



MEMORANDUM

Office of the City Attorney

Registrar No. 050314

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: September 12, 2005
FIRST READING

FROM: City Attorney

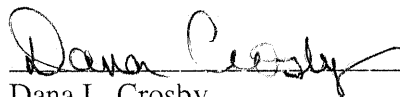
SUBJECT: Ordinance No. 0-05-83

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in a non-ad valorem assessment for a municipal service benefit unit created by Alachua County for the provision of solid waste management costs; providing conditions for the consent; providing that the consent is for a one year period; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

Passage of an ordinance is necessary to provide consent for all land within the City of Gainesville to be included in a portion of the non-ad valorem assessment for a municipal service benefit unit created by Alachua County. This assessment covers the cost of the Waste Alternatives and Environmental Protection programs and approximately 25% of the Rural Collection Center program. On December 14, 2004, the Alachua County Board of County Commissioners adopted Resolution 04-134, its notice of intent to utilize the uniform method of collecting non-ad valorem assessments for the 2005-2006 fiscal year, including collection of non-ad valorem assessments for solid waste management in the entire county. The proposed ordinance is presented to continue this assessment in the City for the next year. If approved on first reading, the second and final reading will be September 26, 2005. The effective date of this ordinance is October 1, 2005.

Prepared by:



Dana L. Crosby,
Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:DLC:sw

Ordinance No. _____
0-05-83

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4 **An ordinance of the City of Gainesville, Florida, providing consent for the**
5 **entire corporate limits of the City of Gainesville, Florida to be included in a**
6 **non-ad valorem assessment for a municipal service benefit unit created by**
7 **Alachua County for the provision of solid waste management costs;**
8 **providing conditions for the consent; providing that the consent is for a one**
9 **year period; and providing an effective date.**

10
11 **WHEREAS**, pursuant to §197.3632(3)(a), Florida Statutes, Alachua County has advertised a
12 notice of intent to use the uniform method of collecting non-ad valorem assessments throughout the
13 County to fund a portion of the cost of solid waste management in both the incorporated and
14 unincorporated areas of the County and has adopted a resolution stating its intent as set forth in the
15 advertisement; and

16 **WHEREAS**, pursuant to §125.01(1)(q), Florida Statutes, the County is authorized to
17 establish a municipal service benefit unit for any part or all of the unincorporated area of the county
18 for the purpose of providing for solid management services; and

19 **WHEREAS**, pursuant to §125.01(1)(q), Florida Statutes, a municipal service benefit unit can
20 be extended to include a municipality with the consent of the governing body of the municipality
21 given either annually or for a term of years; and

22 **WHEREAS**, at least 10 days notice prior to adoption has been given once by publication in a
23 newspaper of general circulation notifying the public of this proposed ordinance and of a Public
24 Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

25 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at which
26 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

27 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY**

1 OF GAINESVILLE, FLORIDA:

2 **Section 1.** Subject to the conditions provided in this ordinance, the City Commission of the
3 City of Gainesville, as the City's governing body, consents to the inclusion of the City in the
4 municipal service benefit unit for a non-ad valorem special assessment for the provision of solid
5 waste management as stated in Alachua County Resolution No. 04-134 adopted on December 14,
6 2004, a copy of which is attached as Exhibit "1."

7 **Section 2.** This consent is granted subject to the following conditions: 1) the total assessment
8 in both the incorporated and unincorporated areas of the county does not exceed the maximum
9 amount to be collected from the assessment which is printed on the first class notice distributed by
10 Alachua County, which amount replaces the costs previously included in the tipping fee of the
11 Southwest Landfill for the County's hazardous waste program, waste alternatives office, and partial
12 cost of the rural collection centers, plus administration and billing costs associated with the
13 assessment; 2) all residences in the mandatory collection area of the unincorporated area and
14 incorporated areas of the county are assessed equally; 3) all non-residential property in the
15 unincorporated area and incorporated areas of the county are assessed an amount based on factors
16 other than their location in an incorporated or unincorporated area; and 4) that the benefit of the
17 programs provided for by this assessment equals or exceeds the amount assessed. This consent does
18 not apply to assessments for collection, disposal or recycling costs other than specifically provided
19 herein.

20 **Section 3.** This consent is granted only for the assessments to be billed in November of the
21 year 2005 for services rendered from October 1, 2005 to September 30, 2006.

22 **Section 4.** This ordinance shall become effective October 1, 2005.

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PASSED AND ADOPTED this _____ day of _____, 2005.

PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

Kurt M. Lannon
Clerk of the Commission

Marion J. Radson
City Attorney

This Ordinance passed on first reading this _____ day of September, 2005.

This Ordinance passed on second reading this _____ day of September, 2005.

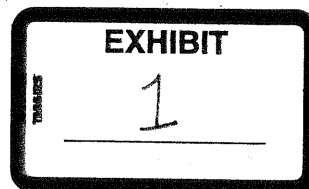
RESOLUTION 04-134

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR SOLID WASTE COLLECTION, DISPOSAL, RECYCLING AND MANAGEMENT; AND FOR COMMUNITY MAINTENANCE IN THE SUGARFOOT OAKS/CEDAR RIDGE PRESERVATION AND ENHANCEMENT DISTRICT; INDICATING INTENT TO LEVY SUCH NON-AD VALOREM ASSESSMENTS AGAINST IMPROVED PROPERTY THROUGHOUT ALACHUA COUNTY, INCLUDING THE INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE DISTRIBUTION OF CERTIFIED COPIES OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida (hereinafter, the "Board"), finds that the proper collection, disposal, recycling and management of solid waste is necessary for the health, safety, and welfare of the citizens of Alachua County, Florida; and,

WHEREAS, the Board, established the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District, to further neighborhood preservation and revitalization; and

WHEREAS, Chapter 403, *Florida Statutes*, the Alachua County Charter, Section 125.01, *Florida Statutes*, Chapters 71 and 75, Alachua County Code, and other applicable provisions of law authorize the imposition of a non-ad valorem assessment against improved properties within the boundaries of Alachua County for collection, disposal, recycling and management of solid waste and for community maintenance in the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District; and,



WHEREAS, pursuant to Section 197.3632(3)(a), *Florida Statutes*, Alachua County intends to impose non-ad valorem assessments against improved properties within the boundaries of Alachua County for collection, disposal, recycling and management of solid waste and for community maintenance in the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District; and,

WHEREAS, Alachua County intends to use the uniform method of collecting such assessments; and,

WHEREAS, Alachua County has, pursuant to Section 197.3632(3)(a), *Florida Statutes*, published notice of its intent to utilize the uniform method of collecting non-ad valorem assessments for the 2005-2006 fiscal year; has attached the proof of publication as **Exhibit "A"**; and has held a duly advertised public hearing prior to the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

1. That, for the 2005-2006 fiscal year and on the tax statement mailed out during such fiscal year, the County intends to use the uniform method of collecting non-ad valorem assessments authorized by Section 197.3632, *Florida Statutes*, for the provision of collection, disposal, recycling and management of solid waste and for community maintenance in the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District. Such non-ad valorem assessments shall be levied against Commercial, Institutional, Industrial and Residential Property throughout the incorporated and unincorporated areas of Alachua County. A legal description of the areas subject to the assessments is attached hereto as **Exhibit "B"** and incorporated herein by reference, and geographic depictions of the areas are attached hereto as **Exhibit "C"** and incorporated herein by reference.

2. That the County hereby determines that the levy of the assessments is needed

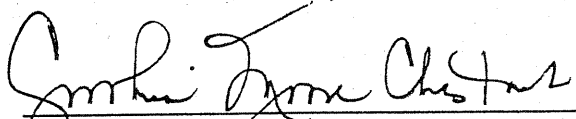
to fund the cost of collection, disposal, recycling and management of solid waste and to fund the cost of community maintenance within the non-ad valorem assessment areas.

3. That, upon adoption of this resolution, the County Manager is hereby directed to transmit a certified copy of this resolution by United States mail to the State of Florida Department of Revenue, the Alachua County Tax Collector, and the Alachua County Property Appraiser on or before January 10, 2005.

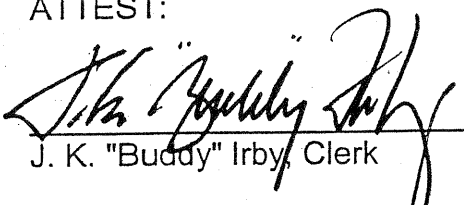
4. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 14 day of December, A.D., 2004.

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

By: 
Cynthia Moore Chestnut, Chair
Board of County Commissioners

ATTEST:


J. K. "Buddy" Irby, Clerk
(SEAL)

APPROVED AS TO FORM

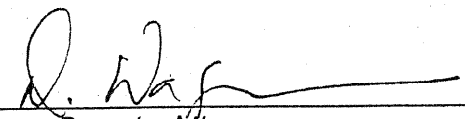

Alachua County Attorney

EXHIBIT A
Proof of Publication

26940

NO _____

NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

The Board of County Commissioners of Alachua County, Florida, hereby provides notice pursuant to Section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem assessments to be levied throughout Alachua County. The non-ad valorem assessments will be used to fund all or a portion of the cost of collection, disposal, recycling and management of solid waste in the incorporated and unincorporated areas of Alachua County and for community maintenance in the Sugarloot Oaks/ Cedar Ridge Preservation and Enhancement District for the County's 2005-2006 fiscal year.

The Board will consider the adoption of a resolution electing to use the uniform method of collecting non-ad valorem assessments authorized by Section 197.3632, Florida Statutes, at a public hearing to be held in Room 209 of the Alachua County Administration Building, 12 South East 1st Street, Gainesville, Florida 32601, on Tuesday, the 14th day of December, A.D., 2004, at 5:00 o'clock p.m., or as soon thereafter as the matter may be heard. Such resolution will state the need for the levy and will contain a legal description of the real property subject to the levy. Copies of the proposed form of the resolution that contains the legal description of the real property subject to the levy are available at the Office of the County Commissioners, second floor, Alachua County Administration Building, 12 South East 1st Street, Gainesville, Florida 32601.

All persons are advised that, if they decide to contest any decision made at this public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. All interested persons are invited to attend and be heard. If any accommodations are needed for persons with disabilities, please contact the Alachua County Equal Opportunity Office at 352-374-5275 (Voice) or 352-374-5284 (TDD).

Mike Byerly, Chair Board of County Commissioners 2694011/17,11/24,12/1/2 3

THE GAINESVILLE SUN Published Daily and Sunday GAINESVILLE, FLORIDA

STATE OF FLORIDA COUNTY OF ALACHUA

NAOMI WILLIAMS-JORDAN

Before the undersigned authority appeared..... Classified Assistant Manager

Who on oath says that he/she is.....of THE GAINESVILLE SUN, a daily

newspaper published at Gainesville in Alachua County, Florida, that the attached copy of advertisement, being NOTICE OF INTENT, The Board of County Commissioners of Alachua County, Florida

TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

In the matter of

in the.....Court, was published in said newspaper in the issues of NOVEMBER 17TH NOVEMBER 24TH DECEMBER 1ST & DECEMBER 8TH

2004

Affidavit further says that the said THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said Alachua County, each day, and has been entered as second class mail matter at the post office in Gainesville, in Said Alachua 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 for publication in the said newspaper.

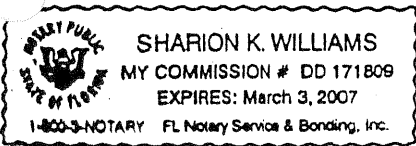
Sworn to and subscribed before me this

8 day of Dec A.D., 2004

Sharion K. Williams

(seal) Notary Public

Naomi Williams-Jordan



67:01W 81 330 70

EXHIBIT B
Legal Description

LEGAL DESCRIPTION OF THE AREA SUBJECT TO SOLID WASTE NON-AD VALOREM ASSESSMENTS

Alachua County.—The boundary lines of Alachua County are as follows: Begin where the range line between ranges sixteen and seventeen east intersects the thread of the Santa Fe River; thence run south on said range line to the southwest corner of section seven, township eleven south, range seventeen east; thence run east along the south line of sections seven, eight, nine, ten, eleven and twelve to the northwest corner of section eighteen, township eleven south, range eighteen east; thence run south along the west line of sections eighteen, nineteen, thirty and thirty-one, township eleven south, range eighteen east to southwest corner of said section thirty-one; thence run east along south line of sections thirty-one, thirty-two, thirty-three and thirty-four to southeast corner of section thirty-four, township eleven south, range eighteen east outside of Arredonda Grant; thence run north along east line of said section thirty-four to southwest corner of section thirty-four, township eleven south, range eighteen east inside said grant; thence run east along the township line between townships eleven and twelve, south, to its intersection with the west margin of Orange Lake; thence following the western and southern margin of Orange Lake to its intersection with the range line between range twenty-two and twenty-three east; thence run north along said range line to where same is intersected by the north and east margin of Santa Fe Lake; thence run north following the east margin of said Santa Fe Lake to its westernmost intersection with a line which is the prolongation of the north line of McManus Subdivision as per plat book "A", page 117 of the public records of Alachua County; thence west along the north line of said subdivision to its intersection with the east line of government lot three of section twenty-one, township eight south, range twenty-two east; thence north along said east line to the southeast corner of the southwest quarter of the northwest quarter of said section twenty-one; thence north along the line between the east half and the west half of the northwest quarter of said section twenty-one

to the north line of said section twenty-one; thence west along the north line of said section twenty-one to the southeast corner of section seventeen, township eight south, range twenty-two east; thence west to the southwest corner of the southeast quarter of the southeast quarter of said section seventeen; thence north to the southeast corner of the southwest quarter of the northeast quarter of said section seventeen; thence west to the southwest corner of the east half of the southwest quarter of the northeast quarter of said section seventeen; thence north to the northwest corner of the east half of the southwest quarter of the northeast quarter of said section seventeen; thence west to the southwest corner of the northwest quarter of the northeast quarter of said section seventeen; thence north to the half-mile corner of the south line of section eight, township eight south, range twenty-two east; thence west to the southwest corner of the east half of the southeast quarter of the southwest quarter of said section eight; thence north to the northwest corner of the east half of the northeast quarter of the northwest quarter of said section eight; thence north to the northeast corner of the west half of the southeast quarter of the southwest quarter of section five, township eight south, range twenty-two east; thence west to the northwest corner of the southwest quarter of the southwest quarter of said section five; thence north along the west line of said section five to the northeast corner of the southeast quarter of the northeast quarter of section six, township eight south, range twenty-two east; thence west to the southwest corner of the northeast quarter of the northeast quarter of said section six; thence north to the northwest corner of the northeast quarter of the northeast quarter of said section six; thence west along the north line of said section six to the northwest corner of said section six; thence north along the east line of section one, township eight south, range twenty-one east to the southeast corner of section thirty-six, township seven south, range twenty-one east; thence north along the

east line of said section thirty-six to the northeast corner of the southeast quarter of the southeast quarter of said section thirty-six; thence west to the northwest corner of the southwest quarter of the southwest quarter of said section thirty-six; thence north along the west line of said section thirty-six to its intersection with the thread of the Santa Fe River; thence northerly and westerly along the thread of the Santa Fe River to its intersection with the east line of the southwest quarter of the northwest quarter of section thirty-three, township seven south, range twenty-one east; thence north to the northeast corner of the southwest quarter of the northwest quarter of said section thirty-three; thence west to the northeast corner of the southeast quarter of the northeast quarter of section thirty-two, township seven south, range twenty-one east; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section thirty-two; thence west to the southwest corner of the northeast quarter of the northeast quarter of section thirty-one, township seven south, range twenty-one east; thence north to the northwest corner of the northeast quarter of the northeast quarter of said section thirty-one; thence west to the half-mile corner of the south line of section thirty, township seven south, range twenty-one east; thence north on the quarter section line of said section thirty to its intersection with the thread of the Santa Fe River; thence southerly and westerly along the thread of said Santa Fe River to its intersection with the south line of the southwest quarter of the northeast quarter of section twenty-eight, township seven south, range twenty east; thence west to the southwest corner of the northeast quarter of said section twenty-eight; thence north to the northwest corner of the northeast quarter of said section twenty-eight; thence west to the northwest corner of said section twenty-eight; thence north along the east line of section twenty, township seven south, range twenty east to the southeast corner of the northeast quarter of said section twenty; thence west on the quarter section line of said section twenty to its intersection with the thread of the Santa Fe River; thence northerly and westerly along the thread of the Santa Fe River to its southernmost intersection with the east line of section two, township seven south, range

seventeen east; thence run south along the east line of said section two to the northeast corner of section eleven, township seven south, range seventeen east; thence run south along the east line of said section eleven to the northeast corner of government lot four in said section eleven; thence run west to the northwest corner of said government lot four; thence run south along west line of said government lot four to the southwest corner of said government lot four; thence run west along the south line of said section eleven to the northwest corner of section fourteen, township seven south, range seventeen east; thence run south along the west line of said section fourteen to the southwest corner of said section fourteen; thence run east along south line of said section fourteen to its intersection with the thread of the Santa Fe River; thence run southerly and westerly along the thread of said river to the point of beginning.

EXHIBIT C
Geographic Depiction

ALACHUA COUNTY
FLORIDA

