

**ORDINANCE 2008-13**  
(Amendment to Utility Capacity Queue Ordinance 2007-14)

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, SECTION 731.2 UTILITY CAPACITY QUEUE AGREEMENT, SUBSECTION C. ABANDONMENT OF CAPACITY BY FAILURE TO EXECUTE UTILITY SERVICES AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

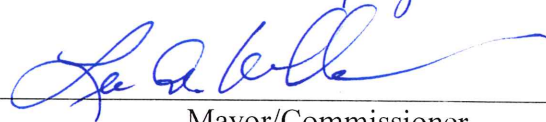
**BE IT ENACTED** by the City Commission of the City of Lake Wales, Polk County, Florida,

**SECTION 1. Sec. 23-731.2., subsection c.** is hereby amended to read as follows:

- c. *Abandonment of Capacity by Failure to Execute Utility Services Agreement.* In the event that a developer chooses not to execute a utility services agreement or that has executed a queue agreement is unable to resolve contractual issues with the city in the city's utility services agreement within thirty (30) days of being provided a draft of said agreement, the developer shall have abandoned its capacity reservation offer, ~~and the queue agreement shall be terminated, the position in the capacity queue lost, and the developer shall be refunded its partial payment of the capacity fees, less any city costs not secured by a deposit.~~ The city manager may extend the termination date hereunder for no more than one additional fifteen (15) day period, without commission approval, if the city manager, in his or her sole discretion, determines that the developer is negotiating in good faith, but has still been reasonably unable to resolve its issues with the draft utility services agreement. Those developments for which a utility services agreement has not been executed within the required time period shall remain in the queue with their positions based upon their queue agreement dates. Those developments that do not have a queue agreement and are in the queue based upon a plan approval (See sec. 23-731.2.a.2) shall be removed from the queue. Upon notification by a developer to remove a development from the queue, the city shall refund the partial utility capacity fees made with the queue agreement less any city costs.

**SECTION 2.** This ordinance shall take effect immediately upon its passage and adoption.

**CERTIFIED AS TO PASSAGE** this 6<sup>th</sup> day of May, 2008.



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Mayor/Commissioner  
City of Lake Wales Florida

ATTEST:

  
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City Clerk