

**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, SUNSET BAY, AND DINKINS BAYOU AREA, DISPOSAL OF DREDGE MATERIALS, AND RELATED FUTURE DREDGING SURVEYS WITHIN AN AREA TO BE REFERRED TO AS THE "WULFERT CHANNEL AND DINKINS BAYOU 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, Sunset Bay and Dinkins Bayou Area located within the City of Sanibel, hereinafter referred to as the Wulfert Channel and Dinkins Bayou Area 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 for the public improvement project to include the dredging of the Assessment District, the disposal of dredge material, and for as-needed dredging surveys within the Assessment District located within the City of Sanibel, Florida. 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 annually collected funds for the dredging of, and material haul from, the Assessment District (depicted on Exhibit “A”) to provide gulf access to all properties within the Assessment District. The dredging will occur on an as-needed basis (currently anticipated to be every ten years) in order to provide for navigability by owners, lessees, and the general public through Wulfert Channel, Sunset Bay and Dinkins Bayou Area, and to protect the health, safety, and welfare of the adjacent owners and public in general; and
- (b) To provide annually collected funds for the future as-needed surveys of the Assessment District in order to determine the need, cost, and scope of any necessary future dredging required within the Assessment District.

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 \$3,190,650 for the 2025 Project and \$4,287,967 for what is anticipated to be a 2035 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:
 - (1) 2025 Project Assessment:
Total Estimated Project Cost: \$3,190,650, with City Estimated Cost (33.33%) of \$1,063,443.65, to be paid from the general fund in FY 2025; and
 - (2) Future Project Assessment:
Total Estimated Project Cost in 2035: \$4,287,967, with City Estimated Cost (33.33%), and annual budgeting of \$120,000 from Fiscal Year 2026 through 2035.
- (b) A portion equaling 66.67% of the Total Estimated Project Cost shall be paid by assessments levied each year against the real property (200 parcels) located within the Assessment District, as follows:
 - (1) 2025 Project Assessment:
Total Estimated Project Cost: \$3,190,650, with Private Property Estimated 2025 Cost (66.67%): \$2,127,206.36, to be paid by each parcel owner (200 parcels) in lump-sum in 2025 in the amount of \$10,636.03, or in two annual installments plus interest of 4.5% compounded annually (in 2025 and 2026), or in three annual installments (in 2025, 2026, and 2027) plus interest of 4.5% compounded annually, at the discretion of each owner. The 2- and 3-year payment installment amounts are provided in Exhibit “C”; and

(2) Future Project Assessment:

Total Estimated Project Cost in 2035: \$4,287,967, with Private Property Estimated Cost (66.67%), and Annual Assessment Per Property (200 parcels) of \$1,200/year from 2026 through 2035.

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 space, berthing slip or the like, 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. Annual assessment to be authorized. This Assessment District shall be established as an ongoing capital improvement and service assessment district which shall provide a funding source for the as-needed dredging of the Assessment District and future as-needed dredging analysis. Such assessments shall continue to be paid as described in this Resolution on an annual basis by the specially benefited property owners as shown on the map attached as Exhibit "A", and as will be reflected each year by the then-existing list of properties and property owners available through the Lee County Property Appraiser's Office at the time of the annual assessment. This assessment district is being established initially for the 2025 calendar year as well as for all subsequent calendar years and shall be applicable to all future calendar years unless and until terminated by the Sanibel City Council. It is specifically determined and found by the City Council that this ongoing yearly capital improvement and service assessment district is necessary, appropriate, and the best method by which to address the need for the as-needed survey, dredging, and disposal of dredge material for the Assessment District, with the assessment of the costs described herein to be made annually 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. All assessments shall be paid on an annual basis. The initial assessment collection for the 2025 Project will be collected directly by the City of Sanibel. For the projected 2035 Project and any future Projects, the City will utilize the uniform method of collection (i.e., real estate tax bill collection), beginning in Fiscal Year 2027 (tax year 2026), which begins on October 1, 2026, in accordance with Chapter 197, Florida Statutes, as amended, commencing with the tax year 2026 and the 2026 real estate tax bill, and continuing as an annual capital improvement and service assessment until terminated by City Council.

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 3RD DAY OF JUNE 2025.

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:

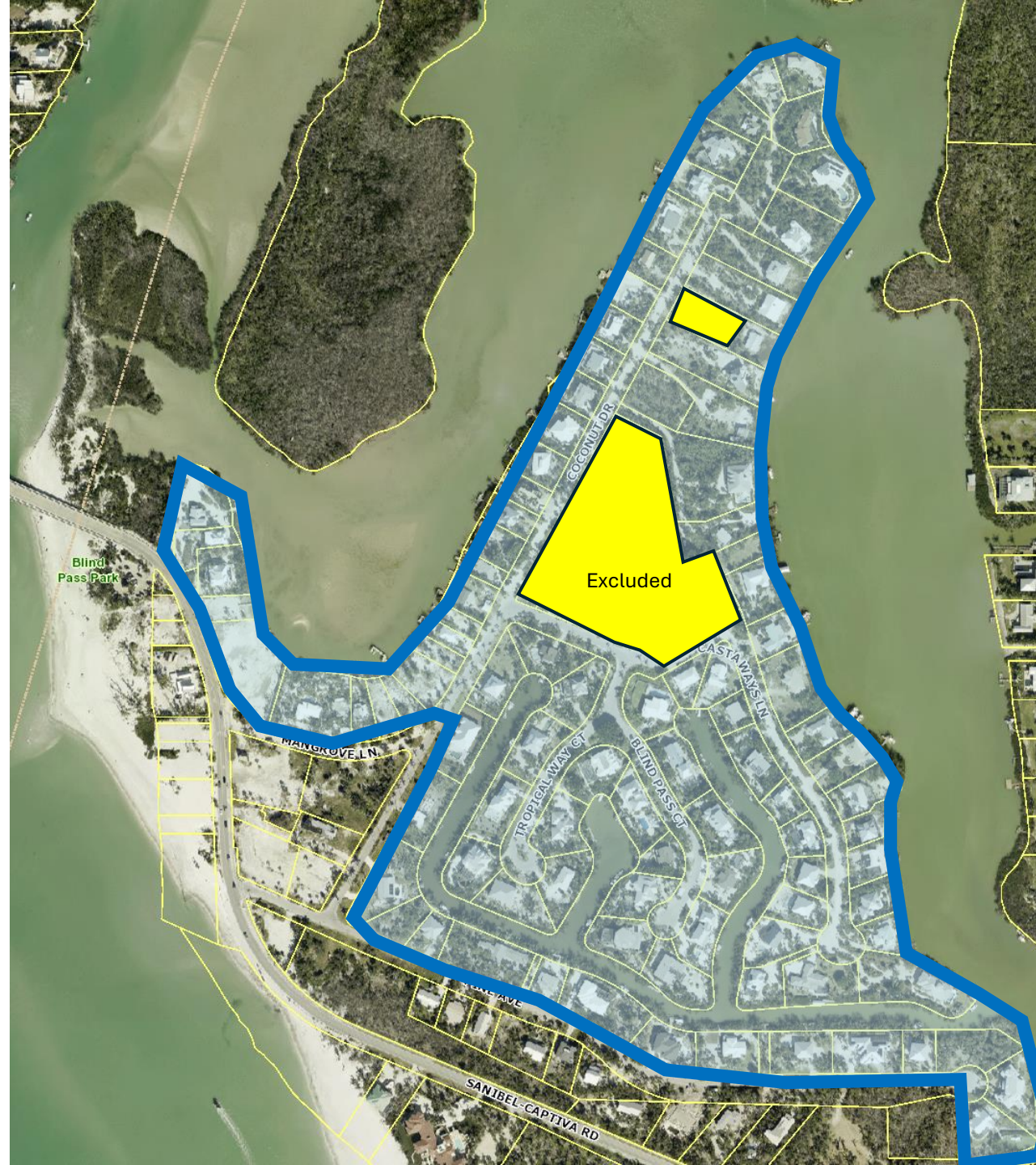
Miller	_____
Smith	_____
DeBruce	_____
Henshaw	_____
Johnson	_____

Wulfert Channel and
Dinkins Bayou
Proposed
Assessment Area

Excluded from Assessment Area



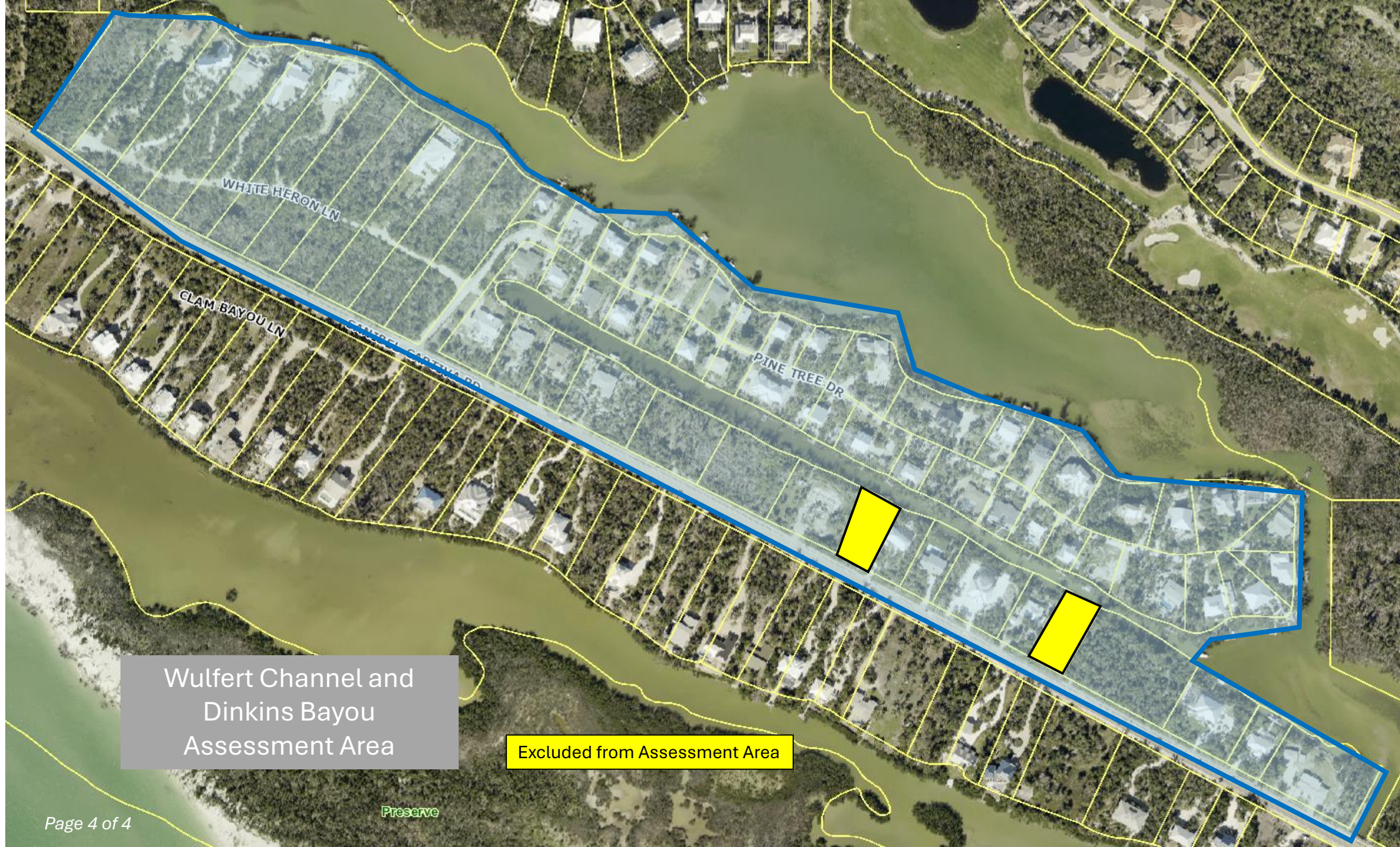
Wulfert Channel and Dinkins Bayou Assessment Area



Excluded from Assessment Area

Wulfert Channel and Dinkins Bayou Assessment Area





Wulfert Channel and
Dinkins Bayou
Assessment Area

Excluded from Assessment Area

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

Assessment District Payment Options											
	Assessment	Year 1 Payment	Balance	4.5% interest	Balance	Year 2 Payment	Balance	4.5% Interest	Balance	Year 3 Payment	Total Payment
Resident Payment Option 1-year Payment	10,636.03	10,636.03	0.00								10,636.03
Resident Payment Option - 2-year Payment	10,636.03	5,318.02	5,318.02	239.31	5,557.33	5,557.33	0.00				10,875.34
Resident Payment Option - 3-year Payment	10,636.03	3,545.34	7,090.69	319.08	7,409.77	3,704.88	3,704.88	166.72	3,871.60	3,871.60	11,121.83