

RESOLUTION 2021-113

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 180TH 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 NW 180th 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, on February 23, 2021, the Board adopted Resolution 21-16 which gave Notice of the County's intent to impose a non-ad valorem assessment for roadway improvements to NW 180th Street within Alachua County, and to use the uniform method of collecting such assessments; and

WHEREAS, pursuant to Section 197.3632(4), 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 Public Hearings on February 23, 2021 and September 14, 2021 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. This Resolution is adopted pursuant to the County's Home Rule Authority as a Charter County, Code Chapter 37, Alachua County Code and Section 197.3632, Florida Statutes, and other applicable provisions of law.

3. 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. The roadway improvements will enhance the assessed property and may result in a potential increase in the value to the property.

4. Apportioning the roadway improvement costs among the property within the special 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. The assessment is to be shared among the 8 parcels within the district.

5. There is hereby levied and imposed a non-ad valorem assessment against each of the properties listed in **Exhibit "B"** in this special assessment district in the amount of \$4,404.52 per each property. The assessment may be paid over a 10 year period, in the amount of \$440.45 per year, per each property. A copy of the roadway improvements cost summary with a methodology for determining the assessment cost is attached as **Exhibit "D"**. Any difference in assessment revenues and actual construction costs shall be funded by Fuel Tax Revenues.

6. The roadway improvement 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 2021-2022.

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, 2021. The County Manager or her designee is authorized and directed to ensure that this assessment is so included on the assessment roll of the Tax Notice for 2021 and all applicable subsequent notices for the duration of the roadway improvement assessment. The roadway improvement 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 ____ day of September, A.D., 2021.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
ALACHUA COUNTY, FLORIDA

By: _____
Ken Cornell, Chair

ATTEST:

J.K. Irby, Clerk

APPROVED AS TO FORM:

Alachua County Attorney

EXHIBIT “A”

That part of NW 180th Street from State Road 26 (W. Newberry Road) running northerly approximately 1,000 feet to its northern terminus; lying and being in Section 32, Township 09 South, Range 18 East, in Alachua County Florida.

EXHIBIT “B”

NW 180th 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 32, Township 9 South, Range 18 East:

04273-001-001	04273-001-006
04273-001-002	04273-001-007
04273-001-003	04273-001-008
04273-001-004	
04273-001-005	

More specifically described as Lots 1 through 8, inclusive, of Candlewood Estates, according to the Plat thereof recorded in Plat Book H, Page 71, of the Public Records of Alachua County, Florida.

Exhibit "C-1"

Proof of Publication

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Alachua Co Office Mgt
Alachua Co Office Mgt
12 SE 1ST STREET
2nd FLR
GAINESVILLE FL 32601

STATE OF FLORIDA, COUNTY OF ALACHUA

The Gainesville Sun, a newspaper printed and published in the city of Gainesville, and of general circulation in the County of Alachua, State of Florida, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

08/17/2021

and that the fees charged are legal.

Sworn to and subscribed before on 08/17/2021

Linda Tutt
Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$290.28

Order No: 6165564

Customer No: 534008

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

SARAH BERTELSEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

The Board of County Commissioners of Alachua County, Florida, will hold a public hearing on the 14th day of September 2021 at 5:01 P.M., or as soon thereafter as the matter may be heard, at the County Administration Building, 12 SE 1st Street, Gainesville, FL, Second Floor, Rm. 209, Jack Durand Board Room, to consider the following item:

The Board of County Commissioners of Alachua County, Florida, hereby provides notice, pursuant to Section 197.363(4), Florida Statutes, of a public hearing to adopt a non-ad valorem assessment to be levied for the application of an alternative surface treatment (chip seal) for NW 180th Street.

The boundaries of the real property to be included in the Special Assessment District are:

Lots 1 through 8, inclusive, of Candlewood Estates, according to the plat thereof recorded in Plat Book H, Page 71, of the Public Records of Alachua County, Florida.

The boundaries of the proposed road improvements are:

That part of NW 180th Street from State Road 26 (W. Newberry Road) running northerly approximately 1,000 feet to its northern terminus; lying and being in Section 32, Township 09 South, Range 17 East, Alachua County Florida.

The cost for the improvements is \$35,236.16. The total amount to be levied against each parcel is \$4,404.52. This assessment may be levied over a ten year period in the amount of \$440.45 per year. This assessment will be collected by the Alachua County Tax Collector as a non-ad valorem assessment.

A copy of the proposed resolution and map showing the boundaries of the real property subject to the levy will be available at the Office of County Commissioners, Second Floor, Alachua County Administration Building, 12 South East 1st Street, Gainesville, Florida, 32601.

All affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of this notice.

The public may attend virtually through Cox Channel 12, Facebook, and the County's Video on Demand website OR in person at 12 SE 1st Street, Gainesville, FL, Second Floor, Jack Durand Board Room. The public may also attend the hybrid public hearing through audio only by calling 351-715-8592, and when prompted, use code 670 965 3024. The public will be permitted to provide public comments in this format to the Board through telephone, through email (bacc@alachuacounty.us), OR in person.

Either format: Public comment will be taken on this item prior to final action by the Commission. For public who attend virtually, once public comment is opened for this item, please call 929-205-6099 (enter meeting code 273 174 8038). Callers will be put in a queue, and prompted when it is their turn to speak. TO AVOID FEEDBACK, SPEAKERS MUST TURN DOWN THEIR MEETING SOUND WHEN ADDRESSING THE COMMISSION. If applicable, public who attend in person will also be provided an opportunity to provide public comment. All commenters should state their name. The public is encouraged to submit any written or photographic documents prior to the public hearing to bacc@alachuacounty.us.

All persons are advised that, if they decide to appeal any decision made at this public hearing, they will need a record of the proceeding 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. Anyone with a disability who needs an accommodation, please call 904 462-0055 or TDD/TTY users please call 711 (Florida Relay System).

Ken Cornelli, Chair
Board of County Commissioners
#6165564

August 17, 2021

Exhibit "C-2"

(SAMPLE NOTICE BY INDIVIDUAL MAILING)

August __, 2021

Via U.S. Mail Certified, Return Receipt

Subject: NW 180th Street
Proposed Special Assessment District
Final Public Hearing

Dear Property Owner,

The Alachua County Board of County Commissioners will hold a public hearing Tuesday, September 14, 2021 at 5:01 p.m., at the County Administration Building, Jack Durrance Auditorium Room 209, 12 S.E. 1st Street, Gainesville, Florida to consider adoption of a resolution establishing and imposing a non-ad valorem assessment for roadway improvements to NW 180th Street, describing the method of assessing the roadway improvement costs, providing for inclusion of the assessment on the assessment roll and providing an effective date.

This action was preliminarily approved by the BOCC on February 23rd, 2021. At that time, 87.5% of the benefitted properties responded to the Property Owner Interest Poll, and 85.7% of the responding property owners indicated that they are in support of the creation of a Special Assessment District. All owners had the opportunity to provide public comment to the proposal at that meeting.

This proposal, if approved by the Board of County Commissioners, would be funded through a non-ad valorem assessment against each property that has direct frontage on this roadway. The legal description of the boundaries of the real property subject to the levy are Lots 1 through 8, inclusive, of Candlewood Estates, according to the Plat thereof recorded in Plat Book H, Page 71, of the Public Records of Alachua County, Florida.

There are a total of 8 property parcels that are affected by the application of the chip seal treatment on this roadway. The cost to chip seal the whole road is \$35,236.16, which is less than the original estimate. The assessment will cost each of the 8 parcel owners approximately \$440.45 per year for a 10 year period. This amount will be added to your property tax bill from the Property Appraiser as a Special Assessment, or you can pay your total amount (\$4,404.52) in one payment.

The purpose of the assessment is the application of an alternative surface treatment (chip seal) to NW 180th Street.

The total amount to be levied against each parcel is \$4,404.52. This assessment may be levied over a ten year period in the amount of \$440.45 per year.

The roadway improvement costs are apportioned among the parcels according to the average daily vehicle trips of each parcel over the total average daily vehicular trips. There are a total of 8 parcels within Candlewood, each being a single unit for measurement.

The total revenue the County will collect by the assessment is \$35,236.16.

Failure to pay the assessment will cause a tax certificate to be issued against your property, which may result in a loss of title.

All affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners within 20 days of this notice.

If you have any questions, please contact me at: (352) 548-1225 or by email at cpeeples@alachuacounty.us

Sincerely,
C. Perry Peeples,
Real Property Coordinator

Exhibit "D"

Cost Summary

June 23, 2021

ROAD CONSTRUCTION COST	\$35,236.16
TOTAL ASSESSMENT AMOUNT	\$35,236.16
ANNUAL ASSESSMENT AMOUNT	\$3,523.61
TOTAL NUMBER OF PARCELS BEING ASSESSED	8
COST PER PARCEL BEING ASSESSED (8)	\$4,404.52

YEARLY ASSESSMENT PER TAX PARCEL NUMBER

AMOUNT	TERM	YEARLY COST
<u>\$4,404.52</u>	10 YEARS =	<u>\$440.45</u>