

8. Public Hearing

- 9:15 A.M. b. **RESOLUTION 10-065 OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A SPECIAL ASSESSMENT FOR IMPLEMENTING A RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE CITY'S COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE FOR RESIDENTIAL DWELLING UNITS WITHIN THE INCORPORATED AREA OF SANIBEL, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

**CITY OF SANIBEL**

**RESOLUTION NO. 10-065**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE FOR ALL RESIDENTIAL DWELLING UNITS (DEFINED AS ONE THROUGH FOUR RESIDENTIAL DWELLING UNITS PER PARCEL) WITHIN THE CITY OF SANIBEL; EQUALIZING AND APPROVING THE RECURRING ANNUAL SPECIAL SERVICE ASSESSMENTS FOR FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; PROVIDING FOR THE CONFIRMATION, ADOPTION AND FILING OF A FINAL ASSESSMENT ROLL FOR SAME; PROVIDING FOR CONFIRMATION OF THE RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sanibel pursuant to its Home Rule Power, general law, including without limitation Chapters 166, 170 and 197, Florida Statutes, and the Sanibel Charter has determined to levy a recurring annual special service assessment within the City of Sanibel for the collection and disposal of Solid Waste, Recyclables and Horticultural Waste for all residential dwelling units (defined as one through four residential dwelling units per parcel) within the City of Sanibel; and

**WHEREAS**, such levy has been made for the Fiscal Year October 1, 2010 through September 30, 2011 on the Assessed Property as described in City of Sanibel Resolution No. 10-064, adopted this date; and

**WHEREAS**, the City Council has thereafter met as an equalization board pursuant to Section 170.08, Florida Statutes, 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, if any, set forth in Exhibit "A";

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

**SECTION 1.** The recurring annual special service assessment for the collection and disposal of Solid Waste, Recyclables and Horticultural Waste for residential dwelling units within the City of Sanibel, as set forth and described in Resolution 10-038 adopted April 20, 2010, as amended, which is hereby incorporated by reference, with such assessment levied pursuant to Resolution 10-064 hereby incorporated by reference, is hereby confirmed, **APPROVED** and **ADOPTED**.

**SECTION 2.** Adjustments to the Assessment Roll approved by Resolution 10-064 are set forth on Exhibit "A", attached hereto and incorporated herein

**SECTION 3.** A final Assessment Roll, attached hereto and incorporated herein as Exhibit "B", is hereby confirmed and adopted for Fiscal Year October 1, 2010 through September 30, 2011 and shall forthwith be filed with the City Council in the office of the City Clerk. The recurring annual special service assessment and Final Assessment Roll described herein, 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 4.** Effective Date. This resolution shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 20th day of July, 2010.

AUTHENTICATION:

\_\_\_\_\_  
Kevin Ruane, Mayor

\_\_\_\_\_  
Pamela Smith, City Clerk

APPROVED AS TO FORM: *Kenneth B. Cuyler*      *7/13/10*  
Kenneth B. Cuyler, City Attorney      Date

Vote of Council Members:

Ruane      \_\_\_\_\_  
Denham      \_\_\_\_\_  
Harrity      \_\_\_\_\_  
Jennings      \_\_\_\_\_  
Pappas      \_\_\_\_\_

Date filed with City Clerk: \_\_\_\_\_

**EXHIBIT "A"**

**ADJUSTMENTS TO  
ASSESSMENT ROLL FOR  
ALL RESIDENTIAL DWELLING UNITS  
(DEFINED AS ONE THROUGH FOUR RESIDENTIAL  
DWELLING UNITS PER PARCEL)  
WITHIN THE CITY OF SANIBEL, FLORIDA**

**EXHIBIT "B"**

**ASSESSMENT ROLL WILL BE PROVIDED AT THE JULY 20, 2010  
PUBLIC HEARING AND WHEN FINALIZED BY CITY COUNCIL WILL  
BE ATTACHED AS THIS EXHIBIT "B" TO RESOLUTION NO. 10-065**

**(DUE TO THE SIZE OF THE ASSESSMENT ROLL IT IS NOT BEING  
PROVIDED AS PART OF THE AGENDA PACKET)**