

RESOLUTION NO. 99-21

A RESOLUTION OF THE MARCO ISLAND CITY COUNCIL RELATING TO THE CONSTRUCTION AND FUNDING OF SIDEWALK IMPROVEMENTS; CREATING THE ASSESSMENT AREA AND DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE PROPOSED PHASE I SIDEWALK IMPROVEMENT DISTRICT, AND THE SIDEWALK IMPROVEMENTS TO BE CONSTRUCTED THEREIN; DETERMINING THE ESTIMATED COST OF THE SIDEWALK IMPROVEMENTS; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE SIDEWALK IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE SIDEWALK IMPROVEMENTS AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; DIRECTING THE CITY MANAGER TO PREPARE A TENTATIVE ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; 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.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marco Island, Florida:

ARTICLE I

PURPOSE, DEFINITIONS, AND FINDINGS

Section 1. PURPOSE. The purpose of this Resolution is to create an Assessment Area pursuant to City of Marco Island Ordinance No. 99-1 (Capital Assessment Ordinance), such Assessment Area to be known as Phase I Sidewalk Improvements, consisting of properties along the following streets:

- Elkcarn Circle from North Collier Boulevard to Bald Eagle Drive to Elkhorn Court, and Elkhorn Court (4' sidewalk width);
- Bald Eagle Drive from Elkhorn Court to Elkcarn Circle (4' sidewalk width);
- North Barfield Drive from Bald Eagle Drive to the Sheriff's Substation (4' sidewalk width);
- Collier Boulevard from the J.J. Jolley Bridge to the intersection of Swallow Avenue and Collier Court (4' sidewalk width);
- Swallow Avenue from Collier Court to South Collier Boulevard (4' sidewalk width);
- Seaview Court, Saturn Court, and Bayside Court (6' sidewalk width).

Excluded from the assessment area are:

1. Vacant properties that have an adjacent asphalt pedestrian way.
2. Vacant properties under site development review.
3. Properties that have a complete concrete sidewalk adjacent to the property.

This Resolution shall constitute the Resolution creating the Project 99-1 Sidewalk Improvements, and shall constitute the initial Assessment Resolution pursuant to Section 3.02 of the Capital Assessment Ordinance.

Section 2. FINDINGS. It is hereby ascertained, determined, and declared that:

- a. Pursuant to Article VIII, Section 2 of the Florida Constitution, Section 166.021, Florida Statutes, and other applicable provisions of law, the City has all powers of local self-government to render municipal services and may exercise any power for municipal purposes, except when expressly prohibited by law.
- b. The Marco Island City Council has enacted the Capital Assessment Ordinance to provide for the creation of Assessment Areas and authorize the imposition of Assessments to fund the construction of local improvements to serve the property located therein.
- c. The construction of sidewalks constitutes a Local Improvement as defined in the Capital Assessment Ordinance. The sidewalks are designed to benefit all properties within the Assessment Area.
- d. The City Council desires to create the Assessment Area to fund construction of sidewalks.
- e. The sidewalk construction will assist in the preservation and protection of the public safety of owners, tenants, and invitees

within the Assessment Areas, thereby providing a special benefit to properties within the Assessment Area. It is anticipated there will be an enhanced value to properties located within the Assessment Area as a result of the sidewalk and related storm drainage improvements.

- f. Due to the configuration of the special Assessment Area, the street frontage methodology is the most equitable method of computing Assessments to fund sidewalk construction. City Council finds that it is equitable, fair, and reasonable to allocate the costs of Phase I Sidewalk Improvements to properties within the Assessment Area on a constructed street front foot basis, based upon the width of the sidewalk. City Council also finds that it is reasonable for the City to pay the costs for associated storm drainage improvements, and sidewalk tie-ins at intersections where there are existing sidewalks adjacent to the property.

- g. City Council hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Phase I Sidewalk Improvements by fairly and reasonably allocating the costs to specially benefited property.

- h. City Council finds and determines that Phase I Sidewalk Improvements constitute a special benefit to each of the assessed parcels.

- i. City Council finds and determines that the special benefits to the assessed properties are equal to or exceed the amount of the Assessments.

ARTICLE II
NOTICE AND PUBLIC HEARING

Section 1. ESTIMATED CAPITAL COST. The estimated capital cost for Phase I Sidewalk Improvements to be funded by the imposition of Assessments against property located in the Assessment Area is \$350,042. The total includes:

4' wide sidewalk	13,876 Linear Feet @ \$18.34/ft = \$254,486
6' wide sidewalk	3,786 Linear Feet @ \$25.36/ft = <u>95,566</u>
	\$350,042

The cost of such improvements paid for by the City is estimated as follows:

Storm Drainage Improvements	\$ 113,000
Intersection tie-ins – 674 L.F. - 4' S/W	11,236
45 L.F. - 6' S/W	1,028
50 L.F. - Pedestrian Way	<u>834</u>
	\$ 126,098

Section 2. ASSESSMENT ROLL. The City Manager is hereby directed to prepare a final estimate of the capital cost of Phase I Sidewalk Improvements and to prepare the preliminary Assessment Roll in the manner provided in the Assessment Ordinance. The City Manager shall apportion the project cost among the parcels of real property within the Assessment Area as reflected on the Tax Roll in conformity with Article 3 hereof. The estimate of capital costs and the Assessment Roll shall be maintained on file in the offices of the Finance Department and open to public inspection.

Section 3. PUBLIC HEARING. A public hearing will be conducted by City Council at its regularly scheduled Council meeting starting at 6:00 p.m., on Tuesday, July 6, 1999 at the YMCA, 101 Sandhill Road, Marco Island, Florida 34145, to receive written objections and hear testimony of all interested persons and then, or at any subsequently designated meeting of the City Council, adopt the final Assessment Resolution. The final Assessment Resolution shall: (A) confirm, modify, or repeal the initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the City Council; (B) establish the maximum amount of the Assessment for each Assessment Unit; (C)

approve the Assessment Roll, with such amendments as it deems just and right; and (D) determine the method of collection.

Section 4. NOTICE BY PUBLICATION. Upon completion of the materials required by Section 2 above, the City Manager shall publish a notice of the public hearing in the manner and time provided in the Assessment Ordinance.

Section 5. NOTICE BY MAIL. Upon completion of the materials required by Section 2 above, the City Manager shall, at the time and in the manner specified in the Assessment Ordinance, provide first class mailed notice of the public hearing authorized by Section 3 above to each property owner proposed to be assessed at the address indicated on the Tax Roll.

ARTICLE III ASSESSMENTS

Section 1. DESCRIPTION OF PROPOSED ASSESSMENT AREA.

The City Council hereby creates the Phase I Sidewalk Improvements in an area consisting of properties which abut the following streets:

- Elkcarn Circle from North Collier Boulevard to Bald Eagle Drive to Elkhorn Court, and Elkhorn Court (4' sidewalk width);

- Bald Eagle Drive from Elkhorn Court to Elkcam Circle (4' sidewalk width);
- North Barfield Drive from Bald Eagle Drive to the Sheriff's Substation (4' sidewalk width);
- Collier Boulevard from the J.J. Jolley Bridge to the intersection of Swallow Avenue and Collier Court (4' sidewalk width);
- Swallow Avenue from Collier Court to South Collier Boulevard (4' sidewalk width);
- Seaview Court, Saturn Court, and Bayside Court (6' sidewalk width).

Excluded from the assessment area are:

1. Vacant properties that have an adjacent asphalt pedestrian way.
2. Vacant properties under site development review.
3. Properties that have a complete concrete sidewalk adjacent to the property.

The purpose of Phase I Sidewalk Improvements is to assist in the preservation and the protection of the public safety of owners, tenants, and invitees of the Assessment Area. Assessment made to properties within the Assessment Area on a front foot (street footage) basis is determined to be the most reasonable and equitable basis for assessing the costs of Phase I Sidewalk Improvements.

Section 2. IMPOSITION OF ASSESSMENTS. Assessments shall be imposed against property within the Assessment Area for a period of three (3) years. The Assessments shall be collected in accordance with the Uniform Assessment Collection Act.

Section 3. PREPAYMENT OPTION. Each property owner shall be advised that they are entitled to prepay the total Assessment obligation upon payment of such parcel's share of the capital cost, without interest, within a thirty (30) day period following notification.

Section 4. REALLOCATION UPON FUTURE SUBDIVISION. Upon subdivision of a Tax Parcel, or combination of one Tax Parcel with another Tax Parcel, any of which is located within the Assessment Area and subject to the Assessment, the Assessment for such parcel or parcels shall be reallocated to the subdivided or combined parcels when such subdivision or combination appears on the Collier County Tax Records.

ARTICLE IV.

GENERAL PROVISIONS

Section 1. METHOD OF COLLECTION. The Assessment shall be collected pursuant to the Uniform Assessment Collection Act. At the option of the City, the initial notice by mail may inform condominium property owners that

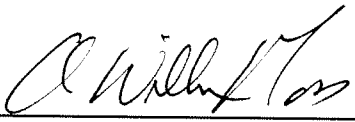
the Condominium Association will be invoiced for the amount of the assessment. If not paid by the Condominium Association, the Assessment shall be collected in accordance with the Uniform Assessment Collection Act. Any assessment against Government Property shall be collected pursuant to the Assessment Ordinance.

Section 2. 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 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

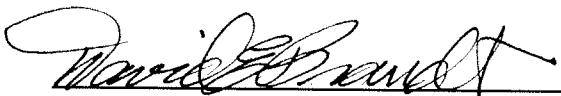
Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 7th day of June, 1999.

Attest:



A. William Moss

City Manager/City Clerk



David E. Brandt, Chairman