RESOLUTION NO. 09-16

A RESOLUTION OF THE CITY COUNCIL OF MARCO ISLAND, FLORIDA, PROVIDING FOR THE EXPANSION OF THE MACKLE PARK ASSESSMENT AREA TO INCLUDE TWELVE ADDITIONAL TAX PARCELS; DETERMINING THAT SUCH TAX PARCELS WILL BE SPECIALLY BENEFITED BY THE DELIVERY OF CERTAIN WASTEWATER IMPROVEMENTS; RATIFYING AND CONFIRMING CITY RESOLUTION NOS. 07-57 AND 07-64 WHICH CREATED THE MACKLE PARK ASSESSMENT AREA AND PROVIDED FOR THE IMPOSITION OF SPECIAL ASSESSMENTS AGAINST REAL PROPERTY THEREIN; PROVIDING FOR NOTICE TO AFFECTED PROPERTY OWNERS; 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 Nos. 07-57 (the "Initial Assessment Resolution") and 07-64 (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 Assessment Resolutions.

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 Assessment Resolutions established the Mackle Park Assessment Area and imposed 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) The Initial Assessment Resolution described the real property located within the Mackle Park Assessment Area and provided that the City Council may expand such Assessment Area to include additional real property against which annual Assessments of the same amounts and terms described therein will be imposed.

(D) 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 established by City Resolution Nos. 08-41 and 08-46 would be better served by inclusion in the Mackle Park Assessment Area. A description of the Transfer Parcels is attached hereto as Appendix A.

(E) The Transfer Parcels will receive certain benefits by inclusion in the Mackle Park Assessment Area including cost savings and earlier availability of centralized wastewater service.

(F) Notice of a public hearing to consider the addition of the Transfer Parcels to the Mackle Park Assessment Area is required by the terms of the Assessment Ordinance and Assessment Resolutions.

(G) The authority of the City to establish the Mackle Park Assessment Area and expand such area to include additional Tax Parcels, to deliver Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements therein and provide for the funding thereof through the imposition of Assessments against specially benefitted property, the Assessment Ordinance, the Assessment Resolutions and all matters in connection therewith have been validated by Final Judgment of the Circuit Court in and for Collier County, Case No. 08-4002-CA.

(H) The legislative determinations contained in the Assessment Resolutions concerning (1) the special benefit to be conveyed by the Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements, and (2) the fairness and reasonableness of the apportionment methodology are hereby determined to apply to the Transfer Parcels.

SECTION 4. PUBLIC HEARING. A public hearing will be conducted by the City Council at 5:30 p.m. on August 3, 2009, at the Community

Meeting Room, 51 Bald Eagle Drive, Marco Island, Florida, to consider inclusion of the Transfer Parcels within the Mackle Park Assessment Area. The City Manager is hereby authorized and directed to publish notice of the public hearing and provide mailed notice of the public hearing to the respective owners of the Transfer Parcels, at the time and in the manner specified in the Assessment Ordinance and the Assessment Resolutions.

SECTION 5. RATIFICATION AND CONFIRMATION OF THE ASSESSMENT RESOLUTIONS. Except as otherwise provided herein, the Assessment Resolutions are ratified and confirmed and remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 15th day of June, 2009.

CITY COUNCIL OF MARCO ISLAND, FLORIDA

By: _____
Robert J. Popoff, Chairman

(SEAL)

ATTEST:

_____
Laura M. Litzan, City Clerk

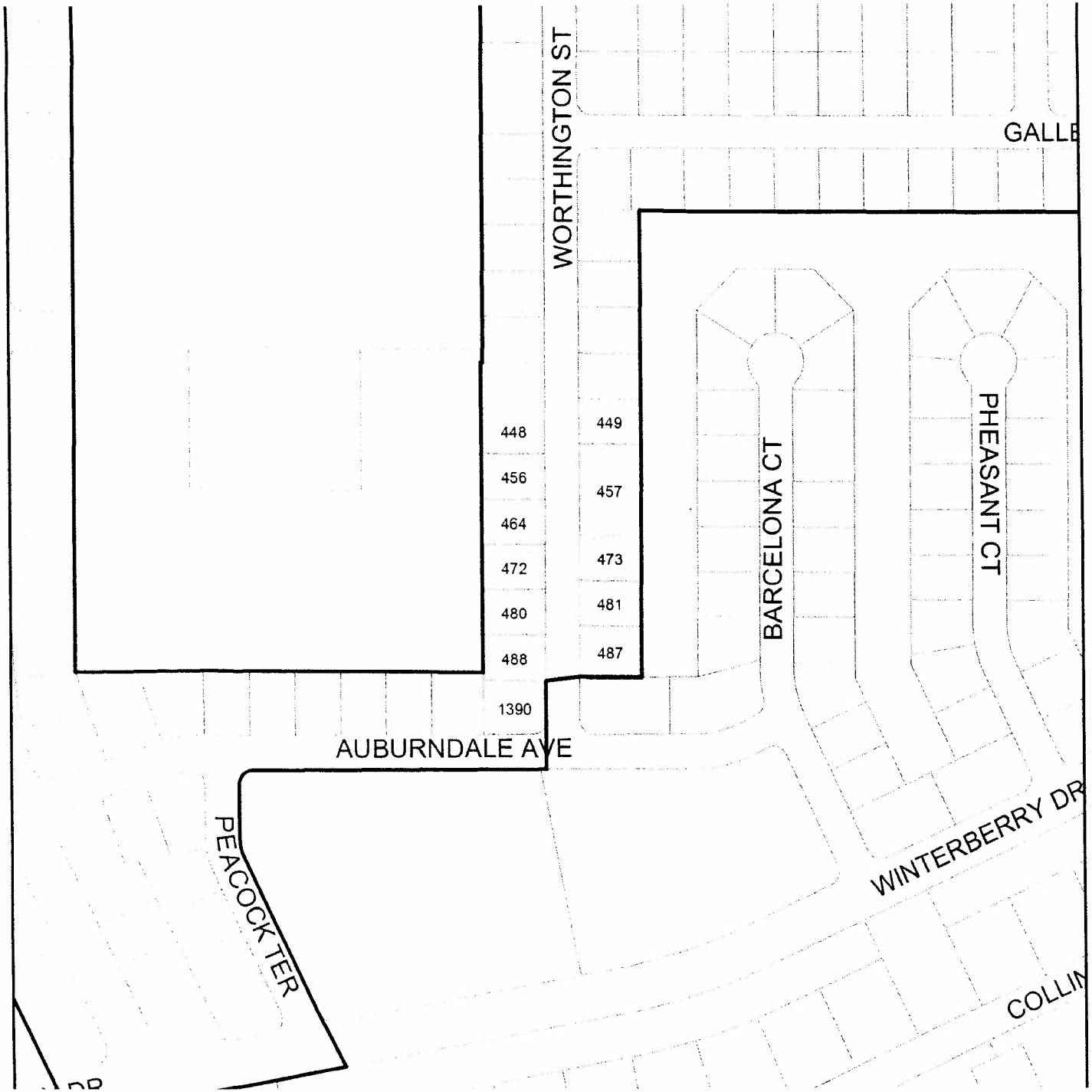
Approved as to Form:

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

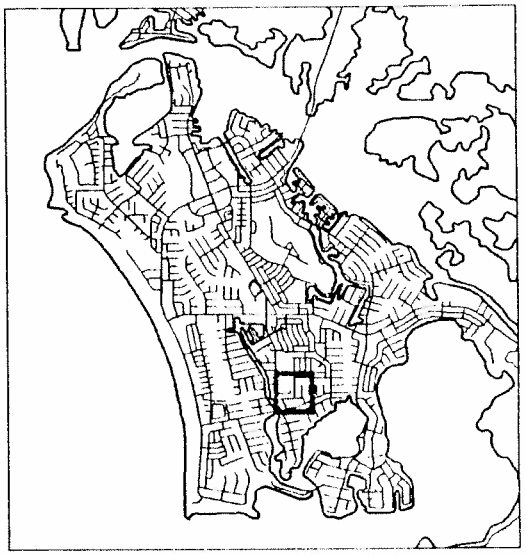
APPENDIX A

TRANSFER PARCELS

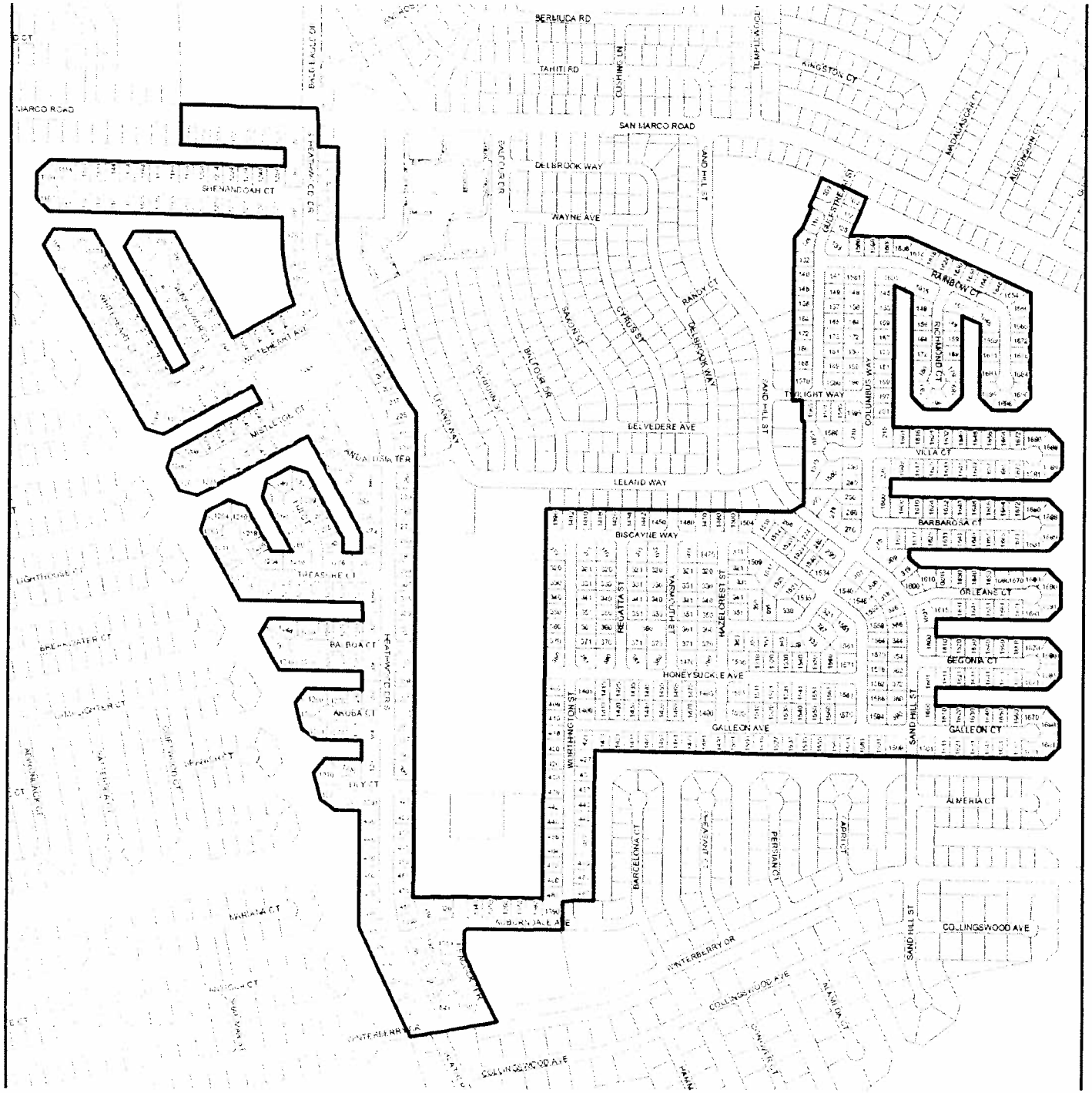
Marco Beach Unit 8, Block 295, Lots 11-17; Block 297, Lots 2-7 as recorded in Plat Book 6 Page 67 of the Public Records of Collier County, Florida.



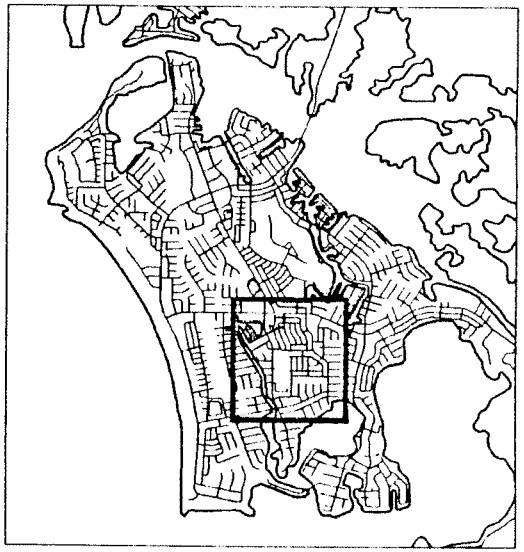
MACKLE PARK-3 ASSESSMENT AREA



City of Marco Island
Community Development Department
GIS Section
50 Bald Eagle Drive
Marco Island, FL 34145
(239) 389-5000



EXPANDED MACKLE PARK ASSESSMENT AREA



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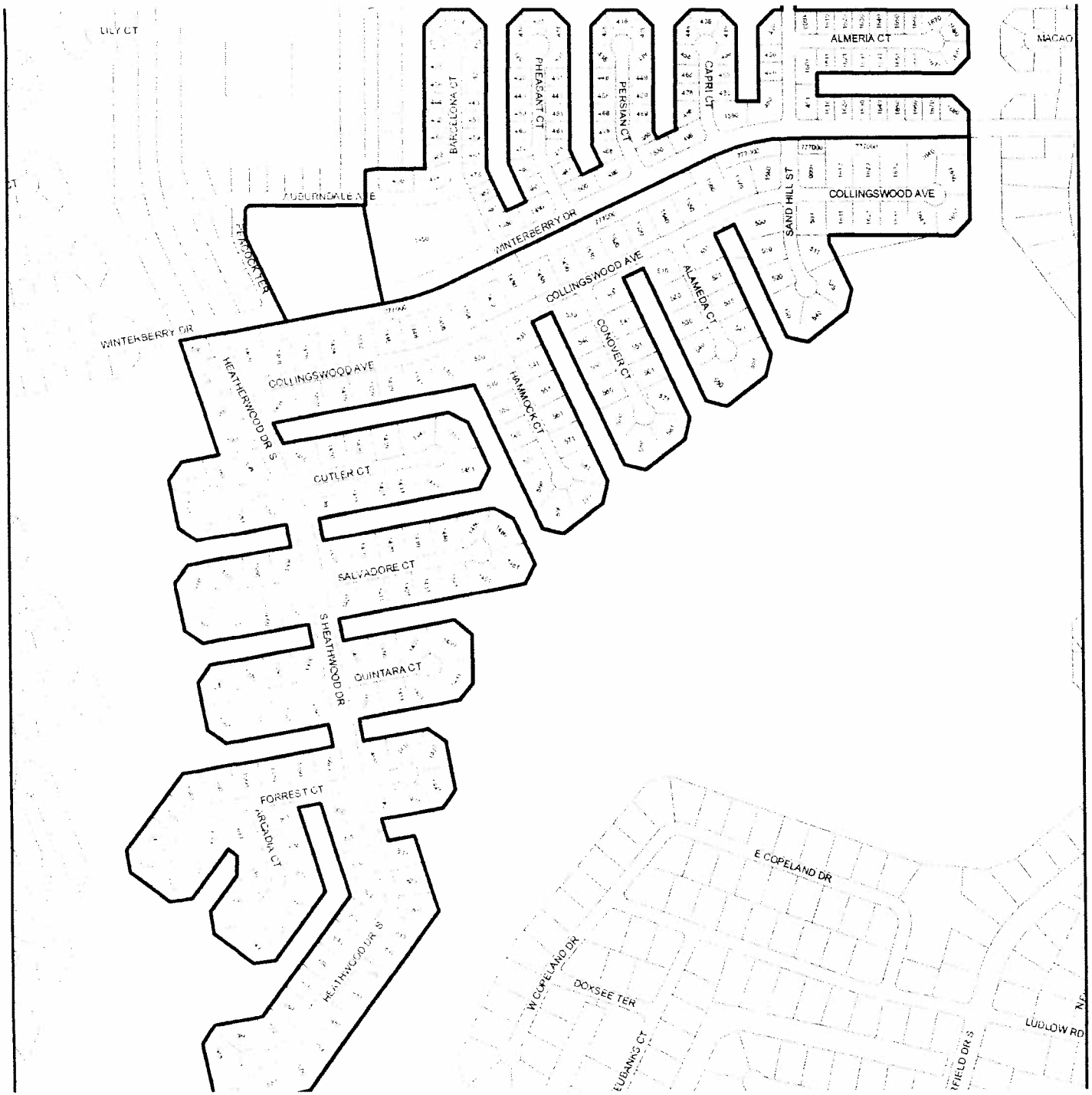
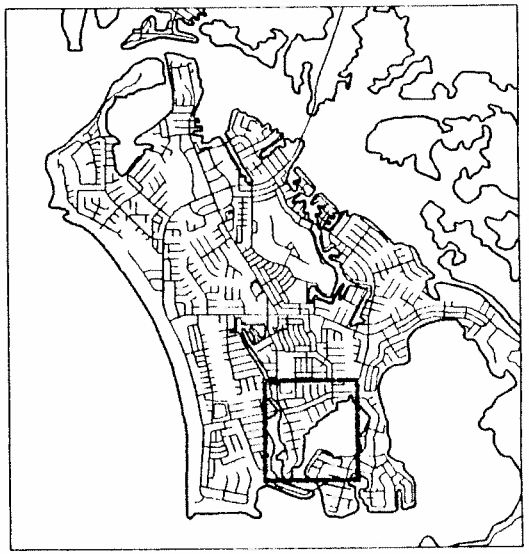


AMENDED EAST WINTERBERRY ASSESSMENT AREA



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