

RESOLUTION NO. 2009-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, RELATING TO THE PROVISION OF STREETLIGHTING SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF DELTONA; GENERALLY DESCRIBING THE SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTIMATING THE COST TO BE ASSESSED FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING A PUBLIC HEARING; DIRECTING THE ROLL BE UPDATED AND NOTICE PROVIDED WHERE REQUIRED; DIRECTING AND AUTHORIZING ADDITIONAL OR SUPPLEMENTAL NOTICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of Deltona, Florida, adopted Resolutions Nos. 96-28 (Numerous), 97-12 (Giovanni Street), 97-13 (Acadian Drive), 97-17 (Whipple Drive), 98-23 (Brickell Drive), 98-26 (Diamond Street), 99-43 (Antoinette Street), 99-50 (Waco Drive), 00-02 (Arbor Ridge), 00-15 (Expansion of Waco Drive), 00-20 (Beal Street), 01-03 (Baylor Drive), 01-09 (Saxon Ridge), 01-25 (Anchor Drive), 01-30 (Shafton Avenue), 02-05 (Prescott Blvd.), 02-25 (Embassy Drive), 02-27 (Expansion of Arbor Ridge to include Unit 2), 02-34 (Expansion of Saxon Ridge to include Phase 2), 03-32 (Rosetta Drive), 04-34 (Expansion of Saxon Ridge to include Phase 2B), 04-35 (Expansion of Saxon Ridge to include Phase 3), 04-43 (Expansion of Arbor Ridge to include Unit 2, Tract P & Unit 3), 06-10 (Ludlum Drive), 07-39 (Echo Court), 07-36 (Brewster Drive), 08-14 (Croton Avenue) and 08-29 (Maldiva Court) imposing streetlighting assessments in the City of Deltona; and

WHEREAS, it is determined advisable and in the best interests of the citizens of the City of Deltona that said assessments be approved and that the assessments be certified to the tax collector and be collected through procedures established by law for collection of non ad valorem assessments on the same bill as ad valorem taxes.

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

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Ordinance No. 96-47, (the "Ordinance"), Resolution Nos. 96-28, 97-12, 97-13, 97-17, 98-23, 98-26, 99-43, 99-50, 00-02, 00-15, 00-20, 01-03, 01-09, 01-25, 01-30, 02-05, 02-25, 02-27, 02-34, 03-32, 04-34, 04-35, 04-43, 06-10, 07-36, 07-39, 08-14, 08-29 Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF STREETLIGHTING SERVICES.

(A) Upon the imposition of Streetlighting Assessments for streetlighting services, facilities and programs against Assessed Property, the City shall provide streetlighting services to such Assessed Property. A portion of the cost to provide such streetlighting services, facilities and programs shall be funded from the proceeds of the Streetlighting Assessments. The remaining cost required to provide streetlighting services, facilities and programs shall be funded by available City revenues other than Streetlighting Assessment proceeds.

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property will be benefited by the City's provision of streetlighting services, facilities and programs in an amount not less than the Streetlighting Assessment imposed against such parcel.

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SECTION 4. DETERMINATION OF STREETLIGHTING ASSESSED COSTS

AND RATES. The Streetlighting Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2009, are as follows:

	Assessment	Parcels	FY 09/10 Budget
Crystal Lake Estates	\$ 36.03	95	\$ 3,423
Kensington Estates	149.29	32	4,777
Timber Ridge	26.29	796	20,931
Deltona Woods	40.23	82	3,299
Timbercrest	57.90	237	13,722
Sterling Park	132.77	73	9,692
Rayston Street	34.26	235	8,051
Tradewinds Drive	41.39	17	704
Azora Drive	25.52	42	1072
Trumbull Street	23.67	50	1,184
Johnson Court	38.61	11	425
Goodrich Drive	30.63	51	1,562
Giovanni Street	27.66	190	5,255
Acadian Street	26.61	61	1,623
Whipple Drive	44.64	42	1,875
Brickell Drive	40.04	38	1,521
Diamond Street	39.79	61	2,427
Antoinette Street	17.25	34	587
Waco Drive	28.00	124	3,472
Arbor Ridge	57.90	30	1,737
Arbor Ridge – Phase 2	57.90	102	5,906
Arbor Ridge – Units 2 & 3	57.90	128	7,411
Arbor Ridge – Unit 4	57.90	104	6,022
Beal Street	32.15	70	2,250
Baylor Drive	37.29	25	932
Saxon Ridge	43.04	91	3,917
Saxon Ridge – Phase 2	43.04	35	1,506
Saxon Ridge – Phase 2B	43.04	32	1,377
Saxon Ridge – Phase 3	43.04	43	1,851
Anchor Drive	28.83	41	1,182
Shafton Avenue	41.42	35	1,450
Prescott Blvd.	35.84	37	1,326
Embassy Drive	25.42	101	2,568
Rosetta Drive	46.78	47	2,199

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	Assessment	Parcels	FY 09/10 Budget
Ludlum Drive	59.08	39	2,304
Lynn River Drive	46.43	26	1,207
Echo Court	279.36	8	2,235
Brewster Drive	111.77	49	5,477
Croton Avenue	80.36	44	3,536
Maldiva Court	78.34	41	3,212

Streetlighting Assessments shall be imposed against all buildable lots within the Streetlighting Districts.

SECTION 5. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:30 p.m. on Tuesday, September 8, 2009 at the Deltona Commission Chambers, 2345 Providence Blvd., Deltona, Florida at which time the City Commission will receive and consider any comments on the Streetlighting Assessments from the public and affected property owners and adoption of the Annual rate Resolution for the upcoming Fiscal Year.

SECTION 6. UPDATED ASSESSMENT ROLL AND NOTICE.

(A) City Manager shall update the Assessment Roll.

(B) In the event (1) the proposed Assessment for the Fiscal Year exceeds the maximum rate of assessment adopted by the City Commission and included in the notice previously provided to the Owners of Assessed Property pursuant to Section 2.04 ad 2.05 of the Ordinance, (2) the method of apportionment is changed or the purpose for which the Assessment is imposed is substantially changed from that represented by said notice previously provided to the Owners of Assessed Property pursuant to Section 2.04 and 2.05 of the Ordinance, (3) Assessed Property is reclassified in a manner which results in an increased Assessment from that represented by said Section 2.04 and 2.05 notice, or (4) an Assessment roll contains Assessed

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Property that was not included on the Assessment Roll for the prior Fiscal Year, notice shall be provided by publication and first class mail to the Owners of such Assessed Property. Such notice shall substantially conform with the notice requirement of Section 2.04 and 2.05 of the Ordinance and inform the owner of the date, time and place for the adoption of the Annual Rate Resolution. The failure of the Owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the Assessment Roll nor release or discharge any obligation of payment of an Assessment imposed by the City Commission.

(C) As to any Assessed Property not included on an Assessment Roll approved by the adoption of the Final Assessment Resolution of a prior year's Annual Rate Resolution, the adoption of the succeeding Annual Rate Resolution shall be the final adjudication of the issues presented as to such Assessed Property (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 Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Commission action on the Annual Rate Resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any Assessment not challenged within the required 20 day period for those Assessments imposed against Assessed Property by the inclusion of the Assessed Property on an Assessment Roll approved in the Final Assessment Resolution or any subsequent Annual rate Resolution.

(D) The City Manager is authorized to provide any supplemental or additional notice deemed proper, necessary or convenient by the City.

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

PASSED AND ADOPTED this _____ day of _____, 2009.

Dennis Mulder, Mayor

ATTEST:

Faith G. Miller, MMC, City Manager

Approved as to form & legality for use
& reliance by the City of Deltona, Florida

George Trovato, City Attorney