

**ORDINANCE NO. 20-98**

**AN ORDINANCE OF THE CITY OF DeBARY, FLORIDA, CREATING A SPECIAL NEIGHBORHOOD IMPROVEMENT DISTRICT PURSUANT TO SECTION 163.511 FLORIDA STATUTES, TO BE KNOWN AS THE ORLANDIA HEIGHTS SPECIAL NEIGHBORHOOD IMPROVEMENT DISTRICT AND ESTABLISHING BOUNDARIES, POWERS, DURATION, AND PROCEDURES, THEREFOR; PROVIDING FOR SEVERABILITY; CONFLICT AND AN EFFECTIVE DATE.**

**WHEREAS**, the Special Neighborhood Improvement Act, Florida Statutes, Sections 163.511, provides that the governing body of a municipality may adopt an ordinance authorizing the formation of Special Residential Neighborhood Improvement Districts in accordance with provisions of the Act; and

**WHEREAS**, the City Council of the City of DeBary, Florida, acting as the local planning agency has adopted Ordinance 15-98, authorizing the creation of Local Government Special Neighborhood Improvement District within the City of DeBary, and

**WHEREAS**, property owners and residents from the Orlandia Heights subdivision residential community have requested improvement of their neighborhoods through the maintenance of their roadways, and

**WHEREAS**, the City Council of the City of DeBary declares that a special neighborhood improvement district is needed for the betterment of the Orlandia Heights subdivision residential community in that the public safety agencies that provide emergency services to the City of DeBary have determined that the roadway conditions are hazardous and jeopardize the rapid response of emergency vehicles and the provision of municipal services, and

**WHEREAS**, the registered electors within the Orlandia Heights subdivision residential community shall decide through referendum whether a special residential improvement district will be established for purposes of levying a special assessment to undertake roadway repair to protect the health, safety and welfare of the residents of the Orlandia Heights subdivision residential community, and

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DeBARY, FLORIDA:**

**Section 1:** District created. A special Neighborhood Improvement District is hereby created pursuant to Section 163.511, Florida Statutes, to be known as the Orlandia Heights Neighborhood Improvement District and to include all property described in Exhibit "A" illustrated in Exhibit "B" containing 402 single family residential lots.

**Section 2:** Name of district. The Local Government Neighborhood Improvement District created hereby shall be known as the "Orlandia Heights Neighborhood Improvement District".

**Section 3:** Purpose of improvement district. The purpose of the Orlandia Heights Neighborhood Improvement District is to generate revenue through special assessments or ad valorem taxes levied in the District for the sole purpose of roadway repairs and improvements.

**Section 4:** Implementation of ordinance. That this Ordinance shall be implemented upon approval of a referendum by registered electors residing within the District. Said referendum shall be conducted according to Section 163.511(2), Florida Statutes.

**Section 5:** Authority to apply for and receive grant. The Local Government Neighborhood Improvement District created hereby is authorized to apply for and receive a planning grant from the Florida Department of Legal Affairs Safe Neighborhoods Trust Funds.

**Section 6:** Special Assessments. The District is authorized to use special assessments in accordance with Section 163.511 Florida Statutes, as same may be amended from time to time, and subject to the terms of Section 163.514(16), Florida Statutes, as same may be amended from time to time, and subject to such further limitations as may be imposed upon the District by Florida Statutes, City ordinance or such reasonable constraints as the District may impose on the exercise of that power by, through or under its by-laws.

**Section 7:** Ad Valorem Taxes. The district is authorized to levy an ad valorem tax on real and personal property within the District up to two (2) mils and/or up to \$500 annually, subject to the limitation imposed by Florida Statutes and City Ordinance, and further subject to such reasonable constraints as the District may impose on the exercise of that power by, through or under its bylaws.

**Section 8:** Appointment of Board of Directors. A Majority of the City Council of the City of DeBary shall appoint a board of three Directors for the District who shall be residents of the District and who are subject to ad valorem taxes and special assessments levied in the residential neighborhood improvement district. The Directors shall be appointed for a term of two years. Each Director shall hold office until a successor is appointed and qualified unless the Director ceases to be qualified or is removed from office. Upon appointment and qualification, and in January of each year the Directors shall organize by electing from their number a chairman.

**Section 9:** Removal of Director. At a regularly scheduled meeting of the City Council of the City of DeBary, Florida and upon notice to the member(s) of the appointed Board of Directors to be affected, any or all of the appointed Directors of the Board may be removed, with or without cause, by a majority vote of the City Council.

**Section 10:** District budget and levy. The District shall establish its budget pursuant to provisions of Chapter 200, Florida Statutes, and other applicable State statutes. Prior to the adoption of a final annual budget and setting of an assessment level for the ensuing fiscal year, the appointed Board of Directors shall submit a tentative budget, including proposed millage rate or assessment level, or both, to the City Council of the City of DeBary, Florida for approval or disapproval. The

City Council shall have the power to approve, disapprove or modify the budget, or the assessment

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type and level submitted by the appointed Board of Directors. Subsequent to approval, the appointed Board of Directors shall adopt a final budget, including millage rate or assessment level or both in accordance with the requirements of Chapter 200, Florida Statutes, and any other applicable State statutes.

**Section 11:** Designation of District powers. Except as to those powers expressly defined herein, the appointed Board of Directors for the District is granted all powers granted to neighborhood improvement districts under Section 163.514, Florida Statutes.

**Section 12:** Registration of District. The district shall, within 30 days of the effective date hereof, register with the State of Florida Department of Legal Affairs and the Department of Community Affairs in accordance with Section 163.511(1)(I), Florida Statutes.

**Section 13:** Severability. If any part of this Ordinance is found to be invalid, the remainder shall nevertheless be given full force and effect.

**Section 14:** Conflicts. That all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby revoked.

**Section 15:** Referendum. A referendum to propose creation of the Orlandia Heights Neighborhood Improvement District for the purpose of roadway improvements shall be held within 120 days after adoption of this Ordinance.

**Section 16:** Authorize City Clerk to perform referendum. The City Clerk is authorized to prepare notification and ballots to each registered elector within the District, pursuant to procedures defined in Section 163.511(3)(a), Florida Statutes.

**Section 17:** Effective Date. This Ordinance shall become effective immediately upon its adoption.

**ADOPTED** on the first reading on the 2nd of September, 1998.

**ADOPTED** on the second reading on the 7th of October, 1998.

ATTEST:

  
Maryann Yaskanich, City Clerk

  
Donald E. Smith, Mayor