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### Today: Cape to consider assessment on lots

District 1 & 2 infill parcels may face new \$5,136-\$6,750 'capacity reservation fee'

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Hugh Myers bought his home and the unimproved lot next door in 2001 not because he wanted the lot for an investment or to one day build something. Instead, he wanted to control what happened next door to his southeast Cape home and to some extent, control his level of privacy as a homeowner.

Myers paid the assessment on the lot, now valued at \$9,200. But if council approves a proposed "infill assessment" for unimproved lots where utilities are available, Myers could be faced with another \$5,000 - \$6,000 - plus against future services he says he will never use. Should council go down that road, Myers said the city can expect a host of legal challenges, one of which will be his own. As of now, he just doesn't know if it will be with a law firm, a public interest group or a class action situation, he just know he's moving forward with a legal challenge.

"I intend to move forward with a legal action if city council decides to levy another assessment," Myers said. "The only uncertainty is which avenue."

Myers likens the proposal to "predatory government" and adds that the council is being "disingenuous" with its approach thus far.

"They're hoping to sneak it in under the radar," he added.

City council will decide if they want staff to continue moving forward with the proposal on Monday.

Should they ultimately approve the proposal, it will reduce the projected water rate increase by 4.5 percent in 2012's third quarter, according to city documentation. Water rates are scheduled to increase by 8 percent if no action is taken.

Should council decide to use the infill assessment in conjunction with a proposed shift in how the city handles its biosolids, rate increases could be slashed down to zero over the next two years.

Either way, as it's proposed, lot owners will have the chance to pay those assessments via their tax bills over 20 years.

Councilmember Pete Brandt said he hopes the council will move forward with the infill assessment, but said it's more akin to a "capital reservation fee" as lot owners are reserving their space in the system when, and if, they decide to build.

"I think it's the best option we have right now," Brandt said.

Councilmember Kevin McGrail said the assessment was truly an impact fee and, like Brandt, felt the assessment made sense.

Unlike in the northern reaches of the city, where no pipe is in the ground, the pipe was laid in front of those lots in the south with the anticipation they would be used, McGrail said.

"That's why it (the infill assessment) makes sense," he added.

Councilmember Marty McClain suggested that the entire methodology was flawed from the jump, and the burden would likely fall on property owners like Myers, who never intended to use their lots for construction.

"Based on how we set up the system, the numbers and the methodology used ... it never took into consideration someone never building on their lots," he said. "But the cost will continue to go up and the remaining portion of ratepayers will pay for something not to be built on that property."

Correspondence he sent to city council members and the mayor went unanswered, Myers said.

As he waits to see whether he'll be hit with 20 years of assessment payments, Myers said he will continue to monitor the decision, specifically the final wording of the assessment, if it goes that far.

Monday doesn't represent city council's final decision, but even getting this far has made Myers feel as if he's being punished twice.

"Why single out one category?" he asked. "It's because they think it's a politically weak category and we can't stand up to them. Well, I am going to stand up to them."

City Council will meet Monday at 4:30 p.m. in the Council Chamber, City Hall, 1015 Cultural Park Blvd.

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