

RESOLUTION NO. 991144

Passed: February 28, 2000

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA AUTHORIZING THE INITIATION OF THE SPECIAL ASSESSMENT PROCESS AS PROVIDED FOR IN FLORIDA STATE STATUTES 170.03, FOR TWO-THIRDS OF THE ESTIMATED COST (\$89,300) FOR THE ROADWAYS RESTORATION TO BE APPLIED TO THE RESIDENTIAL PROPERTY OWNERS THAT ABUT THE KIRKWOOD 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, RIGHTS-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; AND AUTHORIZE SPECIAL ASSESSMENT FEES TO BE ADDED TO ANNUAL TAXES BASED UPON EQUAL PAYMENTS OVER TEN YEARS WITH AN ANNUAL INTEREST RATE OF EIGHT PERCENT.

WHEREAS, the privately owned Kirkwood roadways are in poor repair and condition; and

WHEREAS, the Kirkwood Environmental Improvements Association, Inc., has asked the City of Gainesville to provide perpetual repair and maintenance of the Kirkwood roadways, and associated drainage facilities; 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 \$123.23 over ten years or with a minimum monthly payment of \$10.03 over one-hundred twenty months, said payments based on equal payments with annual interest rate of 8.00%; and

WHEREAS, the Kirkwood Environmental Improvements Association, Inc., has by Quit Claim Deed conveyed to the City of Gainesville right, title and interest in the existing streets, existing roads and rights-of-way, existing other public rights-of-way, and existing other public easements lying within the aforesaid boundaries and subdivision for the purpose of perpetual roadway maintenance; and

WHEREAS, the Quit Claim Deed has been approved by the City Attorney as to form and legality and has been recorded by the Clerk of the Commission into the Public Records of Alachua County; and

WHEREAS, Florida State Statute 170 states that the governing authority shall declare by resolution the nature of the proposed improvement, designate the streets to be so improved, state the estimated cost of the improvements and that portion of the expense to be paid by special assessment; and

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

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

1. Payment of Assessment. The assessments shall be payable without interest at any time within thirty (30) days after the improvement is completed and a resolution accepting the improvement is adopted by the City of Gainesville. Payments may be made in full at any time thereafter with accrued interest but without early payment penalty. If such immediate payment is not received, the assessments may be paid in ten (10) equal annual installments that will bear interest at a rate of eight (8%) percent per annum on the unpaid balance, or one hundred and twenty (120) equal monthly payments. The first annual installment shall be due on the anniversary date of the resolution accepting the improvements. If an annual installment is not paid when due, a penalty at the rate of one (1%) percent per month shall be added. The assessments would be considered liens on the property, coequal 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.
2. That the City Manager, or his designee, is authorized to initiate the special assessment process for two-thirds of the estimated cost of the roadways restoration to be applied to the residential property owners that abut SW 21st Avenue, SW 8th Drive, SW 25th Place, SW 9th Drive, SW 26th Place, and SW 27th Court; with said assessment to be divided equally among the seventy-two abutting properties and payable in ten equal annual payments or one-hundred twenty equal monthly payments with an applied annual interest rate of eight percent, allowing full assessment balance may be paid at anytime within the allowable payment period without penalty.
3. That the City Manager, or his designee, is authorized to execute and file any documents or assurances necessary to implement the special assessments with the Alachua County Tax Collector's Office.
4. That the City Manager, or is designee, is authorized to execute any other related documents and take any other actions, necessary in connection with the resulting special assessment on behalf of the City of Gainesville, Florida.
5. This resolution shall become effective immediately upon adoption.

Dated the 28th day of February AD, 2000.



Paula M. DeLaney, Mayor

ATTEST:



Kurt M. Lannon, Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY
BY: 

MARION J. RADSON, CITY ATTORNEY
CITY OF GAINESVILLE, FLORIDA

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