

RESOLUTION NO. 100137
PASSED JULY 15, 2010

CITY OF GAINESVILLE, FLORIDA

A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF GAINESVILLE, FLORIDA; IMPOSING FIRE SERVICES SPECIAL ASSESSMENTS AGAINST ASSESSED PROPERTIES LOCATED WITHIN THE CITY FOR THE FISCAL YEAR THAT BEGINS OCTOBER 1, 2010; PROVIDING FOR EXEMPTIONS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR THE ESTIMATED FIRE SERVICES ASSESSED COST; APPROVING THE RATE OF ASSESSMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Commission of Gainesville, Florida (the "City Commission"), has enacted Ordinance No. 070623, codified in Chapter 11 of the Code of Ordinances, (the "Ordinance"), which authorizes the imposition of Fire Services Special Assessments for fire services, facilities, and programs against Assessed Property located within the City;

WHEREAS, the imposition of a Fire Services Special Assessment for fire services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Services Assessed Cost among parcels of Assessed Property;

WHEREAS, the City Commission desires to implement a fire services special assessment program in the City using the procedures provided by the Ordinance for the Fiscal Year beginning on October 1, 2010;

WHEREAS, the City Commission, on June 3, 2010, adopted Resolution No. 091050 (the "Initial Assessment Resolution");

WHEREAS, the Initial Assessment Resolution contains and references a brief and general description of the fire services, facilities and programs to be provided to Assessed Property; describes the method of apportioning the Fire Services Assessed

Cost to compute the Fire Services Special Assessment for fire services, facilities, and programs against Assessed Property; estimates the rate of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS, in order to impose Fire Services Special Assessments for the Fiscal Year that begins October 1, 2010, the Ordinance requires the City Commission to adopt a Final Assessment Resolution which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance;

WHEREAS, notice of a public hearing has been published and mailed, as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on July 15, 2010, 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 COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the Ordinance, Resolution No. 090150, Article VIII, Section 2, Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of Law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Final Assessment Resolution as defined in the Ordinance. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

SECTION 3. IMPOSITION OF FIRE SERVICES SPECIAL ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of the fire services, facilities, and programs described or referenced in the Initial Assessment Resolution, in the amount of the Fire Services Special Assessment set forth in the Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of fire services, facilities, and programs in an amount not less than the Fire Services Special Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution. Adoption of this Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Initial Assessment Resolution, and this Final Assessment Resolution from the fire services, facilities, or programs to be provided and a legislative determination that the Fire Services Special Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Assessment Resolution.

(B) The method for computing Fire Services Special Assessments described and referenced in the Initial Assessment Resolution is hereby approved. The Parcel

Apportionment methodology described in Section 6 of the Initial Assessment Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2010, the estimated Fire Services Assessed Cost to be assessed is \$ 4,887,500. The Fire Services Assessment to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Assessed Cost for the Fiscal Year that begins October 1, 2010, is hereby established as follows:

\$78. per Factored Fire Protection Unit

(D) The above rate of assessment is hereby approved. Fire Services Assessments for fire services, facilities, and programs in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year that begins on October 1, 2010.

(E) No Fire Services Assessment shall be imposed on a parcel of government property whose building use is wholly exempt from ad valorem taxation as provided by Florida law.

(F) Any shortfall in the estimated Fire Services Assessed Cost caused by or attributed to any reduction or exemption from payment of the Fire Services Assessments required by law and this Resolution shall be made whole from any legally available funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments. To this extent, the City Commission expects to budget and appropriate during the fiscal year beginning October 1, 2010, from any legally available revenues an amount sufficient to cover the anticipated cost of providing fire services,

facilities, and programs to any lawfully exempted properties, and any reduction in the Fire Services Assessed Cost.

(G) As authorized in Section 11-43 of the Ordinance, interim Fire Services Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Final Assessment Resolution based upon the rates of assessment approved herein.

(H) Fire Services Assessments shall constitute a lien upon the Assessed Property so assessed 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.

(I) On or before September 15 of each fiscal year the Fire Services Special Assessment is imposed, the Mayor or Mayor Pro Tem is authorized to certify the non-ad valorem assessment roll on compatible electronic medium to the tax collector.

(J) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be billed, collected and enforced pursuant to the method of collection described in Section 11-61 of the Ordinance and Section 12 of the Initial Assessment Resolution. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantively the form attached hereto as Appendix C.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution, as amended and supplemented herein, is hereby confirmed.

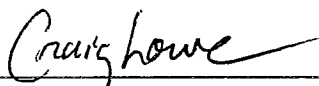
SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this

Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Fire Services Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

SECTION 6. SEVERABILITY. If any word, phrase, clause, paragraph, section or provision of this resolution or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the resolution which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this resolution are declared severable.

SECTION 7. EFFECTIVE DATE. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 15TH day of July, 2010.

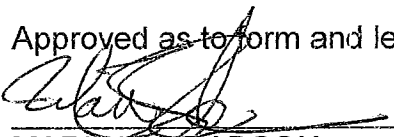


CRAIG LOWE
MAYOR

ATTEST:



KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality:


MARION J. RADSON
CITY ATTORNEY JUL 15 2010

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Russ Blackburn, Sandi Melgarejo, Charity Moore, and Kathlene S. Driggers, who, after being duly sworn, depose and say:

1. Russ Blackburn, as City Manager of the City of Gainesville, Florida ("City"), pursuant to a Fire Services Assessment Program Proposal between Government Services Group, Inc. ("GSG") and the City and the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Fire Services Assessment Ordinance adopted by the City Commission on June 9th, 2008 (the "Assessment Ordinance") and in conformance with the Initial Assessment Resolution adopted by the City Commission on June 3, 2010 (the "Initial Assessment Resolution").

2. Sandi Melgarejo is a 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 could result in foreclosure proceedings against the property as well as the initiation of proceedings to compel payment by any means authorized by law, including the collection of any delinquent amounts on a subsequent years' tax bill, which, if not paid, would 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 June 24, 2010, GSG delivered and directed the mailing of the above-referenced notices by Modern Mailers, Inc. ("Modern Mailers"), in accordance with Section 2.05 of the Assessment Ordinance and the Initial Assessment Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Alachua County Property Appraiser for the purpose of the collection of ad valorem taxes. Notices to property owners receiving multiple individual notices were mailed, or caused to be mailed by GSG on or before June 24, 2010.

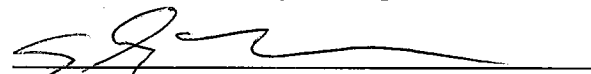
4. Charity Moore is Production Manager of Modern Mailers. As directed above, Modern Mailers, mailed or caused to be mailed on or before June 24, 2010, the above-referenced notices delivered to Modern Mailers by GSG.

5. Kathlene S. Driggers is the Senior Executive Assistant to the Office of the Fire Chief. As to approximately 83 parcels listed as confidential by the Property Appraiser, she mailed or caused to be mailed on June 24, 2010 the above-referenced notices to these parcels.

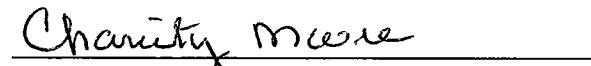
FURTHER AFFIANTS SAYETH NOT.




Russ Blackburn, City Manager



Sandi Melgarejo, GSG



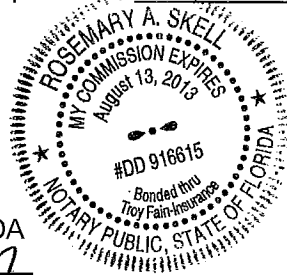
Charity Moore, Modern Mailers



Kathlene S. Driggers, Senior Executive
Assistant to the Office of the Fire Chief

STATE OF FLORIDA
COUNTY OF ALACHUA

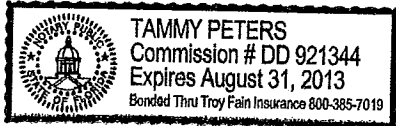
The foregoing Affidavit of Mailing was sworn to and subscribed before me this 15th day of July, 2010 by Russ Blackburn, City Manager, City of Gainesville, Florida. He is personally known to me or has produced _____ as identification and did take an oath.



Printed Name: Rosemary A Skell
Notary Public, State of Florida At Large
My Commission Expires: _____
Commission No.: _____

STATE OF FLORIDA
COUNTY OF Leon

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 30 day of June 2010 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.



Printed Name: Tammy Peters
Notary Public, State of Florida At Large
My Commission Expires: August 31, 2013
Commission No.: DD 921344

STATE OF FLORIDA
COUNTY OF Leon

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 29 day of June, 2010 by Charity Moore, Production Manager, Modern Mailers, Inc., a Florida corporation. She is personally known to me or has produced _____ as identification and did take an oath.

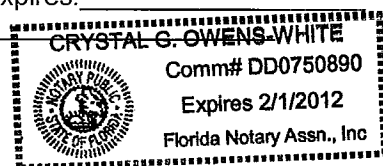


Printed Name: Leah Filsinger
Notary Public, State of Florida At Large
My Commission Expires: May 13, 2011
Commission No.: DD 673191

STATE OF FLORIDA
COUNTY OF _____

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 04th day of July 2010 by Kathlene S. Driggers, Senior Executive Assistant to the Office of Fire Chief, City of Gainesville. She is personally known to me or has produced FCD# 062651759959-0 as identification and did take an oath.

Printed Name: Crystal G. Owens-White
Notary Public, State of Florida At Large
My Commission Expires: _____
Commission No.: _____



APPENDIX B
PROOF OF PUBLICATION

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 the City of Gainesville, or authorized agent of the City of Gainesville, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (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 Alachua County Tax Collector by September 15, 2010.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Alachua County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 15th day of July, 2010.

CITY OF GAINESVILLE, FLORIDA

By: 
CRAIG LOWE, Mayor

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