

Commission Agenda Item

MEETING DATE: September 9, 2013

SUBJECT: Resolution 13-28, 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.

AGENDA SECTION: Public Hearings and Ordinances

DEPARTMENT: Executive

PREPARED BY: Adam Boukari, Assistant City Manager

RECOMMENDED ACTION: Adopt Resolution 13-28

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 Ordinance 10-13 (meets the requirements provided under the Uniform Assessment Collection Act - F.S.S. 197.3632), the City must annually adopt an Annual Maintenance Service Assessment Resolution for each fiscal year. Resolution 13-28 serves as the Annual Maintenance Service Assessment Resolution for the TK Basin Maintenance Assessment.

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 met the statutory notice requirements for the City Commission's hearing of Resolution 13-28 by providing notice in Alachua County Today newspaper. The City retained the engineering services of Causseaux, Hewett, & Walpole, Inc. to perform calculations related to the methodology as set forth in Section 4.03 of the Initial Assessment Resolution (Resolution 10-20). These calculations are utilized to determine the assessment to be paid by each property owner within the TK Basin Maintenance Assessment Area. The City also retained the legal services of Nabors, Giblin and Nickerson, a firm specializing in special assessment creation and implementation, to draft Resolution 13-28 and assist in the reimposition process. The engineering and 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. With the adoption of Resolution 13-28, the assessment will be placed on the November 2013 tax bill.

The City Commission unanimously approved Resolution 13-24 during its August 12, 2013 City Commission meeting, which served as the Preliminary Rate Resolution for the TK Basin Maintenance Assessment Area. Resolution 13-28 reimposes the TK Basin Maintenance Assessment, approves the updated Maintenance Assessment Roll and provides for the method of collection.

ATTACHMENTS: Resolution 13-28

REVIEWED BY CITY MANAGER:

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

RESOLUTION 13-28

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, 2013; and

WHEREAS, the Commission adopted Resolution No. 13-24 on August 12, 2013 (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 9, 2013 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 Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, the Preliminary Rate Resolution (Resolution No. 13-24), sections 166.021 and 166.041, Florida Statutes, Article VIII, Section 2, Florida Constitution, 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, 2013.

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.

DULY ADOPTED in regular session, this 9th day of September, 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

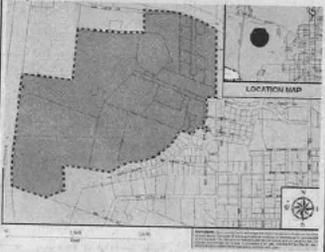
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City of
ALACHUA



**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 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
(Published: Alachua County Today - Aug. 15, 2013)

APPENDIX B

UPDATED MAINTENANCE ASSESSMENT ROLL

Updated TK Basin Maintenance Assessment Area Roll

Tax Parcel No.	Assessed Parcel Area within TK Watershed	Base Rate Assessment Factor, BF	Base Annual Assessment
	Acres		\$7,000.00
03869-007-000	3.80	0.0275	\$192.75
03869-009-000	10.70	0.0775	\$542.75
03863-002-001	16.23	0.1176	\$823.26
03869-007-001	6.67	0.0483	\$338.33
03863-000-000	15.18	0.1100	\$769.96
03869-000-000	35.24	0.2554	\$1,787.54
03863-002-000	14.36	0.1040	\$728.21
03869-006-000	2.27	0.0164	\$115.15
03869-008-000	6.13	0.0444	\$310.94
03868-000-000	17.12	0.1241	\$868.41
03868-001-001	1.04	0.0075	\$52.64
03868-001-002	0.90	0.0066	\$45.88
03868-001-003	1.02	0.0074	\$51.50
03868-001-004	1.13	0.0082	\$57.48
03868-001-005	1.02	0.0074	\$51.50
03868-001-006	1.02	0.0074	\$51.53
03868-001-007	1.06	0.0077	\$53.67
03868-001-008	1.28	0.0093	\$64.90
03863-020-046	0.31	0.0023	\$15.81
03863-020-047	0.32	0.0023	\$16.42
03863-020-048	0.38	0.0027	\$19.19
03863-020-049	0.37	0.0027	\$18.90
03863-020-050	0.46	0.0033	\$23.28
TOTALS	138.00	1.0000	\$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.

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, 2013.

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 _____, 2013.

THE CITY OF ALACHUA, FLORIDA

By: _____

Mayor

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