RESOLUTION NO. ____

PROPOSED RESOLUTION NO. 23-079

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE MAKING OF LOCAL IMPROVEMENTS; ADOPTING FINDINGS OF FACT; AUTHORIZING CERTAIN ROADWAY IMPROVEMENTS WITHIN THE ORANGEWOOD COMMUNITY SUBDIVISION IN LAKELAND, FLORIDA; APPROPRIATING A CERTAIN SUM AND PROVIDING FOR THE LEVY OF A NON-AD VALOREM ASSESSMENT AGAINST EACH LOT WITHIN THE ORANGEWOOD COMMUNITY SUBDIVISION IN ORDER TO PAY FOR THE COSTS OF SAID ROADWAY IMPROVEMENTS AND ONGOING MAINTENANCE; PROVIDING A SCHEDULE AND TERMS FOR THE PAYMENT OF SAID ASSESSMENT; PROVIDING FOR THE COLLECTION OF SAID ASSESSMENT UTILIZING THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS, AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, OR OTHER LEGALLY AVAILABLE COLLECTION METHODS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Orangewood Community Subdivision ("Orangewood"), as recorded in Plat Book 78, Page 50, Public Records of Polk County, Florida, is a residential subdivision located in northwest Lakeland, east of Providence Road and north of W. 14 Street; and

WHEREAS, the roads within Orangewood are private and, as such, are the responsibility of the property owners within Orangewood to maintain and repair; and

WHEREAS, the Orangewood Community Homeowners' Association was administratively dissolved by the State of Florida in 1995 and has not been reconstituted, and, as a result, an effective organizational structure does not exist to effectively maintain and repair the roadways within Orangewood; and

WHEREAS, the roadways within Orangewood are in need of milling and resurfacing, and the residents of Orangewood have requested that the City's Public

Works Department perform such milling and resurfacing, as well as install traffic calming devices on certain roadways within Orangewood; and

WHEREAS, the City is willing to undertake the requested roadway improvements within Orangewood, which include the milling and resurfacing of Blossom Circle North, Blossom Circle East, Blossom Circle West and Fruitville Drive South, as well as the construction of traffic calming features on Blossom Circle East and Fruitville Drive, provided that the City recover the costs of doing so through the levy of a non-ad valorem special assessment against each lot within Orangewood over a specified period of time; and

WHEREAS, the City is currently providing, and intends to continue to provide, mowing and other maintenance services related to the stormwater and other common areas of Orangewood, and levies and collects a special assessment against each lot within Orangewood to recover its costs of providing such services; and

WHEREAS, the City's Public Works Department has developed a preliminary cost estimate of $146,472.32 to complete the requested roadway improvements within Orangewood, although this amount may increase or decrease based upon final construction costs; and

WHEREAS, the City Commission finds that the City's participation in the repair and improvement of the private roadways within Orangewood constitutes and furthers a sufficient public purpose to support and justify the City's participation in the project; and

WHEREAS, the City Commission finds that each lot within Orangewood will be specially benefited by the City's construction of the roadway improvements, including the milling and resurfacing of the roadways and installation of traffic calming devices, as well

as the City's ongoing mowing and maintenance services, in an amount equal to or greater than the costs to be incurred by the City in constructing such improvements and performing such services, and greater in kind and degree than other properties within the City, and further finds that there is a logical relationship between the improvements and services to be provided by the City and the benefit to the lots within Orangewood; and

WHEREAS, the City Commission finds that each lot within Orangewood will be equally benefited by the City's improvements and services and, as a result, it is fair and equitable to assess against each lot within Orangewood an equal share of the costs incurred by the City; and

WHEREAS, the City Commission finds that it is appropriate to spread the obligation of repayment of the City's costs over a period of ten (10) years in order to ease the burden upon the lot owners within Orangewood, although payments may be required beyond said ten (10) year period for ongoing mowing and maintenance services provided by the City; and

WHEREAS, the uniform method of collecting non-ad valorem assessments, as authorized by Sections 197.3631, 197.3632 and 197.3635, Florida Statutes (the "Uniform Method of Collection"), provides for the collection of non-ad valorem assessments (also known as "special assessments") by utilizing the tax bills issued for the collection of ad valorem taxes; and

WHEREAS, the City Commission finds that use of the Uniform Method of Collection will result in the most efficient and effective collection of the special assessments to be levied against the lots within Orangewood and, accordingly, the City

Commission wishes to utilize the Uniform Method of Collection to collect the special assessments to be levied against the subject lots; and

WHEREAS, the City Commission is authorized to levy and collect the special assessments described herein pursuant to the Lakeland City Charter, the City's home rule authority, including, without limitation, that set forth in Article VIII, Section 2(b), Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, as well as pursuant to the provisions of Sections 197.3631, 197.3632 and 197.3635, Florida Statutes; and

WHEREAS, the City Commission held a duly advertised public hearing prior to the adoption of this Resolution at which all affected property owners and interested persons were given the opportunity to speak;

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

SECTION 1. The foregoing findings are true and correct and are incorporated herein by reference and made a part hereof.

SECTION 2. The City Commission does hereby authorize the construction of roadway improvements within Orangewood as described above, to include the milling and resurfacing of Blossom Circle North, Blossom Circle East, Blossom Circle West and Fruitville Drive South, as well as the construction of traffic calming features on Blossom Circle East and Fruitville Drive, and the continuation of mowing and other maintenance services currently being provided by the City within Orangewood.

SECTION 3. The City Commission does hereby appropriate, increase estimated revenues from the Unappropriated Surplus in the Transportation Fund, and authorize the

disbursement of a total sum not to exceed $146,472.32 for the Orangewood improvements described in Section 2.

SECTION 4. There is hereby levied against each lot within Orangewood a non-ad valorem assessment in the amount of $199.00 per year, as set forth on Exhibit "A," attached hereto and made a part hereof. This amount is to be collected each year over a period of ten (10) years utilizing the Uniform Method of Collection, beginning with the tax bills to be issued in November 2024, although a portion of said levy may continue to be collected beyond said ten (10) year period for ongoing mowing and maintenance services provided by the City. Said levy is needed to defray the costs incurred by the City in constructing the improvements and performing the services described herein. In the event the costs of the City's improvements and services are greater than the preliminary cost estimate of $146,472.32, the annual assessment against each lot may be increased, but, in any event, the annual assessment and total assessment to be imposed against each lot shall not exceed the special benefit accruing to said lot. In the event the City for any reason is not able to collect the annual assessment utilizing the Uniform Method of Collection, the City may directly bill each lot owner or utilize any other method legally available to the City to collect the assessment.

SECTION 5. The special assessments levied hereby shall be and remain liens superior in dignity to all other liens, except liens for taxes, until paid from the date of the assessment upon the respective lots and parcels of land assessed, which assessments shall stand approved and confirmed as provided herein.

SECTION 6. If any word, sentence, clause, phrase, or provision of this Resolution, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this Resolution shall not be affected thereby.

SECTION 7. This Resolution shall take effect immediately upon passage.

PASSED AND CERTIFIED AS TO PASSAGE this 18th day of December, A.D. 2023.

_____
H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY

EXHIBIT "A"

Parcel No. 232812-057101-000310 1702 Blossom Circle E $199.00	Parcel No. 232812-057101-000780 1689 Blossom Circle W $199.00	Parcel No. 232812-057101-000370 1642 Blossom Circle E $199.00
Parcel No. 232812-057101-000880 1722 Blossom Circle W $199.00	Parcel No. 232812-057101-000410 1610 Blossom Circle E $199.00	Parcel No. 232812-057101-000700 1630 Fruitwood Drive $199.00
Parcel No. 232812-057101-000830 1733 Blossom Circle W $199.00	Parcel No. 232812-057101-000090 1110 Blossom Circle S $199.00	Parcel No. 232812-057101-000550 1711 Fruitwood Drive $199.00
Parcel No. 232812-057101-000930 1678 Blossom Circle W $199.00	Parcel No. 232812-057101-000350 1658 Blossom Circle E $199.00	Parcel No. 232812-057101-000710 1622 Fruitwood Drive $199.00
Parcel No. 232812-057101-000720 1614 Fruitwood Drive $199.00	Parcel No. 232812-057101-000810 1717 Blossom Circle W $199.00	Parcel No. 232812-057101-000820 1725 Blossom Circle W $199.00
Parcel No. 232812-057101-000060 1134 Blossom Circle S $199.00	Parcel No. 232812-057101-000940 1670 Blossom Circle W $199.00	Parcel No. 232812-057101-000120 1615 Blossom Circle E $199.00
Parcel No. 232812-057101-000180 1707 Blossom Circle E $199.00	Parcel No. 232812-057101-000170 1685 Blossom Circle E $199.00	Parcel No. 232812-057101-000050 1142 Blossom Circle S $199.00
Parcel No. 232812-057101-000650 1676 Fruitwood Drive $199.00	Parcel No. 232812-057101-000750 1665 Blossom Circle W $ 199.00	Parcel No. 232812-057101-000300 1710 Blossom Circle E $199.00
Parcel No. 232812-057101-000730 1143 Blossom Circle S $ 199.00	Parcel No. 232812-057101-000840 1156 Blossom Circle N $199.00	Parcel No. 232812-057101-000740 1651 Blossom Circle W $ 199.00
Parcel No. 232812-057101-000270 1112 Blossom Circle N $199.00	Parcel No. 232812-057101-000620 1712 Fruitwood Drive $ 199.00	Parcel No. 232812-057101-000190 1723 Blossom Circle E $199.00

Parcel No. 232812-057101-000400
1618 Blossom Circle E
$199.00

Parcel No. 232812-057101-000600
1728 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000500
1659 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000771
1681 Blossom Circle W
$199.00

Parcel No. 232812-057101-000430
1127 Blossom Circle S
$199.00

Parcel No. 232812-057101-000950
1662 Blossom Circle W
$199.00

Parcel No. 232812-057101-000380
1634 Blossom Circle E
$199.00

Parcel No. 232812-057101-000861
1738 Blossom Circle W
$199.00

Parcel No. 232812-057101-000020
1166 Blossom Circle S
$199.00

Parcel No. 232812-057101-000080
1118 Blossom Circle S
$199.00

Parcel No. 232812-057101-000230
1117 Blossom Circle N
$199.00

Parcel No. 232812-057101-000962
1161 Blossom Circle S
$199.00

Parcel No. 232812-057101-000760
1673 Blossom Circle W
$199.00

Parcel No. 232812-057101-000850
1746 Blossom Circle W
$199.00

Parcel No. 232812-057101-000450
1619 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000910
1694 Blossom Circle W
$199.00

Parcel No. 232812-057101-000690
1645 Blossom Circle W
$199.00

Parcel No. 232812-057101-000100
1102 Blossom Circle S
$199.00

Parcel No. 232812-057101-000040
1150 Blossom Circle S
$199.00

Parcel No. 232812-057101-000460
1627 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000130
1631 Blossom Circle E
$199.00

Parcel No. 232812-057101-000220
1109 Blossom Circle N
$199.00

Parcel No. 232812-057101-000610
1720 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000800
1709 Blossom Circle W
$199.00

Parcel No. 232812-057101-000530
1683 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000790
1701 Blossom Circle W
$199.00

Parcel No. 232812-057101-000920
1686 Blossom Circle W
$199.00

Parcel No. 232812-057101-000110
1601 Blossom Circle E
$199.00

Parcel No. 232812-057101-000560
1719 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000070
1126 Blossom Circle S
$199.00

Parcel No. 232812-057101-000330
1674 Blossom Circle E
$199.00

Parcel No. 232812-057101-000360
1650 Blossom Circle E
$199.00

Parcel No. 232812-057101-000390
1626 Blossom Circle E
$199.00

Parcel No. 232812-057101-000470
1635 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000540
1703 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000590
1144 Blossom Circle N
$199.00

Parcel No. 232812-057101-000670
1660 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000680
1652 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000420
1115 Blossom Circle S
$199.00

Parcel No. 232812-057101-000340
1666 Blossom Circle E
$199.00

Parcel No. 232812-057101-000210
1101 Blossom Circle N
$199.00

Parcel No. 232812-057101-000280
1718 Blossom Circle E
$199.00

Parcel No. 232812-057101-000480
1643 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000890
1714 Blossom Circle W
$199.00

Parcel No. 232812-057101-000520
1675 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000010
1174 Blossom Circle E
$199.00

Parcel No. 232812-057101-000150
1655 Blossom Circle E
$199.00

Parcel No. 232812-057101-000441
1611 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000510
1667 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000660
1668 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000240
1125 Blossom Circle N
$199.00

Parcel No. 232812-057101-000490
1651 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000200
1737 Blossom Circle E
$199.00

Parcel No. 232812-057101-000320
1682 Blossom Circle E
$199.00

Parcel No. 232812-057101-000140
1645 Blossom Circle E
$199.00

Parcel No. 232812-057101-000030
1158 Blossom Circle S
$199.00

Parcel No. 232812-057101-000580
1124 Blossom Circle N
$199.00

Parcel No. 232812-057101-000160
1671 Blossom Circle E
$199.00

Parcel No. 232812-057101-000640
1684 Fruitwood Drive
$199.00

Parcel No. 232812-057101-000900 1706 Blossom Circle W $199.00	Parcel No. 232812-057101-000570 1727 Fruitwood Drive $199.00	