

CITY OF PUNTA GORDA, FLORIDA

RESOLUTION NO. 3350-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA CREATING THE BURNT STORE ISLES UNDERGROUND UTILITY ASSESSMENT AREA TO FUND THE PROCUREMENT OF A BINDING COST ESTIMATE FROM FLORIDA POWER & LIGHT (FPL) FOR THE CONVERSION OF EXISTING OVERHEAD ELECTRIC DISTRIBUTION FACILITIES TO UNDERGROUND FACILITIES WITHIN A PORTION OF THE BURNT STORE ISLES SUBDIVISION; PROVIDING FOR DEFINITIONS; PROVIDING FINDINGS; DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE PROPOSED ASSESSMENT AREA AND THOSE AREAS TO BE EXCLUDED; PROVIDING THE DATE, TIME, AND PLACE OF A PUBLIC HEARING AND FORMS OF NOTICE TO CONSIDER THE ADOPTION OF THE FINAL ASSESSMENT RESOLUTION FOR THE UPCOMING FISCAL YEAR; DETERMINING THE SERVICE COST TO BE ASSESSED; DESCRIBING THE METHOD OF APPORTIONING THE SERVICE COST AND THE COMPUTATION OF THE ASSESSMENTS FOR SPECIFIC PROPERTIES; ESTABLISHING AN ESTIMATED ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; DIRECTING THE CITY MANAGER TO PREPARE THE INITIAL ASSESSMENT ROLL; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, AS FOLLOWS:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. DEFINITIONS. This Resolution constitutes the Initial Assessment Resolution as defined in Chapter 21A, Punta Gorda Code. Words and terms not otherwise defined herein shall have the meanings set forth in Chapter 21A, Punta Gorda Code.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term

"hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City Council has all powers of local self-government to perform municipal functions and to render municipal services except when prohibited by law and such power may be exercised by the enactment of legislation in the form of City ordinances.

(B) The imposition of assessments to fund the procurement of a binding cost estimate related to underground utility improvements within the City of Punta Gorda is not prohibited by law.

(C) The City Council has enacted Chapter 21A, Punta Gorda Code to provide for the creation of Assessment Areas and authorize the imposition of Assessments to fund the cost of Local Improvements that benefit the property located therein.

(D) The City Council desires to create the Burnt Store Isles Underground Utility Assessment Area as an Assessment Area.

(E) The conversion of existing overhead electric distribution facilities to underground facilities within that portion of Burnt Store Isles Subdivision created as the Burnt Store Isles Underground Utility Assessment Area, will provide a special benefit to all Tax Parcels located within the Burnt Store Isles Underground Utility Assessment Area by protecting and enhancing the value, use, enjoyment, attractiveness and viability of such property by improving and enhancing: (1) property safety by reducing the potential of hazardous conditions occurring on these properties and the ingress and egress to these properties from downed poles, lines, and other overhead utility facilities in the event of storms and other natural disasters and reducing the potential for fires occurring on such properties emanating from the overhead utility facilities due

to vegetative overgrowth, storms, and other causes; (2) reliability of utility services provided to these properties by reducing the frequency of utility outages once placed underground, replacing the current utility infrastructure with new, upgraded lines, cables, and appurtenant facilities to be installed; and (3) aesthetics of these properties by removing the overhead utility facilities, which will eliminate a heavy visual concentration of utility lines and poles.

(F) The first step in the conversion of existing overhead electric distribution facilities to underground facilities within a portion of Burnt Store Isles Subdivision is to fund the procurement of a binding cost estimate from Florida Power & Light (FPL) for such conversion. The conversion of existing overhead electric distribution facilities to underground facilities is a Local Improvement as defined in Chapter 21A, Punta Gorda Code. Accordingly, the funding of the procurement of a binding cost estimate from Florida Power & Light (FPL) for such a Local Improvement may also be considered as a Local Improvement for the purposes of Chapter 21A, Punta Gorda Code.

(G) The City Council hereby finds and determines that the Assessments to be imposed in accordance with this Initial Assessment Resolution provide an equitable method of funding by fairly and reasonably allocating the cost to fund the procurement of a binding cost estimate from Florida Power & Light (FPL) to specially benefitted property, based upon the amount of Equivalent Benefit Units or EBUs attributable to each parcel of property in the manner hereinafter described.

(H) Condominium property constitutes a unique form of real property ownership comprised of condominium units, to which there may be an appurtenant undivided share of common areas within the Condominium Complex. It is fair and reasonable and in accordance with Section 718.120, Florida Statutes, to attribute the EBUs associated with any Condominium Common Area Parcels to the Tax Parcels of Residential Condominium Property or Non-

Residential Condominium Property to which such Condominium Common Area Parcels are appurtenant.

(I) Certain Tax Parcels within the City are undevelopable due to property specific constraints or legal restrictions. Additionally, there are distinct Tax Parcels within the City that serve as auxiliary improvements to a primary improvement on another Tax Parcel or are already served by existing underground utility facilities. It is fair and reasonable to exclude these Tax Parcels from the Burnt Store Isles Underground Utility Assessment Area because they will receive little, if any, special benefit from the conversion of existing overhead electric distribution facilities to underground facilities.

(J) The City Council hereby finds that each property within the proposed Assessment Area will be specially benefited by the City's procurement of a binding cost estimate from Florida Power & Light (FPL) in an amount not less than the Assessment imposed against such property, computed in the manner set forth in this Resolution.

ARTICLE II

NOTICE AND PUBLIC HEARING

SECTION 2.01. PUBLIC HEARING. There is hereby called a public hearing to be held by the City Council at 9:00 a.m. on June 6, 2018 in the City of Punta Gorda Council Chambers, 326 West Marion Avenue, Punta Gorda, Florida, for the purpose of adopting a Final Assessment Resolution to confirm, modify, or repeal this Initial Assessment Resolution relating to: (A) the creation of the Burnt Store Isles Underground Utility Assessment Area (BSUU); (B) the imposition of Assessments; and (C) the collection of Assessments pursuant to the Uniform Assessment Collection Act.

SECTION 2.02. NOTICE BY PUBLICATION. Upon completion of the Burnt Store Isles Underground Utility Assessment Roll, the City Manager shall publish a notice of the public hearing called authorized by Section 2.01 hereof in the manner and the time provided in Section 21A-22, Punta

Gorda Code. Such notice shall be in substantially the form attached hereto as Appendix B and shall be published no later than May 17, 2018.

SECTION 2.03. NOTICE BY MAIL.

(A) Upon completion of the Burnt Store Isles Underground Utility Assessment Roll, the City Manager shall, at the time and in the manner specified in Section 21A-23, Punta Gorda Code, provide first class mailed notice of the public hearing called authorized by Section 2.01 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll. Such notice shall be in substantially the form attached hereto as Appendix C and shall be mailed no later than May 17, 2018.

(B) The City Council shall provide additional notice of the Assessment as part of the notice of proposed property taxes under Section 200.069, Florida Statutes, the truth-in-millage notification.

ARTICLE III

ASSESSMENT AREA AND ASSESSMENT UNITS

SECTION 3.01 DESCRIPTION OF PROPOSED ASSESSMENT AREA.

(A) In accordance with Section 21A-4, Punta Gorda Code, the City Council proposes to create the Burnt Store Isles Underground Utility Assessment Area encompassing all the area of the Burnt Store Isles Subdivision more particularly described in Appendix A attached hereto. Those Tax Parcels included on the list of Excluded Parcels shall not be included within the Burnt Store Isles Underground Utility Assessment Area and shall not be subject to any Assessment relating to the conversion of existing overhead electric distribution facilities to underground facilities.

(B) The Burnt Store Isles Underground Utility Assessment Area is proposed to fund the procurement of a binding cost estimate from Florida Power & Light (FPL) for the conversion of the electric distribution system from an overhead to an underground system which will provide beautification, improved utility reliability, and enhance safety and access to property, as well as preserve and/or enhance the value of all property therein through the provision of underground utility improvements.

SECTION 3.02. ASSIGNMENT OF ASSESSMENT EBUs.

(A) "EBU" means "equivalent benefit unit," and is defined herein as the standard Assessment Unit to be used in calculating the relative amount of special benefit to be derived by each Tax Parcel.

(B) Each Charlotte County Tax Parcel in the Burnt Store Isles Underground Utility Assessment Area shall be assessed one (1) Equivalent Benefit Unit, except that a single Tax Parcel which includes two legally buildable lots shall be assessed two (2) Equivalent Benefit Units.

(C) The maximum assessment that may be imposed hereby shall be Seventy-Five Dollars per Equivalent Benefit Unit (\$75.00/EBU).

ARTICLE IV

ASSESSMENTS

SECTION 4.01. ESTIMATED CAPITAL COST.

(A) The total estimated Capital Cost to be assessed within the Burnt Store Isles Underground Utility Assessment Area related to the procurement of a binding cost estimate from Florida Power & Light (FPL) for the conversion of the electric distribution system from an overhead to an underground system within the Assessment Area is \$88,520.00.

(B) The Capital Cost will be funded through the imposition of Assessments against property located in the Burnt Store Isles Underground Utility Assessment Area.

SECTION 4.02. IMPOSITION OF ASSESSMENTS. The Assessments shall be imposed against all Tax Parcels located within Burnt Store Isles Underground Utility Assessment Area for Fiscal Year 2019. When imposed, the Assessments shall constitute a lien upon the Tax Parcels located in the Burnt Store Isles Underground Utility Assessment Area pursuant to Section 21A-8, Punta Gorda Code.

SECTION 4.03. UNDERGROUND UTILITY ASSESSMENT ROLL. The City Manager is hereby directed to prepare a final estimate of the Capital Cost related to the procurement of a binding cost estimate from Florida Power & Light (FPL) for the conversion of the electric distribution

system from an overhead to an underground system within the Assessment Area and to prepare the preliminary Burnt Store Isles Underground Utility Assessment Roll in the manner provided in Section 21A-21 Punta Gorda Code. The City Manager shall apportion the Capital Cost among the parcels of real property within Burnt Store Isles Underground Utility Assessment Area as reflected on the Tax Roll in conformity with Article IV hereof. The estimate of Capital Cost and the Underground Utility Assessment Roll shall be maintained on file in the office of the City Clerk and be open to public inspection.

SECTION 4.04 APPLICATION OF ASSESSMENT PROCEEDS. Proceeds from the Assessments received shall be applied by the City for payment of the Capital Cost related to the procurement of a binding cost estimate from Florida Power & Light (FPL) for the conversion of the electric distribution system from an overhead to an underground system within the Burnt Store Isles Underground Utility Assessment Area.

ARTICLE V

GENERAL PROVISIONS

SECTION 5.01. METHOD OF COLLECTION. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in Section 21A-27, Punta Gorda Code. Any Assessments imposed against Government Property shall be collected pursuant to Section 21A-29, Punta Gorda Code.

SECTION 5.02. SEVERABILITY. If any clause, Section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 5.03. REVISIONS TO ASSESSMENTS. If any Assessment or exemption made under the provisions of this Initial Assessment Resolution is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the City Council is satisfied that any such

Assessment or exemption is so irregular or defective that the same cannot be enforced or collected, or if the City Council has failed to include or omitted any property on the Assessment Roll which property should have been so included, the City Council may take all necessary steps to impose a new Assessment against any property benefited, following as nearly as may be practicable, the provisions of Chapter 21A, Punta Gorda Code and in case such second Assessment is annulled, vacated, or set aside, the City Council may obtain and impose other Assessments until a valid Assessment is imposed.


SECTION 5.04. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED in a regular session of the City Council of the City of Punta Gorda, Florida, this 2nd day of May, 2018.



RACHEL KEESLING, Mayor

ATTEST:



KAREN SMITH, City Clerk

APPROVED AS TO FORM:



DAVID M. LEVIN, City Attorney

APPENDIX A

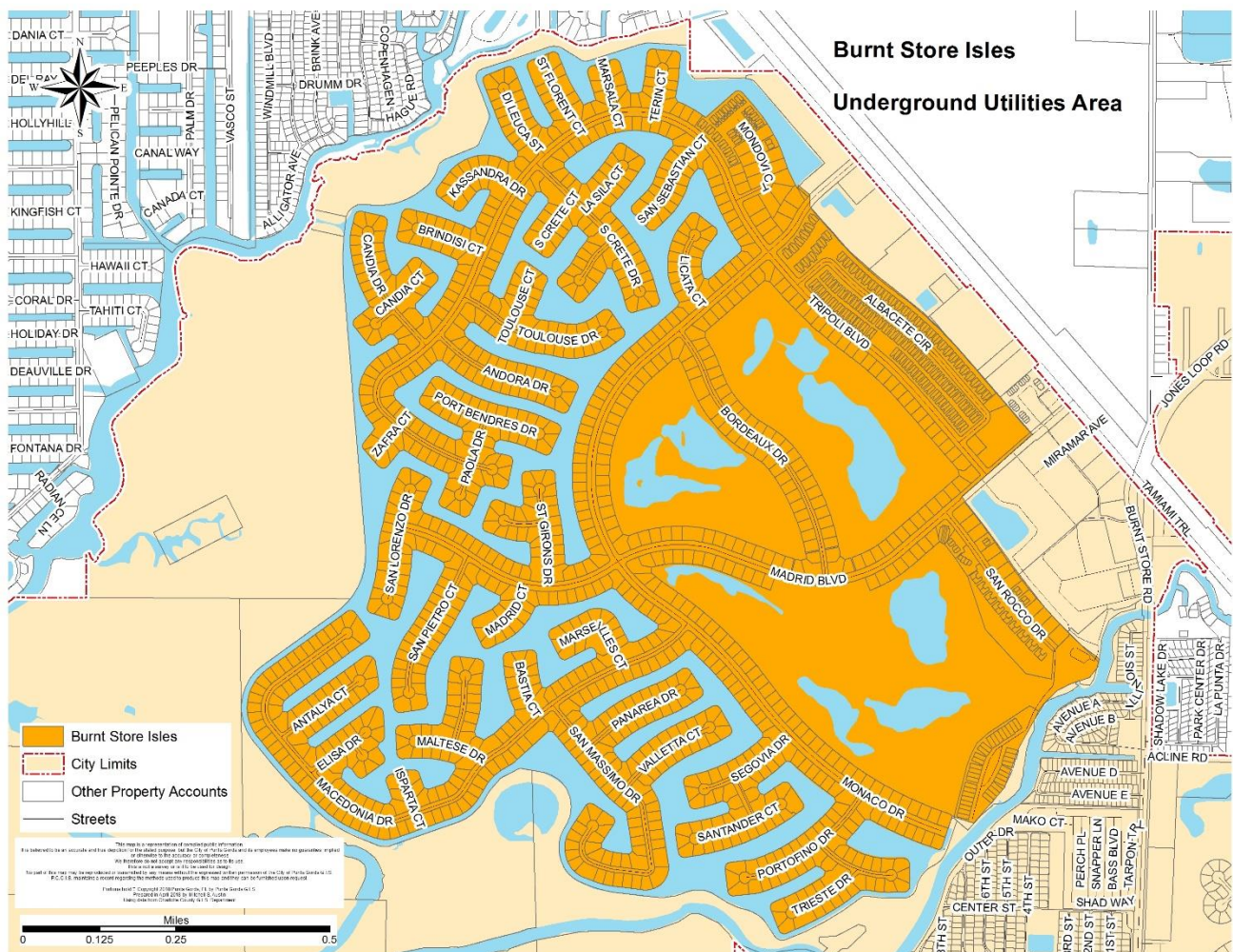
Description of Burnt Store Isles Underground Assessment Area

Legal Description of Burnt Store Isles Subdivision

Lots 10 thru 33, inclusive Block 230, and all lots in Blocks 231 thru 282, inclusive, Punta Gorda Isles, Section 15, as recorded in Plat Book 8, Pages 20-A thru 20-Z-5 of the Public Records of Charlotte County, Florida.

A Replat of Punta Gorda Isles, Section 15, as recorded in Plat Book 15, Pages 25-A thru 25-O of the Public Records of Charlotte County, Florida The Section 15, Replat contains the following blocks and lots: Block 230, Lots 100 thru 114 inclusive; Block 231, Lots 100 thru 114 inclusive; Block 232, Lots 100 thru 118 inclusive; Block 233, Lots 100 thru 118 inclusive; Block 235, Lots 100 thru 115 inclusive; Block 249, Lots 100 thru 103 inclusive; Block 250, Lots 100 thru 105 inclusive; Block 253, Lots 100 thru 110 inclusive; Block 263, Lots 100 and 101; Block 267, Lots 100 and 101; Block 269, Lots 100 thru 106 inclusive; Block 270, Lots 100 thru 113 inclusive; Block 271, Lots 100 thru 118 inclusive; Block 272, Lots 100 thru 121 inclusive; Block 273, Lots 100 thru 167 inclusive; Block 275, Lots 100 thru 139 inclusive; Block 280, Lots 100 thru 104 inclusive; Block 281, Lots 100 thru 108 inclusive; Block 282, Lots 100 thru 104 inclusive.

Map of Assessment Area



APPENDIX B

Notice of Publication

TO BE PUBLISHED BY MAY 17, 2018

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS IN THE BURNT STORE ISLES UNDERGROUND UTILITY ASSESSMENT AREA TO FUND THE PROCUREMENT OF A BINDING COST ESTIMATE FROM FLORIDA POWER & LIGHT (FPL) FOR THE CONVERSION OF EXISTING OVERHEAD ELECTRIC DISTRIBUTION FACILITIES TO UNDERGROUND FACILITIES

Notice is hereby given that the City Council of the City of Punta Gorda, Florida will conduct a public hearing to consider imposing a one-time non-ad valorem special assessment for the procurement of a binding cost estimate from Florida Power & Light (FPL) for the conversion of the electric distribution system from an overhead to an underground system within the boundaries of the Burnt Store Isles Underground Utility Assessment Area for the Fiscal Year beginning October 1, 2018. **The hearing will be held 9:00 a.m., or as soon thereafter as made be heard, on June 6, 2018, in the City of Punta Gorda Council Chambers, 326 West Marion Avenue, Punta Gorda, Florida 33950, for the purpose of receiving public comment on the proposed Burnt Store Isles Underground Utility Assessment Area and the special assessments and their collection on the ad valorem tax bill.** All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice.

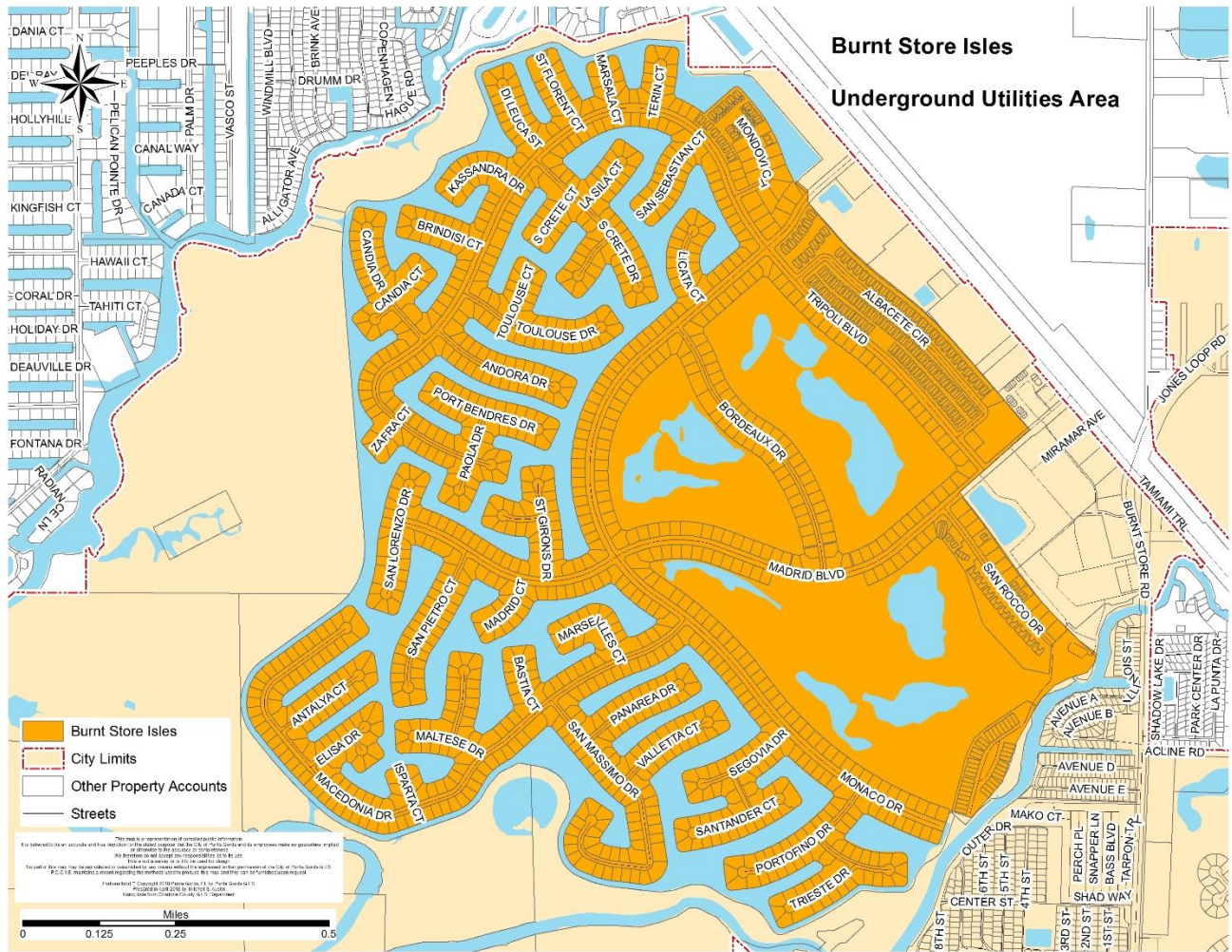
Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing or at any subsequent meeting to which the City Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired [TTY (941)575-5013] or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/Non-discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941)575-3308 and whose email address is humres@pgorda.us, at least two (2) calendars days prior to the meeting.

The assessment for each parcel of property will be based on the number of equivalent benefit units assigned to the Tax Parcel. The proposed maximum annual assessment rate is \$75.00 per EBU. A more specific description of the project and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the City Council on May 2, 2018. Copies of Chapter 21A of the Punta Gorda Code, the Initial Assessment Resolution (Resolution No. _____-18), the preliminary Assessment Roll for the upcoming fiscal year, and the list of excluded parcels are available for inspection at the office of the City Clerk, located in City Hall, 326 West Marion Avenue, Punta Gorda, Florida 33950 or on the City's website at www.CityofPuntaGordaFL.com/BSUU.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

If you have any questions regarding your assessment, please contact the City Finance Department at (941) 575-3318, Monday through Friday between 8:00 a.m. and 4:30 p.m.

MAP OF ASSESSMENT AREA



APPENDIX C

Notice of Mail

**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS
NOTICE DATE: MAY 17, 2018**

**Owner Name
Address
City, State Zip**

**Tax Account Parcel #:
Legal Description:**

As required by Section 197.3632, Florida Statutes, notice is hereby given by the City of Punta Gorda, Florida, that a one-time assessment to fund a binding cost estimate from Florida Power & Light (FPL) for the conversion of the electric distribution system from an overhead to an underground system within a portion of Burnt Store Isles Subdivision using the tax bill collection method may be levied on your property located within the Burnt Store Isles Underground Utility Assessment Area for the fiscal year October 1, 2018 - September 30, 2019. The use of a special assessment to fund improvements benefiting property located within the Burnt Store Isles Underground Utility Assessment Area is a fair, efficient and effective means of funding these needed improvements.

The assessment for your property will be based on the number of equivalent benefit units assigned to the Tax Account Parcel. A more specific description of the project and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the City Council on May 2, 2018. Copies of Chapter 21A of the Punta Gorda Code, the Initial Assessment Resolution (Resolution No. _____-18), and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the office of the City Clerk, located in City Hall, 326 West Marion Avenue, Punta Gorda, Florida 33950 or on the City's website at www.CityofPuntaGordaFL.com/BSUU. Information relating to the assessment for the above Tax Account Parcel is included on the last page of this notice.

The total assessment revenue related to the request for a binding cost estimate from Florida Power & Light (FPL) for the Burnt Store Isles Underground Utility Assessment Area is estimated to be \$88,520.00. This one-time assessment will include your fair share of the cost and administration related to the binding cost estimate phase of the project and amounts related to collection of assessments, and statutory discounts. Please do not send payment now. The City intends to include the one-time assessment on your ad valorem tax bill. Failure to pay your assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

A public hearing will be held at 9:00 a.m., or as soon thereafter as made be heard, on June 6, 2018, in the City of Punta Gorda Council Chambers, 326 West Marion Avenue, Punta Gorda, Florida 33950, for the purpose of receiving public comment on the proposed Burnt Store Isles Underground Utility Assessment Area and the special assessments and their collection on the ad valorem tax bill. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice.

Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing or at any subsequent meeting to which the City Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired [TTY (941)575-5013] or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/Non-discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941)575-3308 and whose email address is humres@pgorda.us, at least two (2) calendars days prior to the meeting.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your assessment, please contact the City Finance Department at (941) 575-3318, Monday through Friday between 8:00 a.m. and 4:30 p.m.

******* THIS IS NOT A BILL / DO NOT SEND PAYMENT *******

Burnt Store Isles Underground Utility Assessment Area - Florida Power & Light (FPL) Binding Cost Estimate	
Purpose: To fund the procurement of a binding cost estimate from Florida Power & Light (FPL) for the conversion of existing overhead electric distribution facilities to underground facilities within a portion of Burnt Store Isles Subdivision by fairly and reasonably allocating the cost to specially benefitted property.	
Total Maximum Revenue to be Collected: \$88,520.00	PA Number: «account»
Unit of Measure: EBU Equivalent Benefit Unit	Property Address: «Property_add»
Maximum Assessment: \$75.00 per ERU	Legal Description: «shortlegal»
Total Number of Annual Assessments: 1	Number of ERUs for your property: «Units»
	Proposed Total Assessment: «Units»

******* THIS IS NOT A BILL / DO NOT SEND PAYMENT *******