

CITY OF SANIBEL

RESOLUTION NO. 12-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL EXPRESSING ITS INTENT TO DECLARE A SPECIAL ASSESSMENT TO FUND A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW AND THE SANIBEL CHARTER FOR THE PAVING OF NERITA STREET; ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING ASSESSMENTS, THE ESTIMATED COST AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED, AND OTHER MATTERS REQUIRED BY CHAPTER 170, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel wishes to establish an assessment district for the paving of Nerita Street, located within the City of Sanibel, hereinafter referred to as the Nerita Street Paving Project Assessment District. Such project is a public improvement and the City is establishing the assessment district pursuant to its Home Rule Power, general law, including without limitation Chapters 166, and 170 Florida Statutes, the Sanibel Code of Ordinances, and the Sanibel Charter; and adopting procedures set forth in Chapter 170, Florida Statutes; and

WHEREAS, Chapter 170.03, Florida Statutes, provides that a municipality making public improvements when utilizing special assessments shall adopt a resolution stating the nature of the improvement, the location of the improvement, the part or portion of the expense to be paid by the special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, what portion, if any, is to be paid from the general improvement fund of the municipality, a designation of the lands upon which the assessments shall be levied and the total estimated cost of the improvement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Florida, that:

SECTION 1. The City Council of the City of Sanibel, hereby makes a finding of the need for the levy of special assessments for a public improvement project for the paving of Nerita Street, within the City of Sanibel, generally known as the Nerita Street Paving Project (the "Project"). Such Assessment District shall be known as and may be referenced as the Nerita Street Paving Project Assessment District, which levy and special assessment includes all lots and lands adjoining and contiguous or bounding and abutting said improvements or which are specially benefited thereby. The purpose of the Project is to provide for the paving of Nerita Street.

SECTION 2. The City Council of the City of Sanibel hereby expresses its intent to provide for the Project and for the payment of all or any part of the costs of such improvements by levying and collecting special assessments on the abutting, adjoining, contiguous or other specially benefited property under the authority given by the Home Rule Provision of the Florida Constitution, general law, including without limitation Chapters 166 and 170, Florida Statutes, the Sanibel Code of Ordinances, and Sanibel Charter, and adopting the procedures set forth in Chapter 170, Florida Statutes.

SECTION 3. The City Council of the City of Sanibel makes a determination that it intends to pave Nerita Street as reflected on the Assessment Plat showing the area to be assessed, with plans and specifications and an estimate of the cost of the improvements on file with the City Clerk, Sanibel City Hall, 800 Dunlop Road, Sanibel, Florida, 33957, as of the date of adoption of this resolution.

SECTION 4. The total estimated cost of the Project is currently **\$24,050.00**. It is anticipated that a portion equaling one-third of the total project costs, financing and interest costs (if any), engineering and surveying costs (if any), permit fees, legal costs, and administrative costs for the Project will be paid by General Revenues of the City; and that a portion equaling two-thirds of the paving costs, financing and interest costs (if any), engineering and surveying costs (if any), permit fees, legal costs, and administrative costs for the Project (together referred to as the “Costs”) will be paid by assessments levied against the benefited real properties.

SECTION 5. The manner in which said assessments shall be calculated is as follows: The assessment shall be on a per parcel basis on each of the described parcels in the Nerita Street Paving Project Assessment District. This special assessment rate shall be an assessment of an equal portion to each property owner of the two-thirds amount of the total Costs to be paid by the private property owners. The City of Sanibel shall pay an amount equal to one-third of such Costs. Such total assessment to each benefited parcel or lot (currently anticipated to be **\$1,457.58/lot**) may be paid in full (within a period of time to be determined by City Council) or may be financed in equal amounts over a period of 3 years at a per annum interest rate to be determined by City Council. The annual assessment billings will be made by direct billing by the City of Sanibel. It is specifically determined and found by the City Council that this Nerita Street Paving Project Assessment District is necessary, appropriate and the best method by which to address the need for the paving of Nerita Street.

The methodology and the amount of the yearly assessment for each property is described herein and is set forth in a Preliminary Assessment Roll and related documentation, a copy of which shall be kept on file with the City Clerk and available for public inspection.

SECTION 6. The City Clerk is directed to publish this resolution 2 consecutive weeks in newspapers of general circulation in Lee County and within City of Sanibel, or as otherwise may be required by law.

SECTION 7. Effective Date. This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 3rd day of April, 2012.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM: *Kenneth B. Cuyler* *3/22/12*
Kenneth B. Cuyler, City Attorney Date

Vote of Council Members:

Ruane _____
Denham _____
Congress _____
Harrity _____
Jennings _____

Date filed with City Clerk: _____