

**RESOLUTION NO. 2017-09**

**A RESOLUTION OF THE CITY OF NEW PORT RICHEY, FLORIDA, AUTHORIZING EXTENSION OF THE CITY'S WATER UTILITY SYSTEM; RECITING THE FINDINGS RELATED THERETO; RECITING THE PURPOSE AND TERRITORY TO BE INCLUDED; CONFIRMING COSTS, REVENUES AND INTENT TO FINANCE; ACKNOWLEDGING NO OBJECTIONS WERE RECEIVED TO THE PROPOSED EXTENSION; 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 approving an ordinance to finance the acquisitions of the Systems (the "Bond Ordinance"), on first reading at its regularly scheduled council meeting on December 20, 2016, and adopting the Bond Ordinance on second reading at its regularly scheduled council meeting on January 3, 2017, concurrent with this Resolution.

(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 adopted Resolution No. 2017-04 on November 15, 2016, proposing to extend its existing water utility system pursuant to Section 180.03, Florida Statutes, and desires to adopt this Resolution consistent with the provisions of Section 180.04, Florida Statutes, to authorize the extension of its existing utility system by acquiring the Project.

**SECTION 2. AUTHORIZED EXTENSION OF CITY UTILITY.** The City hereby authorizes the extension of 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 3. PROJECT COST.** The estimated cost of the Project is approximately \$850,000. 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 4. 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 5. 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 the Bond Ordinance.

**SECTION 6. OBJECTIONS.** No objections were received to the City's proposed extension of its water utility system by Resolution No. 2017-04. Therefore, there are no objections to remedy by this Resolution.

**SECTION 7. 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 8. 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 3rd day of January, 2017.**

**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