

**CITY OF SANIBEL
RESOLUTION 25-024**

A RESOLUTION EXPRESSING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO DECLARE A SPECIAL ASSESSMENT TO FINANCE A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW, AND THE SANIBEL CHARTER; ESTABLISHING A SPECIAL ASSESSMENT FOR THE PURPOSE OF DREDGING IN THE WULFERT CHANNEL AND DISPOSAL OF DREDGE MATERIALS, WITHIN AN AREA TO BE REFERRED TO AS THE "WULFERT CHANNEL AREA DREDGING ASSESSMENT DISTRICT"; ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING AND COLLECTING ASSESSMENTS, SPECIFYING THE PORTION OF THE ASSESSMENT TO BE PAID BY THE CITY TO ACCOUNT FOR GENERAL PUBLIC BENEFIT ACCRUING FROM THE PROJECT, THE ESTIMATED COST, AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel wishes to establish an assessment district for dredging of the Wulfert Channel Area located within the City of Sanibel, hereinafter referred to as the Wulfert Channel Dredging Assessment District (hereinafter sometimes referred to as the "Assessment District") and shown on the map attached as Exhibit "A"; and

WHEREAS, dredging within the Assessment District is a public improvement, and the City is establishing the Assessment District pursuant to its Home Rule Power, the Sanibel Charter, and general law, including without limitation Chapters 166, 170, and 180, Florida Statutes; and

WHEREAS, Section 170.03, Florida Statutes, provides that a municipality making public improvements when utilizing special assessments shall adopt a resolution stating the nature of the improvement, the location of the improvement, the part or portion of the expense to be paid by the special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, what portion, if any, is to be paid from the general improvement fund of the municipality, a designation of the lands upon which the assessments shall be levied, and the total estimated cost of the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

Section 1. Determination of Need for Special Assessments; Description of the District. The City Council of the City of Sanibel hereby makes a finding of the need for the levy of special assessments within the Assessment District for the public improvement project to include the dredging of the Wulfert Channel Area and the disposal of dredge material. Such special assessments shall be applicable within the Assessment District, which lands within such Assessment District are depicted on Exhibit "A" and generally described on Exhibit "B" (both exhibits attached hereto and incorporated herein). The Assessment District shall be a single special assessment district.

Section 2. Description of the Project. A more specific description of the dredging improvement project for which the special assessments are being levied and collected (hereafter sometimes referred to as the "Project") is as follows:

- (a) To provide collected funds for the one time dredging and material haul from the Wulfert Channel Area (depicted on Exhibit "A") to provide bay and gulf access to all properties within the Assessment District. The dredging will occur one time in order to provide for navigability by owners, lessees, and the general public through the Wulfert Channel Area, and to protect the health, safety, and welfare of the adjacent owners and public in general; and

Section 3. Costs and Payment. The total cost of surveying, dredging, material hauling, financing and interest (if any), engineering (if any), legal costs (if any), permit fees, and administrative costs for the Project (hereinafter "Total Estimated Project Cost") is currently estimated to be \$718,000 for the 2025 Project. Cost-sharing for the Project shall be as follows:

- (a) A portion equaling 33.33% of the Total Estimated Project Cost shall be paid by the City and shall be budgeted by the City annually, as follows:

Total Estimated Project Cost: \$446,065.00, with City Estimated Cost (33.33%) of \$148,673.46, to be paid from the general fund in FY 2025.

- (b) A portion equaling 66.67% of the Total Estimated Project Cost shall be paid by assessments levied each year against the real property located within the Assessment District, as follows:

Total Estimated Project Cost: \$446,065.00, with Private Property Estimated 2025 Cost (66.67%): \$297,391.54, to be divided equally among the owners of each parcel within the Assessment Area, estimated to be 196 parcels, and paid in lump-sum in 2025 in the amount of \$1,517.30, or in installments of 2, 3, 4, or 5 annual payments, plus interest of 4.5% compounded annually. The annual installment amounts are provided in Exhibit "C"; and

Section 4. Method and basis for assessment. Each parcel within the Assessment District shall be assessed based upon an assessable unit. An assessable unit is defined as an existing dock or mooring space, berthing slip or the like, or the ability to legally place a dock or mooring slip on the parcel of property.

- (a) Each parcel (either vacant or improved) shall be deemed to have one assessable unit based upon the fact that such parcel either has, or is legally entitled to have, a minimum of one dock. However, any vacant parcels within the proposed Assessment District that do not have development rights will be excluded.
- (b) The City shall pay its 33.33% of the Project as described in Section 3 of this Resolution.

Section 5. Single assessment to be authorized. This Assessment District shall be established as a one time, single capital improvement and service assessment district which shall provide a funding source for the dredging of the Wulfert Channel Area. It is specifically determined and found by the City Council that this one time capital improvement and service assessment district is necessary, appropriate, and the best method by which to address the need for the survey, dredging, and disposal of dredge material for the Wulfert Channel Area, with the single assessment of the costs described herein to be made in 2025 against the properties benefited thereby.

The methodology and the amount of the yearly assessment for each property shall be set forth in a Preliminary Assessment Roll, a copy of which shall also be kept on file with the City Clerk and available for public inspection and which will be presented to the City Council at a public hearing to establish the Assessment District. The assessment collection for the 2025 Project will be collected directly by the City of Sanibel.

Section 6. Intent to establish Assessment District. The City Council hereby declares and evidences its intent to make such public improvements as described in this Resolution and to finance such improvements and the Project through, in part, a levy and special assessment against all lots and lands adjoining and contiguous, or bounding and abutting upon said improvements, or specially benefited thereby, and further designated by the Assessment Plat attached hereto as Exhibit "A" and on file in the office of the Sanibel City Clerk. The plans and specifications for the 2025 Project, as well as an estimate of the cost of the Project improvements are on file with the City Clerk, Sanibel City Hall, 800 Dunlop Road, Sanibel, Florida, 33957, as of the date of adoption of this resolution.

Section 7. Publication of Resolution. The City Clerk is directed to publish this resolution one time in a newspaper of general circulation published in the City of Sanibel, or as otherwise may be required by law.

Section 8. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 12TH DAY OF JUNE 2025.

Attest:

A circular official seal of the City of Sanibel, Florida. The outer ring contains the text "CITY OF SANIBEL, FLORIDA". The inner circle contains the text "OFFICIAL CITY SEAL". Below the seal, the text "Adopted June 5, 2025" is visible.
Scotty Lynn Kelly
Scotty Lynn Kelly, City Clerk

Mike Miller
Mike Miller, Mayor

Approved as to form and legality:

A handwritten signature in blue ink, appearing to read "John D. Agnew".
John D. Agnew, City Attorney

Date filed with City Clerk: June 12, 2025

Vote of Council Members:

| | |
|---------|------------|
| Miller | <u>Aye</u> |
| Smith | <u>Aye</u> |
| DeBruce | <u>Aye</u> |
| Henshaw | <u>Aye</u> |
| Johnson | <u>Aye</u> |

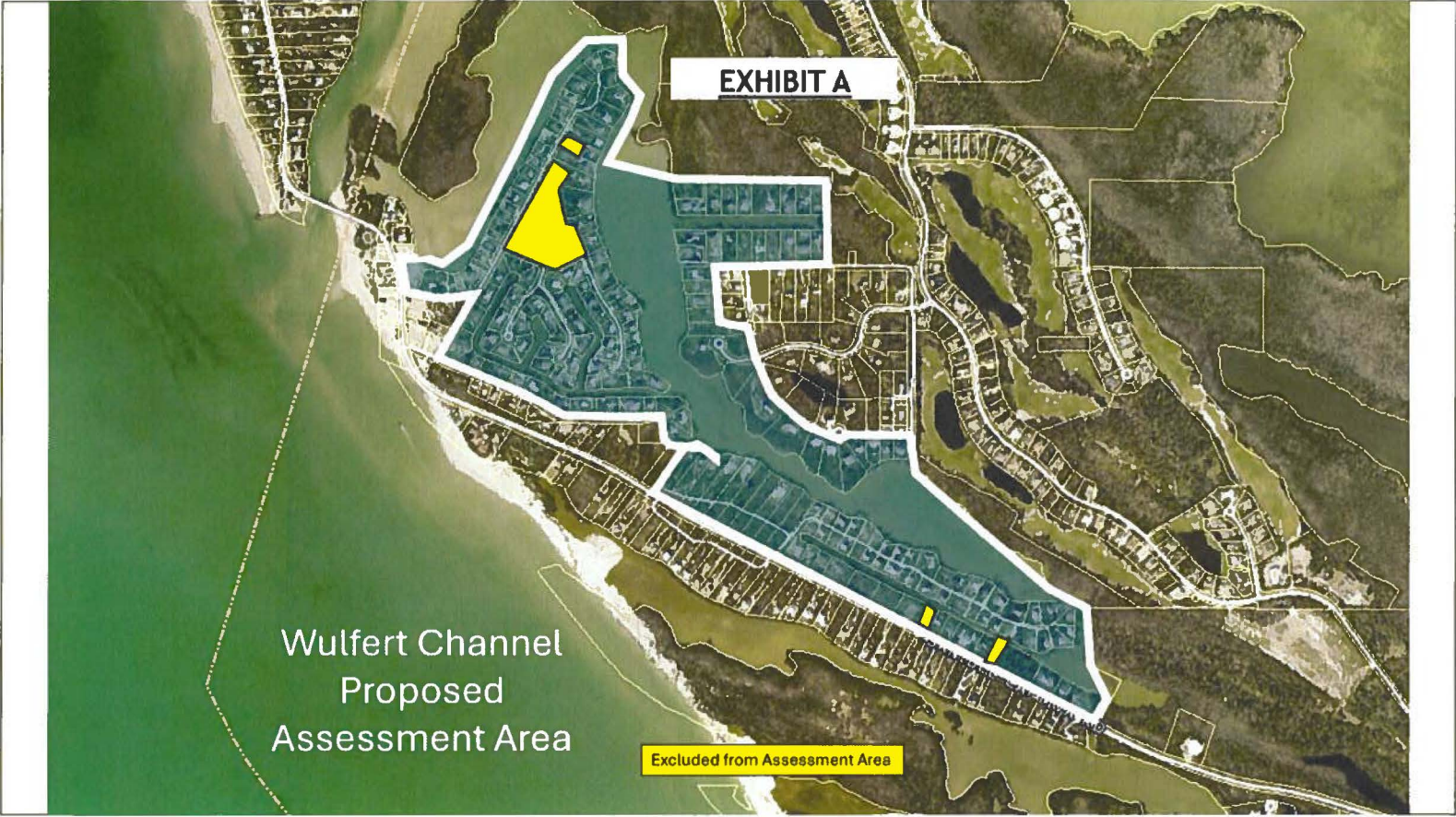


EXHIBIT B

Any and all land adjoining, abutting or contiguous to waters generally known as Wulfert Channel, Sunset Bay and Dinkins Bayou, or with legal access rights within that area generally bounded by Starling Way and Dinkins Bayou to the north, Wulfert Channel and Blind Pass to the west, Pine Ave. and Sanibel Captiva Rd. to the south, and Dinkins Bayou and Los Colony Rd. to the east.

EXHIBIT C

| | Revised Wulfer Channel Area Drilling Assessment District Payment Options | | | | | | | | | | | | | | | | | |
|---|--|-------------------|----------|---------------|----------|-------------------|---------|---------------|---------|-------------------|---------|---------------|---------|-------------------|---------|---------------|-------------------|------------------|
| | Assessment | Year 1 Payment | Balance | 4.5% interest | Balance | Year 2 Payment | Balance | 4.5% interest | Balance | Year 3 Payment | Balance | 4.5% interest | Balance | Year 4 Payment | Balance | 4.5% interest | Year 5 Payment | Total Payment |
| Resident Payment Option 1-year Payment | 1,517.30 | 1,517.30 | 0.00 | | | | | | | | | | | | | | | 1,517.30 |
| Resident Payment Option - 2-year Payment | 1,517.30 | 758.65 | 758.65 | 34.14 | 792.79 | 792.79 | 0.00 | | | | | | | | | | | 1,551.44 |
| Resident Payment Option - 3-year Payment | 1,517.30 | 505.77 | 1,011.53 | 45.52 | 1,057.05 | 528.53 | 528.53 | 23.78 | 552.31 | 552.31 | | | | | | | | 1,586.60 |
| Resident Payment Option - 4-year Payment | 1,517.30 | 379.33 | 1,137.98 | 51.21 | 1,189.18 | 396.39 | 792.79 | 35.68 | 828.46 | 414.23 | 414.23 | 18.64 | 432.87 | 432.87 | | | | 1,622.82 |
| Resident Payment Option - 5-year Payment | 1,517.30 | 303.46 | 1,213.84 | 54.62 | 1,268.46 | 317.12 | 951.35 | 42.81 | 994.16 | 331.39 | 662.77 | 29.82 | 692.60 | 346.30 | 346.30 | 15.58 | 361.88 | 1,660.14 |