

**CITY OF NEW PORT RICHEY, FLORIDA**

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**FINAL ASSESSMENT RESOLUTION  
FOR  
PAVING ASSESSMENT**

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**Adopted August 24, 2017**

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**RESOLUTION NO. 2017-25**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY NEW PORT RICHEY, FLORIDA, RELATING TO THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND A PORTION OF THE ANNUAL COSTS ASSOCIATED WITH ADMINISTRATION OF THE CITY'S PAVEMENT MANAGEMENT PLAN; PROVIDING AUTHORITY AND DEFINITIONS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; RATIFYING AND CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** This Resolution is adopted pursuant to City Ordinance No. 2012-1985 (the "Assessment Ordinance"), Sections 166.021, 166.041 and 197.3632, Florida Statutes, and other applicable provisions of law and City Resolution No. 2017-23 (the "Initial Assessment Resolution").

**SECTION 2. DEFINITIONS.** This Resolution is the Final Assessment Resolution for Paving Assessments. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance and the Initial Assessment Resolution.

**SECTION 3. FINDINGS.** It is hereby ascertained, determined and declared that:

(A) The findings provided in Section 1.04 of the Initial Assessment Resolution are hereby ratified, confirmed, and incorporated as if set forth fully herein.

(B) On August 1, 2017 the Council adopted the Initial Assessment Resolution which described the Paving Assessment and the method of assessing the Paving Assessed Cost against the real property benefited by paving management services, established a public hearing to consider imposition of the Paving Assessments, and directed preparation of the preliminary Assessment Roll.

(C) Pursuant to 2.07 of the Assessment Ordinance, the Council is required to repeal or confirm the Initial Assessment Resolution, with such amendments as the Board deems appropriate, after hearing concerns and receiving comments or objections of interested parties.

(D) Notice of such public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the Paving Assessments and method of collection and providing them with the opportunity to be heard concerning the Assessments.

(E) The Assessment Roll has been prepared and has been made available for inspection by the public in the office of the City Manager, as required by the Assessment Ordinance.

(F) Assessed Property is specially benefitted by the provision of paving services and improvements. As described in the Initial Assessment Resolution, the

benefits conveyed thereby include, but are not limited to, access to a publicly owned and maintained roadway system providing improved conditions for ingress and egress to all Tax Parcels, an increase in market valuation, enhanced development/re-development potential, enhanced overall aesthetics of Tax Parcels, and enhance value, use, enjoyment attractiveness, viability and marketability of Assessed Property.

(G) Such benefits are reasonably anticipated to exceed the amount of the Assessments contemplated herein.

(H) It is in the best interests of the City and the real property specially benefitted by the paving services and improvements to fund a portion of the costs associated therewith through the levy of Assessments.

(I) The Council hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the provision of paving services and improvements by fairly and reasonably allocating a portion of the costs associated therewith to specially benefitted property based upon the relative degree of benefit attributable to each parcel.

(J) The Assessments contemplated hereunder will be imposed by the Council not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

**SECTION 4. RATIFICATION AND CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION.**

(A) The Initial Assessment Resolution is hereby ratified and confirmed.

(B) Any and all prior actions of the Council associated with the imposition and collection of the Paving Assessments are hereby ratified and confirmed.

**SECTION 5. APPROVAL OF ASSESSMENT ROLL.** The Assessment Roll, a copy of which is currently on file in the office of the City Manager and incorporated herein by reference, is hereby approved.

**SECTION 6. PAVING ASSESSMENTS.**

(A) The Tax Parcels described in the Assessment Roll are hereby found to be specially benefited by provision of the paving services and improvements comprising the Paving Management Plan in the amount of the annual Assessment set forth in the Assessment Roll. The methodology for computing the annual Assessments set forth in the Initial Assessment Resolution is hereby approved and found to be a fair and reasonable method of apportioning the Paving Assessed Cost among Tax Parcels specially benefitted by the paving services and improvements.

(B) The Assessment rates for the Fiscal Year commencing October 1, 2017 are as follows:

(1) The portion of the Paving Assessed Cost attributed to Arterial/Collector Roads is \$258,400 annually. Such amount shall be apportioned among Assessed

Property (i) on a per Dwelling Unit basis for Residential Parcels, and (ii) on the basis of the square footage of Buildings for Non-Residential Parcels, according to the following rates:

Residential Property:	\$15.00 per Dwelling Unit
Non-Residential Property:	\$104.05 for 0-4,999 building square feet
	\$208.10 for 5,000-9,999 building square feet
	\$312.14 for 10,000-24,999 building square feet
	\$416.19 for 25,000+ building square feet

(2) The portion of the Paving Assessed Cost attributed to Local Roads is \$541,600 annually. Such amount shall be apportioned among Assessed Property (i) on a per Dwelling Unit basis for Residential Parcels, and (ii) on the basis of the square footage of Buildings for Non-Residential Parcels, according to the following rates:

Residential Property:	\$70.00 per Dwelling Unit
Non-Residential Property:	\$115.45 for 0-4,999 building square feet
	\$230.91 for 5,000-9,999 building square feet
	\$346.36 for 10,000-24,999 building square feet
	\$461.81 for 25,000+ building square feet

(3) The balance of costs necessary to fund the Pavement Management Plan each year shall be paid for by other legally available revenues of the City.

(C) The annual Assessments computed in the manner approved herein are hereby levied and imposed on all Tax Parcels described in the Assessment Roll.

(D) Upon adoption of this Final Assessment Resolution, the Assessments shall constitute a lien against the assessed property 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. The lien shall be deemed perfected upon adoption by the Council of this Final Assessment Resolution.

**SECTION 7. COLLECTION OF ASSESSMENTS.** The Paving Assessments imposed hereunder shall be collected pursuant to the provisions of the Assessment Ordinance and Uniform Assessment Collection Act. Upon adoption hereof and of the Annual Assessment Resolution for subsequent Fiscal Years, the City Manager shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. The Assessment Roll as delivered to the Tax Collector shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

**SECTION 8. EFFECT OF FINAL ASSESSMENT RESOLUTION.** As provided in Section 2.09 of the Assessment Ordinance, the adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method by which the Assessments are computed, the Assessment Roll, the annual Assessment amount, the levy and lien of the Assessments, and the special benefit to assessed property) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the



date of the Council's adoption of this Final Assessment Resolution.

**SECTION 9. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**PASSED, ADOPTED AND APPROVED 24<sup>th</sup> DAY OF AUGUST, 2017.**

**CITY COUNCIL OF  
NEW PORT RICHEY, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Rob Marlowe, Mayor

Attest:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

**APPENDIX A**  
**PROOF OF PUBLICATION**

**APPENDIX B**

**AFFIDAVIT OF MAILING**

**BEFORE ME**, personally appeared the undersigned affiant, who after being duly sworn depose and say:

(1) Crystal S. Feast is the Finance Director of the City of New Port Richey, Florida (the "City").

(2) On or before August 4, 2017, the City provided mailed notices, in accordance with Section 2.06 of City Ordinance No. 2012-1985 and Section 2.05 of City Resolution No. 2017-23 (the "Initial Assessment Resolution"), by first class mail to each owner of real property located within the City subject to the Paving Assessments contemplated by the Initial Assessment Resolution, as reflected on, and at the addresses shown on, the real property ad valorem tax roll database maintained by the Pasco County Property Appraiser.

**FURTHER AFFIANT SAYETH NAUGHT.**

\_\_\_\_\_  
Crystal S. Feast, **affiant**

STATE OF FLORIDA  
COUNTY OF PASCO

The foregoing Affidavit of Mailing was sworn to and subscribed before me this \_\_\_\_\_ day of August, 2017, by \_\_\_\_\_. [He/She] is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

(SEAL)

\_\_\_\_\_  
Printed/Typed Name: \_\_\_\_\_  
Notary Public-State of Florida at Large  
Commission Expires: \_\_\_\_\_

## **APPENDIX C**

### **FORM OF CERTIFICATE OF NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that I am the City Manager and authorized agent of City of New Port Richey, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for road paving services (the "Non-Ad Valorem Assessment Roll") is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act set forth in Section 197.3632, Florida Statutes, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Pasco County Tax Collector by September 15, 2017.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Pasco County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this \_\_\_\_ day of \_\_\_\_\_, 2017

**CITY OF NEW PORT RICHEY, FLORIDA**

By: \_\_\_\_\_  
City Manager