

RESOLUTION NO. _____
PASSED: _____

A resolution approving the levy of special assessments for restoration and improvement of the Kirkwood Subdivision roadways; the same being within the City limits of Gainesville, Florida and lying south of Southwest 16th Avenue, east of Southwest 13th Street (also known as U.S. Highway 441), and west and north of South Main Street (also known as State Highway 329) which streets, right-of-way and roads specifically include but are not limited to Southwest 23rd Place, Southwest 25th Place, Southwest 26th Place, Southwest 27th Court, Southwest 8th Drive, Southwest 9th Drive, Southwest 21st Avenue; designating the property to be assessed; describing the use of the assessment, describing the manner of payment; setting forth the total estimated cost; and providing an effective date.

WHEREAS, the Kirkwood Environmental Improvements Association, Inc. has requested that the City of Gainesville provide perpetual repair and maintenance of the Kirkwood roadways; and

WHEREAS, the City of Gainesville has agreed to accept the Kirkwood roadways for perpetual maintenance and levy a special assessment of \$826.85 per lot (72 lots) with a minimum annual payment of \$105.98 over ten years or, with a minimum monthly payment of \$9.13 over one-hundred-twenty months, said payments based on equal payments with an annual interest rate of 6.00% for restoration and improvement of the roadways; and

WHEREAS, on February 28, 2000, the City Commission of Gainesville, Florida adopted a resolution declaring the nature of the proposed improvement, designating the area to be improved, stating the portion of the expenses to be paid by the special assessment, designating the lands upon which the special assessment will be levied, and the manner in which the assessment is to be paid, and stating the total estimated cost of the improvement; and

WHEREAS, at the time of the adoption of the above stated resolution, an assessment plat and an assessment roll have been duly prepared and filed with the Clerk of the City Commission of Gainesville, Florida; and

WHEREAS, following the adoption of the above stated resolution, notice was given by publication of the resolution in the Gainesville Sun on March 11, 2000; and

WHEREAS, on March 13, 2000, the City Commission of Gainesville, Florida adopted a second resolution fixing a date, time and place at which assessed property owners and all other interested citizens could appear before the City Commission and speak to the propriety and advisability of making such improvement, the cost of such improvement, the manner of payment and the amount to be assessed against property so improved; and

WHEREAS, written notice of the public hearing was duly provided all affected property owners on March 10, 2000 and a proof of mailing affidavit was filed with the Clerk of Commission; and

WHEREAS, notice by publication in the Gainesville Sun of the same public meeting was provided on March 20, 2000 and April 3, 2000; and

WHEREAS, on April 10, 2000, said public hearing was held, at which the City Commission heard testimony from affected property owners and met as an equalizing board to hear and consider any and all complaints as to the special assessments; and

WHEREAS, Florida Statutes, Chapter 170, empowers a municipality to levy and collect special assessment for this and similar public improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE:

1. Street Designation/Nature of Improvement. Road restoration and improvement shall be completed along Kirkwood roadways lying south of Southwest 16th Avenue, East of Southwest 13th Street (also known as U.S. Highway 441), and West and North of South Main Street (also known as State Highway 329) which streets, right-of-way and roads specifically include but are

not limited to Southwest 23rd Place, Southwest 25th Place, Southwest 26th Place, Southwest 27th Court, Southwest 8th Drive, Southwest 9th Drive and Southwest 21st Avenue as described in the resolution adopted February 28, 2000.

2. **Lands to be Assessed.** A special assessment shall be levied on all owners of lots and lands abutting the Kirkwood roads listed in Item 1 above and specifically benefiting from the improvements described in Item 1. Such lots and lands are further described by an assessment plat filed in the office of the Clerk of the Commission of the City of Gainesville, Florida, and the cost of such assessment more fully described in Item 3 of this document.
3. **Assessment.** All owners of lots and lands described in Item 2 and the assessment plat hereinafter provided shall be assessed \$826.85 per lot, with a minimum annual payment of \$105.98 over ten years or with a minimum monthly payment of \$9.13 over one-hundred-twenty months, said payments based on equal payments with an annual interest rate of 6.00%.
4. **Manner of Payment.** The assessments may be paid without interest at any time within thirty (30) days after the improvement is completed and a resolution accepting the improvement and declaring the assessments due has been adopted by the City of Gainesville. If such immediate full payment is not received, the assessments shall bear an annual interest rate of 6.00 percent and shall be paid in either ten (10) equal annual installments of one-hundred five dollars ninety-eight cents (\$105.98) or one-hundred twenty (120) equal monthly installments of nine dollars thirteen cents (\$9.13). The first annual installment shall be due within thirty (30) days after the improvement has been accepted with the remainder of the installments due on the anniversary date of the resolution accepting the improvement. The first monthly installment shall be due within thirty (30) days after the improvement has been accepted with the remainder of the installments due monthly thereafter on the date stated in the resolution accepting the improvement. If an installment is not paid when due, a penalty at the rate of one-percent (1%) per month on past due installments, until paid, shall be added. Assessment principal balances, whether under annual or monthly installments, may be paid in full at any time without interest. The assessments shall be considered liens on the property, co-equal with the liens of all state, county, district and municipal taxes and be considered superior in dignity to all other liens, titles, and claims until paid.
5. **Estimated Cost.** The total estimated cost for the above described roadway improvement is eighty-nine-thousand-three-hundred-dollars (\$89,300) which will be appropriated from the City's Streets and Sidewalk Revolving Fund. Fifty-nine-thousand-five-hundred-thirty-three-dollars-and-thirty-three-cents (\$59,533.33) would be repaid to the Streets and Sidewalk Revolving Fund through the levy of special assessments as described in Item 3 of this document. The balance of twenty-nine thousand- seven-hundred-sixty-six-dollars-and-sixty-seven-cents (\$29,766.67) will be considered the city's contribution to the project and appropriated from the Streets and Sidewalk Revolving Fund.
6. **Effective Date.** This resolution shall become effective immediately upon adoption.

ADOPTED THIS _____ DAY OF _____, 2000. AD.

PAULA M. DELANEY, MAYOR

ATTEST:

KURT LANNON, CLERK OF THE COMMISSION