

**CITY OF SANIBEL
RESOLUTION 26-004**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL DECLARING ITS INTENT TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; STATING THE NEED FOR THE LEVY; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE LEVY; PROVIDING FOR A PUBLIC HEARING AND NOTICE THEREOF; PROVIDING FOR TRANSMITTAL OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel (City) is a Florida municipal corporation vested with home rule powers pursuant to Article VIII, Section 2(b) of the Florida Constitution, the Sanibel Charter, and general law; and

WHEREAS, the City has the authority to create special assessment districts for the purposes of funding public improvements and services, including stormwater and flood control facilities, services, and projects, pursuant to general law; and

WHEREAS, Section 197.3632, Florida Statutes, authorizes local governments to collect non-ad valorem assessments using the uniform method of collection, provided the local government adopts a resolution declaring such intent and complies with the notice and hearing requirements set forth therein; and

WHEREAS, the City Council anticipates considering the establishment of a Stormwater Special Assessment District that may be necessary to fund public stormwater and flood control facilities, services, and related capital improvements during Fiscal Year 2025–2026, with a potential commencement date of October 1, 2026; and

WHEREAS, should such a Stormwater Special Assessment District be established, the City desires to use the uniform method of collection for any non-ad valorem special assessments levied for such purposes; and

WHEREAS, the City, the Lee County Property Appraiser, and the Lee County Tax Collector have agreed that the City may adopt this Resolution at a public hearing before March 1, 2026, in conformance with section 197.3632(3)(a), Florida Statutes; and

WHEREAS, in accordance with section 197.3632(3)(a), Florida Statutes, notice of the City's intent to use the uniform method of collection was published once a week for four (4) consecutive weeks in a newspaper of general circulation within the City; and

WHEREAS, the City Council held a duly advertised public hearing and considered all comments from interested persons prior to the adoption of this Resolution; and

WHEREAS, should the City Council establish a Stormwater Special Assessment District during Fiscal Year 2025-2026, with a potential commencement date of October 1, 2026, the City Council finds that it is in the best interests of the City and its residents and property owners to utilize the uniform method of collection for any established non-ad valorem assessment.

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

SECTION 1. FINDINGS. The above recitals are true and correct and are hereby incorporated as findings.

SECTION 2. DECLARATION OF INTENT.

- (a) The City Council hereby declares its intent to use the uniform method of collection authorized by section 197.3632, Florida Statutes, for the collection of any non-ad valorem special assessment that may be imposed in connection with a Stormwater Special Assessment District, should such district be established during Fiscal Year 2025–2026, with a potential commencement date of October 1, 2026. The adoption of this Resolution shall not be deemed to commit or require the City to impose any stormwater assessment.
- (b) A legal description of the boundaries of the properties that may be subject to such assessments, if established, is attached hereto as **Exhibit A** and incorporated herein by reference.

SECTION 3. TRANSMITTAL TO COUNTY OFFICIALS. The City Manager, or designee, is hereby directed to furnish certified copies of this Resolution, together with proof of publication of the notice of intent, to the Lee County Property Appraiser and the Lee County Tax Collector in accordance with section 197.3632(3)(a), Florida Statutes, by March 10, 2026.

SECTION 4. SEVERABILITY. If any provision of this Resolution is held to be invalid, illegal, or unenforceable, such invalidity shall not affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect.

SECTION 5. 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 13th DAY OF JANUARY 2026.

Attest:

Scotty Lynn Kelly, City Clerk

Mike Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Miller	_____
Smith	_____
DeBruce	_____
Henshaw	_____
Johnson	_____

EXHIBIT A

AREAS SUBJECT TO ASSESSMENT

All properties or parcels located within the corporate boundaries of the City of Sanibel on file in the City Clerk's office.