

13. **NEW BUSINESS**

- a. **RESOLUTION 09-031 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 EXPANSION AND EXTENSION OF THE SANIBEL SEWER COLLECTION SYSTEM; SAID PROJECT TO BE REFERRED TO AS THE "SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT"; 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.**

**CITY OF SANIBEL
RESOLUTION NO. 09-031**

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 EXPANSION AND EXTENSION OF THE SANIBEL SEWER COLLECTION SYSTEM; SAID PROJECT TO BE REFERRED TO AS THE "SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT"; 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 has purchased the Sewer Collection System of the Sanibel Bayous Utility Corporation, and has dismantled the Sewage Treatment Plant, and has made certain repairs and upgrades to the collection system to meet City standards and to connect such collection system and the properties of the former customers of the Sanibel Bayous Utility Corporation to the Sanibel Central Sewer System; and

WHEREAS, the cost and construction within such area, more specifically set forth and depicted on Attachment "A", shall be known as the Sanibel Sewer System Phase 5 Expansion Project and generally encompasses that area of the City known as Sanibel Bayous, Heron's Landing and Blind Pass Condominiums; and

WHEREAS, such collection system and customers were always part of the City of Sanibel Master Sewer Plan and contemplated to be part of the City's Central Sewer System and the City has full authority to make all necessary public improvements and to fund such

improvements with assessments against benefited property pursuant to the City's Home Rule Power, general law, including without limitation, Chapters 166, 170, 180, 381 and 403, Florida Statutes, and the Sanibel Charter; and

WHEREAS, Chapter 170.03, Florida Statutes, provides that a municipality making public improvements when utilizing special assessments must 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 I. The City Council of the City of Sanibel, hereby makes a finding of the need for the levy of special assessments for the public improvement project for the expansion and extension of the sewer collection system for the area shown on the map attached hereto as Attachment "A", such area located within the City of Sanibel, Florida, and to be referenced as the Sanibel Sewer System Phase 5 Expansion Project (the "Project"). The levy and special assessment includes all lots and lands adjoining and contiguous or bounding, abutting or served by said sewer improvements or which are specially benefited thereby and such lots and lands are further designated by the Assessment Plat hereinafter provided to be subject to the levy.

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, 170, 180, 381, and 403, Florida Statutes, and the 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 construct, improve, expand, repair and/or upgrade a sewer collection system on or in the vicinity of the property to be specifically benefited within that area shown on the map attached as Attachment "A", and as reflected on the Assessment Plats 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 improvements (construction, repair, upgrades of collection system and all assessable costs of decommissioning the existing Sewage Treatment Plant) is **\$328,400**. This total estimated cost will be assessed against the benefited properties in the assessment district, together with the Transmission Main Charge of **\$1,948.31** per Equivalent Residential Connection and a Connection Fee of **\$3,583.28** per Equivalent Residential Connection, to be added upon final assessment. It is currently intended that no portion of the total construction costs, financing and interest costs, engineering and surveying costs, permit fees, legal costs, land acquisition costs, or administrative costs for the Project will be paid by the City from General Fund or other revenues; and that all of the construction costs,

financing and interest costs, engineering and surveying costs, permit fees, legal costs, land acquisition costs, and administrative costs for the Project will be paid by assessments levied against the real property located in the City within the assessment district as depicted on Attachment "A", and which are more fully described in the Preliminary Assessment Roll to be prepared pursuant to Section 170.06, Florida Statutes.

SECTION 5. The manner in which said assessments shall be calculated is as follows: The assessment shall be on a per parcel basis based upon the number of equivalent residential connections located or permitted on each of the described parcels in the Phase 5 Assessment Area. A per Equivalent Residential Connection assessment has been estimated for each area in the Phase 5 construction area based upon professional analysis and estimate of the portion of the special benefits allocable to properties in the Phase 5 Assessment Area. This special assessment rate per Equivalent Residential Connection (ERC) is estimated to be as follows:

Section A	Sanibel Bayous/Heron's Landing/All others	\$1,296.96
Section B	Blind Pass Condominiums	\$ 723.01

In addition to the Special Assessment, each developed property will be assessed a Transmission Main Charge of **\$1,948.31** per ERC and a Connection Fee of **\$3,583.28** per ERC. Any remaining, undeveloped lots with an ERC shall be required to pay the then-current Connection Fee and the above-stated Transmission Main Charge for each ERC in order to obtain a building permit. The assessment for specially benefiting parcels is determined by the total amount to be assessed in each section of the Phase 5 Assessment Area divided by the number of equivalent residential connections in that section; that amount is multiplied by the number of equivalent residential connections for each parcel. The methodology and the amount of the assessment for each property shall be set forth in a Preliminary Assessment Roll, a copy of which shall also be

kept on file with the City Clerk and available for public inspection and which will be presented to the City Council. It is intended that all assessments may be paid in twenty (20) equal annual installments, with interest as determined by City Council, utilizing the uniform method of collection in accordance with Chapter 197, Florida Statutes, as amended, commencing with the tax year 2009 in accordance with the schedule for financed payments (gross amount) contained in the Assessment Roll to be adopted by City Council. If a single lump sum payment of the entire assessment on a parcel is made in advance, the payment shall be in accordance with the schedule contained in the Assessment Roll to be adopted for lump sum payment (discounted or net amount).

SECTION 6. Upon adoption of this resolution, the Preliminary Assessment Roll shall be prepared in accordance with Section 170.06, Florida Statutes.

SECTION 7. Upon confirmation, the assessment shall constitute a lien against all properties assessed and enforceable in accordance with the law pertaining to special assessments.

SECTION 8. The City Clerk is directed to publish this resolution one time in a newspaper of general circulation published in the City of Sanibel, or as otherwise may be required by law.

SECTION 9. Effective Date. This resolution shall take effect immediately upon adoption.

SECTION 10. 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 City Council of the City of Sanibel, Florida, this 17th day of March, 2009.

AUTHENTICATION:

, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM: *Kenneth B. Cuyler* 3/10/09
Kenneth B. Cuyler, City Attorney Date

Vote of Council Members:

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Date filed with City Clerk: _____

