

MEMORANDUM NO. 09-290

DATE: December 21, 2009

TO: Mayor John P. "Jack" Seiler  
Vice-Mayor Bruce G. Roberts  
Commissioner Charlotte E. Rodstrom  
Commissioner Bobby B. DuBose  
Commissioner Romney Rogers  
John Herbst, City Auditor  
Jonda K. Joseph, City Clerk  
Harry A. Stewart, City Attorney

FROM: George Gretsas, City Manager *GG*

BY: Peter R. Partington, P.E., City Engineer

VIA: Albert J. Carbon III, P.E., Public Works Director *PRP (for)*

SUBJECT: Underground Utility Line Ordinance – Special Assessment Program

On October 20, 2009, the City Commission discussed the undergrounding of overhead utility lines using the special assessment program (CAR 09-1340, Conference Meeting Item I-B). Staff was directed to prepare an Ordinance to provide procedures and standards for the imposition of utility line assessments to underground the overhead utilities within a community. Prior to any City funds being expended, the community would need to produce a petition indicating that a minimum 66% threshold of the benefited property owners were in favor of undergrounding.

Attached for your review is a draft of the Underground Utility Line Assessment Ordinance. This draft Ordinance details the:

- Creation of an Underground Special Assessment Area
- Verification that the area meets the qualifications for the 25% FPL construction credit
- Development of estimated construction costs and total project costs (including reimbursable upfront costs)
- Administration of the official petition signed by at least 66% of the property owners within the proposed assessment area
- Adoption of a Reimbursement Resolution authorizing expenditure of funds for final plans and specifications, and a coordinating consultant
- Adoption of a Declaration Resolution to begin the special assessment process
- Determination of the assessment methodology
- Creation of the initial and final assessment rolls
- Completion of final plans and specifications
- Scheduling of the public hearing for the Final Assessment Resolution
- Establishment of property liens, and time and method of payment for the assessment
- Issuance of construction bonds

- Establishment of guidelines requiring property owners to underground all overhead utility service lines across private property, and prohibiting any overhead facilities once the undergrounding is complete

Per the Commission's request, the draft ordinance is also being provided to the homeowners associations within the City for review and comment, prior to the item being placed on an upcoming Commission Agenda.

Attachment

Cc: Official list of Recognized Homeowner's Associations  
Lynda Flynn, Treasurer / Interim Director of Finance  
Representatives of:

Florida Power & Light Company

AT&T

Comcast Cable

TECO Peoples Gas

Tim J. Hall, P.E., Vice President – Civil Engineering, Keith and Schnars, P.A.