

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2015-73

A RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT DESIGNATED AS CGH-01; IMPOSING THE ASSESSMENTS; PROVIDING THAT THE ASSESSMENTS SHALL CONSTITUTE A LIEN EQUAL IN RANK AND DIGNITY WITH THE LIEN OF STATE, COUNTY, AND MUNICIPAL TAXES; PROVIDING FOR THE COLLECTION OF THE ASSESSMENTS AND NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Cocoplum Homeowners Association has requested that the City establish a local improvement district to provide funding for the remodeling of the entrance guardhouse servicing the entire Cocoplum area; and

WHEREAS, the City Code requires the City Commission to approve the final assessment roll; and

WHEREAS, the City Commission adopted Resolution No. 2008-22, authorizing City staff to proceed with developing the requirements of ordering an Improvement District for the purpose of providing funds necessary to improve the Cocoplum Entrance Guardhouse; and

WHEREAS, at the May 13, 2008 City Commission meeting, Resolution 2008-22 was adopted authorizing the Ordering of the District, and Plans and Specifications were filed with the Office of the City Clerk for public review; and

WHEREAS, at the September 23, 2008 City Commission meeting, Resolution No. 2008-149 was adopted confirming the ordering of the Cocoplum Guardhouse Local Improvement District designated as "CGH-01", subject to the provisions of the City Code, setting forth location, proposed improvements, estimated cost and designating properties deemed to be benefitting from the guardhouse that will be levied a special assessment for the improvements located on Cocoplum Road; and

WHEREAS, on July 29, 2009, the City Commission awarded the Cocoplum Entry Guardhouse project to Bejar Construction, Inc. in the amount of \$375,000. The total amount to be assessed is \$425,000, which includes the Consultants fee as well as the City's construction administrative fee; and

WHEREAS, at the October 13, 2009 City Commission meeting, Resolution 2009-289 was adopted appropriating \$375,000 from CIP for the proposed Cocoplum Guardhouse improvements and renovations; and

WHEREAS, on November 4, 2009, a notice was filed in the Office of the City Clerk of the preliminary assessment roll required by the Code. The Notice described the nature of the improvements and the amount to be assessed to each property and marina slip owner; and

WHEREAS, at the November 17, 2009 City Commission meeting, Resolution 2009-325 was adopted confirming the preliminary assessment roll of the Cocoplum Guardhouse Local Improvement District; and

WHEREAS, at the July 24, 2012 City Commission meeting, Resolution 2012-114 was adopted accepting the completed improvements; and

WHEREAS, in order to provide for the collection of the assessments, the City Code requires the City Commission to approve by resolution the final assessment roll;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. INCORPORATION. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

SECTION 2. IMPOSITION OF ASSESSMENTS.

(A) The Cocoplum Guardhouse improvements have been completed. The tax parcels described in the Assessment Roll are hereby found to be specially benefited by the provision of the Cocoplum Guardhouse Improvements in the amount of the Assessment set forth in the Assessment Roll. The methodology and costs set forth in Resolutions 2008-149 and 2009-325 for computing the Assessments is hereby approved and found to be a fair and reasonable method of apportioning the costs among the benefited properties within the Local Improvement District.

(B) The Assessments computed in the manner set forth in Resolutions 2008-149 and 2009-325 are hereby levied and imposed on all tax parcels described in the Assessment Roll.

(C) Upon adoption of this 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 Board of this Resolution and shall attach to the property included on the Assessment Roll as of the effective date of this Resolution.

SECTION 3. COLLECTION OF ASSESSMENTS.

(A) The Assessments shall be collected pursuant to the procedures provided in Section 58-162 of the Coral Gables Code of Ordinances. The Finance Director is hereby directed to provide assessment bills by first class mail to the owner of each affected parcel of property.

(B) The bill or accompanying explanatory material shall include (1) a brief explanation of the assessment, (2) a description of the assessment units used to determine the amount of the assessment, (3) the number of assessment units attributable to the parcel, (4) the total amount of the parcel's assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the assessment is due, and (7) a statement that the assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

SECTION 4. EFFECT OF FINAL RESOLUTION. The adoption of this 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 terms for payment, 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 Board action on this Resolution.

SECTION 5. ASSESSMENT NOTICE. The Finance Director is hereby directed to record this Resolution as notice of the Assessments in the Official Records Book of Miami-Dade County. The Assessment Roll shall be retained by the Finance Director and shall be available for public inspection.

SECTION 6. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall remain in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

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

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF APRIL, A.D., 2015.
(Moved: Lago / Seconded: Quesada)
(Yeas: Lago, Quesada, Slesnick, Keon, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-3)

APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY