

SW-4 This is your last chance to sue the city.

John Sullivan

I am not an attorney and should you decide to do what I propose now is the time to contact an attorney and discuss your options. Those of you in SW-4 who did not take legal action as a result of the excessive assessments you were hit with are being afforded another opportunity do so.

Cape Coral City Ordinance Section 17-4 "Levy and Payment of Special Assessments" requires that in order to sue the City you must first protest the resolutions authorizing the assessment either in writing or orally. If you do so in writing it must go to the City Manager at or before the time the Council has a hearing on the resolution(s). If you protest orally you must do so at the time of the hearing and speak before the Council. After you protest you have 20-days in which to file a suit in the Twentieth Judicial Circuit Court, Lee County. If you do not do this as outline above you will not be able to seek legal redress.

With regard to the SW 4 UEP assessments normally the time to sue would be long past as the Council adopted the assessment resolutions on June 12th. However, due to the citizen out cry, FBI investigation and unfavorable audits the Council suspended their implementation by withdrawing them at its August 28th meeting and promised a thorough review of the process. Subsequently cost reductions have been promised averaging approximately \$4,000. Although the SW-4 work has begun a thorough review has not been done, no cost savings have been finalized, no new assessment roll has been created and the resolutions remain withdrawn. When the council Re-enacts the enabling resolutions opportunity will again come knocking. You must follow the procedure as set forth in City Ordinance Section 17-4.

This review is not intended to offer legal advice. You should contact an attorney for that. The information offered here is meant to simply advise you of your rights under the Code of Ordinances

You must wait until the assessments are received to file the protest. The protest cannot be filed later than the day the council adopts the ordinance for the expansion project.

Objection to SW 4 Utility Assessments

Name _____

Address _____

City, State zip _____

In accordance with City Ordinance Section 17-4,E I am filing this protest against the actions of the City Council, with regard to Resolutions _____, _____ and _____, in order to protect my legal rights.

The City Council, by approving above Resolutions will cause my property to receive special assessments for building water and sewer services in my area. While I am not necessarily opposed to the concept of developing water and sewer systems for my neighborhood, I am opposed to the current contract, its methodology and cost that will result in financially devastating consequences to my property.

Neighboring communities are performing or have performed similar projects and are doing so at a much lower level cost. It is because of this inequity that I am protesting this assessment.

I seek relief in that the entirety of the process is flawed, rife with irregularities, is arbitrary, capricious and discriminatory. Furthermore all spending in conjunction with the public works system of Cape Coral must be performed in an honest, and open manner, with published accounting of every single dollar spent, as is commonplace practice in our neighboring communities.

Signed: _____, dated _____