

Commission Agenda Item

MEETING DATE: August 12, 2013

SUBJECT: Resolution 13-24, A Resolution of the City Commission of the City of Alachua, Florida, Relating to the Maintenance of the TK Stormwater Basin; Determining the Estimated Maintenance Cost of the TK Basin; Determining that Such Real Property will Derive a Special Benefit From the Maintenance of Such Improvements; Establishing the Method of Assessing the Maintenances Costs; Establishing Other Terms and Conditions of the Assessments; Directing the Assessment Coordinator to Prepare a Tentative Maintenance Assessment Roll Based Upon Methodology Set Forth Herein; Establishing a Public Hearing to Consider Imposition of the Proposed Maintenance Assessments and the Method of Their Collection; Directing the Provision of Notice in Connection Therewith; Providing for Severability and Providing an Effective Date.

AGENDA SECTION: Public Hearings and Ordinances

DEPARTMENT: Executive

PREPARED BY: Adam Boukari, Assistant City Manager

RECOMMENDED ACTION: Adopt Resolution 13-24

Summary

The City Commission adopted Resolution 10-25 on Sept. 13, 2010, which served as the final proceeding for the imposition of the TK Basin Maintenance Assessment Area. Resolution 10-25 created the TK Basin Maintenance Assessment Area, ratified and confirmed the Initial Assessment Resolution (Resolution 10-20), approved the Maintenance Assessment Roll, imposed the Maintenance Assessments, provided for the method of collection, served as the final adjudication and directed the recording of the Resolution in the Official Records Book in the office of the Alachua County Clerk of Courts.

As required by City of Alachua Code of Ordinances Section 2-723 (meets the requirements provided under the Uniform Assessment Collection Act - F.S.S. 197.3632), the City must annually adopt a Preliminary Rate Resolution for each fiscal year. Resolution 13-24 serves as the Preliminary Rate Resolution for the TK Basin Maintenance Assessment for Fiscal Year 2013-2014.

The total assessment cost is estimated at \$7,000.00 for Fiscal Year 2013-2014, which is a \$4,000 reduction from the total assessment cost for Fiscal Year 2012-2013. These costs include the actual maintenance expenses of the basin as well as costs incurred to administer the special assessment program annually. The reduction is justified to bring the amount being assessed in line with the annual maintenance costs now that a reserve has accumulated in the TK Basin Maintenance Assessment Fund. The anticipated reserve for Fiscal Year 2013-2014 is \$14,000. Staff anticipates the assessment cost for future years will remain relatively constant so long as the reserve is not depleted and actual costs do not rise drastically.

The City has retained the legal services of Nabors, Giblin and Nickerson, a firm specializing in special assessment creation and implementation, to draft Resolution 13-24 and assist in the reimposition process. The legal expenses related to the reimposition are included in the total assessments collected.

The City Commission also approved an automatically renewing agreement with the Alachua County Tax Collector on Aug. 17, 2010 to reimburse the Tax Collector for necessary administrative and actual costs

incurred to collect the assessment on the ad valorem tax bill. The reimbursement cost is 2% of the total assessment and is included in the total assessments to be collected.

Following the adoption of Resolution 13-24, the City Commission will consider the adoption of the Annual Rate Resolution, scheduled for the Sept. 9, 2013 City Commission meeting, which will be the final proceeding to approve the assessment and direct it to be placed on the November 2013 tax bill.

ATTACHMENTS: Resolution 13-24

REVIEWED BY CITY MANAGER:

A handwritten signature in blue ink, appearing to read "G. Cain", is written over the "REVIEWED BY CITY MANAGER:" label.

RESOLUTION 13-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE MAINTENANCE OF THE TK STORMWATER BASIN; DETERMINING THE ESTIMATED MAINTENANCE COST OF THE TK BASIN; DETERMINING THAT SUCH REAL PROPERTY WILL DERIVE A SPECIAL BENEFIT FROM THE MAINTENANCE OF SUCH IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE MAINTENANCE COSTS; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; DIRECTING THE ASSESSMENT COORDINATOR TO PREPARE A TENTATIVE MAINTENANCE ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED MAINTENANCE ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING 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 Final Assessment Resolution; Resolution No. 10-25; and

WHEREAS, pursuant to provision of the Ordinance, the Commission is required to adopt a Preliminary Assessment Resolution for each fiscal year to initiate the annual implementation of the special assessments.

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

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of the Master Capital Project and Service Assessment Ordinance, Ordinance No. 10-13, (the "Ordinance"), the Initial Assessment Resolution (Resolution No. 10-20), the Final Assessment Resolution (Resolution No. 10-25), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution initiates the annual process for updating the Maintenance Assessment Roll and directing the reimposition of special assessments within the TK Basin Assessment Area for the Fiscal Year beginning October 1, 2013 (hereinafter the "Preliminary Rate Resolution"). All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

SECTION 3. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 4. FINDINGS. The legislative determinations embodied in the Ordinance, the Initial Assessment Resolution and the Final Assessment Resolution are affirmed and incorporated herein by reference.

SECTION 5. PUBLIC HEARING. A public hearing will be conducted by the City Commission at 6:30 P.M., or as soon thereafter as the matter can be heard, on September 9,

2013, in the James A. Lewis Commission Chambers, at the City of Alachua City Hall located at 15100 NW 142nd Terrace, Alachua, Florida, to consider (A) reimposition of the Maintenance Assessments, and (B) collection of the Maintenance Assessments pursuant to the Uniform Assessment Collection Act.

SECTION 6. NOTICE BY MAIL. If required, upon completion of the tentative Maintenance Assessment Roll, the Assessment Coordinator shall, at the time and in the manner specified in the Ordinance, provide first class mailed notice of the public hearing authorized by Section 5 hereof to each real property owner proposed to be assessed at the address indicated on the Tax Roll. Such notice shall be in substantially the form attached hereto as Appendix A and provided no later than August 20, 2013.

SECTION 7. NOTICE BY PUBLICATION. Upon completion of the tentative Maintenance Assessment Roll, the Assessment Coordinator shall publish a notice of the public hearing authorized by Section 5 hereof in the manner and the time provided in the Ordinance. Such notice shall be in substantially the form attached hereto as Appendix B and provided no later than August 20, 2013.

SECTION 8. ANNUAL MAINTENANCE ASSESSMENTS.

(A) The estimated Maintenance Cost for the TK Basin Assessment Area is \$7,000.00 for the Fiscal Year commencing October 1, 2013. The Maintenance Cost will be funded through the imposition of the Maintenance Assessments against property located in the TK Basin Assessment Area based on the Tax Parcel's proportionate amount of Land Area as it relates to all Tax Parcel's within the TK Basin Assessment Area, as more particularly described in the preliminary assessment roll attached hereto as Appendix C and incorporated herein.

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

(C) The Maintenance Assessments shall be imposed against all property located within the TK Basin Assessment Area for each Fiscal Year and shall be computed in accordance with this Preliminary Rate Resolution. When imposed, the Maintenance Assessments for each Fiscal Year shall constitute a lien upon the Tax Parcels located in TK Basin Assessment Area pursuant to the Ordinance.

SECTION 9. COMPUTATION OF MAINTENANCE ASSESSMENTS. The annual Maintenance Assessments shall be computed for each Tax Parcel located in TK Basin Assessment Area in the manner set forth in Section 5.03 of the Initial Assessment Resolution, which is hereby affirmed and incorporated herein by reference.

SECTION 10. UPDATED MAINTENANCE ASSESSMENT ROLL. The City Manager is hereby directed to prepare the updated Maintenance Assessment Roll in the manner provided in the Ordinance. The City Manager shall apportion the Maintenance Cost among the parcels of real property within TK Basin Assessment Area as reflected on the Tax Roll in conformity with this Preliminary Rate Resolution. The estimate of Maintenance Cost and the updated Maintenance Assessment Roll shall be maintained on file in the office of the City Manager and be open to public inspection.

SECTION 11. METHOD OF COLLECTION. The Maintenance Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

SECTION 12. 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 be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 13. CONFLICTS. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 14. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 12th day of August, 2013.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor

SEAL

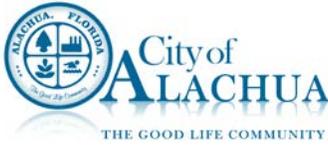
ATTEST:

APPROVED AS TO FORM

Traci L. Cain, City Manager/Clerk

Marian B. Rush, City Attorney

APPENDIX A
FORM OF MAILED NOTICE



**CITY OF ALACHUA, FLORIDA
15100 NW 142ND TERRACE
Alachua, Florida 32615
(386) 418-6100**

August 20, 2013

[Property Owner Name]
[Street Address]
[City, State and zip]

Re: Parcel Number [Insert Number]
TK Basin Maintenance Assessment Area

Dear Property Owner:

The City Commission of the City of Alachua, Florida (the "City") created the TK Basin Maintenance Assessment Area (the "Maintenance Assessment Area") to impose special assessments to fund the maintenance and operating costs of the TK basin stormwater local improvements within the Maintenance Assessment Area. The assessment for each parcel of real property is calculated based on the parcel's percentage of the total land area contained within the Maintenance Assessment Area. A more specific description of the maintenance costs and the method of computing the maintenance assessment for each parcel of real property are set forth in the Initial Assessment Resolution adopted by the Board on August 9, 2010. Copies of the Master Capital Project and Service Assessment Ordinance (Ordinance No. 10-13), the Initial Assessment Resolution (Resolution No. 10-20), the Final Assessment Resolution (Resolution No. 10-25), the Preliminary Rate Resolution (Resolution No. 13-24), and the updated Assessment Roll are available for inspection the Deputy Clerk's Office, located at 15100 142nd Terrace, Alachua, Florida. Information regarding the assessment for your specific real property is attached to this letter.

The City intends to continue collection of the maintenance assessments on your ad valorem tax bill. The maintenance assessment commenced collection with the tax bill mailed in November 2010 and will continue annually thereafter, as authorized by Section 197.3632, Florida Statutes. Failure to pay your assessments will cause a tax certificate to be issued against the real property which may result in a loss of title. The total maintenance assessment revenue to be collected in the Maintenance Assessment Area is estimated to be \$7,000 for the Fiscal Year commencing on October 1, 2013.

The City will hold a public hearing at 6:30 P.M., or as soon thereafter as the matter can be heard, on September 9, 2013, 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 comments on the reimposition of assessments in the Maintenance Assessment Area. You are invited to attend and participate in the public hearing or to file written objections with the Clerk any time prior to the public hearing.

If you decide to appeal any decision made by the City with respect to any matter considered at the hearing, you 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, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the Deputy City Clerk's office at (386) 418-6104, at least seven days prior to the date of the hearing.

Questions regarding your assessment and the process for collection may be directed to the Clerk's office at (386) 418-6104.

ALACHUA, FLORIDA

******* SEND NO MONEY NOW. THIS IS NOT AN INVOICE *******

TK Basin Maintenance Assessment Area

[Property Owner Name]

Parcel Number [Insert Number]

Parcel Size

[insert acreage]

Portion of Land Area allocable to Parcel

[insert percentage]

The total annual Maintenance Assessment for the above parcel for Fiscal Year 2013-2014 is
\$_____.

The maximum annual Maintenance Assessment that can be imposed without further notice for
future fiscal years is \$_____ for the above parcel.

******* SEND NO MONEY NOW. THIS IS NOT AN INVOICE *******

APPENDIX B
FORM OF PUBLISHED NOTICE

TO BE PUBLISHED NO LATER THAN AUGUST 20, 2013



**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 continue funding the maintenance and operating costs of the TK stormwater 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 9, 2013, 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 decides 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) 418-6103, at least seven days prior to the date of the hearing.

The assessment for each parcel of real property is calculated based on the acreage 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 Master Capital Project and Service Assessment Ordinance (Ordinance No. 10-13), the Initial Assessment Resolution (Resolution No. 10-20), the Final Assessment Resolution (Resolution No. 10-25), the Preliminary Rate Resolution (Resolution No. 13-24) 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 2013. The maintenance assessment commenced collection with the tax bill mailed in November 2010 and will continue annually thereafter, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued 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) 418-6103, Monday through Thursday between 7:30 a.m. and 6:00 p.m.

ALACHUA, FLORIDA

APPENDIX C
PRELIMINARY ASSESSMENT ROLL

PRELIMINARY ASSESSMENT 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