

RESOLUTION 15-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA; RELATING TO THE MAINTENANCE OF THE TK STORMWATER BASIN; ESTABLISHING THE RATE OF ASSESSMENT; REIMPOSING THE MAINTENANCE ASSESSMENTS; APPROVING THE UPDATED MAINTENANCE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission (the "Commission") of the City of Alachua, Florida (the "City") adopted the Master Capital Project and Service Assessment Ordinance, Ordinance No. 10-13 on April 12, 2010, to provide for the imposition of special assessments to fund the construction of Capital Projects and the provision of Related Services to benefit property within Assessment Areas; and

WHEREAS, pursuant to the Ordinance, the Commission created and imposed special assessments within the TK Basin Assessment Area on September 13, 2010 with the adoption of the Initial Assessment Resolution (Resolution No. 10-20), and the Final Assessment Resolution (Resolution No. 10-25); and

WHEREAS, the reimposition of a special assessment to fund the maintenance costs within the TK Basin Assessment Area each Fiscal Year is an equitable and efficient method of allocating and apportioning these costs among the Tax Parcels; and

WHEREAS, the Commission desires to reimpose the Maintenance Assessments within the TK Basin Assessment Area using the tax bill collection method for the Fiscal Year beginning on October 1, 2015; and

WHEREAS, the Commission adopted Resolution No. 15-20 on July 27, 2015 (the "Preliminary Rate Resolution"), estimating a rate of assessment, and directing preparation of the

updated Maintenance Assessment Roll and provision of the notice required by the Ordinance;
and

WHEREAS, pursuant to the provisions of the Ordinance, the City is required to confirm or repeal the Preliminary Rate Resolution, with such amendments as the Commission deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the Maintenance Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, pursuant to provision of the Ordinance, the Commission is required to adopt an Annual Rate Resolution for each fiscal year to approve the assessment roll for such fiscal year; and

WHEREAS, notice of a public hearing has been published as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; the proof of publication being attached hereto as Appendix A; and

WHEREAS, a public hearing has been duly held on September 14, 2015 and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

SECTION 2. AUTHORITY. This Annual Rate Resolution is adopted pursuant to the provisions of the Master Capital Project and Service Assessment Ordinance, Ordinance No. 10-13, as codified in Chapter 2, Article IV, Division 2 of the City of Alachua Code of Ordinances (the "Ordinance"), the Initial Assessment Resolution (Resolution No. 10-20), the Final Assessment Resolution (Resolution No. 10-25), the Preliminary Rate Resolution (Resolution No. 15-20), sections 166.021 and 166.041, Florida Statutes, Article VIII, Section 2, Florida Constitution, the City of Alachua Charter, and other applicable provisions of law.

SECTION 3. DEFINITIONS. This Resolution is the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance, Initial Assessment Resolution and Final Assessment Resolution.

SECTION 4. APPROVAL OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby ratified and confirmed.

SECTION 5. APPROVAL OF UPDATED MAINTENANCE ASSESSMENT ROLL. The updated Maintenance Assessment Roll, which is currently on file in the office of the City Manager and attached hereto as Appendix B, is hereby approved for the Fiscal Year commencing on October 1, 2015.

SECTION 6. REIMPOSITION OF MAINTENANCE ASSESSMENTS.

(A) The Tax Parcels described in the updated Maintenance Assessment Roll are hereby found to be specially benefited by the maintenance of the TK Stormwater Basin in the amount of the annual Maintenance Assessment set forth in the updated Maintenance Assessment Roll.

(B) The annual Maintenance Assessments computed in the manner set forth in the Preliminary Rate Resolution are hereby levied and imposed on all Tax Parcels described in the Maintenance Assessment Roll.

(C) Upon adoption of this Annual Rate Resolution, the Maintenance Assessments shall constitute a lien against the Assessed Property 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 lien shall be superior in dignity to all other liens, titles, and claims until paid. The lien shall be deemed perfected upon adoption by the Board of this Annual Rate Resolution and shall attach to the property included on the updated Maintenance Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 7. COLLECTION OF ASSESSMENTS. The Maintenance Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of this Annual Rate Resolution, the Assessment Coordinator shall cause the certification and delivery of the updated Maintenance Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. The updated Maintenance Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 8. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall remain in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 9. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPENDIX A
PROOF OF PUBLICATION

PROOF OF PUBLICATION



City of
ALACHUA



**NOTICE OF HEARING
TO REIMPOSE
AND PROVIDE FOR
COLLECTION OF
MAINTENANCE
ASSESSMENTS
IN THE TK BASIN
MAINTENANCE
ASSESSMENT AREA**

Notice is hereby given that the City Commission of the City of Alachua, Florida, will conduct a public hearing to consider ~~reimposition~~ of maintenance special assessments in the TK Basin Maintenance Assessment Area, as shown above, to recover ~~the~~ the maintenance and operating costs of the TK wastewater basin within the Maintenance Assessment Area. The hearing will be held at 6:30 P.M., or as soon thereafter as the matter can be heard, on September 14, 2015, in the James A. Lewis Commission Chambers, at the Alachua City Hall located at 15100 NW 142nd Terrace, Alachua, Florida, for the purpose of receiving public comment on the reimposition and collection of the maintenance assessments on the ad valorem tax bill. All affected real property owners have a right to appear at the hearing and to file written objections with the Deputy City Clerk any time prior to the public hearing. If a person desires to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Deputy City Clerk's office at (386) 418-4181, at least seven days prior to the date of the hearing.

The assessment for each parcel of real property is calculated based on the average of each Tax Parcel within the TK watershed. A more specific description of the maintenance costs and the method of computing the assessment for each parcel of real property are set forth in the Initial Assessment Resolution adopted by the Commission on August 9, 2010. Copies of the Water Capital Project and Service Assessment Ordinance (Ordinance No. 10-13), the Initial Assessment Resolution (Resolution No. 10-23), the Final Assessment Resolution (Resolution No. 10-25), the Preliminary Rate Resolution (Resolution No. 13-20) and the updated Maintenance Assessment Roll are available for inspection at the office of the Deputy City Clerk, located at City Hall, 15100 NW 142nd Terrace, Alachua, Florida.

The City intends to continue collection of the maintenance assessments on your ad valorem tax bill to be mailed in November 2015. The maintenance assessments commenced collection with the tax bill mailed in November 2010 and will continue annually thereafter, as authorized by Section 197.5012, Florida Statutes. Failure to pay the assessments will create a tax certificate to be raised against the real property which may result in a loss of title.

If you have any questions, please contact the Deputy City Clerk at (386) 418-4181, Monday through Thursday between 7:30 a.m. and 5:00 p.m.

ALACHUA, FLORIDA
(Published: Alachua County Today - August 28, 2015)

APPENDIX B

UPDATED MAINTENANCE ASSESSMENT ROLL

Updated TK Basin Maintenance Assessment Area Roll

Parcel No.	Amount
03869-007-000	\$192.75
03869-009-000	\$542.75
03863-002-001	\$823.26
03869-007-001	\$338.33
03863-000-000	\$769.96
03869-000-000	\$1,787.54
03863-002-000	\$728.21
03869-006-000	\$115.15
03869-008-000	\$310.94
03868-000-000	\$868.41
03868-001-001	\$52.64
03868-001-002	\$45.88
03868-001-003	\$51.50
03868-001-004	\$57.48
03868-001-005	\$51.50
03868-001-006	\$51.53
03868-001-007	\$53.67
03868-001-008	\$64.90
03863-020-046	\$15.81
03863-020-047	\$16.42
03863-020-048	\$19.19
03863-020-049	\$18.90
03863-020-050	\$23.28
TOTAL	\$7,000.00

APPENDIX C

FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

CERTIFICATE

TO

NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that, I am the Mayor of the City of Alachua, Florida, or an authorized agent of the City; as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for maintenance of the TK Stormwater Basin Maintenance Assessment Area (the "Non-Ad Valorem Assessment Roll") is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law. The tax roll contains a parcel count of 23, and a total assessment of \$7,000.00.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Alachua County Tax Collector by September 15, 2015.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Alachua County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this ____ day of _____, 2015.

THE CITY OF ALACHUA, FLORIDA

By: _____

Mayor

[to be delivered to Tax Collector prior to September 15]

DULY ADOPTED in regular session, this 14th day of September, 2015.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA



Gib Coerper, Mayor

ATTEST:



Traci L. Cain, City Manager/Clerk

APPROVED AS TO FORM



Marian B. Rush, City Attorney