

**RESOLUTION NO. 2040-09**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170.03, FLORIDA STATUTES, CONFIRMING THE SPECIAL ASSESSMENTS FOR THE UNDERGROUNDING OF ELECTRIC/CATV FACILITIES OF PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING FAWSETT ROAD, GLENCOE ROAD, DANA WAY AND LAKE CHELTON CIRCLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park, Florida has determined and does hereby determine, to make and fund certain public improvements authorized by Section 170.01 and 170.201, Florida Statutes, consisting of undergrounding electric/CATV facilities, generally described as properties abutting Fawsett Road, Glencoe Road, Dana Way and Lake Chelton Circle, more specifically indicated hereafter, such public improvements to be hereinafter referred to as the "Project"; and

**WHEREAS**, a portion of the expenses of the Project are to be defrayed by special assessments; and

**WHEREAS**, Section 170.07, 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; and

**WHEREAS**, Section 170.08, Florida Statutes, requires that at said public hearing the City Commission of the City of Winter Park meet as an equalizing board to hear and consider any and all complaints as to such special assessments; and to adjust and equalize the said assessments when necessary on a basis of justice and right; and

**WHEREAS**, the City Commission of the City of Winter Park has met as such equalizing board and has heard and considered all complaints as to such special assessments raised by the owners of property to be assessed and other interested persons.

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

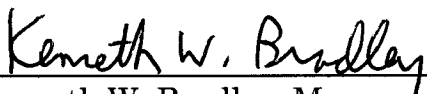
**Section 1.** The City Commission of the City of Winter Park, after hearing and considering all complaints brought before it as to the special assessments to be charged against property owners for the undergrounding of electric/CATV facilities and funding of capital improvements consisting of undergrounding of electric/CATV facilities of properties abutting Fawsett Road, Glencoe Road, Dana Way and Lake Chelton Circle, does hereby approve and confirm the special assessments as contained in the Special Assessment Rolls filed with the City Clerk of the City of Winter Park.


**Section 2.** By being so approved and confirmed, such assessments shall become legal, valid and binding first liens, upon the property against which such assessments are made, until paid.

**Section 3.** The City Clerk shall cause such approved and confirmed special assessments to be duly recorded in a special book to be known as the "improvement lien book". The record of the lien in said book shall constitute prima facie evidence of its validity.

**Section 4.** 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 14<sup>th</sup> day of December, 2009.

  
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Kenneth W. Bradley, Mayor

Attest:   
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Cynthia S. Bonham, City Clerk