

TAB 12



City of Palmetto Agenda Item

Meeting Date

08/06/12

Presenter: **Jim Freeman**

Department: City Clerk

Title: Sanctuary Residential Partners, LLC

In June 2008, the City activated water service for a master meter located at 1799 US 301 N., Sanctuary Cove CDD. The master meter was initially intended to serve all of Sanctuary Cove. There has been some usage of water since being installed(\$958.60), however, most of the charges were related to the readiness to serve fee(\$760 per month, \$24,643.85 total) because this is a large compound meter (10"). The development project was put on hold for economic reasons and no utility payments have been made. Shortly after being activated, the customer began inquiring as to the charges and was told that City staff was reviewing the account. During the end of 2009 beginning of 2010, a decision was made by the City to switch from a master meter to individual meters within the development. Section 29-10 of City code requires single family homes to install individual meters. During this period, there were several decisions and conversations with the developer about how this property would receive water utilities. In December of 2009, a lien was filed on the property for non-payment and the balance due at the time was \$14,603.44. In December of 2010, billing was stopped on the account by City staff. During the timeframe(June 2008 to January 2011), there was communication between the owner and the City regarding the account and the billing. At the time billing was stopped in December 2010, the balance that had accrued on the account was \$25,602.45(\$958.60 usage/\$24,643.85 readiness) and is attached to the lien that was filed in 2009. The property was eventually sold in December 2009 about the same time that the lien was filed. The new owners are now looking to refinance their loan and the lien has become an issue for purposes of the refinance. Linda Svenson has submitted a letter (attached) requesting that the lien be removed. Commission can consider reducing some or all of the lien. The owner has indicated that the water usage on the account is associated with flushing of fire hydrants and checking the master meter. Reclaimed and wells are onsite for irrigation. This property also received impact fee credits that were awarded to this property based on payments from the developer (\$750,000) for improvements that were made in 2008 to extend water facilities to the development.

Budgeted Amount:	<input type="text"/>	Budget Page No(s):	<input type="text"/>	Available Amount:	<input type="text" value="0"/>	Expenditure Amount:	<input type="text"/>
-------------------------	----------------------	---------------------------	----------------------	--------------------------	--------------------------------	----------------------------	----------------------

Additional Budgetary Information:

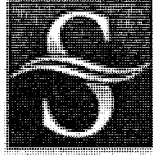
Funding Source(s):	<input type="checkbox"/> Legal Fee Budget	Sufficient Funds Available: <input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required: <input type="checkbox"/> Yes <input type="checkbox"/> No	Source: <input type="text"/>
---------------------------	--	---	--	-------------------------------------

City Attorney Reviewed:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	Consistent With:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="text"/>
--------------------------------	---	---------------------------------------	--	-------------------------	---	----------------------

Potential Motion/Direction Requested:

Staff Contact:

Attachments:



SANCTUARY COVE

July 25, 2012

Honorable Shirley Bryant, Mayor
Honorable Commissioner Alan Zirkelbach
Honorable Commissioner Tamara Cornwell
Honorable Commissioner Charles Smith
Honorable Commissioner Tambra Varnadore
Honorable Commissioner Brian Williams

RE: Sanctuary Cove Utility Billings

Dear Mayor Bryant and City Commissioners:

In June of 2005, the City of Palmetto entered into a "Utility Agreement" with the Sanctuary Cove Developers. This "Agreement" was for a Utility Project extending utility services to properties and projects recently annexed into the City of Palmetto. The "Agreement" estimated the project cost to be \$1,000,000, with Sanctuary agreeing to pay 25% of the cost. In March of 2007 the Utility Project changed its scope and it became a \$3,000,000 project; increasing the Sanctuary portion from \$250,000 to \$750,000. Although the amount tripled from the original agreement, we agreed and a new "Utility Agreement" was signed and recorded.

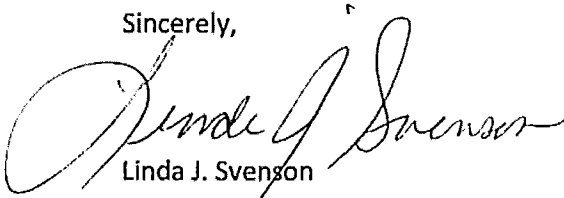
As part of the completion of the City's construction project it was necessary for Sanctuary to provide "Temporary Construction Easements" and then permanent "Easements" for the placement of the Manatee County Master Meter; which we provided.

As the City's utility project was nearing completion Sanctuary was asked to extend water lines and install the Sanctuary Cove Master Meter; to assist the City with the completion of their project. Sanctuary agreed and signed change orders with our Contractor to extend the lines and install the Meter; all at our expense which was paid directly by us.

Soon after the completion of the City's project Sanctuary received a "Water Bill", which we later learned was defined as a readiness fee. Sanctuary immediately contacted the City to get this fee removed. After years of phone calls, emails and personal meetings with Staff these bills still remain. It was an error by the City to initiate this billing and to this day Sanctuary has used NO water and the City did not incur ANY expenses. As a matter of fact the entire philosophy of the City has changed and this Master Meter is no longer even needed. Now the utilities for Sanctuary Cove have been dedicated to the City.

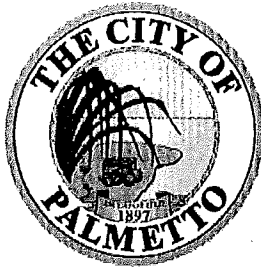
I respectfully request the removal of the "Utility Lien" filed against Sanctuary and a full credit for these readiness fees charged to date.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Svenson". The signature is written in black ink and is positioned to the right of the typed name.

Linda J. Svenson

Sanctuary Development Partners



NOTICE OF UTILITY LIEN

DATE: DECEMBER 17, 2009

PID NO. 1015725709

**PROPERTY OWNER(S) SANCTUARY RESIDENTIAL PARTNERS LLC
and to all those claiming by, through or under same:**

**MAILING ADDRESS: 1401 MANATEE AVENUE WEST # 500, BRADENTON, FL
34205**

The CITY OF PALMETTO, County of Manatee, State of Florida, 516 8th Ave W, P.O. Box 1209, Palmetto, Florida, 34220-1209, claims a lien for non-payment of utility services, pursuant to Ordinance No. 04-832, Palmetto Code of Ordinances, Chapter 29, Art. II, Sec. 29-42, or as amended from time to time.

**LIEN AMOUNT PLUS ANY OTHER EXPENSES ALLOWED BY LAW OR ORDINANCE
ACCRUING AND BECOMING DUE: \$14,603.44**

**LEGAL DESCRIPTION: PARCELS B1, B2, C,C1, G1, G2 & H (PARCELS B-C-G-H # 1) : A
PARCEL OF LAND LYING & BEING IN SEC 13 & 24, TWN 34S, RNG 17E & SEC 18 & 19, TWN
34S, RNG 18E. COM AT THE SW COR OF SD SEC 18;**

TOWNSHIP: 34S RANGE: 18E SECTION: 18

PROPERTY ADDRESS: 1799 US 301 NORTH 10, PALMETTO, FL 34221

I hereby certify that on this date a copy of this Notice of Lien has been sent by ordinary U.S. Mail, postage prepaid, to the Owner(s) at the address listed above.

THE CITY OF PALMETTO

SEAL

By: 


James R. Freeman, City Clerk


Sworn to and subscribed before me this 17TH day of December 2009.


NOTARY PUBLIC

My commission expires:

Personally known

OR BOOK 02323 PAGES 2608 - 2608
MANATEE COUNTY CLERK COURT
1 PAGES(S)
RECORDED; 12/22/2009 4:08:00 

NOTARY PUBLIC-STATE OF FLORIDA
 Diane Ponder
Commission # DD574860
Expires: JULY 17, 2010
BONDED THRU ATLANTIC BONDING CO., INC.



516 8th Avenue West
P.O. Box 1209
Palmetto, Florida 34220-1209
Phone (941) 723-4570
Fax: (941) 723-4576
Suncom: 516-0829
E-mail: chgeneral@palmettofl.org
Web: www.palmettofl.org

Monday, January 11, 2010

Sanctuary Residential Partners LLC

1401 Manatee Avenue W #500
Bradenton, FL 34205

Re: Property Locations: 1799 US301 North 10
PID # 1015725709
Notice of Lien - Utility
Utility Acct #: 24617

Dear Sir or Madam:

The City of Palmetto has filed a lien on the above referenced property with the Manatee County Clerk of Circuit Court. Please contact Audrea Dixon to resolve the outstanding balance and release this lien. Enclosed you will find a copy for your records.

Please don't hesitate to contact the City at the above number if you have any questions.

Sincerely;


Cheryl A. Miller
Sr. Account Analyst

Enclosed: Notice of Lien



516 8th Avenue West
P.O. Box 1209
Palmetto, Florida 34220-1209
Phone (941) 723-4570
Fax: (941) 723-4576
Suncom: 516-0829
E-mail: chgeneral@palmettofl.org
Web: www.palmettofl.org

December 21, 2009

Manatee County Clerk of Circuit Court
Recording Department
PO Box 25400
Bradenton, FL 34206

RE: Release/Notice of Lien(s)

To Whom It May Concern:

Please record the attached following Lien(s) and bill the City of Palmetto (Acct# AR3200008) for the associated expense:

PID #2847000052 HSBC Bank
PID #2800002855 Gonzalez, Valentin
PID #2625200056 Maceachern, Mary
PID #2679600003 Wince, Jerrie
PID #2768500007 Smith, Robert E
PID #1015725706 Sanctuary Residential Partners

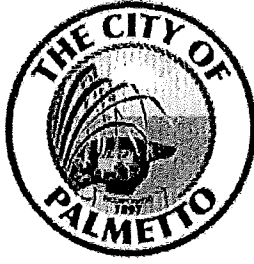
Please contact me at the above reference number, extension 111 if you have any questions or concerns.

Thank you,

Cheryl A. Miller
Sr. Account Analyst

/cm

Enclosure: Lien(s)



LIEN PROCESSING

Utility Acct # 24617 CEB Case # Nuisance Abatement

PROPERTY INFORMATION:

Property Owner: SANCTUARY RESIDENTIAL PARTNERS LLC
Property Address: 1799 US 301 N 10, PALMETTO, FL 34221
Mailing Address: 1401 MANATEE AVENUE WEST # 500, BRADENTON, ...
Property ID#: 1015725709

PARCELS B1, B2, C, C1, G1, G2 & H (PARCELS B-C-G-H # 1) : A PARCEL OF LAND LYING & BEING IN SEC 13 & 24, TWN 34S, RNG 17E & SEC 18 & 19, TWN 34S, RNG 18E. COM AT THE SW COR OF

Legal Description: SD SEC 18;

LIEN INFORMATION:

Lien Amount (including recording & satisfaction amounts): \$14,603.44
Code Violation(s): N/A
Supporting Documentation (attached): ADG HISTORY AND MANATEE PAO
Lien Amount Recorded in ADG: \$14,603.44
Prepared by: KERA HILL

LIEN SATISFACTION

Utility Acct CEB Case Nuisance Abatement

LIEN SATISFACTION INFORMATION:

Property Owner:
Property Address:
Property ID#:
Legal Description:
Lien Satisfaction Amount:
Lien Release Amount Updated in ADG:
Date Paid:
Prepared by: