

**RESOLUTION NO. 000831**

**PASSED: January 8, 2001**

**A RESOLUTION ACCEPTING THE IMPROVEMENT OF THE KIRKWOOD SUBDIVISION ROADWAYS; THE SAME BEING WITHIN THE CITY LIMITS OF GAINESVILLE, FLORIDA AND LYING SOUTH OF SOUTHWEST 16<sup>TH</sup> AVENUE, EAST OF SOUTHWEST 13<sup>TH</sup> 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 23<sup>RD</sup> PLACE, SOUTHWEST 25<sup>TH</sup> PLACE, SOUTHWEST 26<sup>TH</sup> PLACE, SOUTHWEST 27<sup>TH</sup> COURT, SOUTHWEST 8<sup>TH</sup> DRIVE, SOUTHWEST 9<sup>TH</sup> DRIVE, SOUTHWEST 21<sup>ST</sup> AVENUE; DESCRIBING THE MANNER OF PAYMENT; AND PROVIDING AN IMMEDIATE 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%; 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 newspaper 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 and notice by publication of the same public hearing was provided on March 20, 2000 and April 3, 2000; and

**WHEREAS**, on April 10, 2000, said public hearing was held; and

**WHEREAS**, on April 24, 2000, the City Commission of Gainesville, Florida adopted a resolution declaring the improvement, designating the property to be assessed, describing the use of the assessment, describing the manner of payment and setting forth the total estimated cost; and

**WHEREAS**, Florida Statutes, Chapter 170 duly empowers municipalities to levy and collect special assessments for this and similar public improvements; and

WHEREAS, the above-described improvement has now been completed and the actual cost of the improvement exceeded the original assessment levied, so that no credit will be given to the assessments levied;


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

1. The City of Gainesville, Florida accepts the above-described improvement.
2. Payment for the assessment levied may be paid without interest at any time within thirty (30) days after the adoption of this resolution. If such immediate payment is not received, the assessments shall be paid in not more than either ten (10) equal annual installments of \$105.90 or one-hundred-twenty (120) equal monthly installments of \$9.13, bearing an annual interest rate of six-percent (6%). The first annual installment shall be due within thirty (30) days after the improvement has been accepted and the remainder of the installments shall be due on the anniversary date of the resolution accepting the improvement. The first monthly installment shall be due within 30 days after the improvements has been accepted and the remainder of the installments shall be due every month thereafter on the date of the resolution accepting the improvement. If an installment is not paid when due, a penalty at the rate of one-percent (1%) per month, until paid, shall be added. 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.
3. This resolution shall become effective immediately upon adoption.

ADOPTED THIS 8th DAY OF January, 2001, AD

  
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Paula M. DeLaney, Mayor

ATTEST:

  
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Kurt Lannon, Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY  
BY:   
MARION J. RABSON, CITY ATTORNEY  
CITY OF GAINESVILLE, FLORIDA

JAN - 9 2000