

RESOLUTION NO. 1976-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.07, FLORIDA STATUTES, FIXING THE TIME AND PLACE OF A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE INSTALLATION OF AND FUNDING OF PUBLIC 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; A PORTION OF SAID IMPROVEMENTS TO BE PAID FOR BY SPECIAL ASSESSMENTS LEVIED AGAINST THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF ALL LOTS AND LANDS ADJOINING AND CONTIGUOUS OR BOUNDING AND ABUTTING UPON SUCH IMPROVEMENTS ON A PORTION OF ORANGE AVENUE, FROM U.S. ROUTE 17/92 TO HOLT AVENUE, OR SPECIALLY BENEFITED THEREBY; 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, 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, the City Commission established the proposed special assessments to fund the Improvements pursuant to Section 170.03, Florida Statutes, with the adoption of Resolution 1975-07 on May 29, 2007; and

WHEREAS, Sections 170.07 and 170.08, Florida Statutes, require that a public hearing be conducted with respect to the preliminary assessment roll, which has heretofore been filed with the City Clerk of the City of Winter Park, which preliminary 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; and

WHEREAS, pursuant to Sections 197.3632(1)(g) and 1973632(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 here is a change in the method or purpose of the assessment.

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 June 25, 2007 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 benefited.

Section 2. The area to be improved and benefited are those properties abutting Orange Avenue, from US Route 17/92 to Holt Avenue, by the installation of and funding of the Improvements on Orange Avenue, from US Route 17/92 to Holt Avenue. 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 installation of the Improvements on Orange Avenue, from US Route 17/92 to Holt Avenue.

Section 4. The aforesaid public hearing shall be conducted as provided, and for

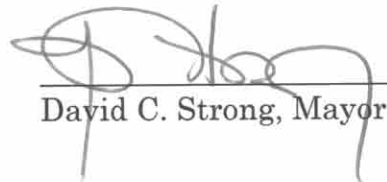
the purposes recited in Sections 170.07, 170.08 and 197.3632, Florida Statutes.

Section 5. This notice shall be published as provided in Section 170.07, Florida Statutes, and be in substantially the same form as the attached Exhibit "A."

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 city engineer deems reliable, proof of such mailing to be made by the affidavit of the city clerk, deputy clerk, or by the city engineer, 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 29th day of May, 2007.



David C. Strong, Mayor

Attest:



~~Cynthia S. Bonham, City Clerk~~

Nancy McLean, Deputy City Clerk

EXHIBIT "A"

NOTICE OF EQUALIZATION HEARING
ORANGE AVENUE
(FROM US ROUTE 17/92 TO HOLT AVENUE)
WINTER PARK, FLORIDA

Notice is hereby given that a public equalization hearing will be held on June 25, 2007, at 3:30 p.m., at the Commission Chambers, City Hall, 401 Park Avenue South, Winter Park, Florida, by the City Commission of the City of Winter Park, Florida, sitting as an equalizing board to hear any and all complaints regarding the special assessments described in Resolution No. 1975-07 of the City Commission adopted on May 29, 2007 (the "Assessment Resolution") related to certain public improvements to the road, landscaping, sidewalks, street lights, traffic lights, drainage pipes, irrigation and stormwater inlets along Orange Avenue, from US Route 17/92 to Holt Avenue, being those properties abutting Orange Avenue, from US Route 17/92 to Holt Avenue, in the City of Winter Park, Florida (the "Project").

All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of the date of the first publication of this notice.

The Project is more particularly described in plans and specifications on file with the City.

It is proposed that the assessments for installation of the street bricking will be levied in the total amount of \$2,200,000.00 to be paid in accordance with Assessment Resolution. Assessments will generally be allocated to the property owners based upon the assessed valuation of each parcel as determined by the Orange County Property Appraiser, all as more particularly set forth in the Assessment Resolution.

All interested persons are advised that the description of each property to be assessed and the amount to be assessed to each parcel or piece of property may be ascertained from the preliminary assessment roll on file at the office of the City Clerk of the City of Winter Park, Florida, at City Hall, 401 Park Avenue South, Winter Park, Florida.

It is the intention of the City Commission to adjust and equalize all assessments on a basis of justice and right, following the hearing, and adopt a final assessment roll to be recorded in the Official Records of Orange County, Florida, which shall constitute a lien on all property so assessed, coequal with all state, county, district and municipal taxes, as provided in Section 170.09, Florida Statutes, and pursuant to which the assessments will be collected by the Tax Collector of Orange County, Florida, together with such taxes.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office, (407) 599-3277, at least 48 hours in advance of the meeting.

Dated: May 29th, 2007

CITY OF WINTER PARK, FLORIDA