

9. **CONSENT AGENDA**

- b. **RESOLUTION 08-012 APPROVING AN AGREEMENT WITH THE LEE COUNTY PROPERTY APPRAISER TO LIST, EXTEND, PREPARE AND SUBMIT THE ROLL, AND PROVIDE ALL NECESSARY RELATED SERVICES, FOR NON-AD VALOREM SPECIAL ASSESSMENTS, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, FOR THE SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT NON-AD VALOREM SPECIAL ASSESSMENT; PROVIDING FOR REIMBURSEMENT TO THE PROPERTY APPRAISER FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE SPECIAL ASSESSMENT SERVICES; PROVIDING AUTHORIZATION TO ASSESS THESE COSTS TO ANY AND ALL PARCELS SUBJECT TO SUCH SPECIAL ASSESSMENT IN THE SPECIAL ASSESSMENTS DISTRICT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

**CITY OF SANIBEL
RESOLUTION NO. 08-012**

A RESOLUTION APPROVING AN AGREEMENT WITH THE LEE COUNTY PROPERTY APPRAISER TO LIST, EXTEND, PREPARE AND SUBMIT THE ROLL, AND PROVIDE ALL NECESSARY RELATED SERVICES, FOR NON-AD VALOREM SPECIAL ASSESSMENTS, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, FOR THE SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT NON-AD VALOREM SPECIAL ASSESSMENT; PROVIDING FOR REIMBURSEMENT TO THE PROPERTY APPRAISER FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE SPECIAL ASSESSMENT SERVICES; PROVIDING AUTHORIZATION TO ASSESS THESE COSTS TO ANY AND ALL PARCELS SUBJECT TO SUCH SPECIAL ASSESSMENT IN THE SPECIAL ASSESSMENT DISTRICT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel intends to establish the Sanibel Sewer System Phase 5 Expansion Project Non-Ad Valorem Special Assessment District to provide for the funding of such Special Assessment; and

WHEREAS, the City Council of the City of Sanibel, at its February 19, 2009 regularly scheduled meeting, will consider adoption of a Resolution expressing its intent to utilize the uniform (i.e. property tax bill) collection method for collecting non-ad valorem special assessments of the Sanibel Sewer System Phase 5 Expansion Project; and

WHEREAS, it is required by law that the City enter into an agreement with the County Property Appraiser for the reimbursement of Administrative costs of the Property Appraiser for the Property Appraiser's assessment roll services and related services for the Uniform Method of Collection of Non-Ad Valorem Special Assessments pursuant to Chapter 197, Florida Statutes;

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 approves an Agreement with the Lee County Property Appraiser to list, extend, prepare and submit the assessment roll to the County Tax Collector for the Sanibel Sewer System Phase 5 Expansion Project Non-Ad

Valorem Special Assessment, and for the reimbursement of Administrative costs for such services and all related services pursuant to Section 197.3632, Florida Statutes. A copy of such Agreement is attached hereto and incorporated herein as Exhibit "A".

SECTION 2. Effective Date

The Resolution shall take effect immediately upon adoption

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 5th day of February, 2008.

AUTHENTICATION:

Mick Denham, Mayor

Pamela Smith, City Clerk

Approved as to form: *Kenneth B. Cuyler*
Kenneth B. Cuyler, City Attorney

1/28/08
Date

Vote of Council Members:

Denham _____
Johnston _____
Jennings _____
Pappas _____
Ruane _____

Date Filed with City Clerk: _____

AGREEMENT

This Agreement, made and entered into this _____ day of _____, 2008 (“Agreement”), by and between **City of Sanibel, a municipal corporation**, and **Kenneth M. Wilkinson, Lee County Property Appraiser**, a constitutional officer of the State of Florida, whose address is 2480 Thompson Street, Fort Myers, Florida 33901-3074

1. Section 197.3632, Florida Statutes, provides that special assessments of non-ad valorem taxes levied by municipalities may be included in the assessment rolls of the County and collected in conjunction with ad valorem taxes as assessed by the Property Appraiser. Pursuant to that statute, the Property Appraiser and the Municipality shall enter into an agreement providing for reimbursement to the Property Appraiser of administration costs, including costs of inception and maintenance, incurred as a result of such inclusion.
2. The parties herein agree that commencing with the 2008 assessment roll, the Property Appraiser will include on the assessment rolls such special assessments as are certified to him by the City of Sanibel for the special assessment district established for the Sanibel Sewer System Phase 5 Expansion Project (“Special Assessment District”).
3. This agreement shall continue from year to year unless cancelled by the taxing body by giving the Property Appraiser written notice prior to January 1 of the year that the agreement shall stand terminated. If the taxing body or the Property Appraiser determines that this agreement needs to be modified, such modification will be entered into prior to January 1 of the tax year in which such modification is to become effective.
4. The City of Sanibel Special Assessment District shall meet all relevant requirements of Section 197.3632, Florida Statutes.
5. The City of Sanibel shall use its best efforts in furnishing the Property Appraiser with up-to-date data concerning the Special Assessment District boundaries, proposed assessments and other information as requested from time to time by the Property Appraiser and necessary to facilitate him in including the assessment in question on the assessment rates. The Property Appraiser shall, using the information provided by the City of Sanibel, place the City’s non ad valorem special assessments, as made from time to time and certified to him, on properties within the Special Assessment District. The City’s special assessments shall, as far as practicable, be uniform (e.g. one uniform assessment for maintenance, etc.) to facilitate the making of the assessments by the mass data techniques utilized by the Property Appraiser.
6. The Property Appraiser shall be compensated by the City through the Special Assessment District for the administrative costs incurred in carrying out this Agreement at the rate of \$1 per parcel for each year in which such assessments are placed on the tax rolls.

7. If the actual costs of performing the services under this Agreement exceed the compensation provided for in Paragraph 6, the amount of compensation shall be the actual costs of performing the services under the Agreement.

EXECUTED on the date first above written.

LEE COUNTY PROPERTY APPRAISER

Kenneth M. Wilkinson, CFA

ATTEST:

CITY OF SANIBEL, a municipal
corporation

Pamela Smith, City Clerk

By: _____
Mick Denham, Mayor

APPROVED AS TO FORM:

Kenneth B. Cuyler, City Attorney