;
5. Adopt rules and regulations governing the Units through appropriate resolutions. The Board may provide by appropriate Resolution the procedure to establish, adjust and approve any Special Assessment or Service Charge.
6. Upon written request, grant variances or exemptions from this Ordinance for the following reasons:
 - (a) For financial hardship using as a standard the H.U.D. Section 8 Rental Assistance Program as to annual income, providing further that home ownership is not in and of itself an eliminating factor.
 - (b) The governing board finds that a residential unit is far distant or removed from the majority of the units in a service area so as to render

collection impractical or economically inefficient. In this event, the governing board must find that solid waste generated by such a far distant or removed dwelling can be disposed of in a safe and sanitary manner. Either customer or contractor may request this finding from the governing board.

- (c) The governing board finds that a commercial property as defined herein or an association of residential dwelling units, owned and was using as of March 19, 1986 a compaction-packer type garbage truck for solid waste collection. In this event, such use may continue until January 1, 1990, if the following, in a form acceptable to the County, is submitted:

- (1) Proof that the compaction-type garbage truck is enclosed and was obtained from nationally known and recognized manufacturers of garbage collection and disposal equipment. The truck must at all times be kept in good repair, appearance, and in a sanitary clean condition.
- (2) Proof of public liability and property damage insurance with liability limits not less than One Hundred Thousand Dollars (\$100,000.00) with respect to injuries to any one person, and not less than Three

Hundred Thousand Dollars (\$300,000.00) with respect to injuries suffered in any one accident and aggregate, and not less than Fifty Thousand Dollars (\$50,000.00) with respect to property.

(3) Monthly payment to County of an amount equal to the amount which would be paid as franchise fee if franchisee contractor for that service unit had collected the solid waste.

(4) Receipts from County designated solid waste disposal facility proving that all solid waste was disposed of at County designated facility and that full payment was made for such disposal.

7. to adopt by resolution, standards and procedures wherein residential collection units may be reclassified for collection purposes as commercial collection units due to a substantial number of mixed collection units being located within a defined property area and it being further impractical or administratively inefficient to collect only a portion thereof as residential collection units. Such procedure may be used if the intent of this ordinance is not negated and further that the mandatory collection provisions hereof are best served by having the entire specific property area serviced as a commercial collection unit.

SECTION SEVEN. DESCRIPTION OF SERVICE

All property within a Solid Waste and Mandatory Collection Unit Service Area shall be subject to mandatory garbage and solid waste collection services, as provided by this Ordinance effective 1 April, 1987 as set forth herein. Except as provided in Section 6(7), it shall be the responsibility of the governing body of the Units to provide either directly or indirectly through Agreements with franchised contractors the following services:

A. Residential Collection Services

The unit shall cause the collection and disposal of all solid waste except extraordinary waste, hazardous waste, and sludge from or generated by residential dwelling units, as defined, within the service area and shall be governed by the terms and conditions of the contractual agreements between the governing body and the contractor. Horticultural trash may be burned when done consistent with County, State and Federal Regulations.

B. Commercial Collection Service

The unit shall cause the collection and disposal of solid waste, except extraordinary waste, hazardous waste, and sludge; from or generated by any commercial or industrial use; or any mobile home park, trailer park, or recreational vehicle park, as defined in Section 3(3) hereof, or any commercial property and any use not contained within residential services classification and which are within the service area.

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SECTION EIGHT. SERVICE PAYMENT/PROPERTY OWNERS
RESPONSIBILITY

All property owners of improved property are mandated to subscribe to solid waste collection and service, and shall be subject to a fee in the amount set pursuant to this ordinance.

- A. Residential Collection Service. It shall be the responsibility of the property owners of a residential dwelling unit as defined in Section 3(14) to pay or cause to be paid to the County a Special Assessment incurred by the dwelling unit(s) for the benefits received by such dwelling. Failure to pay this charge shall be considered a violation of this ordinance and may be collected as provided herein or as otherwise provided by this Ordinance and the laws of the State of Florida.

It shall be the responsibility of the owner to provide approved receptacles adequate to contain all solid waste generated from residence(s) in accordance with the provisions herein. The owner shall not maintain or permit on the property an unsanitary nuisance injurious to the health as defined herein.

The County or its designated agent will be responsible for the billing and collection of payments in the residential collection service area through the levy of Special Assessments, as set forth in Sections 1, 4 and 9 hereof. The County will pay the Contractor/Franchisee in accordance with the separate corresponding franchise contracts.

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B. Commercial Collection Service.

It shall be the responsibility of all other property owners not within the residential collection service category and property owners of commercial property to dispose of their solid waste in a manner which would not be detrimental to the public health, safety, and welfare of the County. In this regard, it is required that the property owner(s) enter into an agreement with a franchisee or Contractor of the governing body of the unit to dispose of all solid waste. The Contractor shall be responsible for the billing and collection of commercial customer payments. If the owner of commercial properties defaults in payment to the Contractor, the Contractor may notify the County and the County and/or Contractor may proceed to collect such delinquent payment by legal process, to include such process as set forth herein for residential payments, to include the levy of a lien.

It shall be the responsibility of the owners and/or occupants of commercial establishments to provide approved container(s) adequate to contain all solid waste generated from commercial establishments in accordance with the provisions of Section 11(B). The owner shall not maintain or permit on the property an unsanitary nuisance injurious to the health as defined herein. The failure of a property owner not within the

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residential collection service category, or the failure of a property owner of commercial property to abide by the mandatory subscription provisions hereof, shall subject said property owner to a fine not to exceed \$250 for each day the violation continues.

SECTION NINE: ANNUAL GARBAGE AND WASTE COLLECTION;

SPECIAL ASSESSMENT:

There is hereby imposed an Annual Special Assessment for the collection and disposal of garbage and waste on all residential units within the benefit unit.

- A. In order to provide for the residential collection service and disposal of solid waste within the mandatory solid waste collection unit area described in Sections 1 and 4 above, there shall be a special assessment annually imposed by resolution for Residential Collection Service on each residential dwelling, as defined in Section 3(14) hereof, within the afore-described area.
- B. The fiscal year of the benefit unit shall commence on 1 October of each year and end on September 30 or on other dates the Board may designate. The Board annually shall consider, amend and adopt a budget for each benefit unit in a manner similar to that in which County budgets are considered and adopted.
- C. On or before April 1 of each year, each Contractor shall petition the Board for a rate review and adjustment in order that the Board may comply with the

assessment procedures set forth herein. The Contractor's authority to exercise its franchise function pursuant to the provisions of this Ordinance and the franchise contract, as to be amended hereby, is subject to full compliance with the rate review procedure.

- D. On or before June 1 of each year, the Board shall deliver to the Lee County Property Appraiser the proper legal description of each municipal service benefit unit and special district unit, and on or before July 1 of each year, the Lee County Property Appraiser shall furnish the Board or its designee a copy of the Assessment Roll which shall include all properties subject to the Special Assessments described in this Ordinance. The Lee County Property Appraiser shall receive a fee for this service to be agreed upon between the Property Appraiser and the governing body of the units that being the Board as defined in this Ordinance.
- E. On or before the first day of August, the Board shall hold a public hearing to adopt a Special Assessment Rate resolution incorporating a schedule of annual collection special assessment to be imposed upon the owners of all residential units in the benefit units. Such schedule shall provide sufficient revenues to fund the collection of garbage and waste within the benefit units, and such rates shall be computed as

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provided in the separate corresponding franchise contracts entered into pursuant to Ch. 61-2397, Laws of Florida, as authorized in Section 7 herein and as defined as an assessment fee herein..

F. Notice of the public hearing on the rate resolution shall be published by the Board in a newspaper of general circulation at least twice with the first publication being at least fifteen (15) days prior to the public hearing. Said public hearing may be continued to a date certain without the necessity of further newspaper advertisement or public notice.

SECTION TEN. CERTIFICATION OF RATE RESOLUTION:

Upon adoption by the Board of the rate resolution provided in Section 9 no later than August 10th, the Board or its designee shall forthwith deliver a certified copy of said rate resolution to the Tax Collector or other Board designee who will be responsible for collecting the annual special assessment. Based upon said rate resolution, the Tax Collector or other Board designee shall cause to be prepared an annual collection special assessment roll. Such roll shall contain a summary description of each residential unit within the County on the first day of January prior to the fiscal year for which the annual collection special assessment is to be imposed, the name and address of the owner of each such unit, and the amount of the annual collection special assessment applicable to each residential unit. The summary description of each residential

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unit shall be identified by the Florida Department of Revenue Use Code Numeric Application and in such detail as to permit ready identification of each unit on the real property assessment roll.

Upon the completion of the preparation of the annual collection special assessment roll, and no later than September 1, the Board shall at any regular or special meeting with 15 days published notice review the annual collection special assessment roll prepared by the Tax Collector or other Board designee for preparation in conformity with the rate resolution. The Board shall make such changes, modifications or additions as necessary to conform such roll with the rate resolution. If upon the completion of such review, the Board shall be satisfied that the annual collection special assessment roll has been prepared in conformity with the rate resolution, it shall ratify and confirm such roll and certify the roll to the Tax Collector or other Board designee for collection, no later than September 15th and assessment bills to be duly sent by October 15th of each year.

It is the intent of this Ordinance that the dates referenced in Section 9 and Section 10 hereof above are to be applied as of April 1987. The following listed dates as referenced by Section number of this Ordinance are to be applicable and effective until such time as solid waste service is commenced per Section Seven hereof. The dates are as listed per section number and provision of the Ordinance, respectively:

- A. Section 9(c), Petition for Rate Review. On or before August 1, 1986.

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- B. Section 9(d). Delivery of legal descriptions. By July 1st, 1986.
- C. Section 9(d). Copy of Assessment Roll provided. On or before August 1st, 1986.
- D. Section 9(e). Special Assessment Rate Hearing. On or before October 1st, 1986.
- E. Section 10. Delivery of Rate Resolution. On or before October 1st, 1986.
- F. Section 10. Review of Special Assessment Roll. On or before December 1, 1986.
- G. Section 10. Certification of Roll. On or before December 1, 1986.
- H. Section 10. Assessment Bills to be Sent. By February 1, 1987.

SECTION ELEVEN. GARBAGE AND WASTE COLLECTION SERVICE CHARGE
PRIOR TO INITIATION OF ANNUAL SPECIAL ASSESSMENT

A. A garbage and waste collection service charge shall be imposed against the owners of all residential units, for which Certificates of Occupancy are issued by the Lee County Building Department. Until an annual assessment is levied against such residential units in accordance with the procedures delineated herein, the amount of the garbage and waste collection service charge shall be calculated and based upon a monthly rate basis which monthly rate shall be one-twelfth of the annual collection special assessment set forth in the rate resolution for the benefit unit in which the residential unit is located. Said service charge will be due and payable at the time the residential unit receives a Certificate of Occupancy.

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B. The garbage and waste collection service charge shall be paid in full calculated upon the monthly rate basis until such time as an annual assessment can be levied against the residential unit. The charge shall be collected by an agent designated by the Board. The service charge collected shall be paid to the Contractors in correspondence with the franchise contracts. Failure of the residential owner to pay such charge shall not relieve the obligation of full payment.

C. The Contractor franchisee shall notify the Board of all residential units for which a bill becomes delinquent. All delinquent bills are chargeable against the owners of the residential units and shall constitute and are hereby imposed as liens against such residential units. Until fully paid and discharged or barred by law, said liens shall be equal in rank and dignity to the lien of County ad valorem taxes and special assessments and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved. The provisions contained in Section 12 of this Ordinance regarding the preparation and filing by resolution, of a notice of delinquent lien are also applicable to delinquent bills described in this paragraph. The initiation of the annual collection special assessment against the owner of residential units shall not release said owner from his responsibility hereunder.

SECTION TWELVE. SCOPE OF SPECIAL ASSESSMENT;

DELINQUENCY; LIENS:

The annual special assessment shall be imposed against

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the owners of all residential units for Residential Collection service in the benefit units if such residential unit is generating or is capable of generating garbage and waste on the first day of January prior to the fiscal year in which the annual collection special assessment is imposed, regardless of the occupancy of such property on said date. The owner and description of each residential unit property shall be that designated on the real property assessment roll maintained by the Property Appraiser of Lee County even though the Property Appraiser's Assessment Roll may not be current with regard to ownership. The annual collection special assessment shall be imposed upon the ratification and certification of the assessment roll and become due and payable by November 15th of each year or within sixty (60) days from the mailing of the original special assessment bill by the Tax Collector or other Board designee, whichever is later. All delinquent special assessments billed and collected by the Tax Collector or other Board designee shall bear interest at the legal rates as set forth by Florida Statutes and if not fully paid with all accrued interest by the due date of the next succeeded garbage and waste special assessment payment, additional interest at the rate of one (1) percent per month upon the due but unpaid principal portion of the special assessment payment shall be added successively for each month until fully paid. All annual special assessments imposed upon the owners of residential units under the provisions of this Ordinance becoming due and payable November 15th of each year or within 60 days from

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mailing the original bill as stated above shall constitute and are hereby imposed as liens against such residential units as of the date the special assessment becomes delinquent. Said annual collection special assessments shall remain liens equal in rank and dignity with the lien of the County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved.

If any annual collection special assessment lien becomes delinquent, the Board, upon receipt of the list of outstanding and delinquent annual special assessments from the Tax Collector or other Board designee shall, by resolution, record a notice of delinquent annual special assessment including all interest provided herein, a legal description of the residential units as indicated on the real property assessment roll maintained by the Property Appraiser of Lee County. Said notice of delinquent lien shall be recorded in the public records of Lee County, Florida, by the Board. Upon payment and receipt of the list for paid or discharged lien or liens from the Clerk of the Circuit Court acting as the Clerk of the Board, the Board shall also record a resolution satisfying said lien or liens.

SECTION THIRTEEN.

CORRECTION OF ERRORS AND OMISSIONS:

PETITION TO BOARD:

No act of error, omission or commission on the part of the Property Appraiser, Tax Collector, Board, Clerk, or their deputies or employees, or other Board designee shall operate to

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defeat the payment of the annual collection special assessment imposed by the Board under the provision of this Ordinance. Provided, however, any errors, or omission or commission may be corrected at any time by the officers or party responsible for them in like manner as provided under this Ordinance for performing such acts in the first place, and when so corrected they shall be construed as valid ab initio and shall in no way affect any process by law for the enforcement of the annual collection special assessment imposed under the provisions of this Ordinance.

The Board shall in accordance with the separate corresponding franchise contracts have the authority, at any time, upon its own initiative or in response to a timely filed petition from any affected owner of residential units to correct any error, omission or commission in the adoption of any annual collection special assessment roll or in the implementation of this Ordinance, including but not limited to, an error in including any residential unit within the scope of this Ordinance and any error in the circulation of the annual collection special assessment imposed against any residential unit.

Any owner of real property may petition the Board to correct any asserted error, omission or commission in relation to his property in the adoption of the annual collection special assessment roll or in the implementation of this Ordinance within ninety (90) days of the date the asserted error took place. Such petition shall be initiated by filing

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with the Board or its designee, a written petition containing the name of the owner, a legal description of the real property affected, a summary description of the asserted error and the relief requested of the Board. Such petition shall be considered by the Board at any regular or special meeting.

SECTION FOURTEEN. FAILURE TO INCLUDE RESIDENTIAL UNIT ON ANNUAL SPECIAL ASSESSMENT ROLL:

When it shall appear that any annual special assessment might have been imposed under this ordinance against any residential unit, but such unit was omitted from the appropriate annual special assessment roll, the Board may, by resolution, impose the applicable annual special assessment for the service year in which such error is discovered, plus the applicable special assessment for the prior two (2) service years. Such total annual special assessment shall become delinquent if not fully paid upon the expiration of sixty (60) days from the date of the adoption of said resolution, and upon becoming delinquent shall be subject to the interest rates for the delinquent annual special assessment as provided in Section 11 of this ordinance. Further, the total amount of any delinquent special assessments shall constitute, and are hereby imposed, as a lien against law, said liens shall be equal in rank and dignity to the lien of County to all other liens, encumbrances, titles and claims in and to or against the residential unit involved. The provisions contained in Section 11 of this ordinance regarding the preparation and the filing, by resolution, of a notice of delinquent lien and satisfaction

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of lien are also applicable to the delinquent special assessments described in this section.

SECTION FIFTEEN. ENFORCEMENT OF DELINQUENT ANNUAL COLLECTION

SPECIAL ASSESSMENTS:

All delinquent annual collection special assessment liens may be enforced at any time by the Board subsequent to the date the annual special assessment or service charge described in Section 11 of this ordinance becomes delinquent, for the amount due under such liens or any recorded liens, including all interest, plus costs and a reasonable attorney's fee by proceedings in a Court of equity to foreclose such liens in the manner in which a mortgage lien is foreclosed under the Laws of Florida, or, in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of Chapter 173, Florida Statutes, or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. It shall be lawful to join in any complaint for foreclosure of any such legal proceedings, any one (1) or more lots or parcels of land that is the subject of a lien or liens.

SECTION SIXTEEN. RESPONSIBILITIES OF CONTRACTOR AND CUSTOMER
FOR GARBAGE AND WASTE COLLECTION.

The Contractor franchisee shall collect from, and customers shall provide for collection, as follows:

- A. Residential Units: Twice per week collection at the curb. (within six feet) the customer shall be allowed unlimited pickup provided all garbage, and waste is

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properly containerized in containers approved by the franchisee, not to exceed thirty-five (35) gallons, or in sealed plastic bags or tied bundles, not exceeding four (4) feet in length. No aforescribed container, bag or bundle may exceed forty (40) pounds in weight. In addition, upon request by the owner of a residential unit, the Contractor franchisee shall provide for a separate, scheduled pickup of special waste or junk, as generated by said residential unit, as defined herein, and such service shall be unlimited as to quantity, size and weight, however, it shall be placed at the curb and shall not include vehicles, vehicle component parts or liquid waste. Further, the special waste or junk shall be disassembled, if possible, prior to pickup by the franchisee. The franchisee shall schedule the pickup of said unlimited junk within seventy-two (72) hours, exclusive of weekends and holidays, of being requested by the owner of a residential unit for such service. The pickup of unlimited, special waste or junk shall be included in the annual special assessment imposed herein, without any additional assessment, service charge, fee or tax to be imposed by the Board or franchisee for such service. If a normal collection day falls on a holiday, then service shall be provided for the next scheduled pickup day, in addition to normal collection. All collections under the terms of

OR2189 PG3310

this ordinance shall be made in a neat and workmanlike manner and any spillage caused by the franchisee shall be removed by the franchisee.

- B. Commercial Property: A minimum of once per week service is required of all customers. Such service shall be provided by mechanical container as defined herein. However, where a customer generates one cubic yard or less per week of garbage and waste, alternate non-mechanical containers may be utilized. The size of the mechanical container and the frequency of collection shall be determined between the customer and the franchisee except as specified herein. However, size and frequency shall provide that no garbage and waste need be placed outside the mechanical container. Storage capacity shall be suitable for the amount of garbage and waste generated by the customer. Franchisee shall provide mechanical containers as necessary, however, customers may acquire their mechanical container from any source provided that the source or customer is completely responsible for its maintenance in accordance with the minimum requirements stated herein. Such mechanical containers shall be of a type that can be serviced by the franchisee's equipment. If a normal collection day falls on a holiday, then service shall be provided the next scheduled pickup day, in addition to normal collection.

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OR2189 PG3311

C. Level and Type of Special Services:

Where the Contractor agrees to collect hazardous waste, infectious waste, or sludge, a written agreement between the Contractor and the customer shall be entered into regarding the level and type of service to be provided at a rate to be negotiated between the parties involved. However, upon failure of the parties to reach such an agreement for commercial services only, either party may apply to the Board or its designee who shall establish the level and type of service to be provided, including the size of the container and number of pickups per week.

- D. Upon adequate notice, Contractors will at six months intervals be required to segregate and/or account for to the County, that amount of solid waste tonnage that is classified residential and that amount classified and collected herein as commercial.

SECTION SEVENTEEN. GASPARILLA ISLAND

Due to the unique circumstances of Gasparilla Island, that portion of Gasparilla Island located within Lee County is hereby exempt from Section 3(10) (definition of Garbage Receptacles), Section 3(12) (definition of Horticultural Trash or Garden Trash) and Section 16(a) and (d) (Responsibilities of Contractor and Customer for Garbage and Waste Collection) of the herein ordinance; however, said Lee County portion of Gasparilla Island is subject to the following:

OR2189 PG3312

- A. Garbage Receptacle or Container shall mean and include any steel, plastic or galvanized receptacle. Receptacles shall be of the design that allows for easy lifting with two (2) handles and of not more than 20 gallons in volume or fifty (50) pounds in weight. These receptacles are to have tight fitting lids, plastic lids, plastic bags of heavy mil construction are also considered garbage receptacles. Receptacles generally pertain to residential use.
- B. Horticulture Trash or Garden Trash shall mean solid waste that is an accumulation of lawn, grass, or shrubbery cuttings, work clippings and dry leaf rakings, palm fronds, small tree branches not exceeding four (4) feet in length and four (4) inches in diameter or fifty (50) pounds in weight and securely fastened together, bushes or shrubs, green leaf cuttings, fruits or other matter usually created as refuse in the care of lawns and yards except large branches, trees or bulky and non-containerized material not susceptible to normal loading and collection in packer type sanitation equipment used for regular collection from domestic households (limbs from tree trimmings not exceeding four (4) feet in length and four (4) inches in diameter, or fifty (50) pounds in weight and securely fastened together may be

OR2189 PG3313

placed at the curbside for residential pick up).

C. Bundle shall mean material securely fastened together not exceeding four (4) feet in length or fifty (50) pounds in weight.

D. Responsibilities of Contractor and Customer for Garbage and Waste Collection. The Contractor franchisee shall collect from, and customers shall provide for collection, as follows:

1. Residential Units: Twice per week collection at the curb, (within six feet) the customer shall be allowed five (5) twenty (20) gallon containers or bundles of garden trash provided the garbage and waste is properly containerized in containers approved by the franchisee, not to exceed twenty (20) gallons, or in sealed plastic bags or tied bundles, not exceeding four (4) feet in length. No aforescribed container, bag or bundle may exceed fifty (50) pounds in weight. If a normal collection day falls on a holiday, then service shall be provided for the next scheduled pickup day, in addition to normal collection. All collections under the terms of this ordinance shall be made in a neat and workmanlike manner and any spillage caused by the franchisee shall be removed by the franchisee. Quantities in excess of the five (5) containers and bundles shall be treated in the same manner as special waste or junk.

OR2189 PG3314

2. Residential Units: Special waste or junk. Contractor shall collect and dispose of special waste or junk for which service it shall be entitled to receive a special fee to be collected from the user. Said special fee shall be approved by the Board of County Commissioners.

3. Commercial rates. Residential dwelling units which are defined as commercial for this ordinance shall be charged the same per unit rate as a residential unit pursuant to this ordinance.

E. Except as modified by this Section, all other terms, conditions and definitions as provided in this ordinance shall apply.

SECTION EIGHTEEN.

UNLAWFUL DISPOSAL OF SOLID WASTE.

No person shall cast, place, sweep or deposit anywhere within the County any solid waste in such a manner that same may be carried or deposited by elements upon any sidewalk, alley, street, or other public place provided however this section shall not prohibit the placement of clean fill upon private land.

No person shall throw, place, or deposit, or cause to be thrown, placed, or deposited any solid waste of any kind into or on any of the public streets, roads, highways, bridges, alleys, lanes, thoroughfares, waters, canals, or vacant lots or lands, or upon the premises of any other person within the unincorporated area of the County except as specifically authorized by the Board for the disposal of such solid waste.

OR2189 PG3315

It is unlawful for any person to collect or transport solid waste for hire or remuneration or other consideration in any form without first having a County franchise agreement. All disposal required by this Ordinance shall be done only at a County designated or approved Solid Waste facility.

SECTION NINETEEN. ADVISORY COMMITTEE.

To advise in the orderly implementation and improvement of this Ordinance, there is created an Advisory Committee consisting of one representative or designee from the following groups or agencies:

- | | |
|-------------------------------------|------------------------|
| 1. Lee County Attorney | 6. County Commissioner |
| 2. Lee County Administrator | 7. Citizen |
| 3. Lee County Property
Appraiser | |
| 4. Lee County Tax Collector | |
| 5. One of the contractors. | |

This Committee shall be of continuing existence and shall be only of advisory nature to the Board.

SECTION TWENTY. PENALTIES.

Violation of any of the provisions of this ordinance shall be punishable as provided by general law for violation of County ordinance. In addition to the penalties as provided herein, the County may have recourse to such remedies as provided in law and equity to ensure compliance with the provisions of this Ordinance, to include temporary and permanent injunctive relief, recovery of damages and prosecution before the Lee County Code Enforcement Board. Each

OR2189 PG3316

day a violation of this Ordinance continues unabated shall be deemed a separate violation of same for penalty purposes. Administrative fines, as provided in Section 381.112, Florida Statutes, may be imposed by the health authority should conditions necessitate.

SECTION TWENTY-ONE. SEVERABILITY.

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of 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 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 therein.

SECTION TWENTY-TWO. ALTERNATIVE OR SUPPLEMENTAL AUTHORITY.

Lee County Ordinance 75.17 is hereby replaced. Except as expressly provided in this ordinance, this ordinance shall not be construed as repealing or superseding any other ordinance or law, and it is to be construed as alternative or supplemental authority for the exercise of the powers provided for herein.

SECTION TWENTY-THREE. EFFECTIVE DATE.

A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall take effect 30 June, 1986.

OR2189 PG3317

DONE AND ADOPTED this 11th day of June, 1986.

ATTEST:
CHARLIE GREEN, CLERK

By: Chris Thomas
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairman

DR2189 PG3318

(0755L)

Approved As
To Form
By: James Gager
County Attorney

Gulf Disposal
Franchise Land Description
Schedule "A"

PART I

The south half (S 1/2) of section 34, Township 44 South, Range 24 East and the south half S 1/2 of Section 35 of said Township and Range lying west of the west right-of-way of DeLeon Street. Also the northwest quarter (NW 1/4) of the northwest quarter (NW 1/4) of the northwest quarter (NW 1/4) and the south (S 1/2) of the north half (N 1/2) of the northwest quarter (NW 1/4) of Section 1, Township 45 South, Range 24 East. Also the south three quarters (S 3/4) of said Section 1 and that part of Section 2, Township 45 South, Range 24 East lying outside the city limits of Fort Myers and all of Section 3 of said Township and Range.

Also, beginning at the northeast corner of Section 8, Township 45 South, Range 26 East, run west along the north line of said Section and along the north line of Section 7 of said Township and Range and along the north line of Sections 12, 11, 10, 9, 8 and 7, Township 45 South, Range 25 East and along the north line of Sections 12, 11 and 10 and a westerly prolongation thereof to the channel of the Caloosahatchee River; thence southwesterly along said channel to an intersection with a westerly prolongation of the south line of Section 25, Township 45 South, Range 23 East; thence run east along said prolongation and said south line and east along the south line of Section 10, Township 45 South, Range 24 East to the northwest corner of Section 32 of said Township and Range; thence run south along the west line of said Section to the center line of S. R. 5-865 (Gladiolus Drive); thence run easterly along said center line to an intersection with the

OR2189 PG3319

Page Two Cont'd.

Gulf Disposal/Part I

Schedule "A"

center line of State Road 45 and southwest corner of Section 25, Township 25, Township 45 South, Range 24 East (Tamiami Trail); thence run east along said south line and along the south line of Sections 30, 29, 28, 27, 26 and 25, Township 45 South, Range 25 East and along the south line of Sections 30, 29, 28, 27, 26 and 25, Township 45 South, Range 26 East and along south line of Sections 30, 29, 28, and 27, Township 45 South, Range 27 East to intersection with center line of S.R. 82 (Immokalee Road); thence run northwest along said centerline to an intersection with the south line of Section 20, Township 45 South, Range 27 East; thence run west along said south line and along south line of Section 19, Township 45 South, Range 27 East to the southwest corner of said Section 19; thence run north along west line of Section 19, Township 45 South, Range 27 East and along west line of Section 18, Township 45 South, Range 27 East to intersection with center line of S.R. 82 (Immokalee Road); thence run northwest along said centerline to an intersection with the north line of Section 9, Township 45 South, Range 26 East; thence west along said north line to northeast corner of Section 8, Township 45 South, Range 26 East and the point of beginning.

OR2189 PG3320

Gulf Disposal
Franchise Land Description
Schedule "A"

PART II

Beginning at the center line intersection of S.R. No. 82 (Immokalee Rd.) with the east line of Lee County run northwesterly along said center line to the north line of Section 34, Township 45 South, Range 27 East; thence run west along said north line and along the north line of Sections 33, 32 and 31 of said Township and Range and along the north line of Sections 36, 35, 34, 33, 32 and 31 of Township 45 South, Range 26 East and along the north line of Sections 36, 35, 34, 33, 32, 31, Township 45 South, Range 25 East and along the north line of Section 36, Township 45 South, Range 24 East to the intersection with S.R. 45 (Tamiami Trail) and Gladiolus Drive; thence run westerly along the center line of Gladiolus Drive and State Road No. S-865 to the east line of Section 31, Township 45 South, Range 24 East; thence run north to the northeast corner of said Section; thence run west along the north line of said Section and the north line of Section 36, Township 45 South, Range 23 East to the Caloosahatchee River; thence run northwesterly to the Channel of said River; thence run westerly, southwesterly and southerly along said channel to the northerly right-of-way of the Sanibel Causeway; thence run easterly along said right-of-way to the center line of S.R. No. 867 (McGregor Boulevard); thence run easterly and northeasterly along said center line to the north line of Township 46 South; thence run east along said north line to the northwest corner of Section 1.

Page Two Cont'd.

Gulf Disposal/Part II

Schedule "A"

Township 46 South, Range 24 East; thence run south along the west line of said Section 1 and along the west line of Sections 12, 13, and 24 of said Township and Range to the waters of Hendry Creek; thence run southerly in said waters and in the waters of Estero Bay (keeping west of Mound Key) intersecting the westerly prolongation of the south line of Section 36, Township 46 South, Range 24 East; thence run East along said South Section line and the south line of Sections 31, 32, 33, 34, 35 and 36 of Township 46 South, Range 25 East and along the South line of Sections 31, 32, 33, 34, 35 and 36 of Township 46 South, Range 26 East and along the South line of Sections 31, 32, 33, 34, 35 and 36 Township 46 South, Range 27 East to the east line of Range 27 East; thence run north along said east line to the center line of S.R. No. 82 (Immokalee Road) and the point of beginning. Less that portion of Section 36, Township 45 South, Range 27 East lying within the above described lands.

OR2189 PG3322

Gulf Disposal
Franchise Land Description
Schedule "A"

PART III

All of the following described lands not included in the Corporate Boundary limits of the City of Fort Myers prior to August 21, 1961, but including any City annexation subsequent to August 21, 1961:

Section 25, Township 44 South, Range 24 East;

Section 4, 8, 9, 16, 17, 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 44 South, Range 25 East;

Also, Sections 4, 5, and 6, Township 45 South, Range East. Also, beginning at the northwest corner of Section 3, Township 44 South, Range 25 East run South along the west line of said Section 3 and along the west line of Sections 10, 15, 22, 27 and 34 of said Township and Range and south along the west line of Section 3, Township 45 South, Range 25 East to the southwest corner of said Section 3; thence run east along the south line of Sections 2 and 1 of said Township and Range and east along the south line of Sections 6 and 5 of Township 45 South, Range 26 East to the center line of State Road No. 82 (Immokalee Rd.); thence run northwesterly along said center line to the north line of Section 26, Township 44 South, Range 25 East; thence run east along said north line and along the north line of Section 25 of said Township and Range to the northeast corner of said Section; thence run north along the west line of Section 19, Township 44 South, Range 26 East to the northwest corner of said Section; thence run east along the north line of said Section and along the north line of Section 20 of said Township and Range to the northeast corner of said Section;

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Page Two Cont'd.

Gulf Disposal/Part III

Schedule "A"

thence run north along the west line of Section 16, Township 44 South, Range 26 East to the northwest corner of said Section 16; thence run east along the north line of said Section to the southwest corner of Section 10 of said Township and Range; thence Run north along the west line of Sections 10 and 3 to the north line of Township 44 South; thence run east along said north line to the east line of Lee County; thence run north along said east line to the northeast corner of Lee County; thence run west along the north line of said County to the east line of Range 25 East; thence run south along said east line to the channel of the Caloosahatchee River; thence run westerly and southwesterly along said channel to an intersection with a westerly prolongation of the north line of Section 4, Township 44 South, Range 25 East; thence run east along said prolongation and along said north line to the northwest corner of Section 3 of said Township and Range and the point of beginning. Less Southeast 1/4 of Section 36, Township 43 South, Range 27 East.

(0094S)

EXHIBIT A

OR2189 PG3324

BEACH DISPOSAL

SCHEDULE "A"

PART I

FRANCHISE AREA

Beginning at the northeast corner of Section 2, Township 46 South, Range 24 East run west along the north line of said Township 46 south to the center line of S.R. No. 867 (McGregor Boulevard); thence run southwesterly along said center line to an intersection with a northerly prolongation of the easterly right-of-way line of the Sanibel Causeway; thence run southerly along said prolongation and said right-of-way line to the waters of San Carlos Bay; thence run southeasterly along said waters and into the waters of the Gulf of Mexico on the southwesterly side of Estero Island to the center of Big Carlos Pass; thence run northeasterly in said Pass and northerly in the waters of Estero Bay (keeping west of Mound Key) and Hendry Creek to the east line of Section 23, Township 46 South, Range 24 East; thence north along said east line and along the east line of Sections 14, 11, and 2 of said Township and Range to the north line of said Township 46 South and the point of beginning.

(01165)

BEACH DISPOSAL

SCHEDULE "A"

PART II

FRANCHISE AREA

Beginning at the N.E. corner of Section 1, Township 47 South, Range 26 East, going westerly along the Township 46 South line to a point in Estero Bay West of Mound Key and North of Big Carlos Pass, thence South to the Gulf of Mexico, thence run Southeasterly along said waters of the Gulf to the South line of Township 47 South, thence run East along said South line to the Northwest corner of Section 4, Township 48 South, Range 25 East, thence run South along the West line of said Section 4 to the Southwest corner; thence run East along the South line of said Section 4, and the South line of Section 3, 2 and 1 of said township and range, then along the South line of Sections 6, 5, 4, 3, 2, and 1 of Township 48 South, Range 26, East, to the East line of said Range 26 East, thence run North along said East line to the N.E. corner of Section 1, Township Township 47 South, Range 26 East, which is the point of beginning.

(0117S)

EXHIBIT A

OR2189 PG3326

LEHIGH UTILITIES LAND DESCRIPTION

SCHEDULE "A"

FRANCHISE AREA

TOWNSHIP 43 SOUTH, RANGE 27 EAST

Southeast 1/4 of Section 36

Also beginning at the northeast corner of Section 1, Township 44 South, Range 27 East, thence run west along north line of Township 44 south to the northwest corner of Section 3, Township 44 S. Range 26 E; thence run South along west line of Section 3 and 10 to the southwest corner of Section 10; thence run west along the north line of Section 16, Township 44 S. Range 26 E to the northwest corner of said Section; Thence run south along the west line of Section 16 to the Southwest corner of said Section; thence west along the south lines of Sections 17 and 18, Township 44 South, Range 26 East to the southwest corner of Section 18; thence south along the west line of Section 19, Township 44 South, Range 26 E to the southwest corner of said Section; thence west along the south section line of Sections 24 and 23, Township 44 S, Range 25 East to the intersection of centerline of S.R. 82 (Immokalee Road); thence run southeasterly along said centerline of Immokalee Road to intersection of west line of Section 18, Township 45 South, Range 27 East; thence south along said west line of Sections 18 and 19 to the southwest corner of Section 19, Township 45 South, Range 27 East; thence run east along south line of Sections 19 and 20 to the intersection of centerline of S.R. 82 (Immokalee Road); thence run southeasterly along said centerline of Immokalee Road to intersection of west line of Section 36, Township 45 South, Range 27 East; thence south along said west line of Section 36 to the southwest corner of said section; thence East along south line of Township 45 south to east line of Lee County; thence north along the east line of Lee County to the northeast corner of Section 1, Township 44 South, Range 27 East said corner being the point of beginning.

OR2189 PG3327

TURNER DISPOSAL LAND DESCRIPTION

SCHEDULE "A"

FRANCHISE AREA

Beginning at the northeast corner of Township 43 South, Range 25 East, run west along the north line of said Township to the northwest corner of Section 4, Township 43 South, Range 24 East; thence run south along the west line of said Section 4 and along the west line of Sections 9, 16, 21, 18, and 33 of said Township and Range and along the west line of Sections 4, 9, 16 and 21 Township 44 South, Range 24 East to the southwest corner of said Section 21; thence run east along the south line of said Section 21 and an easterly prolongation of said line to the channel of the Caloosahatchee River; thence run northeasterly and easterly along said channel to the east line of Range 25 East; thence run north along said east line to the northeast corner of Township 43 South, Range 25 East and the point of beginning. Less Section 21, Township 43 South, Range 24 East.

(0115S)

CAPTIVA LAND DESCRIPTION

SCHEDULE "A"

FRANCHISE AREA

Beginning in the waters of Redfish Pass, near the Gulf of Mexico run easterly to the channel of the Intra-Coastal Waterway in Pine Island Sound, thence southeasterly along said channel to a point intersecting the centerline of Blind Pass 300 feet off shore from mean high tide at Wulfert Point in Section 2, Township 46 South, Range 21 East. Thence run southwesterly along centerline of Blind Pass 300 feet offshore in the Gulf of Mexico from the mean high tide line of Sanibel Island; Thence run northwesterly along said waters to said waters of Redfish Pass to the Point of Beginning.

(01005)

ENGLEWOOD LAND DESCRIPTION
SCHEDULE "A"
FRANCHISE AREAS IN LEE COUNTY

All that part of Gasparilla Island and inner islands in ..
Gasparilla Sound lying South of the north Lee County Line.

OR2189 PG3330

(0097S)

SANIBEL LAND DESCRIPTION

SCHEDULE "A"

FRANCHISE AREA

From the corner common to Sections 17, 18, 19 and 20, Township 46 South, Range 23 East, run easterly along the line common to said Sections 17 and 20 to a point 300 feet offshore in San Carlos Bay from the mean high tide line to Section 20 and the point of beginning. From said point of beginning, run easterly 300 feet offshore from the mean high tide line of Sanibel Island, to the easterly point of said island and the mouth of said San Carlos Bay; thence run southwesterly, westerly and northwesterly, 300 feet offshore in the Gulf of Mexico from the mean high tide line of Sanibel Island, to an intersection with the Centerline of Blind Pass; thence run northeasterly along said centerline to the waters of Pine Island Sound at a point 300 feet offshore from the mean high tide line at Wulfert Point in Section 2, Township 46 South, Range 21 East; thence run southeasterly in Pine Island Sound and San Carlos Bay, 300 feet offshore from the mean high tide line of said Sanibel Island, to the point of beginning, crossing the entrance to Tarpon Bay in Sections 13 and 14, Township 46 South, Range 22, East.

(01015)

CAPE CORAL - PINE ISLAND LAND DESCRIPTION

SCHEDULE "A"

FRANCHISE AREA

Beginning at the northeast corner of Section 2, Township 43 South, Range 23 East, thence run west along the north line of said Township to the waters of Charlotte Harbor; thence Southwesterly to a boat channel in Charlotte Harbor near and northwest of Burgess Island; thence run southerly along said channel into the waters of Pine Island Sound to the channel of the Intra-Coastal Waterway; thence southerly, southeasterly and easterly along said channel to a point north of Woodring Point; thence easterly to the channel of the Caloosahatchee River; thence run northerly and northeasterly along said channel to an easterly prolongation of the South line of Section 21, Township 44 South, Range 24 East; thence run west along said prolongation and along said south line to the southwest corner of said Section 21; thence run north along the west line of Sections 21, 16, 9, and 4 of said Township and Range to the northwest corner of said Section 4; thence continue north along the west line of Sections 33, 28, 21, 16, 9 and 4 along the north Township 43 South, Range 24, to the northwest corner of said Section 4; thence run west along the north line of Township 43 South, to the point of beginning. Also including Section 21, Township 43 South, Range 24 East.

(0114S)

0R2189 PG3333

STATE OF FLORIDA

COUNTY OF LEE

I, Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 86-14, adopted by the Board of Lee County Commissioners, at their meeting held on the June 11, 1986, and filed in the Ordinance Book.

Given under my hand and seal, at Fort Myers, Florida, this 14th day of November, 1990.

CHARLIE GREEN
Clerk of Circuit Court
Lee County, Florida

By

Wilma G. Pope
Deputy Clerk

CHARLIE GREEN LEE CTY FL
90 NOV 30 PM 4:38