



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: 12/04/07

07-108

SUBJECT: RESOLUTION NO. 07-108: NOTICE OF INTENT TO USE THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENTS FOR YORKTOWNE BOULEVARD EXTENSION, EAST OF DUNLAWTON AVENUE

DEPARTMENT: CITY MANAGER

RECOMMENDED MOTION:

To adopt Resolution No. 07-108, expressing the City's intent to use the uniform method of collecting non-ad valorem special assessments for capital improvements for Yorktowne Boulevard Extension, east of Dunlawton Avenue.

SUMMARY:

A special assessment for funding capital improvements for Yorktowne Boulevard Extension, east of Dunlawton Avenue, 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 Yorktowne Boulevard Extension improvements.

ATTACHMENTS: Ordinance Resolution Budget Resolution

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

DEPARTMENT HEAD Signed *[Signature]* Date 10/16/07

FINANCE DEPARTMENT *[Signature]* Approved as to Budget Requirements Date 10/17/07

CITY ATTORNEY *[Signature]* Approved as to Form and Legality Date 11.21.07

CITY MANAGER *[Signature]* Approved Agenda Item For: 12/4/07

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

RESOLUTION NO. 07-108

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 FOR YORKTOWNE BOULEVARD EXTENSION LYING EAST OF DUNLAWTON AVENUE; STATING THE NEED FOR THE LEVY OF A SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS FOR YORKTOWNE BOULEVARD EXTENSION LYING EAST OF DUNLAWTON 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 for Yorktowne Boulevard Extension lying east of Dunlawton Avenue, hereinafter "Yorktowne Extension"; and

WHEREAS, the City intends to use the uniform method for collecting the non-ad valorem special assessment for capital improvements for Yorktowne Extension serving the property within the vicinity of Yorktowne Extension 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 this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

(Res. No. 07-108)

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 for Yorktowne Extension authorized in section 197.3632, Florida Statutes, as amended. Such non-ad valorem special assessment for capital improvements for Yorktowne Extension shall be levied upon the property in the vicinity of the Yorktowne Extension. 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 property in the vicinity of the Yorktowne Extension 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 for the Yorktowne Extension.

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.

(Res. No. 07-108)

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

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EXHIBIT A

LEGAL ADVERTISEMENT

PUBLIC HEARING NOTICE
The City Council of the City of Port Orange, Florida shall consider for adoption Resolution No. 07-108 titled as follows:

RESOLUTION NO. 07-108

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 FOR YORKTOWNE BOULEVARD EXTENSION LYING EAST OF DUNLAWTON AVENUE; STATING THE NEED FOR THE LEVY OF A SPECIAL ASSESSMENT CAPITAL IMPROVEMENTS FOR YORKTOWNE BOULEVARD EXTENSION LYING EAST OF DUNLAWTON 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 L64698, Nov. 7, 14, 21, 28, 2007 4t

EXHIBIT B

Yorktowne Extension District

All of Port Orange Gateway Center Replat as recorded in Map Book 50 Pages 24, 25 26 and 27, Public Records Volusia County, Florida. Parcel # 6318-04-00-0001, 6318-04-00-0020, 6318-04-00-0021, 6318-04-00-0030, 6318-04-00-0040, 6318-04-00-0050, 6318-04-00-0060, and 6318-04-00-0080.

And

All of Daniel Healthcare Center as recorded in Map Book 46 Pages 192, 193 and 194, Public Records Volusia County, Florida. Parcel # 6317-28-00-0010 and 6317-28-00-0020.

And

All of Plat Number Two of Craig Farms lying North of Taylor Road, and except the North 402 feet of Lot 9 as recorded in Map Book 11 page 90 Public Records Volusia County, Florida. Parcel # 6317-03-00-0013, 6317-03-00-0014, 6317-03-00-0017, 6317-03-00-0016, 6317-03-00-0050, 6317-03-00-0060, 6317-03-00-0070, 6317-03-00-0080, and 6317-03-00-0081.

And

All of Section 19, Township 16 South, Range 33 South, lying East of I-95 and South of Taylor Road as now laid out, and the West 280 feet of the Northwest $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ of Section 20, Township 16 South, Range 33 and the west 280 feet of Lot 1-A , Plat Number Two of Craig Farms, Map Book 11 Page 90, lying South of Taylor Road, as recorded in Public Records of Volusia County, Florida. Parcel # 6317-03-00-0012, 6320-00-00-0420, 6320-00-00-0460, 6320-00-00-0470, 620-00-00-0361, 6320-00-00-0362, 6319-00-00-0020, and 6319-00-00-0030.

And

All of Sweetwater Oaks Commercial as recorded in Map book 50 Page 118, Public Records Volusia County, Florida. Parcel # 6317-34-00-0001, 6317-34-00-0010, and 6317-34-00-0020.



Yorktowne Extension District

