

RESOLUTION NO. 99-27

A RESOLUTION OF THE MARCO ISLAND CITY COUNCIL RELATING TO THE CONSTRUCTION AND FUNDING OF PHASE I SIDEWALK IMPROVEMENTS; CONFIRMING AND RATIFYING THE RESOLUTIONS WHICH CREATED THE PHASE I SIDEWALK IMPROVEMENT DISTRICT AND WHICH CONSTITUTE THE INITIAL ASSESSMENT RESOLUTION; ESTABLISHING THE MAXIMUM AMOUNT OF THE ANNUAL ASSESSMENT; IMPOSING ASSESSMENTS AGAINST PROPERTY WITHIN THE PHASE I SIDEWALK IMPROVEMENT DISTRICT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Marco Island City Council (the "Council") enacted Ordinance No. 99-1 on February 1, 1999, to authorize the creation of assessment areas and authorize the imposition of special assessments to fund the construction of local improvements to serve the property located therein; and

WHEREAS, on May 3, 1999, the Council adopted Resolution No. 99-18, the Initial Assessment Resolution, which created the Phase I Sidewalk Improvement District and described the method of assessing the cost of sidewalk improvements (as therein described) against the real property that will be specially benefited thereby, and directed preparation of the preliminary Assessment Roll and provision of the notices required by the Assessment Ordinance; and

WHEREAS, on June 7, 1999, Council adopted Resolution No. 99-21, said Resolution which duplicated Resolution No. 99-18, except the date of the public hearing was amended and rescheduled to July 6, 1999; and

WHEREAS, pursuant to the provisions of the Assessment Ordinance, the City is required to confirm, modify, or repeal the Initial Assessment Resolution, with such amendments as the Council deems appropriate, after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Assessment Roll has heretofore been filed with the office of the Assessment Coordinator and City Clerk and open to public inspection, as provided by the Initial Assessment Resolution; and

WHEREAS, as required by the terms of the Assessment Ordinance, notice of a public hearing has been published and mailed to each property owner

proposed to be assessed notifying such property owner of the opportunity to be heard, and

WHEREAS, a public hearing has been duly held and comments and objections of all interested persons have been heard and considered as required by the terms of the Assessment Ordinance;

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

Section 1. AUTHORITY. This Resolution is adopted pursuant to the Assessment Ordinance, Chapter 166, Florida Statutes, and other applicable provisions of law.

Section 2. DEFINITIONS. This Resolution is the Final Assessment Resolution as defined in the Assessment Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Assessment Ordinance and the Initial Assessment Resolution.

Section 3. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. City of Marco Island Resolution No. 99-18 and 99-21, which are the Resolutions that created the Phase I Sidewalk Improvement District and which constitute the Initial Assessment Resolution, are hereby ratified and confirmed.

Section 4. APPROVAL OF ASSESSMENT ROLL. The Assessment Roll, a copy of which is attached hereto, is hereby approved.

Section 5. ASSESSMENTS.

(A) The parcels described in the Assessment Roll are hereby found to be specially benefited by construction of the Phase I Sidewalk Improvements as described in the Initial Assessment Resolution, in the amount of the maximum annual Assessment set forth in the Assessment Roll. The methodology for computing annual Assessments described in the Initial Assessment Resolution, a constructed front foot assessment based upon the parcel's total constructed street frontage, is hereby approved. Assessments described in the Initial Assessment Resolution are hereby levied and imposed on all parcels described in the Assessment Roll. Assessments shall be the total constructed street frontage (in feet) for each parcel multiplied by the cost per foot of \$18.34 for a four-foot wide sidewalk, and \$25.36 for a six-foot wide sidewalk.

The Assessment, unless prepaid, shall be collected over a period of three (3) years and will be financed at a rate of 5% interest resulting in the maximum annual Assessment for each Assessment Unit of \$6.38 per foot for a four-foot

wide sidewalk, and \$8.82 per foot for a six-foot wide sidewalk. The annual Assessments as shown on the Assessment Roll, attached hereto as Exhibit "A", are hereby levied and imposed on all parcels described in the Assessment Roll at the maximum annual Assessment as set forth for each parcel in the Assessment Roll.

(B) It is currently anticipated that the prepayment of Assessments will be authorized in October, 1999. Prepayment shall be the amount of the Assessment, less ten percent (10%). Prepayment by a condominium association on behalf of the owners of a condominium shall be the amount of the Assessment less fifteen percent (15%). The annual Assessments shall begin in the year 2000.

(C) Upon completion of the Annual Assessment Resolution for each Fiscal Year, the Assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until paid.

Section 6. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

Section 7. EFFECT OF FINAL ASSESSMENT RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments are computed, the Assessment Roll, the maximum annual Assessment, the levy and lien of the Assessments and the terms for prepayment of the Assessments) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Council action on this Final Assessment Resolution.

Section 8. ADMINISTRATIVE ADJUSTMENTS TO THE ASSESSMENT ROLL. The City Manager is authorized to make administrative adjustments and corrections to the Assessment Roll consistent with the project scope and intent as described in the Initial and Final Assessment Resolutions.

Section 9. PREPAYMENT NOTICE. The Assessment Coordinator is hereby directed to provide notice by first class mail to the owner of each parcel described in the Assessment Roll of the opportunity to prepay all future annual Assessments, without financing and administrative cost. Such notice is currently anticipated to be sent upon award of contract for the Phase I Sidewalk Improvement Project. The notice shall be mailed to the property owner of each parcel at the address shown on the real property assessment tax roll maintained by the Collier County Property Appraiser for the purpose of levying collection of

ad valorem taxes. However, any assessment may also be prepaid in full, without interest, before mailing or receipt of the prepayment notice at the option of the owner.

Section 10. ASSESSMENT NOTICE. The Assessment Coordinator is hereby directed to record a general notice of the Assessments in the Official Records Book in the office of the Collier County Clerk of Courts. Such notice shall be in a form approved by the City Attorney. The preliminary Assessment Roll and each annual Assessment Roll shall be retained by the Assessment Coordinator or designee, and shall be available for public inspection.

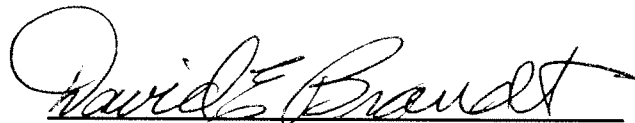
Section 11. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 6th day of July, 1999.

Attest:

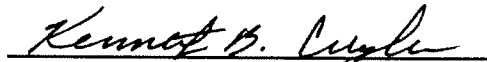


A. William Moss
City Manager/City Clerk



David E. Brandt, Chairman

Approved as to form and legality:



Kenneth B. Cuyler
City Attorney