

RESOLUTION 15- 58

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ESTABLISHING AND IMPOSING A NON-AD VALOREM ASSESSMENT FOR ROADWAY IMPROVEMENTS TO NW 210 AVENUE, NW 205 STREET, NW 218 AVENUE AND NW 202 STREET LOCATED IN THE UNINCORPORATED AREA OF ALACHUA COUNTY; DESCRIBING THE METHOD OF ASSESSING THE ROADWAY IMPROVEMENT COSTS AGAINST PROPERTY WITHIN THE SPECIAL ASSESSMENT DISTRICT; PROVIDING FOR INCLUSION OF THE ASSESSMENT ON THE ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida (hereinafter, the "Board"), finds that the roadway improvements to portions of NW 210 Avenue, NW 205 Street, NW 218 Avenue and NW 202 Street within Alachua County, specifically identified and described in **Exhibit "A"** are necessary for the health, safety, and welfare of the citizens of Alachua County, Florida; and

WHEREAS, the Alachua County Public Works Department has agreed to provide the roadway improvements within the district; and

WHEREAS, the properties to be benefitted by the roadway improvements have been specifically identified and described in **Exhibit "B"**; and

WHEREAS, pursuant to Section 197.3632(3)(a), Florida Statutes, and Alachua County Code Chapter 37, Alachua County, on October 28, 2014, the Board adopted Resolution 14-108 which gave Notice of the County's intent to impose a non-ad valorem assessment for roadway improvements to portions of NW 210 Avenue, NW 205 Street, NW 218 Avenue and NW 202 Street within Alachua County, and to use the uniform method of collecting such assessments; and

WHEREAS, pursuant to Section 197.3632(3)(a), Florida Statutes, and Alachua County Code Chapter 37, Alachua County has provided notice of the roadway

improvements to the owners of assessed property within the special assessment district through published notice by newspaper publication (proof of publication attached hereto as **Exhibit "C-1"**) and through notice by individual mailing (sample individual mailing attached hereto as **Exhibit "C-2"**); and

WHEREAS, the Board conducted a Public Hearing on October 28, 2014 and on June 09, 2015 and comments and objections of all interested persons have been heard and considered by the Board as required by law.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

1. That it finds, determines and declares that the recitals in the preamble are true and correct, and hereby incorporates them by reference.

2. That this Resolution is adopted pursuant to the County's Home Rule Authority as a Charter County, Code Chapter 37 and Section 197.3632, Florida Statutes, and other applicable provisions of law.

3. That, it is hereby ascertained, determined, and declared that each parcel of assessed property within the special assessment district will be specially benefitted by the roadway improvements by Alachua County Public Works in an amount not less than the amount of the roadway improvements assessment for such parcel. That, roadway improvements will enhance the assessed property and may result in a potential increase in the value to the property.

4. That, apportioning the roadway improvements costs among the property within the Assessment District according to the ratio of the average daily vehicular trips of each property over the total average daily vehicular trips of the district is fair and reasonable and proportional to the special benefit received.

5. There is hereby levied and imposed a non-ad valorem assessment against all properties in this Special Assessment District in the amount of \$3,242.65± per each property. The assessment may be paid over a 10-year period at an annual interest rate of 2%. The assessment is to be shared among the 68 parcels within the district. A copy of the roadway improvements cost summary with a methodology for determining the assessment cost is attached as **Exhibit "D"**, as incorporation herein by reference. Any difference in assessment revenues and actual construction costs shall be funded by Fuel Tax Revenues.

6. The roadway improvements assessment shall continue as a lien upon the assessed property that is equal in rank and dignity with the liens of all State, County, District or Municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such liens shall be superior in dignity to all other liens, titles and claims, until paid. Collection of the assessment shall commence with the Property Tax Notice mailed out during the Fiscal Year 2015-2016.

7. The non-ad valorem assessment imposed by this resolution shall be included in the assessment roll that will be adopted by the County and certified by the County Commission Chair prior to September 15, 2015. The County Manager or his designee is authorized and directed to ensure that this assessment is so included on the assessment roll of the Tax Notice for 2015 and all applicable subsequent notices for the duration of the roadway improvements assessment. The roadway improvements assessments shall be collected on the same bill as ad valorem taxes.

8. This resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 9th day of June, A.D., 2015.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
ALACHUA COUNTY, FLORIDA

By: Charles S. Chestnut, IV
Charles S. Chestnut, IV, Chair

ATTEST:

J.K. Irby, Clerk
J.K. Irby, Clerk

APPROVED AS TO FORM:

Alachua County Attorney
Alachua County Attorney

EXHIBIT "A"

THAT PART OF NW 210 AVENUE FROM COUNTY ROAD 236 RUNNING EASTERLY TO ITS INTERSECTION WITH NW 205 STREET; LYING AND BEING IN SECTIONS 25 AND 26, TOWNSHIP 7 SOUTH, RANGE 17 EAST, ALACHUA COUNTY FLORIDA.

AND ALSO:

THAT PART OF NW 205 STREET FROM NW 210 AVENUE RUNNING NORTHERLY TO ITS INTERSECTION WITH NW 218 AVENUE; LYING AND BEING IN SECTION 25, TOWNSHIP 7 SOUTH, RANGE 17 EAST, ALACHUA COUNTY FLORIDA.

AND ALSO:

THAT PART OF NW 218 AVENUE FROM NW 205 STREET RUNNING EASTERLY TO ITS EASTERLY TERMINATION; LYING AND BEING IN SECTION 25, TOWNSHIP 7 SOUTH, RANGE 17 EAST AND IN SECTION 30, TOWNSHIP 7 SOUTH, RANGE 18 EAST, ALACHUA COUNTY FLORIDA.

AND ALSO:

THAT PART OF NW 202 STREET FROM NW 218 AVENUE RUNNING NORTHERLY TO ITS TERMINUS WITH THE EXISTING PAVED PORTION OF NW 202 STREET; LYING AND BEING IN SECTION 30, TOWNSHIP 7 SOUTH, RANGE 18 EAST, ALACHUA COUNTY FLORIDA.

EXHIBIT "B"

NW 210 AVENUE, NW 205 STREET, NW 218 AVENUE AND NW 202 STREET IN ALACHUA COUNTY, FLORIDA SPECIAL ASSESSMENT DISTRICT

Description of the boundaries of the real property to be included in the district to benefit by the non-ad valorem assessments for roadway improvements indentified by Tax Parcel Number:

Section 26, Township 7 South, Range 17 East:

00076-002-000	00076-005-000	00146-030-000	00148-002-000
00076-002-001	00076-010-004	00146-030-001	00148-003-000
00076-002-002	00076-010-005	00146-034-000	00148-004-000
00076-002-003	00076-010-006	00148-000-000	
00076-004-000	00146-002-001	00148-001-000	

Section 25, Township 7 South, Range 17 East:

00065-001-000	00068-000-000	00070-002-000	00071-001-000
00065-002-000	00068-001-000	00070-002-001	00071-002-000
00065-003-000	00068-002-000	00070-002-002	00071-003-000
00065-003-001	00068-003-000	00070-003-000	00071-004-000
00065-003-002	00068-003-001	00070-004-000	00071-005-000
00065-005-001	00068-004-000	00070-005-000	00071-006-000
00065-006-000	00068-005-000	00070-005-001	00071-007-000
00065-007-000	00068-007-000	00070-006-000	00072-000-000
00067-010-015	00070-000-000	00071-000-000	

Section 36, Township 7 South, Range 17 East:

00242-000-000	00244-003-001	00244-010-003	00246-000-000
00244-001-000	00244-010-001	00244-010-004	

Section 30, Township 7 South, Range 18 East:

02935-000-000	02937-001-000	02937-001-002	02937-002-000
02937-000-000	02937-001-001	02937-001-003	02937-002-001

Exhibit "C-1"

Proof of publication

RECEIVED

MAY 26 2015



STATE OF FLORIDA
COUNTY OF ALACHUA

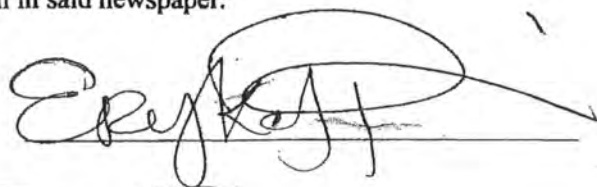
Published Daily and Sunday
Gainesville, Florida

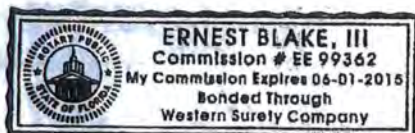
Before the undersigned authority personally appeared Eryka Rollins
Who on oath says that he/she is Advertising Account Manager of THE
GAINESVILLE SUN, a daily newspaper published in Gainesville in Alachua County, Florida, that the
attached copy of advertisement, being a Notice of Public Hearing
In the matter of Board of County Commissioners of Alachua County, Florida, hereby Provides Notice
Pursuant to Section 197.3632(3)(a), Florida Statutes, of its Intent to Use the Uniform Method of
Collecting Non-Ad Valorem Assessments to be Levied for the Use of the Alternative Surface Treatment
for NW 210 Avenue, NW 205 Street, NW 218 Avenue and NW 202 Street, Lying Easterly and Southerly
of County Road 236
In the County Administration Building, was published
in said newspaper in the issue of, May 19, 2015.

Affiant further says that THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida and that the said newspaper has heretofore been continuously published in said Alachua County, each day, and has been entered as second class mail matter at the post office in Gainesville, in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount for publication in said newspaper.

Sworn to and subscribed before me this
19th Day of May A.D. 2015.


(Seal) Notary Public





NOTICE OF PUBLIC HEARING



The Alachua County Board of County Commissioners will hold a public hearing Tuesday, June 9, 2015 at 5:00 p.m., or as soon thereafter as the matter may be heard, at the County Administration Building, Jack Durrance Auditorium Room 209, 12 S.E. 1st Street, Gainesville, Florida to consider the following item:

The Board of County Commissioners of Alachua County, Florida, hereby provides notice pursuant to Section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem assessments to be levied for the use of the alternative surface treatment for NW 210 Avenue, NW 205 Street, NW 218 Avenue and NW 202 Street, lying easterly and southerly of County Road 236.

The boundaries of the proposed improvements are:

That part of NW 210 Ave from County Road 236 running easterly to its intersection with NW 205 St; lying and being in Sections 25 and 26, Township 7 South, Range 17 East, Alachua County Florida. And also: That part of NW 205 St from NW 210 Ave running northerly to its intersection with NW 218 Ave; lying and being in Section 25, Township 7 South, Range 17 East, Alachua County Florida. And also: That part of NW 218 Ave from NW 205 St running easterly to its easterly termination; lying and being in Section 25, Township 7 South, Range 17 East and in Section 30, Township 7 South, Range 18 East, Alachua County Florida. And also: That part of NW 202 St from NW 218 Ave running northerly to its terminus with the existing paved portion of NW 202 St; lying and being in Section 25, Township 7 South, Range 17 East and in Section 30, Township 7 South, Range 18 East, Alachua County Florida. The estimated cost for the proposed improvements is \$283,882.65

The Board will consider the adoption of a resolution electing to use the uniform method of collecting non-ad valorem assessments on all or part of the boundaries referenced in the previous paragraph, authorized by Section 197.3632, Florida Statutes, at a public hearing to be held in Room 209 of the Alachua County Administration Building, 12 South East 1st Street, Gainesville, Florida, 32601, on Tuesday, October 28, 2014, at 5:00 p.m., or as soon thereafter as the matter may be heard. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed resolution are available at the Office of County Commissioners, second floor, Alachua County Administration Building, 12 South East 1st Street, Gainesville, Florida, 32601.

All persons are advised that, if they decide to contest any decision made at this public hearing, they will need a record of the proceedings and, for such purpose, they 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. All interested persons are invited to attend and be heard.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Alachua County Equal Opportunity Office at 352 374-5275 (voice) or 352 374-5284 (TTD) at least seven days prior to the date of the hearing.

Exhibit "C-2"

(SAMPLE NOTICE BY INDIVIDUAL MAILING)

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

Commissioners:

Charles S. Chestnut, IV, Chair
Robert "Hutch" Hutchinson
Mike Byerly
Lee Pinkoson
Ken Cornell

P.O. Box 5547
Gainesville, FL 32627-5547
(352) 338-3233
Dr. Lee A. Niblock
County Manager
Michelle Lieberman
County Attorney

May 13, 2015

Tax Parcel No. «Tax_Parcel»
«Name1» «and» «Name2»
«Address»
«City», «State» «Zip»

***** THIS IS NOT A BILL. DO NOT PAY. *****

This is to notify you that the Alachua County Board of County Commissioners will hold a public hearing to consider the imposition of a non-ad valorem assessment for road improvements for NW 210 Avenue, NW 205 Street, NW 218 Avenue and NW 202 Street, east of NW County Road 236 on Tuesday, June 9, 2015 at 5:00 p.m., or as soon thereafter as may be heard, in Room 209 of the Alachua County Administration Building, 12 South East 1st Street, Gainesville, Florida.

The purpose of this Special Assessment is to fund roadway improvements for the roadways listed above located within the unincorporated area of the County. The total amount of revenue collected by this assessment will be \$220,500.00. The total Road Improvement Assessment for this tax parcel number will be \$3,242.65±. This is calculated as follows:

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Annual Assessment Amount		No. of Residential Properties		Owners Annual Rate
\$22,050.00±	÷	68	=	\$324.26±

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Because the assessment is on the property tax bill, it is treated the same as property taxes. Therefore, state law requires that you be informed that failure to pay this assessment will cause a tax certificate to be issued against this property which may result in a loss of title. All property owners have the right to appear at the public hearing on June 9, 2015 and to file written objections with the Alachua County Board of County Commissioners within 20 days of this notice.

We are also required to advise you that if you decide to contest any decisions made at this public hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.

If any accommodations are needed for persons with disabilities, please contact the Alachua County Equal Opportunity Office at 352/374-5275 (voice) or 352/374-5284 (TDD).

Charles S. Chestnut, IV, Chair
Alachua County Board of County Commissioners

Exhibit "D"

Cost Summary

April 28, 2015

ESTIMATED ROAD COST	\$250,000.00
TOTAL LOAN INTEREST 2%	\$28,316.32
SUB TOTAL	\$278,316.32
ALACHUA COUNTY TAX COLLECTOR, 2% FEE (Billing Charge) ON ASSESSMENT AMOUNT	\$4,410.00
TOTAL ASSESSMENT AMOUNT	\$220,500.00
ANNUAL ASSESSMENT AMOUNT	\$22,050.00
TOTAL NUMBER OF PARCELS BEING ASSESSED (see note below)	68

COST PER PARCEL BEING ASSESSED (68)	\$3,242.65
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YEARLY ASSESSMENT PER TAX PARCEL NUMBER

AMOUNT	TERM	YEARLY COST
<u>\$3,242.65</u>	10 YEARS =	<u>\$324.26</u>

NOTE: There are 68 Tax Parcel Numbers in this assessment and the assessment rate is calculated on a per tax parcel number basis with some owners owning multiple parcels. This includes 1 commercial property being assessed the same as the residential properties.

The difference between actual construction costs and the administrative costs to include loan interest rates and the Tax Collector's billing rates are to be funded by Gas Tax Revenues.