

1 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, AND THE BOARD OF**
3 **DIRECTORS OF THE DOWNTOWN SOUTH**
4 **NEIGHBORHOOD IMPROVEMENT DISTRICT, LEVYING**
5 **AN AD VALOREM TAX AT THE RATE OF \$1.00 PER**
6 **\$1,000 OF ASSESSED VALUE ON NON-EXEMPT REAL**
7 **PROPERTY LOCATED WITHIN THE JURISDICTIONAL**
8 **BOUNDARIES OF THE DOWNTOWN SOUTH**
9 **NEIGHBORHOOD IMPROVEMENT DISTRICT;**
10 **PROVIDING CERTAIN FINDINGS; PROVIDING FOR**
11 **ADMINISTRATIVE MILLAGE ADJUSTMENT IN**
12 **ACCORDANCE WITH FLORIDA STATUTES;**
13 **PROVIDING FOR THE COLLECTION OF TAXES;**
14 **PROVIDING FOR SEVERABILITY, CORRECTION OF**
15 **SCRIVENER'S ERRORS, REPEAL OF CONFLICTING**
16 **RESOLUTIONS, AND AN EFFECTIVE DATE.**

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18 **WHEREAS**, the Downtown South Neighborhood Improvement District (the
19 "district") was created and chartered on July 25, 2011, by City of Orlando Ordinance
20 #2011-28; and

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22 **WHEREAS**, the district was created and chartered pursuant to the Safe
23 Neighborhoods Act, codified at Part IV, Chapter 163, Florida Statutes, and the Orlando
24 Neighborhood Improvement District Code, codified at Chapter 40, Code of the City of
25 Orlando, Florida (the "Orlando City Code"); and

26
27 **WHEREAS**, the district is a "local government neighborhood improvement
28 district" pursuant to and as described at section 163.506, Florida Statutes, and sections
29 40.4(1)(a) and 40.11, Orlando City Code; and

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31 **WHEREAS**, the district is a "dependent special district" within the meaning of the
32 Uniform Special District Accountability Act, codified at Chapter 189, Florida Statutes, and
33 for the purposes of the determination of millage pursuant to Chapter 200, Florida
34 Statutes; and

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36 **WHEREAS**, the district is authorized by section 163.506(1)(c), Florida Statutes,
37 and section 40.14(1), Orlando City Code, to levy an ad valorem tax on real and personal
38 property of up to 2 mills annually; and

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40 **WHEREAS**, while not required by state law, the City Council of the City of
41 Orlando, Florida (the "Orlando City Council"), conditioned the district's authority to levy
42 the ad valorem property tax on approval by referendum of the property owners within the
43 jurisdictional boundaries of the district; and

44
45 **WHEREAS**, on May 23, 2014, the Orlando City Clerk certified that owners of
46 property within the jurisdictional boundaries of the district approved the taxing power of

47 the district by referendum held in accordance with City of Orlando Ordinance #2011-28
48 and Ordinance #2014-6; and

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50 **WHEREAS**, the electors of the district approved the taxing power for no more
51 than 15 years; and

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53 **WHEREAS**, the district's board of directors is the governing board of the district
54 (the "board of directors") and is comprised of the members of the Orlando City Council;
55 and

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57 **WHEREAS**, the board of directors has approved a proposed district budget for
58 fiscal year 2015/2016 ("FY 2015/2016") and the budget will be included in the City of
59 Orlando's budget document; and

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61 **WHEREAS**, on May 13, 2015, the Downtown South Neighborhood Improvement
62 District Advisory Council (the "Advisory Council") recommended an FY 2015/2016
63 millage rate of \$1.00 per \$1,000 of assessed property value; and

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65 **WHEREAS**, on July 27, 2015, the board of directors accepted and tentatively
66 approved the Advisory Council's recommendation of a FY 2015/2016 millage rate of
67 \$1.00 per \$1,000 of assessed property value; and

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69 **WHEREAS**, the district board of directors hereby requests, pursuant to section
70 200.001(5), Florida Statutes (2014), that the Orlando City Council levy and set an ad
71 valorem tax of \$1.00 per \$1,000 of assessed value on all real property within the lawfully
72 established jurisdictional boundaries of the district, as those boundaries are described by
73 ordinance of the Orlando City Council and exist as of September 22, 2014, and which
74 property is subject to the taxing authority of the district pursuant to the Safe
75 Neighborhoods Act and the Orlando Neighborhood Improvement District Code; and

76
77 **WHEREAS**, the district's "rolled-back rate" calculated pursuant to section
78 200.065(1), Florida Statutes (2014), is a millage rate of 0.9390 (\$0.9390 per \$1,000 of
79 assessed value); and

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81 **WHEREAS**, this resolution proposes a district millage rate of 1 (\$1.00 per \$1,000
82 of assessed value), representing a 6.5% increase in property taxes adopted by the
83 board of directors and the Orlando City Council for the district; and

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85 **WHEREAS**, the board of directors and the Orlando City Council intend, as it
86 relates to section 200.065, Florida Statutes (2014), that the millage, when applied to the
87 extended tax roll, will generate the same tax revenue as when applied to the Certification
88 of Taxable Value as issued by the Orange County Property Appraiser on June 23, 2015;
89 and

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91 **WHEREAS**, the board of directors and the Orlando City Council hereby certify
92 compliance with the provisions of Chapter 200, Florida Statutes (2014); and
93

94 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
95 **OF ORLANDO, FLORIDA, AND THE BOARD OF DIRECTORS OF THE DOWNTOWN**
96 **SOUTH NEIGHBORHOOD IMPROVEMENT DISTRICT, AS FOLLOWS:**
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98 **SECTION 1. PREAMBLE.** The "whereas clauses" contained hereinabove are
99 true and correct and are hereby incorporated into this resolution as if fully set forth
100 hereinafter.
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102 **SECTION 2. TAX LEVY.** The board of directors, pursuant to section 163.506,
103 and subsection 200.001(7), Florida Statutes (2014), section 40.14, Orlando City Code,
104 and other applicable law, and the Orlando City Council, pursuant to subsection
105 200.001(5), Florida Statutes, and other applicable law, hereby levies an ad valorem tax
106 at the rate of \$1.00 per \$1,000 valuation on the non-exempt real property appearing on
107 the 2015 assessment roll prepared by the Orange County Property Appraiser for the
108 Downtown South Neighborhood Improvement District. This represents a district ad
109 valorem tax rate of 1 mill for FY 2015/2016. The levy applies to all non-exempt real
110 property within the jurisdictional boundaries of the district, as those boundaries are
111 described by ordinance of the Orlando City Council and exist as of September 22, 2014,
112 and which property is subject to the taxing authority of the district pursuant to the Safe
113 Neighborhoods Act and the Orlando Neighborhood Improvement District Code. Such
114 millage rate of \$1.00 per \$1,000 of assessed value is 6.5% greater than the rollback rate
115 of \$0.9390 per \$1,000 of assessed value.
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117 **SECTION 3. ADMINISTRATIVE MILLAGE ADJUSTMENT.** The board of
118 directors and the Orlando City Council hereby authorizes the Chief Financial Officer of
119 the City to provide the Orange County Property Appraiser with an administrative millage
120 adjustment made pursuant to section 200.065(6), Florida Statutes.
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122 **SECTION 4. COLLECTION OF TAXES.** The tax levied by this resolution shall be
123 collected by the Orange County Tax Collector, subject to discounts provided by law, and
124 deposited to the account of the district held by the City of Orlando with report and copies
125 of deposit receipts to be delivered promptly to the Chief Financial Officer of the City who
126 shall be responsible for the administration of this procedure.
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128 **SECTION 5. SEVERABILITY.** If any provision of this resolution or its application
129 to any person or circumstance is held invalid, the invalidity does not affect other
130 provisions or applications of this resolution which can be given effect without the invalid
131 provision or application, and to this end the provisions of this resolution are severable.
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SECTION 6. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this resolution by filing a corrected copy of this resolution with the City Clerk.

SECTION 7. REPEAL. All resolutions or parts of resolutions previously adopted and in conflict with this resolution are hereby repealed.

SECTION 8. EFFECTIVE DATE. This resolution takes effect immediately upon adoption.

DONE, THE PUBLIC HEARINGS, on the proposed millage rate in accordance with paragraph 200.065(2)(c), Florida Statutes, by the City Council of the City of Orlando, Florida, and the Board of Directors of the Downtown South Neighborhood Improvement District, this _____ day of _____, 2015.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, and in accordance with subsection 200.065(3), Florida Statutes, for the City Council of the City of Orlando, Florida, and the Board of Directors of the Downtown South Neighborhood Improvement District, this _____ day of _____, 2015.

DONE, THE PUBLIC HEARINGS, to finalize and adopt the millage rate in accordance with paragraph 200.065(2)(d), Florida Statutes, by the City Council of the City of Orlando, Florida, and the Board of Directors of the Downtown South Neighborhood Improvement District, **AND THEN ADOPTED,** by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, and by an affirmative vote of a majority of a quorum present of the Board of Directors of the Downtown South Neighborhood Improvement District, this _____ day of _____, 2015.

FOR THE CITY OF ORLANDO, FLORIDA:

BY THE MAYOR:

Mayor

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

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Print Name

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

Print Name

**FOR THE BOARD OF DIRECTORS OF THE DOWNTOWN SOUTH NEIGHBORHOOD
IMPROVEMENT DISTRICT:**

BY THE CHAIRMAN OF THE BOARD OF
DIRECTORS OF THE DOWNTOWN
SOUTH NEIGHBORHOOD
IMPROVEMENT DISTRICT:

Chairman

ATTEST, BY THE SECRETARY OF
THE BOARD OF DIRECTORS OF
THE DOWNTOWN SOUTH
NEIGHBORHOOD IMPROVEMENT DISTRICT:

Secretary

Print Name

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
DOWNTOWN SOUTH
NEIGHBORHOOD IMPROVEMENT DISTRICT:

Board Attorney

Print Name

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