

**ORDINANCE 1262**

**AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING ORDINANCE 1251 BY RESCINDING AND REPLACING THE LANGUAGE OF POLICY 1.7 OF OBJECTIVE 1 OF THE CAPITAL IMPROVEMENT ELEMENT OF THE POLK CITY COMPREHENSIVE PLAN WHICH WAS ATTACHED AS EXHIBIT A TO ORDINANCE 1251; RESCINDING AND REPLACING THE POLK CITY FIVE-YEAR CAPITAL IMPROVEMENTS PLAN ("CIP") WHICH WAS ATTACHED TO ORDINANCE 1251; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Polk City City Council passed Ordinance 1251 on May 12, 2009;

**WHEREAS**, Ordinance 1251 amended the Polk City Comprehensive Plan by amending the Capital Improvements Element and updating the Five-Year Schedule of Capital Improvements

**WHEREAS**, the Department of Community Affairs has decided portions of the language of Ordinance 1251 are not in compliance and filed a formal administrative proceeding challenging the amendments contemplated by Ordinance 1251;

**WHEREAS**, in order to bring the aforementioned amendments into compliance and to settle the dispute with the Department of Community Affairs, it is necessary to rescind the language of policy 1.7 of Objective 1 of the Capital Improvement Element of the Polk City Comprehensive Plan which was attached as Exhibit A to Ordinance 1251, and replace said language with the following:

*Policy 1.7: The City hereby adopts by reference, the Polk County School District Five-Year Facilities Work Program, as approved by the Polk County School Board for the years 2008/09 through 2012/13; the 2006 Southwest Florida Water Management District Regional Water Supply Plan; the Polk Transportation Planning Organization Transportation Improvement Program Fiscal Years 2008/2009 through 2012/2013; the Florida Department of Transportation Five-Year Work Program for the years 2004-2009 and 2010-2014; into the City's Five-Year Schedule of Capital Improvements;*

**WHEREAS**, in order to bring the aforementioned amendments into compliance and to settle the dispute with the Department of Community Affairs, it is necessary to rescind the Polk City Five-Year Capital Improvements Plan ("CIP") which was attached to Ordinance 1251 and replace said CIP with an updated Polk City Five-Year CIP 2008/09-2012/13 Schedule, which is attached hereto as Exhibit A.

**NOW, THEREFORE BE IT ORDAINED** that the City Council:

- (1) Rescinds the language of policy 1.7 of Objective 1 of the Capital Improvement

Element of the Polk City Comprehensive Plan which was attached as Exhibit A to Ordinance 1251, and replaces said language with the following:

Policy 1.7: The City hereby adopts by reference, the Polk County School District Five-Year Facilities Work Program, as approved by the Polk County School Board for the years 2008/09 through 2012/13; the 2006 Southwest Florida Water Management District Regional Water Supply Plan; the Polk Transportation Planning Organization Transportation Improvement Program Fiscal Years 2008/2009 through 2012/2013; the Florida Department of Transportation Five-Year Work Program for the years 2004-2009 and 2010-2014; into the City's Five-Year Schedule of Capital Improvements; and

(2) Rescinds the Polk City Five-Year Capital Improvements Plan ("CIP") which was attached to Ordinance 1251 and replaces said CIP with an updated Polk City Five-Year CIP 2008/09-2012/13 Schedule, which is attached hereto as Exhibit A.

(3) Declares all other portions of Ordinance 1251 not in conflict with this Ordinance remain in full force and effect.

**Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Effective Date:** The effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S., or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

A certified copy of this enacting ordinance and certified copy of the City of Polk City Comprehensive Plan shall be located in the Office of the City Clerk of City of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

**INTRODUCED AND PASSED** on First Reading the \_\_\_\_ day of \_\_\_\_\_, 2010.

City of Polk City



Donald L. Penton, Sr., Mayor

Attest:

\_\_\_\_\_  
Patricia R. Jackson, City Clerk

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the City Council of City of Polk City, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2010.

**City of Polk City**

\_\_\_\_\_  
Donald L. Penton, Sr., Mayor

Attest with Seal:

\_\_\_\_\_  
Patricia R. Jackson, City Clerk

Approved as to Correctness and Form:

\_\_\_\_\_  
Jeff Sullivan, City Attorney

**EXHIBIT "A"**

**AMENDED  
CAPITAL IMPROVEMENTS PLAN**

POLK CITY FIVE YEAR CIP 2008/09-2012/13

Project Number	Project Name	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	Total Project Cost	Comp Plan
<b>Public &amp; Recreational Field</b>								
1	Starboard Park (Bicycle Path) Recreational Trail Extension (Louvionville - Van Fleet Trail)	\$50,000 \$200,000					\$50,000 \$200,000	Yes Yes
<b>TRANSPORTATION</b>								
<b>TRANSPORTATION</b>								
<b>OTISVILLE WATER</b>								
1	Water Line Extensions Mt. Olive Road				\$5,000 USDA Grant/Loan		\$5,000	Yes
2	Distribution system upgrade Chowde (replace 6" lines with 8" and 10" line)				\$98,200 USDA Grant/Loan		\$98,200	Yes
3	Interconnect Polk City and Mt. Olive water distribution system Mt. Olive Street North				\$12,000 USDA Grant/Loan		\$12,000	Yes
4	Interconnect Mt. Olive and Mt. Olive Street North water distribution system install 10" line Mt. Olive Street North and South of Mud Lake				\$5,000 USDA Grant/Loan		\$5,000	Yes
5	Interconnect Mt. Olive and Mt. Olive Street North water distribution system install 10" line Mt. Olive Street North and South of Mud Lake				\$230,000 USDA Grant/Loan		\$230,000	Yes
6	Convert WPF #2 to field field				\$242,200 USDA Grant/Loan		\$242,200	Yes
7	Improvements to WPF #1				\$2,410,000 USDA Grant/Loan		\$2,410,000	Yes
8	Distribution System Improvements Chowde - replace 2" lines with 4" line				\$198,900 USDA Grant/Loan		\$198,900	Yes
9	Mt. Olive WPF Generator Improvements/Redesign/Install				\$50,000 USDA Grant/Loan		\$50,000	Yes
<b>Public Sewer Field</b>								
1	Phase I Wastewater Treatment Plant Construction	\$4,159,724 DEP State Revolving Fund, CDBG Funding, Sewer Impact Fees	\$2,346,998 Sewer Rate Revenue, Utility Assessment Revenue	\$2,025,719 Sewer Rate Revenue, Utility Assessment Revenue	\$15,259,903 Sewer Rate Revenue, Utility Assessment Revenue, Developer Agreement (Coleton Properties), Loan Proceeds (Series 2009 & Series 2010), USDA Grant/Loan Funds	\$7,464,111 Sewer Rate Revenue, Utility Assessment Revenue, Developer Agreement (Coleton Properties), Loan Proceeds (Series 2009 & Series 2010), USDA Grant/Loan Funds	\$24,392,102	Yes
2	Phase I Sewer Line Extensions				\$38,783,217 Sewer Rate Revenue, Utility Assessment Revenue, Developer Agreement (Coleton Properties), Loan Proceeds (Series 2009 & Series 2010), USDA Grant/Loan Funds	\$7,464,111 Sewer Rate Revenue, Utility Assessment Revenue, Developer Agreement (Coleton Properties), Loan Proceeds (Series 2009 & Series 2010), USDA Grant/Loan Funds	\$48,247,328	Yes
3	Phase III Wastewater Treatment Plant Expansion				\$913,800 CDBG Grant Funds	\$913,800 Sewer Rate Revenue, Utility Assessment Revenue, Developer Agreement (Coleton Properties), Loan Proceeds (Series 2009 & Series 2010), USDA Grant/Loan Funds	\$913,800	Yes
4	Phase II Sewer Line Extensions				\$2,802,000 Sewer Rate Revenue, Utility Assessment Revenue, Developer Agreement (Coleton Properties), Loan Proceeds (Series 2009 & Series 2010), USDA Grant/Loan Funds	\$7,155,000 Sewer Rate Revenue, Utility Assessment Revenue, Developer Agreement (Coleton Properties), Loan Proceeds (Series 2009 & Series 2010), USDA Grant/Loan Funds	\$1,017,000	Yes
<b>TOTAL ALL CATEGORIES</b>								
		\$4,159,724	\$2,346,998	\$2,025,719	\$15,259,903	\$7,464,111	\$48,247,328	