

**RESOLUTION NO. 2074-11**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING NORTH PHELPS AVENUE AND BRYAN AVENUE; WHICH IMPROVEMENTS BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park, Florida, in Resolution No. 2070-10, has determined, and does hereby determine, to make and fund certain public improvements as authorized by Sections 170.01 and 170.201, Florida Statutes, by undergrounding the electric/CATV facilities within the municipal boundaries of the city of Winter Park, consisting of properties abutting North Phelps Avenue and Bryan Avenue; and

**WHEREAS**, the City Commission has determined, and does hereby determine, to make and fund certain public improvements as authorized by Sections 170.01 and 170.201, Florida Statutes, by undergrounding the electric/CATV facilities of properties abutting North Phelps Avenue and Bryan Avenue, all of the aforesaid public improvements and municipal services to be hereinafter referred to as the "Project"; and

**WHEREAS**, the cost and expense of the Project is to be met in whole or in part by special assessments; and

**WHEREAS**, Sections 170.07 and 170.08, Florida Statutes, require that a public hearing be conducted with respect to the special assessment roll, which has heretofore been filed with the City Clerk of the City of Winter Park, which assessment roll shows the lots and lands assessed and the amount of the benefit to and the assessment against each lot or parcel of land, and, if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided.

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

**Section 1.** The City Commission of the City of Winter Park hereby calls a Public Hearing at 3:30 p.m. on February 28, 2011, or as soon as possible thereafter, in City Commission Chambers, City Hall, 401 Park Avenue South, Winter Park, Florida for the purpose of affording owners of the property to be assessed, or any other persons interested therein, to appear and be heard as to the propriety and advisability of making and funding such improvements as to the cost thereof, as to the manner of payment therefore, and as to the amount thereof to be assessed against each property so improved or benefited.

**Section 2.** The area to be improved and benefited are those properties abutting North Phelps Avenue and Bryan Avenue, by the undergrounding. The description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the City Clerk.

**Section 3.** The public improvement proposed shall consist of the undergrounding of electric/CATV facilities of properties abutting North Phelps Avenue and Bryan Avenue.

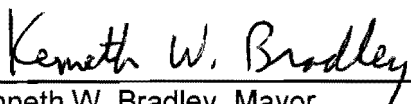
**Section 4.** The aforesaid public hearing shall be conducted as provided, and for the purposes recited in Sections 170.07 and 170.08, Florida Statutes.

**Section 5.** This notice shall be published as provided in Section 170.07, Florida Statutes.

**Section 6.** Thirty (30) days notice in writing of the time and place of the aforesaid public hearing shall be given to the property owners of the property to be assessed, which notice shall include the amount of the assessment. The notice shall be served by mailing a copy to each of such property owners at his last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser or from such other sources as the City Clerk or Electric Director deems reliable, proof of such mailing to be made by the affidavit of the City Clerk, Deputy Clerk, or by the Electric Director, said proof to be filed with the City Clerk, provided, that failure to mail said notice or notices shall not invalidate any of the proceedings here-under.

**Section 7.** 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 14th day of February, 2011.

  
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Kenneth W. Bradley, Mayor

Attest:   
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Cynthia S. Bonham, City Clerk