

RESOLUTION NO. 16-02

A RESOLUTION OF THE CITY OF CLEARWATER, FLORIDA, ESTABLISHING THE CITY'S INTENT TO SURFACE THE STREETS IN THE HARBOR OAKS PLATTED SUBDIVISION WITH BRICKS; INDICATING THE LOCATION, NATURE AND PRELIMINARY COST ESTIMATE FOR THE BRICK SURFACING IMPROVEMENTS; PROVIDING FOR THE FUNDING OF SUCH IMPROVEMENTS THROUGH THE IMPOSITION OF SPECIAL ASSESSMENTS UPON REAL PROPERTY SPECIALLY BENEFITTED THEREBY; PROVIDING THE MANNER IN WHICH SUCH SPECIAL ASSESSMENTS SHALL BE MADE; DESCRIBING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED; DIRECTING THE ENGINEERING DEPARTMENT TO ADVERTISE THE HARBOR OAKS BRICK STREETS SURFACING PROJECT FOR BIDS; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

SECTION 1. FINDINGS. It is hereby ascertained, determined and declared that:

(A) The City of Clearwater (the "City") is currently improving City utility infrastructure in and around Jeffords Street and has recently advertised a project for bid to improve City utility infrastructure in and around Magnolia Drive, namely in the historic Harbor Oaks platted subdivision.

(B) In relation to the construction projects referenced above, the Harbor Oaks Homeowner's Association requested the City to surface streets with bricks, not asphalt, in the historic Harbor Oaks subdivision as recorded in Plat Book 03, Page 65 of the Official Records of Pinellas County and outlined in Exhibit "A" attached hereto.

(C) In accordance with the City Council Brick Street Policy ("Policy") adopted September 3, 2015, and attached hereto as Exhibit "B", the Engineering Department conducted a poll which included a non-binding estimate to all property owners of the historic Harbor Oaks subdivision, of which the responses met the fulfillment threshold outlined in the Policy as being in favor of brick streets and the establishment of a preliminary assessment roll.

(D) In light of the favorable poll results, the City Council of the City (the "City Council") intends to proceed with construction of the capital improvements associated with brick surfacing of the streets in the Harbor Oaks subdivision (the "Improvements").

(E) It is in the best interests of the City and the real property specially benefitted by the Improvements to fund the costs associated therewith through the levy

of special assessments, sometimes referred to as non-ad valorem assessments (the "Assessments").

(F) The City is empowered by Chapter 27 of the Clearwater Code of Ordinances (the "Assessment Ordinance") to plan, acquire and construct the Improvements and to impose, levy and collect the Assessments to pay costs associated therewith.

SECTION 2. INTENT. The City Council hereby declares its intent to perform the work of surfacing streets with bricks in the Harbor Oaks subdivision.

SECTION 3. SCOPE AND NATURE OF IMPROVEMENTS. The scope of the Improvements shall include, but not be limited to, new brick surfacing for streets and roads, sand, curbs, bedding, leveling material, labor and equipment, less the cost for installation of a two inch thick asphalt surface.

SECTION 4. PRELIMINARY COST ESTIMATE. The preliminary cost estimate for completion of the Improvements is \$1,900,000 which includes engineering, design and overhead costs; contractual costs; direct city labor and material construction costs; general city administrative costs as a fixed percentage of the other total costs; materials and construction costs; costs associated with developing and collecting the Assessments, and other necessary or incidental expenses.

SECTION 5. ASSESSMENTS. The City Council hereby expresses its intent that all costs associated with the Improvements shall be funded by Assessments levied upon on all lots and lands adjoining and contiguous or bounding and abutting upon the Improvements or specially benefited thereby. A depiction of the real property subject to the Assessments is included in Exhibit "A" attached hereto. No funds of the City of Clearwater shall be apportioned to pay the costs of the Improvements.

SECTION 6. APPORTIONMENT. Assessments will be imposed upon each tax parcel adjacent to or abutting the Improvements. The Assessment for each parcel shall be calculated based upon the square footage of the paved street adjacent to each parcel. Such system of apportionment fairly and reasonably allocates the costs and benefits of the Improvements among real property specially benefited thereby.

SECTION 7. DURATION AND COLLECTION OF ASSESSMENTS. At the conclusion of the public hearing contemplated by Section 27.05 of the Assessment Ordinance, owners of tax parcels subject to the Assessments shall have the opportunity to pay the Assessment in full and thereby avoid annual interest and collection costs. Assessments which are not paid in full shall be collected in a series of annual installments over a period not to exceed ten (10) years or as otherwise provided by resolution of the City Council. Each annual installment shall include interest at a rate determined by resolution of the City Council and a pro rata share of annual collection and administration costs, and may be payable at the same time and in the same

manner as ad-valorem taxes and collected pursuant to Section 197.3632, Florida Statutes, or by any other manner authorized by law and the Assessment Ordinance.

SECTION 8. CONSTRUCTION BIDS. The Engineering Department is hereby directed to advertise for bids for construction of the Improvements, including the number and title of this Resolution, in accordance with Section 27.03(2) of the Assessment Ordinance.

SECTION 9. ADDITIONAL ACTIONS. City staff is hereby authorized and directed to take such additional actions as may be required by the Assessment Ordinance in order to levy and collect the Assessments, including but not limited to preparing a preliminary assessment roll.

SECTION 10. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

George N. Cretekos
Mayor

Approved as to form:

Attest:

Pamela K. Akin
City Attorney

Rosemarie Call
City Clerk