

This is a printer friendly version of an article from www.heraldtribune.com
To print this article open the file menu and choose Print.

Article published Dec 15, 2007

North Port to defend construction road fee

By JOHN DAVIS

john.davis@heraldtribune.com

NORTH PORT -- The city goes before a judge for the first time next week to defend its construction traffic road fee, a unique charge that has drawn ire from developers and a national conservative watchdog group.

The fee, imposed by the city in May, is the target of three lawsuits, two from developers of the Thomas Ranch property in west North Port and one joint lawsuit by the North Port Contractors Association and the Home Builders Association of Sarasota County.

Builders oppose the road charge because they pay it in addition to the transportation impact fees that are supposed to help the city pay for new roads to keep up with growth.

North Port has hundreds of miles of roads needing repair, and city leaders say the traffic fee is necessary to help the city address the dismal road situation.

Interest in the new tax and its implications goes beyond North Port. The Sarasota home builders group joined the lawsuit partly out of fear that the fee would catch on elsewhere.

Tuesday's hearing involves the lawsuits filed by Fourth Quarter Properties, which owns Thomas Ranch, and the Gran Paradiso development on the ranch. Both entities are represented by Tampa attorney Jon Tasso and have filed similar allegations calling the fee an illegal impact fee.

North Port will be in court again Feb. 20 for a hearing on the contractors and home builders litigation.

"It could be setting a precedent that this fee will go on the books in other areas," said Commissioner Vanessa Carusone, who supported repealing the fee in July but was on the losing side of a 3-2 vote.

The precedent in North Port has drawn the attention of the Pacific Legal Foundation, a nonprofit group that is representing the contractors and home builders pro bono. The foundation presses cases nationwide over property rights, taxation and other issues.

North Port anticipates spending up to \$100,000 defending the fee, though if it wins in court, collections from charges of 50 cents per square foot for houses and 75 cents per square foot

THE ROAD REPAIR FEE IN NORTH PORT

April 4, 2006: A consultant recommends fees for new construction of \$1.46 per square foot for houses, \$2.08 per square foot for commercial property and apartment buildings.

May 22, 2006: After pressure and a threatened lawsuit from the North Port Contractors Association, the City Commission backs off the proposed fee.

Sept. 25, 2006: The commission brings back a reduced version of the fees with a name change. "Road rehabilitation fees" become "construction traffic road fees." They are 50 cents a square foot for houses and 75 cents per square foot for commercial buildings. Builders reiterate lawsuit threat.

July 9: Facing two lawsuits from developers of the Thomas Ranch property, North Port considers ending the fee, but commissioners vote 3-2 against repealing it.

Oct. 18: A third lawsuit is filed against the city over the fee, on behalf of the North Port Contractors Association and the Home Builders Association of Sarasota County.

Dec. 18: North Port and Fourth Quarter Properties, which owns Thomas Ranch, and the Gran Paradiso development will appear in court for the first hearing in the case.

for businesses will easily outpace legal fees.

In November, North Port collected more than \$50,000 from the fee.

"This is to help us with our road resurfacing program," said Commissioner Fred Tower.
