

8.

**PUBLIC HEARING**

- a. **RESOLUTION 08-022 OF THE SANIBEL CITY COUNCIL EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON-AD VALOREM ASSESSMENTS WHICH HEREAFTER SHALL OR MAY BE LEVIED (UPON ADDITIONAL NOTICE TO PROPERTY OWNERS) BY THE CITY COUNCIL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 197.3632, FLORIDA STATUTES, FOR THE SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT; SETTING FORTH THE NEED FOR THE LEVY OF SUCH NON-AD VALOREM ASSESSMENTS; SETTING FORTH THE LEGAL DESCRIPTION OF THE BOUNDARIES OF THE REAL PROPERTY SUBJECT TO THE LEVY OF NON-AD VALOREM ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE**

**CITY OF SANIBEL  
RESOLUTION NO. 08-022**

**A RESOLUTION OF THE SANIBEL CITY COUNCIL EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON-AD VALOREM ASSESSMENTS WHICH HEREAFTER SHALL OR MAY BE LEVIED (UPON ADDITIONAL NOTICE TO PROPERTY OWNERS) BY THE CITY COUNCIL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 197.3632, FLORIDA STATUTES, FOR THE SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT; SETTING FORTH THE NEED FOR THE LEVY OF SUCH NON-AD VALOREM ASSESSMENTS; SETTING FORTH THE LEGAL DESCRIPTION OF THE BOUNDARIES OF THE REAL PROPERTY SUBJECT TO THE LEVY OF NON-AD VALOREM ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sanibel intends to proceed with the Sanibel Sewer System Phase 5 Expansion Project, within that area more specifically described in Exhibit "A", pursuant to Chapters 170 and 197, Florida Statutes; and

**WHEREAS**, the assessments for the Sanibel Sewer System Phase 5 Expansion Project are not considered to be ad valorem in nature and, therefore, are subject to provisions of Chapter 197.3632, Florida Statutes, in which the State of Florida, through its legislature, has provided a uniform method for the levy, collection and enforcement of such non-ad valorem assessments; and

**WHEREAS**, pursuant to Chapter 197.3632, Florida Statutes, the City of Sanibel has caused notice of a public hearing to be advertised weekly in a newspaper of general circulation within Lee County for four (4) consecutive weeks preceding the hearing for this resolution;

**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 need for the levy of assessments for the Sanibel Sewer System Phase 5 Expansion Project, which includes all lots and lands within the platted subdivisions of Sanibel Bayous I and II, Heron's Landing I and II, the Blind Pass Condominiums and Parcel located in NW ¼ of NE ¼ of Section 13, Township 46 South, Range 21 East, within the City of Sanibel, which lands are more specifically described in a legal description of the property to be subject to the levy, which is attached hereto as Exhibit "A" and is incorporated herein.

**SECTION 2.** The City Council, upon conducting its public hearing as required by Chapter 197.3632, Florida Statutes, hereby expresses its intent to use the uniform method of collecting a non-ad valorem assessment within the boundaries of lands described in Exhibit "A", commencing in 2008.

**SECTION 3.** This resolution shall become effective upon its passage and the City Clerk shall provide the Property Appraiser and the Tax Collector of Lee County and the Department of Revenue of the State of Florida with a certified copy of this resolution promptly, and no later than March 10, 2008.

**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 19th day of February, 2008.

**AUTHENTICATION:**

\_\_\_\_\_  
Mick Denham, Mayor

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

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

*2/12/08*  
Date

Vote of Council Members:

Denham \_\_\_\_\_  
Johnston \_\_\_\_\_  
Jennings \_\_\_\_\_  
Pappas \_\_\_\_\_  
Ruane \_\_\_\_\_

Date Filed with City Clerk: \_\_\_\_\_