

**RESOLUTION NO. 2078-11**

**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: UNDERGROUND ELECTRIC/CATV (BHN) FACILITIES ALONG NORTH PHELPS AVENUE AND BRYAN AVENUE FURTHER DECLARING THAT 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 of the City of Winter Park, Florida has established a policy for undergrounding electric/CATV (BHN) facilities within the City; and

**WHEREAS**, the owners of the requisite number of lots within the area along North Phelps Avenue and Bryan Avenue have requested the undergrounding of electric/CATV (BHN) facilities, and

**WHEREAS**, Section 170.201, Florida Statutes, allows the City Commission of the City of Winter Park to levy and collect special assessments to fund capital improvements and municipal services; and

**WHEREAS**, the expenses of the electric/CATV (BHN) undergrounding project are to be defrayed by special assessments; and

**WHEREAS**, Sections 170.03 and 170.201, Florida Statutes, establish procedures to be followed by the City of Winter Park prior to commencement of the Project.

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

**Section 1.** The City of Winter Park shall provide public improvements consisting of the undergrounding of electric/CATV (BHN) facilities in the area described as, North Phelps Avenue and Bryan Avenue. The exact location and description of such improvements and municipal services appear upon the plans and specifications on file with the Electric Utility Department of the City of Winter Park.

**Section 2.** The estimated cost of this improvement to be paid by special assessments is \$3,473.00 (electric) and \$1,179.00 (BHN), representing an estimated unit cost of \$868.00 (electric) and \$295.00 (BHN) per adjacent parcel, which will be paid by special assessments established by the City Commission of the City of Winter Park in accordance with the provisions of Chapter 170, Florida Statutes. Such assessments, when established, the amount of the first year's assessment, and the method and schedule for payment, are as set forth on Schedule A attached hereto, and may be paid to the city as follows:

In cash without interest, at anytime within 30 days after the aforesaid improvement has been completed, or

In ten (10) equal annual installments of principal and interest accrued at the rate of 4.25% per annum for electric undergrounding and prime interest for CATV (BHN) undergrounding, such payments to commence upon the approval of the resolution and submittal to the appropriate agency(s) for inclusion in the tax roll(s) and annually there-after.

If such 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.

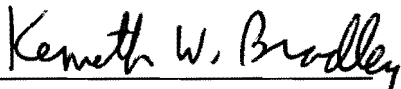
**Section 3.** The lands upon which the aforesaid special assessments shall be levied shall be all lots and lands adjoining and contiguous or bounding and abutting within the described Neighborhood Electric Assessment District (NEAD) improvements which are specially benefitted thereby and further designated by the assessment plat herein provided for.

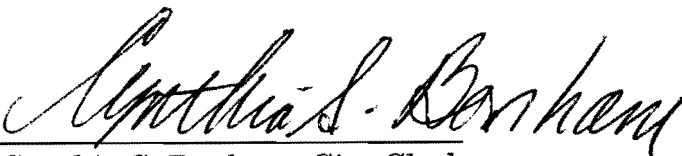
**Section 4.** The public is invited to review the assessment plat, the plans and specifications, and the estimate of the cost of the Project, all of which are on file with the City Clerk of the City of Winter Park, Florida, all as required by Chapter 170, Florida Statutes.

**Section 5.** This Resolution shall be published once in a newspaper of general circulation published in the City of Winter Park, Florida.

**Section 6.** 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 28th day of February, 2011.

  
Kenneth W. Bradley, Mayor

Attest:   
Cynthia S. Bonham, City Clerk