

RESOLUTION NO. 09- 25

A RESOLUTION OF THE CITY COUNCIL OF MARCO ISLAND, FLORIDA, RELATING TO THE EAST WINTERBERRY (NORTH) ASSESSMENT AREA; AMENDING THE BOUNDARIES OF THE EAST WINTERBERRY (NORTH) ASSESSMENT AREA TO REFLECT THE TRANSFER OF CERTAIN TAX PARCELS OUT OF SUCH ASSESSMENT AREA AND INTO THE MACKLE PARK ASSESSMENT AREA; RATIFYING AND CONFIRMING CITY RESOLUTION NOS. 08-42 AND 08-45 IN ALL OTHER RESPECTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution of the City of Marco Island, Florida (the "City") is adopted pursuant to City Ordinance No. 99-1 (as amended from time to time and codified in the City Code in Sections 2-281 through 2-379, the "Assessment Ordinance"), City Resolution No. 08-42 (the "Initial Assessment Resolution") and 08-45 (the "Final Assessment Resolution," and together with the Initial Assessment Resolution, the "Assessment Resolutions") and other applicable provisions of law.

SECTION 2. DEFINITIONS. All capitalized terms in this Resolution shall have the meanings defined in the Assessment Ordinance and the Initial Assessment Resolution.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared that:

(A) The findings provided in Section 1.03 of the Initial Assessment Resolution are hereby ratified, confirmed, and incorporated as if set forth fully herein.

(B) The City Council adopted the Assessment Resolutions to establish the East Winterberry (North) Assessment Area and impose Assessments against real property located therein to fund construction of Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements providing a special benefit to such real property.

(C) Since adoption of the Assessment Resolutions, the City's consulting engineers have determined that twelve Tax Parcels (the "Transfer Parcels") which were originally included in the East Winterberry (North) Assessment Area would be better served by inclusion in the Mackle Park Assessment Area established by City Resolution Nos. 07-57 and 07-64. A description of the real property comprising the Transfer Parcels is attached hereto as Appendix A.

(D) Pursuant to resolution adopted on even date herewith, the City Council has taken the actions required by the Assessment Ordinance and the Assessment Resolutions to transfer the Transfer Parcels out of the East Winterberry (North) Assessment Area and into the Mackle Park Assessment Area.

(E) This Resolution is adopted in order to amend the boundaries of the East Winterberry (North) Assessment Area to reflect transfer of the Transfer Parcels into the Mackle Park Assessment Area.

SECTION 4. AMENDED BOUNDARIES OF THE EAST WINTERBERRY (NORTH) ASSESSMENT AREA; RATIFICATION AND CONFIRMATION OF THE ASSESSMENT RESOLUTIONS.

(A) The boundaries of the East Winterberry (North) Assessment Area are hereby amended to reflect transfer of the Transfer Parcels into the Mackle Park Assessment Area.

(B) Accordingly, Appendix C of the Initial Assessment Resolution describing the East Winterberry (North) Assessment Area is hereby supplanted by Appendix B hereto.

(C) Except as otherwise provided herein, the Assessment Resolutions are ratified and confirmed and remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

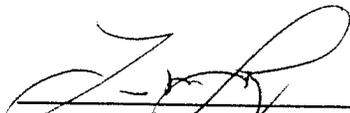
DULY ADOPTED this 3rd day of August, 2009.

**CITY COUNCIL OF MARCO ISLAND,
FLORIDA**

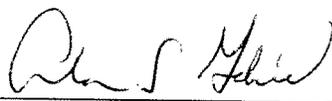
By: 
Robert J. Popoff, Chairman

(SEAL)

ATTEST:


Laura M. Litzan, City Clerk

Approved as to Form:


Alan L. Gabriel, City Attorney
Weiss Serota Helfman Pastoriza Cole &
Boniske, P.L.

APPENDIX A

TRANSFER PARCELS

Marco Beach Unit 8, Block 295, Lots 11-17; Block 297, Lots 2-7 as recorded in Plat Book 6
Page 67 of the Public Records of Collier County, Florida.

APPENDIX B

DESCRIPTION OF EAST WINTERBERRY (NORTH) ASSESSMENT AREA

Marco Beach Unit 8, Block 297, Lot 1; Block 298, Lots 1-21; Block 299, Lots 1-20; Block 300, Lots 1-16; Block 301, Lots 1-17; as recorded in Plat Book 6, Page 67 of The Collier County Public Records.

Marco Beach Unit 8, Block 302, Lots 1-27; as recorded in Plat Book 6, page 68 of The Collier County Public Records.

