

RESOLUTION NO. 2017 -04

A RESOLUTION OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROPOSING EXTENSION OF THE CITY'S WATER UTILITY SYSTEM AND PROVIDING THE PROPOSED TERRITORY TO BE INCLUDED; RECITING COSTS, REVENUES AND INTENT TO FINANCE; ESTABLISHING TIMEFRAME AND PROCEDURES FOR OBJECTIONS TO THIS RESOLUTION; SCHEDULING CONSIDERATION OF A FINAL RESOLUTION AUTHORIZING THE EXTENSION OF THE CITY'S WATER UTILITY SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED, AS FOLLOWS:

SECTION 1. FINDINGS. It is hereby ascertained, determined and declared that:

(A) The City of New Port Richey, Florida, (the "City") is authorized, by virtue of its charter and the laws of the State of Florida, particularly the Constitution of the State of Florida, Chapter 166, Florida Statutes (the "Municipal Home Rule Powers Act"), and Chapter 180, Florida Statutes (the "Municipal Public Works Act"), agreements with the Board of County Commissioners of Pasco County, City Ordinance No. 731, and other applicable provisions of law, to finance, own, construct, extend and operate potable water supply and distribution utility systems and to provide utility service in its incorporated area and certain unincorporated areas adjacent to the City.

(B) The City owns a water utility system, which serves the City and adjacent unincorporated areas of Pasco County, Florida.

(C) The City has determined to extend its existing system in order to provide potable water and distribution utility service to additional properties by purchasing utility systems known as Lakewood Villas Utility, Barbara Ann Acres Utility, and Silver Oaks Utility currently owned by LWV Utilities Inc. and Advisor Enterprises, Inc. (the "Systems").

(D) The City is authorized, pursuant to the Municipal Public works Act and specifically Section 180.02, Florida Statutes, to provide water utility services outside its municipal boundaries and create a zone or urban service area by ordinance and to prescribe reasonable regulations requiring persons and corporations living or doing business within said area to connect with the City's system. The powers granted to the City under the Municipal Public Works Act are in addition to, but not in limitation of any of the powers granted under

the Florida Constitution, the Municipal Home Rule Powers Act, or other applicable provisions of law.

(E) The City lawfully enacted its Ordinance No. 731 pursuant to Section 180.02, Florida Statutes, establishing a Municipal Water and Sanitary Sewage Utility Service District as part of its service area (the "Service Area").

(F) The City lawfully enacted Resolution No. 2017-03 (the "Acquisition Resolution"), which authorizes the acquisition of the Systems pursuant to the terms and conditions set forth therein.

(G) The City has begun taking certain measures necessary to finance the acquisition of the Systems.

(H) Such measures include preparing an ordinance to finance the acquisitions of the Systems (the "Bond Ordinance"), scheduled to be considered on first reading at its regularly scheduled council meeting on December 6, 2016, and to be adopted on second reading at its regularly scheduled council meeting on January 3, 2017, and adoption of this Resolution proposing extension of the City's system as provided by Section 180.03, Florida Statutes.

(I) The acquisition of the Systems do not include construction of a new proposed sewage system or the extension of an existing sewage system at this time. Therefore, the proposed extension of the City's utility by acquisition of the Systems does not propose a new sewage system or the extension of an existing sewage system.

(J) Notwithstanding that Chapter 180, Florida Statutes is alternative and supplemental authority for the City to extend and operate potable water supply and distribution utility systems and the fact that the City provides potable water utilities throughout the Service Area as previously approved, the City desires to adopt this Resolution consistent with the provisions of Section 180.03, Florida Statutes, to extend its existing utility System by acquiring the Project.

SECTION 3. PROPOSED EXTENSION OF CITY UTILITY. The City hereby proposes to extend its water utility system by the purchase and acquisition of the Systems to provide potable water and distribution to customers of the Systems within the Service Area.

SECTION 4. PROJECT COST. The estimated cost of the Project is approximately \$761,000.00. This estimate is subject to, among other matters, changes or increases in closing costs, and the cost of financing over the period of time set forth in the Bond Ordinance.

SECTION 5. REVENUES. The Project shall be funded, in whole or in part, through service charges and from any other legally available revenue source that has been or may be determined by the City to be appropriate for the funding of the Project.

SECTION 6. FINANCING. The City hereby ratifies and confirms its intent that tax-exempt revenue bonds or any other means of financing the Project available to the City may be used as determined appropriate by the City Council and as provided by ordinance.

SECTION 7. OBJECTIONS. Any objections to any of the provisions of this Resolution shall be made in writing and filed with the City Council by delivery to 5919 Main Street, New Port Richey, FL 34652, no later than 12:00pm EST on November 22, 2016. No late objections will be accepted or scheduled for hearing. It shall be solely the responsibility of the objector to ensure that any objections are timely received in accordance with this section. The City Clerk and/or his/her designee shall cause any objections received to be scheduled for hearing before the City Council within thirty (30) days of the adoption of this Resolution.

SECTION 8. AUTHORIZING RESOLUTION. The City Council shall consider a final resolution authorizing the extension of the City’s utility system at its regularly scheduled meeting on January 3, 2017, or on any other date as may be determined by the City which is more than forty (40) days after the adoption of this Resolution. The City Clerk shall cause any and all required notices to be effectuated prior to the City Council considering the final resolution authorizing the extension of the City’s utility system.

SECTION 9. SEVERABILITY. Each provision of this Resolution shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Resolution shall not be affected.

SECTION 10. APPLICABILITY AND EFFECTIVE DATE. This Resolution shall be liberally construed to affect the purposes hereof and shall take effect immediately upon its adoption.

DULY ADOPTED this 15th day of November, 2016.

CITY OF NEW PORT RICHEY, FLORIDA

By: _____
Rob Marlowe, Mayor

(SEAL)

ATTEST:

Approved as to Form:

City Clerk

Nicole C. Nate, B.C.S., Special Counsel to the City