



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: 12/09/08

SUBJECT: RESOLUTION NO. 08-60: NOTICE OF INTENT TO USE THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENTS FOR YORKTOWN BOULEVARD NORTHERN EXTENSION, WEST OF DUNLAWTON AVENUE

DEPARTMENT: CITY MANAGER

RECOMMENDED MOTION:

To adopt Resolution No. 08-60, expressing the City's intent to use the uniform method of collecting non-ad valorem special assessments for capital improvements for Yorktown Boulevard Northern Extension, west of Dunlawton Avenue.

SUMMARY:

A special assessment for funding capital improvements for Yorktown Boulevard Northern Extension, west 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 2009 and thereafter for the Yorktown Boulevard Northern Extension improvements.

ATTACHMENTS: Ordinance Resolution Budget Resolution

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

DEPARTMENT HEAD Shannon M. Lewis *Shannon M. Lewis* Date 11/10/08

FINANCE DEPARTMENT *MA STOOB* Approved as to Budget Requirements Date 11/17/08

CITY ATTORNEY *Stella L. Lewis* Approved as to Form and Legality Date 11.25.08

CITY MANAGER *[Signature]* Approved Agenda Item For: 12/9/08

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

RESOLUTION NO. 08-60

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 YORKTOWN BOULEVARD NORTHERN EXTENSION LYING WEST OF DUNLAWTON AVENUE; STATING THE NEED FOR THE LEVY OF A SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS FOR YORKTOWN BOULEVARD NORTHERN EXTENSION LYING WEST 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 Yorktown Boulevard Northern Extension lying west of Dunlawton Avenue, hereinafter "Yorktown Northern Extension"; and

WHEREAS, the City intends to use the uniform method for collecting the non-ad valorem special assessment for capital improvements for Yorktown Northern Extension serving the property within the vicinity of Yorktown Northern 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 2009, 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.

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, 2009, 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 Yorktown Northern Extension authorized in section 197.3632, Florida Statutes, as amended. Such non-ad valorem special assessment for capital improvements for Yorktown Northern Extension shall be levied upon the property in the vicinity of the Yorktown Northern Extension. The public right-of-way within the City shall be exempt from the non-ad valorem special assessment. A legal description of property in the vicinity of the Yorktown Northern 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 Yorktown Northern 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, 2009.

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.

(Res. No. 08-60)

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.

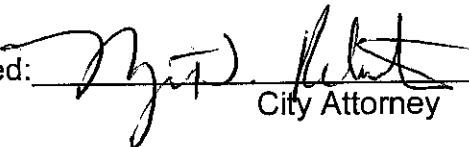
MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Adopted on the ____ day of _____, 2008.

Reviewed and Approved:



City Attorney

EXHIBIT A

PUBLIC HEARING NOTICE

The City Council of the City of Port Orange, Florida shall consider for adoption Resolution No. 08-60 titled as follows:

RESOLUTION NO. 08-60

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 YORKTOWN BOULEVARD NORTHERN EXTENSION LYING WEST OF DUNLAWTON AVENUE; STATING THE NEED FOR THE LEVY OF A SPECIAL ASSESSMENT FOR CAPITAL IMPROVEMENTS FOR YORKTOWN BOULEVARD NORTHERN EXTENSION LYING WEST 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 9, 2008, 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

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2008 at *DBNS 11/18/08*

EXHIBIT B

Yorktowne Boulevard Northern Extension District

A PORTION OF SECTION 18, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 18, RUN S01°43'30"E ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 2640.02 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 18; THENCE S89°41'53"W ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 18, A DISTANCE OF 2055.18 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 95 (A 350 FOOT WIDE RIGHT OF WAY) AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHWEST, HAVING A RADIUS OF 3994.83 FEET, A CENTRAL ANGLE OF 05°49'28" AND A CHORD BEARING OF N53°30'41"W; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT OF WAY LINE, 406.11 FEET; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE N56°25'25"W, 2161.92 FEET; THENCE DEPART SAID EASTERLY RIGHT OF WAY LINE N33°34'35"E, 100.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF YORKTOWNE BOULEVARD (A 100 FOOT WIDE RIGHT OF WAY PER OFFICIAL RECORDS BOOK 3557, PAGE 1879 AND OFFICIAL RECORDS BOOK 3718, PAGE 1042, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA) AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE N56°25'25"W, 1444.30 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 18; THENCE N01°54'42"W ALONG SAID WEST SECTION LINE 16.36 FEET TO A POINT ON THE WESTERLY PROLONGATION OF THE SOUTH BOUNDARY LINE OF HIDDEN LAKE PHASE IV-B, AS RECORDED IN MAP BOOK 41, PAGE 55, SAID PUBLIC RECORDS; THENCE DEPART SAID WEST SECTION LINE N89°53'21"E ALONG SAID WESTERLY PROLONGATION AND SAID SOUTH BOUNDARY LINE AND THE SOUTH BOUNDARY LINE OF HIDDEN LAKE PHASE IV-A, AS RECORDED IN MAP BOOK 40, PAGES 86-87, OF SAID PUBLIC RECORDS, 1279.44 FEET; THENCE DEPART SAID LINE S00°57'27"E, 671.61' TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 190.00 FEET AND A CENTRAL ANGLE OF 34°32'02"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 114.52 FEET; THENCE S33°34'35"W, 37.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING OF S78°34'35"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 39.27 FEET TO THE POINT OF BEGINNING. CONTAINING 12.998 ACRES, MORE OR LESS.

AND

EXHIBIT B

LEGAL DESCRIPTION: (NAUTICA LAKES)

A PORTION OF SECTIONS 12 AND 13, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGIN AT THE NORTHWEST CORNER OF HIDDEN LAKE PHASE IV-A, AS RECORDED IN MAP BOOK 40, PAGES 86 AND 87, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE $50^{\circ}04'55''$ W ALONG THE EAST LINE OF SAID SECTION 12, BEING ALSO THE WEST LINE OF SAID HIDDEN LAKE PHASE IV-A, BEING ALSO THE WEST LINE OF HIDDEN LAKE PHASE IV-B, AS RECORDED IN MAP BOOK 41, PAGE 55, OF SAID PUBLIC RECORDS, A DISTANCE OF 1484.04 FEET TO THE SOUTHWEST CORNER OF SAID HIDDEN LAKE PHASE IV-B, ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE $50^{\circ}51'33''$ E ALONG THE EAST LINE OF SAID SECTION 13, A DISTANCE OF 442.01 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 95 (STATE ROAD 9), A 350 FOOT RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION, RIGHT OF WAY MAP, SECTION 79002-2407; THENCE $N55^{\circ}22'30''$ W ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 95, A DISTANCE OF 1484.94 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD, RIGHT-OF-WAY, A VARIABLE WIDTH RIGHT OF WAY, PER EAST COAST BELTLINE, VOLUSIA COUNTY DEPARTMENT OF ENGINEERING, RIGHT-OF-WAY SURVEY, PROJECT NO. 4146-1-2, MAY 1992; THENCE $N13^{\circ}01'35''$ E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD, A DISTANCE OF 538.20 FEET; THENCE $N76^{\circ}58'25''$ W A DISTANCE OF 20.00 FEET; THENCE $N13^{\circ}01'35''$ E A DISTANCE OF 603.90 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WILLOW RUN BOULEVARD, BEING A 200 FOOT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2490, PAGE 998, AND OFFICIAL RECORDS BOOK 2806, PAGE 1370, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE $S67^{\circ}57'18''$ E ALONG SAID SOUTH RIGHT OF WAY LINE OF WILLOW RUN BOULEVARD A DISTANCE OF 980.12 FEET TO THE POINT OF BEGINNING. CONTAINING $\pm 1,721,414$ SQ. FT. OR ± 39.518 ACRES.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

YORKTOWNE BOULEVARD:

A PORTION OF SECTIONS 12 AND 13, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF HIDDEN LAKE PHASE IV-A, AS RECORDED IN MAP BOOK 40, PAGES 86 AND 87, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE $N87^{\circ}57'18''$ W ALONG THE SOUTH RIGHT OF WAY LINE OF WILLOW RUN BOULEVARD, A DISTANCE OF 393.78 FEET TO THE POINT OF BEGINNING; THENCE $S01^{\circ}24'09''$ E, A DISTANCE OF 1,102.87 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 769.00 FEET AND A CENTRAL ANGLE OF $56^{\circ}46'39''$; RUN THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 762.04 FEET; THENCE $S55^{\circ}22'30''$ E, A DISTANCE OF 111.03 FEET TO THE EAST LINE OF SAID SECTION 13; THENCE $S00^{\circ}51'33''$ E ALONG SAID EAST LINE, A DISTANCE OF 122.81 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 95 (STATE ROAD 9) A 350 FOOT RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 79002-2407; THENCE $N55^{\circ}22'30''$ W ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 182.31 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 869.00 FEET, A CHORD BEARING OF $N26^{\circ}59'11''$ W, AND A CENTRAL ANGLE OF $56^{\circ}46'39''$, RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 861.14 FEET; THENCE $N01^{\circ}24'09''$ E, A DISTANCE OF 1,104.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF WILLOW RUN BOULEVARD; THENCE $S87^{\circ}57'18''$ E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 206,169 SQUARE FEET OR 4.733 ACRES MORE OR LESS.