

**Agenda Item 12  
Meeting of 4/16/14**

**RESOLUTION 14-13449**

**AN INITIAL ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF NAPLES, FLORIDA, RELATING TO THE ESTABLISHMENT OF A SPECIAL ASSESSMENT AREA TO BE KNOWN AS THE BEMBURY ASSESSMENT AREA FOR THE CONSTRUCTION AND FUNDING OF WASTEWATER IMPROVEMENTS; DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE ASSESSMENT AREA AND THE WASTEWATER IMPROVEMENTS TO BE CONSTRUCTED THEREIN; ESTIMATING THE COST OF THE WASTEWATER IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE WASTEWATER IMPROVEMENTS AGAINST REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DIRECTING THE CITY MANAGER TO PREPARE A PRELIMINARY ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND DIRECTING THE PROVISIONS OF NOTICE; AND PROVIDING AN EFFECTIVE DATE.**

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

**ARTICLE I  
DEFINITIONS AND CONSTRUCTION**

**SECTION 1.01. AUTHORITY.** This Resolution is adopted pursuant to Article VIII, Section 2 of the State Constitution, Section 166.021, Florida Statutes, Chapters 170 and 180, Florida Statutes, the Uniform Assessment Collection Act, City Code Sections 2-761 through 2-790, and other applicable provisions of law (collectively, the "Act").

**SECTION 1.02. DEFINITIONS.** This Resolution is the Initial Assessment Resolution for the Bembury Assessment Area. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance. In addition, the following terms shall have the following meanings, unless the context hereof otherwise requires.

**"Assessment"** means a special assessment (sometimes characterized as a non-ad valorem assessment) imposed by the City against real property located within the Bembury Assessment Area to respectively fund a portion of the costs associated with acquisition and construction of Sanitary Sewer Collection System Improvements and/or Wastewater Treatment Capacity Improvements to serve the Bembury Assessment Area and related expenses.

**"Assessment Ordinance"** means City Code Sections 2-761 through 2-790 as may

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be amended from time to time, or its successor in function.

**"Assessment Roll"** means the non-ad valorem assessment roll relating to the Assessments imposed by the City against Tax Parcels located within the Bembury Assessment Area.

**"Bembury Assessment Area"** means the area subject to the special assessments contemplated herein, as described in Section 3.01 hereof.

**"Capital Cost"** means respectively all or any portion of the expenses that are properly attributable to the planning, acquisition, design, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of the Sanitary Sewer Collection System Improvements and/or Wastewater Treatment Capacity Improvements, including legal, consulting and advertising costs associated with development and imposition of the Assessments, under generally accepted accounting principles; and including reimbursement to the City for any funds advanced for the Capital Cost and interest on any interfund or intrafund loan for such purposes.

**"City"** means the City of Naples, Florida.

**"City Code"** means the Code of Ordinances of the City of Naples, Florida.

**"City Manager"** means the City Manager of the City, or his or her designee responsible for coordinating Assessments as provided herein.

**"Collection Cost"** means the estimated cost to be incurred by the City during any Fiscal Year in connection with the administration and collection of Assessments.

**"Council"** means the City Council of the City of Naples.

**"Equivalent Residential Connection" or "ERC"** means a unit of measurement that approximates the average demand of an individually metered single-family residential dwelling unit as provided in Chapter 30, City Code of Ordinances.

**"Final Assessment Resolution"** means the resolution described in the Assessment Ordinance that confirms, modifies, or repeals this Initial Assessment Resolution for the Bembury Assessment Area.

**"Fiscal Year"** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

**"Project Cost"** means respectively (A) the Capital Cost of the Sanitary Sewer Collection System Improvements and/or Wastewater Treatment Capacity

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Improvements, (B) the Transaction Cost associated with Obligations issued to finance the Sanitary Sewer Collection System Improvements and/or Wastewater Treatment Capacity Improvements, (C) interest accruing on such Obligations for such period of time as the City deems appropriate, (D) the debt service reserve fund or account, if any, established for such Obligations, and (E) any other costs or expenses related thereto.

**"Property Appraiser"** means the Collier County Property Appraiser.

**"Sanitary Sewer Collection System Improvements" or "Sewer Collection Improvements"** shall be deemed a local improvement as such term is defined in the Assessment Ordinance, and means the wastewater collection facilities and ancillary capital improvements to be constructed by the City, including but not limited to, the acquisition, installation construction, retrofitting and provision of gravity lines, force mains, pump or lift stations and associated subdivision type infrastructure necessary to service the Bembury Assessment Area, together with land or easement acquisition costs, which will provide for collection of wastewater generated within the Bembury Assessment Area. The Sanitary Sewer Collection System Improvements do not include Wastewater Treatment Capacity Improvements.

**"State"** means the State of Florida.

**"Tax Parcel"** means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**"Tax Roll"** means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

**"Transaction Cost"** means the costs, fees and expenses incurred by the City in connection with the issuance and sale of any series of Obligations, including but not limited to (A) rating agency and other financing fees; (B) the fees and disbursements of bond counsel and special assessment counsel; (C) the underwriters' discount; (D) the fees and disbursements of the City's financial advisor; (E) the costs of preparing and printing the Obligations, the preliminary official statement, the final official statement, and all other documentation supporting issuance of the Obligations; (F) the fees payable in respect of any municipal bond insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; and (G) any other costs of a similar nature incurred in connection with issuance of such Obligations.

**"Uniform Assessment Collection Act"** means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

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**"Utility Service Area" or "Urban Service Area"** means the area within and outside the corporate limits of the City established by the City under the authority of Chapter 180, Florida Statutes, within which the City has the right, responsibility and obligation to provide water and wastewater services. The area outside of the corporate limits was initially described and authorized by City Ordinance 2698 dated June 15, 1977; a Basic Agreement by the City of Naples and Collier County dated October 16, 1977 with subsequent addendums, and the City of Naples Water and Wastewater Service Interlocal Service Boundary Agreement and Accord and Satisfaction dated February 24, 2009.

**"Utility System"** means the public wastewater utility system owned and operated by the City which provides central wastewater collection, treatment, and disposal facilities and services within the Utility Services Area.

**"Wastewater Treatment Capacity Improvements"** shall be deemed local improvements as such term is defined in the Assessment Ordinance, and means the wastewater transmission, treatment, disposal and reuse facilities and ancillary capital improvements that have been constructed or will be constructed by the City including, but not limited to, major transmission, treatment plant, and reuse disposal facilities, together with land or easement acquisition costs, which will receive, accommodate, treat and dispose of the additional wastewater generated by new users' growth. Wastewater Treatment Capacity Improvements do not include Sanitary Sewer Collection System Improvements.

**SECTION 1.03. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

**SECTION 1.04. FINDINGS.** It is hereby ascertained, determined and declared as follows:

- (A) The City has acquired and created the Utility System for the purpose of providing central wastewater collection, treatment, and disposal facilities and services within the Utility Service Area.
- (B) The presence and availability of the Utility System enhances and benefits the environment and the health, safety, and welfare of landowners and persons inhabiting the City, adjacent unincorporated areas and the Utility Service Area through the provision, inter alia, of municipally provided and professionally maintained central wastewater collection, treatment, disposal and reuse facilities and services.
- (C) The City has identified properties within the Utility Service Area which do

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not have central wastewater collection, treatment, disposal and reuse facilities and services available, and has initiated an expansion program for the Utility System with the intent to construct, in a series of phases to be determined from time to time, within geographic areas served by or capable of being served by the Utility System, in order to provide a sanitary sewer collection system to owners of vacant parcels and owners and users of parcels served by on-site sewage treatment and disposal systems including, but not limited to, septic tanks, based on funding availability and physical and economic feasibility.

- (D) The City is embarking upon the expansion of the Utility System to equitably, ecologically and economically manage the collection and disposal of wastewater and improve the water quality within and surrounding the Utility Service Area. The presence of the Utility System enhances and benefits the environment and the health, safety and welfare of landowners and persons inhabiting the Utility Service Area and removes environmental burdens created by inadequate, obsolete or poorly maintained on-site sewage treatment and disposal systems, and will serve to end the proliferation of on-site sewage treatment disposal systems.
- (E) The Council desires to create the Bembury Assessment Area to fund, in part, the construction of the proportionate share of the Sanitary Sewer Collection System Improvements therein and the proportionate share of the Wastewater Treatment Capacity Improvements the City has constructed or anticipates will be needed to serve the Bembury Assessment Area.
- (F) The City is authorized by the Act to provide water and wastewater capital improvements serving the Utility Service Area, and to provide for the imposition and collection of charges in the form of Assessments to fund, in whole or in part, the Project Costs associated with such improvements.
- (G) The Assessment Ordinance provides the procedure for establishing assessment areas within which to impose and collect special assessments to finance local improvements such as the Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements.
- (H) The development, construction, installation, delivery and funding of the Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements will improve the environmentally sound use and enjoyment of property located within the Bembury Assessment Area by providing a centralized means of collecting and disposing of treated wastewater generated within the Bembury Assessment Area through the Utility System in a manner that diminishes and relieves the

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environmental burdens created by less effective means of treating wastewater currently in use, thereby providing a special benefit to such property.

- (I) The development, construction, installation, delivery and funding of the Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements provides a special benefit to all property capable of development within the Bembury Assessment Area by facilitating the development and/or redevelopment of such property.
- (J) The development, construction, installation, delivery and funding of the Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements will immediately increase the available utility, value and enjoyment and use of every parcel served by reducing the area of land needed to facilitate the location of on-site sewage treatment facilities thereon, thereby providing a special benefit to such property.
- (K) The construction of Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements will make available and accommodate increased consumption and demand for wastewater collection, treatment and disposal from individual parcels through connection to the Utility System, thereby providing a special benefit to such property.
- (L) The Bembury Assessment Area is substantially composed of similarly sized platted single family dwelling lots which allow a relatively high level of certainty in the design and sizing of Sanitary Sewer Collection System Improvements required to serve the Bembury Assessment Area, regardless of the size of single family dwelling units located on or built thereon. Accordingly, it is fair and reasonable to use an equivalent residential connection method for computing Assessments to fund Sanitary Sewer Collection System Improvements within the Bembury Assessment Area based upon one (1) equivalent residential connection for each single family dwelling or subdivided residential building lot capable of development with a single family dwelling, regardless of the size of the dwelling unit or lot.
- (M) Unlike the relatively homogenous design and sizing requirements presented by platted single family dwelling lots, parcels capable of non-residential development may be developed more intensely. Accordingly, it is fair and reasonable to allocate multiple ERCs to non-residential parcels based upon the size of the water meter, as provided in the City Code, when computing Assessments for Sanitary Sewer Collection System Improvements.

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- (N) Parcels capable of multi-family development may also be developed more intensely. Accordingly, it is fair and reasonable to allocate multiple ERCs to multi-family parcels based upon the number of dwelling units authorized for development or actually constructed thereupon, such that multi-family parcels will be attributed one (1) ERC per dwelling unit when computing Assessments for Sanitary Sewer Collection Improvements.
- (O) The use of an equivalent residential connection method of computing Assessments to fund Wastewater Treatment Capacity Improvements within the Bembury Assessment Area based upon each parcel with a single family dwelling unit being attributed one (1) ERC is fair to impacted landowners who developed or purchased property before the advent of the provision and enforcement of mandatory connection of central wastewater collection and disposal facilities, but allows for the City to reasonably impose and adjust the amount of Assessments commensurate with the current and future treatment and disposal demand caused by substantial reconstruction or redevelopment of impacted parcels or new construction on vacant parcels to determine one (1) Equivalent Residential Connection and used to allocate the Assessment for Wastewater Treatment Capacity Improvements.
- (P) A substantial portion of the City's service area has been improved with residential dwellings, and approximately 1,400 parcels are connected to on-site sewage treatment and disposal systems, and it is fair and reasonable to develop an apportionment approach for Wastewater Treatment Capacity Improvements otherwise generally consistent with the City's method of imposing impact fees as provided in Chapter 30 of the City Code, but which takes into consideration the distinctions between improved parcels with existing dwelling units, the consequences of voluntary substantial reconstruction or redevelopment of improved parcels, and voluntary development of vacant or unimproved parcels capable of improvement.
- (Q) On March 19, 2014, Council adopted Resolution No. 14-13435 which, among other things, described the Bembury Assessment Area, the Sewer Collection Improvements and Wastewater Treatment Capacity Improvements, the estimated cost of such improvements, and the portion of such cost to be funded through Assessments. Such Resolution has been duly published.
- (R) In accordance with Resolution No. 14-13435, an assessment plat showing the Bembury Assessment Area, the plans and specifications for the Sewer Collection Improvements and Wastewater Treatment Capacity Improvements, and the cost estimate for such improvements are on file with the City Clerk and open for public inspection.

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- (S) The Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements by fairly and reasonably allocating the estimated Capital Cost and Project Cost to specially benefited property.

**ARTICLE II  
NOTICE AND PUBLIC HEARING**

**SECTION 2.01. ESTIMATED CAPITAL COST AND PROJECT COST.**

- (A) The estimated Capital Cost for the Sanitary Sewer Collection System Improvements allocated to the Bembury Assessment Area is \$1,415,048. The estimated Project Cost allocated to the Bembury Assessment Area for the Sanitary Sewer Collection System Improvements is \$1,769,665. The Project Cost identified herein will be substantially funded through the imposition of Assessments against property located in the Bembury Assessment Area in the manner set forth in Article III hereof.
- (B) The estimated Capital Cost for the Wastewater Treatment Capacity Improvements allocated to the Bembury Assessment Area is \$126,882. The estimated Project Cost allocated to the Bembury Assessment Area for the Wastewater Treatment Capacity Improvements is \$184,800. The Project Cost identified herein will be substantially funded through the imposition of Assessments against property located in the Bembury Assessment Area in the manner set forth in Article III hereof.

**SECTION 2.02. ASSESSMENT ROLL.**

- (A) A preliminary Assessment Roll has been prepared in the manner provided in the Assessment Ordinance for Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements.
- (B) The Assessment Roll shall be maintained on file in the offices of the City Manager and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each Tax Parcel can be determined by use of a computer terminal or internet access available to the public.

**SECTION 2.03. PUBLIC HEARING.** A public hearing will be conducted by the Council on June 11, 2014 at 11:00 a.m. at the City Council Chambers, 735 8th Street South, Naples, Florida, to consider imposition of the Assessments for Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements.



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**SECTION 2.04. NOTICE BY PUBLICATION.** The City Manager shall publish a notice of the public hearing authorized by Section 2.03 hereof in the manner set forth in the Assessment Ordinance; provided, however, that such notice shall be published twice, with each publication one week apart. The first publication shall occur at least twenty (20) days prior to the public hearing. Such notice shall be in substantially the form attached hereto as Appendix A.

**SECTION 2.05. NOTICE BY MAIL.** The City Manager shall, in the manner specified in the Assessment Ordinance, provide first class mailed notice of the public hearing authorized by Section 2.03 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll; provided, however, that such notice shall be mailed at least thirty (30) days prior to the public hearing. Such notice shall be in substantially the form attached hereto as Appendix B.

### **ARTICLE III ASSESSMENTS**

**SECTION 3.01. DESCRIPTION OF PROPOSED BEMBURY ASSESSMENT AREA.** The proposed Bembury Assessment Area shall include the area described in Appendix C attached hereto. The Bembury Assessment Area is proposed for the purpose of improving the sound environmental use and enjoyment of property and funding a portion of the costs associated with the provision of Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements benefiting property located therein. The balance of costs will be paid by the City. Certain parcels have been excluded from the Bembury Assessment Area because they are subject to a conservation easement which prevents future development. The Council may expand the Bembury Assessment Area to include additional parcels, including those currently subject to a conservation easement which become developable in the future, without further notice to the owners of the real property described in Appendix C, against which annual Assessments of the same amount and terms described herein will be imposed; provided however, that no such expansion shall increase the annual Assessment payable in respect of the property described in Appendix A or modify the terms thereof.

**SECTION 3.02. IMPOSITION OF ASSESSMENTS.** Assessments shall be imposed against property located within the Bembury Assessment Area, the annual amount and term of which shall be computed for each Tax Parcel in accordance with this Article III. When imposed, the Assessment for each Fiscal Year shall constitute a lien pursuant to the Assessment Ordinance upon the Tax Parcels located in the Bembury Assessment Area.

**SECTION 3.03. DETERMINATION OF EQUIVALENT RESIDENTIAL CONNECTIONS; APPORTIONMENT APPROACH.**

(A) In determining equivalent residential connections relative to Sanitary

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Sewer Collection System Improvements, it is fair and reasonable to take into consideration the relatively high level of certainty in the design and sizing of Sanitary Sewer Collection System Improvements required to serve the Bembury Assessment Area, regardless of the size of single family dwelling units located or built thereon. In contrast to the relatively homogenous wastewater collection design and sizing requirements presented by platted single family dwelling lots in the Bembury Assessment Area, any parcels capable of non-residential or multi-family development may be developed more intensely. Accordingly, it is fair and reasonable to allocate multiple ERCs to non-residential parcels based upon the size of the water meter and to attribute 1 ERC to each dwelling unit authorized for construction or actually constructed on multi-family parcels, as provided in Chapter 30 of the City Code, when computing Assessments for Sanitary Sewer Collection System Improvements.

- (B) For Sanitary Sewer Collection System Improvements, the number of equivalent residential connections for any Tax Parcel shall be determined as follows:
  - (1) All Tax Parcels with existing single family dwelling units thereon shall be determined to have one (1) ERC per dwelling unit regardless of size.
  - (2) All unimproved Tax Parcels constituting subdivided building lots or capable of improvement with single family dwelling units thereon shall constitute one (1) ERC.
  - (3) The applicable ERC determination for all Tax Parcels classified as non-residential pursuant to Chapter 30 of the City Code, as amended, if any, shall be based on the size of the water meter.
  - (4) Tax Parcels classified as multi-family shall be attributed one (1) ERC per dwelling unit authorized for construction or actually constructed on the parcel.
  
- (C) In determining equivalent residential connection relative to Wastewater Treatment Capacity Improvements, it is fair and reasonable to take into consideration the distinctions between the relative position of owners of improved parcels with existing dwelling units, owners choosing to undertake substantial reconstruction or redevelopment of improved parcels, and owners of vacant parcels or lots capable of future development. For Wastewater Treatment Capacity Improvements the number of equivalent residential connections for any Tax Parcel shall be determined as follows:
  - (1) Tax Parcels improved with a single family dwelling with a 5/8" or 3/4"

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- water meter shall be the benchmark for one (1) ERC as provided in Chapter 30 of the City Code.
- (2) All Tax Parcels with existing single family dwelling units thereon as of June 4, 2014, shall be determined to have one (1) ERC per dwelling unit regardless of the meter size.
  - (3) All unimproved Tax Parcels shall constitute a minimum of one (1) ERC, subject to adjustment upon improvement.
  - (4) All unimproved Tax Parcels constituting subdivided building lots shall constitute one (1) ERC, subject to adjustment upon improvement.
  - (5) Subsequent to June 11, 2014, Tax Parcels improved with a single family dwelling of 5/8" or 3/4" water meter shall be determined as having one (1) ERC; and the ERC determination shall thereafter increase according to the increase in size of the water meter as provided in Chapter 30 of the City Code.
  - (6) The redevelopment or reconstruction of a Tax Parcel with a single family dwelling existing thereon as of June 11, 2014 may result in an increase in the number of ERCs attributed to such Tax Parcel based on the size of the water meter and as provided in Chapter 30 of the City Code.
  - (7) Any increase in ERCs represents an increased demand for Wastewater Treatment Capacity Improvements and must be paid in cash to the City at the time a building permit is issued.
  - (8) Vacant or unimproved Tax Parcels subject to an Assessment for Wastewater Treatment Capacity Improvements shall not be also subject to a wastewater impact fee imposed by Chapter 30 of the City Code, as amended.
- (D) Property located within the Bembury Assessment Area will be subject to Assessments for Sanitary Sewer Collection System Improvements at a rate of \$21,982 per ERC for single family, multi-family and commercial development.
- (E) Property located within the Bembury Assessment Area will be subject to Assessments for Wastewater Treatment Capacity Improvements at a rate of \$2,394 per ERC for single family, multi-family and commercial development.

**SECTION 3.04. COMPUTATION OF ASSESSMENTS.** Assessments for

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Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements will be collected over a period not to exceed twenty (20) years, which are anticipated to commence with the ad valorem tax bill issued in November 2015. The Assessments for Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements will be computed for each Tax Parcel in the manner set forth in Section 3.03. Such Assessments shall include Collection Costs and may be increased as necessary to account for the maximum statutory discount for early payment of ad valorem taxes and non-ad valorem assessments.

**SECTION 3.05. PREPAYMENT OF ASSESSMENTS.**

- (A) The Assessment imposed against any parcel of property to fund Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements shall be subject to prepayment at the option of the property owner, as follows:
  - (1) Prior to the issuance of Obligations, the City Manager shall provide first class mailed notice to the owner of each parcel of property subject to the Assessment of the City Council's intent to issue such Obligations. On or prior to the date specified in such notice (which shall not be earlier than the fifteenth day following the date on which the notice is delivered to the possession of the U.S. Postal Service), or such later date as the City Council may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall be entitled to prepay the total Assessment obligation. The amount of such prepayment shall be respectively computed for Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements by (1) dividing the number of ERCs attributable to such Tax Parcel by the total number of ERCs attributable to Tax Parcels within the Bembury Assessment Area, and (2) multiplying the result by the estimated Capital Cost of the respective Sanitary Sewer Collection System Improvements and Wastewater Treatment Capacity Improvements.
  - (2) Following the date specified in the notice provided pursuant to Section 3.05(A)(1) hereof, or such later date as the City Council may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall be entitled to prepay the total remaining Assessment upon payment of an amount equal to the sum of (a) such parcel's share of the principal amount of Obligations then outstanding, (b) the premium associated with redemption of such parcel's share of the principal amount of Obligations then outstanding, if any, and (c) interest on such parcel's share of the principal amount of Obligations then

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outstanding plus one full percentage point, from the most recent date to which interest has been paid to the next date following such prepayment on which the City can redeem Obligations after providing all notices required by the ordinance or resolution authorizing issuance of such Obligations; provided however, that during any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the City may reduce the amount required to prepay the Assessments imposed against any parcel of property by the amount of the Assessment certified for collection with respect to such parcel.

(B) At the City's election, the Assessment imposed against any parcel of property may be subject to acceleration and mandatory prepayment if at any time a tax certificate has been issued and remains outstanding in respect of such property. In such event, the amount required for mandatory prepayment shall be the same as that required for an optional prepayment authorized by Section 3.06(A) hereof.

(C) The amount of all prepayments computed in accordance with this Section 3.05 shall be final. The City shall not be required to refund any portion of a prepayment if (1) the Capital Cost is less than the amount upon which such prepayment was computed, or (2) annual Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

**SECTION 3.07. ADJUSTMENT AFTER PREPAYMENT UPON SUBSTANTIAL IMPROVEMENT OF TAX PARCEL.** In the event any Assessment is prepaid for any Tax Parcel, or portion thereof, and the Tax Parcel is subsequently developed or reconstructed with more equivalent residential connections than attributed at the time of prepayment, the owner of the Tax Parcel shall then be subject to an adjustment in the Assessment for each additional ERC, or fraction thereof, and shall pay such additional amount to the City in cash at the time a building permit is issued. Such adjustment shall be computed in accordance with the most recent Annual Assessment Resolution for the subject Assessment, without any other credit, refund, recalculation or reapportionment, so that the proceeds from such additional Assessments are available to the City to additionally apply to payment of applicable Obligations or otherwise retire the Project Cost.

**ARTICLE IV  
GENERAL PROVISIONS**

**SECTION 4.01. METHOD OF COLLECTION.** The Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

**SECTION 4.02. ALTERNATIVE METHOD.** This Resolution shall be deemed

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to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to other powers conferred by law, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Resolution, being necessary for the health, safety and welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

**SECTION 4.03. SEVERABILITY.** If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 4.04. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.


**PASSED AND ADOPTED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 16<sup>TH</sup> DAY OF APRIL, 2014.**

Attest:

  
\_\_\_\_\_  
Patricia L. Rambosk, City Clerk

  
\_\_\_\_\_  
John F. Sorey III, Mayor

Approved as to form and legality:

  
\_\_\_\_\_  
Robert D. Pritt, City Attorney

M:\REF\COUNCIL\RES\2014\14-13449

Date filed with City Clerk: 4.18.14

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**APPENDIX A**  
**FORM OF PUBLISHED NOTICE**

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**CITY OF NAPLES, FLORIDA  
NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF NON-AD  
VALOREM ASSESSMENTS IN THE ASSESSMENT AREA CONSISTING OF PROPERTIES  
ALONG BEMBURY DRIVE, 13TH AND 14TH AVENUE N., AND 15TH STREET N.**

**[INSERT MAP OF BEMBURY ASSESSMENT AREA]**

Notice is hereby given that the City Council of the City of Naples, Florida (the "City") will conduct a public hearing to consider imposition and collection of special assessments within the Bembury Assessment Area, as shown above, to fund a portion of the costs associated with the construction of sanitary sewer collection system and wastewater treatment capacity improvements serving such area. The balance of costs will be paid by the City. The Bembury Assessment Area is located within the utility service area established by City Ordinance No. 2698 and interlocal agreement between the City and Collier County. The hearing will be held at 11:00 a.m. on June 11, 2014, in the City Council Chambers, 735 8th Street South, Naples, Florida, for the purpose of receiving public comment on the proposed assessment area, special assessments and improvements. All affected property owners have a right to appear at the hearing and to file written objections with the City Council prior to or during the public hearing. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk at City Hall, 735 8th Street South, Naples, Florida, at least forty-eight (48) hours prior to the date of the hearing.

The assessment for each parcel of property will be based upon the total number of equivalent residential connections attributed to each parcel on the date the assessment is imposed. A more specific description of the improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the City Council on April 16, 2014. Copies of the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at the office of the City Clerk. Each property to be assessed and the amount to be assessed to each parcel may be ascertained at the office of the City Clerk

Commencing in November 2015, the assessments are anticipated to be collected on the ad valorem tax bill by the Collier County Tax Collector, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. Unless paid in advance, the City Council intends to collect the assessments in twenty (20) annual installments.

If you have any questions, please contact the Finance Director at 239-213-1812.

CITY COUNCIL OF NAPLES, FLORIDA

[To be published twice, one week apart,  
the first publication at least twenty days before the public hearing]



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**APPENDIX B**  
**FORM OF MAILED NOTICE**

**Resolution 14-13449**

[CITY OF NAPLES LETTERHEAD]

\_\_\_\_\_, 2014

[Property Owner Name]  
[Street Address]  
[City, State and zip]

Re: Parcel Number [Insert Number]  
Property Address [Insert]  
Assessment for Sanitary Sewers

Dear Property Owner:

The City Council of the City of Naples, Florida (the "City") is considering the imposition of special assessments to pay for sanitary sewer collection system improvements and wastewater treatment capacity improvements in the Bembury Assessment Area consisting of properties along Bembury Drive, 13th and 14th Avenue North, and 15th Street North, including the parcel referenced above. The Bembury Assessment Area is located within the utility service area established by City Ordinance No. 2698 and interlocal agreement between the City and Collier County. In the event such charges are not prepaid, the City Council will impose an annual non-ad valorem assessment on such properties in order to fund a portion of the costs of constructing such improvements. The balance of costs will be paid by the City. The total revenue to be collected by the City through non-ad valorem assessments is estimated to be \$1,954,465, together with other costs associated with financing and collection of the assessments.

The assessment for each improved parcel of property will be based on the total number of "equivalent residential connection" units or ERCs as of the date the assessment is imposed. A more specific description of the assessment program including a description of the Bembury Assessment Area is included in the Initial Assessment Resolution adopted by the City Council on April 16, 2014. Copies of the Initial Assessment Resolution and the preliminary assessment roll are available for your review at the offices of the City Clerk at City Hall, 735 8th Street South, Naples, Florida. Information regarding the assessment for your specific property, including the number of ERCs, is attached to this letter.

The City intends to issue debt obligations to finance construction of the improvements over time. This will permit the cost attributable to your property to be amortized over a period not to exceed twenty (20) years. However, you may choose to prepay the special assessment and avoid interest and financing costs. If the assessments are imposed, you will receive a separate notice of the date and place for optional prepayment. If you do not choose to prepay your assessment, the amount necessary to pay your assessment in full will be increased by your share of the financing cost (financing costs, capitalized interest and reserve account).

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The annual assessment will include your share of the principal, interest, and amounts related to collection of the assessments. The maximum annual assessment is estimated to be \$1,669 per ERC for Sanitary Sewer Line Collection System Improvements and \$174 per ERC for Wastewater Treatment Capacity Improvements. However, the actual annual assessment cannot be determined until the obligations are issued. The City intends to include annual assessments on your ad valorem tax bill with the first payment on the bill to be mailed in November 2015. Failure to pay your assessments will cause a tax certificate to be issued against the property which may result in a loss of title. As well, each assessment will be subject to mandatory prepayment of the balance due upon the transfer of title to your property.

The City Council will hold a public hearing at 11:00 a.m. on June 11, 2014, at the City Council Chambers, 735 8th Street South, Naples, Florida, for the purpose of receiving comments on the proposed improvement area and the assessments, including collection on the ad valorem tax bill. You are invited to attend and participate in the public hearing or to file written objections with the City Manager at any time prior to or during the public hearing.

[The Bembury Assessment Area is located within the Utility Service Area established by City Ordinance No. 2698 pursuant to Chapter 180, Florida Statutes. You are hereby notified that connection of your property to the City's wastewater utility system is mandatory, that availability of the utility system to your property is estimated to occur in 2014 and that you will have 365 days from that date to connect your property to the utility system.]

If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the City Clerk at least forty-eight (48) hours prior to the date of the hearing.

If you have any questions, please contact the Finance Director at 239-213-1812.

CITY COUNCIL OF NAPLES, FLORIDA

[To be mailed at least thirty days prior to the public hearing]

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Bembridge Assessment Area

[Property Owner Name]  
Parcel Number [Insert Number]  
Property Address [Insert if Available]

Sanitary Sewer Collection System ERCs attributed to property: [Insert Number]  
Waste Water Treatment ERCs attributed to property: [Insert Number]

Amount to make full payment before obligations are issued:  
(no post construction financing cost)

Sanitary Sewer Collection System Improvements: \$ \_\_\_\_\_  
Wastewater Treatment Capacity Improvements: \$ \_\_\_\_\_  
TOTAL: \$ \_\_\_\_\_

Prepayment amount after bonds are issued (includes financing cost):\*

Sanitary Sewer Collection System Improvements: \$ \_\_\_\_\_  
Wastewater Treatment Capacity Improvements: \$ \_\_\_\_\_  
TOTAL: \$ \_\_\_\_\_

Number of annual payments: 20  
Maximum annual payment:

\_\_\_\_\_

\* This amount will be reduced after each annual payment.

\*\*\*\*\* SEND NO MONEY NOW. THIS IS NOT AN INVOICE.\*\*\*\*\*

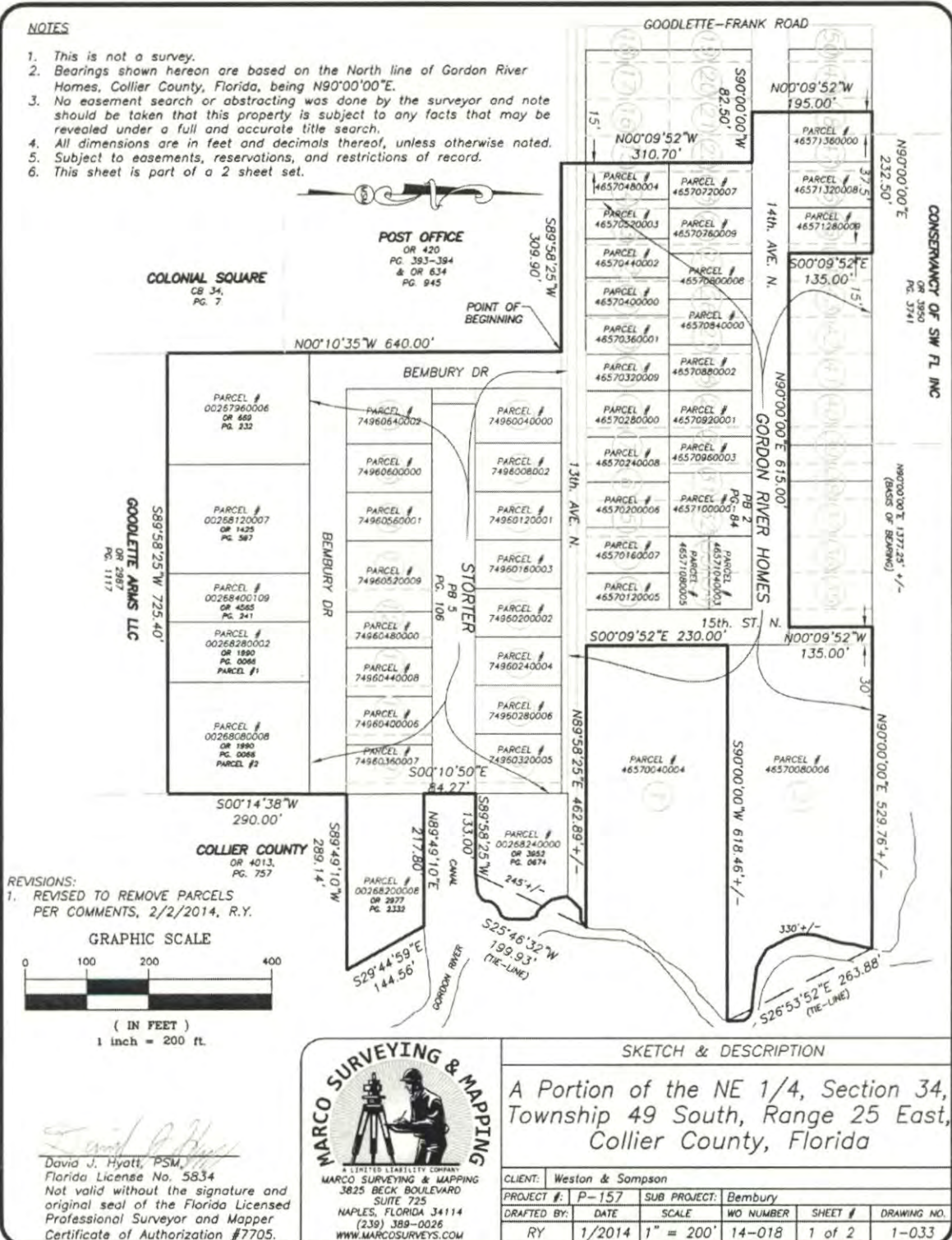
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**APPENDIX C**  
**DESCRIPTION OF BEMBURY ASSESSMENT AREA**

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**NOTES**

1. This is not a survey.
2. Bearings shown hereon are based on the North line of Gordon River Homes, Collier County, Florida, being N90°00'00"E.
3. No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed under a full and accurate title search.
4. All dimensions are in feet and decimals thereof, unless otherwise noted.
5. Subject to easements, reservations, and restrictions of record.
6. This sheet is part of a 2 sheet set.



**REVISIONS:**  
 1. REVISED TO REMOVE PARCELS PER COMMENTS, 2/2/2014, R.Y.

**GRAPHIC SCALE**  
 0 100 200 400  
 ( IN FEET )  
 1 inch = 200 ft.

**MARCO SURVEYING & MAPPING**  
 A LIMITED LIABILITY COMPANY  
 MARCO SURVEYING & MAPPING  
 SUITE 725  
 NAPLES, FLORIDA 34114  
 (239) 389-0026  
 WWW.MARCOSURVEYS.COM

**SKETCH & DESCRIPTION**  
 A Portion of the NE 1/4, Section 34, Township 49 South, Range 25 East, Collier County, Florida

CLIENT:	Weston & Sampson				
PROJECT #:	P-157	SUB PROJECT:	Bembury		
DRAFTED BY:	DATE	SCALE	WO NUMBER	SHEET #	DRAWING NO.
RY	1/2014	1" = 200'	14-018	1 of 2	1-033

*David J. Hyatt*  
 David J. Hyatt, PSU  
 Florida License No. 5834  
 Not valid without the signature and original seal of the Florida Licensed Professional Surveyor and Mapper Certificate of Authorization #7705.


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*Description*

*Being a portion of the Northeast 1/4 of Section 34, Township 49 South, Range 25 East, also being all of Storter Subdivision as Recorded in Plat Book 5 at Page 106 of the Public Records of Collier County, Florida and also being a portion of Gordon River Homes as Recorded in Plat Book 2, Page 84 of the Public Records of Collier County, Florida*

*Beginning at the Northwest corner of Storter Subdivision as Recorded in Plat Book 5 at Page 106 of the Public Records of Collier County, Florida said point also being also being the intersection of the westerly right of way line of Bembury Drive and the southerly right of way line of 13th Avenue North, from said POINT OF BEGINNING run South 89°58'25" West, along the southerly right of way line of 13th Avenue North, for a distance of 309.90 feet to it's intersection with the southerly projection of the westerly line of the East 15.00 feet of Lots 15 and 22, of Gordon River Homes as Recorded in Plat Book 2, Page 84 of the Public Records of Collier County, Florida; thence run North 00°09'52" West, along the westerly line of the East 15.00 feet of Lots 15 and 22 of said Gordon River Homes and it's southerly projection, for a distance of 310.70 feet; thence run South 90°00'00" West, along the southerly right of way line of 14th Avenue North, for a distance of 82.50 feet, to it's intersection with the southerly projection of the westerly line of the East 37.5 feet of Lot 48 of said Gordon River Homes; thence run North 00°09'52" West, along the westerly line of the East 37.5 feet of Lot 48 of said Gordon River Homes and its southerly projection, for a distance of 195.00 feet to it's intersection with the northerly line of said Gordon River Homes; thence run North 90°00'00" East, along the northerly line of said Gordon River Homes, for a distance of 232.50 feet to the northeasterly corner of the West 15 feet of Lot 44 of said Gordon River Homes; thence run South 00°09'52" East, along the East line of the West 15 feet of Lot 44 of said Gordon River Homes, for a distance of 135.00 feet to its intersection with the northerly right of way line of 14th Avenue North; thence run North 90°00'00" East, along the northerly right of way of 14th Avenue North and its easterly projection, for a distance of 615.00 feet to the southwest corner of the East 30.00 feet of the vacated north 135.00 feet of 15th Street North; thence run North 00°09'52" West, along the West line of the East 30.00 feet of the vacated north 135.00 feet of 15th Street North for a distance of 135.00 feet, to it's intersection with the northerly line of said Gordon River Homes; thence run North 90°00'00" East, along the northerly line of said Gordon River Homes, for a distance of 529.76 feet more or less, to its intersection with the Mean High Water line of the westerly shoreline of the Gordon River; thence run southerly, along the meanderings of the Mean High Water line of the Gordon River also being the easterly line of lot 2 of said Gordon River Homes for a distance of 330 feet more or less to its intersection with the southerly line of said lot 2; thence run South 90°00'00" West, along the southerly line of Lot 2 of said Gordon River Homes for a distance of 618.46 feet more or less to its intersection with the easterly right of way line of 15th Street North; thence run South 00°09'52" East, along the easterly right of way line of said 15th Street North, for a distance of 230.00 feet, to the southwesterly corner of Lot 1 of said Gordon River Homes; thence run North 89°58'25" East, along the southerly line of Lot 1 of said Gordon River Homes, for a distance of 462.89 feet more or less, to it's intersection with the Mean High Water line of the westerly shoreline of the Gordon River; thence run southerly, along the meanderings of the Mean High Water line of the Gordon River and the easterly line of those lands described in Official Records Book 3952 at Pages 0674 and 0675 of the Public Records of Collier County, Florida for 245 feet more or less to it's intersection with the easterly projection of the northerly right of way line of the Canal as shown on the Plat of said Storter Subdivision; thence run South 89°58'25" West, along the southerly line of said described lands, for a distance of 133.00 feet to the easterly line of said Storter Subdivision; thence run South 00°10'58" East, along the easterly line of said Storter Subdivision, for a distance of 84.27 feet, to the northwesterly corner of those lands described in Official Records Book 2977 at Pages 2332 and 2333 of the Public Records of Collier County, Florida; thence run North 89°49'10" East, along the northerly line of said described lands, for a distance of 217.80 feet; thence run South 29°44'59" East, along the easterly line of said described lands, for a distance of 144.56 feet; thence run South 89°49'10" West, along the southerly line of said described lands, for a distance of 289.14 feet to the southwesterly corner of said described lands and a point on the easterly line of said Storter Subdivision; thence run South 00°14'38" West, along the east line of said Storter Subdivision and its southerly projection, for a distance of 290.00 feet to it's intersection with the south line of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 34 and the Southeast corner of those lands described as Parcel 2, in Official Records Book 1990 at Page 0066 through 0070, of the Public Records of Collier County, Florida; thence run South 89°58'25" West, along the south line of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 34, for a distance of 725.40 feet to the Southwest corner of those lands described in Official Records Book 669 at Page 232 of the Public Records of Collier County, Florida; thence run North 00°10'35" West, along the westerly line of said described lands and the westerly line of said Storter Subdivision, for a distance of 640.00 feet to the Point of Beginning;*

*Containing 994,376.03 square feet or 22.83 acres more or less.*

	SKETCH & DESCRIPTION					
	A Portion of the NE 1/4, Section 34, Township 49 South, Range 25 East, Collier County, Florida					
CLIENT:	Weston & Sampson					
PROJECT #:	P-157	SUB PROJECT:	Bembury			
DRAFTED BY:	RY	DATE:	1/2014	SCALE:	N/A	WO NUMBER: 14-018
						SHEET #: 2 of 2
						DRAWING NO.: 1-033