

RESOLUTION NO. 080146

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 PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR THAT BEGINS OCTOBER 1, 2008; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Commission of Gainesville, Florida (the "City Commission"), has enacted Ordinance No. 070623 (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, 2008;

WHEREAS, the City Commission, on June 9, 2008, adopted Resolution No. 080035 (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 rates 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, 2008, the Ordinance requires the City Commission to adopt a Final Assessment Resolution which establishes the rates 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 16, 2008, 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 Ordinance No. 070623; Resolution No. 080035; 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 Ordinance No. 070623. 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 Appendix F of the Initial Assessment Resolution and adopted in Section 7 of the Initial Assessment Resolution is hereby

approved.

(C) For the Fiscal Year beginning October 1, 2008, the estimated Fire Services Assessed Cost to be assessed is \$ _____. The Fire Services Assessments 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, 2008, are hereby established as follows:

Residential Property Use Category	Rate Per Dwelling Unit
Residential	\$ _____
Non-Residential Property Use Categories	
Commercial	\$ _____
Industrial/Warehouse	\$ _____
Institutional	\$ _____

(D) The above rates of assessment are 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, 2008.

(E) Any shortfall in the expected Fire Services Assessment proceeds due to any reduction or exemption from payment of the Fire Services Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments.

(F) As authorized in Section 2.13 of Ordinance No. 070623, 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.

(G) 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.

(H) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in Ordinance No. 070623, shall be billed, collected and enforced pursuant to the method of collection described in Section 3.01 of Ordinance No. 070623 and Section 9 of the Initial Assessment Resolution.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution 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 clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this resolution.

SECTION 7. EFFECTIVE DATE. This Final Assessment Resolution shall take

effect immediately upon its passage and adoption.

PASSED AND ADOPTED this ___ day of _____, 2008.

PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Russ Blackburn, Sandi Melgarejo, Kathryn L. Griffin, 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 dated October 26, 2007 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 9th, 2008 (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 17, 2008, 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 18, 2008.

4. Kathryn L. Griffin is Assistant General Manager of Modern Mailers. As directed above, Modern Mailers, mailed or caused to be mailed on or before June 18, 2008, 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 81 parcels listed as confidential by the Property Appraiser, she mailed or caused to be mailed on June 18, 2008 the above-referenced notices to these parcels.

FURTHER AFFIANTS SAYETH NOT.

Russ Blackburn, City Manager

Sandi Melgarejo, GSG

Kathryn L. Griffin, 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 ___ day of _____, 2008 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: _____
Notary Public, State of Florida At Large
My Commission Expires: _____
Commission No.: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ___ day of _____, 2008 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: _____
Notary Public, State of Florida At Large
My Commission Expires: _____
Commission No.: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ___ day of _____, 2008 by Kathryn L. Griffin, Assistant General 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: _____
Notary Public, State of Florida At Large
My Commission Expires: _____
Commission No.: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ___ day of _____, 2008 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 _____ as identification and did take an oath.

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

APPENDIX B
PROOF OF PUBLICATION

CITY OF GAINESVILLE
CITY COMMISSION

NO: GF04764198
Acct # 200905
Gville Clerk/Commission

2008 JUN 30 AM 9: 27

THE GAINESVILLE SUN

Published Daily and Sunday
GAINESVILLE, FLORIDA
STATE OF FLORIDA
COUNTY OF ALACHUA

Before the undersigned authority appeared: Sherry Gersten,
Who on oath says that she is Retail Advertising Account Executive, of THE
GAINESVILLE SUN, a daily newspaper published at Gainesville in Alachua County,
Florida, that the attached copy of advertisement, being

PUBLIC NOTICE

In the matter of Notice of Public Hearing was published in said newspaper in the issues
of June 21, 2008.

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.

Sherry Gersten

Sworn to and subscribed before me this

21st day of June A.D., 2008

[Signature]
(seal) Notary Public



NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE SERVICES SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of Gainesville, Florida, will conduct a public hearing to consider the imposition of annual fire services special assessments for the provision of fire services within the municipal boundaries of the City of Gainesville.

The hearing will be held at 6:00 p.m. on Wednesday, July 16, 2008, in the Commission Chambers of City Hall, 200 E. University Avenue, Gainesville, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person 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 Equal Opportunity Office at (352) 334-5051, at least two days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel.

The City Commission on June 9, 2008 adopted an Initial Rate Resolution setting the proposed fire services assessments to be assessed for the fiscal year as shown in the following schedule:

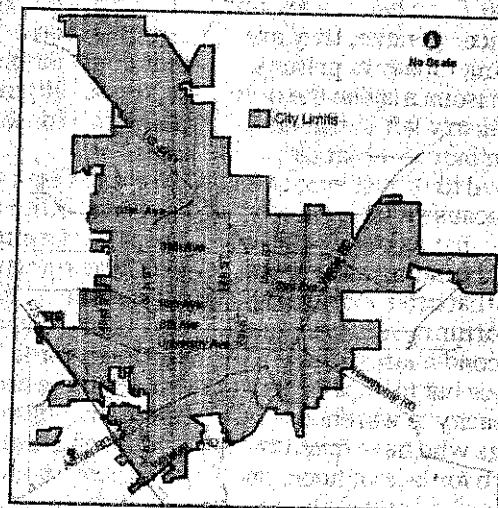
FIRE SERVICES ASSESSMENTS FISCAL YEAR 2008-2009

Residential Property Use Category	Rate Per Dwelling Unit
Residential	\$ 30.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$ 0.04
Industrial/Warehouse	\$ 0.02
Institutional	\$ 0.06

Copies of the Fire Services Assessment Ordinance, the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at the City Manager's Office, City Hall, located at 200 E. University Avenue, Gainesville, Florida.

The fire services non-ad valorem assessment will be collected by the tax collector and placed on the ad valorem tax bill to be mailed in November 2008. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Gainesville Fire Assessment Information Line at (352) 334-5088, Monday through Friday between 8:00 a.m. and 5:00 p.m.



**CITY COMMISSION
CITY OF GAINESVILLE, FLORIDA**

Prepared by the Dept. of Planning & Dev. Services, June 2008