



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: 12/04/07

SUBJECT: RESOLUTION NO. 07-104: NOTICE OF INTENT TO USE THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENT FOR B-23 CANAL DREDGING AND SEAWALL RECONSTRUCTION

DEPARTMENT: CITY MANAGER

RECOMMENDED MOTION:

To adopt Resolution No. 07-104, expressing the City's intent to use the uniform method of collecting non-ad valorem special assessments for dredging and seawall reconstruction of the B-23 canal in Harbor Oaks.

SUMMARY:

A special assessment for funding improvements to the B-23 canal, including dredging and seawall reconstruction may be necessary. The attached Resolution places the County Property Appraiser on notice and preserves the City's right to use the uniform method of collecting non-ad valorem special assessment revenues in 2008 and thereafter for the B-23 canal improvements.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents/Contracts Available for Review in Manager's Office

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|---------------------------|--|---------------|
| DEPARTMENT HEAD | Signed <i>Shannon McLeis</i> | Date 10/16/07 |
| FINANCE DEPARTMENT | Approved as to Budget Requirements <i>Ann S. [Signature]</i> | Date 10/17/07 |
| CITY ATTORNEY | Approved as to Form and Legality <i>Stella [Signature]</i> | Date 11.21.07 |
| CITY MANAGER | Approved Agenda Item For: <i>[Signature]</i> | 12/4/07 |

COUNCIL ACTION: Approved as Recommended Disapproved Tabled Indefinitely
 Continued to Date Certain Approved with Modification:

RESOLUTION NO. 07-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, EXPRESSING ITS INTENT TO USE THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS TO THE B-23 CANAL LYING EAST OF RIDGEWOOD AVENUE; STATING THE NEED FOR THE LEVY OF A SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS TO THE B-23 CANAL LYING EAST OF RIDGEWOOD AVENUE; PROVIDING FOR THE DESCRIPTION OF PROPERTY SUBJECT TO THE LEVY; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange, Florida (the "City") intends to adopt an ordinance imposing a special assessment for capital improvements to the B-23 canal lying east of Ridgewood Avenue and within part of the Harbor Oaks Unit I Plat as recorded in Map Book 19 at Page 41 of the Public Records of Volusia County, Florida, hereinafter the "B-23 Canal"; and

WHEREAS, the City intends to use the uniform method for collecting the non-ad valorem special assessment for capital improvements to the B-23 Canal serving the property within the Harbor Oaks Subdivision aforesaid, as authorized by section 197.3632, Florida Statutes, as amended, because this method will allow such special assessment to be collected annually commencing in November 2008, in the same manner as provided for ad valorem taxes; and

WHEREAS, the City held a duly advertised public hearing prior to the adoption of

(Res. No. 07-104)

this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. Commencing with the Fiscal Year beginning on October 1, 2008, and with the tax statement mailed for such Fiscal Year, the City intends to use the uniform method of collecting non-ad valorem special assessment for capital improvements to the B-23 Canal authorized in section 197.3632, Florida Statutes, as amended. Such non-ad valorem special assessment for capital improvements to the B-23 Canal shall be levied within the Harbor Oaks Unit I Plat per Map Book 19 at Page 41 of the Public Records of Volusia County, Florida. The public right-of-way within the City and land owned by federal, state and local governmental entities shall be exempt from the non-ad valorem special assessment. A legal description of such area subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

Section 2. The City hereby determines that the levy of the non-ad valorem special assessment is needed to fund the cost of capital improvements within the Harbor Oaks Unit I Plat per Map Book 19 at Page 41 of the Public Records of Volusia County, Florida.

Section 3. Upon adoption, the City Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Volusia County Department of Finance and Administrative Services, and the Volusia County Property Appraiser by January 10, 2008.

Section 4. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 6. This resolution shall become effective immediately upon adoption.

MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Adopted on the _____ day of _____, 2007.

Reviewed and Approved: _____


City Attorney

EXHIBIT A

LEGAL ADVERTISEMENT

PUBLIC HEARING NOTICE
The City Council of the City of Port Orange, Florida shall consider for adoption Resolution No. 07-104 titled as follows:

RESOLUTION NO. 07-104
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, EXPRESSING ITS INTENT TO USE THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS TO THE B-23 CANAL LYING EAST OF RIDGEWOOD AVENUE; STATING THE NEED FOR THE LEVY OF A SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS TO THE B-23 CANAL LYING EAST OF RIDGEWOOD AVENUE; PROVIDING FOR THE DESCRIPTION OF PROPERTY SUBJECT TO THE LEVY; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Port Orange, Florida, shall hold a meeting to consider the enactment of said proposed Resolution at 7:00 p.m. or as soon thereafter as may be heard, on Tuesday, December 4, 2007, at the Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida.

A copy of the proposed Resolution is available in the City Clerk's Office, City Hall, Port Orange, Florida, and may be inspected by the public.

All interested parties may appear at said meeting and be heard with respect to the proposed Resolution.

Shirley M. Kelly, CMC
Deputy City Clerk

Legal L64695, Nov. 7, 14, 21, 28, 2007 4t.

EXHIBIT B

B-23 CANAL DREDGING AND SEAWALL DISTRICT

All of Wilson's Re-Plat of Block 12 Harbor Oaks Unit 1 per Map Book 19 Page 41, Public Records, Volusia County, Florida. Parcels # 6314-05-12-0010, 6314-05-12-0020, 6314-05-12-0030, & 6314-05-12-0040.

And

All of Block 11 except Lots 3 and 4 Harbor Oaks Unit 1 per Map Book 10 Pages 145 & 146, Public Records Volusia County, Florida. Parcels # 6314-03-11-0010, 6314-03-11-0050, 6314-03-11-0060, 6314-03-11-0080, 6314-03-11-0090, 6314-03-11-0100, & 6314-03-11-0150.

And

Lots 14 through 35 Block 17, harbor Oaks Unit 1 per Map 10 Pages 145 & 146, Public Records Volusia County, Florida. Parcels # 6314-03-17-0140, 6314-03-17-0160, 6314-03-17-0170, 6314-03-17-0180, 6314-03-17-0190, 6314-03-17-0200, 6314-03-17-0210, 6314-03-17-0220, 6314-03-17-0240, 6314-03-17-0250, 6314-03-17-0260, 6314-03-17-0270, 6314-03-17-0290, 6314-03-17-0300, 6314-03-17-0320, 6314-03-17-0340 & 6314-03-17-0350.

And

All of Block 9 Harbor Oaks Unit 1 per Map Book 10 Pages 145 & 146, Public Records Volusia County, Florida. Parcels # 6314-03-09-0010, 6314-03-09-0020, 6314-03-09-0040 & 6314-03-09-0050.

And

Lots 10, 11, 12, 13, 17, 18, 20, 21, & 22 Block 8, Harbor Oaks Unit 1 per Map Book 10 Pages 145 & 146. Parcel # 6314-03-08-0100, 6314-03-08-0120, 6314-03-08-0170, and 6314-03-08-0190.



City of Port Orange B-23 Canal District

