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January 19, 2016

VIA HAND-DELIVERY

The Honorable John W. Holic, Mayor
and Members of the City Council
401 West Venice Avenue
Venice, Florida 34285

Re: Utility Connection for Colonial House Property

Dear Mayor Holic and Council Members:

The following is in response to City Attorney Persson's letter of 1/5/16 to City Council and the discussion of this subject before City Council. Effective on 1/1/00 City Council offered discounts to property on Venice Island to hook-up to City of Venice sewer and water by annexing into the City. This was voluntary and the Boone Law Firm property was urged to annex by the then Mayor, City Council Members, City Manager George Hunt and others.

The Law Firm was willing to annex into the City but there was a major financial problem. The Firm had spent nearly \$100,000 on a new submersible pump and deep well, a new RO system, a new water softening system and also installed a new septic tank system. These utilities were 30 years old and needed modernization. Two new pumps and a large 500 gallon water holding tank were purchased.

Based on an average of 1,800 gallons of water used per month, the City determined that a $\frac{3}{4}$ x $\frac{5}{8}$ inch water meter would be installed.

An agreement was reached between the City and the Law Firm that in exchange for annexing and the advanced payments involved that a 10 year moratorium would be granted to allow the Law Firm to amortize this large investment. This was reduced to writing on several City letterheads. All these documents state the $\frac{3}{4}$ by $\frac{5}{8}$ inch water meter is to be installed.

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The Firm filed annexation Petition #01-7AM on 8/17/01 and was duly annexed. The check to the City for all costs including hook-up totaled \$2,985. Thereafter, the Boone Law Firm paid 10 years of monthly utility charges plus City taxes each year, and have continued to make those payments to date.

Prior to the 10 year expiration date, our building contractor applied for the building permit but was refused because the City building official determined that current construction regulations require a 2 inch meter. We annexed on the clear understanding that our hook-up would be a $\frac{3}{4}$ x $\frac{5}{8}$ inch meter as is evidenced by all written records from 2001. There is no building construction to take place on our property. Only the hook-up at the street and this is not "construction".

During the time the City has refused to allow us to connect we have continued to maintain, upgrade and otherwise invest in our on-site system. We also continue to have our system tested four times per year, with results sent to the Sarasota County Health Department.

All documents are available and copies will be furnished upon request.

We propose an extension from 1/19/16 to 1/19/26 in order to have time to resolve all questions the parties may have and do have.

Thank you for your consideration. We await your advice.

Kind regards.

Very truly yours,



Jeffery A. Boone

jb

cc: David P. Persson, City Attorney (via email only)
Edward Lavalley, City Manager (via email only)
Lori Stelzer, City Clerk (via email only)

general/egb/LtrCity011916