

10. **OLD BUSINESS**

- a. Proposal from Sanibel Dog Club, Inc. to develop a Dog Park, financed by the Sanibel Dog Club, Inc., on City owned property and adjacent SCCF property (proposed to be acquired by the City in exchange for other City lands in Sanibel Gardens Subdivision), such parcels previously used as a burn site after Hurricane Charley and generally located adjacent to and north of Island Inn Road and extending from approximately .25 miles to approximately .33 miles west of Tarpon Bay Road.

iii. **RESOLUTION 08-140 ESTABLISHING AN ELECTION DATE PURSUANT TO SECTION 3.10.1(b) OF THE SANIBEL CITY CHARTER (AS CODIFIED) FOR THE ELECTORATE TO VOTE ON (1) THE APPROVAL OF THE EXCHANGE OF A CITY OWNED AN APPROXIMATELY .6 ACRE PARCEL OF LAND LOCATED WITHIN THE CITY'S ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT FOR AN APPROXIMATELY .6 ACRE PARCEL OF LAND OWNED BY SANIBEL-CAPTIVA COMMUNITY FOUNDATION, INC., ALSO WITHIN THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT, IN ORDER TO CONSOLIDATE PROPERTY OWNERSHIP, AND (2) THE REMOVAL OF AN APPROXIMATELY 1.45 ACRE PARCEL OF LAND FROM THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT SO THAT SUCH PARCEL CAN BE USED AS A DOG PARK; ESTABLISHING AN ELECTION DATE PURSUANT TO THE SANIBEL CITY CHARTER (AS CODIFIED) FOR THE ELECTORATE TO VOTE UPON THE PROPOSALS; PROVIDING FOR THE CONDUCT OF THE ELECTION BY THE LEE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING BALLOT LANGUAGE; PROVIDING FOR NOTICE OF ELECTION AND CANVASSING OF RESULTS, PROVIDING FOR ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

CITY OF SANIBEL

RESOLUTION NO. 08-140

A RESOLUTION ESTABLISHING AN ELECTION DATE PURSUANT TO SECTION 3.10.1(b) OF THE SANIBEL CITY CHARTER (AS CODIFIED) FOR THE ELECTORATE TO VOTE ON (1) THE APPROVAL OF THE EXCHANGE OF A CITY OWNED AN APPROXIMATELY .6 ACRE PARCEL OF LAND LOCATED WITHIN THE CITY'S ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT FOR AN APPROXIMATELY .6 ACRE PARCEL OF LAND OWNED BY SANIBEL-CAPTIVA COMMUNITY FOUNDATION, INC., ALSO WITHIN THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT, IN ORDER TO CONSOLIDATE PROPERTY OWNERSHIP, AND (2) THE REMOVAL OF AN APPROXIMATELY 1.42 ACRE PARCEL OF LAND FROM THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT SO THAT SUCH PARCEL CAN BE USED AS A DOG PARK; ESTABLISHING AN ELECTION DATE PURSUANT TO THE SANIBEL CITY CHARTER (AS CODIFIED) FOR THE ELECTORATE TO VOTE UPON THE PROPOSALS; PROVIDING FOR THE CONDUCT OF THE ELECTION BY THE LEE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING BALLOT LANGUAGE; PROVIDING FOR NOTICE OF ELECTION AND CANVASSING OF RESULTS, PROVIDING FOR ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sanibel City Charter requires that any sale or exchange of City-owned land within the Environmentally Sensitive Lands Conservation District designation must be approved by the electorate; and

WHEREAS, the Charter also requires electorate approval for any parcel of land within the Environmentally Sensitive Lands Conservation District to be removed from such district designation; and

WHEREAS, the Council wishes to determine whether the electorate will approve an exchange of approximately .6 acres of land owned by the Sanibel-Captiva Community Foundation (SCCF) within the Environmentally Sensitive Lands Conservation District for approximately .6 acres of land owned by the City

also within the Environmental Sensitive Lands Conservation District, in order to consolidate City property along Island Inn Road and to consolidate SCCF property in another part of the Sanibel Gardens subdivision; and

WHEREAS, Council wishes to determine whether the electorate will also approve the removal of approximately 1.42 acres of land (including the .6 acres of land to be acquired from SCCF) from the Environmentally Sensitive Lands Conservation District (i.e., removal of the Environmentally Sensitive Lands Conservation District designation from such property) in order to allow the use of a Dog Park on such property;

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

Section 1. The City Council hereby calls for and orders the holding of a referendum for the qualified electors of the City of Sanibel to be held at the general City election on March 3, 2009, to decide whether a majority of the electors participating in such referendum election are in favor of the proposals described in this Resolution relating to the exchange of City land within the Environmentally Sensitive Lands Conservation District and the removal of land from the Environmentally Sensitive Lands Conservation District designation. All of the qualified electors of the City of Sanibel shall be entitled and permitted to vote in such referendum.

Section 2. The election shall be conducted by the Lee County Supervisor of Elections at the general election held on March 3, 2009.

Section 3. The Lee County Supervisor of Elections is requested to cause the necessary ballots to be prepared. The form of the ballots shall be in accordance with ballot forms used by the Supervisor of Elections and shall be, in substance, as follows:

OFFICIAL BALLOT

EXCHANGE OF LAND OWNERSHIP WITHIN THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT

Do you approve the exchange of .6 acres owned by the City (Block 14, Lots 11, 13, 19, 25; Block 13, Lot 6) for .6 acres owned by Sanibel-Captiva Conservation Foundation (Block 17, Lots 1-4; Block 6, Lot 5), with both properties located in Sanibel Gardens Subdivision and both designated Environmentally Sensitive Lands Conservation District, in order to consolidate SCCF property along the Sanibel River and City property along Island Inn Road?

Shall the above-described be approved?

YES _____ NO _____

REMOVAL OF LAND FROM THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT FOR DOG PARK USE

Do you approve the removal of approximately 1.42 acres of land from the City's Environmentally Sensitive Lands Conservation District so that a Dog Park, financed by Sanibel Dog Club, Inc., can be located thereon, such land, which will also remain as an emergency burn site, generally described as located within the Sanibel Gardens Subdivision adjacent to Island Inn Road extending from approximately .25 miles to approximately .33 miles west of Tarpon Bay Road?

Shall the above-described be approved?

YES _____ NO _____

Section 4. The City Clerk, or designee, is hereby authorized and directed to provide any and all public notice of the election in accordance with law.

Section 5. The Lee County Supervisor of Elections is requested to canvass the ballots and certify same, and in turn, certify the election results to the Sanibel City Council. The Council shall declare the results thereof, and such returns shall be recorded in the minutes of the City Council at the first meeting after such certification.

Section 6. Said election shall, in all respects, be held in accordance with the election laws of the State of Florida.

Section 7. The City of Sanibel will reimburse the Lee County Supervisor of Elections for the costs, if any, of such election related to the City of Sanibel.

Section 8. Effective Date.

This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 21st day of October, 2008.

AUTHENTICATION:

Mick Denham, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

10/15/08
Date

Vote of Council members:

Denham _____
Ruane _____
Jennings _____
Johnston _____
Pappas _____

Date filed with City Clerk: _____