

Meeting Date: 8/23/2011



Agenda Item # 6-A

# CITY COUNCIL AGENDA ITEM

Contact Name: Christine Davis

Department Director: *[Signature]*

Department/Contact # 775-5432

City Manager: Jamie Croteau

- Type of Item:
- |                          |                          |                                     |                     |
|--------------------------|--------------------------|-------------------------------------|---------------------|
| <input type="checkbox"/> | Public Hearing           | <input checked="" type="checkbox"/> | Resolution          |
| <input type="checkbox"/> | Ordinance First Reading  | <input type="checkbox"/>            | Discussion & Action |
| <input type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/>            | Council Approval    |

**Subject:** Sparkman Ridge Annual Rate Resolution No. 651-11

**BACKGROUND:**

The City Council adopted Ordinance No. 211 (the "Ordinance") that provides for the City to impose special assessments to fund construction of capital projects and related services to benefit property within the assessment area. On March 10, 2009, the City Council adopted Resolution No. 531-09, the Sparkman Ridge Initial Assessment Resolution, which described the method of assessing the cost of the Sparkman Avenue Extension Project, as a local improvement, against the real property that benefited from the capital improvement. Pursuant to the provisions of the Ordinance, City Council is required to adopt an Annual Assessment Resolution each fiscal year to approve the Assessment Roll, and it requires the City to publish a public notice, of which, the proof of publication is attached as Appendix A. This public hearing meets the requirement that Council hear comments and/or objections from all interested parties. This is the 3<sup>rd</sup> year of the Sparkman Ridge Special Assessment program and there are 12 years remaining.

**RECOMMENDATIONS:** Staff recommends City Council approve Resolution 651-11 adopting the Sparkman Ridge Annual Rate Resolution.

**ATTACHMENTS:** Resolution - 651-11  
Appendix A - Proof of Publication  
Appendix B – Certificate to Non-Ad Valorem Assessment Roll

**FINANCIAL IMPACT:** The Sparkman Ridge Annual Rate Resolution will generate \$53,226 for fiscal year 2011/12 (tax bill 2011).

Reviewed by City Attorney \_\_\_\_\_  
Reviewed by Finance Dept. \_\_\_\_\_  
Reviewed by: \_\_\_\_\_

<b>1<sup>st</sup> Discussion Date:</b> date.	<b>2<sup>nd</sup> Discussion Date:</b> date.	<b>Third Discussion Date:</b> date.	<b>Other Dates:</b> date.
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**ORANGE CITY, FLORIDA**

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**SPARKMAN RIDGE  
ANNUAL RATE RESOLUTION**

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**ADOPTED AUGUST 23, 2011**

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**ORANGE CITY, FLORIDA  
RESOLUTION NUMBER 651-11**

**A RESOLUTION OF THE CITY OF ORANGE CITY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF THE SPARKMAN AVENUE EXTENSION PROJECT; PROVIDING AUTHORITY AND DEFINITIONS; ESTABLISHING ANNUAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; APPROVING AN ASSESSMENT ROLL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE VOLUSIA COUNTY TAX COLLECTOR; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council adopted Ordinance No. 211 (the "Ordinance"), to provide for the imposition of special assessments to fund the construction of Capital Projects and the provision of Related Services to benefit property within Assessment Areas; and

**WHEREAS**, on March 10, 2009, the City Council also adopted Resolution No. 531-09, the Sparkman Ridge Initial Assessment Resolution (the "Initial Assessment Resolution"), describing the method of assessing the cost of the Sparkman Avenue Extension Project, as a Local Improvement, against the real property that will be specially benefited thereby, and directing the preparation of the preliminary Assessment Roll and provision of the notices required by the Ordinance; and

**WHEREAS**, pursuant to the provisions of the Ordinance, the City Council is required to adopt an Annual Assessment Resolution for each fiscal year to approve the Assessment Roll for such fiscal year; and

**WHEREAS**, the Assessment Roll has been filed with the City Manager, as required by the Ordinance; and

**WHEREAS**, as required by the Ordinance, notice of a public hearing has been published and mailed (if required) to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard concerning the assessments; the proof of publication is attached hereto as Appendix A; and

**WHEREAS**, a public hearing was held on August 23, 2011, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance; and

**WHEREAS**, the City Council has deemed it to be in the best interests of the citizens and residents within the Sparkman R-PUD Assessment Area that Capital Assessments for the Sparkman Avenue Extension Project therein continue to be imposed for the Fiscal Year beginning October 1, 2011.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** This Annual Rate Resolution is adopted pursuant to the Capital Project and Service Assessment Ordinance (Ordinance No. 211), the Initial Assessment Resolution (Resolution No. 531-09), the Final Assessment Resolution (Resolution No. 539-09), Chapter 166, Florida Statutes, Article VIII, Section 2, Florida Constitution, and other applicable provisions of law.

**SECTION 2. DEFINITIONS.** This Resolution is the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this Annual Rate

Resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution, unless the context clearly indicates an alternative meaning.

**SECTION 3. ANNUAL ASSESSMENTS TO FUND THE SPARKMAN AVENUE EXTENSION PROJECT.**

(A) The Tax Parcels described in the Assessment Roll are hereby found to be specially benefited by the provision of the Sparkman Avenue Extension Project in the amount of the annual Assessment set forth in the Assessment Roll. The methodology set forth in Section 3.03 of the Initial Assessment Resolution for computing the annual Assessments is hereby approved and found to be a fair and reasonable method of apportioning the Assessed Cost among the benefited properties.

(B) Annual Assessments computed in the manner described in the Initial Assessment Resolution are hereby levied and imposed on all Tax Parcels described in the Assessment Roll at a maximum annual rate of \$333.00 per EDU for a period of fifteen (15) years, commencing with the ad valorem tax bill that was mailed in November 2009. The maximum annual Assessment amount to be collected from the property within the Assessment Area shall not exceed \$53,226.

**SECTION 4. APPROVAL OF ASSESSMENT ROLL.** The Assessment Roll for the Sparkman Avenue Extension Project, which is currently on file in the office of the City Manager and incorporated herein by reference, is hereby approved for the Fiscal Year commencing on October 1, 2011.

**SECTION 5. ASSESSMENT LIENS.** Special assessments imposed within the Sparkman R-PUD Assessment Area shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims until paid. The lien shall be deemed perfected upon adoption by the City Council of this Annual Rate Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

**SECTION 6. COLLECTION OF ASSESSMENTS.** The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of this Annual Rate Resolution, the City Manager shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix B.

**SECTION 7. SEVERABILITY.** If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall remain in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 8. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**CITY OF ORANGE CITY, FLORIDA**

\_\_\_\_\_  
Harley Strickland, Mayor

**ROLL CALL VOTE AS FOLLOWS:**

Gary A. Blair	_____	Jeff H. Allebach	_____
Bill Crippen, Vice Mayor	_____	Tom Abraham	_____
Anthony Pupello	_____	Tom Laputka	_____
Harley Strickland, Mayor	_____		

**ADOPTED THIS 23RD DAY OF AUGUST, 2011.**

**ATTEST:**

**AUTHENTICATED:**

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
W. E. Reischmann, Jr., City Attorney

**APPENDIX A**  
**PROOF OF PUBLICATION**

**THE NEWS-JOURNAL**

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

**State of Florida,  
County of Volusia**

Before the undersigned authority personally appeared

**Cynthia Maley**

who, on oath says that she is .....

**LEGAL COORDINATOR**

of The News-Journal, a daily and Sunday newspaper,  
published at Daytona Beach in Volusia County, Florida; the  
attached copy of advertisement, being a  
.....

**NOTICE OF HEARING**

**L 947255**

in the Court,  
was published in said newspaper in the issues.....

**AUGUST 2, 2011**

Affiant further says that The News-Journal is a newspaper  
published at Daytona Beach, in said Volusia County, Florida,  
and that the said newspaper has heretofore been continuously  
published in said Volusia County, Florida, each day and  
Sunday and has been entered as second-class mail matter at  
the post office in Daytona Beach, in said Volusia County,  
Florida, for a period of one year next preceding the first  
publication of the attached copy of advertisement; and affiant  
further says that he has neither paid nor promised any person,  
firm or corporation any discount, rebate, commission or  
refund for the purpose of securing this advertisement for  
publication in the said newspaper

*Cynthia Maley*

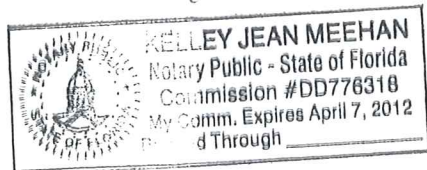
Sworn to and subscribed before me

This 2<sup>ND</sup> of AUGUST

A.D. 2011

*Kelley Jean Meehan*

49D



0000947255

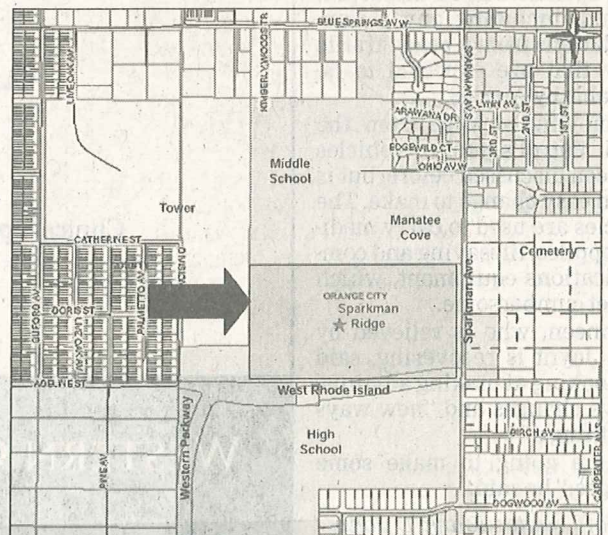
**NOTICE OF HEARING TO IMPOSE AND  
PROVIDE FOR COLLECTION OF  
SPECIAL ASSESSMENTS**

Notice is hereby given that the City Council of the City of Orange  
City, Florida, will conduct a public hearing to consider the continued  
imposition of special assessments against the property located within the  
Sparkman Ridge Assessment Area. The hearing will be held at 7 p.m., or  
as soon thereafter as the matter can be heard, on August 23, 2011 in the  
City Council Chambers located at 201 North Holly Avenue, Orange City,  
Florida for the purpose of receiving public comment on the assessments.  
If you are a person with disability who needs any accommodation in  
order to participate in this proceeding, you are entitled, at no cost to you,  
to the provision of certain assistance. Please contact the City Manager at  
(386) 775-5408, or in writing to 205 East Graves Avenue, Orange City,  
Florida 32763, at least three days prior to the public hearing. All affect-  
ed property owners have a right to appear at the hearing and to file writ-  
ten objections with the City Council within 20 days of this notice. If a  
person wishes to appeal any decision made by the City Council with  
respect to any matter considered at the hearing, such person will need a  
record of the proceedings and may need to ensure that a verbatim record  
is made, including the testimony and evidence upon which the appeal is  
to be made.

The Assessments have been imposed to fund construction of the  
Sparkman Avenue road extension project. The assessment for each par-  
cel of property is based upon the total number equivalent dwelling units  
(EDUs) to be built on the property. The maximum annual assessment is  
estimated to be \$333 per EDU. A more specific description is set forth in  
the Initial Assessment Resolution adopted by the City Council on March  
10, 2009. Copies of the Ordinance, Initial Assessment Resolution, Final  
Assessment Resolution and the updated Assessment Roll are available  
for inspection at the offices of the City Manager, located at 205 East  
Graves Avenue, Orange City, Florida.

The assessments will be collected on the ad valorem tax bill, as  
authorized by section 197.3632, Florida Statutes. Failure to pay the  
assessments will cause a tax certificate to be issued against the property  
which may result in a loss of title. The City Council intends to collect the  
assessments in 15 annual assessments, the second of which will be  
included on the ad valorem tax bill to be mailed in November 2011.

If you have any questions, please contact the City at (386) 775-5408.  
**ORANGE CITY FLORIDA**



**APPENDIX B**

**FORM OF CERTIFICATE TO  
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE  
TO  
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of City of Orange City, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for local improvements within the City (the "Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Volusia County Tax Collector by September 15, 2011.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Volusia County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF ORANGE CITY, FLORIDA**

By: \_\_\_\_\_  
Mayor

**[to be delivered to Tax Collector prior to September 15]**