

ROAD IMPROVEMENT PETITION PROCESS

SUBJECT: The following outline is provided to guide property owners through the process of requesting the City of Bonita Springs to upgrade unimproved street to current paved street conditions.

PHASE 1: PROPERTY OWNER REQUEST FOR STREET IMPROVEMENT

Property owners who represent 65% or more of the owners of street frontage where street improvements are requested shall submit a petition (Note: sample petition is attached) to the City Manager describing the requested street improvements and requesting preliminary investigations.

PHASE 2: CITY STAFF EVALUATION AND REPORT OF PROPOSED STREET IMPROVEMENT

Upon receipt of a petition requesting a specific street improvement, City staff shall evaluate the petition, review street conditions and prepare a report to City Council including the following items:

1. Street improvement description and general scope of improvements.
2. Legal description of benefitting area.
3. Preliminary R/W review and status of dedications.
4. Preliminary description and range of cost for specific improvements to include but not limited to the following:
 - a) Drainage conditions and requirements.
 - b) Special permitting requirements.
 - c) Subgrade, base, and pavement requirements.
 - d) Driveway treatments.
 - e) Traffic Control features.
 - f) Project Overhead (Engineering/Surveying/Mobilization/etc.).
 - g) Project financing.
 - h) Assessment information.
5. Recommendation for Project implementation.

PHASE 3: CITY COUNCIL REVIEW OF STREET IMPROVEMENT

In public session, the City Council shall review and consider the street improvement petition, the alternatives for implementation and give direction to City staff for additional action and/or preliminary project development.

PHASE 4: PRELIMINARY PROJECT DEVELOPMENT BY CITY

Subject to direction of City Council, the City staff shall prepare a Preliminary Project Development Report for the street improvement. In addition to information outlined above, the report shall include property ownership information, financing and assessment information.

PHASE 5: PUBLIC MEETING - REVIEW OF PRELIMINARY PROJECT REPORT

In public session, the City Council shall review the additional property ownership information, assessment information and determine public support of the Project. Pending the level of public support, the City Council shall have the prerogative to delay the Project, proceed with the Project and/or require a formal petition of property owner support. If the Project continues, the next phase involves qualifying financing impacts to benefitting property owners.

PHASE 6: PREPARATION OF PROJECT FINANCING/ASSESSMENT PLAN/PROPERTY OWNER NOTICE

Upon direction of City Council, the City staff shall prepare property ownership rolls, property assessment rolls and mail out preliminary assessment notices along with notice of public hearing.

PHASE 7: PUBLIC HEARING OF CITY COUNCIL TO CONSIDER PROJECT IMPLEMENTATION, PROJECT FINANCING AND PROJECT ASSESSMENT

In public session, the City Council shall review and make final determinations on Project cost, Project financing, Project assessments, property owner assessments, and directions on financing and Project implementation.

PHASE 8: PROJECT IMPLEMENTATION

Project implementation, depending upon the scope of the Project, may include such activities as R/W acquisition, design-engineering/surveying services, permitting services, financing services, Project bidding, Project award, Project construction, etc.

PHASE 9: PROJECT COMPLETION REPORT; PREPARATION OF FINAL ASSESSMENT ROLL AND PROPERTY OWNER NOTICE

Upon Project completion, the Project's final cost shall be certified, the Project cost shall be allocated in accordance with approved assessment procedures, a final assessment roll shall be prepared and assessment notices of public hearing shall be mailed to all benefitting/assessed property owners.

In public session, the City Council shall review the Project's completed cost, shall approve the Project completion, shall approve the final assessment cost, shall approve the final assessment roll and authorize assessment collections.

We, the following property owners of _____ (street name), do hereby request the City of Bonita Springs to undertake improvements to our street in accordance with established City procedures. The scope of the requested improvements are as follows:

_(description of improvements).

DATE _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.

CITY OF BONITA SPRINGS FLORIDA

RESOLUTION NO. 06- 149

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CREATING AN ADMINISTRATIVE CODE TO ESTABLISH A POLICY FOR ACCEPTANCE FOR MAINTENANCE AS A CITY STREET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Bonita Springs City Council, as the duly elected governing body for the City of Bonita Springs, has the authority to adopt administrative codes for the operation of City business; and

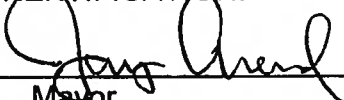
WHEREAS, City Council finds it necessary and desirable to adopt an Administrative Code setting forth the requirements, procedures and standards under which streets and roads will be accepted for maintenance by the City of Bonita Springs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida, that:

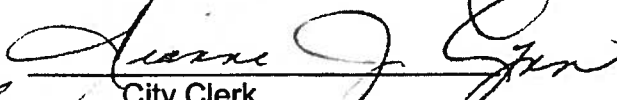
1. City Council declares that the procedures set forth, attached hereto, and incorporated by reference herein by Exhibit "A", is applicable for road maintenance acceptance policy.
2. The Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 18th day of October, 2006.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Arend	Aye	McCourt	Aye
Ferreira	Aye	Nelson	Aye
Grantt	Aye	Simons	Aye
Joyce	Aye		

Date filed with City Clerk: 10/23/06

EXHIBIT "A"

ADMINISTRATIVE CODE ROAD MAINTENANCE ACCEPTANCE POLICY

CODE NUMBER: AC- 06-03

TITLE: Road Maintenance Acceptance Policy.

ADOPTED: October 18, 2006

ORIGINATING DEPARTMENT: Public Works

PURPOSE /SCOPE: The following guidelines and procedures set forth the circumstances and conditions under which the streets and roads will be accepted for maintenance by the City of Bonita Springs.

Rule 1.00 Arterial and Collector Roads

Arterial and collector roads are roads that are functionally classified as arterial or collector and have the primary purpose of serving through traffic. Their function of providing access to adjacent property is secondary and may even be discouraged. Since arterials and collectors form the basis of the transportation network, it is the policy of the City Council that these roads shall be constructed to the standards specified in the Land Development Code and that they be dedicated to the public and accepted for maintenance by the City.

Rule 2.00 Local Roads

The primary function of local roads is to serve the adjacent property by providing the initial access to the transportation network, therefore, local roads, at the option of the City, may either be retained as private or dedicated as public. In all cases, whether the local roads are private or public, they shall be constructed to the appropriate criteria contained in the Land Development Code. For all private roads, there must be created a covenant which runs with the land in a form acceptable to the City Attorney, which will provide for the continuing maintenance of the road. Within gated communities and planned developments, the roads shall remain private that are internal to the development.

Rule 3.00 Procedure

Roads which are to be turned over to the City for maintenance will be subject to the following procedures:

- a. Transportation capital improvement projects will be inspected and approved by Public Works.
- b. All other roads (e.g., arterial, collector and local roads), that are constructed as part

of a local Development Order and proposed for City maintenance will be inspected to Public Works. Upon completion of construction and approval of final inspection by Public Works, the following items will be submitted by the developer or his representative to the City prior to acceptance for the acceptance.

1. The Letter of Substantial Compliance completed by the developer's engineer. This document is actually required prior to final inspection by the City as applicable.
2. The Certificate of Compliance for the construction of the road.
3. Certified "as built" plans by a registered engineer or land surveyor of the roadway facility. These "as built" shall be in reproducible format.
4. A final construction cost for the completed roadway, using the contract unit prices executed and sealed by the developer's engineer.
5. A surety bond or letter of credit drawn on a Florida bank or bonding company. The amount will be 10% of final construction cost shall be submitted. If the developer submits for road maintenance acceptance within sixty (60) days of issuance of Certificate of Compliance, the bond shall be valid for two (2) years from certificate of compliance date. If the sixty (60) day period elapses prior to submittal, the letter of credit shall be valid for two (2) years from the date of issuance.
6. Original, sealed testing lab certifications, including but not limited to, tests of subgrade, base, asphalt, concrete, utility trench backfill, as applicable.
7. Necessary documentation (deeds or plats) that demonstrates that the City is receiving legal authorization to operate and maintain the road.
8. A release of no road impact fees or if applicable, valuation of the road impact fees to be issued in accordance with the Bonita Springs Land Development Code or developers agreement.

Rule 4.00 Authority of Public Works

Public Works will receive, review and approve the above documents for all roads proposed for City maintenance, including making a recommendation to waive if circumstances warrant it.

Rule 5.00 Greensheet

After receipt and approval of these documents, and if the Public Works concludes that the City should accept maintenance responsibility for the road, Public Works will prepare a Greensheet signed by the City Manager. The Greensheet makes the recommendation to the Council to accept the road for maintenance or deny acceptance for cause.

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 04 - 116

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; ESTABLISHING AN ADMINISTRATIVE CODE FOR RULES OF PROCEDURE FOR PROPERTY OWNERS TO PETITION CITY COUNCIL TO CREATE OR CHANGE AN ASSESSMENT AREA FOR LOCAL IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Bonita Springs City Council adopted Ordinance 04-18 relating to capital improvements, providing special benefits to areas within Bonita Springs and authorizing the imposition and collection of special assessments to fund the cost of capital improvements; and

WHEREAS, Section 2.02 of the Ordinance provides that the Bonita Springs City Council may establish a process pursuant to which the owners of property may petition for creation or change of an assessment area to fund local improvements; and

WHEREAS, the City Council has prepared these rules of procedure for property owners to petition City Council for the creation or change of an assessment area.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

SECTION ONE:

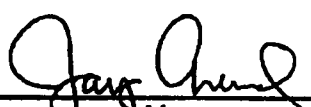
The City Council declares that the procedures set forth, attached hereto, and incorporated by reference herein by "Exhibit A", are applicable to property owner petitions to establish or change assessment areas to fund local improvements.

SECTION TWO: EFFECTIVE DATE

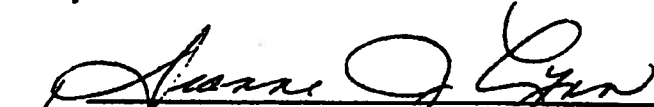
This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 1st day of December, 2004.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Arend	Aye	Nelson	Aye
Edsall	Aye	Piper	Aye
Grantt	Aye	Wagner	Aye
Joyce	Aye		

Date filed with City Clerk: 12-3-04

**ADMINISTRATIVE CODE
RULES OF PROCEDURE FOR PROPERTY OWNER
PETITIONS TO CREATE OR CHANGE AN ASSESSMENT AREA
CITY OF BONITA SPRINGS**

CODE NUMBER: AC-04-01

TITLE: Procedure for Property Owner Petitions to Create or Change an Assessment Area for Local Improvements

ADOPTED: December 1, 2004

ORIGINATING DEPARTMENT: City Attorney

PURPOSE/SCOPE:

To establish a process for property owners to create an "Assessment Area", as defined in Bonita Springs Ordinance 04-18, to fund local improvements.

POLICY:

When special services or projects, which benefit a limited and specifically defined area of the City are desired by a majority of the property owners, they may petition City Council to pass a Resolution to impose annual assessments on the properties which are benefited by the service or project. Property owners may also petition the City Council to expand the boundaries or make other changes to an already existing Assessment Area. City Council has established a petition process outlined herein, which shall be followed, unless the City Council waives the petition process.

PROCEDURE:

Property owners interested in pursuing an Assessment Area for local improvements shall contact the City Manager, or designee, to notify the City of their intent to file a petition to establish an Assessment Area. The property owners shall then comply with the following procedures:

- 1) Purchase a Tax Map of the area from the Tax Collector and outline the boundaries of the proposed benefit and Assessment Area.
- 2) Hold a meeting with property owners in the defined area to be benefited by the assessment.

- 3) Obtain signatures of sixty-five percent (65%) of the Owners of Record or sixty-five percent (65%) of Homesteaded Property Owners on the "Informal Petition" form.
- 4) Create a list of the strap numbers, in numerical order, of the parcels in the proposed Assessment Area.
- 5) Submit the Informal Petition and a Budget Request to the City.
- 6) The Office designated by the City Manager or his designee will then prepare the formal petition:
 - a) The petition shall clearly describe the service or project being requested or the changes being requested to an existing unit. Examples of projects include but are not limited to, roads, canal drainage, water and sewer.
 - b) The petition shall set forth the method of funding the project or service.
- 7) The Property Owners shall obtain "Formal Petition" signatures representing at least sixty-five percent (65%) of the owners of record or sixty-five percent (65%) homesteaded properties for residential areas; and sixty-five percent (65%) of the property owners by land area, number of owners, or property value for principally undeveloped areas.
 - a) All signatures must be notarized to be valid.
 - b) In order for a signature to be valid, it must be the signature of a record title holder to a parcel or property in the unit.
 - c) Each record title holder shall be allowed one signature for each parcel owned.
 - d) In the event of multiple owners, the signature of any one owner shall give full credit for that parcel.
- 8) When the petition submittal package is received by the City and found to be in compliance with the above, staff will proceed by scheduling a public hearing before the City Council.
- 9) At the Public Hearing, property owners within the proposed unit are invited to participate and make their wishes known to the City Council. If it is determined that the proposed unit is necessary and desirable the Council may adopt an Assessment Resolution with or without a referendum election. If a referendum election is to be held, Council shall establish a date for the election to be held on the question of creating the Assessment Area.

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 04-18

AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE CITY OF BONITA SPRINGS, FLORIDA; PROVIDING DEFINITIONS AND FINDINGS; PROVIDING FOR THE CREATION OF ASSESSMENT AREAS; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF CAPITAL IMPROVEMENTS; PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE CITY OF BONITA SPRINGS; PROVIDING FOR THE OPTIONAL AND MANDATORY PREPAYMENT OF ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; ESTABLISHING AN EQUALIZING BOARD; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ASSESSMENTS, INCLUDING ASSESSMENTS IMPOSED ON GOVERNMENT PROPERTY; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY COUNCIL OF BONITA SPRINGS, FLORIDA, RESOLVES:

ARTICLE I

INTRODUCTION

SECTION 1.01: DEFINITIONS

When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly requires otherwise:

"Annual Assessment Resolution" means the resolution described in Section 3.07 hereof, approving an Assessment Roll for a specific Fiscal Year.

"Assessment" means a special assessment imposed by the City pursuant to this Ordinance to fund the Project Cost of Local Improvements.

"Assessment Area" means any of the special benefit areas created by resolution of the Council pursuant to Section 2.01 hereof, that specially benefit from a Local Improvement.

"Assessment Coordinator" means the person or entity designated by the Council to be responsible for coordinating Assessments, or such person's designee.

"Assessment Roll" means the special assessment roll relating to Local Improvements, approved by a Final Assessment Resolution pursuant to Section 3.06 hereof or an Annual Assessment Resolution pursuant to Section 3.07 hereof.

"Assessment Unit" means the unit or criteria utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. "Assessment Units" may include, by way of example only and not limitation, one or a combination of the following: front footage, platted lots or parcels of record, land area, assessment area, equivalent residential connections, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrency management regulations, property value or any other physical characteristic or reasonably expected use of the property that is related to the Local Improvement to be funded from proceeds of the Assessment.

"Capital Cost" means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of Local Improvements and imposition of the related Assessments under generally accepted accounting principles; and including reimbursement to the City for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

"City" means the City of Bonita Springs, Florida, a municipal corporation established by the State of Florida.

"Clerk" shall mean the City Clerk of the City Council, or Deputy Clerk as may be duly authorized to act on such person's behalf.

"Council" shall mean the City Council of the City of Bonita Springs, Florida.

"Equalizing Board" shall mean the City Council when sitting in such capacity to hear and consider any and all complaints as to the special

assessments with the purpose of adjusting the assessments on a basis of justice and right.

"Final Assessment Resolution" means the resolution described in Section 3.06 hereof, which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of an Assessment.

"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.

"Government Property" means property owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

"Initial Assessment Resolution" means the resolution described in Section 3.02 hereof, which shall be the initial proceeding for the imposition of an Assessment.

"Local Improvement" means a capital improvement constructed or installed by the City for the special benefit of a neighborhood or other local area.

"Obligations" means bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance any portion of the Project Cost of Local Improvements and secured, in whole or in part, by proceeds of the Assessments.

"Ordinance" means this Capital Improvement Special Assessment Ordinance.

"Pledged Revenues" means, as to any series of Obligations, (A) the proceeds of such Obligations, including investment earnings, (B) proceeds of the Assessments pledged to secure the payment of such Obligations, and/or (C) any other legally available non-ad valorem revenue pledged, at the Council's sole option, to secure the payment of such Obligations, all as specified by the ordinance and/or resolution authorizing such Obligations.

"Project Cost" means (A) the Capital Cost of a Local Improvement, (B) the Transaction Cost associated with the Obligations which financed the Local Improvement, (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 the Obligations which

"Property Appraiser" means the Lee County, Florida, Property Appraiser.

"Resolution of Intent" means the resolution expressing the Council's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

"Tax Collector" means the Lee County, Florida, Tax Collector.

"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; (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; (H) any private placement fees; and (I) any other costs of a similar nature incurred in connection with issuance of such Obligations.

"Uniform Assessment Collection Act" means Sections 197.3632 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 hereunder.

SECTION 1.02: 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 Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.03: GENERAL FINDINGS

It is hereby ascertained, determined and declared that:

- (A) Article VIII, Section 2 of the Florida Constitution, Chapter 166, Florida Statutes, and the Charter of the City grant to the Council all powers of local self-government to perform City functions and to render services for City purposes in a manner not inconsistent with general or special law, and such power may be exercised by the enactment of City ordinances.

- (B) The Assessments imposed pursuant to this Ordinance will be imposed by the Council, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser, or Tax Collector under the provisions of this Ordinance shall be construed solely as ministerial.

ARTICLE II

ASSESSMENT AREAS

SECTION 2.01: CREATION OF ASSESSMENT AREAS

The Council is hereby authorized to create Assessment Areas by Resolution. Each Assessment Area shall encompass only that property specially benefited by the Local Improvements proposed for funding from the proceeds of Assessments to be imposed therein. The Resolution creating each Assessment Area shall include brief descriptions of the proposed Local Improvements, a general description of the property to be included within the Assessment Area, and specific legislative findings that recognize the special benefit to be provided by each proposed Local Improvement to property within the Assessment Area.

SECTION 2.02. LANDOWNER PETITION PROCESS

At its option, the Council may establish a process pursuant to which the owners of property may petition for creation of an Assessment Area to fund Local Improvements. Notwithstanding any petition process established pursuant to this Section 2.02, the Council shall retain the authority to create Assessment Areas without a landowner petition.

ARTICLE III

ASSESSMENTS

SECTION 3.01: AUTHORITY

The Council is hereby authorized to impose Assessments against property located within an Assessment Area to fund the Project Cost of Local Improvements. The Assessments shall be computed in a manner that fairly and reasonably apportions the Project Cost among the parcels of property within the Assessment Area, based upon objectively determinable Assessment Units.

SECTION 3.02: INITIAL ASSESSMENT RESOLUTION

The initial proceeding for creation of an Assessment Area and imposition of an Assessment shall be the Council's adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall (A) describe the property to

be located within the proposed Assessment Area; (B) describe the Local Improvement proposed for funding from proceeds of the Assessments; (C) estimate the Project Cost; (D) describe the proposed method of apportioning the Project Cost among the parcels of property located within the proposed Assessment Area, such that the owner of any parcel of property can objectively determine the number of Assessment Units and the amount of the Assessment; (E) describe the provisions, if any, for acceleration and prepayment of the Assessment; (G) describe the provisions, if any, for reallocating the Assessment upon future subdivision; and (H) include specific legislative findings that recognize the fairness provided by the apportionment methodology .

SECTION 3.03: ASSESSMENT ROLL

- (A) The City Manager, or designee shall prepare a preliminary Assessment Roll that contains the following information:
 - a. A summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;
 - b. The name of the owner of record of each parcel, as shown on the Tax Roll;
 - c. The number of Assessment Units attributable to each parcel;
 - d. The estimated maximum annual Assessment to become due in any Fiscal Year for each Assessment Unit; and
 - e. The estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.
- (B) Copies of the Initial Assessment Resolution and the preliminary Assessment Roll shall be on file with the City Clerk 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 parcel of property can be determined by use of a computer terminal available to the public.

SECTION 3.04: NOTICE BY PUBLICATION

After filing the Assessment Roll with the City Clerk, as required by Section 3.03(B) hereof, the City Clerk shall publish once in a newspaper of general circulation within the City a notice stating that at a public hearing of the Council will be held on a certain day and hour, not earlier than 20 calendar days following such publication, at which hearing the Council will receive written comments and hear testimony from all interested persons regarding creation of the Assessment

Area and adoption of the Final Assessment Resolution. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

SECTION 3.05: NOTICE BY MAIL

In addition to the published notice required by Section 3.04, the City Clerk shall provide notice of the proposed Assessment and public hearing by first class mail to the owner of each parcel of property subject to the Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the public hearing for such assessment to each property owner at such address as is shown on the Tax Roll on a date which shall not be more than 45 days prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U. S. Postal Service. The City Clerk may provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Assessment Roll or release or discharge any obligation for the payment of an Assessment imposed by the Council pursuant to this Ordinance.

SECTION 3.06: ADOPTION OF FINAL RESOLUTION

At the time named in such notice, or such time to which an adjournment or continuance may be taken, the Council shall receive written and oral testimony of affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments. Council may then, or at any subsequent meeting of the Council make a final decision on whether to levy the special assessments. Thereafter, Council shall meet as an Equalizing Board to hear and consider all complaints as to the special assessments and shall adjust and equalize the assessments on the basis of justice and right. When so equalized, Council may then adopt the Final Assessment Resolution which shall (A) create or affirm the Assessment Area; (B) confirm, modify or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Council; (C) establish the maximum amount of the Assessment for each Assessment Unit; (D) approve the Assessment Roll, with such amendments as it deems just and right; and (E) determine the method of collection.

SECTION 3.07: ANNUAL ASSESSMENT RESOLUTION

Except as provided in Section 4.02 hereof, during its budget adoption process, the Council shall adopt an Annual Assessment Resolution for each Fiscal Year in which Assessments will be imposed to approve the Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll shall be prepared in accordance with the Initial Assessment Resolution, as

confirmed or amended by the Final Assessment Resolution. If the proposed Assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant Section 3.05 hereof or if an Assessment is imposed against property not previously subject thereto, the Council shall provide notice to the owner of such property in accordance with Sections 3.04 and 3.05 hereof and conduct a public hearing prior to adoption of the Annual Assessment Resolution. Failure to adopt an Annual Assessment Resolution during the budget adoption process for a Fiscal Year may be cured at any time.

SECTION 3.08: EFFECT OF ASSESSMENT RESOLUTIONS

The adoption of the Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Assessment Roll and the levy and lien of the Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Council adoption of the Final Assessment Resolution. Except as provided in Section 4.02 hereof, the Assessments for each Fiscal Year shall be established upon adoption of the Annual Assessment Resolution. The Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified to the Tax Collector, or such other officials, as the Council by resolution deems appropriate.

SECTION 3.09: LIEN OF ASSESSMENTS

- (A) Upon adoption of the Annual Assessment Resolution for each Fiscal Year, Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Council of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.
- (B) Upon adoption of the Final Assessment Resolution, Assessments to be collected under any alternative method of collection provided in Section 4.02 hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Lee County, Florida.

SECTION 3.10: REVISIONS TO ASSESSMENTS

If any Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Council is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Council, has failed to include any property on the Assessment Roll which property should have been so included, the Council may take all necessary steps to impose a new Assessment against any property benefited by the Local Improvement, following as nearly as may be practicable, the provisions of this Ordinance and in the case such second Assessment is annulled, the Council may obtain and impose other Assessments until a valid Assessment is imposed.

SECTION 3.11: PROCEDURAL IRREGULARITIES

Any irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all other proceedings adequate to such Assessment were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 3.11, any party objecting to an Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

SECTION 3.12: CORRECTION OF ERRORS AND OMISSIONS

- (A) No act of error or omission on the part of the Council, the City Clerk, Property Appraiser, Tax Collector, Clerk, or their respective deputies or employees, shall operate to release or discharge any obligation for payment of any Assessment imposed by the Council under the provisions of this Ordinance.
- (B) The City Manager or designee may correct the number of Assessment Units attributed to a parcel of property at any time. Any such correction, which reduces an Assessment, shall be considered valid from the date on which the Assessment was imposed if approved by the Council and shall in no way affect the enforcement of the Assessment imposed under the provisions of this Ordinance. Any such correction which increases an Assessment or imposes an

assessment on omitted property shall first require notice to the affected owner in the manner described in Section 3.05 hereof, providing the date, time and place that the Council will consider confirming the correction and offering the owner an opportunity to be heard.

- (C) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

ARTICLE IV

COLLECTION OF ASSESSMENTS

SECTION 4.01: METHOD OF COLLECTION

Unless directed otherwise by the Council, Assessments (other than Assessments imposed against Government Property) shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof, including but not limited to (1) entering into a written agreement with the Property Appraiser and/or the Tax Collector for reimbursement of necessary expenses to the extent required by law or deemed appropriate by the Assessment Coordinator, and (2) adopting a Resolution of Intent. The Resolution of Intent may be adopted either prior to or following the Initial Assessment Resolution; provided however, that the Resolution of Intent must be adopted prior to January 1 (or March 1 with consent of the Property Appraiser and Tax Collector) of the year in which the Assessments are first collected on the ad valorem tax bill. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act. Costs and expenses of collection of Assessments may be included annually as part of the Assessments and be collected in the manner provided herein.

SECTION 4.02: ALTERNATIVE METHOD OF COLLECTION

In lieu of using the Uniform Assessment Collection Act, the City may elect to collect the Assessment by any other method that is authorized by law or provided by this Section 4.02 as follows:

- (A) The City shall provide Assessment bills by first class mail to the owner of each affected parcel of property, other than Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment

Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Assessment is due, and (7) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. An Annual Assessment Resolution shall not be required for Assessments collected pursuant to this Section 4.02.

- (B) A general notice of the lien resulting from imposition of the Assessments shall be recorded in the Official Records of Lee County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.
- (C) The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law. An Assessment shall become delinquent if it is not paid within 30 days from the due date. The City or its agent shall notify any property owner who is delinquent in payment of an Assessment. Such notice shall state in effect that the City or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.
- (D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. The City may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.
- (E) In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by law and this

Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll to the Tax Collector.

SECTION 4.03: RESPONSIBILITY FOR ENFORCEMENT

The City and its agent, if any, shall maintain the duty to enforce the prompt collection of Assessments by the means provided herein. The duties related to collection of Assessments may be enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

SECTION 4.04: GOVERNMENT PROPERTY

- (A) If Assessments are imposed against Government Property, the City shall provide Assessment bills by first class mail to the owner of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Assessment is due.
- (B) Assessments imposed against Governmental Property shall be due on the same date as Assessments against other property within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.
- (C) An Assessment shall become delinquent if it is not paid within 30 days from the due date. The City shall notify the owner of any Government Property that is delinquent in payment of its Assessment. Such notice shall state in effect that the City will initiate a mandamus or other appropriate judicial action to compel payment.
- (D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City, including reasonable attorney fees, in collection of such

delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

- (E) As an alternative to the foregoing, an Assessment imposed against Government Property may be collected on the bill for any utility service provided to such Governmental Property. The Council may contract for such billing services with any utility provider.

SECTION 4.05: LEVY AND COLLECTION OF ASSESSMENTS

The City may retain, and assign such responsibilities to, such persons or entities as it deems appropriate to implement the provisions of this Ordinance and to levy and collect Assessments.

ARTICLE V

ISSUANCE OF OBLIGATIONS

SECTION 5.01: GENERAL AUTHORITY.

- (A) Upon adoption of the Final Assessment Resolution imposing Assessments to fund a Local Improvement or such other time as determined by the Council, the Council shall have the power and is hereby authorized to provide by resolution, at one time or from time to time in series, for the issuance of Obligations to fund the Project Cost thereof.
- (B) The principal of and interest on each series of Obligations shall be payable from Pledged Revenues. At the option of the Council, the City may agree, by resolution, to budget and appropriate funds to make up any deficiency in the reserve account established for the Obligations or in the payment of the Obligations from other non-ad valorem revenue sources. The Council may also provide, by resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the Obligations. Any such resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

SECTION 5.02: TERMS OF THE OBLIGATIONS

The Obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times, and may be made redeemable before maturity, at the

option of the City, at such price or prices and under such terms and conditions, all as may be fixed by the Council. Said Obligations shall mature not later than 40 years after their issuance. The Council shall determine by resolution the form of the Obligations, the manner of executing such Obligations, the denominations of such Obligations, the place or places of payment of the principal and interest, which maybe at any bank or trust company within or outside of the State of Florida and such other terms and provisions of the Obligations as it deems appropriate. The Obligations may be sold at public or private sale for such price or prices as the Council shall determine by Resolution. The Obligations may be delivered to any contractor to pay for construction of the Local Improvements or may be sold in such manner and for such price as the Council may determine by resolution to be for the best interests of the City.

SECTION 5.03: VARIABLE RATE OBLIGATIONS

At the option of the Council, Obligations may bear interest at a variable rate. In such event, the City shall adopt a Resolution to designate the interest rate used to compute the annual Assessments; provided however, that if the resolution authorizing issuance of the Obligations establishes a maximum rate of interest, the rate of interest used to compute the annual Assessments shall not exceed such maximum rate. If for any Fiscal Year, the actual rate of interest on the Obligations is less than the rate of interest to compute the annual Assessments, the excess amounts shall be used to prepay Obligations or credited to a future annual Assessment, as provided by resolution of the Council. If for any Fiscal Year, the actual rate of interest on the Obligations exceeds the rate of interest used to compute the annual Assessments, such deficiency may be imposed as a surcharge on the next annual installment.

SECTION 5.04: TEMPORARY OBLIGATIONS

Prior to the preparation of definitive Obligations of any series, the Council may, under like restrictions, issue interim receipts, interim certificates, or temporary Obligations, exchangeable for definitive Obligations when such Obligations have been executed and are available for delivery. The Council may also provide for the replacement of any Obligations which shall become mutilated, destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things that are specifically required by this Ordinance.

SECTION 5.05: ANTICIPATION NOTES

In anticipation of the sale of Obligations, the Council may, by Resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the Obligations, the proceeds of the Assessments, the proceeds of the notes and such other legally available moneys as the Council

deems appropriate by resolution. Said notes shall mature within five years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The Council may issue Obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the Obligations.

SECTION 5.06: TAXING POWER NOT PLEDGED

Obligations issued under the provisions of this Ordinance shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the City within the meaning of the Constitution of the State of Florida, but such Obligations shall be payable only from Pledged Revenues in the manner provided herein and by the resolution authorizing the Obligations. The issuance of Obligations under the provisions of this Ordinance shall not directly or indirectly obligate the City to levy or to pledge any form of ad valorem taxation whatever therefore. No holder of any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the City to pay any such Obligations or the interest thereon or to enforce payment of such Obligations or the interest thereon against any property of the City, nor shall such Obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, except the Pledged Revenues.

SECTION 5.07: TRUST FUNDS

The Pledged Revenues received pursuant to the authority of this Ordinance shall be deemed to be trust funds, to be held and applied solely as provided in this Ordinance and in the Resolution authorizing issuance of the Obligations. The City or its designee may invest such Pledged Revenues in the manner provided by the resolution authorizing issuance of the Obligations. The Pledged Revenues upon receipt thereof by the City shall be subject to the lien and pledge of the holders of any Obligations of any entity other than the City providing credit enhancement on the Obligations.

SECTION 5.08: REMEDIES OF HOLDERS

Any holder of Obligations, except to the extent the rights herein given may be restricted by the resolution authorizing issuance of the Obligations, may, whether at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State of Florida or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by this part, or by such Resolution, to be performed by the City.

SECTION 5.09: REFUNDING OBLIGATIONS

The City may, by resolution of the Council, issue Obligations to refund any Obligations issued pursuant to this Ordinance, or any other obligations of the City theretofore issued to finance the Project Cost of a Local Improvement, and provide for the rights of the holders hereof. Such refunding Obligations may be issued in an amount sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the outstanding Obligations to be refunded, and to provide for any costs of issuance related thereto. If the issuance of such refunding Obligations results in an annual Assessment that exceeds the estimated maximum annual Assessments set forth in the notice provided pursuant to Section 3.05 hereof, the Council shall provide notice to the affected property owners and conduct a public hearing in the manner required by Article III of this Ordinance.

ARTICLE VI

GENERAL PROVISIONS

SECTION 6.01: ALTERNATIVE METHOD

This Ordinance shall be deemed to provide an additional and alternative method for the imposition and collection of Assessments and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the City, particularly the owners of property located within the Assessment Areas, shall be liberally construed to affect the purposes hereof.

SECTION 6.02: SEVERABILITY

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 6.03: CODIFICATION


It is the intention of the Council and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of the City of Bonita Springs, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

SECTION 6.04: EFFECTIVE DATE


This Ordinance shall become effective immediately upon its final adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Florida this 17th day of November, 2004.

AUTHENTICATION:

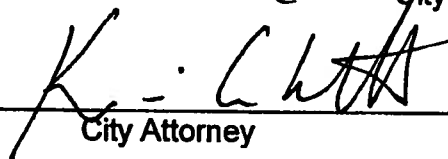


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Arend AYE
Edsall ABSENT
Grantt AYE
Joyce AYE

Nelson AYE
Piper AYE
Wagner AYE

Date filed with City Clerk: 11-18-04

Sec. 3-302. - Street design and construction standards.

- (a) Generally. All streets and alleys shall be designed, in accordance with the specifications set out in this section, as well as the other requirements of this division, in accordance with the criteria in Traditional Neighborhood Street Design Guidelines or Neighborhood Street Design Guidelines (or successor recommended practices) published by the Institute of Transportation Engineers). Access roads shown on the access road location map that do not comply with the construction standards set forth for city-maintained streets will not be eligible for road impact fee credits.
- (b) Right-of-way width. All roads and streets shall be established and constructed in accordance with the Traditional Neighborhood Development Street Design or Neighborhood Street Design Guidelines (or successor recommended practices) published by the Institute of Transportation Engineers).
- (c) Street and bridge design and construction standards. All street and bridge improvements shall comply with the standards and specifications listed in table 1, pertaining to minimum specifications for street improvements, and section 3-527, pertaining to minimum specifications for bridge improvements, for the applicable development category.
- (d) Street and bridge development categories. For purposes of interpreting the specifications contained in Table 1 and section 3-527, development categories are defined as follows:
 - (1) Category A shall include commercial and industrial developments and all developments not described in categories B, C, and D.
 - (2) Category B shall include residential developments of five or more dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway, or street system is not attainable.
 - (3) Category C shall include residential developments of more than 0.4 but less than five dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway, or street system is not attainable.
 - (4) Category D shall include residential development of 0.4 or less dwelling units per acre, and all residential developments, regardless of size, located on islands where direct vehicular access to the mainland by bridge, causeway, or street system is not attainable.

Table 1. Minimum Specifications for Street Improvements

Category	Minimum Specifications
A B C D	A. Grading and centerline gradients. Per plans and profiles approved by the city manager or designee.
A B C D	B. Pavement widths.
A	1. Arterial streets. Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the City Administrative Code policy relating to bikeways and associated roadway width. Typical median width and representative cross sections are shown as in section 3-528

A B C D	2. Collector streets. Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the city administrative code policy relating to bikeways and associated roadway widths. See sections 3-528 and 3-529
A B C D	3. Local streets.
	a. Publicly maintained streets. Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the city administrative code policy relating to bikeways and associated roadway widths. See section 3-530
	b. Privately maintained streets.
A B C D	i. 14-foot pavement for one-way traffic with swale drainage or valley gutter drainage, or 16-foot pavements for one-way traffic with curb and gutter drainage.
A	ii. 24-foot pavements for two-way traffic with swale drainage, valley gutter drainage or curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs).
B C D	iii. 20-foot pavements for two-way traffic with swale drainage or valley gutter drainage, or 24-foot pavement with curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs). See section 30-531.
	iv. Access streets.
A B	(1) 22-foot pavements. See section 3-532
C D	(2) 20-foot pavement. See section 3-532
Note: Typical street cross sections are shown in sections 3-528 through 3-532	
A B C D	C. Curb and gutter type B, F, and drop or shoulder (valley). See FDOT Roadway and Traffic Design Standards, current edition.
A B C D	D. Roadside swales. Roadside swales may be used in excessively drained and somewhat excessively drained to moderately well-drained soils, except where closed drainage is required by the city manager or designee. *(Refer to section 3-537.)

	Roadside swales within street rights-of-way must have side slopes no steeper than three horizontal to one vertical. Normal swale sections must be a minimum of 12 inches deep.
	Where run-off is accumulated or carried in roadway swales and flow velocities in excess of two feet per second are anticipated, closed drainage or other erosion control measures must be provided.
	The city manager or designee may grant deviations from these requirements under the provisions of section 3-81. However, no violations of SFWMD requirements or any other regulatory requirements may occur through the granting of any such deviations.
	E. Subgrade.
A B C D	1. Arterial and collector streets. Twelve-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.
	2. Local and access streets.
A	a. Twelve-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.
B C D	b. Six-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.
	3. Pavement base.
A B C D	1. Arterial and collector streets. Eight-inch minimum compacted limerock.
	2. Local and access streets.
A	a. Eight-inch compacted limerock.
B C	b. Six-inch compacted limerock.
D	c. Six-inch compacted limerock, shell, or soil cement.

Any deviation from these standards must meet the specifications established by FDOT standards.	
	F. Wearing surface.
	1. Arterial streets. 2½-inch asphaltic concrete of FDOT type S-1. A skid-resistant surface typically one inch of S-III in conformance with the provisions of section 331, FDOT specifications, is required for the surface course. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.
	2. Collector streets.
A	a. 1¼-inch asphaltic concrete of FDOT type S-1 plus one inch of S-III. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.
B C D	b. 1½-inch asphaltic concrete of FDOT type S-III.
	Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.
	3. Local and access streets.
A	a. 1½-inch asphaltic concrete of FDOT type S-III.*
B C	b. For roads to be publicly maintained, 1½-inch asphaltic concrete of FDOT type S-III*. The applicant may install two three-quarter-inch-thick courses of asphalt concrete with the second course to be placed after substantial build-out of the development. An assurance of completion is required for the second course of asphalt. This provision is subject to the approval of the city manager or designee in consultation with the director of the public works department. For roads to be privately maintained, one-inch asphaltic concrete of FDOT type S-III is acceptable.
D	c. Not required. *However, the applicant may submit a request for an administrative deviation in accordance with section 3-81(a)(4) for an alternative design, including, but not limited to, Portland cement concrete, for public or private streets. The design will be subject to structural analysis for comparison with asphaltic concrete.

A B C D	G. Grassing and mulching. Prior to the acceptance of the streets, or the release of the security, the developer will be responsible for ensuring that all swales, parkways, medians, percolation areas, and planting strips are sodded, seeded or planted, and mulched in accordance with section 570 of the FDOT standard specifications.
A B C D	H. Street name and regulatory signs. Street name and regulatory signs will be installed by the developer at all intersections and on the streets in the development prior to the acceptance of the streets or the release of the security.
	Regulatory signs will not be required at parking lot entrances for parking lots containing less than 25 parking spaces.
A	I. Street lighting. Street lighting may be installed at the developer's option and expense. Where street lighting is to be provided, the street light improvements must be maintained and operated through a covenant which runs with the land in the form of deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the service that the street lighting will be continually operated and maintained. Regardless of the method chosen to provide for the continual maintenance and operation of the street lights, the beneficiaries of the service must be provided with a legal right to enforce the assurance that the lighting will be continually operated and maintained. The legal documents which provide for the continual maintenance and operation of the lighting may only be accepted after they are reviewed and approved by the city attorney or designee for compliance with this section.
	J. Street and intersection improvements; traffic control devices.
A B C D	1. All streets and intersections within a development must operate at service level C or higher. The developer must design and construct such traffic control devices and acceleration, deceleration, turning or additional lanes, referred to in this subsection as traffic improvements, as may be needed to bring the level of service up to service level C.
A B C D	2. Traffic control devices and acceleration, deceleration, turning, and additional lanes must be indicated on the development plan. These traffic control devices must be designed and shown on the development plans as per MUTCD standards. Additional lane and turn lanes must be as indicated by the Manual of Uniform Traffic Standards for Design, Construction, and Maintenance of Streets and Highways adopted by F.S. § 335.075, and sound engineering practice for state facilities. For streets in the city, turn lanes must be as indicated in the city administrative code, the turn lane policy, and sound engineering practice.

	<p>3. Traffic control devices installed in accordance with the most recent version of the MUTCD may be mounted on a nonstandard type of support system as described in the Traffic Control Devices Handbook (FHWA publication); provided that the mounting height, location standards and all other standards as described in the most recent version of the MUTCD may not be compromised, and all such supports must be of break away design. The sign support system may not provide borders around the sign that have the effect of changing the required shape, message, or border area of the sign. An enforceable agreement providing for maintenance and upkeep of such signs by the installer must be provided to the city public works department. This agreement must include the name, address and phone number of a contact person who will represent the installing party.</p>
A B C D	<p>K. Underdrains. Underdrains may be required on both sides of the streets if, in the opinion of the city manager or designee, soils data indicate that such drains would be necessary. In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains or fill, or some other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road, will be required.</p>
	<p>The determination of need will be made by reference to the applicable portions of the most recent edition of the Soil Survey for Lee County, Florida, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, or according to information generated by the developer's engineer. See section 3-533 for suggested underdrain details.</p>
	<p>1. Wherever road construction or lot development is planned in areas having soil types with unacceptable water table characteristics, underdrains or fill must be provided and shown on the engineering plans. Underdrains must be designed with outlets at carefully selected discharge points. Erosion control measures must be provided as needed at all discharge points.</p>
	<p>2. Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road surface to water table relationship that adversely exceeds the degree of limitation stated above, underdrains, or other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road, will be required.</p>
A B C D	<p>L. Road shoulders. Stabilized roadway shoulders or paved roadway shoulders must be provided as shown on the typical roadway cross section diagrams in article V of this chapter.</p>

- (e) Conformance with state standards. All construction materials, methods and equipment shall conform to the requirements of the FDOT Standard Specifications for Road and Bridge Construction, current edition, and such other editions, amendments or supplements as may be adopted by the FDOT.
- (f) Dedication of right-of-way and completion of improvements. Prior to acceptance of the streets or the release of security, the developer shall dedicate such rights-of-way and complete such improvements, or provide funds for the completion or installation of such improvements in conformance with the standards and specifications of this chapter.
- (g) Horizontal curve for changes in direction. Horizontal curves shall be used for all changes in direction greater than ten degrees.
- (h) Existing nonconforming access routes. Existing nonconforming access routes to new proposed subdivisions shall be permitted upon approval of a variance or a planned development deviation.
- (i) State roads. Streets which are designated as state roads shall be required to meet all additional state department of transportation requirements.
- (j) Intersection design. Intersections shall be designed in accordance with the criteria in Traditional Neighborhood Development Street Design or Neighborhood Street Design Guidelines (or successor recommend practices published by the Institute of Transportation Engineers).
- (k) Cul-de-sac. (If necessary) shall be designed in accordance with the criteria in Traditional Neighborhood Development Street Design (or successor recommended) practices published by the Institute of Transportation Engineers.
- (l) On-road and off-road bikeways. All city-maintained arterial, collector, and local streets must be designed and constructed in accordance with the city administrative code policy relating to on-road and off-road bikeways and associated roadway width.
- (m) Privately maintained accessways. The following privately maintained accessways are not required to meet the minimum roadway right-of-way widths specified in subsection (b) of this section:
 - (1) Parking lot aisles (as defined in chapter 4);
 - (2) Parking lot accesses (as defined in chapter 4);
 - (3) Driveways (as defined in chapter 4); and
 - (4) Accessways which meet the following three requirements:
 - a. Provide vehicle access to 50 or fewer multifamily residential units;
 - b. Pavement width meets the dimensional requirements for parking lot aisles at areas of back-out parking; and
 - c. Provide for utility easements in accordance with section 3-355(a)(1) if utilities are to be located in, or adjacent to, the accessway.
- (n) Streets and driveways in wetland areas. Notwithstanding other provisions of this chapter, new roads or driveways permitted in wetland areas in accordance with the city comprehensive plan policy 1.2.2 must be culverted or bridged to maintain the pre-development volume, direction, distribution, and surface water hydroperiod.
- (o) Work in city and/or San Carlos Estates Water Control District (SCEWCD) right-of-way.
 - (1) No individual, firm, or corporation may do any work within city-maintained rights-of-way or easements without first having obtained a permit from the city public works department. For rights-of-way located within and maintained by San Carlos Estates Water Control District, a permit shall first be obtained from SCEWCD.
 - (2) The city public works department will not issue a permit for any private road to connect to any city-maintained road other than a residential driveway without approval of drainage plans prepared by a registered engineer. (See section 3-535 for approved utility piping materials for use in city rights-of-way.)

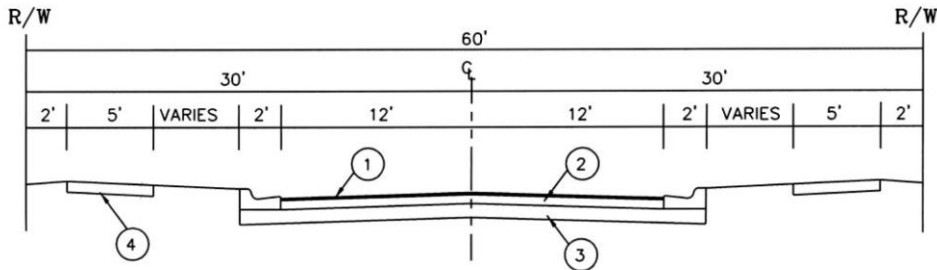
- (3) For single residential buildings of two dwelling units or less on city-maintained streets, the city public works department will do all necessary field survey work to establish the proper grade, pipe diameter, and length for driveway culverts. For property located within the San Carlos Estates Water Control District, the same shall be provided by SCEWCD.

(Ord. No. 05-03, § 1(3-296), 1-19-2005)

Sec. 3-530. - Public local streets.

- (a) The following illustration applies to publicly maintained local streets with closed drainage and on-road bikeways, with a volume of less than 800 vehicles per day:

PUBLICLY MAINTAINED LOCAL STREET WITH CLOSED DRAINAGE
AND ON-ROAD BIKEWAYS - VOLUME LESS THAN 800 VEHICLES PER DAY



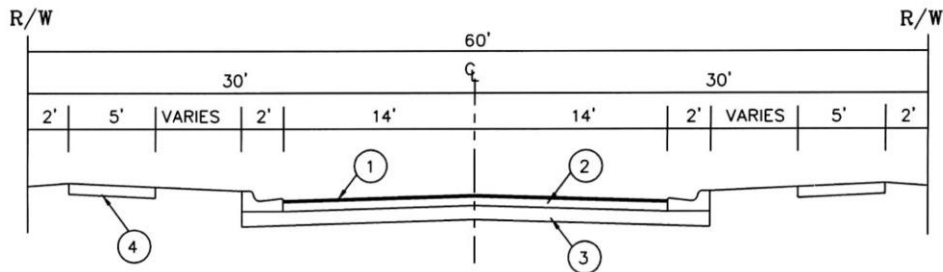
Category B & C	Category A
1. One-inch Type III asphalt concrete	1½-inch Type S-III asphalt concrete
2. Six-inch base	Eight-inch base
3. Six-inch stabilized subgrade	12-inch stabilized subgrade
4. Sidewalk. One side only	Sidewalk. One side only

Notes:

1. A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

- (b) The following illustration applies to publicly maintained local streets with closed drainage and on-road bikeways, with a volume of more than 800 vehicles per day:

PUBLICLY MAINTAINED LOCAL STREET WITH CLOSED DRAINAGE
AND ON-ROAD BIKEWAYS - VOLUME MORE THAN 800 VEHICLES PER DAY



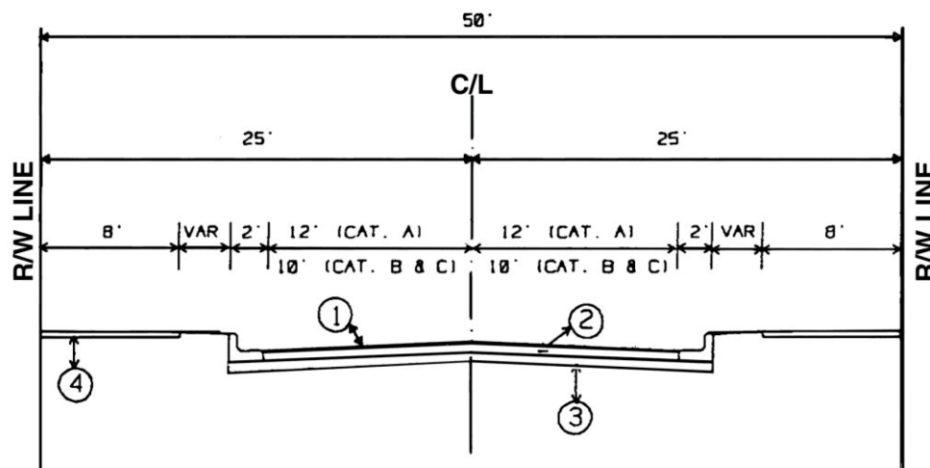
Category B & C	Category A
1. One-inch Type III asphalt concrete	1½-inch Type S-III asphalt concrete
2. Six-inch base	Eight-inch base
3. Six-inch stabilized subgrade	12-inch stabilized subgrade
4. Sidewalk. One side only	Sidewalk. One side only

Notes:

1. A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(c) The following illustration applies to local public streets with closed drainage and off-road bikeways:

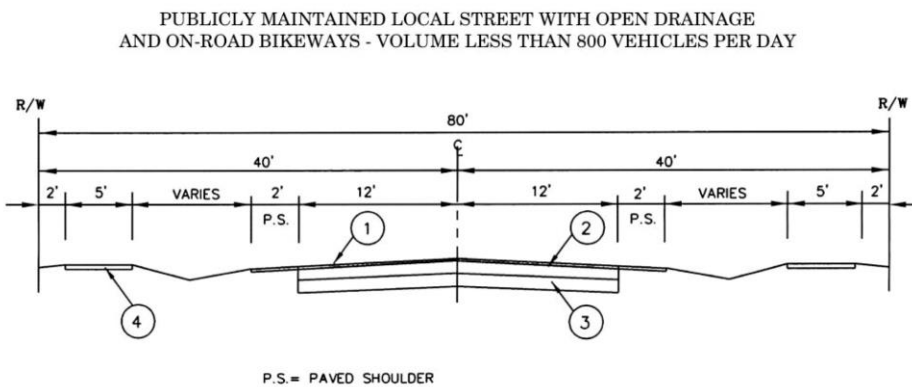
LOCAL PUBLIC STREET WITH CLOSED DRAINAGE AND OFF-ROAD BIKEWAYS



Category B & C	Category A
1. 1½-inch Type S III asphalt concrete	1½-inch Type S-III asphalt concrete
2. Six-inch base	Eight-inch base
3. Six-inch stabilized subgrade	12-inch stabilized subgrade
4. Sidewalk. One side only	Sidewalk. One side only

Notes:

1. A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.
- (d) The following illustration applies to publicly maintained local streets with open drainage and on-road bikeways, with a volume of less than 800 vehicles per day:

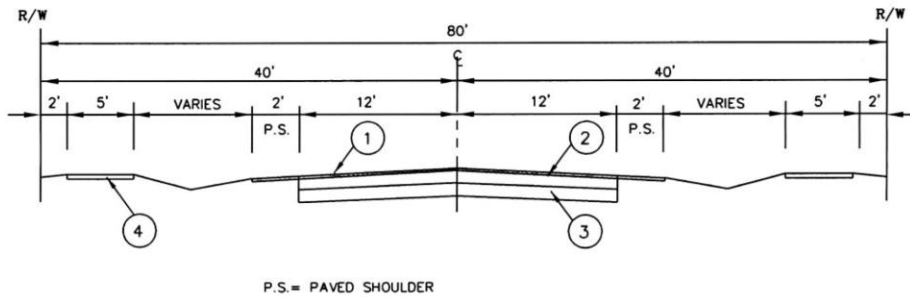


Category B & C	Category A
1. 1½-inch Type S III asphalt concrete	1½-inch Type S-III asphalt concrete
2. Six-inch base	Eight-inch base
3. Six-inch stabilized subgrade	12-inch stabilized subgrade
4. Sidewalk. One side only	Sidewalk. One side only

Notes:

1. A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.
- (e) The following illustration applies to publicly maintained local streets with open drainage and on-road bikeways, with a volume of more than 800 vehicles per day:

PUBLICLY MAINTAINED LOCAL STREET WITH OPEN DRAINAGE
AND ON-ROAD BIKEWAYS - VOLUME LESS THAN 800 VEHICLES PER DAY

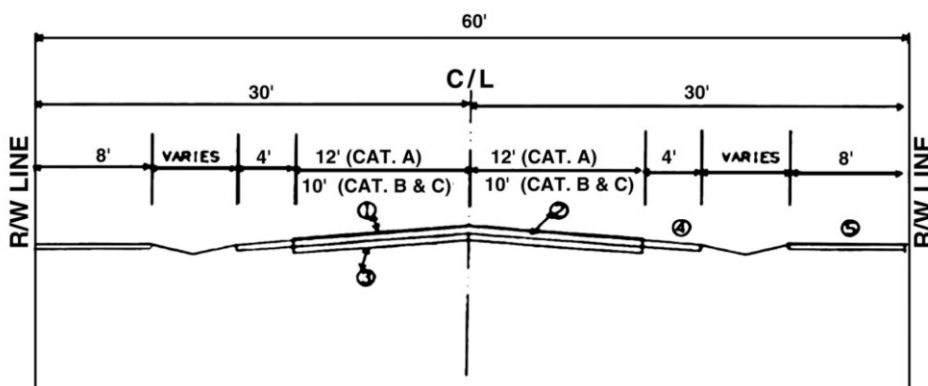


Category B & C	Category A
1. 1½-inch Type S III asphalt concrete	1½-inch Type S-III asphalt concrete
2. Six-inch Base	Eight-inch base
3. Six-inch stabilized subgrade	12-inch stabilized subgrade
4. Sidewalk. One side only	Sidewalk. One side only

Notes:

1. A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.
- (f) The following illustration applies to publicly maintained local streets with open drainage and off-road bikeways:

PUBLICLY MAINTAINED LOCAL STREET WITH OPEN DRAINAGE AND OFF-ROAD BIKEWAYS



Category B & C	Category A
----------------	------------

1. 1½-inch Type S III asphalt concrete	1½-inch Type S-III asphalt concrete
2. Six-inch base	Eight-inch base
3. Six-inch stabilized subgrade	12-inch stabilized subgrade
4. Stabilized shoulder	Stabilized shoulder
5. Bikeway	Bikeway

Notes:

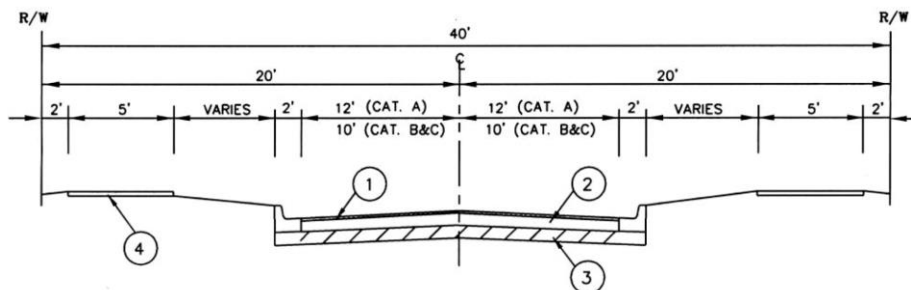
1. A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(Ord. No. 05-03, § 1(3-709), 1-19-2005)

Sec. 3-531. - Private local streets.

- (a) The following illustration applies to private local streets with closed drainage:

PRIVATE LOCAL STREET WITH CLOSED DRAINAGE

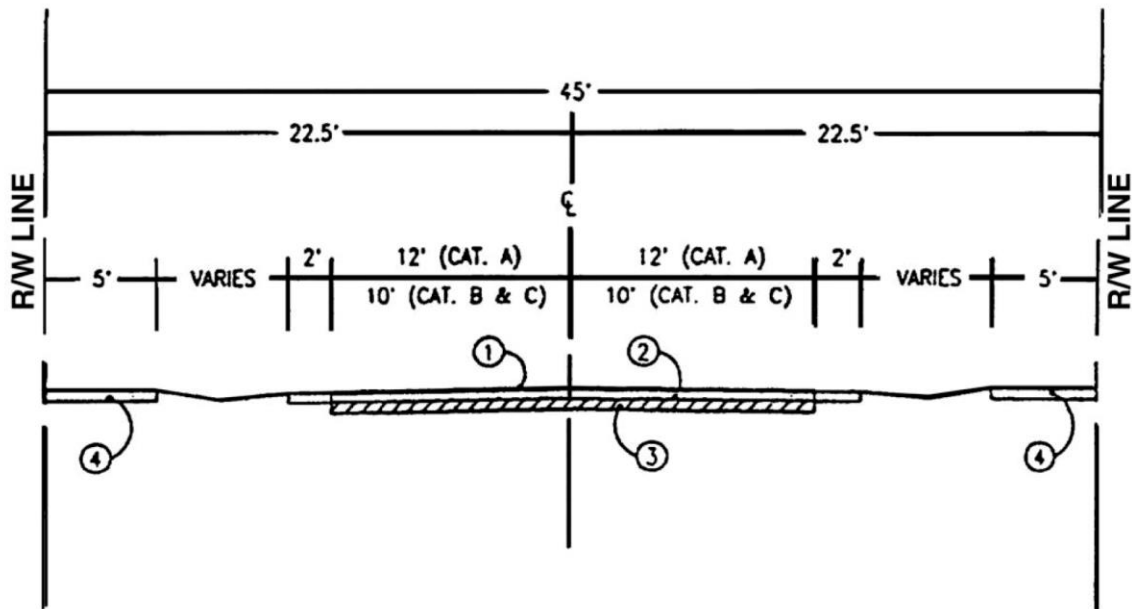


Category B & C	Category A
1. One-inch Type III asphalt concrete	1½-inch Type S-I asphalt concrete
2. Six-inch base	Eight-inch base
3. Six-inch stabilized subgrade	12-inch stabilized subgrade
4. Optional sidewalk	Optional sidewalk

Notes:

1. A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.
- (b) The following illustration applies to private local streets with open drainage:

PRIVATE LOCAL STREET WITH OPEN DRAINAGE



Category B & C	Category A
1. One-inch Type III asphalt concrete	1½-inch Type S-I asphalt concrete
2. Six-inch base	Eight-inch base
3. Six-inch stabilized subgrade	12-inch stabilized subgrade
4. Optional sidewalk	Optional sidewalk

Notes:

1. A ten-foot-wide public utility easement shall be provided on each side of the right-of-way.

(Ord. No. 05-03, § 1(3-710), 1-19-2005)