

**RESOLUTION NO. 2120-13**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 197.3632, 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 VIA SALERNO AND VIA CAPRI; WHICH IMPROVEMENTS ARE TO BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission enacted Ordinance 2249 to provide for the creation of assessment areas and authorize the imposition of assessments to fund the construction of local improvements to serve the property located therein and Ordinance 2249 provides that the City may elect to use the method for imposition and collection of assessments in Florida Statutes § 197.3632; and

**WHEREAS**, the City Commission of the City of Winter Park, Florida, in Resolution No. 2117-12, has determined, and does hereby also determine, to make and fund certain public improvements, consisting of undergrounding the electric/CATV facilities within the municipal boundaries of the City of Winter Park; specifically, properties abutting Via Salerno/Via Capri; all of the aforesaid public improvements and municipal services to be hereinafter referred to as the "Project," as authorized by Ordinance 2249, home rule power, and Section 197.3632, Florida Statutes; and

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

**WHEREAS**, the Project will provide a special benefit to all property by improving and enhancing the properties' aesthetics and safety, thus enhancing the value, use and enjoyment of the properties; and

**WHEREAS**, the City Commission hereby finds and determines that the assessments to be imposed in accordance with this Initial Assessment Resolution provide an equitable method of funding construction of the Project by fairly and reasonably allocating the cost to specially benefitted property equally to each property based upon the benefit attributable to each benefitted property in the manner hereinafter described; and

**WHEREAS**, Section 197.3632, Florida Statutes, requires 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 5:00 p.m. on February 25, 2013, 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 by the undergrounding of electric/CATV facilities are those properties abutting Via Salerno/Via Capri. The description of each property to be assessed abutting Via Salerno/Via Capri 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 estimated capital cost for the Project is \$37,772. One half of this amount (\$18,886) will be funded through the imposition of assessments against property located in the Neighborhood Electric Assessment District (NEAD) area in the manner set forth in Exhibit A hereof.

**Section 4.** The Electric Department is hereby directed to prepare a final estimate of the Capital Cost of the Project and to prepare the preliminary Assessment Roll in the manner provided in Ordinance 2249. The Electric Department shall apportion the Project cost among the parcels of real property abutting Via Salerno/Via Capri as reflected on the Tax Roll in conformity with Exhibit A. The estimate of Capital Cost and the Assessment Roll shall be maintained on file in the offices of the Electric Department and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the assessment for each property can be determined by use of a computer terminal available to the public.

**Section 5.** Assessments will be imposed and collected on the ad valorem tax bill in the manner authorized by Section 197.3632, Florida Statutes. The assessment shall be computed for each parcel.

**Section 6.** The aforesaid public hearing shall be conducted as provided, and for the purposes recited, in Section 197.3632, Florida Statutes.

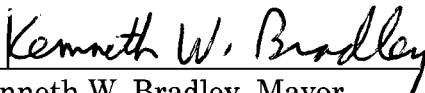
**Section 7.** This notice shall be published as provided in Section 197.3632, Florida Statutes.

**Section 8.** Twenty (20) days notice in writing of the time and place of the aforesaid public hearing shall be given to the property owners of the properties 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 their 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 Electric Director deems reliable, proof of such mailing to be made by the affidavit of the Electric Director, said proof to be filed with the City Clerk.

**Section 9.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or application of this Resolution.

**Section 10.** 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 11<sup>th</sup> day of February 2013.

  
Kenneth W. Bradley, Mayor

Attest:   
Cynthia S. Bonham, City Clerk