

RESOLUTION NO. 2205-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING A NON-AD VALOREM SPECIAL ASSESSMENT TO FUND THE INSTALLATION OF STREET BRICK AND RELATED ACTIVITIES UPON A PORTION OF PANSY AVENUE GENERALLY DESCRIBED AS BEGINNING AT PENNSYLVANIA AVENUE AND EXTENDING WESTERLY ABOUT 670 FEET; ESTABLISHING THE LIEN ASSOCIATED THEREWITH; ADOPTING AN ASSESSMENT ROLL; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE ORANGE COUNTY TAX COLLECTOR; PROVIDING FOR COLLECTION AND ENFORCEMENT OF THE SPECIAL ASSESSMENT; PROVIDING FOR OTHER MATTERS RELATED TO THE SPECIAL ASSESSMENT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park (the "City") finds that the portion of Pansy Avenue, generally described as beginning at Pennsylvania Avenue and extending westerly about 670 feet to existing brick (the "Improvement Area"), currently lacks street bricking; and

WHEREAS, the City finds that the installation of street bricking within the Improvement Area (the "Improvements") will improve the quality of Pansy Avenue, enhance the aesthetic character of the City, and advance the public health, safety, and welfare; and

WHEREAS, the City finds that the Improvements will provide a special benefit to certain parcels of property within the vicinity of the Improvement Area, which parcels of property are more particularly described in the attached Exhibit "A" (the "Benefited Parcels"), and that it is necessary and appropriate that the Improvements be funded by imposition of a non ad valorem special assessment upon the Benefited Parcels; and

WHEREAS, all affected property owners have been notified of the need for the special assessment, its cost, payment schedule, the effect of non-payment, the identities of the Benefitted Parcels, the right to appear at and participate in the public hearing at which this Resolution is adopted, the right to file written objections, and all other relevant information concerning the special assessment

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

Section 1. Adoption of Representations. The foregoing recitals are hereby ratified and confirmed as true and correct, and are adopted as legislative findings and incorporated as material provisions of this Resolution.

Section 2. Authority. This Resolution is adopted in accordance with Section 197.3632(4), Florida Statutes and under the general authority of Section 2(b), Article VIII of the Constitution of the State of Florida; Parts I and III of Chapter 166, Florida Statutes; and other law.

Section 3. Levy of Special Assessment. There is hereby levied an annual non-ad valorem special assessment (the "Special Assessment") for the purpose of funding the Improvements and all costs and expenses related to carrying out the Improvements, and all costs and expenses related to adopting and administering the Special Assessment, in the total estimated amount of \$126,466.50 (including interest), to be apportioned among the Benefited Parcels and collected annually over a period of up to ten (10) years, commencing in the year 2018 or as soon thereafter as is practicable. The Special Assessment shall be enforceable as a lien against all Benefited Parcels, including homestead property, as permitted pursuant to section 4, Art. X of the Florida Constitution.

Section 4. Levy Against Each Parcel. The unit of apportionment of the Special Assessment between the Benefited Parcels shall be \$81.27 per foot of frontage upon the road(s) subject to the Improvements for each Benefited Parcel. The estimated annual apportionment of the Special Assessment as to each of the Benefited Parcels and the estimated maximum obligation for which each of the Benefited Parcels is subject to lien are described in the attached Exhibit "A."

Section 5. Adoption of Assessment Roll. In accordance with Section 197.3632(4), Florida Statutes, and other applicable law, the City hereby adopts the Assessment Roll attached hereto as Exhibit "A."

Section 6. Necessity of Assessment. The City finds that the levy of the Special Assessment is necessary to fund the Improvements, in order to improve the quality of Pansy Avenue, enhance the aesthetic character of the City, and advance the public health, safety, and welfare.

Section 7. Collection and Enforcement. Annual assessments shall be subject to all applicable collection provisions provided for in Chapter 197, Florida Statutes and other applicable laws, including those provisions related to discounts for early payment, prepayment by installment method, deferred payments, penalties for delinquent payments, and the issuance of and sale of tax certificates and tax deeds for nonpayment. In the absence of applicable laws, collection and enforcement shall be governed by City policies in existence at the time this Resolution is adopted or hereafter adopted by the City.

Section 8. Special Benefit. The City Commission finds that (a) a reasonable methodology has been applied in determining which parcels of property are specially benefitted by the Improvements; (b) there is a logical relationship between the Improvements and the benefit received by the Benefited Parcels; (c) each parcel specially benefitting from the Improvements is included in the Special Assessment; and (d) the unit of measurement referenced herein fairly and reasonably apportions the cost of the Improvements among all of the Benefited Parcels proportionate to the special benefit received by each such Benefited Parcel from the Improvements.

Section 9. Certification to Tax Collector. Upon adoption, and by September 15 of each year that the Special Assessment is in effect, the City Manager or his/her designee is hereby authorized and directed to certify the Assessment Roll on compatible electronic medium to the Orange County Tax Collector, having posted the non-ad valorem assessment for each of the Benefited Parcels thereon and having ensured that the Assessment Roll accurately reflects any adjustments as may be imposed herein or by applicable law or rule, all in accordance with Section 197.3632(5), Florida Statutes.

Section 10. Payment of Assessment. Each annual assessment authorized herein shall be placed on the Orange County Real Estate Ad-Valorem Tax Bill and shall be due and payable annually with any discounts or penalties associated therewith.

Section 11. Release of Lien. If any Benefited Parcel's apportionment of the Special Assessment becomes delinquent or a tax certificate has been issued and remains outstanding against such Benefited Parcel, such property's full apportionment of the Special Assessment shall become mandatorily and immediately due and payable to the City. The mandatory payment in full of a Benefited Parcel's apportionment of the Assessment shall release the lien created hereby against such property.

Section 12. Future Subdivision or Combination. If any Benefited Parcel is subdivided into separate tax parcels, the assessment imposed against such parent parcel shall be equitably reallocated among the new tax parcels upon assignment of a distinct tax identification number to each new separate tax parcel or any combination of tax parcels by the Orange County Property Appraiser. If two or more Benefited Parcels are combined into a single parcel, the resulting parcel shall be subject to a combination of the assessments existing on the parent parcels before combination.

Section 13. Other Authorizations. The proper officials and employees of the City are authorized to (a) do all things necessary to carry out the terms and conditions of this Resolution consistent with the intent of the City Commission, including contracting with the Orange County Property Appraiser and the Orange County Tax Collector to administer the levy and collection of the Special Assessment, provided that any such proposed agreements or contracts shall be presented to the City Commission for its consideration; and (b) record a copy of this Resolution or any other necessary papers in the Public Records of Orange County, Florida to provide additional constructive notice and preserve the status of the lien created hereby on all Benefited Parcels, including any subsequent purchasers of the Benefited Parcels.

Section 14. Severability. If any section, subsection, sentence, clause, phrase, or portion of this resolution is, for any reason, determined invalid, void, voidable, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereto.

Section 15. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED at a meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on this 26th day of February, 2018.

ATTEST:



Cynthia S. Bonham, City Clerk



Steve Leary, Mayor

PANSY AVENUE - EXHIBIT A												
From Pennsylvania Ave. Westerly Approx. 670' (to existing brick)												
February 2018												
#	Address No.	Street	Name (1)	Name (2)	Tax ID #	Legal Description of Property	Mailing Address	Front Footage	Cost Per Foot	Lump Sum Cost Per Property	Annual Pymt. For 10 Yrs. @ 3.5% Interest	Total 10 Yr Payment
1)	616	Pansy Avenue	Patel Daniel	Kamder Tamvi	06-22-30-8892-00-740	VILLA VIEW PARK J31 LOTS 71 72 & 73	616 Pansy Avenue Winter Park Florida 32789	128	\$81.27	\$10,159.30	(\$1,221.57)	(\$12,215.88)
2)	621	Pansy Avenue	Salimone Lonnie J	Salimone Shannon H	06-22-30-8892-00-310	VILLA VIEW PARK J31 LOTS 31 & 32	621 Pansy Avenue Winter Park Florida 32789	60	\$81.27	\$4,063.72	(\$488.63)	(\$4,886.27)
3)	630	Pansy Avenue	Gallegos Javier	Gallegos Laura	06-22-30-8892-00-710	VILLA VIEW PARK J31 LOTS 71 72 & 73	630 Pansy Avenue Winter Park Florida 32789	75	\$81.27	\$6,095.58	(\$732.94)	(\$7,329.41)
4)	637	Pansy Avenue	North Park Investments LLC	Bill & Elizabeth Roll (signature) 407-448-5814	06-22-30-8892-00-330	VILLA VIEW PARK J31 LOTS 33 & 34	1184 N Park Ave Winter Park, FL 32789-2576	60	\$81.27	\$4,063.72	(\$488.63)	(\$4,886.27)
5)	639	Pansy Avenue	Campbell John Alden III	Campbell Jennifer Holler	06-22-30-8892-00-380	VILLA VIEW PARK J31 LOTS 35 & 36	639 Pansy Avenue Winter Park Florida 32789	60	\$81.27	\$4,063.72	(\$488.63)	(\$4,886.27)
6)	640	Pansy Avenue	Berger Jacquelyn R	x	06-22-30-8892-00-690	VILLA VIEW PARK J31 LOTS 68 THROUGH 70	2180 N Park Ave Ste 300 Winter Park FL 32789-2368	75	\$81.27	\$6,095.58	(\$732.94)	(\$7,329.41)
7)	643	Pansy Avenue	Fidius LLC	x	06-22-30-8892-00-370	VILLA VIEW PARK J31 LOTS 37 & 38 AND THE E 15 FT OF LOT 39	215 N Eola Dr Orlando, FL 32801-2095	66	\$81.27	\$5,282.94	(\$635.22)	(\$6,362.15)
8)	645	Pansy Avenue	Feely Ryan	x	06-22-30-8892-00-390	VILLA VIEW PARK J31 LOT 39 (LESS THE E 15 FT THEREOF) & ALL LOTS 40 & 41 & E 5 FT OF LOT 42	946 Pansy Avenue Winter Park Florida 32789	66	\$81.27	\$5,282.94	(\$635.22)	(\$6,362.15)
9)	660	Pansy Avenue	Hartman Jeffrey P	Hartman Jill	06-22-30-8892-00-640	VILLA VIEW PARK J31 LOTS 64 THROUGH 67	660 Pansy Avenue Winter Park, FL 32789	100	\$81.27	\$8,127.44	(\$977.25)	(\$9,772.54)
10)	680	Pansy Avenue	Fadool Margot C	Fadool John G	06-22-30-8892-00-690	VILLA VIEW PARK J31 LOTS 59 THROUGH 63	680 Pansy Avenue Winter Park Florida 32789	125	\$81.27	\$10,169.30	(\$1,221.57)	(\$12,215.88)
11)	701	Pansy Avenue	Colasanti Christopher J	Colasanti Linnea A	06-22-30-8892-00-430	VILLA VIEW PARK J31 LOTS 43 & 44 & W 20 FT OF LOT 42 & (LESS THE WEST 10 FT LOT 44)	701 Pansy Avenue Winter Park Florida 32789	60	\$81.27	\$4,876.46	(\$586.36)	(\$5,863.53)
12)	711	Pansy Avenue	North Park Investments LLC	Bill & Elizabeth Roll (signature) 407-448-5814	06-22-30-8892-00-460	VILLA VIEW PARK J31 LOTS 45 & 46 & THE WEST 10 FT LOT 44	1194 N Park Ave Winter Park, FL 32789-2575	60	\$81.27	\$4,876.46	(\$586.36)	(\$5,863.53)
13)	720	Pansy Avenue	Posada Jeanne Christensen Tr	Posada Carlos Eduardo Tr	06-22-30-8892-00-670	VILLA VIEW PARK J31 LOTS 57 & 58	720 Pansy Ave 32789 640 N Pennsylvania Ave Ste 300 Winter Park, FL 32789-2766	60	\$81.27	\$4,063.72	(\$488.63)	(\$4,886.27)
14)	721	Pansy Avenue	Lutjens Nina V	Lutjens Richard N	06-22-30-8892-00-470	VILLA VIEW PARK J31 LOTS 47 & 48	360 Carolina Ave Apt 401 Winter Park, FL 32789-3158	60	\$81.27	\$4,063.72	(\$488.63)	(\$4,886.27)
15)	731	Pansy Avenue	Klotograd Ira	x	06-22-30-8892-00-490	VILLA VIEW PARK J31 LOTS 49 & 50	731 Pansy Ave 32789 640 N Pennsylvania Ave Ste 300 Winter Park, FL 32789-2766	60	\$81.27	\$4,063.72	(\$488.63)	(\$4,886.27)
16)	736	Pansy Avenue	Silver Shay Davenport Life Estate	Silver Sheldon Life Estate : Rem: Michelle S Bangle	06-22-30-8892-00-510	VILLA VIEW PARK J31 LOTS 51 & 52	736 Pansy Avenue Winter Park Florida 32789	47.2	\$81.27	\$3,836.16	(\$461.26)	(\$4,612.64)
17)	736	Pansy Avenue	Kirk W L Jr	Kirk Nancy C	06-22-30-8892-00-530	VILLA VIEW PARK J31 LOTS 53 THROUGH 56	736 Pansy Avenue Winter Park Florida 32789	96.9	\$81.27	\$7,875.49	(\$946.96)	(\$9,469.60)
18)	1201	Pennsylvania Avenue	Slosser Derek A	Foley Kristin M	06-22-30-8892-00-270	VILLA VIEW PARK J31 LOTS 27 THROUGH 30	1201 N. Pennsylvania Avenue Winter Park Florida 32789	100	\$81.27	\$8,127.44	(\$977.25)	(\$9,772.54)
										\$105,177.20		(\$126,466.50)