

6. PUBLIC HEARING(S)

- 9:15 a. m. b. RESOLUTION 08-107 OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A SPECIAL ASSESSMENT FOR THE PAVING OF JUNONIA STREET BETWEEN NERITA STREET AND DONAX STREET; PROVIDING FOR PREPARATION AND FILING OF A FINAL ASSESSMENT ROLL FOR SAME; PROVIDING FOR CONFIRMATION OF THE PROJECT AND ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE

CITY OF SANIBEL

RESOLUTION NO. 08-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A SPECIAL ASSESSMENT FOR THE PAVING OF JUNONIA STREET BETWEEN NERITA STREET AND DONAX STREET; PROVIDING FOR PREPARATION AND FILING OF A FINAL ASSESSMENT ROLL FOR SAME; PROVIDING FOR CONFIRMATION OF THE PROJECT AND ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel pursuant to its Home Rule Power, general law, including without limitation Chapters 166 and 170, Florida Statutes, and the Sanibel Charter has determined to levy a special assessment against certain property for the paving of Junonia Street between Nerita Street and Donax Street, commonly referred to as the Junonia Street Paving Project Assessment District; and

WHEREAS, the City Council has thereafter met as an equalization board and has heard and considered any and all complaints as to the special assessments and has adjusted and equalized assessments on a basis of justice and right; and

WHEREAS, the equalization board has made the adjustments set forth in Exhibit "B";

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

Section 1. The special assessment for the Junonia Street Paving Project Assessment District, as set forth in Resolution 08-076 adopted July 15, 2008, attached hereto and incorporated herein as Exhibit "A", is hereby **APPROVED** and **ADOPTED, PROVIDED HOWEVER**, as a result of construction bids received by the City:

- (a) The total project cost has been reduced from \$65,100 to \$52,650; and
- (b) The per lot assessment shall be reduced from \$2,284.21/lot to \$1,847.37/lot.

Section 2. A final assessment roll, attached hereto and incorporated herein as Exhibit "C", is hereby adopted and shall forthwith be filed with the Council in the office of the City Clerk. Effective upon the date of filing of the final assessment roll, the Junonia Street Paving Project Assessment District is **CONFIRMED** and shall stand as a legal, valid and binding first lien upon the property against which such assessments are made until paid.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 19th day of August, 2008.

AUTHENTICATION:

Mick Denham, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

8/11/08
Date

Vote of Council Members:

Denham _____
Ruane _____
Jennings _____
Johnston _____
Pappas _____

Date filed with City Clerk: _____

EXHIBIT "A"

**CITY OF SANIBEL
RESOLUTION NO. 08-076**

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 JUNONIA STREET BETWEEN NERITA STREET AND DONAX 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 Junonia Street between Nerita Street and Donax Street, located within the City of Sanibel, hereinafter referred to as the Junonia 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:

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 Junonia Street between Nerita Street and Donax Street, within the City of Sanibel, generally known as the Junonia Street Paving Project (the "Project"). Such Assessment District shall be known as and may be referenced as the Junonia 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 Junonia Street between Nerita Street and Donax 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 to pave Junonia Street between Nerita Street and Donax 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 \$65,100.00. 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 (if any), 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 (if any), 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 Junonia 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 \$2,284.21/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 Junonia Street Paving Project Assessment District is necessary, appropriate and the best method by which to address the need for the paving of Junonia Street.

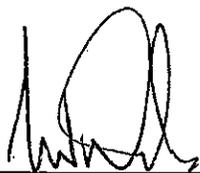
The methodology and the amount of the yearly assessment for each property is described herein and is set forth in a Preliminary Assessment Roll and related documentation, a copy of which shall be kept on file with the City Clerk and available for public inspection.

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.

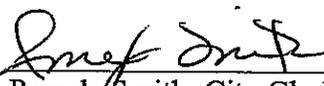
Section 8. Upon completion of the Project, Council shall modify the assessments based on actual costs, not to exceed the preliminary assessment amount.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 15th day of July, 2008.



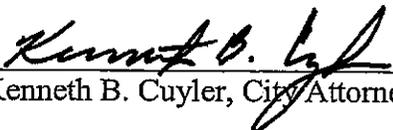
Mick Denham, Mayor

AUTHENTICATION:



Pamela Smith, City Clerk

APPROVED AS TO FORM:


Kenneth B. Cuyler, City Attorney

7/9/08
Date

Vote of Council Members:

Denham	<u> yea </u>
Ruane	<u> yea </u>
Jennings	<u> yea </u>
Johnston	<u> yea </u>
Pappas	<u> yea </u>

Date filed with City Clerk: July 15, 2008

EXHIBIT "B"

**ADJUSTMENTS TO ASSESSMENT ROLL
MADE BY EQUALIZATION BOARD**

(TO BE DETERMINED)

EXHIBIT "C"

CITY OF SANIBEL
 JUNONIA PAVING PROJECT 2008
 ASSESSMENT ROLL

Strap	Site #	Site Street	Site City	Site Zip	Owner Name	Owner Address	City	State	Zip	Assessment
304623T2003050030	1169	JUNONIA ST	SANIBEL	33957	BLOCK PHILIP	1169 JUNONIA ST	SANIBEL	FL	33957	\$1,847.37
304623T2003010050	1200	JUNONIA ST	SANIBEL	33957	BOETTCHER SUZANNE	1200 JUNONIA ST	SANIBEL	FL	33957	\$1,847.37
304623T200016008C	1140	JUNONIA ST	SANIBEL	33957	DERECHIN MICHAEL M	1140 JUNONIA ST	SANIBEL	FL	33957	\$1,847.37
304623T20100E0000	1214-E	JUNONIA ST	SANIBEL	33957	EDMONSTON JOHN + KATHLEEN TR	9 STONEFIELD DR	EAST SANDWICH	MA	2537	\$1,847.37
304623T2003040010	1225	JUNONIA ST	SANIBEL	33957	ELKHOURY ISSA	1225 JUNONIA ST	SANIBEL	FL	33957	\$3,694.00
304623T2003040010	1225	JUNONIA ST	SANIBEL	33957	ELKHOURY ISSA	1225 JUNONIA ST	SANIBEL	FL	33957	\$1,847.37
304623T2003010080	1160	JUNONIA ST	SANIBEL	33957	ESPOSITO FRANK J JR + MAUREENA	1160 JUNONIA ST	SANIBEL	FL	33957	\$1,847.37
304623T2003010090	1150	JUNONIA ST	SANIBEL	33957	GREENWOOD JAMES M + GAIL ANNE	1150 JUNONIA	SANIBEL	FL	33957	\$1,847.37
304623T2003010070	1170	JUNONIA ST	SANIBEL	33957	KINGSOLVER WENDELL + VIRGINIA	200 SHEPHERDS HL	CARLISLE	KY	40811	\$1,847.37
304623T2003010080	1198	JUNONIA ST	SANIBEL	33957	KOEHLER HELEN MAYME + MICHAEL D	17 HAGEMAN DR	FLEMINGTON	NJ	8822	\$1,847.37
304623T2003050010	1159	JUNONIA ST	SANIBEL	33957	MORSE JOHN R + KAY M	1159 JUNONIA ST	SANIBEL	FL	33957	\$3,694.00
304623T2003050010	1159	JUNONIA ST	SANIBEL	33957	MORSE JOHN R + KAY M	1159 JUNONIA ST	SANIBEL	FL	33957	\$1,847.37
304623T2003040430	1201	JUNONIA ST	SANIBEL	33957	WILLIAMS DONALD H + TRUDI K	15400 SHAMROCK DR SE	FORT MYERS	FL	33912	\$1,847.37
304623T2003040440	1209	JUNONIA ST	SANIBEL	33957	WILLIAMS G + STELLA	825 SW 54TH LN	CAPE CORAL	FL	33914	\$1,847.37
304623T20100A0010	836-A1	DONAX ST	SANIBEL	33957	FRIEND BARBARA B TR	423 BRIAR LANE NE	GRAND RAPIDS	MI	49503	\$1,847.37
304623T20100B0010	836-B1	DONAX ST	SANIBEL	33957	HAKANSSON LARS + MARIE	STALLY 10	187 31 TABY	SWEDEN	41015	\$1,847.37
304623T20100C0010	836-C1	DONAX ST	SANIBEL	33957	KEENEY JULIE A	3144 WILLOWHURST TRCE	COVINGTON	KY	41015	\$1,847.37
304623T20100C0020	836-C2	DONAX ST	SANIBEL	33957	SACKSTEDER THOMAS J + NORINE	961 SHEPHERD DR	FOSTORIA	OH	44830	\$1,847.37
304623T2003050040	778	CARDIUM ST	SANIBEL	33957	RUHE DONNA E TR	778 CARDIUM ST	SANIBEL	FL	33957	\$1,847.37

* indicates 2 lot parcel