



MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Christine C. Davis, Finance Director 

DATE: April 6, 2009

SUBJECT: Final Assessment Resolution 539-09 for the Sparkman Ridge Special Assessment District (SAD)

APR 07 2009 

PURPOSE

The purpose of this item is to have Council adopt the Sparkman Ridge SAD Final Assessment Resolution No. 539-09.

BACKGROUND

The City Council adopted Resolution No. 531-09 on March 10, 2009 (the "Initial Assessment Resolution"), which contained the description of the Sparkman Ridge special assessment program to be provided to assessable property, describing the method of apportioning the Sparkman Ridge assessment, designating the rate of the assessment, directing the preparation of the Assessment Roll, and provide provisions for the required notice. The Final Assessment Resolution will confirm or repeal the Initial Assessment Resolution, with such amendments as the Council deems appropriate, after hearing comments and objections from all interested parties. As required the City caused an individual mailed notice, and a public hearing notice was published in the Daytona Beach News Journal. The proof of publication can be found as Appendix A and the affidavit regarding the form of notice mailed to each owner of residential property being assessed can be found as Appendix B.

This final public hearing fulfils the requirement depicted in the enabling Ordinance No. 211. The final step of this process is to certify the Sparkman Ridge tax roll to the Volusia County tax collector by September 15, 2009 (said form of certification can be found as Appendix C). The Sparkman Ridge assessment will appear on the 2009 tax bill mailed in November 2009.

RECOMMENDATION

Staff recommends City Council approve Resolution 539-09 adopting the Sparkman Ridge SAD Final Assessment Resolution.

ORANGE CITY, FLORIDA

**SPARKMAN RIDGE
FINAL ASSESSMENT RESOLUTION**

ADOPTED APRIL 14, 2009

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**ORANGE CITY, FLORIDA
RESOLUTION NUMBER 539-09**

A RESOLUTION OF THE CITY OF ORANGE CITY, FLORIDA, RELATING TO THE RELATING TO CONSTRUCTION AND FUNDING OF THE SPARKMAN AVENUE EXTENSION PROJECT; PROVIDING AUTHORITY AND DEFINITIONS; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR THE IMPOSITION OF THE ASSESSMENTS TO FUND THE SPARKMAN AVENUE EXTENSION PROJECT; 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 Council adopted Ordinance No. 211 (the "Ordinance"), 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, on March 10, 2009, the City Council also adopted Resolution No. 531-09, the Sparkman Ridge Initial Assessment Resolution (the "Initial Assessment Resolution"), describing the method of assessing the cost of the Sparkman Avenue Extension Project, as a Local Improvement, against the real property that will be specially benefited thereby, and directing the preparation of the preliminary Assessment Roll and provision of the notices required by the Ordinance; and

WHEREAS, pursuant to the provisions of the Ordinance, the City Council is required to confirm or repeal the Initial Assessment Resolution with such amendments as the City Council deems appropriate after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Assessment Roll has been filed with the City Manager, as required by the Ordinance; and

WHEREAS, as required by the Ordinance, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard concerning the assessments; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively.

WHEREAS, a public hearing has been duly held 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 COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Final Assessment Resolution is adopted pursuant to the Ordinance, the Initial Assessment Resolution, Chapter 166, Florida Statutes, Article VIII, Section 2, Florida Constitution, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Final Assessment Resolution as defined in the Ordinance. All capitalized terms in this Final Assessment Resolution shall have the meanings defined in the Ordinance and Initial Assessment Resolution unless the context clearly indicates an alternative meaning.

SECTION 3. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution is hereby ratified and confirmed.

SECTION 4. CREATION OF SPARKMAN R-PUD ASSESSMENT AREA. The Assessment Area is hereby created to include the property specifically identified in Appendix C to the Initial Assessment Resolution. The Assessment Area is created for the purpose of improving the use and enjoyment of property by funding the Project Cost of the Sparkman Avenue Extension Project to improve access to property location therein.

SECTION 5. APPROVAL OF ASSESSMENT ROLL. The Assessment Roll for the Sparkman Avenue Extension Project, which is currently on file in the office of the City Manager and incorporated herein by reference, is hereby approved for the Fiscal Year commencing on October 1, 2009.

SECTION 6. IMPOSITION OF ASSESSMENTS TO FUND THE SPARKMAN AVENUE EXTENSION PROJECT.

(A) The Tax Parcels described in the Assessment Roll are hereby found to be specially benefited by the provision of the Sparkman Avenue Extension Project in the amount of the annual Assessment set forth in the Assessment Roll. The methodology set forth in Section 3.03 of the Initial Assessment Resolution for computing the annual Assessments is hereby approved and found to be a fair and reasonable method of apportioning the Assessed Cost among the benefited properties.

(B) Annual Assessments computed in the manner described in the Initial Assessment Resolution are hereby levied and imposed on all Tax Parcels described in the Assessment Roll at a maximum annual rate of \$333.00 per EDU for a period of fifteen (15) years, commencing with the ad valorem tax bill to be mailed in November 2009. The maximum annual Assessment amount to be collected from the property within the Assessment Area shall not exceed \$53,226.

(C) Upon adoption of this Final Assessment Resolution, the 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 City Council of this Final Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 7. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of this Final Assessment Resolution, the City Manager shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. The 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. EFFECT OF FINAL RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments are computed, the Assessment Roll, the annual Assessment amount, the levy and lien of the Assessments, and the special benefit to assessed property) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Council action on this Final Assessment Resolution.

SECTION 9. 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.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

SECTION 10. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

CITY OF ORANGE CITY, FLORIDA

By: _____
Mayor

ROLL CALL VOTE AS FOLLOWS:

Jim Mahoney _____	Donald C. Sherrill _____
Tom Laputka _____	Paul Rasch _____
Tom Abraham _____	Jeff H. Allebach, Vice Mayor _____
Harley Strickland, Mayor _____	

ADOPTED THIS _____ DAY OF _____, 2009.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Mayor

Approved as to form and legal sufficiency:

W. E. Reischmann, City Attorney

APPENDIX A
PROOF OF PUBLICATION

The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia:

Before the undersigned authority personally appeared

Stacy W. Montoya

who, on oath says that she is
Classified Advertising Manager
of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida,
the attached copy of advertisement, being a

NOTICE OF HEARING CITY OF ORANGE CITY

In the matter of 797408
in the Court
was published in said newspaper in the issues
MARCH 24, 2009

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Stacy W. Montoya

Sworn to and subscribed before me

this 24TH day of MARCH
A.D. 2009

Kelley Jean Meehan



KELLEY JEAN MEEHAN
Notary Public, State of Florida
My Comm. Expires April 7, 2012
Commission No. DD 776318

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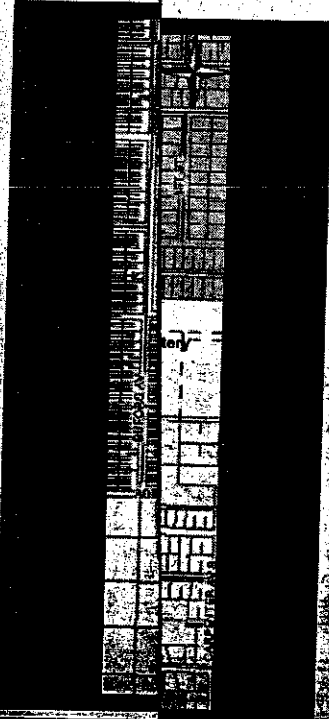
NOTICE TO PROVIDE FOR COMMENTS

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ORANGE CITY



The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia:**

Before the undersigned authority personally appeared

Stacy W. Montoya

who, on oath says that she is
Classified Advertising Manager
of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida,
the attached copy of advertisement, being a

NOTICE OF SPECIAL MEETING

In the matter of 798940
in the Court
was published in said newspaper in the issues
MARCH 29, 2009

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Stacy W. Montoya

Sworn to and subscribed before me

this 30th day of MARCH
A.D. 2009

Kelley Jean Meehan



KELLEY JEAN MEEHAN
Notary Public, State of Florida
My Comm. Expires April 7, 2012
Commission No. DD 776318

0000798940

**TO THE CITIZENS OF ORANGE CITY
NOTICE OF SPECIAL MEETING**

The City Council of the City of Orange City will hold a SPECIAL MEETING on Tuesday, March 31, 2009 at 7:00 p.m. to make an appointment to fill the vacancy in Seat #5 on the Council. The meeting will be held in Council Chambers, 201 N. Holly Avenue.

Deborah J. Renner, CMC, City Clerk

APPENDIX B
AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Chester Murray and Sandi Melgarejo, who, after being duly sworn, depose and say:

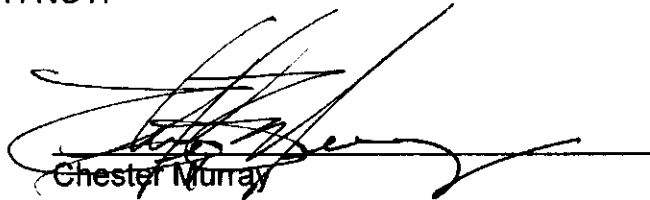
1. Chester Murray, as City Manager of the City of Orange City ("City"), pursuant to a Work Plan contained in the Assessment Program for Sparkman Ridge Residential Planned Unit Development Infrastructure Improvements proposal dated November 5, 2008 by Government Services Group, Inc. ("GSG") for the City and the authority and direction received from the City Council, time directed the preparation of the Assessment Roll and the preparation, mailing and publication of notices in accordance with Section 2.05 of Resolution No. 531-09 and Section 4.05 of Ordinance No. 211.

2. Sandi Melgarejo is Project Coordinator for GSG. GSG has caused the notices required by the Assessment Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to


file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before March 24, 2009, GSG caused the mailing of the above-referenced notices in accordance with Section 4.05 of the Ordinance and Section 2.05 of Resolution No. 531-09 by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Volusia County Property Appraiser for the purpose of the collection of ad valorem taxes.

FURTHER AFFIANTS SAYETH NOT.




Chester Murray




Sandi Melgarejo, affiant

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 7 day of APRIL, 2009 by Chester Murray, City Manager, City of Orange City, Florida. He is personally known to me or has produced _____ as identification and did take an oath.



Printed Name: Gloria J. Williams
Notary Public, State of Florida
At Large
My Commission Expires: 8/13/2010
Commission No.: DD584345

NOTARY PUBLIC-STATE OF FLORIDA
 Gloria J. Williams
Commission # DD584345
Expires: AUG. 13, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

STATE OF FLORIDA
COUNTY OF LEON

6th The foregoing Affidavit of Mailing was sworn to and subscribed before me this
day of April, 2009 by Sandi Melgarejo, Project Coordinator, Government
Services Group, Inc., a Florida corporation. She is personally known to me or has
produced _____ as identification and did take an oath.

J. Wendy Williams
Printed Name: J. Wendy Williams
Notary Public, State of Florida
At Large
My Commission Expires: 5/12/2012
Commission No.: DD 787547



ORANGE CITY, FLORIDA
205 East Graves Avenue
Orange City, Florida 32763

ORANGE CITY, FLORIDA
NOTICE OF HEARING FOR ADOPTION OF
SPARKMAN RIDGE R-PUD SPECIAL ASSESSMENT
NOTICE DATE: MARCH 24, 2009

OwnerName
OwnerAdd1
OwnerAdd2
City, State Zip

Sequence #
Tax Parcel #
Legal Description:

******* THIS IS NOT A BILL*******

Dear Property Owner:

As you should be aware, an assessment area is being created to fund assessments for certain road improvements in your area. The cost of the road improvements will be funded by assessments against your property.

The assessment for each parcel of property will be based upon the total project cost as allocated among the number of equivalent dwelling units (EDUs) assigned to the property. A more specific description of the assessment program is set forth in the Initial Assessment Resolution adopted by the City Council on March 10, 2009. Copies of the Initial Assessment Resolution and the preliminary Assessment Roll are available for your review at the offices of the City Manager located at 205 East Graves Avenue, Orange City, Florida. Information regarding the assessment for your specific property, including the number of EDUs, is attached to this letter.

The City has secured a bank loan to finance this assessment project. This will permit the cost attributable to your property to be amortized over a period of 15 years.

The annual assessment will include your share of the principal, interest, assessment administration, collection cost and the amount Florida law requires the City to discount receipts for its annual budget. The maximum annual assessment is estimated to be \$333 per EDU. Annual assessments will be payable for 15 years; however, if there are no significant defaults in payment of the assessments, all or part of the last loan payment may be made from any reserve accounts funded by the loan. The City intends to include annual assessments on your ad valorem tax bill. Failure to pay your assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The City intends to collect \$798,390 in assessments, inclusive of all administrative and statutory discounts, over the next 15 years for this project.

The City Council will hold a public hearing at 7 p.m., or as soon thereafter as the matter can be heard, on April 14, 2009, in the City Council Chambers at 205 East Graves Avenue, Orange City, Florida, for the purpose of receiving comments on the proposed assessments, including collection on the ad valorem tax bill. You are invited to attend and participate in the public hearing or to file written objections with the City Council prior to or during the hearing. If you decide to appeal any decision made by the City Council 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, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Manager at (386) 775-5400, 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 City at (386) 775-5408.

ORANGE CITY, FLORIDA

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

Sparkman Ridge Assessment Area

**[Property Owner Name]
Tax Parcel #**

Total number of EDUs attributed to property:	160
Number of annual payments:	15
Maximum annual payment:	[insert amount]
Expected date of first bill:	November 2009
Total amount of all annual payments:	[Insert Amount]
Expected date of last bill:	November 2023

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

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 City of Orange City, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for local improvements within the City (the "Non-Ad Valorem Assessment Roll") for the City 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 Volusia County Tax Collector by September 15, 2009.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Volusia County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this _____ day of _____, 2009.

CITY OF ORANGE CITY, FLORIDA

By: _____
Mayor

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