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**CITY OF PUNTA GORDA, FLORIDA**

3404-19

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**BUCKLEY'S PASS DREDGING ASSESSMENT AREA  
INITIAL ASSESSMENT RESOLUTION**

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**ADOPTED FEBRUARY 6, 2019**

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**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PUNTA GORDA, FLORIDA  
RESOLUTION NUMBER 2019- 3404**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, RELATING TO THE DREDGING PROJECT; DESCRIBING THE REAL PROPERTY TO BE LOCATED WITHIN THE PROPOSED BUCKLEY'S PASS DREDGING ASSESSMENT AREA; DETERMINING THAT SUCH REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE DREDGING PROJECT; ESTABLISHING THE METHOD OF ASSESSING THE PROJECT COSTS OF THE DREDGING PROJECT AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA AS FOLLOWS:**

**ARTICLE I  
DEFINITIONS AND CONSTRUCTION**

**SECTION 1.01. DEFINITIONS.** As used in this Resolution, all capitalized terms in this Resolution shall have the meanings assigned in Section 21A-1 of the Code or as defined herein. The following terms shall have the following meanings, unless the context hereof otherwise requires.

**“Adjusted Prepayment Amount”** means the amount required to prepay the Assessment for each Tax Parcel located in the Assessment Area, as computed pursuant Section 3.04(C) hereof.

**“Annual Debt Service Component”** means the amount computed for each Tax Parcel pursuant to Section 3.05(A) hereof.

**“ACOE”** means the U.S. Army Corps of Engineers.

**“Assessment”** means an annual special assessment imposed against real property located within the Assessment Area to fund the Project Cost of the Dredging Project to serve the Assessment Area and related expenses, computed in the manner described in Section 3.05 hereof.

**“Assessment Area”** means the proposed Buckley’s Pass Dredging Assessment Area described in Section 3.01 hereof.

**“Assessment Coordinator”** means the person designated by the City Manager to be responsible for coordinating Assessments or such person’s designee.

**“Assessment Roll”** means a non-ad valorem assessment roll relating to the Project Cost of the Dredging Project and related expenses.

**“Capital Cost”** means all or any portion of the expenses that are properly attributable to the Dredging Project and imposition of the related Assessments under generally accepted accounting principles; and including reimbursement to the City for any funds advanced for Capital Cost, including but not limited to engineering fees, legal fees, planning fees, permitting fees and materials and labor costs, and interest on any interfund or intrafund loan for such purposes.

**“City”** means the City of Punta Gorda, a municipal corporation duly organized and validly existing under the Charter of the City of Punta Gorda and other applicable laws of the State.

**“City Attorney”** means the City’s Attorney or such person’s designee.

**“City Clerk”** means the official custodian of all City records and papers of an official character or such person’s designee.

**“City Council”** means the City Council of the City.

**“City Interest Rate”** means the interest rate established by the City for the funding of the Capital Cost of the Dredging Project as set forth in Section 1.03(M) hereof.

**“Code”** means Chapter 21A of the City of Punta Gorda Code of Ordinances.

**“Collection Cost”** means the estimated cost to be incurred by the City during any Fiscal Year in connection with the collection of Assessments and preparation of the Assessment Roll.

**“Collection Cost Component”** means the amount computed for each Tax Parcel pursuant to Section 3.05(B) hereof.

**“Condominium”** means a condominium created by a declaration of condominium, pursuant to Chapter 718, Florida Statutes.

**“Condominium Unit Parcel”** means a Tax Parcel constituting a Condominium “unit” (as defined in Section 718.103, Florida Statutes).

**“Dredging Project”** means the removal, dewatering and disposal of sediment, including but not limited to, the Dredging Project as outlined and authorized in the FDEP Permit, No. 0347059-001-EI, as the same may be supplemented and amended from time to time, between FDEP and the City, dated May 5, 2017, and the ACOE Permit, No. SAJ-2016-02715 (SP-KRD), as the same may be supplemented or amended from time to time,

between the ACOE and City, dated August 16, 2018, for construction of the new Buckley's Pass channel (app. 1,446 feet in length and 60 feet in width) to provide improved water access from Punta Gorda Isles to Alligator Creek and Charlotte Harbor.

**“Dwelling Unit”** means a building consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

**“Excluded Parcel”** means any Tax Parcel for which a Water Access Unit permit has been denied by the FDEP or the City, and would continue to be denied after the Dredging Project were constructed, evidence of which shall be provided by the property owner as required by the City, or any Tax Parcel where due to size, location, or other limiting physical factors a Water Access Unit is unable to be located.

**“FDEP”** means the Florida Department of Environmental Protection.

**“Final Assessment Resolution”** means the resolution described in Section 21A-24 of the Code that imposes Assessments within the Assessment Area.

**“Fiscal Year”** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

**“Government Property”** means real property owned by the United States of America or any agency thereof, the State of Florida or any agency thereof, a county, a special district or a municipal corporation, or any of their respective agencies or political subdivisions.

**“Initial Prepayment Amount”** means the amount computed pursuant Section 3.04(A) hereof for each Tax Parcel located in the Assessment Area to prepay the Assessment in full.

**“Internal Loan”** means the loan from legally available funds of the City’s budget issued or incurred to finance any portion of the Capital Cost of the Dredging Project the repayment of which, in whole or in part, will be made from proceeds of the Assessments.

**“Non-Residential Property”** means those Tax Parcels in the Assessment Area that are not Residential Property.

**“Project Cost”** means (A) the Capital Cost of the Dredging Project, (B) interest accruing on the Internal Loan used to fund all or any portion of the Dredging Project for such period of time as the City deems appropriate, if any, and (C) any other costs or expenses related thereto.

**“Residential Property”** means those Tax Parcels that have been or can be improved with a Dwelling Unit in accordance with existing land use and zoning, including single family, multi-family, and Condominium Unit Parcels.

**“Statutory Discount Amount”** means the amount computed for each Tax Parcel pursuant to Section 3.05(C) hereof.

**“Tax Parcel”** means a parcel of real property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**“Water Access Unit”** means a dock, landing, ramp, slip, bay, wharf, lift or other structure for receiving ships and other water craft, which will serve as the standard Assessment Unit, as defined in the Code, to be used in calculating the Assessments as a



proxy to the expected special benefit derived from the Dredging Project, as determined for each Tax Parcel in accordance with Section 3.03 hereof.

**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. LEGISLATIVE FINDINGS.** It is hereby ascertained, determined and declared that the Dredging Project to be funded by the Assessments provides a special benefit to property and the Assessments are fairly and reasonably apportioned among all benefitted properties based upon those certain reports entitled “Punta Gorda Isles Additional Charlotte Harbor Access Apportionment Methodology Memorandum,” prepared by Nabors, Giblin & Nickerson, P.A. and dated April 2017, the “Assessment Matrix Supporting Discussion” memorandum prepared by Hans, Wilson & Associates and dated January 11, 2016, and the “Economic Impact of the New Bird Cut East Channel on Property Values,” prepared by PMG Associates, Inc. and dated September 2017, and based upon the following legislative findings:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, and the Charter of the City of Punta Gorda, 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 City Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Council may legislate on any subject matter on which the Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, is not relevant to imposition of assessments related to Local Improvements within the City. Any Assessments to be imposed on benefitted properties outside the City's municipal boundaries will be imposed by Charlotte County and remitted to the City by interlocal agreement.

(C) The City Council has enacted the Code to provide for the creation of Assessment Areas and authorize the imposition of Assessments to fund the construction of Local Improvements to serve the real property located therein.

(D) The Dredging Project constitute a Local Improvement, as defined in the Code.

(E) The City Council desires to create the Assessment Area to fund construction of the Dredging Project.

(F) The construction of the Dredging Project will improve navigational water access to Alligator Creek and Charlotte Harbor for all benefitted real property by providing a closer, more convenient and direct harbor access point for benefitted

properties, which will decrease the time and travel distance to reach open waters, thereby providing a special benefit to such real property located within the Assessment Area.

(G) The construction of the Dredging Project will also improve the tidal exchange within the intercanal system of the Assessment Area, resulting in better tidal flushing, improved canal health and longevity, thereby providing a special benefit to real property within the Assessment Area.

(H) Finally, the construction of the Dredging Project will provide a stabilization or increase in use and enjoyment of property and property values and marketability, thereby providing a special benefit to real property within the Assessment Area.

(I) The Assessment Area contains a mixture of allowable residential and non-residential uses under existing land use and zoning. In accordance with Sections 6-6(c) and 6-6(j) of the City of Punta Gorda Code of Ordinances, each Tax Parcel except for Excluded Parcels, depending on its size and location can be permitted to install Water Access Units. In order to provide a fair and reasonable method of allocating the Project Cost of the Dredging Project, each Tax Parcel's share of the Project Cost will be determined based on the number of allowable Water Access Units.

(J) Parcels that are Condominiums constitute a unique form of real property ownership comprised of Condominium Unit Parcels, which may have an appurtenant undivided share in one or more common elements (as defined in Chapter 718.103, Florida Statutes). It is therefore fair and reasonable to attribute the Water Access Units of any common elements to the Condominium Unit Parcels to which such common elements are appurtenant.

(K) Due to their location or other physical limitations, the Excluded Parcels will not derive a special benefit from the Dredging Project because no Water Access Units can reasonably be permitted on these Tax Parcels. Therefore, they are not included in the Assessment Area.

(L) The City has heretofore provided funds to pay for certain costs associated with the Dredging Project including, but not limited to, the development of engineering studies, permitting, and legal implementation tasks. Such costs will be included in the Capital Cost of the Dredging Project for reimbursement to the City.

(M) The City has decided to reduce the annual financial impact the Assessment will have on the real property owners in the proposed Assessment Area by providing a three (3) year internal loan to the real property owners to allow financing for their share of the Project Cost. Based on current market conditions, the City has decided that the maximum interest rate that will be charged is two and one-half percent (2.5%) per year, based on its expectation with respect to the average investment rate and the availability of funds over the term of the Assessment (3 years).

(N) The City Council hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Dredging Project by fairly and reasonably allocating the cost to specially benefited Tax Parcels, based upon the number of Water Access Units attributable to each parcel or classification of property in the manner described herein.

**ARTICLE II  
NOTICE AND PUBLIC HEARING**

**SECTION 2.01. ESTIMATED CAPITAL AND PROJECT COST.**

- (A) The estimated Capital Cost for the Dredging Project is \$2,737,193.00.
- (B) The estimated Project Cost for the Dredging Project is \$3,148,898.00.
- (C) The Project Cost of the Dredging Project will be funded through the imposition of Assessments against real property located in the Assessment Area in the manner set forth in Article III hereof.

**SECTION 2.02. ASSESSMENT ROLL.**

(A) The Assessment Coordinator is hereby directed to prepare a final estimate of the Capital Cost and Project Cost of the Dredging Project and to prepare the preliminary Assessment Roll in the manner provided in the Code.

(B) The Assessment Coordinator shall apportion the Capital Cost and Project Cost among the parcels of real property within the Assessment Area as reflected on the Tax Roll in conformity with Article III hereof.

(C) The estimate of Capital Cost and Project Cost and the Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each Tax Parcel can be determined by use of a computer terminal available to the public.

**SECTION 2.03. PUBLIC HEARING.** A public hearing will be conducted by the City Council at 1:00 P.M., or as soon thereafter as the matter can be heard, on April 3, 2019, in the Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, Florida, to consider (A) creation of the Assessment Area, (B) imposition of the Assessments, and (C) collection of the Assessments pursuant to the Uniform Assessment Collection Act.

**SECTION 2.04. NOTICE BY PUBLICATION.** Upon completion of the materials required by Section 2.02 hereof, the Assessment Coordinator shall publish a notice of the public hearing authorized by Section 2.03 hereof in the manner and the time provided in Section 21A-22 of the Code. Such notice shall be in substantially the form attached hereto as Appendix A.

**SECTION 2.05. NOTICE BY MAIL.** Upon completion of the materials required by Section 2.02 hereof, the Assessment Coordinator shall, at the time and in the manner specified in Section 21A-23 of the Code, provide first class mailed notice of the public hearing authorized by Section 2.03 hereof to each real 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 B.

**ARTICLE III  
ASSESSMENTS**

**SECTION 3.01. DESCRIPTION OF PROPOSED ASSESSMENT AREA.**

(A) The City Council proposes to create the Buckley's Pass Dredging Assessment Area consisting of those parcels described in Appendix C attached hereto and incorporated herein.

(B) The Assessment Area is proposed for the purpose of improving the use and enjoyment of real property by funding the Dredging Project to provide improved water access to Alligator Creek and Charlotte Harbor.

**SECTION 3.02. IMPOSITION OF ASSESSMENTS.**

(A) Assessments shall be imposed against real property located within the Assessment Area for a period of three (3) years. The first annual Assessment will be included on the ad valorem tax bill to be mailed in November 2019.

(B) In accordance with Section 21A-8 of the Code, when imposed, the Assessment shall constitute a lien upon the Tax Parcels located in the Assessment Area.

**SECTION 3.03. WATER ACCESS UNIT ASSIGNMENTS.**

(A) Residential Property. To reflect the relative amount of special benefit to be derived from construction of the Dredging Project, all Residential Property within the Assessment Area shall be assigned the number of allowable Water Access Units that can be located on the Tax Parcel in accordance with Section 6-6(c) of the Punta Gorda Code

of Ordinances or the actual number of existing Water Access Units on the Tax Parcel, whichever is greater.

(B) Condominium Unit Parcels. Since Condominiums may be allowed multiple Water Access Units, each Condominium Unit Parcel shall be assigned an amount of Water Access Units determined by dividing (1) the number of Water Access Units attributable to the common elements related to such Condominium Unit Parcel, by (2) the total number of Condominium Unit Parcels benefitting from such common elements.

(C) Non-Residential Property. To reflect the relative amount of special benefit to be derived from the construction of the Dredging Project, all Non-Residential Property shall be assigned the number of allowable Water Access Units that can be located on the Tax Parcel in accordance with Section 6-6(j) of the Punta Gorda Code of Ordinances or the actual number of existing Water Access Units, whichever is greater.

(D) For purposes of the assignment of Water Access Units under Sections 6-6(c) and 6-6(j) of the Punta Gorda Code of Ordinances, the following assumptions shall apply:

- (1) If an applicable state or local permit, development order, or other applicable law or regulation provides a limit on the allowable number of Water Access Units for a Tax Parcel, that number shall be applied.
- (2) For purposes of determining the maximum allowable Water Access Units for certain Tax Parcels, the City used AutoCAD to verify unit sizing and spacing. On canals less than 120 feet wide, Water Access Units along



parallel docks were assumed at a spacing distance of 25 feet maximum. On canals of 120 feet or more wide, finger docks were assumed at a spacing distance of 27 feet.

**SECTION 3.04. INITIAL PREPAYMENT OPTION.**

(A) Upon adoption of the Final Assessment Resolution, the Initial Prepayment Amount for each Tax Parcel located within the Assessment Area shall be the amount determined by (1) dividing the total number of Water Access Units attributable to such Tax Parcel by the total number of Water Access Units attributable to Tax Parcels within the Assessment Area, and (2) multiplying the result by the estimated Capital Cost of the Dredging Project.

(B) The Assessment Coordinator shall provide first class mailed notice to the owner of each Tax Parcel subject to the Assessment (other than those Tax Parcels owned by the City) describing the owner's option to prepay the Assessment. On or prior to the date specified in such notice, the owner of each Tax Parcel subject to the Assessment shall be entitled to prepay the Assessment. The City Council, in its sole discretion, may elect to accept prepayments pursuant to this Section 3.04 on any date prior to issuance of the Internal Loan.

(C) The Initial Prepayment Amount for each Tax Parcel shall be revised annually pursuant to Section 3.05(E) hereof.

**SECTION 3.05. COMPUTATION OF ASSESSMENTS FOR TAX ROLL PURPOSES.** The annual Assessment shall be computed for each Tax Parcel in the manner set forth in this Section 3.05.

(A) ANNUAL DEBT SERVICE COMPONENT. The “Annual Debt Service Component” shall be calculated for each Fiscal Year in which the Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable) of the Tax Parcel is outstanding as the annual installment of principal and interest due based on a debt service schedule prepared with the Initial Prepayment Amount for such Tax Parcel as the beginning balance and utilizing the City Interest Rate such that the principal and interest are payable in equal installments over a 3 year period.

(B) COLLECTION COST COMPONENT. The “Collection Cost Component” shall be computed each Fiscal Year for each Tax Parcel by (1) dividing (a) the Adjusted Prepayment Amount for such Tax Parcel by (b) the sum of the aggregate Adjusted Prepayment Amount remaining in the Assessment Area, and (2) multiplying the result by the Collection Cost.

(C) STATUTORY DISCOUNT AMOUNT. The “Statutory Discount Amount” shall be computed for each Tax Parcel as the amount of the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments, such amount to be calculated by deducting (1) the sum of (a) the Annual Debt Service Component and (b) the Collection Cost Component, from (2) the amount computed by dividing (a) the sum of (i) the Annual Debt Service Component and (ii) the Collection Cost Component, by (b) 0.96.

(D) ASSESSMENT. The annual Assessment for each Tax Parcel shall be computed as the sum of (1) the Annual Debt Service Component, (2) the Collection Cost Component and (3) the Statutory Discount Amount.

(E) REVISION OF ADJUSTED PREPAYMENT AMOUNT. Upon certification of the Assessment Roll each Fiscal Year, the revised Adjusted Prepayment Amount for each Tax Parcel shall be computed by deducting (1) the principal component of the Annual Debt Service Component determined in Section 3.05(A) above and included on the Assessment Roll for the Tax Parcel, from (2) the Adjusted Prepayment Amount, as initially set pursuant to Section 3.04(C) hereof and thereafter revised pursuant to this Section 3.05(E) (or for the initial Assessment Roll, the Initial Prepayment Amount), utilized to compute the annual Assessment included on the Assessment Roll for such Tax Parcel.

**SECTION 3.06. ADDITIONAL PREPAYMENT OPTION.**

(A) Following the date specified in the notice provided pursuant to Section 3.04(B) hereof, or such later date as the City Council may allow, the City Council may elect to allow the owner of each Tax Parcel subject to the Assessments to prepay all future unpaid Assessments. If allowed by the City Council in its sole discretion, the owner of each Tax Parcel shall be allowed to prepay all unpaid Assessments upon payment of an amount equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount, computed at the City Interest Rate.

(B) During any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the City may reduce the amount required to prepay the future unpaid annual Assessments for the Tax Parcel

by the amount of the Assessment that has been certified for collection with respect to such Tax Parcel.

**SECTION 3.07. MANDATORY PREPAYMENT.**

(A) The owner of a Tax Parcel subject to the Assessment shall immediately prepay all future unpaid annual Assessments for such Tax Parcel if (1) the Tax Parcel is to be acquired or otherwise transferred to an entity for which Assessments cannot be collected pursuant to the Uniform Assessment Collection Act through condemnation, negotiated sale or otherwise, (2) the Tax Parcel is subject to annexation by a governmental unit, or (3) a tax certificate has been issued and remains outstanding in respect of the Tax Parcel and the City, at its sole option, elects to accelerate the Assessment. In the case of (1) or (2) above, the owner of the Tax Parcel prior to condemnation, sale or other transfer must notify the City at least 30 days prior to the proposed acquisition or transfer date in order to allow the City sufficient time to determine the final amount due. Failure to provide such notice shall cause an automatic acceleration of such Assessment the effective date of which is 10 days prior to the proposed acquisition or transfer date.

(B) The amount required to prepay the future unpaid annual Assessments will be equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount, from the most recent ad valorem tax bill, computed at the City Interest Rate.

(C) During any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on

the next date on which unpaid ad valorem taxes become delinquent, the City may reduce the amount required to prepay the future unpaid annual Assessments for the Tax Parcel by the amount of the Assessment that has been certified for collection with respect to such Tax Parcel.

(D) Collection by the City of mandatory prepayments pursuant to this Section 3.07 is supplemental and in addition to any other legally available remedy the City may seek for repayment of the Assessments.

**SECTION 3.08. REALLOCATION UPON FUTURE SUBDIVISION.** If a Tax Parcel is subsequently subdivided, the Assessment imposed against such Tax Parcel may be reallocated among the new created Tax Parcels based upon the relative allocation of Water Access Units divided among the new Tax Parcels upon (1) application of the owner and (2) assignment of a distinct ad valorem property tax identification number to each Tax Parcel or any combination of Tax Parcels by the Property Appraiser.

**ARTICLE IV  
GENERAL PROVISIONS**

**SECTION 4.01. METHOD OF COLLECTION.** The Assessments shall be collected pursuant to the Uniform Assessment Collection Act; provided, however, that any Assessments imposed against Government Property shall be collected pursuant to Section 21A-29 of the Code.

**SECTION 4.02. 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.

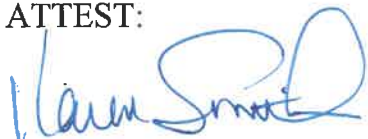
**SECTION 4.03. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** this 6th day of February, 2019.

**CITY OF PUNTA GORDA,  
FLORIDA**

\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND  
CORRECTNESS:



\_\_\_\_\_  
City Attorney

**APPENDIX A**

**FORM OF NOTICE TO BE PUBLISHED**

[INSERT SMALL MAP OF ASSESSMENT AREA]

**NOTICE OF HEARING TO IMPOSE AND  
PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS  
IN THE BUCKLEY'S PASS DREDGING ASSESSMENT AREA**

Notice is hereby given that the City Council of the City of Punta Gorda will conduct a public hearing to consider creation of the Buckley's Pass Dredging Assessment Area, as shown above, and imposition of special assessments to fund the Buckley's Pass Dredging Project to improve water access to Alligator Creek and Charlotte Harbor. The hearing will be held at 1:00 P.M., or as soon thereafter as the matter can be heard, on April 3, 2019, in the Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, Florida, for the purpose of receiving public comment on the proposed Buckley's Pass Dredging Assessment Area, the imposition of assessments, and collection of the assessments on the ad valorem tax bill. All affected real property owners have a right to appear at the hearing and to file written objections with the City Clerk any time prior to the public hearing. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person 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, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 W. Marion Avenue, Punta Gorda, Florida 33950, whose telephone number is (941) 575-3308, and whose email address is [humres@CityofPuntaGordaFL.com](mailto:humres@CityofPuntaGordaFL.com) at least two days prior to the date of the hearing.

The assessment for each parcel of real property will be based upon the total number of water access units (docks, ramps, slips, lifts, etc.) assigned in accordance with Sections 6-6(c) and 6-6(j) of the City Code on the date the assessment is imposed. A more specific description of the Dredging Project and the method of computing the assessment for each parcel of real property are set forth in the Initial Assessment Resolution adopted by the City Council on February 6, 2019. Copies of the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at the offices of the City Clerk located at 326 West Marion Avenue, Punta Gorda, Florida.

The proposed maximum annual assessment is \$399.95 per Water Access Unit. If not otherwise prepaid, the assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. The City Council intends to collect the



assessments in three (3) annual installments, the first of which will be included on the ad valorem tax bill to be mailed in November 2019. Failure to pay the assessments will cause a tax certificate to be issued against the real property which may result in a loss of title.

If you have any questions, please contact the City's Assessment Coordinator at (941) 575-3302 or [citymgr@CityofPuntaGordaFL.com](mailto:citymgr@CityofPuntaGordaFL.com).

**CITY OF PUNTA GORDA, FLORIDA**

**APPENDIX B**

**FORM OF NOTICE TO BE MAILED**

**CITY OF PUNTA GORDA, FLORIDA**  
**326 West Marion Avenue**  
**Punta Gorda, Florida 33950**  
**(941) 575-3302**

March 13, 2019

[Property Owner Name]  
[Street Address]  
[City, State and zip]

Re: Parcel Number [Insert Number]  
Buckley's Pass Dredging Assessment Area

Dear Property Owner:

The City of Punta Gorda is considering creation of the Buckley's Pass Dredging Assessment Area for funding the construction of the new Buckley's Pass channel ("Dredging Project") to improve water access to Alligator Creek and Charlotte Harbor. The cost of the Dredging Project will be funded by assessments against real property within the Assessment Area and collected using the tax bill collection method as authorized in Section 197.3632, Florida Statutes, commencing with the Fiscal Year beginning on October 1, 2019. The assessment for each parcel of real property is based upon the total number of water access units (i.e. docks, slips, lifts, etc.) assigned on the date the assessment is imposed in accordance with Sections 6-6(c) and 6-6(j) of the City Code. A more specific description of the assessment program is included in the Initial Assessment Resolution adopted by the City Council on February 6, 2019. Copies of the Initial Assessment Resolution and the preliminary Assessment Roll are available for your review at the offices of the City Clerk located at 326 West Marion Avenue, Punta Gorda, Florida. Information regarding the assessment for your specific real property, including the number of water access units, is attached to this letter.

The total assessment revenue estimated to be collected by the City is \$3,340,356.00. The City intends to finance this project internally. However, you may choose to prepay your assessment in full (\$983 per Water Access Unit) to cover your share of the capital cost and avoid the additional interest, administrative, and collection costs. Please do not send payment now. If the assessments are imposed, you will receive a separate notice of the date and place for payment.

The assessment will include your share of the principal, interest, and amounts related to collection of the assessments. The maximum annual assessment is estimated to be \$399.95 per Water Access Unit. In accordance with Section 197.3632, Florida Statutes, the City intends to collect the assessment in three (3) annual installments, the first of which will be included on your ad valorem tax bill to be mailed in November 2019. Failure to pay your assessments will cause a tax certificate to be issued against the real property which may result in a loss of title.

The City of Punta Gorda will hold a public hearing at at 1:00 P.M., or as soon thereafter as the matter can be heard, on April 3, 2019, in the Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, Florida, for the purpose of receiving comments on the proposed Assessment Area and the assessments, including collection on the ad valorem tax bill. You are invited to attend and participate in the public hearing or to file written objections with the City Clerk anytime prior to the public hearing.

If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, 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, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 W. Marion Avenue, Punta Gorda, Florida 33950, whose telephone number is (941) 575-3308, and whose email address is [humres@CityofPuntaGordaFL.com](mailto:humres@CityofPuntaGordaFL.com) at least seven days prior to the date of the hearing.

Questions regarding your assessment and the process for collection may be directed to the City's Assessment Coordinator at (941) 575-3302 or [citymgr@CityofPuntaGordaFL.com](mailto:citymgr@CityofPuntaGordaFL.com).

**CITY OF PUNTA GORDA, FLORIDA**

**\* \* \* \* \* SEND NO MONEY NOW. THIS IS NOT AN INVOICE \* \* \* \* \***

**BUCKLEY'S PASS DREDGING  
ASSESSMENT AREA**

[Property Owner Name]  
Parcel Number [Insert Number]

Total number of water access units attributed to property: [Insert Number]

Amount to make full payment before loan:  
(no financing costs included) [Insert Amount]

Maximum payment on tax bill:  
(includes financing costs) [Insert Amount]

Expected date of first assessment: November 2019

Expected date of last assessment: November 2021

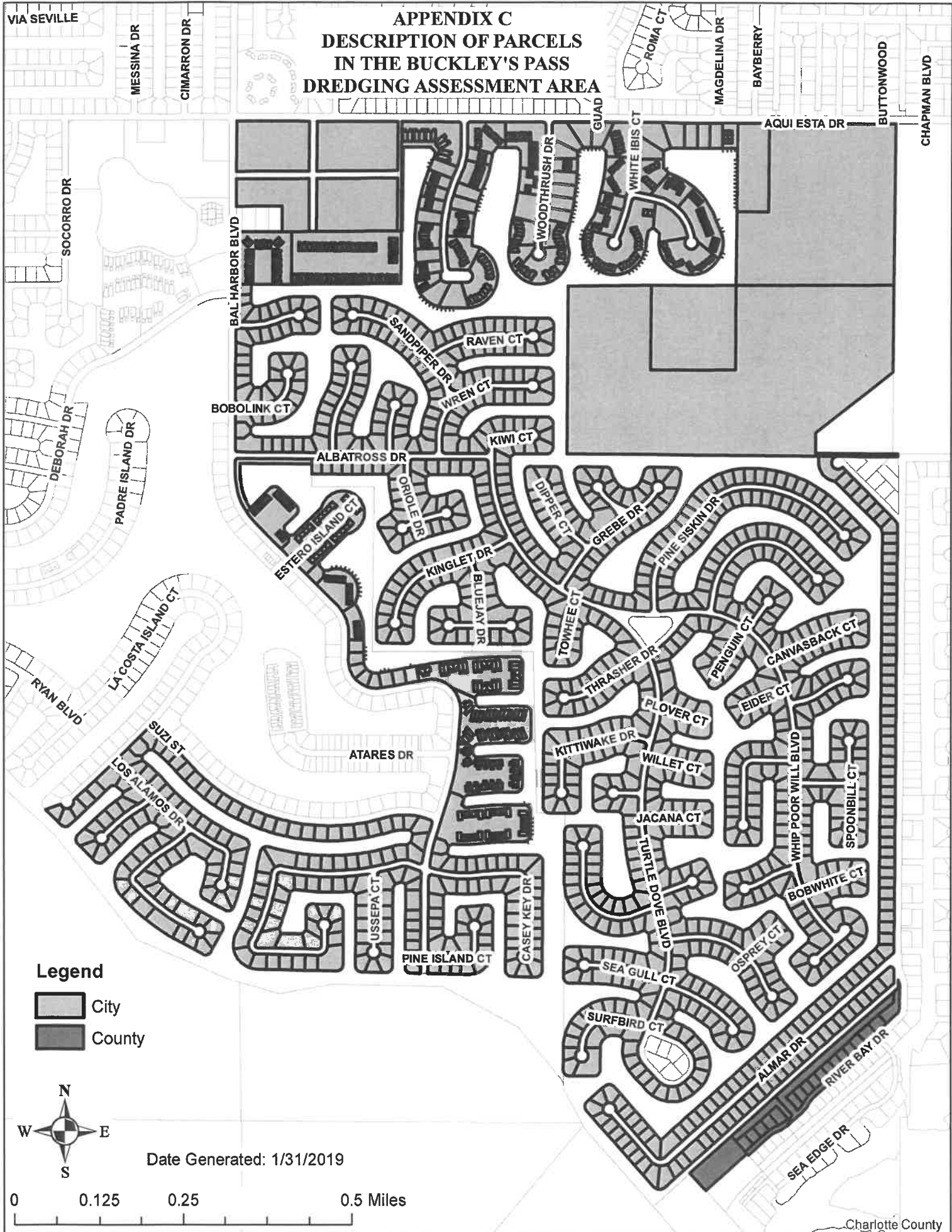
**\* \* \* \* \* SEND NO MONEY NOW. THIS IS NOT AN INVOICE \* \* \* \* \***

**APPENDIX C**

**DESCRIPTION OF PARCELS IN THE  
BUCKLEY'S PASS DREDGING  
ASSESSMENT AREA**

(see attached parcel map)

**APPENDIX C  
DESCRIPTION OF PARCELS  
IN THE BUCKLEY'S PASS  
DREDGING ASSESSMENT AREA**



**Legend**

- City
- County



Date Generated: 1/31/2019

0      0.125      0.25      0.5 Miles