

Whiskey Creek/Summerlin Road Wall **IMPORTANT UPDATE • READ TODAY!**

Prepared by the all-volunteer Wall Committee of the Whiskey Creek Civic Association

■ *What's being proposed?*

To form a Municipal Services Benefit Unit (MSBU) of the entire Whiskey Creek community in order to pay for the wall's replacement, and then turn the wall over to the existing Whiskey Creek Municipal Services Taxing Unit (MSTU) for maintenance by the county. Whiskey Creek residents would agree to assess themselves one time to pay for this \$1.2 million project after it is built. The county's funding formula charges the property owners who "own" the current wall \$62 per linear foot of wall on their property to pay for 25% of the final cost (since they get a direct benefit from the wall's replacement), and it also charges all 1,575 affected property owners in Whiskey Creek a flat per-parcel assessment of about \$569 to pay for the remaining 75% (since we all get an indirect benefit from having a wall in place).

If more than 50% of the property owners agree to this, the county will form the MSBU, work with wall owners on necessary easements, and arrange to borrow money to fund demolition of the old wall and construction of the new wall. When construction is complete and all the bills are in (probably in 2010), the county will ask property owners to pay their assessments — either up front to save you interest charges or over 10 years as spelled out in the petition.

■ *Why now?*

Because we can get the best price by working in conjunction with the Summerlin Road project currently under way. But that means we have to move forward quickly, so wall construction can begin while the road project is still being built using the already-approved contractor and their already-bid price.

■ *Why should all of us pay?*

Because this wall is a community asset that needs to be supported by the entire neighborhood. If we make this a community project, we can ensure the wall is properly built and maintained for years to come.

■ *Why doesn't the county pay for the wall?*

Because it's viewed as an existing neighborhood amenity, and county policy is not to pay to replace existing walls during construction projects — only to when road projects create a new "nuisance."

■ *If we do nothing, won't Lee County come in and replace or repair the wall?*

No. It's not a county wall, it's not county policy to do that, the wall is not up to code, and they could not touch a wall that's on private property anyway.

■ *Right now, who is responsible for the wall?*

The 24 property owners who own the dirt under the wall are responsible for its maintenance and repair, and liable for any injury or damages. The owners include three condo associations -- Village Green Section 7, Village Green Section 14 and Wyldewood Lakes -- and the Whiskey Creek Civic Association (for portions of the wall turned over by the developer).

■ *If I support this project, what should I do?*

It's easy: Send your signed and notarized MSBU petition **TODAY** to the Whiskey Creek Civic Association, P.O. Box 07023, Fort Myers, FL 33919. **Petitions must be received by May 1, 2009.**

■ *Is there a cap on the possible cost of the wall?*

Yes. In the language of the MSBU petition (and in the county ordinance concerning such units), if the cost exceeds 15% of the estimated cost the county must go back to the property owners and ask whether they still wish to move forward at this higher cost. (Any increase is from unexpected costs of acquiring easements, which would be clear before construction started.)

■ *Are we signing for a 10-year loan? Does that mean I would pay \$569 a year?*

No, it's a **one-time** charge of \$569 for non-wall owners if the project moves forward. Once actual costs are in, the final assessment will be calculated...and you can choose to pay the full amount at that time with no interest or to finance it over 10 years.

■ *I see the petition also means wall owners agree to allow the county access to their property. Why?*

The explanation we received was that access was for construction only. Maintenance of the new wall fronting on Summerlin would be handled by the county through the Whiskey Creek MSTU. Interior maintenance was left to the owners so that county workers would not have to have continual access to your land.

■ *Why is only one bid gotten to date?*

The county went through a competitive bid process to select the contractor it is using for the wall north of the

canal, which is the bid we're trying to piggy-back on for this project. Six bids were received, and the contractor selected (Posen) was the lowest by a significant margin.

■ ***What is the add-on to our taxes going to be once this unit is established and the MSTU takes over the wall?***

Maintenance will be handled by the existing Whiskey Creek MSTU (which already pays for median maintenance, maintaining the McGregor wall, additional security, etc.). We expect the cost of maintenance to be minimal on an annual basis.

■ ***I'm worried that by signing my petition, I'm signing a blank check for this project.***

Working with a "hard" bid from the contractor, this is really a three-phase process:

1) See if enough property owners in the proposed unit support the idea to form it.

2) If that happens, form the unit (to make it a county project) and have county staff pursue easements within the budget established (with the overrun factor).

3) If that happens, go to construction, collect the actual costs and make the final assessment.

If the easement acquisition costs exceed the 15% trigger, county ordinance requires the property owners be contacted to see if they want to proceed. Since this would happen before construction begins (based on a capped contracted amount), that's really the only variable cost in the process. (A full breakdown of the assessment estimate is on the Whiskey Creek Web site.

■ ***I cannot figure out what the STRAP# is on the petition ballot. Where would I find it?***

Just send us your signed petition and we can include your STRAP number off our list. If you have access to the Web, go to www.leepa.org (the property appraiser's site), Under DATABASE SEARCH click on "Property Data Search," type in your address or name and your property information (including STRAP) should come up.

■ ***How does the cost of the proposed wall compare to a wall like the one we have now?***

Two recent estimates to rebuild portions of the current wall have brought the cost in at around \$150 per linear foot for a six-foot-high concrete block wall. The contractor's estimate for the county wall north of the golf course canal came in at \$160.75 per linear foot for an eight-foot-high precast concrete wall -- a much more durable method of construction. From discussions with people in this business, the county price is very good and could be impossible to duplicate on our own.

■ ***Is there another type of wall that could would cost less and still look "nice"?***

We never got into shopping wall choices, since the original intent was to use the same kind of wall (and the same contractor) as is being built north of the golf course canal as part of the Summerlin project. That would allow us to piggyback on the existing county contract (to save money) and maintain the same wall "look" all along Summerlin Road. Also, for any wall to be turned over to the county, it has to be up to current building codes, which the current wall is not.

■ ***Why not just repair the existing wall?***

That has been discussed, although no concrete plan has been put forward for community review. However, repairing what's already there still leaves a couple of problems:

- It's still a shorter, less durable wall.
- There are questions about how stable the footers are for the current wall.
- The current property owners are still liable for wall repair and maintenance.
- Those owners are still liable if anyone is injured by something that could be blamed on the wall.

■ ***Why not charge every property owner a flat per-parcel charge, or charge based on assessed value, so more expensive properties pay more?***

Since this is a county project, county attorneys determined a apportionment plan it felt was defensible in court. Although alternatives were proposed, the county stuck by the current assessment structure.

■ ***Can't I wait to turn in my petition?***

No. If we do not receive enough petitions by May 1, this effort dies and we miss this opportunity.

■ ***Why should I say "yes"?***

Because if this community does not come together to fix this problem, it won't get done.

Want more information on this project?

- Send an e-mail to whiskeycreekwall@gmail.com.
 - Leave a voicemail message at or send a fax to (877) 871-9223.
 - Information and blank petitions are available online at www.whiskeycreeknews.net.
 - Come to the monthly meetings of the Whiskey Creek Civic Association, held at 7 p.m. on the first Wednesday of the month at the Whiskey Creek Country Club.
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SUMMERLIN WALL MSBU PETITION

— Sign and return to Whiskey Creek Civic Association today —

PETITION TO THE BOARD OF COUNTY COMMISSIONERS LEE COUNTY, FLORIDA

I, the undersigned record title holder of certain real property in Lee County, Florida, hereby petition for:

Type of Improvement: Whiskey Creek Perimeter Wall Construction

To be Called: Whiskey Creek Summerlin Wall MSBU

Location: Section 10, Township 45, Range 24

Estimated Cost: \$1,194,155.00

This estimate does not include costs for purchasing rights of way/condemnation and/or mitigation.

Payable by: Special Assessment

Gross Project cost to be proportioned based on a Front Foot/ Per Parcel

Estimated cost to property owner:	Total Project Cost:	\$ 1,194,155
PRIOR TO COST OF LONG-TERM FINANCING	Total Number of Parcels:	1575
	Cost per Front Foot:	61.66
	Cost per Parcel: \$	568.64

I understand that the estimated project cost identified in this petition includes all costs to construct the project and to obtain the financing. This cost does not include accrued interest for those property owners who choose to finance their assessment over a period of time.

I understand that this improvement will specially benefit my property; that my share of the actual costs may be paid in full within 30 days after the initial billing (without additional interest) or may be paid in 10 annual installments (with accrued annual interest), whichever I prefer; and that a lien will be placed upon my property to secure payment of this special assessment. I also understand that this project will be financed and while the rate of interest to be paid is unknown at this time, the most recent similar debt was incurred at the rate of 6.51% interest per annum, which includes a 1% fee above the contracted rate for carrying costs. The interest rate will be determined at the completion of the project and is based on the contracted rate at that time. Long-term financing may require adjustment, pending the contract terms of the loan in effect at the closing. An amortization schedule showing the full cost including interest, should you choose to finance over time, is listed on page two of this petition for your reference.

I understand that if this unit is created and the improvement is constructed that the existing Whiskey Creek MSTU Ordinance will be amended to include the structural repair and maintenance of the all perimeter walls according to County standards and that the property owners with private property that abut the wall will be responsible for the aesthetic maintenance of that wall facing their property. The County will work with the MSTU appointed advisory committee to determine annual budget requirements.

I hereby acknowledge, that it is understood that the cost estimates stated above represents preliminary costs, and in no manner is the County liable or responsible for the accuracy of these costs. I understand that I may be requested to donate the rights-of-way for the improvement and for easement rights to the County for necessary ingress and egress to perform required maintenance following construction. It is understood that any cost to acquire necessary right of way acquisition including eminent domain proceedings are not included in this estimate and that those costs will be added to the final project cost. It is understood that any significant delay (more than one year) in the commencement of construction on this project, which is beyond the control of the County, may cause an increase in the cost of the project. In the event that the project fails to come to fruition, it is further understood that I will be expected to pay my proportionate share of any costs, etc. incurred by the County on behalf of this project and that the County shall have the right to place a lien upon my property until such costs have been paid to the County.

EXAMPLE OF A FIXED PRINCIPAL SCHEDULE

for PROPOSED Whiskey Creek Wall

(Parcel w/100' frontage)

PRINCIPAL: \$6,734.25
 INTEREST: 8.5%
 TERM: 10 years

Note: Interest Rate may change pending Loan rate at closing.

YEAR	PRINCIPAL	INTEREST	PAYMENT	BALANCE
				\$6,734.25
2010	\$673.42	\$572.41	\$1,245.84	\$6,060.82
2011	\$673.42	\$515.17	\$1,188.59	\$5,387.40
2012	\$673.42	\$457.93	\$1,131.35	\$4,713.97
2013	\$673.42	\$400.69	\$1,074.11	\$4,040.55
2014	\$673.42	\$343.45	\$1,016.87	\$3,367.12
2015	\$673.42	\$286.21	\$959.63	\$2,693.70
2016	\$673.42	\$228.96	\$902.39	\$2,020.27
2017	\$673.42	\$171.72	\$845.15	\$1,346.85
2018	\$673.42	\$114.48	\$787.91	\$673.42
2019	\$673.42	\$57.24	\$730.67	\$0.00
TOTAL	\$6,734.25	\$3,148.26	\$9,882.51	

EXAMPLE OF A FIXED PRINCIPAL SCHEDULE

for PROPOSED Whiskey Creek Wall

(Parcel without any wall frontage)

PRINCIPAL: \$568.64
 INTEREST: 8.5%
 TERM: 10 years

Note: Interest Rate may change pending Loan rate at closing.

YEAR	PRINCIPAL	INTEREST	PAYMENT	BALANCE
				\$568.64
2010	\$56.86	\$48.33	\$105.20	\$511.78
2011	\$56.86	\$43.50	\$100.37	\$454.92
2012	\$56.86	\$38.67	\$95.53	\$398.05
2013	\$56.86	\$33.83	\$90.70	\$341.19
2014	\$56.86	\$29.00	\$85.87	\$284.32
2015	\$56.86	\$24.17	\$81.03	\$227.46
2016	\$56.86	\$19.33	\$76.20	\$170.59
2017	\$56.86	\$14.50	\$71.36	\$113.73
2018	\$56.86	\$9.67	\$66.53	\$56.86
2019	\$56.86	\$4.83	\$61.70	\$0.00
TOTAL	\$568.64	\$265.84	\$834.49	

STATE OF _____

County of _____

Sworn to (or affirmed) and
 subscribed before me this

_____ day of _____ 20____

by:

 Signature of Person Making Statement

 Signature of Notary Public

 Stamp of Commissioned Name of Notary Public

 Print Property Owner's Name

Address: _____

Strap #: _____

Personally Known _____ OR

Produced Identification _____

Type of Identification _____

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