

ORDINANCE 2009-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF MINNEOLA, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES RELATING TO WATER AND WASTEWATER UTILITY IMPACT FEES; AMENDING SECTION 42-112 REGARDING INSTALLMENT PAYMENT OPTIONS FOR IMPACT FEES; PROVIDING FOR CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Minneola has found and determined that it is in the best interests of the City and its residents to provide an option for the City to allow landowners of buildings, structures, or applicable improvements required to connect to the city's water and wastewater systems to pay impact fees in installments; and

WHEREAS, the City of Minneola adopted amendments to Chapter 42 of the Minneola Code of Ordinances to provide for such option; and

WHEREAS, the City of Minneola wishes to amend section 42-112 of the Minneola Code of Ordinances with regard to such option.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA:

**Section 1.** Chapter 42, section 42-112 is hereby amended to read as follows:

**42-112. Installment Payments.**

1. Subject to availability of funds, the city may enter into agreements to extend payment (offer installment payments) of impact fees (a/k/a water and/or wastewater capital recovery fees) and associated costs with owners of buildings, structures or applicable improvements that connect to the water and wastewater systems and the landowners of the property on which such improvements are located. The provisions of this section 42-112 shall apply to both existing and new buildings, structures, or applicable improvements that connect to water and wastewater systems; however, any agreement for impact fee installment payments regarding new buildings, structures, or improvements must be approved by the City Council.

Notwithstanding anything herein, the City is under no obligation to approve any agreement as the decision to offer an installment payment plan is in the complete discretion of City. If the agreement to offer an installment payment plan is for a total impact fee payment of \$50,000.00 or more on existing buildings, structures, or applicable improvements, the city manager or his designee may approve an installment agreement providing for payments for a period not exceeding ten years. The city manager or designee shall determine the interest rate by taking into account the specific source of funds to be used relative to providing extended payment and the cost of such funds, including all expenses and costs incidental to obtaining or providing same, including interest at the interest rate that the city will employ in offering extended payment with interest, and a reasonable estimation of the administrative costs or expenses associated with administering the extended payment alternative to the respective land(s). In the event an owner's total impact fee payment is less than \$50,000.00 on existing buildings, structures, or applicable improvements, the city manager or his designee may approve an installment agreement providing for payments for a period not exceeding seven (7) years.

a. Any obligations to pay such extended installment payments of impact fees shall be secured by a lien on the property to which such payments apply in a form as required by City.

b. The amount of payment, including any title verification expenses and a reasonable estimation of the cost and expense associated with providing an extended payment alternative, shall be paid in equal monthly payments with an annual interest rate as determined by city and as memorialized in a written agreement. However, if the City's cost of the funds fluctuates either positively or negatively by 1% over the life of the loan,

City may adjust the interest rate accordingly. State documentary stamp fees, title charges, and recording fees will be upfront costs borne by the owner and shall be paid in full at the time the extended payment agreement is executed. The interest rate charged shall be representative of the city's cost of funds, including all expenses or costs incidental to obtaining or providing same, if any.

c. Upon satisfactory payment of all principal, interest, and associated costs under an extended payment agreement, the city shall execute a satisfaction of lien and record the same in the Official Records of Lake County, Florida.

d. Notwithstanding the above, the City Council may, for good cause shown, waive any of the terms contained in this section 42-112.

2. The obligation for payment of the impact fee shall run with the land.

**Section 4.** All ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5.** This Ordinance shall become effective immediately upon passing.

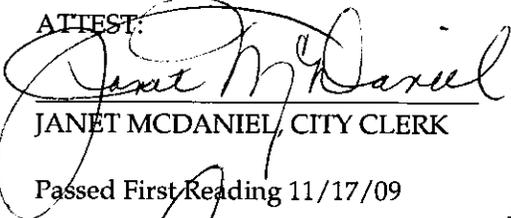
**Section 6.** The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Minneola, Florida, and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.

**Section 7.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

**PASSED AND ORDAINED** this 1<sup>st</sup> day of December, 2009, by the City Council of the City of Minneola, Florida.

  
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Pat Kelley, City Mayor

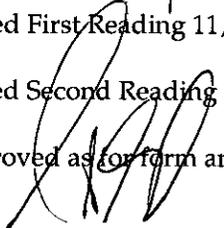
ATTEST:

  
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JANET MCDANIEL, CITY CLERK

Passed First Reading 11/17/09

Passed Second Reading 12/01/09

Approved as for form and legality:

  
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Scott A. Gerken, City Attorney

