

HERONS GLEN

Welcome to the Herons Glen Recreation District



The community known as Herons Glen Golf & Country Club consists of two separate and distinct organizations; the Herons Glen Recreation District (“HGRD”) & the Herons Glen Homeowner’s Association (HOA).

This pamphlet is designed to acquaint you with the Herons Glen Recreation District, its history, purpose, and function.

The HGRD is a governmental entity. Florida law calls it a Special District. Special Districts serve a specific geographical area and are governed by an elected board of supervisors or commissioners. Special Districts are very similar to municipalities, but Special Districts are set up to perform more specific and limited functions. Examples of other Special Districts in our area are the North Fort Myers Fire District and the Lee County Mosquito Control.

How the District was Formed

HGRD was started by a group of concerned residents who wanted a way to purchase the existing Herons Glen recreational facilities from the developer. In a vote conducted in the community, the formation of the Recreation District was approved by 95% of the residents.

The developer agreed in 1999 to sell the recreational facilities, including the golf course, to the residents for \$15 million. The District was then formed to create a governmental entity capable of issuing tax free bonds in order to raise the needed \$15 million to complete the purchase from the developer.

Rules of the District

All recreation facilities are owned by the District, a separate and distinct entity. As owner of these properties, HGRD has the right to set rules pertaining to their use. As explained above, assessment payments provide specific benefits to each Herons Glen property and do not create in a Herons Glen resident any particular rights to use the recreation facilities. As the sole governing authority, the Board of Supervisors determines from time to time all rights and privileges to be made available to the owners, residents and the general public.

How the District Is Managed

The District is supervised by five Supervisors elected by popular vote for terms of three years each. This Board of Supervisors employs a professional General Manager to direct the day-to-day operation of the District, including the selection of department managers reporting to him.

The Board also provides continuing oversight of the General Manager and District operations, and annually conducts a performance review with the General Manager.



How the District Is Funded

Although it has the legal authority to tax, HGRD has never taxed any properties within its boundaries. Instead the District utilizes assessments, also called “Special Assessments”, to raise the funds necessary to purchase, operate and maintain the recreational facilities.

Special Assessments have the same dignity, i.e. legal status, as taxes, but they are set on the basis of the *benefit provided to the property assessed*, rather than on the *value of each parcel assessed* as are taxes.

Beginning in 1999, HGRD assessed each of the 1300 existing or proposed lots an annual amount *for the sole purpose of raising funds to repay the bond money* that the District borrowed in order to purchase the recreational facilities. In 2006, the bond was reissued to take advantage of favorable interest rates. The current annual bond assessment of \$1294 replaces the original bond assessment and is a 30-year assessment, which shows up each year on each property owner’s tax bill.

Annually, HGRD imposes a 2nd assessment upon each lot *for the purpose of operating and maintaining the recreational facilities*. Those annual “O&M Assessments” are used to fund all expenses of the District, except those of maintaining the playability of the golf course. That expense has traditionally been covered through golf revenues. Although Golf Course expenses are usually paid from golf revenues, the District is permitted by law and does occasionally, budget a portion of its general fund revenues for Golf Course expenses. The Golf Course is an important part of the District’s assets. Its playability and its aesthetic beauty, clearly add value to each home in the community.

Why the District May Assess

In 1999 the Board of Supervisors engaged the services of a financial consultant, Dr. Henry Fishkind, to determine whether the proposed purchase of the recreational facilities from the developer would have a financial benefit to the resident owners of properties in Herons Glen.

His analysis determined that the purchase of the recreational facilities by the HGRD *would improve the value of each parcel within Herons Glen sufficiently to warrant an annual assessment on each parcel for 30 years.* In essence, he determined an assessment was justified by the enhancement in the value of each resident's home, arising from its location in a community in which all of these recreational facilities were available. Dr. Fishkind concluded that a home with a golf course near it or around the corner from it, is a much more valuable home to a prospective purchaser than the identical home in an otherwise identical community without such facilities.

In other words, *every lot or homeowner in Herons Glen has already received something of value in exchange for his or her payment of the annual bond assessment, i.e. an increase in the value of their property. No other entitlement, such as any right to use the golf course without paying a fee arises out of that annual payment.*

Similarly, *no specific legal rights are created in a resident or homeowner as a result of their payment of the annual O&M Assessment.* The justification for each annual operation and maintenance amount is that the recreational facilities, having been purchased for a good reason, must be operated and maintained in a proper manner. Otherwise, the benefits of having those facilities in the community would be lost.



Recreational Facilities

The Recreation District is responsible for the recreational facilities within the Herons Glen Golf & Country Club. These include, but are not limited to, the:

- Swimming Pool & Spa
- Golf Course
- Clubhouse
- Restaurant & Lounge
- Bocce, Pickleball, Tennis and Shuffleboard Courts
- Fitness Center
- Associated Buildings & Structures
- Common Lot Irrigation System (CLIS)

Any future recreational amenities

The Herons Glen Homeowner's Association has a different set of responsibilities. You may contact the HOA office for further information concerning its areas of responsibility.



Use of the HGRD Facilities

As a matter of law, all of the facilities owned by the District, a governmental entity, are public property and as such must be made available to the general public. HGRD, as owner, has established a fee structure for the public to use those facilities.

As a matter of policy, however, the Board of Supervisors of HGRD has traditionally permitted Herons Glen property owners certain privileges not available to the general public. For example, owners and their guests are permitted to use all recreational facilities other than the golf facilities free of charge. Some preference is also given to Herons Glen owners with regard to tee times.

The rationale for giving Herons Glen owners special privileges not available to the general public is that they are already paying most of the operation and maintenance expenses of those facilities.



Golf Memberships

As one of the funding mechanisms for maintaining the playability of the golf course, and in recognition of the golf course's importance to the community, the Board of Supervisors established a golf membership program. Golf members pay annual prepaid greens fees for golf course play and other benefits. These membership payments are used to maintain the playability of the golf course. You should be aware that *other than such golf memberships, there are no "members" of the District.*

Ways to Stay Informed

- Attend monthly HGRD Workshops and Board Meetings
- Attend Committee Meetings
- Watch the HG Community TV Channel
- Sign up with a valid email address in the HGRD office to receive email communications from the HG Board of Supervisors, General Manager and the Management Team.

Herons Glen Recreation District

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Visit Our Website Anytime at heronsglenc.com