

1 Introduced by Council Member DeFoor:
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4 **ORDINANCE 2023-275-E**

5 AN ORDINANCE APPROVING THE FINAL COSTS OF
6 UNDERGROUND UTILITY INSTALLATION IMPROVEMENTS
7 FOR THE ORTEGA POINT NORTH NEIGHBORHOOD
8 ASSESSMENT PROGRAM, AUTHORIZED BY ORDINANCE
9 2019-376-E; ADOPTING THE NON-AD VALOREM
10 ASSESSMENT ROLL, PURSUANT TO THE UNIFORM METHOD
11 FOR COLLECTING NON-AD VALOREM SPECIAL
12 ASSESSMENTS AS AUTHORIZED BY SECTION 197.3632,
13 FLORIDA STATUTES; DIRECTING THE FINAL
14 ASSESSMENTS BE RECORDED IN THE IMPROVEMENT LIEN
15 BOOK; PROVIDING FOR PAYMENT OF FINAL ASSESSMENTS
16 AND LIENS; DIRECTING THE TAX COLLECTOR TO
17 PROVIDE NOTICE OF ASSESSMENT; PROVIDING AN
18 EFFECTIVE DATE.
19

20 **WHEREAS**, by Ordinance 2019-376-E, the City Council authorized
21 and approved assessment-based reimbursement to JEA for the conversion
22 of utilities from overhead to underground for those benefiting
23 properties located in the Ortega Point North neighborhood (the
24 "Project"), with the Project costs defrayed by non-ad valorem special
25 assessments levied and imposed against benefited properties with the
26 assessments to be collected pursuant to the Uniform Method by the Tax
27 Collector as authorized by Section 197.3632, Florida Statutes; and,

28 **WHEREAS**, the Project has been completed and the final costs have
29 been reviewed by the Council Auditor's Office; and,

30 **WHEREAS**, the costs for the Project were initially estimated at
31 \$1,531,708; and

1 **WHEREAS**, the actual costs of the Project, upon which assessments
2 will be based, total \$1,234,141.94; and

3 **WHEREAS**, the City of Jacksonville through Ordinance 2019-376-E
4 provided written notice to each parcel owner regarding the project,
5 the assessment, the estimated cost, the method of collection, the
6 process for providing written objections, and the date, time and
7 location of the public hearings on ordinance 2019-376-E; and

8 **WHEREAS**, the City of Jacksonville has previously expressed the
9 intent to use the uniform method for the levy, collection, and
10 enforcement of non-ad valorem assessments for the Project, as set
11 forth in Ordinance 2019-376-E; now therefore

12 **BE IT ORDAINED** by the Council of the City of Jacksonville:

13 **Section 1. Incorporation of Recitals.** The recitals above are
14 incorporated herein by this reference.

15 **Section 2. Approval of actual final costs of improvements.** The
16 actual costs of the conversion of utilities from overhead to
17 underground for the Ortega Point North neighborhood, upon which
18 assessments will be based, in the amount of \$1,234,141.94, as
19 reflected in the final assessment roll, attached hereto as Exhibit
20 1, are hereby approved.

21 **Section 3. Adopting the non-ad valorem assessment roll;**
22 **specifying the unit of measurement.** The total assessment to the
23 benefited properties of \$1,234,141.94, as reflected on the final non-
24 ad valorem assessment roll, attached hereto as Exhibit 1, are hereby
25 approved and adopted. The unit of measurement for the assessment
26 shall be per real estate parcel, with the actual assessment per parcel
27 at \$10,115.92 for the undergrounding of the wires along the street.
28 Seven property owners opted to have the costs of private electrician
29 services to underground the property's individual service from the
30 right of way to the dwelling included in their individual assessment,
31 as authorized per section 714.306, Ordinance Code. These parcels have

1 additional charges added to their assessment ranging from \$2,950.00
2 to \$8,050.00; the details of the individual assessments are shown on
3 Exhibit 1, listed as "Assessment Part B Optional Customer Financing."

4 **Section 4. Recording in improvement lien book.** The Council
5 Secretary, JEA and the Tax Collector are directed to take the
6 necessary steps to see that the approved and adopted assessments are
7 recorded in the Improvement Lien Book, as liens against the benefited
8 properties, as required in Section 170.08, Florida Statutes.

9 **Section 5. Payment of final special assessment and lien.**
10 The final assessments as approved on the final assessment roll,
11 attached hereto as Exhibit 1, shall remain as a lien on the benefited
12 property until paid in full. The final assessments shall be payable
13 to the Tax Collector at the same time and in the same manner as other
14 City taxes are payable, according to the rules, regulations and
15 procedures of the Tax Collector. The final assessments shall be paid
16 in twenty (20) annual installments of \$866.34 for the uniform
17 assessment, additional costs financed directly with JEA will be added
18 to this annual rate if selected by the parcel owner, commencing with
19 the appropriate tax year according to the procedures of the Tax
20 Collector. The unpaid balance shall accrue interest at the rate of
21 four and ninety-seven hundredths percent (4.97%) per year including
22 applicable fees and recovered adjustments for early payment
23 discounts. If an installment is not paid when due it shall be subject
24 to a late penalty of 1% per month until paid. The total assessment
25 may be paid in its entirety, directly to JEA prior to transmission
26 of the final roll to the Tax Collector for recording in the Lien
27 Improvement Book. Assessments may be paid off in their entirety,
28 through the Tax Collector, based upon the outstanding balances at the
29 time of pay off. No partial annual payments will be accepted. Funds
30 collected for the annual assessments will be transmitted to JEA by
31 the Tax Collector in a mutually agreeable manner.

1 **Section 6. Notice to benefited property owners.** Notice to
2 benefited property owners of this assessment shall be provided by the
3 Tax Collector on the tax bill in a manner consistent with all
4 applicable City ordinances and state laws.

5 **Section 7. Effective Date.** This Ordinance shall become
6 effective upon signature by the Mayor or upon becoming effective
7 without the Mayor's signature.

8
9 Form Approved

10
11 /s/ Trisha Bowles

12 Trisha D. Bowles

13 Office of General Counsel

14 Legislation Prepared by: Trisha D. Bowles

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