

RESOLUTION NO. 2024-16

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT FINDING SPECIAL BENEFITS; APPROVING METHODOLOGY FOR ASSESSMENT AND COLLECTION AND FINAL 2024-2025 ASSESSMENT ROLL; PROVIDING FOR PAYMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “Board”) of the Herons Glen Recreation District (the “District”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended), Chapters 189, 170 and 197, Florida Statutes and other applicable provisions of law (collectively, the “Act”).

SECTION 2. FINDINGS. The Board of Supervisors (“Board”) hereby finds and determines as follows:

A The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Florida Statutes. The District was established for the purpose of acquiring recreational facilities (hereinafter defined) for the benefit of residents of the Herons Glen community. The District was authorized, pursuant to the Act, to acquire recreational facilities, to levy non-ad valorem special assessments (the “Special Assessments”) and to issue Special Assessment Bonds, which it did as Series 1999 and Series 2006 and Series 2020 (the “Bonds”), payable from such Special Assessments to pay the costs and expenses of such acquisition, among other purposes. In furtherance thereof, the District acquired and is acquiring the Recreational Facilities. For purposes hereof, the term “Recreational Facilities” shall mean the recreational facilities comprised of land, improvements, facilities and equipment located within or without the District which facilities are owned or operated by the District.

B The District has heretofore determined, and had validated by Judicial decree, that the acquisition of said Recreational Facilities, the issuance of the Bonds and the levying of the Special Assessments to repay the Bonds serves a proper, essential and valid public purpose.

C Pursuant to Resolutions No. 99-02, No. 2006-10, and 2020-33, among others, the District approved Special Assessment Methodologies prepared by Fishkind & Associates and PFM Financial which methodologies determined that all residential property in the Herons Glen District is specially benefitted by the District’s acquisition and operation of the Recreational Facilities, all as is more particularly set forth in Resolution 2020-40.

D. Pursuant to Resolutions 2006-11 and 2006-24, and 2020-33 the District has previously imposed Special Assessments for Bond refunding, which assessments are collected by the Uniform Method described in Sections 197.3632 and 197.3635, Florida Statutes (the “bond debt service”).

E. The District hereby finds and determines that the continued payment of bond debt service, the operation, improvement and maintenance of the Recreational Facilities and the operation of the District to carry out such purposes will specially benefit all real property within the Herons Glen community by enhancing the aesthetic qualities and the actual, as well as potential, recreational opportunities of the property owners and their guests and, thereby, will enhance the property values of all real property located within the Herons Glen District.

F. On June 14, 2024, the District adopted, Resolution 2024-09, approving a preliminary budget report for the operation, improvement and maintenance of the Recreational Facilities and the District for the District's 2024-2025 fiscal year and expressing therein its intent to fund the same by the levy of special assessments on all platted lots within the District.

G. On September 5, 2023, the District adopted its Final Budget for the year 2024-2025, pursuant to Resolution 2024-15.

H. As required by Chapters 170 and 197, Florida Statutes, Resolution No. 2024-09 evidenced the District's intent to adopt a non-ad valorem assessment roll levying the Special Assessments and called for a public hearing to be held on September 5, 2024 ("Public Hearing") for the Board to consider the adoption of a final assessment roll. In accordance with Chapter 170 and Section 197.3632, Florida Statutes, at least twenty (20) days prior to the Public Hearing, notice thereof (the "Public Hearing Notice") was given by first-class United States mail and by appropriate publication in a newspaper generally circulated within Lee County, Florida.

I. On this date, at the time and place specified in the September 5, 2024 Public Hearing Notice, the Board met as an equalizing board, conducted a public hearing and heard and considered all comments and complaints as to: (i) the propriety and advisability of operating and maintaining the recreation facilities and District and of the District's related facilities, (ii) the cost thereof, (iii) the manner of payment therefor: (iv) the amount thereof to be assessed against each parcel of specially benefitted property, and (v) the special benefit to each existing and each potential residential lot within the District; and based thereon, has made such modifications in the preliminary assessment roll as it deems just and proper, commensurate with special benefit and fair apportionment.

J. Having considered the bond debt service requirements, the costs of the operation, improvement and maintenance of the Recreational Facilities and all complaints and evidence presented at such public hearing, the Board finds that: (i) each of the platted lots in the Recreation District will derive special benefits as a result of the operation and maintenance of the Recreational Facilities and the District; (ii) the estimated costs are reasonable; (iii) the Special Assessments described herein are an appropriate and reasonable method of paying for those costs; (iv) all of the residential property within the District and the Herons Glen community benefit equally from the operation and maintenance of the Recreational Facilities and the District, with the exception that undeveloped lots are entitled to a discount for the costs of the Common Lot Irrigation System (CLIS) service; (v) the allocation of such expenses on a per lot basis is a fair and reasonable method of allocation; (vi) the payment of the Special Assessments in not more than twelve (12) monthly installments or four quarterly installments, or in the case of the bond debt service assessments and Special Assessments on lots, the owners of which are presently two or more quarters delinquent,

by placement on the property tax bill as permitted by the “uniform method” of Chapter 197, Florida Statutes, with interest at the rates established by law, is appropriate; and (vii) the methods established for collecting the Special Assessments, including by direct bill and pursuant to Sections 197.3632 and 197.3635 for bond debt service and lots whose owners are, or have been, delinquent in paying assessments, are authorized and are appropriate.

K. Pursuant to the Public Hearing and Resolutions 2020-33 (Bond Assessment), 2024-09 (Preliminary Budget) and 2024-15 (Final Budget), the Special Assessments, all as specified in Exhibit “A” attached hereto, and bond debt service assessments previously approved, were equalized, approved, confirmed, fairly apportioned and levied and may be reported as the District’s Assessment Roll for the designated year.

SECTION 3. APPROVAL AND CONFIRMATION OF ASSESSMENT METHODOLOGY. The 2024-2025 Budget attached hereto as Exhibit “A”, including the final per unit Special Assessments, approved pursuant to Resolution 2024-15, is hereby confirmed and ratified. The Special Assessments against each parcel, and interest and penalties thereon, as set forth by law shall be and shall remain a legal, valid and binding obligation of each property owner and a first lien on such owner’s lot until paid; such lien shall be co-equal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims.

SECTION 4. OPERATION AND MAINTENANCE ASSESSMENT RECORD. The Special Assessments described in Resolutions 2020-33, 2024-09, 2024-15, and this Resolution are hereby confirmed and imposed.

SECTION 5. PAYMENT OF SPECIAL ASSESSMENTS. The Special Assessments on developed lots shall be payable in quarterly installments, or in such other manner as the District shall from time to time determine. Unless later revised by the Board, collection of the Special Assessments on lots the owners of which are, presently, two or more quarters delinquent in paying past assessments, shall be payable on the property tax bill pursuant to the Uniform Method set forth in Section 197.3632, Florida Statutes and said Special Assessment shall be included on each such bill along with the District’s bond debt service special assessments which are set forth in Resolutions 2020-33 and 2020-37.

SECTION 6. MISCELLANEOUS. The Chairman, Vice Chairman, Treasurer and Secretary of the Board, the General Manager and the District’s legal counsel are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the levy and collection of the Special Assessments which actions are not inconsistent with the terms and provisions of this Resolution.

SECTION 7. SEVERABILITY. Should any sentence, section, clause, provision or part of this Resolution, or the Special Assessments imposed hereby, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 8. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a Special Meeting of the Board of Supervisors of the Herons Glen Recreation District on this 5th day of September 2024.

[SEAL]

ATTEST:


District Secretary

**HERONS GLEN RECREATION
DISTRICT**


Peter Overs, its Vice Chair

FY 2023-24 Approved Budget

**FY 2024-25 Approved Budget -
Resolution 2024-15 09/05/2024**

	Assessments	Other Revenue	Expenditures	Assessments	Other Revenue	Expenditures	Assessment % Change
HGRD Operations & Maintenance							
Administration	\$ 1,099,662	\$ 169,724	\$ 1,269,386	\$ 1,276,194	\$ 171,729	\$ 1,447,923	16.1%
Food & Beverage	433,760	1,545,429	1,979,189	549,860	1,468,640	2,018,500	26.8%
Clubhouse	964,839	11,800	976,639	960,379	5,800	966,179	-0.5%
Fitness	85,685	4,200	89,885	65,872	5,000	70,872	-23.1%
CLIS	303,316	242,364	545,680	313,028	249,635	562,663	3.2%
Pro Shop	-	2,540,985	726,919	-	2,626,310	830,195	
Golf Maintenance	-	-	1,813,146	-	-	1,796,116	
<i>Total Operations (rounded)</i>	<u>\$ 2,887,262</u>	<u>\$ 4,514,502</u>	<u>\$ 7,401,764</u>	<u>\$ 3,165,333</u>	<u>\$ 4,527,114</u>	<u>\$ 7,692,447</u>	<u>9.6%</u>
Deferred Maint Reserve Fund	\$ 381,928			\$ 392,600			2.8%
Capital Reserve Fund	\$ 325,000			\$ 144,300			-55.6%
<i>Total Annual Assessment</i>	<u>\$ 3,594,191</u>			<u>\$ 3,702,233</u>			<u>3.0%</u>
Losses Reserve Fund (FY 2023-24 only)*	\$ -			\$ -			
TOTAL HGRD	<u>\$ 3,594,191</u>			<u>\$ 3,702,233</u>			
Golf Membership Fees	(pre-tax)	2023-24		2024-25		% Change	
Resident Household		\$ 5,438		\$ 5,600		3.0%	
Resident Single		3,399		3,500		3.0%	
Tennis Association Fee		\$ 10,000		\$ 4,000		-60.0%	
	2023-24 Annual		2024-25 Annual	2024-25 Quarterly	\$ Δ Annual	% Change	
O&M Assessment per lot: (rounded)							
O&M	\$ 2,221		\$ 2,435	\$ 609	\$ 214	9.6%	
Capital Reserve*	250		111	28	(139)	-55.6%	
Deferred Maint Reserve*	294		302	76	8	2.8%	
Total O&M, Cap & Def Asmnt:	2,765		2,848	712	83	3.0%	
Losses Reserve Replenishment Asmnt	300		-	-	(300)		
Total O&M, Cap, Def & Loss Spec Asmnt:	<u>\$ 3,065</u>		<u>\$ 2,848</u>	<u>\$ 712</u>	<u>\$ (217)</u>		

*Reserves calculated based on planning model

Debt service (bond payments) are an amount of \$1,424.58 per year, which will appear on your Lee County Property Tax bill.

HERONS GLEN RECREATION DISTRICT 2024-2025 APPROVED CONSOLIDATED BUDGET - RESOLUTION 2024-15 09/05/2024

	Forward/Rsv from FY2023-24	Assessments	Other Revenue	Appropriated Expenditures	Forward/Rsv to FY2025-26
HGRD Operations & Maintenance					
Administration		\$ 1,276,194	\$ 171,729	\$ 1,447,923	
Food & Beverage		549,860	1,468,640	2,018,500	
Clubhouse		960,379	5,800	966,179	
Fitness		65,872	5,000	70,872	
CLIS		313,028	249,635	562,663	
Pro Shop		-	2,626,310	830,195	
Golf Maintenance		-	-	1,796,116	
Total Operations		\$ 3,165,333	\$ 4,527,114	\$ 7,692,447	
HGRD Reserves					
Deferred Maint Reserve Fund	\$ 750,000	\$ 392,600	\$ -	\$ 1,142,600	\$ -
Capital Reserve Fund	\$ 4,900,000	\$ 144,300	\$ -	\$ 5,044,300	\$ -
Golf Course Special Improvements	\$ 75,000	\$ -	\$ -	\$ 75,000	\$ -
Losses Reserve Fund	\$ 660,000	\$ -	\$ -	\$ 660,000	\$ -
Total Reserves & Expenditures	\$ 6,385,000	\$ 536,900	\$ -	\$ 6,921,900	\$ -
Held by HGRD		\$14,614,347		\$14,614,347	
Series 2020 Bonds					
Construction and Acquisition Fund	\$ 1,300,000	\$ -	\$ -	\$ 1,300,000	\$ -
Rebate Account Fund	\$ 50,500			\$ 50,500	\$ -
Bond Payment - <i>Lee County Tax Collector</i>	\$ -	\$ 1,851,954	\$ -	\$ -	\$ -
Lee County Collections and Discounts	-	-	-	67,229	-
Debt Service	-	-	-	1,784,725	-
Held by Bond Trustee - US Bank	\$ 1,350,500	\$ 1,851,954	\$ -	\$ 3,202,454	\$ -
		\$3,202,454		\$3,202,454	
TOTAL FY2025 HERONS GLEN RECREATION DISTRICT					
	\$ 7,735,500	\$ 5,554,187	\$ 4,527,114	\$ 17,816,801	\$ -
GRAND TOTAL		\$17,816,801		\$17,816,801	