

## RESOLUTION 21-R63

**A RESOLUTION EXTENDING THE PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREAS, 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**, pursuant to City of Port St. Lucie City Code Chapter 161, the Clerk of the City of Port St. Lucie has received requests designating new areas for residential street lighting; and

**WHEREAS**, the City of Port St. Lucie's City Code of Ordinances defines "Assessment area" as an "area identified by city resolution wherein, pursuant to the request of affected property owners, the city council has determined to provide residential street lighting and assessed the benefitted property the costs of providing the same"; and

**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**, an election of all record title holders was made within the designated area with the results that a majority of the eligible votes cast approved said requests; 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

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possessing a logical relationship to the value, use or characteristics of the assessed property;  
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 is necessary and available.

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

Section 1. That the boundaries of the Port St. Lucie Residential Street Lighting Assessment Area, as established by City of Port St. Lucie City Code Chapter 161, are hereby extended to include the designated areas more particularly described in Exhibit "A," attached hereto and by reference incorporated herein.

Section 2. That Florida Power & Light Company, pursuant to City of Port St. Lucie City Code Chapter 161, is authorized to erect, install and maintain street lighting in the designated areas more particularly described in Exhibit "A".

Section 3. That the ultimate cost of the street lighting in the designated areas will be financed by special assessments on all real properties 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 4. 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 and recover the residential street lighting costs experienced by the city among the parcels of residential property within the area

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assessed.

Section 5. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 6. 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 7. 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 \_\_\_\_\_, 2021.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Gregory J. Oravec, Mayor

ATTEST:

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Sally Walsh, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney