

**RESOLUTION NO. 1975-07**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS IN AND FOR THE CITY, TO-WIT: IMPROVEMENTS TO THE ROAD, LANDSCAPING, SIDEWALKS, STREET LIGHTS, TRAFFIC LIGHTS, DRAINAGE PIPES, IRRIGATION AND STORMWATER INLETS (COLLECTIVELY, THE "IMPROVEMENTS") ON A PORTION OF ORANGE AVENUE, FROM U.S. ROUTE 17/92 TO HOLT AVENUE; FURTHER DECLARING THAT A PORTION OF THE COST OF SAID IMPROVEMENTS SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission has determined, and does hereby determine, to make and fund the public improvements to the road, landscaping, sidewalks, street lights, traffic lights, drainage pipes, irrigation and stormwater inlets as authorized by Chapter 170, Florida Statutes, on a portion of Orange Avenue, from U.S. Route 17/92 to Holt Avenue, all of the aforesaid improvements to be hereinafter referred to as the "Improvements"; and

**WHEREAS**, a portion of the cost and expense of the Improvements is to be paid by special assessments; and

**WHEREAS**, the City Commission authorized an alternative method of collection of such special assessment upon adoption of Resolution 1965-07 wherein the City declared its intent to use the uniform ad valorem method of collecting non-ad valorem assessments as provided in Section 197.3632, Florida Statutes, in order to allow the collection of the annual assessment installments over twenty years using the property tax bill; and

**WHEREAS**, pursuant to Sections 197.3632(1)(g) and 197.3632(10)(b), Florida Statutes, the special assessments provided herein meet the definition of a "capital project assessment" which allows for annual payments with interest over a period of years, and the City need only adopt the non-ad valorem assessment roll, notify affected property owners, and hold a public hearing in the first year of the capital improvement assessment is levied unless there is a change in the method or purpose of the

assessment.

**WHEREAS**, the City Commission of the City of Winter Park deems it to be in the best interest of the affected property owners and the City of Winter Park to adopt this preliminary assessment resolution pursuant to Section 170.03, Florida Statutes.

**NOW, THEREFORE**, be it resolved by the City Commission of the City of Winter Park, Florida as follows:

**Section 1.** This Resolution is adopted pursuant to the provisions of Resolution 1965-07, Sections 197.3632 and 170.03, Florida Statutes, and other applicable provisions of law.

**Section 2.** The City of Winter Park shall make the Improvements to a portion of Orange Avenue, from US Route 17/92 to Holt Avenue, which shall include, without limitation, (1) street resurfacing with asphalt and bricks, (2) replacement of expansion of sidewalks, (3) grass, shrub and oak tree landscaping, (4) curb bump-outs, (5) intersection improvements, (6) decorative street lights, (7) traffic light mast arms, (8) underground electric, (9) trash receptacles, (10) street benches, (11) newspaper enclosures, (12) pedestrian crosswalks, and (13) drainage pipes, irrigations and stormwater inlets. The exact location and description of such improvements appear upon the plans and specifications on file with the City Engineer of the City of Winter Park, a copy of which shall be retained in the offices of the City Clerk.

**Section 3.** The lands upon which the aforesaid special assessments shall be levied shall be all lots and lands adjoining and contiguous or bounding and abutting upon the aforesaid Improvements which are specially benefited thereby, as indicated by the Tax Parcels specified in Exhibit "A" attached hereto and incorporated herein by reference (the "Benefited Parcels").

**Section 4.** The estimated total cost of the Improvements are \$3,516,972.81, of which \$1,316,972.81 will be paid by the City of Winter Park Community Redevelopment Agency, and \$2,200,000.00 will be paid by special assessments established by the City Commission of the City of Winter Park in accordance with this Resolution and Chapter 170, Florida Statutes. The method of cost apportionment among the Benefited Parcels is as follows:

For those Benefited Parcels zoned in the City of Winter Park for Parks and Recreational Use (PR) and which are greater than 1.8 acres in area ("Park Parcels"), the City will assess a single, one-time payment of \$50,000.00 due at the time of the first annual assessment payment. Any Park Parcels will have their assessed values excluded from the remainder of the special assessment. A change in the zoning of a Park Parcel, or any portion thereof, will result in the Park Parcel being assessed with Regular Parcels as set forth below, less \$50,000.00 from that parcel's total share of the special assessment.

For those Benefited Parcels that do not qualify as Park Parcels ("Regular Parcels"), assessments will be allocated to the property owners of Regular Parcels based upon the assessed valuation of each Regular Parcel from the year prior to the assessment being due (as determined by the Orange County Property Appraiser), as a percentage of the total assessed valuation of all Regular Parcels within the area assessed (the "Apportioned Share").

The assessments shall be paid to the City as follows:

- 1) For Park Parcels, \$50,000.00 in cash without interest, on or before date upon which the first annual installment is due for Regular Parcels.
- 2) For Regular Parcels, in twenty (20) annual installments of the Apportioned Share and interest accrued thereon at the rate of five percent (5%) per annum, such payments due on the same times and dates as ad valorem taxes for Orange County.

The first annual installment for Regular Parcels will be due with 2007 ad valorem tax bills from Orange County. If any annual installments are not paid when due, there shall be added a penalty of one percent (1%) thereof per month until paid. Such assessments shall constitute liens, and shall be enforceable as provided in Chapter 170, Florida Statutes. Pursuant to section 197.3632(10)(b)(2), Florida Statutes, the local government elects to not permit prepayment of the annual installments by the property owners of Regular Parcels.

**Section 5.** Apportioning the cost of the Improvements as set forth in Section 4 is fair and reasonable and proportional to the special benefit received. The apportionment among the Benefited Parcels shall be consistent with the apportionment methodology described and determined in Section 4, which apportionment methodology is hereby approved and adopted.


**Section 6.** In accordance with Section 170.06, Florida Statutes, the City has prepared a preliminary assessment roll for the fiscal year of 2007, which is attached hereto as Exhibit "B." The City has apportioned the costs of the Improvements in accordance with the methodology set forth in Section 4.

**Section 7.** The public is invited to review the assessment plat, the plans and specifications, and the estimate of the cost of the Project, all of which are on file with the City Clerk of the City of Winter Park, Florida, as required by Chapter 170, Florida Statutes.

**Section 8.** This Resolution shall be published once in a newspaper of general circulation published in the City of Winter Park, Florida.

**Section 9.** This Resolution shall become effective immediately upon its passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 29th day of May, 2007.

  
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David C. Strong, Mayor

Attest: 

Cynthia S. Bonham, City Clerk

Nancy McLean, Deputy City Clerk

## Exhibit "A"

### Tax Parcel IDs

072230056400010	072230737602050	122229660000300
072230056400031	072230737602060	122229660000310
072230056400050	072230737602080	122229660000940
072230056400080	072230737602090	122229660000951
072230341600010	072230737602111	122229660000980
072230341600020	072230737602120	122229660001010
072230341600030	072230737801110	122229660001030
072230341600050	072230737802010	122229660001050
072230361600010	122229104802190	122229660001070
072230361600021	122229660000010	122229660001080
072230361600040	122229660000060	122229660001100
072230361600050	122229660000100	122229660001130
072230651299010	122229660000120	122229660001150
072230737601032	122229660000130	122229660001160
072230737601040	122229660000200	122229660001170
072230737601060	122229660000210	122229660001180
072230737601070	122229660000220	
072230737601080	122229660000250	
072230737601090	122229660000260	
072230737601100	122229660000280	
072230737602040	122229660000290	

Exhibit "B"

Parcel	Location	Owner	% Share of Improvement	Est. First Yr Pmt
072230737601040	1011 N ORANGE AVE	ALEXANDER FAMILY PROPERTY HOLDINGS L	1.2%	\$ 2,137
072230341600020	826 N ORANGE AVE	ALTSHULER ALAN M TR	0.6%	\$ 1,046
072230341600030	834 N ORANGE AVE	ALTSHULER ALAN M TR	1.7%	\$ 2,997
072230737801110	919 N ORANGE AVE	BEASLEY D TROY	2.2%	\$ 3,941
122229660000260	1181 N ORANGE AVE	BLALOCK FAUSNAUGH MILLER THIELER &	1.6%	\$ 2,783
122229660000310	1121 N ORANGE AVE	CITRUS BANK	1.3%	\$ 2,215
122229660000940	1390 N ORANGE AVE	CITY OF WINTER PARK	0.6%	\$ 1,139
072230056400080	784 N ORANGE AVE	CODY COMPANY INC	2.0%	\$ 3,504
072230737601032	1023 N ORANGE AVE	DBG INC	0.8%	\$ 1,468
122229660000980	1350 N ORANGE AVE	DEMETREE MARY L	4.5%	\$ 7,966
122229660000060	1355 N ORANGE AVE	DRSK1 LLC	2.9%	\$ 5,059
072230737601080	947 N ORANGE AVE	F S INTERNATIONAL INC	0.9%	\$ 1,565
122229660000280	1155 N ORANGE AVE	FAUSNAUGH BLALOCK MILLER THIELER	1.6%	\$ 2,899
072230651299010	1100 N ORANGE AVE	FLORIDA POWER CORP	3.1%	\$ 5,465
122229660001180	1150 N ORANGE AVE	FLORIDA POWER CORP	6.0%	\$ 10,609
072230056400010	702 N ORANGE AVE	GRAND INVESTMENTS OF GEORGIA L L C	1.9%	\$ 3,326
122229660000300	1141 N ORANGE AVE	HARKINS JOHN R	0.8%	\$ 1,451
122229660000010	1200 N ORLANDO AVE	HARPER RENTALS INC	2.3%	\$ 4,135
072230361600021	745 N ORANGE AVE	HOLLER ROGER W JR ESTATE	0.8%	\$ 1,481
072230361600050	761 N ORANGE AVE	HOLLER ROGER W JR ESTATE	0.7%	\$ 1,301
072230056400031	720 N ORANGE AVE	HOLLER ROGER W JR ESTATE	0.8%	\$ 1,477
072230056400050	750 N ORANGE AVE	HOLLER ROGER W JR ESTATE	1.9%	\$ 3,291
122229660000220	1211 N ORANGE AVE	HVC LAND CORP	5.9%	\$ 10,497
122229660001050	1330 N ORANGE AVE	ISON MICHAEL R	0.8%	\$ 1,414
122229660001030	1332 N ORANGE AVE	ISON MICHAEL R	1.5%	\$ 2,612
072230737601060	963 N ORANGE AVE	JACKSON FRANCIS L	0.8%	\$ 1,347
072230737601100	935 N ORANGE AVE	JOHNSON MARGARET LYNN TR	0.9%	\$ 1,616
122229660001170	1194 N ORANGE AVE	KUHN RALPH D	0.8%	\$ 1,383
122229660001160	1198 N ORANGE AVE	KUHN RALPH D	0.7%	\$ 1,197
122229660000290	1151 N ORANGE AVE	LEEDS HOLDINGS/SOUTHEAST INC	1.3%	\$ 2,361
122229660000250	1185 N ORANGE AVE	LEMIEUX PETER G	1.0%	\$ 1,723

122229660001010	1346 N ORANGE AVE	LEUNG WINNIE WONG TR	1.4%	\$ 2,516
072230341600050	900 N ORANGE AVE	LYDEN PROPERTIES LTD	2.1%	\$ 3,737
122229660001150	1222 N ORANGE AVE	MALTABES GEORGE	0.7%	\$ 1,287
122229660001130	1230 N ORANGE AVE	MALTABES GEORGE	1.4%	\$ 2,508
122229660000130	1285 N ORANGE AVE	MARLIB INC	10.5%	\$ 18,592
072230737602111	1010 N ORANGE AVE	MAROON FINE HOMES INC	1.4%	\$ 2,547
122229660000100	1341 N ORANGE AVE	ORANGE AVENUE PROPERTIES	1.2%	\$ 2,035
072230737601070	953 N ORANGE AVE	PARKER ALAN C TR	0.9%	\$ 1,541
122229660001100	1270 N ORANGE AVE	PHILLIPS JAMES DONALD	3.1%	\$ 5,514
072230737802010	801 N ORANGE AVE	ROLLINS COLLEGE	2.3%	\$ 50,000
122229660000951	1360 N ORANGE AVE	RYAN MARY AGNES FRIES 1/6 INT	1.3%	\$ 2,224
122229660001080	1280 N ORANGE AVE	STATE AUTO BOBY WORKS & GARAGE INC	3.0%	\$ 5,282
072230737602040	918 N ORANGE AVE	STROLLO JAMES P	1.4%	\$ 2,518
072230737602050	930 N ORANGE AVE	STROLLO JAMES P	1.0%	\$ 1,752
122229660000210	1235 N ORANGE AVE	SUS PROPERTIES	0.8%	\$ 1,404
122229660000200	1245 N ORANGE AVE	SUS PROPERTIES	0.5%	\$ 964
122229660000120	1311 N ORANGE AVE	SUS PROPERTIES	0.9%	\$ 1,631
122229660001070	1302 N ORANGE AVE	TBZ PROPERTIES	1.3%	\$ 2,242
072230341600010	816 N ORANGE AVE	THOMAS LUMBER & SUPPLY CO INC	0.5%	\$ 799
122229104802190	925 DENNING DR	TUDOR PROPERTIES INC	1.4%	\$ 2,412
072230737601090	941 N ORANGE AVE	WARE CARL BRIAN TR	0.7%	\$ 1,185
072230737602060	958 N ORANGE AVE	WATSON HERBERT E	2.3%	\$ 4,009
072230737602080	972 N ORANGE AVE	WILLIAMS LARRY E 50% INT	0.9%	\$ 1,643
072230737602090	976 N ORANGE AVE	WILLIAMS LARRY E 50% INT	1.9%	\$ 3,334
072230361600040	753 N ORANGE AVE	WINN MICHAEL H TR	0.5%	\$ 966
072230361600010	711 N ORANGE AVE	WINTER PARK MERCANTILE	1.5%	\$ 2,725
072230737602120	1030 N ORANGE AVE	ZIMMER REALTY INC	1.0%	\$ 1,751



Cost Assumptions		
Street Improvement Cost	\$	3,516,972.81
CRA Portion	\$	1,316,973
Assessment Portion	\$	2,200,000
Less Upfront Pmts from Excluded Zoning Types	\$	50,000
Adj. Assessment Portion	\$	2,150,000
Total Annual Area Pmt	\$	172,522
Amortization Assumptions		
Term		20
Rate		5.00%