

Lehigh plaza owner receives bill for unpaid impact fees

by don ruane • druane@lehighnewsstar.com • March 19, 2010

2:39 P.M. — A routine audit led to a new impact fee bill of nearly \$60,000 for the owner of DeLaCruz Professional Plaza in Lehigh Acres, where construction started in 2004.

Such audits are conducted on commercial property to make sure a business pays for the service if its use of the water or sewer system increases, said Tarek Fahmy, operations manager for the Florida Governmental Utility Authority. The impact fee pays for improvements needed to meet the demands of growth. If the business doesn't pay its share other customers have to pick up the cost, Fahmy said.

It was found that more seats were added to the Beef O'Brady's restaurant in the plaza, which triggered a recalculation of the fee, Fahmy said.

Originally posted on Wednesday, March 17.

The owner of DeLaCruz Professional Plaza in Lehigh Acres is being billed nearly \$60,000 for impact fees the water and sewer utility company didn't collect in 2004.

But Lupe DeLaCruz said today that he thinks the billing is fair. The fees were due in 2004.

The unpaid fees were discovered in 2009 during an audit of his account, according to records of the Florida Governmental Utility Authority.

The audit showed DeLaCruz paid the impact fee for water and sewer service on one of three buildings in the plaza at 3114 Lee Blvd.

Under terms of an agreement going before the Florida Governmental Utility Authority board on Thursday, DeLaCruz will make 19 payments of \$3,000 and settle the bill on Oct. 15, 2011 with a final payment of \$2,854.

Meanwhile, FGUA will file a lien against the plaza, which includes a Beef O'Brady's restaurant and the Lee County Tax Collector satellite office.

DeLaCruz paid \$36,795 of the fee in September 2004. At that time the total fee due was \$76,632.

FGUA subsequently recalculated the fee in January, using actual rather than estimated water usage by Beef O'Brady's and upped the fee to \$96,649.

"I knew I owed most of it. I thought at one time I had paid it," DeLaCruz said. "When I started construction apparently it was overlooked. It was overlooked by both of us."

Construction on the plaza started in 2004, just a few months after the utility finalized the purchase of the water and sewer systems in December of 2003. FGUA bought the system for \$34.5 million from Allete Inc., the parent company for Florida Water Services which operated the systems at the time.

The impact fees may have been overlooked during the transition between the companies, said FGUA spokeswoman Barbara Kerby, who added she would ask FGUA officials for an explanation. She was not working for FGUA at that time.

As of Sept. 30, 2009, FGUA had 10,187 sewer customers served by 103 miles of gravity sewer, 49

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