

RESOLUTION 23-R

**A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, EXTENDING RESIDENTIAL STREET LIGHTING SERVICES TO NW SABLE STREET AUTHORIZING THE STREET LIGHTING TO BE PLACED AND PROVIDING FOR A SPECIAL ASSESSMENT OF THE COST THEREOF; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council (the “Council”) of the City of Port St. Lucie (the “City”) enacted Ordinance No. 18-47, codified in the City Code as Chapter 161, Section 161.08 (the “Ordinance”), “Creation of additional residential street lighting assessment areas,” which authorizes the extension of street lighting services to new assessment areas; and

**WHEREAS**, pursuant to the Ordinance, the City Clerk has received requests from property owners to designate new areas for residential street lighting services; and

**WHEREAS**, a petition has been submitted to the city clerk containing the signatures of at least twenty-five (25) percent of the property owners of lots, parcels or tracts of land on a contiguous residential roadway within the city not served by street lighting; and

**WHEREAS**, the size of the new area was finalized by the City Clerk; and

**WHEREAS**, the City Clerk conducted an election regarding street lighting and an affirmative vote of a majority of the eligible votes were cast for the establishment of the assessment area, thereby causing its creation

**WHEREAS**, the City Council is authorized by Sections 170.01 and 170.201, Florida Statutes, to impose residential street lighting assessments in all or a portion of the incorporated area; and

**WHEREAS**, the City Council derives the authority to impose residential street lighting assessments within the municipality from the home rule power of cities derived from Article VIII, section 2(b), Florida Constitution and Section 166.021, Florida Statutes; and

**WHEREAS**, the City Council of the City of Port St. Lucie has determined that streetlights provide a public purpose and special benefit to the property as a consequence of possessing a logical relationship to the value, use or characteristics of the assessed property; and

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**WHEREAS**, on August 28, 2023, the City Council of the City of Port St. Lucie approved Resolution 23-R93 extending the boundaries of the Port St. Lucie Residential Street Lighting Assessment Area with the directive that Boundary 659, NW Sable Street be tabled and reworked; and

**WHEREAS**, in accordance with that directive, the City Clerk has prepared an updated map of Boundary 659, NW Sable Street for the City Council's consideration; and

**WHEREAS**, the City Council of the City of Port St. Lucie has determined that the extension of the boundaries of the Port St. Lucie Residential Street Lighting Assessment Area to include the designated areas set forth in the updated map of Boundary 659, NW Sable Street is necessary and available.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:**

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this resolution.

Section 2. That the boundary of the Port St. Lucie Residential Street Lighting Assessment Area, as established pursuant to the Ordinance, are hereby extended to include the designated areas more particularly described in Exhibit "A," attached hereto and by reference incorporated herein.

Section 3. That Florida Power & Light Company, pursuant to the Ordinance, is authorized to erect, install, and maintain street lighting in the designated areas more particularly described in Exhibit "A".

Section 4. That the ultimate cost of the street lighting in the designated areas will be financed by special assessments on all real property within the areas, including homestead property, on a pro rata basis, levied against each lot at the estimated rate of Twenty-Six (\$26.00) Dollars per year. The cost per lot may decrease or increase annually, depending on the cost of electric power to the City.

Section 5. The City Council finds that the imposition of a recurring annual residential street lighting assessment is an alternative, equitable and efficient method to fairly and reasonably apportion, as well as recover, the residential street lighting costs

Item:

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experienced by the City among the parcels of residential property within the area assessed.

Section 6. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 7. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 8. Effective Date. This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of October, 2023.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney