

# *City of Dade City*

## **AGENDA MEMO**

**To:** Mayor and Members of the City Commission  
**From:** Karla S. Owens, City Attorney/Community Development Director  
**Subject:** Agreement for transfer of water and sewer impact fee credits/Habitat  
**Date:** April 8, 2009

It is requested that the City Commission consider the following information and recommendation(s):

### **BACKGROUND:**

The East Pasco Habitat for Humanity, Inc. requested relief for payment of the higher water and sewer impact fees. Habitat has estimated that they would build and complete approximately 25 new homes within the next twelve months. On March 3, 2009, City Manager Billy Poe and I met with Habitat Executive Director John Finnerty. At that time, Mr. Finnerty provided evidence of 26 prior water and sewer connections on property throughout the City limits. These connections would qualify for credits.

### **ISSUES:**

The attached agreement establishes 26 residential water and sewer impact fee credits for the East Pasco Habitat for Humanity, Inc. In addition, it allows the transfer of credits from one part of town to another. The agreement, however, is tied specifically to the East Pasco Habitat for Humanity and property they own, and cannot be assigned. Habitat has received a copy of this agreement and has no objections.

### **ALTERNATIVES:**

1. Approve the attached agreement with the East Pasco Habitat for Humanity and authorize the mayor's signature of same; or
2. Do not approve the attached agreement; or
3. Direct staff to take some alternate action.

### **RECOMMENDATION:**

Staff recommends approval of Alternative No. 1 above.

### **FUNDING:**

No funding is required for this item.

**AGREEMENT FOR TRANSFER OF WATER AND SEWER  
IMPACT FEE CREDITS**

THIS AGREEMENT, by and between the CITY OF DADE CITY, FLORIDA, a Florida municipal corporation, hereinafter "CITY", and the EAST PASCO HABITAT FOR HUMANITY, INC., a Florida not-for profit corporation with a business mailing address of P.O. Box 1931, Dade City, Florida 33526-1931, hereinafter "HABITAT".

**WITNESSETH:**

WHEREAS, on February 24, 2009, the City Commission of the City of Dade City recently adopted Ordinance No. 2009-02 which increased utility service rates as well as water and wastewater impact fees; and\

WHEREAS, this increase was approved following a comprehensive evaluation of the City's water and wastewater infrastructure; and

WHEREAS, water and wastewater impact fees are charges imposed on new development to help defray the capital cost of construction of new public facilities necessitated by the impact of the new growth; and

WHEREAS, HABITAT has provided evidence of the existence of previous residential units on certain property upon which they now wish to build, which information would entitle them to impact fee credits; and

WHEREAS, the parties now wish to establish those credits and provide for their transfer within the City limits.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed by and between the parties as follows:

1. HABITAT has previously provided written proof to the City of the existence of three former (3) water and wastewater connections at property they currently own at the northwest corner of Pond Street and 8<sup>th</sup> Avenue. Consequently, HABITAT is entitled to three (3) water and three (3) wastewater impact fee credits due to the

existence of these prior units. HABITAT now has construction plan approval for construction of six (6) single family homes at this property.

2. HABITAT has previously provided written proof to the City of the existence of twenty-three (23) former water and wastewater connections at property they currently own on Taylor Street. Consequently, HABITAT is entitled to twenty-three (23) water and twenty-three (23) wastewater impact fee credits due to the existence of these prior units. HABITAT intends to build approximately twenty (20) additional single family homes at this location.
3. HABITAT is hereby entitled to a total of twenty-six (26) water and twenty-six (26) wastewater impact fee credits for one residential units which may be utilized anywhere within the City limits of Dade City.
4. This agreement may not be assigned by HABITAT.

IN WITNESS WHEREOF, the parties hereto, through their authorized representatives, have executed this Amendment on the 14<sup>th</sup> day of April, 2009.

ATTEST:

CITY OF DADE CITY, FLORIDA

\_\_\_\_\_  
James D. Class, City Clerk

\_\_\_\_\_  
Scott Black, Mayor

Approved as to legal form and sufficiency:

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Karla S. Owens, City Attorney

East Pasco Habitat for Humanity, Inc.

Witness:

\_\_\_\_\_

\_\_\_\_\_  
John Finnerty, Executive Director

\_\_\_\_\_

Date of Signature: \_\_\_\_\_