

CITY OF SANIBEL  
RESOLUTION 24-019

**A RESOLUTION OF THE SANIBEL CITY COUNCIL RELATING TO THE SHELL HARBOR AND SANIBEL ESTATES CANAL AREA DREDGING ASSESSMENT DISTRICT IN THE CITY OF SANIBEL; CONSTITUTING THE CITY'S 2024-2025 FISCAL YEAR INITIAL ASSESSMENT RESOLUTION RELATING TO THE ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE CANAL DREDGING AGAINST ASSESSED PROPERTY LOCATED WITHIN THE SHELL HARBOR AND SANIBEL ESTATES CANAL AREA DREDGING ASSESSMENT DISTRICT FOR THE FISCAL YEAR OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025; CONFIRMING AND AUTHORIZING MATTERS RELATING TO SUCH ASSESSMENT; SCHEDULING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE ANNUAL RATE RESOLUTION AND TO CONFIRM COLLECTION OF SUCH SPECIAL SERVICE ASSESSMENT THROUGH THE UNIFORM METHOD OF COLLECTION VIA THE ANNUAL LEE COUNTY TAX BILL; PROVIDING DIRECTION FOR THE PREPARATION OF THE ASSESSMENT ROLL AND NOTICES REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Sanibel enacted Resolution 11-040 and Resolution 11-056 (the "2011 Resolutions"), which authorized the annual re-imposition of assessments to fund the Shell Harbor and Sanibel Estates Canal Area Dredging Assessment District (the "Assessment District") against certain assessed property within the Assessment District, which Assessment District is more accurately described in Exhibit A, attached hereto; and

**WHEREAS**, pursuant to the 2011 Resolutions, the cost allocation for such dredging of the entrance canal to the Canal Area Dredging Assessment District (the "Entrance Canal") is required to be split among the following parties and in the following manner: 40% of such total costs shall be paid by the owner(s) of that property commonly known as the Sanibel Marina located at 634 Yachtsman Drive, Sanibel, Florida (the "Sanibel Marina"); 33% of such total costs shall be paid by the City of Sanibel; and 27% of such total costs shall be paid by the single-family, duplex, and multi-family residential properties located within the Assessment District based upon an assessable unit, which is defined as an existing dock or mooring space, berthing slip or the like, or the ability to legally place a dock, mooring space, berthing slip or the like, on such parcel of property (the "Residential Properties"), as more particularly described in the 2011 Resolutions, which are incorporated herein by reference; and

**WHEREAS**, the assessment amounts in the 2011 Resolutions were premised on an estimated Entrance Canal dredging cost of \$16,500 per year (with a preliminary plan to dredge every other year at a cost of \$33,000), as well as an additional assessment amount to the Residential Properties for as-needed future dredging analysis of internal canals of the Assessment District (the "Additional Assessment"); and

**WHEREAS**, dredging costs for the Entrance Canal increased significantly with each dredging effort, with the dredging in 2019 costing a total sum of \$88,800 and assessed via Resolution 19-049; and

**WHEREAS**, following Hurricane Ian in 2022, the most recent dredging cost estimate for Fiscal Year 2024 is \$190,000 and an additional \$195,000 for Fiscal Year 2025, necessitating an additional assessment amount; and

**WHEREAS**, the General fund loaned the special assessment district \$30,000 in fiscal year 2024 to immediately fund the dredging project; and

**WHEREAS**, the annual recurring special service assessment for each Fiscal Year is an equitable and efficient method of allocating and apportioning Canal Dredging Costs among parcels of Assessment District; and

**WHEREAS**, the City may approve and confirm certain matters in an annual Initial Assessment Resolution which, among other things, shall direct the preparation of the Assessment Roll and notices required by law for the City Council's consideration of the Annual Rate Resolution; and

**WHEREAS**, such Initial Assessment Resolution is also for the purpose of scheduling a public hearing at which the City Council will consider the adoption of the Annual Rate Resolution to impose the annual special service assessment to fund the Shell Harbor and Sanibel Estates Canal Area Dredging Assessment against assessed property located within the Canal Area Dredging Assessment District for the Fiscal Year October 1, 2024 through September 30, 2025.

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

**SECTION 1.** The property located within the assessment area to be assessed, the method of apportionment of the total Shell Harbor and Sanibel Estates Canal Area Dredging Assessment District costs, and the method for computation of the assessments of the assessed properties as set forth and described in Resolutions 11-040 and 11-056 are hereby CONFIRMED, APPROVED, and ADOPTED for purposes of this Resolution and the Annual Rate Resolution and such Resolutions are hereby incorporated by reference.

**SECTION 2.** The estimated assessment rate for Fiscal Year 2024-2025 is Two Hundred and Twenty-Five Thousand Dollars (\$225,000) as a total assessment to the Assessment District, allocated as follows:

- (A) One Hundred and Ninety-Five Thousand Dollars (\$195,000) for Fiscal Year beginning October 1, 2024, as an annual recurring assessment to Shell Harbor and Sanibel Estates Canal Area Dredging Assessment District, allocated among all of Assessed Property within the Canal Area Dredging Assessment District as follows: 40% of such total costs shall be paid by the owner(s) of Sanibel Marina, for a total estimated assessment of Seventy-Eight Thousand Dollars (\$78,000); 33% of such total costs shall be paid by the City of Sanibel, for a total estimated amount of Sixty-Four Thousand Three Hundred and Fifty Dollars (\$64,350); and 27% of such total costs shall be paid by the Residential Properties, for a total estimated amount of Fifty-Two Thousand Six Hundred and Fifty Dollars (\$52,650).
- (B) Thirty Thousand Dollars (\$30,000) for Fiscal Year beginning October 1, 2024, as a one-time repayment of the Fiscal Year 2024 General Fund loan to the Shell Harbor and Sanibel Estates Canal Area Dredging Assessment District, allocated among all of Assessed Property within the Canal Area Dredging Assessment District as follows: 40% of such total costs shall be paid by the owner(s) of Sanibel Marina, for a total estimated assessment of Twelve Thousand Dollars (\$12,000); 33% of such total costs shall be paid by the City of Sanibel, for a total estimated amount of Nine Thousand Nine Hundred Dollars (\$9,900); and 27% of such total costs shall be paid by the Residential Properties, for a total estimated amount of Eight Thousand One Hundred Dollars (\$8,100).

**SECTION 3.** It is hereby ascertained, determined, and declared that each parcel of Assessed Property within the Canal Area Dredging Assessment District will be specially benefited by the dredging in the proportions set forth in Resolutions 11-040 and 11-056 and in

the amounts set forth in this Resolution. There is hereby made a legislative determination that the Shell Harbor and Sanibel Estates Canal Area Assessments are fairly and reasonably apportioned among the assessed property that receive the special benefit as set forth in Resolutions 11-040 and 11-056 and herein.

**SECTION 4.** A public hearing to consider the adoption of the City of Sanibel’s Annual Rate Resolution to establish the annual special service assessment to fund the Entrance Canal dredging against assessed property located within the Assessment District for the Fiscal Year October 1, 2024 through September 30, 2025, is hereby scheduled for 9:10 A.M. on Tuesday, August 20, 2024 at City of Sanibel, BIG ARTS, 900 Dunlop Road, Sanibel, Florida. Such hearing shall also be for the purpose of the City Council’s consideration and approval of the collection of such special service assessments through the uniform method of collection via annual Lee County real estate tax bill, as more particularly described in Resolution 11-056 and as authorized by Section 197.3632, Florida Statutes.

**SECTION 5.** The City Manager is hereby directed and authorized to finalize the Assessment Roll and to provide any notices required by law for the City Council’s adoption of the Annual Rate Resolution.

**SECTION 6.** 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 16TH DAY OF JULY 2024.**

Attest:

\_\_\_\_\_  
Scotty Lynn Kelly, City Clerk

\_\_\_\_\_  
Richard Johnson, Mayor

Approved as to form and legality:

\_\_\_\_\_  
John D. Agnew, City Attorney

Date filed with City Clerk: \_\_\_\_\_

Vote of Council Members:

Johnson \_\_\_\_\_  
Miller \_\_\_\_\_  
DeBruce \_\_\_\_\_  
Henshaw \_\_\_\_\_  
Smith \_\_\_\_\_

EXHIBIT A OF RESOLUTION

SHELL HARBOR AND SANIBEL ESTATES AREA DREDGING ASSESSMENT DISTRICT



EXHIBIT A - ASSESSMENT PLAT

**THE FOLLOWING IS A DESCRIPTION OF THE SHELL HARBOR AND  
SANIBEL ESTATES CANAL AREA DREDGING ASSESSMENT DISTRICT:**

**Any and all lands adjoining, abutting or contiguous to a canal or with private legal canal access rights within that area bounded by San Carlos Bay to the north, East Gulf Drive to the east, the Gulf of Mexico to the south, and Beach Road and Causeway Boulevard to the west.**