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Developers sue North Port over road fee

By JOHN DAVIS
john.davis@heraldtribune.com

NORTH PORT -- Despite two lawsuits, North Port will keep charging a per-square-foot fee to builders for the damage that construction trucks do to city roads.

On Monday, the City Commission voted 3-2 against repealing a "construction traffic road fee" that has North Port embroiled in two lawsuits with developers of the West Villages Improvement District. More lawsuits are likely.

"You're going to spend a bunch of money defending it," City Attorney Rob Robinson said of the fee that went into effect in April. "In the end, you very well may lose."

With little money for road rehabilitation and hundreds of miles of roadway in need of repair, the commission opted to keep collecting the money, risking having to pay back the fees collected with interest if the city loses in court.

Robinson said the price tag for the current two lawsuits could reach \$100,000, not including appeals.

"There is no way that we're ever going to get enough money to fix our roads here," said Commissioner Fred Tower. "The state is no help."

Tower joined commissioners Barbara Gross and Jim Blucher in voting to keep the fee.

North Port has no room in its budget for a paving contract next year and has more than 500 miles of roads that need repair.

Opponents of the fee are calling it an illegal tax that unfairly singles out builders to fix roads that have been shoddy and neglected for years.

Some residents like the fee because they see it as a direct way development can pay for itself.

"I feel those who have been and continue to be responsible in damaging the roads should be held responsible," said Public Works Director Branford Adumuah.

If the city spends \$5 million a year fixing roads, Adumuah estimated that most of the roads would be up to par in seven to 10 years.

The fee is 50 cents a square foot for houses and 75 cents a square foot for commercial buildings, meaning a big box retailer with a 100,000-square-foot building would pay \$75,000.

"We should not bear the brunt of everything for years and years and years of poor use," said John Olliver of Precision Custom Homes in Venice.

Olliver asked the commission to repeal the fee on behalf of the Sarasota County Homebuilders Association, saying that the group would sue if North Port insisted on continuing to collect the fee that adds \$1,000 to the cost of building a 2,000-square-foot house.

REVENUES

Construction traffic road fee collections in North port:

May: \$22,183.50*

June: \$44,140.50

*The first month the fee was collected

The North Port Contractors Association has also threatened to sue the city.

Keeping the road traffic fee in place is a change of direction for the commission, which in recent weeks has tried to spark the local economy by making it less expensive to build here.

City leaders plan to pull back on large impact fee increases slated for October in the midst of a massive home construction downturn. North Port issued only 23 new home permits in May.

"I know with every fiber of my being that this is just not a legal fee," said Commissioner Vanessa Carusone, who along with Commissioner Richard Lockhart voted to kill the fee.

"Things are tight out there," Lockhart said.

So far, North Port has collected more than \$66,000 from the fee.
